



# city commission agenda

Regular Meeting

3:30 p.m.  
December 12, 2011  
Rachel D. Murrah Civic Center  
1050 West Morse Boulevard

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](http://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 Rev. Dr. J. Lawrence Cuthill, Winter Park Presbyterian Church Pledge of Allegiance	
3	Approval of Agenda	
4	Mayor's Report	Projected Time
	a. Thank you from Brookshire Elementary School for use of Cady Way Pool b. Special Citizen Recognition – Fire Rescue c. Presentation of the Orlando Business Journal Central Florida's Healthiest Employer Award d. Board Appointments: - Winter Park Police Pension Board (to replace Larry Katz) - Martin Luther King, Jr. Task Force members - Reappointment to the Orange County Civic Facilities Board (Mr. Jimmy Goff)	20 minutes

<b>5</b>	<b>City Manager's Report</b>	<b>Projected Time</b>
	a. <b>Resolution</b> – Supporting pension reform	15 minutes
<b>6</b>	<b>City Attorney's Report</b>	<b>Projected Time</b>
<b>7</b>	<b>Non-Action Items</b>	<b>Projected Time</b>
	a. Economic Impact and Research Analysis of the Farmers' Market Presented by Rollins College Crummer Graduate School of Business Students	20 minutes
	b. Downtown parking study	10 minutes
<b>8</b>	<b>Citizen Comments   5 p.m. or soon thereafter</b> <b>(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting)</b> (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)	
<b>9</b>	<b>Consent Agenda</b>	<b>Projected Time</b>
	a. Approve the minutes of 11/28/11.	5 minutes
	b. Approve the following contract and bids:	
	1. Piggybacking the City of Denver/US Communities contract with Kone, Inc. for elevator maintenance & service and authorize the Mayor to execute the piggyback contract.	
	2. IFB-6-2012 to Pierce Manufacturing, Inc. for purchase of aerial fire apparatus; not to exceed \$982,647.00.	
	3. IFB-5-2012 to Wesco Distribution for purchase of circuit breakers; \$92,855.00.	
	c. Approve the Historic Preservation Façade Easement donation for 121 West Garfield Avenue, commonly known as the Kummer-Kilbourne House and authorize the Mayor to execute the agreement.	
<b>10</b>	<b>Action Items Requiring Discussion</b>	<b>Projected Time</b>
	a. Request of the Tree Preservation Board to review the Tree Preservation ordinance	15 minutes
<b>11</b>	<b>Public Hearings</b>	<b>Projected Time</b>
	a. <b>Ordinance</b> – Regarding lakeshore protection (2)	5 minutes
	b. <b>Ordinance</b> - Vacating a portion of the City right-of-way located at 2525 Via Tuscany (2)	5 minutes
	c. Request of Rollins College: Final conditional use approval for the Alford Inn, 112 room hotel with a restaurant/bar, meeting/ballroom space and on-site parking at 300 East New England Avenue	30 minutes
	d. <b>Resolution</b> – Electing to use the uniform method of collecting non-ad valorem special assessments levied within the City to collect the costs for abatement of code violations	20 minutes



12 City Commission Reports	Projected Time
<ul style="list-style-type: none"><li>a. Commissioner Leary</li><li>b. Commissioner Sprinkel</li><li>c. Commissioner Cooper<ul style="list-style-type: none"><li>1. Affordable Housing</li></ul></li><li>d. Commissioner McMacken</li><li>e. Mayor Bradley</li></ul>	10 minutes each

## appeals & assistance

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"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."

Randi Topps  
Physical Education Teacher  
Brookshire Elementary School  
400 Greene Drive  
Winter Park, Florida 32792

November 3, 2011

**Mayor Kenneth W. Bradley, and**  
Winter Park City Commission  
401 Park Avenue South  
Winter Park, Florida 32789-4386

Dear Mayor Bradley,

Thanks to the commitment of the City of Winter Park and your staff members, over two hundred fifty Brookshire Elementary students have had the opportunity to learn to swim at the Cady Way Pool each year for the past six years. This accounts for a total of over one thousand, five hundred swimming lessons! This fall, seventy eight *non-swimmers* in kindergarten, first, and second grade overcame their fear of swimming and learned basic skills, beginning their school year with new appreciation for both fitness and personal safety in and around the water.

Of the one hundred fifty first and second grade students *returning* to Brookshire Elementary for the second or third year of swimming, over one hundred are now competent deep water swimmers. Many former Brookshire swimmers now are successful participants in competitive swimming, diving, water polo, or synchronized swimming programs. An untold number of our swimming "graduates" also can be seen participating regularly in triathlons!

What began as an effort to prevent our students from becoming part of the tragic statistic of childhood drowning (as many as 20 per year in Central Florida, and 12 in Orange County alone last year), has inspired many students to enjoy many new opportunities in physical fitness and outdoor activity. But I cannot downplay the importance in continuing our efforts to teach the basic swimming and water safety to all children in Central Florida. It is my hope that our students and former students will inspire others to learn to swim, and perhaps even become swimming instructors themselves someday.

I am truly thankful for the use of the Cady Way Pool, and for the continued commitment from the City of Winter Park in cooperation with the Winter Park YMCA to keep this pool operating. Without the use of this wonderful facility, our swimming project at Brookshire Elementary would not be possible. It is because of your and continuing dedication to Winter Park's youth, that this, like many other programs in Winter Park can thrive and serve the children in Winter Park.

Sincerely,

  
Randi Topps

Mayor's Appointments - December 12, 2011

ID	First Name	Last Name	Home Address	City	State	Zip	Home Phone	Business Address	City	State	Zip
<b>Police Officers Pension Board</b>											
191	George	Broschart	1360 Magn	Winter Park	FL	32789	407-484-06	4638 South	Orlando	FL	32811
183	Richard	Ott	701 Via Lu	Winter Park	FL	32789	407-628-53	800 N. Ma	Orlando	FL	32803



# city commission city manager's report

item type City Manager's Report

meeting date December 12, 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
City Hall Renovation	<p>The moving stage of the project is completed. Construction is underway.</p> <p>City Commission Meetings will be held at the Civic Center. Many of the advisory board meetings are being held at the Welcome Center and the Community Center. Members of the Public interested in attending should check the City's website (<a href="http://www.cityofwinterpark.org">www.cityofwinterpark.org</a>) or call 407-599-3245 to determine locations.</p>	February 2012
Pensions	Commissioners were briefed on several pension scenarios on December 7 <sup>th</sup> .	December 2012
Lee Road Median Update	FDOT comments 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. Working towards scheduling a meeting for the week of December 12 <sup>th</sup> to meet with Currently scheduling a meeting with FDOT District V secretary and come away with an acceptable plan.	Meet to agree on design, week of December 12 <sup>th</sup> .
Pro Shop Renovation	Currently working on patio site work and interior finishing.	Anticipate completion December 2011
Fairbanks Improvement Project	Re-design of the new lift station location is nearly complete. Access to the proposed lift station site has been limited so we have not been able to get geotechnical borings yet. The signed FDEP permit application from Altamonte Springs should be here this week. With the former in place we will be submitting the plans to FDEP next week.	Project should be out to bid in January, awarding bids in late February and Notice to Proceed in March, 2012.



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.
Holiday Decorating Contest	City Commissioners have been invited to judge the holiday decorating contest in the Central Business District. Commissioners may judge beginning December 1 <sup>st</sup> through December 31 <sup>st</sup> .	Contest Winners announced January 23, 2012.
Dead Tree Removal	The City is currently finalizing a contract to begin dead tree removal in January, if not sooner. Contractors will be removing the trees and in-house staff will be managing the replanting.	March 2012

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.



# city commission agenda item

item type	City Manager's Report	meeting date	December 12, 2011
prepared by department division	Cindy Bonham City Clerk	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 checked="" type="checkbox"/> N/A final vote		

## subject

Resolution supporting pension reform.

## motion | recommendation

Commission to decide whether to adopt the resolution and if so, place this under public hearings as item 'e' to be adopted this evening.

## background

The Florida League of Cities asked each City to adopt this resolution.

## alternatives | other considerations

## fiscal impact

## long-term impact

## strategic objective

**A RESOLUTION OF THE CITY OF WINTER PARK,  
FLORIDA SUPPORTING POLICE OFFICER AND  
FIREFIGHTER PENSION PLAN AND DISABILITY  
PRESUMPTION REFORMS TO MAKE THE PLANS  
SUSTAINABLE, SOUND AND SECURE FOR CURRENT  
AND FUTURE POLICE OFFICERS AND FIREFIGHTERS.**

**WHEREAS,** to honor their service now and in years to come, current and future police officers and firefighters in the City of Winter Park deserve pension plans that are sound, secure and sustainable; and

**WHEREAS,** the City of Winter Park opposes unfunded mandates from the Florida Legislature that have created a pension plan system for local police officers and firefighters that is unstable, unsustainable and unreliable for current and future police officers and firefighters; and

**WHEREAS,** the Florida Legislature has imposed significant unfunded mandates onto the City of Winter Park relative to the operation of the City of Winter Park's police officer and firefighter defined benefit pension plans by mandating minimum pension benefit levels and mandating the use of revenues to fund pension plan costs; and

**WHEREAS,** the Florida Legislature has provided that health conditions related to heart disease, hypertension or tuberculosis suffered by a police officer or firefighter are presumed to be job related, and these "disability presumptions" are applicable to both workers' compensation and disability pension claims; and

**WHEREAS,** the Florida Legislature has written and the courts have interpreted the disability presumption laws so favorably toward these employees that cities and other government employers basically cannot overcome the presumption and show the health condition was not work related; and

**WHEREAS,** the Florida Legislature transferred all operational and administrative control of police and firefighter pension plans from the City of Winter Park to a legislatively created board of trustees, a separate legal entity apart from the City of Winter Park that exercises broad powers outside the City of Winter Park's control, and is not required to provide fiscal transparency or accountability for substantial amounts of public funds; and

**WHEREAS,** the City of Winter Park is seeking immediate mandate relief from the Florida Legislature and requests the Legislature to untie its hands so that it can responsibly address its pension and other personnel issues locally and in a manner that best serves its taxpayers, stops potential pension abuse and protects pensions for current and future generations of police and firefighters.

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

- Section 1.** That the City of Winter Park hereby supports responsible police and firefighter defined benefit pension and disability presumption reforms to ensure sound, secure and stable pensions will be there for current and future police and firefighters.
- Section 2.** That the City of Winter Park believes local issues should be addressed locally and hereby requests the Florida Legislature to remove itself from the local collective bargaining process between the City of Winter Park and its police and firefighters.
- Section 3.** That the City of Winter Park hereby requests the Florida Legislature to remove mandates establishing minimum pension benefit standards for police and firefighter pensions, remove the requirement to provide new, extra pension benefits to police and firefighters, and allow the City of Winter Park to use insurance premium tax revenues to pay for the level of pension benefits for police and firefighters that meets the needs and priorities of the City of Winter Park.
- Section 4.** That the City of Winter Park hereby requests the Florida Legislature to enact responsible reforms to bring a fairer balance to the application of disability presumption laws relating to certain health conditions suffered by firefighters and police officers by requiring a police officer or firefighter to meet age and employment standards, allowing a disability presumption to be overcome by a preponderance of the evidence, and allowing certain individual risk factors to be considered when applying a disability presumption, such as tobacco use, weight and diet, genetics and lifestyle choices.
- Section 5.** That the City of Winter Park hereby requests the Florida Legislature to impose reasonable fiscal transparency and accountability standards on legislatively created police and firefighter pension boards of trustees.
- Section 6.** That the City of Winter Park urges the Florida Legislature to pass and the Governor to approve the above responsible pension reform recommendations relating to police and firefighter pension plans and disability presumptions in the 2012 legislative session.
- Section 7.** That the City of Winter Park City Clerk is directed to transmit a copy of this resolution to Governor Rick Scott, the Florida Legislature, and the Florida League of Cities, Inc.
- Section 8.** That this resolution shall be effective upon adoption.



Adopted by the City Commission of the City of Winter Park, Florida, this 12<sup>th</sup> day of December, 2011.

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Mayor Kenneth W. Bradley

ATTEST:

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Cynthia S. Bonham, City Clerk

**HELP  
PRESERVE  
& PROTECT  
POLICE & FIRE  
PENSIONS**

**PENSION  
REFORM  
NOW!**

A graphic consisting of a central text block 'PENSION REFORM NOW!' in bold, black, sans-serif font. The text is flanked by horizontal bars: a green bar at the top, a black bar below it, another black bar below that, and a final green bar at the bottom.

**Pension Reform Advocacy Kit  
Adopt a Resolution ASAP Supporting  
Police/Fire Pension Reform!**

The logo features the words "PENSION REFORM NOW!" in a bold, sans-serif font. "PENSION" and "REFORM" are in a medium weight, while "NOW!" is significantly larger and bolder. The text is centered between two thick black horizontal bars, which are themselves flanked by thinner green horizontal bars at the top and bottom.

# PENSION REFORM NOW!

## **Pension Reform Advocacy Kit**

### **Adopt a Resolution ASAP Supporting Police/Fire Pension Reform!**

One of the top Legislative Priorities for the Florida League of Cities is Reform of City Police Officer and Firefighter Pension Plans and Disability Presumptions to make the pensions sustainable, sound and secure.

Florida cities need to let their legislators know that their city supports **HB 365** and **SB 910**. Attached are sample resolutions (a long and short version) that your city can adopt and a talk sheet with key message points on the issue. This information can also be found in electronic form at [www.flcities.com](http://www.flcities.com).

Because the legislative session begins early next year (January 10), we need cities to adopt resolutions immediately.

Legislators must hear directly from their cities on the importance of adopting this legislation.

Thank you for being a part of the League's advocacy team!

Please provide a copy of your city's adopted resolution to:

**Speaker of the House**

The Honorable Dean Cannon  
Florida House of Representatives  
420 Capitol  
402 S. Monroe Street  
Tallahassee, FL 32399

The Honorable Fred Costello (Bill sponsor)  
Florida House of Representatives  
1101 Capitol  
402 S. Monroe Street  
Tallahassee, FL 32399

The Honorable Seth McKeel  
Florida House of Representatives  
422 Capitol  
402 S. Monroe Street  
Tallahassee, FL 32399

The Honorable Jimmy Patronis  
Florida House of Representatives  
317 House Office Building  
402 S. Monroe Street  
Tallahassee, FL 32399

**Senate President**

The Honorable Mike Haridopolos  
Florida Senate  
409 Capitol  
404 S. Monroe Street  
Tallahassee, FL 32399

The Honorable Alan Hays (Bill Sponsor)  
Florida Senate  
324 Senate Office Building  
404 S. Monroe Street  
Tallahassee, FL 32399

The Honorable Jeremy Ring  
Florida Senate  
210 Senate Office Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Please also provide a copy of your city's adopted resolution to your House and Senate delegations. You can find contact information for your House/Senate members at the links below:

**House of Representatives -**

<http://www.myfloridahouse.com/Sections/Representatives/representatives.aspx>

**Senate -** <http://www.flsenate.gov/Senators/>

Please also provide a copy to:

Allison Payne  
Florida League of Cities  
Fax (850) 222-3806 or E-mail: [apayne@flcities.com](mailto:apayne@flcities.com)



# Key Messages to Communicate to Public

Safeguarding municipal pensions is a critical issue for Florida's 410 cities, towns and villages. Politically driven police and fire fighter pension mandates imposed on municipalities by lawmakers in Tallahassee are driving costs up and increase the potential for misuse of the system.

The current taxpayer-funded pension structure is broken. It is unstable, unsustainable and unreliable for future police officers and firefighters. The time has come to fix the system by implementing responsible reform that protects pensions for the future.

The pension issue is incredibly complicated. It is important to communicate the concerns of Florida's municipalities in a way that is easy for people to understand and framed appropriately to win the public policy debate.

**Under the umbrella “pension reform now” message, key supporting message elements include:**

- 1. Respect work of police officers and firefighters -- and protect taxpayers.**
- 2. Identify how the current pension system is unsustainable, unsound and unsustainable.**
- 3. Support responsible reforms to protect pensions so they will be there for future generations of police officers and firefighters and safeguard taxpayer dollars.**

This messaging approach is supported by scientific research that shows when it comes to police and firefighter pensions, Floridians are most concerned by issues related to disability determination and those who retire and make a large sum of money at an early age.

Research shows our most effective messages must communicate support for these key elements:

- Enacting responsible reforms to protect pensions for future generations.
- Closing loopholes that increase potential for misuse of the system.

These are the strongest points to make to win the debate and bring people to our side of the issue.

In this messaging, we are positioned to be advocates for responsible pension reform that puts the system on a more stable footing for the future.

The bottom line is, **we support well-deserved pensions for police and firefighters that are sound, secure and sustainable – not only for current officers and firefighters, but for those who choose to protect and serve in the future.**

## **Pension Reform Now: Key Message Points**

### **Umbrella Message**

- We need pension reform now and support making responsible changes so good sound, secure and stable pensions will be there for current and future police and firefighters who step up and answer the call to protect and serve our communities now and in years to come.

### **Supporting Message Statements**

#### **Responsible Pension Reform Honors Police and Firefighters' Service**

- We all deeply honor and respect the service provided by police officers and firefighters. That's why current and future officers and firefighters deserve a pension system that is sound, sustainable and reliable.
- We appreciate the work police and firefighters do but when it comes to their pensions, here are the facts:
  - The current police and firefighter pension system is full of Tallahassee mandates that have helped make it **unsustainable, unstable and unreliable**.
  - Police and firefighter pensions are **breaking the bank** in many communities and **hurting service delivery**.
  - Taxpayers deserve to know that their hard-earned tax dollars are not creating inflated windfall lifetime annuities.

#### **I Support Responsible Pension Reform to Protect Pensions for Current and Future Generations.**

- I support responsible pension reform that **protects local taxpayers and ensures good pensions will be available for current and future generations** of police officers and firefighters. Police and firefighter families are taxpayers, too. They also deserve to have a pension plan that is **sound, stable and sustainable**, and benefits should be available to those who truly suffer in the line of duty illnesses.

## Pension Reform Protects Local Taxpayers

- We've all worked hard to tighten our belts and ensure every taxpayer dollar local government receives is wisely spent. Responsible reform **is so critical to protecting your hard-earned tax dollars.**
- The current pension system is **broken** and must be fixed.
  - It allows some police officers or firefighters to retire early and make more than \$80,000 a year ... before they turn 50.
  - It allows officers and firefighters with active lifestyles to claim disability and retire early while collecting full benefits – some even draw disability and leave service to take other physically demanding jobs.
  - It automatically assumes a police officer with high blood pressure or a breathing condition contracted that illness on the job and allows them to retire early on disability – even if the cause of the illness is due to family history or their lifestyle and not their job.
- To protect local taxpayers, **responsible pension reform** is needed now to **reign in unchecked benefit growth, and put police and firefighter pensions on a strong, secure and sustainable footing for the future.**
- Local government is the government closest to the people – and the one taxpayers trust the most. We need pension reform that **allows local government – not Tallahassee – to determine salaries and benefits for police and firefighters.** Let's respect home rule and allow cities to **deal with local problems locally.**



# city commission agenda item

item type	Non-Action Item	meeting date	December 12, 2011
prepared by department division	Peter Moore Economic Development/CRA	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 checked="" type="checkbox"/> N/A N/A final vote		

## subject

Economic Impact and Research Analysis of the Farmers' Market Presented by Rollins College Crummer Graduate School of Business Students

## motion | recommendation

N/A

## background

The Parks and Recreation and Economic Development Departments approached the Crummer MBA Program regarding undertaking an analysis of the Farmers' Market as part of their course curriculum for the Enterprise Consulting class. Each year the Enterprise Consulting class, taught by Dr. Bob Prescott, offers MBA students the opportunity to gain practical work experience through undertaking a consulting project with local employers. The Winter Park Farmers' Market is heralded throughout the region as a model Farmers' Market drawing thousands of visitors each year to the downtown. To-date no analysis of the economic benefit of this market or a study of its participants and effect on the downtown has ever been completed. The student teams assigned to the project were charged with performing a number of duties that included surveying of visitors, vendors and merchants, reviewing best practices, and considering options for potential expansion. (Scope of work attached.) Their final presentation and deliverables will give the city solid economic data to back up claims about the success of the market, allow the city to use the success of the market to promote the vibrancy of the downtown, and to consider options and suggestions for expansion and improvement.

The student team will also be making presentations to the Economic Development Advisory Board and the Parks and Recreation Board regarding the findings of their research.

## alternatives | other considerations

N/A

## fiscal impact

This project was completed as a Town and Gown partnership as part of a class project. Costs for the project were negligible.



**long-term impact**

N/A

**strategic objective**

N/A

# **Rollins College Crummer Graduate School of Business**

## **Farmer's Market Consulting Project Contract**

### **Project Background**

The Crummer Graduate School of Business was approached to form a team of students to work with the City of Winter Park to collect data regarding the Farmers' Market. Peter Moore, the Assistant Director of Economic Development/CRA and Ronald Moore, the Assistant Director Parks and Recreation, are the points of contact for the project. The Crummer team will work with the Parks and Recreation and the Economic Development departments of the City.

### **Goal of Project**

The main goal of this project is to conduct and provide a thorough market research analysis that will enable the Winter Park Farmer's Market to quantify their current success and learn the economic impact of the market as felt by visitors, vendors, and local merchants. This research report will allow the market position themselves for continued success in the future. This goal will be attained through both primary and secondary research. The primary research will be conducted on site and the targets include the customer base, vendor success, economic impact, and perceived impact. The secondary research will be conducted via the internet and telephone research tools with the objective to provide the Farmer's Market with other successful market business models and possible options for expansion.

### **Objectives**

Students will work with members of the Economic Development and Parks & Recreation Departments. Meetings will take place either at the Farmers' Market site at the corner of New England and New York Avenue or at the Winter Park City offices. Work can coincide with the class schedule which is Fall/Winter of 2011. Project scope will include:

- Survey of visitors to the market to determine market demographics (number, age, sex, zip codes, frequency, income, race, etc). The survey will also determine the drivers of attendance, expectations and economic impact of visitors.
- Survey of vendors to determine economic activity generated at the market (dollars spent on vendors) as well as an analysis of dollar capture.
- Survey of Winter Park Merchants (exclusively Park Ave and Hannibal Square merchants) to determine economic impact on local businesses including planned or actual spending of market visitors (survey dollars spent locally, where visitors plan to shop, other activities they will engage in, etc). The data may possibly assess whether business is lost or gained on market days and differing impacts on different types of businesses
- Compare/contrast other recognized leading Farmers' Markets and determine "Best Practices" and other improvements for the WP market including a review of policy, location, and size.
- Review and suggest a method for possible expansion of the market.

### **Deliverables**

- Project deliverables submitted by December 12, 2011.
- Completion of the objectives as outlined above and submitted in report format.
- Formal presentations to Economic Development Advisory Board, Mayor, City Commission and Parks Board.

**Limitations**

- Time frame. Due to the limited time frame of the project, data analysis and recommendations will be presented, but not implemented by the team.
- Thorough knowledge of the Farmers' Market operation.
- Willingness of survey and focus group participants.

**Role of Client**

The client will be available for meetings with staff from both the Economic Development and Parks Departments. The City will also provide assistance to student teams trying to meet with different merchants, or business groups. City staff will also make themselves readily available through phone or in-person for information or questions as needed.

**Confidentiality**

In the interest of protecting both business partners involved in this study, the Crummer Consulting Project Team will exercise varying methods to ensure confidentiality. No formal Confidentiality Agreement will be signed.

**Signatures of Agreement**

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Peter Moore

*Assistant Director of Economic Development/CRA*

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Ronald Moore

*Assistant Director of Parks and Recreation*

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Vince Balsamo

*Crummer Consulting Project Team Member*

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Christopher Brinkman

*Crummer Consulting Project Team Member*

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Christina Grass

*Crummer Consulting Project Team Member*

---

Anthony Rivera

*Crummer Consulting Project Team Member*

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Jason Trowell

*Crummer Consulting Project Team Member*

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Ashley Watkins

*Crummer Consulting Project Team Member*

Direct Questions to [cgrass@rollins.edu](mailto:cgrass@rollins.edu)



# city commission agenda item

item type	Non- Action Item	meeting date	December 12, 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	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A final vote		

## Subject: Downtown Parking Study

The parking situation in Winter Park's central business district (CBD) is similar to that in downtowns across the nation. Historically, it was a generally accepted philosophy that local government was responsible for providing the public parking necessary for the economic viability of their downtown. Before the advent of shopping malls and shopping centers, the downtown was the center of commerce for cities so it was generally accepted practice for cities to accept that responsibility. Winter Park did not require any private off-street parking as the CBD developed until 1975 when the City Commission realized that we could not keep up with the rising parking demand and the zoning code was changed to require new off-street private parking for new net floor space additions. Thus, there exists in the CBD either a parking deficit or at least the perception of one.

### Previous Parking Studies:

The City Commission appointed parking task forces or study committees in 1968, 1974, 1982, 1986 and 2004. Various modifications were made each time to more efficiently utilize the supply of public parking and to make it more visible and available for customers and clients of downtown businesses. The 1986 parking study proposed a single level parking garage for both the city parking lot "A" adjacent to the Amtrak station and Lot "B" which is now the Central Park Meadow. Those parking garages would have added 240 net new parking spaces. Financing for this \$5 million project was to be 25% by the general fund and 75% from assessments of the 133 benefiting downtown property owners on a sliding scale based on proximity to the garages. That referendum of the downtown property owners was voted down.

### 2004 Parking Study:

The most recent parking study/ task force in 2004 considered parking garage options for City Hall, the St. Margaret Mary Church lot and the lot at Knowles and New England but due to neighbor concerns and financing challenges those projects were not pursued. That study however, resulted in several beneficial improvements that were implemented by the City Commission:

1. Completed a complete inventory of public and private parking in the CBD; revised some of the on-street parking enforcement rules and created 48 new on-street public parking spaces.

2. Was the impetus for the joint venture for the Bank of America project that expanded the first two floors of that building, completely remodeled/upgraded the exterior facades and expanded the existing parking garage. As part of that effort, the City funded the creation of 28 new public parking spaces that are on the ground floor of that garage (near the drive-in tellers).
3. Was the impetus for the joint venture with the Morse/Genius Foundations for the Park Place project including the construction of their parking garage. As part of that effort, the City funded the creation of 60 new public parking spaces that are on the top floor of that parking garage and replaced the existing 86 spaces previously on-site.
4. Instituted the valet parking program for the downtown.

#### America's Research Group Avenue Shopping Study:

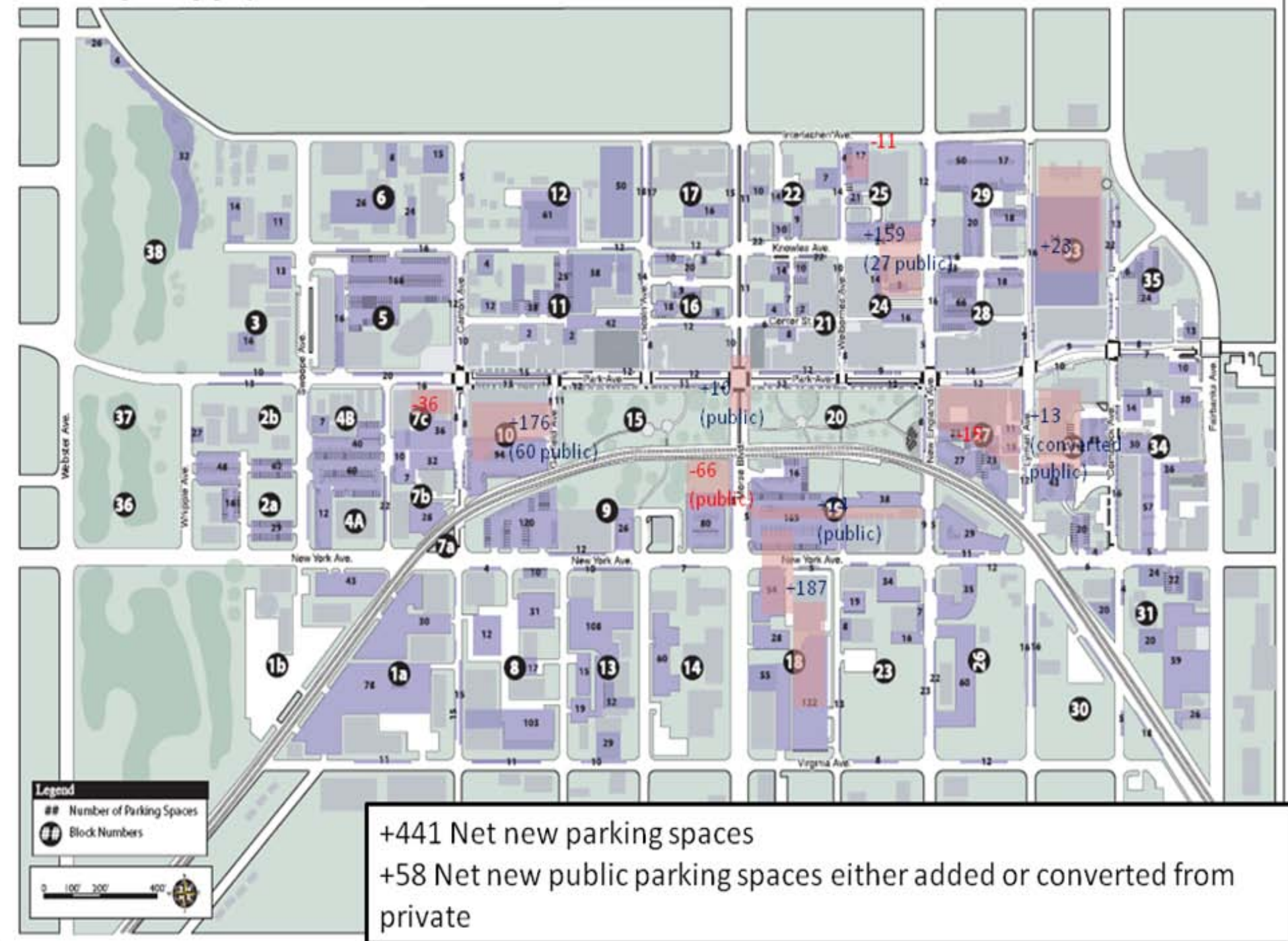
Completed in early 2009 and conducted by Britt Beamer of ARG, this study involved extensive interviews with 1000 shoppers in an effort to gauge opinion and areas of improvement for the district. The portion of the study that interviewed 500 existing shoppers found that 1 in 7 cited nearby parking as something that "very much" affected their shopping in the Park Ave area. Over 1 in 2 found parking to be a problem on the weekends, and over 1 in 2 said parking in the area is "inconvenient." Mr. Beamer mentioned in public meetings that he did not feel that parking was a major issue affecting purchase decisions based on his study findings.

### Strategic Objective

#### Park Avenue Area Strategic Plan:

The Plan outlines six goals for completion by a task force. Adopted in 2009, goal #2 called for updating the parking study performed in 2004. The Park Avenue Area Task Force designated a subcommittee to physically count the net change in the parking inventory of the downtown as many changes had been made over the years subsequent to the work done in 2004. The net result was the addition of 441 net new parking spaces since 2004, with 58 spaces being net new public parking that was either added or converted from private spaces. The vast majority of the additional space was created by the development of the Park Place Building garage, the Douglas Grand parking garage, and the Bank of America remodel to the parking garage. The subcommittee acknowledged that there was still a legitimate parking deficit on the south end of Park Avenue as pointed out in the 2004 study but that further analysis should be withheld until the implementation of wayfinding signage. Additionally they desired to consider an employee parking program for Park Avenue but a final method could not be decided upon regarding how to implement and enforce it. The work of the subcommittee also underscores the opportunity that public/private partnerships may play in increasing public access to parking through reaching parking arrangements with private garage owners.

# Parking Supply





**Draft**

# **Downtown Parking Study Summary and Update**

**4/2/07**



**Planning and Community Redevelopment**

**Peter Moore  
Assistant CRA Manager**

## **Downtown Parking Study Summary and Update**

### **History:**

In 2003 Glatting Jackson was commissioned to conduct a study of the Winter Park downtown parking situation and with City Staff and citizens they performed a 6 month study that divided downtown into seven sub-areas and analyzed supply and demand based on parking type. (See attached Figure 1: Parking Analysis Sub-Areas and Block Numbers)

### **Summary Update:**

The study area had a total of 5,520 parking spaces broken down by On-Street, Surface Lots, and Structured Parking.

Based on Full Occupancy and the type of land use in the downtown area a scenario outlining estimated parking demand was generated based on the Institute of Transportation Engineers (ITE) rates, Winter Park Code Requirements, and Actual Observed Use in the downtown area. (See attached Figure 6: Full Occupancy Scenario...) The results showed that Winter Park is deficient in total parking as compared to its code requirements but has a surplus over what is estimated by ITE and by actual use. This would indicate that the issue is not the total amount of parking spaces available but the use and distribution of those spaces.

**Figure 7: Existing Parking Supply**

<b>Parking Type</b>	<b>Spaces</b>
<b>On-street</b>	<b>1,074</b>
Park Avenue	239
Other Streets	835
<b>Surface Lots</b>	<b>3,885</b>
Public Lots*	1,328
Private Lots	2,557
<b>Structured Parking**</b>	<b>561</b>
Public Garage*	140
Private Garage	421
<b>Total</b>	<b>5,520</b>

Source: City survey

\* Parking is considered public if spaces are accessible by the public without prior arrangement (i.e. monthly rentals, lease agreements, etc.) Public parking can be free or paid.

\*\* For the purposes of this study, 487 spaces of the 882-space Suntrust Garage was excluded as part of the supply. These 487 spaces are dedicated to Rollins College students and their demand is not accounted for in the study.

### **Off-Street Parking:**

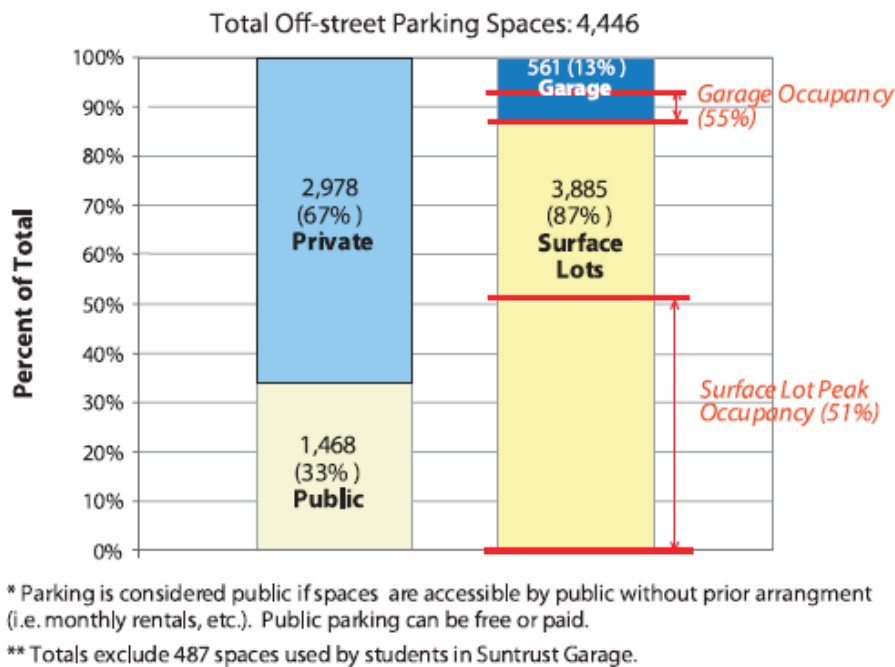
There are 4,446 off-street parking spaces of which 3,885 (87.4%) are surface lots and 561 (12.6%) are structured parking.<sup>1</sup> Private spaces account for 67% of the off-street availability while Public spaces account for 33%. During the peak time period of 11 am – 2 pm only 51% of the surface lot spaces and 55% of the structured parking spaces were utilized.

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<sup>1</sup> Glatting Jackson excluded 487 spaces in the Rollins College parking garage from the study, citing that they were earmarked solely for student use.



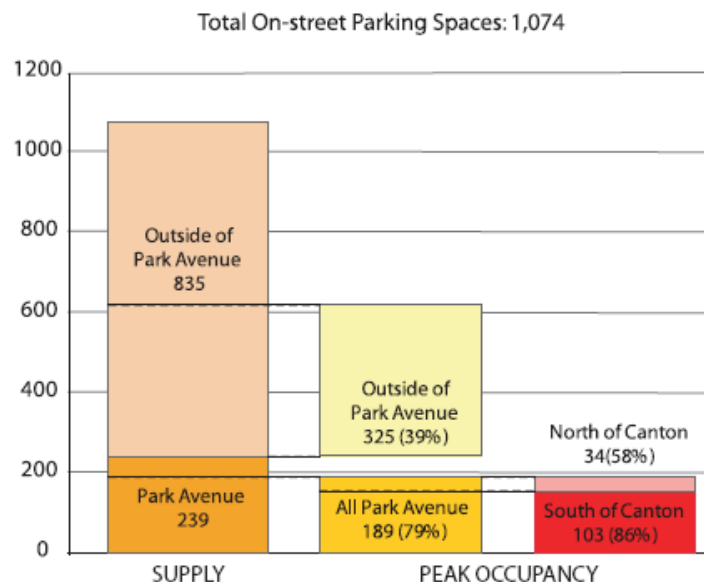
**Figure 7: Off-street Parking Spaces Breakdown**



### ***On-Street Parking:***

There are 1,074 on-street parking spaces of which Park Ave has 239 (22% of on-street total) while all other areas make up the remaining 835 spaces. Demand for parking is highest on Park Ave with 86% occupancy for spaces south of Canton and 58% occupancy for spaces north of Canton. On-street parking demand for spaces outside of Park Ave is low at 39%. (See attached Figure 8: Park Avenue Parking Utilization)

**Figure 11: On-street Parking Spaces Breakdown**



### ***Average Parking Duration for Park Ave:***

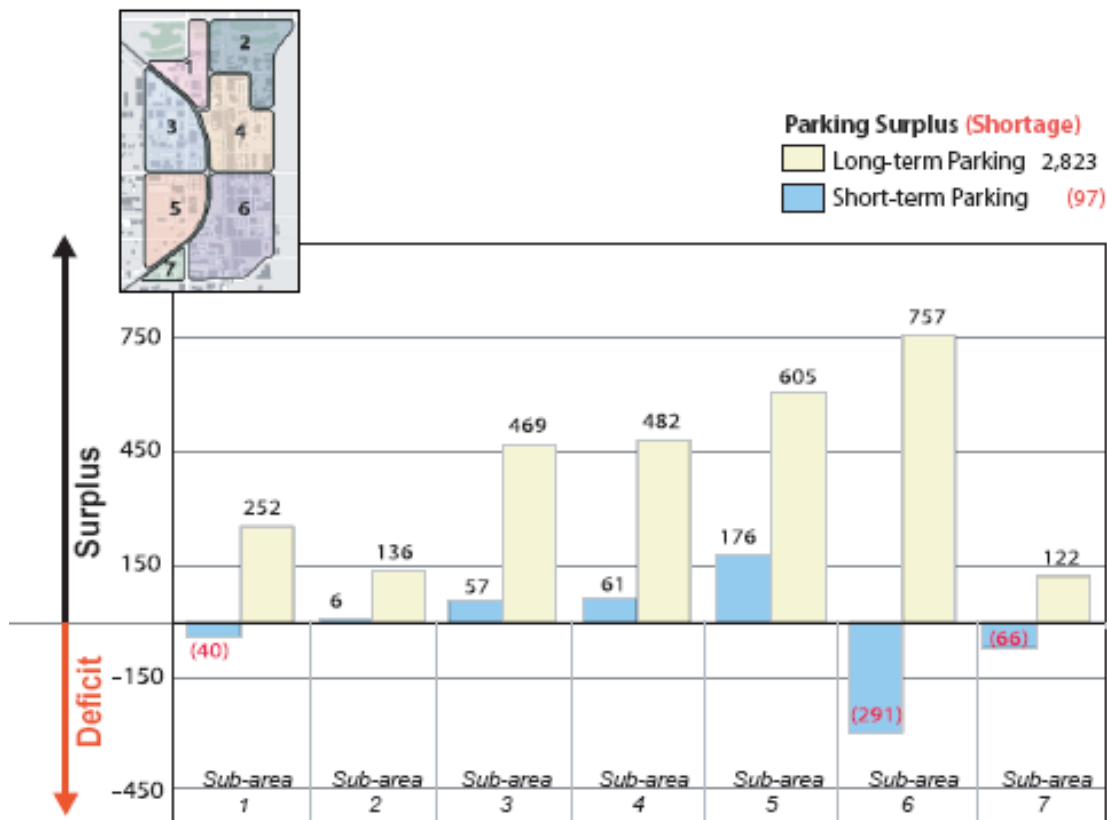
License plate studies were used to determine parking turnover for the avenue and showed that the average stay during peak hours on a weekday was less than an hour while the average stay on a weekend during peak time was slightly greater than an hour. (See

attached Figure 9: Park Avenue Parking Duration) It was noted that turnover was far below the 2-3 hour posted time limits.

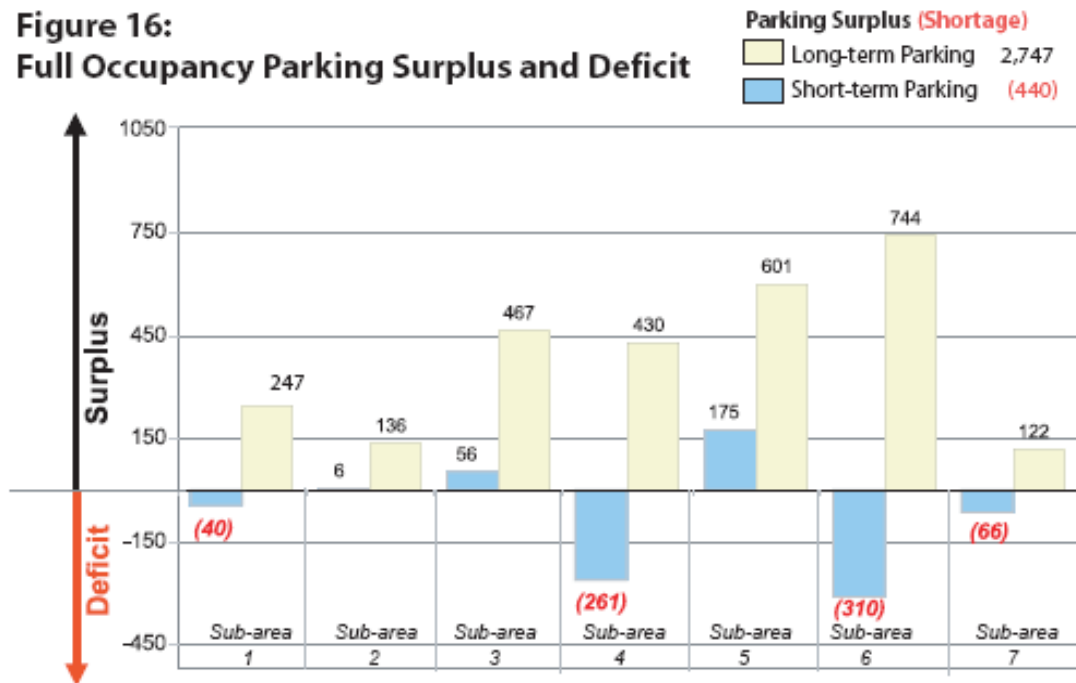
### ***Long-term & Short-term Parking:***

The study delineates that short-term parking is that which caters to customers and visitors and is usually time restricted and publicly owned. For the study all on-street parking was considered short-term. Long-term parking applies more to employees and residents, have no time limits, and can be in a garage or surface lot. Based on the existing use of parking in the downtown area the study showed what the surplus and deficits of long and short-term parking would be in each of the 7 sub-areas if full occupancy was achieved. Across the board there was a surplus of long-term parking while short-term showed substantial deficits in sub-areas 4 and 6; those areas that comprise the major retail areas of Park Avenue. The south end of the avenue showed the greatest need for short-term parking while the north showed a deficit when the avenue was at full occupancy. (See attached Figures 15 & 16: Existing Parking Surplus & Deficits & Full Occupancy Parking Surplus and Deficit) Total short-term deficit for the Full Occupancy model showed a need for 440 spaces, while long-term had a surplus of 2,747 spaces.

**Figure 15: Existing Parking Surplus & Deficits**



**Figure 16:**  
**Full Occupancy Parking Surplus and Deficit**



### **Study Findings:**

Based on the data gathered the study concluded the following:

- 1) Surplus of long-term parking indicates that City code requirements surpass that of what is actually used by the downtown. Peak utilization of downtown is 62% of the total number of spaces required by code.
- 2) Allocate Parking Credits for mixed use developments that provide for alternative modes of transportation such as bike paths, pedestrian friendly walkway areas, opportunities for shared parking, and links to mass transit.
- 3) Encourage development that operates during non-peak times such as theaters, restaurants, and museums.
- 4) Allow mitigation payments, when appropriate, for developers that cannot provide adequate parking so that a parking fund may be created that can be used to purchase or build parking in other parts of the City.
- 5) Surplus of long-term parking could also indicate a misuse of parking by long-term users choosing to occupy the more visible and accessible short-term spaces. This would include the use of Park Ave spaces by employees of local stores and offices who prefer to take the more convenient street parking in lieu of public parking provided at municipal

lots or private parking areas. The need for strategic management of parking for its intended use led Glatting Jackson to suggest alternative time restrictions for on-street parking in the downtown area with those areas being closest to Park Ave having the shortest time limit (1 hour) with limits increasing the farther from Park Ave one travels. (See attached Figure 20: A Concept for Parking Time Restriction in Downtown)

6) Need for a Way-finding program to properly educate and direct users to short and long-term parking. The initial phases of this program are already underway in tandem with the opening of the Welcome Center. Blue directional parking signs were also posted to help route traffic to available parking areas.

7) Establish a Parking Authority with a Winter Park Parking Division to be overseen by Planning and Economic Development.

8) Institute free Valet parking to redistribute vehicles to underutilized lots. This has been implemented and currently One Way Valet operates stands on Park Ave and Hannibal Square to redistribute vehicles to public and private lots for which joint use agreements have been made.

***Site-Specific Suggestions:***

1) Convert City-owned lot with 94 spaces behind Jacobsons to short-term parking. (This site is now the location of the Park Place development and now has a new parking structure with 270 spaces.)

2) Convert City Hall lot at Lyman to short term use. (Three on-street spaces were added and the parking lot was re-striped at 90o to add more parking.)

3) St. Margaret Mary joint use agreement to utilize space for parking.

4) 250 Park Ave (Bank of America Building) was currently in development at the time of the study and was to add 40 new parking spaces; 27 on the ground floor of the parking garage and 13 to be added along Welbourne. The City, to date, has the 27 short term parking spaces on the ground floor and has a temporary lease on 66 spaces in an adjacent surface lot. The lease on the spaces will run out in February of 2008 at which point the City will lose the 66 places.

5) Re-stripe New York between New England and Canton along the east side to add 44 spaces. The idea was to utilize some of the road width to add parallel parking along the east side. The development of the Douglas Grand has temporarily narrowed the street and made re-striping, at this time, impossible. Once the development is complete the idea may be revisited again however the Fire Department has expressed some concern about the narrowing of the road width for passing emergency vehicles.

6) Municipal lots A&B just east of New York and proposed as part of the Central Park Master Plan to become park space, have a combined total of 249 parking spaces which are used primarily by employees for the surrounding businesses. To mitigate the parking

that would be lost by the removal of the lots, Glatting Jackson suggested retaining some of the lots along New York and Welbourne to become new on-street parking. This would allow the City to keep approximately 122 of the lost spaces but would require a slightly smaller expansion of Central Park. The expansion of Central Park was rejected by the Parking Task Force at the time this study was conducted. (The northern municipal lot B has become park area with no replacement of spaces.)

7) Morse Ave, from the RR tracks to the Scenic Boat Tour, was suggested as a location to add additional on-street parking by removing the medians and replacing them with approximately 48 angled parking spaces. A few additional spaces were added to Morse near the RR tracks but the medians east of Park Ave were acknowledged to have historic value and were not removed.

# Interviews with 500 Former Shoppers

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61. One in five said they would "most definitely shop" at a "bookstore" on Park Avenue.
62. One in five said they would "most definitely shop" at a "moderately priced men's clothing store" store on Park Avenue.
63. One in sixteen said they would "most definitely shop" at a "Monkey Jo's/My Gym/Mommy & Me—a kids fitness and fun class store" on Park Avenue.
64. One in seven said "low prices" would motivate them to shop at retailers on Park Avenue in the future.
65. One in eight said "good sale prices" would motivate them to shop at retailers on Park Avenue in the future.
66. Four in nine said they think of the stores on Park Avenue as stores for clothes for special events.
67. Three in ten said a "nice gift for a wedding" is an event that would motivate them to shop on Park Avenue.
68. Only one in five said the lack of nearby parking "very much" affects their shopping on Park Avenue.
69. Over two in five said a 10% off coupon in the mail from Park Avenue retailers would motivate them to return to Park Avenue to shop.
70. Four in nine said they prefer more new stores selling items other than apparel on Park Avenue.
71. Only two in five said they feel the people working in the Park Avenue stores truly cared about them.
72. Three in ten said they feel the people working in the stores were stand-offish because they might not be spending that much money.
73. One in nine said someone from a Park Avenue store called and sent them a thank you note for their business.
74. Over seven in ten said nobody from a Park Avenue store called or sent them a thank you note for their business.



# Interviews with 500 Existing Shoppers

xi

59. Dexters had a total response of 14.8%.
60. Over three in five said they eat at a particular restaurant in the Park Avenue/Hannibal Square area more for lunch.
61. Four in nine said they usually shop before they eat lunch in the Park Avenue area.
62. Three in five said they usually shop before they eat dinner in the Park Avenue area.
63. Of those who usually shop after they eat dinner in the Park Avenue area, nine in ten said it is difficult to find stores open later in the evening.
64. Over three in four said they normally go to a number of stores during a typical shopping trip.
65. Two in five said they go to the Park Avenue area to just browse.
66. Three in five said they normally have an item in mind when they go to the Park Avenue area.
67. One in nine first mentioned they shop most often at Talbot's.
68. Talbot's had a total shopping response of 26.8%.
69. The Gap had a total shopping response of 18.0%.
70. Pottery Barn had a total shopping response of 17.8%.
71. One in seven said the lack of nearby parking "very much" affects their shopping in the Park Avenue area.
72. Over one in two said they find parking to be a problem in the Park Avenue area on the weekend.
73. Over one in two said the parking in the Park Avenue area is inconvenient.
74. Only about one in three said they feel the people working in the Park Avenue area stores truly care about them.

**REGULAR MEETING OF THE CITY COMMISSION**  
**November 28, 2011**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was provided by Pastor Jeffrey Fair, Aloma Baptist 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**

Mayor Bradley advised that the Tree Preservation Committee would like to review the current tree codes and is seeking direction from the Commission. There was consensus to add this on the next agenda for discussion.

**Motion made by Commissioner McMacken to approve the agenda; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.**

**Mayor's Report**

a. Recognition of the Winter Park High School's 500th Football Victory

Mayor Bradley recognized Winter Park High School for their 500th Football victory. The honorees in attendance were Principal Tim Smith, Coach Tim Schifflet, Coach Larry Gergley, Assistant Coach Johnny Miller and the Winter Park High School Wildcats football team.

b. Proclamation - Florida Blood Centers "Season of Giving"

Mayor Bradley proclaimed November 28, 2011 - December 31, 2011 as the celebration of "Winter Park's Season of Giving" and thanked all citizens who have donated blood over the years. The following individuals accepted the proclamation: Rick Walsh, Chairman of Florida's Blood Centers and Pat Michaels, Executive Director of Public Relations of Florida's Blood Centers. Other Winter Park citizens were recognized for the large amount of blood they have donated over the years.

c. FDEP and FDOT checks presentation from Public Works to the City Commission for recent stormwater and roadway projects grant payments

Assistant Public Works Director Don Marcotte, Grant Manager Lena Peterson and Deputy Director of FDEP Jeff Prather presented a grant reimbursement check to the City for \$748,195 for recent stormwater projects. Public Works Director Troy Attaway presented a grant reimbursement check to the City for \$2,115,433 from FDOT for recent roadway projects.



Mayor Bradley spoke about operation gratitude that was held last year with the Fire Department and Andrew Weinstock. He noted that this year the City raised over 5,600 pounds of candy for the military troops overseas. Mayor Bradley thanked everyone for their continued support.

### **City Manager's Report**

City Manager Knight announced that the following Commission meetings will be held at the Rachel D. Murrah Civic Center located at 1050 W. Morse Boulevard (December 12, January 9 and 23, February 13 and 27) due to the City Hall construction renovations.

City Manager Knight reminded everyone that the Winter Park Pancake Breakfast is this Saturday at 7:00 a.m. and the 59th annual Christmas Parade will follow at 9:00 a.m.

City Manager Knight advised that the CRA Department has asked to be the judges for this year's Holiday Window Decorating Contest and that the judging criteria information will be emailed to them.

City Manager Knight provided a brief update on several projects:

- Aloma Avenue Street Lights – Staff was notified that some of the street lights on Aloma Avenue are not working. Repairs are underway and the lights will be functioning properly within the next 3 weeks.
- Lee Road Medians - Public Works will be meeting with FDOT to discuss the Lee Road medians and what can be installed. Staff anticipates moving forward once the meeting is concluded.
- Wayfinding - FDOT submitted another set of comments to the City. Staff is in the process of responding and will submit a revised program to FDOT by the middle of December. Once accepted it will take approximately 2-3 months for permitting the actual locations of each sign pole and foundation and then a few more months to actually get the signs constructed.
- Starter House – The contractor is anticipating finishing the project by the end of December.

### **City Attorney's Report**

#### **a. Update on curbside post office mail boxes**

Attorney Brown advised that his firm met with the postal service and were informed that they will no longer be investigating addresses but they are planning to allow a few mailboxes to be moved to the door. He also advised that the post office does not believe the City would have a case to sue the Postal Service due to the time that has elapsed and the exorbitant costs associated with moving all City street boxes.

After discussion on whether they should take formal action or not, Attorney Brown explained that no action is required by the City. He advised the homeowners to take private action and hire their own attorney if they do not agree with the decision of the post office.

Rod Sward, 292 Sylvan Boulevard, said he has worked on this for 12 years. He believed this is a City issue and requested the Commission to move forward and take it to the next level since the post office admitted they violated postal regulations.

Consensus was reached by the Commission not to take formal action against the Post Office.

### **Non-Action Item**

No items.

### **Consent Agenda**

- a. Approve the minutes of 11/14/11. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- b. Approve the following contracts:
  1. Ricoh Americas Corporation order agreement for Aficio MP171F copier for Community Center and authorize the Mayor to execute the agreement; \$500
  2. Piggybacking the Florida Sheriff's Association contract #11-19-0907 for administrative non-pursuit, utility vehicles, trucks and vans and other fleet equipment and authorize the Mayor to execute the Piggyback Contract; total annual expenditure included in approved FY 2012 budget.
  3. Piggybacking the Pinellas County contract with USA Services of Florida for street sweeping services and authorize the Mayor to execute the Piggyback Contract; total annual expenditure included in approved FY 2012 budget
  4. Piggybacking the US Communities/Maricopa County contract with The Home Depot for maintenance, repair & operating commodities and related services and authorize the Mayor to execute the piggyback contract
  5. Piggybacking the City of Orlando contract with Reynolds Inliner, LLC for sewer line rehabilitation, cleaning & video recording and authorize the Mayor to execute the piggyback contract; \$600,000
- c. Approve the encroachment agreement to encroach into the City's drainage easement located at 1764 Elizabeth's Walk for Sergio and Barbara Von Schmeling to construct part of the proposed residence. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- d. Approve the recommended rebates for the proposed Winter Park Electric Energy Conservation Program.
- e. Approve the purchase of a Computer Aided Forms Entry Report Management System (CAFÉ) and Computer Aided Dispatch from the Seminole County Sheriff's Office for the Police Department to replace the existing Report Management System (RMS) and Computer Aided Dispatch (CAD).
- f. Establish a policy whereby professional service contracts (attorneys, engineers, architects, lobbyist, insurance agents, and other professional consultants) be competitively shopped at a maximum of every five years, unless waived by the Commission. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**

**Motion made by Commissioner Cooper to approve the Consent Agenda items 'b.1-5', 'd' and 'e'; seconded by Commissioner Leary and approved by acclamation of the City Commission with a 5-0 vote.**

Consent Agenda Item 'a' - Approve the minutes of 11/14/11.

Mayor Bradley referenced a motion on page 7 where the vote was not recorded in the minutes. **Motion made by Mayor Bradley to approve Consent Agenda Item 'a' (minutes) pending that the Clerk goes back and look at this and record what the vote was; seconded by Commissioner Leary and approved unanimously with a 5-0 vote.**

Consent Agenda Item 'c' - Approve the encroachment agreement to encroach into the City's drainage easement located at 1764 Elizabeth's Walk for Sergio and Barbara Von Schmeling to construct part of the proposed residence.

Planning Director Jeff Briggs responded to questions and noted that the easement is on private property and does not affect the green space.

**Motion made by Commissioner McMacken to approve Consent Agenda Item 'c'; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.**

Consent Agenda Item 'f' - Establish a policy whereby professional service contracts (attorneys, engineers, architects, lobbyist, insurance agents, and other professional consultants) be competitively shopped at a maximum of every five years, unless waived by the Commission.

Upon questioning, Attorney Brown provided clarity that both the City Manager and City Attorney serve at will and therefore can be waived by the Commission.

**Motion made by Mayor Bradley that the policy be inclusive with the exception of the City Attorney, that every five years they include in the Purchasing Policy a review of professional contracts to the City; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.** Mayor Bradley clarified that Policy criteria and implementation will be provided by City Manager Knight.

#### **Action Items Requiring Discussion**

a. West Fairbanks design standards

Planning Director Jeff Briggs noted that this is the first introduction to the proposed West Fairbanks form based code, prepared by Placemakers. He explained that this request is for the City Commission to give direction on the process and whether they should move ahead or not with the blended document that Placemakers provided. Mr. Briggs advised that the Planning and Zoning Board and staff recommendation is to proceed with public involvement of the West Fairbanks property owners/tenants and public hearings using the West Fairbanks Design Standards.

After discussion, **motion was made by Mayor Bradley that this be referred back to Planning and Zoning for a discussion formally of the process as well as the end product which we believe will be form based standards that are within our current codes; seconded by Commissioner Cooper.**

Pete Weldon, 700 Via Lombardy, spoke about the design standard guidelines that need to be established and suggested that P&Z and the Commission put some realistic boundaries on the expectation levels.

Lisa Coney, 1350 W. Fairbanks Avenue, encouraged the Commission to direct P&Z to establish a realistic scope on usable design guidelines and to include public feedback.

Commissioner Leary recommended that EDAB also review this item. Both Mayor Bradley and Commissioner Cooper (as the motioners) agreed. This was made part of the final motion as follows:

**Motion made by Mayor Bradley that this be referred back to Planning and Zoning and the Economic Development Advisory Board (EDAB) for a discussion formally of the process as well as the end product which we believe will be form based standards that are within our current codes; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, McMacken and Cooper voted yes. The motion carried unanimously with a 5-0 vote.**

### **Public Hearings**

a. State Office Building property – Ordinance

Attorney Brown read the ordinance by title.

ORDINANCE NO. 2862-11: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED AT 941 W. MORSE BLVD., WINTER PARK, FL 32789, REFERRED TO AS THE STATE OFFICE BUILDING PROPERTY, SUBJECT TO MINIMUM REQUIREMENTS AS SET FORTH HEREIN; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. Second Reading.

CRA Director Dori DeBord clarified the language in the ordinance regarding the abandonment and vacating of Palmetto Avenue that was added per Commissioner McMacken's amendment to the ordinance during the last meeting. She clarified that staff will not begin the vacating process until after the closing. This process will be done according to City codes, there will be two public hearings, notice will be given to all property owners and it will not take effect until the reverter clause has been completed.

**Motion made by Commissioner Leary to adopt the ordinance; seconded by Commissioner Sprinkel.**

The following spoke in favor:

Patrick Chapin, Winter Park Chamber of Commerce  
James Barnes, 7 Isles of Sicily  
Mark Squires, 400 Park Avenue S.  
Joe Terranova, 700 Melrose Avenue

The following spoke in opposition:

Sally Flynn, 1400 Highland Road  
Donna Colado, 327 Beloit Avenue  
Nancy Shutts, 2010 Brandywine Drive  
Pete Weldon, 700 Via Lombardy  
Maura Smith, 901 Georgia Avenue  
John Webb, 925 South Denning Drive

The following spoke in opposition of vacating Palmetto Avenue:

Allen Trovillion, 1260 thru 1360 Palmetto Avenue

Jim Lee, 2200 Via Luna  
Bickley Wilson, 1331 Palmetto Avenue  
Elizabeth A. Traymar, 1331 Palmetto Avenue  
Tony Lombardi of Lombardi's Seafood, 1152 Harmon Avenue

**Motion amended by Mayor Bradley that the verbiage be changed to the fourth Whereas clause to say that the "City Commission "may" (instead of 'has') determine that it will process an abandonment and vacation "or realignment" of the road identified as Palmetto Avenue and then the same amendment would apply in Section 2, that the City Commission "may" (instead of 'shall') process an abandonment and vacation "or realignment" of Palmetto Avenue to the extent that the said road is appurtenant to....; seconded by Commissioner Leary.**

**Motion amended by Commissioner Cooper to strike the second half of the above amendment and that they leave reference in the WhereAs that they will consider that there is no specific reference in the ordinance beyond that to Palmetto. Motion failed for lack of a second.**

**Motion amended by Commissioner Cooper that they remove all reference to Palmetto Avenue until such time as they have had an opportunity to go through the appropriate process to consider a road abandonment; seconded by Commissioner Sprinkel.**

**Upon a roll call vote (that the verbiage be changed to the fourth Whereas clause to say that the "City Commission "may" (instead of 'has') determine that it will process an abandonment and vacation "or realignment" of the road identified as Palmetto Avenue and then the same amendment would apply in Section 2, that the City Commission "may" (instead of 'shall') process an abandonment and vacation "or realignment" of Palmetto Avenue to the extent that the said road is appurtenant to....), Mayor Bradley and Commissioner Leary voted yes. Commissioners Sprinkel, Cooper and McMacken voted no. The motion failed with a 3-2 vote.**

**Upon a roll call vote (that they remove all reference to Palmetto Avenue until such time as they have had an opportunity to go through the appropriate process to consider a road abandonment); Mayor Bradley and Commissioners Leary, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.**

**Upon a roll call vote to adopt the ordinance as amended, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.**

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 114-6 OF THE CODE OF ORDINANCES REGARDING LAKESHORE PROTECTION; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

**Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Sprinkel. No public comments were made.**

Environmental Resource Manager Tim Egan answered questions regarding the proposed changes to the code, specifically the use of jet pumps, penalty provisions and vegetation removal permits.

**Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

A recess was taken from 5:01 p.m. to 5:24 p.m.

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 2525 VIA TUSCANY LANE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. No public comments were made.

**Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Sprinkel.** City Manager Knight answered questions of the Commission. **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.**

- d. RESOLUTION NO. 2097-11: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA REGARDING THE NEGATIVE IMPACT OF SECONDHAND SMOKE.

Attorney Brown read the resolution by title.

**Motion made by Commissioner Leary to adopt the resolution; seconded by Mayor Bradley.**

Lisa Portelli, Winter Park Health Foundation, spoke in favor of the resolution which would allow local home rule authority regarding tobacco use.

Patrick Chapin, Healthy Winter Park Board member, spoke in support of the resolution.

**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.**

- e. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, FINDING THAT THERE IS A NEED FOR AFFORDABLE HOUSING IN THE CITY OF WINTER PARK, AND DETERMINING THAT AFFORDABLE HOUSING DEVELOPMENTS SHOULD BE GIVEN PRIORITY PROCESSING IN ORDER TO EXPEDITE THEIR APPROVAL AND ENCOURAGE AND PROMOTE THEIR DEVELOPMENT AND THAT NEW POLICIES AND REGULATIONS WILL BE REVIEWED PRIOR TO ADOPTION FOR THEIR IMPACT ON THE COST OF AFFORDABLE HOUSING.

Attorney Brown read the resolution by title. Planning Director Jeff Briggs provided background and answered questions regarding the need for this resolution.

After a brief discussion on how they should proceed, **motion made by Mayor Bradley that this be sent to the EDAB and P&Z Boards for their review and to bring back a recommendation to the City Commission; seconded by Commissioner McMacken.**

Jack Weir, Eastwind Development LLC, spoke in favor of the resolution and explained that this document will assist all developers in their affordable housing tax credit application.

Rebecca Wilson, Lowndes Law Firm, spoke on behalf of Atlantic Housing Partners, CPG Construction and Global Realty. She explained that they are in favor of affordable housing but shared their concerns with the resolution. They felt that some affordable housing developers could be favored over others since the City has no procedures on how the expedited permitting process would work.

Attorney Brown provided legal counsel regarding the verbiage and advised that he did not review the resolution prior to the meeting.

**Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

**City Commission Reports:**

a. Commissioner Leary

Commissioner Leary recognized Patrick Chapin for participating in the Panama City Iron Man Triathlon competition and congratulated him on his efforts.

b. Commissioner Sprinkel

Commissioner Sprinkel congratulated the City for being selected as the Healthiest Employer in Central Florida.

Commissioner Sprinkel suggested that they start to plan the next strategic planning work session. City Manager Knight acknowledged the request.

c. Commissioner Cooper

Commissioner Cooper asked if they need to add a referendum to the upcoming ballot if the Amtrak Station is being expanded or building in another location per a resolution previously adopted. City Manager Knight advised that Attorney Brown has provided legal counsel pertaining to this matter and he will email this information to all of the Commissioners. Mayor Bradley also requested that a copy of the resolution and backup be included. The request was acknowledged.

d. Commissioner McMacken

1. Residential irrigation/lighting codes

Commissioner McMacken asked if the Building Department could review the existing codes pertaining to residential irrigation and lighting. He explained that he was contacted by a resident needing assistance with a new home that was being built next door to them and could not find any recourse of action in the City's code. Mayor Bradley suggested that he provide the information to City Manager Knight regarding the actual complaint and allow staff to address the issue.

e. Mayor Bradley

Mayor Bradley attended the second celebration of "Farm to Table" held in Mead Gardens and said it was a great event.

Mayor Bradley commended staff on their recent award for Healthiest Employer in Central Florida.

City Manager Knight advised that the pension consultant is available on December 7 and would like to meet with each of them individually. The Commission agreed to this date and requested that City Manager Knight coordinate the times. The request was acknowledged.

The meeting adjourned at 7:33 p.m.

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Mayor Kenneth W. Bradley

ATTEST:

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City Clerk Cynthia S. Bonham





# city commission agenda item

item type	Consent Agenda	meeting date	December 12, 2011
prepared by	Purchasing Division	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
department			
division			
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		
			final vote

## Piggyback contracts

	vendor	item   background	fiscal impact	motion   recommendation
1.	Kone, Inc.	Piggybacking for Elevator Maintenance & Service	Total expenditure included in approved FY12 budget	Commission approve piggybacking the City of Denver/US Communities contract with Kone, Inc. for Elevator Maintenance & Service and authorize the Mayor to execute the Piggyback Contract
The City of Denver utilized a competitive bidding process to award this contract. The City of Denver served as the lead agency for this nationwide cooperative purchasing contract through US Communities. The current contract term expires December 31, 2013.				

## Formal Solicitations

	vendor	item   background	fiscal impact	motion   recommendation
2.	Pierce Manufacturing Inc.	IFB-6-2012 Purchase of Aerial Fire Apparatus	Total expenditure included in approved FY12 vehicle/equipment replacement fund. Amount not to exceed \$982,647.	Commission approve award of IFB-6-2012 to Pierce Manufacturing, Inc.
The City issued a competitive solicitation on October 31, 2011. A total of one (1) response was received. Under the circumstances the fact that only one bid was received is not necessarily abnormal. It is estimated that only four (4) manufacturers in the nation actually produce the type of fire apparatus under bid. We would recommend proceeding with the award to this manufacturer. Pierce Manufacturing is offering a discount of \$44,696 for pre-funding of the contract at the time of order, resulting in a not to exceed amount of \$937,951.				
3.	Wesco Distribution	IFB-5-2012 Purchase of Circuit Breakers	Funding for the purchase will be provided by proceeds of the 2007 Electric Utility Revenue Bond Issue. Amount: \$92,855.	Commission approve award of IFB-5-2012 to Wesco Distribution.
The City issued a competitive solicitation on November 11, 2011. A total of one (1) response was received. At the February 14, 2011 City Commission meeting, the City Commission approved a modification to the mainline feeder undergrounding program to fund needed equipment replacement/upgrades to the Canton Avenue Substation. A portion of the replacements/upgrades involves the replacement of circuit breakers that have outlived their useful staff. The received bid was consistent with the estimated costs for these breakers. Staff recommends that the bid be				

awarded to Wesco Distribution. The circuit breakers will be delivered 90 days after award of the contract which will allow the installation of the breakers along with the new T-2 power transformer next spring in advance of the summer peak.



# city commission agenda item

item type	Consent Agenda	meeting date	December 12, 2011
prepared by department division	Planning 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

Historic Preservation Façade Easement donation for 121 West Garfield Avenue

## motion | recommendation

Authorize Mayor Bradley to sign the attached Historic Preservation Façade Easement agreement on behalf of the City of Winter Park.

## background

The house located at 121 West Garfield Avenue, commonly known as the Kummer-Kilbourne House, was listed on the Winter Park Register of Historic Places in 2004. Built in 1916, the house is an example of the Bungalow style and the Kummers were associated with the early commercial development of the city. The house is included as a contributing historic building in the Downtown Winter Park National Register Historic District which was listed in the National Register of Historic Places in May.

Historic preservation façade easements prohibit any change to the exterior of a building that is inconsistent with its historic character, thus providing an additional layer of protection. If an easement for a certified historic structure such as this building is donated to a qualified organization which the city is, then the donation should meet the test for a charitable contribution for conservation purposes. The attached easement document has been reviewed and approved by the city attorney and the property owner..

## alternatives | other considerations

Future changes to the exterior of the house will be reviewed by staff and the Historic Preservation Board to ensure that changes are consistent with the historic character of the house.

## fiscal impact

None

## long-term impact

Enhances downtown Winter Park historic preservation and economic development activities, and serves as an example of the National Register of Historic Places incentives for preservation.

## strategic objective

Quality environment.

Prepared by:  
Catherine D. Reischmann, Esq.  
Brown, Garganese, Weiss & D'Agresta, P.A.  
111 N. Orange Ave., Ste. 2000  
Orlando, FL 32802-2873

Return to:  
City Clerk  
City of Winter Park  
401 Park Ave. South  
Winter Park, FL 32789

Parcel Id: 05-22-30-9400-20-110

### **HISTORIC PRESERVATION FACADE EASEMENT**

THIS PRESERVATION AND CONSERVATION FAÇADE EASEMENT ("Façade Easement") is made this 12th day of December, 2011, by and between **WINDSONG PROPERTIES, LLC**, a Florida limited liability company, of 121 Garfield Avenue, Winter Park, FL 32789 ("Grantor") and the **CITY OF WINTER PARK**, a Florida municipal corporation, of 401 Park Avenue South, Winter Park, FL 32789 ("City").

#### RECITALS:

WHEREAS, Grantor is owner in fee simple of certain real property located in the City of Winter Park, in the County of Orange of the State of Florida, more particularly described in **Exhibit "A"** attached hereto and incorporated within (the "Property"); and

WHEREAS, located on the Property is the following structure: a two-story house, circa 1916 commonly known as The Kummer-Kilbourne House (the "Building"), located at 121 Garfield Avenue, Winter Park, Florida, as depicted on Exhibit A-1, attached hereto, which contributes to the architectural value and significance of the Property. In addition to the Building, there exists an additional structure on the Property lying north of the Building (the "North Building"), which is not of historical significance, and therefore the North Building is not covered by anything contained in this document; and

WHEREAS, the Building stands as a significant example of early 20<sup>th</sup> century "bungalow style" architecture in Florida, illustrates aesthetics of design and setting, and possesses integrity of materials and workmanship; and

WHEREAS, City is authorized to accept preservation and conservation façade easements to protect property significant in national and Winter Park history and culture; and

WHEREAS, the City's purpose is the preservation and conservation of sites, buildings, and objects of national significance and the City is a qualifying recipient of qualified conservation contributions under Paragraph 170(h) of the Internal Revenue Code of 1986, as amended, and the regulations thereunder ("the Code"); and

WHEREAS, because of the architectural significance of the Building, the Property is listed in the National Register of Historic Places, and has received historic designation from the City of Winter Park Historic Preservation Commission (the "HPC") within the Downtown Winter Park Historic District, which District is registered on the National Register of Historic Places, and the Property was included as a contributing historic element in the Downtown Winter Park Historic District; and

WHEREAS, Grantor and City recognize the architectural value and significance of the Building, and have the common purpose of conserving and preserving the architectural value and significance of the Building's Façade; and

WHEREAS, the architectural value of the Building's Façade is documented in the United States Department of the Interior National Park Service, Historic Preservation Certification Application, Part I and Part II dated August 3, 2011, (the "Documentation"), attached hereto as **Exhibit "B"** and incorporated herein by reference, which Documentation the parties agree provides an accurate representation of the Property as of the effective date of this Easement; and

WHEREAS, the grant of a preservation and conservation Façade Easement by Grantor to City on the Building's Façade will assist in preserving and maintaining the Property and its architectural features for the benefit of the citizens of the City.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and City hereby agree as follows:

## **1. GRANT, PURPOSE AND EXTENT OF FAÇADE EASEMENT**

### **1.1 Grant of Easement**

Grantor hereby grants and donates to City, and City hereby accepts from Grantor, the Façade Easement in perpetuity on the Building's Façade.

### **1.2 Purpose**

It is the purpose of this Façade Easement to assure that the Building's Façade will be retained and maintained forever substantially in its current condition as shown by the Documentation, for conservation and preservation purposes and to prevent any use or change to the Building's Façade that will significantly impair or interfere with the Building's exterior architectural value.

### **1.3 Extent of Façade Easement**

The grant of this Façade Easement is specifically limited to the Building's Façade; the City will not possess any interest in any other portion of the Property, except as specifically set forth in this Façade Easement.

## **2. RIGHTS OF CITY**

In accordance with its stated purpose, this Façade Easement conveys the following rights

to City:

- (a) To preserve and protect the architectural value of the Building's Façade;
- (b) To enter upon the Property at reasonable times in order to monitor compliance with and otherwise enforce the terms of this Façade Easement;
- (c) To prevent any activity on or use of the Property that is inconsistent with the purpose of this Façade Easement and to require the restoration of such areas or features of the Building's Façade that may be damaged by inconsistent activity or use, pursuant to the remedies set forth in Paragraph 12; and
- (d) To provide and maintain a plaque on the Property, giving notice of the significance of this Property and the existence of this Façade Easement.

### **3. GRANTOR'S COVENANTS AND PROHIBITED USES**

#### **3.1 Grantor's Covenants: Covenant to Maintain.**

Grantor agrees at all times to maintain the Building's Façade in the same structural condition and state of repair as that existing on the effective date of this Façade Easement, as shown in the Documentation. Grantor's obligation to maintain shall require replacement, repair, and reconstruction by Grantor whenever necessary to preserve the Building's Façade in substantially the same structural condition and state of repair as that existing on the date of this Façade Easement.

#### **3.2 Grantor's Covenants: Prohibited Activities.**

The following acts or uses are expressly forbidden on, over, or under the Property, except as otherwise conditioned in this Paragraph:

- (a) the Building shall not be demolished, removed, or razed except as provided in Paragraphs 8 and 9;
- (b) nothing shall be erected or allowed to grow on the Property which would impair the visibility of the Building's Façade from street level. Notwithstanding the foregoing, Grantor shall be permitted to plant trees and landscaping in the front lawn of the Building;
- (c) the dumping of ashes, trash, rubbish, or any other unsightly or offensive materials (other than in the ordinary course of business and in containers normally provided for such purposes) is prohibited on the Property;
- (d) the erection on the Property of above-ground utility transmission lines, except those reasonably necessary for the existing Buildings;
- (e) any act in violation of any code; specifically, the City's Historic Preservation Code.

## **4. GRANTOR'S CONDITIONAL RIGHTS**

### **4.1 Conditional Rights Requiring Approval by City.**

Without the prior express written approval of the City, which approval may be withheld or conditioned in its sole discretion, Grantor shall not undertake any of the following actions:

- (a) Construct any lateral addition to the Building (including any addition within the air rights space over the Building);
- (b) Alter, reconstruct, or change the appearance of the Building's Façade;
- (c) Make changes in the material or workmanship of the Building's Façade;
- (d) Erect any external signs or external advertisements except: (i) such plaque permitted under Paragraph 2 of this Façade Easement; (ii) a sign stating the address of the Property, listing all tenants therein; (iii) temporary signage to advertise the sale or rental of the Property; (iv) a sign to identify the ownership and use of the Property; and (v) a historic monument or plaque honoring the Kummer-Kilbourne family and the Property's history.

### **4.2 Review of Grantor's Requests for Approval.**

Grantor shall submit to City, for HPC's approval of those conditional rights set out at Paragraphs 3.2 and 4.1, two (2) copies of information (including plans, specifications, and designs where appropriate) identifying a proposed activity with reasonable specificity. In connection therewith, Grantor shall also submit to City a timetable for the proposed activity sufficient to permit City to monitor such activity. Within sixty (60) days of City's receipt of any plan or written request for approval hereunder, HPC shall act upon the request.

## **5. PUBLIC ACCESS**

At all times, Grantor shall make views of the Building Façade accessible to the public, which requirement shall be deemed satisfied if the Building's Façade is visible from a public street (Garfield Avenue). City may make photographs, drawings, or other representations documenting the significant architectural character and features of the Property and distribute them to magazines, newsletters, or other publicly available publications, or use them to fulfill its charitable and educational purposes.

## **6. GRANTOR'S RESERVED RIGHTS**

### **6.1 Grantor's Reserved Rights Not Requiring Further Approval by City.**

Subject to the provisions of Paragraphs 3.1, 3.2, and 4.1, the following rights, uses, and activities of or by Grantor on, over, or under the Property are permitted by this Façade Easement without further approval by City:

- (a) the right to engage in all those acts and uses that: (i) are permitted by governmental

statute or regulation; (ii) do not substantially impair the architectural value of the Property; and (iii) are not inconsistent with the purpose of this Façade Easement;

(b) pursuant to the provisions of Paragraph 3.1, the right to maintain and repair the Building. As used in this subparagraph, the right to maintain and repair shall mean the use by Grantor of in-kind materials and colors, applied with workmanship comparable to that which was used in the construction, as is reasonably possible, or application of those materials being repaired or maintained, for the purpose of retaining in good condition the general appearance and construction of the Building. The right to maintain and repair as used in this subparagraph shall not include the right to make changes in appearance, materials, colors, and workmanship from that existing prior to the maintenance and repair without the prior approval of Grantee in accordance with the provisions of Paragraphs 3.1 and 3.2;

(c) the right to continue all manner of existing use and enjoyment of the Property's Buildings, including but not limited to the maintenance, repair, and restoration of existing fences; the right to maintain existing landscaping, driveways, roads, and paths with the use of same or similar surface materials; the right to maintain existing utility lines, gardening and building walkways, steps, and garden fences; the right to cut, remove, and clear grass or other vegetation/landscaping and to perform routine maintenance, landscaping, horticultural activities, and upkeep, consistent with the purpose of this Façade Easement; and

(d) the right to conduct at or on the Property business, commercial transactions and all uses that are allowed under the commercial building code and commercial zoning of the City of Winter Park, and consistent with the uses of the properties located along Park Avenue in Downtown Winter Park that are not inconsistent with the protection of the architectural value of the Property.

## **7. QUALIFIED APPRAISAL**

In the event Grantor claims a federal income tax deduction for donation of a "qualified real property interest" as that term is defined in I.R.C. § 170(h), Grantor shall provide City with a copy of the appraisal used by Grantor to support the amount of such deduction meeting the requirements of a "Qualified Appraisal" as that term is defined in I.R.C. § 170(a)(1). Upon receipt of (i) the Qualified Appraisal, and (ii) this fully executed Easement, City shall sign an appraisal summary form required by the Internal Revenue Service.

## **8. CASUALTY DAMAGE OR DESTRUCTION**

In the event that the Building or any part thereof shall be damaged or destroyed by fire, flood, windstorm, hurricane, earth movement, or any other casualty, Grantor must notify City in writing within fourteen (14) days of the damage or destruction, such notification including what, if any, emergency work has already been completed to mitigate any damage to the Building. No repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Building and to protect public safety, may be undertaken by Grantor



without City's prior written approval.

Within thirty (30) days of the date of damage or destruction, if requested by City, Grantor, at its expense, must submit to City a written report prepared by a qualified restoration architect and/or engineer, which report shall include the following:

- (a) an assessment of the nature and extent of the damage;
- (b) a determination of the feasibility of the restoration of the Building and/or reconstruction of damaged or destroyed portions of the Building; and
- (c) a report of such restoration/reconstruction work necessary to return the Building to the condition existing at the date hereof.

## **9. REVIEW AFTER CASUALTY DAMAGE OR DESTRUCTION**

If, after reviewing the report provided in Paragraph 8 and assessing the availability of insurance proceeds, Grantor and City agree that the purpose of the Façade Easement will be served by such restoration/reconstruction, Grantor and City shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the Building in accordance with plans and specifications consented to by the parties, up to at least the total of the casualty insurance proceeds available to Grantor.

If, after reviewing the report and assessing the availability of insurance proceeds, Grantor and City agree that restoration/reconstruction of the Property is impractical or impossible, or agree that the purpose of the Façade Easement would not be served by such restoration/reconstruction, Grantor may seek proper approvals to alter, demolish, remove, or raze the Building, and/or construct new improvements on the Property, and City agrees to release this Façade Easement. Said release will be recorded upon the public records of Orange County, Florida.

If, after reviewing the report and assessing the availability of insurance proceeds, Grantor and City are unable to agree that the purpose of the Façade Easement will or will not be served by such restoration/reconstruction, the matter will be referred by either party to non-binding mediation as a prerequisite binding arbitration, and the dispute will be settled in accordance with the rules of the American Arbitration Association and the State of Florida arbitration statute then in effect.

## **10. INSURANCE**

Grantor shall keep the Property insured by an insurance company rated "A1" or better by Best's for the full replacement value (at least \$350,000) against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death, and property damage. Property damage insurance shall include coverage in form and amount sufficient to replace fully the damaged Property and Buildings without cost or expense to Grantor or contribution or coinsurance from Grantor. Grantor shall deliver to City, within ten (10) business days of City's written request

therefore, copies of relevant insurance policies. The liability policy shall provide for not less than thirty (30) days' prior notice of the cancellation of any such insurance.

## **11. COSTS, INDEMNIFICATION AND TAXES**

### **11.1 Costs**

Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property. Grantor remains solely responsible for obtaining any applicable governmental permits and approvals for any construction or other activity or use permitted by this Façade Easement, and all such construction or other activity shall be undertaken in accordance with all applicable federal, state, and local laws and regulations.

### **11.2 Indemnification**

Grantor hereby agrees to pay, protect, indemnify, hold harmless and defend at its own cost and expense, City, its agents, directors and employees, or independent contractors from and against any and all claims, liabilities, expenses, costs, damages, losses, and expenditures (including reasonable attorneys' fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person; physical damage to the Property; the presence or release in, on, or about the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance, or regulation as a hazardous, toxic, polluting, or contaminating substance; or other injury or other damage occurring on or about the Property, unless such injury or damage is caused in whole by City. In the event that Grantor is required to indemnify City pursuant to the terms of this Paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Property.

### **11.3 Taxes**

Grantor must pay immediately, when first due and owing, all general taxes, special taxes, special assessments, water charges, sewer service charges, and other charges which may become a lien on the Property. In place of Grantor, City is hereby authorized, but in no event required or expected, to make or advance upon three (3) days prior written notice to Grantor any payment relating to taxes, assessments, water rates, sewer rentals and other governmental or municipality charge, fine, imposition, or lien asserted against the Property. Such payment if made by City shall constitute a lien on the Property.

## **12. ADMINISTRATION AND ENFORCEMENT**

### **12.1 Written Notice.**

Any notice which either Grantor or City may desire or be required to give to the other party shall be in writing and shall be delivered by one of the following methods by overnight courier postage prepaid, facsimile transmission, registered or certified mail with return receipt requested, or hand delivery addressed as follows:

If to Grantor: Windsong Properties, LLC  
121 Garfield Avenue  
Winter Park, FL 32789  
Telephone: 407-645-4400  
Attn: Allan E. Keen, Managing Member

If to City: City of Winter Park  
401 Park Avenue South  
Winter Park, FL 32789  
Telephone: 407-599-3399  
Attn: City Manager

Each party may change its address set forth herein by a notice to such effect to the other party.

### **12.2 Inspection.**

(a) After three business days' written notice to and with the consent of Grantor, City representatives shall be permitted at all reasonable times to inspect the Building's Façade, meaning the exterior of the Building only. Grantor covenants not to unreasonably withhold its consent in determining dates and times for such inspections and City covenants not to unreasonably interfere with Grantor's use and quiet enjoyment of the Property.

(b) In cases where City determines that immediate access onto the Property is required to prevent, terminate or mitigate a violation of this Façade Easement, City need not provide the prior notice to or obtain the prior consent of the Grantor prior to inspecting the Building's Façade.

### **12.3 Notice of Violation; Corrective Action**

If City determines that a violation of the terms of this Façade Easement has occurred or is threatened, City must give written notice to the Grantor of such violation and demand corrective action sufficient to cure the violation, and where the violation involves injury to the Building's Façade resulting from any use or activity inconsistent with the purpose of this Façade Easement, to restore the portion of the Building's Façade so injured to its prior condition.

### **12.4 Injunctive Relief; Damages**

If Grantor fails to cure a violation within forty-five (45) days after Grantor's receipt of notice thereof from City, or under circumstances where the violation cannot reasonably be cured within a forty-five (45) day period, fails to continue diligently to cure such violation until finally cured, City may, following reasonable written notice to Grantor, seek injunctive relief or damages.

### **12.5 Emergency Enforcement**

If City, in its reasonable discretion, reasonably determines that circumstances require immediate action to prevent or mitigate significant damage to the architectural value of the Property, City may pursue its remedies under this Paragraph 12 with notice to the Grantor, but without waiting for any cure period to expire.

### **12.6 Costs of Enforcement**

In the event Grantor is found by court order to have violated any of its obligations, Grantor shall reimburse City for any costs or expenses incurred in connection with City's enforcement of the terms of this Façade Easement, including all reasonable costs, and attorneys' fees, architectural, engineering, and expert witness fees.

### **12.7 Waiver**

Forbearance by City to exercise its rights under this Façade Easement in the event of any breach by Grantor of any term of this Façade Easement shall not be deemed or construed to be a waiver by City of such term or of any subsequent breach of the same or any other term of this Façade Easement. No delay or omission by City in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

### **12.8 Acts Beyond Grantor's Control**

Nothing contained in this Façade Easement shall be construed to entitle City to bring any action against Grantor for any injury or change to the Property resulting from causes beyond Grantor's control including, without limitation, fire, flood, storm, earth movement or any other natural disaster or civil unrest.

## **13. NOTICE FROM GOVERNMENT AUTHORITIES**

Grantor must deliver to City copies of any notice of violation or lien relating to the Property received by Grantor from any government authority within fifteen (15) business days of receipt by Grantor. Upon request by City, Grantor must promptly furnish City with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

## **14. NOTICE OF PROPOSED SALE**

Grantor must notify City in writing thirty (30) days prior to any proposed sale of the Property and provide the opportunity for City to explain the terms of the Façade Easement to potential new owners prior to the closing.

## **15. JUDGMENTS; LIENS**

Grantor, for itself and its heirs, successors and assigns and on behalf of any future owner of the Property, covenants and acknowledges that any ruling enforcing City's rights under this Façade Easement may be entered by a court as a lien against the property (*in rem*) and personally

(*in personam*) against Grantor or the current owner of the Property. Any lien on the Property created pursuant to any Paragraph of this Façade Easement may be foreclosed by City in the same manner as a mortgage lien.

## **16. BINDING EFFECT; ASSIGNMENT**

### **16.1 Runs With The Land**

Except as provided in Paragraphs 9 and 18.2, the obligations imposed by this Façade Easement shall be effective in perpetuity and shall be deemed to run as a binding servitude with the Property. This Façade Easement shall extend to and be binding upon Grantor and City, their respective successors in interest, and all persons hereafter claiming under or through Grantor and City.

Anything contained herein to the contrary notwithstanding, an owner of the Property shall have no obligation pursuant to this instrument where such owner shall cease to have any ownership interest in the Property by reason of a *bona fide* transfer. The restrictions, stipulations, and covenants contained in this Façade Easement must be referenced in any subsequent deed or other legal instrument by which Grantor divests itself of the fee simple title in the Property.

### **16.2. Assignment**

Upon receipt of Grantor's written approval, which approval may not be granted, and upon thirty (30) days written notice, CITY may convey, assign, or transfer this Façade Easement to a unit of federal, state, or local government or to a similar local, state, or national organization that is a "qualified organization" under Paragraph 170(h) of the Code whose purposes, *inter alia*, are to promote preservation or conservation of historical, cultural, or architectural resources, provided that any such conveyance, assignment, or transfer states that the Purpose for which the Façade Easement was granted will continue to be carried out.

## **17. INTERPRETATION; EFFECTIVE DATE**

### **17.1 Interpretation**

The following provisions shall govern the effectiveness, interpretation, and duration of the Façade Easement:

(a) This Façade Easement shall be interpreted broadly to effect its purpose and the transfer of rights and the restrictions on use herein contained.

(b) This instrument may be executed in two (2) counterparts, one of which may be retained by Grantor and the other, after recording, to be retained by City. In the event of any disparity between the counterparts produced, the recorded counterpart shall in all cases govern.

(c) Nothing contained herein shall be interpreted to authorize or permit Grantor to violate

any ordinance or regulation. In the event of any conflict between any such ordinance or regulation and the terms hereof, Grantor promptly shall notify City of such conflict and shall cooperate with City and the applicable governmental entity to accommodate the purposes of both this Façade Easement and such ordinance or regulation.

(e) Entire Understanding. This Façade Easement reflects the entire agreement of Grantor and City. Any prior or simultaneous correspondence, understandings, agreements, and representations are null and void upon execution hereof, unless set out in this instrument.

(f) To the extent that Grantor owns or is entitled to development rights which may exist now or at some time hereafter by reason of the fact that under any applicable zoning or similar ordinance the Property may be developed to uses more intensive (in terms of height, bulk, or other objective criteria related by such ordinances) than the Property is devoted as of the date hereof, such development rights are not to be exercisable on, above, or below the Property during the term of the Façade Easement, nor shall they be transferred to any adjacent parcel and exercised, if such exercise or transfer would interfere with the Purpose of the Façade Easement. Notwithstanding anything contained hereinabove to the contrary, this Paragraph 17.1 (f) shall not be binding or applicable on the North Building [the existing concrete structure located north of the Property and adjacent to the north property line].

## **17.2 Recording and Effective Date.**

City must do and perform at its own cost all acts necessary to the prompt recording of this instrument in the land records of Orange County, Florida. Grantor and City intend that the restrictions arising under this Façade Easement take effect on the day and year this instrument is recorded in the land records of Orange County, Florida. The City may re-record this Easement at any time to ensure its continued effectiveness.

## **18. PERCENTAGE INTERESTS; FOR EMINENT DOMAIN PURPOSES ONLY.**

### **18.1 Percentage Interests for Eminent Domain Purposes Only.**

Grantor and City stipulate that as of the date of this Façade Easement, Grantor and City are each vested with real property interests in the Property and that such interests have a stipulated percentage interest in the fair market value of the Property.

City's percentage interest shall be determined by dividing the value of the Property, without deduction for the value of this Façade Easement, on the effective date of this Façade Easement by the value of this Façade Easement, on the effective date of this Façade Easement. Grantor's percentage interest shall be the difference between 100% and City's percentage interest. The values on the effective date of the Façade Easement shall be those values used to calculate the deduction for federal income tax purposes allowable by reason of this grant, pursuant to Paragraph 170(h) of the Code. The parties shall include their respective percentage interests with the Documentation and shall amend such values, if necessary, to reflect any final determination thereof by the Internal Revenue Service or court of competent jurisdiction.

For purposes of this Paragraph, the ratio of the value of the Façade Easement to the value of the Property unencumbered by the Façade Easement will remain constant, and the percentage interests of Grantor and City in the fair market value of the Property thereby determinable will remain constant, except that the value of any improvements made by Grantor after the effective date of this Façade Easement is reserved to Grantor.

Unless amended as the result of a final determination by the Internal Revenue Service, the parties stipulate that City's percentage interest is 1% and Grantor's percentage interest is 99%.

## **18.2 Condemnation.**

If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and City shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking. After the satisfaction of any expenses reasonably incurred by Grantor and City in connection with such taking, Grantor and City shall be respectively entitled to compensation from the balance of the recovered proceeds in conformity with the provisions of Paragraphs 18.1.

## **19. AMENDMENT**

Grantor and City may by mutual written agreement jointly amend this Façade Easement, provided that no amendment shall be made that will adversely affect the qualification of this Façade Easement or the status of City under any applicable laws, including Paragraphs 170 (h) and 501(c)(3) of the Code and laws of the State of Florida. Any such amendment shall be consistent with the protection of the architectural value of the Property and the purposes of this Façade Easement; shall not affect its perpetual duration; shall not permit additional development on the Property other than the residential development permitted by this Façade Easement on its effective date and the exclusion hereinabove referenced in Paragraph 17.1 (f); shall not permit any private inurement to any person or entity; and shall not adversely impact the overall scenic, architectural, and open space values protected by this Façade Easement. Any such amendment shall be recorded in the land records of Orange County, Florida. Nothing in this Paragraph shall require Grantor or City to agree to any amendment or bind them to negotiation.

## **20. DURATION**

This Easement shall be effective in perpetuity, unless extinguished or released by City pursuant to the provisions of Paragraph 9.

## **21. CONSENT**

Grantor and City agree that all mortgagees and rights in the Property of all mortgagees and holders of other liens and encumbrances (collectively "lienholders") are subject at all times to the rights of the City to enforce the purpose of this Easement. Grantor represents and warrants that it has provided a copy of this instrument to all lienholders, and the agreement of each

lienholder to consent to this Easement is attached hereto as **Exhibit "C"**.

## 22. ENTIRE AGREEMENT

This Easement reflects the entire agreement of Grantor and City. Any prior or simultaneous correspondence, understandings, agreements, and representations are null and void upon execution hereof, unless set out in this instrument.

IN WITNESS WHEREOF, Grantor and City have set their hands under seal on the days and year set forth below.

WITNESSES:

WINDSONG PROPERTIES, LLC, a Florida  
limited liability company

\_\_\_\_\_

By: \_\_\_\_\_

(print)

Print name: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

(print)

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_ the \_\_\_\_\_ of WINDSONG PROPERTIES, LLC, (check one) ☐ who is personally known to me or ☐ who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public – State of Florida

Print Name: \_\_\_\_\_

My Commission expires: \_\_\_\_\_



WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
(print)

\_\_\_\_\_  
\_\_\_\_\_  
(print)

CITY OF WINTER PARK, a Florida municipal corporation

By: \_\_\_\_\_  
Kenneth W. Bradley, Mayor

Attest:

\_\_\_\_\_  
Cynthia S. Bonham, City Clerk

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF ORANGE

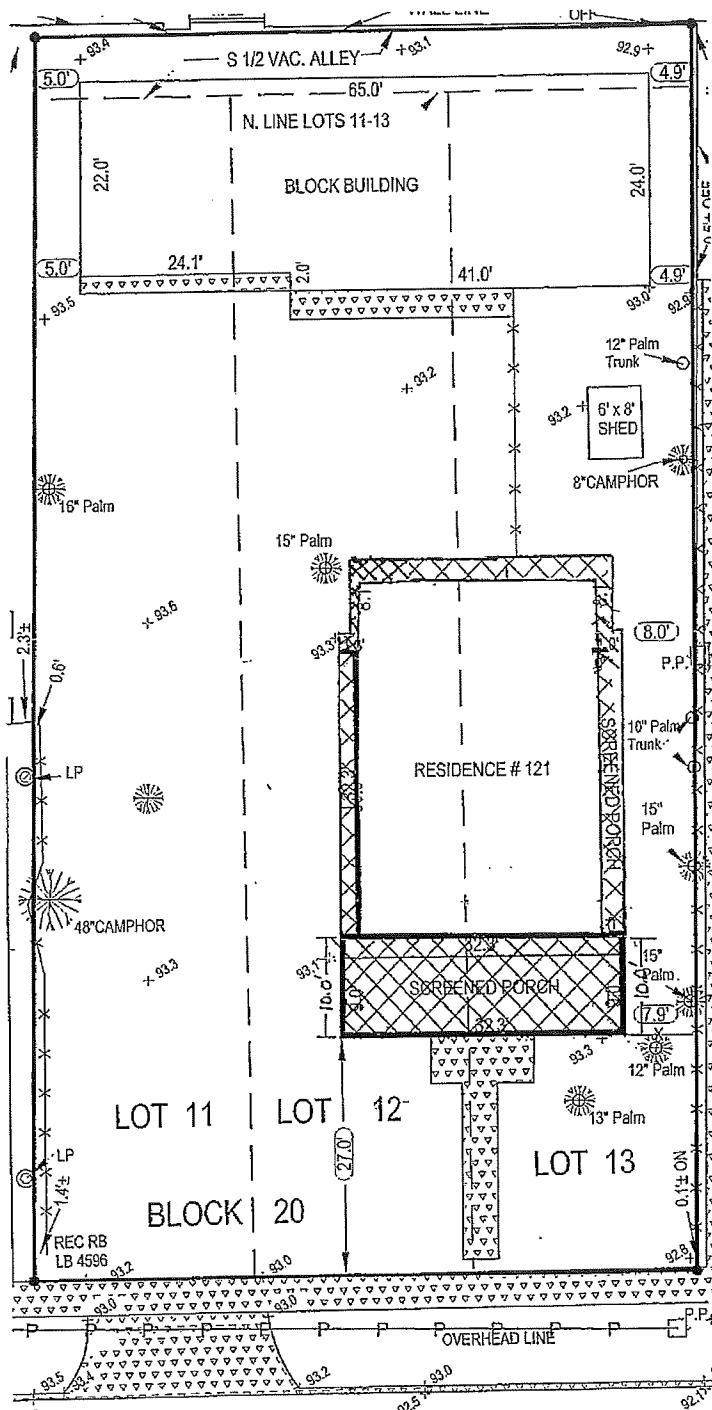
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by Kenneth W. Bradley, Mayor of the City of Winter Park, who is personally known to me.

\_\_\_\_\_  
Notary Public – State of Florida  
Print Name: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

EXHIBIT A  
PROPERTY DESCRIPTION

Lots 11, 12 and 13, Block 20, Town of Winter Park, according to the plat thereof, recorded in Plat Book A, Page(s) 67 through 72, of the Public Records of Orange County, Florida, AND the South one-half of the abandoned alley abutting the above property on the North.

EXHIBIT A-1



S 89°52'07"E (BB) 75.13'(M)75' (P)

GARFIELD AVENUE (40' R/W) (BRICK ROAD)

#### Facade Easement



The Façade Easement is defined as (1) the 9' screened porch and the north 1' directly adjacent to the screened porch, and (2) the east, west and north 1' of the remainder of the building, as depicted on the drawing above.

EXHIBIT "B"

[United States Department of the Interior National Park Service, Historic Preservation  
Certification Application, Part 1 and Part II dated August 3, 2011]



# United States Department of the Interior

## NATIONAL PARK SERVICE

1849 C Street, N.W.  
Washington, D.C. 20240

August 24, 2011

Mr. Allan Keen  
Windsong Properties, LLC  
1031 W. Norse Blvd., Suite 325  
Winter Park, Florida 32789

PROPERTY: **Kummer-Kilbourne House, 121 Garfield Ave., Winter Park, FL**  
PROJECT NUMBER: **26351**

Dear Mr. Keen:

The National Park Service (NPS) has reviewed the Historic Preservation Certification Application -- Part 1 for the property cited above and has determined that the property as a whole contributes to the significance of the Downtown Winter Park historic district. Because the property contains more than one building and those buildings were functionally related historically to serve an overall purpose, program regulations require the NPS to determine which of the buildings contribute to the significance of the historic property, and are therefore considered to be "certified historic structures."

Based on the documentation presented, the following buildings appear to contribute to the significance of the property and have character defining features that include, but are not necessarily limited to:

- House, built 1916, enlarged c.1942
- Garage built c.1942

These buildings are "certified historic structures" for purposes of rehabilitation.

This decision differs from your request with respect to the following building/buildings:

- Garage. This structure was apparently built at the time the house was significantly enlarged, and within the period of significance for the historic district. Therefore, it has been determined to be part of the historical development of the property as it was enlarged by the Kummer family.

You may appeal this decision by writing to the Chief Appeals Officer, Cultural Resources, National Park Service, 1201 Eye Street, NW, 7<sup>th</sup> Floor, Org. 2250, Washington, D.C. 20005, addressing the concerns raised in this letter. Please note that all US Postal Service mail to Federal agencies in Washington, DC, is irradiated, which can damage materials and delay delivery by weeks. Therefore, please submit this information via alternate carriers such as overnight mail, rather than by US mail.

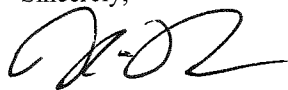
The enclosed Federal regulations governing the investment tax credit program provide additional information about the appeal process in section 67.10. A copy of this decision letter will be sent to the Internal Revenue Service.

As you plan your rehabilitation, we strongly recommend that you review the Preservation Briefs and other preservation-related information provided online by the NPS at <http://www.nps.gov/history/hps/tps/tax/index.htm> to help you plan a successful rehabilitation that will preserve the historic character of this building/site/complex and will meet the Secretary of the Interior's Standards for Rehabilitation. The National Park Service also strongly encourages applicants to submit the Part 2 – Description of Rehabilitation - prior to beginning work, in order to ensure conformance with the Standards.

Federal regulations also require NPS to review the rehabilitation work as a single overall project, and to issue rehabilitation certification on the merits of the overall project rather than for each structure. Consequently, your Part 2 of the application, the Description of Rehabilitation, must describe all proposed work on the property, although the 20% investment tax credit is based only on costs for the rehabilitation of "certified historic structures"

If you have any questions about the review of your Part I application, please contact the State Historic Preservation Office or me at 202-354-2278.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Reed', written in a cursive style.

Roger Reed, Historian  
National Register of Historic Places

Enclosure

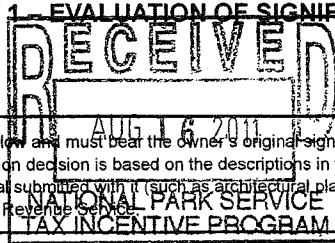
cc: IRS  
FL SHPO



UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

OMB Approved  
No. 1024-0009  
Form 10-168  
Rev. 2011

HISTORIC PRESERVATION CERTIFICATION APPLICATION  
PART 1 - EVALUATION OF SIGNIFICANCE



NPS Project Number

20251

Instructions: This page of the form must appear exactly as below and must bear the owner's original signature. Other sections may be expanded as needed or continued on blank pages. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

1. Property Name Kummer - Kilbourne House  
Street 121 GARFIELD AVENUE  
City WINTER PARK County ORANGE State FLORIDA Zip 32789  
Name of Historic District DOWNTOWN WINTER PARK HISTORIC DISTRICT

☒ National Register district ☐ certified state or local district ☐ potential district

2. Nature of request (check only one box)

- ☒ certification that the building contributes to the significance of the above-named historic district or National Register property for rehabilitation purposes.  
☐ certification that the building contributes to the significance of the above-named historic district for a charitable contribution for conservation purposes.  
☐ certification that the building does not contribute to the significance of the above-named district.  
☐ preliminary determination for individual listing in the National Register.  
☐ preliminary determination that a building located within a potential historic district contributes to the significance of the district.  
☐ preliminary determination that a building outside the period or area of significance contributes to the significance of the district.

3. Project contact (if different from Owner)

Name N/A  
Street \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone \_\_\_\_\_

4. Owner

I hereby attest that the information I have provided is, to the best of my knowledge, correct and that I own the property described above. I understand that falsification of factual representations in this application is subject to criminal sanctions of up to \$10,000 in fines or imprisonment for up to five years pursuant to 18 USC 1001.

Name WINDSONG Properties, LLC Signature [Signature] Date 8/3/11  
Organization WINDSONG Properties LLC Social Security OR Taxpayer ID Number 45-2406708  
Street 1031 W. MONSE BLVD Suite 325 City WINTER PARK  
State FLORIDA Zip 32789 Telephone 407-645-4400

NPS Official Use Only

The National Park Service has reviewed the Historic Certification Application - Part 1 for the above-named property and has determined that the property:

- ☒ contributes to the significance of the above-named district (or National Register property) and is a "certified historic structure" for rehabilitation purposes.  
☐ contributes to the significance of the above-named district and is a "certified historic structure" for a charitable contribution for conservation purposes.  
☐ does not contribute to the significance of the above-named district.

Preliminary Determinations:

- ☐ appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer according to the procedures set forth in 36 CFR Part 60.  
☐ does not appear to meet the National Register Criteria for Evaluation and will likely not be listed in the National Register.  
☐ appears to contribute to the significance of a potential historic district, which will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer.  
☐ appears to contribute to the significance of a registered historic district but is outside the period or area of significance as documented in the National Register nomination or district documentation on file with the NPS.  
☐ does not appear to qualify as a certified historic structure.

Date 8/27/11 National Park Service Authorized Signature [Signature] 202-351-2278

☐ See Attachments





UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

OMB Approved  
No. 1024-0009  
Form 10-168  
Rev. 2011

**HISTORIC PRESERVATION CERTIFICATION APPLICATION**  
**PART 1 – EVALUATION OF SIGNIFICANCE**

NPS Project Number

**Instructions:** This page of the form must appear exactly as below and must bear the owner's original signature. Other sections may be expanded as needed or continued on blank pages. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

1. **Property Name** Kummer - Kilbourne House  
**Street** 121 GARFIELD AVENUE  
**City** WINTER PARK **County** ORANGE **State** FLORIDA **Zip** 32789  
**Name of Historic District** DOWNTOWN WINTER PARK HISTORIC DISTRICT

☒ National Register district ☐ certified state or local district ☐ potential district

2. **Nature of request** (check only one box)

- ☒ certification that the building contributes to the significance of the above-named historic district or National Register property for rehabilitation purposes.  
☐ certification that the building contributes to the significance of the above-named historic district for a charitable contribution for conservation purposes.  
☐ certification that the building does not contribute to the significance of the above-named district.  
☐ preliminary determination for individual listing in the National Register.  
☐ preliminary determination that a building located within a potential historic district contributes to the significance of the district.  
☐ preliminary determination that a building outside the period or area of significance contributes to the significance of the district.

3. **Project contact** (if different from Owner)

**Name** nlk  
**Street** \_\_\_\_\_ **City** \_\_\_\_\_  
**State** \_\_\_\_\_ **Zip** \_\_\_\_\_ **Telephone** \_\_\_\_\_

4. **Owner**

I hereby attest that the information I have provided is, to the best of my knowledge, correct and that I own the property described above. I understand that falsification of factual representations in this application is subject to criminal sanctions of up to \$10,000 in fines or imprisonment for up to five years pursuant to 18 USC 1001.

**Name** Windsong Properties LLC **Signature** [Signature] **Date** 8-3-11  
**Organization** Windsong Properties LLC **Social Security OR Taxpayer ID Number** 45-2400708  
**Street** 1031 W. MONROE BLVD Suite 325 **City** WINTER PARK  
**State** FLORIDA **Zip** 32789 **Telephone** 407-645-4400

**NPS Official Use Only**

The National Park Service has reviewed the Historic Certification Application – Part 1 for the above-named property and has determined that the property:

- ☐ contributes to the significance of the above-named district (or National Register property) and is a "certified historic structure" for rehabilitation purposes.  
☐ contributes to the significance of the above-named district and is a "certified historic structure" for a charitable contribution for conservation purposes.  
☐ does not contribute to the significance of the above-named district.

**Preliminary Determinations:**

- ☐ appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer according to the procedures set forth in 36 CFR Part 60.  
☐ does not appear to meet the National Register Criteria for Evaluation and will likely not be listed in the National Register.  
☐ appears to contribute to the significance of a potential historic district, which will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer.  
☐ appears to contribute to the significance of a registered historic district but is outside the period or area of significance as documented in the National Register nomination or district documentation on file with the NPS.  
☐ does not appear to qualify as a certified historic structure.

Date

National Park Service Authorized Signature

☐ See Attachments

HISTORIC PRESERVATION CERTIFICATION APPLICATION  
PART 1 - EVALUATION OF SIGNIFICANCE

Property name KUMMER KILBOURNE HOUSE NPS Project Number \_\_\_\_\_  
Property address 121 GARFIELD AVENUE WINTER PARK FL 32989

5. Description of physical appearance

SEE ATTACHED NARRATIVE FROM THE CITY OF WINTER PARK.  
PLANNING OFFICE - HISTORIC PRESERVATION COMMISSION

Date of construction 1916 Source of date CITY OF WINTER PARK FL - PLANNING DEPT  
Date(s) of alteration(s) 1940's Source of date CITY OF WINTER PARK FL - PLANNING DEPT  
Has building been moved? ☒ no ☐ yes, specify date \_\_\_\_\_

6. Statement of significance

SEE ATTACHED NARRATIVE FROM THE CITY OF WINTER PARK  
PLANNING OFFICE - HISTORIC PLANNING COMMISSION & STATE  
OF FLORIDA

FLORIDA MASTER FILE  
SITE INVENTORY FORM

7. Photographs and maps. Send photographs and map with application.

CITY OF WINTER PARK  
HISTORIC PRESERVATION COMMISSION

Staff Report  
January 14, 2004

---

HDA 04-002 Request by Christine Kilbourne to designate her property located at 121 Garfield Avenue, Winter Park, FL, Parcel ID. 05-22-30-9400-20-110, to the Winter Park Register of Historic Places.

---

121 Garfield Avenue is significant as an example of the Craftsman style, its use of materials and for its association with the Kummer and Kilbourne families. The house was built in 1916 by lumber company owner George Kummer. It is a two-story symmetrical rectangular structure with a front facing gable roof and a one story gable roofed full-width porch. The original house was one story and the second story was added in the 1940s. The original house was constructed with rusticated concrete block walls. A plain surfaced belt course of block separates the raised foundations from the walls. This material was newly on the market and the house provided a demonstration of the product which Mr. Kummer manufactured. The gable of the original front facing porch is clad in wood shingles. The front porch features tapered columns above the porch shirting at the corners, and massive square half columns flanking the porch steps. The porch is screened and features wood framing in a decorative pattern. The front and back porch both have carved rafter tails. The 1940s second floor addition to the house is frame and it is clad in wavy asbestos shingles which were a popular material of that time. The windows are six over one wood sash. The eaves of the house are open and have exposed rafter tails. The upper gables have double louvered attic vents. The property includes a non-contributing garage and shed at the rear of the site. The house is located across from the north end of Central Park. Originally the Kummer lumber and building supply business was located behind the house towards Canton Avenue. The house is a rare remaining single-family residence in the heart of the Winter Park business district, but retains its view across Central Park.

The bungalow was one of the most popular smaller housing types across America from about 1915 through the early 1930s. Inspired by the high style Craftsman designs of the Greene brothers in California, the simpler styling of the 546 Holt Avenue house is very typical of the bungalows in Winter Park. The open floor plans and simple hand crafted details of bungalows were a reaction to the separated rooms and machine-made woodwork of Victorian era houses, and they became the forerunners of contemporary house styles. Florida examples are noted for the many windows that provided for cross ventilation and for open or screened porches that were a reaction to life in the south before air conditioning.

Gotthilf (George) Oscar Kummer was a native Floridian born in 1889 in Lundy. He received his early education in Palatka and attended Stetson University in Deland. After working in New York, he returned to Florida and moved to Winter Park in 1912. He first worked as a carpenter on projects including the Seminole Hotel. In 1913, George Kummer established a business under the name of G. O. Kummer and Company dealing in building supplies. He also married Amanda Larson that year. The company enjoyed a great deal of growth and success. Mr. Kummer was involved in real estate and construction projects including the Lincoln Apartments. He was a partner in an auto sales company for Studebakers, Maxwells and Chevrolets in 1915 to 1916. The Kummers had two children Charles and Christine. Christine Kummer graduated from her father's alma mater Stetson University. Christine Kummer Kilbourne (Mrs. David Kilbourne) is the current occupant of the family home.

121 Garfield Avenue retains its original architectural integrity. It is associated with a person significant in Winter Park's past and it eligible for listing on the Winter Park Register of Historic Places.

STAFF RECOMMENDATION IS FOR LISTING IN THE WINTER PARK REGISTER OF HISTORIC PLACES AS A HISTORIC RESOURCE.

FLORIDA MASTER SITE FILE  
SITE INVENTORY FORM

Site No. WP219

Site Name KUMMER, G. O. HOUSE

Survey Date 1286

Address of Site 121 GARFIELD AVENUE

WINTER PARK, FL

Instructions for locating \_\_\_\_\_

Location TWP

Subdivision name \_\_\_\_\_

block no. \_\_\_\_\_

lot no. \_\_\_\_\_

County ORANGE

District name if applicable \_\_\_\_\_

Owner of Site: Name \_\_\_\_\_

Address \_\_\_\_\_

Type of ownership private

Recording date \_\_\_\_\_

Recorder: Name & Title Wernli, Phillip A.

Address Florida Preservation Services

PO Box 13862 Tallahassee, FL 32317

Condition of Site:

Integrity of Site:

Original Use PRIVATE RESIDENCE

Check One

Check One or More

☐ Excellent

☒ Altered

Present Use PRIVATE RESIDENCE

☒ Good

☐ Unaltered

Dates 1913-1919

☐ Fair

☒ Original Use

Cutural/Phase American

☐ Deteriorated

☐ Restored/Date \_\_\_\_\_

Period \_\_\_\_\_

☐ Moved/Date \_\_\_\_\_

NR Classification Category Building

Date Listed on NR \_\_\_\_\_

Threats to Site:

Check one or more

☐ Zoning

☐ Transportation

☒ Development

☐ Fill

☐ Deterioration

☐ Drainage

☐ Borrowing


☐ Other (See Remarks Below)

Area of Significance: Architecture

Significance: \_\_\_\_\_

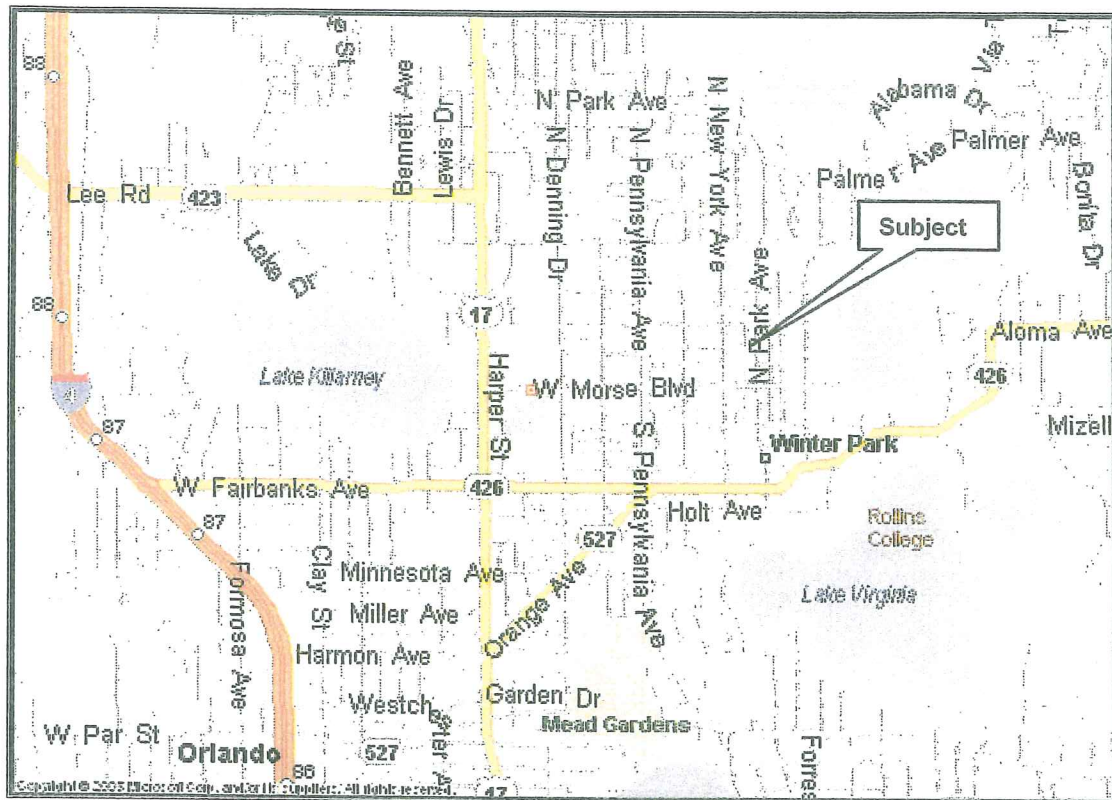
The type II bungalow was one of the more common types of bungalow in Florida. This type is characterized by a front facing gable roof with a secondary roof projecting from the facade. The entrance is to the side with a living room and dining room divided by columns or bookcases. This house was built in 1913 by G. O. Kummer adjacent to his lumber company operation. Kummer was one of the local builders who use rusticated concrete block as demonstrated in this unique house.

Orientation \_\_\_\_\_  
Foundation CONTINUOUS RUSTICATED CONCRETE BLOCK  
Roof Type GABLE  
Secondary Roof Structure(s) GABLE ON PORCH  
Roof Surfacing \_\_\_\_\_  
Window Type DWS, 3/1, WOOD, PAIRED  
Ornament Exterior WOOD  
Chimney \_\_\_\_\_  
Chimney Location \_\_\_\_\_  
No. of Chimneys \_\_\_\_\_  
No. of Dormers \_\_\_\_\_  
No. of Stories 2  
Surroundings Urban, residential  
Outbuildings 1  
Map Reference (inc. scale & date) USGS, WINTER PARK, FLA, 7.5 MIN, 1964, PR 1962

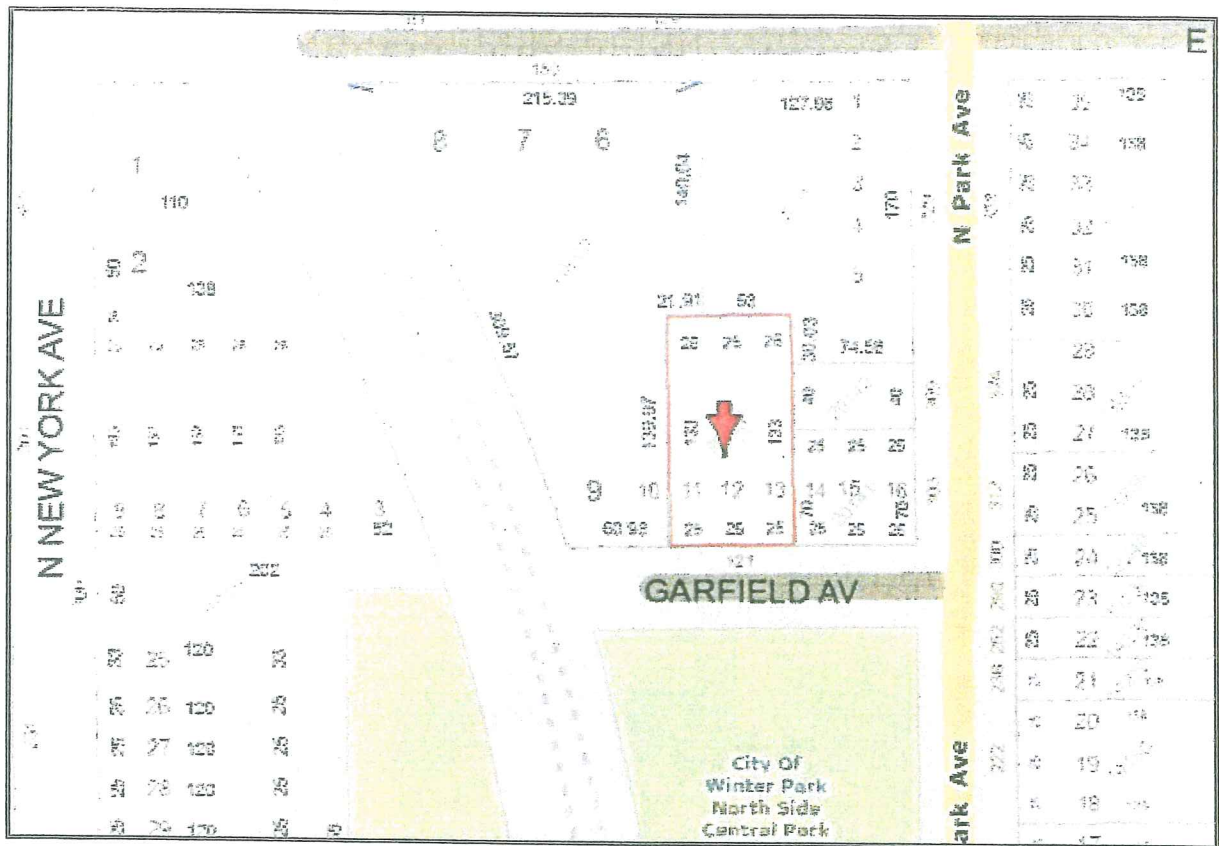
Location Sketch or Map 	N	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left; padding: 2px;">Township</th> <th style="text-align: left; padding: 2px;">Range</th> <th style="text-align: left; padding: 2px;">Section</th> </tr> <tr> <td style="height: 30px;"></td> <td></td> <td></td> </tr> </table> <p style="margin-top: 10px;">UTM Coordinates:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 2px;">Zone</th> <th style="text-align: left; padding: 2px;">Easting</th> <th style="text-align: left; padding: 2px;">Northing</th> </tr> </thead> <tbody> <tr> <td style="height: 30px;"></td> <td></td> <td></td> </tr> </tbody> </table>	Township	Range	Section				Zone	Easting	Northing			
Township	Range	Section												
Zone	Easting	Northing												

Photographic Records Number \_\_\_\_\_  
Please attach Photographic Print \_\_\_\_\_

## NEIGHBORHOOD OVERVIEW







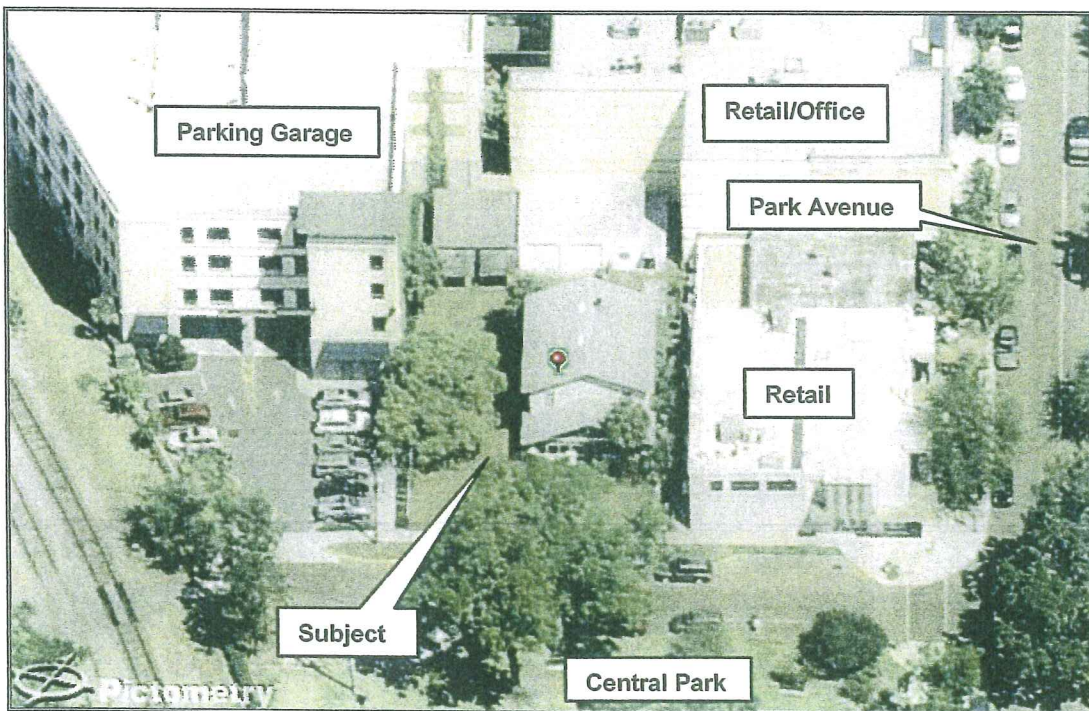
TAX MAP



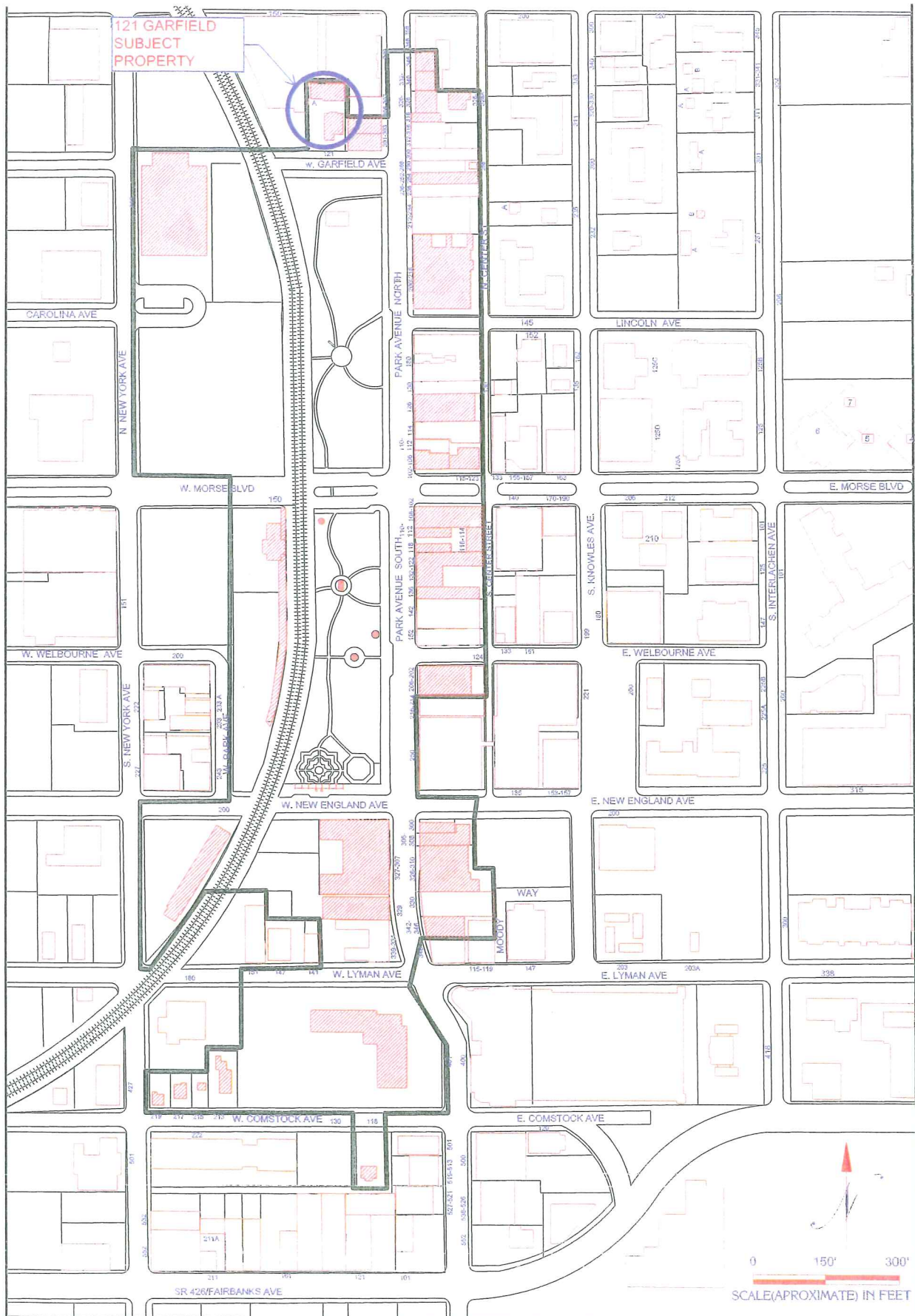
# SUBJECT PROPERTY



AERIAL MAP



OBLIQUE AREIAL MAP



**Downtown Winter Park Historic District**  
**Winter Park, Orange County, Florida**

**LEGEND**

- Contributing Buildings
- Noncontributing Buildings
- Street Addresses
- Historic District Boundary







UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

OMB Approved  
No. 1024-0009  
Form 10-168  
Rev. 2011

HISTORIC PRESERVATION CERTIFICATION APPLICATION  
PART 2 – DESCRIPTION OF REHABILITATION

NPS Project Number

**Instructions:** This page of the form must appear exactly as below and must bear the owner's original signature. Other sections may be expanded as needed or continued on blank pages. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

1. Property Name KUMMER KILBOURNE HOUSE  
Street 121 GARFIELD AVENUE  
City WINTER PARK County ORANGE State FL Zip 32789  
Name of Historic District Downtown Winter Park Historic District  
☐ Listed individually in the National Register of Historic Places; date of listing \_\_\_\_\_  
☒ Located in a Registered Historic District; name of district Downtown Winter Park Historic District  
☒ Part 1 – Evaluation of Significance submitted? Date submitted \_\_\_\_\_ Date of certification \_\_\_\_\_

2. Data on building and rehabilitation project

Date of construction 1916 Cost of rehabilitation (estimated) \$275,000 - \$300,000.  
Type of construction Masonry Block / Wood Frame Floor area before / after rehabilitation 2592 <sup>sq</sup> / 2,592 <sup>sq</sup>  
Start date (estimated) 8-15-11 Use(s) before / after rehabilitation Residence / Office  
Completion date (estimated) 11-15-11 Number of housing units before / after rehabilitation 1 / 0  
This application covers phase number 1 of 1 phases Number of low-moderate income housing units before / after rehabilitation 0 / 0

3. Project Contact (if different from Owner)

Name n/a  
Street \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone \_\_\_\_\_

4. Owner

I hereby attest that the information I have provided is, to the best of my knowledge, correct and that I own the property described above. I understand that falsification of factual representations in this application is subject to criminal sanctions of up to \$10,000 in fines or imprisonment for up to five years pursuant to 18 USC 1001.

Name WINDSONG PROPERTIES, LLC Signature [Signature] Date 8/3/11  
Organization WINDSONG PROPERTIES LLC Social Security OR Taxpayer ID Number 45-2400708  
Street 1031 W MOOSE BLVD Suite 325 City Winter Park  
State FLORIDA Zip 32789 Telephone 407-645-4400

NPS Official Use Only

The National Park Service has reviewed the Historic Certification Application – Part 2 for the above-named property and has determined that:

- ☐ the rehabilitation described herein is consistent with the historic character of the property and, where applicable, with the district in which it is located and that the project meets the Secretary of the Interior's Standards for Rehabilitation. This letter is a preliminary determination only, since a formal certification of rehabilitation can be issued only to the owner of a "certified historic structure" after rehabilitation work is complete
- ☐ the rehabilitation or proposed rehabilitation will meet the Secretary of the Interior's Standards for Rehabilitation if the attached conditions are met.
- ☐ the rehabilitation described herein is not consistent with the historic character of the property or the district in which it is located and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation.

Date

National Park Service Authorized Signature

☐ See Attachments

# HISTORIC PRESERVATION CERTIFICATION APPLICATION

## PART 2 - DESCRIPTION OF REHABILITATION

PROPERTY NAME Krummer Kilbourne House NPS PROJECT NUMBER \_\_\_\_\_

PROPERTY ADDRESS 121 Garfield Ave, Winter Park, FL 32789

5. **Detailed description of rehabilitation work.** Reproduce this page as needed to describe all work or create a comparable format with this information. number of items consecutively to describe all work, including building exterior and interior, additions, site work, landscaping, and new construction.

Number <u>1</u>	Feature <u>Exterior</u>	Date of Feature <u>1916</u>
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Describe existing feature and its condition

Exterior of building has window units, hooks, nails, conduits and wires attached. Windows have paint flaking, wood rot in places and some are inoperable.

Photo numbers 1, 2, 3 Drawing numbers A2, A3, A4

Describe work and impact on feature

Remove all exterior hooks, nails, conduits, wires, pipes, window units and other un-needed attachments to building. Fill holes, repair damage and re-paint. Windows to be repaired to original condition, all existing glass to remain. Window glazing will be removed, re-puttied and re-glazed. Entire building to be repainted.

Number <u>2</u>	Feature <u>Front Porch</u>	Date of Feature <u>+ - 1942</u>
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Describe existing feature and its condition

Front porch screen is torn in places. Screen door is deteriorating and opens outward onto steps creating dangerous egress situation (photo 7). Hand rail has been added to original building and is rotting and unsafe (photo 7). Concrete porch floor is cracked and dirty.

Photo numbers 4, 5, 6, 7 Drawing numbers A3, A3

Describe work and impact on feature

Screen and screen molding to be replaced. Wood front porch screen door to be replaced in kind with swing reversed to create safer environment. Front handrail to be removed. Concrete flooring to be cleaned and sealed. Porch ceiling to be cleaned and repainted.

Number <u>3</u>	Feature <u>Lattice</u>	Date of Feature <u>1916</u>
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Describe existing feature and its condition

Original lattice covering crawl space under building had deteriorated.

Photo numbers 8 Drawing numbers A2, A3

Describe work and impact on feature

New wood lattice to be re-created to match original in pattern and scale.

Number <u>4</u>	Feature <u>Rear Porch</u>	Date of Feature <u>+ - 1942</u>
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Describe existing feature and its condition

Rear porch was added to original structure. Concrete steps onto porch unsafe (photo 10). Rear screen door deteriorated and not working properly (photo 10). Walls in poor condition with cracking and staining (photo 11). Resilient flooring in poor condition and peeling off wood sub floor in most places (photo 12).

Photo numbers 9, 10, 11, 12 Drawing numbers A2, A3

Describe work and impact on feature

Concrete steps will be replaced with ADA accessible ramp. Ramp to be free standing and not permanently attached to the building. Screen door to be replaced. Walls to be repaired and painted. Flooring to be replaced with similar resilient flooring.

# HISTORIC PRESERVATION CERTIFICATION APPLICATION

## PART 2 - DESCRIPTION OF REHABILITATION

PROPERTY NAME Krummer Kilbourne House NPS PROJECT NUMBER \_\_\_\_\_

PROPERTY ADDRESS 121 Garfield Ave, Winter Park, FL 32789

5. **Detailed description of rehabilitation work.** Reproduce this page as needed to describe all work or create a comparable format with this information. number of items consecutively to describe all work, including building exterior and interior, additions, site work, landscaping, and new construction.

Number <u>5</u>	Feature <u>General Interior conditions</u>	Date of Feature <u>1916</u>
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Describe existing feature and its condition

The general condition of the interior space is poor. Walls are cracking and plaster peeling (photo 13, 14). Wood molding is rotted in places. Wood flooring scuffed, and wood and stain are worn (photo 15). Wood floor is rotted and has holes in places.

Photo numbers 13, 14, 15 Drawing numbers A2

Describe work and impact on feature

Entire interior to be painted. Base molding and door trim to be replaced where rotted to match existing. Wood floors to be repaired as needed and then refinished to match original.

Number <u>6</u>	Feature <u>Downstairs bathroom</u>	Date of Feature <u>1916</u>
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Describe existing feature and its condition

Bathroom in poor condition. Plaster and paint chipping and faded.

Photo numbers 16,17 Drawing numbers A2

Describe work and impact on feature

Bathroom walls to be repaired as needed and repainted. Accommodations will be made to make bathroom ADA compliable. Grab bars will be added to toilet area, 4' high waterproof surface will be added to wet wall, supply and drain pipe covers will be added to existing sink. Existing closets and bedroom doors to bathroom will be removed to allow for appropriate ADA turning radius. 3'-0" door will be installed opening into hallway. Door and trims shall be similar in design, proportion, material and finish to existing. New tile floor to be added. Tile floor materials and pattern shall be appropriate to period.

Number <u>7</u>	Feature <u>Main Living Area</u>	Date of Feature <u>1916</u>
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Describe existing feature and its condition

Interior living space in poor condition. Plaster cracked and paint peeling in places. Wood floor deteriorated and has missing wood in places.

Photo numbers 19, 20, 21 Drawing numbers A2

Describe work and impact on feature

Existing Living area wall with cased opening to be removed. Floor plan changes to be made according to drawing 2 to allow for new offices and hallway. New floor material o be toothed into existing and finished to match existing. Walls to be repaired and painted. Base, door, and window trim to be repaired and repainted or replaced to match existing if needed.





UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

OMB Approved  
No. 1024-0009  
Form 10-168  
Rev. 2011

HISTORIC PRESERVATION CERTIFICATION APPLICATION  
PART 2 – DESCRIPTION OF REHABILITATION

NPS Project Number

Instructions: This page of the form must appear exactly as below and must bear the owner's original signature. Other sections may be expanded as needed or continued on blank pages. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

1. Property Name KUMMER KILBOURNE HOUSE  
Street 121 GARFIELD AVENUE  
City WINTER PARK County ORANGE State FL Zip 32789  
Name of Historic District Downtown Winter Park Historic District  
☐ Listed individually in the National Register of Historic Places; date of listing \_\_\_\_\_  
☒ Located in a Registered Historic District; name of district Downtown Winter Park Historic District  
☒ Part 1 – Evaluation of Significance submitted? Date submitted \_\_\_\_\_ Date of certification \_\_\_\_\_

2. Data on building and rehabilitation project  
Date of construction 1916 Cost of rehabilitation (estimated) \$275,000 - \$300,000.  
Type of construction Masonry Block / Wood Frame Floor area before / after rehabilitation 2592 sq / 2,592 sq  
Start date (estimated) 8-15-11 Use(s) before / after rehabilitation Residence / Office  
Completion date (estimated) 11-15-11 Number of housing units before / after rehabilitation 1 / 0  
This application covers phase number 1 of 1 phases Number of low-moderate income housing units before / after rehabilitation 0 / 0

3. Project Contact (if different from Owner)  
Name n/a  
Street \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone \_\_\_\_\_

4. Owner  
I hereby attest that the information I have provided is, to the best of my knowledge, correct and that I own the property described above. I understand that falsification of factual representations in this application is subject to criminal sanctions of up to \$10,000 in fines or imprisonment for up to five years pursuant to 18 USC 1001.  
Name WINDSONG PROPERTIES, LLC Signature [Signature] Date 8/3/11  
Organization WINDSONG PROPERTIES LLC Social Security OR Taxpayer ID Number 45-2400708  
Street 1031 W MOOSE BLVD Suite 325 City Winter Park  
State FLORIDA Zip 32789 Telephone 407-645-4400

NPS Official Use Only

The National Park Service has reviewed the Historic Certification Application – Part 2 for the above-named property and has determined that:

- ☐ the rehabilitation described herein is consistent with the historic character of the property and, where applicable, with the district in which it is located and that the project meets the Secretary of the Interior's Standards for Rehabilitation. This letter is a preliminary determination only, since a formal certification of rehabilitation can be issued only to the owner of a "certified historic structure" after rehabilitation work is complete
- ☐ the rehabilitation or proposed rehabilitation will meet the Secretary of the Interior's Standards for Rehabilitation if the attached conditions are met.
- ☐ the rehabilitation described herein is not consistent with the historic character of the property or the district in which it is located and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation.

Date

National Park Service Authorized Signature

☐ See Attachments

# HISTORIC PRESERVATION CERTIFICATION APPLICATION

## PART 2 - DESCRIPTION OF REHABILITATION

PROPERTY NAME Krummer Kilbourne House NPS PROJECT NUMBER \_\_\_\_\_

PROPERTY ADDRESS 121 Garfield Ave, Winter Park, FL 32789

5. **Detailed description of rehabilitation work.** Reproduce this page as needed to describe all work or create a comparable format with this information. number of items consecutively to describe all work, including building exterior and interior, additions, site work, landscaping, and new construction.

Number <u>1</u>	Feature <u>Exterior</u>	Date of Feature <u>1916</u>
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Describe existing feature and its condition

Exterior of building has window units, hooks, nails, conduits and wires attached. Windows have paint flaking, wood rot in places and some are inoperable.

Photo numbers 1, 2, 3 Drawing numbers A2, A3, A4

Describe work and impact on feature

Remove all exterior hooks, nails, conduits, wires, pipes, window units and other un-needed attachments to building. Fill holes, repair damage and re-paint. Windows to be repaired to original condition, all existing glass to remain. Window glazing will be removed, re-puttied and re-glazed. Entire building to be repainted.

Number <u>2</u>	Feature <u>Front Porch</u>	Date of Feature <u>+ - 1942</u>
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Describe existing feature and its condition

Front porch screen is torn in places. Screen door is deteriorating and opens outward onto steps creating dangerous egress situation (photo 7). Hand rail has been added to original building and is rotting and unsafe (photo 7). Concrete porch floor is cracked and dirty.

Photo numbers 4, 5, 6, 7 Drawing numbers A3, A3

Describe work and impact on feature

Screen and screen molding to be replaced. Wood front porch screen door to be replaced in kind with swing reversed to create safer environment. Front handrail to be removed. Concrete flooring to be cleaned and sealed. Porch ceiling to be cleaned and repainted.

Number <u>3</u>	Feature <u>Lattice</u>	Date of Feature <u>1916</u>
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Describe existing feature and its condition

Original lattice covering crawl space under building had deteriorated.

Photo numbers 8 Drawing numbers A2, A3

Describe work and impact on feature

New wood lattice to be re-created to match original in pattern and scale.

Number <u>4</u>	Feature <u>Rear Porch</u>	Date of Feature <u>+ - 1942</u>
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Describe existing feature and its condition

Rear porch was added to original structure. Concrete steps onto porch unsafe (photo 10). Rear screen door deteriorated and not working properly (photo 10). Walls in poor condition with cracking and staining (photo 11). Resilient flooring in poor condition and peeling off wood sub floor in most places (photo 12).

Photo numbers 9, 10, 11, 12 Drawing numbers A2, A3

Describe work and impact on feature

Concrete steps will be replaced with ADA accessible ramp. Ramp to be free standing and not permanently attached to the building. Screen door to be replaced. Walls to be repaired and painted. Flooring to be replaced with similar resilient flooring.

# HISTORIC PRESERVATION CERTIFICATION APPLICATION

## PART 2 - DESCRIPTION OF REHABILITATION

PROPERTY NAME Krummer Kilbourne House NPS PROJECT NUMBER \_\_\_\_\_

PROPERTY ADDRESS 121 Garfield Ave, Winter Park, FL 32789

5. **Detailed description of rehabilitation work.** Reproduce this page as needed to describe all work or create a comparable format with this information. number of items consecutively to describe all work, including building exterior and interior, additions, site work, landscaping, and new construction.

Number <u>5</u>	Feature <u>General Interior conditions</u>	Date of Feature <u>1916</u>
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Describe existing feature and its condition

The general condition of the interior space is poor. Walls are cracking and plaster peeling (photo 13, 14). Wood molding is rotted in places. Wood flooring scuffed, and wood and stain are worn (photo 15). Wood floor is rotted and has holes in places.

Photo numbers 13, 14, 15 Drawing numbers A2

Describe work and impact on feature

Entire interior to be painted. Base molding and door trim to be replaced where rotted to match existing. Wood floors to be repaired as needed and then refinished to match original.

Number <u>6</u>	Feature <u>Downstairs bathroom</u>	Date of Feature <u>1916</u>
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Describe existing feature and its condition

Bathroom in poor condition. Plaster and paint chipping and faded.

Photo numbers 16,17 Drawing numbers A2

Describe work and impact on feature

Bathroom walls to be repaired as needed and repainted. Accommodations will be made to make bathroom ADA compliant. Grab bars will be added to toilet area, 4' high waterproof surface will be added to wet wall, supply and drain pipe covers will be added to existing sink. Existing closets and bedroom doors to bathroom will be removed to allow for appropriate ADA turning radius. 3'-0" door will be installed opening into hallway. Door and trims shall be similar in design, proportion, material and finish to existing. New tile floor to be added. Tile floor materials and pattern shall be appropriate to period.

Number <u>7</u>	Feature <u>Main Living Area</u>	Date of Feature <u>1916</u>
-----------------	---------------------------------	-----------------------------

Describe existing feature and its condition

Interior living space in poor condition. Plaster cracked and paint peeling in places. Wood floor deteriorated and has missing wood in places.

Photo numbers 19, 20, 21 Drawing numbers A2

Describe work and impact on feature

Existing Living area wall with cased opening to be removed. Floor plan changes to be made according to drawing 2 to allow for new offices and hallway. New floor material to be toothed into existing and finished to match existing. Walls to be repaired and painted. Base, door, and window trim to be repaired and repainted or replaced to match existing if needed.



# HISTORIC PRESERVATION CERTIFICATION APPLICATION

## PART 2 - DESCRIPTION OF REHABILITATION

PROPERTY NAME Krummer Kilbourne House NPS PROJECT NUMBER \_\_\_\_\_

PROPERTY ADDRESS 121 Garfield Ave, Winter Park, FL 32789

5. **Detailed description of rehabilitation work.** Reproduce this page as needed to describe all work or create a comparable format with this information. number of items consecutively to describe all work, including building exterior and interior, additions, site work, landscaping, and new construction.

Number <u>8</u>	Feature <u>Kitchen</u>	Date of Feature <u>1916</u>
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Describe existing feature and its condition

Kitchen in poor condition. Walls have holes and plaster peeling in places. Flooring in poor condition.

Photo numbers 22, 23, 24 Drawing numbers A2

Describe work and impact on feature

New appliances and cabinetry to be installed per drawing #3. Walls to be patched and painted. Base, door and window trim to be repaired and repainted or replaced if needed. Flooring to be replaced with wood to match existing.

Number <u>9</u>	Feature <u>Stairwell</u>	Date of Feature <u>+ - 1942</u>
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Describe existing feature and its condition

Railing to stairwell removed by previous owner. Guardrail at bottom of stair case missing. Wood steps in poor condition with wear and scuffing. Walls damaged and paint peeling.

Photo numbers 25, 26, 27 Drawing numbers A2

Describe work and impact on feature

Replacement guardrail and handrail to be installed. Steps to be repaired and refinished to match existing. Walls to be repaired and repainted.

Number <u>10</u>	Feature <u>Upstairs Bathroom</u>	Date of Feature <u>+ - 1942</u>
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Describe existing feature and its condition

Bathroom fixtures in poor condition. Tub grout molded and tiles cracked. Toilet not working properly. Walls damaged and paint peeling.

Photo numbers 28, 29, 30, 31 Drawing numbers A2

Describe work and impact on feature

Toilet to be replaced. Sink supply and drain pipes to have insulated cover installed. Porcelain in tub to be repainted and refinished as necessary. Tile and grout to be replaced. Towel bar and sink faucet to be replaced. Walls to be repaired and repainted. Flooring to be replaced with tile. Tile floor materials and pattern shall be appropriate to period.



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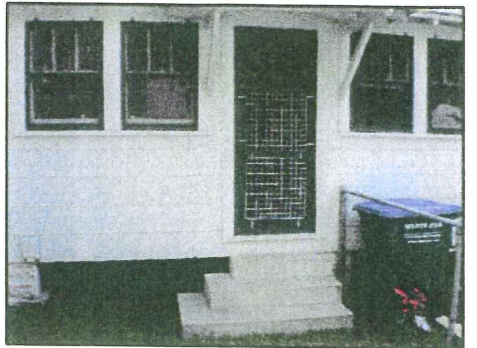
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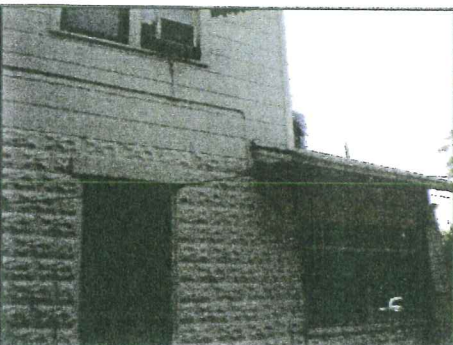
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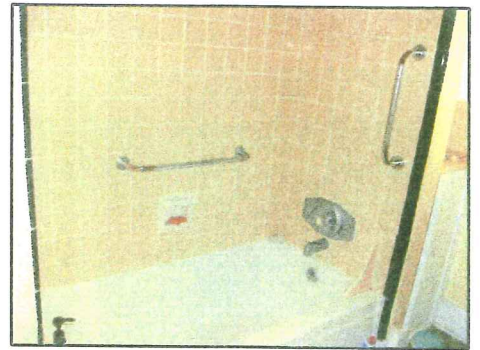
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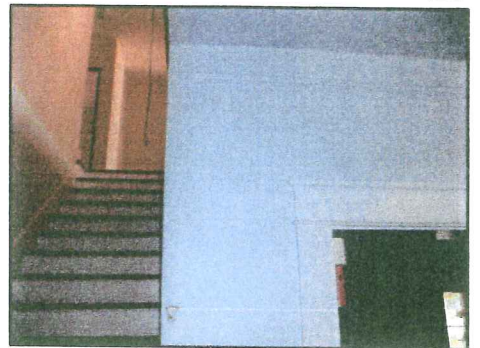
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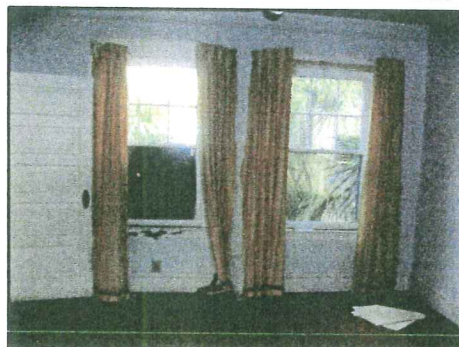
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UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

OMB Approved  
No. 1024-0009  
Form 10-168  
Rev. 2011

HISTORIC PRESERVATION CERTIFICATION APPLICATION  
PART 2 – DESCRIPTION OF REHABILITATION

NPS Project Number

Instructions: This page of the form must appear exactly as below and must bear the owner's original signature. Other sections may be expanded as needed or continued on blank pages. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

1. Property Name KUMMER KILBOURNE HOUSE  
Street 121 GARFIELD AVENUE  
City WINTER PARK County ORANGE State FL Zip 32789  
Name of Historic District DOWNTOWN WINTER PARK HISTORIC DISTRICT  
☐ Listed individually in the National Register of Historic Places; date of listing \_\_\_\_\_  
☒ Located in a Registered Historic District; name of district DOWNTOWN WINTER PARK HISTORIC DISTRICT  
☒ Part 1 – Evaluation of Significance submitted? Date submitted \_\_\_\_\_ Date of certification \_\_\_\_\_

2. Data on building and rehabilitation project

Date of construction 1916 Cost of rehabilitation (estimated) \$275,000 - \$300,000.  
Type of construction MASONRY BLOCK / WOOD FRAME Floor area before / after rehabilitation 2,592 <sup>sq</sup> / 2,592 <sup>sq</sup>  
Start date (estimated) 8-15-11 Use(s) before / after rehabilitation Residence / Office  
Completion date (estimated) 11-15-11 Number of housing units before / after rehabilitation 1 / 0  
This application covers phase number 1 of 1 phases Number of low-moderate income housing units before / after rehabilitation 0 / 0

3. Project Contact (if different from Owner)

Name n/a  
Street \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone \_\_\_\_\_

4. Owner

I hereby attest that the information I have provided is, to the best of my knowledge, correct and that I own the property described above. I understand that falsification of factual representations in this application is subject to criminal sanctions of up to \$10,000 in fines or imprisonment for up to five years pursuant to 18 USC 1001.

Name WINDSONG PROPERTIES, LLC Signature [Signature] Date 8/3/11  
Organization WINDSONG PROPERTIES LLC Social Security OR Taxpayer ID Number 45-2400708  
Street 1031 W MOOSE BLVD SUITE 325 City WINTER PARK  
State FLORIDA Zip 32789 Telephone 407-645-4400

NPS Official Use Only

The National Park Service has reviewed the Historic Certification Application – Part 2 for the above-named property and has determined that:

- ☐ the rehabilitation described herein is consistent with the historic character of the property and, where applicable, with the district in which it is located and that the project meets the Secretary of the Interior's Standards for Rehabilitation. This letter is a preliminary determination only, since a formal certification of rehabilitation can be issued only to the owner of a "certified historic structure" after rehabilitation work is complete
- ☐ the rehabilitation or proposed rehabilitation will meet the Secretary of the Interior's Standards for Rehabilitation if the attached conditions are met.
- ☐ the rehabilitation described herein is not consistent with the historic character of the property or the district in which it is located and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation.

Date \_\_\_\_\_

National Park Service Authorized Signature \_\_\_\_\_

☐ See Attachments

# HISTORIC PRESERVATION CERTIFICATION APPLICATION

## PART 2 - DESCRIPTION OF REHABILITATION

PROPERTY NAME Krummer Kilbourne House NPS PROJECT NUMBER \_\_\_\_\_

PROPERTY ADDRESS 121 Garfield Ave, Winter Park, FL 32789

5. **Detailed description of rehabilitation work.** Reproduce this page as needed to describe all work or create a comparable format with this information. number of items consecutively to describe all work, including building exterior and interior, additions, site work, landscaping, and new construction.

Number <u>1</u>	Feature <u>Exterior</u>	Date of Feature <u>1916</u>
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Describe existing feature and its condition

Exterior of building has window units, hooks, nails, conduits and wires attached. Windows have paint flaking, wood rot in places and some are inoperable.

Photo numbers 1, 2, 3 Drawing numbers A2, A3, A4

Describe work and impact on feature

Remove all exterior hooks, nails, conduits, wires, pipes, window units and other un-needed attachments to building. Fill holes, repair damage and re-paint. Windows to be repaired to original condition, all existing glass to remain. Window glazing will be removed, re-puttied and re-glazed. Entire building to be repainted.

Number <u>2</u>	Feature <u>Front Porch</u>	Date of Feature <u>+ - 1942</u>
-----------------	----------------------------	---------------------------------

Describe existing feature and its condition

Front porch screen is torn in places. Screen door is deteriorating and opens outward onto steps creating dangerous egress situation (photo 7). Hand rail has been added to original building and is rotting and unsafe (photo 7). Concrete porch floor is cracked and dirty.

Photo numbers 4, 5, 6, 7 Drawing numbers A3, A3

Describe work and impact on feature

Screen and screen molding to be replaced. Wood front porch screen door to be replaced in kind with swing reversed to create safer environment. Front handrail to be removed. Concrete flooring to be cleaned and sealed. Porch ceiling to be cleaned and repainted.

Number <u>3</u>	Feature <u>Lattice</u>	Date of Feature <u>1916</u>
-----------------	------------------------	-----------------------------

Describe existing feature and its condition

Original lattice covering crawl space under building had deteriorated.

Photo numbers 8 Drawing numbers A2, A3

Describe work and impact on feature

New wood lattice to be re-created to match original in pattern and scale.

Number <u>4</u>	Feature <u>Rear Porch</u>	Date of Feature <u>+ - 1942</u>
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Describe existing feature and its condition

Rear porch was added to original structure. Concrete steps onto porch unsafe (photo 10). Rear screen door deteriorated and not working properly (photo 10). Walls in poor condition with cracking and staining (photo 11). Resilient flooring in poor condition and peeling off wood sub floor in most places (photo 12).

Photo numbers 9, 10, 11, 12 Drawing numbers A2, A3

Describe work and impact on feature

Concrete steps will be replaced with ADA accessible ramp. Ramp to be free standing and not permanently attached to the building. Screen door to be replaced. Walls to be repaired and painted. Flooring to be replaced with similar resilient flooring.

# HISTORIC PRESERVATION CERTIFICATION APPLICATION

## PART 2 - DESCRIPTION OF REHABILITATION

PROPERTY NAME Krummer Kilbourne House NPS PROJECT NUMBER \_\_\_\_\_

PROPERTY ADDRESS 121 Garfield Ave, Winter Park, FL 32789

5. **Detailed description of rehabilitation work.** Reproduce this page as needed to describe all work or create a comparable format with this information. number of items consecutively to describe all work, including building exterior and interior, additions, site work, landscaping, and new construction.

Number <u>5</u>	Feature <u>General Interior conditions</u>	Date of Feature <u>1916</u>
-----------------	--	-----------------------------

Describe existing feature and its condition

The general condition of the interior space is poor. Walls are cracking and plaster peeling (photo 13, 14). Wood molding is rotted in places. Wood flooring scuffed, and wood and stain are worn (photo 15). Wood floor is rotted and has holes in places.

Photo numbers 13, 14, 15 Drawing numbers A2

Describe work and impact on feature

Entire interior to be painted. Base molding and door trim to be replaced where rotted to match existing. Wood floors to be repaired as needed and then refinished to match original.

Number <u>6</u>	Feature <u>Downstairs bathroom</u>	Date of Feature <u>1916</u>
-----------------	------------------------------------	-----------------------------

Describe existing feature and its condition

Bathroom in poor condition. Plaster and paint chipping and faded.

Photo numbers 16,17 Drawing numbers A2

Describe work and impact on feature

Bathroom walls to be repaired as needed and repainted. Accommodations will be made to make bathroom ADA compliant. Grab bars will be added to toilet area, 4' high waterproof surface will be added to wet wall, supply and drain pipe covers will be added to existing sink. Existing closets and bedroom doors to bathroom will be removed to allow for appropriate ADA turning radius. 3'-0" door will be installed opening into hallway. Door and trims shall be similar in design, proportion, material and finish to existing. New tile floor to be added. Tile floor materials and pattern shall be appropriate to period.

Number <u>7</u>	Feature <u>Main Living Area</u>	Date of Feature <u>1916</u>
-----------------	---------------------------------	-----------------------------

Describe existing feature and its condition

Interior living space in poor condition. Plaster cracked and paint peeling in places. Wood floor deteriorated and has missing wood in places.

Photo numbers 19, 20, 21 Drawing numbers A2

Describe work and impact on feature

Existing Living area wall with cased opening to be removed. Floor plan changes to be made according to drawing 2 to allow for new offices and hallway. New floor material to be toothed into existing and finished to match existing. Walls to be repaired and painted. Base, door, and window trim to be repaired and repainted or replaced to match existing if needed.

# HISTORIC PRESERVATION CERTIFICATION APPLICATION

## PART 2 - DESCRIPTION OF REHABILITATION

PROPERTY NAME Krummer Kilbourne House NPS PROJECT NUMBER \_\_\_\_\_

PROPERTY ADDRESS 121 Garfield Ave, Winter Park, FL 32789

5. **Detailed description of rehabilitation work.** Reproduce this page as needed to describe all work or create a comparable format with this information. number of items consecutively to describe all work, including building exterior and interior, additions, site work, landscaping, and new construction.

Number <u>8</u>	Feature <u>Kitchen</u>	Date of Feature <u>1916</u>
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Describe existing feature and its condition

Kitchen in poor condition. Walls have holes and plaster peeling in places. Flooring in poor condition.

Photo numbers 22, 23, 24 Drawing numbers A2

Describe work and impact on feature

New appliances and cabinetry to be installed per drawing #3. Walls to be patched and painted. Base, door and window trim to be repaired and repainted or replaced if needed. Flooring to be replaced with wood to match existing.

Number <u>9</u>	Feature <u>Stairwell</u>	Date of Feature <u>+ - 1942</u>
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Describe existing feature and its condition

Railing to stairwell removed by previous owner. Guardrail at bottom of stair case missing. Wood steps in poor condition with wear and scuffing. Walls damaged and paint peeling.

Photo numbers 25, 26, 27 Drawing numbers A2

Describe work and impact on feature

Replacement guardrail and handrail to be installed. Steps to be repaired and refinished to match existing. Walls to be repaired and repainted.

Number <u>10</u>	Feature <u>Upstairs Bathroom</u>	Date of Feature <u>+ - 1942</u>
------------------	----------------------------------	---------------------------------

Describe existing feature and its condition

Bathroom fixtures in poor condition. Tub grout molded and tiles cracked. Toilet not working properly. Walls damaged and paint peeling.

Photo numbers 28, 29, 30, 31 Drawing numbers A2

Describe work and impact on feature

Toilet to be replaced. Sink supply and drain pipes to have insulated cover installed. Porcelain in tub to be repainted and refinished as necessary. Tile and grout to be replaced. Towel bar and sink faucet to be replaced. Walls to be repaired and repainted. Flooring to be replaced with tile. Tile floor materials and pattern shall be appropriate to period.





15



14



13



12



11



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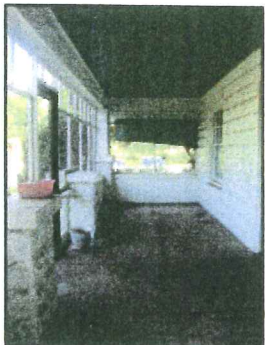
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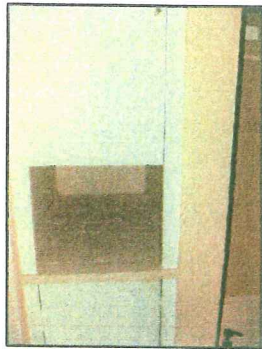


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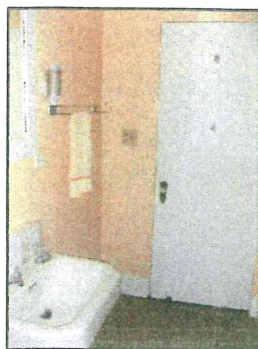




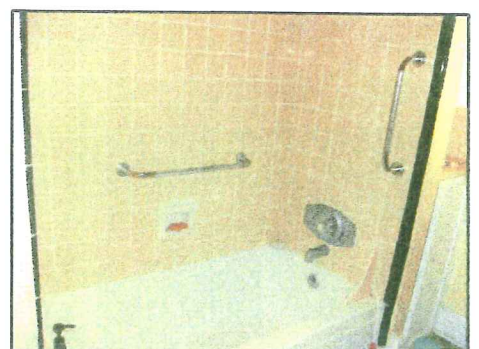
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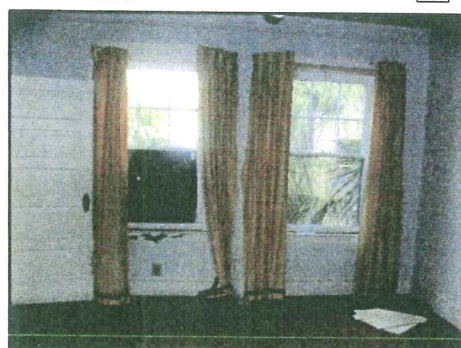
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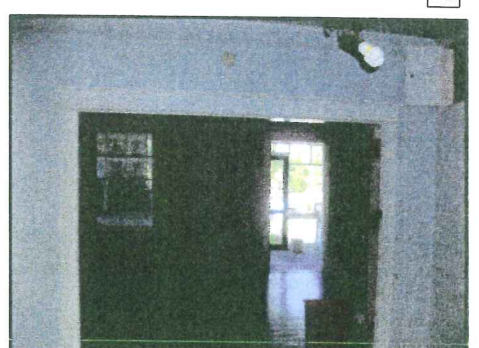
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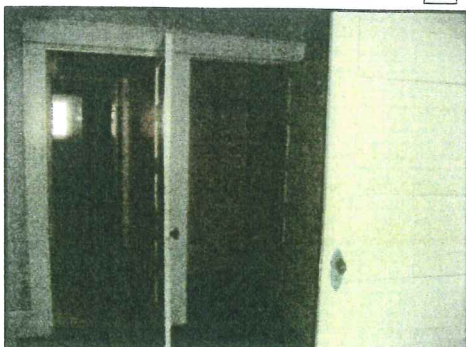
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17



16

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PH

ASSOCIATION  
CONSULTING

PHONE  
PAGE:

WRIGHT

information has  
the key word  
information.

TECHNICAL

10

JOHN A. CUNNINGHAM

Issue

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Revis  
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June 1954  
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INSTRUMENT

DATE

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### III. RESULTS

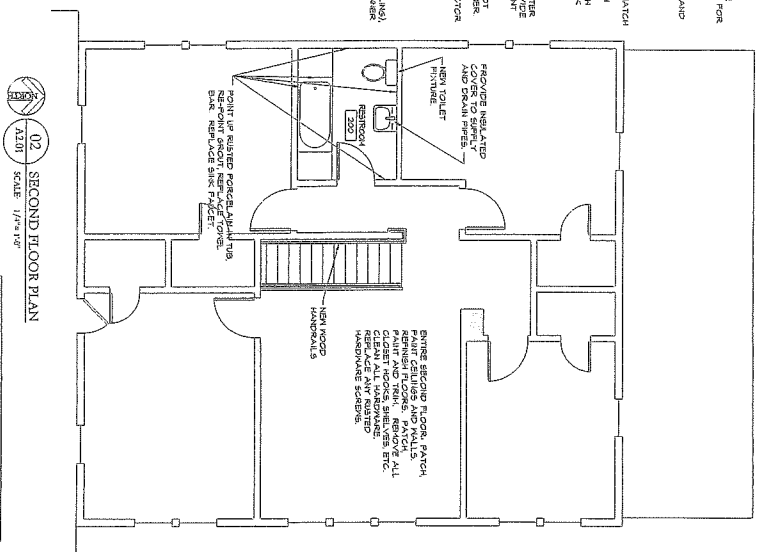
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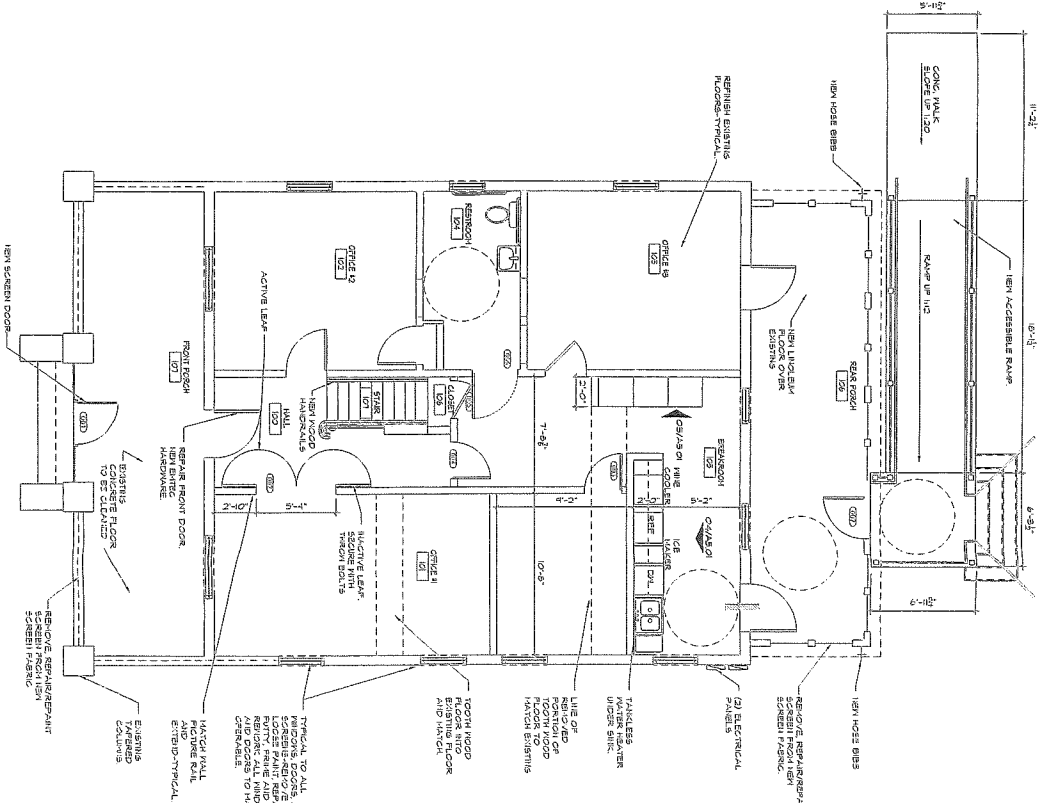
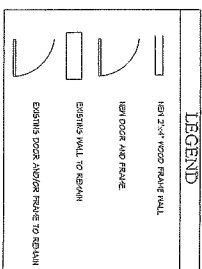
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GENERAL NOTES:

- [illegible]



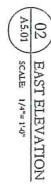
02 SECOND FLOOR PLAN  
A201 SCALE 1/8" = 1'-0"



01  
A2.01  
GROUND FLOOR PLAN  
SCALE 1/32" = 1'-0"

NOTE: EXTERIOR LIGHTS, FANS, FLOOR  
FINISH-PHASE II OF WORK (NIC RIGHT  
NOW)

[illegible]



01 NORTH (REAR) ELEVATION



[illegible]

ROOM	ROOM NAME	FLOOR

2022年12月15日 星期三

EXTERIOR PAINT

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DOOR	DOOR OPENINGS	ML
ADJUSTED		

GENERAL NOTES.

## 1. BARBER FIVE THRESHOLD AT

- \_\_\_\_\_



SCALE NIS



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A8.01 SCALE: 1/2"=1'-0"

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EXHIBIT "C"

**JOINDER AND CONSENT**

The undersigned, \_\_\_\_\_, in his/her capacity as the \_\_\_\_\_ of \_\_\_\_\_, hereby certifies that WINDSONG PROPERTIES, LLC, (hereinafter "Owner") is the owner of the real property located in Orange County, Florida, to wit:

Lots 11, 12 and 13, Block 20, Town of Winter Park, according to the plat thereof, recorded in Plat Book A, Page(s) 67 through 72, of the Public Records of Orange County, Florida, AND the South one-half of the abandoned alley abutting the above property on the North.

FOR VALUE RECEIVED, the undersigned hereby joins in and consents to the Historic Preservation Façade Easement between the City of Winter Park and Owner recorded in O.R. Book \_\_\_\_\_, Page \_\_\_\_\_, of the Public Records of Orange County, Florida, and agrees to be bound by the terms and conditions of said Easement as if fully set forth herein.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed by its undersigned officer this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

WITNESSES:

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(title)

Address: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_, (check one) ☐ who is personally known to me or ☐ who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

Print Name: \_\_\_\_\_

My Commission expires: \_\_\_\_\_





# city commission agenda item

item type	Action Item Requiring Discussion	meeting date	December 12, 2011
prepared by department division	George Wiggins Building & Code Enforcement	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Tree Preservation Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-0 final vote

## subject

Request of the Tree Preservation Board to review the Tree Preservation Ordinance and make any recommended changes to City Commission

## motion | recommendation

Authorize the Tree Preservation Board to conduct a review of the current Tree Preservation Ordinance and forward any recommended modifications as a revised ordinance for consideration by the City Commission

## background

At the November 17 meeting of the Tree Preservation Board, the Board agreed by unanimous vote to review the current Tree Ordinance after seeking permission from the City Commission. Some of the areas for likely review include the following:

- Extent of control over tree removal on private property.
- Fairness of the penalties associated with tree removal.
- Appropriateness of protection of species considered invasive (e.g., Camphor trees).
- Incentives for planting of Shade Trees on private property.
- Maintenance and responsibility for trees in city rights of way on private property.

## alternatives | other considerations

Direct the Tree Preservation Board to refrain from review of the Tree Ordinance and making any recommended changes at this time.

## fiscal impact

None

## strategic objective

Maintain a quality environment that maintains the City's extensive tree canopy.

**From:** Peter J. Weldon [\[mailto:peter.weldon@gmail.com\]](mailto:peter.weldon@gmail.com)

**Sent:** Friday, November 18, 2011 9:21 AM

**To:** Mayor and Commissioners

**Cc:** Sylvia Hawkins; Randy Knight; Chirstine Menkin; George Wiggins; George Livingston; John Simpson; Myriam Garzon ; Tony Gray; Woody Woodall

**Subject:** Proposed Review of the Tree Preservation and Protection Ordinance

Mayor and Commissioners,

I write as a member of and at the direction of the tree preservation board.

At yesterday's meeting the board (six of seven members present) agreed to meet to review the current Tree Preservation and Protection Ordinance, Chapter 58, Article V, Division VI.

Prior to doing so the board thought it appropriate to seek the support of the city commission.

Areas for review are likely to include the following:

- Extent of control over tree removal on private property.
- Fairness of the penalties associated with tree removal.
- Appropriateness of protection of species considered invasive (e.g., Camphor trees).
- Incentives for planting of Shade Trees on private property.
- Maintenance and responsibility for trees in city right of ways on private property.

Other issues may be reviewed at the desire of the city commission and the members of the tree preservation board.

I anticipate this review will seek agreement among the board on key principles and concepts, and that the board will then seek the support of the city commission to authorize the city attorneys to work with the board on finalizing specific changes to the ordinance for review and approval by the city commission.

Does the city commission support a review of the current Tree Preservation and Protection Ordinance by the tree preservation board?

Regards, Pete Weldon  
700 Via Lombardy  
Winter Park, FL 32789



# city commission public hearing

item type	Public Hearing	meeting date	December 12, 2011
prepared by department division	Troy Attaway Public Works Lakes	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Lakes and Waterways Advisory Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	5-0 final vote

## subject

Ordinance amending section 114-6 of the City Code regarding lakeshore protection; providing for conflicts, codification, severability.

## motion | recommendation

Adopt the ordinance on second reading.

## summary

Proposed changes:

- will allow City staff to require installation of a turbidity barrier prior to the use of jet pumps or other hydraulic methods for aquatic plant removal which will improve lakeshore protection and water quality.
- clarify the mowing exemption to be limited to areas about the ordinary high water elevation
- clarify the penalty provision to allow fines for any infraction of the section. Prior language implies that penalties would only apply violations related to failure to obtain a permit.
- Includes fees for violations in the City's fee schedule

## board comments

**Proposed Ordinance Revisions  
Waterways Code (Chapter 114-6)  
Summary of Proposed Changes**

<b><u>Regulated Activity</u></b>	<b><u>Current Code</u></b>	<b><u>Proposed Code</u></b>
Turbidity curtain required for use of jet pumps	No	Yes
Fine for failure to obtain required permits	Yes	Yes
Fine for failure to use turbidity curtain	No	Yes
Permit required for access corridor	No	Yes
Permit required for maintenance vegetation removal	No	Yes
Permit required on private lakes under 40 acres in area	Yes*	No*
Revegetation required for dock work	Yes	Yes
Revegetation required for revetment work	Yes	Yes
Revegetation required for vegetation maintenance work	No	Yes
Duration of permit	90 days	3 years
Renewal option initiated by City	No	Yes

**Proposed changes to fee structure**

Fee for dock and revetment permits	Yes	Yes
Fee for vegetation removal permits	Yes	No

\*Applies to vegetation permits only. Historically, these small lakes have posed problems for staff and residents due to lack of access and extreme water level fluctuations. Staff proposal is to develop recommended best management practices for small lakes and implement them through a public education process.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 114-6 OF THE CODE OF ORDINANCES REGARDING LAKESHORE PROTECTION; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Park has the authority under the City Charter, Section 2(b), Article VIII of the State Constitution and Section 166.021(1), Florida Statutes to exercise any power for municipal purposes except where expressly prohibited by law; and

**WHEREAS**, the City Commission has determined that it is in the best interest of the residents of Winter Park to provide for lakeshore protection, including the use of a turbidity barrier in appropriate circumstances in order to improve lakeshore protection and water quality; and

**WHEREAS**, the City Commission has determined that it is in the best interest of the residents of Winter Park to provide for procedures and sanctions if it is determined that an alteration or filling has occurred without prior approval or a permit as required by the Municipal Code with respect to alterations or filling occurring on the lakeshore.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, HEREBY ORDAINS AS FOLLOWS**

Section 1. Recitals. The recitals set forth above are hereby adopted and incorporated by reference.

Section 2. Amendment of Section 114-6 Concerning Lakeshore Protection. Section 114-06 of the City Code is amended to provide as follows, with the language ~~crossed-out~~ being language deleted and **bold** or underlined language being the new language added pursuant to this Ordinance and amendment.

Sec. 114-6. - Lakeshore protection.

- (a) Every person desiring to perform or cause to be performed any shoreline alteration involving the removal of aquatic shoreline or waterfront vegetation shall be required to obtain a permit in conformance with the procedures and standards set forth in this section, unless exempted. The commission, after recommendation from the lakes and waterways advisory board, shall be empowered to grant a permit only if the applicant demonstrates that this shoreline or waterfront clearing or alteration will not be adverse to the public purposes and benefits of maintaining lake water quality and fish and wildlife habitat and reducing nutrient loading by maintaining shoreline and waterfront vegetation necessary for the health and viability of a lake system. The applicant must further demonstrate that the proposed removal of vegetation will not degrade

water quality below the standards set forth in **Chapter 62, Florida Administrative Code, and any applicable requirements of state and federal law.** The procedures and standards required for the permit shall be as follows:

(1) The requirement to obtain a permit for the removal of shoreline or waterfront vegetation shall not apply to:

- a. Lawn mowing, trimming of landscaping and other lawn maintenance activities that are above the Ordinary High Water Line (as **defined** in Section 58-83, Winter Park Code of Ordinances), and which **activity does** not result in the **removal or** clearance of **shoreline or waterfront** vegetation.
- b. Vegetation removal/management on lakes under 40 acres in total area. The Public Works Director or his designee will provide recommended best management practices for shorelines on small lakes.

(2) Each applicant for a shoreline alteration permit shall submit photographs and materials addressing the following items:

- a. The percentage, area, and types of shoreline and waterfront vegetation proposed to be removed and to be maintained.
- b. If dredging or re-grading is proposed a plan showing any proposed changes in shoreline contour must be provided which includes existing and proposed topographic elevations. Also included shall be the quantities of material to be removed and filled in cubic yards.
- c. The proposed method for controlling erosion, filtering runoff and reducing nutrient concentration and stabilizing the soil (the use of a jet pump requires a turbidity barrier – see paragraph 114-6 (8)).
- d. The reasons for such request and an explanation of the hardship expected if a permit is not granted.

(3) Applications for vegetation removal will be approved for the following purposes only:

- a) The creation of an access corridor for boating and swimming activities. Access corridors may be up to 50 feet wide, or up to 50% of the linear width of the shoreline, whichever is less, and

may extend from the shoreline out to open water. Docks, boat ramps or other features, which preclude shoreline vegetation growth, are included in the total area allowed for an access corridor.

- b) The removal of exotic vegetation to be replaced with native aquatic plants.
- c) The removal of exotic vegetation from within existing native plant stands, provided that the native plant stands remain intact.

(4) Applications for vegetation removal will only be approved for properties that meet the following vegetation standards.

- a) Existing or proposed access corridor must not exceed 50 feet wide, or 50% of the linear width of the shoreline, whichever is less.
- b) All of the linear width of the shoreline outside of the access corridor must be vegetated.
- c) At least 70% of the vegetated portion of the shoreline must contain emergent, aquatic vegetation.
- d) No more than 30% of the vegetated portion of the shoreline may contain floating leaf species (such as fragrant water lily, or other floating leaf plants) only.
- e) To be considered sufficient, stands of existing plants must be the functional equivalent of four rows of nursery stock plants planted on 2 foot centers (30 plants or greater per 100 square feet) as determined by the Public Works Director or his designee.
- f) The presence of submersed vegetation (eel grass, pondweed, etc.) will not be counted for the purposes of shoreline vegetation determination.
- g) Certain exotic, emergent plant species, that are high priority target species for eradication due to their potential for causing rapid ecological or economic damage, will not be counted for the purposes of shoreline vegetation determination. The City may treat or remove these plants on any City waterways as deemed necessary to effect control. High priority target species that will not be counted for vegetation determination and may be treated or removed by the City are: water hyacinth

(*Eichornia crassipes*), snowflake lilies (*Nymphoides cristata*)  
and parrot feather milfoil (*Myriophyllum aquaticum*)

- (5) Applications for vegetation removal on properties that do not meet the vegetation standards listed in section 114-6 (4) will be denied or will be conditionally approved pending the revegetation of the shoreline. The Public Works Director, or his designee, will provide the applicant with detailed standards for revegetation when required including a list of approved species, the number of plants required, and maximum allowed spacing. The Public Works Director or his designee may include other conditions on any permit issued as may be reasonable and necessary to further the purpose and intent of this chapter.
  - (6) All cleared or trimmed vegetation shall be removed from the lake and lakefront for off-site disposal. Any permit issued may be revoked by the city for violation or noncompliance with the provisions of the permit, this chapter, mistake of fact or conflict with other city, county, or state regulations.
  - (7) The changing of any shoreline by digging or adding fill, which alters or changes the shoreline or existing topography of the shoreline or waterfront of any water body within the city, shall be prohibited, unless done in accordance with an approved shoreline alteration permit. A permit shall also be required to pump or withdraw sand or any other material from lake bottoms.
  - (8) The use of a jet pump, or other hydraulic methods, for the removal of aquatic or shoreline vegetation is prohibited unless a properly installed turbidity barrier is in place prior to the commencement of work, and remains in place until the project is complete and turbidity within the work area returns to ambient levels.
  - (9) Nothing in this subsection is intended to relieve a property owner or contractor of any obligation under state law to obtain required permits from the state Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission or other governmental authorities having jurisdiction, when applicable.
  - (10) The public works director, director of planning and community development and police chief are responsible for enforcing this section. They may delegate enforcement authority to one or more appropriate designees.
- (b) The construction of retaining walls, seawalls or revetments on any lakefront, canal front, streamfront, etc., shall be prohibited except when done in accordance with law and after obtaining a permit from the city.



- (1) Permits for the construction of retaining walls or seawalls shall be granted only with the prior approval of the lakes and waterways advisory board after a public hearing. This board shall render a decision on the application for its approval, approval with conditions or denial within 60 days after receipt of an application.
- (2) The application for a permit shall include plans drawn to scale including a site plan of the property showing the proposed location of the alteration and the relation to adjacent properties and construction plans showing details of materials proposed and pictures detailing existing shoreline conditions in the area. An application fee established by the city shall be paid to cover the administrative costs of processing the application. Notices shall be mailed at least ten days prior to the first hearing date to the owners of lakefront or canal front properties adjacent to the subject property noticing the date, time, and location of all review hearings.
- (3) Applications for seawalls or revetments should be considered favorably only when the structure is a dire necessity to stem erosion and loss of shoreline that is markedly different from that experienced in general. On lakefronts, vertical seawalls shall be disallowed in favor of sloped riprap revetments (minimum slope 3:1, horizontal to vertical) that allow wave energy dissipation and allow shoreline vegetation to propagate. Vertical sheet pile, with a nonvertical riprap face, may be allowed on a case-by-case basis to minimize turbidity, or vegetation disturbance during construction provided that the entire face of the vertical component is covered by the sloped riprap component, the finished face meets the 3:1 minimum slope requirement, and the elevation of the vertical component does not exceed the natural ground elevation. Vertical seawalls may be allowed on a case-by-case basis in canals or other altered water bodies where sloped revetments could interfere with navigation, or where conditions make the construction of sloped revetments impractical. Construction for cosmetic reasons is not sufficient justification. The review by the city advisory boards and city commission shall include the environmental ramifications of the request, its relationship to the ecology of the lake or stream as a whole and the specific shoreline characteristics of the property involved. Approvals of any shoreline modification shall be the minimum necessary to allow relief. As a condition of the seawall/revetment permit, shorelines that do not meet the vegetation standards of this section (subsection 114-6(a)) shall be required to be planted so that no more than 50 feet, or 50 percent (whichever is less) of the shoreline remains clear of vegetation.

- (4) Applications for a repair to a seawall shall be considered favorably only when the repair to the structure is a dire necessity and when the repair can be completed from the back side of the structure. With a city permit, repair to the front side and/or top of the seawall structure shall be limited to 25 percent of the entire length or 30 feet, whichever is less. Also, with a city permit, painting and covering the face of the seawall shall be allowed for cosmetic purposes, keeping in mind the 25 percent or 30 foot limit on repairs. As a condition of the repair permit, shorelines that do not meet the vegetation standards of this section (subsection 114-6(a)) shall be required to be planted so that no more than 50 feet, or 50 percent (whichever is less) of the shoreline remains clear of vegetation.
- (5) Nothing in this subsection is intended to relieve a property owner or contractor of any obligation under state law to obtain required permits from the city building department, state Department of Environmental Protection or other governmental authorities having jurisdiction, when applicable.
- (c) The construction of new boat ramps shall be prohibited: (i) on lakes where access is available from public ramps; and (ii) on lakes where motorboats are prohibited by section 114-6105.
- (1) Shoreline alteration permits for the construction of boat ramps on lakes within the city that have no public access, or where motorboats are not prohibited, shall be granted only with the prior approval of the lakes and waterways advisory board after a public hearing. This board shall render a decision on the application for its approval, approval with conditions or denial within 60 days after receipt of an application.
- (2) The application for boat ramps shall include plans drawn to scale including a site plan showing the location of the proposed ramp and the relation to other properties, and construction plans showing details of materials proposed, and pictures detailing existing shoreline conditions in the area. An application fee, established by the city, shall be paid to cover the administrative costs of processing the application. Notices shall be mailed at least ten days prior to the first hearing date to owners of lakefront or canal front properties adjacent to the subject property noticing the date, time, and location of the review hearings.
- (3) Applications for boat ramps will be considered favorably only when no other reasonable access is available. Boat ramps must be located at least ten feet from adjoining property lines, and must be

located entirely within the applicant's exempted shoreline clear area as a condition of the boat ramp permit.

- (4) Applications to repair existing boat ramps shall be considered favorably only when the repair to the structure is a dire necessity, and when the structure meets all other provisions of this subsection.
  - (5) Nothing in this subsection is intended to relieve a property owner or contractor of any obligation under state or federal law to obtain required permits when applicable. A city building permit shall be required in addition to the shoreline alteration permit. The building permit shall not be issued until approval for the shoreline alteration is granted.
- (d) If the public works director (or designee) determines that any work, alteration or filling of land is occurring or has occurred without the owner or other person performing such work having obtained the approvals or permits required by this Chapter, and there is no available exemption for such work, then the violation will be processed as a Code violation in accordance with the provisions of Chapter 1 of the Code of Ordinances respecting Code Enforcement, and the provisions of Sections 1-15 through 1-26 of the Code shall apply except as otherwise provided in this Section. A written notice of violation will be issued promptly to the property owner, and the notice of violation shall include the description of the property, provisions of the Code allegedly violated, and a statement of the remedial action to be taken. The remedial action may include restoration, revegetation of the shoreline or waterfront, application for a permit, payment of permit fees or other action as allowed by law. A violation of any provision of this Chapter may be enforced, by a fine as set forth in the City of Winter Park Fee Schedule, in addition to a requirement that fees required for permits be paid. Any person who fails to take the required remedial action within thirty (30) days of receipt of written notice of the violation is also subject to additional enforcement action, which may include additional fines, by the Winter Park Code Enforcement Board.

Any person subject to Code Enforcement for an infraction pursuant to this Section shall be entitled to all rights of administrative appeal and judicial review as provided in Sections 2-101 through 2-110, regarding proceedings before the Code Enforcement Board and review of such actions as provided by Florida law.

Section 3. Codification. The previous Section 2 of this Ordinance shall be codified in the City Code as specified therein. Any section, paragraph number, letter, or heading within the Code may be changed or modified as necessary to effectuate the codification. Grammatical, typographical and similar or like errors may be corrected in

the Code, and additions, alterations and omissions not affecting a material substantive change in the construction or meaning of this Ordinance may be freely made.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural or any other reason, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or portions hereof or hereto.

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 Of Ordinance. This Ordinance shall become effective immediately upon adoption of the City Commission of the City of Winter Park, Florida.

Adopted by the City Commission of the City of Winter Park, Florida in a regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2011.

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Mayor Kenneth W. Bradley

ATTEST:

---

Cynthia S. Bonham, City Clerk



# city commission public hearing

item type	Public Hearing	meeting date	December 12, 2011
prepared by department division	Don Marcotte Public Works	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 a portion of the City right-of-way located at 2525 Via Tuscany.

## motion | recommendation

Adopt the ordinance on second reading.

## summary

Mr. Phillip W. Hall currently owns the property located at 2525 Via Tuscany. In 2006 Mr. Hall redeveloped the house located on this property.

October, 2011 – Letter was received from Mr. Hall requesting vacation of a 15 feet portion of the westerly Via Tuscany right-of-way adjacent to his property along the eastern property line. Approval of this request reduces the existing 80 feet Via Tuscany right-of-way width to 65 feet. Included along with this request are 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 excess 15 feet of right-of-way.

April, 2003 and September, 2004 – The City Commission considered and approved similar requests located at 2615 and 2499 Via Tuscany respectively along this section of the Via Tuscany westerly right-of-way.

## board comments

N/A

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 2525 VIA TUSCANY LANE, 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 2525 Via Tuscany Lane

**BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 23, BLOCK F; THENCE RUN NORTH 00°34" WEST ALONG THE EAST LINE OF SAID LOT 23, BLOCK F, FOR A DISTANCE OF 131.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 23, BLOCK F; THENCE DEPARTING SAID EAST LINE RUN EAST FOR A DISTANCE OF 15.00 FEET ALONG THE EASTERLY PROJECTION OF THE NORTH LINE OF SAID LOT 23, BLOCK F; THENCE RUN SOUTH 00°34'00 EAST FOR A DISTANCE OF 131.00 FEET ALONG A LINE 15.00 FEET EAST OF AND PARALLEL TO THE EAST LINE OF SAID LOT 23, BLOCK F TO A POINT ON THE EASTERLY PROJECTION OF THE SOUTH LINE OF SAID LOT 23, BLOCK F; THENCE RUN WEST FOR A DISTANCE OF 15.00 FEET ALONG THE EASTERLY PROJECTION OF THE SOUTH LINE OF SAID LOT 23, BLOCK F TO THE POINT OF BEGINNING**

**MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.**

**Section 2.** The legal description is in reliance on the survey performed by Swerdloff & Perry Surveying Inc. on 5/10/2011. 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.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor Kenneth Bradley

ATTEST:

\_\_\_\_\_  
City Clerk Cynthia S. Bonham

Mr Marcotte,

Please accept this letter as my formal request for right of way vacation at my home on 2525 Via Tuscany lane. All but one of the lots on this portion of the street have been granted same. Note from the pictures I have gone to great expense to landscape and maintain this lot. I have supplied you with all documents requested to date. Please let me know if I can be of assistance in expediting this process. Thank you,

Phillip W Hall c- 407-257-7462



-----Original Message-----

From: Donald Marcotte <[DMarcotte@cityofwinterpark.org](mailto:DMarcotte@cityofwinterpark.org)>

To: Phil <[pnlcommercial@aol.com](mailto:pnlcommercial@aol.com)>

Sent: Thu, Oct 13, 2011 2:50 pm

Subject: my email

Thank you

**Don Marcotte, P.E.**

City of Winter Park

Asst. Public Works Director / City Engineer

407-599-3424

---

<http://mail.aol.com/34188-111/aol-6/en-us/mail/PrintMessage.aspx>

10/18/2011

**swerdloff&perry**  
**surveying, inc.**

370 Waymont Court, Lake Mary, FL 32746  
V 407 688 7631 F 407 688 7691 E sandpsurveying@gmail.com

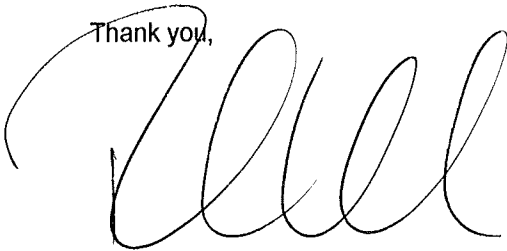
September 16, 2011

To: Donald J. Marcotte, P.E.

Re: **2525 VIA TUSCANY LANE R/W VACATION**

**Attached please find the last utility clearance letter for the referenced project.**

Thank you,

A handwritten signature in black ink, appearing to read 'R. Swerdloff', with a large, sweeping initial 'R'.

Ralph Swerdloff



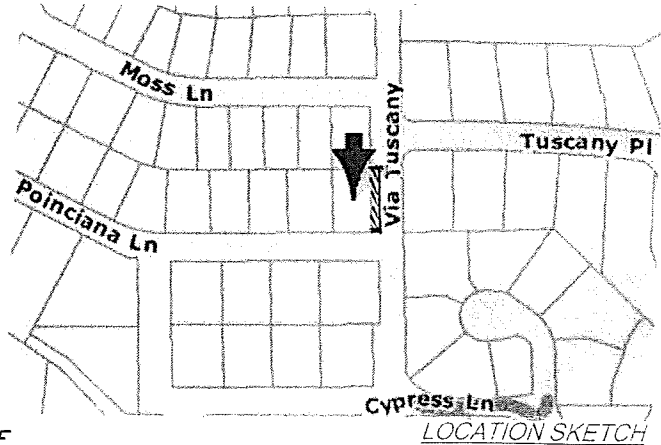
A portion of land known as the right of way of Via Tuscany lying East of Lot 23, Block F, MAITLAND SHORES FIRST ADDITION, according to the plat thereof, as recorded in Plat Book S, Page 68, of the Public Records of Orange County, Florida, more particularly described as follows:

Begin at the Southeast corner of said Lot 23, Block F; thence run North 00°34'00"West along the East line of said Lot 23, Block F, for a distance of 131.00 feet to the Northeast corner of said Lot 23, Block F; thence departing said East line run East for a distance of 15.00 feet along the Easterly projection of the North line of said Lot 23, Block F; thence run South 00°34'00"East for a distance of 131.00 feet along a line 15.00 feet East of and parallel to the East line of said Lot 23, Block F to a point on the Easterly projection of the South line of said Lot 23, Block F; thence run West for a distance of 15.00 feet along the Easterly projection of the South line of said Lot 23, Block F to the Point of Beginning.

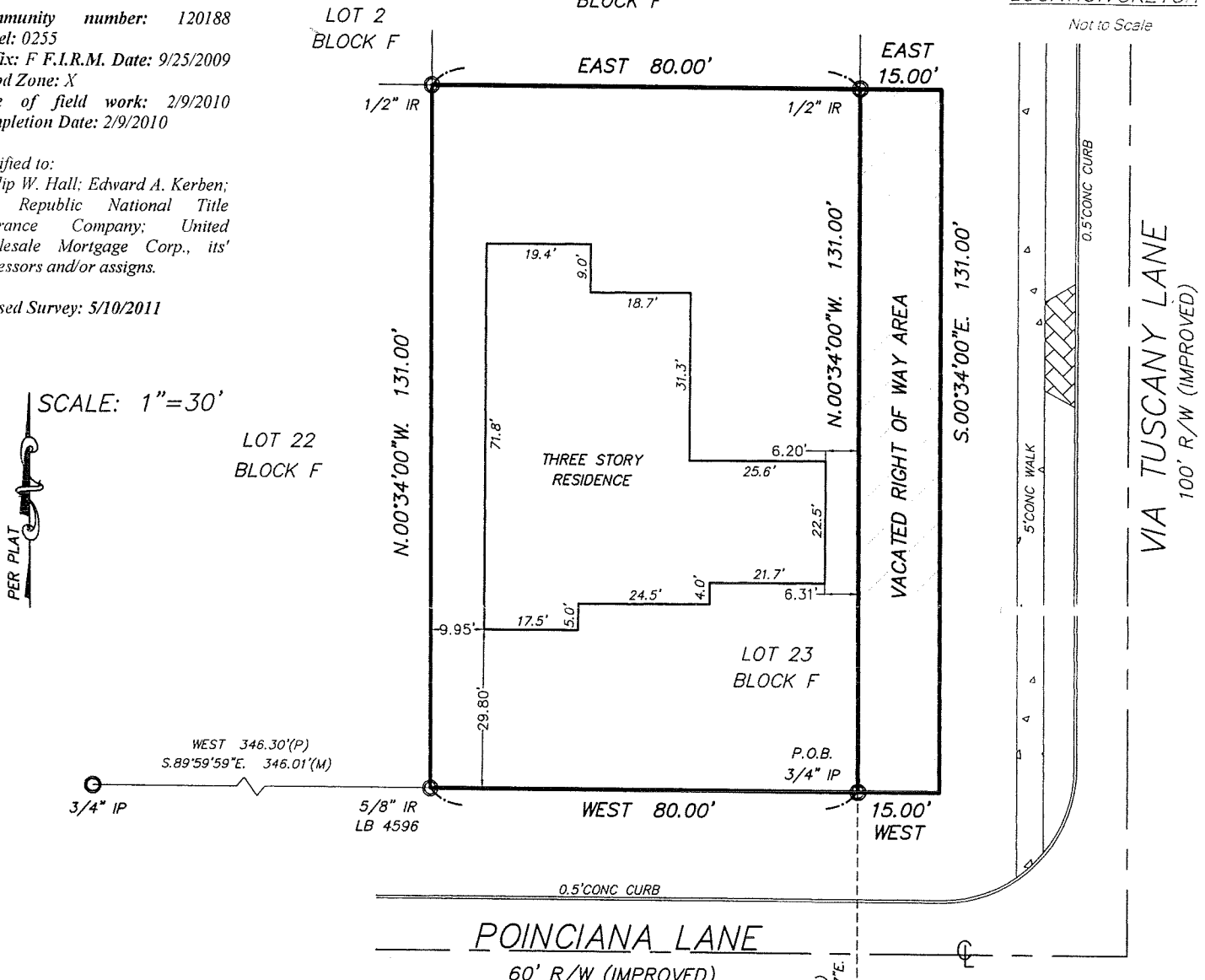
Community number: 120188  
 Panel: 0255  
 Suffix: F.F.I.R.M. Date: 9/25/2009  
 Flood Zone: X  
 Date of field work: 2/9/2010  
 Completion Date: 2/9/2010

Certified to:  
 Phillip W. Hall; Edward A. Kerben;  
 Old Republic National Title  
 Insurance Company; United  
 Wholesale Mortgage Corp., its  
 successors and/or assigns.

Revised Survey: 5/10/2011



LOCATION SKETCH  
 Not to Scale



# SKETCH OF DESCRIPTION

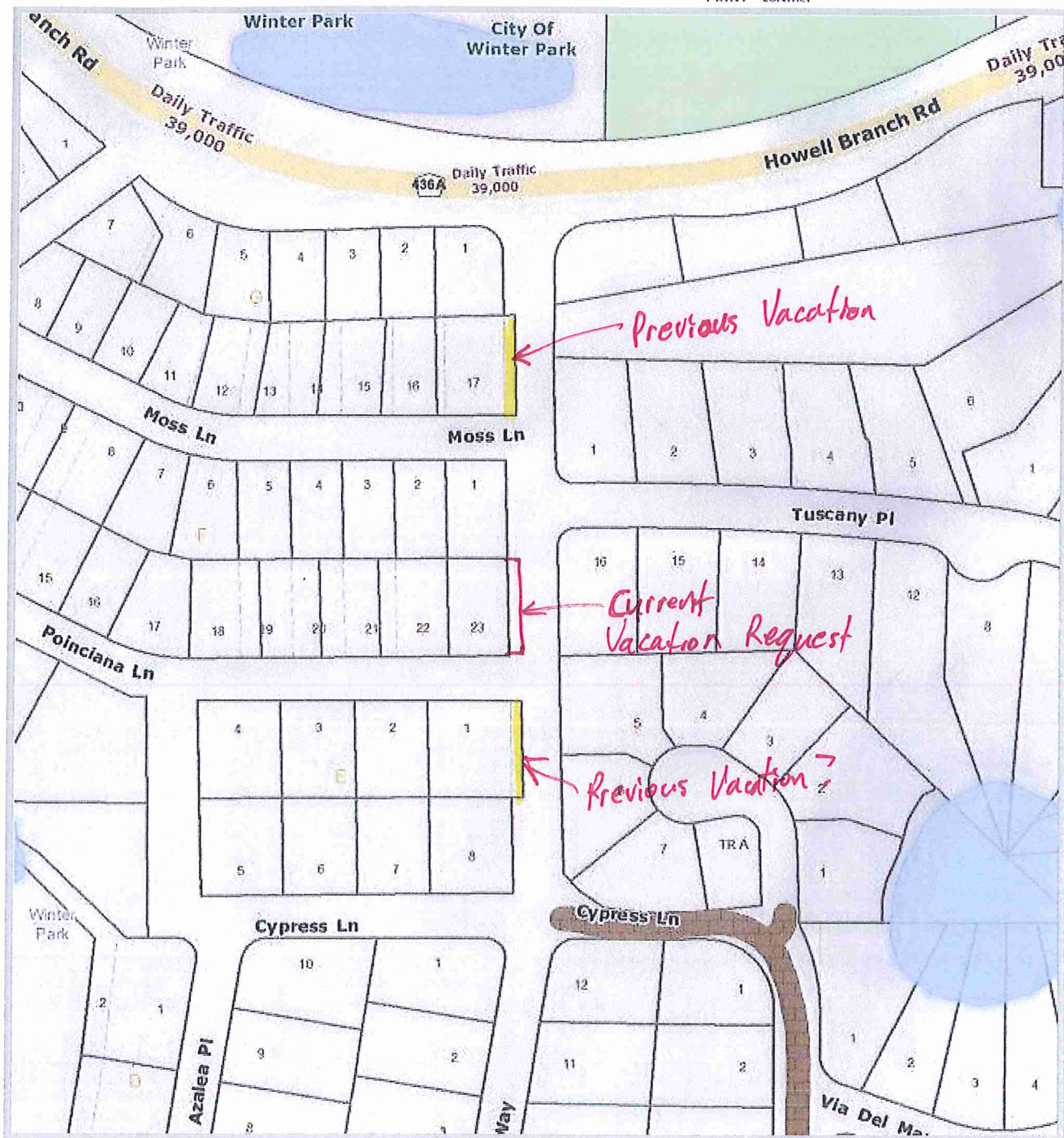
## RIGHT OF WAY VACATION

Property Address:  
 2525 Via Tuscany Lane  
 Winter Park, FL 32789  
 Survey number: SL 108256

you,  
Don M.

OCA Web MAP

PRINT CONTACT



Parcel ID: (Rng-Twn-Sec format)

This map is for reference only and is not a survey.

Created on 9/20/2011, Copyright 2007. Orange County Property Appraiser.



**CITY OF WINTER PARK**  
 401 PARK AVENUE SOUTH  
 WINTER PARK, FLORIDA 32789-4386

- 1) Submit letter of request, including reasons for requesting the Easement Release.
- 2) Submit a copy of a Survey Plat showing the proposed area to be released.
- 3) Submit copies of letters from all utility companies stating their position on the proposed release. (List at bottom of page).

The request is to be submitted to the City Engineer, at 180 West Lyman Avenue, for City of Winter Park, 401 Park Avenue South, Winter Park, Florida 32789. Should there be any questions regarding Release of Easements, contact Donald J. Marcotte, P.E., City Engineer (407) 599-3424 or E-mail: dmarcotte@cityofwinterpark.org.

UTILITY CONTACT LIST

TECO/Peoples Gas  
 600 West Robinson  
 P.O. Box 2433  
 Orlando, FL 32802-2433  
 Attn: Bruce A. Stout, Sr. Engineer Tech  
 407-420-2678  
 407-843-6174 FAX

Progress Energy Florida Inc.  
 3300 Exchange Place  
 Lake Mary, FL 32746  
 Lori L. Herring  
 Easement Specialist  
 407-942-9463  
 407-942-9417 FAX

Bright House Networks Inc  
 Marvin Usry  
 407-532-8509  
 P J King, Construction Supervisor  
 407-532-8508  
 3767 All American Blvd.  
 Orlando, FL 32810  
 407-532-8544 FAX

Embarq, Florida, Inc., dba Century Link  
 Steve O'Brien  
 407-830-3650  
 Candy Crim  
 407-830-3421  
 952 First St.  
 Altamonte Springs, FL 32701  
 407-260-2683 FAX

City of Winter Park  
 Phil Daniels  
 Water/Wastewater Asst. Utility Director  
 401 Park Avenue South  
 Winter Park, FL 32789-4386  
 407-599-3355  
 407-599-3417 FAX

City of Winter Park  
 Terry Hotard  
 Electric Director  
 401 Park Avenue South  
 Winter Park, FL 32789-4386  
 407-599-3400  
 407-599-3417 FAX



Date: 9/14/11

Embarq, Florida, Inc., dba Century Link

Steve O'Brien

407-830-3650

Candy Crim

407-830-3421

952 First St.

Altamonte Springs, FL 32701

407-260-2683 FAX

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 2525 Via Tuscan Lane 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 370 Waymont Court, Lake Mary, FL 32746. If you have any questions, please contact Ralph Swerdloff.

Sincerely

Name: Ralph Swerdloff

Address: 370 Waymont Court

City, State, Zip Code: Lake Mary FL 32746

-----  
\_\_\_\_\_ The subject parcel is not within our service area.

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

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

Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: C. Crim

Print Name: CANDACE CRIM

Title: OSP ENGINEER II

Date: 9/14/2011

Date: 6/2/11

City of Winter Park  
Terry Hotard  
Electric Director  
401 Park Avenue South  
Winter Park, FL 32789-4386  
407-599-3400  
407-599-3417 FAX

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 2525 Via Tuscan Lane in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

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Sincerely

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Address: 370 Waymont Court  
City, State, Zip Code: Lake Mary FL 32746

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Additional comments: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: 6/2/11

Progress Energy Florida Inc.  
3300 Exchange Place  
Lake Mary, FL 32746  
Lori L. Herring  
Easement Specialist  
407-942-9463  
407-942-9417 FAX

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Address: 370 Waymont Court  
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☐ The subject parcel is within our service area. We object to the vacation.

Additional comments: \_\_\_\_\_

\_\_\_\_\_  
Signature: Linda Bauer  
Print Name: LINDA BAUER  
Title: ROW SUPPORT SPEC.  
Date: 6/7/2011



Date: 6/2/11

TECO/Peoples Gas  
600 West Robinson  
P.O. Box 2433  
Orlando, FL 32802-2433  
Attn: Bruce A. Stout, Sr. Engineer Tech  
407-420-2678  
407-843-6174 FAX

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Address: 370 Waymont Court  
City, State, Zip Code: Lake Mary FL 32746

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Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: Debbi Frazier

Print Name: Debbi Frazier

Title: Sr. Admin.

Date: 6/10/2011

Date: 6/2/11

Bright House Networks Inc  
Marvin Usry  
407-532-8509  
P J King, Construction Supervisor  
407-532-8508  
3767 All American Blvd. \_\_\_\_:  
Orlando, FL 32810  
407-532-8544 FAX

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Sincerely

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City, State, Zip Code: Lake Mary FL 32746

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Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: P.J. King

Print Name: P.J. KING

Title: SR. CONST. MGR.

Date: 6-6-11

32, 21, 30

WLU  
6/6/11



CITY OF WINTER PARK  
401 Park Avenue South  
Winter Park, Florida  
32789-4386  
www.cityofwinterpark.org

Suellen Sanders

Technical Analyst

Water & Wastewater  
Department

phone 407.599.3519

fax 407.599.3417

ssanders@cityofwinterpark.org

Date: 7/27/11

CITY OF WINTER PARK  
DAVID ZUSI

WATER & WASTEWATER DIRECTOR  
401 PARK AVENUE SOUTH WINTER PARK, FL 32789

Dear MR ZUSI:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 2525 VIATUSCANY LANE 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 370 WAYMONT CT, LAKE MARY, FL 32746. If you have any questions, please contact RALPH SWERDLOFF.

Sincerely

Name: RALPH SWERDLOFF  
Address: 370 WAYMONT CT  
City, State, Zip Code: LAKE MARY, FL 32746

-----  
\_\_\_\_\_ The subject parcel is not within our service area.

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

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Additional comments: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: DAVID ZUSI

Title: DIRECTOR WATER & WASTEWATER

Date: 7/27/11

Date: 6/2/11

Embarq, Florida, Inc., dba Century Link  
Steve O'Brien  
407-830-3650  
Candy Crim  
407-830-3421  
952 First St.  
Altamonte Springs, FL 32701  
407-260-2683 FAX

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X \_\_\_\_\_ The subject parcel is within our service area. We object to the vacation.

Additional comments: WE HAVE BURIED FACILITIES ALONG THIS RIGHT OF WAY AND CANNOT ABANDON RIGHT OF WAY.

Signature: Candy Crim  
Print Name: Candy Crim  
Title: OSP Engineer II  
Date: 6/14/11



# city commission public hearing

item type	Public Hearing	meeting date	December 12, 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 type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote

## Subject – Alfond Inn at Rollins – Final Conditional Use public hearing

Request of Rollins College for final conditional use approval to construct the Alfond Inn at Rollins, consisting of a five-story, 112 room hotel with a restaurant/bar, meeting/ballroom space and on-site parking at 300 East New England Avenue, zoned R-4.

### Board Recommendation:

The Planning and Zoning Board met on Tuesday night, December 6<sup>th</sup>. This is after the packets have gone out to the City Commission. Because we do not have a second meeting in December, the schedule works this way. Staff will provide P&Z's recommendation via email ASAP and follow up with the meeting minutes prior to your public hearing.

### Summary

Rollins College is requesting "final" conditional use approval for the Alfond Inn at Rollins pursuant to the "preliminary" conditional use provided by the City Commission on September 26, 2011 consisting of a five story, 112 room hotel with restaurant/bar, meeting/ballroom space and on-site parking, on the vacant 3.33 acre property at 300 E. New England Avenue, zoned R-4.

The "preliminary" conditional use was recommended for approval by the Planning Board on September 13, 2011. City Commission approved with the same conditions as recommended by P&Z that are listed below. The "red" text indicates what has been done to respond to those conditions as follows:

1. That consistent with code, the "final" conditional use review shall include the final landscape plan, final storm water design and the final (exterior) architectural elevations with exterior materials noted. **These plans are part of the "final" conditional use submittal.**
2. That the applicant should submit the "parking management plan" at the time of the "final" conditional use review. **The PMP is part of the "final" conditional use submittal.**
3. That the City and Rollins may enter into the 7<sup>th</sup> Amendment to the Development Agreement at this time. **The Development Agreement is part of the "final" conditional use submittal.**

4. That the east building facade (two story portion on the library facing side) be revised to provide some added architectural relief. **See the revised elevations for those improvements.**
5. That visual buffering and sound attenuation be provided for the HVAC equipment on the rooftop of the two story building component. **Rooftop equipment is enclosed by the tile mansard roof.**
6. That the grading and drainage interface between the hotel and condominium properties be addressed. **We worked with the Residences waterproofing consultant to establish a grade that would be acceptable to them.**
7. That the use of the hotel be restricted to prohibit student housing or use as classrooms. **Included in the Development Agreement**
8. That the issue of ventilation of bus exhaust on the Lyman Avenue side be addressed. **Eliminated the larger drop-off area shown on previous site plans and have introduced landscaping around the existing garage vents. See attached.**
9. That there is a reconciliation of the issue of the travel distance between the hotel and the parking garage. **Resolved via the Parking Management Plan.**
10. That a workshop is scheduled with the Planning and Zoning Board prior to the final conditional use approval concerning the scope and content of the parking management plan. **Held on November 16<sup>th</sup>. Outcome summarized in this staff report.**
11. Clarification in the development agreement of 115 versus 129 spaces. **The current site plan incorporates several comments from the City and therefore the number has reduced to 125 parking spaces.**
12. That all service and deliveries trucks are to be from the loading dock and not along New England Avenue. **Included in the Development Agreement.**
13. That the City Commission review the parking management plan six months after certificate of occupancy issuance. **Included in the Development Agreement.**

### **The Approval Process:**

Per city code, the public hearings advertised for the conditional use review and approval in September were for the "preliminary" CU approval per code. The "final" CU approval per code is the action advertised now to see compliance with the conditions of approval and to review the final architectural, landscaping and drainages details.

Also as part of the "final" CU approval step the City approves the Development Agreement (7<sup>th</sup>) amendment so that there is certainty for the applicant as to the approvals given.

### **The Alfond Inn at Rollins Project:**

As discussed earlier, the current request is a significant reduction from the previous hotel project approved via the 6<sup>th</sup> amendment. The hotel building has been reduced to five stories from six stories and also reduced to a two story height on significant portions of the western and southern portions of the hotel footprint. The room count is at 112 rooms versus 250 rooms. The five story (6 level) parking garage has been eliminated in lieu of surface parking.



So from an intensity/density standpoint, the current project is a very significant reduction in height, size, mass, square footage and coverage.

This project conforms to the Comp. Plan and Zoning Code for the R-4 zoning. It meets the front setbacks of 25 feet from Interlachen Avenue and 20 feet from New England and Lyman Avenues. It meets the impervious coverage at 80.5% vs. the code maximum of 85%. The hotel building footprint is 30% of the lot area versus the code maximum of 55%. The floor area ratio on this 3.33 acre site for this 107,676 square foot building is 74.2%, well within the permitted 200% FAR.

Architecturally, these new plans meet or exceed the architectural detail and attractiveness of the previous hotel plans. The staff is very impressed with the architectural details of the exterior facades which have many areas of vertical and horizontal articulation (in's and out's) and other features that will make this a very attractive and impressive architectural product. This architectural interest comes with significant expense to Rollins College and they are to be commended (along with the architect) on the very impressive exterior façade images that will be constructed.

### **Parking Management Plan:**

As you know, one major change from the previous hotel plans is the elimination of the five story, (six level) 436 space parking garage. Parking is now to be 125 spaces in the adjoining surface parking lot. The balance of the parking is to be provided in the Sun Trust parking garage, Lawrence center parking lot and in a joint use parking lot with All Saints Church. Given the concerns about how this off-site parking would work and all the other operational issues, the "preliminary" conditional use required the submission of a Parking Management Plan (PMP) and a work session with the P&Z Board prior to these public hearings.

P&Z had their work session on the Alford Inn parking management plan on Wednesday, November 16<sup>th</sup>. Notices were sent to the surrounding neighbors and it was a good informal setting with time for question, comments, etc. There was a good turnout from neighbors. The discussion was from Noon to 2:30 pm. See staff's summary is below.

*Great study with very comprehensive data and analysis. Very well received. Good turnout of neighbors. Traffic issues are things to address after opening when we see the travel and turning movement characteristics. Not sure if the problems will exist or to what extent. Concerns are valid.*

*P&Z pleased with the analysis and content. Only issue is members are looking for more info on "how's".*

*How are you going to enforce employees parking in the Sun Trust garage ? Honor system or ?*

*How are you planning to manage the Sun Trust garage so that spaces are conveniently available on the lower floors, after hours & weekends and those spaces are not filled with students ?*

*How are you going to get people to use the valet at \$5-\$10 (plus tip) when there is free parking on the surrounding streets, at the Lawrence Center, at the Library, etc. (page 32 is the valet prices)*

*To P&Z it seems that operationally, the how's on the first two can be figured out reasonably easily.*

*To P&Z there seemed to be no reason for valet charges if the goal is a system to get hotel users into those spaces at the Hotel, All Saints lot, Lawrence Center and Sun Trust garage. That is why the valet charges were the most troubling to staff and P&Z. The concern was that the fees will foster the parking behavior that the City and neighbors do not want in order to avoid the charge for valet because people will go to where the free parking exists on the downtown streets, library, etc.*

*P&Z and Staff asked the development team to consider, at least at the start of hotel operations, to have free valet for hotel events and visitors and only charge for over-night parking. Of course nothing would prohibit working valet charges into your rental rates for special event bookings, as that is when there is the need to staff up the valet employees.*

The relevant changes in the revised PMP (attached) are:

*Details regarding the staging and traffic configuration for the on-site valet have been added to the Parking Management Plan. (page 38)*

*A section for the policy and procedures for employee parking was added to demonstrate the operator's commitment to making sure that employee parking will be restricted to the Sun Trust Garage. (page 32-34)*

*Several options were reviewed to facilitate traffic on New England Avenue. The Parking Management Plan includes recommendations for the City's consideration and Right Turn Only signs added from the main entrance onto New England. (page 44-46), and*

*The Hotel parking rates section was adjusted beginning on page 31 to include complimentary parking for short term visitors to the hotel including restaurant and bar patrons. (page 31)*

As the staff prepared this report the issue of the \$5-\$10 valet charge for special events was still troublesome. The main purposes of the Parking Management Plan is to assure the City (and neighbors) that sufficient parking is available (Seems to be OK) and that there is a system to get hotel users (valet plan seems good) into those spaces. The concern is that the special event valet fees will foster and encourage exactly the parking behavior that the City and neighbors do not want. People will park where they can park for free. So in order to avoid the charge for valet, they will park on Alexander Place, on the neighboring streets and in the nearby City lots. This will anger the adjacent neighbors and displace customers shopping on Park Avenue. So when you attend a special event, not only do you have to wait for the valets (vs. self-parking - since there is no self parking) but you have to pay \$5-\$10 for the inconvenience. The reality is that people will go to where the free parking exists. They will park off-site on the downtown streets, at the library, etc. because it is where they can get into their cars the quickest and the cheapest. The reality is that people will go to where

the free parking exists on the downtown streets, library, etc. and where they can get into their cars the quickest. This negates most of what has been planned and is exactly what the PMP is supposed to discourage. Staff is asking the special event valet charges to be implemented as a "trial" to see if how it works.

As a result of this concern, the staff received the following response via email:

- Social events requiring valet parking will have all charges Direct Billed. Arriving guests will not have to pay for valet parking - charge invisible to the guests.
- Events attended by the local community such as Chamber or WPI could be self-park events. We'll proactively block off All Saints, Sun Trust and Lawrence Center (as availability permits) and staff with flaggers. A limited amount of 'valet only' spots will be retained in the off-site lot for those preferring valet at \$5. The self park events will then have validation of their tickets at the event and may exit for free.

### **Traffic Issues:**

The neighbors on Alexander Place are still concerned about traffic issues at the hotel and parking lot entrances on New England Avenue. Hard to know if it will be problem (or not) or how big a problem or what to do until the hotel starts operating. The staff wishes it could be more definitive about this issue but the problem can be addressed once operations begin.

### **Request for Development Signage:**

As part of this "final" CU process, the College would like to continue to utilize the project development sign that was prepared for the groundbreaking ceremony and to place it at the corner of Interlachen and New England. That sign is 160 square feet and ten feet in height versus the normal restriction to 32 square feet and 8 feet in height. Thus Rollins is requesting and staff supports the following:

1. Rendering will be moved to the SE corner of New England and Interlachen as shown on the submitted site plan.
2. We will install the sign at a 45 degree angle to the intersection and run it from sidewalk to sidewalk. We will also install irrigation and landscaping so that it will look like it did at the Ceremonial Groundbreaking.
3. The contractor fence will run down property lines to the corner of the signs and then go immediately "behind " the sign. This way it will not block the sign and still provide security to the site.
4. We will also manage all of the contractor signs and keep them off of the corner in the following manner:
  - vendor signs will not be allowed on the corner at all
  - we will establish a defined area (probably on New England) for all vendor signage
  - all vendors with the exception of the contractor and architect will be limited to four square feet ( 2 feet by 2 feet ) and mounted in a designed, organized fashion by Hardin.

This will minimize "sign clutter" in the area and focus attention on the Alford rendering. We plan to maintain the rendering in a high quality, Class A, fashion during the entire construction period and will not allow the fence and site to be "junked up" with contractor and vendor signage.

### **Recommendation:**

The City is truly fortunate to have Rollins College as the "developer" for this project. The quality of the product and of the operations that Rollins will insist upon will be both a great reflection on the College and the City. There will be no bigger boost to the economy of the City and of the Central Business District/Park Avenue than what will result from this quality hotel bringing a steady stream of guests/visitors with disposable income to spend during their stay in the City.

The "final" conditional use submittals appear to have addressed the concerns and conditions imposed with the "preliminary" approval.

### **STAFF RECOMMENDATION IS FOR APPROVAL OF THE "FINAL" CONDITIONAL USE** with the following conditions:

1. That the valet parking fees for special events be implemented on a "trial" basis per the Parking Management Plan (PMP). Then following the initial six months operation of the Hotel, the valet fees and valet operations be re-considered consistent with the condition from the "preliminary" approval that the City Commission formally review the PMP after six months and then any needed modifications can be made.
2. Approval of the temporary project development sign, as requested, provided it complies with the setbacks necessary to preclude any traffic visibility or safety issues.
3. That the Parking Management Plan be amended to include the method of operation for the Sun Trust garage so that parking spaces are available for employees and conveniently available after hours and on weekends for visitors to the Hotel.



## PUBLIC NOTICE

NOTICE is hereby given that a public hearing will be held by the **Planning and Zoning Commission** of the City of Winter Park, Florida on **Tuesday, December 6, 2011 at 7:00 p.m.** in the Welcome Center/Chamber of Commerce Building at 151 W. Lyman Avenue and by the **City Commission on Monday, December 12, 2011 at 3:30 p.m.** in the Winter Park Civic Center at 1050 W. Morse Boulevard, Winter Park, Florida, to consider the following **PUBLIC HEARING:**

REQUEST OF ROLLINS COLLEGE FOR: FINAL CONDITIONAL USE APPROVAL FOR THE ALFOND INN AT ROLLINS COLLEGE, 112 ROOM HOTEL WITH A RESTAURANT/BAR, MEETING/BALLROOM SPACE AND ON-SITE PARKING AT 300 EAST NEW ENGLAND AVENUE, ZONED R-4.

ON SEPTEMBER 26, 2011, THE CITY COMMISSION APPROVED THE PRELIMINARY CONDITIONAL USE FOR THE ALFOND INN AT ROLLINS AS DESCRIBED ABOVE. THE FINAL CONDITIONAL USE APPROVAL PUBLIC HEARING IS TO REVIEW THE FINAL ARCHITECTURAL ELEVATIONS, LANDSCAPE AND STORM WATER RETENTION PLANS, DEVELOPMENT AGREEMENT AND PARKING MANAGEMENT PLAN.

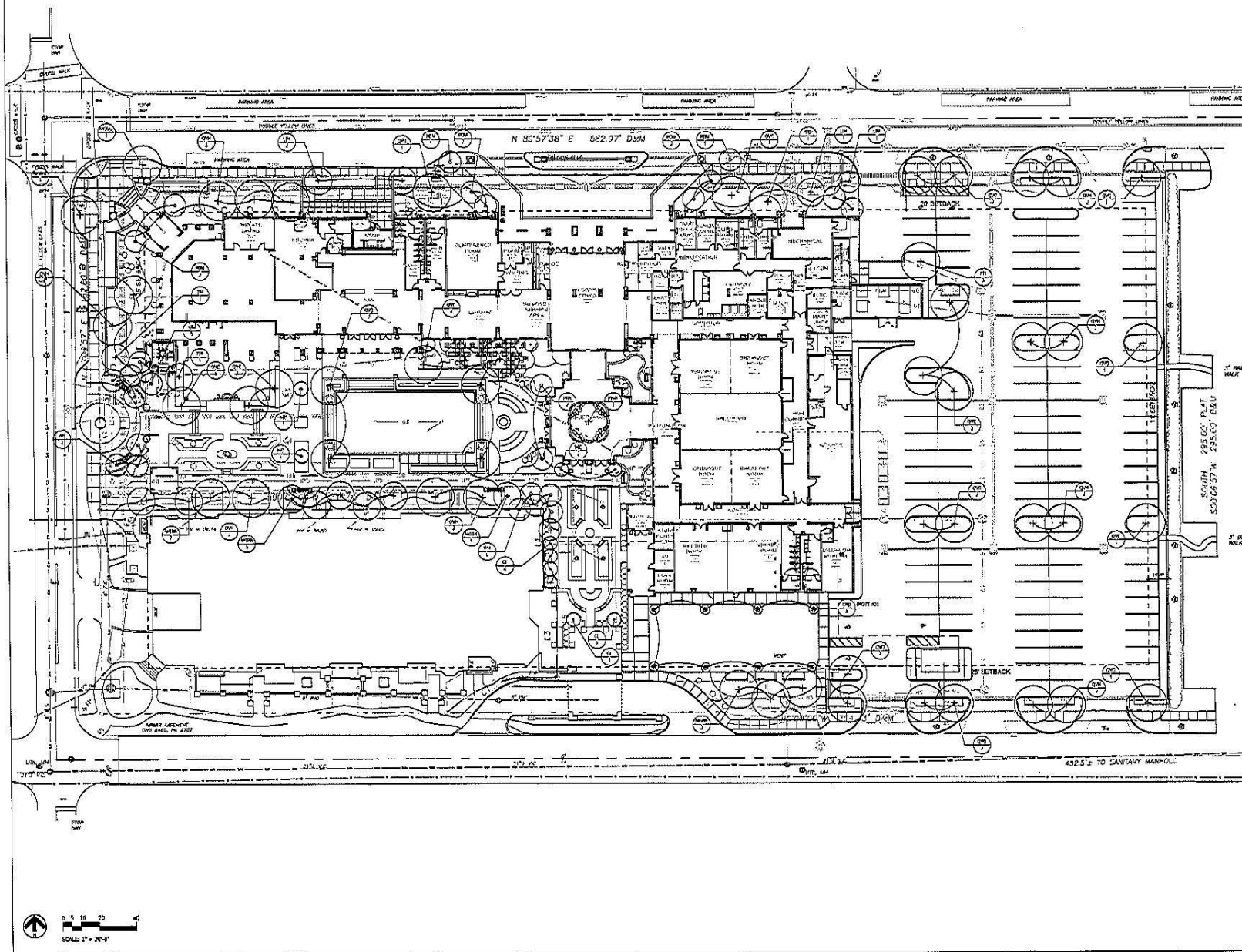
PLEASE CONTACT THE PLANNING DEPARTMENT (407) 599-3217 FOR INFORMATION ON OR COPIES OF THESE PLANS. THE PARKING MANAGEMENT PLAN IS AVAILABLE ON THE CITY'S WEBSITE ON THE HOME PAGE IN THE "WHAT'S NEW" SECTION.

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

**NOTE:** If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he 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 Planning Department at 407-599-3453 at least 48 hours in advance of the meeting.

/s/: Cindy S. Bonham, CMC  
City Clerk

**PUBLISH: Thursday, November 10, 2011, Orlando Sentinel**





**Jeffrey Briggs**

---

**Subject:** FW: Alfond Inn

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**From:** chemtob [chemtob@earthlink.net]

**Sent:** Tuesday, November 29, 2011 8:28 PM

**To:** Mayor and Commissioners; Ken Bradley; Carolyn Cooper; Steven Leary; Tom McMacken; Sarah Sprinkel

**Cc:** dpriebs@aol.com; JAn Munson; Janet Robison; Sally Miller; [contact@philkeandesigns.com](mailto:contact@philkeandesigns.com); [sereich@gmail.com](mailto:sereich@gmail.com); Barb Ferrero; Bev Buckley

**Subject:** Alfond Inn

Dear Mayor and City Commissioners,

Alexander Place is a residential neighborhood of nine homes. Our street is a cul-de-sac and is directly across from the proposed Alfond Inn by Rollins. Over the course of the past few months, as a neighborhood we have attended Planning and Zoning plus a City Commission meeting concerning this project. Overall, we are supportive of the project and view this as a wonderful amenity for Winter Park residents. Our concerns are focused on traffic management. At the public meetings and in various private meetings with Rollins officials, we have voiced our concerns. However, we have not seen these issues addressed in the proposed plan. We believe that our concerns are reasonable and by voicing them we are being "proactive". Living directly in front of the proposed hotel, we understand the traffic issues that will affect the hotel and our neighborhood if they are not addressed.

Our primary concern is the "back up" of traffic on New England. The proposed parking management plan discussed at the most recent P and Z meeting, did not acknowledge this potential problem. The plan shows all traffic coming from Park Ave or Fairbanks, with no traffic coming off Fairbanks/Aloma from the east. As you are sure to realize, this is unrealistic. There will be traffic from that direction and those vehicles will need to take a left hand turn into the proposed hotel entrance. If there is a "back up" of 4 to 5 cars waiting to make this left hand turn, we will not be able to exit Alexander Place, essentially "locking" us in our cul de sac. As presented at the P and Z meeting, large events (more than about 500 people) are expected 10% or less of the time. This number of people will surely cause a "bottleneck" on New England and this will have a significant negative impact on our neighborhood.

To alleviate the inevitable traffic issues, we propose a left hand turn lane into the hotel lobby. This can be accomplished by eliminating some of the existing "on street" parking on New England. It might also be advisable to have a right hand turn lane into the hotel to prevent traffic back up on that side of New England also. Other solutions to prevent the back up of traffic on New England are: 1. adding a drop off/valet location on Interlachen in front of the proposed restaurant and bar. 2. allowing a left hand turn off of Fairbanks onto Interlachen. For large events, we have been informed that the drop off is planned off Lyman.

The Alexander Place neighborhood has tried to make our voices heard. However, to date, none of our concerns have been acknowledged and the proposed project does not address these reasonable concerns. I am writing to you in hopes that the Commission can understand and will address our concerns prior to final approval of this project. In advance, thank you for your consideration of these issues. Please feel free to contact me by email, or cell 407-383-4308.

Respectfully yours,

Candace H Chemtob  
141 Alexander Place  
Winter Park, FL 32789

RECEIVED  
NOV 15 2011  
CITY OF WINTER PARK  
PLANNING DEPARTMENT

WILLIAM G. GERBER  
300 S. Interlachen Ave., Unit 402  
Winter Park, FL 32789

November 15, 2011

RE: Planning and Zoning Board Workshop  
November 16, 2011

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

Dear Chairman,

As an interested property owner at The Residences, I have reviewed the "draft" Parking Management Plan for the Alford Inn hotel project on-line and at the City Clerk's office.

I offer the following questions and comments for clarification:

On page 3, Point 2 addresses the availability of parking spaces at the off-site garage but fails to discuss availability of parking spaces when the garage is filled with evening students parking between 1800 and 2000.

On page 8, suggest adding a 4<sup>th</sup> study for the 1800 to 2000 time slot.

On page 9, The "draft" plan states that there are 122 parking spaces in the Laurence Center Parking Lot. An actual count showed 89 spaces of which 10 are to be assigned to The Residences. My physical count did not include any spaces in the adjacent CNL bank lot. Are these CNL spaces available for overflow parking and are there 33 spaces?

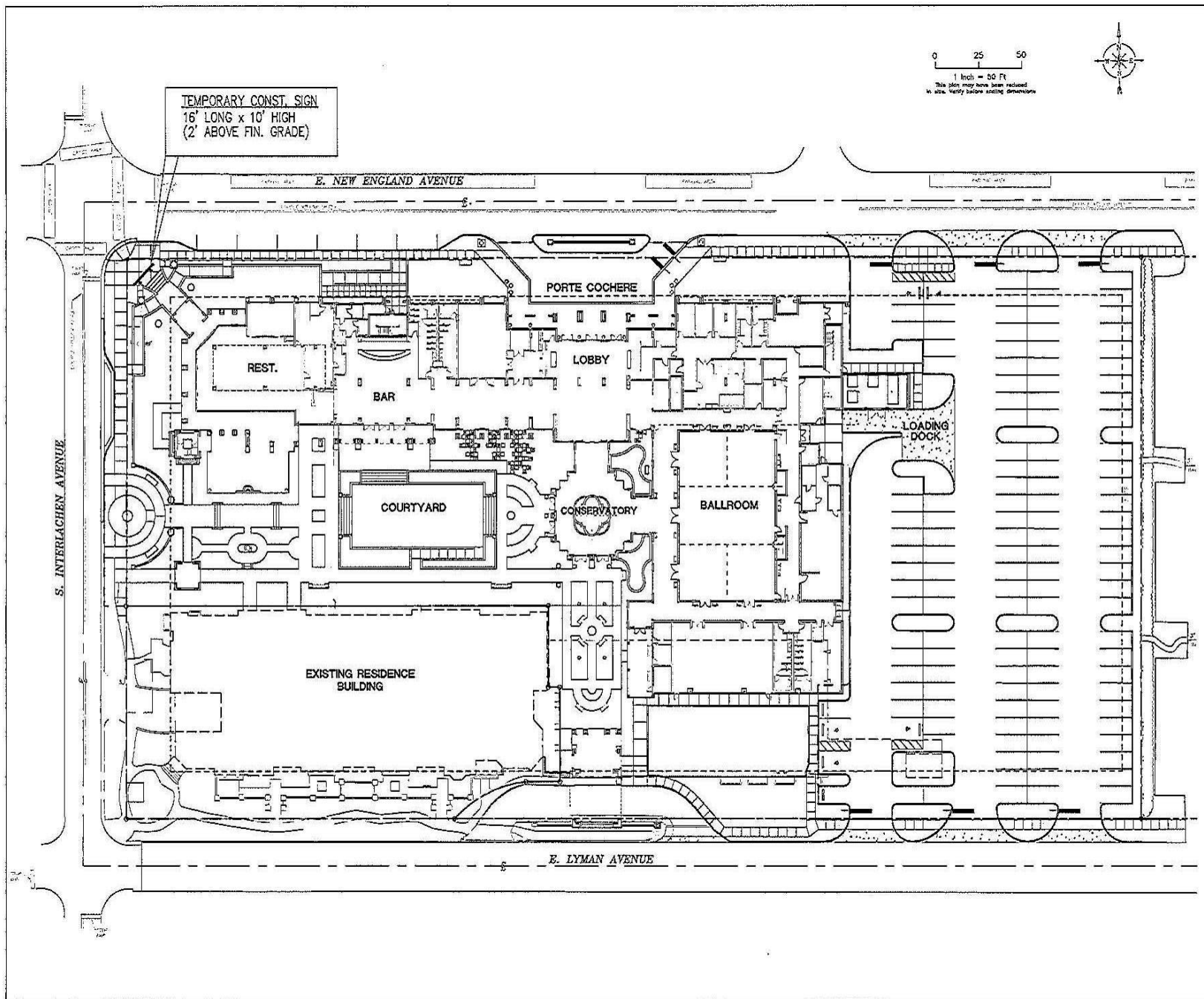
On page 20, should "east" be changed to "west" in the instructions on how to get to the Sun Trust Garage.

Overall, a well developed plan.

Thanks.



William G. Gerber  
(407) 399-4977



FINAL CONDITIONAL  
USE APPROVAL  
NOVEMBER 15, 2011

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**Baker  
Barrios**  
Architects

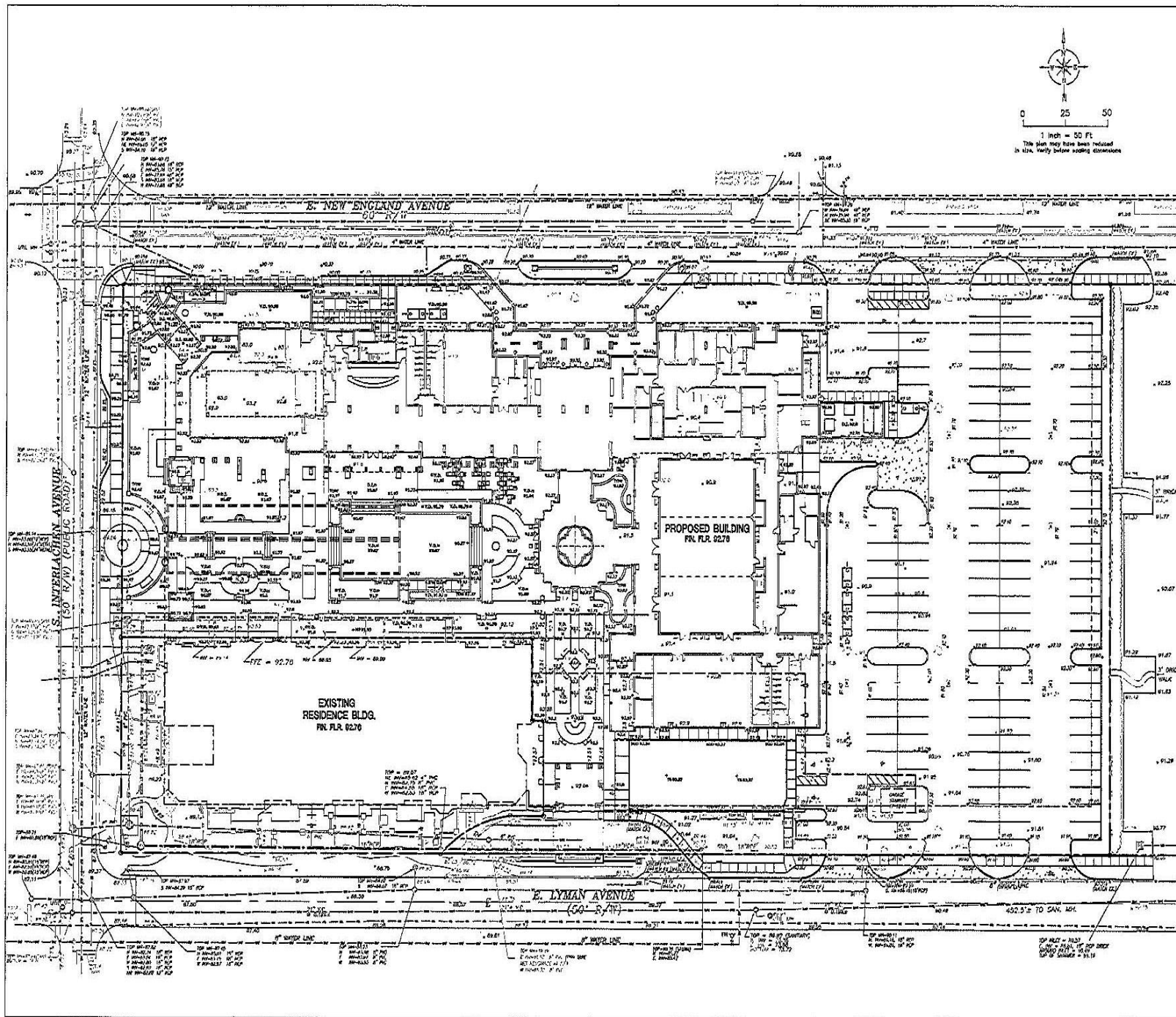
100 South Orange Avenue  
Suite 1700  
Orlando, Florida 32801  
407.925.3000 Tel  
407.925.3000 Fax  
info@bakerbarrios.com  
www.bakerbarrios.com  
AA0002081

**ALFOND INN AT ROLLINS**  
INTERLACHEN AVENUE  
WINTER PARK, FL

**TEMPORARY SIGN PLAN**

PROJECT NO:  
100218.00

CU C1.100



FINAL CONDITIONAL  
USE APPROVAL  
NOVEMBER 15, 2011

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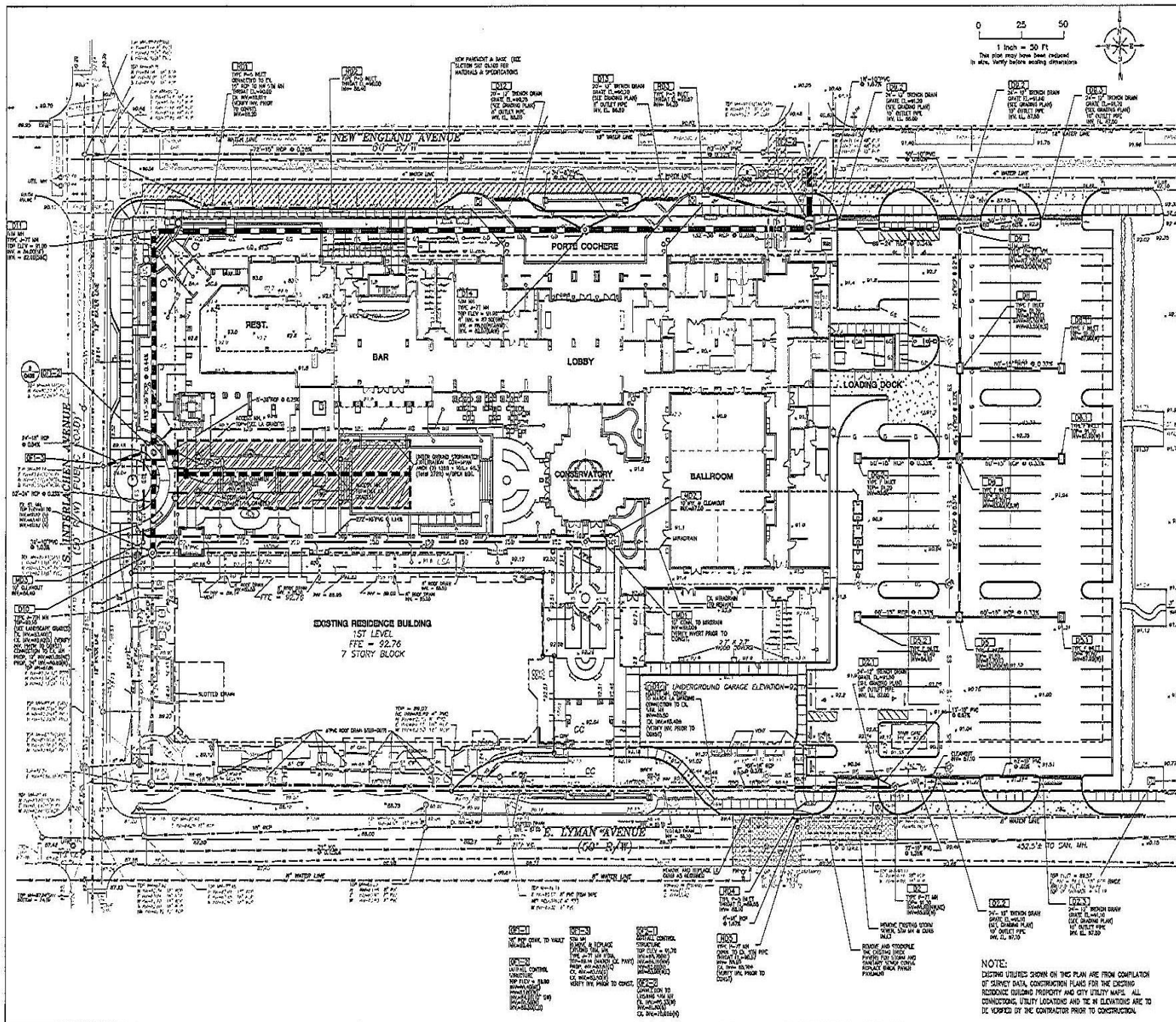
**Baker Barrios**  
Architects

189 South Grange Avenue  
Suite 1700  
Orlando, Florida 32801  
407.936.3090 Tel  
407.936.2390 Fax  
info@bakerbarrios.com  
www.bakerbarrios.com  
AA0022961

**ALFOND INN AT ROLLINS**  
INTERLACHEN AVENUE  
WINTER PARK, FL

**GRADING PLAN**

PROJECT NO: 100218.00 CU C1.200



FINAL CONDITIONAL  
USE APPROVAL  
NOVEMBER 15, 2011

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Suite 1700  
Orlando, Florida 32801  
407.526.3000 Tel  
407.526.3390 Fax  
info@bakerbarros.com  
www.bakerbarros.com  
AA0002981

**ALFOND INN AT ROLLINS**  
INTERLACHEN AVENUE  
WINTER PARK, FL

**DRAINAGE PLAN**

PROJECT NO:  
100218.00 CU C1.300

NOTE:  
EXISTING UTILITIES SHOWN ON THIS PLAN ARE FROM COMPILED  
OF SURVEY DATA, CONSTRUCTION PLANS FOR THE EXISTING  
RESIDENCE BUILDING, PROPERTY AND CITY UTILITY MAPS. ALL  
CONNECTIONS, UTILITY LOCATIONS AND TIE-IN ELEVATIONS ARE TO  
BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.



### VERIFICATION

[illegible]

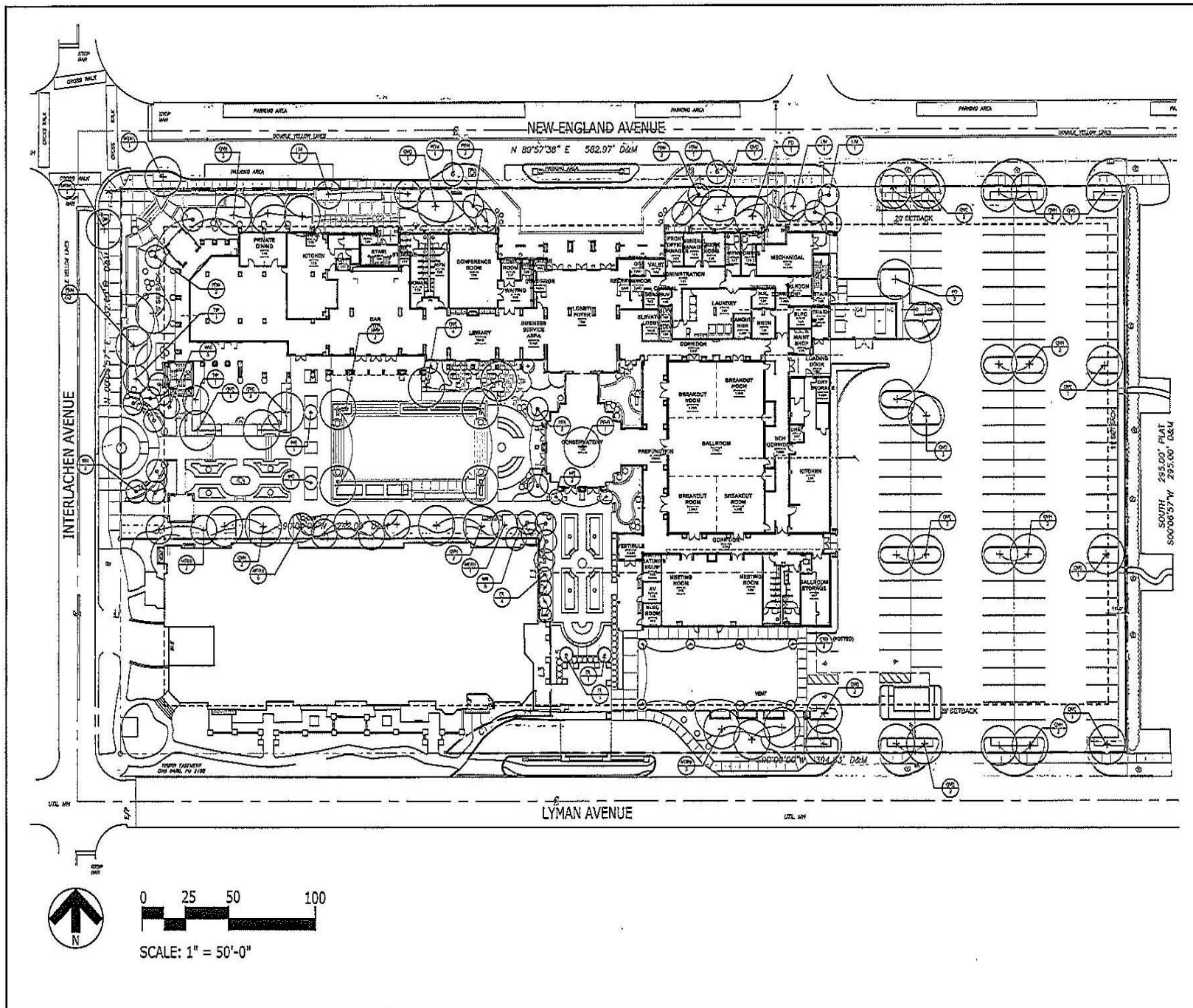
1. All bids information provided by others. Contractor shall field verify all information prior to installing planting installation.
2. Contractor will notify all personnel utility companies 48 hours minimum prior to digging for verification of all underground utilities. Plans are prepared according to the best information available at the time of preparing these documents.
3. The contractor shall become completely familiar with existing site conditions prior to beginning installation. All existing site improvements, paving, landscape, lighting, and other site elements to remain shall be protected from damage unless otherwise noted.
4. Unless otherwise noted, the limits of construction are the clearing limits noted on the plans.
5. The contractor shall report any discrepancies between the construction drawings and actual field conditions to the Owner's representative immediately.
6. The contractor shall coordinate all work with related contractors and with the general construction of the project is order to not impede the progress of work of others or the contractor's own work.
7. The contractor shall be responsible to remove all existing ground cover for all new planting beds as approved means prior to planting installation. Contractor shall be responsible to replace all portions of new planting or lawn areas intended to remain while completing new planting installation with same kind of plants or grass to the satisfaction of the Owner or an additional cost.
8. The contractor shall bear all cost associated with soil testing and soil amendments as required as a result of the soil testing laboratory's recommendations. Prior to installation the contractor shall provide soil test at least two on-site locations.
9. All plant container sizes noted on the plant list are maximum. Increase size of containers if necessary to conform to the plant size and specifications.
10. All trees shall have six (6) degree trunk angles otherwise noted on the plant list. Any tree trunk with a "u" shaped crotch will be rejected. All tree caliper (DBH) sizes noted on the plant list are minimum. Increase size if necessary to conform to specified plant size in the plant list.
11. Broken cuttings shall be installed in all shrub and ground cover planting areas per the details and/or specifications for all slopes that are greater than 3:1 (slopes 2:1 vertical for every 3' horizontal). See plans for ground cover planting dimensions (20' C).
12. Shrub and ground cover plantings are typically shown on the plans in mass planting beds. Plants shall be set in a triangular spacing pattern (1 staggered width). Plant center to center dimensions (20' C).

75. I authorize Contender(s) to communicate with the Arbitration Contender and all other parties as required.

PROJECT NO: 100218.00	L4.101
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L4.101





FINAL CONDITIONAL  
USE APPROVAL  
NOVEMBER 15, 2011

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**Baker  
Barrios**  
Architects

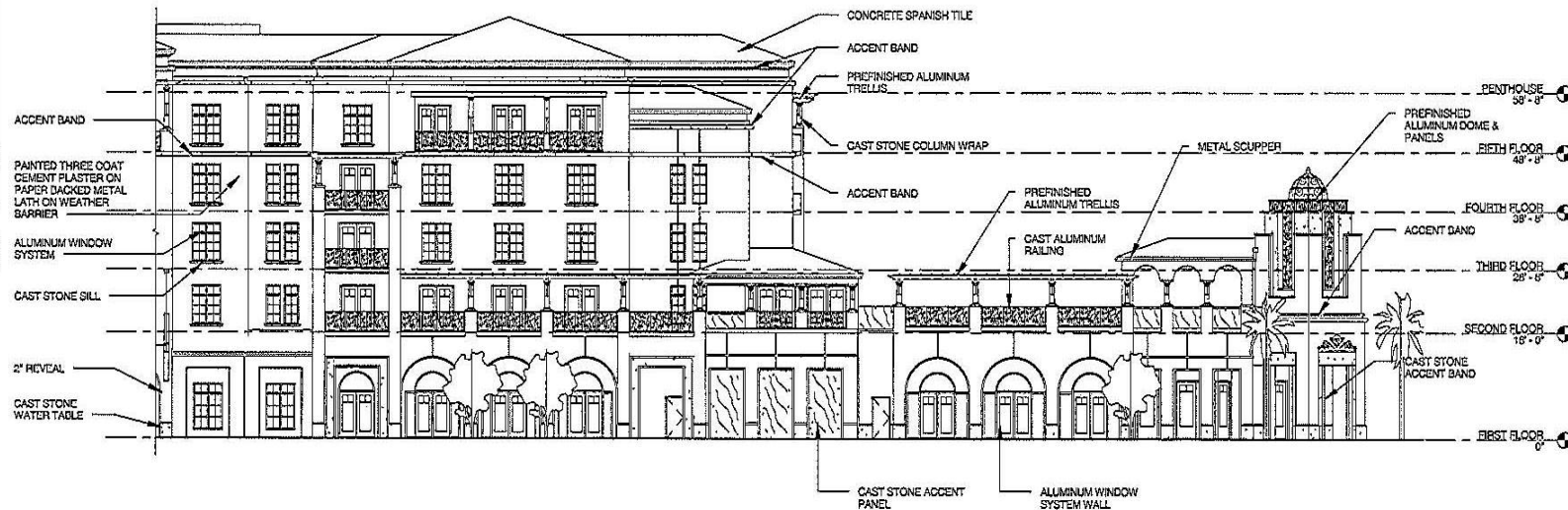
189 South Orange Ave  
Suite 1700  
Orlando, Florida 32801  
407.926.3000 Tel  
407.926.3390 Fax  
info@bakerbarrios.com  
www.bakerbarrios.com  
AA0002295

ALFOND INN AT ROLLINS  
INTERLACHEN AVENUE  
WINTER PARK, FL

LANDSCAPE PLAN-  
OVERALL SITE  
TREE PLAN

PROJECT NO: 100218.00 L4.201





**NORTH ELEVATION**

FINAL CONDITIONAL  
USE APPROVAL  
NOVEMBER 15, 2011

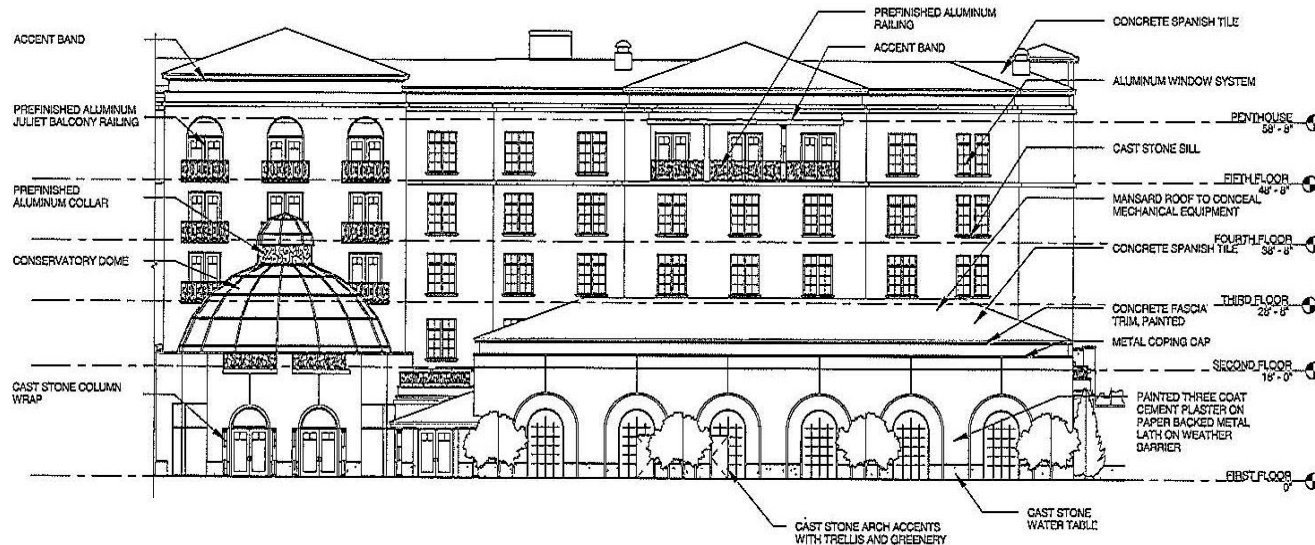
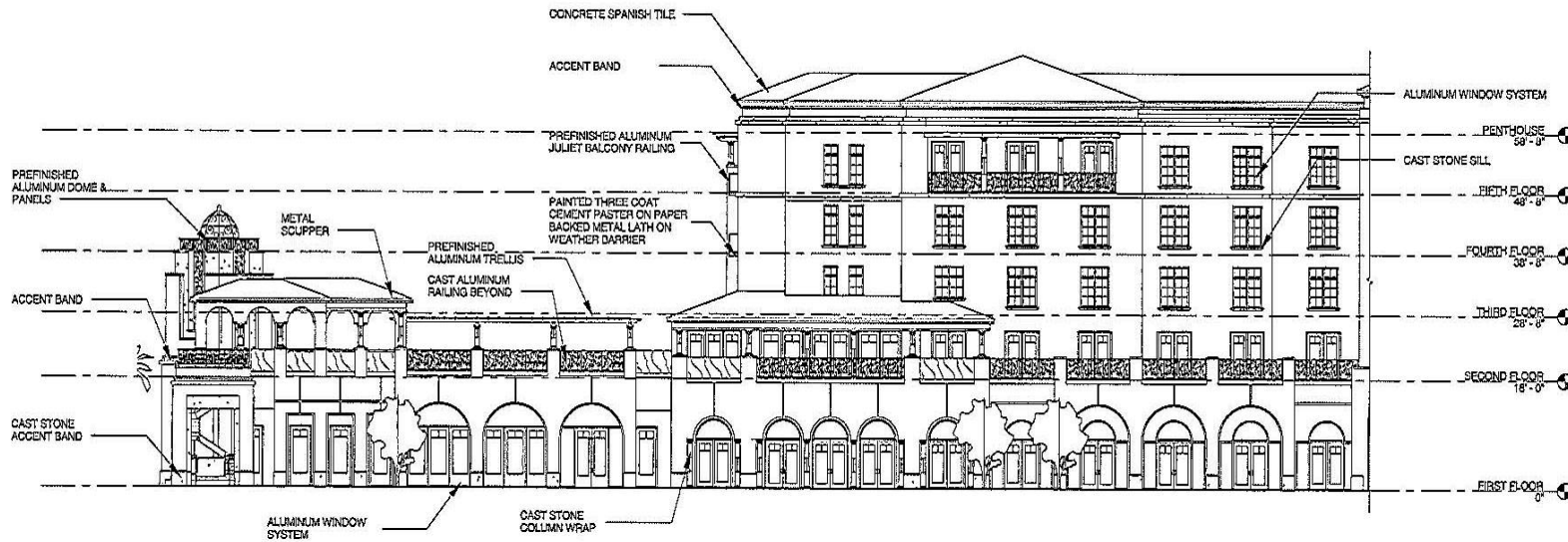
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**Baker Barrios**  
Architects  
109 South Orange Ave.  
Suite 1700  
Orlando, Florida 32801  
407.926.3900 Tel  
407.926.3390 Fax  
info@bakerbarrios.com  
www.bakerbarrios.com  
AA0002981

ALFOND INN AT ROLLINS  
INTERLACHEN AVENUE  
WINTER PARK, FL

EXTERIOR ELEVATIONS

PROJECT NO:  
100218.00 CU A2.101



**SOUTH ELEVATION**

FINAL CONDITIONAL  
USE APPROVAL  
NOVEMBER 15, 2011

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180 South Orange Ave  
Suite 1700  
Orlando, Florida 32801  
407.526.3900 Tel  
407.926.3300 Fax  
info@bakerbarrios.com  
www.bakerbarrios.com  
AA0002081

**Baker  
Barrios**  
Architects

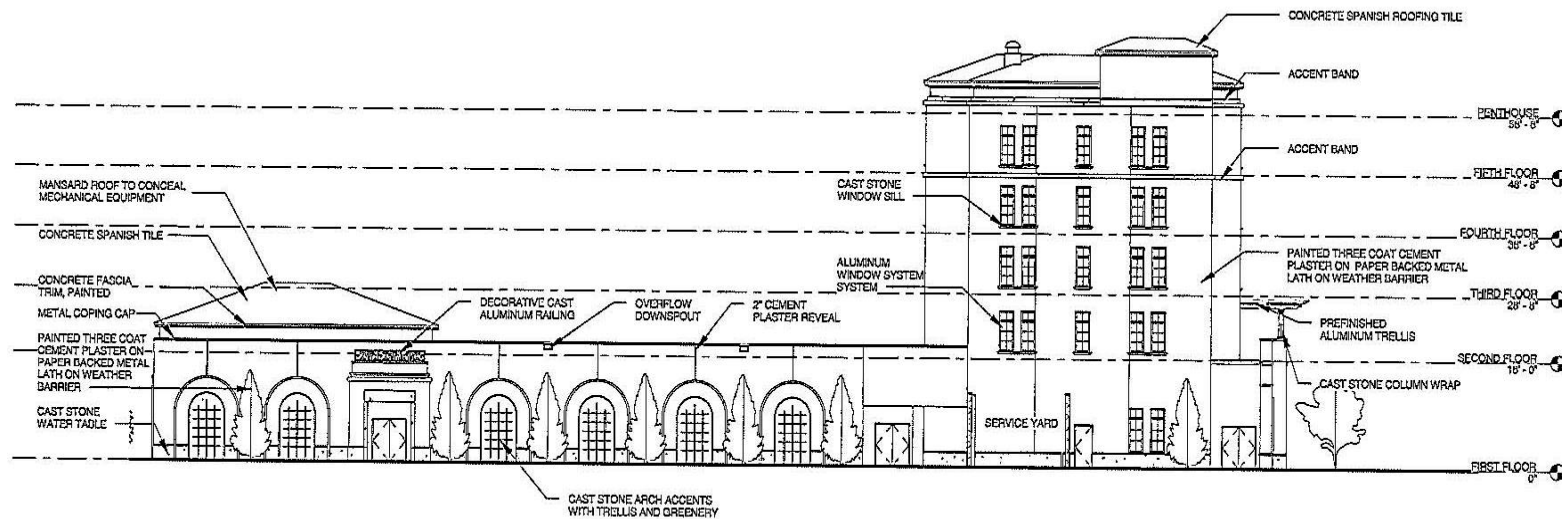
ALFOND INN AT ROLLINS  
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WINTER PARK, FL

EXTERIOR ELEVATIONS

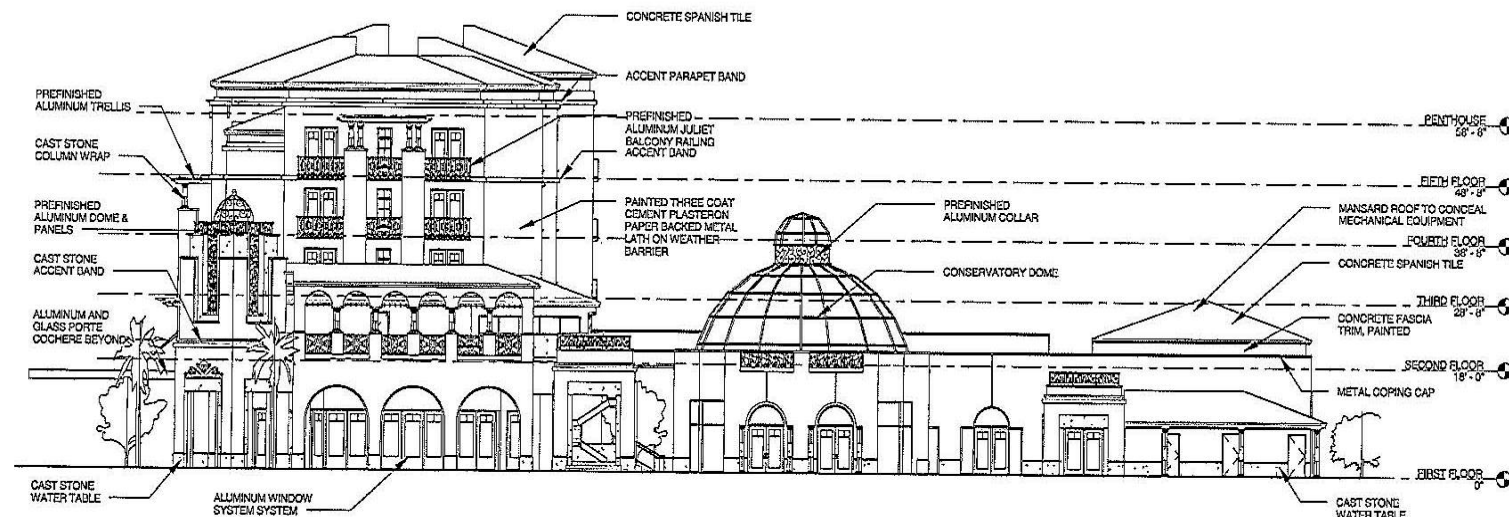
PROJECT NO:  
100218.00

CU A2.102





**EAST ELEVATION**



**WEST ELEVATION**

FINAL CONDITIONAL  
USE APPROVAL  
NOVEMBER 15, 2011

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1109 South Orange Avenue  
Suite 1700  
Orlando, Florida 32803  
407.926.3000 Tel  
407.926.3390 Fax  
info@bakerbarnos.com  
www.bakerbarnos.com  
AA002963

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Barnos**  
Architects

ALFOND INN AT ROLLINS  
INTERLACHEN AVENUE  
WINTER PARK, FL

EXTERIOR ELEVATIONS

PROJECT NO: 100218.00 CU A2.103

DRAFT 11-29-11

Prepared by and return to:  
Jeff Briggs, Director  
Planning Dept.  
City of Winter Park  
401 Park Avenue South  
Winter Park, FL 32789

**SEVENTH AMENDMENT TO DEVELOPER'S AGREEMENT**  
**RELATING TO HOTEL PROPERTY**

THIS SEVENTH AMENDMENT TO DEVELOPER'S AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, between the **CITY OF WINTER PARK, FLORIDA**, a Florida municipality ("City"), whose address is City Hall, Attention: Planning Department, 401 Park Avenue South, Winter Park, Florida, 32789 and **ROLLINS COLLEGE**, a Florida non-profit corporation ("Hotel Developer" or "Rollins College") whose address is 1000 Holt Avenue, Winter Park, Florida 32789.

WHEREAS, the City and Langford Development LLC entered into a Developer's Agreement dated September 24, 2001, and recorded in Official Records Book 6493, Page 6752, as amended by a First Amendment dated October 22, 2002, and recorded in Official Records Book 6796, Page 3238, as amended by a Second Amendment dated January 23, 2003 and recorded in Official Records Book 6796, Page 3245, as amended by a Third Amendment dated May 10, 2004 and recorded in Official Records Book 7479, Page 1692, as amended by a Fourth Amendment dated August 2004 and recorded in Official Records Book 7711, Page 403, as amended by a Fifth Amendment dated June 13, 2005 and recorded in Official Records Book 8038, Page 349, as amended by a Sixth Amendment dated December 10, 2007 and recorded in Official Records Book 9541, Page 2810, all in Public Records of Orange County, Florida (all seven documents are hereafter together referred to as the "Developer's Agreement") which affects the property set forth in **Exhibit "A"** and incorporated herein (the "Original Property");

WHEREAS, the Original Property is divided into two separate parcels;

WHEREAS, Rollins College is a successor in interest to Langford Development LLC and owns one of the two parcels, which is described in **Exhibit "B"** ("Hotel Property");

WHEREAS, the remaining parcel ("Condominium Property") is developed as a 23 unit residential condominium and below ground parking structure located at 300 South Interlachen Avenue which received a Certificate of Occupancy in September 2006;

WHEREAS, pursuant to the Developer's Agreement, the issuance of the Certificate of Occupancy for the Condominium Property, the City Comprehensive Plan, and the City Code, the Original Property is vested for residential condominiums, and approved for a hotel and ancillary uses as set forth in the Developer's Agreement;



WHEREAS, Hotel Developer and City desire to amend certain portions of the Developer's Agreement related to the development and operations of a hotel and ancillary uses on the Hotel Property;

WHEREAS, this Seventh Amendment has no effect on the Condominium Property, and The Developer's Agreement, as defined above, regarding the Condominium Property, shall remain in full force and effect in accordance with the terms thereof; and

WHEREAS, the parties desire to commemorate the City's approval and acceptance of the amended Master Plan as set forth herein.

NOW THEREFORE, in consideration of the premises thereof, the promises and provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Developer agree as follows:

1. Paragraph 3, Approved Property Use, shall be deleted in its entirety, and replaced with the following:

3. Approved Property Use.

- A. The City has approved 23 single-family residential condominium units to be developed in an out parcel pursuant to a lot split, in accordance with the terms of this Agreement. Included beneath the condominium structure and a portion of the hotel structure is a below-grade structure containing 50 parking spaces, of which 46 spaces are required for the condominium units.
- B. The City hereby approves Hotel Developer's Conditional Use/Master Plan for Phase I of the Hotel development consisting of 112 hotel rooms and suites; approximately 5200 gross square feet for a restaurant bar; approximately 250 gross square feet of retail; approximately 8,900 gross square feet of ballroom/meeting space; approximately 1500 gross square feet for a fitness facility; and approximately 127 space surface parking lot. This Master Plan is attached hereto as **Exhibit "C"**.
- C. In the future, as Phase II, the Hotel Developer may apply to further amend the Conditional Use/Master Plan up to the entitlements granted by the previous Development Agreement amendments, subject to compliance with the conditional use process set forth in the Code, and subject to compliance with all of the terms of this Development Agreement; and, specifically, the Sixth Amendment plans which are attached hereto as **Exhibit "D"**.
- D. The sale of alcohol in connection with the operation of a full service restaurant. The City further agrees that live amplified entertainment shall also be permitted in the Hotel and on that portion of the Property associated with the Hotel. Such amplified

music shall be prohibited between the hours of 11:00 p.m. and 8:00 a.m.

E. A future request may include the following land use components:

Hotel, which includes:

- (i) 250 hotel rooms and suites;
- (ii) restaurant, lobby bar, and pool bar containing a maximum of 5,200 gross square feet;
- (iii) approximately 323 gross square feet of retail space, which retail space shall be an accessory and incidental use to the main use of the Property as a hotel;
- (iv) approximately 14,570 gross square feet of dedicated ballroom/banquet/meeting space;
- (v) a spa/health club containing approximately 12,000 gross square feet; and
- (vi) A parking garage abutting the Winter Park Public Library property with gated point of ingress and egress on New England Avenue, and a curb cut on Lyman Avenue, said structure to contain approximately 436 parking spaces. (20 of which are designated for use by the Winter Park Public Library).

2. Paragraph 5, Luxury Hotel, shall be deleted in its entirety and replaced with the following:

**5. A. Hotel Quality.** The Developer represents that the Hotel will be designed, built, operated and maintained in a manner and quality consistent with the properties and buildings currently owned by Rollins College on its main campus. The Hotel will be a full-service, upscale hotel as defined by Smith Travel Research ("Upscale Hotel"). It shall be operated in a manner generally consistent with other Upscale boutique independent hotels.

**B. Rollins College Ownership of Hotel.** Rollins College intends to own the Hotel Property in perpetuity and agrees that such Hotel will be operated by an operator under contract with Rollins College, for the benefit of Rollins College, for a period of not less than twenty-five (25) years from the effective date of this Seventh Amendment. The City has

relied on this representation of Rollins College's long-term ownership in approving this amendment to the Development Agreement.

3. Paragraph 6, Building Setback Lines, shall be deleted in its entirety and replaced with the following:

**6. Building Setback Lines.** The City acknowledges that the conditional use approval for the Project for a 25-foot front yard setback and 20 foot side yard setback and an 11 foot rear yard setback adjacent to the Winter Park Public Library. Within the 11 foot setback, the existing live oaks trees shall be maintained. In addition, the buffer area shall include tall palm trees medium height ground cover, understory palms, large scale flowering trees and understory shrubs with automatic irrigation. Further, in the circumstance of a lot split for a condominium building as set forth in Paragraph 6, there shall be no setbacks required with respect to internal contiguous boundaries as shown on the Master Plan. City and Developer hereby acknowledge that Developer has obtained the review and approval of the east elevation of the parking garage structure and the landscape plan for the screening of the east side of the parking garage from the Winter Park Public Library, and the same are as incorporated into the Master Plan. Developer agrees that no further changes will be made to the east elevation of the parking garage structure nor the landscaping plan without prior notice to and receipt of input from the Winter Park Public Library, which input shall be provided within twenty (20) days of receipt of such notice, and review and approval by the City.

4. Paragraph 9, Parking Facilities, shall be deleted in its entirety and replaced with the following:

**9. Parking Facilities.** The City and Rollins College acknowledge and agree that the Hotel is approved for 436 automobiles parking spaces (not including the 46 Residential Condominium parking spaces), and Rollins College may reduce that number to the number of parking spaces as shall, at the time the various certificates of occupancy are issued for each phase, meet the City Code requirements. During Phase I, Rollins College is required to provide 127 surface parking spaces on-site. Twenty (20) of the 127 surface parking spaces shall be utilized for Winter Park Public Library staff parking during the Library operating hours. In addition, pursuant to City Code section 58-86, Rollins College may use its parking garage located at tax parcel ID: 07-22-30-0033-00-011 (commonly referred to as the "SunTrust Garage") to accommodate the off-street parking requirements. Rollins College further agrees that all garage entry gates (to be installed in Phase II) shall be of a quality and decorative design consistent with the overall design and high quality materials to be utilized throughout the Hotel.

A. Parking Management Plan. In conjunction with approval of this Developer's Agreement, City approves a Parking Management Plan submitted by Hotel Developer, detailing the method and operational characteristics of the management of parking as it is proposed to be split between on-site and off-site properties including the "SunTrust Garage". The Parking Management Plan shall be initially approved by the City Commission and subsequent amendments may be approved by the City Manager, at his discretion, which decision may be appealed to the City Commission. The Hotel or the City may request amendments to the Parking Management Plan and to the operational standards. The City Commission will review the Parking Management Plan six months after the issuance of the certificate of occupancy for the Hotel. The Parking Management Plan shall expressly include the following:

- (i) City approval of any fees charged for valet parking services (excluding voluntary gratuities) and any fees charged to Hotel guests, visitors or employees for use of a privilege to park on-site on Hotel property or off-site in the SunTrust Garage or other off-site property;
- (ii) Methods of enforcement to assure compliance with the commitment that Hotel employees will park off-site at the SunTrust Garage or other off-site property;
- (iii) Methods to provide the 20 parking spaces on-site to staff at the Winter Park Public Library during library operating hours;
- (iv) Operational standards (staffing and hours) of the valet parking service;
- (v) Methods to inform Hotel guests and visitors of the off-site parking options; and
- (vi) Methods to inform Hotel guests and visitors that they may not park in the adjacent parking lots of the Winter Park Public Library, All Saints Episcopal Church and Winter Park Women's Club, including methods to respond to complaints by those groups regarding violators.

5. The following new paragraphs are hereby added to the Developer's Agreement as follows:

- 30. There will be no dormitories, student or faculty housing within the Hotel and there will be no classrooms or other teaching facilities

for Rollins students at the Hotel that conduct classes such as those customarily conducted on campus. Provided, however, this restriction is not intended to prevent students or faculty from staying at the hotel as normal guests, nor is it intended to prohibit conferences, seminars or other educational activities sponsored by Rollins or unrelated parties.

31. All Hotel service deliveries are to be from the loading dock and not along New England Avenue.

6. Binding Effect; Assignment. This Development Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto and shall run with the title to the Property. Rollins College agrees to continuously own the Hotel Property for 25 years from the Effective Date of this Amendment. During that 25 years, this Development Agreement may not be assigned by Rollins College without the City's written permission, except to Rollins College wholly owned subsidiaries.

7. Other than the modifications contained herein, the Developer's Agreement shall remain in full force and effect in accordance with the terms thereof.

*[signatures to follow]*

IN WITNESS WHEREOF, the parties hereto have each caused these presents to be executed by its undersigned officers thereunto duly authorized as of the day and year first above written.

Signed, sealed and delivered in the presence of the following witnesses:

**CITY OF WINTER PARK, FLORIDA,**  
a Florida municipality

\_\_\_\_\_  
Signature of Witness

By: \_\_\_\_\_  
Kenneth W. Bradley, Mayor

\_\_\_\_\_  
Print/Type Name of Witness

Attest:

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Cynthia S. Bonham, City Clerk

\_\_\_\_\_  
Print/Type Name of Witness

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by Kenneth W. Bradley, Mayor of the City of Winter Park, who is personally known to me.

\_\_\_\_\_  
Notary Public, State of Florida

\_\_\_\_\_  
My commission expires: \_\_\_\_\_



**ROLLINS COLLEGE**, a Florida non profit corporation

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Print/Type Name of Witness

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

**"HOTEL"**

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Print/Type Name of Witness

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_ as \_\_\_\_\_ of ROLLINS COLLEGE, a Florida non-profit corporation, (check one) ☐ who is personally known to me ☐ or produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida

\_\_\_\_\_  
My commission expires: \_\_\_\_\_

G:\Docs\City of Winter Park\Planning & Zoning\Rollins Alford Inn\Seventh Amendment\Seventh Amend 10-31-11 redline.docx

## EXHIBIT A

### Legal Description of Original Property

Lots 12 through 22 also Lots 27 and 28 (less the East 17.00 feet of Lot 28) and the vacated alley lying North of Lots 18,21,22,27 and 28 (less the East 17.00 feet of Lot 28), Block 60, and South of Lots 12,13,14,15,16 & 17, Block 60, TOWN OF WINTER PARK, as recorded in Plat Book A, Pages 67 through 72, Public Records of Orange County, Florida, also Lots 374, 375 and 376 (less the East 17.00 feet of Lot 374) and the vacated alley lying South of Lot 374, TOWN OF WINTER PARK, as recorded in Miscellaneous Book 3, Page 270, Public Records of Orange County, Florida.

EXHIBIT B  
Legal Description of Hotel Property

Lots 12 through 22 also Lots 27 and 28 (less the East 17.00 feet of Lot 28) and the vacated alley lying north of Lots 18, 21, 22, 27 and 28 (less the East 17.00 feet of Lot 28), Block 60, and South of Lots 12, 13, 14, 15, 16 & 17, Block 60, TOWN OF WINTER PARK, as recorded in Plat Book A, pages 67 through 72, Public Records of Orange County, Florida, also Lots 374, 375 and 376 (less the East 17.00 feet of Lot 374) and the vacated alley lying South of Lot 374, TOWN OF WINTER PARK, as recorded in Miscellaneous Book 3, page 220, Public Records of Orange County, Florida.

Less and except a portion of Lots 18, 19, 20, and 21, Block 60, TOWN OF WINTER PARK, as recorded in Plat Book A at pages 67 through 72, Public Records of Orange County, Florida being more particularly described as follows:

Begin at the Southwest corner of said Lot 20; thence N 00°00'00"E along the East right of way line of South Interlachen Avenue, also being the West line of said Lots 18, 19, and 20 for 112.00 feet; thence S 90°00'00" E for 242.28 feet; thence S 00°00'00" W for 42.95 feet; thence S 90°00'00" E for 6.50 feet; thence S 00°00'00" W for 49.55 feet; thence N 90°00'00" W for 19.44 feet to a point concave to the Southeast and whose radius point bears S 05°28'57" E; thence Southwesterly along a 66.90 foot radius curve leading to the left through a central angle of 39°46'21" for an arc distance of 46.44 feet to a point on the North right of way line of East Lyman Avenue, also being the South line of said Lots 20 and 21; thence S 89°59'59"W along said North right of way line of East Lyman Avenue and said South line of Lots 20 and 21 for 188.44 feet to the point of beginning.

Being more particularly described as follows:

Commence at the Southwest corner of Lot 20, Block 60, TOWN OF WINTER PARK, as recorded in Plat Book A, pages 67 through 72, Public Records of Orange County, Florida; thence N 00°06'57" E along the East right of way line of South Interlachen Avenue, also being the West line of Lots 18, 19, and 20 of said Block 60, for a distance of 112.00 feet and for a point of beginning; thence continue N 00°06'57" E along said East right of way line a distance of 182.60 feet to the South right of way line of East New England Avenue; thence N 89°57'38" E along said South right of way line and the North line of Lots 12, 13, 14, 15, 16, 17, 374, 375 and 376 of said Block 60 a distance of 582.97 feet; thence S 00°06'57" W a distance of 295.00 feet to the North right of way line of East Lyman Avenue; thence S 90°00'00" W along said North right of way line and the South line of Lots 20, 21, 22, 375, 376, 27 and 28 a distance of 394.53 feet to a point on a non-tangent curve concave southeasterly, having a radius of 66.90 feet, a chord bearing of N 64°30'34" E, a chord distance of 45.31 feet, run thence, Northeasterly along the arc of said curve, through a central angle of 39°35'18", a distance of 46.22 feet; thence S 90°00'00" E a distance of 19.44 feet; thence N 00°00'00" E a distance of 49.55 feet; thence N 90°00'00" W a distance of 6.50 feet; thence N 00°00'00" E a distance of 42.95 feet; thence S 90°00'00" W a distance of 242.05 feet to the point of beginning.

Contains 145,185 square feet or 3.333 acres more or less.

EXHIBIT C

Seventh Amendment Master Plan

EXHIBIT D

Plans submitted with Sixth Amendment

# Alfond Inn at Rollins College



## Parking Management Plan Prepared for Rollins College

by:



November 30, 2011



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## EXECUTIVE SUMMARY

The Alford Inn at Rollins is a small, upscale Hotel featuring 112 guestrooms, restaurant, lounge and banquet and meeting facilities. The parking demand and service expectations for this type of Hotel, coupled with local concern, require a detailed parking management plan (self park and valet). As the first and last impression of a Hotel stay, a successful parking operation is critical to the overall success of the Hotel. In the case of The Alford Inn, the parking management plan must address peak demand scenarios such as large ballroom events that run concurrently with restaurant hours and high occupancy.

Given the size and scale of this Hotel combined with the proposed and currently available parking supply, the parking operation for the Alford Inn will be successful. It is the consultant's opinion that the Alford Inn parking program will have minimal or no impact on the surrounding community and will be effectively and straightforwardly implemented based on the following conditions:

1. There is more than ample parking capacity for this project. There are 125 spaces on-site and more than 860 spaces available within 350 feet of the development site. The Winter Park Land Development Code requires 244 parking spaces.
2. Based in Institute of Transportation Engineers' standards and general industry guidelines, the proximity of off-site spaces is suitable for a Hotel operation. The 125 parking spaces on-site will accommodate 100% of the regular overnight parking demand. This means that the on-site lot will accommodate 100% of the parking demand 90% of the time. Further, the availability of off-site inventory is "complimentary" to the demand generated by the Hotel. The current demand for the offsite parking peaks on weekdays between 10am-2pm while the Hotel demand will peak in the evening and on weekends.
3. The site layout and location of off-site parking inventory offers a variety of different access options. Multiple points of operation off the street reduces traffic concerns while providing maximum flexibility to the operator.
4. Because peak demand is caused by special events, there is ample notice and planning time to address arrival, parking and departure procedures. Advance notice of peaks is ideal for staffing allocations, communication and coordination.
5. The Operator of the project is familiar with valet parking operations and is committed to ensuring ample staffing and training for parking management.

This report defines the operational parameters for a range of parking demand scenarios including the regular Hotel guest parking, Hotel guest parking with parking for a large banquet event and Hotel guest parking with parking for a large special event such as a Winter Park Institute event. Under all three scenarios, parking is available and accessible.

These scenarios are the following:

1. Scenario 1 – Base Case operations: A completely full Hotel with typical restaurant and bar activity and no events in the banquet/meeting facilities. This is a typical demand scenario where demand comes only from occupied Hotel rooms. This demand or less is anticipated 90% of the time.
2. Scenario 2 – Social Events: A completely full Hotel with typical restaurant and bar activity and a large wedding type event in the banquet/meeting facilities. This level of demand can be expected frequently on weekends approximately 8% of the time.
3. Scenario 3 – Winter Park Events: A completely full Hotel with typical restaurant and bar activity and a large Winter Park Institute style event in the banquet/meeting facilities. This is the absolute highest forecasted demand and is estimated to occur approximately 7 times per year or less than 2% of the time. These events are noteworthy due to high attendance by non-Hotel guests and dense arrival pace.

The parking supply and demand for these scenarios is accomplished with the following:

#### Scenario 1

Location	Valet	Self Park	Employee	Total
<b>On-Site Lot</b>	126	0	0	126
<b>SunTrust Garage</b>	0	0	26	26
Total Vehicle Demand				151

#### Scenario 2

Location	Valet	Self Park	Employee	Total
<b>On-Site Lot</b>	126	0	0	123
<b>All Saints Lot</b>	61	0	0	61
<b>SunTrust Garage</b>	0	49	63	112
<b>Lawrence Center</b>	61	33	0	94
Total Vehicle Demand				390

#### Scenario 3

Location	Valet	Self Park	Employee	Total
<b>On-Site Lot</b>	133	0	0	133
<b>All Saints Church Lot</b>	74	0	0	74
<b>SunTrust Garage</b>	89	59	63	211
<b>Lawrence Center</b>	0	40	0	40
Total Vehicle Demand				458

As indicated the total vehicle demand under the most extreme scenario is 458 cars. The Parking Management Plan explains the accommodations necessary for this scenario.

This plan also identifies ramp and staging capacity for two valet pickup/drop-off areas: The main entrance on New England and the auxiliary valet area contained within the on-site parking lot. Both areas have been carefully designed to efficiently accommodate valet parking and eliminate the potential for backup on nearby streets. Vehicle storage areas have been prioritized based on proximity and availability to ensure safe, quick traffic patterns.

The schedule and number of employees for each scenario are included herein. The Hotel parking operation will have anywhere from 1 to 25 employees at any one time. The exact requirement for the number of staff depends on the size and the nature of events. Recommendations to obtain the levels of service which are also described herein are included as well.

This Parking Management Plan includes measures to ensure proper communication to the guests and prospective visitors of the Hotel. The marketing initiatives will include advanced driving directions to the Hotel to virtually eliminate westward approaches from New England. Options for self parking will be provided and directions to the valet ramp on the on-site lot will be distributed for large events.

Finally, a section on enforcement outlines the steps the Alford Inn management team will take to ensure Hotel guests and visitors comply with the community parking restrictions. This enforcement will be done with the feedback and input of the community stakeholders. Regular meetings will be held with residents and neighbors to ensure their needs are being met.



## Winter Park Land Development Code Requirement

The Alford Inn at Rollins College is designed specifically for the Winter Park community. Per the City's code as specified in Chapter 58 of Winter Park's Code of Ordinances, the design of the Alford Inn requires 244 parking spaces. Table 1 details these requirements by category.

Table 1

Functional Use	Space	Parking Requirement
Hotel	112 Rooms	112
Board Room/Ballroom/Meeting	9,329 sq. ft.	24
Restaurant/Bar	5,356 sq. ft.	107
Storage		1
	Total	244

Additionally, Rollins College has agreed to continue to make 20 spaces available for the benefit of the library's employees during regular library hours and 10 spaces within the Lawrence Center Lot will be designated for the exclusive use of the Residences.

It is noted that the parking requirements set forth in the City's code are considerably higher when compared to industry standards such as the Institute of Transportation Engineers' recommendations or recent shared-use parking models. As indicated in a 2010 Winter Park Parking Study, the City's parking codes are on average 16% more stringent than the ITE's Parking Generation recommendations and 38% higher than the study's referenced Downtown Shared Parking Model. Table 2 of this report shows two tables that were included in the 2010 parking study and shows the strict requirements of the City's code versus the two other reference points. The study is included in its entirety in the Appendix section of this report.

Table 2

Figure 5: Existing Land Use Parking Generation based on  
ITE Rates, City Code & Downtown Shared Parking Model

Land Use	Existing Floor Area (units)	ITE Parking Generation <sup>1</sup>	Winter Park Code <sup>2</sup>	Downtown Shared Parking Model <sup>3</sup>
Private Offices	525,425	1,576	2,102	1,044
Residential	427,961 (346)	346	692	224
Retail	286,690	1,089	1,147	934
Government Offices	153,831	461	615	481
Restaurant, Museums	38,239	765	497	458
<b>Total</b>		<b>4,238</b>	<b>5,053</b>	<b>3,141</b>

<sup>1</sup> ITE Parking Generation, 2nd ed.

<sup>2</sup> City of Winter Park Land Development Code, Chapter 58

<sup>3</sup> Observed numbers balanced by shared-use reduction percentage based on ITE rates

Figure 6: Full Occupancy Scenario Parking Generation based on  
ITE Rates, City Code & Downtown Shared Parking Model

Land Use	Existing Floor Area (units)	ITE Parking Generation <sup>1</sup>	Winter Park Code <sup>2</sup>	Downtown Shared Parking Model <sup>3</sup>
Private Offices	539,300	346	692	224
Residential	427,961 (346)	1,318	857	789
Retail	320,641	1,218	1,283	1,045
Government Offices	161,231	1,618	2,157	1,072
Restaurant, Museums	65,891	484	645	504
<b>Total</b>		<b>4,984</b>	<b>5,634</b>	<b>3,634</b>

<sup>1</sup> ITE Parking Generation, 2nd ed.

<sup>2</sup> City of Winter Park Land Development Code, Chapter 58

<sup>3</sup> Observed rates balanced by shared-use reduction percentage based on ITE rates

## Parking Supply

The Alford Inn at Rollins College will exceed the Winter Park Land Development Code requirements with on-site parking and parking in the SunTrust garage. Together, the on-site parking lot (125 spaces) and the SunTrust garage (500+) will fulfill both Winter Park code requirements and the practical parking needs of this boutique Hotel. Additional parking facilities will be used as necessary for events and situations that generate higher parking demands.

As the following tables summarizes, there are approximately 866 parking spaces available to fulfill the practical parking requirements of the Alford Inn.

Location	Spaces
On-Site Parking	125
SunTrust Garage Available Capacity	544
All Saints Church Lot	85
Lawrence Center Lot	112
<b>Total Spaces</b>	<b>866</b>

### On-Site Parking

The majority of the parking spaces required for the Alford Inn will be constructed on-site in a convenient, surface grade parking lot. This parking facility will provide 125 (51%) of the 244 Hotel required spaces.

Further, this lot will be used exclusively for valet parking which will maximize the efficiency and enable approximately 40% more vehicles when completely stacked. This will increase the capacity of this lot to approximately 175 spaces.

Without stacking, the on-site lot will accommodate the majority of the Hotel guests on most days. For regular Hotel traffic and typical Hotel overnight occupancy levels, no off-site parking will be necessary.



### Off-Site Parking

Rollins College is uniquely qualified to develop the subject property because of its large inventory of available parking in the immediate proximity. As owners of both the SunTrust garage and the Lawrence Center Lot, Rollins maintains a significant parking inventory available for ancillary uses.

**Table 4**

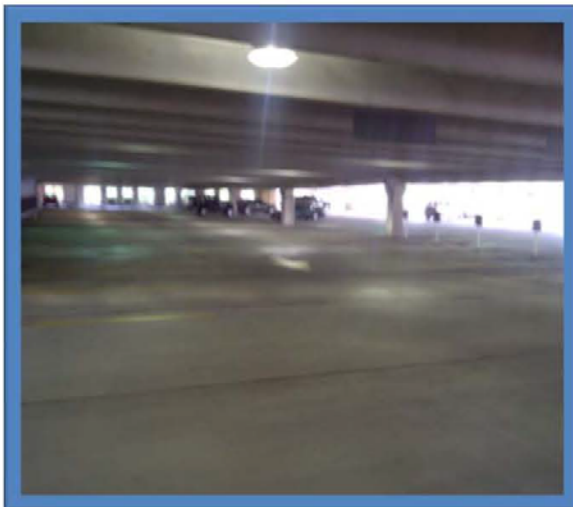
SunTrust Garage	
<b>Total Number of Spaces</b>	860
<b>Number Required for SunTrust Plaza Office Building and Retail</b>	<u>316</u>
<b>Parking Surplus Available per City Code for Ancillary Uses</b>	544

The 860 space SunTrust garage was built with 544 surplus parking spaces above what was required for the SunTrust office and retail plaza. This surplus was planned so that future Rollins projects could benefit from this parking resource. This code defined surplus is supported by observed demand of the facility. Observations indicate that a minimum of 500 parking spaces are available at any one time and more than 600 spaces are available in late evenings and on weekends when the Hotel is most likely to benefit from additional parking. Given the on-site parking supply of 125 spaces, only 119 additional spaces are necessary and the SunTrust garage easily satisfies this requirement.

The Alford Inn's anticipated use is complimentary to the existing garage demand which is very low on weekends and evenings.

**Table 5**

Time Period	Total Number of Spaces	- Avg. Peak Demand	= Spaces Available
<b>9:30-11:30</b>	860	359	501
<b>14:00-16:00</b>	860	290	570
<b>After 21:30</b>	860	180	680



Communication lines between the Alford Inn Development team and the management of the SunTrust garage are already in place. The future Hotel operator has also met with the SunTrust garage property manager to plan the operational layout of the valet spaces within the garage.

Rollins College also owns and controls the Lawrence Center and its 122 space surface parking lot. This surface lot is directly west of the Alford Inn site and will be available for self parking and for valet parking for Hotel guests. The parking demand for this lot comes from the Lawrence Center and is also complimentary to the Hotel demand because it is office and commercial parking that peaks during regular business hours, Monday – Friday. In the evening hours and on weekends, the demand for this lot is very low and this will provide convenient and accessible parking for the guests of the Hotel.



The Lawrence Center Lot is not completely full at peak times during the week and as the owners of the lot, Rollins College has the authority to transfer parkers out of this facility to further increase available parking. The following table explains the tenant mix and parking Requirements for the Lawrence Center. By reassigning the parking for Rollins College employees who work in the Lawrence Center, the school can create 30 additional vacant spaces.



Although Rollins College does not need the Lawrence Center parking lot to meet Winter Park Code requirements, visitors to the Hotel's restaurant and bar will find this location a convenient self parking option. On evenings and during weekends, most of the spaces remain vacant.

The Residences, shown here adjacent to the Lawrence Center Lot, have been granted 10 spaces within the Lawrence Center Lot for the residents' exclusive use. This will reduce the number of available spaces within this lot from 122 to 112.

Additional parking for the Alford Inn has been made available through a development agreement with the neighboring All Saints Church. The Alford Inn and All Saints Church have agreed to expand the church's lot on E. Lyman Avenue to a capacity of approximately 85 spaces. The Church will then permit the Hotel's valet operation full use of their lot on most days with the notable exception being Sunday's during services.



These 85 spaces will be valuable to the valet parking operation because there are directly across the street from the on-site parking lot which is on the East end of the development site. As explained in more detail later in this report, the auxiliary valet stand will be erected on the on-site lot for certain events. The All Saints Church lot will be the quickest and most direct off-site storage area for this valet.

As displayed in the table below and the aerial photo on the following page, Rollins College's Alford Inn will benefit from ample parking through the on-site lot and the generous supply of parking owned by the school. During the highest demand periods, there will be adequate parking to address the needs of Hotel's visitors and guests.

Table 6

Location	Spaces
On-Site Parking	125
SunTrust Garage Available Capacity	544
All Saints Church Lot	85
Lawrence Center Lot	112
<b>Total Spaces</b>	<b>866</b>





## Practical Shared Use Requirements

Shared Use Parking is a type of Parking Management where parking spaces are shared by more than one user which allows parking facilities to be used more efficiently. Shared Use Parking is possible because most parking spaces are only used part time by any particular demand generator. Most modern developments generate “complimentary” parking demands that allow parking spaces to be utilized by these different demand generators at different times. However, building codes and zoning codes do not always adjust for these complimentary uses.

For example, the City of Winter Park's Land Development Code is clear that a Hotel development must provide parking for each Hotel room plus parking for each ancillary use within the Hotel such as restaurants, banquet facilities and bars at the same level as if these services were provided in a standalone facility. By stacking these demand generators, the City of Winter Park's code, like most municipal building codes, does not accommodate the fact that many of the restaurant patrons or banquet attendees are also overnight Hotel guests. A shared use parking analysis considers “competing” and “complimentary” uses to determine the peak parking demand based on these shared uses. This analysis is important to determine the practical parking needs created by a mixed use facility.

A shared used parking analysis for the Alford Inn was completed based on three potential scenarios:

1. Scenario 1 – Base Case operations: A completely full Hotel with typical restaurant and bar activity and no events in the banquet/meeting facilities. This is a typical demand scenario where demand comes only from occupied Hotel rooms. This demand or less is anticipated 90% of the time.
2. Scenario 2 – Social Events: A completely full Hotel with typical restaurant and bar activity and a large wedding type event in the banquet/meeting facilities. This level of demand can be expected frequently on weekends approximately 8% of the time.
3. Scenario 3 – Winter Park Events: A completely full Hotel with typical restaurant and bar activity and a large Winter Park Institute style event in the banquet/meeting facilities. This is the absolute highest forecasted demand and is estimated to occur approximately 7 times per year or less than 2% of the time. These events are noteworthy due to high attendance by non-Hotel guests and dense arrival pace.

Several variables were factored to project demand for these scenarios based on the Institute of Transportation Engineers Handbook as well as practical experience. These assumptions were then used to calculate the estimated parking demand and the projected demand was used to develop a corresponding operating strategy. The assumptions, projected demand and corresponding operating strategies for each scenario are summarized in the following pages.

### Scenario 1 – Base Case

Scenario 1 is the Base Case with a completely full Hotel with typical restaurant and bar activity and no events in the banquet/meeting facilities. (90% of the days within the calendar year will have this demand or less) As indicated in the table in Appendix 1, the maximum demand for parking created by the assumptions in Scenario 1 is 151 vehicles of which 25 vehicles are employee cars. As explained later in this report, employee parking will be mitigated by policies that require employees to park in the SunTrust garage. Also, this model assumes that 100% of the vehicles will choose valet parking so no adjustment for self parking is necessary in this example. A summary of the demand for Scenario 1 follows:

Table 7

<b>Functional Use</b>	<b>Peak Demand</b>
Hotel Guests	84
Hotel Employees	10
Restaurant Patrons	21
Restaurant Employees	8
Bar Patrons	21
Bar Employees	7
Peak Hour Guest/Patron Demand	126
Peak Hour Employee Demand	25
Peak Hour Demand	151

As summarized above, with a completely full Hotel and no events, the peak guest parking demand is estimated to be 126 vehicles. This demand or less is expected for 90% of the days in the year and the on-site lot with 125 spaces will easily accommodate the demand. Again, this assumes 100% of the guests use valet parking. The demand will be further reduced when considering that some guests will choose self parking as in Scenarios 2 and 3.



### Hours of Operation and Staffing Schedule for Scenario 1

The parking operation at the Alford Inn will function 24 hours per day, seven days per week to maintain the highest levels of service possible. The typical personnel requirement will be one valet attendant on duty 24/7 and a second attendant on duty from 7am-11pm. This will provide continuous coverage and allow for an attendant at the podium at all times from 7am-11pm.

Based on the Institute of Traffic Engineers Handbook and practical experience, we know that peak arrival time for the Hotel will be 3pm – 7pm and that peak departure time will be 7am – 11am. On days with heavy arrivals or check-outs, a third attendant will assist guests with their valet parking needs during peak time periods.

The schedule on the following page depicts the above described staffing levels. This schedule is considered the maximum "Hotel" valet schedule when the Hotel portion of the operation is experiencing peak demand. This schedule will fluctuate on low occupancy days when there is little valet activity anticipated. For example, only one valet attendant would be scheduled on days when the reservation system shows little Hotel activity.

### Maximum Hotel Overnight Guest Valet

Position	MON		TUE		WED		THU		FRI	SAT		SUN
Valet #1	7am	to 3pm	7am	to 3pm	7am	to 3pm	7am	to 3pm	Off		Off	Off
Valet #2	3pm	to 11pm	3pm	to 11pm	3pm	to 11pm	3pm	to 11pm	Off		Off	Off
Valet #3	11pm	to 7am	11pm	to 7am	11pm	to 7am	11pm	to 7am	Off		Off	Off
Valet #4	Off		Off		Off		Off		7am	to 3pm	7am	to 3pm
Valet #5	Off		Off		Off		Off		3pm	to 11pm	3pm	to 11pm
Valet #6	Off		Off		Off		Off		11pm	to 7am	11pm	to 7am
Valet #7	7am	to 3pm	7am	to 3pm	7am	to 3pm	7am	to 3pm	Off		Off	Off
Valet #8	3pm	to 11pm	3pm	to 11pm	3pm	to 11pm	3pm	to 11pm	Off		Off	Off
Valet #9	Off		Off		Off		Off		7am	to 3pm	7am	to 3pm
Valet #10	Off		Off		Off		Off		3pm	to 11pm	3pm	to 11pm
Valet #11	7am	to 3pm	7am	to 3pm	7am	to 3pm	7am	to 3pm	7am	to 3pm	Off	Off
Valet #12	3pm	to 11pm	3pm	to 11pm	3pm	to 11pm	3pm	to 11pm	3pm	to 7pm	Off	Off
Valet #13	Off		Off		Off		Off		Off		7am	to 12pm
Valet #14	Off		Off		Off		Off		Off		3pm	to 7pm
Valet #15	Off		Off		Off		Off		Off		Off	Off

### Arrival/Parking Routes for Scenario 1

Using the Hotel's communication plan including web pages and collateral material, guests will be directed to arrive to the Hotel in 2 ways based on their starting point:

- From the East, guests will be directed to proceed down Aloma/Fairbanks, make a right on Interlachen, another right on New England to the Hotel's main entrance. This limits congestion on New England by eliminating a left turn entrance to the porte cochere.



- From the West, guests will be directed to proceed down Fairbanks, make a left on Park Avenue and a right on New England to the Hotel's main entrance. This affords the guest an opportunity to see the shopping and dining opportunities en route to the Hotel and contributes to the overall sense of arrival.





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- An aerial photograph of a residential neighborhood. A yellow rectangular outline highlights a specific block on the left side of the image. The block contains several houses and trees. To the right of the highlighted block, there is a large, open, light-colored field, possibly a sports field or undeveloped land. A road runs vertically through the center of the image, and a curved road is visible on the right. In the bottom right corner, there is a 'Rollins College' sign and a 'Google' logo. The text '© 2011 Google' is visible in the bottom center.



Upon arrival, the guest may choose valet or self parking. The valet route for this scenario will be the most common route used for all valet traffic. As vehicles exit the main entrance, they will proceed east on New England and arrive quickly to the entrance of the on-site lot. The return route will be the opposite. Those opting to self park will be directed to proceed right from the drive, proceed through the lot to Lyman, then head east on Lyman to the SunTrust Garage. As noted later in the Enforcement Section, guests will be advised street parking is prohibited and valet tickets are required to park in the surface lot.

During periods of very low demand, the Hotel will graciously permit self parking on the surface lot.



The parking supply for Scenario 1 is summarized with the following table.

Location	Valet	Self Park	Employee	Total
<b>On-Site Lot</b>	126	0	0	126
<b>SunTrust Garage</b>	0	0	26	26
			Total	151



## Scenario 2 – Social Events

### Scenario 2 (A-C) – Social Events

It is estimated that the Hotel will host approximately 30 (+/-) “social events” per year such as wedding receptions, large parties, etc. These events will typically be held on a Saturday evening and the specific dates and times will be known well in advance. These large events will generate higher parking demands that will require a flexible parking plan that uses parking inventory based on availability. This plan will accommodate valet storage in a variety of ways depending on what competing events are occurring simultaneously. These competing events may limit availability in certain lots but the large inventory of potential parking allows use of other parking areas to accommodate these large events.

As detailed in the appendix of this report, a model has been created to estimate parking demand under a scenario where the Hotel is 100% full and the banquet, restaurant and bar areas are also completely full with both Hotel guests and other visitors to Alford Inn. In this scenario, based on industry standards and ITE data, the peak hour parking demand is estimated to be 390 vehicles.

Functional Use	Peak Demand
Hotel Guests	84
Hotel Employees	10
Restaurant Patrons	21
Restaurant Employees	8
Bar Patrons	21
Bar Employees	8
Banquet Facilities	202
Banquet Employees	37
Peak Hour Guest/Patron Demand	327
Peak Hour Employee Demand	63
Peak Hour Demand	390

Of the 390 car parking demand, 63 cars are anticipated to be employee parking and as explained previously, employees will be required to park in the SunTrust garage. The remaining 327 cars will be accommodated in a variety of ways depending on the exact time of day and availability of parking within the designated parking areas of the All Saints Church Lot, the Sun Trust Garage, and the Lawrence Center Lot.

#### Scenario - 2A

Scenario 2A	Valet	Self Park	Employee	Total
On-Site Lot	123	0	0	123
All Saints Church Lot	61	0	0	61
SunTrust Garage	0	49	63	112
Lawrence Center	61	33	0	94
Total	245	82	63	390

A certain number of Alford Inn guests will choose to self park and they will have numerous self parking options in designated areas to avoid use of street parking. Based on similarly situated Hotels, we know that approximately 25% of visitors to the Hotel will self park and 75% will use the valet. Therefore, the breakdown of self park and valet parking for the maximum demand described above is anticipated to be the **82 and 245 for self parking and valet parking, respectively.**

The majority of these types of events will be held on Saturday evenings. On most event nights, the All Saints Church Lot, the Lawrence Center Lot and the Sun Trust Garage will all be available. As such, the parking for these events will likely be distributed as detailed above with the **on-site lot absorbing 123 or 50%** of the valet cars and the remaining cars divided equally between the All Saints Church Lot and the Lawrence Center Lot (61 each). The on-site estimate can be expanded, if need be, with stacked parking.

#### Scenario – 2B

If there is a large conflicting event and the All Saints Church Lot is not available, the Sun Trust Garage will be used for storing valet vehicles. In this scenario, the same numbers of cars are projected but the distribution of the valet cars will change based on storage availability. As the table below explains, with the same breakdown between self parking and valet (25/75), the Sun Trust Garage and the Lawrence Center Lot easily accommodate vehicles in excess of the on-site lot's capacity. The on-site estimate can be expanded, if need be, with stacked parking.

Scenario 2B	Valet	Self Park	Employee	Total
On-Site Lot	123	0	0	123
All Saints Church Lot	0	0	0	0
SunTrust Garage	61	49	63	174
Lawrence Center	61	33	0	94
Total	245	82	63	390

### Scenario – 2C

In the unlikely event that there is a large Social Event in the middle of the day the Hotel operator will be prepared for this as well. In this scenario, there is a large Social Event and neither the All Saints Church Lot nor the Lawrence Center Lot is available. For these types of events, the Sun Trust Garage will be used for storing valet vehicles that are not accommodated on the on-site lot. As the table below explains, with the same breakdown between self parking and valet (25/75), the Sun Trust Garage will accommodate self parking and valet vehicles totaling 268 cars including 63 Hotel employee vehicles. The on-site estimate can be expanded, if need be, with stacked parking.

Scenario 2C	Valet	Self Park	Employee	Total
On-Site Lot	123	0	0	123
All Saints Church Lot	0	0	0	0
SunTrust Garage	122	82	63	267
Lawrence Center	0	0	0	0
Total	245	82	63	390

The Sun Trust garage has the capacity to accommodate these 268 cars at any time of the day. In advance of these events, special measures will be implemented to ensure that these spaces remain available as needed. These measures will include the following:

- Designated parking areas for Hotel guests and valet cars, on the East on lower levels of the garage
- Restricted access for non-event and non-tenant parkers and
- Strict enforcement of the student and Hotel employee parking requirements.

### Scenario 2 – TACTICAL STRATEGIES TO MANAGE PARKING

Much planning will go into the parking arrangements for these large events. From planning the event to the event unloading, every foreseeable precaution will be taken to ensure a smooth parking operation with minimal impact on the surrounding community. The operating details are summarized as follows:

**Event Scheduling:** The planning will start with the event booking to ensure that all of the necessary parking areas are available. The Hotel Sales Office will assess parking availability in advance of any commitment to event over 250 people. If a conflicting event is scheduled for the College that will significantly impact the Sun Trust Garage or Lawrence Center Lot, alternate days will be used whenever possible. Also, The All Saints Church will provide a list of "black-out" dates for days that their parking facility is not available for Alford Inn Parking. The Hotel's sales and catering department will consider all of these factors prior to scheduling a Hotel event to avoid conflicting events.

**Event Planning:** The Hotel operations team will have regular, weekly meetings to discuss and plan for upcoming events. These meetings will inform the entire staff of upcoming events so that staffing, notifications and logistics can be finalized well in advance of the events.



Within one week prior to any event, Hotel staff will have the full details relating to the number of event attendees and any conflicting events scheduled for the same day. The staff will finalize planning for the large events with the knowledge of the anticipated number of Hotel guests for the same period and a good sense of the restaurant and bar traffic for the upcoming time period. All of this information will determine the event logistics including which areas are used for valet parking storage.

The parking supervisor or Hotel management staff will also communicate with Rollins College, Sun Trust Garage management, All Saints Church and City of Winter Park personnel to include them in the planning portion of these types of events. All the required participants will be given ample notice to plan for their individual responsibilities including Winter Park Parking Enforcement, Police and Rollins College Security all as necessary.

**Pre-Event Notification:** Using the Hotel's web site in conjunction with the event planners, the Hotel will broadcast parking information and distribute detailed parking information to event attendees. This information will include self parking options, valet parking options and clear information on where parking is prohibited. This advance notice will provide attendees with self parking options and will also inform them if FREE valet parking is available for their event. This information will include directions to the Hotel and will enable the Hotel identify and control the arrival patterns for a portion of Hotel guests.

**Pre-Event Preparation:** Several hours prior to a large Social Event at the Alford Inn, the parking operation will begin pre-event preparation. This will include final staffing plans to ensure that a sufficient number of personnel are available to address the anticipated demand. These staffing requirements are explained in more detail in another section of this report.

Pre-event preparation will also include the clearing of the on-site lot to enable adequate staging and storing of incoming vehicles. This will be accomplished by moving overnight guests' vehicles to the SunTrust garage. At least 2 hours prior to any large Social Event, the on-site lot and New England pick-up/drop off area will be completely clear so the maximum number of vehicles can be accommodated in these areas.

For events that the All Saints Church Lot will be available, special precautions will be made to ensure that the lot is available for these events and no Hotel self parking or non All Saints Church parking is limiting available space on this lot. These precautions will include pylons and signs in front of the lot as well as attendants securing the lot as necessary. These same measures will be taken at the Lawrence Center as necessary too.

All large Social Events will commence with the on-site lot as clear of parked cars as possible. This will enable the on-site lot to be used as a staging area for cars arriving from New England and also allow for a pick-up/drop area within the lot for cars arriving from New England or Lyman.

### Hours of Operation and Staffing Schedule for Scenario 2

In addition to the regular Hotel parking operation described in Scenario 1, there will be a special event team that will mobilize for Hotel functions and large events. Independent of the regular Hotel valet schedule, this group will handle event parking for banquets, receptions and other large functions held at the Hotel.

The valet event staff will utilize the main Hotel entrance as necessary but will also deploy a special event valet station within the on-site parking lot. This special event pick-up/drop-off area will enable the use of the on-site parking lot as a staging area. By staging vehicles within the on-site lot, the queuing area is increased and more cars can be accommodated when compared to the main entrance on New England.

To accommodate the level of demand described for Scenario 2, a number of employees will be necessary. First, an experienced ramp supervisor is necessary for each event pick-up/drop-off area. This individual will manage traffic flow, open car doors, greet guests and issue tickets. They will direct valet attendants to move cars and keep the ramp clear for continuous flow.

The number of valet attendants will vary based on the total number of vehicles expected. Typically, a valet system with an event style load in will operate with one attendant for every 10-15 vehicles. For scheduling purposes, the consultant suggests one attendant for each 15 cars anticipated. Therefore, an event similar to one described above will require approximately 16 valet attendants. ( $245/15=16.3$ )

Additional personnel are required to handle key stations and traffic direction as necessary. A minimum of one key station attendant will be required and 3 "flaggers" will be necessary to direct traffic flow within the property. This person will guide guests to the appropriate valet area and eliminate bottle necks as they arise.

With this number of employees, the valet program will be well staffed to handle these large events and quickly move vehicles within the property.

Table 8

Position	Number of Employees
Ramp Supervisor	1
Valet Attendants	16
Key Custodian	1
Flagger	3
Total	21




### Arrival/Parking Routes for Scenario 2

As described in detail in the Base Case explanation, using the Hotel's communication plan including web pages and collateral material, guests will be directed to arrive to the Hotel in 2 directions based on their starting point:

- From the East, guests will be directed to proceed down Aloma/Fairbanks, make a right on Interlachen, another right on New England to pass the Hotel's main entrance and enter directly into the on-site parking lot. This limits congestion on New England by eliminating a left turn entrance to the porte cochere and by providing a larger staging area within the on-site lot.
- From the West, guests will be directed to proceed down Fairbanks, make a left on Park Avenue and a right on New England to pass the Hotel's main entrance and enter directly into the on-site parking lot. This affords the guest an opportunity to see the shopping and dining opportunities en route to the Hotel and contributes to the overall sense of arrival. It also eliminates traffic in the main entrance area by providing a large staging area within the on-site lot. Alternately, guests will be informed to approach New England via New York Avenue when it is necessary to do so.

The on-site parking lot contains 125 striped spaces and is well situated to be used as a valet pick-up/drop off area, a staging area and valet storage area. Proper space management within this lot will enable the lot to be used as a staging area during peak arrival periods. Valet runners will have the potential to temporarily "stack" cars in aisles of this lot to quickly work through a heavy "load in" and minimize the attendants' travel times when parking cars. Then, when the event is loaded, the valet attendants can shuttle cars to their final storage areas or maintain the cars on the on-site lot depending on anticipated traffic. Ultimately up to 175 cars can be accommodated via stacking in this lot.

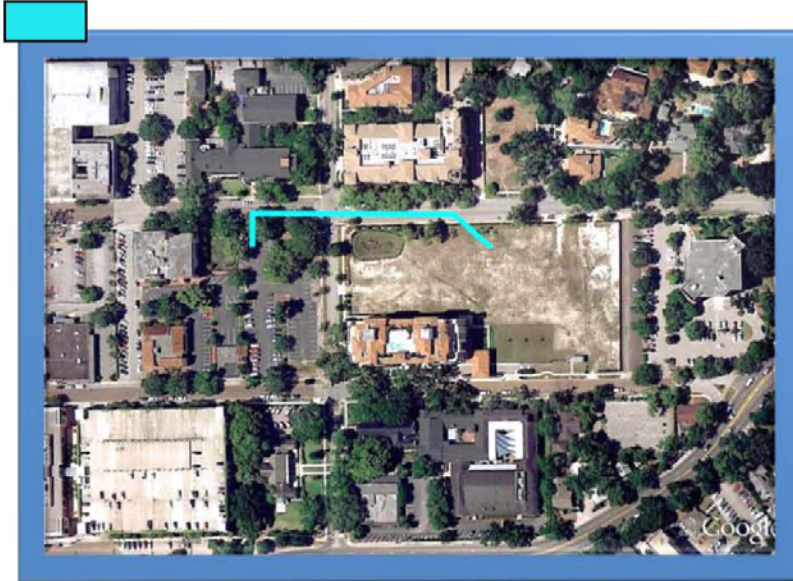
Additional valet storage will be utilized on the All Saints Church Lot which will have a capacity of approximately 85 spaces. Also, the SunTrust

This route will be used frequently to move cars from the on-site lot to the All Saints Church lot directly across the street. 





Additional valet storage for this scenario will be necessary in either the SunTrust garage or the Lawrence Center parking lot. The valet operation will have the benefit of selecting the storage area most suitable for the specific time of the events. In this example, we assume the Lawrence Center lot will store the cars after the On-Site Lot and the All Saints Lot are full. This route will be used when it is necessary to valet cars from the Hotel to the Lawrence Center Lot.



Again, the strength of this Parking Management Plan is that the Hotel will have several options for storage and for routing cars to their final destination. It may be necessary at certain times to route cars through the on-site lot and then to the Lawrence Center Lot via Lyman Avenue as shown below.





### Scenario 3 – Winter Park Events

Scenario 3 is built with a completely full Hotel with typical restaurant and bar activity and a large Winter Park Institute style event in the banquet/meeting facilities. This is the absolute highest forecasted demand and is estimated to occur approximately 7 times per year or less than 2% of the time. These events are noteworthy due to high attendance by non-Hotel guests and dense arrival pace.

The table below summarizes the peak parking demand for Scenario 3 events with the assumptions described in Appendix 1.

Functional Use	Peak Demand
Hotel Guests	84
Hotel Employees	10
Restaurant Patrons	21
Restaurant Employees	8
Bar Patrons	21
Bar Employees	8
Banquet Facilities	269
Banquet Employees	37
Peak Hour Guest/Patron Demand	395
Peak Hour Employee Demand	63
Peak Hour Demand	458

As in Scenarios 2(A-C), there are numerous alternatives for storage facilities available to accommodate this 395 guest vehicle demand after the 63 employee vehicles park in the Sun Trust Garage.

### Hours of Operation and Staffing Schedule for Scenario 3

In addition to the regular Hotel parking operation described in Scenario 1, there will be a special event team that will mobilize for Hotel functions and large events. Independent of the regular Hotel valet schedule, this group will handle event parking for banquets, receptions and other large functions held at the Hotel.

The valet event staff will utilize the main Hotel entrance as necessary but will also deploy a special event valet station within the on-site parking lot. This special event pick-up/drop-off area will enable the use of the on-site parking lot as a staging area. By staging vehicles within the on-site lot, the queuing area is increased and more cars can be accommodated when compared to the main entrance on New England.

To accommodate the level of demand described for Scenario 3, a number of employees will be necessary. First, an experienced ramp supervisor is necessary for each event pick-up/drop-off area. This individual will manage traffic flow, open car doors, greet guests and issue tickets. They will direct valet attendants to move cars and keep the ramp clear for continuous flow.

The number of valet attendants will vary based on the total number of vehicles expected. Typically, a valet system with an event style load in will operate with one attendant for every 10-15 vehicles. For scheduling purposes, the consultant suggests one attendant for each 15 cars anticipated. Therefore, an event similar to one described above will require approximately 20 valet attendants. ( $296/15=20$ )

Additional personnel are required to handle key stations and traffic direction as necessary. Two key station attendants will be required and two "flaggers" are recommended to direct traffic flow within the property. These employees will guide guests to the appropriate valet area and eliminate bottle necks as they arise.

With this number of employees, the valet program will be well staffed to handle these large events and quickly move vehicles between the properties.

Table 8

Position	Number of Employees
Ramp Supervisor	2
Valet Attendants	20
Key Custodian	2
Flagger	1
Total	25



### Arrival/Parking Routes for Scenario 3

As described in detail in the Base Case explanation and Scenario 2, using the Hotel's communication plan including web pages and collateral material, guests will be directed to arrive to the Hotel in 2 directions based on their starting point:

- From the East, guests will be directed to proceed down Aloma/Fairbanks, make a right on Interlachen, another right on New England to pass the Hotel's main entrance and enter directly into the on-site parking lot. This limits congestion on New England by eliminating a left turn entrance to the porte cochere and by providing a larger staging area within the on-site lot.
- From the West, guests will be directed to proceed down Fairbanks, make a left on Park Avenue and a right on New England to pass the Hotel's main entrance and enter directly into the on-site parking lot. This affords the guest an opportunity to see the shopping and dining opportunities en route to the Hotel and contributes to the overall sense of arrival. It also eliminates traffic in the main entrance area by providing a large staging area within the on-site lot.

The on-site parking lot contains 125 striped spaces and is well situated to be used as a valet pick-up/drop off area, a staging area and valet storage area. Proper space management within this lot will enable the lot to be used as a staging area during peak arrival periods. Valet runners will have the potential to temporarily "stack" cars in aisles of this lot to quickly work through a heavy "load in" and minimize the attendants' travel times when parking cars. Then, when the event is loaded, the valet attendants can shuttle cars to their final storage areas or maintain the cars on the on-site lot depending on anticipated traffic. Ultimately up to 175 cars can be accommodated via stacking in this lot.

Additional valet storage will be utilized on the All Saints Church Lot which will have a capacity of approximately 85 spaces. The on-site lot and the All Saints Church Lot will accommodate the demand of these busy Scenario 2 events. This route will be used frequently to move cars from the on-site lot to the All Saints Church lot directly across the street.



In this example, it is anticipated that the SunTrust Garage will be also be utilized for valet storage after the on-site lot and the All Saints Lot are full. The valet route for this traffic will access the SunTrust Garage from the on-site parking lot straight down Lyman and vice versa for returns.



An event of this magnitude would not stress the parking supply available to the parking operation at the Alford Inn. The following summarizes the distribution of the 458 vehicle demand created by these very infrequent yet large events:

Location	Valet	Self Park	Employee	Total
<b>On-Site Lot</b>	133	0	0	133
<b>All Saints Church Lot</b>	74	0	0	74
<b>SunTrust Garage</b>	89	59	63	211
<b>Lawrence Center</b>	0	40	0	40
Total				458



## Rates

Pricing parking correctly is critical to the success of any Parking Management Plan. Pricing must not be set arbitrarily but based on specific factors relating to the parking supply and demand and market conditions. In this instance, it is important to establish parking rates at a level that encourages customers to use valet parking and promotes the SunTrust garage for self parking. Also, these rates must be in line with comparable and competing Hotel operations based on the ultimate caliber and service levels of the Alford Inn.

Direct comparisons for paid parking in the immediate Winter Park area are not available. Neither the Park Plaza Hotel nor the nearby Best Western charge for parking. However, many comparable Hotels in downtown Orlando do charge for valet and for self parking. A sample list of these Hotels and their rates are in the following table:

HOTEL	RATE
Sheraton Orlando Downtown Hotel (407) 843-6664	Valet \$16 Visitors \$8
Four Points by Sheraton Phone (407) 351-2100	Free
The Grand Bohemian Orlando (407) 313-9000	Valet \$22 Self Park 22
Hilton Orlando (407) 313-4300	Self Parking \$13 Valet \$20
The Peabody Orlando 407-352-4000	Self Parking \$12 Valet \$20
Wyndham (407) 351-2420	Free
Disney Deluxe Resorts	Valet Parking offered at all - \$12.00 daily fee for using this service.

Parking for the Alford Inn will be priced to encourage use of the valet system. The pricing structure will include the "stated" rates for different categories of parkers and the Hotel operator will have the flexibility to discount parking charges by category as deemed appropriate. These discounts will be used to incentivize guests to use the valet. The following range of rates will be utilized upon the opening of the Hotel in 2013.

- Hotel Valet over night \$ 8- \$12
- Event Valet \$ 5- \$10
- Restaurant and Bar Valet **Complimentary**

To encourage use of valet parking, restaurant and bar patrons will receive a validation for **complimentary valet parking** for patronizing the Hotel's facilities during the first year of operation. The Hotel will review the effectiveness of this policy after one year in compliance with the proposed Development Agreement.

The Hotel sales department will also use discounts and pre-purchasing arrangements when they book events at the Hotel. The stated event valet rate of \$5-10 will be used to require pre-payment of the valet rates. Social events requiring valet parking will have all charges billed directly via the event contract. **These valet charges will be invisible to arriving guests who will not have to pay for valet parking.**

For other events, especially those attended by the local community such as the Chamber or WPI, a limited amount of 'valet only' spots will be retained in the lots for those preferring valet at \$5. As explained in the Self Park section of this report, the Hotel Operator will proactively block off All Saints, Sun Trust and Lawrence Center (as availability permits) and staff with flaggers. Free, Self-Parking will be arranged for attendees of these who will have their tickets validated to exit for free.

These fees are important to off-set the cost of the valet parking services. Pre purchasing valet for group events will have multiple benefits for the Hotel and their guests. Advance paid valet will expedite event loading and unloading because there will be no fees to collect from the individual parkers. The Hotel operator and event organizers will also provide advance notice to the guests explaining that there is "no charge" for valet parking and this will support use of the valet system.

The rates will be reviewed annually and adjusted routinely to achieve the desired pricing objectives.

## Personnel Policies

### Screening

Hotel operator, Olympia Hotels, has indicated that their employee selection process for the Alford Inn valet will be a stringent process designed to identify the best possible job candidates. This screening process will include background checks for driving offenses and criminal arrests.

The Alford Inn will benefit from the student population of Rollins College. This large pool of potential candidates will enable a competitive selection process and increase the caliber of the employees. This will also enable the parking operation to benefit from multiple part time employees instead of fewer full time employees. The large employee base will allow a flexible schedule that will increase the number of employees for special events and functions.

### Training

The Hotel operator will implement a comprehensive training program to ensure the valet staff understands their customer service requirements. Each valet employee will be given detailed instructions on how to open doors for visitors, greet visitors, address visitors courteously and thank each guest for visiting the Alford Inn.

Further, their training will extend to detailed job function requirements including clear instructions for handling guests' cars, traffic routes to and from the Hotel and parking areas, key management policies, revenue control policies and driving restrictions.

### Hotel Employee Parking

As experienced Hotel operators, the Olympia Companies understand how to manage parking demand to maximize customer service. One measure they employ to do this is regulating where employees are allowed to park. They recognize the need to regulate employee parking at the Alford Inn and will implement strict requirements for all employee vehicles. These requirements include but will not be limited to the following:

1. Employees of the Alford will be required to register their vehicles. This registration will involve providing information regarding the make, model, license plate number and other specific information about the vehicles they intend to drive to their place of employment.
2. Employees will be given a decal or other credential to identify their vehicles.
3. Employees will be given a clear policy regarding parking and will be required to sign an acknowledgement of the parking policy along with other policy and procedure requirements.
4. The employee parking policy will require all employees to park in the Sun Trust Garage and will further specify that parking in any other parking areas, including on-street and other public parking areas, is strictly prohibited while they are working.
5. Employees who violate the parking policy will be reprimanded in accordance with the operator's progressive disciplinary procedures. This includes possible termination for repeat violators of this policy.



Prior to the Certificate of Occupancy for the Alford Inn , Rollins College will upgrade its parking access and revenue control system in the Sun Trust Garage and the parking facility will be controlled 24 hours per day. Access will only be possible by pulling a ticket or by using a parking card. Alford Inn employees will be given parking card (credential) to enter the garage. This card will be unique to the end user and will enable tracking and verification of each time the access card is used. Detailed reports will be available to confirm that the cards are used and how often they are used.

To further accommodate visitors and guests of the Hotel as well as continue to the provide convenient parking for the Sun Trust tenants, Rollins College will require Hotel employees to park on the higher levels of the garage as freshman at Rollins are currently required to do. This will leave vacant spaces on the lower levels of the garage for tenants, Hotel visitors and valet.



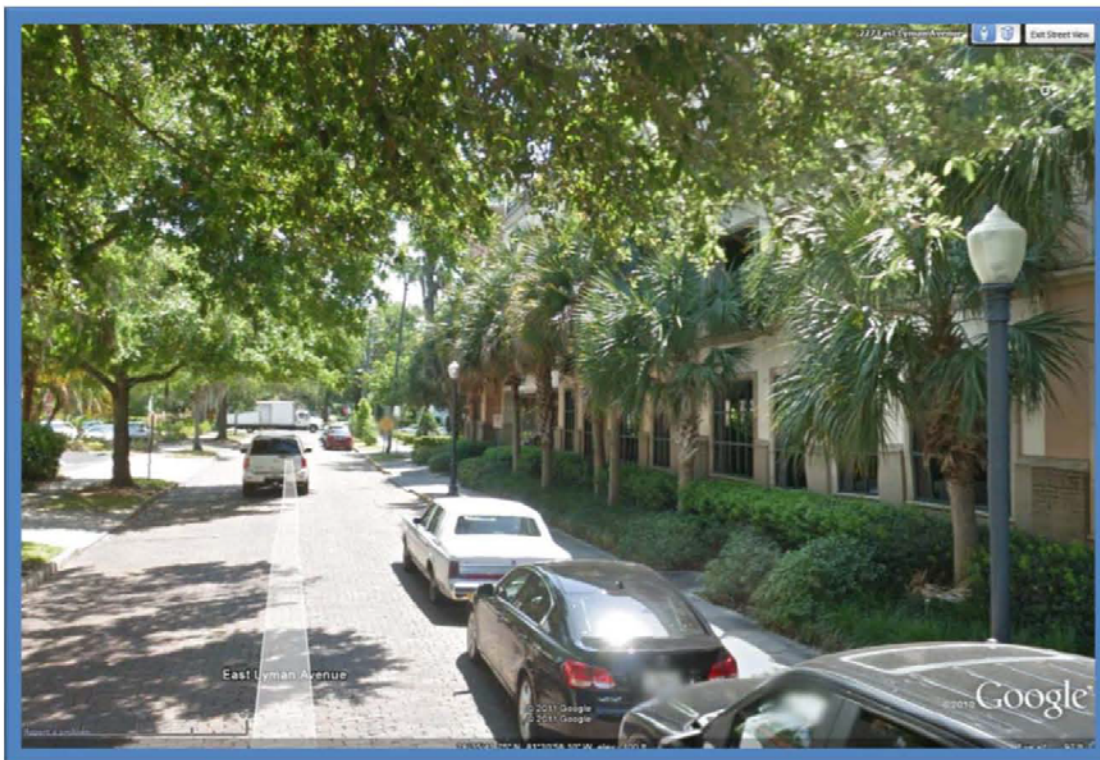
The Hotel operator will use a variety of methods to confirm compliance with the employee parking policy. Management will spot check the on-site lot and other nearby parking areas and they will also randomly verify the access card activity from the college's access control system. By cross referencing card activity reports with the Hotel's time and attendance system, employees not using the garage may be identified. The Alford Inn operator will also work closely with the City of Winter Park to determine if they are routinely observing Hotel employees parking in non-employee parking areas. All of the information collected from these various sources will be used to discipline employees if necessary.

## Self Park

By disseminating information to both short term visitors and overnight guests ahead of their visit to the Alford Inn, the Hotel operator will explain the convenient self parking options available. This information will include detailed driving directions to the SunTrust garage and other attractive self parking options. The information provided prior to events will help visitors identify self parking options and eliminate some of the stress on the valet system.

If a guest or visitor of the Hotel drives directly to the front the entrance of the Hotel, they will be asked if they would like to use the valet service or if they would like to directions to the most convenient self parking option. If necessary, they can drop off their bags or other guests and proceed to the SunTrust garage or other self park parking facility. After self parking, they will complete the short walk back to the Alford Inn.

The self parking option will also benefit the community of Winter Park. Most cities today strive for more walking and pedestrian friendly destinations. Shared use parking arrangements where parking is surrounded by attractive destinations that require short walks through tree lined streets are the goal of major planning initiatives across the country.



The tree lined, brick paved route to and from the SunTrust garage makes for a convenient, enjoyable stroll. At a very casual pace, the walk takes approximately 2 minutes. It will encourage walking in other directions as well and will eventually generate more pedestrians in the entire area.





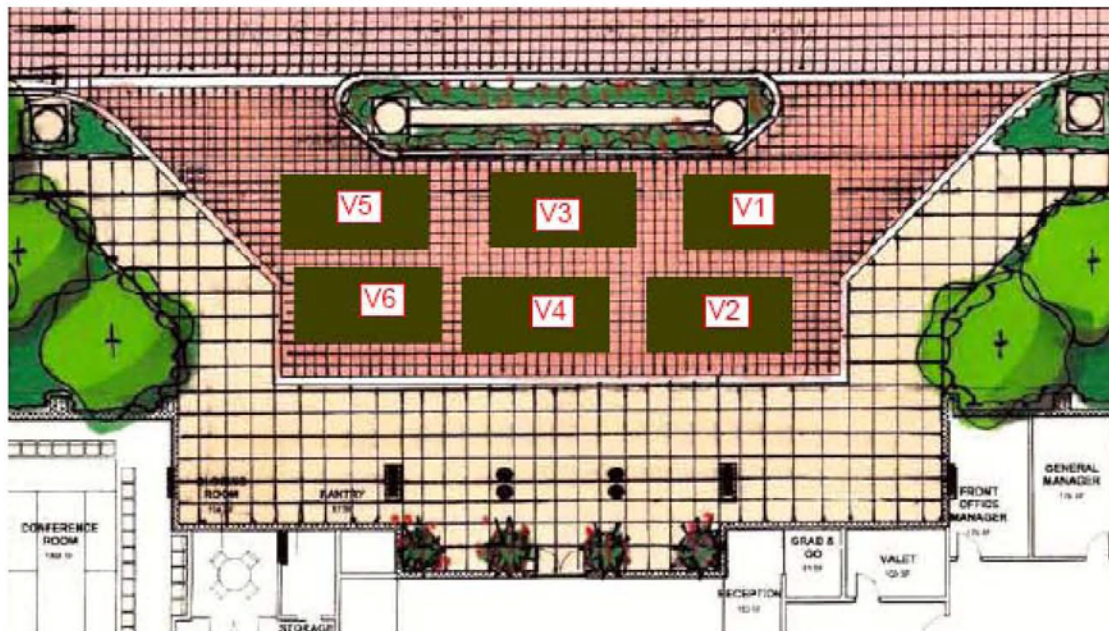
Visitors to the restaurant and bar in the Alford Inn will benefit from self parking in the Lawrence Center Lot. This lot is immediately across the street from the area in the Hotel where these amenities will be provided. As explained in a previous section of this report, this lot is commonly available during the evenings and on weekends. Repeat customers to the attractions in the Hotel will find this self parking option very convenient.

For many events, especially those attended by the local community such as the Chamber or WPI could be self-park events. The Hotel operator will proactively block off spaces in the All Saints, Sun Trust and Lawrence Center (as availability permits) and staff with flaggers. These spaces will be promoted to provide Free, Self Parking for event attendees. These designated self parking areas will provide a legitimate and convenient self parking alternative to the paid valet parking and will also prevent event attendees from parking in restricted areas.

## Valet

### Ramp Management-Valet Pickup/Drop-off

The Hotel is ideally designed with two areas for potential guest arrivals. While the main entrance on New England will be the primary arrival zone, the on-site lot provides an effective and convenient location for an auxiliary valet ramp for special events and peak arrival times. The main ramp on New England can easily accommodate up to six cars for passenger loading/unloading and valet pickup/retrieval and on the on-site lot has staging capacity that will benefit cars arriving from either entry point.



The drive lane on New England is shown here with capacity to accommodate a minimum of six vehicles (V1-V6). This will enable good throughput as the cars are quickly moved away to the staging area or directly to a valet storage area.

### Valet Staging and Valet Storage Areas

The on-site parking lot contains 125 striped spaces and is well situated to be used as a valet pick-up/drop off area, a staging area and valet storage area. The lot is easily accessible from the New England valet ramp with a travel time of approximately 35 seconds. Proper space management within this lot will enable the lot to be used as staging area during peak arrival periods. Valet runners will have the potential to temporarily "stack" cars in aisles of this lot to quickly work through a heavy "load in" and minimize the attendants' travel times when parking cars. Then, when the event is loaded, the valet attendants can shuttle cars to their final storage areas or maintain the cars on the on-site lot depending on anticipated traffic. Ultimately up to 175 cars can be accommodated via stacking in this lot.

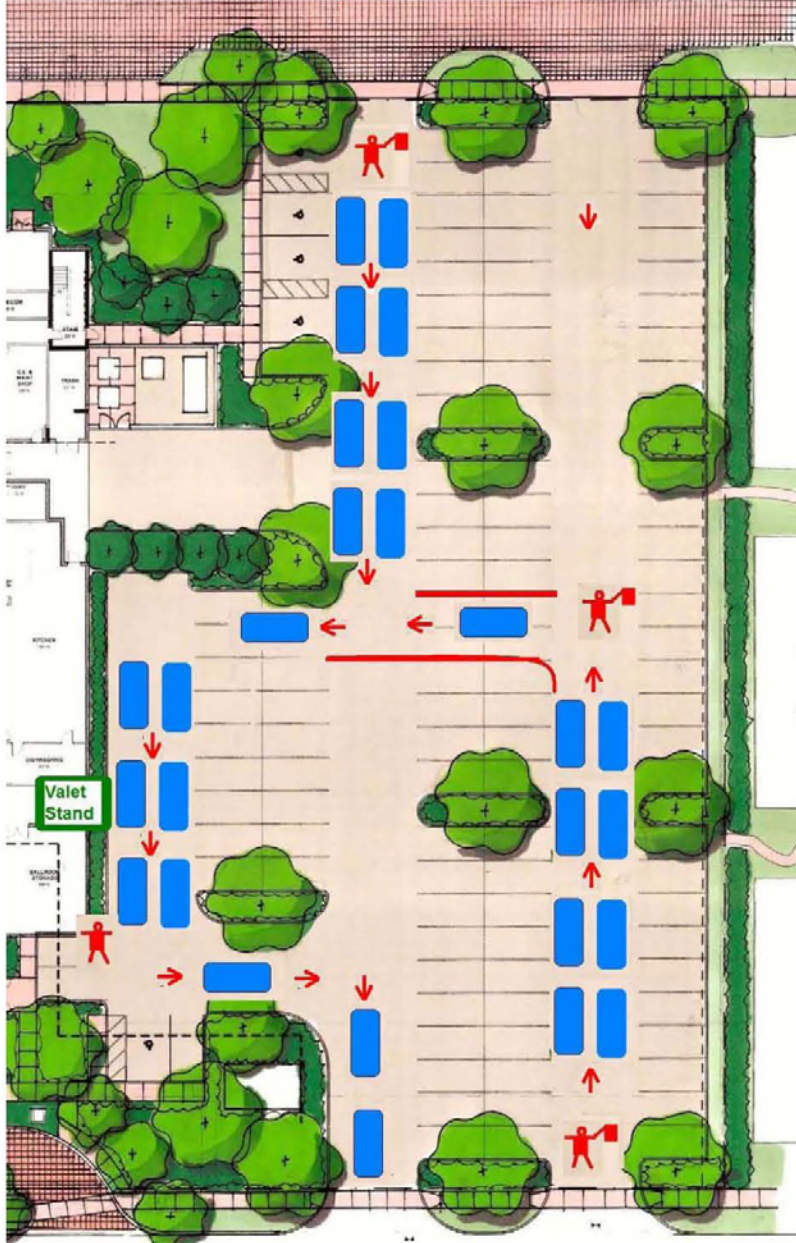




### On-site Lot Staging and Valet Pick-up/Drop-Off

The on-site parking lot contains 125 striped spaces and is well situated to be used as a valet pick-up/drop off area, a staging area and valet storage area. Proper space management within this lot will

enable the lot to be used as a staging area during peak arrival periods.



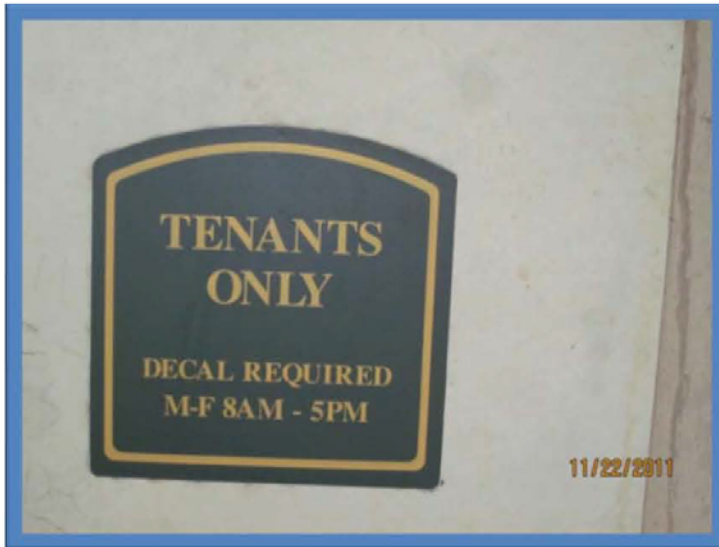
This diagram shows the general configuration of the on-site parking lot. The blue rectangles represent vehicles that will queue within the lot. The valet attendants that will be directing traffic (flaggers) are shown in red. Using queuing lanes two cars wide, the attendants will create a traffic pattern that accommodates more than 25 vehicles at any one time.

Using the lot in this configuration will temporarily eliminate the use of approximately 8 parking spaces. However, this will allow for cars to cross over to the valet entrance when they enter the lot from Lyman. This will optimize traffic flow efficiency while maintaining the large majority of the lot for parking.

On a large event night, the lot will fill beyond its striped capacity as valet attendants maximize the lot's storage potential by stacking cars in the aisles.

#### Designated Hotel Parking in the Sun Trust Garage

As the owners of the Sun Trust Garage, Rollins College will maintain the privilege and express authority to designate parking anywhere within the facility. Today, their existing garage patrons benefit from designated parking spaces and many students are required to park on the roof level of the parking garage. These policies are enforced by the managers of the Sun Trust Plaza in conjunction with Rollins College Security.

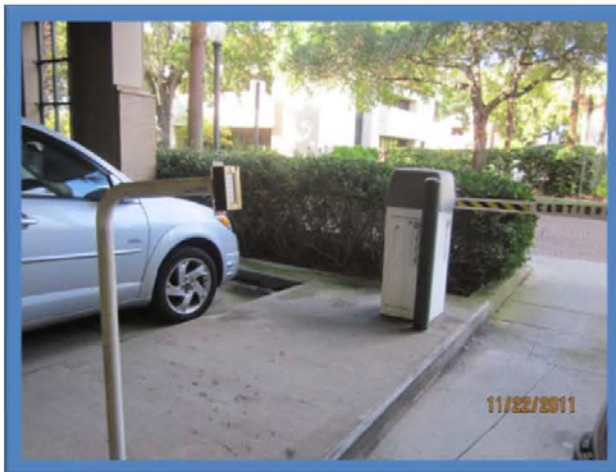


In advance of large events that will require significant valet storage within Sun Trust Garage, large numbers of spaces will be “roped off” to maintain spaces available for the valet parking operation. Attendants from the valet operation will arrive early on days of event and position cones and caution tape on spaces that we will restricted for valet parking only.





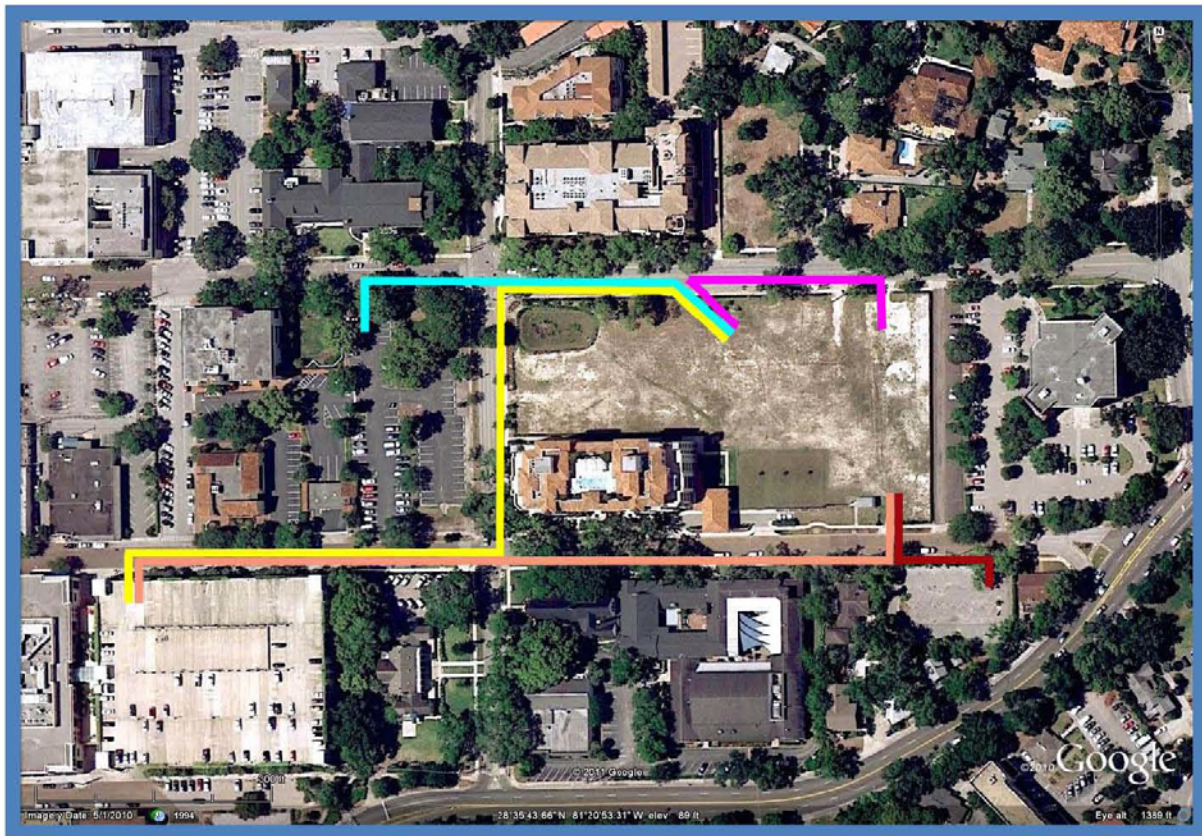
Today, freshman who park in the Sun Trust garage are given specially designated decals that restrict their parking to the roof level of the parking facility. Hotel employees will also be required to park on the roof level of the garage. Rollins College Security and the Sun Trust Plaza management personnel will ensure compliance with these restrictions and the Alford Inn support this enforcement with progressive disciplinary procedures.





Currently, the parking garage is controlled with a card access system that is integrated with the magnetic stripe cards used at Rollins College. New access readers will be installed to further control the restrictions on freshman and Alford Inn employee parking. These controls include a “nested” parking area created by additional gates near the roof level of the garage. These gates will restrict access to the designated parking areas but would also force employees and students to park within the “nested” gate area. The card access readers are equipped with logic that will prevent the card from be used at the exit if the card was not properly used within the nested area.

### Traffic Routes


The traffic routes for valet vehicles have been determined with careful consideration for neighboring interests. There are five basic traffic patterns that will be followed for valet drivers as well as for self park patrons who visit the Hotel prior to driving to their parking destinations. These six routes are depicted in the following diagram:



 This route will be common for those choosing to self park and may occasionally be used by valet personnel for traveling to the Lawrence Center Lot. Vehicles will exit the main entrance, head west on New England through the light at Interlachen and proceed into the Lawrence Center Lot.

 This route will move vehicles from the main entrance to the SunTrust garage. Vehicles will exit the main entrance, head west on New England, turn left at the light at Interlachen, turn right at Lyman and then proceed into the SunTrust Garage.

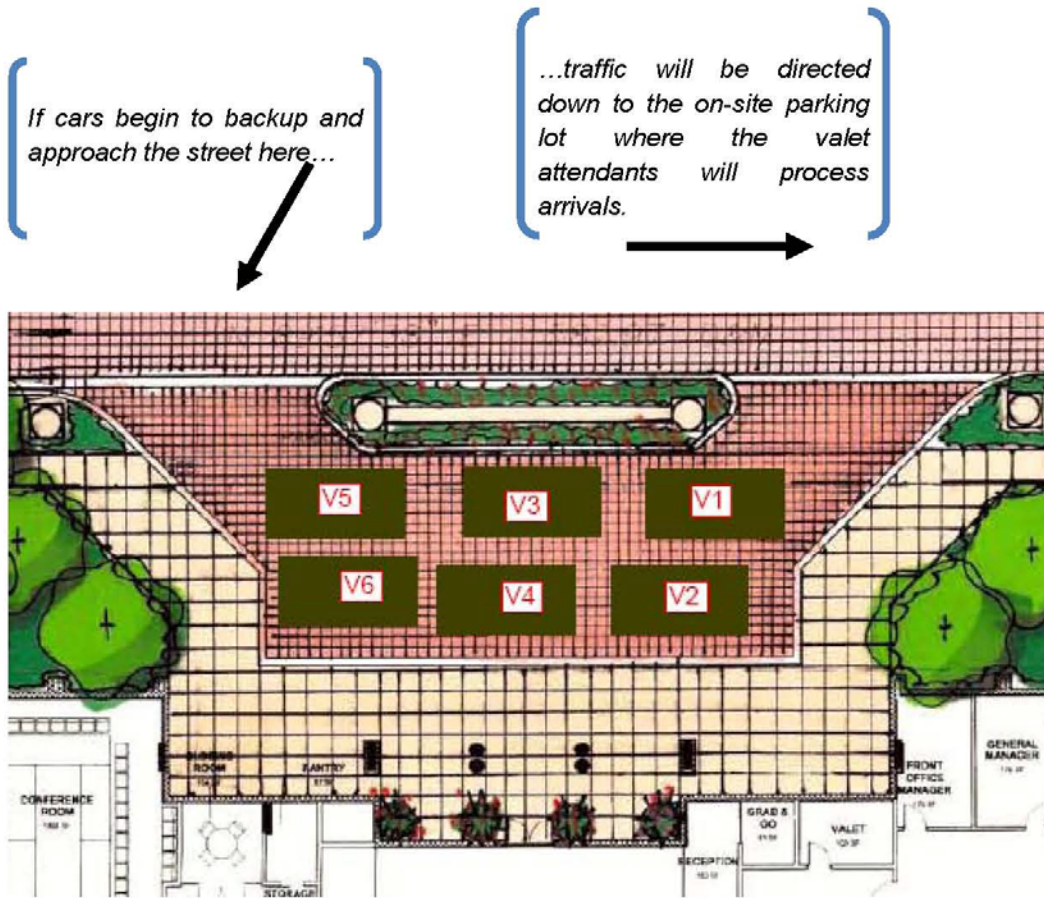
 This route quickly accesses the SunTrust Garage from the on-site parking lot straight down Lyman.

 This route will be used frequently to move cars from the on-site lot to the All Saints Church lot directly across the street.



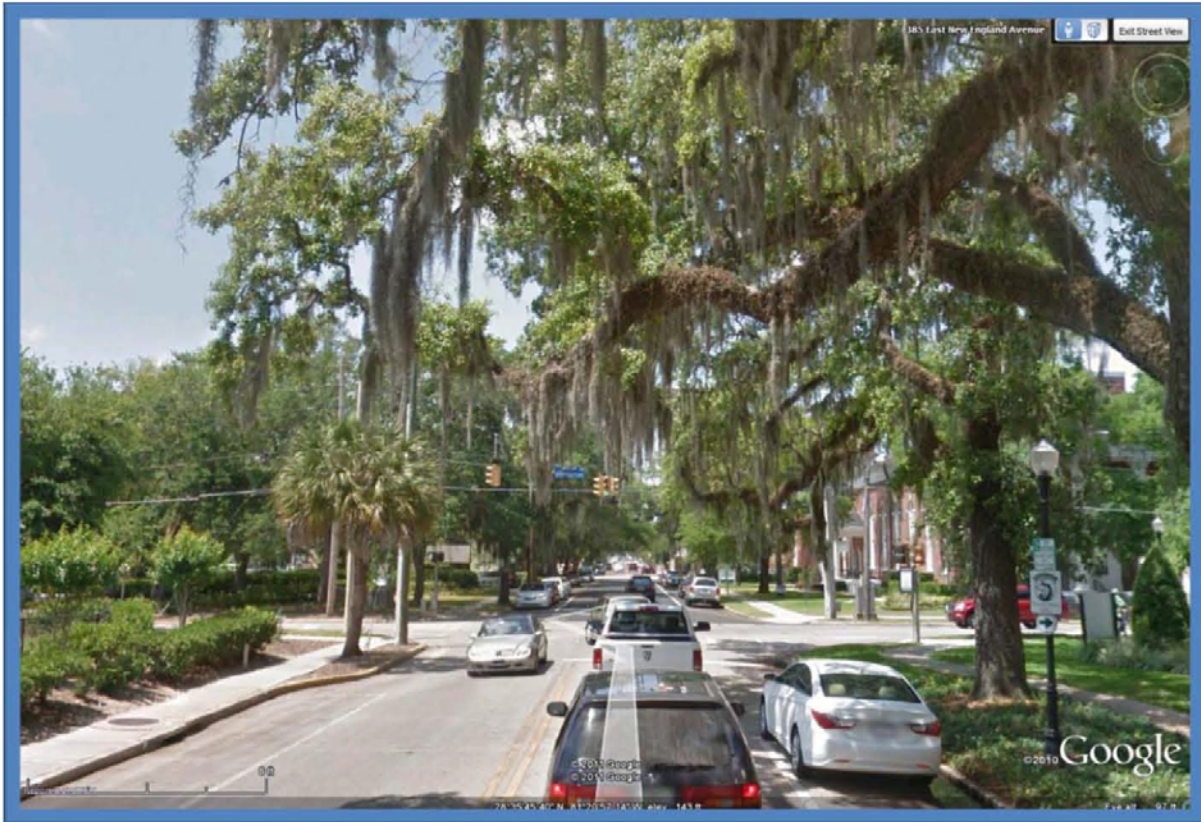
Beginning with the main Hotel entrance on New England, there are several priorities that will receive operational precedence as the valet operation is conducted.

First, no backup into New England from the entrance will be accepted. If it appears that this is going to happen, immediate action will be taken to direct cars the on-site lot for processing.



Keeping New England clear will be a priority. Much concern has been demonstrated to eliminate congestion on New England and avoid backups on New England and other nearby streets such as Alexander Place.

The next area to be watched closely on New England is the traffic light at Interlachen. While the majority of traffic leaving the main entrance of the Hotel will head east to the on-site parking lot, some traffic will head west on New England and turn left on Interlachen to proceed to the garage or pass Interlachen and enter the Lawrence Center Lot. There is no left turn arrow for the left turn from New England to Interlachen so vehicles must wait for traffic to clear before turning. This creates a potential for a backup if too many cars queue behind a turning car on New England as shown in the following picture.



Multiple routes to the various valet areas will ensure that this intersection is not overexposed to valet traffic. On most event days, valet attendants can use the on-site lot as a pass through to use Lyman Avenue as alternate.

Additional consideration will be given valet traffic on Lyman Avenue potentially interfering with the All Saints School student pick up process. To avoid this entirely, valet drivers will not use Lyman east of Interlachen to travel to or from the parking garage on weekdays from 12 noon to 4pm.

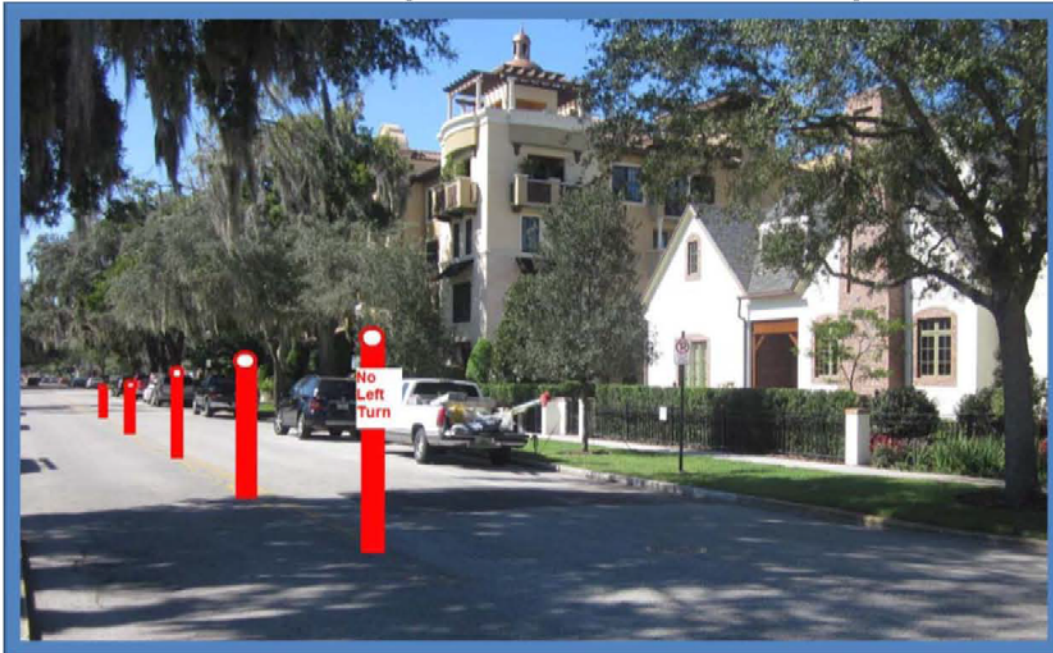


### New England Avenue Considerations

The parking management plan and for the Alford Inn benefits from multiple arrival points and multiple parking areas. This plan has been developed to optimize parking efficiency with arrivals from both New England and Lyman. The Hotel will implement procedures that will encourage guests to arrive via one of the pre-noticed arrival routes from the West on New England or from the West on Lyman based on the date and time of the specific event. However, it is noted that some drivers will naturally arrive from the East on New England and this could potentially generate a backup on New England if cars queue trying to make a left turn into the Alford Inn's main entrance from New England.

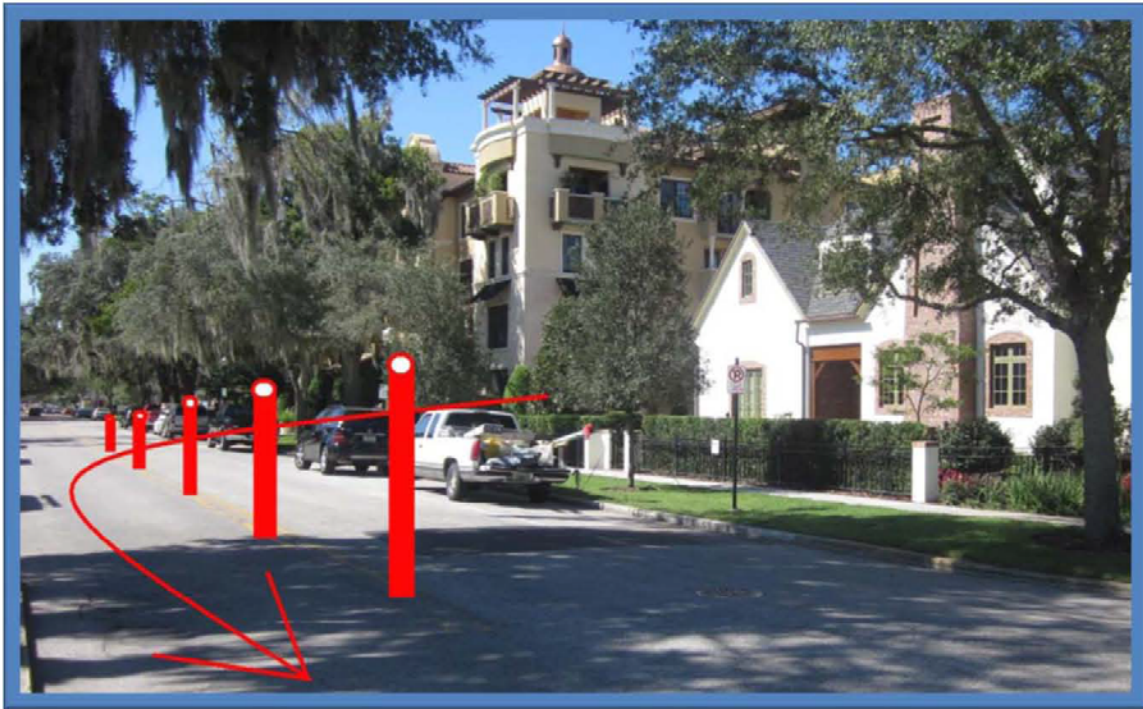
While regulating traffic on the public right-of-way is beyond the scope of the Parking Management Plan, several considerations were weighed and recommendations for the City of Winter Park's consideration are provided.

The first consideration was to possibly restrict "left turns" into main entrance of the Hotel for cars arriving from the East while heading West on New England. Given that there was an active Hotel on this site previously and the lane configuration of this road has not changed since that time, this option is probably not necessary. It would be unsightly, difficult to enforce and would limit traffic flow for neighbors on the North side of New England.



One way to limit left turns into the Main entrance from New England would be to install unsightly and difficult to enforce road delineators. These or other physical barriers are not recommended due to their limited effectiveness and continued maintenance requirements.



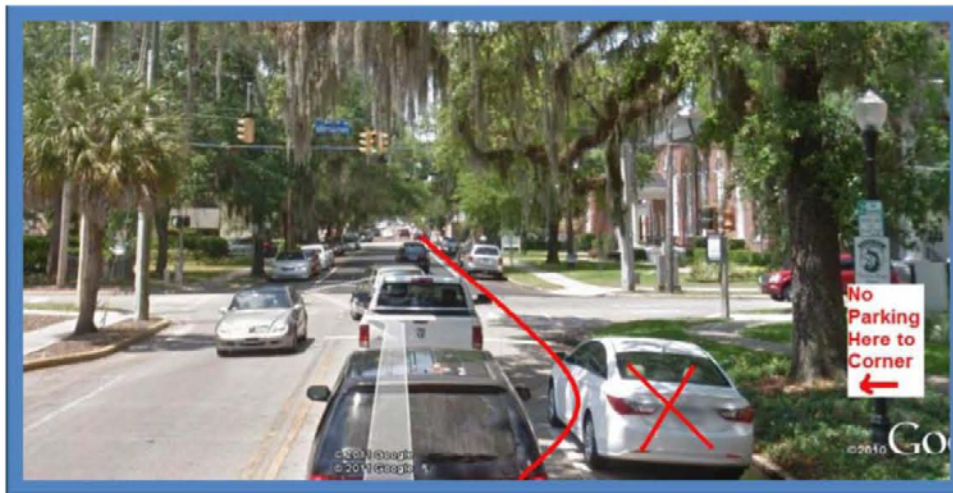


The delineator posts or other physical means to restrict left turns from New England into the main entrance are also not recommended because they will limit traffic exiting from the driveway on the North Side of New England. Residents here would be forced to turn right when leaving their driveway.

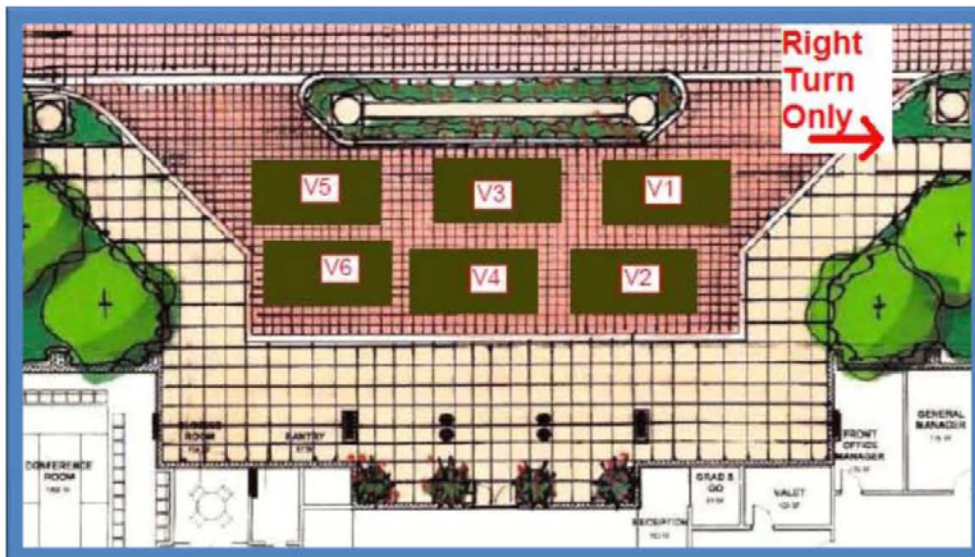
An additional option that is recommended for the City's considerations is the elimination of a small number of on-street parking spaces on North side of New England. This would allow a "passing lane" if a car were stopped while trying turn left into the Alford Inn.



The light at Interlachen may also benefit from the removal of one or two parking spaces on the North side of New England.



To further eliminate potential traffic conflict and potential congestion in this area, Alfond Inn will prohibit left turns for exiting the main entrance of the Inn onto New England. This will be accomplished with a Right Turn Only sign at the main exit of the facility.



Rollins College and the Alfond Inn Operator will work closely with the City of Winter Park and the community at large to ensure that traffic patterns are monitored closely and that solid, broad serving traffic solutions are suggested for the City's consideration.



## Levels of Service – Wait Times

The pedestrian routes defined in the “self-parking” section of this report identify more than 860 parking spaces within 350 feet walking distance of the Alford Inn. According to industry standards summarized in the following table, all of the self parking options identified maintain an “A” Level of Service.

**Table 9** Level of Service (LOS) By Walking - Distance in Feet (Smith and Butcher, 1994)

Walking Environment	LOS A	LOS B	LOS C	LOS D
Climate Controlled	1,000	2,400	3,800	5,200
Outdoor/Covered	500	1,000	1,500	2,000
Outdoor/Uncovered	400	800	1,200	1,600
Through Surface Lot	350	700	1,050	1,400
Inside Parking Facility	300	600	900	1,200


*This table indicates parking access Level of Service (LOS) rating under various conditions.*


The valet industry has no set standards for waiting times and what is an acceptable level of waiting for one hotel, may not be acceptable for another. Further, what is an acceptable wait time for one event within a specific hotel may not be an acceptable wait time for another event in the same hotel.


The consultant recommends the following level of service scale for the Alford Inn:


**Table 10**


WAIT TIME (in minutes)	LEVEL OF SERVICE
< 5	A
5 – 10	B
10-15	C
15-20	D
>20	F

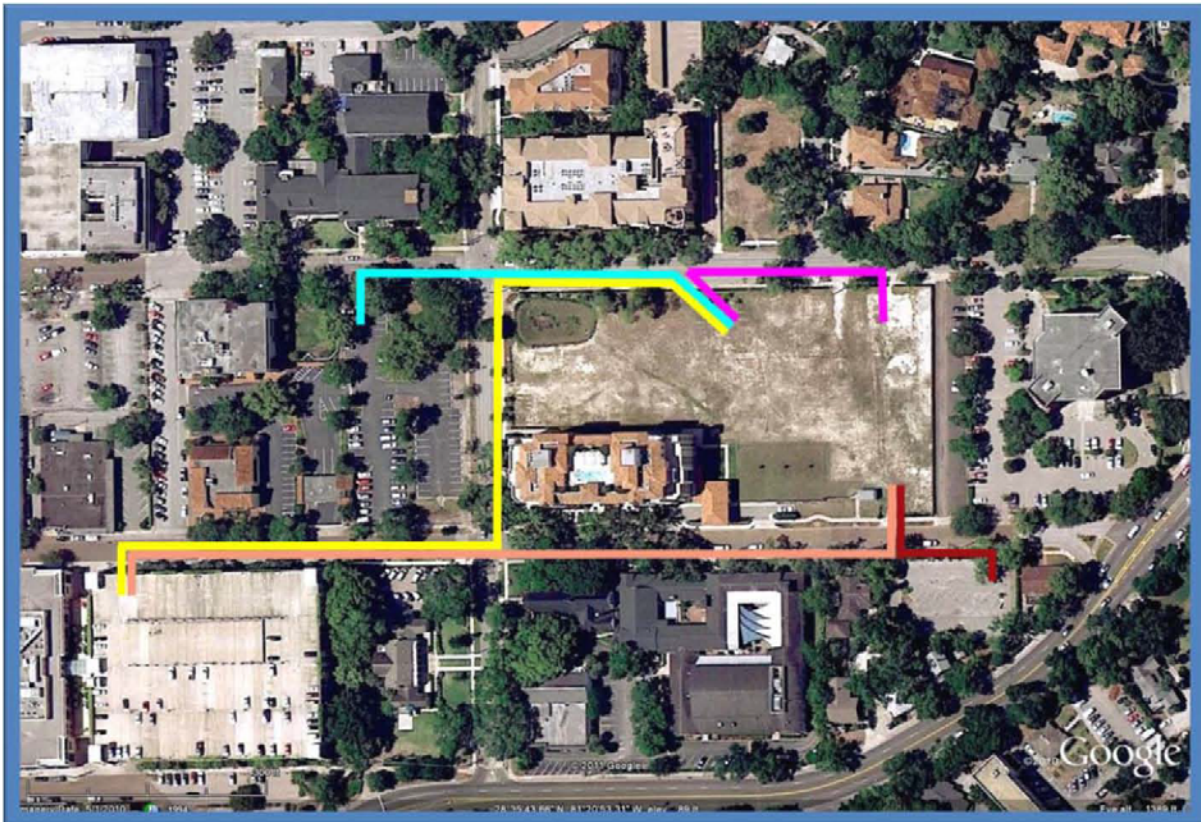
 This route will be the most common as vehicles exit the main entrance, proceed east on New England and arrive quickly to the entrance of the on-site lot. The travel time to and from the Hotel's main entrance to the on-site lot is approximately 35 seconds. A valet attendant can retrieve a vehicle from anywhere in this lot and remain well within an “A” level of service.

 This route will be common for those choosing to self park and may occasionally be used by valet personnel for traveling to the Lawrence Center Lot. Vehicles will exit the main entrance, head west on New England through the light at Interlachen and proceed into the Lawrence Center Lot. Without the delay caused by a red light at the intersection of New England and Lyman, this route is approximately 45 seconds one way. The light here signals in 30 second intervals so a red light increases the route to 1 minute and 15 seconds. Adding walking time and key handling times and a typical retrieval in this lot will result in an “A” level of service.

 This route is alternate route to move vehicles from the main entrance to the SunTrust garage. When Lyman is not available, vehicles will exit the main entrance, head west on New England, turn left at the light at Interlachen, turn right at Lyman and then proceed into the SunTrust Garage. As mentioned previously, this route is approximately 2 minutes walking distance but can be driven in approximately 1 minute and 10 seconds to 1 minute and 40 seconds depending on the light at Interlachen and New England. A typical retrieval in this facility will push the 5 minute mark and will result in level of service that fluctuates from "A" to "B" depending on the variables.

 This route quickly accesses the SunTrust Garage from the on-site parking lot straight down Lyman and vice versa for returns. This route eliminates the chance to catch a red light but requires a full stop at Lyman and Interlachen. It can be completed in approximately 1 minute and brings the SunTrust garage option to a certain "A" level of service. This route will not be used weekdays from 11AM – 3 PM.

 This route will be used frequently to move cars from the on-site lot to the All Saints Church lot directly across the street. Again, this route can be completed in less than one minute and even when combined with valet walking time and key handling time this location will provide a less than five minute retrieval time and thus an "A" level of service.





## Advertising and Promotion of Hotel Parking

### Self Park Promotion

The Hotel will have the benefit of broadcasting the availability of the convenient self parking alternative in the existing SunTrust garage. This large parking supply (860 total spaces with more than 500 available at peak) is less than 400 feet from the Hotel property will provide an "A" level of service for those who choose to self park. The Hotel has the distinct advantage to promote the use of this facility by the internet and printed material. At approximately a 2 minute walk, this option will be both convenient and affordable for guests who choose to park there.

The majority of events at the Alford Inn will be scheduled well in advance and the event coordinators will have the ability to promote these self parking options. Many events, including weddings today, maintain websites for distributing directions and parking information for their events. The Alford Inn website will also provide detailed information regarding self parking that will encourage the use of these convenient options and may include the option to pre-purchase parking in these facilities at a discounted price. This will in turn drive pedestrian traffic throughout the town and benefit the community as a whole.

### Park Ave. Promotions

Using pre-printed tickets, directional maps and other information that will be distributed to guests and patrons, the Alford Inn will promote business and activities in Winter Park. In close coordination with merchant and business groups, Alford Inn will provide incentives for their guests to relax, shop and dine in other downtown Winter Park areas including on Park Avenue.

One example of a potential promotion is to partner with area merchants who would like to advertise on the customer's portion of the valet ticket. These types of programs have proven effective at gaining exposure for nearby attractions.



### Maps and Directional Material

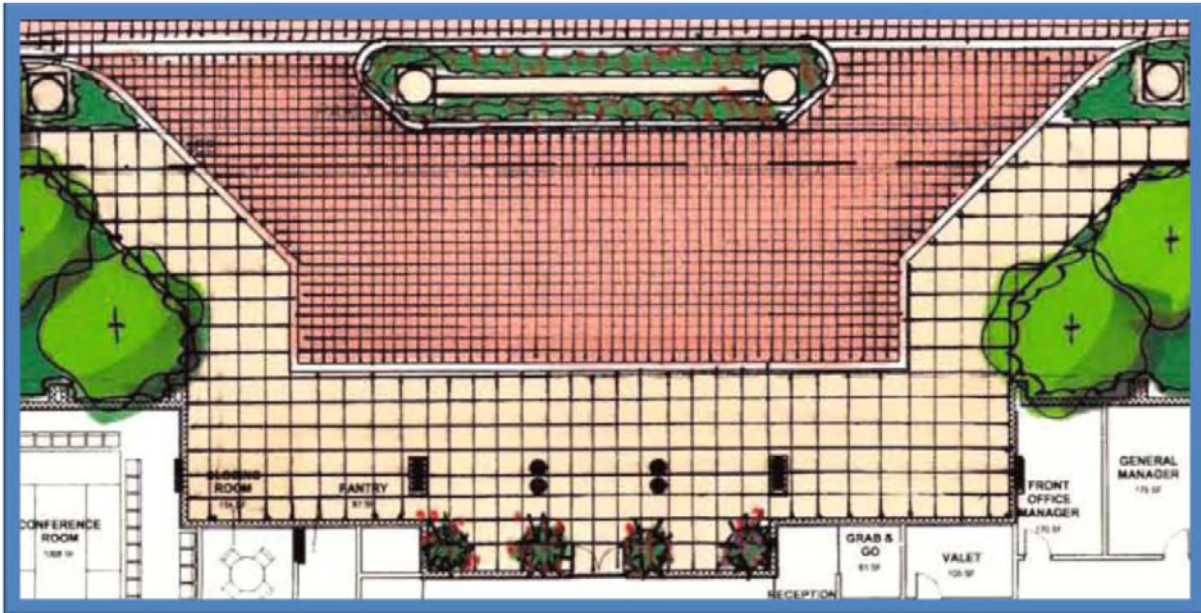
The valet parking employees at the Alford Inn will have pre-printed maps to assist customers in finding their way to the self parking facilities, local highways and other common places of interest. This service will provide guests with clear instructions to find their destination whether they are coming to the Hotel or leaving the Hotel.

### Signage and Way-finding

Detailed signage and way-finding techniques will be employed for the Alford Inn site and its parking locations. Each location will be clearly identified and these markers will be coordinated with all printed material for easy association.

Both permanent and temporary signs will be deployed at the main entrance to welcome guests or direct them to the on-site lot if necessary.

*Clear Identifiers will be placed at the main Hotel entrance to direct arrivals to the ramp area or on to the on-site lot for better access to their event.*



## Enforcement

Critical to the success of any parking management plan is follow up with enforcement and deterrents for those who violate the agreed upon plan. Alford Inn Management will employ methods to insure Hotel guests and visitors do not park in the adjacent parking lots of the Winter Park Public Library, Winter Park Women's Club or other areas where they are not eligible to park.

Similar to the existing arrangement depicted in the picture below, Rollins College has agreed to continue to provide 20 parking spaces for employees of the library to use during library hours. The Alford Inn will label these spaces accordingly and will regulate the 20 spaces for library employee parking only during library operating hours.





## Appendix 1

### SCENARIO 1

The Institute of Transportation Engineers presents ranges for parking demand based on case studies that have been completed over the years. Some of these case studies are contained in the appendix of this report. The consultant has used high data points within the ranges to conservatively estimate demand.

1. Occupied Hotel rooms will generate .75 vehicles and the remaining 25% of guests will arrive via limos, cabs, carpooling or other forms of transportation.
2. There will be .20 Hotel employees per room and 90% of these will drive vehicles to the Hotel when they work.
3. Restaurant patrons will generate .5 vehicles per seat and 40% percent of these patrons will be "captured" Hotel guests. The remaining 60% will be non-overnight guests and 80% of these patrons will drive to the Hotel.
4. Restaurant employees will generate .1 vehicles per restaurant seat. It is assumed that 90% of these employees will use a vehicle as their mode of transportation.
5. Bar patrons typically generate 30 vehicles per 1,000 square feet of usable space (KSF). However, it assumed that 60% of these patrons will be "captured" Hotel guests. The remaining 40% will drive to the Hotel 80% of the time.
6. Bar employees will generate 4 vehicles per KSF. It is assumed that 90% of these employees will use a vehicle as their mode of transportation.

The assumptions above are considered "maximum" generators for the specified scenario. These are volumes for the peak hour of parking within 24 hour period. Additional adjustments are necessary for periods of less than 100% occupancy based on monthly fluctuations and time periods within the day.

The table on the following page shows a model designed to estimate the peak hour demand based on the assumptions described above during the busiest hour of the busiest month: A Saturday evening at 8pm in late March.



Scenario 1 8:00 PM		on a Saturday in late March					Peak Hour Parking Demand			
Functional Use	Data		Parking Ratio		Parking Demand	Driving Adj.	Shared Use Adj.	Monthly Adj.	Hourly Adj.	Peak Hourly Demand
Hotel Guests	112	Rooms	1	/Room	112	75%	100%	100%	100%	84
Hotel Employees	112	Rooms	0.2	/Room	22	90%	100%	100%	50%	10
Restaurant Patrons	88	Seats	0.5	/seat	44	80%	60%	100%	100%	21
Restaurant Employees	88	Seats	0.1	/seat	9	90%	100%	100%	100%	8
Bar Patrons	2136	Sq. Ft.	30	/KSF	64	801%	40%	100%	100%	21
Bar Employees	2136	Sq. Ft.	4	/KSF	9	90%	100%	100%	100%	8
Maximum Guest/Patron Demand					220	Peak Hour Guest/Patron Demand				126
Maximum Employee Demand					40	Peak Hour Employee Demand				26*
Maximum Demand					260	Peak Hour Demand				151

\* This employee demand will be mitigated by requirements that employees utilize offsite parking arrangements such as the SunTrust garage.

As indicated in the table above, with no shared use, the maximum demand for parking created by the assumptions above generates demand of 260 vehicles. The "Parking Demand" column shows the scenario where the Hotel is 100% occupied and the restaurant and bar areas are also completely full with individuals who are not staying in the Hotel and 100% drove vehicles. This scenario will never happen. But even if it did, the Hotel has ample parking spaces to accommodate this demand.

More likely, however, is a scenario where the Hotel is 100% full and the restaurant and bar areas are also completely full with both Hotel guests and other visitors to Alford Inn. In this scenario, you can see the Peak Hourly Demand column has been adjusted for "Driving Adj." and "Shared Use Adj." based on industry standards and ITE data. Now, the peak hour parking demand is estimated to be 151 vehicles. Again, this is an exceptional day in which every Hotel room is occupied. Further, it accounts for employee demand of 26 vehicles which will be mitigated by policies that require employees to park in the SunTrust garage. Also, no adjustment for self parking is necessary in this example.

As is evident from the table above, with a completely full Hotel and no events, the guest parking is estimated to be 126 vehicles. This demand or less is expected for 90% of the days in the year and the on-site lot with 125 spaces will easily accommodate the demand. Again, this assumes 100% of the guests use valet parking. The demand will be further reduced when considering that some guests will choose self parking as in Scenarios 2 and 3.

## SCENARIO 2

Scenario 2 includes a completely full Hotel with typical restaurant and bar activity and a large wedding type event in the banquet/meeting facilities. (30+ times per year or 8% of the time)

1. Occupied Hotel rooms will generate .75 vehicles and the remaining 25% of guests will arrive via limos, cabs, carpooling or other forms of transportation.
2. There will be .20 Hotel employees per room and 90% of these will drive vehicles to the Hotel when they work.
3. Restaurant patrons will generate .5 vehicles per seat and 40% percent of these patrons will be "captured" Hotel guests. The remaining 60% will be non-overnight guests and 80% of these patrons will drive to the Hotel.
4. Restaurant employees will generate .1 vehicles per restaurant seat. It is assumed that 90% of these employees will use a vehicle as their mode of transportation.
5. Bar patrons typically generate 30 vehicles per 1,000 square feet of usable space (KSF). However, it assumed that 60% of these patrons will be "captured" Hotel guests. The remaining 40% will drive to the Hotel 80% of the time.
6. Bar employees will generate 4 vehicles per KSF. It is assumed that 90% of these employees will use a vehicle as their mode of transportation.
7. The banquet facilities will generate vehicles at a rate of 30 per KSF. It is assumed that 15% of these banquet guests will be counted as overnight Hotel guests and the remaining 85% of the banquet patrons will drive to the Hotel 80% of the time.
8. There are an estimated 5 vehicles per KSF of banquet space generated by employees. It is assumed that 90% of these employees will use a vehicle as their mode of transportation.

The assumptions above are considered "maximum" generators for the specified scenario. These are volumes for the peak hour of parking within 25 hour period. Additional adjustments are necessary for periods of less than 100% occupancy based on monthly fluctuations and time periods within the day. These are addressed in the "Monthly Adj." and the "Hourly Adj." columns in the following chart.

The table on the following page shows a model designed to estimate the peak hour demand for Scenario 2 with the assumptions described above during the busiest hour of the busiest month: A Saturday evening at 8pm in late March.

Scenario 2 Social Events			8:00 PM on a Saturday in late March				Peak Hour Parking Demand			
Functional Use	Data		Parking Ratio		Parking Demand	Driving Adj.	Shared Use Adj.	Monthly Adj.	Hourly Adj.	Peak Hourly Demand
Hotel Guests	112	Rooms	1	/Room	112	75%	100%	100%	100%	84
Hotel Employees	112	Rooms	0.2	/Room	22	90%	100%	100%	50%	10
Restaurant Patrons	88	Seats	0.5	/seat	44	80%	60%	100%	100%	21
Restaurant Employees	88	Seats	0.1	/seat	9	90%	100%	100%	100%	8
Bar Patrons	2136	Sq. Ft.	30	/KSF	64	80%	40%	100%	100%	21
Bar Employees	2136	Sq. Ft.	4	/KSF	9	90%	100%	100%	100%	8
Banquet Facilities	8329	Sq. Ft.	30	/KSF	250	95%	85%	100%	100%	202
Banquet Employees	8329	Sq. Ft.	5	/KSF	42	90%	100%	100%	100%	37
Maximum Guest/Patron Demand					470	Peak Hour Guest/Patron Demand				327
Maximum Employee Demand					81	Peak Hour Employee Demand				63*
Maximum Demand					551	Peak Hour Demand				390

\* This employee demand will be mitigated by requirements that employees utilize offsite parking arrangements such as the SunTrust garage.

As the table explains, this scenario anticipates that the Hotel is 100% full and the banquet, restaurant and bar areas are also completely full with both Hotel guests and other visitors to Alford Inn. In this scenario, based on industry standards and ITE data, the peak hour parking demand is estimated to be 390 vehicles. Of this demand, 63 cars are estimated to be employee parking and these will be required to park in the SunTrust garage. Further, a certain number of Alford Inn guests will choose to self park and they will have numerous self parking options. Based on similarly situated Hotels, we know that approximately 25% of visitors to the Hotel will self park and 75% will use the valet. Therefore, the breakdown of self park and valet parking for the maximum demand described above is anticipated to be the following:

Scenario 2	Total Patron Parking Demand	327
Self Park Capture	25%	82
	SunTrust	60% 49
	Lawrence Center	40% 33
	Total Self Park	82
Valet Capture	75%	245
	On-Site Lot	50% 123
	All Saints Church Lot	25% 61
	Lawrence Center	25% 61
	Total Valet	245
	Total Patron Parking Supplied	327



### SCENARIO 3

Scenario 3 is built with a completely full Hotel with typical restaurant and bar activity and a large Winter Park Institute style event in the banquet/meeting facilities. This is the absolute highest forecasted demand and is estimated to occur approximately 7 times per year or less than 2% of the time. These events are noteworthy due to high attendance by non-Hotel guests and dense arrival pace.

1. Occupied Hotel rooms will generate .75 vehicles and the remaining 25% of guests will arrive via limos, cabs, carpooling or other forms of transportation.
2. There will be .20 Hotel employees per room and 90% of these will drive vehicles to the Hotel when they work.
3. Restaurant patrons will generate .5 vehicles per seat and 40% percent of these patrons will be "captured" Hotel guests. The remaining 60% will be non-overnight guests and 80% of these patrons will drive to the Hotel.
4. Restaurant employees will generate .1 vehicles per restaurant seat. It is assumed that 90% of these employees will use a vehicle as their mode of transportation.
5. Bar patrons typically generate 30 vehicles per 1,000 square feet of usable space (KSF). However, it assumed that 60% of these patrons will be "captured" Hotel guests. The remaining 40% will drive to the Hotel 80% of the time.
6. Bar employees will generate 4 vehicles per KSF. It is assumed that 90% of these employees will use a vehicle as their mode of transportation.
7. The banquet facilities will generate vehicles at a rate of **40 per KSF. Based on seating capacity for this type of event, this is 30% higher than assumption #7 in Scenario 2.** It is assumed that 15% of these banquet guests will be counted as overnight Hotel guests and the remaining 85% of the banquet patrons will drive to the Hotel 80% of the time.
8. There are an estimated 5 vehicles per KSF of banquet space generated by employees. It is assumed that 90% of these employees will use a vehicle as their mode of transportation.

The assumptions above are considered "maximum" generators for the specified scenario. These are volumes for the peak hour of parking within 25 hour period. Additional adjustments are necessary for periods of less than 100% occupancy based on monthly fluctuations and time periods within the day. These are addressed in the "Monthly Adj." and the "Hourly Adj." columns in the following chart.

The table on the following page shows a model designed to estimate the peak hour demand for Scenario 3 with the assumptions described above during the busiest hour of the busiest month: A Saturday evening at 8pm in late March.

Scenario 3 Winter Park Events			8:00 PM on a Saturday in late March				Peak Hour Parking Demand			
Functional Use	Data		Parking Ratio		Parking Demand	Driving Adj.	Shared Use Adj.	Monthly Adj.	Hourly Adj.	Peak Hourly Demand
Hotel Guests	112	Rooms	1	/Room	112	75%	100%	100%	100%	84
Hotel Employees	112	Rooms	0.2	/Room	22	90%	100%	100%	50%	10
Restaurant Patrons	88	Seats	0.5	/seat	44	80%	60%	100%	100%	21
Restaurant Employees	88	Seats	0.1	/seat	9	90%	100%	100%	100%	8
Bar Patrons	2136	Sq. Ft.	30	/KSF	64	80%	40%	100%	100%	21
Bar Employees	2136	Sq. Ft.	4	/KSF	9	90%	100%	100%	100%	8
Banquet Facilities	8329	Sq. Ft.	40	/KSF	333	95%	85%	100%	100%	269
Banquet Employees	8329	Sq. Ft.	5	/KSF	42	90%	100%	100%	100%	37
Maximum Guest/Patron Demand					553	Peak Hour Guest/Patron Demand				395
Maximum Employee Demand					81	Peak Hour Employee Demand				63*
Maximum Demand					635	Peak Hour Demand				458

\* This employee demand will be mitigated by requirements that employees utilize offsite parking arrangements such as the SunTrust garage.

As the table explains, this scenario anticipates that the Hotel is 100% full and the banquet, restaurant and bar areas are also completely full with both Hotel guests and other visitors to Alford Inn. In this scenario, based on industry standards and ITE data, the peak hour parking demand is estimated to be 458 vehicles. Of this demand, 63 cars are estimated to be employee parking and these will be required to park in the SunTrust garage.

Again, based on industry experience, it is estimated that approximately 25% of visitors to the Hotel will self park and 75% will use the valet. Therefore, the breakdown of self park and valet parking for the maximum demand described above is anticipated to be the following:

Scenario 3	Total Patron Parking Demand		395
Self Park Capture	25%	99	
	SunTrust	60%	59
	Lawrence Center	40%	40
	Total Self Park	99	
Valet Capture	75%	296	
	On-Site Lot	45%	133
	All Saints Church Lot	25%	74
	SunTrust Garage	30%	89
	Total Valet	296	
	Total Patron Parking Supplied	395	







# city commission agenda item

item type	Public Hearing	meeting date	December 12, 2011
prepared by department division	George Wiggins Building and Code Enforcement	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 checked="" type="checkbox"/> N/A final vote		

## Subject

Staff is requesting approval to adopt a Uniform Method of Collecting Non-AD Valorem Special Assessment Resolution in order to collect costs accrued for the abatement of Code violations.

## **motion | recommendation**

Staff recommends approval.

## **background**

When overgrown grass or unsightly debris violations are observed and cited by our code enforcement officers a violation notice is sent to the property owner requiring removal of the overgrowth or debris. If the property is not cleaned in the prescribed time frame the City cleans the property through a private contractor at the City's expense. An invoice is sent to the property owner requiring payment by the owner plus an administrative charge. Failure to remit payment results in placing a lien on the property for all costs incurred by the City.

These procedures are in accordance with the present ordinance in Chapter 22 Sections 302.2 thru 302.4.5 of the Winter Park City Code. The timely collection of these costs is often difficult to realize until the property is sold. Liens are recorded, but the fees remain outstanding until the property changes hands. Having an assessment mechanism in place that places the charge on the tax bill will facilitate a more rapid recovery of these expenses borne by the City.

In researching this option we found that Orange County Government and City of Palm Coast Florida currently utilize this process and are collecting the monies spent to clear /clean private properties through a tax assessment method.

## **alternatives | other considerations**

We can continue to lien the properties and wait until the property changes ownership to collect on the liens placed.

## **fiscal impact**

A positive fiscal impact through the timely collection of City costs incurred.

## **long-term impact**

Improved collections.

## **strategic objective**

Quality Government Services and Financial Security.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA,  
ELECTING TO USE THE UNIFORM METHOD OF  
COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS  
LEVIED WITHIN THE INCORPORATED AREA OF THE CITY  
FOR COLLECTING THE COSTS FOR ABATEMENT OF CODE  
VIOLATIONS; STATING A NEED FOR SUCH LEVY;  
PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND  
PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Winter Park, Florida (the "City") is contemplating the imposition of special assessments for the provision of collecting the costs for abatement of code violations through the services of City authorized contractors on properties within the City; and

**WHEREAS**, only the expenses incurred by the City in correcting the violation will be assessed. The assessment will not include any code enforcement fines levied by the City; and

**WHEREAS**, the City intends to use the uniform method for collecting non-ad valorem special assessments for the reimbursement of the City's cost for abating public nuisances, fire hazards, unsecured and/or hazardous abandoned buildings, unsafe structures, and attractive nuisances that threaten or endanger the health, safety, or welfare of City residents or adversely affects or impairs the economic welfare of adjacent property on properties within incorporated City of Winter Park as authorized by Section 197.3632, Florida Statutes, as amended, because this method will allow such special assessments to be collected annually commencing in November 2012, in the same manner as provided for ad valorem taxes; and

**WHEREAS**, the City held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A.

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

**SECTION 1.** Commencing with the Fiscal Year beginning on October 1, 2012, and with the tax statement mailed for such Fiscal Year, the City intends to use the uniform method of collecting non-ad valorem assessments authorized in Section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of providing abatement services for public nuisances, fire hazards, unsecured and/or hazardous abandoned buildings, unsafe structures, and attractive nuisances, that threaten or endanger the health, safety, or welfare of City residents or adversely affects or impairs the economic welfare of adjacent property on properties within the incorporated City of Winter Park, as described in Exhibit B. [NEED LEGAL DESCRIPTION OF CITY LIMITS]

**SECTION 2.** The City hereby determines that the levy of the assessments is needed to reimburse the City for the cost of providing a remedy for the public nuisance conditions on those

properties that were lawfully notified of such nuisance and did not correct the nuisance as required through the Nuisance Abatement process provided in City Code Section \_\_\_\_\_, Property maintenance; the Condemnation/demolition process provided in City Code Section \_\_\_\_\_; or the provisions of FS Chapter 162.09, Administrative fines, Cost of Repairs, liens. All costs incurred by the City for such abatement will be assessed to the property. Those costs include the cost of the city to remedy the violation, including the actual cost of clean-up, all allowable administrative expenses, and all other identifiable costs incurred by the city.

**SECTION 3.** Upon adoption, the City Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Seminole County Tax Collector, and the Orange County Property Appraiser by January 10, 2012.

**SECTION 4.** Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 12<sup>th</sup> day of December, 2011.

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Mayor Kenneth W. Bradley

ATTEST:

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City Clerk, Cynthia S. Bonham

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## EXHIBIT A (HEARING NOTICE)

### NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS

The City of Winter Park, Florida (the "City") hereby provides notice, pursuant to Section 197.3632(3)(a) Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem special assessments to be levied within the incorporated area of the City, for the cost of correcting public nuisances on properties within the City of Winter Park incurred by the City of Winter Park, commencing for the Fiscal Year beginning on October 1, 2012. The City will consider the adoption of a resolution electing to use the uniform method of collecting such assessments authorized by section 197.3632, Florida Statutes, at a **public hearing to be held at \_\_\_\_\_ p.m. on \_\_\_\_\_**, at 401 Park Avenue South, Winter Park, Florida. Such resolution will state the need for the levy. The levy may be applied to any property within the incorporated limits of the City of Winter Park. Copies of the proposed form of resolution are on file at the Office of the City Clerk, Winter Park, Florida. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the City with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed, and in such an event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the \_\_\_\_\_ at 407-\_\_\_\_\_ seven days prior to the date of the hearing.

**Publish dates:** \_\_\_\_\_

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Cynthia S. Bonham, City Clerk  
CITY OF WINTER PARK, FLORIDA



EXHIBIT B  
[LEGAL DESCRIPTION OF CITY LIMITS]