



city commission agenda

Regular Meeting

November 12, 2012
3:30 p.m.
Commission Chambers

commissioners				mayor	commissioners			
seat 1	Steven Leary	seat 2	Sarah Sprinkel	Kenneth W. Bradley	seat 3	Carolyn Cooper	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 Finance Director Wes Hamil Pledge of Allegiance	
3	Approval of Agenda	
4	Mayor's Report	Projected Time
	a. Presentation - Winter Park Police Department Certificate of Appreciation to Jose Zabala	10 minutes
	b. Board Appointment - Hannibal Square Community Land Trust, Inc. (public representative) to replace Caleena Shirley	
5	City Manager's Report	Projected Time
6	City Attorney's Report	Projected Time
7	Non-Action Items	Projected Time

- 8 Citizen Comments | 5 p.m. or soon thereafter**
(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting) (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)

9 Consent Agenda

Projected Time

- a. Approve the minutes of 10/22/2012.
- b. Approve the following purchases, contracts and formal solicitations:
 1. Purchase of mobile data terminals, docking stations and other accessories from CDW-G; \$191,062.00 (from Forfeiture Funds).
 2. Blanket purchase order to Wal-Rose, Inc. for Water and Sewer main extensions; \$334,560.00
 3. Piggybacking the City of Orlando contract with Layne Inliner, LLC, for sewer line rehabilitation cleaning & video recording (BI09-2570); approve blanket purchase order and authorize the Mayor to execute the piggyback contract; \$600,000.
 4. Piggybacking the Orlando Utilities Commission (OUC) contract with HD Supply Waterworks, Ltd. for water/wastewater materials (895-OQ) and authorize the Mayor to execute the piggyback contract; \$500,000.
 5. Award to Ace Home Supply Company (IFB-1-2013) for the purchase of PVC and HDPE pipe (award of 6" and 8" PVC pipe), approve subsequent purchase orders, and authorize the Mayor to execute the contract; \$88,950.
 6. Award to HD Supply Waterworks (IFB-1-2013) for the purchase of PVC and HDPE pipe (award of 6" and 8" PVC pipe), approve subsequent purchase orders, and authorize the Mayor to execute the contract; \$58,200.
- c. Approve the Radio Disney "NBT" (Next Big Thing) On Tour Concert event in Central Park on September 21, 2013, partnering with the City of Winter Park as a marketing and promotional sponsor and to waive the park fee of \$2,750.
- d. Approve the Winter Park Sports Hall of Fame request to be placed on the "City Annual Events" list and receive a waiver of rental fees for their annual Hall of Fame Induction Ceremony and Awards Banquet.
- e. Award RFP-15-2012, Utility Services Electronic Bill Presentment and Payment, to Payment Service Network, Inc. (PSN) and authorize the Mayor to execute the contract.
- f. Approve the interlocal agreement with the City of Altamonte Springs and Maitland for construction and cost sharing of sewer utility improvements associated with the Gateway Drive Extension Project.

5 minutes

10 Action Items Requiring Discussion	Projected Time
a. Distribution of funding for Crealde to operate the Heritage Center	20 minutes
b. Streetscape/bricking of New England Avenue and Interlachen Avenue in conjunction with Alford Inn construction	20 minutes
c. Water and sewer rate study results (and possible action) from work session held	20 minutes
11 Public Hearings	Projected Time
a. <u>Request of the City of Winter Park:</u> - Ordinance - Amending Chapter 58 "Land Development Code" Article V, "Environmental Protection Regulations" Division 6, "Tree Preservation and Protection" so as to amend tree removal compensation requirements, amend use of the Tree Replacement Fund, provide exemption from requiring a tree removal permit, and establish enforcement procedure for removing hazardous trees (1)	60 minutes
b. Appeal of Wendy Brandon and other neighbors to the decision of the Winter Park Historic Preservation Commission in the case of Certificate of Review COR-12-002; request of Steve and Shaina Markulin for alterations and an addition at their property located at 1005 Lakeview Drive. MUST BE HELD AFTER 5:00 P.M.	30 minutes
c. <u>Ravaudage-Home Acres annexation</u> - Ordinance No. 2869-12: Annexing the 51+/- acres of Ravaudage or Home Acres generally bounded by Bennett, Monroe, Orlando Avenues and Lee Road (2) - Interlocal agreement to annex 1211 and 1101 Lewis Drive	30 minutes
d. Ordinance No. 2867-12: Annexing the property at 600 Lee Road and that portion of Interstate Four contiguous to the property within the City of Winter Park at 2684 Lee Road. (1)	15 minutes
e. <u>Request of Wawa:</u> - Ordinance - Partially vacating and abandoning the easement located at 901 North Orlando Avenue (2) - Ordinance - Vacating and abandoning the easement located at 911 North Orlando Avenue (2)	10 minutes
f. <u>Request of Heartwood 20, LLC:</u> - Ordinance - Amending Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" in the Future Land Use Element so as to add a new policy increasing the residential density for and limited to the property at 444 W. New England Avenue, in order to permit the second floor to be used as residential units (2) - Ordinance - Amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-75 "Commercial (C-2) District" so as to increase the residential density for and limited to the property at 444 W. New England Avenue in conformance with the Comprehensive Plan (2)	10 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."

Hannibal Square Community Land Trust Inc.



October 19, 2012

Mayor Ken Bradley
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

Re: HSCLT Public Representative Appointment

Dear Mayor Bradley:

The Hannibal Square Community Land Trust, Inc.(HSCLT) Board of Directors voted on October 10,2012 to recommend Camille Reynolds to serve as the Public Representative seat vacated by the resignation of Caleena Shirley.

We would like your consideration of approval for this appointment as soon as possible. I have attached Ms. Reynolds board profile and resume for your review. Ms. Reynolds currently resides in the Hannibal Square area, has experience in board governance, public relations, program development and management of which will enhance the HSCLT organizational capacity.

Public Representative Recommendation:

**The HSCLT board of Directors voted to recommend for appointment:
Camille Reynolds - 3 year term**

Thanks in advance for your sincere consideration of our recommendation and all your support of this organization and the community.

Sincerely,

Denise Weathers
Executive Director

Sincerely,

Jesse Fitzgerald
Interim Board President

Camille Reynolds
558 W. New England Avenue, #301
Winter Park, FL 32789
(407) 579-3934
creynolds@sunstylepro.com

**SUMMARY OF
QUALIFICATIONS**

Energetic professional with more than fifteen years experience in public relations and community programming including: planning and developing programs and events; managing fund-raising campaigns; and building and maintaining successful customer/community relationships. Excellent oral and written communication skills, as well as administrative, planning and presentation skills.

**PROFESSIONAL
EXPERIENCE**

Feb 2008-Present

ORANGE COUNTY GOVERNMENT, ORLANDO, FL
ORANGE COUNTY UTILITIES WATER DIVISION

Environmental Programs Administrator

Manage the water conservation team in the creation and dissemination of programs and information to help Orange County businesses and residents use public water more efficiently. Ensure the highest level of service is provided to the County and its citizens. Respond to and resolve internal and external customer concerns. Represent the water conservation section on behalf of the division manager with interactions with local, state, and federal regulatory agencies, public action groups, and County administration.

- Instrumental in creating new water conservation website—a resource center for our commercial and residential customers and a programming resource for teachers.
- Developed an “irrigation focus group” consisting for members of the business and environmental community to formalize irrigation best practices for Orange County.
- Partnered with local home improvement stores, professional nursery association, and the professional irrigation society to create “train-the-trainer” programs to better educate store employees who interact with garden centers and irrigation customers.

June 2003-June 2007

SUNSTYLE PROPERTIES, INC, ORLANDO, FL
LANDSCAPE CONSTRUCTION and INTERIOR LANDSCAPING

Business Owner

Founded a landscape design and interior landscape maintenance business. Responsible for staff selection, training and supervision, client relations and retention, daily operations, and business development.

- Developed several commercial accounts in Orlando and Tampa, primarily in interior landscaping.
- Designed and installed landscapes, niche and containers gardens for residential and commercial clients.

Oct 1999-Jun2003

CITY OF ORLANDO, ORLANDO, FL
ADMINISTRATIVE SERVICES DEPARTMENT

Capital Projects Manager

Coordinated, reviewed, analyzed and updated the City’s five-year capital improvement plan. Provided training and assistance to employees charged with preparation of the CIP requests.

- Compiled and provided request summaries to Management and Budget Director for formulation of the program with the Chief Administrative Officer—and ultimately for City Council approval.
- Coordinated the development of the Administrative Services Department’s Intranet web site. Assisted the seven bureaus in developing user-friendly web pages and worked with Technology Management to integrate this site with City Intranet.

Camille Reynolds
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Winter Park, FL 32789
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**PROFESSIONAL
EXPERIENCE (cont'd)**
Apr 1996-Oct 1999

CITY OF ORLANDO, ORLANDO, FL
CHIEF ADMINISTRATIVE OFFICE

Senior Aide to the Chief Administrative Officer

Performed administrative and professional work assisting the Mayor, Chief, and Deputy Chief Administrative Officers with issues of significant importance to City officials. Investigated citizen concerns and prepared correspondence and supporting documents for Mayor. Researched issues and developed recommendations to submit to executive management. Planned and implemented community-based special projects designed to enhance the City's community-building strategies:

- Served as City of Orlando's liaison for Census 2000. Worked with regional, State, and local community leaders, citizens and volunteers to promote the 2000 U.S. Census to Orlando residents. Developed partnerships to increase promotional efforts. Helped to create print and radio ads in Creole, English, Spanish and Vietnamese to supplement the materials provided by the Census Bureau. Assisted in developing creative, community-based promotional activities.
- Coordinated City of Orlando's 1997, 1998, and 1999 United Arts employee giving campaigns. **Recognized for increasing giving by over 30% in three years.**
- Organized City of Orlando's participation in the 1997 and 1998 Citrus Bowl Parades
- Coordinated 1996 City of Orlando Taste of Soul Festival and served as consultant, assisting the assigned non-profit agency with the 1997 Taste of Soul Festival.

CITY OF ORLANDO, ORLANDO, FL
HARRY P. LEU GARDENS

Oct 1990-Mar 1996

Horticulture Education Supervisor

Developed and implemented adult and children educational programs and established performance standards. Recruited and trained volunteers for the Garden Guide program, Gift Shop and Admissions operations. Planned and implemented in-service and customer service training for staff and volunteers. Prepared and submitted department budgets, quarterly reports and CIP budgets to Executive Director and managed budgets once approved. Managed the Gift Shop operations and supervised the Admissions staff and volunteers. Assisted in development of Garden operating procedures.

- Served as Interim Executive Director (1994) over daily operations while the Board and Deputy CAO conducted a nation-wide search.
- Assisted in increasing of the membership base by developing a wider variety and larger quantity of programs and courses—ultimately increasing the perceived value of Garden membership.
- Initiated internal communication procedures to increase customer service and developed customer service training program.

Camille Reynolds
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EDUCATION

UNIVERSITY OF FLORIDA, GAINESVILLE, FL

- **Masters degree**, 1989

OHIO UNIVERSITY, ATHENS, OH

- **Bachelor of Science degree**, 1985

BOARD POSITIONS

Feb 2004-Feb 2007

MACEDONIA MISSIONARY BAPTIST CHURCH, EATONVILLE, FL

BOARD OF TRUSTEES

Chairperson

Trustee Chair for 3000-member church with \$1.5 Million operating budget. Oversaw the procurement process, and budget development and administration. Developed policy and compliance guidelines, employee benefits package and oversaw the advancement of \$12 Million in construction projects. Accomplishments included:

- Spearheaded the \$400K renovation of the old sanctuary into a multipurpose fellowship hall.
- Led the effort to initiate and complete five years of financial audits, which put the church in the very positive position of having eight years of non-qualified audits.
- Revised the budget process to year-round participation by the Board's Budget Committee. This ultimately resulted in a reduction of operating expenses and an increase in funds available for reserves and advancement of necessary capital projects.

1998 – 2000

ORLANDO REGIONAL CHAMBER OF COMMERCE

Leadership Alumni Board of Directors

AFFILIATIONS

MINORITY AND WOMEN BUSINESS ALLIANCE

- Member 2003 – 2006

FLORIDA MINORITY SUPPLIER DEVELOPMENT COUNCIL

- Member 2003 – 2006

NATIONAL FORUM FOR BLACK PUBLIC ADMINISTRATORS (NFBPA)

- Mid-Florida Chapter, Member 1993 - 2003
- Publicity Chair for 1997 Florida State Conference—the national organization's first statewide conference.
- Chapter Treasurer, Jan. 1995 - May 1996

ORLANDO REGIONAL CHAMBER OF COMMERCE

- Leadership Alumni Board of Directors, 1998 – 2000
- Leadership Orlando Class 39 (January - August, 1997)

REFERENCES

- Available upon request

Hannibal Square Community Land Trust Inc.



Board/Advisory Nomination Form

Name Camille Reynolds	Name of Company Orange County Government—Utilities Dept.			Fiscal Year End: 9/30/2013	
Job Title Environmental Programs Administrator	Wk # (407) 254-9835		Best Method of Communication <input checked="" type="checkbox"/> Email <input type="checkbox"/> Phone		
Address 9150 Curry Ford Road	City Orlando	State FL	Zip Code 32825	# Years of Board Service:	Mailing Preference: <input type="checkbox"/> Office <input checked="" type="checkbox"/> Home
Mobile # (407) 579-3934	Fax		Email address: creynolds@sunstylepro.com		
Home Address 558 W. New England Avenue, # 301	City Winter Park	State FL	Zip Code 32789	Date of Birth 10/08/1962	

Area(s) of expertise (circle all that apply):

Accounting Law Personnel Marketing Government Finance Auditing Planning Investments Fundraising Development
Management Strategic Planning Banking & Trust Business/Corporate Grants & Proposal Writing Organizational Development
Administration Purchasing Technology Public Relations Economic Development Arts Sports Youth Development
Needs Assessments Training Staff Development Faith-based Entertainment Tutoring K-12 Literacy Programs Real Estate
Board Development Program Development Other _____

Personal Background Information

Have you ever been convicted of a felony, violent crimes or crimes involving children? ☒ No ☐ Yes, please explain below:

Race/Ethnic Origin: Black/Jamaican Gender: ☒ Female ☐ Male

Education: ☐ HS ☐ College Degree (specify area) ☐ Bus. Admin. ☒ Graduate Degree (area) Horticulture
☐ Continuing Education (Describe) _____

Other information/characteristics that may be important to our organization when making assignments: (i.e. Disability, Sexual Orientation, Religious Beliefs, Time Constraints, Conflict of Interest, etc.)

Other Past/Current Volunteer/Board Experience - Please list organization(s) and date(s) of service: Please see resume attached.

PLEASE ATTACH RESUME & EMAIL TO hscltinc@gmail.com or mail to PO Box 364 Winter Park, FL 32790

Applicant Signature Camille A. Reynolds Date 9/20/2012

Referred by Signature _____ Date _____



city commission city manager's report

item type City Manager's Report

meeting date November 12, 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
Electric Undergrounding Project	Utilities Advisory Board has completed the special meetings to consider various policy issues re: undergrounding. Work session scheduled for November 12 following the water/wastewater rate study (time permitting).	November 2012
Tree Preservation Ordinance	Tree forum was held on October 9 with attendance of 40 citizens. History of city tree ordinances was reviewed along with proposed Tree Ordinance & comparisons with current ordinance. Several citizens asked questions and expressed views on our tree regulation.	November 2012 – Ordinance on agenda for first reading.
City Hall Renovation	East wing and site work completed. West wing interior update underway. Anticipate completion by December.	December 2012
Lee Road Median Update	The landscape, irrigation, and traffic plan sheets are completed, signed, sealed and submitted by a Landscape Architect. Review period is 30 days.	Should have a response by from FDOT by November 20 th . Resolution regarding maintenance agreement scheduled for November.
Fairbanks Improvement Project	Contract has been awarded to Masci General Contractor, Inc. Meeting with Progress Energy to discuss impact of undergrounding power lines between 17-92 & I-4. Project website has been set up at www.cityofwinterpark.org/fairbanks	<u>Construction Project</u> <i>Notice to proceed issued to Contractor September 16th, 2012</i> <u>Communication Notices</u> <ul style="list-style-type: none">• Construction underway on Wymore and Salisbury. Contractor working on.• Contractor working on Fairbanks (night work).

Parking Study Alfond Inn	Consultant is about 75% complete on the study. Expect a draft in late October. Staff will be arranging meetings with the residents on Alexander Place, with Jim Campesi, owner/rep. for of the Villa Siena condos and the Rollins College to vet the proposals and recommendation. Expect the results to be ready for City Commission review in November.	November 2012
Tree Team Updates	The Tree Team continues to work on the Urban Forestry Management Plan. A tree condition analysis was completed and will be used to develop the UFMP. An overview of the UFMP will be presented at the November 26 meeting. Additional meetings and public input opportunities will also be scheduled.	November 2012
Wayfinding Signs	All non-FDOT wayfinding signs are installed. Permitting of the FDOT signs continues. Anticipate permitting to be completed by November 30 th .	November 2012
ULI Fairbanks Avenue TAP	The two-day workshop held at the Community Center on June 18th and 19th. A community meeting was held on September 26 to review the report. A report was submitted and next steps will be discussed with the Commission.	January 2013
Strategic Plan	An update will be provided on December 10.	December 2012
Post Office Discussions	Received letter from USPS on August 6, 2012 regarding right of first refusal. No action at this time.	
Organizational Support	Additional discussion on December 10, 2012.	December 2012
Utility Billing/Recurring credit cards	Install of upgrade to existing software postponed. New software is being considered. Go live is expected in February 2013.	November 2012
Back Yard Chicken Initiative	Briefly discussed at the October Keep Winter Park Beautiful and Sustainable Advisory Board meeting where information was distributed for the boards review. No action was taken. This will be on their November 8 th agenda for discussion and potential action.	November 2012

Progress Point site	The EDAB and P&Z Boards requested a workshop to discussion options for the Progress Point site. Planning and ED/CRA staff have planned a joint workshop of both boards. The workshop is scheduled for November 29, 2012 at 5:30 in the Welcome Center.	December 2012
Amtrak Station	Building construction out for bid. Groundbreaking scheduled for mid-January.	

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.



item type City Managers Report

meeting date November 12, 2012

Below is the status of development projects previously approved by the City Commission and others that may be of interest. There were many changes or updates on the last report on October 8th and not so many now but those are shown in blue.

There will be future projects to redevelop the two buildings at 140 and 200 N. Orlando Avenue (just north of Midas Muffler) for a new medical office and a new dining restaurant called the Carmel Cafe. That restaurant is owned by the same persons that developed the Outback chain. They have applied for their site development permit at 140 N. Orlando Avenue for the Carmel Cafe.

941 W. Morse Blvd.: CNL Building (former State Office building) – Demolition permit has been issued for the property. They have started the interior and exterior demolition and asbestos removal. The building permit was issued on November 2nd to Brassfield Gorrie for the building construction.

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276 S. Orlando Avenue: Italio Modern Italian Kitchen restaurant. Permits have been issued and construction has started. It is to be a 130 seat restaurant on the vacant parcel, just south of the Mt. Vernon Motel where the previous restaurant burned down about three years ago.

100 Perth Lane – Dr. Bruce Breit (Women’s Care Florida) and WP Hospital - Conditional Use approved by the City on January 23rd to a new construct 22,000 sq. ft. medical office. Building permit has now been issued.

326 S. Park Avenue – former Spice restaurant – The owners of the 310 S. Park Ave. restaurant have taken over the space and the interior construction and remodeling is on-going. It will be called “Blu on the Avenue” and they hope to be open in late-November.

434 W. Swoope Avenue – A ten unit townhouse project that received the zoning approval from the City Commission in February, 2012. They are now modifying the project to be nine units in order to improve the floor plans and marketability.

901 N. Orlando Avenue: Wawa Store – The FDEP issues have been resolved and Wawa has closed on the property. The building permits will be issued soon we are told.

665 N. Orlando Avenue: Olive Garden restaurant has applied for a \$200,000 interior remodel of the existing restaurant. They have had the city’s comments for 8+ weeks and seem in no hurry to respond and undertake this project, however there was an Orlando Sentinel article announcing this renovation program in multiple locations.

1150 S. Orlando Avenue: Redevelopment of the former paint store, just north of Einstein's – Permit issued and construction started on May 1st. The end result will be a 3,620 sq. ft. building with 30 parking spaces. Half of the space will be a Jersey's Mike's sub shop. [Shooting for an opening in November.](#)

200 E. Canton Avenue: Sestiere Santa Croce This is the former Rob Vega luxury condo (was to be 6 units) across from St. Margaret Mary. Permit has been issued to complete the exterior building shell/facade (Italian Venetian Mediterranean architecture). Permit issued for the first floor interior build-out which will be office space. Permit application is in for the second and third floors which will be a residence for the building owner. (Despite the rumors to the contrary it is not Paul McCartney)

600 N Orlando Avenue: Borders Books – Redevelopment approved by the City Commission on March 26th. The new Chase Bank is the linchpin to the project and the bank has a very long due diligence period which includes FDIC approval. All indications are that the project is moving ahead but the timing is not known.

Other info on the Street:

[Unicorp National Developments, Inc. has the Adventist Health Systems properties at 111 and 131 N. Orlando Avenue under contract. They held a neighborhood meeting with the adjacent residents of the Lake Killarney Condominiums on October 25th which went very well. The redevelopment plans will likely be on the P&Z/City Commission agendas in January.](#)

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[Ravaudage: Miller's Ale House closed on building pad on September 28th and obtained their building permit from Orange County. The developer has started work on utilities, infrastructure and parking lot associated with that project.](#)

[Atlantic Housing has the Denning Drive Apt. property under contract \(550 N. Denning behind the WP Village\) and has applied for Conditional Use approval for a four story 105 unit senior apartment project. This will be on the December P&Z and City Commission agendas.](#)

[ABC Liquors plans a new larger store at 401 N. Orlando Avenue which will be on the November 6th P&Z agenda and November 26th City Commission agenda.](#)

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For more information on these or other projects, please contact Jeff Briggs, Planning Director at jbriqgs@cityofwinterpark.org or at (407) 599-3440.

REGULAR MEETING OF THE CITY COMMISSION
October 22, 2012

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

The invocation was provided by Reverend Dean Patrick Powers, Knowles Chapel Rollins College, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
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

Members not present

Commissioner Steven Leary

Approval of the agenda

Motion made by Commissioner McMacken to accept the agenda; seconded by Commissioner Sprinkel and approved by acclamation with a 4-0 vote.

Mayor's Report

a. Proclamation - 2012 Week of the Family

Mayor Bradley proclaimed the week of October 27-November 3, 2012 as "Week of the Family." Debbie Pratt and Kerry Schwartz, representatives from Orange County's Week of the Family Committee accepted the proclamation.

b. Presentation - Employee of the Third Quarter 2012 - Gary Olson

Mayor Bradley recognized Gary Olson, Foreman in the Water & Wastewater Department as employee of the Third Quarter 2012 and thanked him for his hard work and dedication.

Mayor Bradley thanked staff for an outstanding job with planning and executing the City's 125th Anniversary event held last week that was truly memorable.

Commissioner McMacken said the Autumn Art Festival was a hit and thanked staff for their outstanding efforts.

City Manager's Report:

1. City Manager Knight provided an update on the utility billing software which allows for automatic draft payments. He said there was a glitch with our interim solution so the City put it out to bid for a permanent solution. The City is now looking at implementing by February 2013. Mayor Bradley requested that a flyer be included with the billing statements or listing the information on the City's website to keep residents notified. City Manager Knight acknowledged.

2. City Manager Knight noted that there seems to be some confusion in the motion that was made at the August 27, 2012 Commission meeting. During the budget process the Commission spoke about organizational support and the distribution of funds to outside organizations on a quarterly basis. The Commission then asked if the allowance included the CRA and the answer was no. However, the actual list that was approved in the motion included the CRA items, specifically the Welbourne Day Nursery and Crealde School of Art which operates the Heritage Center. Staff believes it was the Commission's intent to not include those and asked for clarification.

Following a brief discussion, a majority of the Commission agreed that there was a difference of opinion regarding the intent of the motion. City Manager Knight was asked to calendar this item for the November 12 meeting for further discussion/action.

3. City Manager Knight responded to questions including a cost benefit analysis to be performed regarding the service fees that credit card companies charge for utility payment transactions. City Manager Knight explained that an analysis has been performed and that it will possibly cost the City \$70,000 and asked for direction. A majority of the Commission agreed for City Manager Knight to send the analysis information to them for consideration.

City Manager Knight announced future agenda items. Mayor Bradley requested that an email be sent to them regarding the upcoming meeting dates and topics.

City Attorney's Report

Attorney Brown requested to schedule an executive session to discuss the recently filed Bell lawsuit pertaining to the picketing ordinance. Upon further discussion a majority of the Commission agreed for Attorney Brown to contact each of them via telephone for briefing since no decision needs to be made.

Attorney Brown advised that he will be sending City Manager Knight an evaluation instrument that is used by Osceola County School Board for City Attorney services should they wish to use it.

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of 10/8/2012.
- b. Approve the budget adjustment to appropriate accumulated restricted building permit revenues to purchase software to improve the efficiency of the permit issuance and payment processes (Sungard HTE). – **PULLED FOR DISCUSSION, SEE BELOW**
- c. Approve PR 150493 to Brown & Brown of Florida, Inc. for Insurance Agent of Record (RFP-13-2012)
- d. Close City Hall the entire day on Monday, December 24, 2012 (Christmas Eve) and cancel the Commission meeting.

Motion made by Commissioner McMacken to approve Consent Agenda items 'a', 'c' and 'd'; seconded by Commissioner Sprinkel and carried unanimously with a 4-0 vote.

Consent Agenda Item 'b' - Approve the budget adjustment to appropriate accumulated restricted building permit revenues to purchase software to improve the efficiency of the permit issuance and payment processes.

Mayor Bradley inquired as to the cost of services and if it is advantageous to make this purchase. City Manager Knight addressed the question and concern.

Motion made by Mayor Bradley to approve Consent Agenda item 'b'; seconded by Commissioner McMacken and approved by acclamation with a 4-0 vote.

Action Items Requiring Discussion

- a. Mead Botanical Garden lease and operational agreement

Parks and Recreation Director John Holland explained that it is the request of Mead Botanical Garden, Inc. (MBG) to formally establish their affiliation with the City with a lease agreement of property, buildings and amenities in the Garden. Mr. Holland elaborated on the contents within the agreement and explained the process they followed to get to where they currently are. He spoke about the many volunteers that work there in the gardens. In conclusion, he agreed with moving forward with this agreement.

Questions were asked by the Commissioners regarding insurance coverage whereby City Manager Knight responded. Other questions were brought forward for clarification. Attorney Brown explained the length of the agreement to be 10 years

with 10 year options to renew which can be terminated if they do not fulfill their obligation. Discussion ensued whether to include an opt out clause and whether it should be longer than 90 days. Fundraising efforts by the Friends of Mead Garden were addressed.

The need to clarify the need for the City to have a sitting member on the Board of Directors was discussed. Attorney Brown inquired as to the specific language that should be added and if the person designated should have voting rights on the board. Upon discussion, Mayor Bradley suggested that the member be designated by the City Commission and that be either the Parks and Recreation Director, the City Manager or the Assistant City Manager.

Area 2 was discussed and whether a lease should exist for that portion at this time. Parks Director Holland pointed out that there is no advantage to them having that at this point as there are no operational activities planned in Area 2. He stated this would come back as an addendum if they begin to operate or have any control over Area 2. He stated it was a matter of simplification to include the entire park in the lease as potential operations.

Questions continued regarding the revenues and if those follow the lease or the operations and maintenance; and how Mead Garden will be maintained and who will maintain it. Mr. Holland clarified.

Commissioner Cooper shared her concerns regarding the initial term of 10 years and the four 10 year extensions and that Mead Garden has the option to extend but the City does not have that option. Attorney Brown clarified he is putting language into the lease regarding this.

Commissioner Cooper explained her concern regarding the number of Florida Sympathy Youth Orchestra events held in the park that does not pay user fees; she appreciated their \$250,000 donation but was concerned with the lost revenue over the 50 year period. It was clarified that they are limited to 6 events a year.

Commissioner Cooper explained her concern with closing off any access to Mead Garden particularly the walking paths and the access from Winter Park Road. She stated it is important to the citizens that the Winter Park Road access remain open, that there be no entry fees into the park, and can bring their leashed dogs on the walking paths. She addressed the need to define what a public area is within the lease. She disagreed with the exceptions specified in the agreement regarding closure of the park and wanted those removed from the agreement. Discussion ensued regarding the current policy for closing the park for special events. Attorney Brown explained that the City will be able to opt out with a 6 month notice if necessary.

Commissioner Cooper expressed concerns with the Garden Club parking and asked for reassurance that their parking will continue. Discussion ensued regarding this

issue and whether or not this should be part of this lease. The line drawn on Exhibit A concerning the Garden Club being excluded from this lease was addressed. Upon discussion, there was a consensus to exclude all the parking areas which would resolve this issue. Mayor Bradley advocated that the center swatch on Exhibit A be leased to neither party. It was clarified that the parking access will continue but there will no longer be an Area 1 or Area 2.

Upon questioning by Commissioner Cooper regarding if the finances (\$100,000 operational investment, \$100,000 worth of capital investment, and \$100,000 City staffing maintenance investment in the park) will continue, Mr. Blydenburgh commented they are anticipating the continuation of these until they become free standing. There was further discussion regarding the continuation of the funding. She expressed concerns with sharing of the revenues and that the City should share in those revenues after the financial responsibility of the City is lifted.

Motion made by Mayor Bradley to accept the lease agreement as amended with the following amendments: that there be a mutual agreement option for six months without cause for both parties and/or something less than that on mutual consent; that the new organization has a board seat available for a City designee as designated by the City Commission; and that the pink line drawn in Amendment A be drawn north of the current parking and north of the current road; seconded by Commissioner McMacken.

Motion amended by Commissioner Cooper that language be added requiring that the Winter Park Road entrance gate remain open to the public and free of charge and that leashed dogs continue to be allowed on the walking paths. Motion failed for lack of a second.

Jeffrey Blydenburgh, 204 Genius Drive, spoke in favor of the request and thanked the City for their continued support. He highly recommended Parks Director John Holland to be a member on their Board and thanked him for his hard work.

Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.

Public Comments

1. Peter Schreyer, Crealde School of Art, spoke in favor of contributions to local organizations.
2. Patrick Chapin, President of the Winter Park Chamber of Commerce, recognized staffs outstanding effort regarding the City's 125th anniversary celebration, the Autumn Art Festival and the Peacock Ball.

3. Barbara Chandler, Hannibal Square Heritage Center, spoke about the numerous programs held at the center involving the community and urged the Commission to continue the funding to outside organizations.

4. Jacqueline Johnson, 1217 Harding Street, spoke in favor of the good work that the Hannibal Square Heritage Center does for the local community.

A recess was taken from 5:45 p.m. to 6:08 p.m.

b. Denning Drive corridor study

Public Works Director Troy Attaway provided a PowerPoint presentation which showed potential bicycle lanes/paths, pedestrian crossings, traffic volumes, traffic flow improvements, intersection turn lanes and missing sidewalks.

Mr. Attaway explained that this presentation was given to the Winter Park Health Foundation and they were asked if they had interest in funding a study estimated to cost \$40,000 and to see if they would be interested in partnering support for pedestrian and bicycling improvements. He asked that the Commission accept the funding and authorize the corridor study if approved for funding by the Winter Park Health Foundation.

Discussion ensued regarding the scope, whether a consultant is needed, if this should be applied more globally versus only applying this to Denning Drive, and the need for a construction cost estimate prior to authorizing a study. Commissioner Cooper preferred studying 17-92 instead of Denning Drive.

Mr. Attaway addressed his preference that a consultant performs the study. Concerns were brought forward with conducting this study without knowing how the City would pay for the suggested improvements. A majority of the Commission agreed for Mr. Attaway to work with City Manager Knight to further define any alternatives and to bring back more information.

c. City Manager evaluation

Mayor Bradley and Commissioner McMacken noted that his scores speak for themselves.

Motion made by Mayor Bradley that based on his evaluation that Mr. Knight receives a 2.5% merit increase effective October 22, 2012 continuing for the next year; seconded by Commissioner Cooper. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.

d. Strategic Plan

City Manager Knight addressed the document that incorporated the decisions made by the Commission in April 2012. He spoke about items listed that did not come out of the strategic planning workday but were areas that staff believed to be missing when they reviewed it. He stated that any items the Commission does not believe belongs on the list can be removed. Mr. Knight noted that no official adoption was given by the Commission.

Commissioner Cooper spoke about pensions and defined benefit plans. Commissioner Sprinkel wanted to list everything the City does and to measure those things. Following a brief discussion on whether or not they should add or delete items that are currently listed in the strategic plan document, there was a consensus of the entire Commission to make the document presented linear for now and at some point determine how everything works together and spend more time on honing of the numbers and less time on how it graphically gets illustrated. City Manager Knight was instructed to put this on future meeting agendas to update the Commissioners as to the progress made on the plan.

Public Hearings

- a. RESOLUTION NO. 2113-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RESCINDING THE DEVELOPMENT AGREEMENT FOR 821 AND 830 WEST SWOOPE AVENUE

Planning Director Jeff Briggs explained in the staff report that the City and the Patmos Chapel of the Southern Conference of Seventh Day Adventist Church entered into a Development Agreement on March 22, 1994 concerning properties at 821 and 830 West Swoope Avenue. At that time in 1994, Patmos Chapel was planning to expand their sanctuary and desired to use off-site parking across the street from the church. The City was concerned about night lighting and overnight parking for the off-site parking lot adversely affecting adjacent residential properties so conditions on the use of the parking lot and lighting were approved and recorded in the Public Records via a Development Agreement.

Instead, the Patmos Chapel acquired land for parking behind their church which allowed them to do the sanctuary expansion with all their parking on-site. This off-site land was then sold off and the Patmos Chapel no longer owns this property. Thus the Development Agreement is null and void. However, it is still recorded in the Public records and is a 'title' issue that needs to be resolved by rescinding and terminating that Development Agreement. Attorney Brown read the resolution by title.

Motion made by Mayor Bradley to adopt the resolution; seconded by Commissioner Sprinkel. Commissioner McMacken asked that a map(s) be

included in these types of requests as well as the applicants name or all associated parties involved. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

b. Request of Wawa:

- AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA PARTIALLY VACATING AND ABANDONING THE EASEMENT LOCATED AT 901 NORTH ORLANDO AVENUE, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE First reading
- AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 911 NORTH ORLANDO AVENUE, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE First reading

Attorney Brown read both ordinances by title. Assistant Electric Director Terry Hotard explained that both easements were granted to Florida Power in 1965-66 pertaining to properties that were in existence at that time but no longer exist.

Motion made by Mayor Bradley to accept the first ordinance (901 North Orlando Avenue) on first reading; seconded by Commissioner McMacken. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

Motion made by Mayor Bradley to accept the second ordinance (911 North Orlando Avenue) on first reading; seconded by Commissioner Sprinkel. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

c. Request of Michael Collard Properties, Inc.:

This item was withdrawn by the applicant.

City Commission Reports:

- a. Commissioner Leary – not present.
- b. Commissioner Sprinkel

Commissioner Sprinkel asked Commissioner Cooper to elaborate on a comment made regarding a walking path for Rollins College at Interlachen. City Manager Knight stated this has not been presented to staff at this point.

c. Commissioner Cooper

Commissioner Cooper addressed the "rumor" she heard concerning the walkway for Rollins at Interlachen. Commissioner Cooper asked about the billboard on Killarney (17-92 across from the Winter Park Village) as discussed briefly in her recent coffee talk session. Planning Director Jeff Briggs said the billboard was always there but now it is digital which was previously approved by the Commission. She mentioned that she attended the Harriet Lake Fashion Show and she was very impressed. She attended Rev. Dawkins 25th ministerial anniversary event at Warner Chapel. She stated that she attended the Roll and Stroll event past weekend. Commissioner Cooper also mentioned the League of Cities resolution noting our 125th anniversary.

d. Commissioner McMacken

Commissioner McMacken addressed the last two weeks having been great with all the City events.

e. Mayor Bradley

Mayor Bradley stated he wants to get the rebuild of the Amtrak station moving. He asked for a timeline on the construction schedule. City Manager Knight stated he will include that in the City Manager's Report.

The meeting adjourned at 7:15 p.m.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham



city commission agenda item

item type	Consent Agenda	meeting date	November 12, 2012
prepared by department division	Purchasing Division	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	

Purchases over \$50,000

	vendor	item background	fiscal impact	motion recommendation
1.	CDW-G	Purchase of mobile data terminals, docking stations and other accessories.	Federal forfeiture funds will be used for this purchase. Amount: \$191,062.00	Commission approve purchase of mobile data terminals, docking stations and other accessories from CDW-G
The City will utilize Federal forfeiture funds for this purchase. Pricing is based on the National IPA Contract #083052-01				
2.	Wal-Rose, Inc.	Blanket Purchase Order for Water and Sewer main extensions	Funding for this project will come from the Utilities Impact Fee account Amount: \$334,560.00	Commission approve blanket purchase order to Wal-Rose, Inc. for Water and Sewer main extensions.
Services were competitively bid by a third party.				

Piggyback contracts

	vendor	item background	fiscal impact	motion recommendation
3.	Layne Inliner, LLC	Piggyback the City of Orlando contract for Sewer Line Rehabilitation Cleaning & Video Recording (BI09-2570)	Total expenditure included in approved FY13 budget. Amount: \$600,000	Commission approve piggybacking the City of Orlando contract with Layne Inliner, LLC, approved Blanket Purchase Order and authorize the Mayor to execute the Piggyback Contract
The City of Orlando utilized a competitive bidding process to award this contract. The City Commission authorized piggybacking this contract on July 25, 2011. The City of Orlando has exercised a renewal option through November 25, 2013.				

Piggyback contracts

	vendor	item background	fiscal impact	motion recommendation
4.	HD Supply Waterworks, Ltd.	Piggyback the Orlando Utilities Commission (OUC) contract for Water/Wastewater Materials (895-OQ)	Total expenditure included in approved FY13 budget. Amount: \$500,000	Commission approve piggybacking the OUC with HD Supply Waterworks, Ltd. and authorize the Mayor to execute the Piggyback Contract
Orlando Utilities Commission utilized a competitive bidding process to award this contract. The contract was awarded in 2002 for an initial term of three (3) years with options to renew on an annual basis not to exceed ten (10) years total. The current contract term will expire on August 31, 2013. On an annual basis prices as well as other performance measures are evaluated. Price changes (increases and decreases) are negotiated based on things such as market conditions, value added services provided, meeting of goals and changes to the Consumer Price Index (CPI). This alliance contract has allowed members to realize a price savings based on volume discounts, materials standardization, aggregation, aggregation and other efficiencies achieved through this contract.				

Formal Solicitations

	vendor	item background	fiscal impact	motion recommendation
5.	Ace Home and Supply Company	IFB-1-2013 Purchase of PVC & HDPE Pipe (award of 6" and 8" PVC Pipe)	Total expenditure included in approved FY13 budget. Amount: \$88,950.	Commission approve award to Ace Home Supply Company, approve subsequent Purchase Orders, and authorize the Mayor to execute the Contract.
The City utilized a competitive bidding process to award this contract. The City will realize a cost savings in excess of \$12,000 by splitting the award (by category) between two bidders.				
6.	HD Supply Waterworks	IFB-1-2013 Purchase of PVC & HDPE Pipe (award of 6" and 8" HDPE Pipe)	Total expenditure included in approved FY13 budget. Amount: \$58,200.	Commission approve award to HD Supply Waterworks, approve subsequent Purchase Orders, and authorize the Mayor to execute the Contract.
The City utilized a competitive bidding process to award this contract. The City will realize a cost savings in excess of \$12,000 by splitting the award (by category) between two bidders.				



city commission agenda item

item type	Consent Agenda	meeting date	November 12, 2012
prepared by	John Holland	approved by	<input checked="" type="checkbox"/> City Manager
department	Parks and Recreation		<input type="checkbox"/> City Attorney
division	Administration		<input type="checkbox"/> N/A
board approval	Parks and Recreation Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	8 - 0 final vote

subject

Radio Disney "NBT On Tour" Concert in Central Park

motion | recommendation

Staff recommends City Commission approval of the Radio Disney "NBT (Next Big Thing) On Tour Concert event in Central Park on September 21th, 2013, the partnering with the City of Winter Park as a marketing and promotional sponsor and their request for waiving of the \$2,750 Park Fee.

background

Radio Disney contacted the Parks and Recreation Department with a proposal to partner with the City to host a Radio Disney "NBT On Tour" Concert in Central Park. The event would include two scheduled on-stage shows with named Disney performing artists and one public meet and greet. The Title Event Sponsor is Florida Hospital For Children and the event would include up to 15 additional sponsors with tents and booths for information distribution to the public.

The Parks and Recreation Board heard the request for approval during the August 22, 2012 Board meeting and unanimously approved the event for Central Park. It is the ongoing policy of the Parks and Recreation Department and Advisory Board not to consider or grant waivers for weekend events. Therefore, the request for the City's partnering and the waiving of the Central Park use fee is being brought before the City Commission for consideration.

alternatives | other considerations

There were no other venues in Winter Park that were of interest to Radio Disney for this event.

fiscal impact

The potential positive fiscal impact to the downtown/Park Avenue area could be substantial. This is a family friendly event and will attract several thousand visitors to the Central Park shopping and historic district. The fee waiver would impact the Parks and Recreation Department's Central Park revenue fund by \$2,750. Last year's Central Park revenue totaled \$26,577.00.

long-term impact

The long-term impact of this event would be reflected in the long list of successful, family oriented and community based programs, concerts and events provided by the City of Winter Park for its residents.

strategic objective

Quality Economic Development.

g) Radio N.B. T. On Tour Concert – Central Park 2013

Promotions Manager Kimberly Munoz explained that Radio Disney would like to host an N.B.T. On Tour Concert in Central Park on Saturday, September 21st, 2013 from 4:00 p.m. – 8:00 p.m. for their On Tour Concert powered by Florida Hospital for Children. She also requested that the park rental fee of \$2,750 be waived. Mr. Holland commented that they have met with the Communications Department and they are in favor of partnering with Radio Disney and the fee could be waived. Ms. Munoz answered questions.

Motion made by Fred Jones to approve the concept of the event and not to waive the fee, and recommend that be taken to the City Commission, if they want to partner with Radio Disney; seconded by Woody Woodall. The motion carried unanimously with a 8-0 vote.

Johnny Miller

From: Munoz, Kimberly R. <Kimberly.R.Munoz@disney.com>
Sent: Wednesday, July 25, 2012 9:00 AM
To: Johnny Miller; John Holland; Craig M. O'Neil
Subject: RE: Radio Disney N.B.T. On Tour Concert in Winter Park 2013

Good morning,

I am following up to confirm that we would like to move forward with securing Saturday, September 21st, 2013 4:00 – 8:00 PM as the date and time for our N.B.T. On Tour Concert Powered by Florida Hospital for Children. Please let me know if you have any questions or if there is anything else you need from me in order to proceed with putting us on the schedule for the Parks Board's August meeting.

Thank you for all of your help and I look forward to working with you all over the next year!

Warm regards,

Kimberly Munoz | Promotions Manager – Radio Disney Orlando AM 990
407/566-2033 x 226 (o) | 407/566-2034 (f) | 407/592-9892 (c) | kimberly.r.munoz@disney.com



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From: Munoz, Kimberly R.
Sent: Thursday, July 19, 2012 1:42 PM
To: 'jmiller@cityofwinterpark.org'; John Holland (jholland@cityofwinterpark.org); Craig O'Neil (coneil@cityofwinterpark.org)
Subject: Radio Disney N.B.T. On Tour Concert in Winter Park 2013

Good afternoon,

Thank you all for making time to meet with me this week. It was a pleasure, John, to meet you for the first time. Craig and Johnny, it was wonderful to see you both again. I'm very excited about the prospect of working together in 2013 and beyond.

I had hoped to know before the end of this week we'd like to move forward with. Unfortunately, I am still waiting on confirmation from Florida Hospital for Children. I did want to provide you what I have so far as I promised to email you bullet points this week.

- Radio Disney would like to host an N.B.T. On Tour Concert in Central Park
- Dates: Saturday, September 21st, 2013 or Saturday, September 28th, 2013
- Time: 4:00 – 8:00 PM
- Anticipated attendance: 3,500
- Title Sponsor: Florida Hospital for Children
- Event will most likely include 2 sets by the same artist & 1 public meet & greet
- Radio Disney to pay for sound and lighting equipment for stage
- Radio Disney would have title sponsor as well as other sponsors (up to 15 total) set up with tents/booths throughout park to interact with audience through distribution of print materials, coupons, etc.
- Radio Disney to provide additional on-stage entertainment in the form of interactive games and dances for the entire family
- Radio Disney to cover the cost of City Staff, EMT, security and port-o-lets as necessary
- Radio Disney would ask for the park rental fee of \$2,750 to be waived
- Radio Disney would include City of Winter Park as a sponsor of event in all marketing and promotional materials

N.B.T (Next Big Thing) is an annual talent contest hosted by Radio Disney. Below is a press release with information about N.B.T. and our Season 5 contestants.

I will be in touch as soon as I have confirmation of our preferred date. Please let me know if you have any questions or if there is anything else you feel you will need from me in order to approach the Parks Board with Radio Disney's request.

Warm regards,
Kimberly

June 21, 2012

**FIFTH SEASON OF POPULAR MUSICAL TALENT COMPETITION,
RADIO DISNEY'S "N.B.T.," HITS HIGHER OCTAVE,
WINNER TO PERFORM ON HIT DISNEY CHANNEL SERIES "AUSTIN & ALLY"**

**--Artists to be Introduced at Three-Night Showcase
at Walt Disney World Resort, June 22-24--**

**--Invisalign Teen Returns as Sponsor of Multi-Market "N.B.T. On Tour" Concerts
Kicking Off July 1 in Chicago--**

The popular musical talent competition for young artists, Radio Disney's "N.B.T." (Next BIG Thing), hits a higher octave in its fifth season beginning in the fall. This season's winner will perform on the hit Disney Channel series "Austin & Ally," have a single released by Disney Music Group and be the opening act for popular Radio Disney recording artists at the "N.B.T." finale concert this year in Los Angeles. Radio Disney and Disney Channel audiences will determine the winner when they are invited to look, listen and vote for their favorite artist.

Radio Disney will introduce its season five "N.B.T." artists at the first-ever three-night showcase at Disney's Hollywood Studios at Walt Disney World Resort from **FRIDAY, JUNE 22 – SUNDAY, JUNE 24 (8:00 P.M., ET)**. The showcase, hosted by Radio Disney on-air personality and "N.B.T." host Jake Whetter, will feature all of the season five artists, giving fans a taste of their varied musical styles. Season four "N.B.T." winner Shealeigh and runner-up Zack Montana will also take the stage for headline performances.

"This season's showcase event at Walt Disney World Resort and the integration with Disney Channel's 'Austin & Ally' exemplify our efforts to continuously expand 'N.B.T.,' providing our audience with an enhanced experience each season and delivering increased exposure for our young artists," said Phil Guerini, Vice President and General Manager, Radio Disney.

Kicking off July 1 at Chicago's Taste of Joliet, "N.B.T. On Tour" powered by Invisalign Teen is a multi-market concert tour featuring season five "N.B.T." artists, "N.B.T." alumni and popular Radio Disney artists. "Austin & Ally" stars Ross Lynch and Laura Marano are expected to make guest appearances throughout the tour, which will stop in more than 15 cities including Los Angeles, Chicago, Dallas, Atlanta, Sacramento and Seattle. Invisalign Teen will also sponsor the multiplatform competition on Radio Disney and Disney Channel.

"We are thrilled to come back for a second year as title sponsor of Radio Disney's 'NBT On Tour,' and look forward to engaging with fans and their parents about Invisalign Teen," said Thomas M. Prescott, president and CEO of Align Technology (Invisalign). "One of the keys to a successful performance is exuding confidence, and Invisalign Teen is a modern choice for

straightening teeth that can help kids feel more confident as they pursue their dreams – no matter what their passion may be."

"Holding auditions in various cities this year helped us select a talented lineup of artists that represent a mix of musical styles from rockabilly to R&B and acoustic pop," said Kelly Edwards, Executive Director, Music and Programming, Radio Disney. She added, "In addition to hearing new music from five great artists, fans will also fall in love with their charismatic and dynamic personalities."

This year's artists, ages 12-17, are:

Chloe and Halle Bailey 13-year-old and 12-year-old (respectively) sister R&B singers and actresses from Atlanta, Georgia

Damian Otchere 16-year-old pop and R&B singer, dancer and actor originally from Brooklyn, New York, currently residing in East Orange, New Jersey

Elle Winter 13-year-old pop singer, songwriter and actress from New York, New York

Jack Skuller 16-year-old rockabilly singer and songwriter from Hoboken, New Jersey

Katherine Hughes 17-year-old acoustic pop singer and actress from New York, New York

"N.B.T.," a daily multiplatform competition that launched the careers of Hollywood Records recording artist and Disney Channel star Coco Jones ("Let It Shine"), as well as Kicking Daisies, Shealeigh and Allstar Weekend, puts the spotlight on aspiring young recording artists and provides them with the chance to showcase their music across national broadcast and online platforms. Over the course of 10 weeks, Radio Disney and Disney Channel audiences will be invited to look, listen and vote for their favorite artist via multiple entry points including RadioDisney.com and by texting* "NBT" to DISNEY (347639).

Radio Disney is the #1, 24-hour radio network devoted to kids, tweens and families. Kids help pick the music that is played and are encouraged to interact via a toll-free phone line to the Radio Disney studio. The network's current playlist, driven by listener requests and representing major record labels, includes recording artists Selena Gomez, Justin Bieber, One Direction, Taylor Swift, Katy Perry, Cody Simpson, Mindless Behavior and Adele. The network is available on 31 owned terrestrial radio stations and is also available via RadioDisney.com, Sirius XM satellite radio on channel 79, iTunes Radio Tuner, mobile phones, the Radio Disney iPhone and Android Apps, and the Radio Disney Facebook page.

Adults and teens now have a modern choice for straightening their teeth. No more wires and brackets required – Invisalign is the clear alternative to metal braces that uses a series of virtually invisible and removable aligners that gradually move teeth over time. The benefits include: no food restrictions, little interference with sports or other activities, and teeth get straightened without most people knowing they are in treatment. Learn more and find a preferred provider at www.invisalignteen.com. Invisalign Teen is designed, manufactured and marketed by Align Technology, Inc. (ALGN), the leader in clear aligner therapy. Align Technology was founded in March 1997 and received FDA clearance to market Invisalign in 1998.

**Msg. & data rates may apply. Kids under 18 must get parent's permission first.*

Press Contact:
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818-569-5929

Dana Green
Dana.Green@disney.com
818-955-7446

-- Radio Disney --

Kimberly Munoz | Promotions Manager – Radio Disney Orlando AM 990
407/566-2033 x 226 (o) | 407/566-2034 (f) | 407/592-9892 (c) | kimberly.r.munoz@disney.com



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city commission agenda item

item type	Consent Agenda	meeting date	November 12, 2012
prepared by department division	John Holland Parks and Recreation Administration	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> N/A
board approval	Parks and Recreation Advisory Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-0 final vote

subject

Request by the Winter Park Sports Hall of Fame to be placed on the "City Annual Events" list.

motion | recommendation

City Commission approval is required for the Winter Park Sports Hall of Fame organization to be placed on the list of annual city events and receive a waiver of rental fees for their Annual Hall of Fame Induction Ceremony and Awards Banquet.

background

The Winter Park Sports Hall of Fame is a non-profit organization that recognizes and preserves the history of the Winter Park High School athletes and coaches. Their annual banquet is usually held in one of the city rental venues, the Farmers Market, Winter Park Community Center or the Civic Center.

A number of years ago the fees were waived for the event by Mayor Hotard and the City Commission. In January of 2009, the City Commission proposed a revised list of City Annual Events (see attached list) and for unknown reasons the Winter Park Sports Hall of Fame Induction Banquet was not on the list.

During the past several years the organization has rented and paid for the city facilities for their banquet. The attached letter is requesting consideration of the City Commission for again placement of the Banquet on the "City Annual Events" list.

The request for inclusion on the "City Annual Events" list was made before the Parks and Recreation Advisory Board on January 25, 2012 and was approved by a unanimous vote of 6-0.

alternatives | other considerations

The City Commission may select to:

1. Approve the request for adding the event to the approved list of "City Annual Events".
2. Take no action or deny the request.
3. Approve a waiver for this year's event and or future events.
4. Approve a partial waiver for this year's event and or future events.

fiscal impact

long-term impact

If the request is approved there would be a continuing yearly impact of the fee waiver resulting in a loss of department revenue.

The Winter Park Community Center is currently reserved for this year's Annual Hall of Fame Induction Banquet for November 17th at a rental rate of \$840.

strategic objective

Quality economic development



— WINTER PARK SPORTS HALL OF FAME —

To The Winter Park City Commission:

We are writing you on behalf of the Winter Park Sports Hall of Fame. The Winter Park Sports Hall of Fame is a non-profit organization operating for more than 15 years with the idea of preserving the history of Winter Park High School sports. The organization was the concept of long-time Winter Park High School coach, Bob Mosher. Coach Mosher was inspired to create an organization that would forever recognize the long lasting legacy of Winter Park High School's incredible athletes, coaches and contributors.

In 1995, the Winter Park Sports Hall of Fame was officially founded and the first induction class of eight athletes, one coach and one contributor were honored at an awards banquet in November. In subsequent years, the WP Sports Hall of Fame has endeavored to follow the original purpose and mission of founder Bob Mosher. The purpose of which is to promote and encourage an appreciation and enthusiasm for Winter Park High School sports programs, past and present. Its mission to foster fellowship and camaraderie among past and present WPHS athletes, coaches and contributors by bringing them together each year for a Hall of Fame induction ceremony and awards banquet.

This letter is a request for the commission to waive the rental fee at the WP Community Center for our annual banquet. This request had been granted to the organization from former Mayor Hotard and it's our hope that the commission might continue with this generous gesture.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rob Robison".

Rob Robison

WPSHOF, Treasurer

A handwritten signature in dark ink, appearing to read "Johnny Miller".

Johnny Miller

WPSHOF, Chairman

e) Winter Park High School Sports– Winter Park Sports Hall of Fame

Mr. Moore explained that the Winter Park Sports Hall of Fame is a non-profit organization that has operated for more than 15 years with the idea of preserving the history of Winter Park High School sports. Their purpose and mission is to promote and encourage an appreciation and enthusiasm for Winter Park High School sports programs, past and present, and each year they have a Hall of Fame induction ceremony and awards banquet. He stated that the Winter Park Sports Hall of Fame is requesting that they be placed on the annual rate adjustment list for fee waived events.

Motion made by Frederick Jones to recommend that the Winter Park Sports Hall of Fame be placed on the annual rate adjustment list; seconded by Joel Roberts. The motion carried unanimously with a 6-0 vote. Michael Palumbo and Marni Spence were absent.



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
Welborne 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
Morse Foundation	Annual Tiffany Window Display – Central Park
Heritage Festival – CRA	Annual Festival – Community Center, Shady Park
Winter Park Historical Society	Annual Peacock Ball – Civic Center
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
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	Consent Agenda	meeting date	November 12, 2012
prepared by	Wes Hamil	approved by	<input checked="" type="checkbox"/> City Manager
department	Finance		<input type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		
			final vote

subject

RFP-15-2012 Utility Services Electronic Bill Presentment and Payment

motion | recommendation

Approve award to Payment Service Network, Inc. (PSN) and authorize the Mayor to execute the Contract.

background

In an effort to enhance utility customer service in general and reduce phone call hold times in particular, staff solicited proposals to deliver a full spectrum of streamlined billing, payment and web services, allowing our customers to choose the invoicing and payment channels that work best for them. The City received four proposals and heard oral presentations from the top three ranked vendors.

PSN was ranked number one after the oral presentations to the Selection Committee. Some of the enhanced service options offered by PSN include recurring payments by credit card or e-check; access to consumption, billing and payment history; the addition of Discover as a credit card option; e-mail and text notifications of utility bills and delinquency notices; payment by smart phone or iPad; e-bills that include a complete utility bill identical to the paper bill; and customers facing disconnection for non-payment would be permitted to pay their bill over the phone when they receive a call notification of delinquency.

We currently send e-bills to about 1,600 customers. They are highly summarized and many customers discontinue the e-bill service once they receive their first bill. Staff currently e-mails about 60 bills to e-bill customers each month so they can have an exact replica of their bill. This is a time consuming and inefficient way to get customers the bill they need on an electronic basis.

Implementation of the proposed system from PSN is projected to have a net cost of \$38,300. This net cost is primarily due to the elimination of the \$3.00 convenience fee the City charges on non-face to face credit card payments. Staff proposes to pay for this net cost by freezing an open customer service representative position which will save \$38,350 on an annual basis. Also, if we can convince 15% of our customers to utilize the enhanced e-bill option we will save an additional \$24,000 on an annual basis. This will also greatly reduce the amount of paper used in the billing process.

If the PSN system does not reduce phone call hold times to an acceptable level we will discontinue the system at a contract termination point and fill the open customer service representative position.

alternatives | other considerations

Continue using the current systems for e-mailing bills to customers and processing credit card payments from customers. We would still be able to offer automatic recurring credit card payments to customers however, there would also be an additional cost (cost information has been requested but is not currently available) to offer this service. The e-bill statements would continue to be highly summarized and we would need to fill an open customer service representative position in order to reduce call hold times to a more acceptable level.

fiscal impact

See background above

long-term impact

Enhanced customer service and net savings to the City

strategic objective

Quality government services and financial security



city commission agenda item

item type	Consent Agenda	meeting date	November 12, 2012
prepared by department division	David Zusi W & WW Utilities Administration	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A final vote		

subject

Interlocal Agreement Between the Cities of Altamonte Springs, Maitland and Winter Park Related to Wholesale Sewer Utility Improvements Associated with the Gateway Drive Extension Project.

motion | recommendation

Recommend City Commission approve and authorize the Mayor/City Manager to sign the attached Interlocal Agreement for the construction and cost sharing of sewer utility improvements related to the Gateway Drive roadway extension.

background

Maitland and Winter Park share sewer infrastructure used to transmit wastewater to the Altamonte Springs Regional Water Reclamation Facility on Keller Road. Altamonte Springs is constructing a new road known as Gateway Drive that will require the relocation of our joint facilities. This interlocal agreement will allow the roadway contractor to make the utility relocations and upgrades and be reimbursed by the City of Maitland and City of Winter Park for their respective shares. Altamonte Springs is paying the mobilization costs for the roadway contractor and for a portion of the sewer work that extends into the treatment plant. As a result, the cost to Winter Park will be significantly lower than it would be if we bid the project separately. In addition, the fast tract schedule of the road work will be accommodated by the joint agreement.

alternatives | other considerations

An alternative was considered to separate the required improvements from Maitland and construct independent infrastructure to serve Winter Park only. This option was considered but is significantly more expensive and will result in duplicate utilities within the road right-of-way. Selecting the option described in the background section above saves both Maitland and Winter Park significant construction costs.

fiscal impact

Winter Park's portion of the utility relocation and upgrade work will be funded partially thru impact fees and partially through budgeted sewer main extension funds.

long-term impact

The long term impact will be additional wastewater transmission capacity for future development along Fairbanks Avenue, Lee Road and other undeveloped areas within our service area.

strategic objective

Quality City infrastructure and facilities.

**INTERLOCAL AGREEMENT BETWEEN THE CITIES OF ALTAMONTE
SPRINGS, MAITLAND, AND WINTER PARK RELATING TO WHOLESALE
SEWER UTILITY IMPROVEMENTS ASSOCIATED WITH THE GATEWAY
DRIVE EXTENSION PROJECT**

THIS INTERLOCAL AGREEMENT, hereinafter referred to as "Agreement" is made and entered into this 20th day of November, 2012, by and between the **CITY OF MAITLAND**, a Florida municipal corporation hereinafter referred to as "MAITLAND," the **CITY OF WINTER PARK**, a Florida municipal corporation hereinafter referred to as "WINTER PARK", and the **CITY OF ALTAMONTE SPRINGS**, a Florida municipal corporation hereinafter referred to as "ALTAMONTE SPRINGS." MAITLAND, WINTER PARK, and ALTAMONTE SPRINGS are hereinafter sometimes individually referred to as "Party" and collectively referred to as "Parties."

RECITALS

WHEREAS, the Parties hereto have the common power to construct utility and roadway facilities and to contract for the performance of such work; and

WHEREAS, MAITLAND and WINTER PARK, under separate wholesale agreements and separate sanitary sewer utility systems currently transmit wastewater to the Altamonte Springs Regional Water Reclamation Facility located on Keller Road, hereinafter referred to as the "ASRWRF;" and

WHEREAS, MAITLAND and WINTER PARK'S separate sanitary sewer utility systems are in conflict with proposed ALTAMONTE SPRINGS roadway construction project known as the Gateway Drive Extension Project, hereinafter referred to as the "Altamonte Springs Project"; and

WHEREAS, MAITLAND and WINTER PARK both desire, at their own expense, to construct a shared sanitary sewer utility system within ALTAMONTE SPRINGS' rights of way in conjunction with the "Altamonte Springs Project" hereinafter referred to as "Wholesale Sewer Utility Improvements;" and

WHEREAS, MAITLAND AND WINTER PARK have requested that ALTAMONTE SPRINGS include the Wholesale Sewer Utility Improvements, as defined in Section 2 below, in the Altamonte Springs Project in order to meet the needs of MAITLAND and WINTER PARK; and

WHEREAS, ALTAMONTE SPRINGS is willing to provide such work pursuant to the terms and conditions of this Agreement; and

WHEREAS, this Agreement is authorized by the provisions of *Chapter 163, Florida Statutes*, and other applicable law;

NOW, THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged as to all Parties, MAITLAND, WINTER PARK, and ALTAMONTE SPRINGS agree as follows:

Section 1. Recitals. The above recitals are true and correct and form a material part of this Agreement upon which the Parties have relied.

Section 2. General. MAITLAND and WINTER PARK acknowledge that certain of its sanitary sewer utility system infrastructure components are included within the geographic parameters of the Altamonte Springs Project. MAITLAND and WINTER PARK further acknowledge that, consequently, such components must be relocated as shown on the construction plans and as defined in Section 4 below and referred to throughout this Agreement as the Wholesale Sewer Utility Improvements. The Wholesale Sewer Utility Improvements are depicted in the Gateway Drive Extension Plans and are comprised of three (3) segments defined as follows:

1. Combined Gravity Line – From the intersection of Keller Road/Gateway Drive west to the southwest corner of the ASRWRF.
2. Combined Gravity Line – From the manhole located at the southwest corner of the ASRWRF, north to the headworks located inside the ASRWRF property.
3. Winter Park Forcemain – Within Keller Road right of way.

Each of these segments shall have separate bid items for purposes of construction cost computation and payment. Parties acknowledge that that they shall be solely responsible for the payment of its costs associated with these segments in accordance with the Cost Share Table attached hereto and incorporated herein as **Exhibit “A.”**

Section 3. Rights of Way. The Parties acknowledge and agree that all the Wholesale Sewer Utility Improvements are to take place within existing public rights of way or rights of way to be acquired by ALTAMONTE SPRINGS for the Altamonte Springs Project. ALTAMONTE SPRINGS shall not be obligated to perform any Wholesale Sewer Utility Improvements that require acquisition of any property interests, including temporary construction easements, over and above those acquired for the Altamonte Springs Project. MAITLAND and WINTER PARK shall be responsible for acquiring and paying for any additional rights that may be necessary to complete the Wholesale Sewer Utility Improvements.

Section 4. Engineering Consultant Design Services

(a) Construction Plans. Inasmuch as most of the Wholesale Sewer Utility Improvements shall occur in an area where ALTAMONTE SPRINGS plans to make grade changes for roadway embankment construction under the Gateway Drive Extension project and build underground utilities, including pipelines and appurtenant structures, it is in the best interest of all Parties to have the Wholesale Sewer Utility Improvements and the roadway construction performed under a single construction contract. Accordingly, ALTAMONTE SPRINGS, through its engineering consultant, Kimley-Horn and Associates, Inc., hereinafter referred to as “Engineering Consultant” has prepared the construction plans for the Wholesale Sewer Utility Improvements. The Gateway Drive roadway and utility plans were prepared on the basis that all Wholesale Sewer Utility Improvements will be constructed by ALTAMONTE SPRINGS’ roadway contractor under a single construction contract hereinafter referred to as the “Altamonte Springs Contract.” The construction plans for the Wholesale Sewer Utility Improvements consist of: Plan and Standard Details sheets approved by ALTAMONTE SPRINGS on October 4, 2012. The Wholesale Sewer Utility Improvements consist of the following sheets attached hereto and incorporated herein as **Exhibit “B.”**

Gateway Drive Utility Plans

Sheet No.	Description
U-9	Segment 1, Sheet 1 Segment 2, Sheet 1
U-10	Segment 2, Sheet 2
U-11	Segment 2, Sheet 3 Segment 3, Sheet 1
U-11A	Segment 3, Sheet 2
U-13	Segment 1, Sheet 2

(b) Specifications. In conjunction with the Altamonte Springs Project, the Engineering Consultant will provide signed and sealed specifications required for the construction of the Wholesale Sewer Utility improvements. These specifications will include copies of issued permits, supplementary specifications as required for the Wholesale Sewer Utility Improvements, payment application submittal requirements, record drawing requirements, testing requirements, and the two year maintenance bond required to be provided to MAITLAND and WINTER PARK by ALTAMONTE SPRINGS’ contractor. MAITLAND and WINTER PARK understand ALTAMONTE SPRINGS’ review of the specifications may require MAITLAND and WINTER PARK submit additional information to ALTAMONTE SPRINGS in a timely manner for project bidding.

(c) Agency Permit Applications. In conjunction with the Altamonte Springs Project, the Engineering Consultant will prepare required agency permit applications for the construction of the Wholesale Sewer Utility Improvements

within the Altamonte Springs Project limits. Agency permit applications submittals for the Wholesale Sewer Utility Improvements are listed as follows:

- (i) Florida Department of Environmental Protection (FDEP) Wastewater Collection/Transmission System
- (ii) Maitland and/or Orange County right of way (for work within Maitland and/or Orange County Keller Road right of way)

MAITLAND and WINTER PARK shall accept financial responsibility for FDEP and Maitland and/or Orange County agency permit fees associated with the Wholesale Sewer Utility Improvements and shall be required to review and execute any and all said agency permits in a timely manner for permit processing.

Inasmuch as Gateway Drive and rights of way for Keller Road in Seminole County are under the permit jurisdiction of ALTAMONTE SPRINGS, a separate right of way permit for the construction of Wholesale Sewer Utility Improvements within these rights of way shall not be required. Instead, this Agreement shall serve as MAITLAND and WINTER PARK'S right of way permit for Wholesale Sewer Utility Improvements within said rights of way. In addition, fees associated with ALTAMONTE SPRINGS' right of way permitting for the construction of the Wholesale Sewer Utility Improvements shall be waived. MAITLAND and WINTER PARK hereby agree that the Wholesale Sewer Utility Improvements shall be operated and maintained at a level of service acceptable for utilities so as not to impede, interfere, or obstruct in any way public rights of way of ALTAMONTE SPRINGS. Any future work by MAITLAND and/or WINTER PARK within the Gateway Drive and Seminole County portion of Keller Road right of way on the Wholesale Sewer Utility Improvements constructed under this Agreement shall be subject to City right of way permit requirements and permit fees may apply.

Section 6. Bidding and Contract Award. ALTAMONTE SPRINGS, through its Engineering Consultant, will provide to MAITLAND and WINTER PARK a bid schedule containing bid items, unit of measure, and estimated quantity for all major items of the Wholesale Sewer Utility Improvements (Exhibit "C"). The bid schedule will be in tabular format, with spaces provided for ALTAMONTE SPRINGS' bidders to fill in unit prices and total prices for each bid item for the three (3) segments of the Wholesale Sewer Utility Improvements.

(a) All task associated with bidding, including, but not limited to, bid advertisement, distribution of bid documents, bid opening, evaluation of bidders and award of the contract will be conducted by ALTAMONTE SPRINGS. MAITLAND and WINTER PARK shall provide written answers to questions from ALTAMONTE SPRINGS to respond, as needed, to questions raised during the bidding process. Prior to the bid opening, MAITLAND and WINTER PARK shall not communicate, in any fashion, with any prospective bidder, plan holder,

subcontractor or other person, firm or entity regarding the plans and specifications. The Parties hereby agree that all information regarding the bid documents, including the plans and specifications, questions, interpretations, and explanations regarding same shall be processed through ALTAMONTE SPRINGS.

(b) ALTAMONTE SPRINGS shall provide MAITLAND and WINTER PARK a copy of all bids received so MAITLAND and WINTER PARK can evaluate all submitted prices for the Wholesale Sewer Utility Improvements. MAITLAND and WINTER PARK understand and agree that ALTAMONTE SPRINGS shall award the ALTAMONTE SPRINGS contract to the lowest responsive, responsible bidder, for the Altamonte Springs Project in accordance with ALTAMONTE SPRINGS' Purchasing Code requirements, and acknowledges that the bid containing the lowest bid for ALTAMONTE SPRINGS work may not necessarily include the lowest submitted bid prices for Wholesale Sewer Utility Improvements.

(c) ALTAMONTE SPRINGS will bid the project in the three segments stated in Section 2. Prior to awarding the contract, but after bids are opened, ALTAMONTE SPRINGS will give WINTER PARK an opportunity to withdraw from this Agreement as it relates to Segment 3, which decision shall be made by Winter Park within 3 days, and in which case WINTER PARK may complete the Segment 3 work as the lead owner, and in such case ALTAMONTE SPRINGS and MAITLAND will only be required to fund their respective Cost Share as set out in this Agreement and its Exhibits, up to the amount of the bid submitted to ALTAMONTE SPRINGS for such work, and then with respect to Segment 3, WINTER PARK may rebid Segment 3 and then all authority conferred in ALTAMONTE SPRINGS will then be reposed in WINTER PARK with respect to the completion of the third segment of this project (i.e., WINTER PARK Forcemain).

Section 7. Post Design Services. Engineering Consultant post design services for shop drawing reviews, responses to requests for information (RFI's), and preparation of final record drawings for Wholesale Sewer Utility Improvements are anticipated. Fees for these services are not included in Engineering Consultant Design Services fee for plans, specifications, and permit applications but are addressed under a separate cost proposal. Should the need for unanticipated Engineering Consultant post design services arise during the construction of the Wholesale Sewer Utility Improvements (e.g., redesign work to address unanticipated utility conflicts, etc.), these costs shall be addressed under a separate cost proposal. Parties shall be responsible for costs associated with anticipated and unanticipated Post Design Services related to the Wholesale Sewer Utility Improvements in accordance with the percentages represented in the Cost Share Table.

Section 8. Administration of Construction Contract. Any communication with the ALTAMONTE SPRINGS' contractor during construction shall be through ALTAMONTE SPRINGS designated Construction Project Manager, hereinafter referred to as "Project Manager." MAITLAND and WINTER PARK are authorized to consult with the Project Manager during the construction period regarding the Wholesale Sewer Utility Improvements. Construction layout, construction coordination, including coordination with other utilities, and scheduling all work are the sole responsibility of ALTAMONTE SPRINGS, the Project Manager, and ALTAMONTE SPRINGS' contractor and are not the responsibility of either MAITLAND or WINTER PARK.

(a) ALTAMONTE SPRINGS shall ensure the Project Manager: (1) schedules and attends the preconstruction meeting, progress meetings, and project closeout meetings with ALTAMONTE SPRINGS' contractor; (2) provides or coordinates on-site inspection services, engineering services, surveys for as built drawings and final quantities; (3) provides construction coordination with subcontractors, surveyors, layout personnel and construction quality control testing personnel, (4) issues all instructions to ALTAMONTE SPRINGS' contractor, (5) coordinates the processing of all contract change orders, process payment applications, and (6) conducts punch list and final inspections of the in-place work to determine if the work is completed substantially in accordance with the plans, specifications and other contract documents.

(b) MAITLAND and WINTER PARK shall attend the preconstruction meeting, review and respond to ALTAMONTE SPRINGS, ALTAMONTE SPRINGS' contractor or Project Manager's questions or requests for information and review proposed construction changes related to the Wholesale Sewer Utility Improvements. MAITLAND and WINTER PARK shall consult with the Project Manager during the construction period. MAITLAND and WINTER PARK shall not issue directions, interpretations, product approvals or denials, grant time extensions, approve payment of claims, or in any way administer the Altamonte Springs Contract or associated paperwork with the ALTAMONTE SPRINGS' contractor, inasmuch as such actions shall be approved and issued by ALTAMONTE SPRINGS in accordance with applicable provisions of the Altamonte Springs Contract.

(c) MAITLAND and WINTER PARK shall have the opportunity to review and approve all shop drawings and manufacturers' brochures or catalogs related to the Wholesale Sewer Utility Improvements prior to approval by ALTAMONTE SPRINGS for inclusion in the Altamonte Springs Contract. MAITLAND and WINTER PARK shall perform these reviews and provide comments and/or approval in a timely manner.

(d) ALTAMONTE SPRINGS shall be responsible for coordinating and obtaining all required FDEP approvals, processes, and notifications required for the Wholesale Sewer Utility Improvements. The ALTAMONTE SPRINGS'

Project Manager shall coordinate with MAITLAND and WINTER PARK in obtaining the required signatures for FDEP certificates for permit clearances. MAITLAND and WINTER PARK shall coordinate with ALTAMONTE SPRINGS and ALTAMONTE SPRINGS' Project Manager to ensure that permit clearance processing is handled in a timely manner.

(e) In the event of a conflict or dispute relating in any way to the Wholesale Sewer Utility Improvements, ALTAMONTE SPRINGS shall have final authority.

Section 9. Change Orders

(a) Additional Work. No additional work beyond that specified in the Construction Plans identified in Section 4 shall be performed without notification to and concurrence of MAITLAND and WINTER PARK. In addition, MAITLAND and WINTER PARK shall have the opportunity to review change orders related to the Wholesale Sewer Utility Improvements prior to approval by ALTAMONTE SPRINGS for inclusion in the Altamonte Springs Contract. ALTAMONTE SPRINGS shall make all reasonable efforts to accommodate MAITLAND and WINTER PARK'S request for change orders relating to Wholesale Sewer Utility Improvements.

(b) Emergency Change Orders. If, in the opinion of ALTAMONTE SPRINGS an emergency exists, ALTAMONTE SPRINGS may authorize measures, which in their professional opinion, are reasonably necessary to prevent or mitigate any resulting damages. In the event that ALTAMONTE SPRINGS' authorizes measures without prior review and concurrence of MAITLAND and WINTER PARK, ALTAMONTE SPRINGS shall provide after the fact notice within three (3) days to MAITLAND and WINTER PARK.

(d) Change Order Costs. MAITLAND and WINTER PARK shall be responsible for payment to ALTAMONTE SPRINGS for costs resulting from approved change orders related to Wholesale Sewer Utility Improvements in accordance with the percentages represented in the Cost Share Table.

Section 10. Inspection During Construction. Inspection by ALTAMONTE SPRINGS or the Project Manager will be as determined by ALTAMONTE SPRINGS to be appropriate to perform its administrative duties defined by Section 8, above.

(a) At all times MAITLAND and WINTER PARK shall have the right to non-intrusively inspect the Wholesale Sewer Utility Improvements, any and all records relating to the performance or contract administration, and all inspections of the Wholesale Sewer Utility Improvements. MAITLAND and WINTER PARK'S inspection shall be to the level required to ensure construction of the Wholesale Sewer Utility Improvements is in compliance with the contract documents;

however, compliance with the construction documents will also be judged based on geotechnical testing reports and the coordination of construction activities, including the survey and layout of construction, obtained by ALTAMONTE SPRINGS. MAITLAND and/or WINTER PARK shall immediately notify ALTAMONTE SPRINGS upon the discovery of any non-compliant records, construction work, or other issues of concern. ALTAMONTE SPRINGS shall, upon request, furnish to MAITLAND and/or WINTER PARK a copy of all reports requested by MAITLAND and/or WINTER PARK. Copies of any reports issued by MAITLAND or WINTER PARK'S inspectors will be provided to the ALTAMONTE SPRINGS Project Manager.

Section 11. Schedule. Except as to delays covered by the force majeure provisions of the contract between ALTAMONTE SPRINGS and the contractor, should the Wholesale Sewer Utility Improvements be unduly delayed by MAITLAND or WINTER PARK for any reason, MAITLAND and/or WINTER PARK will be responsible for the cost of any resultant time delays to the Altamonte Springs Project. If resolution of a time delay impact is not promptly reached or if the Altamonte Springs Project schedule is materially delayed by the Wholesale Sewer Utility Improvements, MAITLAND and WINTER PARK shall be responsible for costs associated with time delay change orders issued to the contractor.

Section 12. Allocation of Costs. MAITLAND and WINTER PARK shall be obligated to pay ALTAMONTE SPRINGS the cost of the Wholesale Sewer Utility Improvements determined as follows and in accordance with Exhibit "A," the Cost Share Table:

(a) Engineering Consultant Design Services. The Parties agree that the costs attributable to the Engineering Consultant Design Services consisting of construction plans, specifications, and agency permit applications for the Wholesale Sewer Utility Improvements, and as referenced in Section 4 above, are as follows:

- (i) Engineering Consultant Design Services Fee for the Wholesale Sewer Utility Improvements shall be paid as a lump sum fee of \$ 20,620 and shall be paid in accordance with the percentages represented in the Cost Share Table.
- (ii) Agency permit application fees for the Wholesale Sewer Utility Improvements shall be paid as a lump sum fee of \$ 250 and shall be paid in accordance with the percentages represented in the Cost Share Table.

(b) Post Design Services.

(i) The Parties agree that the costs attributable to anticipated Post Design Services, as referenced in Section 7, shall not to exceed \$ 10,000 and shall be paid in accordance with the percentages represented in the Cost Share Table.

(ii) Any unanticipated Post Design Services, as referenced in Section 7, shall be addressed under a separate cost proposal. Parties shall be responsible for all costs associated with unanticipated Post Design Services related to the Wholesale Sewer Utility Improvements in accordance with the percentages represented in the Cost Share Table.

(c) Construction. ALTAMONTE SPRINGS, through its Engineering Consultant, has obtained an Opinion of Probable Construction Cost (OPCC) for the Wholesale Sewer Utility Improvements. The OPCC shall be used as a guide for estimating MAITLAND and WINTER PARK'S share of the Wholesale Sewer Utility Improvement construction costs. MAITLAND and WINTER PARK'S pro-rata share of costs and obligation for payments associated with the construction of the Wholesale Sewer Utility Improvements, shall be calculated utilizing the bid documents, the contract and any approved change orders thereto in accordance with the percentages represented in the Cost Share Table.

(d) Allocation of Costs. The allocation of costs shall be subject to the right of WINTER PARK to complete the third segment (i.e., WINTER PARK Forcemain) as set out in Section 6(c) hereof; however, if WINTER PARK does complete the third segment, it shall reimburse ALTAMONTE SPRINGS \$3,020.00 (70.5% of \$4,283.00) for WINTER PARK'S share of the engineering costs of the third segment and ALTAMONTE SPRINGS shall provide WINTER PARK with copies of all engineering plans it has for the third segment.

Section 13. Payment and Reimbursement Terms.

On or before the sixty-second (62nd) day immediately following award of the contract for construction, MAITLAND and WINTER PARK shall be obligated to pay to ALTAMONTE SPRINGS one-hundred percent (100%) of their pro-rata share of the following Wholesale Sewer Utility Improvement fees: Engineering Design Consultant Services Fees as identified in Section 12(a)(i), agency permit application fees as identified in Section 12 (a) (ii), and anticipated Post Design Services as identified in Section 12(b)(i). Concurrently, MAITLAND and WINTER PARK shall be obligated to pay ten percent (10%) of their pro-rata share of construction costs based on the total of the bid amounts for construction as identified in Section 12(c).

ALTAMONTE SPRINGS will thereafter bill to MAITLAND and WINTER PARK, on a monthly basis, its share of the Wholesale Sewer Utility Improvements and unanticipated Post Design Service fee, if applicable, completed as evidenced by an invoice from contractor and Engineering

Consultant. MAITLAND and WINTER PARK shall reimburse ALTAMONTE SPRINGS within forty-five (45) days after the date of receipt of a complete, correct, and verifiable (as reasonably determined by the Project Manager) invoice approved by the Project Manager describing completed work that is reasonable and allocable to this Agreement. All late payments shall be assessed non-refundable interest at the statutory rate.

Additional work required for the Wholesale Sewer Utility Improvements beyond that specified in the construction contract shall be authorized by change order issued in accordance with the procedure set forth in Section 9 of this Agreement and shall be paid for by MAITLAND and WINTER PARK in accordance with the percentages identified in the Cost Share Table. Any reduction of the cost for the Wholesale Sewer Utility Improvements made by change order will reduce the total amount to be paid by MAITLAND and WINTER PARK to ALTAMONTE SPRINGS.

Section 14. Maintenance and Operation of Facilities. During construction, the maintenance of installed Wholesale Sewer Utility Improvements is the responsibility of ALTAMONTE SPRINGS' contractor. It is anticipated that installation and startup of the Wholesale Sewer Utility Improvements will occur prior to completion of the roadway portion of the construction contract. Prior to the completion of the Altamonte Springs Project, MAITLAND and WINTER PARK will be allowed the use of its facilities; however, protection of the completed facilities and maintenance during construction will be the continued responsibility of the ALTAMONTE SPRINGS' contractor until final contract closeout. If during the course of the work, cessation of utility services occurs it shall not constitute a breach of this Agreement on the part of Parties hereto; and Parties shall not be liable to the other for damage resulting from such cessation of services. This release of liability shall not be construed to release the contractor awarded the construction contract or any other third party from any liability for any damage from whatever cause whatsoever.

ALTAMONTE SPRINGS shall, upon the Florida Department of Environmental Protection's (FDEP's) clearance to place utilities in service, provide both MAITLAND and WINTER PARK with one (1) set of as-built drawings showing the Wholesale Sewer Utility Improvements.

Section 15. Wholesale Sewer Agreement Amendments. Within sixty (60) days of FDEP's clearance to place utilities in service, MAITLAND and WINTER PARK shall execute amendments to their respective existing agreements for the provision of wholesale sewer utility service to establish the revised Point of Connection for operation and maintenance as identified on **Exhibit "D,"** attached hereto and incorporated herein. WINTER PARK'S amendment shall also establish additional reserve capacity for the Fairbanks Avenue (SR 426) from I-4 to US 17-92 service area.

Section 16. Closeout.

(a) Payment Obligations. MAITLAND and WINTER PARK'S payment obligations end with the final acceptance of construction of the Wholesale Sewer Utility Improvements. All construction costs incurred after final acceptance of Wholesale Sewer Utility Improvements are the sole responsibility of ALTAMONTE SPRINGS. Final acceptance of construction for the Wholesale Sewer Utility Improvements is defined as the point that the proposed pipelines, fittings and valves have been installed, all testing is complete, FDEP's clearance to place the utilities in service has been received, as-built drawings have been reviewed and approved by MAITLAND and WINTER PARK, and final payment has been made by MAITLAND and WINTER PARK.

(b) Transfer Documents. After final completion and acceptance of the ALTAMONTE SPRINGS' contractor's work on the Altamonte Springs Project, MAITLAND and WINTER PARK shall both be entitled to receive one (1) set of twenty-four inches by thirty-six inches (24" x 36") reproducible mylar (3 mil or greater) as-built record drawings and one (1) electronic set of as-built record drawings reflecting the Wholesale Sewer Utility Improvements, and a two-year Maintenance Bond, provided MAITLAND and WINTER PARK have made all payments required by this Agreement.

Upon final completion of the Altamonte Springs Contract, MAITLAND and WINTER PARK shall own, control, maintain and be responsible for all of its facilities, in accordance with the terms of any and all utility permit(s) and agreements for operation and maintenance of the shared sanitary sewer utility system to the Point of Connection.

Section 17. Administrative Agent. ALTAMONTE SPRINGS is designated as the Party to administer this Agreement by and through its departments and officers, consultants and independent contractors.

Section 18. Good Faith. Parties shall coordinate in good faith with regard to all services and work performed pursuant to this Agreement. Notwithstanding the above, however, all services and work hereunder shall be performed to the satisfaction of ALTAMONTE SPRINGS, which shall decide, as provided herein, all questions, difficulties and disputes of whatever nature which may arise under or by reason of such services and work, the prosecution and fulfillment of the services and work hereunder, and the character, quality, amount and value thereof; which decision upon all claims, questions, and disputes shall be final and conclusive with respect to all services and work performed or to be performed.

Section 19. Employee Status. Persons employed by one Party in the performance of services and functions pursuant to this Agreement shall have no claim against the other Party for pension, workers' compensation, unemployment

compensation, civil service or other employee rights or privileges whether granted by operation of law or by policy of the non-employing party.

Section 20. Funding/Termination. MAITLAND and WINTER PARK, by approving and executing this Agreement, represent and warrant that sufficient funds are available and have been properly budgeted to pay the anticipated costs for construction of the Wholesale Sewer Utility Improvements and their respective portions of the Engineering Consultant Design and Post Design Services fees, all as envisioned by this Agreement. MAITLAND and WINTER PARK understand and agree that it is in the best interest of all Parties that the Wholesale Sewer Utility Improvements be accomplished simultaneously with the Altamonte Springs Project. Accordingly, MAITLAND and WINTER PARK shall not terminate this Agreement, except in the case of a breach of this contract by ALTAMONTE SPRINGS. To facilitate performance pursuant to this Agreement, each Party agrees to provide full cooperation and assistance to the other. As to any MAITLAND and/or WINTER PARK claim of breach by ALTAMONTE SPRINGS and as to an ALTAMONTE SPRINGS claim of non-payment by MAITLAND and/or WINTER PARK, the following shall apply:

(a) General Dispute Resolution Process. In the event of any dispute under this Agreement which cannot be readily resolved, it shall be referred to the Parties' City Managers for negotiation and resolution as described below. All negotiations pursuant to this Section shall be treated as a compromise and settlement negotiations for the purposes of the Federal Rules of Evidence and the Florida Rules of Evidence; provided, however, that any written documents prepared by or received by Parties may be public records subject to Chapter 119, Florida Statutes.

(b) Notice. Any Party may give the other Party written notice of any dispute not resolved in the normal course of business. The Party making the claim shall provide a written statement of the claim, providing as much detail as reasonably possible under the circumstances. Parties shall meet at a mutually acceptable time and place within ten (10) days after delivery of notice and thereafter as often as they reasonably deem necessary, to exchange relevant information and to attempt to resolve the dispute. If the matter has not been resolved by these persons within thirty (30) days of the disputing Party's notice, or of the Parties fail to meet within ten (10) days, then either Party may initiate mediation as provided herein.

(c) Mediation and other Remedies. If the dispute has not been resolved by negotiation as provided herein, the Parties shall endeavor to settle the dispute by mediation in accordance with the following:

(i). Either Party may initiate mediation proceedings by request in writing to the other Party. Thereupon, both Parties will be obligated to engage in

mediation. The proceedings will be conducted in accordance with an information procedure to be agreed upon by the Parties.

- (ii) Efforts to reach a settlement will continue until the conclusion of the proceedings, which is deemed to occur when: (a) a written settlement is reached, or (b) the mediator concludes and informs the Parties in writing that further efforts will not be useful, or (c) the Parties agree in writing that an impasse has been reached. Neither Party may withdraw before the conclusion of the proceedings.
- (iii) The Parties regard the aforesaid obligation to mediate as an essential provision of this Agreement and one that is legally binding on them. In case of violation of such obligation by either Party, the other may bring an action to seek enforcement of such obligation in any court of law having jurisdiction thereof in accordance with this Agreement.
- (iv) If the dispute has not been resolved by negotiation or mediation as provided herein within one hundred twenty (120) days of the initiation of such mediation procedure, either Party may initiate litigation upon ten (10) days' written notice to the other Party; provided, however, that if one Party has requested the other to participate in a non-binding procedure, as provided for under this Section, and the other has failed to participate, the requesting Party may initiate litigation before expiration of the above period.
- (v) The procedures specified in this Section shall be the sole and exclusive procedures for the resolution of disputes between the Parties arising out of or relating to this Agreement; provided; however that a Party may seek preliminary injunction or other provisional judicial relief if in its reasonable judgment such action is necessary to avoid irreparable damage or to preserve the status quo. Despite such action, the Parties will continue to participate in good faith in the procedures specified in this Agreement.
- (vi) In the event that a dispute arises, the disputing Party shall continue to perform its obligations in reasonable conformity with this Agreement, and other Agreements between Parties relating to wholesale sewer utility services, until such time as a resolution is achieved. Neither Party shall have the right to suspend its service or obligations under this Agreement in response to a dispute; as good faith performance shall be maintained during a dispute.

Section 21. Notices. Whenever Parties desire to give notice unto the other, it must be given by written notice, sent by registered United States mail, with return receipt requested, and sent to:

For ALTAMONTE SPRINGS:

City Manager
City of Altamonte Springs
225 Newburyport Avenue
Altamonte Springs, FL 32701

With a copy to:

Director, Public Works and Utilities
225 Newburyport Avenue
Altamonte Springs, FL 32701

For MAITLAND:

City Manager
City of Maitland
1776 Independence Lane
Maitland, FL 32751

For WINTER PARK:

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

With a copy to:

Water & Wastewater Utility Director
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

Section 22. Liability.

(a) To Third Parties. As to the Wholesale Sewer Utility Improvements, MAITLAND and WINTER PARK shall, to the extent permitted by Section 768.28, Florida Statutes, indemnify and hold ALTAMONTE SPRINGS harmless from and against all liability, loss, costs, damages, and claims of any kind arising from personal injuries, including death, or property damage suffered by third parties. The term "third parties" is intended to mean all persons, firms, or other legal entities except MAITLAND, WINTER PARK, ALTAMONTE SPRINGS, the Project Manger, the contractor and the Engineering Design Service Consultant. In addition, MAITLAND and WINTER PARK shall indemnify ALTAMONTE

SPRINGS, the Project Manager, the contractor, and the Engineering Design Services consultant from and against any and all claims related to or arising from the failure of ALTAMONTE SPRINGS to obtain necessary easements for the location of the Wholesale Sewer Utility Improvements outside ALTAMONTE SPRINGS' rights of way. Nothing herein shall be construed to waive or expand the provisions and requirements of F.S. §768.28.

(b) To ALTAMONTE SPRINGS. To the extent permitted by Section 768.28, Florida Statutes, MAITLAND and WINTER PARK shall indemnify and hold ALTAMONTE SPRINGS harmless from any and all claims made by the contractor for damages, extra compensation, profit, overhead expenses, for both home office and field operations, or any other such cost or expense related to or arising from the Wholesale Sewer Utility Improvements, it being understood and agreed that ALTAMONTE SPRINGS is including this work in its construction contract in order to save the MAITLAND and WINTER PARK time and money and that ALTAMONTE SPRINGS is essentially acting as MAITLAND AND WINTER PARK'S agent with respect to this work. MAITLAND and WINTER PARK shall not be relieved from the obligations imposed by this paragraph on account of any claimed breach of contract by ALTAMONTE SPRINGS related to this Agreement, the contract with the contractor or the contract with the Engineering Design Services Consultant, it being the intent of the Parties that MAITLAND and WINTER PARK shall pay the total amount which may be or become payable on account of any claim covered by this paragraph, leaving open the issue of whether MAITLAND and WINTER PARK are entitled to recover any damages from ALTAMONTE SPRINGS on account of the claimed breach of contract.

(c) These indemnity obligations include any and all charges, expenses and costs, including but not limited to, attorney's fees, both at trial and on appeal, incurred by ALTAMONTE SPRINGS on account of or by reason of any such damages, liability, claims, suits or losses.

Section 23. Effective Date of Agreement. This Agreement shall become effective upon signature approval by all Parties to the agreement.

Section 24. Entire Agreement. It is understood and agreed that the entire Agreement of the Parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the Parties relating to the subject matter hereof as well as any previous agreements presently in effect between the Parties relating to the subject matter hereof. Any alterations, amendments, deletions, or waivers of the provisions of this Agreement shall be valid only when expressed in writing and duly signed by the Parties.

Section 25. Conflict of Interest. The Parties agree that they will not contract for or accept employment for the performance of any work or services

with any individual, business, corporation or government unit that would create a conflict of interest in the performance of the obligations of this Agreement.

Section 26. Constitutional and Statutory Limitations on Authority.

The terms and conditions of this Agreement are applicable only to the extent they are within and consistent with the constitutional and statutory limitations on the authority of MAITLAND, WINTER PARK, and ALTAMONTE SPRINGS. Specifically, the Parties acknowledge that MAITLAND, WINTER PARK, and ALTAMONTE SPRINGS are without authority to grant or pledge a security interest in the products sold pursuant to this Agreement or any other property, either real or personal, that is owned by MAITLAND, WINTER PARK, or ALTAMONTE SPRINGS.

Section 27. Governing Law. This Agreement and the provisions contained herein shall be governed by and construed in accordance with the Laws of the State of Florida and the Parties consent to venue in the Circuit Court in and for Seminole County, Florida, as to state actions and the United States District Court for the Middle District of Florida as to Federal actions.

Section 28 Counterparts. This Agreement may be executed and delivered in counterparts.

Section 29. Severability. If any part of this Agreement is found invalid or unenforceable by any court or by reason of changes in federal or state laws or rules and regulations, such invalidity or unenforceability shall not affect the other parts of this Agreement if the rights and obligations of the Parties contained therein are not materially prejudiced, and if the intentions of the Parties can continue to be effectuated. To that end, this Agreement is declared severable.

Section 30. Captions. The captions and section designations herein set forth are for convenience only and shall have not substantive meaning.

Section 31. No Third Party Rights. There are no third party beneficiaries with any rights under this Agreement. Only the cities of WINTER PARK, MAITLAND and ALTAMONTE SPRINGS shall have any rights pursuant to this Agreement and there shall be no intended, incidental or other third party beneficiaries with standing to enforce any rights hereunder.

Section 32. Sovereign Immunity. The parties each reserve completely their rights to sovereign immunity, and in no event will any party to this Agreement be liable when such party enjoys a privilege of sovereign immunity or any defense related thereto, and in any event where there is a waiver of sovereign immunity, in no event shall the liability of a party in tort or for any cause of action arising under any law or principle outside of this express written contract ever exceed the limitations of liability set out in Section 768.28, Florida Statutes, as it may be amended. The parties agree that each shall have the

responsibilities expressly set out in this Agreement, but there are no implied, unwritten or equitable rights imposed on any party as a result of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized officers as of the day and year first written above.

CITY OF MAITLAND

ATTEST:

CITY OF MAITLAND

Maria T. Waldrop, City Clerk

By:_____
Howard Schieferdecker, Mayor

Date:_____

CITY OF WINTER PARK

ATTEST:

CITY OF WINTER PARK

Cindy Bonham, City Clerk

By:_____
Kenneth W. Bradley, Mayor

Date:_____

CITY OF ALTAMONTE SPRINGS:

ATTEST:

CITY OF ALTAMONTE SPRINGS

Erin O'Donnell, City Clerk

By:_____
Franklin W. Martz, III, City Manager

Date:_____

For the use and reliance of the City
of Altamonte Springs only. Approved
as to form and legality sufficiency.

James A. Fowler, Esquire,
City Attorney

Attachments:

Exhibit "A" - Cost Share Table

Exhibit "B" - Wholesale Sewer Utility Improvements Plan Sheets

Exhibit "C" - Wholesale Sewer Utility Improvements Bid Schedule

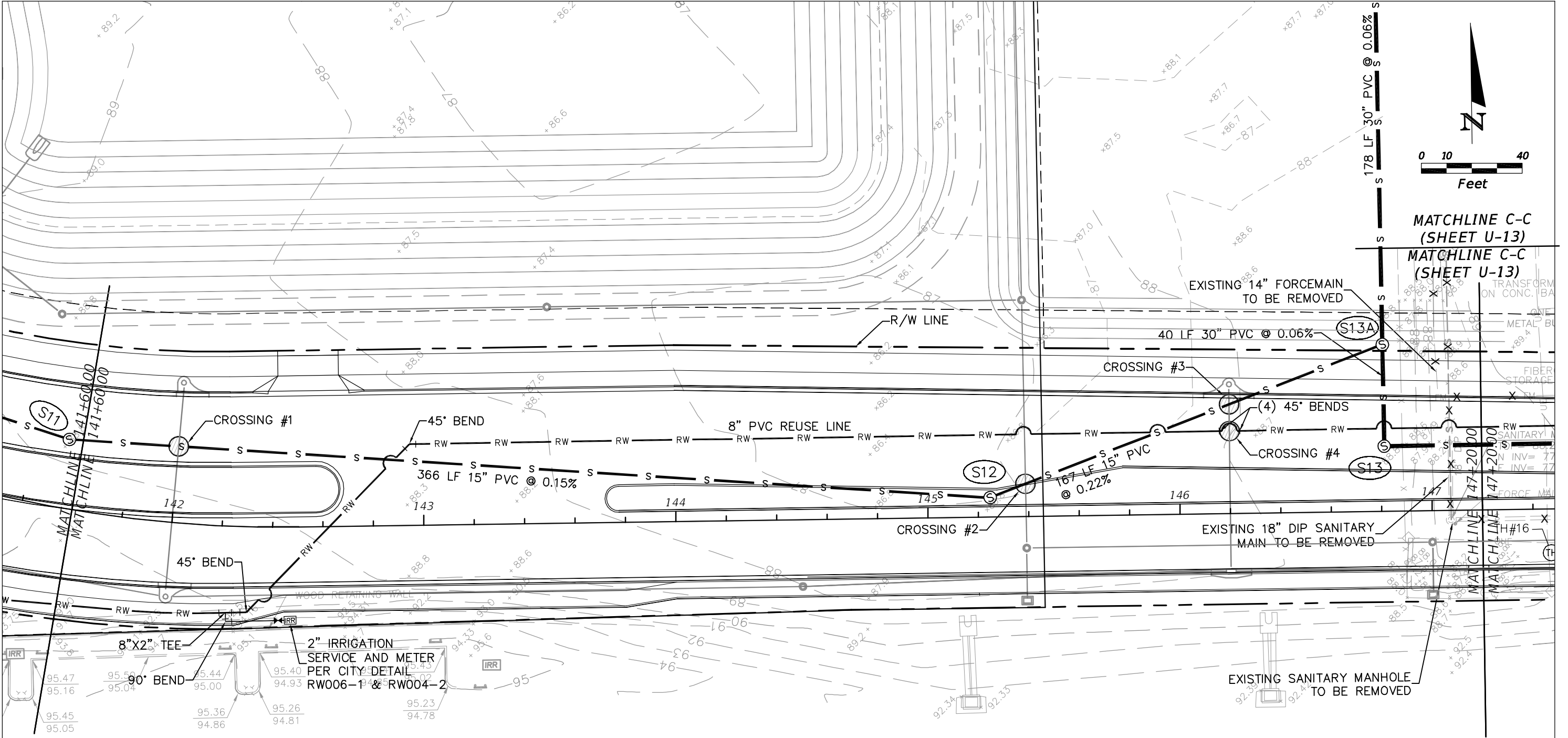
Exhibit "D" - Point of Connection

Exhibit "A"

**COST SHARE TABLE
Wholesale Sewer Utility Improvements**

Cost Elements	Segment 1	Segment 2	Segment 3	Total
Engineering & Permits Lump Sum	\$7,674	\$8,914	\$4,283	\$20,870
Post-Design Services NTE	\$3,677	\$4,271	\$2,052	\$10,000
Construction & Administration OPCC	\$312,220	\$362,640	\$174,230	\$849,090
Totals	\$323,571	\$375,824	\$180,564	\$879,960

Party	Segment 1		Segment 2		Segment 3		Total
	%	Cost-Share	%	Cost-Share	%	Cost-Share	Cost-Share
City of Altamonte Springs	87.5%	\$283,112	0.0%	\$0	0.0%	\$0	\$283,112
City of Maitland	10.0%	\$32,320	79.9%	\$300,216	29.5%	\$53,267	\$385,802
City of Winter Park	2.5%	\$8,140	20.1%	\$75,608	70.5%	\$127,298	\$211,046
Totals	100%	\$323,571	100%	\$375,824	100%	\$180,564	\$879,960



CROSSING TABLE

Crossing (#)	Top Pipe				Bottom Pipe				Clearance (ft.)
	Type	Size(in)	Invert	Crown	Type	Size(in)	Invert	Crown	
(U-9) 1	Storm	18" RCP	87.75	89.46	Sanitary	15" PVC	78.84	80.09	7.66
(U-9) 2	Storm	42" RCP	82.34	86.22	Sanitary	15" PVC	78.23	79.48	2.86
(U-9) 3	Storm	18" RCP	87.74	89.45	Sanitary	15" PVC	78.04	79.29	8.45
(U-9) 4	Storm	18" RCP	87.73	89.44	Reuse	8" PVC	86.35	87.02	0.51

STRUCTURE TABLE

(S-12)	SANITARY MANHOLE TOP= 93.29 NE INV= 78.26 W INV= 78.36
(S-13)	"CITY OF WINTER PARK" SANITARY MANHOLE TOP= 92.54 E INV= 77.98 N INV= 77.92
(S-13A)	SANITARY MANHOLE TOP= 92.00 N INV= 77.80 S INV= 77.90 SW INV= 77.90

LEGEND

	LOT BOUNDARY
	EXISTING CONTOUR
	EXISTING SPOT GRADE
	EXISTING WATER LINE
	EXISTING RECLAIMED WATER LINE
	EXISTING SANITARY GRAVITY LINE
	EXISTING FORCEMAIN
	EXISTING GAS LINE
	PROPOSED WATER LINE
	PROPOSED RECLAIMED WATER LINE
	PROPOSED SANITARY LINE

NOTES:

1. THE OFFSITE INFORMATION SHOWN IS FOR INFORMATIONAL PURPOSES ONLY BASED ON THE CRESCENT RESOURCES DEVELOPMENT PLAN AND NOT ACTUAL FIELD SURVEY
2. PLEASE REFER TO THE UTILITY ADJUSTMENT SHEETS FOR FURTHER INFORMATION
3. UTILITY INFORMATION SHOWN IS BASED ON BEST AVAILABLE INFORMATION. ALL EXISTING UTILITIES SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

Kimley-Horn and Associates, Inc.
Certificate Of Authorization No. 696
Jonathan A. Martin, P.E.
P.E. License No. 54055
3660 Maguire Boulevard, Suite 200
Orlando, Florida 32803

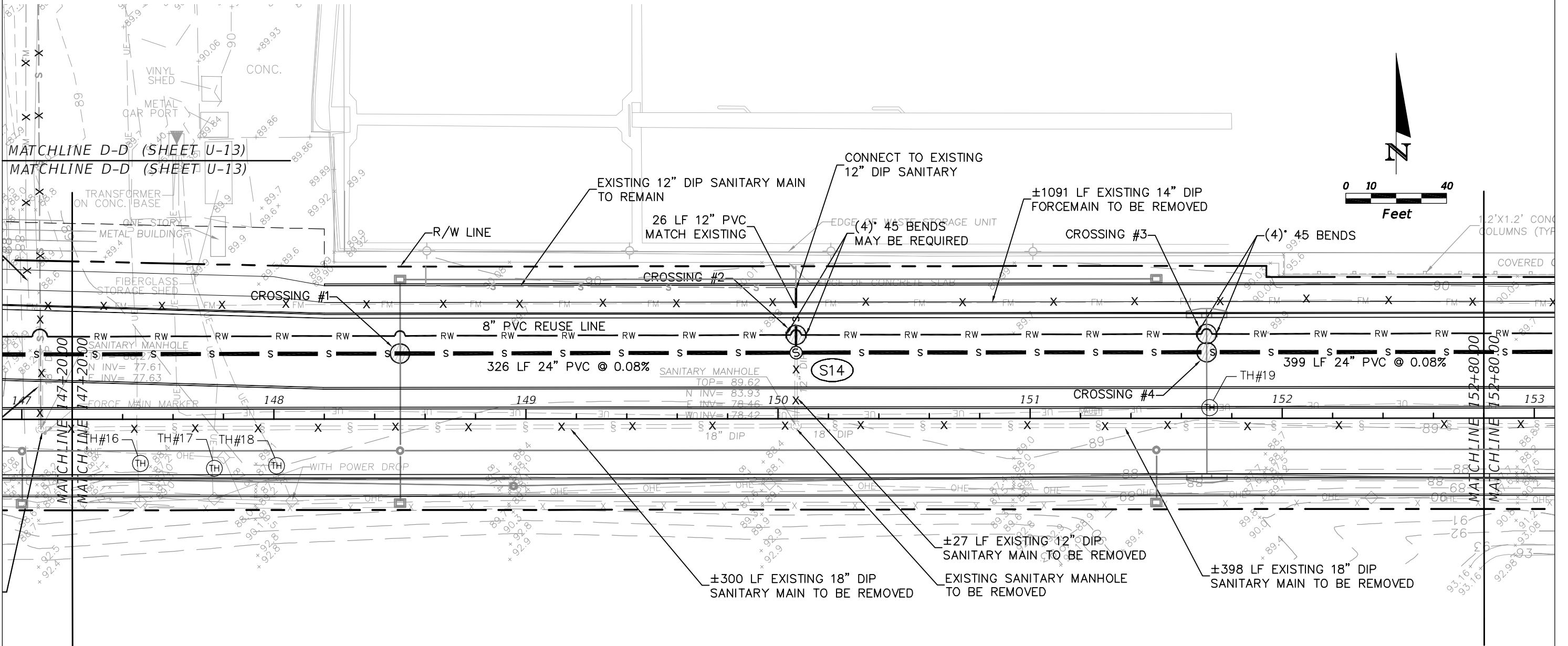


**CITY OF ALTAMONTE
SPRINGS**

UTILITY PLAN

SHEET
NO.

U-9



CROSSING TABLE

Crossing (#)	Top Pipe				Bottom Pipe				Clearance (ft.)
	Type	Size(in)	Invert	Crown	Type	Size(in)	Invert	Crown	
(U-10) 1	Storm	15" RCP	85.20	86.64	Sanitary	24" PVC	78.11	80.11	5.09
(U-10) 2	Sanitary	12"PVC	NA	NA	Reuse	8" PVC	Adjust Accordingly		1.00 Min.
(U-10) 3	Storm	18" RCP	87.38	89.09	Reuse	8" PVC	86.00	86.67	0.50
(U-10) 4	Storm	18" RCP	87.38	89.09	Sanitary	24" PVC	78.42	80.42	6.75

STRUCTURE TABLE

(S-14) "CITY OF WINTER PARK"
SANITARY MANHOLE
TOP= 92.76
E INV= 78.29
W INV= 78.24
N INV= MATCH EXISTING*

*CONTRACTOR TO OBTAIN EXISTING
UTILITY INVERT

LEGEND

- LOT BOUNDARY
- 100—

EXISTING CONTOUR
- x 100.00

EXISTING SPOT GRADE
- W —

EXISTING WATER LINE
- RW —

EXISTING RECLAIMED WATER LINE
- S —

EXISTING SANITARY GRAVITY LINE
- FM —

EXISTING FORCEMAIN
- GAS —

EXISTING GAS LINE
- W —

PROPOSED WATER LINE
- RW —

PROPOSED RECLAIMED WATER LINE
- S —

PROPOSED SANITARY LINE

NOTES:

1. THE OFFSITE INFORMATION SHOWN IS FOR INFORMATIONAL PURPOSES ONLY BASED ON THE CRESCENT RESOURCES DEVELOPMENT PLAN AND NOT ACTUAL FIELD SURVEY
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REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION



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Orlando, Florida 32803

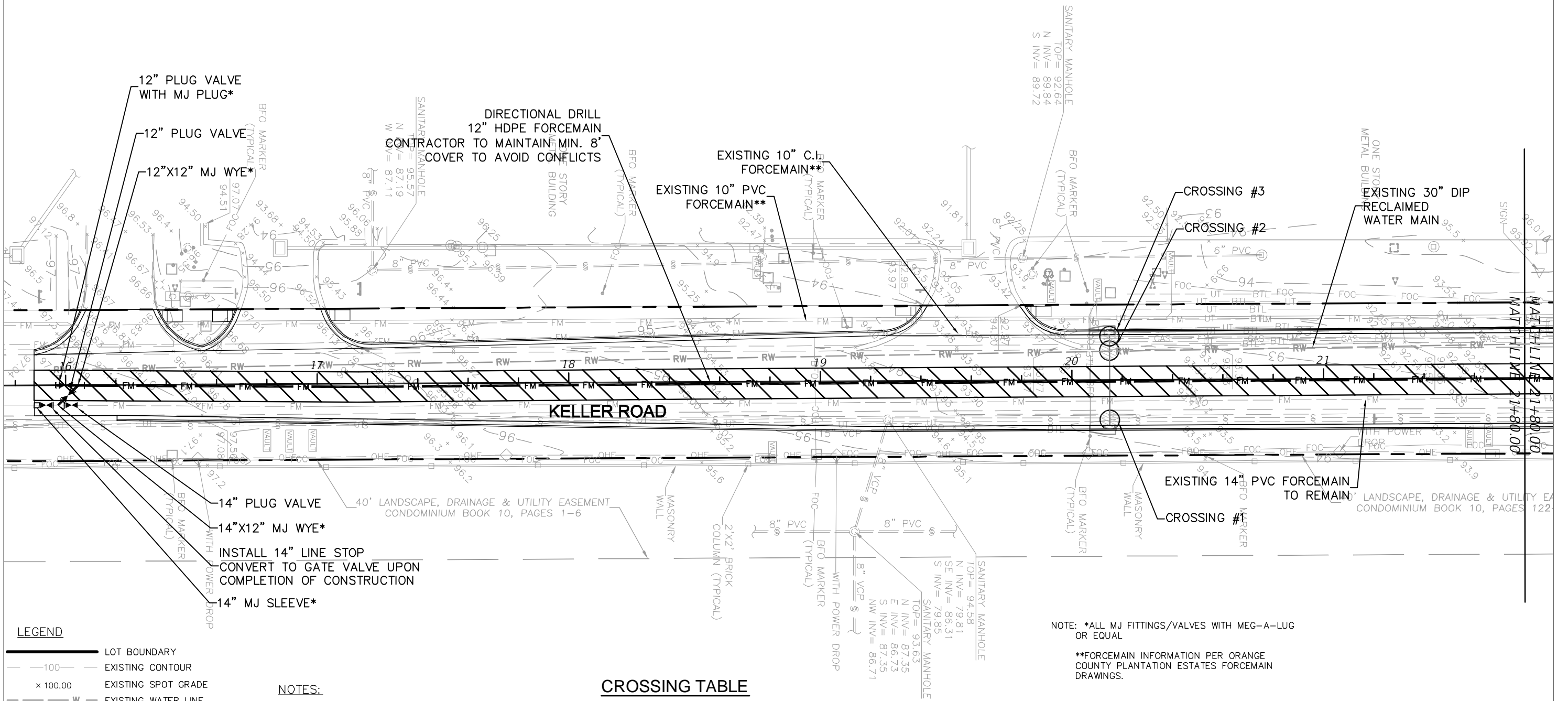
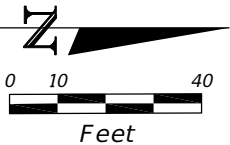


CITY OF ALTAMONTE
SPRINGS

UTILITY PLAN

SHEET
NO.

U-10



- LEGEND**
- LOT BOUNDARY
 - 100 EXISTING CONTOUR
 - x 100.00 EXISTING SPOT GRADE
 - W EXISTING WATER LINE
 - RW EXISTING RECLAIMED WATER LINE
 - S EXISTING SANITARY GRAVITY LINE
 - FM EXISTING FORCEMAIN
 - GAS EXISTING GAS LINE
 - W PROPOSED WATER LINE
 - RW PROPOSED RECLAIMED WATER LINE
 - S PROPOSED SANITARY LINE

- NOTES:**
1. THE OFFSITE INFORMATION SHOWN IS FOR INFORMATIONAL PURPOSES ONLY BASED ON THE CRESCENT RESOURCES DEVELOPMENT PLAN AND NOT ACTUAL FIELD SURVEY
 2. PLEASE REFER TO THE UTILITY ADJUSTMENT SHEETS FOR FURTHER INFORMATION
 3. UTILITY INFORMATION SHOWN IS BASED ON BEST AVAILABLE INFORMATION. ALL EXISTING UTILITIES SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION

CROSSING TABLE

Crossing (#)	Top Pipe				Bottom Pipe				Clearance (ft.)
	Type	Size(in)	Invert	Crown	Type	Size(in)	Invert	Crown	
(U-11A) 1	Storm	15" RCP	89.14	90.58	Sanitary	18" VCP	79.68	81.18	7.96
(U-11A) 2	Storm	15" RCP	89.07	90.51	Reuse	30" PVC	UNKNOWN		1.00 Min.
(U-11A) 3	Storm	15" RCP	89.09	90.53	Forcemain	10" CI	UNKNOWN		6" Min.

NOTE: *ALL MJ FITTINGS/VALVES WITH MEG-A-LUG OR EQUAL

**FORCEMAIN INFORMATION PER ORANGE COUNTY PLANTATION ESTATES FORCEMAIN DRAWINGS.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

Kimley-Horn and Associates, Inc.
Certificate Of Authorization No. 696
Jonathan A. Martin, P.E.
P.E. License No. 54055
3660 Maguire Boulevard, Suite 200
Orlando, Florida 32803

CITY OF ALTAMONTE SPRINGS

UTILITY PLAN

SHEET NO.

U-11A

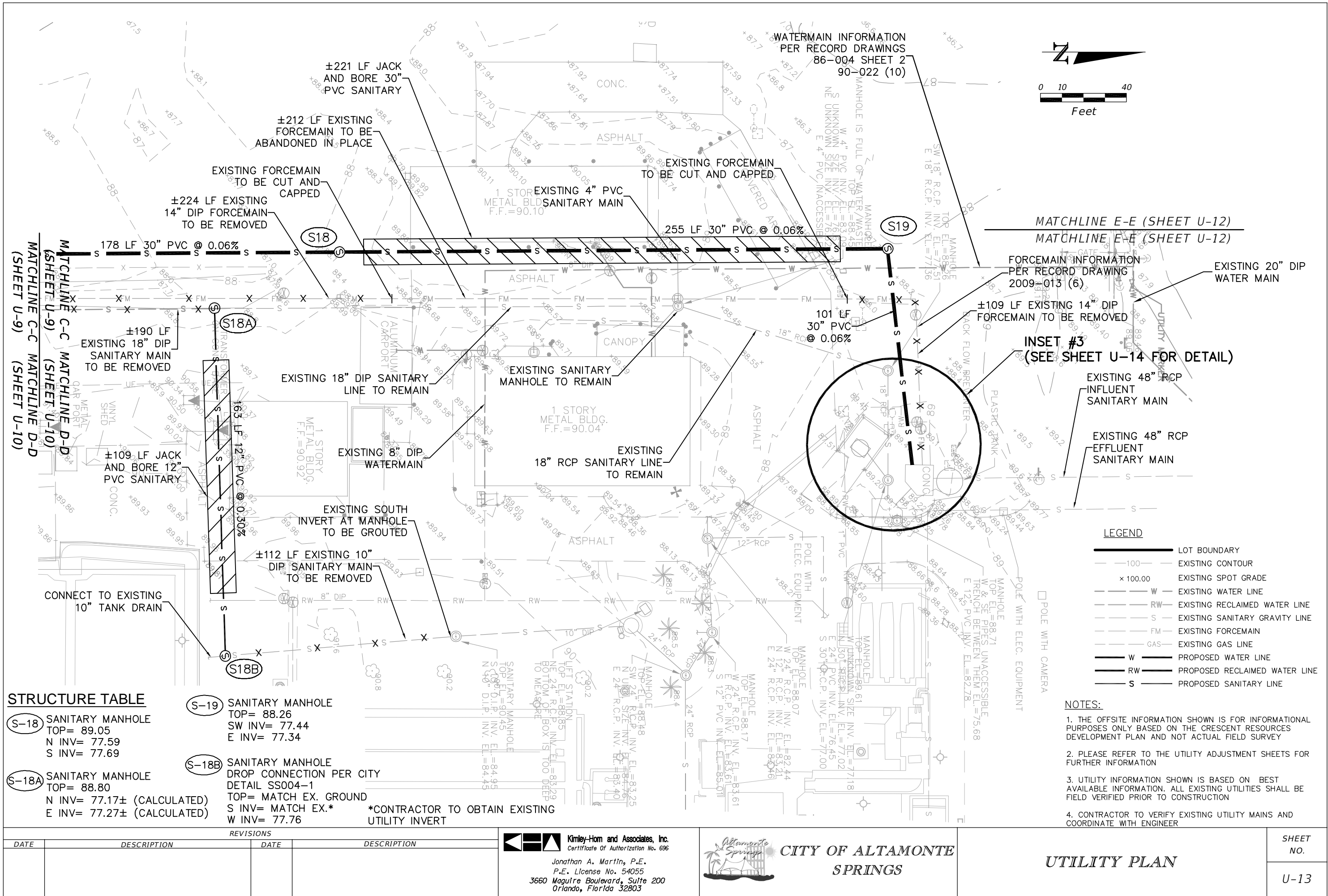


Exhibit "C"

**ITEMIZED BID TABULATION FORM
FOR THE CONSTRUCTION OF THE
GATEWAY DRIVE EXTENSION - CONSTRUCTION OF
(FOREST CITY ROAD TO KELLER ROAD)
FOR CITY OF ALTAMONTE SPRINGS**

D. UTILITY ITEMS - Gateway Drive						
	ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
	UTILITY ITEMS					
148	PROJ-1	PRECONSTRUCTION VIDEO	LS	0		
149	PROJ-2	UTILITY SYSTEM RECORD DRAWINGS	LS	1		
150	425-6	ADJUST EXISTING VALVE BOXES (INCLUDING PIPE)	EA	14		
	SANITARY SEWER-North-South Gravity Line within RWRF plant					
151	PROJ-3-A	MINOR SITE MODIFICATIONS	LS	1		
152	425-5-1-A	CONNECT TO EXISTING STRUCTURE	EA	1		
153	556-1-5-A	JACK AND BORE 12" PVC SEWER - INCLUDES 24" STEEL CASING	LF	109		
154	556-1-7-A	JACK AND BORE 30" PVC SEWER - INCLUDES 48" STEEL CASING	LF	221		
155	425-2-42-A	SANITARY MANHOLE, >10' (S-13A, S-18, S-18A, S-18B, S-19)	EA	5		
156	1050-11-224-A	FURNISH & INSTALL 12" PVC SEWER	LF	54		
157	1050-11-225-A	FURNISH & INSTALL 30" PVC SEWER	LF	313		
157A	1050-16-004-A	REMOVAL OF 10" DIP SANITARY	LF	112		
158	1050-16-004-A	REMOVAL OF 14" DIP FORCEMAIN	LF	314		
159	1050-16-004-A	REMOVAL OF 18" DIP SANITARY	LF	123		
	SANITARY SEWER-East-West combined gravity along Gateway Drive					
160	PROJ-5-B	"CITY OF WINTER PARK" MANHOLE COVER	EA	5		
161	PROJ-6-B	REMOVAL OF SANITARY MANHOLES	EA	4		
162	425-2-102-B	SANITARY MANHOLE, SPECIAL, >10' (S-16, S-17)	EA	2		
163	425-2-42-B	SANITARY MANHOLE, >10' (S-13, S-14, S-15)	EA	3		
164	1050-11-224-B	FURNISH & INSTALL 12" PVC SEWER	LF	26		
165	1050-11-224-B	FURNISH & INSTALL 18" PVC SEWER	LF	23		
166	1050-11-225-B	FURNISH & INSTALL 24" PVC SEWER	LF	1113		
167	1050-11-225-B	FURNISH & INSTALL 30" PVC SEWER	LF	40		
168	1050-16-004-B	REMOVAL OF 14" PVC FORCEMAIN	LF	67		
169	1050-16-004-B	REMOVAL OF 14" DIP FORCEMAIN	LF	1110		
170	1050-16-004-B	REMOVAL OF 12" DIP SANITARY	LF	27		
171	1050-16-004-B	REMOVAL OF 18" DIP SANITARY	LF	1169		

Exhibit "C"

**ITEMIZED BID TABULATION FORM
FOR THE CONSTRUCTION OF THE
GATEWAY DRIVE EXTENSION - CONSTRUCTION OF
(FOREST CITY ROAD TO KELLER ROAD)
FOR CITY OF ALTAMONTE SPRINGS**

D. UTILITY ITEMS - Gateway Drive						
	ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
		FORCE MAIN-North-South segment of Winter park forcemain				
172	1080-11-409-C	CONNECT TO EXISTING 14" FORCEMAIN	EA	2		
173	0555-1-3-C	DIRECTIONAL DRILL 12" HDPE FORCEMAIN -INCLUDES PIPE	LF	746		
174	1050-11-224-C	FURNISH & INSTALL 12" PVC FORCE MAIN	LF	8		
175	1050-11-224-C	FURNISH & INSTALL 14" PVC FORCE MAIN	LF	11		
176	1050-11-224-C	FURNISH & INSTALL 18" PVC FORCE MAIN	LF	23		
177	1055-11-414-C	FURNISH & INSTALL 14", 45 DEGREE BENDS	EA	1		
178	1055-11-434-C	FURNISH & INSTALL 18" X 12" INCREASER	EA	1		
179	1055-11-464-C	FURNISH & INSTALL 12" X 12" WYE	EA	1		
180	1055-11-464-C	FURNISH & INSTALL 14" X 12" WYE	EA	1		
181	1055-11-464-C	FURNISH & INSTALL 18" X 14" WYE	EA	1		
182	1080-11-404-C	FURNISH AND INSTALL 12" PLUG VALVE	EA	3		
183	1080-11-404-C	FURNISH AND INSTALL 14" PLUG VALVE	EA	2		
184	1080-11-407-C	FURNISH AND INSTALL 14" LINE STOP	EA	1		

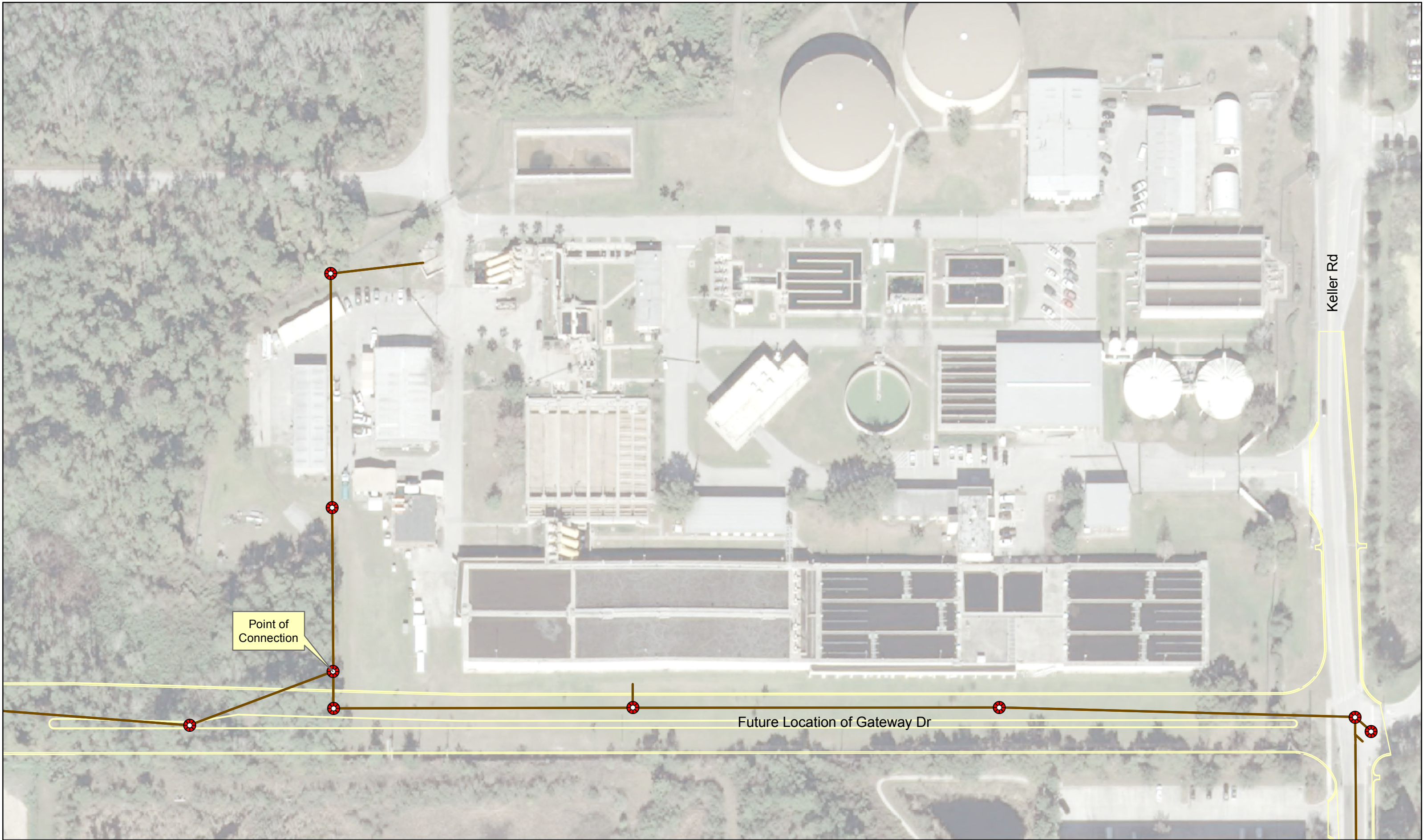


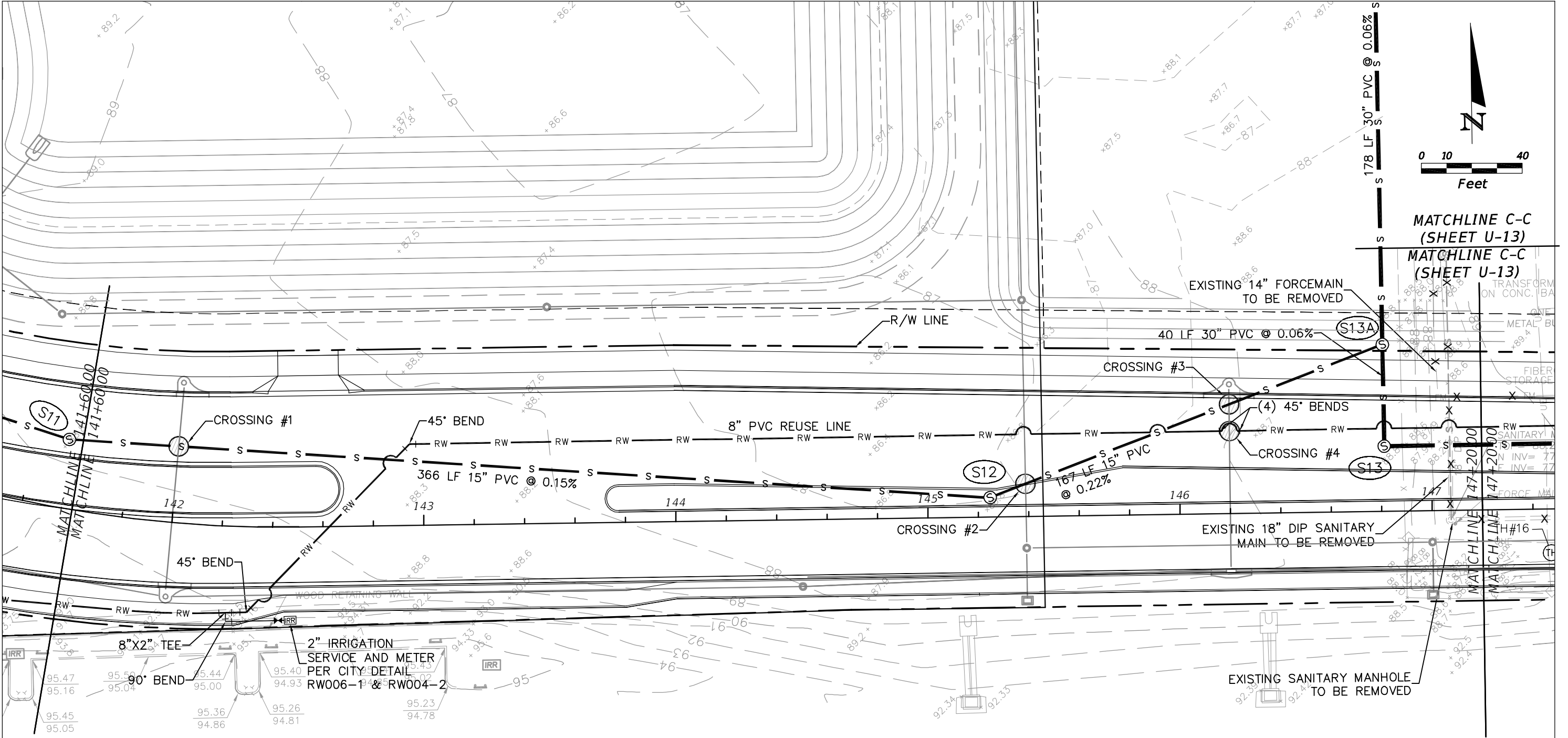
Exhibit "D"

Exhibit "A"

**COST SHARE TABLE
Wholesale Sewer Utility Improvements**

Cost Elements	Segment 1	Segment 2	Segment 3	Total
Engineering & Permits Lump Sum	\$7,674	\$8,914	\$4,283	\$20,870
Post-Design Services NTE	\$3,677	\$4,271	\$2,052	\$10,000
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Party	Segment 1		Segment 2		Segment 3		Total
	%	Cost-Share	%	Cost-Share	%	Cost-Share	Cost-Share
City of Altamonte Springs	87.5%	\$283,112	0.0%	\$0	0.0%	\$0	\$283,112
City of Maitland	10.0%	\$32,320	79.9%	\$300,216	29.5%	\$53,267	\$385,802
City of Winter Park	2.5%	\$8,140	20.1%	\$75,608	70.5%	\$127,298	\$211,046
Totals	100%	\$323,571	100%	\$375,824	100%	\$180,564	\$879,960



CROSSING TABLE

Crossing (#)	Top Pipe				Bottom Pipe				Clearance (ft.)
	Type	Size(in)	Invert	Crown	Type	Size(in)	Invert	Crown	
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(U-9) 4	Storm	18" RCP	87.73	89.44	Reuse	8" PVC	86.35	87.02	0.51

STRUCTURE TABLE

(S-12)	SANITARY MANHOLE TOP= 93.29 NE INV= 78.26 W INV= 78.36
(S-13)	"CITY OF WINTER PARK" SANITARY MANHOLE TOP= 92.54 E INV= 77.98 N INV= 77.92
(S-13A)	SANITARY MANHOLE TOP= 92.00 N INV= 77.80 S INV= 77.90 SW INV= 77.90

LEGEND

	LOT BOUNDARY
	EXISTING CONTOUR
	EXISTING SPOT GRADE
	EXISTING WATER LINE
	EXISTING RECLAIMED WATER LINE
	EXISTING SANITARY GRAVITY LINE
	EXISTING FORCEMAIN
	EXISTING GAS LINE
	PROPOSED WATER LINE
	PROPOSED RECLAIMED WATER LINE
	PROPOSED SANITARY LINE

NOTES:

1. THE OFFSITE INFORMATION SHOWN IS FOR INFORMATIONAL PURPOSES ONLY BASED ON THE CRESCENT RESOURCES DEVELOPMENT PLAN AND NOT ACTUAL FIELD SURVEY
2. PLEASE REFER TO THE UTILITY ADJUSTMENT SHEETS FOR FURTHER INFORMATION
3. UTILITY INFORMATION SHOWN IS BASED ON BEST AVAILABLE INFORMATION. ALL EXISTING UTILITIES SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

Kimley-Horn and Associates, Inc.
Certificate Of Authorization No. 696
Jonathan A. Martin, P.E.
P.E. License No. 54055
3660 Maguire Boulevard, Suite 200
Orlando, Florida 32803

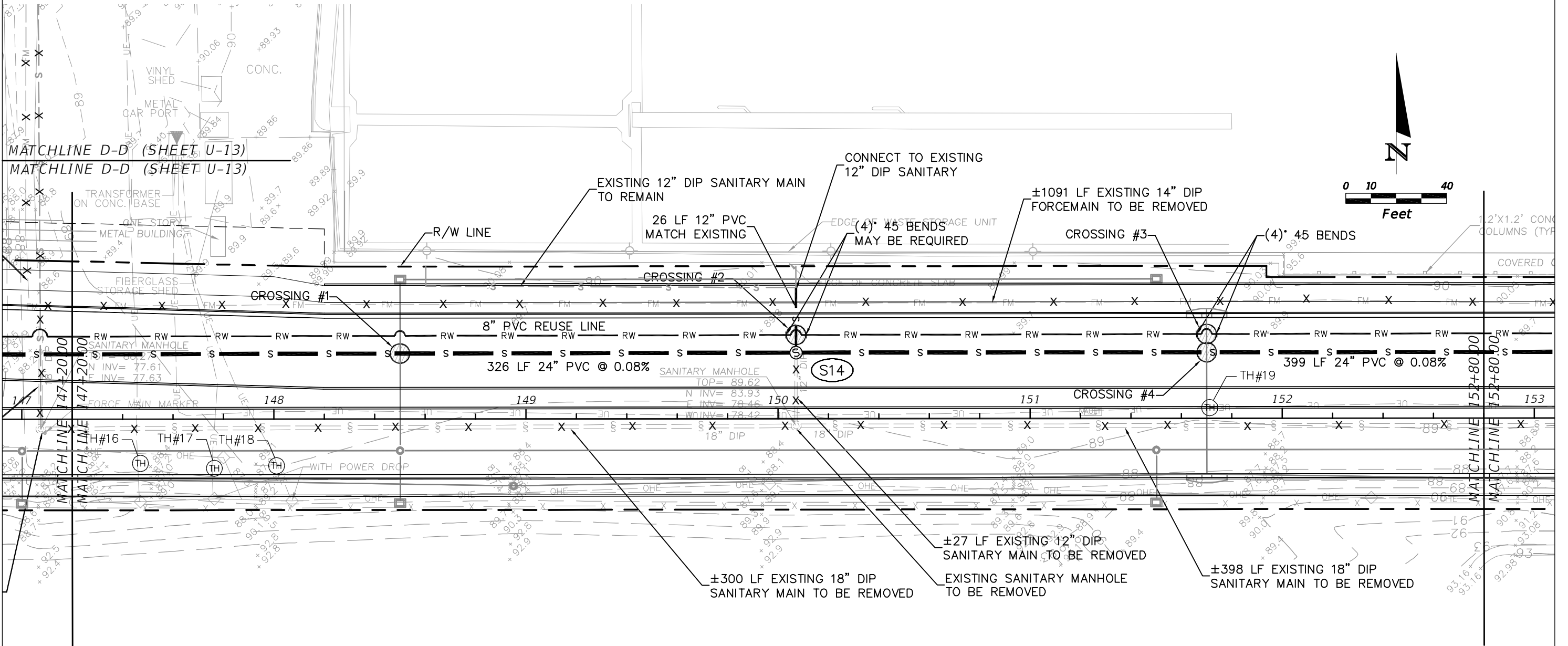


**CITY OF ALTAMONTE
SPRINGS**

UTILITY PLAN

SHEET
NO.

U-9



CROSSING TABLE

Crossing (#)	Top Pipe				Bottom Pipe				Clearance (ft.)
	Type	Size(in)	Invert	Crown	Type	Size(in)	Invert	Crown	
(U-10) 1	Storm	15" RCP	85.20	86.64	Sanitary	24" PVC	78.11	80.11	5.09
(U-10) 2	Sanitary	12"PVC	NA	NA	Reuse	8" PVC	Adjust Accordingly		1.00 Min.
(U-10) 3	Storm	18" RCP	87.38	89.09	Reuse	8" PVC	86.00	86.67	0.50
(U-10) 4	Storm	18" RCP	87.38	89.09	Sanitary	24" PVC	78.42	80.42	6.75

STRUCTURE TABLE

(S-14) "CITY OF WINTER PARK"
SANITARY MANHOLE
TOP= 92.76
E INV= 78.29
W INV= 78.24
N INV= MATCH EXISTING*

*CONTRACTOR TO OBTAIN EXISTING
UTILITY INVERT

LEGEND

- LOT BOUNDARY
- 100—

EXISTING CONTOUR
- x 100.00

EXISTING SPOT GRADE
- W —

EXISTING WATER LINE
- RW —

EXISTING RECLAIMED WATER LINE
- S —

EXISTING SANITARY GRAVITY LINE
- FM —

EXISTING FORCEMAIN
- GAS —

EXISTING GAS LINE
- W —

PROPOSED WATER LINE
- RW —

PROPOSED RECLAIMED WATER LINE
- S —

PROPOSED SANITARY LINE

NOTES:

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REVISIONS			
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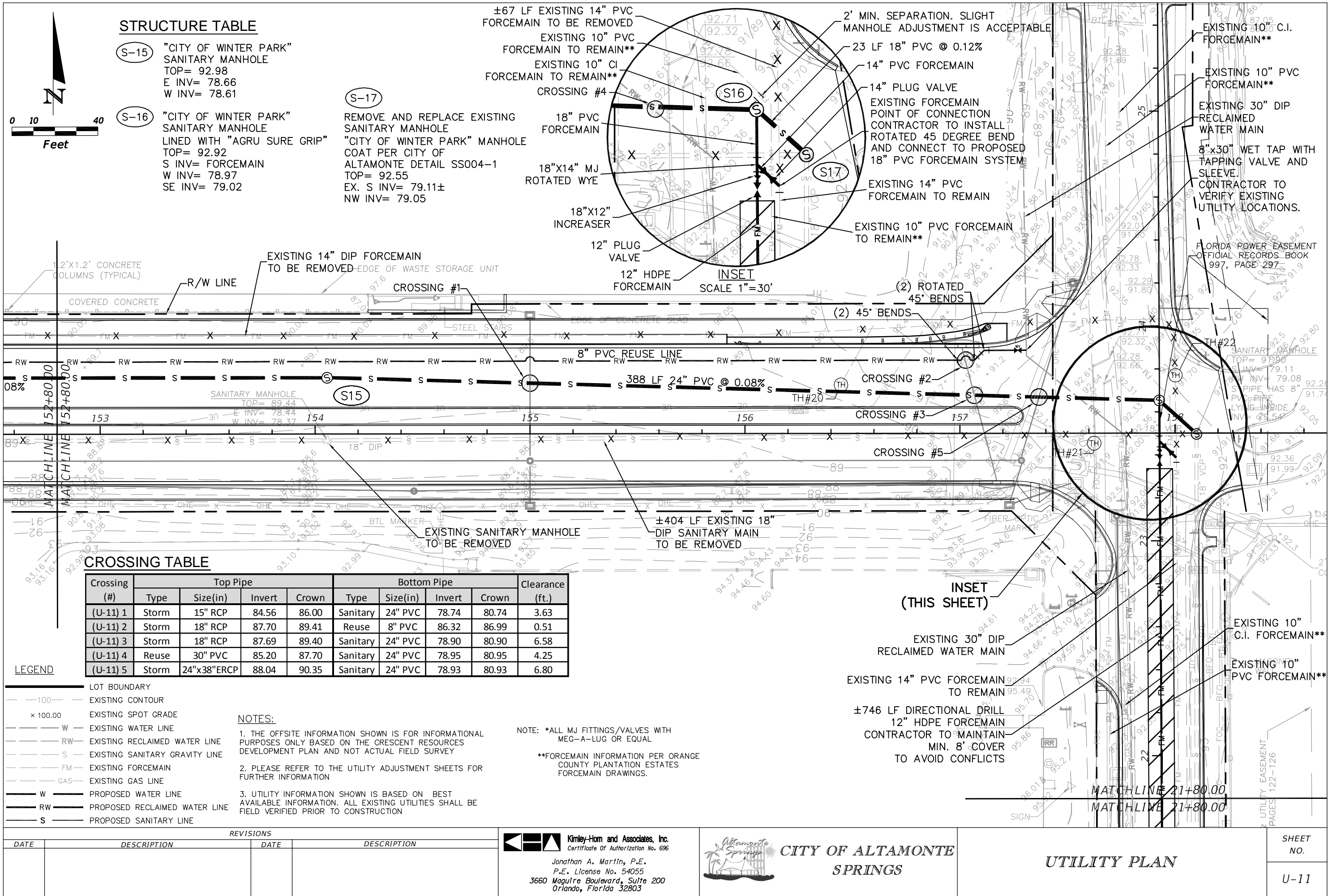


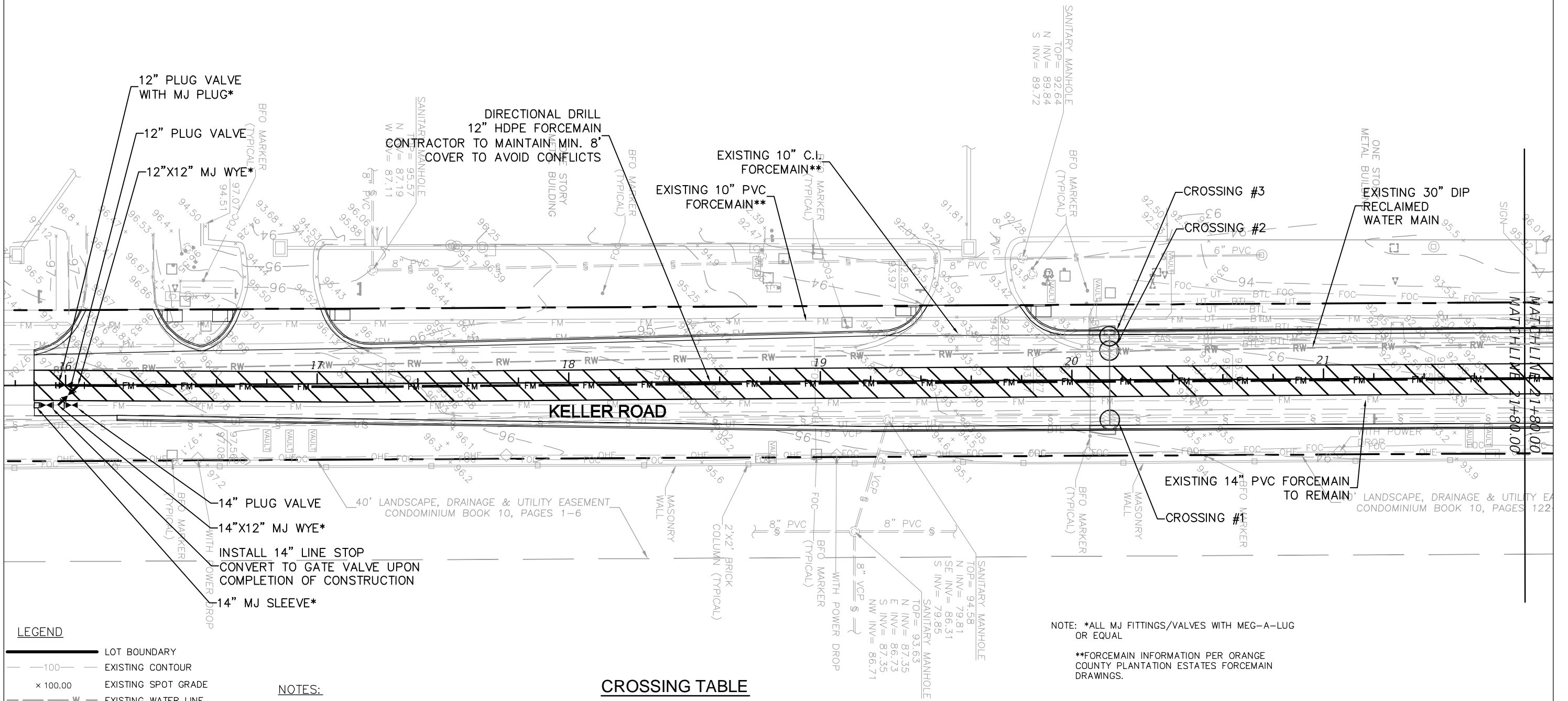
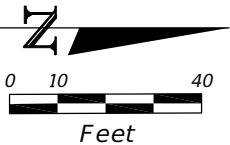
CITY OF ALTAMONTE
SPRINGS

UTILITY PLAN

SHEET
NO.

U-10





- LEGEND**
- LOT BOUNDARY
 - 100 — EXISTING CONTOUR
 - x 100.00 — EXISTING SPOT GRADE
 - W — EXISTING WATER LINE
 - RW — EXISTING RECLAIMED WATER LINE
 - S — EXISTING SANITARY GRAVITY LINE
 - FM — EXISTING FORCEMAIN
 - GAS — EXISTING GAS LINE
 - W — PROPOSED WATER LINE
 - RW — PROPOSED RECLAIMED WATER LINE
 - S — PROPOSED SANITARY LINE

- NOTES:**
1. THE OFFSITE INFORMATION SHOWN IS FOR INFORMATIONAL PURPOSES ONLY BASED ON THE CRESCENT RESOURCES DEVELOPMENT PLAN AND NOT ACTUAL FIELD SURVEY
 2. PLEASE REFER TO THE UTILITY ADJUSTMENT SHEETS FOR FURTHER INFORMATION
 3. UTILITY INFORMATION SHOWN IS BASED ON BEST AVAILABLE INFORMATION. ALL EXISTING UTILITIES SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION

CROSSING TABLE

Crossing (#)	Top Pipe				Bottom Pipe				Clearance (ft.)
	Type	Size(in)	Invert	Crown	Type	Size(in)	Invert	Crown	
(U-11A) 1	Storm	15" RCP	89.14	90.58	Sanitary	18" VCP	79.68	81.18	7.96
(U-11A) 2	Storm	15" RCP	89.07	90.51	Reuse	30" PVC	UNKNOWN		1.00 Min.
(U-11A) 3	Storm	15" RCP	89.09	90.53	Forcemain	10" CI	UNKNOWN		6" Min.

NOTE: *ALL MJ FITTINGS/VALVES WITH MEG-A-LUG OR EQUAL

**FORCEMAIN INFORMATION PER ORANGE COUNTY PLANTATION ESTATES FORCEMAIN DRAWINGS.

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION



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Jonathan A. Martin, P.E.
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3660 Maguire Boulevard, Suite 200
Orlando, Florida 32803



**CITY OF ALTAMONTE
SPRINGS**

UTILITY PLAN

SHEET NO.

U-11A

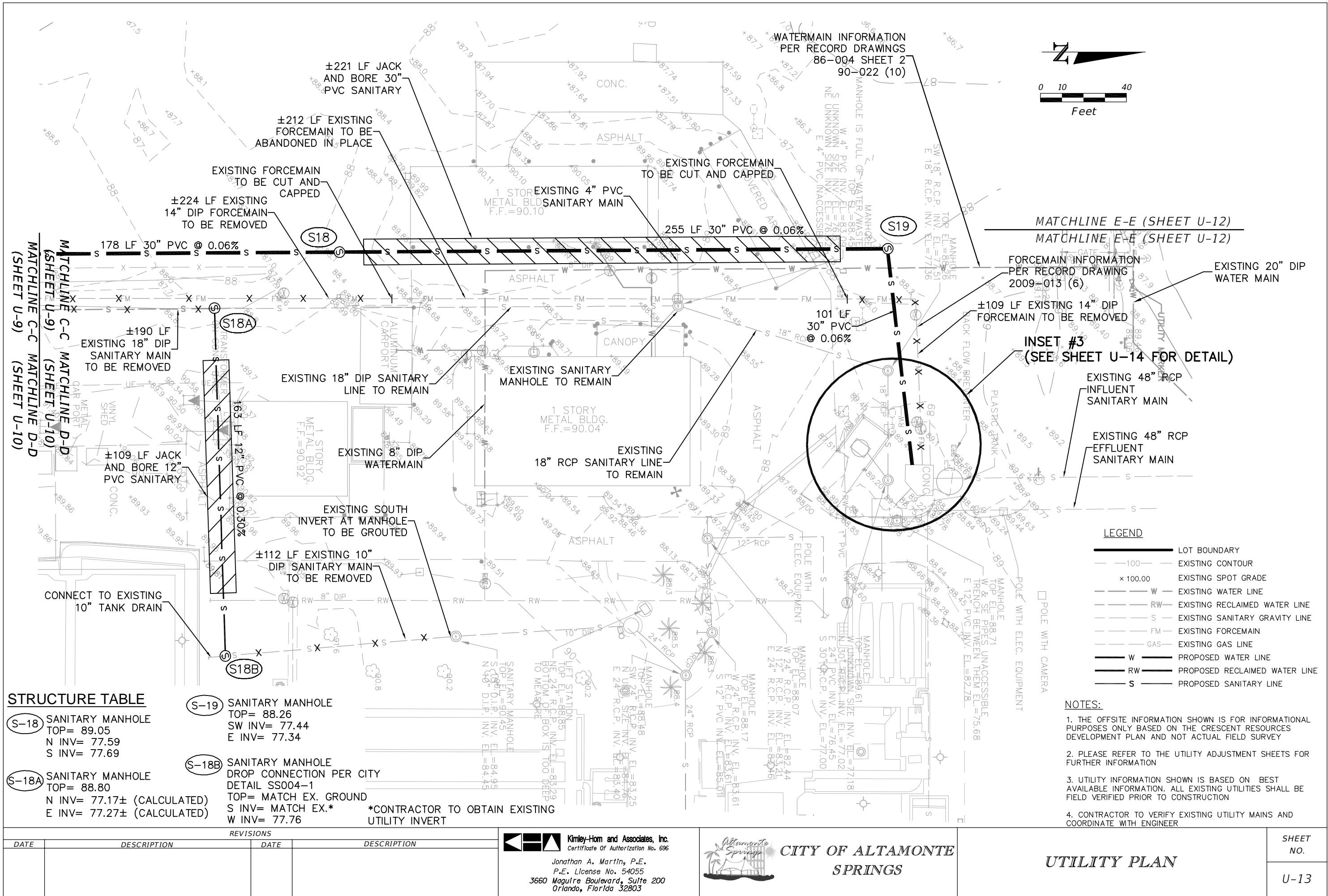


Exhibit "C"

**ITEMIZED BID TABULATION FORM
FOR THE CONSTRUCTION OF THE
GATEWAY DRIVE EXTENSION - CONSTRUCTION OF
(FOREST CITY ROAD TO KELLER ROAD)
FOR CITY OF ALTAMONTE SPRINGS**

D. UTILITY ITEMS - Gateway Drive						
	ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
	UTILITY ITEMS					
148	PROJ-1	PRECONSTRUCTION VIDEO	LS	0		
149	PROJ-2	UTILITY SYSTEM RECORD DRAWINGS	LS	1		
150	425-6	ADJUST EXISTING VALVE BOXES (INCLUDING PIPE)	EA	14		
	SANITARY SEWER-North-South Gravity Line within RWRF plant					
151	PROJ-3-A	MINOR SITE MODIFICATIONS	LS	1		
152	425-5-1-A	CONNECT TO EXISTING STRUCTURE	EA	1		
153	556-1-5-A	JACK AND BORE 12" PVC SEWER - INCLUDES 24" STEEL CASING	LF	109		
154	556-1-7-A	JACK AND BORE 30" PVC SEWER - INCLUDES 48" STEEL CASING	LF	221		
155	425-2-42-A	SANITARY MANHOLE, >10' (S-13A, S-18, S-18A, S-18B, S-19)	EA	5		
156	1050-11-224-A	FURNISH & INSTALL 12" PVC SEWER	LF	54		
157	1050-11-225-A	FURNISH & INSTALL 30" PVC SEWER	LF	313		
157A	1050-16-004-A	REMOVAL OF 10" DIP SANITARY	LF	112		
158	1050-16-004-A	REMOVAL OF 14" DIP FORCEMAIN	LF	314		
159	1050-16-004-A	REMOVAL OF 18" DIP SANITARY	LF	123		
	SANITARY SEWER-East-West combined gravity along Gateway Drive					
160	PROJ-5-B	"CITY OF WINTER PARK" MANHOLE COVER	EA	5		
161	PROJ-6-B	REMOVAL OF SANITARY MANHOLES	EA	4		
162	425-2-102-B	SANITARY MANHOLE, SPECIAL, >10' (S-16, S-17)	EA	2		
163	425-2-42-B	SANITARY MANHOLE, >10' (S-13, S-14, S-15)	EA	3		
164	1050-11-224-B	FURNISH & INSTALL 12" PVC SEWER	LF	26		
165	1050-11-224-B	FURNISH & INSTALL 18" PVC SEWER	LF	23		
166	1050-11-225-B	FURNISH & INSTALL 24" PVC SEWER	LF	1113		
167	1050-11-225-B	FURNISH & INSTALL 30" PVC SEWER	LF	40		
168	1050-16-004-B	REMOVAL OF 14" PVC FORCEMAIN	LF	67		
169	1050-16-004-B	REMOVAL OF 14" DIP FORCEMAIN	LF	1110		
170	1050-16-004-B	REMOVAL OF 12" DIP SANITARY	LF	27		
171	1050-16-004-B	REMOVAL OF 18" DIP SANITARY	LF	1169		

Exhibit "C"

**ITEMIZED BID TABULATION FORM
FOR THE CONSTRUCTION OF THE
GATEWAY DRIVE EXTENSION - CONSTRUCTION OF
(FOREST CITY ROAD TO KELLER ROAD)
FOR CITY OF ALTAMONTE SPRINGS**

D. UTILITY ITEMS - Gateway Drive						
	ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
		FORCE MAIN-North-South segment of Winter park forcemain				
172	1080-11-409-C	CONNECT TO EXISTING 14" FORCEMAIN	EA	2		
173	0555-1-3-C	DIRECTIONAL DRILL 12" HDPE FORCEMAIN -INCLUDES PIPE	LF	746		
174	1050-11-224-C	FURNISH & INSTALL 12" PVC FORCE MAIN	LF	8		
175	1050-11-224-C	FURNISH & INSTALL 14" PVC FORCE MAIN	LF	11		
176	1050-11-224-C	FURNISH & INSTALL 18" PVC FORCE MAIN	LF	23		
177	1055-11-414-C	FURNISH & INSTALL 14", 45 DEGREE BENDS	EA	1		
178	1055-11-434-C	FURNISH & INSTALL 18" X 12" INCREASER	EA	1		
179	1055-11-464-C	FURNISH & INSTALL 12" X 12" WYE	EA	1		
180	1055-11-464-C	FURNISH & INSTALL 14" X 12" WYE	EA	1		
181	1055-11-464-C	FURNISH & INSTALL 18" X 14" WYE	EA	1		
182	1080-11-404-C	FURNISH AND INSTALL 12" PLUG VALVE	EA	3		
183	1080-11-404-C	FURNISH AND INSTALL 14" PLUG VALVE	EA	2		
184	1080-11-407-C	FURNISH AND INSTALL 14" LINE STOP	EA	1		

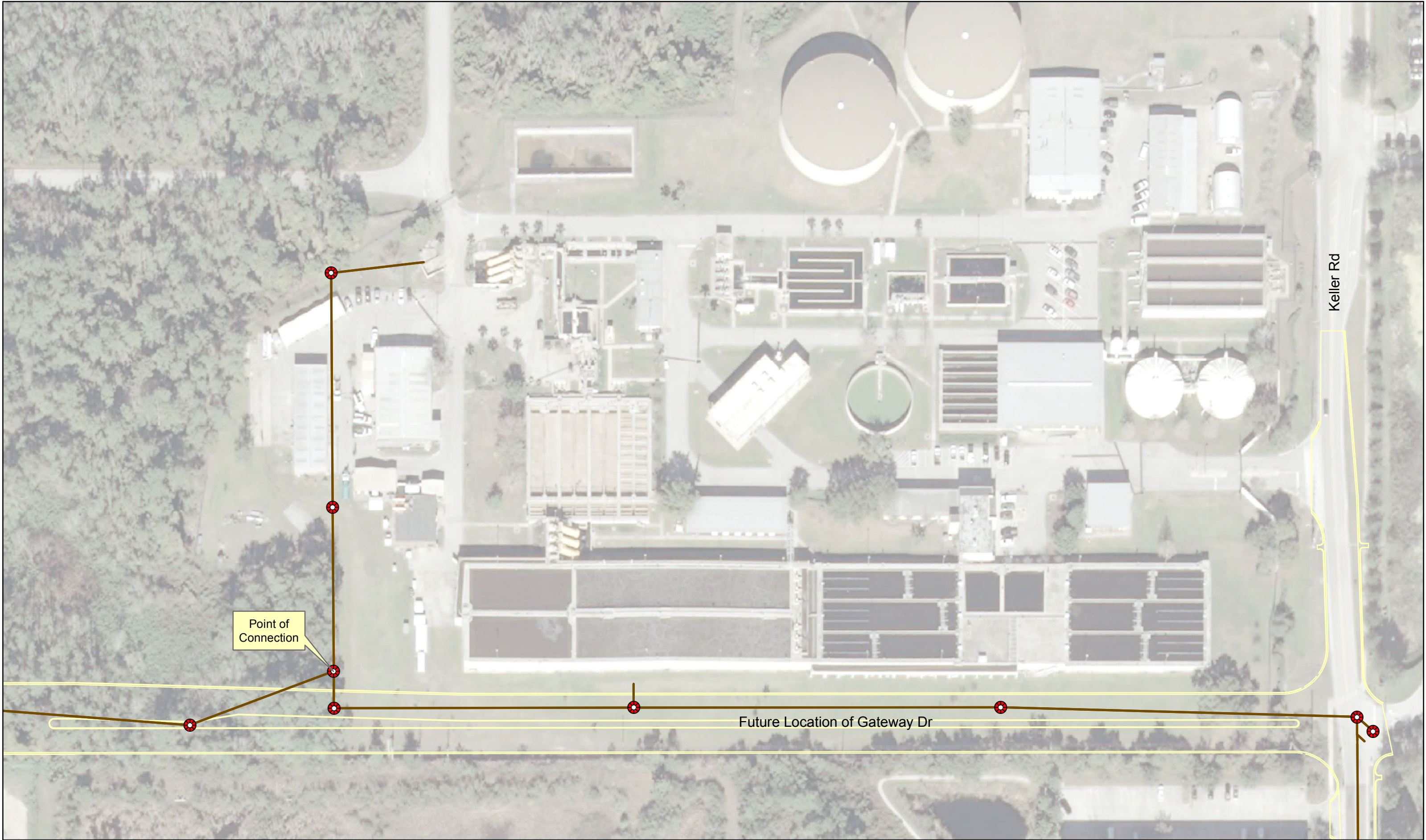


Exhibit "D"



city commission agenda item

item type	Action item requiring discussion	meeting date	November 12, 2012
prepared by department division	Michelle del Valle Assistant City Manager	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

Distribution of funding for Crealde to operate the Heritage Center within the CRA.

motion | recommendation

All organizational support identified in the attached spreadsheet which totals \$119,000 should be paid on a quarterly basis, until a new policy is developed by the Commission.

or

Only General Fund organizational support identified on that attached spreadsheet which totals \$85,000 should be paid on a quarterly basis, until a new policy is developed by the Commission. CRA support should continue to be paid separately.

background

The City Commission is currently discussing how to handle organizational support. During the budget discussion period, the Commission agreed to fund the first quarter of organizational support and to use that time to develop a long term policy for providing organizational support.

Also important to note is that at the CRA meeting the CRA Board approved the Crealde/Heritage Center payment as part of the CRA budget without discussion of quarterly payments.

At the October 22nd Commission Meeting, Peter Schreyer, from Crealde questioned if his organization should be included in these discussions and if they should only be funded quarterly based on their funding arrangement with the CRA.

Staff was directed to review the audio tape from the August 27th the Commission meeting and bring the discussion to the Commission for a decision at the November 12th Commission Meeting. The audio tape (starting at 5:22) includes a discussion where the Mayor makes a motion to fund the organizations identified on the list of \$120K, distrusted as part of the budget, on a quarterly basis. Commissioner Sprinkel asked for clarification if that includes the CRA. Commissioner Leary responded that it does not. It then sounds as though others agree with that statement, but there is no other audible language. Additional conversation occurred, before the vote was summarized and passed 4-1.

Since the verbal discussion did not agree with the written document identified in the motion, additional clarification is required by the Commission.

alternatives | other considerations

Many alternatives were considered at that meeting. Additionally, the Commission is working to develop a revised policy by December 2012.

fiscal impact

long-term impact

strategic objective

Quality government services & financial security.

ORGANIZATIONAL SUPPORT BUDGETED IN FY 2013

General Fund	
Winter Park Historical Association	70,000
United Arts	15,000
Organizational Support – General Fund	85,000

Community Redevelopment Agency	
Heritage Center Operations	30,000
St. Patrick's Day Parade	2,000
Welbourne Nursery	2,000
Organizational Support - CRA	34,000

Total Organizational Support	119,000
-------------------------------------	----------------



city commission agenda item

item type	Action Item Requiring Discussion	meeting date	November 12, 2012
prepared by department division	Public Works	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

Streetscape/bricking of New England Avenue and Interlachen Avenue in conjunction with Alford Inn construction.

motion | recommendation

Accept offer from Rollins College for the funding of streetscape improvements as outlined herein.

background

Rollins has asked the City to brick Interlachen Avenue from 100'+/- North of New England to Fairbanks Avenue and New England Avenue from Knowles Avenue to Fairbanks Avenue in conjunction with the construction of the Alford Inn. The City has prepared cost estimates to be able to understand project costs. It is estimated that the cost to brick Interlachen Ave. within these limits is approximately \$100,000 for which Rollins is agreeable to fully fund. Since Interlachen is on the repaving list and funds have been allocated to purchase asphalt for this, the cost to Rollins would be reduced by this amount resulting in an estimated net cost of \$85,000.

The estimated cost to brick New England Avenue in these limits is \$590,00 for which Rollins is agreeable to fund at 50%. In order to proceed with construction in a timely manner, Rollins is agreeable to fund the entire cost of New England allowing the City to pay its obligation over the next 3 years in 3 equal annual payments to begin in FY 2014 (beginning October 2013). The roadway costs proposed herein also include costs for decorative street lights along New England and Interlachen Avenues.

Rollins would also like to replace the existing concrete span wire traffic signal at the corner of New England Ave. and Interlachen Ave. with a decorative mast arm traffic signal at their sole expense. A preliminary cost estimate for this is approximately \$150,000.

In summary, the proposed streetscape improvements for the project cost a total of \$840,000 and Rollins is committing to funding \$530,000 with the city funding \$310,000 of the improvements (\$15,000 from existing asphalt account and \$295,000 to be paid back over next 3 years at no interest.)

Additionally, the City will design and manage construction of the project at no cost to Rollins.

alternatives | other considerations

Repave the existing streets with asphalt at no cost to Rollins.

fiscal impact

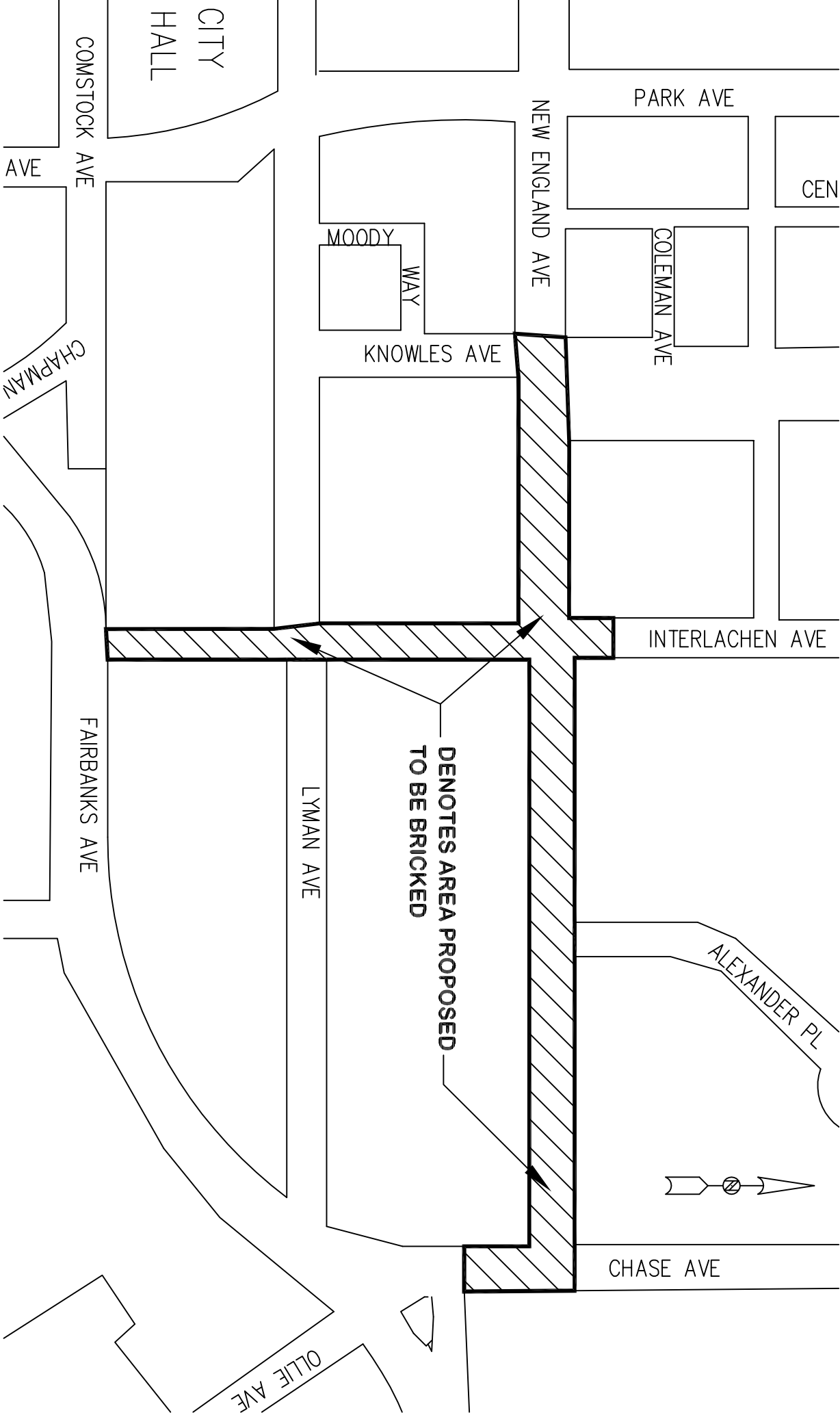
Fund City's portion of the project using existing general fund account for \$15,000 and allocate funding from future years at approximately \$100,000 per year for 3 years starting in FY2014.

long-term impact

Enhanced aesthetics of the area.

strategic objective

Quality Development and Redevelopment





city commission agenda item

item type	Action Item Requiring Discussion	meeting date	November 12, 2012
prepared by	David Zusi	approved by	<input checked="" type="checkbox"/> City Manager
department	Water & Wastewater Utilities		<input type="checkbox"/> City Attorney
division	Administration		<input type="checkbox"/> N/A
board approval	Utility Advisory Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	9:0 final vote

subject

Water, Wastewater, and Reclaimed Water Rate Study

motion | recommendation

Recommend City Commission approve rate adjustments in accordance with the comprehensive Water, Wastewater, and Reclaimed Water Rate Study conducted by CDM Smith, Inc., and discussed during the Work Session on November 12, 2012.

background

The last rate study for the City of Winter Park was completed 10 years ago. Since that time we have seen a regional push towards surface water Alternate Water Source (AWS) projects as a future source of drinking water, increased water conservation initiatives, and restrictions to the allowable irrigation schedules from the SJRWMD. The AWS projects result in extremely expensive water, conservatively estimated to cost between \$5.20 and \$7.48/1000 gallon. This compares to less than \$2.00/1000 gallon for expanding our existing reclaimed water system.

The rate study has been structured to send an enhanced conservation signal (while accounting for elasticity due to conservation); accurately apportion the water, wastewater and reclaimed water revenues to the correct cost center; and, fund identified operational and capital projects for the approved three year study period.

alternatives | other considerations

Another alternative discussed in preparation of the study was an across-the-board increases for each of the existing rate blocks. This approach can yield a comparable number to the detailed approach we took, but will not target the very high users, and does not correct some minor discrepancies between the water and wastewater cost centers. The recommended approach was reviewed extensively by the Utility Advisory Board and a favorable recommendation forwarded to the Commission.

fiscal impact

The rate study is designed to collect additional water, wastewater, and reclaimed water revenues, with emphasis on the high irrigation users while having minimal impact on the very small consumers. The study recommends a simplification of the rate block structure from 6 blocks to 4 blocks.

There will be a fiscal impact on our customers that will be consistent with the volume of water they use. The amount of the fiscal impact will be determined by the size of the meter and the amount of water used. The impact is on a sliding scale where the more water that is used, the more the fiscal impact to the customer. This is consistent with water conservation rate structures recommended by the St. Johns River water Management District.

long-term impact

The long term impacts of the proposed new rate structure are to enhance water conservation, provide funding for debt service associated with future capital projects relating to expansion of the reclaimed water system, and correctly apportion the water, wastewater, and reclaimed water to the appropriate cost center.

strategic objective

This meets the strategic initiative to maintain the City's appeal through controlled, compatible and sustainable redevelopment as a component of our water conservation plan, and our future reclaimed water expansion program.



city commission public hearing

item type	Public Hearing	meeting date	November 12, 2012
prepared by department division	George Wiggins Building/Legislative Affairs	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Tree Preservation Board Planning & Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-0 7-0 final vote

subject

Amended City Tree Preservation Ordinance

motion | recommendation

Approve Ordinance and approve reducing Tree Preservation Board appeal fee from \$100 to \$35.

summary

With the permission of the City Commission, over the last several months, the Tree Preservation Board reviewed the City's current Tree Preservation Ordinance, including the process of tree removal permits, method(s) of compensation for removal of protected trees, uses of the Tree Replacement Trust Fund and others areas recommended by staff that needed fine tuning. The Board completed their review and unanimously approved an ordinance incorporating proposed changes to the current Tree Preservation Ordinance. This Ordinance with minor changes added (after hearing comments from the City Commission) was then heard by the Planning and Zoning Board on 8/7/12. P&Z is charged with making recommendations on "all matters dealing with the development of land in the city" and must also review these land development related ordinance changes.

In addition, the Tree Preservation Board recommended changing the City Fee Schedule to reduce the cost of appeals from \$100 to \$35 so as not to be a deterrent for citizens who choose to appeal a tree removal permit denial or compensation placed as a condition of issuing a permit.

On Oct 9, a Tree Forum public meeting was held in which the history of the City's tree regulation was reviewed and proposed changes in the current tree ordinance were explained with examples of comparisons of the changes. Over 40 persons were in attendance and several persons expressed views on changing the compensation rate for tree removal. Other topics brought up included addressing camphor trees so as to be considered exempt, hazardous trees and maintenance of the city's right of way trees on a long term basis.

The following items summarize the proposed changes in the Ordinance:

Sec. 58-284. - Tree removal permits (b)

Staff initiated to clarify that a tree removal permit is NOT required for trees that have come down due to acts of nature such as storms, fire or natural decay.

Sec. 58-286 Tree removal permit procedure

(d)*Appeals.*

Board initiated to reduce the financial compensation required from 1 ½ times the dbh of the tree to 1 times the dbh in the schedule of fees. The current compensation rate is \$110 per inch of tree diameter.

Sec. 58-287. - Tree replacement and financial compensation requirements.

(1)Tree replacement

Board initiated to encourage tree re-planting rather than paying compensation by requiring prescribed sizes and numbers of replacement trees based on the size of the protected tree(s) being removed. The applicant may choose to provide actual tree replantings, financial compensation or a combination of both with fees determined by the Schedule of Fees adopted by the City Commission.

3 categories of protected shade trees are listed in the ordinance:

- 1) Protected tree: any shade tree with a dbh greater than 9 inches
- 2) Specimen tree: any shade tree with a dbh of 24 inches and less than 36 inches.
- 3) Historic tree: any shade tree with a dbh greater than 36 inches.

Compensation by replanting trees:

Compensation for removing a **non-specimen (protected) tree** is:

Replanting of one 3 inch tree if the tree being removed is less than 19 inches in dbh or replanting of two 3 inch trees if the dbh of the tree to be removed is between 19 inches and 24 inches.

Compensation for removing a **specimen tree** is:

Replanting four (4) trees with a dbh equal to or greater than three inches. Two of the trees may be replaced by one tree with a dbh of at least 4 ½ inches

Compensation for removing a **historic tree** is:

Replanting two (2) trees with a dbh equal to or greater than four and one half inches.

In addition, multiple understory trees may be approved as replacement trees with a cumulative caliper of at least six inches and shall be planted on the same property where the tree was removed

Compensation by paying financial compensation:

Compensation for removing any **protected tree** shall equal the rate per caliper inch set by the city commission in the schedule of fees multiplied by the caliper inches of protected trees removed & shall be paid into the Tree Replacement trust fund. A combination of replanting and payment of financial compensation is permitted also.

Sec. 58-289. - Tree replacement trust fund.

Board initiated to limit use of fund as indicated below:

- (a) There is hereby created a tree replacement trust fund. All funds collected as tree replacement fees shall be administered by the director of parks and recreation or designee.
- (b) Disbursements from the tree replacement trust fund shall be made only for the following purposes:
 - (1) Purchasing trees for planting and any associated costs in accordance with the city's tree planting program; or
 - (2) ~~Purchases necessary for improvements (except vehicles), including contract services for the city's tree nursery or,~~ For educational purposes as provided in Section 58-283(d)(7).
 - (3) Protection of trees **and enforcement of this ordinance**.

NOTE: In item (3) above the Tree Preservation Board had recommended removing “enforcement of this ordinance” as a potential item that can be subsidized from the Tree Fund, however, the Planning & Zoning Board asked that this potential use of the fund remain in the Ordinance.

Sec. 58-300 Enforcement and Authority to Enforce Division 6 “Tree Protection”

Staff initiated to clarify notification, enforcement and appeal process to have hazardous or dead trees removed. Currently we utilize the City’s Property and Building Maintenance Code for enforcement action related to dead or hazardous trees. This was added as the appropriate location (ordinance) to address the issue of dealing with hazardous trees and to allow any potential appeal to come before the Tree Preservation Board.

board comments

The main focus of the Tree Preservation Board in proposing these changes is to develop criteria that will act as incentives to replant trees that are permitted to be removed. The incentive is based in reducing the financial compensation requirement while establishing prescriptive standards by delineating what tree sizes must be replanted to satisfy the removal of the various sizes of protected, specimen and historic trees.

The Planning & Zoning Board also reviewed the reduced compensation provisions and accepted this mechanism as a potential incentive to achieve replanting more

trees. The Board did not agree with removing "enforcement of this ordinance" as one of the potential uses of the Tree Replacement Fund as proposed and recommended leaving that option in the Ordinance. Although the Tree Replacement Fund has never been used to fund enforcement of the Ordinance, they felt that the Commission should retain that flexibility. With that one amendment the Planning and Zoning Board unanimously recommended approval of the Ordinance.

ORDINANCE NO. ____

AN ORDINANCE OF THE OF WINTER PARK, FLORIDA, CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS", DIVISION 6, "TREE PRESERVATION AND PROTECTION", SO AS TO AMEND TREE REMOVAL COMPENSATION REQUIREMENTS, AMEND USE OF THE TREE REPLACEMENT FUND, PROVIDE EXEMPTION FROM REQUIRING A TREE REMOVAL PERMIT, CLARIFY TREE MAINTENANCE DUTY OF CITY AND PROPERTY OWNERS, AND ESTABLISH ENFORCEMENT PROCEDURE FOR REMOVING HAZARDOUS TREES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in recognizing that trees benefit the City by decreasing urban noise and air pollution, conserving energy, minimizing flooding, providing food and cover for beneficial urban wildlife and providing value and stability to business and residential neighborhoods;

WHEREAS, the establishment of policies, regulations and standards are necessary to ensure that the city continue to realize the benefits provided by its urban forest as recognized as "Tree City USA" by the Florida Department of Urban Forestry;

WHEREAS, the Tree Preservation Board has considered and approved amendments to the Tree Preservation and Protection Ordinance which will provide incentives for replacement of protected shade trees removed, simplifies the process of removing protected trees and substantially reduces the financial compensation for tree removal;

WHEREAS, the City's Planning and Zoning Board reviewed these amendments and found them consistent with the City's Comprehensive Plan;

WHEREAS, the City Commission hereby approves these amendments as in the best interests of the citizens; and

WHEREAS, words with underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

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

SECTION 1. That Chapter 58 "Land Development Code," Article V "Environmental Protection Regulations" of the Code of Ordinances is hereby amended and modified by amending Sections 58-284(b), 58-286(d), 58-287, 58-289(b), and adding a new subsection (e) to 58-300, to read as follows:

Sec. 58-284. - Tree removal permits

* * *

(b) Trees requiring tree removal permits. It shall be unlawful to cut down, destroy, improperly prune, remove, top, or move any protected or replacement tree, or to authorize the cutting down, destruction of, removal of, topping of, moving of, or damage to, any protected or replacement tree within the city, without prior issuance by the city of a tree removal permit approving the act or acts, or a removal authorization by the city, as further described in this division; provided, however, that these requirements do not apply to trees specifically designated as exempt from this division in section 58-284

Exception: The removal of protected trees that fall or the removal of limbs of protected trees which have fallen due to acts of nature such as storms, fire or natural decay shall not require a tree removal permit.

For all properties, any protected tree, excluding those exempted in subsection 58-284(a) or (b), shall require a permit prior to removal.

Removal of any protected tree that is determined to be dead, beyond recovery or hazardous by the city shall require a tree removal permit except as provided herein. In case of an emergency a tree may be removed as authorized by the city. (See section 58-283)

* * *

Sec. 58-286 Tree removal permit procedure

* * *

(d) *Appeals.*

* * *

(4) If the city commission upholds the decision of the tree preservation board to deny granting a tree removal permit, then the applicant may ultimately remove the subject tree(s) after a 60-day period and after notification of the intent to remove the subject tree(s) at the end of the 60-day waiting period in writing. Replacement compensation shall be provided ~~at the rate of 1½ times the in~~ accordance with the replacement compensation required in section 58-287(2). Removal of subject tree(s) prior to the end of the 60-day period shall require the same compensation as an unpermitted tree removal. (see section 58-299).

Sec. 58-287. - Tree replacement and financial compensation requirements.

Conditions for approval of a tree removal permit shall include tree replacement, ~~and/or~~ financial compensation or a combination of tree replacement and financial compensation.

Tree replacement may be made in the form of planting replacement tree(s) on the subject property or other property within city limits or public property with city approval in accordance with the following criteria:

(1) Tree replacement. Protected trees of any dbh requested to be removed because they are deemed to be dead or beyond recovery, hazardous, or deteriorated shall be replaced with one approved replacement tree having a minimum caliper of three inches.

Protected trees requested to be removed and not deemed to be dead or beyond recovery, hazardous, or deteriorated shall be replaced with one approved replacement tree or trees as follows:

a. Replacement of non-specimen protected trees shall require replacement by one or two trees with a dbh equal to or greater than three inches based on the dbh of the tree to be removed. If the dbh of the tree to be removed is less than 19 inches, then one replacement tree is required to be replanted. If the dbh of the tree to be removed is between 19 inches and 24 inches, then two replacement trees are required to be replanted. ~~be based on a one-to-one (1:1) ratio of the cumulative dbh of the protected trees removed.~~

b. Replacement of a specimen tree (24 inches dbh and less than 36 inches dbh) shall require replacement by four (4) trees with a dbh equal to or greater than three inches. Two of the trees may be replaced by one tree with a dbh of at least 4 ½ inches. ~~be based on a two-to-one (2:1) ratio of the cumulative dbh of the protected tree(s) removed.~~

c. Replacement of a historic tree (36 inches dbh or greater) shall require replacement by two (2) trees with a dbh equal to or greater than four and one half inches.

d. ~~e.~~ Multiple understory trees may be approved as replacement trees with a cumulative caliper of at least six inches and shall be planted on the same property where the tree was removed. Replacement of historic trees shall be based on a three-to-one (3:1) ratio of the cumulative dbh of the protected tree(s) removed.

~~e.~~ d. No single replacement shade tree shall have a caliper of less than three (3) inches. No single replacement understory tree, if approved, shall have a caliper of less than two inches.

~~f.~~ e. If understory trees are approved as replacement, the caliper inches required shall be double that required when using approved shade trees.

~~f.~~ At least one tree used for replacement of each specimen tree or historic tree shall have a caliper of no less than 4½ inches.

~~g. Tree replacement may be made in the form of planting replacement tree(s) on the subject property or other property within city limits or public property with city approval.~~

~~g.h. Any tree removed from a non-R1 or R2 property not zoned for one or two family dwellings that removes the property's compliance with the Division 8, Landscape Regulations ~~needs to~~ must be replanted on the same property.~~

~~h.i. Replacement trees may count toward meeting the planting requirements of Division 8, Landscape Regulations.~~

~~i.j. All replacement trees shall adhere to the current guidelines established by the Florida Grades and Standards for nursery-grown trees and must be Florida grade #1 or better. Replacement trees shall be installed with their top main root one inch above the surrounding grade.~~

~~j.k. Replacement tree(s) shall be maintained and warranted to survive for a period of one year from installation. Trees not deemed to have satisfactorily survived shall be replaced with new tree(s) of the same size. Replacement tree(s) shall comply with the same maintenance and replacement warranty as the original replacement tree(s) and the warranty period will restart at the date of replanting. In the event that a tree planting is approved on public property or city rights of way, maintenance fees as established by the city commission may be assessed as part of the permit process.~~

~~k. Minor deviations regarding the required replacement trees in this section may be determined by the city based on the condition of the tree(s) being removed and other conditions that exist on the subject property. **Minor deviations shall include considering any adjustments in the required tree replacement based on existing conditions on the property such as existing tree canopy coverage of the property, topography, space available for planting or similar criteria.**~~

(2) *Financial compensation.* ~~Caliper inches not planted as replacement trees are to be compensated by payment to the tree replacement trust fund at a rate per caliper inch set by the city commission in the schedule of fees.~~

~~Compensation shall equal the rate per caliper inch set by the city commission in the schedule of fees multiplied by the caliper inches of protected trees removed.~~

~~When the cumulative caliper inches of replacement trees is insufficient to meet the replacement requirements referenced in (a) below, financial compensation shall be paid to the tree replacement trust fund.~~

- a. Compensation is established in the schedule of fees and shall be dispersed per section 58-289 "Tree replacement trust fund".
- ~~b. In the event that a tree planting is approved on public property or city right of ways, maintenance fees as established by the city commission may be assessed as part of the permit process.~~
- ~~b.~~ e. A stop work order may ~~shall~~ be issued for any development or active construction project until all applicable permit compensation conditions are satisfied.
- c. ~~d. No~~ The certificate of occupancy or certificate of completion shall not be issued for any development until all applicable permit conditions have been satisfied.
- d. ~~e. No~~ A tree removal permit shall not be issued until the required financial compensation for removal is paid.
- e. When more than one tree is permitted to be removed, the total dbh of the protected trees to be removed shall provide the basis for compensation.

* * *

Sec. 58-289. - Tree replacement trust fund.

- (a) There is hereby created a tree replacement trust fund. All funds collected as tree replacement fees shall be administered by the director of parks and recreation or designee.
- (b) Disbursements from the tree replacement trust fund shall be made only for the following purposes:
 - (1) Purchasing trees for planting and any associated costs in accordance with the city's tree planting program; or
 - (2) ~~Purchases necessary for improvements (except vehicles), including contract services for the city's tree nursery or,~~ For educational purposes as provided in Section 58-283(d)(7).
 - (3) Protection of trees and enforcement of this ordinance.
- (c) Fees for the tree replacement trust fund are established by the city commission in the schedule of fees.
- (d) Fees for the tree replacement trust fund shall be reviewed annually by the city commission to reflect cost of living adjustments and/or market conditions and may be modified by approval of the city commission. In establishing fees, the city shall consider the cost of material, labor, transportation, planting, watering and mortality rate of replacement trees.

* * *

Sec. 58-299. - Penalties for tree removal without required permit or for tree damage.

- (a) Any protected tree(s) removed without a permit or destroyed or receiving major damage in violation of this division must be replaced and/or compensated at the rate of twice the requirements of section 58-287

* * *

Sec. 58-300 Enforcement and Authority to Enforce Division 6 “Tree Protection”

* * *

(e) Failure to remove or otherwise make safe any hazardous or dead tree (protected or unprotected) shall constitute a violation of this Article and may result in giving notice to the owner or the agent of the owner an order to correct the violation by either removing the entire tree or hazardous limb(s) of the tree or the City will take the necessary action to remove the tree or hazardous limb(s) of the tree and assess all costs incurred by the City to the owner of the property plus an administrative fee as established under the City’s Schedule of Fees as determined by the City Commission. Where the full amount due the city is not paid by such owner or agent of the owner within 30 days after invoicing the owner for removing the hazardous or dead tree or limb(s) such charges shall be declared a lien on the property. In addition, nothing shall prevent the city from pursuing other legal courses of action to correct the violation including referring the matter to the Code Enforcement Board. Appeals of an order to remove a tree or hazardous limb(s) of a tree will be heard by the Tree Preservation Board and must be filed with the City within 30 days of receipt of notice or within 30 days of posting the property with a notice to remove the tree or hazardous limb(s). An appeal must include payment of required fee and provision of documentation verifying the health of the tree and any other information which will justify withdrawing the order to remove the tree or hazardous limb(s). Appeals of the decision of the Tree Preservation Board on this matter shall be taken to the Code Enforcement Board.

SECTION 2. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, “Ordinance” may be changed to “Section,” “Article,” or other appropriate word.

SECTION 3. All ordinances or portions or ordinances in conflict herewith are hereby repealed, any part of this ordinance declared to be unlawful by any court shall not constitute repeal of the remainder of the ordinance.

SECTION 4. 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 5. This ordinance shall become effective immediately upon its final passage and adoption.

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

Mayor Kenneth W. Bradley

ATTEST:

City Clerk

**COMPARISON OF CURRENT TREE ORDINANCE AND PROPOSED
TREE ORDINANCE USING VARIOUS EXAMPLES OF TREES
PERMITTED TO BE REMOVED**

TYPE & SIZE OF PROTECTED TREE AT DBH (DIAMETER AT BREAST HEIGHT)	CURRENT ORDINANCE	PROPOSED ORDINANCE
PROTECTED TREE: 9 INCH	REPLANT 9 INCHES OF TREES OR PAY \$990 OR PROVIDE COMPENSATION EQUAL TO COMBINATION OF REPLANTING & MONETARY PAYMENT	<u>REPLANT ONE 3 INCH TREE</u> OR PAY PAY \$990 COMPENSATION
PROTECTED TREE: 20 INCH	REPLANT 20 INCHES OF TREES OR PAY \$2,200 OR PROVIDE COMPENSATION EQUAL TO COMBINATION OF REPLANTING & MONETARY PAYMENT	<u>REPLANT TWO - 3 INCH TREES</u> OR PAY \$2,200 COMPENSATION
SPECIMEN TREE: 30 INCHES	REPLANT <u>60</u> INCHES OF TREES OR PAY \$6,600 OR PROVIDE COMPENSATION EQUAL TO COMBINATION OF REPLANTING & MONETARY PAYMENT	<u>PLANT FOUR - 3 INCH TREES OR TWO - 3 INCH TREES & ONE – 4 ½ INCH TREE</u> OR PAY \$3,300 OR PROVIDE COMBINATION OF PLANTING & MONETARY PAYMENT
HISTORIC TREE: 50 INCHES	REPLANT <u>150</u> INCHES OF TREES OR PAY \$16,500 OR PROVIDE COMPENSATION EQUAL TO COMBINATION OF REPLANTING & MONETARY PAYMENT	<u>PLANT TWO – 4 ½ INCH TREES</u> OR PAY \$5,500 OR PROVIDE COMBINATION OF PLANTING & MONETARY PAYMENT

AS SEEN IN THIS COMPARISON, THE FINANCIAL COMPENSATION IS SIGNIFICANTLY LESS IN THE PROPOSED ORDINANCE IN ORDER TO INCENTIVIZE REPLANTING OF TREES RATHER THAN PAYING INTO THE TREE REPLACEMENT TRUST FUND.

COMPARISON OF CURRENT TREE ORDINANCE WITH PROPOSED TREE ORDINANCE

TYPE & SIZE OF PROTECTED TREE AT DBH (DIAMETER AT BREAST HEIGHT)	CURRENT ORDINANCE	PROPOSED ORDINANCE
LESS THAN 19 INCHES	PLANT INCHES OF TREE EQUAL TO INCHES OF DBH REMOVED OR PAY COMPENSATION @ \$110 PER INCH OR COMBINATION OF PLANTING & FINANCIAL COMPENSATION	<u>PLANT ONE 3 INCH TREE</u> OR PAY COMPENSATION @ \$110 PER INCH OR COMBINATION OF PLANTING & FINANCIAL COMPENSATION
19 TO 23 INCHES	PLANT INCHES OF TREE EQUAL TO INCHES OF DBH REMOVED OR PAY COMPENSATION @ \$110 PER INCH OR COMBINATION OF PLANTING & FINANCIAL COMPENSATION	<u>PLANT TWO - 3 INCH TREES</u> OR PAY COMPENSATION @ \$110 PER INCH OR COMBINATION OF PLANTING & FINANCIAL COMPENSATION
SPECIMEN TREE: 24 TO 35 INCHES	PLANT 2 X DBH INCHES OF TREE REMOVED OR PAY COMPENSATION @ \$220 PER INCH OR COMBINATION OF PLANTING & FINANCIAL COMPENSATION	<u>PLANT FOUR - 3 INCH TREES OR TWO - 3 INCH TREES & ONE – 4 ½ INCH TREE</u> OR PAY COMPENSATION @ \$110 PER INCH OR COMBINATION OF PLANTING & FINANCIAL COMPENSATION
HISTORIC TREE: 36 INCHES OR GREATER	PLANT 3 X DBH INCHES OF TREE REMOVED OR PAY COMPENSATION @ \$330 PER INCH OR COMBINATION OF PLANTING & FINANCIAL COMPENSATION	<u>PLANT TWO – 4 ½ INCH TREES</u> OR PAY COMPENSATION @ \$110 PER INCH OR COMBINATION OF PLANTING & FINANCIAL COMPENSATION

AS SEEN IN THIS COMPARISON, THE FINANCIAL COMPENSATION IS SIGNIFICANTLY LESS IN THE PROPOSED ORDINANCE IN ORDER TO INCENTIVIZE REPLANTING OF TREES RATHER THAN PAYING INTO THE TREE REPLACEMENT TRUST FUND. IN THE CURRENT ORDINANCE SPECIMEN TREES REQUIRE 2 TIMES THE COMPENSATION OF A NON-SPECIMEN PROTECTED TREE & HISTORIC TREES REQUIRE 3 TIMES THE COMPENSATION.



city commission public hearing

item type	Public Hearing	meeting date	November 12, 2012
prepared by department division	Lindsey Hayes Planning Department	approved by	<input type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Historic Preservation Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-0 final vote

subject

Appeal by Frank A. Hamner PA on behalf of Wendy Brandon of the September 12, 2012 Historic Preservation Board decision regarding Certificate of Review request no. 12-002 for 1005 Lakeview Drive, Winter Park, Florida 32789.

alternatives

Option 1: The City Commission can uphold the September 12, 2012 HPB motion described below and deny the appeal.

Motion made by Ms. Talbert, seconded by Mr. Doyle to approve all setbacks except 14.4 feet to the second floor addition over the existing sunroom. Motion carried unanimously with a 6-0 vote.

Motion made by Mrs. Chemtob, seconded by Mrs. McKinnon to approve the plans with a maximum FAR of 38%. Motion carried unanimously with a 6-0 vote.

Option 2: The City Commission could modify the HPB motion, in part or totally deny the variances, and grant the appeal.

staff recommendation

The HPB process resulted in a compromise. The applicant made a request to expand their home. The neighbor objected because it was too close to her property. The HPB required the applicant to reduce the size of the additions (FAR of 38% vs. 43%) and to move the second floor addition further away (24 feet vs. 14 feet) from the objecting neighborhood. Staff supports the compromise worked out by the HPB.

background

The Historic Preservation Board (HPB) has the ability to grant variances for historic homes because most of the city's historic properties would not meet today's Land Development Code, and appropriate additions and alterations to historic properties may not meet today's code. These variances are granted to achieve the design review standards for historic preservation and the appropriateness of the design in relation to the historic property and its setting, not as a "hardship" as defined by the Board of Adjustments.

Certificate of Review Request. Steve and Shaina Markulin, the owners of 105 Lakeview Drive, filed a Certificate of Review application to the Historic Preservation Board requesting approval to replace the one story rear wing with a two story wing that extended partially over the carport and add a

pitched roof to the remainder of the existing flat roofed rear open carport and convert it to an enclosed garage. The property as built in 1938 does not meet the setbacks in the code.

The Markulin's request for a Certificate of Review first went to the HPB on July 11, 2012. At that meeting Ms. Brandon expressed concerns about the impact of the proposed addition on her views and property value. While lake views are reasonably protected for lakefront property owners, this is not the case for non-lakefront owners. After discussion, the HPB voted to table the request and asked the applicant to return with an alternate plan that would move the second story setback further back to the edge of the existing garage (a 24.2 foot setback to the second floor) in lieu of the requested 14 foot setback. The motion carried unanimously with a 7-0 vote.

The Markulins returned to the HPB on September 12, 2012 with revised plans that moved the proposed addition's second story rear setback further to about 24.2 feet as previously directed by the HPB and added space over the existing one story sunroom. Variances for the new south side and existing rear setbacks were requested as before as well as a FAR of 43%. Mr. Frank Hamner spoke in opposition on behalf of Ms. Brandon who lives at 318 Vitoria Avenue. The board also received objections in writing from John and Susanne Blankemeier (325 Vitoria Avenue across the street), and signed email copies from Liz Sims (326 Vitoria Avenue), and Pamela Coutant (905 Lakeview Drive). There was no objection from the adjacent south side neighbor. The board discussed the request and had reviewed a PowerPoint with photos of the Lakeview property and surroundings.

The HPB voted to approve the new side and existing rear setbacks and deny the 14.4 foot north side setback (which would have allowed the second story addition over the existing sunroom). The motion carried unanimously with a 6-0 vote. The HPB voted to approve the conceptual plans with the FAR limited to a maximum of 38% (denying the 43% FAR). The motion carried unanimously with a 6-0 vote. The applicant must return with final plans revised to exclude the proposed second floor over the sunroom, with the FAR reduced to a maximum of 38% and elevations and materials for review.

Mr. and Mrs. Markulin have submitted revised plans so that the City Commission can visualize the effect of the addition as approved in concept by the HPB. They have removed the proposed second floor over the sunroom and reduced the FAR to 38% as directed by the HPB motion. The second floor rear setback is 24.2 feet as asked by the HPB. The setback to front of the garage that faces Vitoria Avenue has been increased to 30.2 feet from 23.9 feet. Prior to permitting, final plans must be returned to the HPB showing a greater level of detail and the materials including windows and door selections.

Although the board responded to Ms. Brandon's original concerns by increasing the Markulin's requested rear setback and reducing the FAR, Ms. Brandon, is appealing the compromise decision reached by the HPB.



**CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD**

9:00 a.m.

September 12, 2012
Commission Chambers
401 Park Avenue South

MINUTES

1. Call to order. Chairman Randall Glidden called the meeting to order at 9:00 a.m.

Present: Chairman Randall Glidden, Patrick Doyle, Candace Chemtob, Rebecca Talbert and Genean McKinnon and Billy Wilson. Absent: Christie Underwood. Staff: Sr. Planner Lindsey Hayes and Recording Secretary Lisa Smith.

2. Approval of Minutes:

Motion made by Ms. Talbert, seconded by Mr. Wilson to approve the July 11, 2012 meeting minutes. Motion carried unanimously with a 7-0 vote.

3. Selection of Chair and Vice Chair –

Motion made by Mr. Doyle, seconded by Ms. Talbert to have Mr. Glidden and Mrs. Chemtob remain as Chair and Vice-Chair, respectively, for one year. Motion carried unanimously with a 7-0 vote.

4. New business.

COR 12-002 Request of Steve and Shaina Markulin to remove building overage on adjacent property, extend second story over existing first floor, and convert the existing carport to an enclosed garage at their property located at 1005 Lakeview Drive, Winter Park, Florida. Variances are requested to allow retaining the existing 4.5 foot rear yard setback to the first floor in lieu of the required 25 feet, and a 24.2 foot rear yard setback to the second floor in lieu of the required 35 feet. Variances requested to replace the existing south side zero foot side yard setback with a 3 foot setback in lieu of the required 7.75 feet and 3 feet in lieu of the required 11 feet to the second floor, and 14 .4 feet to a second floor addition over the existing sunroom. Variance requested to allow a floor area ratio of 43% in lieu of the allowed 38%. The property is a contributing historic resource in the College Quarter Historic District; Zoned R-1AAA. Parcel ID #07-22-30-1490-03-011. (Tabled for revisions at the July 11, 2012 HPB meeting.)

Sr. Planner Lindsey Hayes provided the staff report. She noted that the residential property located at 1005 Lakeview Drive is a contributing historic element in the College Quarter Historic District. She explained that the proposed alterations would include correcting a condition in which a one-story portion of 1005 Lakeview

Drive sits partially over the southern side yard property line. The shallow side yard setbacks are not unusual in the College Quarter. She highlighted the variances that the applicants are requesting as a part of this request. She also discussed prior additions that were reviewed and approved by the Board that are located in the College Quarter Historic District. She said that the houses that face Lakeview Drive have some unusual conditions. She discussed existing conditions of properties located on Lakeview Drive. She said that each application must stand on its own merit. This proposal includes a request for a floor area ratio (FAR) of almost 43% in lieu of the allowed 38%. A 43% floor area ratio may be allowed in situations where the required side setbacks on both floors of a two story house is increased by 1 percent of the lot width (.64 feet in this case) for each one percent increase in the allowable floor area up to a maximum increase of 5% for properties less than 11,600 square feet in area. In this case the applicant's request requires a variance because the proposal does not increase the required side setbacks for the bonus FAR. She summarized by stating that staff has no objection to the proposed rear wing subject to HPB review of final elevations and materials. Staff recommended approval of the request subject to eliminating the second floor over the sunroom to reduce the visual impact of bulk from Vitoria Avenue and to reduce the proposed floor area ratio. Ms. Hayes responded to Board member questions and concerns.

Steve Markulin, 1005 Lakeview Drive, explained that Board input received at the July public hearing was incorporated into the revised plan. He said that the second staircase has been eliminated. He agreed with staff comments regarding setbacks in the neighborhood. He responded to Board member questions and concerns.

Frank Hamner, 405 Balmoral Road, represented the rear neighbor, Wendy Brandon who resides at 318 Vitoria Avenue. He also noted that he has documentation from other neighboring property owners that are opposed to the request as well. He expressed that the proposed addition changes the historic character of the home and further no hardship for the requested variances have been shown. He also expressed concern with marketing material for the home.

Jennifer King, Kelley Price Realty, 243 West Park Avenue, explained that marketing is different for a lakefront home. She said that it is done with the hopes of visualizing and showing what potentially can be. She explained that the applicants are not trying to double the size of the home. She said that nothing on the marketing material says that the addition/renovation has been approved. She it is only a rendering.

Shaina Markulin, 1005 Lakeview Drive, reiterated staff's comment that the marketing material is not a part of the decision that has to be made by the Board. She explained that it can be changed and updated as needed. The marketing material was only a concept.

Wendy Brandon, 318 Vitoria Avenue, explained that she is concerned that the request is financial versus a hardship. She said that she has major concerns with how it will look from her outdoor living space. Ms. Hayes responded to her concerns.

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

Mrs. Chemtob explained that her primary concern is the excess over the floor area ratio. She explained that she feels that there are regulations in place that govern FAR and protects the character of the community as a whole. She said that she feels that when property is expanded over the FAR it changes the character of that

particular home as well as the neighborhood. She said that she feels that only in extreme circumstances should a change in FAR and variances be granted.

Ms. Talbert said that she likes the way that the second story has been pushed back. She said that she feels that the second story addition over the study changes the character of the front of the house as well as the side. She said that the can support the request with the removal of the study portion of the addition.

Mrs. McKinnon said that she feels that an ongoing problem that happens with historic properties is the questions that come up after the fact. She said that she feels that it would be helpful if full disclosure was made in the early stages of negotiations. She agreed with Ms. Talbert that the second floor addition should be pushed back.

Motion made by Ms. Talbert, seconded by Mr. Doyle to approve all setbacks except 14.4 feet to the second floor addition over the existing sunroom. A roll call vote was taken and all Board members voted yes. Motion carried unanimously with a 6-0 vote.

Motion made by Mrs. Chemtob, seconded by Mrs. McKinnon to approve the plans with a FAR of 38%. A roll call vote was taken and all Board members voted yes. Motion carried unanimously with a 6-0 vote.

Mrs. Chemtob left the meeting at 10:08 a.m.

5. Plaque program recommendation (staff).

After receiving staff presentation, the Board agreed to support the plaque recognition program.

Motion made by Mr. Doyle, seconded by Mrs. MacKinnon to approve the plaque recognition program. Motion carried unanimously with a 6-0 vote.

6. Guest Margie Bridges, Friends of Casa Feliz Historic Preservation Committee Chair.

Mrs. Bridges explained that she is the Chairman of the Historic Preservation Subcommittee for the Friends of Casa Feliz Board. She made the Board members aware of the owner of 1800 Forrest Avenue who acquired a property with an old home and renovated it rather than tearing it down. She requested that the Board consider partnering with the Friends of Casa Feliz in their efforts to recognize homeowners who do this without recognition. The Board agreed to that.

She also requested that the Board consider notifying the residents of a particular historic district whenever a request comes forward as a part of the public notification process. The Board agreed to her request.

Motion made by Mr. Glidden, seconded by Mr. Doyle to notify all residents of a historic district as a part of the public notification process whenever a request comes forward. Motion carried unanimously with a 6-0 vote.

7. Adjournment. There was no further business. The meeting adjourned at 10:31 a.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary



CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD

9:00 a.m.

July 11, 2012

W.P. Community Center
721 W. New England

MINUTES

1. Call to order. Chairman Randall Glidden called the meeting to order at 9:00 a.m.

Present: Chairman Randall Glidden Christie Underwood, Patrick Doyle, Candace Chemtob, Rebecca Talbert and Genean MacKinnon and Billy Wilson. Staff: Planning Director Jeffrey Briggs and Recording Secretary Lisa Smith.

2. Approval of Minutes:

Motion made by Mr. Doyle, seconded by Ms. Talbert to approve the June 13, 2012 meeting minutes, as amended. A roll call vote was taken and all voted yes. Motion carried unanimously with a 7-0 vote.

3. New business.

COR 12-002 Request of Steve and Shaina Markulin to remove building overage on adjacent property, extend second story over existing first floor, and convert the existing carport to an enclosed garage at their property located at 1005 Lakeview Drive, Winter Park, Florida. Variances are requested to allow retaining the existing 4.5 foot rear yard setback to the first floor in lieu of the required 25 feet, and a 14 foot rear yard setback to the second floor in lieu of the required 35 feet. Variances requested to retain the existing 5 foot setback at a portion of the south side yard, to replace the existing south side zero foot side yard setback with a 3 foot setback in lieu of the required 7.75 feet and 3 feet in lieu of the required 11 feet to the second floor. The property is a contributing historic resource in the College Quarter Historic District; Zoned R-1AAA. Parcel ID #07-22-30-1490-03-011.

Planning Director Jeffrey Briggs presented the staff report. He explained that the residential property located at 1005 Lakeview Drive is a contributing historic element in the College Quarter Historic District. He provided brief historical details of the subject property. Mr. Briggs discussed the details of the Certificate of Review Request. He reminded the Board members that their role is to make a determination as to whether what the applicant proposes is appropriate for the subject site. He explained that the applicant is proposing to replace the existing one-story rear addition with a two-story wing. The open carport is proposed to become an enclosed garage. The proposed alteration would include correcting a condition in which a one-story portion of 1005 Lakeview Drive sits partially over the southern side yard property line. He briefly touched on the requested variances. As the board has observed during the reviews of additions at 945 and 1035 Lakeview Drive in the College Quarter Historic District, the houses that face Lakeview Drive have some unusual conditions. The houses are set far back on the lots, and rear yards are shallow compared to front yards. The land area on the Lake Virginia side of Lakeview Drive lots may not be counted toward the floor area ratio or impervious coverage. Each application must stand on its own merit, however in the previous cases the rear yards of the

Lakeview Drive homes have been developed with variances in order to expand while preserving the gracious open views along this section of Lake Virginia. From the street, the houses appear little altered. From the air one can see that the development is more intense in the rear yards. Staff always recommends placing additions on non-characterizing defining elevations; typically rear and where space may allow, side elevations. This is a corner property so the addition will impact the street views from Vitoria Avenue, however the courtyard wall will remain as a transition and there is a generous side setback from Vitoria. The alterations will include removing the one-story portion of the house that sits over onto the adjacent property to the south. The proposed side setback on the south is very shallow, but helps to retain the view of the public along Vitoria Avenue. The Secretary of the Interior's Standards for Rehabilitation recommend that new additions not destroy historic materials that characterize the property. Also the addition could (in theory) be removed without impairing the essential form and integrity of the historic property. Staff recommended approval of the request subject to review of final elevations and materials.

Steve Markulin, the applicant, was present to address Board member questions and concerns. He also introduced Mr. David Runnels, Architect, and Mr. Hal George, Builder, as members of his development team.

Wendy Brandon, 318 Vitoria Avenue, spoke in opposition to the request. She spoke concerning the various neighbor views and how the proposed alterations would impact that. She responded to Board member questions and concerns.

Mr. Markulin responded that the impact on her view will be very minimal. No one else wished to speak concerning this request. Public Hearing closed.

The Board members discussed the request at length. The Board members discussed the impact the addition would have on the neighbor's view, the narrowness of the setbacks, neighbor notification, and the additions impact on the immediate neighbors and the rest of the neighborhood. Consensus of the Board was to table the request.

Motion made by Mrs. MacKinnon, seconded by Mr. Doyle to table the request until the next meeting and allow the applicant to return with an alternate plan that moves the second story setback back to edge of the garage (25 foot setback). A roll call vote was taken and all board members voted yes. Motion carried unanimously with a 7-0 vote.

- a. City Commission update. There were none.
 - b. 455 Hunting Avenue COR- 12-001 Update. – Updated renderings were distributed to the Board members as an information item.
4. Education and outreach work session schedule – To be decided at a later date.
5. Adjournment. There was no further business. The meeting adjourned at 11:15 a.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary


PRINT

The map shows a grid of lots with various dimensions and area measurements. Lot 1 is highlighted with a red border and a red arrow pointing to it. The map includes Victoria Avenue running horizontally across the middle. Lot 1 is highlighted with a red border and a red arrow pointing to it. The map also shows various lot dimensions, area measurements, and street names like 'LAKEVIEW DR' and 'YOF ST PARK'.

Parcel ID: 302207149003011 (Rng-Twn-Sec format)

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

Created on 6/28/21



1005 Lakeview Drive front elevation



Front elevation facing southwest



1023 Lakeview Drive on the right (south) 1005 Lakeview Drive on the left



South side elevation showing
5' setback to the two story
gable end and zero setback on
one story wing



Front elevation with one story sunroom on the left



North side elevation view from Vitoria Avenue.

One story wing just visible over hedge and wall.



Rear elevation showing wall, courtyard one story wing and carport on the right.



View of one story wing from courtyard interior.



View of one story wing with carport beyond wall.



View of rear one story wing, carport beyond wall with abutting property in background.



View of carport on left showing existing rear setback and rear yard 6' wall.



Proposed two story wing setback.

View of carport facing south from Vitoria Avenue.

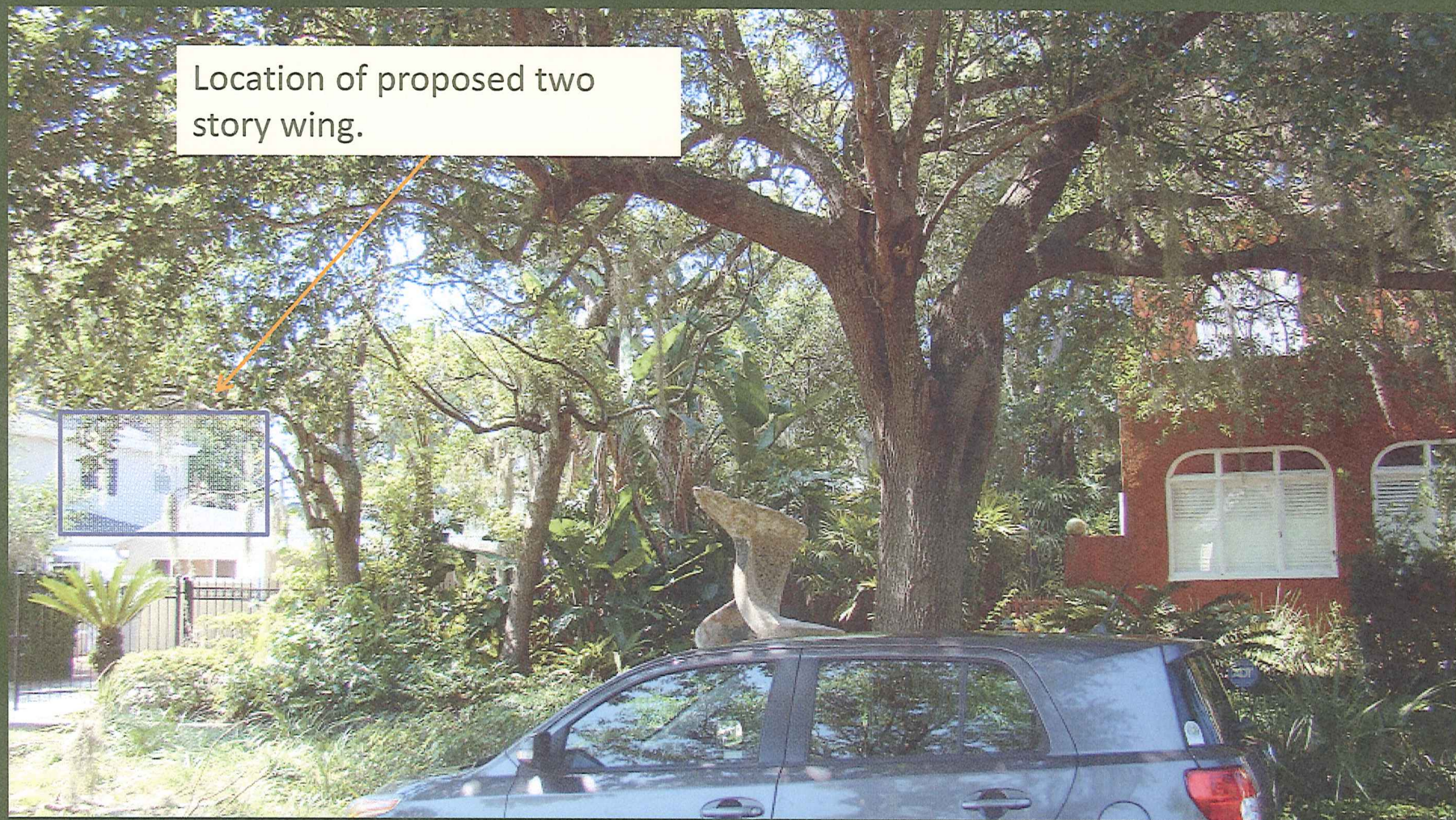


Proposed two story wing setback.

View of carport facing south from Vitoria Avenue.



View from Vitoria Avenue showing relationship between rear line of 1005 Lakeview and 318 Vitoria.



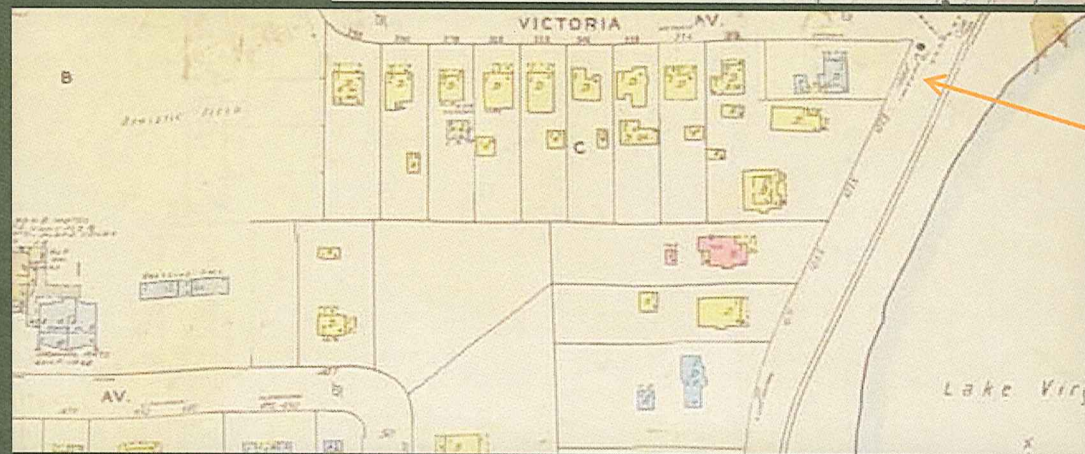
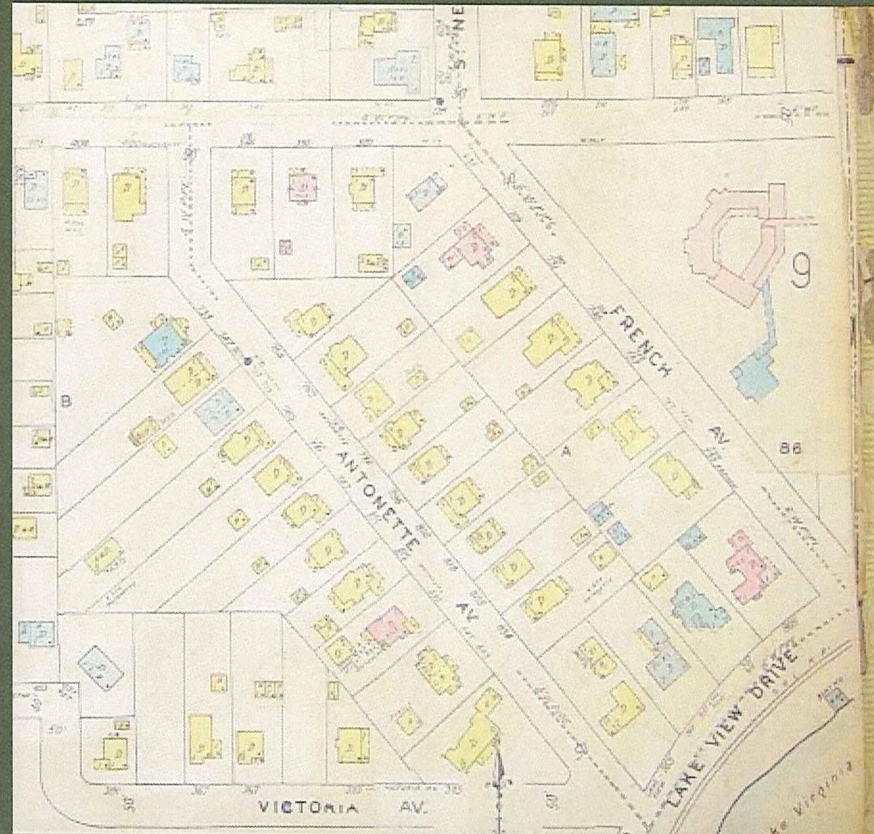
Location of proposed two story wing.

View from Vitoria Avenue showing relationship of rear elevation of 1005 Lakeview and 318 Vitoria.

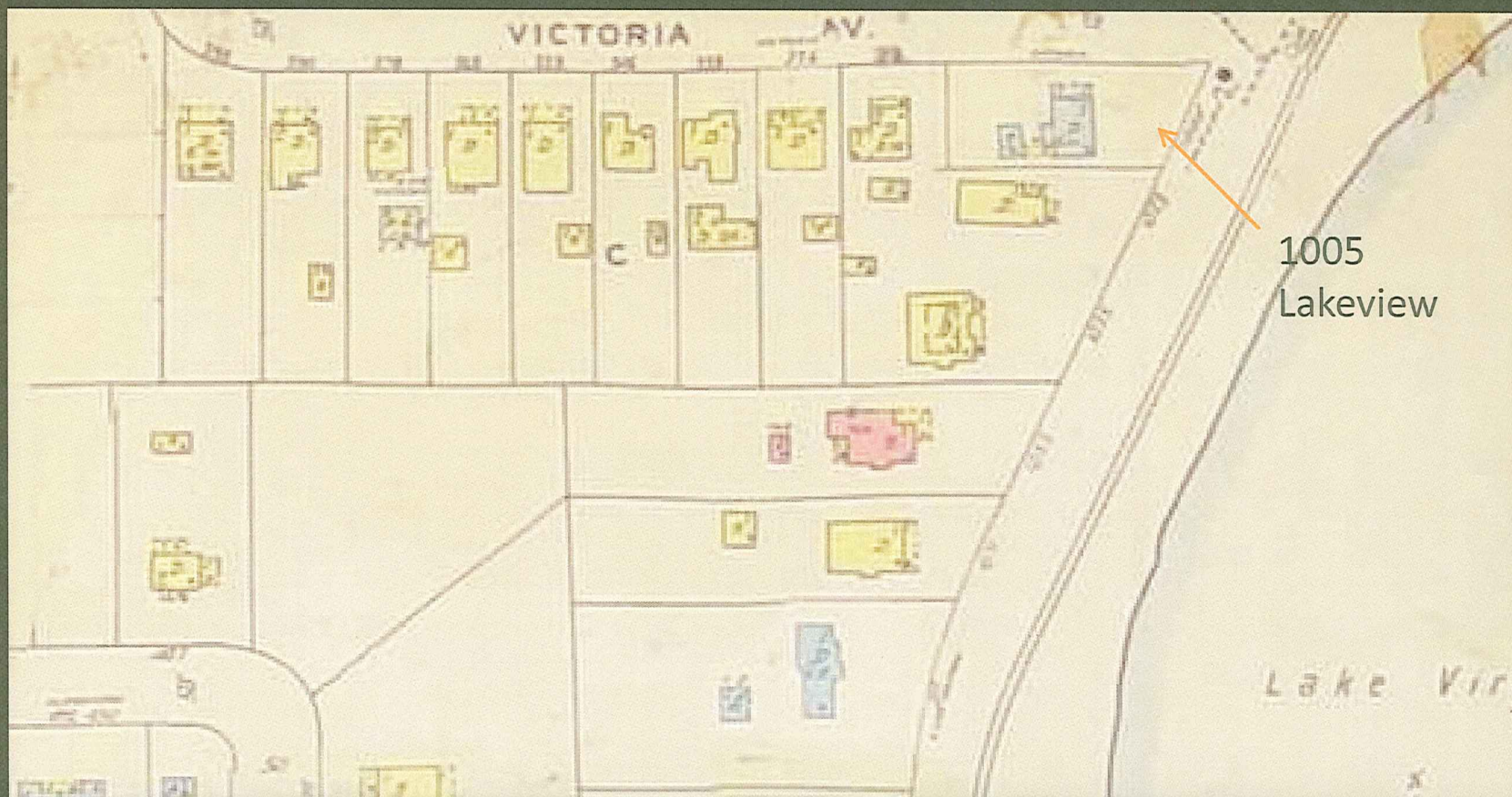


View toward rear elevation looking southeast to Lake Virginia.

1958 update Sanborn Perrin maps of area showing development pattern. Yellow indicates frame construction; blue indicates masonry construction.



1005
Lakeview





View looking up Vitoria Avenue to the left & Antonette Avenue to the right
with back to Lake Virginia.



View up Vitoria Avenue with 1005 Lakeview Drive on the left,
back toward Lake Virginia



View down Vitoria Avenue toward Lake Virginia.



View from 1005 Lakeview Driveway across Vitoria toward 325 Vitoria Avenue.



View from one 325 Vitoria Avenue driveway toward 1005 Lakeview and 318 Vitoria



318 Vitoria Avenue



326 Vitoria Avenue



338 Vitoria Avenue



346 Vitoria Avenue



358 Vitoria Avenue



Rear elevation – proposed two story addition at center, proposed carport to garage with gable roof conversion.



Proposal to convert carport to garage with gabled roof.
(one story)

147.80'

126'

30.2'

DRIVEWAY

EXISTING PORCH WALL (6' H.)

EXISTING COURTYARD

EXISTING ONE-STOP

17.7'

14.4'

30.0'

(ONE-STOP)

24.2'

LINE OF 2ND FLOOR

4.0'

3.0'

5.0'

5.0'

57.74'

57.71'

(2-STOP PORCH)

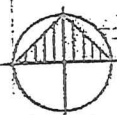
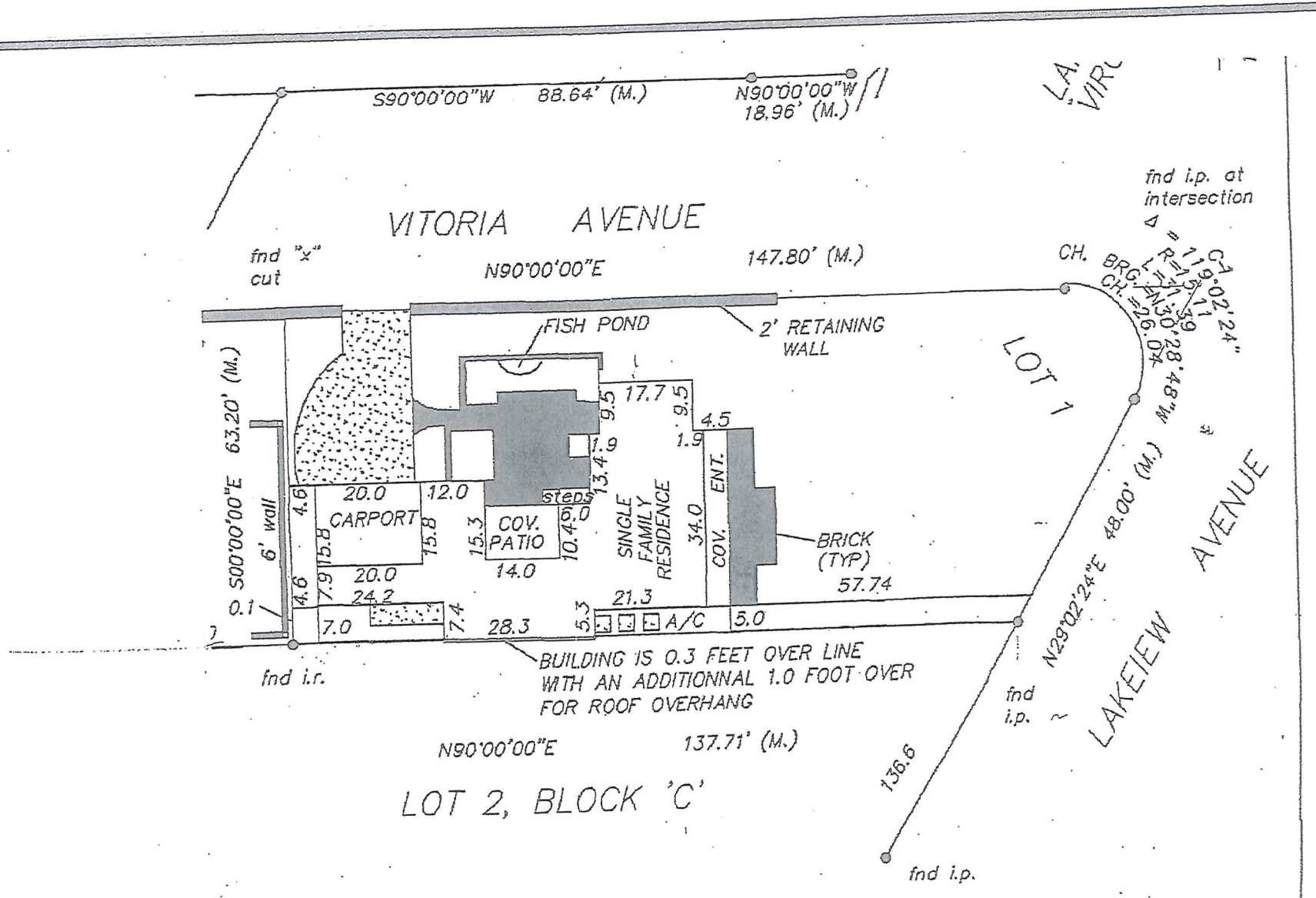
(2-STOP PORCH)

LAKELAND AVENUE

ARCHITECTURAL SITE PLAN

~~state: $n=0$~~

OCTOBER 2012
REVISIONS FOR
CITY COMMISSION



EXISTING SITE SURVEY (AS FURNISHED)

DATE: 1-20



1
2

EAST (LIFE) ELEVATION (EXISTING)

SCALE 1/4" = 1'-0"



2
2

NORTH ELEVATION

← EXISTING
RESIDENCE

PROPOSED
PORCH & ADDITION
→

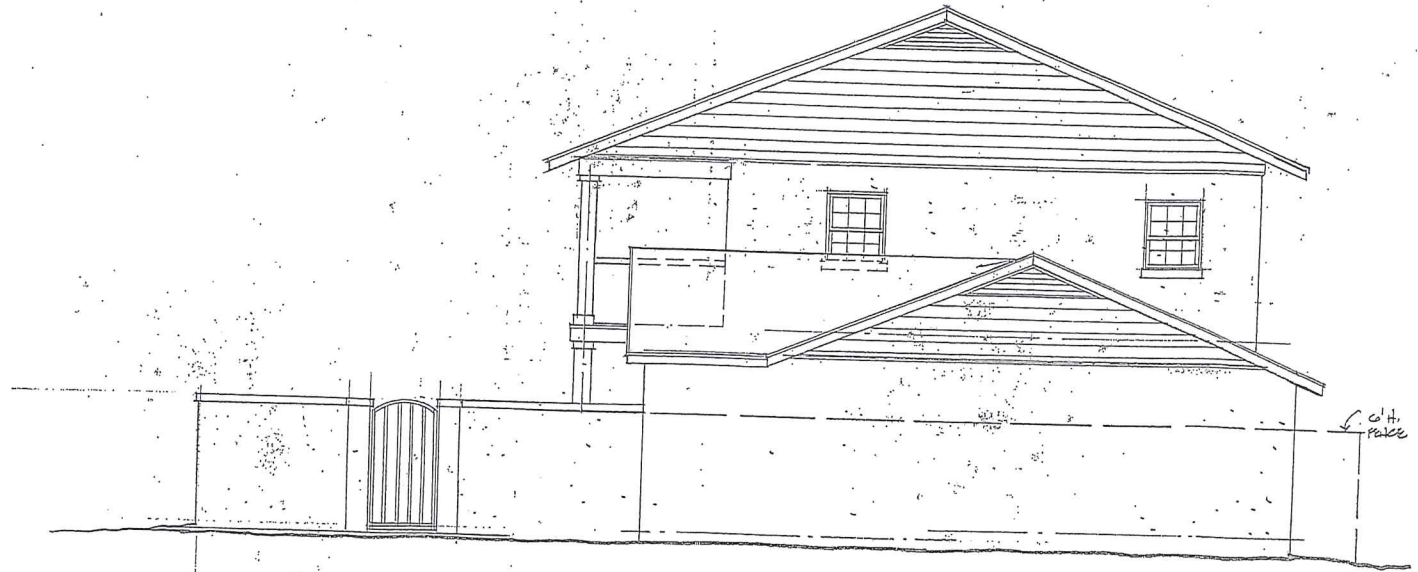
SCALE: 1/4" = 1'-0"



2
3

SOUTH ELEVATION

scale: 1/4" = 1'-0"



1
3

WEST ELEVATION

SCALE: 1/4" = 1'-0"



city commission public hearing

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

Subject: Annexation of Ravaudage – Home Acres – Second Reading

On April 9, 2012 the City Commission approved, on first reading, the annexation of the 51+/- acre unincorporated pocket that is referred to as Ravaudage (for the Planned Development approved by Orange County) or Home Acres (subdivision name), as depicted on the enclosed map. The property owners representing majority of the properties involved have requested that the City formally annex the property via this second reading of the Ordinance.

There are now 53 properties included in the Ravaudage/Home Acres annexation area. The change from the first reading is that the three parcels owned by Don Reid Ford that are annexing into Maitland have been deleted. The City of Winter Park has received voluntary annexation petitions from 33 of the individual property owners, requesting annexation into the City. Since these voluntary annexation petitions represent 62.3% of the property owners and 86.24% of the private land area involved, Florida Statutes Subsection 171.0413(6) permits the City to annex the entire area without the consent of the 20 properties that have not provided formally consented to this annexation.

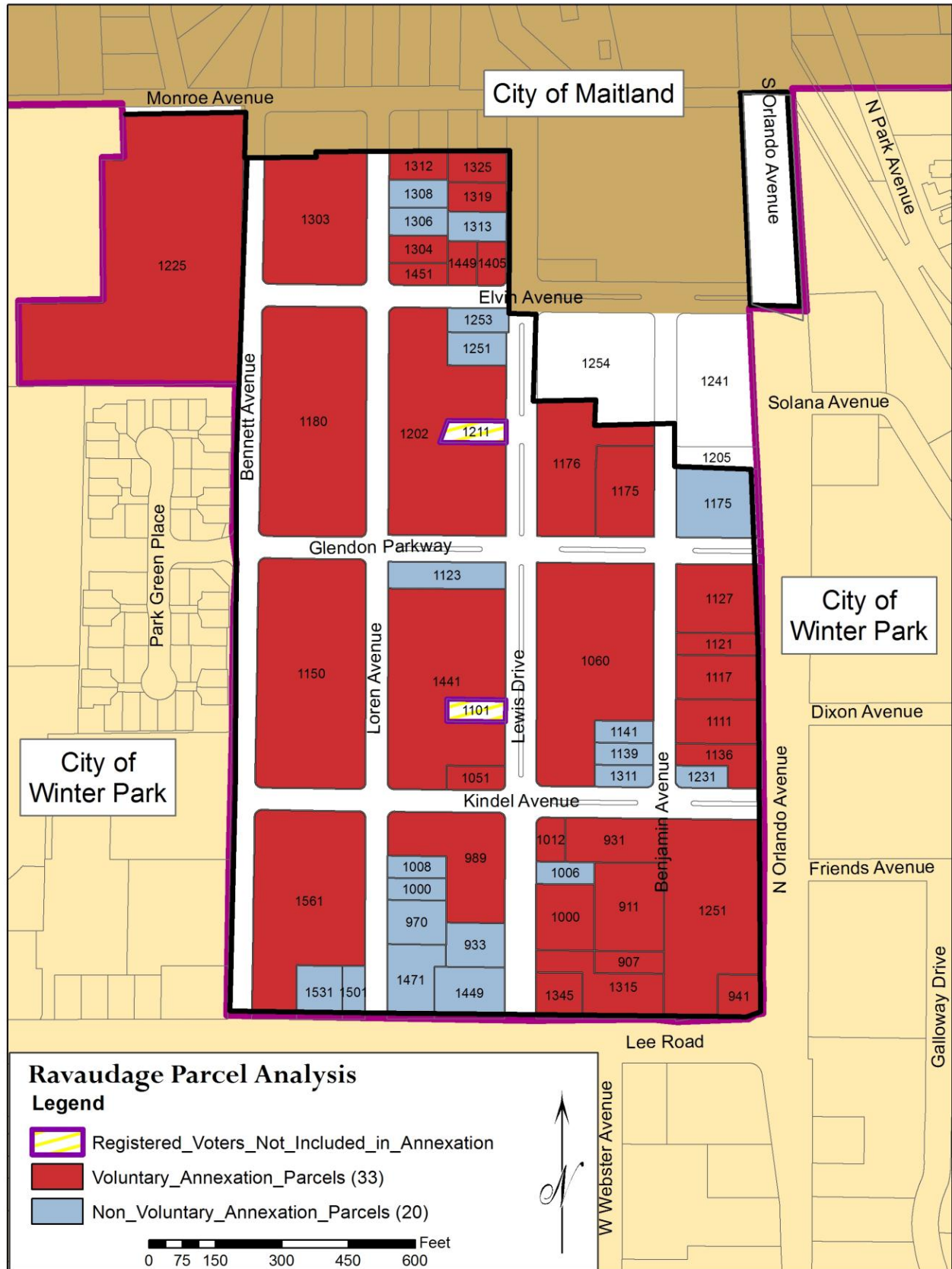
Notices have been mailed to all the affected property owners, as required by Florida Statutes, not less than 10 days prior to this public hearing. Notice including the legal advertisement and Ordinance has been also provided to Orange County.

This request for and consent for annexation by the majority of the property owners is being made without any pre-conditions on the proposed CDD.

The Planning staff has prepared a cost/benefit study (attached) in compliance with Comprehensive Plan Policy 1.3.13.3 to outline the costs and revenues involved with annexing the 51 acres of the proposed Ravaudage or Home Acres enclave of unincorporated Orange County. Given the existing, largely undeveloped condition of the 51 acres proposed for annexation, the expected revenues to the City exceed the expected costs of services. As the area redevelops there will be increased demands for city services. Based upon the projected development, the City will need to examine the proposed Community Development District (CDD) to ascertain whether sufficient revenues will exist to cover these increased costs of services from the projected redevelopment.

Staff Recommendation:

Approval on second reading.



Prepared by and return to:
Cindy Bonham, City Clerk
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

ORDINANCE NO. 2869-12

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING APPROXIMATELY 51+- ACRES OF REAL PROPERTY REFERRED TO AS RAVAUDAGE OR HOME ACRES; GENERALLY LOCATED IN THAT POCKET OF UNINCORPORATED ORANGE COUNTY AREA BORDERED BY LEE ROAD TO THE SOUTH, ORLANDO AVENUE TO THE EAST; MONROE AVENUE TO THE NORTH AND BENNETT AVENUE TO THE WEST; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY ANNEXED HEREBY INTO THE MUNICIPAL BOUNDARIES; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 171, Florida Statutes provides the exclusive method of municipal annexation, in order to insure sound urban development and efficient provision of urban services; and

WHEREAS, the City has determined that the 51+- acre area to be annexed is contiguous and reasonably compact, is developed for urban purposes, is not within the boundaries of another municipality, does not have any registered electors, and has met all other requirements of Chapter 171, Florida Statutes, including but not limited to the prerequisites for annexation; and

WHEREAS, Benjamin Partners, Ltd., Greenhouse Partners, Ltd. and Garmet, Ltd.; Florida limited liability companies, have petitioned the City of Winter Park for annexation of thirty three (33) parcels of land that they own within this proposed 51+- acre annexation area and those properties represent 62.3% of the properties included in this annexation and comprise 86.24% of the land area involved; and

WHEREAS, the City Commission has determined that the annexation of the subject are has met all procedural requirements and that it will promote sound urban development and efficient provision of urban services; and

WHEREAS, the annexation is in compliance and consistent with the goals and objectives of the City of Winter Park Comprehensive Plan, Charter and Municipal Code; and

WHEREAS, in the best interest of the public health, safety, and welfare of the citizens of Winter Park, the City Commission of the City of Winter Park desires to annex the real property generally described below into the municipal boundaries of the City of Winter Park; and

WHEREAS, upon adoption of this Ordinance, the municipal boundaries lines of the City of Winter Park, shall, for purposes of Article I, Section 1.02 of the Municipal Charter shall be redefined to include the subject real property.

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

Section 1. Annexation of Real Property. The real property shall be, and is hereby annexed into the City of Winter Park, Florida. This real property is described in Exhibit "A" and illustrated in Exhibit "B". These Exhibits are incorporated herein by reference. The described real property shall be existing within the boundaries of the City of Winter Park, Florida and known to be existing within said boundaries from the effective date of this Ordinance.

Section 2. Incorporation of Recitals. The recitals to this Ordinance are hereby incorporated herein by reference and are fully effective as part of this Ordinance.

Section 3. City Boundaries Redefined; Winter Park Charter Amended. Pursuant to Section 166.031(3), Florida Statutes and Section 171.091, Florida Statutes, the City of Winter Park Charter, Article I, Section 1.02 is hereby amended to redefine the corporate boundaries of the City of Winter Park to include the real property described in Section 1 and Exhibits "A" and "B" of this Ordinance. The City Clerk shall file the revised Winter Park Charter, Article 1, Section 1.02 with the Department of State within 7 days of the effective date of this Ordinance. Section 1.02 provides that the corporate boundaries of the City of Winter Park shall remain as they exist on the date the amended Charter took effect, and provides that the City has the power to change its boundaries in the manner prescribed by law. The amendment to the Charter will provide that after the effective date of the adoption of Section 1.02, the property subject to this Ordinance was annexed, and the legal description of the property will not be included in the Charter but the Ordinance number shall be included so that the public is on notice that a description of the corporate boundaries, including the property annexed hereby, is on file in the City Clerk's office.

Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions. All Ordinances and Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed to the extent of conflict.

Section 5. Severability. Should any section or provision of this Ordinance or any portion hereof, including any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not effect the validity of the remainder hereto as a whole, and the invalid portion shall be

severed from the remainder of this Ordinance and the remainder of this Ordinance shall be continue to be lawful, enforceable and valid.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED by the City Commission of the City of Winter Park, Florida at a regular meeting assembled on the _____ day of _____, 2012.

Kenneth W. Bradley, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk

First Reading: April 9, 2012

Second Reading: November 12, 2012

Effective Date: _____, 2012

Exhibit "A" Ravaudage Annexation Metes and Bounds Legal Description:

Begin 30.00 feet South and 21.00 feet West of the Northeast corner of the Northwest $\frac{1}{4}$ of Section 1, Township 22 South, Range 29 East, Orange County, Florida; thence run South $01^{\circ}18'01''$ West along the West right-of-way line of Bennett Avenue a distance of 100.61 feet; thence departing said West right-of-way line run South $89^{\circ}37'38''$ East along the South line of Lot 2, Block "O", and a projection thereof, of Home Acres, according to the plat thereof, as recorded in Plat Book "M", Page 97 of the Public Records of Orange County, Florida, a distance of 161.80 feet to the Southeast corner of said Lot 2, Block "O"; thence North $00^{\circ}53'15''$ East along the East line of said Lot 2, a distance of 11.60 feet to the Southwest corner of Lot 15, Block "O", of said Home Acres; thence South $89^{\circ}19'59''$ East along the South Line of said Lot 15, a distance of 115.79 feet to the Southeast corner of said Lot 15, said point also being on the West right-of-way line of Loren Avenue, of said Home Acres; thence departing said West right-of-way line run South $89^{\circ}50'25''$ East a distance of 50.00 feet to the East right-of-way line of said Loren Avenue, said point also being the Southwest corner of Lot 7, Block "P", of said Home Acres; thence North $89^{\circ}41'18''$ East along the South line of said Lot 7, a distance of 132.57 feet to the Southeast corner of said Lot 7; thence South $00^{\circ}26'08''$ West along the West line of Lot 10, of said Block "P", a distance of 2.70 feet to the Southwest corner of said Lot 10; thence North $89^{\circ}40'00''$ East along the South line of said Lot 10, a distance of 132.57 feet to the Southeast corner of said Lot 10, said point also being on the West right-of-way line of Lewis Drive, of said Home Acres; thence South $00^{\circ}25'53''$ West along said West right-of-way line and an extension thereof, a distance of 359.32 feet; thence departing said West right-of-way line run South $89^{\circ}34'07''$ East 70.00 feet to the Northwest corner of Lot 10, Block "K", of said Home Acres; thence South $00^{\circ}25'53''$ West along the West line of said Lot 10 and the West line of Lots 9, 8 and 7, of said Block "K", a distance of 200.00 feet to the Southwest corner of said Lot 7; thence South $89^{\circ}34'30''$ East along the South line of said Lot 7, a distance of 132.50 feet to the Northwest corner of Lot 15, of said Block "K"; thence South $00^{\circ}25'53''$ West along the West line of said Lot 15, a distance of 50.00 feet to the Southwest corner of said Lot 15; thence South $89^{\circ}34'30''$ East along the South line of said Lot 15 and an extension thereof, a distance of 185.50 feet to the Northwest corner of Lot 5, Block "J", of said Home Acres; thence South $00^{\circ}25'53''$ West along the West line of said Lot 5 and the West line of Lot 4, of said Block "J", a distance of 100.00 feet to the Southwest corner of said Lot 4; thence South $89^{\circ}34'30''$ East along the South line of said Lot 4 and the South line of Lot 17, of said Block "J", a distance of 180.44 feet to the Westerly right-of-way line of North Orlando Avenue (State Road 15/600), (U.S. 17/92), as now established. thence run along said Westerly right-of-way line the following courses and distances: South $02^{\circ}34'51''$ East 138.24 feet to the Point of Curvature of a curve concave Westerly and having a radius of 5676.65 feet; thence run Southerly along the arc of said curve 283.03 feet, through a central angle of $02^{\circ}51'24''$ to the Point of Tangency; thence South $00^{\circ}16'33''$ West a distance of 803.23 feet; thence South $67^{\circ}51'04''$ West a distance of 36.60 feet, to the North right-of-way line of Lee Road (State Road 438) as now established; thence South $89^{\circ}57'03''$ West along said North right-of-way line and an extension thereof, a distance of 1183.25 feet to the Southeast corner of Lot 1, of Lee Shore, according to the Plat thereof, as recorded in Plat Book "T", Page 78, of the Public Records of Orange County, Florida, said point also being the Point of Intersection of said North right-of-way line of Lee Road with the West right-of-way line of Bennett Avenue

(as now established); thence North 01°18'01" East along said West right-of-way line, a distance of 1439.59 feet to the Northeast corner of Park Green, according to the plat thereof, as recorded in Plat Book 10, Page 90, of the Public Records of Orange County, Florida; thence South 88°47'55" West along the North line of said Park Green, and an extension thereof, a distance of 489.00 feet to the Southwest corner of that certain parcel of land, as described and recorded in Official Record Book 09053, Page 4134, of the Public Records of Orange County, Florida; thence run along the Westerly line of said certain parcel of land, the following courses and distances: North 00°22'00" West 186.65 feet; thence North 89°33'44" East 191.75 feet; thence North 00°22'00" West 320.55 feet; thence North 89°23'57" East 49.46 feet; thence North 00°30'06" West 103.82 feet to the Northwest corner of the aforesaid certain parcel of land; thence North 89°17'48" East along the North line of said certain parcel, a distance of 274.63 feet to the Point of Beginning.

(LESS) Lot 16, Block "L" and Lot 17, Block "F", of Home Acres, according to the plat thereof, as recorded in Plat Book "M", Page 97, of the Public Records of Orange County, Florida.

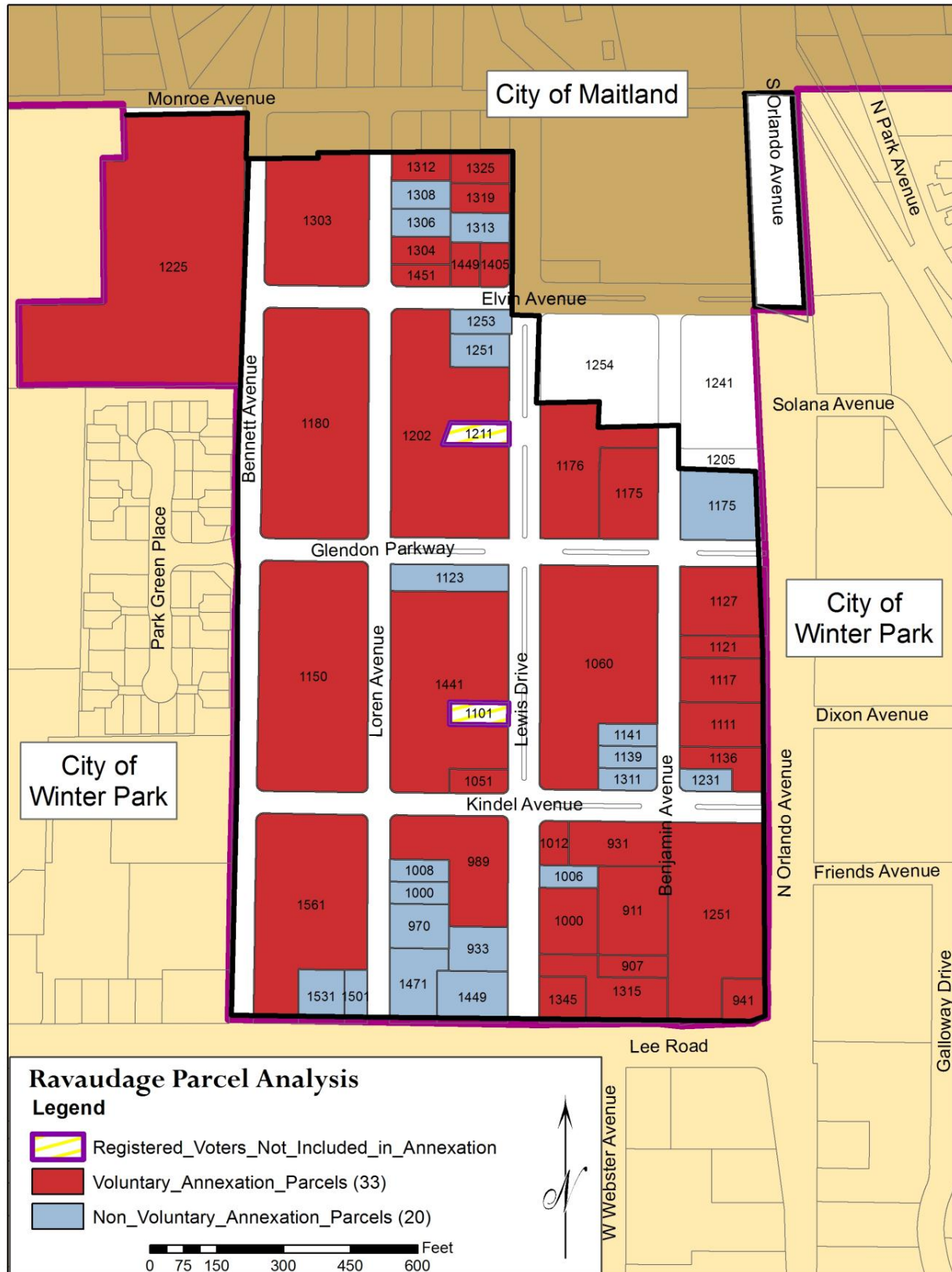
TOGETHER WITH:

North Orlando Ave.

US 17-92 North Annex

Commence at Northwest corner, of the Northeast $\frac{1}{4}$, of Section 1, Township 22 South, Range 29 East, Orange County, Florida; thence run North 89°28'20" East along the North line of said Northeast $\frac{1}{4}$, a distance of 1093.87 feet for a POINT OF BEGINNING, said point also being on a Northerly extension of the West right-of-way line of North Orlando Avenue (U.S. 17/92) and (S.R. 15/600); thence departing said West line, continue North 89°28'20" East along said North line of the Northeast $\frac{1}{4}$, a distance of 53.03 feet to the center line of said North Orlando Avenue; thence departing said North line of the Northeast $\frac{1}{4}$, of Section 1, run South 02°34'51" East along said center line a distance of 495.08 feet; thence departing said center line, run South 87°25'09" West a distance of 53.00 feet to the aforementioned West right-of-way line of North Orlando Avenue, said point also being on the South right-of-way line of Elvin Avenue of Home Acres, as recorded in Plat Book "M," Page 97, of the Public Records of Orange County, Florida; thence departing said South right-of-way line, run North 02°34'51" West along said West right-of-way line of North Orlando Avenue being a projection and an extension thereof, a distance of 496.98 feet to the Point of Beginning.

Exhibit B – Area to be annexed



NOTICE OF ANNEXATION

CITY OF WINTER PARK
PUBLIC NOTICE

TO CONSIDER THE ANNEXATION OF RAVAUDAGE/HOME ACRES

NOTICE is hereby given that a public hearing will be held by the Winter Park City Commission on Monday, November 12, 2012 at 3:30 p.m. in the Commission Chambers of City Hall at 401 S. Park Avenue, Winter Park, Florida, to consider the following:

ORDINANCE NO. 2869-12

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE 51+- ACRES OF RAVAUDAGE OR HOME ACRES GENERALLY BOUNDED BY BENNETT, MONROE, ORLANDO AVENUES AND LEE ROAD.

The complete legal description by metes and bounds as well as a complete copy of this proposed Ordinance No. 2867-12 may be obtained and inspected at the office of the City Clerk at 401 Park Avenue, South, Winter Park, Florida during regular business hours. All interested parties are invited to attend and be heard. Additional information is available in the City Clerk's office so that citizens may acquaint themselves with each issue and receive answers to any questions they may have prior to the meeting.

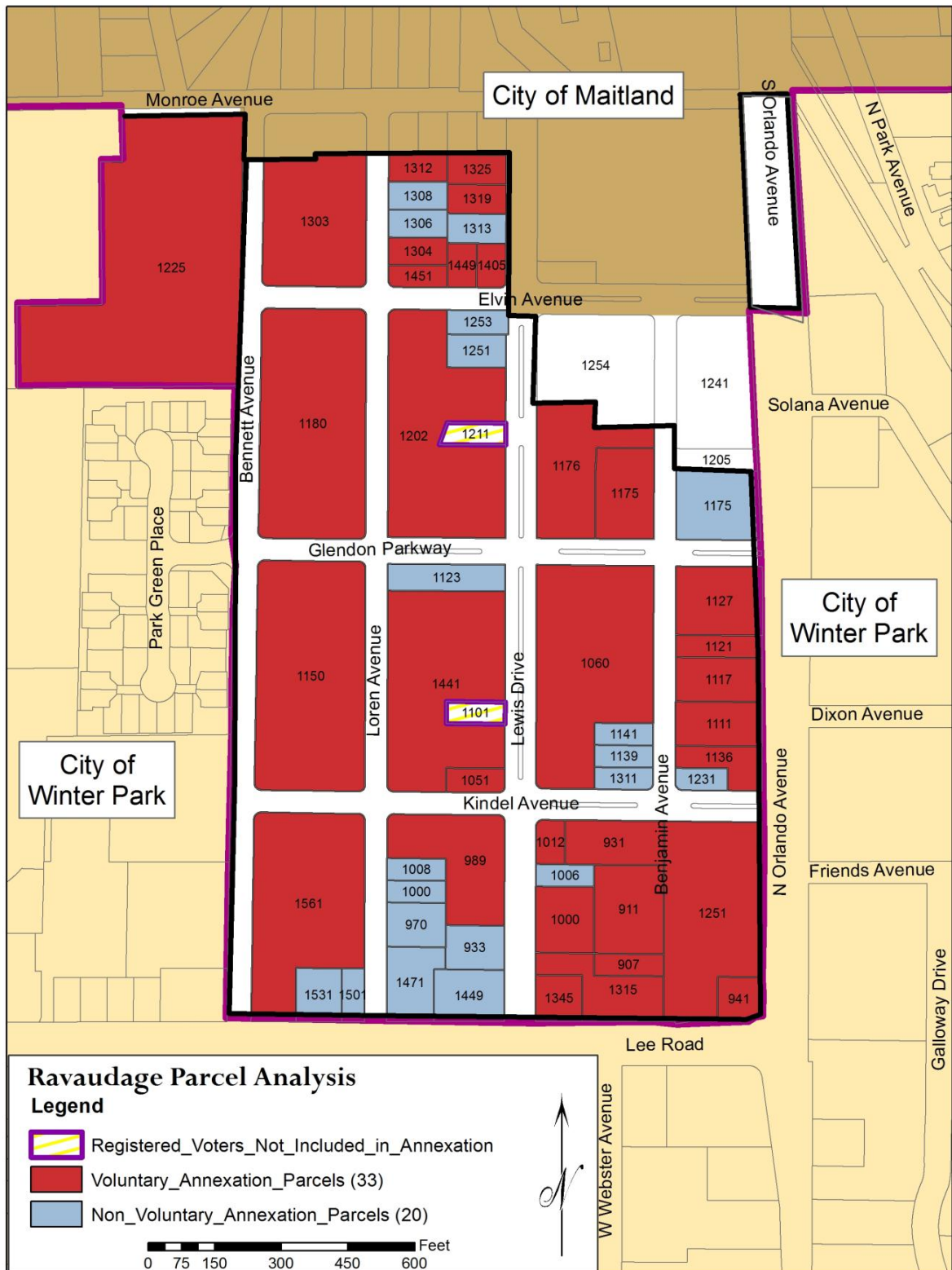
NOTE: If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record 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.

Cynthia S. Bonham, CMC
City Clerk

Publish: Sunday, October 28, 2012 and November 4, 2012, Orlando
Sentinel

Cynthia S. Bonham, CMC
City Clerk





CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

www.cityofwinterpark.org

October 25, 2012

*Notice Letter sent to all
Property Owners*

Notice of Involuntary Annexation by the City of Winter Park

From: City of Winter Park

Please be advised that on Monday, November 12, 2012 at the Winter Park City Hall, 401 S. Park Avenue, Winter Park, Florida at 3:30 pm or as soon thereafter as possible, the Winter Park City Commission will convene a public hearing to consider Ordinance 2869-12. This ordinance authorizes annexation by the City of Winter Park of various parcels comprising the 51+- acres of the Ravaudage – Home Acres neighborhood area, including the property which you own, as shown in the public records of Orange County. This annexation is an involuntary annexation authorized by Chapter 171, Florida Statutes. There are 53 total properties involved in this annexation and the City has received voluntary consents to the annexation from 33 of the 53 properties which comprise 62.3% of the properties and 86.24% of the land area involved. As this comprises a majority of the property owners and a majority of the land area involved, as required by the involuntary annexation statutes, this allows the annexation to proceed without a referendum.

Copies of the proposed Ordinance and legal description of the entire parcel to be annexed are available at City Hall with the City Clerk and the public may inspect the same.

Dated this 25th day of October, 2012.

Persons are advised that, if they decide to appeal any decision made at these meetings/hearings, they will need a record of the proceedings and for such purpose, they may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per Section 286.0105, Florida Statutes. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact City Clerk, Cindy Bonham at 407-599-3277, at least 48 hours prior to the meeting.

Ravaudage – Home Acres Cost/Benefit Annexation Report NOVEMBER 2012

Introduction

The Planning staff has prepared this cost/benefit annexation report in compliance with Comprehensive Plan Policy 1.3.13.3 to outline the service costs and anticipated revenues involved with annexing the 51 acres of the proposed Ravaudage or Home Acres enclave of unincorporated Orange County.

Report Conclusion:

Given the existing, largely undeveloped condition of the 51 acres proposed for annexation, the expected revenues to the City exceed the expected costs of services. As the area redevelops there will be increased demands for city services. Based upon the projected development, the City needs to do an in-depth analysis for the proposed Community Development District (CDD) to ascertain whether sufficient revenues will exist to cover these increased costs of services from the projected redevelopment.

Report Analysis:

While 51 acres is a significant sized addition to the City, the 51 acres in comparison to the existing nine square miles of the city limits represents a 1.05 % increase in land area.

All the city departments can absorb the provision of services to a 1% increase in land area without any staff or equipment increases at the present time because the 51 acres is largely undeveloped at this time. The existing police patrol zone for this sector can be expanded to accommodate this land area as the patrol zone already includes the surrounding areas and in the evenings this area is the focus of increased police patrol via the DDACTS program. The fire department emergency response will be minimal given the limited number of buildings and people that occupy the 51 acres. There will be some increase in code enforcement services but otherwise the departments of the city will see minimal demands for services under the existing undeveloped nature of the land.

The current assessed value of the land is \$10,033,732. Those property taxes together with other minimal revenues from utility taxes, franchise fees and stormwater fees are expected to yield about \$45,000 annually.

Overview of Future Service Costs:

Generally, the City experiences greater revenue versus expenses in providing services to commercial and office development than to multi-family, low density or single family residential development. This is due to the greater density (and value) of development and corresponding greater property tax values that also benefit from the absence of homestead exemptions and 'save our homes' property tax deductions.

As Ravaudage develops and the density of people and buildings increase, the two departments most likely to experience the demand for services via increased calls for service are the fire and police departments. Those also are where the expenses to the City are the greatest if such service response needs to be 24 hours a day, seven days a week.

For the police department, the analysis will be whether given the nature of the projected development, the staff expects that the patrol zone for this area can cover the anticipated calls or whether another patrol zone will need to be added.

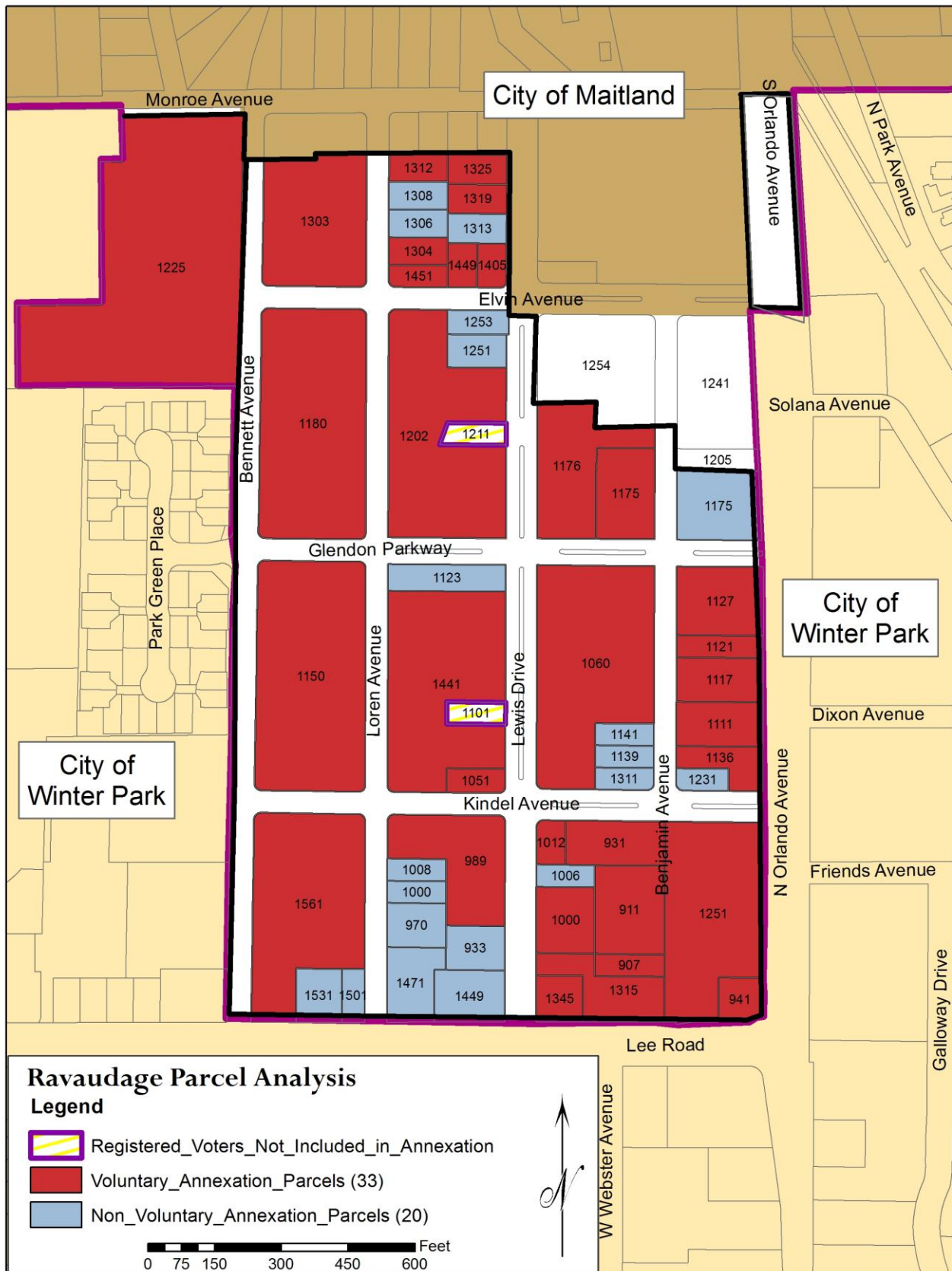
For the fire department, the analysis will also be that given the nature of the projected development, whether service calls primarily for EMS needs require one additional EMS vehicle and staffing.

For the utility departments of the City, there is the recognition that almost all of the infrastructure for the development will be newly constructed. Thus, the needs for repair and maintenance of those new water lines, new sewer lines, new storm drainage systems, new roadways, new sidewalks, etc. should be minimal.

For the administrative departments of the City, this increase in land area of 51 acres and its business and resident population will not result in needs for additional staffing.

Conclusion:

Given the existing, largely undeveloped condition of the 51 acres proposed for annexation, the expected revenues to the City exceed the expected costs of services. As the area redevelops there will be increased demands for city services. Based upon the projected development, the City needs to do an in-depth analysis for the proposed Community Development District (CDD) to ascertain whether sufficient revenues will exist to cover these increased costs of services from the projected redevelopment.





city commission public hearing

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

Subject: Inter-local Agreement with Orange County to permit the Annexation of the two enclaves at 1211 and 1101 Lewis Drive.

There are two enclave properties at 1211 and 1101 Lewis Drive that could not be included in the overall annexation of the 51 acres of Ravaudage because records indicate registered voters residing on these properties. Chapter 171, Florida Statutes allows for the annexation of such enclaves subject to the consent and adoption of an Inter-local Agreement by Orange County.

On January 26, 2012 the Board of County Commissioners gave conceptual approval to this Inter-Local Agreement and directed the City to agenda this Inter-local as a public hearing for approval at the same date as the second reading on the overall Ravaudage annexation. Following the City's approval it will be formally approved by the Board of County Commissioners and then these two enclaves will be officially annexed.

A letter (attached) has been mailed to the owners of record of these two enclave properties providing notice of this public hearing.

Recommendation:

Staff recommendation is for approval.



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

October 25, 2012

Notice of Public hearing for an InterLocal Agreement for the Annexation by the City of Winter Park of 1211 and 1101 Lewis Drive

From: City of Winter Park

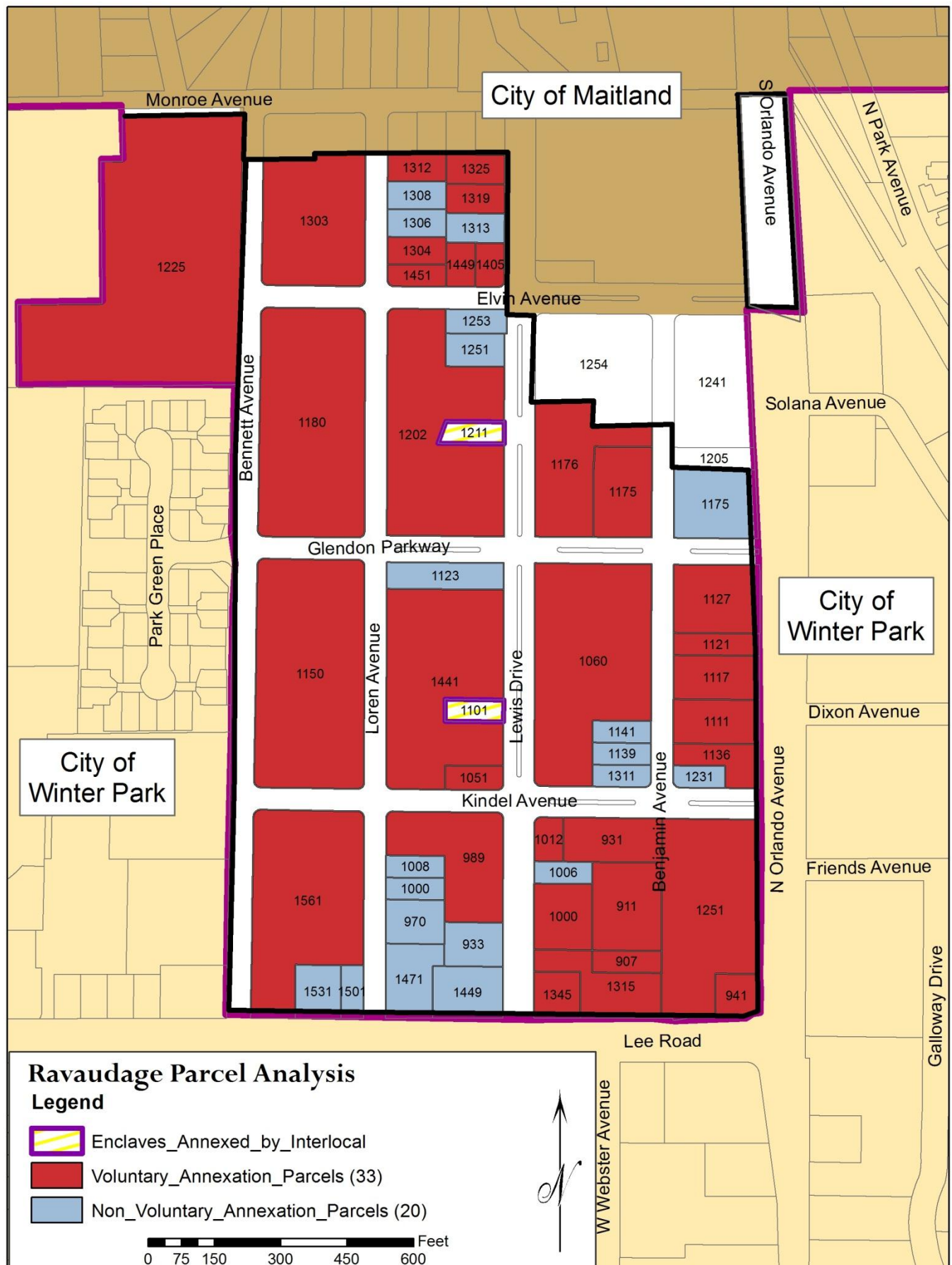
Please be advised that on Monday, November 12, 2012 at the Winter Park City Hall, 401 S. Park Avenue, Winter Park, Florida at 3:30 pm or as soon thereafter as possible, the Winter Park City Commission will convene a public hearing to consider an InterLocal Agreement with Orange County that would permit the annexation by Winter Park of two enclaves including the property that you own.

Also on the same agenda is an Ordinance that authorizes annexation by the City of Winter Park of various parcels comprising the 51+- acres of the Ravaudage – Home Acres neighborhood area. There are 53 total properties involved in that annexation and the City has received voluntary consents to the annexation from 33 of the 53 properties which comprise 62.3% of the properties and 86.24% of the land area involved. As this comprises a majority of the property owners and a majority of the land area involved, as required by the involuntary annexation statutes, this allows that annexation to proceed without a referendum.

Copies of the proposed InterLocal Agreement covering your property to be annexed are available at City Hall with the City Clerk and the public may inspect the same.

Dated this 25th day of October, 2012.

Persons are advised that, if they decide to appeal any decision made at these meetings/hearings, they will need a record of the proceedings and for such purpose, they may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per Section 286.0105, Florida Statutes. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact City Clerk, Cindy Bonham at 407-599-3277, at least 48 hours prior to the meeting.



**THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:
Winter Park City Clerk
401 S. Park Ave. Winter Park, Fl. 32789**

Tax Parcel Identification Number(s):
01-22-29-3712-12-160 and
01-22-29-3712-06-170

For Recording Purposes Only

INTERLOCAL AGREEMENT FOR ANNEXATION OF ENCLAVES

between

CITY OF WINTER PARK, FLORIDA

and

ORANGE COUNTY, FLORIDA

THIS INTERLOCAL AGREEMENT, dated this ____ day of _____, 20__, (hereinafter referred to as "Agreement") between the **CITY OF WINTER PARK**, a municipal corporation in the State of Florida whose mailing address is 401 S. Park Avenue, Winter Park, Florida (hereinafter referred to as "City"), and **ORANGE COUNTY, FLORIDA**, a charter county and political subdivision of the State of Florida whose mailing address is 201 South Rosalind Avenue, Orlando, Florida 32801 (hereinafter referred to as "County"), is entered into for the purpose of annexing certain enclaves located within unincorporated Orange County into the corporate limits of the City of Winter Park, Florida, pursuant to, and as authorized by, Florida Statutes §171.046.

WITNESSETH

WHEREAS, Florida Statutes §171.046, adopted by the Florida Legislature, recognizes that enclaves can create significant problems in planning, growth management, and service delivery; that it is the policy of the State of Florida to eliminate enclaves; and provides a method for the annexation by interlocal agreement of enclaves that are ten (10) acres or less; and

WHEREAS, Florida Statutes §171.031, adopted by the Florida Legislature, defines areas that are "urban in character" as those lands used intensively for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes; and defines "enclaves" as any unincorporated developed or improved area that is enclosed within and bounded on all sides by a single municipality, or any unincorporated developed or improved area that is enclosed within and bounded by a single municipality

and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality; and

WHEREAS, Florida Statutes §171.043, adopted by the Florida Legislature, describes the character of the area that may be annexed; and

WHEREAS, the City and County agree that both parties shall work together in good faith to enter into interlocal agreements pursuant to Florida Statutes to eliminate such identified enclaves; and

WHEREAS, it has been determined by the City that the parcels to be annexed by this Agreement are within the future annexation and planning areas of the City and meet the requirements set out in Florida Statutes §171.046; and

WHEREAS, annexation of the identified enclaves into the City will avoid unnecessary confusion and duplication of municipal services, including emergency services.

NOW, THEREFORE, in consideration of the premises and the mutual promises and agreements set forth herein and other good and valuable consideration, the receipt of which is hereby acknowledged and intending to be legally bound hereby, the parties hereto do hereby agree as follows:

SECTION I. The Recitals set forth above are true and correct and by this reference are incorporated herein as part of this Agreement.

SECTION II. This Agreement is executed in order to adjust and redefine the corporate limits of the City to include the lands described in Section III below in order to ensure the sound and efficient delivery of urban services to said lands.

SECTION III. The City and the County hereby find that the following lands located in unincorporated Orange County are enclaves of 10 acres or less which meet the criteria for annexation into the City under Florida Statutes §171.046;

See **Attachment “A”** which is attached hereto and by this reference made a part hereof.

A map of the above-described lands which clearly shows the area proposed to be annexed is attached hereto as **Attachment “B”** and by this reference made a part hereof.

SECTION IV. The City hereby finds that the annexation of the lands herein described is consistent with State law, the City’s Comprehensive Plan and meets all of the requirements for annexation set forth in State law and the City’s Comprehensive Plan.

SECTION V. Pursuant to Florida Statutes §171.046(2), the City and the County by this Agreement hereby annex into the corporate limits of the City those lands described in Attachment “A” hereto.

SECTION VI. The lands herein described and future inhabitants of said lands shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City and shall be entitled to the same privileges and benefits as other areas of the City.

SECTION VII. The lands herein described shall have the existing County land use plan and County zoning or subdivision regulations in full force and effect until the City adopts a comprehensive plan amendment and rezoning that includes said land. The City agrees to process for change the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws within 24 months following the date of execution of this Agreement by the second party hereto and at no charge to the owners of the land described in Attachment “A” hereto.

SECTION VIII. The City hereby acknowledges that, prior to their approval of this Agreement, they have jointly provided written notice to all owners of the real property identified in Attachment A whose names and addresses are known by reference to the latest published ad valorem tax records of the Orange County Property Appraiser. The written notice described the purpose of this Agreement and stated the date, time, and place of the meetings of the City of Winter Park City Commission at which this Agreement was to be considered for approval.

SECTION IX. Miscellaneous.

1. This Agreement may not be modified or amended, or any term or provision hereof waived or discharged except in writing, in recordable form, signed by the parties hereto, or their respective successors and assigns. Any such modification or amendment shall not be effective until recorded in the Public Records of Orange County, Florida.

2. This Agreement shall be construed and enforced in accordance with, and governed by, the laws of the State of Florida.

3. All of the terms of this Agreement, whether so expressed or not, shall be binding upon the respective successors, assigns and legal representatives of the parties hereto and shall inure to the benefit of and be enforceable by the parties hereto and their respective successors, assigns and legal representatives.

4. The headings of this Agreement are for reference only and shall not limit or otherwise affect the meaning thereof.

5. Each party to this Agreement shall bear its own attorneys’ fees and costs in connection with this Agreement and / or in connection with any action undertaken in compliance with, or relating to, this Agreement.

SECTION X. If any section, subsection, sentence, clause, phrase, or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION XI. This Agreement shall become effective upon its execution by the second of the two parties hereto and each respective date shall be inserted on the first page of this Agreement. Thereafter the City Clerk is directed to file a certified copy of this Agreement and associated attachments with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

SECTION XII. Following its execution by the City and the County, a copy of this Agreement shall be recorded and thereafter provided by certified mail to all owners of the real property identified in Attachment “A” whose names and addresses are known by reference to the latest published ad valorem tax records of the Orange County Property Appraiser.

[Remainder of page left intentionally blank.]

“CITY”

CITY OF WINTER PARK, a
Florida municipal corporation

By: _____

_____, Mayor

Attest: _____

_____, City Clerk

Executed on:

(SEAL)

**FOR USE AND RELIANCE ONLY BY
THE CITY OF WINTER PARK, FLORIDA.
APPROVED AS TO FORM AN
LEGALITY this 12th day of Nov., 2012.**

**APPROVED BY THE WINTER
PARK CITY
COMMISSION AT A MEETING
HELD ON NOVEMBER 12, 2012.**

By: _____
City Attorney

“COUNTY”

ORANGE COUNTY, FLORIDA
By: _____ Board of County
Commissioners

By: _____

Teresa Jacobs
Orange County Mayor

Date: _____

ATTEST: Martha O. Hayne, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Date: _____

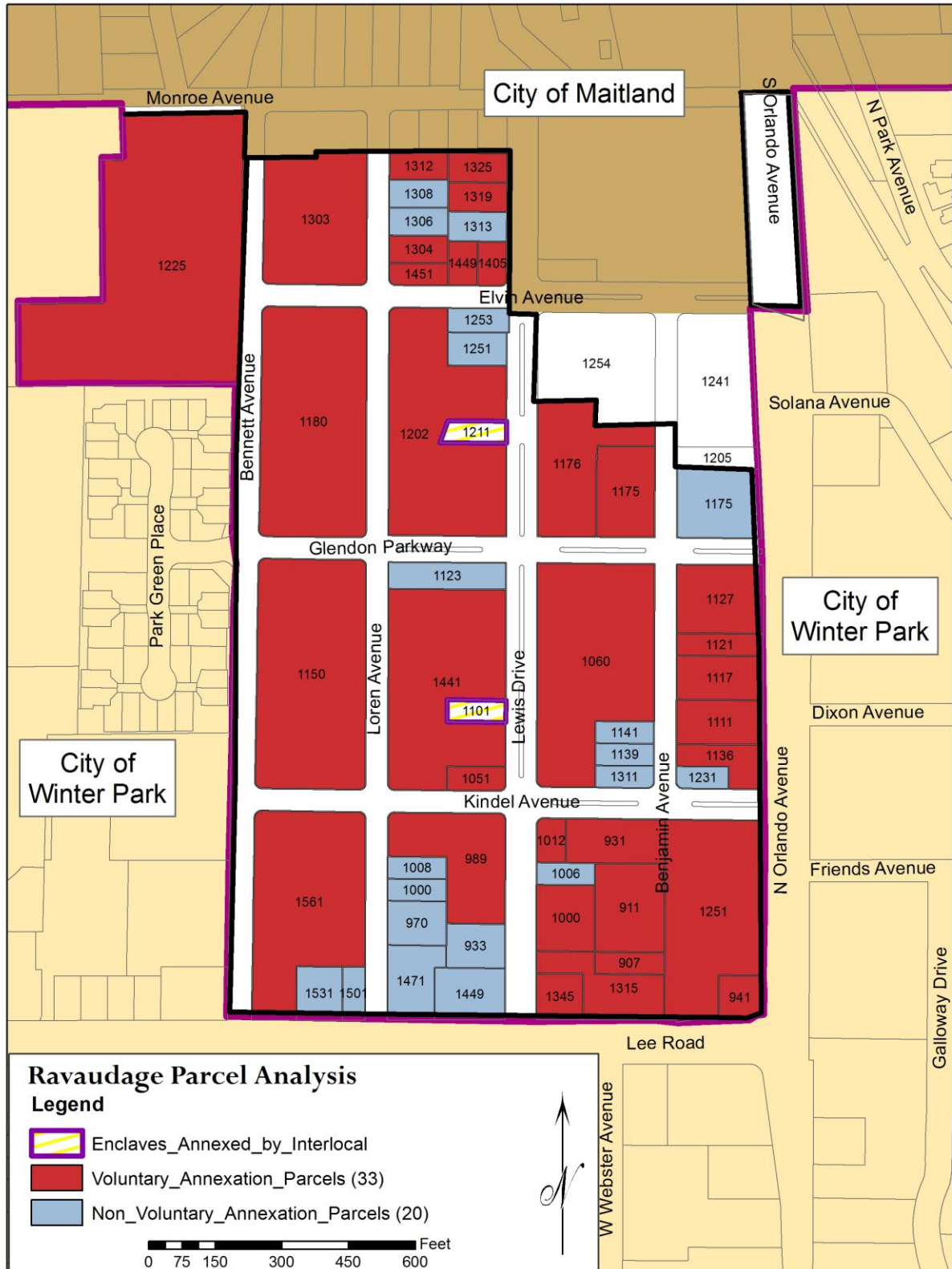
ATTACHMENT “A”

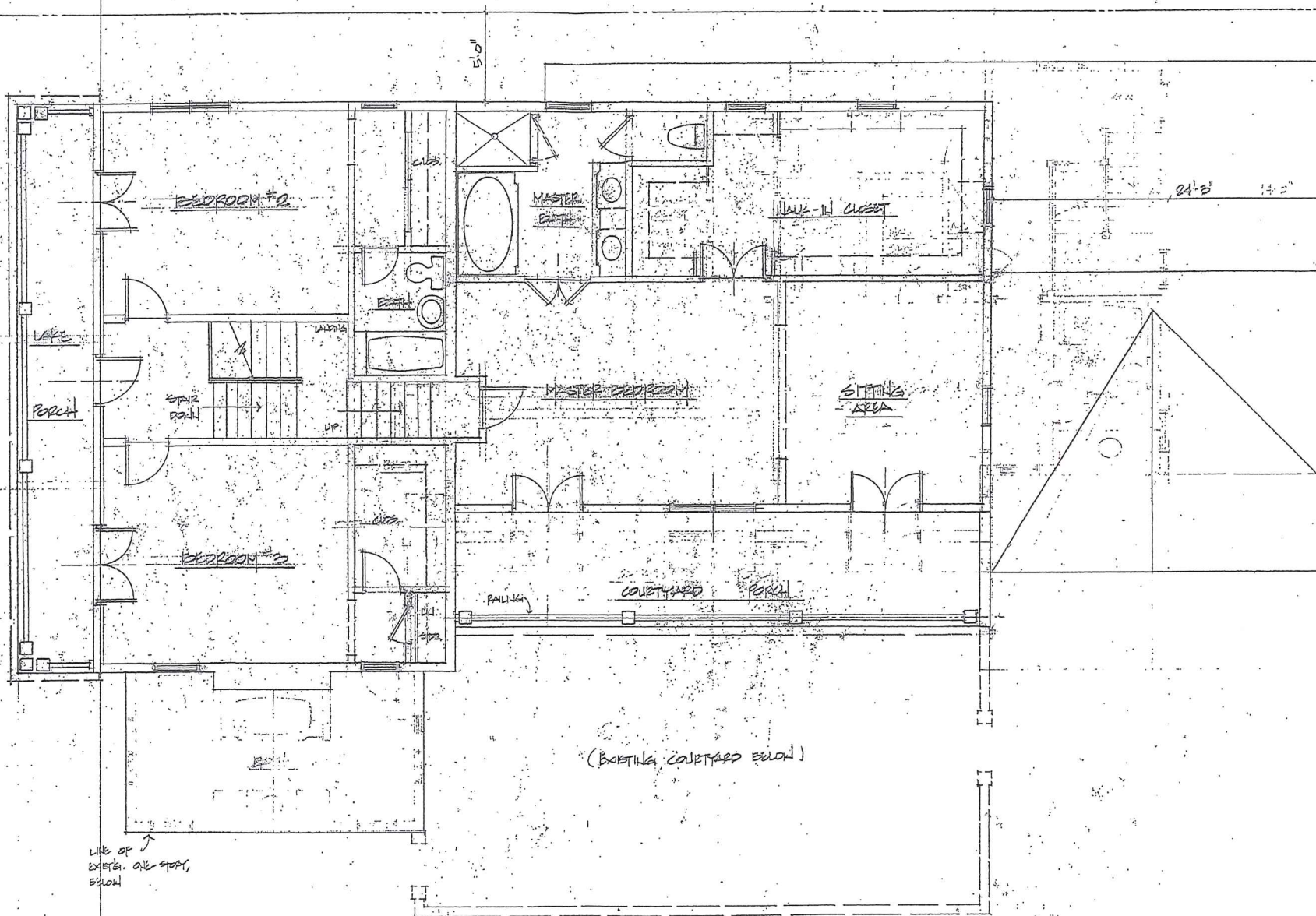
LEGAL DESCRIPTION OF ANNEXED LANDS

1211 Lewis Drive: Property Tax ID# 01-22-29-3712-12-160 Further Described As:
Lot 16 and the vacated street on the East, Block L, Homes Acres subdivision as
recorded in Plat Book M”, Page 97 of the Public records of Orange County,
Florida.

1101 Lewis Drive: Property Tax ID# 01-22-29-3712-06-170 Further Described As:
Lot 17, Block F, Homes Acres subdivision as recorded in Plat Book M”, Page 97
of the Public records of Orange County, Florida.

Attachment “B”





LINE OF
EXTEN. ONE STORY
BELOW

(EXISTING COURTYARD BELOW)



city commission public hearing

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

Subject: Annexation of 600 Lee Road

Pursuant to the Billboard Agreement with CBS Outdoor, the City needs to annex the property at 600 Lee Road and the adjoining part of the I-4 right-of-way.

This is a voluntary annexation by FDOT pursuant to their agreement with CBS Outdoor. FDOT has acquired this property (former Aamco Transmission) as part of the I-4 project. The Aamco business is moving and that building will be demolished. There will be nothing on this property except for the CBS Outdoor billboard sign structure. As such, there will be no city services required for this property. (It will be on the tax rolls for the sign value)

The legal advertisement has published in the Orlando Sentinel and the required notice also sent to Orange County.

Staff Recommendation:

Staff supports this ordinance, as required to implement the Billboard Agreement approved by the City Commission, for the same reasons as staff recommended approval of the Billboard Agreement. While the City will permit a new billboard where one already exists (albeit taller and digital vs. static); the location is on the west side of I-4; and the City gets three billboard structures removed in the City.

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

ORDINANCE NO. 2867-12

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 600 LEE ROAD AND THAT PORTION OF INTERSTATE FOUR CONTIGUOUS TO THE PROPERTY AT 2684 LEE ROAD, CITY OF WINTER PARK, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 171, Florida Statutes provides the exclusive method of municipal annexation, in order to insure sound urban development and efficient provision of urban services; and

WHEREAS, the City has determined that the area to be annexed is contiguous and reasonably compact, is developed for urban purposes, is not within the boundaries of another municipality, and has met all other requirements of Chapter 171, Florida Statutes, including but not limited to the prerequisites for annexation; and

WHEREAS, the City Commission hereby finds that the annexation of said property will not result in the creation of any enclaves, and it is further determined that the property otherwise fully complies with the requirements of State law; and

WHEREAS, The Florida Department of Transportation, the owner of the property at 600 Lee Road, Orlando, FL, has petitioned the City of Winter Park for annexation of that property, identified by Orange County Parcel ID Number 02-22-29-0000-00-042; and the Florida Department of Transportation, as owner of that portion of the I-4 corridor adjacent to 2684 Lee Road and 600 Lee Road, also does not object to the annexation of the I-4 corridor at that location all as described in Exhibit "A" and shown on Exhibit "B", which is the area to be annexed; and:

WHEREAS, pursuant to, and in compliance with the law, notice has been given by publication once a week for two consecutive weeks in a newspaper of general circulation notifying the public of this proposed Ordinance and of public hearings to be held at City Hall in the City of Winter Park; and

WHEREAS, the City Commission has determined that the annexation of the subject area has met all procedural requirements and that it will promote sound urban development and efficient provision of urban services; and

WHEREAS, the annexation is in compliance and consistent with the goals and objectives of the City of Winter Park Comprehensive Plan, Charter and Municipal Code; and

WHEREAS, in the best interest of the public health, safety, and welfare of the citizens of Winter Park, the City Commission of the City of Winter Park desires to annex the real property generally described below into the municipal boundaries of the City of Winter Park; and

WHEREAS, upon adoption of this Ordinance, the municipal boundaries lines of the City of Winter Park, shall, for purposes of Article I, Section 1.02 of the Municipal Charter, shall be redefined to include the subject real property.

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

Section 1. Annexation of Real Property. The real property described herein shall be, and is hereby annexed into the City of Winter Park, Florida. This real property is described in Exhibit “A” and illustrated in Exhibit “B”. These Exhibits are incorporated herein by reference. The described real property shall be existing within the boundaries of the City of Winter Park, Florida and known to be existing within said boundaries from the effective date of this Ordinance.

Section 2. Incorporation of Recitals. The recitals to this Ordinance are hereby incorporated herein by reference and are fully effective as part of this Ordinance.

Section 3. City Boundaries Redefined; Winter Park Charter Amended. Pursuant to Section 166.031(3), Florida Statutes and Section 171.091, Florida Statutes, the City of Winter Park Charter, Article I, Section 1.02 is hereby amended to redefine the corporate boundaries of the City of Winter Park to include the real property described in Section 1 and Exhibits “A” and “B” of this Ordinance. The City Clerk shall file the revised Winter Park Charter, Article 1, Section 1.02 with the Department of State within seven days after the effective date of this Ordinance. Section 1.02 provides that the corporate boundaries of the City of Winter Park shall remain as they exist on the date the amended Charter took effect, and provides that the City has the power to change its boundaries in the manner prescribed by law. The amendment to the Charter will

provide that after the effective date of the adoption of Section 1.02, the property subject to this Ordinance was annexed, and the legal description of the property will not be included in the Charter but the Ordinance number shall be included so that the public is on notice that a description of the corporate boundaries, including the property annexed hereby, is on file in the City Clerk's office.

Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions. All Ordinances and Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed to the extent of conflict.

Section 5. Severability. Should any section or provision of this Ordinance or any portion hereof, including any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not effect the validity of the remainder hereto as a whole, and the invalid portion shall be severed from the remainder of this Ordinance and the remainder of this Ordinance shall be continue to be lawful, enforceable and valid.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED by the City Commission of the City of Winter Park, Florida at a regular meeting assembled on the _____ day of _____, 2012.

Kenneth W. Bradley, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk

First Reading: _____, 2012

Second Reading: _____, 2012

Effective Date: _____, 2012

SKETCH OF DESCRIPTION FOR CBS OUTDOOR

Exhibit "A"

A PORTION OF LAND IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 22 SOUTH, RANGE 29 EAST, AND RUN S03°41'31"W ALONG THE 1/4 SECTION LINE 2,145.98 FEET; THENCE N89°51'59"W 140.53 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEAST, HAVING A RADIUS OF 1004.93 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°27'43" A DISTANCE OF 639.52 FEET; THENCE S36°35'44"W 30.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 438 AND THE NORTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10291, PAGE 2393, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN ALONG THE NORTHERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10291, PAGE 2393 THE FOLLOWING 2 COURSES; FROM A TANGENT BEARING OF S53°24'16"E RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 1034.93 FEET AND AN INTERSECTION ANGLE OF 03°10'29", A DISTANCE OF 57.35 FEET; THENCE S56°34'45"E 50.04 FEET TO THE WEST LIMITED ACCESS RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 400; THENCE S73°50'24"E, A DISTANCE OF 476.70 FEET MORE OR LESS TO THE NORTHEASTERLY CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10101, PAGE 752, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND THE EAST LIMITED ACCESS RIGHT OF WAY LINE OF SAID INTERSTATE HIGHWAY NO. 400; THENCE S47°23'13"W, ALONG THE EASTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 10101, PAGE 752 AND SAID EAST LIMITED ACCESS RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 400, A DISTANCE OF 42.85 FEET TO THE SOUTHERLY MOST CORNER THEREOF, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9732, PAGE 749, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S03°41'27"W, ALONG THE WEST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9732, PAGE 749 AND EAST LIMITED ACCESS RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 400, A DISTANCE OF 139.46 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE DEPARTING THE EAST LIMITED ACCESS RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 400, RUN N71°07'41"W, A DISTANCE OF 439.00 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10291, PAGE 2393 AND THE WEST LIMITED ACCESS RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 400; THENCE N52°50'03"W, ALONG THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10291, PAGE 2393, A DISTANCE OF 203.55 FEET TO A POINT ON THE WEST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10291, PAGE 2393; THENCE N36°35'44"E, ALONG THE WEST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10291, PAGE 2393, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

SEE SHEET 2 FOR SKETCH

THIS IS NOT A BOUNDARY SURVEY

LEGAL DESCRIPTION ON SHEET 2 OF 2 HAS BEEN PROVIDED SEPARATELY.

LEGAL DESCRIPTION ON SHEET 2 OF 2 WAS WRITTEN BEFORE SURVEYOR'S LICENSE REBUT.

O.R.B. DENOTES OFFICIAL RECORDS BOOK AND PAGE AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 22 SOUTH, RANGE 29 EAST AS BEING S03°41'31"W, PER LEGAL DESCRIPTION OF PARCEL 1 SHOWN ABOVE.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND DELETIONS TO SURVEY MAPS, SKETCHES, OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

Michael W. Solitro
MICHAEL W. SOLITRO, PSM #445B
FOR THE FIRM OF ALTAMONTE SURVEYING
AND PLATTING, INC. #LB 6300

REVIEWED BY: MWS
DRAWN BY: LJJ
DATE: 11/17/11
JOB No.: 28131
REVISED:

LEGEND

- = RECOVERED 4"x4" CONCRETE MONUMENT NO. #
- ▲ = RECOVERED NAIL & DISK #
- ✕ = RECOVERED X CUT IN CONCRETE
- = RECOVERED 1/2" IRON ROD #
- = RECOVERED 1/2" IRON ROD NO. #
- = RECOVERED 5/8" IRON ROD NO. #
- = SET 1/2" IRON ROD #LB 6300
- ⊙ = POWER POLE AS SHOWN
- ⊙ = WOOD FENCE AS SHOWN
- ⊙ = CHAIN LINK FENCE AS SHOWN
- ⊙ = CONCRETE SLAB AS SHOWN

D = CENTRAL ANGLE (DELTA), L = ARC, R = RADIUS, R/W = RIGHT OF WAY, A/C = AIR CONDITIONER, (R) = RADIAL, (NR) = NON-RADIAL, (P) = PLAT, (M) = MEASURED, (C) CALCULATED, (D) = DEED, POB = POINT OF BEGINNING, CONC. = CONCRETE, POC = POINT OF COMMENCEMENT, POL = POINT ON LINE

THIS SKETCH IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED AND SHALL NOT BE RELIED ON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS WERE NOT LOCATED AS PART OF THIS SKETCH. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAYS AND/OR EASEMENTS OF PUBLIC RECORD.

ALTAMONTE SURVEYING AND PLATTING, INC. 210 CROWN POINT CIRCLE
SUITE 112 LONGWOOD, FL 32779
PHONE: (407) 862-7555
FAX: (407) 862-6229

C:\ACAD2000\28131\LEEROAD.DWG

Exhibit "B"

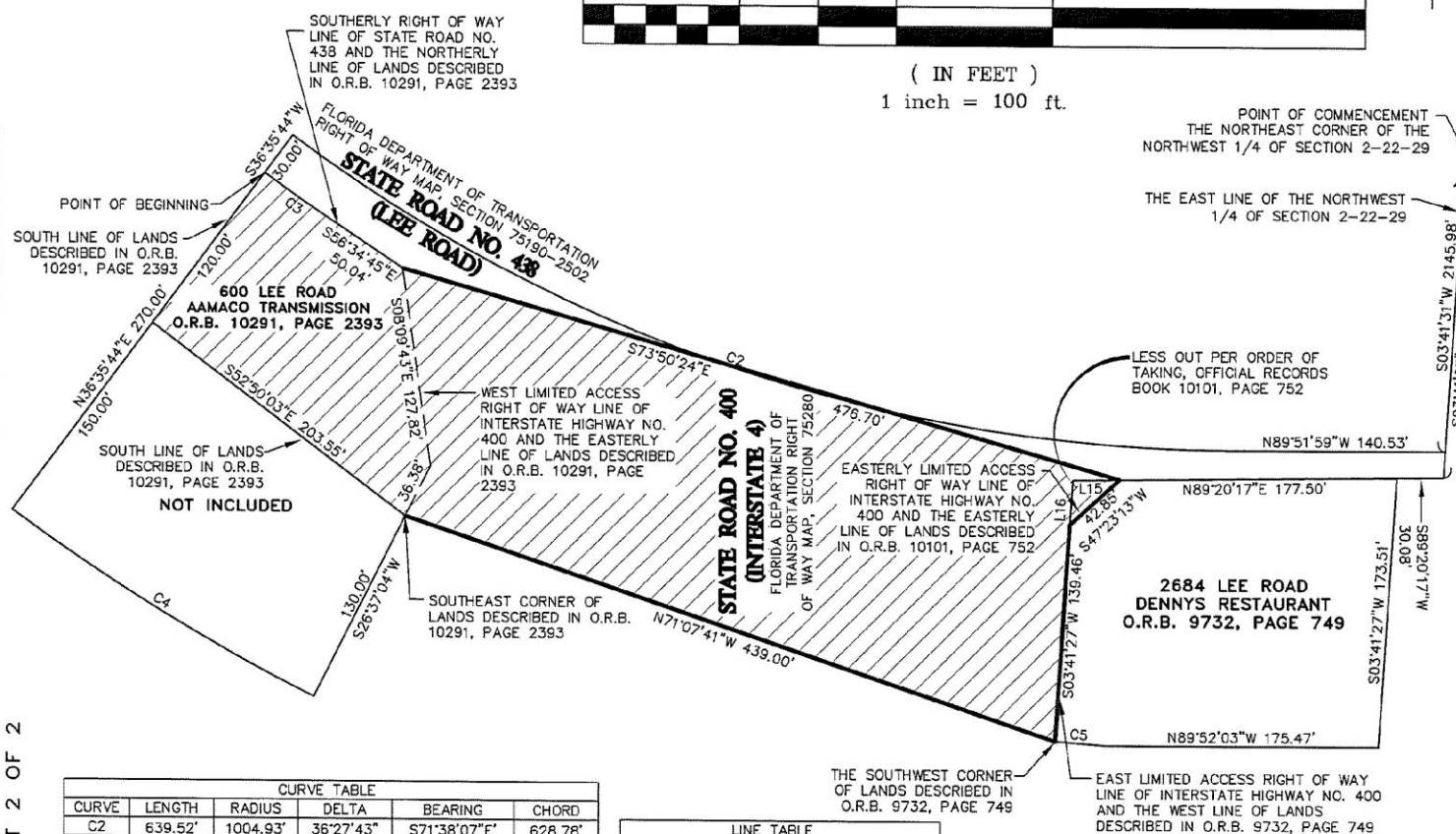
SKETCH OF DESCRIPTION FOR CBS OUTDOOR

GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.



CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C2	639.52'	1004.93'	36°27'43"	S71°38'07"E	628.78'
C3	57.34'	1034.93'	3°10'29"	S54°59'30"E	57.34'
C4	227.25'	1304.93'	9°58'40"	S58°23'36"E	226.96'
C5	31.47'	1197.05'	1°30'22"	S85°26'12"E	31.47'

LINE TABLE

LINE	LENGTH	BEARING
L 1	29.69'	S89°20'17"W
L 2	28.73'	N03°41'27"E

SEE SHEETS 1 AND 2 FOR LEGAL DESCRIPTION
THIS IS NOT A BOUNDARY SURVEY

SHEET 2 OF 2

ALTAMONTE SURVEYING
AND PLATTING, INC.

210 CROWN POINT CIRCLE
SUITE 112 LONGWOOD, FL 32778
PHONE: (407) 862-7555
FAX: (407) 862-6229

STATE OF FLORIDA
COUNTY OF ORANGE

PETITION FOR VOLUNTARY ANNEXATION

To the City commission to the City of Winter Park, Florida:

The undersigned hereby petitions for voluntary annexation by the City of Winter Park, Florida of the property described herein, accordance with Article VIII, Section 2(c) of the Constitution of the State of Florida and Florida Statute 171.044, and represents and states as follows:

I

The petitioner is the owner of record of the property which is subject of this petition.

II

The property which is the subject of this petition lies wholly with the boundaries of Orange County, Florida.

III

No part of the property which is subject of this petition lies within the corporate limits of any incorporated municipality.

IV

The property which is the subject of this petition is described as follows;

See Attached

EXHIBIT "A"-THE AAMCO SITE

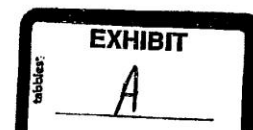
"Commence at the Northeast corner of the Northwest ¼ of Section 2, Township 22 South, Range 29 East, and run South 03° 41' 31" West along the ¼ Section line 2,145.98 feet, thence North 89° 51' 59" West 140.53 feet to the Point of curvature of a curve concave to the Northeast having a radius of 1,004.93 feet thence along the arc of said curve, through a central angle of 36° 27' 43" a distance of 639.52 feet, thence South 36° 35' 44" West 30.0 feet for a Point of Beginning; said point being on the Southerly right-of-way line of State Road 438; thence from a tangent bearing of South 53° 24' 16" East run Southeasterly along the arc of a curve concave to the Northeast, having a radius of 1,034.93 feet and the intersection angle of 03° 10' 29", a distance of 57.35 feet, thence South 56° 34' 45" East 50.04 feet to the limited access line of Interstate Highway No. 4, thence South 08° 09' 43" East along said limited access right-of-way line a distance of 127.82 feet, thence South 26° 37' 04" West 166.38 feet, thence from a tangent bearing North 63° 22' 56" West run Northwesterly along the arc of a curve concave to the Northeast, having a radius of 1,304.93 feet and an intersection angle of 09° 58' 40" a distance of 227.25 feet, thence North 36° 35' 44" East 270.00 feet to the Point of Beginning.

SAVE AND EXCEPT

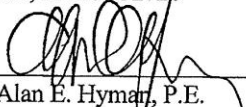
That certain parcel or tract of land situate, lying and being in the County of Orange, State of Florida described as follows, to wit;

Commence at the Northeast corner of the Northwest ¼ of Section 2, Township 22 South, Range 29 East, and run thence along the East Line of said Northwest ¼ South 03° 00' 00" West 2,146.29 feet, thence South 89° 26' 30" West 140.53 feet to the point of curvature of a curve concave to the Northeasterly, and having a radius of 1,004.93 feet, run thence Northwesterly along the arc of said curve 639.52 feet, through a central angle 36° 27' 44", thence South 35° 54' 14" West 150.00 feet to the Point of Beginning, thence continue South 35° 54' 14" West 150.00 feet to a point on a curve concave to the Northeasterly and having a radius of 1,304.93 feet thence a tangent bearing South 54° 05' 46" East run Southeasterly along the arc of said curve 227.25 feet through a central angle of 09° 58' 14"; thence North 25° 55' 33" East 130.00 feet; thence run North 53° 28' 20" West 203.59 feet to the Point of Beginning."

BEING THE LANDS DESCRIBED IN ORB 6930, PAGE 2977, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA



State of Florida
Department of Transportation
District 5
719 S. Woodland Blvd.
DeLand, Florida 32720

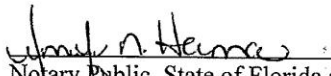
By: 
Alan E. Hyman, P.E.
District Director of
Department of Transportation Operations

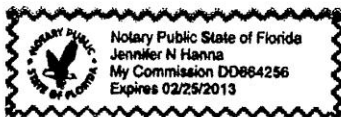
STATE OF FLORIDA
COUNTY OF VOLUSIA


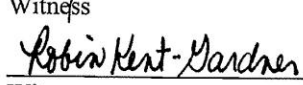
BEFORE ME appeared Alan E Hyman, who, being first duly sworn,
deposes and says that he resides at _____, City
of _____, and the County and State above named; that he signed the foregoing
petition as petitioner for the voluntary annexation by the City of Winter Park, Florida of the
property described therein; and that the representations and statements contained in the foregoing
petition are true and correct.

FURTHER AFFIANT SAYETH NAUGHT.

Sworn to and Subscribed
Before me this 3rd day
of February, 2012.


Notary Public, State of Florida at Large
My Commission Expires: 2-25-2013




Witness

Witness

NOTICE OF ANNEXATION

CITY OF WINTER PARK
PUBLIC NOTICE

TO CONSIDER THE ANNEXATION OF 600 LEE ROAD AND ADJOINING I-4 RIGHT OF WAY

NOTICE is hereby given that public hearings will be held by the Winter Park City Commission on Monday, November 12, 2012 at 3:30 p.m. and on Monday, November 26, 2012 at 3:30 pm in the Winter Park Civic Center at 1050 W. Morse Boulevard, Winter Park, Florida, to consider the following:

ORDINANCE NO. 2867-12

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 600 LEE ROAD AND THAT PORTION OF THE INTERSTATE FOUR CONTIGUOUS TO THE PROPERTY WITHIN THE CITY OF WINTER PARK AT 2684 LEE ROAD.

The complete legal description by metes and bounds as well as a complete copy of this proposed Ordinance No. 2867-12 may be obtained and inspected at the office of the City Clerk at 401 Park Avenue, South, Winter Park, Florida during regular business hours.

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

NOTE: If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/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.



Cynthia S. Bonham, CMC
City Clerk

Publish: Sunday, October 28, 2012 and Sunday, November 4, 2012, Orlando Sentinel





1566 W. Fairbanks Ave



1700 W Fairbanks Ave



2170 W Fairbanks Ave



2090 Aloma Ave



city commission public hearing

item type	Public Hearing	meeting date	November 12, 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 checked="" type="checkbox"/> N/A final vote		

subject

Second reading of the ordinance for partial vacation/abandonment of electric distribution easement at 901 North Orlando Avenue as recorded in O.R. 1524 Page 707.

motion | recommendation

Staff recommendation is to grant a partial vacation/abandonment of electric distribution easement as requested

summary

Wawa, in order to construct their new facility, has requested that the City of Winter Park grant a partial vacation/abandonment of electric distribution easement. Easement was granted to Florida Power Corporation back in 1965. Electric distribution facilities (i.e. wire/transformers) have since been removed.

board comments

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA PARTIALLY VACATING AND ABANDONING THE EASEMENT LOCATED AT 901 NORTH ORLANDO AVENUE, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park by custom will abandon an easement no longer needed for municipal purposes; and

WHEREAS, the City has determined that the easement or part thereof is no longer needed by the City of Winter Park.

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

Section 1. The City Commission of the City of Winter Park, Florida, subject to the partial reservation of an easement provided in Section 3 hereof, does hereby vacate and abandon that certain utility easement located at 901 North Orlando Avenue, Winter Park, Florida, more particularly described as follows:

A portion of 901 North Orlando Avenue, Winter Park, Florida, according to the plat thereof recorded in O.R. Book 1524, Page 707, Public Records of Orange County, Florida, more particularly described as follows:

From the Northeast corner of Lot 2 of LORD'S SUBDIVISION as recorded in Plat Book P, Page 89, Public Records of Orange County, Florida, run S. 01° 25' W. along the East line of said Lot 2 a distance of 231.50 feet, thence N. 88° 53' 44" W. parallel with the North line of said Lot 166.17 feet to the point of beginning; Continue thence N. 88° 53' 44" W. 191.83 feet to a point on the Easterly right-of-way line of a county road now known as Webster Avenue, thence S. 1° 25' W. 260 feet along said Easterly right-of-way line, thence S. 88° 53' 44" E. Parallel with the North line of said Lot 2 a distance of 148 feet, thence N. 1° 25' E. 30 feet, thence S. 88° 53' 44" E. parallel with the North line of said Lot 210 feet to a point on the Westerly right-of-way line of State Road No. 15-600 and East line of Lot 2; thence N. 1° 25' E. along said line 71.61 feet, thence N. 6° 37' 44" W. along said Westerly right-of-way line 38.74 feet, thence N. 88° 53' 44" W. parallel with the North line of said Lot 2 160.09 feet, thence N. 1° 06' 16" E. 120 feet to the point of beginning, all lying and being in the NE¼ of Section 1, Township 22 South, Range 29 East;

Section 2. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 3. This is a partial vacation of easement subject to the following: The easement is vacated partially and only to the extent shown in the drawing attached as Exhibit "A" hereto showing in crosshatch the area of the easement that is being vacated and abandoned as it is no longer used or necessary for use by the City of Winter Park, Grantor

herein. The area reserved is for the service, maintenance, installation, and/or provision of utility services and upgrades.

Section 4. The parties intend that any error in legal description or in depiction of the portion of the easement vacated and abandoned may be corrected by subsequent curative document if the parties agree that there was an error in the survey, description, or in Exhibit "A".

Section 5. This ordinance shall take effect immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 12th day of November, 2012.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham



city commission public hearing

item type	Public Hearing	meeting date	November 12, 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 checked="" type="checkbox"/> N/A final vote		

subject

Second reading of the ordinance vacating and abandoning electric distribution easement located at 911 North Orlando Avenue as recorded in O. R. 1560 Pages 24-27

motion | recommendation

Staff recommendation is to grant vacation and abandonment of electric distribution easement as requested.

summary

WaWa, in order to construct their new facility, has requested that the City of Winter Park grant a vacation and abandonment of an existing electric distribution easement. Easement was granted to Florida Power Corporation back in 1966. Electric distribution facilities (i.e. wire/transformers) have since been removed.

board comments

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 911 NORTH ORLANDO AVENUE, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park by custom will abandon an easement no longer needed for municipal purposes; and

WHEREAS, the City has determined that the easement is no longer needed by the City of Winter Park.

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

Section 1. The City Commission of the City of Winter Park, Florida, hereby vacates and abandons that certain utility easement located at 911 North Orlando Avenue, Winter Park, Florida, more particularly described by legal description as follows:

That property according to the plat thereof recorded in O.R. Book 1560, Pages 24, *et seq.*, Public Records of Orange County, Florida, more particularly described as follows:

From the NE corner of lot 2 of Lord's Subdivision as recorded in Plat Book P Page 89 of the Public Records of Orange County, Florida, Section 1, Township 22-S Range 29-E, run S 01 deg 25 min W along East line of said lot 2 a distance of 231.50 ft, thence N 88 deg 53 min 44 sec W parallel with the North line of said lot 22.37 ft. to the westerly r/w line of State road 15-600 (Section 75030) and the point of beginning, continue thence N 88 deg 53 min 44 sec W 143.80 ft thence S 01 deg 06 min 16 sec W 120 ft, thence S 88 deg 53 min 44 sec E 160.09 ft to a point on the Westerly r/w line of said State Road No 15-600, thence N 6 deg 37 min 44 sec W along said Westerly r/w line 121.10 ft to the point of beginning.

Section 2. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 3. The parties intend that any error in legal description or in depiction of the portion of the easement vacated and abandoned may be corrected by subsequent curative document if the parties agree that there was an error in the survey or description.

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

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 12th day November, 2012.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham

Ordinance No. _____



city commission public hearing

item type	Public Hearing	meeting date	November 12, 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 checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0 final vote

Subject: **Second Reading** of the Request from Heartwood 20 LLC for Comp. Plan and Zoning Code text amendments for additional residential density for 444 W. New England Avenue. **New information highlighted in yellow**

The ordinance amending the Comprehensive Plan policy for the 444 W. New England Avenue property was adopted on first reading on August 27th. However, as a Comp. Plan policy change it required review by the State Dept. of Economic Opportunity and other State agencies. That review yielded no adverse comments, as was expected given the small effect of this policy change. Thus, the City may now adopt the ordinance and its' companion zoning text amendment at this time on second reading. The rest of this title sheet repeats the explanation from the first reading.

Heartwood 20 LLC is the new owner of the existing three story, brick building at 444 W. New England Avenue, zoned C-2. That building has retail/office space on the first floor, a vacant and unfinished second floor and a third floor comprised of 17 apartments. The new owners that have acquired this building after foreclosure, wish to finish out the vacant second floor with new apartments. Due to the residential density limit of 17 units per acre in the Comp. Plan and Zoning Code, these ordinances are needed to amend those codes to allow for this conversion of the second floor to residential units.

Recommendation:

The Planning and Zoning Board voted unanimously (7-0) for approval of both the Comp. Plan and Zoning Code ordinances with the condition that the additional density for the 444 W. New England building is capped at 48 units per acre which permits the second floor to have the exact same number of apartments (17) as exist on the third floor and that the residential units may not be on the first floor.

There was a companion request heard by P&Z for the property at 362 S. Pennsylvania Avenue. Due to concerns about first floor apartments in that building, that portion of the request was withdrawn by the applicant.

Summary:

The City's Comprehensive Plan FLU designation for this property is Central Business District (CBD) that corresponds to their C-2 zoning. Those designations now allow up to 17 units per acre per the 2009 Comprehensive Plan. When these buildings were constructed in 2007 the Comprehensive Plan and C-2 Zoning district did not have a density limitation. The density of this 444 W. New England Avenue property with the 17 existing apartments now is 25.4 units per acre.

The property owners are asking for Comprehensive Plan and Zoning text amendments to increase the maximum residential density for and limited only to, this one property up to 48 units per acre. They are requesting this in recognition that the current economy will support residential apartments versus retail/office space for a second floor build-out.

The economy of the Hannibal Square commercial district for retail and office leasing has been very difficult since 2008. There is much vacant and available retail and office space in this area. The second floor of the 444 W. New England building originally presumed to be office or hotel space has never been leased or finished out from its "shell" condition. Meanwhile, apartment rentals within these buildings and in this commercial neighborhood have been very strong. So in order to assist the owners to lease out this building, the planning staff supports the density increase to the 48 units per acre so that the existing floor second space in the 444 W. New England building can be converted to apartments. This is a site specific approval that only applies to this one property and only to the existing building floor space.

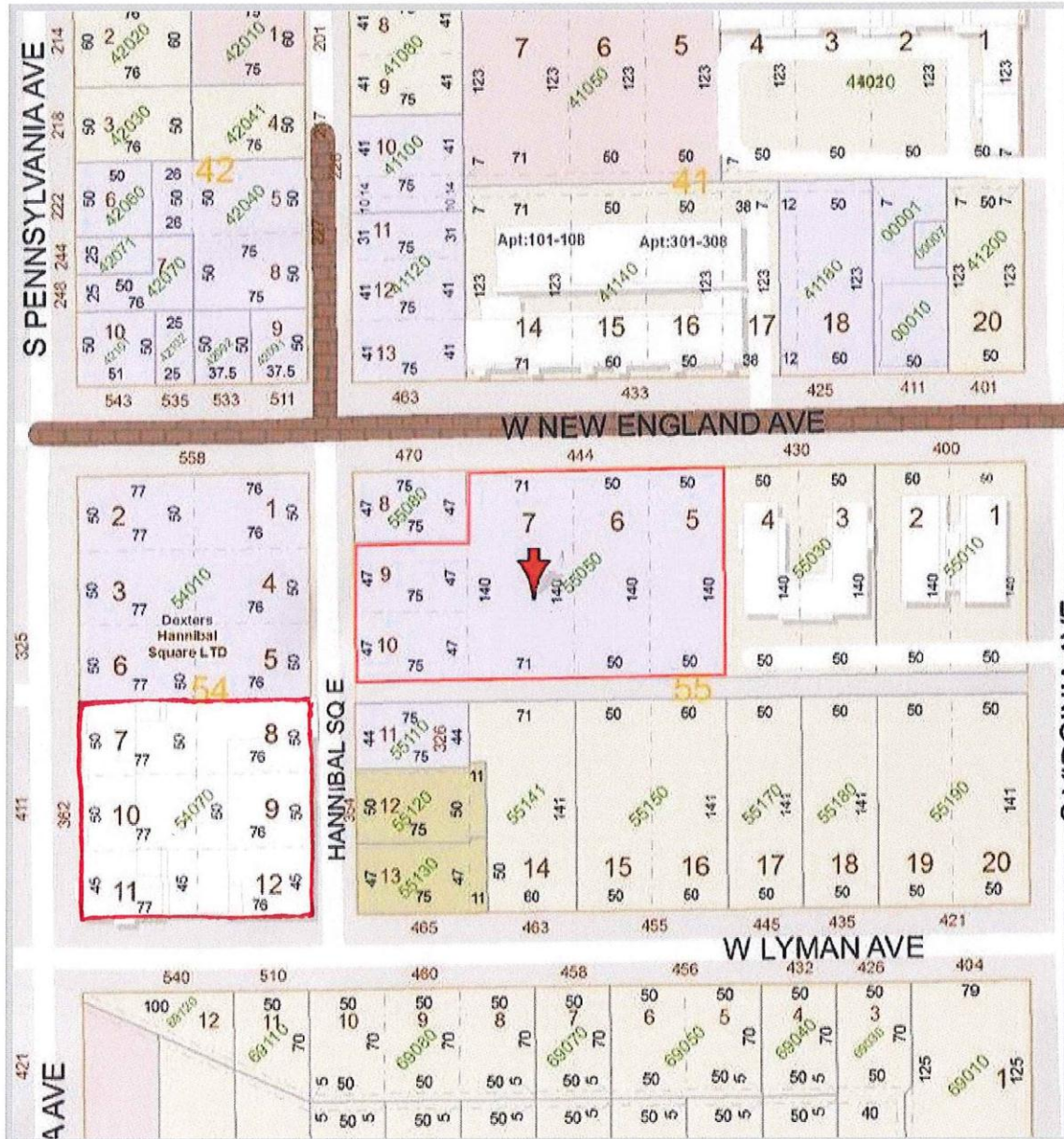
Directly across the street is the 433 W. New England Avenue building which is also a three story building with apartments on the second and third floors. There are 32 apartments on that property with a residential density of 51 units per acre. So this change will allow essentially the same conditions that already exist directly across the street.

The traffic generation and parking requirements are lower for apartments than for office or retail space. This is an existing building and no new floor space is being added or permitted by this action. Also no conversion of the first floor space from retail or office is permitted by this code change. The change is just to provide more leasing flexibility on the second floor.



OCA Web MAP

PRINT CONTACT



Parcel ID: 302205940055050 (Rng-Twn-Sec format)

0 50 ft

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

Created on 7/16/2012, Copyright 2007. Orange County Property Appraiser.



302205940055050 10/23/2009

*444 W. New England Avenue
Apts. on 3rd Floor (17 apts.)
Vacant unfinished 2nd Floor
Retail/Office space on 1st Floor*

Heartwood 20, LLC

July 9, 2012

Frank W. Herring, Jr.
The Herring Group
200 East New England Avenue
Suite 350
Winter Park, FL 32789

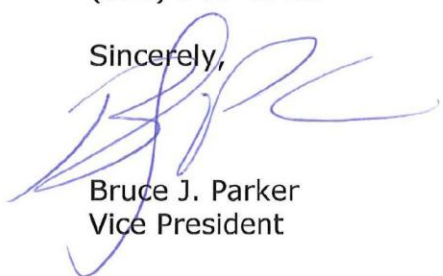
Re: Application for Amendment to Comprehensive Plan (small scale) for 444
West New England Avenue and 362 South Pennsylvania Avenue

Dear Mr. Herring,

Please accept this letter as authorization for you, Frank Herring, Jr. President of The Herring Group, to submit the transmittal letter and application to Jeff Briggs, Planning Director for the City of Winter Park on behalf of Heartwood 20, LLC.

If you have any additional questions please do not hesitate to contact me at (954) 940-4941.

Sincerely,



Bruce J. Parker
Vice President

RECEIVED

JUL 10 2012

CITY OF WINTER PARK
PLANNING DEPARTMENT

Jeff Briggs
Planning Director
City of Winter Park,
401 Park Avenue South
Winter Park, FL 32789

Re: Application for Amendment to Comprehensive Plan (small scale) for 444 West New England Avenue and 362 South Pennsylvania Avenue

Dear Jeff:

Pursuant to our recent discussions regarding certain changes to the uses at 444 West New England and 362 Pennsylvania in Winter Park I am writing to transmit an Application for Comprehensive Plan Amendment (the completed application is attached). Our requested changes are described below:

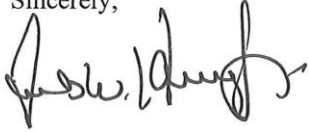
444 West New England- The property currently provides a mix of retail and general office uses on the first floor, the second floor is unoccupied "shell office space" and the third floor contains 17 multi family units and laundry room, storage rooms and other common areas. The owner wishes to amend the comprehensive plan in such a way that allows the second floor office space to be converted to multi family units. The second floor multi family units will be substantially similar to the existing units on the third floor with regards to average size, finishes, quality, unit mix, etc. We estimate the second floor space will allow for between 16 and 20 new units depending on the outcome of our final design plans. Therefore, we are seeking an amendment that will allow us to add up to 20 new multi family units to the property. There is ample parking in the existing parking garage serving the property to meet the parking code for this proposed use.

362 South Pennsylvania Avenue- The property currently provides 14 multi family units on four levels and 250 parking spaces serving this building and the 444 West New England Building in an attached multi level parking garage. The Property also contains 4,611 SF of usable (net of lobbies and hallways) retail space on the ground floor facing South Pennsylvania Avenue. This space has been vacant since the property was constructed. The owner wishes to amend the comprehensive plan in such a way that allows this space to be converted to multi family units. These new units will be substantially similar in size, finishes, quality and unit mix to the existing multi family units in the building. We estimate the area will allow for between five to seven new multi family units. The final number will be determined when we submit for a building permit. Therefore, we are seeking an amendment that will allow us to add up to seven new multi family units to the existing building. There is ample parking available in the existing parking garage serving this property to meet the parking code for this proposed use.

Attached is a completed and signed application form for each property and authorization letter from Bank Atlantic requesting me to submit this application on their behalf. We

are hopeful of having our application reviewed and acted upon at the upcoming Planning and Zoning Hearings scheduled for August 7, 2012. Please contact me as soon as possible regarding any question or additional information that you need regarding the application.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank W. Herring, Jr.", with a stylized, cursive script.

Frank W. Herring, Jr.
President
The Herring Group
Suite 350
200 East New England Avenue
Winter Park, FL 32789

--on behalf of--

Bank Atlantic
2100 West Cypress Creek Rd.
Ft. Lauderdale, FL 33309

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA AMENDING CHAPTER 58, "LAND
DEVELOPMENT CODE", ARTICLE I
"COMPREHENSIVE PLAN" IN THE FUTURE LAND
USE ELEMENT SO AS TO ADD A NEW POLICY
INCREASING THE RESIDENTIAL DENSITY FOR
AND LIMITED TO, THE PROPERTY AT 444 W.
NEW ENGLAND; 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 property at 444 W. New England Avenue was affected by a change to the City's Comprehensive Plan, which reduced density to 17 units/acre; and

WHEREAS, the owner has requested an amendment to the Comprehensive Plan in recognition of the fact that the adoption of the 17 units per acre standard made the parcel non-conforming, as the existing building exceeds that density limit. This amendment will remedy the non-conformity and allow greater flexibility in tenant usage within the existing floor space and eliminate a barrier to future investment; and

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

WHEREAS, the City Commission desires to amend the Future Land Use Element in order to add a new policy to eliminate a non-conformity and allow greater tenant flexibility within the existing building; 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 August 7, 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 August 27, 2012 and September 10, 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”, is amended to add a new Policy in Planning Area “H”, Policy 1-4.1.H.12 in the Future Land Use Element on Page 1-56 of the Goals, Objectives and Policies to read as follows:

Policy 1-4.1.H.12: Provide for Additional Residential Density at 444 W. New England Avenue. Notwithstanding the residential density limits established for the Central Business District future land use category elsewhere within this element, this specific policy shall enable the property at 444 W. New England Avenue, to be used at a maximum residential density of up to 48 units per acre. This density allowance may only be applied to residential use within the existing second floor of the existing building as of the date of adoption of this Policy. Residential units are not permitted on the ground floor of the building located at 444 W. New England Avenue.

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

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

SECTION 4. Effective Date. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administrative Commission enters a final order determining the adopted amendment to be 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"
SECTION 58-75 "COMMERCIAL (C-2) DISTRICT"
SO AS TO INCREASE THE RESIDENTIAL
DENSITY FOR AND LIMITED TO THE PROPERTY
AT 444 W. NEW ENGLAND IN CONFORMANCE
WITH THE COMPREHENSIVE PLAN; PROVIDING
FOR CONFLICTS, SEVERABILITY AND
EFFECTIVE DATE.**

WHEREAS, the property at 444 W. New England Avenue was affected by a change to the City's Land Development Code, which reduced the potential density to 17 units per acre; and

WHEREAS, the owner has requested an amendment to the Land Development Code in recognition of the fact that the adoption of the 17 units per acre standard made the parcel non-conforming, as the existing building exceeds that density limit. This amendment will remedy the non-conformity and allow greater flexibility in tenant usage within the existing floor space and eliminate a barrier to future investment; and

WHEREAS, the zoning text amendment is consistent with the Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the 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 City Staff recommends this Ordinance, and the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their August 7, 2012 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", Section 58-75 "Commercial (C-2) district", subsection (e) (7) is hereby amended to read as follows:

Sec. 58-75. Commercial (C-2) District.

(e) *Development standards.*

(7) Residential density:

(a) The maximum residential density shall not exceed seventeen (17) units per acre.

(b) Notwithstanding this residential density limit, the property at 444 W. New England Avenue may be used at a maximum residential density of up to 48 units per acre. This density allowance may only be applied to residential use within the existing second floor of the existing building as of the date of adoption of this subsection. Residential units are not permitted on the ground floor of the building located at 444 W. New England Avenue.

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

Attest:

City Clerk



CITY OF WINTER PARK Planning & Zoning Board

Regular Meeting
City Hall, Commission Chambers

August 7, 2012
7:00 p.m.

MINUTES

Chairman Krecicki called the meeting to order at 7:00 p.m. in the Commission Chambers of City Hall. Present: Drew Krecicki, Sarah Whiting, George Livingston, Tom Sacha, Peter Gottfried, Randall Slocum, James Johnston and Robert Hahn, Alternate. Staff: Planning Director Jeffrey Briggs, Planning Technician Caleena Shirley and Recording Secretary Lisa Smith.

Approval of minutes – July 10, 2012

Motion made by Mr. Livingston, seconded by Mr. Sacha to approve the July 10, 2012, meeting minutes. Motion carried unanimously with a 7-0 vote.

Election of Chair and Vice-Chair

Motion made by Mr. Krecicki, seconded by Mr. Livingston nominating Sara Whiting for Chairman. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Krecicki, seconded by Mr. Livingston nominating Randall Slocum for Vice-Chairman. Motion carried unanimously with a 7-0 vote.

Mr. Briggs announced that the Nort Northam and Stacey Thornton annexation requests have been withdrawn from the agenda. He said that at the advice of the City Attorney, the Best Practice rule is to allow the City Commission to make a determination on the annexation prior to zoning. That way it is clear that P&Z has the jurisdiction (once it is annexed) to make a recommendation of the FLU and Zoning. He said that the annexation requests will be heard by the City commission on August 27th and the FLU and Zoning matters will be advertised for the next Planning and Zoning Board meeting on September 11th.

PUBLIC HEARINGS:

REQUEST OF HEARTWOOD 20, LLC FOR: AN ORDINANCE TO AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" IN THE FUTURE LAND USE ELEMENT SO AS TO ADD A NEW POLICY INCREASING THE RESIDENTIAL DENSITY FOR AND LIMITED TO THE PROPERTIES AT 444 W. NEW ENGLAND AVENUE, IN ORDER TO PERMIT THE SECOND FLOOR TO BE USED AS RESIDENTIAL UNITS AND AT 362 S. PENNSYLVANIA AVENUE, IN ORDER TO PERMIT THE GROUND FLOOR TO USED AS RESIDENTIAL UNITS.

REQUEST OF HEARTWOOD 20, LLC FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-75 "COMMERCIAL (C-2) DISTRICT" SO AS TO INCREASE THE RESIDENTIAL DENSITY FOR AND LIMITED TO THE PROPERTIES AT 444 W. NEW ENGLAND AND AT 362 S. PENNSYLVANIA AVENUE IN CONFORMANCE WITH THE COMPREHENSIVE PLAN.

Planning Director Jeffrey Briggs presented the staff report. He said that the owner of 444 W. New England Avenue and 362 S. Pennsylvania Avenue is requesting comprehensive plan and zoning text amendments to increase the residential density within those existing buildings. He provided an overview of the existing conditions of the subject properties. He explained that the existing three-story, brick building at 444 West New England Avenue is located on a property of 30,990 square feet in size. It has retail/office space on the first floor, a vacant and unfinished second floor and a third floor comprised of 17 apartments. Further, the new owners, who have acquired this building after foreclosure wish to finish out the vacant second floor with 16-20 new apartments.

The existing four story building at 362 South Pennsylvania Avenue is located on a property of 22,185 square feet in size. It has vacant retail/office space on the west and south sides of the first floor and 14 apartments on the second, third and fourth floors. The remainder of the building is a six level parking garage. The new owners, who have acquired this building after foreclosure wish to finish out the first floor with 5-7 new apartments.

The City's Comprehensive Plan future land use designation for these two properties is Central Business District (CBD) that corresponds to their C-2 zoning. Those designations now allow up to 17 units per acre per the 2009 Comprehensive Plan. When these buildings were constructed in 2007 the Comprehensive Plan and C-2 Zoning district did not have a density limitation. The density of the 444 W. New England Avenue property is now 25.4 units per acre and the density of the 362 S. Pennsylvania Avenue property is 27.5 units per acre. Thus, these properties are non-conforming with respect to the density limitations of the Comp. Plan and Zoning Code.

He reviewed the comprehensive plan and zoning text change request. He explained that the property owners are asking for a "small scale" (affects less than 80,000 square feet of land) Comprehensive Plan and Zoning text amendment to increase the maximum residential density for and limited only to, these two properties up to 48 units per acre. They are requesting this action: 1) to eliminate and remedy the action that made these buildings a non-conforming use and 2) in recognition that the current economy will support residential apartments versus retail/office space. Mr. Briggs also provided a comprehensive staff analysis of the subject properties.

He said the property owners are asking for Comprehensive Plan and Zoning text amendments to increase the maximum residential density for and limited only to, this one property up to 48 units per acre. They are requesting this in recognition that the current economy will support residential apartments versus retail/office space for a second floor build-out.

Staff concurred that the economy of the Hannibal Square commercial district for retail and office leasing has been very difficult since 2008. There is much vacant and available retail and office space. The second floor of the 444 W. New England building originally presumed to be office or hotel space has never been leased or finished out from its "shell" condition. The first floor of the 362 S. Pennsylvania Avenue building also originally presumed to be retail and office space has largely never been leased. Meanwhile, apartment rentals within these buildings and in this commercial neighborhood have been very strong. So the planning staff also supports the density increase.

Staff recommendation is for approval with the condition that: the additional density for the 444 W. New England building is capped at the 17 units to match the existing third floor and the density of the first floor of the 362 S. Pennsylvania Avenue building is capped at 5 units to match the density of the second and third floors which is

the same unit sizes that currently exist within those buildings. Mr. Briggs responded to Board member questions and concerns.

City Attorney Reichmann clarified that the request actually meets the requirements to be classified as a large scale amendment.

Frank Herring, 1721 Palm Avenue, represented the applicant. He introduced members of the development team to the Board. He provided the board members with the details of the proposed plan. He also expressed concern with the project being classified as a large scale versus small scale amendment. City Attorney Reichmann provided an explanation clarifying the difference between a large scale amendment versus a small scale amendment. He responded to Board member questions and concerns.

Woody Woodall, 328 North Park Avenue, expressed concern with the aesthetics of the project as well as the potential to "creep" over to Park Avenue. He said that he opposes residential units being on the first floor of the 362 building and that they would not be desirable places to live.

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

The Board members agreed to discuss each property separately.

Messrs. Slocum and Hahn expressed concern with the proposed residential units on the ground floor of the 362 building. They expressed concern with safety, there being no sense of separation vertically or horizontally with the sidewalk on Pennsylvania and Lyman and the lack of privacy. They expressed concern about the appearance of the façade which would be converted to a solid wall with windows that again would likely have the blind or curtain always drawn closed due to the proximity of the sidewalk. Additional discussion ensued with the Board members about how first floor units are typically designed, the experience in Baldwin Park and elsewhere. Mrs. Whiting said that she is opposed for another reason which is to be consistent with our philosophy as Hannibal Square as an extension of Park Avenue and thus she prefers to see the retail or office remain on the first floor and that she did not support residential on the first floor. Mr. Krecicki agreed with her. Messrs. Johnston and Gottfried expressed that this is not mandatory just a permissive approval for greater flexibility in leasing and if the security and privacy issues cannot be dealt with the applicant likely will not do the conversion.

Chairman Whiting asked the applicant, that in light of the comments heard, if they wished to withdraw the request for the 362 building and return when the floor plans and façade elevations were developed so these questions could be resolved.

Mr. Herring agreed that the request for 362 South Pennsylvania Avenue be tabled to allow them more time to study and take into consideration the issues raised at tonight's meeting.

Motion made by Mr. Gottfried seconded by Mr. Livingston to table the request. Motion carried unanimously with a 7-0 vote.

The Planning Commission discussed the 444 building and there was unanimous support in recognition that the residential density was within the existing floor space and did not apply to the first floor of that building.

Motion made by Mr. Johnston, seconded by Mr. Krecicki to approve the comprehensive plan amendment for 444 West New England Avenue. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Johnston, seconded by Mr. Krecicki to approve the ordinance change for 444 West New England Avenue. Motion carried unanimously with a 7-0 vote.

Rick Scott
GOVERNOR



Hunting F. Deutsch
EXECUTIVE DIRECTOR

FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY

October 2, 2012

Mr. Randy B. Knight, City Manager
City of Winter Park
401 Park Avenue South
Winter Park, Florida 32789-4386

Dear Mr. Knight:

Thank you for submitting the City of Winter Park's proposed comprehensive plan amendments submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **Winter Park 12-IESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the State Land Planning Agency's Comment Letter no later than **October 31, 2012**.

If you have any questions please contact James Stansbury, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850) 717-8512.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/af

Florida Department of Economic Opportunity | The Caldwell Building | 107 E. Madison Street | Tallahassee, FL | 32399-4120
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax | www.FloridaJobs.org | www.twitter.com/FLDEO | www.facebook.com/FLDEO

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Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

October 17, 2012

Mr. Jeff Briggs
City of Winter Park Planning Department
401 Park Avenue South
Winter Park, FL 32789-4386

Re: Winter Park 12-1ESR Proposed, Comprehensive Plan Amendment Review

Dear Mr. Briggs:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (DEP) has reviewed the above-referenced amendment under the procedures of Chapter 163, *Florida Statutes (F.S.)*. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; water and wastewater treatment; and, where applicable, the Everglades ecosystem.

Based on our review of the proposed amendment, the Department has found no provision that requires comment under the laws that form the basis of the Department's jurisdiction. Thank you for the opportunity to comment on the proposed amendment package. Should you have any questions or require further assistance, please call me at (850) 245-2172.

Sincerely,

Suzanne E. Ray, AICP
Office of Intergovernmental Programs

/ser



Florida Department of Transportation

RICK SCOTT
GOVERNOR

719 South Woodland Boulevard
DeLand, Florida, 32720

ANANTH PRASAD, P.E.
SECRETARY

October 10, 2012

Mr. Jeff Briggs, Planning Director
City of Winter Park
401 South Park Avenue
Winter Park, FL 32789

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENT
LOCAL GOVERNMENT: CITY OF WINTER PARK, ORANGE COUNTY
DEO #: 12-1ESR

Dear Mr. Briggs:

The Department of Transportation has completed its review of the above proposed Comprehensive Plan Amendment as requested in the transmittal letter dated, September 25, 2012.

We appreciate the opportunity to participate in this review process. Pursuant to F.S. 163.3184(3)(b), FDOT has no comments regarding the transportation impact of the proposed amendment to State facilities. Our review is detailed in the attached comment letter.

If you have any questions, you may contact me by phone at 386-943-5077 or by e-mail at heather.garcia@dot.state.fl.us.

Sincerely,

Heather Garcia
Growth Management Administrator

attachment

C: Susan Caswell, Orange County
County
Andrew Landis, ECFRPC
Ray Eubanks, DEO

Renzo Nastasi, Orange
County
Rob Magee, FDOT
James Stansbury, DEO

File: H:\OOC\Planning\Growth Management\CPA Project Files\Winter Park_Orange\Review\2012\2012-10-10 - 12-1ESR_Proposed Cvr Ltr.docx

www.dot.state.fl.us

COMPREHENSIVE PLAN AMENDMENT EXPEDITED STATE REVIEW COMMENTS

Local Government: City of Winter Park, Orange County

DEO Amendment #: 12-1ESR

Date FDOT Received: 09/26/2012

Review Comments Deadline: 10/10/2012

Today's Date: 10/10/2012

GENERAL BACKGROUND INFORMATION

The City of Winter Park has submitted a proposed text amendment to be incorporated into the Future Land Use Element of the City's Comprehensive Plan. The proposed text amendment increases the allowable residential density of the property located at 444 W. New England Avenue, which has a future land use designation of Central Business District (CBD). The proposed text amendment would be inserted as Policy 1-4.1.H.12 in the Future Land Use Element.

FDOT evaluated how the trip generation potential of the property will change as a result of the proposed amendment (trip generation potential reflects the maximum amount of development that could occur on the property). The pertinent policies regarding allowable residential and commercial densities for properties with the Central Business District land use designation are as follows:

▪ Policy 1-2.3.3: Central Business District (CBD)

This land use designation includes the retail business, restaurant, professional office and residential uses up to a density of 17 units per acre that are permitted within the historic downtown core of Winter Park. Properties with this land use classification are zoned C-2. This designation differs from the other commercial, office or planned development designations in terms of the land use policies for this area which strive to maintain and enhance pedestrian orientation, preserve the scale of the historic premiere retail areas, enhance the eclectic mix of architectural styles, preserve and maintain the mix of retail, office and residential uses, preserve the open space vistas and non-commercialization of historic Central Park and the predominance of small distinctive specialty shops. The floor area ratio shall not exceed the percentages listed in the Maximum Future Land Use Density/Intensity Table and City of Winter Park as governed by the maximum number of stories permitted in the Maximum Height Map within this Future Land Use Element and the maximum mix of residential unit areas within any such building shall be included on upper floors and shall not exceed fifty (50%) percent of the total building area, with the residences confined to the upper floors.

Table 3 in the Future Land Use Element summarizes the allowable densities for various land use designations. A Floor-to-Area Ratio (FAR) of 2.0 is allowed for CBD land uses.

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Reviewed by: Ryan J. Cunningham, PE, and
Brett Boncore, E.I.
Kittelson & Associates, Inc.
407-373-1109
407-540-0550
rcunningham@kittelson.com

COMPREHENSIVE PLAN AMENDMENT EXPEDITED STATE REVIEW COMMENTS

Local Government: City of Winter Park, Orange County

DEO Amendment #: 12-1ESR

Date FDOT Received: 09/26/2012

Review Comments Deadline: 10/10/2012

Today's Date: 10/10/2012

TEXT AMENDMENT (Ordinance No. Not Provided)

ELEMENTS: Future Land Use Element

RULE REFERENCE: Chapter 163.3177, F.S., Required and optional elements
Chapter 163.3184, F.S., Process for adoption
Chapter 9J-11, F.A.C., SUBMITTAL AND REVIEW

BACKGROUND

This amendment affects the 0.71 acre (30,990 square feet) site located at 444 W. New England Avenue in Winter Park. The table below compares the adopted and proposed trip generation potential for the subject property. The proposed amendment would increase the residential density on the property from 17 units per acre to 48 units per acre. The maximum trip generation potential under the proposed amendment includes the development of approximately 61,980 square feet of commercial space and 34 apartment units. This maximum scenario has been forecasted to identify the potential impacts to State facilities resulting from the proposed change in allowable density.

Trip Generation Potential of Property Affected by Text Amendment

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Hour Trips
				Acres	Allowed Development		
Adopted	Residential	17 du/acre	221	0.71	12 du	196	24
	Commercial	2.0 FAR	820	0.71	61,980 sf	4,976	462
Proposed	Residential	48 du/acre	221	0.71	34 du	330	36
	Commercial	2.0 FAR	820	0.71	61,980 sf	4,976	462
Change in Trips						+134	+12

Note: du = dwelling unit, sf = square feet

The change in future land use density increases the trip generation potential for the residential portion of the property. The net impact of the proposed text amendment is an *increase* in trip generation potential of approximately 134 daily trips, 12 of which occur in the P.M. peak hour. The State facilities located within one mile of the parcel include US 17/92, SR 527 and SR 426. A summary of existing and projected traffic volumes on the roadway segments within one mile of the site is shown in the table below.

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COMPREHENSIVE PLAN AMENDMENT EXPEDITED STATE REVIEW COMMENTS

Local Government: City of Winter Park, Orange County

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State Roadway Segments Affected by Text Amendment (Background Conditions)

Roadway	Segment	FIHS/SIS/TRIP	2012				2017				2022			
			LOS Standard	Service Volume at LOS Standard	AADT	Meets Standard?	LOS Standard	Service Volume at LOS Standard	AADT	Meets Standard?	LOS Standard	Service Volume at LOS Standard	AADT	Meets Standard?
US 17/92	SR 50 to Fairbanks Ave.	No	E	35,100	28,900	Yes	E	35,100	31,200	Yes	E	35,100	34,500	Yes
	Fairbanks Ave. to SR 423	No	E	35,100	32,900	Yes	E	35,100	35,000	Yes	E	35,100	37,800	No
	SR 423 to Horatio Ave.	No	E	53,100	43,000	Yes	E	53,100	46,200	Yes	E	53,100	50,000	Yes
SR 527	Orange Ave. to Princeton St.	No	E	16,200	13,900	Yes	E	16,200	15,900	Yes	E	35,100	19,400	Yes
	Princeton St. to Orlando Ave.	No	E	35,100	36,500	No	E	35,100	39,600	No	E	35,100	40,900	No
	Fairbanks Ave. to Park Ave.	No	E	35,100	37,900	No	E	35,100	45,200	No	E	35,100	48,200	No
SR 426	I-4 to SR 527	No	E	35,100	29,700	Yes	E	35,100	31,300	Yes	E	35,100	33,100	Yes
	Park Ave. to Lakemont Ave.	No	E	35,100	38,400	No	E	35,100	40,300	No	E	35,100	42,200	No

NOTE: The information in this table is from FDOT's LOS_ALL spreadsheet, which is a planning-level analysis tool.

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COMPREHENSIVE PLAN AMENDMENT EXPEDITED STATE REVIEW COMMENTS

Local Government: City of Winter Park, Orange County
DEO Amendment #: 12-1ESR
Date FDOT Received: 09/26/2012
Review Comments Deadline: 10/10/2012
Today's Date: 10/10/2012

REVIEW COMMENTS:

Based on FDOT data displayed above, some segments of State roadways within the vicinity of the site currently do not meet the adopted LOS standard and/or are projected to not meet the adopted LOS standard in the future. However, with a potential trip generation increase of 134 daily trips, the traffic impact to these roadways resulting from the proposed amendment will not be significant.

RECOMMENDATIONS:

Since the proposed text amendment will not significantly impact traffic volumes on State facilities, the FDOT has no recommendations regarding the proposed amendment.

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Public Hearing

NOTICE OF COMPREHENSIVE PLAN AMENDMENT FOR ADDITIONAL RESIDENTIAL DENSITY AT 444 W. NEW ENGLAND AVENUE

NOTICE IS HEREBY GIVEN that the Winter Park City Commission will hold a Public Hearing on Monday, November 12, 2012 at 5:00 p.m., in City Hall Commission Chambers, located at 401 South Park Avenue in the City of Winter Park, Florida, to consider the adoption of a Comprehensive Plan amendment providing a new Policy in the Future Land Use Element to provide additional residential density to the property at 444 W. New England Avenue.

Copies of the proposed ordinance and Comprehensive Plan are available for inspection in the Planning Department in City Hall, Monday through Friday, from 8 a.m. to 5 p.m., as well as on the city's official web site at www.cityofwinterpark.org.

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

Pursuant to the provisions of the Americans with Disabilities Act: any person requiring special accommodation to participate in this meeting, because of disability or physical impairment, should contact the Planning Department at 407-599-3324 at least 48 hours in advance of this hearing.

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

PUBLISH: NOVEMBER 4, 2012 ORLANDO SENTINEL

