



# city commission agenda

## Regular Meeting

October 13, 2014  
3:30 p.m.  
Commission Chambers

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

## welcome

Welcome to the City of Winter Park City Commission meeting. The agenda for regularly scheduled Commission meetings is posted in City Hall the Tuesday before the meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's Web site at [www.cityofwinterpark.org](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 Electric Director Jerry Warren Pledge of Allegiance	
3	Approval of Agenda	
4	Mayor's Report	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Board appointment – Public Art Advisory Board (to replace a member who resigned)	1 minute

<b>5</b>	<b>City Manager's Report</b>	<b>*Projected Time</b> <b>*Subject to change</b>
<b>6</b>	<b>City Attorney's Report</b>	<b>*Projected Time</b> <b>*Subject to change</b>
<b>7</b>	<b>Non-Action Items</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. <a href="#">Financial Report – August 2014</a>	10 minutes
<b>8</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>9</b>	<b>Consent Agenda</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. <a href="#">Approve the minutes of September 22, 2014.</a> b. <a href="#">Approve the changes to the Purchasing Policy.</a> c. <a href="#">Approve the following purchases, contracts, and formal solicitation:</a> <ol style="list-style-type: none"> <li><a href="#">Blanket Purchase Order to ENCO Utility Services for electric utility undergrounding; \$185,000.</a></li> <li><a href="#">Blanket Purchase Order to Heart Utilities for electric utility undergrounding; \$225,000.</a></li> <li><a href="#">After the fact change order request (increase to blanket purchase order) to Seminole Electric Bulk Power for FY14 August and September invoices for bulk power; \$1,400,000.</a></li> <li><a href="#">Blanket Purchase Order to Brown and Brown Insurance Agency for insurance coverage and agency fee; \$751,153.00.</a></li> <li><a href="#">Blanket Purchase Order to De Young Law Firm for legal services; \$50,000.</a></li> <li><a href="#">Blanket Purchase Order to GATSO USA, Inc. for red light safety enforcement, RFP-13-2009; \$441,600.</a></li> <li><a href="#">Blanket Purchase Order to Motorola Solutions for system monitoring and preventative maintenance for Astro P25 radio system; \$51,825.96.</a></li> <li><a href="#">Blanket Purchase Order to Waste Pro of Florida for residential curbside service, RFP-6-2009; \$2,200,000.</a></li> <li><a href="#">Blanket Purchase Order to Air Liquide Industrial Company for liquid oxygen for water treatment facilities; \$150,000.</a></li> <li><a href="#">Blanket Purchase Order and any subsequent charges to City of Orlando for FY15 sanitary sewer charges for McLeod/Asbury; \$385,000.</a></li> <li><a href="#">Blanket Purchase Order and any subsequent charges to City of Orlando for FY15 sanitary sewer charges for Iron Bridge; \$1,850,000.</a></li> <li><a href="#">Blanket Purchase Order to Stephen's Technology for FY15 trenchless repairs to sanitary sewer mains; \$185,000.</a></li> </ol>	5 minutes

13. Blanket Purchase Order and any subsequent charges to South Seminole North Orange County Wastewater Transmission Authority (SSNOCWTA) for FY15 operation & maintenance; and depreciation; \$600,000.
  14. Blanket Purchase Order to Layne Inliner for FY15 sewer line rehabilitation cleaning and video recording, \$600,000.
  15. Blanket Purchase Order to Perma-Liner Industries, Inc. for FY15 trenchless repairs to sanitary sewer lateral, \$100,000.
  16. Blanket Purchase Order to Odyssey Manufacturing Company for FY15 12.5% sodium hypochlorite for water & wastewater treatment facilities; \$160,000.
  17. Blanket Purchase Order to Duval Asphalt for E-Z street cold asphalt; \$50,000.
  18. Amendment 4 for Emergency Debris Management Services with Ceres Environmental Services, Inc. (RFP-16-2010); and authorize the Mayor to execute Amendment 4 (no fiscal impact unless emergency declaration is declared).
  19. Award to Central Florida Environmental Corporation (IFB-24-2014) for Lake Forest Stormwater Retention Pond Project; authorize the Mayor to execute the contract and approve subsequent purchase order; (60% from FDEP 319 Grant Agreement GO354; grant funding of \$225,073.56; and City stormwater fee funding of \$150,049.04).
- d. Approve the FY 2015 budget amendment to fund the visioning study.

10 Action Items Requiring Discussion	*Projected Time *Subject to change
No action items.	
11 Public Hearings	*Projected Time *Subject to change
a. <b>Ordinance</b> – Vacating and abandoning the utility easement at 716 Kiwi Circle (2)	5 minutes
b. <u>Request of UP Fieldgate US Investments – Winter Park LLC:</u> <ul style="list-style-type: none"> <li>- Final conditional use approval to redevelop the former Corporate Square and Winter Park Dodge properties with a 40,000 square foot Whole Foods Grocery and a 36,000 square foot retail building with three outparcel development sites on the properties at 1000/1050 N. Orlando Avenue, 1160 Galloway Drive and 967 Cherokee Avenue</li> <li>- <b>Ordinance</b> – Vacating and abandoning the portions of Galloway Drive and Friends Avenue within the proposed Whole Foods development project (2)</li> </ul>	30 minutes
c. <b>Ordinance</b> – Supplementing Ordinance 2953-14 authorizing the issuance of not exceeding \$16,000,000 electric revenue bonds to finance the refunding of a portion of the outstanding Electric Revenue Bonds, Series 2005A (1)	10 minutes

d. <b>Ordinance</b> – Removing the requirement for supermajority votes for the approval of certain conditional uses (1)	15 minutes
e. <b>Ordinance</b> – Regulating medical marijuana treatment centers (1)	15 minutes
f. <b>Resolution</b> – Approving an amended and restated Development Order for the Ravaudage Development	60 minutes

## 12 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."

## Cindy Bonham

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**From:** Cindy Bonham  
**Sent:** Monday, September 22, 2014 8:52 AM  
**To:** Cindy Bonham  
**Subject:** Citizen Board Application - Susan Battaglia PAAB

**From:** Susan Battaglia [<mailto:no-reply@cityofwinterpark.org>]  
**Sent:** Thursday, September 18, 2014 12:31 PM  
**To:** Cindy Bonham  
**Subject:** New submission from Citizen Board Application

### Contact Information

#### Name

Susan Battaglia

#### Email

[susanbatt@cfl.rr.com](mailto:susanbatt@cfl.rr.com)

#### Home Address

1466 Alabama Drive  
Winter Park, Florida 32789  
United States  
[Map It](#)

#### Business Address

Florida  
United States  
[Map It](#)

### Your Requested Board(s)

#### Board 1

Public Art Advisory Board

#### Skills

Previous experience as PAAB member.

#### Board 2

- Select one -

#### Board 3

- Select one -

### Your Details

#### Are you a registered voter?

Yes

#### Are you a resident of the city?

Yes

#### Do you own property in the city?

Yes

**Are you employed by the city?**

No

**May we automatically submit your application when vacancies occur?**

No

**Do you have any potential conflicts of interest that may arise from time to time if you serve on one of these boards?**

No

**Are you currently serving on a city board(s)?**

No

**Have you previously served on a city board(s)?**

Yes

**If yes, which board(s)**

Public Art Advisory, approximately 2005-2009

**List any other community involvement**

Orlando Museum of Art, Council of 101 member,  
1989 - present  
Numerous Board positions 1995 - 2002

Cornell Fine Arts Museum (Rollins College), Board of Visitors member, 2009 - present  
Co- chairman CFAM BOV Social Committee, 2013-2014  
Co- chairman CFAM BOV Outreach Committee, 2014 - present

**List any work/career experience**

Various travel agencies serving as agent as well as manager  
1978 - 2000

**List your educational experience**

Agnes Scott College, Decatur GA  
BA, 1972

User's IP address: 10.100.185.120

Date received: 09/18/2014

Received from: Citizen Board Application (<http://cityofwinterpark.org/government/boards/citizen-board-application/>)



# CITIZEN BOARD APPLICATION

**please note:** this application is valid for one year from the date of completion

If you are interested in serving on a city board,  
please complete this application and return to:

City Clerk  
401 S. Park Ave.  
Winter Park, FL 32789  
407-691-6755 FAX

03-23-14 A10:26 RCVD

please print clearly

Name Jessica A. de Arcos

Home address 200 Cortland Ave WP 32789

Business Winter Park Pictures

Business address —

Home phone — Business phone 305 970 5509-cell

Email address RE Jessica @ AOL.com

Are you a registered voter? ☒ Yes ☐ No

Are you a resident of the city? ☒ Yes ☐ No

Do you own property in the city? ☒ Yes ☐ No

Do you hold a public office? ☐ Yes ☒ No

Are you employed by the city? ☐ Yes ☒ No

Until you are selected for the board of your choice, may we submit your application when  
vacancies occur, rather than phoning you prior to submitting?

☐ Yes ☒ No

Please list in order of your preference, the board(s) for which you are submitting this application and the special skill(s) that would  
be beneficial in serving on said board(s). **please note:** The functions and requirements of each board are listed on pages 3 and 4 of this  
application form.

1. Public Art Advisory Board.

skills —

2. —

skills —

3. —

skills —

Do you have any potential conflicts of interest that may arise from time to time if you serve on one of these boards? ☐ Yes ☒ No

[A conflict of interest would be anything that inures to your benefit, your employer's benefit or a member of your family's benefit.]

for example: You are applying for a Planning & Zoning Board appointment and are an Architect or Attorney that may occasionally represent a client with a project before the board. **please note:** Having a potential conflict of interest does not necessarily exclude you from serving on a board.]

If yes, please explain.

Are you currently serving on a city board(s)? ☐ Yes ☒ No If yes, which board(s):

Have you previously served on a city board(s)? ☐ Yes ☒ No If yes, which board(s):

Please list any other community involvement.

Participate in assisting at Rotary Functions  
Volunteering in events  
I have been documenting the City of Winter Park  
for the past 4 years, photographically [www.winterparkpictures.com](http://www.winterparkpictures.com)

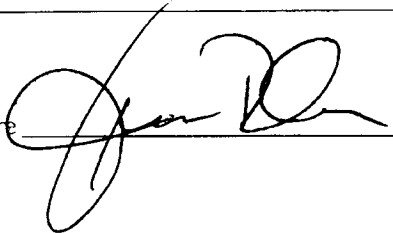
Please list any work/career experience:

Photos currently in 2 ongoing exhibitions -  
Business as a community, Crescde Art Show  
both until Oct 2014 + Currently 3D+images at  
Hondahospital Ortho wing - Photograph for 20+ years  
Licensed Realtor for 30 years - (Fulltime Miami 25 yrs)

Please list your educational experience:

Photography classes @ Dept of Agriculture (WAS2.DX)  
Private Lessons Pedro Lopera Miami, FL - Archde  
Tropical Garden, Crescde School.

Signature



Date

9 / 18 / 14

## Cindy Bonham

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**From:** Cindy Bonham  
**Sent:** Tuesday, September 23, 2014 3:53 PM  
**To:** Cindy Bonham  
**Subject:** Citizen Board Application - Donald Schaefer PAAB

**From:** Donald Schaefer [<mailto:schaefer0099@aol.com>]  
**Sent:** Tuesday, September 23, 2014 2:29 PM  
**To:** Cindy Bonham; Michelle Bernstein  
**Subject:** New submission from Citizen Board Application

### Contact Information

#### Name

Donald Schaefer

#### Email

[schaefer0099@aol.com](mailto:schaefer0099@aol.com)

#### Home Address

1770 Hollywood Avenue  
Winter Park, Florida 32789  
United States  
[Map It](#)

#### Business Address

Florida  
United States  
[Map It](#)

### Your Requested Board(s)

#### Board 1

Public Art Advisory Board

#### Skills

Administrative Background...Full Range Of Capabilities

#### Board 2

- Select one -

#### Board 3

- Select one -

### Your Details

**Are you a registered voter?**

Yes

**Are you a resident of the city?**

Yes

**Do you own property in the city?**

Yes

**Are you employed by the city?**

No

**May we automatically submit your application when vacancies occur?**

Yes

**Do you have any potential conflicts of interest that may arise from time to time if you serve on one of these boards?**

No

**Are you currently serving on a city board(s)?**

No

**Have you previously served on a city board(s)?**

No

**List any other community involvement**

Active Citizen...for 25 years attended and supported Winter Park arts, music and social events. Regular participant at the Morse and Cornell Museum programs.

**List any work/career experience**

Association Manager (Executive Director)....30 years experience, Nursing Home Administrator..7 years.

Fully understand group dynamics, committee/board functioning, regulatory controls, budgetary demands.

Travel Extensively.... Appreciation for Art and value the importance it has in our community and in the lives of our citizens.

**List your educational experience**

Master of Science ( Health Program Education & Evaluation), Bachelor of Science (Social Welfare), Certified Association Executive, Licensed Nursing Home Administrator, Certificate in Public Health inspection.

User's IP address: 72.238.16.172

Date received: 09/23/2014

Received from: Citizen Board Application (<http://cityofwinterpark.org/government/boards/citizen-board-application/>)

## Cindy Bonham

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**From:** Cindy Bonham  
**Sent:** Monday, September 29, 2014 8:22 AM  
**To:** Cindy Bonham  
**Subject:** Citizen Board Application - James Shepp PAAB

**From:** James G Gerry Shepp [<mailto:jgs917@aol.com>]  
**Sent:** Saturday, September 27, 2014 2:51 PM  
**To:** Cindy Bonham; Michelle Bernstein  
**Subject:** New submission from Citizen Board Application

### Contact Information

#### Name

James G "Gerry" Shepp

#### Email

[jgs917@aol.com](mailto:jgs917@aol.com)

#### Home Address

917 Camellia Avenue  
Winter Park, Florida 32789  
United States  
[Map It](#)

#### Business Address

Retired  
Florida  
United States  
[Map It](#)

### Your Requested Board(s)

#### Board 1

Public Art Advisory Board

#### Skills

Director of Maitland Art Center, 1982-2009

#### Board 2

- Select one -

#### Board 3

- Select one -

### Your Details

**Are you a registered voter?**

Yes

**Are you a resident of the city?**

Yes

**Do you own property in the city?**

Yes

**Are you employed by the city?**

No

**May we automatically submit your application when vacancies occur?**

Yes

**Do you have any potential conflicts of interest that may arise from time to time if you serve on one of these boards?**

No

**Are you currently serving on a city board(s)?**

No

**Have you previously served on a city board(s)?**

No

**List any other community involvement**

Member of WP Sidewalk Art Festival for 15 years, patron of same in recent years, patron and supporter of WP Playhouse, member of Cornell Museum, Polasek Museum, Mennello Museum, Orlando Museum of Art. Season subscriber and patron of Orlando Philharmonic and ME Dance. Former member of Board of the Dorothy Gillespie Foundation.

**List any work/career experience**

Director of Art Center for 27.5 years, working with local, regional and national artists scheduling gallery exhibitions, developing budgets, working with City of Maitland. Founding Director of Council of Arts & Sciences, served several terms as grants reviewer for Division of Cultural Affairs, Tallahassee, member/officer of FAMDA and member of FAM.

**List your educational experience**

Educated at Rollins College, 1958-62. Graduate of Museum Management Institute of the Getty Foundation. Attended the Directors Forum, NYC, for 10 years.

User's IP address: 71.53.136.125

Date received: 09/27/2014

Received from: Citizen Board Application (<http://cityofwinterpark.org/government/boards/citizen-board-application/>)



# city commission city manager's report

item type

City Manager's Report

meeting date

October 13, 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.
Quiet Zones	State funds approved for grant disbursement. City submitted grant applications for City quiet zones on July 23, 2014.	Applications deadline to State is October 15, 2014.
Winter Park Hospital Parking Garage		Completed and Certificate of Occupancy issued.
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 are currently in negotiation.	City Commission action expected October/November 2014
New Hope Baptist Church Project	Construction on the site has continued with pouring concrete drives, parking area and stormwater retention area. Pastor John Phillips is pursuing licensing for the day care and school through DCF and obtaining required certifications for staff.	Approved Conditional Use will expire in September 2015.

Capen House	The building permit for all interior work has been issued and work is proceeding. Fire line being installed underground.	Completion depending on funds available from contributions.
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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 August (92% of fiscal year lapsed) Fiscal Year 2014

## **General Fund**

Below is an 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	15,000	
Utility taxes	6,830,400	(225,000)	Communications services tax revenue continues to decrease each year
Business license tax	476,500	14,000	
Building permits	1,417,500	870,000	Increased construction activity has improved fee permit revenues
Other licenses & permits	26,000	(4,000)	
Intergovernmental	6,298,461	110,000	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	(160,000)	Traffic fines are less than projected
Miscellaneous	553,907	100,000	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	895,000	

The projections above reflect some estimates for revenues to be received in the October – November time frame but should be very close to final.

## **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.

### **Water and Sewer Fund**

Water sales in terms of thousands of gallons are projected to be about 3.7% below our forecast. This translates to our revenues being projected to be about 2.0% below our budget estimates. Staff believes budgetary spending savings will be adequate to cover this projected shortfall.

The bottom line reflects a positive \$1,545,840 and debt service coverage is projected to be a strong 1.95 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 \$500,000 for the eleven months ended August 31, 2014. The balance in our fuel cost stabilization fund at August 31, 2014 was \$207,121. September and October sales at the current fuel cost recovery rates should bring our stabilization fund balance closer to the target range of \$500,000 - \$1,000,000.

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 2.78 for the fiscal year.

**The City of Winter Park, Florida**  
**Monthly Financial Report - Budget vs. Actual**  
**General Fund**  
**Fiscal YTD August 31, 2014 and 2013**  
**92% of the Fiscal Year Lapsed**

Fiscal YTD August 31, 2014							Fiscal YTD August 31, 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
<b>Revenues:</b>										
Property Tax	\$ 14,557,866	108%	\$ 14,680,681	\$ 14,680,681	\$ 13,457,291	\$ 1,100,575	\$ 13,938,024	\$ 14,174,500	\$ 12,993,292	\$ 944,732
Franchise Fees	929,986	91%	1,118,000	1,118,000	1,024,833	(94,847)	894,962	1,103,800	1,011,817	(116,855)
Utility Taxes	5,653,400	90%	6,830,400	6,830,400	6,261,200	(607,800)	5,630,655	6,768,216	6,204,198	(573,543)
Occupational Licenses	494,791	113%	476,500	476,500	436,792	57,999	477,878	472,000	432,667	45,211
Building Permits	2,178,186	168%	1,417,500	1,417,500	1,299,375	878,811	1,896,817	1,450,500	1,329,625	567,192
Other Licenses & Permits	19,165	80%	26,000	26,000	23,833	(4,668)	24,195	21,500	19,708	4,487
Intergovernmental	5,221,723	90%	6,298,461	6,298,461	5,773,589	(551,866)	4,904,802	6,069,928	5,564,101	(659,299)
Charges for Services	4,981,008	106%	5,145,450	5,145,450	4,716,663	264,345	4,861,577	5,010,068	4,592,562	269,015
Fines and Forfeitures	1,046,560	88%	1,294,150	1,294,150	1,186,304	(139,744)	1,188,675	1,397,600	1,281,133	(92,458)
Miscellaneous	681,852	134%	553,907	553,907	507,748	174,104	(197,926)	683,381	626,433	(824,359)
Fund Balance	-	-	-	389,842	357,355	(357,355)	-	616,788	565,389	(565,389)
<b>Total Revenues</b>	<b>35,764,537</b>	<b>102%</b>	<b>37,841,049</b>	<b>38,230,891</b>	<b>35,044,983</b>	<b>719,554</b>	<b>33,619,659</b>	<b>37,768,281</b>	<b>34,620,925</b>	<b>(1,001,266)</b>
<b>Expenditures:</b>										
City Commission	17,780	83%	23,427	23,427	21,475	3,695	20,604	24,077	22,071	1,467
Legal Services - City Attorney	298,641	139%	245,000	235,000	215,417	(83,224)	326,862	240,236	220,216	(106,646)
Legal Services - Other	26,119	47%	60,000	60,000	55,000	28,881	26,119	60,000	55,000	28,881
Lobbyists	86,543	80%	108,000	118,000	108,167	21,624	86,543	118,000	108,167	21,624
City Management	455,864	99%	503,379	503,379	461,431	5,567	440,992	501,383	459,601	18,609
Budget and Performance Measurement	119,182	0%	136,316	136,316	124,956	5,774	68,689	-	-	(68,689)
City Clerk	215,836	95%	247,496	247,496	226,871	11,035	172,196	203,145	186,216	14,020
Communications Dept.	403,037	91%	472,491	483,105	442,846	39,809	398,982	463,895	425,237	26,255
Information Technology Services	1,049,275	96%	1,197,783	1,197,783	1,097,968	48,693	994,465	1,241,789	1,138,307	143,842
Finance	746,492	97%	840,785	840,785	770,720	24,228	733,333	831,058	761,803	28,470
Human Resources	265,250	98%	294,311	294,311	269,785	4,535	222,181	250,789	229,890	7,709
Purchasing	216,472	104%	226,775	226,775	207,877	(8,595)	215,839	225,011	206,260	(9,579)
Planning & Community Development	431,448	88%	535,256	535,256	490,651	59,203	424,304	592,782	543,384	119,080
Building	912,256	93%	1,066,151	1,066,378	977,513	65,257	844,710	1,002,095	918,587	73,877
Economic Development	12,417	9%	100,000	157,820	144,668	132,251	71,813	211,398	193,782	121,969
Public Works	5,909,599	95%	6,652,758	6,820,122	6,251,779	342,180	6,102,591	6,942,130	6,363,619	261,028
Police	10,989,990	93%	12,888,430	12,907,382	11,831,767	841,777	10,804,623	12,717,307	11,657,531	852,908
Fire	9,387,381	95%	10,722,233	10,727,098	9,833,173	445,792	9,354,813	10,118,777	9,275,546	(79,267)
Parks & Recreation	6,220,103	99%	6,825,380	6,836,080	6,266,407	46,304	6,093,525	6,879,703	6,306,394	212,869
Organizational Support	1,534,560	109%	1,534,560	1,534,560	1,406,680	(127,880)	1,415,597	1,536,560	1,408,513	(7,084)
Non-Departmental	-	-	(78,475)	(78,475)	(71,935)	(71,935)	-	150,000	137,500	137,500
<b>Total Expenditures</b>	<b>39,298,245</b>	<b>96%</b>	<b>44,602,056</b>	<b>44,872,598</b>	<b>41,133,216</b>	<b>1,834,971</b>	<b>38,818,781</b>	<b>44,310,135</b>	<b>40,617,624</b>	<b>1,798,843</b>
<b>Revenues Over/(Under)</b>										
<b>Expenditures</b>	<b>(3,533,708)</b>	<b>58%</b>	<b>(6,761,007)</b>	<b>(6,641,707)</b>	<b>(6,088,233)</b>	<b>2,554,525</b>	<b>(5,199,122)</b>	<b>(6,541,854)</b>	<b>(5,996,699)</b>	<b>797,577</b>
Operating transfers in	7,796,044	99%	8,538,481	8,549,181	7,836,749	(40,705)	7,793,638	8,475,392	7,769,109	24,529
Operating transfers out	(1,629,351)	93%	(1,777,474)	(1,907,474)	(1,748,517)	119,166	(1,763,535)	(1,933,538)	(1,772,410)	8,875
Other Financing Sources/(Uses)	<b>6,166,693</b>	<b>101%</b>	<b>6,761,007</b>	<b>6,641,707</b>	<b>6,088,232</b>	<b>78,461</b>	<b>6,030,103</b>	<b>6,541,854</b>	<b>5,996,699</b>	<b>33,404</b>
<b>Total Revenues Over</b>										
<b>Expenditures</b>	<b>\$ 2,632,985</b>		<b>\$ 0</b>	<b>\$ -</b>	<b>\$ (1)</b>	<b>\$ 2,632,986</b>	<b>\$ 830,981</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 830,981</b>

\* As adjusted through August 31, 2014

The City of Winter Park, Florida  
Monthly Financial Report - Budget vs. Actual  
Community Redevelopment Fund  
Fiscal YTD August 31, 2014 and 2013  
75% of the Fiscal Year Lapsed

	Fiscal YTD August 31, 2014						Fiscal YTD August 31, 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	109%	\$ 2,130,437	\$ 2,130,437	\$ 1,952,901	\$ 174,888	\$ 2,003,379	2,024,000	\$ 1,855,333	\$ 148,046
Intergovernmental	-	0%	-	-	-	-	-	-	-	-
Charges for services	188,197	0%	195,000	195,000	178,750	9,447	205,358	175,940	161,278	44,080
Miscellaneous	50,896	79%	70,000	70,000	64,167	(13,271)	(99,364)	25,300	23,192	(122,556)
Fund Balance	-	0%	-	531,658	487,353	(487,353)	-	55,845	51,191	(51,191)
Total Revenues	2,366,882	88%	2,395,437	2,927,095	2,683,170	(316,288)	2,109,373	2,281,085	2,090,994	18,379
Expenditures:										
Planning and Development	776,952	64%	794,600	1,326,258	1,215,737	438,785	716,788	733,802	672,652	(44,136)
Capital Projects	-	0%	-	-	-	-	-	-	-	-
Debt service	1,486,427	109%	1,486,425	1,486,425	1,362,556	(123,871)	7,283,160	1,547,283	1,418,343	(5,864,817)
Total Expenditures	2,263,379	88%	2,281,025	2,812,683	2,578,293	314,914	7,999,948	2,281,085	2,090,995	(5,908,953)
<b>Revenues Over/(Under) Expenditures</b>	<b>103,503</b>	<b>100%</b>	<b>114,412</b>	<b>114,412</b>	<b>104,878</b>	<b>(1,375)</b>	<b>(5,890,575)</b>	<b>-</b>	<b>(1)</b>	<b>(5,890,574)</b>
Debt proceeds	-	-	-	-	-	-	5,870,000	-	-	5,870,000
Operating transfers out	(43,940)	0%	(47,934)	(47,934)	(43,940)	1	-	-	-	-
Other Financing Sources/(Uses)	(43,940)	0%	(47,934)	(47,934)	(43,940)	(1)	5,870,000	-	-	5,870,000
<b>Total Revenues Over/(Under) Expenditures</b>	<b>\$ 59,563</b>		<b>\$ 66,478</b>	<b>\$ 66,478</b>	<b>\$ 60,938</b>	<b>\$ (1,375)</b>	<b>\$ (20,575)</b>	<b>-</b>	<b>\$ (1)</b>	<b>\$ (20,574)</b>

\* As adjusted through August 31, 2014

**WINTER PARK WATER AND WASTEWATER METRICS**  
**August 31, 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	883,669	963,659	972,186	(8,527)	879,974	962,785
Sewer - outside city limits	790,350	860,687	870,720	(10,033)	786,116	855,589
Water - inside city limits	1,312,685	1,429,171	1,441,932	(12,761)	1,296,658	1,418,781
Irrigation - Inside City	509,180	552,915	609,648	(56,733)	536,092	585,899
Water - outside city limits	1,134,366	1,231,126	1,275,234	(44,108)	1,145,894	1,246,393
Irrigation - Outside City	106,578	115,597	129,892	(14,295)	112,226	121,411
<b>Total</b>	<b>4,736,828</b>	<b>5,153,155</b>	<b>5,299,612</b>	<b>(146,457)</b>	<b>4,756,960</b>	<b>5,190,858</b>
<hr/>						
Operating revenues: <sup>1</sup>						
Sewer - inside city limits	\$ 5,688,025	\$ 6,202,907	\$ 6,270,904	\$ (67,997)	5,870,847	6,422,040
Sewer - outside city limits	6,194,167	6,745,413	6,849,038	(103,625)	6,469,605	7,057,057
Water - inside city limits	7,079,449	7,707,667	7,972,870	(265,203)	6,306,676	6,960,691
Water - outside city limits	5,014,088	5,441,784	5,522,295	(80,511)	4,804,751	5,247,434
Other operating revenues	1,166,355	1,272,387	1,257,500	14,887	1,283,163	1,350,425
<b>Total operating revenues</b>	<b>25,142,084</b>	<b>27,370,159</b>	<b>27,872,607</b>	<b>(502,448)</b>	<b>24,735,042</b>	<b>27,037,647</b>
Operating expenses:						
General and administration	1,435,451	1,565,947	1,686,280	120,333	1,411,001	1,580,493
Operations	9,979,253	10,886,458	12,187,001	1,300,543	9,858,941	11,138,574
Wastewater treatment by other agencies	3,098,317	3,609,982	3,864,459	254,477	2,917,846	3,946,893
<b>Total operating expenses</b>	<b>14,513,021</b>	<b>16,062,387</b>	<b>17,737,740</b>	<b>1,675,353</b>	<b>14,187,788</b>	<b>16,665,960</b>
<b>Operating income (loss)</b>	<b>10,629,063</b>	<b>11,307,772</b>	<b>10,134,867</b>	<b>1,172,905</b>	<b>10,547,254</b>	<b>10,371,687</b>
Other sources (uses):						
Investment earnings	232,694	253,848	168,600	85,248	(458,726)	(327,107)
Miscellaneous revenue	174,152	174,152	-	174,152	6,482	6,782
Transfer to Renewal and Replacement Fund	(2,141,937)	(2,336,659)	(2,336,658)	(1)	(1,835,722)	(2,002,830)
Transfer to General Fund	(1,852,675)	(2,021,100)	(2,021,100)	-	(1,754,592)	(1,914,100)
Transfer to Capital Projects Fund	(66,458)	(72,500)	(72,500)	0	(65,083)	(71,000)
Debt service sinking fund deposits	(5,428,999)	(5,922,530)	(5,885,863)	(36,667)	(5,429,472)	(5,923,086)
<b>Total other sources (uses)</b>	<b>(9,083,223)</b>	<b>(9,924,788)</b>	<b>(10,147,521)</b>	<b>222,733</b>	<b>(9,537,113)</b>	<b>(10,231,341)</b>
<b>Net increase (decrease) in funds</b>	<b>\$ 1,545,840</b>	<b>\$ 1,382,984</b>	<b>\$ (12,654)</b>	<b>\$ 1,395,638</b>	<b>1,010,141</b>	<b>140,346</b>
Debt service coverage		1.95				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

# WINTER PARK ELECTRIC UTILITY METRICS

August 31, 2014

	FY'14 YTD	FY'14 Annualized	FY'14 Budget	Variance from Budget	FY'13
<u>Technical Performance</u>					
Net Sales (kWh)	382,430,351	425,868,988	419,633,177	6,235,811	413,024,741
Average Revenue/kWh	0.1125	0.1125			0.1157
Wholesale Power Purchased (kWh)	404,390,000	446,445,131	446,266,000	179,131	437,823,000
Wholesale Power Cost/kWh	0.0573	0.0564			0.0606
Gross margin	0.0551	0.0560			0.0551
SAIDI (rolling 12 month sum)	77.80				69.88
MAIFI (rolling 12 month sum)	-				-
Sold vs. Purchased kWh Ratio	94.57%	95.39%	94.03%		94.34%
<u>Income Statement</u>					
Electric Sales:					
Fuel	15,660,895	17,439,749	16,647,129	792,620	18,219,274
Non-Fuel	27,344,339	30,450,266	30,027,759	422,507	29,567,092
Other Operating Revenues	295,630	322,505	355,892	(33,387)	437,844
Total Operating Revenues	43,300,864	48,212,521	47,030,780	1,181,741	48,224,210
Operating Expenses:					
General and Administrative	1,076,555	1,174,424	1,171,065	(3,359)	1,017,953
Operating Expenses	6,257,742	6,826,628	7,616,228	789,600	5,565,771
Purchased Power					
Fuel	16,156,013	17,439,749	16,647,129	(792,620)	18,236,484
Non-Fuel	7,026,782	7,757,542	9,156,175	1,398,633	8,303,250
Transmission Power Cost	2,497,250	2,724,273	2,489,825	(234,448)	2,259,347
Total Operating Expenses	33,014,342	35,922,615	37,080,422	1,157,807	35,382,805
Operating Income (Loss)	10,286,522	12,289,906	9,950,358	2,339,548	12,841,405
Nonoperating Revenues (Expenses):					
Investment Earnings (net of interest paid on interfund borrowings)	45,503	49,640	25,593	24,047	(82,277)
Principal on Debt	(1,470,833)	(1,765,000)	(1,765,000)	-	(1,730,000)
Interest on Debt	(2,457,065)	(2,680,435)	(3,094,378)	413,943	(2,644,119)
Miscellaneous Revenue	668,427	729,193	-	729,193	239,891
Proceeds from Sale of Assets	4,792	5,228	-	5,228	3,151
Routine Capital	(2,473,012)	(2,697,831)	(825,000)	(1,872,831)	(2,535,827)
Undergrounding of Power Lines	(3,132,857)	(3,417,662)	(4,575,464)	1,157,802	(1,354,339)
Contributions in Aid of Construction	797,443	869,938	-	869,938	643,647
Residential Underground Conversions	64,050	69,873			1,000
Capital Contributions for Plug-In Program	62,768	68,474	-	68,474	138,426
Total Nonoperating Revenues (Expenses)	(7,890,784)	(8,768,583)	(10,234,249)	1,395,793	(7,320,447)
Income (Loss) Before Operating Transfers	2,395,738	3,521,323	(283,891)	3,735,341	5,520,958
Operating Transfers In					
Operating Transfers In	-	-	-	-	-
Operating Transfers Out	(2,407,908)	(2,681,412)	(2,687,500)	6,088	(2,685,344)
Total Operating Transfers	(2,407,908)	(2,681,412)	(2,687,500)	6,088	(2,685,344)
Net Change in Working Capital	(12,170)	839,911	(2,971,391)	3,741,429	2,835,614
<u>Other Financial Parameters</u>					
Debt Service Coverage	2.63	2.78			2.54
Fixed Rate Bonds Outstanding	64,750,000				58,510,000
Auction Rate Bonds Outstanding	7,445,000				15,585,000
Total Bonds Outstanding	72,195,000				74,095,000
Principal Repayment	1,765,000		1,765,000		2,430,000
Capital Spending from Bond Proceeds	28,504	68,410	-		130,168
Balance Owed on Advance from General Fund	-				-
Cash Balance	715,273				1,991,503

## 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)

**REGULAR MEETING OF THE CITY COMMISSION**  
**September 22, 2014**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:41 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Reverend Dr. Harold Custer, St. Andrews United Methodist Church, 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 Bill Reischmann  
City Clerk Cynthia Bonham  
Deputy City Clerk Michelle Bernstein

Approval of the agenda

City Manager Knight advised that the applicant has requested to table item 11.a. A majority agreed to remove item 11.e due to the action taken by the CRA Agency prior to this meeting.

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

**Mayor's Report**

- a. Presentation – Third Quarter Business Recognition Award - 4R Restaurant Group

Director of Planning & Community Development Dori Stone presented John Rivers, 4R Restaurant Group, with the Third Quarter Business Recognition award.

Mayor Bradley announced the retirement of Ann MacDiarmid from the Housing Authority Board and thanked her for serving on the board since 1997.

**City Manager's Report**

City Manager Knight announced that approximately 100 people attended last week's library forum and that the Library Task Force will be providing the Commission with an interim report in October. He reminded everyone of the visioning scope work session being held tomorrow between 2:00-4:00 p.m. at the Community Center.

Following a brief discussion relating to coyote sightings and safety precautions, the City Manager Knight was directed to arrange the Florida Fish & Wildlife Conservation to host a meeting in Winter Park for our community.

Upon inquiry, Director of Planning & Community Development Dori Stone provided a status update on the Ravaudage project. She acknowledged the request to place a copy of the development order in the drop box folder for Commission usage.

Police Chief Brett Railey responded to Commissioner Leary's inquiry pertaining to the purchase of body cameras and the estimated costs. In an effort to gain a better understanding of the cameras and selection process, Chief Railey offered to provide the Commission with a copy of the preliminary PERF (Police Executive Research Forum) report. He noted that the associated costs using forfeiture funds is in the range of \$70,000-\$100,000.

### **City Attorney's Report**

Attorney Reischmann introduced Debra Nutcher, lead attorney for the Max Media/Clear Channel litigation matter. Ms. Nutcher distributed a timeline summary. She advised that the final settlement agreement is near completion and that a pre-trial is scheduled for November 10 and the fixed trial is scheduled for November 24.

**Non-Action Item** – No items.

### **Consent Agenda**

- a. Approve the minutes of September 8, 2014.
- b. Authorize the City Manager, in consultation with the City Attorney, as needed, to sign purchase orders for payment of HIDTA personnel and operations, subject to the condition that the HIDTA grant funds will be the sole source of money to pay these obligations. Additionally, authorize purchase orders in the amounts of \$53,000, \$63,000, \$68,000, \$120,000 and \$154,000 for several independent contractors who provide specialized and confidential investigative services on behalf of HIDTA. Additionally, a purchase order is requested in the amount of \$120,000 for facility expenses of HIDTA.

**Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.**

### **Action Items Requiring Discussion**

- a. Disposal of City-owned property located at 300 N. Pennsylvania Avenue

Planning Director Dori Stone addressed the background of this item as follows: At the July 22 Commission meeting staff was authorized to issue a Notice of Disposal for the city-owned property located at 300 N. Pennsylvania Avenue. The first bid process was rejected due to discrepancies in the bid procedure amongst the bidders. The city's Purchasing Division advertised it again in August whereby staff received two proposals. PhMD Private Health Medical Concierge was the highest

bidder and is offering \$627,000 for the property with the intent to build an 8,700 square foot building within the next 24 months. The second bid, provided by BishopBeale was for \$575,000 with a similar construction timeframe. The Hannibal Square Community Land Trust (HSCLT) did not submit a bid under the second advertised timeframe.

Ms. Stone advised that this property was purchased by the City in 1994 and is indicated in the 1994 original CRA Plan as a business/commercial area. The future land use is Commercial and the zoning on the property is C-3 and PL. The land is currently vacant. The office use proposed is compatible with the intent of the CRA Plan to expand the commercial development along Pennsylvania. The property is approximately .45 acre in size and there is no land use change or rezoning required to build an office building on the property. Staff recommended that the Commission accept this proposal and to direct the City Attorney and staff to prepare an ordinance to transfer the property and set a closing date.

**Motion made by Commissioner Sprinkel to approve the disposal of 300 N. Pennsylvania Avenue; seconded by Commissioner McMacken.**

Commissioner Cooper asked if Dr. Castro would be willing to stipulate that the property would be limited to office or low density residential for the next 20 years. Ms. Stone explained that per the submitted bid documents, Dr. Castro has agreed to construct an office building within 24 months.

Applicant Dr. Ivan Castro said he would prefer to leave the zoning as is since his intention is to construct an office building for his medical practice. He was opposed to placing a stipulation that the property would be limited to office use only for the next 20 years.

Denise Weathers, Hannibal Square Community Land Trust (HSCLT), explained that their organization did not submit a bid under the second advertised timeframe as they were unaware of the new bidding process implemented by the City called "vendor link". In response, Ms. Stone commented on the bidding process that took place.

**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.**

**PUBLIC HEARINGS:**

- a. Request of Mr. Joseph Passalacqua: After-the-fact subdivision or lot split approval so that 1252 Lakeview Drive will be determined to be a buildable lot

This item was tabled per the request of the applicant.

- b. Request of Mr. Drew Hill: Conditional use approval to develop a four unit, two story townhouse project at 1003 and 1009 S. Pennsylvania Avenue

Planning Manager Jeff Briggs explained that Mr. Drew Hill is the recent purchaser of the vacant property at 1003 & 1009 S. Pennsylvania Avenue. This request is for conditional use approval to develop a four unit townhouse project, which is zoned R-3. This is a conditional use because the building size exceeds 10,000 square feet. He provided a summary including the proposed project, parking requirements and site/zoning parameters. Mr. Briggs advised that the request appears to meet all the Comprehensive Plan and Zoning Code requirements except for the minor variance for lot coverage.

**Motion made by Commissioner Leary to approve the conditional use request to develop a four-unit, two-story townhouse project on the property located at 1003 and 1009 S. Pennsylvania Avenue; seconded by Commissioner Sprinkel.**

Randall Slocum, Slocum Platts Architects, spoke on behalf of the applicant and addressed questions raised by the Commission.

**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.**

- c. Request of Lakeside Winter Park LLC: Amending the conditional use site plan approval and development agreement for the Lakeside Winter Park project at 111 N. Orlando Avenue to substitute the off-site employee parking needed for the Blue Cross/Blue Shield Medical Office from the location previously approved at 271 S. Orlando to a new location on the property at 110 S. Orlando Avenue

Planning Manager Jeff Briggs explained that at the March 24 Commission meeting the request for the Blue Cross/Blue Shield (BCBS) medical building at the Lakeside (Trader Joe's) project was approved with off-site parking at 271 S. Orlando Avenue. He advised that the applicant, UniCorp National Development did not complete the purchase of the Sweet Lodge property at 271 S. Orlando Avenue so approval is needed for a new off-site location for the 21 parking spaces required for the BCBS business. He referenced a letter submitted by the applicant outlining their proposal which is to relocate those 21 spaces within the proposed redevelopment of the Mt. Vernon Inn. It was noted that these spaces will be used for BCBS employees only and not customers.

Mr. Briggs explained that UniCorp National Development does not own the Mt. Vernon property at this time, but it is under contract with a planned closing in November. Both UniCorp National Development and BCBS know that they will not

be able to open for business, nor occupy the medical building without this off-site parking. Mr. Briggs responded to questions and concerns.

Commissioner Sprinkel expressed concerns with pedestrian safety with crossing over 17-92. She spoke about the approved development agreement that included off-site parking for the BCBS facility on the same side of the street. She advised that she will not be supporting this newly proposed request.

Chuck Whittall, UniCorp National Development, spoke about their request being within code and that the proposed parking is closer than what was previously proposed. He explained that he has a signed agreement in place with Hillstone Restaurant to use their overflow parking lot if necessary. He also explained that there will be no certificate of occupancy issued to BCBS until the parking requirement is satisfied and that the approval of this request is subject to their organization taking ownership of the Mt. Vernon Inn property.

**Motion made by Commissioner McMacken to approve the request and that there will be no certificate of occupancy issued to BCBS until the applicant has secured ownership of the 21 spaces in question and that they are available for parking for that use; seconded by Commissioner Leary.**

Due to the parking deficit and in an effort to create additional parking, **motion amended by Commissioner Leary to add an additional 19 parking spaces** (changing it from 21 to 40); **seconded by Commissioner Cooper.**

Upon request, Attorney Reischmann provided legal counsel and advised that the amendment is acceptable.

Mr. Whittall asked that if the City is going to require 40 spaces that it is considered an aggregate with the Lakeside parking and that 21 spaces are to be provided upon BCBS occupancy and that the other 19 spaces are to be provided upon certificate of occupancy of the redevelopment of the Mt. Vernon Inn property.

Upon request, City Manager Knight provided clarity regarding the parking code by explaining the difference between light use and heavy use parking as it relates to the applicant using the Hillstone Restaurant for overflow parking.

Upon inquiry by Commissioner McMacken, Attorney Reischmann explained that if the Commission approves the motion as amended the changes would need to be incorporated into the development agreement which will ultimately be approved.

Mary Randall, 1000 S. Kentucky Avenue, spoke in opposition.

Lenny Felder, representing BCBS, explained that they will mandate that their employee's park in the designated spaces only.

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

**Upon a roll call vote on the main motion as amended, Mayor Bradley and Commissioners Leary, Cooper and McMacken voted yes. Commissioner Sprinkel voted no. The motion carried with a 4-1 vote.**

- d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 716 KIWI CIRCLE, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Reischmann read the ordinance by title.

**Motion made by Mayor Bradley to accept the ordinance on first reading; seconded by Commissioner McMacken.** No public comments were made. **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.**

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

Jef Shelby, Director of Eco-Action, 7 Naranja Road, DeBary, distributed a brochure regarding their weekly volunteer efforts in cleaning up the local waterways of hazardous litter. He explained an incident in August of 2013 at Lake Virginia where they had a scheduled clean up (has been on their regular schedule for the past 20 years) whereby he was approached by a Winter Park Police Officer. He explained their volunteer efforts, but was still informed that the next time he would need the proper paperwork or they would be cited. He asked if they could be granted a fee waiver so they can continue with their volunteer services. Mr. Shelby was thanked for cleaning up our lakes and waterways for the past 20 years and directed City Manager Knight and staff to contact Mr. Shelby about issuing a fee waiver. City Manager Knight acknowledged the request.

- e. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, APPROVING THE EXECUTION OF AN ASSIGNMENT FOR THE PURCHASE OF CERTAIN REAL PROPERTY OWNED BY ROLLINS COLLEGE LOCATED AT 1111 W. FAIRBANKS AVENUE; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

This item was removed from the Agenda.

- f. Adoption of the fee schedule effective October 1, 2014.

**Motion made by Commissioner Sprinkel to adopt the fee schedule; seconded by Commissioner McMacken.** Commissioner Cooper suggested that in the near future we look at our park rental fees for business use and perform a

price comparison to other cities. No public comments were made. **Upon a roll call vote, Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.**

### **Millage and Budget Public Hearings**

Mayor Bradley provided opening comments as follows: "The millage rate needed for Fiscal Year 2015 to generate the same property tax revenue for the City as in 2014, based on the Property Appraiser's certification, is 3.9650 mills."

The budget proposed by the staff with amendments generally agreed to by the City Commission requires a millage of 4.0923 mills which has been the rate levied by the city for the last six years. The proposed millage of 4.0923 mills would represent an increase in property taxes, not counting new construction and the City's dedicated increment value payment to the Community Redevelopment Agency, of 3.21%. This increase in property taxes levied over the prior year is not due to any change in tax rate but is due to the increase in assessed values of properties.

In addition, a 0.0965 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2004 approved by the citizens of Winter Park at the June 4, 1996 bond referendum, and a 0.2019 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2011 approved by the citizens of Winter Park at the May 16, 2000 bond referendum."

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

- a. ORDINANCE NO. 2976-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING A 4.0923 MILL AD VALOREM TAX LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE GENERAL OPERATING EXPENSES OF THE CITY, A .0965 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2004, AND A .2019 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2011. Second reading

**Motion made by Mayor Bradley to adopt the millage ordinance; seconded by Commissioner Sprinkel.** No public comments were made. **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. ORDINANCE NO. 2977-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN; APPROPRIATING FUNDS FOR THE GENERAL FUND, DESIGNATIONS TRUST FUND, STORMWATER UTILITY FUND, AFFORDABLE HOUSING

FUND, COMMUNITY REDEVELOPMENT FUND, POLICE GRANT FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, ELECTRIC UTILITY FUND, FLEET MAINTENANCE FUND, VEHICLE/EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AND UNSPENT PROJECT BUDGETS AS OF SEPTEMBER 30, 2014; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY. Second reading

**Motion made by Mayor Bradley to adopt the ordinance which will include the CRA budget that has been adopted at our CRA Agency board meeting this afternoon; seconded by Commissioner McMacken.**

City Manager Knight advised that he will adjust the CRA budget line item in Attachment A to reflect the actions taken by the CRA Agency earlier today.

Nancy Shutts, 2010 Brandywine Drive, spoke in opposition with the funding of \$100,000 for the Dr. Phillips Performing Arts Center.

Commissioner Cooper explained that she is opposed to the level of contribution to Dr. Phillips Performing Arts Center and preferred to focus on our local organizations.

**Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

City Manager Knight acknowledged the request to look at other municipality's millage rates within the next 30 days to determine if we have the lowest rate in the county.

**City Commission Reports:**

a. Commissioner Leary

Commissioner Leary thanked Mayor Bradley for his leadership during the past six years especially during the budget season and for taking proactive measures to prevent no millage rate increases.

b. Commissioner Sprinkel

Commissioner Sprinkel announced that Orange County Public Schools was named co-winner of the \$1 million Broad Prize for Public Education.

Commissioner Sprinkel suggested that City public notices regarding conditional use requests be more specific so the public can clearly understand what is being requested and what the applicant has the ability to do or not do.

Commissioner Sprinkel encouraged everyone to attend the Library Bash for Books event this Saturday night.

- c. Commissioner Cooper - No items.
- d. Commissioner McMacken - No items.

Commissioner McMacken spoke about the great success of the Winter Park Country Club Centennial Celebration and thanked staff for their outstanding efforts.

- e. Mayor Bradley

Mayor Bradley spoke about the Winter Park Country Club Centennial Celebration. He thanked the Secretary of State Ken Detzner and First Tee Director Thomas J. Lawrence for attending and the Elizabeth Morse Genius Foundation for donating the centennial clock.

Mayor Bradley encouraged everyone to attend the Pink Out event being held this Saturday at 6:30 p.m. in downtown Central Park.

Mayor Bradley announced that this past Sunday marked the 200<sup>th</sup> anniversary of the Star Spangled Banner and last week he had the pleasure of celebrating Constitution Week with the Daughters of the American Revolution.

City Manager Knight announced that the National Night Out event is scheduled for October 7 from 5:00-7:00 p.m. at the Public Safety Building.

The meeting adjourned at 5:22 p.m.

ATTEST:

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Mayor Kenneth W. Bradley

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City Clerk Cynthia S. Bonham, MMC



# city commission agenda item

item type	Consent Agenda	meeting date	October 13, 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 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		

## **motion | recommendation**

Commission approve amendment of the Purchasing Policy.

## **background**

The Purchasing Policy & Procedures Manual was adopted by the City Commission on April 25, 2011.

An amendment of the Purchasing Policies & Procedures Manual was adopted by the City Commission on September 10, 2012.

The Purchasing Policy and Procedures are being divided into two separate documents in order to make administrative changes to the procedures as needed. The Purchasing Policy and any subsequent changes, will continue to require Commission approval. Administrative changes to the procedures will be reviewed and approved by the City Manager.

Attached is the proposed policy document. This is a newly created document. The Purchasing Policy changes are summarized below and a complete list of changes are provided in table format on Page 3.

### **1. Section 1.00 – Adjusted the Threshold Categories and added a Fifth Category.**

- Update Category One to \$2,500 and use of master agreements and catalog prices.
- The City Manager's Authority in Category Four is raised from \$50,000 to \$75,000 since most purchases are MRO (maintenance, repair, operating).

- Fifth Category requires the same action as the fourth except the amount increases to over \$75,000 and requires Commission approval.
2. **Section 2.00** – Updated our purpose and added master agreements and alliances for MRO.
  3. **Section 2.02 – Procurement Cards and Vouchers**
    - Added an exception for use when bonds, insurance, and building permits are required
    - Land purchases can be paid with voucher
  4. **Section 4.00 – Authority to Procure**
    - Created a bullet list of duties of the Purchasing Manager
  5. **Section 5.00 – Availability of Funds**
    - Added statement of funds being available prior to purchases, and contract amendments or change orders exceeding a certain amount be approved by the City Manager that are within the limits of the City Manager’s authority.
  6. **Section 13.00 – Best Value, selection of respondent (New)**
    - Added statements that create a “best value” versus “low bidder” only purchasing method (Best value allows the City to consider other factors that determine “total cost of ownership.”)

City Attorney has reviewed and approved these changes.

## **alternatives | other considerations**

Continue operating under existing plan.

## **fiscal impact**

The City will gain economies of scale on MRO purchases by consolidating procurements and using master agreements and contracts with set pricing. The department’s responsiveness is enhanced along with increased budget controls.

# Purchasing Policy Changes

**OCT 2014**

Section(s)	Current Policy	Change/Update/Deletion
<b>Responsibilities</b>	Mission Statement	<i>Updated Mission Statement &amp; Purpose and Objectives</i>
<b>General Guidelines Thresholds</b>	Under Previous Section II, Category One 1,000	<b>Now Section I</b> <i>Increased Category One to 2,500</i>
	Categories Two and Three, written quotes	<b>Now Section I</b> <i>Added a Quote Form for Categories Two and Three to obtain written quotes</i>
	Category Four Only	<b>Now Section I</b> <i>Increase City Manager's Authority from 50k to 75k</i>
		<b>Now Section I</b> <i>Added a Threshold Category Five for threshold amounts \$49,999 to 75,000</i>
	General Guidelines	<b>Now Sections 1.00. to 2.02.</b> <i>Became Purchasing Policy</i>
<b>Emergency Purchases</b>	Section V	<b>Now Section 11.2.</b>
<b>Sole Source</b>	Section V	<b>Now Section 9.0</b> <i>Changed to Single Source</i>
<b>Cooperative Purchasing and Piggyback</b>	Section VI	<b>Now Section 2.03. and Section 11</b>
		<i>Added new Sections 2.06 = Good Faith 2.07 = Ethics in Procurement 3.00 = Equal Opportunity 4.00 = Authority to Procure 5.00 = Availability of Funds</i>
<b>Invitation to Bid and Term Contracts</b>	Section VIII	<b>Now Section 8.0.</b>
<b>Requests for Information</b>	Section IX	<b>Now Section 8.2.</b>
<b>Requests for Proposals</b>	Section X	<b>Now Section 8.1.</b>
<b>Bonds, Bid Security</b>	Section XI	<b>Now Section 19.</b> <i>Added the Statute language of bonds required over 200k (City can waived bond up to 200K)</i>
<b>Professional Services CCNA</b>	Section XXIII	<b>Now Section 10.</b> <i>Professional Services</i>
<b>Protest Procedures</b>	Section XVI	<b>Now Section 21.</b>
<b>Debarment/Appeal</b>	Section XVII	<b>Now Section 20.3.</b>
<b>Conflict of Interest</b>	Section XIX	<b>Now Section 2.07.</b> <i>Ethics in Procurement</i>
<b>Lobbying</b>	Section XIX	<b>Now Section 2.05.</b> <i>Prohibited Lobbying</i>
<b>Surplus Property</b>	Section XXI	<b>Now Section 28.</b> <i>Surplus Property and Disposal</i>
<b>Local Preference</b>	Section XIX	<b>Now Section 14.</b> <i>Local Preference</i>
<b>Procurement Cards</b>	Section XXIII Exhibits	<b>Now Section 2.02.</b>



# Purchasing POLICY

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revised September 2014  
approved April 25, 2011  
by City Commission

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## Purchasing Division

401 S. Park Ave. ■ Winter Park, FL 32789 ■ p 407-643-1627 ■ f 407-599-3448  
[purchasing@cityofwinterpark.org](mailto:purchasing@cityofwinterpark.org) ■ [cityofwinterpark.org/purchasing](http://cityofwinterpark.org/purchasing)

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## **Mission**

The mission of Winter Park's Purchasing Division is to provide professional procurement services using experience, integrity and courtesy with all City Departments and entities involved in the procurement process, for quality products, goods, and services which meet or exceed expectations while complying with all applicable laws.

## **Mission Statement**

*"The highly trained procurement professionals at the City of Winter Park are dedicated to delivering innovative procurement processes through best practices, value added services, advanced technology, and a strong code of ethics."*

## **Purpose**

The division is responsible for establishing City of Winter Park's purchasing policies under a centralized purchasing system for the procurement of goods, services, and equipment and the provision of fair and equitable treatment of all persons. The division's strives to be a good steward of public funds by obtaining the "best value" for the City, and provide a process based on "best practices" using market knowledge, innovation, and efficiency.

## **Application**

This applies to contracts for the procurement of supplies, services, and construction entered into by the City of Winter Park after the effective date of this Manual. It shall apply to all expenditure of funds by the City for public purchasing irrespective of the source of the funds including, but not limited to, funds derived from insurance reimbursement and donations. When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any mandatory applicable federal law and regulations.

Nothing in this Manual shall prevent the City from waiving any requirements of this Manual (e.g. in the event of a natural disaster or emergency), or upon advice of counsel, or from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law, so long as the remaining requirements of this Manual and applicable Florida Statutes are otherwise met.

The provisions of this Manual apply to all personnel employed by the City of Winter Park. This Manual is intended to comply with all federal and state procurement payment and governing regulations (e.g. §218.70 et. seq; §287.055, Fla. Stat.), and, notwithstanding anything to the contrary herein, such applicable law(s) will supersede this Manual in the event of inconsistency or future change in the applicable law.

Nothing herein shall limit or modify the applicability of Florida Statute §287.055 Consultants' Competitive Negotiation Act ("CCNA"). In the event of any inconsistency between the terms of this Manual and State Statutes, then in such event the terms of State Statute shall control and the Manual remains in full force and effect.

Generally, the Purchasing Manager, with the approval of the City Manager and City Commission, may determine those procedures that shall apply to the method of obtaining prices and making purchases, with the goal of streamlining such procedures and taking advantage of technological means and methods available to the City, wherever possible, and with the further understanding that such procedures may be modified from time to time by the Purchasing Manager, either with the approval of the City Commission, or when deemed appropriate by the City Manager, by the adoption of Supplements to this Manual.

### **Section 1.00 Purchasing**

All City departments/divisions are required to follow the Purchasing Policy, unless otherwise governed under a specific policy.

NOTE: Approval via requisition or purchase request and quotes must be obtained prior to ordering any goods or services, the purchase can be accomplished using the following instruments; Purchase Order, Blanket Purchase Order, Emergency Purchase Order or Purchasing Card.

#### **CATEGORY ONE: Purchases Up To \$2,500.00**

Purchases in this category require two verbal quotes. Note: The use of catalog prices can be used as a means of acquiring quotes as well.

#### **CATEGORY TWO: PURCHASES OF \$2,500.01 TO \$9,999.99**

Purchases in this category require two written quotes. (Utilizing the quote form See Exhibit XX.

#### **CATEGORY THREE: PURCHASES OF \$10,000.00 TO \$49,999.99**

Purchases in this category require at least three written quotes. Written quote package shall be submitted to the Purchasing Manager for compliance review prior to issuing the PO. (Utilizing the quote form) See Exhibit XX

#### **CATEGORY FOUR: PURCHASES OF \$50,000.00 TO 74,999.99**

Requires that three written quotes are obtained which the Purchasing Division administers using the quote form or a formal solicitation Note: The City Manager or his designee may waive formal bidding procedures when it is deemed advantageous to the City. (This excludes piggybacks unless approved by the Purchasing Manager or City Administration)

**CATEGORY FIVE: PURCHASES OVER \$75,000.00**

Requires a formal solicitation that the Purchasing Division administers. Note: The City Commission, City Manager or his designee may waive formal bidding procedures when it is deemed advantageous to the City. (This excludes piggybacks unless approved by the Purchasing Manager or City Administration)

**Section 1.01 Authority**

1. For purchases and contracts up to CATEGORY THREE that have been adopted in the current or prior budget, the approval authority is the City Manager
2. For purchases and contracts in excess of CATEGORY FOUR, the approval authority is the City Manager.
3. All purchases within CATEGORY FOUR must be approved by the City Manager. The department will forward all necessary documentation to the Purchasing Manager.
4. All purchases within CATEGORY FIVE must be approved by the City Commission. The department will forward all necessary documentation to the Purchasing Manager. The Purchasing Manager will prepare the request and submit to the City Clerk for inclusion on the Consent Agenda.
5. Purchases through the Community Redevelopment Agency (CRA), shall be made in accordance with the following process:
  - a. The CRA Agency will adopt a budget which includes project specific appropriations
  - b. The CRA Director will have the same signature authority as the City Manager, specifically for CRA Funds
  - c. Purchases above the Director/Manager's signature authority that have been previously approved by the CRA Agency in their adopted budget, will be approved by the Commission, for compliance with the Purchasing Policy, during regular Commission meetings.
  - d. Purchases above the Director/Manager's signature authority that have not been previously approved by the Agency will be approved by the Agency at a designated CRA Agency meeting.
  - e. These provisions and the Purchasing Manual apply only if the CRA elects to purchase using the City staff for purchasing. Unless the CRA Board directs differently, the CRA has the legal right to make purchases directly using its own staff or contractors.

## **Section 1.02 Additional Approvals**

1. The Fleet Maintenance Department must approve vehicles, motorized equipment, roadway equipment and other related purchases.
2. The Information Technology Division must approve all requests for computer hardware, software and other technology related purchases. Allow sufficient time for the approval process.
3. The Communications Department shall review all products and materials that include the official city seal and any other city related logos prior to production.
4. The Human Resources Division shall review and process requests for temporary hiring of contract, intern and short term employees.

City Management shall review all requests for new wireless device purchases and activations.

## **Section 2.00 Purpose and Definitions**

(a) Purpose. The purpose of this section is to set forth the City's position on the function and objectives of the Purchasing Division and, consistent therewith, to:

- (1) Establish the policies governing purchasing by the City;
- (2) Provide a uniform system for procurement and supply management;
- (3) Ensure a system of quality and integrity in procurement;
- (4) Simplify, clarify, and modernize methods governing procurement;
- (5) Maximize open competition;
- (6) Maximize the purchasing value of public funds;
- (7) Provide for public confidence in procedures followed in public procurement;
- (8) Promote fair treatment to all suppliers of goods, services, and construction; and encourage participation by local businesses;

- (9) Conduct Analysis on proposals submitted to ascertain the total cost of ownership;
- (10) Provide professional procurement services for all departments and divisions within the City;
- (11) Assure adherence to all laws, regulations and procedures related to City procurement;
- (12) Create and manage strategic alliance and master agreements to obtain the best value on maintenance repair and operating supplies (MRO).

(b) Definitions. As used in this policy, the following words and terms shall have the meanings respectively ascribed:

Budget means the annual appropriations for each user department established by resolution of the city commission, together with resolutions amending the annual appropriations.

Budget detail means the proposed expenditures which appear specifically in the budget.

Completed procurement means the occurrence of the following: the city has executed a contract for the goods, services, or construction procured; and any appeals regarding the procurement have been resolved; or the city has determined that such goods, services, or construction are no longer needed and no further procurement solicitation will be issued.

Construction means services to construct, repair, alter, remodel, add to, demolish, subtract from or improve any building or structure, and related improvements to real estate including, but not limited to, services performed on bridges, roads and streets, or underground.  
Goods means supplies, materials, products, machinery, equipment, furniture, computers, vehicles, tools, and other tangible property used by the city.

Initiating a procurement means using a method other than merely seeking information which will result in a contract for goods, services, or construction for which the city is obligated to spend funds.

Procurement solicitation means an invitation to bid, request for proposal, invitation to negotiate, invitation to participate, or any other form of procurement by competitive selection issued by the city.

Respondent means a bidder, proposer, or other individual, firm, corporation, or business that submits a response to any form of procurement solicitation issued by the city.

Services means any labor, time and effort, professional expertise, consulting, insurance, maintenance, cleaning or other outside assistance used by the city.

Responsive bidder/offeror a contractor, business entity or individual who has submitted a bid or proposal that fully conforms in all material respects to the IFB/RFP/RFQ/ITN and all of its requirements; including all form and substance.

Responsible bidder/offeror. A contractor, business entity or individual who is fully capable to meet all of the requirements of the solicitation and subsequent contract. Must possess the full capability, including financial and technical, to perform as contractually required. Must be able to fully document the ability to provide good faith performance.

## **Section 2.01. Exclusions from Competition**

- (1) Inter-agency agreements and memorandum of understanding between the City Commission and non-profit organizations or governmental entities.
- (2) Dues and memberships in trade or professional organizations; subscriptions for periodicals; advertisements; postage; used equipment; abstracts of titles for real property; title insurance for real property; real property; water, sewer, and electrical utility services; copyrighted materials; patented materials; art and artistic services; employment agreements; medical services; service required by proprietary ownership such as CSX Railroad carrier, original equipment manufacturers (OEM) and fees and costs of job-related travel, seminars, tuition, registration and training.
- (3) Purchase of construction materials included in the scope of an awarded construction contract in order to realize sales tax savings, in accordance with Section 212.08(6), F.S.
- (4) Purchases from State of Florida or Federal GSA Contracts as well as contracts awarded by any local, state, or national government agency, cooperative purchasing organizations or purchasing associations. (For purchases under 50K)
- (5) Items purchased for resale to the general public.
- (6) Procurement of music ensembles (bands), artists, and other entertainment providers.

- (7) Postage
- (8) Seasonal and recreational service providers;
- (9) Animals
- (10) Donations of services of goods
- (11) Title insurance for real property
- (12) Abstracts
- (13) Owner direct purchases

## **Section 2.02. Procurement Cards and Vouchers**

The Procurement Card is available for purchases when accepted by the vendor and is primarily for goods (and some services) within the purchase Categories of One through Three. For services that require outside personnel, staff, or labor to be on City property, although payment with the Pcard is encouraged, a purchase order is required due to the insurance requirements.

Procurement Card purchases must follow the procedures in accordance with the Procurement Card Policies and Procedures. (See Exhibit 1). With the exception of services that require bonds, insurance and building permits. In these instances the use of the Pcard is not permitted.

Vouchers may be used as a form of payment only in certain situations agreed to by Purchasing and Finance, such as the following:

- Petty cash reimbursements
- Travel expenses paid directly to City employees based on approved Advance Travel Authorization & Request Forms
- Check replacements
- Payments not for purchase of goods or services (e.g. payroll deductions or pension contributions)
- Billing refunds (e.g. utility, EMS)
- Land Trusts and Agreements

At no time shall vouchers be used in an attempt to circumvent the Purchasing Policy or reporting purchases to the City Commission for approval as outlined in this Policy.

### **Section 2.03. Cooperative Purchasing & Piggyback Contracts**

The City may participate in, sponsor, conduct or administer a cooperative procurement agreement with one or more public bodies or agencies for the purpose of combining requirements to achieve economies of scale, increase efficiency or reduce administrative expenses. In most cases, a separate piggyback contract is not required for cooperative, state and other national agreements since those agreements often contain specific ordering instructions. Only contracts with other local municipalities or sub-divisions shall require a piggyback contract to be issued to the contractor. In instances where it is unclear which category an entity belongs to, the Purchasing Department will determine the appropriate fit.

This policy applies to the acquisition and/or disposition of all tangible personal property by pooling common requirements; preparing common specifications and purchasing supplies from contracts awarded by/available to other governmental entities.

### **Section 2.04. Public Record**

Procurement information shall be a public record to the extent provided in F.S. Ch. 119 and shall be made available to the public as provided by law.

### **Section 2.05. Prohibited Lobbying.**

No person, firm, corporation, or others representing such person, firm, or corporation shall contact or lobby the mayor, the city commissioner, city staff, or evaluation committee member in person, by telephone, in writing, by e-mail, or any other means of communication, regarding the procurement of goods, services, or construction from the time the intent to procure such goods, services, or construction is advertised to the time of completed procurement. The only permissible contact regarding a procurement solicitation shall be with the purchasing manager or their designee or by invitation to at a duly noticed public meeting. Lobbying and lobbyist shall have the same meaning as provided in the city's ethics code.

The solicitation or bid will be deemed to be 'issued' within the meaning of this provision at the earliest date and time upon its posting, dissemination, electronic publication, or electronic posting on the City website. The manner of issuance is in the discretion of the Purchasing Division.

### **Section 2.06. Good Faith**

All parties involved in procurement for the city shall act in good faith.

## **Section 2.07 Ethics in Procurement**

(a) The city shall not execute a procurement contract if there has been a violation of this section, any ethics provision of a procurement solicitation, or any local, state, or federal law, including but not limited to:

- (1) Conflicts of interest;
- (2) Acceptance of gifts, kickbacks;
- (3) Solicitation of procurement by payment of a gratuity or offer of employment;
- (4) Acceptance of a gratuity or offer of employment resulting from solicitation of procurement;
- (5) Honest services fraud;
- (6) Prohibited lobbying as provided in Section 2.06 ;
- (7) Any other improper or unlawful attempt to influence the outcome of a procurement; or
- (8) Violation of subsection (b) below.

(b) All provisions of the city ethics code found in the City of Winter Park's personnel policy, Sections 1.03 .

### **Section 3.00. Equal Opportunity**

No person or business shall be excluded from participation in, denied benefits of, or otherwise discriminated against in connection with procurement by the city on the grounds of race, color, religion, sex, gender identity or expression, genetic information, national origin, age, disability, familial status, marital status, or sexual orientation.

### **Section 4.00. Authority to Procure and Duties of the Purchasing Manager**

(a) The authority to procure goods and services or construction shall be established prior to initiating a procurement. Authority to procure applies to availability of funds.

(b) The purchasing manager shall have the authority and duty as provided in this chapter, to:

(1) Administer procurement of goods, services, and construction required by the city, including the determination regarding use of a master agreement, annual contract, or other bulk procurement arrangement;

(2) Administer and monitor the local preference policy;

(3) Administer and monitor the Consultants Competitive Negotiation Act (CCNA) Program;

(4) Delegate and document in writing the procurement authority levels for the procurement division staff, based upon the employee's expertise, experience, and position;

(5) Sell, trade, or otherwise dispose of surplus goods;

(6) Establish procurement procedures;

(7) Participate in cooperative and other government procurement;

(8) Maintain respondent and supplier lists;

(9) Supervise city warehouse and storage facilities;

(10) Monitor and report procurement activity;

(11) Maintain records pertaining to procurement; such records shall include documentation which supports actions taken and decisions made; and

(12) Execute purchase orders.

(c) The procedures established by the purchasing manager pursuant to this policy shall provide for obtaining sufficient price quotations and product information to ensure that the goods, services, or construction being procured represent the highest quality at the most reasonable cost. Such procedures shall require the preparation and maintenance of written records which adequately document the quotations obtained, properly account for the funds expended, and facilitate an audit of the purchase made.

## **Section 5.0. Availability of Funds**

(a) Funds must be available in the budget for all procurement of goods, services, and construction.

(1) Procurement that is \$25,000.00 or more must appear in the budget detail before such procurement is initiated.

(2) Procurement may exceed the estimated amount contained in the budget detail based on the response to the initial procurement or due to the necessity for a contract amendment or change order, subject to the following:

(a) For procurements totaling \$100,000.00 or less, if the procurement exceeds the budget detail by \$10,000.00 or more, additional budget approval by the city manager is required. This approval requirement shall apply if multiple contract amendments or change orders, taken together, exceed \$10,000.00 over the original budget detail.

(b) For procurements totaling more than \$100,000.00, if the procurement exceeds the budget detail by either \$25,000.00 or

ten percent of the budget detail, whichever is less, additional budget approval by the city manager is required. This approval requirement shall also apply if multiple contract amendments or change orders, taken together, exceed the original budget detail by either \$25,000.00 or ten percent of the budget detail, whichever is less.

(b) The user department director shall be responsible for the determination of availability of funds.

(c) The city commission may approve initiation of a procurement prior to the availability of funds.

## **Section 6.0. Unauthorized Procurement**

No city officer, employee, or other person shall order the purchase of or make any contract for goods, services, or construction, in the name of or on behalf of the city, other than through the purchasing manager and in compliance with the requirements of the procurement policy and procedures.

## **Section 7.0. Small Purchase**

(a) *Definition.* The term "small purchase" means any procurement not exceeding \$50,000.00 for goods and services.

(b) *Procedure.* Small purchases shall be made according to the procedures established by the purchasing manager in accordance with section 1.

(c) *Small purchase records.* The names of the businesses submitting quotations and the date and amount of each quotation shall be recorded and maintained as a public record. (The quote form can be used as the record)

## **Section 8.0. Invitation to Bid**

(a) *Conditions for use.* Competitive sealed bidding ("invitation to bid") may be used when:

(1) The proposed procurement exceeds the small purchase amount; and

(2) Although the amount does not exceed the small purchase amount, when insurance and bonds are required due to the type of product requiring installations, warranties, insurance, etc.

(3) Precise specifications of the needed product, service, or construction are known and can be described in an invitation to bid; and It is in the city's best interest to do so. Procurement by invitation to bid is not required if the purchasing manager determines that another procurement method is in the best interest of the city or if this article provides otherwise.

(b) *Content of invitation to bid.* The invitation to bid shall state, or incorporate by reference, all specifications, minimum requirements, contractual terms and conditions, performance and/or payment bond requirements, insurance requirements, and other information applicable to the procurement.

(c) *Multiple submittals.* Only one bid from a respondent for each procurement solicitation shall be considered. In the event a respondent timely submits more than one bid, the last bid received shall be the bid considered. If multiple submittals are received in one envelope, none of the submittals will be considered.

(d) *Public notice.* Public notice of the invitation to bid, if applicable, shall be given in accordance with applicable state statutes. Public notice of an invitation to bid may also be provided electronically and as permitted by law.

(e) *Pre-bid conference.* A pre-bid conference may be held as mandatory or non-mandatory at the option of the purchasing manager.

(f) *Bid modification or interpretation.* The terms of an invitation to bid may be modified or interpreted by a written addendum issued by the purchasing manager. Any addendum to an invitation to bid shall be sent to each registered recipient of the invitation to bid. Each respondent shall acknowledge receipt of all addenda in writing. If a respondent does not acknowledge receipt of all material addenda, the respondent shall not be selected as the respondent with whom to contract for procurement. A "material" addendum is an addendum that directly affects price and/or competition.

(g) *Bid opening.* Bids shall be opened publicly on the date and at the time and place designated in the invitation to bid. After opening each bid, the bid amount and the respondent's name shall be recorded, signed by the purchasing manager and witnessed. Such bid record shall be open to public inspection to the extent permitted by F.S. ch. 119 and shall be made available to the public as provided by law.

(h) *Selection of respondent with whom to contract.* After reviewing the recommendation of the reviewer(s), the purchasing manager, if applicable, shall select the bid that will provide the best value to the city. Such selection shall be based on the content of the bid, together with the criteria contained therein. For contracts that will be funded in whole or in part by federal agencies which require selection based on lowest responsive bid, the criteria contained in the solicitation shall constitute the criteria for determining a responsive bid.

(i) *Notice of selection.* The purchasing manager shall notify in writing the respondent selected based on section xx below as the respondent with whom there is an intent to award a contract.

(j) *Cancellation or rejection of bids.* If the purchasing manager determines that it is in the best interest of the city to do so, the city may cancel an invitation to bid and may or may not re-bid or may accept or reject any or all bids in whole or in part, in accordance with section xx.

(k) *Waiver of irregularities.* The purchasing manager shall have the authority to waive all nonmaterial irregularities on any and all bids except timeliness and signature requirements. Additionally, the purchasing manager shall have the authority to correct obvious math errors, subject to the right of the respondent to withdraw the bid pursuant to subsection (l) below.

(l) *Bid/Response Withdrawal.* Bid withdrawal after bid opening may be permitted where appropriate, as determined by the purchasing manager. A respondent alleging a material mistake may be permitted to withdraw its bid if the mistake is clearly evident or the respondent submits evidence which clearly and convincingly demonstrates that a mistake was made. Withdrawal means the respondent will not be considered for selection.

## **Section 8.1. Requests for Proposals**

(a) *Conditions for use.* Competitive sealed proposals ("request for proposals") may be used when:

- (1) The proposed procurement exceeds the small purchase amount;  
and
- (2) The purchasing manager determines that an invitation to bid is not applicable or practicable in achieving the City's objectives.

(b) *Request for proposals.* The request for proposals (RFP) shall provide a cogent problem description or statement of need for which recommendations or solutions are sought. At a minimum, the RFP shall include scope of services, qualifications, specifications, evaluation criteria, and proposed contractual terms and conditions.

A request for proposals may include a request for qualifications (RFQ) or may be preceded by a request for information (RFI).

(c) *Selection committee.* A selection committee may be used. Such determination may be made by the purchasing manager and/or the City Administration.

(d) *Public notice.* Public notice of the request for proposals, and of selection committee meetings, if applicable, shall be given in the same manner as provided in subsection xx.

(e) *Pre-Proposal Conference/Discussions.* The purchasing manager may have discussions with respondents prior to the request for proposals opening whenever necessary to assure that the responses address the statement of need or the problem described in the request for proposals.

(f) *RFP opening.* Proposals shall be opened publicly on the location, date and time designated in the request or proposal. After opening, the respondent's name shall be recorded, and witnessed. The request for proposal record shall be open to public inspection to the extent permitted by F.S. ch. 119 and shall be made available to the public as provided by law.

(g) *Selection of respondent with whom to negotiate.* The purchasing manager, after considering the recommendation of the selection committee, will made a recommendation to City Administration, if applicable, such selection shall be based on the content of the proposal, together with the criteria contained in section XX.

(h) *Notice of selection.* The purchasing manager shall notify in writing the respondent selected as the respondent with whom there is an intent to negotiate a contract.

(i) *Contract negotiations.* Upon selection of the proposal determined to be the best value to the city, contract negotiations may commence with the person or entity whose proposal was selected. If an agreement is reached with the respondent, the city and the respondent shall enter into a contract. If an agreement is not reached, the purchasing manager shall advise the respondent in writing of the termination of negotiations. After such termination of negotiations, negotiations may be conducted with the next respondent determined to be in the city's best interest (the "alternate respondent"). If the contract terms can be agreed upon with the alternate respondent, the two parties shall enter into a contract.

(j) *Cancellation or rejection of proposals.* If the purchasing manager determines that it is in the best interests of the city to do so, the city may cancel and may or may not re-issue or reject, in whole or in part, any or all proposals in accordance with section xx.

(k) *Waiver of irregularities.* The purchasing manager shall have the authority to waive all nonmaterial irregularities on any and all proposals except timeliness and signature requirements.

## **Section 8.2. Requests for Information**

Conditions for use. Competitive sealed proposals ("request for proposals") may be used when:

- (1.) To ascertain if and what the market for the service or goods is;
- (2.) To gain market intelligence on the sources and availability
- (3.) The user department does not have sufficient information to develop definite specifications for the RFP.

## **Section 9.0. Single Source**

Single and proprietary source purchases are exempt from competitive requirements upon certification by the Purchasing Manager stating the conditions and circumstances necessitating the purchase.

Upon receipt of justification from the user department and the proposed single source, the purchasing manager may select a single source without competition if, after conducting a search for available sources, the purchasing manager determines that only a single source is practicable or for other reasons single source selection is in the city's best interest. Upon the purchasing manager's written approval of single source selection, contract negotiations shall commence with the single source. If contract terms are agreed upon, a contract between the city and the single source will be executed. The purchasing manager shall maintain a record of single source procurements which contains the nature and amount of the procurement and the name of the single source. All single source justifications expire annually on September 30<sup>th</sup> unless the items are Original Equipment Manufacturer (OEM) single source.

## **Section 9.1. Other Procurement Requests and Means**

The purchasing manager may use other procurement methods and requests determined to be in the city's best interest. Such methods may include request for qualifications (RFQ), or request for quotes, request for information (RFI), invitation to negotiate (ITN), invitation to participate (ITP) and request for letter of interest (RFLI).

## **Section 10. Professional Services.**

(a) *Engineering, surveying, architectural, mapping services, and landscape architectural.* The procurement of professional architectural, engineering, landscape architectural, and surveying and mapping services within the scope of F.S. ch. 287 shall comply with the requirements of F.S. § 287.055, the Consultants Competitive Negotiation Act (CCNA), as amended.

(b) *Auditor services.* The procurement of a professional auditor for financial auditing services within the scope of F.S. ch. 218 shall comply with the requirements of F.S. § 218.39. The city's audit committee shall serve as the auditor selection committee required by F.S. § 218.391. The term for service as the city's financial auditor shall not exceed five consecutive years. The city commission may extend the term for up to two additional years.

(c) *Legal services.*

(1) Without competitive selection city administration may select a lawyer to provide special legal service.

(2) The city may select a lawyer or lawyers on the basis of expertise and skill without competitive selection.

(3) *Medical services.* The city may select a medical professional to provide services or training on the basis of skill and expertise without competitive selection.

## **Section 11. Cooperative Purchasing**

The purchasing manager may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for procurement. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between governmental entities.

### **Section 11.1. Other Government Procurements**

The purchasing manager may select a provider of goods, services, or construction, except for services to be procured under the Consultant's Competitive Negotiation Act, by utilizing another government agency's/cooperative competitive selection process for a similar good(s) or similar scope of work for services and construction which was based on a procurement method authorized. Purchasing will following the ordering methods outlined in those agreements. Where appropriate a purchase order may be issued for goods. Other government agencies include the water management districts, cities, counties, and special taxing districts, will require a separate piggyback contract be executed between the city and the selected provider for goods, services, and construction.

### **Section 11.2. Emergency Procurement**

Notwithstanding any other provisions of this chapter, city administration may authorize the purchasing manager to make an emergency procurement when there exist an immediate threat or danger to public health, safety or welfare, loss of public or private property, or interruption in the delivery of an essential governmental service. The user department director or other requester of an emergency determination shall attest to the conditions that constitute the immediate threat, danger, or service interruption, the type of emergency, the risks associated with delaying corrective actions, estimates of the time, costs, and work required to mitigate the situation, and such other information as the purchasing manager may require. The purchasing manager will review and recommend to city administration whether to make or to deny an emergency determination. If an emergency determination is made, the purchasing manager shall seek such competition as is practicable under the circumstances. A record of each emergency procurement shall be maintained which contains the nature and amount of the procurement and the name of the vendor or contractor.

## **Section 12. Cancellation or Rejection of Solicitations/Responses**

A solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when determined by the purchasing manager to be in the best interests of the city. The reasons for the cancellation or rejection shall be made part of the procurement file and subject to the following conditions:

- (1) The cancelled solicitation may or may not be re-issued;
- (2) Any bid or proposal or response may be rejected in whole or in part;
- (3) Any action taken by the city in response to a solicitation shall be made without any liability or obligation on the part of the city or its employees;
- (4) The selection or failure or refusal to make a selection pursuant to such solicitation shall be made without any liability or obligation on the part of the city or its employees;
- (5) The city, in its sole discretion, reserves the right to determine the eligibility for selection of any party or parties submitting responses to any solicitation;

## **Section 13. Best value, selection of respondent.**

- (a) The selection of a respondent with whom to contract for a procurement solicitation shall be based on the best value to the city. The purchasing manager, after considering the recommendation of the selection committee, if applicable, shall select the bid, proposal, or response that will provide the best value to the city and recommend to city administration.
- (b) Best value means the overall value to the city, in the city's sole discretion, as determined by consideration of the following:
  - (1) Experiences, craftsmanship, skill and workmanship demonstrated by the respondent in performing the same type of work or services as those sought by the city, or the experience, expertise, and quality of services demonstrated by the respondent for professional, consulting and other services;

- (2) Ability to meet the minimum qualifications or requirements of the procurement solicitation;
- (3) Adherence to the design, specifications or the approach to the project or study, as applicable;
- (4) Respondent's capacity to perform in terms of financial viability, ability to provide required insurance and business tax receipts, and bonding capacity, if applicable;
- (5) Respondent's capacity to perform in terms of personnel, equipment, facilities, licensing, and ability to meet time requirements and schedules;
- (6) Rates, prices and cost in relation to the services, goods, or construction to be procured, except as provided by CCNA; lowest price is not the determining factor for best value;
- (7) Life cycle costs of the goods, products, or equipment to be procured;
- (8) Respondent's past performance with the city and others;
- (9) Ability of respondent to efficiently and cooperatively work with city staff based on respondent's conduct;
- (10) Any other factor specific to the particular solicitation that is specifically described in the procurement solicitation document;
- (11) Any prior conviction for bribery, theft, forgery, embezzlement, falsification, or destruction of records, antitrust violations, honest services fraud or other offense indicating a lack of business integrity or honesty; any prior violation of the city's ethical standards; suspension or debarment by the city or another government entity; and
- (12) Impact to the local economy, local preference in comparison to other respondents.

## **Section 14. Local Preference**

(a) The city desires to maximize the economic impact of all procurements to City of Winter Park's local economy. This includes and is limited to employment of persons who reside in City limits of Winter Park.

(b) Subsection 14(a) will not apply to procurements involving the Department of Housing and Urban Development (HUD), Department of Transportation, Federal Transit Administration or any other state and federal agencies that prohibit local geographical preferences, unless a local geographical preference is expressly permitted by the Code of Federal Regulations, circulars, or statutes pertaining to such agency.

## **Section 15. Contracts Not Enforceable Against the City Unless Duly Authorized and Executed by Parties**

No procurement contract, or any contract amendment, may be enforced against the city unless:

- (1) The contracting party is in compliance with this policy; and
- (2) The contract or contract amendment is in writing and duly executed by the parties in accordance with law.

## **Section 16. Types of Contracts and Contractual Relationships**

(a) The term "contract," as used in this chapter, means any type of legally enforceable written agreement regardless of its name, for the procurement of goods, services, or construction. It includes contracts for a fixed price, cost, cost plus a fixed fee; contracts which provide for performance-based incentives; contracts providing for the issuance of job, work, or task orders, or work authorizations; continuing contracts; letter agreements; memoranda of understanding; change orders; master agreements; and purchase orders.

(b) The term "contract amendment," as used in this chapter, means any written modification to a contract that alters any term or provision.

(c) The term "change order" as used in this chapter means a written order to the contractor signed by the city and architect/engineer (if applicable) issued after the execution of a construction contract authorizing a change in the work or an adjustment in the contract sum or the contract time.

(d) The term "purchase order," as used in this chapter, means a city-created form for the procurement of goods and certain services. When accepted by the vendor, a purchase order constitutes a contract between the vendor and the city.

(e) The term "master agreement," as used in this chapter, means a contract which allows for procurement of an indefinite quantity of goods and services at fixed prices or rates or a discounted list price during the term of such contract without the requirement of further competitive bidding.

(f) The term "continuing contract" means a contract for professional services of a specified nature or construction work for a defined contract term on projects described by type which may not be specifically identified at the time of contracting.

(g) The use of a cost plus a percentage of cost contract is prohibited. A cost reimbursement contract may be used only when a written determination is made by the purchasing manager that such contract is in the best interest of the city and all other authority to procure is established.

(h) Contracts for professional services such as architects, engineers, and mappers shall contain a provision that such professional will comply with F.S. §§ 287.055(6)(a, b, c and d), relating to prohibited fees, commissions, percentages, or gifts.

(i) Contracts for procurement of goods or services shall be limited to a term of three years with the right to extend the term for up to two additional years. This term limitation shall not apply to lease agreements. A construction contract for a specific project, as well as any professional service contract relating to such construction, shall contain the term required to complete the project. The city commission may authorize a longer term if deemed in the city's best interest.

## **Section 16.1. Contracts Which Require Commission Approval**

(a) The following category of contracts shall require the approval of the city commission prior to execution by the mayor:

(1) Contracts for construction of buildings and structures including those structures that are a part of the water, wastewater, and storm water systems;

(2) Contracts for insurance, including property, damage, liability, health, worker's compensation, or any other insurance;

(3) Contracts where the requirements of this chapter have not been fulfilled;

(4) Contracts which require such approval pursuant to state statutes.

(5) Contracts that exceed the signature authority of the City Manager or CRA Director.

(b) If city commission approval is required, or requested, the matter shall be placed on a city commission meeting agenda, and shall include, but not be limited to, the following information:

(1) The identity of the vendor or contractor;

(2) The procurement method by which the vendor or contractor was selected;

(3) Type and nature of the procurement;

(4) Total cost of ownership along with contract price;

(5) The time of performance;

(6) The user division, department, or agency of the city;

- (7) Budgeted source of funds; and
- (8) Budgeted amount if known

### **Section 17. Reports to the City Commission**

- (a) *Procurement reports.* The City Manager as needed, required, and or directed shall periodically report to the City Commission including, but not limited to; waiving of requirements, special procurements, and any reporting requirements based on city policy.
- (b) *Work in progress reports.* City administration and user department directors shall submit to the city commission such work in progress reports as may be requested.

### **Section 18. Execution of Contracts and Purchase Orders**

- a) All procurement contracts and contract amendments, including change orders, work authorizations, and work orders, shall be: (1) reviewed and approved by the director of the user department; (2) depending on the type of contract, reviewed by the by the purchasing department and if required, then city attorney as to form and legal sufficiency; and (3) signed by the mayor and/or the city manager along with the contractor. No other city officer, employee, or other person shall sign any procurement contract or contract amendments, including change orders, work authorizations and work orders on behalf of the city, except as expressly provided in this policy.
- (b) All purchase orders shall be signed by the purchasing manager. An electronic duplicate of all executed purchase orders shall be maintained by the purchasing manager.
- (c) In the mayor's absence, the vice-mayor of the city commission may sign procurement contracts and contract amendments. In the absence of the mayor and the vice-mayor of the city commission the available city commissioner who has the most seniority shall execute such instruments.

## **Section 18.2. Contract Amendments and Change Orders**

(a) Change orders must be processed for all changes affecting the original purchase order such as quantity increases that reflect a 5% difference in the original unit price or the overall dollar value. Requests for changes in the funding source or vendor are unallowable. Justification or competition may be required based on the requested increase amount.

(b) For contracts awarded through the formal solicitation process, change order requests up to CATEGORY FOUR, the City Manager shall have approval authority. Change order requests that exceed CATEGORY FOUR shall require approval by the City Commission.

## **Section 19. Contract Administration**

The user department, division, or agency shall have primary responsibility for contract administration. Staff shall receive, inspect, and otherwise monitor the procurement to ensure that the contract is performed according to its specifications, terms and conditions. Such contract administration shall include monitoring expiration and substantial completion dates, preparation of adequate written documentation to support contract payments and determination of compliance with all contract terms. Progress payments and final payments shall not be made unless the user department director verifies contract compliance. The user department shall provide the purchasing manager with all documentation and information requested pertaining to a contract in a timely manner.

### **Section 19.1. Waiver of Bond Requirements/Bond**

(a) The purchasing manager shall have the authority to waive the requirement for persons entering into construction contracts with the city to execute payment and performance bonds for contracts the total amount of which does not exceed \$200,000.00.

(b) Bonds are assurance that the vendor will perform accordingly, as specified in the bid or contract. Bonds shall conform to the minimum standards as set forth in Florida Statutes Chapter 255, Section 255.05(1)(a).

## **Section 19.2. Insurance**

In construction and other contracts, insurance protecting the City against liability, property damage and contractual risks is essential. While it is acknowledged that such requirements do add to the initial costs of any project, the reduction of risks involved (injury, fire, theft, vandalism, loss of life) far outweighs those costs. Worker's compensation, property damage, liability, and automotive property damage & liability are required. Additional coverage may be required, depending upon the nature of the project.

## **Section 20. Disqualification**

(a) The purchasing manager shall disqualify a respondent from participation in a procurement solicitation for any of the following reasons:

- (1) Untimely filing of the solicitation documents;
- (2) Failure to meet the minimum qualifications contained in the procurement solicitation;
- (3) Failure to sign required signature pages of the bid documents
- (4) Failure to submit materials or information required by the procurement solicitation where the procurement solicitation states that failure to provide will result in disqualification;
- (5) Failure to provide a bid bond or equivalent if one is required;
- (6) Failure to sign and submit any issued addenda that affect the scope of work or bid or fees, if any;
- (7) Any other basis for disqualification contained in the solicitation documents;
- (8) Being listed on any convicted vendor's list; or
- (9) Being currently suspended or debarred by the city or any other agency.

(b) A respondent who is disqualified for any reason set forth in this article shall not have the right to protest the disqualification.

(c) Poor performance that has been documented on previous projects or contract awards with the City of Winter Park and other municipal references.

### **Section 20.1. Authority to Suspend or Debar**

(a) The purchasing manager shall have the authority to suspend or debar a person or entity from participation in procurement for the city.

(b) The purchasing manager shall issue a written decision of suspension or debarment to the person or entity involved. A copy of the decision shall be mailed or otherwise delivered immediately to the person or entity suspended or debarred.

### **Section 20.2. Suspension**

The purchasing manager may suspend a person or entity from participation in procurement for the city if there is reason to believe that the person or entity has engaged in any activity which violates any provision of the procurement code. The suspension shall be for a period not to exceed one year. The purchasing manager may suspend a person or entity for any other cause the purchasing manager determines requires a suspension.

### **Section 20.3. Debarment**

The purchasing manager may debar a person or entity from participation in city procurement for cause. The debarment shall be for such period as deemed in the best interest of the city. Causes for debarment include:

(1) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(2) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty;

- (3) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
- (4) Violation of contract provisions, including but not limited to the following:
  - a. Deliberate failure to perform in accordance with the specifications, the contract price, or within the time limit provided in the contract; or
  - b. A record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts;
- (5) Violation of the ethical standards contained in this chapter;
- (6) Debarment by another governmental entity;
- (7) More than one suspension in the past two years; and
- (8) Any other cause the purchasing manager determines to be so serious and compelling as to require debarment.

### **Section 20.3. Appeal of Suspension or Debarment Decision**

Any person or entity who has been suspended or debarred may appeal the purchasing manager's decision to the city manager.

- (a) *Content of notice of appeal.* An appeal of a suspension or debarment decision is commenced by filing a notice of appeal with the purchasing manager. The notice of appeal must:
  - (1) Be in writing;

- (2) Provide a short, plain statement containing the basis for the appeal; and
  - (3) Include a copy of the written decision to suspend or debar upon which the appeal is based.
- (b) *Time for filing an appeal.* A notice of appeal shall be filed with the office of the purchasing manager within seven calendar days from the date of the purchasing manager's written decision;
- (c) *Hearing by the city manager.* On receipt of a timely notice of appeal as provided in subsections (a) and (b) above, the purchasing manager shall schedule a hearing before the city manager. The hearing shall not be a de novo review, but rather shall be limited to the review of the record or evidence on which the purchasing manager's decision to suspend or debar was based.
- (d) *Decision of the city manager.* The city manager will either approve or reject the purchasing manager's decision to suspend or debar. In the case of suspension, the city manager may approve, reject or modify the term of the suspension. In the case of a debarment, the city manager may either approve or reject the debarment. The decision of the city manager shall be in writing and shall be deemed final.
- (e) *Appeal of the city manager's decision.* An appeal of the decision of the city manager shall be to the Appellate Division of the Ninth Circuit Court, Orange County, Florida, and shall be filed within 30 days from the written decision.
- (f) *Effect of filing appeal.* Filing of an appeal of a suspension or debarment decision shall not stay any procurement solicitation, award process, or execution of a contract.

## **Section 20.5. Additional Penalties**

- (a) *Voidable transactions; recovery by the city.* A violation of this code by any respondent may render a contract or selection under a procurement solicitation voidable by the mayor. In such event, the city shall be entitled to recover, in addition to any penalty prescribed by law or in a contract, the

amount expended or the thing being transferred or delivered on its behalf, or the reasonable value thereof.

(b) *Prohibition from serving on selection committee.* Any person who violates this code shall be prohibited from serving on a city selection committee.

(c) *Violation by city employee.* Any city employee who violates this code shall be subject to discipline, up to and including termination of employment.

## **Section 21. Protests**

(a) *Right to protest.* The right to protest is intended only to remedy procedural or legal errors committed during the procurement solicitation which, if corrected, would result in the selection of the person or entity filing the protest.

(b) *Notice of protest.* A protest is commenced by filing a notice of protest with the purchasing manager. The notice of protest must:

(1) Be in writing;

(2) Identify the name of the respondent and procurement solicitation number; and,

(3) Provide a short, plain statement identifying the procedural or legal error on which the protest is based.

(c) *Time for filing a notice of protest.* A protest shall be filed with the purchasing manager within seven calendar days of the first date that the respondent knew or should have known of the facts giving rise to the protest, but no later than seven calendar days after the issuance of a notice of intent to award. The protest shall be considered filed when received by the purchasing manager.

(d) *Decision of the purchasing manager.* The purchasing manager shall review the protest and shall issue a written decision as soon as practicable after such review is completed. The purchasing manager shall deliver the written decision to the respondent by electronic mail, unless the respondent has

previously notified the purchasing manager of a preferred alternative means of delivery, i.e. U.S. mail, fax, or pickup.

(e) *Appeal of the purchasing manager decision to city manager.* The decision of the purchasing manager may be appealed by filing a written notice of appeal with the purchasing manager within seven calendar days from the date of the purchasing manager's written decision.

(f) *Hearing by the city manager.* On receipt of a timely appeal as provided in subsection (e) above, the purchasing manager shall schedule a hearing before the city manager. The hearing shall not be a de novo review, but rather shall be limited to the review of the record or evidence on which the purchasing manager's decision was based.

(g) *Decision of the city manager.* The city manager will either approve or reject the purchasing manager's decision. The decision of the city manager shall be deemed final.

(h) *Appeal of the city manager's decision.* The decision of the city manager may be appealed by filing a written notice of appeal with the purchasing manager within seven calendar days from the date of the city manager's written decision.

(i) *Costs; bond requirements.* Any protestor that files a protest with the city protesting a decision pertaining to a procurement solicitation, shall, at the time of filing the formal written protest, post with the city a bond, cashier's check, or money order payable to the city in an amount equal to ten percent of the value of the protestor's bid or estimated contract value or \$10,000.00, whichever is less. Said bond, cashier's check, or money order shall remain posted during the pendency of any appeal.

If the protestor does not prevail, the city's costs and charges, excluding attorneys' fees, shall be paid from such bond, cashier's check, or money order. The bond shall contain the condition that all of the city's costs and charges in defending the protest and any subsequent appeal shall be payable from such bond. The balance of the funds shall be returned to the protesting party. No protest will be considered without posting the required bond or delivery of a cashier's check or money order at the time of filing the protest.

(j) *No protest allowed.* A respondent who was disqualified under [Section 20](#) is not eligible to file a protest.

## **Section 22. Automatic Stay**

(a) Procurement which is the subject of a timely protest, as permitted by Section 21 above, shall be stayed until a final decision by the city commission regarding such protest has been made. The purchasing manager shall not proceed further with the procurement solicitation which is the subject of the protest until a final decision on the protest has been announced by the city commission except as provided in subsection (b) below.

(b) *Exceptions to automatic stay.* The automatic stay referenced in subsection (a) above does not apply (1) if the mayor makes a written determination that the execution of a contract without delay is necessary to protect substantial interests of the city or (2) when a pre-bid or pre-proposal conference is scheduled.

## **Section 23. Waiver**

Failure to protest within any time period described in this chapter shall constitute a waiver of the right to protest.

## **Section 24. Use of Technology**

Procurement activities and inventory management for the city should be automated whenever it is in the city's best interest.

## **Section 25. Vendor Registration**

The purchasing manager may require vendors to register by an electronic registration process.

## **Section 26. Electronic Invitation to Bid or Request for Proposal**

(a) *Electronic public notice allowed.* As an alternative to the public notices required under this chapter, the purchasing manager may electronically distribute invitations to bid, request for proposals, or other procurement solicitations. The purchasing manager may limit such distribution to firms electronically registered with the city.

(b) *Use of private contractor.* If appropriate, the purchasing manager may contract with a private firm to manage the vendor registration process, bid lists, distribution of procurement documents, and master agreement catalogs. The purchasing manager may not delegate authority for final source selections to a private contractor.

## **Section 27. Electronic Submissions**

(a) *Electronic submissions.* The purchasing manager may receive procurement submissions electronically if the invitation to bid, request for proposals or other procurement solicitation includes permission for such electronic submission.

(b) *Digital signatures.* To assure the validity of procurement submissions received electronically, the purchasing manager may require vendors to adopt approval and signature standards established by the state, the National Institute of Government Purchasing, or other recognized national organization.

(c) *Public records.* All procurement submissions received electronically shall be a public record to the extent provided in F.S. ch. 119 and shall be made available to the public as provided by law.

## **Section 28. Surplus and Property Disposal**

(a) *Electronic submissions.* The purchasing manager may surplus City items which are unserviceable, useable, obsolete or excess via an on-line or electronic version of bidding and auctioning. When appropriate auction houses and auctioneers may be used for surplus disposal either electronically or by other methods deemed in the best interest of the City. All disposal of surplus property is in accordance with Florida Statute XVIII, Ch. 274.05-06.



# city commission agenda item

item type	Consent Agenda	meeting date	October 13, 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		

## Purchases over \$50,000

	vendor	item   background	fiscal impact	motion   recommendation
1.	ENCO Utility Services	Blanket Purchase Order for Electric Utility Undergrounding	Total expenditure for projects included in approved FY14 budget. Amount: \$185,000	Commission approve Blanket Purchase Order to ENCO Utility Services for Electric Utility Undergrounding.
Commission approved Blanket Purchase Order October 14, 2013.				
2.	Heart Utilities	Blanket Purchase Order for Electric Utility Undergrounding	Total expenditure for projects included in approved FY14 budget. Amount: \$225,000	Commission approve Blanket Purchase Order to Heart Utilities for Electric Utility Undergrounding.
Commission approved Blanket Purchase Order October 14, 2013.				
3.	Seminole Electric Cooperative, Inc.	Increase to Blanket Purchase Order for Bulk Power	Additional power purchased due to increased sales. Cost covered by offsetting revenues. Amount: \$1,400,000	Commission approve after the fact Change Order Request to Seminole Electric Bulk Power for FY14 August and September invoices for Bulk Power.
Commission approved Blanket Purchase Order October 14, 2013.				
4.	Brown and Brown Insurance Agency	Insurance Premium for Coverage for General, Law Enforcement, Public Officials, and Commercial Auto Liability. Employment Practices, and Physical Damage and Excess Workers Compensation. Also payment of the annual Agency Fee.	Total expenditure included in approved FY15 budget. Amount: \$751,153.00	Commission approve the Blanket Purchase Order to Brown and Brown Insurance Agency for insurance coverage and the Agency Fee
Commission approve the Blanket Purchase Order for annual insurance premium only. The premium increase is 1% over last year. The average increase in the market is 3%. The Blanket Purchase Order will expire September 30, 2015.				

## Piggyback contracts

	vendor	item   background	fiscal impact	motion   recommendation
5.	De Young Law Firm	Blanket Purchase Order for Legal Services.	Total expenditure included in approved FY15 budget. Amount: \$50,000	Commission approve Blanket Purchase Order to De Young Law Firm for Legal Services.
The City of Winter Park executed an agreement on February 8, 2013, Blanket Purchase Order will expire on September 30, 2015.				
6.	GATSO USA, Inc.	Blanket Purchase Order for Red Light Safety Enforcement - RFP-13-2009	Total expenditure included in approved FY15 budget. Amount: \$441,600	Commission approve Blanket Purchase Order to GATSO USA, Inc. for Red Light Safety Enforcement.
The City of Winter Park executed an agreement on June 22, 2009. Blanket Purchase Order will expire on September 30, 2015.				
7.	Motorola Solutions	Blanket Purchase Order to Motorola Solutions for system monitoring and preventative maintenance for Astro P25 radio system.	Total expenditure included in approved FY15 budget. Amount: \$51,825.96	Commission approve Blanket Purchase Order to Motorola Solutions.
The City of Winter Park executed an agreement on August 25, 2014. Blanket Purchase Order will expire on September 30, 2015.				
8.	Waste Pro of Florida	Blanket Purchase Order for Residential Curb Side Service. RFP-6-2009	Total expenditure included in approved FY15 budget. Amount: \$2,200,000	Commission approve Blanket Purchase Order to Waste Pro of Florida for Residential Curb Side Service.
The City of Winter Park utilized a formal solicitation to award this contract. Blanket Purchase Order will expire on September 30, 2015.				
9.	Air Liquide Industrial Company	Blanket Purchase Order for Liquid Oxygen for Water Treatment Facilities	Total expenditure included in approved FY15 budget. Amount: \$150,000	Commission approve Blanket Purchase Order to Air Liquide Industrial Company.
The City Commission approved piggyback the Orlando Utilities Commission contract RFP#35 for this product on June 25, 2013. The current contract term expires May 29, 2017. This Blanket Purchase Order will expire on September 30, 2015.				
10	City of Orlando	Blanket Purchase Order for Sanitary Sewer for McLeod/Asbury	Total expenditure included in approved FY15 budget. Amount: \$385,000	Commission approve Blanket Purchase Order to City of Orlando for FY15 sanitary sewer charges for McLeod/Asbury.
This Blanket Purchase Order will expire on September 30, 2015.				
11	City of Orlando	Blanket Purchase Order for Sanitary Sewer for Iron Bridge	Total expenditure included in approved FY15 budget. Amount: \$1,850,000	Commission approve Blanket Purchase Order to City of Orlando for FY15 sanitary sewer charges for Iron Bridge.
This Blanket Purchase Order will expire on September 30, 2015.				

12	Stephen's Technology	Blanket Purchase Order for Trenchless Repairs to Sanitary Sewer Mains.	Total expenditure included in approved FY15 budget. Amount: \$185,000	Commission approve Blanket Purchase Order to Stephen's Technology for FY15 Trenchless Repairs to Sanitary Sewer Mains.
This is a Sole Source vendor. This Blanket Purchase Order will expire on September 30, 2015.				
13	South Seminole North Orange County Wastewater Transmission Authority (SSNOCWTA)	Blanket Purchase Order for Operations & Maintenance Charges; Depreciation per Interlocal Agreement	Total expenditure included in approved FY15 budget. Amount: \$600,000	Commission approve Blanket Purchase Order to SSNOCWTA for FY15 Operation & Maintenance; Depreciation
The City executed an Interlocal Agreement with SSNOCWTA on September 1, 2003. This Blanket Purchase Order will expire September 30, 2015.				
14	Layne Inliner	Blanket Purchase Order for Sewer Line Rehabilitation	Total expenditure included in approved FY15 budget. Amount: \$600,000	Commission approve Blanket Purchase Order to Layne Inliner for FY15 Sewer Line Rehabilitation cleaning and video recording.
The City of Orlando utilized a formal solicitation to award this contract. The Blanket Purchase Order will expire September 30, 2015.				
15	Perma-Liner Industries, Inc.	Blanket Purchase Order for Trenchless Repairs to Sanitary Sewer Lateral	Total expenditure included in approved FY15 budget. Amount: \$100,000	Commission approve Blanket Purchase Order to Perma-Liner Industries, Inc. for FY15 Trenchless Repairs to Sanitary Sewer Lateral.
This is a Sole Source vendor. This Blanket Purchase Order will expire September 30, 2015.				
16	Odyssey Manufacturing Company	Blanket Purchase Order for 12.5% Sodium Hypochlorite for Water & Wastewater Treatment Facilities	Total expenditure included in approved FY15 budget. Amount: \$160,000	Commission approve Blanket Purchase Order to Odyssey Manufacturing Company for FY15 12.5% Sodium Hypochlorite for Water & Wastewater Treatment Facilities.
The City of Eustis utilized a formal solicitation to award this contract. This Blanket Purchase Order will expire September 30, 2015.				
17	Duval Asphalt	Blanket Purchase Order for E-Z Street Cold Asphalt	Total expenditure included in approved FY15 budget. Amount: \$50,000	Commission approve Blanket Purchase Order to Duval Asphalt for E-Z Street Cold Asphalt
This is a Sole Source vendor. This Blanket Purchase Order will expire on September 30, 2015.				

## Contracts

	vendor	item   background	fiscal impact	motion   recommendation
18	Ceres Environmental Services, Inc.	Amendment 4 for RFP-16-2010 Emergency Debris Management Services to expire November 1, 2015.	No fiscal impact unless emergency declaration is declared	Commission approve Amendment 4 for Emergency Debris Management Services with Ceres Environmental Services, Inc. and authorize the Mayor to execute Amendment 4.

The City utilized a competitive bidding process to award this contract. The contract was approved by City Commission on June 28, 2010. The current contract term will expire November 1, 2014.

### Formal Solicitation

	vendor	item   background	fiscal impact	motion   recommendation
19	Central Florida Environmental Corporation	IFB-24-2014 FOR Lake Forest Stormwater Retention Pond Project.	<p>Total expenditure included in approved FY14 budget. 60% from FDEP 319 Grant Agreement No. GO354, executed July 2013.</p> <p>Grant funding: \$225,073.56;</p> <p>City Stormwater Fee funding: \$150,049.04</p>	Commission approve award to Central Florida Environmental Corporation, authorize the Mayor to execute contract, and approve subsequent Purchase Order
The City utilized a formal solicitation process to award this contract. Central Florida Environmental Corporation is the lowest responsive and responsible vendor.				



# city commission agenda item

item type	Consent Agenda	meeting date	October 13, 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 2015 Budget Amendment to fund Visioning Study.

## motion | recommendation

Approve the budget amendment 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. At the August 25<sup>th</sup> Commission meeting the City Commission indicated their desire to use some unspent funds from FY14 to assist with funding the visioning effort. A total of \$115,000 (\$85K Economic Development Activity; \$30K Contractual Services) was identified by staff in FY14 unspent funds to contribute to this effort and this adjustment allocates those funds to the proper account for spending in FY15. Additional funds, if needed for visioning activity, have been designated in the FY15 CRA budget.

This amendment if approved by the Commission will become part of the formal FY15 year-end close out process that will adopt all FY15 amendments by formal ordinance.

## alternatives | other considerations

NA

## fiscal impact

This amendment is being offset by savings from the prior fiscal year indicated for this project.

**Budget Adjustments Requiring Commission Approval**  
**Fiscal Year 2015**

<b>Item</b>	<b>Amount</b>	<b>Source Account</b>	<b>Source Acct. Name</b>	<b>Exp. Account</b>	<b>Exp. Acct. Name</b>	<b>Note</b>
<b>Funding for Visioning</b>	\$ 115,000	001-0000-382.10-00	FUND BALANCE CARRYFORW	001-2301-515.49-25	ECONOMIC DEVELOPMENT ACTV	Discussed by Commission at Aug 25, 2014 meeting to fund at \$140k using ED and CRA funds.



# city commission public hearing

item type	Public Hearing	meeting date	October 13, 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 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

Kelly Price requested the City to vacate a utility easement at 716 Kiwi Circle, (Site and Parcel Map attached). SECOND READING OF ORDINANCE.

## 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. \_\_\_\_\_-14

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA  
VACATING AND ABANDONING THE EASEMENT LOCATED AT  
716 KIWI CIRCLE, 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 14 foot wide utility easement granted in Seminole Place, Lots 5 & 6, Plat Book 3, Page 121, Orange County Florida, being described as follows:

The Southerly 7.00 feet of Lot 6, and the Northerly 7.00 feet of Lot 5, Situate West of Lake Osceola, and lying East of, and contiguous to the Easterly line of a 5.00 foot wide utility easement, lying East of, and contiguous to, Kiwi Circle of Seminole Place, according to the plat thereof, as recorded in Plat Book 3, Page 121, 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 \_\_\_\_ 2014.

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

ATTEST:

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



243 West Park Avenue ■ Winter Park, Florida 32789  
407.645.4321 ■ Fax 407.647.5000

September 2, 2014

Ms. Debbie Wilkerson  
City of Winter Park  
500 N. Virginia  
Winter Park, FL 32789

**Re: 716 Kiwi Circle, Winter Park**

Dear Debbie:

Thank you for taking my call. We are requesting to vacate the utility easements on the property at 716 Kiwi Circle in Winter Park. The supporting letters were sent under separate cover.

Please find included the title work and Seminole Place plat.

Thank you so much for your help. If we can please get on the Monday agenda I would be very grateful.

Kindest Regards,

A handwritten signature in blue ink, appearing to read "Kelly", with a long, sweeping horizontal line extending to the right.

Kelly L. Price, GRI, CDPE  
Broker/President

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
**COMMITMENT**  
**Schedule A**

Fund File Number: 07-2014-002805

Effective Date:

July 21, 2014 @ 11:00 PM

Agent's File Reference:

2014-119

Premium:

1. Policy or Policies to be issued: Proposed Amount of Insurance:

OWNER'S: ALTA Owner's Policy (06/17/06). (With Florida Modifications) \$2,700,000.00

Proposed Insured: Robert J. LeFort, Jr.

MORTGAGEE:

MORTGAGEE:

2. The estate or interest in the Land described or referred to in this Commitment is FEE SIMPLE.

3. Title to the FEE SIMPLE estate or interest in the Land is at the Effective Date vested in:

PDB Sherman Properties, Ltd., a Florida limited partnership

4. The Land referred to in this Commitment is described as follows:

Lots 5 and 6, LESS the North 75.30 feet of Lot 6, SEMINOLE PLACE, according to the map or plat thereof as recorded in Plat Book 3, Page 121, Public Records of Orange County, Florida.

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
400 Second Avenue South, Minneapolis, MN 55401, (612)  
371-1111

Issuing Agent:  
W. E. Windersweedle, Jr.  
219 W. Comstock Avenue  
Winter Park, Florida 32789

Agent No.: 20700

  
Agent's Signature  
W. E. Windersweedle, Jr.

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
**COMMITMENT**  
**Schedule B-I**

Fund File Number:  
07-2014-002805

Agent's File Reference:  
2014-119

I. The following are the requirements to be complied with:

1. Payment of the full consideration to, or for the account of, the grantors or mortgagors.
2. Instruments creating the estate or interest to be insured which must be executed, delivered and filed for record:
  - A. Warranty Deed from PDB Sherman Properties, Ltd., a Florida limited partnership, executed by a general partner(s) with authority, to the proposed insured purchaser(s).
3. Satisfactory evidence must be furnished establishing that PDB Sherman Properties, Ltd., a Florida limited partnership, is a limited partnership or LLLP in good standing under the laws of Florida from date of purchase through the present [or date of the recording of the deed of sale (if back in the chain)].
4. If any general partner(s) is a legal or commercial entity, require a good standing certificate from the date of purchase through to the present time.
5. An affidavit from one or more general partners should be recorded stating: (1) that the general partner executing the deed or mortgage is authorized under the partnership agreement or has obtained the consent of all the general partners to convey or mortgage the limited partnership's real property; (2) that the limited partnership has not been dissolved; and (3) that the limited partnership agreement has not been revoked or amended to prohibit the subject transaction.
6. A determination should be made that a limitation on the authority of the general partner executing the conveyance has not been recorded.
7. Satisfactory evidence, in the form of an affidavit, must be furnished to establish that the general partner who executed the conveyance on behalf of PDB Sherman Properties, Ltd., a Florida limited partnership, is not a debtor in a bankruptcy proceeding.
8. Satisfactory evidence must be furnished establishing that the sale of the subject property does not constitute a sale, lease, exchange or other disposition of all or substantially all of the assets of PDB Sherman Properties, Ltd., a Florida limited partnership, other than in the usual and regular course of the limited partnership's or LLLP's activities. If it does, then the transaction must be approved by all of the general partners and at least a majority of limited partners as provided in Sec. 620.1406(1)(i), F.S., and Sec. 620.1406(5), F.S.
9. A search commencing with the effective date of this commitment must be performed at or shortly prior to the closing of this transaction. If this search reveals a title defect or other objectionable matters, an endorsement will be issued requiring that this defect or objection be cleared on or before closing.

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

**COMMITMENT**

**Schedule B-II**

Fund File Number:  
07-2014-002305

Agent's File Reference:  
2014-119

II. Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
2. a. General or special taxes and assessments required to be paid in the year(s) 2014 and subsequent years.  
b. Rights or claims of parties in possession not recorded in by the Public Records.  
c. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.  
d. Easements, or claims of easements, not recorded in the Public Records.  
e. Any lien, or right to a lien, for services, labor, or material furnished, imposed by law and not recorded in the Public Records.
3. Any Owner Policy issued pursuant hereto will contain under Schedule B the following exception: *Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.*
4. Rights of the lessees under unrecorded leases.
5. All matters contained on the Plat of Seminole Place, as recorded in Plat Book 3, Page 121, Public Records of Orange County, Florida.
6. Notice of Restrictions on Real Estate recorded in O.R. Book 2118, Page 915, Public Records of Orange County, Florida.
7. Riparian and littoral rights are not insured.
8. The rights, if any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high water line, or other apparent boundary lines separating the publicly used area from the upland private area.
9. This policy does not insure any portion of the insured parcel lying waterward of the ordinary high water mark of Lake Osceola.
10. This policy excludes from coverage the inalienable right of the public to use the navigable waters covering the lands.
11. This policy excludes from coverage the rights of the State of Florida and the United States to regulate the use of the navigable waters.



243 West Park Avenue ■ Winter Park, Florida 32789  
407.645.4321 ■ Fax 407.647.5000

August 27, 2014

Mr. Terry Hotard  
Electric Director  
City of Winter Park  
401 Park Avenue South  
Winter Park, FL 32789

Re: 716 Kiwi Circle, Winter Park

Dear Terry:

Thank you for taking my call last night. We are requesting to vacate the utility easements on the property at 716 Kiwi Circle in Winter Park.

Please find included the survey, title work, and Seminole Place plat.

Thank you so much for your help.

Kindest Regards,

A handwritten signature in black ink, appearing to read "Kelly", with a long, sweeping horizontal line extending to the right.

Kelly L. Price, GRI, CDPE  
Broker/President

Date: 9/2/2014

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Kelly Pace:

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) \_\_\_\_\_ 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 \_\_\_\_\_. If you have any questions, please contact \_\_\_\_\_.

Sincerely

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

-----  
\_\_\_\_\_ 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: [Signature]  
Print Name: TERRY HATZEL  
Title: Asst Director - Electric  
Date: 9/2/2014

Date: September 2, 2014

Suellen Sanders  
401 Park Avenue South  
Winter Park, FL 32789

Dear Suellen Sanders:

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) 716 Kiwi Circle 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 243 West Park Avenue Winter Park, FL 32789. If you have any questions, please contact 407-645-4321.

Sincerely

Name: Kelly Price  
Address: 243 West Park Avenue  
City, State, Zip Code: \_\_\_\_\_

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

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

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

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

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_ Suellen Sanders \_\_\_\_\_

Title: \_\_\_\_\_ Water and Wastewater Analyst

Date: \_\_\_\_\_ September 2, 2014 \_\_\_\_\_

Construction Department  
3767 Alt American Boulevard  
Orlando, FL 32810



August 27, 2014

Ms. Kelly L. Price  
Kelly Price & Company  
243 West Park Avenue  
Winter Park, Florida 32789

RE: Vacation of Easement - 716 Kiwi Circle, Winter Park  
Section 6, Township 22, Range 30

Dear Ms. Price:

Bright House Networks has reviewed your request regarding the vacation of certain easements. Please be advised that we have no objection to the vacation of the (2) 7' wide utility easements lying within the property known as 716 Kiwi Circle, Winter Park, as illustrated in your correspondence dated August 27, 2014.

If you should have any additional questions regarding this matter, please do not hesitate to contact me at (407) 532-8508.

Sincerely,

A handwritten signature in blue ink, appearing to read "P.J. King".

P.J. King  
Sr. Const. Mgr.  
Bright House Networks

cc: Marvin L. Usry, Jr., Bright House Networks

**Kelly Price**

---

**From:** Rostel, Benita <Benita.Rostel@duke-energy.com>  
**Sent:** Thursday, August 28, 2014 11:15 AM  
**To:** Kelly Price  
**Subject:** Vacate Request-716 Kiwi Circle, Winter Park

Good Morning Kelly: After researching this vacate request I have found that this area is not in Duke Energy's service territory.

Sincerely,

Benita Rostel-NP4A  
Associate Land Representative  
Duke Energy  
Distribution Right-of-Way-Florida  
3300 Exchange Place  
Lake Mary, FL 32746  
407-942-9657



August 27, 2014

Kelly Price & Company  
243 West Park Avenue  
Suite 100  
Winter Park, Florida 32789

RE: 716 Kiwi Circle, Winter Park

RE: PETITION TO VACATE UTILITY EASEMENTS LOTS 5 AND 6, LESS THE NORTH 75.30  
FEET OF LOT 6, PLAT BOOK 3, PAGE 121, PUBLIC RECORDS OF ORANGE COUNTY,  
FLORIDA

To Whom It May Concern:

Centurylink has no objection to the abandonment of the two 7 foot utility easements further  
described and illustrated in your correspondence dated August 27, 2014. The parcel is within our  
jurisdiction. If you need any further assistance, please call Candace Crim, engineer, at  
407-830-3650.

A handwritten signature in blue ink, appearing to read "Candace C. Crim", with a horizontal line extending to the right.

Candace C. Crim  
Centurylink  
OSP Engineer II  
407-830-3650



August 29, 2014

Kelly Price  
Kelly Price & Company

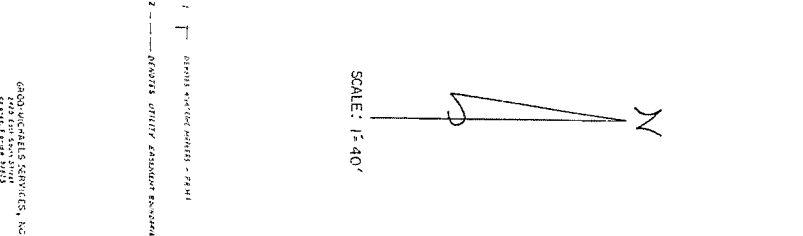
Re: Easement Vacate  
716 Kiwi Circle, Winter Park, Florida

To whom it may concern,  
This letter is to inform you that TECO Peoples Gas approves the request for Vacate of  
Easement for the above address per the survey provided.

Sincerely,

Deborah Frazier  
TECO Peoples Gas  
600 W Robinson St  
Orlando, FL 32801  
(407-420-6609)  
[dfrazier@tecoenergy.com](mailto:dfrazier@tecoenergy.com)

PLAY BOOK  
AND PAGE  
3-121  
DEDICATION

[illegible]

SCALE: 1" = 40'

**CERTIFICATE OF SURVEYOR**

**CERTIFICATE OF APPROVAL**

1000

**CERTIFICATE OF CLERK**

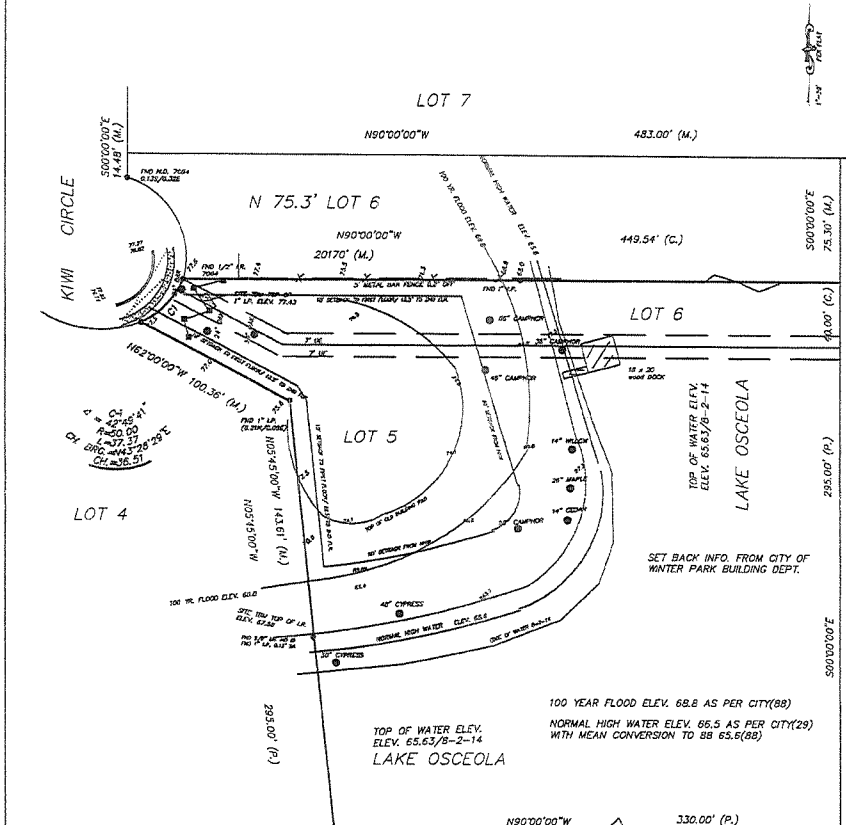
GROD-NICHOLS SERVICES, INC.  
2425 East 52nd Street  
Cedar Rapids, Iowa 52413  
319 324-1155

5/29  
HB

# BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 5 AND 6, SEMINOLE PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 12, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; LESS THE NORTH 75.30 FEET OF LOT 6.

PART OF THE ABOVE-REFERENCED PROPERTY IS LOCATED IN ZONE "AE", AREA OF 100-YEAR FLOOD WITH BASE FLOOD ELEVATION OF 68.0, WITH THE BALANCE OF SAID PROPERTY BEING LOCATED IN ZONE "X", AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12095C0255 E, ORANGE COUNTY, FLORIDA. MAP DATED DECEMBER 6, 2000.



## LEGEND

■ FOUND CONCRETE MONUMENT	CONC. CONCRETE	M. MEASURED	SK. SCREEN
● FOUND PROPERTY CORNER	CONC. CORNER	N. NORTH	S.W. SUCCEAL
○ SET PROPERTY CORNER	CONC. CORNER	N.D. NAIL IN SOIL	T. TANGENT
○ PERMANENT CONTROL POINT	DESIGNED	P.C. POINT OF CURVATURE	T.D. TELEPHONE PIER OR BOX
○ BULL	DIAMETER EXHIBIT	P.T. POINT OF TANGENCY	T.V. TYPICAL
A.P. AIR CONDITIONER	E.L. EASE	P.E.B. POINT OF BEGINNING	U.L. UTILITY LOCATED
B.L. BLOCK OF BEARING	ENT. ENTRANCE	P.E.B. POINT OF BEGINNING	U.L.B. UTILITY PIER OR BOX
B.O.B. BASE OF BEARING	ENCLOSURE	P.C. POINT OF COMMENCEMENT	W. WEST
B.R. BEARING	ENT. ENTRANCE	P.C. POINT OF COMMENCEMENT	W.F. WOOD FENCE
E.A.T. CABLE TELEVISION BOX	ENCLOSURE	P.C. POINT OF COMMENCEMENT	W. WATER
C.A.T. CABLE TELEVISION BOX	ENCLOSURE	P.C. POINT OF COMMENCEMENT	W. WATER
C.A. CONCRETE MONUMENT	ENCLOSURE	P.C. POINT OF COMMENCEMENT	W. WATER

## NOTES

1. REPAIRS ARE SHOWN ON RECORD PLAT.
2. THE SURVEY SHOWN HEREON WAS SURVEYED BY THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT.
3. THE SURVEY SHOWN HEREON WAS SURVEYED BY THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT.
4. NO IMPROVEMENTS OR UNDERGROUND UTILITIES WERE LOCATED EXCEPT AS SHOWN.
5. THIS SURVEY IS NOT VALID UNLESS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
6. THE SURVEY IS NOT VALID UNLESS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
7. THE SURVEY IS NOT VALID UNLESS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
8. THE SURVEY IS NOT VALID UNLESS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
9. THE SURVEY IS NOT VALID UNLESS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
10. THE SURVEY IS NOT VALID UNLESS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 54-11005, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 422.027, FLORIDA STATUTES.

PREPARED FOR:

PREPARED BY:

CHARLES ROB DEFOUR  
PROFESSIONAL LAND SURVEYOR

187 WILMA ST. SUITE 100, UNIT 113, LAKE WATTS, FLA. 32714  
407-880-8811 / 407-880-8812 / 407-880-8813

CHARLES R. DEFOUR, P.L.S. 4189

DATE:

LOT SURVEY DATE: 8-2-14

FOUNDATION DATE:

FINAL SURVEY DATE: 8-2-14

SCALE: 1" = 50'

PAGE: 1 OF 1

REVISION DATE:



# city commission public hearing

item type	Public Hearing	meeting date	October 13, 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	5-0 final vote

## **Subject: Final Conditional Use approval for the Whole Foods project and Second Reading of the Ordinance to vacate portions of Galloway Drive and Friends Avenue.**

UP Fieldgate US Investments is requesting "final" conditional use approval for their Whole Foods project pursuant to the "preliminary" conditional use approved by the Planning Board on June 3, 2014 and by the City Commission on June 23, 2014, on the properties located at 1000 & 1050 N. Orlando Avenue and 1160 Galloway Drive and 967 Cherokee Avenue, zoned C-3. The Developer is also requesting the second reading of the Ordinance to vacate parts of Galloway Drive and Friends Avenue.

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

**Motion made by Mr. Sacha, seconded by Mrs. De Ciccio for Approval of the "Final" Conditional Use pursuant to the condition that a Development Agreement be executed (following approval by the City Attorney) to incorporate the approvals granted, the variances permitted, the conditions of approval and enforcement methods for those conditions as outlined below:**

- 1. That the site plan be modified to remove the parking spaces for added buffer for the live oak trees to be preserved.**
- 2. That the Development Agreement incorporate the conditions, as discussed regarding project signage, architectural conformity, architectural review of the future buildings, contribution to the smart signal technology and noise control.**
- 3. That this final Conditional use approval does not grant any approval or consent from the City for the use of the Orlando Avenue median other than exclusively for the left hand storage for the Lee Road traffic light and the City shall partner with this developer, the developer of Ravaudage and FDOT to strive for a solution that meets the traffic safety and turning movement needs of both projects.**
- 4. With the assistance of the City of Winter Park, the applicant and the five residential property owners located on Cherokee Avenue shall come together to have discussions to ensure that the impacts from this project are minimized.**

**Motion carried unanimously with a 5-0 vote. Mr. J. Johnston abstained.**

### **Summary:**

The City Commission approved the "preliminary" conditional use with same conditions as recommended by P&Z that are listed below plus #7 that they added. The "blue" text indicates what has been done to respond to those conditions as follows:

1. The project being limited to monument signage for all ground signs in lieu of pole signs.  
This is being accomplished and the sign design is included in this packet.
2. That for the final conditional use review, the applicant review opportunities for preservation of two major live oak trees on-site.  
The two live oak trees are shown being able to be saved. Staff will require added buffer around those trees so they survive, as a condition of approval.
3. That for the final conditional use review, the city and applicant negotiate for a proportionate share of funding for traffic signal timing improvements.  
The proportionate share of this smart signal technology for the three intersections impacted by this project is \$28,125. This will be a condition of approval.
4. That for the final conditional use review, a location in the rear of the project be provided for a sanitary sewer lift station, as may be required for this project.  
It has been determined that an on-site sewer lift station is not needed.
5. That there be architectural conformity on the design of the out-parcel developments. This shall be administered by staff with the option of the applicant to appeal to P&Z/City Commission to resolve any design issues.  
This will be continued as a condition of this final CU approval.
6. That the building and mechanical permits be designed and operate at all times under a maximum of 55 decibels at the property line from any air conditioning or other mechanical equipment to address sound containment of the AC and mechanical equipment and that there be certification as to such design by the engineer of record and any subsequent violation of the specific 55 decibel level shall be grounds for enforcement by the City and compliance by the property owner and/or tenant.  
This will be continued as a condition of this final CU approval.
7. That the setback be increased to 20 feet for the Whole Food building from the adjacent residential properties to the south.  
This modification has been made to the site plan.

### **The Approval Process:**

Per city code, the public hearings advertised for the conditional use review and approval in June were for the "preliminary" CU approval per code. The "final" CU approval per code is the action to review compliance with the conditions of approval and to review the final civil, landscaping, drainage and lighting details.

### **The New Plan Submittals:**

This "final" conditional use provides new plan details for review:

1. Landscape Plan – the specific landscape plan for the project is attached. There are no quantities indicated but there are a substantial number of new trees being added to the site both along the street frontages, within the parking lot and along the Lee Road extension. In order to improve the chances of survival of the mature live oaks within the parking lot in front of the Whole Foods store, the two parking spaces immediately east of that northern most tree island and the one space on the west side of the southernmost tree island also need to be removed in order to provide added protection and minimize root damage.
2. Storm Water Drainage Plans – the specific method of meeting the City and St. Johns River Water Management District drainage criteria is primarily via storm water retention areas located in the rear of the project and to the south of the Lee Road

extension but some of the parking lot areas will also be used for underground storm water exfiltration in order to achieve the required volumes.

3. Site Lighting – The plan contains the site lighting plan and photometrics which meet code and comply with the City’s maximum 16 foot lighting pole height. The project is using the more attractive Sternberg type light fixtures.
4. Final Site Plan – One change for this final site plan is the modification of the formerly proposed stamped concrete to be used for the main entrance drive from Orlando Avenue to a paver block (bricks) material as was discussed by P&Z and the City Commission. Details are also included on the cross section changes to the Orlando Avenue right-of-way pursuant to the FDOT permitting of the Lee Road traffic light. Further design has provided more left turn stacking room or length to the curing for the main entrance drive thus necessitating the closing of the median for Dixon Avenue.

The developer of Ravaudage remains concerned that the use of the median for left hand turns into this project uses up the median space that they need for left hand turn stacking, headed north, for a future traffic light at Glendon Parkway or Solana Avenue. This ultimately is a decision by FDOT, not the City. However, the City’s traffic consultant is helping to mediate this issue. Thus we must condition this approval accordingly.

5. Lee Road Extension – these plans show the new roadway and include cross sections throughout its length. This is a new significant 86 foot wide right-of-way for a boulevard which provides space for landscape medians, ample parkway space for planting live oak street trees along both sides of the new roadway and eight foot wide sidewalks on both sides of the new boulevard for pedestrian and bicycle mobility. However, the applicant told us verbally at the preliminary approval that the sidewalk would be 5-6 feet wide on the west side.
6. Site Signage - these plans include the detail for the monument signage for Whole Foods which meet the design parameters shown at the preliminary CU approval. At present there are no plans for monument signage (other than wall/awning signs) for the three outparcel buildings. If they feel that is essential, then they will need special approval from the City Commission. From what has been presented, the other major retailer will use the monument sign at the corner of Dixon and Orlando and the out-parcels are not entitled to their own individual monument signs.
7. Architectural Conformity – the Development Agreement will outline this requirement, how it is implemented, options for appeal and in particular, the attention that will need to be paid to screening the street views of the service and side walls of the other major retailer.

### **Development Agreement:**

There needs to be a Development Agreement prepared and executed (following approval by the City Attorney) to incorporate the approvals granted, the conditions of approval and enforcement methods for those conditions as outlined.

### **Neighborhood Meeting:**

To resolve the questions from the neighbors on Cherokee Avenue that arose at the P&Z meeting, the applicant and neighbors met on September 30<sup>th</sup>. The staff understands their concerns have been met and revised plans submitted to address the following items:

1. Wall Buffer and Pedestrian Opening in the Wall – The plans for Lee Road extension now include a sound and car light buffer for those homes via an eight foot buffer wall as proposed on the other sides of their enclave. They also have added, per the residents request, a pedestrian opening in the 8-foot wall at the entrance of the Whole Foods site so the residents can walk to the Whole Foods development.
2. Widen Cherokee Pavement – Per the residents request they have widened Cherokee to an 18 ft width all the way to the end.
3. New Cul Du Sac – Per the residents request they have shifted the cul du sac as far west as possible.
4. Landscaping – Per the residents request they have added magnolia trees on the Cherokee side of the wall.
5. Cherokee Road Asphalt Overlay – Per the residents request they have provided for an overlay for Cherokee Road from the new cul du sac to the western end of the road.
6. Lot Drainage – Per the resident's information we understand that during heavy rainfall, the westernmost lots have standing water between the Cherokee Road pavement and their front yard fences and it was requested to install French drains. After looking into this issue, rather than just French drains, the developer has determined that they can install yard drains.

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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE PORTIONS OF GALLOWAY DRIVE AND FRIENDS AVENUE WITHIN THE PROPOSED WHOLE FOODS DEVELOPMENT PROJECT, MORE PARTICULARLY DESCRIBED HEREIN.**

**WHEREAS,** the City Commission desires to foster the development of the Whole Foods development project encompassing the properties at 1000 N. Orlando Avenue and 1160 Galloway Drive (former Corporate Square offices); 1050 N. Orlando Avenue (former Winter Park Dodge) and 967 Cherokee Avenue (overflow Holler Hyundai parking lot), so that an alternate mobility system can be developed to better serve the economic growth of this area, and

**WHEREAS,** this Ordinance meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to abutting property owners and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

**WHEREAS,** the city public works department has provided for participation by the public in the process by providing information as requested and has also rendered its recommendations to the City Commission; and

**WHEREAS,** the Winter Park City Commission has reviewed the proposed Ordinance 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.

**NOW, THEREFORE, BE IT ENACTED** as follows:

**Section 1.** The City Commission of the City of Winter Park hereby vacates and abandons that portion of Galloway Drive also known as Elah Street, a 60 foot right of way, Havilah Park as recorded in Plat Book "O", Page 144 of the Public Records of Orange County, Florida, lying in section 1, township 22 south, range 29 east, being more particularly described as follows:

Beginning at the northwest corner of lot 1, block 4 of said Havilah Park run south 00°17'21" west along the existing east right of way line of Galloway Drive and the West line of said block 4 a distance of 411.01 feet; thence departing said existing East right of way line and said West line run south 89°57'04" west a distance of 60.00 feet to a point on the existing West right of way line of Galloway Drive and the east line of block 1 of said Havilah Park; thence run North 00°17'21" east along said existing West right of way line and said East line a distance of 410.33 feet to the northeast corner of lot 20 of said Block 1 and the existing South right of way line of said Friends Avenue, a 50 foot right of way per said Havilah Park; thence departing said existing West right of way line and said East line run north 89°18'25" east along said existing South right of way line a distance of 60.00 feet to the point of beginning.

**Section 2.** The City Commission of the City of Winter Park hereby vacates and abandons that portion of the right-of-way of Friends Avenue lying to the east of the East right-of-way line of Orlando Avenue; south of Lots 1, 26-38, per the plat of Allandale Park as recorded in Plat Book "N", Page 7 and north of Blocks 1 & 4 per the plat of Havilah Park as recorded in Plat Book "Q", Page 144, Public Records of Orange County, Florida.

**Section 3.** That the City reserves and retains a utility easement over the entire area of these right-of-ways until such time as the utilities are relocated and the streets removed, or utility easements are provided to the City.

**Section 4.** All ordinances or portions of ordinances in conflict herewith are hereby repealed.

**Section 5.** This ordinance shall become effective upon its passage and adoption and recorded in the Public Records of Orange County.

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

---

Mayor Kenneth W. Bradley

ATTEST:

---

City Clerk Cynthia S. Bonham

Prepared by:  
Paul "J.J." Johnson, Jr., Esq.  
Johnson Real Estate Law, PA  
3660 Maguire Blvd, Ste 102  
Orlando, FL 32803

Return to:  
Winter Park City Clerk  
401 S. Park Avenue  
Winter Park, Florida 32789

**DEVELOPER'S AGREEMENT FOR**  
**1000/1050 N. Orlando Avenue, 1160 Galloway Drive and 967 Cherokee Avenue**

**THIS AGREEMENT** ("Agreement") entered into and made as of the \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the **CITY OF WINTER PARK, FLORIDA**, 401 S. Park Avenue, Winter Park, Florida, 32789 (hereinafter referred to as the "City"), and **UP FIELDGATE US INVESTMENTS – WINTER PARK LLC**, a Florida limited liability company, 3201 East Colonial Drive, Orlando, Florida, 32083, (hereinafter referred to as "Owner/Developer").

**W I T N E S S E T H**

**WHEREAS, UP FIELDGATE US INVESTMENTS – WINTER PARK LLC** is the Owner/Developer of certain real property at 1000/1050 N. Orlando Avenue, 1160 Galloway Drive and 967 Cherokee Avenue, lying within the municipal boundaries of the City of Winter Park, as more particularly described on Exhibit "A" attached to and incorporated into this Agreement by reference (hereinafter referred to as "Property")

**WHEREAS**, the Owner/Developer desires to develop the Property for the operation of a Whole Foods grocery store (approximately 40,965 SF) with a secondary retail store (approximately 36,600 SF) and three out-parcels (approximately 4,000 SF each) as more particularly shown on Exhibit "B" attached to and incorporated into this Agreement by reference (hereinafter, the "Project"); and

**WHEREAS**, the Owner/Developer desires to facilitate the development of the Project, in compliance with the laws and regulations of the City, and of other governmental authorities as well as provide assurances that the business operations will be compatible with surrounding properties; and

**WHEREAS**, the City of Winter Park has granted conditional use approval in order to facilitate this Project and has also agreed to consent to development of the Project provided that Owner/Developer acknowledge and abide by the restrictions mutually agreed upon for the operation and future use of the Property and such acknowledgement and restrictions are agreed upon to be in the form of a recordable Development Agreement to run with title to the land.

**NOW THEREFORE**, in consideration of the mutual promises and covenants herein contained, the City and the Owner/Developer agree as follows:

## **SECTION 1. RECITALS**

The above recitals are true and correct and form a material part of the Agreement.

## **SECTION 2. RE-PLATTING OF PROPERTY**

The Owner/Developer consents and agrees to join, plat, and subdivide the Property as necessary to achieve the Project objectives in accordance with the Comprehensive Plan future land use and zoning designations provided by City. The City agrees and consents to Owner/Developer joining, platting, and subdividing the Property to allow for and to encourage third-party occupancy and future conveyance of all or part of the Property. However, signage on the individual fee simple parcels that may evolve from this Project shall be subject to the master sign plan as part of the final conditional use approval by the City Commission.

## **SECTION 3. BUILDING ARCHITECTURE**

The Owner/Developer consents and agrees to design the out-parcel buildings in architectural conformity with the main retail buildings and to use City's themed acorn lights along US 17/92. Architectural conformity will be subject to the reasonable determination of the City Planning Department, with the Owner/Developer having the right to appeal such determinations to the Planning and Zoning Board and the City Commission.

## **SECTION 4. SIGNAGE**

The Owner/Developer consents and agrees to the Project being limited to monument signage for all ground signs in lieu of pole signs and that the location and number of monuments signs shall be subject to the master sign plan as part of the final conditional use approval by the City Commission.

## **SECTION 5. STORM WATER RETENTION**

The Owner/Developer consents and agrees to retrofit the Property to conform to the storm water retention requirements of the City and Saint Johns River Water Management District.

## **SECTION 6. LANDSCAPING**

The Owner/Developer consents and agrees to provide enhanced landscaping to create an appealing front door appearance and review opportunities to preserve, using commercially reasonable diligence, the two major live oak trees on-site. Owner/Developer will provide additional buffer around live oak trees as requested by City staff.

## **SECTION 7. TRAFFIC SIGNALS**

The Owner/Developer will pay Twenty Eight Thousand One Hundred Twenty Five Dollars (\$28,125.00) as its proportionate share of funding for traffic signal timing improvements.

## **SECTION 8. RIGHT-OF-WAY VACATES AND DEDICATIONS**

In consideration for the abandonment and vacating of the city right-of-ways which include a portion of Galloway Drive and all of Friends Avenue and in furtherance of the Project plans approved by the City Commission, the Owner/Developer agrees to dedicate or deed to the City of Winter Park, the right-of-way and roadway improvements constructed by the Owner/Developer for the Lee Road extension upon completion and acceptance by the City of those improvements. Thereafter all maintenance of that public right-of-way shall be the responsibility of the City.

## **SECTION 9. SOUND CONTAINMENT**

The building and mechanical permits will be designed and operate at all times under a maximum of 55 decibels at the Property line from any air conditioning or other mechanical equipment. The engineer of record shall provide a certification of compliance with this requirement and any subsequent violation of the specific 55 decibel level shall be grounds for enforcement by the City and compliance by the property owner and/or tenant. In such event, upon written notice from City, Owner shall cause the property to comply with the 55 decibel level within fifteen (15) days of such notice.

## **SECTION 10. EXPANSIONS, AMENDMENTS & MODIFICATIONS TO THIS AGREEMENT**

Expansions, amendments, and modifications to this Agreement, if requested by the Owner/Developer, may be permitted as approved following review by the City of Winter Park in conformance with the City's Land Development Code.

## **SECTION 11. AGREEMENT TO BE BINDING**

This Agreement, including any and all supplementary orders and resolutions, together with the approved development plan and all final site plans, shall be binding upon the Owner/Developer and their successors and assigns in title or interest. The provisions of this Agreement and all approved plans shall run with the land and shall be administered in a manner consistent with Florida Statutes and local law.

## **SECTION 12. ENFORCEMENT**

This Agreement may be enforced by specific performance. In the event that enforcement of this Agreement by the City becomes necessary, and the City is successful in such enforcement, the Owner/Developer shall be responsible for all costs and expenses, including attorney's fees, whether or not litigation is necessary, and if necessary, both at trial and on appeal, incurred in enforcing or ensuring compliance with the terms and conditions of this Agreement, which costs, expenses and fees shall also be a lien upon the Property superior to all others. Interest on unpaid overdue sums shall accrue at the rate of eighteen percent (18%) compounded annually or at the maximum rate allowed by law.

## **SECTION 13. GOVERNING LAW; VENUE**

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The Venue for purpose of litigation shall be in Orange County, Florida.

## **SECTION 14. RECORDING**

This Agreement shall be recorded, at Owner/Developer's expense, among the Public Records of Orange County, Florida no later than fourteen (14) days after full execution. Notwithstanding the foregoing, the same shall not constitute any lien or encumbrance on title to the Property and shall instead constitute record notice of governmental regulations, which regulates the use and enjoyment of the Property.

## **SECTION 15. TIME IS OF THE ESSENCE**

Time is hereby declared of the essence as to the lawful performance of all duties and obligations set forth in this Agreement.

## **SECTION 16. SEVERABILITY**

If any part of this Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Agreement, if the rights and obligations of the

parties contained herein are not materially prejudiced and if the intentions of the parties can be affected. To that end, this Agreement is declared severable.

**SECTION 17. DEVELOPMENT PERMITS**

Nothing herein shall limit the City's authority to grant or deny any development permit applications or requests subsequent to the effective date of this Agreement. The failure of this Agreement to address any particular City, County, State and/or Federal permit, condition, term or restriction shall not relieve Developer or the City of the necessity of complying with the law governing said permitting requirement, condition, term or restriction.

**SECTION 18. SUBORDINATION/JOINDER**

Unless otherwise agreed to by the City, all liens, mortgages and other encumbrances not satisfied or released of record, must be subordinated to the terms of this Agreement or the lienholder join in this Agreement. It shall be the responsibility of the Owner/Developer to promptly obtain the said subordination or joinder, if necessary, in form and substance acceptable to the City Attorney, prior to the City's execution of the Agreement.

**SECTION 19. EFFECTIVE DATE**

This Agreement shall not be effective and binding until the latest date that this Agreement is approved by and signed by all parties hereto.

**IN WITNESS WHEREOF**, the Owner/Developer and the City have executed this Agreement as of the day and year first above written.

Signed, Sealed and Delivered  
In the Presence of:

\_\_\_\_\_  
Signature of Witness #1

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

\_\_\_\_\_  
Signature of Witness #2

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

**OWNER:**

**UP FIELDGATE US INVESTMENTS –  
WINTER PARK LLC**, a Florida limited  
liability company

By: \_\_\_\_\_  
Scott Fish, Manager

STATE OF FLORIDA                    )  
COUNTY OF \_\_\_\_\_        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2014,  
by Scott Fish, as Manager of **UP FIELDGATE US INVESTMENTS – WINTER PARK LLC  
(Owner/Developer)**, a Florida limited liability company, who is personally known to me or who has  
produced \_\_\_\_\_ as identification and who did (did not) take an oath.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**CITY OF WINTER PARK, FLORIDA**

\_\_\_\_\_  
Signature of Witness

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

By: \_\_\_\_\_

Kenneth W. Bradley, Mayor

**ATTEST:**

By: \_\_\_\_\_

City Clerk Cynthia S. Bonham

STATE OF FLORIDA                    )  
COUNTY OF ORANGE                )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2014, by Kenneth W. Bradley, Mayor, of the City of Winter Park, Florida, who is personally known to me and they acknowledged executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true and corporate seal of the City of Winter Park, Florida.

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

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

My commission expires: \_\_\_\_\_

## **P&Z Minutes – Sept. 2, 2014:**

### **REQUEST OF UP FIELDGATE US INVESTMENTS – WINTER PARK LLC FOR: FINAL CONDITIONAL USE APPROVAL TO REDEVELOP THE FORMER CORPORATE SQUARE AND WINTER PARK DODGE PROPERTIES WITH A 40,000 SQUARE FOOT WHOLE FOODS GROCERY AND A 36,000 SQUARE FOOT RETAIL BUILDING WITH THREE OUTPARCEL DEVELOPMENT SITES ON THE PROPERTIES AT 1000/1050 N. ORLANDO AVENUE, 1160 GALLOWAY DRIVE AND 967 CHEROKEE AVENUE.**

Mr. J. Johnston explained that his firm has done work for the applicant and that he will not be participating in the discussion or voting on this item.

Planning Manager Jeffrey Briggs presented the staff report and explained that the applicant, UP Fieldgate US Investments, is requesting “final” conditional use approval for their Whole Foods project pursuant to the “preliminary” conditional use approved by the Planning Board on June 3, 2014 and by the City Commission on June 23, 2014, on the properties at properties at 1000/1050 N. Orlando Avenue and 1160 Galloway Drive and 967 Cherokee Avenue, zoned C-3. He noted that the City Commission approved the “preliminary” conditional use with basically the same conditions as recommended by P&Z and the staff report addressed how those had been accomplished. The “final” CU approval per code is the action to review compliance with the conditions of approval and to review the final civil, landscaping, drainage and lighting details.

He explained that the “final” conditional use provides new plan details for review and discussed those matters. Also, there needs to be a Development Agreement prepared and executed (following approval by the City Attorney) to incorporate the approvals granted, the conditions of approval, and enforcement methods for those conditions as outlined. Staff recommended approval of the “final” conditional use pursuant to the condition that a Development Agreement be executed (following approval by the City Attorney) as discussed and subject to the conditions as outlined below:

5. That the site plan be modified to remove the parking spaces for added buffer for the live oak trees to be preserved.
6. That the Development Agreement incorporate the conditions, as discussed regarding project signage, architectural conformity, architectural review of the future buildings, contribution to the smart signal technology and noise control.
7. That this final Conditional use approval does not grant any approval or consent from the City for the use of the Orlando Avenue median other than exclusively for the left hand storage for the Lee Road traffic light and the City shall partner with this developer, the developer of Ravaudage and FDOT to strive for a solution that meets the traffic safety and turning movement needs of both projects.

J.J. Johnson, Johnson Real Estate Law, 3660 Maguire Boulevard, Orlando, represented the applicant, UP Development. He said that they feel the project is consistent with the comprehensive plan, that it meets/exceeds all requirements of the land development code, and is compatible with surrounding development patterns. They have complied with all conditions set forth by both the P&Z and City Commission. They agreed with the contents of the staff report. He introduced the members of the development team.

Mr. Bob Cambric, 1614 McKinley Street, Hollywood, Florida, spoke concerning 4 of the 5 residential homes. He explained that the owners had concerns with how and when the process of the applicant working with them will take place. They are very concerned that their concerns will not be addressed

until after-the fact. He stated their concerns with regard to noise, safety, how their power is provided, how water and sewer are provided (they are on septic). Please ensure that those particular conditions are addressed prior to final approval.

Karl Ambrose, 4115 Conley Place Circle, Orlando, owner of the duplex on Cherokee expressed concern that he has not heard from anyone on the development team. He feels that the proposed development will cause hardship for the residential property owners due to noise, traffic, etc.

Isaac Jenkins, 116 Mulberry Street, Eatonville, owner of one of the residential properties on Cherokee, stated he is concerned with noise, lights, traffic. He wanted to know how they will be protected from the major commercial development.

Lurline Fletcher, 811 English Court, spoke in opposition to the request for reasons of traffic and ingress/egress and the negative impact on the remaining residential properties.

Linda Walker-Chappelle, 794 Comstock Avenue, spoke in opposition to the request because she feels that a project is being approved without first having protections set in place for the remaining residential properties.

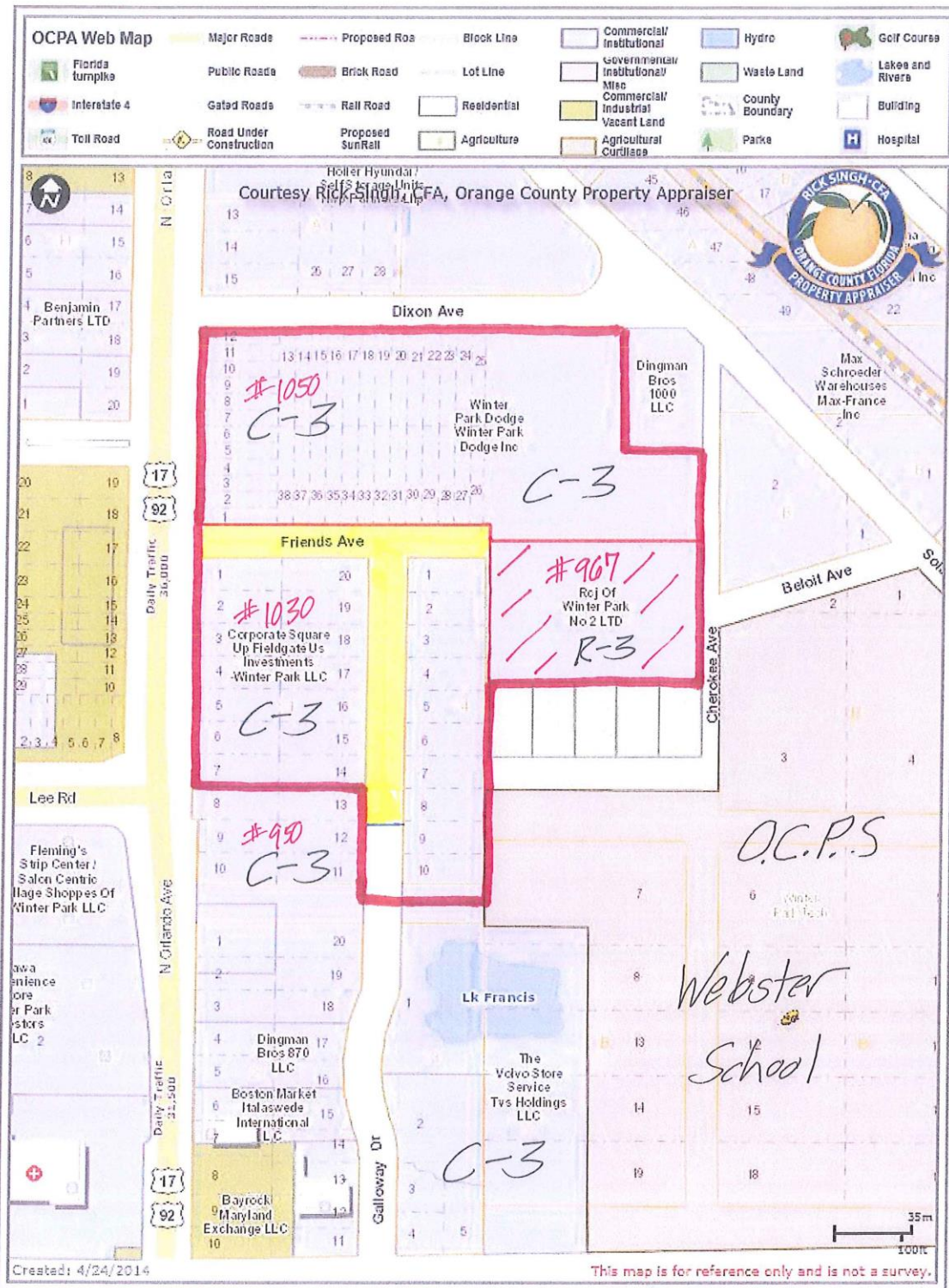
J.J. Johnson in response explained that they have reached out to these owners but some of these details were not known because the design was not complete. He also explained that a realtor was hired to personally speak with the property owners to make an effort to acquire properties, but no agreements were made in that regard. He reiterated the conditions from the preliminary approval to provide protections for these five properties that include an eight foot privacy wall will be erected to screen the houses from noise, that all trees will be remain behind the existing homes to help with noise, the existing buffer was expanded to 20 feet and the conditions regarding AC/mechanical equipment noise. They are committed to working with the City and the residential property owners. He also stated that they will sit down with the residential property owners in an effort to address their concerns.

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

**Motion made by Mr. Sacha, seconded by Mrs. De Ciccio FOR APPROVAL OF THE “FINAL” CONDITIONAL USE pursuant to the condition that a Development Agreement be executed (following approval by the City Attorney) to incorporate the approvals granted, the variances permitted, the conditions of approval and enforcement methods for those conditions as outlined below:**

1. That the site plan be modified to remove the parking spaces for added buffer for the live oak trees to be preserved.
2. That the Development Agreement incorporate the conditions, as discussed regarding project signage, architectural conformity, architectural review of the future buildings, contribution to the smart signal technology and noise control.
3. That this final Conditional use approval does not grant any approval or consent from the City for the use of the Orlando Avenue median other than exclusively for the left hand storage for the Lee Road traffic light and the City shall partner with this developer, the developer of Ravaudage and FDOT to strive for a solution that meets the traffic safety and turning movement needs of both projects.
4. With the assistance of the City of Winter Park, the applicant and the five residential property owners located on Cherokee Avenue shall come together to have discussions to ensure that the impacts from this project are minimized.

**Motion carried unanimously with a 5-0 vote. Mr. J. Johnston abstained.**



# CORPORATE SQUARE DEVELOPMENT PLAN

AT  
U.S. 17-92 & LEE ROAD  
CITY OF WINTER PARK, FLORIDA

SUBMITTAL DATE: AUGUST 6, 2014

**APPLICANT & OWNER**  
UP FIELDGATE US INVESTMENTS - WINTER PARK, LLC  
C/O PAUL JOHNSON, JOHNSON REAL ESTATE LAW  
3660 MAGUIRE BOULEVARD, SUITE 102  
ORLANDO, FLORIDA 32803

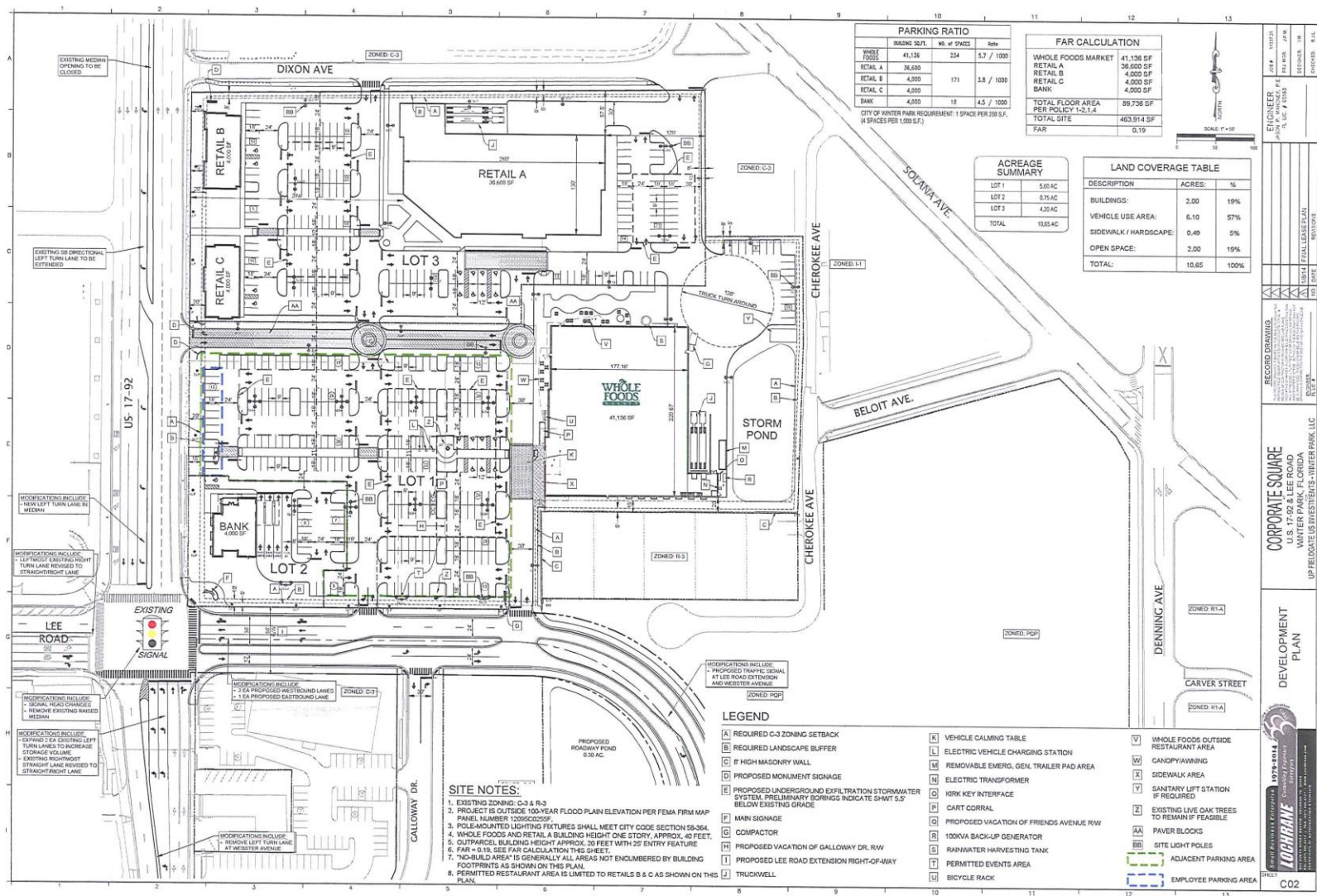
**OWNER**  
WINTER PARK DODGE  
1891 PORTER LAKE DRIVE, SUITE 101  
SARASOTA, FLORIDA 34240-7842

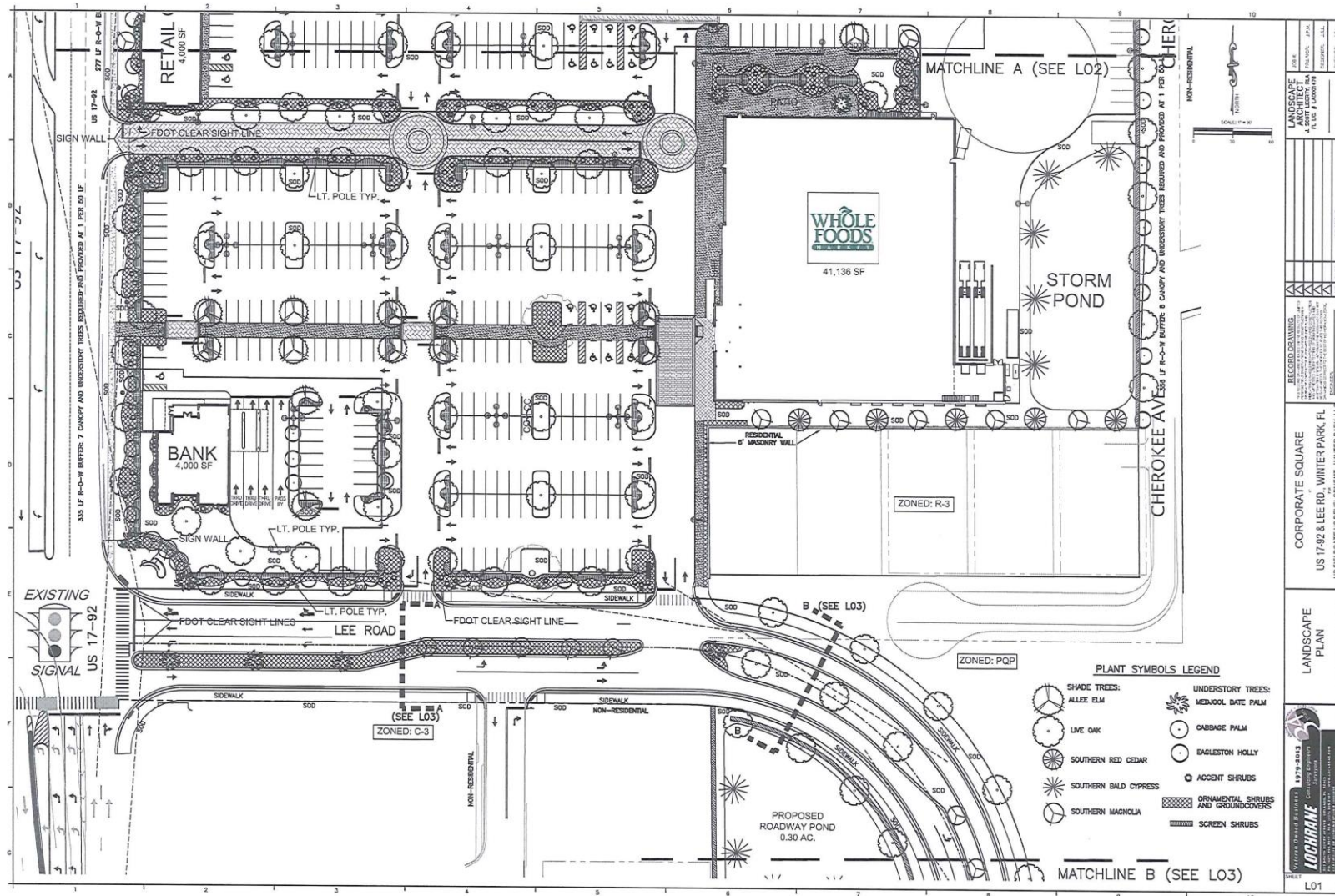
## LEGAL DESCRIPTION

01-22-29-3452-01-010 &  
01-22-29-3452-01-010

(PER TITLE # 01-22-29-3452-01-010)

**PARCELS:**  
LOT 1, 2, 3, 4, 5, 6, 7, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 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QTY	LABEL	COMMON NAME (BOTANICAL NAME)
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WOOD: ON CATHEDRAL LIVE OAK (*QUERCUS*)

- 95 SOUTHERN RED CEDAR (*JUNIPERUS SLOOGLIO*)  
 80 GAL. MIN. 3" CAL. MIN. 12" HT. MIN. 5' CT.  
 10 CARLETON HOLLY (*ILEX AETHEA*) "CACTUS"  
 40 GAL. MIN. 10" HT. X 3" SPREAD, STRAIGHT TRUNK , 2" CT.  
 11 ALICE BLM (*ULMUS PARVIFOLIA* "EMER")  
 80 GAL. MIN. 3" CAL. MIN. 10" HT. MIN. 5' CT.  
 12 DATE PALM (*PHOENIX DACTYLOIDES* "MEDJOLA")  
 80 GAL. 10' CT HEIGHT TO BOTTOM OF BUSH MATCHED  
 13 CARABEA PALM (*SABAL PALMETTO*)  
 STAGGER 10', 12' AND 14' CT HT. WITHIN CLUSTERS

100

- 7 GAL., 30" HT. MIN., 30" O.C., FULL, TO BECOME 40" HT. IN 1 YEAR
-  PM PODOCARPUS (PODOCARPUS MACROPHYLLUM)  
7 GAL., 30" HT. MIN., 30" O.C., FULL, TO BECOME 40" HT. IN 1 YEAR

- 15 GAL. 40" HT. STANDARD, FULL, BLOOMING
- RR KNOCK-OUT ROSE (ROSA "RADRAZZ")  
3 GAL. 24" HT. 30" G.C. FULL, BLOOMING
- CH EUROPEAN FAN PALM (CHAMODORUS HUMILI)  
15 GAL. 40" GA. HT. MIN. FULL
- CF CHINESE FAN PALM (LYNSTONIA CHINENSIS)  
15 GAL. 40" GA. HT. MIN. FULL. 4" OC
- AV VARIEGATED GINGER (ALPHEA "VITTATA")  
3 GAL. 24" GA. HT. MIN. FULL. 36" OC
- DR SAW PALMETTO (SEROTIA REPENS)  
7 GAL. 24" GA. HT. MIN. FULL. 4" OC

QTY	LABEL	COMMON NAME (BOTANICAL NAME)
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### SPECIFICATIONS

 **JM** DONNY JASMINE (JASMINUM

- [illegible]

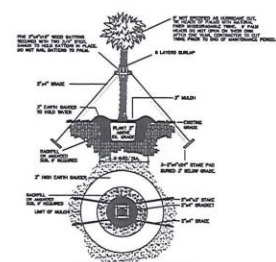
## AUTOMATIC IRRIGATION SYSTEM

- [illegible]

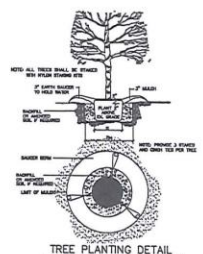
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N.T.E.



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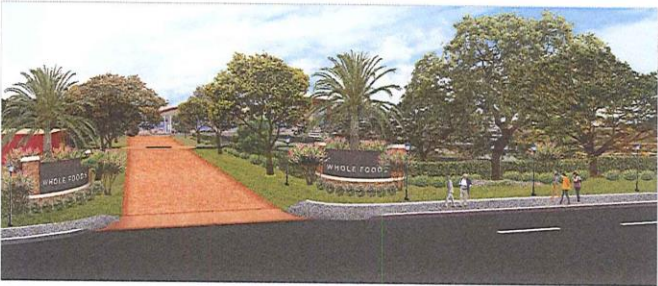


### PLANT SYMBOLS LEGEND

- |   |                       |   |                   |
|---|-----------------------|---|-------------------|
|  | SHADE TREES:          |  | UNDERSTORY TREES: |
|  | MAGNOLIA              |  | MEDMOOL DATE PALM |
|  | ALLEE ELM             |  | CABBAGE PALM      |
|  | LIVE OAK              |  | CRAPPE MYRTLE     |
|  | SOUTHERN RED CEDAR    |  | SCREEN SHRUBS     |
|  | SOUTHERN BALD CYPRESS |  | ACCENT SHRUBS     |
|   |                       |  | ORNAMENTAL SHRUBS |







PERSPECTIVE - ENTRANCE AT 1792



PERSPECTIVE - LEE RD & 1792

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CONSULTANT

Mark Adams, AIA  
FL REG. ARCH. 00094479  
Jennifer De Nofre, AIA  
FL REG. ARCH. 00094479

ELEVEN  
18  
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REVISIONS		
#	DATE	DESC.

PROJECT NAME:

WINTER PARK  
RETAIL  
WINTER PARK, FL

DATE: 04/05/2016	DRAWN BY: JWA
DESIGNED BY: JWA	CHECKED BY: JWA
OVERALL PROJECTS	A-1





**TEST**



OUTH  
 $\frac{1}{2} = 1 \cdot 2$



AST  
P = 10<sup>9</sup>



ORTH  
 $\theta = \theta^0$

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10/10/2016

ELEVEN  
18  
ARCHITECTURE

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PROJECT NAME)  
**WHOLE FOODS  
MARKET**  
WINTER PARK

DATE:	DRAWN BY:
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09 AUG 2014	EW, JA
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JOB NUMBER:	CHECKED BY:
	KM

COLOR	A 2
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ELEVATIONS	A-3
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WINTER PARK  
RETAIL  
WINTER PARK, FL.

DATE: 06 AUG 2004	DRAWN BY: EW, JA
JOB NUMBER: 00000	CHECKED BY: KM
SCREEN WALL	A-6



# city commission **public hearing**

item type	Public Hearing	meeting date	October 13, 2014
prepared by	Wes Hamil, Finance Director	approved by	<input checked="" type="checkbox"/> City Manager
department	Finance		<input type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval		<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A	final vote
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

Ordinance supplementing ordinance 2953-14 authorizing the issuance of not exceeding \$16,000,000 electric revenue bonds to finance the refunding of a portion of the outstanding Electric Revenue Bonds, Series 2005A.

## motion | recommendation

Approve the ordinance supplementing ordinance 2953-14.

## background

This past June, the City refunded \$7,815,000 of the Electric Revenue Bonds, Series 2005A auction rate security bonds. This refunding was accomplished through a tender offer process that enabled the City to purchase the bonds at 97.0% of par value. A fixed rate loan of 2.74% from Pinnacle Public Finance was obtained to finance the bond refunding. After this refunding, there are still \$7,445,000 of the 2005A bonds outstanding.

The interest rate on the 2005A bonds is the default rate defined by a formula in the original bond documents. This formula is 175% of the one month LIBOR. Since 2009, this rate has consistently been 0.50% or less. The concern is that once rates begin rising, our interest rate will increase exponentially.

Recently, the City has been contacted by an institution holding \$6,200,000 of the \$7,445,000 bonds that are still outstanding expressing an interest in selling the bonds back to the City. Through discussions between the City's Financial Advisor, Public

Financial Management (PFM), and the bondholder, the bondholder has indicated a willingness to sell the bonds for 96.5% of par value.

PFM has been in contact with the financial institutions that offered the best financing terms for the June refunding. Pinnacle Public Finance continues to offer the best rate that includes flexibility for paying off the loan early. Pinnacle is offering a fixed rate of 3.02% for the full term of the bond.

Purchasing \$6,200,000 of the bonds would reduce the City's variable rate exposure to \$1,245,000. The 3.02% fixed rate being offered by Pinnacle is still a very favorable rate for a twenty year loan. If and when interest rates begin rising, the City would likely be in a position to fund the purchase of the remaining \$1,245,000 in auction rate bonds using cash on hand.

### **alternatives | other considerations**

Leave the bonds in their current auction rate mode. The default rate has averaged less than 0.30% for the last year.

### **fiscal impact**

Higher interest costs in the near term on \$6,200,000 of the bonds refunded with a 3.02% fixed rate loan. However, the risk of even higher interest costs due to exponential increases in the default rate will have been reduced.

**ORDINANCE NO. [\_\_\_\_]-15**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE 2953-14 AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$16,000,000 ELECTRIC REVENUE BONDS OF THE CITY TO FINANCE ITS OUTSTANDING ELECTRIC REVENUE BONDS, SERIES 2005A TENDERED FOR PURCHASE BY THE HOLDERS THEREOF AND PAY THE COSTS OF ISSUANCE THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM THE ELECTRIC SYSTEM OF THE CITY ON PARITY WITH THE CITY'S OUTSTANDING ELECTRIC REVENUE BONDS; PROVIDING FOR THE SALE OF SUCH BONDS PURSUANT TO A PRIVATE NEGOTIATED SALE; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1. AUTHORITY FOR THIS ORDINANCE.** This ordinance is enacted pursuant to the provisions of Chapter 166, Parts I and II, Florida Statutes; Chapter 86, Article III, of the Code of Ordinances of the City of Winter Park, Florida (the "City"); Ordinance 2953-14 and other applicable provisions of law.

**SECTION 2. FINDINGS.** It is hereby ascertained, determined and declared that:

A. The City previously authorized the repurchase of its outstanding Electric Revenue Bonds, Series 2005A of the City (the "2005A Bonds") tendered by holders and finance such tender with proceeds to be derived from the sale of one or more series of its electric revenue bonds issued under Resolution No. 1898-05 duly adopted by the City on May 9, 2005 (the "Original Resolution").

B. On June 13, 2014 the City successfully repurchased \$7,815,000 of its 2005A Bonds pursuant to a public tender offer and financed the repurchase, in part, with proceeds of a loan from Pinnacle Public Finance, Inc. in the amount of \$7,680,000.

C. It is necessary and desirable by the City to issue electric revenue bonds to be designated by the City in an amount not exceeding \$6,200,000 to finance an unsolicited offer to tender approximately \$ 6,200,000 of its outstanding 2005A Bonds and to pay the costs of issuance thereof (the "Bonds").

D. The City may solicit offers from the remaining holders of the 2005A Bonds and issue the Bonds to finance the cost of the purchase of all or a portion of the outstanding 2005A Bonds.

**SECTION 3. AUTHORIZATION OF BONDS.** The issuance by the City of not exceeding \$6,200,000 electric revenue bonds for the purpose described above; to bear interest at

a rate or rates not exceeding the maximum legal rate per annum, to be payable, to mature, to be subject to redemption and to have such designations and other characteristics as shall be provided by subsequent resolution or resolutions of the Commission prior to their delivery; and to be secured on a parity with the lien of the holders of its outstanding electric revenue bonds under the Original Resolution upon and pledge of the net revenues derived by the City from its electric system; is hereby authorized. The Commission may adopt a specific bond resolution (including any necessary resolutions supplemental to the Original Bond Resolution) supplemental to this ordinance, setting forth the maturities (or a mechanism for determining such maturities on or prior to the sale of such Bonds) and the fiscal details and other covenants and provisions necessary for the marketing, sale and issuance of such Bonds. In addition the bond resolution may authorize various interest rate modes and appropriate agreements for such modes, and may establish special accounts and include provisions for the sole benefit of the holders of such Bonds, as circumstances dictate, in order to fully protect the rights of the holders of such Bonds.

**SECTION 4. GENERAL AUTHORITY.** The Mayor, City Manager, Director of Electric Utilities and Finance Director of the City, or any of them, are hereby authorized, pending adoption of the above resolutions, to do all things and to take any and all actions on behalf of the City, without further action by the Commission, to provide for the financing of the repurchase of 2005A Bonds tendered by the holders of such 2005A Bonds; to solicit bids from financial institutions for the purchase of the electric revenue bonds authorized hereby; and to execute and deliver any commitments from financial institutions regarding the bonds and all other documents and instruments deemed appropriate by any of such officers, the approval of the City and all corporate power and authority for such actions to be conclusively evidenced by the execution and delivery thereof by any of such officers.

**SECTION 5. REPEALER.** All ordinances, resolutions or parts thereof in conflict with this ordinance are hereby repealed to the extent of such conflict. Other than as modified and supplemented hereby Ordinance 2953-14 shall remain in full force and effect.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall take effect immediately upon its final passage and enactment.

ENACTED after reading by title at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, Florida, on this \_\_\_\_ day of October, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

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



# city commission public hearing

item type	Public Hearing	meeting date	October 13, 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: Ordinance to Implement in the Land Development Code, the Modification of the Requirement for Supermajority Approval Needed for Certain Conditional Uses.**

On July 14, 2014, following review by the Florida Dept. of Economic Opportunity, the City Commission adopted Comprehensive Plan policy amendments to remove three Policies in the Comprehensive Plan which impose the supermajority requirement for the approval of certain Conditional Uses. The Land Development Code must be consistent with the Comprehensive Plan. This Ordinance implements those Comp. Plan policy changes within the Land Development Code.

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

**Motion made by Mr. Sacha, seconded Mr. Gottfried to approve the proposed ordinance to remove the requirement for supermajority votes. Motion carried unanimously with a 6-0 vote.**

### **Summary:**

The City Attorney, Larry Brown, has previously prepared a legal opinion (attached) indicating that the City Charter sets forth that all Ordinances are adopted by the affirmative vote of a majority of the City Commission. As such, the Code sections that required either four votes or a supermajority of the City Commission to adopt an "Ordinance" were in conflict with the City Charter.

As a result, in April, 2013 the City Commission adopted Ordinance 2909-13 which repealed the Policies in the Comprehensive Plan to remedy and remove those conflicts that required supermajority vote requirements needed for the adoption of Ordinances.

At that time it was made clear that this conflict with City Charter only related to the adoption of Ordinances. There are other Policies of our Comprehensive Plan that require a supermajority for the adoption of certain types of conditional uses. The intent of the Comprehensive Plan amendments which were adopted On July 14, 2014 and the intent of this implementation Ordinance for the Land Development Code are to achieve consistency of majority rule by also changing the rules which require supermajorities for the approval of certain Conditional Uses.

## **Amendment of the two Zoning and Flood Plain Regulation Conditional Uses that require a Supermajority:**

There are two types of Conditional Uses which require a supermajority vote for approval that are being amended:

1. Construction of three story buildings within the Central Business District. This supermajority requirement is listed in all the applicable zoning districts applicable to the CBD so this Ordinance amends that requirement in the R-3, R-4, O-1, C-2, C-3 and PQP zoning districts.
2. Construction within the stream floodways and floodplains of the City. This relates to the two stream floodplain areas between Lake Sue and Lake Virginia and the north of Lake Maitland. It is being amended with Article V of the Land Development Code.

### **P&Z Minutes – Sept. 2, 2014:**

**REQUEST OF THE CITY OF WINTER PARK FOR:** AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", SO AS TO REMOVE THE REQUIREMENT FOR SUPERMAJORITY VOTES FOR THE APPROVAL OF CERTAIN CONDITIONAL USES.

Planning Manager Jeffrey Briggs presented the staff report and explained that on July 14, 2014, following review by the Florida Dept. of Economic Opportunity, the City Commission adopted Comprehensive Plan policy amendments to remove three Policies in the Comprehensive Plan which impose the supermajority requirement for the approval of certain Conditional Uses. He said that this Zoning Code amendment seeks to implement these Comp. Plan policy changes by modifying the Zoning Code to remove the instances where Conditional Uses require a supermajority to be approved. He said that the City Attorney, Larry Brown, has previously prepared a legal opinion indicating that the City Charter sets forth that all Ordinances are adopted by the affirmative vote of a majority of the City Commission. As such, the Code sections that required a supermajority of the City Commission to adopt an "Ordinance" were changed in April, 2013. At that time it was made clear that this conflict with City Charter only related to the adoption of Ordinances. There are other Policies of our Comprehensive Plan that require a supermajority for the adoption of certain types of conditional uses. The intent of the Comprehensive Plan amendments and this Ordinance is to achieve consistency of majority rule by also changing the rules which require supermajorities for the approval of certain Conditional Uses. There are two types of Conditional Uses which require a supermajority vote for approval that are being amended:

1. Construction of three story buildings within the Central Business District. This supermajority requirement is listed in all the applicable zoning districts applicable to the CBD so this Ordinance amends that requirement in the R-3, R-4, O-1, C-2, C-3 and PQP zoning districts.
2. Construction within the stream floodways and floodplains of the City. This relates to the two stream floodplain areas between Lake Sue and Lake Virginia and the north of Lake Maitland. It is being amended with Article V of the Land Development Code.

Staff recommended approval in order to be consistent with Comprehensive Plan policies, as recently amended and to achieve consistency in land development approvals. Mr. Briggs responded to Board member questions and concerns.

No one wished to speak concerning this item. Public Hearing closed.

**Motion made by Mr. Sacha, seconded Mr. Gottfried to approve the proposed ordinance to remove the requirement for supermajority votes. Motion carried unanimously with a 6-0 vote.**

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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTIONS 58-68; 58-69; 58-72; 58-75; 58-76 AND 58-79 AS WELL AS WITHIN ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS", SECTION 58-214 SO AS TO REMOVE THE REQUIREMENT FOR SUPERMAJORITY VOTES FOR THE APPROVAL OF CERTAIN CONDITIONAL USES, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, the City Commission desires to implement recently amended policies in the Comprehensive Plan; and

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

**WHEREAS**, the City Staff recommends this Ordinance, and the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their August 5, 2014 meeting; and

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

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

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-68 "Medium density multiple-family Residential (R-3) District", subsection (c) "Conditional uses"; paragraph (8) is hereby amended and modified as follows:

**Sec. 58-68. Medium Density Multiple Family Residential (R-3) District.**

(c) *Conditional uses.* The following uses may be permitted after review by the planning and zoning commission and approval by the city commission in accordance with the provisions of this article. See Sec. 58-90. Conditional Uses.

(8) Buildings with a third floor within the central business district, ~~which requires the affirmative votes of four city commissioners to be approved;~~

**SECTION 2.** That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-69 "Multifamily (high density R-4) District", subsection (c) "Conditional uses"; paragraph (8) is hereby amended and modified as follows:

**Sec. 58-69. Multifamily (high density R-4) District.**

(c) *Conditional uses.* The following uses may be permitted after review by the planning and zoning commission and approval by the city commission in accordance with the provisions of this article. See Sec. 58-90. Conditional Uses.

(8) Buildings with a third floor within the central business district, ~~which requires the affirmative votes of four city commissioners to be approved;~~

**SECTION 3.** That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-72 "Office (O-1) District", subsection (d) "Conditional uses"; paragraph (7) is hereby amended and modified as follows:

**Sec. 58-72. Office (O-1) District.**

(d) *Conditional uses.* The following uses may be permitted after review by the planning and zoning commission and approval by the city commission in accordance with the provisions of this article. See Sec. 58-90. Conditional Uses.

(7) Buildings within the Central Business District with a third floor up to forty (40) feet in height, ~~which requires the affirmative votes of four (4) city commissioners to be approved.~~

**SECTION 4.** That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-75 "Commercial (C-2) District", subsection (c) "Conditional uses"; paragraph (3) is hereby amended and modified as follows:

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

(c) *Conditional uses.* The following uses may be permitted as conditional uses following review by the planning and zoning commission and approval by the city commission in accordance with the provisions of this C-2 district section only. See Sec. 58-90 Conditional Uses.

(3) Buildings with a third floor and up to forty (40) feet in height, ~~which requires the affirmative votes of four (4) city commissioners to be approved as a conditional use;~~

**SECTION 5.** That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-76 "Commercial (C-3) District", subsection (c) "Conditional uses"; paragraph (1) (o) is hereby amended and modified as follows:

**Sec. 58-76. Commercial (C-3) District.**

(c) *Conditional uses.*

(1) The following uses may also be permitted as conditional uses following review by the planning and zoning commission and approval by the city commission in accordance with the provisions of this Article. See Sec. 58-90 Conditional Uses.

(o) Buildings with a third floor within the Central Business District up to forty (40) feet in height; ~~which requires the affirmative votes of four (4) city commissioners to be approved;~~

**SECTION 6.** That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-79 "Public and quasi-public (PQP) District", subsection (d) "Conditional uses"; paragraph (6) is hereby amended and modified as follows:

**Sec. 58-79. Public and quasi-public (PQP) District.**

(d) *Conditional uses.* The following uses may be permitted as conditional uses following review by the planning and zoning commission and approval by the city commission in accordance with the provisions of this C-2 district section only. See Sec. 58-90 Conditional Uses.

(6) Buildings with a third floor and up to forty (40) feet in height, ~~which requires the affirmative votes of four (4) city commissioners to be approved as a conditional use;~~

**SECTION 7.** That Chapter 58 "Land Development Code", Article V, "Environmental Protection" Division 3 "Flood Plain Regulations", Section 58-214 "Flood hazard regulations", subsection (d) is hereby amended and modified as follows:

**Sec. 58-214. Flood hazard regulations.**

(d) Located adjacent to the flood ways designated in section 58-212 are flood plain areas for the city's two streams: the portion of Howell Branch Creek between Lake Sue and Lake Virginia, and the Howell Branch Creek north of Lake Maitland. Within these streams flood plain areas that are below the base elevations, no adding of soil or other fill materials shall be permitted. In addition, the use of these areas for any structure shall be permitted only as a conditional use. ~~Provided further, any conditional use shall be granted only upon the affirmative vote of four members of the city commission.~~ The criteria utilized to evaluate such conditional use requests shall include, but not be limited to: the effect on flood storage capacity; environmental impacts on the wetland areas from the construction process; the loss of environmentally sensitive areas and the precedent for similar construction in such areas including conformance to the comprehensive plan.

**SECTION 8. 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 9. Conflicts.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 10. Effective Date.** This Ordinance shall become immediately effective upon its passage and adoption.

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

Attest: \_\_\_\_\_ Mayor

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



BROWN, GARGANESE, WEISS & D'AGRESTA, P.A.

*Attorneys at Law*

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**Usher L. Brown**  
Board Certified Civil Trial Law  
Board Certified Education Law  
[ulbrown@orlandolaw.net](mailto:ulbrown@orlandolaw.net)

September 10, 2012

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

*via email & regular U.S. Mail*

Re: Legal Opinion Concerning Section 2.11 of the City Charter

Dear Randy:

This in response to your request for a legal opinion concerning whether or not provisions in the Municipal Code that require the vote of four members of the City Commission (i.e., a super majority) are in conflict with Section 2.11 of the City Charter. For the reasons stated hereinafter, I have concluded that there is a conflict between the Charter and such ordinances, and the provisions in the Charter should supercede and control the procedure for adoption of ordinances. ←

#### DISCUSSION

Section 2.11 of the City Charter provides in relevant part that "a proposed ordinance shall be adopted when it ... has received the affirmative vote of a majority of the City Commission physically present on at least two separate days at either regular or special meetings of the Commission." A majority of the Commission is three Commissioners. A quorum for a meeting exists when there are at least three members physically present at the meeting. Therefore, an ordinance may pass under the Charter on two votes that are physically present (assuming a quorum and only two affirmative votes of Commissioners are cast), or on the affirmative vote of three.

The Charter provision must be construed to lead to a reasonable result in accordance with the plain language used. The plain language of Section 2.11 of the Charter provides that if three Commissioners are physically present, then, assuming all

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other legal requirements are met, the ordinance may be adopted by a vote of a majority physically present.

There are several sections in the Municipal Code that require a super majority or four votes in order to adopt specific types of ordinances. I have previously provided you a memorandum that identifies a number of these sections that call for a vote of four Commissioners. An example is Section 58-89 concerning zoning changes. Subsection 58-89(f) contains a four vote requirement, and states in relevant part the following:

"In case of a recommendation of denial by the Planning & Zoning Commission, such amendment shall not become effective except by the favorable vote of four members of the City Commission. In cases when the Planning & Zoning Commission recommends approval of a zoning map amendment on a lesser portion of the property than originally requested or imposes conditions upon or limitations upon a recommendation for approval reducing the intensity or density of use of said property, it shall require the favorable vote of four members of the City Commission to adopt such zoning map amendment to a greater portion of the property or to increase the density or intensity of use of said property above that recommended by the Planning & Zoning Commission."

There are other examples in the Municipal Code, but the referenced section is illustrative of several provisions which require a super majority in order to enact an ordinance.

A municipal charter is "the paramount law of the municipality, just as the state constitution is the charter for the state." See, e.g., *City of Miami Beach v. Fleetwood Hotel Inc.*, 261 So.2d 801, 803 (Fla. 1972); *Clark v. North Bay Village*, 54 So.2d 240, 242 (Fla. 1951). It has been held that the charter acts as the local government's constitution, and therefore ordinances must be in accordance with the charter. *Hollywood, Inc. v. Broward County*, 431 So.2d 626, 609 (Fla. 4th DCA 1983), *rev. den'd*, 440 So.2d 352 (Fla. 1983).

There may not be a conflict between an ordinance and a charter provision. Attorney General Opinion (AGO) 2002-77 (November 12, 2002). In this Opinion, the Attorney General held that a "charter provision and the existing ordinance may coexist unless there is a conflict between the two provisions, in which case the charter provision would prevail." In AGO 2002-77, the issue was whether a citizen initiative that would amend the charter of the City of Northport to include a tree protection provision could be enacted given the fact that there was an existing city ordinance dealing with the same subject of tree protection. The Attorney General held that if the citizens of Northport approved the charter amendment to include a tree protection provision, then the charter provision and the existing ordinance could coexist "unless there is a conflict between the two provisions, in

which case the charter provision would prevail."

The Attorney General further held that an inconsistent or conflicting provision of a charter or a constitution "operates to amend, supersede, or modify" the inferior law. The inferior law is a statute in the case of conflict with the Constitution. And, the inferior law is an ordinance in the case of conflict with a charter. *Id.*

Another example of the application of this rule is found in the appellate decision *West Palm Beach Golf Commission v. Callaway*, 604 So.2d 880 (Fla. 4th DCA 1992). In this case the court held that certain ordinances empowering the local golf commission to hire and fire employees conflicted with a charter provision, and declared the ordinances in conflict with the charter were invalid.

The question then becomes whether or not ordinances of the City of Winter Park that require four votes or a super majority conflict with Charter Section 2.11. The Florida Supreme Court recently stated the test for determining whether a local law conflicts with a superior law. *Sarasota Alliance for Fair Elections, Inc. (SAFE) v. Browning*, 28 So.3d 880 (Fla. 2010). In this case, the Court invalidated certain proposed amendments to the charter of Sarasota County because those amendments to the charter conflicted with state statutes governing the procedures for conducting state and local elections.<sup>1</sup>

The Supreme Court held that the test of whether or not "a local government enactment and state law [conflict] is whether one must violate one provision in order to comply with the other. Putting it another way, a conflict exists when two legislative enactments cannot coexist." *Id.*, at 888.

Therefore, if conduct satisfies the requirements of the superior law, yet violates the inferior law, then the inferior law is in conflict and should not stand. Specific examples from the *Sarasota County* case illustrate how this test is to be applied.

The proposed Sarasota charter amendments included a requirement that for each local election an independent auditing firm would be required to complete audits of the election results before the results could be certified. The Court held that this proposed amendment conflicted with state law, which provides that the Supervisor of Elections certifies election results, and because the independent auditing firm would not be subject to the administrative rules promulgated by the Division of Elections pursuant to Florida's Election Code. "Thus, two separate entities could be handling the ballots during the same time period and employing different methods in ascertaining the results to be certified if the

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<sup>1</sup> The Court held the state statutes did not expressly preempt the Sarasota charter amendments, and further held that implied preemption is disfavored. However, certain of the charter amendments were found to conflict with state law.

SAFE amendment is put into operation." *Id.* at 890. If the Supervisor of Elections complied with state law in certifying the election results in Sarasota, she would be in violation of the local law. The superior and inferior laws therefore could not coexist.

Turning now to the Winter Park Charter provision, the plain language provides "that a proposed ordinance shall be adopted when it has ... received the affirmative vote of a majority of the City Commission physically present." This language imposes a mandate because it uses the word "shall" when it refers to the fact that Winter Park ordinances shall be adopted when approved by an affirmative vote of a majority physically present. A member of the Commission is entitled to have his or her legislative program enacted in accordance with the Charter, and where the Charter mandates that the legislative program is enacted upon an affirmative vote of a majority, an ordinance that requires a super majority is, in my opinion, in clear conflict with the Charter mandate. To use the term that the Supreme Court used in *SAFE v. Browning*, the ordinance and the charter provision cannot "coexist", because a mandatory right to enact on a simple majority is in conflict with a requirement in an ordinance calling for a super majority.

I am certainly aware that this opinion may be viewed as controversial by some. During my tenure I have become aware that there are citizens who may prefer the super majority requirement because they believe this makes it more difficult for development that they oppose to occur in the City. That is a political or policy argument, and I offer no opinion whether or not a super majority requirement is advantageous to the City. My role is limited to expressing a legal opinion concerning whether or not there is a conflict between ordinances requiring a super majority vote and the provision in Section 2.11 mandating enactment of an ordinance if it receives the affirmative vote of a majority. A superior law (i.e., the Charter) mandating a simple majority is in conflict with, and cannot coexist with, an inferior law (i.e., an ordinance) that requires a super majority. The Charter must prevail under Florida law.

This conflict may only be resolved if the citizens of Winter Park approve an amendment to the Charter that requires a super majority vote under such circumstances as set out in the amendment. Amendments to a municipal charter are accomplished pursuant to the procedures in Section 166.031, Florida Statutes. This statute provides that the governing body of a municipality may, by ordinance, or the electors of the municipality may, by petition signed by at least 10% of the registered electors, submit to the electors the question of the amendment at a referendum election. Absent such an amendment in the Charter authorizing a super majority vote, the conflict remains in my opinion.

Because the question is controversial, some may call for the City to request an Attorney General opinion. That is an option, although the Attorney General may decline to issue an opinion. On this question, refer to the Attorney General's website and link to the page entitled "Frequently Asked Questions About Attorney General Opinions". There you will see that opinions generally are not issued on questions requiring an interpretation only of local codes, ordinances or charters.

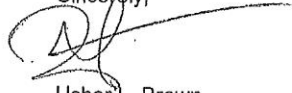
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The Attorney General does have discretion, however, to issue an opinion "notwithstanding any other provision of law". Section 16.01(3), Florida Statutes.

If an opinion from the Attorney General is requested by a majority of the City Commission or the City Manager, I will phrase the question to the best of my ability to implicate questions of state law in addition to local law, but I want to advise you of the possibility that under the statute the Attorney General may interpret the question as one strictly under local law, and then may exercise her discretion and refuse to issue an opinion. See, AGO 98-27, fn. 1 (March 31, 1998) ("You also asked about several provisions of the city charter. This office is authorized to render opinions regarding the interpretation of state law. See, Section 16.01(3), Florida Statutes. As discussed in this Office's Statement Concerning Attorney General Opinions, opinions are not issued on questions involving the interpretation of local charters, codes, or ordinances.")

Please contact me if you have any further questions regarding this.

Sincerely,



Usher L. Brown

ULB:tla

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# city commission public hearing

item type	Public Hearing	meeting date	October 13, 2014
prepared by department division	Jeff Briggs, Planning Dept. & Brett Railey, Police Dept.	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	4-2 final vote

## **Subject: Ordinance to Regulate Medical Marijuana Treatment Centers.**

The staff is presenting for City Commission review, an Ordinance to establish regulations for the location and operation of medical marijuana treatment centers within the City. The proposed regulations are patterned after the regulations adopted in 2012 for pain management clinics.

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

**Motion made by Mr. Sacha, seconded by Mr. J. Johnston to approve the proposed ordinance regulating medical marijuana facilities.**

**Motion carried with a vote of 4-2. R. Johnston and S. De Ciccio voted against the motion.**

## **Summary:**

This Ordinance is a comprehensive regulation on the location and operating characteristics for any future medical marijuana treatment center. This Ordinance required a P&Z recommendation because it amends the Zoning Code to establish permitted locations within the I-1 zoning district, subject to separation distances. Only Sections 3 and 4 of the attached Ordinance were relevant to P&Z and the only sections of the Ordinance that P&Z provided a recommendation.

The area properly zoned I-1 and potentially open for these businesses would be the area along Solana Avenue between Denning Drive and Orlando Avenue. Unless there is an area where such businesses can be located within the City, the Ordinance would not be valid.

While we do not know if the Constitutional Amendment will pass or if it does how it will be implemented by the Florida Legislature, staff feels it is prudent at this time to determine potential locations pending the outcome of implementation by the State of Florida.

**P&Z Minutes – Sept. 2, 2014:**

**REQUEST OF THE CITY OF WINTER PARK FOR:** AN ORDINANCE RELATING TO MEDICAL MARIJUANA TREATMENT CENTERS, AMENDING SECTION 58-78, LIMITED INDUSTRIAL AND WAREHOUSE (I-1) DISTRICT, OF CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE III, ZONING TO ALLOW “MEDICAL MARIJUANA TREATMENT CENTERS” AS A PERMITTED USE BY SETTING FORTH SITING STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA TREATMENT CENTERS.

Planning Manager Jeffrey Briggs gave the staff report and explained that the City Commission has requested the opportunity to review an Ordinance to establish regulations for the location and operation of medical marijuana treatment centers within the City. The proposed regulations are patterned after and are similar to the regulations adopted in 2012 for pain management clinics. He explained that the reason this is on a Planning Board agenda is that this proposed Ordinance establishes (again similar to pain management clinics) that they are permitted uses only within the I-1 zoning district, subject to separation distances. He noted that only those Sections 3 and 4 of the Ordinance are relevant to P&Z and the only sections of the Ordinance requiring P&Z recommendation. Any amendment to the Zoning Code requires a P&Z recommendation.

The area properly zoned I-1 with sufficient separations from residential and potentially open for these businesses would be the area along Solana Avenue between Denning Drive and Orlando Avenue. There must be an area where such businesses can be located within the City, the Ordinance would not be valid. Mr. Briggs explained that no one knows if the Constitutional Amendment will pass and if it does how it will be implemented by the Florida Legislature. Some states have successfully implemented the availability of medical marijuana without impact on the character and quality of business districts and other states have not done so. So to be prudent at this time, the potential locations are limited pending the outcome of implementation by the State of Florida. If later these businesses are more like “professional clinic” than retail stores then the zoning locations can be re-examined. Staff recommended approval. Mr. Briggs responded to Board member questions and concerns.

The following residents spoke and expressed opposition to the request:

Betti Gorenflo, 571 Lakefront Boulevard, stated that she feels that the proposed ordinance does not represent the character of City and further that the issue needs more research.

Lurline Fletcher, 811 English Court and Linda Walker-Chappelle, 794 Comstock Avenue objected to the locations so close to the Hannibal Square neighborhood.

No one else wished to speak concerning item. Public Hearing closed.

There was considerable discussion by the P&Z Board on the need for this Ordinance given that the Constitutional Amendment has yet to pass and the Legislature has yet to establish administrative or legislative rules for the implementation. Other members expressed interest in being proactive on this topic and that the ordinance could always be amended to open up additional locations if the nature of such businesses was consistent with the city’s character.

**Motion made by Mr. Sacha, seconded by Mr. J. Johnston to approve the proposed ordinance regulating medical marijuana facilities. Motion carried with a vote of 4-2. R. Johnston and S. De Ciccio voted against the motion.**

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

**AN ORDINANCE AFFECTING THE USE OF LAND IN THE CITY OF WINTER PARK, FLORIDA RELATING TO MEDICAL MARIJUANA TREATMENT CENTERS, WHETHER FOR MEDICAL OR RECREATIONAL USE; ESTABLISHING REGULATIONS FOR MEDICAL MARIJUANA TREATMENT CENTERS TO BE CODIFIED AS ARTICLE III, OF CHAPTER 54, HEALTH AND SANITATION, OF THE CITY CODE; AMENDING SECTION 58-78, LIMITED INDUSTRIAL AND WAREHOUSE (I-1) DISTRICT, OF CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE III, ZONING TO ALLOW “MEDICAL MARIJUANA TREATMENT CENTERS” AS A PERMITTED USE BY SETTING FORTH SITING STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA TREATMENT CENTERS; AMENDING SECTION 58-86, OFF-STREET PARKING AND LOADING REQUIREMENTS, OF CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE III, ZONING; AMENDING SECTION 58-95, DEFINITIONS, OF CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE III, ZONING; AMENDING SECTION 94-43, SCHEDULE, OF CHAPTER 94, TAXATION, ARTICLE II, BUSINESS TAX; PROVIDING FOR CONFLICTS; CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, a ballot initiative has been scheduled for state wide vote in November 2014 to allow the dispensing and use of marijuana for medical purposes by persons with debilitating diseases; and

**WHEREAS**, the City Commission of the City of Winter Park has determined that, in the event the State of Florida legalizes medical marijuana, it is in the best interests of the citizenry and general public to regulate the location of medical marijuana treatment centers; and

**WHEREAS**, it has also been determined that if this ordinance is approved by the City of Winter Park City Commission, this ordinance would not take effect or be enacted until after the State of Florida does in fact legalize the sale of marijuana, whether for medical or recreational uses, and

**WHEREAS**, the City Commission has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

**WHEREAS**, the City Commission has heard testimony from the Winter Park Police Department regarding the impacts of medical marijuana treatment centers would have on the surrounding area; and

**WHEREAS**, the Planning and Zoning Board has recommended allowing medical marijuana treatment centers as a permitted use in the Limited Industrial and Warehouse (I-1) District zoning category; and

**WHEREAS**, the City Commission of the City of Winter Park has determined that given the potential impact on the surrounding area, that medical marijuana treatment centers should only be permitted within the Limited Industrial and Warehouse (I-1) District zoning category in the City; and

**WHEREAS**, the City Commission of the City of Winter Park has determined that it is advisable and in the public interest to set certain distance and other siting standards in regard to the location and operation of medical marijuana treatment centers; and

**WHEREAS**, the City Commission approves the addition of Article III, to Chapter 54, Health and Sanitation, and the revision of Sections 58-78, 58-86, and 58-95 of the Land Development Code, to regulate the operation of medical marijuana treatment centers and minimize the negative secondary effects of such centers on the surrounding properties; and

**WHEREAS**, the City Commission of the City of Winter Park finds that this ordinance promotes the general welfare; 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. Recitals.** The foregoing recitals are hereby adopted and confirmed.

**SECTION 2. Creation of Medical Marijuana Treatment Centers.** Chapter 54, Health and Sanitation is hereby amended to add a new Article III, Medical Marijuana Treatment Centers to read as follows:

**Sec. 54-30. Definitions.**

For purposes of this article, the following terms, whether appearing in the singular or plural form, shall have the following meanings.

Debilitating Medical Condition means cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis or other conditions for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

Department means the state Department of Health or its successor agency.

Identification card means a document issued by the Department that identifies a person who has a physician certification or a personal caregiver who is at least twenty-one (21) years old and has agreed to assist with a qualifying patient's medical use of marijuana.

Marijuana has the meaning given cannabis in Section 893.02(3), Florida Statutes (2013).

Medical Marijuana Treatment Center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers and is registered by the state Department of Health.

Medical use means the acquisition, possession, use, delivery, transfer, or administration of marijuana or related supplies by a qualifying patient or personal caregiver for use by a qualifying patient for the treatment of a debilitating medical condition.

Personal caregiver means a person who is at least twenty-one (21) years old who has agreed to assist with qualifying patient's medical use of marijuana and has a caregiver identification card issued by the Department. A personal caregiver may assist no more than five (5) qualifying patients at one time. An employee of a hospice provider, nursing, or medical facility may serve as a personal caregiver to more than five (5) qualifying patients as permitted by the Department. Personal caregivers are prohibited from consuming marijuana obtained for the personal, medical use by the qualifying patient.

Physician means a physician who is licensed in Florida.

Physician certification means a written document signed by a physician, stating that in the physician's professional opinion, the patient suffers from a debilitating medical condition, that the potential benefits of the medical use of marijuana would likely outweigh the health risks for the patient, and for how long the physician recommends the medical use of marijuana for the patient. A physician certification may only be provided after the physician has conducted a physical examination of the patient and a full assessment of the patient's medical history.

Qualifying patient means a person who has been diagnosed to have a debilitating medical condition, who has a physician certification and a valid qualifying patient identification card. If the Department does not begin issuing identification cards within nine (9) months after the effective date of this section, then a valid physician certification will serve as a patient identification card in order to allow a person to become a "qualifying patient" until the Department begins issuing identification cards.

**Sec. 54-31. Registration and operational regulations for medical marijuana treatment centers.**

(a) Registration required. Upon adoption of this article and annually thereafter, medical marijuana treatment centers shall register with the city by completing and

submitting to the city manager, or his/her designee, a registration form that is obtained from that official.

(b) *Persons responsible.* A physician shall be designated as responsible for complying with all requirements related to registration and operation of the medical marijuana treatment centers. The designated physician and all other persons operating the medical marijuana treatment center shall ensure compliance with the following regulations. Failure to so comply shall be deemed a violation of this article and shall be punishable as provided in section 54-34.

(c) *Supplemental regulations.* All registered medical marijuana treatment centers shall be subject to the supplemental regulations provided in this subsection.

(d) *Display of state registration.* Any medical marijuana treatment center shall be validly registered with the State of Florida, if required, and with the city, and shall prominently display in a public area near its main entrance copies of all state licenses, city licenses, and local business tax receipt, and the name of the owner and designated physician responsible for compliance with state and city law. A medical marijuana treatment centers shall register with the city by completing and submitting to the city manager, or his/her designee, a registration form that is obtained from that official.

(e) *Controlled substances.* The on-site sale, provision, or dispensing of controlled substances (other than those types of marijuana approved for sale by the Department) at a medical marijuana treatment center shall be prohibited except as is specifically set forth in applicable federal or state law.

(f) *On-Site consumption of marijuana and/or alcoholic beverages.* No consumption of marijuana or alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or rights-of-way. The persons responsible for the operation of the medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.

(g) *Adequate inside waiting area required.* No medical marijuana treatment center shall provide or allow outdoor seating areas, queues, or customer waiting areas. All activities shall be conducted within the building and adequate indoor waiting areas shall be provided for all patients and business invitees. The medical marijuana treatment centers shall not direct or encourage any patient or business invitee to stand, sit (including in a parked car), gather, or loiter outside of the building where the clinic operates, including in any parking area, sidewalk adjacent, right-of-way, or neighboring property for any period

of time longer than that reasonably required to arrive and depart. The medical marijuana treatment centers shall post a conspicuous sign stating that no loitering is allowed on the property.

(h) *Queuing of Vehicles.* The persons responsible for the operation of medical marijuana treatment center shall ensure that there is no queuing of vehicles in the rights-of-way. The persons responsible for the operation of the medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.

(i) *No Drive-Through Service.* No medical marijuana treatment center shall have a drive-through or drive-in service aisle. All dispensing, payment for and receipt of said marijuana shall occur from within or inside the medical marijuana treatment center.

(j) *Operating hours.* A medical marijuana treatment center may operate only Monday through Friday and only during the hours of 7:00 a.m. to 7:00 p.m.

(k) *Monthly business records.* Each business day a medical marijuana treatment center shall record, and shall provide to the city manager or his or her designee on a monthly basis, by the fifth day of each calendar month, a sworn summary of certain limited information from the prior calendar month that is prepared by the medical director and/or the person in charge of prescribing the medical marijuana that month. To the extent such information is not otherwise required to be maintained by any other law, the backup for the required monthly summary shall be maintained by the medical marijuana treatment center for at least 24 months. The monthly summary shall include the following information for the previous calendar month:

- (1) The total number of prescriptions for marijuana filled by the medical marijuana treatment center;
- (2) The state of residence of each person to whom marijuana was dispensed.

(l) *Personnel records.* A medical marijuana treatment center shall maintain personnel records for all owners, operators, employees, workers, and volunteers on site at the medical marijuana treatment center, and make those records available during any inspection. The medical marijuana treatment center shall forward a sworn personnel record containing items (1), (2) and (3), below to the city manager, or his/her designee, on a monthly basis by the fifth day of each calendar month for the previous calendar month. Personnel records

shall, at a minimum, contain the following information about each of the above-described persons present for any day in the previous calendar month:

- (1) Name and title;
  - (2) Current home address, telephone number, and date of birth;
  - (3) A state or federally-issued driver's license or other identification number;
  - (4) A copy of a current driver's license or a government issued photo identification; and
  - (5) A list of all criminal convictions (if any), whether misdemeanor or felony for all persons hired in the previous calendar month, to be updated annually.
- (m) *Compliance with other laws.* A medical marijuana treatment center shall at all times be in compliance with all federal and state laws and regulations and the City of Winter Park City Code.

#### **Sec. 54-32. Landlord Responsibility.**

(a) Any landlord, leasing agent or owner of property, upon which a medical marijuana treatment center operates, who knows, or in the exercise of reasonable care should know, that a medical marijuana treatment center is operating in violation of the Winter Park City Code, or applicable Florida law, including the rules and regulations promulgated by the state Department of Health, must prevent, stop, or take reasonable steps to prevent the continued illegal activity on the leased premises.

(b) Landlords who lease space to a medical marijuana treatment center must expressly incorporate language into the lease or rental agreement stating that failure to comply with the Winter Park City Code is a material non-curable breach of the lease and shall constitute grounds for termination of the lease and immediate eviction by the landlord.

#### **Sec. 54-33. Certification affidavit by applicants for related uses.**

(a) *Certification affidavit by applicants for related uses.* Any application for a business certificate under chapter 54, article III, as a medical marijuana treatment center as defined in section 54-30, shall be accompanied by an executed affidavit certifying registration with the State of Florida, and the City of Winter Park as a medical marijuana treatment center. The failure of an applicant to identify the business in the application for a business certificate as a medical marijuana treatment center, which meets the definition of medical marijuana treatment center as defined in section 54-30, will result in the immediate expiration of the business certificate and immediate ceasing of all activity conducted in the medical marijuana treatment center.

(b) Any applicant's application for a business certificate and executed affidavit relating to use as a medical marijuana treatment center, where applicable, shall be provided to the city building division at the time of the proposed use.

**Sec. 54-34. Penalties.**

Any person violating any of the provisions of this article shall be deemed guilty of an offense punishable as provided in section 1-7, Article II Code Enforcement Citations, revocation of a business certificate and code enforcement violations referred to the code enforcement board.

**SECTION 3.** Section 58-78, Limited Industrial and Warehouse (I-1) District, of Chapter 58, Land Development Code, Article III, Zoning is hereby amended to read as follows:

Sec. 58-78. Limited industrial and warehouse (I-1) district.

\* \* \*

(b) *Permitted uses.* All uses of land located within this district must not be obnoxious by reason of sound, fumes, repulsive odors and the like whether the same constitutes an actual nuisance or not, and the uses shall not, in any way, detract from the desirability of the city as a residential community. Permitted uses include:

\* \* \*

(14) Medical marijuana treatment center, subject to the following requirements:

a. No medical marijuana treatment center shall be located within one thousand (1,000) feet of any school or church, or within one hundred (100) feet of any residentially zoned property, as further defined by these regulations. Distances shall be measured by drawing a straight line between the closest point of the medical marijuana treatment center structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer) of the school, church or residentially zoned property.

b. Any parking demand created by a medical marijuana treatment center shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the medical marijuana treatment center will be sufficient to accommodate traffic and parking demands generated by the medical marijuana treatment center, based upon a current traffic and parking study prepared by a certified professional.

\* \* \*

**SECTION 4.** Section 58-95, Definitions, of Chapter 58, Land Development Code, Article III, Zoning, is hereby amended to read as follows:

Sec. 58-95. Definitions.

\* \* \*

Medical Marijuana Treatment Center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils,

or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers and is registered by the state Department of Health and regulated under Article III of Chapter 54 of the City Code of Ordinances.

**SECTION 5.** Section 94-43, Schedule, Chapter 94, Taxation, Article II, Business Tax, is hereby amended to read as follows:

Sec. 94-43. Schedule.

\* \* \*

*Professional services—Health:*

\* \* \*

*Medical Marijuana Treatment Center ..... \$127.50*

**SECTION 6. 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 7. 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 8. 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 9. 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



# city commission public hearing

item type	Public Hearing	meeting date	October 13, 2014
prepared by department division	Dori Stone Planning and Community Development Department	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Development Review Committee (DRC)	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	5-0 final vote

## Subject:

First Amendment of the Ravaudage Planned Development Development Order

## Summary:

Benjamin Partners, Ltd. has made a request to amend the adopted Ravaudage Development Order as granted by the Orange County Board of County Commissioners on May 24, 2011. Since the property still maintains county land use and zoning, the Annexation Agreement with the city provides for the review process to mirror Orange County. Through this process, staff has met as a Development Review Committee (DRC) to review all the requested amendments to the existing adopted Development Order. DRC has also reviewed two separate projects as part of the Ravaudage plan which includes a 55 unit project with David Weekly Homes and a 296 unit project for American Land Venture. Both of these projects triggered policy issues that are addressed later in this item.

Due to the number of changes requested, the following information is provided as reference to this DO amendment request. A red-line version of the Development Order is attached and should be used as reference to highlight the changes and modifications and is tagged as Exhibit 1. The developer has provided an explanation of the requested changes. This is attached as Exhibit 2. The minutes from the city's three DRC meetings are included as Exhibit 3.

The following highlights the various Development Order changes (correlated by Development Order number) that were requested by the developer. The DRC action is highlighted next to the Condition number.

**Condition #1:** - This will provide for the ability to incorporate changes and amendments as may be granted by the Winter Park City Commission.

## DRC Recommendation: Approval

**Condition #3 and #5:**– These amendments will eliminate the requirement for a Master Storm Water Management Plan for the Ravaudage development and allows the project to impact the conservation areas designated on the land use plan without mitigation.

The Applicant has opted to prepare the required storm water plan and requisite permitting on an incremental development plan submission basis. As evidenced by current on-site construction an on-site storm water management plan has been implemented to accommodate Phase One, bounded by Orlando Avenue, Lee Road, Bennett Avenue, and Glendon Parkway, which includes the Ale House restaurant, parking and other surface improvements as well as other future construction in this phase. Future development plan phases shall include/incorporate additional storm water plans. Current plans have been permitted through the St. Johns River Water Management District (SJRWMD) with permit #: 40-095-128708-1 issued on: April 5, 2012. The Applicant has complied with wetland and/or conservation area thru the issuance of the SJRWMD permit #: 40-095-128708-1.

**DRC Recommendation: Approval**

**Condition #6:**– This amendment allows outdoor retail sales and special events with limitations. *Applicant has agreed to follow City protocol for outdoor sales, temporary/permanent structures and special events per City Code.*

**DRC Recommendation: Approval subject to conformance with the City's zoning regulations for outdoor sales and special events**

**Condition #11 (c):** - This amendment would allow the street front setbacks to be reduced from fifteen (15 ft.) to zero (0 ft.) and is limited to buildings up to four stories only. The development order is modified to read: Building setbacks for all interior/exterior streets shall be a maximum of 15' in lieu of 30' with a minimum of 0'. All other rights-of-way shall have a minimum sidewalk width of 10'. No building shall encroach into the right-of-way.

**DRC Recommendation: Approval subject to allowing this setback only on projects within the Ravaudage Master Plan that are planned up to four-story buildings.**

**Condition #12 (c):** - This amendment would apply only to buildings up to four stories and would allow building setbacks for all interior/exterior (all other R-O-W's) streets to be a minimum of 0' in lieu of 20' with a maximum setback of 25'. The minimum of 0' shall apply to back of sidewalk with a minimum sidewalk width of 10'. No building shall encroach into the right-of-way.

Both Condition #11(c) and 12(c) allow for a compact urban development within a planned community. The applicant's parcel yield and intensity is not affected by this setback range and the impact will be on four-story development within the PD itself. This type of development pattern meets the pedestrian and urban form that the developer is hoping to achieve.

**DRC Recommendation: Approval subject to allowing this setback only on buildings up to four stories in height.**

**Condition #11 (e and f):** – This amendment as requested would allow an increase in the building height of the area designated with a four story maximum building height to be increased to a six story maximum building height, provided the location is setback 200 feet from Lee Road. A revised Urban Form: Proposed Building Height Zones exhibit is attached for clarification. This exhibit is an amendment to Sheet C-5 Urban Form Templates in the Development Order.

*The applicant states that the purpose of this request is to provide maximum flexibility to parcel developers with respect to product placement, visibility and massing. This request does not increase project density or intensity nor does it increase building heights throughout the project. The proposal calls for a reduction on buildings heights in the area bounded by Morgan Lane, Lewis Drive, Loren Avenue and south of Elvin Way. It would allow for an increase of up to two additional stories on a case-by case basis for projects located within a certain Ravaudage area. Additionally, said specific height increase request shall be reviewed by staff and approved by City Commission. No six story buildings shall be located within 200 feet of the Lee Road right-of-way unless otherwise authorized by City Commission.*

**DRC Recommendation: Approval with conditions requiring a setback of 200 feet from Lee Road and Orlando Avenue with a maximum height of 87 feet.**

**Condition #13 (b):** – This amendment allows the required parking to be up to 350 feet from the building(s) it serves in lieu of the 300 foot maximum distance previously granted by Orange County. Staff believes this distance is still walkable for the users.

**DRC Recommendation: Approval**

**Condition #16:** – This amendment eliminates the requirement to submit a Planning Context Study.

The explanation is that the Planning Context Study has been provided to Orange County and the City thus there has been compliance.

**DRC Recommendation: Approval**

**Condition #17, 18, 19 and 20** – The applicant has asked that the city delete Conditions 17 through 20 based on the fact that the applicant has submitted all the required studies to Orange County to study traffic and mitigation methodology. The applicant has also implemented or planned for the necessary mitigation measures for future traffic impacts as outlined in each study. The developer will also be responsible to traffic monitoring for the signalization of Glendon Parkway and Orlando Avenue as well as Bennett Avenue and Lee Road. While staff recognizes the analysis that took place as part of the development approval, staff had concerns over the signalization along Orlando Avenue and a desire for the developer to participate in a systematic renovation of the signals from Lee Road to Morse Boulevard.

Recognizing that this development is part of other redevelopment underway along Orlando Avenue, the developer did agree to participate in a proportionate share of the costs of smart

technology along Orlando Avenue. DRC recommends adding a condition to the Development Order that addresses this contribution.

An additional issue regarding bike trails and bike connectivity was addressed in the city's DRC meeting. The developer expressed support for bike trail and bikeway activities. Staff recommends adding a condition to the Development Order that addresses this item.

**DRC Recommendation: Remove Conditions 17, 18, 19 and 20 and add the following conditions:**

New Condition: The developer will contribute a proportionate share of the costs of intersection traffic signalization technology upgrades through a phasing of the project. These upgrades will apply to significantly affected intersections based on a mutual determination by the Developer's traffic engineer and the City's transportation traffic engineer with the developer's share not to exceed 25.5% for five intersections.

New Condition: The applicant will provide a bike share facility within the Ravaudage project by the completion of the second residential development. Additional bike share facilities are encouraged throughout the Ravaudage project.

**Condition #21 (a) (c) (d) and (f):** – This amendment modifies the location of a proposed traffic light to just Glendon Parkway and implements requirements for a street grid system. Future traffic will warrant the need for a signalized intersection at both Glendon Parkway and Orlando Avenue as well as Bennett Avenue and Lee Road. None of the modifications to the traffic analysis affects that requirement. At such time as the threshold is reached for traffic signal warrant studies to begin, the applicant, the City and FDOT can evaluate the best location for future traffic signals.

**DRC Recommendation: Approval, subject to removing the references to Solana Avenue from 21 (a), (b) and (d)**

**Condition #22:** - This amendment eliminates the requirement to accommodate or provide any locations or stops for LYNX service for the development as part of the mobility strategy or provide opportunity for a review of this change by LYNX. City staff examined the existing super stop at Denning Drive and Webster Avenue and believes that this is the best location for a super stop in Winter Park. Staff felt that the developer should give consideration to a transit stop and pedestrian way if a new SunRail station is approved as part of the master development plan. The developer is willing to work with Lynx to accommodate appropriate bus stop locations along Lee Road and Orlando Avenue.

**DRC Recommendation: Approval with a language modification that allows the developer to include a transit stop and pedestrian way for a SunRail stop.**

**Condition #27:** – This amendment would eliminate the requirement for a minimum of 300 residential units which would alter original vision for Ravaudage as a "mixed use" development.

*The Applicant states that their building program that consists of residential, hotel, commercial/ retail and office. It is the intent to develop specific uses that reflect and respond to market forces.*

As a result if market forces do not favor residential then the applicant does not want to be mandated to include 300 units. As detailed later, mandating residential does not match the strategic goals of the City.

## **DRC Recommendation: Approval**

### **Condition #29: Request withdrawn by Applicant**

DRC recommends approval of the overall amended Development Order, subject to modifications.

### **Policy Issues**

The developer is proposing a six story, 296 unit multi-family project at Ravaudage, subject to approval of several Development Order conditions. At DRC, there were several other outstanding issues related to the approved development plan found on Page C-4 that require policy direction. While these apply to this specific project, other projects within the development will be affected by the decisions of the Commission.

In Item 13, under Project Notes, recreation shall be provided at a rate of 2.5/1000 population. Orange County allows on-site recreational improvements to count towards the recreational requirements. For this project, the developer is required to provide 1.63 acres of parkland. The developer has met this requirement using his on-site recreational uses such as tennis courts, a weight room and public space around the project. In lieu of counting on-site recreation, the developer is interested in paying the parks impact fees (\$2000/unit) to cover his recreation needs for the entire Ravaudage project. The fee would be paid as residential units are constructed and the overall on-site requirement to have parklands would be optional based on the fee payment. If the Commission chooses not to allow him to mitigate using this fee, he will be required to provide 2.5 acres/1000 population for all residential development within the Ravaudage master plan.

In Item 7 found under Project Building Program notes, Orange County requires that at least 10% of the multi-family residential units built in the project shall be certified affordable housing. The developer has offered to pay the city's Affordable Housing Trust Fund fee of \$.50/square foot for each multi-family unit in lieu of the requirement to lease 10% of all multi-family units as certified affordable housing. To be consistent with the terms of the Annexation Agreement, the Commission's options are only to accept the payment or require the developer to provide the affordable housing units.

After consultation with Orange County and the City Attorney's office, the attached resolution is the mechanism that will be used to adopt any amended Development Order to the Ravaudage Planned Development. The Development Order will be revised to reflect any Commission decisions on the modifications and changes that have been requested or proposed by the Commission including codification and additions. Any future amendments to

this Development Order will be adopted in the same manner. This is consistent with Orange County procedures.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY  
OF WINTER PARK, FLORIDA, APPROVING AN AMENDED  
AND RESTATED DEVELOPMENT ORDER FOR THE  
RAVAUDAGE DEVELOPMENT; PROVIDING FOR  
CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, Daniels B. Bellows (Developer), and City of Winter Park previously entered into an Annexation Agreement dated April 9, 2012 and recorded in O.R. Book 10363, Page 1250, et seq, Public Records of Orange County, Florida, concerning property generally located at Lee Road and 17-92 in Winter Park, Florida and known as Ravaudage, in which the parties agreed that Developer's Development Order with Orange County dated May 24, 2011, (the Original Order") would govern the development of Ravaudage with a few modifications, as noted in the Annexation Agreement; and

**WHEREAS**, the Orange County Zoning Code applies to the development of Ravaudage under F.S. §171.062 and under the terms of the Annexation Agreement; and

**WHEREAS**, the Developer has requested certain additional amendments to the Original Order, which have been approved by the City's Development Review Committee at public hearings on March 25, 2014, April 15, 2014, and August 27, 2014, and by the City Commission at a public hearing on \_\_\_\_\_, all in accordance with the procedure required by the Orange County Zoning Code, and those requested amendments are reflected in the Amended and Restated Development Order; and

**WHEREAS**, the City finds that the Amended and Restated Development Order is consistent with the County Comprehensive Plan and the County Zoning Code, and is in the best interests of the citizens of Winter Park.

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

**SECTION 1. Approval.** The City Commission of the City of Winter Park hereby approves the Amended and Restated Development Order attached hereto as Exhibit "A", and authorizes the Mayor to execute said Order on behalf of the City.

**SECTION 2. Severability.** If any Section or portion of a Section of this Resolution 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 Resolution.

**SECTION 3. Conflicts.** All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 4. Effective Date.** This Resolution shall become effective immediately upon its passage and adoption.

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

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

Attest:

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

PREPARED BY:  
Catherine D. Reischmann, Esq.  
Brown, Garganese, Weiss & D'Agresta, P.A.  
111 N. Orange Ave., Ste. 2000  
Orlando, FL 32801

Return to:  
City Clerk  
City of Winter Park  
401 S. Park Avenue  
Winter Park, FL 32789

**AMENDED AND RESTATED DEVELOPMENT ORDER  
(RAVAUDAGE)**

THIS AMENDED AND RESTATED DEVELOPMENT ORDER (the "Amended Order") is made and 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 **Daniel B. Bellows**, (referred to as "Developer"), P.O. Box 350, Winter Park, FL 32790.

**WITNESSETH:**

**WHEREAS**, the property that is the subject of this Amended Order is generally located at Lee Road and U.S. 17-92 in Winter Park, Florida, and is described in attached Exhibit A (the "Property"), and the development on the Property is known as Ravaudage; and

**WHEREAS**, the City and Developer previously entered into an Annexation Agreement dated April 19, 2012 and recorded in O.R. Book 10363, Page 1250 et seq, Public Records of Orange County, Florida, and in Section 5, the parties agreed to accept the Developer's prior Development Order with Orange County dated May 24, 2014, to govern the development of Ravaudage with a few modifications, as noted in the Annexation Agreement; and

**WHEREAS**, the City agreed to maintain the County Comprehensive Plan designation on the Property, Orange County PD zoning, and pursuant to Fla. Stat. 171.062, to follow the Orange County Subdivision and Zoning Code to regulate development on the Property; and

**WHEREAS**, the Developer has requested certain amendments to the Original Order, which have been approved by the City's Development Review Committee at public hearings on March 25, 2013, April 15, 2014 and August 27, 2014, and by the City Commission at a public hearing on \_\_\_\_\_, as required by the Orange County Zoning Code, and those amendments are reflected in this Amended and Restated Agreement; and

**WHEREAS**, the City finds that this Amended Order is consistent with the City and County Comprehensive Plans, the Orange County Zoning Code, and is in the best interests of the citizens of Winter Park.

**NOW, THEREFORE,** for and in consideration of the terms and conditions of this Amended Order, the mutual covenants set forth herein, and for other good and valuable consideration, the City and Developer agree to the following conditions:

1. Recitals. The above recitals are true and correct and form a materials part of this First Amendment.

2. THE DEVELOPMENT SHALL CONFORM TO THE RAVAUDAGE PD LAND USE PLAN DATED "RECEIVED APRIL 4, 2011," AND ANY AMENDMENT AND/OR MODIFICATIONS THEREOF AND ATTACHED HERETO AS EXHIBIT B AND SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND COUNTY LAWS, ORDINANCES AND REGULATIONS, EXCEPT TO THE EXTENT THAT ANY APPLICABLE COUNTY LAWS, ORDINANCES OR REGULATIONS ARE EXPRESSLY WAIVED OR MODIFIED BY ANY OF THESE CONDITIONS, ACCORDINGLY, THE PD MAY BE DEVELOPED IN ACCORDANCE WITH THE USES, DENSITIES AND INTENSITIES DESCRIBED IN SUCH LAND USE PLAN, SUBJECT TO THOSE USES, DENSITIES AND INTENSITIES CONFORMING WITH THE RESTRICTIONS AND REQUIREMENTS FOUND IN THE CONDITIONS OF APPROVAL AND COMPLYING WITH ALL APPLICABLE FEDERAL, STATE AND COUNTY LAWS, ORDINANCE AND REGULATIONS, EXCEPT TO THE EXTENT THAT ANY APPLICABLE COUNTY LAWS, ORDINANCES OR REGULATIONS ARE EXPRESSLY WAIVED OR MODIFIED BY ANY OF THESE CONDITIONS. IF THE DEVELOPMENT IS UNABLE TO ACHIEVE OR OBTAIN DESIRED USES, DENSITIES OR INTENSITIES, THE COUNTY IS NOT UNDER ANY OBLIGATION TO GRANT ANY WAIVERS OR MODIFICATIONS TO ENABLE THE DEVELOPER TO ACHIEVE OR OBTAIN THOSE DESIRED USES, DENSITIES OR INTENSITIES. IN THE EVENT OF A CONFLICT OR INCONSISTENCY BETWEEN A CONDITION OF APPROVAL OF THIS ZONING AND THE LAND USE PLAN DATED "RECEIVED APRIL 4, 2011," THE CONDITION OF APPROVAL SHALL CONTROL TO THE EXTENT OF SUCH CONFLICT OR INCONSISTENCY.

3. THIS PROJECT SHALL COMPLY WITH, ADHERE TO, AND NOT DEVIATE FROM OR OTHERWISE CONFLICT WITH ANY VERBAL OR WRITTEN PROMISE OR REPRESENTATION MADE BY THE APPLICANT (OR AUTHORIZED AGENT) TO THE BOARD OF COUNTY COMMISSIONERS AT THE PUBLIC HEARING WHERE THIS DEVELOPMENT WAS APPROVED, WHERE SUCH PROMISE OR REPRESENTATION, WHETHER ORAL OR WRITTEN, WAS RELIED UPON BY THE BOARD IN APPROVING THE DEVELOPMENT, COULD HAVE REASONABLY BEEN EXPECTED TO HAVE BEEN RELIED UPON BY THE BOARD IN APPROVING THE DEVELOPMENT, OR COULD HAVE REASONABLY INDUCED OR OTHERWISE INFLUENCED THE BOARD TO APPROVE THE DEVELOPMENT. FOR PURPOSES OF THIS CONDITION, A "PROMISE" OR "REPRESENTATION" SHALL BE DEEMED TO HAVE BEEN MADE TO THE BOARD BY THE APPLICANT (OR AUTHORIZED AGENT) IF IT WAS EXPRESSLY MADE TO THE BOARD AT A PUBLIC HEARING WHERE THE DEVELOPMENT WAS CONSIDERED OR APPROVED.

4. ~~PRIOR TO CONSTRUCTION PLAN APPROVAL, A MASTER STORMWATER MANAGEMENT PLAN INCLUDING A DRAINAGE STUDY TO~~

~~ESTABLISH THE 100 YEAR FLOOD ELEVATION SHALL BE SUBMITTED TO THE DEVELOPMENT ENGINEERING DIVISION FOR REVIEW AND APPROVAL.~~

5. THE CONCEPTUAL ACCESS POINTS IDENTIFIED ON THE LAND USE PLAN ARE NOT APPROVED AT THIS TIME AND ARE CONCEPTUAL ONLY. FINAL ACCESS POINTS SHALL BE REVIEWED AND APPROVED AT PRELIMINARY SUBDIVISION PLAN OR DEVELOPMENT PLAN STAGE.

~~6. ALL ACREAGES REGARDING CONSERVATION AREAS AND WETLAND BUFFERS ARE CONSIDERED APPROXIMATE UNTIL FINALIZED BY A CONSERVATION AREA DETERMINATION (CAD) AND A CONSERVATION AREA IMPACT (CAI) PERMIT. APPROVAL OF THIS PLAN DOES NOT AUTHORIZE ANY DIRECT OR INDIRECT CONSERVATION AREA IMPACTS.~~

7. OUTDOOR SALES, STORAGE, AND DISPLAY SHALL BE ~~PROHIBITED~~ ALLOWED TO INCLUDE SPECIAL EVENT SALES, KIOSKS, (TEMPORARY AND PERMANENT) SPECIAL OUTDOOR SALES, FOOD TRUCK EVENTS AND OUTDOOR GARDEN SALES IN CONFORMANCE WITH THE CITY REGULATIONS GONVERNING SUCH EVENTS AND ACTIVITIES.

8. SIGNAGE SHALL COMPLY WITH THE MASTER SIGNAGE PLAN TO BE SUBMITTED AND REVIEWED PRIOR TO DEVELOPMENT PLAN APPROVAL.

9. TREE REMOVAL/EARTHWORK SHALL NOT OCCUR UNLESS AND UNTIL CONSTRUCTION PLANS FOR THE FIRST PRELIMINARY SUBDIVISION AND/OR DEVELOPMENT PLAN WITH A TREE REMOVAL AND MITIGATION PLAN HAVE BEEN APPROVED BY ORANGE COUNTY.

10. A WAIVER FROM SECTION 34-209, WHICH REQUIRES A 6-FOOT HIGH MASONRY WALL TO SEPARATE RESIDENTIAL SUBDIVISIONS FROM ADJACENT ROADWAYS, IS GRANTED AS THIS IS AN URBAN TOWN CENTER IN-FILL PROJECT.

11. THE FOLLOWING WAIVERS FROM THE BIG BOX DEVELOPMENT STANDARDS ARE GRANTED:

- A. A WAIVER IS GRANTED FROM SECTION 38-1234(3) (F) (2) TO ALLOW BIG BOX DEVELOPMENT ONE (1) STORY AND LESS THAN 200,000 SF SHALL HAVE 5% OPEN SPACE (WITH RESTRICTIONS) WITHIN ITS LOT, IN LIEU OF 25% GIVEN THE URBAN VILLAGE LAYOUT OF THIS PLAN, BIG BOX DEVELOPMENT SHALL PROVIDE WITHIN ITS BUILDING LOT 5% OF THE GROSS AREA FOR OPEN SPACE USES (PLAZAS, POCKET PARKS, GREEN AREAS, ETC.).
- B. A WAIVER IS GRANTED FROM SECTION 38-79 (153) (B) TO ALLOW BIG BOX DEVELOPMENTS TO HAVE MAXIMUM 1.00 FAR IN LIEU OF 0.23 FAR.

- C. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(C) TO ALLOW A DETAILED TRAFFIC STUDY AT THE DEVELOPMENT PLAN STAGE IN LIEU OF PROPOSED BIG BOX DEVELOPMENT APPLICATION AT THE LAND USE PLAN STAGE.
- D. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(E) TO ALLOW BIG BOX DEVELOPMENTS TO DESIGNATE AT LEAST TWO (2) VEHICLE PARKING SPACES FOR LOCAL LAW ENFORCEMENT WITHIN THE APPLICABLE PARKING STRUCTURES IN LIEU OF PROVIDING REFERENCED PARKING SPACES ADJACENT TO THE PRINCIPAL STRUCTURE.
- E. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(G) TO ALLOW OFF-STREET STRUCTURED PARKING SERVICING THE BIG BOX NOT TO BE SUBDIVIDED INTO MULTIPLE "SUB-LOTS" WITH UNINTERRUPTED (EXCEPT AT CROSSWALKS) LANDSCAPED PEDESTRIAN SIDEWALK PATHWAYS IN LIEU OF OFF-STREET SERVICING THE PROJECT SHALL BE SUBDIVIDED INTO MULTIPLE "SUB-LOTS" WITH UNINTERRUPTED (EXCEPT AT CROSSWALKS) LANDSCAPED PEDESTRIAN PATHWAYS.
- F. A WAIVER IS GRANTED FROM SECTION 38-79 (153) (I) TO ALLOW BIG BOX USES WITH OFF- STREET STRUCTURED PARKING SHALL PROVIDE ZERO (0) ROADWAY "STACKING" BEFORE THE FIRST TURN WITHIN THE PARKING STRUCTURE IN LIEU OF 200' OFF THE ROADWAY BEFORE THE FIRST TURN WITHIN THE PARKING LOT AS LONG AS ACCESS TO THE PARKING STRUCTURE IS FROM AN INTERNAL ROAD AND ACCESS TO THE PARKING STREET IS LOCATED A MINIMUM OF 200' FROM US 17-92 AND/OR LEE ROAD.
- G. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(K) TO ALLOW NO PAVEMENT OR PART OF ANY VERTICAL STRUCTURE ASSOCIATED WITH THE REAR OR SIDE OF A BIG BOX DEVELOPMENT SHALL BE LOCATED CLOSER THAN 85' IN LIEU OF 200' FROM THE NEAREST PROPERTY LINE OF ANY ADJACENT SINGLE-FAMILY RESIDENTIALLY ZONED PROPERTY. ADDITIONALLY, ONE (1) LANDSCAPE SEPARATION BUFFERS SHALL BE PROVIDED WITHIN A 10' PLANTING STRIP IN LIEU OF TWO (2) AND 200'. THIS WAIVER SHALL APPLY TO THE FOLLOWING PARCELS: 01-22-29-3712-06-i 00 AND 01-22-29-3712-06-1 70 WHICH FRONT LEWIS DRIVE.
- H. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(K) TO ALLOW NO PAVEMENT OR PART OF ANY VERTICAL STRUCTURE ASSOCIATED WITH THE REAR OR SIDE OF A BIG BOX DEVELOPMENT SHALL BE LOCATED CLOSER THAN 25' IN LIEU OF 200' FROM THE NEAREST PROPERTY LINE OF ANY ADJACENT SINGLE-FAMILY RESIDENTIALLY ZONED PROPERTY. ADDITIONALLY, ONE (1) LANDSCAPE SEPARATION BUFFERS SHALL BE PROVIDED IN LIEU OF TWO (2). A SETBACK OF ZERO (0) (NO BUFFER, WALL OR LANDSCAPE BUFFER) SHALL BE GRANTED WITH PROPERTY

OWNER LETTER OF CONSENT. THIS WAIVER SHALL APPLY TO THE FOLLOWING PARCEL ONLY: 01-22-29-3712-06-180.

12. THE FOLLOWING WAIVERS FROM THE PD COMMERCIAL CODE ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1272(A) (1) IS GRANTED TO ALLOW THE MAXIMUM IMPERVIOUS AREA FOR INDIVIDUAL LOTS / DEVELOPMENT PODS SHALL BE 85% IN LIEU OF 70%. THE OVERALL PROJECT SHALL PROVIDE FOR 15% OPEN SPACE (WITH RESTRICTIONS) AND A MASTER STORM WATER SYSTEM.
- B. A WAIVER FROM SECTION 38-1234(3) (C) IS GRANTED TO ALLOW OVERALL PROJECT OPEN SPACE TO BE 15% (WITH RESTRICTIONS) IN LIEU OF 20%, EXCEPT FOR A BIG BOX SITE.
- C. A WAIVER FROM SECTION 38-1272 (A) (3) IS GRANTED TO ALLOW INTERNAL REAR AND SIDE SETBACKS (NOT FRONTING ON RIGHT-OF-WAY) SHALL BE ZERO (0), IN LIEU OF 10'.

WHERE ADJACENT TO PROJECT RESIDENTIAL USES, THE SETBACK SHALL BE ZERO (0) IN LIEU OF 25'.

A MINIMUM 15' BUILDING SETBACK SHALL BE MAINTAINED ALONG BENNETT ROAD, IN LIEU OF 30' (WITH A MAXIMUM SETBACK OF 25').

BUILDING SETBACKS FOR ALL INTERIOR/EXTERIOR STREETS SHALL BE A MAXIMUM OF 15' IN LIEU OF 30' WITH A MINIMUM OF ZERO (0') FEET FROM BACK OF SIDEWALK. ALL OTHER RIGHTS-OF-WAY SHALL HAVE A MAXIMUM SETBACK OF ~~25~~ 10'. NO BUILDING SHALL ENCROACH INTO THE RIGHT-OF-WAY. THIS CONDITION APPLIES TO BUILDINGS WITH A MAXIMUM HEIGHT OF FOUR STORIES.

BUILDING SETBACKS ALONG ARTERIALS (LEE ROAD AND ORLANDO AVENUE - US 17/92) SHALL BE 15' IN LIEU OF 40' (WITH A MAXIMUM SETBACK OF 25'). PD PERIMETER SETBACK IS ~~25~~ 15' UNLESS OTHERWISE WAIVED.

- D. A WAIVER FROM SECTION 38-1272 (A) (5) IS GRANTED TO ALLOW A MAXIMUM BUILDING HEIGHT UP TO EIGHT (8) STORIES, (100' PLUS 15' OF ARCHITECTURAL ENHANCEMENTS) AS DETAILED IN EXHIBITS FROM THE LAND USE PLAN LABELED: "URBAN FORM: PROPOSED BUILDING HEIGHT ZONES AND URBAN FORM: PROPOSED BUILDING SETBACKS FOR ABUTTING RESIDENTIAL LOTS NOT PART OF PROJECT," IN LIEU OF A MAXIMUM HEIGHT OF 50', 35' IF WITHIN 100' OF RESIDENTIAL.

E. THE DEVELOPMENT SHALL RETAIN FLEXABILITY TO ALLOW HEIGHT TRANSITIONS THROUGHOUT THE PROJECT TO BE DETERMINED ON THE INDIVIDUAL PROJECT BASIS. THE HEIGHT TRANSITION SHALL NOT INCREASE OR DECREASE MORE THAN TWO (2) STORIES BASED ON THE URBAN FORM. EXHIBIT 2, AS MODIFIED SHALL BE USED TO ESTABLISH THE HEIGHTS AND NO BUILDING HEIGHT SHALL EXCEED EIGHT (8) STORIES.

F. NO BUILDING SHALL EXCEED FOUR (4) STORIES IN HEIGHT WITHIN A 200' SETBACK ALONG ORLANDO AVENUE AND LEE ROAD AND 130' ALONG THE SOUTH EDGE OF MONROE AVENUE.

13. THE FOLLOWING WAIVERS FROM PD RESIDENTIAL CODE ARE GRANTED:

- A. A WAIVER IS GRANTED FROM SECTION 38-1254(1) IS GRANTED TO ALLOW BUILDING SETBACKS ALONG THE PD BOUNDARY TO BE A MINIMUM OF 15' IN LIEU OF 25' (WITH A MAXIMUM SETBACK OF 25').
- B. A WAIVER IS GRANTED FROM SECTION 38-1254 (2)(C) TO ALLOW BUILDING SETBACKS FROM LEE ROAD AND ORLANDO AVENUE (US 17/92) TO BE A MINIMUM OF 15' IN LIEU OF 50' (WITH A MAXIMUM SETBACK OF 25').
- C. A WAIVER IS GRANTED FROM SECTION 38-1254 (2) (E) TO ALLOW BUILDING SETBACKS FOR ALL INTERIOR/EXTERIOR (ALL OTHER R-O-W'S) STREETS TO BE A MINIMUM OF 45 0' IN LIEU OF 20' (WITH A MAXIMUM SETBACK OF 25'). THE MINIMUM SETBACK OF 0' SHALL APPLY TO BACK OF SIDEWALK WITH A MINIMUM SIDEWALK WIDTH OF 10'. NO BUILDING SHALL ENCROACH INTO THE RIGHT-OF-WAY. THIS CONDITION APPLIES TO BUILDINGS WITH A MAXIMUM HEIGHT OF FOUR STORIES.

14. THE FOLLOWING WAIVERS FOR PARKING FACILITIES ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1230(A) IS GRANTED TO ALLOW PARKING AREAS (STRUCTURED PARKING AND SURFACE PARKING) MAY BE LOCATED UP TO 350' FROM THE USES THEY SERVE IN LIEU OF PARKING LOCATED WITHIN 150'.
- B. A WAIVER FROM SECTION 38-1477 IS GRANTED TO ALLOW PARKING AREAS (STRUCTURED AND/OR SURFACE PARKING) ~~MAY~~ TO BE LOCATED UP TO 350' FROM THE PRINCIPAL USE ON A SEPARATE LOT IN LIEU OF PARKING PROVISION ON THE SAME LOT (PRINCIPAL USE) OR WITHIN 300' FROM THE PRINCIPAL ENTRANCE AS MEASURED ALONG THE MOST DIRECT PEDESTRIAN ROUTE.

15. THE FOLLOWING WAIVERS FROM SECTION 38-1258 (MULTI-FAMILY

COMPATIBILITY) ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1258(A) IS GRANTED TO ALLOW MULTI-FAMILY BUILDINGS OF TWO (2) STORIES TO BE LOCATED WITHIN 5' TO 55'; FOUR (4) STORIES TO BE LOCATED BETWEEN 55' AND 80'; AND FIVE (5) TO EIGHT (8) STORY BUILDINGS TO BE LOCATED 80' IN LIEU OF 1 STORY LIMIT WITHIN 100' OF SINGLE-FAMILY ZONED PROPERTY.
- B. A WAIVER FROM SECTION 38-1258(B) IS GRANTED TO ALLOW MULTI-FAMILY BUILDINGS OF EIGHT (8) STORIES TO BE LOCATED AT 80' FROM SINGLE-FAMILY ZONED PROPERTY, IN LIEU OF MULTI-FAMILY BUILDINGS LOCATED BETWEEN 100' AND 150' WITH A MAXIMUM OF 50% OF THE BUILDINGS BEING THREE (3) STORIES (NOT TO EXCEED 40') WITH THE REMAINING BUILDINGS BEING 1 OR 2 STORIES IN HEIGHT.
- C. A WAIVER FROM SECTION 38-1258(C) IS GRANTED TO ALLOW MULTI-FAMILY BUILDINGS OF EIGHT (8) STORIES AND 100' IN HEIGHT (PLUS 15' FOR ARCHITECTURAL FEATURES, ELEVATOR TOWERS, AND COMMUNICATION ANTENNAE) AT 80' FROM PROPERTY LINE OF SINGLE FAMILY ZONED PROPERTY IN LIEU OF 3 STORIES AND 40' IN HEIGHT AND WITHIN 100' AND 150' OF SINGLE FAMILY-ZONED PROPERTY.
- D. A WAIVER FROM SECTION 38-1258(D) IS GRANTED TO ALLOW MULTI-FAMILY BUILDINGS OF EIGHT (8) STORIES AND 100' IN HEIGHT (PLUS 15' FOR ARCHITECTURAL FEATURES, ELEVATOR TOWERS, AND COMMUNICATION ANTENNAE) IN LIEU OF BUILDINGS IN EXCESS OF 3 STORIES AND 40'.
- E. A WAIVER FROM SECTION 38-1258(E) IS GRANTED TO ALLOW PARKING AND OTHER PAVED AREAS OF MULTI-FAMILY DEVELOPMENT TO BE LOCATED 5' FROM ANY SINGLE FAMILY ZONED PROPERTY IN LIEU OF 25'. A 5' LANDSCAPE BUFFER SHALL BE PROVIDED IN LIEU OF 25'.
- F. A WAIVER FROM SECTION 38-1258 (F) IS GRANTED TO ALLOW NO MASONRY, BRICK OR BLOCK WALL TO BE CONSTRUCTED IN LIEU OF A 6' WALL WHENEVER A MULTI-FAMILY DEVELOPMENT IS LOCATED ADJACENT TO SINGLE FAMILY ZONED PROPERTY.
- G. A WAIVER FROM SECTION 38-1258(G) IS GRANTED TO ALLOW DIRECT MULTI-FAMILY ACCESS TO ANY RIGHT-OF-WAY SERVING PLATTED SINGLE FAMILY ZONED PROPERTY IN LIEU OF ACCESS TO ONLY COLLECTOR OR ARTERIAL ROADS.
- H. A WAIVER FROM SECTION 38-1258(I) IS GRANTED TO ALLOW URBAN/PEDESTRIAN FEATURES (SIDEWALKS, STREET FURNITURE, STREET TREES, ETC; REFER TO URBAN FORM: INTERNAL STREET DESIGN

ELEMENTS) IN LIEU OF FENCING AND LANDSCAPE WHENEVER A SINGLE FAMILY ZONED PROPERTY IS LOCATED ACROSS THE RIGHT-OF- WAY.

- I. A WAIVER FROM SECTION 38-1258(J) IS GRANTED TO ALLOW A SEPARATION OF ZERO (0) BETWEEN MULTI-FAMILY, OFFICE, COMMERCIAL BUILDINGS (WITHOUT WINDOWS OR OTHER OPENINGS), IN LIEU OF 20' FOR FIRE PROTECTION PURPOSES; AND A SEPARATION OF 10' FOR BUILDINGS WHERE DOORS, WINDOWS AND OTHER OPENINGS IN THE WALL OF A LIVING UNIT BACK UP TO A WALL OF ANOTHER BUILDING WITH SIMILAR OPENINGS, IN LIEU OF A MINIMUM SEPARATION OF 30' FOR 2 STORY BUILDINGS AND 40' FOR 3 STORY BUILDINGS.
- J. A WAIVER FROM SECTION 38-1234(3) (A) (2) IS GRANTED TO ALLOW 15% (WITH RESTRICTIONS) OPEN SPACE IN LIEU OF 25% EXCEPT FOR BIG BOX AREA.

16. THE FOLLOWING WAIVERS FROM CH. 31.5 (SIGNAGE REGULATIONS) ARE GRANTED:

- A. A WAIVER FROM SECTION 31.5-126 (A) IS GRANTED TO ALLOW A NEW 14' X 48' BILLBOARD WITH (LIQUID CRYSTAL DISPLAY) LCD TECHNOLOGY IN A PD IN EXCHANGE FOR THE REMOVAL OF THREE (3) EXISTING 14' X48' BILLBOARDS. THE NEW STRUCTURE BILLBOARD SHALL BE PERMITTED TO BE CONSTRUCTED UPON THE REMOVAL OF EXISTING BILLBOARDS #1 AND #2. THE NEW BILLBOARD SHALL BE LOCATED ON LEE ROAD. BILLBOARD #3 SHALL BE REMOVED WITHIN TWO (3) YEARS OF APPROVAL OF THIS PD.
- B. A WAIVER IS GRANTED FROM SECTION 31.5-126(K)(1) TO ALLOW A BILLBOARD WITH A ZERO FOOT R-O-W SETBACK IN LIEU OF THE REQUIRED 15' FRONT PROPERTY LINE SETBACK.
- C. A WAIVER IS GRANTED FROM SECTION 31.5-126 (H) TO ALLOW 672 (14' X 48') SQUARE FOOT ALLOWABLE COPY AREA IN LIEU OF THE MAXIMUM 400 SQUARE FEET.
- D. A WAIVER IS GRANTED FROM SECTION 31.5-5 TO ALLOW THE BILLBOARD TO ADVERTISE RAVAUDAGE PROJECT DEVELOPMENT ADVERTISEMENTS AND MARKETING MATERIAL ON BILLBOARD #3 UNTIL IT IS REMOVED.

17. ~~THE PLANNING CONTEXT STUDY SHALL BE SUBMITTED AND APPROVED PRIOR TO SUBMITTAL OF THE FIRST PRELIMINARY SUBDIVISION PLAN OR DEVELOPMENT PLAN. THE PLANNING CONTEXT STUDY SHALL COVER THE ENTIRE PLANNED DEVELOPMENT. THE FOLLOWING ARE SOME OF THE REQUIRED ELEMENTS TO BE INCLUDED:~~

~~A. THE PLANNING CONTEXT STUDY SHOULD CONSIST OF A SHORT REPORT DESCRIBING THE EXISTING TRAFFIC CONDITIONS, PLANNED AND PROGRAMMED IMPROVEMENTS, MASS TRANSIT SYSTEMS BOTH EXISTING AND PLANNED (I.E. BUS FREQUENCIES, RIDERSHIP, DESCRIPTION OF THE PROPOSED LAND USES (DENSITIES AND INTENSITIES) OF THE SUBJECT PROPERTY AND ADJOINING PARCELS.~~

~~B. THE MOBILITY EXHIBITS SHOULD AT A MINIMUM PROVIDE THE FOLLOWING INFORMATION:~~

~~1) ULTIMATE FOOTPRINT OF THE PROPOSED DEVELOPMENT.~~

~~2) SHOW AT A MINIMUM TWO EAST WEST AND TWO NORTH SOUTH COLLECTOR TYPE ROADS TRAVERSING THE ENTIRETY OF THE PROPERTY (THESE CORRIDORS CAN BE DEPICTED ON THE CONTEXT MAP, WITH ARROWS TRAVERSING THE PROPERTY AT THE GENERAL LOCATIONS WHERE THESE CORRIDORS WILL BE PRESERVED / PROVIDED). IDENTIFY EXISTING AND PROPOSED SITE ACCESS LOCATIONS (ALSO INDICATING WHICH ACCESS LOCATIONS WOULD BE CLOSED). PLEASE NOTE NEW/MODIFIED ACCESS LOCATIONS IN ADDITION TO MEDIAN MODIFICATIONS WILL BE SUBJECT TO FDOT APPROVAL FOLLOWING PRELIMINARY SUBDIVISION PLAN (PSP) SUBMITTAL AND CONSTRUCTION PLANS.~~

~~3) DEPICTION AND LOCATION OF PLANNED AND EXISTING STREET NETWORK, SIDEWALKS, BIKE TRAILS, EXISTING AND PROPOSED BUS STOPS/SHELTERS AND TRANSFER STATIONS (PLEASE REFER TO (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX TRANSIT COMMENTS LISTED BELOW).~~

~~4) IDENTIFY CONNECTIVITY TO ADJACENT PARCELS IN RESPECT TO ROADS, BIKE TRAILS, SIDEWALKS, BUS STOPS/SHELTERS, BUS ROUTES AND PEDESTRIAN TRAILS.~~

~~5) THE DEVELOPER IS TO PROVIDE A BLOCK BY BLOCK ANALYSIS AS PART OF THE PSP (OR DEVELOPMENT PLAN) DETAILING AND ENSURING THE APPROPRIATE CONNECTIVITY OF SIDEWALKS, STREET GRID SYSTEM, BIKEWAYS AND PATHS. IN ADDITION, A BLOCK BY BLOCK ANALYSIS WILL ALSO ADDRESS STREET CROSS SECTIONS AND ON STREET PARKING LOCATIONS.~~

~~18. PRIOR TO APPROVAL OF THE FIRST DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN THAT WOULD CAUSE DEVELOPMENT TO EXCEED A NET 160 P.M. PEAK TRIPS REFERENCED IN CONDITION 18, A TRANSPORTATION ANALYSIS AND MITIGATION STRATEGY THROUGH BUILD-OUT (MASTER TRANSPORTATION PLAN) SHALL BE SUBMITTED AND THEN~~

~~REVIEWED AT A COMMUNITY MEETING AND BY COUNTY STAFF AND THEN CONSIDERED BY THE BOARD OF COUNTY COMMISSIONERS AT AN ADVERTISED PUBLIC HEARING. IF THE MASTER TRANSPORTATION PLAN IS NOT APPROVED, THE DEVELOPMENT SHALL NOT EXCEED THE NET 160 P.M. PEAK TRIPS. THE STUDY ANALYSIS WOULD INCLUDE ALL ROADWAY SEGMENTS AND MAJOR INTERSECTIONS WITHIN A ONE MILE RADIUS PLUS ALL ROADWAY SEGMENTS (INCLUDING MAJOR INTERSECTIONS) WHERE THE PROJECT TRAFFIC CONSUMES 3% OR MORE OF THE (LEVEL OF SERVICE) LOS CAPACITIES AND THE ANALYSIS OF THE (STATE ROAD) S.R. 423 (LEE ROAD) AT INTERSTATE 4 INTERCHANGE RAMPS. IN ADDITION TO ROADWAY ANALYSIS, THIS STUDY SHALL INCLUDE ALTERNATIVE MODES OF TRANSPORTATION ANALYSIS (PEDESTRIAN, BIKE, MASS TRANSIT).~~

~~A METHODOLOGY MEETING SHALL BE HELD PRIOR TO PERFORMING THE STUDY. AT THIS METHODOLOGY MEETING, THE SPECIFIC REQUIREMENTS TO BE MET AND THE METHODOLOGY TO BE USED TO COMPLETE THE STUDY WILL BE DISCUSSED AND AGREED UPON.~~

~~THE FOLLOWING AGENCIES WILL PARTICIPATE IN THE METHODOLOGY MEETING AND REVIEW PROCESS OF THIS STUDY WITH THE FINAL APPROVAL COMING FROM ORANGE COUNTY:~~

- ~~A. ORANGE COUNTY~~
- ~~B. CITY OF MAITLAND~~
- ~~C. CITY OF WINTER PARK~~
- ~~D. LYNX (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY)~~
- ~~E. FLORIDA DEPARTMENT OF TRANSPORTATION~~

~~19. THE APPLICANT SHALL BE ALLOWED TO DEVELOP EITHER LESS THAN OR EQUAL TO 20,000 SQUARE FEET OF FAST FOOD RESTAURANT (INSTITUTION OF TRANSPORTATION ENGINEERS ITE CODE 933) OR 35,000 SQUARE FEET OF HIGH TURNOVER SIT-DOWN RESTAURANT (INSTITUTION OF TRANSPORTATION ENGINEERS ITE CODE 932) OR 50,000 SQUARE FEET OF SHOPPING CENTER (ITE CODE 820) OR 50,000 SQUARE FEET OF GENERAL OFFICE (INSTITUTION OF TRANSPORTATION ENGINEERS ITE CODE 710) OR A COMBINATION OF ALL ABOVE NOT TO EXCEED A NET 160 P.M. PEAK TRIPS. THIS DEVELOPMENT PROGRAM CAN PROCEED WITHOUT ANY ADDITIONAL TRAFFIC STUDIES. SPECIFIC MOBILITY ALTERNATIVES TO BE IMPLEMENTED PRIOR TO THE COMPLETION OF THE ABOVE DEVELOPMENT PROGRAM SHALL ENSURE CONNECTIVITY WITH ADJOINING PARCELS AND SHALL BE CONSISTENT WITH THE MOBILITY STRATEGIES IDENTIFIED IN THE MASTER TRANSPORTATION PLAN DEVELOPED AND APPROVED AS IDENTIFIED IN CONDITION 17 ABOVE.~~

~~20. IN ADDITION, A DETAILED TRANSPORTATION ANALYSIS SHALL BE PERFORMED TO IDENTIFY SPECIFIC AND DETAILED MOBILITY STRATEGIES AND~~

~~ALL NECESSARY IMPROVEMENTS TO MITIGATE PHASE 1 (LESS THAN OR EQUAL TO 33 PERCENT OF THE TOTAL PEAK HOUR PROJECT TRIPS, WHICH NUMBER OF TRIPS WILL BE AGREED UPON AS PART THE STUDY METHODOLOGY) IMPACTS. THIS STUDY SHALL BE COMPLETED WHEN DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN (OR COMBINED) APPROVAL IS LESS THAN OR EQUAL TO 160 (POST MERIDIEM) PM PEAK HOUR NET NEW EXTERNAL TRIPS. SPECIFIC FUNDING FOR ALL MOBILITY STRATEGIES AND ALL NECESSARY IMPROVEMENTS SHALL BE IDENTIFIED AS PART OF THIS STUDY. APPROVAL OF THIS STUDY AND AGREEMENT ON THE MOBILITY STRATEGIES AND MITIGATION IMPROVEMENTS WILL BE REQUIRED PRIOR TO ANY DEVELOPMENT APPROVAL BEYOND 160 PM PEAK HOUR NET NEW EXTERNAL TRIPS. THE SPECIFIC REQUIREMENTS TO BE MET AND THE METHODOLOGY TO BE USED TO COMPLETE THE STUDY WILL BE DISCUSSED AND AGREED ON AS PART OF THE METHODOLOGY MEETING REFERENCED IN CONDITION 17.~~

21. ~~THE DEVELOPMENT SHALL NOT BE ALLOWED TO MOVE BEYOND PHASE 1 UNTIL AN ANALYSIS AND STUDY THAT PROVIDES FOR ADDITIONAL TRANSPORTATION STRATEGIES TO BE IMPLEMENTED AS PART OF THE FUTURE BUILD OUT OF THE PROJECT HAS BEEN REVIEWED AND APPROVED. THIS STUDY SHALL IDENTIFY FUTURE SPECIFIC MITIGATION STRATEGIES AND SPECIFIC FUNDING FOR THOSE STRATEGIES. THE ADDITIONAL ANALYSIS AND STUDY WILL REQUIRE A MONITORING EFFORT TO ASSESS ADDITIONAL IMPROVEMENTS NECESSARY TO MITIGATE THE IMPACTS OF THE NEXT PHASE OF THE DEVELOPMENT. IN ADDITION TO ROADWAY ANALYSIS, THIS ANALYSIS SHALL INCLUDE ALTERNATIVE MODES OF TRANSPORTATION ANALYSIS (PEDESTRIAN, BIKE, MASS TRANSIT).~~

22. TWO INTERSECTIONS ARE PROPOSED TO BE SIGNALIZED:

A. U.S. 17/92 (ORLANDO AVENUE) AT ~~SOLANA AVENUE EXTENSION~~ GLENDON PARKWAY B. (STATE ROAD) S.R. 423 (LEE ROAD) AT RE-ALIGNED BENNETT AVENUE

SIGNALIZATION OF THESE TWO INTERSECTIONS AND ALL NECESSARY IMPROVEMENTS REQUIRED AS PART OF THE SIGNALIZATION WILL BE DONE BY THE APPLICANT'S WITHOUT PUBLIC CONTRIBUTION. TIMING AND METHODOLOGY TO BE FOLLOWED WHILE PERFORMING THE SIGNAL WARRANT STUDIES WILL BE COORDINATED WITH (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT TRAFFIC OPERATIONS. THE (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT HAS SOLE APPROVAL OF ALL PLANNING, DESIGN AND CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE TWO INTERSECTIONS TO BE SIGNALIZED. ~~IN ADDITION AN INTERSECTION OPERATIONAL ANALYSIS (WITH AND WITHOUT PLANNED DEVELOPMENT) FOR THE FOLLOWING INTERSECTIONS: ORLANDO AVENUE~~

~~AND PARK AVENUE, LAKE AVENUE, MONROE AND MAGNOLIA SHALL BE REVIEWED AND APPROVED.~~

B. THE INTERNAL STREET NETWORK SHALL CONSIST OF A STREET GRID SYSTEM THAT IS FLEXIBLE TO ACCOMMODATE AND SUPPORT A VARIETYH OF URBAN LAND USES. THE GRID SYSTEM SHALL EMPHASIZE PEDESTRIAN USES AND ACTIVITIES, HUMAN-SCLAE STREETS AND BUILDING FACADES.

C. THE STREET GRID SYSTEM SHALL CONSIST (AT A MINIMUM) OF: TWO (2) NORTH-SOUTH CORRIDORS TO BE LOCATED FROM LEE ORAD TO MONROE AVENUE. BENNETT ROAD IS TO REMAIN WITH AN ADDITIONAL STREET PARALLELTO BENNETT ROAD AND ORLANDO AVENUE AND TWO (2) EAST-WEST CORRIDORS CONNECTING ORLANDO AVENUE AND BENNETT ROAD. ALL INTERNAL STREETS MAY BE RELOCATED AND RECONFIGURED.

D. THE PRPOSED AND USES ARE INTERCHANGEABLE ON ANY BLOCK DUE OT HE UNDERLYING URBAN DEVELOPMENT FRAMEWORK AND GRID SYSTEM.

E. BENNETT ROAD SHALL REMAIN A NORTH-SOUTH MAJOR MOBILITY CORRIDOR FROM LEE ORAD TO ITS TERMINUS AT MONROE AVENUE. BENNETT ROAD MAY BE REALIGNED TO CREATE A FULL ACCESS MEDIAN CUT WITH EXECUTIVE DRIVE.

MODIFIED BY THE PARTIES THROUGH SECTION 4 OF THE ANNEXATION AGREEMENT ATTACHED AS EXHIBIT C.

23. COORDINATION WTH (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX HAS LISTED AS A PRIORITY IN ITS 2010 TRANSIT DEVELOPMENT PLAN A TRANSFER STATION IN THIS GENERAL LOCATION. (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX ROUTES 1, 9, 14, 102 AND 443 ALL CURRENTLY COMPLETE TRANSFERS AT WEBSTER AVENUE AND DENNING DRIVE ON SURFACE STREETS. THEREFORE, (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX HAS EXPRESSED A DESIRE FOR A DEDICATED SUPER STOP OR TRANSFER FACILITY WITH EASY INGRESS AND EGRESS FOR (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX BUSES WITHIN THE PROJECT SITE. IN ADDITION, (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX IS CURRENTLY CONSIDERING PREMIUM TRANSIT SERVICE (BRT AND/OR EXPRESS BUS SERVICE) ALONG U.S.17/92 (ORLANDO AVENUE). THEREFORE, COORDINATION PRIOR TO APPROVAL OF THE MASTER TRANSPORTATION PLAN AND (PRELIMINARY SUBDIVISION PLAN) PSP OR (DEVELOPMENT PLAN) DP IS REQUIRED TO PROVIDE FOR THE NEEDED SUPER STOP OR TRANSFER STATION ANDPEDESTRIAN CONNECTIVITY.

- A. COORDINATION WITH THE MASTER DEVELOPER IS ENCOURAGED TO PROVIDE A BUS TRANSFER STATION STOP WITH PEDESTRIAN ACTIVITY AT SUCH TIME THAT A SUNRAIL STATION IS CONSIDERED AS PART OF THE OVERALL DEVELOPMENT PLAN.
- B. THE DEVELOPER HAS AGREED TO PROVIDE A BIKE SHARE LOCATION ON THE RAVAUDAGE SITE BY THE COMPLETION OF THE DEVELOPMENT'S SECOND RESIDENTIAL PROJECT.

24. THE SELLING OF ANY PARCEL OF LAND SHALL CARRY THE REQUIREMENT THAT ANY AND ALL REQUIRED IMPROVEMENTS AND ASSOCIATED MITIGATION AS IDENTIFIED FROM THE STUDIES DEFINED IN CONDITIONS ~ 17, 19, AND 20 SHALL BE CARRIED FORWARD AS MITIGATION IN PROPORTION TO THE PARCEL(S) IMPACTS AS A PERCENTAGE OF THE TOTAL SITE IMPACTS IDENTIFIED IN THE STUDIES. THE SPECIFIC METHODOLOGY AND PROCEDURE TO CALCULATE THE PERCENTAGE OF PROPORTIONAL IMPACTS SHALL BE DEVELOPED AND AGREED UPON BY ALL PARTIES AS PART OF THE STUDIES CONDUCTED AS THE REQUIREMENTS OF CONDITIONS 16, 17, 19, AND 20.

25. THE FOLLOWING EDUCATION CONDITION OF APPROVAL SHALL APPLY:

- A) DEVELOPER SHALL COMPLY WITH ALL PROVISIONS OF THE CAPACITY ENHANCEMENT AGREEMENT ENTERED INTO WITH THE ORANGE COUNTY SCHOOL BOARD AS OF 1/25/2011.
- B) UPON THE COUNTY'S RECEIPT OF WRITTEN NOTICE FROM (ORANGE COUNTY PUBLIC SCHOOLS) OCPS THAT THE DEVELOPER IS IN DEFAULT OR BREACH OF THE CAPACITY ENHANCEMENT AGREEMENT, THE COUNTY SHALL IMMEDIATELY CEASE ISSUING BUILDING PERMITS FOR ANY RESIDENTIAL UNITS IN EXCESS OF THE 204 RESIDENTIAL UNITS ALLOWED PRIOR TO THE ZONING APPROVAL. THE COUNTY SHALL AGAIN BEGIN ISSUING BUILDING PERMITS UPON (ORANGE COUNTY PUBLIC SCHOOLS) OCPS'S WRITTEN NOTICE TO THE COUNTY THAT THE DEVELOPER IS NO LONGER IN BREACH OR DEFAULT OF THE CAPACITY ENHANCEMENT AGREEMENT. THE DEVELOPER AND ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT SHALL INDEMNIFY AND HOLD THE COUNTY HARMLESS FROM ANY THIRD PARTY CLAIMS, SUITS, OR ACTIONS ARISING AS A RESULT OF THE ACT OF CEASING THE COUNTY'S ISSUANCE OF RESIDENTIAL BUILDING PERMITS.
- C) DEVELOPER, OR ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT, AGREES THAT IT SHALL NOT CLAIM IN ANY FUTURE LITIGATION THAT THE COUNTY'S ENFORCEMENT OF ANY OF THESE CONDITIONS ARE ILLEGAL,

IMPROPER, UNCONSTITUTIONAL, OR A VIOLATION OF DEVELOPER'S RIGHTS.

- D) ORANGE COUNTY SHALL BE HELD HARMLESS BY THE DEVELOPER AND ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT, IN ANY DISPUTE BETWEEN THE DEVELOPER AND (ORANGE COUNTY PUBLIC SCHOOLS) OCPS OVER ANY INTERPRETATION OR PROVISION OF THE CAPACITY ENHANCEMENT AGREEMENT. AT THE TIME OF (DEVELOPMENT PLAN/PRELIMINARY SUBDIVISION PLAN) DP/PSP, DOCUMENTATION SHALL BE PROVIDED FROM (ORANGE COUNTY PUBLIC SCHOOLS) OCPS THAT THIS PROJECT IS IN COMPLIANCE WITH THE CAPACITY ENHANCEMENT AGREEMENT.

26. THE FOLLOWING CONDITIONS OF APPROVAL WERE COORDINATED WITH ADJACENT JURISDICTIONS:

- A. SEE EXHIBIT C FOR MODIFICATIONS REGARDING TRAFFIC FACILITIES. WHEN THE PROJECT REACHES OR EXCEEDS 151,000 SQUARE FEET, THE DEVELOPER SHALL AT THEIR EXPENSE, COMPLETE A TRAFFIC SIGNAL WARRANT STUDY WITHIN SIX MONTHS OF ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR SAID BUILDINGS AND SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL FOR THE FIRST TRAFFIC LIGHT. IF THE PROPOSED TRAFFIC SIGNAL MEETS THE WARRANTS AND IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE DEVELOPER SHALL, AT THEIR EXPENSE, INSTALL THE FIRST TRAFFIC LIGHT SUBJECT TO THE (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS, IF THE TRAFFIC VOLUMES OR OTHER CONDITIONS DO NOT WARRANT THE FIRST TRAFFIC LIGHT AND IT IS NOT APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE PROJECT MAY CONTINUE TO PROCEED WITH ADDITIONAL EXPANSIONS BUT THE TRAFFIC SIGNAL WARRANT STUDY SHALL BE UPDATED ANNUALLY, AT DEVELOPER EXPENSE AND DEVELOPER SHALL SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL. AT THE TIME THEN WHEN THE FIRST TRAFFIC SIGNAL IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THE DEVELOPER SHALL THEN, AT THEIR EXPENSE, INSTALL THE FIRST TRAFFIC LIGHT SUBJECT TO (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS. WHEN THE PROJECT REACHES OR EXCEEDS 490,000 SQUARE FEET, THE DEVELOPER SHALL AT THEIR EXPENSE, COMPLETE A TRAFFIC SIGNAL WARRANT STUDY WITHIN SIX MONTHS OF ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR SAID BUILDINGS AND SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL FOR THE SECOND TRAFFIC LIGHT. IF THE SECOND PROPOSED TRAFFIC SIGNAL MEETS THE WARRANTS AND IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE DEVELOPER

SHALL, AT THEIR EXPENSE, INSTALL THE SECOND TRAFFIC LIGHT SUBJECT TO THE (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS. IF THE TRAFFIC VOLUMES OR OTHER CONDITIONS DO NOT WARRANT THE SECOND TRAFFIC LIGHT AND IT IS NOT APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE PROJECT MAY CONTINUE TO PROCEED WITH ADDITIONAL EXPANSIONS BUT THE TRAFFIC SIGNAL WARRANT STUDY SHALL BE UPDATED ANNUALLY FOR AT LEAST THREE CONSECUTIVE YEARS THEREAFTER, AT DEVELOPER EXPENSE AND DEVELOPER SHALL SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL FOR THE SECOND TRAFFIC LIGHT. AT THE TIME THE SECOND TRAFFIC SIGNAL IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THE DEVELOPER SHALL, AT THEIR EXPENSE INSTALL THE SECOND TRAFFIC LIGHT SUBJECT TO (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS. FOR BOTH TRAFFIC LIGHTS, THE DEVELOPER, AT THEIR SOLE COST, SHALL BE RESPONSIBLE FOR THE INSTALLATION OF AN ENHANCED MAST ARM SIGNALIZED INTERCONNECTED INTERSECTION, AS WELL AS THE LANEAGE IMPROVEMENTS NECESSARY.

- B. FOR SITE ACCESS PURPOSES AT THE PROPOSED INTERSECTION OF SOLANA AVENUE AND US 17-92 THE WESTERN EXTENSION OF SOLANA AVENUE INTO THE PROJECT MUST NOT DEAD END INTO A COMMERCIAL, RESIDENTIAL OR OFFICE DEVELOPMENT, AND MUST CONNECT, TO AN INTERNAL ROADWAY WHICH CONNECTS TO EITHER BENNETT AVENUE, MONROE AVENUE OR LEE ROAD. AT THE TIME OF THE TRAFFIC SIGNAL INSTALLATION AT SOLANA AVENUE, THE DEVELOPER SHALL PAY FOR THE COST OF THE CLOSURE OF PERTINENT MEDIANS ON US 17-92, AS DETERMINED BY (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT.
- C. FOR SITE ACCESS PURPOSES AT THE PROPOSED INTERSECTION OF BENNETT AVENUE AND LEE ROAD REALIGNED WITH EXECUTIVE DRIVE, THE NORTHERN LEG OF THIS INTERSECTION MUST BE REALIGNED TO CONNECT AND ALIGN WITH EXECUTIVE DRIVE. THE REALIGNED ROADWAY INTO THE PROJECT MUST NOT DEAD END INTO A COMMERCIAL, RESIDENTIAL OR OFFICE DEVELOPMENT, AND MUST CONNECT, TO AN INTERNAL ROADWAY WHICH CONNECTS TO MONROE AVENUE OR US 17- 92.
- D. THE DEVELOPER MUST CLOSE THE 11 EXISTING PRIVATE PROPERTY CURB CUTS / DRIVEWAYS ON US 17-92 OR TRAFFIC SIGNAL WARRANT STUDY MUST ASSUME SUCH CLOSURE.
- E. A 100-FOOT SETBACK SHALL BE MAINTAINED FOR DEVELOPMENT GREATER THAN 1 STORY ADJACENT TO ANY SINGLE-FAMILY DWELLING DISTRICT AND USES ALONG RAVAUDAGE BOUNDARY WITH THE CITY OF

MAITLAND. A BUFFER OF 25 FEET FOR PAVED PARKING AREAS ADJACENT TO A SINGLE-FAMILY DWELLING DISTRICT SHALL NOT BE REDUCED AND THE PERIMETER FOR THE PD BE MAINTAINED AT A MINIMUM OF 25 FEET. AT SUCH TIME AS BENJAMIN PARTNERS LTD OBTAINS OWNERSHIP OF THE SINGLE-FAMILY PARCELS SOUTH OF MONROE AVENUE THAT ARE CURRENTLY UTILIZED FOR SINGLE-FAMILY PURPOSES AND INCLUDES THOSE PARCELS INTO THE DEVELOPMENT PLAN FOR RAVAUDAGE, THE STATUS OF THESE PARCELS WILL NOT REQUIRE THE SAME LEVEL OF BUFFERING AS THE COUNTY'S EXISTING REGULATIONS PROVIDE. AT THAT JUNCTURE, MAITLAND WILL PROCESS A MODIFICATION OF ITS SUGGESTED BUFFERING REQUIREMENTS WITH THE INTENT TO CHANGE THEM TO BE CONSISTENT WITH THE APPROVALS GRANTED HEREIN. FOR THOSE PROPERTIES LOCATED EAST OF BENNETT AVENUE, ADJACENT TO THE RESIDENTIAL PROPERTY WITHIN THE CITY OF WINTER PARK, A BUILDING SETBACK OF 75 FEET IS TO BE PROVIDED FROM THE WEST RIGHT-OF-WAY LINE OF BENNETT AVENUE.

27. ANY PETITION TO VACATE SHALL HAVE A CONDITION THAT WILL IDENTIFY THAT THE APPLICANT MAY PROVIDE A RIGHT-OF-WAY STRIP FOR LEE ROAD AND/OR ORLANDO AVENUE TO THE COUNTY OR (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT AT NO COST UPON REQUEST BY THE COUNTY OR (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT. A RIGHT-OF-WAY AGREEMENT MAY BE REQUIRED AS PART OF ANY FUTURE DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN.

28. ~~DEVELOPMENT SHALL PROVIDE FOR A MINIMUM OF 300 RESIDENTIAL UNITS. A MINIMUM OF 50% OF THE FIRST FLOOR (BASED ON LINEAR FOOTAGE) FACING A STREET SHALL BE USED FOR NON-RESIDENTIAL USES.~~

29. INTERNAL TRAFFIC LANES ON SHEET C-3 (OF THE LAND USE PLAN) SHALL BE ~~11 (ELEVEN)~~ 12 (TWELVE) FEET IN WIDTH WITH ON STREET PARKING AND THE PARKING LANES SHALL BE 8 ½ (EIGHT AND ONE-HALF) FEET IN WIDTH.

30. ~~INTERSECTION CROSSWALKS SHALL GENTLY ELEVATE TO SLOW TRAFFIC SHALL BE 20 (TWENTY) FEET WIDE MEASURED FROM BULB OUT TO BULB OUT, AND SHALL HAVE MOUNTABLE CURBS FOR EMERGENCY VEHICLE ACCESS.~~

31. USE OF THE EQUIVALENCY MATRIX THAT CHANGES ANY USE BY 10% OR GREATER (INDIVIDUALLY OR IN THE AGGREGATE) SHALL BE DEEMED A SUBSTANTIAL CHANGE TO THE PD.

32. THE DEVELOPER WILL CONTRIBUTE A PROPORTIONATE SHARE OF THE COSTS FOR INTERSECTION TRAFFIC SIGNALIZATION TECHNOLOGY UPGRADES THRU THE PHASING OF THE PROJECT. THESE UPGRADES WILL

APPLY TO SIGNIFICANTLY AFFECTED INTERSECTIONS BASED ON A MUTUAL DETERMINATION BY THE DEVELOPER'S TRAFFIC ENGINEER AND THE CITY'S TRANSPORTATION TRAFFIC ENGINEER AND A MAXIMUM WILL BE DETERMINED.

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

*[signatures to follow]*

Signed, sealed and delivered in the presence of:

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

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

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

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

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged 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 (She) ☐ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

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

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

By: \_\_\_\_\_  
Daniel B. Bellows

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

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2014, by Daniel B. Bellows, who ☐ is personally known to me or ☐ has produced  
\_\_\_\_\_ as identification.

(NOTARY SEAL)

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

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

GARMET, LTD., a Florida limited partnership

By: Welbourne Ave. Corp., its General Partner

By: \_\_\_\_\_  
Robert P. Saltsman, President

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

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2014, by Robert P. Saltsman, President of Welbourne Ave., Corp, a Florida corporation, the General Partner for Garmet Ltd, a Florida limited partnership, who ☐ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

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

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

BUBBALOU’S, INC., a Florida corporation

By: \_\_\_\_\_  
Daniel B. Bellows, President

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

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by Daniel B. Bellows, President, of Bubbalou’s, Inc., a Florida corporation, who ☐ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

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

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

BENJAMIN PARTNERS, LTD., a Florida  
limited partnership

By: BENNETT AVE. COMPANY, INC., a  
Florida corporation, its General Partner

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

By: \_\_\_\_\_  
Daniel B. Bellows, President

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2014, by Daniel B. Bellows, President, of Bennett Ave. Company, Inc., a Florida corporation,  
the General Partner of Benjamin Partners, Ltd., a Florida limited partnership, who ☐ is  
personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

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

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

By: \_\_\_\_\_  
Daniel B. Bellows, as authorized agent  
for Melanie Monzadeh

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

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2014, by Daniel B. Bellows, as authorized agent for Melanie Monzadeh, who ☐ is personally  
known to me or ☐ has produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

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

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

BRANNON CONSTRUCTION COMPANY,  
a Florida corporation

By: \_\_\_\_\_

Print: \_\_\_\_\_

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

Title: \_\_\_\_\_

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by \_\_\_\_\_ the \_\_\_\_\_ of Brannon Construction Company, a Florida corporation, who ☐ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

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

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

THE GARDENS OF RAVAUDAGE, LLC, a  
Florida limited liability company

By: CW FAMILY, LLLP, a Florida limited  
partnership, its Manager

By: CW FAMILY, LLC, a Florida limited  
liability company, its General Partner

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

By: \_\_\_\_\_  
Charles Whittall, Manager

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2014, by Charles Whittall, Manager of CW FAMILY, LLC, a Florida limited liability company,  
who ☐ is personally known to me or ☐ has produced \_\_\_\_\_ as  
identification.

(NOTARY SEAL)

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

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

1792 LEE AH INVESTORS, LLC, a Florida  
limited liability company

By: INTRAM WINTER PARK AH, LLC., a  
Florida limited liability company, its Manager

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

By: \_\_\_\_\_  
Rashid A. Khatib, Manager

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2014, by Rashid A. Khatib, Manager of Intram Winter Park AH, LLC, a Florida limited liability  
company, who ☐ is personally known to me or ☐ has produced  
\_\_\_\_\_ as identification.

(NOTARY SEAL)

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

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

**EXHIBIT "A"**  
**[SUBJECT PROPERTY]**

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

Begin 30.00 feet South and 21.00 feet West of the Northeast corner of the Northwest ¼ of Section 1, Township 22 South, Range 29 East, Orange County, Florida; thence run South 01°18'01" West along the West right-of-way line of Bennett Avenue a distance of 100.68 feet; thence departing said West right-of-way line run South 89°37'38" East along the South line of Lot 2, Block "O", and a projection thereof, of Home Acres, according to the plat thereof, as recorded in Plat Book "M", Page 97 of the Public Records of Orange County, Florida, a distance of 161.80 feet to the Southeast corner of said Lot 2, Block "O"; thence North 00°53'15" East along the East line of said Lot 2, a distance of 11.60 feet to the Southwest corner of Lot 15, Block "O", of said Home Acres; thence South 89°19'59" East along the South Line of said Lot 15, a distance of 115.79 feet to the Southeast corner of said Lot 15, said point also being on the West right-of-way line of Loren Avenue, of said Home Acres; thence departing said West right-of-way line run South 89°50'25" East a distance of 50.00 feet to the East right-of-way line of said Loren Avenue, said point also being the Southwest corner of Lot 7, Block "P", of said Home Acres; thence North 89°41'18" East along the South line of said Lot 7, a distance of 132.57 feet to the Southeast corner of said Lot 7; thence South 00°26'08" West along the West line of Lot 10, of said Block "P", a distance of 2.70 feet to the Southwest corner of said Lot 10; thence North 89°40'00" East along the South line of said Lot 10, a distance of 132.57 feet to the Southeast corner of said Lot 10, said point also being on the West right-of-way line of Lewis Drive, of said Home Acres; thence South 00°25'53" West along said West right-of-way line and an extension thereof, a distance of 350.00 feet; thence South 88°36'13" East along the South line of Elvin Avenue and a projection thereof, of said Home Acres, a distance of 550.10 feet to the Westerly right-of-way line of North Orlando Avenue (State Road 15/600), (U.S. 17/92), as now established. Thence run along said Westerly right-of-way line the following courses and distances: South 02°34'51" East 488.72 feet to the Point of Curvature of a curve concave Westerly and having a radius of 5676.65 feet; thence run Southerly along the arc of said curve 283.03 feet through a central angle of 02°51'24" to the Point of Tangency; thence South 00°16'33" West a distance of 803.23 feet; thence South 67°51'04" West a distance of 36.60 feet, to the North right-of-way line of Lee Road (State Road 438) as now established; thence South 89°57'03" West along said North right-of-way line and an extension thereof, a distance of 1183.25 feet to the Southeast corner of Lot 1, of Lee Shore, according to the Plat thereof, as recorded in Plat Book "T", Page 78, of the Public Records of Orange County, Florida, said point also being the Point of Intersection of said North right-of-way line of Lee Road with the West right-of-way line of Bennett Avenue (as now established); thence North 01°18'01" East along said West right-of-way line, a distance of 1439.59 feet to the Northeast corner of Park Green, according to the plat thereof, as recorded in Plat Book 10, Page 90, of the Public Records of Orange County, Florida; thence South 88°47'55" West along the North line of said Park Green, and extension thereof, a distance of 489.00 feet to the Southwest corner of that certain parcel of land, as recorded in Official Record Book 09053, Page 4134, of the Public Records of Orange County, Florida; thence run along the Westerly line of said certain parcel of land, the following courses and distances: North 00°22'00" West 186.65 feet; thence North 89°33'44" East 191.75 feet; thence North 00°22'00" West 320.55 feet; thence North 89°23'57" East 49.46 feet; thence North 00°30'06" West 103.89 feet to the Northwest corner of the aforesaid certain parcel of land; thence North 89°17'48" East along the North line of said certain parcel, a distance of 274.63 feet to the Point of Beginning. (LESS) Lot 16, Block "L" and Lot 17, Block "F", of Home Acres, according to the plat thereof, as recorded in Plat Book "M", Page 97, of the Public Records of Orange County, Florida.

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

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

EXHIBIT “B”  
[LAND USE PLAN]

EXHIBIT "C"  
[Section 4 of the Annexation Agreement]

**Section 4. Development Conditions Regarding Traffic Facilities.**

- a. Project development shall require new traffic lights onto US 17-92 and Lee Road. It shall be at the option of the Developer or a Community Development District ("CDD" ) which may be formed, which traffic light to construct first. When the project reaches or exceeds 151,000 square feet, the Developer or CDD shall at their expense, complete a traffic signal warrant study within six months of issuance of certificates of occupancy for said buildings and seek Florida DOT approval for the first traffic light. If the proposed traffic signal meets the warrants and is approved by Florida DOT, then the, Developer or CDD shall, at their expense, install the first traffic light subject to the DOT permit and conditions. If the traffic volumes or other conditions do not warrant the first traffic light and it is not approved by Florida DOT, then the Project may continue to proceed with additional expansions but the traffic signal warrant study shall be updated annually, at Developer or CDD's expense, and Developer or CDD shall seek Florida DOT approval. At the time then when the first traffic signal is approved by Florida DOT, the Developer or CDD shall then, at their expense, install the first traffic light subject to DOT permit and conditions. When the Project reaches or exceeds 490,000 square feet, the Developer or CDD shall at their expense, complete a traffic signal warrant study within six months of issuance of certificates of occupancy for said

buildings and seek Florida DOT approval for the second traffic light. If the second proposed traffic signal meets the warrants and is approved by Florida DOT, then the Developer or CDD shall, at their expense, install the second traffic light subject to the DOT permit and conditions. If the traffic volumes or other conditions do not warrant the second traffic light and it is not approved by Florida DOT, then the Project may continue to proceed with additional expansions but the traffic signal warrant study shall be updated annually for at least three consecutive years thereafter, at Developer's or CDD's expense and Developer or CDD shall seek Florida DOT approval for the second traffic light. At the time the second traffic signal is approved by Florida DOT, the Owners, Developer, or CDD shall, at their expense, install the second traffic light subject to DOT permit and conditions. For both traffic lights, the Developer or CDD, at their sole cost, shall be responsible for the installation of an enhanced mast arm signalized interconnected intersection, as well as the laneage improvements necessary.

- b. For site access purposes at the proposed intersection of Solana Avenue and US 17-92 the western extension of Solana Avenue into the Project must not dead end into a commercial, residential or office development, and must connect, to an internal roadway which connects to either Bennett Avenue, Monroe Avenue or Lee Road. At the time of the traffic signal installation at Solana



Avenue, the Developer or CDD shall pay for the cost of the closure of all medians on US 17-92, with the exception of Dixon Avenue, from Park Avenue to Lee Road, subject only to FDOT approval for any median closure.

- c. For site access purposes at the proposed intersection of Bennett Avenue and Lee Road, the northern leg of this intersection must be realigned to connect and align with Executive Drive. The realigned roadway into the Project must not dead end into a commercial, residential or office development, and must connect, to an internal roadway which connects to Monroe Avenue or US 17-92.
- d. The Developer or CDD must close the 11 existing private property curb cuts/driveways on US 17-92 or traffic signal warrant study must assume such closure.

**Section 5. Development Conditions Regarding Private Buildings and the Property.**

- a. The City and Owners agree to accept and be governed by the Orange County PD and Commercial Future Land Use designation(s) on the Property and the Orange County PD zoning designations and all other applicable provisions of the Orange County Land Development Code. The City and Owners agree to accept and be governed by the specific approvals of PD future land use and PD zoning, as have been granted by Orange County, including all waivers and conditions thereto which are included as a part of this Agreement as **Exhibit "C"**.



**BENJAMIN PARTNERS**  
01-22-23-0000-00-094  
01-22-23-0712-01-016  
01-22-23-0712-02-001  
01-22-23-0712-02-032  
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01-22-23-0712-08-200

**ROBERT D. HUMMER**  
01-22-23-0712-07-180  
01-22-23-0712-07-200

**BRANNON CONSTRUCTION CO.**  
01-22-23-0712-08-150

**JARRICO PROPERTIES, LLC**  
01-22-23-0712-08-010

**ROCHELLE S. CRAMER TRUST**  
01-22-23-0712-02-132

**GREENHOUSE**  
01-22-23-0712-02-180  
01-22-23-0712-02-200  
01-22-23-0712-02-260

AN INFILL, REDEVELOPMENT MIXED-USE PROJECT  
UNINCORPORATED ORANGE COUNTY, FLORIDA

<p>AGENCY/APPLICANT/PROJECT MANAGER  SYDGEN CORPORATION  PO BOX 368  WINTER PARK, NC 27790-0368  PE 407.644.3151  FAX 407.644.2654  E-MAIL W14044@AOL.COM</p>	<p>TRAFFIC ENGINEER  TIPTON ASSOCIATES, INC.  706 MAUILE BLVD  WINTER PARK, NC 27790-9751  PE 407.674.2055  FAX 407.596.2048  E-MAIL WTTPTON@TIPTONAL.COM</p>
<p>SURVEYOR  HENDERSON, HURT &amp; SWAGGLEY, LLC  1200 BELLE AVE., SUITE 307  WINTER SPRINGS, FL 32708  PE 407.647.7348  FAX 407.647.0097  E-MAIL NAHARRIS@HORDLANDSURVEY.COM</p>	<p>CIVIL ENGINEER  RAPAZZI &amp; BASSEL, PE  1314 STETSON STREET  ORLANDO, FL 32804  PE 407.500.5551  E-MAIL RAPBAS@AOL.COM</p>

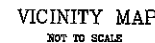
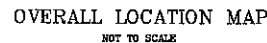
WATER: AND SEWER: CITY OF WINTER PARK  
POWER: CITY OF WINTER PARK  
SOLID WASTE: ORANGE COUNTY UTILITIES SOLID WASTE DIVISION  
SHERIFF/FIRE PROTECTION: ORANGE COUNTY

- C-1 COVER SHEET
- C-2 EXISTING CONDITIONS
- C-3 EXISTING CONDITIONS, CONT.
- C-4 LAND USE PLAN
- C-5 URBAN FORM TEMPLATES
- C-6 URBAN FORM TEMPLATES, CONT.
- C-7 PLANNING CONTEXT STUDY EXHIBITS
- C-8 PLANNING CONTEXT STUDY EXHIBITS, CONT.

ASSOCIATED DRAWINGS

- BOUNDARY SURVEYS AND DESCRIPTIONS

A PERSON HAVING ACCESS TO THE PLAT THEREON, AS DESCRIBED IN PLAT BOOK "N", PAGE 97 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND A PART OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING HEREIN PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

**SYDCAN CORPORATION**  
Real Estate Management, Development & Brokerage

P.O. BOX 350  
WINTER PARK, FL 32790-0350

STATE OF FLORIDA—COUNTY OF ORANGE  
I HEREBY CERTIFY that this is a true and accurate  
copy of the document as filed with this office.

By: Mitch Gordon, Zoning Manager

DO NOT REMOVE FROM FILE  
WITHOUT APPROVAL FROM  
DEVELOPMENT ENG. MANAGER

**APPROVED PLAN**

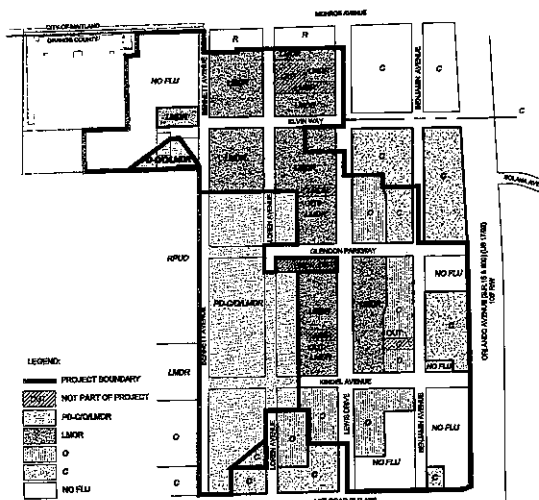
**DATE:** May 9, 2001

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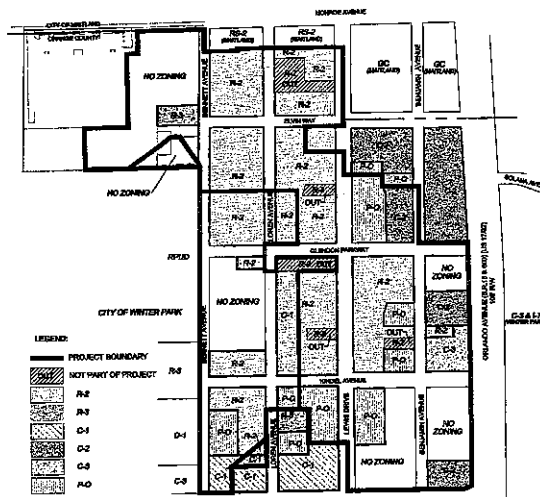
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PUBLIC WORKS  
BID OFFICE

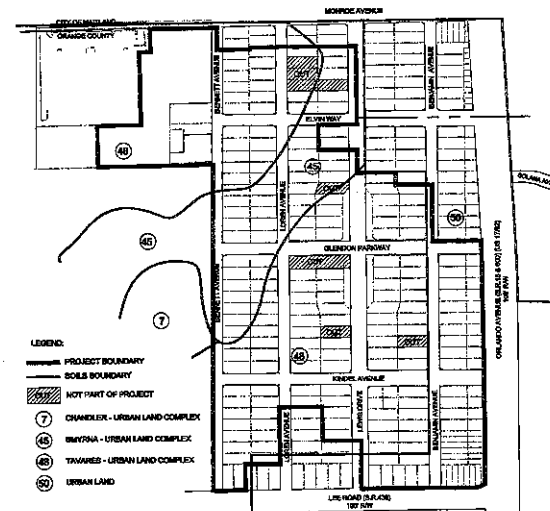
DRAWING NO. PROJECT NO. JOB NO. 00000000 DATE: 00-00-2011	APPLICANT/REVIEWER <b>SYDESAN</b> CORPORATION <small>For title, description, signature &amp; stamp</small>		PROJECT NAME <b>RAVAUDAGE LAND USE PLAN</b>		SHEET TITLE <b>COVER SHEET</b>		1	2
	3	4	5	6	7	8	9	10
	11	12	13	14	15	16	17	18
	19	20	21	22	23	24	25	26
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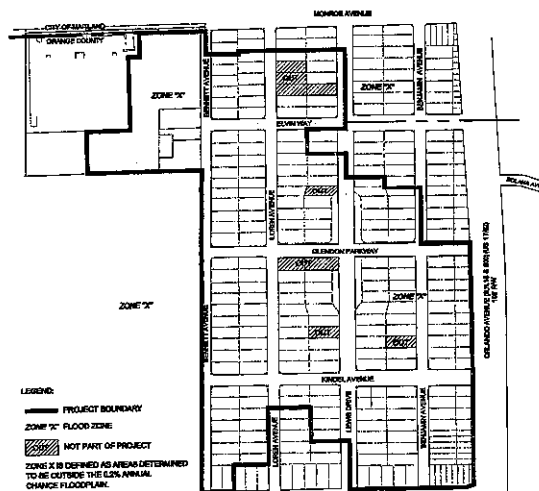
FUTURE LAND USE MAP



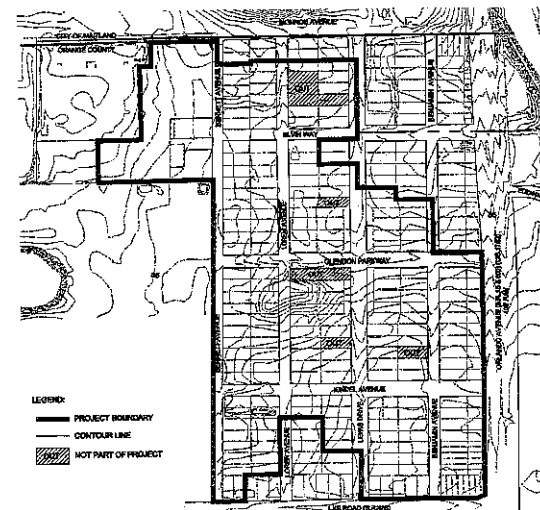
ZONING MAP



SOILS MAP  
SOURCE: ORANGE COUNTY SOIL SURVEY - SHEET 20



FLOOD MAP  
SOURCE: FEMA FIRM MAP NO. 12095C0255F



QUADRANGLE MAP - GENERALIZED TOPOGRAPHY  
SOURCE: SJRWMD 1" TOPO

GENERAL NOTE:  
IT IS THE INTENT OF THE APPLICANT TO ACQUIRE THOSE PARCELS NOT OWNED THAT FALL WITHIN THE BOUNDARY OF THE PROJECT. APPLICANT SHALL APPLY FOR THE APPROPRIATE (IF NECESSARY) FLOOD AND ZONING CLASSIFICATIONS THROUGH ORANGE COUNTY.

RECEIVED

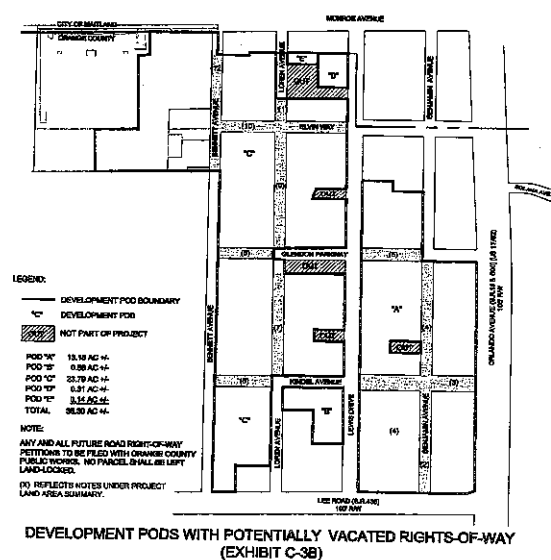
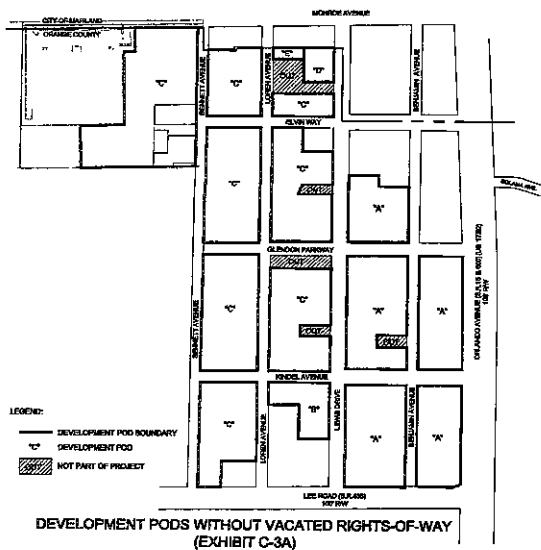
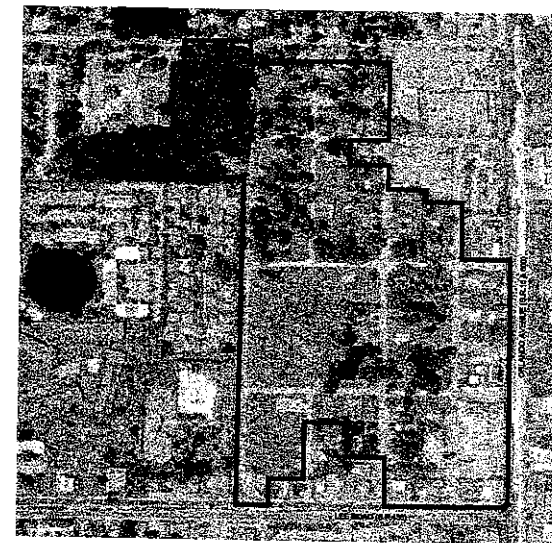
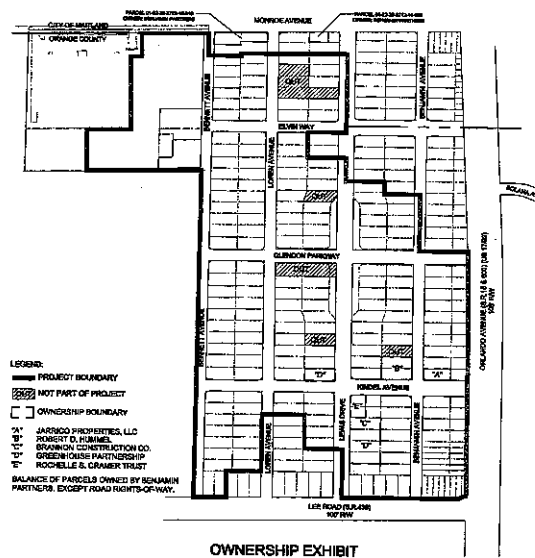
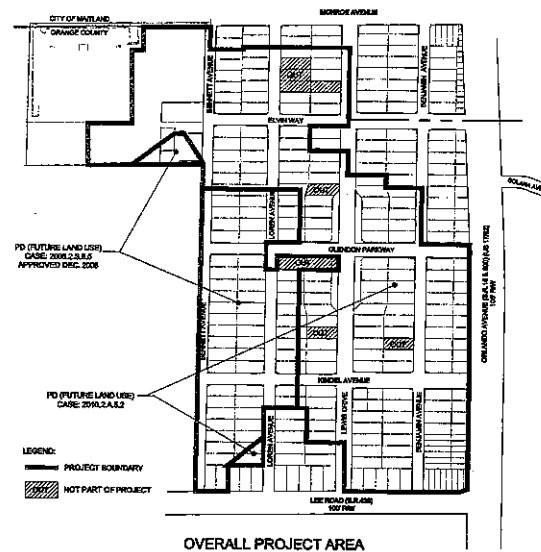
APR 9 2011  
PUBLIC WORKS  
DRC OFFICE

NORTH



SCALE: 1"=250'

PROJECT NAME		SUBMIT TITLE	
RAVAUDAGE LAND USE PLAN		EXISTING CONDITIONS	
APPLICANT/DEVELOPER		SYDGEAN CORPORATION	
DRAWN: [blank]		DATE: [blank]	
DESIGN: [blank]		REVISION: [blank]	
CHECKED: [blank]		DATE: [blank]	
JOB NO.: [blank]		REVISION: [blank]	
DATE: [blank]		DATE: [blank]	
SHEET		C-2	



## PROJECT LAND AREA SUMMARY

REFER TO EXHIBIT C-3A				
PARCEL	AREA (Ac)	Notes Below	R/W POTENTIALLY TO BE VACATED <sup>1</sup> (Ac)	POTENTIAL DEVELOPMENT PARCEL AREA (Ac)
A	10.92	(2)(5)	2.26	13.16
B	0.86		0.00	0.86
C	26.52	(B)(12)	3.27	23.78
D	0.31		0.00	0.31
E	0.14		0.00	0.14
<b>TOTAL</b>	<b>32.77</b>		<b>5.53</b>	<b>36.20</b>

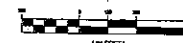
REFER TO EXHIBIT C-3B

1. Specific right-of-way easement to occur on an individual basis through a separate approval process.
2. Benjamin Avenue from Line Road to Kindel Avenue. (0.52 Ac)
3. Kindel Avenue from Lewis Drive to N. Orlando Avenue. (US 17/52). (0.81 Ac)
4. Benjamin Avenue from Kindel Avenue to Glendon Parkway. (0.52 Ac)
5. Glendon Parkway from Lewis Drive to Benjamin Avenue. (0.34 Ac)
6. Kindel Avenue from Bennett Avenue to Loran Avenue. (0.28 Ac)
7. Loran Avenue north from Kindel Avenue to a location opposite, 100 feet south of the intersection of the centerlines of Glendon Parkway and Loran Avenue. (0.52 Ac)
8. Glendon Parkway from Bennett Avenue to Loran Avenue. (0.34 Ac)
9. Loran Avenue from Bennett Avenue to Lewis Drive. (0.58 Ac)
10. Elvin Way from Bennett Avenue to Lewis Drive. (0.63 Ac)
11. Loran Avenue from Elvin Way to a point approximately 100 feet north along said R/W. (0.11 Ac)
12. Bennett Avenue from 350 feet south of Glendon Parkway to a point approximately 100 feet south of Monroe Avenue R/W. (0.80 Ac)

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DRC OFFICE



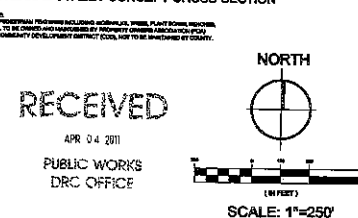
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**EXISTING CONDITIONS,**  
**CONT.**

PROJECT NAME: BRAVAUDAGE LAND USE PLAN

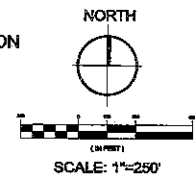
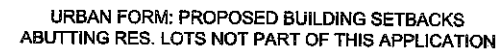
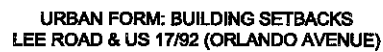
APPLICANT/DEVELOPER  
CYDREAN  
CORPORATION

DRAWN: RAB  
DESIGN: RAB  
CHECKED: RAB  
JOB NO.: 010.0712  
DATE: 07-20-2011  
SHEET  
C-3

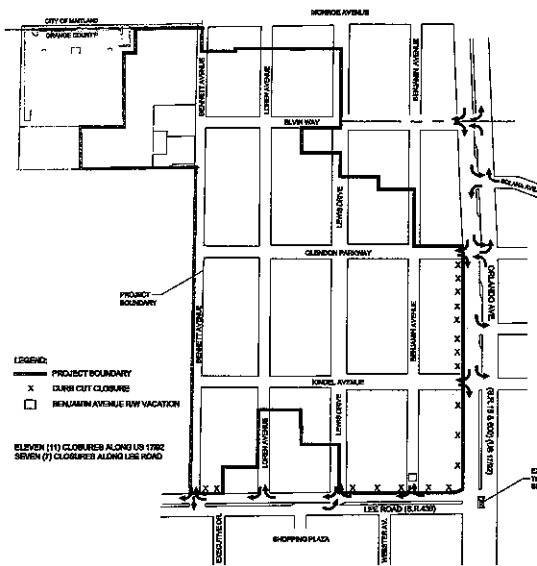




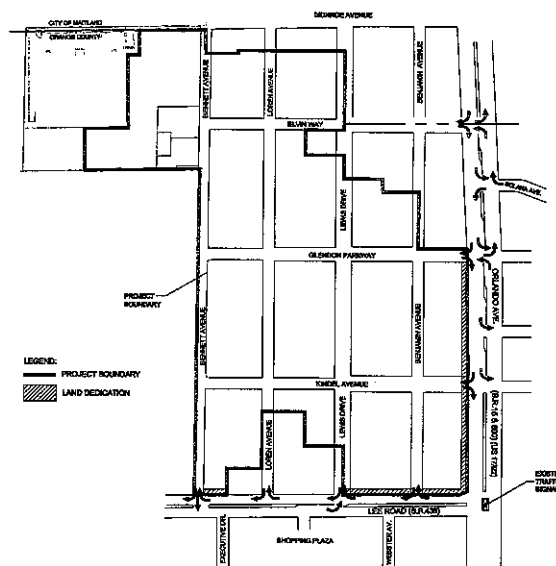
APPLICANT/DEVELOPER: <b>SYDEBAN CORPORATION</b> <small>Full Service Management, Development &amp; Marketing</small>		PROJECT NAME: <b>RAVAUDAGE LAND USE PLAN</b>		SHEET TITLE: <b>URBAN FORM TEMPLATES</b>	
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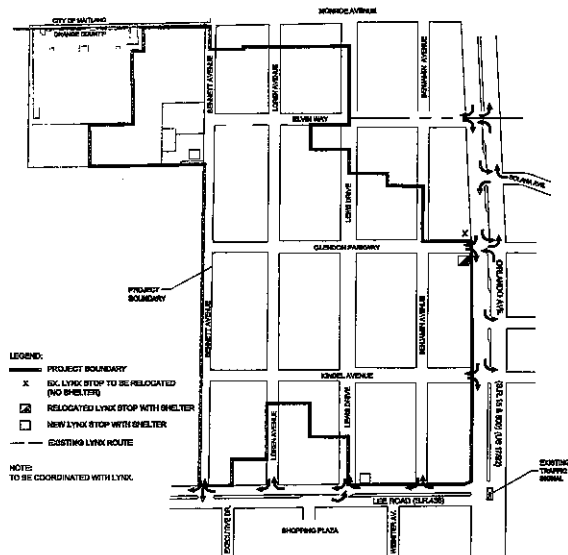
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REVISION: 1-540		86	
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FOR: 1-540-0012		RAVAUDAGE LAND USE PLAN	
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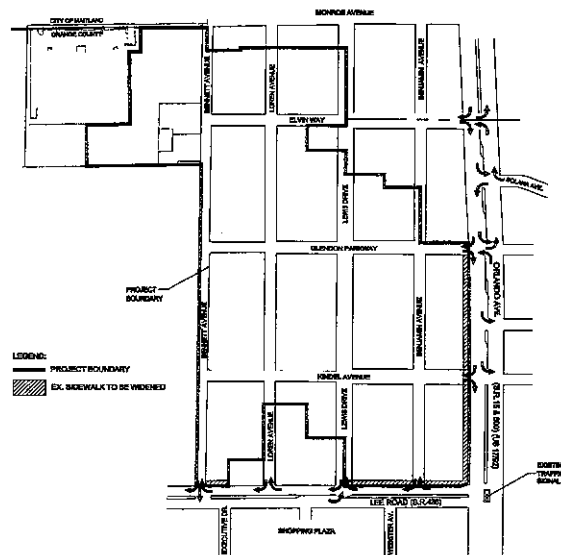
PLANNING CONTEXT STUDY - ITEM 1:  
CLOSURE OF EXISTING CURB CUTS



PLANNING CONTEXT STUDY - ITEM 3:  
DEDICATION OF LAND FOR DEDICATED TRANSIT LANE



PLANNING CONTEXT STUDY - ITEM 2:  
PROVISION OF BUS SHELTERS



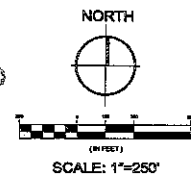
PLANNING CONTEXT STUDY - ITEM 4:  
WIDENING OF EXISTING PUBLIC SIDEWALKS  
FROM 5' TO 15'

- PLANNING CONTEXT STUDY**
- ITEM 1 CLOSURE OF EXISTING EXCESSIVE CURB CUTS
- ELEVEN (11) ON US 1782
  - SEVEN (7) ON LEE ROAD
  - VACATION OF BENJAMIN AVENUE FROM LEE ROAD TO KINDEL AVENUE
- ITEM 2 CONSTRUCTION OF BUS SHELTERS
- ITEM 3 DEDICATION OF LAND FOR DEDICATED TRANSIT LANE
- ITEM 4 WIDENING OF EXISTING (FROM 5' TO 15' MINIMUM) PUBLIC SIDEWALKS TO INCREASE PEDESTRIAN MOBILITY
- ITEM 5 CONSTRUCTION OF NEW SIDEWALKS AND WIDENING OF SAME TO INCREASE PEDESTRIAN MOBILITY (SIDEWALK CONSTRUCTION REQUIRED BY LDC DOES NOT COUNT TOWARDS MOBILITY CREDIT. HOWEVER, WIDENING TO 15' DOES)
- ITEM 6 FUTURE SOLANA AVENUE EXTENSION  
CREATE ON APPROACH FOUR (4) LANES OUTBOUND AND TWO (2) LANES INBOUND
- ITEM 7 ULTIMATE STREET GRID
- ITEM 8 COMMUTER RAIL STATION, BIKE & TRAIL NETWORK
- ITEM 9 PROVISION OF CROSS-ACCESS CONNECTIONS/EASEMENTS OR JOINT DRIVEWAYS. THIS IS TO BE SPECIFIED DURING THE DEVELOPMENT PLAN SUBMITTAL STAGE.
- ITEM 10 SIDEWALK CONNECTIONS FROM DEVELOPMENT TO EXISTING AND PLANNED PUBLIC SIDEWALKS ALONG PROJECT FRONTAGE
- ITEM 11 PROVISION OF BUS PROGRAMS PROVIDED TO RESIDENTS AND/OR EMPLOYEES OF THE DEVELOPMENT. THE BUS PASSES MUST BE NEGOTIATED AS PART OF A CONTRACT WITH THE CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY, AND APPROVED BY THE COUNTY.
- THIS CONDITION IS TO BE IMPLEMENTED AFTER SPECIFIC CERTIFICATES OF OCCUPANCY ARE ISSUED.
- ITEM 12 PROVISION OF RIDE SHARING OR VAN POOLING PROGRAMS
- THIS CONDITION IS TO BE IMPLEMENTED AFTER SPECIFIC CERTIFICATES OF OCCUPANCY ARE ISSUED.
- ITEM 13 BUILDINGS WITH ARCHITECTURAL FEATURES THAT PROVIDE SHADING AND WEATHER PROTECTION (e.g. CANOPIES, AWNINGS, COLONNADES) OVER SIDEWALKS TO PROMOTE PEDESTRIAN MOBILITY. THE ARCHITECTURAL FEATURE SHALL PROVIDE PEDESTRIAN SHADING ALONG A SIGNIFICANT LENGTH OF THE SIDEWALK IN FRONT OF THE PROPOSED OR EXISTING BUILDING.
- THIS IS TO BE CONFIRMED DURING THE DEVELOPMENT PLAN AND BUILDING PERMIT REVIEW STAGE.

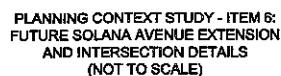
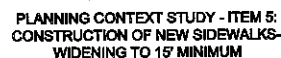
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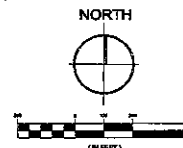
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RAVADAGE LAND USE PLAN		CORPORATION	
APPLICANT/DEVELOPER		SYDGEAN	
DRAWN BY		SYDGEAN	
CHECKED BY		SYDGEAN	
DATE		04/04/11	
SHEET		C-7	



RECEIVED

APR 04 2011

PUBLIC WORKS  
DRC OFFICE



SCALE: 1"=250'

DRAWN: RAE CHECKED: JAK CADD: JAK JOB NO.: 98-0727 DATE: 05-22-98	APPLICANT/DEVELOPER: <b>SYDGAN CORPORATION</b>	PROJECT NAME: <b>RAVANDAGE LAND USE PLAN</b>	SHEET TITLE: <b>PLANNING CONTEXT STUDY EXHIBITS, CONT.</b>	9 8 7 6 5 4 3 2 1	12 11 10 9 8 7 6 5 4 3 2 1
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## **CITY OF WINTER PARK Development Review Committee**

**Regular Meeting  
City Hall First Floor, Chase Room**

**March 25, 2014  
1:30 p.m.**

### **MINUTES**

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The meeting was called to order at 1:30 p.m. in the Chase Room on the first floor of City Hall. Staff Present: Assistant City Attorney Catherine Reischmann; Assistant City Manager Michelle Del Valle; Planning & Community Development Director Dori Stone; Planning Manager Jeffrey Briggs; Public Works Director Troy Attaway; Director of Building George Wiggins; Electric Utility Director Jerry Warren; Parks and Recreation Director John Holland; Water/Wastewater Utility Director David Zusi; Fire Marshall Scott Donovan; Planner Caleena Shirley. Also Present: Developer Dan Bellows, Benjamin Partners, Margaret O'Rourke, Margaret O'Rourke Designs; Land Planner Javier Omana. Recording Secretary Lisa Smith.

#### **Appointment of a Chair and Vice-Chair**

**Motion made by Jeffrey Briggs, seconded by George Wiggins appointing Dori Stone as Chair of the DRC. Motion carried unanimously with a 5-0 vote.**

**Motion made by Dori Stone, seconded by Jeffrey Briggs appointing Troy Attaway as Vice-Chair of the DRC. Motion carried unanimously with a 5-0 vote.**

Mr. Briggs provided an overview and explanation of why the DRC committee has been formed and the purpose which is to replicate the Orange County Development Review Committee as Ravaudage was approved under the Orange County Land Development Code. Furthermore, Mr. Briggs explained that the pre-annexation agreement with Benjamin Partners states that both parties are to use the Orange County Land Development Code in the administration of this Planned Development. He explained that the five voting members are the City Manager's designee, the Director of Planning and Community Development, Director of Public Works, Planning Manager and the Building Official. Other key city staff is on hand to be resources for the discussion. He acknowledged the City Attorney being present.

Agendas were posted accordingly and distributed.

Mr. Bellows stated that he disagrees with the comments made by Mr. Briggs with regard to following Orange County process. He disagreed with following the Orange County DRC process. He referenced the pre-annexation agreement and a provision that provides Winter Park with the ability to govern by their Codes so long as their public process is followed. He said that he has no desire to create another layer of bureaucracy with regard to this process. He requested that the pre-annexation agreement be further studied.

Ms. Stone said that she feels that this process works in the applicant's favor as site and building plans can be approved at the staff level. Attorney Reischmann explained that Mr. Bellows understanding of the pre-annexation agreement is incorrect. She indicated that Section 5 states "the City and Owners agree to accept and be governed by the Orange County PD and Commercial Future land use designations on the Property and the Orange County PD zoning designations and all other applicable provisions of the Orange County Land Development Code". Thus, there is no option as desired by Mr. Bellows to use the Orange County Code and City Code interchangeably when it suits the needs of the developer.

## **Action Items**

### **REQUEST OF THE RAVAUDAGE PD FOR: DEVELOPMENT PLAN APPROVAL FOR THE APPROVED ROAD OR STREET GRID WITHIN THE PD AND PROVISIONS FOR PUBLIC AND PRIVATE INFRASTRUCTURE**

Mr. Briggs explained that Benjamin Partners, Ltd. has made a request for development plan approval for the road or street grid system within the PD providing for the creation of the private streets of Morgan Lane; Via McAlister; Via Margarita and Spanish Moss Lane and provisions for public and private infrastructure.

**BENJAMIN PARTNERS REQUEST IS TO BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

Condition #1: That the applicant obtain approval from the Orange County 911 system for the proposed private street names since duplication of street names already in use is prohibited.

**The applicant agreed to this condition.**

Condition #2: That the applicant plat the area bounded by Bennett Avenue, Morgan Lane, Lewis Drive and Spanish Moss Lane so that the easements for utilities, storm water and right-of-ways can be recorded in the public records.

**The applicant agreed to plat as follows: East side of Bennett Avenue up to the West side of Lewis Drive, all of Morgan Lane and all of Spanish Moss Lane.**

Condition #3: That the applicant or CDD agrees to accept the maintenance responsibility by the CDD for these private streets via the plat document.

**The applicant agreed to this condition and expressed that he expects to work with the utilities department to at some point in the future the City may take over. As the platting of this project progresses, this can be addressed appropriately by Public Works.**

Condition #4: That the applicant or CDD enter into an agreement with the City permitting Police enforcement of traffic laws on these private streets per the approved plat.

**The applicant agreed to this condition. The City agreed to provide the applicant a copy of the agreement that WPPD has with the Winter Park Village regarding patrolling the private streets.**

Condition #5: City approval does not provide any authority for parking regulation or enforcement on the platted rights-of-way within Ravaudage including Bennett Avenue, Lewis Drive, Glendon Parkway, Monroe Avenue, Benjamin Avenue, Kindel Avenue or Loren Avenue.

**The applicant agreed to work with WPPD regarding parking regulation and enforcement.**

**Condition #6: The applicant requested an additional condition for the purposes of moving the David Weekly project forward that any roadways should be constructed to a minimum City Standard as agreed to by the City's Public Works Director. The members of the DRC Committee expressed no opposition to his request.**

**Motion to approve development plan for road/street grid aka plat with the conditions as amended made by Jeff Briggs, seconded by Troy Attaway. Motion carried unanimously.**

Mr. Warren noted that the current version of the plans do not show locations for transformers and switchgear and he requested that as the process moves forward, that the applicant please work with Electric to identify such locations.

**REQUEST OF THE RAVAUDAGE PD FOR:** SIGNIFICANT CHANGES AND AMENDMENTS TO THE RAVAUDAGE LAND USE PLAN, CONDITIONS AND WAIVERS AS GRANTED BY THE ORANGE COUNTY COMMISSION ON MAY 24, 2011 AND DEVELOPMENT PLAN APPROVAL FOR A SIX OR SEVEN STORY APARTMENT PROJECT IN THE BLOCK BOUNDED BY LEWIS DRIVE AND GLENDON PARKWAY.

The applicant requested 22 significant changes and amendments to the Ravaudage Land Use Plan, Conditions and Waivers which was approved by the Orange County Board of County Commissioners on 5/24/2011. Mrs. Stone noted that traffic will not be discussed at today's meeting, and that the Development Order as a whole will go as one submittal to the City Commission.

**Motion to approve the applicant's requested changes and amendments to conditions #1, 3, 5 and 6, as amended, made by Jeff Briggs, seconded by George Wiggins. Motion carried unanimously.**

Condition 11(c): PD Commercial

**Motion made by Dori Stone, seconded by Michelle Del Valle that the setbacks shall apply to four-story building. The language shall read: Building setbacks for all interior/exterior streets shall be a maximum of 15' in lieu of 30' with a minimum of zero (0'). All other rights-of-way shall have a maximum setback of 25'15'. The minimum of 0' shall apply to back of sidewalk with a minimum sidewalk width of 10'. No building shall encroach into the right-of-way.**

**Motion carried with a 4-1 vote. Jeff Briggs voted against the motion.**

Condition 12(c): PD Residential

**Motion made by George Wiggins, seconded by Dori Stone that the setbacks shall apply to four-story building. The language shall read: A waiver is granted from Section 38-1254 (2) (E) to allow building setbacks for all interior/exterior (all other R-O-W's) streets to be a minimum of 45' 0' in lieu of 20' (with a maximum setback of 25'). The minimum of 0' shall apply to back of sidewalk with a minimum sidewalk width of 10'. No building shall encroach into the right-of-way.**

**Motion carried with a 4-1 vote. Jeff Briggs voted against the motion.**

Conditions 11(E) and 11(F)

The applicant is requesting approval of this requested amendment in order to allow for an increase in the building height of the area designated with a four story maximum building height to be increased to a six-story maximum building height, if the location is setback 200 feet from Lee Road. Staff recommended approval with conditions requiring setback of 200 feet from Lee Road and Orlando Avenue and from any off-site or internal residential units that are not part of the Ravaudage PD with a maximum height of 80 feet.

**Motion made by Jeff Briggs, second by George Wiggins to approve the request, as amended. Motion carried unanimously.**

Condition 13(b)

The applicant is requesting approval of this amendment to allow the required parking to be up to 350 feet from the buildings as it serves in lieu of the 300 foot maximum distance previously granted by Orange County. Staff feels that the distance is still walkable for users.

**Motion made by George Wiggins, seconded by Jeff Briggs to approve. Motion carried unanimously.**

Condition 16

The applicant is requesting approval of this amendment to eliminate the requirement to submit a Planning Context Study. The applicant has complied with this requirement.

**Motion made by Jeff Briggs, second by Mr. Wiggins to approve. Motion carried unanimously.**

Conditions 17, 18, 19, 20 and 21

**Consensus of the Committee members was to table the applicant's requests for conditions #17, 18, 19 20, and 21 until the April 15<sup>th</sup> DRC meeting.**

Condition 22

Staff recommended denial of this request. This amendment eliminates the requirement to accommodate or provide any locations or stops for LYNX service for the development as part of the mobility strategy or provide opportunity for a review of this change by LYNX. Staff position is that without the complete information on traffic and transit improvements proposed by the Ravaudage PD, any action on this request would be premature.

**Consensus of the Committee members was to table this request until the April 15<sup>th</sup> DRC meeting.**

Condition 27

Staff recommended approval of this request to eliminate the requirement for a minimum of 300 residential units which would alter the original vision for Ravaudage as a mixed-use development. It is the applicant's position that his building program will consist of residential, hotel, commercial/retail and office. It is, however, his intent to develop specific uses that reflect and respond to market forces. Further, if the market forces do not favor residential, then the applicant does not want to be mandated to include 300 units.

**Motion made by George Wiggins, seconded by Jeff Briggs to delete the requirement. Motion carried unanimously.**

Condition 29

Jeff Briggs explained that this amendment alters the matrix equivalency table by allowing changes up to 40% versus 10% in the Orange County Code. He explained that the applicant is requesting this modification to better respond to market driven initiatives. Further, this proposed amendment conflicts with the strategic plan of the City to increase the percentage of property taxes paid by commercial development versus residential development, thereby reducing the property tax burden on city residents. The matrix is all about trying to having equal traffic impact.

The applicant explained that breakdown of the matrix. He explained that he firmly believes that there needs to be a mix of viable residential with office/commercial to create a live-work environment. He would like the flexibility to develop a nice blend.

**Consensus of the Committee members was to table this request until the April 15<sup>th</sup> DRC meeting.**

Dori Stone noted that the Development Order will not be moved forward until after the April 15<sup>th</sup> DRC meeting.

**REQUEST OF THE RAVAUDAGE PD FOR: DEVELOPMENT PLAN APPROVAL FOR THE 55 UNIT TOWNHOUSE PROJECT PROPOSED FOR DAVID WEEKLY HOMES.**

Dori Stone reiterated that this is a staff level approval and that once the conditions are in place, they will be incorporated into the Development Agreement, and become a part of the site plan approval process.

Fire concerns: Upgrade of the water source for both residential and commercial. As the engineering plans are done, plans will be routed through Fire Department for final approval of fire hydrant locations.

**The applicant was agreeable to this request.**

Benjamin Partners, Ltd. has made a request for development plan approval for David Weekly townhouse project.

**DAVID WEEKLY 55 UNIT TOWNHOUSE SITE/DEVELOPMENT PLAN IS TO BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

Condition #1: Construction on site infrastructure may proceed to provide streets/storm water/utilities etc. to the development blocks but permits for the construction of the residential townhouse buildings shall not be issued until there is conformance with or provisions made for the implementation of Conditions 17, 18 and 19 of the Ravaudage PD approval of May 24, 2011, by the Orange County BCC regarding mobility.

**Motion made by Dori Stone, second by George Wiggins to add and approve a condition #6 subject to City Commission resolution of the transportation items in the Development Order prior to any issuance of a building permit. Motion carried unanimously.**

Condition #2: Applicant or developer shall designate on the plat, the .30 acres of recreation land required for this residential density of the 55 units and the HOA covenants and restrictions shall indicate the maintenance responsibility of the HOA or CDD for this recreation area.

Mr. Briggs explained that the Orange County PD requires 2.5 acres of recreation land (not open space) to be provided for each 1,000 residents. This development of 55 units at 2.2 persons per household would generate the requirement for 0.30 acres. About half of that is included in the proposed plat but the other half remains to be provided. John Holland stated his concerns that there be dedicated areas for recreation for the residents that desire recreation. Staff expressed strong opposition to parks and recreation space being designated after-the-fact on the parcels that do not sell. The applicant indicated that he has no issues with the dedication of the land for parks, but stated that he would like to get further into design and development before those determinations can be made. His rationale was that he does not want to get locked into a location and later on find out that is not a good location for a recreational use. He agreed to dedicate the spray park as recreational use on the recorded plat, therefore this condition was removed.

**After a considerable amount of discussion, this condition was removed pursuant to the applicant's guarantee to provide the remaining recreational land off-site.**

Condition #3: Applicant or developer shall indicate the method of compliance or fee in lieu for the required provision of 10% certified affordable housing units (5 units) within this project.

The applicant stated that since the City has removed the affordable housing fee, this should not apply to this project. Thus, the applicant would like this provision removed. Mr. Briggs advised that if the applicant wants to amend the development order from the Orange County Commission then he should make an official request to have this language taken out. The applicant agreed to resubmit his request.

**The applicant has indicated that he will resubmit his request using the City's definition of work force housing prior to the next DRC meeting. However, until such text is amended by the City Commission, the requirement shall be in force.**

Condition #4: Applicant or developer shall indicate the method of garbage/trash collection for this project which shall be provided by the City prior to any permit issuance.

**Jeff Briggs explained that the purpose of this condition is to ensure that there is adequate space in the 2-car garage for two cars and the otto cart. The applicant read into the record a letter from David Weekly Homes addressing this issue. The applicant agreed to this condition.**

**The applicant also agreed to plat the alley and perimeters sidewalks. This is to ensure that he will run the potable and private sewer line through the alley and lateral it off. Back-flows and meters will be off the alley.**

Condition #5: The city will permit the 55-unit David Weekly townhouse project to connect to the City's existing sanitary sewer system, but no additional connections shall be made prior to construction of the below referenced regional pump station and force main. The existing flow that has been allowed to connect to the existing sanitary sewer system shall be diverted to the new proposed regional pump station when it is completed. The City cannot accept additional sanitary sewer flow from the Ravaudage development east through town, eventually being treated by the Iron Bridge Water Reclamation Facility, as this puts undue stress on the collection system and puts the collection system over capacity. The required alternative is to construct a new regional sanitary sewer pump station that will pump sanitary sewerage west to the Altamonte Springs Water Reclamation Facility. This pump station shall be sized to handle the existing flow generated west of Ravaudage, the proposed Ravaudage flow (including the Ale House), and additional flow from the future proposed development in the Lee Road/SR 17-92 intersection. The developer shall provide the City with a site or easement for the regional pump station. The City will participate in the pro-rata share of the cost to upsize the pump station and force main required to serve the existing sanitary flow west of Ravaudage, and future additional development adjacent to Ravaudage.

Dave Zusi, stated that as long as the applicant complies with this condition, water and waste water concerns have been met. He said that he feels that any additional sewer connections beyond David Weekly Homes will require the construction of a new lift station. The applicant expressed his concerns. He encouraged staff to re-review the details of the inter-local agreement. Troy Attaway encouraged the applicant to speak to the City Manager concerning this issue. The applicant agreed that something needs to be worked out. He agreed that the lift station is important (i.e.: location, size of the land, non-offensive, and that it cannot devalue the surrounding property). He stated that he will reach out to the City Manager in an effort to re-ignite the discussions regarding the interlocal agreement.

**Motion made by Jeff Briggs, seconded by George Wiggins to approve the request of the Ravaudage PD for development plan approval for the 55-unit David Weekly townhouse project as amended with the condition that the applicant designate a spray park. The motion was withdrawn.**

**Motion made by George Wiggins, seconded by Jeff Briggs to approve the request subject to the applicant designating .3 acres of interactive recreational amenities at the south end of the Ravaudage pond #1. Motion carried unanimously.**

Date of Next Meeting: Tuesday, April 15, 2014 @ 1:30 p.m., Chase Room, City Hall

There was no further business. Meeting adjourned at 4:50 p.m.

Respectfully submitted,

Lisa M. Smith, Recording Secretary



## **CITY OF WINTER PARK Development Review Committee**

**Regular Meeting  
City Hall First Floor, Chase Room**

**April 15, 2014  
1:30 p.m.**

### **MINUTES**

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The meeting was called to order at 1:30 p.m. in the Chase Room on the first floor of City Hall. Staff Present: Assistant City Attorney Catherine Reischmann; Assistant City Manager Michelle Del Valle; Planning & Community Development Director Dori Stone; Planning Manager Jeffrey Briggs; Public Works Director Troy Attaway; Director of Building George Wiggins; Electric Utility Director Jerry Warren; Parks and Recreation Director John Holland; Water/Wastewater Utility Director David Zusi; Fire Chief Jim White; Police Chief Brett Railey; Traffic Engineer Butch Margraf; Planner Caleena Shirley. Also Present: Developer Dan Bellows, Benjamin Partners, Land Planner Javier Omana, and Traffic Consultant Bill Tipton. Recording Secretary Lisa Smith.

### **Action Items**

**REQUEST OF THE RAVAUDAGE PD FOR:** SIGNIFICANT CHANGES AND AMENDMENTS TO THE RAVAUDAGE LAND USE PLAN, CONDITIONS AND WAIVERS AS GRANTED BY THE ORANGE COUNTY COMMISSION ON MAY 24, 2011 AND DEVELOPMENT PLAN APPROVAL FOR A SIX OR SEVEN STORY APARTMENT PROJECT IN THE BLOCK BOUNDED BY LEWIS DRIVE AND GLENDON PARKWAY, AS WERE CONTINUED OR TABLED FROM THE MARCH 25<sup>TH</sup> MEETING:

- a. Conditions #17, 18, 19, 20, 21 & 22 regarding traffic and transit mobility planning and improvements.

Jeff Briggs stated that notification of today's meeting was sent to representatives from Orange County, City of Maitland, FDOT and LYNX. He said that no email or phone call comments were received from any of those entities.

Dori Stone, Planning and Community Development Director, stated that she and Troy Attaway, Public Works Director, have met to discuss traffic conditions. Mr. Bill Tipton, the applicant's traffic consultant, was allowed to address staff concerns with regard to conditions 17, 18, 19 and 20. He explained that he is not sure where the precise numbers came from but a decision was made to allow Mr. Bellows to develop some parcels in order to see if they triggered anything. Mr. Bellows provided some insight. He said that he feels that the additional analyses were requested because he brought the project forward and he feels that the individual entities took advantage of this particular project going forward. He noted that his rationale had previously been provided to City staff. Staff and the applicant discussed this at length. Staff continued to state their desire for the developer to be part of a bigger picture alternative for handling traffic on 17/92. Mr. Bellows stated that he agrees with the concept of proportionate fair share. He said that he feels that at a minimum the signalization in that particular area should be shared three ways (the developers of K-Mart shopping center, UP Development, LLC and Ravaudage and possibly a fourth). Further, he said that he feels that he has done his fair share. He said that he firmly believes that other developers coming in should also pay their proportionate fair share of the signalization for the 17/92 area.

Consensus of the Committee and the Developer was to allow Troy Attaway, as the City's lead traffic engineer, and Dan Bellows, as the lead developer, to work together and come up with mutually agreed upon language

with regard to the signalization and bring the language back to the DRC for approval of the language to be incorporated into the development agreement.

**Motion made by George Wiggins, seconded by Michelle Del Valle to eliminate conditions 17, 18, 19 and 20; and ask that a new condition be added that the developer will contribute a proportionate share of the costs for intersection traffic signalization technology upgrades thru the phasing of the project. These upgrades will apply to significantly affected intersections based on a mutual determination by the Developer's traffic engineer and the City's transportation traffic engineer and a maximum will be determined. Motion carried unanimously.**

#### New Condition #2

Troy Attaway stated that within the new development bicycle/pedestrian section, he would like to bring more clarity to the bike portion. He said that the City is now in the process of creating a bike share plan. The Developer stated that he is totally in agreement with this and has been to the City's Bicycle Pedestrian Board and has discussed his plan to own a bike share franchise and establish stations in Hannibal square and one in Ravaudage. He said that his plan is to eventually partner with the Winter Park Village and Rollins College to have a concession on Park Avenue. He asked staff if he can own, operate and manage the franchise. Troy Attaway responded that he could. The Developer outlined the details of his plan to the members of the Committee.

**Motion made by George Wiggins, seconded by Michelle Del Valle to approve a bike share facility at Ravaudage with the stipulation that this will be completed by the completion of the second residential development on the bike share location. Motion carried unanimously.**

Dori Stone clarified in Condition 21 that references to an intersection at Solana Avenue Extension should be replaced by Glendon Parkway. This affects Condition 21 (a), and (d).

DRC discussed the request to amend Condition 22 regarding the potential new location of a superstop for Lynx service. Troy Attaway stated that he and his staff have looked at the existing Webster/Denning location and feel that it is the most appropriate place for a superstop and that Ravaudage is not a good location for this type of use. The DRC did discuss the fact that if a SunRail station was placed on the Ravaudage project, it would be appropriate to consider a new superstop location and a pedestrian way at this site. DRC recommended modifying the condition by deleting the existing language and adding this language.

**Motion made by Dori Stone, seconded by George Wiggins to approve the language changes for conditions 21 and 22. Motion carried unanimously.**

Chief Brett Railey discussed how the City Police Department enforces the Winter Park Village. He explained that there is no agreement and provided details of how the enforcement works. They discussed detail options for Ravaudage.

- b. Condition #29 regarding the equivalency matrix to increase the residential component of the Ravaudage PD.

**Motion made by Jeff Briggs, seconded by Michelle Del Valle to defer action on this item until a revised plan is received from the applicant. Motion carried unanimously.**

#### New Business:

Planning staff distributed copies of the plan submitted by UP Development LLC for a new Whole Foods store located at 1030/1050 North Orlando Avenue, and provided an overview of the preliminary details of the project. Staff requested that any comments and concerns be provided to them prior to the Planning and Zoning Board meeting.

Date of Next Meeting: T.B.D.

There was no further business. Meeting adjourned at 4:00 p.m.

Respectfully submitted,

Lisa M. Smith, Recording Secretary



## **CITY OF WINTER PARK Development Review Committee**

**Regular Meeting  
City Hall First Floor, Chase Room**

**August 27, 2014  
1:30 p.m.**

### **MINUTES**

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The meeting was called to order at 1:30 p.m. in the Chase Room on the first floor of City Hall. Staff Present: Assistant City Attorney Catherine Reischmann; Assistant City Manager Michelle Del Valle; Planning & Community Development Director Dori Stone; Planning Manager Jeffrey Briggs; Public Works Director Troy Attaway; Director of Building George Wiggins; Electric Utility Director Jerry Warren; Parks and Recreation Director John Holland; Water/Wastewater Utility Director David Zusi; Scott Donovan; Traffic Engineer Butch Margraf; Planner Caleena Shirley. Also Present: Developer Dan Bellows, Benjamin Partners, Land Planner Javier Omana, and Traffic Consultant Bill Tipton. Recording Secretary Lisa Smith.

### **Action Items**

#### **REQUEST OF THE AMERICAN LAND VENTURE FOR: DEVELOPMENT PLAN APPROVAL FOR A 274 UNIT APARTMENT PROJECT PROPOSED WITHIN THE RAVAUDAGE PD.**

Mrs. Stone opened the meeting requesting that the applicant provide clarification of the number of units for the project. After a considerable amount of discussion of 310 versus 294 units, consensus was that the applicant will build a six-story apartment building with 296 multi-family units, a five-level private parking garage, and an estimated parking calculation of 592 based on two parking spaces per unit in accordance with the current code. There was extensive discussion concerning the condition that sets the height in the development order. It was noted that at the March 25<sup>th</sup> meeting a motion was made setting the height at a maximum of 80 feet.

**Motion made by Jeff Briggs, seconded by George Wiggins to amend the action made by DRC on 3/25/14 to reference the heights provided by the applicant for today's meeting so that there is internal consistency between what is being shown on the plans and what the intent of the original motion. This matches the 87-foot height as provided by the applicant. Motion carried unanimously.**

It was noted that 87 versus 80 feet is what will be going forward in the development order for conditions 11(E) and 11(F).

Mrs. Stone introduced Condition #1 and asked David Zusi, Water and Wastewater Director to address this issue. Mr. Zusi agrees that there is a benefit to the city and standard practice to upgrade substandard water mains throughout its service area and this will happen in this area regardless of what the applicant is doing. Mr. Zusi said that there is a regional benefit to this and discussed City's intent in this regard. He said that the applicant has agreed to provide a site for the lift station and the city will use collected impact fees from the applicant's project as well as from the projects on the east side of 17-92/Lee Road and K-mart shopping center redevelopment. The sanitary sewer is the bigger issue and that is not something that the City will typically pay for unless there is a Commission desire due to an ancillary benefit that is outside of the water and sewer utility area. There is no return on the city's investment on sanitary sewer investments. The applicant would need to get permission from the Commission that there is a return on investment to make sanitary sewer investments on this site. Outside of that, the applicant will be responsible for sanitary sewer that is necessary for his development.

The applicant stated that he understands the potable water and lift station and he is in agreement with Mr. Zusi that he will set aside a piece of land not to exceed 50 x 50, west of Bennett Ave at the north end of the project on property abutting Monroe. Mr. Bellows explained his position with regard to the sanitary sewer lift station. He requested that in an effort to get the American Land project underway that consideration be given to his request that in addition to the lift station the city install (at the city's expense) the sanitary collector pipe on Bennett Avenue. He said that he feels that it can be justified due to the amount of impacts that will be collected from the Ravaudage development, the UP Development project, and with the redevelopment of K-Mart shopping center. That way everything can be done at once (i.e.: potable, sanitary, storm water and decorative street elements).

**Motion made by Dori Stone, seconded by Jeff Briggs with regard to American Land conditions #1 and #2 are combined and that the developer agrees to set aside a parcel of land not to exceed 50 ft. x 50 ft. at Bennett and Monroe Avenues to be determined by the developer and the city for a regional lift station and force main location and the city agrees to fund and construct the regional list station and force main, subject to approval by the City Commission. Motion carried unanimously.**

#### Condition #3 - Recreational Space

Mr. Bellows noted that plans are reflective of the counts stated by staff and he agrees. He detailed his recreational space counts for the projects. Mr. Holland requested clarification as to what was private versus what will be public. He said that as presented, no public off-site recreational space comes from this project. The developer responded to Mr. Holland's concerns and detailed his entitlements that were received at the county level. The developer offered that he feels that for every foot of sidewalk over 10-feet that should be counted as recreational space. He requested that he be allowed to opt for the fee-in-lieu of. Consensus was that determination must be made by the City Commission.

**Motion made by Dori Stone, seconded by Jeff Briggs with regard to recreational space, the City Commission must approve the preference of either the required amount of park land on site as defined by the development order or the payment of the city's recreation fee. Motion carried unanimously.**

#### Condition #4 – Affordable Housing

Mrs. Stone explained that the development order requires that 10% of the units be certified as affordable housing. The developer has offered a fee-in-lieu of providing the required percentage at the same rate as the affordable housing linkage fee for all building permits. She feels that this is a good compromise, and recommended approval of this methodology for affordable housing units for the project.

**Motion made by Dori Stone, seconded by George Wiggins to approve the applicant's request for a fee-in-lieu of at the same rate as the affordable housing linkage fee as the methodology for affordable housing units for the project on all building permits for the project. Motion carried unanimously.**

#### Condition #5 – Setbacks, Modifications to Required Mobility Planning and Building Heights

Ms. Stone explained that this condition reflects that the project under the current development order, is restricted to four stories and there are some transportation monitoring issues that are also being requested for revision and all are subject to City Commission approval before the applicant can submit for construction plans or the next step in the approval process. Otherwise, if that does not happen, then the project would have to come back to DRC for another review. The members of the Committee and the applicant entered into an extensive discussion concerning the setbacks and building heights for the Morgan Lane/Lewis Drive area.

**Motion made by George Wiggins, seconded by Michelle Del Valle that the two upper floors of the American Land project along Lewis Drive shall be stepped back to meet the 15 foot setback and it is determined that the 2.2 feet on the corner of the building at Bennett and Morgan is diminimus. This motion was withdrawn.**

**Motion made by George Wiggins and seconded by Michelle Del Valle to accept the architectural plan with the 4'10" setback from the Lewis Drive property line, recognizing the 2.2 foot setback as diminimus on Bennett Avenue in recognition of considerable extra right-of-way width on Lewis Drive. Motion carried with a 4-1 vote. Jeff Briggs voted against the motion.**

**Condition #7 – Parking Garage**

Mrs. Stone explained that this condition directs the applicant to design the parking garage in conformance with architectural design and materials that are upgraded from the typical parking garage, similar to the Winter Park Hospital Parking garage. The applicant expressed concern with regard to fenestration for the proposed parking garage. He suggested that he be allowed to build to the Winter Park standard on the west elevation facing Bennett and that the south elevation at a minimum will have a vegetative screening. The members of the committee were not in favor of that request.

**Motion made by Dori Stone, seconded by George Wiggins to approve the garage given that the elevations match on the south and west side of Bennett and to see screening on the north and east side that would be panels and vegetation on the Lee Road elevation. Motion carried unanimously.**

**Condition #8 – Storm water**

Condition #8 was removed. A permit from St. Johns for Phase 1 has already been submitted.

**Motion made by George Wiggins, seconded by Jeff Briggs for an overall approval subject to the conditions that were discussed and recommended for approval at today's meeting. Motion carried unanimously.**

Mrs. Stone noted that it is her desire to have these items on the first city commission meeting in October.

**New Business:**

There were no items of new business.

Date of Next Meeting: T.B.D.

There was no further business. Meeting adjourned at 3:30 p.m.

Respectfully submitted,

Lisa M. Smith, Recording Secretary

Explanations of Requested Modifications to the Ravaudage Development Order dated May 24, 2014, Board of County commissioners, Orange County, Florida

**Development Order (D.O.) Condition # 1**

**Reason for Request:**

The addition of the submitted language will provide for the ability to incorporate changes, adjustments and amendments and their validity as may be granted by the Winter Park City Commission.

**Development Order D.O. Condition # 3**

**Reason for Requested Deletion:**

The Applicant has opted to prepare the required storm water plan and requisite permitting on an incremental development plan submission basis. As evidenced by current on-site construction an on-site storm water management plan has been implemented to accommodate the Ale House restaurant, parking and other surface improvements. Future development plan phases shall include/incorporate additional storm water plans. Current plans have been permitted through the St. Johns River Water Management District (SJRWMD) with permit #: 40-095-128708-1 issued on: April 5, 2012.

**Development Order D.O. Condition # 5**

**Reason for Requested Deletion:**

The Applicant has complied with wetland and/or conservation area thru the issuance of the SJRWMD permit #: 40-095-128708-1.

There are no wetlands, wetland buffers or conservation areas within the Ravaudage project site.

**Development Order D.O. Condition # 6**

**Reason for Request:**

Given the unique land use mix proposed within Ravaudage's vision, Outdoor vendors, events, special events form part of the pedestrian-friendly, walkable community.

Applicant agrees to follow City protocol for outdoor sales, temporary/permanent structures and special events per City Code.

Applicant may also provide specific list of anticipated uses for staff approval.

**Development Order D.O. Condition # 11**

**Reason for Request:**

The proposed setback "range" from a maximum of 15' to a minimum of zero will enable the applicant and individual parcel developer(s) to provide building placement, outdoor cafes, wide walks and street furniture, hardscape and landscape in such a fashion as to create a uniform, vibrant, pedestrian and activity oriented "public" realm. Parcel yield/intensity is not affected by this setback range. Building massing is to be regulated within the Ravaudage property by the Design Guidelines manual and the Architectural Review Board (ARB) as established by the Community Development District (CDD).

**Development Order D.O. Condition # 11 (c)****Reason for Request:**

The Applicant's intent is to "create" an urban/in-fill frontage along US 17-92 and Lee Road that celebrates the public realm by allowing building placement to be close to the property line/public right-of-way. This will establish the physical framework for pedestrian, human-scale urban design to include: hardscape, landscape, street furniture, architectural elements. Building articulation and height restrictions will be enforced through design standards established in the PD document and the Ravaudage Design Guidelines. Property yield will not be increased by this setback standard.

**Development Order D.O. Condition # 11 (e & f)****Reason for Request:**

The purpose of this request is to provide maximum flexibility to parcel developers with respect to product placement, visibility and massing. This request does not increase project density or intensity nor does it increase building heights throughout the project. The proposal calls for a reduction on buildings heights in the area bounded by Morgan Lane, Lewis Drive, Loren Avenue and South of Elvin Way. It would allow for an increase of up to two additional stories on a case-by case basis for projects located within a certain Ravaudage area. Additionally, said specific height increase request shall be reviewed by staff and approved by City Commission. No six story buildings shall be located within 200 feet of the Lee Road right-of-way unless otherwise authorized by City Commission.

**Development Order D.O. Condition # 12 (c)****Reason for Request:**

The Applicant's intent is to "create" pedestrian – human scale buildings and urban design within the context of livable streets and public realm. No increases in density and/or intensities are requested or result from this request. Residential setbacks would range from 0' to 25' with this modification.

**Development Order D.O. Condition # 13****Reason for Request:**

Parking for the uses within the Ravaudage project will consist of temporary and permanent surface parking (onsite, off-site), parking structures serving specific uses (residential, non-residential) and parking structures serving the overall project. Granting of this request will provide flexibility in the site planning and principal uses building location.

**Development Order D.O. Condition # 16****Reason for Request:**

The Planning Study was updated on January 2012. Copy of same is to be submitted to City staff.

**Development Order D.O. Condition # 21 (a) (c) (d) (f)****Reason for Request:**

The Applicant requests the option to locate a signalized intersection at either Solana Avenue or

Glendon Parkway. In the event that the necessary land is not acquired to create the westward Solana Extension, the applicant shall purpose a signalized intersection at the existing Glendon Parkway intersection.

The Street grid system shall consist at minimum the east-west and north-south Street corridors as approved in the PD package (master plan and urban form plates)

**Development Order D.O. Condition # 27**

**Reason for Request:**

The Applicant has provided a building program that consists of residential, hotel, commercial/retail and office. It is the intent to develop specific uses that reflect and respond to market forces.

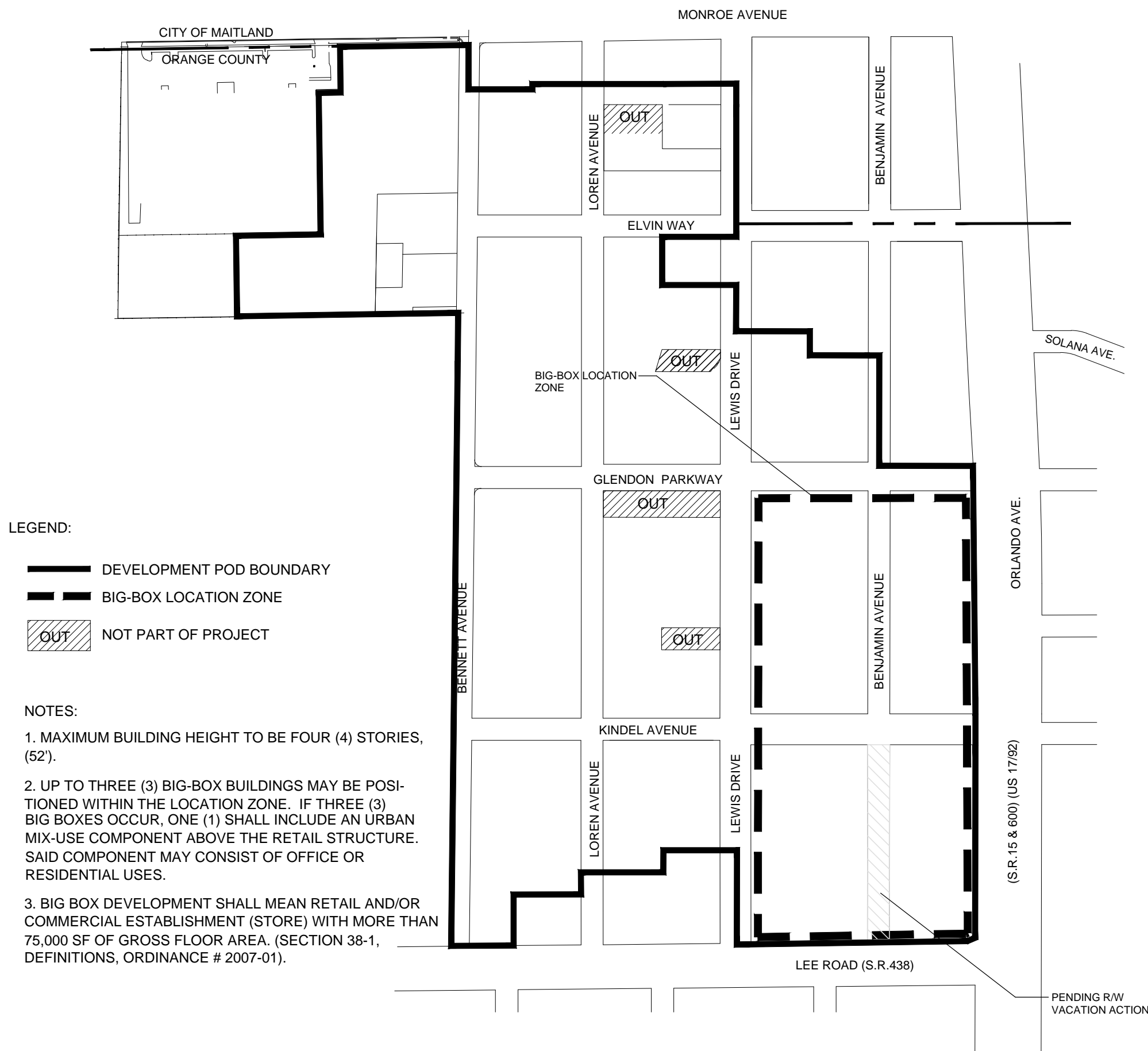
Residential developers shall have the option to provide ground-level non-residential uses as dictated by market research and demand.

**Development Order D.O. Condition # 30 now 29**

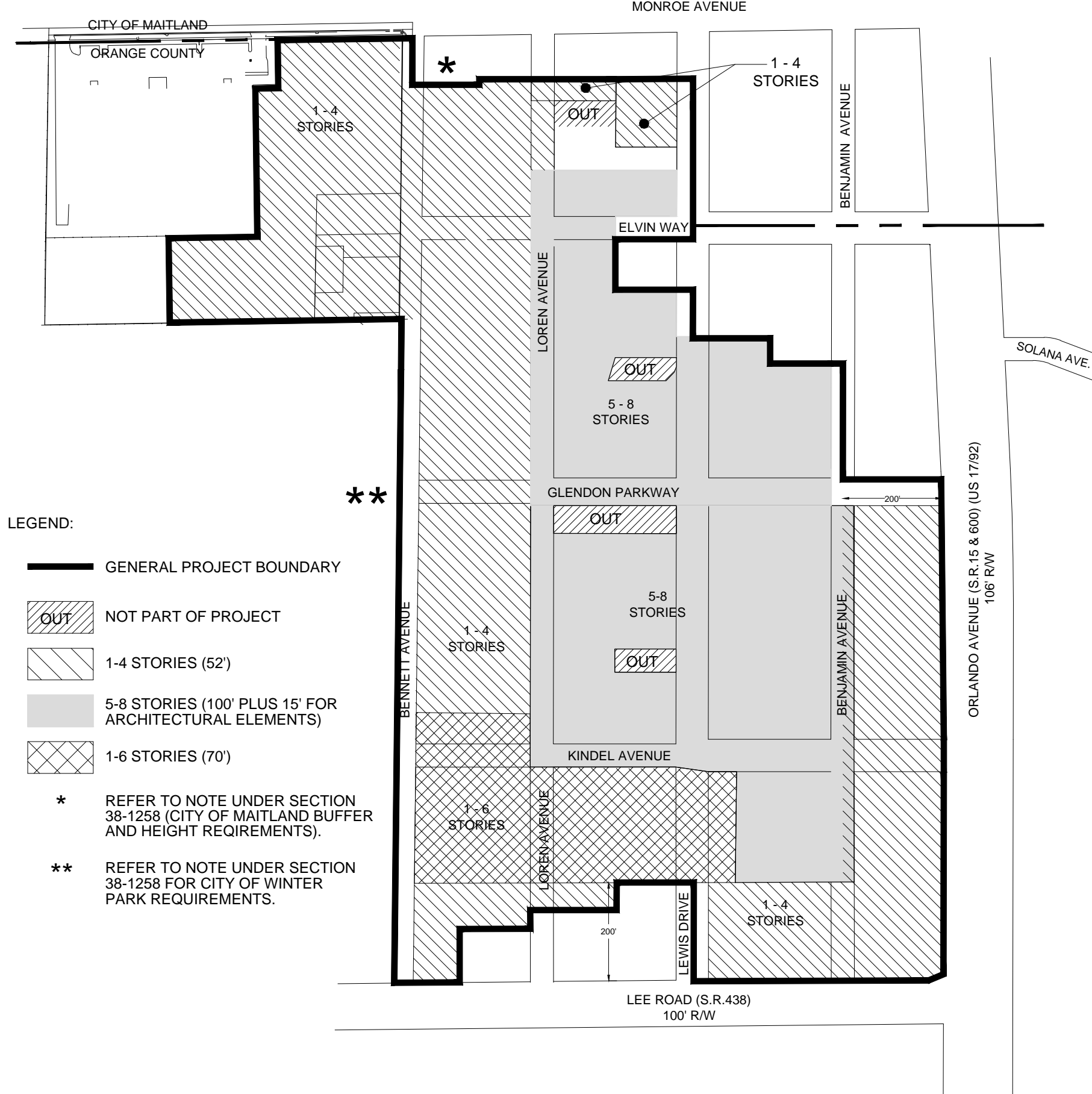
**Reason for Request:**

The Applicant has completed a minimum of thirteen traffic studies that indentify and project trip generation and impacts to roadway links and intersections. Also included in the traffic studies is a preliminary warrant study for two future traffic signals. Applicant is hereby requesting this modification to better respond to market driven initiatives.

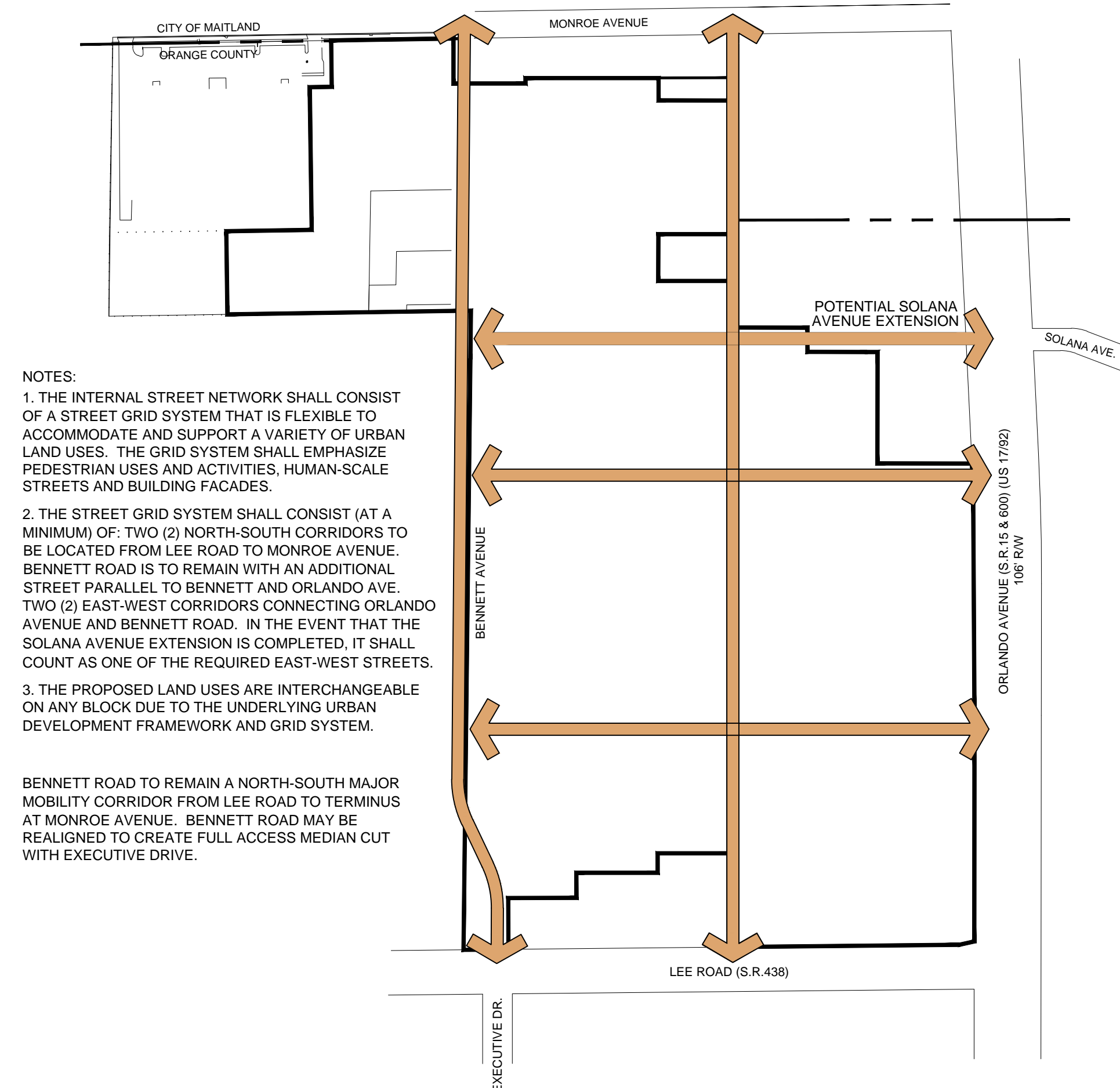
Ravaudage is a infill, redevelopment, mixed use and multi-use project located within the urban fabric of Winter Park/Maitland/Orange County. The project seeks to create an urban, integrated environment of commercial and residential development that features medium density and intensity mixed use, vertically integrated buildings, stand alone uses that promote and are conducive to pedestrian, sustainable activities, place making and tax generating revenue uses. Ravaudage will focus on design flexibility, pedestrian oriented uses and sustainable design.



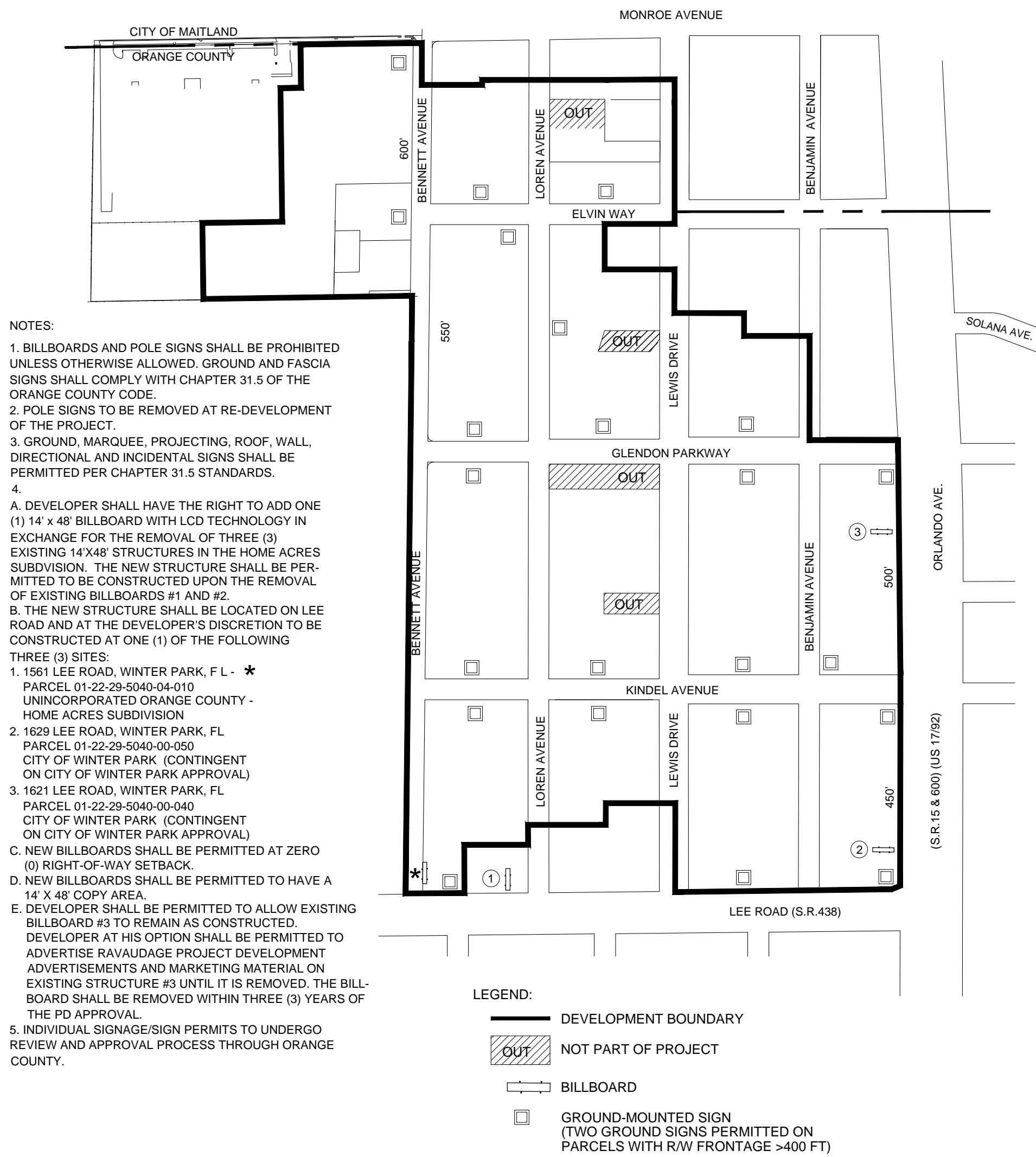
URBAN FORM : BIG BOX LOCATION ZONE



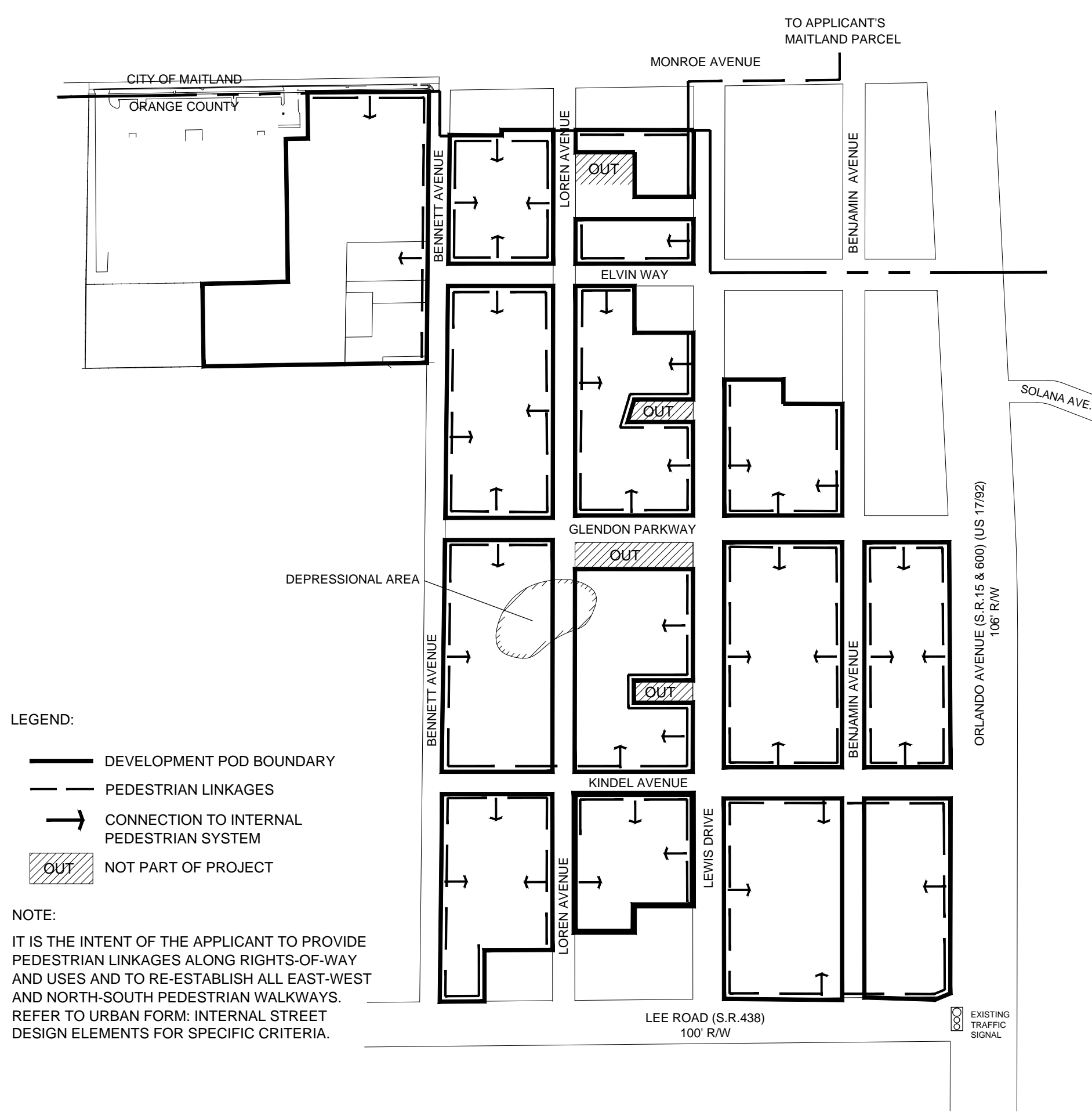
URBAN FORM: PROPOSED BUILDING HEIGHT ZONES



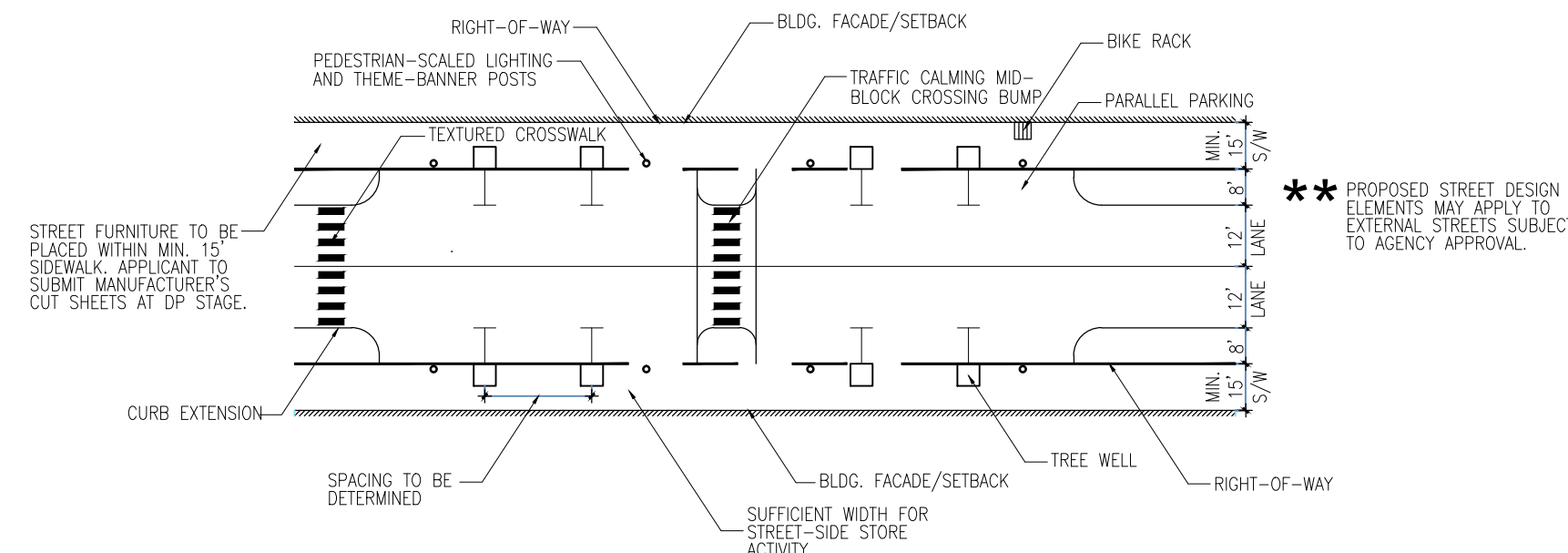
URBAN FORM: ULTIMATE STREET GRID



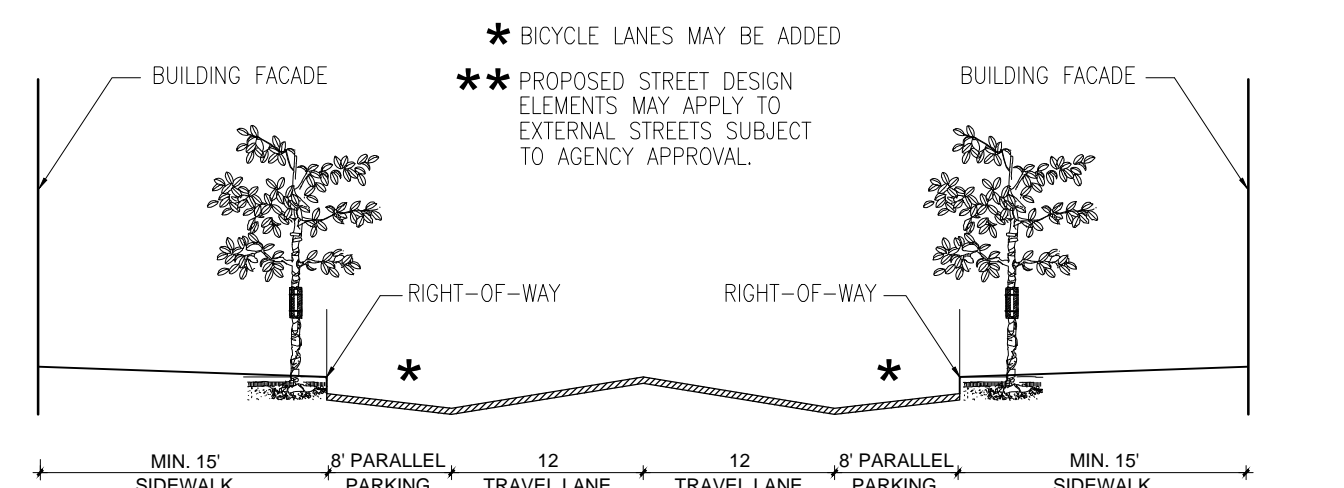
URBAN FORM: MASTER SIGNAGE PLAN



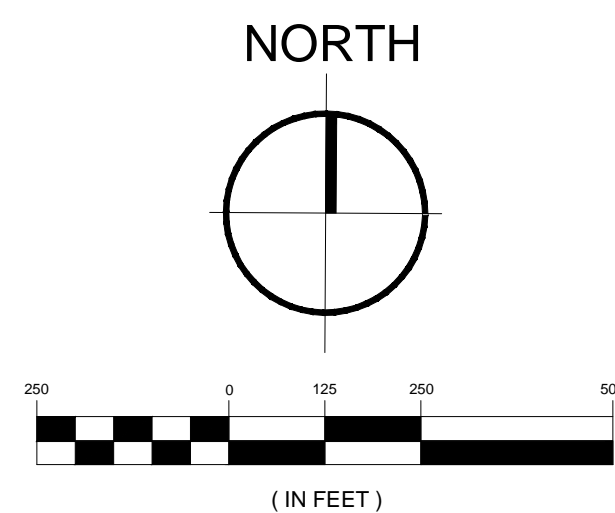
URBAN FORM: CONCEPT PEDESTRIAN WALKWAY PLAN



URBAN FORM: INTERNAL STREET DESIGN ELEMENTS \*\*



URBAN FORM: INTERNAL STREET CONCEPT CROSS-SECTION \*\*



SCALE: 1"=250'

SHEET TITLE:		PROJECT NAME:		APPLICANT/DEVELOPER:	
URBAN FORM TEMPLATES		RAVAUDAGE LAND USE PLAN		SYDGAN CORPORATION Real Estate Management, Development & Brokerage	
(Revised Sheet C-5)					
12	11	10	9	8	7
6	5	4	3	2	1
DATE		REVISION		DATE	
		REVISED PER 3/9/11 DRC			
				SHEET C-2	

## Ravaudage Traffic Studies

The Ravaudage development has hit or is about to hit the 160 trip threshold for development in Phase One. Trips beyond that threshold require more traffic studies per the Orange County Development Order. Given the number of studies conducted for this development and certain mobility improvements completed, it is requested that the City of Winter Park support the deletion of additional studies with the exception of traffic signal warrant studies at square foot age milestones already established by the City.

Since 2008 ten traffic studies have been accomplished for the Ravaudage development. A listing of the studies is attached. This document will focus on the November 29, 2010 study and the follow up January 2011 Addendum to that report and the commitments Ravaudage has made in those reports.

### November 29, 2010 Traffic Study

The November report includes analyses of all of the adjacent intersections for two access plans serving the Ravaudage development. The difference in the two access plans is one includes the extension of Solana Avenue west of US 17-92 into the Ravaudage development and one does not. The property needed for this extension is not within the Ravaudage development so this extension is not possible at this time.

The November study includes am and pm peak hour traffic analyses of all of the development's access points for both access plans. The study includes a discussion of the internal circulation within the development connecting to the access points.

The study goes into all phases of transportation and includes mass transit, pedestrian movement, and bike and trail connections. There is coordination with Lynx. The study includes the provision of a bus shelter along both US 17-92 and Lee Road. The study includes the provision of 15 foot wide sidewalks adjacent to US 17-92 and Lee Road. The sidewalks within the development will range between 10 and 14 feet wide. It designates the locations for the extension of bike and trails adjacent to the development.

The following Mobility Standards have been committed to by the Ravaudage development with the completed or partially completed noted in parenthesis:

1. Closure of 11 existing curb cuts along US 17-92 (Three closed)
2. Closure of 7 existing curb cuts along Lee Road (Six closed)
3. Elimination of an intersection along Lee Road by the vacation of Benjamin Avenue from Lee Road to Kindel Avenue (Completed)
4. Construction of a bus shelter along US 17-92

5. Construction of a bus shelter along Lee Road
6. Provision of right of way for a southbound free flow lane along US 17-92 at Lee Road
7. Provision of an additional 6 feet of right of way along US 17-92 so an additional lane can be added (Formal agreement with Orange County stating that within 6 months of their request this right of way will be deeded to either Orange County or the State of Florida. This land is currently set aside as a grass area.)
8. Provision of right of way along Lee Road for an additional lane (This is included in the above agreement with Orange County.)
9. Intersection improvement at US 17-92 and Solana Avenue when the extension of Solana Avenue becomes a reality
10. Alignment of Bennett Road at Lee road with the existing Executive Drive
11. The addition of a westbound right turn lane on Lee Road at Bennett Road
12. The addition a second southbound left turn lane on Bennett Road at Lee Road
13. The addition a southbound right turn lane on Bennett Road at Lee Road
14. Signalization of the intersection Bennett Road and Executive Drive when warranted
15. Signalization of the intersection of US 17-92 and Glendon Parkway when warranted
16. Relocation of the signal at US 17-92 and Glendon Parkway to US 17-92 and Solana Avenue when the extension of Solana Avenue occurs (Dependent on master developer acquisition of future right of way for the extension and FDOT permitting.)
17. Provide an additional 15 feet of right of way along US 17-92 for the construction of a 15 foot wide sidewalk (Partially completed around the Phase 1 Ale House area. It will be continued as development/construction advances.)
18. Provide an additional 7 feet of right of way along Lee Road for the construction of a 15 foot wide sidewalk (Same comment as in 17 above.)
19. Provide 10 to 14 foot wide sidewalks along all of the public roads within the development
20. Provide sidewalk connections from all of the private developments to the existing and planned public sidewalk system (On-going)
21. Provide bike and trail network connections to the City of Maitland and the City of Winter Park systems and to the proposed commuter rail station
22. Provide bicycle parking facilities within each block of the development
23. Provide cross access connections and encourage joint use driveways (On-going)
24. Enhance pedestrian activity by providing architectural features in the front of buildings such as canopies, awnings and colonnades over portions of the sidewalk. (On-going)

#### Addendum to November 29, 2010 Traffic Study

The Addendum to the November 29, 2010 traffic report was in response to the City of Maitland request that four intersections in Maitland be analyzed. The

intersections requested were along US 17-92 at Monroe Avenue, Park Avenue, Magnolia Road, and Lake Avenue.

The report documents the analyses resulting in the recommendation for modifying the median cut in US 17-92 at Monroe Avenue. This median cut is recommended to be modified to become a directional left turn from US 17-92 into Monroe Avenue.

A recommendation is made in the report for modifying the intersection of US 17-92 and Park Avenue to reduce the weaving conflict along US 17-92 between Park Avenue and Magnolia Road by signaling the free flowing right turn from Park Avenue. The City of Maitland and the FDOT were already working together on plans to resolve this safety issue.

The report addressed a safety issue along US 17-92 at Magnolia Road. The issue is queuing vehicles in the curb lane of US 17-92 waiting to drop off and pick up school children at Park Maitland School. The recommendation is made for the City of Maitland to work with the school to develop a system to eliminate this hazardous condition.

The intersection of US 17-92 and Lake Avenue was found to operate in a satisfactory manner. Thus no recommendations are made for that location.

#### Conclusions

- A. The November 29, 2010 study details specific standards and requirements for Ravaudage. The master developer has begun to complete and implement certain requirements.
- B. The City of Maitland and the FDOT are working in concert to resolve the safety issues addressed at US 17-92 and Park Avenue in the addendum report.
- C. The FDOT is about to undertake substantial work on I-4 which includes the Lee Road ramps and interchange intersections.

Given the above studies, analyses, recommendations and master developer mobility item completions, deletion of certain development order conditions and or requirements are requested. The master developer and/or successors covet to continue implementing the mobility requirements as project development plans continue to fruition.

# RAVAUDAGE TRAFFIC STUDIES

NUMBER	DATE	TITLE
1	July 2008	Ravaudage - Transportation Demand Analysis for a Small Scale Cpmprehensive Policy Plan Amandment
2	None	Central Florida Commuter Rail Application Phase 2
3	February 2010	Ravaudage PD Transportation Demand Analysis for a Large Scale Cpmprehensive Policy Plan Amandment
4	April 2010	Revised Ravaudage PD Transportation Demand Analysis for a Large Scale Comprehensive Policy Plan Amendment
5	June 2010	Ravaudage PD Transportation Demand Analysis for a Large Scale Cpmprehensive Policy Plan Amandment
6	October 2010	SR15/6000 US 17-92 (Orlando Avenue) and Solana Avenue Traffic Signal Warrant and Operations Study
7	November 2010	Ravaudage PD Traffic Study for Zoning
8	January 2011	Addendum to November, 29, 2010 Report Ravaudage PD Traffic Study for Zoning
9	January 2012	Phase 1 PM Peak Hour New Traffic Generation Ravaudage PD
10	January 2012	Planning Context Study for Ravaudage PD

DECISION OF THE BOARD OF COUNTY COMMISSIONERS  
ORANGE COUNTY, FLORIDA

ON MAY 24, 2011, THE BOARD OF COUNTY COMMISSIONERS CONSIDERED THE FOLLOWING APPLICANT'S REQUEST:

APPLICANT: DANIEL B. BELLOWS, RAVAUDAGE PLANNED DEVELOPMENT  
PLANNED DEVELOPMENT (PD) LAND USE PLAN (LUP)

CONSIDERATION: REQUEST TO REZONE FROM R-2 (RESIDENTIAL DISTRICT), P-0 (PROFESSIONAL OFFICE DISTRICT), C-1 (RETAIL COMMERCIAL DISTRICT), C-2 (GENERAL COMMERCIAL DISTRICT), AND C-3 (WHOLESALE COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), MORE SPECIFICALLY THE RAVAUDAGE PO, TO ALLOW FOR MIXED USES INCLUDING MULTI-FAMILY, COMMERCIAL (WITH BIG BOX), OFFICE, AND HOTEL, IN ADDITION TO WAIVERS FROM CHAPTERS 31.5, 34, AND 38, ORANGE COUNTY CODE, WAIVING: MAXIMUM BUILDING HEIGHTS; MINIMUM SETBACKS AND LANDSCAPE BUFFERS; MINIMUM IMPERVIOUS SURFACE AREA REQUIREMENTS; MINIMUM OPEN SPACE REQUIREMENTS; MAXIMUM FLOOR AREA RATIO FOR BIG BOX DEVELOPMENT; TIMING OF TRAFFIC STUDY FOR BIG BOX DEVELOPMENT; PARKING LOCATION, CONFIGURATION AND LANDSCAPING REQUIREMENTS; ROADWAY STACKING REQUIREMENTS FOR ACCESS TO PARKING; CERTAIN BILLBOARD RESTRICTIONS; REQUIREMENTS FOR MASONRY WALL SEPARATION OF RESIDENTIAL USES FROM CERTAIN OTHER RESIDENTIAL USES (SINGLE FAMILY FROM MULTI-FAMILY), COMMERCIAL USES, AND OFFICE USES; RESTRICTED MULTI-FAMILY ACCESS TO CERTAIN RIGHTS-OF-WAY; AND FENCING AND LANDSCAPE REQUIREMENTS FOR DEVELOPMENT ACROSS A RIGHT-OF-WAY FROM SINGLE-FAMILY USES; PURSUANT TO ORANGE COUNTY CODE, CHAPTER 30, SECTION 38-1207

LOCATION: DISTRICT 5; PROPERTY GENERALLY LOCATED NORTH OF LEE ROAD, WEST OF ORLANDO AVENUE (U.S. 17/92), SOUTH OF MONROE AVENUE, AND THE EAST AND WEST SIDES OF BENNETT AVENUE ; MULTIPLE PARCEL IDS; S/T/R : 01/22/29; ORANGE COUNTY, FLORIDA (LEGAL PROPERTY DESCRIPTION ON FILE)

UPON A MOTION, THE BOARD OF COUNTY COMMISSIONERS MADE A FINDING OF CONSISTENCY WITH THE COMPREHENSIVE PLAN; AND FURTHER, APPROVED THE REQUEST BY DANIEL B. BELLOW, RAVAUDAGE PLANNED DEVELOPMENT PLANNED DEVELOPMENT (PO) LAND USE PLAN (LUP) TO REZONE FROM R-2 (RESIDENTIAL DISTRICT), P-0 (PROFESSIONAL OFFICE DISTRICT), C-1 (RETAIL COMMERCIAL DISTRICT), C-2 (GENERAL COMMERCIAL DISTRICT), AND C-3 (WHOLESALE COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), MORE SPECIFICALLY THE RAVAUDAGE PD, TO ALLOW FOR MIXED USES INCLUDING MULTI-FAMILY, COMMERCIAL (WITH BIG BOX), OFFICE, AND HOTEL, IN ADDITION TO WAIVERS FROM CHAPTERS 31.5, 34, AND 38, ORANGE COUNTY CODE, WAIVING: MAXIMUM BUILDING HEIGHTS; MINIMUM SETBACKS AND LANDSCAPE BUFFERS; MINIMUM IMPERVIOUS SURFACE AREA REQUIREMENTS; MINIMUM OPEN SPACE REQUIREMENTS; MAXIMUM FLOOR AREA RATIO FOR BIG BOX DEVELOPMENT; TIMING OF TRAFFIC STUDY FOR BIG BOX DEVELOPMENT; PARKING LOCATION, CONFIGURATION AND LANDSCAPING REQUIREMENTS; ROADWAY STACKING REQUIREMENTS FOR ACCESS TO PARKING; CERTAIN BILLBOARD RESTRICTIONS; REQUIREMENTS FOR MASONRY WALL SEPARATION OF RESIDENTIAL USES FROM CERTAIN OTHER RESIDENTIAL USES (SINGLE FAMILY FROM MULTI-FAMILY), COMMERCIAL USES, AND OFFICE USES; RESTRICTED MULTI-FAMILY ACCESS TO CERTAIN RIGHTS-OF-WAY; AND FENCING AND LANDSCAPE REQUIREMENTS FOR DEVELOPMENT ACROSS A RIGHT-OF-WAY FROM SINGLE-FAMILY USES, ON THE DESCRIBED PROPERTY; SUBJECT TO THE FOLLOWING CONDITIONS:

1. DEVELOPMENT SHALL CONFORM TO THE RAVAUDAGE PD LAND USE PLAN DATED "RECEIVED APRIL 4, 2011," AND ANY AMENDMENT AND OR MODIFICATIONS THEREOF AND SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND COUNTY LAWS, ORDINANCES AND REGULATIONS, EXCEPT TO THE EXTENT THAT ANY APPLICABLE COUNTY LAWS, ORDINANCES OR REGULATIONS ARE EXPRESSLY WAIVED OR MODIFIED BY ANY OF THESE CONDITIONS. ACCORDINGLY, THE PD MAY BE DEVELOPED IN ACCORDANCE WITH THE USES, DENSITIES AND INTENSITIES DESCRIBED IN SUCH LAND USE PLAN, SUBJECT TO THOSE USES, DENSITIES AND INTENSITIES CONFORMING WITH THE RESTRICTIONS AND REQUIREMENTS FOUND IN THE CONDITIONS OF APPROVAL AND COMPLYING WITH ALL APPLICABLE FEDERAL, STATE AND COUNTY LAWS, ORDINANCE AND REGULATIONS, EXCEPT TO THE EXTENT THAT ANY APPLICABLE COUNTY LAWS, ORDINANCES OR REGULATIONS ARE EXPRESSLY WAIVED OR MODIFIED BY ANY OF THESE CONDITIONS. IF THE DEVELOPMENT IS UNABLE TO ACHIEVE OR OBTAIN DESIRED USES, DENSITIES OR INTENSITIES, THE COUNTY IS NOT UNDER ANY OBLIGATION TO GRANT ANY WAIVERS OR MODIFICATIONS TO ENABLE THE DEVELOPER TO ACHIEVE OR OBTAIN THOSE DESIRED USES, DENSITIES OR INTENSITIES. IN THE EVENT OF A CONFLICT OR INCONSISTENCY BETWEEN A CONDITION OF APPROVAL OF THIS ZONING AND THE LAND USE PLAN DATED "RECEIVED APRIL 4, 2011," THE CONDITION OF APPROVAL SHALL CONTROL TO THE EXTENT OF SUCH CONFLICT OR INCONSISTENCY.
2. THIS PROJECT SHALL COMPLY WITH, ADHERE TO, AND NOT DEVIATE FROM OR OTHERWISE CONFLICT WITH ANY VERBAL OR WRITTEN PROMISE OR REPRESENTATION MADE BY THE APPLICANT (OR AUTHORIZED AGENT) TO THE BOARD OF COUNTY COMMISSIONERS AT THE PUBLIC HEARING WHERE THIS DEVELOPMENT WAS APPROVED, WHERE SUCH PROMISE OR REPRESENTATION, WHETHER ORAL OR WRITTEN, WAS RELIED UPON BY THE BOARD IN APPROVING THE DEVELOPMENT, COULD HAVE REASONABLY BEEN EXPECTED TO HAVE BEEN RELIED UPON BY THE BOARD IN APPROVING THE DEVELOPMENT, OR COULD HAVE REASONABLY INDUCED OR OTHERWISE INFLUENCED THE BOARD TO APPROVE THE DEVELOPMENT. FOR PURPOSES OF THIS CONDITION, A "PROMISE " OR "REPRESENTATION" SHALL BE DEEMED TO HAVE BEEN MADE TO THE BOARD BY THE APPLICANT (OR AUTHORIZED AGENT) IF IT WAS EXPRESSLY MADE TO THE BOARD AT A PUBLIC HEARING WHERE THE DEVELOPMENT WAS CONSIDERED OR APPROVED.
- ~~3. PRIOR TO CONSTRUCTION PLAN APPROVAL, A MASTER STORMWATER MANAGEMENT PLAN INCLUDING A DRAINAGE STUDY TO ESTABLISH THE 100-YEAR FLOOD ELEVATION SHALL BE SUBMITTED TO THE DEVELOPMENT ENGINEERING DIVISION FOR REVIEW AND APPROVAL.~~

4. THE CONCEPTUAL ACCESS POINTS IDENTIFIED ON THE LAND USE PLAN ARE NOT APPROVED AT THIS TIME AND ARE CONCEPTUAL ONLY. FINAL ACCESS POINTS SHALL BE REVIEWED AND APPROVED AT PRELIMINARY SUBDIVISION PLAN OR DEVELOPMENT PLAN STAGE.
5. ~~ALL ACREAGES REGARDING CONSERVATION AREAS AND WETLAND BUFFERS ARE CONSIDERED APPROXIMATE UNTIL FINALIZED BY A CONSERVATION AREA DETERMINATION (CAD) AND A CONSERVATION AREA IMPACT (CAI) PERMIT. APPROVAL OF THIS PLAN DOES NOT AUTHORIZE ANY DIRECT OR INDIRECT CONSERVATION AREA IMPACTS.~~
6. OUTDOOR SALES, STORAGE, AND DISPLAY SHALL BE ~~PROHIBITED~~ALLOWED TO INCLUDE SPECIAL EVENT SALES, KIOSKS, (TEMPORARY AND PERMANENT) SPECIAL OUTDOOR SALES, FOOD TRUCK EVENTS AND OUTDOOR GARDEN SALES.
7. SIGNAGE SHALL COMPLY WITH THE MASTER SIGNAGE PLAN TO BE SUBMITTED AND REVIEWED PRIOR TO DEVELOPMENT PLAN APPROVAL.
8. TREE REMOVAL/EARTHWORK SHALL NOT OCCUR UNLESS AND UNTIL CONSTRUCTION PLANS FOR THE FIRST PRELIMINARY SUBDIVISION AND/OR DEVELOPMENT PLAN WITH A TREE REMOVAL AND MITIGATION PLAN HAVE BEEN APPROVED BY ORANGE COUNTY.
9. A WAIVER FROM SECTION 34-209, WHICH REQUIRES A 6-FOOT HIGH MASONRY WALL TO SEPARATE RESIDENTIAL SUBDIVISIONS FROM ADJACENT ROADWAYS, IS GRANTED AS THIS IS AN URBAN TOWN CENTER IN-FILL PROJECT.
10. THE FOLLOWING WAIVERS FROM THE BIG BOX DEVELOPMENT STANDARDS ARE GRANTED:
  - A. A WAIVER IS GRANTED FROM SECTION 38-1234(3)(F)(2) TO ALLOW BIG BOX DEVELOPMENT ONE (1) STORY AND LESS THAN 200,000 SF SHALL HAVE 5% OPEN SPACE (WITH RESTRICTIONS) WITHIN ITS LOT, IN LIEU OF 25%. GIVEN THE URBAN VILLAGE LAYOUT OF THIS PLAN, BIG BOX DEVELOPMENT SHALL PROVIDE WITHIN ITS BUILDING LOT 5% OF THE GROSS AREA FOR OPEN SPACE USES (PLAZAS, POCKET PARKS, GREEN AREAS, ETC.).
  - B. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(8) TO ALLOW BIG BOX DEVELOPMENTS TO HAVE MAXIMUM 1.00 FAR IN LIEU OF 0.23 FAR.

- C. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(C) TO ALLOW A DETAILED TRAFFIC STUDY AT THE DEVELOPMENT PLAN STAGE IN LIEU OF PROPOSED BIG BOX DEVELOPMENT APPLICATION AT THE LAND USE PLAN STAGE .
- D. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(E) TO ALLOW BIG BOX DEVELOPMENTS TO DESIGNATE AT LEAST TWO (2) VEHICLE PARKING SPACES FOR LOCAL LAW ENFORCEMENT WITHIN THE APPLICABLE PARKING STRUCTURES IN LIEU OF PROVIDING REFERENCED PARKING SPACES ADJACENT TO THE PRINCIPAL STRUCTURE.
- E. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(G) TO ALLOW OFF-STREET STRUCTURED PARKING SERVICING THE BIG BOX NOT TO BE SUBDIVIDED INTO MULTIPLE "SUB-LOTS" WITH UNINTERRUPTED (EXCEPT AT CROSSWALKS) LANDSCAPED PEDESTRIAN SIDEWALK PATHWAYS IN LIEU OF OFF-STREET SERVICING THE PROJECT SHALL BE SUBDIVIDED INTO MULTIPLE "SUB-LOTS" WITH UNINTERRUPTED (EXCEPT AT CROSSWALKS ) LANDSCAPED PEDESTRIAN PATHWAYS.
- F. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(1) TO ALLOW BIG BOX USES WITH OFF-STREET STRUCTURED PARKING SHALL PROVIDE ZERO (0) ROADWAY "STACKING" BEFORE THE FIRST TURN WITHIN THE PARKING STRUCTURE IN LIEU OF 200' OFF THE ROADWAY BEFORE THE FIRST TURN WITHIN THE PARKING LOT AS LONG AS ACCESS TO THE PARKING STRUCTURE IS FROM AN INTERNAL ROAD AND ACCESS TO THE PARKING STREET IS LOCATED A MINIMUM OF 200' FROM US 17-92 AND/OR LEE ROAD.
- G. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(K) TO ALLOW NO PAVEMENT OR PART OF ANY VERTICAL STRUCTURE ASSOCIATED WITH THE REAR OR SIDE OF A BIG BOX DEVELOPMENT SHALL BE LOCATED CLOSER THAN 85' IN LIEU OF 200' FROM THE NEAREST PROPERTY LINE OF ANY ADJACENT SINGLE-FAMILY RESIDENTIALLY ZONED PROPERTY. ADDITIONALLY, ONE (1) LANDSCAPE SEPARATION BUFFERS SHALL BE PROVIDED WITHIN A 10' PLANTING STRIP IN LIEU OF TWO (2) AND 200'. THIS WAIVER SHALL APPLY TO THE FOLLOWING PARCELS: 01-22-29-3712-06-100 AND 01-22-29-3712-06-170 WHICH FRONT LEWIS DRIVE.

H. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(K) TO ALLOW NO PAVEMENT OR PART OF ANY VERTICAL STRUCTURE ASSOCIATED WITH THE REAR OR SIDE OF A BIG BOX DEVELOPMENT SHALL BE LOCATED CLOSER THAN 25' IN LIEU OF 200' FROM THE NEAREST PROPERTY LINE OF ANY ADJACENT SINGLE-FAMILY RESIDENTIALLY ZONED PROPERTY . ADDITIONALLY, ONE (1) LANDSCAPE SEPARATION BUFFERS SHALL BE PROVIDED IN LIEU OF TWO (2). A SETBACK OF ZERO (0) (NO BUFFER, WALL OR LANDSCAPE BUFFER) SHALL BE GRANTED WITH PROPERTY OWNER LETTER OF CONSENT . THIS WAIVER SHALL APPLY TO THE FOLLOWING PARCEL ONLY : 01-22-29-3712-06-180 .

11. THE FOLLOWING WAIVERS FROM THE PD COMMERCIAL CODE ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1272(A) (1) IS GRANTED TO ALLOW THE MAXIMUM IMPERVIOUS AREA FOR INDIVIDUAL LOTS / DEVELOPMENT PODS SHALL BE 85% IN LIEU OF 70% . THE OVERALL PROJECT SHALL PROVIDE FOR 15% OPEN SPACE (WITH RESTRICTIONS) AND A MASTER STORM WATER SYSTEM.
- B. A WAIVER FROM SECTION 38-1234(3) (C) IS GRANTED TO ALLOW OVERALL PROJECT OPEN SPACE TO BE 15% (WITH RESTRICTIONS) IN LIEU OF 20%, EXCEPT FOR A BIG BOX SITE.
- C. A WAIVER FROM SECTION 38-1272 (A) (3) IS GRANTED TO ALLOW INTERNAL REAR AND SIDE SETBACKS (NOT FRONTING ON RIGHT-OF-WAY) SHALL BE ZERO (0), IN LIEU OF 10'.

WHERE ADJACENT TO PROJECT RESIDENTIAL USES, THE SETBACK SHALL BE ZERO (0) IN LIEU OF 25'.

A MINIMUM 15' BUILDING SETBACK SHALL BE MAINTAINED ALONG BENNETT ROAD, IN LIEU OF 30' (WITH A MAXIMUM SETBACK OF 25').

BUILDING SETBACKS FOR ALL INTERIOR/EXTERIOR STREETS SHALL BE A MAXIMUM OF 15' IN LIEU OF 30' WITH A MINIMUM OF ZERO (0'). ALL OTHER RIGHTS-OF-WAY SHALL HAVE A MAXIMUM SETBACK OF 25'15'.

BUILDING SETBACKS ALONG ARTERIALS (LEE ROAD AND ORLANDO AVENUE - US 17/92) SHALL BE 15' IN LIEU OF 40' (WITH A MAXIMUM SETBACK OF 25') . PD PERIMETER SETBACK IS 25'—15' UNLESS OTHERWISE WAIVED.

D. A WAIVER FROM SECTION 38-1272 (A) (5) IS GRANTED TO ALLOW A MAXIMUM BUILDING HEIGHT UP TO EIGHT (8) STORIES, (100' PLUS 15' OF ARCHITECTURAL ENHANCEMENTS) AS DETAILED IN EXHIBITS FROM THE LAND USE PLAN LABELED: "URBAN FORM: PROPOSED BUILDING HEIGHT ZONES AND URBAN FORM: PROPOSED BUILDING SETBACKS FOR ABUTTING RESIDENTIAL LOTS NOT PART OF PROJECT," IN LIEU OF A MAXIMUM HEIGHT OF 50', 35' IF WITHIN 100' OF RESIDENTIAL.

E. THE DEVELOPMENT SHALL RETAIN FLEXABILITY TO ALLOW HEIGHT TRANSITIONS THROUGHOUT THE PROJECT TO BE DETERMINED ON AN INDIVIDUAL PROJECT BASIS. THE HEIGHT TRANSITION SHALL NOT INCREASE OR DECREASE MORE THEN TWO (2) STORIES BASED ON THE URBAN FORM: PROPOSED BUILDING HEIGHT ZONES REQUESTED MODIFICATIONS EXHIBIT - 2 AND SHALL NOT EXCEED EIGHT (8) STORIES.

~~D.F.~~ NO BUILDING SHALL EXCEED FOUR (4) STORIES IN HEIGHT WITHIN A 200' SETBACK ALONG ORLANDO AVE AND LEE ROAD AND 130' ALONG THE SOUTH EDGE OF MONROE AVE.

12. THE FOLLOWING WAIVERS FROM PD RESIDENTIAL CODE ARE GRANTED:

- A. A WAIVER IS GRANTED FROM SECTION 38-1254 (1) IS GRANTED TO ALLOW BUILDING SETBACKS ALONG THE PD BOUNDARY TO BE A MINIMUM OF 15' IN LIEU OF 25' (WITH A MAXIMUM SETBACK OF 25').
- B. A WAIVER IS GRANTED FROM SECTION 38-1254 (2) (C) TO ALLOW BUILDING SETBACKS FROM LEE ROAD AND ORLANDO AVENUE (US 17/92) TO BE A MINIMUM OF 15' IN LIEU OF 50' (WITH A MAXIMUM SETBACK OF 25').
- C. A WAIVER IS GRANTED FROM SECTION 38-1254 (2) (E) TO ALLOW BUILDING SETBACKS FOR ALL INTERIOR/EXTERIOR (ALL OTHER R-O-W'S) STREETS TO BE A MINIMUM OF 15'-0' IN LIEU OF 20' (WITH A MAXIMUM SETBACK OF 25').

13. THE FOLLOWING WAIVERS FOR PARKING FACILITIES ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1230(A) IS GRANTED TO ALLOW PARKING AREAS (STRUCTURED PARKING AND SURFACE PARKING) MAY BE LOCATED UP TO 350' FROM THE USES THEY SERVE IN LIEU OF PARKING LOCATED WITHIN 150'.
- B. A WAIVER FROM SECTION 38-1477 IS GRANTED TO ALLOW PARKING AREAS (STRUCTURED AND/ OR SURFACE PARKING) MAY-TO BE LOCATED UP TO 350' FROM THE PRINCIPAL USE ON A SEPARATE LOT IN LIEU OF PARKING PROVISION ON THE SAME LOT (PRINCIPAL USE) OR WITHIN 300' FROM THE PRINCIPAL ENTRANCE AS MEASURED ALONG THE MOST DIRECT PEDESTRIAN ROUTE.

14. THE FOLLOWING WAIVERS FROM SECTION 38-1258 (MULTI-FAMILY COMPATIBILITY) ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1258(A) IS GRANTED TO ALLOW MULTI-FAMILY BUILDINGS OF TWO (2) STORIES TO BE LOCATED WITHIN 5' TO 55'; FOUR (4) STORIES TO BE LOCATED BETWEEN 55' AND 80'; AND FIVE (5) TO EIGHT (8) STORY BUILDINGS TO BE LOCATED 80' IN LIEU OF 1 STORY LIMIT WITHIN 100' OF SINGLE-FAMILY ZONED PROPERTY.
- 8. A WAIVER FROM SECTION 38-1258(8) IS GRANTED TO ALLOW MULTI-FAMILY BUILDINGS OF EIGHT (8) STORIES TO BE LOCATED AT 80' FROM SINGLE-FAMILY ZONED PROPERTY, IN LIEU OF MULTI-FAMILY BUILDINGS LOCATED BETWEEN 100' AND 150' WITH A MAXIMUM OF 50% OF THE BUILDINGS BEING THREE (3) STORIES (NOT TO EXCEED 40') WITH THE REMAINING BUILDINGS BEING 1 OR 2 STORIES IN HEIGHT.
- C. A WAIVER FROM SECTION 38-1258(C) IS GRANTED TO ALLOW MULTI-FAMILY BUILDINGS OF EIGHT (8) STORIES AND 100' IN HEIGHT (PLUS 15' FOR ARCHITECTURAL FEATURES, ELEVATOR TOWERS, AND COMMUNICATION ANTENNAE) AT 80' FROM PROPERTY LINE OF SINGLE FAMILY ZONED PROPERTY IN LIEU OF 3 STORIES AND 40' IN HEIGHT AND WITHIN 100' AND 150' OF SINGLE FAMILY-ZONED PROPERTY.
- D. A WAIVER FROM SECTION 38-1258(D) IS GRANTED TO ALLOW MULTI-FAMILY BUILDINGS OF EIGHT (8) STORIES AND 100' IN HEIGHT (PLUS 15' FOR ARCHITECTURAL FEATURES, ELEVATOR TOWERS, AND COMMUNICATION ANTENNAE) IN LIEU OF BUILDINGS IN EXCESS OF 3 STORIES AND 40'.
- E. A WAIVER FROM SECTION 38 1258(E) IS GRANTED TO ALLOW PARKING AND OTHER PAVED AREAS OF MULTI-FAMILY DEVELOPMENT TO BE LOCATED 5' FROM ANY SINGLE FAMILY ZONED PROPERTY IN LIEU OF 25'. A 5' LANDSCAPE BUFFER SHALL BE PROVIDED IN LIEU OF 25'.
- F A WAIVER FROM SECTION 38-1258 (F) IS GRANTED TO ALLOW NO MASONRY, BRICK OR BLOCK WALL TO BE CONSTRUCTED IN LIEU OF A 6' WALL WHENEVER A MULTI-FAMILY DEVELOPMENT IS LOCATED ADJACENT TO SINGLE FAMILY ZONED PROPERTY.
- G. A WAIVER FROM SECTION 38-1258(G) IS GRANTED TO ALLOW DIRECT MULTI-FAMILY ACCESS TO ANY RIGHT-OF-WAY SERVING PLATTED SINGLE FAMILY ZONED PROPERTY IN LIEU OF ACCESS TO ONLY COLLECTOR OR ARTERIAL ROADS.

- H. A WAIVER FROM SECTION 38-1258(1) IS GRANTED TO ALLOW URBAN/PEDESTRIAN FEATURES (SIDEWALKS, STREET FURNITURE, STREET TREES, ETC; REFER TO URBAN FORM: INTERNAL STREET DESIGN ELEMENTS) IN LIEU OF FENCING AND LANDSCAPE WHENEVER A SINGLE FAMILY ZONED PROPERTY IS LOCATED ACROSS THE RIGHT-OF-WAY.
  - I. A WAIVER FROM SECTION 38-1258(J) IS GRANTED TO ALLOW A SEPARATION OF ZERO (0) BETWEEN MULTI-FAMILY, OFFICE, COMMERCIAL BUILDINGS (WITHOUT WINDOWS OR OTHER OPENINGS). IN LIEU OF 20' FOR FIRE PROTECTION PURPOSES; AND A SEPARATION OF 10' FOR BUILDINGS WHERE DOORS, WINDOWS AND OTHER OPENINGS IN THE WALL OF A LIVING UNIT BACK UP TO A WALL OF ANOTHER BUILDING WITH SIMILAR OPENINGS, IN LIEU OF A MINIMUM SEPARATION OF 30' FOR 2 STORY BUILDINGS AND 40' FOR 3 STORY BUILDINGS.
  - J. A WAIVER FROM SECTION 38-1234(3)(A)(2) IS GRANTED TO ALLOW 15% (WITH RESTRICTIONS) OPEN SPACE IN LIEU OF 25% EXCEPT FOR BIG BOX AREA.
15. THE FOLLOWING WAIVERS FROM CH. 31.5 (SIGNAGE REGULATIONS) ARE GRANTED :
- A. A WAIVER FROM SECTION 31.5-126 (A) IS GRANTED TO ALLOW A NEW 14' X 48' BILLBOARD WITH (LIQUID CRYSTAL DISPLAY) LCD TECHNOLOGY IN A PD IN EXCHANGE FOR THE REMOVAL OF THREE(3) EXISTING 14' X 48' BILLBOARDS. THE NEW STRUCTURE BILLBOARD SHALL BE PERMITTED TO BE CONSTRUCTED UPON THE REMOVAL OF EXISTING BILLBOARDS #1 AND #2. THE NEW BILLBOARD SHALL BE LOCATED ON LEE ROAD. BILLBOARD #3 SHALL BE REMOVED WITHIN TWO (3) YEARS OF APPROVAL OF THIS PD.
  - 8. A WAIVER IS GRANTED FROM SECTION 31.5-126(K)(1) TO ALLOW A BILLBOARD WITH A ZERO FOOT R-O-W SETBACK IN LIEU OF THE REQUIRED 15' FRONT PROPERTY LINE SETBACK.
  - C. A WAIVER IS GRANTED FROM SECTION 31.5-126 (H) TO ALLOW 672 (14' X 48') SQUARE FOOT ALLOWABLE COPY AREA IN LIEU OF THE MAXIMUM 400 SQUARE FEET

D. A WAIVER IS GRANTED FROM SECTION 315-5 TO ALLOW THE BILLBOARD TO ADVERTISE RAVAUDAGE PROJECT DEVELOPMENT ADVERTISEMENTS AND MARKETING MATERIAL ON BILLBOARD #3 UNTIL IT IS REMOVED.

~~16. THE PLANNING CONTEXT STUDY SHALL BE SUBMITTED AND APPROVED PRIOR TO SUBMITTAL OF THE FIRST PRELIMINARY SUBDIVISION PLAN OR DEVELOPMENT PLAN. THE PLANNING CONTEXT STUDY SHALL COVER THE ENTIRE PLANNED DEVELOPMENT. THE FOLLOWING ARE SOME OF THE REQUIRED ELEMENTS TO BE INCLUDED:~~

~~A. THE PLANNING CONTEXT STUDY SHOULD CONSIST OF A SHORT REPORT DESCRIBING THE EXISTING TRAFFIC CONDITIONS, PLANNED AND PROGRAMMED IMPROVEMENTS, MASS TRANSIT SYSTEMS BOTH EXISTING AND PLANNED (I.E. BUS FREQUENCIES, RIDERSHIP, DESCRIPTION OF THE PROPOSED LAND USES (DENSITIES AND INTENSITIES) OF THE SUBJECT PROPERTY AND ADJOINING PARCELS.~~

~~B. THE MOBILITY EXHIBITS SHOULD AT A MINIMUM PROVIDE THE FOLLOWING INFORMATION:~~

~~1) ULTIMATE FOOTPRINT OF THE PROPOSED DEVELOPMENT.~~

~~2) SHOW AT A MINIMUM TWO EAST WEST AND TWO NORTH SOUTH COLLECTOR TYPE ROADS TRAVERSING THE ENTIRETY OF THE PROPERTY (THESE CORRIDORS CAN BE DEPICTED ON THE CONTEXT MAP, WITH ARROWS TRAVERSING THE PROPERTY AT THE GENERAL LOCATIONS WHERE THESE CORRIDORS WILL BE PRESERVED / PROVIDED). IDENTIFY EXISTING AND PROPOSED SITE ACCESS LOCATIONS (ALSO INDICATING WHICH ACCESS LOCATIONS WOULD BE CLOSED). PLEASE NOTE, NEW/MODIFIED ACCESS LOCATIONS IN ADDITION TO MEDIAN MODIFICATIONS WILL BE SUBJECT TO FOOT APPROVAL FOLLOWING PRELIMINARY SUBDIVISION PLAN (PSP) SUBMITTAL AND CONSTRUCTION PLANS.~~

~~3) DEPICTION AND LOCATION OF PLANNED AND EXISTING STREET NETWORK, SIDEWALKS, BIKE TRAILS, EXISTING AND PROPOSED BUS STOPS/SHELTERS AND TRANSFER STATIONS (PLEASE REFER TO (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX TRANSIT COMMENTS LISTED BELOW).~~

~~4) IDENTIFY CONNECTIVITY TO ADJACENT PARCELS IN RESPECT TO ROADS, BIKE TRAILS, SIDEWALKS, BUS STOPS/SHELTERS, BUS ROUTES AND PEDESTRIAN TRAILS.~~

~~5) THE DEVELOPER IS TO PROVIDE A BLOCK BY BLOCK ANALYSIS AS PART OF THE PSP (OR DEVELOPMENT PLAN) DETAILING AND ENSURING THE APPROPRIATE CONNECTIVITY OF SIDEWALKS, STREET GRID SYSTEM, BIKEWAYS AND PATHS. IN ADDITION, A BLOCK BY BLOCK ANALYSIS WILL ALSO ADDRESS STREET CROSS SECTIONS AND ON STREET PARKING LOCATIONS. THE STUDY WAS COMPLETED AND SUBMITTED TO ORANGE COUNTY TRANSPORTATION DEPARTMENT. THE MOBILITY EXHIBITS ARE INCLUDED IN THE PD MASTER PLAN SET APPROVED MAY 24, 2011.~~

~~17. PRIOR TO APPROVAL OF THE FIRST DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN THAT WOULD CAUSE DEVELOPMENT TO EXCEED A NET 160 P.M. PEAK TRIPS REFERENCED IN CONDITION 18, A TRANSPORTATION ANALYSIS AND MITIGATION STRATEGY THROUGH BUILD-OUT (MASTER TRANSPORTATION PLAN) SHALL BE SUBMITTED AND THEN REVIEWED AT A COMMUNITY MEETING AND BY COUNTY STAFF AND THEN CONSIDERED BY THE BOARD OF COUNTY COMMISSIONERS AT AN ADVERTISED PUBLIC HEARING. IF THE MASTER TRANSPORTATION PLAN IS NOT APPROVED, THE DEVELOPMENT SHALL NOT EXCEED THE NET 160 P.M. PEAK TRIPS. THE STUDY ANALYSIS WOULD INCLUDE ALL ROADWAY SEGMENTS AND MAJOR INTERSECTIONS WITHIN A ONE MILE RADIUS PLUS ALL ROADWAY SEGMENTS (INCLUDING MAJOR INTERSECTIONS) WHERE THE PROJECT TRAFFIC CONSUMES 3% OR MORE OF THE (LEVEL OF SERVICE) LOS CAPACITIES AND THE ANALYSIS OF THE (STATE ROAD) S.R. 423 (LEE ROAD) AT INTERSTATE 4 INTERCHANGE RAMPS. IN ADDITION TO ROADWAY ANALYSIS, THIS STUDY SHALL INCLUDE ALTERNATIVE MODES OF TRANSPORTATION ANALYSIS (PEDESTRIAN, BIKE, MASS TRANSIT).~~

~~A METHODOLOGY MEETING SHALL BE HELD PRIOR TO PERFORMING THE STUDY. AT THIS METHODOLOGY MEETING, THE SPECIFIC REQUIREMENTS TO BE MET AND THE METHODOLOGY TO BE USED TO COMPLETE THE STUDY WILL BE DISCUSSED AND AGREED UPON.~~

~~THE FOLLOWING AGENCIES WILL PARTICIPATE IN THE METHODOLOGY MEETING AND REVIEW PROCESS OF THIS STUDY WITH THE FINAL APPROVAL COMING FROM ORANGE COUNTY.~~

A. ~~ORANGE COUNTY~~  
8. ~~CITY OF MAITLAND~~  
C. ~~CITY OF WINTER PARK~~  
D. ~~LYNX (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY)~~  
E. ~~FLORIDA DEPARTMENT OF TRANSPORTATION~~

APPLICANT HAS CONDUCTED NUMEROUS TRAFFIC STUDIES THAT ADDRESS  
INTERSECTION CAPACITY AND IMPROVEMENTS, MOBILITY STRATEGIES, PRELIMINARY  
TRAFFIC SIGNAL WARRANT STUDIES, ETC.

COMPLETED RAVAUDAGE TRAFFIC STUDIES

OCTOBER 2010 - TRANSPORTATION DEMAND ANALYSIS FOR A SMALL SCALE  
COMPREHENSIVE POLICY PLAN AMENDMENT. (LTE CONSULTANTS)

2010 - CENTRAL FLORIDA COMMUTER RAIL APPLICATION PHASE 2 (CPH ENGINEERS)

FEBRUARY 2010 - RAVAUDAGE PD TRANSPORTATION DEMAND ANALYSIS FOR A LARGE  
SCALE COMPREHENSIVE POLICY PLAN AMENDMENT. (LTE CONSULTANTS)

APRIL 2010 - REVISED RAVAUDAGE PD TRANSPORTATION DEMAND ANALYSIS FOR A  
LARGE SCALE COMPREHENSIVE POLICY PLAN AMENDMENT. (LTE CONSULTANTS)

JUNE 2010 - RAVAUDAGE PD TRANSPORTATION DEMAND ANALYSIS FOR A LARGE  
SCALE COMPREHENSIVE POLICY PLAN AMENDMENT. (LTE CONSULTANTS)

OCTOBER 2010 - SR15/6000 US 17/92 (ORLANDO AVE) AND SOLANA AVENUE TRAFFIC  
WARRANT AND OPERATIONS STUDY. (LTE CONSULTANTS)

NOVEMBER 2010 - RAVAUDAGE PD TRAFFIC STUDY FOR ZONING. (TIPTON)

JANUARY 2011 - ADDENDUM TO NOVEMBER 29, 2010 REPORT RAVAUDAGE PD TRAFFIC  
STUDY FOR ZONING. (TIPTON)

JANUARY 2012 - PHASE 1 PM PEAK HOUR NEW TRAFFIC GENERATION RAVAUDAGE PD  
(TIPTON)

JANUARY 2012 - PLANNING CONTEXT STUDY FOR RAVAUDAGE PD (TIPTON)

OCTOBER 2012 - RAVAUDAGE MAITLAND PUD TRAFFIC STUDY (TIPTON)

18. ~~THE APPLICANT SHALL BE ALLOWED TO DEVELOP EITHER LESS THAN  
OR EQUAL TO 20,000 SQUARE FEET OF FAST FOOD-  
RESTAURANT (INSTITUTION OF TRANSPORTATION ENGINEERS-ITE CODE-  
933) OR 35,000 SQUARE FEET OF HIGH TURNOVER  
-SIT-DOWN RESTAURANT (INSTITUTION OF  
TRANSPORTATION ENGINEERS-ITE CODE 932) OR 50,000 SQUARE FEET OF  
SHOPPING CENTER (ITE CODE 820) OR 50,000 SQUARE FEET OF GENERAL  
OFFICE (INSTITUTION OF TRANSPORTATION ENGINEERS-ITE CODE 710) OR A  
COMBINATION OF ALL ABOVE NOT TO EXCEED A NET 160 P.M. PEAK TRIPS.  
THIS DEVELOPMENT PROGRAM CAN PROCEED WITHOUT ANY ADDITIONAL  
TRAFFIC STUDIES. SPECIFIC MOBILITY ALTERNATIVES TO BE IMPLEMENTED  
PRIOR TO THE COMPLETION OF THE ABOVE DEVELOPMENT PROGRAM  
SHALL ENSURE CONNECTIVITY WITH ADJOINING PARCELS AND SHALL BE~~

~~CONSISTENT WITH THE MOBILITY STRATEGIES IDENTIFIED IN THE MASTER  
TRANSPORTATION PLAN DEVELOPED AND APPROVED AS IDENTIFIED IN  
CONDITION 17 ABOVE.~~

- ~~19. IN ADDITION, A DETAILED TRANSPORTATION ANALYSIS SHALL BE  
PERFORMED TO IDENTIFY SPECIFIC AND DETAILED MOBILITY STRATEGIES  
AND ALL NECESSARY IMPROVEMENTS TO MITIGATE PHASE 1 (LESS THAN OR  
EQUAL TO 33 PERCENT OF THE TOTAL PEAK HOUR PROJECT TRIPS, WHICH  
NUMBER OF TRIPS WILL BE AGREED UPON AS PART THE STUDY  
METHODOLOGY) IMPACTS. THIS STUDY SHALL BE COMPLETED WHEN  
DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN (OR COMBINED)  
APPROVAL IS LESS THAN OR EQUAL TO 160 (POST MERIDIEM) PM PEAK HOUR  
NET NEW EXTERNAL TRIPS. SPECIFIC FUNDING FOR ALL MOBILITY  
STRATEGIES AND ALL NECESSARY IMPROVEMENTS SHALL BE IDENTIFIED AS  
PART OF THIS STUDY. APPROVAL OF THIS STUDY AND AGREEMENT ON THE  
MOBILITY STRATEGIES AND MITIGATION IMPROVEMENTS WILL BE REQUIRED  
PRIOR TO ANY DEVELOPMENT APPROVAL BEYOND 160 PM PEAK HOUR NET  
NEW EXTERNAL TRIPS. THE SPECIFIC REQUIREMENTS TO BE MET AND THE  
METHODOLOGY TO BE USED TO COMPLETE THE STUDY WILL BE DISCUSSED  
AND AGREED ON AS PART OF THE METHODOLOGY MEETING REFERENCED IN  
CONDITION 17.~~

~~20. THE DEVELOPMENT SHALL NOT BE ALLOWED TO MOVE BEYOND PHASE 1 UNTIL AN ANALYSIS AND STUDY THAT PROVIDES FOR ADDITIONAL TRANSPORTATION STRATEGIES TO BE IMPLEMENTED AS PART OF THE FUTURE BUILD OUT OF THE PROJECT HAS BEEN REVIEWED AND APPROVED. THIS STUDY SHALL IDENTIFY FUTURE SPECIFIC MITIGATION STRATEGIES AND SPECIFIC FUNDING FOR THOSE STRATEGIES. THE ADDITIONAL ANALYSIS AND STUDY WILL REQUIRE A MONITORING EFFORT TO ASSESS ADDITIONAL IMPROVEMENTS NECESSARY TO MITIGATE THE IMPACTS OF THE NEXT PHASE OF THE DEVELOPMENT. IN ADDITION TO ROADWAY ANALYSIS, THIS ANALYSIS SHALL INCLUDE ALTERNATIVE MODES OF TRANSPORTATION ANALYSIS (PEDESTRIAN, BIKE, MASS TRANSIT).~~

21. TWO INTERSECTIONS ARE PROPOSED TO BE SIGNALIZED:

A. U.S.17/92 (ORLANDO AVENUE) AT SOLANA AVENUE EXTENSION  
OR AT GLENDON PARKWAY.

B. (STATE ROAD) S.R. 423 (LEE ROAD) AT RE-ALIGNED BENNETT AVENUE

SIGNALIZATION OF THESE TWO INTERSECTIONS AND ALL NECESSARY IMPROVEMENTS REQUIRED AS PART OF THE SIGNALIZATION WILL BE DONE BY THE APPLICANT'S WITHOUT PUBLIC CONTRIBUTION. TIMING AND METHODOLOGY TO BE FOLLOWED WHILE PERFORMING THE SIGNAL WARRANT STUDIES WILL BE COORDINATED WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TRAFFIC OPERATIONS. THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) HAS SOLE APPROVAL OF ALL PLANNING, DESIGN AND CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE TWO INTERSECTIONS TO BE SIGNALIZED. IN ADDITION AN INTERSECTION OPERATIONAL ANALYSIS (WITH AND WITHOUT PLANNED DEVELOPMENT) FOR THE FOLLOWING INTERSECTIONS: ORLANDO AVENUE AND PARK AVENUE, LAKE AVENUE, MONROE AND MAGNOLIA SHALL BE REVIEWED AND APPROVED.

C. THE INTERNAL STREET NETWORK SHALL CONSIST OF A STREET GRID SYSTEM THAT IS FLEXABLE TO ACCOMMODATE AND SUPPORT A VARIETY OF URBAN LAND USES. THE GRID SYSTEM SHALL EMPHASIZE PEDESTRIAN USES AND ACTIVITIES, HUMAN-SCALE STREETS AND BUILDING FACADES.

D. THE STREET GRID SYSTEM SHALL CONSIST (AT A MINIMUM) OF: TWO (2) NORTH-SOUTH CORRIDORS TO BE LOCATED FROM LEE ROAD TO MONROE AVENUE. BENNETT ROAD IS TO REMAIN WITH AN ADDITIONAL STREET PARALLEL TO BENNETT AND ORLANDO AVE. TWO (2) EAST-WEST CORRIDORS CONNECTING ORLANDO AVENUE AND BENNETT ROAD. IN THE EVENT THAT THE SOLANA AVENUE EXTENSION IS COMPLETED, IT SHALL COUNT AS ONE OF THE REQUIRED EAST-WEST STREETS. ALL INTERNAL STREETS MAY BE RELOCATED AND/OR RECONFIGURED.

E. THE PROPOSED LAND USES ARE INTERCHANGEABLE ON ANY BLOCK DUE TO THE UNDERLYING URBAN

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DEVELOPMENT FRAMEWORK AND GRID SYSTEM.

F. BENNETT ROAD TO REMAIN A NORTH-SOUTH MAJOR MOBILITY CORRIDOR FROM LEE ROAD TO TERMINUS AT MONROE AVENUE. BENNETT ROAD MAY BE REALIGNED TO CREATE FULL ACCESS MEDIAN CUT WITH EXECUTIVE DRIVE.

22. (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX HAS LISTED AS A PRIORITY IN ITS 2010 TRANSIT DEVELOPMENT PLAN A TRANSFER STATION IN THIS GENERAL LOCATION. (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX ROUTES 1,9, 14, 102AND 443 ALL CURRENTLY COMPLETE TRANSFERS AT WEBSTER AVENUE AND DENNING DRIVE ON SURFACE STREETS. THEREFORE, (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX HAS EXPRESSED A DESIRE FOR A DEDICATED SUPER STOP OR TRANSFER FACILITY WITH EASY INGRESS AND EGRESS FOR (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX BUSES WITHIN THE PROJECT SITE. IN ADDITION, (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX IS CURRENTLY CONSIDERING PREMIUM TRANSIT SERVICE (BRT AND/OR EXPRESS BUS SERVICE) ALONG U.S.17/92 (ORLANDO AVENUE) . THEREFORE, COORDINATION WITH MASTER DEVELOPER IS ENCOURAGED TO PROVIDE A TRANSFER STATION, STOP AND PEDESTRIAN CONNECTIVITY. ~~PRIOR TO APPROVAL OF THE MASTER TRANSPORTATION PLAN AND (PRELIMINARY SUBDIVISION PLAN) PSP OR (DEVELOPMENT PLAN) DP IS REQUIRED TO PROVIDE FOR THE NEEDED SUPER STOP OR TRANSFER STATION AND PEDESTRIAN CONNECTIVITY.~~
23. THE SELLING OF ANY PARCEL OF LAND SHALL CARRY THE REQUIREMENT THAT ANY AND ALL REQUIRED IMPROVEMENTS AND ASSOCIATED MITIGATION AS IDENTIFIED FROM THE STUDIES DEFINED IN CONDITIONS 17, 19. AND 20 SHALL BE CARRIED FORWARD AS MITIGATION IN PROPORTION TO THE PARCEL(S) IMPACTS AS A PERCENTAGE OF THE TOTAL SITE IMPACTS IDENTIFIED IN THE STUDIES . THE SPECIFIC METHODOLOGY AND PROCEDURE TO CALCULATE THE PERCENTAGE OF PROPORTIONAL IMPACTS SHALL BE DEVELOPED AND AGREED UPON BY ALL PARTIES AS PART OF THE STUDIES CONDUCTED AS THE REQUIREMENTS OF CONDITIONS 1§. 17, 19, AND 20.
24. THE FOLLOWING EDUCATION CONDITION OF APPROVAL SHALL APPLY:
- A) DEVELOPER SHALL COMPLY WITH ALL PROVISIONS OF THE CAPACITY ENHANCEMENT AGREEMENT ENTERED INTO WITH THE ORANGE COUNTY SCHOOL BOARD AS OF 1/25/2011

- B) UPON THE COUNTY'S RECEIPT OF WRITTEN NOTICE FROM (ORANGE COUNTY PUBLIC SCHOOLS) OCPS THAT THE DEVELOPER IS IN DEFAULT OR BREACH OF THE CAPACITY ENHANCEMENT AGREEMENT, THE COUNTY SHALL IMMEDIATELY CEASE ISSUING BUILDING PERMITS FOR ANY RESIDENTIAL UNITS IN EXCESS OF THE 204 RESIDENTIAL UNITS ALLOWED PRIOR TO THE ZONING APPROVAL THE COUNTY SHALL AGAIN BEGIN ISSUING BUILDING PERMITS UPON (ORANGE COUNTY PUBLIC SCHOOLS) OCPS'S WRITEN NOTICE TO THE COUNTY THAT THE DEVELOPER IS NO LONGER IN BREACH OR DEFAULT OF THE CAPACITY ENHANCEMENT AGREEMENT. THE DEVELOPER AND ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT SHALL INDEMNIFY AND HOLD THE COUNTY HARMLESS FROM ANY THIRD PARTY CLAIMS, SUITS, OR ACTIONS ARISING AS A RESULT OF THE ACT OF CEASING THE COUNTY'S ISSUANCE OF RESIDENTIAL BUILDING PERMITS.
- C) DEVELOPER, OR ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT, AGREES THAT IT SHALL NOT CLAIM IN ANY FUTURE LITIGATION THAT THE COUNTY'S ENFORCEMENT OF ANY OF THESE CONDITIONS ARE ILLEGAL, IMPROPER, UNCONSTITUTIONAL. OR A VIOLATION OF DEVELOPER'S RIGHTS.
- D) ORANGE COUNTY SHALL BE HELD HARMLESS BY THE DEVELOPER AND ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT, IN ANY DISPUTE BETWEEN THE DEVELOPER AND (ORANGE COUNTY PUBLIC SCHOOLS) OCPS OVER ANY INTERPRETATION OR PROVISION OF THE CAPACITY ENHANCEMENT AGREEMENT. AT THE TIME OF (DEVELOPMENT PLAN/PRELIMINARY SUBDIVISION PLAN) DP/PSP, DOCUMENTATION SHALL BE PROVIDED FROM (ORANGE COUNTY PUBLIC SCHOOLS) OCPS THAT THIS PROJECT IS IN COMPLIANCE WITH THE CAPACITY ENHANCEMENT AGREEMENT.

25. THE FOLLOWING CONDITIONS OF APPROVAL WERE COORDINATED WITH ADJACENT JURISDICTIONS:



A) WHEN THE PROJECT REACHES OR EXCEEDS 151,000 SQUARE FEET, THE DEVELOPER SHALL AT THEIR EXPENSE, COMPLETE A TRAFFIC SIGNAL WARRANT STUDY WITHIN SIX MONTHS OF ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR SAID BUILDINGS AND SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL FOR THE FIRST TRAFFIC LIGHT. IF THE PROPOSED TRAFFIC SIGNAL MEETS THE WARRANTS AND IS APPROVED BY FDOT, THEN THE DEVELOPER SHALL, AT THEIR EXPENSE, INSTALL THE FIRST TRAFFIC LIGHT SUBJECT TO THE FDOT PERMIT AND CONDITIONS. IF THE TRAFFIC VOLUMES OR OTHER CONDITIONS DO NOT WARRANT THE FIRST TRAFFIC LIGHT AND IT IS NOT APPROVED BY FDOT, THEN THE PROJECT MAY CONTINUE TO PROCEED WITH ADDITIONAL EXPANSIONS BUT THE TRAFFIC SIGNAL WARRANT STUDY SHALL BE UPDATED ANNUALLY, AT DEVELOPER EXPENSE AND DEVELOPER SHALL SEEK FDOT APPROVAL. AT THE TIME THEN WHEN THE FIRST TRAFFIC SIGNAL IS APPROVED BY FLORIDA

FDOT, THE DEVELOPER SHALL THEN, AT THEIR EXPENSE, INSTALL THE FIRST TRAFFIC LIGHT SUBJECT TO FDOT PERMIT AND CONDITIONS. WHEN THE PROJECT REACHES OR EXCEEDS 490,000 SQUARE FEET, THE DEVELOPER SHALL AT THEIR EXPENSE, COMPLETE A TRAFFIC SIGNAL WARRANT STUDY WITHIN SIX MONTHS OF ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR SAID BUILDINGS AND SEEK FLORIDA FDOT APPROVAL FOR THE SECOND TRAFFIC LIGHT. IF THE SECOND PROPOSED TRAFFIC SIGNAL MEETS THE WARRANTS AND IS APPROVED BY FLORIDA FDOT, THEN THE DEVELOPER SHALL, AT THEIR EXPENSE, INSTALL THE SECOND TRAFFIC LIGHT SUBJECT TO THE FDOT PERMIT AND CONDITIONS. IF THE TRAFFIC VOLUMES OR OTHER CONDITIONS DO NOT WARRANT THE SECOND TRAFFIC LIGHT AND IT IS NOT APPROVED BY FLORIDA FDOT, THEN THE PROJECT MAY CONTINUE TO PROCEED WITH ADDITIONAL EXPANSIONS BUT THE TRAFFIC SIGNAL WARRANT STUDY SHALL BE UPDATED ANNUALLY FOR AT LEAST THREE CONSECUTIVE YEARS THEREAFTER. AT DEVELOPER EXPENSE AND DEVELOPER SHALL SEEK FDOT APPROVAL FOR THE SECOND TRAFFIC LIGHT. AT THE TIME THE SECOND TRAFFIC SIGNAL IS APPROVED BY FDOT, THE DEVELOPER SHALL, AT

THEIR EXPENSE INSTALL THE SECOND TRAFFIC LIGHT SUBJECT TO FDOT PERMIT AND CONDITIONS. FOR BOTH TRAFFIC LIGHTS , THE DEVELOPER. AT THEIR SOLE COST, SHALL BE RESPONSIBLE FOR THE INSTALLATION OF AN ENHANCED MAST ARM SIGNALIZED INTERCONNECTED INTERSECTION , AS WELL AS THE LANEAGE IMPROVEMENTS NECESSARY .

8. FOR SITE ACCESS PURPOSES AT THE PROPOSED INTERSECTION OF SOLANA AVENUE AND US 17-92 THE WESTERN EXTENSION OF SOLANA AVENUE INTO THE PROJECT MUST NOT DEAD END INTO A COMMERCIAL, RESIDENTIAL OR OFFICE DEVELOPMENT, AND MUST CONNECT , TO AN INTERNAL ROADWAY WHICH CONNECTS TO EITHER BENNETT AVENUE . MONROE AVENUE OR LEE ROAD. AT THE TIME OF THE TRAFFIC SIGNAL INSTALLATION AT SOLANA AVENUE, THE DEVELOPER SHALL PAY FOR THE COST OF THE CLOSURE OF PERTINENT MEDIANS ON US 17-92, AS DETERMINED BY FDOT.
- C. FOR SITE ACCESS PURPOSES AT THE PROPOSED INTERSECTION OF BENNETT AVENUE AND LEE ROAD REALIGNED WITH EXECUTIVE DRIVE , THE NORTHERN LEG OF THIS INTERSECTION MUST BE REALIGNED TO CONNECT AND ALIGN WITH EXECUTIVE DRIVE. THE REALIGNED ROADWAY INTO THE PROJECT MUST NOT DEAD END INTO A COMMERCIAL , RESIDENTIAL OR OFFICE DEVELOPMENT , AND MUST CONNECT, TO AN INTERNAL ROADWAY WHICH CONNECTS TO MONROE AVENUE OR US 17-92.
- D. THE DEVELOPER MUST CLOSE THE 11 EXISTING PRIVATE PROPERTY CURB CUTS / DRIVEWAYS ON US 17-92 OR TRAFFIC SIGNAL WARRANT STUDY MUST ASSUME SUCH CLOSURE.

E. A 100-FOOT SETBACK SHALL BE MAINTAINED FOR DEVELOPMENT GREATER THAN 1 STORY ADJACENT TO ANY SINGLE-FAMILY DWELLING DISTRICT AND USES ALONG RAVAUDAGE BOUNDARY WITH THE CITY OF MAITLAND. A BUFFER OF 25 FEET FOR PAVED PARKING AREAS ADJACENT TO A SINGLE-FAMILY DWELLING DISTRICT SHALL NOT BE REDUCED AND THE PERIMETER FOR THE PD BE MAINTAINED AT A MINIMUM OF 25 FEET. AT SUCH TIME AS BENJAMIN PARTNERS LTD OBTAINS OWNERSHIP OF THE SINGLE-FAMILY PARCELS SOUTH OF MONROE AVENUE THAT ARE CURRENTLY UTILIZED FOR SINGLE-FAMILY PURPOSES AND INCLUDES THOSE PARCELS INTO THE DEVELOPMENT PLAN FOR RAVAUDAGE, THE STATUS OF THESE PARCELS WILL NOT REQUIRE THE SAME LEVEL OF BUFFERING AS THE COUNTY'S EXISTING REGULATIONS PROVIDE. AT THAT JUNCTURE, MAITLAND WILL PROCESS A MODIFICATION OF ITS SUGGESTED BUFFERING REQUIREMENTS WITH THE INTENT TO CHANGE THEM TO BE CONSISTENT WITH THE APPROVALS GRANTED HEREIN. FOR THOSE PROPERTIES LOCATED EAST OF BENNETT AVENUE, ADJACENT TO THE RESIDENTIAL PROPERTY WITHIN THE CITY OF WINTER PARK, A BUILDING SETBACK OF 75 FEET IS TO BE PROVIDED FROM THE WEST RIGHT-OF-WAY LINE OF BENNETT AVENUE.

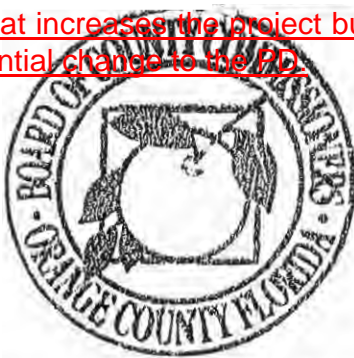
26. ANY PETITION TO VACATE SHALL HAVE A CONDITION THAT WILL IDENTIFY THAT THE APPLICANT MAY PROVIDE A RIGHT-OF-WAY STRIP FOR LEE ROAD AND/OR ORLANDO AVENUE TO THE COUNTY OR FDOT AT NO COST UPON REQUEST BY THE COUNTY OR FDOT. A RIGHT-OF-WAY AGREEMENT MAY BE REQUIRED AS PART OF ANY FUTURE DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN.

~~27. DEVELOPMENT SHALL PROVIDE FOR A MINIMUM OF 300 RESIDENTIAL UNITS. A MINIMUM OF 50% OF THE FIRST FLOOR (BASED ON LINEAR FOOTAGE) FACING A STREET SHALL BE USED FOR NON-RESIDENTIAL USES.~~

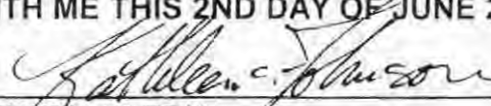
~~28.~~ 27. INTERNAL TRAFFIC LANES ON SHEET C-5 (OF THE LAND USE PLAN) SHALL BE ~~11 (ELEVEN)~~ TWELVE (12) FEET IN WIDTH WITH ON STREET PARKING AND THE PARKING LANES SHALL BE EIGHT AND ONE-HALF FEET IN WIDTH.

~~29.28. INTERSECTION CROSSWALKS SHALL GENTLY ELEVATE TO SLOW TRAFFIC. SHALL BE 20 (TWENTY) FEET WIDE MEASURED FROM BULB-OUT TO BULB-OUT, AND SHALL HAVE MOUNTABLE CURBS FOR EMERGENCY VEHICLE ACCESS.~~

~~30.29. USE OF THE EQUIVALENCY MATRIX THAT CHANGES ANY USE BY 10% OR GREATER (INDIVIDUALLY OR IN THE AGGREGATE ) SHALL BE DEEMED A SUBSTANTIAL CHANGE TO THE PD. Any use of the equivalency matrix that increases the project build-out traffic generation/trip count shall be deemed a substantial change to the PD.~~



THE FOREGOING DECISION HAS BEEN FILED  
WITH ME THIS 2ND DAY OF JUNE 2011.

  
DEPUTY CLERK  
BOARD OF COUNTY COMMISSIONERS  
ORANGE COUNTY, FLORIDA

*Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.*

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