



city commission agenda

3:30 p.m.
January 23, 2012
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.

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.

1	Meeting Called to Order	
2	Invocation Reverend John D. Williams Sr., Ward Chapel AME Pledge of Allegiance	
3	Approval of Agenda	
4	Mayor's Report	Projected Time
	a. Employee of the Quarter – Mark Brown, Electric Utility Specialist b. Board appointment: - Martin Luther King Jr. Task Force c. Approval of the city's 125th Anniversary Task Force d. Holiday window contest winners	10 minutes
5	City Manager's Report	Projected Time
	a. Scheduling Strategic Planning Session b. Report on the status of the proposed on-street dining on the Hannibal Square East item tabled from 1/9/12 meeting	15 minutes

6	City Attorney’s Report	Projected Time
	a. Further consideration of the settlement agreement proposed by Sydgan in the case of <i>Sydgan Corp. v. City of Winter Park</i> , Orange County Circuit Court case number 2011-CA-001709-O	10 minutes
7	Non-Action Items	Projected Time
8	Citizen Comments 5 p.m. or soon thereafter (if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting) (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)	
9	Consent Agenda	Projected Time
	a. Approve the minutes of 1/9/12. b. Approve the following purchase and contracts: 1. Emergency Purchase Order 1046 to T.V. Diversified, Inc. for Emergency Repair to Lift Station #40 (Glenwood); \$74,032.95 2. Blanket Purchase Order to Reynolds Inliner, LLC for Sewer Line Rehabilitation Cleaning and Video Recording; \$600,000 3. Purchase order to Musco Sports Lighting, Inc. for installation of new poles and fixtures at Azalea Lane; \$72,196 4. Piggybacking the State of Florida contract 445-001-11-1 with W.W. Grainger for Tools: Hand Held, and Hand Held Power Tools and authorize the Mayor to execute the Piggyback Contract 5. Piggybacking the State of Florida contract 071-000-12-1 for Motor Vehicles and authorize the Mayor to execute the Piggyback Contract as required for specific purchases 6. Authorize staff to enter into negotiations with the top two ranked firms ACi and Helman Hurley Charvat Peacock Architects, Inc. (RFQ-2-2012) Continuing Contracts for Professional, Architectural & Engineer Services (Discipline: Architectural Services) c. Approve the Winter Park Neighborhood Enhancement Matching Grant requests as follows: Chateaux du Lac \$4,000.00 Hannibal Square CLT Neighborhood Association \$2,500.00 Park Green Community Association \$4,000.00 Temple Sunset Neighborhood Association \$ 428.00 d. Approve the expenditures of State Law Enforcement Forfeiture Funds (\$6,000) as follows: \$1,000 to Mothers Against Drunk Drivers (MADD) for the 4 th annual Chief Challenge fundraiser; and \$5,000 to assist the Prescription Drug Monitoring Program (PDMP) to aid in reducing the scope of prescription drug abuse and diversion in Florida e. Approve the request to waive fees in Central Park for the Michael Andrews/Swingerhead concert	5 minutes
10	Action Items Requiring Discussion	Projected Time
	a. Negotiation for First Right of Refusal for acquisition of the Post Office Property on New York Avenue	20 minutes

11 Public Hearings	Projected Time
a. Request of Jim Veigle Properties, LLC: <ul style="list-style-type: none"> - Ordinance – Amending the comprehensive plan future land use map so as to change the future land use designation of Single-Family Residential to Office Professional on the property at 1210 Dallas Avenue and amending planning area “J” Policy 1-4.1.J.11 in the future land use element to add an exception to the encroachment of non-residential land use (2) - Ordinance – Amending the official zoning map so as to change the existing zoning designation of Single Family Residential (R-1A) District to Parking Lot (PL) District at 1210 Dallas Avenue (2) 	20 minutes
b. Resolution – Setting forth the City’s intent to use the uniform ad valorem assessment for properties abutting Via Salerno and Mayfield Avenue to fund the installation of underground electrical/BHN facilities	10 minutes
c. Request of Rollins College: Conditional use approval to demolish and rebuild Strong Hall located adjacent to the corner of Holt Avenue and Hanna Way on the campus at 1000 Holt Avenue, zoned PQP	20 minutes
d. Request of Perth Lane Properties, LLC: Conditional use approval to build a new two story; 22,990 square foot medical office building at 100 Perth Lane, zoned Office (O-2)	20 minutes
e. Request of Denning Partners, Ltd. for the property at 861 W. Canton Avenue: <ul style="list-style-type: none"> - Ordinance – Changing the designation of Single Family Residential to High Density Residential (1) - Ordinance – Changing the designation of Single Family Residential (R-1A) to Multi-Family (High Density R-4) (1) 	30 minutes
f. Request of Winter Park Redevelopment Agency, Ltd.: <ul style="list-style-type: none"> - Conditional use approval to construct a 470 square foot, second floor addition onto the previously approved restaurant pavilion building at 400 West New England Avenue, zoned C-2 	30 minutes
12 City Commission Reports	Projected Time
a. Commissioner Leary b. Commissioner Sprinkel c. Commissioner Cooper d. Commissioner McMacken e. Mayor Bradley	10 minutes each

appeals & assistance

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

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



city commission agenda item

item type	Mayor's Report	meeting date	January 23, 2012
prepared by department division	Communications	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	n/a	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A	final vote

subject

Approval of City's 125th Anniversary Task Force

motion | recommendation

Approve the following members to serve on the City's 125th Anniversary Task Force for the purposes of planning and coordinating the activities and events to celebrate this milestone and approve the reassignment of the budget allocated for the board appreciation event to the city's 125th anniversary celebrations.

Proposed Task Force Members:

1. Kenneth Murrah, Winter Park resident
2. Fairolyn Livingston, Winter Park resident
3. Susan Skofield, Winter Park Historical Association Executive Director
4. Bob Melanson, Winter Park Public Library Director
5. Patrick Chapin, Winter Park Chamber of Commerce President
6. Cindy Bowman LaFronz, Rollins College Director of Community Relations
7. Rev. Bryan G. Fulwider, 1st Congregational Church Senior Minister

City staff will also assist, support and help implement the efforts and ideas of the task force.

background

On October 12, 1887, at 2 p.m., in Ergood Hall, Winter Park was officially incorporated as the "Town of Winter Park." This committee would help thread the city's 125th Anniversary message into their existing events throughout the year and also assist in planning special events to celebrate this anniversary.

alternatives | other considerations

Not celebrate the city's anniversary.

fiscal impact

Currently, there is no budget assigned to the 125th Anniversary Celebration, however, expenses toward this event can be reassigned from the board appreciation event to the 125th celebrations. If approved to reallocate the board appreciation budget to the city's 125th anniversary celebrations, the board appreciation event can resume next fiscal year.

long-term impact

n/a

strategic objective

Quality government services



city commission city manager's report

item type City Manager's Report

meeting date January 23, 2012

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	Construction is underway. 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 (www.cityofwinterpark.org) or call 407-599-3245 to determine locations.	February 2012
Pensions	A shade meeting for the Commission to develop negotiation strategies related to pension options is scheduled for January 23 rd .	
Lee Road Median Update	Met with FDOT on January 5 th to agree to planting restrictions. Currently developing final submittal for approval to be submitted January 25 th .	
Pro Shop Renovation	Currently working on patio site work and interior finishing.	Anticipate completion February 2012
Fairbanks Improvement Project	Re-design of the new lift station location is complete. Plans have been approved by FDOT. Permits were submitted to FDEP on January 6, 2012. Final approval on lift station easement is expected this week.	Project should be out to bid in March, awarding bids in late April and Notice to Proceed in May, 2012.

Parking Study Alfond Inn	Alfond Inn Traffic Study: Consultant is engaged and ready to start with traffic counts, turning movement counts and gap study (time gaps for left turns on New England). However, the consultant must wait for Lyman Avenue to be re-opened at the end of the month to start, because the normal traffic on Lyman has now shifted to New England.	
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	The holiday decorating contest is completed.	Contest Winners announced January 23, 2012.
Dead Tree Removal	The removal of approximately 50 dead trees is nearly complete. Contractors have been removing the trees and in-house staff will be managing the replanting.	March 2012
Winter in the Park	Winter in the Park was very successful this year with record attendance of over 14,000 skaters. A final cost analysis is underway. Additionally, the rink and tent have been dismantled and the City is preparing to re-sod as needed.	General Information
Community Center	<p><u>Statistical Data (thru 12/31/11)</u> Issued 1145 Recreation ID Cards Issued and sold 281 Non-Resident Recreation ID Cards Sold 115 Annual FitPasses Sold 143 Monthly FitPasses</p> <p><u>Upcoming Events</u> Teen Night 1/26 Winning Ways Basketball Tournament 1/20-22 IBL Professional Basketball League Tryouts 1/28-29 Winning Ways Student Athlete Life Skills 1/26 Starting new programs: All American Fitness Boot Camps and fitness classes. Youth Sports Training, Pilates, and Senior Zumba and Tai Chi</p>	General Information

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.

SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is made and entered into by and between **SYDGAN CORPORATION**, a Florida corporation, with a principal address of 511 North New England Avenue, Suite 200, Winter Park, Florida 32789 ("SYDGAN"); **W.F.G., LTD**, a Florida limited partnership, with a principal address of 222 South Pennsylvania Avenue, Suite 200, Winter Park Florida 32789 ("W.F.G.") (jointly the "Developers"); and the **CITY OF WINTER PARK, FLORIDA**, a Florida municipal corporation with an address of 401 Park Avenue South, Winter Park, Florida 32789-4386 (the "City"), and is conditioned on approval by the City of Winter Park City Commission.

Recitals

WHEREAS, in November of 2000 the City granted a conditional use permit to W.F.G., for the purpose of developing property at the northwest corner of Morse Boulevard and Pennsylvania Avenue in the City of Winter Park, and

WHEREAS, to memorialize that conditional use permit W.F.G. and the City entered into that certain Developer's Agreement dated November 28, 2000, under which W.F.G. agreed to develop four two-story commercial buildings, a three level parking garage, and residential improvements according to the terms of the Developer's Agreement, a copy of which is attached to this Agreement as "exhibit 1," and

WHEREAS, on or about May 23, 2005 the City approved a modification of the conditional use permit to allow the parking garage to be up to five levels so long as the residential development was substantially completed before the expansion of the parking garage to five levels and also approved a two year extension of the conditional use permit through May 23, 2007, and

WHEREAS, on or about April 9, 2007 the City again approved an extension of the conditional use permit through May 23, 2008 because the parties believed the City's Comprehensive Plan would be approved by that date and the development would proceed according to the terms of the Developer's Agreement and the Comprehensive Plan, and

WHEREAS, to memorialize the modification to that conditional use permit W.F.G. and the City entered into that certain Developer's Agreement Amendment One dated November 26, 2007, amending the original November 28, 2000 Developer's Agreement to provide that the parking garage shall not exceed 5 levels and to allow W.F.G. the right to request to add a third floor to the commercial buildings according to the terms of that amendment, a copy of which is included as part of "exhibit 1," and

WHEREAS, on or about March 10, 2008 the Comprehensive Plan had not yet been adopted so the City granted another extension of time for the conditional use permit until one year after the Comprehensive Plan became effective, and

WHEREAS, the Comprehensive Plan became effective on May 14, 2009, extending the conditional use permit through May 14, 2010, and

WHEREAS, at all times material to this Agreement SYDGAN acted as the agent in fact for W.F.G. regarding the Developer's Agreement dated November 28, 2000; the Developer's Agreement Amendment One dated November 26, 2007; and the conditional use permit, with any modifications and extensions, related to the Developer's Agreement and Amendment One, and

WHEREAS, by April of 2010 the City had not yet adopted its Land Use Code, which would provide the regulations governing the development contemplated by the parties, so the City's planning staff requested an additional extension of the conditional use permit on behalf of W.F.G., and

WHEREAS, on May 10, 2010, during the City Commission's regularly scheduled public meeting, the City granted a three year extension of the conditional use permit through May 14, 2013 and added the following five additional conditions to the conditional use permit:

1. No construction shall take place on the additional parking garage expansion until compatible development is approved by the City (as required via conditional use) for the vacant portion of the property at 655 W. Morse Boulevard on the Pennsylvania and Symonds corner and construction of the approved project has begun;
2. The maximum parking garage expansion is not to exceed 5 levels. The specific authorized expansion will be determined based on land development code parking requirements for approved projects on the properties governed by the approved Development Agreement that demonstrate the need for such parking;
3. All other terms of the 11/28/00, Developer's Agreement, as amended on 11/26/07, remain unchanged. (This includes the requirement for residential development);
4. This Conditional Use approval becomes effective upon mutual execution of an amendment to that Developer's Agreement; and

5. This extension does not indicate or imply that the Commission approves any specific future development or level of parking required to accommodate such development. All proposed development is subject to the normal land use processing approvals.

, and

WHEREAS, neither W.F.G. nor SYDGAN asked the City to reconsider its decision or sought judicial review of the May 10, 2010 decision by the City within the time required, and

WHEREAS, on or about December 13, 2010 SYDGAN again requested an extension of the conditional use permit, for the first time referencing two laws passed by the legislature; Section 14, Chapter 2009-96, Laws of Florida (2009), and Section 46, Chapter 2010-147, Laws of Florida (2010), and

WHEREAS, at the City Commission's December 13, 2010 meeting the City granted an additional extension under Chapter 2010-147 but denied any extension under Chapter 2009-96, and

WHEREAS, SYDGAN timely filed a Petition for Writ of Certiorari in the Ninth Judicial Circuit Court styled "SYDGAN CORPORATION v. CITY OF WINTER PARK, Case No. 2011-CA-001709-O, Writ No. 11-13," ("Petition") seeking review of the December 13, 2010 decision by the City, and

WHEREAS, SYDGAN, W.F.G., and the City ("the parties") have reached a settlement of all claims and disputes referenced in the Petition and all claims and other disputes between them, and desire to set forth the terms and conditions of that settlement in this Agreement and hereby enter into this Agreement with the intent of resolving all claims and disputes and the Petition.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained in this agreement, and other good and valuable consideration, the parties hereby agree as follows:

Agreement

1. **Recitals.** All of the facts stated in the recitals of this Agreement are true and correct to the best of the parties' knowledge, are incorporated into this Agreement by reference, and the parties hereto agree to be bound by them.

2. **Effective Date.** The Effective Date of this Agreement shall be the last date on which all of the parties actually execute this Agreement and all documents contemplated hereunder.

3. Further City Action and Additional Approvals. The parties to this Agreement understand and agree that the City must conduct a public hearing to approve any extension or modification of the conditional use permit referenced in the recitals section of this Agreement. The fact that this Agreement does not address any particular requirement, condition, or term of the Developer's Agreement dated November 28, 2000, or the Developer's Agreement Amendment One dated November 26, 2007, shall not relieve the developer referenced in those documents from the obligation to comply with any other law, ordinance, regulation, or permitting requirement not covered by the terms of this Agreement.

4. Not an Extension or Modification of a Conditional Use Permit. The parties to this Agreement understand and agree that this Agreement is not itself an extension or modification of a conditional use permit. The parties further understand and agree that the city must take further action at a noticed public hearing, as contemplated by paragraphs 3 and 5 of this Agreement, in order to grant any extension or modification of the conditional use permit referenced in the recitals section of this Agreement.

5. City to Consider an Extension and Modification of Conditional Use Permit. Notwithstanding this Agreement, the parties to this Agreement understand and agree that this Agreement shall in no way bind the City to extend or modify the conditional use permit referenced in the recitals section of this Agreement. The City has the complete right to deny any extension or modification of the conditional use permit that may come before it as required by this Agreement.

6. Consideration. Subject only to the terms of this Agreement, and as a material inducement to entering into this Agreement, the parties agree as follows:

a. At the next regularly scheduled public meeting of the Winter Park City Commission after the City's approval of this Agreement, the City will place on its meeting agenda and bring up for consideration the granting of an extension to the conditional use permit, as referenced in the recitals section of this Agreement, through the date of May 14, 2014, with that extension including revision of conditions 1 and 2 and removal of conditions 4 and 5 imposed on May 10, 2010, so that the conditions on the conditional use permit would be:

(1) No construction shall take place on the additional parking garage expansion until residential development on the vacant lots at 672 and 660 Symonds Avenue has begun. Furthermore, no construction shall take place on building number three located at 171 North Pennsylvania Avenue until either a minimum of a two-unit duplex located at 620 Symonds Avenue (west half of Lot 2, Block H, Capen's Addition to Winter Park; Plat Book

“A, Page 95), which is the vacant land area just west of the Symonds Avenue commercial surface parking lot, has begun or residential development on the vacant lots at 712 and 726 Symonds Avenue (west half of Lot 5 and the east half of Lot 6, Block H, Capen’s Addition to Winter Park; Plat Book “A, Page 95) has begun and that those residential buildings shall be deemed sufficient to satisfy the conditions of the Development Agreement, as amended.

(2) The maximum parking garage expansion is not to exceed five levels. The specific future development of the adjacent vacant land will be determined based on the applicable land development code parking requirements for projects on the properties which are governed by the Developer’s Agreement and which are approved by the City, and

(3) All other terms of the November 28, 2000 Developer’s Agreement, as amended on November 26, 2007, remain unchanged. (This includes the requirement for residential development).

b. Within thirty (30) days of the City granting an extension after the hearing referenced in subsection "a." above, SYDGAN and the City shall file a Stipulation of Dismissal with Prejudice in the Ninth Circuit Judicial Court case styled "SYDGAN CORPORATION v. CITY OF WINTER PARK, Case No. 2011-CA-001709-O, Writ No. 11-13." If the City does not grant an extension or modification the appeal shall continue.

7. Settlement of Dispute. If the City grants the extension and modification referenced in paragraph 6a of this Agreement, this Agreement shall constitute a full and final resolution of all claims outlined in the recitals above and paragraph 8 shall become immediately effective upon the filing of the stipulation referenced in paragraph 6b.

8. Release. This provision shall become effective at the time and as provided in Section 7 of this Agreement.

In consideration of the payment of Ten and 00/100 dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged by the Developers, the Developers jointly and severally, hereby release, absolve, disclaim, and forever discharge the City of Winter Park, its City Commission members, officers, agents and employees, all in their official and personal capacities, of and from all liabilities, claims, actions, damages, costs or expenses of any nature arising out of or in any way connected with the Petition or this Agreement and from any and all rights, claims, charges, causes of action, set-offs, damages, defenses, and demands which were asserted or could have been asserted by the Developers, relating to any conditional use permit, as from time to time modified

and extended, described in the Petition, including but not limited to: civil rights, 42 U.S.C. §§1983 and 1988, proceedings set forth in Section 70.001, 70.20, or 70.51, Florida Statutes; U.S. or Florida Constitutional claims relating to procedural or substantive due process, equal protection, inverse condemnation, the U.S. Fifth or Fourteenth Constitutional Amendments, Article I Section 2 or 9 or Article X Section 6 of the Florida Constitution, or claims arising directly or indirectly from the failure to grant any extension or modification of any conditional use permit as alleged in the Petition. Further, the Developers, on their own behalf and on behalf of their successors, privies, and assigns, and anyone claiming by, through or under same, hereby covenant not to sue and release and forever discharge the City of Winter Park, its City Commission members, officers, agents and employees, all in their official and personal capacities, individually and collectively, from all claims, demands, actions, causes of action, petitions, suits, debts, dues, sums of money, accounts, reckonings, bills, specialties, covenants, contracts, damages, claims, liens, setoffs, attorneys'/ paralegals' fees, defenses, and all and every and any nature of actions or causes of action in law or in equity, which the Developers or any of them had, now have, or that may subsequently accrue to any or all of them, arising out of or in connection with, arising directly or indirectly, from the failure to grant any extension or modification of any conditional use permit as alleged in the Petition and the incidents described in this. **THE PARTIES TO THIS AGREEMENT UNDERSTAND AND AGREE THAT THEY EACH AND ALL EXECUTED THE RELEASES SET FORTH IN THIS AGREEMENT FREELY AND VOLUNTARILY AFTER HAVING HAD THE OPPORTUNITY TO BE APPRISED OF ALL OF THE RELEVANT INFORMATION, DATA, AND ADVICE FURNISHED BY ANY CONSULTANTS OR ATTORNEYS.**

9. Entire Agreement. This Agreement contains the entire understanding between the parties with regard to matters set forth within it. There are no representations, warranties, arguments, agreements, arrangements, undertakings oral or written, between or among the parties related to the subject matter of this Agreement that are not fully expressed within this Agreement. The parties specifically rely upon the terms of this Agreement, the terms of which shall be read and interpreted in such a manner as to give all provisions their ordinary and customary meaning unless otherwise defined.

10. Advice of Counsel. The Parties to this Agreement acknowledge that they have received the advice of independent legal counsel. The parties executing this Agreement do so with the full knowledge of its significance and with the express intent of effecting its legal consequences.

11. Modifications. No modification of a term or condition of this Agreement shall be valid or binding, unless it is in writing and executed by each of the parties to the Agreement or their agents.

12. Waiver. The parties agree that there shall be no waivers of any terms of this Agreement and any failure by any of the Parties to enforce any provision shall not be a waiver of same and shall not be deemed to waive any other provision of this Agreement.

13. Attorneys' Fees. The parties shall bear their own attorneys' fees and costs in the Petition, including the negotiation and drafting of this Agreement and any other related issues. There is no prevailing party in the Petition and each Party will pay its own costs, expenses, and attorneys' fees, except as otherwise indicated in this Agreement.

14. Enforcement. In the event an action is commenced or motion filed seeking enforcement of this Agreement the prevailing party in such action or motion shall be entitled to recover its attorneys' fees and costs from the other party. The parties agree that the Ninth Judicial Circuit Court in and for Orange County, Florida, shall have jurisdiction to enforce this Agreement as may be necessary.

15. Choice of Law. This Agreement is being executed and delivered in the state of Florida and the laws of the state of Florida shall apply with regard to all matters pertaining to and arising under or in connection with this Agreement. In the event that an action is filed by any party hereto to enforce any provision of this Agreement, all parties hereto consent to the jurisdiction and venue of the Ninth Judicial Circuit Court in and for Orange County, Florida, and waive personal service of summons and agree to service by certified return receipt mail.

16. Construction. This Agreement was prepared with the joint input of all parties who each had an opportunity to review and understand the Agreement and have each participated in the preparation of the Agreement, which shall not be interpreted more or less favorably to any of the parties. This Agreement shall not be more strictly construed against one party than against the other because of the fact that it may have been physically prepared by one party or by its attorneys, because all parties and their respective attorneys have participated in the negotiation, drafting, and preparation of this Agreement. All terms and provisions of this Agreement shall be deemed to have been inserted for the benefit of all parties.

17. Interpretation. This Agreement shall be read and interpreted in such a manner as to give all provisions their ordinary and customary meaning and all words, terms, and phrases not otherwise specifically defined by capitalized term or otherwise shall have the same meaning and interpretation as customarily used among lay persons. The terms "hereby," "hereof," "herein," "hereto," "hereunder" and any similar terms refer to this Agreement in its entirety and not solely to the particular section or paragraph in which the term is used. In construing this Agreement, the singular shall be held to include the plural, the plural shall include the singular, and the use of any gender shall include both genders.

18. Counterparts. This Agreement may be executed in several counterparts and all such executed counterparts shall constitute one agreement, which shall be binding upon all parties hereto, notwithstanding that all parties' signatures do not appear on the same page, and the parties further agree that a photocopy, facsimile copy, or other reproduction of this Agreement shall be as binding and effective as the original.

WHEREFORE, each of the parties has executed this Agreement on the day and year indicated below.

Printed name of Representative for SYDGAN Corporation

Signature of Representative for SYDGAN Corporation

Date

Printed name of Representative for W.F.G, LTD.

Signature of Representative for W.F.G, LTD

Date

Printed name of Attorney for SYDGAN Corporation

Signature of Attorney for SYDGAN Corporation

Date

Printed name of Representative for the City of Winter Park

Signature of Representative for the City of Winter Park

Date

Printed name of Attorney for the City of Winter Park

Signature of Attorney for the City of Winter Park

Date

REGULAR MEETING OF THE CITY COMMISSION
January 9, 2012

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:31 p.m. in the Rachel D. Murrah Civic Center, 1050 West Morse Boulevard, Winter Park, Florida.

The invocation was provided by Mayor Kenneth Bradley, followed by the Pledge of Allegiance.

Members present:

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

Also present:

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

Approval of the agenda

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

Mayor's Report

- a. Board Appointment: Parks and Recreation Advisory Board

Parks and Recreation Advisory Board

Julio de Arcos (New, alternate 2012-2013)

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

City Manager's Report

City Manager Knight advised that the due diligence period ends next Monday for the State Office Building and Progress Point properties. He addressed receiving the environmental reports on both properties and other than what had been previously disclosed both properties came back clean. Mr. Knight mentioned that there is a 13x60 area in the southeast corner of the Progress Point property where there is an encroachment issue from the property next door. He also noted that the City needs to retain an easement for the State Office Building property on an area that is approximately 20x250 that has sidewalks, traffic signal mechanics and light poles. They feel that both issues are negligible to the two property owners and they plan on continuing to move forward.

City Manager Knight provided an update on code enforcement case #11-2420, address 205 Tyree Lane. He noted that it went before the Code Enforcement Board last week and they tabled the item. It is scheduled for the February 2, 2012 meeting.

City Manager Knight advised that the architect is finalizing the Golf Course Starter House project and they are anticipating a grand opening to be held sometime in February 2012.

Mr. Knight acknowledged Commissioner Cooper's request to provide a status on the Interlachen Historic District application in his report and Commissioner Sprinkel's request to include a brief summary report on the traffic study for the Alford Inn.

City Manager Knight inquired if the Commission would like to schedule a shade meeting to talk about the bargaining strategy for the overall pension issue. It was agreed to speak about the next agenda item and then decide.

City Attorney's Report

a. Settlement Agreement with Sydgan Corporation, W.F.G., Ltd.

Attorney Brown provided background regarding the terms of the agreement and asked the Commission for direction. There was consensus of the Commission to schedule a shade meeting for January 23 to discuss the settlement agreement with Sydgan Corporation, W.F.G., Ltd. and to discuss the pension report. The shade meeting will start at 1:30 p.m. and the pension report meeting will follow. The Commission also agreed to list the Sydgan settlement agreement on the January 23 agenda since it is a time sensitive matter.

Non-Action Items

a. Financial Report – November 2011

Finance Director Wes Hamil summarized the November 2011 Financial Report and answered questions. Electric Utility Director Jerry Warren answered questions regarding the electric utility fund.

Commissioner Cooper requested that backup be included as part of the financial report for the Parks Acquisition Fund. The request was acknowledged.

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

Consent Agenda

- a. Approve the minutes of 12/12/11.
- b. Approve the following purchase, contracts and bids:
 - 1. After-the-fact Purchase Order 146067 to Heart Utilities of Jacksonville for undergrounding of electric; \$164,225.12
 - 2. Amendment 1 for Insurance Agent Contract Renewal with AGIS Florida Agency, LLC (RFP-3-2009) and authorize the Mayor to execute the amendment
 - 3. Products and Services Agreements with Centurylink Sales Solutions, Inc. for renewal of voice PRI circuits and authorize the Mayor to execute the agreements; \$19,200
 - 4. Award RFP-4-2012, Dead Tree Removal Services (Sections B-D) to A Budget Tree Service, Inc. and authorize the Mayor to execute the agreement
- c. Approve the following components of a Winter Park Electric Solar PV incentive Program: Net Metering Policy; Tier 1 interconnection agreement; and Tier 2 interconnection agreement – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**

- d. Award ITN-23-2011, Contract Forestry Manager, to ArborMetrics Solutions, Inc. and authorize the Mayor to execute the agreement to provide contracted forestry management services – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**

Motion made by Commissioner McMacken to approve Consent Agenda items ‘a’ and ‘b.1-4’; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Consent Agenda Item ‘c’ - Approve the following components of a Winter Park Electric Solar PV incentive Program: Net Metering Policy; Tier 1 interconnection agreement; and Tier 2 interconnection agreement

Mayor Bradley asked if the City Attorney reviews all contracts including those that are in template form. City Manager Knight said yes.

Motion made by Commissioner Sprinkel to approve Consent Agenda item ‘c’; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Consent Agenda Item ‘d’ – Award ITN-23-2011, Contract Forestry Manager, to ArborMetrics Solutions, Inc. and authorize the Mayor to execute the agreement to provide contracted forestry management services

City Manager Knight provided background on the contract. He explained that both the City of Winter Park Electric Department and the City spend a considerable amount of money on tree trimming. The Electric Department utilizes a private contractor to trim and maintain clearances around its high voltage power lines which is necessary for reliability and public safety. The City’s Forestry Division trims to provide clearances above and along the roads and sidewalks to provide for safe travel for vehicles and pedestrians. The combined resources devoted to Electric Department tree trimming and City’s Forestry Division is about \$1.4 million. Mr. Knight advised that the estimated annual cost for this contract is approximately \$102,000 and that staff anticipates that the annual cost of this position will be funded by savings achieved in better contracting and better management of the combined tree trimming functions. He also noted that there is a 90 day out clause in this contract for no cost.

Mr. Knight explained that last year the City hired a tree efficiency expert to look at the overall operations. As a result, management determined that restructuring the way we manage forestry operations will improve productivity, electric reliability, citizen satisfaction and use of resources. The new structure would be as follows:

Production trimming for both Electric and the City will be done by private contractors under the supervision of ArborMetrics Solutions who will be responsible for developing the RFP for the contractor trimmers, working with the departments to establish trimming priorities and schedules, overseeing the contractors, developing performance metrics and reporting. In-house crews will continue to be responsible for demand trimming, new plantings, watering, citizen education and park trees.

Mayor Bradley inquired if this should be referred to the Tree Preservation Board, Environmental Review Board or Utilities Advisory Board for review and recommendations. City Manager Knight stated that he would have no objection to this recommendation.

Electric Utility Director Jerry Warren explained that by hiring a forestry manager to manage electric system line clearance functions and coordinate the City's tree trimming activities with those of electric will help reduce the cost of City's tree trimming functions, improve tree trimming coordination between the City and the Electric Department, improve performance measurement associated with the City's tree trimming functions by being able to accurately measure what the City gets for expenditure of the funds, as well as improve customer service and citizen education about tree trimming and line clearance functions of the City.

Commissioner Cooper shared her concerns with possibly removing the city's arborist from responsibility and accountability. City Manager Knight clarified that this would allow them to have two arborists responsible and accountable for all of the trees. Commission discussion ensued with the pros and cons with approving this contract.

Motion made by Commissioner Leary to approve Consent Agenda item 'd'; seconded by Commissioner Sprinkel.

Steve Goldman, 2009 Venetian Way, urged the Commission to protect their most prized assets which are the tree canopies and lakes. He also agreed that the new arborist will help measure aesthetics which is very important.

Marc Hagle, 1220 Park Avenue North, commended the Commission for addressing the maintenance of the trees. He addressed what he believed to be a lack of oversight by the City's Forestry Department and Parks Department and that a true analysis should be done to see if the right individuals are competent to hold their current position or if they should outsource the services.

Nancy Shutts, 2010 Brandywine Drive, felt that the Tree Preservation Board is not set up properly. She suggested that they appoint individuals with a greater interest in trees especially if they are to complete the review of the redlined ordinance.

Commission discussion ensued as to whether or not they should create a task force that would include the City's arborist and possibly the Electric Department's arborist to further define who is going to have the responsibility and authority, what standards should we be maintaining our tree canopy to, what weaknesses do we have in our current department and how do we correct those, is our tree ordinance correct, are the fees correct and what can they use the funds in the Tree Preservation Trust Fund for.

Upon discussion, the Commission agreed to allow the Tree Preservation Board the opportunity to bring back recommendations on the redlined ordinance, to review the status report from Mr. Knight and to review the analysis report from ArborMetrics Solutions (should this contract be approved) before creating a new task force.

The Commission requested that City Manager Knight bring a status report back to them in 60 days so they can see what the City is getting for their dollar. Mr. Knight acknowledged.

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.

Public Comment

Marc Hagle, 1220 Park Avenue North, advised that the Live Oak Fund has raised enough money to plant 70-80 trees. He asked for direction on where to plant them as their preference would be along Aloma Avenue. He also spoke about the Champs Bowl Parade and felt that it might be time to expand the event by possibly adding several high school bands and other events along with the parade. City Manager Knight acknowledged the request for direction.

Action Items Requiring Discussion

a. Proposed on-street dining on Hannibal Square East

Public Works Director Troy Attaway advised that the applicant Dan Bellows with Sydgan Corporation is requesting to close a portion of Hannibal Square East immediately north of New England Avenue to allow the two adjacent restaurants, Hannibal's and Armando's to provide outdoor dining in the street. The request is for a daily closure from 5:00 p.m. to 11:30 p.m.

Mr. Attaway noted that the Public Works Department reviewed this item and from a traffic standpoint it would not create a big impact. Also, both the Fire and Police Department feel this closure would not affect their ability to respond to emergencies and the Economic Development/CRA Department supports this request. City Manager Knight advised that no other boards reviewed this item.

Commission discussion ensued regarding the lack of a formal public notice being given to the residential homeowners in the immediate area, if the other boards should review this item prior to Commission approval, should there be a specific timeline for a trial basis and if they should extend this request throughout the City prior to a trial basis.

Motion made by Commissioner Sprinkel that we put a 90 day trial into this and at the same time staff takes this to the board that we decide is the right board to work with; seconded by Commissioner McMacken.

Motion amended by Commissioner Cooper that the staff evaluate and that where the same safety conditions exist that this courtesy be extended to all of the restaurants within the City of Winter Park that are on non-collector roads. Commissioner Sprinkel clarified her motion and indicated that her intent is to take action and send it to a board concurrently. **Commissioner Cooper withdrew her amendment.**

Motion amended by Commissioner Cooper that they send it back to the board without action until they have heard from the board. Motion failed for lack of a second. Motion amended by Commissioner Cooper that the courtesy be extended to other restaurants within the City of Winter Park. Motion failed for lack of a second. Motion made by Commissioner Cooper to table. Motion failed for lack of a second.

For clarification purposes Building and Code Enforcement Director George Wiggins spoke briefly about notice requirements pertaining to permanent and temporary road closures for events. He advised that there is a special event ordinance that covers all of the criteria for any special event in the City including private and property street closures, notice requirements and insurance provisions.

City Manager Knight agreed with Mayor Bradley that currently the City has no policy or ordinance that covers short term closures of roads in terms of what notices would be required. He also clarified that if they want to abandon a road the City would advertise the ordinance and there would have to be two readings with public comment.

Applicant Dan Bellows informed the Commission that the neighboring businesses support his request. He provided the Deputy City Clerk with the supporting letters for the record. He urged the Commission to support his request and was in agreement with a 90 day trial period.

Attorney Brown clarified that this action is lawful and they have given adequate notice for residents.

Commissioner McMacken requested to modify his second to the main motion and take away the request of forwarding to a board and just approve it with the 90 day trial period. Commissioner Sprinkel agreed with his request (as maker of the main motion).

Commissioner Sprinkel mentioned that she would like for City Manager Knight to report back to them on what kind of changes they need to make or add to the policy handbook so they can have some sort of guidelines for similar future requests.

Motion amended by Commissioner Cooper that this be limited to Friday and Saturday nights for a test period. Motion failed for lack of a second.

Donna Colado, 327 Beloit Avenue, in support of the request, said this is a great idea for the businesses in the Hannibal Square area as it will allow them the opportunity to be unique and do something special.

Attorney Brown provided legal counsel regarding potential legal situations and the risks involved with this program. He did not see any big risk factors as long as the street areas are clearly marked.

Public Works Director Troy Attaway advised that Police Chief Brett Railey informed him that when the City has a sidewalk café seating in the right-of-way and they are serving alcohol, that area is exempted from the City's alcohol ordinance. The Commission would have to waive the alcohol ordinance for the roadway portion for this to occur if they are going to serve alcohol.

Motion amended by Commissioner Cooper to table for 2 weeks; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Cooper and McMacken voted yes. Commissioner Sprinkel voted no. The motion carried with a 4-1 vote.

A recess was taken from 5:43 p.m. to 5:58 p.m.

Public Hearings

Mayor Bradley commented that this would be a simultaneous public hearing on both ordinances. Attorney Brown read both ordinances by title.

- a. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO OFFICE AND PROFESSIONAL ON THE PROPERTY AT 1210 DALLAS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; AND AMENDING PLANNING AREA "J" POLICY 1-4.1.J.11 IN THE FUTURE LAND USE ELEMENT TO ADD AN EXCEPTION TO THE ENCROACHMENT OF NON-RESIDENTIAL LAND USE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO PARKING LOT (PL) DISTRICT ON THE PROPERTY AT 1210 DALLAS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Senior Planner Stacey Hectus advised that this item was brought forward at the request of the applicant Jim Veigle Properties, LLC to bring their current commercial building into compliance with today's current parking code. She addressed the two ordinances needed to amend the Comprehensive Plan and Zoning Map to allow the residential lot at 1210 Dallas Avenue to be used as expanded parking for the adjacent Regions Bank building.

The Planning and Zoning Board voted unanimously with a 6-0 vote to approve these ordinances with the following conditions: #1) approval subject to the plans submitted and extension of the screen wall to the front of the adjacent house (approximately 30 feet back from property line); then vinyl, not wood fencing for the rest of the length of the property; #2) removal of the driveway apron on Dallas; #3) landscape package/program to be reviewed and approved by staff to be exactly as constructed at the Winter Park YMCA. This package should also include a similar wall detail. Ms. Hectus noted receiving concerns from a homeowner in the neighborhood regarding the proposed 4 1/2 foot wall along Dallas and suggested that it be a 6 foot wall and that the applicant did not object to this modification.

Planning Director Jeff Briggs advised that the citizen's main concern was related to the traffic on Dallas Avenue, specifically in the neighborhood in general. The P&Z Board was receptive to the citizen comments and asked that staff also meet and discuss with Public Works the traffic issues raised by the citizens regarding traffic safety in the Killarney Neighborhood especially in the area where Dallas, Broadview, and Grove intersect.

The following Commissioners disclosed their involvement or ex-parte communications as it relates to the rezoning ordinance. Commissioner Cooper said she visited the site and Mayor Bradley advised that he communicated with staff regarding questions.

Applicant Jim Veigle explained that he is trying to provide additional parking spaces for his tenants and customers and to also be in compliance with the updated parking code. He also understands the resident's concerns and is willing to install a 6 foot wall versus the 4 1/2 foot wall.

Motion made by Commissioner McMacken to accept the first ordinance (amending the Comprehensive Plan) on first reading; seconded by Commissioner Sprinkel.

Motion amended by Commissioner Cooper to the Comprehensive Plan ordinance; to request that it require a deed restriction for the parking lot. Mr. Briggs advised that if the Commission wishes to do so they can make this a condition of the zoning approval. **Commissioner McMacken and Commissioner Sprinkel accepted the amendment but requested that it be included as part of the main motion.**

Motion amended by Commissioner Cooper that the Comprehensive Plan policy be worded by legal to represent the agreement that they have, that parking lots will provide an adequate buffer between denser commercial on Fairbanks and single family residential within the neighborhood. Motion failed for lack of a second.

Motion made by Commissioner McMacken to accept the second ordinance (amending the Zoning Code) on first reading; seconded by Commissioner Sprinkel.

Nort Northam, 120 Broadview, spoke about the issues with visibility and noise. He suggested planting the 25 red cedar trees from the Winter Park Ice Rink event on Mr. Veigle's property between the sidewalk and street to limit the visibility and noise.

Thomas Drake, 500 Shoreview Avenue, urged the Commission to address the noise and speeding cars in their neighborhood and to install a buffer between the commercial and residential areas.

Mary Black, 1334 Dallas Avenue, felt that the proposed vinyl fence to be used as a buffer to control the traffic noise and car headlights and taillights is inadequate.

Mr. Briggs answered questions regarding the proposed height of the fence and wall and the acceptable materials to be used.

Upon a roll call vote on the first ordinance (amending the Comprehensive Plan), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the second ordinance (amending the Zoning Code), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

City Commission Reports:

a. Commissioner Leary

Commissioner Leary thanked City staff for all of their efforts during the holiday season.

b. Commissioner Sprinkel

Commissioner Sprinkel mentioned that they received a letter from Steve Miller of Miller's Hardware with several suggestions for future events. She urged the Commission to consider his recommendations for next year.

Commissioner Sprinkel indicated that there was a letter to the editor of the Winter Park Observer asking questions regarding property taxes, new businesses, etc. In an effort to publish the correct information to the public she coordinated with staff to obtain the answers to these questions and submitted the document to the Deputy City Clerk (attached).

Commissioner Sprinkel mentioned Mark Hagle's request to plant new trees on Aloma and possibly expand the Champs Bowl event and asked what the process is. City Manager Knight advised that he took notes on both items and it will be discussed during tomorrow's staff meeting. He also mentioned that there may be issues with the planting of trees on Aloma Avenue since it is a state road.

c. Commissioner Cooper

Commissioner Cooper mentioned that she received several photographs from Electric Utility Director Jerry Warren on solar panels and requested City Manager Knight to email this information to the Commission. The request was acknowledged. She indicated that if they are going to start incentivizing solar panels she would like to make sure that our codes include design standards for commercial usage and suggested possibly using some members of the Utilities Advisory Board to research this item.

d. Commissioner McMacken – no report.

e. Mayor Bradley

Mayor Bradley reminded everyone of the upcoming celebrations for Dr. Martin Luther King Day this coming Monday. He asked that everyone remember and reflect on his great achievements and encouraged all residents and visitors to participate in the special events that are being held.

Fire Chief James White announced that over the next two weeks the City is privileged to host the "Remembrance Rescue Project". In July of 2011, a group of firefighters acquired Rescue 4 from the City of New York, when it was going to be scrapped, for the purpose of creating the "Remembrance Rescue Project". The project involving former FDNY Rescue 4 is designed to be an educational, non-for-profit effort focused at society, especially youngsters who were too young to actually understand what that day means to all of us. FDNY Res4Cue responded to the World Trade Center with 8 firefighters that morning and all were lost that day. This fire truck will be at a number of events throughout the City for the next two weeks and he encouraged everyone to feel the connection by attending an event.

The meeting adjourned at 6:58 p.m.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham



city commission agenda item

item type	Consent Agenda	meeting date	January 23, 2012
prepared by department division	Purchasing Division	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		
		final vote	

Purchases over \$50,000

	vendor	item background	fiscal impact	motion recommendation
1.	T.V. Diversified, Inc.	Emergency Repair to Lift Station #40 (Glenwood)	Total expenditure included in approved FY12 budget. Amount: \$74,032.95	Commission approve Emergency Purchase Order 1046 to T.V. Diversified, Inc.
Emergency Purchase Order 1046 was issued on January 3, 2012. The emergency repair was necessary after a pump failure left the lift station vulnerable to a sanitary sewer overflow that could get into surrounding lakes and homes in the neighborhood.				
2.	Reynolds Inliner, LLC	Blanket Purchase Order for Sewer Line Rehabilitation Cleaning and Video Recording	Total expenditure included in approved FY12 budget. Amount: \$600,000	Commission approve a Blanket Purchase Order to Reynolds Inliner, LLC
The City will be utilizing the established Piggyback Contract which was approved by the City Commission on November 28, 2011. The Piggyback Contract utilizes the City of Orlando contract BI09-2570.				
3.	Musco Sports Lighting, Inc.	Installation of New Poles & Fixtures at Azalea Lane	Total expenditure included in approved FY12 budget. Amount: \$72,196.	Commission approve purchase order to Musco Sports Lighting, Inc.
This purchase will be made utilizing the Clay County contract 08/09-3. The City Commission authorized a Piggyback Contract on February 14, 2011.				

Piggyback contracts

	vendor	item background	fiscal impact	motion recommendation
4.	W.W. Grainger, Inc.	Piggybacking for Tools: Hand Held, and Hand Held Power Tools	Purchased as needed within approved FY12 budget	Commission approve piggybacking the State of Florida contract 445-001-11-1 with W.W. Grainger and authorize the Mayor to execute the Piggyback Contract
The State of Florida utilized a competitive bidding process to award this contract. The current contract term is November 15, 2010 through November 14, 2013.				
5.	Awarded Contractors as identified by the	Piggybacking for Motor Vehicles	Total expenditure included in approved FY12 Vehicle/Equip.	Commission approve piggybacking the State of Florida contract 071-000-12-1 for Motor Vehicles and

	Department of Management Services		Replacement Fund	authorize the Mayor to execute the Piggyback Contract as required for specific purchases
The State of Florida utilized a competitive bidding process to award this contract. The current contract term is November 1, 2011 through October 31, 2012.				

Formal Solicitations

	vendor	item background	fiscal impact	motion recommendation
6.	ACi; Helman Hurley Charvat Peacock Architects, Inc.	RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineer Services (Discipline: Architectural Services)	Continuing Contract to be used on a per project basis with approved budget.	Commission authorize staff to enter into negotiations with the top two ranked firms, ACi and Helman Hurley Charvat Peacock Architects, Inc.
This fiscal year the City issued a Request for Qualifications for various professional services. The evaluation committee short listed a total of four (4) firms for oral presentations for Architectural Services. A post presentation ranking identified the top two (2) ranked firms as ACi and Helman Hurley Charvat Peacock Architects. Under the CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with those two firms for continuing services contracts for the discipline of Architectural Services.				



city commission agenda item

item type	Consent Agenda	meeting date	January 23, 2012
prepared by department division	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

Winter Park Neighborhood Enhancement Matching Grant recommendations

motion | recommendation

The following Winter Park Neighborhood Enhancement Matching Grant requests were reviewed by staff, and are recommended for approval by the City Commission:

Chateaux du Lac	\$4,000.00
Hannibal Square CLT Neighborhood Association	\$2,500.00
Park Green Community Association	\$4,000.00
Temple Sunset Neighborhood Association	\$428.00

background

The neighborhood grant program was established by the City Commission in 1998 in order to support the efforts of neighborhood organizations, both voluntary and deed mandated, to improve the quality of life in Winter Park neighborhoods. Since its inception, the program has evolved to require a match in order to demonstrate a commitment to the project and a community investment by the applicants.

alternatives | other considerations

Neighborhood	Project	Grant Request	Grant Match	Organization Type	Comments
Chateaux du Lac Condominiums	Outdoor chairlift to the community clubhouse	\$4,000.00	\$4,411.27	Condominium association	Improves neighborhood interaction and participation.
Hannibal Square CLT Neighborhood Association	Privacy fence final phase	\$2,500.00	\$2,550.00	Voluntary grassroots organization	Improves neighborhood security by preventing cut-through foot traffic.
Park Green Community Association	Replacement landscaping with xeriscape materials.	\$4,000.00	\$4,000.00	Mandatory homeowners' association	Improves appearance while reducing water consumption.
Temple Sunset Neighborhood Association	Park bench for Chestnut Avenue & Sunset pocket park	\$428.00	\$438.00	Voluntary grassroots organization	Improves public space.
Totals		\$10,928.00	\$11,399.27		

fiscal impact

The grants would be funded from the neighborhood enhancement line item in the current Planning Department budget. The grants each have a dollar for dollar match or more provided by the grant recipients resulting in a total investment of \$11,399.27 by the neighborhood groups to the city's contribution of \$10,928.00. Individual awards may not exceed \$4,000.00.

long-term impact

Improves the physical and social conditions in Winter Park neighborhoods.

strategic objective

Quality environment.



city commission agenda item

item type	Consent Agenda	meeting date	January 23, 2012
prepared by	Chief Brett C. Railey	approved by	<input checked="" type="checkbox"/> City Manager
department	Police		<input type="checkbox"/> City Attorney
division	Administration		<input type="checkbox"/> N/A
board approval	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A		
		final vote	

subject

Expenditure of State Law Enforcement Forfeiture Funds (\$6,000.00) in compliance with Chapter 932.7055 (5) (c) (3), which requires the expenditure of a portion of such proceeds for the support or operation of any drug treatment, drug abuse education, drug prevention, crime prevention safe neighborhood, or school resource officer program(s).

motion | recommendation

Recommend Approval

background

In a continued effort to work with MADD (Mothers Against Drunk Drivers) a request in the amount of \$1,000 has been received for the 4th Annual Chief Challenge Fundraiser. The fundraiser will be used to help victims and survivors. MADD also provides educational information and awareness in the prevention of the dangers of underage drinking and its consequences.

As you know, the Florida Legislature passed the Prescription Drug Monitoring Program (PDMP) law during the 2009 session. Unfortunately, in these difficult financial times, state funding for the new PDMP was not authorized. Through limited federal grants and private donations, the system is operational today and being utilized by pharmacists and doctors to help identify doctor-shoppers and other illegitimate users.

In order for the PDMP to remain in existence, a request has been received for financial assistance. The program continues to aid in reducing the scope of prescription drug abuse and diversion in Florida and has been a huge asset to law enforcement assisting in identifying and arresting offenders. I am requesting approval to contribute \$5,000 dollars of State Forfeiture Funds to help fund the PDMP for this year.

alternatives | other considerations

N/A

fiscal impact

None (No taxpayer dollars will be utilized, all monies contributed will be from State Forfeiture Fund)

long-term impact

Both organizations are essential and vital in providing resources and assistance to law enforcement that assist with providing the highest level of law enforcement services to the community.

strategic objective

Assist with preserving a superior quality of life for today's residents and for future generations.



city commission agenda item

item type	Consent Agenda	meeting date	January 23, 2012
prepared by department division	Dori DeBord 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 final vote		

subject

Fee Waiver for Michael Andrews and SwingerHead Concert on February 12, 2012

motion | recommendation

Approve fee waiver for ½ of Parks rental not to exceed \$825 for this free concert event.

background

The Park Avenue Area Chamber of Commerce is sponsoring and hosting a free concert in Central Park on February 12, 2012. The event, including setup, will run from 2 p.m. through 7 p.m. In January, 2011, the City Commission waived ½ of the park rental fee, equaling \$825 as an incentive for the event to take place and promote it in the downtown area. The Chamber is asking for the same fee waiver this year to help defray costs associated with this concert.

The 2011 concert had an estimated attendance of about 750 people, with many of the downtown restaurants offering special deals for the day. Staff anticipates this event to continue to draw a large following, based on the entertainment and the location within Central Park.

This event qualifies for the fee waiver based on the criteria outlined in the attached City of Winter Park Rules and Standards for Rate Adjustments. The applicable sections under the Community Based Organization Status are highlighted below.

Community Based Organization Status

Groups may apply for designation in this category on an annual basis. Following are the criteria for application:

- **Groups must be 501(c)(3)**

The primary sponsor of this event would be the Park Avenue Area Chamber of Commerce. They qualify as a not-for-profit organization.

- **Objective of the organization must be to provide community services to the citizens of Winter Park.**

This event is open to the public.

- **All meetings, socials, rentals, and events must be free and open to the public.**

This event is free and open to the public.

- Facility fees will not be waived for events, programs, or activities where admission is charged.

There is no fee charged for this event.

- **Only the first hour is waived with the second hour and so on discounted.**

- Discount is determined by size of event and venue.

Staff is asking for two hours (\$412.50/hour – total of \$825) fee waiver.

- **Designated meeting spaces will be available on weekdays only.**

Not applicable

- **The status expires 12 months from date of approval by the City and must be renewed thereafter if applicant wishes to re-apply for reduced or waived fees.**

This is the second year of this event and therefore must reapply for the request for a fee waiver.

The Chamber has completed a Special Event Permit and will be responsible for all other charges and fees related to this event.

alternatives | other considerations

The Commission could choose to change the amount of a fee waiver or deny the request.

fiscal impact

This fee waiver would reduce revenue collection on this event by \$825.00

long-term impact

N/A

strategic objective

This activity meets the strategic objective within the Quality Economic Development criteria:

Focus on the aspects of branding, tourism, retail, hospitality, culture, historic designation, targeted industries & business improvement districts.



City of Winter Park

Rules and Standards for Rate Adjustments

Approved by City Commission January 26, 2009

Reviewed by City Commission amendments approved on January 11, 2010

The Parks and Recreation Department is responsible for the collection of established and approved fees for City of Winter Park owned parks or facilities with the following exceptions:

RATE ADJUSTMENT CATEGORIES:

1. City Annual Events

Following are specific events which are accommodated with no associated Parks and Recreation facility or park rental fees: (This category established by City Commission.)

Winter Park High School	ROTC Banquet – Civic Center Homecoming ROAR and Parade – Central Park Picnic in the Park – Central Park
Welbourne Avenue Day Nursery	Graduation Ceremony – Civic Center
Bridge Builders	Monthly Meetings – Community Center
AKA Sorority	Monthly Meetings – Community Center Ivey Academy Meetings – Community Center
Hannibal Square Community Land Trust	Monthly Meetings – Community Center
Heritage Festival – CRA	Annual Festival – Community Center, Shady Park
Hoop School	Christmas Camp – Community Center
Winter Park Chamber of Commerce	Tree Lighting – Central Park OAR Breakfast- Civic Center Legislative Breakfast – Civic Center Leadership Graduation – Civic Center Youth Leadership Meetings – Civic Center/Farmer's Market Mayor/City Commission Luncheon - Civic Center Orange County Commission Luncheon – Civic Center Autumn Art Festival – Central Park Historical Association Peacock Ball - Civic Center Charles Hosmer Morse Foundation Christmas in the Park
Sidewalk Art Festival	Art Festival – Park Rental Central Park Monthly Meetings –Lake Island

2. Community Based Organization Status

Groups may apply for designation in this category on an annual basis. Following are the criteria for application:

- Groups must be 501(c)(3)
- Objective of the organization must be to provide community services to the citizens of Winter Park.
- All meetings, socials, rentals, and events must be free and open to the public.
- Facility fees will not be waived for events, programs, or activities where admission is charged.
- Only the first hour is waived with the second hour and so on discounted.
 - Discount is determined by size of event and venue.
- Designated meeting spaces will be available on weekdays only.
- The status expires 12 months from date of approval by the City and must be renewed thereafter if applicant wishes to re-apply for reduced or waived fees.



city commission agenda item

item type	Action Items Requiring Discussion	meeting date	January 23, 2012
prepared by department division	City Manager	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

Negotiation for First Right of Refusal for acquisition of the Post Office Property on New York Avenue.

motion | recommendation

Authorize the City Manager, Commission Cooper and City Attorney to proceed with proposing the attached agreement to the USPS.

background

On January 25, 2010 the City adopted Resolution 2043-10, Supporting the Acquisition of the Property Currently Owned and Used by the USPO for the Purpose of Public Parkland.

On February 14, 2011 the City Commission authorized City Manager Knight and Commissioner Cooper to investigate/explore options with the United States Postal Service for possible future acquisition for the New York Avenue property.

May 03, 2011 the Florida Department of State, Division of Historical Resources officially placed the Downtown Winter Park Historic District (of which the Post Office is part) on the National Register of Historic Places.

On July 15, 2011 Senator Nelson, Senator Rubio, Representatives Adams, Brown, Mica and Webster, all signed and sent a letter requesting the USPS grant us first right of refusal if they no longer desire to operate their current PO distribution center on the property adjacent to Central Park.

On December 14, 2011 Mr. Knight, Commission Cooper, City Attorney Brown and Lobbyist Kurland met via conference call with representatives of the Post Office to discuss options. While the USPS stopped short of saying they would agree to some type of future right for the city to acquire the property that did agree to the City providing them a draft of something to consider.

The current land use designation and zoning for the south half of the property is Open Space and Recreation and for the north half of the property is Institutional. Under these designations, should the USPS desire to consolidate distribution centers it would still be possible to rebuild a retail post office on the north half of the lot, freeing up the south half for other municipal, recreation or park use.

Attached is a draft of a proposed agreement for consideration.

fiscal impact

The short-term cost of the maintenance of the landscaping would be approximately \$2,500 per year.

long-term impact

The financial impact is unknown at this time, but securing control of that property would allow the city to meet the goal expressed in Resolution 2043-10 to “have the property become park land for the purpose of expanding Central Park for future generations of Winter Park residents and visitors”.

strategic objective

- Quality Environment
- Quality Facilities and Infrastructure

MEMORANDUM OF AGREEMENT

The City of Winter Park, Florida, a Florida municipal corporation, ("City"), and the United States Postal Service, ("Postal Service"), agree as follows:

1. The Postal Service currently owns and operates a postal facility at 300 N. New York Avenue, Winter Park, Florida (as more particularly described in Exhibit "A" to this Memorandum of Agreement). (This postal facility is hereinafter referred to as the "Property").

2. The Property is appurtenant to the City's Central Park and is a part of the core central business district and is also included in a Historical Preservation District. The parties acknowledge that the public interest would be served if the Property can eventually be included in the City's Central Park and used for municipal, recreational and park purposes. However, the City understands that the Property is a valuable asset of the Postal Service and in the event it is declared surplus and is no longer needed for Postal Service purposes, then the Postal Service will be required to obtain at least fair market value for the Property. Given these circumstances, it is the purpose of this Agreement to develop a framework by which the City shall have a first right, subject to the terms hereof, to acquire the property in the event it is declared surplus by the Postal Service and is available for purchase.

3. For the consideration hereinafter mentioned, the adequacy of which is agreed by the parties to be sufficient, the City of Winter Park shall have the following rights with respect to the Property:

- a. The Postal Service hereby agrees that if it declares the Property surplus or for any other reason decides that the subject Property is available for sale, then the Postal Service will first negotiate with the City to sell the Property. Pursuant to this Agreement, the City will have the exclusive right to negotiate with the Postal Service for a minimum term of one hundred eighty (180) calendar days running from the first date on which the Postal Service notifies the City that the Property is available for a negotiated sale. Without first negotiating in good faith during the exclusive negotiation term, the Postal Service may not sell the Property to any other party. The sales price will be for fair market value as determined by then-current appraisals.

4. If the parties are unable to conclude a negotiated purchase within the exclusive right to negotiate term of one hundred eighty (180) days described above, then the City shall thereafter have a first right of refusal to purchase the Property on the same terms and conditions that are proposed and offered by a bona fide third party offeror to purchase the Property. The first right of refusal shall be for a term of five (5) years running from the expiration of the exclusive right to negotiate term of one hundred eighty (180) days mentioned above. The procedure will be that upon receiving a bona fide third party offer to purchase, the Postal Service shall provide the offer to the City and the City will thereupon have thirty (30) business days to either accept or reject the offer. The City, within said thirty

(30) day period, may notify the Postal Service in writing that it intends to purchase the property on the same terms and conditions as stated in the offer. In such event, the City shall have the absolute right to purchase the Property in accordance with the terms of such offer

5. In consideration of the limited exclusive right and first right of refusal provided for in the immediately preceding paragraph of this Memorandum of Agreement, the City shall be responsible to pay or cause to be provided the following consideration:

- a. The City will maintain the exterior yard and landscaping of the Property for a term of 10 years in accordance with the standards regularly employed by the City with respect to the maintenance of City-owned landscaping, including the same standards regarding frequency of service and scope of services provided. Upon a sale of the Property the City's obligation to maintain the Property shall terminate.

6. Miscellaneous Legal Provisions:

- a. In construing this Agreement, the court will not construe this Agreement in favor of one party or the other, as both parties substantially participated in the negotiation and had the advice of counsel.
- b. This Agreement shall be construed and enforced pursuant to the laws of the State of Florida except to the extent that federal law preempts state law, and the exclusive venue for the resolution of any dispute will be in the federal or state court of appropriate jurisdiction situated in Orange County, Florida.
- c. The effective date of this Agreement is _____, 2011 and, the term of this Agreement shall be twenty-five (25) years, with the right of either party to renew upon notice for additional ten (10) year renewal terms upon written notice by either party to the other within the final year of the term or any renewal term, up to a maximum of ninety-nine (99) years.

City of Winter Park, Florida

By: _____

Print Name: _____

Title: _____

Attest:

By: _____

Print Name: _____

Title: _____

United States Postal Service

By: _____

Print Name: _____

Title: _____

RESOLUTION NO. 2043-10

**A RESOLUTION OF THE CITY OF WINTER PARK,
FLORIDA SUPPORTING THE ACQUISITION OF THE
PROPERTY CURRENTLY OWNED AND USED BY THE
UNITED STATES POSTAL SERVICE FOR THE
PURPOSE OF PUBLIC PARKLAND.**

WHEREAS, the United States Postal Service (USPS) currently owns the property located at 300 N. New York Avenue in Winter Park (the Property) and has been using said property since 1963 for both retail and distribution functions of the post office, and,

WHEREAS, the Property is located within the heart of downtown Winter Park and is directly adjacent to the City's Central Park and upscale shopping district, and

WHEREAS, the New York Avenue corridor adjacent to the Property is prime for economic redevelopment, and

WHEREAS, the City Commission of Winter Park has recognized that the distribution center located on the Property is neither appropriate nor compatible with Central Park, the upscale nature of the surrounding uses, or the desire to promote economic development downtown, and

WHEREAS, alternative nearby local sites are readily available for the construction of a replacement Post Office and

WHEREAS, as the city and surrounding region increases in intensity and density of land uses the need for added green space has grown substantially, and

WHEREAS, parks are a priority of Winter Park and the city guarantees the citizens' a minimum of 10 acres of parkland per 1000 residents; and

WHEREAS, there is a desire to have the Property become park land for the purpose of expanding Central Park for future generations of Winter Park residents and visitors.

WHEREAS, the City of Winter Park desires the donation of the current Winter Park Post Office land from the Federal government, and guarantees it will not be sold for commercial purposes or financial gain, but will only be utilized for the public good;

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

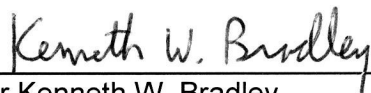
Section 1. The City Commission of the City of Winter Park hereby declares its intention that the Property located at 300 N. New York Avenue be converted to public parkland.

Section 2. The City Commission calls upon the USPS to work with the City of Winter Park to insure that the Property becomes park should it cease to be utilized as a post office.

Section 3. The City Commission calls upon Winter Park Congressional Representatives to assist the City in acquiring the Property in order to stimulate economic development along the New York Avenue corridor and to provide an expansion of the much needed green space in this urban environment.

Section 4. The City Commission commits to keep the Property as park land in perpetuity for the recreational use and enjoyment of current and future residents and visitors.

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 25th day of January 2010.



Mayor Kenneth W. Bradley

Attest: 

City Clerk Cynthia Bonham

ORDINANCE NO. 2811-10

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION FROM CENTRAL BUSINESS DISTRICT TO OPEN SPACE AND RECREATION ON THE SOUTH HALF OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE AND TO INSTITUTIONAL ON THE NORTH HALF OF THE WINTER PARK POST OFFICE PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the 2.03 acres of the Winter Park Post Office property at 300 N. New York Avenue is the site of a quasi-governmental institutional public service entity as described in the Institutional future land use category of the Comprehensive Plan, and

WHEREAS, the City Commission changed the previous government and institutional Comprehensive Plan future land use designation for this property on November 8, 2004 via ordinance No. 2608-04 in order to facilitate a proposed joint venture redevelopment project that included retail, office, residential uses in addition to the post office, and

WHEREAS, that joint venture redevelopment project is no longer viable and thus the current future land use designation of central business district no longer reflects the appropriate current or future use of this property and as such the more accurate open space and recreation future land use should be established on the south half of the property and institutional future land use designation should be restored on the north half of the property, and

WHEREAS, the City Commission via adoption of Resolution 2043-10 and in conversations with Post Office officials had made their vision and intent clear to, at some future time, expand the boundaries of Central Park over to New York Avenue, and

WHEREAS, the land use provisions of the City allow for the continuation of the post office facilities and a process for their future improvement, and

WHEREAS, this City initiated amendment of the Comprehensive Plan future land use designation meets the criteria established by Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held, and

WHEREAS, the proposed amendment was reviewed by the City's Planning and Zoning Board on April 6, 2010, and said amendment was found to be consistent with the Comprehensive Plan.

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

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation from central business district to open space and recreation on the south half of the Winter Park Post Office property at 300 N. New York Avenue, said portion of that property being more particularly described as follows:

LEGAL DESCRIPTION: (SOUTH PARCEL of PROPERTY TAX ID# 05-22-30-9400-21-010)

LOTS 25 THROUGH 34, BLOCK 25, OF THE REVISED MAP OF THE TOWN OF WINTER PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "A", PAGES 67 THROUGH 72, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (LESS RIGHT-OF-WAY FOR NEW YORK AVENUE)

TOGETHER WITH:

GARFIELD AVENUE, (NOW VACATED) LYING EAST OF NEW YORK AVENUE'S, EAST RIGHT-OF-WAY LINE AND WEST OF THE CSX RAILROAD'S, WEST RIGHT-OF-WAY LINE. (AND ALSO): THE WEST ½ OF WEST PARK AVENUE (NOW VACATED) LYING NORTH OF CAROLINA AVENUE'S, NORTH RIGHT-OF-WAY LINE AND SOUTH OF GARFIELD AVENUE (NOW VACATED) SOUTH RIGHT-OF-WAY LINE, OF THE REVISED MAP OF THE TOWN OF WINTER PARK, AS RECORDED IN PLAT BOOK "A", PAGES 67 THROUGH 72, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

SECTION 2. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation from central business district to institutional on the north half of the Winter Park Post office property at 300 N. New York Avenue, said portion of that property being more particularly described as follows:

LEGAL DESCRIPTION: (NORTH PARCEL of PROPERTY TAX ID# 05-22-30-9400-21-010)

LOTS 1 THROUGH 9, BLOCK 21, AND THE VACATED 14.00 FEET WIDE ALLEY OF BLOCK 21, OF THE REVISED MAP OF THE TOWN OF WINTER PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "A", PAGES 67 THROUGH 72, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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

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

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective 31 days after adoption on May 10, 2010. If this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 10th day of May, 2010.

Kenneth W. Bradley

Mayor Kenneth W. Bradley

Attest:

Cynthia S. Bonham

City Clerk Cynthia S. Bonham

ORDINANCE NO. 2812-10

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-2) DISTRICT TO PARKS AND RECREATION (PR) DISTRICT ON THE SOUTH HALF OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE AND TO PUBLIC QUASI-PUBLIC (PQP) ON THE NORTH HALF OF THE WINTER PARK POST OFFICE PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the 2.03 acres of the Winter Park Post Office property at 300 N. New York Avenue is envisioned to become an expansion of Central Park, in whole or in part, should it cease to be used as a post office, and

WHEREAS, the City Commission intends to establish a municipal zoning designation on this property in compliance with the establishment of a similar Comprehensive Plan future land use designation for said property, and

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

WHEREAS, the Planning and Zoning Board recommended approval of this Ordinance at its April 6, 2010 meeting and found it to be consistent with the Comprehensive Plan.

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the existing zoning designation of commercial (C-2) district (same as the formerly named central business (C-2) district) to parks and recreation (PR) district on the south half of the Winter Park Post Office property at 300 N. New York Avenue, said portion of that property being more particularly described as follows:

LEGAL DESCRIPTION: (SOUTH PARCEL OF PROPERTY TAX ID# 05-22-30-9400-21-010)

LOTS 25 THROUGH 34, BLOCK 25, OF THE REVISED MAP OF THE TOWN OF WINTER PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "A", PAGES 67 THROUGH

72, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (LESS RIGHT-OF-WAY FOR NEW YORK AVENUE)

TOGETHER WITH:

GARFIELD AVENUE, (NOW VACATED) LYING EAST OF NEW YORK AVENUE'S, EAST RIGHT-OF-WAY LINE, AND WEST OF THE CSX RAILROAD'S, WEST RIGHT-OF-WAY LINE. (AND ALSO): THE WEST ½ OF WEST PARK AVENUE (NOW VACATED) LYING NORTH OF CAROLINA AVENUE'S, NORTH RIGHT-OF-WAY LINE AND SOUTH OF GARFIELD AVENUE (NOW VACATED) SOUTH RIGHT-OF-WAY LINE, OF THE REVISED MAP OF THE TOWN OF WINTER PARK, AS RECORDED IN PLAT BOOK "A", PAGES 67 THROUGH 72, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

SECTION 2. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the existing zoning designation of commercial (C-2) district (same as the formerly named central business (C-2) district) to public, quasi-public (PQP) district on the north half of the Winter Park Post Office property at 300 N. New York Avenue, said portion of that property being more particularly described as follows:

LEGAL DESCRIPTION: (NORTH PARCEL of PROPERTY TAX ID# 05-22-30-9400-21-010)

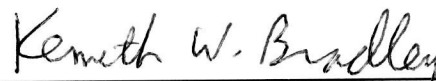
LOTS 1 THROUGH 9, BLOCK 21, AND THE VACATED 14.00 FEET WIDE ALLEY OF BLOCK 21, OF THE REVISED MAP OF THE TOWN OF WINTER PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "A", PAGES 67 THROUGH 72, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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

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

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective 31 days after adoption on May 10, 2010. If this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 10th day of May, 2010.



Mayor Kenneth W. Bradley

Attest:



City Clerk Cynthia S. Bonham



city commission public hearing

item type	Public Hearing	meeting date	January 23, 2012
prepared by department division	Stacey Hectus Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Planning and Zoning Commission	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-0 final vote

Subject: Rezoning of 1210 Dallas Avenue for expanded parking for the Regions Bank.

This is the second reading for both ordinances.

This agenda item is comprised of two ordinances needed to amend the Comp. Plan and Zoning Map to allow the residential lot at 1210 Dallas Avenue to be used as expanded parking for the Regions Bank building. They are:

Amendment to the Comprehensive Plan text for Planning Area "J" Policy 1-4.1.J.11 and the Future Land Use Map from Single-Family Residential (SFR) to Office Professional (OP); and Rezoning of 1210 Dallas Avenue from Single-Family (R-1A) to Parking Lot (PL).

Recommendation

The Planning and Zoning Board voted unanimously with a 6-0 vote to approve these ordinances with the following two conditions:

1. Approval subject to the plans submitted and extension of the screen wall to the front of the adjacent house (approximately 30 feet back from property line). Then vinyl, not wood fencing for the rest of the length of the property.
2. Landscape package/program to be reviewed and approved by staff to be exactly as constructed at the Winter Park YMCA. This package should also include a similar wall detail.

Summary

The property at 1210 Dallas Avenue is a vacant single family lot that the owner wishes to rezone in order to use as a 17 stall gravel parking lot with wall and landscaping buffering to the neighbors. This property is in the Killarney Shores neighborhood, north of Fairbanks Avenue, west of Orlando Avenue tucked in behind office and commercial zoned property on Fairbanks Avenue and Orlando Avenue (17-92). It is the classic "transitional" or "edge" property. The owner of this vacant lot property at 1210 Dallas is the same owner of the adjacent Regions Bank building property.

In 2003/2004 the previous owner of the Regions Bank building made a request to the P&Z for the same rezoning. It was denied by a 4-1 vote at P&Z and was subsequently withdrawn and not heard by the City Commission. The main issues at that time against the request were the Comp. Plan policies against this type of encroachment;

the lack of appropriate buffering/screening to the adjacent neighbors and the precedent it would set. Several neighbors were in opposition.

Current Request

The Regions Bank building on the adjacent property was built in the mid-1980's. At that time the parking ratio for office was one space for every 350 square feet of gross square footage. Those requirements changed in the early 1990's to one parking space for every 250 square feet of gross square footage. While the code grand-fathers in the Regions Bank building, the owners/applicant's say they are having trouble attracting tenants due to the lack of parking. They want to be able to offer their current tenants as well as prospective tenants ample parking. The applicant is not trying to build more square footage or get a commercial tenant in the building like a restaurant. They are essentially trying to bring the property up to the current day parking standard. They are short 19 spaces of meeting the current code. So this proposed parking lot would help with the addition of 17 spaces.

The applicant has supplied as part of your packet, the design of the new parking lot, as well as photos of the Winter Park YMCA as guidelines for the type and kind of landscaping they intend to do. The applicant has agreed with staff's suggestion to extend the six foot screen wall to wrap the corner of the parking lot back to the start of the adjacent residential neighboring home. Staff recommended approval based on the belief that we have a template for making parking lot compatible with an adjacent neighborhood given the YMCA example where these "transition" areas between residential and office/commercial can be successfully screened and be a good neighbor.

Comp. Plan Policy Change

Due to the general concerns about protecting residential areas from commercial encroachment, the City's 2009 Comprehensive Plan now has a specific policy regarding non-residential encroachment in this Planning Area "J". That policy (Policy 1-4.1.J.11) needs to be amended as part of this request, via a text change to that policy of the Comprehensive Plan in order for this rezoning to occur. The proposed change is as follows:

Policy 1-4.1.J.11: Protect Single-Family Residential Use in the Killarney neighborhood from Non-Residential Land use Encroachment. The City shall preserve and protect single-family residential land use within the Killarney neighborhood from commercial and office encroachment, excluding parcels that have or obtain the Parking Lot (PL) zoning designation along the edges where commercial, office and residential meet. All development should include appropriate landscape buffers, including walls if necessary, so as not to have a negative impact on the residential neighborhood.

The state planning laws were changed in the last Legislative session. The State Law (Chapter 163) now allows minor policy text changes related directly to and adopted simultaneously with the small scale future land use map amendments. Both then are to be considered small scale amendments.

Citizen comments at P&Z:

Citizen comments (two) were minor and basically that the landscaped parking lot would look better and be an enhancement. The citizen's main concern was related to the traffic on Dallas Ave. specifically and in the neighborhood in general. The P&Z Board was receptive to the citizen comments and asked that staff also meet and discuss with Public Works the traffic issues raised by the citizens regarding traffic safety in the Killarney Neighborhood especially in the area where Dallas, Broadview, and Grove intersect.

To that end, the sketches (attached) were prepared by Randall Slocum illustrating existing conditions as well as proposed changes that could enhance the circulation in that area. Neighbors had proposed a similar idea in years past. Public Works staff believes this can work and they have been looking at some storm water alternatives for this area and agreed that we might be able to find a two-fold solution here. Create a clearer traffic pattern by installing the traffic circle and using the areas in "green" as storm water retention to catch/hold water before it makes it down Broadview to the lake. Approximate cost would be \$20,000-\$30,000.

There is no decision for the City Commission to make on these traffic calming proposals. Staff wanted to make sure the City Commission was aware of these discussions since the public comments at the City Commission meeting are more likely to be about cut-thru traffic in the neighborhood than this rezoning.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO OFFICE AND PROFESSIONAL ON THE PROPERTY AT 1210 DALLAS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; AND AMENDING PLANNING AREA "J" POLICY 1-4.1.J.11 IN THE FUTURE LAND USE ELEMENT TO ADD AN EXCEPTION TO THE ENCROACHMENT OF NON-RESIDENTIAL LAND USE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Winter Park City Commission adopted its Comprehensive Plan on February 23, 2009 via Ordinance 2762-09, and

WHEREAS, the owner of the property more particularly described herein has requested an amendment to the Comprehensive Plan for this property, and such amendment meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

WHEREAS, the City Commission also desires to amend one policy in the text of the Future Land Use Element, and

WHEREAS, the Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on December 6, 2011, provided for participation by the public in the process and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on January 9, 2012 and January 23, 2012 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation of single family residential to office and professional on the property at 1210 Dallas Avenue, said property being more particularly described as follows:

Lot 18, Block 3, Killarney Estates Resurvey as recorded in Plat Book "L", Page 9 of the Public Records of Orange County, Florida.

Property Tax ID # 12-22-29-4172-03-180

SECTION 2. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan", Planning Area "J" Policy 1-4.1.J.11 in the Future Land Use Element on Page 1-61 of the Goals, Objectives and Policies is amended to read as follows:

Policy 1-4.1.J.11: Protect Single-Family Residential Use in the Killarney neighborhood from Non-Residential Land Use Encroachment. The City shall preserve and protect single-family residential land use within the Killarney neighborhood from commercial and office encroachment, excluding parcels that have or obtain the Parking Lot (PL) zoning designation along the edges where commercial, office and residential meet. All development should include appropriate landscape buffers, including walls if necessary, so as not to have a negative impact on the residential neighborhood.

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

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

SECTION 5. Effective Date. This Ordinance may not become effective until 31 days after adoption. If challenged within 30 days after adoption, this Ordinance may not become effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ____ day of _____, 2012.

Mayor Kenneth W. Bradley

Attest:

City Clerk Cynthia Bonham

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA AMENDING CHAPTER 58, "LAND
DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE
OFFICIAL ZONING MAP SO AS TO CHANGE THE
EXISTING ZONING DESIGNATION OF SINGLE FAMILY (R-
1A) DISTRICT TO PARKING LOT (PL) DISTRICT ON THE
PROPERTY AT 1210 DALLAS AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR
CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, the owner of the property more particularly described herein has requested rezoning in compliance with the Comprehensive Plan, and the requested zoning will achieve conformance with the Comprehensive Plan future land use designation for this property, and such municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Planning and Zoning Board and City Staff of the City of Winter Park have recommended approval of this Ordinance at their December 6, 2011 meeting; and

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

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

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map are hereby amended so as to change the existing zoning designation of single family (R-1A) to parking lot (PL) district zoning on the property at 1210 Dallas Avenue, more particularly described as follows:

Lot 18, Block 3, Killarney Estates Resurvey, as recorded in Plat Book "L", Page 9 of the Public Records of Orange County, Florida.

Property Tax ID # 12-22-29-4172-03-180

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

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

SECTION 4. Effective Date. This Ordinance shall become effective upon the effective date of Ordinance _____. If Ordinance _____ does not become effective, then this Ordinance shall be null and void.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2012.

Mayor Kenneth W. Bradley

Attest:

City Clerk Cynthia Bonham



city commission public hearing

item type	Public Hearing	meeting date	January 23, 2012
prepared by department division	Terry Hotard Electric Utility	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A final vote		

subject

Undergrounding of Electric/CATV Facilities
Notice of Intent Resolution
Via Salerno/Mayfield Avenue

motion | recommendation

Approve resolution calling for a date/time to set public hearing pertaining to the undergrounding of electric/CATV facilities in the area of Via Salerno and Mayfield Avenue. Staff recommendation is to approve resolution calling for the Public Hearing.

summary

Winter Park Electric's PLUG-IN program was approved by the city commission to provide neighborhoods with a method of accelerating the undergrounding of neighborhood overhead facilities. Through the PLUG-IN Program the city provides homeowners within the Neighborhood Electric Assessment District (NEAD) a 50% match of the electric undergrounding. Bright House Network has agreed to a 5% contribution. Homeowners have the option of a onetime lump sum or 10 year repayment schedule. Annual assessment will be placed on the property tax bill. 73% (66% required) of the 15 homeowners within the VIA SALERNO/MAYFIELD AVENUE NEAD have voted in favor of this project.

board comments

N/A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR THE PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING VIA SALERNO AND MAYFIELD AVENUE MORE PROPERLY INDICATED IN EXHIBIT "A" ATTACHED HERETO, TO FUND CERTAIN PUBLIC IMPROVEMENTS OF THE INSTALLATION OF UNDERGROUND ELECTRICAL/BHN FACILITIES; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park, Florida, intends to replace the existing overhead electrical/BHN facilities with underground electrical/BHN facilities in the area described as Via Salerno and Mayfield Avenue to impose assessments ("Assessments") against the real property therein to fund the installation of underground electric/BHN facilities within said above-described boundaries; and

WHEREAS, in accordance with Section 197.3632(3)(a), Florida Statutes, the City advertised its intent to use the uniform method for collecting the assessments weekly in a newspaper of general circulation for four (4) consecutive weeks preceding the Public Hearing hold the day hereof; and

WHEREAS, the Property Appraiser, Tax Collector and City of Winter Park have agreed that the time for holding the Public Hearing and adoption of this resolution can be extended to _____ 2012, and

WHEREAS, in accordance with Section 197.3632(3)(a), Florida Statutes, the City desires to hereby set forth its intent to use the uniform method for collecting the Assessments levied against the real property within the above-described area, more particularly indicated in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the City Commission of the City of Winter Park, Florida directs the City Clerk to provide copies of the Resolution to the Property Appraiser, Tax Collector and the Florida Department of Revenue on or prior to _____, 2012;

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

Section 1. The foregoing "Whereas" clauses are true and correct, are hereby ratified and confirmed by the City Commission, and are incorporated herein and made a part hereof.

Section 2. The City Commission of the City of Winter Park hereby confirms its intent to use the uniform method for collecting the Assessments levied against real property located on Via Salerno and Mayfield Ave. more particularly indicated in Exhibit “A”, attached hereto and made a part hereof, all lying within the municipal boundaries of the City of Winter Park, to fund the City’s underground of electric/BHN facilities within the above-described area as referenced in “Exhibit A”.

Section 3. The City Commission of the City of Winter Park, Florida hereby directs the City Clerk to provide copies of this Resolution to the Property Appraiser, Tax Collector and the Florida Department of Revenue on or prior to _____, 2012, by the United States mail, in accordance with Section 197.3632(3)(a), Florida Statutes.

Section 4. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or application of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED at regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the _____, 2012.

Kenneth W. Bradley, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk



city commission public hearing

item type	Public Hearing	meeting date	January 23, 2012
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	7-0 final vote

Subject: Rebuilding of Strong Hall on the Rollins College campus.

Rollins College plans a major redevelopment of the Strong Hall dormitory building on campus adjacent to the corner of Holt Avenue and Hanna Way. As a building over 10,000 square feet, this project requires Planning Board and City Commission conditional use approval.

P&Z Board Recommendation:

The Planning and Zoning Board voted 7-0 to approve this conditional use with the condition that Strong Hall observe the same setback from Holt Avenue as the adjacent Cross Hall.

Summary:

Rollins College has submitted a more complete project description in their application materials, but due to the age (72 yrs. old) and condition of Strong Hall, there is a need to demolish and rebuild the structure. This redevelopment is to happen in two phases.

Per the site plan submitted, Phase I is the construction of Pods #1 and #2. This is entirely two stories. The building height is 28' – 8" to the eave and 32' – 8" to the roof peak. Together the two Pods are 11,378 sq. ft. and will provide 23 dormitory rooms.

Phase II (contemplated when the Bush Science center project is finished) will be Pods #3 and #4. Pod #3 facing French Avenue/Hanna Way will also be two stories. Pod #4 facing Holt Avenue will be three stories in height. That three story component will be 42' to the eave and 47' to the roof peak. Together, the two Pods are 12,530 sq. ft. and will provide 33 dormitory rooms.

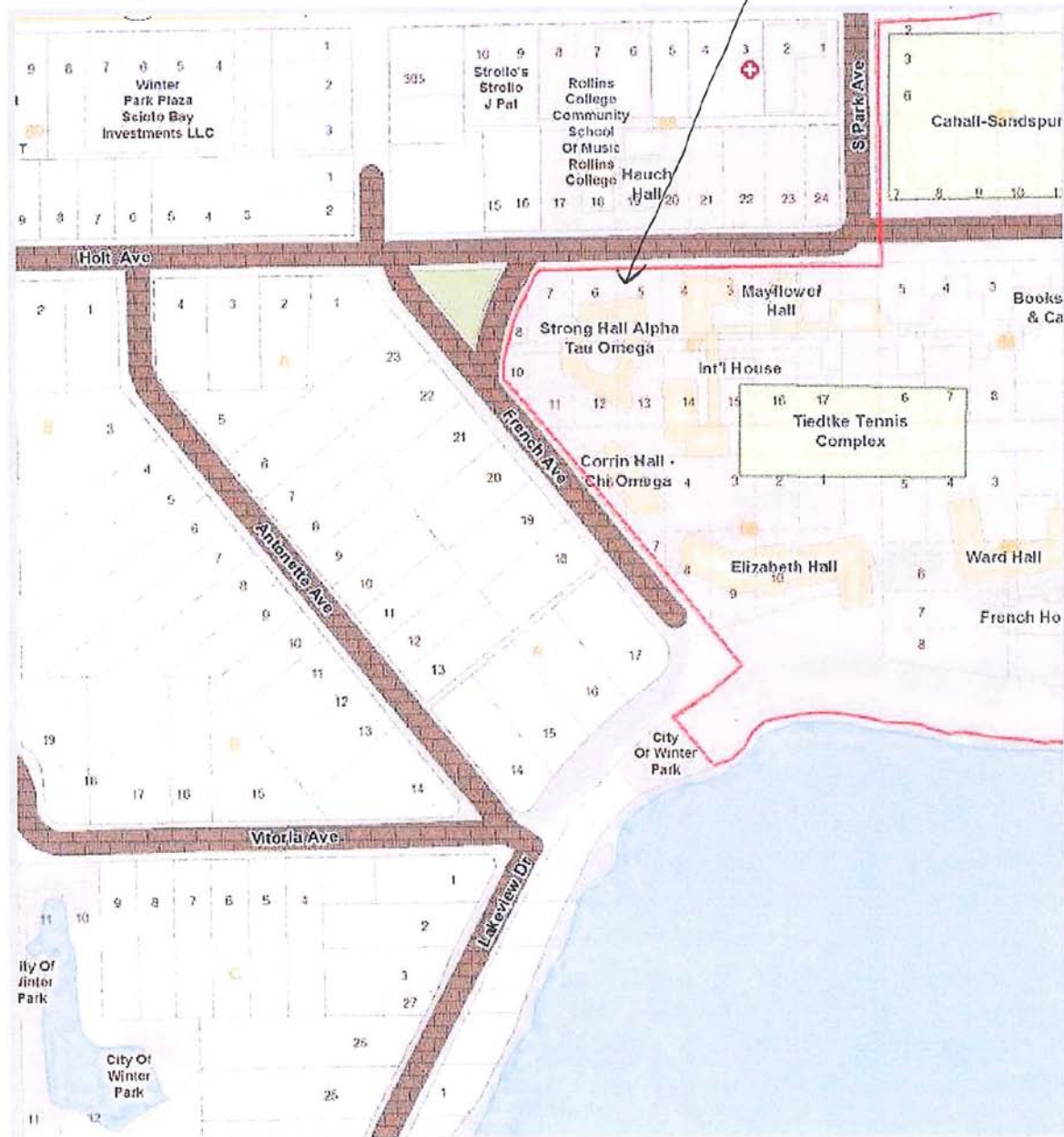
The PQP zoning allows for three story buildings (adjacent to two lane roads) to be 42' - 5" to the roof and allows another 5 feet for a parapet which is a total visible height of 47' – 5". This plan is basically the same but the design is for a pitched roof to the 47 feet in height, versus the flat roof and parapet wall.

The layout and scale of the project is sensitive to and respectful of the adjacent College Quarter neighborhood across French Avenue. Those portions of Strong Hall facing the neighborhood are two stories in scale and the second floor is terraced back from the first floor to provide articulation to the scale. The architectural character and detail is consistent with the quality throughout the Rollins College campus. The three story component (Pod #4) is facing Holt Avenue and away from the adjacent neighborhood.

The Planning staff believes that these plans will be an improvement both to the Rollins College campus as well as the public's visual perspective from French and Holt Avenues.

Prior to the Planning Board meeting, Rollins College hosted neighborhood meetings that invited the neighbors to come see these proposed plans. Staff understands that the neighborhood reaction has been very favorable. No one appeared at the P&Z meeting to voice any comments.

Rollins College - Strong Hall



Parcel ID: 302205940063010 (Rng-Twn-Sec format)

0 100 ft

After 72 years of service Rollins College is planning to replace Strong Hall. This residential facility fronts French Avenue at the corner of Holt Avenue was constructed in 1939 around a central courtyard with open breeze ways, unfortunately because of its out-of-date configuration and failing physical condition Rollins College has decided replacement is our only option. We have invited the area residences to an open house to present concepts for its replacement and to keep the neighbors informed. We will be hosting the two open houses, Tuesday evening December 13 at 7 PM, and Thursday, December 15 at 9 AM, to be held in the classroom section of the Knowles Memorial Chapel at the corner of Holt and Chase Avenue.

Coinciding with the remodel and expansion of the Bush Science Center starting at the end of the school year, the displaced faculty will temporarily move to the 2-story wing/pod of Strong Hall. Therefore, our proposed construction of Strong Hall is proposed in 2-phases.

Phase I shall consist of demolition and new construction of the 2 existing southern residence pods. The new southern pods will be essentially in the same area as the existing structure...preserving the eastern breezeway and the 22" oak tree.

Phase II is contemplated to commence once the Bush Science Center is completed and the faculty vacate. The existing 2-story (northern) pod would be demolished and the new northern pod constructed.

Along the western frontage of French Ave., the existing parking lot remains mostly as it exists. During Phase I, we will be removing approximately 5 eastern spaces where the proposed southern pod is depicted. The architecture of the new structures is of the quality of the existing building(s) and the campus. Some of the detail elements of the existing Strong Hall are contemplated to be salvaged or duplicated and incorporated in the exterior fenestration such as the wrought-iron grill work, stucco pulls and bands, clay tile roofs, etc. The massing is similar to the existing structure(s) relating to the pod of residences, both in frontage width and height along French Ave. and to those existing residence halls on Holt.

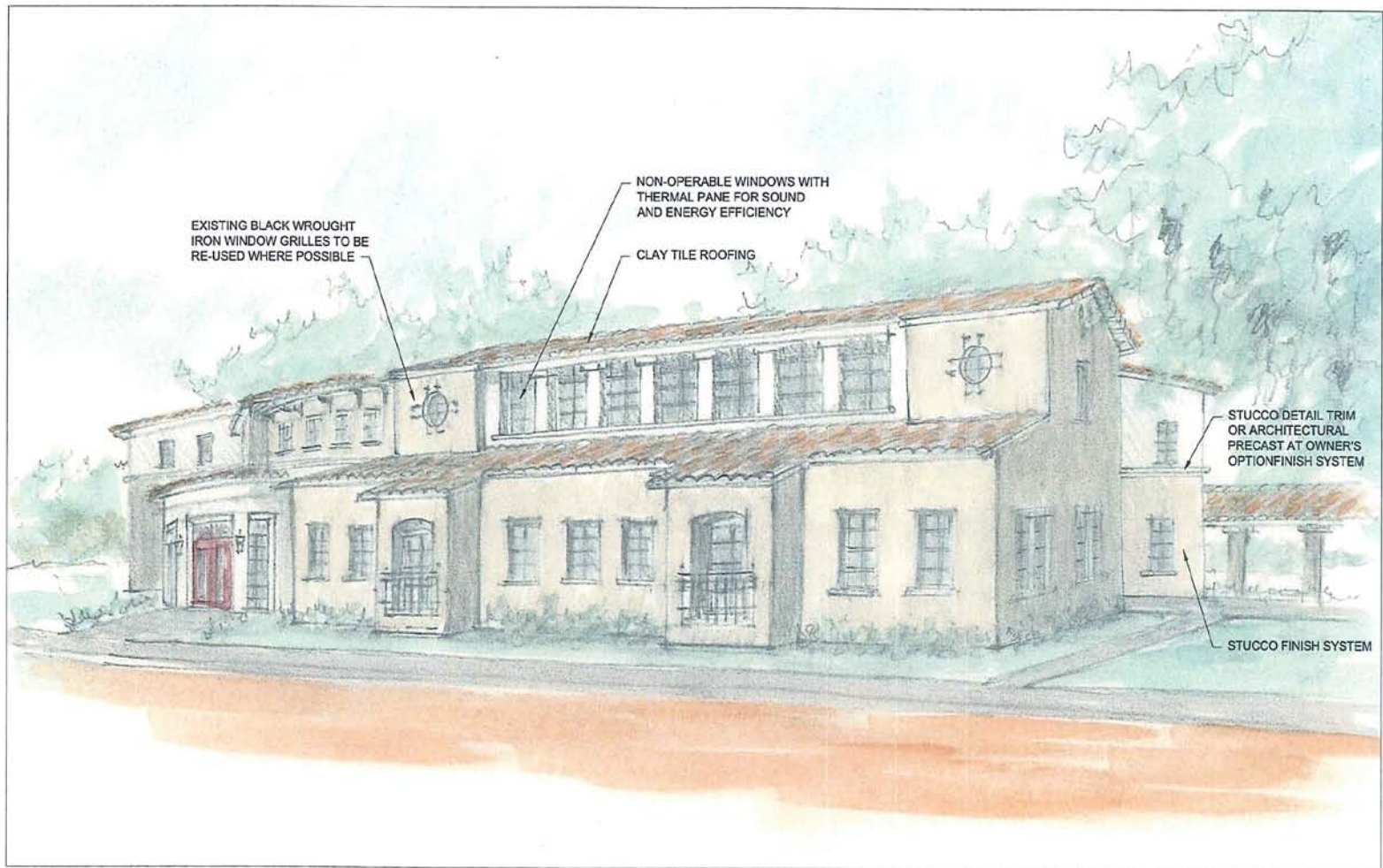
Landscaping of buffer yards will remain. Those affected by work will be replaced to meet code. Exterior lighting shall be designed by an electrical engineer with photometrics submitted to meet code. Their design shall incorporate safety of its occupants, with cut-off lenses to protect light bleed beyond the property lines. The engineering for the site will be minimized as we are not introducing any parking, the building pad will remain similar to the existing and the drainage will not be increased during Phase I. After the impact if any is understood, a civil engineer will be engaged to verify the storm drainage and provide any needed guidance for the site.



SITE PLAN

SCALE: 1" = 20'-0"

ROLLINS COLLEGE - STRONG HALL



VIEW FROM FRENCH AVENUE



ROLLINS COLLEGE - STRONG HALL



VIEW FROM HOLT AVENUE



ROLLINS COLLEGE - STRONG HALL

Jeffrey Briggs

Subject: FW: Rollins meeting

From: Margie Bridges [<mailto:margie32789@aol.com>]

Sent: Tuesday, December 20, 2011 5:20 PM

To: Lindsey Hayes

Subject: Re: Rollins meeting

Hi Lindsey:

Yes, there is [another neighborhood meeting](#) on Jan 5th, I think at 7 pm. The plans are wonderful, scale and mass is sensitive to the neighborhood, yet gives them the 50 to 56 dorm rooms. The footprint is virtually the same as what is there. All noise and activities are turned to the interior courtyard.

It is an extraordinarily wonderful addition to the campus! David Lamm is to be commended for adding such a wonderful replacement structure there. His architect, Keith Blankenship, is brilliant at creating a building that will exist for years into the future, but will appear as though it has already been there for years.

Margie

Sent from my iPhone

On Dec 20, 2011, at 4:26 PM, Lindsey Hayes <Lhayes@cityofwinterpark.org> wrote:

Hi Margie. Jeff and I didn't know about this meeting or I would have come. We understand only you and David came. Is another meeting scheduled for an evening time period? Thanks.

Lindsey

Lindsey Hayes, AICP, Senior Planner

City of Winter Park

Planning Department

401 Park Avenue, South

Winter Park, Florida 32789



CITY OF WINTER PARK Planning & Zoning Board

**Regular Meeting
Welcome Center**

**January 10, 2012
7:00 p.m.**

MINUTES

Mr. Krecicki called the meeting to order at 7:00 p.m. in the Welcome Center. Present: Chairman Drew Krecicki, Sarah Whiting, George Livingston, James Johnston, Randall Slocum, Tom Sacha, Peter Gottfried and Robert Hahn (alternate). Staff: Planning Director Jeffrey Briggs, and Recording Secretary Lisa Smith.

Approval of minutes – December 6, 2011

Motion made by Mr. Sacha, seconded by Mr. Livingston to approve the December 6, 2011, meeting minutes. Motion carried unanimously with a 7-0 vote.

PUBLIC HEARINGS:

REQUEST OF ROLLINS COLLEGE FOR: CONDITIONAL USE APPROVAL TO REBUILD STRONG HALL LOCATED AT THE CORNER OF HOLT AVENUE AND HANNA WAY ON THE CAMPUS OF ROLLINS COLLEGE, ZONED PQP.

Planning Director Jeffrey Briggs explained that Rollins College plans a major redevelopment of the Strong Hall dormitory building on campus adjacent to the corner of Holt Avenue and Hanna Way. He noted that as a building over 10,000 square feet, this project requires Planning Board and City Commission conditional use approval. He provided a detailed overview of the scope of the project. Due to the age (72 yrs. old) and condition of Strong Hall, there is a need to demolish and rebuild the structure and that the redevelopment is to happen in two phases. He added that the layout and scale of the project is sensitive to and respectful of the adjacent College Quarter neighborhood across French Avenue. Those portions of Strong Hall facing the neighborhood are two stories in scale and the second floor is terraced back from the first floor to provide articulation to the scale. The architectural character and detail is consistent with the quality throughout the Rollins College campus. The three story component (Pod #4) is facing Holt Avenue and away from the adjacent neighborhood. The staff believes that these plans will be an improvement both to the Rollins College campus as well as the public's visual perspective from French and Holt Avenues. He noted that prior to the Planning Board meeting, Rollins College hosted neighborhood meetings that invited the neighbors to come see these proposed plans. Staff understands that the neighborhood reaction has been very favorable. Staff recommended approval. Mr. Briggs responded to Board member questions and concerns.

Director of Facilities at Rollins College, Scott Bitikofer and David Lamm, Contractor, were present to address Board member questions and concerns. They concurred with the comments made by staff. No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

The Commission complimented the plans and presented questions to the applicant. The street front setback on Holt Avenue was discussed and consensus was to insure that it lined up with the adjacent Cross Hall.

Motion made by Mr. Krecicki, seconded by Mr. Gottfried to approve the request with the condition that the same setback or greater as Cross Hall be observed. Motion carried unanimously with a 7-0 vote.



city commission public hearing

item type	Public Hearing	meeting date	January 23, 2012
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	7-0 final vote

Subject: New Medical office on Perth Lane.

Perth Lane Properties LLC (Dr. Bruce Breit – Women’s Care Florida) plans to demolish his existing, one story 7,300 sq. ft. medical ob-gyn building and rebuild a new two story, 22,090 sq. ft. medical building on an expanded property at 100 Perth Lane. As a building over 10,000 square feet, this project requires Planning Board and City Commission conditional use approval.

P&Z Board Recommendation:

The Planning and Zoning Board voted 7-0 to approve this conditional use with no conditions.

Summary:

The applicant’s existing medical office is functionally obsolete and they have outgrown the space. With adjacent land to the north that has been acquired, the plans are to build a new, two story medical office. When that new medical office building project is complete, the existing building will be demolished and that land used for the remainder of the required parking.

Parking for medical building is one space per 200 sq. ft. This building provides the required 110 spaces. Storm water retention will be primarily via underground exfiltration. There are some trees on the properties to be removed (none of which are significant). There will be 250 inches of trees removed and 83 inches replanted (per the landscape plan). A tree compensation fee (\$110/inch) will be paid for the inches not replaced on-site, which has been approved by the Parks Dept.

Architecturally there is some articulation to the building facades to give the building visual appeal. The challenge for this site is that the main “front door” of the building faces inward toward the parking areas serving the patients. However, the rear or “back door” is what everyone will see when traveling past the building on Perth/Loch Lomond. So there has been added emphasis to try to make the “rear” look more like a “front” from the visual perspective. To that end, the entry columns on that side slightly intrude upon the 10 foot street setback up to a 6 foot dimension. That minor encroachment needs a variance which the P&Z Board/City Commission has the authority to approve via this conditional use process.

Everything on this project meets code and is very well thought out and designed. The Planning staff believes that these plans will be an improvement both to the Hospital campus environment as well as the public's visual perspective of this property. No one appeared at the P&Z meeting to voice any comments.



OCPA Web MAP

PRINT CONTACT



Parcel ID: 302209012006050 (Rng-Twn-Sec format)

0 100 ft

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

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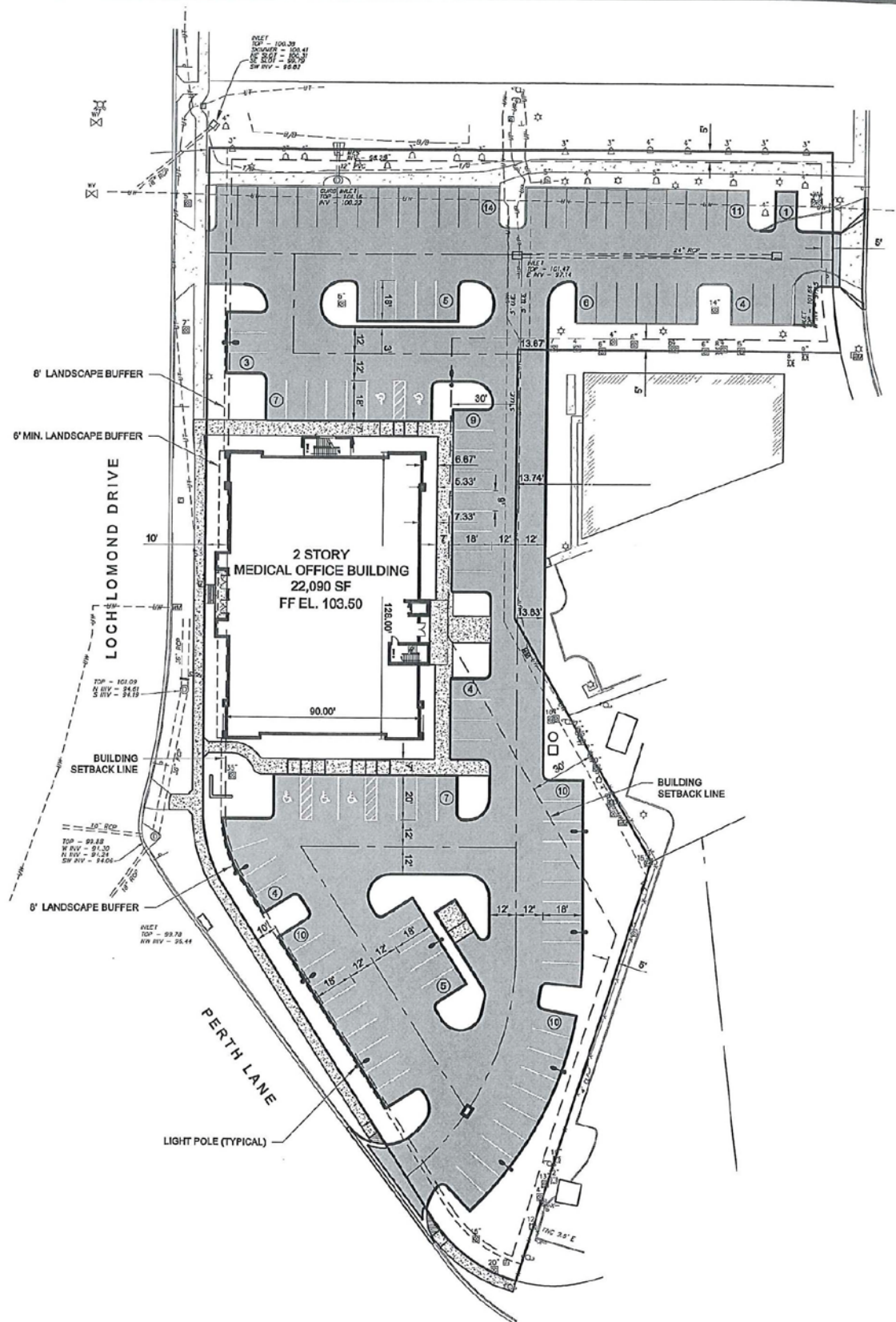
Narrative- Conditional Use Application for Women's Care Florida 12/7/2011

Women's Care Florida (formerly Winter Park OB/GYN) has been practicing Obstetrics and Gynecology for over 30 years and is currently delivering 3rd generation newborns. They have been at their current location on the corner of Loch Lomond and Perth Lane since 1978. Women's Care Florida is one of the primary care groups that utilize the "Baby Place" at Winter Park Memorial Hospital. It is common in this area of specialty to be as close to the infant delivery facilities as possible. Women's Care realized its current facility was functionally obsolete and had outgrown the existing 7,027 s.f. facility.

Dr. Breit of Women's Care Florida is developing a new building and has negotiated to purchase the adjoining north parcel from Florida Hospital. Dr. Breit's current site will be incorporated into the purchased northern site to develop the approximately 22,099 s.f. 2-story medical office building. As part of our construction permitting, because his practice will need to remain in operation, we will be illustrating a phased construction move in because of the integration of Dr. Breit's current site and subsequent demolition of his existing building.

The architecture is characterized as "Spanish Mission". It is respectful of the new "Baby Place". We believe this architecture represents a quality standard for a medical office building presiding in the medical arts district or health village. The attempt was to design a building that sets an example by engaging the street and creating a "walkable" environment. In response to activating the pedestrian interface with the street, we are requesting an exception (illustrated with dashed outline) to the front yard setback solely for an approx. 30' long x 6' wide exterior covered loggia/front porch. In addition, we have architectural detailing consisting of 2' "bump outs" of the building base to differentiate the water table and floor line geometry of 2/3rds...1/3rd. We are attempting to introduce these elements as a transition from the public realm/right-of-way sidewalk to the private with hardscape, possible seating, planters, etc. leading into a possible covered loggia.

Concerning existing tree determination, we met 12/1/11 with Alan Lee of Code Enforcement on site. Our site plan and landscape plan reflect the consensus and any removal and replacement shall be in accordance with code.





VIEW FROM LOCH LOMOND DRIVE

NEW MEDICAL OFFICE BUILDING
WOMEN'S CARE FLORIDA



LOCH LOMOND DRIVE ENTRANCE

NEW MEDICAL OFFICE BUILDING
WOMEN'S CARE FLORIDA



VIEW FROM PARKING LOT

NEW MEDICAL OFFICE BUILDING
WOMEN'S CARE FLORIDA

**REQUEST OF PERTH LANE PROPERTIES, LLC FOR: CONDITIONAL USE
APPROVAL TO BUILD A NEW TWO STORY, 22,090 SQUARE FOOT MEDICAL
OFFICE BUILDING AT 100 PERTH LANE, ZONED OFFICE (O-2).**

Planning Director Jeffrey Briggs explained that Perth Lane Properties LLC (Dr. Bruce Breit – Women's Care Florida) plans to demolish their existing, one story 7,300 sq. ft. medical ob-gyn building and rebuild a new two story, 22,090 sq. ft. medical building on an expanded property at 100 Perth Lane. He noted that as a building over 10,000 square feet, this project requires Planning Board and City Commission conditional use approval. He provided a detailed overview of the scope of the project. The existing medical office is functionally obsolete and they have outgrown the space. When that new medical office building project is complete, the existing building will be demolished and that land used for the remainder of the required parking. He also reviewed parking requirements, tree preservation and architectural articulations. He said that everything on this project meets code and is very well thought out and designed. He discussed the major design effort was to make the "rear" of the building look more like the "front" of the building along Loch Lomond Drive. To that end small entry columns intrude into the setback at six feet in lieu of ten feet and that minor variance is part of the approval sought. All other aspects of this project meet code and further the Planning staff believes that these plans will be an improvement both to the Hospital campus environment as well as the public's visual perspective of this property. Staff recommended approval.

Dr. Bruce Breit and David Lamm, contractor, were present to address concerns of the Board. They were in agreement with the comments made in the staff report. No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

The Board posed several questions to the applicant regarding design features of the project and the timing and coordination of the project. The Board members agreed that this was a well designed and welcome improvement for the Hospital campus environment.

Motion made by Mr. Johnston, seconded by Mr. Krecicki to approve the request subject to the applicant erecting a minimum 6-8 foot wall/monument sign to screen the back-flow preventer from the street view. Motion carried unanimously with a 7-0 vote.



city commission public hearing

item type	Public Hearing	meeting date	January 23, 2012
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	5-2 final vote

Subject: Rezoning of 861 W. Canton Avenue from R-1A to R-4.

Denning Partners, Ltd. (Dan Bellows) has under contract for purchase the property at 861 W. Canton Avenue, which is immediately east of and adjacent to the Denning Drive apartment project at 550 N. Denning Drive. This is a request for the Comp. Plan and Zoning change from the existing single family designations (R-1A) to high density residential (R-4).

P&Z Board Recommendation:

The Planning and Zoning Board voted 5-2 to approve these ordinances. The majority felt that the location of this property and the adjacency to the Denning Drive apt site lends itself and provides better design opportunities if added to that project. The minority felt that there needs to be a step-down in density moving east and R-3 was more appropriate.

The rezoning ordinance contains a restriction on building height to the same three stories and 42 feet as was approved for the Denning Drive Apt. project.

Request Summary:

The property at 861 W. Canton Avenue is 75 feet wide by 250 feet deep (18,750 sq. ft.).

The future development plans of the applicant are not firm at this time. Based on the current single family R-1A zoning, the maximum development potential of this property, as zoned R-1A, would be two single family homes. One home could be built on the front half of the property and the second home on the rear half with a driveway running back to that rear lot.

Based on the requested R-4 zoning, there are two scenarios because the minimum lot size for R-4 development is 20,000 sq. ft. When you have a property with less than 20,000 sq. ft., like this one, then the standards of R-3 apply. So as a stand-alone property, given the R-3 standards, the density is one unit for each 2,500 sq. ft. of land which translates into 7 units. However, if this property were combined with the adjacent 550 N. Denning Drive Apts. property then the total building site would exceed the minimum 20,000 sq. ft. and then the R-4 density is one unit for each 1,750 sq. ft. of land which translates into 10 units.

One of the requirements for a rezoning submission is to *"include prospective plans indicating the desired development scenario proposed as a result of an approval"*. So in keeping with that requirement, the applicant has presented the plans attached to develop the property in concert with the Denning Drive apartments. That property, at this time is under contract to Eastwind LLC, who is trying to be selected as part of the State's tax credit program to convert that Denning Drive apartment project to elderly affordable apartments. It is unknown at this time if they will be selected and proceed with that project.

However, as part of that expanded project or as 10 stand-alone 'market rate' apartments, the applicant has included a site plan and elevations (see attached plans) that show how the property would be used. They believe that it would greatly enhance the visual appeal of that project because rather than looking, as traveling from the east on Canton Avenue at the "rear" of the apartments, this expansion puts a "front door" view on both the east and west sides of the project.

If this land were used strictly as a stand-alone apartment building of 10 units, the project would still screen the "rear" view of the Denning Drive apt. building and provide a transition opportunity.

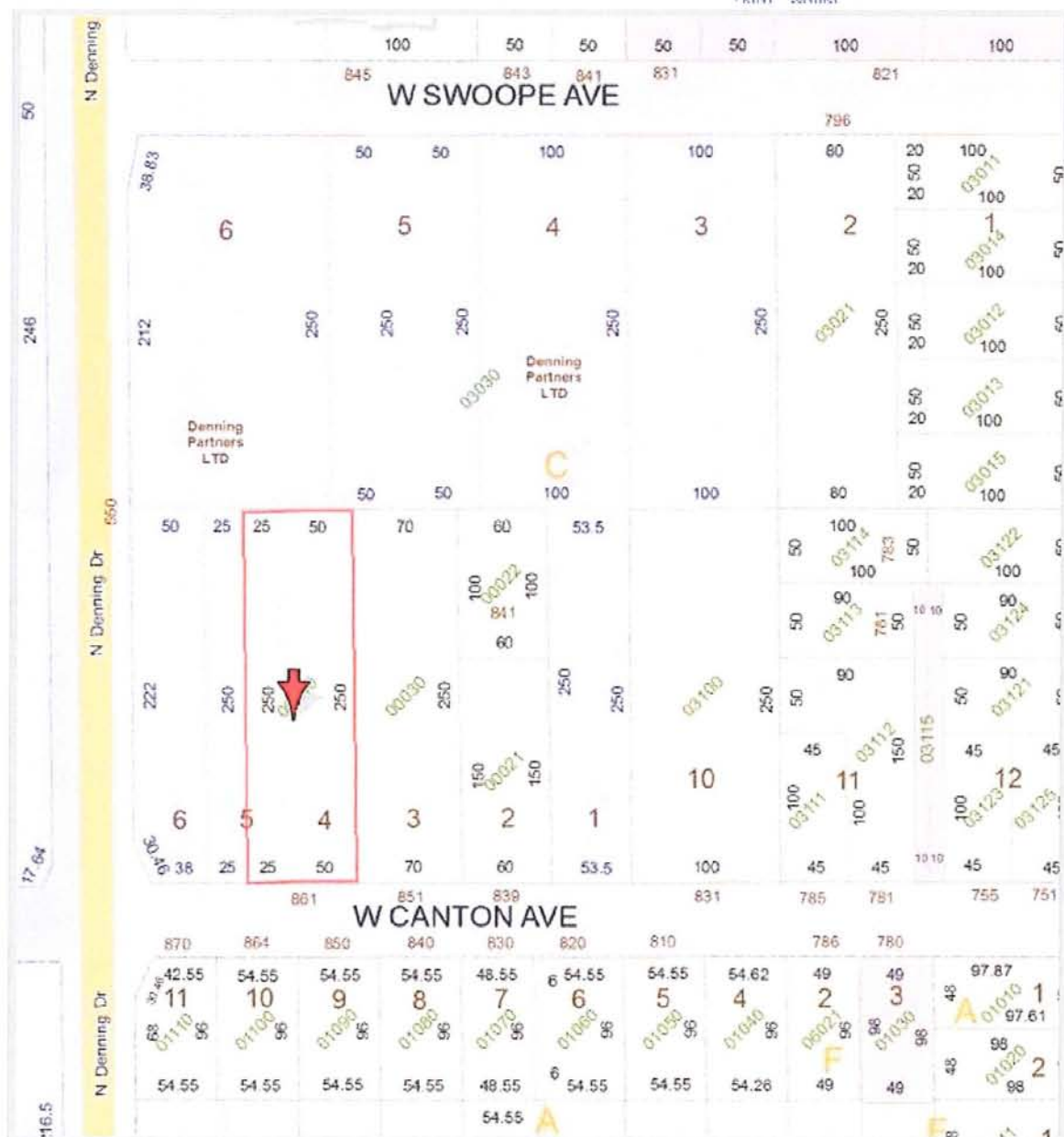
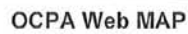
In either case, the contract arrangement between Denning Partners Ltd. and Eastwind LLC provides for access from this property to the surplus parking in the parking garage and also access to the common storm water retention system.

Staff Appraisal:

This lot of 75 feet by 250 feet deep is not appropriately zoned single family sitting next to R-4. But in terms of transition; is R-3 a better choice ? (That was the issue P&Z discussed at length)

If the Denning Drive Apts. are built, then the rezoning may be a good decision because it allows "front door" faces on both sides of the building. The other beneficial outcome is that since the applicant's plans show six apt. units per floor (18 units) and the maximum is 10 units; then either the building will be downsized to two stories on this property or hopefully this entire wing of the project will be reoriented to pull it back further from Canton Avenue.

In either event since R-4 zoning allows 55 feet and five stories of building height, the approval must be restricted to match the scale of the Denning Drive apts. The rezoning ordinance recommended by the Planning Board contains that restriction in height to the same three stories and 42 feet of height approved for the Denning Drive apt. project.



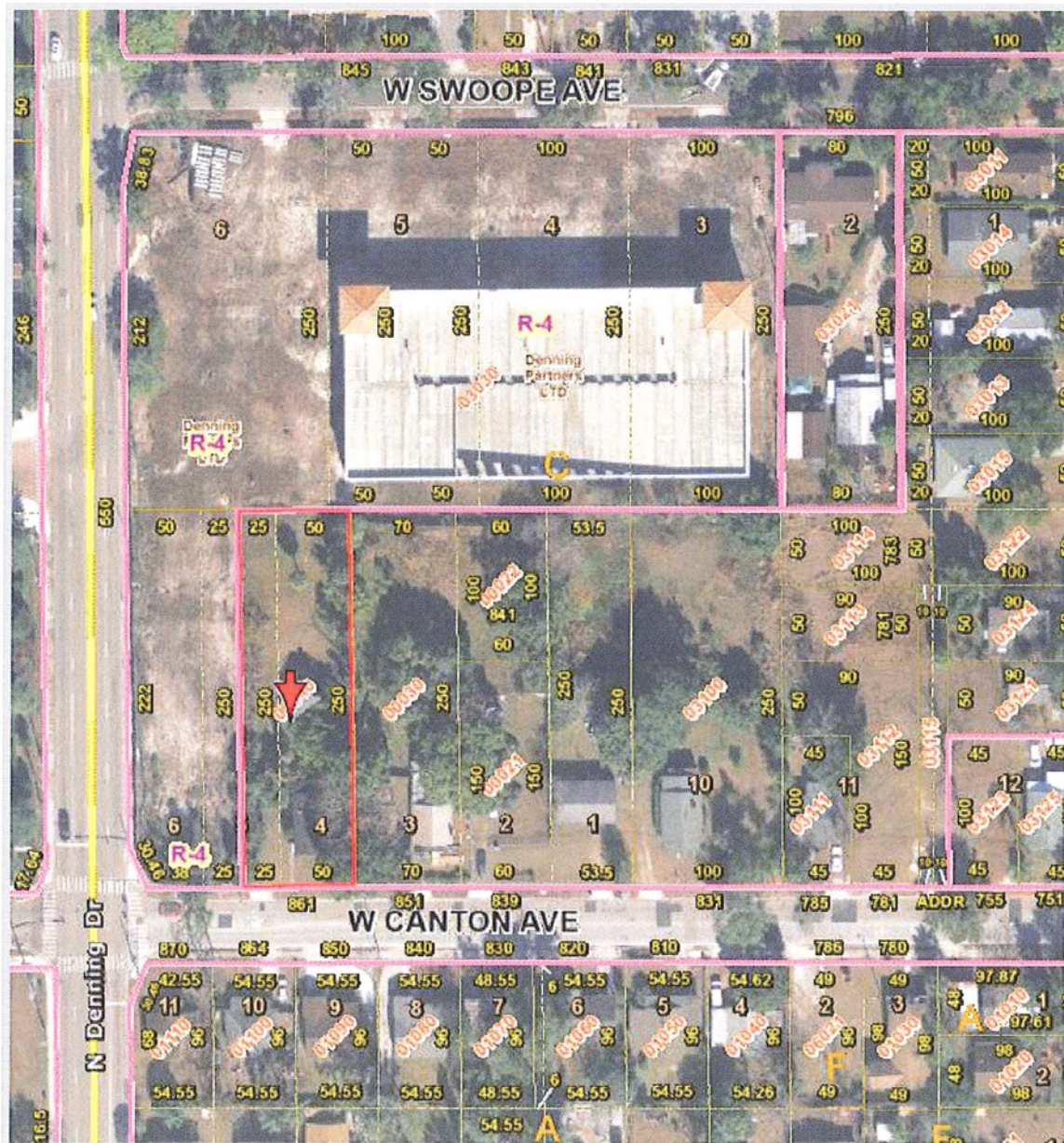
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OCPA Web MAP

PRINT CONTACT



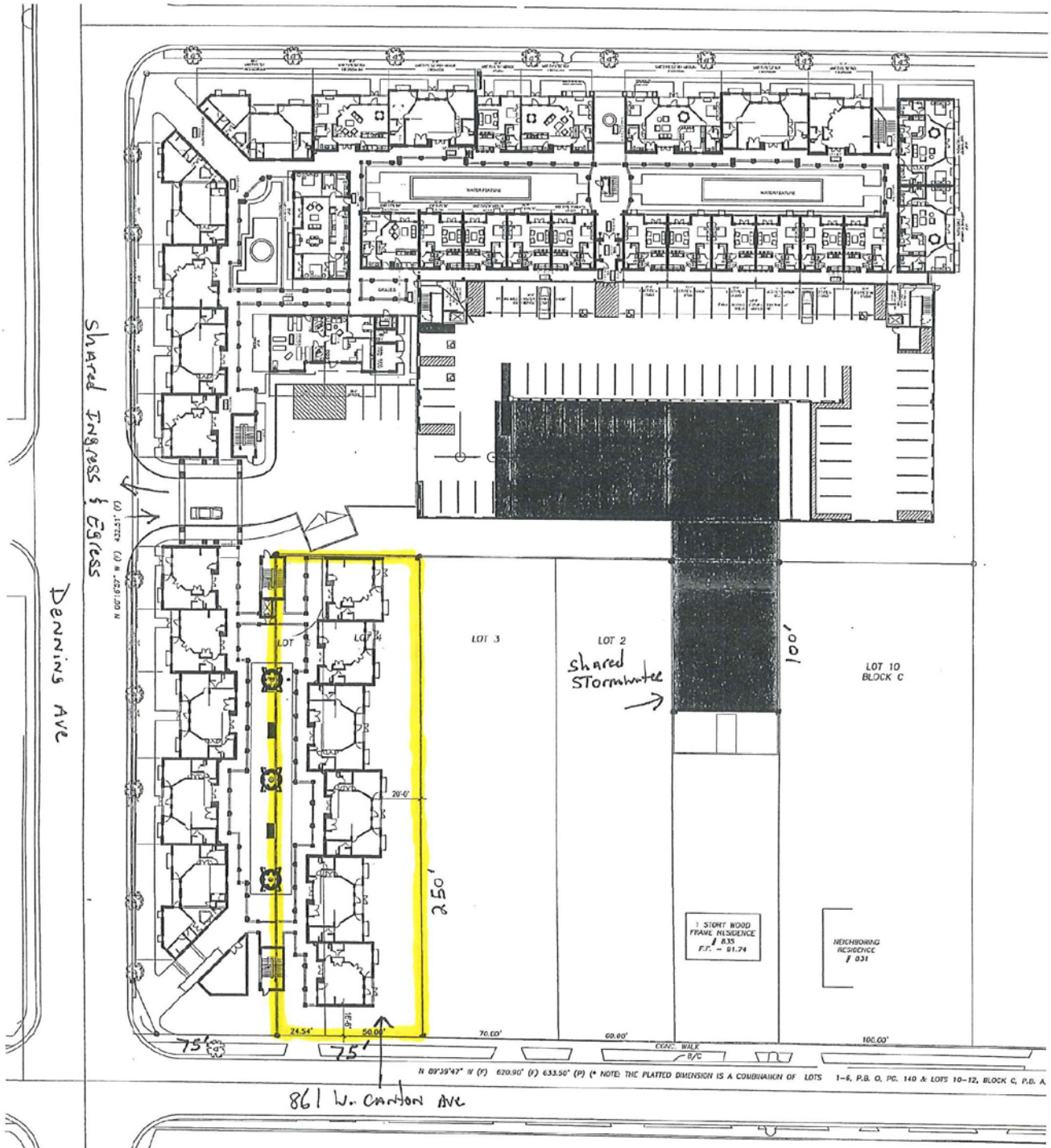
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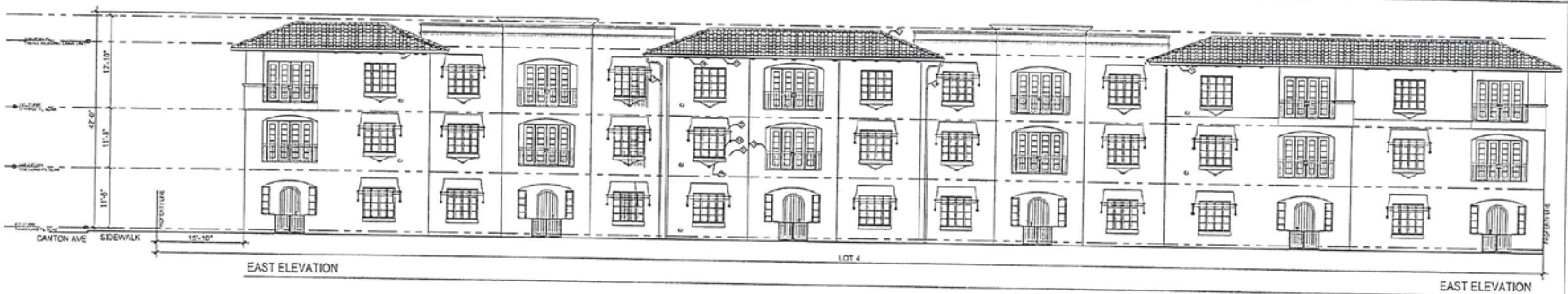
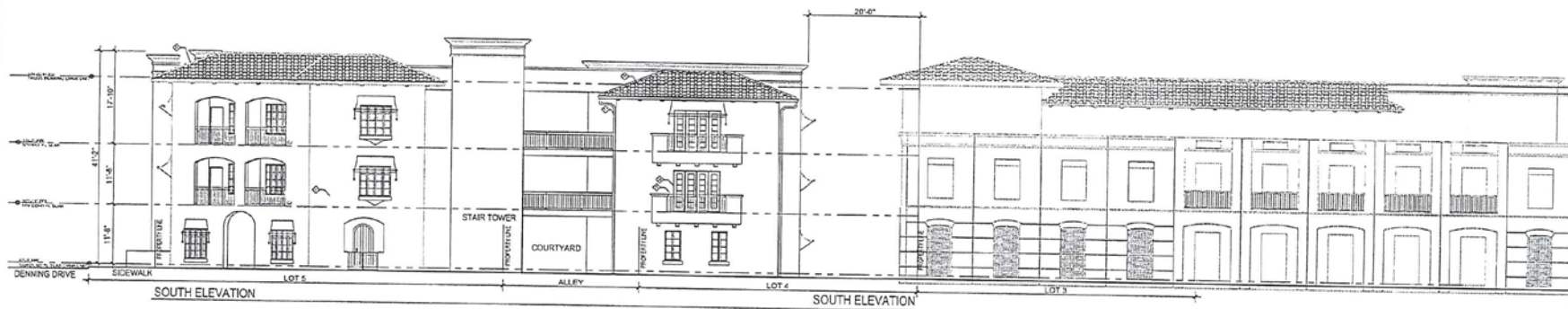
This map is for reference only and is not a survey.

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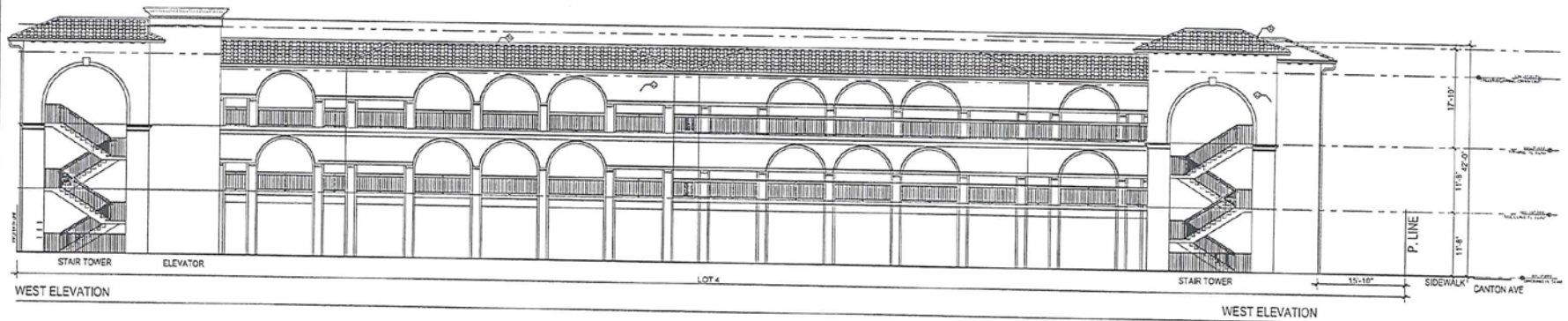
Denning Drive Apt. Project



DENNING APARTMENTS , LOT 4



DENNING APARTMENTS , LOT 4



ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA AMENDING CHAPTER 58, "LAND
DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE
PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE
FUTURE LAND USE DESIGNATION OF SINGLE FAMILY
RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE
PROPERTY AT 861 WEST CANTON AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR
CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, the Winter Park City Commission adopted its Comprehensive Plan on February 23, 2009 via Ordinance 2762-09, and

WHEREAS, the owner of the property more particularly described herein has requested an amendment to the Comprehensive Plan for this property, and such amendment meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

WHEREAS, the City Commission also desires to amend one policy in the text of the Future Land Use Element, and

WHEREAS, the Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on January 10, 2012, provided for participation by the public in the process and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on January 23, 2012 and February 13, 2012 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation of single family residential to high density residential on the property at 861 W. Canton Avenue, said property being more particularly described as follows:

Lot 4 and the East Half of Lot 5, Capens Replat as recorded in Plat Book "O", Page 140 of the Public Records of Orange County, Florida.

Property Tax ID # 6-22-30-1170-00-040

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

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

SECTION 4. Effective Date. This Ordinance may not become effective until 31 days after adoption. If challenged within 30 days after adoption, this Ordinance may not become effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ____ day of _____, 2012.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RESTRICTIONS ON HEIGHT; CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the owner of the property more particularly described herein has requested rezoning in compliance with the Comprehensive Plan, and the requested zoning will achieve conformance with the Comprehensive Plan future land use designation for this property, and such municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Planning and Zoning Board and City Staff of the City of Winter Park have recommended approval of this Ordinance at their January 10, 2012 meeting; and

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

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

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map are hereby amended so as to change the existing zoning designation of single family (R-1A) district to multi-family (high-density R-4) district zoning on the property at 861 W. Canton Avenue, more particularly described as follows:

Lot 4 and the East Half of Lot 5, Capens Replat as recorded in Plat Book "O", Page 140 of the Public Records of Orange County, Florida.

Property Tax ID # 6-22-30-1170-00-040

SECTION 2. Restrictions on Height. Notwithstanding the provisions of the R-4 zoning district, this property shall not be used, without the subsequent approval of the City Commission for any building taller than three stories or 42 feet in height as well as whatever additional height is customarily allowed for parapets, mechanical, elevator towers, ect.

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

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

SECTION 5. Effective Date. This Ordinance shall become effective upon the effective date of Ordinance _____ or upon the date that title is transferred to Denning Partners Ltd, whichever is the later to occur. This ordinance shall not become effective unless and until title is transferred to Denning Partners Ltd. If Ordinance _____ does not become effective or if title is not transferred to Denning Partners Ltd., then this Ordinance shall be null and void.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2012.

Mayor

Attest:

City Clerk

REQUEST OF DENNING PARTNERS, LTD. TO: AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO CHANGE THE EXISTING DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE PROPERTY AT 861 W. CANTON AVENUE.

REQUEST OF DENNING PARTNERS LTD. TO: AMEND THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING DESIGNATION OF SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE PROPERTY AT 861 W. CANTON AVENUE.

Planning Director Jeffrey Briggs stated that Denning Partners, Ltd. (Dan Bellows) has under contract for purchase, the property at 861 W. Canton Avenue, which is immediately east of and adjacent to the Denning Drive apartment project at 550 N. Denning Drive. That project was approved in January 23, 2006. He said that this is a request for the Comprehensive Plan and Zoning change from the existing single family designations (R-1A) to high density residential (R-4) on the property which is 75 feet wide by 250 feet deep (18,750 sq. ft.). Mr. Briggs reviewed current zoning regulations for both the R-1A and R-4 zoning districts.

Mr. Briggs indicated that while the future development plans of the applicant are not firm at this time, one of the requirements for a rezoning submission is to *"include prospective plans indicating the desired development scenario proposed as a result of an approval"*. So in keeping with that requirement, the applicant has presented the his desired development option for the property as an addition to the Denning Drive apartments. That property, at this time is under contract to Eastwind LLC, who is trying to be selected as part of the State's tax credit program to convert that Denning Drive apartment project to elderly affordable apartments. It is unknown at this time if they will be selected and proceed with that project. However, when the Denning Drive Apts. are built (either as senior affordable or market rate apts.), this rezoning and expansion could be a very good decision because it allows "front door" faces on both sides of the building. The other beneficial outcome is that since the applicant's plans show six apt. units per floor (18 units) and the maximum is 10 units; then either the building will be downsized to two stories on this property or hopefully this entire wing of the project will be reoriented to pull it back further from Canton Avenue. Unfortunately the approved plans approved in 2006 call for a 50 foot tall stair tower sitting 20 feet from Canton Avenue across the street from single family homes. In either case, the contract arrangement between Denning Partners Ltd. and Eastwind LLC provides for access from this property to the surplus parking in the parking garage and also access to the common storm water retention system. He provided further insight to staff concerns.

Mr. Briggs expressed that this lot; 75 feet by 250 feet deep is not a typical single family residential environment sitting next to an R-4 development that will be three stories and 42 feet tall. He said that some rezoning is warranted and appropriate in terms of transition, but staff questioned whether R-2 or R-3 is a better choice. This is a very difficult decision to make when you are only asked to decide on the rezoning (not the plans) and you don't have any idea what the fate of the Denning Drive apartments will be. Once this property is rezoned to R-4, it is never going to be rezoned back to anything lesser in intensity (R-3 or R-2) given the Bert Harris property rights statutes. In either event since R-4 zoning allows 55 feet and five stories of building height, any approval should be restricted to match the scale of the Denning Drive apts. Staff recommendation is for approval with the condition that future development is limited to no more than three stories and 42 feet of building height. Mr. Briggs responded to Board member questions and concerns.

Dan Bellows, applicant, stated that he was in agreement staff report. He outlined the plans presented and the opportunities it gives to improve the exterior façade appearance of the project, improve storm water drainage for these properties and potentially increase the setback of the building to Canton Avenue. He responded to Board member questions and concerns.

Lurline Fletcher, 790 Lyman Avenue and Linda Washington, 321 North Capen Avenue, spoke in opposition to the property going to high density residential. They expressed their desire to have the property remain as single family residential. No one else wished to speak concerning the request. Public Hearing closed.

The Board members discussed the request. The Board members recognized that the decision for this one property was likely to be precedent setting for the other similar narrow and deep (R-1A) properties to the east on Canton Avenue. Mr. Gottfried expressed that this is a situation where the Planning Board needs to be proactive and study this block to determine that proper zoning and transition in density and building height that should occur in this area. (Mr. Briggs explained that that effort had been done before by the Comp. Plan Task Force but no consensus was reached. He agreed to bring back this issue to P&Z for review.)

Mr. Johnston expressed his recognition that the density and height increases were significant from R-1A to R-4 and that this was a significant change but he felt that given the location and dimensions of this lot it is not a desirable location for a single family home. Thus, the best outcome for the property would be as an addition to the Denning Drive Apt. project because it would result in a better project both functionally and visually. There was general agreement on that point by other Board members but discussion ensued whether the transition to R-3 or R-2 should start on this property to lower heights/densities or whether it starts further east. Mr. Krecicki and Mrs. Whiting expressed that they would prefer a rezoning only up to R-3 to start that transition on this property. Mr. Livingston indicated that the Board still has to approve any building project (via conditional use) on this project and we could use that approval to institute the transition.

Motion made by Mr. Gottfried, seconded Mr. Johnston to approve the comprehensive plan amendment single family residential to high density residential. Motion carried unanimously by a 5-2 vote (Mr. Krecicki and Mrs. Whiting dissenting)

Motion made by Mr. Gottfried, seconded by Mr. Livingston to approve the rezoning from single family residential (R-1A) district to multi-family (high density R-4) with the caveat that staff study the entire block and bring their findings back to the Board. Motion carried with a 5-2 vote. (Mr. Krecicki and Mrs. Whiting voted against the motion.



city commission public hearing

item type	Public Hearing	meeting date	January 23, 2012
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	7-0 final vote

Subject: Amending the conditional use for the restaurant pavilion building at 400 W. New England Avenue.

On May 23, 2011, following a positive recommendation from the Planning Board, the City Commission approved a rezoning of the property at 400 W. New England to C-2 and also approved a conditional use to construct a one story, 470 square foot "restaurant" pavilion building with outdoor patio seating. This request is to amend that conditional use approval to add a second story to that 470 square foot restaurant pavilion building. It is a "significant change" per the Code to add an additional floor to any conditional use building project unless subsequently approved by the City Commission.

P&Z Board Recommendation:

The Planning and Zoning Board voted 7-0 to approve these modifications to the conditional use plans previously approved.

Project Summary:

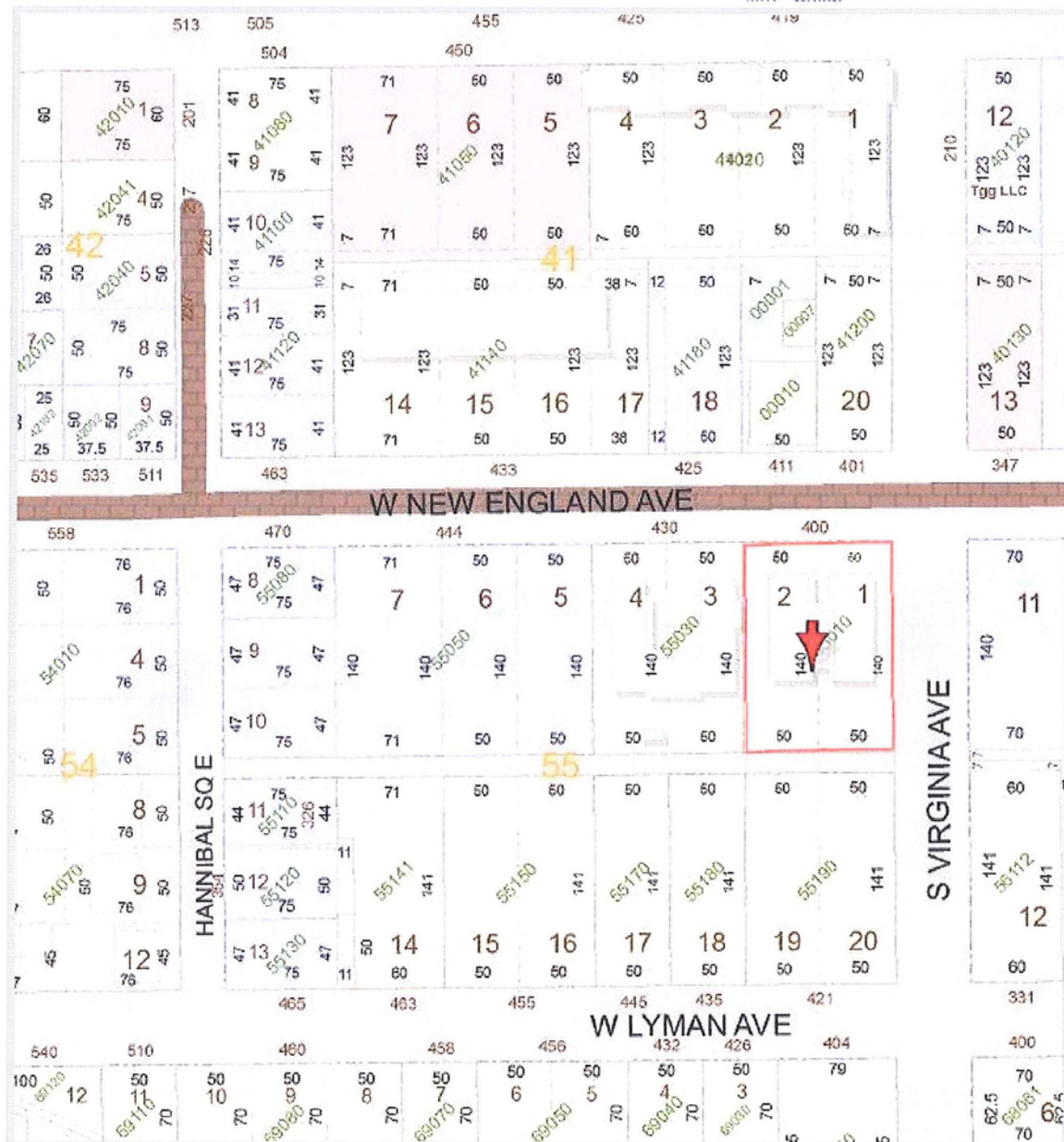
The applicant (who is the property owner and contractor) decided while it was being built to add the second floor. He was under the impression that the recent rule change making the threshold for a "significant change" to be something larger than 500 sq. ft exempted them. That is true but a "significant change" is also adding an additional story to a building so this approval is required. So the job was stopped and thus this (after-the-fact) request.

The rationale for the change in plans from the applicant is to maintain the symmetry of this new two story building adjacent to the existing two story building. The staff concurs that the scale of the two stories is compatible with this location.



OCPA Web MAP

PRINT CONTACT



Parcel ID: 302205940055010 (Rng-Twn-Sec format)

0 50 ft

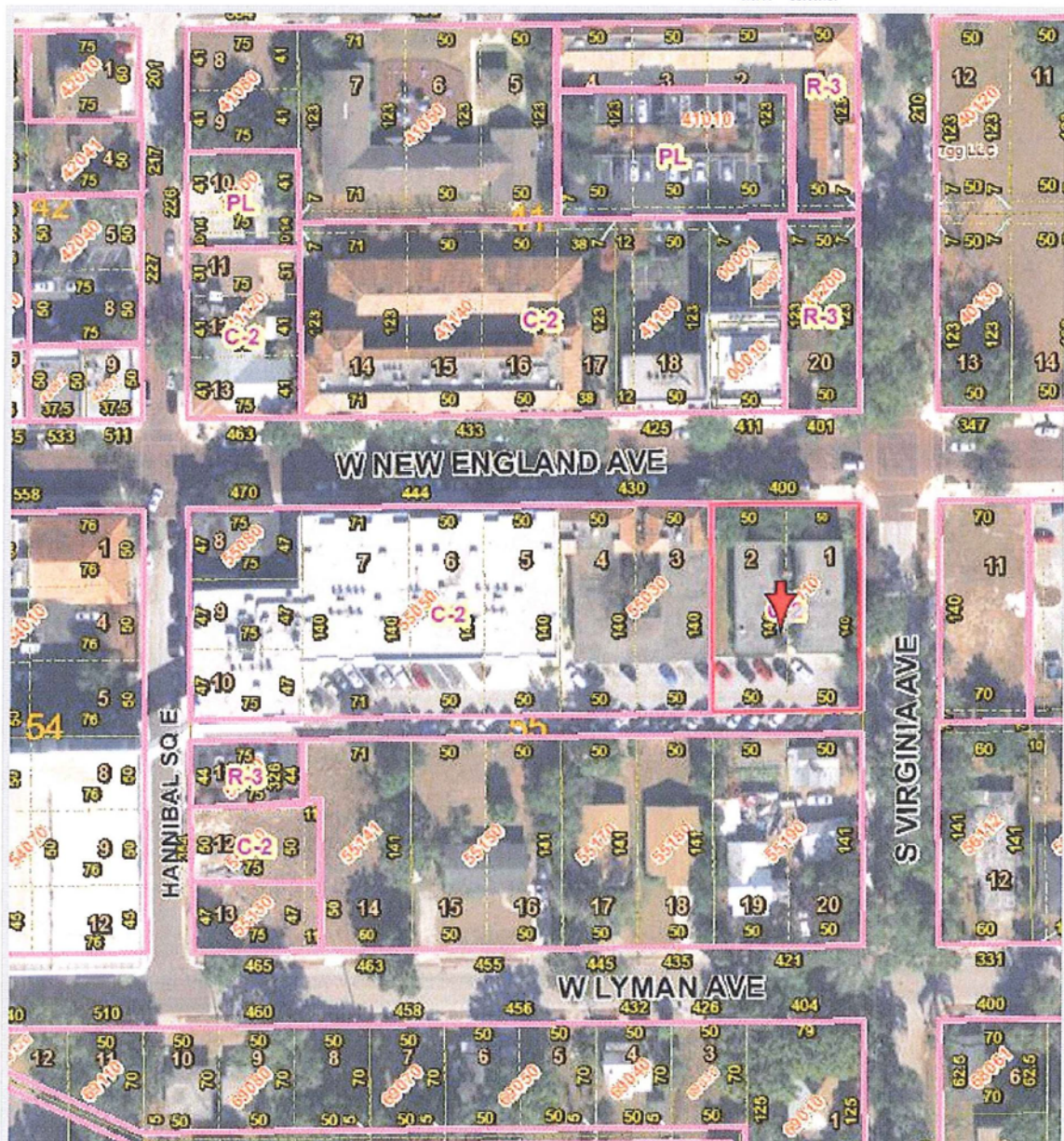
This map is for reference only and is not a survey.

Created on 12/28/2011, Copyright 2007. Orange County Property Appraiser.



OCPA Web MAP

PRINT CONTACT



Parcel ID: 302205940055010 (Rng-Twn-Sec format)

0 50 ft

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

Created on 12/28/2011, Copyright 2007. Orange County Property Appraiser.

To: Mr. Jeff Briggs
City of Winter Park
Planning Department
401 Park Ave South
Winter Park, R 32789

12-6-11

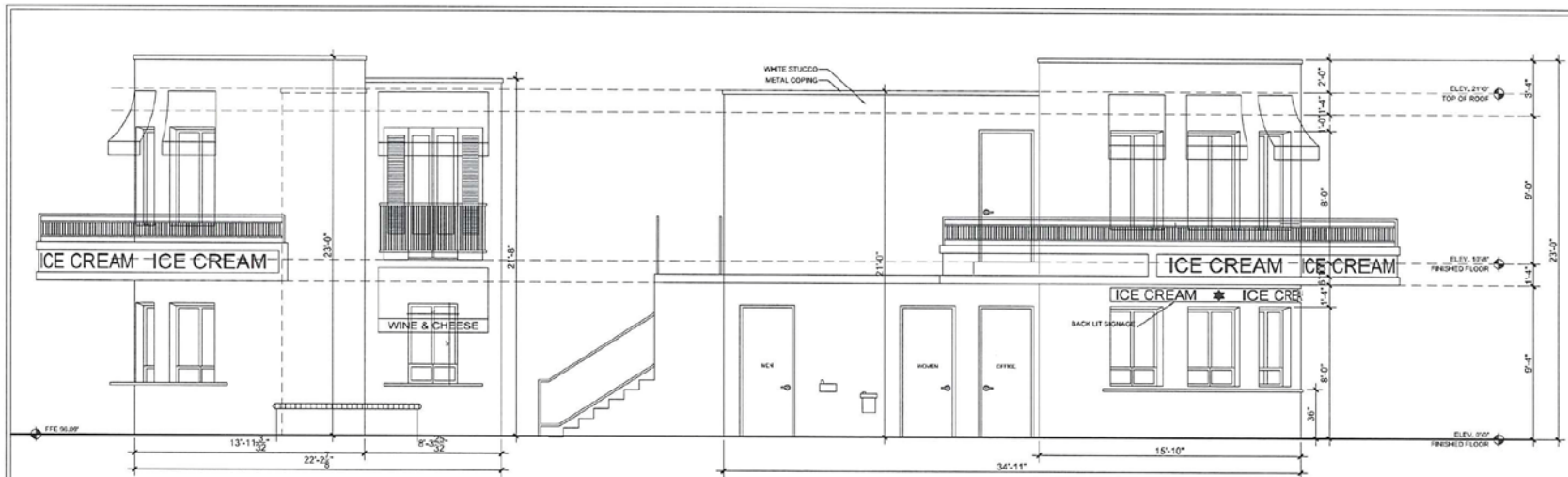
From: Dan Bellows
Denning Partners, LLC
P.O. Box 350
Winter Park, R 32790-0350

RE: 400 W. New England Ave
Winter Park, R 2nd Floor Addition
Permit # 11-1519

Mr. Briggs,
I was to understand the code allowed for
additions or modifications of less than 500 sq ft to
a construction project without the need for PIZ or
city commission approval. The attached revision
sheets have been submitted to the Building Department.
This project is partially constructed.

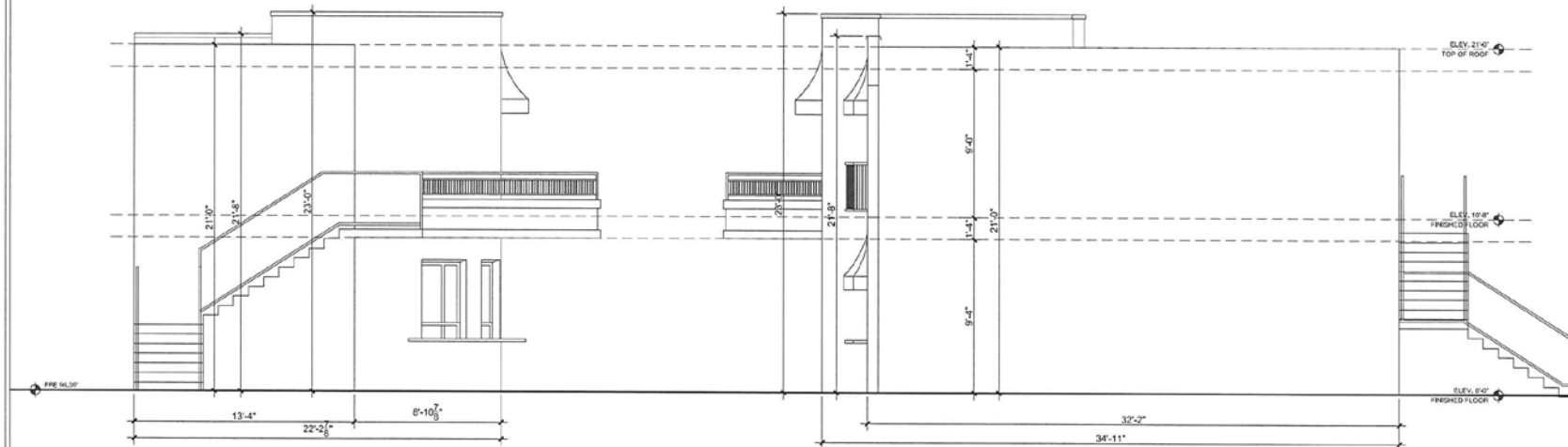
Please advise ASAP.

Dan Bellows



1 NORTH ELEVATION
SCALE: 3/16" = 1'-0"

2 EAST ELEVATION
SCALE: 3/16" = 1'-0"



3 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

4 WEST ELEVATION
SCALE: 3/16" = 1'-0"

SYDGAN CORPORATION
CONTRACTOR / DEVELOPER
P.O. BOX 350
WINTER PARK, FLORIDA 32790
TEL. 407.644.3151

ICE CREAM SHOPPE
400 W. NEW ENGLAND AVE.
WINTER PARK, FL 32789

PRELIMINARY
NOT FOR CONSTRUCTION

DATE	REVISION
1	
2	
3	
4	

DRAWN BY:
LNCRAKO
SCALE:

DATE:
6/13/11
DWG. NO.

A-4

EXTERIOR
ELEVATIONS



35'-0"
RETAIL/ OFFICE /RESIDENTIAL

**REQUEST OF WINTER PARK REDEVELOPMENT AGENCY LTD FOR: TO
CONSTRUCT A 470 SQUARE FOOT, SECOND FLOOR ADDITION ONTO THE
PREVIOUSLY APPROVED RESTAURANT PAVILION BUILDING ON THE
PROPERTY AT 400 WEST NEW ENGLAND AVENUE, ZONED C-2.**

Planning Director Jeffrey Briggs indicated that on May 23, 2011, the City Commission approved a rezoning of the property at 400 W. New England to C-2 and also approved a conditional use to construct a one story, 470 square foot "restaurant" pavilion building with outdoor patio seating. He said that this request is to amend that conditional use approval to add a second story to that 470 square foot building. It is a "significant change" per the Code to add an additional floor to any conditional use building project unless subsequently approved by the City Commission. He pointed out that the second floor is substantially completed. The applicant (who is the property owner and contractor) decided while it was being built to add the second floor. He was under the impression that the recent rule change making the threshold for a "significant change" something larger than 500 sq. ft exempted them. However, a "significant change" is also adding an additional story to a building so this approval is required. So the job was stopped and thus this (after-the-fact) request. On the plus side, at least we know what it is going to look like, scale-wise. Staff explained that the rationale for the change in plans from the applicant is to maintain the symmetry of this new two story building adjacent to the existing two story building. To the staff, while we wish the process had been followed of permission first; rather than forgiveness; the scale of the two stories is compatible with this location. Staff recommended approval. Mr. Briggs responded to Board member questions and concerns.

Dan Bellows, the applicant, was present. He noted that the statements made in the staff report are correct. He said that as the change was vertical and not horizontal, he thought the changes were not going to be an issue. He apologized to the Board for the sequence of this approval and responded to Board member questions and concerns.

Lurline Fletcher, 790 Lyman Avenue, spoke in opposition to the request. No one else wished to speak in favor of or in opposition to the request. Public Hearing closed.

Several Board members indicated that they had visited the site and agreed that while the change is significant in adding another floor, the size of this small building and the scale is compatible with the setting.

Motion made by Mr. Krecicki, seconded by Mrs. Whiting to approve the request. Motion carried unanimously with a 7-0 vote.