



city commission agenda

Regular Meeting

February 25, 2013
3:30 p.m.

Commission Chambers

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

welcome

Welcome to the City of Winter Park City Commission meeting. The agenda for regularly scheduled Commission meetings is posted in City Hall the Tuesday before the meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's Web site at www.cityofwinterpark.org.

meeting procedures

Persons desiring to address the Commission MUST fill out and provide to the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the podium, state their name and address, and direct all remarks to the Commission as a body and not to individual members of the Commission, staff or audience.

Comments at the end of the meeting under New Business are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left to sum up. Large groups are asked to name a spokesperson. This period of time is for comments and not for questions directed to the Commission or staff for immediate answer. Questions directed to the City Commission will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

| | | |
|---|--|----------------|
| 1 | Meeting Called to Order | |
| 2 | Invocation Pastor David Smith, First Christian Winter Park Pledge of Allegiance | |
| 3 | Approval of Agenda | |
| 4 | Mayor's Report | |
| | a. Recognition of Winter Park Eagle Scouts | 10 minutes |
| 5 | City Manager's Report | Projected Time |
| 6 | City Attorney's Report | Projected Time |
| 7 | Non-Action Items | Projected Time |
| | a. Quiet zones update | 15 minutes |

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 2/11/2013.
- b. Approve the following purchases and contracts:
 - 1. PR 151471 to GO 3D, Inc. for crime scene laser scanner and accessories; \$63,040.
 - 2. PR 151524 to Sternberg Lanterns for purchase of 44 light poles for Fairbanks Avenue project; \$164,604.
 - 3. Contract renewal with GAI Consultants, Inc. for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services (Discipline: General Civil & Public Facility Engineering) and authorize the Mayor to execute Amendment 1.
 - 4. Contract renewal with Herbert-Halback, Inc. 1 for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services (Discipline: Landscape Architect) and authorize the Mayor to execute Amendment 1.
 - 5. Contract renewal with Miller Legg 1 for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services and authorize the Mayor to execute Amendment 1.

5 minutes

10 Action Items Requiring Discussion

Projected Time

- a. Tennis Management Services (RFP-7-2013)
- b. Cancel or reschedule the Commission meeting scheduled for Monday, May 27, 2013 due to the Memorial Day Holiday.

60 minutes
5 minutes

11 Public Hearings

Projected Time

- a. Request of Lakeside Winter Park LLC:
 - Conditional use approval to construct approximately 35,500 square feet of retail, restaurant and office building space on the properties at 111 and 131 N. Orlando Avenue, zoned C-3.
- b. Request of Mr./Mrs. Gavin Ford:
 - Conditional use approval to construct a tennis court on the property at 1551 Via Tuscany zoned R-1AAA.
- c. **Ordinance** – Vacating and abandoning the utility easement at 1141 Via Capri. (1)
- d. Request of the Sydgan Corporation:
 - **Ordinance** – Amending the “Comprehensive Plan” Future Land Use map to change the existing Future Land Use designations of Single Family Residential and Institutional to Office Future Land on the properties at 216, 226 and 234 W. Lyman Avenue and to Medium Density Residential Future Land Use on the property at 250 W. Lyman Avenue (1)

15 minutes

15 minutes

10 minutes

20 minutes

- **Ordinance** – Amending the Official Zoning Map to change the existing Single Family (R-1A) District and Public, Quasi-Public (PQP) zoning to Office (O-2) District zoning on the properties at 216, 226 and 234 W. Lyman Avenue and to Medium Density Multi-Family Residential (R-3) District zoning on the property at 250 W. Lyman Avenue (1)

e. Equalization Board Hearing: (To be held after 5:00)

- **Resolution** – Declaring and confirming that the City is to fund capital improvements to underground electric/CATV (BHN) facilities along Via Salerno/Via Capri; further declaring that the costs are partially paid for by special assessments levied against Real property benefitting by said improvements.

10 minutes

12 City Commission Reports

- a. Commissioner Leary
- b. Commissioner Sprinkel
- c. Commissioner Cooper
- d. Commissioner McMacken
- e. Mayor Bradley

Projected Time

10 minutes each

appeals & assistance

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

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



item type City Manager's Report

meeting date February 25, 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 action. | March 11, 2013 work session scheduled. |
| Lee Road Median Update | Currently developing a construction schedule. | 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. FDOT has approved funding for PEF project engineering.</p> <p>Project website has been set up at www.cityofwinterpark.org/fairbanks</p> | <p><u>Construction Project</u> On schedule</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 (day and night work).• Jackson lift station is largely complete. Gravity sewer is complete from Shoreview to Clay. Some soil contamination has been encountered.• Streetlight conduit and pole foundations being installed.• Mast arm foundations and poles being installed.• Formosa intersection to be closed starting Sunday night. Should be open next Friday. |
| 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 on March 11th. | March 2013 |

| | | |
|--|--|---------------|
| Tree Team Updates | Planning an educational session based on tree inventory study. | March 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 have been notified for permission. | |
| ULI Fairbanks Avenue TAP | Staff is working on the vision session. | April 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. Contract on February 11 agenda for approval. Project implementation and testing during March. | March 2013 |
| Amtrak/SunRail Station | Currently negotiating contract and value engineering. | February 2013 |
| Art in Transit | Information provided to the City Commission on February 14, 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.



city commission agenda item

| | | | |
|---------------------------------------|---|--------------|--|
| item type | Non-Action Item | meeting date | February 25, 2013 |
| prepared by department division | Don Marcotte Public Works | approved by | <input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A |
| board approval | <input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A final vote | | |

subject

Update on Quiet Zones.

motion | recommendation

The City of Winter Park will continue to coordinate with the Cities of Orlando and Maitland, MetroPlan Orlando, and the FDOT to establish a continuous quiet zone in order to restrict the use train horns. This includes working with these local municipalities and the State and Federal governments to find funding sources that will support the development of quiet zones.

background

- September 21, 2011 a diagnostic review of the City's conceptual plans for the grade crossing improvements was performed by representatives of FRA, FDOT, MetroPlan Orlando, and Orange County.
- December 1, 2011 the City of Winter Park mailed out to the FRA, FTA, CSX and FDOT the Notice of Intent to Establish a Quiet Zone.
- On July 23, 2012 resolution supporting the construction of quiet zones throughout the rail corridor in Central Florida as part of the SunRail project was adopted at a regular meeting of the City Commission of the City of Winter Park.
- On August 22, 2012, November 19, 2012, January 31, 2013 City Manager Randy Knight and staff met with the Cities of Orlando and Maitland to continue the coordination efforts with the local municipalities and discuss funding opportunities.
- November 14, 2012 MetroPlan Orlando Board approved a request to: (1) allocate funds to cover costs of concept design drawings for jurisdictions that do not currently have them; (2) add quiet zones to the appropriate priority list as an unranked regional priority; and (3) support seeking state or federal funding for construction of quiet zones along the SunRail corridor.
- February 7, 2013 quiet zones update to the MAC, Municipal Advisory Committee by Virginia Whittington, Director of Regional Partnerships of MetroPlan Orlando.
- FDOT is providing the funding for concept plan development for quiet zones throughout the SunRail corridor. \$23,000 has been allocated to update the concept plans for Winter Park.

- Separate quiet zones will be established along the SunRail corridor for the individual municipalities.
- According to the FRA Quiet Zone Calculator Improvements to 10 grade crossings within the City limits will reduce the City's Quiet Zone Risk Index (QZRI) 26 percent below the Risk Index with Horns (RIWH). This will qualify the City for quiet zones. The estimated construction costs for these improvements are \$1.5 million.
- FDOT will enter into an Operations and Maintenance contract for SunRail in March 2013. The O&M contractor will accept concept plans and construct grade crossing improvements over several years of operation as funds become available.

alternatives | other considerations

No longer pursue the establishment of quiet zones in the City of Winter Park.

fiscal impact

There is no fiscal impact on the City's current budget. Together with MetroPlan Orlando and the other local municipalities along the SunRail Corridor the City will continue to seek state and/or federal funding for construction of quiet zones. In future budget years the City could consider continuing to fund grade crossing improvements to further lower the City's QZRI.

long-term impact

N/A

strategic objective

Improve quality of life for the citizens of Winter Park.

MEMORANDUM

December 4, 2012

TO: MetroPlan Orlando Board

FROM: Virginia L. Whittington, Director of Regional Partnerships

SUBJECT: Request for Approval of Estimated Cost for Quiet Zone Concept Drawings

In 2010, the Municipal Advisory Committee (MAC) established a subcommittee to determine the steps necessary to have quiet zones implemented along the SunRail corridor. The MAC subsequently requested and received Board approval to (1) work with appropriate FDOT staff and Volusia TPO staff to ascertain what would be required to conduct an analysis of each crossing to bring up to FRA safety standards to meeting quiet-zone readiness; (2) develop a project cost and scope of work should contractual services be required; and (3) identify funding within the MetroPlan Orlando UPWP that may be used should contractual services be required.

A regional Quiet Zone workshop was held in October 2010 and diagnostic reviews conducted with Federal Railroad Administration staff in 2011. The preliminary diagnostic reviews revealed improvements needed at each crossing (beyond those already planned for SunRail) that would make the crossings quiet zone ready. While the cities of Orlando and Winter Park have moved forward with the next step to have concept drawings completed, other cities along the line have been unable to do so. MetroPlan Orlando and FDOT staff has identified funding within the current year UPWP that could be used to complete the needed concept design drawings.

On November 14, 2012 the MetroPlan Orlando Board supported a resolution where the MAC requested: (1) Approval to allocate a portion of FY 2013 XU funds (Federal STP Urban Funds), as identified by MetroPlan Orlando staff and FDOT, to cover the costs of concept design drawings for jurisdictions that do not currently have them; (2) Approval to add quiet zones to the appropriate priority lists as an unranked regional priority; (3) Approval to support for seeking a state or federal appropriation for implementation of quiet zones in the region. The Board asked that staff included Osceola County and that an estimated cost for the concept design drawings be brought back for final approval at their next meeting.

Staff requests Board approval to allocate up to \$500,000 from FY 2013 XU funds (Federal STP Urban Funds) to cover the costs of concept design drawings along the SunRail corridor. The proposed funds are a portion of additional funds that have become available to the region. The funds are uncommitted and will not displace or impact projects in the current work program. A table showing the amounts allocated for concept drawings for each city or county is attached for information purposes.



metroplan orlando
A REGIONAL TRANSPORTATION PARTNERSHIP

Attachment
Request for Approval of Estimated Cost for Quiet Zone Concept Drawings

| City/County | Contact | Number of Crossings | Amount Allocated |
|--------------------------------|---------------------|---------------------|------------------|
| Seminole County ² | Mr. Brett Blackadar | n/a | n/a |
| Sanford | Mr. Bilal Iftikah | up to 6 | \$42,000 |
| Lake Mary | Mr. Gary Schindler | up to 3 | \$21,000 |
| Longwood | Mr. Jon Williams | up to 9 | \$63,000 |
| Casselberry | Mr. Kelly Brock | 1 | \$7,000 |
| Altamonte Springs ¹ | Ms. Jamie Coker | up to 6 | \$42,000 |
| Orange County ^{1,4} | Ms. Carla Johnson | up to 11 | \$77,000 |
| Maitland | Mr. Charles Wallace | up to 9 | \$63,000 |
| Winter Park ³ | Mr. Don Marcotte | up to 13 | \$23,000 |
| Edgewood ¹ | Mayor Ray Bagshaw | up to 4 | \$28,000 |
| Osceola County ⁴ | Ms. Tiffany Homler | up to 18 | \$126,000 |
| Total | | | \$492,000 |

¹ Awaiting confirmation.

² Need to coordinate closely with cities. Majority of crossings on city streets or in city limits.

³ Requests refresh of current plans. (Estimated @ 25% of cost).

⁴ Phase 2 crossings added; diagnostic reviews being scheduled.

Print This Page

Home | Help | Contact | [logoff wmargraf@cityofwinterpark.org](#)[Cancel](#)

Change Scenario: WINTERPARK 177

[Continue](#)

Create New Zone
Manage Existing Zones
Log Off

Step by Step Instructions:

Step 1: To specify New Warning Device (For Pre-Rule Quiet Zone Only) and/or SSM, click the [MODIFY](#) Button

Step 2: Select proposed warning device or SSM. Then click the [UPDATE](#) button. To generate a spreadsheet of the values on this page, click on [ASM](#) button—This spreadsheet can then be used for ASM calculations.

Step 3: Repeat Step (2) until the SELECT button is shown at the bottom right side of this page. Note that the SELECT button is shown ONLY when the Quiet Zone Risk Index falls below the NSRT or the Risk Index with Horn.

| Crossing | Street | Traffic | Warning Device | Pre-SSM | SSM | Risk | |
|----------|---------------|---------|----------------|---------|-----|-----------|------------------------|
| 622150B | DENNING D | 4525 | Gates | 0 | 0 | 19,539.41 | MODIFY |
| 622151H | WEBSTER A | 8510 | Gates | 0 | 12 | 5,640.24 | MODIFY |
| 622152P | PENNSYLVANI A | 2300 | Gates | 0 | 12 | 4,160.95 | MODIFY |
| 622153W | NEW YORK A | 5975 | Gates | 0 | 6 | 4,791.19 | MODIFY |
| 622154D | CANTON A | 5380 | Gates | 0 | 6 | 4,677.45 | MODIFY |
| 622157Y | MORSE B | 6725 | Gates | 0 | 12 | 6,607.13 | MODIFY |
| 622161N | NEW ENGLAND A | 3465 | Gates | 0 | 6 | 4,221.70 | MODIFY |
| 622162V | LYMAN AVE | 2220 | Gates | 0 | 6 | 3,539.30 | MODIFY |
| 622163C | NEW YORK A | 8130 | Gates | 0 | 6 | 4,789.75 | MODIFY |
| 622164J | FAIRBANKS | 25800 | Gates | 0 | 6 | 7,933.37 | MODIFY |
| 622165R | PENN A | 2045 | Gates | 0 | 0 | 17,867.98 | MODIFY |
| 622166X | HOLT A | 2235 | Gates | 0 | 0 | 53,394.11 | MODIFY |
| 622167E | MINNESOTA A | 6235 | Gates | 0 | 0 | 23,233.70 | MODIFY |
| 622168L | DENNING D | 1625 | Gates | 0 | 0 | 16,891.74 | MODIFY |
| 622169T | ORLANDO AVE | 28900 | Gates | 0 | 12 | 31,502.66 | MODIFY |
| 622170M | WESTCHESTER A | 1065 | Gates | 0 | 0 | 13,770.08 | MODIFY |

* Only Public At Grade Crossings are listed.

ALERT: Quiet Zone qualifies because QZRI is less than Risk Index with Horns.

Click for [Supplementary Safety Measures \[SSM\]](#)

| Summary | |
|------------------------------|------------------|
| Proposed Quiet Zone: | winterpark |
| Type: | New 24-hour QZ |
| Scenario: | WINTERPARK_17751 |
| Estimated Total Cost: | \$820,000.00 |
| | |

Step 4: To save the scenario and continue, click the SELECT button

Click for ASM spreadsheet: ASM *
Note: The use of ASMs requires an application to and approval from the FRA.

| | |
|---|-----------------|
| Nationwide Significant Risk Threshold: | 13722 .00 |
| Risk Index with Horns: | 18876.14 |
| Quiet Zone Risk Index: | 13910.05 |
| Select | |

~~Upon a roll call vote on the amendment, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.~~

~~Upon a roll call vote on the main motion as amended, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.~~

- c. RESOLUTION NO. 2110-12: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA SUPPORTING THE CONSTRUCTION OF QUIET ZONES THROUGHOUT THE RAIL CORRIDOR IN CENTRAL FLORIDA AS PART OF THE SUNRAIL PROJECT.

Attorney Brown read the resolution by title. City Manager Knight explained this is being presented per the direction of the Commission at the last meeting on July 9.

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

Commissioner Cooper asked if there was any design work that needs to be done for the quiet zones this year that we would need to contribute to. City Manager Knight said no.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

City Commission Reports:

- a. Commissioner Leary – No items.
- b. Commissioner Sprinkel
 1. Commissioner Sprinkel asked if we have a panhandling ordinance. City Manager Knight said yes.
 2. Commissioner Sprinkel requested that the numerous handmade signs and election signs throughout the City are removed. City Manager Knight said Code Enforcement routinely makes their rounds each day throughout the City to address this issue.

Motion made by Mayor Bradley to approve the appointment or appointment of Edgar Lopez (expires 2013); seconded by Commissioner Dillaha. Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

c. Mayor Bradley noted that the City of Winter Park is a finalist in one of three cities in the nation to be selected for the Central Florida Vitality Zone site visit.

Mayor Bradley shared the news by acknowledging and congratulating Dr. Cecil Wilson, a Winter Park resident and local doctor, with being awarded the installation as President of the American Medical Association (AMA).

City Manager's Report

City Manager Knight updated the Commission regarding the veto on the quiet zone funding. He noted that they are still working with FDOT on a cost for the commuter rail intersections to be in compliance with quiet zones, and they are also looking at other funding options.

Commissioner Dillaha asked about the upcoming budget presentation. She asked for a brief preview of what to expect in the 2011 budget. It was noted by Mr. Knight that everything is being looked at to reduce costs and that he will provide a balanced budget and attempt to meet every goal that the Commission set.

Commissioner McMacken addressed the 90 day tennis report and spoke about the hard costs related to the issue. Mr. Knight noted that the item is resolved and everyone is pleased with the vendor and noted that this is something they will be reviewing constantly.

Commissioner Cooper asked Mr. Knight about the Police negotiations and the process, along with the pension study. She also asked about the community center programming for the actual facility and asked Mr. Knight to provide a status update on the request for the Historic Preservation of Park Avenue. Mr. Knight addressed the issues in question and noted that he will add the status request.

City Attorney's Report

- a. Request that a shade meeting pursuant to Section 268.011(8) be scheduled in the lawsuit titled Canin Associates, Inc. v. City of Winter Park

Attorney Brown addressed the need to schedule a shade meeting that would take approximately one hour. It was agreed to schedule the item for July 12, 2010 at 2:30 p.m., prior to the regularly scheduled Commission Meeting.

- b. Update on Commuter Rail negotiations

Attorney Brown provided a brief summary of their meeting held on June 9, 2010 with the representatives of Orange County and their legal staff to discuss revisions to the existing Interlocal Agreement between Winter Park and Orange County for Commuter Rail. He noted that the County staff seemed very willing to make substantial movement regarding the financial concerns. Attorney Brown mentioned that the County is willing to recommend that the dedicated funding source be clarified so that at any time during the entire term of the

b. Presentation of the Tree City USA and Growth Award

Lee Mackin, Forestry Division, presented the City with a Tree City USA historic street sign that will be displayed in over sixteen areas throughout the City. Ms. Dana Sussman, Florida Department of Urban Forestry, presented the 30th Annual Tree City USA award and the 19th Annual Tree Growth Award. She summarized the standards the City must meet annually to continue to receive the Tree City USA award and to receive the Growth Award. She also presented the Mayor with a plaque that lists the years of awards and a crystal memorabilia.

c. Report from State Lobbyist Bill Peebles

Bill Peebles introduced his law partner Karen Peterson, who assisted him over the past year to handle about half of the City issues and summarized her background. He thanked Mayor Bradley for coming to Tallahassee to support them in their efforts and City Manager Knight and his staff for a successful session.

Bill Peebles elaborated on several specific topics, one being the dedicated funding source for SunRail. He mentioned in the 2009 legislative session, it expanded an existing one penny with a referendum sales tax that existed for road construction, but in 2009 permitted uses for that penny were expanded to include transit O&M. There exists the ability to go to the voters and ask for an extra penny sales tax to support SunRail and other transit operations, as well as capital costs of other transportation improvements. He believed that Orange County looks to that as one of the possibilities for funding O&M for SunRail.

He mentioned the rental car surcharge, which is an extra \$2 a day on rental cars. He noted that the legislature declined to enact a local option rental car surcharge so that funding option should be taken off the table for the next couple of years. The other funding option that was talked about in this session was the fuel tax, even though there was no movement. Also discussed was the quiet zone funding, which this year in the State Appropriations Act there is \$3.5 million that is intended to facilitate the construction of quadrant crossing guards and mentioned that the City might qualify as a quiet zone and be eligible for these funds. He spoke about an opportunity to secure funding for stormwater projects and with the help of several individuals the City received funding for several local projects. He also mentioned that there was also a short discussion which included the issue of pensions and the aid in securing for latitude for the use of 175-185 insurance premium funds.

State Representative Dean Cannon thanked Mayor Bradley and the Commissioner for doing a great job and that the City is a great community to represent in Tallahassee. He briefly reported on the meetings in Tallahassee, along with mentioning several future financial issues. Mr. Cannon said he looks forward to working with the City on issues concerning pensions, such as moving from defined benefit to defined contribution, how to deal with the goals of public safety and the delivery of health insurance issues.

d. Proclamation – Building Safety Month

Mayor Bradley proclaimed May 2010 as Building Safety Month in the City. He gave special recognition to Director of Code Enforcement George Wiggins and the entire team in the Building and Code Enforcement Department for the work they perform. Mr. Wiggins gave a brief

Motion made by Commissioner Anderson to approve the comprehensive plan as amended by various votes this evening, striking the last clause in Section 3 regarding the Public Participation Plan; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson and Dillaha voted yes. The motion carried with a 4-1 vote. Commissioner Diebel voted no.

City Attorney's Report:

There were no items to report.

Non-Action Items:

- a) City Manager's Report.

City Manager Knight suggested that the Commissioners take a look at Villa View Park.

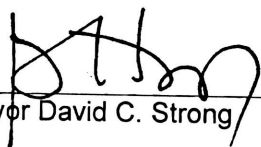
New Business (Public):

There was no new business.

New Business (City Commission):

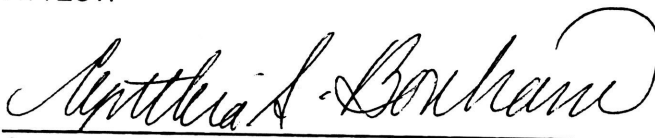
Commissioner Dillaha commented that there is a stimulus report that is showing all of the stimulus projects that have been requested throughout Florida and that Winter Park was not on there. She questioned if there was an opportunity to ask for something and suggested the quiet zone project. City Manager Knight commented that it could be added. Commissioner Anderson asked if the lobbyists were doing anything. Mr. Knight said they were.

The meeting adjourned at 8:10 p.m.



Mayor David C. Strong

ATTEST:



Cynthia S. Bonham, City Clerk

Commission to state like Maitland that if there is no dedicated funding in 2017, then Orange County must guarantee to pay the Operation and Maintenance (O&M) costs.

Carolyn Cooper, 1047 McKean Circle, agreed with Mr. Murrah and stated it is critical that the City tell the County that to secure our participation, they need to agree to pay 100% of the O&M costs.

No further public comments were made.

Mayor Strong commented that Orange County Commissioner Segal should be invited to the Commuter Rail Forum on March 7 and asked that he relay that to Dr. Seymour. Commissioner Eckbert agreed.

Mayor Strong asked if they should be concerned about the bond issue. Director of Finance Wes Hamil and Craig Dunlap, Financial Advisor on bond issues, explained that there are many factors that go into a bond rating and it is too premature to tell at this time. Mr. Dunlap answered questions posed by the Commission. Commissioner Metcalf expressed concerns with the resolution being too wordy and suggested deleting several of the 'Whereas' statements.

Motion made by Commissioner Metcalf to adopt the resolution with the changes made to only retain 'Whereas' statements #3, #7 and #8, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane was absent. The motion carried unanimously with a 4-0 vote.

- e) Joint Planning Agreement with the Florida Department of Transportation for funding of \$300,000 to the City for safety improvements of the New England Avenue rail highway grade crossing.

Attorney Cheek explained that FDOT is requiring the City to have an indemnity clause in the event that there is liability against FDOT arising from the project. He stated normally he advises staff not to agree to indemnity clauses but that FDOT is a State entity who stated they will not release the \$300,000 if the City does not agree to their form and how they wrote it. Attorney Cheek recommended entering the agreement.

Public Works Director Troy Attaway explained the agreement allows the City to receive \$300,000 in State funding to take one of their intersections and increase the level of safety as a part of their requirement for a quiet zone. He addressed their decision to do the New England Avenue crossing and that they will be doing quad gates where they will have four gates instead of the existing two. Mr. Attaway answered questions from the Commission. He explained he will provide the cost to the Commission regarding the islands and quad gates.

Attorney Cheek stated he had a concern regarding a provision in the agreement where FDOT is requiring that the City indemnify FDOT. He stated the City does not like to indemnify people but if the City does not, we will not receive the \$300,000. Attorney Cheek stated the City has insurance that covers the City if someone is injured during construction. He stated this was a technical point and he wanted to inform the Commission regarding this matter.

Motion made by Commissioner Eckbert to approve the agreement, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert and Metcalf voted yes. Commissioner DeVane was absent. The motion carried unanimously with a 4-0 vote.

CONSENT AGENDA:

- a) Approve the minutes of 1/24/07 and 2/1/07 (special meetings); and 2/12/07 (regular meeting).
- b) Approve the following bids and purchases:
 - 1) Extension of WP-3-2006 for Tree Debris Disposal with A Sun State Tree service (Budget: Forestry)
 - 2) PR 131494 to Duval Ford for replacement vehicle for Parks under the Florida Sheriff's contract; \$24,883.00 (Budget: Vehicle Replacement)
 - 3) PR 131495 to Duval Ford for replacement vehicle for Parks under the Florida Sheriff's contract; \$19,662.00 (Budget: Vehicle Replacement)
 - 4) PR 131496 to Cindy Chevrolet for replacement vehicle for Parks under the Florida Sheriff's contract; \$19,587.00 (Budget: Vehicle Replacement)
 - 5) RFP-5-2007, Professional Dry Cleaning Services for Public Safety Personnel, to American Cleaners of Winter Park (Budget: Police/Fire).
 - 6) PR 131554 to Classic Chevrolet for replacement vehicle for Fire Dept. under State Contract # 070-001-07-1; \$31,985.00 (Budget: Vehicle Replacement).
 - 7) Contract extension of WP-5-2005 for Installation of Street Brick Pavers with U.S. Brick and Block Systems (Budget: Public Works)

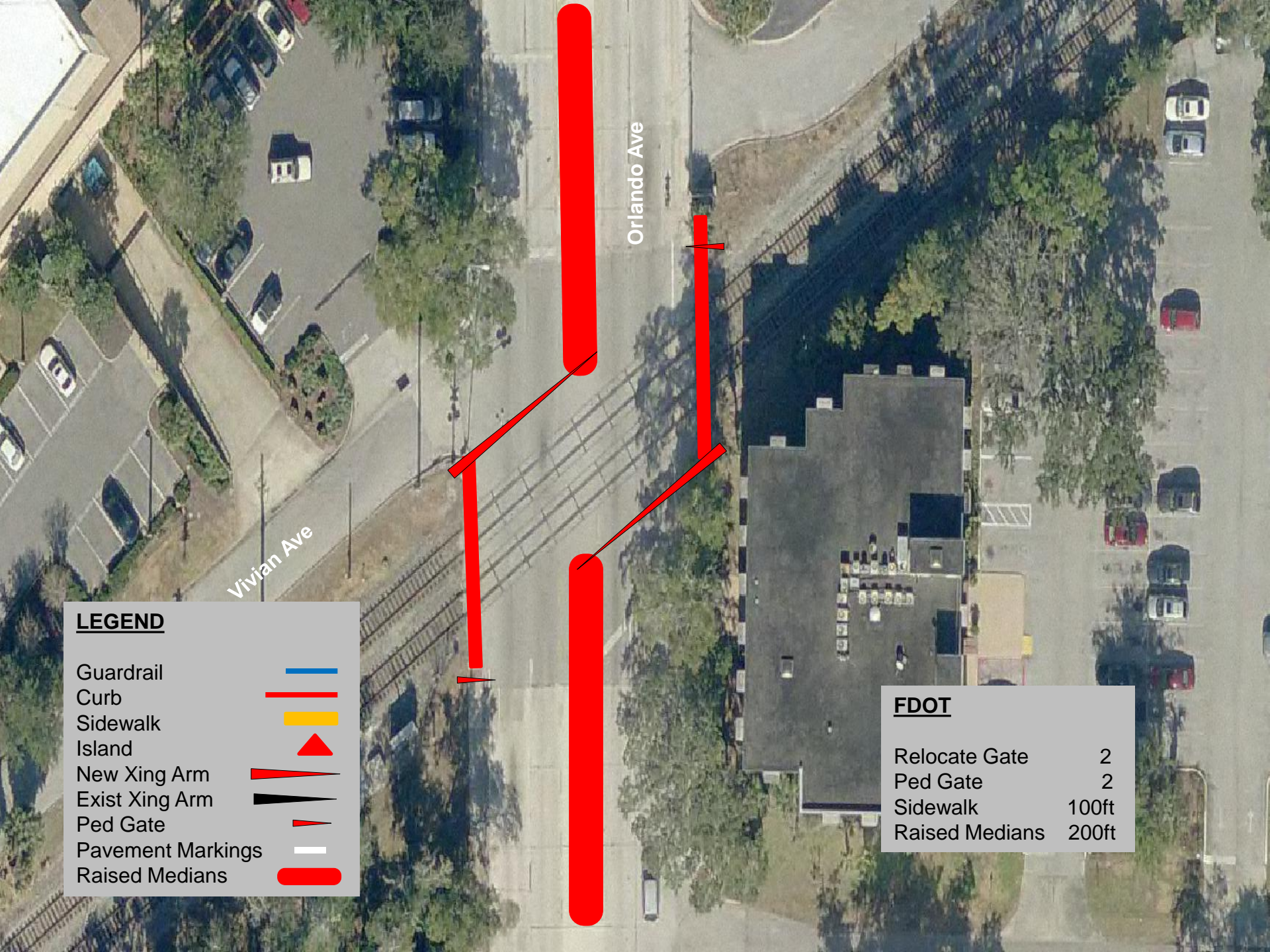
Motion made by Commissioner Metcalf to approve the Consent Agenda; seconded by Commissioner Storer and carried unanimously with a 4-0 vote.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2702-07: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, CORPORATE LIMITS DESCRIBED," SO AS TO DE-ANNEX PROPERTIES ON LEE ROAD, BENNETT AVENUE, LEWIS DRIVE, BENJAMIN AVENUE AND ORLANDO AVENUE, SUBJECT TO A DEANNEXATION AGREEMENT, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Cheek read the ordinance by title. He explained that they have renegotiated to some degree the de-annexation agreement among himself, Planning Director Jeff Briggs, Mr. Bellows and his counsel. He expressed that in his opinion they addressed the questions that were raised and the agreement commits Benjamin Partners to subsequently annex back into the City when the development is completed. He explained that it is likely that the City will be annexing the entire development and not just these 10 properties. He also stated that Orange County will not sign the de-annexation agreement and this will be another change.


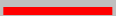







Dana Harris, representing Benjamin Partners, Ltd., explained that the bulk of the project will be DRI and there will be some minor comprehensive plan changes. She requested that this ordinance be passed. She stated since the agreement has been revised, it protects the City with 90% being in unincorporated Orange County. She stated that 10% of the parcels, upon de-annexation, will aid in the one jurisdiction of this development.



Orlando Ave

Vivian Ave

LEGEND

- Guardrail 
- Curb 
- Sidewalk 
- Island 
- New Xing Arm 
- Exist Xing Arm 
- Ped Gate 
- Pavement Markings 
- Raised Medians 

FDOT

| | |
|----------------|-------|
| Relocate Gate | 2 |
| Ped Gate | 2 |
| Sidewalk | 100ft |
| Raised Medians | 200ft |

REGULAR MEETING OF THE CITY COMMISSION
February 11, 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 Reverend Steve May, First Baptist Church of Winter Park, followed by the Pledge of Allegiance.

Members present:

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

Also present:

City Manager Randy Knight
City Attorney William Reischmann
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

Approval of the agenda

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

Mayor's Report

- a. Presentation of checks from the Winter Park Chamber of Commerce to area schools from proceeds from the December 2012 pancake breakfast fundraiser

Debra Hendrickson, Winter Park Chamber of Commerce, presented \$2,000 checks to the City of Winter Park and to Aloma Elementary, Audubon Park Elementary, Brookshire Elementary, Dommerich Elementary, Killarney Elementary, and Lakemont Elementary from proceeds raised by Leadership Winter Park at the December 2012 pancake breakfast. Orange County School Board member Joie Cadle thanked the City for the use of Central Park for the "Picnic in the Park" event.

- b. "Employee of the Quarter" presentation to Earl Hoffman, Meter Systems Manager

Mayor Bradley recognized Earl Hoffman, Meter Systems Manager, as employee of the Fourth Quarter 2012 and thanked him for his hard work and dedication.

City Manager's Report:

1. Upon request, City Manager Knight provided a brief update regarding the James Moore & Company election campaign endorsement. A response letter was received and distributed via email to the Commission. The letter outlined their

position and advised the City that a separate partner in their firm has been assigned to finalize and present the next audit report to the Commission.

Commissioner Cooper mentioned that she reviewed numerous campaign contribution reports from prior years and that several auditors who were under contract with the City had made financial campaign contributions. She shared her concerns with using this type of forum to question people's ethical behavior and felt that clear rules need to be put in place so that everyone can comply. She suggested that they consider adopting a policy regarding campaign contributions.

2. Upon questioning by Commissioner McMacken, Assistant Public Works Director Don Marcotte provided a brief update on the funding for quiet zones. He noted that a full presentation is scheduled for the next meeting.

3. Commissioner Sprinkel reminded City Manager Knight that staff was to bring back a detailed list of all art that is planned for the Amtrak station, including free standing pieces and sculptures.

4. Commissioner McMacken noted that the American flag pole in the Commission chambers is in need of repair and asked that it be fixed.

City Attorney's Report

Attorney Reischmann advised that their office is working on the following items:

- Legal opinion from the Division of Elections regarding campaign accounts
- Potential Ravaudage CDD agreement

City Manager Knight advised that a mandatory mediation is scheduled for March 20th on the Bell litigation case.

Non-Action Item

a. Presentation on treatment of herbicide resistant hydrilla

Environmental Resource Manager Tim Egan provided a PowerPoint presentation regarding what a herbicide treatment is, do naturally tolerant plants exist, which plants survive the treatment, the after-growth, resistance issues in Winter Park lakes, how to prevent resistance, current management practices, challenges to using newly available herbicides, what happens if we do not use these new products, what are the real risks of irrigating with treated water and how we will proceed. Mr. Egan answered questions.

Following a brief discussion, a majority of the Commission agreed that we need to focus on educating the residents and recommended using some sort of City-wide notice or direct mailing. No action was taken; this was for informational purposes.

Consent Agenda

- a. Approve the minutes of 1/28/2013.
- b. Approve the following contracts and formal solicitation:
 - 1. Service agreement to Payment Service Network Inc. for RFP-15-2012, Utility Services/Electronic Bill Presentment and Payment and authorize the Mayor to execute the service agreement.
 - 2. Piggybacking the Clay County contract #08/09-3 with MUSCO Sports Lighting, LLC for various equipment and amenities for parks and playgrounds and authorize the Mayor to execute the Piggyback Contract.
 - 3. Award IFB-8-2013 to McClellan Industries for purchase of source-Transfer pad-mounted medium voltage switchgear; \$54,292.10; and authorize the Mayor to execute the contract.
- c. Approve the disposal of 845 W. New England Avenue to the Hannibal Square Community Land Trust to develop five single-family homes that meet the affordable housing criteria set out by the City of Winter Park's Comprehensive Plan and conforms to the terms set out in the 2006 Memorandum of Understanding. – **PULLED FOR DISCUSSION – SEE BELOW**

Motion made by Commissioner Sprinkel to approve Consent Agenda items 'a' and 'b.1-3'; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Consent Agenda Item 'c' – Approve the disposal of 845 W. New England Avenue to the Hannibal Square Community Land Trust (HSCLT) to develop five single-family homes that meet the affordable housing criteria set out by the City of Winter Park's Comprehensive Plan and conforms to the terms set out in the 2006 Memorandum of Understanding.

Commissioner Leary mentioned that the City recently approved several affordable housing projects and felt that we should not dispose of a property that is owned by the citizens and is conservatively worth \$250,000. He asked that a report be provided which supports the need for affordable housing in the current marketplace prior to making a final decision. **Motion made by Commissioner Leary to table. Motion failed for lack of a second.** Following a brief discussion on whether or not we need additional affordable housing in today's economy, a majority of the Commission agreed that a report should be provided prior to the next meeting since this is the citizen's property. Mayor Bradley also wanted to understand what the cumulative effect would be.

Commissioner Cooper said she is comfortable moving forward with no data since the City has a long term agreement dating back to 2006 with the HSCLT to fulfill this request.

Motion made by Commissioner Cooper to approve Consent Agenda item 'c'; seconded by Commissioner Sprinkel and carried with a 4-1 vote. Commissioner Leary voted no.

Action Items Requiring Discussion

a. Electric System Undergrounding Program

Electric Utility Director Jerry Warren provided a PowerPoint presentation regarding six major policy issues relating to decorative street lights, undergrounding budget implications, the different sizes of electric service, possible alternative solutions for households that cannot afford to underground service, what other communities found regarding their undergrounding programs, suggested strategies, undergrounding budget without electric service wires, should recent tree pruning affect undergrounding priorities, program funding alternatives, mechanisms to advance projects and the program timeline.

Following a brief discussion regarding the next steps, a majority of the Commission agreed to the following:

- A work session be held on March 11th prior to the regular Commission meeting so that a policy decision could follow in mid-April
- All electrical related questions should be directed to Mr. Warren
- Other related questions such as key policy issues should be directed to City Manager Knight
- All answers to questions be distributed via email to the Commission
- Prior to the next meeting for City Manager Knight to bring back suggestions on the different ways of seeking public input

Commissioner Sprinkel shared her concerns and felt it would be more beneficial for the Commission to establish and set a goal first so that everyone is on the same page and be more focused on what they want to achieve.

Commissioner Cooper indicated that she would like to understand the genesis of the decision to underground and asked to receive the information that led to this assumption.

No general public comments were made.

A recess was taken from 5:41 p.m. to 6:01 p.m.

Public Hearings

- a. RESOLUTION NO. 2120-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE

UNDERGROUNDING OF ELECTRIC/CATV FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING VIA SALERNO AND VIA CAPRI; WHICH IMPROVEMENTS ARE TO BE PAID IN PART BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES WITHIN THE ABOVE DESCRIBED AREA; PROVIDING AN EFFECTIVE DATE.

Attorney Reischmann read the resolution by title. **Motion made by Commissioner Sprinkel to adopt the resolution; seconded by Commissioner McMacken.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Cooper was not present to vote.**

b. 500 East Lake Sue Avenue:

ORDINANCE NO. 2907-13: 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 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. Second Reading

ORDINANCE NO. 2908-13: 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 ESTABLISH SINGLE FAMILY (R-1AA) ZONING ON THE ANNEXED PROPERTY AT 500 LAKE SUE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Reischmann read both ordinances by title.

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

Motion made by Commissioner McMacken to adopt the second ordinance (zoning); seconded by Commissioner Sprinkel.

No public comments were made.

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

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

c. Repeal of Supermajority needed for adoption of ordinances:

ORDINANCE NO. 2909-13: 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. Second Reading

Attorney Reischmann read the ordinance by title. **Motion made by Mayor Bradley to adopt the ordinance; seconded by Commissioner Sprinkel.**

Planning Director Jeff Briggs explained that on January 28 the City Commission adopted at first reading, two ordinances to remedy the supermajority conflict with the City Charter. He addressed the need for the Comprehensive Plan amendment ordinance to go to the State of Florida Department of Economic Opportunity for their review and comment prior to the second reading per Chapter 163, Florida Statutes; the zoning ordinance can be adopted now on second reading.

Attorney Reischmann explained that we have a timing issue and that both ordinances should be adopted at the same time so there is consistency between the Land Development Code and our Charter. He suggested making the adoption date for the zoning ordinance to be effective upon the adoption of the Comprehensive Plan ordinance.

Following a brief discussion regarding the adoption date, **motion amended by Mayor Bradley that this ordinance would be effective upon the action taken in the second reading; seconded by Commissioner Sprinkel.**

Peter Weldon, 700 Via Lombardy, supported the repeal as presented.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

d. Request of the City of Winter Park:

AN ORDINANCE TO AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" IN THE FUTURE LAND USE ELEMENT SO AS TO ADD NEW POLICY TEXT AND A NEW FUTURE LAND USE CATEGORY RESTRICTED AND LIMITED TO PARKING LOT USE TO CORRESPOND TO THE PARKING LOT (PL) ZONING DISTRICT, PROVIDING FOR CODIFICATION, 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" TO AMEND SECTION 58-80 PARKING LOT (PL) DISTRICT SO AS TO PROVIDE DESIGN STANDARDS FOR

PARKING LOTS IN PROXIMITY TO RESIDENTIAL PROPERTY; PROVIDING FOR
CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Attorney Reischmann read both ordinances by title.

Planning Director Jeff Briggs explained that the first ordinance would create a new Future Land Use category in the Comprehensive Plan that would match the Parking Lot (PL) zoning that we currently have in the zoning code. The second ordinance relates to the design standards for parking lots which are in proximity to residential property. The Planning & Zoning Board voted 7-0 on both ordinances for approval. Mr. Briggs answered questions and provided several examples that illustrate the importance of establishing this new designation.

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

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

Following a brief discussion regarding the verbiage, a majority of the Commission agreed that the words "proximity" and "adjacent to" need to be clearly defined in both ordinances prior to second reading. The request was acknowledged.

No public comments were made.

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

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

City Commission Reports:

a. Commissioner Leary

Commissioner Leary congratulated Coach Ford who was recently inducted into the Mid-Florida Pop Warner Hall of Fame. He thought it would be great to formally recognize him. The request was acknowledged.

Commissioner Leary congratulated the Tiger Mighty-Mights for being selected out of 18 in the country to represent the Southeast Division at the ESPN Wide World of Sports Super Bowl.

b. Commissioner Sprinkel

Commissioner Sprinkel announced the following upcoming events:

- February 23rd - Duck Derby
- February 23rd - Annual Winter Park Wild Cats in the Park
- March 2nd - Construction of the KaBOOM Playground at Fleet Peeples Park

Commissioner Sprinkel said the Concert in the Park this weekend was a wonderful event.

Commissioner Sprinkel distributed several flyers that were given to her by a citizen during the break about an upcoming concert being held next week in Edgewater called "Up With People."

c. Commissioner Cooper – No items.

d. Commissioner McMacken - No items.

e. Mayor Bradley

Mayor Bradley asked City Manager Knight to list the Tennis Management Services contract on the agenda as an Action Item Requiring Discussion and to allow 60 minutes for the discussion. The request was acknowledged.

Mayor Bradley thanked staff and commended them for the great Parks and Recreation Department Annual Report booklet that was created. He asked staff to post this item on the City's website and noted that hard copies are available at the Community Center.

Mayor Bradley mentioned that as a resident he has taken advantage of using the Winter Park Country Club and thanked staff for their involvement in keeping this facility as one of the best in the City.

Mayor Bradley wished everyone a Happy Valentine's Day.

The meeting adjourned at 6:30 p.m.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham



city commission agenda item

| | | | |
|---------------------------------------|--|--------------|--|
| item type | Consent Agenda | meeting date | February 25, 2013 |
| 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. | GO 3D, Inc. | PR 151471 for Crime Scene Laser Scanner & Accessories | Total expenditure will be paid for with Federal Forfeiture funds. Amount: \$63,040 | Commission approve PR 151471 to GO 3D, Inc. |
| This is a Sole Source vendor, as this company is the sole distributor of these products within the territory in the State of Florida. | | | | |
| 2. | Sternbeg Lanterns | PR 151524 for the purchase of 44 light poles for Fairbanks Avenue project | Total expenditure included in project budget. Amount: \$164,604 | Commission approve PR 151524 to Sternberg Lanterns. |
| This is a Sole Source vendor, as this company is the manufacturer of these light poles. | | | | |

Contracts

| | vendor | item background | fiscal impact | motion recommendation |
|---|-----------------------|---|---|---|
| 3. | GAI Consultants, Inc. | Amendment 1 for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services (Discipline: General Civil & Public Facility Engineering) | Total expenditure included in approved FY13 budget. | Commission approve contract renewal with GAI Consultants, Inc. and authorize the Mayor to execute Amendment 1 |
| The City utilized a formal solicitation process to award this contract. The City Commission approved contract award to GAI Consultants, Inc. on February 27, 2012. The contract term was for a period of one (1) year with a total of four (4) one year renewal options, not to exceed five (5) years in total. The current contract term will expire on February 27, 2013. | | | | |
| 4. | Herbert-Halback, Inc. | Amendment 1 for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services (Discipline: Landscape Architect) | Total expenditure included in approved FY13 budget. | Commission approve contract renewal with Herbert-Halback, Inc. and authorize the Mayor to execute Amendment 1 |
| The City utilized a formal solicitation process to award this contract. The City Commission approved contract award to Herbert-Halback, Inc. on March 12, 2012. The contract term was for a period of one (1) year with a total of four (4) one year renewal options, not to exceed five (5) years in total. The current contract term will expire on March 12, 2013. | | | | |
| 5. | Miller Legg | Amendment 1 for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services | Total expenditure included in approved FY13 budget. | Commission approve contract renewal with Miller Legg and authorize the Mayor to execute Amendment 1 |

| | | |
|--|-----------------------------------|--|
| | (Discipline: Landscape Architect) | |
| <p>The City utilized a formal solicitation process to award this contract. The City Commission approved contract award to Miller Legg on March 12, 2012. The contract term was for a period of one (1) year with a total of four (4) one year renewal options, not to exceed five (5) years in total. The current contract term will expire on March 12, 2013.</p> | | |



city commission agenda item

| | | | |
|---------------------------------------|----------------------------------|--|--|
| item type | Action Item Requiring Discussion | meeting date | February 25, 2013 |
| 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 |

subject

RFP-7-2013 Tennis Management Services

motion | recommendation

Commission approve award to NETRESULTS-All American Tennis, LLC and authorize the Mayor to execute the negotiated contract.

background

The City has been under contract for Tennis Management Services with High Performance Sports Management for the past three years. Contract term limitations required that we issue a new RFP for these services. The Parks & Recreation Department held a series of public meetings to solicit input from citizens on their experiences at the tennis center within the past three years. Meetings were held on December 3-5th at the Azalea Lane facility.

The RFP was issued on December 10, 2012. A total of three (3) proposals were received and deemed responsive for evaluation.

The evaluation team of Dori Stone, Director of Economic Development/CRA, Ronald Moore, Assistant Director of Parks & Recreation, and Jason Seeley, Chief of Recreation evaluated the proposals and short listed the firms as follows:

1. NETRESULTS-All American Tennis, LLC.
2. High Performance Sports Management, Inc.
3. Junior Grand Prix Tennis, LLC.

The top two (2) short listed firms were invited to provide an oral presentation to the selection committee, which occurred on January 31, 2013. A post presentation ranking was conducted with results as follows:

1. NETRESULTS-All American Tennis, LLC.
2. High Performance Sports Management, Inc.

alternatives | other considerations

No alternatives. Current contract term does not allow for additional renewals.

fiscal impact

NETRESULTS-All American Tennis, LLC. has proposed a 10% revenue return to the City.

long-term impact

N/A

strategic objective

Quality environment



city commission agenda item

| | | | | | |
|---------------------------------------|--|--------------|-------------------------------------|---------------|--|
| item type | Action Item Needing Discussion | meeting date | February 25, 2013 | | |
| prepared by department division | Cindy Bonham City Clerk | approved by | <input checked="" type="checkbox"/> | City Manager | |
| | | | <input type="checkbox"/> | City Attorney | |
| | | | <input type="checkbox"/> | N A | |
| board approval | <input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N A | | | final vote | |

subject

Cancel or reschedule the Commission meeting scheduled for Monday, May 27, 2013 due to the Memorial Day Holiday.

motion | recommendation

Commission to consider the two alternatives listed below.

background

It has been customary to either cancel or reschedule the Monday meetings that fall on a holiday to the following day (Tuesday). In 2012, the May meeting was cancelled.

alternatives | other considerations

1. Cancel the May 27 meeting or
2. Reschedule the Commission meeting to Tuesday, May 28, 2013

fiscal impact

None.

long-term impact

None.

strategic objective

N/A



city commission public hearing

| | | | |
|---------------------------------------|------------------------------------|--|---|
| item type | Public Hearing | meeting date | February 25, 2013 |
| prepared by department division | Jeff Briggs Planning Department | approved by | <input type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A |
| board approval | Planning and Zoning Board | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A | 7-0 final vote |

Subject: Request of Lakeside Winter Park LLC for Conditional Use Approval to construct 36,000 sq. ft. of retail, restaurant and office building space at 111 & 131 N. Orlando Ave.

This item is the request by the Lakeside Winter Park LLC (UniCorp USA - contract purchasers) to redevelop the Adventist Health Systems properties at 111 & 131 N. Orlando Avenue on Lake Killarney. The request was tabled at the January 8th P&Z meeting. P&Z held a work session including an on-site tour on January 23rd and a subsequent public hearing on February 5th.

Planning and Zoning Board Recommendation:

Motion made by Mr. Krecicki, seconded Mr. Sacha to approve with staff conditions and as modified as follows:

1. That the project is limited to one restaurant located in the southern building and that no outdoor amplified musical entertainment is permitted after 10:00 pm.
2. That the parking variance (requested for the 7,500 sq. ft. restaurant in Option B) be approved for 45 spaces but contingent upon the developer's commitment via a development agreement to a "dinner" only restaurant. (Only Option B site plan approved)
3. That the shoreline alterations and improvements including any seawalls, docks, boardwalks, hardscape, filling of the lake and excavation of the "stream" amenity be approved by the Lakes and Waterways Board, as required by Code.
4. That the existing oak trees along the northern property line be preserved and that the developer add solid vinyl security fence between the properties including the radius fence beyond the end of the seawall.
5. That the "final" conditional use submittal attempt to preserve some of the oak trees at the project entrance.
6. That the "final" conditional use submittal address the specific design and sound containment of the AC and mechanical equipment for the northern building on all five tenant spaces and that there be a specific decibel level that cannot be exceed at the property line per the City's acoustical consultant.

Mr. Krecicki also recommend that after a 12 month period after project opens the City revisit parking if there are complaints, and that the applicant explore other options for parking either off-site parking for employees of the tenants or valet parking and report back at the time of final submission, which was accepted by Mr. Sacha. Motion carried unanimously with a 7-0 vote.

Summary:

Site and Context: The “development parcel” is the combination of the properties at 111 N. Orlando Avenue (existing four story office) and 131 N. Orlando Avenue (former motel site) that are now under contract to the applicant. The project would demolish all the buildings and improvements for a complete redevelopment of the combined 3.86 acre site, which is zoned C-3. The combined properties have 430 feet of frontage on Orlando Avenue and on Lake Killarney. To the north is the Lake Killarney Condominiums (123 units) and to the south is the Hillstone/Houston’s restaurant.

Current Development Request: The application package for “preliminary” conditional use approval includes the site plan, 3-D architectural perspective images of the building facades from the street and lakesides, conceptual landscape and storm water retention design and traffic impact report as required for the “preliminary” approval.

The project meets the requested C-3 development standards in terms of density and intensity but there are several variance requests that will be discussed individually. Based on the 3.86 acres, the project has a 20.1% building lot coverage and FAR (well within the 45% maximum FAR).

Building Heights: The proposed buildings are one-story but given the interior floor to ceiling heights desired and the parapets the heights generally compare to two-story buildings. The north building will be 30’ – 10” to the parapet and 34’ – 6” to the roof peak. The south building will be 23’ – 2” to the parapet and 31’ -3” to the roof peaks. The architectural cupolas will be 39 feet in height. The height limit in the C-3 zoning is 55 feet which is the height of the existing office building on-site.

Architectural Elevations: The project elevations that have been provided to showcase the project depict an attractive retail and restaurant complex that will be a compliment to the area. There is ample articulation of the building facades and the many undulations help immensely to break up the exterior façade of the building.

The residents in the Lake Killarney condominiums that face this property have been concerned about the image of the rear wall/parapet of the north building that will face their units. This will be reviewed during the “final” conditional use stage.

Tree Preservation: There are 61 existing trees on the site. The site plan indicates that the nine cypress trees along the lakefront (which are outside of the buildable area) will be preserved. The revised site also shows the preservation of the existing oak trees along the north boundary with the Lake Killarney condominiums in order to for those oak trees to serve as a visual buffer. The other 44 trees on site are proposed to be removed. All of the structures, paving, trees and landscaping in the buildable area of the property are proposed to be removed.

Staff had requested an effort to preserve some of the mature oak trees (3-4) up front on the site in the area near the main entrance. The revised site plan indicates “conceptually” that goal. (The Code automatically provides for a parking space variance up to five spaces for any loss of parking due to efforts to save significant trees).

The applicant has committed to a major landscape and tree replacement program so that this project does not just look like a typical shopping center parking lot. However, the

variances requested to downsize the landscape islands will not create landscape islands large enough to support the mature growth of shade (oak) trees. So the landscape package internally will likely be understory trees or palm trees.

Variance Requests: The variances requested relate to three elements involving a lakefront setback variance, a parking variance and the relaxation of the landscape standards within the new parking lot.

1. Lakefront Setback Variance: The city code requires a 75 foot lakefront setback. Single family homes can be located at a 50 foot setback but multi-family or commercial buildings (because they are much larger buildings) must adhere to a 75 foot setback. The staff's original concern for this lakefront setback variance were based upon the existing setbacks of the Lake Killarney Condominiums (85 feet) and the Hillstone/Houston's restaurant (100 feet) and the potential to impair the traditional lake views from the Lake Killarney Condominiums and from the lakefront patio at Hillstone/Houston's. However, the revised site plans which "cut the corners" of the building appear to have overcome those issues. That appears to be a very nice solution that was worked out through this public hearing process.
2. Parking Variance: Restaurant parking is based on one space for each three seats. This is similar to that used by other cities. It in fact does not provide all the 'real world' parking that a successful restaurant needs, but is based on a 70% occupancy factor. Retail and office parking is based one space for each 250 sq. ft. of building area. The applicant has stated they would like to request a parking variance for Options "A" and "B" as presented below.

The proposed parking lot has 160 spaces. Both of the site plan Options "A" and "B" request parking variances to slightly different degrees based upon the variation in restaurant and retail/office space size.

Option "A" with the restaurant of (4,500 sq. ft. & 200 seats - 150 inside and 50 outside) and 31,625 sq. ft. of retail/office space requires 192 spaces and thus needs a variance of 32 parking spaces.

Option "B" with the restaurant of (7,500 sq. ft. & 265 seats - 220 inside and 50 outside) and 28,765 sq. ft. of retail/office space requires 203 spaces and thus needs a variance of 45 parking spaces.

While it may seem counterintuitive that Option "B" might be better, Option "B" includes a restriction to a "dinner only" restaurant. Quality restaurants like Hillstone have the same peak demands for parking at lunch as they do for dinner. The only difference is that the lunch peak is 12:00 noon to 1:30 pm and the dinner peak is 6:00 pm to 9:00 pm. So a "dinner only" restaurant would provide more daytime parking for everyone and then the ability at night when the bank and other retail/salon businesses are closed to use that parking and more effectively use it via valet parking to overcome the deficit.

Staff agrees with the applicant that there is some small amount of parking "float" between the various tenants and the ability of valet parking to maximize usage. However, if the "specialty" grocer is as popular as we expect, then the parking lot may have very little "float". The Winter Park Village has been the most celebrated redevelopment project in the City but also criticized because of the lack of parking.

3. **Landscape Area Variance:** The parking lot landscape design has undersized landscape islands and more parking spaces in a row uninterrupted by a landscape island which reduces the overall parking lot landscape area to 7% versus the code requirement of 7.5%. In effect it allows about 12 more parking spaces which the developer feels is critical to the success of the project.

Storm Water Retention: The site currently has storm water retention for the office building site that was developed in the mid-1980's but no retention for the old motel site where the rainfall runoff goes directly into Lake Killarney. The redevelopment of this property will retrofit the site to conform to the storm water retention requirements of the City and St. Johns River Water Management District. At this "preliminary" conditional use stage, the storm water design is conceptual via the narrative provided. At the "final" conditional use stage the design is complete. The area between the buildings and the lake is anticipated to be used for the storm water retention system. The plans commit to the preservation of the existing cypress trees on the lakefront at the same time there is urban streetscape being built to the lake's edge and construction of the storm water retention system. The detailed design and calculations are submitted at the "final" conditional use stage and the applicant is aware that the City Code prohibits any increase in the existing grades on the site above 2 feet.

Traffic Impact: The traffic generation from this project will increase daily traffic by 606 trips as compared to the previous uses. The added traffic will then be utilizing Orlando Avenue, a four lane arterial road and not impacting any residential streets with additional traffic. The project is using the existing traffic light entrance/exit and one additional entrance /exit to the north. FDOT is in charge of permitting for that additional entrance/exit to the north. FDOT may have concerns about left hand turns into the site with cars trying to use the same median land being used for left hand turn storage going onto Morse. Those are issues the developer will need to work out with FDOT.

Lake Killarney Condo Neighbor Concerns: For the January P&Z meeting, the City received 18 very similar emails from residents of the Lake Killarney Condominiums listing their concerns and conditions they desire. Their concerns were about providing a wall and tree buffer on the northern property that preserves the existing oak trees. They were concerned about the proposed 50 foot lakefront building setback blocking their views of the lake. They are also concerned about the nuisances of noise (at night from the construction and dumpsters) and from AC and mechanical equipment and live music.

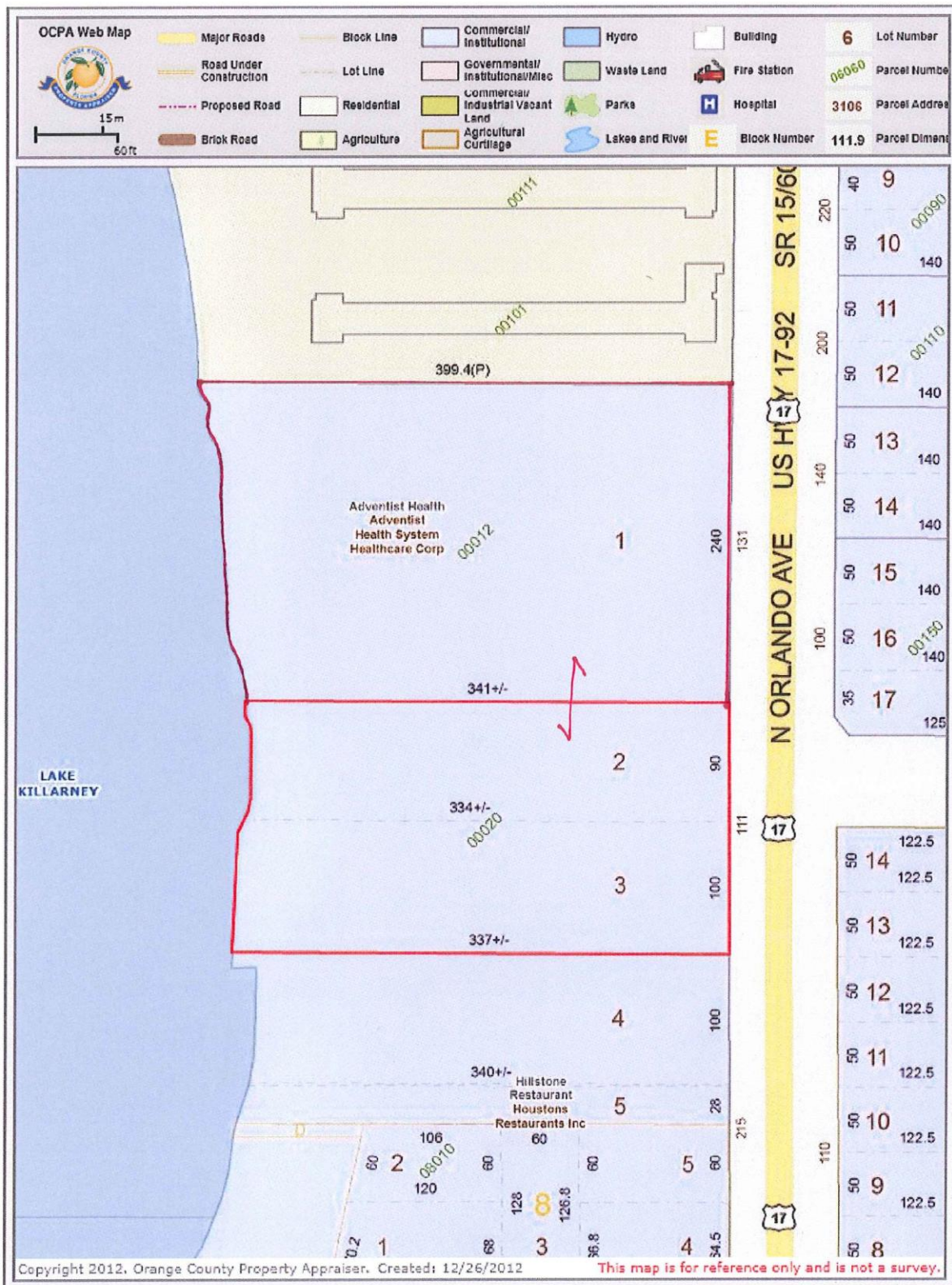
Since the January P&Z meeting, the northern-most restaurant was eliminated which solves the problems of outdoor patio dining noise disturbing to the Lake Killarney Condo residents. The outdoor patio dining noise for the southern-most restaurant will be blocked by the northern building. The City will need to pay particular attention at the "final" conditional use stage to the design requirements for the AC and mechanical equipment and setting a decibel limit as a condition of approval. The City staff will need to hire an independent mechanical engineer to assist with this review.

Staff Summary: This project is a quality redevelopment and enhancement for this unique commercially zoned 3.86 acre lakefront location. It appears with the concessions and modifications made by the developer, that most of the issues from the January P&Z meeting have been resolved.

There still are important conditions required to insure that this commercial project located next to 123 condominiums and about 200 -250 residents does not undermine the peaceful enjoyment that the residents have within their homes and that the project does not harm their property values.

Normally the "final" conditional use is perfunctory when just the final landscape, architectural and other engineering details are reviewed. However, in this case there are many "devil in the detail" matters that will be very important to review for the "final" conditional use. Amongst those are the potential location of a sanitary sewer lift station and how that will be screened and maintained. The grading plan including any fill to raise the site so that the storm water retention system functions, etc. will be important. Architectural plan details on the rear of the northern building and fencing between those properties. Plus, the AC and mechanical noise issues. There also is the interface with the Lakes and Waterways Board that has jurisdiction on the "final" plans for the seawalls, docks, boardwalks, hardscape, filling of the lake and excavation of the "stream" amenity.

The primary focus of this "preliminary" conditional use review is to determine the entitlements and variances. The outcome of the lakefront setback variance (50 feet in lieu of 75 feet); the parking variance (32-43 spaces) and the landscape island variances will determine the parking yield and thus the ultimate scale or entitlements for the project.



111 & 131 N. Orlando Avenue





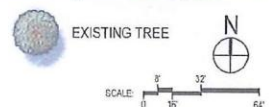
| | RETAIL AREA | PARKING PROVIDED | PARKING RATIO |
|-------|-------------|------------------|-------------------|
| TOTAL | 35,765 SF | 160 SPACES | 4.5 SP / 1,000 SF |

111 & 113 N. Orlando Avenue

Winter Park, Florida

Antkovich Associates - Consultant

Br/loop National Developers, Inc. - Developer



Master Site Plan - A

01.15.2013

THIS DRAWING PROVIDED ON THIS DRAWING IS FROM DOCUMENTATION AVAILABLE AND MAY NOT REFLECT ACTUAL FIELD CONDITIONS. SERVICE CHASES AND UTILITIES PROVIDED BY THE LANDLORD FOR THE BASE BUILDING MAY EXIST WITHIN THE TENANTS' FOOTPRINT.



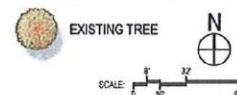
| | RETAIL AREA | PARKING PROVIDED | PARKING RATIO |
|-------|-------------|------------------|-------------------|
| TOTAL | 36,295 SF | 160 SPACES | 4.4 SP / 1,000 SF |

111 & 113 N. Orlando Avenue

Winter Park, Florida

Antunovich Associates - Consultant
224 West Huron Street, Chicago, IL 60610
Phone: 312-266-1126 Fax: 312-266-7123

Unicop National Developers, Inc. - Developer



Master Site Plan - B

01.15.2013

THE INFORMATION PROVIDED ON THIS DRAWING IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A CONTRACT. SERVICE CHARGES AND FEES PROVIDED BY THE LANDOWNER FOR THE BASE BUILDING MAY EXIST WITHIN THE EXISTING BOUNDARY LINES. THE LANDOWNER IS RESPONSIBLE FOR THE ACCURACY AND CORRECTNESS OF ANY DIMENSIONS OR SQUARE FOOTAGES. ALL DIMENSIONS AND SQUARE FOOTAGES SHALL BE FIELD VERIFIED BY THE BUYER IN THE FIELD.



Winter Park

Is, Inc. Developer | Antunovich Associates Architects, Planners

Conceptual Image

Orlando, Florida | January 30, 2013 | 6



Lakeside Winter Park

Unicorp National Developments, Inc. Developer | Antunovich Associates Architects, Planners

Conceptual Rendering

Orlando, Florida | November 8, 2012



Lakeside Winter Park

Unicorp National Developments, Inc. Developer | Antunovich Associates Architects, Planners

Conceptual Rendering

Orlando, Florida | November 8, 2012



Lakeside Winter Park

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Conceptual Rendering

Orlando, Florida | November 8, 2012



Winter Park

is, Inc. Developer | Antunovich Associates Architects, Planners

Conceptual Image

Orlando, Florida | January 30, 2013 | 8



East Elevation



South Elevation

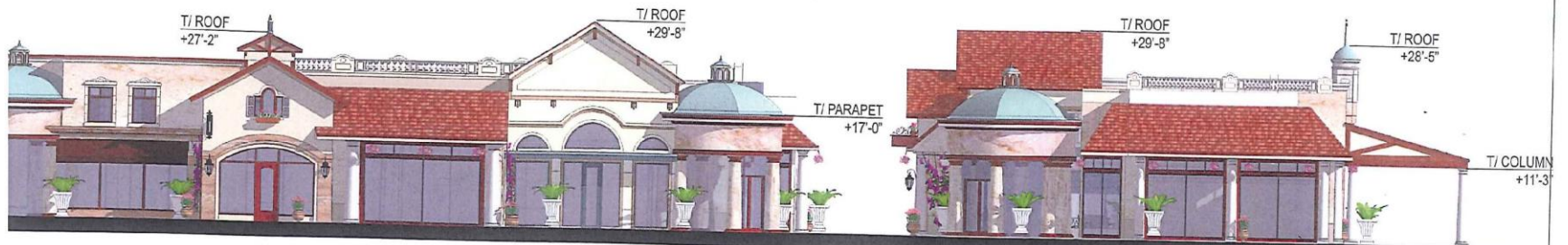
SCALE: 5' 20'
0' 10'

ster Park

Developer | Antunovich Associates Architects, Planners

Building A and B Preliminary Elevations

Orlando, Florida | January 30, 2013 |



East Elevation

North Elevation



West Elevation

South Elevation

SCALE: 0' 5' 20'

Winter Park

s, Inc. Developer | Antunovich Associates Architects, Planners

Building C Preliminary Elevations

Orlando, Florida | January 30, 2013 | 10

**LAKESIDE WINTER PARK
Conditional Use Application
Stormwater Retention and Drainage Plan**

Please note the following from the survey just completed on the subject property:

- *The normal high water elevation of the Lake is at 81.786 (NAVD88) – according to City Code*
- *The top of the existing seawall varies and the spot grades east of the seawall have an elevation of at least 84 (excluding the retention areas)*
- *The 100-year flood elevation per FEMA is elevation 84.4 (NAVD88)*
- *The existing parking lot elevations range from 84.31 to 91.10 (NAVD88)*

We plan on designing an underground storm water treatment system along the Lake under the proposed boardwalk/pedestrian/outdoor patio areas and/or under the proposed parking lot.

The system would use chambers that could be constructed over. These chambers are low profile (usually 16" tall arch culverts with gravel surrounding them and they need 18" of cover). As you can see from the elevations dictated above, the existing site topography lends itself appropriately to this design as the proposed parking lot grades will be well above the water table and sea wall.

The system would be designed to meet SJRWMD and City storm water standards.



**Lakeside Winter Park
273-077**

TABLE 1
DAILY TRIP GENERATION ESTIMATES (8th Edition ITE)

| DESCRIPTION | ITE Land-Use (Code) | Independent Variable | Rate or Equation | Size | Daily 2-Way Trips (vpd) |
|------------------------------|---------------------------|-------------------------|---------------------|--------|-------------------------------|
| EXISTING DEVELOPMENT | | | | | |
| Office Building | 715 | KSF | 11.57 | 39,191 | 453 |
| Motel | 320 | Rooms | 5.63 | 41 | 231 |
| FUTURE DEVELOPMENT | | | | | |
| Shopping Center | 820 | KSF | 42.94 | 30 | 1,290 |
| Net Increase in Trips | | | | | 606 |

REQUEST OF LAKESIDE WINTER PARK LLC FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT APPROXIMATELY 36,000 SQUARE FEET OF RETAIL, RESTAURANT AND OFFICE BUILDING SPACE ON THE PROPERTIES AT 111 AND 131 N. ORLANDO AVENUE, ZONED C-3.

Mr. Johnston and Mr. Slocum had previously indicated that they would not be participating in the discussion or voting on this item as their firms had done work for the applicant in the past. (Form 8B, Memorandum of Voting Conflict was completed by both and is attached to these minutes).

Planning Director Jeffrey Briggs presented the staff report. He explained that this item is the continuation of the request by the Lakeside Winter Park LLC (UniCorp USA - contract purchasers) to redevelop the Adventist Health Systems properties at 111 & 131 N. Orlando Avenue on Lake Killarney. The request was tabled at the January 8th P&Z meeting. P&Z then held a work session including an on-site tour on January 23rd. He stated that the parameters of the project have not changed. It consists of approximately 36,000 square feet of one-story retail, restaurant and office/bank buildings. There are two site plan Options "A" and "B" for which the applicant would like the flexibility to choose between. The major only difference is the size of the proposed restaurant. In order to accommodate this project there are three Conditional Use approvals required (1) project over 10,000 square feet; (2) drive-in tellers for branch bank and (3) restaurants with alcoholic sales within 300 feet of residential. He reviewed the proposed project with regard to site and context, current development request, building heights, architectural elevations, tree preservation, variance requests, storm water retention, landscaping, traffic impact, and the concerns of the Lake Killarney Condominium neighbors.

He summarized by stating that staff feels that this project is a quality redevelopment and an enhancement for this unique commercially zoned 3.86 acre lakefront location. Further, with the concessions and modifications made by the developer, most of the issues from the January P&Z meeting have been resolved. He continued by stating that there still are important conditions required to insure that this commercial project located next to 123 condominiums and about 200-250 residents does not undermine the peaceful enjoyment that the residents have within their homes and that the project does not harm their property values. He said that normally the "final" conditional use will be very important to review. Amongst those issues are the potential location of a sanitary sewer lift station and how that will be screened and maintained; the grading plan including any fill to raise the site so that the storm water retention system functions, etc.; architectural plan details on the rear of the northern building and the AC and mechanical noise issues. There also is the interface with the Lakes and Waterways Board that has jurisdiction on the "final" plans for the seawalls, docks, boardwalks, hardscape, filling of the lake and excavation of the "stream" amenity. Mr. Briggs noted that the primary focus of this "preliminary" conditional use review is to determine the entitlements and variances. The outcome of the lakefront setback variance (50 feet in lieu of 75 feet); the parking variance (32-43 spaces) and the landscape island variances will determine the parking yield and thus the ultimate scale or entitlements for the project. Staff recommendation is for approval of the "preliminary" conditional use subject to the following conditions:

1. That the project is limited to one restaurant located in the southern building and that no outdoor amplified musical entertainment is permitted after 10:00 pm.
2. That the parking variance be limited to 20 spaces unless the developer will commit via a development agreement to a "dinner" only restaurant.
3. That the shoreline alterations and improvements including any seawalls, docks, boardwalks, hardscape, filling of the lake and excavation of the "stream" amenity be approved by the Lakes and Waterways Board, as required by Code.
4. That the existing oak trees along the northern property line be preserved and that the developer add solid vinyl security fence between the properties including the radius fence beyond the end of the seawall.
5. That the "final" conditional use submittal attempt to preserve some of the oak trees at the project entrance.
6. That the "final" conditional use submittal address the specific design and sound containment of the AC and mechanical equipment for the northern building on all five tenant spaces.

Chuck Whittall, Unicorp Development, represented the applicant and introduced the other architect and engineer members of his team. He said that he was appreciative of tabling last month to allow for the time to have the work session to be able to specifically address Board member and Lake Killarney resident's concerns. He also stated that they can now announce that they have a commitment from Ruth Chris' Steakhouse for the 7,500 square foot restaurant with outdoor dining shown in the Option B site plan. That would need a 45 car parking variance but they would commit to a night-time dinner-only restaurant. He also asked however, for 20 car parking variance in the event that it becomes a day-time restaurant. He used a power point presentation with 3D renderings to provide specific details of the proposed project. Mr. Whittall indicated how the plans have been revised to cut back the corners of the buildings to the code required 75 foot setbacks so that just the interior sections were at the variance distance of 50 feet, thereby maintaining views of the lake from the neighboring properties.

Mr. Whittall acknowledged the concerns addressed in the staff report regarding the details for the "final" conditional use and promised all those concerns would be addressed. He said that the comments from last month's meeting about enhancing this as a gateway and that has been incorporated into the project. He indicated that the quality of the landscaping to be added to the site will more than compensate for the tree removal and the landscape island size variances. He said that the existing boat ramp will be removed, and there will not be motorized boats on the lake. He stated that the AC and mechanical systems will be designed so that no more than 55 decibels will be heard at the property line. Mr. Whittall then responded to Board member questions.

Bee Epley, 151 North Orlando Avenue, #209, spoke concerning the request. She stated that what is going in is a great improvement. She expressed concerns that she had with the landscape and fence buffer between the project and the Lake Killarney condominiums and the concerns about noise (AC and mechcal) from the project.

Rochelle Kolin, 225 Trismen Terrace, stated that she is very excited about the project and expressed that she feels that she indicated the need for a pronounced gateway entry at the Morse Boulevard intersection and was appreciative that the applicant's presentation showed that. She encouraged them to work out the parking issues.

Sarah Whitaker, owner of units 130, 115 and 235, said that she likes the fact that the view will be protected. She requested that the project be limited to a noise level of no more than 55 decibels specifically at night, as the developer has agreed to.

Joan Cason, 1915 Woodcrest Drive, urged the developers to exercise caution when placing air conditioning units on the rooftops. She said that this can be a huge noise generator.

Conrad Necrason, 2130 Lake Drive, requested that there be specific language with regard to the restrictions of motorized vehicles on the lake and that they prohibit any paddleboard or other watercraft rental businesses. He said that the Lake Killarney residents are opposed to commercial use of the lake and that these would present safety issues with water ski boats and even the occasional seaplane.

No one else wished to speak concerning this issue.

Mr. Whittall was allowed to address the neighbor's concerns. He said that the sound level will actually be below 55 decibels. He said that with what is proposed, the level will actually be below 55 decibels that it will be equal to the noise generated by a dishwasher. With regard to the lake, they will be a responsible lakefront property owner with regard to the uses of the lake. He said that he feels that any restriction on uses is not appropriate.

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

All of the Board members expressed that they feel that the project will be a wonderful addition to the City. They expressed that the on-site work session had been very helpful to see conditions first hand and to work out solutions. They thanked the applicant and the neighbors for being very constructive in this effort.

Mr. Gottfried stated that his main concern is still parking. He explained that he has spoken with staff from the Orange County concerning the ongoing parking problem at the applicant's Sand Lake Road project. He said that he does not want to see another problem created and expressed concern about the parking variances. Mrs. Whiting said she agreed and for that reason she feels said that she is only comfortable with the Option B site plan of a 7,500 sq. ft. "dinner only" restaurant with respect to the parking variance. That was the only Option that provides the opportunity for valet parking. She indicated she was not supportive of option A. She also suggested that the parking issue be evaluated in one year's time. Mrs. Whiting also wanted to highlight staff commitment to engaging an acoustical engineer for the "final," review in an effort to mitigate the noise and to advise the Board. Mr. Hahn said that he agreed with Mrs. Whiting. He said that he is appreciative that the applicant has been very respectful and engaged with the residents of Lake Killarney. Mr. Hahn was also complimentary of the changes made to address the "gateway" location and engagement with Lake Killarney.

Mr. Sacha stated that he agreed with the comments of both Mrs. Whiting and Mr. Hahn. He said that maybe a good solution to the parking problem is to have employees of the establishments to park off-site. He said that he feels that there are opportunities for off-site parking that need to be explored. Mr. Krecicki echoed the concerns with regard to parking. He requested that the applicant provide details of the AC equipment when they return for final approval, as that would be a very important consideration. Mr. Weldon said he would like for the applicant to come into partnership with the City and the neighbors in an effort to bypass the parking issue.

Motion made by Mr. Krecicki, seconded Mr. Sacha to approve with staff conditions and as modified as follows:

1. That the project is limited to one restaurant located in the southern building and that no outdoor amplified musical entertainment is permitted after 10:00 pm.
2. That the parking variance (requested for the 7,500 sq. ft. restaurant in Option B) be approved for 45 spaces but contingent upon the developer's commitment via a development agreement to a "dinner" only restaurant. (Only Option B site plan approved)
3. That the shoreline alterations and improvements including any seawalls, docks, boardwalks, hardscape, filling of the lake and excavation of the "stream" amenity be approved by the Lakes and Waterways Board, as required by Code.
4. That the existing oak trees along the northern property line be preserved and that the developer add solid vinyl security fence between the properties including the radius fence beyond the end of the seawall.
5. That the "final" conditional use submittal attempt to preserve some of the oak trees at the project entrance.
6. That the "final" conditional use submittal address the specific design and sound containment of the AC and mechanical equipment for the northern building on all five tenant spaces and that there be a specific decibel level that cannot be exceeded at the property line per the City's acoustical consultant.

Mr. Krecicki also recommend that after a 12 month period after project opens the City revisit parking if there are complaints, and that the applicant explore other options for parking either off-site parking for employees of the tenants or valet parking and report back at the time of final submission, which was accepted by Mr. Sacha. Motion carried unanimously with a 7-0 vote.



city commission public hearing

| | | | |
|----------------|---------------------------|--|--|
| item type | Public Hearing | meeting date | February 25, 2013 |
| prepared by | Jeff Briggs | approved by | <input 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 | 7-0 final vote |

Subject: Request for Conditional Use Approval for a Tennis Court at 1551 Via Tuscany.

This is a request of Mr./Mrs. Gavin Ford for conditional use approval to allow the installation of a tennis court on the property at 1551 Via Tuscany. The Ford's have a contract to purchase the home at 1551 Via Tuscany on Lake Maitland. Tennis courts were made a conditional use in all residential zoning districts about 20 years ago due to concerns about their size (60 x 120); impervious coverage, their associated fencing and lighting. The added design consideration for this request is building a flat tennis court on a sloping lakefront.

Planning and Zoning Board Recommendation:

Motion made by Mr. Krecicki, seconded by Mr. Sacha to approve the request subject to the staff recommendations and additional conditions (underlined) as follows:

1. That a landscape plan be submitted for approval by staff to completely screen from the view the tennis court and fencing to the neighboring property to the north and that the lakeside retaining walls and fencing also be effectively buffered with landscaping.
2. That the storm water retention plan be modified to include a berm retention system.
3. That no night lighting is approved as part of this conditional use.
4. Add landscape buffer on south side of property.
5. Full capture of the clay run-off into the lake with design as approved by the City Storm Water Engineer and submit to staff for approval.

Motion carried unanimously with a 7-0 vote.

Summary:

The applicant's submittals include site plans, grading plan and schematic perspective elevations of how the tennis court, retaining walls and fencing will look. In order to address the slope or grade of the lakefront, the tennis court will be built into the grade or slope of the lot, with the tennis court lowered nine feet below the elevation of the lakefront patio/floor level of the home. Across the 60 foot width of the court, the lakeside edge of the tennis court will be 3 ½ to 4 feet above the existing grade on the lakeside. In order to further minimize that lakeside retaining wall, they will grade up to the retaining wall so that no more than 2 ½ feet of retaining wall is visible on the lakeside. The setback to the lake is at 55 feet which meets the minimum 50 foot lakefront setback requirement.

The proposed tennis court has 8 foot tall fencing at the ends of the court and 4 foot tall fencing in the middle. On the south side, the new swimming pool, at a higher grade, will screen that fencing from the neighboring property so that only 4 feet is visible. On the north side however, the fencing and retaining wall ranges from the 8 to 12 feet in total height. Thus, screening that view for the neighbor to the north is important. There is extensive existing vegetation and trees already in place. The applicants propose to add whatever landscaping as necessary to completely screen the tennis court and fencing from the view of the neighbor to the north. The applicants have also agreed to add landscaping against the tennis court retaining wall/fencing as well as the swimming pool retaining wall on the lakeside so that these features will be buffered from the lakeside. A landscape plan will be required to implement these commitments.

Conceptual storm water retention swales are shown on the plan. Since this is to be a clay tennis court, the required retention is also important to keep the "clay water" out of the lake. A design complication is the existing lake edge cypress trees and their roots/knees. Thus, the storm water retention plan will need to be engineered and modified to incorporate a berm system (versus swales) that can impede the flow of runoff so that the runoff percolates down and not into the lake. An engineered storm water retention and grading plan will be required to meet these requirements.

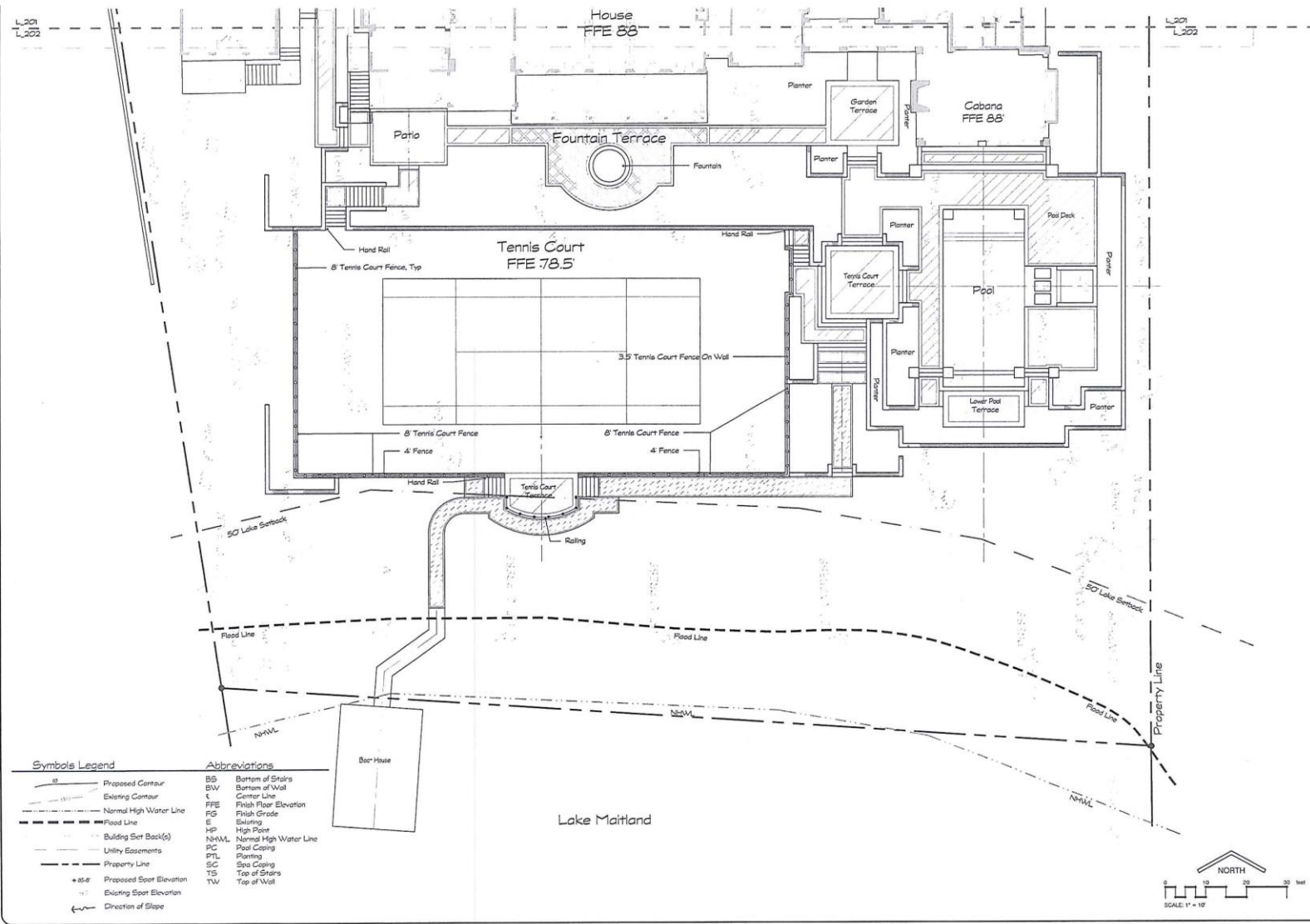
No night lighting is planned and the applicants understand that to add lighting in the future requires a subsequent conditional use approval just as we did at 1360 Alabama Drive.

The neighbors to the south at 1511 Via Tuscany are in support of the request but asked for a landscape buffer screen along their common property line. That requirement was added to the condition for the landscape plan to be prepared and installed.

The neighbor to the north at 1621 Via Tuscany objected to the request at the P&Z meeting. They feel the tennis court structure that large in size and in fencing height is incompatible in this lakefront setting. They also objected to the image on the lakefront and the noise nuisance that will result.







Project Name: Ford Residence
Woodmere Terrace
1551 Via Tuscan Drive, Winter Park, Florida

Client: [Redacted]

Architect: [Redacted]

Site Plan

Scale: 1" = 10'

North Arrow

Legend

Notes:

1. All dimensions are in feet and inches.

2. All elevations are in feet above sea level.

3. All setbacks are in feet.

4. All areas are to be landscaped.

5. All areas are to be paved.

6. All areas are to be finished.

7. All areas are to be maintained.

8. All areas are to be protected.

9. All areas are to be secured.

10. All areas are to be monitored.

11. All areas are to be reported.

12. All areas are to be reviewed.

13. All areas are to be approved.

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86. All areas are to be closed.

87. All areas are to be opened.

88. All areas are to be closed.

89. All areas are to be opened.

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95. All areas are to be opened.

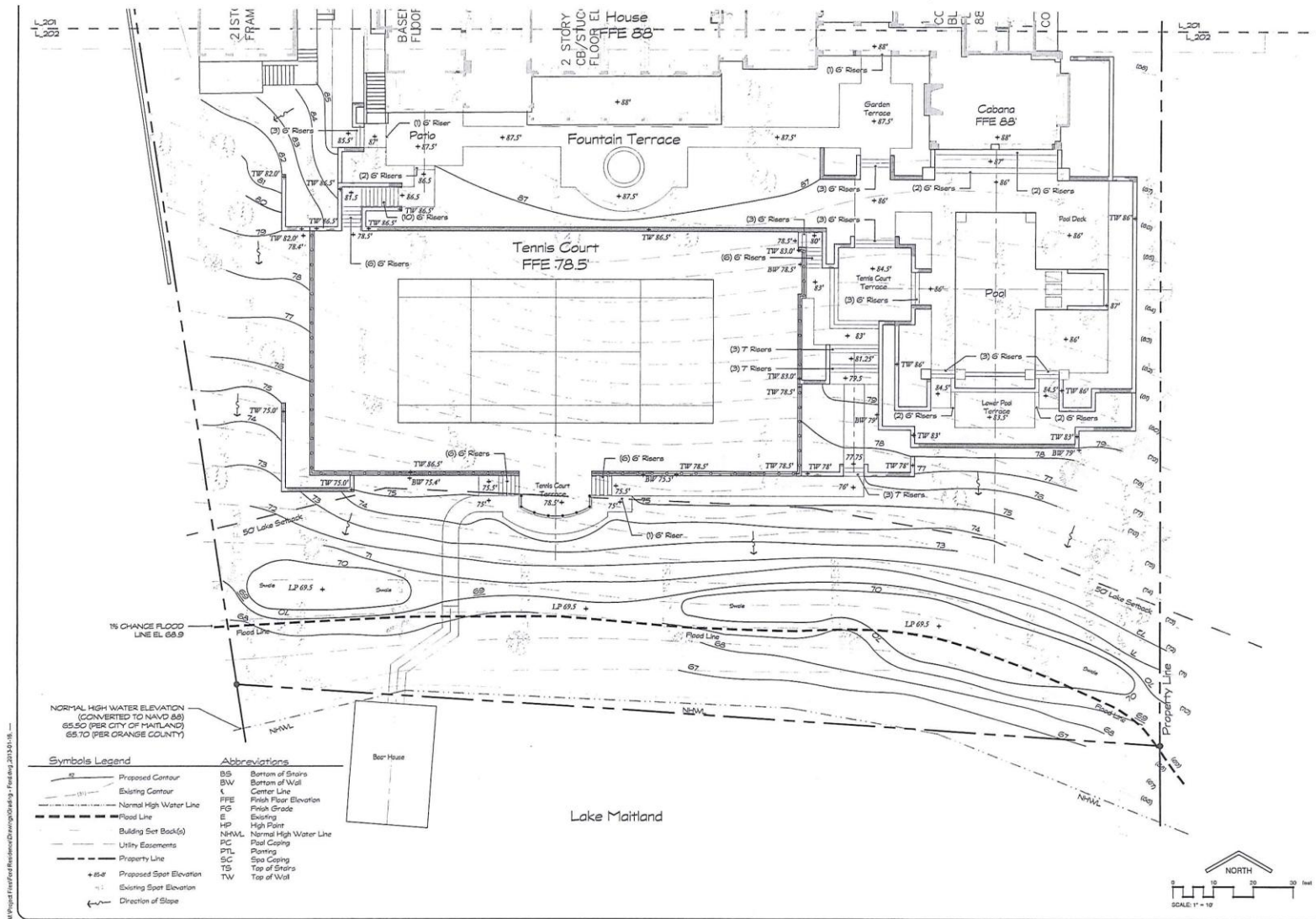
96. All areas are to be closed.

97. All areas are to be opened.

98. All areas are to be closed.

99. All areas are to be opened.

100. All areas are to be closed.



MILES DESIGN GROUP, INC.
LANDSCAPE ARCHITECTURE
101 Washington Ave., Suite 300, Chicago, Illinois 60601
407.510.1111 • www.milesgroup.com

Corso: _____

3%

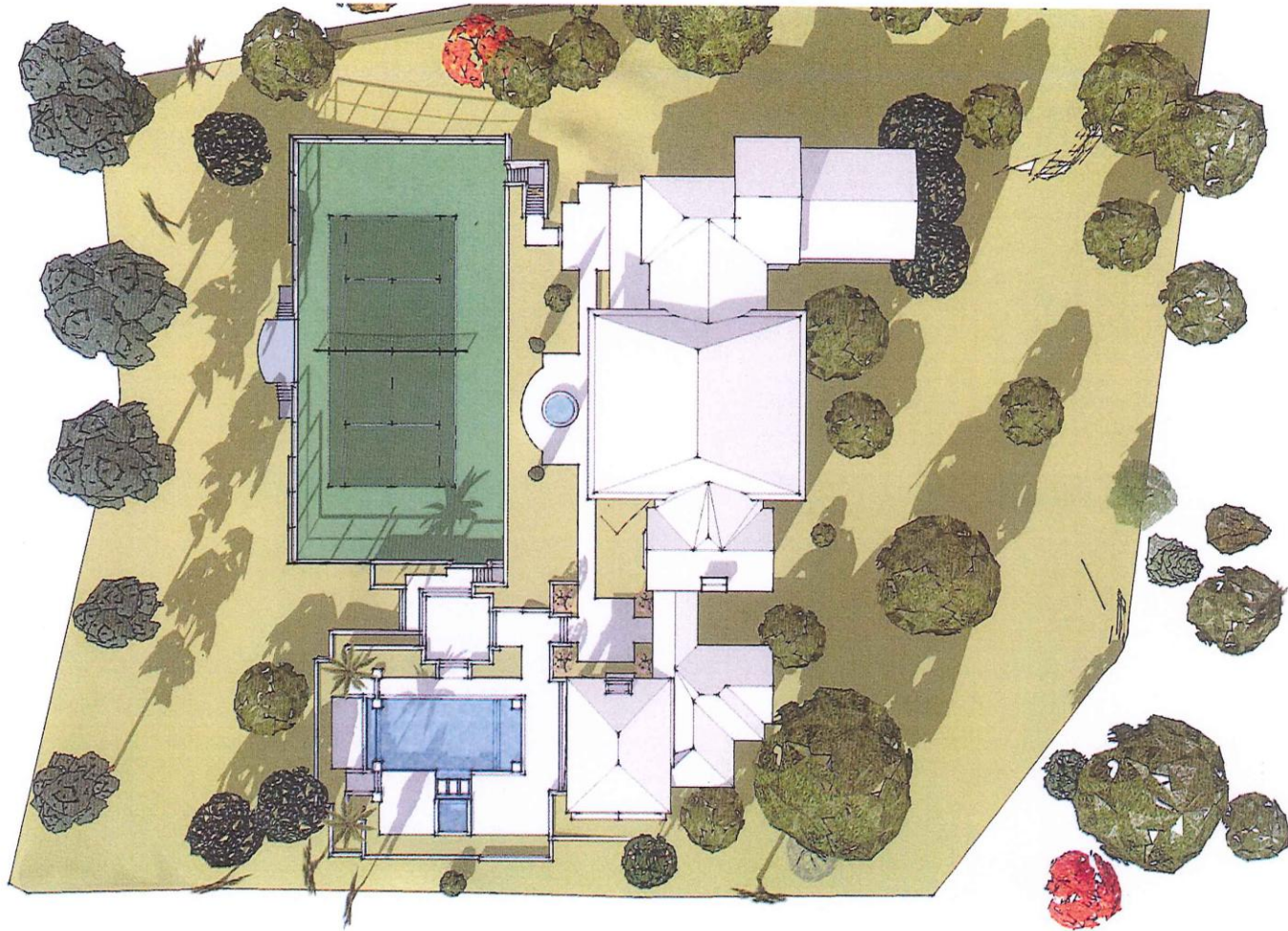
| Rev. | Date | Description |
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| 1 | 10/1/2010 | Initial Release |

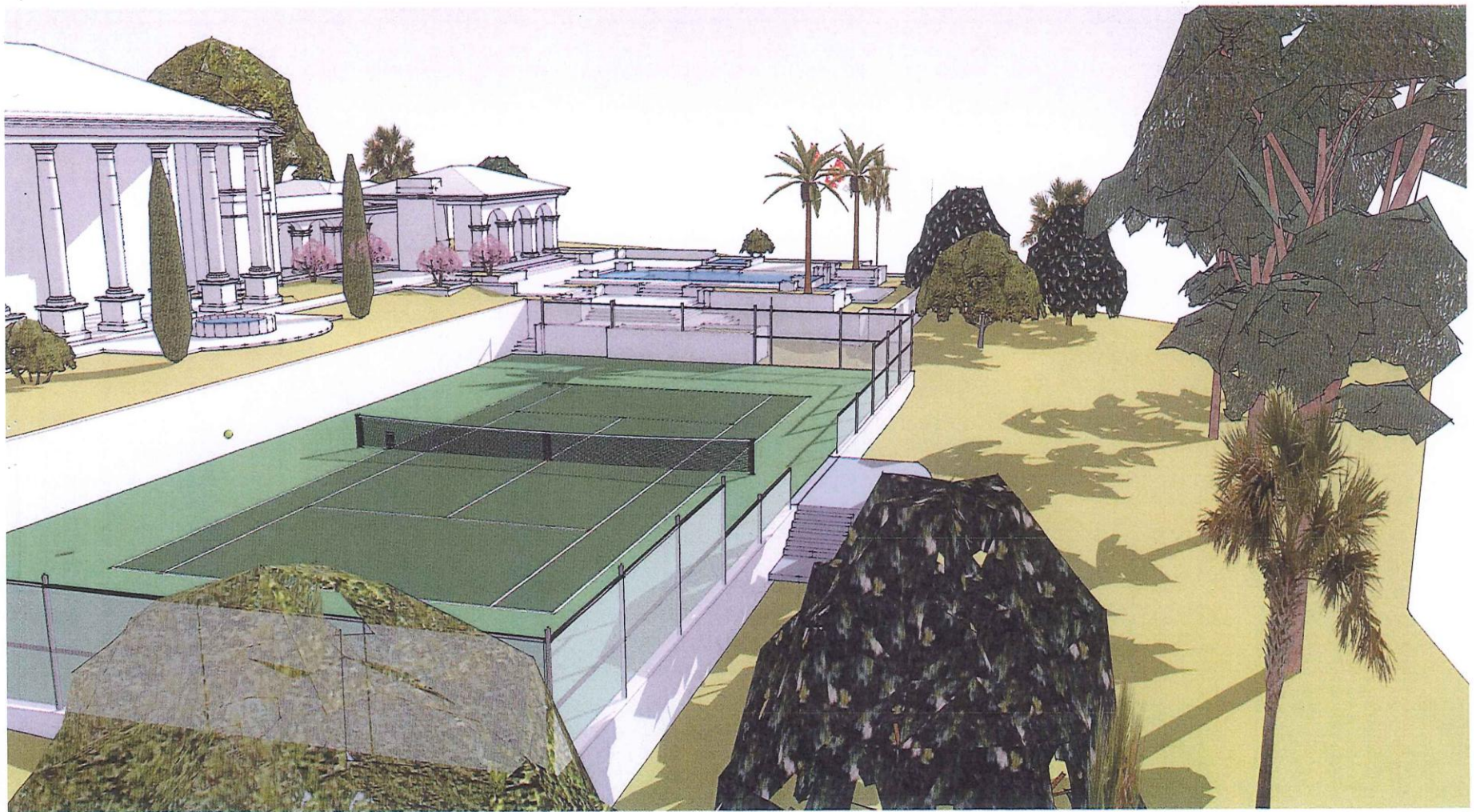
Project Name
Ford Residence
Woodmere Terrace
1551 Via Tuscan Drive, Winter Park, Florida

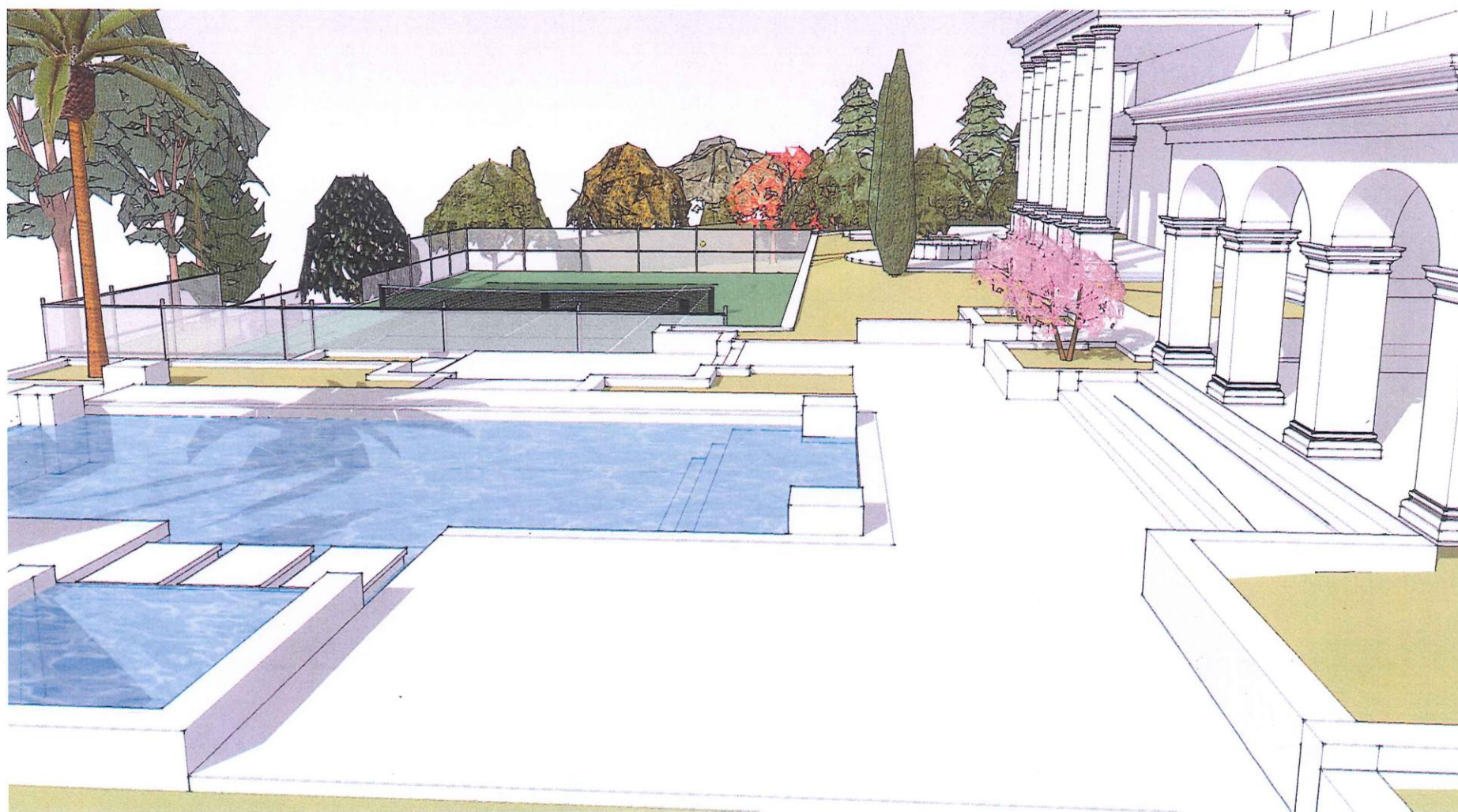
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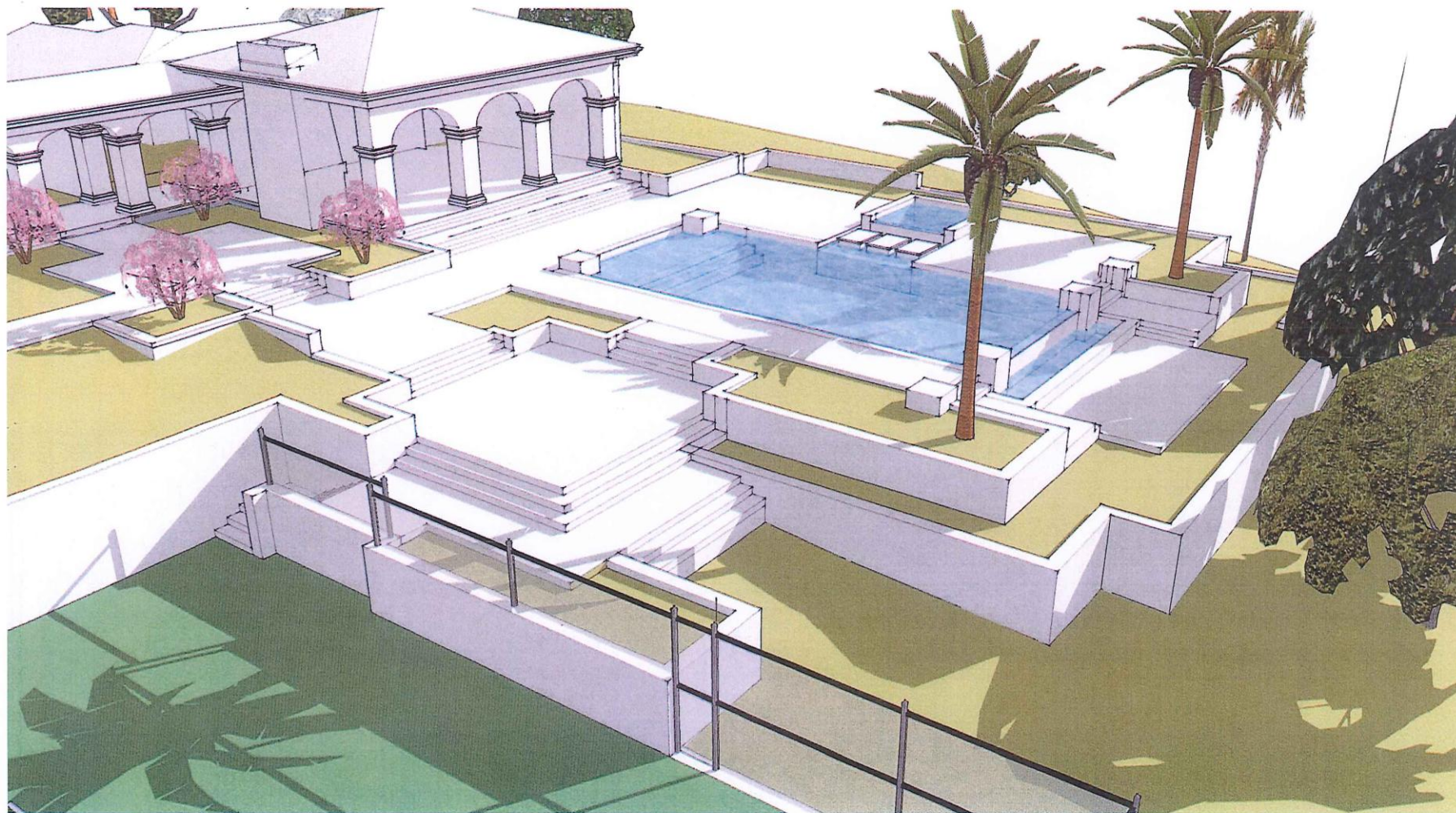
Grading Plan - Backyard

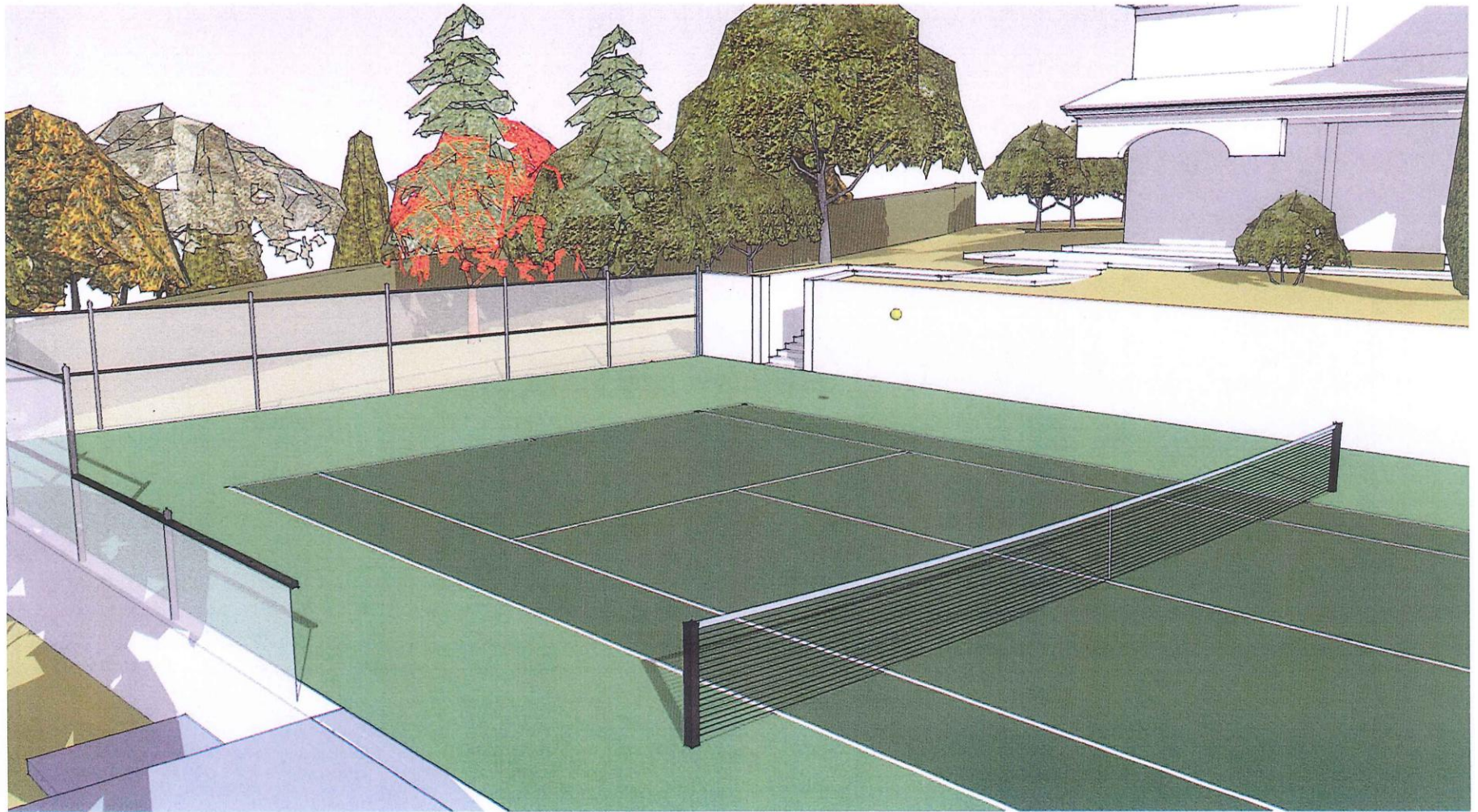
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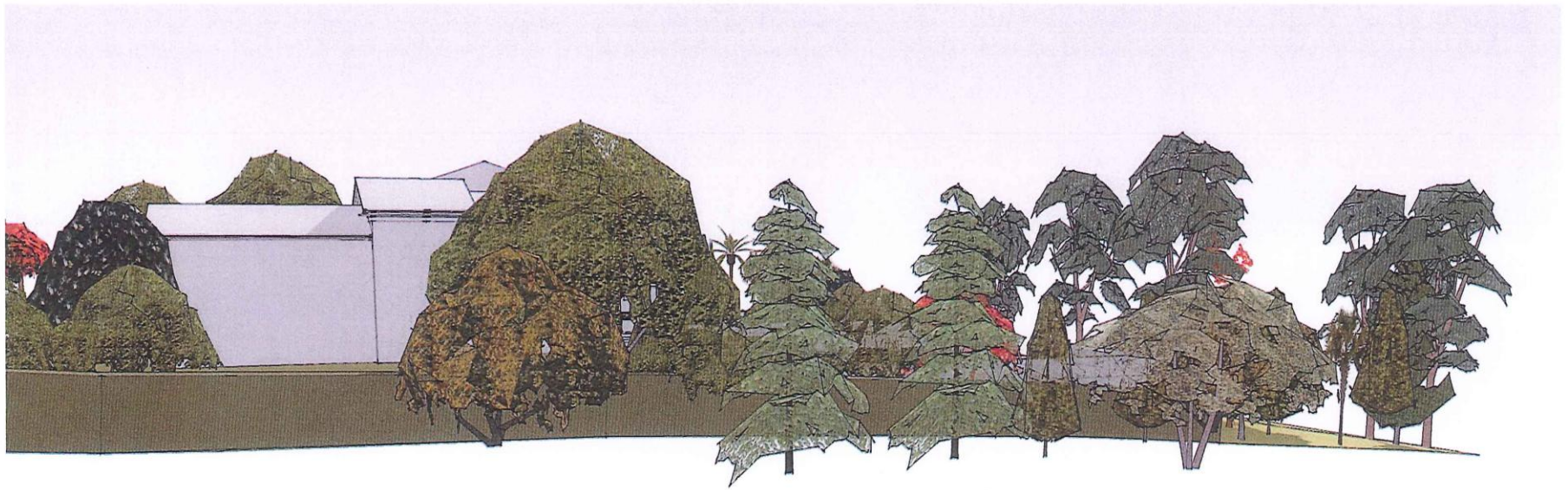






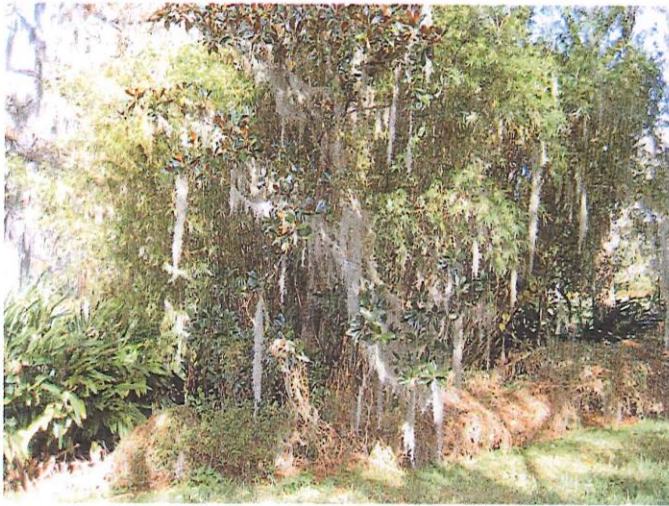












REQUEST OF MR./MRS. GAVIN FORD FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT A TENNIS COURT ON THE PROPERTY AT 1551 VIA TUSCANY, ZONED R-1AAA.

Planning Director Jeffrey Briggs gave the staff report and explained that the applicants are requesting conditional use approval to allow the installation of a tennis court on the property at 1551 Via Tuscan. He explained that tennis courts were made a conditional use in all residential zoning districts about 20 years ago due to concerns about their size (60 x 120); impervious coverage, their associated fencing and lighting. He noted that the added design consideration for this request is building a flat tennis court on a sloping lakefront. He said that the applicants have submitted a site/grading plans, and schematic perspective elevations of how the tennis court, retaining walls and fencing will look. Further, in order to address the slope or grade of the lakefront, the tennis court will be built into the grade with the tennis court lowered nine feet below the elevation of the lakefront patio/floor level of the home. Across the 60 foot width of the court, the lakeside edge of the tennis court will be 3 ½ to 4 feet above the existing grade on the lakeside. In order to further minimize that lakeside retaining wall, they will grade up to the retaining wall so that no more than 2 ½ feet of retaining wall is visible on the lakeside. The setback to the lake is at 55 feet which meets the minimum 50 foot lakefront setback requirement.

Mr. Briggs explained that the proposed tennis court has 8 foot tall fencing at the ends of the court and 4 foot tall fencing in the middle. On the south side, the new swimming pool, at a higher grade, will screen that fencing from the neighboring property so that only 4 feet is visible. On the north side however, the fencing and retaining wall ranges from the 8 to 12 feet in total height. Thus, screening that view for the neighbor to the north is important. There is considerable existing vegetation and trees already in place. The applicants proposes to add whatever landscaping is necessary to completely screen the tennis court and fencing from the view of the neighbor to the north. The applicants have also agreed to add landscaping against the tennis court retaining wall/fencing as well as the swimming pool retaining wall on the lakeside so that these features will be buffered from the lakeside. The neighbor to the south is in support of the request but also requests a hedge privacy buffer.

Conceptual storm water retention swales are shown on the plan. Since this is to be a clay tennis court, the required retention is also important to keep the "clay water" out of the lake. A design complication is the existing lake edge cypress trees and their roots/knees. Thus, the storm water retention plan will need to be modified and engineered to incorporate a berm system (versus swales) that can impede the flow of runoff so that the runoff percolates down and not into the lake. He said that no night lighting is planned and the applicants understand that to add lighting in the future requires a subsequent conditional use approval just as we did at 1360 Alabama Drive.

STAFF RECOMMENDATION IS FOR APPROVAL subject to the following conditions:

1. That a landscape plan be submitted for approval by staff to completely screen from the view the tennis court and fencing to the neighboring property to the north and that the lakeside retaining walls and fencing also be effectively buffered with landscaping.
2. That the storm water retention plan be modified to include a berm retention system.
3. That no night lighting is approved as part of this conditional use.

Mr. Briggs then responded to Board member questions.

Rebecca Wilson, Lowndes, Drosdick, Kantor and Reed, represented the applicants. She used a Power Point presentation to show the current conditions of the property and the renderings of the proposed upgrades. She said that they are in agreement with staff recommendations and will provide the landscape plan to completely screen the view of the tennis court from the neighbor to the north and to also provide the hedge privacy buffer as requested by the neighbor to the south. She also indicated that the storm water would be engineered as required by code to meet the City's retention requirements and to address the "clay water" concern. She responded to Board member questions and concerns.

Gene Godbold, 222 West Comstock Avenue, Ste. 101, attorney representing Bill and Debra Dingman, spoke in opposition to the request. He spoke to the need to preserve and protect the single-family neighborhood. He stated that a tennis court and 12 foot fences is completely out of character with the lakefront environment of the City. He requested denial as an incompatible use of the lakefront.

Debra Dingman, 1621 Via Tuscany, expressed opposition to the request. She said that she feels that the proposed redevelopment will have a detrimental impact on their property values due to the noise levels and the water run-off. She indicated that the Racquet Club continually experiences problems with their clay water runoff and did not want the lakefront damaged by that runoff. She indicated that the view of this tennis court would hurt their view of the lake.

Mrs. Wilson expressed that the applicants do not feel the request is unrealistic. She said that the retaining wall will stabilize the slope and that the integrity of the neighborhood will be significantly improved. She pointed out that this is a large estate lot and the applicants are not requesting to subdivide the property and also that there is another residential property on the same lake that has a tennis court. Further, they are willing to mitigate wherever necessary with landscaping.

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

The Board members expressed support of the request as designed and provided that the commitments as to landscaping and retention were met. The Board members expressed that the issue of the clay runoff complicates the retention design and indicated that they are not in favor of a clay playing surface if any clay water runoff gets into the lake. The recognized the concerns of the neighbor but felt there was adequate land for this tennis court and the landscape screening would be effective.

Motion made by Mr. Krecicki, seconded by Mr. Sacha to approve the request subject to the staff recommendations and additional conditions as follows:

1. That a landscape plan be submitted for approval by staff to completely screen from the view the tennis court and fencing to the neighboring property to the north and that the lakeside retaining walls and fencing also be effectively buffered with landscaping.
2. That the storm water retention plan be modified to include a berm retention system.
3. That no night lighting is approved as part of this conditional use.
4. Add landscape buffer on south side of property.
5. Full capture of the clay run-off into the lake with design as approved by the City Storm Water Engineer and submit to staff for approval.

Motion carried unanimously with a 7-0 vote.



city commission agenda item

| | | | | |
|----------------|------------------|------------------------------|---|---|
| item type | Public Hearing | meeting date | February 25, 2013 | |
| prepared by | Debbie Wilkerson | approved by | <input checked="" type="checkbox"/> City Manager | |
| department | Public Works | | <input checked="" type="checkbox"/> City Attorney | |
| division | n/a | | <input type="checkbox"/> N A | |
| board approval | | <input type="checkbox"/> yes | <input type="checkbox"/> no | <input checked="" type="checkbox"/> N A |
| | | final vote | | |

subject

Request to vacate the City easement at 1141 Via Capri.

motion | recommendation

Approve the vacation request.

background

Letters of no objection received from utilities serving the neighborhood. (See Attached) No objection from City Engineer.

alternatives | other considerations

n/a

fiscal impact

None

strategic objective

n/a

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT BEGIN AT THE NORTHEAST CORNER OF SAID LOT 14, BLOCK "A", CLOISTER GROVE SUBDIVISION, RUN WEST 50 FEET ALONG THE NORTH LINE OF SAID LOT 14 TO THE NORTHWEST CORNER OF SAID LOT 14; THENCE SOUTH 52 FEET TO THE SOUTHEAST CORNER OF LOT 15, BLOCK A, CLOISTER GROVE REPLAT, AS RECORDED IN PLAT BOOK O, PAGE 147, OF THE PUBLIC RECORDS OF ORANGE COUNT, FLORIDA (1141 VIA CAPRI) THENCE NORTHEASTERLY 72 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

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

Section 1. The City Commission of the City of Winter Park, Florida hereby vacates and abandons that certain utility easement located at 1141 VIA CAPRI over **BEGIN AT THE NORTHEAST CORNER OF SAID LOT 14, BLOCK "A", CLOISTER GROVE SUBDIVISION, RUN WEST 50 FEET ALONG THE NORTH LINE OF SAID LOT 14 TO THE NORTHWEST CORNER OF SAID LOT 14; THENCE SOUTH 52 FEET TO THE SOUTHEAST CORNER OF LOT 15, BLOCK A, CLOISTER GROVE REPLAT, AS RECORDED IN PLAT BOOK O, PAGE 147, OF THE PUBLIC RECORDS OF ORANGE COUNT, FLORIDA; THENCE NORTHEASTERLY 72 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.**

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

Section 3. This ordinance shall take effect immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 25th day of February, 2013.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham

Downing Law Offices, P.A.

501 South New York Avenue
Suite 220
Winter Park, Florida 32789
Phone 407 960 5927
Fax 407 960 5929
www.haldowninglaw.com

Harold L. Downing
hdowning@haldowninglaw.com

January 7, 2013

Mr. Don Marcotte
City Engineer
CITY OF WINTER PARK
180 West Lyman Avenue
Winter Park, Florida 32789

HAND DELIVERY

Re: Request to vacate utility easement
at 1141 Via Capri, Winter Park, Florida

Dear Mr. Marcotte:

On behalf of our clients, George A. Koehn and Rebecca W. Koehn, we request that the City vacate that certain utility easement dated June 18, 1974, and recorded September 12, 1974, at Official Record Book 2566, Page 798, Public Records of Orange County, Florida, granted to the Florida Power Corporation (the "1974 Easement") encumbering the real property having a street address of 1141 Via Capri and being more particularly described as:

Lots 13 and 14, Block "A," CLOISTER GROVE SUBDIVISION, as recorded in Plat Book J, Page 119, of the Public Records of Orange County, Florida

Less:

Begin at the Northeast corner of said Lot 14, Block "A", CLOISTER GROVE SUBDIVISION, run West 50 feet along the North Line of said Lot 14 to the Northwest corner of said Lot 14; thence South 52 feet to the Southeast corner of Lot 15, Block A, CLOISTER GROVE REPLAT, as recorded in Plat Book O, Page 147, of the Public Records of Orange County, Florida; thence Northeasterly 72 feet, more or less, to the point of beginning.

A copy of the 1974 Easement is enclosed. Currently, the improvements on 1141 Via Capri have been demolished and removed and the lot is vacant. The Koehns purchased the property and intend to construct a new single family home.

Mr. Don Marcotte
January 7, 2013
Page 2

The Koehns request that the 1974 Easement be vacated because:

- 1) the legal description in the 1974 Easement is defective because it does not "close" – there is an error in the third line of the description (we have highlighted it). It says, "run Southwesterly to the Southeast corner of said Lot 11"; it should have said "run Southwesterly to the Southwest corner of said Lot 11."
- 2) the property is served by a utility easement running along its north (or rear) boundary; that easement was granted in the instrument recorded October 20, 2008, in O.R. Book 9776, Page 6684, Public Records of Orange County, Florida (the "2008 Easement"); and,
- 3) the Koehns are willing to grant any additional easements necessary to provide utility service.

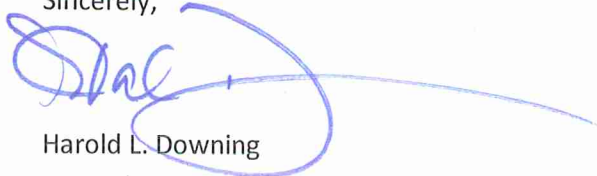
Enclosed are five (5) consents from the following utility providers:

- a) TECO/Peoples Gas;
- b) Bright House Networks, Inc.;
- c) City of Winter Park (Water/Wastewater);
- d) City of Winter Park (Electric Director); and
- e) Embarras Florida, Inc.

Additionally, we have enclosed a letter from Lori Herring at Progress Energy Florida, Inc. acknowledging that Progress Energy no longer provides electrical service to 1141 Via Capri due to the sale of the franchise to the City of Winter Park. Finally, we have enclosed a copy of a survey of 1141 Via Capri that shows the problem with the legal description.

Thank you for your attention to the Koehns' request and do not hesitate to contact us with any questions or comments.

Sincerely,



Harold L. Downing

HLD/pdq

Enclosures

cc: Mr. and Mrs. George A. Koehn

32-21-30

WP-447, 1974 30 Vert.
399 O.R. 2566 PG 798

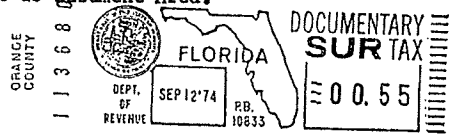
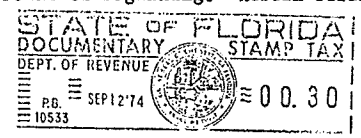
822317 RECORDED SEP 12 10 24 AM '74

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, in consideration of the sum of One Dollar and other valuable considerations, the receipt of which is hereby acknowledged, grant and convey to FLORIDA POWER CORPORATION, its successors or assigns, the right, privilege and easement to construct, reconstruct, operate and maintain for such period of time as it may use the same or until the use thereof is abandoned, a single pole line for the transmission and distribution of electricity, including necessary communication and other wires, poles, guys, anchors, ground connections, attachments, fixtures, equipment and accessories (hereinafter collectively referred to as "facilities") desirable in connection therewith over, upon and across the following described land

in Orange County, State of Florida, to wit:

This document prepared by R. W. Neizer
RETURN TO: Real Estate Dept., Florida Power Corp.
P. O. Box 14042, St. Petersburg, Florida 33723

From the NE corner of Lot 14 Block 'A', Cloister Grove according to the plat thereof recorded in plat book 'J' page 119, Public Records of Orange County, Florida, run Southwesterly to the Southeast corner of said Lot 14, Block 'A', thence North along the West line thereof to a point on said West line 52 feet South of the NW corner thereof thence Northeasterly 72 feet more or less to the Point of beginning. Herein referred to as Easement Area.



~~The Easement Area shall be located on the West side of the center line of said line.~~

GRANTEE shall have the right to patrol, inspect, alter, improve, repair, rebuild or remove said facilities, including the right to increase or decrease the number of wires and voltage, together with all rights and privileges reasonably necessary or convenient for the enjoyment or use thereof for the purposes above described. GRANTEE shall also have the right to trim, cut and keep clear trees, limbs, and undergrowth along said line, and trees adjacent thereto, that may endanger the proper operation of the same. GRANTORS further grant the reasonable right to enter upon adjoining lands of the GRANTORS for the purpose of exercising the rights herein granted.

GRANTORS hereby agree that no buildings or structures, other than fences, shall be constructed or located within said Easement Area. However, GRANTORS reserve the right to use said Easement Area for any other purpose which will not unreasonably interfere with the safe and proper construction, installation, operation, maintenance, alteration, repair or removal of said facilities of GRANTEE.

GRANTORS covenant that they have the right to convey the said easement and that the GRANTEE, its successors or assigns shall have quiet and peaceful possession, use and enjoyment of said easement.

All covenants, terms, provisions and conditions hereof shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors or assigns.

IN WITNESS WHEREOF, the GRANTORS have hereunto affixed their hands and seals this 18th day of June, A.D. 1974.

Signed, sealed and delivered
in presence of:

Ernest C. Patterson Jr.
(LS.)

Louis F. Hunt III (HUSBAND)
Lynnda W. Hunt (WIFE)
(LS.)
(LS.)

STATE OF Florida
COUNTY OF Orange ss.

I HEREBY CERTIFY that on this 18th day of June, A.D. 1974, before me the undersigned authority, personally appeared Louis F. Hunt III & Lynnda W. Hunt

to me known to be the person(s) described in and who executed the foregoing instrument and ha bc acknowledged before me that he executed the same.

WITNESS my signature and official seal in said County and State, the day and year last aforesaid.
(NOTARIAL SEAL)

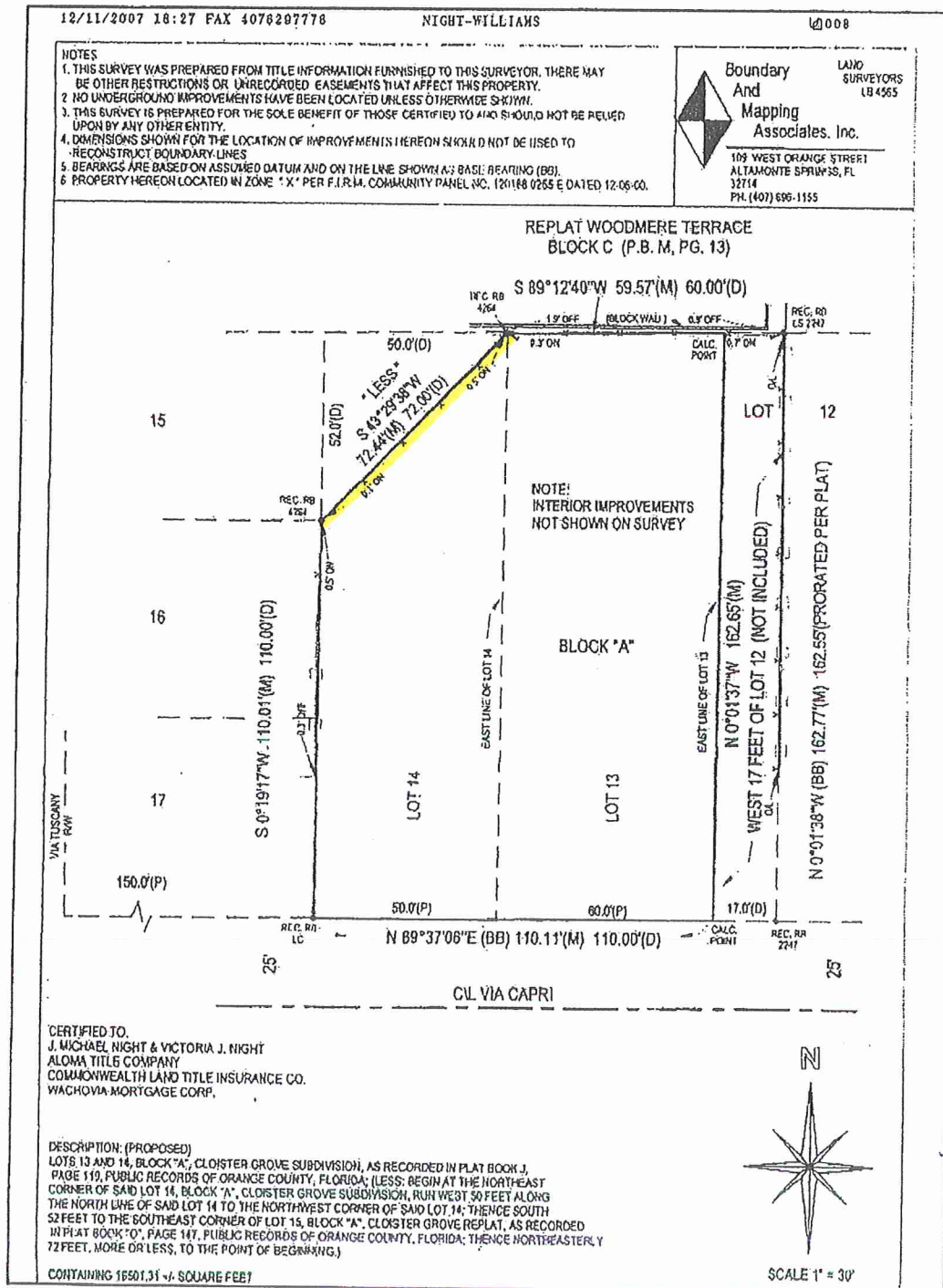
Robert Whelan
Notary Public

My Commission Expires: 9-18-76

RECORDED & RECORD VERIFIED

James A. Hunt
County Comptroller, Orange Co., Fla.

Survey





**Electric
utility** services
Operation & Maintenance Services provided by ENCO Utility Services

DISTRIBUTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, their successors, lessees and assigns ("GRANTOR"), in consideration of the mutual benefits, covenants and conditions herein contained, does grant and convey to CITY OF WINTER PARK, a Florida Municipal Corporation ("GRANTEE"), 401 Park Ave S., Winter Park, Florida 32789, and to its successors, lessees and assigns, an easement to install, operate and maintain in perpetuity or until the use thereof is abandoned, such facilities as may be necessary or desirable for providing electric energy and service and communication services by GRANTEE or others; said facilities being located in the following described "Easement Area" within GRANTOR'S premises in ORANGE County, Florida, to wit:

BEGIN AT THE NORTHEAST CORNER OF LOT 14, BLOCK A, CLOISTER GROVE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK J, PAGE 119, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S.43°52'36"W. A DISTANCE OF 72.14 FEET TO THE SOUTHEAST CORNER OF LOT 15, BLOCK A, CLOISTER GROVE REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK O, PAGE 147, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 14, BLOCK A, A DISTANCE OF 7.21 FEET; THENCE DEPARTING SAID WEST LINE RUN N.43°52'36"E. 82.15 FEET TO THE NORTH LINE OF LOT 13, BLOCK A, OF SAID CLOISTER GROVE SUBDIVISION; THENCE WEST ALONG SAID NORTH LINE 6.94 FEET TO THE POINT OF BEGINNING.

Tax Parcel Number: 32-21-30-1416-01-130

The rights herein granted to GRANTEE by GRANTOR specifically include: (a) the right for GRANTEE to patrol, inspect, alter, improve, repair, rebuild, relocate, and remove said facilities; (b) the right for GRANTEE to increase or decrease the voltage and to change the quantity and type of facilities; (c) the right for GRANTEE to clear the Easement Area of trees, limbs, undergrowth and other physical objects which, in the opinion of GRANTEE, endanger or interfere with the safe and efficient installation, operation or maintenance of said facilities; (d) the right for GRANTEE to trim or remove any timber adjacent to but outside the Easement Area which, in the opinion of GRANTEE, endangers or interferes with the safe and efficient installation, operation or maintenance of said facilities; (e) the reasonable right for GRANTEE to enter upon land of the Grantor adjacent to said Easement Area for the purpose of exercising the rights herein granted; and (f) all other rights and privileges reasonable necessary or convenient for GRANTEE's safe and efficient installation, operation and maintenance of said facilities and for the enjoyment and use of said easement for the purposes described above.

GRANTOR hereby covenants and agrees that no buildings, structures or obstacle (except fences) shall be located, constructed, excavated or created within the Easement Area. If fences are installed, they shall be placed so as to allow ready access to GRANTEE's facilities and provide a working space of not less than six feet (6') on the opening side and one foot (1') on the other three sides of any pad mounted transformer. If GRANTOR's future orderly development of the premises is in physical conflict with GRANTEE's facilities, GRANTEE shall, within 60 days after receipt of written request from GRANTOR, relocate said facilities to another mutually agreed upon Easement Area in GRANTOR's premises, provided that prior to the relocation of said facilities, (a) GRANTOR shall pay to GRANTEE the full expected cost of the relocation as estimated by GRANTEE, and (b) GRANTOR shall execute and deliver to GRANTEE, at no cost, an acceptable and recordable easement to cover the relocated facilities. Upon the completion of the relocation, the easement herein shall be considered cancelled as to the portion vacated by such relocation.

PLEASE RETURN TO JEC
WINDERWEEDLE, HAINES, WARD & WOODMAN, P.A.
P. O. BOX 880
WINTER PARK, FLA. 32790

DOC # 20080629419 B: 9776 P: 6684

10/20/2008 01:45:16 PM Page 1 of 2

Rec Fee: \$18.50 Doc Type: EAS

Deed Doc Tax: \$0.00

Intangible Tax: \$0.00

Mortgage Stamp: \$0.00

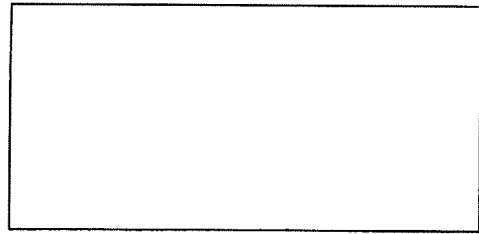
Martha O. Haynie, Comptroller

Orange County, FL

PU - Ret To: WINDERWEEDLE HAINES WARD



County Use Only



GRANTOR covenants not to interfere with GRANTEE's facilities within the Easement Area in GRANTOR's premises, and GRANTOR further covenants to indemnify and hold GRANTEE harmless from any and all damages and injuries, whether to persons or property, resulting from interference with GRANTEE's facilities by GRANTOR or by GRANTOR's agents or employees.

GRANTOR hereby warrants and covenants (a) that GRANTOR is the owner of the fee simple title to the premises in which the above described Easement Area is located, (b) that GRANTOR has full right and lawful authority to grant and convey this easement to GRANTEE, and (c) that GRANTEE shall have quiet and peaceful possession, use and enjoyment of this easement.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the successors, lessees and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the GRANTOR has caused this easement to be signed in its name by its proper officials thereunto duly authorized and its official seal to be hereunto affixed and attested this 21st day of July, 2008.

WITNESSES:

(Print Name)

Karyn Wheeler
Margaret E. Beckemeier
 (Print Name) Margaret E. Beckemeier

GRANTOR(s)

Print Name

DONALD PAUL DIETRICH I / KRISTYN D. ELLIOTT

Address

1231 VIA CARA I

Winter Park, Florida

32789

zip code

STATE OF FLORIDA

COUNTY OF ORANGE

) SS.

The foregoing Easement was acknowledged before me this 21st day of July, 2008, by D. Paul Dietrich I and Kristyn D. Elliott

They are

He/She is personally known to me or who have produced

as identification and who did/did not take an oath.



(SEAL)

Margaret E. Beckemeier
 NOTARY PUBLIC

Print Name:

Margaret E. Beckemeier

Serial Number

My Commission Expires:

Utility Review for Vacation of Easement/Right of Way

December 05, 2012

Re: Easement granted in O.R. Book 2566, Page 798, Public Records of Orange County, Florida,
affecting 1141 Via Capri, Winter Park, Florida 32789

_____ The subject parcel is not within our service area.

X_____ The subject parcel is within our service area. We do not have any facilities within
the easement/right of way and we have no objection to vacating it.

_____ The subject parcel is within our service area and it will be needed for future use. We
object to the vacation.

Additional comments:

UTILITY PROVIDER: TECO/Peoples Gas

Signature: Deborah Frazier

Print Name: Deborah Frazier

Title: Sr Admin

Date: 12/05/12

Utility Review for Vacation of Easement/Right of Way

December 5, 2012

Re: Easement granted in O.R. Book 2566, Page 798, Public Records of Orange County, Florida,
affecting 1141 Via Capri, Winter Park, Florida 32789

_____ The subject parcel is not within our service area.

✓_____ The subject parcel is within our service area. We do not have any facilities within
the easement/right of way and we have no objection to vacating it.

_____ The subject parcel is within our service area and it will be needed for future use. We
object to the vacation.

Additional comments:

UTILITY PROVIDER: Bright House Networks, Inc.

Signature: _____

P.J. King

32, 21, 30

Print Name: _____

P.J. KING

Title: _____

SR. CONST. MGR.

Date: _____

12-5-2012

mtu
12/5/12

Utility Review for Vacation of Easement/Right of Way

December 6, 2012

Re: Easement granted in O.R. Book 2566, Page 798, Public Records of Orange County, Florida,
affecting 1141 Via Capri, Winter Park, Florida 32789

_____ The subject parcel is not within our service area.

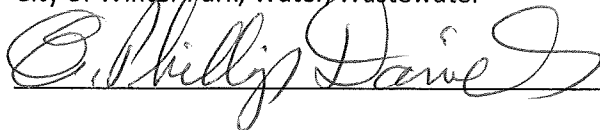
XXXX The subject parcel is within our service area. We do not have any facilities within
the easement/right of way and we have no objection to vacating it.

_____ The subject parcel is within our service area and it will be needed for future use. We
object to the vacation.

Additional comments:

UTILITY PROVIDER: City of Winter Park, Water/Wastewater

Signature:



Print Name:

E. Phillip Daniels

Title:

Assistant Utility Director
Water and Wastewater Department

Date:

December 6, 2012

Utility Review for Vacation of Easement/Right of Way

December 6, 2012

Re: Easement granted in O.R. Book 2566, Page 798, Public Records of Orange County, Florida,
affecting 1141 Via Capri, Winter Park, Florida 32789

_____ The subject parcel is not within our service area.

X_____ The subject parcel is within our service area. We do not have any facilities within
the easement/right of way and we have no objection to vacating it.

_____ The subject parcel is within our service area and it will be needed for future use. We
object to the vacation.

Additional comments:

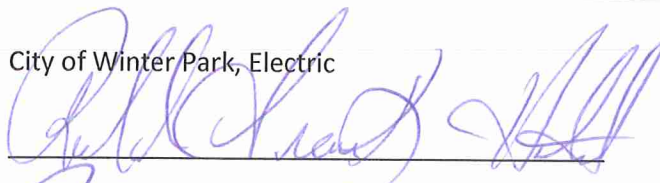
UTILITY PROVIDER: City of Winter Park, Electric

Signature:

Print Name:

Title:

Date:



ROLAND F. HOTARD

Assist. Director

12/6/12

Utility Review for Vacation of Easement/Right of Way

December 31, 2012

Re: Easement granted in O.R. Book 2566, Page 798, Public Records of Orange County, Florida,
affecting 1141 Via Capri, Winter Park, Florida 32789

_____ The subject parcel is not within our service area.

✓_____ The subject parcel is within our service area. We do not have any facilities within
the easement/right of way and we have no objection to vacating it.

_____ The subject parcel is within our service area and it will be needed for future use. We
object to the vacation.

Additional comments:

UTILITY PROVIDER: Embarq, Florida, Inc., dba Century Link

Signature: Candy Crim

Print Name: CANDY CRIM

Title: OSP ENGINEER II

Date: 1-2-13



December 11, 2012

Mr. Harold Downing
Downing Law Offices, P.A.
501 South New York Avenue, #220
Winter Park, FL 32789

RE: Request for Release of Easement Recorded in ORB 2566, PG 798, Orange County

Dear Mr. Downing:

It was a pleasure speaking with you this afternoon. As discussed, the above referenced easement was granted to Florida Power Corporation in 1974. Unfortunately, I cannot release that easement as it is no longer our service territory. The City of Winter Park bought a portion of our electrical system several years ago and the release will need to be prepared by the City. I apologize for the delay this may cause you clients.

If I can be of further assistance, please do not hesitate to contact me.

Best Regards,

A handwritten signature in blue ink that reads 'Lori L. Herring'.

Lori L. Herring
Land Agent
Distribution Right of Way - Florida



city commission public hearing

| | | | |
|---------------------------------------|------------------------------------|--|---|
| item type | Public Hearing | meeting date | February 25, 2013 |
| prepared by department division | Jeff Briggs Planning Department | approved by | <input 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 | 6-1 final vote |

Subject: Request for Comp. FLU/Rezoning of 216, 224 and 234 W. Lyman Avenue to Office (O-2) and of 250 W. Lyman Avenue to Multi-Family (R-3).

The Sydgan Corp. owns and has contingent contracts to purchase property for which they seek Comp. Plan FLU Map and Zoning Map changes to:

1. Change the existing single Family (R-1A) and Institutional (PQP) designations to Office (O-2) zoning on the properties at 216, 226 and 234 W. Lyman Avenues in order to relocate the Grant Chapel building on this site and use for office purposes; and to
2. Change the existing Single Family (R-1A) designation to Medium Density Residential (R-3) zoning on the property at 250 W. Lyman Avenue in order to build townhomes on the property.

These are made as one request with two components for which the City may treat each one independently of the other.

Planning and Zoning Board Recommendation:

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the comprehensive plan future land use map amendment to Office and the rezoning to (O-2) on the properties at 216, 226 and 234 W. Lyman Avenue with the condition that a Development Agreement commits the owner to the relocation of the Grant Chapel Church building to this site within two (2) years from this approval and commits to the preservation of the Grant Chapel Church building. Motion carried with a 6-1 vote. Mrs. Whiting voted against the motion.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the Comprehensive Plan future land use map amendment to multi-family and the rezoning to (R-3) on the property at 250 West Lyman Avenue. Motion carried with a 6-1 vote. Mrs. Whiting voted against the motion.

Summary:

The 216, 226 and 234 W. Lyman Avenue properties consist of the small single family frame house at the New York Avenue corner, the adjacent vacant lot to the west and the next adjacent former Western Union property. The 216 and 226 W. Lyman properties are designated single family (R-1A). The 234 W. Lyman Avenue property historically was where the Winter Park Taxi Company and Western Union office operated from. Due to the

quasi-public service business nature of those operations, the City established Institutional future land use in the comprehensive plan and Public, Quasi, Public (PQP) zoning in 1976.

The proposal for these three properties collectively is to redevelop the entire site by moving the historic Grant Chapel church building from its current location at 301 W. New England Avenue to this new location. The Grant Chapel building was constructed in 1935 and was one of the historic churches in the Hannibal Square neighborhood. The congregation was no longer viable in the late 1990's and in 2002 it was sold to the applicant. In recent years, the building has been used by the Winter Park photos and wedding chapel business. They would plan to continue those business activities in the new location. The proposed office (O-2) zoning would allow that business and in the future for use as office space. The site plan shows the Grant Chapel building, its associated parking and the corner plaza for outdoor wedding photos.

The alternative as New England Avenue redevelops to much higher density is for Grant Chapel to be demolished to make way for that redevelopment. The historic preservation term for this is "adaptive reuse". Preserving and saving a historic building for an alternate economically viable use.

One other small complication is that one of the properties being acquired at 234 W. Lyman has three parking spaces that are committed as off-site parking for the Prince-Bush building at 227 N. New York Avenue. In order to make this happen (since there is not space for that parking plus the parking needed for the Grant Chapel tenant) is to waive the requirement for those three spaces. As a practical reality the Prince-Bush building has never used them.

Comprehensive Plan Policies:

There are conflicting Comprehensive Plan policies in regards to this request, as shown below. The Comprehensive Plan understandably contains a negative policy toward rezoning West Lyman Avenue for business purposes. While the City Attorney will advise that you can't "prohibit" a change (as it reads), the intent is clear to keep West Lyman Avenue as a residential street. On the other hand, the Comprehensive Plan encourages the adaptive reuse of historic buildings. Given this context and location, on the corner of New York and Lyman Avenue, across from the Farmers Market and City Hall facilities, it seems to the staff that the goal of Historic Preservation for the Grant Chapel building outweighs the negative precedent. The action to rezone is conditioned upon a Development Agreement which binds the applicant to move the Grant Chapel building within two (2) years or the action to rezone shall be null and void. The Development Agreement also commits to the preservation of the Grant Chapel church building. (That proposed Development Agreement is attached in the agenda materials)

Policy 1-4.1.H.6: Protect the Residential Character of Certain Segments of Lyman Avenue and Carolina Avenue by Prohibiting Non-residential or Mix-Use Development and Related Accessory Uses. The City shall protect the existing residential character of Lyman Avenue between Hannibal Square East and New York Avenue and on Carolina Avenue by prohibiting the use of properties fronting on these streets in whole or in part for non-residential development, or for parking or for storm water retention for adjacent commercial or office development.

Policy 1-3.12.14: Rehabilitation and Adaptive Reuse of Historic Buildings for Contemporary Uses. The City shall encourage the rehabilitation and adaptive reuse of historic buildings if the buildings may no longer feasibly be used for their historic purposes.

250 W. Lyman Property:

The 250 W. Lyman Avenue property is approximately 52,035 sq. ft. in size with 300 feet of frontage on W. Lyman Avenue and then a rear portion with 100 feet of frontage on Comstock Avenue. Under the current city R-1 A zoning, 8 single family homes could be built on this property. Under the proposed R-3 designation, up to 20 multi-family units could be developed.

Future Development Plans:

The future development plans of the applicant are not firm at this time because the property is under contract for sale to David Weekly Homes. David Weekly does not have development plan finalized at this time. However, one of the requirements for a rezoning submission is to *"include prospective plans indicating the desired development scenario proposed as a result of an approval"*. So in keeping with that code requirement, the applicant as the seller, has presented a site plan representative of how 16 new townhomes could be built on this site if rezoned. However, the City is not approving this plan or any variances at this time.

Staff Appraisal:

The staff supported both requests. In terms of location and context these properties are on the edge of the downtown and next to the SunRail R/O/W and City Electric utility yard. In this transitional location, single family residential zoning is not the most appropriate development use in this location. The requested rezonings are compatible with this "edge" transitional location.

The major controversy over previous decades has been rezoning of residential property in the Hannibal Square neighborhood to business and for other non-residential purposes. Residents have objected to being squeezed out every time residential property is rezoned for business use. In this context one could object to the rezoning for the Grant Chapel on those grounds. However, part of the site is already zoned PQP. There is the loss of only one home. Additionally, with the companion rezoning to R-3, the resultant increase in density is more than offsetting the loss of the one home. Lastly, the applicant commits to the historic preservation of the Grant Chapel building which is an important historical element of the Hannibal Square community.

The request for the change to R-3 zoning is appropriate given the location and context of this "edge" transitional setting. If the City desires to preserve the residential character of the Hannibal Square neighborhood, then getting new residential townhouse development on this large vacant property will work to insure the residential transitional edge is fixed. As long as this large site sits vacant, it is a candidate for some to see it with office or commercial development potential.

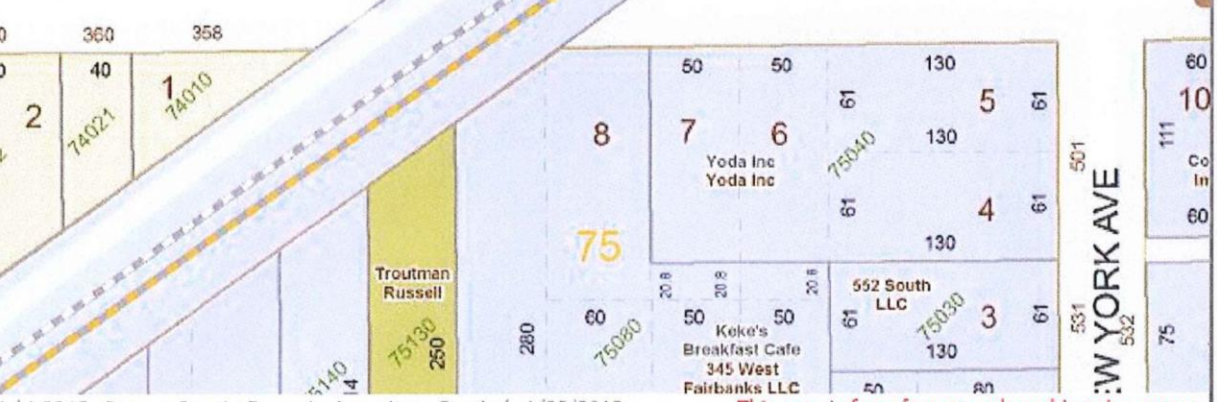
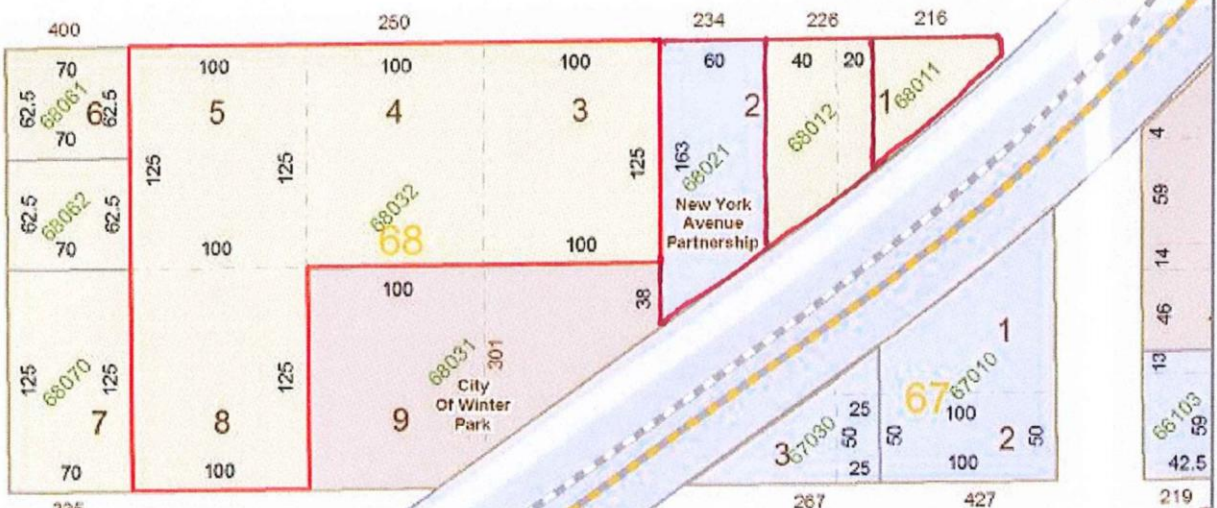
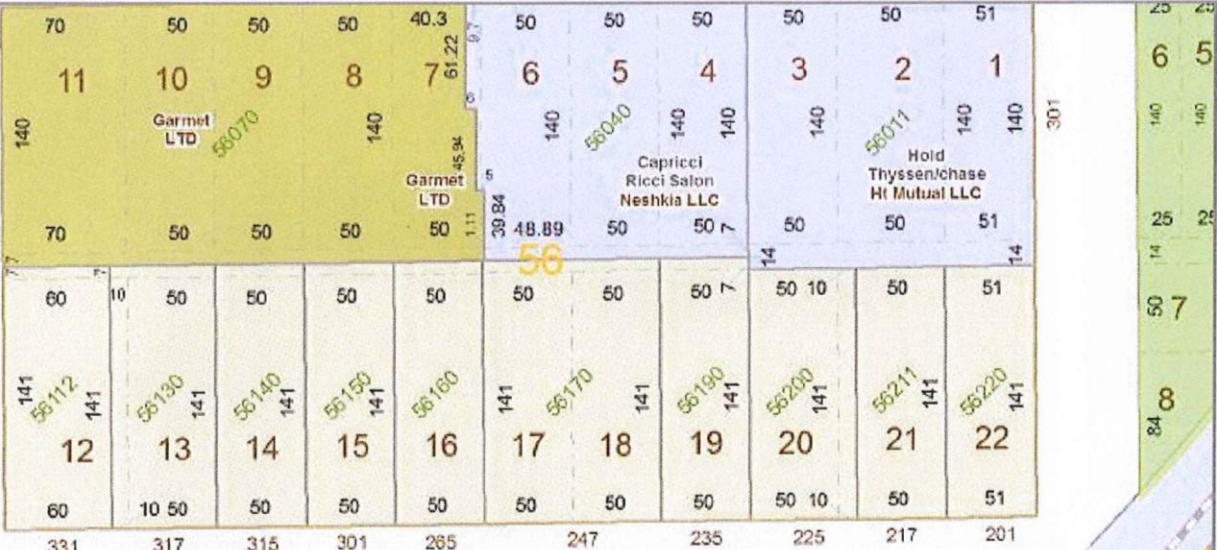
OCPA Web Map



15m
50ft

- Major Roads
- Road Under Construction
- Proposed Road
- Block Line
- Lot Line
- Recreational
- Agiculture
- Commercial/Institutional
- Governmental/Institutional/Misc
- Commercial/Industrial/Vacant Land
- Aggricultural Curtilage
- Hydro
- Waste Land
- Parks
- Lakes and River
- Building
- Fire Station
- Hospital
- Block Number
- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimensions

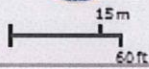
S VIRGINIA AVE



Copyright 2012, Orange County Property Appraiser. Created: 1/29/2013

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

OCPA Web Map



- Major Roads
- Road Under Construction
- Proposed Road
- Brick Road

- Block Line
- Lot Line
- Residential
- Agriculture

- Commercial/Institutional
- Governmental/Institutional/Misc
- Commercial/Industrial Vacant Land
- Agricultural/Cultilage

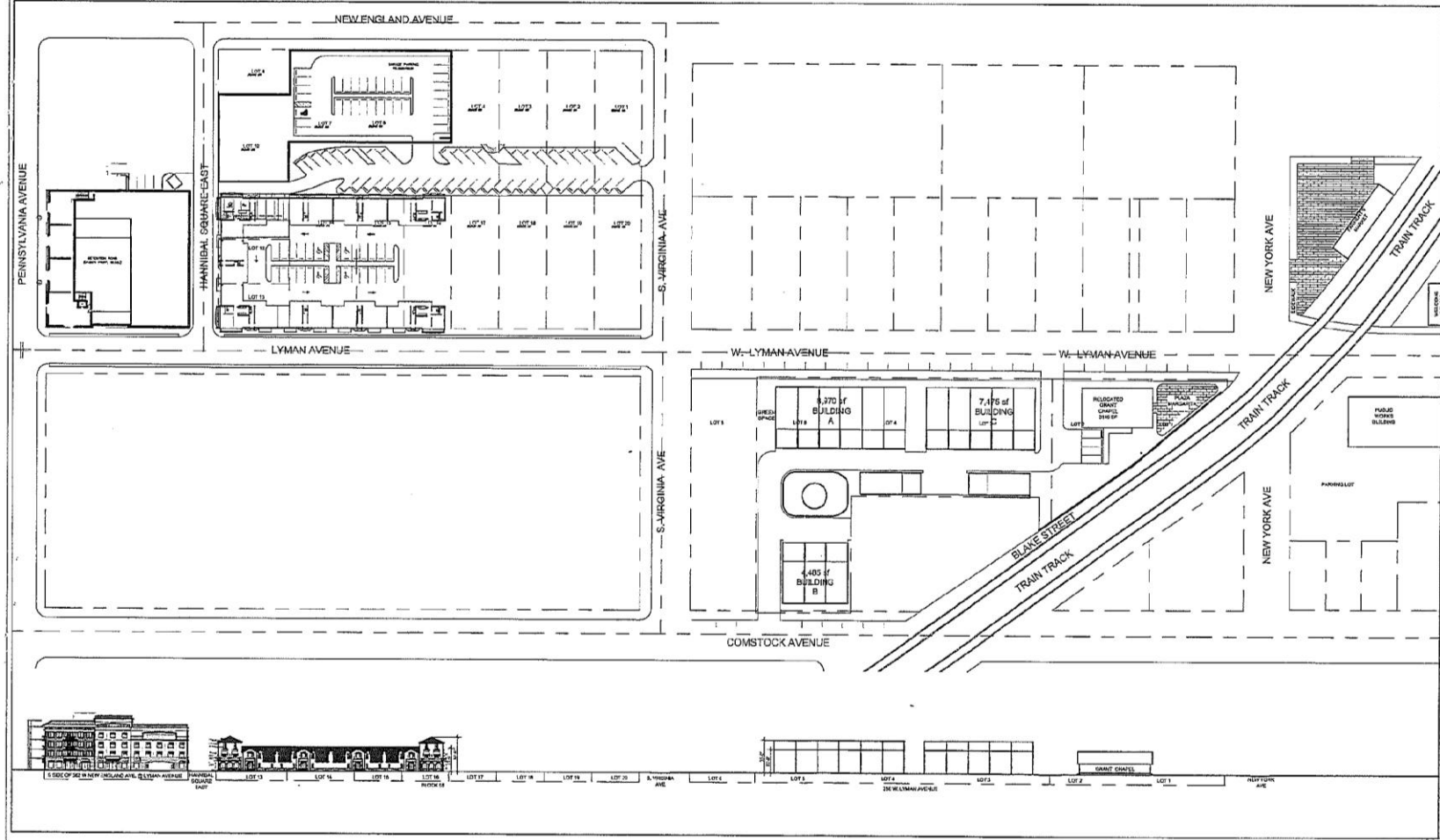
- Hydro
- Waste Land
- Parks
- Lakes and River

- Building
- Fire Station
- Hospital
- Block Number

- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimensions







250 W. LYMAN AVENUE
WINTER PARK, FL 32789

SYDGAN CORP.
PO BOX 350
WINTER PARK, FL 32790
407-644-3151

SITE PLAN - REZONING

MARGARET H. O'ROURKE DESIGN, INC.
PO BOX 2071 WINTER PARK, FLORIDA 32790

T/ 407.740.5585 MCO@MOIDnc.us

| DATE | NO. | REVISIONS |
|------|-----|-----------|
| | | |
| | | |
| | | |
| | | |

SCALE: NTS
DATE: 1-8-13

B1

Parcel Photos - 301 W New England Ave



302205940040170 05/19/2006

Grant Chapel Church

Grant Chapel Study

Historic Significance: Grant Chapel is eligible for historic landmark status under National Register of Historic Places Criterion A for its association with the growth and development of the African-American community in Winter Park. A cornerstone was laid for an African Methodist Episcopal church in Hannibal Square during 1893, and Grant Chapel was organized in Hannibal Square in 1906 as a member of the African Methodist Episcopal (AME) churches (MacDowell: 59, 88). Church records could describe the origins more specifically. *The History of Winter Park* states that the Grant Chapel congregation constructed a church on West New England Avenue in 1935 at a cost of \$4,000 (MacDowell: 212). The existing building's dedication plaque dedicates Grant Chapel Methodist Church on May 30, 1943. Reverend E. J. Sheppard was the Pastor. Hannibal Square is listed in the Black Heritage Trail guidebook published by the Florida Department of State.

Context: Grant Chapel is located in the Hannibal Square district. Unlike such purely residential historic areas as Virginia Heights or the College Quarter, Hannibal Square also contained churches, schools, a library and several businesses associated with the history of the African-American community in Winter Park.

Architecture: The building is constructed in a vernacular ecclesiastical style. Grant Chapel faces south on West New England Avenue with a shallow front setback from the sidewalk. The building is stucco with a front-facing one and one-half story gable roof. The one story entry porch faces New England Avenue. The entry porch roof is v-groove metal, possibly original material, and the main roof is composition shingles – relatively new material. The overhang has been enclosed with ventilated aluminum panels. An additional entry to the church offices is located on the west side. The offices are located in a short side-facing gabled extension. Entry doors also access the front (north) of the sanctuary on the west and east sides. Four tall vertical windows are on the east side of the sanctuary and three are on the west. Each window is composed of eight (2x4) divided lights with textured tinted glass. Decorative buttresses are placed along the long sidewalls of the sanctuary. The front entry porch features three concrete steps leading to an arched opening. The sides of the entry porch have open arches. The front doors are a pair of paneled wood doors with period hardware. The entry stair walls have a simple coping edge. The exterior stucco shows some older repairs but the building appears to be in sound condition. The interior has a vaulted ceiling and retains the original wood floors and elevated alter and choir space.

Relocating Historic Buildings: Relocating a building is a last resort to avoid demolition. From a preservation perspective, relocating a building presents several concerns. First, the context of the building will be altered. The association with the surrounding natural and built environment is destroyed. Left behind are features that make each building unique. Many of the character defining features that contribute to the architectural significance of a building may be damaged as a result of relocation. An improperly relocated building can have a negative impact on the setting of existing buildings in a new location. Side and front setback,

orientation, scale, mass and individual features of existing buildings should be considered when choosing an appropriate site.

Despite the negatives, relocation is preferable to demolition. This is particularly true with regard to buildings whose significance is primarily architectural such as Casa Feliz, the Robert Bruce Barbour house. There are several criteria to be considered when reviewing a proposal to move a building to a new site. The environment for the new site should be similar to the old one in terms of age of the context, surrounding buildings, their height, materials, setback and architectural details.

Recommendations: The relocation of the Grant Chapel building has special considerations. To retain its association with the history of Hannibal Square and mitigate the loss to West New England Avenue, it should be relocated to an appropriate site in the Hannibal Square neighborhood. The setting and orientation should be compatible with the original. The orientation and setback of its primary façade should be compatible with surrounding buildings as well as appropriate for the historic building. The new foundation should have a design height and facing materials to match those of the original. The chapel should be listed in the Winter Park Register of Historic Places and given an appropriate adaptive reuse.

Historic Background: Hannibal Square

African-Americans were an integral part of Winter Park's development from its beginning in 1881. Loring Chase and Oliver Chapman, the town's founders, were abolitionists from New England. Their original plan for the town designated a neighborhood, which was named Hannibal Square, for the homes of African-Americans who worked in the groves, hotels and homes, and as carpenters and farmers. Residents of Hannibal Square typically owned their own homes and land. The Winter Park Company donated land in Hannibal Square for a school and churches, and the neighborhood developed its own businesses, services, library, social clubs and cultural organizations. Hannibal Square had its own brass band and baseball team. The original street pattern and many houses and commercial buildings have survived to the present. Landmark buildings include the Mount Moriah Church, Bethel Baptist Church, Flowers Temple, Grant Chapel, the Early Rising Lodge, and Lake Hall Lodge.

The black residents of Hannibal Square played a vital role in the town's early economic political and social life. *The Winter Park Advocate*, a newspaper edited by Gus Henderson, was first published in Hannibal Square in 1887. It was the second black-owned newspaper in Florida, and for several years the only newspaper in Winter Park. The black vote was essential for the incorporation of the town in 1887, and two Hannibal Square residents, Frank Israel and Walter Simpson, were elected as alderman on the first Town Council. In 1892, a political group sent a petition to the State Legislature, and the corporate town limits were changed to exclude Hannibal Square. Long since included back into incorporated Winter Park, Hannibal Square is a revitalizing neighborhood with a renewed pride in its heritage.

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 AND
INSTITUTIONAL TO OFFICE FUTURE LAND USE ON THE
PROPERTIES AT 216, 226 AND 234 WEST LYMAN AVENUE
AND TO MEDIUM-DENSITY RESIDENTIAL ON THE
PROPERTY AT 250 WEST LYMAN 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 February 5, 2013, 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 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 and institutional to office on the properties at 216, 226 and 234 W. Lyman Avenue, subject to the implementation of a development agreement for the preservation of the Grant Chapel church building and said property being more particularly described as follows:

Lots 1 & 2, Block 68, Revised Map of the Town of Winter Park as recorded in Plat Book "A", Pages 67-72 of the Public Records of Orange County, Florida.

Property Tax ID's # 05-22-30-9400-68-011; 05-22-30-9400-68-012 and 05-22-30-9400-68-021

SECTION 2. That Chapter 58 “Land Development Code”, Article I, “Comprehensive Plan” future land use plan map is hereby amended so as to change the future land use map designation of single family residential to medium density multi-family residential on the property 250 W. Lyman Avenue, said property being more particularly described as follows:

Lots 3, 4, 5 and 8, Block 68, Revised Map of the Town of Winter Park as recorded in Plat Book “A”, Pages 67-72 of the Public Records of Orange County, Florida.

Property Tax ID # 05-22-30-9400-68-032

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 and additionally Section 1 of this Ordinance will not become effective unless title to the Property becomes vested in Westside Partners, Ltd. or its assignee. 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.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE",
ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO
AS TO CHANGE THE ZONING DESIGNATION OF SINGLE
FAMILY (R-1A) DISTRICT AND PUBLIC, QUASI-PUBLIC (PQP)
DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTIES
AT 216, 226 AND 234 WEST LYMAN AVENUE AND TO MEDIUM
DENSITY MULTI-FAMILY (R-3) DISTRICT ON THE PROPERTY
AT 250 WEST LYMAN 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 February 5, 2013 meeting; and

WHEREAS, the City Commission of the City of Winter Park held duly noticed public hearings on the proposed zoning change set forth hereunder and considered 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 and public, quasi-public (PQP) district to office (O-2) district zoning on the properties at 216, 226 and 234 W. Lyman Avenue, subject to the implementation of a development agreement for the preservation of the Grant Chapel church building and said property being more particularly described as follows:

Lots 1 & 2, Block 68, Revised Map of the Town of Winter Park as recorded in Plat Book “A”, Pages 67-72 of the Public Records of Orange County, Florida.

Property Tax ID’s # 05-22-30-9400-68-011; 05-22-30-9400-68-012 and 05-22-30-9400-68-021

SECTION 2. 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 medium density multi-family residential (R-3) district zoning on the property at 250 W. Lyman Avenue and said property being more particularly described as follows:

Lots 3, 4, 5 and 8, Block 68, Revised Map of the Town of Winter Park as recorded in Plat Book “A”, Pages 67-72 of the Public Records of Orange County, Florida.

Property Tax ID # 05-22-30-9400-68-032

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

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

SECTION 5. Effective Date. This Ordinance shall become effective upon the effective date of Ordinance _____. If Ordinance _____ or if either Section of that Ordinance does not become effective, then that Section or this Ordinance shall be null and void.

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

Mayor

Attest:

City Clerk

Prepared by: Jeff Briggs
City of Winter Park, Florida
401 Park Avenue South
Winter Park, Florida 32789

Return to: Cindy Bonham, City Clerk
City of Winter Park, Florida
401 Park Avenue South
Winter Park, Florida 32789

GRANT CHAPEL AGREEMENT

THIS GRANT CHAPEL AGREEMENT (“Agreement”) is made this ___ day of _____, 2013, between the **CITY OF WINTER PARK, FLORIDA**, a Florida municipality (“City”), whose address is City Hall, 401 Park Avenue South, Winter Park, Florida 32789, and **Morney Partnership, Ltd**, A Florida Limited Partnership, (“Owner”) whose address is Post Office Box 350, Winter Park, Florida 32790:

RECITALS

WHEREAS, the City and Owner desire to preserve the historic Grant Chapel building in order to preserve the history and heritage of the Hannibal Square community and to provide for a useful and adaptive reuse of that historic structure, by relocating the Grant Chapel church building from 301 West New England Avenue to 216, 224 and 234 W. Lyman Avenue, referred to as the “Property”, more particularly described as:

Lots 1 & 2, Block 68, Revised Map of the Town of Winter Park as recorded in Plat Book “A”, Pages 67-72 of the Public Records of Orange County, Florida.

Property Tax ID’s # 05-22-30-9400-68-011; 05-22-30-9400-68-012 and 05-22-30-9400-68-021

WHEREAS, the City has agreed to process a rezoning for the Property at 216, 224 and 234 W. Lyman Avenue to Office (O-2) so that, should the rezoning be approved, the Grant Chapel church building may be relocated to that site and be used by Owner for economic return in accordance with the zoning regulations, and

WHEREAS, the Owner has made a commitment to relocate the Grant Chapel church building within two (2) years of the date of the approval of the rezoning, if approved, and has further committed to the preservation of the Grant Chapel church structure, and

WHEREAS, the property located at 227 West New England Avenue bearing Orange County Parcel ID # 05-22-30-9400-40-321 and described as TOWN OF WINTER PARK A/67 & B/86 & MISC BOOK 3/220 BEG 54.8 FT W OF SE COR OF BLK 40 RUN N 42 FT W 5 FT N 33 FT W 75.2 FT S 75 FT E 80.2 FT TO POB IN SEC SEE 3566/27 (the “227 Property”), has the benefit of a variance previously granted by the City whereby additional parking spaces required by the City to accommodate the addition of 650 square feet of office space by enclosure of porch space (the “Off-site Parking”) were permitted to be located more than 300 feet away from the 227 Property,

WHEREAS, the City has agreed to release the 227 Property from the requirement to maintain three (3) off-site parking spaces on the property at 234 W. Lyman Avenue in order to allow the 227 Property to maintain its current totals of enclosed, patio, porch and other square footage without the need for any off-site parking.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, the parties agree as follows:

1. The City agrees to process the rezoning requested for the adaptive reuse of the Grant Chapel building. The City agrees to release the 227 Property from the requirement to maintain three (3) off-site parking spaces on the property at 234 W. Lyman Avenue for the 227 Property as set forth below.
2. The Owner agrees to undertake within two (2) years of the date of this Agreement, to relocate and move the Grant Chapel building structure to the Property. Should the relocation not occur within the two (2) years, then the Owner agrees to apply and consent to a rezoning of the Property back to the zoning designations in place prior to this Agreement.
3. Owner voluntarily agrees that upon completion of the move, the Property and Grant Chapel church building shall be listed as a historic landmark property, and governed by Chapter 58, Land Development Code and the Winter Park Historic Preservation Commission. As such, the Owner will not demolish or alter the Grant Chapel church building structure in architectural style and integrity without the consent of the City.
4. The City agrees to release the 227 Property from the requirement to maintain three (3) off-site parking spaces on the property at 234 W. Lyman Avenue for the 227 Property based on the current enclosed square footage of the 227 Property.
5. **BINDING EFFECT:** This Agreement shall be binding upon Owner and its successors and assigns in interest and all other parties acquiring any interest in the Property, and shall inure to the benefit of the City, and shall run with the land.

6. **AUTHORITY:** Each party represents and warrants to the other that it has all necessary power and authority to enter into and consummate the terms and conditions of this Agreement and that all acts, approvals, procedures and similar matters required in order to authorize this Agreement have been taken or followed, as the case may be, and that upon execution of this Agreement by both parties, this Agreement shall be valid and binding upon the parties hereto and their successors in interest.
7. **GOVERNING LAW:** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
8. **SEVERABILITY:** If any provisions of this Agreement are found to be illegal or invalid, the other provisions of this Agreement shall remain in full force and effect.
9. **RECITATIONS:** The Recitals are hereby incorporated as if fully set forth herein.
10. **THIRD PARTY BENEFICIARIES:** This Agreement gives no rights or benefits to anyone other than the City and Owner and has no third-party beneficiaries.
11. **NOTICES:** Any notices required or permitted to be made or given to either party pursuant to this Agreement shall be in writing and shall be delivered as follows with notice deemed given as indicated: (i) by personal delivery when delivered personally; (ii) by overnight courier upon written notification of receipt; or (iii) by email or facsimile transmission upon acknowledgment of receipt of electronic transmission.
12. **SPECIFIC PERFORMANCE:** The parties hereto shall have the right to enforce the terms and conditions of this Agreement by an action for specific performance.

IN WITNESS WHEREOF, the parties have caused these presents to be executed as of the date and year first above written.

OWNER:

Morney Partnership, Ltd., a Limited
Partnership
Post Office Box 350
Winter Park, Florida 32790
Attn: Daniel B. Bellows
Vice President
Telephone: _____
Fax: _____

CITY:

City of Winter Park
401 South Park Avenue
Winter Park, Florida 32789
Attn: City Manager
Telephone: 407-599-3277
Fax: _407-599-3436_____

With a Copy to:

Usher L. Brown, Esquire
Brown, Garganese, Weiss & D'Agresta
111 N. Orange Avenue, Suite 2000
Orlando, Florida 32802
Telephone: 407-425-9566
Fax: 407-425-9596

Signed, sealed and delivered
in the presence of :

CITY OF WINTER PARK, FLORIDA
A municipal corporation

Signature_____

Print Name

By: _____

It's Mayor_____

Date Executed:_____

Signature

Print Name

Morney Partnership, Ltd, a Florida Limited
Partnership

Signature

Print Name

partner

Morney GP Corporation, its general

Daniel B. Bellows, Vice President

Date Executed: _____

Signature

Print Name

STATE OF FLORIDA
COUNTY OF ORANGE

Acknowledged before me this _____ day of _____ 2013, by Daniel B. Bellows as Vice President of Morney GP Corporation, who is personally known to me or has produced _____ (type of identification) as identification.

Notary Public, State of Florida

Print, Type or Stamp Commissioned Name of
Notary Public

STATE OF FLORIDA
COUNTY OF ORANGE

Acknowledged before me this _____ day of _____ 2013, by Kenneth Bradley as Mayor of the City of Winter Park, Florida, a municipal corporation, who is personally known to me or has produced _____ (type of identification) as identification and he acknowledged that he executed the above document for the City.

Notary Public, State of Florida

Print, Type or Stamp Commissioned Name of
Notary Public

REQUEST OF THE SYDGAN CORP. TO AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP SO AS TO CHANGE THE EXISTING FUTURE LAND USE DESIGNATIONS OF SINGLE FAMILY RESIDENTIAL AND INSTITUTIONAL TO OFFICE FUTURE LAND USE ON THE PROPERTIES AT 216, 226 AND 234 W. LYMAN AVENUE AND TO MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE ON THE PROPERTY AT 250 W. LYMAN AVENUE.

REQUEST OF THE SYDAN CORP TO: AMEND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING SINGLE FAMILY (R-1A) DISTRICT AND PUBLIC, QUASI-PUBLIC (PQP) ZONING TO OFFICE (O-2) DISTRICT ZONING ON THE PROPERTIES AT 216, 226 AND 234 W. LYMAN AVENUE AND TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT 250 W. LYMAN AVENUE.

Planning Director Jeffrey Briggs presented the staff report and explained that the Sydgan Corp. owns and has contingent contracts to purchase property for which they seek Comprehensive Plan future land use map and Zoning map changes to:

1. Change the existing Single Family (R-1A) and Institutional (PQP) designations to Office (O-2) zoning on the properties at 216, 226 and 234 W. Lyman Avenues in order to relocate the Grant Chapel building on this site and use for office purposes; and to
2. Change the existing Single Family (R-1A) designation to Medium Density Residential (R-3) zoning on the property at 250 W. Lyman Avenue in order to build townhomes on the property.

He noted that they are made as one request with two components for which the City may treat each one independently of the other.

Mr. Briggs reviewed the history of the subject properties. He explained that the 216, 226 and 234 W. Lyman Avenue properties consist of the small single-family frame house at the New York Avenue corner, the adjacent vacant lot to the west and the next adjacent former Western Union property. The 216 and 226 West Lyman properties are designated single family (R-1A). The 234 W. Lyman Avenue property historically was where the Winter Park Taxi Company and Western Union office operated from. Due to the quasi-public service business nature of those operations, the City established Institutional future land use in the comprehensive plan and Public, Quasi, Public (PQP) zoning back in 1976. He said that the proposal for these three properties collectively is to redevelop the entire site by moving the historic Grant Chapel church building from its current location at 301 West New England Avenue to this new location.

The Grant Chapel building was constructed in 1935 and was one of the historic churches in the Hannibal Square neighborhood. The congregation was no longer viable in the late 1990's and in 2002 it was sold to the applicant. In recent years, the building has been used by the Winter Park photos and wedding chapel business. They would plan to continue those business activities in the new location. The proposed office (O-2) zoning would allow that business and in the future for use as office space. The site plan shows the Grant Chapel building, its associated parking and the corner plaza for outdoor wedding photos. The alternative as New England Avenue redevelops to much higher density is for Grant Chapel to be demolished to make way for that redevelopment. The historic preservation term for this is "adaptive reuse". Preserving and saving a historic building for an alternate economically viable use. He reviewed the comprehensive plan issues.

One other small complication is that one of the properties being acquired at 234 W. Lyman has three parking spaces that are committed as off-site parking for the Prince-Bush building at 227 N. New York Avenue. In order to make this happen (since there is not space for that parking plus the parking needed for the Grant Chapel tenant is to waive the requirement for those three spaces. As a practical reality they have never used them.

In summary, given this context and location on the corner of New York and Lyman Avenue, across from the Farmers Market and City Hall facilities, it seems to the staff that the goal of Historic Preservation for the Grant Chapel building outweighs any negative precedent. However, the action to rezone needs to be conditioned upon a Development Agreement which binds the applicant to move the Grant Chapel building

within a reasonable time period, such as two years or the action to rezone shall be null and void and that the applicant must commit to preserve the Grant Chapel building by adding it to the City's Historic Preservation program. Mr. Briggs indicated that the applicant was in agreement to these conditions.

Mr. Briggs said that the 250 West Lyman Avenue property is approximately 52,035 sq. ft. in size with 300 feet of frontage on W. Lyman Avenue and then a rear portion with 100 feet of frontage on Comstock Avenue. It is now designated single family (R-1A) and the applicant is requesting the city's multi-family residential (R-3) designation. Under the current city zoning, 8 single family homes could be built on this property. Under the proposed R-3 designation, up to 20 multi-family units could be developed.

The future development plans of the applicant are not firm at this time because the property is under contract for sale to David Weekly Homes. David Weekly does not have development plan finalized at this time. However, one of the requirements for a rezoning submission is to *"include prospective plans indicating the desired development scenario proposed as a result of an approval"*. So in keeping with that code requirement, the applicant as the seller, has presented a site plan representative of how 16 new townhomes could be built on this site if rezoned. However, the City is not approving this plan or any variances at this time. The application is only for Comp. Plan FLU and Rezoning to R-3.

The staff supports this request. The request for the change to R-3 zoning is appropriate given the location and context of this "edge" transitional setting. If the City desires to preserve the residential character of the Hannibal Square neighborhood, then getting new residential townhouse development on this large vacant property will work to insure the residential transitional edge is fixed. As long as this large site sits vacant, it is a candidate for some to see it with office or commercial development potential.

Staff recommendation is for Approval of the change to Office (O-2) on the properties at 216, 226 and 234 W. Lyman Avenue with the condition that a Development Agreement commits the owner to the relocation of the Grant Chapel church building to this site within two (2) years from this approval; and approval of the change to Multi-Family Residential (R-3) on the property at 250 W. Lyman Avenue.

Dan Bellows, the applicant, 558 West New England Avenue, addressed the Board regarding the request. He discussed the history of the property and provided the Board members with details of the proposed redevelopment. He said that he feels that what is proposed is a good transition for this property that is so close to New York Avenue, the SunRail tracks, Farmers Market and City Hall. He responded to Board member questions and concerns.

Patrick Olson, represented the owners of 234 West Lyman, expressed support of the request. However, the owners do not wish the rezoning to be effective unless Mr. Bellows closes on the property.

Martha Hall, 331 West Lyman Avenue, was opposed. She expressed concern that a more detailed plan has not been submitted by the buyer for the townhouses and also that there is not enough parking for 16 townhouses. She encouraged the Board to maintain the single-family residential character of Lyman Avenue, and also to adhere to the applicant being required to submit more detailed plans.

Lurline Fletcher, 790 Lyman Avenue, agreed with the comments made by Mrs. Hall.

Forrest Michael, 358 West Comstock Avenue, addressed the Board. He suggested that there be a more interactive forum with the neighborhood to address the properties in more detail. He agreed with the comments made by Mrs. Hall and Ms. Fletcher. He said that he has met with the applicant to discuss some preliminary concerns. He said that he feels that there are many unanswered questions. He discussed his concerns with regard to the City electric utility PQP zoned property, which the City may soon declare surplus. He presented his plans for the redevelopment of the electric utility property and the possibility for a new street connection.

Mr. Briggs explained that the City Commission has a work session planned for February 25th to explore options for city properties. Amongst those to be discussed is the City's electric utility yard along the railroad and whether to sell that land.

Mr. Bellows reiterated that he has a contracts pending on two of the subject properties at 226 and 234 W. Lyman and that he has worked very hard to secure the properties necessary to make this redevelopment happen. He requested that the Board move forward with this request because the contracts could not be extended.

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

The Board members discussed the request and were in general agreement with the requests. The Board discussed the City electric yard and whether it would be best to delay this recommendation for one month while the City Commission determines the fate of that property. Mrs. Whiting expressed that the Board should wait so that there would be some reaction from the City Commission as to the plans presented by Forest Michael. Mr. Johnston indicated that he felt inclined to vote on the request that was before them tonight as the City Commission process may take many months for a decision. The Board indicated that they were only voting on the zoning issue and were not approving any of the site plans or building plans presented to them.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the comprehensive plan future land use map amendment to Office and the rezoning to (O-2) on the properties at 216, 226 and 234 W. Lyman Avenue with the condition that a Development Agreement commits the owner to the relocation of the Grant Chapel church building to this site within two (2) years from this approval and commits to the preservation of the Grant Chapel Church building.

Motion carried with a 6-1 vote. Mrs. Whiting voted against the motion.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the Comprehensive Plan future land use map amendment to multi-family and the rezoning to (R-3) on the property at 250 West Lyman Avenue.

Motion carried with a 6-1 vote. Mrs. Whiting voted against the motion.

NEW BUSINESS:

There were no items of new business.

There was no further business. Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary



city commission public hearing

| | | | |
|---------------------------------------|--|--------------|--|
| item type | Public Hearing | meeting date | February 25, 2013 |
| prepared by department division | Terry Hotard Electric Utility | approved by | <input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A |
| board approval | <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A final vote | | |

subject

Undergrounding of Electric/CATV Facilities
Final Resolution
Via Salerno/Via Capri

motion | recommendation

Approve resolution declaring and confirming the special assessments pertaining to the undergrounding of electric/CATV facilities in the area of Via Salerno and Via Capri. Staff recommendation is to approve resolution.

summary

Winter Park Electric's PLUG-IN program was approved by the city commission to provide neighborhoods with a method of accelerating the undergrounding of neighborhood overhead facilities. Through the PLUG-IN Program the city provides homeowners within the Neighborhood Electric Assessment District (NEAD) a 50% match of the electric undergrounding. Bright House Network has agreed to a 5% contribution. Homeowners have the option of a onetime lump sum or 10 year repayment schedule. Annual assessment will be placed on the property tax bill. 90% (66% required) of the 10 homeowners within the VIA SALERNO/VIA CAPRI NEAD have voted in favor of this project.

board comments

N/A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS IN AND FOR THE CITY, TO-WIT: UNDERGROUND ELECTRIC/CATV (BHN) FACILITIES ALONG VIA SALERNO/VIA CAPRI; FURTHER DECLARING THAT THE COST OF SAID IMPROVEMENTS SHALL BE PARTIALLY PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITTED BY SAID IMPROVEMENTS; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT THE OFFICE OF THE CITY CLERK OF THE CITY OF WINTER PARK; CONFIRMING THE SPECIAL ASSESSMENTS FOR THE UNDERGROUNDING OF ELECTRIC/CATV (BHN) FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ADJACENT TO VIA SALERNO AND VIA CAPRI AVENUE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park, Florida has established a policy for undergrounding electric/CATV (BHN) facilities within the City; and

WHEREAS, the owners of the requisite number of lots within the area along Via Salerno/Via Capri have requested the undergrounding of electric/CATV (BHN) facilities (the "Project"); and

WHEREAS, home rule authority, Ordinance 2249, and Section 197.3632, Florida Statutes, allow the City Commission of the City of Winter Park to levy and collect special assessments to fund capital improvements and municipal services pursuant to the uniform method; and

WHEREAS, the expenses of the electric/CATV (BHN) undergrounding Project are to be defrayed by special assessments; and

WHEREAS, the benefits derived from the Project exceed the cost of the assessments levied hereunder. The assessment for each property does not exceed the proportional benefits that each property will receive compared to other property in the area; and

WHEREAS, the assessments provide an equitable method of funding the facilities by fairly and reasonably allocating the cost to specially benefited property; and

WHEREAS, Ordinance 2249, and Section 197.3632, Florida Statutes, establish procedures to be followed by the City of Winter Park prior to commencement of the Project; and

WHEREAS, on December 10, 2012, the City Commission, at a duly noticed meeting, adopted Resolution No. 2117-12 expressing its intent to use the Uniform Method for Collection of non-ad valorem assessment for more than one year pursuant to Section 197.3632, Florida Statutes, within the City of Winter Park; and

WHEREAS, Section 197.3632, Florida Statutes, requires that a public hearing be conducted with respect to the special assessment roll which has heretofore been filed with the City Clerk; and

WHEREAS, on February 11, 2013, the City Commission adopted Resolution No. 2120-13, ("Initial Resolution") providing for a public hearing to consider imposition of these special assessments and the method of collection, and notice of the public hearing has been published and mailed, as required by Section 197.3632, Florida Statutes, to provide notice to all interested persons of an opportunity to be heard in considering this Final Assessment Resolution for assessment of properties described as Via Salerno/Via Capri; and

WHEREAS, Section 197.3632, Florida Statutes, requires that at said public hearing the City Commission of the City of Winter Park hear and consider any and all written objections and testimony as to such special assessments, and to adjust said assessments when necessary on a basis of justice and right; and

WHEREAS, the City Commission of the City of Winter Park has heard and considered all objections as to such special assessments raised by the owners of property to be assessed and other interested persons; and

WHEREAS, the City Commission desires to confirm the approvals, authorizations and findings in the Initial Resolution with such amendments as provided herein, and to adopt the non-ad valorem assessment and authorize the levy, collection, and enforcement thereof on specially benefitted property located Via Salerno/Via Capri; and

WHEREAS, the City Commission intends for the non-ad valorem assessment roll for those properties, as finally adopted through this Final Assessment Resolution, to be certified by the City prior to September 15, 2013, subject to such adjustments as provided herein.

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

Section 1. The City of Winter Park shall provide public improvements consisting of the undergrounding of electric/CATV (BHN) facilities in the area described as Via Salerno/Via Capri. The exact location and description of such improvements and municipal services appear upon the plans and specifications on file with the Electric Utility Department of the City of Winter Park.

Section 2. The City Commission of the City of Winter Park, after hearing and considering all objections brought before it as to the special assessments to be charged against property owners for the undergrounding of electric/CATV (BHN) facilities and funding of capital improvements consisting of undergrounding of electric/CATV (BHN) facilities along Via Salerno/Via Capri, does hereby approve and confirm the special assessments as contained in the Special Assessment Rolls filed with the City Clerk of the City of Winter Park. All actions taken by the City Commission at its meeting on February 25, 2013 are ratified and confirmed. By being so approved and confirmed, such assessments shall become legal, valid and binding first liens upon the property against which such assessments are made, until paid.

Section 3. The estimated cost of this improvement to be paid by special assessments is \$18,886 (electric) and \$3,972 (BHN), representing an estimated unit cost of \$1,888 (electric) and \$397 (BHN) per adjacent parcel, which will be paid by special assessments established by the City Commission of the City of Winter Park in accordance with the provisions of Section 197.3632, Florida Statutes. Such assessments and the method and schedule for payment, are as set forth on Schedule A attached hereto, and may be paid to the City as follows:

In cash without interest, at anytime within 30 days after the aforesaid improvement has been completed, or

In ten (10) equal annual installments of principal and interest accrued at the rate of 4.25% per annum for electric undergrounding and the prime interest rate for CATV (BHN) undergrounding, such payments to commence upon the approval of the resolution and submittal to the appropriate agency(s) for inclusion in the tax roll(s) and annually thereafter.

If such annual installments are not paid when due, there shall be added a penalty of one percent (1%) thereof per month until paid. Such assessments shall constitute liens, and shall be enforceable as provided in Section 197.3632, Florida Statutes.

Section 4. The lands upon which the aforesaid special assessments shall be levied shall be all lots and lands adjoining and contiguous or bounding and abutting the improvements within the described Neighborhood Electric Assessment District (NEAD) which are specially benefitted thereby and further designated in Schedule A, which are the properties abutting Via Salerno/Via Capri.

Section 5. The public is invited to review Schedule A, the plans and specifications, and the estimate of the cost of the Project, all of which are on file with the City Clerk of the City of Winter Park, Florida, all as required by Section 197.3632, Florida Statutes.

Section 6. The City Clerk shall cause such approved and confirmed special assessments to be duly recorded in a special book to be known as the "improvement lien book". The record of the lien in said book shall constitute prima facie evidence of its validity. The assessment shall constitute a lien against the assessed property upon adoption of the annual assessment for each Fiscal Year, equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the City Commission of the annual assessment resolution and shall attach to the property included on the Assessment Rolls as of the prior January 1, the lien date for ad valorem taxes.

Section 7. COLLECTION OF ASSESSMENT. The assessments shall be collected pursuant to the Uniform Assessment Collection Act, F.S. § 197.3632. Upon adoption of the Annual Assessment Resolution for each Fiscal Year, the City Clerk shall cause the certification and delivery of the Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act.

Section 8. EFFECT OF FINAL RESOLUTION. The adoption of this Final Resolution shall be the final adjudication of the issues presented herein and in the Initial Resolution (including, but not limited to, the method by which the assessment will be computed, the Assessment Roll, the maximum annual assessment, the levy and lien of the assessment and the terms for prepayment of the assessment) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 (twenty) days from the date of City Commission action on this Resolution.

Section 9. PREPAYMENT NOTICE. The City Clerk is hereby directed to provide notice by first class mail to the owner of each property described in the Assessment Roll of the opportunity to prepay all future annual assessments without additional financing cost. The notice shall be mailed to each property owner at the address utilized for the notice provided pursuant to Section _____ of the Initial Assessment Resolution.

Section 10. ASSESSMENT NOTICE. The City Clerk is hereby directed to record this Resolution as notice of the assessments in the Orange County Official Records. The preliminary Assessment Roll and each annual Assessment Roll shall be retained by the City Clerk and shall be available for public inspection.

Section 11. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or application of this Resolution.

Section 12. This Resolution shall become effective immediately upon its passage and adoption.

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

Kenneth W. Bradley, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk