



# city commission agenda

## Regular Meeting

August 25, 2014  
3:30 p.m.  
Commission Chambers

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

## welcome

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

## meeting procedures

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

**Citizen comments at 5 p.m. and each section of the agenda where public comment is allowed are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left.** 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.

## agenda

1	Meeting Called to Order	
2	Invocation Finance Director Wes Hamil Pledge of Allegiance	
3	Approval of Agenda	
4	Citizens Budget Comments	
5	Mayor's Report	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Presentation - Pools & Playgrounds Webisode in partnership with Full Sail University's SPARK Program	15 minutes
	b. Recognition - Art in Chambers Artist Sarah Ali	
6	City Manager's Report	<b>*Projected Time</b> <b>*Subject to change</b>

<b>7</b>	<b>City Attorney's Report</b>	<b>*Projected Time</b> <b>*Subject to change</b>
<b>8</b>	<b>Non-Action Items</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Financial Report – June 2014	10 minutes
<b>9</b>	<b>Citizen Comments   5 p.m. or soon thereafter</b> <b>(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting)</b> (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)	
<b>10</b>	<b>Consent Agenda</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Approve the minutes of August 11, 2014.	
	b. Approve the following contracts and formal solicitation:	
	1. Physio-Control Technical Service Support Agreement for equipment repair and software upgrade services and authorize the Mayor to execute contract and subsequent purchase orders.	
	2. Amendment 2 to Ardaman & Associates Inc. for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Geotechnical Services) and authorize the Mayor to execute Amendment 2.	
	3. Amendment 2 to Universal Engineering Sciences for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Geotechnical Services) and authorize the Mayor to execute Amendment 2.	5 minutes
	4. Motorola Solutions Services Agreement for monitoring & preventative maintenance for Astro P25 Radio System and authorize the Mayor to execute contract agreement and subsequent purchases.	
	5. Award RFQ-21-2014 to Consolidated Pipe & Supply for 6" & 8" HDPE pipe in 40' lengths and approve subsequent purchase orders.	
	c. Approve the FY 2014 budget adjustments as presented.	
<b>11</b>	<b>Action Items Requiring Discussion</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Request of Unicorp National Developments, Inc. to temporarily utilize the Hillstone overflow parking lot located at 231 S. Orlando Avenue.	20 minutes
	b. Budget discussion.	30 minutes

12 Public Hearings	*Projected Time *Subject to change
a. <u>Request of Fatigati Enterprises:</u> Subdivision or lot split approval to split the property at 2525 Temple Drive into two single family lots. Each lot would be about 1.25 acres in size with 160' of frontage on Temple Drive, zoned R-1AA. No variances are requested.	15 minutes
b. <b>Ordinance</b> – Vacating and abandoning the easement located at 1870 Laurel Road (1)	10 minutes
c. <b>Ordinance</b> – Amending the Comprehensive Plan related to goals, objectives and policies text within the Future Land Use Element related to the Planned Development Future Land Use designations; combining the PD-1 and PD-2 Future Land Use designations; deleting the maps indicating the candidate areas for Planned Development Future Land Use and deleting the parameters for the creation and establishment of Planned Development zoning districts and other policy text relating to Planned Development Future Land Use (2)	45 minutes
d. <u>Request of the City of Winter Park:</u> <b>Ordinance</b> – Amending Section 58-71 “General Provisions for Residential Zoning Districts” to establish rear and front setbacks for single family residential properties with shallow lot depths; and Section 58-67 “Low Density Residential (R-2) District” to correct a single family dwelling coverage error and modify certain miscellaneous residential provisions in Sections 58-65 and 58-66 (1)	15 minutes
e. <b>Ordinance</b> – Amending Section 62-77, Loitering-Generally (1)	10 minutes
13 City Commission Reports	*Projected Time *Subject to change
a. Commissioner Leary b. Commissioner Sprinkel c. Commissioner Cooper d. Commissioner McMacken e. Mayor Bradley	10 minutes each

## appeals & assistance

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

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



# city commission city manager's report

item type

City Manager's Report

meeting date

August 25, 2014

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
Fairbanks Improvement Project	<u>Communication Notices</u> <ul style="list-style-type: none"><li>• Project is complete. Working on settling LD's and workmanship issues prior to closeout.</li><li>• Working with future customers regarding connection to gravity sewer.</li></ul>	<u>Construction Project</u>  Connection to sewer instructions posted on City website.  Impact Fee Deferral Program ordinance second reading completed and approved.
Quiet Zones	State funds approved for grant disbursement. City submitted grant applications for City projects on July 23, 2014. Expect to hear update within one month.	Applications deadline to State is October 15, 2014.
Winter Park Hospital Parking Garage	Under construction. Met with hospital representatives to discuss current and future plans and options for master plan update. Will continue to meet and discuss options.	Ongoing
Mechanisms to encourage owners to place overhead electric service wires underground	Current City ordinances require owners to place overhead electric service wires underground upon: 1) new commercial and residential construction; 2) Renovations that exceed 50% of the appraised value of existing improvements; and 3) change out of electric service equipment caused by code violations. There are 5,000 overhead electric service wires. Our goal is to get all overhead electric service wires placed underground at completion of underground project (10-12 years).	Utilities Advisory Board discussions are ongoing.
Fairbanks electric transmission and distribution undergrounding	Engineering cost estimates have been completed. Staff believes project can be completed within FDOT's available funding contracts among Duke, the City, and FDOT which are currently in negotiation.	City Commission action expected August/September 2014



New Hope Baptist Church Project	A plan revision was submitted and approved to change the circular drive and parking area from asphalt to concrete. Work is underway in this area.	Approved Conditional Use will expire in September 2015.
Capen House	Interior remodeling plans submitted for use of facility for events.	Completion depending on funds available from contributions.
Education Update: "Education & Economics: The value of great schools"	<p>Thursday, August 21, at 8 a.m., the Winter Park Chamber of Commerce and City of Winter Park will host an Education Update at the Winter Park Community Center located at 721 W. New England Ave. Presented by Rollins College Hamilton Holt School, the event will explore "Education &amp; Economics: The Value of Great Schools," via panel discussion moderated by WESH 2 News reporter Gail Paschall-Brown. Panelists for the breakfast event include:</p> <ul style="list-style-type: none"> <li>• Mark Brewer, president/CEO, Central Florida Foundation</li> <li>• Honorable Sarah Sprinkel, commissioner, City of Winter Park</li> <li>• Honorable Bill Sublette, chairman, Orange County Public Schools</li> <li>• Dr. Harry Kypraios, associate professor of economics, Rollins College</li> <li>• John Caron, former president, Olive Garden</li> </ul>	August 21, 2014
"Art in Transit" dedication ceremony	The City of Winter Park and the Public Art Advisory Board are proud to present the "Art in Transit" sculpture Tree Whisperers at a dedication ceremony Wednesday, August 27, at 9 a.m., at the Winter Park train station located at 148 W. Morse Blvd. City officials and board members will lead the ceremony to present the sculpture which will serve to greet train passengers to Winter Park.	August 27, 2014, 9:00 a.m.

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.

# Financial Report

For the Month of June (75% of fiscal year lapsed)

Fiscal Year 2014

## **General Fund**

Below is a preliminary analysis of General Fund revenue projections for FY 2014:

	<b>Adjusted Budget</b>	<b>Projected Variance</b>	<b>Comments</b>
Property taxes	14,680,681	(100,000)	Variance is due to more early payment discounts and valuation adjustments than anticipated when the FY 2014 budget was put together
Franchise fees	1,118,000	5,000	
Utility taxes	6,830,400	(175,000)	Communications services tax revenue continues to decrease each year
Business license tax	476,500	16,000	
Building permits	1,417,500	750,000	Increased construction activity has improved fee permit revenues
Other licenses & permits	26,000	(8,000)	
Intergovernmental	6,298,461	165,000	Sales tax revenue has continued to improve
Charges for services	5,145,450	275,000	Fire inspection fee revenues are up as a result of the increased construction activity
Fines and forfeitures	1,294,150	(110,000)	Traffic fines are less than projected
Miscellaneous	553,907	125,000	Market values of the investment portfolio have improved nicely after falling dramatically in the prior year. The City continues to follow a "buy and hold" investment strategy and does not anticipate being negatively impacted by the up and down movement of market values.
Transfers from other funds	8,549,181	0	
	46,390,230	943,000	

## **Community Redevelopment Agency Fund**

The CRA was credited with tax increment revenue from both the City and County in December.

Charges for services revenue is primarily associated with the ice rink.

Principal on CRA debt is paid in January. After interest payments in July the actual costs will be very close to the budget.

### **Water and Sewer Fund**

Water sales in terms of thousands of gallons are projected to be about 3.1% below our forecast. This translates to our revenues being projected to be about 3.0% below our budget estimates. Staff is monitoring the impact on revenues. Based on spending for the first nine months of the fiscal year, it does not appear any further adjustments are necessary to our water and sewer budget.

The bottom line reflects a positive \$1,444,518 and debt service coverage is projected to be a strong 1.93 for the fiscal year.

### **Electric Services Fund**

Electric sales in kWh are about 3% ahead of where we were at this point last year.

Fuel costs are under-recovered by about \$440,000 for the nine months ended June 30, 2014. The balance in our fuel cost stabilization fund at July 31, 2014 was \$258,219. Fuel cost recovery rates were increased July 1, 2014 and again August 1, 2014 in an effort to bring the stabilization fund balance into the target range of \$500,000 - \$1,000,000 by September 30, 2014.

Annualized sales in terms of both kWh and dollars take into consideration the seasonality of electric sales.

Debt service coverage is projected to be a strong 2.84 for the fiscal year.

### **Investment Report**

This two page report summarizes the City's cash and investment holdings as of June 30, 2014. The overall portfolio has a blended rate of return of 1.38% and the average maturity of investment securities held was 4.25 years. All investment holdings were within the parameters of the City's current Investment Policy as of June 30, 2014.

**The City of Winter Park, Florida**  
**Monthly Financial Report - Budget vs. Actual**  
**General Fund**  
**Fiscal YTD June 30, 2014 and 2013**  
**75% of the Fiscal Year Lapsed**

		Fiscal YTD June 30, 2014					Fiscal YTD June 30, 2013				
Actual		Budget					Actual	Budget			
	YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual	Variance from Prorated Adj. Annual	YTD	Adjusted Annual	Prorated Adj. Annual	Variance from Prorated Adj. Annual	
Revenues:											
Property Tax	\$ 14,199,302	129%	\$ 14,680,681	\$ 14,680,681	\$ 11,010,511	\$ 3,188,791	\$ 13,587,137	\$ 14,174,500	\$ 10,630,875	\$ 2,956,262	
Franchise Fees	654,318	78%	1,118,000	1,118,000	838,500	(184,182)	710,717	1,103,800	827,850	(117,133)	
Utility Taxes	4,428,699	86%	6,830,400	6,830,400	5,122,800	(694,101)	4,450,795	6,768,216	5,076,162	(625,367)	
Occupational Licenses	486,765	136%	476,500	476,500	357,375	129,390	474,386	472,000	354,000	120,386	
Building Permits	1,728,115	163%	1,417,500	1,417,500	1,063,125	664,990	1,481,290	1,450,500	1,087,875	393,415	
Other Licenses & Permits	15,420	79%	26,000	26,000	19,500	(4,080)	20,830	21,500	16,125	4,705	
Intergovernmental	4,102,980	87%	6,298,461	6,298,461	4,723,846	(620,866)	3,764,039	6,069,928	4,552,446	(788,407)	
Charges for Services	4,142,033	107%	5,145,450	5,145,450	3,859,088	282,945	3,980,388	5,010,068	3,757,551	222,837	
Fines and Forfeitures	889,672	92%	1,294,150	1,294,150	970,613	(80,941)	993,167	1,397,600	1,048,200	(55,033)	
Miscellaneous	683,996	165%	553,907	553,907	415,430	268,566	(110,609)	683,381	512,536	(623,145)	
Fund Balance	-	-	-	389,842	292,382	(292,382)	-	616,788	462,591	(462,591)	
<b>Total Revenues</b>	<b>31,331,300</b>	<b>109%</b>	<b>37,841,049</b>	<b>38,230,891</b>	<b>28,673,170</b>	<b>2,658,130</b>	<b>29,352,140</b>	<b>37,768,281</b>	<b>28,326,211</b>	<b>1,025,929</b>	
Expenditures:											
City Commission	14,854	85%	23,427	23,427	17,570	2,716	15,410	24,077	18,058	2,648	
Legal Services - City Attorney	207,239	118%	245,000	235,000	176,250	(30,989)	258,389	240,236	180,177	(78,212)	
Legal Services - Other	26,119	58%	60,000	60,000	45,000	18,881	1,040	60,000	45,000	43,960	
Lobbyists	86,543	98%	108,000	118,000	88,500	1,957	69,543	118,000	88,500	18,957	
City Management	377,219	100%	503,379	503,379	377,534	315	366,887	501,383	376,037	9,150	
Budget and Performance Measurement	98,586	0%	136,316	136,316	102,237	3,651	48,903	-	-	(48,903)	
City Clerk	186,170	100%	247,496	247,496	185,622	(548)	141,187	203,145	152,359	11,172	
Communications Dept.	322,622	89%	472,491	483,105	362,329	39,707	323,942	463,895	347,921	23,979	
Information Technology Services	912,454	102%	1,197,783	1,197,783	898,337	(14,117)	841,225	1,241,789	931,342	90,117	
Finance	612,860	97%	840,785	840,785	630,589	17,729	609,887	831,058	623,294	13,407	
Human Resources	217,976	99%	294,311	294,311	220,733	2,757	183,436	250,789	188,092	4,656	
Purchasing	147,294	87%	226,775	226,775	170,081	22,787	170,026	225,011	168,758	(1,268)	
Planning & Community Development	353,836	88%	535,256	535,256	401,442	47,606	342,049	592,782	444,587	102,538	
Building	774,356	97%	1,066,151	1,066,378	799,784	25,428	698,805	1,002,095	751,571	52,766	
Economic Development	8,389	7%	100,000	157,820	118,365	109,976	57,483	211,398	158,549	101,066	
Public Works	4,800,508	94%	6,652,758	6,820,122	5,115,092	314,584	4,982,833	6,942,130	5,206,598	223,765	
Police	9,071,100	94%	12,888,430	12,907,382	9,680,537	609,437	8,925,693	12,717,307	9,537,980	612,287	
Fire	7,747,776	96%	10,722,233	10,727,098	8,045,324	297,548	7,711,679	10,118,777	7,589,083	(122,596)	
Parks & Recreation	5,031,869	98%	6,825,380	6,836,080	5,127,060	95,191	4,973,153	6,879,703	5,159,777	186,624	
Organizational Support	1,225,920	107%	1,534,560	1,534,560	1,150,920	(75,000)	1,273,383	1,536,560	1,152,420	(120,963)	
Non-Departmental	-	-	(78,475)	(78,475)	(58,856)	(58,856)	-	150,000	112,500	112,500	
<b>Total Expenditures</b>	<b>32,223,690</b>	<b>96%</b>	<b>44,602,056</b>	<b>44,872,598</b>	<b>33,654,450</b>	<b>1,430,760</b>	<b>31,994,953</b>	<b>44,310,135</b>	<b>33,232,603</b>	<b>1,237,650</b>	
<b>Revenues Over/(Under)</b>											
<b>Expenditures</b>	<b>(892,390)</b>	<b>18%</b>	<b>(6,761,007)</b>	<b>(6,641,707)</b>	<b>(4,981,280)</b>	<b>4,088,890</b>	<b>(2,642,813)</b>	<b>(6,541,854)</b>	<b>(4,906,392)</b>	<b>2,263,579</b>	
Operating transfers in	6,259,659	98%	8,538,481	8,549,181	6,411,886	(152,227)	6,263,993	8,475,392	6,356,544	(92,551)	
Operating transfers out	(1,333,105)	93%	(1,777,474)	(1,907,474)	(1,430,605)	97,500	(1,423,529)	(1,933,538)	(1,450,154)	26,625	
Other Financing Sources/(Uses)	<b>4,926,554</b>	<b>99%</b>	<b>6,761,007</b>	<b>6,641,707</b>	<b>4,981,281</b>	<b>(54,727)</b>	<b>4,840,464</b>	<b>6,541,854</b>	<b>4,906,390</b>	<b>(65,926)</b>	
<b>Total Revenues Over</b>											
<b>Expenditures</b>	<b>\$ 4,034,164</b>		<b>\$ 0</b>	<b>\$ -</b>	<b>\$ 1</b>	<b>\$ 4,034,163</b>	<b>\$ 2,197,651</b>	<b>\$ -</b>	<b>\$ (2)</b>	<b>\$ 2,197,653</b>	

\* As adjusted through June 30, 2014

The City of Winter Park, Florida  
Monthly Financial Report - Budget vs. Actual  
Community Redevelopment Fund  
Fiscal YTD June 30, 2014 and 2013  
75% of the Fiscal Year Lapsed

	Fiscal YTD June 30, 2014						Fiscal YTD June 30, 2013			
	Actual		Budget				Actual	Budget		
	YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual	Variance from Prorated Adj. Annual	YTD	Adjusted Annual	Prorated Adj. Annual	Variance from Prorated Adj. Annual
Revenues:										
Property Tax	\$ 2,127,789	133%	\$ 2,130,437	\$ 2,130,437	\$ 1,597,828	\$ 529,961	\$ 2,003,379	2,024,000	\$ 1,518,000	\$ 485,379
Intergovernmental	-	0%	-	-	-	-	-	-	-	-
Charges for services	183,197	0%	195,000	195,000	146,250	36,947	205,357	175,940	131,955	73,402
Miscellaneous	49,134	94%	70,000	70,000	52,500	(3,366)	(78,575)	25,300	18,975	(97,550)
Fund Balance	-	0%	-	531,658	398,744	(398,744)	-	55,845	41,884	(41,884)
Total Revenues	2,360,120	108%	2,395,437	2,927,095	2,195,321	164,799	2,130,161	2,281,085	1,710,814	419,347
Expenditures:										
Planning and Development	653,095	66%	794,600	1,326,258	994,694	341,599	644,564	733,802	550,352	(94,212)
Capital Projects	-	0%	-	-	-	-	-	-	-	-
Debt service	1,256,290	113%	1,486,425	1,486,425	1,114,819	(141,471)	7,093,231	1,547,283	1,160,462	(5,932,769)
Total Expenditures	1,909,385	91%	2,281,025	2,812,683	2,109,512	200,127	7,737,795	2,281,085	1,710,814	(6,026,981)
<b>Revenues Over/(Under)</b>										
<b>Expenditures</b>	<b>450,735</b>	<b>100%</b>	<b>114,412</b>	<b>114,412</b>	<b>85,809</b>	<b>364,926</b>	<b>(5,607,634)</b>	<b>-</b>	<b>-</b>	<b>(5,607,634)</b>
Debt proceeds	-	-	-	-	-	-	5,870,000	-	-	5,870,000
Operating transfers out	(35,951)	0%	(47,934)	(47,934)	(35,951)	1	-	-	-	-
Other Financing Sources/(Uses)	(35,951)	0%	(47,934)	(47,934)	(35,951)	(1)	5,870,000	-	-	5,870,000
<b>Total Revenues Over/(Under)</b>										
<b>Expenditures</b>	<b>\$ 414,784</b>		<b>\$ 66,478</b>	<b>\$ 66,478</b>	<b>\$ 49,859</b>	<b>\$ 364,926</b>	<b>\$ 262,366</b>	<b>-</b>	<b>\$ -</b>	<b>\$ 262,366</b>

\* As adjusted through May 31, 2014



**WINTER PARK WATER AND WASTEWATER METRICS**

June 30, 2014

	FY 2014				FY 2013	
	FY 2014 YTD	FY 2014 Annualized	FY 2014 Budget	Projected Variance from Budget	FY 2013 YTD	FY 2013 in Total
<b>Operating Performance:</b>						
Water and Irrigation Sales (in thousands of gallons)						
Sewer - inside city limits	730,253	960,319	972,186	(11,867)	732,913	962,785
Sewer - outside city limits	644,771	851,601	870,720	(19,119)	650,779	855,589
Water - inside city limits	1,081,172	1,416,416	1,441,932	(25,517)	1,084,058	1,418,781
Irrigation - Inside City	418,078	546,399	609,648	(63,248)	451,074	585,899
Water - outside city limits	927,008	1,213,765	1,275,234	(61,470)	947,152	1,246,393
Irrigation - Outside City	87,618	113,619	129,892	(16,273)	95,212	121,411
<b>Total</b>	<b>3,888,900</b>	<b>5,102,119</b>	<b>5,299,612</b>	<b>(197,493)</b>	<b>3,961,187</b>	<b>5,190,858</b>
<hr/>						
Operating revenues: <sup>1</sup>						
Sewer - inside city limits	\$ 4,681,181	\$ 6,155,985	\$ 6,270,904	\$ (114,919)	4,859,772	6,422,040
Sewer - outside city limits	5,058,821	6,681,595	6,849,038	(167,443)	5,325,985	7,057,057
Water - inside city limits	5,810,249	7,611,855	7,972,870	(361,015)	5,234,661	6,960,691
Water - outside city limits	4,090,740	5,356,152	5,522,295	(166,143)	3,965,139	5,247,434
Other operating revenues	959,208	1,278,944	1,257,500	21,444	1,049,648	1,350,425
<b>Total operating revenues</b>	<b>20,600,199</b>	<b>27,084,531</b>	<b>27,872,607</b>	<b>(788,076)</b>	<b>20,435,205</b>	<b>27,037,647</b>
Operating expenses:						
General and administration	1,192,054	1,589,405	1,686,280	96,875	1,152,759	1,580,493
Operations	8,141,634	10,855,512	12,187,001	1,331,489	8,021,605	11,138,574
Wastewater treatment by other agencies	2,510,182	3,576,909	3,864,459	287,550	2,349,090	3,946,893
<b>Total operating expenses</b>	<b>11,843,870</b>	<b>16,021,827</b>	<b>17,737,740</b>	<b>1,715,913</b>	<b>11,523,454</b>	<b>16,665,960</b>
<b>Operating income (loss)</b>	<b>8,756,329</b>	<b>11,062,704</b>	<b>10,134,867</b>	<b>927,837</b>	<b>8,911,751</b>	<b>10,371,687</b>
Other sources (uses):						
Investment earnings	281,832	375,776	168,600	207,176	(340,391)	(327,107)
Miscellaneous revenue	170,990	170,990	-	170,990	6,432	6,782
Transfer to Renewal and Replacement Fund	(1,752,494)	(2,336,659)	(2,336,658)	(1)	(1,501,917)	(2,002,830)
Transfer to General Fund	(1,515,825)	(2,021,100)	(2,021,100)	-	(1,435,575)	(1,914,100)
Transfer to Capital Projects Fund	(54,375)	(72,500)	(72,500)	-	(53,250)	(71,000)
Debt service sinking fund deposits	(4,441,939)	(5,922,530)	(5,885,863)	(36,667)	(4,442,245)	(5,923,086)
<b>Total other sources (uses)</b>	<b>(7,311,811)</b>	<b>(9,806,022)</b>	<b>(10,147,521)</b>	<b>341,499</b>	<b>(7,766,946)</b>	<b>(10,231,341)</b>
<b>Net increase (decrease) in funds</b>	<b>\$ 1,444,518</b>	<b>\$ 1,256,682</b>	<b>\$ (12,654)</b>	<b>\$ 1,269,336</b>	<b>1,144,805</b>	<b>140,346</b>
Debt service coverage		1.93				1.72
Annual Renewal and Replacement (R&R) Funding		2,336,659				
Net Value of Water and Wastewater Plant as of 09/30/2013		84,957,732				
Annual R&R Funding as a Percentage of Plant		2.75%				

<sup>1</sup>The City implemented adjustments to water (increasing) and wastewater (decreasing) effective October 1, 2013

### Sewer Impact Fees

	Beginning Balance	Additions	Deductions	Ending Balance
Beginning balance - 10/01/2013	91,710			91,710
Sewer impact fee revenues		980,993		980,993
Investment earnings		30,062		30,062
Fairbanks Avenue sewer extension			(103,118)	(103,118)
Other sewer main extension work			(76,541)	(76,541)
Ending balance - 6/30/2014	91,710	1,011,055	(179,659)	923,106

### Water Impact Fees

	Beginning Balance	Additions	Deductions	Ending Balance
Beginning balance - 10/01/2013	2,532,576			2,532,576
Water impact fee revenues		333,088		333,088
Investment earnings		63,434		63,434
Ending balance - 6/30/2014	2,532,576	396,522	-	2,929,098

### Renewal and Replacement Fund

	Beginning Balance	Additions	Deductions	Ending Balance
Beginning balance - 10/01/2013	1,314,042			1,314,042
R&R transfer		1,752,494		1,752,494
Investment earnings		41,689		41,689
Upgrade water mains			(486,414)	(486,414)
Upgrade sewer mains			(352,618)	(352,618)
Rehab sewer manholes			(3,035)	(3,035)
Replace asbestos cement force mains			(50,796)	(50,796)
Short line sewer rehab projects			(91,992)	(91,992)
Sewer main extensions			(2,376)	(2,376)
Lift station upgrades and repairs			(236,078)	(236,078)
Utility patch crew work			(208,260)	(208,260)
Ending balance - 6/30/2014	1,314,042	1,794,183	(1,431,569)	1,676,656

# WINTER PARK ELECTRIC UTILITY METRICS

June 30, 2014

Variance

	FY'14 YTD	FY'14 Annualized	FY'14 Budget	from Budget	FY'13	FY'12	FY'11	FY'10	FY'09	FY'08	FY'07	FY'06
<u>Technical Performance</u>												
Net Sales (kWh)	300,049,248	426,448,619	419,633,177	6,815,442	413,024,741	413,795,957	427,601,415	438,993,683	427,236,273	440,100,000	440,800,000	442,300,000
Average Revenue/kWh	0.1114	0.1114			0.1157	0.1091	0.1212	0.1306	0.1251	0.1068	0.1100	0.1025
Wholesale Power Purchased (kWh)	313,515,000	446,475,363	446,266,000	209,363	437,823,000	434,514,000	451,951,216	456,911,847	442,159,788	449,100,000	456,600,000	467,100,000
Wholesale Power Cost/kWh	0.0572	0.0557			0.0606	0.0553	0.0674	0.0815	0.0810	0.0794	0.0706	0.0694
Gross margin	0.0542	0.0557			0.0551	0.0538	0.0538	0.0491	0.0441	0.0275	0.0394	0.0331
SAIDI (rolling 12 month sum)	77.80				69.88	72.73	64.44	80.04	80.04	63.14	87.14	83.12
MAIFI (rolling 12 month sum)	-				-	1.02	0.42	2.55	2.55	2.90	8.06	22.45
Sold vs. Purchased kWh Ratio	95.70%	95.51%	94.03%		94.34%	95.23%	94.61%	96.08%	96.62%	98.48%	97.01%	94.76%
<u>Income Statement</u>												
<u>Electric Sales:</u>												
Fuel	11,961,037	16,999,768	16,647,129	352,639	18,219,274	15,769,044	20,583,619	24,721,381	25,498,612	21,131,479	22,976,961	19,590,241
Non-Fuel	21,454,773	30,492,855	30,027,759	465,096	29,567,092	29,365,745	31,244,725	32,605,878	27,955,719	25,880,839	25,491,739	25,763,126
Other Operating Revenues	239,456	319,275	355,892	(36,617)	437,844	407,431	667,604	332,720	1,111,386	819,976	1,557,449	1,040,775
Total Operating Revenues	33,655,266	47,811,898	47,030,780	781,118	48,224,210	45,542,220	52,495,948	57,659,979	54,565,717	47,832,294	50,026,149	46,394,142
<u>Operating Expenses:</u>												
General and Administrative	894,752	1,193,003	1,171,065	(21,938)	1,017,953	981,451	1,047,988	1,085,915	1,122,148	982,754	440,405	490,785
Operating Expenses	4,886,996	6,515,995	7,616,228	1,100,233	5,565,771	4,939,316	5,136,207	4,880,216	5,055,849	6,139,857	5,086,169	5,155,877
<u>Purchased Power</u>												
Fuel	12,397,486	16,999,768	16,647,129	(352,639)	18,236,484	15,992,090	21,212,369	24,786,014	23,183,450	23,802,250	19,843,909	19,613,201
Non-Fuel	5,527,937	7,872,311	9,156,175	1,283,864	8,303,250	8,043,955	9,256,070	12,437,885	12,618,456	11,840,108	12,382,391	12,811,784
Transmission Power Cost	1,986,831	2,649,108	2,489,825	(159,283)	2,259,347	2,328,188	2,130,671	2,155,495	2,062,414	1,600,046	1,314,450	1,365,770
Total Operating Expenses	25,694,002	35,230,185	37,080,422	1,850,237	35,382,805	32,285,000	38,783,305	45,345,525	44,042,317	44,365,015	39,067,324	39,437,417
Operating Income (Loss)	7,961,264	12,581,713	9,950,358	2,631,355	12,841,405	13,257,220	13,712,643	12,314,454	10,523,400	3,467,279	10,958,825	6,956,725
<u>Nonoperating Revenues (Expenses):</u>												
Investment Earnings (net of interest paid on interfund borrowings)	62,038	82,717	25,593	57,124	(82,277)	57,244	33,506	(38,774)	172,488	(168,750)	(385,422)	(137,129)
Principal on Debt	(1,323,750)	(1,765,000)	(1,765,000)	-	(1,730,000)	(1,620,000)	(1,430,000)					
Interest on Debt	(2,015,666)	(2,687,555)	(3,094,378)	406,823	(2,644,119)	(2,579,881)	(2,990,613)	(2,303,537)	(2,823,689)	(3,614,713)	(2,657,917)	(2,573,102)
Miscellaneous Revenue	663,262	884,349	-	884,349	239,891	126,183	1,337,683	34,307	35,038	49,364	53,566	-
Proceeds from Sale of Assets	4,324	5,765	-	5,765	3,151	2,655	(22,089)	57,992	4,011	3,560	8,425	-
Routine Capital	(2,242,464)	(2,989,952)	(825,000)	(2,164,952)	(3,890,166)	(2,109,061)	(1,621,474)	(1,245,371)	(1,921,374)	(2,641,642)	(4,776,212)	(5,367,923)
Undergrounding of Power Lines	(2,393,966)	(3,191,955)	(4,575,464)	1,383,509	-			892,849				
Contributions in Aid of Construction	676,178	901,571	-	901,571	643,647	389,419	477,746	212,897				
Residential Underground Conversions	33,050	44,067			1,000							
Capital Contributions for Plug-In Program	62,317	83,089	-	83,089	138,426	102,343	59,593	171,940	1,679	15,893	-	-
Total Nonoperating Revenues (Expenses)	(6,474,677)	(8,632,903)	(10,234,249)	1,557,280	(7,320,447)	(5,631,098)	(4,155,648)	(2,217,697)	(4,531,847)	(6,356,288)	(7,757,560)	(8,078,154)
Income (Loss) Before Operating Transfers	1,486,587	3,948,811	(283,891)	4,188,635	5,520,958	7,626,122	9,556,995	10,096,757	5,991,553	(2,889,009)	3,201,265	(1,121,429)
<u>Operating Transfers In</u>												
Operating Transfers Out	(1,871,423)	(2,659,783)	(2,687,500)	27,717	(2,685,344)	(2,537,830)	(2,869,777)	(3,220,605)	(2,931,710)	(2,633,592)	(2,677,791)	(2,656,143)
Total Operating Transfers	(1,871,423)	(2,659,783)	(2,687,500)	27,717	(2,685,344)	(2,537,830)	(2,869,777)	(3,220,605)	(2,931,710)	(2,633,592)	(2,677,791)	(2,656,143)
Net Change in Working Capital	(384,836)	1,289,028	(2,971,391)	4,216,352	2,835,614	5,088,292	6,687,218	6,876,152	3,059,843	(5,522,601)	523,474	(3,777,572)

# WINTER PARK ELECTRIC UTILITY METRICS

June 30, 2014

Variance

	<u>FY'14</u>	<u>FY'14</u>	<u>FY'14</u>	<u>from</u>								
	<u>YTD</u>	<u>Annualized</u>	<u>Budget</u>	<u>Budget</u>	<u>FY'13</u>	<u>FY'12</u>	<u>FY'11</u>	<u>FY'10</u>	<u>FY'09</u>	<u>FY'08</u>	<u>FY'07</u>	<u>FY'06</u>
Technical Performance												
Other Financial Parameters												
Debt Service Coverage	2.40	2.84			2.54	3.17	3.11	4.85	2.70	0.73	3.32	2.55
Fixed Rate Bonds Outstanding	64,750,000				58,510,000	59,915,000	61,235,000	57,120,000				
Auction Rate Bonds Outstanding	7,445,000				15,585,000	16,610,000	16,910,000	22,410,000				
Total Bonds Outstanding	72,195,000				74,095,000	76,525,000	78,145,000	79,530,000	80,010,000	70,760,000	52,545,000	53,225,000
Principal Repayment	1,765,000		1,765,000		2,430,000	1,620,000	1,430,000	480,000	625,000	3,920,000	680,000	575,000
Capital Spending from Bond Proceeds	28,431	68,234	-		130,168	1,802,511	514,366	2,209,465	6,305,626	6,509,127	267,662	847,379
Balance Owed on Advance from General Fund	-				-	-	405,494	2,241,006	2,743,554	2,856,026	2,856,026	2,856,026
Cash Balance	97,982				1,991,503	2,838,999	(2,589,592)	(8,096,129)	(10,106,320)	(11,118,569)	(6,598,498)	(5,330,564)

## Notes

Fiscal Years run from October to September; FY'14 is 10/1/13 to 9/30/14

SAIDI is System Average Interruption Duration Index (12-month rolling sum)

MAIFI is Momentary Average Interruption Frequency Index (12-month rolling sum)

**Cash and Investment Portfolio (excluding pension funds and bond proceeds)**  
**30-Jun-14**

Issuer	CUSIP	Purchase Date	Quantity	Estimated Price	Coupon Rate	Cost	Market Value	Maturity Date	Moody's Rating	S & P Rating	Percentage of Total Cash and Investments	Percentage of Long-Term Investments
<b>Short-term funds:</b>												
Bank of America					0.25%	4,769,334.43	4,769,334.43					
BankFirst					0.25%	1,155,768.89	1,155,768.89					
Money Market Fund					0.01%	19,639.07	19,639.07					
State Board of Administration (SBA)					0.23%	18,987.09	18,987.09					
<b>Total short-term funds</b>						<b>5,963,729.48</b>	<b>5,963,729.48</b>				11.36%	
<b>Long-term investments:</b>												
<b>US Treasury Note Investments (backed by full faith and credit of the United States Government):</b>												
US TREASURY NOTES	912828SE1	02/07/13	\$ 1,000,000.00	100.109	0.25%	\$ 1,000,550.00	1,001,090.00	02/15/15	AAA			
US TREASURY NOTES	912828UG3	02/08/13	\$ 1,500,000.00	100.156	0.38%	\$ 1,501,875.00	1,502,340.00	01/15/16	AAA			
US TREASURY NOTES	912828RJ1	02/21/14	\$ 2,000,000.00	100.969	1.00%	\$ 2,020,550.58	2,019,380.00	09/30/16	AAA			
US TREASURY NOTES	912828UA6	02/07/13	\$ 1,000,000.00	98.469	0.63%	\$ 992,580.00	984,690.00	11/30/17	AAA			
<b>Total US Treasury Note Investments</b>			<b>5,500,000.00</b>			<b>5,515,555.58</b>	<b>5,507,500.00</b>				10.49%	11.84%
<b>Government National Mortgage Investments (backed by full faith and credit of the United States Government):</b>												
GNMA PASS THRU POOL 488237	36210CLS0	05/03/99	\$ 500,000.00	102.443	6.00%		-	05/15/14				
GNMA II ARM PASS THRU POOL 8258	36202KE76	05/04/99	\$ 490,000.00	102.618	1.75%		3,167.68	08/20/23				
GNMA PASS THRU POOL 372024	36204KG98	05/21/98	\$ 1,730,000.00	113.827	6.50%	\$ 67,101.74	76,430.83	01/15/24				
GNMA PASS THRU POOL AD1605	36180CYA1	02/01/13	\$ 1,000,000.00	99.244	2.00%	\$ 939,825.04	908,651.53	01/15/28				
GNMA II PASS THRU POOL 2562	36202CZ30	02/08/01	\$ 2,500,000.00	113.940	6.00%	\$ 38,301.27	55,113.54	03/20/28				
GNMA PASS THRU POOL 497581	36210NXJ3	02/11/99	\$ 500,000.00	114.721	6.00%	\$ 13,643.72	17,895.09	01/15/29				
GNMA II PASS THRU POOL 2795	36202DC82	02/08/01	\$ 2,000,000.00	112.425	6.50%	\$ 7,745.03	30,821.44	08/20/29				
GNMA II PASS THRU POOL 2997	36202DKJ9	01/31/01	\$ 1,717,305.00	112.425	6.50%	\$ 10,299.44	12,225.68	11/20/30				
GNMA PASS THRU POOL 574674	36200WMX6	03/27/08	\$ 1,700,000.00	110.394	5.00%		202,173.52	04/15/34				
GNMA II PASS THRU POOL 3839	36202EHQ5	01/30/08	\$ 1,000,000.00	109.398	4.50%	\$ 178,993.33	247,053.20	04/20/36				
GNMA II PASS THRU POOL 4071	36202EQY8	01/18/08	\$ 1,000,000.00	110.312	5.00%	\$ 155,861.53	168,486.72	01/20/38				
GNMA 09-9 TA REMIC MULTICLASS CMO	38374TDH4	03/17/09	\$ 1,000,000.00	105.978	4.50%	\$ 549,636.25	561,297.90	08/20/38				
GNMA 10-31 AP REMIC MULTICLASS CMO	38376XL50	04/12/10	\$ 1,000,000.00	107.015	4.00%	\$ 234,890.07	209,044.95	08/20/38				
GNMA PASS THRU POOL 702875	36296V2G2	05/10/10	\$ 1,015,000.00	107.314	4.00%	\$ 829,259.88	890,247.90	07/15/39				
GNMA 13-28 DE REMIC MULTICLASS CMO	38378FWG1	02/08/13	\$ 1,000,000.00	96.508	1.75%	\$ 920,749.82	883,048.02	12/20/42				
GNMA 13-42 DE REMIC MULTICLASS CMO	38378JFT4	03/13/13	\$ 1,000,000.00	99.389	1.75%	\$ 839,233.48	830,378.67	01/20/43				
<b>Total Government National Mortgage Investments</b>			<b>19,152,305.00</b>			<b>4,785,540.60</b>	<b>5,096,036.67</b>				9.71%	10.96%
<b>Federal Instrumentalities (United States Government)</b>												
<b>Federal Farm Credit Investments:</b>												
FEDERAL FARM CREDIT	3133EA3Z9	10/16/12	\$ 1,000,000.00	97.883	1.42%	\$ 999,250.00	978,830.00	07/10/19	AAA	AA+		
FEDERAL FARM CREDIT	3133EC7L2	12/13/13	\$ 2,000,000.00	97.529	1.29%	\$ 1,928,297.36	1,950,580.00	06/14/19	AAA	AA+		
FEDERAL FARM CREDIT	3133ECMJ0	04/22/13	\$ 1,000,000.00	98.821	0.74%	\$ 1,000,000.00	988,210.00	07/25/17	AAA	AA+		
FEDERAL FARM CREDIT	3133ECNY6	05/03/13	\$ 1,000,000.00	98.155	0.95%	\$ 1,000,000.00	981,550.00	05/08/18	AAA	AA+		
FEDERAL FARM CREDIT	3133EA6F0	10/19/12	\$ 1,000,000.00	98.485	1.24%	\$ 1,000,000.00	984,850.00	10/25/18	AAA	AA+		
FEDERAL FARM CREDIT	31331KAU4	01/21/11	\$ 1,000,000.00	107.547	3.33%	\$ 1,000,000.00	1,075,470.00	01/28/19	AAA	AA+		
FEDERAL FARM CREDIT	3133EAD70	07/31/12	\$ 800,000.00	97.563	1.40%	\$ 798,600.00	780,504.00	08/01/19	AAA	AA+		
<b>Total Federal Farm Credit Investments</b>			<b>7,800,000.00</b>			<b>7,726,147.36</b>	<b>7,739,994.00</b>				14.75%	16.64%



**Cash and Investment Portfolio (excluding pension funds and bond proceeds)**  
**30-Jun-14**

Issuer	CUSIP	Purchase Date	Quantity	Estimated Price	Coupon Rate	Cost	Market Value	Maturity Date	Moody's Rating	S & P Rating	Percentage of Total Cash and Investments	Percentage of Long-Term Investments
<b>Federal Home Loan Banks Investments:</b>												
FEDERAL HOME LOAN BANK	313380BQ9	07/31/12	\$ 3,750,000.00	98.230	1.55%	\$ 3,750,000.00	3,683,625.00	08/15/19	AAA	AA+		
FEDERAL HOME LOAN BANK	313380Z83	10/10/12	\$ 1,000,000.00	97.367	1.49%	\$ 1,000,000.00	973,670.00	11/01/19	AAA	AA+		
FEDERAL HOME LOAN BANK	313380S65	02/27/14	\$ 1,007,608.69	98.797	1.67%	\$ 994,005.98	995,487.16	10/11/19	AAA	AA+		
FEDERAL HOME LOAN BANK	3133814M4	10/19/12	\$ 1,000,000.00	97.211	1.05%	\$ 1,000,000.00	972,110.00	04/29/20	AAA	AA+		
FEDERAL HOME LOAN BANK	313380C54	07/31/12	\$ 3,000,000.00	96.378	1.00%	\$ 3,000,000.00	2,891,340.00	08/14/20	AAA	AA+		
<b>Total Federal Home Loan Banks Investments</b>			<b>9,757,608.69</b>			<b>9,744,005.98</b>	<b>9,516,232.16</b>				18.13%	20.46%
<b>Federal Home Loan Mortgage Investments:</b>												
FEDERAL HOME LN MTG CORP	3134G3M56	09/12/12	\$ 1,000,000.00	99.149	1.15%	\$ 1,000,000.00	991,490.00	03/27/18	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G4VW5	02/13/14	\$ 2,000,000.00	99.870	0.88%	\$ 2,000,000.00	1,997,400.00	03/10/17	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G34QO	03/05/13	\$ 1,000,000.00	98.190	1.10%	\$ 1,000,000.00	981,900.00	07/30/18	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G42X5	04/11/13	\$ 2,000,000.00	97.669	1.05%	\$ 2,000,000.00	1,953,380.00	10/30/18	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G4X94	03/04/14	\$ 1,000,000.00	99.584	1.15%	\$ 1,000,000.00	995,840.00	12/27/17	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134G3K58	09/13/12	\$ 1,000,000.00	97.020	1.50%	\$ 998,000.00	970,200.00	03/19/20	AAA	AA+		
FHLMC GOLD PASS THRU POOL J01091	3128PCF80	01/17/06	\$ 1,000,000.00	107.151	5.00%	\$ 97,875.33	108,880.40	02/01/21				
FHLMC GOLD PASS THRU POOL C91020	3128P7DZ3	03/21/07	\$ 1,000,000.00	111.918	5.50%	\$ 84,121.43	95,098.32	03/01/27				
<b>Total Federal Home Loan Mortgage Investments</b>			<b>10,000,000.00</b>			<b>8,179,996.76</b>	<b>8,094,188.72</b>				15.42%	17.40%
<b>Federal National Mortgage Association Investments:</b>												
FEDERAL NATL MTG ASSN	3136G16F1	12/11/12	\$ 1,000,000.00	97.997	1.00%	\$ 1,000,000.00	979,970.00	06/27/18	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G13U1	11/27/12	\$ 1,000,000.00	97.476	1.10%	\$ 1,000,000.00	974,760.00	12/18/18	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G1ZW2	04/02/14	\$ 2,000,000.00	101.000	2.00%	\$ 2,000,000.00	2,020,000.00	04/30/19	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G0VM0	07/31/12	\$ 1,000,000.00	98.241	1.00%	\$ 1,000,000.00	982,410.00	07/30/19	AAA	AA+		
FEDERAL NATL MTG ASSN	3135G0NK5	08/13/12	\$ 2,000,000.00	98.543	1.63%	\$ 2,000,000.00	1,970,860.00	08/28/19	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G02B6	10/16/12	\$ 1,000,000.00	96.217	1.60%	\$ 1,000,000.00	962,170.00	10/30/20	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G0YZ8	08/15/12	\$ 2,500,000.00	97.918	2.00%	\$ 2,497,500.00	2,447,950.00	12/14/20	AAA			
FNMA PASS THRU POOL 255994	31371MKF3	03/12/07	\$ 1,605,000.00	112.141	5.50%	\$ 196,506.21	221,907.54	11/01/25				
<b>Total Federal National Mortgage Association Investments:</b>			<b>12,105,000.00</b>			<b>10,694,006.21</b>	<b>10,560,027.54</b>				20.12%	22.70%
<b>Total Federal Instrumentalities (United States Government Agencies which are non-full faith and credit):</b>												
			<b>39,662,608.69</b>			<b>36,344,156.31</b>	<b>35,910,442.42</b>				68.43%	77.20%
<b>Total Long-Term Investments</b>			<b>64,314,913.69</b>			<b>46,645,252.49</b>	<b>46,513,979.09</b>					
<b>Total Short-Term Funds and Long-Term Investments</b>						<b>52,608,981.97</b>	<b>52,477,708.57</b>					
<b>Blended Portfolio Rate of Return</b>							<b>1.38%</b>					
<b>Average Maturity (in years)</b>							<b>4.25</b>					

## **REGULAR MEETING OF THE CITY COMMISSION**

### **August 11, 2014**

The meeting of the Winter Park City Commission was called to order by Mayor 0Kenneth Bradley at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Pastor Jeff Arp, Calvary Assembly of God, followed by the Pledge of Allegiance.

#### Members present:

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

#### Also present:

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

#### Approval of the agenda

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

#### Citizen Budget Comments

Joe Terranova, 151 N. Virginia Avenue, urged the Commission to purchase the Enterprise Resource Program software. He agreed with the organizational support formula but opposed the inclusion of the electric and water/sewer fund in the calculation.

Nancy Shutts, 2010 Brandywine Drive, shared her disappointment with the removal of the matching neighborhood grants and the Keep Winter Park Beautiful pocket park grants from this year's budget and asked that it be reinstated. She suggested raising the millage rate by a tenth of a percent over the next few years in an effort to accelerate the tree fund for assessments, removal and replacement.

#### Mayor's Report

##### a. Proclamation – Graham Zusi Day

A special recognition was given to Graham Zusi, son of David Zusi, Director of Water/Wastewater, for participating in the four World Cup soccer games. Mayor Bradley proclaimed August 18, 2014 as Graham Zusi Day in the City of Winter Park.

##### b. Presentation - Service award to Bill and Carol Swartz for 19 years of volunteering at the Olde Fashion 4<sup>th</sup> of July Celebration

John Holland, Director of Parks and Recreation presented Bill and Carol Swartz with the Winter Park Service Award for 19 years of volunteering at the Olde Fashion 4<sup>th</sup> of July celebration children's games.

c. Recognition - Summer Youth Enrichment Program providers and participants

Dori Stone, Director of Planning and Community Development; Dave Buchheit, Manager of Economic Development and Laura Neudorffer, Redevelopment Coordinator thanked the following program providers: Dr. Ruth Edwards – Winter Park Public Library, Robynn Demar – Welbourne Avenue Nursery, Barbara Chandler – Hannibal Square Heritage Center, Cathleen Daus – Winter Park Community Center and Jackie Brito – Rollins College.

Ms. Neudorffer distributed the certificates of achievement and congratulated the following participants in the program: Tenisha Venegas, Christian Hampton, Arkel Brantley, Kendra Wright, Tanisha Rosado, Kobe Sipp, Desmond David, Jada Carrington, Dwight Lawrence and Avani Pinard.

d. Recognition - Core value coin recipients (April-June 2014)

City Manager Knight recognized the following core value coin recipients: Michelle Bernstein, Bruce Lomberg, George Bradley, Butch Margraf, Keith Moore, Katrina Smith, Jim Harlan, Buddy Miller, Joseph Brown, Karen Cockerham, Tim Millard, Brenda Moody, Jason Seeley, Scott Donovan, Keri Martin, Joe Newman, Jack Bell, Jeremy Bisbee, John Bologna, Pam Bracko, Luke Bryan, Amy Giannotti, Tia Hankerson, Jim Harlan, Richard Heath Jr., Earl Hoffman, Kevin Johnson, Rebecca Mora, John Ridditt, Jorge Rivera, Kris Stenger, Cassius Stevens, Sujay Sukhadia, Elin Varela, Tim Whitesides and Debbie Wilkerson.

City Manager Knight announced that he attended last week the ceremony for Fire Chief Jim White who was awarded "State Fire Chief of the Year" by the Florida Fire Chief's Association. A loud applause was given to Chief White for receiving this prestigious award. The Commission thanked him for his outstanding service.

**City Manager's Report**

Upon inquiry, City Manager Knight and Public Works Director Troy Attaway addressed questions related to the maintenance of the railroad crossings. Mr. Attaway explained that the City has been in touch with FDOT on a weekly basis and they have finally committed to smooth out the intersection crossing at Pennsylvania Avenue/Holt Avenue which is scheduled for September. They also committed to fix two additional intersections. Mr. Attaway acknowledged the request to see if we could speed things up if the City were to contribute funds.

Mr. Attaway addressed traffic safety concerns caused by the intersection at Lyman Avenue/New York Avenue. He explained that FDOT has a preliminary plan to tighten up that intersection and that we will be able to use some of the leftover federal money from the train station platform for this improvement and for the installation of the quad railroad crossing gates.

Upon inquiry, Building Director George Wiggins provided a status update on the New Hope Baptist Church project.

**City Attorney's Report:**

Upon inquiry, Attorney Brown advised that the Max Media/Clear Channel settlement agreement should be finalized by mid-September. Commissioner Sprinkel requested that their office submit the length of time and total cost summary sheet once it is completed. The request was acknowledged.

**Non-Action Item:** - No items.

**Consent Agenda**

- a. Approve the minutes of July 28, 2014.
- b. Approve the following contracts and purchase orders:
  - 1. Renewal with Brown & Brown of Florida, Inc., RFP-13-2012 Insurance Agent/Broker of Record (Amendment No. 2); and authorize the Mayor to execute Amendment No. 2 and any subsequent purchase orders.
  - 2. Renewal for remaining option years with Moore Stephens Lovelace, P.A., RFP-26-2013 External Auditor Services, Amendment No. 2 for contract extension until September 25, 2016; and authorize the Mayor to execute Amendment 2 and any subsequent purchase orders.
- c. Approve the restated Interlocal Cooperation Agreement between Orange County and the City of Winter Park for Community Development Programs under the Urban County Program. – **PULLED FOR DISCUSSION – SEE BELOW**

**Motion made by Commissioner Sprinkel to approve Consent Agenda items 'a' and 'b'; seconded by Commissioner McMacken.** No public comments were made. **The motion carried with a 5-0 vote.**

Consent Agenda Item 'c' - Approve the restated Interlocal Cooperation Agreement between Orange County and the City of Winter Park for Community Development Programs under the Urban County Program.

Commissioner Cooper referenced the verbiage of the contract and favored the idea of rewording the contract to allow the City to review and approve projects.

Dori Stone, Director of Planning and Community Development, explained that the original agreement was adopted in 1994 and we have been on automatic renewal since that time. Per the U.S. Housing & Urban Development office, Orange County is required to obtain a new agreement, thus the reason for this request.

Ms. Stone answered questions and concerns relative to the funding mechanisms, the lengthy process involved with preparing certain items if the City chose to be

involved with the approval process and the verbiage pertaining to condemnation and purchasing of land.

**Motion made by Commissioner Leary to approve Consent Agenda item 'c'; seconded by Commissioner Cooper.** Ms. Stone noted that when she submits this document to Orange County she will express our concerns related to condemnation and purchasing of land. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

**Action Items Requiring Discussion:**

- a. Refine the visioning scope using assistance by an Urban Land Institute (ULI) Technical Assistance Panel (TAP).

Dori Stone, Director of Planning and Community Development, explained that in November 2013, staff prepared a draft scope of services for commission discussion regarding community visioning. At the June 23 meeting, the commission directed staff to work on a revised scope as a means to move forward with a citywide visioning process.

During the discussion there were a number of items that each Commissioner wanted to see in the scope. In an effort to create a scope of work that provides statistical data and that will include as many Winter Park residents in the process as possible, staff reached out to Urban Land Institute (ULI) to discuss other visioning efforts that have been successful throughout Florida. The key is defining a scope of services that will accomplish both the services needed and the outreach that is expected. Since this is one of the most significant community projects undertaken by the city, staff and ULI both agreed that it would be worthwhile to bring in outside experts who have participated in community visioning as a technical assistance panel. This would allow the Commission to hear from others about the best practices of visioning, and using their expertise create a scope of services that best meets the needs of Winter Park. The current makeup of the panel under consideration may include a representative from a peer city, a consultant who has worked on community-wide visioning processes, a representative from a qualified survey consultant, an academic expert on community visioning or a regional business leader who has participated in community vision.

This level of expertise should provide the Commission with a well-rounded approach to the visioning process and, working with this panel, create a scope of services that can answer the four primary visioning questions; where are we now, where are we going, where do we want to go, and how do we get there.

Staff is recommending that this panel convene the second week of September so that the City can move forward with its visioning process at the start of the new budget year.



Ms. Stone advised that there is flexibility with the potential date of September 9-12 and that ULI is on board to assist us with this task. She explained that the scope of ULI is to develop the scope for visioning.

**Motion made by Commissioner McMacken to approve (authorization to work with ULI to create a half-day session in early September to refine the visioning scope of services through Commission consensus); seconded by Mayor Bradley.**

Nancy Shutts, 2010 Brandywine Drive, urged the Commission to provide basic information to the residents regarding the comprehensive plan in an effort to stop the negative discussions and false information throughout the community.

Dykes Everett, 341 E. Webster Avenue, supported the direction that staff is proposing with the hiring of ULI to assist with the scope of services.

**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.**

b. Budget discussion

City Manager Knight announced that today's discussion will focus on the budget recommendations that were submitted by several Commissioners. A summary spreadsheet including staff comments on the operational impact was prepared and included in the agenda packet for discussion.

A brief discussion transpired regarding the financing for the Cady Way pool heater and the renovation costs for the restrooms and parking lot. A majority agreed to have staff meet with the YMCA personnel and bring back a definitive report by the next meeting listing what has and has not been completed to date, estimated costs for each item and a status update on their fundraising efforts.

City Manager Knight spoke about Commissioner Sprinkel's recommendation for additional funding for the Public Art Advisory Board and advised that there is approximately \$27,000 in leftover funds from previous Art Board fundraising activities and city donations. Commissioner Sprinkel withdrew her request.

This item is continued after public comment and the recess.

Public Comment (General 5:00 p.m.)

1. Gary Brewer, 1250 S. Denning Avenue, asked if the City code addresses Political Action Committee signage during the campaign season and thereafter. In response, City Attorney Larry Brown advised that the current code does not

specifically address signage that is unrelated to the campaign. He said their office has submitted a draft revision of the sign code to staff that will address this item.

2. Ali DeMaria, Winter Park Day Nursery, 741 S. Pennsylvania Avenue, thanked the City for the funding assistance they have received to date and for this year's consideration.

3. Robert Rich, 502 Brechin Drive, said approximately four years ago the City agreed to install reflective lights, yellow roadway stripes and speed limit signage on Brechin Drive in an attempt to slow traffic down. Nothing has been done as of this date. He addressed a sidewalk issue on Kimbrace Place/Brechin Drive and other adjacent streets and asked that this project be placed on hold until a further investigation is completed. He said the sidewalks are in the wrong location and there are numerous traffic/pedestrian safety issues that need to be addressed. He requested that the residents be allowed to provide input prior to commencement. City Manager Knight acknowledged.

A brief recess was taken from 5:11 p.m. to 5:27 p.m.

b. Budget discussion (continued)

Upon request, City Manager Knight answered questions regarding Mayor Bradley's recommendations with capital spending and how it relates to our water/sewer and electric funds and the financial/operational impacts related to the general funds, operating funds, bonding money funds, routine capital funds and the Cemetery Trust Fund.

Commissioner McMacken expressed his desire to obtain an additional funding of \$100,000 to plant more trees. He also commented that we should not skimp on the funding for the visioning exercise which is the reason for his recommendation if the extra funds are needed.

Commissioner Cooper supported the recommendation to obtain additional funding for more tree plantings and for the Cady Way pool heater. She would also like for the YMCA to come forward with their fundraising contributions.

**PUBLIC HEARINGS:**

- a. Request of SunTrust Bank: To extend until August 27, 2015, the Conditional Use approval granted to permit the redevelopment of the property at 295 S. New York Avenue with a new drive-in branch bank.

This item was pulled from the agenda by request of staff.

- b. Request of Mr. James Moye: To extend until October 14, 2016 the conditional use approval granted for the condominium project at 125 S. Interlachen Avenue.

This item was pulled from the agenda by request of staff.

**City Commission Reports:**

- a. Commissioner Leary

Commissioner Leary addressed the large amount of confusion in the community and the need for the City to dispel some of the misinformation by educating the residents in general or on specific projects. He suggested that the City possibly hire an outside consultant to create a marketing plan in support of this effort and to possibly tie it to the visioning process. He asked for support whereby a majority agreed.

Commissioner Leary said the City was well recognized at an event he attended last week and it is a great honor to be part of this wonderful community.

- b. Commissioner Sprinkel

Commissioner Sprinkel said it would be beneficial to have a board presentation at each of the Commission meetings as to the types of things that they have been dealing with over the last year.

- c. Commissioner Cooper

Commissioner Cooper favored the idea to have the City host educational forums for our residents. She encouraged the implementation of a training system for new board members to help educate them on our comprehensive plan, codes, ordinances and overall operations.

Commissioner Cooper suggested establishing a committee to focus on the different ways for the City to increase our revenues. She also requested that they speak about pensions.

- d. Commissioner McMacken

Commissioner McMacken commended staff members Brenda Moody and George Wiggins for assisting him and the public with their requests.

Commissioner McMacken advised that the Eagle Scout fundraising project for the Central Park peacock fountain is still underway and encouraged the community to support this great effort.

Commissioner McMacken asked for support to have City Manager Knight find out if the bowling alley property located on Fairbanks Avenue is for sale. A majority agreed.

e. Mayor Bradley

A majority agreed with the following three suggestions made by Mayor Bradley: to have staff look at the implementation of a Cultural Advisory Board; for staff to create a benchmark code comparison with like cities for commercial/retail establishments for their review; and for the Bicycle/Pedestrian Advisory Board to update the Commission regarding interconnectivity of the paths and trails in our City so they can gain a better understanding of the overall master plan and the possible funding implications needed for improvements.

The meeting adjourned at 6:21 p.m.

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Mayor Kenneth W. Bradley

ATTEST:

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City Clerk Cynthia S. Bonham, MMC



# city commission agenda item

item type	Consent Agenda	meeting date	August 25, 2014
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	

## Contracts

	vendor	item   background	fiscal impact	motion   recommendation
1.	Physio-Control Support Agreement	Technical Service Support Agreement for Equipment Repair and Software Upgrade Services	Total expenditure included in FY14 budget.	Commission approve contract with Physio-Control and authorize the Mayor to execute contract and subsequent purchase orders
The contract is with an original equipment manufacturer. The contract term is for a period of three (3) years, with a total cost of \$13,778 per year. The Contract begins October 1, 2014 and expires on September 30, 2017.				
2.	Ardaman & Associates Inc.	Amendment 2 for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Geotechnical Services)	Total expenditure included in FY14 approved budget	Commission approve Amendment 2 to Ardaman & Associates Inc. and authorize the Mayor to execute Amendment 2
The City utilized a formal solicitation process to award this contract. The City Commission approved the contract award to Ardaman & Associates Inc. on November 26, 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 years in total. The current contract term will expire on November 24, 2014.				
3.	Universal Engineering Sciences	Amendment 2 for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Geotechnical Services)	Total expenditure included in FY14 approved budget	Commission approve Amendment 2 to Universal Engineering Sciences and authorize the Mayor to execute Amendment 2
The City utilized a formal solicitation process to award this contract. The City Commission approved the contract award to Universal Engineering Sciences on November 26, 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 years in total. The current contract term will expire on November 24, 2014.				
4.	Motorola Solutions	Services Agreement for monitoring & preventative maintenance for Astro P25 Radio System from Motorola.	Total expenditure included in approved budget	Commission approve Services Agreement with Motorola Solutions. Authorize the Mayor to execute Contract Agreement & all subsequent purchases.
This Vendor is a Sole Source provider for Astro P25 Radio System.				



## Formal Solicitation

	vendor	item   background	fiscal impact	motion   recommendation
5.	Consolidated Pipe & Supply	RFQ-21-2014 – 6" & 8" HDPE Pipe in 40' Lengths	Total expenditure included in approved FY14 budget	Commission approve award to Consolidated Pipe & Supply and all subsequent purchase orders.
The utilized a formal solicitation process to award this contract. Consolidated Pipe & Supply was the lowest responsive and responsible vendor.				



# city commission agenda item

item type	Consent Agenda	meeting date	August 25, 2014
prepared by	Peter Moore	approved by	<input checked="" type="checkbox"/> City Manager
department	Administrative Services		<input type="checkbox"/> City Attorney
division	Budget		<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A final vote		
strategic objective	<input type="checkbox"/> Exceptional Quality of Life <input checked="" type="checkbox"/> Fiscal Stewardship		
	<input type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Public Health & Safety		
	<input type="checkbox"/> Investment in Public Assets & Infrastructure		

## subject

FY 2014 Budget Adjustments

## motion | recommendation

Approve the budget adjustments as presented.

## background

The City Commission is required by Statute to approve any budget adjustments that alter the total amount budgeted in any fund or when funds are transferred between different fund types.

Through the receipt of grants or due to a need to revise original revenue estimates the city periodically needs to make changes to stated account revenues and expenditures. This is primarily a housekeeping process and it properly provides departments and divisions with an accurate picture of the funds available to undertake programs and projects. The following attachment highlights the budget adjustments requested to formally make the changes to the budget.

## alternatives | other considerations

Not making adjustments would show inaccurate funding availability in accounts.

## fiscal impact

All of the budget adjustments are offset by a reallocation of surplus funds or an increase in a revenue source either due to a grant/payment received or revenue receipts exceeding original estimates due to increased sales/activity.

**Budget Adjustments Requiring Commission Approval**

Item	Amount	Rev. Account	Exp. Account	Exp. Acct. Name	Note
Community Center (Program Services)	\$ 30,000	001-0000-347.20-10	001-6205-572.34-40	Contractual Service	Programs offered at the center are reimbursed by user fees, this adjustment increases funding for contractual services and revenues accordingly.
Golf Course (Pro Shop Sales)	\$ 4,000	001-0000-347.20-34	001-6301-572.52-12	Pro Shop Merchandise	The cost of items at the Pro Shop are recouped from purchasers.
Building & Permitting (Electronic Permit Review)	\$ 11,094	001-0000-322.10-01	001-2303-524.64-50	Machinery & Equipment	Allocates funding to purchase a large format printer for plans and document printing, monitors for electronic plan review, and scanning of building records to complete the electronic library of records. Revenues received for enforcement of the building code are expected to exceed budgeted estimates by \$400K+.
	\$ 4,600	001-0000-322.10-01	001-2303-524.52-90	Equipment under \$1,000	
	\$ 30,000	001-0000-322.10-01	001-2303-524.34-40	Contractual Service	
Forestry (Tree Grant money)	\$ 15,000	001-0000-331.70-01	001-6104-539.34-40	Contractual Service	Reflects receipt of urban forestry grant to cover cost of tree inventory work.
Forestry (Run for the Trees)	\$ 24,736	001-0000-381.10-10	001-6104-539.34-40	Contractual Service	Allocates surplus funding from the Run for the Trees event to Forestry to advance the Urban Forestry Management Plan.
Fire (CPR Grant)	\$ 14,588	001-0000-334.20-00	001-5104-522.64-50	Machinery & Equipment	Accounts for funds received for a grant to purchase CPR devices.
Facilities (Amtrak Station)	\$ 10,200	001-0000-362.10-10	001-3110-539.34-40	WP Train Station Janitorial	Reflects Amtrak funding received to pay for cleaning and utility costs at the new train station.
	\$ 6,600	001-0000-362.10-10	001-3110-539.43-70	WP Train Station Electric	
	\$ 900	001-0000-362.10-10	001-3110-539.43-20	WP Train Station Water/Garbage	
Police (OCDETF)	\$ 13,599	001-0000-331.20-24	001-4108-521.14-10	Overtime Wages	Reflects funding received as reimbursement for participation in the Organized Crime Drug Enforcement Task Force.



# city commission agenda item

item type	Action Item Requiring Discussion	meeting date	August 25, 2014
prepared by department division	Randy Knight & George Wiggins	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A final vote		
strategic objective	<input type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship <input type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Public Health & Safety <input type="checkbox"/> Investment in Public Assets & Infrastructure		

## subject

Request to allow release of interior build out of Blue Cross/Blue Shield Clinic with replacement parking and vacating 2,400 square feet of retail space

## motion | recommendation

Approve with condition that no Certificate of Occupancy will be issued until permanent parking is provided in compliance with City Zoning Code.

## background

The developer for Lakeside Village, Chuck Whittall, has request to come before the Commission to seek permission to authorize the release of the interior build out work in Building E (Medical Clinic) while awaiting the amended conditional use process to be completed through the Planning and Zoning Board and City Commission, projected to be complete on September 29. As an interim measure to assure the City that Code required parking is secured for Building E, the developer agrees to leave 2,400 square feet of retail space vacant and lease a vacant undeveloped parking site from Hillstone Restaurant, leaving a deficit of 10 required spaces.

In addition to holding retail space vacant, to make up for the balance of required parking, an unmarking parking lot at 231 S. Orlando Avenue owned by Hillstone Restaurant has been secured which will provide approximately 28 unmarked spaces. The result of leaving the retail space vacant and the ability to use this additional parking lot gives the developer 18 additional unmarked spaces at a nearby lot (located 427 feet south of the Lakeside property) as an interim solution for the parking deficit.

In addition the developer and Blue Cross/Blue Shield has submitted a letter affirming their understanding that no occupancy of Building E can occur and no Certificate of Occupancy will be issued until the permanent parking is provided and available for use. This places full responsibility on the developer to insure the parking is available prior to occupancy of Building E.

The other issue at this time, is that the owner of the Sweet Lodge property at 271 S. Orlando does not want his property burdened by the restrictions placed in the Public records that his property is required to be off-site parking for the lakeside project. There attorney is requesting that the attached document reviewed and approved by the City Attorney also be executed by the City.

### **alternatives | other considerations**

Take no action and await final resolution of amended conditional use application.

### **fiscal impact**

None.

**Prepared by:**  
**Craig Malatesta, Esq.**  
**Barry L. Miller, P.A.**  
**163 E. Morse Boulevard**  
**Suite 200**  
**Winter Park, FL 32789**

**Release of Off Site Parking Property from Developer's Agreement  
(Lakeside)**

This Release of Off Site Parking Property from Developer's Agreement ("Release") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the **City of Winter Park, Florida**, a political subdivision of the State of Florida (the "City"), 401 Park Avenue South, Winter Park, Florida 32789 and **Lakeside Winter Park, LLC**, a Florida Limited Liability Company, (referred to as "Developer"), 7940 Via Dellagio Way, Suite 200, Orlando, Florida 32819.

WHEREAS, the parties entered into a Development Agreement (Lakeside) dated July 8, 2013, and recorded in Official Records Book 10612, Page 5496, of the Public Records of Orange County, Florida ("Developer's Agreement"), for the development of the properties located at 111 and 131 N. Orlando Avenue ("Subject Property");

WHEREAS, the parties entered into a First Amendment to Developer's Agreement (Lakeside) dated May 9, 2014, and recorded in Official Records Book 10745, Page 8094, of the Public Records of Orange County, Florida ("the First Amendment") with respect to property defined therein as "New Property," and more particularly described as:

Lot 10, (Less the North 3.0 feet of the West 40 feet and Less the East 10.0 feet and Right of Way across the Southeast corner) and the East 10.0 feet of the South 62 feet of Lot 7, Block 7, Resurvey of Killarney Estates, according to the plat thereof recorded at Plat Book L, Page 9, in the Public Records of Orange County, Florida.

WHEREAS, Developer did not purchase the New Property, and its contract to purchase said New Property has been terminated;

WHEREAS, Paragraph 6 of Developer's Agreement states the Agreement may only be amended or terminated by a written agreement executed by all parties hereto;

WHEREAS, the City and Developer desire to release the New Property from the Developer's Agreement pursuant to the terms of this Release, provided that City and Developer hereby acknowledge and agree that the execution and recording of this Release shall not modify or amend Developer's obligations under the Developer's Agreement, which remains in full force and effect, that the City is not hereby approving an amendment to the Developer's Agreement or the Conditional Use approval to allow a change in the location of the parking, that the sole purpose of this Release is to clear title on the New Property and Developer is still required to obtain Conditional Use approval from the City after Developer provides proof of additional parking;

NOW, THEREFORE, for and in consideration of the mutual covenants and promises set forth herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby agree:

1. All recitals are incorporated into this Release.

2. ~~e that~~That the New Property, as described herein, is released from the Developer's Agreement, as modified by the First Amendment recorded in Book 10745, Page 8094, of the Public Records of Orange County, Florida.

3. Developer hereby also releases City from any claim Developer might have regarding the City's required necessary approvals Developer must obtain to develop the Lakeside property, and the costs associated with obtaining the additional parking Developer must secure before Developer is eligible for a new or amended Conditional Use permit, or the costs of obtaining necessary City approvals before further construction can occur on the Lakeside property.

Signed, sealed and delivered in the presence of:

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

CITY OF WINTER PARK, FLORIDA,  
a political subdivision of the State of Florida

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

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

ATTEST:  
By: \_\_\_\_\_  
Cynthia S. Bonham, City Clerk

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledge before me this \_\_\_\_\_ day of \_\_\_\_\_2014, by Kenneth W. Bradley, Mayor of THE CITY OF WINTER PARK, FLORIDA, a municipal corporation, on behalf of the corporation. He is personally known to me or has produced \_\_\_\_\_as identification.

(NOTARY SEAL)

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

\_\_\_\_\_  
(Name typed, printed or stamped)



Signed, sealed and delivered in the  
presence of:

LAKESIDE WINTER PARK, LLC, a  
Florida Limited Liability Company

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

By: RILEY 1, LLC, a Florida Limited  
Liability Company, Manager

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

By: CW FAMILY, LLLP, a Florida Limited  
Liability Partnership, Manager

By: CW FAMILY, LLC, a Florida Limited  
Liability Company, General Partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of  
\_\_\_\_\_2014, by Charles Whittall, as Manager of Lakeside Winter Park, LLC. He is  
personally known to me or has produced \_\_\_\_\_as identification.

(NOTARY SEAL)

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

\_\_\_\_\_  
(Name typed, printed or stamped)





# LAKESIDE WINTER PARK, LLC – PROPOSED BCBS OFF-SITE PARKING

August 14, 2014



An Independent Licensee of the  
Blue Cross and Blue Shield Association

BlueCross and BlueShield of Florida  
4800 Deerwood Campus Parkway  
Building 200, 1<sup>st</sup> Floor  
Jacksonville, FL 32246

Lanny Felder, JD, CFM  
Vice President  
Real Estate & Corporate Services  
Office 904-905-2025  
Cell 904-571-5847

August 15, 2014

George Wiggins, Director  
Building & Permitting Services  
City of Winter Park  
401 South Park Avenue  
Winter Park, FL 32789

Re: GuideWell Emergency Medicine Doctors, LLC  
113 N. Orlando Ave  
Winter Park, FL 32789

Dear Mr. Wiggins,

Thank you for taking the time to meet with me and understand the business goals and values of Blue Cross Blue Shield of Florida ("Florida Blue") as well as our vision and mission. Our brand and reputation are foundational to who we are as a company and all of our business endeavors.

Mission: To Help People & Communities Achieve Better Health.  
Vision: A Leading Innovator Enabling Healthy Communities.  
Values: Respect, Integrity, Imagination, Courage, Excellence

At this time, the Developer/Owner of the Lakeside Winter Park has potentially impacted our project as a result of a change in direction for providing twenty one (21) off-site parking spaces for our employees. While we are confident that the Developer/Owner is working with the City of Winter Park to resolve the replacement parking to the City's satisfaction, the revoking of our interior improvement permit impacts our ability to open our facility as well as hire staff in a timely manner.

It is our sincere request that our General Contractor be allowed to continue and complete our interior tenant improvements. We understand and acknowledge that the issuance of a Certificate of Occupancy will be dependent upon the Developer/Owner providing an acceptable alternative parking solution to the City of Winter Park.

Thank you again for your consideration and support.

Sincerely,

Lanny Felder, JD, CFM  
Vice President





# city commission agenda item

item type	Action Item Requiring Discussion	meeting date	August 25, 2014
prepared by	Randy Knight	approved by	<input checked="" type="checkbox"/> City Manager
department	Administration and Planning		<input type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval		<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Intelligent Growth & Development <input checked="" type="checkbox"/> Investment in Public Assets & Infrastructure	<input type="checkbox"/> Fiscal Stewardship <input type="checkbox"/> Public Health & Safety	

## subject

Budget Discussion

## motion | recommendation

Direct staff on modifications to the budget to be included in the budget ordinance.

## background

The purpose of this agenda item is for the Commission to discuss any changes they want to make to the budget so that when the budget ordinance is prepared it can reflect those changes.

Follow up item: At the August 11, 2014 meeting the Commission requested staff provide an update of the Cady Way Pool Project. Attached is a revised project summary showing what has been accomplished on the project and what still needs to be done.

During the FY2013 budget process the Commission allocated \$370,000 spread over two fiscal years to fund specific components of the pool upgrades. The citizen group along with the YMCA committed to raise funds for a portion of the upgrades. Within the \$370k commitment from the City was a \$70k match for half of the cost of a geo-thermal pool heater.

All of the work done to date has come out of the City side of the funds. The geo-thermal project has not begun because the other side of the match has not been raised.

In staff's recent discussion with the YMCA the group raising funds for the project has commitments in the \$30,000 range. They plan to continue their fund raising efforts.

Also attached are the November 26, 2012 minutes and related section from the developers agreement from where the YMCA parking lot expansion project was discussed. As part of that approval the YMCA committed to paying a payment in lieu of taxes (for 10 years) equal to the property taxes for those two residential properties that would be coming off the tax rolls. It was estimated that would be around \$70,000 (the actual amount is \$65,441). This was supposed to go to the Cady Way Pool capital fund but according to the commitment from the YMCA that payment was supposed to be over and above their fund raising efforts. The YMCA would now like to approve counting those funds toward the match if they front the entire 10 years of payments to the City.

The City has approximately \$150,000 left in the project fund to complete its side of the commitments.

## **alternatives | other considerations**

### **fiscal impact**

The City's side of the project is already funded.

### Cady Way Pool Improvements

	<u>City Funding</u>	<u>YMCA Fund Raising</u>
Portions completed:		
Pool Shell	\$ 200,000	
Pumps/Controls	\$ 40,000	
Pool Deck	\$ 10,000	
 Portions remaining to be done		
Parking	\$ 35,000	
Landscaping/Irrigation	\$ 20,000	
Security/Lighting	\$ 7,500	
Geo Thermal Pool Heater	\$ 70,000	\$ 70,000
Hot Water for restrooms		\$ 40,000
Pool Cover		\$ 33,000
Wind Screen for Fencing		\$ 17,000
	<u>\$ 382,500</u>	<u>\$ 160,000</u>

Note: The following items were in the original approval that were on the fund raising side of the ledger. These items will be part of another phase if they are able to raise the money. The above items are the ones that are the top priority.

Deck Pavers	\$ 40,000
Spray Park	\$ 100,000
Building Improvements	\$ 50,000
Pavilions	\$ 30,000

Attorney Reischmann advised that the approval of a new development agreement can be a part of the conditional use permit or it can be executed at a later time. He noted that the 1997 Development Agreement is still in effect and has not expired. Mr. Briggs addressed questions including the previous approvals granted.

Attorney Frank Hamner, 405 Balmoral Avenue, spoke on behalf of the applicant. He provided a PowerPoint presentation which included a detailed history of the YMCA and its expansions, their impact and how the community has changed, health initiatives in the community, a comprehensive analysis of the 1997 development agreement and the proposed terms to amend the development agreement. Mr. Hamner submitted to the Deputy Clerk a petition of 100+ signatures supporting the request and answered questions.

Commissioner Cooper recalled that during this year's budget process the City and the YMCA agreed to do a sharing of funds for the geothermal pool heater at Cady Way Park (each to contribute \$70,000). She asked if item 'g' in the proposed Development Agreement is additional monies that the YMCA is committing to contribute. Bud Oliver, 433 S. Lakemont Avenue, Winter Park YMCA, provided clarity that the budget agreement with the City was that the Brookshire neighborhood and an aquatics task force that the YMCA is involved with would raise the \$70,000. It was not the YMCA's commitment.

Mr. Hamner advised that conditions 'a' through 'f' listed on Page 9 in the proposed development agreement were imposed by the P&Z board on November 6. The applicant is objecting to conditions 'c' and 'd' and asked that these two items be removed if approved.

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

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

**Motion amended by Commissioner Cooper to the second ordinance (zoning) that we consider instead of Public Quasi-Public (PQP) that we rezone to Parking Lot designation; seconded by Commissioner Leary.**

**Motion made by Commissioner Leary to approve the conditional use request including the conditions imposed by P&Z; seconded by Commissioner Sprinkel.**

A brief discussion followed including the possible rezoning to parking lot designation, the waiting period/timeframe limit if the conditional use is not approved and the proposed changes to the development agreement including the granting of a 5 foot easement for 15 years on the west property line of 1761 Palmer Avenue or if it can be granted in perpetuity.



## From Developer Agreement

WHEREAS, the parties desire to enter into this Agreement to more specifically set forth the conditions and restrictions with respect to the Project, the Map Change, the Zoning Change and the CUP.

NOW THEREFORE, in consideration of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

1. Recitals. The foregoing Recitals are true and correct and are incorporated herein.
2. Conditional Use Permit. The City grants CUP approval of the development plan attached hereto as Exhibit "B".
3. Expansion. OWNER agrees to provide CITY with a recorded easement granting CITY a five foot easement on the west property line of 1751 Palmer Avenue from Palmer Avenue to its intersection with the property line of Phelps Park, more particularly described in Exhibit "C".
4. Conditions. Prior to, and as a condition of, the Final Conditional Use Permit approval, OWNER shall comply with the following:
  - a. Newly installed light fixtures shall be shielded so as to minimize their offsite visibility;
  - b. The landscape plan shall incorporate design elements to equal or exceed the quality and level of landscaping existing on site along Palmer Avenue;
  - c. The water slide shown at the zero depth pool on the submitted plans shall be removed;
  - d. The size of the parking lot expansion shall be reduced from 40 spaces to 30 spaces;
  - e. The existing wall around the perimeter of the pool shall be extended to encompass the new pool area in a similar fashion;
  - f. There shall be no further expansions to the size of the YMCA building;
  - g. OWNER shall deposit, each year for the next ten (10) years, into the Cady Way Pool Capital Projects Fund, an amount equal to the annual property taxes now paid on the properties at 1751 and 1761 Palmer Avenue;
  - h. OWNER shall provide a voucher for the parents of any kindergarten or first grade student enrolled at each of Brookshire, Aloma, Lakemont and Killarney Elementary schools (and any other elementary schools within the boundaries of the City of Winter Park), waiving the cost for those parents to enroll said kindergarten or first grade student into an entry level course of swimming lessons at either the Lakemont or Cady Way pool facilities; and,



# city commission public hearing

item type	Public Hearing	meeting date	August 25, 2014
prepared by department division	Jeff Briggs Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-0 final vote

## Subject: Subdivision Request for 2525 Temple Drive.

Fatigati Enterprises has a contract to purchase the property at 2525 Temple Drive and is requesting subdivision or lot split approval to divide the property into two lots. No variances are requested since the proposed lot dimensions meet the R-1AA zoning standards, subdivision code requirements and comprehensive plan policies.

This is a 2.25 acre property on the west side of Temple Drive, just north of the Via Siena subdivision and across Lake Temple from the Tuscany Place subdivision. It is also the first property just south of the commercial properties at Temple and Howell Branch Road. (See attached maps)

## Planning and Zoning Board Recommendation:

**Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the request to subdivide the subject property into two lots. Motion carried unanimously by a 6-0 vote.**

## Summary:

**Proposed Lots:** The two proposed lots will be approximately 1.12 acres in size with 160 feet of lot width or frontage. They far exceed the R-1AA lot minimums of 100 feet of frontage and 10,000 square feet of lot area, and importantly meet the Comprehensive Plan estate lot criteria, which is the limiting factor for this property.

**Comprehensive Plan policy criteria:** The Comprehensive Plan defines any residential property over one acre as an "estate". That definition is shown below:

**Estate** – A single family residential property under single ownership, regardless of divisions that may be shown by the Orange County Property Appraiser, that is one acre or larger.

Due to the Comprehensive Plan policies outlined below, this 2.25 acre "estate" property can only be divided into "estate" lots of one acre or greater. That is what is requested.

**Policy 1-3.6.7: Subdivision of Lot Splits of Single Family Estate Properties.** Historically, Winter Park is a distinct residential community in part because of the existence of large estate properties. These existing estates, many with historical or architectural significance, provide a character that in turn creates value throughout the surrounding neighborhoods and the

*community. Thus, their preservation maintains the attractive character of Winter Park that helps to set it apart from other cities in Florida. The existence of large estate properties dispersed throughout Winter Park adds great attractiveness, appeal and value to residents and potential buyers as contrasted with newer more uniform homogenous subdivisions. In order to protect these features and values and preserve neighborhood character, the City shall not consider or approve any subdivisions or lot splits of estate lots (one acre or greater) within areas designated single family residential.*

**Policy 1-3.7.1: Preserve Lakefront Estates** *It is a policy of the City and of this Comprehensive Plan to maintain the diversity of sizes of lakefront properties and estates and to prohibit the subdivision or split such properties. The City shall preserve low densities along the City's lakefront property, including larger lakefront estates in order to perpetuate the unique character of Winter Park that sets it apart from other cities throughout Florida.*

**Subdivision Code Criteria:** There are similar criteria for the split of estate properties within the subdivision code. We have the same size dimension of one acre for estate lots. Again by dividing this "estate" property into lots which also qualify as "estate" lots, there is conformance to these regulations:

**Proposed Development Plans:** The applicant has not submitted development plans (house plans) but due to the lakefront location, the Planning Board will see those plans on a future agenda pursuant to the lakefront review authority in the zoning code. There are some very large live oak trees on this property. By dividing this property into just two lots there will be opportunities to design the homes to preserve the live oak trees that are a major selling point for this property.

**Summary:** The request meets all the Comprehensive Plan, Subdivision Code and Zoning Code requirements for lot sizes and no variances are requested. Unlike our other rezoning and conditional use requests where there is often some discretion by the City based on context and compatibility, the case law with subdivision requests is that when a property meets the Code, they are entitled to an approval.

**August 5, 2014 P&Z minutes:**

**REQUEST OF FATIGATI ENTERPRISES FOR:** SUBDIVISION OR LOT SPLIT APPROVAL TO SPLIT THE PROPERTY AT 2525 TEMPLE DRIVE INTO TWO SINGLE FAMILY LOTS. EACH LOT WOULD BE APPROXIMATELY 1.25 ACRES IN SIZE WITH 160 FEET OF FRONTAGE ON TEMPLE DRIVE, ZONED R-1AA. NO VARIANCES ARE REQUESTED.

Planning Manager Jeff Briggs presented the staff report and explained that the applicant, Fatigati Enterprises has a contract to purchase the property at 2525 Temple Drive and is requesting subdivision or lot split approval to divide the property into two lots. He said that no variances are requested since the proposed lot dimensions meet the R-1AA zoning standards, subdivision code requirements, and comprehensive plan policies. This is a 2.25 acre property and the two proposed lots will be approximately 1.12 acres in size with 160 feet of lot width or frontage. They far exceed the R-1AA lot minimums of 100 feet of frontage and 10,000 square feet of lot area, and importantly meet the Comprehensive Plan estate lot criteria, which is the limiting factor for this property. He reviewed the Comprehensive Plan policy criteria for "estate" lots and subdividing estate lots.

He explained that the applicant has not submitted development plans (house plans), but due to the lakefront location, the Planning Board will see those plans on a future agenda pursuant to the lakefront review authority in the zoning code. He noted that there are some very large live oak trees on this property. By dividing this property into just two lots there will be opportunities to design the homes to preserve the live oak trees that are a major selling point for this property. He summarized by stating that the request meets all the Comprehensive Plan, Subdivision and Zoning Code requirements for lot sizes and no variances are requested. Unlike our other rezoning and conditional use requests where there is often some discretion by the City based on context and compatibility, the case law with subdivision requests is that when a property meets the Code, they are entitled to an approval. Staff recommended approval of the request. Mr. Briggs responded to Board member questions and concerns.

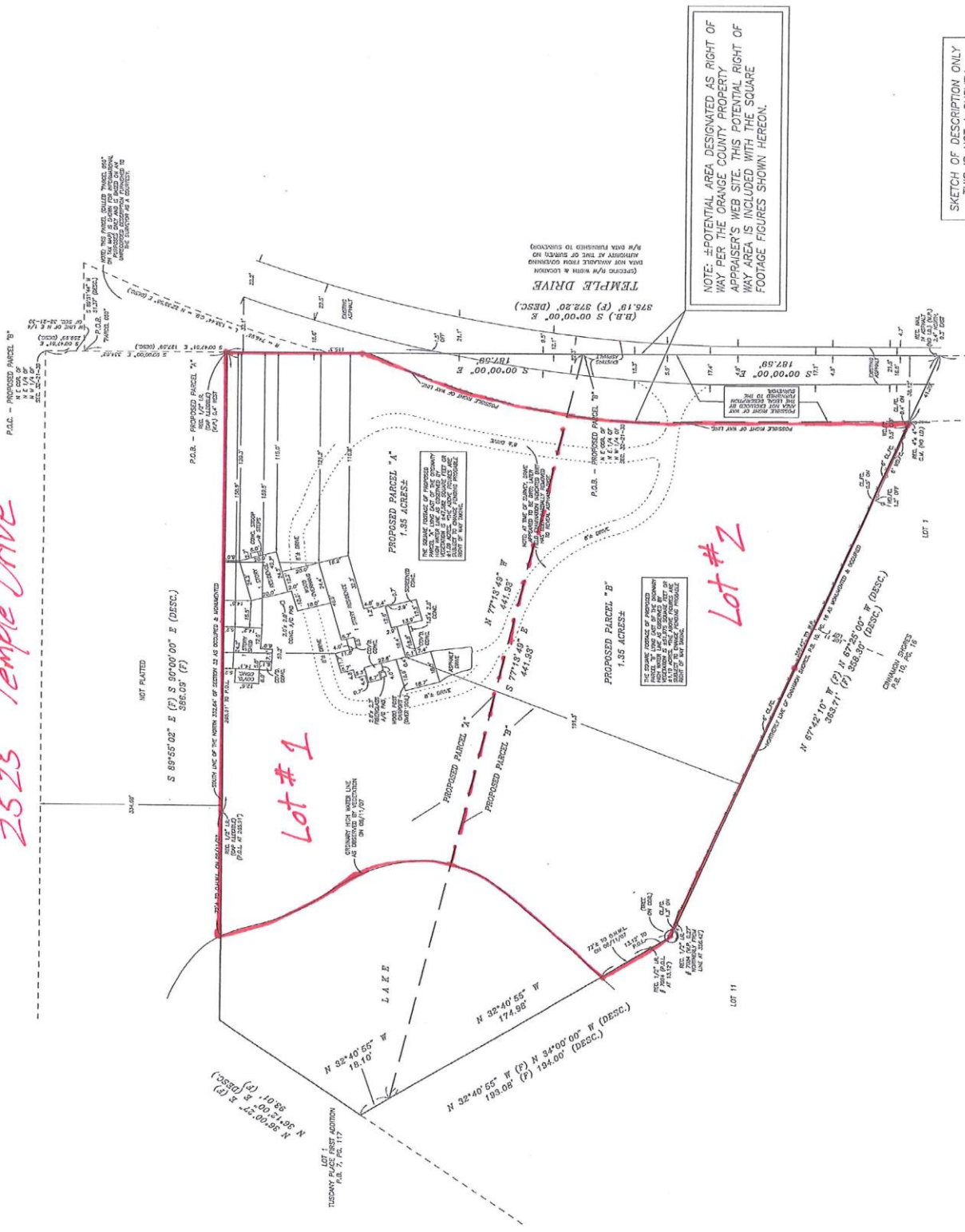
Eric Kovar, represented the applicant, stated that they are appreciative of the positive recommendation from staff. He said that they have tried to honor the regulations in the Land Development Code and also that they are requesting no variances. He responded to Board member questions and concerns. No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

The Board members agreed that since the request meets all Comprehensive Plan, Zoning and Subdivision Code regulations and there are no variances the application was in full compliance with the City's regulations. The board confirmed that notices were sent to neighbors and noted no opposition to the request.

**Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the request to subdivide the subject property into two single-family lots. Motion carried unanimously with a 6-0 vote.**

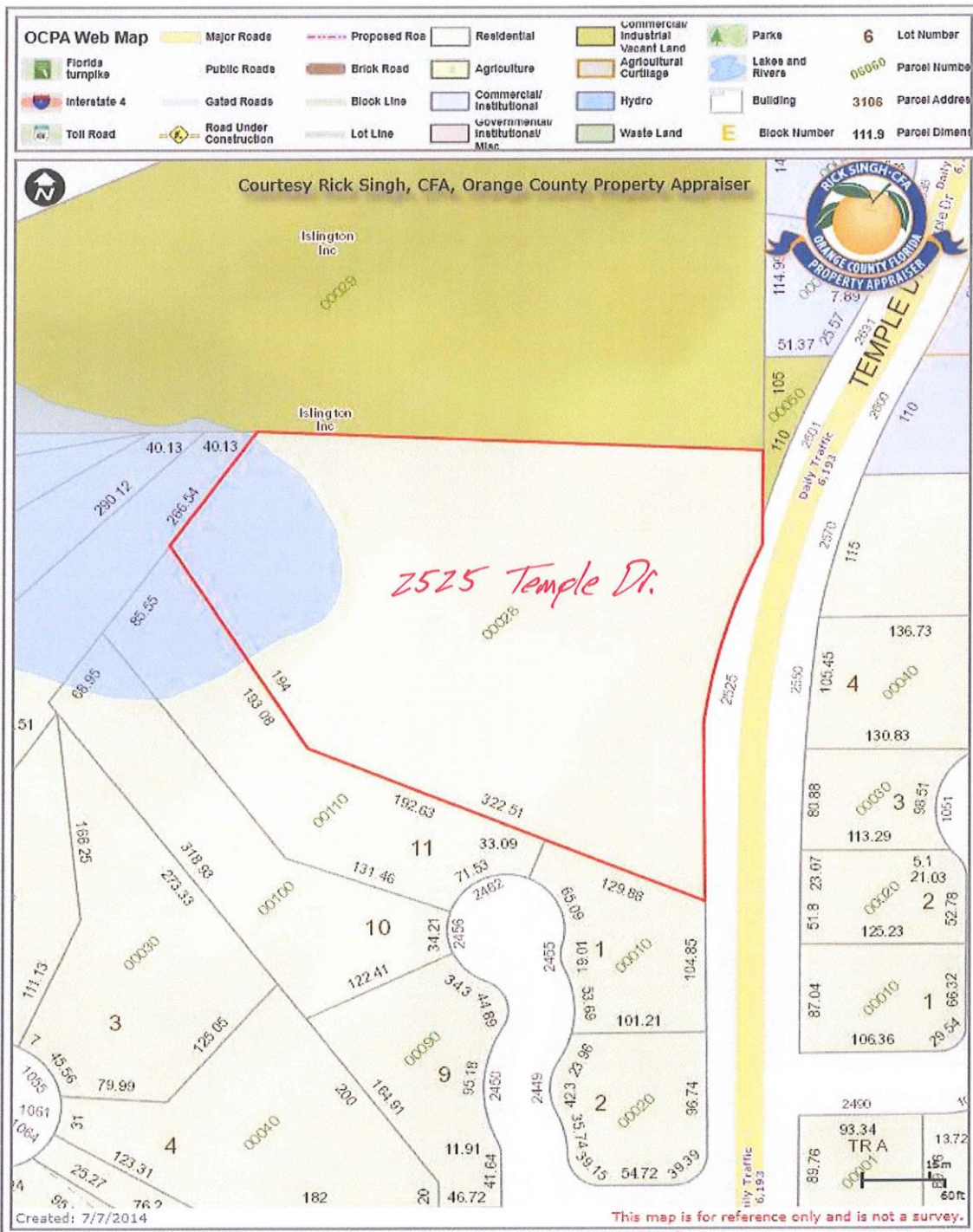


2525 Temple Drive



NOTE: ±POTENTIAL AREA DESIGNATED AS RIGHT OF WAY PER THE ORANGE COUNTY PROPERTY APPRAISER'S WEB SITE. THIS POTENTIAL RIGHT OF WAY AREA IS INCLUDED WITH THE SQUARE FOOTAGE FIGURES SHOWN HEREON.

SKETCH OF DESCRIPTION ONLY  
THIS IS NOT A SURVEY









# city commission **public hearing**

item type	Public Hearing	meeting date	August 25, 2014
prepared by	Don Marcotte	approved by	<input checked="" type="checkbox"/> City Manager
department	Public Works		<input type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship		
	<input type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Public Health & Safety		
	<input type="checkbox"/> Investment in Public Assets & Infrastructure		

## subject

Knight Family-Feys, LLC have requested the City to vacate a utility easement at 1870 Laurel Road. (Site and Parcel Map attached)

## motion | recommendation

Approve the vacate 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

N/A



After Recording Return To:  
City of Winter Park, City Clerk's Office  
401 Park Avenue South  
Winter Park, Florida 32789

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA  
VACATING AND ABANDONING THE EASEMENT LOCATED AT  
1870 LAUREL ROAD, WINTER PARK, FLORIDA, MORE  
PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE  
DATE.

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

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

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

**Section 1.** The City Commission of the City of Winter Park, Florida, hereby vacates and abandons that certain easement granted in: Lot 6, Block "K" and the North ½ of vacated street lying South of Lot, block "K", Charmont as recorded in Plat Book L, Page(s) 93 of the Public Records of Orange County Florida.

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

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

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

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the \_\_\_\_ day of September, 2014.

\_\_\_\_\_  
Mayor Kenneth W. Bradley

ATTEST:

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



July 31, 2014

Donald Marcotte  
Asst Dir P/W-City Engineer  
City of Winter Park  
401 South Park Avenue  
Winter Park, FL 32789  
[dmarcotte@cityofwinterpark.org](mailto:dmarcotte@cityofwinterpark.org)

Re: Letter of Submittal and Attachments  
Request to vacate easement no longer in use, currently in building pad of newly permitted home  
1870 Laurel Road, Winter Park, FL 32789  
Parcel #: 07-22-30-1252-11-060

Dear Mr. Marcotte,

I am writing on behalf of Knight Family-Keys, LLC who is the owner of 1870 Laurel Ave. Winter Park, FL 32789 (Exhibit "A", Site and Parcel Map). Located on this parcel is an old utility easement (Exhibit "B", Plot Plan Survey) that is longer in use. We respectfully request that the City abandon this easement. There are several reasons for this request, the primary of which is that this easement is no longer and use, and of a substantial and odd size, 20' x 60'. This situation creates a large and odd unbuildable area within this lot. This easement is also odd in that it has no utilities within it, serves no function, nor is it structured in such a way that provides access to the easement.

Attached to this letter of submittal are six (6) signed letters of no objection to abandonment (See Exhibit "C", No Objection to Vacate Letters) from all utility organizations operating within the City of Winter Park, including: TECO/People's Gas, Brighthouse Networks, City of Winter Park Water/Wastewater, Duke Energy, Century Link, and Winter Park Electric.

Exhibits A (Site Map), Exhibit B (Survey) and Exhibit C (Signed No Objection Letters) are attached for your consideration.

Sincerely,

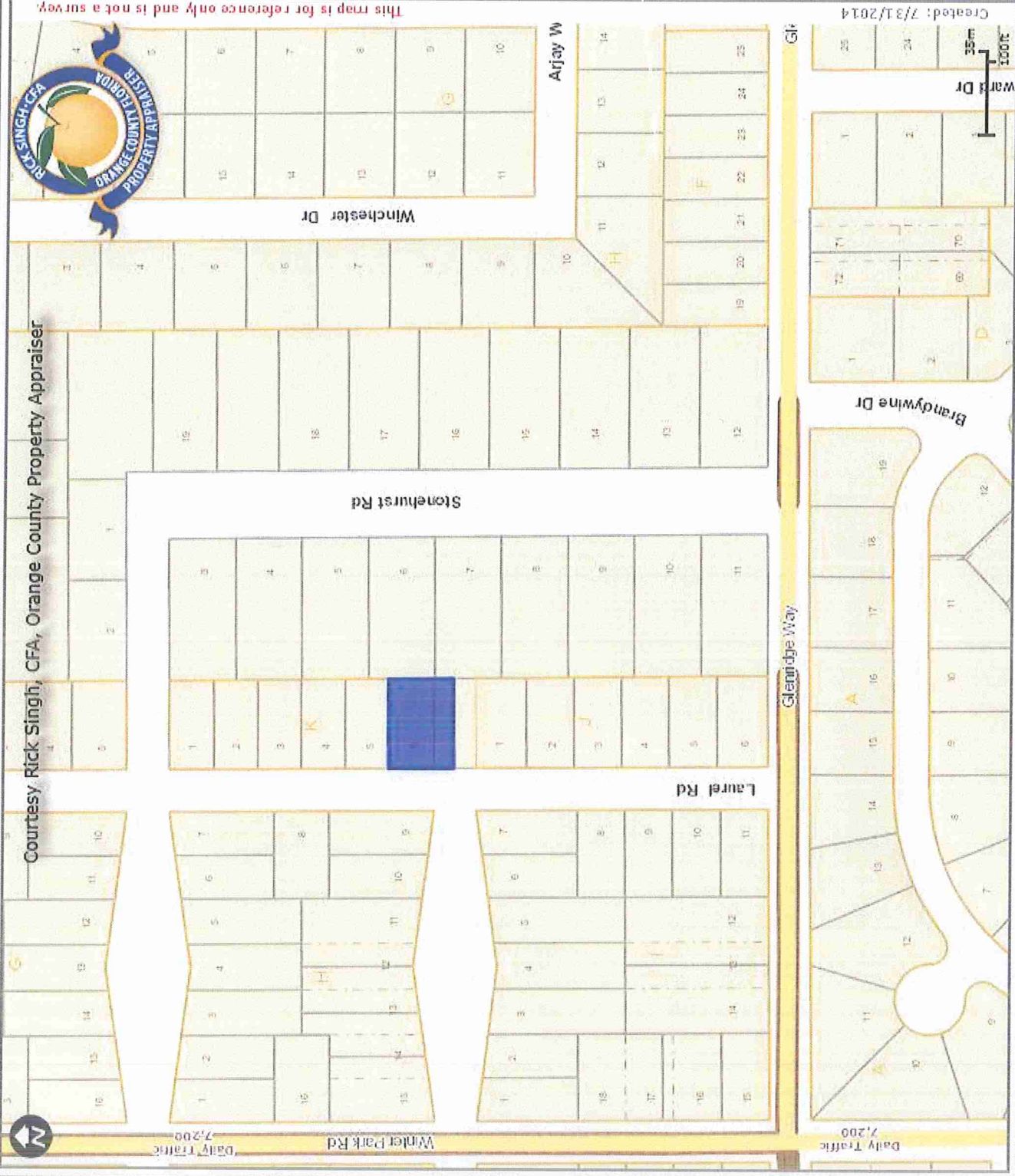
A handwritten signature in red ink, appearing to read "R. Hancock", is written over a horizontal line.

Robert M. Hancock  
Lundequum Development, LLC

Lundequum Development, LLC • 213 W. Comstock Avenue, Winter Park, FL 32789 • (407) 466-8072

LunDev.com • CGC058183

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- Toll Ramp
- Interstate Ramp
- One Way
- Brick Road
- Rail Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental
- Institutional/Misc
- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Building
- Power Plant

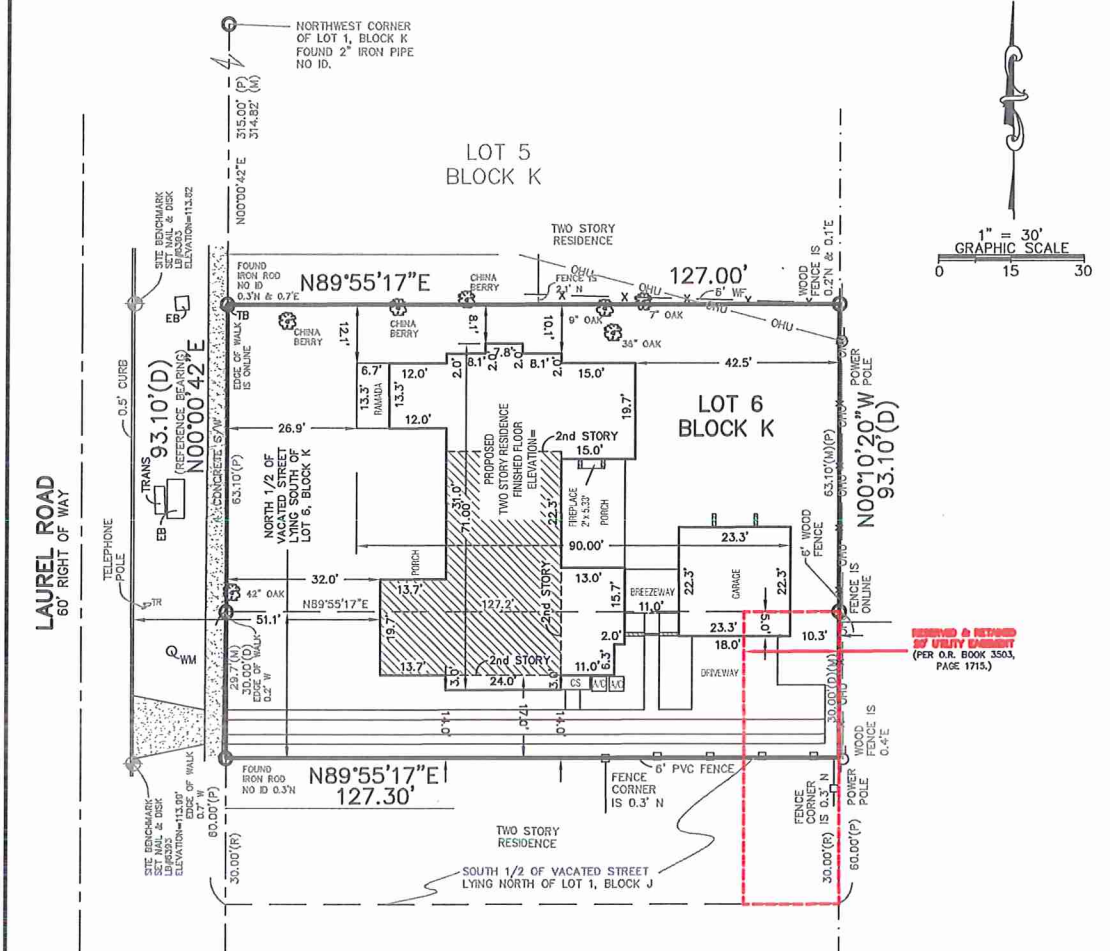




# PLOT PLAN

DESCRIPTION:(AS FURNISHED)

LOT 6, BLOCK "K" AND THE NORTH 1/2 OF VACATED STREET LYING SOUTH OF LOT 6, BLOCK "K", CHARMONT AS RECORDED IN PLAT BOOK L, PAGE(S) 93, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



ADDRESS:  
1870 LAUREL AVENUE  
WINTER PARK, FLORIDA 32789

PREPARED FOR:  
BRETT LUNDEQUAM

## BUILDING SETBACKS

RESIDENCE  
FRONT - 52'  
REAR - 25'/35'  
SIDE - 12'/17'  
BUILDING HEIGHT - 35'

DETACHED GARAGE SETBACKS  
REAR - 10'  
SIDE - 5'  
ROOF HEIGHT - 18'

THIS PLOT PLAN IS INTENDED FOR PERMITTING PURPOSES ONLY. THIS IS NOT INTENDED FOR THE CONSTRUCTION OF THE PROPOSED HOUSE. REFER TO HOUSE PLAN AND OPTION LIST FOR CONSTRUCTION. ALL BUILDING SET BACK LINES SHOWN HEREON IS PER DATA FURNISHED BY CLIENT AND IS FOR INFORMATIONAL PURPOSES ONLY.

THIS IS NOT A SURVEY  
THIS IS A PLOT PLAN ONLY

FLOOD NOTE:  
I HAVE EXAMINED THE F.I.R.M. COMMUNITY PANEL NO. 120188 0255 F, MAP NP. 129500255F DATED SEPTEMBER 25, 2009, AND FOUND THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE X, AREA OUTSIDE THE 100 YEAR FLOOD PLAIN. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ABOVE INFORMATION. PLEASE CONTACT THE LOCAL F.E.M.A. AGENT FOR VERIFICATION.

BEARING BASIS:  
BEARINGS SHOWN HEREON ARE BASED ON THE EAST RIGHT OF WAY OF LAUREL ROAD BEING N00°00'42"E, ASSUMED.

(FIELD DATE):	REVISED:
SCALE: 1" = 30 FEET	
APPROVED BY: JB	
3092501 LOT 6, BLOCK "K"	
JOB NO.	PLOT PLAN 06/20/14 NMK
DRAWN BY:	BOUNDARY 10-7-13 NMK

## LEGEND:

---	BUILDING SETBACK LINE	(R)	REMAINDER
---	CENTERLINE	(D)	DESCRIBED
---	RIGHT OF WAY LINE	(M)	MEASURED
xx.xx	PROPOSED ELEVATION	(P)	PER PLAT
→	PROPOSED DRAINAGE FLOW	PI	POINT OF INTERSECTION
□	CONCRETE	PC	POINT OF CURVATURE
A/C	AIR CONDITIONER	PT	POINT OF TANGENCY
S/W	SIDEWALK	RP	RADIUS POINT
UP	UTILITY PAD	PRC	POINT OF REVERSE CURVATURE
EB	ELECTRIC BOX	PCC	POINT OF COMPOUND CURVATURE
OHU	OVER HEAD UTILITY	TYP	TYPICAL
TR	TELEPHONE RISER	CS	CONCRETE SLAB
WM	WATER METER	SQ. FT.	SQUARE FEET
WF	WOOD FENCE	F.E.M.A.	FEDERAL EMERGENCY MANAGEMENT AGENCY
TRANS	TRANSFORMER	F.I.R.M.	FLOOD INSURANCE RATE MAP
		DAUE	DRAINAGE & UTILITY EASEMENT
		DE	DRAINAGE EASEMENT
		UE	UTILITY EASEMENT

SURVEYOR NOTES:  
1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.  
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.  
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**ASM**  
AMERICAN  
SURVEYING  
& MAPPING INC.

CERTIFICATION OF AUTHORIZATION NUMBER LB#6393  
3191 MAGUIRE BOULEVARD, SUITE 200  
ORLANDO, FLORIDA 32803  
(407) 428-7979  
WWW.AMERICANSURVEYINGANDMAPPING.COM

**PRELIMINARY**

JAMES W. BOLEMAN PSM# 6485

FOR  
THE  
FIRM  
DATE

Date: 7/14/14

Attn: Bruce Strait  
Engineer  
TECO Peoples Gas

Dear Mr. Strait / Mrs. Frazier:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 1870 Laurel Rd. Winter Park, FL 32789 in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at robert@lundev.com or Fax: 407-622-5863. If you have any questions, please contact 850-445-6574.

Sincerely

Name: Robert M. Hancock, Lundev  
Address: 213 W Comstock Ave. Wint  
City, State, Zip Code: Winter Park, FL 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. We have no objection to the vacation.

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

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

Signature: DEBB FRAZIER  
Print Name: DEBB FRAZIER  
Title: Sr. Admin.  
Date: 7/14/14

Date: 7/11/14

Attn: Mr. P.J. King  
Bright House Networks

Dear Mr. P.J. King:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 1870 Laurel Rd. Winter Park, FL 32789 in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at robert@lundev.com. If you have any questions, please contact 850-445-6574.

Sincerely

Name: Robert M. Hancock, Lundev  
Address: 213 W. Comstock Ave.  
City, State, Zip Code: Winter Park, FL 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. We have no objection to the vacation.

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

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

\_\_\_\_\_ 18, 22, 30

Signature: 

Print Name: P.J. KING

Title: SR. CONST. MGR.

Date: 7/15/2014



Date: 7/14/14

Mr. Phil Daniels  
Asst. Dir. Water-Wastewater  
City of Winter Park

Dear Mr. Daniels :

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 1870 Laurel Rd. Winter Park, FL 32789 in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at Robert @ wphomes.com. If you have any questions, please contact 850-445-6574

Sincerely

Name: Robert M. Hancock, Lvn Dev  
Address: 213 W Cornstock Ave.  
City, State, Zip Code: Winter Park, FL 32789

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

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

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

Additional comments: All Water + Wastewater facilities  
are located in the ROW.

Signature: E. Phillip Daniels

Print Name: E. Phillip Daniels

Title: Assistant Utility Director  
Water + Wastewater Department

Date: July 15, 2014

Date: 7/10/14

Attn: Duke Energy  
Lori Herring, Easement Specialist

Dear Mrs. Herring:

resize 20x30 to  
10x30 easement

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 1870 Laurel Rd. Winter Park, FL 32789 in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at robert@lundev.com; fax: 407-622-5863. If you have any questions, please contact 850-445-6574

Sincerely

Name: Robert M. Hancock, Lundev  
Address: 213 W. Comstock Ave.  
City, State, Zip Code: Winter Park, FL 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. We have no objection to the vacation.

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

Additional comments: Not Duke Energy service territory

Signature: Nick Brana

Print Name: NICK BRANA

Title: LAND REP-LAND SERVICES (DISTRIBUTION)

Date: 7/14/14



Date: 7/10/14

Attn: Century Link  
Steve O'Brien / Candy Crim

Dear Mr. O'Brien / Mrs. Crim:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 1870 Laurel Rd. Winter Park, FL 32789 in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at Robert C lundev.com; fax: 407-622-5863. If you have any questions, please contact 850-445-6574

Sincerely

Name: Robert M. Hancock, Lundev  
Address: 213 W. Comstock Ave.  
City, State, Zip Code: Winter Park, FL 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~~. We have no objection to the vacation.

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

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

Signature: Candy Crim

Print Name: CANDY CRIM

Title: OSP ENGINEER II

Date: 07-10-2014

Date: 7/11/14

Attn: Terry Hotard  
Asst. Director  
Electric Utility Department

Dear Mr. Hotard:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 1870 Laurel Rd. Winter Park, FL 32789 in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at robert@lunder.com. If you have any questions, please contact 850-445-6574.

Sincerely

Name: Robert M. Hancock, Lunder  
Address: 213 W. Comstock Ave.  
City, State, Zip Code: Winter Park, FL 32789

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

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

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

Additional comments: Winter Park Electric Utility has no objection to the vacation

Signature: TH

Print Name: TERRY HOTARD

Title: ASSIST. DIRECTOR

Date: 7/14/14



# city commission public hearing

item type	Public Hearing	meeting date	August 25, 2014
prepared by	Dori Stone	approved by	<input checked="" type="checkbox"/> City Manager
department	Planning & Comm. Development		<input type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A		
	final vote		
strategic objective	<input type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship		
	<input checked="" type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Public Health & Safety		
	<input type="checkbox"/> Investment in Public Assets & Infrastructure		

## subject

Second reading and adoption of a large scale Comprehensive Plan Amendment to revise the policies regarding the Planned Development land use category in the Winter Park Comprehensive Plan

## motion | recommendation

The outcome of a successful visioning process will set the tone for future development in the city. Given the importance of this process, staff would recommend the City Commission not adopt this plan amendment.

## background

On June 9, 2014, the City Commission transmitted a large-scale Comprehensive Plan Amendment to the Florida Department of Economic Opportunity (DEO) for its review and coordination with other state agencies as required by Sections 163.3184(2) and (3), Florida Statutes for consideration to revise the PD land use districts within the city's adopted Comprehensive Plan.

The policy changes included in the transmittal are as follows:

1. Combines the PD-1 and PD-2 future land use designations into one PD future land use category.
2. Eliminates the four PD candidate area maps but maintains the geographic restriction to locations adjacent to four lane roadways such as Lee Road, Fairbanks Avenue, Orange Avenue, Denning Drive and Aloma Avenue and maintains that PD future land use is not intended or permitted for use within the Central Business District or the downtown core bounded by Fairbanks, Interlachen, Webster and Pennsylvania Avenues.
3. Removes parking garage FAR from the FAR calculations.
4. Eliminates the development standards text such as minimum and maximum parcel size, the lot coverage, setbacks, green space minimums, etc.

5. Eliminates the direction as to the establishment of PD Zoning districts as these have already been adopted.

The attached pages show the transmitted Comprehensive Plan policies and the proposed ordinance as presented at the first transmittal public hearing.

The Florida DEO received the transmitted amendment package on June 30, 2014 and, after review, identified no comments by any state agency as the amendment related to their scope of review in their letter to the City dated July 30, 2014. The letter is attached outlining the city's next steps in the process.

Since the transmittal of the amendment, the City Commission has moved forward in creating and funding a city-wide visioning process. This process is anticipated to take between 9 to 12 months to complete with the intent to engage every resident in Winter Park. Given this effort and the desire to give the community an opportunity to set the city's direction for the future, staff recommends that the City Commission does not adopt the proposed amendments at this time. The benefit of the current comprehensive planning process is that the city can reconsider this issue after the visioning process is complete and direct staff to address it using the vision as the guide at a later date. If the Commission chooses to move forward with a future amendment regarding the PD land use classifications, the large-scale process would need to start again.

#### **alternatives | other considerations**

At this point, the city has three options regarding this amendment package. The city can choose to adopt, adopt with changes or not adopt the proposed amendment. Florida Statutes requires that the city take action within 180 days of the receipt of the state's letter, or the amendment will be considered withdrawn.

#### **fiscal impact**

N/A



## Exhibit A

**Policy 1-2.3.4: ~~Medium-Density~~ Planned Development (PD-1).** This land use designation includes retail businesses, restaurants, offices and residential uses within building projects permitting higher density mixed and single use. ~~This land use designation is restricted to geographic areas of the City identified in the Future Land Use Map Series — Map 1-6a, and 1-6b.~~ The maximum floor area ratio shall not exceed the percentages listed in the Maximum Future Land Use Density/ Intensity Table and as governed by the maximum number of stories permitted in the Maximum Height Map within this Future Land Use Element.

~~**Policy 1-2.3.5: High-Density Planned Development (PD-2).** This land use designation includes retail businesses, restaurants, offices and residential uses within building projects permitting higher density mixed and single use in designated areas. This land use designation is restricted to geographic areas of the City identified in the Future Land Use Map Series — Map 1-6c, and 1-6d. The maximum floor area ratio shall not exceed the percentages listed in the Maximum Future Land Use Density/ Intensity Table and as governed by the maximum number of stories permitted in the Maximum Height Map within this Future Land Use Element.~~

**Policy 1-2.3.6: Limitation on the Use of Planned Development Future Land Use.** ~~This element includes maps within the Map Series (1-6a-1-6d) which indicate the only geographic areas within the City where properties may be granted Medium-Density Planned Development and High-Density Planned Development Future Land Use designations and corresponding zoning. This element prohibits the use of the Planned Development designations, in areas of the City not identified on the Planned Development Candidate map series (1-6a — 1-6d).~~ Planned Development future land use may be considered for use only in locations adjacent to four lane roadways such as Lee Road, Fairbanks Avenue, Orange Avenue, Denning Drive and Aloma Avenue but is not intended or permitted for use within the Central Business District or the downtown core bounded by Fairbanks, Interlachen, Webster and Pennsylvania Avenues.

~~**Policy 1-2.3.7: Creation of a Planned Development Zoning District.** Within one year after adoption of this Comprehensive Plan, the City Commission shall adopt a new Planned Development Zoning District. Prior to adoption, the Planning and Zoning commission shall provide their recommendation for a Planned Development Zoning District which shall be accompanied by draft regulations to enable the recommendation. The regulations shall be proposed which address retail, office, and residential uses, appropriate open space in the district, appropriate height, scale, mass, setbacks, and density restrictions, long term maintenance of such facilities, parking, residential protection from noise, and consideration of inclusionary affordable/workforce housing. Planned Development zoning shall be limited to a maximum project size of three acres such that no monolithic out-of-scale projects may be developed. There shall be at least seventy five feet of separation between any two principal buildings on sites larger than three acres so as to insure separation between such building~~

~~projects. This element prohibits the use of the High-Density Planned Development (PD-2) future land use designation, east of and including along the Orlando Avenue corridor.~~

**Policy 1-3.2.6: Planned Development Land Use.** The City recognizes that Planned Developments, ~~on specific properties identified as Planned Development Candidates (Map 6a-6d),~~ may be appropriate if restricted to height, intensity and density compatible with the surrounding Commercial areas. The purpose of this Land Use Designation is to allow ~~create~~ zoning that will:

- ~~a. Increase the City's tax revenues by providing Class A Office, Commercial or Residential that satisfies demonstrated space needs within the City. The City encourages development of Class A Office.~~
- b. Enhance the City's gateways by providing incentive for redevelopment.
- ~~c. Substantially increase landscaping, trees and setbacks obtainable from existing Commercial/Office designations by providing not less than 25% natural pervious green space.~~
- d. Create inviting pedestrian oriented public spaces.
- e. Provide increased flexibility to the City in the consideration of unique development opportunities.

The City shall develop standards for the new Planned Development zoning code districts within the restraints of the maximum density, intensity of use and height limits specified in this Comprehensive Plan for the Planned Development Future Land Use Designations. ~~The total building lot coverage allowed for the sum of all buildings within a Planned Development is limited to 47% in Medium-Density Planned Developments and 55% in High-Density Planned Developments. Single tenant retail in excess of 65,000 square feet is prohibited. The objective of these development codes is to provide meaningful guidance for the introduction of limited increased density without adversely impacting the existing pedestrian scale and low density attributes of our historic core or nearby residential areas. Identification as Candidates for Planned Development does not create an entitlement to be approved for this Land Use Designation. All redesignations are subject to Public Hearings and Commission approval. This Planned Development Candidate designation is a test program and will be reassessed after 5 years. It is the prerogative of the City to reject a candidate or to remove a property from the list of properties to be considered, if changes in conditions warrant.~~

~~Policy 13.3.7: Creation of Two Planned Development Districts.~~ Within one year after adoption of this Comprehensive Plan, the City Commission shall adopt two new Planned Development Zoning Districts (PD1 and PD2). Prior to adoption, the Planning and Zoning Commission shall evaluate Planned Development Zoning Districts and provide draft detailed regulations to regulate the new zoning districts. Regulations shall be proposed which address at a minimum:

- ~~a. At least two levels of density/intensity for Planned Developments based on proximity to the historic core of Winter Park.~~
- ~~b. Retail, office, and residential use standards~~
- ~~c. Open space and permeable space requirements~~
- ~~d. Appropriate height, scale, mass, setbacks, lot coverage and density restrictions~~
- ~~e. Long term maintenance of such facilities~~
- ~~f. Parking~~
- ~~g. Residential protection from noise, exhaust and lighting~~
- ~~h. Landscaping~~
- ~~i. Public spaces (courtyards/gathering places)~~
- ~~j. Transportation connections to bus transit and bike trails~~
- ~~k. Egress/ingress requirements including on-site stacking~~
- ~~l. Consideration of inclusionary affordable housing~~
- ~~m. Sidewalk and streetscape enhancement~~
- ~~n. Proximity to residential zoning protections~~
- ~~o. Restrictions on use of Planned Development zoning for single tenant use~~
- ~~p. Minimum distance between Planned Developments~~
- ~~q. Transportation issues~~
- ~~r. Waste management and emergency vehicle access.~~
- ~~s. Tools for limiting mass of Planned Development individual buildings to ensure compatibility with the historic Village Character of Winter Park. At a minimum, consideration will be given to the following tools: Separation of large buildings into separate buildings, restricting wall heights at side yard setbacks, reducing heights along sensitive edges, establishing maximum wall plane lengths that reflect the traditional width of buildings along the street, and alignment of front setbacks.~~

The following minimum standards are hereby adopted to provide meaningful guidance to the

~~future development of Land Use Development regulations governing Planned Development districts;~~

- ~~a. Minimum property size eligible for PD zoning is 80,000 sq. ft.~~
- ~~b. Maximum project size eligible for PD zoning is 3 acres. (Designated candidates in excess of 3 acres shall be eligible for approval as adjacent PD or adjacent Commercial or Office designations.)~~
- ~~c. Not less than seventy-five feet of separation between any two principal PD buildings on sites larger than three acres~~
- ~~d. Not less than 25% natural pervious green space~~
- ~~e. Preference for Class A Office~~
- ~~f. Prohibition of single tenant retail in excess of 65,000 sq. ft.~~
- ~~g. Minimum setbacks to 20-30 feet from principal arterial road~~
- ~~h. Landscaping standards superior to Commercial/Office code requirements~~
- ~~i. Public spaces (including public courtyards) and 5-10 ft. wide sidewalks~~
- ~~j. Parking garages minimally visible from street or architecturally compatible with principal buildings~~

NOTE: The four maps 1-6a through 1-6d in the future land use element (shown after the table below) that are the designated the candidate areas for PD future land use are to be deleted and removed.

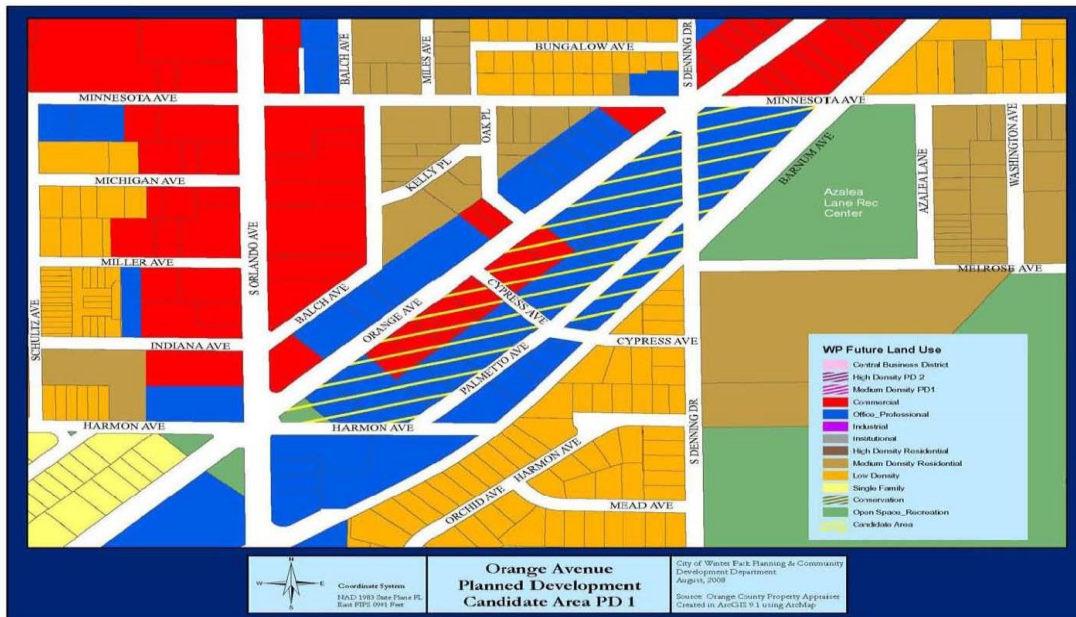


Table 3 Future Land Use Map Designation Maximum Density/ Intensity Table					
	Office	Commercial	Medium-Density PD-1	Planned Dev. High Density PD-2	C.B.D.
Density (units/ acre)	17 units/ acre	17 units/ acre	<del>17 units/ acre</del>	25 units/ acre	17 units/ acre
Intensity (FAR)					
Up to 2-3 story limit	45%*+ 60%**	45%*+ 60%**	<del>130%</del>	130%	200%
Up to 4 story limit	45%*+ 60%**	45%*+ 60%**	<del>175%</del>	200%	Not permitted
Up to 5-8 story limit	45%*+ 60%**	45%*+ 60%**	<del>N/A</del>	250%	Not permitted
<p>Note: All categories count private parking garage floor space toward FAR limits <u>except in PD</u>. Maximum number of stories is determined by the Maximum Height Map and may be further restricted by other policies of this Comprehensive Plan.</p> <p>+ The 45% FAR may be increased up to 5% if parking for the increase is entirely underground beneath the foot print of the building or if the building's upper floor(s) cantilevered over such parking or for hotel buildings.</p> <p>* For any building project exclusively commercial or office; or any mix of commercial or office uses.</p> <p>** For any building project at least 85% commercial or office on the first floor with residential units on upper floors.</p> <p>Note: This table reflects the maximum intensities that may be permitted in the underlying zoning district. The maximum intensity that will be approved on any specific site will be based on the applicable development regulations and the ability of the project to further promote the goals of the City, but is not an entitlement.</p>					

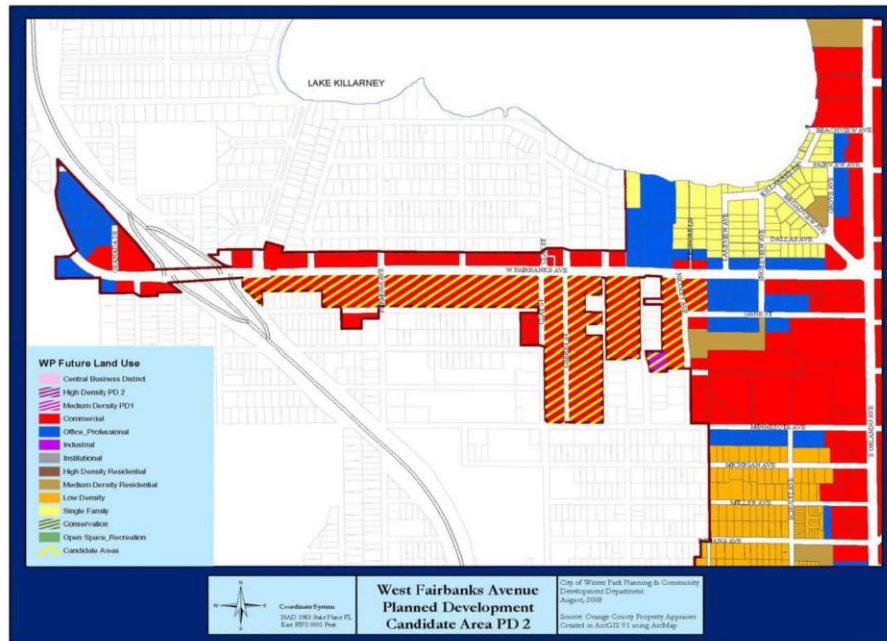
Map 1-6a, Planned Development Candidate Area PD1: East Fairbanks Avenue



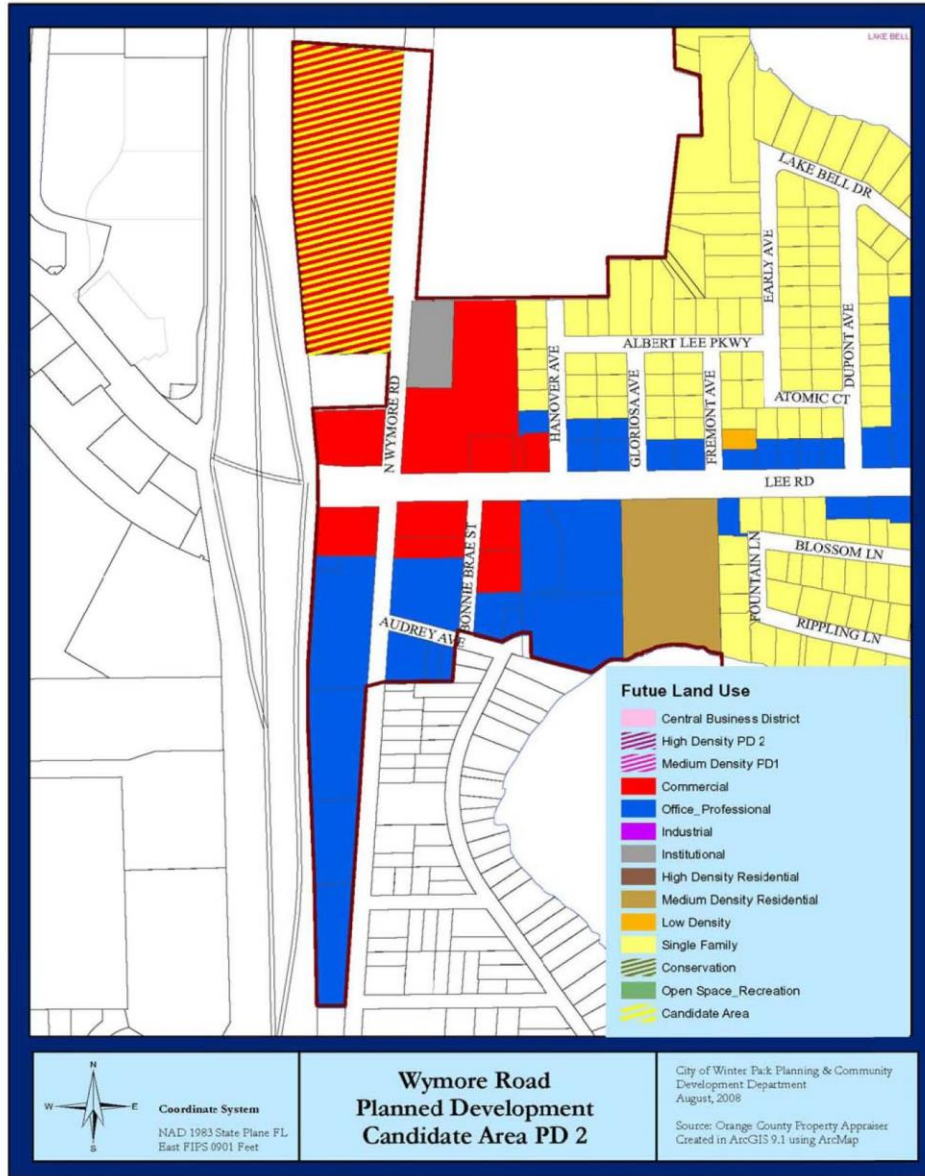
Map 1-6b, Planned Development Candidate Area PD1: Orange Avenue



Map 1-6c, Planned Development Candidate Area PD2: West Fairbanks Avenue



Map 1-6d, Planned Development Candidate Area PD2: Wymore



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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT RELATED TO THE PLANNED DEVELOPMENT FUTURE LAND USE DESIGNATIONS; COMBINING THE PD-1 AND PD-2 FUTURE LAND USE DESIGNATIONS, DELETING THE MAPS INDICATING THE CANDIDATE AREAS FOR PLANNED DEVELOPMENT FUTURE LAND USE AND DELETING THE PARAMETERS FOR THE CREATION AND ESTABLISHMENT OF PLANNED DEVELOPMENT ZONING DISTRICTS AND OTHER POLICY TEXT RELATING TO PLANNED DEVELOPMENT FUTURE LAND USE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Commission desires an amendment to the Comprehensive Plan in order to provide clarification on the use of properties when limited to parking uses, 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 April 8, 2014, 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 at which the City Commission has provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan", is hereby amended to revise within the Future Land Use Element so as to revise Policy 1-2.3.4; Policy 1-2.3.5; Policy 1.2.3.6 and 1.3.2.6 and to revise Table 3 and to delete and remove Policy 1-2.3.7; Policy 1-2.3.7 and the Maps 6 (a), 6 (b), 6(c) and 6(d) as shown and to read as follows:



**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 of Ordinance.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by the adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk



**Rick Scott**  
GOVERNOR



**Jesse Panuccio**  
EXECUTIVE DIRECTOR

July 30, 2014

The Honorable Kenneth Bradley  
Mayor, City of Winter Park  
401 Park Avenue South  
Winter Park, Florida 32789

Dear Mayor Bradley:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Winter Park (Amendment No. 14-2ESR), which we received on June 30, 2014. We reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Ashley Porter at (850) 717-8502, or by email at [Ashley.Porter@deo.myflorida.com](mailto:Ashley.Porter@deo.myflorida.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Richmond'.

Ana Richmond, Chief  
Bureau of Community Planning

AR/ap

Enclosure(s): Procedures for Adoption

cc: Jeff Briggs, Planning Manager, City of Winter Park  
Hugh Harling, Executive Director, East Central Florida Regional Planning Council

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## SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

### FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ Department of Economic Opportunity identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

\_\_\_\_\_ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.



# city commission public hearing

item type	Public Hearing	meeting date	August 25, 2014
prepared by department division	George Wiggins Code Enforcement Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-0 final vote

## **Subject: Ordinance for Shallow Lots and other Residential Zoning Code Updates.**

This agenda item requests City Commission approval for a proposed ordinance to provide appropriate rear and front setbacks to single family residential lots that are unusually shallow in lot depth. In addition, four other minor items are addressed to clarify and refine single family zoning rules for garages, articulation, elimination of an unneeded deed restriction requirement and correction of an error in the R-2 Zoning District.

## **Planning and Zoning Board Recommendation:**

**Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the proposed changes to Section 58-65, 58-66, 58-67 and 58-71 of the Land Development Code. Motion carried unanimously with a 6-0 vote.**

## **Summary:**

The shallow lot depth setback issue recently came to the attention of the Board of Adjustments over a variance request asking for relief from the rear setback and front setback for a home which has a lot depth of 84 feet. Implementing our required rear setbacks of 25 feet to the first floor and 35 feet to the second floor plus meeting the required established front setback left a very small buildable area for a modest two story home with very little opportunity to provide any architectural design flexibility.

Smaller rear setbacks are already allowed in the Zoning Code for single family zoned lots located in 5 blocks bounded by Denning Drive, New England Avenue, Lyman Avenue and Pennsylvania Avenue where lot depths are only 70 feet. In this area, a 10 foot rear setback is permitted for one story and a 25 foot setback is permitted for a two story building. The proposed code change will address the need for special reduced rear setbacks globally for all single family zoned lots citywide instead of only allowing these setbacks in the 5 blocks delineated above. This should have been done previously, however, I believe we wanted to see how the reduced rear setbacks would work in this one area of the City before implementing the changes in all single family districts.

In viewing properties in single family neighborhoods throughout the City it appears that it makes sense to have allow the smaller setback at the two different lot depths: 75 feet and 105 feet. There are approximately 100 lots that have 75 foot lot depths or less mostly in the west side area, and there are approximately 150 lots that have lot depths of 105 feet or less located

on the area east of Winter Park Road near Corrine Drive (annexed into the City around 15 years ago), several in the west side area and in a few other locations as well. Both of these lot sizes deserve special consideration, particularly since, the City originally only required a rear setback of 10 feet to both floors of a new home until approximately early 1990's when we implemented stricter floor area ratio requirements and other provisions directed toward limiting the mass and scale of homes being built in established neighborhoods.

For lots which have a lot depth of 75 feet or less, the Ordinance proposes allowing a first floor rear setback of 10 feet, a second floor setback of 25 feet. For lots which have a lot depth of 105 feet or less, the Ordinance proposes allowing a first floor rear setback of 15 feet and second floor setback of 30 feet. As already established in the Code, the front setback is determined by averaging the two adjacent homes on each side of a residential property undergoing redevelopment.

Other items addressed:

- 1) Removal of deed restriction requirement when excluding the areas of open front porches, or screened rear and side porches:** This was originally required to prevent the enclosure of porches on new homes that had excluded those floor areas from the overall gross floor area of the home. After having this in place for over ten years, we have found this to be a meaningless tool because anyone that proposes to enclose a porch must submit plans and obtain a building permit. Realizing that these enclosures can occur without obtaining a building permit, in most cases we find this out through a report of building activity without a permit. When the permit request comes in then the applicant must prove they can still meet our floor area ratio requirement in order to enclose the porch and our plan reviewer will also verify code compliance on each request. We have never had a case where an unauthorized porch enclosure was identified through the use of the recorded deed restriction.
- 2) Adding allowance for a third garage bay under certain conditions:** This came to our attention recently with a plan submitted for permitting in which a third garage bay that was significantly stepped back appears to not be offensive architectural and does not line up directly with the other two garage doors. For new homes, in order to have a front facing garage the doors must be no wider than 9 feet, which helps to break up the mass of the home. Having a third stepped back door with a similar size limitation seems to accomplish breaking up the mass also.
- 3) Side wall articulation clarification:** The code language allowing use of chimneys, imitation chimney or bay windows to accomplish articulation needed to be made clear that these are the only features that can be used which project into the side setback.
- 4) Correction of error in R-2 Zoning District:** When these provisions were adopted the impervious coverage requirement for a detached dwelling was intended to be 65% which is the same as for duplexes and cluster housing because of the greater density allowed in this District versus a single family zoned district. It does not make sense to penalize someone wanting to construct a single family dwelling in this District by requiring stricter impervious coverage than the duplex or cluster housing units that can be built next door.



**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AMENDING SECTION 58-71 "GENERAL PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS SO AS TO ESTABLISH REAR SETBACKS FOR SINGLE FAMILY RESIDENTIAL PROPERTIES WITH SHALLOW LOT DEPTHS, SECTION 58-67 "LOW DENSITY RESIDENTIAL (R-2) DISTRICT" TO CORRECT A SINGLE FAMILY DWELLING COVERAGE ERROR AND MODIFY CERTAIN MISCELLANEOUS RESIDENTIAL PROVISIONS IN SECTIONS 58-65 & 58-66; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances Section 58-65 "R-1AAA Lakefront district" subsection (f)(1)(h) and Section 58-66 "R-1A & R-1AA district" subsection (f)(1)(h) is amended to read as follows:

(f)Site and building improvement regulations.

(1)Floor area ratio.

h. The area within an open street front porch and entry may be excluded from the "gross floor area," subject to the limitations in this paragraph. This exclusion shall be limited to a maximum area of 400 square feet. The area on the first floor within an open or screened rear or open side porch, lanai, porte cochere or other covered area shall not be included within the "gross floor area." This exclusion shall be limited to a maximum area of 500 square feet. On the second floor, rear or side porches must have exterior sides that are 75 percent open in order to utilize up to 300 square feet of the total allowable 500 square feet of excludable gross floor area. ~~Properties utilizing this exemption shall record a deed covenant outlining the restrictions precluding the screening or enclosing of such porch or entry.~~ An open front porch, entry area or porte cochere utilizing this exemption shall also comply with the provisions in subsection 58-65(f)(5)c.

**SECTION 2 .** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances Section 58-66 "R-1A & R-1AA district" subsection (f)(1)(h) is amended to read as follows:

(f)(7) [See Section 58-66(f)(9) for special reduced rear and front setbacks on certain lots with shallow depths of 105 feet or less.]

(f)(9) a. Lots with shallow lot depth. Lots with average depth of 75 feet or less may utilize a ten (10) foot rear setback to a one-story structure and a 25 foot rear setback to the two-story portion of any building. Properties with an average lot depth of 105 feet or less may utilize a fifteen (15) foot rear setback to a one-story structure and a thirty (30) foot rear setback to the two-story portion of any building. Any front facing garage opening must be set back at least 20 feet.

[Note: Existing Paragraphs “a” through “c” remain and shall be re-lettered “b” through “d”.]

**SECTION 3.** That Chapter 58 “Land Development Code”, Article III “Zoning” of the Code of Ordinances Section 58-65 “R-1AAA Lakefront district” subsection (f)(8) and Section 58-66 “R-1A & R-1AA district” subsection (f)(8) is amended by to read as follows:

(8) Side wall articulation. Each side wall shall provide architectural articulation by stepping the wall plane in or out by at least two feet when the side wall plane and side roof line extend more than 36 feet along the side lot line. The articulation must be provided on one-story walls, on both floors for two-story-high walls, and on the first floor of two-story homes where the second floor is set back from the first floor by at least two feet and includes roof articulation unless the omission of roof line articulation is critical to maintain the architectural style of the home. The inset or projection must extend a distance of at least six feet along the side property line and may continue for another 36 feet of wall length before repeating the articulation. Projections designed to accomplish this articulation requirement must meet the required side setback. The minimum inset or projection is two feet. ~~Other architectural features that project, such as~~ Bay windows, chimneys or imitation chimneys up to eight feet wide may be utilized to accomplish articulation and may extend up to two feet into the required side setback except where the permitted side setback is six feet. See subsection 58-71(g) for additional chimney setback allowance.

**SECTION 4.** That Chapter 58 “Land Development Code”, Article III “Zoning” of the Code of Ordinances is hereby amended and modified by adding to Sections 58-67 “Low density residential (R-2) district” a new subsection (f)(1) to read as follows:

**Section 58- 67. Low density residential (R-2) district.**

(f) *General development standards:*

(1)*Part 1, for properties over 65 feet in width:*

	Single Family detached
Max. impervious coverage	50% <u>65%</u>

*[Note to Municode: The only change in the table is to increase the max. impervious coverage for single family detached dwellings from 50% to 65%.]*

**SECTION 5.** That Chapter 58 “Land Development Code”, Article III “Zoning” of the Code of Ordinances Section 58-71 “General provisions for residential zoning districts” Subsections (i)(3) and (w) is hereby amended and modified as follows including deleting the text of subsection (w) and re-lettering remaining subsections within Section 58-7 to (w) through (jj):

**Section 58-71. General provisions for residential zoning districts.**

(3)Garages and carports for single-family dwellings on any lot and two-family dwellings on lots over 65 feet wide:

a.Front-facing garages must meet one of the following design standards:

1.The front wall of the garage must be located at least two feet behind or at least two feet in front of the main wall of the home with a maximum of two doors no greater than 9 feet, wide with the garage door face recessed at least six inches from the plane of garage wall. For an existing home undergoing a remodel or enclosing a carport, one garage door may be permitted up to 18 feet wide with architectural design features such as glazing, hardware and raised panels integrated into the door or other finish matching primary structure.

2.The garage wall face must be set back at least four feet behind the front building wall.

3.The garage must have a side entry or be located at the rear of the property behind the main dwelling.

4. A third front facing garage bay with a maximum door width of 9 feet if recessed back at least 4 feet from the adjacent front wall is permitted under #2 or #3 above.

~~(w) Lots with shallow depth. The platted lots within blocks 46 through 53 of the Town of Winter Park subdivision or any other lot with an average a lot depth of 70 feet or less shall be enabled to utilize a ten (10) foot in lieu of the 25-foot rear setback given the unusual shallow depth of these platted lots, provided the overall building height does not exceed one story within the typical 25-foot rear setback area.~~

**SECTION 6.** All ordinances or portions or ordinances in conflict herewith are hereby repealed, any part of this ordinance declared to be unlawful by any court shall not constitute repeal of the remainder of the ordinance.

**SECTION 7.** This ordinance shall become effective immediately upon adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Mayor Kenneth W. Bradley

ATTEST:

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City Clerk Cynthia S. Bonham

## **August 5, 2014 P&Z minutes:**

**REQUEST OF THE CITY OF WINTER PARK FOR:** AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AMENDING SECTION 58-71 "GENERAL PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS SO AS TO ESTABLISH REAR AND FRONT SETBACKS FOR SINGLE FAMILY RESIDENTIAL PROPERTIES WITH SHALLOW LOT DEPTHS, SECTION 58-67 "LOW DENSITY RESIDENTIAL (R-2) DISTRICT" TO CORRECT A SINGLE FAMILY DWELLING COVERAGE ERROR AND MODIFY CERTAIN MISCELLANEOUS RESIDENTIAL PROVISIONS IN SECTIONS 58-65 & 58-66; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

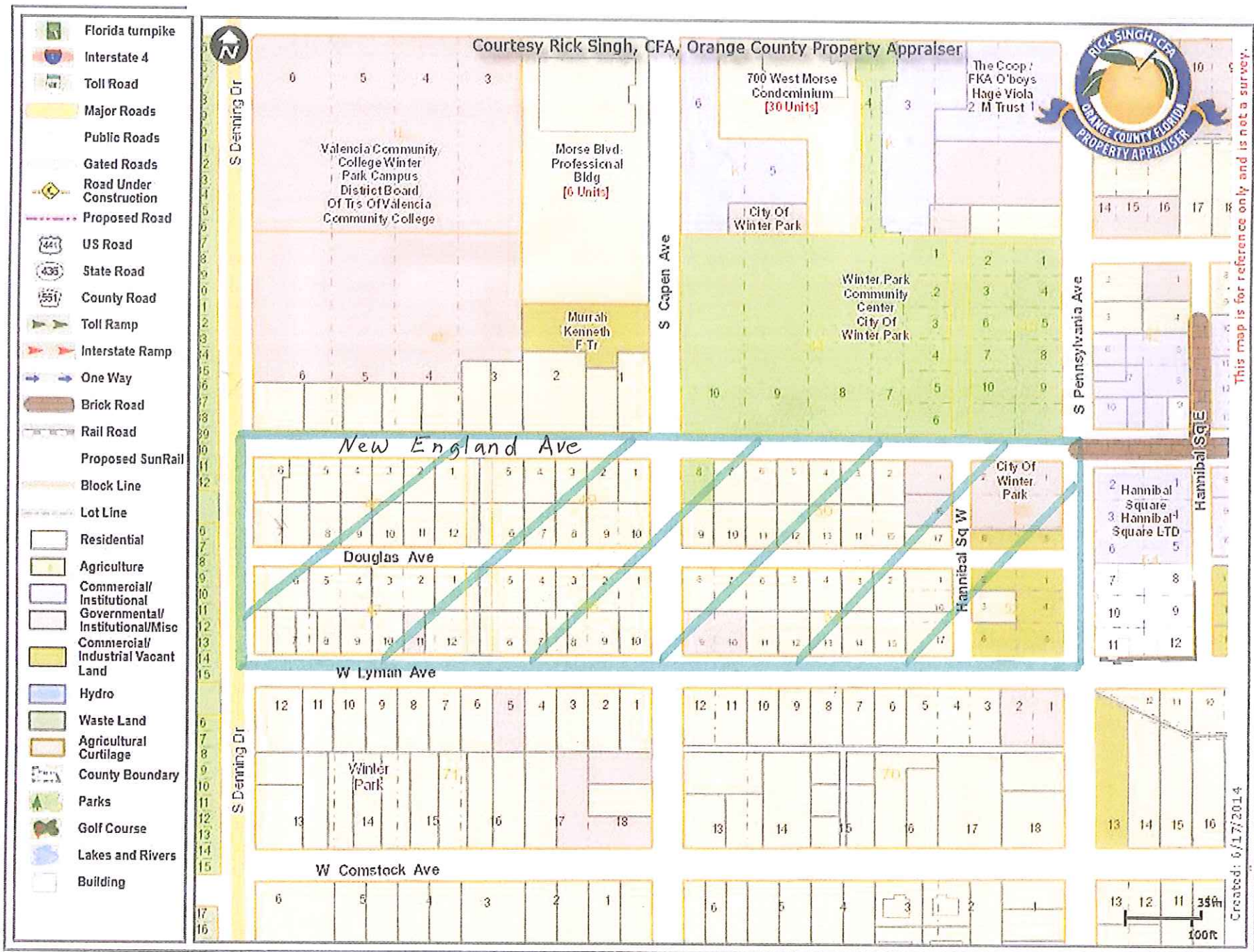
Building Official George Wiggins presented this item to the Board. He explained that the proposed ordinance provides appropriate rear and front setbacks to single family residential lots that are unusually shallow in depth. He presented examples of neighbors that contain such lots. He said that four other minor items are addressed to clarify and refine single family zoning rules for garages and articulation, elimination of an unneeded deed restriction requirement and correction of an error in the R-2 zoning district. Mr. Wiggins reviewed the proposed changes to the regulations in-depth, and responded to Board member questions and concerns. Staff recommended approval of the proposed changes.

Jim Lucia, 1218 Alabama Drive, (architect) spoke concerning the proposed changes. He said that he feels that they a good balance of scale, proportion and use of material. No one else wished to speak concerning the item. He thanked the City and Mr. Wiggins for involving local architects and builders every time a single family zoning change is proposed. Public Hearing closed.

Mr. Hahn stated that he fully supports what has been proposed and that staff has done a good job with the language clean-up. There was consensus from the other Board members of approval.

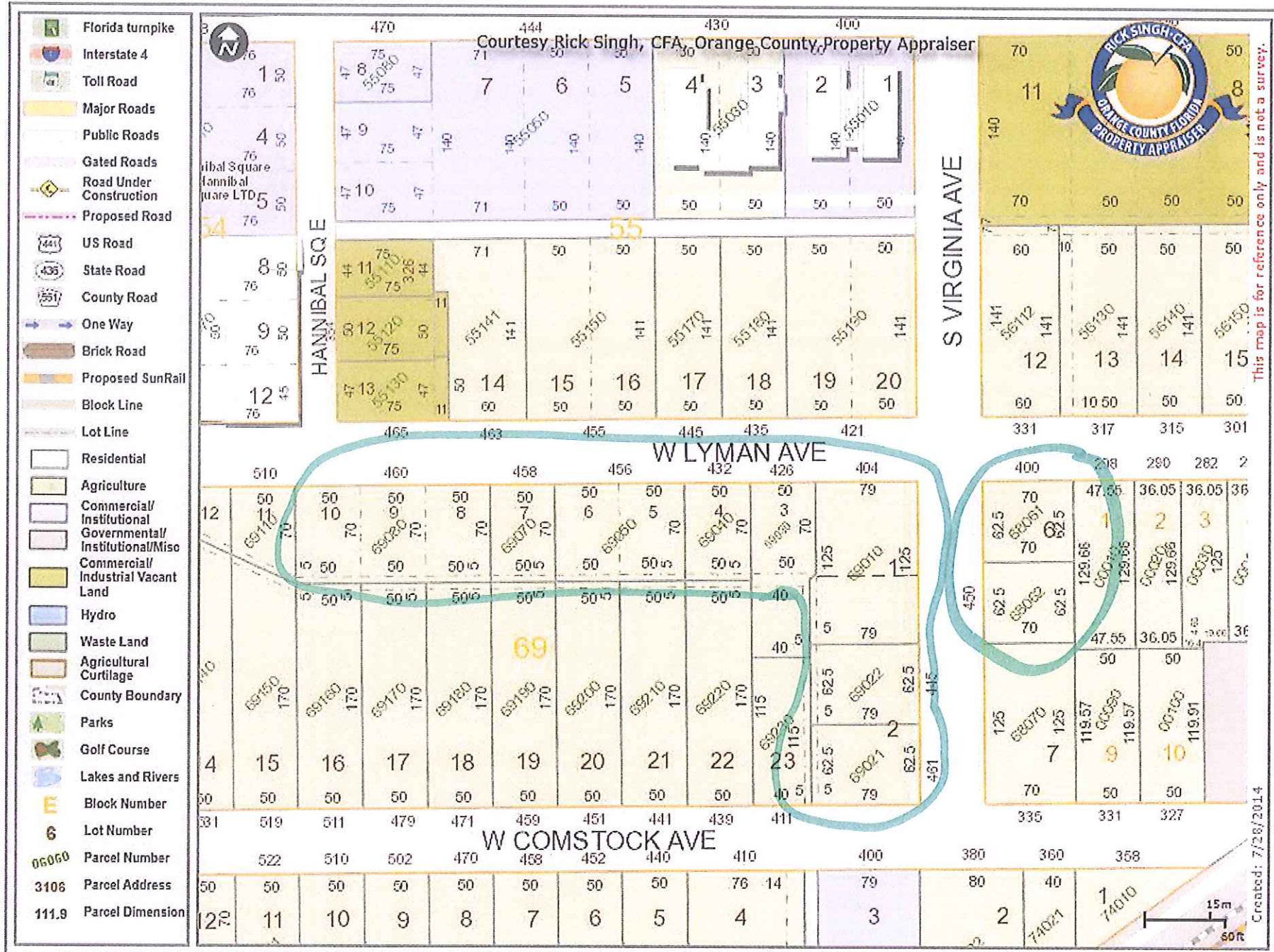
**Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the proposed changes to Section 58-65, 58-66, 58-67 and 58-71 of the Land Development Code. Motion carried unanimously with a 6-0 vote.**

## CURRENT AREA WITH SPECIAL REAR SETBACKS

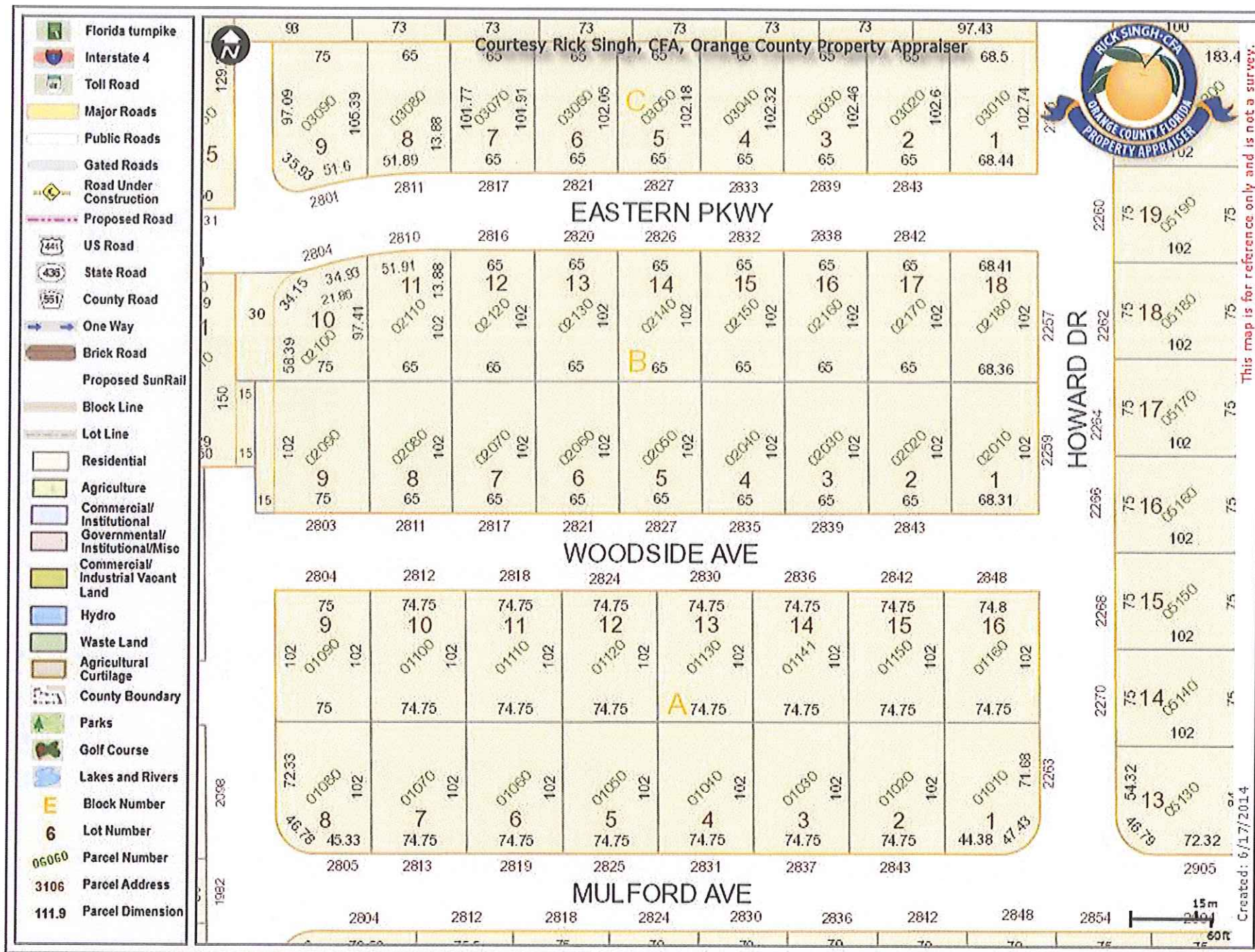




### Examples Of areas with shallow lot depths

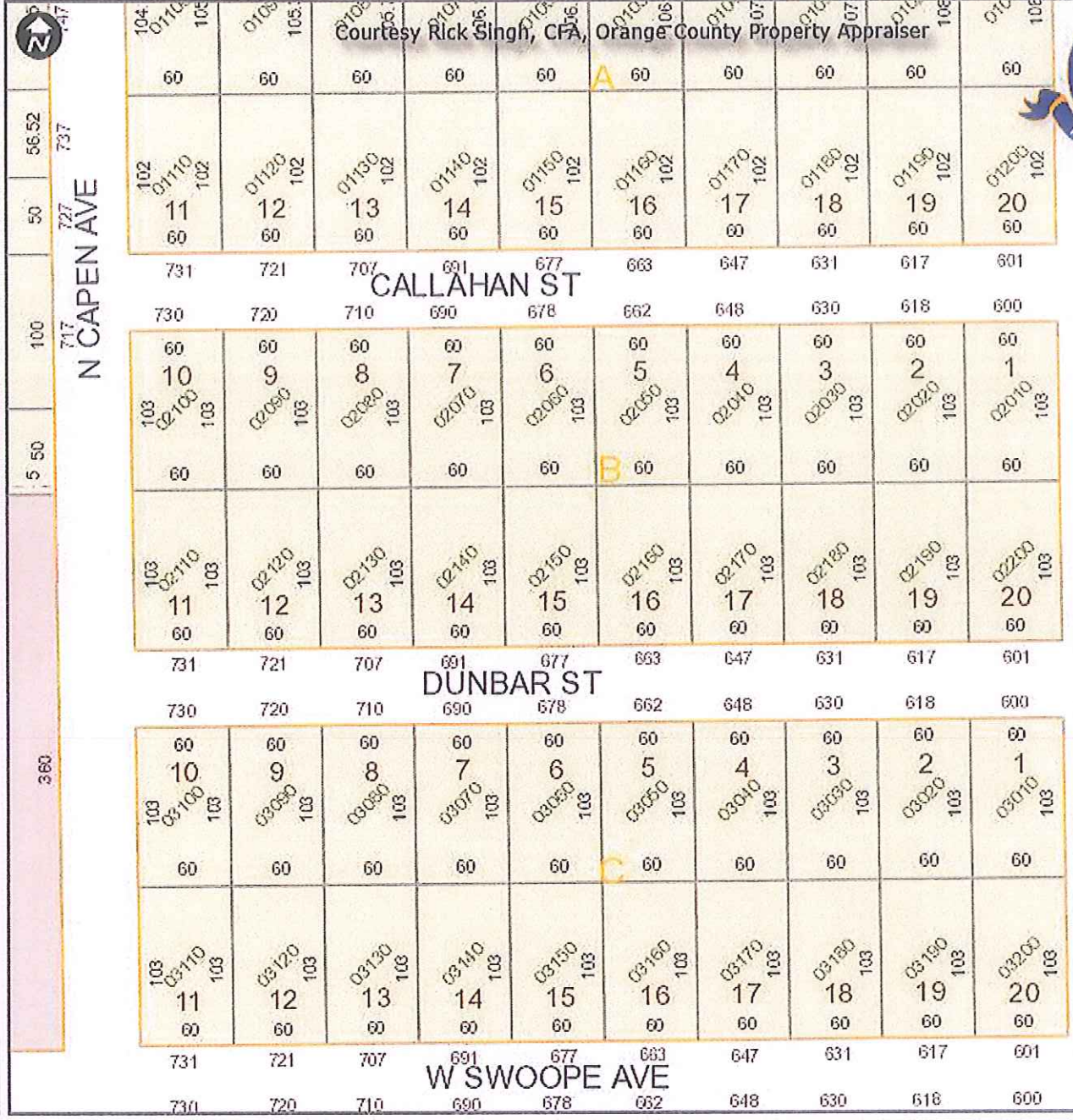








- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- One Way
- Brick Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Institutional/Miso
- Commercial/Industrial Vacant Land
- Hydro
- Waste Land
- Agricultural Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Block Number
- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimension



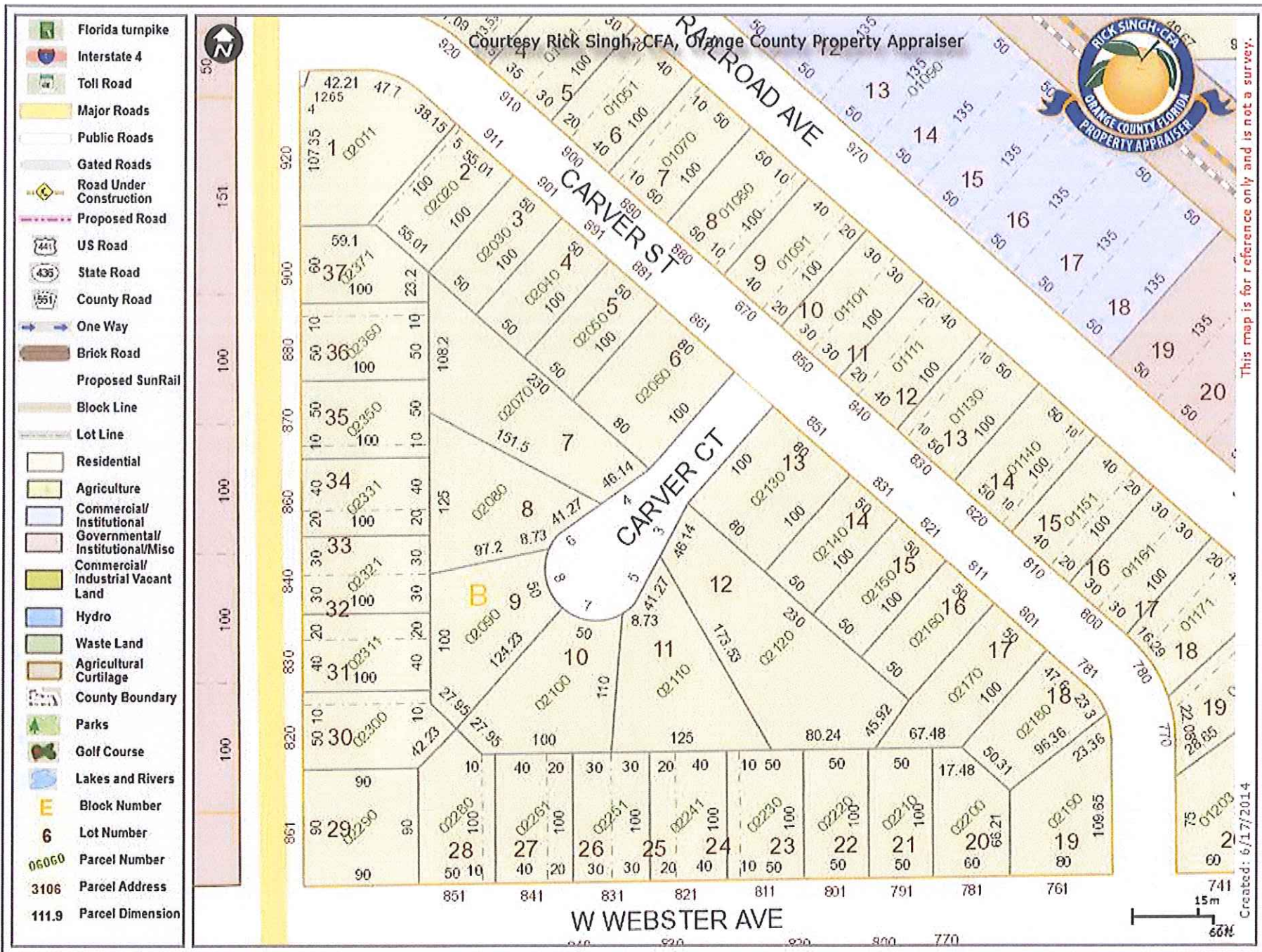
Railroad Avenue Apartments  
City Of Winter Park  
[30 Apts]



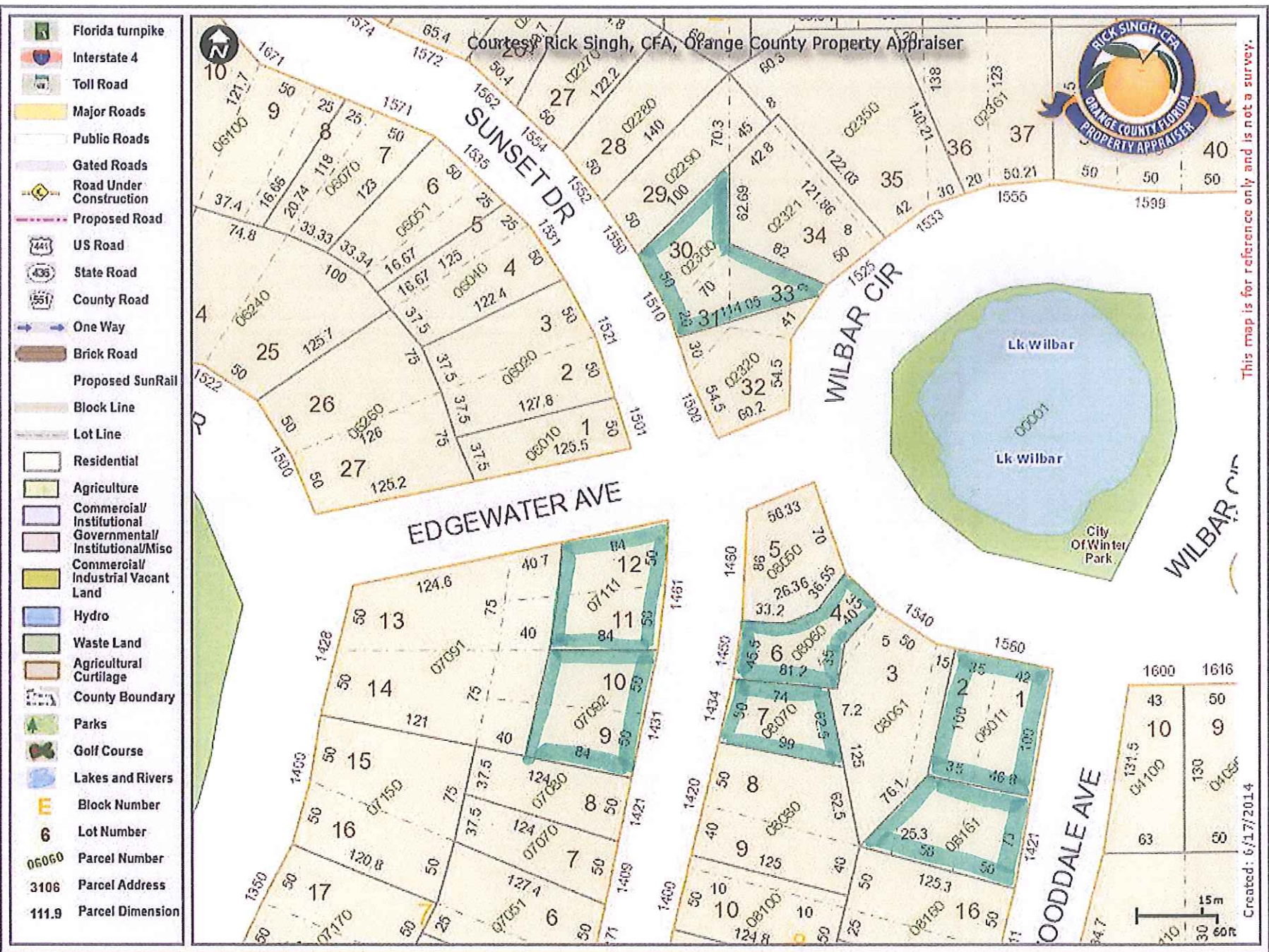
This map is for reference only and is not a survey.

Created: 6/17/2014

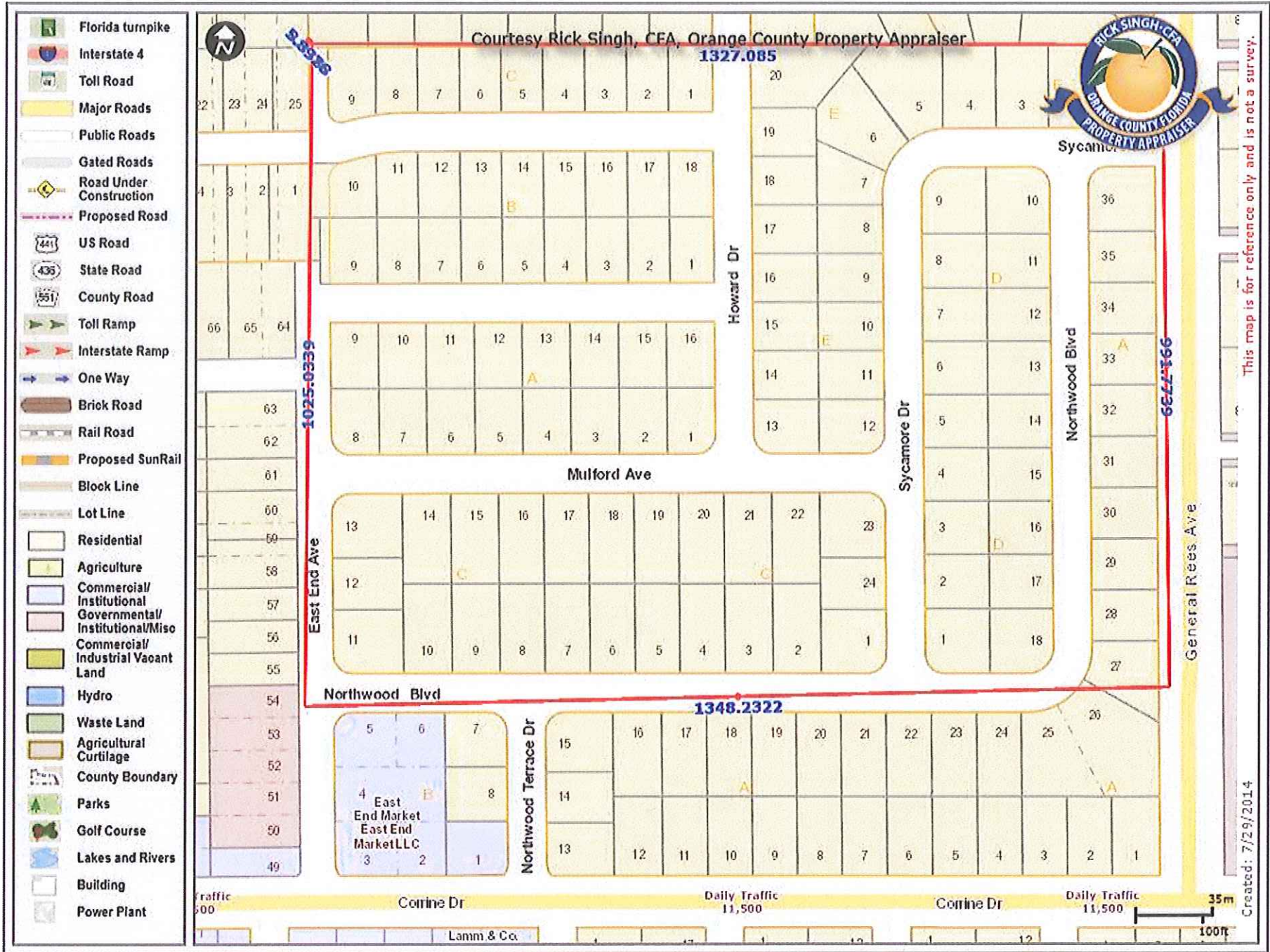














# city commission public hearing

item type	Public Hearing	meeting date	August 25, 2014
prepared by	Larry Brown	approved by	<input checked="" type="checkbox"/> City Manager
department	City Administration		<input checked="" type="checkbox"/> City Attorney
division	Legal Services		<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> N/A final vote		
strategic objective	<input type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship		
	<input type="checkbox"/> Intelligent Growth & Development <input checked="" type="checkbox"/> Public Health & Safety		
	<input type="checkbox"/> Investment in Public Assets & Infrastructure		

**subject** Amendment to Loitering Ordinance No. 2886-12

## **motion | recommendation**

Recommend approval and adoption of amended City Ordinance

## **background**

The City Commission previously enacted Ordinance 2886-12 on September 24, 2012, to address the problem of targeted picketing that was occurring outside the residences of citizens within the City of Winter Park. This Ordinance created a new Section 62-79, which defined targeted picketing and prohibited that activity within a 50 foot buffer zone surrounding the dwelling unit of any person who was the subject of the targeted picketing.

An additional part of that Ordinance expanded the prohibition against loitering that already existed in Section 62-77 of the City Code to prohibit loitering before or about a dwelling unit at which the resident placed a "No Loitering" sign and within the newly established 50 foot buffer zone described in Section 62-79. Several individuals brought a lawsuit challenging the City's new Ordinance, and the Ordinance was upheld by the trial court. The individuals then appealed the case to the 11<sup>th</sup> Circuit Court of Appeal, which also upheld those portions of the Ordinance prohibiting targeted picketing. The 11<sup>th</sup> Circuit expressed doubt that the addition to Section 62-77 regarding loitering would be constitutional, because it might allow private citizens to restrict speech beyond targeted picketing on a public sidewalk, merely by placing a "No Loitering" sign at their property. The prior version of 62-77 allowed a citizen to post a no loitering sign on his or her property, and the language regarding loitering was intended to make the "no-picketing" section consistent with section 62-77.

## **alternatives | other considerations**

None – Ordinance amended as a result of an appellate court decision

**fiscal impact** None



ORDINANCE NO.: \_\_\_\_\_

**AN ORDINANCE AMENDING OFFENSE OF LOITERING WITHIN THE CITY OF WINTER PARK; AMENDING DIVISION 1, OF ARTICLE IV, OF CHAPTER 62, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CITY CODE, SECTION 62-77, LOITERING - GENERALLY; PROVIDING FOR CONFLICTS; CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, on September 24, 2012, the City Commission of the City of Winter Park enacted Ordinance 2688-12, prohibiting targeted picketing of a residence, and as part of such enactment, added an additional section to the ordinance prohibiting loitering that allowed a person regularly residing at a dwelling unit to post a "no loitering" sign at the residence, and after the posting of such sign, an officer of the City could enforce the no loitering provision against anyone who loiters, stands, sits, or lies before or about a dwelling unit on which property the "no loitering" sign is posted, or remains on public property within a "buffer area" as defined in Section 62-79, of fifty (50) feet from the property line of such residence; and

**WHEREAS**, on March 20, 2014, the 11<sup>th</sup> Circuit Court of Appeal issued an opinion entitled *Bell v. City of Winter Park*, Case No. 13-11499, expressing doubt as to the constitutionality of the above-described amendment to the loitering ordinance, as it would allow a private citizen to control speech within a buffer zone located within a traditional public forum; and

**WHEREAS**, the City Commission of the City of Winter Park has determined that it is advisable and in the public interest to amend the loitering ordinance in accordance with the above-referenced opinion of the 11<sup>th</sup> Circuit Court of Appeal; and

**WHEREAS**, the City Commission of the City of Winter Park finds that this ordinance promotes the general welfare of the citizens of the City of Winter Park; and

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

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

**SECTION 1. AMENDMENT OF SECTION 62-77.** Chapter 62, Offenses and Miscellaneous Provisions, Article IV, Section 62-77 is hereby amended to read as follows:

## **Sec. 62-77. Loitering—Generally.**

It shall be unlawful for any person, after first being warned by a law enforcement officer, or where a "no loitering" sign has been posted, to loiter, stand, sit or lie in or upon any public or quasipublic sidewalk, street, curb, crosswalk, walkway area, mall or that portion of private property utilized for public use so as to unreasonably hinder or obstruct the free passage of pedestrians or vehicles thereon nor shall any person block or obstruct or prevent the free access to the entrance to any building open to the public. ~~A person regularly residing in a "dwelling unit", as that term is defined in section 62-79, may post a "no loitering" sign on the property of such residence in which the person regularly resides, and an officer of the city may enforce this section against any person remaining in a public area, including a park, sidewalk, street, public right-of-way, after the sign is posted, who loiters, stands, sits or lies before or about the dwelling unit on which property the "no loitering" sign is posted, or remains on public property within a buffer area as defined in section 62-79, of 50 feet from the property line of such residence.~~

~~These provisions supplement other provisions of the Municipal Code. The provisions of this section supplement other provisions of law and the Municipal Code, including section 62-79, that protect the public order and safety, including, but not limited to, those provisions of law prohibiting obstruction or interference with passage on a public right-of-way, sidewalk or street, and those laws that prohibit trespass, assault, battery, destruction of property or other injury to person or property.~~

**SECTION 2. CONFLICTS.** All ordinance or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 3. CODIFICATION.** This ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

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

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

**ADOPTED** by the City Commission of the City of Winter Park, Florida, in a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

ATTEST:

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