



city commission agenda

Regular Meeting

July 13, 2015
3:30 p.m.
Commission Chambers

commissioners				mayor	commissioners			
seat 1	Gregory Seidel	seat 2	Sarah Sprinkel	Steve Leary	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 website at cityofwinterpark.org.

meeting procedures

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

Citizen comments at 5 p.m. and each section of the agenda where public comment is allowed are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left. Large groups are asked to name a spokesperson. This period of time is for comments and not for questions directed to the Commission or staff for immediate answer. Questions directed to the City Commission will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

agenda

1	Meeting Called to Order	
2	Invocation Finance Director Wes Hamil Pledge of Allegiance	
3	Approval of Agenda	
4	Mayor's Report	*Projected Time *Subject to change
	<ul style="list-style-type: none"> a. Presentation - 2015 Historic Preservation Awards and Winter Park Register of Historic Places plaques b. Presentation - Q2 2015 Business Recognition Recipient - Pookie's Pet Nutrition & Bow Wow Bakery c. Presentation - 2015 Government Finance Officers Association Distinguished Budget Presentation Award d. Keep Winter Park Beautiful and Sustainable Board reappointment 	30 minutes

5 City Manager's Report	*Projected Time *Subject to change
a. Presentation of the proposed 2015/2016 budget	20 minutes
6 City Attorney's Report	*Projected Time *Subject to change
7 Non-Action Items	*Projected Time *Subject to change
8 Citizen Comments 5 p.m. or soon thereafter (if the meeting ends earlier than 5 p.m., the citizen comments will be at the end of the meeting) (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)	
9 Consent Agenda	*Projected Time *Subject to change
a. Approve the minutes of June 22, 2015. b. Approve the following purchase and Blanket Purchase Orders: <ol style="list-style-type: none"> 1. Purchase of a used 1998 KME AerialCat tractor drawn ladder truck from Command Fire Apparatus; not to exceed \$200,000. 2. Blanket Purchase Order to ENCO Utilities Services for O&M electric utility; \$1,100.00. 3. Blanket Purchase Order to Heart Utilities of Jacksonville for City-wide underground projects; \$500,000. 4. Blanket Purchase Order to HDD of Florida for City-wide underground projects; \$575,000. 5. Blanket Purchase Order to Covanta Energy Marketing LLC for bulk power supply; \$250,000. 6. Blanket Purchase Order to Gainesville Regional Utilities for bulk power supply; \$250,000. c. Approve the budget amendment for the Building Division for the purchase of a scanner. d. Authorize the City Manager to execute the Annual Funding Agreement with MetroPlan Orlando for FY2016 in the amount of \$2,366.00.	5 minutes
10 Action Items Requiring Discussion	*Projected Time *Subject to change
a. New Library Facility – Next Steps b. City Attorney contract	15 minutes 15 minutes
11 Public Hearings	*Projected Time *Subject to change

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|--|------------|
| a. Ordinance – Amending the Land Development Code to clarify language by removing the antiquated term “Servant” (2) | 5 minutes |
| b. Resolution – Extending the term of existence of the Golf Course Strategic Plan Task Force | 5 minutes |
| c. Resolution – Designating 500 North Interlachen Avenue as a historic landmark on the Winter Park Register of Historic Places | 5 minutes |
| d. Resolution – Designating 1565 Forest Avenue as a historic landmark on the Winter Park Register of Historic Places | 5 minutes |
| e. <u>Request of Tower Acquisition Partners LLC</u> : (2 nd public hearing required)
- To amend the conditional use approval previously granted to the property at 170 S. Knowles Avenue/170 East Morse Boulevard in 2007 to allow for modifications to the multi-family project to now be composed of three units, three stories and 19,935 square feet of residential living area and garage | 10 minutes |
| f. Ordinance – Annexing 1566 W. Fairbanks Avenue (1) | 10 minutes |
| g. <u>Request of Icon Residential</u> :
- Conditional use approval to redevelop the 3.45 acres collectively referred to as 1800 Lee Road, including the tax parcels of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road for a 30 unit townhouse development (cluster housing). | 20 minutes |
| h. Fifth Third Bank Development Agreement | 20 minutes |
| i. Ordinance – Amending Chapter 94, Taxation, to increase the business tax fees by 5% or less, provide clarification on certain business tax categories, modify proration of partial year business tax certificates and provide enabling language to collect Orange County business tax receipts for Winter Park businesses. (1) | 10 minutes |

12 City Commission Reports

***Projected Time**
***Subject to change**

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

10 minutes each

appeals & assistance

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

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



city commission **city manager's report**

item type

City Manager's Report

meeting date

July 13, 2015

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
Railroad crossing update	Grade crossing repairs included in a CIP managed by FDOT.	Contracts to be awarded by August 2015.
Future tree plantings	FY 2015 to date – 333 trees planted.	Street tree inventory has started.
MLK (Rollins) Restroom	Plans complete. Rollins will be contracting.	Contractor is constructing foundation. Construction will take approximately (four) 4 months.
Historic Preservation Ordinance	Draft approved by the Historic Preservation Board. Work session scheduled for June 17 at 6:00 p.m. to review with citizens group.	To be determined based on work session outcome.
Visioning Steering Committee	Next meeting scheduled for August 4 at 3:00 p.m. in Welcome Center. Continuing to host stakeholder meetings. Inviting community to participate at www.visionwinterpark.org and community talks on July 16 and 30 at the Civic Center.	On-going activities.

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

REGULAR MEETING OF THE CITY COMMISSION
June 22, 2015

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Rev. John D. Williams, Sr., Ward Chapel AME, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham

Approval of the agenda

Public Hearings 'c' and 'f' were pulled from the agenda. The agenda was approved by acclamation.

Mayor's Report

a. Proclamation – Parks and Recreation Month

Mayor Leary proclaimed July 2015 as Parks and Recreation Month. Parks Director John Holland spoke about the numerous events on the July calendar and the great Parks Department they have.

b. Historic Preservation Board appointments and discussion:

Mayor Leary addressed the need to appoint the two members to the Historic Preservation Board per the City Charter. He spoke about Commissioner McMacken's concern of timing and the proposed time of September to bring the ordinance before the Economic Development Advisory Board and the Planning and Zoning Board. He proposed that the ordinance come to the Commission on November 9.

Commissioner McMacken stated he was willing to support the board appointments if the Commission came up with a date certain for the ordinance to come before them. It was clarified that the ordinance will come before them on November 9 and in the interim to receive a report from the Historic Preservation Board.

Commissioner Cooper expressed her preference that the appointees qualify as part of the Certified Local Government if the ordinance should come forward with the recommendation that the City become a Certified Local Government.

Motion made by Mayor Leary to appoint Bill Segal as the full member and Phil Kean as the alternate; seconded by Commissioner Sprinkel.

Commissioner Seidel stated he would be more comfortable appointing someone that had a more historic preservation approach on applications as one position and is happy to appoint another person for the other position to bring some balance to the board. Commissioner McMacken applauded the current board member composition. Discussion ensued regarding the proposed ordinance to come to the Commission and if it has any recommendations about the composition of the board, that would be taken in consideration by the Commission in response to the ordinance.

Upon a roll call vote, Mayor Leary and Commissioners Sprinkel and McMacken voted yes. Commissioners Seidel and Cooper voted no. The motion carried with a 3-2 vote.

City Manager's Report

City Manager Knight addressed the Fourth of July celebration, the proposed budget being presented at the next meeting, and the July 20 work session to discuss capital projects. Upon questioning, Assistant Electric Utility Director Terry Hotard spoke about the recent storms and outages.

City Attorney's Report

Attorney Brown spoke about the lawsuit filed concerning the anti-picketing ordinance.

Non-Action Item

a. Library Strategic Task Force Report

Library Strategic Task Force Chair Sam Stark provided a PowerPoint presentation consisting of their final report. Several task force members were present. He thanked the task force for their hard work as well as thanking City staff and the library staff for the support they provided. Mr. Stark summarized the process from June 2014 to the present and what they were charged with by the Commission; the current use and users of the library; clarification of space and program needs; their exploration of sites and Commission directed sites; the task force recommendation regarding the site; examination of costs and funding strategies; examination of community spaces and resources; and exploration of partnerships.

Mr. Stark concluded that the task force has recommended the construction of a new library in the northern section of the Martin Luther King, Jr. Park. Discussion took place regarding the sites that were considered and the costs. Mr. Stark answered Commission questions. Whether all information can be obtained in time to include a referendum on the March 2016 ballot was discussed. The report was received by acclamation of 5-0.

The following public comments were made:

Joe Terranova, 151 N. Virginia Avenue, agreed a new library is needed and recommended the Civic Center property because of its age and because of the existence of the Community Center that he believed could be used for some Civic Center events.

Jean Cumming, 902 Golfview Terrace, wanted the library to remain at its current location.

The following were in favor of the proposed location at the MLK Park and a new library:

Nancy Shutts, 2010 Brandywine
Dimitry Nibitin, 370 Autumn Breeze Way
Rev. John Williams, 159 S. Pennsylvania Avenue
Michele McArdle, Valencia College, 850 W. Morse Boulevard
Ann Higbie, 190 Ward Drive
Thaddeus Seymour, 1804 Summerfield Road
Gary Barker, 1029 McKean Circle
Jeffry Jontz, 1138 Park North Place

There was a consensus for staff to schedule a work session as soon as possible before the next meeting to address every aspect of the project and the next steps to move forward. Discussion took place regarding whether to extend the task force. It was determined that if the task force is further needed that the Commission will reach out to them.

b. Financial Report – April 2015

Finance Director Wes Hamil provided the report and answered questions.

Motion made by Mayor Leary to accept the financial report as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Public comments (items not on the agenda)

Gary Brewer, 1250 S. Denning Drive, as Chairman of the Civic Service Board, asked for consideration in the upcoming budget to unfreeze the four Police Department positions.

Nancy Shutts, 2010 Brandywine, asked to remedy the situation with the rough bricks on Lake Sue/Pennsylvania in the upcoming budget because of the impact to vehicles.

David Williams, 209 Tyree Lane, provided pictures of the site and spoke about the destruction of a tree on his property due to the power lines and outage. Staff will follow up with Mr. Williams.

Joe Terranova, 151 N. Virginia Avenue, spoke in favor of the contribution to DPAC because of the benefits it provides to the residents but had concerns with the manner it was financed.

Recess

There was a recess taken from 5:31 – 5:51 p.m.

Consent Agenda

- a. Approve the minutes of June 8, 2015.
- b. Approve the following contracts:
 1. Piggyback contract with HD Supply Waterworks, Ltd. for water/wastewater material alliance extension agreement No. 895; and authorize the Mayor to execute contract.
 2. Piggyback contract with CycleHop, LLC for Bicycle Sharing System; and authorize the Mayor to execute contract.
 3. Piggyback contract IFB15-0017 with Layne Inliner, LLC for storm line rehabilitation cleaning and video recording; and authorize the Mayor to execute contract and proposal.
 4. Amendment 3, RFQ-2-2012, Continuing Contracts for Professional, Architectural, & Engineering Services. Discipline: Green Planning to Matern Professional Engineering, Inc.; and authorize the Mayor to execute Amendment.
 5. Amendment 3, RFQ-2-2012, Continuing Contracts for Professional, Architectural, & Engineering Services. Discipline: Surveying Services to Southeastern Surveying and Mapping Corporation; and authorize the Mayor to execute Amendment.
 6. Amendment 3, RFQ-2-2012, Continuing Contracts for Professional, Architectural, & Engineering Services. Discipline: Roadway Design to Kelly, Collins & Gentry, Inc. and authorize the Mayor to execute Amendment.

Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Sprinkel. No public comments were made. The motion carried unanimously with a 5-0 vote.

Action Items Requiring Discussion

- a. Florida League of Cities Conference Voting Delegate

Upon discussion, **a motion was made by Mayor Leary to nominate Commissioner Cooper to represent the Commission.** No public comments were made. **The motion was seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

b. Citizens Century Collection Recognition Policy

Parks Director John Holland commented about recent Commission discussion as to how to honor and recognize citizens who turn 100 years old. He spoke about planting a tree at the honoree's request in a park and that they have specified in the policy either Central Park or Martin Luther King, Jr. Park (but are not limited to those two parks) because those parks would provide the opportunity for a grove or collection of trees in one location rather than spread throughout the City.

Upon discussion, **a motion was made by Mayor Leary to approve the policy with the stipulation that the Parks and Recreation Board has the authority to place individual trees but if determined that there to be a grove of some sort or an accumulation of trees that it be presented to the Commission prior to doing that; and to delete the Central Park and MLK Park language out of the policy; seconded by Commissioner Sprinkel.** No public comments were made. **The motion carried unanimously with a 5-0 vote.**

c. Real Estate Purchase and Sale between Orange County School Board, City of Winter Park and UP Fieldgate US Investments and Indemnity Agreement between the City and UP Fieldgate US Investments – Winter Park LLC

City Manager Knight stated this was tabled at the last meeting because of concerns over language in the contract that might put the City at risk. He reported that the City Attorney has negotiated with the School Board and the developer to get revised language that protects the City.

Motion made by Commissioner Sprinkel to approve the two agreements; seconded by Commissioner Cooper. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Public Hearings:

a. Request of the Winter Park Racquet Club, Inc. for the property at 2011 Via Tuscany:

ORDINANCE NO. 2999-15: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL FUTURE LAND USE TO OPEN SPACE AND RECREATION ON THE PROPERTY AT 2011 VIA TUSCANY, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE Second Reading

ORDINANCE NO. 3000-15: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE FAMILY RESIDENTIAL (R-1AA) DISTRICT ZONING TO PARKS AND RECREATION (PR) DISTRICT ZONING ON THE PROPERTY AT 2011 VIA TUSCANY, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE Second Reading

Conditional use approval to amend the site plan layout for the Racquet Club to add the property at 2111 Via Tuscany, eliminate the north driveway and to make other site modifications.

This was a simultaneous public hearing. Attorney Brown read both ordinances by title. Any conversations with staff or the applicants were disclosed by each member of the Commission.

Motion made by Commissioner Sprinkel to adopt the first ordinance (comprehensive plan); seconded by Commissioner Seidel. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Motion made by Commissioner Seidel to adopt the second ordinance (zoning); seconded by Commissioner Cooper. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Motion made by Commissioner Sprinkel to approve the conditional use request, seconded by Commissioner McMacken. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- b. Request of Tower Acquisition Partners LLC: To amend the conditional use approval previously granted to the property at 170 S. Knowles Avenue/170 East Morse Boulevard in 2007 to allow for modifications to the multi-family project to now be composed of three units, three stories and 19,935 square feet of residential living area and garage

Planning Manager Jeff Briggs addressed the request to amend the conditional use for the townhouse project approved in 2007 which is now going to be three units, it has gone through Planning and Zoning, and it continues to meet all code requirements. He spoke about the parking and the requirement for terracing by imposing a further setback for the third floors; the applicant has agreed to move the third floor back another foot to break up the vertical wall on the Treat Way alley side. Lastly, he addressed streetscape improvements on the section on Knowles south of Morse to bring the Morse streetscape around the corner. The applicant wants to convert the parking to parallel parking arrangement which will cause the loss of six parking spaces but will widen the sidewalk to 12' which will allow for planting of trees. Questions were addressed by Mr. Briggs. Commissioners disclosed conversations they had with the applicant or their attorney.

Rebecca Wilson, Lowndes, Drosdick, Kantor and Reed, representing the applicant explained the previous projects that the applicant has developed and the what has

taken place since 2007 regarding the project. She displayed pictures of the current site and addressed their proposal to reduce the number of units to three units, no changes are being made in parking ratios or setbacks, and no additional stories. She showed the proposed site plan and explained the improved streetscape and their request for parallel parking. She shared statistics as to what is happening with Knowles Avenue with trying to make it a pedestrian friendly street and with the traffic reduction. She spoke about Treat Way and answered questions. She asked for approval with the Planning and Zoning conditions. Comments were brought forward about the improvements the project brings and concerns that will be addressed by the applicant and staff. Ms. Wilson spoke about the need for them to close on the property quickly.

Motion made by Commissioner Sprinkel to approve the conditional use request with the Planning and Zoning Board conditions listed; seconded by Commissioner Seidel. No public comments were made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- c. Request of Icon Residential: Conditional use approval to redevelop the 3.45 acres collectively referred to as 1800 Lee Road, including the tax parcels of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road for a 30 unit townhouse development (cluster housing).

Postponed until July 13 by request of the applicant.

- d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTIONS 58-71 AND 58-95 OF ARTICLE III, ZONING, CHAPTER 58, LAND DEVELOPMENT CODE TO CLARIFY LANGUAGE BY REMOVING THE ANTIQUATED TERM "SERVANT"; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE First Reading

Attorney Brown read the ordinance by title. It was explained that this is a housekeeping item.

Motion made by Mayor Leary to accept the ordinance on first reading; seconded by Commissioner McMacken. There were no public comments. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- e. RESOLUTION NO. 2159-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, TO EXECUTE THE QUIET ZONE IMPROVEMENT AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WINTER PARK FOR CAPITAL IMPROVEMENTS IN RESPONSE TO THE USE OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS.

Attorney Brown read the resolution by title and spoke about FDOT wanting resolutions to accompany any agreements they have with the City. City Manager Knight stated further revisions were made to the agreement after the last meeting

regarding if the project goes over budget. Public Works Director Troy Attaway explained it is up to the FDOT as to when this project begins.

Motion made by Commissioner Sprinkel to adopt the resolution; seconded by Commissioner Seidel. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- f. Request of Javier Omana and Chris Hite for the property at 426 West Lyman Avenue

This item was withdrawn by the applicant.

- g. Request of Unicorp National Developments, Inc.:

AN ORDINANCE TO AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" IN THE FUTURE LAND USE ELEMENT SO AS TO ADD A NEW POLICY TO THE US HIGHWAY 17-92 CORRIDOR PLANNING AREA "J" TO PROVIDE FOR ADDITIONAL FLOOR AREA RATIO FOR PARKING GARAGES IF EQUAL PRIVATE AND PUBLIC PARKING IS PROVIDED; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING", SECTIONS 58-74 COMMERCIAL (C-1) DISTRICT AND 58-76 COMMERCIAL (C-3) DISTRICT, SO AS TO ALLOW FOR ADDED FLOOR AREA RATIO FOR PARKING GARAGES IF EQUAL PRIVATE AND PUBLIC PARKING IS PROVIDED, LIMITED TO LOCATIONS ALONG THE ORLANDO AVENUE CORRIDOR; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

This was a simultaneous public hearing. Attorney Brown read both ordinances by title. Planning Manager Jeff Briggs stated this request is for first reading and transmittal to FDEO on comprehensive plan and zoning code amendments to put into the code provisions that would allow for additional Floor Area Ratio (FAR) for parking garages only when there is an equal provision of public and private parking. He stated the City-wide notice was mailed. He provided the status of the Lakeside Crossing project as approved. He stated the developer has made an offer to build additional parking above and beyond code of 77 spaces; half is for the benefit of the developer to allow additional restaurant seating, and the other half is for public parking. This allows them to go from 44.17% to 60.87% FAR.

He explained the two ordinances have to be passed to enable them to apply later for the expanded parking garage and because it is a comprehensive plan amendment that is changing policy text, it has to be sent to Tallahassee after this first reading for their review and comment. After this comes back from Tallahassee, they will submit the plans in August at the time of second reading for approval.

Mr. Briggs addressed the Planning and Zoning Board discussions as to how to accomplish this. He stated they did not want to do this City-wide or for this one specific property so it is being presented in the context of for the corridor.

Chuck Whittall, Unicorp National Developments, addressed their request and the traffic study coming back more favorable with generating less trips than the previous plan. Mr. Whittall answered questions of the Commission.

Upon questioning of Commissioner McMacken, Mr. Briggs will clarify language in the zoning ordinance regarding the "public parking spaces required for the commercial project, etc."

Commissioner Cooper spoke about the option of giving variances or special exceptions. She stated she agrees with the garage being built out but disagreed with increasing the FAR along 17-92 in the comprehensive plan. Attorney Brown addressed the possible options for handling this that could include a variance, development agreement, or special waiver provision based on the unique aspects of the project. He stated he would need to review the code. Mr. Briggs spoke about the criticism concerning the parking at Lakeside and that staff did not believe the proper approach would be to bring forth an application that provided a variance to parking at Lakeside.

Questions were answered by Mr. Briggs whereby discussion ensued regarding only doing this for this one particular area and not the entire corridor, the definition of public spaces, and if amending the comprehensive plan for only one parcel is the right way to handle this. Mr. Whittall spoke about this being time sensitive for them as they are close to getting their permit for the building itself and they need to construct the parking with it. They hope to have the entire project finished within 12 months.

Mayor Leary asked if this goes back through the variance process if that would be a shorter process than going through the comprehensive plan process. Mr. Briggs suggested if it is decided to tweak the ordinance to make it a smaller area, pass it on first reading and send it to Tallahassee, then when it comes back in August they can craft a different method with a variance which would give the Commission different ways to choose from.

Commissioner Cooper expressed her preference to give them a variance instead of amending the comprehensive plan for this one request.

Mr. Briggs further clarified what happens in August when this comes back before the Planning and Zoning Board for the expanded garage, landscape plan, architecture, etc. He stated at the same meeting they can make a recommendation with the variance approach. Mr. Briggs also clarified that under our conditional use provisions, the Commission has the authority to grant variances for parking; other types of variances go to the Board of Adjustments. Commissioner McMacken commented while this is in Tallahassee they could come up with a development

agreement that would allow them to do the variance so when they get to that point, they can decide which way to go.

Commissioner Sprinkel stated she was not comfortable amending the comprehensive plan to go to Tallahassee for the entire corridor. She suggested a smaller area which was acceptable to the Commission.

Motion made by Commissioner Sprinkel to accept the comprehensive plan policy ordinance on first reading but instead of the 17-92 corridor, make it only between Morse and Comstock (the area bordering Harper and 17-92); seconded by Commissioner Seidel.

There was a consensus to direct the City Manager to direct staff to analyze the variance approach, work with the City Attorney and to bring it back as viable and to take this to the P&Z Board for their review and advice with the Commission having the final variance approval for parking.

The following public comments were made:

Gary Barker, 1029 McKean Circle, opposed changing the comprehensive plan and agreed with having a variance for this particular request.

Joe Terranova, 151 Virginia Avenue, agreed with the change of not including the entire corridor. He was in favor of the increase in parking but asked to consider when making these major exceptions that something is included by the applicant for the public good. He proposed that the power lines on the west side of Harper be undergrounded at the developer's expense.

Upon a roll call vote on the comprehensive plan ordinance, Mayor Leary and Commissioners Seidel, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Motion made by Commissioner Sprinkel to accept the zoning ordinance on first reading with the same guidelines; seconded by Commissioner Seidel. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

City Commission Reports:

a. Commissioner Seidel

Commissioner Seidel thanked Mayor Leary for meeting with him and that it was very productive. He spoke about the traffic modeling he discussed during the campaign and the meeting with the FDOT along with staff where they discussed a lot of the concept he was trying to go with. He stated there will be follow-up conversations with the FDOT and will be meeting with Public Works to see about making this

happen. Mayor Leary asked Commissioner Seidel to make sure that everything goes through the City Manager because per the Charter they are not allowed to direct staff.

b. Commissioner Sprinkel

Commissioner Sprinkel addressed the fence at Harper and Morse that is still impeding the sight when turning right. City Manager Knight stated they made adjustments to it but will have Public Works Director Attaway review this again.

Commissioner Sprinkel asked when the topic of boards will be brought back to the Commission so they can provide more direction to the boards concerning the rules. City Manager said they can agenda that for a future agenda.

c. Commissioner Cooper

Commissioner Cooper thanked Commissioner Seidel for the traffic issues he is working on. She asked about Board recognition. City Manager stated funds will be provided in the upcoming budget.

d. Commissioner McMacken

Commissioner McMacken spoke about the visioning process being underway and the importance that as many people as possible provide input. Discussion ensued regarding residents that do not have computer access and how the City will handle this.

e. Mayor Leary

Mayor Leary spoke about his thoughts about parking garages and solar on top of the structures. There was a consensus for staff to look into this and if should be a condition of approval.

The meeting adjourned at 7:32 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Cynthia S. Bonham, MMC



city commission agenda item

item type	Consent Agenda	meeting date	July 13, 2015
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 \$75,000

	vendor	item background	fiscal impact	motion recommendation
1.	Command Fire Apparatus	Purchase of a used 1998 KME AerialCat Tractor Drawn Ladder Truck.	Total amount not to exceed: \$200,000	Commission approve purchase of a used 1998 KME AerialCat Tractor Drawn Ladder Truck from Command Fire Apparatus.
This purchase will be made utilizing the Vehicle Replacement Fund. Replacing 23 year old reserve ladder with an apparatus that has similar capabilities to our current tractor drawn aerial.				
2.	Enco Utilities Services	Blanket Purchase Order for O&M Electric Utility	Total amount: \$1,100,000	Commission approve Blanket Purchase Order to Enco Utilities Services for O&M Electric Utility
This Blanket Purchase Order will expire September 30, 2015.				
3.	Heart Utilities of Jacksonville	Blanket Purchase Order for City-wide Underground Projects IFB-8-2014 & Jacksonville Beach Contract No.1213-03	Total amount: \$500,000	Commission approve Blanket Purchase Order to Heart Utilities of Jacksonville for City-wide Underground Projects
This Blanket Purchase Order will expire September 30, 2015.				
4.	HDD of Florida	Blanket Purchase Order for City-wide Underground Projects. IFB-8-2014	Total amount: \$575,000	Commission approve Blanket Purchase Order to HDD of Florida for City-wide Underground Projects.
This Blanket Purchase Order will expire September 30, 2015.				
5.	Covanta Energy Marketing LLC	Blanket Purchase Order for Bulk Power Supply ITN-13-2013	Total amount: \$250,000	Commission approve Blanket Purchase Order to Covanta Energy Marketing LLC for Bulk Power Supply.
This Blanket Purchase Order will expire September 30, 2015.				
6.	Gainesville Regional Utilities (GRU)	Blanket Purchase Order for City-wide Underground Projects. ITN-13-2013	Total amount: \$250,000	Commission approve Blanket Purchase Order to Gainesville Regional Utilities (GRU) for Bulk Power Supply
This Blanket Purchase Order will expire September 30, 2015.				



city commission agenda item

Item type	Consent Agenda	meeting date	July 13, 2015		
prepared by	Peter Moore	approved by	<input checked="" type="checkbox"/>	City Manager	
department	Administrative Services		<input type="checkbox"/>	City Attorney	
division	Budget, Purchasing, Performance Measurement		<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 for Building Division

motion | recommendation

Approve the budget amendment as presented.

Background

The City Commission is required by Statute to approve any budget amendments that alter the total amount budgeted in any fund or when funds are transferred between different fund types. The Building Division currently outsources its large format scanning services. To reduce wait times, improve customer service, and to allow for easier electronic storage of plans, the Building Division would like to use \$11k of restricted building reserves (current fund balance of \$500k+) to purchase the scanner. This will increase revenues in the revised budget and increase expenditures in the Building Division by the same amount.

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. The adjustments requested are attached to this item.

alternatives | other considerations

N/A

fiscal impact

The increase in appropriated budget levels is equally offset by an increase in revenue.



city commission agenda item

Item type	Consent Agenda	meeting date	July 13, 2015		
prepared by	Cindy Bonham	approved by	<input checked="" type="checkbox"/>	City Manager	
department	City Clerk		<input type="checkbox"/>	City Attorney	
division			<input type="checkbox"/>	N/A	
board approval		<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> N/A	final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life		<input type="checkbox"/>	Fiscal Stewardship	
	<input type="checkbox"/> Intelligent Growth & Development		<input type="checkbox"/>	Public Health & Safety	
	<input type="checkbox"/> Investment in Public Assets & Infrastructure				

subject

Annual funding agreement for FY2015/2016 between the City of Winter Park and MetroPlan Orlando

motion | recommendation

Motion to approve the agreement with MetroPlan Orlando as a Municipal Advisory Committee voting member in the amount of \$2,366.00 for FY2015/2016

background

On February 9, 2015, Mayor Kenneth Bradley announced that MetroPlan Orlando will discuss allowing the Municipal Advisory Council (MAC) to have a vote on the MetroPlan Board and that they are proposing enactment for the 2015/2016 budget season. He spoke about the associated funding with being a member and that an interlocal agreement will be coming.

On February 23, 2015, Mayor Kenneth Bradley announced that the MAC has been granted a seat on the MetroPlan Board and that each City that is a member of MAC would be assessed its pro rata share of membership dues based upon population.

alternatives | other considerations

N/A

fiscal impact

\$2,366.00 annually

June 10, 2015

Honorable Steve Leary
Mayor
City of Winter Park
401 South Park Avenue
Winter Park, FL 32789

Re: Annual Funding Agreement for FY2015/2016

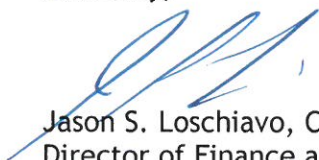
Dear Mayor Leary:

Enclosed is the Annual Funding Agreement between the City of Winter Park and MetroPlan Orlando for FY 2015/2016. The enclosed Funding Agreement is the standard agreement with all members who have voting membership on the MetroPlan Orlando Board. As a Municipal Advisory Committee (MAC) member, which now has voting membership on the MetroPlan Orlando Board, your amount is based on a total of \$25,000 prorated by population to all members of the MAC. The funding amount of \$2,366.00 is based on the most current data reported by the University of Florida Bureau of Economic and Business Research in their publication of Florida Estimates of Population and the prorated per capita assessment.

We have provided two copies of the Annual Funding Agreement. ***It is requested that both copies be executed as soon as possible. Please retain one copy for your records and return a copy to us.*** Your assistance with expediting this process is appreciated. As a reminder, you will be invoiced in two installments due on October 1, 2015 and April 1, 2016. No payment is due at this time.

We appreciate your support of the work we have underway to provide Central Florida with a world-class transportation system serving the needs of residents, businesses and visitors.

Sincerely,


Jason S. Loschiavo, CPA
Director of Finance and Administration

Enclosures



CITY OF WINTER PARK/METROPLAN ORLANDO (URBAN AREA METROPOLITAN PLANNING ORGANIZATION) FY 2015-2016 FUNDING AGREEMENT

THIS AGREEMENT, is made and entered into this _____ day of _____, 2015, by and between the **CITY OF WINTER PARK**, a municipal corporation organized and existing under the laws of the State of Florida, whose address is 401 South Park Avenue, Winter Park, Florida 32789 (hereinafter referred to as the "**CITY**"), and the **Orlando Urban Area Metropolitan Planning Organization, d/b/a MetroPlan Orlando, A Regional Transportation Partnership**, a metropolitan planning organization, whose address is 315 East Robinson Street, Suite 355, Orlando, Florida 32801-1949 (hereinafter referred to as "**METROPLAN ORLANDO**").

WITNESSETH

WHEREAS, metropolitan planning organizations (MPOs) are the lead transportation planning agencies in urban areas throughout the United States; and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP-21) provides MPOs with the authority and responsibility for transportation planning and funding; and

WHEREAS, the quality of life and economic vitality of our community depends on coordinating transportation issues and developing complementary plans and policies; and

WHEREAS, METROPLAN ORLANDO has the lead role in formulating regional transportation plans and programs and coordinating transportation issues among local entities and the Florida Department of Transportation (FDOT); and

WHEREAS, METROPLAN ORLANDO has adopted the following Mission Statement:

To provide leadership in transportation planning by engaging the public and fostering effective partnerships.

METROPLAN ORLANDO shall achieve this mission by:

- a. Preparing and maintaining up-to-date transportation plans;
- b. Setting priorities for investing transportation resources to implement adopted regional plans;
- c. Shaping and communicating a regional perspective on transportation issues;
- d. Competing nationally and statewide for additional financial resources;
- e. Building strong alliances with the business community and residents of the region;
- f. Coordinating planning efforts with federal, state, and local governments and other transportation agencies; and
- g. Recruiting and retaining top quality staff and consultants.

WHEREAS, the CITY desires to enter into this Agreement with METROPLAN ORLANDO to provide it with funding to support the functions necessary to achieve METROPLAN ORLANDO's role in planning and funding the Orlando Urban Area Transportation System.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, the CITY and METROPLAN ORLANDO agree as follows:

SECTION 1. RECITALS. The CITY and METROPLAN ORLANDO hereby declare that the recitals set forth above are true and correct and incorporated herein.

SECTION 2. REPORTING REQUIREMENTS. METROPLAN ORLANDO agrees to provide the CITY, on a quarterly basis commencing October 1, 2015, a written operational report which will include an accounting of all Unified Planning Work Program Tasks for the quarter. The report shall identify each program task, the costs allocated to the task, and the percentage of the task completed. Each quarterly report shall be cumulative.

SECTION 3. FISCAL YEAR 2015-2016 CITY FUNDING REQUIREMENTS. The CITY agrees to allocate TWO THOUSAND THREE HUNDRED SIXTY-SIX DOLLARS (\$2,366.00) to METROPLAN ORLANDO from the CITY's Fiscal Year 2015-2016 budget, to be utilized by METROPLAN ORLANDO during its fiscal year ending June 30, 2016, in accordance with this Funding Agreement. Said funds shall be paid to METROPLAN ORLANDO on a semi-annual basis. The first payment of ONE THOUSAND ONE HUNDRED EIGHTY-THREE DOLLARS (\$1,183.00) shall be due and payable on October 1, 2015. The second payment of ONE THOUSAND ONE HUNDRED EIGHTY-THREE DOLLARS (\$1,183.00) shall occur on or before April 1, 2016. The funding provided to METROPLAN ORLANDO by the CITY is contingent upon funding by all local governments who are represented on the METROPLAN ORLANDO Board; such funding being equal to FIFTY CENTS (\$.50) per capita based, at time of budget adoption, on the latest available estimates of population within each local government's jurisdiction as provided by the Bureau of Economic and Business Research, University of Florida.

SECTION 4. EFFECTIVE DATE, TERM. The effective date of this Agreement shall be the date of signature by the last party to sign this Agreement. The terms of this Agreement shall commence on the effective date and terminate on September 30, 2016.

SECTION 5. INTERPRETATION. The headings contained in this Agreement are for reference purposes only and will not affect in any way the meaning or interpretation of this Agreement.

SECTION 6. NEGOTIATIONS. The parties to this Agreement acknowledge that all terms of this Agreement were negotiated at arms length and that this Agreement and all documents executed in connection herewith were prepared and executed without undue influence exerted by any party or upon any party. Further, this Agreement was drafted jointly by all parties, and no parties are entitled to the benefit of any rules of construction with respect to the interpretation of any terms, conditions, or provisions of this Agreement in favor of or against any person or party who drafted this Agreement.

SECTION 7. MISCELLANEOUS

- A. This Funding Agreement constitutes the entire agreement between the parties with respect to the specific matters contained herein and supersedes all previous discussions, understandings, and agreements, written or oral, between the parties hereto. Any amendments to or waivers of the provisions herein shall be made by the parties in writing. No other agreement, oral or otherwise, regarding the subject matter of this Funding Agreement shall be deemed to exist or to bind either party hereto.
- B. If any sentence, phrase, paragraph, provision or portion of this Funding Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed an independent provision and such holding shall not affect the validity of the remaining portions hereof.
- C. The parties hereby acknowledge that they have freely and voluntarily entered into this Funding Agreement and that each party has been given the opportunity to receive the advice of independent legal counsel for all negotiations in connection with this Funding Agreement.

SECTION 8. CONTROLLING LAWS

- A. This Funding Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida and all duly adopted ordinances, regulations, and policies of the CITY now in effect and those hereinafter adopted.
- B. The location for settlement of any and all lawsuits, claims, controversies, or disputes, arising out of or relating to any part of this Funding Agreement, or any breach thereof, shall be Orange County, Florida.
- C. The parties to this Funding Agreement agree to comply with all applicable Federal, State, and local laws, ordinances, rules and regulations pertaining to this Agreement.

SECTION 9. BINDING NATURE OF AGREEMENT. This Agreement shall be binding only between the CITY and METROPLAN ORLANDO.

SECTION 10. NOTICES. All notices, consents, approvals, waivers and deletions which any party shall be required or shall desire to make or give under this Agreement shall be in writing and shall be sufficient only when mailed by certified mail, first class postage affixed, addressed as follows:

CITY: Office of the Mayor
City of Winter Park
401 South Park Avenue
Winter Park, FL 32789

METROPLAN ORLANDO: Executive Director
MetroPlan Orlando
315 East Robinson Street, Suite 355
Orlando, FL 32801-1949

SECTION 11. AUDIT AND RECORDKEEPING PROCEDURES. METROPLAN ORLANDO shall keep and maintain all records related to this Funding Agreement and the services rendered pursuant to this Funding Agreement for the period required by the State of Florida General Records Schedule GS1-L for Local Government Agencies or other applicable State law, whichever is greater. Said records shall be made available to the public for inspection, examination and copying pursuant to the terms of Chapter 119, Florida Statutes. If any litigation, claim or audit is commenced, said records shall be maintained until all litigation, including appeals, claims or audits have been concluded or resolved.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement as of the day and year first above written.

METROPLAN ORLANDO

By: _____
Print Name: Harold W. Barley
Title: Executive Director
Date: _____

ATTEST:

(CORPORATE SEAL)

CITY OF WINTER PARK

By: _____
Print Name: _____
Title: _____
Date: _____

ATTEST:



city commission agenda item

Item type	Action Item Requiring Discussion	meeting date	July 13, 2015		
prepared by	City Manager	approved by	<input checked="" type="checkbox"/> City Manager		
department			<input type="checkbox"/> City Attorney		
division			<input type="checkbox"/> N A		
board approval	Library Facilities Task Force	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> N A	8-0 final vote
strategic objective	<input checked="" type="checkbox"/> Exceptional Quality of Life	<input type="checkbox"/> Fiscal Stewardship			
	<input type="checkbox"/> Intelligent Growth & Development	<input type="checkbox"/> Public Health & Safety			
	<input checked="" type="checkbox"/> Investment in Public Assets & Infrastructure				

subject

New Library Facility – Next Steps

motion | recommendation

Provide direction on site selection, inclusion of the Civic Center, possible parking structure, level of design (and budget) in preparation for a referendum, and the timing of a referendum.

background

The Library Facilities Task force delivered its report to the Commission on June 22, 2015. At that work session there appeared to be consensus that the preferred site was the north end of Martin Luther King, Jr. Park and that a new civic center component be part of the project. There was not clear consensus on exactly where on the north end of the park it should be located or whether or not a parking structure should be included.

There was also not a clear consensus on the level of design needed prior to a referendum or the timing of such referendum. A work session was scheduled to hear from John Chrastka, a consultant that has assisted in numerous Library referendums, to discuss his thoughts on timing and level of design.

alternatives | other considerations

There were several alternatives presented in the Task Force report.

fiscal impact

To be determined depending on site selection and components included.



city commission agenda item

Item type	Action Item Requiring Discussion	meeting date	July 13, 2015		
prepared by	City Manager	approved by	<input checked="" type="checkbox"/> City Manager		
department			<input type="checkbox"/> City Attorney		
division			<input type="checkbox"/> N A		
board approval		<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> N A	final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life		<input type="checkbox"/> Fiscal Stewardship		
	<input type="checkbox"/> Intelligent Growth & Development		<input type="checkbox"/> Public Health & Safety		
	<input type="checkbox"/> Investment in Public Assets & Infrastructure				

subject

City Attorney Contract

motion | recommendation

Under City Charter Section 2.09, the City Attorney is appointed and removed by the City Commission. The City Commission has three options:

1. Contract with Greenspoon Marder Law under the same terms as the previous contract with Brown, Garganese, Weiss & D’Agresta, PA;
2. Stay with Brown, Garganese, Weiss & D’Agresta, PA;
3. Issue an RFP and select a temporary firm while bidding out the services. If the Commission chooses to bid it out it still needs to decide which firm will provide legal services to the city until the bid process is completed.

background

City Attorney Usher L. Brown, has moved from Brown, Garganese, Weiss & D’Agresta, PA to Greenspoon Marder Law and has requested the City enter into a new agreement with his new firm. The City Manager temporarily signed an agreement with Greenspoon Marder until a decision is made by the City Commission.

Attached is a copy of a letter notifying the City of its rights and a copy of the new contract.

alternatives | other considerations

fiscal impact

The contract contains the same terms as the previous contract so there should be no fiscal impact.



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

Attorneys at Law

111 N. Orange Ave., Suite 2000
P.O. Box 2873
Orlando, Florida 32802-2873
Phone (407) 425-9566
Fax (407) 425-9596

Usher L. Brown
Board Certified Civil Trial Law
Board Certified Education Law

ulbrown@orlandolaw.net

June 30, 2015

Via hand delivery & email

City of Winter Park
Attention: Randy Knight, City Manager
401 Park Ave. South
Winter Park, FL 32789

Re: Representation of the City of Winter Park

Dear Mr. Knight:

This is to advise you that Usher L. Brown, Cherish Benedict, Tina Garcia, Thu Pham, and Amy Pitsch (collectively the "departing lawyers"), will be leaving Brown, Garganese, Weiss & D'Agresta, P.A. effective June 30, 2015. Their new firm's address, telephone number, and fax number are:

Greenspoon Marder Law
201 E. Pine St., Suite 500
Orlando, FL 32801
Phone/Fax:

Usher L. Brown: phone - direct dial (407) 692-9114/fax (407) 244-8114

Tina Garcia: phone - direct dial (407) 692-9115/fax (407) 244-8115

Cherish Benedict: phone - direct dial (407) 692-9117/fax (407) 244-8117

Thu Pham: phone - direct dial (407) 692-9116/fax (407) 244-8116

Amy Pitsch: phone - direct dial (407) 692-9118/fax (407) 244-8120

Both Brown, Garganese, Weiss & D'Agresta, P.A. and the departing lawyers wish to advise you of your rights as a client to choose your representation of your active files on a going-forward basis from either Brown, Garganese, Weiss & D'Agresta, P.A., Greenspoon Marder, or a different law firm as you select. If you stay at Brown, Garganese, Weiss & D'Agresta, P.A., Anthony Garganese will serve as the partner responsible for this matter and any other matter.

If you elect to have your file(s) transferred to Greenspoon Marder, or another firm, you also acknowledge and agree that Brown, Garganese, Weiss & D'Agresta, P.A. will

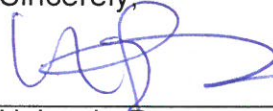
June 30, 2015
Page 2

have no further responsibility for handling any aspect of said file(s), except as may be subsequently agreed upon and set forth in writing. If you elect to have your file(s) transferred to Greenspoon Marder or another firm, please be advised that any accounts payable by you will have to be resolved prior to the transfer of the file(s).

Please let us know of your decision as soon as possible by completing the third page of the copy of this letter (enclosed). You may scan and email your election to Usher L. Brown (larry.brown@gmlaw.com) and Tami L. Austin (tami.austin@gmlaw.com), or fax your election to (407) 244-8114.

In the event that we are currently holding trust funds in relation to your file, a separate authorization request may be requested by both of the undersigned attorneys to transfer those trust funds. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Usher L. Brown

Anthony A. Garganese

Enclosure

ELECTION FORM

TO: City of Winter Park
Client No.: 1416

CHOICE (Please check one):

Please leave my file(s) at Brown, Garganese, Weiss & D'Agresta, P.A. with _____, Esq. as the partner in charge of this file.

Please transfer my file(s), any of my original documents in your possession and any unused retainer or other trust funds held for my account to Greenspoon Marder once any outstanding accounts payable have been paid by the client.

Please transfer my file(s), any of my original documents in your possession and any unused retainer or other trust funds held for my account to a different law firm, identified as follows once any outstanding accounts payable have been paid by the client:

Name of Law Firm: _____

Attorney Contact: _____

Address: _____

Telephone No.: _____

~~*~~

Signature

Print Name

Date

RBK 6/30/15

~~U~~ 6/30/15

* Subject to Commission ratification/action at meeting on July 13, 2015.

AMENDED RETAINER AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT FOR LEGAL SERVICES (hereinafter: "Agreement") is entered into between **GREENSPOON MARDER, LAW**, a Florida corporation, whose address is 201 E. Pine St., Suite 500, Orlando, Florida 32801 (hereinafter: the "Law Firm") and **THE CITY OF WINTER PARK** a Florida municipal corporation, whose address is 401 Park Avenue South, Winter Park Florida 32789 (hereinafter: the "City"). This Agreement shall bind the parties upon its execution by their representatives and shall become effective upon the date of the last signature.

RECITALS:

WHEREAS, the Law Firm desires to provide legal services to the City and the City desires to receive such services; and

WHEREAS, this Agreement is entered into in accordance with a competitive request for proposal process; and

WHEREAS, the parties mutually desire to finalize in writing this Agreement; and

WHEREAS, the City Commission finds this Agreement is in the best interests of the public health, safety, and welfare of the City of Winter Park.

NOW THEREFORE, in consideration of the mutual covenants and promises set forth herein, the parties agree as follows:

1.0 **ENGAGEMENT OF THE LAW FIRM.** The City hereby engages the Law Firm and the Law Firm agrees to perform the legal services set forth below. In accordance with its proposal, the Law Firm hereby designates Larry Brown as City Attorney. The Law Firm hereby designates, and the City accepts, Larry Brown to serve in the capacity of City Attorney under the City's Charter. Mr. Brown will be responsible for attending all City Commission Meetings. In Mr. Brown's temporary absence due to scheduling conflicts, vacation, or sickness, the Law Firm will assign an experienced government lawyer to attend City Commission meetings while Mr. Brown is temporarily absent. The other attorneys of the Law Firm will also provide legal services to the City as the need arises and shall serve as assistant city attorneys. As mentioned below and for continuity purposes, the Law Firm will assign one attorney to primarily attend other board meetings that are required by the City. The Law Firm agrees that all services contracted for are to be performed solely by the Law Firm and may not be subcontracted for or assigned unless provided in this Agreement.

2.0 SCOPE OF SERVICES.

A. The Law Firm agrees under the direction of the City Commission and City Manager to perform certain professional legal services more particularly described as follows: 1) Represent the City and attend City Commission meetings (unless excused from attendance by the City Commission or City Manager); 2) Draft/Review ordinances, resolutions, contracts, and correspondence relating to the transaction of City business and affairs; 3) Prepare and file pleadings, motions, or briefs which may be required and represent the City in any and all litigation (including, but not limited to, actions brought by or against the City in a judicial or administrative forum and all appeals), except such actions as may be assigned to special counsel or be covered by an insurance policy naming the City as the insured or actions jointly defended with the City of Winter Park; 4) Initiate and conduct discovery including depositions on behalf of the City and represent the City in discovery initiated by opposing parties; 5) Perform legal research and render legal advice; 6) Review and analyze City legal files, data, documents and other materials concerning the matters referenced in this paragraph and advise on recommended legal course of action; 7) Attend and participate in meetings, conference calls, field trips or similar functions and report on the status of the legal matters; 8) Act as an intermediary and legal advisor for the City when special counsel or insurance defense counsel is appointed to represent the City in any legal proceeding; 9) Assist in bond transactions and bids; 10) Prepare formal legal opinions; 11) Provide legal representation, as set forth above, to City boards as required by the City Commission or City Manager and when requested to do so, the Law Firm will designate one attorney to be primarily responsible for attending a particular city board; 12) at the election of the City Commission either prosecute cases before the City's Code Enforcement Board or represent said Board and defend on appeal Board decisions rendered in such prosecutions; 13) Complete real property transactions; 14) Prosecute code enforcement citations before a court of competent jurisdiction; and 15) Such other legal services required by the City Commission or City Manager.

B. As the Law Firm deems appropriate and in specialized matters, the Law Firm may recommend to the City that special legal counsel be used for defined purposes. If recommended by the Law Firm, the City Manager may approve use of special counsel for an expenditure of legal fees payable to the special legal counsel

not to exceed the City Manager's spending authority approved by the City Commission. All other requests to utilize special counsel shall be subject to prior approval of the City Commission.

C. The Law Firm and the attorneys therein shall be bound by the requirements of Section 112.313(2), (4), (5), (6), and (8), Florida Statutes (code of ethics). The Law Firm and the attorneys therein shall represent no private individual or legal entity before the City in any proceeding or matter.

3.0 **CONSIDERATION.**

A. **Compensation – Fees and Expenses.**

1. For payment of all legal services, beginning July 1, 2010, called for under this Agreement, the City of Winter Park will compensate the Law Firm by paying it a monthly retainer of \$25,000.00 ("Retainer") per month. This Retainer will be paid on or before the 10th day of each month during the course of this Agreement unless the Agreement is amended or terminated. This Retainer will cover all legal services (but not properly billable costs) with the exception of those matters stated in subparagraph B hereinafter.
2. Included within this Retainer will be office hours to be provided by Usher L. Brown and other qualified attorneys within the Law Firm. These office hours will be performed at City Hall in space designated by the City Manager. There will be regular office hours scheduled periodically, but in no event will these office hours exceed 15 hours per week unless this Agreement is amended. The parties agree that to the extent reasonably possible, staff will resolve all issues that can reasonably be resolved by working with the attorneys during these office hours. Of course, if staff have any reasonable need to access the attorneys, subject to control of such access by the City Manager, staff shall have the right to contact the attorneys outside of these office hours and the attorneys shall be responsive to these requests for service. The attorneys of the Law Firm agree to respond to requests for service by the City of Winter Park as quickly as reasonably possible.

3. The following constitutes the exceptions to the Retainer. These matters shall be billable in accordance with the provisions of this subparagraph. Litigation will include litigation and matters pending before any administrative tribunal (such as EEOC). Litigation will also include arbitrations as well as any type of *quasi judicial* proceeding other than a proceeding wherein an attorney from the law firm is advising the City of Winter Park or a subsidiary board of the City (such as P&Z). And, litigation will include matters pending before any federal or state court, or before any administrative law judge from the Division of Administrative Hearings or any other agency
4. Litigation (defined above) will be billed separately and in addition to the Retainer. Litigation services will be billed at \$170.00 per hour for attorneys of the Law Firm for any State of Florida proceeding (whether arbitration, administrative or court) and \$185.00 per hour for any federal court litigation. These rates will be guaranteed for the remainder of the current fiscal year and the next fiscal year (through September 30, 2011). Paralegals will be billed at \$85.00 per hour.
5. For each Litigation matter, the City shall receive a credit within the Retainer for the first 3 hours of work. Thus, if a matter may be quickly resolved with 3 hours or less of time, there will be no charge to the City.
6. Costs that are reimbursable in accordance with this Agreement will continue to be separately stated and charged in all Litigation matters (and in all Retainer matters as well).
7. In addition to Litigation being billed outside the Retainer, if there is a bond or financial transaction where the financial advisor to the City or its bond counsel establishes a payment to the Law Firm for services rendered on behalf of the issuer as issuer's or borrower's counsel, then such mutually agreed fee to be paid from the proceeds of the bond or other borrowing would be in addition to the Retainer.
8. In addition to Litigation and for services rendered in connection with certain bond or financial transactions, the Law Firm will also be entitled to receive any title insurance

premium paid in accordance with law in connection with any real estate transaction in which the Law Firm acts as title insurance agent.

9. In the event the Law Firm is entitled or eligible to receive a recovery of attorneys' fees in any case, the Law Firm will be entitled to receive such recovery, but only to the extent the recovery exceeds the amount the City has already paid the Law Firm with respect to the specific Litigation invoicing related to the matter. After the City has been reimbursed for such fees and costs that it has paid the Law Firm may recover the excess.

Upon request by the Law Firm, the City's City Commission may be asked to review and adjust this rate of compensation. Upon request by the City, the Law Firm will negotiate alternative pricing utilizing a monthly retainer for items specified and an hourly rate for matters outside the retainer.

B. Costs/Expenses.

1. Routine expenses such as local phone calls, local travel expenses, routine copies, word processing, and clerical or secretarial services are overhead and will not be separately compensated.
2. Billing for services performed shall be on a monthly basis. Billable hours shall be measured in 6-minute increments. All bills shall denote what attorney conducted the work, a brief explanation of the type of work performed, the date on which the work was performed, the amount of time expended in performing the work, and for which City department the work was performed. Reimbursement of costs for items such as exhibits, title insurance commitment and policy, priority and overnight postage, computer research (e.g., Westlaw), environmental studies, appraisals, surveys, transcripts, document reproduction for non-routine copies (e.g., filing of appellate briefs and records; bate stamping and indexing litigation discovery), and witness fees will be at cost to the Law Firm and will also be billed monthly. City will pay billing invoices within thirty (30) days after receipt.

C. **Travel.** In addition to the above compensation for fees and costs, justified and reasonable non-local travel expenses which are directly and exclusively related to the professional services rendered under this Agreement will be reimbursed in accordance with Section 112.061, Florida Statutes, or as otherwise provided in City ordinances. Pursuant to Section 112.061, Florida Statutes, attorneys of the Law Firm are designated as authorized travelers during the life of this Agreement. For the purposes of computing travel expenses, the Law Firm's place of business shall be utilized for computation of all travel expenses. The Law Firm will not bill for travel time within Orange County, Florida.

D. **Sales Tax.** The Law Firm shall not be exempted from paying Florida state sales and use taxes to the appropriate governmental agencies or for payment by the Law Firm to suppliers for taxes on materials used to fulfill its contractual obligations with the City. The Law Firm shall not use the City's exemption number in securing such materials. The Law Firm shall be responsible and liable for the payment of all its FICA/Social Security and other taxes resulting from this Agreement for their respective employees.

E. **No Pledge of Credit.** The Law Firm shall not pledge the City's credit or make the City a guarantor of payment or surety for any contract, debt, obligation, judgment, lien or any form of indebtedness.

4.0 **DOCUMENTATION.**

A. The Law Firm shall submit monthly written invoices. All invoices shall be submitted to the City Manager at the address listed above unless the City Manager directs otherwise.

B. The Law Firm shall maintain files, available for inspection by the City Manager, containing documentation of costs and fees incurred in connection with this Agreement. The files shall be maintained for a period of one year after the cost or fee is incurred by the Law Firm, unless otherwise notified in writing by the City specifying the document to be maintained.

5.0 **PUBLIC RECORDS.** As provided by Florida Statutes, anything, by whatsoever designation it may be known, that is produced by or developed in connection with this Agreement shall remain the exclusive property of the City and may not be copyrighted, patented, or otherwise restricted as provided by Florida Statutes. Neither the Law Firm nor any other individual employed under this Agreement shall have any proprietary interest in any product(s) delivered under this Agreement. The reasonable cost of preparing and photocopying the documents for the City may be charged for said services.

6.0 **TERMINATION OF AGREEMENT.**

A. In the event this Agreement is terminated by either party for convenience or cause, all finished or unfinished documents, data, studies, correspondence, reports and other products prepared by or for the Law Firm under this Agreement shall be made available to and for the exclusive use of the City.

B. This is a continuing services agreement; however, the City Commission may terminate this Agreement for any reason or for its convenience (without cause) by giving ten (10) days written notice to the Law Firm including the effective date of termination. The Law Firm may at any time terminate their interests in this Agreement for any reason or for convenience (without cause) by giving ninety (90) days written notice to the City, including the effective date of termination. Upon termination of this Agreement by either party, the Law Firm shall honor the provisions of Rule 4-1.16, of the Code of Professional Conduct of the Florida Bar.

7.0 **AMENDMENTS.** Any party may, from time to time, request changes under this Agreement. Such changes, which are mutually agreed upon, shall be incorporated in written amendments to this Agreement.

8.0 **AGREEMENT AS INCLUDING ENTIRE AGREEMENT.** This instrument, including any attachments, embodies the entire agreement of the parties. There are no other provisions, terms, conditions, or obligations. This Agreement supersedes all previous oral or written communications, representations or agreements on this subject.

9.0 **LIABILITY.** The City shall defend the actions of the Law Firm in performing legal services on behalf of the City. As required by the City, the Law Firm shall maintain, during the period of this Agreement, a professional liability insurance policy or policies for the professional services to be rendered to the City under this Agreement with a minimum of five million dollars of liability coverage.

10.0 **ADMINISTRATION OF AGREEMENT.**

A. The City contract administrator is the City Manager. The City Attorney is the contract administrator for the Law Firm. All written and verbal approvals reference in this Agreement (unless specified as being required to be obtained from the City Commission) must be obtained from the parties' contract administrators or their designees. From time to time any party may notify the other, making a unilateral change in the person named by said party as the contract administrator for said party. This contract shall be governed by and construed under the laws of the State of Florida.

B. Any attorney employed by the Law Firm may provide legal representation under this Agreement to the City, its officers and employees. The Law Firm may refer work under this Agreement to attorneys in said law firm.

C. The City of Winter Park, acting by and through its City Commission as a collegial body, shall be considered Law Firm's client.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the date set forth below.

CITY OF WINTER PARK, FLORIDA:

By: _____
Steven Leary, Mayor

DATE APPROVED BY CITY COMMISSION: _____

Date: _____

ATTEST: _____
City Clerk

GREENSPOON MARDER LAW

By: _____
Usher L. Brown, City Attorney

Date: _____

And:

Michael Marder, Managing Shareholder



city commission **public hearing**

item type	Public Hearing	meeting date	July 13, 2015
prepared by department division	Jeff Briggs Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0 final vote

Subject: Ordinance to Update Zoning Terminology.

This public hearing is to consider an Ordinance, requested by the City Commission, to update the Zoning Code text by removing the antiquated term of "servants" and replacing it with "domestic service employees". **SECOND READING OF ORDINANCE.**

Summary:

When the City discussed the lot consolidation request at 1251/1252 Lakeview Drive there was discussion of a proposed 'guest house'. In the Zoning Code text, the use of guest houses is limited to family members, visitors and "servants". This is an antiquated term going back to the adoption of this zoning regulation in 1952. The City Commission asked that staff update this terminology and the city attorney has prepared the accompanying ordinance to accomplish that request.

Planning and Zoning Board Recommendation:

Motion made by Mr. Sacha, seconded by Mr. Gottfried to APPROVE amending sections 58-71 and 58-95 of Article III, Zoning, Chapter 58, Land Development Code to clarify language by removing the antiquated term "Servant".

Motion carried unanimously with a 7-0 vote.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,
AMENDING SECTIONS 58-71 AND 58-95 OF ARTICLE III,
ZONING, CHAPTER 58, LAND DEVELOPMENT CODE TO
CLARIFY LANGUAGE BY REMOVING THE ANTIQUATED
TERM “SERVANT”; PROVIDING FOR SEVERABILITY,
CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.**

WHEREAS, the City Commission wishes to clarify the language in the City Code by removing the antiquated term “servant”; and

WHEREAS, this Ordinance promotes the health, safety and welfare of the City residents; 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 ADOPTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK AS FOLLOWS:

Section 1. Sub-section (i)(8) of Section 58-71, General Provisions for Residential Zoning Districts, of Chapter 58, Land Development Code, is hereby amended to read as follows:

* * *

(i) Accessory buildings, structures, air-conditioning equipment and other accessory uses in residential zones.

* * *

(8) Guesthouses or garage apartments are permitted accessory uses when they provide accommodations for guests, ~~servants~~ domestic service employees or members of a family occupying the main building on the same property. Guesthouses or garage apartments shall not exceed 1,000 square feet of floor area. Guesthouses or garage apartments as permitted accessory uses may not have a kitchen area or cooking facilities. They also may not have separate utility meters or be rented, let or hired out for occupancy whether compensations be paid directly or indirectly. In order to insure that these provisions are understood as ownership of property transfers and to protect the city from a proliferation of prohibited nonconforming rental uses, all applicants for building permits for guesthouses or garage apartments, or for the substantial improvement of same shall record a deed restriction outlining the above restrictions and conditions of that building permit. That deed restriction shall be recorded prior to the issuance of the building permit and shall be removed only with the consent of the city. Substantial improvement for the purposes of this section shall be work totaling more than 25 percent of the replacement construction value of the original accessory structure.

* * *

Section 2. Section 58-95, Definitions, of Chapter 58, Land Development Code, is hereby amended as follows:

* * *

Dwelling, single-family means a detached building designed for or occupied exclusively by one family, including guests and ~~servants~~ domestic service employees employed on the premises and having but one kitchen.

* * *

Family means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over three unrelated persons, but further provided that domestic ~~servants~~ domestic service employees employed on the premises may be housed on the premises without being counted as a family or families.

* * *

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

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

Section 5. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

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

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, held at City Hall, Winter Park, Florida, on the ____ day of _____, 2015.

Mayor Steve Leary

Attest:

Cynthia Bonham, City Clerk

Planning and Zoning Board Minutes: June 2, 2015

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTIONS 58-71 AND 58-95 OF ARTICLE III, ZONING, CHAPTER 58, LAND DEVELOPMENT CODE TO CLARIFY LANGUAGE BY REMOVING THE ANTIQUATED TERM "SERVANT".

Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing was to consider an Ordinance, requested by the City Commission, to update the Zoning Code text by removing the antiquated term of "servants".

When the City discussed the lot consolidation request at 1251/1252 Lakeview Drive there was discussion of a proposed 'guest house'. In the Zoning Code text, the use of guest houses is limited to family members, visitors and "servants". This is an antiquated term going back to the adoption of this zoning regulation in 1952. The City Commission asked that staff update this terminology and the city attorney has prepared the accompanying ordinance to accomplish that request.

No one wished to speak to this item.

The Planning Board members agreed that it was appropriate to update this terminology.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to APPROVE amending sections 58-71 and 58-95 of Article III, Zoning, Chapter 58, Land Development Code to clarify language by removing the antiquated term "Servant".

Motion carried unanimously with a 7-0 vote.



city commission agenda item

Item type	Public Hearing	meeting date	July 13, 2015		
prepared by	John Holland	approved by	<input type="checkbox"/>	City Manager	
department	Parks and Recreation		<input type="checkbox"/>	City Attorney	
division	Administration		<input checked="" 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 checked="" type="checkbox"/>	Exceptional Quality of Life		<input type="checkbox"/>	Fiscal Stewardship
	<input type="checkbox"/>	Intelligent Growth & Development		<input checked="" type="checkbox"/>	Public Health & Safety
	<input checked="" type="checkbox"/>	Investment in Public Assets & Infrastructure			

subject

Extend the sunset of the Golf Strategic Task Force 1 month. The Task Force originally was to sunset on July 25, 2015; with this action will now sunset August 25, 2015.

motion | recommendation

Staff recommends extending the Sunset to August 25, 2015 allowing the Task Force to complete their presentation.

background

Golf Task Force Members: Gary Diehl, Brian Furey, Matthew Hegarty, Steve Hoffman, Bill Neidlinger, Taylor Sacha, Jeff Shafer

The task force is finalizing their presentation with a target date of presenting to City Commission on July 27, 2015.

alternatives | other considerations

None

fiscal impact

None

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, EXTENDING THE TERM OF EXISTENCE FOR THE GOLF COURSE STRATEGIC PLAN TASK FORCE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Winter Park established the Golf Course Strategic Plan Task Force on August 25, 2014; and

WHEREAS, the Task Force held their first meeting on November 25, 2014; and

WHEREAS, Section 2-46 of the Municipal Code provides that all subsidiary boards of the City shall be established in Chapter 2, Article III, Division 1 of the Code of Ordinances of the City of Winter Park; and

WHEREAS, Section 2-47 of the Municipal Code enumerates all subsidiary boards of the City, and the Task Force is not there established; and

WHEREAS, Section 2-48 of the Municipal Code provides general rules for all subsidiary boards of the City, and in subsection 2-48(n) allows for establishment of municipal task forces, each of which shall have a term of one hundred eighty (180) days unless the term is extended by action of the Commission; and

WHEREAS, by this Resolution the Commission of the City of Winter Park has determined that it is in the public interest to extend the term of the Task Force; and

WHEREAS, the City Commission of the City of Winter Park has determined that the term of the Task Force should be extended for one (1) month to allow it a reasonable opportunity to accomplish its important work.

WHEREAS, on May 11, 2015 the City Commission of the City of Winter Park previously extended the term of the Task Force until July 25th, 2015 to allow it a reasonable opportunity to accomplish its important work.

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

SECTION 1. Extension of the Term of the Task Force. The term of the Task Force shall be extended for one (1) month, ending August 25, 2015. The City Commission may, by future resolution further extend the term of existence of the Task Force as it may determine advisable in the future.

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 13th day of July, 2015.

Steve Leary, Mayor

Attest:

Cynthia S. Bonham, City Clerk



city commission public hearing

item type	Public Hearing	meeting date	July 13, 2015
prepared by department division	Planning and Community Development Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Historic Preservation Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-0 final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship <input checked="" type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Public Health & Safety <input type="checkbox"/> Investment in Public Assets & Infrastructure		

subject

Resolution entering 500 North Interlachen Avenue as a historic landmark in the Winter Park Register of Historic Places.

motion | recommendation

Historic Preservation Board recommends approval.

background

The Historic Preservation Board staff report and owner request is attached.

alternatives | other considerations

fiscal impact

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 500 NORTH INTERLACHEN AVENUE, WINTER PARK, FLORIDA AS A HISTORIC LANDMARK ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

WHEREAS, there are located within the City of Winter Park historic sites, areas, structures, buildings, improvements and appurtenances, both public and private, both on individual properties and in groupings, that serve as reminders of past eras, events, and persons important in local, state and national history; or that provide significant examples of past architectural styles and development patterns and that constitute unique and irreplaceable assets to the City; and

WHEREAS, the City Commission recognizes that the sites and properties of historical, cultural, archaeological, aesthetic and architectural merit contribute to the public health, welfare, economic well-being and quality of life of the citizens of Winter Park; and

WHEREAS, there is the desire to foster awareness of and civic pride in the accomplishments of the past; and

WHEREAS, the Winter Park Historic Preservation Board determined that the property at 500 North Interlachen Avenue meets the criterion for historic resource status through its association with master architect Harold Hair, first owner General Andrew D. and Mrs. Avery, and as an example of Spanish Eclectic style architecture.

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

The City Commission of the City of Winter Park hereby supports and endorses the entry of 500 North Interlachen Avenue as a historic landmark on the Winter Park Register of Historic Places.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this _____ day of _____ 2015.

Steve Leary, Mayor

ATTEST:

City Clerk



CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD

Staff Report
April 8, 2015

HDA 15-002 Request by Katherine and Valmore Ward Jr. to designate their property at 500 North Interlachen Avenue as a historic landmark and add it to the Winter Park Register of Historic Places. Zoned R-1AAA. Parcel ID #05-22-30-9398-00-200.

History. The residential property at 500 North Interlachen was designed by architect Harold Hair and built for General and Mrs. Andrew D. Avery in 1934. Born in New York in 1864, Avery Delano Andrews was commissioned 1886. He retired from the Army in 1900 with the rank of Brigadier General after a distinguished career. He would later return to service with the American Expeditionary Force in World War I. Going on to a business and legal career, he practiced law in New York from 1891 and was the Vice President and Director of the General Asphalt Company, Vice President of the Uintah Railway Company. General Andrews was the Police Commissioner of New York from 1895-98.

General Avery and his wife Mary first wintered in Winter Park in 1932 at the Lincoln Apartments on Morse Boulevard. In 1934, they purchased the property on Interlachen Avenue and hired Harold Hair to design the Spanish Eclectic style house. They were very active in the city's social and charitable effort scene. General Avery was a founding member of the University Club. The Avery's were active in All Saints Church and after her death in 1945; three chancel windows were dedicated in her memory. General Avery lived in Winter Park until his death in 1959.

Description. The two story Spanish Eclectic style residence was designed by D. Harold Hair and built by contractor Frank Hiegel. The house was the subject of a February 16, 1935 article in the Winter Park Topics shortly after its completion. The lot slopes down to Lake Osceola. The cross-gabled two story main body of the house is flanked by one story wings. The exterior is stucco and the roof in tile. There is little overhang at the roof line. There are bands of decorative brickwork below the eave and tile vents in the gables. The house is on a continuous foundation and there is a basement. The house is approached through a sunken courtyard with a stuccoed wall and iron gates. The entry surround features Spanish style cast stone detailing and an elaborate ironwork sconce to the left. The windows are divided light casement type. Some windows have wood shutters with ironwork hardware. There is a tall oblong stair window with a decorative ironwork grill and spiral cast stone trim to the left of the entry, and a window with a cast stone grill above the entry. The wing to the right features a double French door with sidelights and a transom. The wing to the left slants away from the main body of the house. Originally the garage on this wing had two single bay doors. They have since been

replaced with a double garage door. There is decorative stuccowork over the garage door and an ocular window with grillwork. There are two windows with cast stone grills on the courtyard side of the garage. There is a walk gate through an arch to the left of the garage. The two chimneys have arched tops and decorative stucco bands. The rear of the house overlooks a swimming pool and Lake Osceola. There is a shed roofed loggia on the left. The right features a shallow iron balcony accessed from the second floor by two French doors. Below the balcony on the ground floor is an expanse of divided light and a divided light French door set into a triple arch stucco detail. There is a pool house that incorporates the architecture of the main house connected to the house by an enclosed breezeway on the south side of the rear yard.

The property includes a non-contributing semicircular driveway at the front swimming pool and pool house, on the rear lake facing side of the site and a boathouse. The property is in excellent condition and possesses its original character and architecture.

Architecture. D. Harold Hair graduated from the Clemson School of Architecture in 1924. He opened a practice on the second floor of 222 North Park Avenue. In his very active career, he would design a number of notable local buildings including the Louis McKinney home to the south of the Andrews home on Interlachen Avenue, the Beal-Maltbie Shell Museum at Rollins College and the original 1937 high style Mediterranean Revival auditorium at the 1927 Winter Park High School.

Popularized after the Panama-California Exposition in 1915 in San Diego, Spanish styles became especially popular in Florida. The Spanish Eclectic style borrows freely from the history of Spanish architecture with details from Moorish, Byzantine, Gothic and Renaissance influences. Wall surfaces are stuccoed and roofs are tiled. Carved doors are typical and doorways are accented with adjacent columns, spirals, pilasters, carved or cast stonework or patterned tiles. Door leading to exterior gardens, patios and courtyards are usually paired and include a number of multi-paned glazed openings. Many Spanish style examples will have one large focal window. Decorative grills of wood spindles or ironwork are common. Other details include vent tiles, decorative chimney tops, fountains, arcades and towers.

RECOMMENDATION: Staff recommends listing as a historic landmark on the Winter Park Register of Historic Places.



City of Winter Park
 Planning Department
 401 Park Avenue, South
 Winter Park, Florida 32789
 407-599-3498

City of Winter Park Historic Designation Application

1. 500 N. Interlachen Ave. - W.P. 32789
 Building address

Valmore L. Ward, Jr 500 N. Interlachen Ave 407-637-2881
 Owner's name(s) Address Telephone

Valmore L. Ward, Jr C- 825-964-2937
 Applicant's name (if different from above) Address Telephone

2. I, Valmore L. Ward, Jr., as owner of the property described above, do hereby authorize the filing of this application for historic designation for that property.

Valmore L. Ward, Jr. 3/4/2015
 Owner's Signature Date

Historic Preservation Board Office Use

Criteria for Designation

- A. Association with events that have made a significant contribution to the broad patterns of history including the local pattern of development; or
- B. Association with the lives of a person or persons significant in our past; or that
- C. Embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic values or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. Has yielded or are likely to yield information important in prehistory or history.

Parcel ID # 05-22-30-9398-00-200 C. 1934
 Legal description Year built

GENERAL AVERY D. ANDREWS HOUSE
 Historic name of building (if any) Historic district name (if any)

Date received: 3-9-15 HPC Meeting: 4-8-15

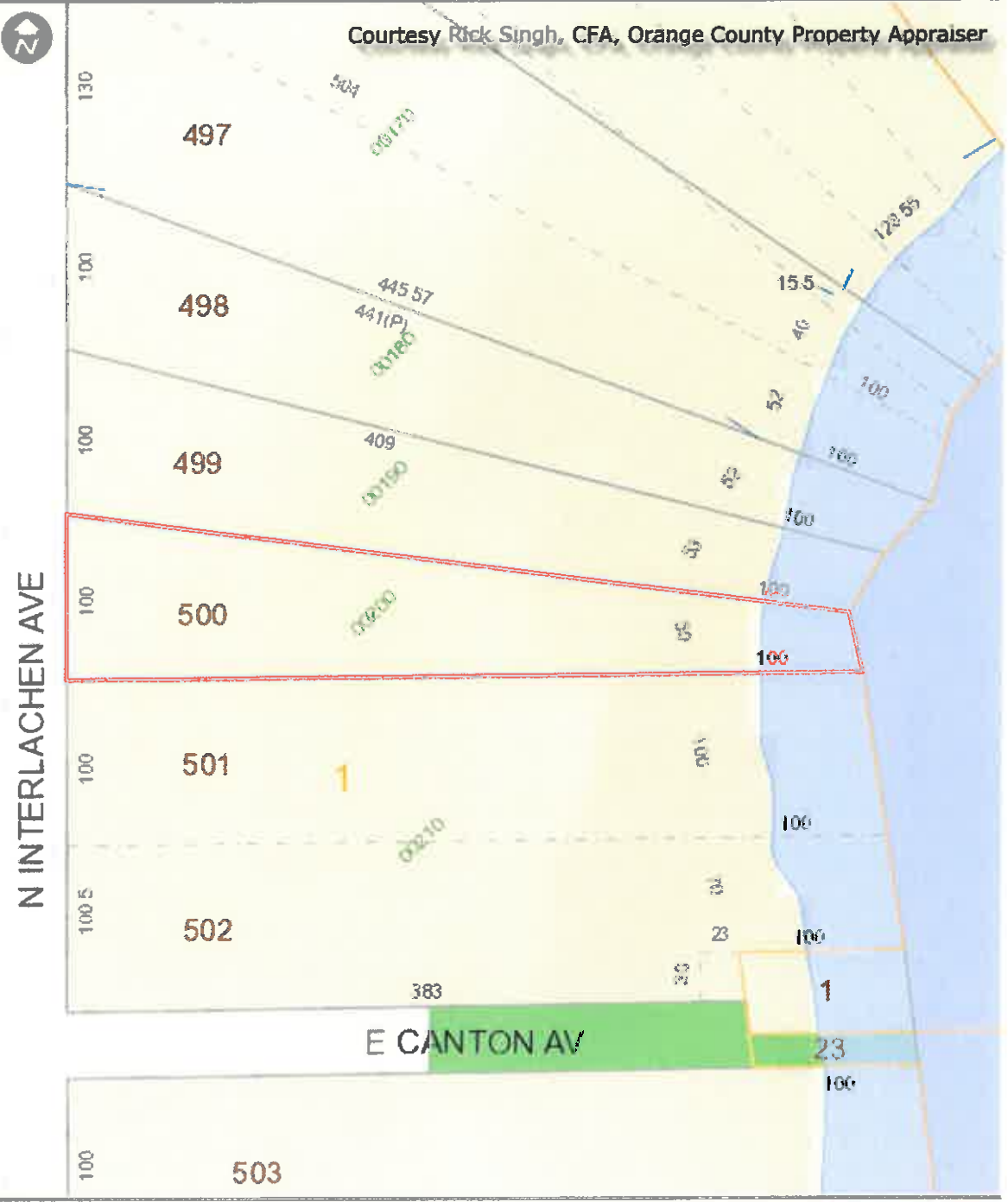
Case File No.: HDA 15-002 Florida Master Site File No.: OR-9339

Local Historic Landmark Local Historic Resource

Courtesy Rick Singh, CFA, Orange County Property Appraiser



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



Courtesy Rick Singh, CFA, Orange County Property Appraiser

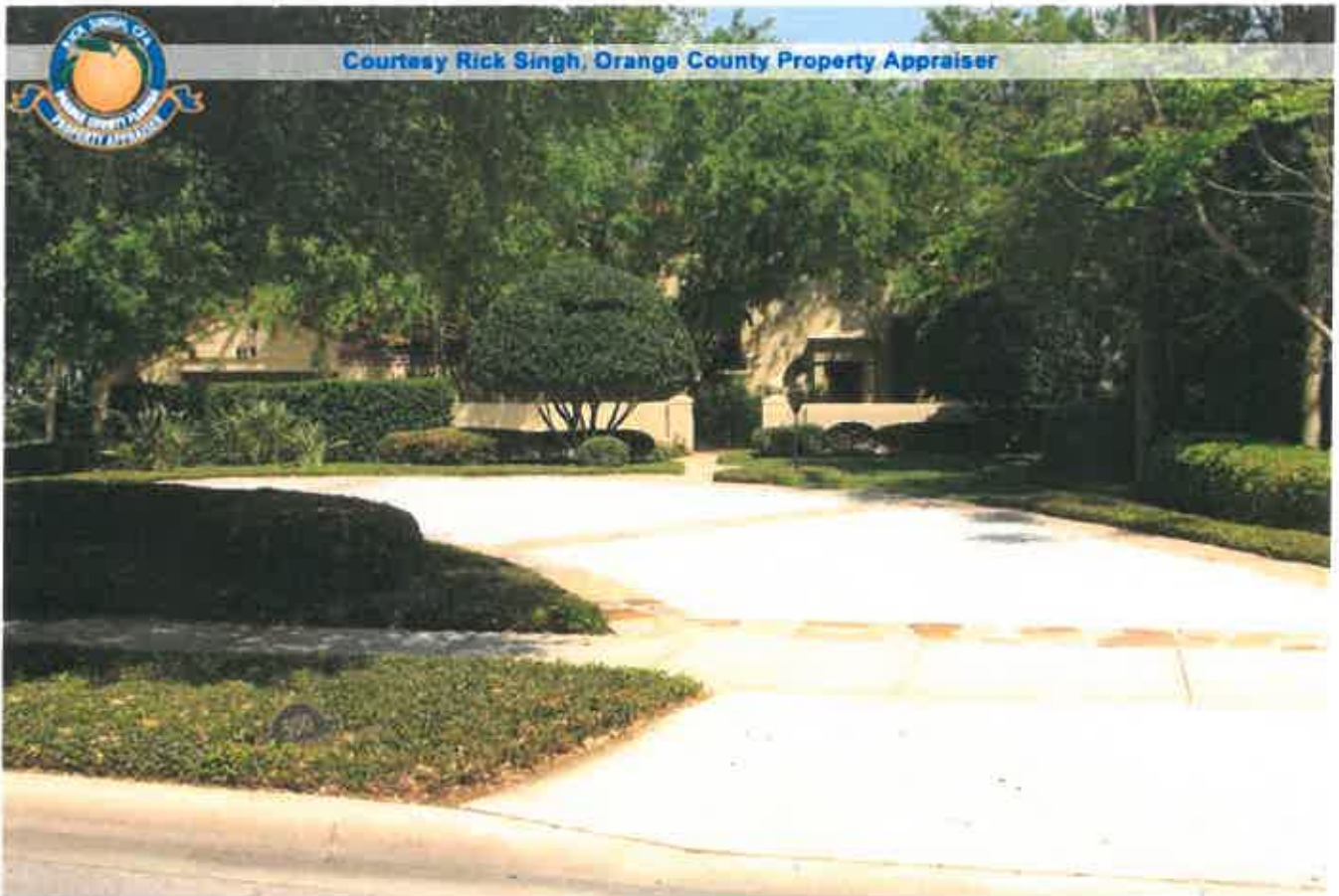
-  Florida Turnpike
-  Interstate 4
-  Toll Road
-  Major Roads
-  Public Roads
-  Gated Roads
-  Road Under Construction
-  Proposed Road
-  US Road
-  State Road
-  County Road
-  One Way
-  Brick Road
-  Proposed SunRail
-  Block Line
-  Lot Line
-  Residential
-  Agriculture
-  Commercial/
Institutional/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



06060

3106

111.9



302205939800200 03/29/2006

Parcel Photos - 500 N Interlachen Ave



500 N INTERLACHEN AVE 05/20/2014

WINTER PARK TOPICS

A Weekly Review of Social and Cultural Activities
During the Winter Resort Season

Vol. 2—No. 6

Winter Park, Fla., Saturday, February 16, 1935

Price 10 Cents



Residence of General and Mrs. Avery D. Andrews, of New York, on Interlachen Avenue which was built since last season. Mr. D. Harold Hair, of Winter Park, was the architect. —Photo by Page.

SUPERB CONCERT BY LUBOSHUTZ-GOLDOVSKY

The concert given last night by Mme. Luboshutz, violinist, and Boris Goldovsky, pianist, both of the Curtis Institute of Music, further established both favorites with Winter Park audiences.

Felix Salmond, the cellist, was unable to fill his engagement because of two successive attacks of the grippe.

Mme. Luboshutz and Mr. Goldovsky gave a masterly performance of a varied and interesting program.

BIRTHDAY SURPRISE PARTY FOR MR. HANNA

Mrs. A. E. Dick entertained Dr. and Mrs. Holt, Mr. Hanna and his mother, Mrs. Hanna, and Mrs. La Venture at dinner at her home last Saturday evening. Later they went over to the Whistling Kettle, where a group of friends numbering about twenty-five had gathered to surprise Mr. Hanna on his birthday. Being carefully planned the party was a complete and successful surprise, Mr. Hanna being the object of many a clever jest. We present with pleasure the following poem written for the occasion by Dr. Holt and read antiphonally by him and Dean Enyart.

Dr. Holt: Who is the Rollins graduate
Who works for Rollins early—late
And while he often has a date
No woman yet can make him mate?

Dean Enyart: Since none else answers, may I say
His first name begins with A.

Dr. Holt: Good Rollins Dean, above all men
You wisely speak by voice and pen
You know a rooster from a hen
I thank you for the hint you gave.
Who is this man who won't behave
Fray tell us, is he fool or knave?
(Continued on page 4)

"HAMLET" FEATURED FOR FOUNDERS' WEEK

The production of "Hamlet" next Thursday and Friday nights, February 21 and 22, will be a notable feature of Founders' Week.

For years this great play has been identified with one great actor after another. It has been Booth's "Hamlet", or Barrymore's "Hamlet" or Mansfield's "Hamlet." The actual story of "Hamlet", the atmosphere of the eleventh century court of Denmark, the melodramatic situation into which Hamlet

(Continued on page 5)

ANIMATED MAGAZINE COMES NEXT SUNDAY

More than 5,000 "subscribers" are expected to attend the production of the Animated Magazine here on Sunday, February 24. Hamilton Holt, president of Rollins College, and former editor of "The Independent," originated the Animated Magazine nine years ago and its fame and popularity draw from all over Florida.

Contributors who have accepted invitations from Editor Holt to appear "in person" to read manuscripts for this year's "table of contents" include U. S. Secretary of State Cordell Hull, Walter B. Pitkin, author of several best sellers, including "Life Begins at Forty" and "More Power to You"; M. Andre de Laboulaye, French Ambassador to the United States; Rex Beach, the author, an alumnus of Rollins College; Arthur Guiterman,

(Continued on page 5)

Due to his illness, Dr. Holt will be unable to speak at the Chapel Sunday. Dr. Henry A. Atkinson will substitute.

FAITH JONES SHOWS RED CHALK PORTRAITS

Among the many exhibitions before the appraising Winter Parkers' eye this season will be a "one-girl" show of the work of Miss Faith Jones of Boston, daughter of Mr. and Mrs. A. Marshall Jones. Her medium is red chalk, and those who have seen her work give her high tributes. Her show will open February 18th at the Orchestra Tea Room and last until the 28th.

Miss Jones attended Smith College, the Cambridge School of Landscape Architecture, and Walker-Child School of Fine Arts in Boston. She also studied with Giovanni Troccoli, the portrait painter, and has been painting with Mr. George Noyes in Winter Park.

Miss Jones is a member of the Junior League and Boston Art Club and has had exhibitions in these places and elsewhere.

She has already done several red chalk portraits of Winter Park people, some of which will be in the exhibition. Probably one of the most interesting features is a portrait of Mr. Ralph Adams Cram, done in Boston. This is of special interest

SOCIAL NOTES

The many friends of Dr. Burton are delighted to hear of his steady progress toward recovery. He was able to be brought to his home much sooner than expected from the sanitarium and is comfortable and cheerful.

Mrs. William Blackman, widow of the late president of Rollins College, is the guest of Mrs. H. E. Oesterling for a few weeks.

Judge A. B. Anderson, a winter guest at the Alabama, motored to Jacksonville on Sunday to meet his sister-in-law, Mrs. Crane, and her daughter, Miss Anna Carolyn Crane, arriving from Crawfordsville, Ind., to spend the rest of the season in Winter Park.

Mrs. Reinhard Siedenberg is arriving Tuesday from New York with four guests, at her estate, Hiawatha Grove, in Mattland. Mrs. Siedenberg's daughter and son-in-law, Mr. and Mrs. Starr, and Mr. and Mrs. Mackey, of Greenwich,

(Continued on page 4)



Portrait of Mrs. John Washburn Coolidge, executed in Red Chalk by Faith F. Jones, daughter of Mr. and Mrs. A. Marshall Jones of Boston and Winter Park.

to Winter Park people as Mr. Cram is the architect of Knowles Memorial Chapel and is well known for his national and international reputation.

GEN. ANDREWS' NEW WINTER PARK HOME

The new home of Gen. and Mrs. Avery D. Andrews on Interlachen avenue is ideally planned for its site. It rests on an odd shaped lot sloping from the street to the lake. The approach from the street to the house is made over a generous sweep of lawn and through a sunken garden which makes the house seem to grow out of its site.

The exterior is beautiful because of well arranged massing and has little or no detail. In color, texture and feeling, it is reminiscent of the most beautiful old places found on the Riviera and yet is original and modern.

The interior is perfectly arranged for a Florida home. Each room has cross-ventilation and large windows, and every room is so arranged that it has sunlight some time during the day. The arrangement proves that a Spanish home can be so designed that all the Spanish traditions can be maintained and still have all the light and ventilation that a Florida climate requires. The interior decoration is very soft in line and color and very simple in detail. The woodwork is the best grade cypress and is hand rubbed to a very smooth, dull finish. It resembles the soft worn surface of an old piece of furniture. It looks old as woodwork should. The doors have the same smooth, dull finish and feel like satin to the touch. This interior is in sharp contrast to those interiors of a few years ago,

wherein they used pecky cypress and hand hewn timbers so decorated to resemble spider webs, mold and decay. Mr. D. Harold Hair was the architect and F. A. Hiegal the contractor.

WINTER PARK ENJOYS FRANCK SYMPHONY

A representative audience heard an impressive performance of Cesar Franck's great Symphony in D Minor played by the Symphony Orchestra under the capable direction of Harve Clemens last Sunday. This great work is a task for only the largest and best trained orchestras, and the fine performance given here was a high tribute to the skill of Mr. Clemens and his players.

Benefit Bridge Games At Orchestra Tea Room

A successful series of bridge games held every Friday morning at 10 o'clock brings all players, good and bad, to the Orchestra Tea Room. The beginners are put together at special tables, having one expert to play and teach. The game lasts two hours for which each player pays twenty-five cents, for the Orchestra fund.

Mrs. J. Edward Spurr manages the bridge class, assisted by Miss Meigs and Miss Grannis. Mrs. E. S. Fownes and her guest, Miss Edith Spear, of Pittsburgh, look after the beginners. Several guests of the Virginia Inn play at the Inn, but send money to the Orchestra party.

CHAPEL CHOIR CONCERT

In response to popular demand the Rollins College A Capella Choir will present its first home concert of the season in Knowles Memorial Chapel Sunday evening, February 17, at 8:15 o'clock. The choir is composed of over fifty trained voices, under the direction of Choirmaster Christopher O. Honasa, and has been gaining widespread attention for its fine choral work at the regular Sunday morning services in the Chapel.

VIRGINIA INN NEWS

New arrivals at the Virginia Inn are: Mrs. G. W. H. Ritchie, Mr. and Mrs. L. W. Rathbun, Mr. Chas. Merriman, Providence, R. I.; Mr. and Mrs. Allen Rose Hite, Louisville, Ky.; Mr. and Mrs. H. S. Brooks, Ardsley-on-Hudson, N. Y.; H. C. Alley, Kansas City, Mo.; Mrs. Edgar Dickson, New York; Mrs. W. S. Fyer, London; Mr. and Mrs. J. S. Morse, J. S. Morse, Jr., Lake Forest, Ill.; C. N. Cook, Mr. and Mrs. E. S. Dunn, Woonsocket, R. I.

HOTEL ALABAMA NEWS

Superior Court Judge Martin M. Gridley and Mrs. Gridley, of Evanston, Illinois, arrived Thursday for a lengthy sojourn.

The rapidly increasing New York colony at the Alabama was joined this week by Miss E. W. Frothingham, of Tarrytown, N. Y., Miss Helen Hunter, Edwin H. Sayre, Miss F. E. White and Miss H. H. White, Mrs. W. L. Douglas, Mrs. Edward Meyer of Brooklyn, Dr. and Mrs. Edmund B. Wilson, Mrs. K. A. Hooker and Miss Betty Hook-

er, Mr. and Mrs. H. D. Welsch and Miss M. Taber and Miss S. R. Anderson, F. S. Fisher, Sr., of New York City.

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Large residence has 5 bedrooms, tiled baths, splendid sleeping porch, sun decks, screened veranda, music room, study, dining room, large living room, four fireplaces.

Grounds of great depth, 100 feet frontage on lakeshore and avenue.

Double garage with 2 bedrooms and bath.

Boathouse.

Larger grounds available if desired.



The angle from which this view has been taken shows the south and west elevations of the residence, the arched sleeping porch, the sun deck, the loggia, the screened veranda or living porch, and a portion of the lawn. There is a gradual slope from the crest of the ridge upon which the buildings stand to the shore of Lake Oseola and the boat house. This property commands one of the finest views in Winter Park and is itself almost a landmark. It is located in the heart of the "North Side", the finest residential section of Winter Park, a quiet region of dignified valuable estates and homes. Inspection and detailed information cheerfully furnished upon request.

Telephone 362 **HIRAM POWERS, Realtor, 133 E. Morse Blvd.** Established 1915

WINTER PARK TOPICS

A Weekly Review of Social and Cultural Activities
During the Winter Resort Season

Vol. 2—No. 9

Winter Park, Florida, Saturday, March 9, 1935

Price 10 Cents

SOCIAL NOTES

Mrs. Sanford Bissell gave a luncheon Tuesday at her Knowles avenue home for Mrs. R. F. Howard, Mrs. Monroe Robinson, Mrs. Rose Powers Van Cleve, Miss Sprague-Smith and Mrs. Gamble Rogers. On Thursday Mrs. Bissell entertained several of her friends at a small informal tea.

Gen. and Mrs. Avery D. Andrews gave a delightful house warming tea on Saturday afternoon from 4 until 7. It was just a year ago on that day that the Andrews purchased the lake front lot on Interlachen avenue and their host of friends expressed their surprise that so much could have been accomplished in that short time. A view of the house was printed in Winter Park Topics in February. Those assisting Mrs. Andrews at the tea table were Mrs. Twachtman, Mrs. Showalter, Mrs. Oesterling, Mrs. Davis, Mrs. Scott and Mrs. Hair.

President Holt gave a luncheon Wednesday in honor of Dr. Guillaume Fatio, the distinguished internationalist from Geneva, Switzerland, the guests being: Maurice Fatio of Palm Beach, son of Dr. Fatio, Dr. Henry A. Atkinson of New York, W. L. Barnatt of Mt. Dora, D. E. R. A. Seligman of Columbia University, Dr. Albert Shaw, editor of the Review of Reviews Magazine, Professors John Martin, A. J. Hanna and Buell Trowbridge of Rollins.

Mr. and Mrs. Robert Bruce Barbour have their daughter, Mrs. W. H. Howison, of Bronxville, with them for a month's stay. Also a guest at the Barbours' is Mrs. Fletcher Pyle, of Lowell, Mass., daughter of Mr. and Mrs. Herbert E. Fletcher, of Westford, Mass., and Altamonte, Fla.

Mr. Reed Haviland has joined his wife here after a ten days' stay in New York. Mr. Haviland brought with him Mr. Otto Froelicher, of Wilson Point, Conn., and the two men will visit Mr. Maurice Fatio, Jr., in Palm Beach next week. Mr. Fatio is the son of Mr. Fatio who was the distinguished guest of Dr. Holt last week and who spoke at the College Wednesday evening. Mr. Fatio, Jr., is a prominent architect in Palm Beach, having designed many of the most beautiful homes there.

(Continued on page 2)



Annie Russell Theatre and Knowles Memorial Chapel, Winter Park

ROLLINS MUSICIANS GIVE CONCERT TODAY

Three musical organizations of Rollins College will present the program to be given at the matinee musicale today, March 9, at 3:30 at the home of President and Mrs. Hamilton Holt. The musicale, the second of a series of two, is being held as a benefit in order to raise funds to build a new entrance driveway to the Holt residence which is owned by the College.

The program follows:
The Heavens Are Telling "The Creation" (Haydn); The Word of God (Grieg); Ave Verum (Byrd); O Bone Jesu (Pelestrina)—Rollins A Capella Choir, Christopher Honnass, director.

Tossetto for two violins and viola, Op. 74 (Dvorak)—Gretchen Cox, Harve Clemens, and Dante Bergonal.

Kye Song of St. Bride (Clokey); O Peaceful Night (E. German); Song of the Peddler (Williamis)—Mixed Octette.

Father Most Holy (Christian-son); Cherubic Hymn (Gretchanoff); Listen to the Lambs (Dett); Hallelujah—"Mount of Olives" (Beethoven)—Rollins A Capella Choir.

CAPACITY AUDIENCE SANG "AMERICA" TO CLOSE MARTIN LECTURE SERIES

In the closing lecture of his series Dr. Martin spoke on "Democracy of the United States"; having already told how democracy succeeded in Great Britain and France. Our democracy and its foreign policy had their foundation in the words of Thomas Jefferson who declared that we should have peace, commerce, and friendly relations with all nations; entangling alliances with none. During the years preceding the Civil War, American clipper ships, graceful as a seagull, swift as an eagle, were first in many harbours of the world. Consuls and ambassadors were sent

UNIVERSITY WOMEN BRIDGE AND ART SHOW

The Orlando-Winter Park branch of the American Association of University Women will hold a benefit bridge and exhibition of paintings at the Alabama Hotel, Monday, March 18th, at 2:30.

Mrs. Willard Wattles is president of the association and the affair is in charge of the Scholarship Fellowship Committee, assisted by Mrs. Harry Schenk and Miss Ethel Crane.

Gordelia C. de Schweinitz will have an exhibition of some of her pictures of Vermont hills.

MRS. ELDRIDGE ON "GANDHI'S INDIA"

The Tuesday evening lecture this week at the Congregational Church will be by Helen Woodsmall Eldredge on "Gandhi's India." Mrs. Eldredge has lived in India for ten years, and knows the people, the country and the government intimately. She will speak in a native Indian costume, and illustrate her lecture with more than 100 beautiful colored slides.

for the purpose of stimulating commerce.

Later, tariff walls were raised, in order to change the United States from an agricultural to an industrial country, as deliberately as the five-year plan in Russia was deliberate. During that period industry was operated by free workers in the North, agriculture in the South by slaves. Many differences of opinion were raised over the question of slavery as a profitable method, before any feeling of humanity or religion entered the dispute. The Civil War was fought to settle these differences.

(Continued on page 4)

ANNIE RUSSELL TO PLAY MRS. MALAPROP

Miss Annie Russell as Mrs. Malaprop in "The Rivals" is an attraction that will provide capital entertainment for Winter Park next Thursday and Friday evenings when the famous old British comedy by Richard Brinsley Sheridan will be performed as the fourth of the professional artists series at the Annie Russell Theatre.

Supported by the Annie Russell Company, Miss Russell herself will direct the production and play the role of the tongue-tangling Mrs. Malaprop whose liberties with the English language have amused and delighted theatre audiences for

(Continued on page 5)

TABLET TO MARK FORT MATTLAND SITE

The site of the old Mattland from which the town of Mattland received its name, will be marked with a large coquina block supporting a bronze tablet, next Thursday, March 14, at four p. m., according to an announcement by Mrs. Reinhard Siedenburg, winter resident of Mattland, New York socialite, and trustee of Rollins College. Mrs. Siedenburg will be in charge of the exercises which are open to the public.

Mrs. Siedenburg announces that the ceremonies, which will also include the dedication of the fourth

(Continued from page 4)

TO OPEN ESTATE FOR AUDUBON SOCIETY

Hawatha Grove, the beautiful Dommerich estate in Mattland, is to be opened to the public next Thursday, March 14th, throughout the afternoon for the benefit of the Florida Audubon Society, according to an announcement made by Miss Loretta Salmon, who is chairman of the committee in charge of the garden party.

Mrs. Reinhard Siedenburg, who is now occupying the winter home of the Dommerich family and who is greatly interested in the cause of conservation in Florida, has graciously opened the grounds which cover an extensive acreage. A feature of the grounds is the magnificent azalea garden. Recently a bronze fountain was dedicated to commemorate the founding of the Florida Audubon Society thirty-five years ago. A small charge will be made for admission, and Miss Salmon hopes to secure a large number of new members for the Audubon Society.

WINTER PARK TOPICS

A Weekly Review of Social and Cultural Activities
During the Winter Resort Season

Vol. 5—No. 15

Winter Park, Florida, Saturday, April 16, 1938

Price 10 Cents

SOCIAL NOTES

Mrs. Roma Jones Shermack arrived on Wednesday to make an extended visit with her mother, Mrs. Gordon Jones of Cortland Avenue. Mrs. Shermack's home is in Denver, Colo., and she has been visiting in New York and Washington before coming to Winter Park.

Mr. George Woodbury and sisters, Mrs. Margaret Miller and Miss Alice Woodbury, will depart for their summer home in Gloucester, Mass., toward the end of May. Mr. Woodbury's daughter Mrs. Lawrence Stewart, with Mr. Stewart, is leaving shortly for Conneaut, Ohio after spending the season in Winter Park on Elna Willo Avenue.

Mr. and Mrs. Joshua A. Chase close their Palmer Avenue estate sometime in May and after a stay in Philadelphia will go to Camden, Me. as usual.

Mr. and Mrs. James Burns Taylor and son, Mr. Osborne Taylor who is visiting them, have returned from a trip to Miami, Palm Beach and Fort Lauderdale. They were accompanied on the trip by their cousins Mr. and Mrs. Rockwell C. Osborne. The Taylors will return to Minneapolis for the summer.

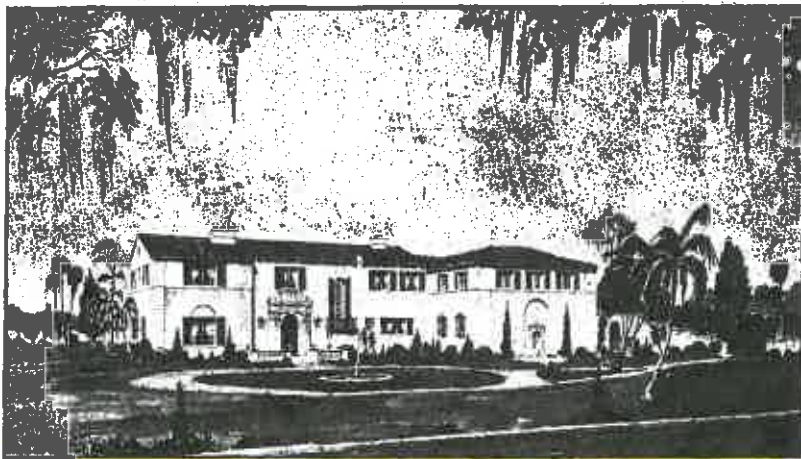
Mr. and Mrs. William E. Stark, who have passed the season at the Alabama Apartments will remain until the middle of May before going to their home in Lovell, Me., for the summer.

(Continued on Page 2)



MARY E. LEONARD

Indefatigable promoter of the Symphony Orchestra who is now conducting a campaign for next season's subscribers.



The new home for Mr. and Mrs. Louis C. McKinney on Interlachen Avenue, adjoining the residence of General Andrews, on which work was started this week. From the architect's drawing by Harold Hair, Frank A. Hiegel, is the contractor.

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DESIGNED
BY
HAROLD
HAIR

CREATIVE VENTURES AT ANDRE SMITH'S

At the Research Studio, in Maitland, the experiments in "plastic arrangements" have been attracting so much interest that the TOPICS sent forth its art-scout to check up on this "creative adventure".

In the long Laboratory Gallery with its unique arrangement of sky-lighted compartments, the evidence of inventive activity was at once evident. These cubicles which on an earlier visit contained the sober tryout paintings done by the Research Studio's "imported" artists, have now become small, gay stages each containing a separate "performance", and exciting ones at that.

Our scout found Andre Smith in front of one of these small prosceniums, adding a final flourishing string of eye-catching banners to one of his compositions, a most convincing three dimensional representation of a country fair, crowded with people and whirling devices.

"You may remember," he said, "that I once told you that the idea of this Lab-Gallery with its separate lighted stalls was inspired by our zoos; now you see how it works; and you can even detect the overtones of entertainment that the logical use of these compartments has stimulated. Here are twelve exhibits, which instead of restricting you to the narrow and compressed planes of the conventional picture, are instead twelve windows through which one can look into twelve wide as well as deep vistas. What we have done is to put the third-dimension into the usual two-dimensional picture. Any one of these can, in turn, be transferred

(Continued on Page 8)

EASTER, 1938

Winged words
Of praise and prayer
To Him uplifted
The world around
On Easter Day
War and strife,
Curses and death,
His peace denied
The world around
On Easter Day

—Irma C. Wileand

ANDALUSIAN EVENING AT BARBOUR ESTATE

The annual Cervantes Celebration to be held next Saturday and Sunday will include a number of interesting events. The affair is under the auspices of the Spanish Institute of Florida.

"An Andalusian Evening" to be held on Saturday afternoon from 5 to 7 at the beautiful Barbour estate on Interlachen Avenue will open the celebration. It will include a program featuring the Spanish Symphonette, directed by Enrico Tamburini of Rollins College which will play the gay music of Spain out on the spacious lawn and terrace. On the program will be Spanish songs sung by Aroxie Haggopian, Lucia Hammond and Virginia Shaw.

Dancers in colorful costume will perform on the program to the music of the Symphonette. At 7 o'clock a Spanish supper of chicken and rice, prepared by a Spanish chef, will be served a la fresco. General admission will be twenty-five cents and the supper is fifty cents extra.

"THE PERFECT ALIBI" BY STUDENT PLAYERS

Is there a "Perfect Alibi"? The Rollins Student Players will present A. A. Milne's argument when they produce his popular mystery drama, "The Perfect Alibi" in the Annie Russell Theatre next Thursday and Friday evenings, April 21 and 22.

The competent student cast selected by Director Donald S. Allen is concentrating on characterization and perfect interpretations of their respective roles. A fast moving comedy, "The Perfect Alibi" promises to reach a peak in student dramatic accomplishment.

The cast includes Cathie Badley, Carl Howland, Jack Buckwalter, Walter Royall, Richard Rodda, Joe Knowles, Marguerite Smith, Mary Peters, Fantress Gardner, Robin Rae, and Silley Varis.

FIRST MAY-DAY PARTY PROMISES GOOD TIME

With a gay and colorful program, to be presented on the evening of May 3 at 8:15 on the shore of Lake Virginia—Rollins College will inaugurate an Annual May Day—another worth while, rare entertainment to bring together members of the Faculty and their families, students, alumni and friends of all.

Helen Rae will direct the program and Alexander Bloch will conduct a string orchestra. With Mr. Bloch's able leadership and Mrs. Rae's competent direction of this especially unique group of dances, the evening will be most enjoyable and well worth travelling far to see.

Admission to the Rollins College May Day program is free and all are cordially invited.

WINTER PARK TOPICS

A Weekly Review of Social and Cultural Activities
During the Winter Resort Season

Vol. 2--No. 6

Winter Park, Florida, Saturday, February 8, 1936

Price 10 Cents

SOCIAL NOTES

The Rt. Rev. William Lawrence, D. D., and Mrs. Lawrence are here for a short stay at the Seminole. Dr. Lawrence is the former Bishop of Massachusetts, now retired. With them is their daughter, Mrs. Harold Peabody.

Mrs. B. E. Coleman entertained a group of Chicago friends at a delightful tea on Tuesday to honor Miss Herma Clark, well-known columnist of the Chicago Tribune, who was a house guest for a few days of Mrs. Coleman's mother-in-law, Mrs. A. E. Coleman, of Osceola avenue.

Mr. and Mrs. Harry Wheeler Stone are on a short trip to St. Petersburg and Belleair, stopping at the Belleview Biltmore.

Mr. and Mrs. A. M. Harris are entertaining at a small dinner party tonight at their Seminole avenue home.

Mrs. John J. Carty returned Wednesday from a short trip to St. Petersburg in Pass-a-Guille, Fla.

Miss Anna Blaine, of Cincinnati, has come over from Daytona where she is staying for the winter, to be the guest of Mr. and Mrs. L. J. Hackney for a brief time.

Mr. and Mrs. William H. Aubrey, of Jackson, Mich., are visiting his brother-in-law and sister, Mr. and Mrs. Charles E. Pratt. Mr. Aubrey is an attorney in Jackson.

Mrs. Arthur S. Tompkins and Mrs. Anna L. Stearns, of Nyack-on-Hudson, N. Y., have been guests of Mrs. John J. Bell, who gave a small dinner for them Saturday night. The guests included Mr. and Mrs. Arthur M. Harris, Mr. and Mrs. B. E. Coleman, Mr. William Muir McMillan.

Mr. and Mrs. Harold E. Elliott and son Harold, Jr., arrived from Glencoe, Ill., last week. Mr. Elliott has returned North but his wife and son will remain for the winter at the guest house of her mother, Mrs. Sam G. Goss, Sr. Mr. and Mrs. S. G. Goss, Jr., arrived by motor this week for a month's visit with his mother.

Miss Julie Raymond, of Laguna Beach, Cal., a guest for the winter of Mrs. Harry Hale, of Hankel Drive, is visiting friends in Mount Dora.

(Continued on page 2)

Rollins Marches On

A Review by the Trustees of Progress in a Decade Under
Hamilton Holt

This year Rollins College enters its second half century. The trustees take this opportunity to give the citizens and winter residents of Winter Park a brief review of the progress of the College, particularly the advance of the last decade.

When Hamilton Holt accepted our invitation ten years ago to become the president of Rollins, he asked the citizens of Orange County to give him a vote of confidence in his plans and ambitions for the future development of the College. He promised Orange County that he would devote his utmost energy toward the attainment of the ideal, to make Rollins College "the finest small liberal arts college in America."

Rollins College Ten Years Ago

In 1925, Rollins was just passing the fortieth anniversary of its founding. Into the first four decades of its history had gone heroic sacrifices, devoted service and generous gifts. But the struggle had left scars. The student body still numbered less than 250. Faculty and staff were much underpaid. The financial resources were altogether inadequate for the far-reaching work to which the institution had set its hands.

RECEPTION ROYAL

The Winter Park railroad station has many times been the scene of impressive arrivals, but perhaps the most exceptional and colorful took place last week when a throng of Winterparkians and Rollins students crowded the station platform to welcome the great Capt. Adhawa Ahrdella, the reputed cousin or something of King Kame Salassie.

To give this gathering the stamp of authoritative importance that it deserved there was present none other than our own Dr. Hamilton Holt, in cap and gown, or at least in gown, while the shovel-shaped head covering of pale lavender, so strangely becoming, might have been snatched the last moment from any one of a dozen fair and fashionable welcomees. Onlookers who marveled at this new combination and might have questioned the ethical correctness of Dr. Holt's attire had little time for speculation inasmuch as the south-bound train made its tooting arrival at that moment and discharged two vastly decorative passengers, both glitteringly clad in flowing robes and impressive head coverings. It

(Continued on page 8)

But the real factors in the life of a college are neither brick nor mortar nor bank balances. What is vital is spirit.

With unswerving loyalty to high academic standards, Rollins had, in fact, achieved noteworthy progress. It was rapidly emerging from the missionary stage of its development and was ready to extend its influence beyond the local field. The sound foundations presented an unusual opportunity for real educational pioneering.

For Rollins, President Holt envisioned a great future:

He would never allow the student body to increase beyond 500. He would stress the quality of the students rather than the quantity. He would assemble a faculty of great teachers whose presence would draw exceptional students from the East, North and West as well as the South. He would affiliate Rollins with the great educational foundations, societies and associations, extending its fame and reputation throughout the educational world. He would create on the campus an harmoniously complete architectural unit whose sheer beauty would make it a Florida shrine to be visited by every

(Continued from page 5)

NEW CELEBRITIES FOR ANIMATED MAGAZINE

Vol. X, No. 1, of The Rollins Animated Magazine is scheduled for publication Sunday afternoon at 2:30 of February 23rd! This highly original and entertaining magazine climaxes the many cultural affairs of the Winter Park season. It is a living magazine with contributors appearing in person to read their manuscripts to an audience of voluntary subscribers. Published by Edwin O. Grover, professor of books, and edited by Hamilton Holt, one time editor of The Independent, this year's edition will be "set-up" and composed by Sir Wilmont Lewis, Washington correspondent of The London Times; H. V. Kaltenborn, dean of American Radio Speakers and famed news editor of the air; the Reverend Karl Belland; Michael Pym, noted author and authority on India and its people's problems; Anny Rutz of Oberammergau, talented young German who has twice taken roles in the Passion Play; Theda Kanyon, poet and novelist and for several years secretary of The Poetry Society of America, will contribute; and Owen D. Young, statesman and financier and mentioned at present as a possible candidate of the democratic party for the presidency. Other contributors will be announced in the near future.

ARCHITECTS DISCUSS COMMUNITY BEAUTY

"What can be done to make Winter Park more beautiful?" was a question discussed by the architects, D. Harold Hair and J. Gamble Rogers, at the Women's Club. In a beauty contest there is little doubt that Winter Park would be crowned "Miss Florida," but there are many things still to be done that would improve its appearance. "This could be accomplished," said Mr. Rogers, "by the various women."

(Continued on page 4)

SANFORD'S FOUNDERS TO BE HONORED

Members and friends of the Florida Historical Society, of which Mr. Joshua C. Chase, of Winter Park, is president, will gather for a dinner meeting at the Mayfair Hotel in Sanford, Florida, this evening to commemorate establishment of the early settlements on the shores of Lake Munroe and honor the memory of Captain Charles Mellon and General Henry S. Sanford.

The Sanford family will be represented. (Continued on page 4)

ROLLINS COUNTRY FAIR

The Fair was born in 1924 under the auspices of President Holt and Mrs. Rhea Smith, in aid of the Rollins Library. Rising like the College in spite of the depression, the Fair cleared over \$200 this year through the cooperation of the College staff and students with the residents and visitors to Winter Park.

Chairman of the Organizing Committee was Mrs. Rotival, aided by Mr. and Mrs. Trowbridge, Mr. and Mrs. Rhea Smith, Mrs. Kilroe, Mrs. John Rae and Mr. George Holt.

Although rain and cold curtailed the varied program the Recreation Hall provided space and shelter for a multifarious display which would have been impossible without the willing assistance of Mrs. Campbell, Mrs. Holt, Miss Leonard, Mrs. Gordon Jones, Mrs. Stemm, Miss Green, Miss Colman, Dr. Fleischman, Mr. Foley, Mr. Hennessy, Mr. Schenck and Mr. Reg. Clough.

The merchants of Winter Park donated prizes for the Lotto competition, and the Maison Louis of Orlando donated a parade exhibit.

(Continued on page 8)

**ARCHITECTS DISCUSS
COMMUNITY BEAUTY**
(Continued from page 1)

en's clubs in cooperation with a building committee of the city." The impression of a person motoring into the town on Route 17, or East Park avenue, is determined by the fronts of business buildings that are littered with signs and awnings of all sizes and degrees of ugliness. Merchants should be glad to get rid of these projecting signs, for their interference with each other defeats their purpose. Another improvement would be the planting of trees on all new streets, a project that the Garden Club might carry out effectively.

The special contribution of Mr. Hair to this work is the writing of an excellent zoning law, the enforcement of which would require a building inspector, but the city

has not seen its way clear to employ such an official.

The particular enthusiasm of Mr. Rogers is his response to the demand for small dwellings. Their planning in both "rows" and groups is a matter to which he has given much study. The "row," which is beautifully exemplified in Cotswold, England, is desirable for an individual who does not wish to live in an isolated house. The group has the special advantage of gardens and walks planned in relation to the whole. The realization of Mr. Rogers' dream of a small house is the residence of G. L. Noyes on Interlachen avenue, but less expense in building does not necessarily preclude beauty of design. If all persons intending to build could be brought to realize this, the erection of structures that only deface the landscape might be brought to an end. Concerted action on the part of property owners in Lake Forest, Pasadena, and Santa Barbara has resulted in making these towns three of the most beautiful in the country.

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AFTERNOON TEA
SUNDAY NIGHT SUPPER

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64 No. Orange Ave.

ORLANDO



SANFORD'S FOUNDERS

(Continued from page 1)

resented by Irving Bacheller, the famous writer of Winter Park, whose grandmother was a Sanford. Thomas A. Mellon, of Pittsburgh, nephew of former Secretary of the Treasury, Andrew W. Mellon, will represent the Mellon family. Old Fort Mellon and later Mellonville were named in honor of Captain Charles Mellon, who was killed by the Seminole Indians near the present site of the city of Sanford almost a hundred years ago.

A feature of the program will be a paper by Sydney O. Chase, of Sanford, giving the history of General Sanford's notable citrus grove and experimental nursery which was a contributing factor to the development of the citrus industry in Florida.

Among the members and friends of the Florida Historical Society who have made reservations are: Mr. and Mrs. Joshua C. Chase, Mr. and Mrs. Irving Bacheller, Mr. and Mrs. T. A. Mellon, Dr. and Mrs. Hamilton Holt, Mr. John E. Woods, Mrs. Frederick W. Taylor, Dr. and Mrs. William H. Fox, Miss Elizabeth Rand, Miss Anne Rand, Mrs. J. C. Hanna and A. J. Hanna, Dr. W. S. Beard, Miss Elizabeth Wells and Mrs. L. K. Shipman.

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WINTER PARK

A BEAUTY TREATMENT

for your clothes

American Laundry & Dry Cleaning Co.

A clean and satisfactory service for every need.

WINTER PARK PHONE 49

We call for and deliver.

Miss Lucy E. Fairbanks, of Woodstock, Vt., is a recent arrival in town. She is staying with the Matthews on Lyman avenue.

FLORIDA BOOKS

on history, birds, wild flowers, ferns, gardening, fishing, citrus cultivation.

Owl Book Shop

Washington St. Arcade - ORLANDO

BAGS GALORE

**The Baystater
Gift Shop**

7 Aubrey Arcade - ORLANDO

Florida Cabin

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2 blocks from Rollins College.

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Southern and New England Cooking

Tel. 337-M

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Hamilton and Elgin Watches

Rosin Lighters Parker Pens

Sales and Service

GROVER MORGAN

Phone 462

General by Governor Roosevelt in January 1899. He served on the Police Board of this city when Governor Roosevelt was President of the Board.

MRS. AVERY D. ANDREWS

Wife of Brigadier General is Dead in Winter Park, Florida

WINTER PARK, Florida, January 17, 1945 - Mrs. Mary Schofield Andrews, wife of Brigadier General Avery D. Andrews, who was Assistant Chief of Staff to General Pershing in France in 1918, died at her home heretoday after a brief illness at the age of 79. She was a daughter of Lieutenant General John M. Schofield of the Civil War.

Besides her husband, Mrs. Andrews leaves two sons, Delano Andrews of New York and Schofield Andrews of Philadelphia; a sister, Mrs. Walter Branson of Philadelphia, and seven grandchildren: Lieutenant Schofield Andrews, now in France. Lieutenant Stuart B. Andrews of the Army Air Forces, Private Stockton A. Andrews of the Marines, Avery D. Andrews 2nd, Adeline L., Mary and Denison Andrews.

**AVERY D. ANDREWS, 95, IS DEAD;
ONCE CITY POLICE COMMISSIONER**

WINTER PARK, Florida, April 19, 1959 - Brigadier General Avery Delano Andrews, U.S.A., retired, died here today at his home. He was 95 years old.

In addition to his Army service, General Andrews was a lawyer, oil company executive and a former Police Commissioner of New York City.

He was head of the Police Department from 1895 to 1898, when Theodore Roosevelt was President of the Police Board. When Mr. Roosevelt became Governor of New York, General Andrews was his Chief of Staff and Adjutant General of the State.

As Police Commissioner, General Andrews organized the force's first bicycle squad. He picked four men, all athletes, and stationed them on wheels in parts of the city where runaway horses were frequent. In less than a month the squad stopped so many runaways that it was increased to 100 men.

General Andrews practices law herein the firm of Wells & Andrews. In 1919 he became the representative in the United States of the Royal Dutch Petroleum Company of Holland and the Shell Transport and Trading Company of London. He retired in 1930.

General Andrews was born in Massena, New York. He was graduated from the United States Military Academy in 1886. He served in the Spanish-American War and was Assistant Chief of Staff to General John J. Pershing in World War I.

In 1892 General Andrews received a Bachelor of Laws degree from the New York Law School.

He was formerly a director of the Irving Trust Company of New York, the Central-Penn National Bank of Philadelphia and the Shell Union Oil Corporation.

FRONT
ELEVATION





FACADE DETAILS FROM COURTYARD



SOUTH SIDE
ELEVATION



FACADE DETAILS







CABANA AT LEFT ↑

↓ REAR ELEVATION



responded that the subject property is owner occupied and that the addition will not become a living space. She added that she has lived in the home since 1960.

No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

Motion made by Mrs. Sprimont, seconded by Mr. Wood to approve the certificate of review request to remove a carport and add an attached garage on the rear of her property at 440 Holt Avenue with a variance to allow a side setback of 5 feet in lieu of 7 feet. A roll call vote was taken and all Board members voted yes. Motion carried unanimously.



HDA 15-002 Request by Katherine and Valmore Ward Jr. to designate their property at 500 North Interlachen Avenue as a historic landmark and add it to the Winter Park Register of Historic Places. Zoned R-1AAA. Parcel ID #05-22-30-9398-00-200.

Senior Planner Lindsey Hayes gave the staff report. She explained that the applicants have come forward for "back to back" hearings; first for designation and then for a Certificate of Review. She used a Power Point presentation to provide an overview of the property. She noted that the property includes a non-contributing semicircular driveway at the front swimming pool and pool house, on the rear lake facing side of the site and a boathouse. She stated that the property is in excellent condition and possesses its original character and architecture. Staff recommended listing the property as a historic landmark on the Winter Park Register of Historic Places. Ms. Hayes responded to Board member questions and concerns.

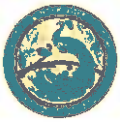
No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

Ms. Hayes provided an explanation of the need to hear the items separately. The members of the Board expressed support of the designation request.

Motion made by Mrs. DeVane, seconded by Mr. Wood to designate 500 North Interlachen Avenue as a historic landmark, and add it to the Winter Park Register of Historic Places. A roll call vote was taken and all Board members voted yes. Motion carried unanimously.

COR 15-005 Certificate of request by Katherine and Valmore Ward Jr. to add an attached garage to their property at 500 North Interlachen Avenue with a variance request to allow a front setback of 51.5 feet in lieu of 87 feet. Zoned R-1AAA. Parcel ID #05-22-30-9398-00-200.

Senior Planner Lindsey Hayes gave the staff report. She added that the Certificate of Review and variance request will become effective if the designation process is finalized by resolution of the City Commission. Ms. Hayes explained that the applicants are requesting a Certificate of Review to add an attached two car garage to their property at 500 North Interlachen Avenue. She said that the request also includes a variance to allow a front setback of 51.5 feet in lieu of 87 feet. She explained that the original garage is too small for two modern day vehicles. It would remain and two single doors as shown on the original design would replace the double door. The proposed design places the new garage offset from the southwest corner of the existing garage by the sunken courtyard. From the interior, the new garage would provide access to the house through the original garage. Ms. Hayes mentioned that the lakefront setting and narrow side setback of this property alone make other garage placement less feasible. The HPB has observed similar situations with lakeside properties. She noted that the proposed placement preserves the exposure of the original house;



city commission public hearing

item type	Public Hearing	meeting date	July 13, 2015
prepared by department division	Planning and Community Development Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Historic Preservation Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-0 final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship <input checked="" type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Public Health & Safety <input type="checkbox"/> Investment in Public Assets & Infrastructure		

subject

Resolution entering 1565 Forest Avenue as a historic resource in the Winter Park Register of Historic Places.

motion | recommendation

Historic Preservation Board recommends approval.

background

The Historic Preservation Board staff report and owner request is attached.

alternatives | other considerations

fiscal impact

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1565 FOREST AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

WHEREAS, there are located within the City of Winter Park historic sites, areas, structures, buildings, improvements and appurtenances, both public and private, both on individual properties and in groupings, that serve as reminders of past eras, events, and persons important in local, state and national history; or that provide significant examples of past architectural styles and development patterns and that constitute unique and irreplaceable assets to the City; and

WHEREAS, the City Commission recognizes that the sites and properties of historical, cultural, archaeological, aesthetic and architectural merit contribute to the public health, welfare, economic well-being and quality of life of the citizens of Winter Park; and

WHEREAS, there is the desire to foster awareness of and civic pride in the accomplishments of the past; and

WHEREAS, the Winter Park Historic Preservation Board determined that the property at 1565 Forest Avenue meets the criterion for historic resource status through its association with the 1920s Florida Land Boom period of development in the Ellno-Willo neighborhood in Winter Park and as an example of Craftsman architecture.

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

The City Commission of the City of Winter Park hereby supports and endorses the entry of 1565 Forest Avenue as a historic resource on the Winter Park Register of Historic Places.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this _____ day of _____ 2015.

Steve Leary, Mayor

ATTEST:

City Clerk



CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD

Staff Report
May 13, 2015

HDA 15-003 Request by Stuart and Janice Omans to designate their property at 1565 Forest Avenue as a historic resource and add it to the Winter Park Register of Historic Places. Zoned R-1AA. Parcel ID #07-22-30-2472-03-180.

History. The residential property at 1565 Forest Avenue was built in the Craftsman style about 1926 as one of the first homes in the Ellno-Willo subdivision. The Ellno-Willo subdivision was platted in 1925 by Dr. N. L. Bryan during the Florida Land Boom. Many subdivision plats were recorded that year including Orwin Manor, College Place, Virginia Heights, Forest Hills, Cortland Park and many others. Dr. Bryan named the subdivision after his children; Elliot, Norman, William and Louise. The plat included Virginia Drive, Forest Avenue and Ellno-willo Avenue which has since been renamed Hillcrest Avenue. Circa 1925 deed restrictions included such provisions as allowing only residences and garages to be constructed, requiring that houses built on Block C such as this property be built at a cost of at least \$5,000 with a setback of 35 feet. Deed records indicate that the first occupants were E.E. Lytle and his wife Luella. The Great Depression drastically slowed housing construction and the neighborhood was so undeveloped the hunters dashing through the area with their dogs was a reported problem. Many houses fell into foreclosure, including this one. Ellno-Willo claims a number of landmark homes including the Bryan House, the Haverstadt House, the Breneman House, the Edwards House and the Joiner House on Virginia Drive, and other distinctive examples of architectural styles from the first part of the last century.

Description. 1565 Forest Avenue is a side-gabled, story and a half Craftsman style bungalow. It is a larger and more substantial variation of the style compared to the smaller bungalows found in nearby neighborhoods. The roof is shingled with wide eaves and the exterior is stucco over wood frame. There are triangular knee braces at the corners and an arbor over a side porch entrance. The foundation is continuous stone-faced block and raised. A distinctive wide hipped roof dormer is centered on the second story above the entry. There is a full width front porch recessed under a break in the slope of the roof. The entry is centered and approached up broad steps flanked with curved knee walls. The skirted front porch has broad arched supports that allow a wide view toward Lake Virginia from the interior. The dormer has a band of six over one sash windows. The windows elsewhere on the house are typically six over one singly and in combination. There is a tapered brick chimney on the south elevation, and a hipped roof extension on the rear elevation for a dormer with an eyebrow vent. A sunroom with modernized is on the rear elevation. The property includes a freestanding hipped roof stone-faced block garage on the north west rear corner. It is accessed by a single width side driveway. The property possesses its original appearance with only minor alterations that do not affect the historic character. It is in very good condition.

Architecture. Craftsman style bungalows were inspired primarily by the work of Charles Summer Greens and Henry Mather Greene; two California brothers who practiced in Pasadena from 1893 to 1914. With origins in East Asia, bungalows are low homes with generous porches and they display their structural components including rafter tails, knee braces and ridge beams. They designed several landmark examples that reflected English Arts and Crafts influences as well as oriental wooden architecture. Their work was widely publicized in architecture and home publications. Pattern books appeared that sold plans for bungalows and even pre-cut kits of lumber and detailing could be purchased. Craftsman style bungalows quickly became the most popular smaller homes in the country. In Florida, the style is found throughout the state typically dating from the 1920s.

RECOMMENDATION: Staff recommends listing as a historic resource on the Winter Park Register of Historic Places.



City of Winter Park
 Planning & Community
 Development Department
 401 Park Avenue, South
 Winter Park, Florida 32789

407-599-3498

City of Winter Park Historic Designation Application

1. 1565 Forest Ave
 Building address

Stuartland Janice Omars 1565 Forest Ave, W.P., 32789
 Owner's name(s) Address Telephone

407-645-5216

Applicant's name (if different from above) Address Telephone

2. I, Janice Omars as owner of the property described above, do hereby authorize the filing of this application for historic designation for that property.

Janice Omars Owner's Signature March 17, 2015 Date

Historic Preservation Commission Office Use

Criteria for Designation

- A. Association with events that have made a significant contribution to the broad patterns of history including the local pattern of development; or
- B. Association with the lives of a person or persons significant in our past; or that
- C. Embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic values or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. Has yielded or are likely to yield information important in prehistory or history.

07-22-30-2472-03-180 Legal description 1. 1925 Year built


































Historic name of building (if any) Historic district name (if any)

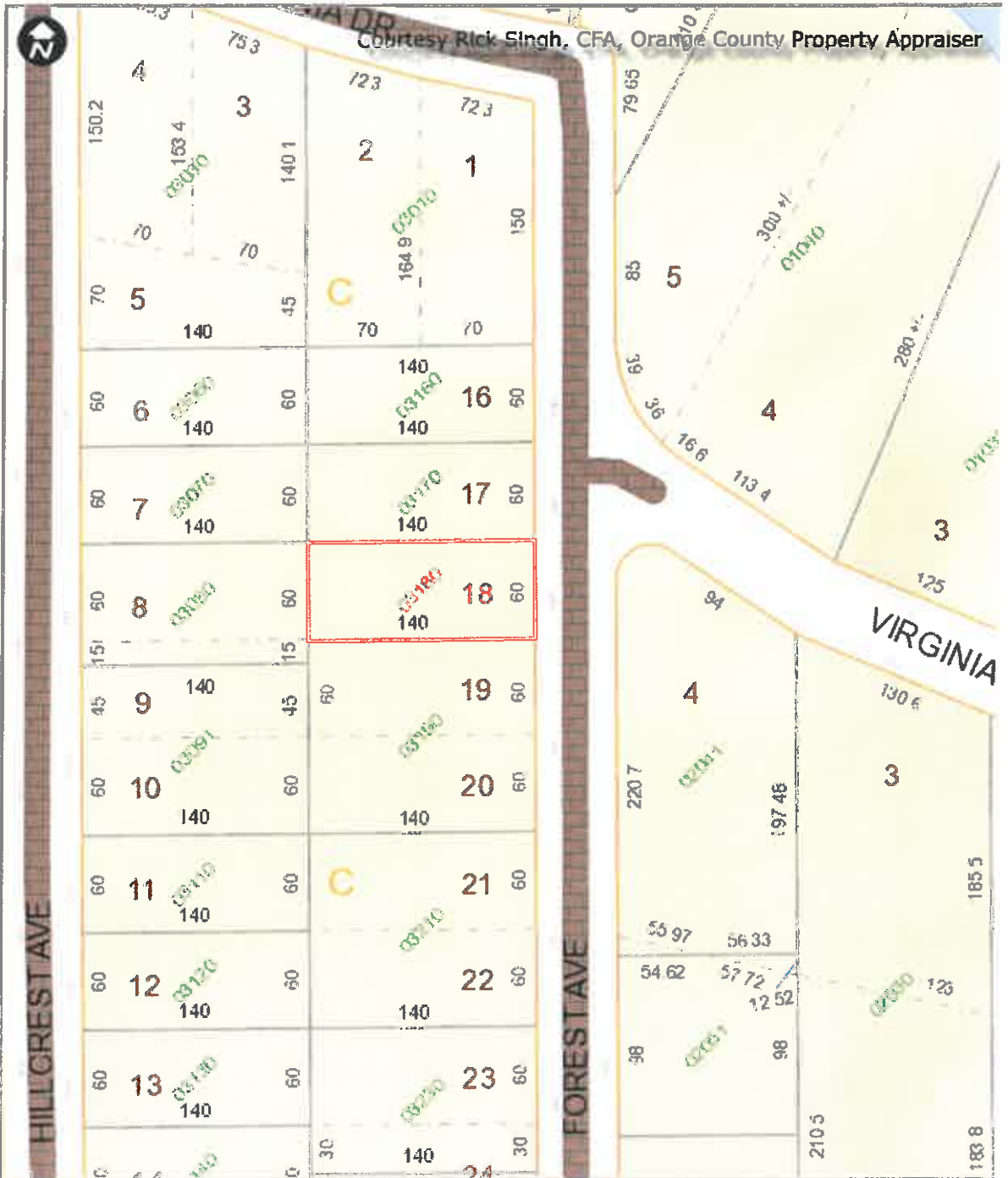
Date received: 3-19-15 HPC Meeting: MAY 13, 2015

Case File No.: HOA 15-003 Florida Master Site File No.: OR-

Local Historic Landmark

Local Historic Resource

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



ELLNO-WILLO

DESCRIPTION

THE WEST 7/8 CHAINS OF THE SE 1/4 OF THE SE 1/4 OF SECTION 7 T.22S. R.30E.
 AND LOTS 3 AND 4 OF BLOCK "O" OF VIRGINIA HEIGHTS AS RECORDED IN PLAT BOOK G PAGE 107
 ORANGE COUNTY RECORDS

SCALE: 1"=80'
 DATE: JANUARY 1925

E. E. WHITE, CIVIL ENGR.
 ORLANDO, FLORIDA

OWNERS CERTIFICATE

STATE OF FLORIDA
 COUNTY OF ORANGE

PERSONALLY APPEARED BEFORE ME
 N. L. BRYAN, WHO BEING DULY SWORN DEPOSES
 AND SAYS: THAT HE IS THE OWNER OF THE LAND
 DESCRIBED IN THE CAPTION AND HAS AUTHORIZED
 AND ACCEPTED THE SURVEY AND SUBDIVISION
 AS SHOWN HEREON

N. L. Bryan

SUBSCRIBED AND SWORN TO BEFORE ME
 THIS 17th DAY OF Jan A.D. 1925.

(N.S.) *Marian Davis* NOTARY PUBLIC
 MY COMMISSION EXPIRES May 10, 1927.

ENGINEERS CERTIFICATE

STATE OF FLORIDA
 COUNTY OF ORANGE

PERSONALLY APPEARED BEFORE ME
 E. E. WHITE, CIVIL ENGINEER, WHO BEING DULY
 SWORN DEPOSES AND SAYS: THAT THE PLAT
 HEREON IS A TRUE AND CORRECT REPRE-
 SENTATION OF THE SURVEY AND SUBDIVI-
 SION OF THE LAND DESCRIBED IN THE
 CAPTION; THAT ALL LOTS BORDERING ON THE
 LAKE EXTEND INTO LAKE VIRGINIA TO THE FORTY
 LINE; THAT MEASUREMENTS SHOWN ON THE
 CURVED PORTION OF VIRGINIA DRIVE ARE
 CHORD DISTANCES FROM CORNER TO CORNER
 AND THE ANGLES SHOWN ARE BASED ON
 THESE SAME CHORDS

E. E. White
 CIVIL ENGINEER

SUBSCRIBED AND SWORN TO BEFORE ME
 THIS 8 DAY OF Jan A.D. 1925

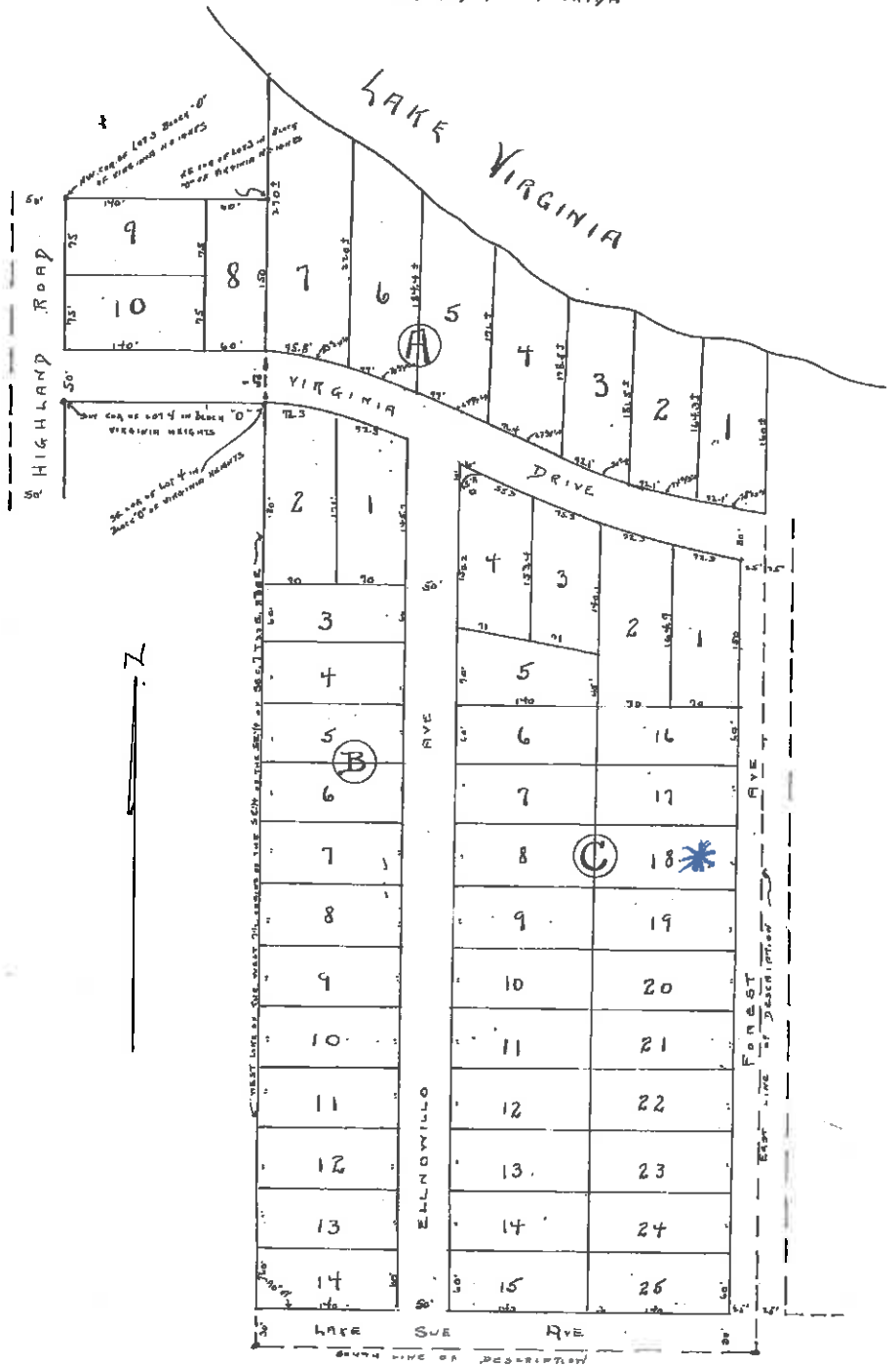
(N.S.) *M. S. Hart* NOTARY PUBLIC
 MY COMMISSION EXPIRES 4/1/25

This plat presented to, examined
 and approved by the Town Council
 of the Town of Winter Park,
 Florida, on this the 12th

day of January 1925

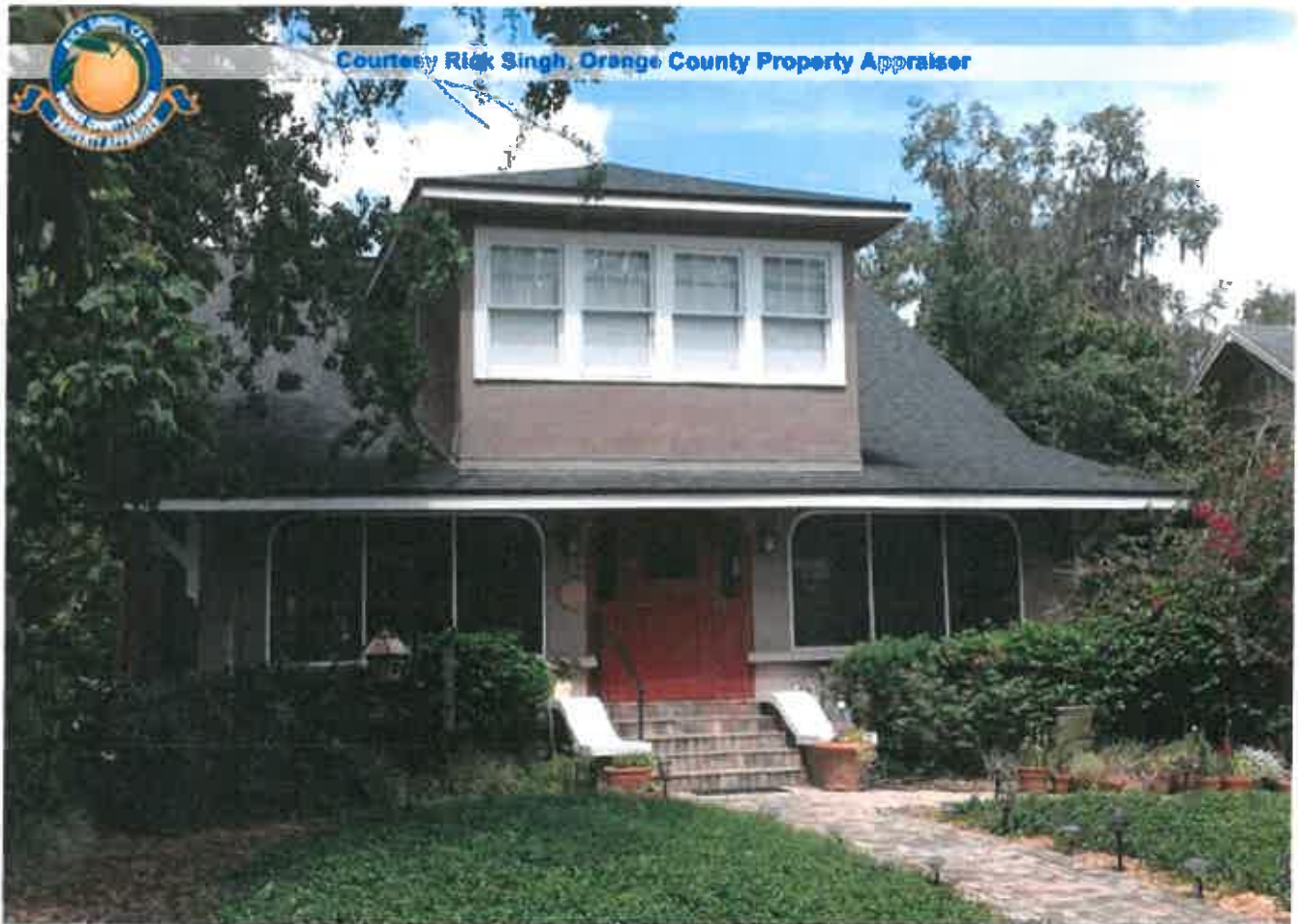
[Signature]
 President of the Council
 Town of Winter Park, Fla

[Signature]
 Clerk



FILED AND RECORDED JAN. 17, 1925 AT 11:45 A.M.
B. W. Robinson CLERK
By [Signature] 2 C.

Parcel Photos - 1565 Forest Ave



1565 FOREST AVE 05/12/2014



FRONT ELEVATION



FRONT PORCH INTERIOR





NORTH SIDE

REAR ELEVATION





GARAGE



SOUTH ELEVATION

responded that the subject property is owner occupied and that the addition will not become a living space. She added that she has lived in the home since 1960.

No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

Motion made by Mrs. Sprimont, seconded by Mr. Wood to approve the certificate of review request to remove a carport and add an attached garage on the rear of her property at 440 Holt Avenue with a variance to allow a side setback of 5 feet in lieu of 7 feet. A roll call vote was taken and all Board members voted yes. Motion carried unanimously.

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No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

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city commission public hearing

item type	Public Hearing	meeting date	July 13, 2015
prepared by department division	Jeff Briggs Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0 final vote

Subject: **Second Public Hearing** for an Amendment of a Conditional Use for a Three Story Townhouse Project at 170 E. Morse/170 S. Knowles.

Ordinance 2886-14 adopted last year requires two City Commission public hearings for approval or amendment of a Conditional Use involving three story building in the CBD. The rest of this package is repeated from the first public hearing.

This second public hearing is a Conditional Use request by the prospective purchasers of 170 S. Knowles Avenue/170 E. Morse Blvd. to amend the previous multi-family project approved in 2007. It was originally four units however, this proposal is now three units, each three stories in height and now 19,935 square feet of total building area. The property is zoned C-2.

Summary:

Background: On October 22, 2007 the City Commission approved a Conditional Use, for a four unit, three-story, 18,290 square foot residential project to replace the two story retail/office building at the SW corner of Morse Blvd. and Knowles Avenue. That project by the current property owner, Mr. Furst and required Conditional Use approval as it was a three story building in the Central Business District and over 10,000 sq. ft.

That original Conditional Use approval was valid for two years. The City Commission provided an extension on April 13, 2009. Then on April 10, 2010 the City Commission provided a five year extension until October 22, 2016. Later, on October 24, 2011 the City Commission extended the Conditional Use approval until October 24, 2021. As this application is from a contract purchaser, the seller and purchaser have requested that any approval be conditioned upon the eventual sale and closing which is reflected in the staff conditions.

Current Project Plan Request:

The project parameters retain much of the original site plan layout from the original approval in 2007. The project fronts on Morse Blvd. and Knowles Avenue and has a rear entry motor court from the Treat Way alley into two car garages for each of the three units. The total building area increases from 18,290 square feet to 19,935 square feet. This is an increase in floor area ratio (FAR) from the 177% permitted in 2007 to the current request at 192.61%. The Code maximum FAR for C-2 zoning is 200%.

For purposes of comparison, the following table outlines the C-2 zoning requirements and the proposed dimensions of this project.

	C-2 Requirements	Project Proposal
Property Size		10,350 sf
Floor Area Ratio	Max. 200%	192.61%
Knowles Ave. setback	0 feet	5-8 feet
Morse Blvd. setback	3.3 feet	3.3 feet
Alley setback	0 feet Floors 1 & 2 10 feet -3 rd floor	3 feet 4 inches for all floors
Interior Side setback	0 feet	0 feet
Bldg. Height	40 feet	40 feet

The street setbacks on Morse Blvd. are in line with the average existing 3.3 foot setback (from the adjacent Landmark Condominium) and the street setbacks on Knowles Avenue are 5 to 8 feet except for the first floor entry porch features at zero feet or at the property line as there is no 'average' setback on Knowles Avenue in this block. There is also a proposed 3 foot-4 inch street setback to the Treat Way alley (south side) and to the adjacent Landmark Condo (west side).

The building height is at the maximum 40 feet permitted for three story buildings in the Central Business District and in the C-2 zoning. There is a cornice parapet wall of 5 feet in height for a total visual height of 45 feet. Back within the rooftop are the elevator/stair tower elements for each unit, an additional 10 feet in height. These heights are consistent with the original 2007 approval and the parapet walls are somewhat smaller as the 2007 plans which had architectural ornamentation on the corners.

The Comprehensive Plan and the Zoning Code contain a requirement to provide terracing and articulation by imposing a further setback for the third floors of any prospective building within the Central Business District and C-2 zoning. The Comprehensive Plan policies are very prescriptive in requiring a one for one foot setback for the third floors. If the third floor is 10 feet tall then the third floor setback is 10 feet. The C-2 zoning is less prescriptive in that it just requires that "a significant portion of the top floor shall be terraced and stepped back from the exterior face of the next lower floor".

In this project, as with the Morse/Virginia Townhouses, designed by Phil Kean, the design solution is to build the "box" setback from the street front by 9-10 feet and then add architectural articulation outward from the "box". It is an acceptable method of

compliance and in some ways a better design solution because the bulk of the "building mass" is further setback from the street frontages.

Per the policy of the Comprehensive Plan, if the third floor is ten feet in height then the third floor must be setback 10 feet from the street where zero foot setbacks apply (Knowles Avenue and the Alley) and the third floor must be setback 13 feet 3 inches from where a 3 foot, 3 inch street setback exists (Morse Blvd.). The proposed plans indicate a 9 foot, 1 inch setback for the third floor on the Knowles Avenue frontage and a 12 foot, 3 inch setback for the third floor on the Morse Blvd. frontage. The applicant is asking for an exception, as may be permitted via this Conditional Use review for the 1 foot difference (9 foot setback vs. 10 foot floor height). To the staff this one foot differential seems de minimus and staff has no issue for the request for that 1 foot setback exception.

On the Treat Way alley side, which is also street frontage, the plans depict a setback of 3 feet 4 inches for all three floors and the applicant has proposed another one foot setback for the third floor. This request is asking in effect to vest the vertical 3 feet 4 inches setback for all three floors that was approved for the previous project in 2007 but allowing for another one foot setback for the third floor to break up that vertical wall. Treat Way is a public street, albeit an alley but with frontage and visibility all along Knowles Avenue. The P&Z Board is in support of these setback exceptions.

Streetscape Proposal:

The applicant is also asking the City to consider a streetscape proposal for this section of Knowles Avenue. Currently (as depicted in the plans) along Knowles Avenue are 12 on-street parking spaces at 90 degrees from the travel lanes. An existing 4.5 feet of sidewalk exists between the curb and the property line. The applicant would like to convert this Knowles Avenue street frontage using on street spaces. That increases the sidewalk width to 12.5 feet for better pedestrian circulation and oak trees within this area.

This proposal benefits the project by enhancing the visual street appeal of this street section and increasing pedestrian access. The concern is that the City loses public parking spaces within an area where all the parking spaces are usually full.

Public Works has been conducting parking surveys on the use and availability of parking spaces in the six city parking lots downtown for the past 15 months. The Knowles Avenue parking spaces have consistently been the most heavily utilized parking in the downtown. As a result, the recommendation from Public Works was not in favor of this streetscape proposal as it results in the loss of six to eight public parking spaces.

The applicants' position is that the conversion of this property from a retail/office building to a residential building is going to reduce the demand from customers/clients parking on Knowles to visit businesses within this building. The applicants' perspective is that this change in use will benefit the parking situation and more than offset the loss of the six parking spaces.

The P&Z Board agreed with the applicant and felt that the benefits of continuing the streetscape program on Morse Blvd around the corner with a wider sidewalk and new oak trees, especially to increase pedestrian safety was more important than the loss of six parking spaces.

Traffic Study:

The staff did not require the developer to provide a traffic study because the total trip generation from 3 residential units of 33 trips per day is far less than the trip generation from the existing 7,365 square feet of retail/office spaces which produces 349 trips per day per ITE generation estimates. This existing traffic generation may be overstated since many trips to the downtown are multi-destination trips but the conclusion regardless is that this residential project of three townhouses will generate less traffic than the existing building.

Impact Upon the Downtown Winter Park Historic Districts:

This property is located outside the US Federal Register - Downtown Winter Park Historic District which ends at the Center Street alley and the Interlachen Avenue Historic District which ends adjacent to this property. See maps attached. In other cases, a question has been raised about applicability of a recommendation from the City's Historic Preservation Board per the code text below:

Sec. 58-446. - Functions, powers and duties of the historic preservation board. The historic preservation board shall be responsible for the development and administration of a comprehensive historic preservation program, and shall identify and maintain the city's historic resources for the benefit of both present and future residents. It shall be the responsibility of the HPB to:

1. Provide or recommend incentives for historic preservation, and to recommend for or against rezonings, demolitions, developments, lot splits, lot consolidations, or conditional uses that could impact historic resources identified in the Florida Master Site File survey of the City of Winter Park.

The precedent has been to apply this Code requirement to projects within a historic district but not outside the Districts. Staff did not bring this application to the Historic Preservation Board for review since it was outside the District and has not received direction from the City Commission to do so in the past.

Other Considerations:

This project is intended to be developed as fee simple townhouses pursuant to a replat (not as a condominium). To the extent that any "subdivision approval" is required, then this process provides that approval. This fee simple/replat marketing approach is what was approved by the City for the 400 Swoope townhouse project, the Morse/Virginia Townhouse project and the one at 125 S. Interlachen Avenue.

The scale of this project and the materials presented allows the City to combine the Preliminary and Final Conditional Use approvals. However, the Code requires two public hearings for approval by the City Commission for three story buildings within the Central Business District.

Comprehensive Plan and Zoning Code Compliance:

There are a number of policies in the Comprehensive Plan that address the design aspects of this application. Those policies and other relevant C-2 Zoning Code sections that are included as an appendix to this staff report.

Planning and Zoning Board Recommendation:

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve both the Preliminary and Final Conditional Use approvals for the modification of this project with the following conditions:

- 1. The third floor facing the Treat Way alley must be setback an additional one-foot from the lower floors in a reduced but similar fashion to the other street elevations.**
- 2. The electric transformer/switch gear and backflow preventers shall be located adjacent to the building and shall be effectively screened from view.**
- 3. Changes to the Knowles Avenue streetscape and parking arrangement are approved, as presented by the applicant.**
- 4. As the Applicant is not the owner of the Property, but rather is the purchaser under a contract for sale and purchase to buy the Property, unless specifically consented to by Owner in writing, no approval issued pursuant to the Application or any condition imposed in connection therewith, shall be binding upon the Property or the current Owner of the Property unless and until Applicant, or its successor or assign, acquires title to the Property. If Applicant or its successor or assign does not acquire title to the Property within one hundred fifty (150) days following the approval by the City Commission of such Conditional Use Permit and the expiration of any appeal period applicable thereto, the Conditional Use Permit shall be null and void and the existing Conditional Use, which was extended by the City Commission on October 24, 2011 until October 24, 2021 shall be in full force and effect; provided, however, that Owner shall have the right to waive the foregoing and accept the new Conditional Use Permit which shall not be null and void in such event."**

Motion carried unanimously with a 7-0 vote.

Comprehensive Plan policy and C-2 District excerpts:

Policy 1-3.2.2: Maintain the Character and Scale of the Central Business District: The City shall maintain the character and scale of the Central Business District (CBD), including the Park Avenue Corridor as one of the premier downtown retail shopping districts in Florida, by reinforcing attributes that underlie its ambiance and special character, including its pedestrian scale, the relationship of its buildings and their orientation to the street, the eclectic mix of architectural styles, the open space vistas of Central Park, and the predominance of small distinctive specialty shops. This Comprehensive Plan imposes a two story height limit throughout the Central Business District as depicted on the Winter Park Central Business District Boundary Map located in the Definitions section of this Comprehensive Plan. These height restrictions may be increased to a maximum 3 story height limit if the development is approved by the City Commission as a Conditional Use and conforms to the Maximum Height Map. Third floors approved by conditional use in the CBD must be setback on street frontages equal to their height of a one foot setback for each one foot height of the third floor. Properties designated low density residential, and other properties identified as limited to two stories on the Maximum Height Map are not candidates for the 3 story height Conditional Use. The maximum floor area ratio within the CBD shall include private parking garages which are either at grade or elevated in calculations of floor area. Subterranean parking garages and public parking garages may be excluded from floor area calculations by the City Commission.

Policy 1-3.8.9: Preserve the Pedestrian Scale and Orientation of the CBD and Restrict Building Height. The City shall preserve the pedestrian scale and orientation of the Winter Park Central Business District Boundary Map, as defined in the Definitions section of this Comprehensive Plan, by limiting development for any property to two stories in height or three stories (including any mezzanine levels) on a case by case basis via conditional use approval by the City Commission for any third floor. The pedestrian orientation is also protected by prohibiting new drive-in businesses within the C-2 zoning locations east of Virginia Avenue. Approvals or other variances for more than three stories are prohibited. Third floors approved by conditional use must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor. Properties designated low density residential and properties limited to two stories on the Maximum Height Map are not candidates for the 3 story conditional use.

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

(b) *Permitted uses.*

(4) Residences located on any floor outside of the Park Avenue Corridor or above the ground floor within the Park Avenue Corridor.

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

(3) Buildings with a third floor provided that such conditional use approvals require two public hearing approvals by the city commission;

(6) Buildings over 10,000 square feet, any addition over 500 square feet to an existing building over 10,000 square feet or additions over 500 square feet to existing buildings that result in a building over 10,000 square feet in size.

(e) *Development standards.*

(1) On all streets, buildings and structures shall be built to a zero foot building setback from the property line or such front setback as is established by the average front setback of the existing buildings on that block of street frontage, whichever is greater. However, canopies may extend over the sidewalks provided a clearance of nine feet zero inches is maintained from the sidewalk to the bottom portion of the canopy.

(2) Building heights shall not exceed the height limits imposed by the Maximum Height Map.-For those properties within the geographic areas shown with a two story maximum, the maximum building height shall be thirty (30) feet; for those properties shown with a three story maximum height, the maximum building height may be up to forty (40) feet if approved via conditional use. Variances for more than three stories in the Central Business District are prohibited. Parapet walls, mansard, gable or hip roof appendages or similar architectural elements or appendages on a one or two story building may be added to the building height but in no case shall extend more than five (5) feet above the building roof height limitations established in the section. Mechanical equipment, elevator towers and related non-occupied structures may be added to the building roof height but in no case shall exceed more than ten (10) feet above these building roof height limitations and shall be located to the maximum extent possible so that they are not visible from the street.

(3) Buildings shall be setback no less than ten (10) feet from the rear lot line.

(4) No side yard setbacks shall be required on interior side property lines.

(5) The maximum floor area ratio for any building shall be two hundred (200%) percent. The floor area ratio shall include the floor area of any attached or detached above grade private parking garage.

(8) Terracing and articulation requiring additional setbacks are required to create relief to the overall massing of the building facades. Such design features of building façade articulation are required at least every sixty (60) feet on average along the primary building façades facing the streets, or along the building frontage where the building fronts the primary parking lot area. For any building over two stories in height and over 200 feet in length, there shall be a thirty-five (35) foot break on at least the first floor, the design of which shall be a component of the architectural review process required for conditional use. For any building over two stories or thirty (30) feet in height, a significant portion of the top floor shall be terraced and stepped back from the exterior face of the next lower floor. Parking structures are exempt from this terracing requirement.

|

Planning and Zoning Board Minutes: June 2, 2015:

REQUEST OF TOWER ACQUISITION PARTNERS, LLC TO: AMEND THE CONDITIONAL USE APPROVAL PREVIOUSLY GRANTED TO THE PROPERTY AT 170 S. KNOWLES AVENUE/170 EAST MORSE BOULEVARD IN 2007, TO ALLOW FOR MODIFICATIONS TO THE MULTI-FAMILY PROJECT, TO NOW BE COMPOSED OF THREE UNITS, THREE STORIES AND 19,935 SQUARE FEET OF RESIDENTIAL LIVING AREA AND GARAGE, ON THIS PROPERTY ZONED C-2.

Planning Manager Jeffrey Briggs presented the staff report and explained that this was a Conditional Use request by the prospective purchasers of the property at 170 S. Knowles Avenue/170 E. Morse Blvd. seeking to amend the previously approved conditional use plans to allow for modifications to the multi-family project originally approved in 2007. It was originally four units but is now three units, each three stories in height and now 19,935 square feet of total building area. The property is zoned C-2.

Mr. Briggs explained that the project parameters retain much of the original site plan layout from the original approval in 2007. The project fronts on Morse Blvd. and Knowles Avenue and has a rear entry motor court from the Treat Way alley into two car garages for each of the three units. The total building area increases from 18,290 square feet to 19,935 square feet. This is an increase in floor area ratio from the 177% permitted in 2007 to the current request at 192.61%. The Code maximum FAR for C-2 zoning is 200%. Mr. Briggs further described the setbacks, building articulation and height.

Mr. Briggs described the issue on the Treat Way alley side however, which is also street frontage, that the plans depict a 3 foot-4 inch setback for all three floors and no additional setback for the third floor as required by the C-2 zoning. This request is asking in effect to “grandfathered-in” the vertical 3 foot-4 inch setback for all three floors that was approved for the previous project in 2007. Treat Way is a public street with frontage and visibility all along Knowles Avenue and there is a valid reason to break up the vertical wall as is being done for the Knowles and Morse frontages. Thus, the staff did not support an exception from the Code for the third floor on this Treat Way frontage but would support just an additional 3 foot setback.

Mr. Briggs also discussed the applicant’s streetscape proposal for this section of Knowles Avenue. Currently (as depicted in the plans) along Knowles Avenue are 12 on-street parking spaces at 90 degrees from the travel lanes. An existing 4½ foot sidewalk exists between the curb and the property line. The applicants would like to convert this Knowles Avenue street frontage to a parallel parking orientation of 6 on-street spaces. That increases the sidewalk width to 12½ feet for better pedestrian circulation and oak trees within this area. This proposal benefits the project by enhancing the visual street appeal of this street section and increasing pedestrian access. The negative part is that the City loses 6 public parking spaces and the ability to add 2 more spaces when the existing driveway is closed. Public Works has been conducting parking surveys on the use and availability of parking spaces in the six city parking lots downtown for the past 15 months. The Knowles Avenue parking spaces have consistently been the most heavily utilized parking in the downtown. As a result, the recommendation from Public Works is not in favor of this streetscape proposal as it results in the loss of 6-8 public parking spaces.

Staff recommended approval of both the Preliminary and Final Conditional Use approvals for the modification of this project with conditions.

Rebecca Wilson, Lowndes, Drosdick, Kantor and Reed, representing the applicant presented a power point detailing the history of the project, the conformance to the C-2 zoning regulations and the applicant’s position with regard to the two issues of the setback from Treat Way and the Streetscape proposal. Ms. Wilson provided detail on the Treat Way situation with comparisons to other properties and the necessity for the setback and that the applicant was proposing an additional one foot setback for the third floor from the proposed 3 foot 4 inch setback of the first two floors.

Ms. Wilson also discussed the rationale for the streetscape improvements by showing pictures of the current conditions, previous plans presented 2007 and why the parking will be improved. The applicant's position is that the conversion of this property from a retail/office building to a residential building is going to reduce the demand from customers/clients parking on Knowles to visit businesses within this building. The applicant's position is that this change in use will benefit the parking situation and more than offset the loss of the 6 parking spaces.

David Odahowski, 199 E. Welbourne Avenue (Bush Foundation) representing the adjacent property expressed that public parking in this area was critical. He explained that people are continually parking within their private lot and he could not support any plan that removed public parking.

Dykes Everett, 341 E. Webster Avenue expressed support for the project as an improvement and asset for the downtown.

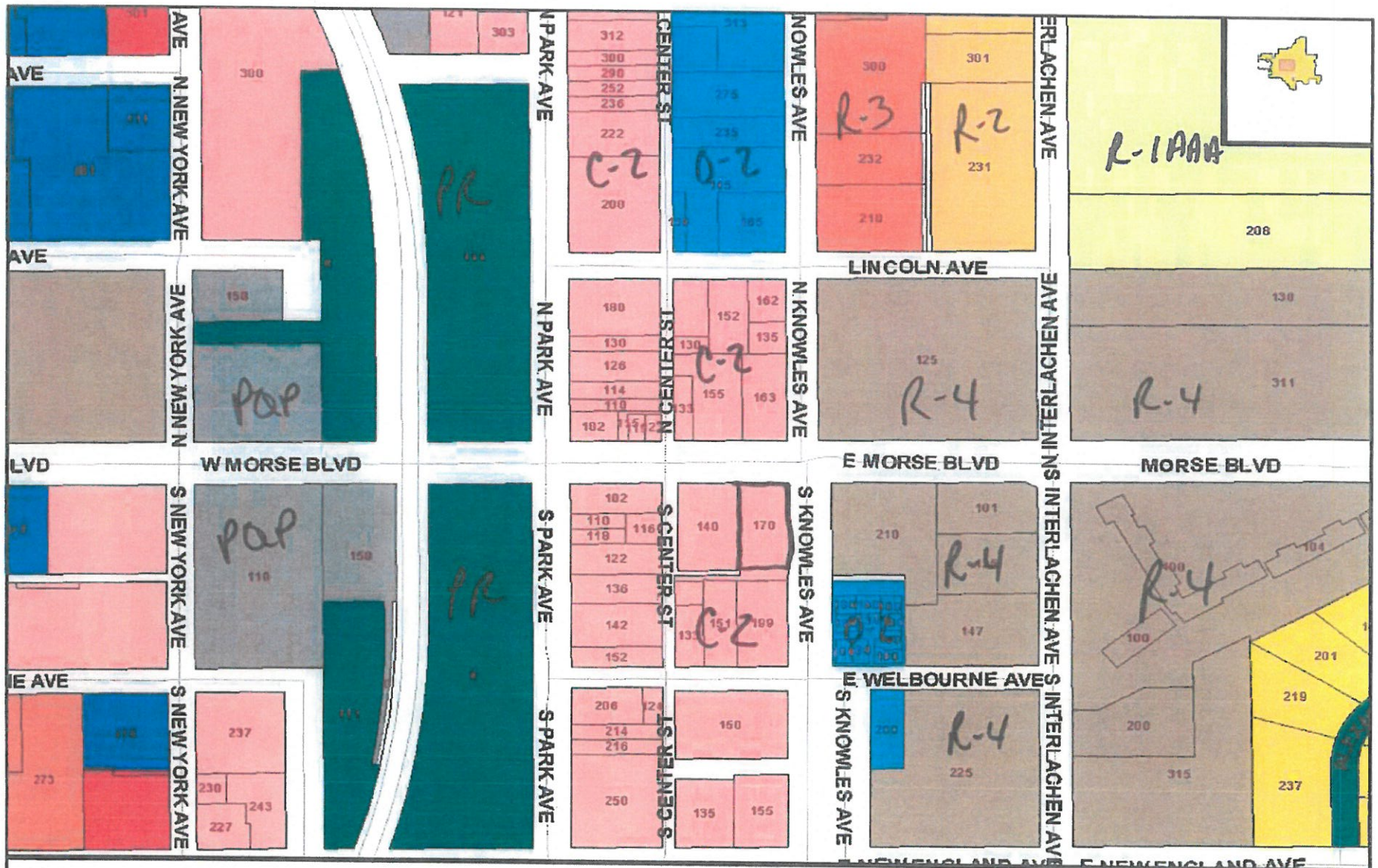
No one else appeared to speak and the public hearing was closed.

The Planning Board members discussed the application and the consensus was that the proposal for the Treat Way façade accomplished the objective of the Code in providing articulation and that on this less visible side of the building, the façade was appropriate with a one foot additional setback for the third floor as presented by the applicant. The Planning Board members had significant discussion regarding the streetscape proposal. The competing interests were how important every public parking space is within the downtown versus the public benefit to continue the streetscape of Morse Blvd. around the corner to greatly enhance pedestrian circulation and safety.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve both the Preliminary and Final Conditional Use approvals for the modification of this project with the following conditions as suggested by staff and as modified:

- 1. The third floor facing the Treat Way alley must be setback an additional one-foot from the lower floors in a reduced but similar fashion to the other street elevations.**
- 2. The electric transformer/switch gear and backflow preventers shall be located adjacent to the building and shall be effectively screened from view.**
- 3. Changes to the Knowles Avenue streetscape and parking arrangement are approved, as presented by the applicant.**
- 4. As the Applicant is not the owner of the Property, but rather is the purchaser under a contract for sale and purchase to buy the Property, unless specifically consented to by Owner in writing, no approval issued pursuant to the Application or any condition imposed in connection therewith, shall be binding upon the Property or the current Owner of the Property unless and until Applicant, or its successor or assign, acquires title to the Property. If Applicant or its successor or assign does not acquire title to the Property within one hundred fifty (150) days following the approval by the City Commission of such Conditional Use Permit and the expiration of any appeal period applicable thereto, the Conditional Use Permit shall be null and void and the existing Conditional Use, which was extended by the City Commission on October 24, 2011 until October 24, 2021 shall be in full force and effect; provided, however, that Owner shall have the right to waive the foregoing and accept the new Conditional Use Permit which shall not be null and void in such event."**

Motion carried unanimously with a 7-0 vote.



170 E. Morse Blvd.

1 in. = 195.0 feet





① Proposed Perspective Elevation at Knowles and Morse Intersection

SCALE: NOT TO SCALE

JONES
ARCHITECTURE

KNOWLES TOWNHOMES

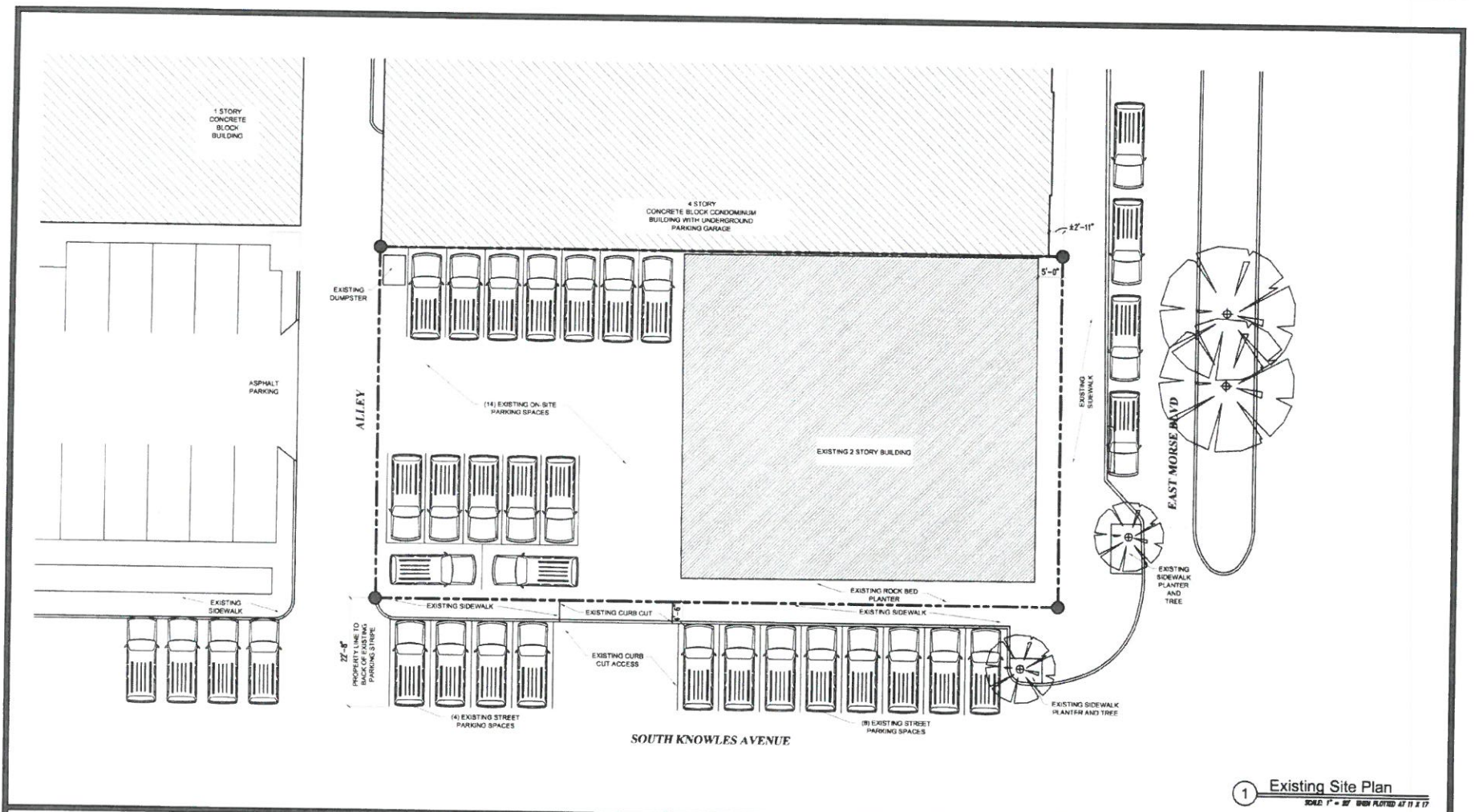


① Proposed Perspective Elevation at Knowles and Alley Intersection

SCALE: NOT TO SCALE

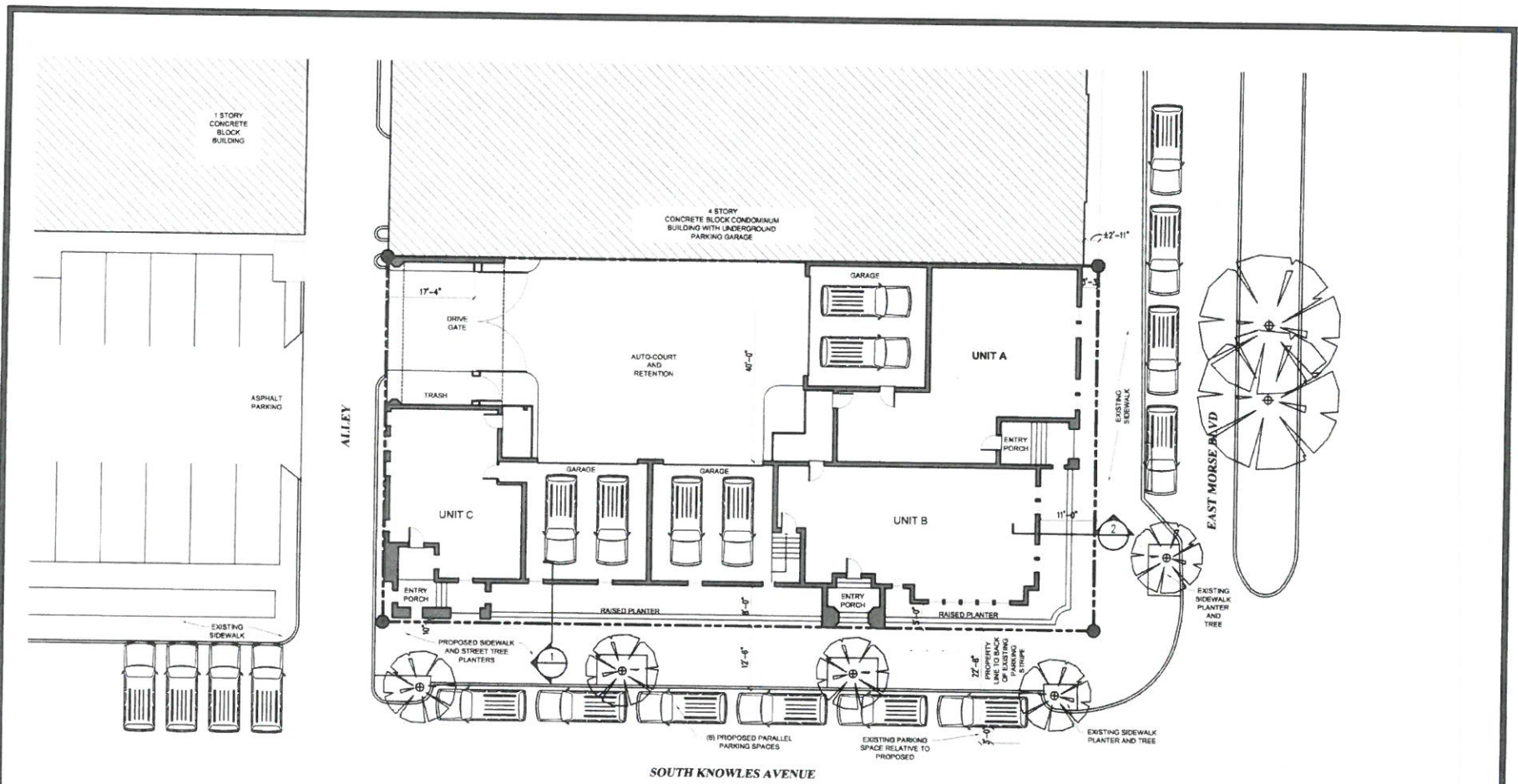
JONES
ARCHITECTURE

KNOWLES TOWNHOMES



1 Existing Site Plan
 SCALE: 1" = 20' WHEN PLOTTED AT 11 X 17"



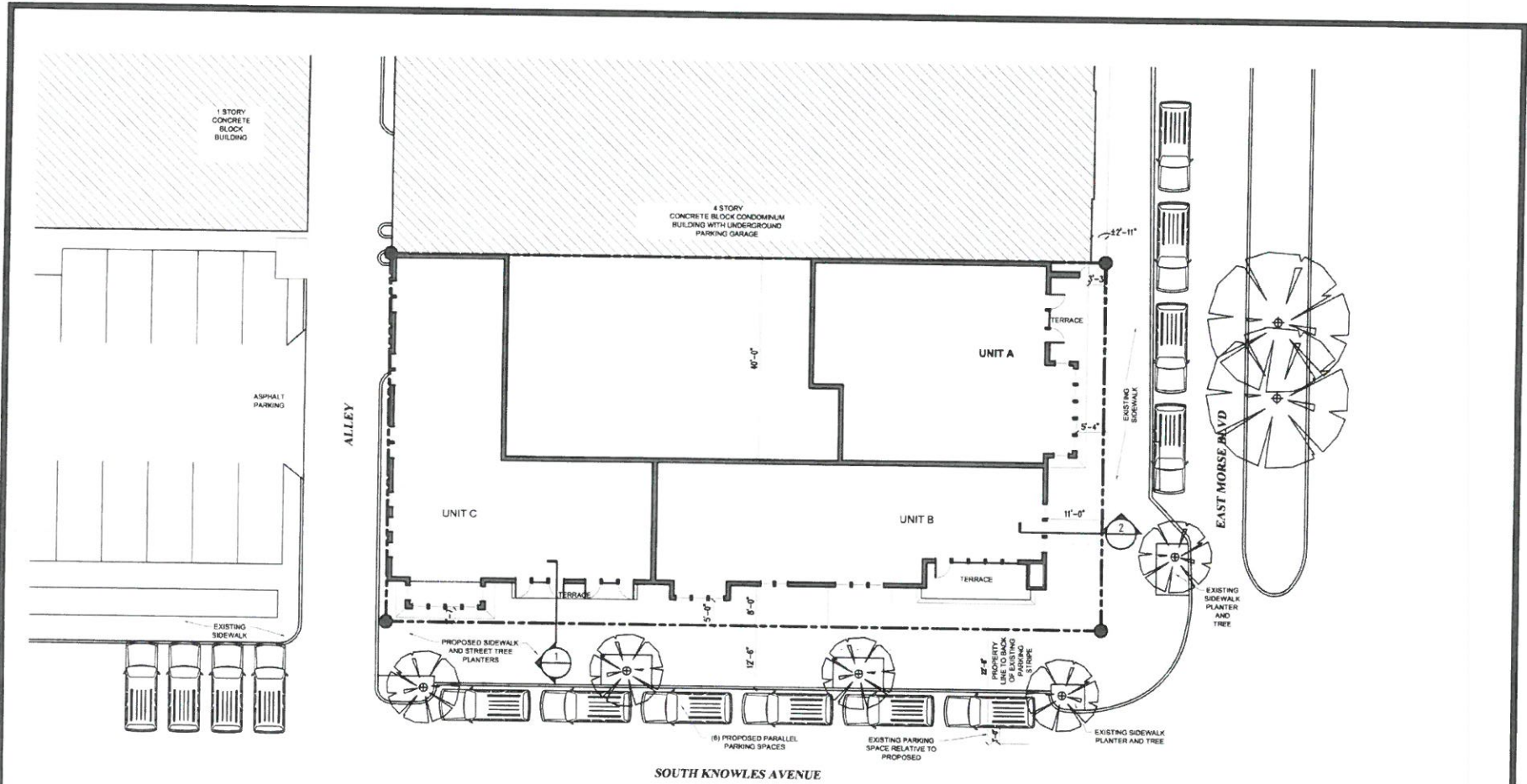


1 Proposed Site and First Floor Plan
 SCALE 1" = 30' HIGH PLATED AT 11 X 17



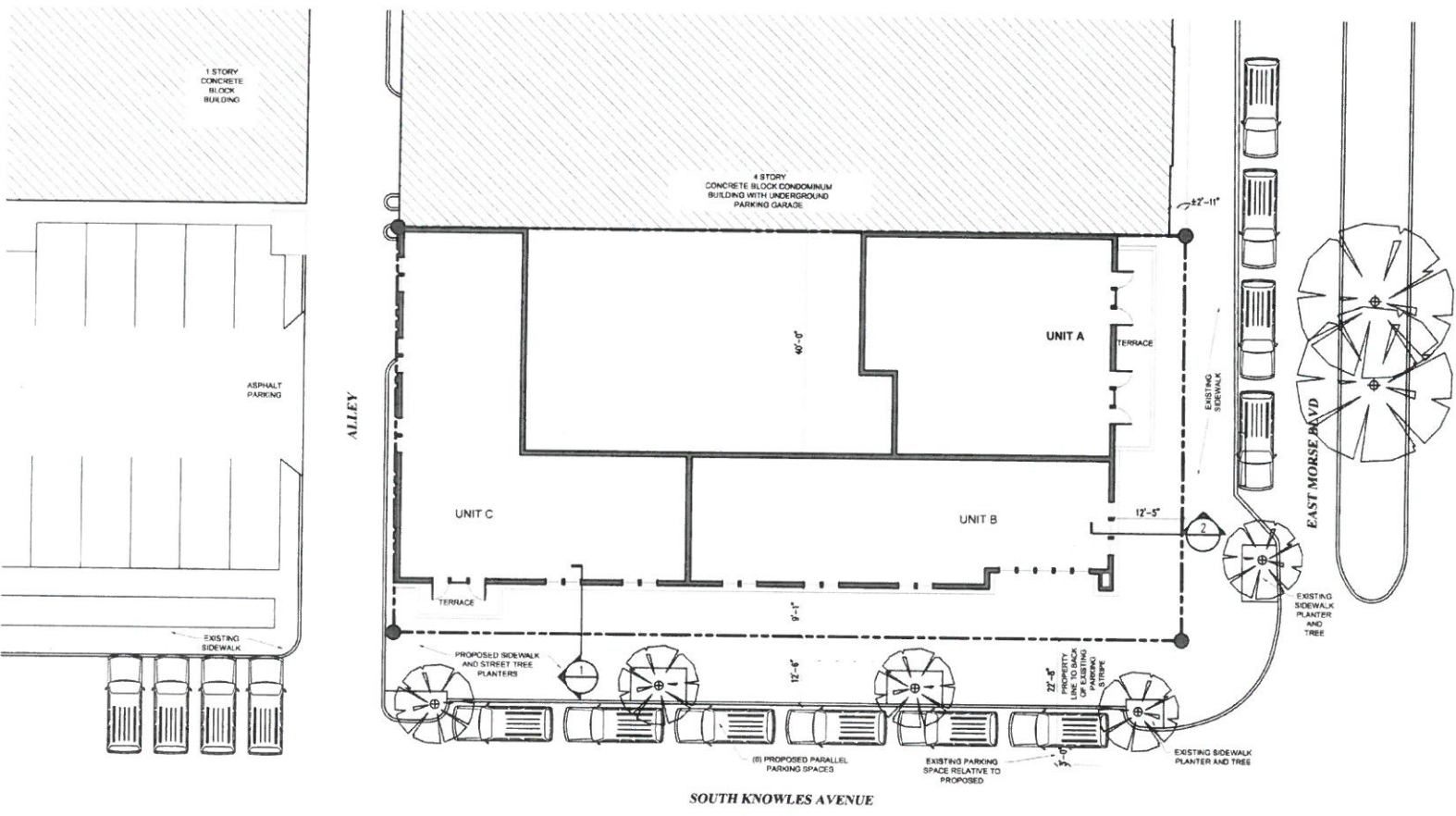
KNOWLES TOWNHOMES

JONES
 ARCHITECTURE



1 Proposed Second Floor Plan
 SCALE: 1" = 8' WHEN PLOTTED AT 11 x 17





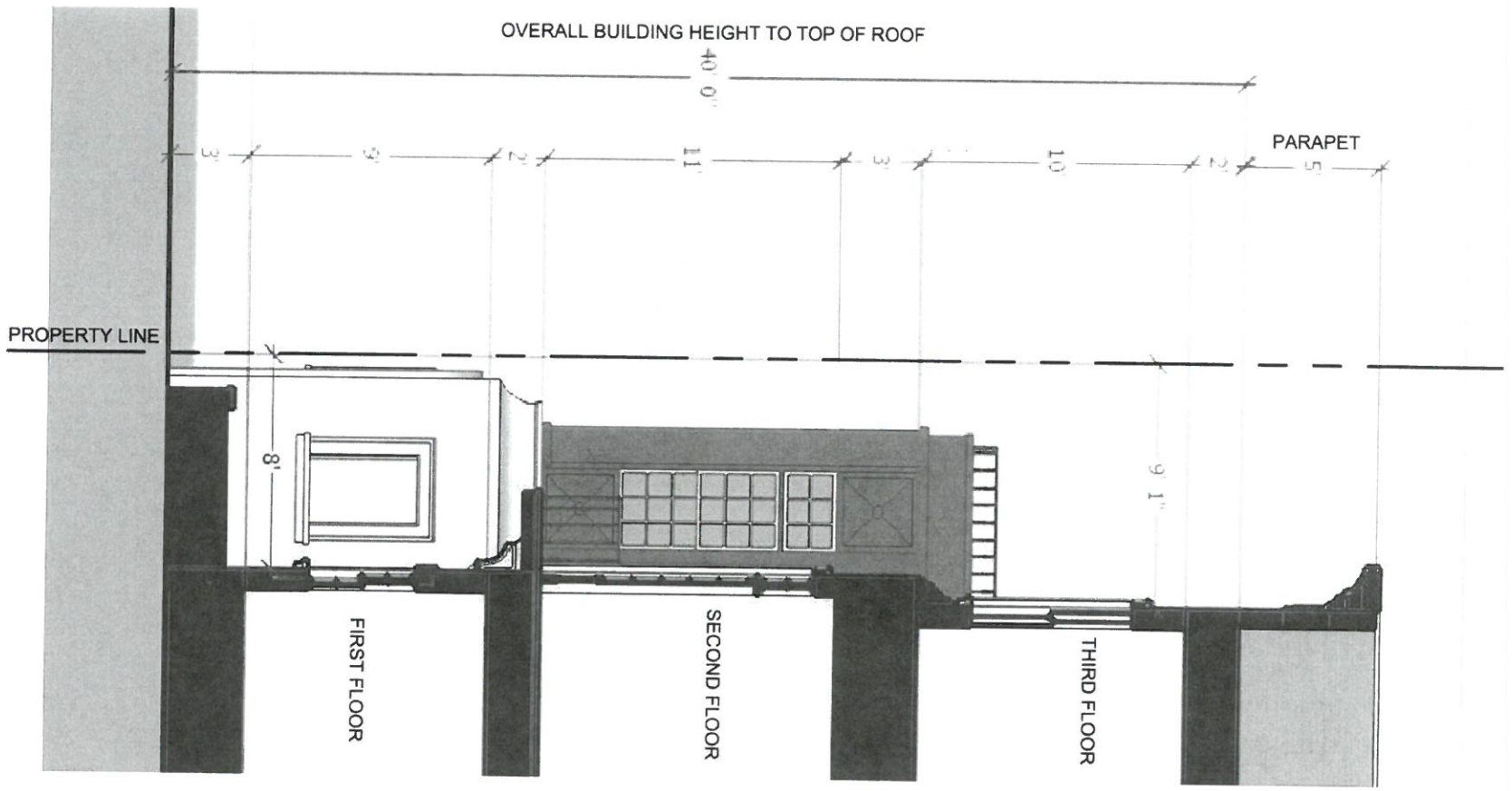
1 Proposed Third Floor Plan
 SCALE 1" = 20' HIGH PLotted AT 11 X 17

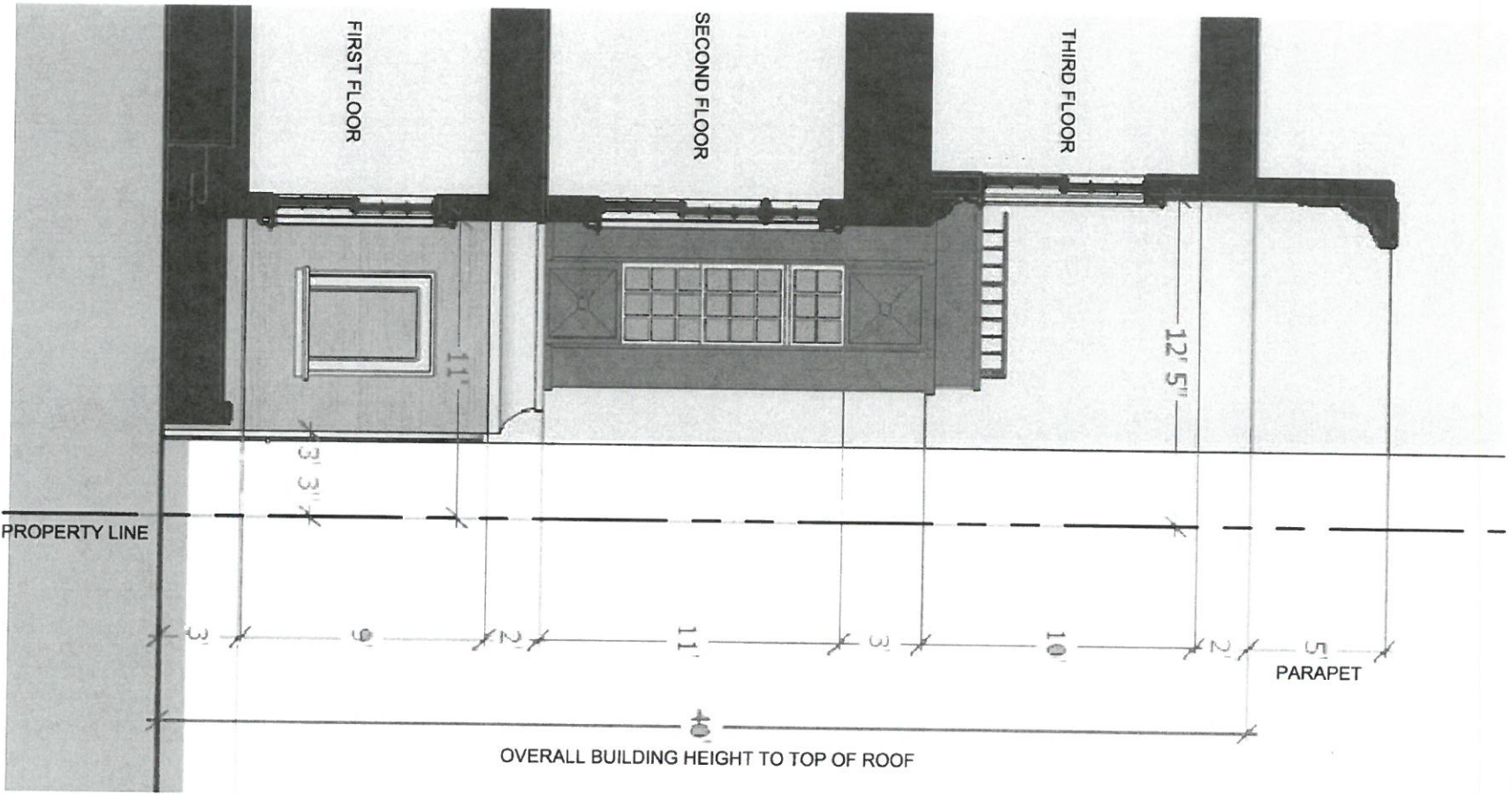
JONES
 ARCHITECTURE



KNOWLES TOWNHOMES

1 Proposed Wall Section along South Knowles.
Scale: 1/8" = 1'-0" (SEE NOTES AT 17 & 21)





2 Proposed Wall Section along East Morse
Scale: 1/8" = 1'-0" (AS NOTED) 1/16" = 1/8"



Public Hearing

NOTICE OF REQUEST TO MODIFY A CONDITIONAL USE APPROVAL AT 170 S. KNOWLES AVE.

NOTICE IS HEREBY GIVEN BY THE CITY OF WINTER PARK, FLORIDA, that public hearings will be held by the City of Winter Park **Planning & Zoning Board** on **Tuesday, March 3, 2015, at 6 p.m.** and by the **City Commission** on **Monday, March 23, 2015, at 3:30 p.m.** in the Commission Chambers of City Hall at 401 S. Park Ave., Winter Park, Florida, 32789, to consider the request to modify and amend the previous conditional use approval granted for 170 S. Knowles Ave. for revised plans for a three-story, three-unit, 19,935-square-foot residential building at 170 S. Knowles Ave., zoned C-2.

Copies of the proposed development plans are available now for inspection in the Planning & Community Development Department in City Hall, Monday through Friday, from 8 a.m. to 5 p.m., and beginning Tuesday, February 24, 2015, on the city's website at cityofwinterpark.org under Board & Public Meetings.



All interested parties are invited to attend and be heard with respect to the adoption of the proposed amendments. Additional information is available in the Planning Department so that citizens may acquaint themselves with each issue and receive answers to any questions they may have prior to the hearing.

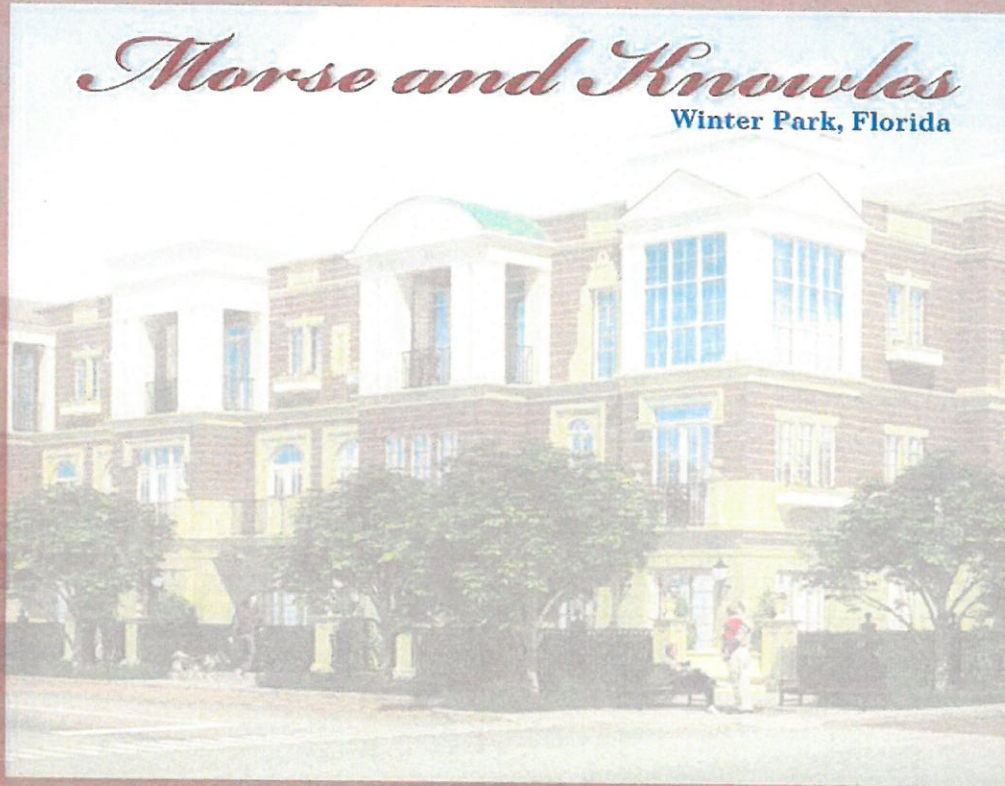
Pursuant to the provisions of the Americans with Disabilities Act: any person requiring special accommodation to participate in this meeting, because of disability or physical impairment, should contact the Planning & Community Development Department at 407-599-3453, at least 48 hours in advance of this hearing.

Pursuant to §286.0105 of the Florida Statutes: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Original Plans Approved in October, 2007

The Residences at

Morse and Knowles
Winter Park, Florida



ANIMATION

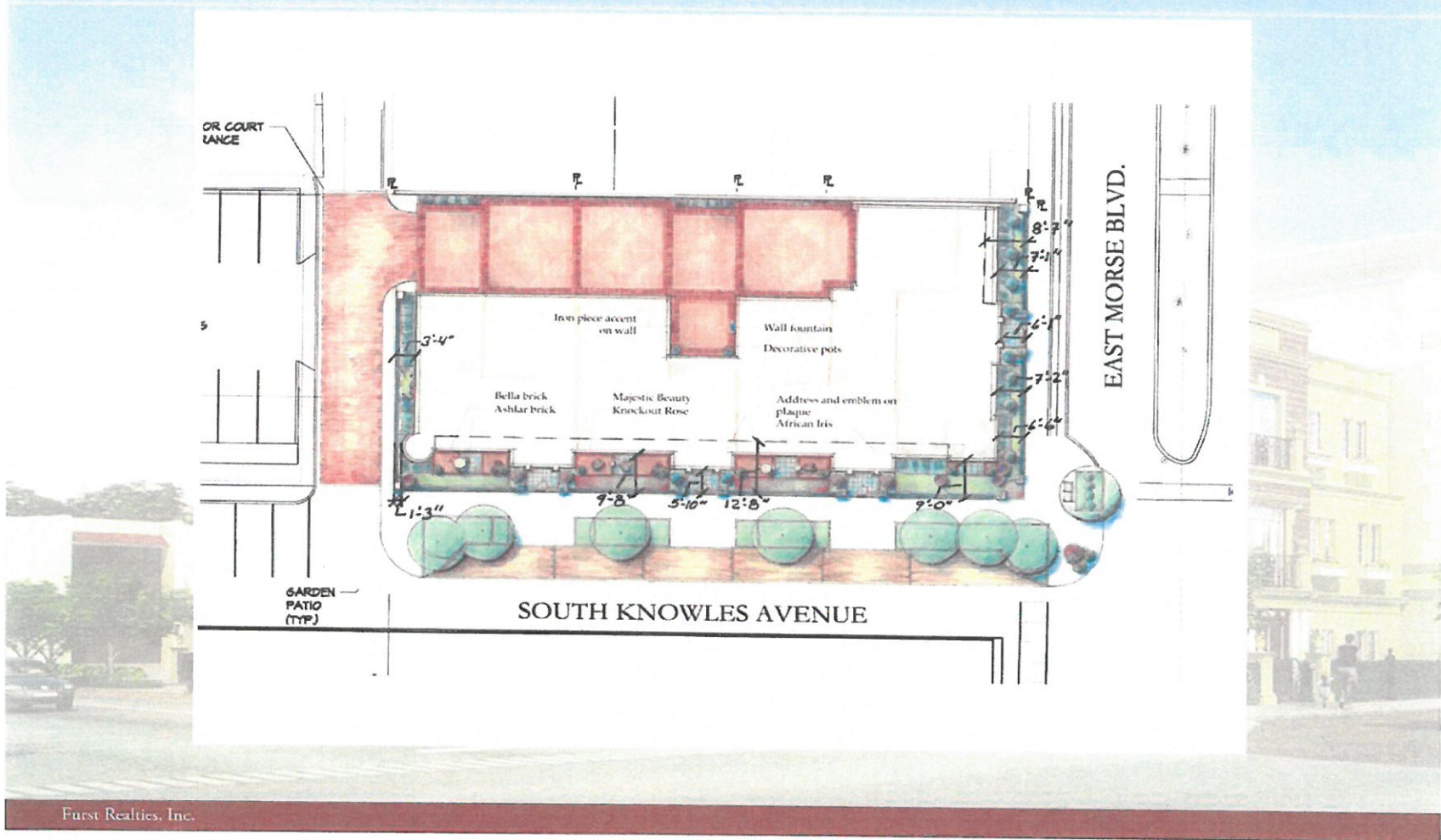
The Residences at Morse and Knowles
Winter Park, Florida



Furst Realty, Inc.

SITE DESIGN

The Residences at Morse and Knowles Winter Park, Florida



EXISTING BUILDING

The Residences at Morse and Knowles
Winter Park, Florida



• ZONING

BUILDING CRITERIA

W.P. LDC

PROJECT AS PROPOSED

• BUILDING HEIGHT

1. ROOF HEIGHT

3 STORIES 40'

3 STORIES 37'

2. PARAPETS, MANSARD AND
GABLE ROOF APPENDAGES

AN ADDITIONAL 10' FOR
3 AND 4 STORY BUILDINGS

2'-7" to 6'-6"

• BUILDING SETBACK

1. FRONT

0' OR AVERAGE OF BLOCK

Morse – 5'-1" to 7'-2"
Knowles – 5'-10 to 9'-8"

2. SIDE

0'

0'

3. REAR

10'

N.A. - no rear yard

• F.A.R.

FLOOR AREA RATIO

W.P. COMP. PLAN

FAR 2.0

PROJECT

FAR 1.77 with garages
FAR 1.62 without garages

Winter Park Land Development Code § 58-74 (e)

• **ZONING (CONTINUED)**
PARKING

W.P. LDC

COMMERCIAL 1/250 SQ.FT.

RESIDENTIAL 2.5/UNIT

EXISTING

**7,500 SQ. FT.
30 SPACES REQUIRED
14 SPACES PROVIDED
16 SPACES ON STREET**

PROJECT

**4 RESIDENTIAL UNITS
10 SPACES REQUIRED
8 SPACES PROVIDED
2 SPACES ON STREET**

**THERE IS LESS IMPACT TO PUBLIC ON-STREET PARKING BY 14 SPACES
(16-2)**

Winter Park Land Development Code § 58-84 (3)

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

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

- b. Request for 10 year Conditional Use approve extension for Mr. Felix Furst for the project at 170 S. Knowles Avenue.

Planning Director Jeff Briggs explained the request for the four unit townhouse project located at 170 S. Knowles Avenue and that this was back on the agenda because of a requirement of advertising. This would add another five years and would be effective until October 24, 2021.

Motion made by Commissioner Sprinkel to approve the extension of the conditional use request, seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

- c. Request of Winter Park Investors LLC on behalf of WAWA, Inc.: Conditional use approval to construct a convenience store and drive-in gas/fuel sales at 901 and 911 North Orlando Avenue

Each Commissioner disclosed their ex-parte conversations with the applicant. Planning Director Jeff Briggs summarized the site and the conditional use request. He noted that he is comfortable with the architecture of the proposed canopy and the landscaping and indicated that it is an upgrade from the minimum requirement listed in the code.

Applicant Brian Pomykacz, Real Estate Manager for WAWA, provided a presentation and video regarding the history of their company and how the company will integrate into the surrounding community.

Ryan Stahl, Equinox Development Group provided the site plan, showed renderings of the proposed building and explained how the building will look both inside and outside.

Motion made by Commissioner McMacken to approve the conditional use request, seconded by Commissioner Sprinkel.

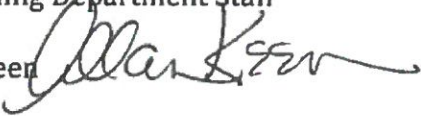
Bill Shallcross, 1450 Bonnie Burn Circle, indicated that this is not a project that he would prefer to see in the City and encouraged the Commission to carefully consider approving the project.

Bee Epley, 151 N. Orlando Avenue, spoke in favor of the project.

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.

Allan E. and Linda S. Keen
140 East Morse Boulevard
Residence K
Winter Park, FL 32789
407.645.4400

To: Honorable Mayor and Winter Park City Commissioners
Members of the Planning & Zoning Commission
Winter Park Planning Department Staff

From: Allan and Linda Keen 

Date: May 26, 2015

Subject: Request to Modify a CUP for 170 East Morse/170 South Knowles

CC: Reid Berman and Residents of *The Landmark Winter Park*

On behalf of Linda and I, we wish to register and offer our strong support for the upcoming request of Mr. Berman, related to the property immediately adjacent to our residence at *The Landmark*.

As most of you know, I was the developer of *The Landmark*, and have continued to not only own our 2-story residence in the building, but have over time, owned a number of the residences for-sale; currently there are two (2) residences we still own that are for-sale, in addition to our personal residence, with a combined value of just under \$6,000,000.

We take **extreme** pride in the quality and architectural elevation and style of *The Landmark*, and this property is now the home to eleven (11) families, including Linda and I. The combined value of those eleven (11) residences approaches \$17,000,000 . . . and with the added value of the two (2) remaining residences for-sale, *The Landmark* represents a substantial real estate investment in Winter Park, of over \$20,000,000 just steps from Park Avenue.

With the love, sweat and substantial cash investment that we have made to this property, we are of course very interested in what any neighboring property will be developed into, and look like. I have known Mr. Berman, and his family, for over 25 years, and have seen the type and quality of their investments throughout Central Florida. They were an early developer in downtown Winter Park, with the high-quality three (3) story residential condominium located on Park Avenue across from St. Margaret Catholic Church. Also, I recently met with Mr. Berman, and carefully reviewed their plans for the adjacent property, as well as the proposed request before the P&Z and City Commission.

I have no reservations in offering Linda and my complete and unqualified support for the proposed project, including the requested variances presented in your staff report. As to the parking variance request, the current office building is significantly "under-parked", with the excess parking needs being served by the adjacent City parking areas, and with only three (3) residential units (with self-contained parking for those residences), the minor reduction in angular parking, adjacent to their Knowles Avenue frontage, is *de minimis*, and in fact will yield more public parking availability when the office building is removed from service.

There are no properties or individuals within the City of Winter Park that will be impacted more by this proposed project, however after reviewing their plans and request, we continue to offer our support, and respectfully ask that you look favorably upon this request, including the variances. This will be a fine addition to our growing downtown Winter Park residential base.

If anyone has any questions on any of the above, please do not hesitate to reach out to either Linda or me.

Thank you for your time in considering this application.

Take care.



city commission public hearing

item type	Public Hearing	meeting date	July 13, 2015
prepared by	Jeff Briggs	approved by	<input checked="" type="checkbox"/> City Manager
department	Planning Department		<input checked="" type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	N/A	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A	final vote

Subject: Ordinance to Annex the property at 1566 W. Fairbanks Avenue.

Summary:

The owner of the commercial property at 1566 W. Fairbanks Avenue has made a voluntary request for annexation. This annexation will also include that portion of the adjacent Jackson Avenue.

After the annexation is official, the agenda will also contain the Ordinances to establish a Commercial FLU designation on the Comprehensive Plan maps and Commercial (C-3) zoning on this property. Ordinances to establish the FLU and Zoning can only be done once the second reading of the annexation is official. The property now has the Commercial FLU and zoning in Orange County, so there is no change.

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

ORDINANCE NO. 3001-15

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 1566 WEST FAIRBANKS AVENUE AND A PORTION OF JACKSON AVENUE TO THE WEST; MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, The owner of the property has provided their voluntary consent and petitioned the City of Winter Park for this annexation as described in Exhibit "A" and shown on Exhibit "B", which is the area to be annexed; and:

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

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

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

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

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

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

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

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

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

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

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

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

ADOPTED by the City Commission of the City of Winter Park, Florida at a regular meeting assembled on the _____ day of _____, 2015.

Steve Leary, Mayor

Attest: _____
Cynthia S. Bonham, City Clerk

First Reading: _____, 2015
Second Reading: _____, 2015
Effective Date: _____, 2015

Exhibit A

1566 W. Fairbanks Avenue and a portion of the adjacent Jackson Avenue right-of-way

PROPERTY TAX ID# 12-22-29-5000-01-020

Metes and Bounds Legal Description:

Per the plat of Lawndale Annex as recorded in Plat Book "J", Page 50 of the Public Records of Orange County, Florida: BEGIN at the NE corner of Lot 2, Block A per the plat thereof; then run South 150 feet to the SE corner of Lot 2, Block A; then run West 83 to the SW corner of Lot 3, Block A; then run south along the east right-of-way line of Jackson Avenue 102.35 feet to the SW corner of Lot 5, Block A; then run West 40 feet to the SE corner of Lot 7, Block B; then run North along the west right-of-way line of Jackson Avenue 252.3 feet to the NE corner of Lot 1, Block B; then run East along the south right-of-way line of Fairbanks Avenue 133 feet to the point of beginning.

EXHIBIT "B"

CFA, Orange County Property Appraiser

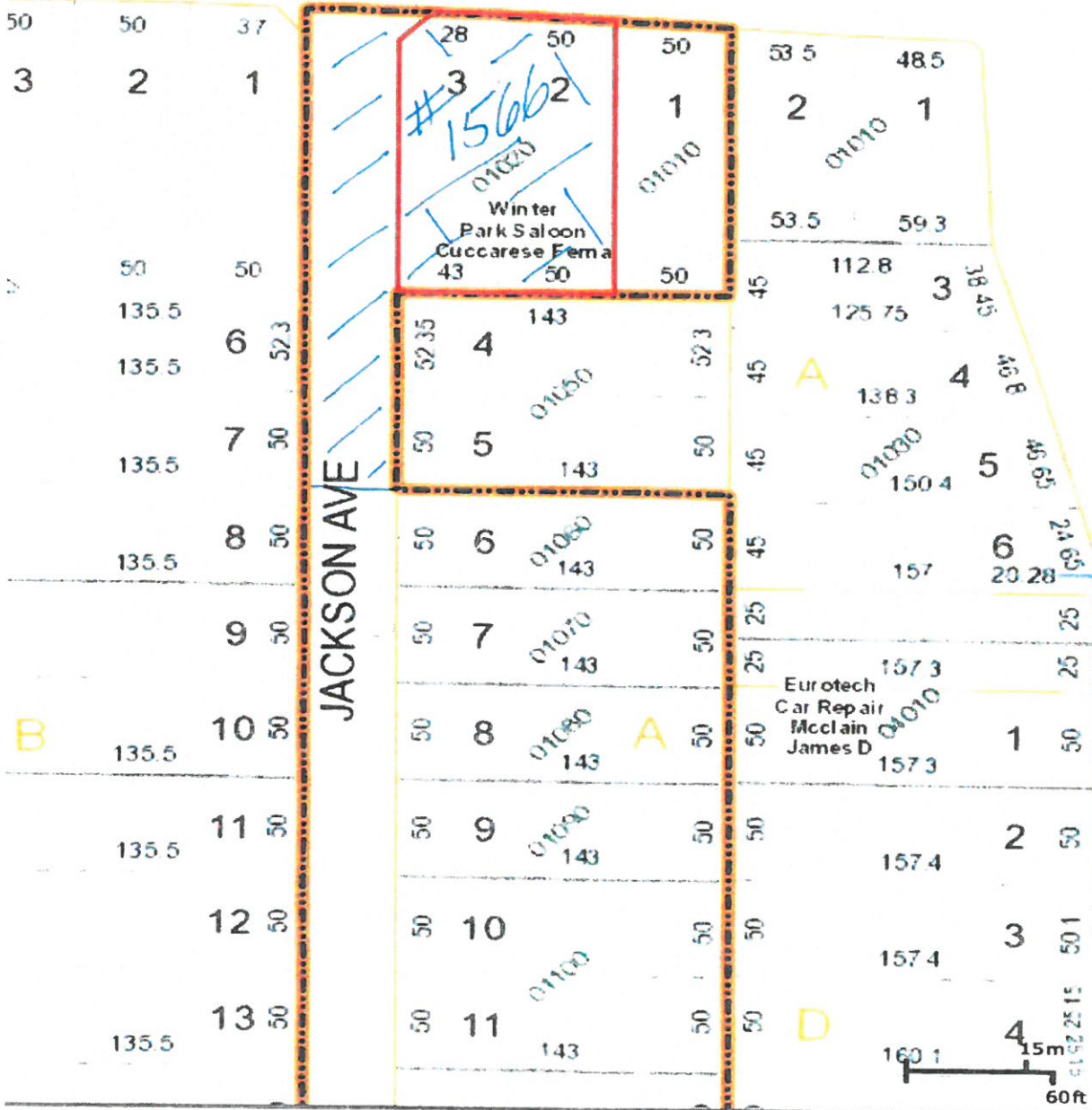


1 132 252

Daily Traffic
33500

426

Fairbanks Avenue



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

Created: 6/22/2015



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

July 1, 2015

Board of the Orange County Commission
Orange County Administration
PO Box 1393
Orlando, FL 32801

RE: Annexation of 1566 W. Fairbanks Avenue and adjacent right-of-way of Jackson Avenue.


Dear Board of County Commissioners:

Pursuant to Chapter 171, Florida Statutes, the City of Winter Park has received a voluntary annexation petition from the owners of the property at 1566 W. Fairbanks Avenue to annex that property. Enclosed is a copy of the legal advertisement and ordinance. The legal advertisements will run in the Orlando Sentinel for two consecutive weeks on Sunday, July 5, 2015 and Sunday, July 12, 2015.

The ordinance for this annexation will be heard at public hearings on July 13, 2015 and July 27, 2015 at 3:30 pm in the Commission Chambers of City Hall, 401 S. Park Avenue, Winter Park.

If you have other questions, please contact me at jbriggs@cityofwinterpark.org or at (407) 599-3440.

Sincerely,


Jeffrey Briggs,
Planning Director

Enclosures



city commission public hearing

item type Public Hearing

meeting date July 13, 2015

prepared by Jeff Briggs
department Planning Department
division

approved by City Manager
 City Attorney
 N/A

board Planning and Zoning Board
approval

yes no N/A 7-0 final vote

Subject: 1800 Lee Road Conditional Use

This public hearing is the request of Icon Residential for the redevelopment of the properties collectively referred to as the 1800 Lee Road property which are all in the same ownership but have property addresses of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road. All of the properties have a Low Density Residential future land use designation in the Comprehensive Plan and are zoned Low Density Residential (R-2). The request is for Conditional Use approval under the R-2 provision for Cluster Housing to redevelop the properties with 30, two-story townhouses. There are currently eight one-story duplexes on this property (16 units) which will be demolished to make way for this redevelopment.

Background and Summary:

The current duplexes on these properties were built in 1964. In 2007, the P&Z Board and City Commission approved a redevelopment plan via this same Conditional Use process for a project of 27 two-story townhouses. Based on that approval the property was sold to the current ownership group. However, shortly thereafter, the economy experienced the downturn and that project was not pursued. The current applicant has a contract to purchase these properties from that ownership group, contingent upon receiving these development approvals.

This property location sits in between two office properties with the Lee World Center, a three story building of 62,000 square feet on the west and the one-story Bank of 6,500 square feet on the east. As such there are no neighborhood impacts from this project.

Current Development Request: The proposed development consists of approximately 82,000 square feet of total residential buildings which yield townhouse units of an average size of 2,733 square feet inclusive of a two car garage for each unit. For purposes of comparison, the following table outlines the R-2 zoning requirements and the proposed dimensions of this project.

	R-2 Require-ments	Project Proposal
Property Size		3.45 acres
Floor Area Ratio	Max. 55%	53.3%
Lot Coverage	Max. 35%	27.2%
Max. Impervious	Min. 65%	62.5%

Coverage		
Lee Road setback	30 feet	35 feet
Lakeside setback	50 feet	50 feet minimum
Western Side setback	10 feet	20 feet
Northern Side setback	30 feet	38-84 feet
Parking Required	75 spaces	72 spaces
Bldg. Height	35 feet	30-32 feet

The 30 townhouse units are spread amongst nine separate buildings holding 2-4 units each. Four units in a building is the maximum permitted under the R-2 cluster housing regulations. Parking spaces shown for this project are 73-75 spaces. Each townhouse has a two-car garage and there are 13-15 visitor parking spaces.

Tree Preservation: Since the May 5th P&Z meeting there have been two site plan changes that have greatly enhanced tree preservation on this property. Both of these site plan changes were reviewed by P&Z at their June 2nd meeting and endorsed.

The first modification involved increasing the building setbacks along the western property line from 15 feet to 30 feet. This greatly enhances the preservation of the tree canopy (limbs) for the major oak trees that exist along that western property line of the Lee World Center office building. The second modification is in the location of the visitor parking, where there is a stand of oak trees in good condition that Dru Dennison, Urban Forestry Chief has requested that the applicant make an effort to save. There are two landscape plans submitted with this package that preserve these trees: Landscape Plan - Sheet L1 and Landscape Plan (Alternate) Sheet L1 ALT. The alternate landscape plan saves four more oak trees than the original plan but loses two visitor parking spaces. The Planning/Forestry staff supports the Alternate Landscape Plan in order to maximize the preservation of this nice stand of oak trees. The applicant believes that the 13 visitor spaces will be sufficient based on their experience developing other townhouse communities.

Storm water retention will be accomplished through a combination of underground exfiltration and some retention swales within the lakefront portions of the site. Due to the shallow location of groundwater given the lakeside location, the site has to be built up with fill so that there can be clearance between the underground exfiltration and the groundwater so that the system can function as designed. A tree well is to be constructed around the stand of oak trees in order to preserve those trees. The city staff has requested added separation from the tree for the exfiltration and sewer lift station.

These units will be sold fee simple with a Homeowners Association for maintenance of the common elements. There will be a re-plat of this property for the "lots" and common area tracts to be maintained by the HOA as well as indicating the easement areas needed for utilities.

The common area amenities will include boat slips and a gazebo/dock area for the use and enjoyment of the residents. The primary concern of the Lake Killarney Advisory Board is the number of structures and the number of boat/jet skis that add to the impact on lake usage. The applicant is asking for the ability for their residents to have 10 boat or jet ski slips and one common dock/gazebo for the residents. That number is agreeable to the Lake Killarney Advisory Board. However, the actual design and location of these facilities is one item that needs further refinement. As such there is a condition of approval requiring a subsequent review and approval by P&Z, as to the actual design and location.

The project also proposes to redevelop the privacy wall that exists along the Lee Road frontage. The existing wall is not in good condition structurally in some sections due to tree root/growth impacts since 1964. The applicant is proposing to move the wall closer to Lee Road, at a 10 foot setback and is requesting a variance for 7 feet of wall height in lieu of the typical code maximum of 6 feet. P&Z agreed with the need for a little more height and sound buffering given the location adjacent to Lee Road. However, as there is not a firm design at this time, there is a condition of approval requiring a subsequent review and approval by P&Z, as to the actual design and configuration of the wall.

Preliminary and Final CU: This application package is intended to provide the detail needed both for the "preliminary" and "final" conditional use approvals and as such includes the final site plan, civil engineering plans, architectural perspective images of the building facades, landscape plan, complete storm water retention design and a traffic impact information. Aside from the two items previously mentioned, which can be conditions of approval, everything else appears to have been provided.

Traffic/Mobility Impacts:

The 30 townhouses will have a daily traffic generation of 285 trips per day. The existing 16 units generate 152 trips per day so the net increase is 133 trips per day. On Lee Road with an existing 35,500 cars a day, this increase is de minimus.

Staff Analysis of the Applicant's Requests:

Various city departments have reviewed this application including representatives from Planning & Community Development, Public Works, Electric Utility, Water and Wastewater Utilities, Fire, Urban Forestry, Parks & Recreation and City Administration. Their comments were as follows:

Fire Dept.: Applicant is aware of the fire hydrant and fire flow needs for the project.

Traffic Engineering/Police Dept.: The median on Lee Road allows left turns from the site. The added traffic impact is minimal.

Water/Sewer/Storm Water Utility: The applicant is aware of the requirements for the private lift station for sanitary sewer and the fire flow need for additional hydrants. The HOA will maintain the lift station and underground exfiltration system per the required Maintenance Agreements with the City for both facilities.

Planning and Zoning Board Recommendation:

Motion made by Mr. Weldon, seconded by Mr. Gottfried to grant conditional use approval to redevelop the 3.45 acres of properties collectively referred to as 1800 Lee Road, including the tax parcels of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road for a 30 unit townhouse development (cluster housing), on these properties zoned R-2 subject to the following conditions requested by staff:

- 1. The Icon Residential project entitlements comprise 30 residential two-story townhouses of approximately 82,000 total square feet which may be sold as fee simple units subject to the City's review and approval of the re-plat, covenants/restrictions and HOA documents by staff and city attorney.**
- 2. The final number, location and design of the docks and gazebos shall be reviewed and approved by the Planning & Zoning Board but may not exceed accommodations for more than 10 boats/jet skis and the re-plat covenants/restrictions and HOA documents shall reflect this restriction.**
- 3. The final design of the privacy wall along Lee Road shall be reviewed and approved by the Planning & Zoning Board.**

Motion carried unanimously by a 7-0 vote.

Added Staff Recommendations:

There needs to be two added conditions of approval. One is the added separation for the storm water exfiltration and sanitary sewer lift station from the oak trees to be preserved. The other is the requirement to deed to the City the ownership of the adjacent drainage outfall. Staff recommends adding these two conditions as follows:

- 1. That the civil engineering plans be modified by relocating the storm water exfiltration and sanitary sewer lift station out of the open space area adjacent to the visitor parking to be utilized for the preservation of existing oak trees.**
- 2. That the applicant, as part of the replat, dedicate to the City, the parcel of 1746 Lee Road, which is the drainage outfall from Lake Killarney.**

Planning and Zoning Board Minutes – May 5, 2015:

REQUEST OF ICON RESIDENTIAL FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THE 3.45 ACRES OF PROPERTIES COLLECTIVELY REFERRED TO AS 1800 LEE ROAD, INCLUDING THE TAX PARCELS OF 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 LEE ROAD FOR A 30 UNIT TOWNHOUSE DEVELOPMENT (CLUSTER HOUSING), ON THESE PROPERTIES ZONED R-2.

Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing involves the request of Icon Residential for the redevelopment of the properties collectively referred to as the 1800 Lee Road property that are all in the same ownership but which have separate property addresses of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road. All of the properties have a Low Density Residential future land use designation in the Comprehensive Plan and are zoned Low Density Residential (R-2). The request is to for Conditional Use approval under the R-2 provision for Cluster Housing to redevelop the properties with 30, two-story townhouses. There are currently eight one-story duplexes on this property (16 units) which will be demolished to make way for this redevelopment. Project Site is 3.45 acres. Mr. Briggs discussed the R-2 zoning requirements and the proposed dimensions of this project, preliminary and final Conditional Use approvals, history of the Property, compatibility with adjacent properties, traffic/mobility impacts and detailed the current redevelopment proposed by the applicant. The proposed redevelopment consists of approximately 82,000 square feet of total residential buildings which yield townhouse units of an average size of 2,733 square feet inclusive of a two car garage for each unit. Mr. Briggs briefly touched on the concerns and comments received from other departments.

Mr. Briggs concluded by stating that the staff recognizes that in 2007 the City approved a redevelopment plan for this property with a similar concept (two-story townhouses) and density (27 units). This location is on a four lane arterial State Highway (Lee Road) with 35,500 cars/day and sits in between two office buildings. The one negative impact is that the storm water exfiltration design is causing the loss of many significant oak trees. Overall, the applicant has provided a plan that meets the requirements of the Comprehensive Plan and Land Development Code. The only items to define further are the boat docks/gazebo and exterior wall design. After significant review, staff has analyzed the Conditional Use and is recommending approval subject to the following special conditions:

1. The Icon Residential project entitlements comprise 30 residential two-story townhouses of approximately 82,000 total square feet which may be sold as fee simple units subject to the City's review and approval of the re-plat, covenants/restrictions and HOA documents by staff and city attorney.
2. The final number, location and design of the docks and gazebos shall be reviewed and approved by the Planning & Zoning Board but may not exceed accommodations for more than 10 boats/jet skis and the re-plat covenants/restrictions and HOA documents shall reflect this restriction.
3. The final design of the privacy wall along Lee Road shall be reviewed and approved by the Planning & Zoning Board.

Mr. Briggs responded to Board member questions and concerns.

Brian Kiraly, 2190 South Belcher Road, Largo, represented Icon Residential. He stated that the applicant agrees with the staff report and the conditions as presented by Mr. Briggs. He further discussed parking, architectural details, ingress/egress. He confirmed that the applicant will build a private lift station for this project. Mr. Kiraly and Mr. Ryan Studzinski of Icon Residential responded to Board member questions and concerns.

The following people addressed the Board concerning the request: Bob Maska, 1820 Lee Road; Paul Gaulding, 1121 Park Green Place; Bee Epley, 151 North Orlando Avenue; Linda Young, 1808 Lee Road; Karen Gray, 1832 Lee Road; Resident of 1814 Lee Road; Perry Pryor, 1830 Lee Road. The existing residents within the properties that spoke expressed concern about the impact on the existing cove, additional boat docks, the proposed height of the townhomes, traffic on Lee Road, the loss of trees, and the impact that the redevelopment would have on the existing wildlife. The residents that reside at the property currently expressed frustration over the upkeep of the property, their displacement and expressed frustration that no one from the ownership, management or prospective buyers would talk to them or provide them any information for them to plan for the future.

No one else wished to speak. Public Hearing closed.

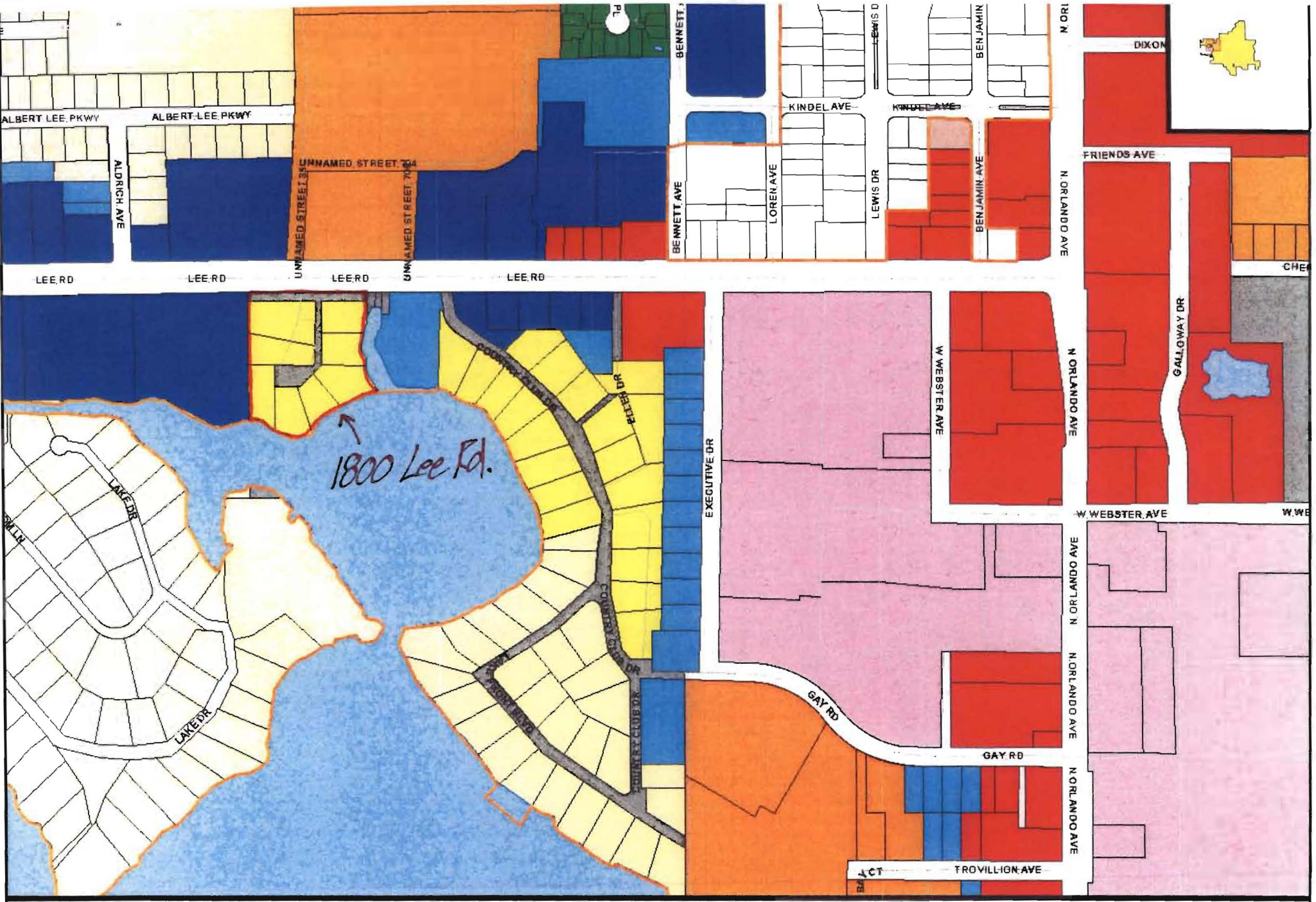
The Planning Board members expressed sympathy to the residents that no one on the ownership or development side had made any effort to provide information regarding their future. However, the Chairman noted that a lease agreement provides rights and privileges to the tenants but also provides the opportunity for the owners to redevelop their property at the end of the lease periods. The role of the P&Z Board then is limited to review of those prospective plans if the ownership decides to redevelop.

The Board members noted that the redevelopment plans were in conformance with the R-2 code regulations and no variances were requested. Mr. Gottfried added that the St. Johns WMD reviews the storm water system and impacts upon wetlands and thereby impacts on wildlife. The Board agreed that the items to return for further review were important for the ecology of the lake and for the aesthetics of project.

Motion made by Mr. Weldon, seconded by Mr. Gottfried to grant conditional use approval to redevelop the 3.45 acres of properties collectively referred to as 1800 Lee Road, including the tax parcels of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road for a 30 unit townhouse development (cluster housing), on these properties zoned R-2 subject to the following conditions requested by staff:

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- 3. The final design of the privacy wall along Lee Road shall be reviewed and approved by the Planning & Zoning Board.**

Motion carried unanimously by a 7-0 vote.



1800 Lee Road

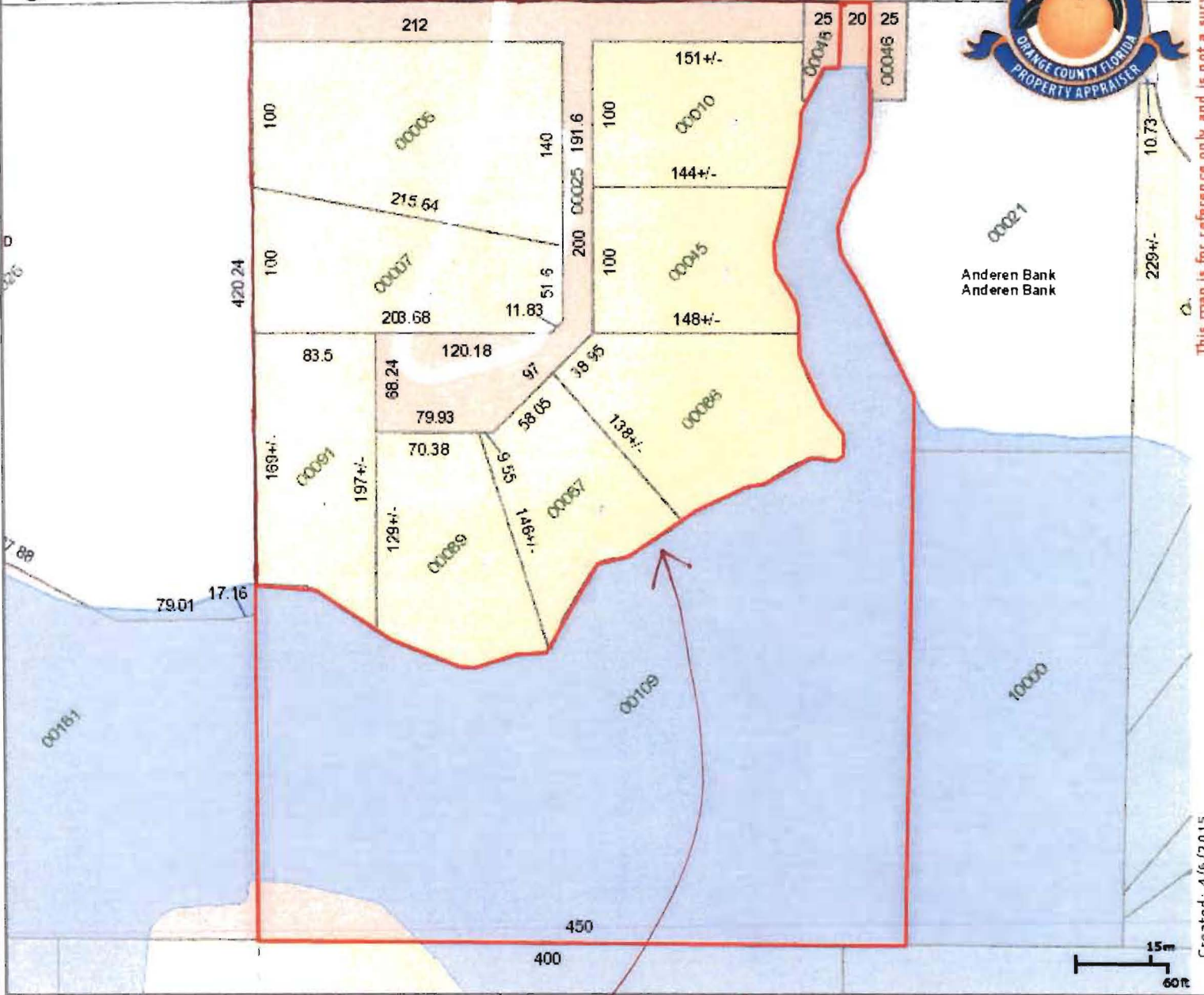
1 in. = 387.2 feet



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



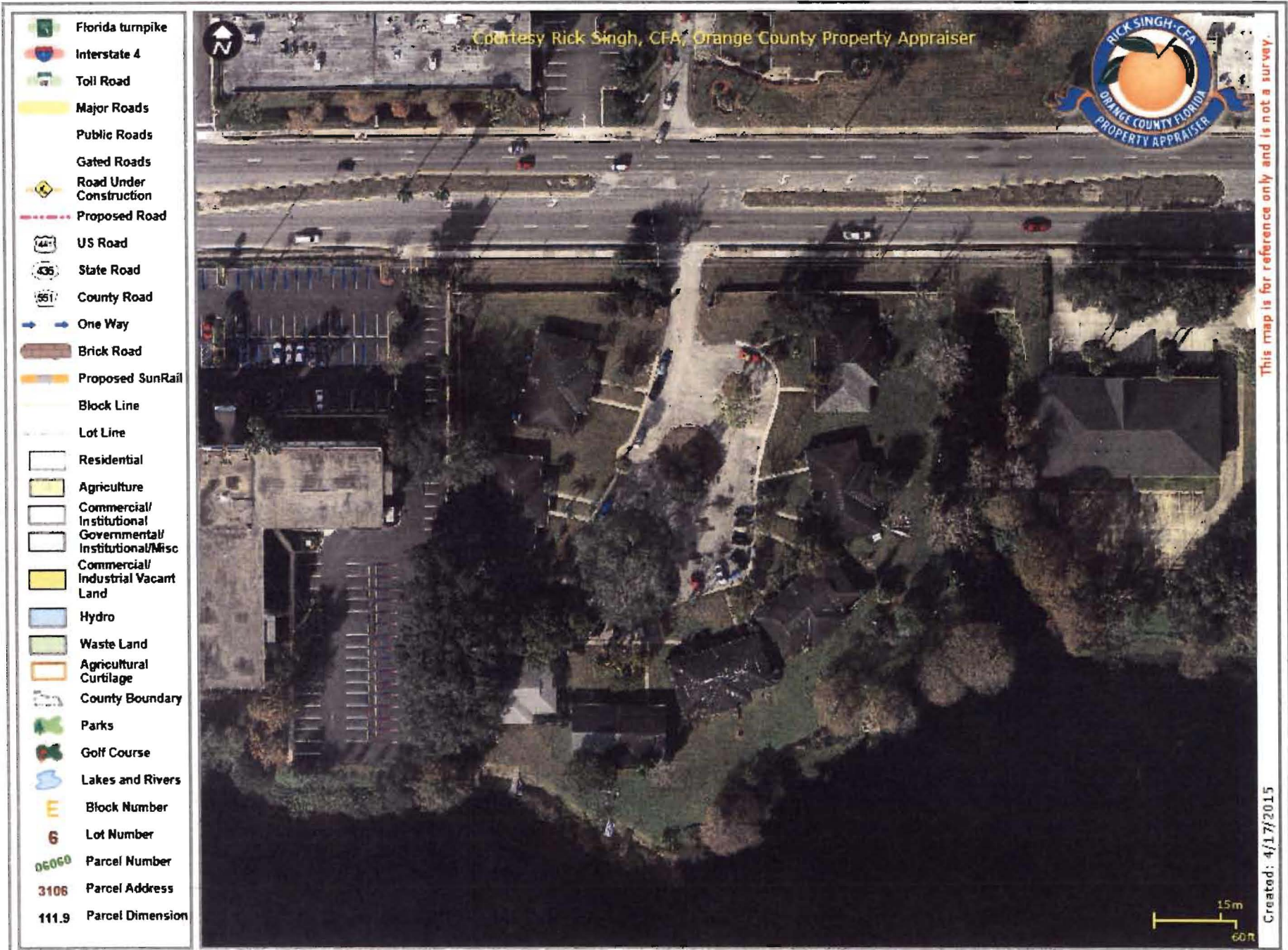
Courtesy Rick Singh, CFA, Orange County Property Appraiser



1800 Lee Road

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

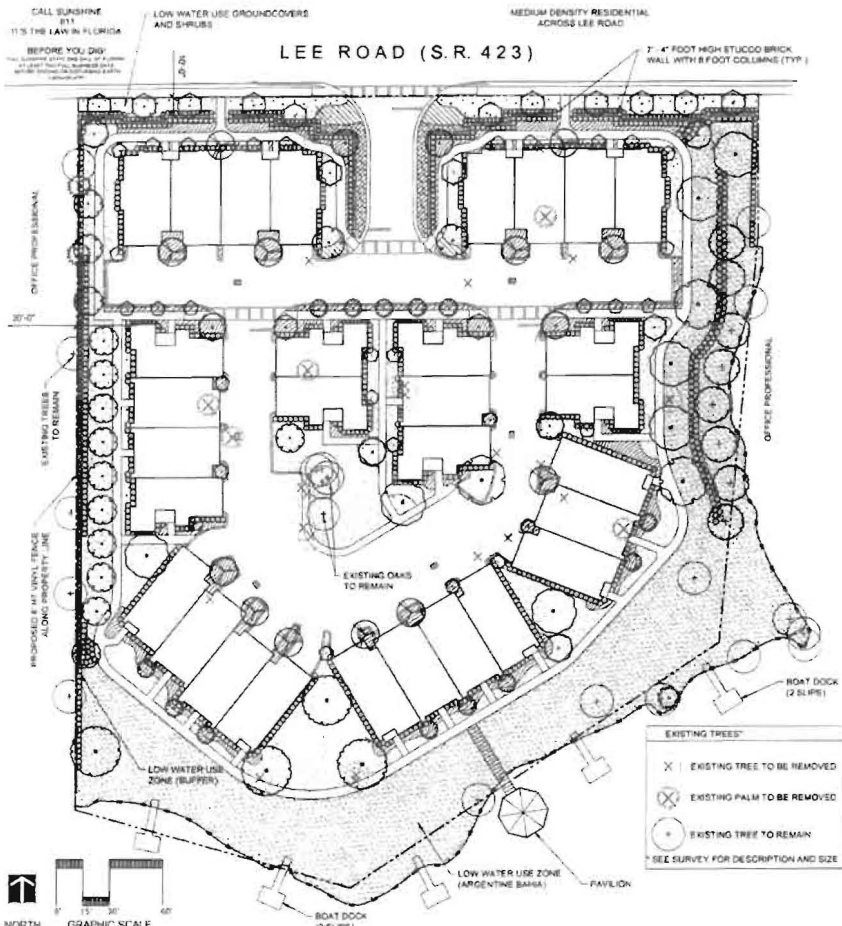
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1800 Lee Road Aerial

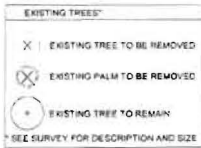


1800 Lee Road - Frontage



PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME / COMMON NAME	HT.	SPR.	CALIPER	
	8	Acer rubrum / Florida Flame / Florida Flame Red Maple	14-18		5" MIN	
	2	Magnolia grandiflora / G.D. Blanchard TM / Southern Magnolia	15		4" MIN	
	7	Quercus shumardii / Shumard Red Oak	18-21		5" MIN	
	4	Quercus virginiana / Southern Live Oak	18-21		5" MIN	
	1	Ulmus americana / Winged Elm	14-18		4" MIN	
PALM TREES	QTY	BOTANICAL NAME / COMMON NAME	HT.	SPR.	CALIPER	
	13	Sabal palm / Cabbage Palmetto	8	Clear Trunk		
UNDERSTORY TREES	QTY	BOTANICAL NAME / COMMON NAME	HT.	SPR.	CALIPER	
	6	Carya carolinensis / Eastern Redbud	10-12		2" MIN	
	16	Elaeagnus decipiens TM / Japanese Blueberry Tree Standard + 4 Clear Trunk	10-12		3" MIN	
	31	Ilex x alternata / Elevation / Elevation Holly Standard + 5 Clear Trunk	10-12		3" MIN	
	12	Lagerströmia x Natchez / White Crab Myrtle Standard	15'		4" MIN	
	14	Magnolia grandiflora Little Gem / Dwarf Southern Magnolia	10-12		4" MIN	
SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	CONT.	HT.	SPR.	
	51	Alpinia zerumbet / Variegata / Variegated Shell Ginger	3 gal	18"	18"	
	176	Ilex vomitoria / Scintilla Dwarf / Dwarf Scintilla Holly	3 gal	17"	17"	
	128	Podocarpus macrophyllus / Yew Pine	3 gal	24"		
	132	Podocarpus macrophyllus mini / Shrubby Yew	3 gal	24"		
	71	Schefflera arborescens / Treelet / Schefflera	3 gal	18"	18"	
	141	Tropaeolum dichroanthum / Faber's Creeper	3 gal	24"	18"	
	213	Viburnum dissectum / Water's Viburnum	3 gal	16"	16"	
	369	Viburnum suspensum / Sandalwood Viburnum	3 gal	24"	24"	
GROUND COVERS	QTY	BOTANICAL NAME / COMMON NAME	CONT.	HT.	SPR.	SPACING
	251	Dorstenia lanthanica / Blueberry / Blueberry Flax Lily	1 gal	12"	12"	24" o.c.
	260	Liriodendron x New Gold / New Gold Liriodendron	1 gal	12"	12"	20" o.c.
	2 177	Liriodendron x Super Blue / Super Blue Lily Turf	1 gal	18"	18"	20" o.c.
	1 242	Trichostema acaule / Star Jasmine	1 gal	12"	12"	20" o.c.
	2 17	Tropaeolum bontianum / Florida Gamagrass	1 gal	12"	12"	24" o.c.
SOCCERBED	QTY	BOTANICAL NAME / COMMON NAME	CONT.	HT.	SPR.	SPACING
	31 117 sf	Paspalum notatum / Argentine / Bahia Grass	500			
	18 595 sf	Gleichenia secundatum / Florida / Florida St. Augustine Sod	500			



CITY OF WINTER PARK LAND DEVELOPMENT CODE REQUIREMENTS

SEC. 88-287. TREE REPLACEMENT REQUIREMENTS

DEAD OR DETERIORATED TREES	PROTECTED TREES TO BE REMOVED EQUAL TO AND OVER 19 INCHES
32" OAK	1" LOGOAT
48" OAK	23" GOLDEN RAIN TREE
48" FRINGE TREE (MULTI-TRUNK)	26" OAK
80" OAK	26" OAK
	27" OAK
	27" GOLDEN RAIN TREE
	36" GOLDEN RAIN TREE
	47" GOLDEN RAIN TREE
	47" OAK
	48" OAK
	22" PINE
	EXEMPT TREE (NOT PROTECTED - DOES NOT REQUIRE REPLACEMENT)
	81" CAMPHOR TREE
	64" CAMPHOR TREE

NOTES

- 1) ALL LANDSCAPING SHALL MEET OR EXCEED THE MINIMUM REQUIREMENTS OF LDC SEC. 88-287, DIVISION 8 AND 10 OF THE WINTER PARK CITY CODE. LANDSCAPE PLAN SHOWS CODE REQUIRED PLANTINGS. ADDITIONAL ENHANCEMENT PLANTINGS MAY BE PROVIDED.
- 2) ALL LANDSCAPE AREA SHALL BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND SYSTEM WITH 100% COVERAGE, BACKFLOW PREVENTER AND A RAIN SENSOR DEVICE.
- 3) SOO ALL DISTURBED AREAS.
- 4) SEE SHEET 12 FOR PLANTING DETAILS. SEE SHEET 13 FOR LANDSCAPE NOTES.

PLANT SCHEDULE NOTES:

- 1) SOO QUANTITIES ARE SQUARE FOOT ESTIMATE. ANY DISTURBED AREAS ON SITE OR WITHIN THE R.O.W. THAT ARE NOT COVERED WITH LANDSCAPE MATERIAL OR SOO SHALL BE SOO QUANTITIES SHOWN IN SCHEDULE ARE ESTIMATES AND FOR REFERENCE ONLY. ADDITIONAL SOO WILL BE REQUIRED. CONTRACTOR SHALL BE RESPONSIBLE FOR CALCULATING AND VERIFYING REQUIRED SOO QUANTITIES PRIOR TO BID.
- 2) ALL TREES, PALMS, SHRUBS, GROUND COVERS AND OTHER PLANTS SHALL CONFORM TO THE STANDARD OF FLORIDA NO. 1 OR BETTER AS GIVEN IN THE LATEST EDITION OF GRADES AND STANDARDS FOR NURSERY PLANTS BY FLORIDA DEPARTMENT OF AGRICULTURE PART I AND II. PLANT MATERIAL SHALL ALSO CONFORM TO THE AMERICAN ASSOCIATION OF NURSERYMEN, INC (AAS) BULLETIN Z 60.1 - 1980 AND AS REVISED. ALL PLANTS MUST BE HEALTHY, VIGOROUS MATERIAL, FREE OF PESTS AND DISEASE.
- 3) THE CALIPER OF INSTALLED TREES LISTED AS BEING UP TO 4 INCHES SHALL BE MEASURED 6 INCHES ABOVE THE GROUND AND THE CALIPER OF INSTALLED TREES LISTED AS MORE THAN 4 INCHES SHALL BE MEASURED 12 INCHES ABOVE THE GROUND.

TOTAL REQUIRED REPLACEMENT TREES - INCH PER INCH REPLACEMENT
 TOTAL INCHES PROVIDED, 378 INCHES
 REMAINDER OF REPLACEMENT INCHES BY FINANCIAL CONTRIBUTION TO TREE FUND
 TOTAL PALMS TO BE REMOVED AND REPLACED, 6 PALMS

Prepared By:
PlaceMaker Design Studio, LLC
 PlaceMaker Design Studio, LLC
 1800 Lee Road, Suite 101 • Winter Park, Florida 32789
 Phone: 407-942-4242
 Website: www.placemakerdesign.com

Prepared For:
ICON Residential
 1800 Lee Road, Suite 101 • Winter Park, Florida 32789
 Phone: 407-942-4242

LEE ROAD TOWNHOMES
 1800 LEE ROAD
 WINTER PARK, FLORIDA

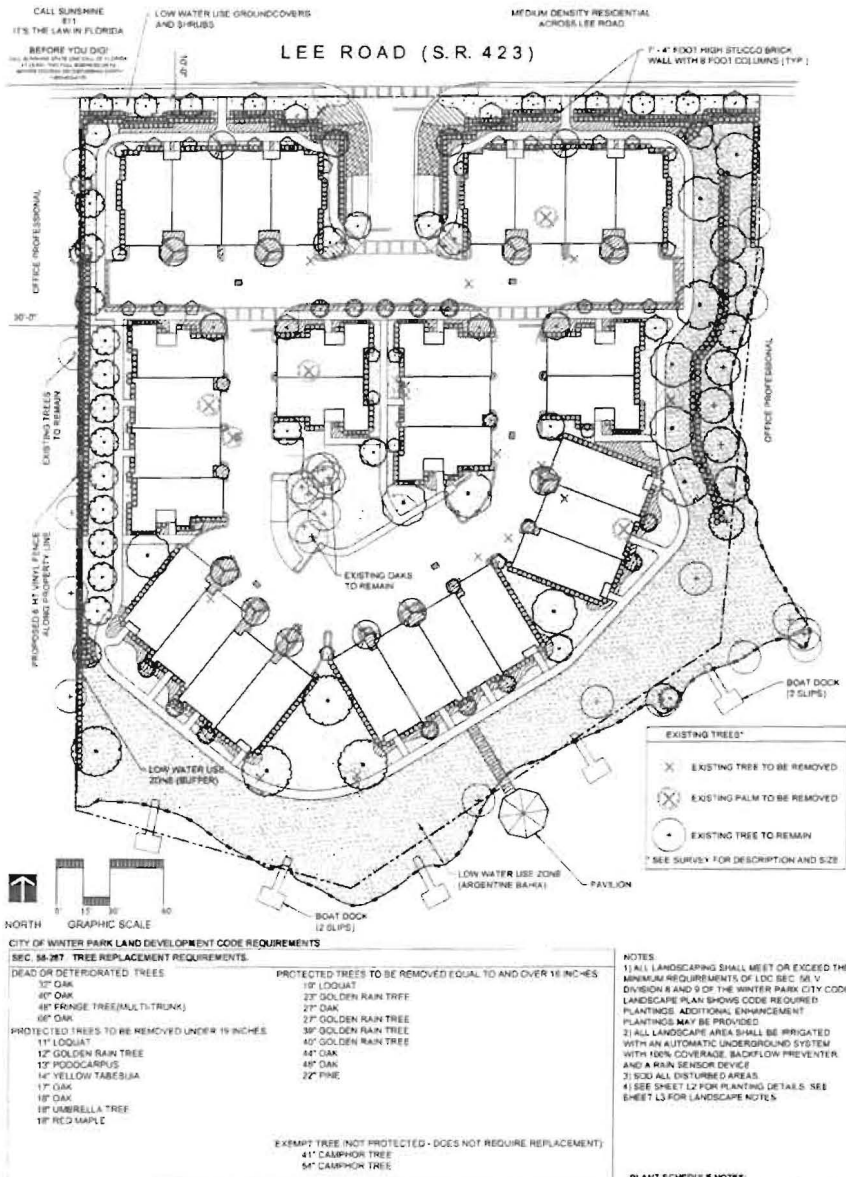
Christopher J. Amundson
 Registered Landscape Architect
 - LICENSED
**CONCEPTUAL LANDSCAPE PLAN
 PRELIMINARY
 CONDITIONAL USE SUBMITTAL**

Date: JUNE 16, 2015
 Job No.: 2404
 Drawn By: CJA
 Checked By: CJA

Scale: **LANDSCAPE PLAN**

Sheet No.: **L1**

Landscape Plan - 7/13/2015 With 15 visitor parking spaces



PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME / COMMON NAME	HT.	SPR.	CALIPER	
	8	Acacia saligna / Florida Flame / Florida Flame Red Maple	14-16		5" MIN	
	2	Magnolia grandiflora / D.D. Blanchard TM / Southern Magnolia	15		4" MIN	
	7	Quercus shumardii / Emoryard Red Oak	18-21		5" MIN	
	4	Quercus virginiana / Southern Live Oak	18-21		5" MIN	
	3	Ulmus americana / Winged Elm	14-16		4" MIN	
PALM TREES	QTY	BOTANICAL NAME / COMMON NAME	HT.	SPR.	CALIPER	
	13	Sabal palmetto / Cabbage Palmetto / B&B	6'	Clear Trunk		
UNDERSTORY TREES	QTY	BOTANICAL NAME / COMMON NAME	HT.	SPR.	CALIPER	
	11	Cercis canadensis / Eastern Redbud	10-17		2" MIN	
	14	Elaeagnus integrifolia TM / Japanese Blueberry Tree Standard - 4' Clear Trunk	10-12		3" MIN	
	33	Ilex x attenuata 'Expression' / Expression Holly Standard - 3' Clear Trunk	10-17		3" MIN	
	12	Lagerströmia x Heather / White Crane Myrtle Standard	15		4" MIN	
	14	Magnolia grandiflora 'Little Gem' / Dwarf Southern Magnolia	10-12		4" MIN	
SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	CONT.	HT.	SPR.	
	51	Alphitonia laevis / Variegata / Variegated Shell Ginger	3 gal	18"	18"	
	176	Ilex vomitoria 'Schuberg's Dwarf' / Dwarf Schuberg's Holly	3 gal	12"	12"	
	128	Podocarpus macrophyllus / Yew Pine	3 gal	24"		
	132	Podocarpus mammosylus 'mini' / Shirley Yew	3 gal	24"		
	71	Schefflera arborescens 'Trinerve' / Schefflera	3 gal	18"	18"	
	141	Tripelacium dactyloides / Fakahatchee Grass	3 gal	24"	18"	
	202	Viburnum obtusatum / Winter x Viburnum	3 gal	16"	16"	
	389	Viburnum suspensum / Sandbaraka Viburnum	3 gal	24"	24"	
GROUND COVERS	QTY	BOTANICAL NAME / COMMON NAME	CONT.	HT.	SPR.	SPACING
	215	Dianella tasmanica / Blueberry / Blueberry Plant Lily	1 gal	12"	12"	24" o.c.
	276	Liriodendron 'New Gold' / New Gold Liriodendron	1 gal	12"	12"	24" o.c.
	238	Liriodendron 'Super Blue' / Super Blue Lily Turf	1 gal	18"	18"	24" o.c.
	1,243	Trachypogon asiaticus / Star Jasmine	1 gal	12"	12"	24" o.c.
	217	Tripelacium dactyloides / Florida Gamagrass	1 gal	12"	12"	24" o.c.
SOCCOED	QTY	BOTANICAL NAME / COMMON NAME	CONT.	HT.	SPR.	SPACING
	31,117 sq ft	Paspalum notatum / Argentine / Bahia Grass	500			
	17,119 sq ft	Stenotaphrum secundatum / Floron / Floron St. Augustine Sod	500			

MULCH ORGANIC MULCH - SHREDDED MULCH TO BE APPLIED TO ALL PLANTING BEDS 3 INCH THICK DEPTH

PLANT SCHEDULE NOTES

- 1) SOCCOED QUANTITIES ARE SQUARE FOOT ESTIMATE. ANY DISTURBED AREAS ON SITE OR WITHIN THE R.O.W. THAT ARE NOT COVERED WITH LANDSCAPE MATERIAL OR SOCCOED SHALL BE SOCCOED. SOCCOED QUANTITIES SHOWN IN SCHEDULE ARE ESTIMATES AND FOR REFERENCE ONLY. ADDITIONAL SOCCOED WILL BE REQUIRED. CONTRACTOR SHALL BE RESPONSIBLE FOR CALCULATING AND VERIFYING REQUIRED SOCCOED QUANTITIES PRIOR TO BID.
- 2) ALL TREES, PALMS, SHRUBS, GROUND COVERS AND OTHER PLANTS SHALL CONFORM TO THE STANDARD OF FLORIDA NO. 1 OR BETTER AS GIVEN IN THE LATEST EDITION OF GRADES AND STANDARDS FOR NURSERY PLANTS BY FLORIDA DEPARTMENT OF AGRICULTURE, PART I AND II. PLANT MATERIAL SHALL ALSO CONFORM TO THE AMERICAN ASSOCIATION OF NURSERYMEN, INC. (ANSI) BULLETIN Z 60.1, 1990 AND AS REVISED. ALL PLANTS MUST BE HEALTHY, VIGOROUS MATERIAL, FREE OF PESTS AND DISEASES.
- 3) THE CALIPER OF INSTALLED TREES LISTED AS BEING UP TO 4 INCHES SHALL BE MEASURED 4 INCHES ABOVE THE GROUND, AND THE CALIPER OF INSTALLED TREES LISTED AS MORE THAN 4 INCHES SHALL BE MEASURED 12 INCHES ABOVE THE GROUND.

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Disclaimer: The content of this drawing is based on the project information provided to the designer. The designer is not responsible for the accuracy of the information provided.

LEE ROAD TOWNHOMES
 1800 LEE ROAD
 WINTER PARK, FLORIDA

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 Registered Landscape Architect
 License # 7049

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 PRELIMINARY
 CONDITIONAL USE SUBMITTAL

REV. DATE DESCRIPTION
 Date: JUNE 16, 2015
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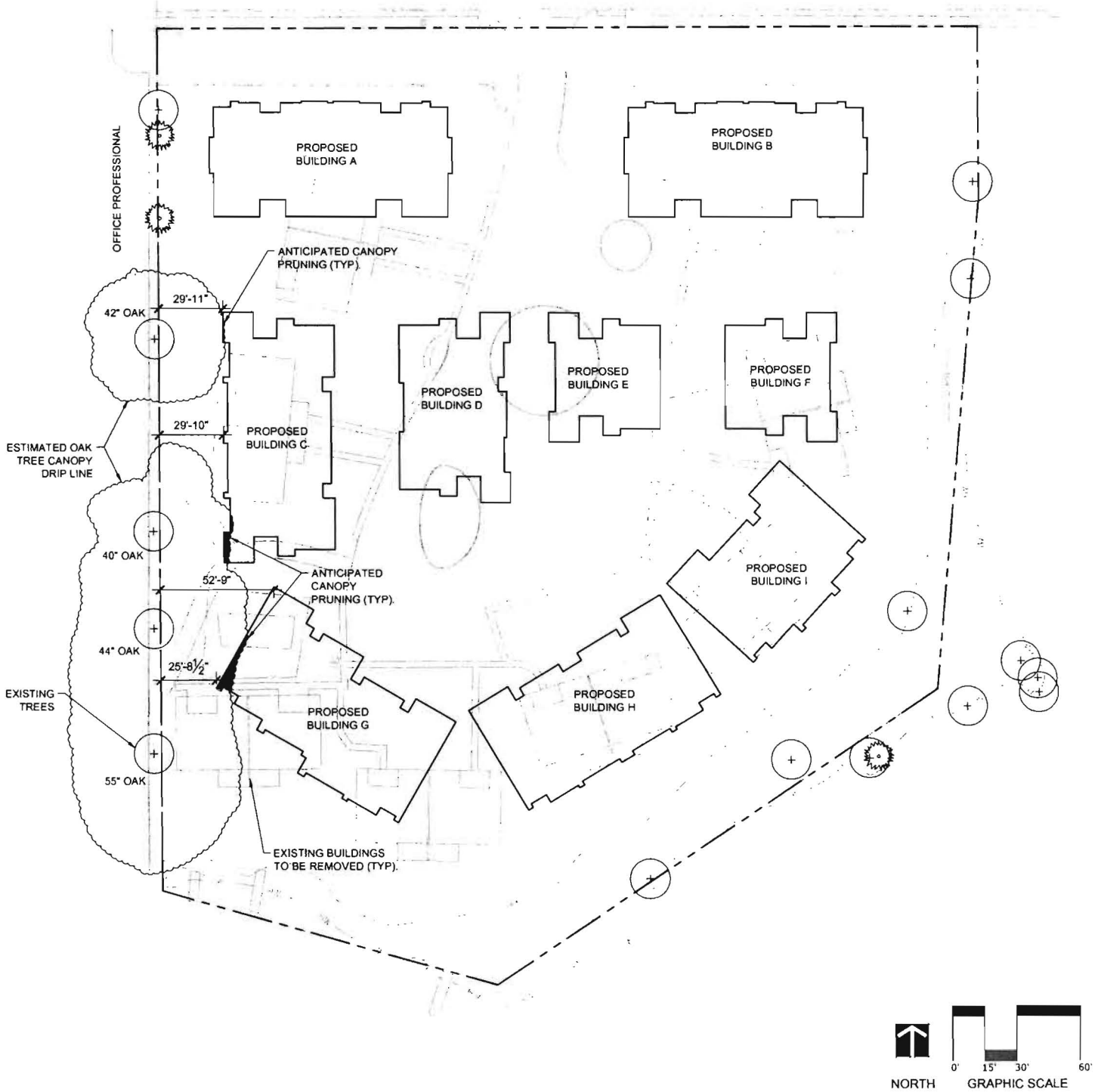
Sheet Title:
LANDSCAPE PLAN (ALTERNATE)

Drawn by:
L1(ALT)

Alternate Landscape Plan - 7/13/2015 With 13 visitor spaces - saves 4 more trees

Site Plan - 7/13/2015 Shows existing tree canopy on western border to be preserved

LEE ROAD (S.R. 423)





rojo

STATE OF FLORIDA
 BOARD OF ARCHITECTS
 ROBERT A. GIBSON
 ARCHITECT



1800 LEE ROAD
 TOWNHOMES
 WINTER PARK, FL



Issue	Date	Description

STREET VIEW
 W/ PROPERTY WALL

SCALE: N=15'

Drawn by:

A-1



rojo

STATE OF FLORIDA
REGISTERED ARCHITECT
ROBERT A. GIBSON
ARCHITECT



1800 LEE ROAD
TOWNHOMES
WINTER PARK, FL



Mark	Date	Description

VIEW FROM MAIN DRIVE
TYP. BUILDING "C", "D", "E" & "F"
BUILDINGS "D" & "E" SHOWN

SCALE: N.T.S.

Drawing No.

A-4

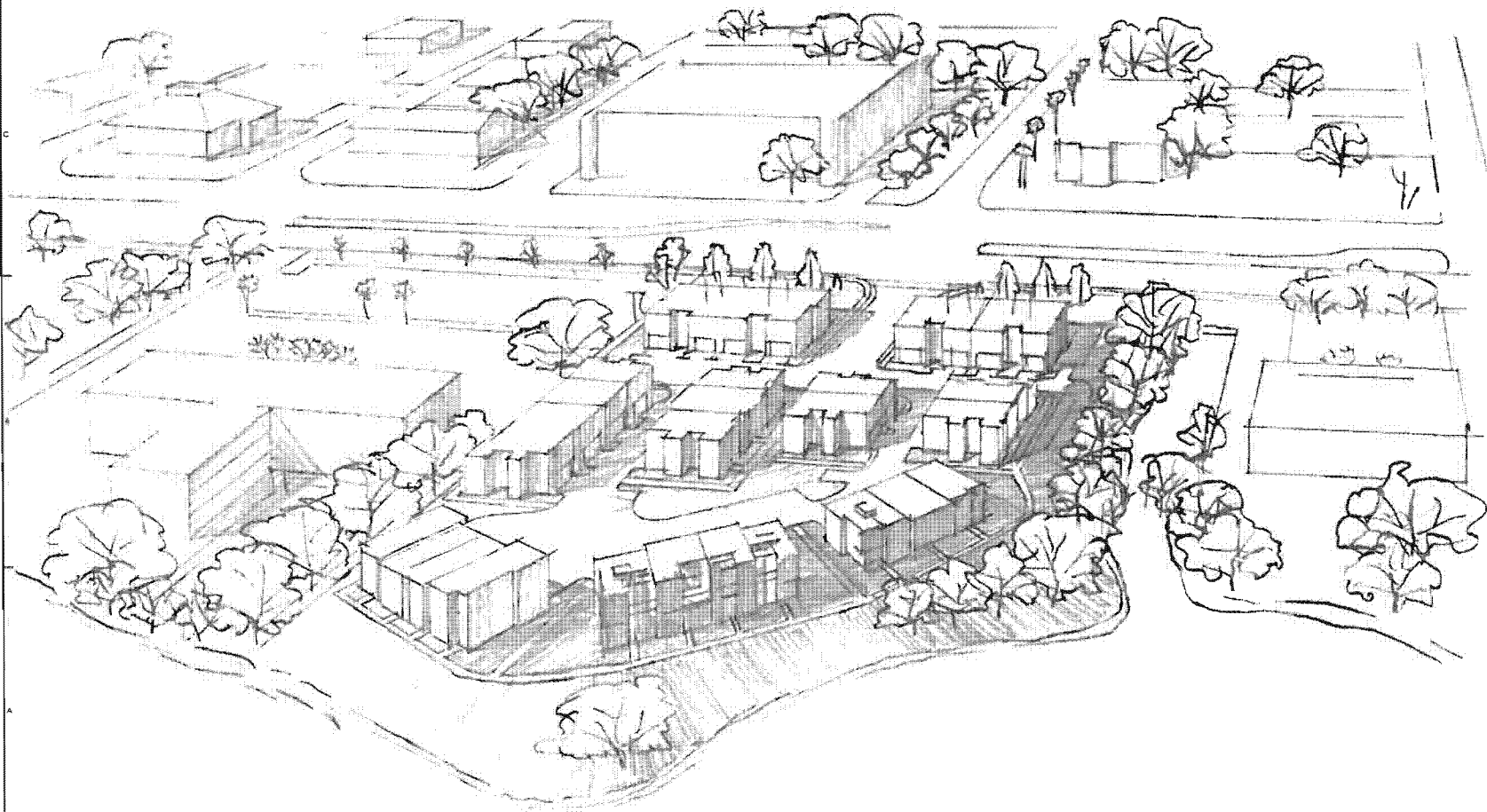
rojo

STATE OF FLORIDA
REGISTERED ARCHITECT
SCOTT A. GIBSON
A000102



SATELLITE AERIAL VIEW FROM LAKE

SATELLITE AERIAL VIEW FROM LEE ROAD



1800 LEE ROAD
TOWNHOMES
WINTER PARK, FL



Mark	Date	Description

AERIAL VIEW

SCALE: N.T.S.

Drawn by:

A-6

ABBREVIATIONS

A	B	C	D	E	F
AA AREA	AB BRIDGE	AC AIR CONDITIONING	AD AIR DUCT	AE AIR EXHAUST	AF AIR FILTER
AG AIR GRAB	AH AIR HEATER	AI AIR INLET	AJ AIR JUNCTION	AK AIR KILN	AL AIR LOCK
AM AIR MESH	AN AIR NEST	AO AIR OUTLET	AP AIR PORT	AQ AIR QUANTITY	AR AIR REGISTER
AS AIR SUPPLY	AT AIR TREATMENT	AV AIR VALVE	AW AIR WASH	AX AIR EXHAUST	AY AIR YIELD
BA BALANCE	BB BALANCE BEAM	BC BALANCE CEMENT	BD BALANCE DRY	BE BALANCE ELEVATION	BF BALANCE FLOOR
BG BALANCE GROUND	BH BALANCE HOLE	BI BALANCE INLET	BJ BALANCE JUNCTION	BK BALANCE KILN	BL BALANCE LOCK
BM BALANCE MESH	BN BALANCE NEST	BO BALANCE OUTLET	BP BALANCE PORT	BQ BALANCE QUANTITY	BR BALANCE REGISTER
BS BALANCE SUPPLY	BT BALANCE TREATMENT	BU BALANCE VALVE	BV BALANCE WASH	BW BALANCE WASH	BX BALANCE EXHAUST
BY BALANCE YIELD	CA CALIBRATION	CB CALIBRATION BEAM	CC CALIBRATION CEMENT	CD CALIBRATION DRY	CE CALIBRATION ELEVATION
CF CALIBRATION FLOOR	CG CALIBRATION GROUND	CH CALIBRATION HOLE	CI CALIBRATION INLET	CJ CALIBRATION JUNCTION	CK CALIBRATION KILN
CL CALIBRATION LOCK	CM CALIBRATION MESH	CN CALIBRATION NEST	CO CALIBRATION OUTLET	CP CALIBRATION PORT	CQ CALIBRATION QUANTITY
CR CALIBRATION REGISTER	CS CALIBRATION SUPPLY	CT CALIBRATION TREATMENT	CU CALIBRATION VALVE	CV CALIBRATION WASH	CW CALIBRATION WASH
CX CALIBRATION EXHAUST	CY CALIBRATION YIELD	DA DAM	DB DAM BEAM	DC DAM CEMENT	DD DAM DRY
DE DAM ELEVATION	DF DAM FLOOR	DE DAM GROUND	DH DAM HOLE	DI DAM INLET	DJ DAM JUNCTION
DK DAM KILN	DL DAM LOCK	DM DAM MESH	DN DAM NEST	DO DAM OUTLET	DP DAM PORT
DQ DAM QUANTITY	DR DAM REGISTER	DS DAM SUPPLY	DT DAM TREATMENT	DU DAM VALVE	DV DAM WASH
DW DAM WASH	DX DAM EXHAUST	DY DAM YIELD	EA EARTH	EB EARTH BEAM	EC EARTH CEMENT
ED EARTH DRY	EE EARTH ELEVATION	EF EARTH FLOOR	EG EARTH GROUND	EH EARTH HOLE	EI EARTH INLET
EJ EARTH JUNCTION	EK EARTH KILN	EL EARTH LOCK	EM EARTH MESH	EN EARTH NEST	EO EARTH OUTLET
EP EARTH PORT	EQ EARTH QUANTITY	ER EARTH REGISTER	ES EARTH SUPPLY	ET EARTH TREATMENT	EU EARTH VALVE
EV EARTH WASH	EW EARTH WASH	EX EARTH EXHAUST	EY EARTH YIELD	FA FACILITY	FB FACILITY BEAM
FC FACILITY CEMENT	FD FACILITY DRY	FE FACILITY ELEVATION	FF FACILITY FLOOR	FG FACILITY GROUND	FH FACILITY HOLE
FI FACILITY INLET	FJ FACILITY JUNCTION	FK FACILITY KILN	FL FACILITY LOCK	FM FACILITY MESH	FN FACILITY NEST
FO FACILITY OUTLET	FP FACILITY PORT	FQ FACILITY QUANTITY	FR FACILITY REGISTER	FS FACILITY SUPPLY	FT FACILITY TREATMENT
FU FACILITY VALVE	FV FACILITY WASH	FA FACILITY WASH	FX FACILITY EXHAUST	FY FACILITY YIELD	GA GATE
GB GATE BEAM	GC GATE CEMENT	GD GATE DRY	GE GATE ELEVATION	GF GATE FLOOR	GG GATE GROUND
GH GATE HOLE	GI GATE INLET	GJ GATE JUNCTION	GK GATE KILN	GL GATE LOCK	GM GATE MESH
GN GATE NEST	GO GATE OUTLET	GP GATE PORT	GQ GATE QUANTITY	GR GATE REGISTER	GS GATE SUPPLY
GT GATE TREATMENT	GU GATE VALVE	GV GATE WASH	GW GATE WASH	GX GATE EXHAUST	GY GATE YIELD
HA HAZARD	HB HAZARD BEAM	HC HAZARD CEMENT	HD HAZARD DRY	HE HAZARD ELEVATION	HF HAZARD FLOOR
HG HAZARD GROUND	HH HAZARD HOLE	HI HAZARD INLET	HJ HAZARD JUNCTION	HK HAZARD KILN	HL HAZARD LOCK
HM HAZARD MESH	HN HAZARD NEST	HO HAZARD OUTLET	HP HAZARD PORT	HQ HAZARD QUANTITY	HR HAZARD REGISTER
HS HAZARD SUPPLY	HT HAZARD TREATMENT	HU HAZARD VALVE	HV HAZARD WASH	HW HAZARD WASH	HX HAZARD EXHAUST
HY HAZARD YIELD	IA IDENTIFICATION	IB IDENTIFICATION BEAM	IC IDENTIFICATION CEMENT	ID IDENTIFICATION DRY	IE IDENTIFICATION ELEVATION
IF IDENTIFICATION FLOOR	IG IDENTIFICATION GROUND	IH IDENTIFICATION HOLE	II IDENTIFICATION INLET	IJ IDENTIFICATION JUNCTION	IK IDENTIFICATION KILN
IL IDENTIFICATION LOCK	IM IDENTIFICATION MESH	IN IDENTIFICATION NEST	IO IDENTIFICATION OUTLET	IP IDENTIFICATION PORT	IQ IDENTIFICATION QUANTITY
IR IDENTIFICATION REGISTER	IS IDENTIFICATION SUPPLY	IT IDENTIFICATION TREATMENT	IU IDENTIFICATION VALVE	IV IDENTIFICATION WASH	IW IDENTIFICATION WASH
IX IDENTIFICATION EXHAUST	IY IDENTIFICATION YIELD	JA JUNCTION	JB JUNCTION BEAM	JC JUNCTION CEMENT	JD JUNCTION DRY
JE JUNCTION ELEVATION	JF JUNCTION FLOOR	JG JUNCTION GROUND	JH JUNCTION HOLE	JI JUNCTION INLET	JJ JUNCTION JUNCTION
JK JUNCTION KILN	JL JUNCTION LOCK	JM JUNCTION MESH	JN JUNCTION NEST	JO JUNCTION OUTLET	JP JUNCTION PORT
JQ JUNCTION QUANTITY	JR JUNCTION REGISTER	JS JUNCTION SUPPLY	JT JUNCTION TREATMENT	JU JUNCTION VALVE	JV JUNCTION WASH
JW JUNCTION WASH	JX JUNCTION EXHAUST	JY JUNCTION YIELD	KA KILN	KB KILN BEAM	KC KILN CEMENT
KD KILN DRY	KE KILN ELEVATION	KF KILN FLOOR	KG KILN GROUND	KH KILN HOLE	KI KILN INLET
KJ KILN JUNCTION	KK KILN KILN	KL KILN LOCK	KM KILN MESH	KN KILN NEST	KO KILN OUTLET
KP KILN PORT	KQ KILN QUANTITY	KR KILN REGISTER	KS KILN SUPPLY	KT KILN TREATMENT	KU KILN VALVE
KV KILN WASH	KW KILN WASH	KX KILN EXHAUST	KY KILN YIELD	LA LABORATORY	LB LABORATORY BEAM
LC LABORATORY CEMENT	LD LABORATORY DRY	LE LABORATORY ELEVATION	LF LABORATORY FLOOR	LG LABORATORY GROUND	LH LABORATORY HOLE
LI LABORATORY INLET	LJ LABORATORY JUNCTION	LK LABORATORY KILN	LL LABORATORY LOCK	LM LABORATORY MESH	LN LABORATORY NEST
LO LABORATORY OUTLET	LP LABORATORY PORT	LQ LABORATORY QUANTITY	LR LABORATORY REGISTER	LS LABORATORY SUPPLY	LT LABORATORY TREATMENT
LU LABORATORY VALVE	LV LABORATORY WASH	LW LABORATORY WASH	LX LABORATORY EXHAUST	LY LABORATORY YIELD	MA MACHINERY
MB MACHINERY BEAM	MC MACHINERY CEMENT	MD MACHINERY DRY	ME MACHINERY ELEVATION	MF MACHINERY FLOOR	MG MACHINERY GROUND
MH MACHINERY HOLE	MI MACHINERY INLET	MJ MACHINERY JUNCTION	MK MACHINERY KILN	ML MACHINERY LOCK	MM MACHINERY MESH
MN MACHINERY NEST	MO MACHINERY OUTLET	MP MACHINERY PORT	MQ MACHINERY QUANTITY	MR MACHINERY REGISTER	MS MACHINERY SUPPLY
MT MACHINERY TREATMENT	MU MACHINERY VALVE	MV MACHINERY WASH	MW MACHINERY WASH	MX MACHINERY EXHAUST	MY MACHINERY YIELD
MA MACHINERY YIELD	NA NAME	NB NAME BEAM	NC NAME CEMENT	ND NAME DRY	NE NAME ELEVATION
NF NAME FLOOR	NG NAME GROUND	NH NAME HOLE	NI NAME INLET	NJ NAME JUNCTION	NK NAME KILN
NL NAME LOCK	NM NAME MESH	NN NAME NEST	NO NAME OUTLET	NP NAME PORT	NQ NAME QUANTITY
NR NAME REGISTER	NS NAME SUPPLY	NT NAME TREATMENT	NU NAME VALVE	NV NAME WASH	NW NAME WASH
NX NAME EXHAUST	NY NAME YIELD	OA OFFICE	OB OFFICE BEAM	OC OFFICE CEMENT	OD OFFICE DRY
OE OFFICE ELEVATION	OF OFFICE FLOOR	OG OFFICE GROUND	OH OFFICE HOLE	OI OFFICE INLET	OJ OFFICE JUNCTION
OK OFFICE KILN	OL OFFICE LOCK	OM OFFICE MESH	ON OFFICE NEST	OO OFFICE OUTLET	OP OFFICE PORT
OQ OFFICE QUANTITY	OR OFFICE REGISTER	OS OFFICE SUPPLY	OT OFFICE TREATMENT	OU OFFICE VALVE	OV OFFICE WASH
OW OFFICE WASH	OX OFFICE EXHAUST	OY OFFICE YIELD	PA PARKING	PB PARKING BEAM	PC PARKING CEMENT
PD PARKING DRY	PE PARKING ELEVATION	PF PARKING FLOOR	PG PARKING GROUND	PH PARKING HOLE	PI PARKING INLET
PJ PARKING JUNCTION	PK PARKING KILN	PL PARKING LOCK	PM PARKING MESH	PN PARKING NEST	PO PARKING OUTLET
PP PARKING PORT	PQ PARKING QUANTITY	PR PARKING REGISTER	PS PARKING SUPPLY	PT PARKING TREATMENT	PV PARKING VALVE
PV PARKING VALVE	PW PARKING WASH	PX PARKING WASH	PY PARKING EXHAUST	PZ PARKING YIELD	QA QUANTITY
QB QUANTITY BEAM	QC QUANTITY CEMENT	QD QUANTITY DRY	QE QUANTITY ELEVATION	QF QUANTITY FLOOR	QG QUANTITY GROUND
QH QUANTITY HOLE	QI QUANTITY INLET	QJ QUANTITY JUNCTION	QK QUANTITY KILN	QL QUANTITY LOCK	QM QUANTITY MESH
QN QUANTITY NEST	QO QUANTITY OUTLET	QP QUANTITY PORT	QQ QUANTITY QUANTITY	QR QUANTITY REGISTER	QS QUANTITY SUPPLY
QT QUANTITY TREATMENT	QU QUANTITY VALVE	QV QUANTITY WASH	QW QUANTITY WASH	QX QUANTITY EXHAUST	QY QUANTITY YIELD
QA QUANTITY YIELD	RA RAMP	RB RAMP BEAM	RC RAMP CEMENT	RD RAMP DRY	RE RAMP ELEVATION
RF RAMP FLOOR	RG RAMP GROUND	RH RAMP HOLE	RI RAMP INLET	RJ RAMP JUNCTION	RK RAMP KILN
RL RAMP LOCK	RM RAMP MESH	RN RAMP NEST	RO RAMP OUTLET	RP RAMP PORT	RQ RAMP QUANTITY
RR RAMP REGISTER	RS RAMP SUPPLY	RT RAMP TREATMENT	RU RAMP VALVE	RV RAMP WASH	RW RAMP WASH
RX RAMP EXHAUST	RY RAMP YIELD	SA SAND	SB SAND BEAM	SC SAND CEMENT	SD SAND DRY
SE SAND ELEVATION	SF SAND FLOOR	SG SAND GROUND	SH SAND HOLE	SI SAND INLET	SJ SAND JUNCTION
SK SAND KILN	SL SAND LOCK	SM SAND MESH	SN SAND NEST	SO SAND OUTLET	SP SAND PORT
SQ SAND QUANTITY	SR SAND REGISTER	SS SAND SUPPLY	ST SAND TREATMENT	SU SAND VALVE	SV SAND WASH
SW SAND WASH	SX SAND EXHAUST	SY SAND YIELD	TA TANK	TB TANK BEAM	TC TANK CEMENT
TD TANK DRY	TE TANK ELEVATION	TF TANK FLOOR	TG TANK GROUND	TH TANK HOLE	TI TANK INLET
TJ TANK JUNCTION	TK TANK KILN	TL TANK LOCK	TM TANK MESH	TN TANK NEST	TO TANK OUTLET
TP TANK PORT	TQ TANK QUANTITY	TR TANK REGISTER	TS TANK SUPPLY	TT TANK TREATMENT	TU TANK VALVE
TU TANK VALVE	TV TANK WASH	TW TANK WASH	TX TANK EXHAUST	TY TANK YIELD	UA UNDERGROUND
UB UNDERGROUND BEAM	UC UNDERGROUND CEMENT	UD UNDERGROUND DRY	UE UNDERGROUND ELEVATION	UF UNDERGROUND FLOOR	UG UNDERGROUND GROUND
UH UNDERGROUND HOLE	UI UNDERGROUND INLET	UJ UNDERGROUND JUNCTION	UK UNDERGROUND KILN	UL UNDERGROUND LOCK	UM UNDERGROUND MESH
UN UNDERGROUND NEST	UO UNDERGROUND OUTLET	UP UNDERGROUND PORT	UQ UNDERGROUND QUANTITY	UR UNDERGROUND REGISTER	US UNDERGROUND SUPPLY
UT UNDERGROUND TREATMENT	UU UNDERGROUND VALVE	UV UNDERGROUND WASH	UW UNDERGROUND WASH	UX UNDERGROUND EXHAUST	UY UNDERGROUND YIELD
UA UNDERGROUND YIELD	VA VALVE	VB VALVE BEAM	VC VALVE CEMENT	VD VALVE DRY	VE VALVE ELEVATION
VF VALVE FLOOR	VG VALVE GROUND	VH VALVE HOLE	VI VALVE INLET	VJ VALVE JUNCTION	VK VALVE KILN
VL VALVE LOCK	VM VALVE MESH	VN VALVE NEST	VO VALVE OUTLET	VP VALVE PORT	VQ VALVE QUANTITY
VR VALVE REGISTER	VS VALVE SUPPLY	VT VALVE TREATMENT	VU VALVE VALVE	VV VALVE WASH	VW VALVE WASH
VX VALVE EXHAUST	VY VALVE YIELD	WA WATER	WB WATER BEAM	WC WATER CEMENT	WD WATER DRY
WE WATER ELEVATION	WF WATER FLOOR	WG WATER GROUND	WH WATER HOLE	WI WATER INLET	WJ WATER JUNCTION
WK WATER KILN	WL WATER LOCK	WM WATER MESH	WN WATER NEST	WO WATER OUTLET	WP WATER PORT
WQ WATER QUANTITY	WR WATER REGISTER	WS WATER SUPPLY	WT WATER TREATMENT	WU WATER VALVE	WV WATER WASH
WW WATER WASH	WX WATER EXHAUST	WY WATER YIELD	XA X-RAY	XB X-RAY BEAM	XC X-RAY CEMENT
XD X-RAY DRY	XE X-RAY ELEVATION	XF X-RAY FLOOR	XG X-RAY GROUND	XH X-RAY HOLE	XI X-RAY INLET
XJ X-RAY JUNCTION	XK X-RAY KILN	XL X-RAY LOCK	XM X-RAY MESH	XN X-RAY NEST	XO X-RAY OUTLET
XP X-RAY PORT	XQ X-RAY QUANTITY	XR X-RAY REGISTER	XS X-RAY SUPPLY	XT X-RAY TREATMENT	XU X-RAY VALVE
XV X-RAY WASH	XW X-RAY WASH	YA YARD	YB YARD BEAM	YC YARD CEMENT	YD YARD DRY
YE YARD ELEVATION	YF YARD FLOOR	YG YARD GROUND	YH YARD HOLE	YI YARD INLET	YJ YARD JUNCTION
YK YARD KILN	YL YARD LOCK	YM YARD MESH	YN YARD NEST	YO YARD OUTLET	YP YARD PORT
YQ YARD QUANTITY	YR YARD REGISTER	YS YARD SUPPLY	YT YARD TREATMENT	YU YARD VALVE	YV YARD WASH
YW YARD WASH	YX YARD EXHAUST	YZ YARD YIELD	ZA ZONE	ZB ZONE BEAM	ZC ZONE CEMENT
ZD ZONE DRY	ZE ZONE ELEVATION	ZF ZONE FLOOR	ZG ZONE GROUND	ZH ZONE HOLE	ZI ZONE INLET
ZJ ZONE JUNCTION	ZK ZONE KILN	ZL ZONE LOCK	ZM ZONE MESH	ZN ZONE NEST	ZO ZONE OUTLET
ZP ZONE PORT	ZQ ZONE QUANTITY	ZR ZONE REGISTER	ZS ZONE SUPPLY	ZT ZONE TREATMENT	ZU ZONE VALVE
ZV ZONE WASH	ZW ZONE WASH	ZX ZONE EXHAUST	ZY ZONE YIELD		

EXISTING SYMBOLS

LINES		SANITARY		WATER & REUSE WATER		STORM DRAIN		HIGHWAY & UTILITIES	
	CENTER LINE		SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		STORM SEWER		BENCHMARK
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	WOOD FENCE		REMAINDER SANITARY SEWER LINE		WATER MAIN AT FIRE LINE		MANHOLE		RECLAIMED WATER MAIN
	CHAIN LINK FENCE		REMAINDER SANITARY SEWER LINE						

- NOTES:**
1. The proposed site plan is shown on sheet 13 of 13.
 2. The proposed site plan is shown on sheet 13 of 13.
 3. The proposed site plan is shown on sheet 13 of 13.
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 50. The proposed site plan is shown on sheet 13 of 13.

Table 1: Clear Storm Drainage

Clear Storm Drainage	Clear Area	At least 3% of lot developable area (2-4 ft)
Clear Storm Drainage	0.00 ac	

Table 2: Clear Storm Drainage

Clear Storm Drainage	Clear Area	At least 3% of lot developable area (2-4 ft)
Clear Storm Drainage	0.00 ac	

Table 3: Clear Storm Drainage

Clear Storm Drainage	Clear Area	At least 3% of lot developable area (2-4 ft)
Clear Storm Drainage	0.00 ac	

Table 4: Clear Storm Drainage

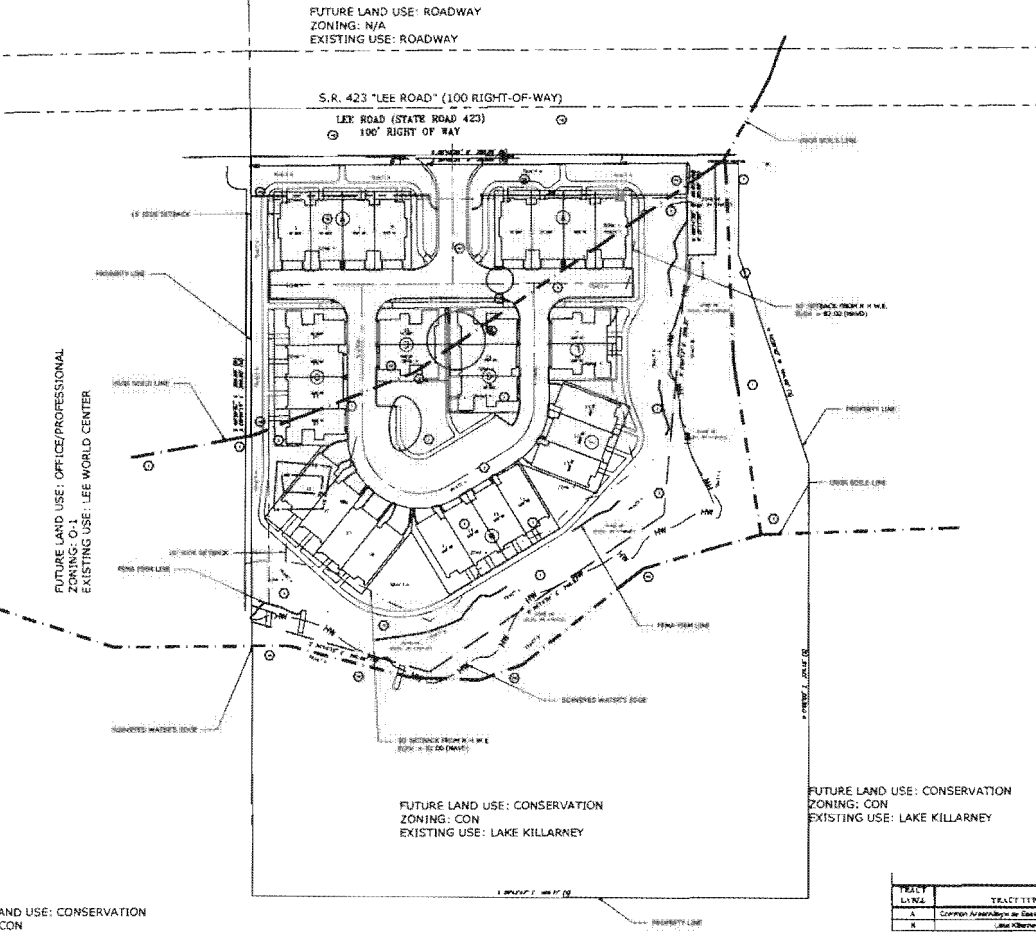
Clear Storm Drainage	Clear Area	At least 3% of lot developable area (2-4 ft)
Clear Storm Drainage	0.00 ac	

BASIN Post 1

Basin	Area	Volume
Basin 1	1.00 ac	100,000 cu ft

Basin	Area	Volume	Impervious Area	Impervious Percentage
Basin 1	1.00 ac	100,000 cu ft	100,000 sq ft	30%

Proposed Basin Impervious Area (AC) 1.00
 Existing Basin Impervious Area (AC) 1.00
 Net New Impervious Area (AC) 0.00
 Proposed Basin Impervious Percentage 30%
 Existing Basin Impervious Percentage 30%

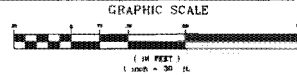


FUTURE LAND USE: OFFICE PROFESSIONAL
 ZONING: O-2
 EXISTING USE: ANDREAN BANK

- SOILS LEGEND:**
- ① BASINGER FINE SANDS
 - ② CANDLER-URBAN LAND COMPLEX
 - ③ SMYRNA-URBAN LAND COMPLEX
 - ④ TAVARES-URBAN LAND COMPLEX
 - ⑤ WATER

TRACT TABLE

TRACT	TRACT TYPE	AREA (Ac)	TRACT DESIGNATED TO	BARREMENT DRAINAGE (Ft)
A	Common Agricultural or Recreational	1,500	RCM	City of Winter Park
B	Other	3,400	RCM	City of Winter Park



FUTURE LAND USE: CONSERVATION
 ZONING: CON
 EXISTING USE: LAKE KILLARNEY

FUTURE LAND USE: CONSERVATION
 ZONING: CON
 EXISTING USE: LAKE KILLARNEY

FUTURE LAND USE: CONSERVATION
 ZONING: CON
 EXISTING USE: LAKE KILLARNEY

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ICON
 RESIDENTIAL, INC

ICON Residential, Inc.
 2190 Belcher Rd. S
 Suite B
 Largo, FL 33771
 (813) 541-1821

1800 Lee Road
 Townhomes
 City of Winter Park, Florida

Preliminary
 Development Plan

Overall
 Site Plan

Prepared and sealed under license
 Daniel and Barbara Foster
 COURTNEY L. SUMMITT, P.E.
 Date: June 23, 2011
 Title: Professional Engineer
 State of Florida

Revisions

No.	Date	Description
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SHEET NUMBER
5 OF 13

PERMITS & REGULATION CONTROL NOTES:

1. The contractor shall be responsible for obtaining all necessary permits from the appropriate regulatory agencies, including but not limited to the Florida Department of Transportation (FDOT), the Florida Department of Environmental Protection (FDEP), the Florida Department of Health (FDOH), and the local health department. The contractor shall also be responsible for obtaining all necessary permits from the local government, including but not limited to the City of Largo, the County of Pinellas, and the State of Florida.
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PERMITS & REGULATION CONTROL NOTES (cont'd):

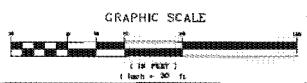
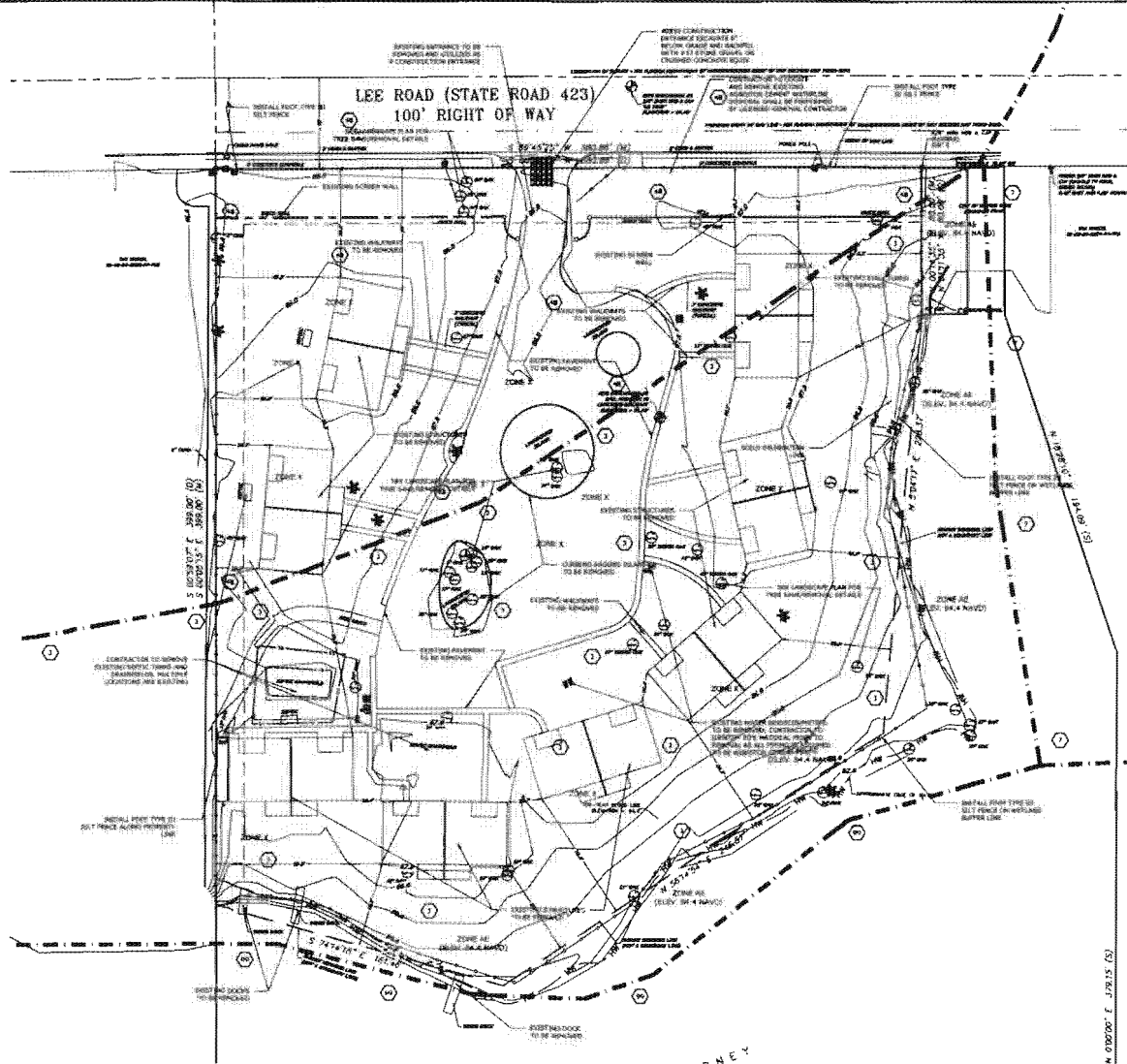
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UTILITY MONITORING PLAN:

The contractor shall be responsible for identifying and monitoring all existing utility lines within the project area. The contractor shall also be responsible for coordinating with the utility companies to ensure that all utility lines are properly marked and monitored throughout the project. The contractor shall also be responsible for ensuring that all utility lines are properly protected and supported throughout the project.

NOTES:

1. THIS PLAN IS MET ONLY AS A GUIDELINE TO FACILITATE THE CONTRACTOR IN IDENTIFYING THE SCOPE OF THE CONTRACT. A LICENSED DEMOLITION CONTRACTOR SHALL PREPARE AND SUBMIT A PERMIT APPLICATION TO THE CITY PRIOR TO START OF ANY DEMOLITION WORK.
2. INFORMATION SHOWN ABOVE REFLECTS ONLY THAT INFORMATION REFLECTED ON THE SURVEY PROVIDED BY THE CLIENT. THE ENGINEER DOES NOT CERTIFY TO THE COMPLETENESS OF THE INFORMATION SHOWN.
3. DEMOLITION OF ALL EXISTING INTERNAL UTILITIES IS REQUIRED AS PART OF THE DEMOLITION WORK. CONTRACTOR SHOULD CONTACT THE ASSOCIATED UTILITY COMPANIES TO COORDINATE SERVICE CUT-OFF AND CLEARANCE TO REMOVE THE EXISTING UTILITY LINES.



G L SUMMITT
ENGINEERING INC.
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3667 Simonton Place
Lake Mary, Florida 32746
Phone: 407-323-0700
Fax: 407-992-8630
www.GLSummit.com



ICON Residential, Inc.
2190 Belcher Rd. S
Suite B
Largo, FL 33771
(813) 541-1821

1800 Lee Road
Townhomes
City of Water Park, Florida

Preliminary
Development Plan

Existing
Condition
Plan

Plan set valid unless signed, dated and sealed below.
GEOFFREY L. SUMMITT, P.E.
Date: June 22, 2011
St. Augustine, Florida 32087
Certificate of Registration 609465

Revisions	
No.	Description
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SHEET NUMBER
6 OF 13

SEE SHEET 7 OF 13



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www.GISummitt.com



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Suite B
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(813) 541-1821

1800 Lee Road
Townhomes
City of Winter Park, Florida

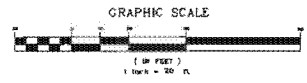
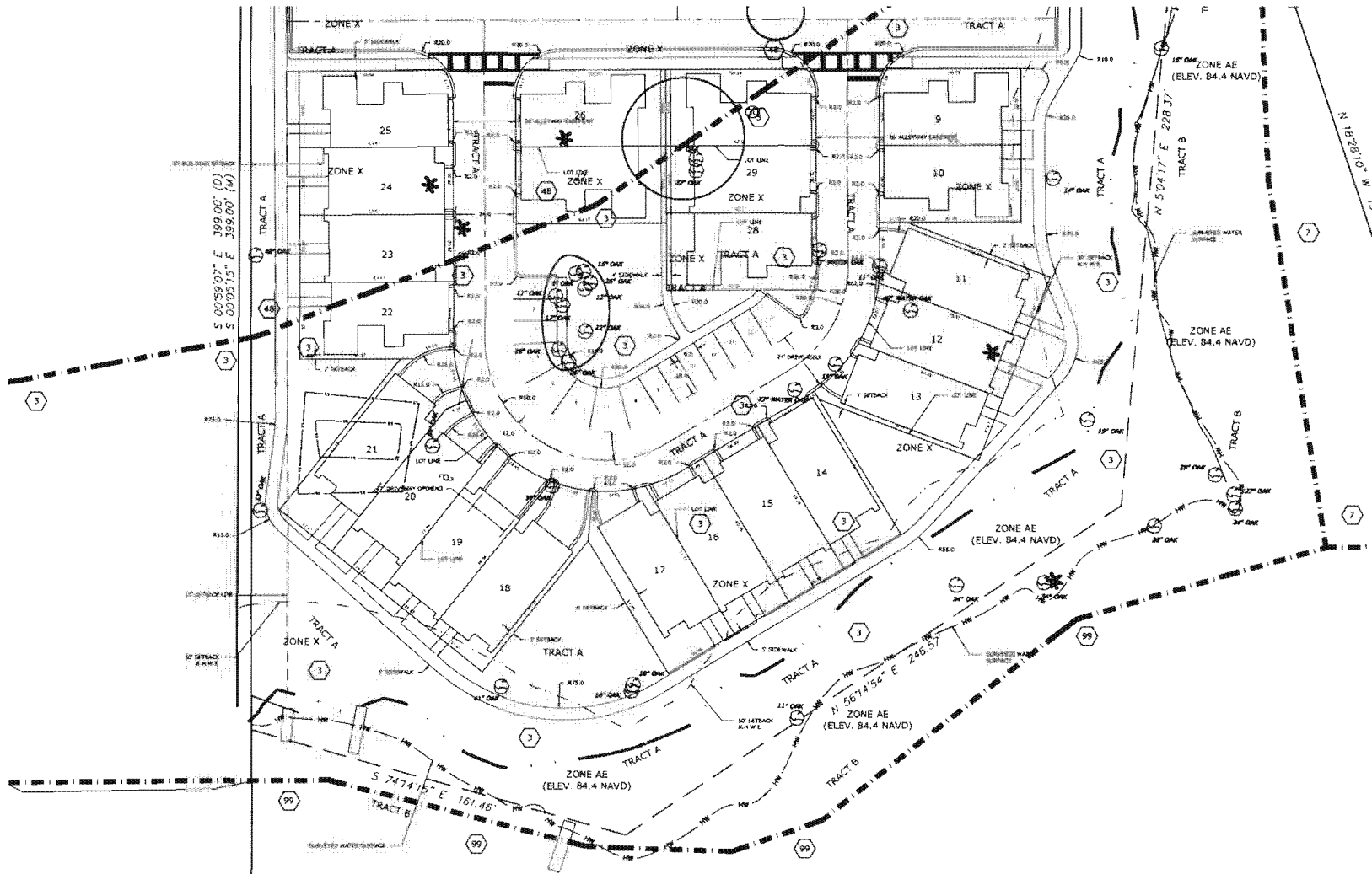
Preliminary
Development Plan

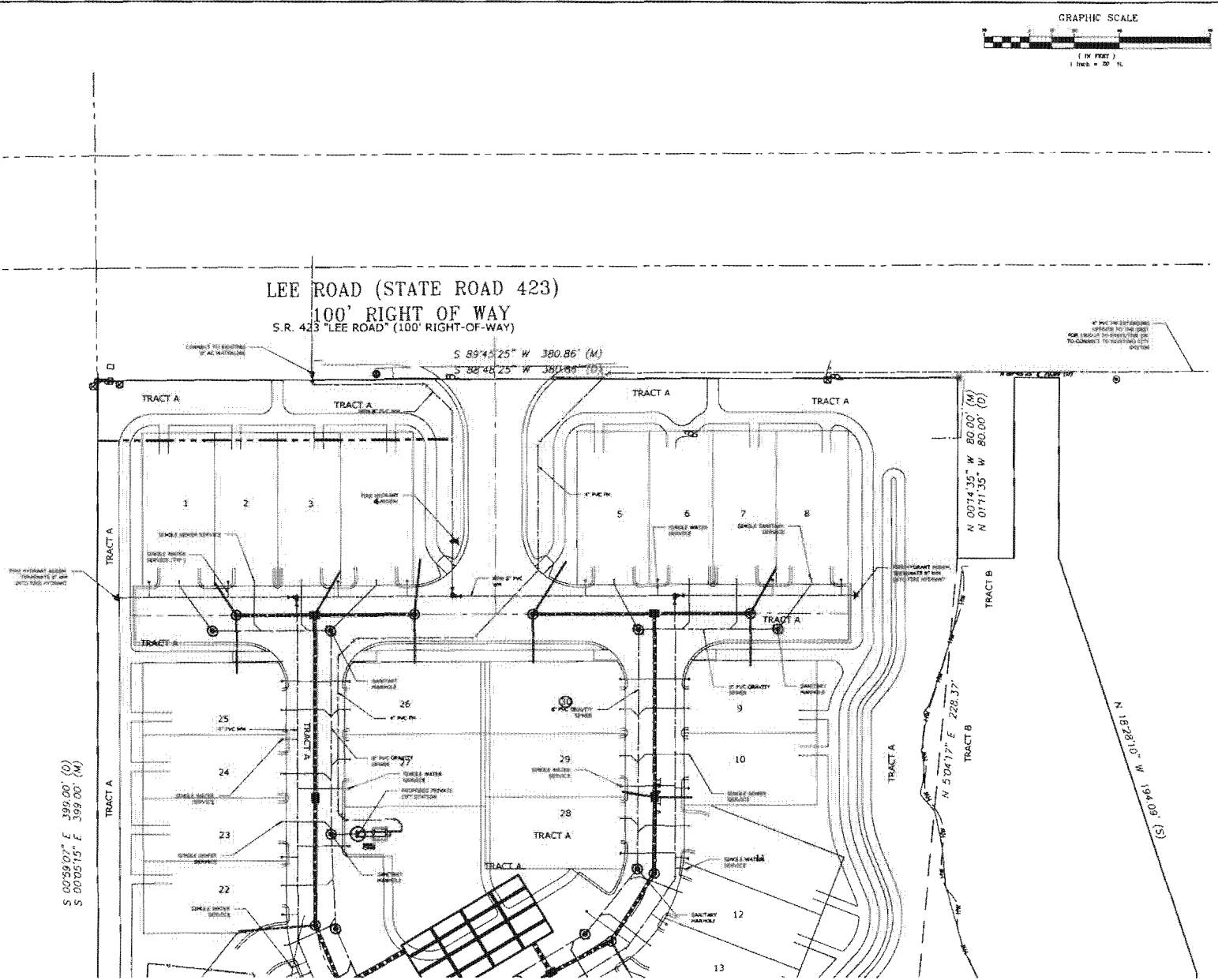
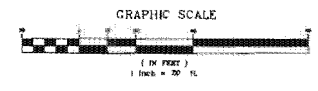
Detailed
Site Plan
2

Please note: unless otherwise indicated, all dimensions are in feet.
Checked and sealed hereunder:
CHRISTOPHER L. SUMMITT, P.E.
Date: June 22, 2015
No. 1519773
Certificate of Authorization #00464

Revisions		
No.	Date	Description

SHEET NUMBER
8 OF 13





LEE ROAD (STATE ROAD 423)
100' RIGHT OF WAY
S.R. 423 "LEE ROAD" (100' RIGHT-OF-WAY)

S 00°59'07" E 399.00' (0)
S 00°55'15" E 389.00' (0)

SEE SHEET 10 OF 13



G. I. SUMMITT
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3667 Shilstone Place
Lake Mary, Florida 32746
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fax: 407-992-8650
www.gisummitt.com



ICON Residential, Inc.
2190 Belcher Rd. S
Suite B
Largo, FL 33771
(813) 541-1821

1800 Lee Road
Townhomes
City of Winter Park, Florida

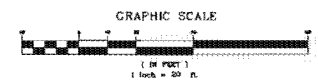
Preliminary
Development Plan

Utility
Plan 1

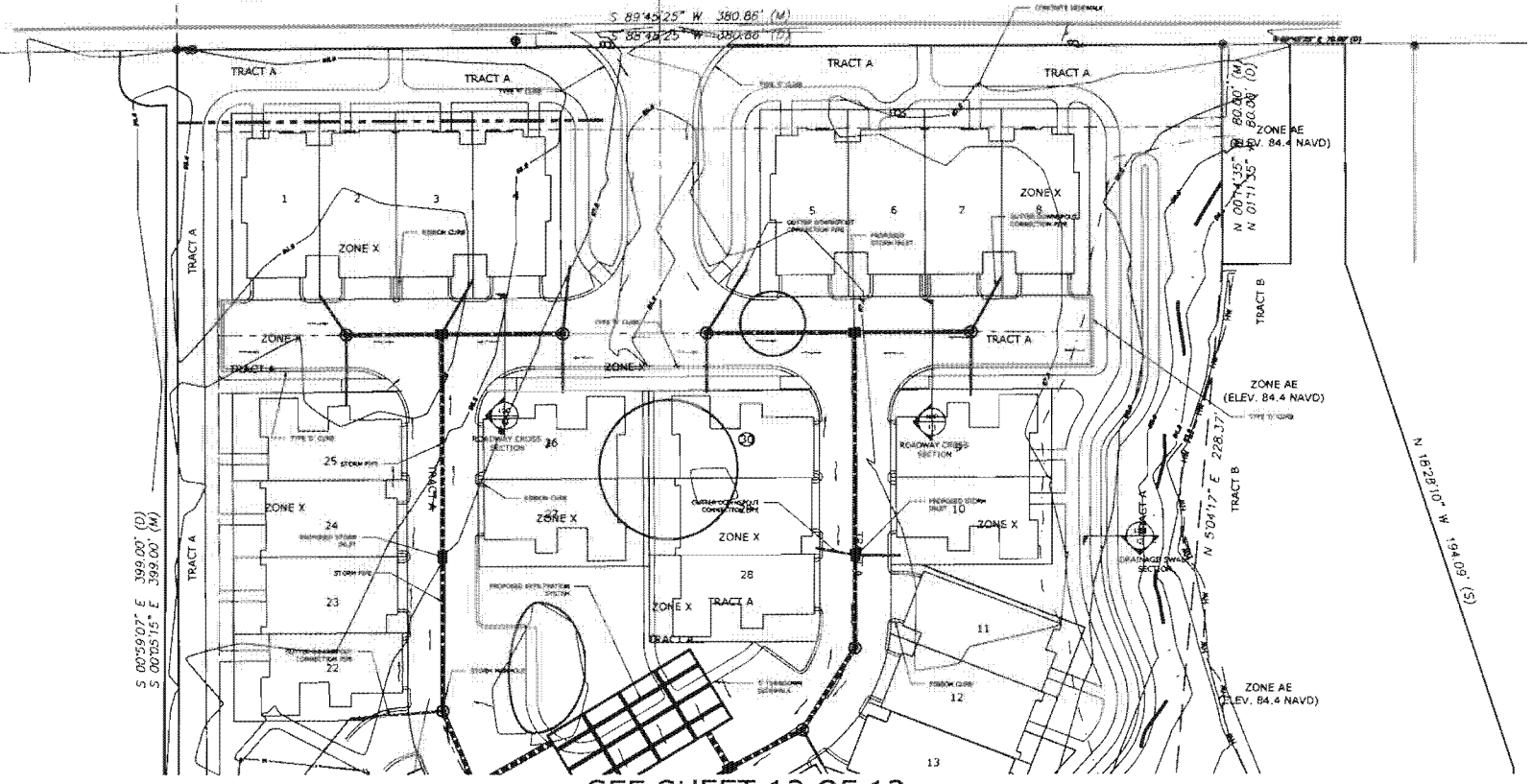
Plans not valid unless signed,
dated and sealed below.
GROFFERY L. BUNAGATTI, P.E.
Date: June 23, 2011
P.L. Registration: 45777
Certificate of Authorization #29665

Revisions		
No.	Date	Description

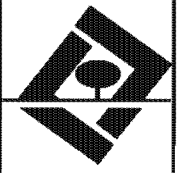
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9 OF 13



LEE ROAD (STATE ROAD 423)
 100' RIGHT OF WAY
 S.R. 423 "LEE ROAD" (100' RIGHT-OF-WAY)



SEE SHEET 12 OF 13



G L SUMMITT
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 www.glsu.com



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1800 Lee Road
Townhomes
 City of Winter Park, Florida

Preliminary
Development Plan

Paving &
Drainage
Plan 1

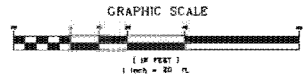
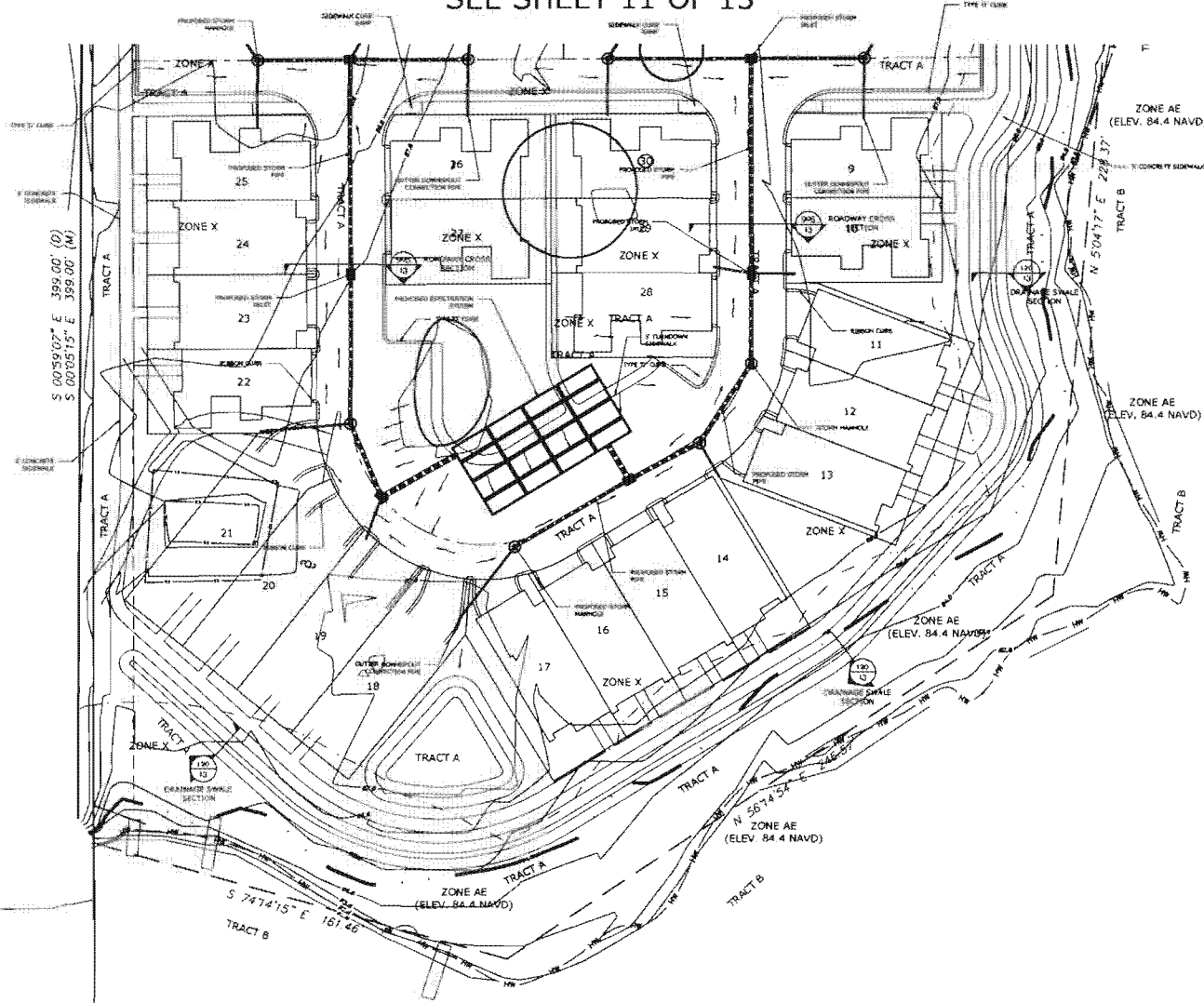
Please not void unless signed,
 dated and sealed below.

CHOFFRAY L. RUDOLPH, P.E.
 Date: June 22, 2015
 P.E. Registration #258775
 Certificate of Authorization #25665

Revisions		
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SHEET NUMBER
11 OF 13

SEE SHEET 11 OF 13



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Lake Mary, Florida 32746
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Fax: 407-992-8650
www.glseng.com



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Suite B
Largo, FL 33771
(813) 541-1821

**1800 Lee Road
Townhomes**
City of Winter Park, Florida

**Preliminary
Development Plan**

**Paving &
Drainage
Plan 2**

Plan not valid unless signed,
dated and sealed below.
OSWALDY L. SUMMITT, P.E.
Date: Jan 23, 2015
FL Registration #27775
Certificate of Authorization #20045

Revisions		
No.	Date	Description

SHEET NUMBER
12 OF 13



G L SUMMITT
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Phone: 407-323-0705
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www.glsummitt.com



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Largo, FL 33771
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**1800 Lee Road
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City of Winter Park, Florida

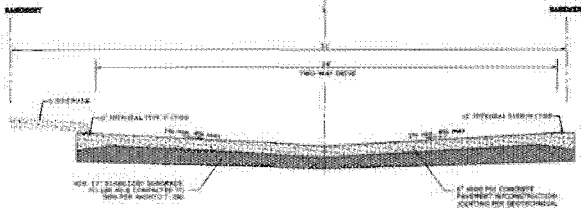
**Preliminary
Development Plan**

**General
Details 1**

Please see valid address sign, dated and sealed below.
OSCARFREY L. SUMMITT, P.E.
Date: June 22, 2015
P.E. Registration #51773
Continuation of Accreditation #25965

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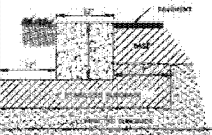
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13 OF 13**



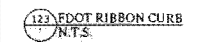
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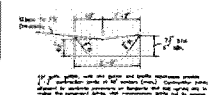
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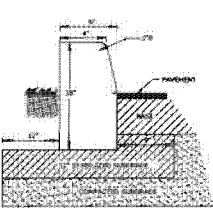
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N.T.S.



123 FDOT RIBBON CURB
N.T.S.



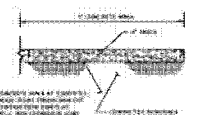
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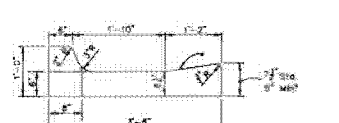
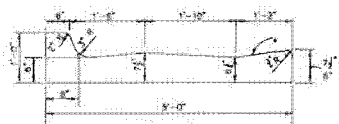
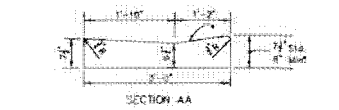
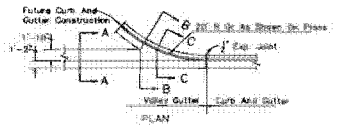
125a FDOT TYPE 'D' CURB
N.T.S.



124 PAVER SIDEWALK DETAIL
N.T.S.

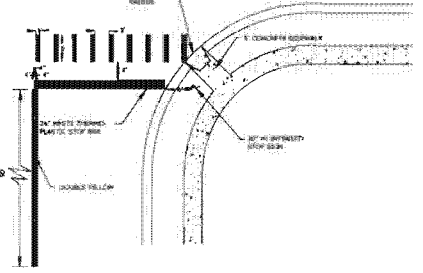


126 FLUSH CONCRETE SIDEWALK
N.T.S.

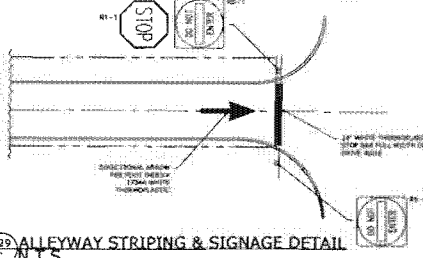


VALLEY GUTTER

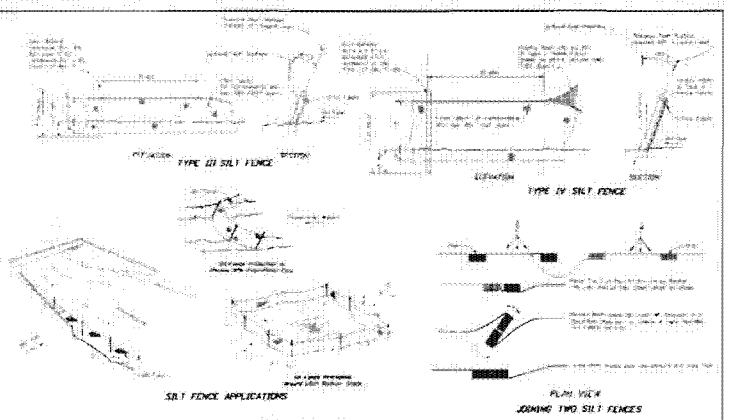
128 VALLEY GUTTER DETAIL
N.T.S.



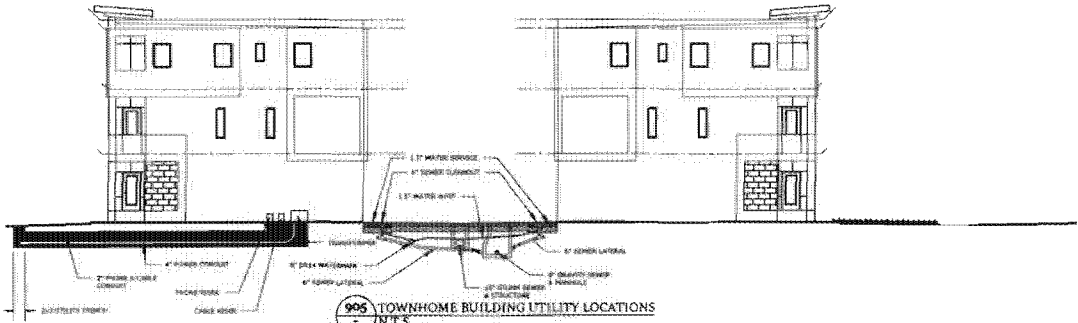
127 STOP SIGN, STOP BAR & CROSSWALK
N.T.S.



135 ALLEYWAY STRIPING & SIGNAGE DETAIL
N.T.S.



100 TEMPORARY EROSION & SEDIMENT CONTROL
N.T.S.



905 TOWNHOME BUILDING UTILITY LOCATIONS
N.T.S.

*City Commission Approval
from June 25, 2007*

The following spoke in favor of the conditional use approval:

Michael Harbison, 2150 Forrest Road

Joe Terranova, 700 Melrose Avenue – expressed concerns with the wetlands mitigation and asked that they be permanently protected and that the mitigation be done at the Clayton property.

Muriel Dubuc, Mayflower resident

Jack Williamson, Mayflower resident

The following submitted a letter of opposition to the conditional use approval which Attorney Cheek read into the record: S. Charles Modell, 1230 Sunset Drive (representing the Gallery Condominiums).

Barbara Smith, 2427 Gallery View Drive, did not speak for or against the project but expressed concerns with the construction phase, the dirt and noise and the two lane road that will be used during the construction. She asked what can be done to keep these concerns at a minimum.

Motion made by Commissioner Metcalf to approve the conditional use request, and seconded by Commissioner Bridges for discussion. Commissioner Bridges stated she supports the project but asked if there is a way to help mitigate the traffic issues during the construction phase. Mr. Kolb responded there are ways to help this and they will be developing those plans. He stated they will consider an alternate access road that may be a solution to both the construction and emergency access. Mr. McGuffin spoke about their sensitivity with the Gallery Condominium resident's concerns regarding traffic. Mayor Strong asked if there was any way we could regulate the construction traffic during the construction period that would alleviate some of the concerns. Attorney Cheek responded as well as Mr. Kolb who spoke about a satellite parking area for construction traffic which will alleviate some of the traffic back and forth. Further discussion ensued regarding the size of the building. **The motion carried unanimously.**

A recess was taken from 5:16 – 5:20 p.m.

- b) Conditional Use Approval-Request to construct 27 two-story townhouse units on the 3.4 acre property at 1800 Lee Road.

Planning Director Jeff Briggs explained the location of the request and the other issues related to the project that have been resolved regarding the gated entrance into the property, the access and tree preservation. He stated they have adequate parking, the stormwater retention meets the code and that the site plan has been perfected. He added that there is more architectural detail and the architecture of the individual buildings has been improved. He addressed the Planning and Zoning approval with conditions. Commissioner Metcalf inquired into the rules currently in place regarding gates. Mr. Briggs responded there is a prohibition in the code about private streets and further spoke regarding this issue. There was discussion as to why the applicant asked for a gate, that the code does not prohibit it and that all public safety concerns have been eliminated.

Representing the applicant, Attorney Allison Yurko and Ed Avellaneda provided a power point presentation outlining the details of the project. Ms. Yurko asked that the record reflect the following: "That they have talked a lot with the adjacent neighbor to the west and that they will cooperate in good faith with the neighbor at 1850 Lee Road on sewer related issues and that they will use best efforts to preserve the density and health of the seven trees near the western

boundary of their property". She stated they are actually located on the neighbor's property but that they wanted assurances that they would try and preserve the trees. She stated this is also important to them because that is their buffer between the commercial property to the west and their parcel. She stated that staff is going to add a phrase to recommendation #2.

Michael (unknown), Lakefront Boulevard, asked that the cypress trees be preserved along the perimeter. He spoke about the stormwater runoff swales between the trees and the water and asked how that will be created and that this be considered. He stated he is not against gating their community. It was assured by the applicant that the existing trees will remain and that the trees behind the swales are new trees that will be added.

→ **Motion made by Commissioner Metcalf to approve the conditional use request, subject to the following conditions as approved by the P&Z:**

1. Applicant is to bring back for final development plan approval, the final site plan, civil plans (retention), final architectural elevations, tree preservation protection plan and landscape/hardscape plans to P&Z for review and approval; and
2. Applicant is to modify the stormwater retention area to increase separation from the cypress trees (indicated by numbers 41, 43 and 46 on the tree survey) to 35 feet for better protection of the tree root systems and preservation of those trees.

→ **Motion was seconded by Commissioner Bridges.** Commissioner Bridges commented about the gated community and if this is precedent setting. There was further discussion regarding the allowance of gates within the City. Commissioner Metcalf commented against gates. He spoke about the future gateways of the City and the future of Lee Road to look like other areas of the City but without gates. Attorney Yurko spoke about the importance of the gate for the project. Mayor Strong and Commissioner Eckbert addressed their preference of a gate at this location. Mayor Strong commented about Lee Road having its own set of circumstances and issues that would warrant a gate that may not be warranted at most other City locations. He stated that the project is an upgrade for the community and that the gate does not detract from that upgrade significantly. Commissioner Bridges asked that the issue of gates within the City be discussed at a future work session as part of the visioning process. **The motion carried unanimously.**

- c) Conditional Use Approval-Request to allow the three properties at 634/640/642 West Comstock Avenue to be used for the construction of four individual one-story single family homes.

Planning Director Jeff Briggs explained that this is a combined request from the City and the Hannibal Square Community Land Trust. He showed the location of the three 50' lots on the south side of Comstock Avenue. He commented that instead of building three large homes, they worked to promote the goals of the affordable work force housing. He addressed the layout showing four smaller homes; 1,100-1,300 square feet in size; one single center drive, and parking behind the two front residences. He stated this is before the Commission because of the conditional use request to build four affordable houses versus the three that are permitted. He stated there are no variances, besides the conditional use, as it meets the parking requirements, external setbacks, and Floor Area Ratio (FAR).

Mary Daniels, 650 Canton Avenue, asked for approval of the request as presented.

Joe Terranova, 700 Melrose Avenue, spoke in favor of the request because it increases affordable housing.



city commission public hearing

Item type	Public Hearing	meeting date	July 13, 2015
prepared by	George Wiggins Jeff Briggs	approved by	<input checked="" type="checkbox"/> City Manager
department	Building - Planning		<input checked="" type="checkbox"/> City Attorney
division			<input type="checkbox"/> N A
board approval		<input type="checkbox"/> yes <input type="checkbox"/> no	<input checked="" type="checkbox"/> N A final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life	<input type="checkbox"/> Fiscal Stewardship	
	<input checked="" type="checkbox"/> Intelligent Growth & Development	<input type="checkbox"/> Public Health & Safety	
	<input type="checkbox"/> Investment in Public Assets & Infrastructure		

Subject

Fifth Third Bank Development Agreement

Background

At the May 11, 2015 City Commission meeting, the Fifth Third Bank CUP was unanimously approved with the condition added below:

Motion made by Commissioner McMacken to approve the application for conditional use as was presented this evening with the modification included in the plan, and also with the additional condition of approval that was submitted by the applicant, and for the City Attorney to insure a means for resolution of the easement negotiations if the parties cannot agree as to what is reasonable under the circumstances; seconded by Commissioner Sprinkel.

After the City Commission motion, the City Attorney concluded that a Development Agreement was necessary in order to enforce the terms of the condition above as well as to incorporate the other conditions of approval. The City Attorney in consultation with the attorneys representing Fifth Third and the Matsby's developed the attached Agreement to implement the requirement that will allow the Matsby's to negotiate with Fifth Third for vehicular access through the Fifth Third property as an alternate traffic exit onto Lakemont Avenue. The easement negotiations will commence when the adjacent property owner comes forward with a site development plan to construct a new building at 1835 Aloma Avenue. See Subsection 3 (m) on the third page of the attached Development Agreement for the specific provision.

Prepared by:
Usher L. Brown, Esq.
Brown Garganese Weiss & D'Agresta, P.A.
P.O. Box 2873
Orlando, FL 32802

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

DEVELOPER'S AGREEMENT (Fifth Third Bank)

THIS DEVELOPER'S AGREEMENT (the "Agreement") is made and entered into this ___ day of _____, 2015, 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 Fifth Third Bank, an Ohio banking corporation, (referred to as "Developer"), _____ (*address*).

WITNESSETH:

WHEREAS, Developer intends to build and manage a 3,872 square foot branch bank for Fifth Third Bank with two drive-in tellers and a companion 5,410 square feet of separate "for lease" office space (hereinafter the "Project"); and

WHEREAS, the properties subject to the Conditional Use application are 443 and 453 North Lakemont Avenue and 1851, 1861 and 1871 Aloma Avenue; and

WHEREAS, the request for a drive-in teller requires a Conditional Use permit for the Project under the Municipal Code; and

WHEREAS, this Agreement is adopted pursuant to the Conditional Use section of the City Code, Section 58-90, and is not a statutory development agreement under Fla. Stat. §163.3220, et seq.

NOW, THEREFORE, for and in consideration of the terms and conditions of this Agreement and the mutual covenants set forth herein, and for other good and valuable consideration, the City and Developer agree to the following conditions:

1. Subject Property: The Subject Property is comprised of 3,872 square feet bank branch for Fifth Third Bank and the companion 5,410 square feet of separate "for lease" office space, located at 443 and 453 North Lakemont Avenue, and 1851, 1861 and 1871 Aloma Avenue, as more particularly described on Exhibit "A" attached hereto and incorporated by this reference.

2. Project Approvals: The plan for the Project was approved by the City Commission on May 11, 2015, subject to compliance with this Agreement, as depicted on Exhibit "B".

3. Special Conditions of Approval: The following variances or conditions of approval are included in the Conditional Use Permit as follows, and are or shall be deemed to be depicted on Exhibit "B", the Site Plan:

- a. The Fifth Third Bank Project entitlements comprise 9,282 square feet of office development including two drive-thru teller lanes.
- b. The Project is required to have a minimum of 37 parking spaces to meet the anticipated needs of the development plan and may create the additional 6 parking spaces needed for medical tenant usage of the 5,410 square feet of associated office space within the landscape area along the western border of the site.
- c. The entrance/exits to the Project along Aloma and Lakemont Avenues will be restricted to "right in/right out" only and the center line median on Lakemont Avenue shall be extended to the north 25 feet at the expense of the applicant.
- d. The Project signs along the two streets shall be limited to non-interior illuminated monument signs as presented.
- e. The western building elevation facing 17,000 cars a day traveling east on Aloma Avenue shall include significant brick veneer façade coverings to match the architectural pattern of the other building façades.
- f. The hours of operation of the drive-in teller speaker system is restricted to no later than 10:00 p.m. and no drive-in teller speaker noise shall be audible within any adjacent residential building.
- g. Replacement of the sweet gum and cypress trees on the northern border of the property with oak trees.
- h. Increase in the height of the proposed privacy wall on the northern property line to eight feet in height and construction to be of brick or brick veneer to match the primary structure with columns appropriately spaced and cap. Also, this privacy wall to be constructed in the first phase of the construction activity in order to serve as a buffer from construction noise/dust.
- i. Insure that the parapet wall height and location of AC and mechanical equipment screens such equipment from view.
- j. Add hedges and understory trees to the landscape area adjacent to the north side of the building consistent with that shown of the landscape areas on the east and south sides of the building.

- k. Modify the rear parking lot lighting on the northern border of the property adjacent to the residential properties to insure no light intrusion onto their properties.
- l. Relocate the dumpster to a location further removed from the abutting residential neighbors.
- m. Upon Matsby Properties L.L.C., its successors and assigns, submitting a final site plan to the City for the property with tax identification number 05-22-30-1140-00-160 (the "Matsby Property") and subject to commercially reasonable discretion of Fifth Third Bank, Fifth Third Bank, its successors and assigns shall enter into an agreement with Matsby Properties, L.L.C. providing for cross access between the Matsby Property and the property owned by Fifth Third Bank that is the subject of this approval. Fifth Third Bank and Matsby Properties, L.L.C. will continue to negotiate a reasonable resolution for the current impasse relating to the standards for which commercially reasonable discretion will be based for the potential cross access easement. Matsby Properties L.L.C., its successors and assigns, must submit to the City of Winter Park a complete submission of a final site plan for the Matsby Property made in good faith for purposes of developing the Matsby Property, prior to May 11, 2017, or this condition will automatically terminate and will become null and void in its entirety.

4. Each party to the Agreement represents and warrants to the other that it has all necessary power and authority to enter into and consummate the terms and conditions of this Agreement and that all acts, approvals, procedures and similar matters required in order to authorize this Agreement have been taken, obtained or followed, as the case may be, and upon the execution of this Agreement by both parties, this Agreement shall be valid and binding upon the parties hereto and their successors in interest.

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

6. This Agreement may only be amended or terminated by a written agreement executed by all parties hereto or by their successors in interests.

7. This Agreement and the terms and conditions hereof shall be binding upon and inure to the benefit of the City, Developer and their respective successors in interests, and the terms and conditions shall be binding upon and inure to the benefit of the Subject Property, and shall run with title to the same.

8. This Agreement will be recorded by the City, at the City's expense, among the Public Records of Orange County, Florida. Notwithstanding the foregoing, the same shall not constitute any lien or encumbrance on title to the Subject Property and shall instead constitute record notice of government regulations which may regulate the use and enjoyment of the Subject Property. The City shall, upon written request by Developer, provide written confirmation of the status of this Agreement and performance or non-performance of obligations

hereunder as may be reasonably requested by Developer or any lender with respect to the Subject Property.

9. If any provisions of this Agreement are held to be illegal or invalid, the other provisions of this Agreement shall remain in full force and effect.

10. Term. This Agreement has a term of fifty (50) years.

11. Specific Performance. Strict compliance shall be required with each and every provision of this Agreement. The parties agree that failure to perform the obligations provided by this Agreement shall result in irreparable damage and that specific performance of these obligations may be obtained by a suit in equity.

12. Development Permits. Nothing herein shall limit the City's authority to grant or deny any development permit application or request 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 requirements, condition, term or restriction. Without imposing any limitation on the City's police powers, the City reserves the right to withhold, suspend, or terminate any and all certificates of occupancy or permits for the Property if Developer is in breach of any term and condition of this Agreement.

13. Termination. The City shall have the unconditional right, but not obligation, to terminate this Agreement, without notice or penalty, if Developer fails to receive building permits and substantially commence construction of the Project within three (3) years of the effective date of this Agreement. If the City terminates this Agreement, the City shall record a notice of termination in the public records of Orange County, Florida.

14. Recitals. The Recitals to this Agreement are incorporated herein and are a part of the Agreement.

15. Notice. Any notice delivered with respect to this Agreement shall be in writing and be deemed to be delivered (whether or not actually received) when (i) hand delivered to the other party at the address appearing on the first page of this Agreement, or (ii) when deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the part at the address appearing on the first page of this Agreement, or such other person or address as the party shall have specified by written notice to the other party delivered in accordance herewith.

16. Time of the Essence. Time is hereby declared of the essence to the lawful performance of the duties and obligations contained in this Agreement.

17. Agreement. This Agreement, along with the Preliminary Plan, constitutes the entire agreement between the parties, and supersedes all previous discussions, understandings and agreements, with respect to the subject matter hereof.

18. Further Documentation. The parties agree that at any time following a request by the other party, each shall execute and deliver to the other party such further documents and

instruments, in form and substance reasonably necessary to confirm and/or effectuate the obligations of either party hereunder.

19. Attorneys' Fees. In the event that either party finds it necessary to commence an action against the other party to enforce any provision of this Agreement or because of a breach by the other party of any terms hereof, the prevailing party shall be entitled to recover from the other party its reasonable attorneys' fees, paralegal fees and costs incurred in connection therewith, at both trial and appellate levels, including bankruptcy proceedings, without regard to whether any legal proceedings are commenced or whether or not such action is prosecuted to judgment.

20. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument.

21. Captions. Captions of the Sections and Subsections of this Agreement are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction, or meaning of the provisions of this Agreement.

22. Severability. If any word, sentence, phrase, paragraph, provision, or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof so long as the purpose and intent of this Agreement can still be achieved.

23. Effective Date. The Effective Date of this Agreement shall be the day this Agreement is last executed by a party hereto and such date shall be inserted on Page 1 of this Agreement.

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

Signed, sealed and delivered in the presence of:

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

Name: _____

By: _____
Name: Steve Leary, 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 _____, 2015, by Steve Leary, 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)

FIFTH THIRD BANK, an Ohio banking corporation

By: _____

Name: _____

Its: _____

Date: _____

Name: _____

Name: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____, as _____ of Fifth Third Bank. He (She) is personally known to me or has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

FIFTH THIRD BANK, an Ohio banking corporation

By: _____

Name: _____

Its: _____

Date: _____

Name: _____

Name: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____, as _____ of Fifth Third Bank. He (She) is personally known to me or has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

Exhibits "A" and "B" to be attached for execution



city commission public hearing

Item type	Public Hearing	meeting date	July 13, 2015		
prepared by	George Wiggins	approved by	<input checked="" type="checkbox"/>	City Manager	
department	Building & Permitting Services		<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 checked="" type="checkbox"/>	Fiscal Stewardship	
	<input type="checkbox"/> Intelligent Growth & Development		<input checked="" type="checkbox"/>	Public Health & Safety	
	<input type="checkbox"/> Investment in Public Assets & Infrastructure				

subject

Updating City Business Licensing Ordinance including increasing business tax by 5% or less

motion | recommendation

Approve: Approval requires 4 affirmative votes, a majority plus one vote of the Commission by Florida Statute.

background

Each year current businesses must renew their business certificates by October 1 which can be done online, mailing in payment with their renewal notice or by payment in person at our Building and Permitting counter. Our online payment service was added last year as a convenience. Before a new businesses can open they must obtain their City business certificate which is facilitated by our addition of an on line fill-in-the-blank form with instructions.

As authorized by Florida Statute, local governments may increase our business tax receipt charges by up to 5% every two years. Due to concerns over the economy the City has not increased our business tax amounts since 2009. Looking at the amount of increases throughout the Ordinance you will see that most of these range from \$5.50 to \$7.50 with the largest increase of \$60 for a hospital; however, our one hospital in the City is tax exempt.

Other important areas addressed in the Ordinance include:

- (1) Provision of a fairer business pro-rated tax charge for businesses that obtain a license for less than one year. Currently, an excessively large fee is charged when a business opens up late into the fiscal year.
- (2) Removal of unneeded or out of date businesses.
- (3) Adjustments to clarify what each profession is charged.
- (4) Enablement language is added to allow us to collect Orange County business tax receipts from Winter Park businesses at the same time they are obtaining our license. If we are able to achieve this in cooperation with the Orange County Tax Collector, this will be a substantial customer service enhancement, and will eliminate the need for customers to go downtown to Orlando to apply for and obtain their Orange County business tax receipt after obtaining one from Winter Park.
- (5) Modifications to the enforcement section of the ordinance as recommended by our Police Department Attorney to streamline the business license revocation process are included. We have had cases involving criminal activity within the last year where this improvement would have helped further facilitate the process.

alternatives | other considerations

Modify Ordinance without any increase but adopt all other enhancement/clarification additions.

fiscal impact

Increasing these charges will result in an increase of annual revenue by approximately \$20,000 which has been factored into the proposed budget.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA AMENDING CHAPTER 94 TAXATION, ARTICLE II, BUSINESS TAX, SO AS TO INCREASE THE BUSINESS TAX FEES BY FIVE PERCENT (5%) (ROUNDING DOWN TO THE NEAREST DOLLAR), PROVIDE CLARIFICATION ON CERTAIN BUSINESS TAX CATEGORIES, MODIFY PRORATION OF PARTIAL YEAR BUSINESS TAX CERTIFICATES, CLARIFY AND UPDATE PROVISIONS; AND PROVIDE ENABLING LANGUAGE TO COLLECT ORANGE COUNTY BUSINESS TAX RECEIPTS FOR WINTER PARK BUSINESSES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, Section 205.0535 of the Florida Statutes empowered any municipality to, by October 1, 1995, reclassify businesses, professions and occupations and to establish a new rate structure for Local Business Tax Receipts; and

WHEREAS, the City fully complied with Section 205.0535, Florida Statutes, and reclassified businesses, professions and occupations and established new rate structures for Local Business Tax Receipts; and

WHEREAS, since the City fully complied with Section 205.0535, Florida Statutes in 1995, Section 205.0535(4), Florida Statutes, empowers the City, every other year thereafter, to increase the rates of Local Business Tax Receipts fees by up to five percent upon a vote of a majority, plus one, of the City Commission; and

WHEREAS, the City has not increased the Local Business Tax Receipt fees for more than 6 years; and

WHEREAS certain business classifications require updating to accurately describe these businesses;

WHEREAS the City desires to establish a fairer business tax charge for businesses operating for less than one year, and to clarify certain terms in the code; and

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

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

SECTION 1. Section 94-31, "Definitions" is amended as follows:

* * *

Business tax receipt shall also mean business certificate.

* * *

~~City business tax officer or business tax officer means the director of code enforcement.~~ Director of Building and Permitting Services.

~~Director of code enforcement~~ Building and Permitting Services means and includes the appointee of the director of ~~code enforcement~~ Building and Permitting Services who shall be authorized to exercise any and all of the powers granted in this article. ~~to the director of code enforcement.~~

* * *

SECTION 2. Section 94-32(d) is added and shall read as follows:

(d) In coordination with and after approval by the Orange County Tax Collector or any other authority having jurisdiction, and pursuant to Fla. Stat. 205.045, the city may collect the business tax receipts from city businesses on behalf of Orange County, and shall transmit to Orange County all business tax receipts received at rates established by Orange County in accordance with a remittance schedule agreed upon by the Orange County Tax Collector or any other authority having jurisdiction.

SECTION 3. Section 94-35 is hereby amended to read:

Sec. 94-35. - Duties of city business tax officer.

(a) *Issuance of tax receipts.* The city business tax officer shall collect all business taxes and issuance fees and shall issue tax receipts in the name of the city to all persons qualified under the provisions of this article and shall:

- (1) Promulgate and enforce reasonable rules and regulations necessary for the operation and enforcement of this article.
- (2) Adopt all forms and prescribe the information to be given therein as to ~~character and other~~ relevant matters.
- (3) Require applicants to submit all affidavits and oaths necessary to the administration of this article.
- (4) Submit all applications to other interested city officials for their endorsements thereon as to compliance by the applicant with all city regulations which they have the duty of enforcing.
- (5) Investigate and determine the eligibility of any applicant for a tax receipt as prescribed in this article.
- (6) Examine the records of any applicant or tax receipt holder when reasonably necessary to verify information submitted as an application or return in the administration and enforcement of this article.

(7) Notify any applicant of the acceptance or rejection of his application and shall, upon his refusal to issue any tax receipt or permit, at the applicant's request, state in writing the reasons therefor and deliver them to the applicant.

(b) *Information confidential.* The business tax officer shall keep all information furnished or secured under the authority of this article in strict confidence to the fullest extent permitted under applicable law. ~~Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this article or except as otherwise required by applicable law.~~

SECTION 4. Section 94.36 is hereby amended to read:

Sec. 94-36. - Qualifications of applicants.

The general standards set out in this article relative to the qualifications of every applicant for a city tax receipt shall be considered and applied by the city business tax officer. The applicant shall:

(1) ~~Be of good character. In making such determination the city business tax officer shall consider the following:~~

a. ~~All criminal convictions, the reasons therefor and the subsequent conduct of the applicant.~~

b. ~~The tax receipt history of the applicant;~~ Be up to date on tax receipts, whether such person, in previously operating in this or another city or county under a tax receipt, has had such tax receipt revoked or suspended, the reasons therefor and the conduct of the applicant subsequent to such action.

(2) Not be in default under the provisions of this article or indebted or obligated in any manner to the city except for current taxes.

(3) ~~Present a certificate of occupancy furnished by the zoning official to the effect that the proposed use of any premises is not a violation of city zoning regulations.~~

SECTION 5. Section 94-37(c) is hereby amended to read:

* * *

(c) *Renewal procedure.* The applicant for the renewal of a tax receipt shall submit an application for such tax receipt upon request of the city business tax officer. The application shall:

(1) Be a written statement upon forms provided by the city business tax officer; such form shall include an affidavit, to be sworn to by the applicant before a notary public of this state.

(2) Require the disclosure of such information concerning the applicant's ~~demeanor and the conduct and~~ operation of applicant's business during the preceding licensing period as is reasonably necessary

to the determination by the business tax officer of the applicant's eligibility for a renewal tax receipt and to a possible adjustment of the business tax.

* * *

SECTION 6. Section 94-38 is amended to read:

Each local business tax receipt shall be prepared and issued by the director of ~~code enforcement~~ building and permitting services in the manner and form prescribed by him and shall state upon the face thereof, among other things, the following:

* * *

SECTION 7. Section 94-40(b)(2) is amended to read:

* * *

(2) *Transfer fee.* When a business moves to a new location within the city, ~~the business tax officer shall collect a transfer fee of \$5.00~~ \$10.00. ~~for businesses with license fees under \$100.00 and a fee \$10.00 for all others.~~

SECTION 8. Section 94-41 is amended to read:

Sec. 94-41. - Enforcement.

(a) *Inspections.* In the enforcement of this article, inspections shall be conducted as follows:

(1) *Persons authorized.* The following persons are authorized to conduct inspections in the manner prescribed as follows:

a. *Business tax officer.* The business tax officer shall make all investigations reasonably necessary to the enforcement of this article.

b. *Officials.* The business tax officer shall have the authority to order the inspection of tax receipt holders, their businesses and premises by all city officials having duties to perform with reference to such tax receipt holders or businesses to enforce compliance with this article.

c. *Police officers.* All police officers shall inspect and examine businesses located within their respective jurisdictions or beats to enforce compliance with this article.

(2) *Authority of inspectors.* All persons authorized in this section to inspect tax receipt holders shall have the authority to enter, ~~with or without a search warrant, at all reasonable times,~~ as may be permitted by law, during business hours, those premises for which a tax receipt:

a. Is required.

b. Was issued and which, at the time of inspection, is operating under such tax receipt.

c. Has been revoked or suspended.

(3) *Reports by inspectors.* Persons inspecting tax receipt holders, their business or premises as authorized in this section shall report all violations of this article or of other laws or ordinances to the business tax officer and shall submit such other reports as the business tax officer shall order.

* * *

(d) *Final order.* Upon the failure or refusal of the violator to comply with the provisional order or with any order made after hearing, the business tax officer shall then declare and make the provisional order final.

(1) *Authority of business tax officer.* The business tax officer shall have the authority to suspend or revoke tax receipts upon making and declaring a provisional order final.

(2) *Effect of ~~revocation~~ or suspension.* Upon ~~revocation~~ or suspension, no refund of any portion of the tax receipt fee shall be made to the tax receipt holder, and he shall immediately cease all business at all places under such tax receipt.

(e) *Summary action.* When the conduct of any tax receipt holder, agent or employee is so inimicable to the public health, safety and general welfare as to constitute a nuisance and thus give rise to an emergency, the business tax officer shall have the authority to ~~summarily order the cessation of business and the closing of premises or to suspend or revoke the tax receipt.~~ Unless waived in writing, wWithin five working days after ~~he~~ the business tax officer has acted summarily, the business tax receipt holder may request a hearing to contest the summary action of the business tax officer. If the business tax receipt holder requests a hearing, the business tax officer shall hold a hearing within 10 working days. Upon a hearing request, the business tax officer shall conduct a special hearing for such action in respect to the summary order as may be therein determined. Notice of such hearing shall be given the affected person in the manner prescribed in this section. If the business tax receipt holder does not request a hearing within five working days, the business tax receipt holder waives their right to a hearing and their right to appeal as stated in this section.

* * *

(h) Nothing in this code section limits the City's remedies to address code violations by a business, and if the City pursues a remedy under this section, the City does not waive any other remedy available under any other code or statute.

SECTION 9. Section 94-42(b)(2) is amended to read as follows:

(2) Require the payment of only three-fourths the tax specified in section 94-43 for any business commenced on or after ~~April~~ January 1 and before

~~August~~ April 1 of any year, and payment of only one-half the tax specified in section 94-43 for any business commenced on or after ~~September~~ June 1 and before October 1 of any year.

SECTION 10. That the rates contained in Section 94-43, "Schedule," be amended to reflect a five percent (5%) increase (and rounding down to the nearest dollar) to read as follows:

Business Tax Fees Receipts by Category

COMMUNICATIONS:

Newspaper	127.50 <u>133.00</u>
Telephone <u>or Communications</u> Company	1,215.00 <u>1,275.00</u>
Telegraph Company	249.00
Newsrack Boxes (<u>On City property or rights of way</u>) See City Fee Schedule	30.00

CLERICAL:

Administrative Services, Stenographer, Paralegal, Book Keeper Accountant (not a CPA), Secretary, Typist, Etc.	410.50 <u>116.00</u>
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CONSTRUCTION AND MAINTENANCE SERVICES:

Alarm Systems <u>Contractor</u>	110.50 <u>116.00</u>
<u>Residential</u> , Building <u>or General</u> Contractor	157.50 <u>165.00</u>
Demolition Contractor	157.50 <u>165.00</u>
Electrical Contractor General Contractor	157.50 <u>165.00</u>
House Mover	157.50 <u>165.00</u>
Land Clearing Company	157.50 <u>165.00</u>
<u>Underground Utility Contractor</u>	157.50 <u>165.00</u>
Landscaping	127.50 <u>133.00</u>
Mechanical/HVAC Contractor [See Note 1]	48.30 <u>133.00</u>
Misc. Contractors, Carpentry, Masonry, Painting, Tile, Roofing, Irrigation, Swimming Pool, <u>Stucco, etc.</u>	157.50 <u>165.00</u>
Plumbing Contractor	157.50 <u>165.00</u>
Residential Contractor	157.50
Tree Trimmer/ Surgeon and <u>Removal</u> Services*	424.00 <u>130.00</u>

*(~~\$1000~~ Surety Bond and proof of Liability Insurance is Required)

[Note 1: The \$48.30 charge for this category was a scrivener's error]

FINANCE/INSURANCE/REAL ESTATE

Agent/Agencies	
Title Agent, Directory Service	

Employment, Equipment rental, Mail-Order Manufacturer's Representative/agent, Claims/collections, Credit reporting; etc.	127.50	133.00
Appraiser	127.50	<u>133.00</u>
ATM location (off-site)	127.50	<u>133.00</u>
Auditor	127.50	<u>133.00</u>
Banks	248.50	<u>250.00</u>
Credit Bureau	127.50	<u>133.00</u>
Finance/Loan Company	248.50	<u>250.00</u>
Mortgage Broker	127.50	<u>133.00</u>
Mortgage Company	127.50	<u>133.00</u>
Real Estate Broker		
No agents	127.50	<u>133.00</u>
1 to 5 salespersons	182.00	<u>191.00</u>
6 to 15 salespersons	243.00	<u>255.00</u>
16 or more salespersons	455.00	
Savings & Loan Association	127.50	
Stocks Bonds dealer	248.50	<u>250.00</u>
Tax Consultant	248.50	<u>250.00</u>
Title Company	127.50	<u>133.00</u>
Insurance Company		
Home/regional office	279.00	<u>292.00</u>
District office	188.00	<u>197.00</u>
Resident agent office	127.50	<u>133.00</u>
Each Insurance company (doing business within city)	60.00	<u>63.00</u>
HOME OCCUPATIONS:		
See individual category for license fee Home occupations are subject to limitations in Chapter 58, Section <u>7182</u> , Subsection (eeaa) of the <u>Winter Park</u> Code.		
MANUFACTURING/FABRICATION:		
Boat/car builders, Furniture, Computers, etc.:		
1 to 5 employees	127.50	<u>133.00</u>
6 to 15 employees	157.50	<u>165.00</u>
Over 15 employees	188.00	<u>197.00</u>
PROFESSIONALS:		

<u>Office (More than one licensed professional person)</u>		<u>133.00</u>
Accountants, Architects, Artists, Brokers, Consultants, Chemists, Engineers, Financial Planners, Interior Designers, Marketing Representatives, Etc.	427.50	<u>133.00</u>
Hypnotist	488.00	<u>197.00</u>

PROFESSIONAL SERVICES-HEALTH:

<u>Office (More than one licensed professional person)</u>		<u>133.00</u>
Animal Hospital	427.50	<u>133.00</u>
Assisted Living Facilities	427.50	<u>133.00</u>
Commercial Laboratory	488.00	<u>197.00</u>
<u>Mental Health or Family Counselors</u>		<u>133.00</u>
Dentist	427.50	<u>133.00</u>
Dietician/Nutritionist	30.00	<u>31.00</u>
Physicians	427.50	<u>133.00</u>
Fitness Trainer or Consultant	88.00	<u>92.00</u>
Massage Therapist	87.00	<u>91.00</u>
Health or Day Spa	488.00	<u>197.00</u>
Hospitals	4215.00	<u>1275.00</u>
Kennel/Animal Boarding	424.00	<u>130.00</u>
Nursing Homes		
0 to 10 rooms	84.50	<u>88.00</u>
11 or more rooms	310.00	<u>325.00</u>
<u>Orthodontist</u>		<u>133.00</u>
Outpatient Medical or Emergency Clinic	607.00	<u>637.00</u>
Rehabilitation Specialist	427.50	<u>133.00</u>
Veterinarian	427.50	<u>133.00</u>

PROFESSIONAL LEGAL SERVICES:

<u>Office (More than one licensed professional person)</u>		<u>133.00</u>
Attorneys	427.50	<u>133.00</u>
Bondsman	427.50	<u>133.00</u>
Detectives/Investigators, Security service:		
1 to 5 employees	427.50	<u>133.00</u>
6 to 15 employees	457.00	<u>164.00</u>
Over 15 employees	488.00	<u>197.00</u>

Repairs:

Garage/Auto, Bicycle Shop/Auto Detailing, Radio, Car Wash etc.:		
1 to 5 employees	127.50	<u>133.00</u>
6 to 15 employees	157.00	<u>164.00</u>
Over 15 employees	180.00	<u>189.00</u>

RETAIL/WHOLESALE:

Basic retail/wholesale:		
First 3,000 sq. ft.	84.50	<u>88.00</u>
Each add'l 3,000 sq. ft.	36.00	<u>37.00</u>
Boat Sales	188.00	<u>197.00</u>
Cemetery/ <u>monument</u> Sales	188.00	<u>197.00</u>
Farmer's Market Vendor	36.00	<u>37.00</u>
Gasoline service Station		
First pump	18.00	
Each additional pump	8.50	<u>9.00</u>
New/Used Car Dealer	310.00	<u>325.00</u>
Pawnbroker	461.50	<u>484.00</u>

Restaurant:

0 to 10 seats	60.50	<u>63.00</u>
each additional seat	2.00	<u>2.10</u>
drive-in/take-out service	60.50	<u>63.00</u>
Ice Cream Vendor	127.50	<u>133.00</u>
Sales Representative	127.50	<u>133.00</u>
Solicitor/Peddler (<u>See City Fee Schedule</u>)		
Mobile Licensing Vendors- Produce/Specialties (permit fee is additional separate charge)	60.00	<u>63.00</u>

Salons

Barber Shop /Beauty Shop/Nail/ <u>Pedicure</u> Shop	86.50	<u>90.00</u>
Esthetician/Body and Facial Scrubs	30.00	<u>31.00</u>
Each chair/or license holder	27.50	<u>28.00</u>
<u>(Also see Massage Therapist under Professional Services – Health)</u>		

Services-Educational:

Schools/Independent Teacher/Instructor Commercial, Dancing, Electronic, <u>Vocational</u> , Kindergarten, Music, Riding, etc.):		
1 to 25 students	42.00	<u>44.00</u>
26 to 50 students	79.00	<u>82.00</u>
51 to 75 students	115.00	<u>120.00</u>
51 to 75 students	157.50	<u>164.00</u>

Services-Entertainment:

Amusement/ <u>Video Game</u> Arcade	127.50	<u>133.00</u>
Billiards/ <u>Pool</u> (each location)	127.50	<u>133.00</u>

Bowling Alley	249.00	<u>261.00</u>
Dance/Entertainment Facilities Halls:	249.00	<u>261.00</u>
0 to 60 seats	279.00	<u>292.00</u>
over 60 seats		
Exhibitions (per day)	60.00	<u>63.00</u>
Golf - Miniature course		
Par 3 course	127.50	<u>133.00</u>
Regulation-9-18 holes	249.00	<u>261.00</u>
Palmistry	249.00	<u>261.00</u>
Rinks	127.50	<u>133.00</u>
Shooting Galleries	127.50	<u>133.00</u>
Spiritualist/Medium	249.00	<u>261.00</u>
Swimming Pool	60.00	<u>63.00</u>
Theaters:		
1 to 700 seats	249.00	<u>261.00</u>
701 to 1,000 seats	492.00	<u>516.00</u>
over 1,000 seats	735.00	<u>771.00</u>
Vending/Amusement Machines (coin operated): Jukebox, Pinball, Video, Pool Tables, Shuffleboard Etc., (each machine)	24.00	<u>25.00</u>
Drink & Food Products (\$.25 or less) each machine	12.00	
Drink & Food Products (over \$0.25) each machine	17.85	<u>18.00</u>

SERVICES-LODGING/PROPERTYMANAGEMENT: OFFICE

Apartment Building over three units- Apartments (each <u>dwelling unit</u> bedroom)	3.50	<u>7.00</u>
Hotels, Motels, & Boarding		
1 to 10 bedrooms	84.50	<u>88.00</u>
Over 10 rooms	310.00	<u>325.00</u>
Advertising Agency	127.50	<u>133.00</u>
Auction	249.00	<u>261.00</u>
Auctioneers	310.00	<u>325.00</u>
In Home Child or Senior care (6 clients)	36.00	<u>37.00</u>

Miscellaneous Business Offices and Businesses:

<u>Advertising Agency</u>	127.50	<u>133.00</u>
<u>Ambulance (each vehicle)</u>	127.50	<u>133.00</u>
<u>Auction</u>	249.00	<u>261.00</u>
<u>Auctioneers</u>	310.00	<u>325.00</u>
Auto Parking Lot/ <u>Garage</u> :		
1 to 10 cars	30.00	<u>31.00</u>
11 to 30 cars	60.50	<u>63.00</u>
31 to 60 cars	84.50	<u>88.00</u>

61 to 100 cars	127.50	<u>133.00</u>
Over 100 cars	249.00	<u>261.00</u>
<u>Vehicle/Auto Rental</u>	157.50	<u>165.00</u>
Bus Station	157.50	<u>165.00</u>
Cleaners, Copier Service, Dressmaker, Janitorial, Lawn Spraying, Linen & Towel Service, Photographer With Studio, Printer, Tailor, Travel Agency, etc.		
Owner operated	60.00	<u>63.00</u>
1to 5 employees	127.50	<u>133.00</u>
6 to 15 employees	157.50	<u>165.00</u>
Over 15 employees	188.00	<u>197.00</u>
Caterer/Catering Service:		
Each company	127.50	<u>133.00</u>
Mobile vendor, Each vehicle	127.50	<u>133.00</u>
	60.00	<u>63.00</u>
Day Care Centers (not schools):		
1 to 25 children	42.00	<u>44.00</u>
26 to 50 children	79.00	<u>82.00</u>
51 to 75 children	115.00	<u>120.00</u>
over 76 children	157.50	<u>165.00</u>
Escort Service	765.50	<u>803.00</u>
<u>Pest control company/Exterminator</u>	84.50	<u>88.00</u>
Each truck	24.00	<u>25.00</u>
Funeral home	249.00	<u>261.00</u>
Interior Decorator	85.00	<u>89.00</u>
Laundromats		
1to 10 machines	60.00	<u>63.00</u>
over 10, each add' 1	6.00	<u>6.00</u>
Laundry/Dry cleaners	84.50	<u>88.00</u>
Locksmith	84.50	<u>88.00</u>
Messenger/Delivery service	84.50	<u>88.00</u>
Outdoor Advertising Sign	60.50	<u>63.00</u>
Piano Tuner	48.50	<u>50.00</u>
Public Stenographer	60.50	<u>63.00</u>
<u>Railroad Company</u>	461.00	
Telephone Answering Service	60.50	<u>63.00</u>
Telephone Solicitor:		
For others	765.50	<u>803.00</u>
For business/ Customers	431.00	<u>452.00</u>
Warehouse/ <u>Storage</u> :		
First 5,000 sq.ft.	127.50	<u>133.00</u>

Each add'l, 1000 sq.ft.	6.00	<u>6.00</u>
Wrecker -Towing Service	127.50	<u>133.00</u>
Valet Service	127.50	<u>133.00</u>
<i>Vehicle for Hire</i>	300.00	<u>315.00</u>
Taxi Service, Moving Company		
1 to 4 vehicles	157.50	<u>165.00</u>
Each add'l vehicle	15.00	<u>15.00</u>
 UTILITIES:		
Electric Power Company	1215.00	
Fuel Oil or Gas Dealer;		
Manufactured, Bottled, LPG	243.50	<u>255.00</u>
Gasoline & Oil	279.50	<u>293.00</u>
Natural Gas Dealer	1215.50	<u>1276.00</u>
Waste/Recycling Collector:		
First truck	84.50	<u>88.00</u>
Each add'l truck	24.50	<u>25.00</u>
Water Company	1215.50	
Solid Waste Company	127.50	<u>133.00</u>
 UNCLASSIFIED or MISCELLANEOUS	 127.50	 <u>133.00</u>

SECTION 11. Incorporation Into Code. 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 12. 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 13. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

SECTION 14. This ordinance shall take effect October 1, 2015.

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 July, 2015.

Mayor Steve Leary

ATTEST:

Cynthia S. Bonham, City Clerk

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