



city commission agenda

Regular Meeting

January 28, 2013
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 Parks and Recreation Director John Holland Pledge of Allegiance	
3	Approval of Agenda	
4	Mayor's Report <ul style="list-style-type: none">a. Winter in the Park Holiday Window Contest awards presentationb. Board appointments – Civil Service Board<ul style="list-style-type: none">- Re-appoint Kenneth Marchman- Re-appoint Johnny Jallad	10 minutes
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 1/14/2013.
- b. Approve the following purchases and contracts:
 - 1. PR 151213 to Winter Park Library for Contribution for Library Automated System; \$65,000.
 - 2. Credit card payment to Crop Production Services, Inc. for purchase of Aquathol K and Tribune (Diquat) for Hydrilla Treatment on Lake Killarney; \$99,042.
 - 3. Piggybacking the State of Florida contract 425-001-12-1 with Aurora Storage Products for office furniture and files and authorize the Mayor to execute the Piggyback Contract.
 - 4. Piggybacking the National Joint Powers Alliance contract 081209 with John Deere Company for landscaping equipment and authorize the Mayor to execute the Piggyback Contract.
 - 5. Piggybacking the South Florida Water Management District contract 6000000526 for various herbicides and related adjuvants.
- c. Approve the fee waiver for ½ of parks rental not to exceed \$825 for the Michael Andrews and Swinger Head Concert on February 10, 2013.

5 minutes

10 Action Items Requiring Discussion

Projected Time

- Review and acceptance of ULI recommendations for West Fairbanks Avenue
- Public Art Advisory Board update regarding Art in Transit for SunRail proposal
- State Legislative priorities
- Schedule a work session to discuss the City Master Plan draft

30 minutes

20 minutes

10 minutes

15 minutes

11 Public Hearings

Projected Time

- a. Request of Atlantic Housing Partners, LLLP:
 - **Ordinance** - Changing the existing designation of Single Family Residential to High Density Residential on the rear of the property at 835 West Canton Avenue (2)
 - **Ordinance** - Changing the existing zoning designation of Single Family Residential (R-1A) District to Multi-Family (High Density R-4) District on the rear portion of the property located at 835 West Canton Avenue (2)
- b. Police and Fire Pension Ordinances:
 - **Ordinance** - Amending the Police Officers' Pension Plan (2)
 - **Ordinance** - Amending the Firefighters' Pension Plan (2)

10 minutes

10 minutes

- | | |
|---|------------|
| c. <u>Request of TD Bank:</u>
- Conditional use approval to construct a branch bank with drive-in tellers on the property at 810 N. Orlando Avenue. | 15 minutes |
| d. Ordinance - Annexation of 500 E. Lake Sue Avenue (2) | 5 minutes |
| e. <u>500 East Lake Sue Avenue:</u>
- Ordinance – Establishing a Single Family Residential Future Land Use designation to the annexed property (1)
- Ordinance – Establishing Single Family (R-1AA) District zoning on the annexed property (1) | 20 minutes |
| f. <u>Repeal of Supermajority needed for adoption of ordinances:</u>
- Ordinance - Amending Section 58-6 to revise the procedures for amendments to the Comprehensive Plan, repealing Section 58-7 regarding Development Agreements pursuant to Chapter 163; amending Policy 1-1.1.3 and repealing Policy 1-1.1.5 of the City’s Comprehensive Plan of the Goals, Objectives and Policies of the Future Land Use Element to remove the requirement of supermajority of votes for ordinances (1)
- Ordinance – Repealing the requirement for a supermajority vote of the City Commission to adopt ordinances; repealing Section 58-89(e) regarding rezoning ordinances; amending Section 58-95 regarding Community Redevelopment Area (1) | 25 minutes |
| g. Resolution – Supporting Central Florida’s “Open For Business” initiative to promote business climate, great service, job creation and business investment | 15 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 |
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appeals & assistance

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

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



city commission city manager's report

item type City Manager's Report

meeting date January 28, 2013

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. This will come to the Commission for discussion in February.	February 2013
City Hall Renovation	Project is complete.	Complete.
Lee Road Median Update	FDOT approval received and construction is being planned.	TBD
Fairbanks Improvement Project	<p>Contract has been awarded to Masci General Contractor, Inc.</p> <p>Progress Energy continuing to study transmission/distribution lines between I-4 and 17-92.</p> <p>Project website has been set up at www.cityofwinterpark.org/fairbanks</p>	<p><u>Construction Project</u> <i>On schedule</i></p> <p><u>Communication Notices</u></p> <ul style="list-style-type: none">• Force main work largely completed south of Lee Road (day work)• Contractor working on Fairbanks (night work).• Good progress has been made on Jackson lift station.
Traffic Study Alford Inn	Study is complete. 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 to be ready for City Commission agenda in February.	February 2013
Tree Team Updates	Planning an educational session based on tree inventory study.	February 2013

Wayfinding Signs	All non-FDOT wayfinding signs are installed. Permitting of the FDOT signs continues. Private property agreements under development for nine (9) locations.	
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
Post Office Discussions	Received letter from USPS on August 6, 2012 regarding right of first refusal. No action at this time.	
Organizational Support	Will be discussed along with preliminary FY14 budget	May/June 2013
Utility Billing/Recurring credit cards	New software is being implemented. Go live is expected in February 2013.	February 2013
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 has planned a joint workshop of both boards. The workshop took place on Thursday, November 29, 2012. Recommendations will be forwarded to the City Commission for their consideration in January.	January 2013
Amtrak/Sunrail Station	Groundbreaking scheduled for February 13 at 10:00 a.m. Currently negotiating contract and value engineering.	February 2013

Once projects have been resolved, they will remain on the list for one additional meeting to share the resolution with the public and then be removed.

REGULAR MEETING OF THE CITY COMMISSION
January 14, 2013

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 Electric Utility Director Jerry Warren, 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 absent:

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. Board Appointments

Civil Service Board

Todd Meadors (Re-appoint 2013-2014 – Fire representative)

Jeff Marcum (Re-appoint 2013-2014 – Police representative)

Motion made by Mayor Bradley that the Civil Service Board appointments are accepted as presented; seconded by Commissioner Cooper and carried unanimously with a 4-0 vote.

Keep Winter Park Beautiful and Sustainable Board

Patricia Schoknecht (Appoint to regular position to replace Barbara Chandler)

Carol Kostick (Appoint to alternate position)

Motion made by Mayor Bradley that the Keep Winter Park Beautiful and Sustainable Board appointments are accepted as presented; seconded by Commissioner McMacken and carried unanimously with a 4-0 vote.

Planning and Zoning Board

Peter Weldon (Appoint to alternate position)

Motion made by Mayor Bradley that the Planning and Zoning Board appointment is accepted as presented; seconded by Commissioner Sprinkel and carried with a 3-1 vote. Commissioner Cooper voted no.

Miscellaneous. Mayor Bradley announced the following events:
Annual Mayor/City Commission Luncheon - January 18th at 11:30 a.m.
11th Annual Unity Heritage Festival - January 20th at 1:00 p.m.
Martin Luther King Jr. Park Dedication Ceremony - January 21st at 9:30 a.m.

City Manager's Report:

City Manager Knight advised that on January 8, 2013 Orange County Public Schools (OCPS) held a meeting with the local Mayors to discuss elementary school safety whereby Vice Mayor Steven Leary and Police Chief Brett Railey attended. City Manager Knight provided a brief summary and answered questions. Following a brief discussion the Commission requested City Manager Knight to issue a letter to OCPS on behalf of the Commission stating that we support their safety measures.

Public Works Director Troy Attaway provided a brief update on the Lee Road median and noted that FDOT is still reviewing the item.

CRA Director Dori Stone advised that the Fairbanks Avenue ULI presentation is scheduled for the January 28th meeting.

City Attorney's Report

Attorney Brown advised that the Federal Court has still not ruled on the Bell litigation case (challenging anti-picketing ordinance). He said that once a ruling has been made he will notify the Commission.

Attorney Brown provided an update on the election challenge and the qualification issue. He explained that a Petition for Writ of Mandamus was filed against Cynthia Bonham as City Clerk for the City of Winter Park on January 10th by Ross Johnston and that a hearing is scheduled for January 16th at 9:00 a.m. Attorney Brown answered questions including the election process. He noted that according to the Orange County Supervisor of Elections office the deadline for printing ballots is January 25, 2013 and that a final ruling should be issued before that date.

Commissioner Cooper felt that due to the recent litigation that she is now opposed and asked if she could continue campaigning and receive campaign funds. Attorney Brown advised that she is to retain her own attorney and pay for legal costs.

Non-Action Item – No items.

Consent Agenda

- a. Approve the minutes of 12/10/2012.
- b. Approve the following purchases and contract:
 - 1. PR 150974 to Duval Ford for the purchase of nine (9) 2013 Ford Police Interceptors; \$231,804.
 - 2. PR 151017 to Associated Consulting International for professional services for the Winter Park train station; \$92,860.
 - 3. After-the-fact Purchase Order 148945 to Sternberg Lanterns for lamps and photo control buttons; \$163,687.
 - 4. Continuing services contract with Gerhartz & Associates, Inc. (RFQ-16-2012), for Geographic Information System (GIS) Services and authorize the Mayor to execute the contract; \$90,000.

Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Sprinkel and carried unanimously with a 4-0 vote.

Action Items Requiring Discussion

- a. 90 Day Plan

City Manager Knight presented the 90 day plan and answered questions. Discussion followed whereby there was a majority consensus for the Denning Drive/17-92 item to be brought forward within the next month.

Mayor Bradley referenced the Comprehensive Plan and requested to have a policy discussion with the Commission regarding enclaves throughout the City. A majority of the Commission agreed that it be added to the 90 day plan. City Manager Knight acknowledged.

Motion made by Mayor Bradley to adopt the 90 day work plan; 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.

- b. Extension of power supply contract with Seminole Electric Cooperative, Inc.

Electric Utility Director Jerry Warren provided a PowerPoint presentation which included the power supply realities, wholesale power supply SECI extension offer, and the suggested power supply strategy. He provided background regarding the current power supply contract and explained in detail the numerous advantages the City can gain by extending this contract. Mr. Warren answered questions including what happens 25 years from now and the need to establish a future plan.

Mayor Bradley requested that staff bring back a 10 year pro-forma for the utilities prior to the budget season. City Manager Knight acknowledged.

Motion made by Mayor Bradley to approve the extension of the contract with Seminole Electric Cooperative, Inc.; 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. Purchase \$700,000 of outstanding Electric Revenue Bonds, Series 2005A

Finance Director Wes Hamil provided background and answered questions including the various options for financing the purchase of \$700,000 of the bonds and the pros/cons associated with each option.

David Moore, Public Financial Management, answered questions and noted that if approved there would be a positive impact on the City's bond ratings.

Motion made by Mayor Bradley to approve the purchasing of the \$700,000 in bonds and for that cash be taken from our Electric Utility; 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.

d. RFP for Federal Lobbyist

City Manager Knight presented the RFP for Federal lobbyist. He explained that for RFP's of this nature it is customary for the Commission to either appoint a member of the Commission to serve with the selection committee or to have the Commission as a whole sit as the selection committee.

Motion made by Mayor Bradley to approve the RFP for the Federal Lobbyist and for the selection committee to be made up of staff per City Manager Knight's selection and Commissioner Sprinkel to bring back a recommendation to the Commission; seconded by Commissioner McMacken.

A brief discussion ensued whereby City Manager Knight answered questions including the RFP process and the timeframe. He explained our RFP was based upon other RFP's that we obtained from other cities and counties.

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.**

A recess was taken from 4:53 p.m. to 5:00 p.m.

Public Comment

Lisa Coney, 1350 W. Fairbanks Avenue, commented on the City's election process.

Mary Randall, 1000 South Kentucky Avenue, provided precautionary measures to try and avoid the flu epidemic.

Shay Silver, 735 Pansy Avenue, inquired if citizens would be permitted to make a monetary donation to be used to seek outside legal counsel to gain a better understanding on election campaign laws.

e. Discussion regarding use of Lake Mendsen for stormwater from CNL and Casto properties

Commissioner McMacken recused himself from voting due to a conflict of interest; see Form 8B attached.

City Manager Knight explained that staff has been approached by the developers of both the CNL property and the Casto property on Denning Drive to determine if the City would be willing to partner with them on stormwater runoff related to their projects. Under their proposals, the developers would each pay the City \$40,000 (for a total of \$80,000) in exchange for the right to expand the lake in Martin Luther King, Jr. Park to accommodate the stormwater runoff from their projects. While staff had some reservations about the impact of the expansion of the lake for stormwater purposes there has been a long time desire by the Parks Department to construct a gazebo or pavilion near the lake behind the Civic Center to serve as a wedding venue. Staff has suggested to the developers that \$50,000 each might be more in line with what such an amenity would cost; however, that project has neither been designed nor priced at this point.

City Manager Knight advised that if approved, staff would like the opportunity to refine the dredging plan to reduce park impacts and improve the usability of the lakeshore area.

Rebecca Wilson of the Lowndes, Drosdick, Kantor and Reed Law Firm, spoke on behalf of the applicant. She introduced the project team and provided a brief summary regarding the request.

Rick Baldocchi, representing Avcon Inc., Civil Engineer on the project, provided more detail regarding the proposed stormwater runoff concept and answered questions.

City Manager Knight noted that staff has been working with Mr. Baldocchi this past week to finalize the pond/lake configuration. Mr. Baldocchi then presented staff's recent recommendation to the Commission.

Commissioner Cooper felt this item should go to Lakes Advisory Board since they are charged with the responsibility of maintaining and approving issues related to the exfiltration/drainage of lakes. She also mentioned that when the State Office Building/Progress Point negotiations were being discussed she inquired as to what the cost would be to have the same underground exfiltration system installed on the Progress Point site and what the value would then be for that property. She noted that no cost analysis and/or value has been provided to date and asked that this item be tabled until that information is presented.

Following a brief discussion, **a motion was made by Mayor Bradley to approve the request for \$100,000 and give staff the latitude to have the least impact on the pond; seconded by Commissioner Sprinkel.**

Motion amended by Commissioner Cooper that it first has a value assessment by staff prior to setting a dollar value on the approval. Motion failed for lack of a second.

Motion amended by Commissioner Cooper to table until such time as the Lakes Advisory Board reviews it. Motion failed for lack of a second.

No public comments were made.

Upon a roll call vote, Mayor Bradley and Commissioner Sprinkel voted yes. Commissioner Cooper voted no. The motion carried with a 2-1 vote. (Commissioner McMacken recused himself from voting.)

Public Hearings

a. Request of Atlantic Housing Partners, LLLP:

ORDINANCE NO. 2901-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

ORDINANCE NO. 2902-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

Attorney Brown read both ordinances by title. Since this was a quasi-judicial proceeding, communications were disclosed. Mayor Bradley noted that when

speaking with City Manager Knight he was advised that this item was scheduled to come before them. Commissioners Sprinkel, Cooper and McMacken noted that there were no ex-parte communications since the last meeting.

Motion made by Mayor Bradley to adopt the first ordinance (comprehensive plan); seconded by Commissioner Sprinkel.

Motion made by Mayor Bradley to adopt the second ordinance (zoning); seconded by Commissioner

No public comments were made.

Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Bradley and Commissioners Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.

Upon a roll call vote on the second ordinance (zoning), Mayor Bradley and Commissioners Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.

b. Request of Atlantic Housing Partners, LLLP:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE REAR PORTION OF THE PROPERTY AT 835 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE REAR PORTION OF THE PROPERTY AT 835 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Attorney Brown read both ordinances by title. Since this was a quasi-judicial proceeding, communications were disclosed. Mayor Bradley noted that when speaking with City Manager Knight he mentioned that this item was on the agenda. Commissioner McMacken spoke with the applicant's attorney. Commissioners Sprinkel and Cooper did not have any communications.

Building Director George Wiggins explained that last month the City Commission approved the Conditional Use and Development Agreement for the Atlantic Housing development of 105 affordable senior housing units on the properties at 550 N. Denning and 861 W. Canton. However, what was overlooked was the Future Land

Use and zoning for the small piece of the project that will be used as the stormwater retention area. During the City Commission public hearing it came to staff's attention that this small portion of the property (approximately 6,900 sq. ft.) is still zoned single family on the official zoning map. Mr. Wiggins noted that both the 2006 Development Agreement and the newly approved 2012 Development Agreement grant the density from this small remnant parcel based on the R-4 entitlements.

Motion made by Mayor Bradley to accept the first ordinance (comprehensive plan) on first reading; seconded by Commissioner Sprinkel.

Motion made by Mayor Bradley to accept the second ordinance (zoning) on first reading; seconded by Commissioner Sprinkel.

Commissioner Cooper spoke in opposition and shared her concerns with changing this property from R-1A to R-4 which is the highest maximum density allowable. She disagreed with encroaching on single family homes and moving the allowance of 4 story buildings from the west side of Denning Drive to the east side of Denning Drive.

Rebecca Wilson of the Lowndes, Drosdick, Kantor and Reed Law Firm, spoke on behalf of the applicant. She apologized for the slight error and explained what had transpired since the last meeting and the justification for the correction.

No public comments were made.

Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Bradley and Commissioners Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.

Upon a roll call vote on the second ordinance (zoning), Mayor Bradley and Commissioners Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 500 EAST LAKE SUE AVENUE; 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. First Reading

Attorney Brown read the ordinance by title. **Motion made by Mayor Bradley to accept the ordinance on first reading; seconded by Commissioner Sprinkel.**

No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

d. Police and Fire Pension Ordinances:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK POLICE OFFICERS' PENSION PLAN; AMENDING SECTION 74-201, DEFINITIONS; AMENDING SECTION 74-206, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 74-209, VESTING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK FIREFIGHTERS' PENSION PLAN; AMENDING SECTION 74-151, DEFINITIONS; AMENDING SECTION 74-156, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 74-159, VESTING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read both ordinances by title. A simultaneous public hearing was held on this matter.

City Manager Randy Knight explained that in 2010 the City hired Foster and Foster to assist in the development of potential cost cutting options for both the Police and Fire pension programs. At the completion of the study, two measures were agreed upon by the City and were negotiated with the respective unions of each department. The Fire union agreed to the changes in their 2011-2013 contract and the changes were imposed as part of the Police union's 2011 contract and agreed upon in 2012.

While the changes were being negotiated with the unions, the City was also lobbying the State to change their interpretation of the law on the use of insurance premium tax revenues. The administrative ruling was reversed in August 2012. Until this reversal was recognized, it would have been cost prohibitive for the City to implement the modifications.

The two modifications are as follows:

1. Members contributions are not credited with interest (previously 5%, compounded annually)
2. Members who retire on or after Early or Normal Retirement Date (including DROPs) are entitled to COLA at age 60 (previously it was all members); Vested termination benefits are deferred to age 55 (previously 55 or 20 years of service)

The cost savings would be as follows:

- Winter Park Police Officers' Pension – FY2013 1.8% of covered payroll or \$77,537
- Winter Park Firefighters' Pension – FY2013 2.5% of covered payroll or \$106,199
- Total savings in current FY - \$183,736

Motion made by Mayor Bradley to accept the first ordinance (police pension) on first reading; seconded by Commissioner Cooper.

Motion made by Mayor Bradley to accept the second ordinance (fire pension) on first reading; seconded by Commissioner Sprinkel.

City Manager Knight answered questions and concerns. No public comments were made.

Upon a roll call vote on the first ordinance (police pension), Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.

Upon a roll call vote on the second ordinance (fire pension), Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" TO AMEND SECTION 58-87 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS" TO REVISE THE DEVELOPMENT STANDARDS FOR DOCKS ON LAKEFRONT LOTS, PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Building Director George Wiggins explained that the Lakes and Waterways Advisory Board and the Planning and Zoning Board voted 7-0 recommending approval for a code modification to permit additional length for docks but only when a hardship is proven "that the additional length is needed and essential for normal boathouse/boatlift operation".

Mr. Wiggins requested to add a slight modification to the ordinance for clarification purposes. Section 1, Page 2, Paragraph 3, fourth sentence add the following underlined verbiage so that it reads "additional 10 feet in length and corresponding area (reference to Section 58-87(c)(2)(3) for docks when the applicant has provided.....". Mr. Wiggins explained that this modification provides a reference back to the ability to add 25 square feet for every 5 foot for both scenarios.

Mayor Bradley indicated this is a minor modification and suggested that it be dealt with in the second reading of the ordinance. A majority of the Commission agreed.

Mr. Wiggins answered questions including what the process would be in order to extend a boat dock and which boards are involved regarding the approval process. Attorney Brown provided legal counsel regarding the process.

Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Cooper.

Commissioner Sprinkel shared her concerns with adding verbiage to the ordinance which would allow boat dock extensions in other lakes as well as Lake Killarney rather than limiting it to Lake Killarney. She did not want to move forward with the item and suggested that it be sent back to the perspective boards.

Commissioner Cooper withdrew her second to the above motion.

A brief discussion followed whereby a majority of the Commission directed City Manager Knight and Mr. Wiggins to take this item and their concerns back to the appropriate boards.

City Commission Reports:

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

Commissioner Sprinkel followed up on a suggestion by Elizabeth Watson, a 4th grader from Lakemont Elementary to create a "Protect a Pet" box in every public park so that citizens could leave pet items such as leashes, toys, etc. Mayor Bradley advised that Parks and Recreation Department is addressing this.

Commissioner Sprinkel asked who will be attending the Florida League of Cities meeting this Thursday. Commissioner Cooper said she will be attending. City Manager Knight noted that the City will be hosting the March meeting. Attorney Brown advised that if two or more Commissioners will be attending such a meeting and they know in advance that a public notice should be posted so they are compliant with the Sunshine law.

- c. Commissioner Cooper

Commissioner Cooper announced that this week she and others celebrated her re-election as Commissioner.

- d. Commissioner McMacken - No items.

e. Mayor Bradley

Mayor Bradley asked City Manager Knight to provide him and Attorney Brown with a copy of the financial auditor's current contract so they can sit down together and review it. He explained that he is specifically interested in what he described as financial and managerial independence and what that means.

The meeting adjourned at 6:20 p.m.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham



city commission agenda item

item type	Consent Agenda	meeting date	January 28, 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.	Winter Park Library	PR 151213 for Contribution for Library Automated System	Total expenditure included in approved FY13 budget. Amount: \$65,000	Commission approve PR 151213 to Winter Park Library.
2.	Crop Production Services, Inc.	Purchase of Aquathol K and Tribune (Diquat) for Hydrilla Treatment on Lake Killarney	Expenditure included in approved FY 2013 budget \$99,042. Joint venture with Orange County, 40% reimbursement from Orange County. Amount: \$99,042	Commission approve credit card payment to Crop Production Services, Inc.
This purchase will be made through South Florida Water Management District contract # 6000000526.				

Piggyback contracts

	vendor	item background	fiscal impact	motion recommendation
3.	Aurora Storage Products	Piggybacking the State of Florida contract for Office Furniture & Files	Purchases will be made in accordance with the approved FY13 budget	Commission approve piggybacking the State of Florida contract 425-001-12-1 with Aurora Storage Products and authorize the Mayor to execute the Piggyback Contract.
The State of Florida utilized a competitive bidding process to award this contract. The current contract term expires on March 1, 2016.				
4.	John Deere Company	Piggybacking the National Joint Powers Alliance contract for Landscaping Equipment	Purchases will be made in accordance with the approved FY13 budget	Commission approve piggybacking the National Joint Powers Alliance contract 081209 with John Deere Company and authorize the Mayor to

				execute the Piggyback Contract.
The National Joint Powers Alliance utilized a competitive bidding process to award this contract. The current contract term expires on September 12, 2013.				
5.	Crop Productions Services, Inc.	Piggybacking the South Florida Water Management District for Various Herbicides and Related Adjuvants	Purchases will be made in accordance with the approved FY13 budget	Commission approve piggybacking the South Florida Water Management District contract 6000000526.
The South Florida Water Management District utilized a competitive bidding process to award this contract. The current contract term expires on June 30, 2013.				



city commission agenda item

item type	Consent Agenda	meeting date	January 28, 2013
prepared by department division	Dori Stone Economic Development/CRA	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A final vote		

subject

Fee Waiver for Michael Andrews and SwingerHead Concert on February 10, 2013

motion | recommendation

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

background

The Park Avenue Area Merchants Association is sponsoring and hosting a free concert in Central Park on February 10, 2013. The event, including setup, will run from 2 p.m. through 7 p.m. In January, 2012, the City Commission waived ½ of the park rental fee, equaling \$825 as an incentive for the event to take place and promote it in the downtown area. The PAMA is asking for the same fee waiver this year to help defray costs associated with this concert.

The 2012 concert had an estimated attendance of about 1,000 people, with many of the downtown restaurants offering special deals for the day. Staff anticipates this event to continue to draw a large following, based on the entertainment and the location within Central Park.

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

Community Based Organization Status

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

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

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

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

This event is open to the public.

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

This event is free and open to the public.

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

There is no fee charged for this event.

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

- Discount is determined by size of event and venue.

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

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

Not applicable

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

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

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

alternatives | other considerations

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

fiscal impact

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

long-term impact

N/A

strategic objective

Quality Economic Development criteria



City of Winter Park

Rules and Standards for Rate Adjustments

Approved by City Commission January 26, 2009

Reviewed by City Commission amendments approved on January 11, 2010

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

RATE ADJUSTMENT CATEGORIES:

1. City Annual Events

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

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

2. Community Based Organization Status

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

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



city commission agenda item

item type	Action Item Requiring Discussion	meeting date	January 28, 2013
prepared by department division	Dori Stone Economic Development/CRA Dept.	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

Review and Acceptance of ULI Recommendations for West Fairbanks Avenue

motion | recommendation

Approve staff's continued efforts on the West Fairbanks Avenue corridor to include a visioning session with interested property owners and business owners along corridor.

background

In June 2012, the City and the Urban Land Institute convened a Technical Assistance Panel to develop recommendations for the redevelopment of the West Fairbanks Avenue corridor. The panel met for two days and made significant recommendations about the corridor that are detailed in the attached Project Summary, dated August 1, 2012. These recommendations were reviewed in the a community meeting on September 26, 2012 that was held in the Winter Park Community Center with property owners, business owners and residents in the area. There were about 50 people in attendance that heard a review of the study by ULI and a description of the Main Street program model that is underway in various areas around the City of Orlando. The workshop also provided an update to the roadway and utility project currently underway along West Fairbanks Avenue.

There are four categories of objectives in the ULI findings:

- Market Demand
- Catalysts for Change
- Incentives
- Urban Design/Land Use Regulations

Each objective has a series of strategies that include community input and Commission policy direction to implement them.

Staff is recommending that the City begin working on the Market Demand objective through the creation of a shared vision with the stakeholders along West Fairbanks. This first effort sets the direction and tone for the rest of the objectives and will help guide staff and the City Commission on next steps in seeing West Fairbanks redevelop.

Stakeholders along West Fairbanks Avenue have expressed interest and enthusiasm in working through a visioning process and being a part of a steering committee that would be involved in the implementation of the recommendations.

alternatives | other considerations

The City Commission could decide not to implement the ULI recommendations.

fiscal impact

Staff would recommend bringing in a professional facilitator for the visioning process. Costs would be determined upon Commission approval.

long-term impact

The City sees West Fairbanks Avenue as one of the premiere gateways into the Winter Park community. The city has also invested in the infrastructure and redevelopment of this area. Engaging the stakeholders in a process to encourage redevelopment in a manner that provides an area identity and offers redevelopment opportunities makes that infrastructure investment a beneficial business decision for the city.

strategic objective

Encourage redevelopment of corridors within Winter Park.

WEST FAIRBANKS AVENUE

September 1, 2012

**ULI
Technical
Assistance
Panel
Recommendations**

About the Urban Land Institute

The mission of the Urban Land Institute (ULI) is to provide leadership in the responsible use of land and in creating and sustaining thriving communities worldwide.

Founded in 1936, ULI has members in 95 countries worldwide, representing the entire spectrum of land use and real estate development disciplines, working in private enterprise and public service. ULI is committed to:

- **Bringing leaders together**
- **Fostering collaboration**

- **Exploring land use and development issues**
- **Advancing policies and practices**
- **Sharing knowledge**
- **Creating a global network with local impact**

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About ULI Central Florida

ULI Central Florida is ULI at the local level. Through district council–sponsored educational forums and events, ULI Central Florida offers an unbiased, nonpartisan and open exchange of ideas impacting land use and the quality of life in Central Florida.

CentralFlorida.uli.org

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Acknowledgments

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ULI wishes to thank the following experts who volunteered to serve on the Technical Assistance Panel. Please refer to Appendix A for their biographies.

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The West Fairbanks Avenue Technical Assistance Panel committee wishes to thank the following people:

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Sarah Sprinkel, Commissioner Seat 2
Carolyn Cooper, Commissioner Seat 3
Tom McMacken, Commissioner Seat 4

Office of City Manager

Randy Knight, City Manager
Michelle del Valle, Assistant City Manager

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Clarissa Howard
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Electric Utility

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Donald Marcotte, Assistant Public Works Director

Water and Wastewater Utility

David Zusi, Director

Economic Development Advisory Board

Marc Reicher, Chair
Owen Beitsch
Stephen Flanagan
Kelly Olinger
John Gill
Gwen Lennox
Daniel Smith
Patrick Chapin, Chamber of Commerce President

www.cityofwinterpark.org



Contents

1. Executive Summary	1
2. Introduction	5
History	
Project Objectives	
Methodology	
3. Recommendation Strategies	9
Market Demand	
Catalysts for Change	
Incentives	
Urban Design/Land Use Regulations	
4. Next Steps	23
Appendices	25
A. Panelists Biographies	
B. Photographs	
C. Maps	
M1: Location Map	
M2: West Fairbanks Avenue Orange County, Orlando and Winter Park Zoning	
M5: Corridor Study Areas with Height Restrictions	
M6: Potential Regional Stormwater Sites	

1. Executive Summary

On June 18th and 19th, 2012, the Urban Land Institute, Central Florida District Council convened a Technical Assistance Panel (TAP) for the purpose of advising the City of Winter Park on the land use and planning strategies that should be considered in the redevelopment of the West Fairbanks Avenue Corridor extending from U.S. 17-92 west to the interchange with Interstate 4. The ULI TAP consisted of professionals in the areas of urban design, real estate, economics and government. The Panel's work effort was divided into three segments: analysis of existing conditions; meeting with effected property owners; and, preparation of recommended, redevelopment strategies. The City of Winter Park requested the panel look at strategies that would address:

- Market Demand
- Catalysts for Change
- Incentives for Redevelopment
- Urban Design/Land Use Regulation

The Challenge

The goal of the City of Winter Park is to determine the best regulatory, economic development, procedural, conceptual and visualization tools for transforming a traditional highway corridor and adjacent infill properties from their current underutilized, auto-centric condition to a new, more sustainable urban condition featuring a more compact, walkable, mixed use, identifiable place.

Summary of Recommendations

The following is a brief summary of the panel's redevelopment strategy recommendations by project objective:

Market Demand

1. Agree on a "Shared" Vision to guide future actions.
2. Let the market drive the uses and timing of redevelopment.
3. Establish a formal West Fairbanks Avenue "Main Street" organization.
4. Create a marketing and branding campaign to provide an positive identity to West Fairbanks.
5. Recognize and showcase existing businesses.

Catalysts for Change

1. Install the sanitary sewer without further delay.

2. Work with the businesses along the corridor to manage the construction process and its impact.
3. Fix the roadway by addressing access management, complete street design and streetscape.
4. Use or create new financial tools to implement the shared vision.
5. Explore additional annexation to provide continuity for implementation of the shared vision.

Incentives

1. Enhance market appeal using “Main Street” and related public/private partnership mechanisms to match and incentivize private investment.
2. Invest in public and private realm improvements that enhance streetscape appeal and reinforce brand identity for the area.
3. Brand the corridor and recognize the uniqueness of the adjacent sub-districts.
4. Make sure city policies are consistent and reinforce the shared vision for the corridor.
5. Cooperate with the Winter Park Chamber to create a business incubator atmosphere and recruit targeted businesses.
6. Use the “Main Street” program to implement business façade programs.
7. Identify opportunities where the City can assist with land assemblage.

Urban Design and Land Use Regulation

1. Use the “Shared Vision” as the context for creating design standards that are workable and reinforce the brand identity for the corridor.
2. Stick to the “Shared Vision.”
3. Create a Place.
4. Focus on streetscape improvements:
 - Make the corridor more walkable.
 - Provide pedestrian-scale decorative lighting.
 - Underground the power poles.
 - Create a gateway at I-4.
 - Create a strategy to optimize parking.
5. Lots along Karolina Ave. should be rezoned and buffered.
6. Create a corridor-wide stormwater solution.

7. Form based code approach is not appropriate for West Fairbanks Corridor.

Create the Shared Vision

In preparing the strategic recommendations for the City, the TAP recognized that there has been significant involvement of the business community in the discussion of the future of the West Fairbanks Corridor. Most of the discussion has been informal and focused on specific agendas. The business community has come together primarily to respond to what they perceive as a threat to sustaining their businesses. There is clearly an opportunity now for the City to capture the energy and interest that began with the meeting to discuss the TAP recommendations in a collaborative “Shared Visioning” process. Based on the input from both the City and the business community, it is recommended that the City consider the following steps in formulating a process for developing a Vision for the West Fairbanks Corridor:

- Establish a Vision Steering Committee.
- Steering Committee meets to establish corridor objectives and metrics for evaluating alternative vision concepts.
- Conduct a two day Vision Charrette to develop conceptual alternatives for what the corridor should look like at build-out.
- Steering Committee Meetings to evaluate and recommend the preferred alternative to the Winter Park City Council along with recommendations for implementation of the Vision over time.
- Adoption of the “Shared Vision” and Action Plan by City Council.

It is recommended the above process be approached in a compact time frame. There is no reason that this work could not take place over a 90 to 120 day time period with the City approval process requiring the additional time required by City policy. The Vision is recommended as an overlay to the existing planning and regulatory requirements along West Fairbanks. This recommendation is made in the spirit of keeping the Vision market-driven and flexible to adapt to future conditions.

How to Use These Recommendations

It is important to understand that the West Fairbanks Avenue TAP Recommendations is not intended to be a plan for addressing the redevelopment issues along the corridor. The purpose of the TAP was to bring together experts in redevelopment from real estate, government, economics, marketing and urban design for a two day, high impact, work session designed to give the City of Winter Park the benefit of their considerable experience. To that end this TAP Report should be considered as a “snapshot” of how the private market will respond to redevelopment of the West Fairbanks corridor. The TAP recommendations should be considered by the City as strategies that should be examined in more detail as they develop a long term vision and redevelopment action plan for West Fairbanks Avenue.

2. Introduction

For decades, West Fairbanks Avenue between Interstate 4 and U.S. Highway 17-92 has been the perfect venue for a collection of longstanding family-owned businesses known throughout Central Florida as one of a kind.

Businesses along this stretch of road include Skycraft Parts & Supplies, Carey-Hand Cox Parker Funeral Home, Fairbanks Diner, Linda's Winter Park Diner, Paco's Mexican Restaurant and others that have been in operation for at least a generation. Newcomer 4 Rivers Smokehouse has drawn so much traffic that the waiting lines have spread into the adjacent neighborhood, leading the owner to move into a larger location down the street. Several years ago, a medical group bought one of the few properties with both Fairbanks and Lake Killarney frontage and constructed Baltasar Lakeside Center.

It appears West Fairbanks Avenue, which carries an estimated 35,200 cars a day into and out of Winter Park, has weathered the recent global recession relatively well. While vacancies exist along the corridor, the value along the corridor seems to have remained fairly constant during the past several years.

But there's one truth about this slice of Central Florida that even the business owners there readily admit: It's not attractive.

Dozens of utility poles and a handful of billboards tower over the street, where a lack of trees and landscaping leaves a blistering hot walk in all but the coolest months. In places, the sidewalks are in disrepair, cracking and discolored, interrupted every few feet for driveways that in some cases lead to vacant buildings in need of repair or used-car lots that come and go. Zoning laws have weeded out most of the tattoo parlors and pawnshops over time, but a few remain. A vacant gas station site sits on the northwest end of the street, the first sight drivers see as they exit I-4.

The city of Winter Park, known for its affluent neighborhoods and elegant Park Avenue shopping district that includes a lush shaded green park, recognizes that this main corridor into the city, the most direct access into its downtown from I-4, does not represent what people expect to see when they think of Winter Park. In many ways, West Fairbanks Avenue is the antithesis of Park Avenue. West Fairbanks is car-oriented, visually cluttered and disjointed; Park Avenue is pedestrian-oriented, charming and well-kept.

About Winter Park

Population: approximately 28,500

Size: nearly nine square miles

Location: just north of Orlando in Orange County, Florida

Chartered: 1887 as a winter resort for wealthy Northerners seeking refuge from harsh winters

Landmark: Rollins College, the oldest college in Florida, founded in 1885, and the nation's premier liberal arts college

Attributes: active, thriving and walkable Park Avenue district, desirable neighborhoods, historic architecture, tree-lined brick streets, lakes and a broad spectrum of cultural amenities

The situation has led prestigious Rollins College, located in the heart of Winter Park at Fairbanks and Park Avenues, to begin directing visitors onto campus via a different interstate exit that takes people through a newly renovated upscale shopping district along Winter Park's Orange Avenue.

Should this be the answer? Should Winter Park treat West Fairbanks Avenue as a service entrance? Should traffic be directed away from the longstanding businesses along West Fairbanks Avenue because of its shabby appearance? Winter Park said no.

History

In recent years, a simmering distrust between the city and West Fairbanks Avenue business owners has erupted at times into a low-grade hostility. West Fairbanks Avenue business owners feel disenfranchised and neglected, and the city feels criticized and frustrated.

The primary cause lies deep underground in what was supposed to be a new city-built sanitary sewer system promised a decade ago when this stretch of property was annexed into the city from Orange County but remains to this day, a collection of private septic tanks. Installation of the sewer will make the commercial properties much more developable and valuable. The city tied the installation of the sewer with grand plans to beautify the corridor and to implement a form-based code.

The city brought in an urban design consulting firm to study the area and give advice on what it should look like in the future. The firm recommended that the city adopt a "form-based code" for West Fairbanks Avenue. The end result of imposing these new design codes would be a look so radically different from the current scenario that it was incomprehensible to the people operating the businesses that are already there.

West Fairbanks Avenue property owners balked at the form-based codes. Property and business owners said there was no way they would support a vision for West Fairbanks Avenue that didn't have them in it. Planning and zoning board members pushed back as well, saying the new jargon and new rules were too strict and too much of a departure from the city's current zoning practices.

At the center of the beautification, both figuratively and literally, were plans to install a landscaped median. Because the road is a state highway, the Florida Department of Transportation (FDOT) design standards for medians eliminated left-turn opportunities that exist with the current center turn lane or "suicide

What is a Form-Based Code?

According to the nonprofit Form-Based Codes Institute

(www.formbasedcodes.org), form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. They are regulations, not mere guidelines, adopted into city or county law. Form-based codes offer a powerful alternative to conventional zoning.

Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals.

lane”. Business owners saw this as threat to their livelihoods by impeding direct access to their establishments. Residents in adjacent neighborhoods also objected due to concern for traffic cutting through their neighborhoods in order to access the businesses. The process resulted in property owners forming their own coalition as a reaction to their belief that the city was unresponsive to their concerns.

Project Objectives

The city turned to the Urban Land Institute to bring in a Technical Assistance Panel (TAP) to take a fresh look at the West Fairbanks Avenue issues and provide strategic advice on how to move forward. The Urban Land Institute promotes leadership in the responsible use of land and helps create and sustain thriving communities. Its local district council, ULI Central Florida, brings leaders and stakeholders together to enhance the quality of life in communities across Central Florida.

At the outset of the West Fairbanks Avenue TAP, the City established the following objectives for the panel to provide advice and recommendations on:

- I. Market Demand
 - Highest and best uses for an enhanced W. Fairbanks Ave., i.e. what does the market want?
 - Based on the lifecycle of the corridor, both near- and long-term uses.
- II. Catalysts for Change
 - Types of game-changing projects that will catalyze additional investment in redeveloping W. Fairbanks Ave.
- III. Incentives
 - Most effective incentives that the City of Winter Park can implement to enhance the market appeal including public/private partnerships.
 - Most effective physical/cosmetic enhancements that can be made to the public realm.
 - Most effective physical/cosmetic enhancements that can be made to the private realm.
- IV. Urban Design/Land Use Regulations
 - Urban design elements needed to accommodate the highest and best uses for W. Fairbanks Ave. Determine the advisability of requiring an urban form (buildings up on the frontages) as a mandatory or voluntary standard for the redevelopment along the W. Fairbanks Ave.
 - Appropriate zoning and land use regulations needed to accommodate the highest and best uses. Evaluate whether the proposed Architectural Design Standards will appropriately foster and encourage redevelopment of W. Fairbanks Ave.
 - Barriers in the current regulations that need to be address to achieve the redevelopment goals.

- The necessity for expanded parking along the north side of the W. Fairbanks Ave. corridor that would require rezoning of adjacent residential land, as an essential ingredient to promote redevelopment along that north side.

Methodology

A TAP panel composed of experts with experience in urban planning, redevelopment and market demand was assembled to deliberate and make recommendations on the objectives for West Fairbanks Avenue. The panel's challenge was to help Winter Park and its residents and business owners set a course for revitalizing the street into an attractive, vibrant and integral part of the Winter Park experience by exploring and implementing best practices from other places.

In preparation for the TAP, each panelist was provided with a [briefing book](#) compiled by the city of Winter Park and ULI that includes background information, history, demographics, photographs, maps and other relevant materials on the West Fairbanks Avenue study area (refer to map for study area). A two-day TAP workshop was held on June 18 and 19, 2012. The TAP formally kicked off with a tour of area including the study area, the neighborhoods to the north and south, Orange Ave, US 17-92 and downtown Winter Park. It was clear from the questions panelists asked that the well-manicured areas of Park Avenue, Orange Avenue, Aloma Avenue and Winter Park Village were very different indeed from what they called the “wild, wild west” areas of West Fairbanks Avenue. Everything from the landlocked neighborhood north of West Fairbanks to the eclectic collection of businesses in the light industrial area south of West Fairbanks was not like the rest of the city and obviously did not represent the Winter Park “brand”.

The first day continued with presentations from key Winter Park city leaders who explained the history, background and the anticipated improvements for this area and how things had come to be the way they are. At lunchtime, Pauline Eaton, City of Orlando Main Street coordinator gave a presentation on Orlando's efforts to revitalize neighborhood commercial corridors. In the afternoon, the panel met with a group of area business and property owners to hear their issues and concerns. At the end of the first day, panelists began to process the volumes

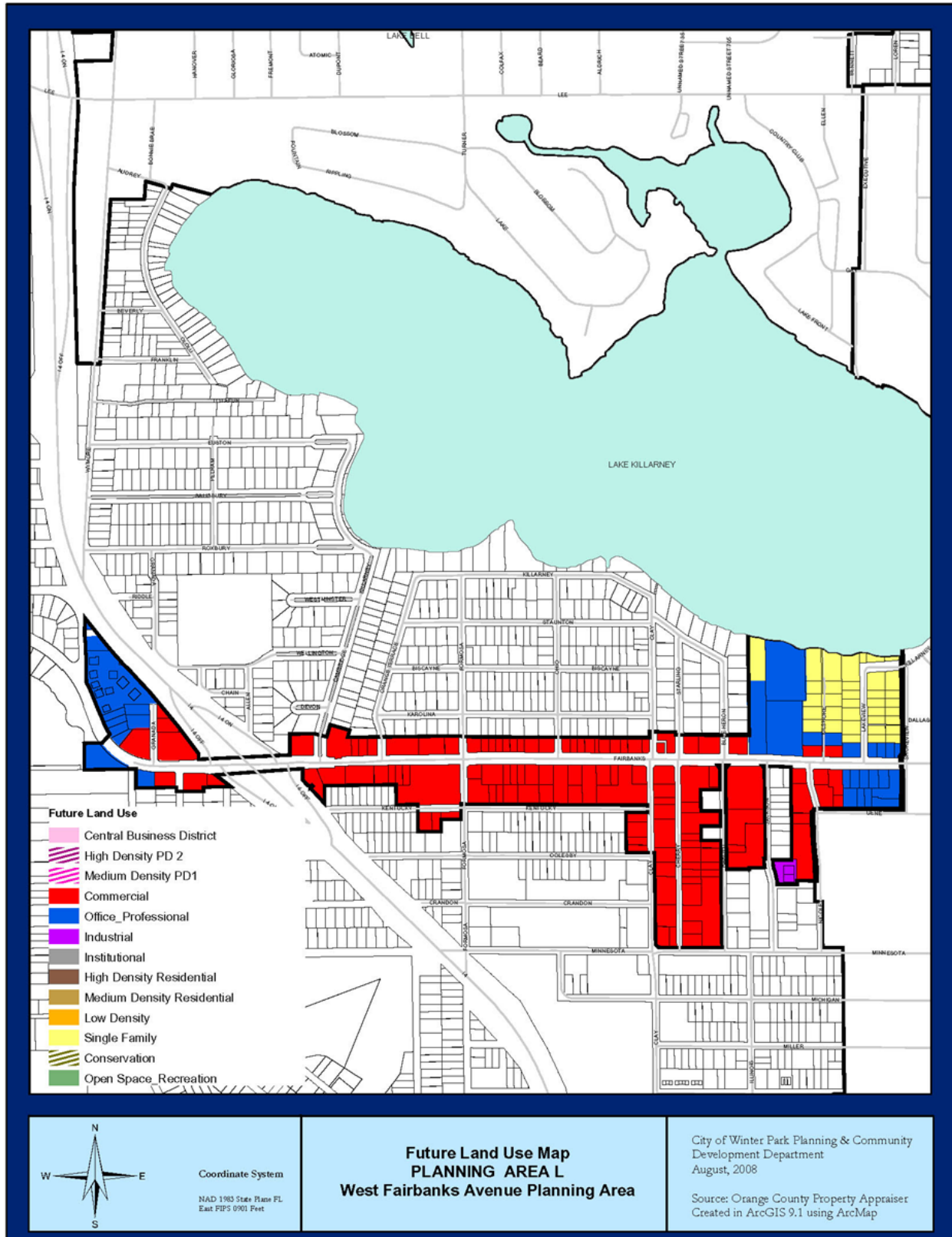
What is a TAP?

The Urban Land Institute's Technical Assistance Panels provide expert and objective strategic advice to sponsoring organizations on complex land use and development issues. TAPs link public agencies and nonprofit organizations with seasoned real estate, planning, financing, marketing and technical experts as part of ULI's Advisory Services program which has assisted more than 500 communities worldwide since 1947.

Sponsoring organizations request the services of a TAP to study a specific issue that can be addressed by a panel of experts in one or two days. ULI assists the sponsor in refining the scope of the assignment and compiles a briefing book that is distributed to panelists. TAP members convene and view the subject site, hear from stakeholders and then deliberate on the assigned issues. At the conclusion of its work, the panel presents an oral report on its advice and recommendations and ULI compiles a final written report.

of information and began brainstorming about recommendations. They carried their conversation straight through a dinner break and then late into the evening.

By the next morning, their ideas were starting to take shape. In a matter of a few short hours, the panel created a presentation for review with the city leaders and several Fairbanks Avenue business owners. The panel reconvened after lunch and presented its final recommendations during a public meeting with elected officials and about 150 residents, business leaders, property owners and other interested parties.



3. Recommendation Strategies

The Technical Assistance Panel focused its recommendations on how the city, business owners and residents can create solutions that are mutually beneficial. The TAP did venture into “What if” territory, sketching out plans for what West Fairbanks Avenue could become but did not evaluate the city’s comprehensive plan or zoning designations for the area. In the end, the recommendations focus on an analysis of what exists today, who is involved, what is preventing forward motion, which factors could change the situation, how the parties involved can reach consensus about the area’s future, and when it might make sense to incorporate changes.

This section is organized by project objective and by panel discussion and final recommendations. Recommendations are not meant to represent an action plan but instead to offer strategic advice to the city of Winter Park and community on how to move forward.

I. Market Demand

Panel discussion

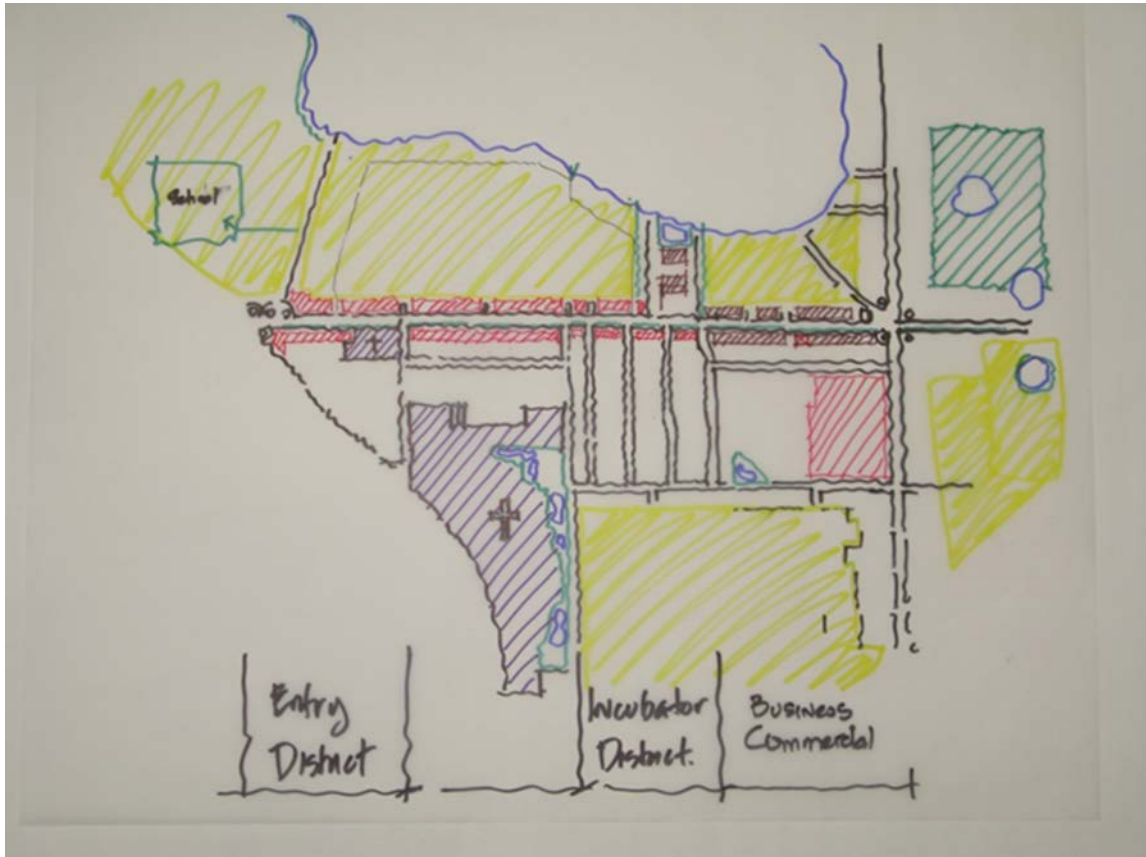
Highest and best uses for an enhanced West Fairbanks Avenue, taking into account what the market wants.

Everyone involved expressed a desire to see the area thrive, not just survive. Business success for West Fairbanks Avenue owners must be part and parcel to the overall success of Winter Park. Without a doubt, the long-stalled sanitary sewer project will open up opportunities for new businesses. In the short term, it is anticipated that highway-serving fast food chains and budget hotels will likely find the corridor attractive. That might generate major revenue for the West Fairbanks Avenue property owners but could decrease the value of adjacent neighborhood and not support the much sought Winter Park gateway image.

The panel felt that there is tremendous demand for redevelopment of the corridor with proper vision and the removal of barriers. The main attributes driving market demand are the I-4 interchange on the west side, downtown Winter Park and Rollins College destinations on the east side and higher nearby household income compared to the Orlando region as a whole. It was also noted that Fairbanks Avenue is the only continuous east-west corridor whereas Lee Road to the north and Princeton Road to the south both terminate at US 17-92. This is important because Fairbanks Avenue represents a much larger trade area due to its connectivity. It also emphasizes its importance as a transportation and transit corridor. The main barriers such as the lack of a central sanitary sewer system are discussed in further detail below are both physical and visual.

The most likely uses are commercial (retail, restaurant and hotel) and low and mid-rise office buildings in standalone or mixed use projects. The question of residential was also discussed. Although attached residential in mixed-use (residential over retail/office) or single use buildings (stacked flats or townhomes) would make for a good transition on the north side of West Fairbanks Avenue, the market demand is low in the near and medium term.

It became apparent from the analysis of the corridor that certain clusters of uses have developed over time. On the west side, there are two large churches and a school just to the north that create a civic cluster. A number of restaurants are starting to cluster in the mid-section where the street grid changes from predominantly east-west to north-south. A large medical office complex on the east side anchors a different cluster of uses. These clusters help to break down the corridor into smaller districts that can be a magnet for similar uses. The restaurant cluster could become an entertainment district. The medical office complex could expand into a medical office district.



Near-term and long-term uses based on the lifecycle of the corridor.

The market is in flux along West Fairbanks Avenue and has been for some time. A handful of property owners control most of the land and the buildings on it. Those owners have defined the corridor by the choices they make in business tenants, who opt for the location because of its combination of high visibility, affordable rent, and prestigious Winter Park address.

The city needs to respect and respond to present market conditions by working with the property owners to decide on mutually acceptable uses for the corridor. At the same time, both the city and the property owners need to be prepared for and respond to the future market demands. Longtime business owners who have cultivated their customer

bases for decades will eventually retire and pass along their operations to family members, or sell their existing businesses. What will move onto West Fairbanks Avenue to replace them? All corridors go through a life cycle and West Fairbanks is poised to begin a new upward cycle. Having a vision that is flexible to respond to new market conditions will be key to achieving results.

Recommendations

Agree on a vision. The city should work with all stakeholders on West Fairbanks Avenue to create a vision for the corridor that is flexible and embraces the local community while protecting the integrity of the corridor itself. The vision can be implemented incrementally if necessary to allow existing businesses to respond and account for the anticipated redevelopment as warranted by the market to the corridor.

Let the market drive the uses and timing. Corridors have life cycles and what worked in the past may not work in the future. This is especially true for retail. The city should provide flexible zoning to allow for multiple commercial, office and attached residential uses as discussed above. The city and property owners need to be mindful that much of one thing can lead to cannibalization of adjacent properties which can drive down rents and cause instability. The corridor will settle into what the market will bear and will gain momentum on its own pace. The city should be cautious about forcing the pace.

Establish a formal West Fairbanks Avenue organization. Business owners formed a non-formal group to speak out as one voice as a reaction to the city's redevelopment plans. Business owners are encouraged to take the next step to formal a 501(c)(6) or similar organization to plan and promote on a proactive basis. Winter Park should encourage this and go further by working with the business owners to form a Business Improvement District, a Main Street Program or similar type of organization with structure around it. This would allow the two sides to better work together to pursue funding sources that might not be available currently.

Create an identity through a marketing and branding campaign. With a new name, an effective marketing slogan and a branding campaign, organizers could attract more commerce to the area, supporting the local businesses as well as the city as a whole. It was observed that many businesses along this corridor have an "American Kitsch" flavor. This identity could be celebrated and incorporated into the corridor's branding. Logo and signage should include the city of Winter Park name in it to begin unifying the corridor into the city's identity.

Recognize and showcase existing businesses. The West Fairbanks Avenue corridor contains an incredibly unique and even quirky collection of businesses. The city should help them thrive, not just survive. In a combined effort, the city and the newly created organization should look for ways to help these small businesses grow by promoting them to Central Florida residents and in the media. Recommendations include applying for recognition and funding through American Express, the U.S. Small Business Administration, Small Business Week and other sources.

II. Catalysts for Change

Panel discussion

Types of game-changing projects that will catalyze additional investment in redeveloping West Fairbanks Avenue.

The planned and now approved \$8 million sanitary sewer installation project will be the key initial catalyst that paves the way for further economic development and revitalization of the corridor. Until 10 years ago, properties lining West Fairbanks Avenue were part of unincorporated Orange County. Owners agreed to annex their property based on a promise that Winter Park would provide a city sanitary sewer system to replace septic tanks. The current schedule shows the sewer construction to begin in the fall of 2012.

Property owners state that the delay has hurt the corridor in two ways:

- 1) It has eroded their trust in the city. The very issue of impact fees and connection fees and their implication to each property owner has created tension. Both sides have agreed to research the issue and the city will provide its clarification in writing prior to the construction of the sewer system.
- 2) It has impeded their ability to redevelop, sell and lease their properties.

In conjunction with the sewer installation, the Florida Department of Transportation will repave and restripe the subject road to include bike lanes on both sides but no other modifications such as adding medians, landscaping or changing curbs are planned at this time. Some decorative streetlighting is in the design but needs consideration to make it more compatible with a pedestrian scale.

Orlando Main Street Program

The city of Orlando has developed an innovative Main Street program to help revitalize a number of aging neighborhood commercial corridors in the city.

The program follows a four point approach:

- **Organization-** creating a formal structure with a board of directors, executive director and volunteers
- **Promotion-** getting more to visit the district
- **Design-** getting the district into top physical shape
- **Economic Restructuring-** getting the district businesses busier

The Main Street program is a great example of how public/private partnerships can foster real results. More information is available at www.cityoforlando.net/mainstreet



Potential beautification efforts that have been considered include undergrounding of overhead utility lines (a project the city has priced at between \$12 million and \$15 million), redoing the sidewalks and curbs, and adding plants to enhance the appearance and replacing the “suicide lane” along West Fairbanks Avenue with landscaped medians. These enhancements will be a catalyst for change beyond the sewer installation.

Recommendations

Install the sanitary sewer without delay. The sewer project is so essential to this corridor, for reasons of commerce as well as goodwill, that the city needs to concentrate on getting it done as soon as possible, even if it means later going back and ripping up portions of the street again to install other underground utility lines or complete any beautification efforts. Completing the job as promised will be a major step in rebuilding trust between the city and property owners.

Work with the corridor’s businesses and neighbors to manage the construction process. Stakeholders need to know what’s happening before it happens. The city needs to provide a place to go for information so the city can update hundreds of people at one time, such as through a web page or Facebook group. Create an email distribution list for contacts. Rather than relying on the property assessor’s data which doesn’t cover everyone such as tenants or neighboring residents in Orange County, push notifications to the distribution list when new information is available.

Fix the roadway. The current road design with its wide expanse of pavement, non-existent access control, limited aesthetic appeal and harsh pedestrian environment is a limiting factor. The repaving and restriping plan, while necessary to meet interim utility needs, will have very limited positive effect on the corridor (see before and after illustrations below).

The road must be enhanced with new sidewalks, landscaping, bus shelters and other street furniture, consolidation of curb cuts, undergrounding of overhead utilities, and safer and better marked crosswalks. Adding medians and brick paving in the center lane should be considered if frequent median breaks are provided. FDOT’s rigid design standards represent a real obstacle. The city and county are strongly encouraged to meet with FDOT officials at the highest levels if necessary to allow flexibility. Ultimately, the key is that the road be designed to create a vibrant and livable urban corridor that enhances real estate value, not just move cars as its sole objective.



Look for ongoing funding mechanisms. Maintaining improvements made along the corridor will take additional money. The city and the property owners can create a pipeline for this by setting up a Business Improvement District (BID) or a special assessment district for example. The corridor might qualify as a brownfield area for property owners to get tax breaks for clean-up and upgrades.

Explore additional annexation in a way that makes sense. Annex additional acreage so that West Fairbanks Avenue is no longer a thin strip of city property running through Orange County. The corridor should be integral and supportive of the surrounding neighborhoods, not a blighting influence. . The city should work with Orange County and the property owners in smoothing the boundaries, particularly along the south side to encourage the identity of the West Fairbanks corridor.

III. Incentives

Panel discussion

Most effective incentives that the city of Winter Park can implement to enhance the market appeal including public/private partnerships.

A significant amount of discussion took place regarding setting up a Business Improvement District (BID) or similar program to leverage a revenue source for common improvements. Business and property owners made clear that by themselves, they don't have the money to do more than basic maintenance and improvements. They could use incentives to work toward the improvement of the corridor while maintaining profitability. Incentives could include several types of financial assistance; "grandfather clauses" that allow existing businesses to be exempt from new code enhancements; and, grants that help property owners with certain types of upgrades.

This group did recognize that they would be willing to contribute to improvements that could benefit the corridor as long as they have a say in the discussion. The city asked for recognition of their contribution and also expressed interest in looking at options for improvements that could be jointly funded.

As one business owner put it, he spent numerous hours and thousands of dollars repainting his building and sprucing up its appearance, but there was no way he could afford to purchase a mature tree to plant there. However, he would gladly accept a tree if the city or an improvement district, with its purchasing power that comes from buying numerous plants at once, would offer to put one there for him as part of a corridor-wide beautification effort.

Most effective physical/cosmetic enhancements that can be made to the public realm.

The public domain at West Fairbanks Avenue is almost entirely consumed by the roadway itself leaving very little space to work with. This leaves only the sidewalks and the space in the middle of the road for a possible median for aesthetic enhancements. The panelists discussed the importance of beautification initiatives but emphasized the need to allow the planned sewer project to move forward. A discussion on beautification should be taken up in the near future as part of the overall visioning for West Fairbanks

Avenue.

A small park with seating on the northwest corner of West Fairbanks and U.S. 17-92 is provide but there appears to be no foot traffic aside from visitors to an adjacent Chipotle restaurant.

Most effective physical/cosmetic enhancements that can be made to the private realm.

The commercial properties along the north side of West Fairbanks Avenue are very shallow (approximately ninety feet deep). This poses a significant challenge to redevelopment. In addition, they abut single family residential lots along their rear property line. The panelists recognized the need for the commercial lots to be expanded to encompass the lot to their rear while recognizing the importance of minimizing the impact on the long-standing residential neighborhood. There is a desire to have no commercial traffic on Karolina Avenue.

Along both sides of West Fairbanks Avenue, there is little room for the businesses to give up right-of-way for public access. The city could offer incentives for owners to beautify their property with new paint, repaving of parking areas, plants, distinctive signage and other enhancements.

Although outside of the formal study area, the panel looked at the neighborhoods immediately to the north and south of West Fairbanks Avenue and makes the following recommendations.

North of Fairbanks Avenue Neighborhood

- **Consider annexing the neighborhood.** The neighborhood is in unincorporated Orange County and is landlocked except for its access to West Fairbanks Avenue. More than one resident in the neighborhood spoke in favor of annexation at the TAP public meeting.
- **Provide a place for public access to Lake Killarney.** No public access currently exists. The city should explore ways to provide a small park or pier along the lake as an amenity to the neighborhood.
- **Provide direct access to Killarney Elementary School.** Students from the neighborhood must get onto West Fairbanks to get to school because no direct access between Cambridge Blvd. and Orange Terrace Dr. exists. This is unacceptable. The city should explore establishing a road or trail connection between the roads.
- **Rezone the residential lots abutting the Fairbanks lots to commercial.** The shallowness of the commercial existing lots is a significant barrier to redevelopment. A screen wall and landscape buffer should be included between the new commercial lots and existing residences. No access to the commercial lots should be allowed from Karolina Avenue.
- **Consider eliminating some residential street connections to Fairbanks.** This will provide more privacy for the neighborhood and open more commercial property along Fairbanks.
- **Install neighborhood entry signs at entrances along Fairbanks.**

South of Fairbanks Avenue Neighborhood

- **Consider annexing the neighborhood.** The light industrial and residential areas are in unincorporated Orange County. The light industrial provides much needed inexpensive space to serve Winter Park and nearby Florida Hospital campus. Consider greater residential density to meet hospital and light industrial workforce housing needs while preserving neighborhood character.
- **Consider creating a special district.** The light industrial area could be marketed and branded as a creative arts and business incubator district. The area currently contains printing, photography, graphic design and other creative arts businesses. As the only light industrial space in Winter Park, it also hosts companies specializing in automotive repairs and customization, landscaping supplies and other types of support businesses. The marketing outreach should be directed at expanding awareness and appeal to Winter Park and Florida Hospital.
- **Work with the two large churches** in the area to enhance the green space on their properties and create quasi-public park land.
- **Take advantage of master drainage system planning** to link open space and trails.

Recommendations

Brand the corridor and recognize the uniqueness of sub-districts. This section of Fairbanks would greatly benefit from the establishment of a brand identity and marketing effort. Similar to the Orlando Main Street program, a distinctive logo would go a long way in establishing a brand identity. It is strongly suggested that the brand celebrate the unique personality of the area and include the Winter Park name.

In addition, there are unique characteristics within the corridor that can be marketed. There is an established worship district on the southwest side. There is a cluster of restaurants that could become an entertainment district.

Be consistent. It is absolutely critical that city policies be consistent from department to department and from commission to commission in order to implement a long-term vision for West Fairbanks Avenue.

Create a business incubator atmosphere. There are few places in Winter Park where businesses can find affordable rents. West Fairbanks Avenue provides that opportunity and helps diversify and complement the city's economic development goals. Use that to draw emerging businesses, from restaurants to hair salons to internet start-ups.

Recruit targeted businesses. The city along with property owners should determine targeted tenants and build-to-suit developers. This is a common practice with many retail developers to ensure the right tenant mix to better support overall sales and customer traffic. A market analysis can be valuable in identifying underserved markets within the trade area.

Implement business façade programs. The city could create or facilitate a grant program that focuses on ways of beautifying buildings beyond just repainting. Use grants as an opportunity to get existing buildings to meet new design standards.

Implement a business improvement district or similar. This would provide both much needed financing and marketing dollar to increase the corridor's appeal and competitiveness.

Identify opportunities where the city can assist with land assemblage. While this process has already begun on its own, small parcels and fragmented ownership are barriers to further development. In exchange for land assemblage assistance, property owners should work with the city to create easements for streetscape improvements and undergrounding of power lines.

Look for opportunities for the city to create public amenities. The city could purchase land or easements for public amenities such as parks, trails and landscape buffers. Combining the stormwater drainage areas into a connected public green space is a potential opportunity.

IV. Urban Design/Land Use Regulations

Panel discussion

Urban design elements needed to accommodate the highest and best uses for West Fairbanks Avenue.

The panel discussed that the city must work with property owners to create a vision for what the area might look like and then remain diligent in its implementation. The vision, driven by the present market as well as that of the future, should address several issues that are critical to the area's success. Those include:

- Improvements that create a holistic “complete street” that not only carries vehicles but also allows for pedestrians, cyclists, stormwater drainage and aesthetics. A master plan for handling the area's stormwater runoff and a master drainage system linking open space and trails is an example of this type of activity. This should also include addressing the street as a sense of place and creating a pedestrian environment that provides connection to the neighborhoods, provides shade, removes clutter and adds landscaping and lighting.
- A connected system of green space or park-type property.
- Ample parking that serves the area's present and future businesses but does not disturb residents who live behind them.
- Annexation of the residential area along Lake Killarney behind the north side of West Fairbanks Avenue.
- Creation of a possible “creative district” on the south side of West Fairbanks Avenue in the area that is now light industrial.
- Annexation of the light industrial parcels discussed above into the city.
- Installation of a “Welcome to Winter Park” sign somewhere along West Fairbanks Avenue that matches the high-quality standards of the vision.

What is a Complete Street?

Complete streets are designed and operated to enable safe access for all users, according to the National Complete Streets Coalition (www.completestreets.org).

Pedestrians, bicyclists, motorists and transit riders of all ages and abilities must be able to safely move along and across a complete street.

The design varies according to the local area, but a complete street may include elements such as sidewalks; bike lanes (or wide paved shoulders); comfortable and accessible public transit stops; frequent and safe crossing opportunities; median islands; accessible pedestrian signals; curb extensions; narrower travel lanes; roundabouts and more.

Incomplete streets, or those designed with only cars in mind, limit transportation choices by making walking, bicycling, and taking public transportation inconvenient, unattractive, and often dangerous.

Appropriate zoning and land use regulations needed to accommodate the highest and best uses.

When West Fairbanks Avenue was annexed into Winter Park from Orange County, many of the properties deviated widely from the city's zoning codes. Some had storage trailers in front and other elements that were not allowed in other parts of the city. There was no cohesive look to the corridor, with multiple paint colors displayed, sometimes even on single buildings. During the background review of West Fairbanks Avenue, city staff noted that they have worked with business owners along the corridor to gradually implement sign requirements while understanding the concerns of the businesses in a new regulatory environment.

Unfortunately, in some cases businesses were operating without licenses and had to be removed. Additionally, city code enforcement officers were diligent about making sure properties didn't attract blighting elements to the corridor, such as a vacant property that had become a hangout for homeless. The city has brainstormed with local business owners to determine what they want along the corridor; however, property owners need to understand that the ultimate goal is for code enforcement to enhance their businesses and their district.

City staff provided the panel with a brief history of the planning and design efforts that preceded the TAP. As discussed previously, form-based codes were recommended by a consultant as a central part of the vision and beautification plans. The city planning team eventually abandoned the form-based code plan and agreed to take the best elements of it and other urban design elements and put them into an easy-to-use booklet that simplified the codes and turned them into guidelines rather than hard and fast rules.

The hybrid plan involves introducing contemporary designs over time, as building are replaced, that involve relocating buildings on the front of the properties and parking spaces or parking lots in back, giving West Fairbanks Avenue a more friendly and walkable feel. The new 4 Rivers Restaurant under construction incorporates this concept, placing a small spot of green lawn at the front of the property along the sidewalk.

The panel agreed with the importance of establishing and implementing a set of urban design standards to guide the redevelopment. What form that should take needs to involve more stakeholders, in particular owner along West Fairbanks Avenue as well as the city as a whole.

Barriers in the current regulations that need to be addressed to achieve the redevelopment goals.

West Fairbanks Avenue is owned and controlled by the Florida Department of Transportation so Winter Park cannot dictate the design and appearance of street signs or even the paving. The panel discussed the merits of the city taking control of the roadway. There are pros and cons to both; however, whichever way the city goes, the ultimate goals of beautifying the road must be met.

The city does, however, have jurisdiction over signage for individual businesses and could change the regulations governing those. For example, many municipalities have

restricted signage to certain sizes and heights that bring them closer to street level and sometimes included landscape enhancements.

The necessity for expanded parking along the north side of the West Fairbanks Avenue corridor.

Businesses along the north side of West Fairbanks Avenue have made do with their parking for many years. But the lack of adequate parking became painfully clear with the popularity of 4 Rivers. News accounts throughout the region showed people standing in line to buy barbecue meals at the restaurant, which offered no indoor seating and limited outdoor eating space.

The city quickly worked to post “No parking” signs along the residential streets immediately behind the restaurant, where residents had become alarmed at the amount of traffic suddenly driving into and through their secluded neighborhood. The restaurant worked with its neighbors to encourage patrons to park across the street in church parking lot during non-church hours and cross West Fairbanks Avenue at the traffic light — not the most desirable situation.

The city is looking into its options for creating adequate parking areas and a better buffer between the businesses and residences along the north side of West Fairbanks Avenue.

Recommendations

Create design standards that are workable. This city should work with the private sector to create and manage design standards and guidelines. Actively engage not only owners along the corridor but also neighbors in adjacent neighborhoods. The standards should address building orientation, parking, architectural design, bulk, landscaping and signage. The standards should celebrate the uniqueness of West Fairbanks Avenue while at the same time making it a recognizable part of Winter Park. This will be no easy task but is essential.

A main criticism of the urban design plans created to date is that they appear to scrape the landscape clean and imposes a foreign new pattern. Not only is this unlikely to occur, it creates a divisive atmosphere with existing businesses who want to stay. As one business owner stated, “We’ve seen the pictures and we don’t see ourselves in it.” Make room for sub-districts within the corridor to express their individuality.

Stick to the vision. The city should be deliberate about what it wants but also what it doesn’t want along West Fairbanks Avenue. The market is going to evolve. The sanitary sewer installation will open the area for new uses. Many uses will likely be highway-oriented such as budget motels and fast food chains. Be prepared to address this as part of the vision and put the appropriate regulations in place to carry out the vision. For example, the city could restrict uses to sit-down or carry-out restaurants-only and ban drive-through windows as a way to restrict fast food chains.

Create a Place. A primary objective of the vision and marketing plan should be to create an identifiable place that attracts people and establishes a clear and positive image. Great places have great character and diversity. Involve stakeholders in the

process. Places are as much about the people who inhabit and visit a place as it is about the physical space.

Street beautification is critical. Once a vision is established, be willing to take both incremental and large steps to implement it. The first step must be code enforcement and removal of clutter and blighting influences. Refer to the “fix the road” section above for additional recommendations.

Make the corridor more walkable. Look for ways to create a comfortable, pleasant and safe environment for pedestrians. In Florida, shade is especially important. Consider implementing a complete streets policy in conjunction with FDOT.

Provide pedestrian-scale decorative lighting. The corridor currently lacks sufficient lighting, especially for pedestrians. Consider dual lighting with an upper light for vehicles and a lower light for pedestrians. By combining the lights on the same pole, the limited public space along the corridor can be best utilized.

Underground the power poles. Right now there are dozens of them, and they overtake the appearance of the street. They detract from the character of the area. The city should continue looking for a way to put to fund the effort.

Create a Winter Park gateway at I-4. West Fairbanks Avenue is the main gateway to Winter Park. Visitor and residents should feel welcome and experience a sense of arrival. Signage should be memorable yet discrete. Pay special attention to the buildings and land uses that get built adjacent to I-4. This will set the tone for rest of the corridor.

Develop a strategy to optimize parking. This can include off-site parking, shared parking and structured parking. As properties are redeveloped, parking should be placed at the back and sides of buildings to reduce the visibility of pavement, enhance walkability and provide better storefront visibility.

Lots along Karolina Ave. should be rezoned and buffered. As discussed previously, the lots along the north side of West Fairbanks Avenue will need additional lot depth for redevelopment. Buffering such as a screen wall and attractive landscaping between the commercial and residential lots is essential to preserve and enhance the neighborhood.

Create a corridor-wide master stormwater solution. The corridor needs more retention areas to prevent runoff from polluting Lake Killarney. The city should put together a plan for finding property and turning it into green space that can double as recreational areas.

Form based code is not the appropriate tool for West Fairbanks Avenue. The proposed form based code is difficult for the average person to understand as they are used to working with a more the conventional code. Many of the same objectives can still be achieved through the adoption of design standards in conjunction with the conventional codes.

4. NEXT STEPS

It is the recommendation of the TAP that the City of Winter Park and its businesses and residents work in concert to decide what West Fairbanks Avenue ultimately will become. Will the area maintain its eclectic mix of businesses and draw visitors who want a unique experience? Will it fill in vacant spots with high-end, multistory office buildings that draw big rent for their Winter Park addresses, mirroring its parallel neighbor to the north, Lee Road? Will it become home to mid-priced chain hotels and chain fast-food restaurants that cater to highway traffic? Will it be caught between identities, acting as a gateway at odds with a city image of upscale shopping and dining, well planned parks and cultural arts centers and a nationally recognized private college?

No one group involved can or should make the decision in a vacuum. It will take a joint effort, ongoing communication, a solid plan and a commitment to stick with the plan. It will take the collaboration and imagination of people who share a passion for West Fairbanks Avenue and its future as a thriving, vibrant part of the City of Winter Park.

Appendix A: Panelists Biographies

ULI wishes to thank the following panelists for their insights and volunteer efforts on the West Fairbanks Avenue Technical Assistance Panel.

Diane Burnette

Kansas City, Missouri

Diane Burnette is the Executive Director of the Main Street Corridor Development Corporation (MainCor), Chief Administrator of the Main Street Community Improvement District, and the Managing Staff of the Penn Valley Park Conservancy. She has worked and lived in Kansas City in the area of Main Street since 1987 and began working with MainCor in 2003. She also serves as the current Community Advisor for the Kansas City chapter of the Urban Land Institute and a trustee to the Jackson County Land Trust, and she sits on the Jackson County Tax Increment Financing Commission. Along with her community and neighborhood not-for-profit work, she has an entrepreneurial spirit and formerly owned a business for 17 years.

Melina Duggal, AICP

Orlando, Florida

Melina Duggal is a Senior Principal based in the Orlando office of Robert Charles Lesser & Co. (RCLCO) Real Estate Advisors, located in Baldwin Park. She has worked for RCLCO since 1998, previously based in the firm's offices in Atlanta and Washington, D.C. She has worked on a wide range of market and financial analysis, economic development, regional growth patterns, and consumer research projects concerning real estate and urban development issues throughout the United States and Puerto Rico. Prior to joining RCLCO, she worked as a community planner for a consulting firm based in Detroit, Michigan. She serves on the Executive Committee of the Central Florida Chapter of the Urban Land Institute and runs the UrbanPlan program.

Robert Karn, AIA, LEED AP

Sudbury, Massachusetts

Robert Karn is a Design Principal for Consilium Urban Design and Architecture, Based in the Boston area. He has worked on numerous urban design plans in United States, the Middle and Far East and Europe. The concentration over the last decade has been urban design, campus and civic planning for new towns in India, university campuses on the eastern seaboard and transit oriented development in the north east. Prior to locating in Boston he practiced for ten years in Germany collaborating on the reconstruction of East Germany as a consequence of the destruction of the Berlin wall. Prior to that he was the Director of Design and Planning for the Denver Partnership, a 501 C3 responsible for the development of the Downtown Area Plan 2000 which included the creation of a long-term transit and transportation strategy, comprehensive open space system utilizing Cherry Creek and extensive land use modification to stimulate downtown housing and create the LODO Historic District and guidelines. Robert Karn is also a founding member and faculty at the Center for Sustainable Urbanism who's CIAO! program immerses high school students interested in architecture and city building a summer immersion program based in Rome, Italy.

Jeffrey Oris, CEcD
Coconut Creek, Florida

Jeffrey L. Oris is the Founder and President of Planning and Redevelopment Consultants Inc. (PARC Inc.), a Coconut Creek firm providing a full range of services related to economic development, community redevelopment planning, affordable housing and economic analysis. He oversees all aspects of the firm and personally manages all projects ranging from the creation of redevelopment and corridor plans to retail market analysis to annexation and incorporation studies. Prior to forming PARC, he held a 20-year career in local government and consulting, with extensive experience providing economic development and redevelopment planning, market analysis, and grant writing and administration services. He served as Economic Development Coordinator for the city of Margate, Florida, where he was directly responsible for the attraction of more than 1,500 jobs. He is a Past President of the Florida Redevelopment Association and remains one of the group's key outreach speakers.





West Fairbanks Avenue South-Side View





Appendix C: Maps



Notes:

- Red dots represent location of power poles
- Asterisks indicate location of cell phone towers.
- Horizontal bars indicate location of overhead signs.
- Green indicates location of landscaping.

West Fairbanks Avenue

Urban Land Institute

Technical Assistance Panel

Recommendations

West Fairbanks Community Meeting

September 26, 2012

Sponsored by



Background & Objectives

- City and ULI convened TAP on June 18th and 19th, 2012 to advise on strategies
- Four Objectives:
 - Market Demand
 - Catalysts for Change
 - Incentives
 - Urban Design/Land Use Regulations



Market Demand

- Agree on “Shared Vision” to guide future actions
- Let the market drive the uses and timing of redevelopment
- Establish a formal West Fairbanks Avenue “Main Street” organization
- Create a marketing and branding campaign
- Recognize and showcase existing businesses

Create the Shared Vision

- Recognize the interest of business community to create a shared vision for the corridor
- Recommended steps:
 - Establish a Vision Steering Committee
 - Committee to establish corridor objectives and metrics
 - City to host two-day workshop to develop conceptual alternatives at build-out
 - Committee makes recommendations to City Commission
- Process should be compact (90 – 120 days)
- Vision acts as an overlay to existing land use/zoning
- Keep Vision market-driven and flexible to adapt to future conditions



Catalysts for Change

- Install sanitary sewer
- Work with businesses along the corridor to manage the construction process and its impact
- Fix the roadway by addressing access management, complete street designs and streetscape
- Use or create new financial tools to implement the Vision
- Explore additional annexation - continuity of shared vision

Incentives

- Enhance market appeal using “Main Street”, public/private mechanisms to match - incentivize private investment
- Invest in public and private realm improvements that enhance streetscape appeal and reinforce brand
- Brand the corridor
- Make city policies consistent with shared vision
- Build business incubator opportunities and recruit targeted businesses
- Implement business façade programs
- Identify opportunities that the city can assist in land assemblage



Urban Design and Land Use Regulations

- Use the Shared Vision as context for creating design standards
- Stick to Shared Vision
- Create a sense of Place
- Focus on streetscape improvements
- Lots along Karolina should be rezoned and buffered
- Create a corridor-wide storm water solution
- No form-based code approach for this corridor

Using these Recommendations

- Not a plan to address redevelopment issues
- TAP brought together experts in real estate, government, economics, marketing and design for their expertise and insight
- TAP Report is a “snapshot” of private market response
- TAP recommendations should be considered as strategies for further examination as vision is developed



city commission agenda item

item type	Action Item for Discussion	meeting date	January 28, 2013
prepared by	Lindsey Hayes	approved by	<input checked="" type="checkbox"/> City Manager
department	Planning Department		<input type="checkbox"/> City Attorney
division		<input type="checkbox"/>	<input type="checkbox"/> N/A
board approval	Public Art Advisory Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-0 final vote

subject

Public Art Advisory Board update regarding Art in Transit for SunRail proposal.

motion | recommendation

The Public Art Advisory Board (PAAB) has considered options for Art in Transit and is providing an update to the Commission. The PAAB is seeking input from the Commission to continue working with Winter Park artist and architect Diane Gillett Boswell to develop the concept of an installation of art panels at the SunRail station. The proposal is for 8 weatherproof panels with photographic images of yellow flowering trees. The tree image is evocative of Winter Park without competing with the city branding. The panels would be 4 feet wide by eight feet high (the size of a sheet of plywood – 32 square feet) and would be elevated two feet above grade. They would be installed in an offset pattern to provide visual rhythm and movement. The panels would be mounted on the platform if space allows or in the railroad right of way. The total area to place eight panels would be approximately 8 feet by 40 feet which allows space to walk among the panels. The Commission has the option of proceeding with fewer panels. The final placement would need to be determined and returned to the Commission for approval. PAAB Chair Dana Thomas and artist Diane Gillett Boswell will provide a brief presentation.

Commission Decision Points:

1. Approval of the size and selection of the art recommendation.
2. Approval for the PAAB to conduct private fundraising for the total project cost.
3. Location of the artwork to be approved by the City Commission pending success of private fundraising.

background

In late 2011, the Public Art Advisory Board was approached by FDOT and Dix Lathrop, the landscape architect for the SunRail project about public art for the platform area. Dix Lathrop had some general recommendations. Each SunRail station would have a budget of \$6,500.00 from FDOT for public art. Due to the level of interest of Winter Park and other jurisdictions, FDOT and Winter Park signed a Joint Participation Agreement permitting the city to contract with an artist (May 17, 2012). In the interim, the board published a Winter Park SunRail Station Art in Transit Public Art Opportunity (cover page attached). A more complete background is also attached. Six proposals were received and reviewed by the PAAB, and Diane Gillett Boswell's concept was selected by the PAAB for further development.

alternatives | other considerations

FDOT has stated that the public art could be placed on the Amtrak station site in addition to the SunRail site since they will be adjacent and function as one facility. Dix Lathrop had presented the SunRail platform design to the PAAB, and John Cunningham with ACi presented the Winter Park Amtrak station design. The attractive station design has a high level of architectural detail and the opportunities to place artwork on or in the building are limited so the board is recommending freestanding public art.

fiscal impact

The FDOT agreement will provide \$6,500.00 and additional funding could be sought from the private sector.

long-term impact

The concept would be executed in durable materials and would be reasonably expected to have a life span of 10-15 years.



Winter Park SunRail Station Art in Transit Public Art Opportunity Exterior Art for New Facility

Project Description

The City of Winter Park Public Art Advisory Board (PAAB) in cooperation with the Florida Department of Transportation (FDOT) seeks one or more artists or artist teams to develop artwork for the new SunRail commuter rail platforms. The artwork should be evocative of Winter Park's character, aesthetic and unique sense of place. Concept drawings are requested for the selection process.

Site

The SunRail platforms will be located on both sides of the railroad tracks just south of the existing Amtrak station at 150 West Morse Boulevard in the heart of downtown Winter Park. The SunRail platforms will be straddled by Central Park on the east side and a remodeled Amtrak station and parking area to the west. The site includes the SunRail platforms and east side (Central Park side) right of way, but does not include the Amtrak station and right of way on the west side. *Site map attached.*

SunRail Platforms

Located on both sides of a double set of railroad tracks, the SunRail platforms are open sided, covered platforms. The canopies' architecture style is drawn from traditional Craftsman influences. The SunRail Art in Transit component does not include the Amtrak station. *Draft platform and station concepts are attached.*

Budget

\$6,500.00 has been budgeted by FDOT for this Art in Transit component. The selected artist(s) or artist team will be awarded as part of a comprehensive contract, referred to as the Station Finishes Contract Package #2 by FDOT. Functional art may include additional funds from the existing budget. The contract will cover design, fabrication, materials, delivery and installation.

Artwork

The PAAB seeks one or more artists to create site specific work for installation at the Winter Park SunRail platform. The site has installation opportunities including but not limited to:

- Translucent/transparent art walls
- Platform sidewalk mosaic
- Stained glass in canopy gable end
- Benches
- Drinking fountains (must meet ADA requirements)
- Freestanding timepiece
- Freestanding sculpture

Artwork must not affect the structural design of the canopies or platforms and should not impede with pedestrian circulation on the platforms. Vertical art shall be set a minimum of 8 feet six inches from the track. The artwork must be appropriate for the climate and physical conditions. The artwork may be functional (within the SunRail station equipment requirements such as but not limited to 2 drinking fountains that meet ADA requirements and 6 benches). *Dix Lathrop artwork location options attached. FTA Circular 9400.1 (attached) includes additional policies regarding Art in Transit projects.*

Eligibility

This opportunity is open to professional artists working in any media. Please present professional experience in the submittal. Artists, regardless of race, color, creed, national origin, sex or age are eligible for consideration.

Selection Process

A selection panel consisting of the PAAB, Planning Department designee, Public Works designee, and Parks and Recreation designee in cooperation with FDOT will make a recommendation to FDOT and Dixie Lathrop, the SunRail landscape architect for FDOT. Final selection will be by FDOT.

Selection Criteria

Artists will be evaluated on artistic excellence as evidenced by submitted materials and professional experience, compatibility with the architectural design and setting and for how well the submission is evocative of Winter Park's unique qualities. The artwork must meet Federal Transit Administration Design and Art in Transit guidelines.

Submittal Requirements

- Letter of interest (typed, two page maximum, no less than 12 point font, outlining interest in this project and a preliminary statement of approach)
- Professional resume (teams should submit resumes for each member)
- Concept drawing of project proposal sufficient to illustrate intent.
- Price proposal
- Up to 12 digital images of previous work. (Submit in jpg format, up to 200 dpi, 800 x 600 pixels, presented on a PC compatible CD-ROM. Name files with artist name, and number per image)
- Annotated list of images indicating title, dimensions (H x W x D), materials, date of work, location of each work and description if necessary)
- Experience with similar public art projects not required but helpful.

The PAAB reserves the right to reject any or all applications, proposals, applicants or projects and to modify or terminate the application process or the selection process for any reason and without prior notice.

Submittal Delivery

Submittals may be mailed or hand delivered but must arrive by the 2:00 p.m. December 2, 2011 deadline. Postmarks are not acceptable. Send materials to:

Planning Department
Attention: Public Art Advisory Board
401 Park Avenue South
Winter Park, Florida 32789

Timeline

- Release of Call to Artists: November 9, 2011
- Submittals Due: 2:00 p.m. Friday, December 2, 2011
- PAAB will notify finalist: December 16, 2011
- FDOT Station Finishes Contract package #2 Procurement Advertized March 2012
- FDOT Notice to Proceed: July 2012

For further information contact Senior Planner Lindsey Hayes,
Lhayes@cityofwinterpark.org or 407-599-3498.

SunRail Station Art in Transit Public Art Opportunity Background

Public Art Advisory Board liaison Lindsey Hayes was contacted by Christina Lathrop of Dix.Lathrop and Associates, the landscape architects for SunRail commuter rail, on October 22, 2011 regarding artwork for the SunRail platform. A joint meeting with the board and Dix.Lathrop was scheduled at the earliest possible date.

On Thursday, November 3, 2012, Ms. Lathrop, and Shawne Grochowski with Dix.Lathrop and Associates and Sandra Gutierrez with FDOT met with key Public Art Advisory Board members, Assistant Public Works Director Don Marcote, Park and Recreation Director John Holland and Lindsey Hayes, Senior Planner. The FDOT and SunRail representatives provided background information and stated that each platform had a budget of \$6,500.00 for artwork. Artwork should be emblematic of each platform location and meet federal Art in Transit parameters. Dix.Lathrop presented several concepts; freestanding panels, stained glass, floor mosaic, freestanding sculpture. Options presented were for Dix.Lathrop to select artwork for the Winter Park SunRail platform or the city could make a recommendation to FDOT. FDOT would need a preferred concept and estimates by the end of December for insertion into biddable contract documents. FDOT would contract with the artist. The city had already selected preferred trash receptacle and bench designs for the Winter Park SunRail platform; however artwork could also be incorporated into benches, drinking fountains etc. subject to meeting ADA and code requirements. Dix.Lathrop agreed to send their concept drawings and the platform engineered drawings to Ms. Hayes to prepare a call for artists.

A call for artists was drafted by Ms. Hayes with input from PAAB member Dr. Robert Lemon from Rollins College and Terry Olsen, Director of Orange County Art and Cultural Affairs. The draft for sent to FDOT and to Dix.Lathrop for their review. Their comments were incorporated into the call for artists. The PAAB met at a special called meeting on Monday, November 7 to review and approve the draft call for artists.

On Tuesday, November 8, the call for artists was released. The proposal from the artists needed to be at the concept level only and needed to include a budget. The call was posted on the State of Florida Department of Cultural Affairs web site, the Florida Public Art Administrators' web site and emailed to McCrae Studios, Crealde School of Art, Rollins College and several individual artists. A deadline of December 2 was required in order to meet the FDOT schedule.

At their invitation Ms. Hayes met with a group of artists associated with Crealde School of Art on November 21 to answer questions about the call for artists and project.

The Winter Park selection committee which included the PAAB and invited representatives from the Planning, Public Works and the Parks and Recreation Departments met on Wednesday, December 7 to review the six proposals that were received. After discussion preferred concepts were selected for further discussion on December 14. Questions were asked of the top ranked artists prior to the December 14 meeting to address board questions. The selection committee also had a number of questions for FDOT and Dix.Lathrop.

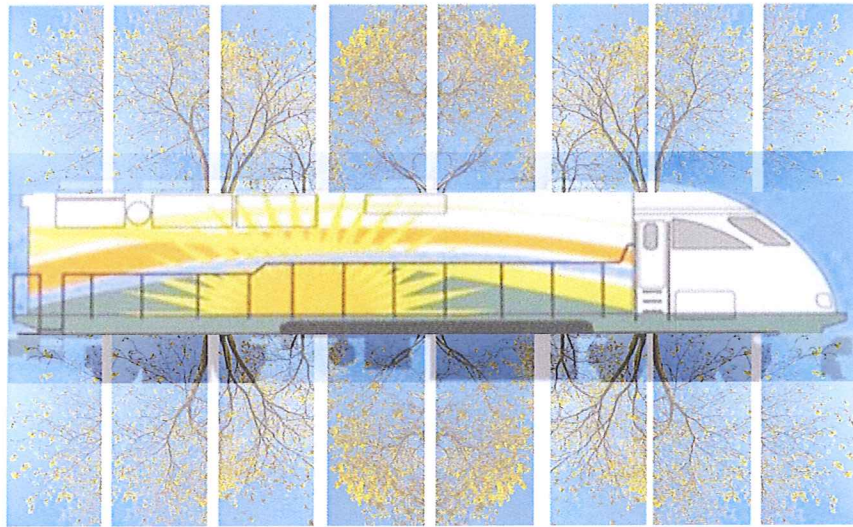
After reviewing the responses from the artists and further discussion on December 14, the PAAB was prepared to recommend artist Diane Boswell's concept to the City Commission. The city's

recommendation would then go to FDOT for inclusion into the SunRail Station Finishes Contract Package #2.

Before the end of December FDOT advised the Public Works Department that Winter Park could place the SunRail artwork project on hold before making a recommendation to the City Commission and to FDOT. FDOT was proposing a joint participation agreement (JPA) to provide funding to purchase and install artwork at the Winter Park SunRail station. The \$6,500.00 budget from FDOT would remain the same but the city would contract directly with the selected artist. Public Works advised the PAAB liaison and the board has been waiting for the JAP to be finalized before continuing the project and taking a recommendation to the City Commission.

While waiting for the outcome regarding a JPA, the Public Art Advisory Board has taken no further action but has continued to communicate with Ms. Boswell regarding appropriate materials for the concept under consideration.

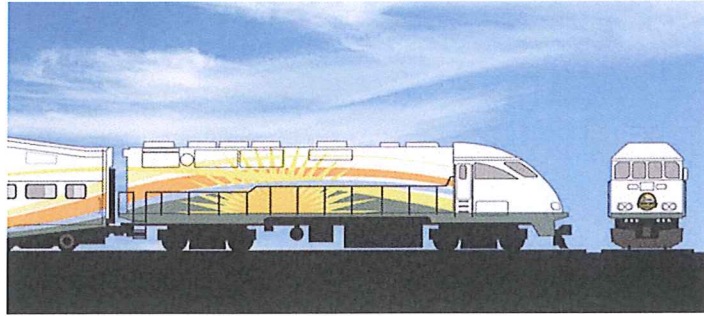
Following the JPA, the board and Ms. Boswell resumed the development of the proposal.



SUNRAIL: ART IN TRANSIT

WINTER PARK STATION

TREE WHISPERERS: EIGHT PIECE METAL PHOTOGRAPHIC PANELS
THREE DIMENSIONAL SERIES



ART IN TRANSIT WINTER PARK STATION

ART IN TRANSIT PRICE PROPOSAL

FABRICATION

Photographic Panels (8) (Includes shipping)	\$14,811.90
Steel Frame Supports (Includes delivery)	2580.00
Concrete Foundation and Specifications	(Provided by City of Winter Park)

INSTALLATION

Steel frame supports with expansion anchors into existing concrete foundations.	2140.00
Receiving of photographic panels and storage prior to site completion and installation. Space needed to inspect and approve pieces.	(Provided by City of Winter Park)
Handling of panels from city storage and delivery to site, attaching finished photographic panels to steel frame supports including frame spacers and security hardware.	2000.00
SUBTOTAL	\$21,531.90

DESIGN

Artist Fee (10%) Photographic images and design concepts. Presentation materials and models.	2150.00
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PROJECT MANAGEMENT

Oversight and quality control of fabrication and installation of photographic printing, steel frame supports, handling and site planning. Fabrication drawings and full scale templates. (5%)	1075.00
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PROJECT COSTS	\$24,756.90
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CONTINGENCY

Contingency based on total project costs (3%)	743.00
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TOTAL PROJECT COSTS	\$25,499.90
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ALL PRICING SUBJECT TO BE REVISED AFTER EXPIRATION OF EXISTING QUOTES.

Diane Gillett Boswell
PHOTOGRAPHY AND NEW MEDIA

Professional Resume and Public Art Experience

I am a photographer and cinematographer residing in Winter Park, Florida. My passion for photography has always been part of my life along side the pursuits of a professional career in architecture. Most of my work is contemporary in nature and is an imaginative interpretation of the original captured image. The subject matter recently has revolved around the beauty and expressions in trees.

Prior to working full time in photography, I practiced in traditional design roles in architectural firms and in project management both residential and commercial. I worked in concept development and project management in the airport industry including Orlando International Airport and was a member of the Design Review Board for the general consultants to OIA. My responsibilities included reviewing aesthetic aspects proposed to maintain the original architectural and interior design intent and the arrival experience for the passengers. Then I returned to the private sector as project manager in the design and development of commercial urban infill projects.

My most recent works in photographic installations and exhibitions are in the new Amway Center in Orlando, Florida and in an exhibition at the Eileen Fisher store on Park Avenue in Winter Park. Sample images of those works are included in this submission.

My academic studies started in art and architecture initially in Florence, Italy. Later I received a degree in architecture and interior design from the College of Architecture at the University of Florida. Studies continued when I received a fellowship for graduate studies in urban planning at the Royal Academy of Technology in Stockholm, Sweden.

I have resided in Winter Park since 1965 and graduated from Winter Park High School.



city commission agenda item

item type	Action Items Requiring Discussion	meeting date	January 28, 2013
prepared by department division	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 checked="" type="checkbox"/> N/A final vote		

subject

State legislative priorities.

motion | recommendation

Approve the list of State legislative priorities to be forwarded to William Peebles.

background

Attached is a list prepared by the City Manager of State legislative priorities.

fiscal impact

TBD.

long-term impact

Unknown.

strategic objective

- n/a

City of Winter Park
2013 State Legislative Priorities

Projects:

- Railroad Crossing Safety Enhancements and Quiet Zones
- Undergrounding of Fairbanks Transmission Lines
- Have W. Fairbanks designated as a local city road instead of a state road
- Funding for land acquisition for or construction of a minor league baseball stadium
- Acquire excess CSX ROW from State
- Mead Garden Lake Lillian Restoration
- Acquisition of Howell Branch Creek Property for Open Space and Linear Parkland
- Funding for Florida Forever – Florida Communities Trust program
- Any Technology Funds? Disaster Recovery? Economic development technology infrastructure?
- Acquisition of post office property and expansion of Central Park
- Expansion of reuse water system

Legislative matters:

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



city commission agenda item

item type	Action Items Requiring Discussion	meeting date	January 28, 2013
prepared by department division	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 checked="" type="checkbox"/> N/A final vote		

subject

Draft City Master Plan.

motion | recommendation

Schedule a work session to discuss draft City Master Plan.

background

One of the strategic initiatives is to develop a City Master Plan. Attached is the first draft of the plan.

fiscal impact

TBD.

long-term impact

Unknown.

strategic objective

Develop a City Master Plan

City of Winter Park, Florida
Draft Master Plan for City-Owned Properties

Overview:

The City of Winter Park owns over 150 parcels consisting of over 418 acres of property throughout the city limits as well as within the city's water and sewer service territory that extends outside the city limits. Most of these properties are currently being utilized in accordance with the intended purpose of acquisition.

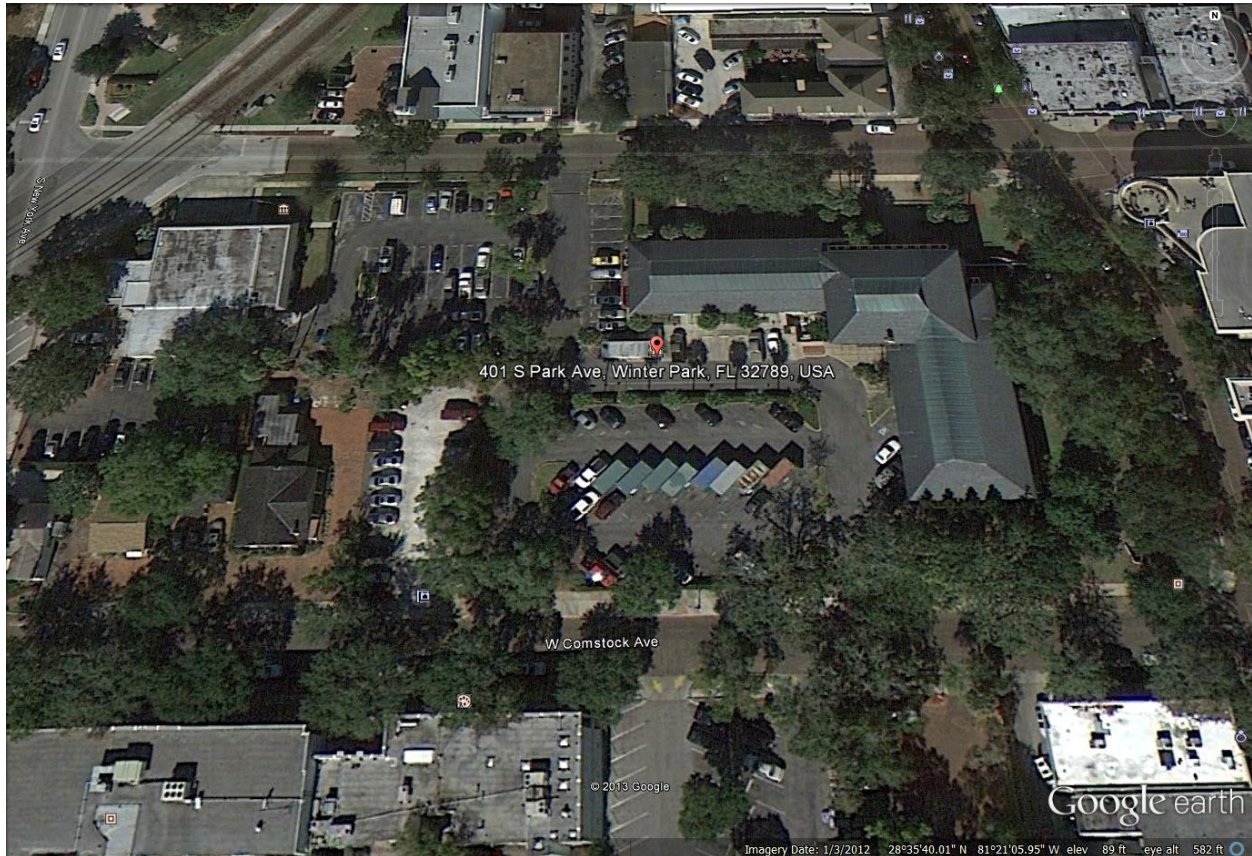
The purpose of this plan is to discuss those properties that may be put to a better use whether that is for a municipal purpose or a private purpose. The properties discussed herein are as follows:

City Hall and Public Works Administration Building
Winter Park Public Library
Progress Point
Blake Yard
Fire Station 64
Northwest Sports Complex (former Tree Farm)
Old Swoope Water Plant site
Pennsylvania/Garfield property (technically owned by the CRA)

There are also sites in the city that, *if* they become available, the city would potentially be interested in acquiring for a municipal use if the price is right. Discussions of those properties are at the end of this plan.

City Hall and Public Works Administration Building Site

Location: 401 South Park Avenue



Size: 2.8 acres

Buildings: City Hall (28,967 sq. ft.) and Public Works (6,358 sq. ft.)

Discussion: With the 2012 renovations, City Hall should meet the city's anticipated needs for at least the next 10 years. This complex serves as home to the City Commission Chambers, City Administration, City Clerk, Finance/Utility Billing, Communications, Economic Development/CRA, Planning, Building & Permitting, Risk Management, Public Works Administration, Electric

Administration, Water and Sewer Administration, Purchasing, Information Technologies and Human Resources.

The current buildings are adequate to meet the current space needs as well as the known needs of the future. However there may be other factors discussed in the options below that drive a different use of the property in the future.

The site is zoned PQP and the Current and Future Land Use is designated as Institutional.

Options:

The following options concerning this site have been discussed over the last several years through the Plan the Possibilities process.

- 1) There has been some talk that many of the “back-of-house” functions do not need to be located in such a prime location within the city. If a new City Hall were to be built it may make sense to move the back-of-house functions to a different, less valuable location, thus reducing the size of the City Hall at its current location.
- 2) There has also been discussion about co-locating the Winter Park Public Library on the City Hall site. This would likely require at least a partial tear down of City Hall if not a total tear down and rebuild. Combined with #1 above, a combined City Hall/library could easily fit. The need or desire for a new library could be a driver that causes something to happen on this site sooner rather than later. A voter referendum would likely be necessary to approve the bonds for the project.
- 3) Move City Hall to a different location and sell the current City Hall property. This has been discussed in the past but rejected by the City Commission. There was a strong feeling the City Hall should be on “Main Street” our Park Avenue.
- 4) Build a new stand alone City Hall on the existing site around 2022. This would coincide with the final maturity of the bonds issued to fund the Public Safety Building. Under this scenario a preliminary design and voter referendum would need to take place no later than 2021.
- 5) Build a parking garage behind City Hall and/or in conjunction with the building of a new City Hall to provide additional public parking for downtown. This could be better facilitated if the city acquired the

additional properties behind City Hall and/or demolished the Public Works Administration Building. Again, a voter referendum would likely be necessary to approve bonds for the project.

- 6) In the past there has also been discussion of a joint public private use of the City Hall property. While this might reduce the city's investment in a new city hall, the private contribution would not eliminate the need for a voter referendum to approve bonds for the project. This option is best explored in the 2021 timeframe when the city has the ability to fund its share.
- 7) Leave City Hall as is and continue to make modifications as needed.

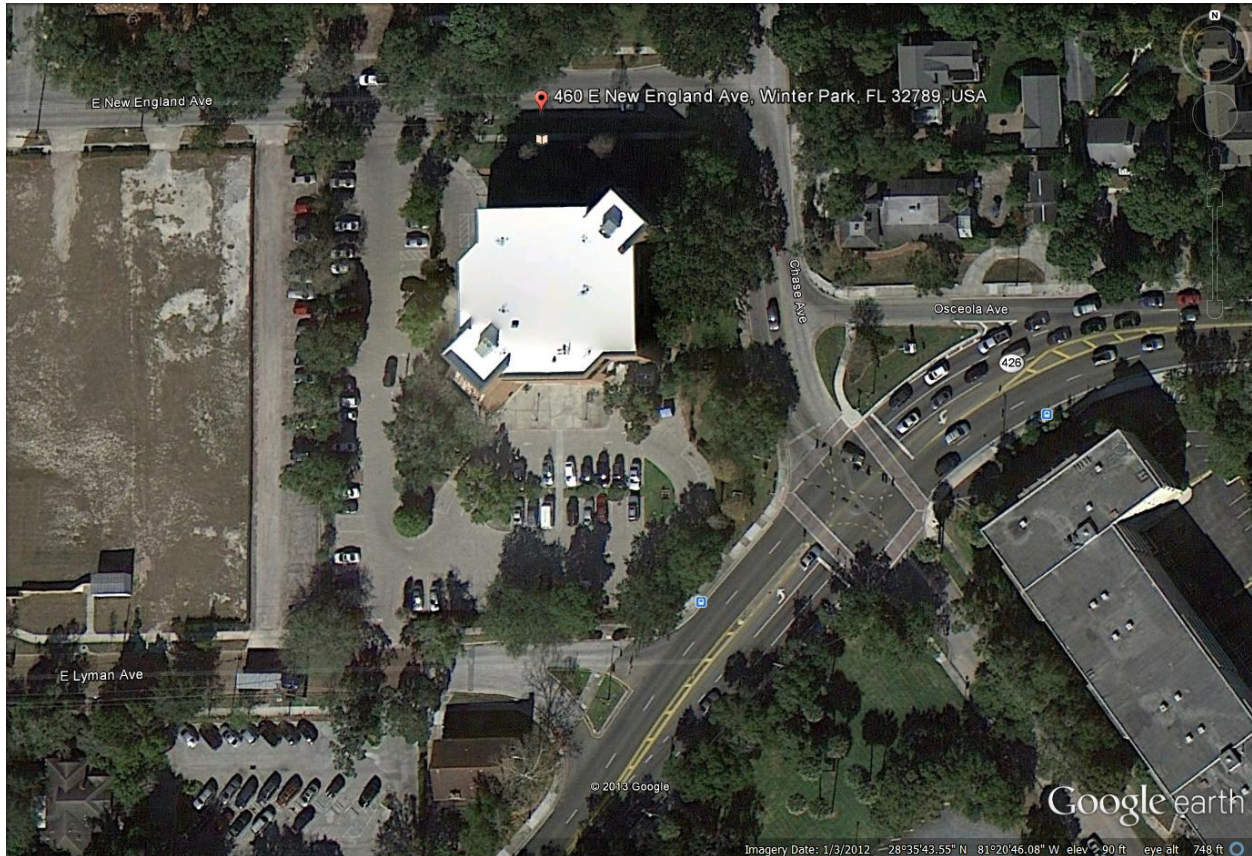
Staff Recommendation:

Staff recommends that we plan for a future municipal complex on the current City Hall site that includes a new City Hall, Winter Park Public Library and public parking garage all to be built in the 2020 – 2025 timeframe. Between now and then explore the option of acquiring some or all of the properties that complete the City Hall block as well as potential sites to relocate the back of house functions.

II

Winter Park Public Library

Location: 460 East New England Avenue



Size: 1.7 acres

Building: 32,980 sq. ft.

Discussion: The Library is a three story building with a new HVAC system and new energy efficient lighting. The condition of the building is good.

There is a shortage of parking at peak times and very little opportunity to remedy that situation on site.

The executive director and the Winter Park Public Library Board have requested a new larger library that would be laid out more efficiently to meet the current and future needs. The request is for a 51k square foot building.

There have also been discussions about the future role and structure of libraries in the digital age. Do libraries of the future need as much space if print materials are phased out? Or do libraries take on more of a role of a gathering/meeting place?

Options:

The following options concerning the library have been discussed over the last several years through the Plan the Possibilities process.

- 1) Expand the building on the existing site. While this can be done, the site is very tight and offsite parking would need to be acquired to meet the needs.
- 2) Relocate the library to the City Hall site. See the related discussion in Section I of this report. Sell the existing site to help pay for the new building.
- 3) Relocate the library to the Progress Point site. Sell the existing site to help pay for the new building. Its location next to the railroad tracks would not be ideal for a library.
- 4) Relocate library to some yet to be determined site and sell the existing site to help pay for the new building.
- 5) Leave the library as is and continue to make modifications as needed.

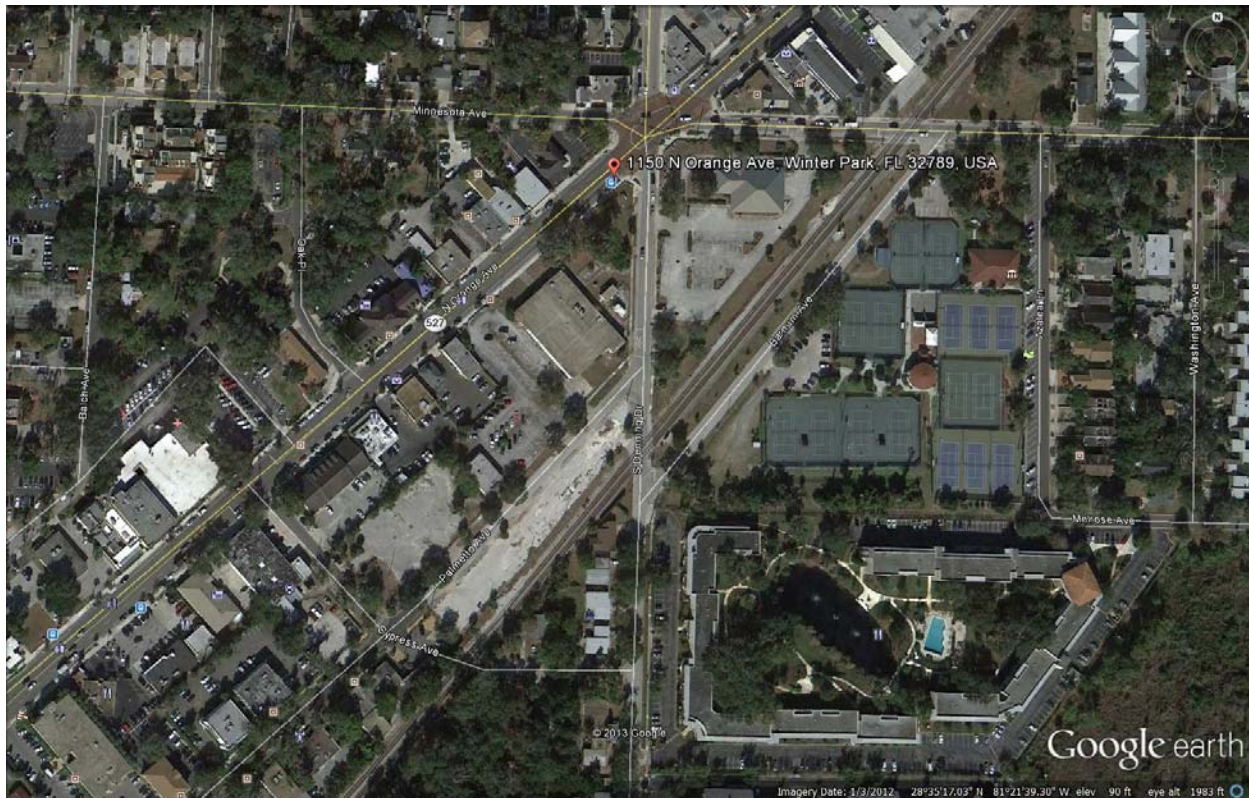
Staff Recommendation:

Staff recommends that we plan for a future municipal complex on the current City Hall site that includes a new City Hall, Library and public parking garage all to be built in the 2020 – 2025 timeframe. Seek buyers for the existing library site.

III

Progress Point

Location: 1150 North Orange Avenue, 1211 Palmetto Avenue, 1241 Palmetto Avenue, 1242 Palmetto Avenue, and 1210 Palmetto Avenue



Size: 3.76 acres

Buildings: 17,833 and 6,125 sq. ft.

Discussion: The city acquired the property in the state office building swap. The buildings on the property are in poor shape but could be rehabbed and used on a temporary basis.

The property has about 400 feet of frontage along Orange Avenue and about 215 feet of frontage along Denning Drive. The eastern part of the property is split by Palmetto Avenue. There has been talk about abandoning Palmetto Avenue or

shifting it to the east against the railroad right of way in order to maximize its value.

The property is zoned O-1 but could be rezoned to allow commercial retail along the Orange Avenue frontage or multi-family or assisted living in the rear.

The city has fielded several calls about the availability of the property for various uses.

On November 29, 2012 a joint workshop was held between P&Z and EDAB to discuss options for this property. A copy of the notes from that meeting is attached.

Options:

- 1) Designate the site as a future library site. Develop plans and go out to referendum to issue the bonds. If the referendum fails, put the site out to bid for other uses.
- 2) In connection to a library discussed in 1 above, the site could also house the back of house City Hall functions as discussed in Section I, Option 1 above.
- 3) If it is determined that there is not a municipal use for the property, develop a plan for disposal or long-term lease. There are two approaches to do this. The city could determine what it wants on the property and put out a bid seeking those interested in developing those uses. Or, the city could put out a bid for any type of development that fits within the code and take the offer deemed to be in the best interest of the city, however staff recommends determining what the city wants first.
- 4) Convert all or a portion of the property into park space.
- 5) Hold onto the property until its value rises.

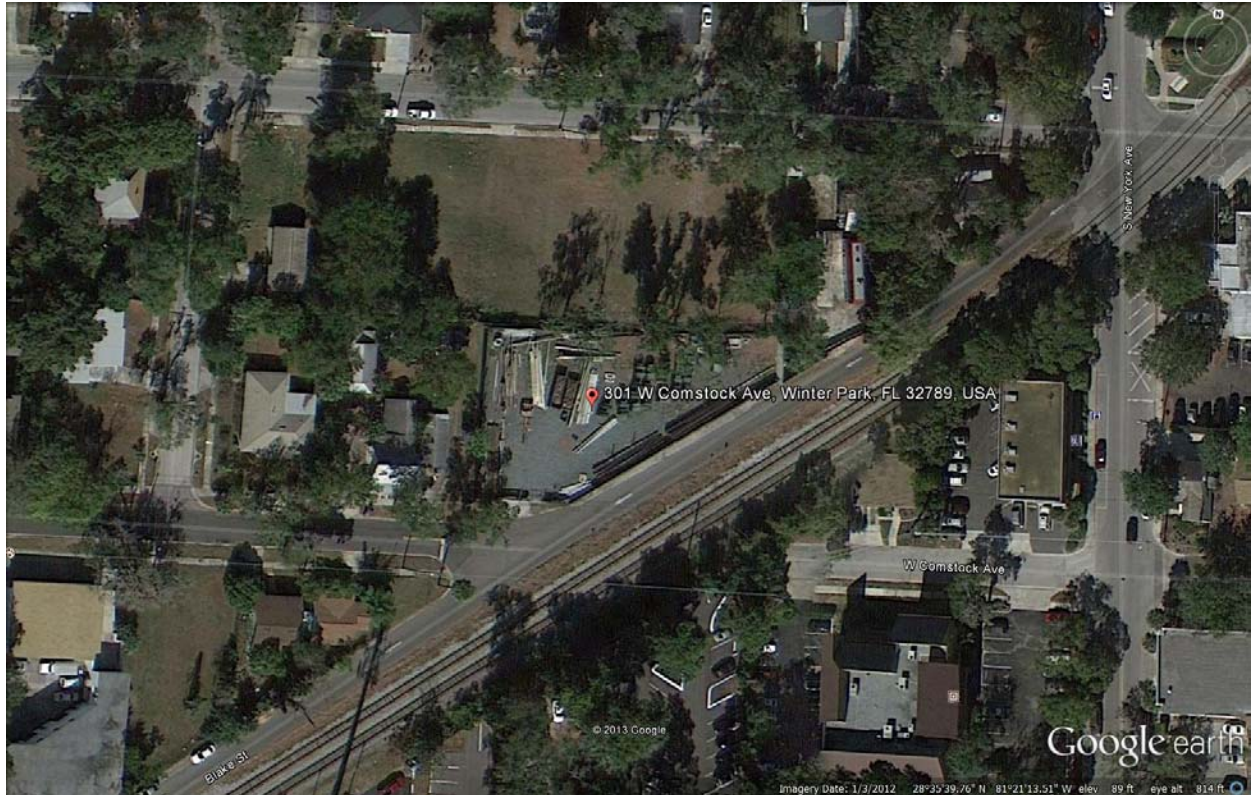
Staff Recommendation:

Staff recommends marketing the property to see what offers are out there. The City Commission should hold work sessions to discuss the timing, acceptable uses and whether or not to set a minimum acceptable price.

IV

Blake Yard

Location: Blake Avenue (301 West Comstock Avenue)



Size: 0.45 acres

Buildings: None

Discussion: This property's only access is off of Comstock and it runs adjacent to Blake Avenue which is a street located primarily on railroad right of way. The FDOT has plans to close access to Blake Avenue in connection with the Sun Rail project. With Sun Rail going by each day it would be nice for the property to be put to a more attractive use.

The city currently uses the property as an electric lay down yard (material storage).

The property is zoned PQP but is surrounded by residential property to the west and south.

The trade of this property has been discussed as partial compensation for a potential minor league baseball stadium site. Under this proposal the acquiring party wants to build residential townhouse units on the site.

Options:

- 1) Continue the current use.
- 2) Convert to a public parking lot to support the area businesses and Winter Park Farmers' Market.
- 3) Put the property up for sale.
- 4) Use as a neighborhood park.
- 5) Include this property as part of the compensation to acquire a minor league baseball site in Ravaudage.

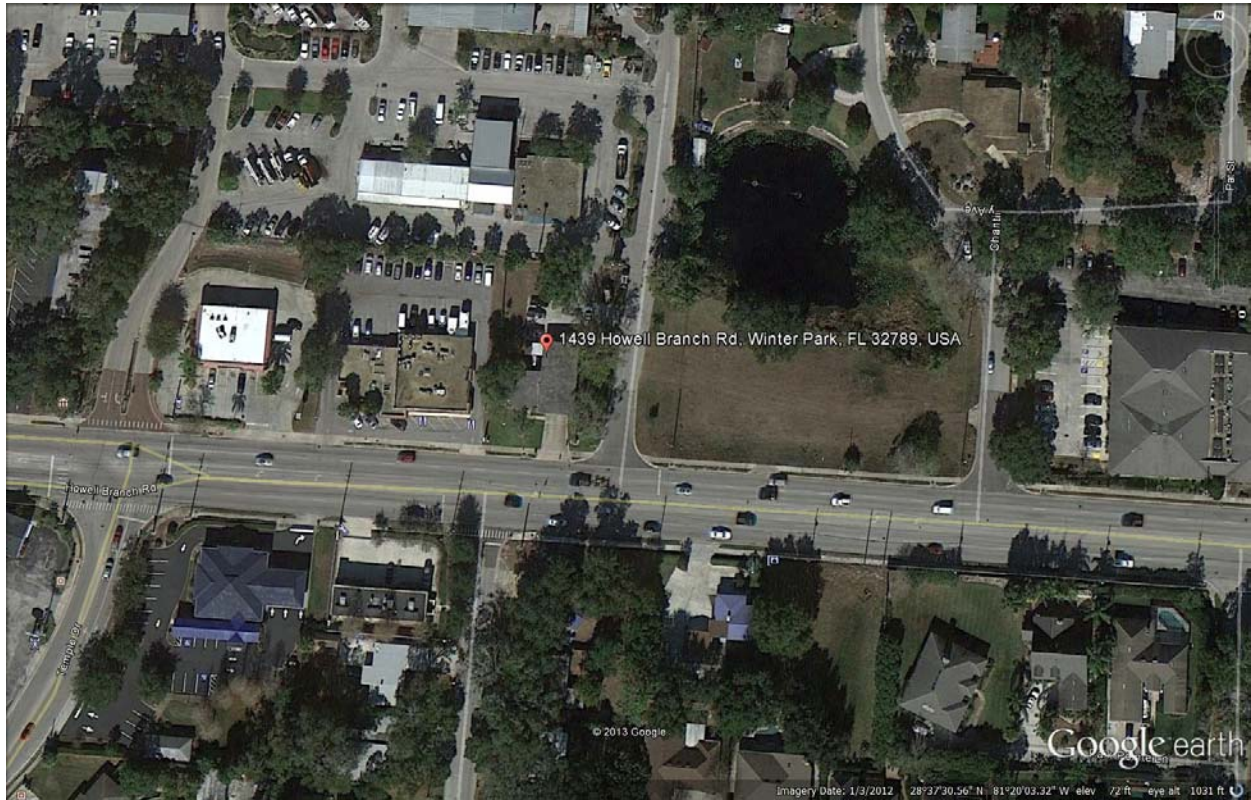
Staff Recommendation:

Staff recommends first exploring the potential trade of this property to help acquire the land for a minor league baseball stadium. If that does not come to fruition, staff recommends marketing the property.

V

Fire Station 64

Location: 1439 Howell Branch Road



Size: 0.34 acres

Buildings: One story 2688 sq. ft. built in 1968.

Discussion: This property is adjacent to the city's Central Compound. It was obtained from Orange County as the city annexed most of the unincorporated area it served. It is only sized to hold three employees and therefore only houses one fire truck and no rescue.

A modernized facility that could house at least five employees would better meet the city's needs.

The property is zoned C-1.

Options:

- 1) Continue the current use.
- 2) Explore a public private partnership in the area that would jointly house the fire station and a private use.
- 3) Budget for a replacement on the existing site in the five-year CIP.
- 4) Explore other locations in the area for a new station and sell the existing site for a commercial use.
- 5) Significant remodeling of the existing facility.

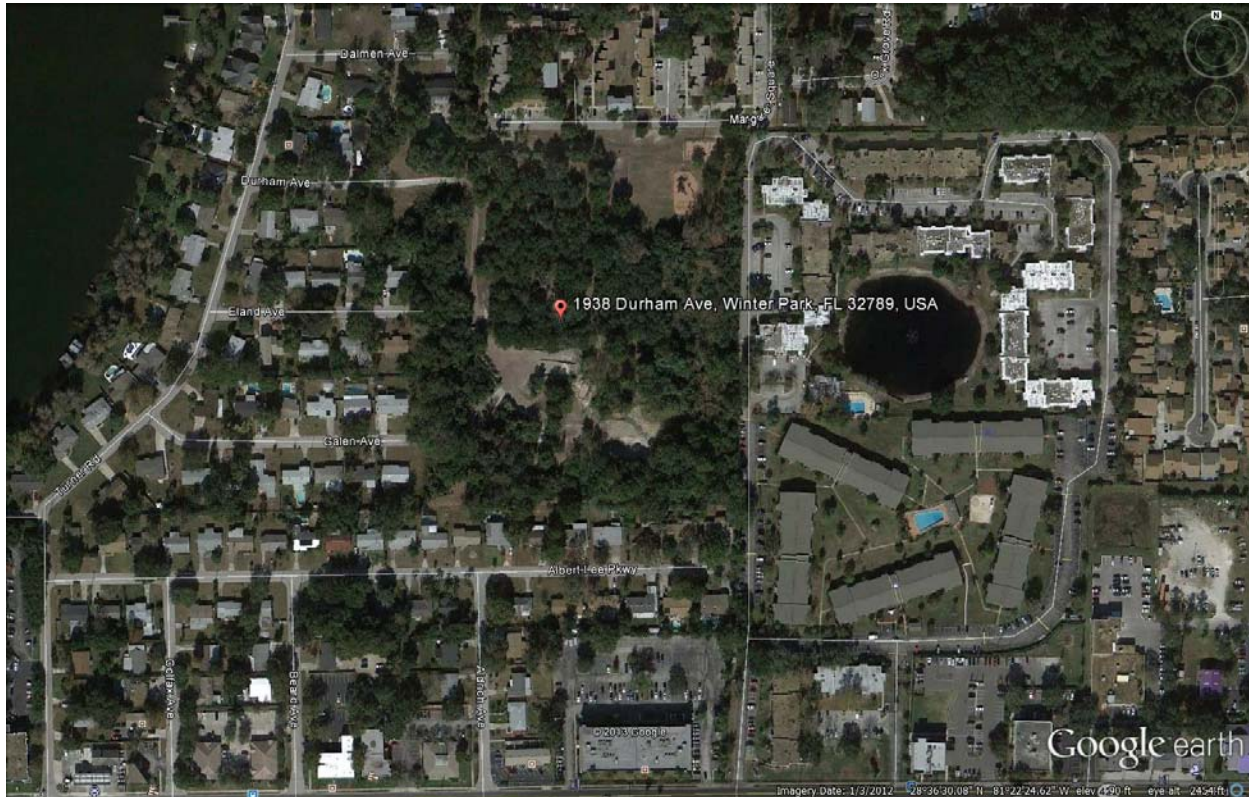
Staff Recommendation:

Staff recommends budgeting for the replacement or significant remodeling on the existing site in the five-year CIP.

VI

Northwest Sports Complex (former tree farm)

Location: 1938 Durham Avenue (north of Lee Road)



Size: 14.17 acres

Buildings: None

Discussion: Part of this property was once used as a tree farm until it became much more cost efficient to acquire trees from private nurseries. This property has been identified in the Parks Master Plan as a future sports complex. The development of the property into a sports complex is in year 2016 of the five-year CIP.

The property is surrounded by single family and multi-family residential on all sides. Its access is currently off of Durham Avenue. City staff has had discussions

with the Winter Park Housing Authority about opening an entrance along the side of the Meadows Apartments off of Monroe Avenue so that the entrance would not be in the middle of a residential neighborhood. The authority has approved that request.

The property is currently fenced and not open to the public.

The property is zoned R -1A.

Options:

- 1) Continue the current use as a natural area.
- 2) Continue with the current plan as approved in the five-year CIP.
- 3) Put the property up for sale for a residential use.

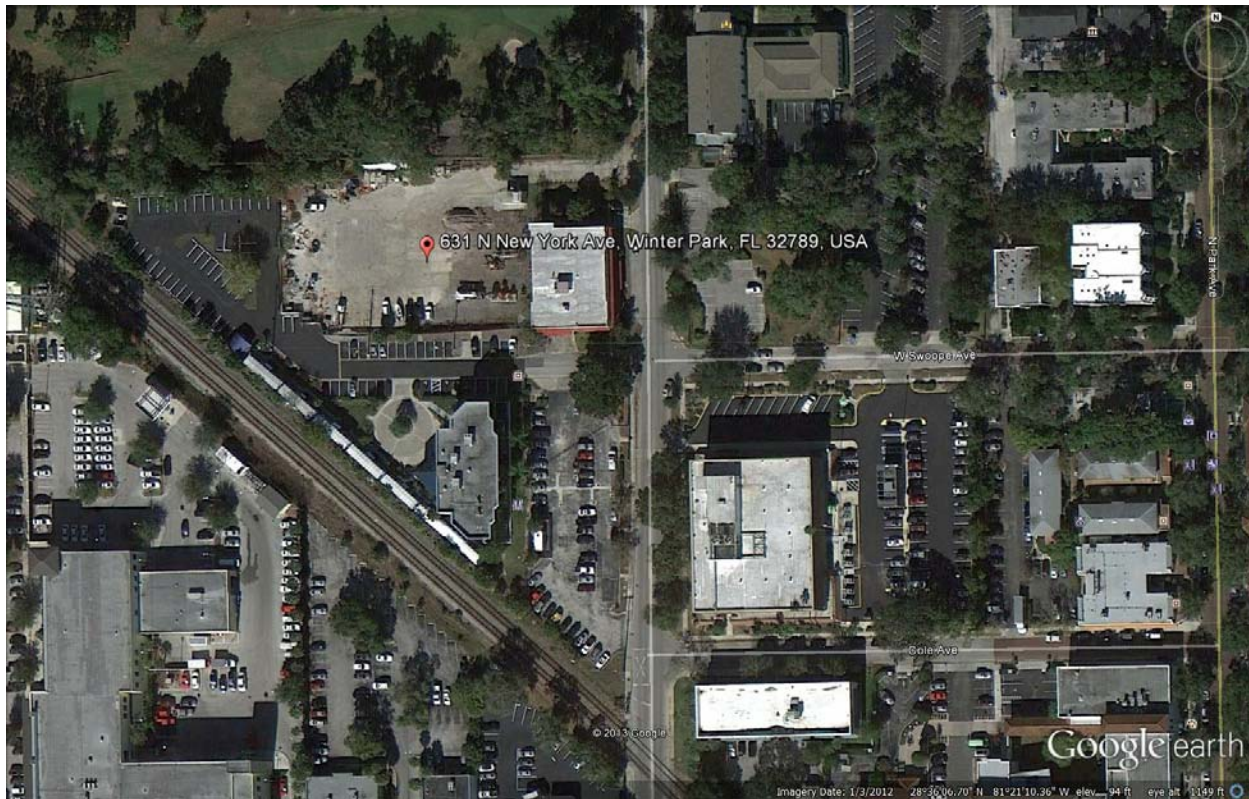
Staff Recommendation:

Continue with the current plan as approved in the five-year CIP.

VII

Old Swoope Water Plant Site

Location: 631 North New York Avenue



Size: 0.99 acres

Buildings: None

Discussion: This property used to be a water plant site. It was replaced by the water plant next to the Public Safety Building just west of the railroad tracks. A well still exist on the property that feeds the new Swoope plant. That well will put some restrictions on the future use but is located in a spot that will not affect the development very much.

The site is periodically being used for material storage for undergrounding projects but that can be done elsewhere.

The property is surrounded by an office building to the south and east, a parking lot and the railroad tracks to the west and the 7th hole of the golf course to the north. In the past there was discussion of moving the golf course pro shop to this location but now that it has been rebuilt at the Interlachen site that use is not needed.

The property is flag shaped and has very little visibility from New York Avenue.

The property is zoned PQP but could be rezoned for office or multi-family use.

Options:

- 1) Continue the current use until decisions are made on the future of City Hall and where the back of house offices would be.
- 2) Advertise a notice of intent to dispose of property and take proposals. It could potentially be an office building or multi-family site. The question is one of timing. It may make sense to hold the property until the market for office and multi-family improves.
- 3) Use the property as the future city hall back-of-house site discussed in Section I.

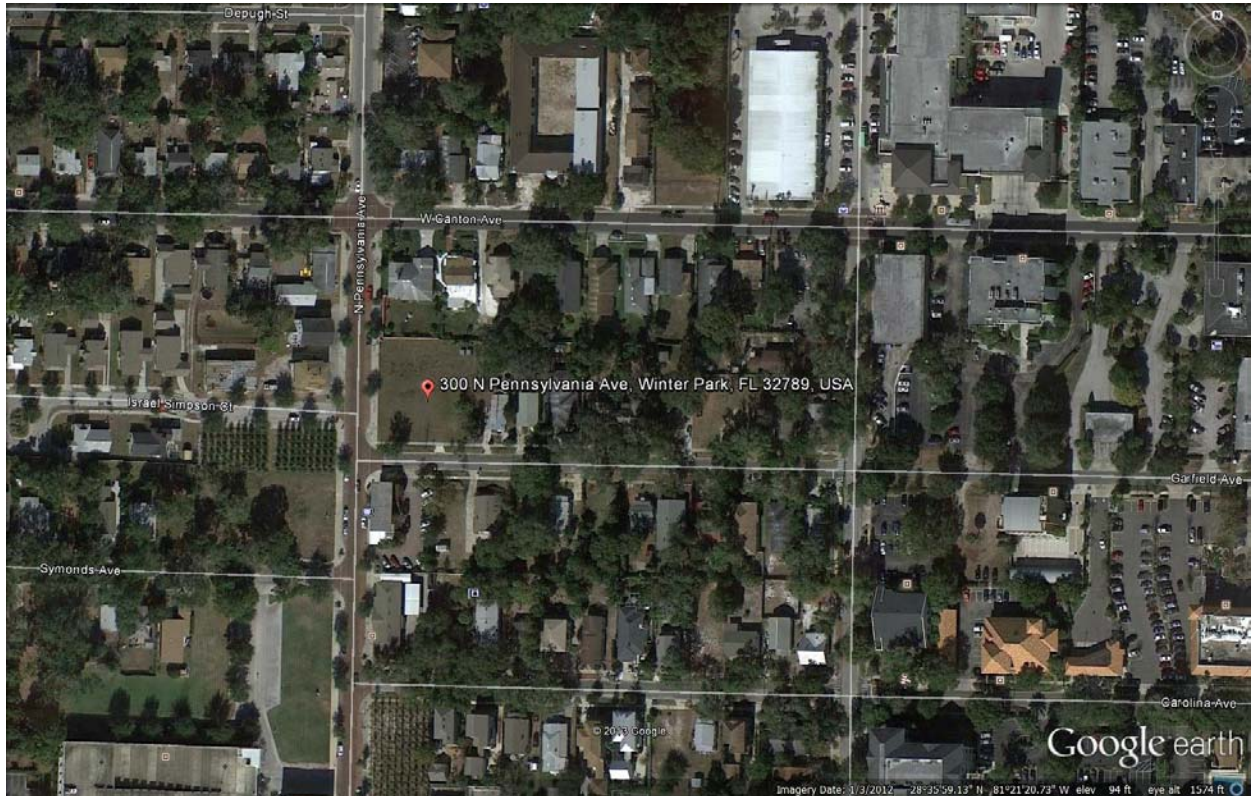
Staff Recommendation:

Hold the property until the market for office and/or multi-family improves and then advertise a notice of intent to dispose of property and take proposals.

VIII

Pennsylvania/Garfield

Location: 300 North Pennsylvania Avenue



Size: 0.42 acres

Buildings: None

Discussion: This property is currently vacant green space. It is partially zoned C-3 and partially zoned PL. The property is owned by the CRA.

The property is included in the properties committed to the Hannibal Square Community Land Trust (HSCLT) and at one time was going to be used as a business incubator property with the revenues providing ongoing support to the

HSCLT. That project was determined not to be feasible but the Memorandum of Understanding with the HSCLT was never revised to remove the property.

The HSCLT would still like to have the property for its use.

Options:

- 1) Give the HSCLT an opportunity to present its proposed use for the property to determine if that use is in the best interest of the city/CRA.
- 2) Advertise a notice of intent to dispose of property and take proposals.
- 3) Use the property as a park.

Staff Recommendation:

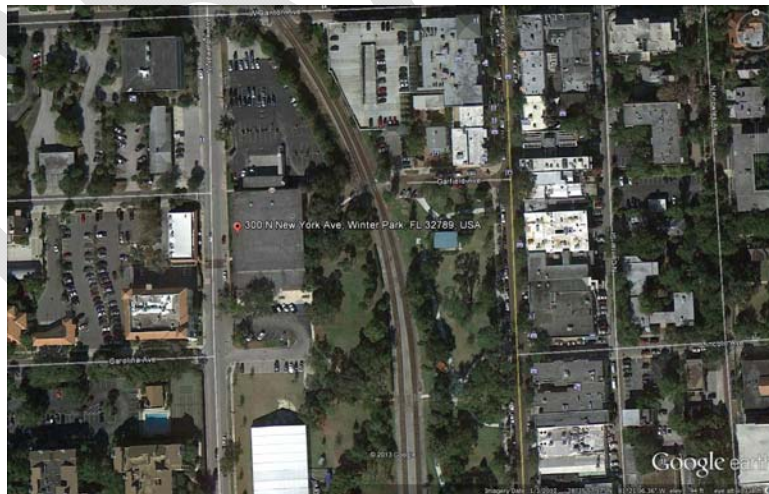
Advertise a notice of intent to dispose of property and take proposals. This would need to be done by the CRA. An appraisal should be obtained first to determine value.

IX

Potential Acquisitions

Important Disclaimers – The sites discussed below are owned by parties not affiliated with the city. None is currently listed for sale nor has Staff attempted to negotiate with any of the owners except as noted below. The inclusion on this list is not an indication that the city would make an offer if the property does become available for sale. The list is simply a planning list of properties that might make sense for some future municipal purpose. While the Orange County Property Appraiser (OCPA) appraised values are listed below it should not be construed as the market value or potential sales price for the properties. Just because a property is not on this list does not mean the city would not be interested in such property if it becomes available.

United States Post Office Site – 300 North New York Avenue



This two-acre site adjacent to Central Park has been identified by the City Commission as a potential site to expand the park and/or as a site for another municipal purpose. The city has sought a right of first refusal on

the property but to date that has not been accomplished. The city has been informed by the United States Postal Service that it would receive notice if the property becomes available for sale. The property is appraised by OCPA at \$3,198,104.

Property to the west of Public Safety Building - 501 North Virginia Avenue



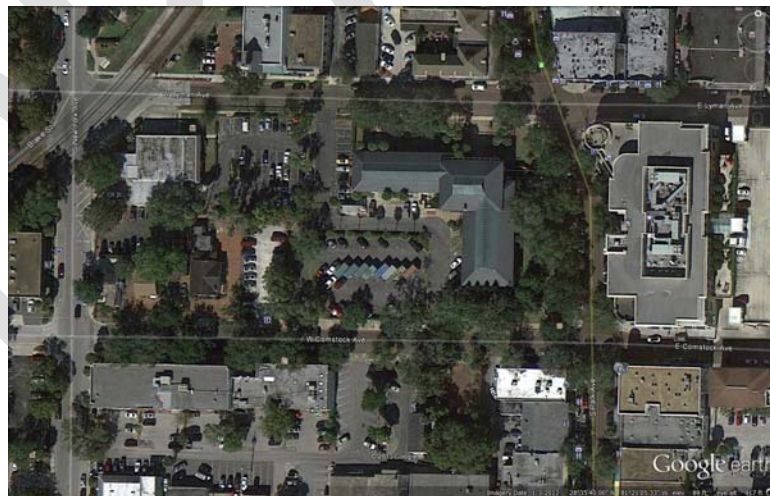
This 1.7 acre site is adjacent to the Public Safety Building and has been discussed as a logical location for some of the back of house City Hall functions, creating a municipal complex. It is currently owned by HWP Partners and appraised by OCPA at \$1,002,834.

First Church of Christ Science – 650 North New York Avenue



This 2.4 acre site is adjacent to the 8th hole of the municipal golf course. The site has been discussed as a potential location for the library should the city decide to move the library. It is currently owned by the First Church of Christ Science and appraised by OCPA at \$3,123,018.

Properties behind City Hall – 183 through 219 West Comstock Avenue



183 West Comstock Avenue – Owned by Immos Oviedo LC, and appraised by OCPA at \$255,420.

213 West Comstock Avenue – Owned by Leila Trisman and appraised by OCPA at \$347,187.

215 West Comstock Avenue – Owned by Leila Trisman and appraised by OCPA at \$72,217.

217 West Comstock Avenue – Owned by Leila Trismen and appraised by OCPA at \$84,310.

219 Wets Comstock Avenue – Owned by W. E. and Jimmie W. Winderweedle and appraised by OCPA at \$133,068.

The above combined 0.52 acres are the only parts of the block that City hall is on that the city does not own. If the city wants to rebuild City Hall and include either a new Library and/or a parking garage on the current City Hall site it would be beneficial to own the whole block. Staff has had talks with the representative of the Trisman properties indicating an interest in those properties should they become available but has not had any recent conversations with the other property owners.

Approximately six acres in the Ravaudage development.

City staff has held several discussions with representative from Rollins College, the owner of a minor league baseball team and the developer of Ravadauge about the potential of building a joint use baseball stadium on the Ravaudage site.

It is anticipated that a proposal will come to the city as part of the Ravaudage CDD discussion in the next few meetings.



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

MEMORANDUM

To: MAYOR AND COMMISSIONERS
RANDY KNIGHT, CITY MANAGER
MICHELLE DEL VALLE, ASSISTANT CITY MANAGER
JEFF BRIGGS, PLANNING DIRECTOR

FROM: DORI STONE, AICP, ECONOMIC DEVELOPMENT/CRA DIRECTOR

DATE: DECEMBER 11, 2012

SUBJECT: JOINT P&Z/EDAB WORK SESSION ON PROGRESS POINT SITE

A joint work session with the City's Planning and Zoning Board and the Economic Development Advisory Board was held on November 29, 2012. The purpose of the joint work session was to give both Boards the opportunity to discuss options and preferred uses on the City's Progress Point site. Both Boards have expressed a desire to be included in the early planning/disposition of the property since it was acquired in early 2012.

Staff has been fielding development options on the property since the acquisition in early 2012 and was seeking direction on the next steps prior to taking options to the City Commission.

Staff reviewed the current O-1 zoning and the Office future land use designation and what is permitted under these uses at this time. Staff also reviewed the three alternatives that were prepared as part of the swap as well as reviewing the possibilities that were designed as a potential PD-1 zoning and land use on the site.

Jeff Oris with Planning and Redevelopment Consultants, Inc. facilitated the discussion about the property and the various options available to the city. The discussion began with a review of potential public uses. These include:

- Library
- Post office
- City Administration
- Public Recreation (tennis)
- Educational
- Community Playhouse/Arts
- Permanent Farmer's Market
- Open Space/Park Mitigation

The private uses under consideration include:

- Commercial/Retail – design, mixed dining/retail, stand along restaurants
- Hotel
- Assisted Living
- Apartments
- Office
- Educational facilities
- Some type of joint public/private partnership

Uses that are not preferred are gas stations, stand - alone drug stores or any type of drive through food service.

Much of the discussion centers on the type of development pattern. All the Board members present felt that a pedestrian friendly development approach, with some type of a public thoroughfare or canopy would be beneficial to making Orange Avenue more walkable and tying it into the downtown area. Additionally, the option of more intensity with a parking structure was also discussed as well as a preference to two to three stories in height. The Board members also discussed the potential to realign Palmetto Avenue adjacent to the railroad tracks when development occurs to consolidate the properties. Keeping with the pedestrian theme, several board members felt that the project should encourage a sense of a public gathering place – providing a piazza of sorts along Orange Avenue.

The opportunity for a public/private joint development is also available on the site. Both Boards agreed that there are several policy issues that need to be addressed by the Commission:

- Keep the property until the market improves
- Decide if there is a public use of the property, or best to return it to a private use
- Decide when to sell the property
- If selling is the option, what process is used
- Should the city decide to sell, what should the development look like
 - The city should set the development standards
 - The city could rezone to a PD-1 designation as part of the terms
 - The city could require some public component of the deal, whether it's a use or a sense of place

Both Boards are interested in participating in further discussions regarding the redevelopment of the site, subject to a decision by the City Commission to either keep or sell the property.



city commission public hearing

item type	Public Hearing	meeting date	January 28, 2013
prepared by	Jeff Briggs	approved by	<input checked="" type="checkbox"/> City Manager
department	Planning Department		<input type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	5-0 final vote

Subject: **Second Reading** of the Rezoning of the rear portion of 835 W. Canton Avenue from R-1A to R-4.

In accordance with the Conditional use and Development Agreement approved by the City Commission on December 10, 2012 for the Atlantic Housing senior housing project, this is a request for the Comp. Plan and Zoning change from the existing single family designations (R-1A) to high density residential (R-4) for the small piece of the project to be used for the storm water retention area.

P&Z Board Recommendation:

Motion made by Mr. Krecicki, seconded by Mr. Sacha to approve the comprehensive plan amendment. Motion carried unanimously with a 5-0 vote. Mr. Slocum abstained.

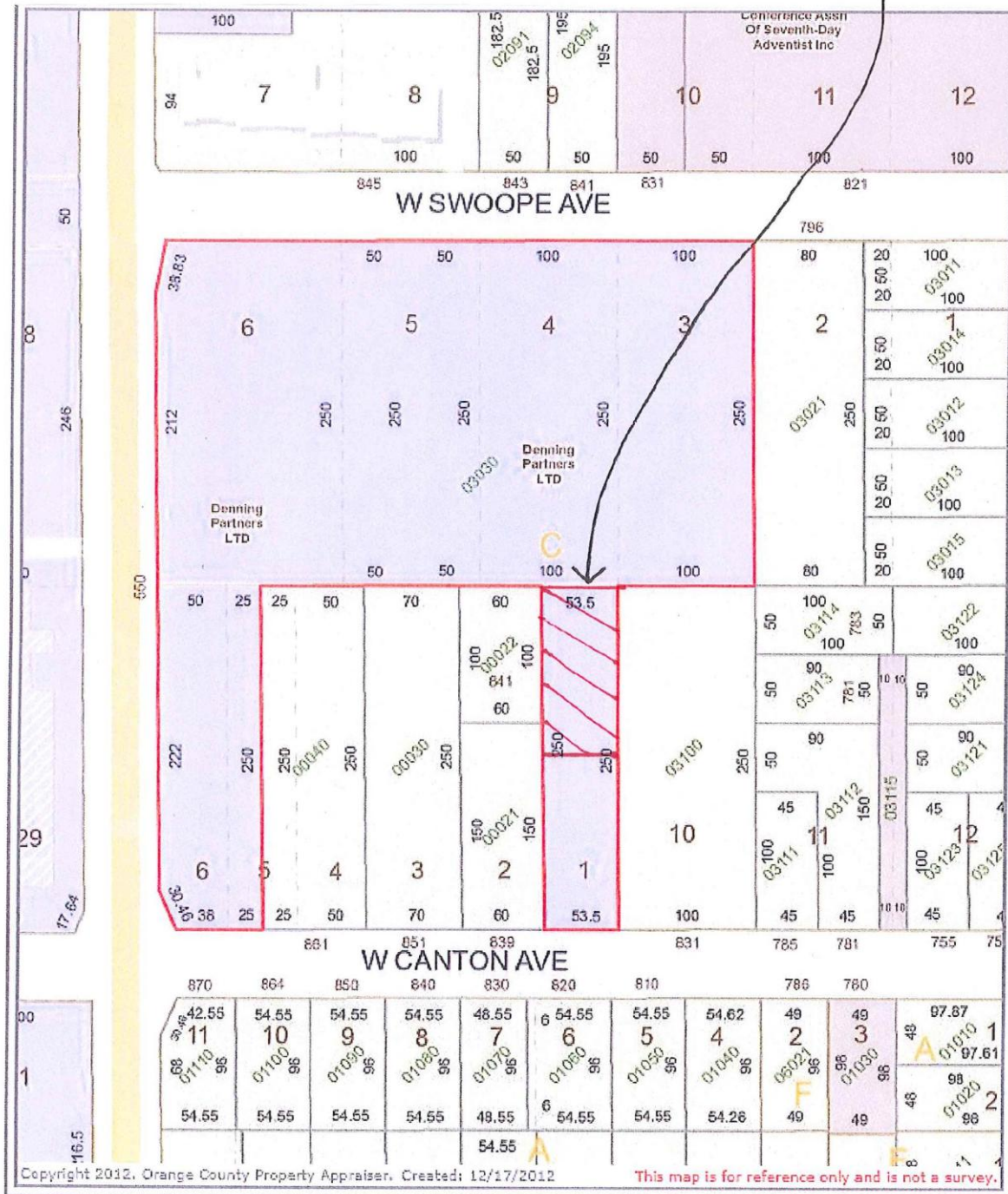
Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the zoning map amendment. Motion carried unanimously with a 5-0 vote. Mr. Slocum abstained.

Summary:

Last month, the City Commission approved the Conditional Use and Development Agreement for the Atlantic Housing development of 105 affordable senior housing units on the properties at 550 N. Denning and 861 W. Canton. Unfortunately, what was over-looked was the FLU and Zoning for the small piece of the project that will be used as the storm water retention area. During the City Commission public hearing it came to our attention that this small portion of the property (approximately 6,900 sq. ft.) is still zoned single family on the Official Zoning Map. This small parcel is a remnant of the property at 835 W. Canton Avenue that was consolidated into the 550 N. Denning Drive property. Atlantic Housing, the city staff and the seller believed that the zoning of this entire property (as indicted on the Orange County Property Appraiser's maps) was R-4. However, it is R-1A.

Both the 2006 Development Agreement and the newly approved 2012 Development Agreement grant the density from this small remnant parcel based on the R-4 entitlements. While Atlantic Housing LLLP may rely upon the approved CUP and 2012 Development Agreement, they are concerned that potential lenders and their attorneys may have concerns about this remnant R-1A zoning. So in order to remedy any confusion or concerns, the City volunteered to process a FLU amendment and rezoning to bring this into conformance with the parameters of the approved project. Thus, this agenda item to change the FLU and Zoning of this small parcel to R-4 to match the rest of the project's zoning.

Rear Portion of
835 W. Canton (North 127 feet)



Rear Portion of 835 W. Canton Avenue



Lowndes
Drosdick
Doster &
Kantor
Reed, P.A.

A T T O R N E Y S
A T L A W

M. REBECCA WILSON
DIRECT DIAL: 407-418-6250
North Eola Drive Office
POST OFFICE BOX 2809
ORLANDO, FLORIDA 32802-2809
rebecca.wilson@lowndes-law.com

 MERITAS LAW FIRMS WORLDWIDE

December 14, 2012

Mr. Jeff Briggs
Planning & Community Development Director
Winter Park Planning Dept.
401 Park Avenue South
Winter Park, FL 32789

Re: 550 N. Denning Avenue

Dear Jeff:

As you know this firm represents Atlantic Housing LLLP. As you also know the City has approved a CUP and Development Agreement for the development of 105 affordable senior housing units on the properties at 550 N. Denning and 861 W. Canton.

It came to our attention during the City Commission public hearing that a small portion of our property (approximately 6,900 sq. ft.) is still zoned single family on the Official Zoning Map. This small parcel is a remnant of the property at 835 W. Canton Avenue that was consolidated into the 550 N. Denning Drive property. Atlantic Housing, the city staff and the seller believed that the zoning of this entire property (as indicated on the Orange County Property Appraiser's maps) was R-4.

Both the 2006 Development Agreement and the newly approved 2012 Development Agreement grant the density from this small remnant parcel based on the R-4 entitlements. While Atlantic Housing LLLP may rely upon the approved CUP and 2012 Development Agreement, we are concerned that potential lenders and their attorneys may have concerns about this remnant zoning. We request that, accordingly, the City process an amendment and rezoning to bring this into conformance.

Very truly yours,



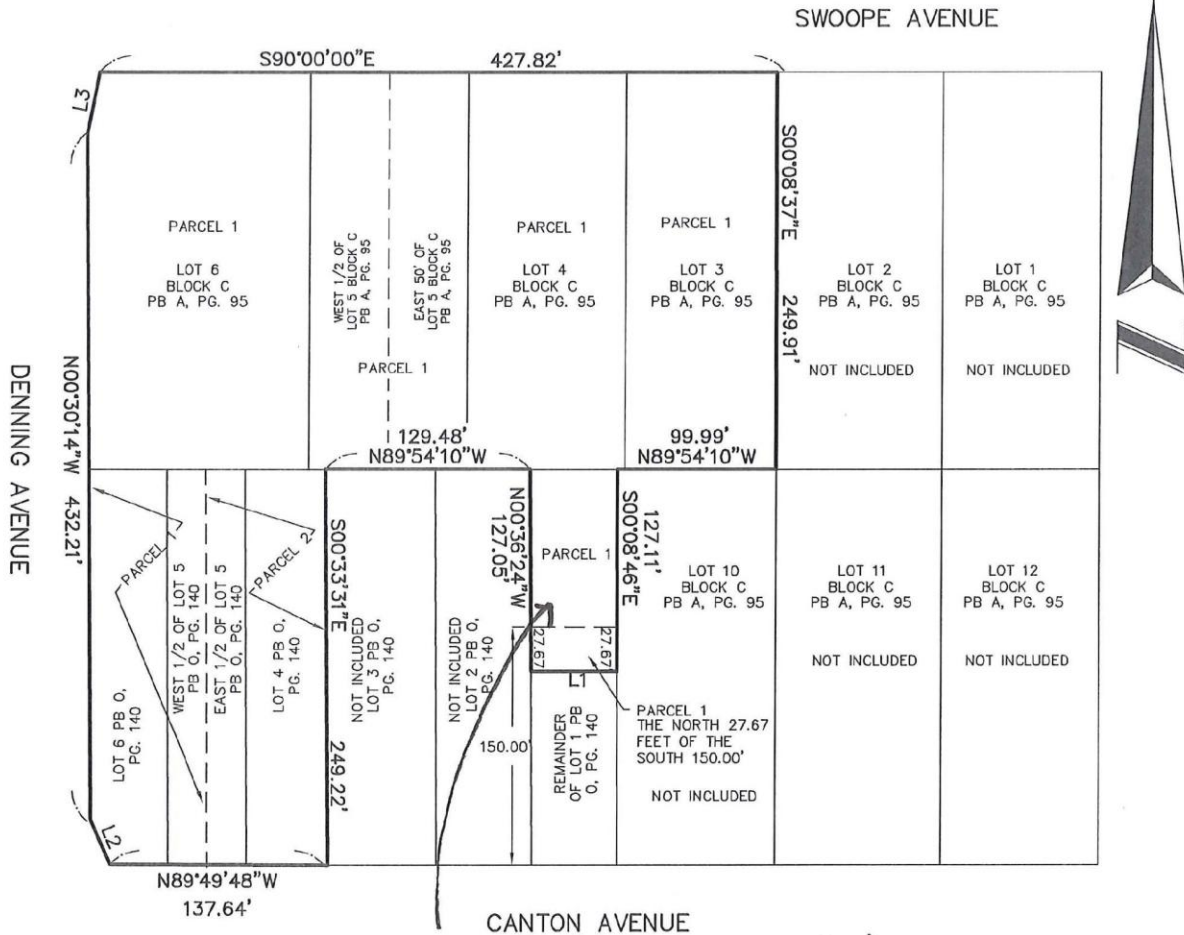
M. Rebecca Wilson

MRW/nle

*Atlantic Housing
Senior Apts.*

SKETCH OF DESCRIPTION

LINE TABLE		
LINE	LENGTH	BEARING
L1	54.36'	N89°49'48"W
L2	30.59'	N23°35'49"W
L3	38.76'	N11°24'20"E



Rear Portion of 835 W. Canton

SHEET 2 OF 2



213 S. Dillard Street, Suite 210
Winter Garden, Florida 34787 • (407) 654-5355

SURVEYOR'S NOTES:

- THIS IS NOT A SURVEY.
- THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- BEARINGS SHOWN HEREON ARE BASED ON WESTERLY RIGHT OF WAY LINE OF DENNING AVENUE AS HAVING AN ASSUMED BEARING OF NORTH 00°22'41" WEST.

JOB NO. 20120177

DATE: NOV. 15, 2012

SCALE: 1 INCH = 100 FEET

FIELD BY: N/A

CALCULATED BY: EGT

DRAWN BY: EGT

CHECKED BY: JLR

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA AMENDING CHAPTER 58, "LAND
DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE
PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE
FUTURE LAND USE DESIGNATION OF SINGLE FAMILY
RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE
REAR PORTION OF THE PROPERTY AT 835 WEST
CANTON AVENUE, MORE PARTICULARLY DESCRIBED
HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY
AND EFFECTIVE DATE.**

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

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

WHEREAS, the Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on January December 4, 2012, provided for participation by the public in the process and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on January 14, 2013 and January 28, 2013 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation of single family residential to high density residential on the rear portion of the property at 835 W. Canton Avenue, said property being more particularly described as follows:

The North 127 feet of Lot 1, Capens Addition Replat as recorded in Plat Book "O",
Page 140 of the Public Records of Orange County, Florida.

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

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

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

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ____ day of _____, 2013.

Attest:

Mayor

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE REAR PORTION OF THE PROPERTY AT 835 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Board and City Staff of the City of Winter Park have recommended approval of this Ordinance at their January 8, 2013 meeting; and

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

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

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map are hereby amended so as to change the existing zoning designation of single family (R-1A) district to multi-family (high-density R-4) district zoning on the rear portion of the property at 835 W. Canton Avenue, more particularly described as follows:

The North 127 feet of Lot 1, Capens Addition Replat as recorded in Plat Book "O",
Page 140 of the Public Records of Orange County, Florida.

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

SECTION 3. 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 _____.

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 _____, 2013.

Attest:

Mayor

City Clerk

REQUEST OF ATLANTIC HOUSING PARTNERS, LLLP TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS CHANGE THE EXISTING DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE REAR PORTION OF THE PROPERTY AT 835 WEST CANTON AVENUE.

REQUEST OF ATLANTIC HOUSING PARTNERS, LLLP TO: AMEND THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING DESIGNATION OF SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE REAR PORTION OF THE PROPERTY AT 835 WEST CANTON AVENUE.

Planning Director Jeffrey Briggs presented the staff report. He said that last month, the City Commission approved the Conditional Use and Development Agreement for the Atlantic Housing development of 105 affordable senior housing units on the properties at 550 N. Denning and 861 W. Canton. He stated that unfortunately, what was over-looked was the FLU and Zoning for the small piece of the project that will be used as the storm water retention area. During the City Commission public hearing it came to our attention that this small portion of the property (approximately 6,900 sq. ft.) is still zoned single family on the Official Zoning Map. This small parcel is a remnant of the property at 835 W. Canton Avenue that was consolidated into the 550 N. Denning Drive property. Atlantic Housing, the city staff and the seller believed that the zoning of this entire property (as indicated on the Orange County Property Appraiser's maps) was R-4. However, it is R-1A. Both the 2006 Development Agreement and the newly approved 2012 Development Agreement grant the density from this small remnant parcel based on the R-4 entitlements. While Atlantic Housing LLLP may rely upon the approved CUP and 2012 Development Agreement, they are concerned that potential lenders and their attorneys may have concerns about this remnant R-1A zoning. So in order to remedy any confusion or concerns, the City has volunteered to process a FLU amendment and rezoning to bring this into conformance with the parameters of the approved project. So, therefore, he said that this agenda item to change the FLU and Zoning of this small parcel to R-4 matches the rest of the project's zoning. Staff recommended approval. Mr. Briggs responded to Board member questions and concerns.

Rebecca Wilson, 215 North Eola Drive, Orlando, FL, represented the applicant. She said that they are in agreement with the comments in the staff report and the conditions of approval.

Lurline Fletcher, 790 Lyman Avenue, opposed increased density. No one else wished to speak concerning the request. Public Hearing closed.

Motion made by Mr. Krecicki, seconded by Mr. Sacha to approve the comprehensive plan amendment. Motion carried unanimously with a 5-0 vote. Mr. Slocum abstained.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the zoning map amendment. Motion carried unanimously with a 5-0 vote. Mr. Slocum abstained.

REQUEST OF THE CITY OF WINTER PARK TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH A SINGLE FAMILY RESIDENTIAL FUTURE LAND USE DESIGNATION TO THE ANNEXED PROPERTY AT 500 EAST LAKE SUE AVENUE.

REQUEST OF THE CITY OF WINTER PARK TO: AMEND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH SINGLE FAMILY (R-1AA) DISTRICT ZONING ON THE ANNEXED PROPERTY AT 500 EAST LAKE SUE AVENUE.

Planning Director Jeffrey Briggs presented the staff report. He explained that Mr. Jeff Faine is the recent purchaser of the vacant property at 500 E. Lake Sue Avenue. He has made a voluntary request for annexation and the City needs to establish a single family FLU designation on the Comprehensive Plan maps and single family (R-1AA) zoning on this property being annexed into the City. The property now has the same single family FLU and zoning in Orange County so there is no change. He noted that this property is part of the "Stonehurst Drive" enclave so the City is pleased to annex one more property. The owners will



city commission public hearing

item type	Public Hearing	meeting date	January 28, 2013
prepared by department division	Michelle del Valle City Management	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" 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

1. Ordinance amending City of Winter Park Police Officers' Pension Plan
2. Ordinance amending City of Winter Park Firefighters' Pension Plan

motion | recommendation

Approve both ordinances, separately, on second reading.

summary

In 2010 the City hired Foster and Foster to assist in the development of potential cost cutting options for both the Police and Fire pension programs. At the completion of the study, two measures were agreed upon by the City and were negotiated with the respective unions of each department. The Fire union agreed to the changes in their 2011-2013 contract and the changes were imposed as part of the Police union's 2011 contract and agreed upon in 2012.

While the changes were being negotiated with the unions, the City was also lobbying the State to change their interpretation of the law on the use of insurance premium tax revenues. The administrative ruling was reversed in August 2012. Until this reversal was recognized, it would have been cost prohibitive for the City to implement the modifications.

The two modifications are as follows:

1. Members contributions are not credited with interest (previously 5%, compounded annually)
2. Members who retire on or after Early or Normal Retirement Date (including DROPs) are entitled to COLA at age 60 (previously it was all members); Vested termination benefits are deferred to age 55 (previously 55 or 20 years of service)

Cost savings are as follows:

- Winter Park Police Officers' Pension – FY 13 1.8% of covered payroll or \$77,537
- Winter Park Firefighters' Pension - FY 13 2.5% of covered payroll or \$106,199
- Total savings in current FY - \$183,736

board comments

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK POLICE OFFICERS' PENSION PLAN; AMENDING SECTION 74-201, DEFINITIONS; AMENDING SECTION 74-206, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 74-209, VESTING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park Police Officers are presently provided pension and certain other benefits under Ordinances of the City of Winter Park; and

WHEREAS, the City and Teamsters (Local 385) entered into a collective bargaining agreement providing for certain changes to the Police Officers' Pension Plan; and

WHEREAS, to implement the pension changes contained in the collective bargaining agreement it is necessary to amend the Police Officers' Pension Plan.

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

SECTION 1: Section 74-201 of Chapter 74, of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-201. – Definitions.

1. As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

Accumulated contributions means a Member's own contributions with interest at the rate of five percent (5%) per annum through the effective date of this ordinance. Effective on and after the effective date of this ordinance, accumulated contributions means a Member's own contributions to the System, without interest. For those Members who purchase Credited Service with interest or at no cost to the System, any payment representing the amount attributable to Member contributions based on the applicable Member contribution rate, and any payment representing interest and any required actuarially calculated payments for the purchase of such Credited Service, shall be included in Accumulated Contributions.

SECTION 2: Section 74-206 of Chapter 74, of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-206. - Benefit amounts and eligibility.

1. *Normal Retirement Date.* A Member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age fifty-five (55) and the completion of ten (10) years of Credited Service or the completion of twenty (20) years of Credited Service, regardless of age. A Member may retire on his normal retirement date or on the first day of any month thereafter, and each Member shall become one hundred percent (100%) vested in his accrued benefit on the Member's normal retirement date. Normal retirement under the System is Retirement from employment with the City on or after the normal retirement date.

2. *Normal Retirement Benefit.* A Member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his Retirement and be continued thereafter during Member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. The monthly retirement benefits shall equal three percent (3%) of Average Final Compensation, for each year of Credited Service.

3. *Early Retirement Date.* A Member may retire on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age fifty (50) and the completion of ten (10) years of Credited Service. Early retirement under the System is Retirement from employment with the City on or after the early retirement date and prior to the normal retirement date.

4. *Early Retirement Benefit.* A Member retiring hereunder on his early retirement date may receive either a deferred or an immediate monthly retirement benefit payable in the same form as for normal retirement as follows:

A. A deferred monthly retirement benefit which shall commence on what would have been his normal retirement date had he continued employment as a Police Officer and shall be continued on the first day of each month thereafter. The amount of each such deferred monthly retirement benefit shall be determined in the same manner as for retirement on his normal retirement date, except that Credited Service and Average Final Compensation shall be determined as of his early retirement date; or

B. An immediate monthly retirement benefit which shall commence on his early retirement date and shall be continued on the first day of each month thereafter. The benefit payable shall be as determined in paragraph A above, reduced by three percent (3%) for each year by which the commencement of benefits precedes the normal retirement date.

C. Notwithstanding any other provision of this section 74-206, retirement benefits of Members with at least ten (10) years of Credited Service who terminate employment with the City for any reason, voluntary or involuntary, on or after the effective date of this ordinance and prior to attaining eligibility for early or normal retirement, are not payable until the Member attains age fifty-five (55).

5. *Cost-of-Living Adjustment.*

A. This subsection shall apply to ~~those Members who are eligible for normal or early retirement and who retire~~ retiring on or after October 1, 2002, or those persons who are vested and terminate their employment on or after that date. Beginning on the first day of the month following the date on which a Retiree reaches age sixty (60), and annually on the same date in each subsequent year, the monthly benefit of each Retiree, Beneficiary, joint annuitant or terminated vested person who retires or otherwise terminates employment on or after the effective date of the ordinance adopting this subsection, shall be increased by three percent (3%). Beneficiaries and joint annuitants of deceased Retirees shall receive adjustments as provided for herein based on the age of the deceased Retiree.

B. Beginning October 1, 2003 and on each subsequent October 1st, the benefit recipients described in A. above shall, after receiving their first benefit increase on the first day of the month following their sixtieth birthday, receive their three percent (3%) annual adjustment on each October 1st thereafter. The October 1, 2003 increase for those currently receiving benefits, and the first October 1st following the sixtieth birthday increase, for those who begin benefits after October 1, 2003, shall be prorated according to the number of months since the immediately preceding increase was received.

C. Notwithstanding any other provision of this subsection 5, Members who terminate City employment on or after the effective date of this ordinance for any reason, voluntary or involuntary, prior to attaining eligibility for normal or early retirement, shall not be eligible for a cost of living adjustment pursuant to this subsection.

6. *Required Distribution Date.* The Member's benefit under this Section must begin to be distributed to the Member no later than April 1 of the calendar year following the later of the calendar year in which the Member attains age seventy and one-half (70½) or the calendar year in which the Member terminates employment with the City

SECTION 3: Section 74-209 of Chapter 74 of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-209. - Vesting

If a Member terminates his employment as a Police Officer, either voluntarily or by discharge, and is not eligible for any other benefits under this System, the Board shall be entitled to the following:

1. If the Member has less than ten (10) years of Credited Service upon termination, the Member shall be entitled to a refund of his Accumulated Contributions or the Member may leave it deposited with the Fund.

2. If the Member has ten (10) or more years of Credited Service upon termination, the Member shall be entitled to a monthly retirement benefit, determined in the same manner as for early or normal retirement and based upon the Member's Credited

Service, Average Final Compensation and the benefit accrual rate as of the date of termination, payable to him commencing at the Member's otherwise early or normal retirement date, determined as if he had remained employed, provided he does not elect to withdraw his Accumulated Contributions and provided the Member survives to his otherwise early or normal retirement date. If the Member does not withdraw his Accumulated Contributions and does not survive to his otherwise early or normal retirement date, his designated Beneficiary shall be entitled to a benefit as provided herein for a deceased Member, who has ten (10) or more years of Credited Service and who dies from a condition that was not-in-line of duty as provided under Pre-Retirement Death.

3. Notwithstanding any other provision of this section 74-209, retirement benefits of Members with at least ten (10) years of Credited Service who terminate City employment on or after the effective date of this ordinance for any reason, voluntary or involuntary, prior to attaining eligibility for early or normal retirement, are not payable until the Member attains age fifty-five (55).

SECTION 4: If any provision of this Ordinance or the application thereof is held invalid such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 5: All other ordinances of the City of Winter Park, Florida or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 6: This Ordinance shall be codified in the Code of Ordinances of the City of Winter Park, Florida.

SECTION 7: This Ordinance shall become effective upon its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held at City Hall, Winter Park, Florida on the ____ day of _____, 2013.

Mayor Kenneth W. Bradley

Attest: _____
Cynthia S. Bonham, City Clerk

December 31, 2012

Mr. Randy Knight
City Manager
City of Winter park
401 Park Avenue South
Winter Park, Florida 32789-4286

**Re: Winter Park Police Officers' Retirement System
Actuarial Impact Statement**

Dear Randy:

As requested, we are pleased to enclose three (3) copies of the Actuarial Impact Statement for filing the proposed Ordinance (copy attached) under the Winter Park Police Officers' Retirement System (System) with the State of Florida.

Background – Under the current System:

- Member contributions are credited with interest at the rate of 5%, compounded annually.
- All Members are entitled to a 3% annual cost of living adjustment (COLA) beginning at age 60.
- Vested termination benefits are deferred to the earlier of age 55 or the date the Member would have completed 20 years of service.

Proposed Ordinance – Under the proposed Ordinance:

- Member contributions are not credited with interest.
- Members who retire on or after Early or Normal Retirement Date (including DROPs) are solely entitled to a 3% annual COLA beginning at age 60.
- Vested termination benefits are deferred to age 55.

Results – Based upon the results of our Actuarial Impact Statement, the proposed benefit provisions decrease the minimum required City contribution for fiscal year ending September 30, 2012 by **1.8% of covered payroll (\$77,537)**. The figure in parentheses is the System cost expressed as a dollar amount based on projected covered annual payroll (\$4,307,624).

Filing Requirements - We have prepared the Actuarial Impact Statement for filing with the State of Florida. Please note that this Statement must be signed and dated on behalf of the

Retirement Committee. Copies of the proposed Ordinance upon passage at first reading along with the signed and dated Actuarial Impact Statement should be filed with the State at the following addresses:

Mr. Douglas E. Beckendorf, A.S.A.	Ms. Patricia Shoemaker
Bureau of Local Retirement Services	Office of Municipal Police Officers'
Division of Retirement	& Firefighters' Pension Fund
Building 8	Building 8
Post Office Box 9000	Post Office Box 3010
Tallahassee, Florida 32315-9000	Tallahassee, Florida 32315-3010

We understand the State requires funding no later than the fiscal year next following the effective date of the increases in benefits provided under the Ordinance. Please forward a copy of the Ordinance upon passage at second reading to update our files.

Actuarial Assumptions and Methods, Financial Data, Member Census Data and System Provisions – The actuarial assumptions and methods, financial data and Member census data utilized in this Actuarial Impact Statement are the same actuarial assumptions and methods, financial data and Member census data utilized in the October 1, 2011 Actuarial Valuation.

The System provisions considered in this Actuarial Impact Statement are the same System provisions considered in the October 1, 2011 Actuarial Valuation as modified above.

This Actuarial Impact Statement is intended to describe the estimated future financial effects of the proposed benefit changes on the System and is not intended as a recommendation in favor of the change nor in opposition to the change.

These calculations are based upon assumptions regarding future events. However, the System's long term costs will be determined by actual future events, which may differ materially from the assumptions made. These calculations are also based upon present and proposed System provisions that are outlined or referenced in this Actuarial Impact Statement.

If you have reason to believe the assumptions used are unreasonable, the System provisions are incorrectly described or referenced, important System provisions relevant to this proposed Actuarial Impact Statement are not described or that conditions have changed since the calculations were made, you should contact the undersigned prior to relying on information in this Actuarial Impact Statement.

If you have reason to believe that the information provided in this Actuarial Impact Statement is inaccurate, or is in any way incomplete, or if you need further information in order to make an informed decision on the subject matter of this report, please contact the undersigned prior to making such decision.

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: System experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the System's funded status); and changes in System provisions or applicable law. Due to the limited scope of the actuary's assignment, the actuary did not perform an analysis of the potential range of such future measurements.

This report should not be relied on for any purpose other than the purpose described in the primary communication. Determinations of the financial results associated with the benefits described in this report in a manner other than the intended purpose may produce significantly different results.

This report has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge the information contained in this report is accurate and fairly presents the actuarial position of the System as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and practices, with the Actuarial Standards of Practice issued by the Actuarial Standards Board and with applicable statutes.

The signing actuaries are independent of the System sponsor.

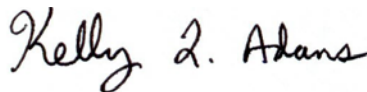
The undersigned are Members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

If you should have any question concerning the above or if we may be of further assistance with this matter, please do not hesitate to contact us.

Sincerest regards,



Lawrence F. Wilson, A.S.A.
Senior Consultant and Actuary



Kelly L. Adams, A.S.A.
Consultant and Actuary

Enclosures

cc: Mr. Jeff Templeton

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK POLICE OFFICERS' PENSION PLAN; AMENDING SECTION 74-201, DEFINITIONS; AMENDING SECTION 74-206, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 74-209, VESTING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park Police Officers are presently provided pension and certain other benefits under Ordinances of the City of Winter Park; and

WHEREAS, the City and Teamsters (Local 385) entered into a collective bargaining agreement providing for certain changes to the Police Officers' Pension Plan; and

WHEREAS, to implement the pension changes contained in the collective bargaining agreement it is necessary to amend the Police Officers' Pension Plan.

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

SECTION 1: Section 74-201 of Chapter 74, of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-201. – Definitions.

1. As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

Accumulated contributions means a Member's own contributions with interest at the rate of five percent (5%) per annum through the effective date of this ordinance. Effective on and after the effective date of this ordinance, accumulated contributions means a Member's own contributions to the System, without interest. For those Members who purchase Credited Service with interest or at no cost to the System, any payment representing the amount attributable to Member contributions based on the applicable Member contribution rate, and any payment representing interest and any required actuarially calculated payments for the purchase of such Credited Service, shall be included in Accumulated Contributions.

* * *

SECTION 2: Section 74-206 of Chapter 74, of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-206. - Benefit amounts and eligibility.

1. *Normal Retirement Date.* A Member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age fifty-five (55) and the completion of ten (10) years of Credited Service or the completion of twenty (20) years of Credited Service, regardless of age. A Member may retire on his normal retirement date or on the first day of any month thereafter, and each Member shall become one hundred percent (100%) vested in his accrued benefit on the Member's normal retirement date. Normal retirement under the System is Retirement from employment with the City on or after the normal retirement date.

2. *Normal Retirement Benefit.* A Member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his Retirement and be continued thereafter during Member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. The monthly retirement benefits shall equal three percent (3%) of Average Final Compensation, for each year of Credited Service.

3. *Early Retirement Date.* A Member may retire on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age fifty (50) and the completion of ten (10) years of Credited Service. Early retirement under the System is Retirement from employment with the City on or after the early retirement date and prior to the normal retirement date.

4. *Early Retirement Benefit.* A Member retiring hereunder on his early retirement date may receive either a deferred or an immediate monthly retirement benefit payable in the same form as for normal retirement as follows:

A. A deferred monthly retirement benefit which shall commence on what would have been his normal retirement date had he continued employment as a Police Officer and shall be continued on the first day of each month thereafter. The amount of each such deferred monthly retirement benefit shall be determined in the same manner as for retirement on his normal retirement date, except that Credited Service and Average Final Compensation shall be determined as of his early retirement date; or

B. An immediate monthly retirement benefit which shall commence on his early retirement date and shall be continued on the first day of each month thereafter. The benefit payable shall be as determined in paragraph A above, reduced by three percent (3%) for each year by which the commencement of benefits precedes the normal retirement date.

C. Notwithstanding any other provision of this section 74-206, retirement benefits of Members with at least ten (10) years of Credited Service who terminate employment with the City for any reason, voluntary or involuntary, on or after the effective date of this ordinance and prior to attaining eligibility for early or normal retirement, are not payable until the Member attains age fifty-five (55).

5. *Cost-of-Living Adjustment.*

A. ~~This subsection shall apply to those Members who are eligible for normal or early retirement and who retire retiring on or after October 1, 2002, or those persons who are vested and terminate their employment on or after that date.~~ Beginning on the first day of the month following the date on which a Retiree reaches age sixty (60), and annually on the same date in each subsequent year, the monthly benefit of each Retiree, Beneficiary, joint annuitant or terminated vested person who retires or otherwise terminates employment on or after the effective date of the ordinance adopting this subsection, shall be increased by three percent (3%). Beneficiaries and joint annuitants of deceased Retirees shall receive adjustments as provided for herein based on the age of the deceased Retiree.

B. Beginning October 1, 2003 and on each subsequent October 1st, the benefit recipients described in A. above shall, after receiving their first benefit increase on the first day of the month following their sixtieth birthday, receive their three percent (3%) annual adjustment on each October 1st thereafter. The October 1, 2003 increase for those currently receiving benefits, and the first October 1st following the sixtieth birthday increase, for those who begin benefits after October 1, 2003, shall be prorated according to the number of months since the immediately preceding increase was received.

C. Notwithstanding any other provision of this subsection 5, Members who terminate City employment on or after the effective date of this ordinance for any reason, voluntary or involuntary, prior to attaining eligibility for normal or early retirement, shall not be eligible for a cost of living adjustment pursuant to this subsection.

6. *Required Distribution Date.* The Member's benefit under this Section must begin to be distributed to the Member no later than April 1 of the calendar year following the later of the calendar year in which the Member attains age seventy and one-half (70½) or the calendar year in which the Member terminates employment with the City

SECTION 3: Section 74-209 of Chapter 74 of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-209. - Vesting

If a Member terminates his employment as a Police Officer, either voluntarily or by discharge, and is not eligible for any other benefits under this System, the Board shall be entitled to the following:

1. If the Member has less than ten (10) years of Credited Service upon termination, the Member shall be entitled to a refund of his Accumulated Contributions or the Member may leave it deposited with the Fund.

2. If the Member has ten (10) or more years of Credited Service upon termination, the Member shall be entitled to a monthly retirement benefit, determined in the same manner as for early or normal retirement and based upon the Member's Credited

Service, Average Final Compensation and the benefit accrual rate as of the date of termination, payable to him commencing at the Member's otherwise early or normal retirement date, determined as if he had remained employed, provided he does not elect to withdraw his Accumulated Contributions and provided the Member survives to his otherwise early or normal retirement date. If the Member does not withdraw his Accumulated Contributions and does not survive to his otherwise early or normal retirement date, his designated Beneficiary shall be entitled to a benefit as provided herein for a deceased Member, who has ten (10) or more years of Credited Service and who dies from a condition that was not-in-line of duty as provided under Pre-Retirement Death.

3. Notwithstanding any other provision of this section 74-209, retirement benefits of Members with at least ten (10) years of Credited Service who terminate City employment on or after the effective date of this ordinance for any reason, voluntary or involuntary, prior to attaining eligibility for early or normal retirement, are not payable until the Member attains age fifty-five (55).

SECTION 4: If any provision of this Ordinance or the application thereof is held invalid such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 5: All other ordinances of the City of Winter Park, Florida or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 6: This Ordinance shall be codified in the Code of Ordinances of the City of Winter Park, Florida.

SECTION 7: This Ordinance shall become effective upon its adoption.

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

Mayor

Attest: _____
City Clerk

**City of Winter Park
Police Officers' Retirement System**

Actuarial Impact Statement as of October 1, 2011

A. Description of Proposed Amendment

Member contributions will not be credited with interest.

Only Members who retire on or after Early or Normal Retirement Date (including DROPs) shall be entitled to a 3% annual COLA on benefit payments beginning at age 60.

Termination benefits will be payable at age 55.

C. In my opinion, the proposed changes are in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the State Constitution.

Chairman, Retirement Committee

Date

**City of Winter Park
Police Officers' Retirement System**

Actuarial Impact Statement as of October 1, 2011

	<u>Actuarial Valuation</u>	<u>Proposed Ordinance</u>
A. <u>Participant Data</u>		
1. Active participants	71	71
2. Retired participants and beneficiaries receiving benefits (including DROPs)	63	63
3. Disabled participants receiving benefits	3	3
4. Terminated vested participants	2	2
5. Annual payroll of active participants	\$ 4,260,756	\$ 4,260,756
6. Expected payroll of active participants for the following year	\$ 4,307,624	\$ 4,307,624
7. Annual benefits payable to those currently receiving benefits including DROPs	\$ 2,296,968	\$ 2,296,968
B. <u>Assets</u>		
1. Actuarial Value of Assets	\$ 32,609,103	\$ 32,609,103
2. Market Value of Assets	\$ 29,995,236	\$ 29,995,236
C. <u>Liabilities</u>		
1. Actuarial present value of future expected benefit payments for active members		
a. Retirement benefits	\$ 21,616,296	\$ 21,616,296
b. Vesting benefits	1,243,400	658,864
c. Death benefits	201,752	180,657
d. Disability benefits	451,697	422,607
e. Total	\$ 23,513,145	\$ 22,878,424
2. Actuarial present value of future expected benefit payments for terminated vested members	\$ 393,639	\$ 393,639
3. Actuarial present value of future expected benefit payments for those currently receiving benefits		
a. Service retired including DROP participants	\$ 27,157,701	\$ 27,157,701
b. Disability retired	541,865	541,865
c. Beneficiaries	1,160,589	1,160,589
d. Miscellaneous (refunds in process)	0	0
e. Total	\$ 28,860,155	\$ 28,860,155
4. Total actuarial present value of future expected benefit payments	\$ 52,766,939	\$ 52,132,218
5. Actuarial accrued liabilities	\$ 46,068,455	\$ 45,868,956
6. Unfunded actuarial accrued liabilities	\$ 13,459,352	\$ 13,259,853

**City of Winter Park
Police Officers' Retirement System**

Actuarial Impact Statement as of October 1, 2011

	<u>Actuarial Valuation</u>	<u>Proposed Ordinance</u>
D. <u>Statement of Accumulated Plan Benefits</u>		
1. Actuarial present value of accumulated vested benefits		
a. Participants currently receiving benefits including DROP participants	\$ 28,860,155	\$ 28,860,155
b. Other participants	<u>11,145,169</u>	<u>10,950,164</u>
c. Total	\$ 40,005,324	\$ 39,810,319
2. Actuarial present value of accumulated non-vested plan benefits	<u>976,829</u>	<u>775,862</u>
3. Total actuarial present value of accumulated plan benefits	\$ 40,982,153	\$ 40,586,181
E. <u>Pension Cost</u>		
1. Total normal cost	\$ 949,963	\$ 893,136
2. Payment required to amortize unfunded liability	1,384,371	1,366,685
3. Interest	<u>97,582</u>	<u>94,629</u>
4. Total required contributions	\$ 2,431,916	\$ 2,354,450
5. Item 4 as a percentage of payroll	57.1%	55.3%
6. Estimated employee contributions	\$ 258,457	\$ 258,457
7. Item 6 as a percentage of payroll	6.0%	6.0%
8. Estimated State contributions	\$ 257,694	\$ 257,694
9. Item 8 as a percentage of payroll	6.0%	6.0%
10. Net amount payable by City	\$ 1,943,502	\$ 1,865,965
11. Item 10 as a percentage of payroll	45.1%	43.3%
F. <u>Disclosure of Following Items:</u>		
1. Actuarial present value of future salaries - attained age	\$ 31,424,208	\$ 31,424,208
2. Actuarial present value of future employee contributions - attained age	\$ 1,885,452	\$ 1,885,452
3. Actuarial present value of future contributions from other sources	N/A	N/A
4. Amount of active members' accumulated contributions	\$ 3,038,148	\$ 3,038,148
5. Actuarial present value of future salaries and future benefits at entry age	N/A	N/A
6. Actuarial present value of future employee contributions at entry age	N/A	N/A

**City of Winter Park
Police Officers' Retirement System**

Actuarial Impact Statement as of October 1, 2011

G. Amortization of Unfunded Actuarial Accrued Liability

<u>Date Established</u>		<u>Unfunded Liability</u>	<u>Amortization Payment</u>	<u>Remaining Funding Period</u>
10/01/2009	Combined Charge & Credit Bases	\$ 3,790,905	\$ 505,773	10 years
10/01/2008	Actuarial Loss/(Gain)	1,283,187	151,466	12 years
10/01/2008	Assumption Change	2,758,373	216,388	27 years
10/01/2010	Actuarial Loss/(Gain)	2,057,734	192,050	18 years
10/01/2010	Actuarial Loss/(Gain)	1,035,080	94,039	19 years
10/01/2011	Actuarial Loss/(Gain)	2,534,073	224,655	20 years
10/01/2011	Proposed Ordinance	<u>(199,499)</u>	<u>(17,686)</u>	20 years
TOTAL		\$ 13,259,853	\$ 1,366,685	

This actuarial valuation and/or cost determination was prepared and completed by me or under my direct supervision, and I acknowledge responsibility for the results. To the best of my knowledge, the results are complete and accurate, and in my opinion, the techniques and assumptions used are reasonable and meet the requirements and intent of Part VII, Chapter 112, Florida Statutes. There is no benefit or expense to be provided by the Plan and/or paid from the Plan's assets for which liabilities or current costs have not been established or otherwise taken into account for in the valuation. All known events or trends which may require a material increase in plan costs or required contribution rates have been taken into account in the valuation.

Enrollment Number: 11-02802

Dated: December 31, 2012



Lawrence F. Wilson, A.S.A.

**City of Winter Park
Police Officers' Retirement System**

Outline of Principal Provisions of the Retirement Plan

A. Effective Date:

October 1, 1992. Most recently amended by Ordinance No. 2786-09 adopted November 23, 2009.

B. Eligibility:

All Police Officers shall become members as a condition of employment.

C. Member:

An actively employed Police Officer who fulfills the Membership Requirements.

D. Contributions:

Employee:	6% of compensation.
State:	Premium Tax Revenue.
City:	Balance required to maintain Plan on sound actuarial basis.

E. Credited Service:

Total years and fractional parts of years of service as a Police Officer.

F. Purchase of Prior Military Service:

A participant may purchase from 1 year up to 4 years of credited service for military service prior to employment. The cost shall be an amount actuarially determined to fund the cost to the plan of adding this credited service.

G. Compensation:

Total pay, excluding special detail pay (includes vacation and comp time accrual).

H. Average Final Compensation (AFC):

Average monthly compensation during the best 60 calendar months out of the last 120 calendar months preceding date of retirement (or termination).

**City of Winter Park
Police Officers' Retirement System**

Outline of Principal Provisions of the Retirement Plan

I. Normal Retirement:

1. Eligibility:

Earlier of:

- (a) Attainment of age 55 with completion of 10 years of credited service.
- (b) Completion of 20 years of credited service.

2. Benefit:

3% times AFC times credited service.

J. Early Retirement:

1. Eligibility:

Attainment of age 50 with completion of 10 years of credited service.

2. Benefit:

Benefit accrued to date of retirement, reduced by 3% for each year early retirement date precedes normal retirement date, payable immediately.

K. Deferred Retirement:

Computed the same as set forth under Normal Retirement, based upon AFC and credited service as of deferred retirement date.

L. Disability Retirement:

1. Service Incurred:

Accrued benefit, but not less than 42% of AFC.

2. Non-Service Incurred:

- a. Eligibility: 10 or more years of credited service; totally and permanently disabled.
- b. Benefit: Accrued benefit, but not less than 25% of AFC.

**City of Winter Park
Police Officers' Retirement System**

Outline of Principal Provisions of the Retirement Plan

M. Pre-Retirement Death Benefit:

1. Service Incurred:

The greater of (a) the accrued benefit at the time of death or (b) 30% of monthly salary at time of death payable to the spouse until death.

2. Non-Service Incurred:

a. Eligible for Normal Retirement: Determined as though had retired on the date of death.

b. Not Eligible for Normal Retirement: Less than 10 years of credited service - return of employee contributions.

10 or more years - accrued benefit payable for 10 years.

N. Termination Benefits:

1. Eligibility:

100% vesting upon the completion of 10 years of credited service. Employees who have not completed 10 years of credited service at date of termination of employment shall only be entitled to the return of their employee contributions.

2. Benefit:

Accrued benefit based upon credited service and AFC as of date of termination, payable at age 55.

O. Normal Form of Retirement Income:

Monthly benefit payable for ten (10) years certain and life thereafter.

P. Deferred Retirement Option Program (DROP)

1. Eligibility:

Participant must be eligible for Normal Retirement.

2. Benefit:

Retirement benefits are transferred to a hypothetical DROP account within the pension fund. Interest is credited or debited quarterly based upon either the rate of return earned by the Fund or a 6.5% fixed rate of return, as elected by the Member. A deduction is made each quarter for administrative expenses. The period of participation in the DROP is limited to at least 12 months but no more than 60 months. The benefit is paid as a lump sum upon actual termination of employment.

**City of Winter Park
Police Officers' Retirement System**

Outline of Principal Provisions of the Retirement Plan

Q. Cost of Living Adjustment (COLA)

Participants who terminate employment on or after October 1, 2002 are entitled to a 3% annual COLA on benefit payments beginning at age 60.

Effective October 1, 2011, only participants who retire on or after Early or Normal Retirement Date (including DROPs) are entitled to a 3% annual COLA on benefit payments beginning at age 60.

R. Changes Since Previous Valuation

Non-Service Incurred Pre-Retirement Death Benefit was:

- a. Eligible for Normal Retirement: Determined as though had retired on the date of death.
- b. Not Eligible for Normal Retirement: Less than 10 years of credited service - return of employee contributions with interest at 5%.

10 or more years - accrued benefit payable for 10 years.

Termination Benefits were:

1. Eligibility:

100% vesting upon the completion of 10 years of credited service. Employees who have not completed 10 years of credited service at date of termination of employment shall only be entitled to the return of their employee contributions with interest at 5%.

2. Benefit:

Accrued benefit based upon credited service and AFC as of date of termination, payable at date member would have completed 20 years of service if before age 55.

Cost of Living Adjustment (COLA) was:

Participants who terminate employment on or after October 1, 2002 are entitled to a 3% annual COLA on benefit payments beginning at age 60.

**City of Winter Park
Police Officers' Retirement System**

**Actuarial Assumptions and Actuarial Cost Methods
Used in the Valuation**

A. Mortality

For healthy participants, the RP-2000 Combined Table was used, with separate rates for males and females, and fully generational mortality improvements projected to each future payment date.

For disabled participants, the RP-2000 Disabled Mortality Table was used, with separate rates for males and females, and fully generational mortality improvements projected to each future payment date.

B. Interest to be Earned by Fund

8.25% (net of investment expenses), compounded annually.

C. Allowances for Expenses or Contingencies

Actual administrative expenses incurred during the prior plan year.

D. Employee Withdrawal Rates

Withdrawal rates for males and for females were used in accordance with the following illustrative example.

Withdrawal Rates Per 100 Employees				
<u>Age</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Years 3 - 5</u>	<u>5+ Years</u>
20	17.50	13.50	13.00	7.44
25	17.50	13.50	13.00	7.02
30	17.50	13.50	13.00	6.30
35	17.50	13.50	13.00	4.98
40	17.50	13.50	13.00	3.42
45	17.50	13.50	13.00	2.10

**City of Winter Park
Police Officers' Retirement System**

**Actuarial Assumptions and Actuarial Cost Methods
Used in the Valuation**

E. Disability Rates

Disability rates for males and for females were used in accordance with the following illustrative example.

<u>Age</u>	<u>Disability Rates Per 100 Employees</u>
20	0.14
25	0.15
30	0.18
35	0.23
40	0.30
45	0.51

F. Salary Increase Factors

Current salary is assumed to increase at a rate based on the table below.

<u>Service</u>	<u>Salary Increase</u>
0 - 4	7.5%
5 - 14	7.0%
15 - 19	6.5%
20 + years	6.0%

G. Assumed Retirement Age

<u>Age</u>	<u>Annual Rate of Retirement</u>
< 50	5%
50 - 54	25%
55 - 57	50%
58 & Over	100%

50% of employees are assumed to enter the DROP when first eligible.

All active members on the valuation date are assumed to have a minimum of one year of future service.

**City of Winter Park
Police Officers' Retirement System**

**Actuarial Assumptions and Actuarial Cost Methods
Used in the Valuation**

H. Loading

Active liabilities and normal costs are increased by 1.61% to account for unused annual leave pay at time of retirement.

I. Payroll Growth Assumption

3.5% per annum - not greater than historical 10-year average (1.1%).

J. Asset Valuation Method

The method used for determining the actuarial value of assets phases in the deviation between the expected and actual return on assets at the rate of 25% per year. The actuarial value of assets will be further adjusted to the extent necessary to fall within the corridor whose lower limit is 80% of the fair market value of plan assets and whose upper limit is 120% of the fair market value of plan assets.

K. Cost Method

Normal Retirement, Termination, Disability, and Death Benefits: Entry-Age-Normal Cost Method.
Under this method the normal cost for each active employee is the amount which is calculated to be a level percentage of pay that would be required annually from his entry age to his assumed retirement age to fund his estimated benefits, assuming the Plan had always been in effect. The normal cost for the Plan is the sum of such amounts for all employees. The actuarial accrued liability as of any valuation date for each active employee or inactive employee who is eligible to receive benefits under the Plan is the excess of the actuarial present value of estimated future benefits over the actuarial present value of current and future normal costs. The unfunded actuarial accrued liability as of any valuation date is the excess of the actuarial accrued liability over the assets of the Plan.

L. Change From Previous Valuation

None.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK FIREFIGHTERS' PENSION PLAN; AMENDING SECTION 74-151, DEFINITIONS; AMENDING SECTION 74-156, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 74-159, VESTING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park Firefighters are presently provided pension and certain other benefits under Ordinances of the City of Winter Park; and

WHEREAS, the City and International Association of Fire Fighters (Local 1598) entered into a collective bargaining agreement providing for certain changes to the Firefighters' Pension Plan; and

WHEREAS, to implement the pension changes contained in the collective bargaining agreement it is necessary to amend the Firefighters' Pension Plan.

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

SECTION 1: Section 74-151 of Chapter 74, of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-151. – Definitions.

1. As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

Accumulated Contributions means a Member's own contributions with interest, beginning October 1, 1992, at the rate of five percent (5%) per annum, through the effective date of this ordinance. Effective on and after the effective date of this ordinance, accumulated contributions means a Member's own contributions to the System, without interest. For those Members who purchase Credited Service with interest or at no cost to the System, any payment representing the amount attributable to Member contributions based on the applicable Member contribution rate, and any payment representing interest and any required actuarially calculated payments for the purchase of such Credited Service, shall be included in Accumulated Contributions.

SECTION 2: Section 74-156 of Chapter 74, of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-156. - Benefit amounts and eligibility.

Sec. 74-156. - Benefit amounts and eligibility

1. *Normal Retirement Date.* A Member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age fifty-five (55) and the completion of ten (10) years of Credited Service or the completion of twenty (20) years of Credited Service, regardless of age. A Member may retire on his normal retirement date or on the first day of any month thereafter, and each Member shall become one hundred percent (100%) vested in his accrued benefit on the Member's normal retirement date. Normal retirement under the System is Retirement from employment with the City on or after the normal retirement date.

2. *Normal Retirement Benefit.* A Member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his Retirement and be continued thereafter during Member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. The monthly retirement benefits shall equal three percent (3%) of Average Final Compensation, for each year of Credited Service.

3. *Early Retirement Date.* A Member may retire on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age fifty (50) and the completion of ten (10) years of Credited Service. Early retirement under the System is Retirement from employment with the City on or after the early retirement date and prior to the normal retirement date.

4. *Early Retirement Benefit.* A Member retiring hereunder on his early retirement date may receive either a deferred or an immediate monthly retirement benefit payable in the same form as for normal retirement as follows:

A. A deferred monthly retirement benefit which shall commence on what would have been his normal retirement date had he remained a Firefighter and shall be continued on the first day of each month thereafter. The amount of each such deferred monthly retirement benefit shall be determined in the same manner as for retirement on his normal retirement date except that Credited Service and Average Final Compensation shall be determined as of his early retirement date; or

B. An immediate monthly retirement benefit which shall commence on his early retirement date and shall be continued on the first day of each month thereafter. The benefit payable shall be as determined in Paragraph A above, reduced by three percent (3%) for each year by which the commencement of benefits precedes the normal retirement date.

C. Notwithstanding any other provision of this section 74-156, retirement benefits of Members with at least ten (10) years of Credited Service who terminate employment with the City for any reason, voluntary or involuntary, on or after the effective date of this ordinance and prior to attaining eligibility for early or normal retirement, are not payable until the Member attains age fifty-five (55).

5. *Cost-of-Living Adjustment.*

A. This subsection shall apply to these Members who are eligible for normal or early retirement and who retire ~~retiring on or after October 1, 2002, or those persons who are vested and terminate their employment on or after that date.~~ Beginning on the first day of the month following the date on which a Retiree reaches age sixty (60), and annually on the same date in each subsequent year, the monthly benefit of each Retiree, Beneficiary, joint annuitant or terminated vested person who retires or otherwise terminates employment on or after the effective date of the ordinance adopting this subsection, shall be increased by three percent (3%). Beneficiaries and joint annuitants of deceased Retirees shall receive adjustments as provided for herein based on the age of the deceased Retiree.

B. Beginning October 1, 2003 and on each subsequent October 1st, the benefit recipients described in A. above shall, after receiving their first benefit increase on the first day of the month following their sixtieth birthday, receive their three percent (3%) annual adjustment on each October 1st thereafter. The October 1, 2003 increase for those currently receiving benefits, and the first October 1st following the sixtieth birthday increase, for those who begin benefits after October 1, 2003, shall be prorated according to the number of months since the immediately preceding increase was received.

C. Notwithstanding any other provision of this subsection 5, Members who terminate City employment for any reason, voluntary or involuntary, on or after the effective date of this ordinance and prior to attaining eligibility for normal or early retirement shall not be eligible for a cost of living adjustment pursuant to this subsection.

6. *Required Distribution Date.* The Member's benefit under this Section must begin to be distributed to the Member no later than April 1 of the calendar year following the later of the calendar year in which the Member attains age seventy and one-half (70½) or the calendar year in which the Member terminates employment with the City.

SECTION 3: Section 74-159 of Chapter 74 of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-159. - Vesting

If a Member terminates his employment as a Firefighter, either voluntarily or by discharge, and is not eligible for any other benefits under this System, Member shall be entitled to the following:

1. If the Member has less than ten (10) years of Credited Service upon termination, the Member shall be entitled to a refund of his Accumulated Contributions or the Member may leave it deposited with the Fund.

2. If the Member has ten (10) or more years of Credited Service upon termination, the Member shall be entitled to a monthly retirement benefit, determined in the same manner as for normal or early retirement and based upon the Member's

Credited Service, Average Final Compensation and the benefit accrual rate as of the date of termination, payable to him commencing at the Member's otherwise normal or early retirement date, determined as if he had remained employed, provided he does not elect to withdraw his Accumulated Contributions and provided the Member survives to his otherwise early or normal retirement date. If the Member does not withdraw his Accumulated Contributions and does not survive to his otherwise early or normal retirement date, his designated Beneficiary shall be entitled to a benefit as provided herein for a deceased Member, who has ten (10) or more years of Credited Service and who dies from a condition that was not-in-line of duty as provided under Pre-Retirement Death.

3. Notwithstanding any other provision of this section 74-159, retirement benefits of Members with at least ten (10) years of Credited Service who terminate City employment on or after the effective date of this ordinance for any reason, voluntary or involuntary, prior to attaining eligibility for early or normal retirement, are not payable until the Member attains age fifty-five (55).

SECTION 4: If any provision of this Ordinance or the application thereof is held invalid such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 5: All other ordinances of the City of Winter Park, Florida or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 6: This Ordinance shall be codified in the Code of Ordinances of the City of Winter Park, Florida.

SECTION 6: This Ordinance shall become effective upon its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida held at City Hall, Winter Park, Florida on the ____ day of _____, 2013.

Mayor Kenneth W. Bradley

Attest: _____
Cynthia S. Bonham, City Clerk

Ordinance No. _____

December 31, 2012

Mr. Randy Knight
City Manager
City of Winter park
401 Park Avenue South
Winter Park, Florida 32789-4286

**Re: Winter Park Firefighters' Retirement System
Actuarial Impact Statement**

Dear Randy:

As requested, we are pleased to enclose three (3) copies of the Actuarial Impact Statement for filing the proposed Ordinance (copy attached) under the Winter Park Firefighters' Retirement System (System) with the State of Florida.

Background – Under the current System:

- Member contributions are credited with interest at the rate of 5%, compounded annually.
- All Members are entitled to a 3% annual cost of living adjustment (COLA) beginning at age 60.
- Vested termination benefits are deferred to the earlier of age 55 or the date the Member would have completed 20 years of service.

Proposed Ordinance – Under the proposed Ordinance:

- Member contributions are not credited with interest.
- Members who retire on or after Early or Normal Retirement Date (including DROPs) are solely entitled to a 3% annual COLA beginning at age 60.
- Vested termination benefits are deferred to age 55.

Results – Based upon the results of our Actuarial Impact Statement, the proposed benefit provisions decrease the minimum required City contribution for fiscal year ending September 30, 2013 by **2.5% of covered payroll (\$106,199)**. The figure in parentheses is the System cost expressed as a dollar amount based upon projected covered annual payroll (\$4,247,935).

Filing Requirements - We have prepared the Actuarial Impact Statement for filing with the State of Florida. Please note that this Statement must be signed and dated on behalf of the

Retirement Committee. Copies of the proposed Ordinance upon passage at first reading along with the signed and dated Actuarial Impact Statement should be filed with the State at the following addresses:

Mr. Douglas E. Beckendorf, A.S.A.	Ms. Patricia Shoemaker
Bureau of Local Retirement Services	Office of Municipal Police Officers'
Division of Retirement	& Firefighters' Pension Fund
Building 8	Building 8
Post Office Box 9000	Post Office Box 3010
Tallahassee, Florida 32315-9000	Tallahassee, Florida 32315-3010

Please forward a copy of the Ordinance upon passage at second reading to update our files.

Actuarial Assumptions and Methods, Financial Data, Member Census Data and System Provisions – The actuarial assumptions and methods, financial data and Member census data utilized in this Actuarial Impact Statement are the same actuarial assumptions and methods, financial data and Member census data utilized in the October 1, 2011 Actuarial Valuation.

The System provisions considered in this Actuarial Impact Statement are the same System provisions considered in the October 1, 2011 Actuarial Valuation as modified above.

This Actuarial Impact Statement is intended to describe the estimated future financial effects of the proposed benefit changes on the System and is not intended as a recommendation in favor of the change nor in opposition to the change.

These calculations are based upon assumptions regarding future events. However, the System's long term costs will be determined by actual future events, which may differ materially from the assumptions made. These calculations are also based upon present and proposed System provisions that are outlined or referenced in this Actuarial Impact Statement.

If you have reason to believe the assumptions used are unreasonable, the System provisions are incorrectly described or referenced, important System provisions relevant to this proposed Actuarial Impact Statement are not described or that conditions have changed since the calculations were made, you should contact the undersigned prior to relying on information in this Actuarial Impact Statement.

If you have reason to believe that the information provided in this Actuarial Impact Statement is inaccurate, or is in any way incomplete, or if you need further information in order to make an informed decision on the subject matter of this report, please contact the undersigned prior to making such decision.

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: System experience differing from that anticipated by the economic or demographic assumptions; changes in economic or

Mr. Randy Knight
December 31, 2012
Page 3

demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the System's funded status); and changes in System provisions or applicable law. Due to the limited scope of the actuary's assignment, the actuary did not perform an analysis of the potential range of such future measurements.

This report should not be relied on for any purpose other than the purpose described in the primary communication. Determinations of the financial results associated with the benefits described in this report in a manner other than the intended purpose may produce significantly different results.

This report has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge the information contained in this report is accurate and fairly presents the actuarial position of the System as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and practices, with the Actuarial Standards of Practice issued by the Actuarial Standards Board and with applicable statutes.

The signing actuaries are independent of the System sponsor.

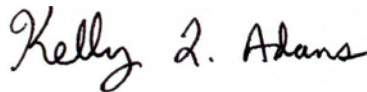
The undersigned are Members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

If you should have any question concerning the above or if we may be of further assistance with this matter, please do not hesitate to contact us.

Sincerest regards,



Lawrence F. Wilson, A.S.A.
Senior Consultant and Actuary



Kelly L. Adams, A.S.A.
Consultant and Actuary

Enclosures

cc: Mr. Jeff Templeton

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK FIREFIGHTERS' PENSION PLAN; AMENDING SECTION 74-151, DEFINITIONS; AMENDING SECTION 74-156, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 74-159, VESTING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park Firefighters are presently provided pension and certain other benefits under Ordinances of the City of Winter Park; and

WHEREAS, the City and International Association of Fire Fighters (Local 1598) entered into a collective bargaining agreement providing for certain changes to the Firefighters' Pension Plan; and

WHEREAS, to implement the pension changes contained in the collective bargaining agreement it is necessary to amend the Firefighters' Pension Plan.

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

SECTION 1: Section 74-151 of Chapter 74, of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-151. – Definitions.

1. As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

Accumulated Contributions means a Member's own contributions with interest, beginning October 1, 1992, at the rate of five percent (5%) per annum, through the effective date of this ordinance. Effective on and after the effective date of this ordinance, accumulated contributions means a Member's own contributions to the System, without interest. For those Members who purchase Credited Service with interest or at no cost to the System, any payment representing the amount attributable to Member contributions based on the applicable Member contribution rate, and any payment representing interest and any required actuarially calculated payments for the purchase of such Credited Service, shall be included in Accumulated Contributions.

* * *

SECTION 2: Section 74-156 of Chapter 74, of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-156. - Benefit amounts and eligibility.

Sec. 74-156. - Benefit amounts and eligibility

1. *Normal Retirement Date.* A Member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age fifty-five (55) and the completion of ten (10) years of Credited Service or the completion of twenty (20) years of Credited Service, regardless of age. A Member may retire on his normal retirement date or on the first day of any month thereafter, and each Member shall become one hundred percent (100%) vested in his accrued benefit on the Member's normal retirement date. Normal retirement under the System is Retirement from employment with the City on or after the normal retirement date.

2. *Normal Retirement Benefit.* A Member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his Retirement and be continued thereafter during Member's lifetime, ceasing upon death, but with one hundred twenty (120) monthly payments guaranteed in any event. The monthly retirement benefits shall equal three percent (3%) of Average Final Compensation, for each year of Credited Service.

3. *Early Retirement Date.* A Member may retire on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age fifty (50) and the completion of ten (10) years of Credited Service. Early retirement under the System is Retirement from employment with the City on or after the early retirement date and prior to the normal retirement date.

4. *Early Retirement Benefit.* A Member retiring hereunder on his early retirement date may receive either a deferred or an immediate monthly retirement benefit payable in the same form as for normal retirement as follows:

A. A deferred monthly retirement benefit which shall commence on what would have been his normal retirement date had he remained a Firefighter and shall be continued on the first day of each month thereafter. The amount of each such deferred monthly retirement benefit shall be determined in the same manner as for retirement on his normal retirement date except that Credited Service and Average Final Compensation shall be determined as of his early retirement date; or

B. An immediate monthly retirement benefit which shall commence on his early retirement date and shall be continued on the first day of each month thereafter. The benefit payable shall be as determined in Paragraph A above, reduced by three percent (3%) for each year by which the commencement of benefits precedes the normal retirement date.

C. Notwithstanding any other provision of this section 74-156, retirement benefits of Members with at least ten (10) years of Credited Service who terminate employment with the City for any reason, voluntary or involuntary, on or after the effective date of this ordinance and prior to attaining eligibility for early or normal retirement, are not payable until the Member attains age fifty-five (55).

5. *Cost-of-Living Adjustment.*

A. This subsection shall apply to those Members who are eligible for normal or early retirement and who retire retiring on or after October 1, 2002, or those persons who are vested and terminate their employment on or after that date. Beginning on the first day of the month following the date on which a Retiree reaches age sixty (60), and annually on the same date in each subsequent year, the monthly benefit of each Retiree, Beneficiary, joint annuitant or terminated vested person who retires or otherwise terminates employment on or after the effective date of the ordinance adopting this subsection, shall be increased by three percent (3%). Beneficiaries and joint annuitants of deceased Retirees shall receive adjustments as provided for herein based on the age of the deceased Retiree.

B. Beginning October 1, 2003 and on each subsequent October 1st, the benefit recipients described in A. above shall, after receiving their first benefit increase on the first day of the month following their sixtieth birthday, receive their three percent (3%) annual adjustment on each October 1st thereafter. The October 1, 2003 increase for those currently receiving benefits, and the first October 1st following the sixtieth birthday increase, for those who begin benefits after October 1, 2003, shall be prorated according to the number of months since the immediately preceding increase was received.

C. Notwithstanding any other provision of this subsection 5, Members who terminate City employment for any reason, voluntary or involuntary, on or after the effective date of this ordinance and prior to attaining eligibility for normal or early retirement shall not be eligible for a cost of living adjustment pursuant to this subsection.

6. *Required Distribution Date.* The Member's benefit under this Section must begin to be distributed to the Member no later than April 1 of the calendar year following the later of the calendar year in which the Member attains age seventy and one-half (70½) or the calendar year in which the Member terminates employment with the City.

SECTION 3: Section 74-159 of Chapter 74 of the Code of Ordinances of the City of Winter Park, Florida is hereby amended to read as follows:

Sec. 74-159. - Vesting

If a Member terminates his employment as a Firefighter, either voluntarily or by discharge, and is not eligible for any other benefits under this System, Member shall be entitled to the following:

1. If the Member has less than ten (10) years of Credited Service upon termination, the Member shall be entitled to a refund of his Accumulated Contributions or the Member may leave it deposited with the Fund.

2. If the Member has ten (10) or more years of Credited Service upon

termination, the Member shall be entitled to a monthly retirement benefit, determined in the same manner as for normal or early retirement and based upon the Member's Credited Service, Average Final Compensation and the benefit accrual rate as of the date of termination, payable to him commencing at the Member's otherwise normal or early retirement date, determined as if he had remained employed, provided he does not elect to withdraw his Accumulated Contributions and provided the Member survives to his otherwise early or normal retirement date. If the Member does not withdraw his Accumulated Contributions and does not survive to his otherwise early or normal retirement date, his designated Beneficiary shall be entitled to a benefit as provided herein for a deceased Member, who has ten (10) or more years of Credited Service and who dies from a condition that was not-in-line of duty as provided under Pre-Retirement Death.

3. Notwithstanding any other provision of this section 74-159, retirement benefits of Members with at least ten (10) years of Credited Service who terminate City employment on or after the effective date of this ordinance for any reason, voluntary or involuntary, prior to attaining eligibility for early or normal retirement, are not payable until the Member attains age fifty-five (55).

SECTION 4: If any provision of this Ordinance or the application thereof is held invalid such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 5: All other ordinances of the City of Winter Park, Florida or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 6: This Ordinance shall be codified in the Code of Ordinances of the City of Winter Park, Florida.

SECTION 6: This Ordinance shall become effective upon its adoption.

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

Mayor

Attest: _____
City Clerk

**City of Winter Park
Firefighters' Retirement System**

Actuarial Impact Statement as of October 1, 2011

A. Description of Proposed Amendment

Member contributions will not be credited with interest.

Only Members who retire on or after Early or Normal Retirement Date (including DROPs) shall be entitled to a 3% annual COLA on benefit payments beginning at age 60.

Termination benefits will be payable at age 55.

B. An estimate of the cost of implementing this amendment (see attachment)

C. In my opinion, the proposed changes are in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the State Constitution.

Chairman, Retirement Committee

Date

**City of Winter Park
Firefighters' Retirement System**

Actuarial Impact Statement as of October 1, 2011

	<u>Actuarial Valuation</u>	<u>Proposed Ordinance</u>
A. <u>Participant Data</u>		
1. Active participants	59	59
2. Retired participants and beneficiaries receiving benefits (including DROPs)	45	45
3. Disabled participants receiving benefits	1	1
4. Terminated vested participants	2	2
5. Annual payroll of active participants	\$ 4,148,374	\$ 4,148,374
6. Expected payroll of active participants for the following year	\$ 4,247,935	\$ 4,247,935
7. Annual benefits payable to those currently receiving benefits including DROPs	\$ 1,745,241	1,745,241
B. <u>Assets</u>		
1. Actuarial Value of Assets	\$ 31,790,960	\$ 31,790,960
2. Market Value of Assets	\$ 29,296,637	\$ 29,296,637
C. <u>Liabilities</u>		
1. Actuarial present value of future expected benefit payments for active members		
a. Retirement benefits	\$ 24,488,071	\$ 24,488,071
b. Vesting benefits	1,523,547	667,329
c. Death benefits	255,832	223,157
d. Disability benefits	451,490	420,481
e. Total	\$ 26,718,940	\$ 25,799,038
2. Actuarial present value of future expected benefit payments for terminated vested members	\$ 605,120	\$ 605,120
3. Actuarial present value of future expected benefit payments for those currently receiving benefits		
a. Service retired including DROP participants	\$ 22,169,484	\$ 22,169,484
b. Disability retired	229,543	229,543
c. Beneficiaries	778,160	778,160
d. Miscellaneous (refunds in process)	69,980	69,980
e. Total	\$ 23,247,167	\$ 23,247,167
4. Total actuarial present value of future expected benefit payments	\$ 50,571,227	\$ 49,651,325
5. Actuarial accrued liabilities	\$ 41,585,452	\$ 41,281,933
6. Unfunded actuarial accrued liabilities	\$ 9,794,492	\$ 9,490,973

**City of Winter Park
Firefighters' Retirement System**

Actuarial Impact Statement as of October 1, 2011

	<u>Actuarial Valuation</u>	<u>Proposed Ordinance</u>
D. <u>Statement of Accumulated Plan Benefits</u>		
1. Actuarial present value of accumulated vested benefits		
a. Participants currently receiving benefits including DROP participants	\$ 23,177,187	\$ 23,177,187
b. Other participants	<u>12,648,792</u>	<u>12,314,698</u>
c. Total	\$ 35,825,979	\$ 35,491,885
2. Actuarial present value of accumulated non-vested plan benefits	<u>1,482,704</u>	<u>1,250,673</u>
3. Total actuarial present value of accumulated plan benefits	\$ 37,308,683	\$ 36,742,558
E. <u>Pension Cost</u>		
1. Total normal cost	\$ 1,193,427	\$ 1,118,194
2. Payment required to amortize unfunded liability	966,892	943,303
3. Interest	<u>86,787</u>	<u>83,100</u>
4. Total required contributions	\$ 2,247,106	\$ 2,144,597
5. Item 4 as a percentage of payroll	54.2%	51.7%
6. Estimated employee contributions	\$ 254,876	\$ 254,876
7. Item 6 as a percentage of payroll	6.0%	6.0%
8. Estimated State contributions	\$ 332,249	\$ 332,249
9. Item 8 as a percentage of payroll	7.8%	7.8%
10. Net amount payable by City	\$ 1,715,256	\$ 1,609,057
11. Item 10 as a percentage of payroll	40.4%	37.9%
F. <u>Disclosure of Following Items:</u>		
1. Actuarial present value of future salaries - attained age	\$ 32,465,889	\$ 32,465,889
2. Actuarial present value of future employee contributions - attained age	\$ 1,947,953	\$ 1,947,953
3. Actuarial present value of future contributions from other sources	N/A	N/A
4. Amount of active members' accumulated contributions	\$ 3,064,054	\$ 3,064,054
5. Actuarial present value of future salaries and future benefits at entry age	N/A	N/A
6. Actuarial present value of future employee contributions at entry age	N/A	N/A

**City of Winter Park
Firefighters' Retirement System**

Actuarial Impact Statement as of October 1, 2011

G. Amortization of Unfunded Actuarial Accrued Liability

<u>Date Established</u>		<u>Unfunded Liability</u>	<u>Amortization Payment</u>	<u>Remaining Funding Period</u>
10/01/2009	Combined Charge & Credit Bases	\$ 4,463,506	\$ 555,351	10 years
10/01/2007	Actuarial Loss (Gain)	111,051	12,856	11 years
10/01/2008	Actuarial Loss (Gain)	(13,134)	(1,426)	12 years
10/01/2008	Assumption Changes	1,309,537	87,023	27 years
10/01/2009	Actuarial Loss (Gain)	1,212,915	100,346	18 years
10/01/2010	Actuarial Loss (Gain)	879,536	70,435	19 years
10/01/2011	Actuarial Loss (Gain)	1,831,081	142,307	20 years
10/01/2011	Proposed Ordinance	<u>(303,519)</u>	<u>(23,589)</u>	20 years
TOTAL		\$ 9,490,973	\$ 943,303	

This actuarial valuation and/or cost determination was prepared and completed by me or under my direct supervision, and I acknowledge responsibility for the results. To the best of my knowledge, the results are complete and accurate, and in my opinion, the techniques and assumptions used are reasonable and meet the requirements and intent of Part VII, Chapter 112, Florida Statutes. There is no benefit or expense to be provided by the Plan and/or paid from the Plan's assets for which liabilities or current costs have not been established or otherwise taken into account for in the valuation. All known events or trends which may require a material increase in plan costs or required contribution rates have been taken into account in the valuation.

Enrollment Number: 11-02802

Dated: December 31, 2012



Lawrence F. Wilson, A.S.A.

**City of Winter Park
Firefighters' Retirement System**

Outline of Principal Provisions of the Retirement Plan

A. Effective Date:

October 1, 1992. Most recently amended by Ordinance No. 2787-09 adopted November 23, 2009.

B. Eligibility:

All regular uniformed members of the Fire Department; includes active volunteers.

C. Member:

An actively employed Firefighter who fulfills the eligibility requirements.

D. Contributions:

Employee:	6.0% of compensation.
State:	Premium Tax Revenue.
City:	Balance required to maintain Plan on sound actuarial basis.

E. Credited Service:

Total years and fractional parts of years of service as a Firefighter with member contributions.

F. Purchase of Prior Military Service:

A participant may purchase from 1 year up to 4 years of credited service for military service prior to employment. The cost shall be an amount actuarially determined to fund the cost to the plan of adding this credited service.

G. Compensation:

Total pay, excluding special detail pay (includes vacation and comp time accrual).

H. Average Final Compensation (AFC):

Average monthly compensation during the best 60 calendar months out of the last 120 calendar months preceding date of retirement (or termination).

**City of Winter Park
Firefighters' Retirement System**

Outline of Principal Provisions of the Retirement Plan

I. Normal Retirement:

1. Eligibility:

Earlier of:

- (a) Attainment of age 55 with completion of 10 years of credited service.
- (b) Completion of 20 years of credited service.

2. Benefit:

3.0% times AFC times credited service.

J. Early Retirement:

1. Eligibility:

Attainment of age 50 with completion of 10 years of credited service.

2. Benefit:

Benefit accrued to date of retirement, reduced by 3% for each year early retirement date precedes normal retirement date, payable immediately.

K. Delayed Retirement:

Computed the same as set forth under Normal Retirement, based upon AFC and credited service as of delayed retirement date.

L. Disability Retirement:

1. Service Incurred:

Accrued benefit, but not less than 42% of AFC.

2. Non-Service Incurred:

- a. Eligibility: 10 or more years of credited service; totally and permanently disabled.
- b. Benefit: Accrued benefit, but not less than 25% of AFC.

**City of Winter Park
Firefighters' Retirement System**

Outline of Principal Provisions of the Retirement Plan

M. Pre-Retirement Death Benefit:

1. Service Incurred:

The greater of (a) the accrued benefit at the time of death or (b) 30% of monthly salary at time of death payable to the spouse until death.

2. Non-Service Incurred:

a. Eligible for Normal Retirement: Determined as though had retired on the date of death.

b. Not Eligible for Normal Retirement: Less than 10 years of credited service - return of employee contributions.

10 or more years - accrued benefit payable for 10 years.

N. Termination Benefits:

1. Eligibility:

100% vesting upon the completion of 10 years of credited service. Employees who have not completed 10 years of credited service at date of termination of employment shall only be entitled to the return of their employee contributions.

2. Benefit:

Accrued benefit based upon credited service and AFC as of date of termination, payable at age 55.

O. Normal Form of Retirement Income:

Monthly benefit payable for ten (10) years certain and life thereafter.

P. Deferred Retirement Option Program (DROP)

1. Eligibility:

Participant must be eligible for Normal Retirement.

2. Benefit:

Retirement benefits are transferred to a hypothetical DROP account within the pension fund. Interest is credited or debited quarterly based upon either the rate of return earned by the Fund or a 6.5% fixed rate of return, as elected by the Member. A deduction is made each quarter for administrative expenses. The period of participation in the DROP is limited to at least 12 months but no more than 84 months. The benefit is paid as a lump sum upon actual termination of employment.

**City of Winter Park
Firefighters' Retirement System**

Outline of Principal Provisions of the Retirement Plan

Q. Cost of Living Adjustment (COLA)

A participant who terminates employment on or after October 1, 2002 is entitled to a 3.0% annual COLA on benefit payments beginning at age 60.

Effective October 1, 2011, only participants who retire on or after Early or Normal Retirement Date (including DROPs) are entitled to a 3% annual COLA on benefit payments beginning at age 60.

R. Changes Since Previous Valuation

Non-Service Incurred Pre-Retirement Death Benefit was:

a. Eligible for Normal Retirement: Determined as though had retired on the date of death.

b. Not Eligible for Normal Retirement: Less than 10 years of credited service - return of employee contributions with interest at 5%.

10 or more years - accrued benefit payable for 10 years.

Termination Benefits were:

1. Eligibility:

100% vesting upon the completion of 10 years of credited service. Employees who have not completed 10 years of credited service at date of termination of employment shall only be entitled to the return of their employee contributions with interest at 5%.

2. Benefit:

Accrued benefit based upon credited service and AFC as of date of termination, payable at date member would have completed 20 years of service if before age 55.

Cost of Living Adjustment (COLA) was:

A participant who terminates employment on or after October 1, 2002 is entitled to a 3.0% annual COLA on benefit payments beginning at age 60.

**City of Winter Park
Firefighters' Retirement System**

**Actuarial Assumptions and Actuarial Cost Methods
Used in the Valuation**

A. Mortality

For healthy participants, the RP-2000 Combined Table was used, with separate rates for males and females, and fully generational mortality improvements projected to each future payment date.

For disabled participants, the RP-2000 Disabled Mortality Table was used, with separate rates for males and females, and fully generational mortality improvements projected to each future payment date.

B. Interest to be Earned by Fund

7.75% (net of investment expenses), compounded annually.

C. Allowances for Expenses or Contingencies

Actual administrative expenses incurred during the prior plan year.

D. Employee Withdrawal Rates

Withdrawal rates for males and for females were used in accordance with the following illustrative example.

E. Disability Rates

Disability rates for males and for females were used in accordance with the following illustrative example.

<u>Age</u>	<u>Withdrawal Rates Per 100 Employees</u>	<u>Disability Rates Per 100 Employees</u>
20	7.20	0.14
25	6.84	0.15
30	6.00	0.18
35	4.56	0.23
40	3.12	0.30
45	1.92	0.51

**City of Winter Park
Firefighters' Retirement System**

**Actuarial Assumptions and Actuarial Cost Methods
Used in the Valuation**

F. Salary Increase Factors

Current salary is assumed to increase at a rate based on the table below.

<u>Service</u>	<u>Salary Increase</u>
0 - 4	9.50%
5 - 9	8.50%
10 - 14	7.50%
15 - 19	6.50%
20 + years	5.50%

G. Rates of Retirement

<u>Age</u>	<u>Annual Rate of Retirement</u>
< 50	10%
50	30%
51 - 54	10%
55 - 59	30%
60 & Over	100%

50% of employees are assumed to enter the DROP when first eligible.

All active members on the valuation date are assumed to have a minimum of one year of future service.

H. Loading

Active liabilities and normal costs are increased by 1.35% to account for unused annual leave pay at time of retirement.

I. Payroll Growth Assumption

3.50% per annum - not greater than historical 10-year average (2.4%).

**City of Winter Park
Firefighters' Retirement System**

**Actuarial Assumptions and Actuarial Cost Methods
Used in the Valuation**

J. Asset Valuation Method

The method used for determining the actuarial value of assets phases in the deviation between the expected and actual return on assets at the rate of 25% per year. The actuarial value of assets will be further adjusted to the extent necessary to fall within the corridor whose lower limit is 80% of the fair market value of plan assets and whose upper limit is 120% of the fair market value of plan assets.

K. Cost Method

Normal Retirement, Termination, Disability, and Death Benefits: Entry-Age-Normal Cost Method.

Under this method the normal cost for each active employee is the amount which is calculated to be a level percentage of pay that would be required annually from his entry age to his assumed retirement age to fund his estimated benefits, assuming the Plan had always been in effect. The normal cost for the Plan is the sum of such amounts for all employees. The actuarial accrued liability as of any valuation date for each active employee or inactive employee who is eligible to receive benefits under the Plan is the excess of the actuarial present value of estimated future benefits over the actuarial present value of current and future normal costs. The unfunded actuarial accrued liability as of any valuation date is the excess of the actuarial accrued liability over the assets of the Plan.

L. Changes From Previous Valuation

None.



city commission public hearing

item type	Public Hearing	meeting date	January 28, 2013
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	6-0 final vote

Subject: Request of TD Bank for Conditional Use Approval at 810 N. Orlando Ave.

This item is a conditional use request from TD Bank to establish a branch bank facility with drive-in tellers on the property at 810 N. Orlando Avenue (northeast corner of Orlando and Webster Avenues). It is a conditional use because of the drive-in tellers.

P&Z Board Recommendation:

The Planning and Zoning Board voted unanimously (6-0) to recommend approval with the following conditions:

1. That the proposed dumpster is enclosed with an architecturally compatible wall and that the landscape plan is modified to screen the two sides of the dumpster enclosure visible to the street.
2. That the eastern property line concrete fence (from the adjacent building out to the street) either be repaired or removed and if removed that landscaping be added to that eastern landscape buffer area.

Summary:

This property at 810 N. Orlando Avenue is zoned C-3. It is now vacant and was the previous site of a BP gas station. The plans show a one-story, 2,964 square foot branch bank with three drive-thru teller lanes and a bypass lane. There is a very large (49 inch) beautiful live oak tree in the northeast corner of the site which is preserved and unaffected by this new construction. Access is from both Orlando and Webster Avenue and the new driveways are significantly reduced in size/width from the previous gas station layout. The 2,964 square foot building requires 12 parking spaces and the plans show 20 spaces including the required handicapped space.

Traffic Circulation and Stacking: The traffic impact and stacking needs for drive-in tellers vary greatly from 'national' banks to 'community' banks. Staff would categorize TD Bank as a 'national bank'. In our previous surveys, the analysis of the stacking requirements for a 'national' branch bank (based on actual counts on the peak day and time of Friday at the noon hour) are the need to stack in the range of 12-14 cars. The proposed configuration with three teller lanes depicts 12 cars but there is easily space for 16 cars. The primary reason for these conditional uses is to insure that the stacking for drive-thru's does not cause any traffic hazards of lines of cars backing into the streets, blocking driveways or

making the internal circulation unsafe. In this case there is ample land and the design will not create any problems even in the peak case.

Storm Water Retention: The City code requires retrofit for storm water retention for major redevelopment projects such as this. In this case, the retrofit will have to be done via an underground ex-filtration system and perhaps some small amount of surface retention swales in the landscape island areas.

Landscape Plan: There is a final landscape plan provided with the full program of new landscaping and new trees (7) to be added to the site. The landscape plan meets the new landscape code including the wider landscape buffer areas adjacent to the street which allow the combination of hedge buffer and crape myrtles/trees.

Other Minor Issues: The dumpster location shown is right up front some 20 feet back from Webster Avenue. Most times banks do not have dumpsters at all due to the need to shred every paper document and then the cleaning crew just takes away the other minor trash. If they do plan a dumpster, staff is suggesting a condition of approval for an attractive walled enclosure (architecturally compatible to the bank building) and a more complete landscape screen on the two sides visible to the street.

The existing concrete fence on the eastern property line is in disrepair. No one is sure who has 'ownership' of this property line fence but the Dingman's (who own the adjacent property to the east) say the fence is not theirs. From the front of the Dingman's building out to Webster Avenue, the concrete fence either needs to be repaired or removed. If removed, then there needs to be some property line landscaping added. The Dingman's have agreed to either option.

Summary: The site is adequately sized and the overall site plan design well suited for this type of project. Traffic generation will be lower for this TD Bank than for the previous BP gas station operation. The project meets all the code requirements, there are no variances requested and the drive-in components are designed to meet the peak stacking needs for the 'national' bank intended as the occupant.

STAFF RECOMMENDATION WAS FOR APPROVAL with the following conditions:

1. That the proposed dumpster is enclosed with an architecturally compatible wall and that the landscape plan is modified to screen the two sides of the dumpster enclosure visible to the street.
2. That the eastern property line concrete fence (from the adjacent building out to the street) either be repaired or removed and if removed that landscaping be added to that eastern landscape buffer area.



TRUCKIN TRAFFIC, LLC
721 Gulf Boulevard, Suite 200
Indian Rocks Beach, Florida 33785
(727) 647-8196

TRIP GENERATION MEMORANDUM

TO: City of Winter Park
FROM: Jane A. Caldera, P.E.
COPY TO: Richard Tommell, P.E. - Bohler Engineering
DATE: November 19, 2012
SUBJECT: TD Bank Redevelopment
Orlando Avenue at Webster Road - Northeast Corner

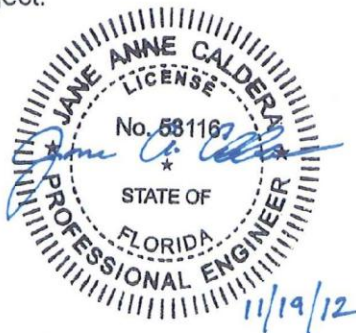
The TD redevelopment project is located in the northeast corner of Orlando Avenue and Webster Road in the City of Winter Park. The site was previously occupied with a BP Convenience Store and Gas Station (w/8 fueling positions) with a Car wash.

The proposed redevelopment project consists of a new 2,964 square foot Drive In Bank.

Based on the trip rates contained in the 8th Edition of the Institute of Transportation of Engineers (ITE) Trip Generation Manual, the proposed redevelopment will decrease the net-new, two-way, daily and PM peak-hours trips by 1,234 vehicles per day and 11 vehicles per hour, respectively.

Attachment A contains the detailed trip generation calculations.

Please contact me if you have any questions or need additional information to approve this project.



Jane A. Caldera, P.E.
Florida P.E. # 53116

ATTACHMENT A

**WEBSTER ROAD AT ORLANDO AVENUE (NEC)
TD BANK REDEVELOPMENT**

DAILY TRIP GENERATION ESTIMATES

ITE Land-Use Category	ITE Land-Use (Code)	Independent Variable	ITE Rate or Equation (1)	Size	Gross/Total Trips	Pass-By Capture Rate (2)	Pass-By Trips	Net-New Trips
Previously Existing								
C-Store w/Gasoline	853 ITE /R	FUELING POSITIONS	542.6	8	4,341	66%	2,865	1,476
Proposed Redevelopment								
Drive In Bank	912 ITE /R	SQUARE FEET	148.15	2,964	439	47%	206	233
Net Change (Proposed - Existing)					-3,902		-2,659	-1,243

PM PEAK HOUR TRIP GENERATION ESTIMATES

ITE Land-Use Category	ITE Land-Use (Code)	Independent Variable	ITE Rate or Equation (1)	Size	Gross/Total Trips	Pass-By Capture Rate (2)	Pass-By Trips	Net-New Trips
Previously Existing								
C-Store w/Gasoline	853 ITE /R	FUELING POSITIONS	19.07	8	153	66%	101	52
Proposed Redevelopment								
Drive In Bank	912 ITE /R	SQUARE FEET	25.82	2,964	77	47%	36	41
Net Change (Proposed - Existing)					-76		-65	-11

(1) The Trip Generation Rates were obtained from ITE Trip Generation Manual, 8th Edition.

(2) The Pass-By Capture Rate was based on the recommended rates from the ITE Trip Generation Handbook, 2nd Edition.



1 RIGHT ELEVATION - SOUTH
SCALE: 1/8"=1'-0"



2 LEFT ELEVATION - NORTH
SCALE: 1/8"=1'-0"

ISSUED 1-4-2012



WINTER PARK, FL
810 N. ORLANDO AVENUE
N. ORLANDO AVE. & WEBSTER AVE.
WINTER PARK, FL





1 FRONT ELEVATION - WEST - N. ORLANDO AVENUE
SCALE: 1/8"=1'-0"



2 REAR ELEVATION - EAST
SCALE: 1/8"=1'-0"

SIGNAGE COMPLIANCE

THE FOLLOWING INFORMATION IS BASED ON A REVIEW OF THE LOCAL ZONING CODE REGARDING SIGNAGE REGULATIONS. ALL RECOMMENDATIONS ARE SUBJECT TO LANDLORD AND GOVERNING JURISDICTION REVIEW AND APPROVAL.

SITE ZONING:

C-3 COMMERCIAL

SIGNAGE ORDINANCE:

CITY OF WINTER PARK

PROPOSED BUILDING SIGNAGE:

EACH OCCUPANT MAY HAVE ONE WALL SIGN. WHEN AN OCCUPANT WAS A GROUND SIGN BUT NO ROOF SIGN ON THE PREMISES, 30% OF THE SIGNABLE AREA MAY BE USED. IF A BUILDING HAS MULTIPLE FRONTAGES, EACH FRONTAGE SHALL BE SEPARATELY CONSIDERED FOR THE PURPOSE OF DETERMINING COMPLIANCE.

LOCATION	PROPOSED SIGNAGE MODEL NUMBER	SIGNAGE S.F.	ILLUM.	S.F. ALLOWED	ILLUM. ALLOWED	VARIANCE REQUIRED
ORLANDO AVE (FRONT)	T-WS-SH-5	29.37	Y	120.90	Y	N
RIGHT ELEV. (WEBSTER)	T-CL-3H	31.85	Y	114.3	Y	N
ORLANDO AVE. (INTERIOR) (WINDOW SIGN)	T-CL-27H	17.6	Y	105.25	Y	N

NOTES:

FRONT ELEV. = 30% OF SIGNABLE AREA

(SIGNABLE AREA = AREA OF THE FACADE OF BUILDING TO ROOF LINE WHICH IS FREE OF WINDOWS, DOORS, OR MAJOR ARCH. DETAILS.)

ALLOWABLE: 120.90SF = 30% OF 403SF. (SIGNABLE AREA)

RIGHT ELEV. = 30% OF SIGNABLE AREA

ALLOWABLE: 114.3SF = 30% OF 381SF. (SIGNABLE AREA)

WINDOW SIGN: A SIGN WHICH IS APPLIED TO OR LOCATED WITHIN 3 FEET OF INTERIOR OF WINDOW. THE TOTAL AREA OF ALL WINDOW SIGNS ON ANY SIDE OF A BUILDING SHALL NOT COVER MORE THAN 25% OF THE WINDOW AREA.

ALLOWABLE: 421SF (TOTAL WINDOW AREA) X 25% = 105.25SF

SITE I.D. SIGN: N

TOTAL PROPOSED BUILDING SIGNAGE:

WALL: 78.82 SF

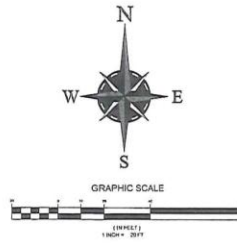
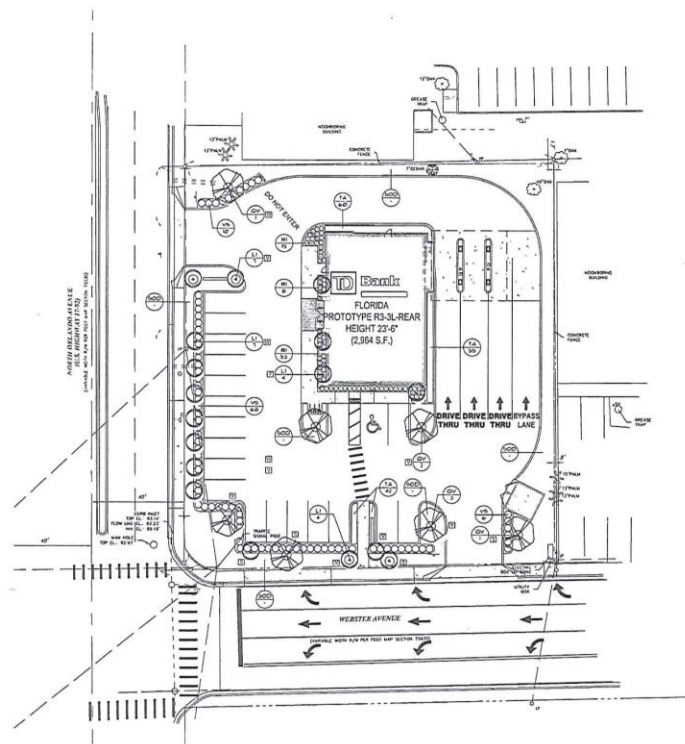
ATTORNEY APPROVAL RATING:

ISSUED 1-4-2012



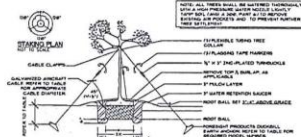
WINTER PARK, FL
810 N. ORLANDO AVENUE
N. ORLANDO AVE. & WEBSTER AVE.
WINTER PARK, FL





REQUIRED TREE LEGEND
(label indicates how each tree satisfies the code requirement)

[S]	(Webster Ave.) south r.o.w. buffer trees (City 4)
[W]	(N. Orlando Ave) west r.o.w. buffer trees (City 9)
[V]	VUA Interior landscape tree requirement (City 8)
[F]	Foundation landscape tree requirement (City 4)

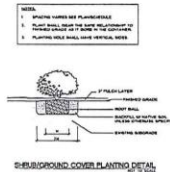


TYPICAL TREE PLANTING AT GRADE
NOT TO SCALE

DUCKBILL EARTH ANCHOR TABLE

TREE COLOR	MOOD	RATED MASS	MINIMUM CIRCUIT	MINIMUM DEPTH OF INSTALLATION
UP TO 1"	40-OTS	300 LBS. EA.	30"	
UP TO 2"	60-OTS	1000 LBS. EA.	30"	
UP TO 3"	80-OTS	3000 LBS. EA.	42"	
UP TO 4"	100-OTS	5000 LBS. EA.	60"	

NOTES: RATED FOR WINDS UP TO 50 MPH
NOTE: ALL TREE ANCHORING SYSTEMS SHALL BE REMOVED AFTER ONE GROWING SEASON.



SHRUB/GRASS COVER PLANTING DETAIL
NOT TO SCALE

LANDSCAPE MATERIALS LIST

QTY	KEY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
17	LI	Lagotis indica 'Natchez'	Orange Myrtle	B&B, min. 8' x 4' x 4' tr., 2" cal., mid.
7	QV	Quercus virginiana	Live Oak	B&B, min. 12' x 8' x 8' tr., 2" cal.
80	RI	Raphis indica 'Aster'	Dwarf Indian Hawthorn	min. 3 gal., @ 30" o.c.
84	VS	Viburnum suspensum	Sandbar Viburnum	min. 7 gal., 20" above finish grade, 30" o.c.
152	TA	Trachelospermum edatum	Minima Jasmine	1 gal., @ 18" o.c.
300	SD	Paspalum notatum	Bahia Sod	Sod all disturbed areas.
MULCH			Pine Bark 'Mini Nuggets'	cubic yards

LANDSCAPE REQUIREMENTS
per City of Winter Park Landscape Code (Section 58, Division B)

LANDSCAPE DATA CALCULATIONS:	FOUNDATION LANDSCAPING:
VUA LANDSCAPING AND SCREENING REQUIREMENT - The VUA shall be screened from public view with a hedge and a 8' wide landscape area along right-of-way (1) shade trees and (1) understory tree for each 50 ft Webster Ave. = 120' / 50' = (2) shade and (2) understory tree required; (1) shade trees and (2) understory trees provided North Orlando Ave. = 134' / 50' = (3) shade and (3) understory tree required; (1) shade trees and (7) understory trees provided Due to overhead power lines (4) understory trees were used in substitution for (2) shade trees VUA INTERIOR LANDSCAPE REQUIREMENT - min. 7.5% of area shall be landscaping at least (1) shade tree or (2) understory trees for each landscape island 15,568 sq. ft. x .075 = 1,243 of required and provided (4) shade trees, (4) understory trees provided	100% of the total length of the visible facade from any public right-of-way. A min. 8' wide landscape area adjacent to the building facade 50% of the plants shall be min. height of 12' ft. A min. of (5) understory trees shall be required for each 100 ft 88.5 ft / 100 ft = .885 x 5 = (4) understory trees required and provided ADDITIONAL NOTES: Contractor shall install new irrigation system to provide 100% coverage to all landscape areas. Refer to irrigation plan.

- GENERAL LANDSCAPE NOTES**
- All landscape material shall be no. 1 grade or better, as specified in grades and standards for nursery plants, parts I and II, by Division of Plant Industry, Florida Department of Agriculture and Consumer Services, and shall conform to current American Association of Nurserymen Standards for Nursery Stock. Landscape material shall be planted according to Sound Nursery Practices.
 - All shrubs shall be a minimum of 30" high at the time of planting and spaced no greater than 30" on center. Shrubs shall not adversely impact existing tree root systems and shall be field adjusted if necessary.
 - All required trees shall be a minimum of 8' overall height with a min. 2" trunk dbh at time of planting. Adjust tree locations as necessary to avoid utilities, obstructions, etc. see materials list for exact specifications.
 - All required trees shall be located a minimum of 5 feet from impervious surfaces, all shrubs 2 feet.
 - An automatic underground irrigation system shall be installed to maintain the landscape area in a healthy manner and provide 100% coverage.
 - The contractor shall not disturb areas. All planting shall be mulched to a 3" minimum depth.
 - The contractor shall be responsible for the clean up of premises and removal of all discarded and surplus materials, and rubbish.
 - Verify the location of existing trees, bums, and shrubs. Remove extraneous materials such as roots, branches, building materials or unacceptable soils prior to planting soil, trees, and shrubs, where encountered.
 - Contractor shall become acquainted with the related paving, site grading, and all utilities (including water, sewer, and electrical supply) to preclude any misunderstandings and ensure a trouble free installation.
 - The exact location of all existing structures, underground utilities, and pipes may not be as indicated on drawings; the contractor shall determine the location of these items and shall conduct his work in a manner to prevent interruption or damage to existing systems which must remain operational. The contractor shall protect existing structures and utility services which must remain operational and shall be responsible for their replacement if damaged by him.
 - Contractor shall call Sunshine State One-Call at least 48 hours prior to digging. (1-800-432-4770).
 - Quantities on plan take precedence over materials list. Quantities on materials list are provided as a courtesy only.
 - All landscape material shall be maintained in perpetuity to provide all required FDOT and local site clearance distances for vehicles.

PLANT SYMBOL
QTY. OF PLANTS

1	
---	--



Revisions:

No.	Date	Description
1		
2		
3		
4		
5		

HARDEMAN • KEMPTON & ASSOCIATES
LANDSCAPE ARCHITECTS
1000 N. W. 10th Ave., Suite 100
Fort Lauderdale, FL 33304
(954) 561-1111

PROJECT NAME:
TD Bank
80 N. Orlando Avenue
CITY OF WINTER PARK
Landscape Plan

SHEET TITLE:
Landscape Plan

PREPARED BY:
Bohler Engineering

DATE:
11/16/22

DESIGNED BY:
JWH

CHECKED BY:
JWH

APPROVED BY:
JASON E. BOHLER, P.E.
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
FLA. REG. NO. 14,100

THIS PLAN IS NOT VALID UNLESS SIGNED, DATED & RESEAL FOR RECORD

SHEET:
L-1



CITY OF WINTER PARK Planning & Zoning Board

Regular Meeting
City Hall, Commission Chambers

January 8, 2013
7:00 p.m.

MINUTES

REQUEST OF TD BANK FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT A BRANCH BANK WITH DRIVE-IN TELLERS ON THE PROPERTY AT 810 N. ORLANDO AVENUE, ZONED C-3.

Mr. Briggs gave the staff report and explained that this item is a conditional use request from TD Bank to establish a branch bank facility with drive-in tellers on the property at 810 N. Orlando Avenue (northeast corner of Orlando and Webster Avenues). He noted that the request requires conditional use approval because of the drive-in tellers. He reviewed the site and context of the proposed project, project plans, parking, traffic circulation and stacking for the tellers, storm water retention and landscape plan. He discussed other minor issues involving the dumpster location up front some 20 feet back from Webster Avenue and the need for an attractive walled enclosure (architecturally compatible to the bank building) and a more complete landscape screen on the two sides visible to the street. Also, the existing concrete fence on the eastern property line is in disrepair. No one is sure who has 'ownership' of this property line fence but the Dingman's (who own the adjacent property to the east) say the fence is not theirs. Thus, from the front of the Dingman's building out to Webster Avenue, the concrete fence either needs to be repaired or removed. If removed, then there needs to be some property line landscaping added. The Dingman's have agreed to either option. He summarized by stating that the site is adequately sized and the overall site plan design well suited for this type of project. Traffic generation will be lower for this TD Bank than for the previous BP gas station operation. The project meets all the code requirements, there are no variances requested and the drive-in components are designed to meet the peak stacking needs for the 'national' bank intended as the occupant.

Staff recommended approval with the following conditions:

3. That the proposed dumpster is enclosed with an architecturally compatible wall and that the landscape plan is modified to screen the two sides of the dumpster enclosure visible to the street.
4. That the eastern property line concrete fence (from the adjacent building out to the street) either be repaired or removed and if removed that landscaping be added to that eastern landscape buffer area.

Rebecca Wilson, Lowndes, Drosdick law firm, 215 North Eola Drive, Orlando, FL, and the project engineer from Bohler Engineering, represented the applicant. Ms. Wilson said that they agree with the comments in the staff report and the conditions of approval. No one else wished to speak concerning the request. Public Hearing closed.

In the Board discussion there was consensus that the site was adequately sized and designed for the intended use. They requested that the applicant determine the necessity for the dumpster and explore alternative locations or enhanced screening for it.

Motion made by Mr. Krecicki, seconded by Mr. Sacha to approve the request subject to conditions recommended by staff and also giving consideration to the dumpster moving closer north. Motion carried unanimously with a 6-0 vote.





city commission **public hearing**

item type	Public Hearing	meeting date	January 28, 2013
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 500 E. Lake Sue Avenue – Second Reading

The public hearing is a request from Mr. Jeff Faine, the owner of the property at 500 E. Lake Sue Avenue to annex that property into the City. It is a vacant lot that will soon be used for a new single family home. This is a part of the "Stonehurst" enclave that the City desires to annex.

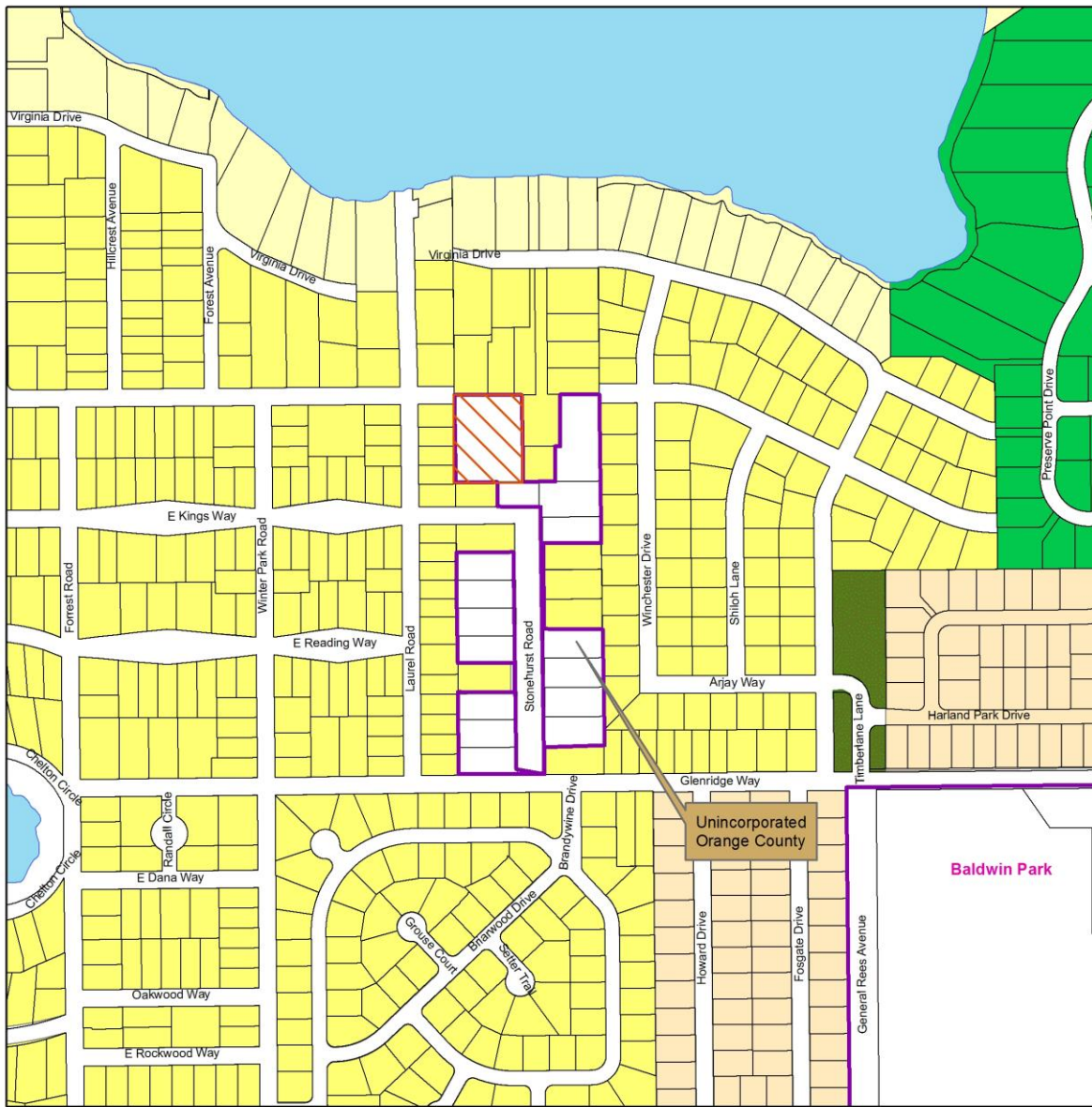
Recommendation:

The staff recommendation is for approval. Annexations do not go to P&Z. P&Z will make a recommendation on the Comp. Plan FLU and Zoning when the City establishes the same single family residential zoning (R-1AA) as presently exists in Orange County. The property has to be annexed first in order to have jurisdiction to take that step.

Summary:

The one Comprehensive Plan policy that governs this annexation requests is as follows:

Policy 1-3.13.1: Actively Pursue the Annexation of Enclaves. Winter Park shall actively pursue the annexation of enclaves as these additions provide economies and efficiencies in service delivery to both Orange County and the City of Winter Park.



WP Zoning



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

ORDINANCE NO. 2898-13

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 500 EAST LAKE SUE AVENUE; 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 owner of the property has provided their voluntary consent and petitioned the City of Winter Park for this annexation 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 affect 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 _____, 2013.

Kenneth W. Bradley, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk

First Reading: _____, 2013

Second Reading: _____, 2013

Effective Date: _____, 2013

Exhibit A

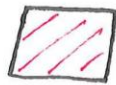
500 East Lake Sue Avenue Annex

PROPERTY TAX ID# 17-22-30-4788-00-007

Metes and Bounds Legal Description:

Per the REPLAT OF PART OF LAKE VIRGINIA SHORES as recorded in Plat Book "Q", Page 53 of the Public Records of Orange County, Florida: BEGIN AT THE NW COR SEC 17 22 30 THEN RUN SOUTH 298 FT; THEN EAST 231 FT; THEN NORTH 298 FT; THEN WEST 231 FT TO POB.

Exhibit "B"



Property to be annexed 500 E. Lake Sue
17-22-30-4788-00-007



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

December 17, 2012

Board of the Orange County Commission
Orange County Administration
PO Box 1393
Orlando, FL 32801

RE: Annexation of 500 E. Lake Sue Avenue

Dear Board of County Commissioners:

Pursuant to Chapter 171, Florida Statutes, the City of Winter Park has received a voluntary annexation petition from the owner of the property at 500 E. Lake Sue Avenue to annex that property. Enclosed is a copy of the legal advertisement and ordinance. The legal advertisements will run in the Orlando Sentinel for two consecutive weeks on Sunday, December 23, 2012 and Sunday, December 30, 2012.

The ordinance for this annexation will be heard at public hearings on January 14, 2013 and January 28, 2013 at 3:30 pm in the Commission Chambers of City Hall, 401 S. Park Avenue, Winter Park.

If you have other questions, please contact me at jbriggs@cityofwinterpark.org or at (407) 599-3440.

Sincerely,



Jeffrey Briggs,
Planning Director

Enclosures

www.cityofwinterpark.org

NOTICE OF ANNEXATION

CITY OF WINTER PARK
PUBLIC NOTICE

TO CONSIDER THE ANNEXATION OF 500 E. LAKE SUE AVENUE

NOTICE is hereby given that public hearings will be held by the Winter Park City Commission on Monday, January 14, 2013 at 3:30 p.m. and on Monday, January 28, 2013 at 3:30 pm in the Winter Park City Hall, Commission Chambers at 401 S. Park Avenue, Winter Park, Florida, to consider the following:

ORDINANCE NO. 2896-13

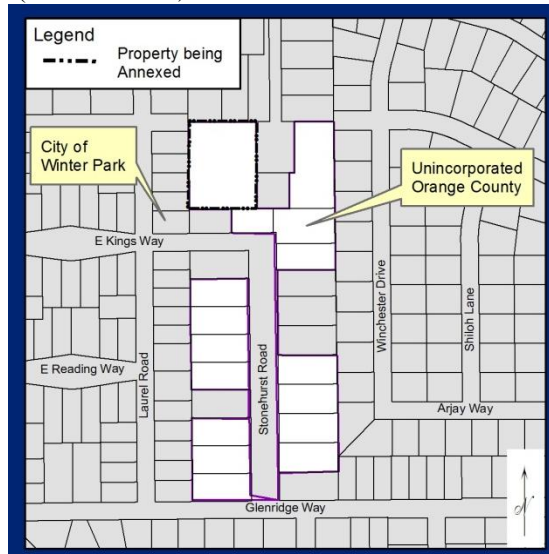
AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 500 EAST LAKE SUE AVENUE.

The complete legal description by metes and bounds as well as a complete copy of this proposed Ordinance No. 2896-13 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, December 23, 2012 and Sunday, December 30, 2012, Orlando Sentinel

STATE OF FLORIDA
COUNTY OF ORANGE

PETITION FOR VOLUNTARY ANNEXATION

To the City Commission of 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, in 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 the subject of this petition.

II

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

III

No part of the property which is the 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:

Jeffrey Taine
Name of Petitioner

Signature _____

Address 1900 N Magnolia Ave.

Address

Suite A
Orlando, FL 32803
407 562 8076
Telephone

Telephone

11



city commission public hearing

item type	Public Hearing	meeting date	January 28, 2013
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	6-0 final vote

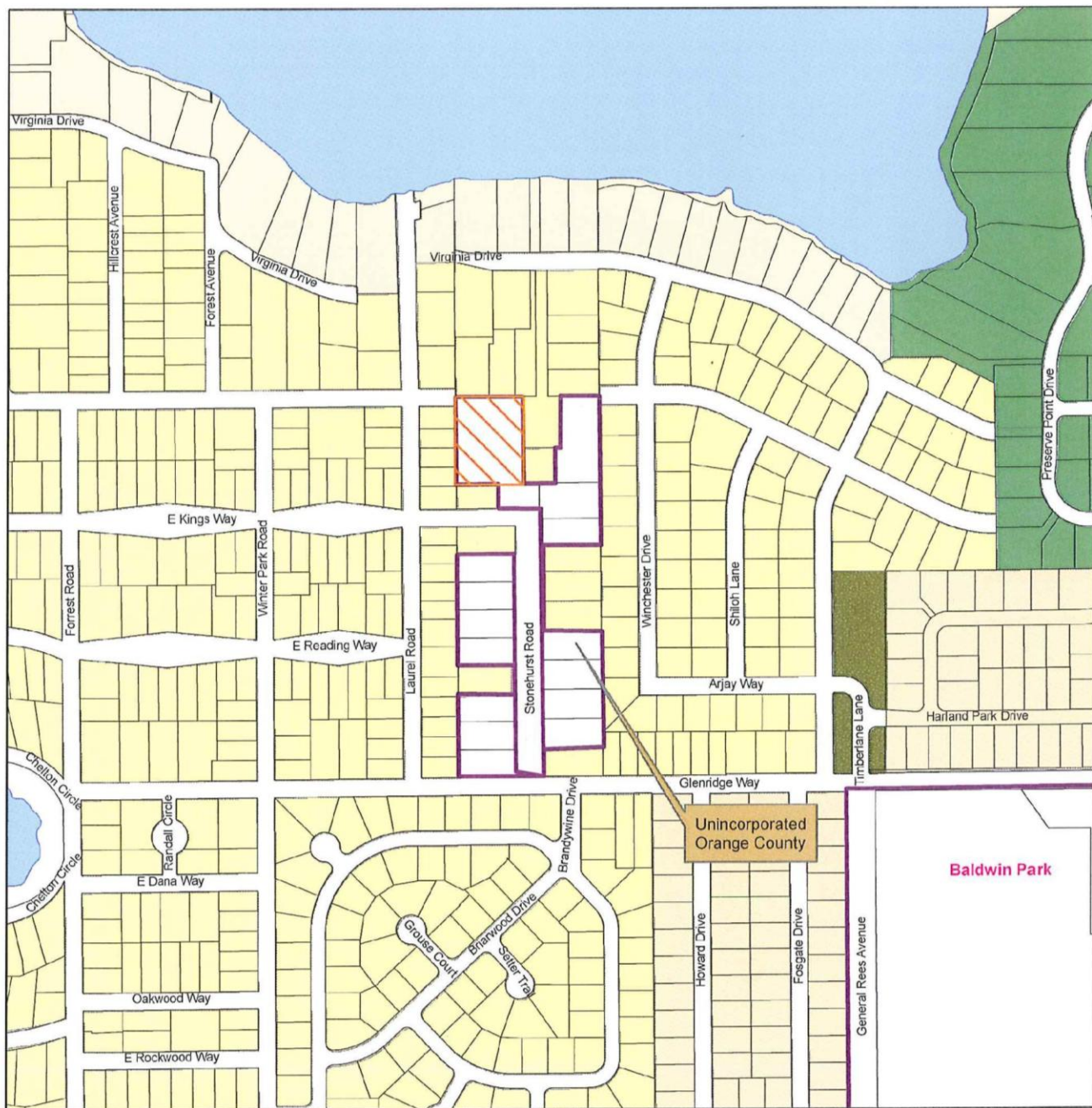
Subject: Ordinances to establish Single Family FLU and Zoning on the annexed property at 500 E. Lake Sue Avenue

P&Z Board Recommendation:

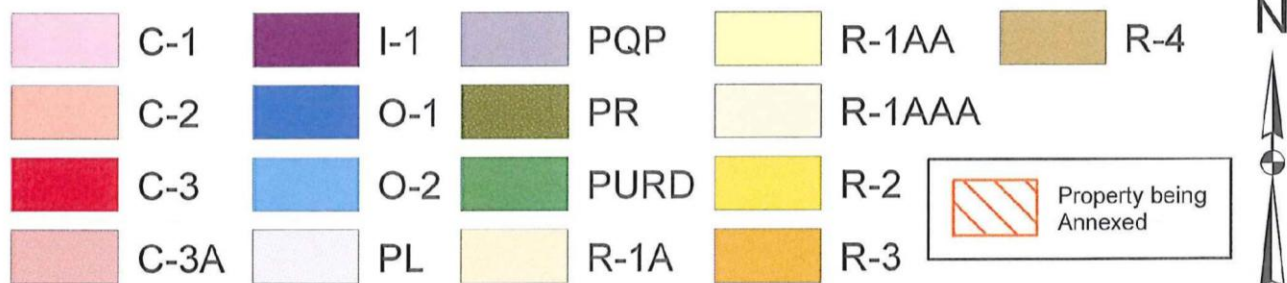
The Planning and Zoning Board voted unanimously (6-0) to approve these two ordinances.

Summary:

Mr. Jeff Faine is the recent purchaser of the vacant property at 500 E. Lake Sue Avenue. He has made a voluntary request for annexation and the City needs to establish a single family FLU designation on the Comprehensive Plan maps and single family (R-1AA) zoning on this property being annexed into the City. The property now has the same single family FLU and zoning in Orange County, so there is no change.



WP Zoning



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH SINGLE FAMILY RESIDENTIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 500 EAST LAKE SUE AVENUE AND TO INDICATE THE ANNEXATION OF THIS PROPERTY ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the owner of the property more particularly described herein has voluntarily requested annexation into the City of Winter Park and in compliance with Chapter 171, Florida Statutes, said property has been annexed into the City of Winter Park, and

WHEREAS, the City Commission intends to amend its Comprehensive Plan to establish a municipal Comprehensive Plan future land use map designation as a small scale amendment to the Comprehensive Plan, and

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

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

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to establish a Single Family Residential future land use designation on the annexed property at 500 Lake Sue Avenue and that all other maps in the Comprehensive Plan shall also be amended to reflect the addition and annexation of this property into the City of Winter Park, said property being more particularly described as follows:

500 East Lake Sue Avenue: PROPERTY TAX ID# 17-22-30-4788-00-007

Per the REPLAT OF PART OF LAKE VIRGINIA SHORES as recorded in Plat Book "Q", Page 53 of the Public Records of Orange County, Florida: BEGIN AT THE NW COR SEC 17 22 30 THEN RUN SOUTH 298 FT; THEN EAST 231 FT; THEN NORTH 298 FT; THEN WEST 231 FT TO POB.

SECTION 2. This ordinance shall become effective 31 days after adoption but shall not become effective if this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. In that case it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2013.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA AMENDING CHAPTER 58, "LAND
DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE
OFFICIAL ZONING MAP SO AS TO ESTABLISH SINGLE
FAMILY (R-1AA) ZONING ON THE ANNEXED PROPERTY
AT 500 LAKE SUE AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN.**

WHEREAS, the owner of the property more particularly described herein has voluntarily requested annexation into the City of Winter Park and in compliance with Chapter 171, Florida Statutes, said property has been annexed into the City of Winter Park, and

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

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

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to establish Single Family (R-1AA) district zoning on the annexed property at 500 Lake Sue Avenue, more particularly described as follows:

500 East Lake Sue Avenue: PROPERTY TAX ID# 17-22-30-4788-00-007

Per the REPLAT OF PART OF LAKE VIRGINIA SHORES as recorded in Plat Book "Q", Page 53 of the Public Records of Orange County, Florida: BEGIN AT THE NW COR SEC 17 22 30 THEN RUN SOUTH 298 FT; THEN EAST 231 FT; THEN NORTH 298 FT; THEN WEST 231 FT TO POB.

SECTION 2. This ordinance shall become effective 31 days after adoption. If this Ordinance or the related companion Ordinance amending the Comprehensive Plan for this property is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2013.

Attest:

Mayor

City Clerk



CITY OF WINTER PARK Planning & Zoning Board

**Regular Meeting
City Hall, Commission Chambers**

**January 8, 2013
7:00 p.m.**

MINUTES

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

Approval of minutes – December 4, 2012

Motion made by Tom Sacha and seconded by Peter Gottfried, seconded by to approve the December 4, 2012, meeting minutes. Motion carried unanimously with a 6-0 vote.

REQUEST OF THE CITY OF WINTER PARK TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH A SINGLE FAMILY RESIDENTIAL FUTURE LAND USE DESIGNATION TO THE ANNEXED PROPERTY AT 500 EAST LAKE SUE AVENUE.

REQUEST OF THE CITY OF WINTER PARK TO: AMEND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH SINGLE FAMILY (R-1AA) DISTRICT ZONING ON THE ANNEXED PROPERTY AT 500 EAST LAKE SUE AVENUE.

Planning Director Jeffrey Briggs presented the staff report and explained that Mr. Jeff Faine is the recent purchaser of the vacant property at 500 E. Lake Sue Avenue. He has made a voluntary request for annexation and thus the City needs to establish a single family FLU designation on the Comprehensive Plan maps and single family (R-1AA) zoning on this property being annexed into the City. The property now has the same single family FLU and zoning in Orange County so there is no change. He noted that this property is part of the "Stonehurst Drive" enclave so the City was pleased to annex one more property. The owners will soon start a new single family home on this vacant lot. Staff recommended approval. Mr. Briggs responded to Board member questions and concerns.

No one wished to speak in favor of or in opposition to the request. Public hearing closed.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the request to establish the comprehensive plan future land use map designation of single family residential on the annexed property at 500 East Lake Sue Avenue. Motion carried unanimously with a 6-0 vote.

Motion made by Mr. Krecicki, seconded by Mr. Sacha to approve the request to establish R-1AA single family zoning on the annexed property at 500 East Lake Sue Avenue. Motion carried unanimously with a 6-0 vote.



city commission public hearing

item type	Public Hearing	meeting date	January 28, 2013
prepared by department division	Jeff Briggs Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0 final vote

Subject: Repeal of the Supermajority needed for the adoption of Ordinances

This item has been prepared by the City Attorney's office and the Planning staff to:

1. Amend the Comprehensive Plan and Zoning Code to remove the code provisions where four votes or a supermajority are required for the adoption of an Ordinance, and to;
2. Amend the Land Development Code to remove the code provisions for Development Agreements adopted pursuant to Chapter 163, Florida Statutes.

Planning Board Recommendation:

The Planning and Zoning Board recommends approval (7-0) of both Ordinances:

Motion made by Mr. Sacha, seconded by Mr. Gottfried to recommend approval of the proposed ordinance amending and repealing the specified sections of the comprehensive plan. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Gottfried recommending approval of the proposed ordinance repealing the requirement for a supermajority vote of the city commission to adopt ordinances; repealing section 58-89(e) regarding rezoning ordinances; and amending section 58-95 regarding community redevelopment area. Motion carried unanimously with a 7-0 vote.

Summary:

City Charter Conflict with the Supermajority Vote:

The City Attorney, Larry Brown, has prepared a legal opinion which is attached. In that opinion, Mr. Brown indicates that the City Charter sets forth that all Ordinances are adopted by the affirmative vote of a majority of the City Commission. As such, the code sections that require either four votes or a supermajority of the City Commission to adopt Ordinances are in conflict with the City Charter. As the City Charter supersedes and controls the procedure for the adoption of Ordinances, these two ordinances have been advertised to remedy and remove those conflicts.

The amendments repeal the following supermajority vote requirements;

1. Supermajority needed for an Ordinance to adopt Comp. Plan/Zoning changes if recommended for denial by P&Z and also for any Ordinance change to the text of the Future Land Use element. (Sec. 58-6 and Policy 1-1.1.5 and Sec. 58-89 (e).
2. Supermajority needed for an Ordinance to create or expand a CRA or CDD. (Policy 1-1.1.3 and Sec. 58-95).

It is important to point out that this conflict with City Charter only relates to the adoption of Ordinances. There are provisions of our Code that require a supermajority for the adoption of certain types of Conditional Uses or to waive time limits for re-applications. Those are not in conflict with the City Charter.

Repeal of the Chapter 163 Development Agreement Provisions:

In 1991 when the City adopted the Comprehensive Plan pursuant to Chapter 163, Florida Statutes, the City also adopted the provisions set forth in Chapter 163 for Development Agreements. These provisions are in the Article I, "Comprehensive Plan" section 58-7 of the Code. However, since 1991, the City has never adopted a Development Agreement pursuant to Chapter 163, Florida Statutes. One primary reason is that these Development Agreements expire after 10 years and the City typically desires the promises and commitments to have much longer terms.

Instead the City consistently utilizes the adopted provisions for Development Agreements set forth in the Article III, "Zoning" section of the Code, which are Sections 58-89(j) and 58-90(f). These Development Agreements have longer terms or run with title to the land and do not expire after 10 years.

Over the years these conflicting provisions have caused much confusion, as we just experienced with the 1997 YMCA Development Agreement. We wind up with conflicting legal opinions causing unnecessary confusion. The problem is compounded by the fact that when you search the City Code via Muni-Code (which is what everyone does) it immediately takes you to the Comp. Plan Section 58-7 provisions and not to the Zoning Code provisions. The only solution to this confusion is to repeal the Section 58-7 provisions that the City has not used in the past 22 years.



BROWN, GARGANESE, WEISS & D'AGRESTA, P.A.

Attorneys at Law

111 N. Orange Ave., Suite 2000
P.O. Box 2873
Orlando, Florida 32802-2873
Phone (407) 425-9566
Fax (407) 425-9596

Usher L. Brown
Board Certified Civil Trial Law
Board Certified Education Law
ulbrown@orlandolaw.net

September 10, 2012

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

via email & regular U.S. Mail

Re: Legal Opinion Concerning Section 2.11 of the City Charter

Dear Randy:

This in response to your request for a legal opinion concerning whether or not provisions in the Municipal Code that require the vote of four members of the City Commission (i.e., a super majority) are in conflict with Section 2.11 of the City Charter. For the reasons stated hereinafter, I have concluded that there is a conflict between the Charter and such ordinances, and the provisions in the Charter should supercede and control the procedure for adoption of ordinances.



DISCUSSION

Section 2.11 of the City Charter provides in relevant part that "a proposed ordinance shall be adopted when it ... has received the affirmative vote of a majority of the City Commission physically present on at least two separate days at either regular or special meetings of the Commission." A majority of the Commission is three Commissioners. A quorum for a meeting exists when there are at least three members physically present at the meeting. Therefore, an ordinance may pass under the Charter on two votes that are physically present (assuming a quorum and only two affirmative votes of Commissioners are cast), or on the affirmative vote of three.

The Charter provision must be construed to lead to a reasonable result in accordance with the plain language used. The plain language of Section 2.11 of the Charter provides that if three Commissioners are physically present, then, assuming all

September 10, 2012

Page 2

other legal requirements are met, the ordinance may be adopted by a vote of a majority physically present.

There are several sections in the Municipal Code that require a super majority or four votes in order to adopt specific types of ordinances. I have previously provided you a memorandum that identifies a number of these sections that call for a vote of four Commissioners. An example is Section 58-89 concerning zoning changes. Subsection 58-89(f) contains a four vote requirement, and states in relevant part the following:

"In case of a recommendation of denial by the Planning & Zoning Commission, such amendment shall not become effective except by the favorable vote of four members of the City Commission. In cases when the Planning & Zoning Commission recommends approval of a zoning map amendment on a lesser portion of the property than originally requested or imposes conditions upon or limitations upon a recommendation for approval reducing the intensity or density of use of said property, it shall require the favorable vote of four members of the City Commission to adopt such zoning map amendment to a greater portion of the property or to increase the density or intensity of use of said property above that recommended by the Planning & Zoning Commission."

There are other examples in the Municipal Code, but the referenced section is illustrative of several provisions which require a super majority in order to enact an ordinance.

A municipal charter is "the paramount law of the municipality, just as the state constitution is the charter for the state." See, e.g., *City of Miami Beach v. Fleetwood Hotel Inc.*, 261 So.2d 801, 803 (Fla. 1972); *Clark v. North Bay Village*, 54 So.2d 240, 242 (Fla. 1951). It has been held that the charter acts as the local government's constitution, and therefore ordinances must be in accordance with the charter. *Hollywood, Inc. v. Broward County*, 431 So.2d 626, 609 (Fla. 4th DCA 1983), *rev. den'd.* 440 So.2d 352 (Fla. 1983).

There may not be a conflict between an ordinance and a charter provision. Attorney General Opinion (AGO) 2002-77 (November 12, 2002). In this Opinion, the Attorney General held that a "charter provision and the existing ordinance may coexist unless there is a conflict between the two provisions, in which case the charter provision would prevail." In AGO 2002-77, the issue was whether a citizen initiative that would amend the charter of the City of Northport to include a tree protection provision could be enacted given the fact that there was an existing city ordinance dealing with the same subject of tree protection. The Attorney General held that if the citizens of Northport approved the charter amendment to include a tree protection provision, then the charter provision and the existing ordinance could coexist "unless there is a conflict between the two provisions, in

September 10, 2012

Page 3

which case the charter provision would prevail."

The Attorney General further held that an inconsistent or conflicting provision of a charter or a constitution "operates to amend, supersede, or modify" the inferior law. The inferior law is a statute in the case of conflict with the Constitution. And, the inferior law is an ordinance in the case of conflict with a charter. *Id.*

Another example of the application of this rule is found in the appellate decision *West Palm Beach Golf Commission v. Callaway*, 604 So.2d 880 (Fla. 4th DCA 1992). In this case the court held that certain ordinances empowering the local golf commission to hire and fire employees conflicted with a charter provision, and declared the ordinances in conflict with the charter were invalid.

The question then becomes whether or not ordinances of the City of Winter Park that require four votes or a super majority conflict with Charter Section 2.11. The Florida Supreme Court recently stated the test for determining whether a local law conflicts with a superior law. *Sarasota Alliance for Fair Elections, Inc. (SAFE) v. Browning*, 28 So.3d 880 (Fla. 2010). In this case, the Court invalidated certain proposed amendments to the charter of Sarasota County because those amendments to the charter conflicted with state statutes governing the procedures for conducting state and local elections.¹

The Supreme Court held that the test of whether or not "a local government enactment and state law [conflict] is whether one must violate one provision in order to comply with the other. Putting it another way, a conflict exists when two legislative enactments cannot coexist." *Id.*, at 888.

Therefore, if conduct satisfies the requirements of the superior law, yet violates the inferior law, then the inferior law is in conflict and should not stand. Specific examples from the *Sarasota County* case illustrate how this test is to be applied.

The proposed Sarasota charter amendments included a requirement that for each local election an independent auditing firm would be required to complete audits of the election results before the results could be certified. The Court held that this proposed amendment conflicted with state law, which provides that the Supervisor of Elections certifies election results, and because the independent auditing firm would not be subject to the administrative rules promulgated by the Division of Elections pursuant to Florida's Election Code. "Thus, two separate entities could be handling the ballots during the same time period and employing different methods in ascertaining the results to be certified if the

¹ The Court held the state statutes did not expressly preempt the Sarasota charter amendments, and further held that implied preemption is disfavored. However, certain of the charter amendments were found to conflict with state law.

SAFE amendment is put into operation." *Id.* at 890. If the Supervisor of Elections complied with state law in certifying the election results in Sarasota, she would be in violation of the local law. The superior and inferior laws therefore could not coexist.

Turning now to the Winter Park Charter provision, the plain language provides "that a proposed ordinance shall be adopted when it has ... received the affirmative vote of a majority of the City Commission physically present." This language imposes a mandate because it uses the word "shall" when it refers to the fact that Winter Park ordinances shall be adopted when approved by an affirmative vote of a majority physically present. A member of the Commission is entitled to have his or her legislative program enacted in accordance with the Charter, and where the Charter mandates that the legislative program is enacted upon an affirmative vote of a majority, an ordinance that requires a super majority is, in my opinion, in clear conflict with the Charter mandate. To use the term that the Supreme Court used in *SAFE v. Browning*, the ordinance and the charter provision cannot "coexist", because a mandatory right to enact on a simple majority is in conflict with a requirement in an ordinance calling for a super majority.

I am certainly aware that this opinion may be viewed as controversial by some. During my tenure I have become aware that there are citizens who may prefer the super majority requirement because they believe this makes it more difficult for development that they oppose to occur in the City. That is a political or policy argument, and I offer no opinion whether or not a super majority requirement is advantageous to the City. My role is limited to expressing a legal opinion concerning whether or not there is a conflict between ordinances requiring a super majority vote and the provision in Section 2.11 mandating enactment of an ordinance if it receives the affirmative vote of a majority. A superior law (i.e., the Charter) mandating a simple majority is in conflict with, and cannot coexist with, an inferior law (i.e., an ordinance) that requires a super majority. The Charter must prevail under Florida law.

This conflict may only be resolved if the citizens of Winter Park approve an amendment to the Charter that requires a super majority vote under such circumstances as set out in the amendment. Amendments to a municipal charter are accomplished pursuant to the procedures in Section 166.031, Florida Statutes. This statute provides that the governing body of a municipality may, by ordinance, or the electors of the municipality may, by petition signed by at least 10% of the registered electors, submit to the electors the question of the amendment at a referendum election. Absent such an amendment in the Charter authorizing a super majority vote, the conflict remains in my opinion.

Because the question is controversial, some may call for the City to request an Attorney General opinion. That is an option, although the Attorney General may decline to issue an opinion. On this question, refer to the Attorney General's website and link to the page entitled "Frequently Asked Questions About Attorney General Opinions". There you will see that opinions generally are not issued on questions requiring an interpretation only of local codes, ordinances or charters.

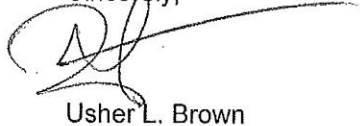
September 10, 2012
Page 5

The Attorney General does have discretion, however, to issue an opinion "notwithstanding any other provision of law". Section 16.01(3), Florida Statutes.

If an opinion from the Attorney General is requested by a majority of the City Commission or the City Manager, I will phrase the question to the best of my ability to implicate questions of state law in addition to local law, but I want to advise you of the possibility that under the statute the Attorney General may interpret the question as one strictly under local law, and then may exercise her discretion and refuse to issue an opinion. See, AGO 98-27, fn. 1 (March 31, 1998) ("You also asked about several provisions of the city charter. This office is authorized to render opinions regarding the interpretation of state law. See, Section 16.01(3), Florida Statutes. As discussed in this Office's Statement Concerning Attorney General Opinions, opinions are not issued on questions involving the interpretation of local charters, codes, or ordinances.")

Please contact me if you have any further questions regarding this.

Sincerely,

A handwritten signature in black ink, appearing to be "Usher L. Brown", written over a horizontal line.

Usher L. Brown

ULB:tla

G:\Docs\Cities\Winter Park\Legal Opinion Letters\2012 opinion - conflict between charter provision and ordinances calling for super majority vote\ltr.city manager re super majority vote and conflicts between charter provision & ordinances.wpd

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTION 58-6 TO REVISE THE PROCEDURES FOR AMENDMENTS TO THE COMPREHENSIVE PLAN, REPEALING SECTION 58-7 REGARDING DEVELOPMENT AGREEMENTS ADOPTED PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AMENDING POLICY 1-1.1.3 AND REPEALING POLICY 1-1.1.5 OF THE CITY'S COMPREHENSIVE PLAN OF THE GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT TO REMOVE THE REQUIREMENT OF SUPERMAJORITY OF VOTES FOR ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2.08(d) of the Charter of the City of Winter Park ("Charter") provides that a quorum of the City Commission shall exist when a majority of the Commissioners are present; and

WHEREAS, Section 2.01 of the Charter provides that the City Commission consists of five (5) members, and therefore, a majority of the City Commission consists of three (3) members; and

WHEREAS, Section 2.11 of the Charter provides that a proposed ordinance shall be adopted when it has received the affirmative vote of a majority of the City Commission physically present on at least two (2) separate days at either regular or special meetings of the Commission; and

WHEREAS, when only three (3) Commissioners are in attendance at a meeting of the City Commission, an ordinance may pass on two (2) votes of the Commissions that are physically present;

WHEREAS, the Charter must be construed to lead to a reasonable result in accordance with the plain language of its provisions; and

WHEREAS, the City Commission adopted its Comprehensive Plan on February 23, 2009 via Ordinance 2762-09 and desires to modify the procedures for amendments to the Comprehensive Plan that were established by Ordinance 2793-10, and

WHEREAS, certain provisions of the Comprehensive Plan of the City of Winter Park ("Code"), in their current form, require an affirmative vote of a supermajority of four (4) votes of the Commissioners in order to pass;

WHEREAS, Section 58-6 of the City Code of the City of Winter Park provides that amendments to the Comprehensive Plan shall be made by ordinance;

WHEREAS, a conflict therefore exists between those provisions of the Code and Comprehensive Plan requiring an affirmative vote of a supermajority of the Commissioners in order to pass an ordinance, and Section 2.11 of the Charter, which requires only a majority of the Commissioners physically present in order to pass an ordinance; and

WHEREAS, the municipal charter is the paramount law of the municipality; and

WHEREAS, if a conflict exists between a municipal charter and an ordinance, the charter provision will prevail; and

WHEREAS, in order to remedy this conflict and achieve consistency between certain Code provisions, the Comprehensive Plan, and the City Charter, the City desires to amend certain sections of its Comprehensive Plan to eliminate the supermajority requirement for matters passed by ordinance.

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

Section 1. Incorporation of Recitals as Legislative Findings. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Commission. The City Commission finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section.

Section 2. Revisions to Comprehensive Plan Policy 1-1.1.3. That the Comprehensive Plan is hereby amended so as to repeal and re-adopt Policy 1-1.1.3 in the Future Land Use Element on Page 1-2 of the Goals, Objectives and Policies to read as follows and revising that subsection to read as follows (underlined type indicates additions, ~~strikeout type~~ indicates deletions, and * * * indicates omitted text):

:

Policy 1-1.1.3: Require Public Notice Prior to Creation or Expansion of CRA or CDD. Prior to the creation or expansion of any Community Redevelopment Area (CRA) or Community Development District (CDD), there shall be a public notice requirement to all households in the City to inform residents of the proposal, the need for such action and the plans or actions contemplated as a result, ~~and shall require a super majority (4 vote) of the City Commission for approval.~~

Section 3. Revisions to Comprehensive Plan Policy 1-1.1.5. That the Comprehensive Plan is hereby amended so as to repeal Policy 1-1.1.5 in the Future Land Use Element on Page 1-2 of the Goals, Objectives and Policies in its entity.

Section 4. Revision to Section 58-6 for Comprehensive Plan Amendments.

That Section 58-6 of the Land Development Code pertaining to Amendments to the Comprehensive Plan so as to repeal and re-adopt Section 58-6 to read as follows (underlined type indicates additions, ~~strikeout type~~ indicates deletions, and * * * indicates omitted text):

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

(a)

(6) In case of a recommendation for denial, either to transmit or adopt, by the planning and zoning commission, such amendments shall not proceed or become effective except by the majority affirmative vote of ~~four members~~ of the city commission. In cases when the planning and zoning commission recommends approval of a comprehensive plan future land use map amendment or text amendment on a lesser portion of the property than originally requested or imposes conditions upon or limitations upon a recommendation for approval reducing the intensity or density of use of said property or text amendment, it shall require the majority affirmative vote of ~~four members~~ of the city commission to transmit or adopt such comprehensive plan future land use map or text amendment for a greater portion of the property or to increase the density or intensity of use above that recommended by the planning and zoning commission. ~~In addition, it shall also require the affirmative vote of four members of the city commission to approve or adopt any text amendment to the Future Land Use Element of the Comprehensive Plan, regardless of the recommendation by the planning and zoning commission. However, future land use map and other map amendments in the future land use element may be adopted by majority vote.~~

Section 5. Repeal Section 58-7 for Development Agreements. That Section 58-7 of the Land Development Code pertaining to Development Agreements adopted pursuant to Chapter 163, Florida Statutes is repealed in its entirety.

Section 6. 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 7. Codification. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

Section 8. Conflicts. All Ordinances or parts of Ordinances in conflict

with any of the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date Of Ordinance. This Ordinance shall become effective immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ____ day of _____, 2013.

Mayor Kenneth W. Bradley

ATTEST:

Cindy Bonham, City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA; AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" BY REPEALING THE REQUIREMENT FOR A SUPERMAJORITY VOTE OF THE CITY COMMISSION TO ADOPT ORDINANCES; REPEALING SECTION 58-89(e) REGARDING REZONING ORDINANCES; AMENDING SECTION 58-95 REGARDING COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2.08(d) of the Charter of the City of Winter Park ("Charter") provides that a quorum of the City Commission shall exist when a majority of the Commissioners are present; and

WHEREAS, Section 2.01 of the Charter provides that the City Commission consists of five (5) members, and therefore, a majority of the City Commission consists of three (3) members; and

WHEREAS, Section 2.11 of the Charter provides that a proposed ordinance shall be adopted when it has received the affirmative vote of a majority of the City Commission physically present on at least two (2) separate days at either regular or special meetings of the Commission; and

WHEREAS, when only three (3) Commissioners are in attendance at a meeting of the City Commission, an ordinance may pass on two (2) votes of the Commissions that are physically present;

WHEREAS, the Charter must be construed to lead to a reasonable result in accordance with the plain language of its provisions; and

WHEREAS, certain provisions of the City Code of the City of Winter Park ("Code"), in their current form, require an affirmative vote of a supermajority of four (4) votes of the Commissioners in order to pass;

WHEREAS, a conflict therefore exists between those provisions of the Code requiring an affirmative vote of a supermajority of the Commissioners in order to pass an ordinance, and Section 2.11 of the Charter, which requires only a majority of the Commissioners physically present in order to pass an ordinance; and

WHEREAS, the municipal charter is the paramount law of the municipality; and

WHEREAS, if a conflict exists between a municipal charter and an ordinance, the charter provision will prevail; and

WHEREAS, in order to remedy this conflict and achieve consistency between certain Code provisions and the City Charter, the City desires to amend certain sections of its Code to eliminate the supermajority requirement to pass an ordinance.

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

Section 1. Incorporation of Recitals as Legislative Findings. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Commission. The City Commission finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section.

Section 2. Revisions to Chapter 58, Land Development Code. That Section 58-89(e) of Chapter 58 "Land Development Code" of the Code of Ordinances is hereby repealed in its entirety.

Section 3. Revisions to Chapter 58, Land Development Code. That Chapter 58 "Land Development Code", Section 58-95 of the Code of Ordinances is hereby amended by amending the definition of "Community redevelopment area" as follows (underlined type indicates additions, ~~strikeout type~~ indicates deletions, and * * * indicates omitted text):

Sec. 58-95. - Definitions.

* * *

Community redevelopment area (CRA) means an area designated by the City of Winter Park and Orange County as an area for residential and commercial redevelopment with goals for affordable housing, blight elimination, enhanced safety and corridor enhancement pursuant to adopted CRA plans. Per the policies of the comprehensive plan, prior to the creation of a new CRA or expansion of the existing CRA there shall be a public notice requirement to all households in the city to inform residents of the proposal, the need for such action and the plans or actions contemplated as a result, ~~and a supermajority (four votes) of the city commission is required for approval.~~

* * *

Section 4. 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 5. Codification. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

Section 6. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 7. Effective Date Of Ordinance. This Ordinance shall become effective immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2013.

Mayor Kenneth W. Bradley

ATTEST:

Cindy Bonham, City Clerk

REQUEST OF THE CITY OF WINTER PARK TO: AMEND SECTION 58-6 (a) (6) TO REVISE THE PROCEDURES FOR AMENDMENTS TO THE COMPREHENSIVE PLAN, REPEALING SECTION 58-7 REGARDING DEVELOPMENT AGREEMENTS ADOPTED PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AMENDING POLICY 1-1.1.3 AND REPEALING POLICY 1-1.1.5 OF THE CITY'S COMPREHENSIVE PLAN OF THE GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT TO REMOVE THE REQUIREMENT OF SUPERMAJORITY OF VOTES FOR ORDINANCES.

REQUEST OF THE CITY OF WINTER PARK TO: REPEAL THE REQUIREMENT FOR A SUPERMAJORITY VOTE OF THE CITY COMMISSION TO ADOPT ORDINANCES; REPEALING SECTION 58-89(e) REGARDING REZONING ORDINANCES; AMENDING SECTION 58-95 REGARDING COMMUNITY REDEVELOPMENT AREA.

Planning Director Jeffrey Briggs presented the staff report. He explained that this item has been prepared by the City Attorney's office and the Planning staff to:

1. Amend the Comprehensive Plan and Zoning Code to remove the code provisions where four votes or a supermajority are required for the adoption of an Ordinance, and
2. Amend the Land Development Code to remove the code provisions for Development Agreements adopted pursuant to Chapter 163, Florida Statutes.

He explained that the City Attorney, Larry Brown, has prepared a legal opinion which was provided to the Board members. In that opinion, Mr. Brown indicates that the City Charter sets forth that all Ordinances are adopted by the affirmative vote of a majority of the City Commission. As such, the code sections that require either four votes or a supermajority of the City Commission to adopt an Ordinance are in conflict with the City Charter. As the City Charter supersedes and controls the procedure for the adoption of Ordinances, these two ordinances have been advertised to remedy and remove those conflicts.

The amendments repeal the following supermajority vote requirements;

1. Supermajority needed for an Ordinance to adopt Comp. Plan/Zoning changes if recommended for denial by P&Z and also for any Ordinance change to the text of the Future Land Use element. (Sec. 58-6 and Policy 1-1.1.5 and Sec. 58-89 (e).
2. Supermajority needed for an Ordinance to create or expand a CRA or CDD. (Policy 1-1.1.3 and Sec. 58-95).

He continued by stating that his conflict with City Charter only relates to the adoption of Ordinances. There are provisions of our Code that require a supermajority for the adoption of certain types of conditional uses or to waive time limits for re-applications. Those are not in conflict with the City Charter.

Regarding the repeal of the Chapter 163 Development Agreement provisions, he explained that in 1991 when the City adopted the Comprehensive Plan pursuant to Chapter 163, Florida Statutes, the City also adopted the provisions set forth in Chapter 163 for Development Agreements. These provisions are in the Article I, "Comprehensive Plan" section 58-7 of the Code. Since 1991, the City has never adopted a Development Agreement pursuant to Chapter 163, Florida Statutes. The reason is that these Development Agreements expire after 10 years. Instead what the City consistently utilizes is the adopted provisions for Development Agreements set forth in the Article III, "Zoning" section of the Code, which are Sections 58-89(j) and 58-90(f). These Development Agreements run with the land and do not expire.

Over the years these conflicting provisions have caused much confusion, as we just experienced with the 1997 YMCA Development Agreement. We wind up with conflicting legal opinions causing unnecessary confusion. The problem is compounded by the fact that when you search the City Code via MuniCode (which is what everyone does) it immediately takes you to the Comp. Plan Section 58-7 provisions and not to the Zoning Code provisions. There is no other solution to eliminate this confusion then to repeal the Section 58-7 provisions that the City has not used in the past 22 years.

He summarized by stating that the Planning and Zoning Board does not really have discretion with regards to the supermajority issue. The City Charter is the City's Constitution and all the other codes must conform to those Charter provisions. There is discretion as to the repeal of the Development Agreement section. But the recent history with the YMCA shows us that to have conflicting provisions for development agreements in the Code needs to be remedied.

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

Motion made by Mr. Sacha, seconded by Mr. Gottfried to recommend approval of the proposed ordinance amending and repealing the specified sections of the comprehensive plan. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Gottfried recommending approval of the proposed ordinance repealing the requirement for a supermajority vote of the city commission to adopt ordinances; repealing section 58-89(e) regarding rezoning ordinances; and amending section 58-95 regarding community redevelopment area. Motion carried unanimously with a 7-0 vote.



city commission **public hearing**

item type	Public Hearing	meeting date	January 28, 2013
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	Economic Development Advisory Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-0 final vote

subject

Resolution "Open for Business – Streamlining Permitting"

motion | recommendation

Approve Resolution

summary

This Resolution was created through MyRegion.org as part of their "*Open for Business*" initiative with a coalition of Central Florida business associations and local governments to address the region's economic recovery. The initiative focused first on identifying economic and regulatory barriers as part of a broad-based coalition representing thousands of employers in the eight-county Central Florida service footprint made up of Brevard, Lake, Orange, Osceola, Polk, Seminole, Sumter and Volusia counties.

During this past year we have implemented mechanisms to improve our permitting systems and identify with the approaches and actions outlined in the Resolution, and are still engaged in processes to further improve our permitting systems this year. Many of our processes in place reflect recommendations in the Resolution including customer service, pre-application review, contact point during review processes, timelines for project approvals, minimizing steps in approval process & project evaluation and minimizing process for project revisions.

Currently, within Orange County, five jurisdictions are participating: Orange County, Apopka, Edgewood, Orlando and Maitland. In addition, cities and counties throughout the region are participating.

Participation in this process is totally voluntary and does not legally limit the City or our development and permitting approval process in any way, but instead allows us to continue to implement common sense methods to make our permitting systems easily accessible and as streamlined as possible. While retaining our own uniqueness

as a City, we find that in working with other governments, there are often areas of commonality to improve these systems that makes it easier for our residents and the development community to obtain permitting and project approval information.

A new web site has been established to link persons to counties or cities within the region which are participating in this program in order to make new businesses aware of the streamlining process. The web site is: <http://openforbusinesscfl.com/>

The Economic Development Advisory Board met on January 22, reviewed the Resolution in detail including receiving background information on the development recommended actions and approaches of the streamlining permitting points delineated in the document. The Board then unanimously recommended that the City Commission adopt the Resolution.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF WINTER PARK
SUPPORTING CENTRAL FLORIDA'S "OPEN FOR
BUSINESS" INITIATIVE TO PROMOTE BUSINESS
CLIMATE, GREAT SERVICE, JOB CREATION AND
BUSINESS INVESTMENT THROUGH STREAMLINING
PERMITTING PROCESSES; PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, a reputation for a sound business climate is vital to the reputation of regions around the globe; and

WHEREAS, Central Florida is the 19th largest region in the United States and home to over 3.8 million people; and

WHEREAS, the City of Winter Park is united with other governments in the region to ensure Central Florida is a great destination for business, capital and employment; and

WHEREAS, sustaining and growing resident businesses of all sizes is vital to economic stability and employment; and

WHEREAS, competition for capital investment and industry diversification often rests on a market's ability to provide outstanding customer service; and

WHEREAS, the impacts of the prolonged recession require collaboration across jurisdictions and sharing of promising practices; and

WHEREAS, an initiative called Central Florida "Open for Business" has identified licensing and permitting, and overall business communications and transactions, as breakthrough areas for reputation-building, and business confidence; and

WHEREAS, the City of Winter Park wants to honor the work of the teams involved in "Open for Business" research and due diligence; and

WHEREAS, "Open for Business" has identified areas for collaboration, improvement and measurement; and

WHEREAS, streamlined permitting will send a positive message to new, expanding and relocating businesses; and

WHEREAS, the City of Winter Park is committed to promoting clear, data-driven decision-making and regional collaboration; and

WHEREAS, local governments have independently and collectively developed useful, productive and meaningful practices that help to ensure business compliance and seamless service.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

Section I. That the City of Winter Park endorses the following joint statement of regional work groups relative to streamlined permitting:

We are confident that the identification and removal of regional barriers constraining existing and new business enterprises inspires employer confidence and job creation, and distinguishes Central Florida and Winter Park as a place that is truly "Open for Business." We see local governments within our region joining together to set high standards for streamlined permitting processes that allow businesses to open quickly, so that people are able to work. New and incumbent businesses deserve those same high standards wherever they do business in Central Florida. The "Open for Business" recommendations are difficult but "do-able." They ensure meaningful and measureable progress toward our goals. We must remove obstacles to participating in the new economy. These are our priority actions. ("Open for Business" Report: Leaders in Eight Counties Identify Ways to Create More Jobs. Fall 2011. Page 2.)

Section II. That the City of Winter Park will endeavor to be guided by the key principles of:

- A. Sharing success and seeking common ways to measure progress
- B. Communicating breakthroughs inside and outside of Central Florida
- C. Developing and adopting promising practices and technologies
- D. Celebrating breakthroughs among co-signee peers
- E. Watching and evaluating other markets
- F. Listening to the customer
- G. Understand and develop a culture of customer service

Section III. That the City of Winter Park will consider the following actions and approaches to ensure success:

- A. CUSTOMER SERVICE – Promote a positive, pro-active attitude in the staff project review team, throughout the entire process, to help the customer make his or her project a reality.
- B. PRE-APPLICATION REVIEW – Provide for each pre-application project review to include all applicable departments. Build an integrated, multi-departmental, approach over time.
- C. ESTABLISH AN OMBUDSMAN – Provide one point of contact to guide customers throughout the entire approval process.
- D. TIME IS OF THE ESSENCE – Establish timelines for project approvals to advance savings of time and money for the customer and the taxpayer.

E. MINIMIZE APPROVAL STEPS – Minimize the steps for project approval depending on the scope of development request, including but not limited to planned unit development, subdivision, and permitted conditional use.

F. PROCESS IMPROVEMENTS – Commit to regular evaluations of the development review and permitting process to ensure an efficient and value-added process. Implement process and technology improvements as appropriate and feasible.

G. POST PROJECT APPROVAL – After project approval is achieved, minimize the time and steps for project permit amendments and/or revisions.

H. CONSISTENCY AND EXECUTION FOR REGIONAL IMPACT AND REPUTATION – Promote common language and consistent measures to prove regional impact and commitment.

Section IV. This resolution shall take effect immediately upon 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 this 28th day of January, 2013.

Kenneth W. Bradley Mayor

ATTEST:

City Clerk, Cynthia S. Bonham