



city commission agenda

Regular Meeting

October 26, 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** Trina Leary, Lake Highland Senior Class Chaplin
Pledge of Allegiance Nate Calvert

3 Approval of Agenda

4 Mayor's Report

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

- a. Proclamation - Sam Jones Retirement
- b. Proclamation - World Stroke Day
- c. Proclamation - 2015 Feed the Need
- d. Historic Preservation Ordinance process discussion

10 minutes

5 City Manager's Report

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

- a. Video Presentation - "Inside the City" Episode II: CRA

10 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
	<ul style="list-style-type: none"> a. Approve the minutes of October 12, 2015. b. Approve the following purchases and contract: <ul style="list-style-type: none"> 1. Blanket Purchase Order to USA Services, Inc. for Mechanical Sweeping Services; \$205,247.64; and piggyback contract renewal with USA Services, Inc. (City of Daytona Beach Contract No. 13-159). 2. Blanket Purchase Order to South Seminole & North Orange County Wastewater for Operational Maintenance; \$83,500. 3. Blanket Purchase Order to City of Orlando for Iron Bridge Sanitary Sewer; \$2,200,000. 4. Blanket Purchase Order to City of Orlando for Asbury Sanitary Sewer; \$400,000. 5. Blanket Purchase Order to City of Altamonte Springs for Wholesale Sewer Treatment; \$149,000. 6. Blanket Purchase Order to Aetna for Admin fee & Stop/Loss Insurance; \$768,168. 7. Blanket Purchase Order to MetLife for Group Dental Benefits (RFP-19-2008); \$365,573. 8. Piggyback Orange County Contract Y14-1070-LC for Asphalt Milling and Resurfacing to Hubbard Construction Company; and authorize the Mayor to execute contract. 	5 minutes
10	Action Items Requiring Discussion	*Projected Time *Subject to change
	a. Library report from consultant	20 minutes
11	Public Hearings	*Projected Time *Subject to change
	<ul style="list-style-type: none"> a. <u>Request of Erling Falk:</u> <ul style="list-style-type: none"> - Subdivision or lot split approval to divide the vacant property at 1295 N. Park Avenue, zoned R-1A, into two single family building lots. b. <u>Request of New Hope Baptist Church:</u> <ul style="list-style-type: none"> - Conditional use approval to use portable buildings on their church property for Sunday School classroom space and Fellowship Hall activities in conjunction with the church at 274 N. Capen Avenue. 	15 minutes 15 minutes

- | | |
|--|------------|
| c. <u>Request of Bethel Baptist Church for the property at 347 West New England Avenue:</u> | 15 minutes |
| <ul style="list-style-type: none"> - Ordinance – To change the Future Land Use designation of Commercial to Central Business District (1) - Ordinance – To change the zoning of Medium Density Multifamily Residential (R-3) District to Commercial (C-2) District (1) | |
| d. <u>Request of Rollins College for the College Arms property at 315 Holt Avenue:</u> | 20 minutes |
| <ul style="list-style-type: none"> - Ordinance – To change the Future Land Use Designation of Low Density Residential to Institutional (1) - Ordinance – To change the zoning of Low Density Residential (R-2) District to Public, Quasi-Public (PQP) District (1) | |
| e. <u>Request of Holler Hyundai dealership at 1150 North Orlando Avenue:</u> | 15 minutes |
| <ul style="list-style-type: none"> - Conditional use approval to expand the Holler Hyundai dealership | |
| f. Ordinance – Amending the FY2015 adopted budget (1) | 10 minutes |
| g. Ordinance – Updating the ordinary high water elevations of the lakes and provide clarifications of waterfront review procedures and development standards (1) | 15 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 total

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

October 26, 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.	Notice to Proceed for construction expected mid November 2015.
Future tree plantings	Develop an agenda item for Commission to review planting policies.	November 9 agenda.
MLK (Rollins) Restroom	Contractor is currently building out interior of restroom.	Anticipate completion by the end of November 2015.
Historic Preservation Ordinance	Draft approved by the Historic Preservation Board on 10/14/2015.	Ordinance to be presented to the Commission on November 9.
Visioning Steering Committee	Inviting community to participate at www.visionwinterpark.org .	October 27, 5:30-7:30, Mead Gardens – Keynotes in the Park
New Hope Baptist Church Project	The exterior of the buildings, accessible restrooms, landscaping, parking and drainage have been completed and approved. The Pastor has requested a conditional use to change the use of the buildings to Fellowship Hall and Sunday School classrooms.	Conditional Use on the October 26 agenda.
Library Public Sessions	Report on October 26 Commission agenda.	
Street Performers ordinance	Park Avenue Merchant's Association meeting in October. Goes to Parks Board in October and City Commission in November.	
Progress Point property	Planning and Zoning Board work session on 11/3/2015 at 4:00 p.m.	

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

REGULAR MEETING OF THE CITY COMMISSION
October 12, 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 Pastor Ed Garvin, Calvary Assembly of God, 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 Kurt Ardaman
City Clerk Cynthia Bonham

Approval of the agenda

Motion made by Mayor Leary to approve the agenda with the removal of Mayor's Report Item 'd'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Mayor's Report

Mayor Leary welcomed our new City Attorney Kurt Ardaman. Mayor Leary announced the passing of Fred Leonhardt of the Gray Robinson law firm. Commissioner McMacken addressed the success of the 42nd Autumn Art Festival.

a. Recognition - Winter Park 14u Babe Ruth 2015 World Series Bronze Medalist

Mayor Leary recognized the Winter Park 14u Babe Ruth Girls All Star Softball Team who won third place in the 2015 World Series in August in Newberry, Florida. Coach Staudt remarked about the remarkable job the girls did and how hard they worked to achieve this award.

b. Business Recognition Award – Q3 2015 recipient Tuni Trendy & Chic

Planning Director Dori Stone recognized Tuni Trendy & Chic as the Q3 2015 recipient of the Business Recognition Award. Mayor Leary presented Tuni and Paige Blackwelder with the award. Tuni Blackwelder thanked the Commission and spoke about the many years they have been in Winter Park.

c. Proclamation - National Friends of Libraries Week

Mayor Leary proclaimed October 18-24, 2015 as National Friends of Libraries Week. Shawn Shaffer, Executive Director of the Winter Park Public Library, accepted the proclamation. Thad Seymour was present along with Polly Seymour and Marcia Wright who spoke about the many volunteers that support the New Leaf Bookstore and the funds that were raised throughout the last 37 years. The volunteers were present and recognized.

d. Proclamation - World Stroke Day

This proclamation was rescheduled for the October 26 agenda.

e. Proclamation - 2015 Fire Prevention Month

Mayor Leary proclaimed October 2015 as Fire Prevention Month. Several firefighters were present to accept the proclamation. Fire Chief Jim White spoke about the importance of smoke detectors (that recently saved lives at the home of 1216 Golfside Drive) and the open house this week at that home to show everyone what damage a fire can do. He thanked the Mayor for the proclamation.

City Manager's Report

City Manager Knight announced that today is the 128th anniversary of the City. Mayor Leary asked if there is any information regarding the former director of the Hannibal Square Community Land Trust who was dismissed. City Manager Knight did not have any more information regarding this.

Commissioner Cooper spoke about the previous Commission discussion regarding reimbursement of attorney fees from developers; accessibility of visitors parking in multi-family developments; and clarification on our lot split language and if our codes needed to be changed. These will come before the Commission if staff believes we need to change the code.

City Attorney's Report

Attorney Ardaman stated he is glad to be here and is looking forward to serving the City.

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of September 28, 2015.
- b. Approve the following purchases and formal solicitations:
 - 1. Blanket Purchase Order to Waste Pro of Florida for Residential, Commercial & Construction Solid Waste Collection, RFP-6-2009; \$2,200,000.00. **PULLED FROM CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**
 - 2. Blanket Purchase Order to Air Liquide Industrial Company for Liquid Oxygen for Water Treatment Facilities; \$150,000.
 - 3. Blanket Purchase Order to Odyssey Manufacture Co. for Sodium Hypochlorite; \$155,000.
 - 4. Blanket Purchase Order to GATSO USA for Red Light Safety Enforcement; \$403,200.

5. Blanket Purchase Order to Stephen Technology for Trenchless Repair to Sanitary Sewer Main; \$120,000.
6. Blanket Purchase Order to Perma Liner Industry for Trenchless Repair to Sanitary Sewer Main; \$300,000.
7. Blanket Purchase Order to Florida Power & Light Co. for Bulk Power Supply; \$10,500,000.
8. Blanket Purchase Order to Florida Power & Light Co. for Power Transmission; \$800,000.
9. Blanket Purchase Order to Covanta Energy Marketing LLC for Bulk Power Supply; \$4,000,000.
10. Blanket Purchase Order to Duke Energy for Transmission pursuant to Duke Energy Tariff; \$2,100,000.
11. Blanket Purchase order to Gainesville Regional Utilities (GRU) for Bulk Power Supply (ITN-13-2013); \$4,600,000.
12. Blanket Purchase Order to Orlando Utilities Commission for Bulk Power Supply and Power Transmission (ITN-13-2013); \$4,600,000.
13. Blanket Purchase Order to Winter Park Public Library for Annual Organizational Support; \$1,422,472.
14. Avcon, Inc., RFQ-15-2015, Continuing Services Contract for Engineering & Design Services of Florida Department of Transportation (FDOT) Local Agency Program (LAP) projects. **PULLED FROM CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**
15. Comprehensive Engineering Services, Inc., RFQ-15-2015, Continuing Services Contract for Engineering & Design Services of Florida Department of Transportation (FDOT) Local Agency Program (LAP) projects. **PULLED FROM CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**
16. Kelly, Collins, & Gentry, Inc., RFQ-15-2015, Continuing Services Contract for Engineering & Design Services of Florida Department of Transportation (FDOT) Local Agency Program (LAP) projects. **PULLED FROM CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**
17. Authorize staff to enter into negotiations with the top ranked firm, Tyler Technologies, ITN-11-2015, Enterprise Resource Planning (ERP) System Selection.

Motion made by Commissioner Sprinkel to approve Consent Agenda items a, b-2 to b-13, and b-17; seconded by Mayor Leary and carried unanimously with a 5-0 vote. No public comments were made.

Consent Agenda item b-1: Commissioner McMacken pulled this item. He wanted to clarify that we are going out to bid. City Manager Knight explained this is a blanket purchase order and if the City changes vendors that this will be voided and a new purchase order for the new company will be brought forward. **Motion made by Commissioner McMacken to approve Consent Agenda item b-1; seconded by Mayor Leary and carried unanimously with a 5-0 vote.** No public comments were made.

Consent Agenda items b-14, b-15 and b-16: Commissioner Seidel pulled these items for discussion. It was determined that he had a conflict of interest and submitted a Form 8B. **Motion made by Mayor Leary to approve Consent Agenda items b-14, b-15 and b-16; seconded by Commissioner McMacken and carried with a 4-0 vote with Commissioner Seidel abstaining.** No public comments were made.

Action Items Requiring Discussion

a. State Legislative Priorities

City Manager Knight explained the state legislative session is earlier this year. He provided a list of staff's recommended state legislative priorities that will be forwarded to our lobbyist for this session once the Commission approves the list.

Motion made by Commissioner Sprinkel to approve the legislative priority list (and provide to the lobbyist); seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

State Representative Mike Miller, 375 Sylvan Drive, stated he will do the best he can for Winter Park.

Public Hearings:

a. Request of Phil Kean Designs, Inc. for the property at 652 West Morse Boulevard:

ORDINANCE NO. 3013-15: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT FUTURE LAND USE ON THE PROPERTY AT 652 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

ORDINANCE NO. 3014-15: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE FROM OFFICE (O-1) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 652 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Conditional use approval to redevelop the property into 11 residential units that are two and three story in height with a total project size of 40,566 square feet.

Attorney Ardaman read both ordinances by title. He explained the redline version of the developer's agreement handed out and outlined the changes made after the packet went out.

Planning Manager Jeff Briggs explained the City park property in the front by Morse Boulevard and the sidewalk going to the back of the Community Center property that is in distressed condition; the developers have agreed to improve that in concert with approval from the Parks Department and have agreed to maintain the plantings and irrigation. He stated they are not in agreement to maintain the colonnade and the patio area up front. He asked if the Commission is interested in pursuing a sale of the back part of the park where the sidewalk goes down to the Community Center understanding that the developer cannot build anything on this property. Upon discussion, this was not pursued. There was discussion regarding the landscaping and that Parks Director Holland will review and approve the landscape plan.

Dan Bellows, 411 W. New England Avenue, stated he originally acquired this land and sold it to the current owners but that the land did not get used the way it was supposed be and that the developer should purchase the land from the City.

Jacob Farmer, 135 N. Knowles Avenue, provided a visual of the property being discussed. He stated they will be working with the Parks Department to approve the landscape plan. It was clarified that the property is only 2 tenths of an acre.

Commissioner McMacken disagreed with turning over this property because if they had greenspace on their property it would have fewer buildings; now they are taking over park space to get greenspace they do not have on their site.

Motion made by Mayor Leary to adopt the comprehensive plan ordinance; seconded by Commissioner Seidel. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.

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

Motion made by Mayor Leary to approve the conditional use with the development agreement as modified; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.

b. Request of Sydgan Corporation:

ORDINANCE NO. 3015-15: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND ABANDONING THE 5 FOOT UTILITY EASEMENT LOCATED ON BLOCK "G" OF THE HOME ACRES SUBDIVISION AND THE 1999 FLORIDA POWER CORPORATION DISTRIBUTION EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.
Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner McMacken to adopt the ordinance; 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. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPORTING THE SCHOOL REZONING PETITION OF THE LAKE BELL NEIGHBORHOOD.

Attorney Ardaman read the resolution by title. City Manager Knight explained the request of the Lake Bell neighborhood north of Lee Road to change to Winter Park schools from the current schools their children are zoned to attend. He provided a revised resolution for consideration that says the Commission supports Winter Park residents being zoned to attend schools located in Winter Park.

Mayor Leary addressed the lack of knowledge as to how the OCPS operates but that he is happy to support that this be given due consideration by the School Board. Commissioner McMacken stated he could support the resolution as amended because it is up to the School Board whether or not to accept their request.

Commissioner Cooper commented about the other Winter Park children not in Winter Park schools and that Orange County has a process in place and is working with the residents to try and fix the Hungerford Elementary School. She stated she wants to make sure the City is not intervening in a process that would put pressure on the other officials having a process they have to follow. Mayor Leary clarified that the City is not asking to rezone this area but is asking for consideration and the City is saying they support the notion that Winter Park residents attend Winter Park schools.

Commissioner Sprinkel spoke about the system in place at the School Board and her understanding that they are going to be undergoing rezoning next year. She could not support this because of the lack of Winter Park schools to be able to accommodate all Winter Park residents and that the City should not be involved in this type of business. Commissioner Seidel stated he could support a more general resolution that does not identify specific neighborhoods but identifies the City of Winter Park in sending our children (especially elementary school children) to Winter Park schools.

Hillary Bressler, 1045 Lake Bell Drive, addressed the 30 elementary school children in their neighborhood zoned to attend Hungerford. She expressed wanting to attend a better school district, their zoning does not make sense, they want to be in a school aligned with sports and other activities, and that they are currently not sending their children to Hungerford but are seeking other venues. She asked that the City support and help them with their request.

Attorney Ardaman spoke about the complicated process that he was not sure the City would want to be involved in.

Motion made by Mayor Leary to adopt the amended resolution; seconded by Commissioner McMacken. Upon a roll call vote, Mayor Leary and Commissioner McMacken voted yes. Commissioners Seidel, Sprinkel, and Cooper voted no. The motion failed with a 3-2 vote.

Mayor Leary stated if the City can assist the residents without a resolution that the City will help in any way they can. Commissioner Seidel stated he would be happy to discuss this with the residents to see what can be done.

City Commission Reports:

a. Commissioner Seidel – Spoke about the passing of his neighbor Becky Perez, a member of the First United Methodist Church, who passed away from a long battle with breast cancer.

b. Commissioner Sprinkel – Spoke about the previous discussion regarding the Lake Bell resolution and that this is a great time to deal with this because they are in the process of redrawing the lines. She suggested that the residents work with the School Board. She stated she was sorry she could not do more.

Commissioner Sprinkel mentioned the Hannibal Square event that she attended.

Commissioner Sprinkel addressed the upcoming library events. Library Executive Director Shawn Shaffer stated they received a grant from the Edith Bush Charitable Trust who is funding some projects for them with a group called Library Strategies and that they will be meeting with their consultants to discuss the projects. She stated that they partnered with the Killarney School who needs help and their support with a reading night. She mentioned other events sponsored by the library.

c. Commissioner Cooper – Thanked the Lake Bell residents for coming tonight and hoped they understand the concerns the Commission has with interfering with someone else's process but that she does support their efforts. She reminded everyone about the final version of the historic preservation ordinance going to the Historic Preservation Board on October 14. She mentioned the Tri County League of Cities lunch in Oviedo on October 15 and other events taking place at the Dr. Phillips Center and the League of Women Voters money and politics symposium.

d. Commissioner McMacken – Spoke about his Coffee Talk and the group that attended to include a police officer who answered questions regarding recent burglaries.

e. Mayor Leary – Spoke about the upcoming community forum sponsored by the Ministerial Alliance who wanted to discuss complications happening around the nation between police and the community and to discuss how to interact with police when approached.

Public Comments (items not on the agenda – 5:00)

There were no public comments made.

The meeting adjourned at 5:01 p.m.

ATTEST:

Mayor Steve Leary

City Clerk Cynthia S. Bonham, MMC



city commission agenda item

item type	Consent Agenda	meeting date	October 26, 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.	USA Services, Inc.	Blanket Purchase Order for Mechanical Sweeping Service City of Daytona Beach Contract No. 13-159	Total expenditure included in approved FY16 budget. Amount: \$205,247.64	Commission approve Blanket Purchase Order to USA Services, Inc. for Mechanical Sweeping Services and approve piggyback contract renewal with USA Services, Inc.
The purchase will be made utilizing Piggyback Contract with City of Daytona Beach – No. 13-159. The Blanket Purchase Order will expire September 30, 2016. City of Daytona Beach Contract No. 13-159 will expire October 1, 2018.				
2.	S. Seminole & N. Orange County Wastewater	Blanket Purchase Order for Interlocal Agreement - Operational Maintenance	Total expenditure included in approved FY16 budget. Amount: \$83,500	Commission approve Blanket Purchase Order to S. Seminole & N. Orange County Wastewater for Operational Maintenance
This Blanket Purchase Order will expire September 30, 2016.				
3.	City of Orlando	Blanket Purchase Order for Iron Bridge Sanitary Sewer	Total expenditure included in approved FY16 budget. Amount: \$2,200,000	Commission approve Blanket Purchase Order to City of Orlando for Iron Bridge Sanitary Sewer
This Blanket Purchase Order will expire September 30, 2016.				
4.	City of Orlando	Blanket Purchase Order for Asbury Sanitary Sewer	Total expenditure included in approved FY16 budget. Amount: \$400,000	Commission approve Blanket Purchase Order to City of Orlando for Asbury Sanitary Sewer
This Blanket Purchase Order will expire September 30, 2016.				
5.	City of Altamonte Springs	Blanket Purchase Order for Wholesale Sewer Treatment	Total expenditure included in approved FY16 budget. Amount: \$149,000	Commission approve Blanket Purchase Order to City of Altamonte Springs for Wholesale Sewer Treatment
This Blanket Purchase Order will expire September 30, 2016.				
6.	Aetna	Blanket Purchase Order for Admin Fee & Stop/Loss Insurance RFP-6-2007	Total expenditure included in approved FY16 budget. Amount: \$768,168	Commission approve Blanket Purchase Order to Aetna for Medical & Stop/Loss Insurance
This Blanket Purchase Order will expire September 30, 2016.				

	vendor	item background	fiscal impact	motion recommendation
7.	MetLife	Blanket Purchase Order for Group Dental Benefits RFP-19-2008	Total expenditure included in approved FY16 budget. Amount: \$365,573	Commission approve Blanket Purchase Order to MetLife for Group Dental Benefits
This Blanket Purchase Order will expire September 30, 2016.				

Piggyback Contracts

	vendor	item background	fiscal impact	motion recommendation
8.	Hubbard Construction Company	Piggyback Orange County Contract Y14-1070-LC for Asphalt Milling and Resurfacing	Total expenditure included in approved FY16 budget.	Commission approve piggyback contract to Hubbard Construction Company and authorize the Mayor to execute contract.
Orange County utilized a formal solicitation to award this contract. This contract will expire October 31, 2016.				



city commission agenda item

Item type	Action Item Requiring Discussion	meeting date	October 26, 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 checked="" type="checkbox"/> Investment in Public Assets & Infrastructure		

subject

New Library/Civic Center Final Report

motion | recommendation

The following motions are needed:

- Accept the final report form ACi.
- Approve the general location of the new Library/Civic Center at the existing Civic Center site
- Direct staff to bring back an ordinance calling for a bond referendum to be held in conjunction with the City elections March 15, 2016 in an amount not to exceed \$30,000,000 (or such other amount as the Commission sees fit).

background

At the July 13, 2015 Commission meeting the Commission directed staff to utilize the services of ACi to facilitate a series of community outreach meetings, to develop site plans and building elevations and to provide an estimated cost that can be used for the bond referendum.

ACi did facilitate three community outreach meetings which led to the attached final report that includes site plans, building elevations and estimated costs for the new Library/Civic Center facility. Based upon those meetings there appeared to be consensus that the northwest corner of the property (the site of the existing Civic Center) is the best location for the new facility. The all-in cost of the Library, Civic Center and Parking Garage is estimated to be \$32,414,311. With the Library committed to \$2.5 million (including grants) the remaining amount needed is \$29,914,311. It should be noted that this number includes a fairly healthy contingency of 15% (\$3,450,243) of the construction component of the costs.

In order to have the Library/Civic Center bond question on the ballot March 15, 2016 the Commission will need to adopt an ordinance calling for the bond question by the first meeting in December. The current schedule is to put the ordinance on the two meetings in November.

A \$30 million 20-year bond issue would require a first year millage rate of approximately 0.4937. The golf course bonds that are rolling off the tax bill were at 0.0892 mills so the net new millage would be approximately 0.4045 mills. These numbers are scalable, meaning for \$1 million increase or decrease to the bond issue the millage would increase or decrease approximately 0.0165 mills.

alternatives | other considerations

There are numerous options that can be considered. The Commission could choose to pay some of the cost from other sources other than the bond issue and thereby reduce the amount in the bond question. The scope of the project could be modified. The contingency could be reduced.

fiscal impact

TBD



Winter Park Public Library and Civic Center at Martin Luther King, Jr. Park

Community Engagement Workshops

Prepared for:
City of Winter Park, Florida & Winter Park Public Library Board of Trustees

Prepared by:
City Consulting Architect-ACi Architects

ACi Consulting Team:
Jeffrey Blydenburgh Architect
HKS Architects
Project for Public Spaces
Stantec/Haley Harrison Landscape Architects
AVCON Engineering

Date: October 26, 2015

“The idea of collaboration, the need to get together and collaborate, share and actually going out into the park was fantastic! That was hands on. That’s what we need. That’s engagement. That’s involvement.”

Winter Park Citizen & Workshop Collaborator

The ACi Team wants to express our deepest thanks to those who made these workshops possible including the City of Winter Park Commission and the Winter Park Library Board of Trustees, Executive Director and Staff, the City Manager, City Communications Department, the City Parks & Recreation Director and Staff and the City Library Task Force for their tireless efforts.

Special thanks to our guest speakers Amy Garmer, Director of the Communications & Society program for The Aspen Institute, Dr. Norman Jacknis, President of the New York Metropolitan Library Council and Fred Kent and Elena Madison, Principals of Project for Public Spaces.

The greatest thanks goes to our citizens, friends and neighbors who showed up in great numbers. They enthusiastically helped us improve our community’s civic participation process, ensuring a democratic outcome, and creating a strong sense of community that strengthens people’s attachment to their place and to each other.

The New American Public Library

*“The library, the most democratic of public institutions, is the **essential civil society space** where this new America will take its democratic character.*

The library is a core civic society institution, democracy’s ‘maker space.’.”

*-Amy K. Garmer
The Aspen Institute*



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INTRODUCTION / FOREWORD

Introduction / Foreword:

One of the most important attributes about our 128-year old city is that this long and wonderful amount of time has allowed each succeeding generation to make its own unique contribution to Winter Park's future.

As times, trends and community demographics have evolved, so has our community library. Relocating 3 times, starting in the early 1900's, the last expansion (1975) was a 3rd floor addition that was added to serve the growing needs of our city's children and youth.

With each physical relocation that occurred, the library physically and strategically grew to serve its community. Not because it wanted to get bigger, but because our community needed a different kind of library. The proposed next era of the Winter Park Public Library is not unlike other great communities and libraries across America that are building a new 21st century public library platform. That new platform accelerates us all from "knowledge information" to "knowledge creation". This transformation is being integrated with new places of community collaboration that are multi-use civic/library destinations. The "City Task Force Final Report" of June 22, 2015, documents the fact that 80% of library construction built in the last few years is all new construction. These results also show significant increases in the number of users, members, visitors and improvements involving the city's social and economic quality of life.

Today, the presentation of this "Community Engagement Workshops" report builds upon the Task Force Report recommendations regarding site location. Following 10 months of well-attended public meetings more than 5 locations were studied, including the existing location. In a unanimous vote, the Task Force overwhelmingly recommended the site for the new library be located in the northern sector of Martin Luther King JR. Park (MLK Park).

Following the Commission's review of the City Task Force's recommendation for this location, through a unanimous vote, the Commission directed the City Manager to move forward with a more detailed conceptual study by the City's consulting architect, ACi, to achieve the following outcomes:

- Continue informing and involving the community with open access, dialogue, participation and input regarding a specific location within the northern sector of MLK Park to build consensus regarding concept site composition, quality of architecture, style, and visualization;
- Include a new civic center and low-profile garage;
- Illustrate 2 options for the community preferred location in the northern sector;
- Prepare a conceptual library design visualizations;
- Based on the above, prepare an updated preliminary Concept Budget;
- Present the above information to the Commission on October 26, 2015.

It is important to note that this document represents a community-led framework of guiding principles for more community engagement to follow. Following the results of the public bond referendum, this document will be important to the next steps of finalizing the conceptual work presented herein.

What We Learned From Our Community

A huge thanks goes to the large numbers of people that attended the 3 community Workshops at the Civic Center at MLK Park and/or watched the live streaming of the workshops online.

What we learned from our community is that a great public civic use is really a community's "third place" (personal fulfillment beyond where one lives or works). An interactive place for all people individually or in groups to come together to openly discuss, learn, discover and create. In order to create a civic and park composition for the new Library and Civic Center, community-led thinking has been the key.

What We Did

The purpose of this next step was to more carefully assess the report's high-level findings, regarding physical and implementation constraints, impacts and opportunities including park character and open space, surface and structured parking, street presence, existing storm water capacity, as well as re-purposing the existing civic center with the new library. A key guiding principle of this next step was to bring forth valid site location options that could enrich and energize better utilization of existing park space as a multi-use destination for all members of our community. The process, which took place, as described herein, was intended to create a transparent and open dialogue with the community. It was structured to inform and involve our citizens with sensitive site development relationship concepts between the new proposed library building, civic center, garage and the northern sector of MLK Park.

To do this, and both retain and improve the community's use of park's open space, viewshed, landscape, wildlife and current experiences, the process was structured to start with the park, not the buildings.



The Scope

- Site location (2 options)
- Street presence
- Site access/vehicular circulation (public, service)
- Parking
- Park view shed/open space, existing/proposed landscape
- Site/civil/storm water
- Sustainability
- Pedestrian, bicycle access/circulation
- Relationship to surrounding uses
- Conceptual design expressions
- Conceptual budget

Following the City's authorization, a "Kickoff Meeting" occurred between all required team members to review and align the goals, objectives, required tasks and key schedule milestones to be completed by the City, Library Administration, ACi and bond referendum consultant.

ACi and its sub-consultants generally collected, studied, evaluated and developed specific data which was then used in connection with the following areas of study in preparation for:

- Review of existing data including topographical, boundary & utilities
- Create a conceptual Civic Center facility program
- Develop site location options for new Library, Civic Center & Garage
- Civil drainage/storm water capacity study
- Sustainability considerations
- Pedestrian, bicycle access/circulation
- Relationship to surrounding uses
- Conceptual site and building design expressions
- Concept budget

The ACi Team assisted the City and Library Administration in facilitating 3 community workshops. ACi recommended the Community Workshops be conducted at the Civic Center located at MLK Park to physically have a "hands on" experience with the park. The specific sequence and content of these workshops is further described within this report.





COMMUNITY ENGAGEMENT

Community Engagement:

At the direction of the Winter Park City Commission, ACi began a three-pronged phase of community engagement, structured to bring the community's knowledge to the forefront both in person and virtually live-streaming the workshops.

The purpose of the workshops were to:

- Continue Commission's emphasis on Community-led thinking.
- Co-create a new "place" for a new 21st century Library/ Civic Center in MLK Park.
- Visualize the "place" and "building character" of our new Library/ Civic Center.

Three Community Workshops:

- Site Placemaking Possibilities, August 22, 2015
- Building Design Possibilities, August 23, 2015
- Community Findings & Visualization, September 17, 2015

Site Placemaking Possibilities ~ Workshop 1:

On August 22, 2015, the ACi Team assisted the City and Library Administration in facilitating the first community engagement workshop for the New Winter Park Public Library/Civic Center. The workshop introduced an overview of the vision, existing site conditions, a site walkabout, and site and building planning input. Visualizing the "place" first and "building character" second, led

the discussion to include open space, landscape, street view, surrounding neighborhoods, and user preferences regarding trees, walkability, image, comfort, safety, parking and access to the park.

Prominent guest speakers were presented which included, **Dr. Norman Jacknis from The Aspen Institute**, advisor to the U.S. Council of Mayors, President of the New York Metropolitan Library Council, and Director of Cisco's IBSG Public Sector Group (the company's open innovation and strategic advisory group) along with **Fred Kent and Elena Madison, Founder and Principals from Project for Public Spaces**. All three are globally recognized, world-renowned experts in their respective fields of working with communities involving 21st century public libraries, famous award-winning parks, socio-economic development, and public/civic space placemaking.

Dr. Jacknis began his presentation by introducing the community to all the library competitors of today, such as Kindle, Google and many other Internet and technological resources, which serve as a platform similar to the "traditional" library. Jacknis spoke to the library as a nationally networked platform, no longer being local, instead having an array of digitalization, oral and visual materials combined with paper and other non-electronic media. Subsequently, Jacknis explained a brief history of the library, showing comparisons of what the library's collection used to be in the past and what it is today and will be in the coming future. Though books in the traditional sense remain important, our society has moved from storing books locally to storing somewhere out there – in the Cloud.



We have an infinite collection of wearable technology including in-sight information, translators, display screens, Facetime and Skype that enable us to connect with the world from anywhere.

Following up, Jacknis explains that The Aspen Institute believes the library will be the platform of the future, and will serve to connect people to place, creating a lifelong learning and creativity space, sometimes known as a "third place". He goes on showing what path the library could possibly take, by being partners or serving as a platform for self-publishing services, having maker spaces with art, music and video; or also serving as an innovation space, with conversation cafes, innovative technology and long lasting history. Based on The Aspen Institute's detailed and published research,



Jacknis and The Aspen Institute believe the "public library is the most cost-effective institution for life-long learning," therefore it should not be forgotten or left in the past.

The workshop continued with Fred Kent and Elena Madison from Project for Public Spaces. A space can be transformed into an active and living area for the future of the community, with parks and libraries benefiting from such a location as the one proposed. Kent stated, "In the 21st century the best city parks are also multi-use destinations and catalysts for community development." Workshop attendees were presented an array of examples such as Bryant Park and Central Park, which led to observation through the pictures of community involvement and the difference of those places. Throughout this part of the



workshop, Elena and Fred demonstrated to the community how the transformation from a simple park to an active park is possible and an exciting one, where in the long term, placemaking pays off with the green spaces advancing the economic development of the city and its residents.

Since citizens understand their community's need, hopes and desires for the future, ACi invited the audience to walk the park / site so they could observe the location, the park, current civic center, surrounding neighborhoods, and user preferences regarding trees, walkability, image, comfort, safety, parking and access to the park.

After an engaging walk by all workshop attendees, the small groups became filled with ideas and discoveries, and began formulating opinions on the site location. These small groups gathered at their tables and began to formulate which area, within the park, the library and civic center should go, and what placemaking possibilities the park could plan for outside of the library and civic center.

After a period of discussions and placemaking decisions, the team leaders presented each groups' proposed plans (see appendix for more information on team ideas). The groups seemed extremely interested in the project with extraordinary ideas that could not only benefit their neighborhood, but the City of Winter Park as a whole. The outcomes were extremely interesting, and varied from activities in the park, water activities, to common spaces to meet/gather or just be alone in the park with natural shade, cafes, and even a carousel.

The workshop was an engaging opportunity, enabling the community to connect to the project, giving important opinions and input for the ACi Team to then translate. The workshop's goal was to engage with the community on the vision, existing site conditions, placemaking possibilities and library and civic center site location. The citizens' passion for Winter Park's public resources led to a very positive discussion as our community moves forward in a 21st century that requires access to information, knowledge and networks.



Building Design Possibilities ~ Workshop 2:

Following the community-led thinking process described above on "Place the Site", the second workshop opened in the afternoon of August 23, 2015 with visual pop-up's and placemaking ideas which came from the community input given from citizens in the first workshop. Those ideas were laid out to the community whom attended (both in-person and through the live-stream) to gather feedback and thought.

Citizens expressed, in their dialogue and through group presentations, that Winter Park has the remarkable opportunity to define its new library and MLK Park as "21st century places." The community's input emphasized the need for sensitivity in bringing the park and library together and protecting the open viewshed that exists at the corner of Morse and Denning. Placing the new library, civic center and garage in the general area of the existing civic center was a common comment; the new composition should more fully integrate and be envisioned as the heart of a multi-use destination: a vibrant, green, dynamic and exciting place that enhances the experience of both park and library, and builds a strong sense of community. Planning and integrating some of the ideas created by the community in workshop #1, the MLK Park will better support the broader plans for extending Winter Park's village core to Morse Boulevard, creating a distinct and active walkable city edge. The new library building has the potential of being a catalyst on Morse Boulevard, bringing activity closer to the street and creating a library plaza at the corner of Morse Boulevard and Harper Avenue.



Library User Behavior:

Before the second workshop concluded, the ACi Team facilitated a Library User Experience Survey exercise where 51 workshop attendees participated. The below summarizes the main findings from those activities and includes key examples. These were then shared at Community Workshop #3 on September 17th.

I. Main Findings:

- More & larger reading areas with access to natural light & views.
- Generations tend to share similar interests in spaces of engagement and quiet repose.
- Thus, organization of the library should be considered by functional use rather than by mostly age.
- However, with these shared interests and needs, ensure that services are distributed throughout the library spaces for optimal use.
- Consider a combined bookstore/cafe to meet desire for food service & ability to purchase items of "literary and historical interest."
- Make sure that services and spaces are strategically located within and throughout the space to avoid the isolation or high threshold of effort to get to locations (i.e., adult interest areas currently segregated by child/teen/tween zones).
- Employees are also end users and their spaces should be allocated as a mix between ease of access to the public with private, secure areas for administrative functions.

II. Visual Preference Insights-New Library Interiors

Visual Preference Boards featuring images from six different categories of the Future Library's program were displayed for the public's critique. Users were asked to place green circular stickers on boards to which they had a positive reaction. Red stickers were to be placed on images that they did not favor. The interior design team was then able to identify certain interior preferences based on the collection of these stickers.

Overall, the users were drawn to images that have natural light and views to the outdoors. They preferred larger scale spaces but also favored smaller task-oriented areas. Color preference was weighted toward subdued crisp accents, instead of highly saturated tones. For special use areas such as a café, the users were overly interested in an outdoor/indoor space.





NEW WINTER PARK PUBLIC LIBRARY / CIVIC CENTER: CIVIL ENGAGEMENT SPACE SMALL TO AUDITORIUM



Winter Park
PUBLIC LIBRARY



HKS

ACi
ARCHITECTURE
redefined

COMMUNITY WORKSHOPS: AUGUST 22 - 23, 2015



Winter Park
PUBLIC LIBRARY



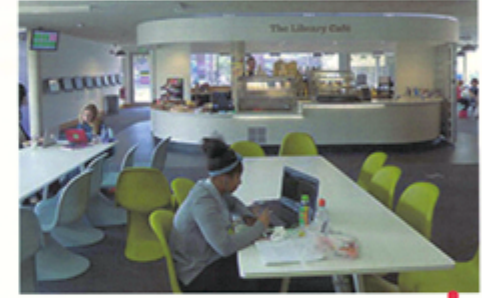
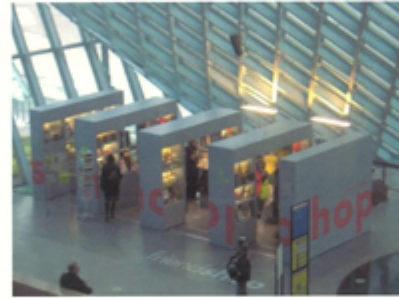
ACi
ARCHITECTURE
redefined



2

6

4



14



2



3

3

3

NEW WINTER PARK PUBLIC LIBRARY / CIVIC CENTER: CAFE STORE



COMMUNITY WORKSHOPS: AUGUST 22 - 23, 2015



2



1



NEW WINTER PARK PUBLIC LIBRARY / CIVIC CENTER: READER AREAS



COMMUNITY WORKSHOPS: AUGUST 22 - 23, 2015



2



1



NEW WINTER PARK PUBLIC LIBRARY / CIVIC CENTER: COLLECTION SPACE



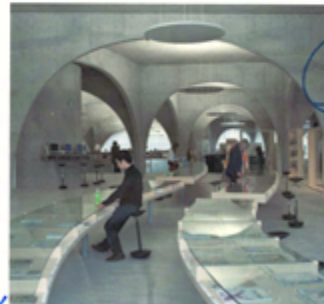
COMMUNITY WORKSHOPS: AUGUST 22 - 23, 2015



NEW WINTER PARK PUBLIC LIBRARY / CIVIC CENTER: ELECTRONIC COMMONS ALL AGES



COMMUNITY WORKSHOPS: AUGUST 22 - 23, 2015



NEW WINTER PARK PUBLIC LIBRARY / CIVIC CENTER: LOCAL HISTORY AREA



COMMUNITY WORKSHOPS: AUGUST 22 - 23, 2015

III. Library User Experience Insights

Each workshop participant was given a small packet of papers with a “worksheet” collecting basic demographic information and key questions about preferences and use in the existing library space. Floor plans were included to share how they enter/exit the building, spaces they access (or not) and services they use. Those who participated in the User Experience mapping exercise ranged in ages from 5 to 86 who submitted feedback via written note, annotated plan and drawings.

Major insights were regarding both user experiences within the current Winter Park library and their expectations for the future library. Overall, patrons enjoyed the bookstore and voiced interest in bringing back some degree of food service. The community room was seen as a useful but less than functional space requiring more room, more aesthetic care and access to daylight. Reading areas, both large/communal and small/silent with access to daylight were valued from the youngest patron to the oldest. Parents voiced a desire for some spaces in which their children could read to them.

A continued presence of “new” and periodical materials, as well as digital materials (i.e., DVDs) was also important across most age groups. However, the Archives were a point of differentiation for many older patrons; either they considered it an asset or were unaware of its existence. Space for tutoring and homework was of higher interest for parents. Some of the younger patrons specified spaces for adults and staff, along with quiet reading areas, which

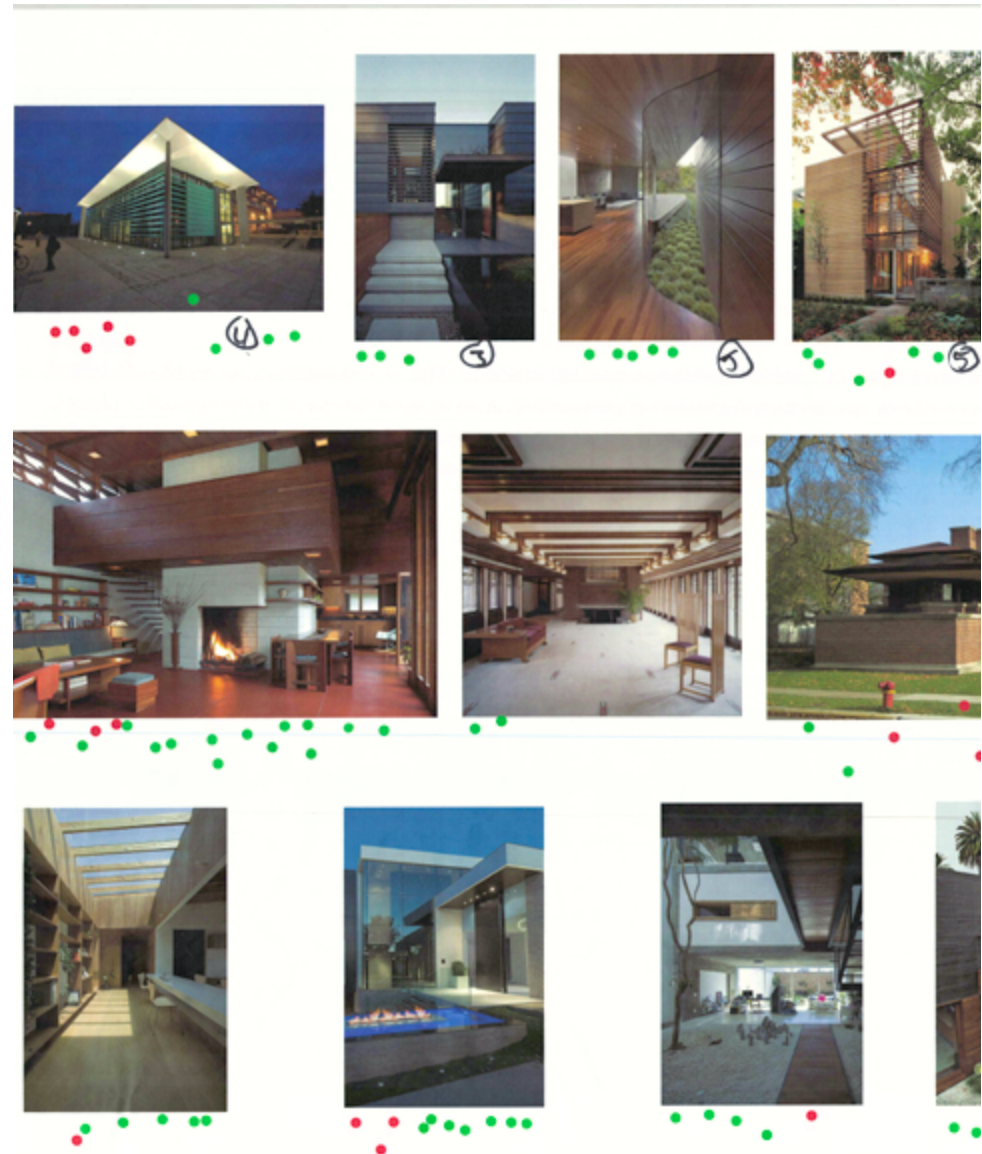
is an interesting perspective to consider in the context of shared preferences and activities. Library staff and patrons alike mentioned an interest in having the staff more centrally located for ease of access and connectivity with the community.



Interactive Design Visual Preference Study:

To assist the ACi Team's ability to translate the community-led thinking on building design, we began with Winter Park's own visual character. A brief architectural history of Winter Park was given, followed by an interactive Visual Preferences Design exercise where participants were able to engage through placing green and red dots next to pictures they connected with or away from. These visual preferences ranged from three distinct exterior architecture categories of Arts & Crafts, Mediterranean, and Modern (alphabetical) to Interior Architecture design, Parking Structure designs, and Sustainability design preferences.

This engagement led the ACi Team to identify preferences based on the collection of these stickers. This data collection resulted in moving forward with a modern architecture design since that was the design with the community's highest volume of green dots.



NEW WINTER PARK PUBLIC LIBRARY / CIVIC CENTER: MODERN STYLE

109 GREEN / 28 RED



④



③



⑤



⑤



⑫



⑨



①



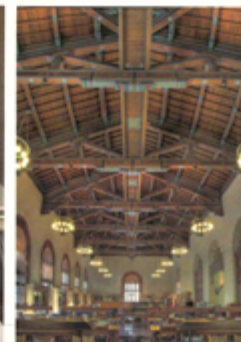
NEW WINTER PARK PUBLIC LIBRARY / CIVIC CENTER: MODERN STYLE



WINTER PARK PUBLIC LIBRARY WORKSHOPS: AUGUST 22 - 23, 2015



90 GREEN / 27 RED



NEW WINTER PARK PUBLIC LIBRARY / CIVIC CENTER: MEDITERRANEAN STYLE



WINTER PARK PUBLIC LIBRARY WORKSHOPS: AUGUST 22 - 23, 2015



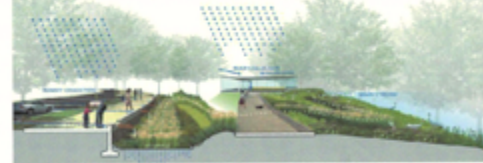
41 GREEN / 36 RED



NEW WINTER PARK PUBLIC LIBRARY / CIVIC CENTER: ARTS & CRAFTS STYLE



WINTER PARK LIBRARY WORKSHOPS: AUGUST 22 - 23, 2015



NEW WINTER PARK PUBLIC LIBRARY / CIVIC CENTER: SITE DESIGN PREFERENCES



COMMUNITY WORKSHOPS: AUGUST 22 - 23, 2015





Community Findings & Visualizations ~ Workshop 3:

ACi Team members evaluated and applied the community-led thinking and results of their table work from Workshops 1 and 2, translating a consensus-led approach to creating concept recommendations that were brought back to the community in this third workshop. This workshop provided opportunity for the community to further refine the guiding principles formed by them in the previous community workshops. This workshop was used to guide finalization of 2-dimensional and 3-dimensional visualizations of site planning options and physical design expressions that support the community preferences.

Carefully integrating the new library at the northwest corner area with MLK Park is the best strategy to enhance the library experience and bring activity into an under-utilized park. Using the principles of placemaking, this integration can result in another uniquely positive destination for the Winter Park community.

Like other libraries around the country, the new Winter Park Public Library can become a “destination” in the same way that museums, renovated railroad stations, and new university buildings attract visitors eager to see the newest in architectural design. The phenomenon of the destination library has helped to position libraries as vehicles for cultural tourism and economic development. More importantly, it has amplified libraries' impact on their local communities from the perspective of placemaking. Locating the library with MLK Park also can reflect a growing consciousness

on the part of the Winter Park community of their value as public spaces, moving beyond their traditional functions to take leadership in developing great places for civic, cultural, environmental and social exchange.

A great public space is like a magnet for people. People go there not only because they must pass through on business, but also because it is just pleasant to be there. They are drawn by it. What makes an otherwise ordinary park into a magnet for people?

In its 40 years studying what makes a good public place, Project for Public Spaces has found that four key attributes typically characterize a good public space. The first of these is **Comfort and Image**: users describe a place as “safe”, “clean”, “green”, “charming”, “attractive” and “historic”. There is comfortable seating; the space is well landscaped and maintained; walking into and through the space is appealing.

The second feature of a good public space is a variety of **Uses and Activities** that make the place interesting. Users describe the space as “fun”, “special”, “vital” and “real”. Food vending and other retail activities may go on in the space along with library or recreational program; celebrations and weddings occur; children play there.

WHAT MAKES A GREAT PLACE?



A third attribute is **Access and Linkage**: that is, the place is visibly connected to other spaces, to transit facilities, to streets, to parking. There are no dead ends; entrances are inviting and easy to find both on foot and by vehicle; the function and connections can be understood at a glance, and the space is designed and located for convenience.

And last, a good public space has **Sociability**: the elderly sit and gossip; chess or other board games are ongoing activities; people meet acquaintances and stop to visit; there is a sense of ownership and pride in the place.

"It is difficult to design a space that will not attract people. What is remarkable is how often this has been accomplished."

- William H. Whyte

Placemaking Principles for Great Destinations:

We firmly believe that a detailed program of uses and activities will be needed to define both the library and the park as great public spaces. Below are certain principles to guide the conceptual design of the new library and its adjacent public spaces as they integrate into MLK Park.

1. The Inner Park and the Outer Park:

Visionary park planner Frederick Law Olmsted's idea of the "inner park" and the "outer park" is just as relevant today as it was over 100 years ago. The streets and sidewalks around MLK Park greatly affect its accessibility and use, as do the ground floors of the buildings surrounding it. The edges of MLK Park are currently very passive, surrounded by suburban buildings that do not engage the street or the park. Within the park itself, there is very little activity visible from the street, and the edges are un-engaging.

Now imagine the new Winter Park library in MLK Park with its doors opening right onto an active plaza at the corner of Morse and Harper; people sit outside and read in a pleasant outdoor environment; walking along Morse Boulevard in the park and along the library is interesting and comfortable; the corner of Morse and Denning has an interesting use to offer – maybe a newspaper kiosk or an ice cream cart – which draws people coming from Park Avenue on foot, by bike and by car. In short, the outer edge is essential to the wellbeing of the inner park.

2. Attractions and Destinations

Any great park has a variety of smaller "places" within it to appeal to a variety of people. For the library in MLK Park these could include reading rooms and children's play areas along the lake that are visible through the glass patio of the light, airy library building; comfortable green spaces and an amphitheater sloping to the water; the bridge across the lake as a beautiful photo-op location with a jewel building for weddings and celebrations nearby; a pleasant picnic area near the playground along Denning Drive. These are just some initial ideas for attractions that MLK Park and the library could offer. They don't need to be big to make the place a success. In fact, some of the best civic spaces, parks and libraries, have numerous small attractions such as a vendor cart, a carousel, and a kids reading area that, when put together, draw people throughout the day. We often use the idea of "The Power of Ten" to set goals for destinations within a park. This concept helps us create ten good places within the park and around the library, each with ten things to do, offering a full program for a successful public space.



3. Image and Identity

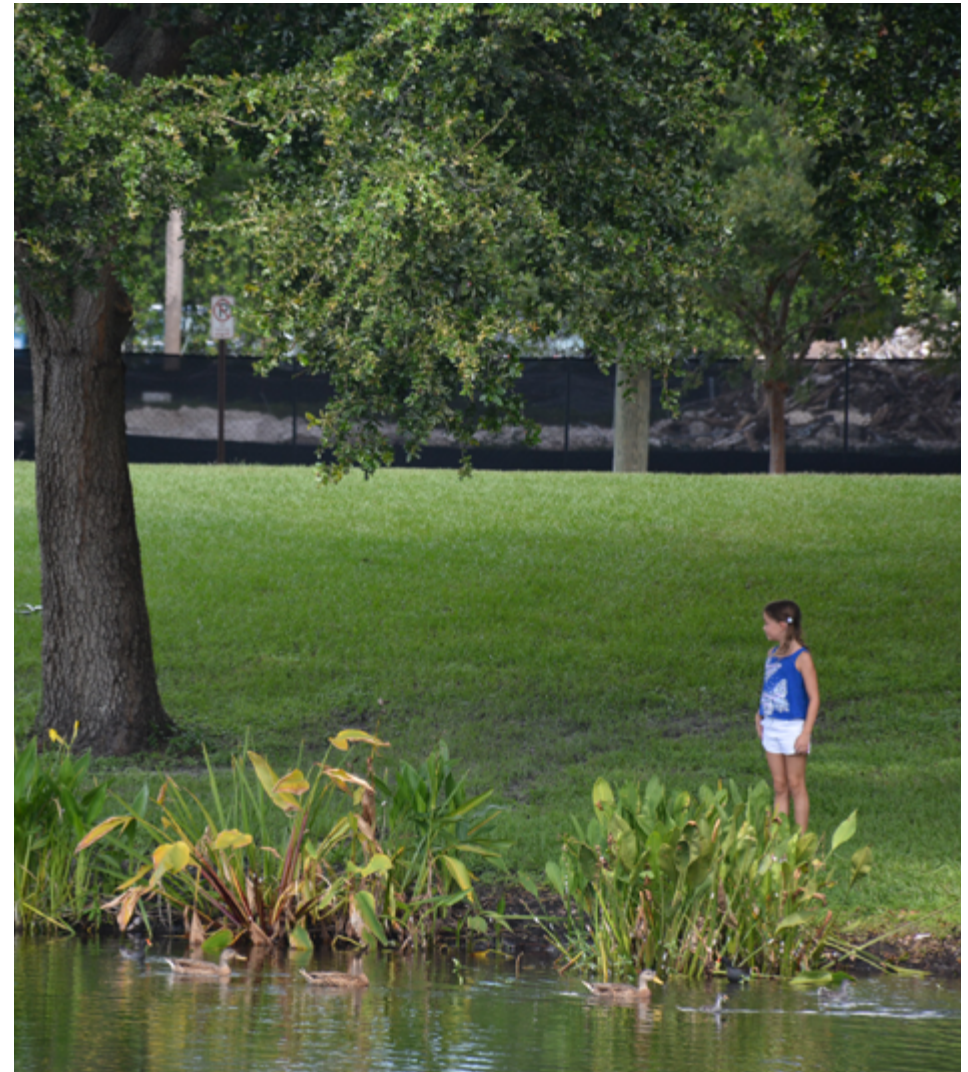
Today, libraries can be the center of communities and together with parks and plazas, as they traditionally helped shape the identity of entire cities. Sometimes a fountain or another focal element was used to give the park a strong image: think of the Bethesda Fountain in Central Park or the Swann Fountain in Philadelphia's Logan Circle. The image of many parks was closely tied to the great civic buildings located in or nearby, such as cathedrals, city halls, or libraries.

Bringing the new library to MLK Park can help both park and library become significant places in Winter Park. The location in a part of town that is being reinvented as more urban environment, but that is currently a very passive suburban park is a challenge. It provides a great opportunity to build a unique, multi-functional civic destination, which also preserves and enhances the natural features of the park.

4. Amenities

The public spaces of the new library should feature amenities that make it comfortable for people to use. Appropriate seating, shade or waste receptacle in just the right location can make a big difference in how people choose to use a place. In general, flexible amenities, such as movable chairs, umbrellas, benches and plantings that are not structural but could be moved for a special event or celebration, make for the most comfortable and inviting

public spaces. Public art and landscaping features can also be a great magnet for adults and children of all ages to come together. Whether portable, movable or permanent, good, thoughtfully selected amenities can go a long way to establish a convivial setting for learning and social interaction.



5. Flexible Design

The use of the library's public spaces, and the park in general should change during the course of the day, week, and year. To respond to these natural fluctuations, flexibility needs to be built in. Instead of a permanent event location, for example, a movable stage could be used, with the design allowing for needed infrastructure, access, and potential green room/back stage area. Thus a sloping amphitheater with the lake as a backdrop may only be appropriate for small events, while larger activities take place closer to the library building in the covered park plaza. Likewise, the library building itself could accommodate a movie screen for screenings and regular outdoor movie programs. For weddings and special celebrations parts of the park and civic center could be used without disturbing public uses.

6. Seasonal Strategy

A successful public space can't flourish with just one design or management strategy. Great parks such as Bryant Park, Madison Square Park, or Houston's Discovery Green change with the seasons. Skating rinks, outdoor cafés, book festivals, author readings, horticulture displays, art and sculpture can all help adapt the use of the space, and its look, from one season to the next. Celebrations related not only to the seasons, but to the library and its programs should also be part of this strategic thinking for the public spaces of the library.

7. Information and Linkages

Merging the synergies of the Winter Park Public Library and MLK Park destination, the surrounding area will become more of a distinct new third place. This includes surrounding neighbors, residents, students, workers, children, families, recreational users and visitors to share a heightened sense of place. As important, it has an opportunity to, over time, set in motion and accelerate a new link to Park Avenue especially on foot and bicycles. As one of the City's most historically planned gateways, Morse Boulevard is currently not very pedestrian-friendly because of the suburban aspect of the buildings lining it. While the walk from Park Avenue isn't long, it is not yet very pleasant particularly as the sidewalk disappears in several instances. The key for the new linkage will be to provide engaging and appropriate information at the park and library gateways, including the egress points from the parking garage, and to make sure that public areas in the library and its outdoor reading rooms are easily accessible, inviting, and clearly open to the public. Providing bicycle parking, in addition to vehicle parking, will also help improve access to the park and the library.

8. Reach Out Like an Octopus

Just as important as the edge of a park is, so is the way that streets, sidewalks and ground floors of adjacent buildings lead into it. Like the tentacles of an octopus extending into the surrounding neighborhood, the influence of a good public space starts at least a block away. Vehicles slow down, walking becomes more interesting, and pedestrian traffic increases. Elements and buildings within the park are visible from a distance, and the ground floor activity of the library building entices pedestrians. This reaching out could be a challenge for MLK Park and the new Winter Park Library if not addressed properly.





LOCATION

Location - Overview

As part of the community workshops, all participants were informed of the City appointed Library Task Force's recommended location. Citizen's comments, input and recommendations about the new library/civic center and garage being located in the northwestern corner and away from the northeastern corner at MLK Park was largely based on the following unique attributes:

- Winter Park has the remarkable opportunity to define its new library and MLK Park as a civic gateway to the City and as 21st century places. This will create positive distinction to the private sector edge of commercial development that surrounds the outer edges of MLK Park across Harper Avenue and Morse Boulevard.
- The park and library together have been envisioned as the heart of a multi-use destination, a vibrant, green, dynamic and exciting place that enhances the experience of both park, library, civic center and builds a strong sense of community including large areas of open space that are directly accessible to the new library, park, children's playground, athletic events and recreation.
- Transforming MLK Park could support the broader plans for extending Winter Park's Park Avenue/SunRail village core along the Morse Boulevard Historic gateway corridor creating a distinct and more active edge of walkability/ bikeability that will connect us all to a new "third place" of diverse knowledge, learning, recreation, living, relaxing, gatherings and shopping.

- The new library building can have a huge impact on Morse Boulevard, bringing activity closer to the street, creating a library plaza at the corner with Harper Avenue.
- Integrating the new library in MLK Park is the best strategy to enhance the library experience and bring activity into an under-utilized park. Using the principles of Placemaking, this integration can result in another great destination for Winter Park.



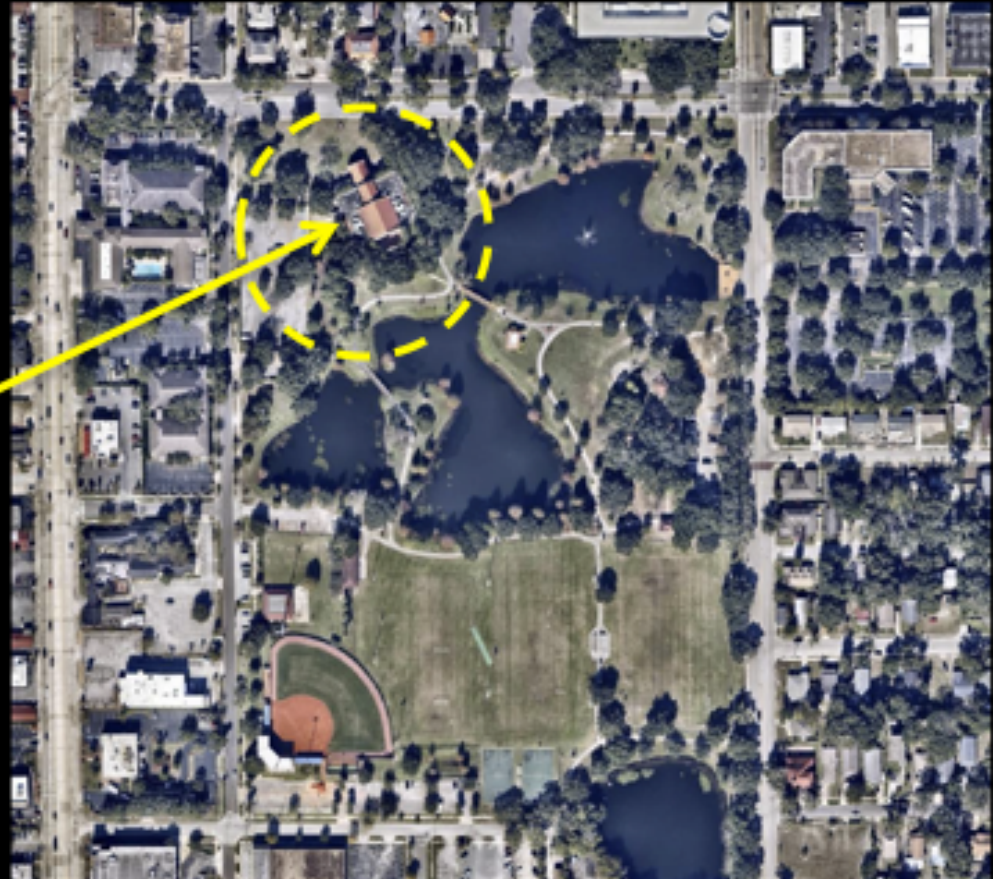
Location – Overview

Fact:

The total area of the new library, civic center, and garage “footprint” will require less than 1% of additional open space above the area where the existing parking lot and civic center now exist.

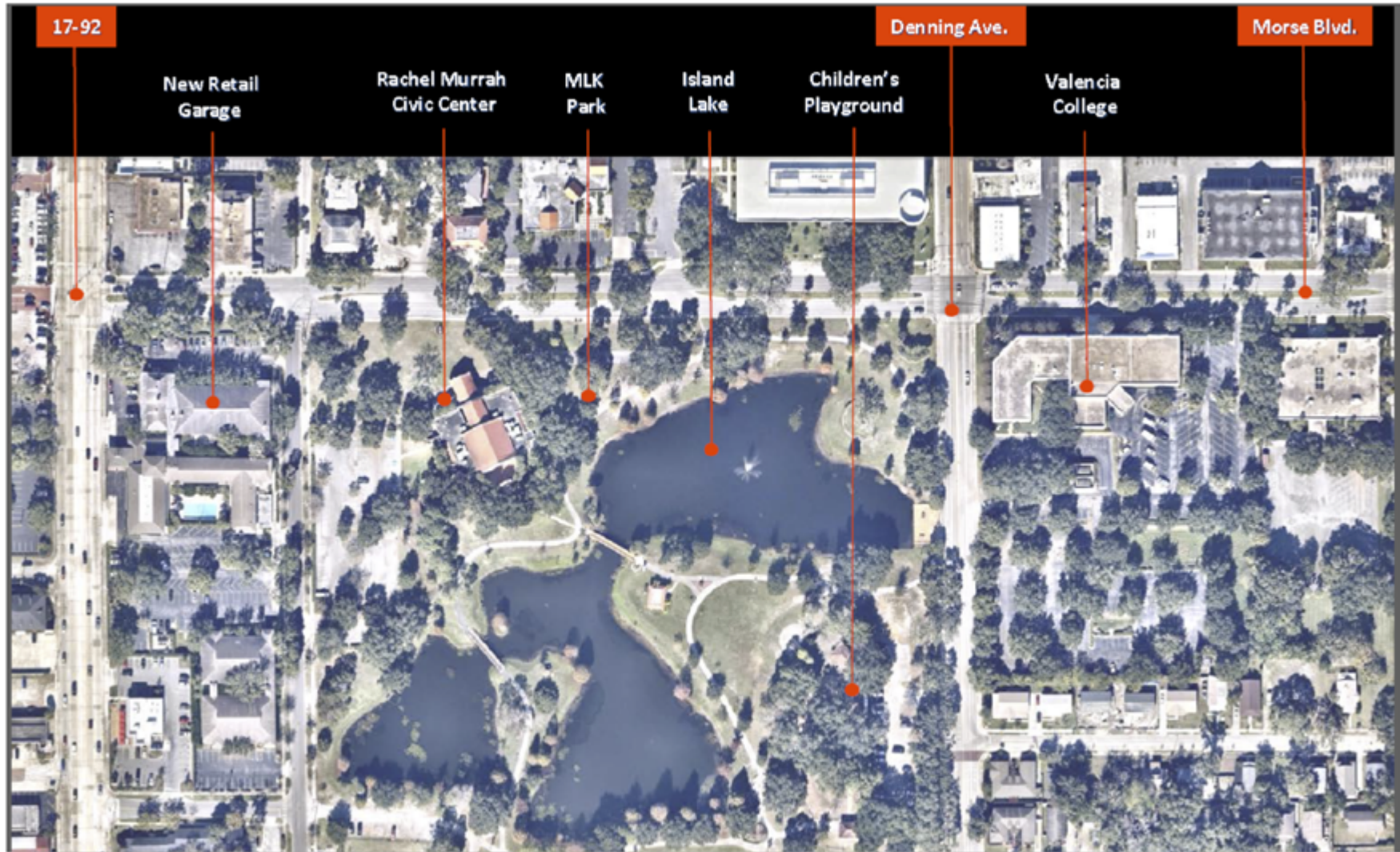
Existing Civic Center
& Parking Lot Area

City Martin Luther King, Jr. Park – 26.8 acres



Source: 2014 WP Parks & Recreation Annual Report

Location – Northern Sector Overview (MLK Park)



Community Location Study – Option A (New Library, Civic Center, Garage)



Community Location Study – Option B (New Library, Civic Center, Garage)



Community Study – Option B (with Community Placemaking Ideas for Park)



Legend of Site Elements

1. Three story library / 50,000 square feet total / 16,666 square feet per floor.
2. Library service area with screen walls.
3. 1 story civic center / 8,000 square feet.
4. Civic Center service area with sliding gate.
5. Parking garage / 1 level above grade - surface parking.
6. Green screen planting along garage elevation.
7. Potential parallel parking along garage elevation.
8. Brick arrival - port cochere area.
9. ADA parking spaces.
10. Potential sculpture location.
11. Decomposed granite surface with moveable seating furnishings.
12. Covered outdoor garden court between Civic Center and Library with fountains, planting and seating.
13. Outdoor seating areas below existing Oak canopy.
14. Terraced amphitheater with wood deck stage area over water.
15. Rain garden / demonstration garden with wood deck gathering area and water cascade to lake.
16. Art bridge feature with adjacent seating plaza.
17. Martin Luther King Jr. Memorial and Garden
18. Jewel Box pavilion with display gardens.
19. Overlook deck with shading trellis.
20. Existing parking and playground area.
21. Wood pier overlook and model boat viewing.
22. Model boat rental pavilion.
23. Pop jet fountain area with water cannons and surface water features.
24. Carousel feature on art bridge visual axis.
25. Food truck and/ or food kiosk plaza with umbrella table seating.
26. Existing pump house and pump equipment.
27. Water aeration features in lake.
28. Littoral shelf aquatic planting to support native birds and fish.
29. Existing play fields.
30. Existing community building.



VISUALIZATION

Community Visualizations - Overview

The collaboration of more than 270 citizens of our Winter Park Community provided a unique consensus building process to guide the visualizations that follow.

Throughout the community process, a variety of points of view were exchanged. Citizens were engaged in numerous conversations, creative expression, and thoughtful civil dialogue about their perspectives and aspirations. This sharing was amongst a diverse group of multi-generational and new shifting demographic voices. This included 3 different families with fourth grade children.

Building consensus internally and externally evolved over the 3 community workshops at the Civic Center. This dialogue would lead to the creation of a preferred location, architectural image, and park oriented multi-use destination vision of a new civic gathering place for sharing knowledge and collaboration.

We owe a tremendous amount of thanks to the many voices that came together in MLK Park for these workshops. Their valued contributions can be attributed to a course of action that is positively motivated and challenging to us all to listen and share with each other what kinds of things Winter Park can do that other cities cannot.



As the project design moves forward, these visualizations are intended to serve the community and professional consultants as strong guiding principles for further design community engagement and implementation of a Winter Park community-led 21st century American library that is expected be an exemplary model for the nation.



Park View

(From Denning Avenue Looking West)



New Winter Park Public Library / Civic Center

Preliminary Visualization



TECHNICAL FEASIBILITY / CONCEPTUAL BUDGET

I. Stormwater Management Concept

Background

The City of Winter Park's Library Task Force and City have recommended the development of a new library facility. The preferred site is the northern sector of Martin Luther King, Jr. Park (MLK Park). One of the City's directives to the City's consulting Architect (ACi) is review the current stormwater capacity for the new project and technically viability of the proposed size and location of the envisioned new library, civic center and low profile, 1-story parking garage. This narrative was prepared by AVCON Civil Engineering experts who have recently completed the last 2 modifications to MLK Park stormwater system for the CNL Office Building and Paseo Apartments at Winter Park Village. This is a general assessment and discusses known stormwater conditions and potential solutions to providing treatment and attenuation for the proposed facility.

The water body located in MLK Park is known by a number of names including "Lake Island". Lake Island was created out of an existing wetland system and was developed with a two-fold purpose. First, to serve as a public amenity and addition to the park, and second, to provide partial treatment and attenuation to the basin that drains into the system and eventually into Lake Killarney. The City provided an interconnect piping system between Lake Island and Lake Killarney that improved stormwater capacity.

The lake also provides partial stormwater treatment to the entire existing basin, and is permitted to provide treatment for the CNL Office Building across Morse Blvd. and the Paseo Apartment Building on the corner of Denning Dr. and W. Canton Ave. The lake boundaries were increased as part of the permitting process to provide the required treatment for these projects. Currently, there is no additional capacity in the pond for additional stormwater management.

Development

The new library, civic center and parking garage project has been proposed in the same general location as the existing civic center and parking lot/driveway impervious areas. A low profile, 1-story parking garage to service both the library and new/repurposed civic center may slightly increase the existing impervious area. The two buildings provide a footprint of approximately 25,167 square feet compared to the existing community center building, which has a footprint of approximately 13,500 square feet. The proposed parking garage has a footprint of approximately 42,000 square feet and will be located over an existing parking lot that is approximately 42,000 square feet in size. Based on these dimensions, there will be approximately 11,667 square feet of additional pavement in the total development, assuming the access roads are similar in character and size. The site will therefore not generate a great deal of additional runoff compared to the existing condition.

The existing civic center site has not previously been permitted. Therefore, the new site will need to be brought up to current stormwater treatment standards for the entire approximate 58,000 square feet of proposed development. In order to provide that level of treatment, and due to the constraints on the site, a number of alternatives will be available at a reasonable cost and can be evaluated and implemented to provide the required treatment volume. These options include portions of the following, which will be finalized through the final design process:

A. Additional Expansion of Lake Island: This option provides a wet retention solution similar to that proposed for the CNL Project and Paseo Apartments. Due to the flooding conditions in the area, the available depth for treatment is somewhat limited so the benefits are not as large as would be anticipated in typical wet retention systems. However, one of the added benefits of this option is the additional storage volume that is created in Lake Island. This will further reduce the potential for flooding in the surrounding streets.

B. Pervious Pavement: This option can be applied to any of the roadways, at-grade parking, courtyards and hardscape on the proposed project site. This pavement will generally treat the water that falls directly on its surface and will therefore eliminate it from being included in the other stormwater management systems.

C. Underground Exfiltration Systems: This option basically provides underground dry retention through the use of open bottomed chambers and coarse gravel. The potential for this use is based on the actual level of groundwater in the area and its efficiency is related to how deep that water is. The systems will need to be located in areas void of trees and potential tree roots, which may limit its usefulness in the park environment.

D. Rain Gardens or Above Ground Treatment Facilities: Since much of the stormwater runoff will be generated from rooftops or the parking garage roofs, we can take advantage of the elevation head to move the water into above ground rain gardens. These facilities can take many forms such as a walled system with a gravel bottom for percolation. Water tolerant plants can be placed within the system to provide an aesthetically pleasing appearance. The gardens could also potentially be tiered to provide a cascading effect during heavy rainfalls, and could also serve as an education tool as it relates to water quality pollutant removal processes.

As noted in earlier in the narrative, the final solution will likely include some form of a number, or all of the above noted options. Once final soil testing is performed and hydraulic analysis completed, the final plan can be developed with input from the entire design team the City of Winter Park and the local residents.

Conceptual Budget - Overview

The June 22, 2015 Task Force Report, included a Concept Budget that was created for a 2-story library with surface parking (no structured parking garage) that was shown in different locations in the northern sector of MLK Park.

Following the Commission's directive for a more specific location and desire to minimize the impact of the new library at the park, a 3-story new library footprint with a new re-purposed civic center and parking garage was preferred and to be confirmed in more specific detail through the community-led workshops.

The following modifications/clarifications for the updated Concept Budget described herein is based on the following key assumptions:

- 3-story versus 2-story 50,000 BGSF new library to minimize impact on the existing park's open space.
- Replacement/repurposing of the existing Rachel Murrah Civic Center with a cost effective shared use approach with the library, i.e., meeting rooms, auditorium, parking, services and energy/building systems.
- A new low profile, 1-level above ground parking garage built to city code requirements with enhanced architectural facades.
- A revised, updated construction budget to include above programmatic elements for a new library, civic center and parking garage and associated sitework/storm water costs.
- Potential future MLK park-wide improvements are not to be included in this budget.
-
-

- For a quality, highly flexible, long life public building at this early concept stage, a safe contingency is included in the budget. This is prudent to assure the bond referendum amount is adequate and meets the community's expectations for a well-designed 21st century library. Anticipating a bond referendum public ballot vote on March 15, 2016, the budget contingency also takes into account an estimated time for selection of professional design consultants, a continued public engaged design process, and time for the proper preparation of construction documents to ensure a predictable cost. To obtain a competitive guaranteed maximum price (GMP), based on the City's current schedule, final design, engineering and construction documents for a solid GMP is estimated to occur in early 2017. This amount of time for projects of this complexity and quality accounts for the contingency carried in the Conceptual Budget at this time. The contingency breaks down into 2 basic sub-contingencies-1) market condition increases and 2) final building /site program adjustments.

The Concept Budget was prepared in conjunction with the Task Force, Library Board outside third party cost consultants, City of Winter Park, ACi Architects and Wharton Smith Construction Managers using national, state and local cost data for public projects of similar size, quality and complexity.

New Library, Civic Center & Garage Concept Budget

Concept Building Program

Library: 50,000 BGSF

Civic Center: 8,505 BGSF

Parking Garage: 200 SPACES

As of: 10-26-2015

Budget Prepared by: Wharton Smith

1	Library (3-story)		\$	13,400,609
1	Civic Center		\$	2,530,584
1	Courtyard Cover		\$	1,877,892
2	Earthwork, Utilities, Landscape, Hardscape		\$	2,001,483
3	Parking (Garage w/some surface parking)		\$	3,004,943
4	Demolition		\$	186,111
5				
6	Construction Subtotal w/Library + Civic Center + Garage		\$	23,001,622
7	Contingency-based on Bond Referendum (15%)		\$	3,450,243
8				
9	Subtotal with Contingency		\$	26,451,865
10				
11	Architectural/Engineering/Interiors Fees		\$	1,914,891
12	Other Soft Costs (specialty consultants-geotech, civil, landscape, traffic, lighting, energy/LEED, acoustic, kitchen)		\$	778,000
13	Subtotal with Soft Costs		\$	29,144,756
14	Library Campaign Contribution		\$	(2,000,000)
15	Library Grants		\$	(500,000)
16	Furnishings/Fixtures/Equipment-Library		\$	2,025,000
16	Furnishings/Fixtures/Equipment-Civic Center		\$	658,000
17	Net Cost		\$	29,327,756
18	Interest Cost (bond financing 2% of net cost)		\$	586,555
19	Subtotal with Interest Cost		\$	29,914,311
	TOTAL BUDGET		\$	29,914,311
	Gross Building Square Footage (Library-Civic Center)			58,505
	Construction Cost/SF Library-Civic Center		\$	272
	Number of parking spaces (200 Garage + 10 Surface)			210
	Cost/garage parking space (200 spaces Garage only)		\$	17,278
	Estimated construction duration (months)			14
	Notes/Key Assumptions:			
1	Budget assumes Architect & CM on board May 2016 to deliver 100% Const. Docs for a GMP 1Q-2017 to minimize construction cost increases.			
2	Includes building permit & independent testing.			
3	Includes general liability insurance.			
4	Does not include impact or related fees.			
5	Stormwater vault included - compensating storage not included.			
6	Does not include organic material or soil improvement.			
7	Includes FF&E budget allowances for both Library & Civic Center.			
8	Design Year = 2016, Construction start est. Q2 2017.			
9	LEED Certified Level.			
10	All construction-related on-site facilities and staff are distributed into line items 1 through 4.			
11	15% contingency includes program adjustments, market conditions, consultant scope adjustments.			
12	Architecture/Engineering/Interiors Fees comparable to State of Florida Dept. Management Services-March 2015.			
13	Excludes future MLK Park areawide possibilities created at Aug 22-23/Sep 17, 2015 Community Workshops.			
14	Sale of current Library building & property is not included.			
15	The above costs are based on conceptual building programming, code research, conceptual level design & city provided site data.			



APPENDIX

Library User Human Behavior Study

Place Game Questionnaire

Additional Reference Material

User Experience Survey

WINTER PARK PUBLIC LIBRARY
SUNDAY - AUGUST 23, 2015

DESCRIPTION What do you use and love about the existing library and would like to see in the new space?

DIRECTIONS Show and tell us how you use the library with the attached questions and/or floor plans. An example response has been provided.

- Where do you enter and exit the building? _____
- Where do you typically go and what do you do? _____
- What are services (spaces) you use? _____
- What are spaces you like most? (Why?) _____
- What are spaces you like least? (Why?) _____
- What spaces do you wish this facility had? _____
- What kind or arrangement of seating do you prefer? _____
- Do you use or would like to use any outdoor spaces? _____
- Additional thoughts/comments? _____

USER PROFILE Please check the following options to provide general demographic information for this exercise.

AGE	GENDER	FREQUENCY OF LIBRARY USE	TRANSPORTATION TO/FROM
<input type="checkbox"/> < 18yrs	<input type="checkbox"/> Male	<input type="checkbox"/> Daily	<input type="checkbox"/> Own Car
<input type="checkbox"/> 18-26yrs	<input type="checkbox"/> Female	<input type="checkbox"/> Weekly	<input type="checkbox"/> Carpool/drop off
<input type="checkbox"/> 27-35yrs	<input type="checkbox"/> Other	<input type="checkbox"/> Monthly	<input type="checkbox"/> Public transit
<input type="checkbox"/> 36-45yrs	<input type="checkbox"/> Prefer Not to Answer	<input type="checkbox"/> Yearly	<input type="checkbox"/> Walk/bike
<input type="checkbox"/> 46-55yrs			<input type="checkbox"/> Other
<input type="checkbox"/> 55-65yrs			
<input type="checkbox"/> 65yrs+			



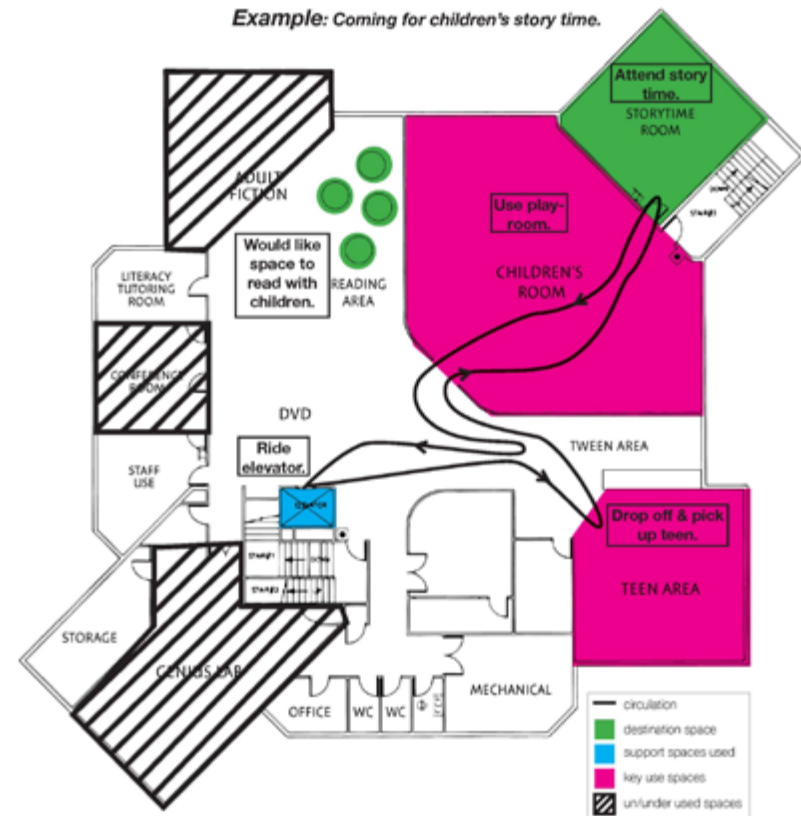
HKS

ACi
ARCHITECTURE
redefined

User Experience Survey

WINTER PARK PUBLIC LIBRARY
SUNDAY - AUGUST 23, 2015

Example: Coming for children's story time.



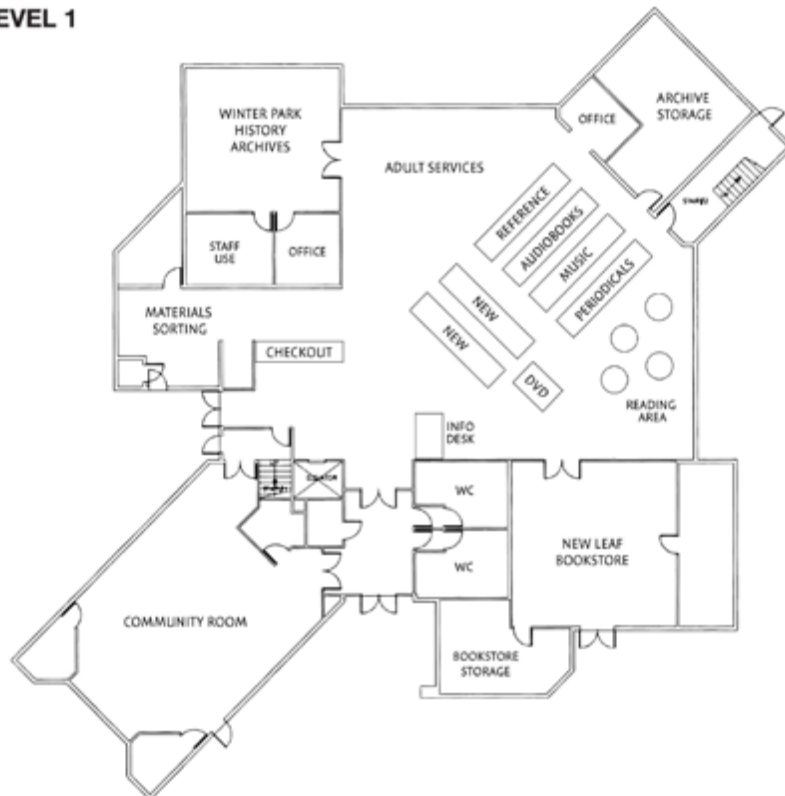
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User Experience Survey

WINTER PARK PUBLIC LIBRARY
SUNDAY - AUGUST 23, 2015

LEVEL 1



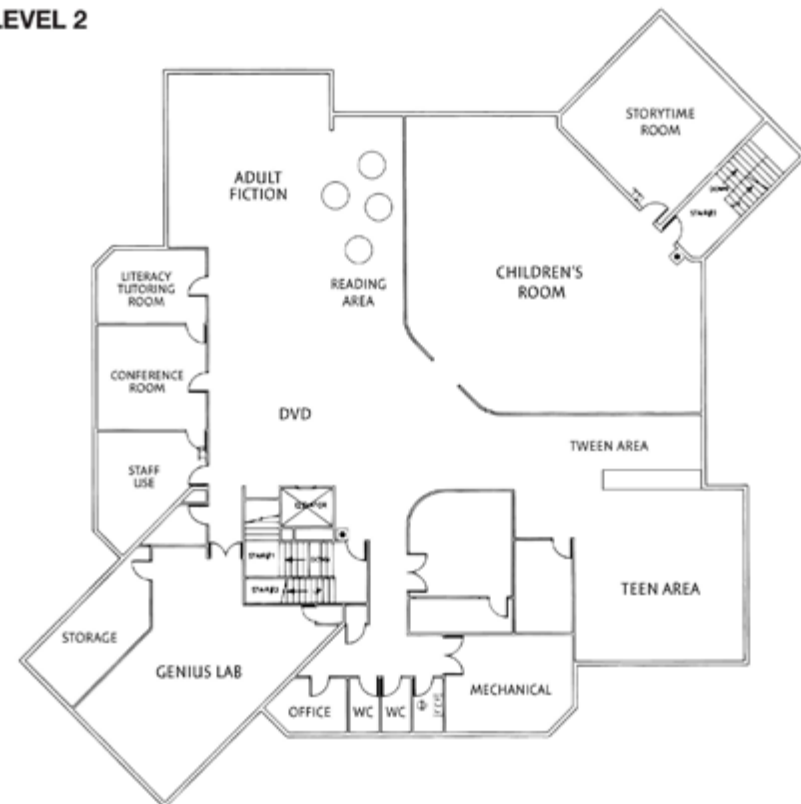
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User Experience Survey

WINTER PARK PUBLIC LIBRARY
SUNDAY - AUGUST 23, 2015

LEVEL 2



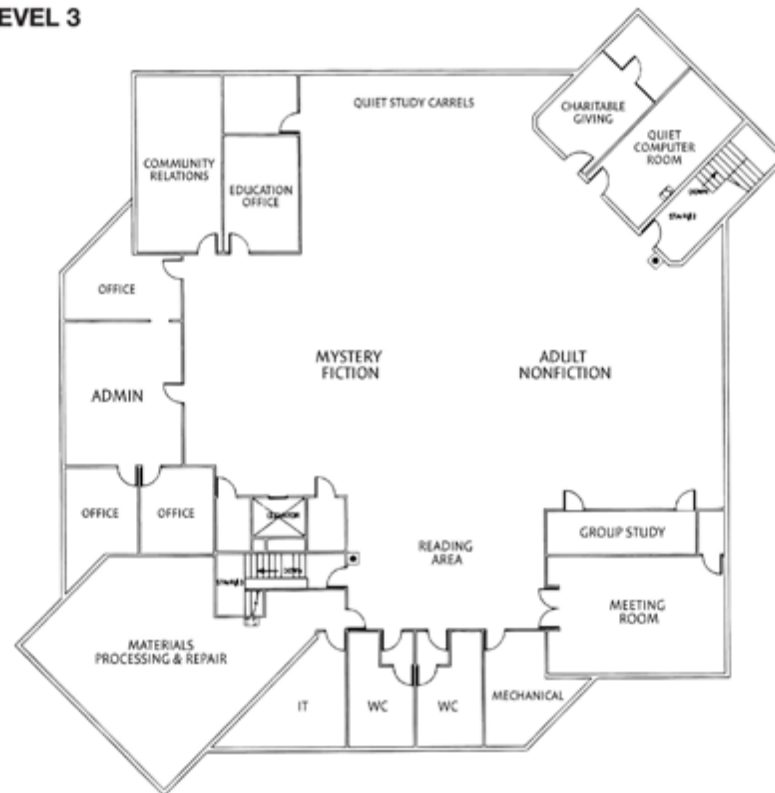
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ACi
ARCHITECTURE
redefined

User Experience Survey

WINTER PARK PUBLIC LIBRARY
SUNDAY - AUGUST 23, 2015

LEVEL 3



HKS

ACi
ARCHITECTURE
redefined

WHAT MAKES A GREAT PLACE?



Project for Public Spaces (PPS) is a nonprofit planning, design and educational organization dedicated to helping people create and sustain public spaces that build stronger communities. Our pioneering Placemaking approach helps citizens transform their public spaces into vital places that highlight local assets, spur rejuvenation and serve common needs.

PPS was founded in 1975 to expand on the work of William (Holly) Whyte, author of *The Social Life of Small Urban Spaces*. We have since completed projects in more than 3000 communities in 43 countries and all 50 U.S. states and are the premier center for best practices, information and resources on placemaking. More than 600 people worldwide are members of our Placemaking Leadership Council.

©2015 Project for Public Spaces, Inc. The 'Placegame' cannot be used without formal, written permission from PPS. If permission is granted, full credit must be given to PPS on all written materials and in any verbal descriptions of the game.

PLACE GAME

PLACE PERFORMANCE EVALUATION

A Tool for Initiating the Placemaking Process

"New Winter Park Public Library / Civic Center"
Winter Park, Florida

COMMUNITY WORKSHOPS

August 22 - 23, 2015



Winter Park
PUBLIC LIBRARY



New Winter Park Public Library / Civic Center Community Workshops
August 22-23, 2015

Imagine the Place

1. What is this place's biggest asset?

USES & ACTIVITIES

2. What types of activities could be provided to attract residents and visitors?
 - Activities that are free of charge (*e.g. library activities, readings, games and tournaments, story time, splash pad, parades*)
 - Activities that could include a charge (*attend a concert, film, or party, eat at a restaurant or café, ride on a carousel*)
3. What special events and programs do you think would attract people, especially in the short term? (*free performance, free wifi, games, markets, etc.*)
4. What activities located elsewhere could be co-located here? (*i.e. mini-post office, meeting rooms, banquet hall, etc.*)

Identify Opportunities

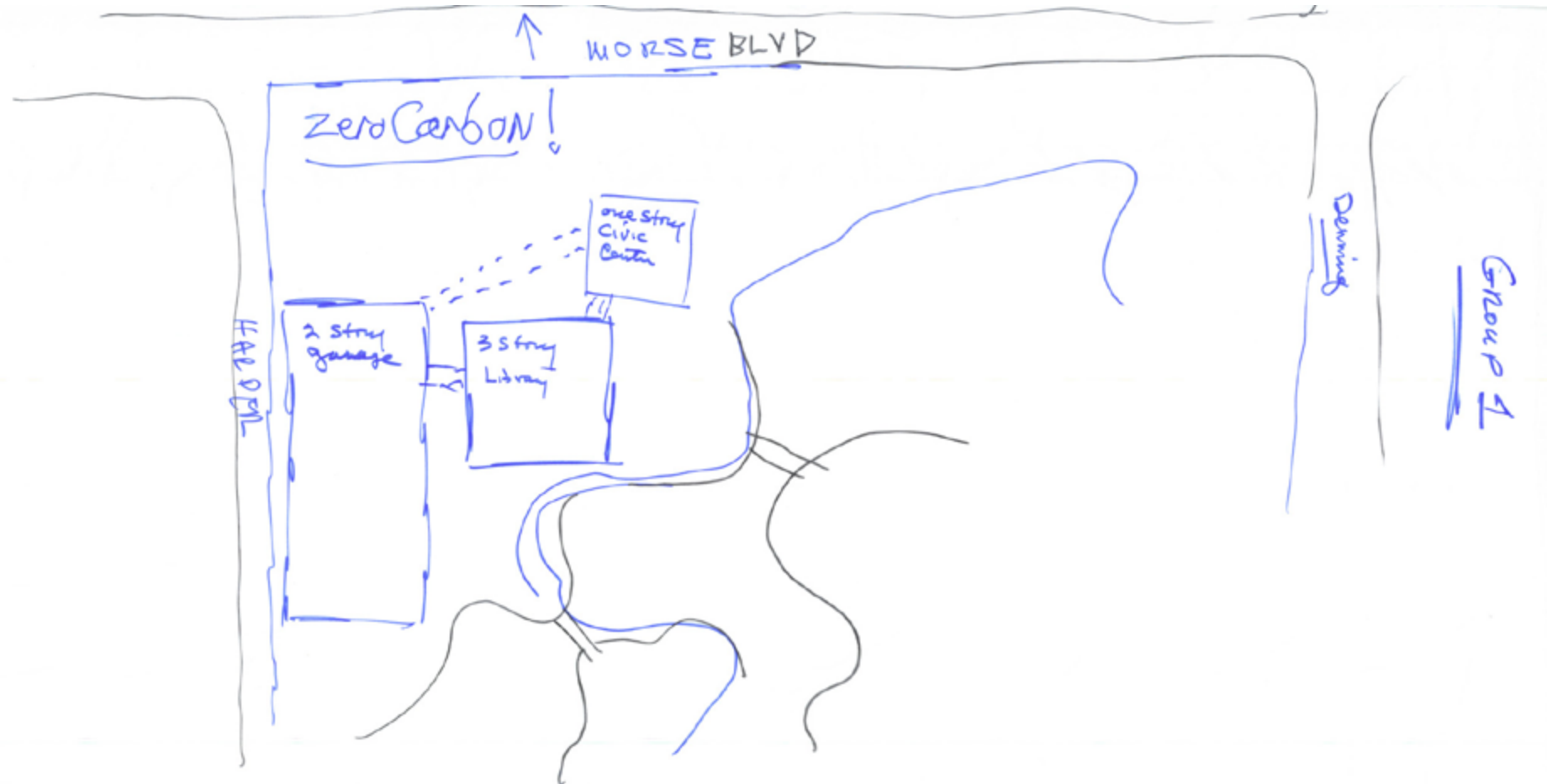
5. Can you think of any programs and events that have outgrown their current location and could move to Library Plaza? (*i.e. parades, concerts, movies, runs, festivals, etc.*)

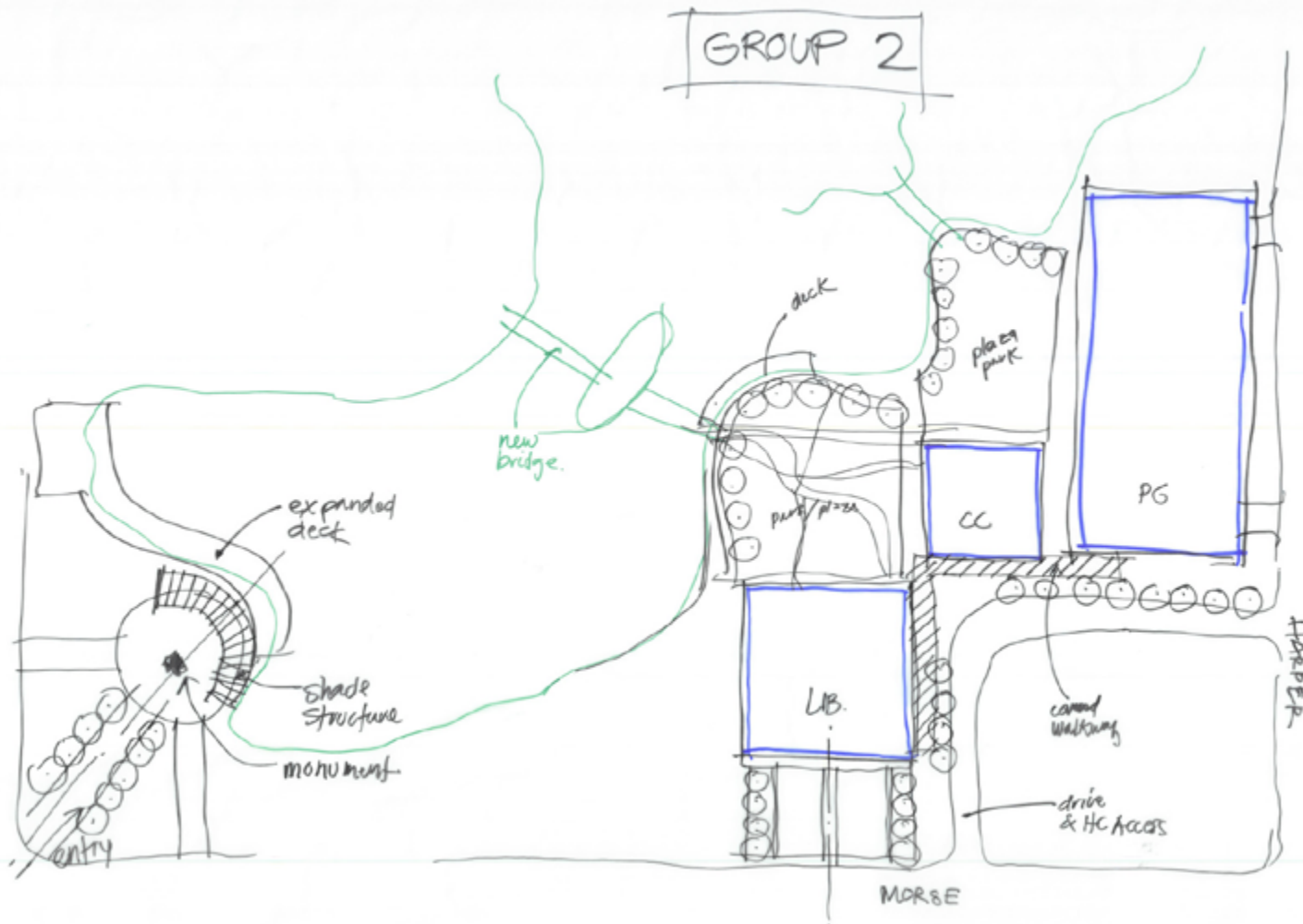
COMFORT & IMAGE

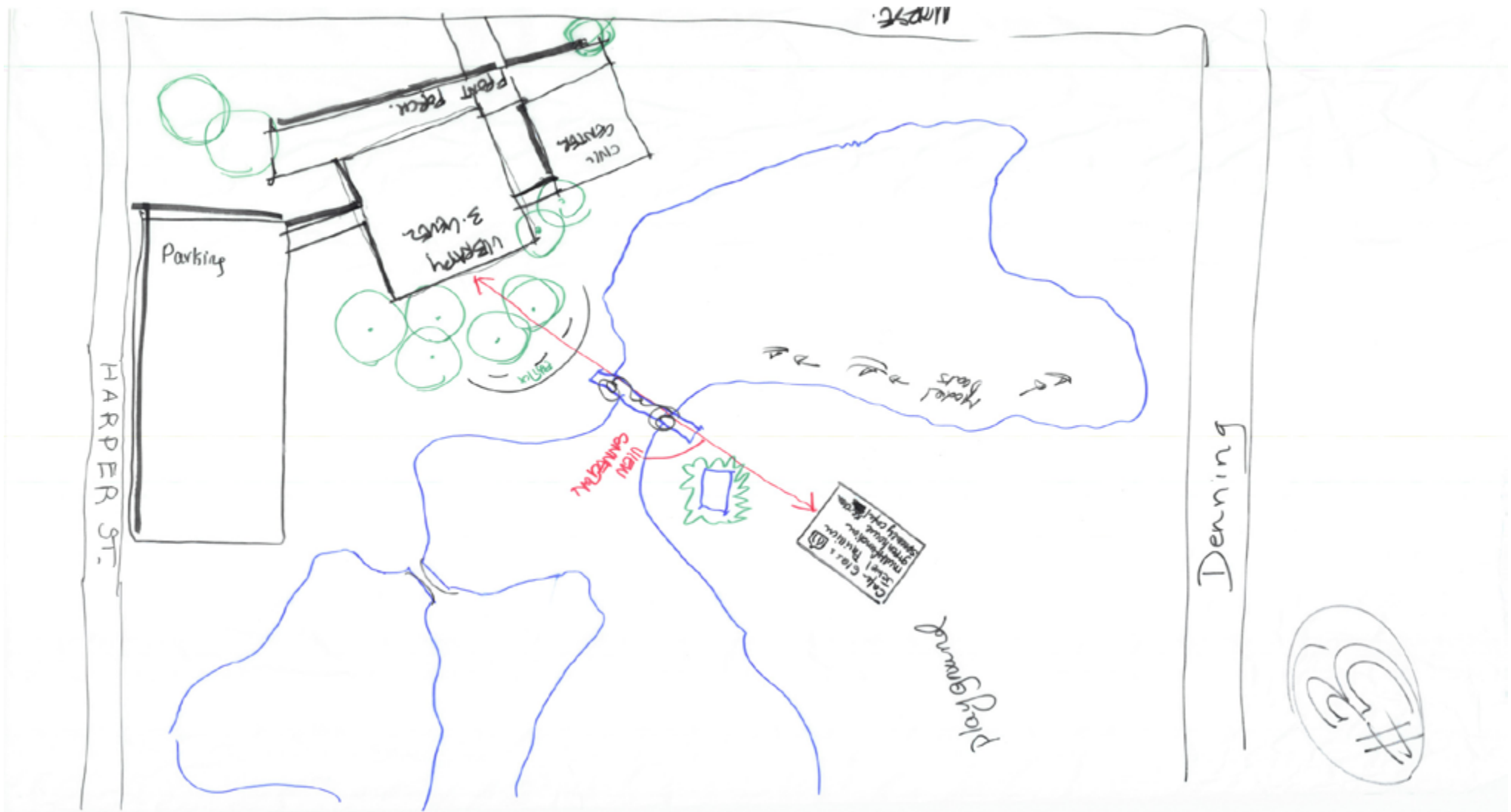
6. What types of amenities would be required to support the activities that you have outlined above? (*seating, lighting, shade, sound, screen, etc.*)
7. What elements could define the identity and experience of this place? (*e.g. history of the area, monument, the landscape, art, fountains, etc.*)

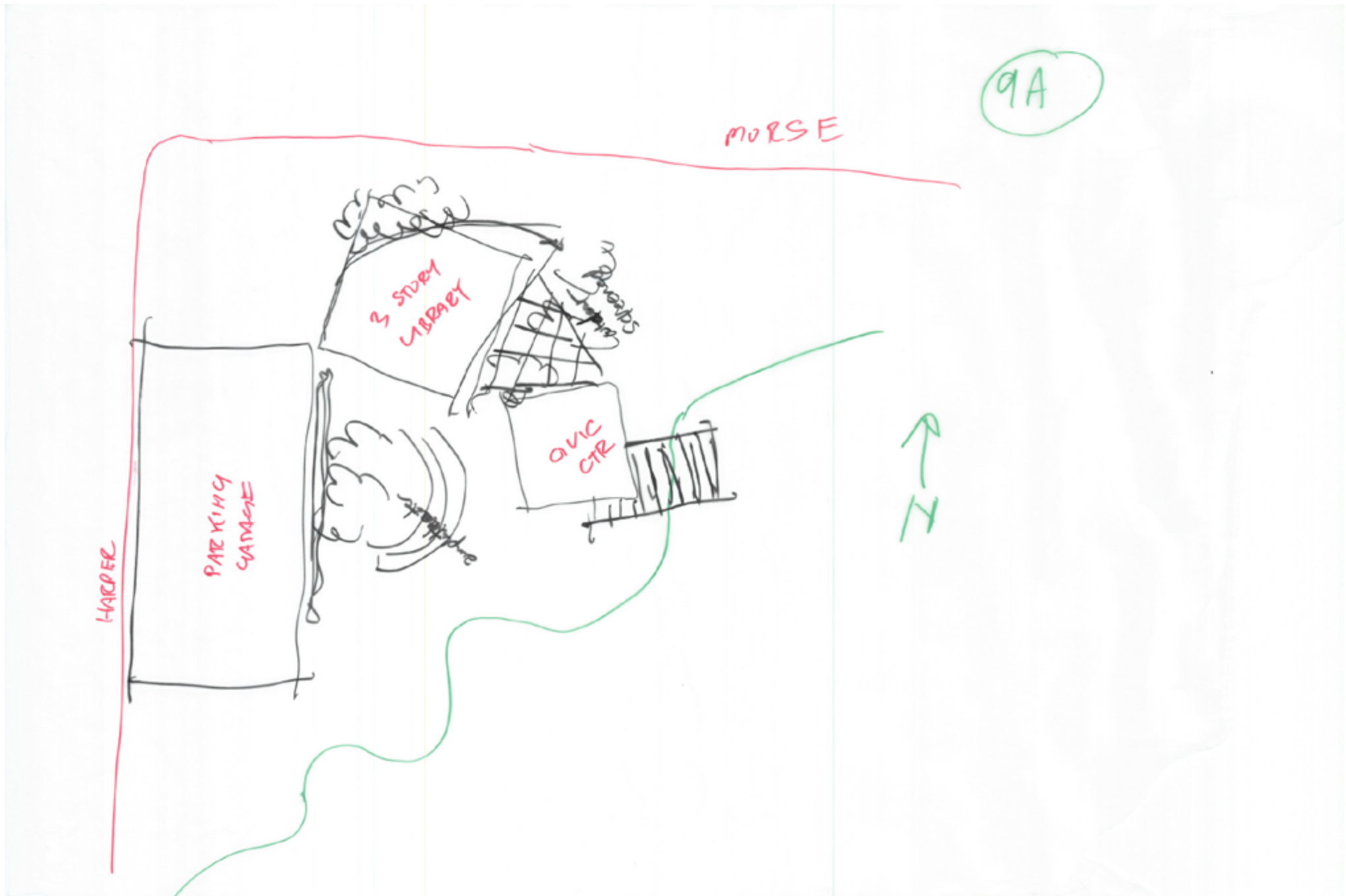
ACCESS & LINKAGES

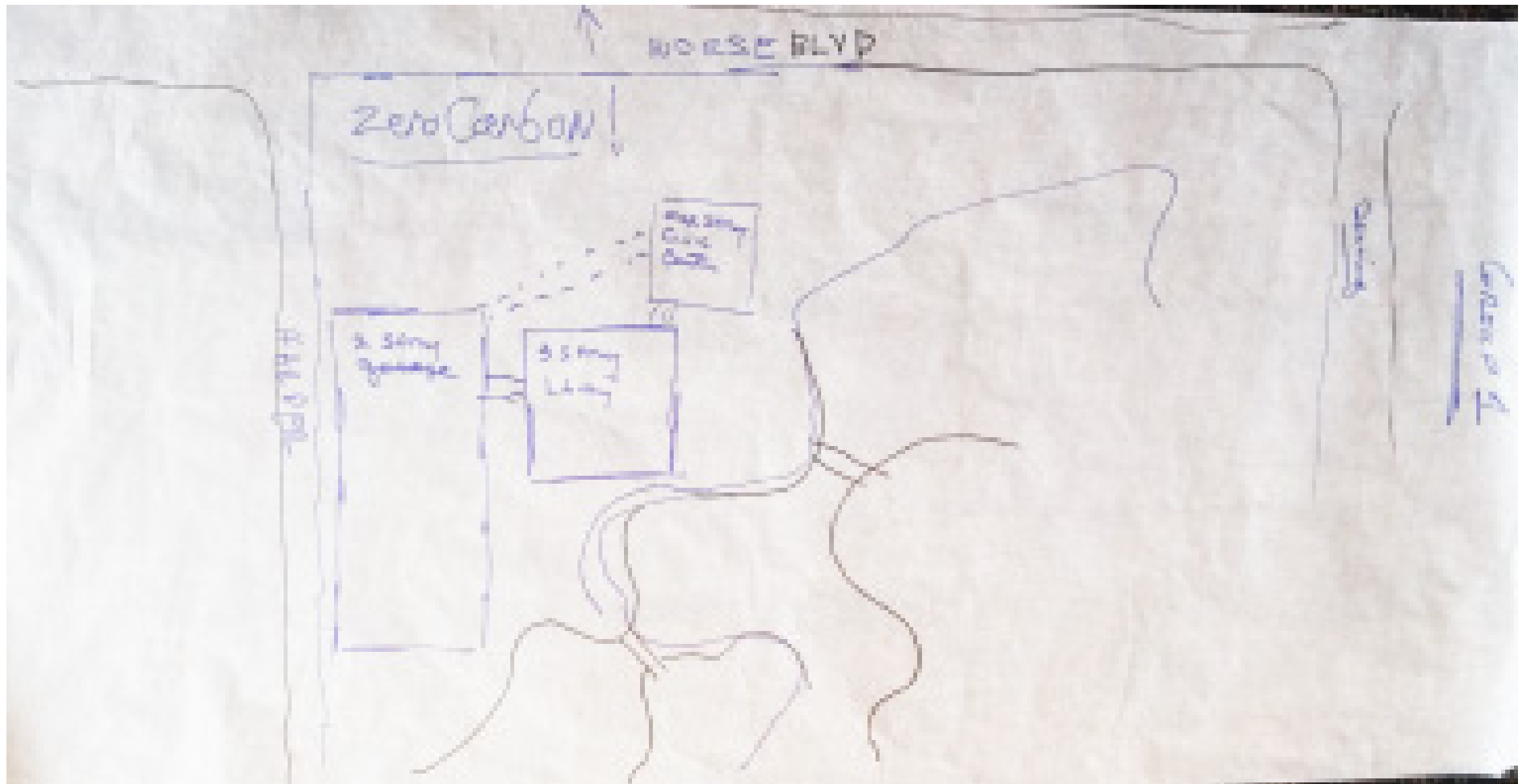
8. How could we make it easier for people to get here? (*i.e. better or more conveniently located transit, better crosswalks, an improved walking environment or path system, bicycle lanes/routes, senior shuttle, etc.*)
9. What local partnerships (*civic/education institutions, business, community groups, etc.*) or local talents (*artists, garden clubs, students*) could be involved in programming this place?

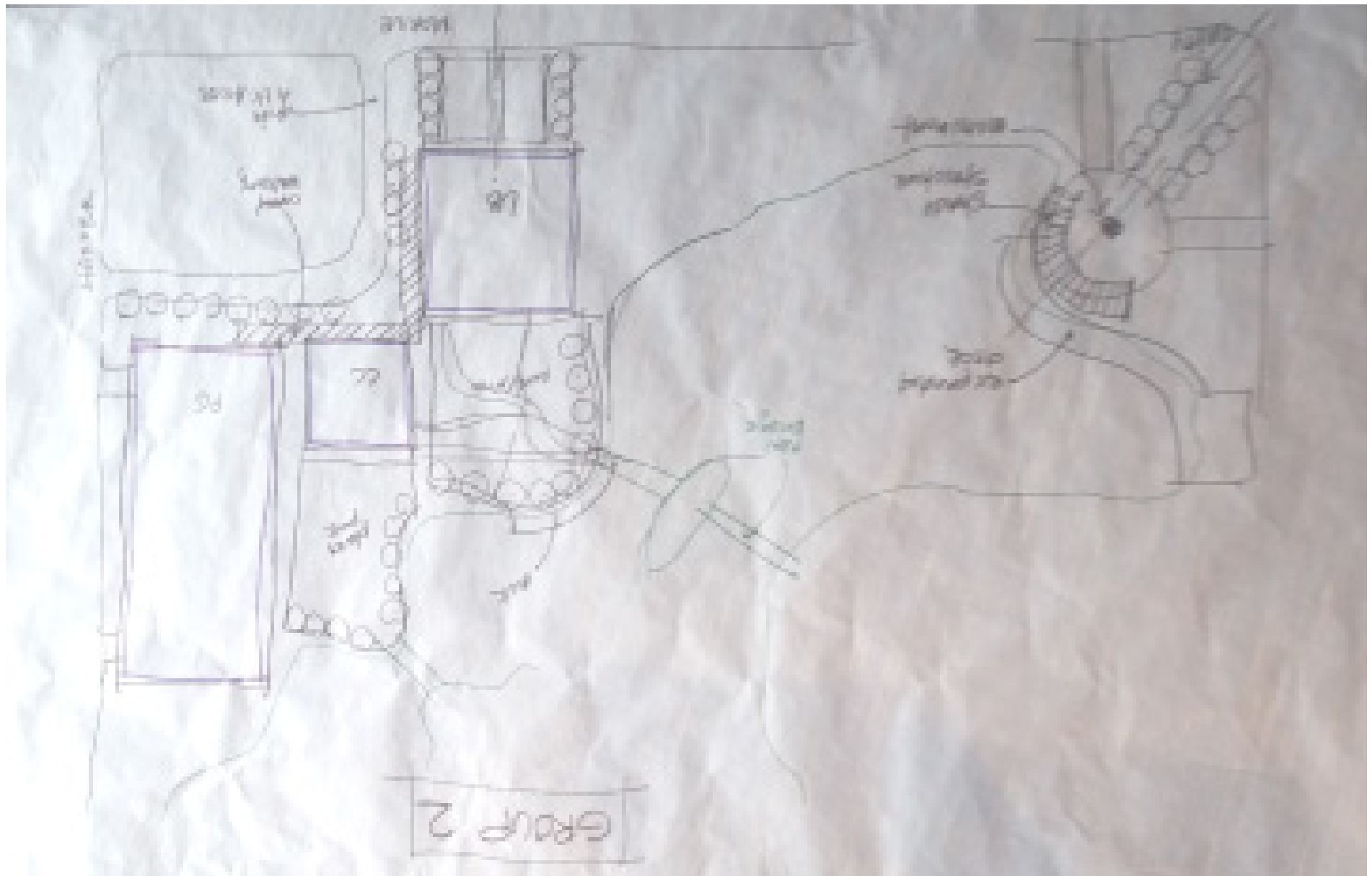


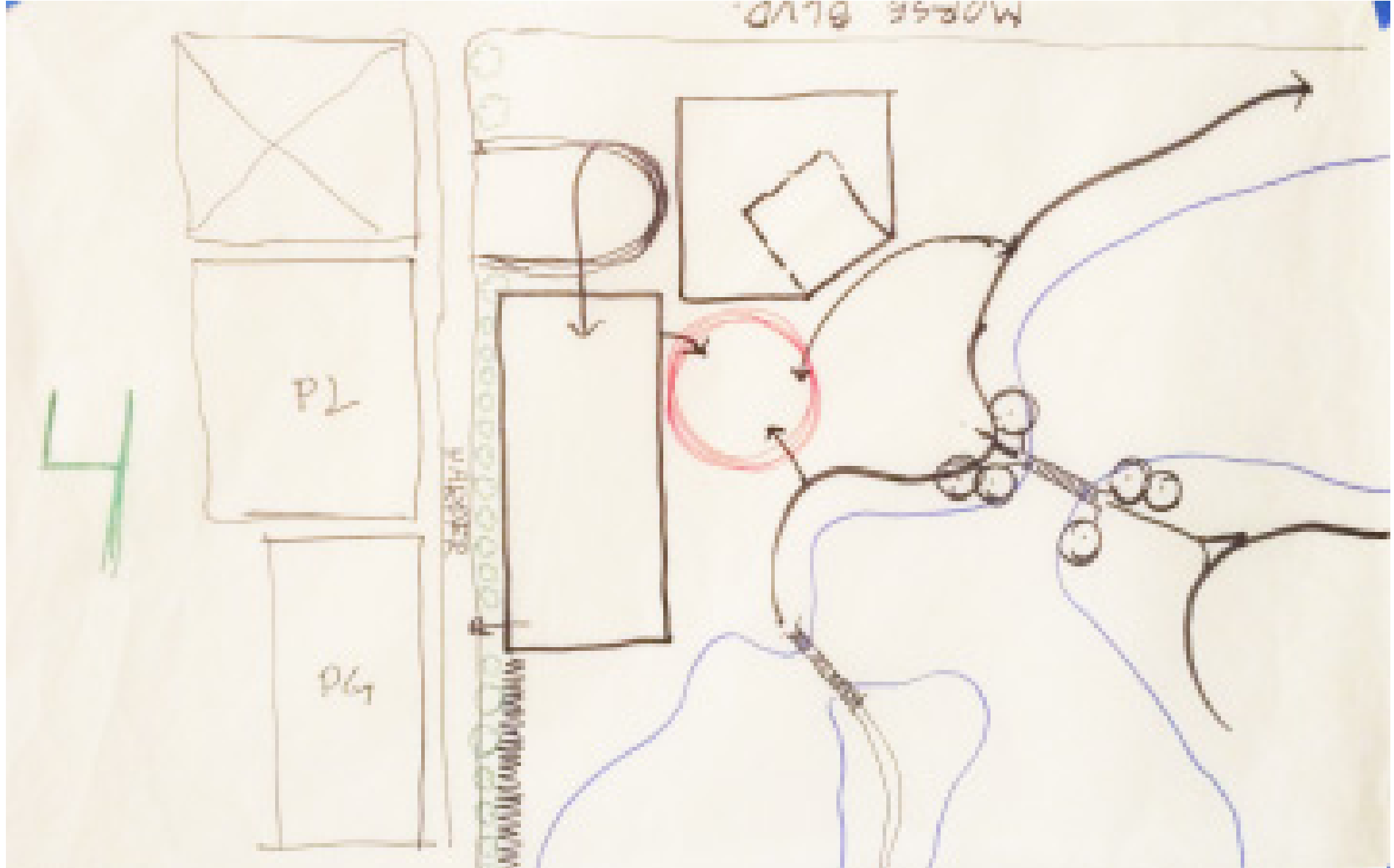


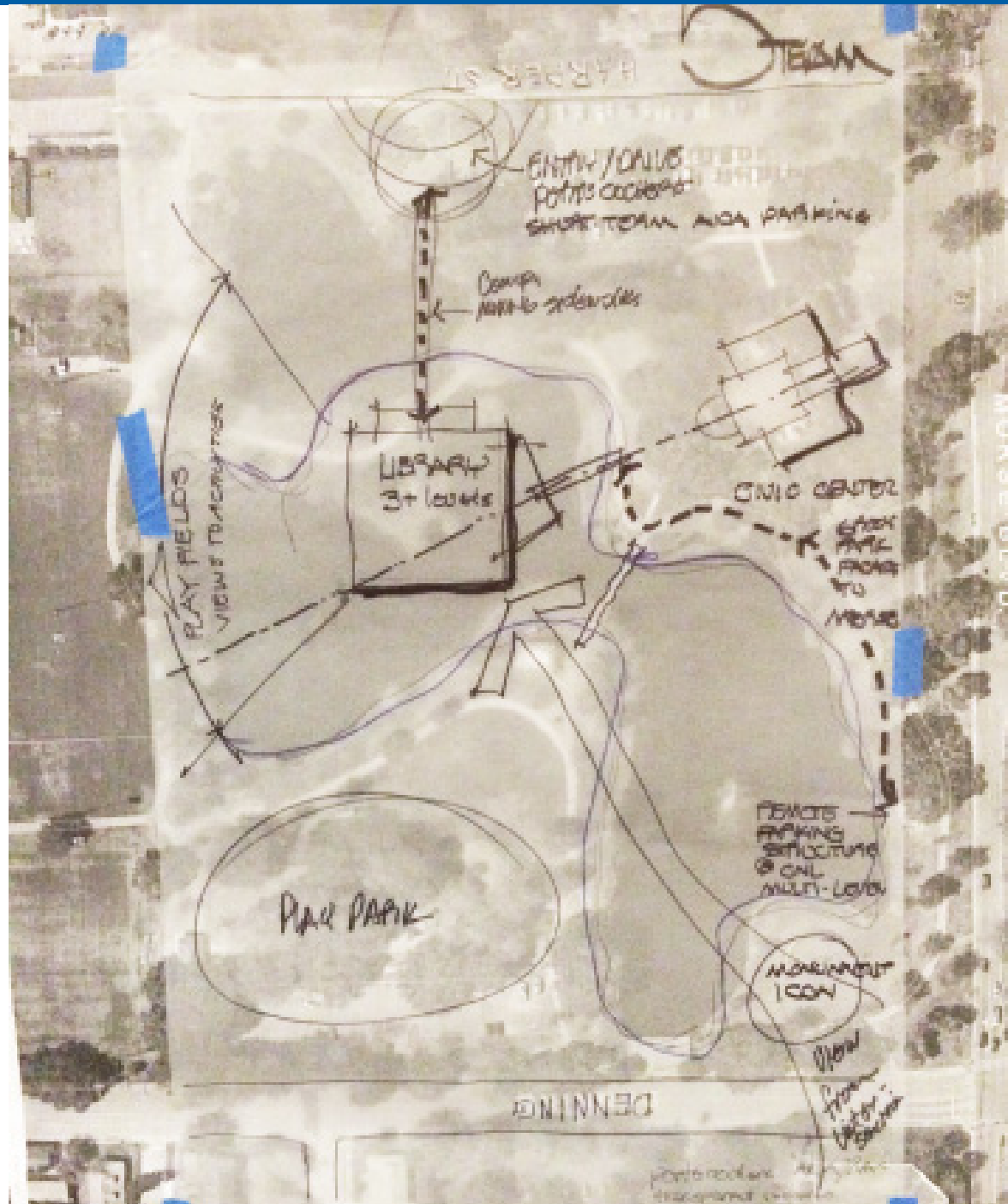


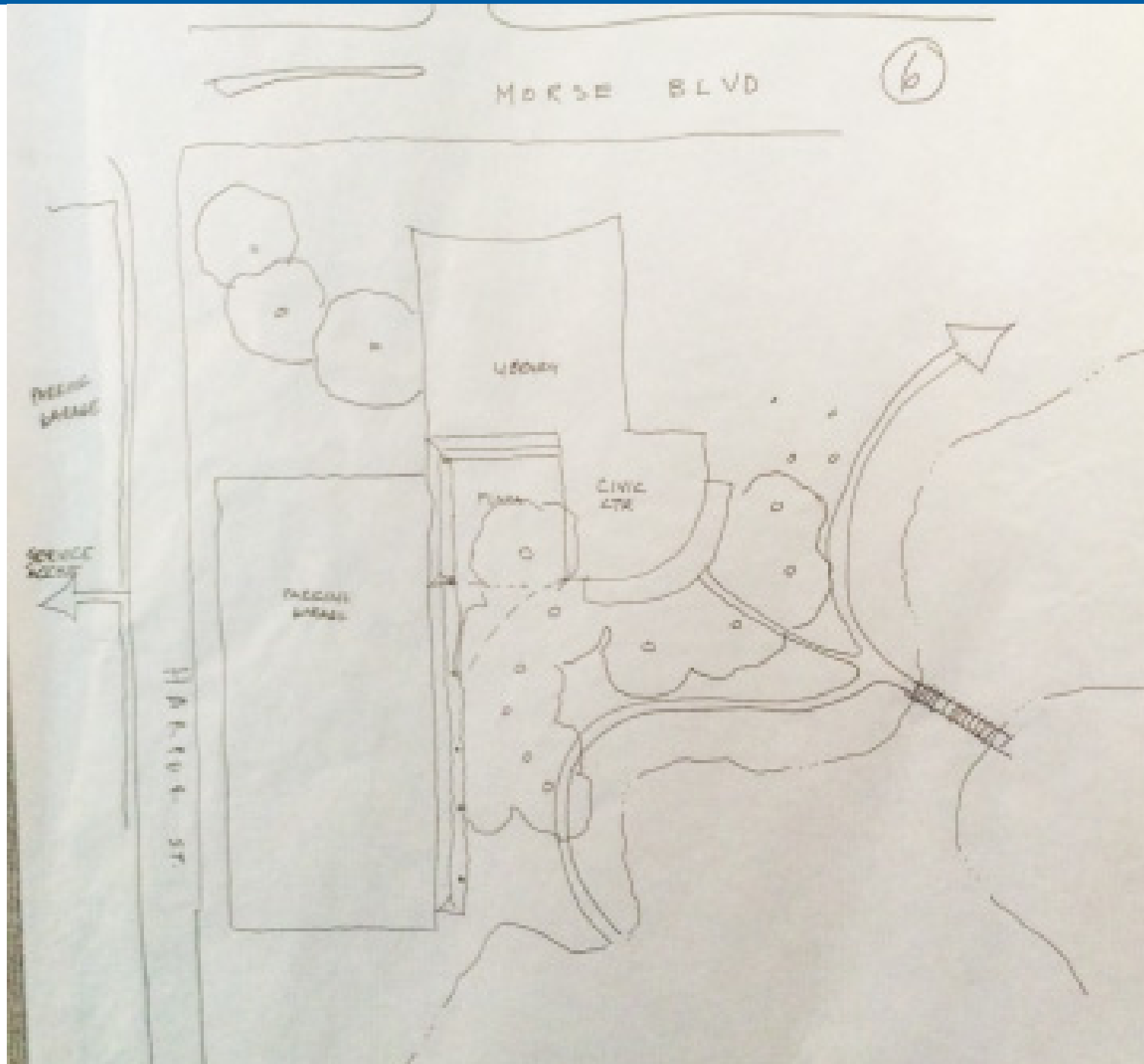


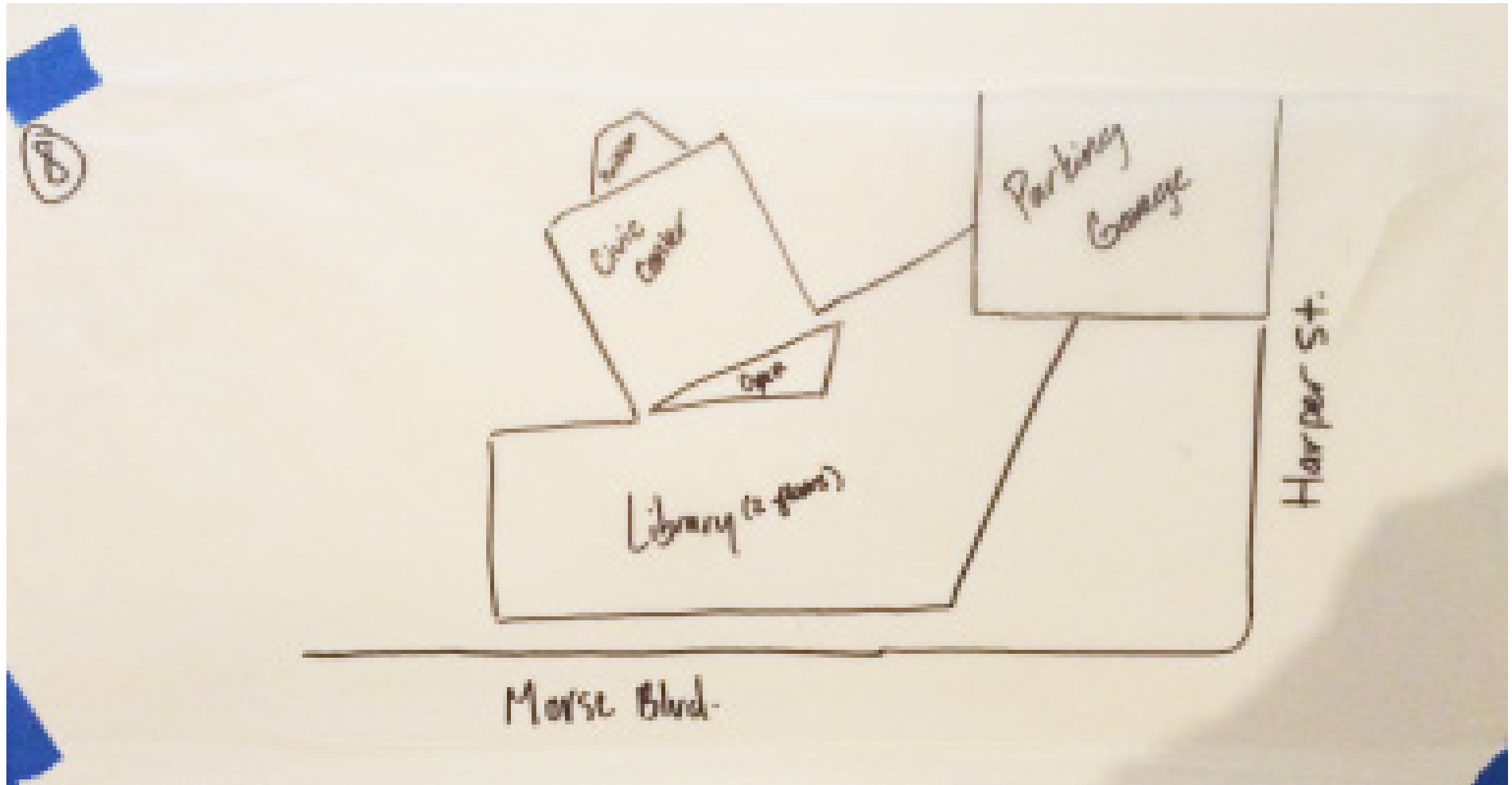


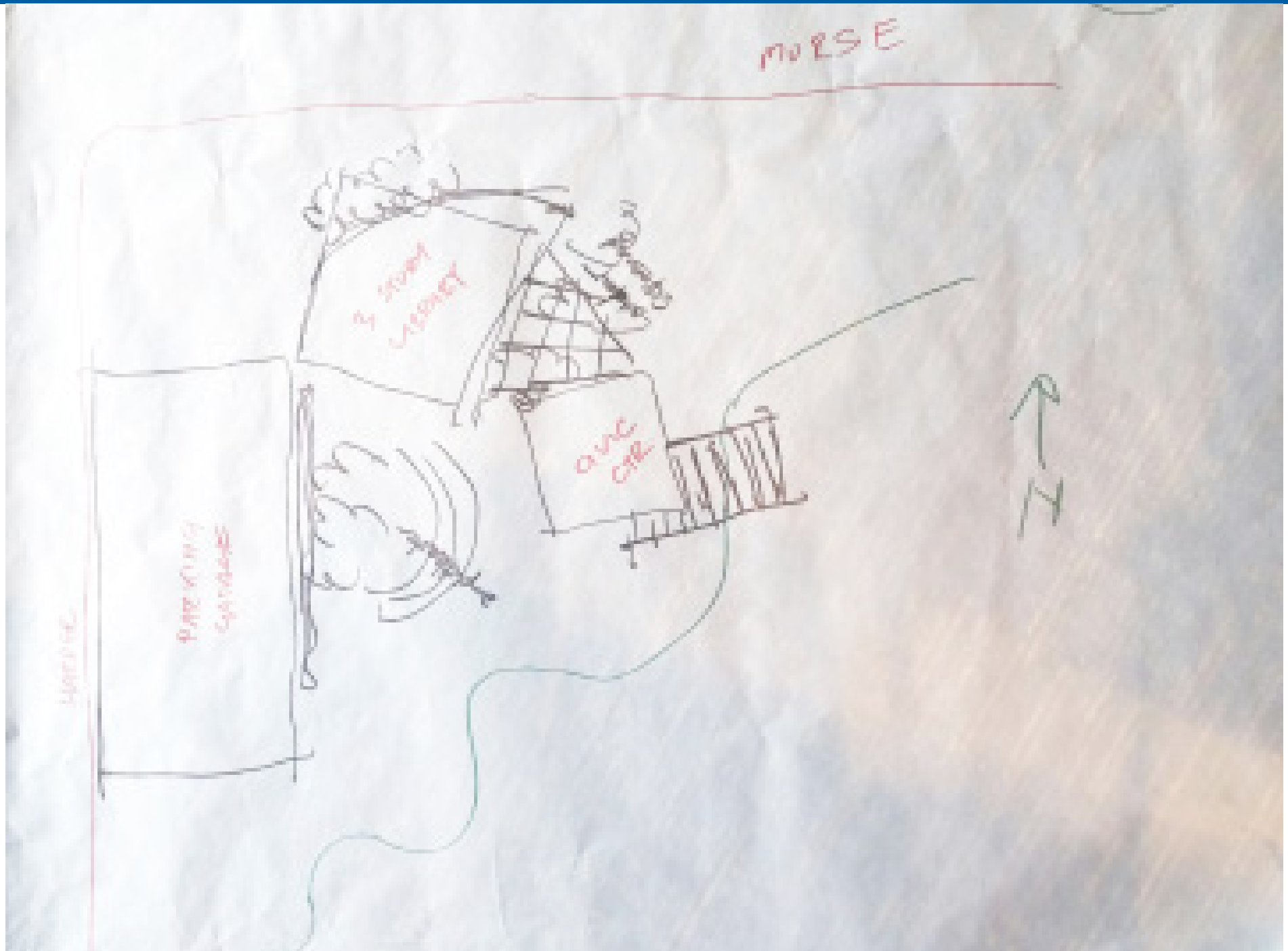


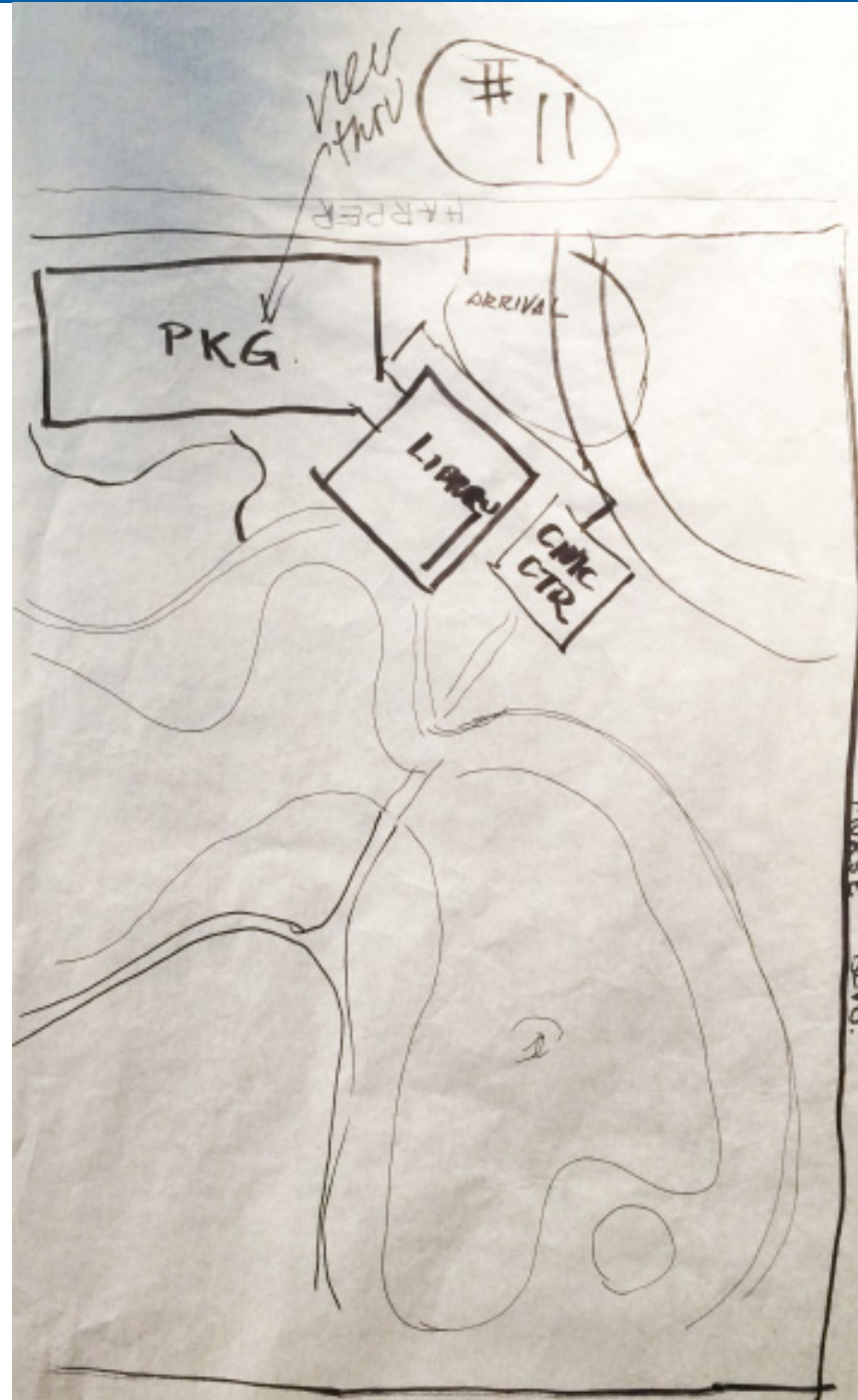


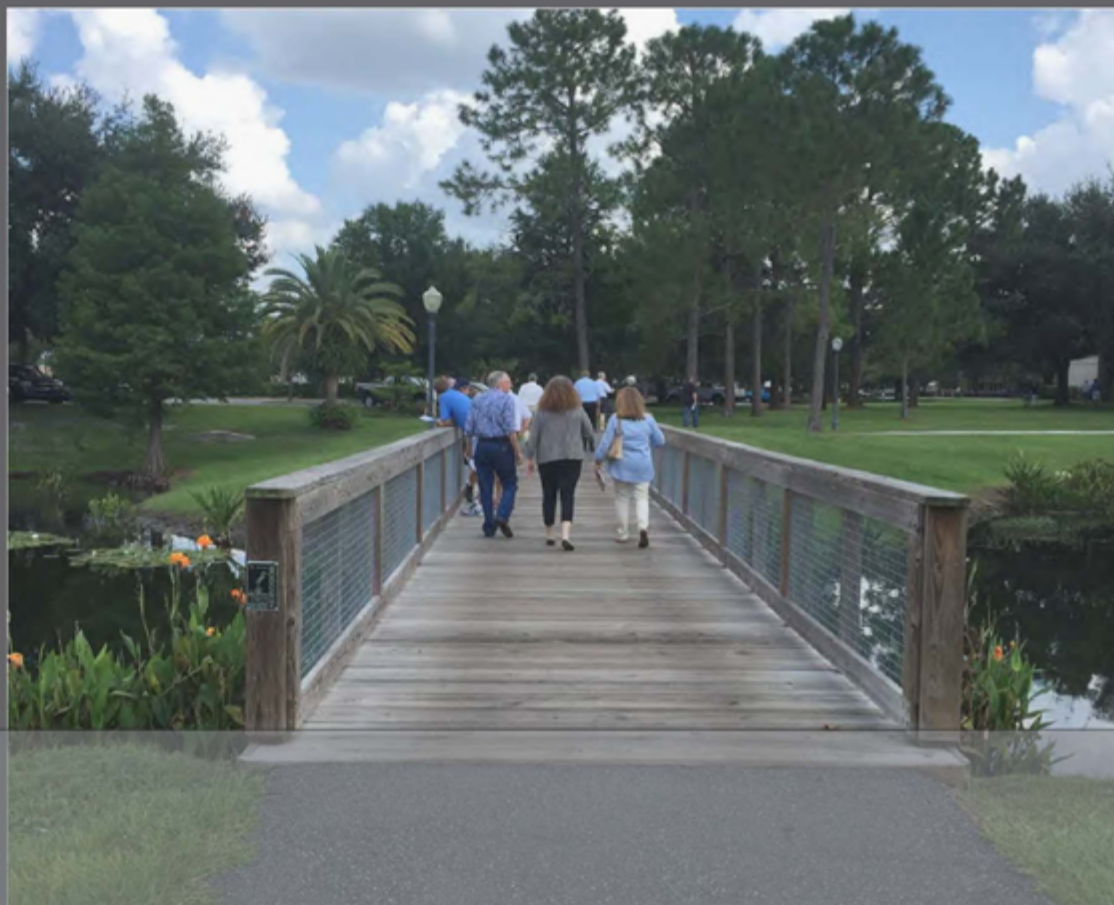














city commission public hearing

item type	Public Hearing	meeting date	October 26, 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 & Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	5-1 final vote

Subject: Request for Subdivision or Lot Split of 1295 North Park Avenue.

Mr. Erling Falk (owner of the property) is requesting a subdivision or lot split approval to divide the property at 1295 North Park Avenue into two (2) single family lots. The zoning is R-1A. The property is now vacant. The property now holds one single family home, which is to be demolished.

Summary: When the City reviews small subdivisions or lot split requests there are two criteria. One is the 'Zoning Test' as to conformance with the zoning criteria. The other is the 'Comprehensive Plan Test' which is conformance to the neighborhood character.

ZONING TEST: The proposed corner lot is 116 feet wide, and 13,025-square feet in size. The proposed interior lot is 101 feet wide and 10,078-square feet in size. The R-1A zoning requires a minimum of 75 feet of lot width and a minimum of 8,500-square feet of land area. In addition, any corner lot must be 10 feet wider to compensate for the greater corner lot setbacks. This request meets or exceeds the R-1A lot dimension standards and no variances are requested.

COMPREHENSIVE PLAN TEST: The practice outlined in the Comprehensive Plan and the Subdivision Code is to look at the surrounding neighborhood within a 500 foot radius to determine the standard for typical lot sizes. There are 35 homes within this neighborhood on Park North Place, Rain Tree and Park North Courts, and Valencia, New York and Stovin Avenues with the R-1A zoning. The average lot width is 90 feet and the average lot area is 11,679-square feet. The median lot width is 89 feet. These proposed lots compare favorably to the average and the median lot size.

Staff Recommendation: Approval of the subdivision or lot split of 1295 North Park Avenue.

Planning and Zoning Board Recommendation:

Motion made by Tom Sacha, seconded by Peter Weldon, recommending approval of the subdivision or lot split to divide the property at 1295 North Park Avenue into two single-family building lots.

Motion carried with a 5-1 vote. Randall Slocum abstained.

Planning and Zoning Board Minutes: October 6, 2015

REQUEST OF ERLING FALK FOR: SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE VACANT PROPERTY AT 1295 N. PARK AVENUE ZONED R-1A, INTO TWO SINGLE FAMILY BUILDING LOTS. THE LOT DIMENSIONS ARE 116 AND 101 FEET OF LOT WIDTH AND 13,025 AND 10,078 SQUARE FEET OF LOT AREA. THESE DIMENSIONS MEET THE MINIMUM LOT DIMENSION REQUIREMENTS OF THE R-1A ZONING AND NO VARIANCES ARE REQUESTED.

Randall Slocum stated that he has a conflict and will not be voting on this item.

Planning Manager Jeffrey Briggs presented the staff report and stated that the applicant, Erling Falk, is requesting subdivision or lot split approval to divide the property at 1295 North Park Avenue into two single family lots. The current zoning is R-1A, and the property now holds one single family home, which is to be demolished. He reviewed the provisions of the Comprehensive Plan and Land Development Code regarding subdivision requests. The application meets all of the requirements of the Zoning Code, Subdivision Code and Comprehensive Plan. The applicant has provided a generalized front elevation for the types of home that their company builds. They have not developed site plans or more formalized plans at this time. They will comply with the normal single family development standards, setbacks, etc. Since the request conforms to the zoning requirements and comprehensive plan lot standards, the staff has not requested further plans. However, per our Subdivision Code, the City can condition any approval upon the subsequent submission, review and approval of house plans, as well as place conditions upon this approval. Staff recommended approval of the request. Mr. Briggs responded to Board member questions and concerns.

The applicant was present, and expressed his agreement with the recommendations of staff. No one wished to speak in favor of or in opposition to the request. Public hearing closed.

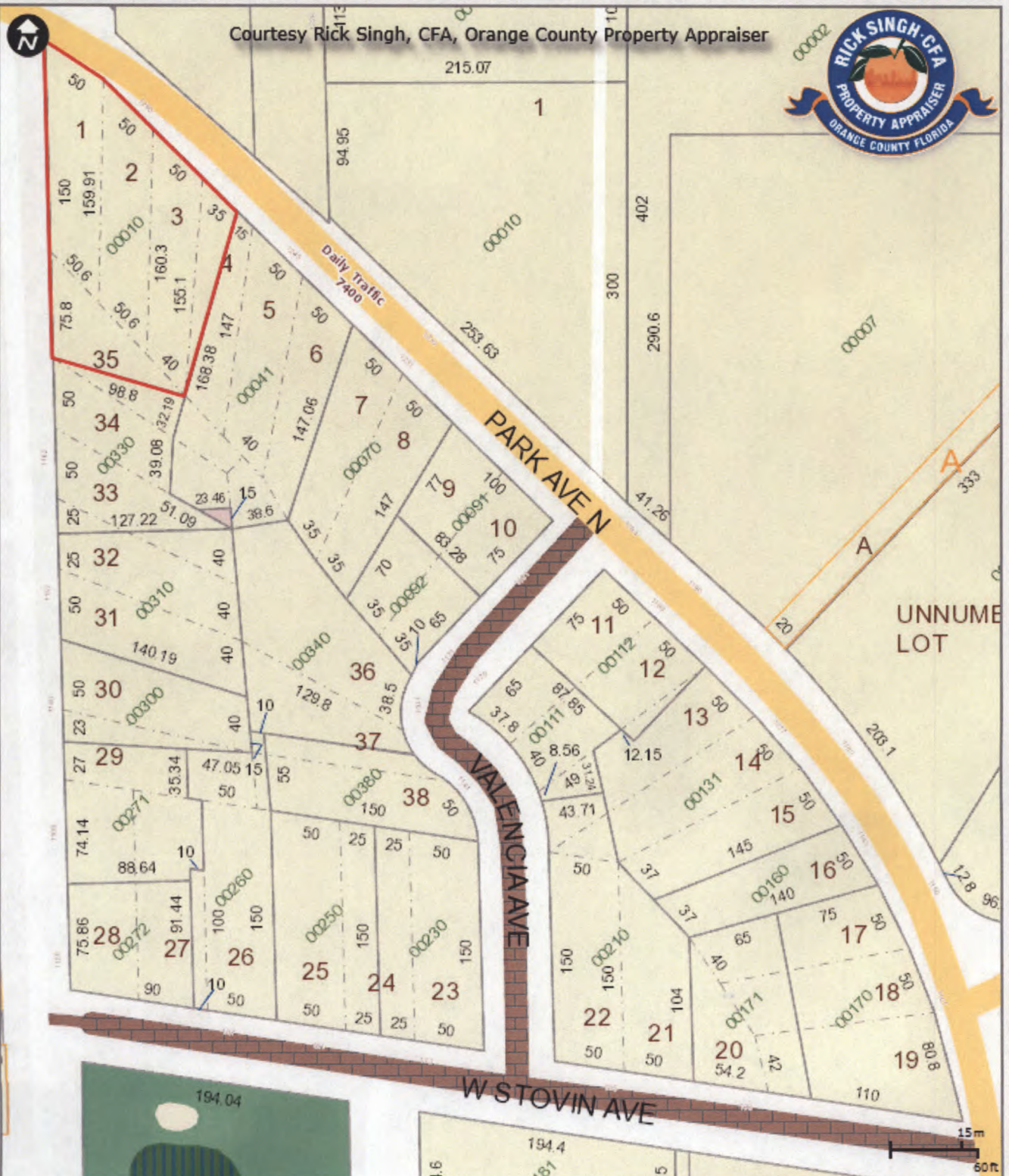
The P&Z Board members agreed that this request meets all the City Codes and no variances are requested.

Motion made by Tom Sacha, seconded by Peter Weldon recommending approval of the subdivision or lot split to divide the property at 1295 North Park Avenue into two single-family building lots. Motion carried with a 6-1 vote. Randall Slocum abstained.

OCA Web Map

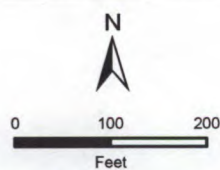
	Florida Turnpike		Public Roads		Proposed Road		Residential		Commercial/Industrial/Vacant Land		Parks		Lot Number
	Interstate 4		Gated Roads		Brick Road		Agriculture		Agricultural Curtilage		Lakes and Rivers		Parcel Number
	Toll Road		Road Under Construction		Block Line		Commercial/Institutional		Hydro		Building		Parcel Address
	Lot Line		Governmental/Institutional/Misc		Waste Land		Block Number		Parcel Dimensions				

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 9/2/2015

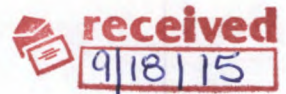
This map is for reference only and is not a survey.



*Properties within the
500 foot radius*

Erling "Thor" Falk

1295 North Park Avenue | Winter Park, Florida 32789 | Thor@FalkResearch.com | 407-629-5208



September 15, 2015

Dear Neighbor,

I am the owner of the property located at the corner of Park Avenue and New York Avenue. As you probably know, I had the property listed for sale over the summer. I learned while marketing the property that interest in my home is minimal. Buyers in this neighborhood are not interested in a 1960's home with very little updating. There has, however, been significant interest in my property – mostly builders who felt the lot should be divided into two parcels. Given that I am very motivated to sell the property, I decided to petition the City of Winter Park to approve a lot split.

I asked my neighbor, Randall Slocum, to study the lot and make recommendations regarding how it could be split. We presented the drawings to the City and received permission to take the next step in the approval process given that Randall was able to satisfy all of the City's criteria. Attached please find the drawings Randall Slocum developed to demonstrate how the property could be divided and used to build spectacular homes that will be more consistent with the overall aesthetic and quality of the Valencia Terrace neighborhood.

You will receive a notice from the City and there will be a public hearing regarding this plan to divide my property. I hope I can count on your support. If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Erling Falk", written in a cursive, flowing style.

Erling "Thor" Falk

Enc.

SITE SUMMARY

LOT #1 AREA: 13,025
ALLOWABLE FAR: 5,200
ALLOWABLE IMP: 6,513
PROPOSED IMP: 5,815

LOT #2 AREA: 10,078
ALLOWABLE FAR: 4,334
ALLOWABLE IMP: 5,039
PROPOSED IMP: 5,021



1 ARCHITECTURAL SITE PLAN
SCALE: NTS



REVISIONS	BY
PERMIT SET	XXX-XXX-XXX

SLOCUM PLATT
ARCHITECTS, P.A.
MARSHALL L. SLOCUM 13208 WILLIAM P. PLATT 13202
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SP

ILLUMINATING ENGINEERS

FLORIDA

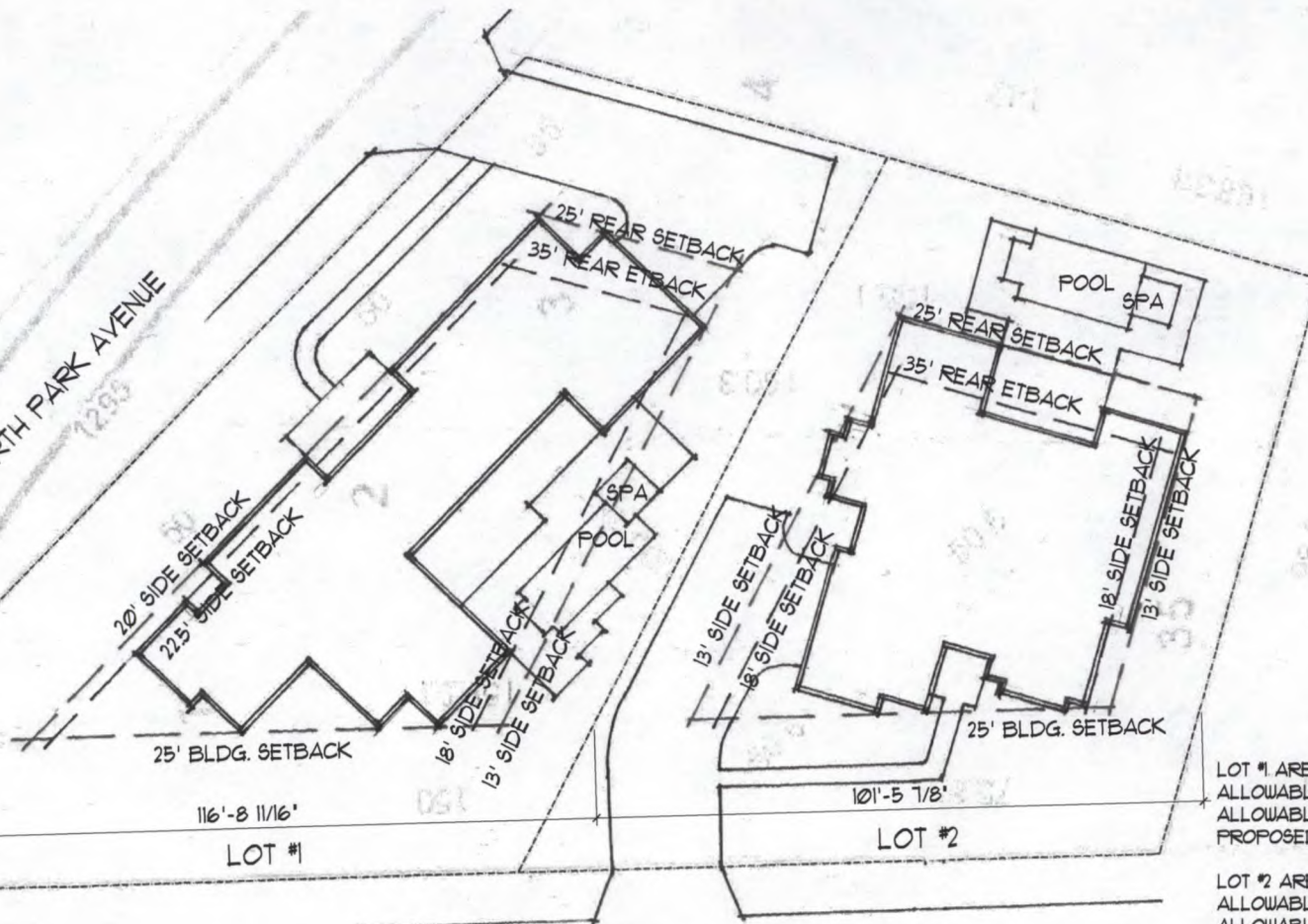
FALK
RESIDENCE

SITE PLAN
WINTER PARK

DRAWN	CAD
CHECKED	UPP
DATE	8-31-05
SCALE	AS NOTED
UCB NO.	
SHEET	

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NORTH PARK AVENUE



25' BLDG. SETBACK

116'-8 11/16'

LOT #1

101'-5 7/8'

LOT #2

25' BLDG. SETBACK

NORTH NEW YORK AVENUE

SITE SUMMARY

LOT #1 AREA:	13,025
ALLOWABLE FAR:	5,200
ALLOWABLE IMP:	6,513
PROPOSED IMP:	5,815
LOT #2 AREA:	10,018
ALLOWABLE FAR:	4,334
ALLOWABLE IMP:	5,039
PROPOSED IMP:	5,021

1 ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'-0"



REVISIONS	BY
PERMIT SET	
06-000-001	

SLOCUM PLATT
ARCHITECTS, P.A.
RANDALL J. SLOCUM AS 13355 WILLIAM P. PLATT AS 13312
200 E. NEW ENGLAND AVE. SUITE 200 WINTER PARK, FL 32789
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FLORIDA

WINTER PARK

FALK
RESIDENCE

WINTER PARK

DRAWN	CAD
CHECKED	UPP
DATE	8-31-15
SCALE	AS NOTED
JOB NO.	
SHEET	

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① FRONT ELEVATION - LOT 2
SCALE 1/4" = 1'-0"

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REVISIONS		BY
1	REVISION	DATE

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ILLUMINATED PLATTS, ARIZONA

FLORIDA

FALK
RESIDENCE

WINTER PARK

DRAWN
CAD
CHECKED
UPP
DATE
8-31-15
SCALE
AS NOTED
JOB NO.
SHEET
A6.1



1 FRONT ELEVATION - LOT #1
SCALE: 1/4" = 1'-0"

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REVISIONS	BY
PERMIT SET XX-XX-XX	

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NANCY J. SLOCUM, AS FIRM REPRESENTATIVE
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ILLUSTRATION
SLOCUM PLATT ARCHITECTS, P.A.

FLORIDA
**FALK
RESIDENCE**
WINTER PARK

DRAWN CAD	CHECKED JMS
DATE 8-31-15	SCALE AS NOTED
JOB NO.	SHEET A6.0



city commission public hearing

item type	Public Hearing	meeting date	October 26, 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 & Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0 final vote

Subject: Amend Conditional Use Approval for New Hope Baptist Church at 274 North Capen Avenue.

New Hope Baptist Church (property owner) is requesting to amend their Conditional Use Approval at 274 North Capen Avenue (zoned R-2) to convert the use of two portable buildings from the children's day care facility (as originally approved) to Sunday School classrooms and Fellowship Hall.

Summary:

In August of 2012, the City granted a Conditional Use Approval to New Hope Baptist Church to move two portable classroom buildings onto the Church property, with the intention to use the buildings for children's day care. Conditional Use Approval is required for any new buildings built on Church properties and the Land Development Code requires that churches may not operate day nurseries, kindergartens or schools without first receiving conditional use approval for this use.

It has been a three-year process for New Hope Baptist Church to finish their renovations to the portables and to complete the driveway paving, parking spaces, storm water retention, landscaping and irrigation. As the attached letter from Pastor Phillips explains, the use of these buildings for child day care is no longer a viable option. The Church members who originally planned to volunteer to run the program have left the Church. There is also sufficient existing day care facilities in the neighborhood at the Church of God by Faith – 14 children (to the south of New Hope Baptist Church at 800 Symonds), and at the Welbourne Day Nursery – 28 children (located at 450 West Welbourne). Neighborhood residents also use the Winter Park Day Nursery – 70 children (located at 741 South Pennsylvania).

As a result, New Hope Baptist Church now desires to use the buildings for Sunday School classroom space and Fellowship Hall activities. The Church itself is limited to only sanctuary space so these uses as Sunday School classrooms for children and adults as well as other Fellowship Hall functions will be complimentary to the Church. There is no added parking or traffic as the buildings only serve the existing congregation.

Staff Recommendation: Approval to amend the Conditional Use Approval for New Hope Baptist Church at 274 North Capen Avenue.

Planning and Zoning Board Recommendation:

Motion made by Peter Weldon, seconded by Tom Sacha recommending approval of the conditional use request to use the portable buildings on the church property for Sunday School classroom space and Fellowship Hall activities in conjunction with the church at 274 North Capen Avenue. Motion carried unanimously with a 7-0 vote.

Planning and Zoning Board Minutes: October 6, 2015

REQUEST OF NEW HOPE BAPTIST CHURCH TO: AMEND THEIR CONDITIONAL USE APPROVAL TO USE THE PORTABLE BUILDINGS ON THEIR CHURCH PROPERTY FOR SUNDAY SCHOOL CLASSROOM SPACE AND FELLOWSHIP HALL ACTIVITIES AT 274 N. CAPEN AVENUE, ZONED (R-2).

Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing is a request from the New Hope Baptist Church to amend their Conditional Use Approval to convert the use of two portable buildings on their property from a proposed children's day care facility (as originally approved) to Sunday School classroom and Fellowship Hall use at 274 North Capen Avenue. Mr. Briggs explained that In August 2012, the City granted Conditional Use Approval to New Hope Baptist Church to move two portable classroom buildings onto the Church property with the intention at that time, to use the buildings for children's day care. Conditional Use approval is required for any new buildings built on Church property and it also says that "churches may not operate day nurseries, kindergartens or schools without first receiving conditional use approval for this use." It has been a three-year process for New Hope Baptist Church to finish their renovations to the portables and to complete the driveway paving, parking spaces, storm water retention, landscaping and irrigation. As the attached letter from Pastor Phillips explains, the use of these buildings for child day care is no longer a viable option. The Church members who originally planned to volunteer to run the program have left the Church. As a result, New Hope Baptist Church now desires to use the buildings for Sunday School classroom space and Fellowship Hall activities. The Church itself is limited to only sanctuary space so these uses as Sunday School classrooms for children and adults as well as other Fellowship Hall functions will be complimentary to the Church. There is no added parking or traffic as the buildings only serve the existing congregation. Staff recommended approval of the request.

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

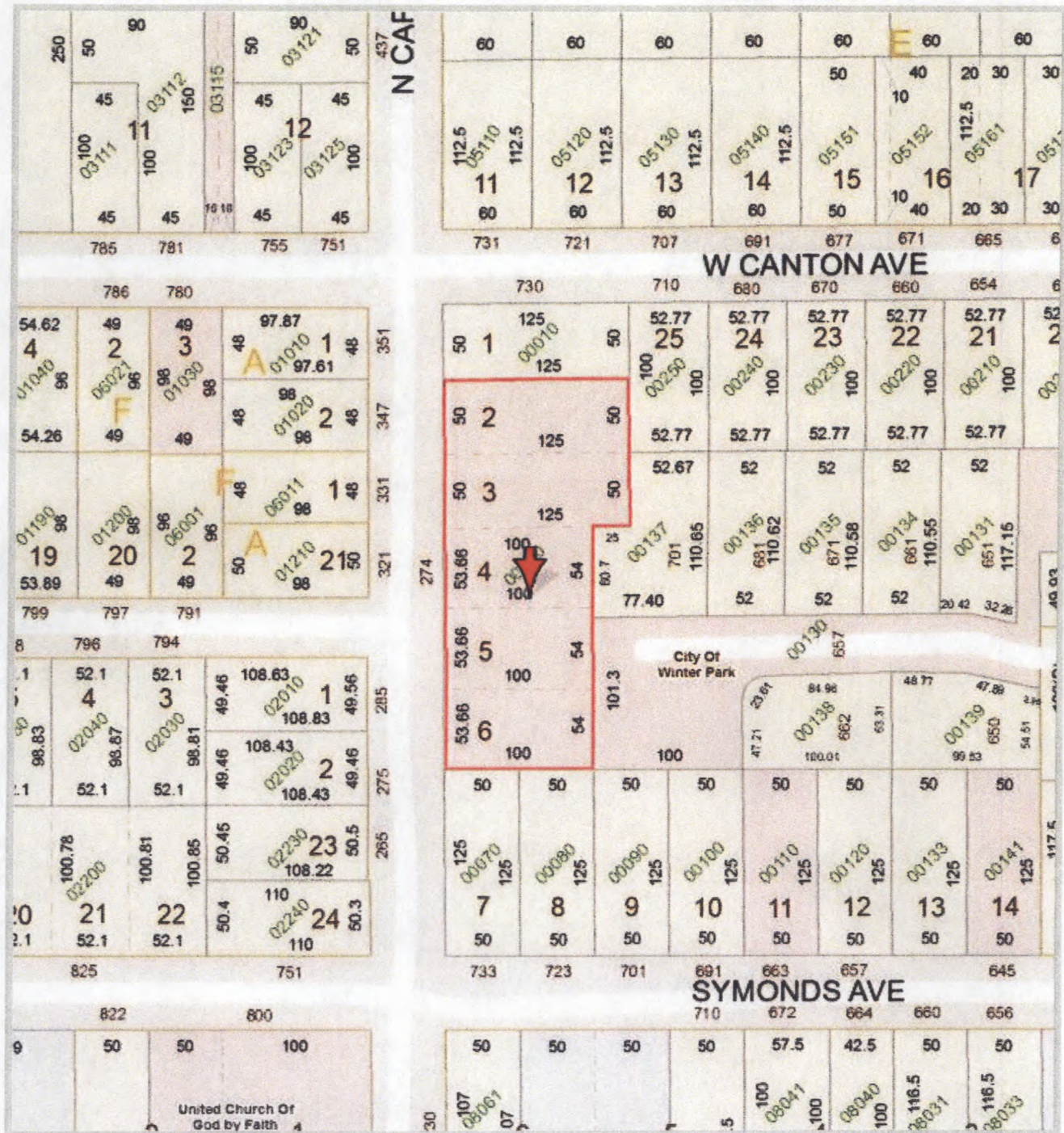
The P&Z Board members agreed that the use as requested is actually less intense with less impact for traffic and only on Sundays than the previous approval as day care.

Motion made by Peter Weldon, seconded by Tom Sacha recommending approval of the conditional use request to use the portable buildings on the church property for Sunday School classroom space and fellowship hall activities in conjunction with the church at 274 North Capen Avenue. Motion carried unanimously with a 7-0 vote.



OCA Web MAP

PRINT
 CONTACT



Parcel ID: 302206372400040 (Rng-Twn-Sec format)

0 50 ft

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

Created on 7/17/2012, Copyright 2007. Orange County Property Appraiser.

← 342 N Capen Ave
Winter Park, Florida



CITY COMMISSIONERS
CITY OF WINTER PARK, FLORIDA

August 13, 2015

Re: Request for Change of Use for the portables from Child Care/Preschool to Church Sunday School classrooms, Church members nursery, and Church trainings.

Members of the City Commission:

On behalf of the members of New Hope Missionary Baptist Church; 274 Capen Avenue, I again extend our heartfelt thanks and appreciation to you for the permission given to us to locate two (2) Orange County portables on our site for the purpose of starting a day nursery and pre-school facility to help meet growing needs in our church and community.

To date, we are on the verge of acquiring what is necessary for approval of occupancy. We have:

1. Completed city requirements and upgrades in the areas of engineering, plumbing, electrical, concrete paving, parking, striping, and ramping;
2. We have upgraded and remodeled all restroom facilities (including outfitting for the handicap and special needs) according updated city code requirements;
3. We have done extensive landscape work so that our property enhances and beautifies the surrounding community area.
4. We have met each and every request of compliance to the city of Winter Park request to meet code requirements.
5. There are no pending liens against us, as all of our bills have been timely paid.

Our original plans for getting state approval for our pre-school and nursery/child care are indefinitely placed on hold. The reason is that we have funding issues in hiring staff, we have lost the key trained child care staff that originally planned to volunteer during the start-up phase and also because we have realized that there are many other child care options within the neighborhood. With diminishing area population growth, another child care/pre-school may not be feasible. However, our dilemma is that the City Commission was so gracious to give the Church our original approval for the pre-school and child care and helping us by providing three (3) years for us to get the Buildings completed as part of the Conditional Use approval.

However, the Church does have needs for these buildings. Our Church building is comprised solely of the sanctuary. We now have to have a "one room" mass teaching in the Main Sanctuary. Our Church building has no space for Sunday School classrooms for our youth. The Church also needs the opportunity for child care on Sunday while Church services are being conducted. Also the Church has no space for small meetings of members for bible study, etc. Accordingly, because of these conditions, we respectfully request a change of use for the portables to Church Sunday School classrooms, Church members' nursery, and Church training areas.

We are thanking you in advance for your consideration of this request.

Respectfully,

John P. Phillips, Pastor (NHBC of WP)



city commission public hearing

item type	Public Hearing	meeting date	October 26, 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 & Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0 final vote

Subject: Ordinance to Establish Central Business District (CBD) Future Land Use and Commercial (C-2) Zoning on the Property located at 347 West New England Avenue.

This is a request by Bethel Baptist Church (property owner) seeking approval to change the existing Commercial Future Land Use (FLU) designation in the Comprehensive Plan to Central Business District (CBD), and to change the zoning of the property from Multi-Family (R-3) zoning to Commercial (C-2) zoning on the property located at 347 West New England Avenue.

Summary:

Bethel Baptist Church, located at 425 West Welbourne Avenue, has been the owner of this property since 1986. The property was originally purchased by the Church to be used as overflow parking. However, the Church has rarely used the property for that purpose. As a result, the Church has made the decision to sell the property and is seeking a change in zoning in order to be able to market the property for commercial development. The property is a vacant lot at the northeast corner of Virginia and New England Avenues. The lot measures 50 feet by 130 feet, and equals a total of 6,500-square feet.

BACKGROUND TO ZONING ON NEW ENGLAND: When the Community Redevelopment Area (CRA) was established in 1994, one of the primary goals was to encourage the redevelopment of that portion of West New England Avenue from Pennsylvania to New York Avenue. To that end, the City administratively changed the Comprehensive Plan FLU Map in 1995 for all the properties affected to a Commercial FLU. In that way, anyone buying a property would know they were guaranteed to be able to get that property rezoned from residential to commercial. Commercial at that time, was defined as being rezoned to the C-3 or C-3A zoning district.

When the redevelopment of New England Avenue began in earnest, with the redevelopment of the Dexters building, the zoning needed for that density and building setback was Commercial Future Land Use with a C-2 zoning designation. The major difference between commercial C-3 zoning and C-2 zoning, is that C-3 has a 45% Floor Area Ratio (FAR) and 10 foot street setbacks, and the C-2 zoning has a 200% FAR and allows buildings with zero front setbacks right at the sidewalk. C-2 is the zoning used along Park Avenue, and in most of the CBD.

In turn, all of the successive redevelopment from 1995 to 2007 along New England Avenue between Pennsylvania and Virginia Avenues has been undertaken utilizing C-2 district zoning. This has been consistent with the original goal to emulate on West New England Avenue, the style, density and character of Park Avenue. The goal has also been to have the redevelopment continue down to New York Avenue, so the Park Avenue shopping district is physically connected to the Hannibal Square business district.

In this block from Virginia to New York Avenue several properties have also been changed to CBD FLU, and rezoned to C-2, although redevelopment has not yet occurred. In 2003, the City rezoned the former Grant Chapel property at 301 West New England Avenue to C-2. In June 2014 the City also changed the future land use to CBD and rezoned the properties at 298 and 313 West New England Avenue to C-2. This request would be consistent with those previous actions.

Staff Recommendation: Approval of an ordinance to establish CBD Future Land Use and C-2 Zoning on the Property located at 347 West New England Avenue.

Planning and Zoning Board Summary:

The P&Z Board was in agreement that the requested C-2 zoning was consistent with what has been granted to other properties along New England Avenue. The one issue discussed was the future front setback standards on New England Avenue. With no existing buildings in place, a zero foot front setback would be allowed. However to be comparable to the pattern of the buildings to the west, the P&Z Board decided to set a five foot front setback standard be established for this property to set the pattern of a 5 foot setback in this area.

Planning and Zoning Board Recommendation:

Motion made by Tom Sacha, seconded by James Johnston recommending approval of the request to amend Chapter 58, "Comprehensive Plan", so as to change the Future Land Use designation of Commercial to Central Business District on the property at 347 West New England Avenue with the condition that the Ordinance establish a minimum five (5) foot front setback along New England Avenue.

Motion carried unanimously with a 7-0 vote.

Motion made by Tom Sacha, seconded by Peter Weldon recommending approval of the request to amend Chapter 58, Article III, "Zoning", to change the zoning designation of medium density multi-family residential (R-3) to commercial (C-2) and subject to a five-foot (5') setback on New England Avenue.

Motion carried unanimously with a 7-0 vote.

Planning and Zoning Board Minutes: October 6, 2015

REQUEST OF BETHEL BAPTIST CHURCH TO: AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 347 WEST NEW ENGLAND AVENUE.

REQUEST OF BETHEL BAPTIST CHURCH TO: AMEND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING OF MEDIUM DENSITY MULTIFAMILY RESIDENTIAL (R-3) DISTRICT TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTY AT 347 WEST NEW ENGLAND AVENUE.

Planning Manager Jeff Briggs presented the staff report and explained that this is a request by Bethel Baptist Church seeking approval to change the existing Commercial Future Land Use (FLU) designation in the Comprehensive Plan and Multi-Family (R-3) zoning to Central Business District (CBD) FLU and to Commercial (C-2) zoning on the property at 347 West New England Avenue. Bethel Baptist Church at 425 West Welbourne Avenue has been the owner this property since 1986. It was originally purchased by the Church to be used as overflow parking. However, the Church has rarely used the property for that purpose. As a result, the Church has made the decision to sell the property and is seeking a change in zoning in order to be able to market the property for commercial development. The property is a vacant lot at the northeast corner of Virginia and New England Avenues. The lot measures 50 feet by 130 feet, and equals a total of 6,500-square feet. In all these previous instances the staff recommendation was in favor of the CBD FLU and C-2 zoning. This was based on continuing the redevelopment pattern that had already occurred along New England Avenue. It also was based on the recognition that the City still has the review and approval control over all redevelopment since the Code requires Planning and Zoning (P&Z)/City Commission approval of any building/building addition over 500-square feet. Staff recommendation is for approval of the change to Central Business District Future Land Use and C-2 Zoning for the property at 347 West New England Avenue.

The applicant was present but did not wish to speak. No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

The P&Z Board agreed that this change was consistent with those made by the City in the past for similarly situated properties.

Motion made by Tom Sacha, seconded by James Johnston recommending approval of the request to amend Chapter 58, "Comprehensive Plan", so as to change the Future Land Use designation of Commercial to Central Business District on the property at 347 West New England Avenue. Motion carried unanimously with a 7-0 vote.

Motion made by Tom Sacha, seconded by Peter Weldon recommending approval of the request to amend Chapter 58, Article III, "Zoning", to change the zoning designation of medium density multi-family residential (R-3) to commercial (C-2) and subject to a five-foot (5') setback on New England Avenue. Motion carried unanimously with a 7-0 vote.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT FUTURE LAND USE ON THE PROPERTY AT 347 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

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

WHEREAS, Section 163.3184, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments amending the future land use designation of property; and

WHEREAS, the owner of this property is desirous of amending the future land use designation from Commercial to Central Business District; and

WHEREAS, this Comprehensive Plan amendment meets the criteria established by Chapter 163 and 166, Florida Statutes; and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on October 6, 2015, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on October 26, 2015 and November 9, 2015 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

SECTION 1. Future Land Use Map Amendment. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation from Commercial to Central Business District on the property at 347 West New England Avenue, identified with the Parcel ID# of 05-22-30-9400-40-130 and as more particularly described as follows:

LOT 13, BLOCK 40 AND THE SOUTH HALF OF THE VACATED ALLEY PER THE REVISED MAP OF THE TOWN OF WINTER PARK, AS RECORDED IN PLAT BOOK "A", Pages 67-72 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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

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

SECTION 4. Effective Date. An amendment adopted under this paragraph does not become effective until 31 days after adoption. If timely challenged, an amendment may not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance.

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

Mayor Steve Leary

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE FROM MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 347 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owner of a property at 347 West New England Avenue has requested a Zoning Map amendment consistent with the amended Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their October 6, 2015 meeting; and

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

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

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

SECTION 1. Official Zoning Map Amendment. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation from Medium Density Multi-Family Residential (R-3) District to Commercial (C-2) District on the property at 347 West New England Avenue, identified with the Parcel ID# of 05-22-30-9400-40-130 and as more particularly described as follows:

LOT 13, BLOCK 40 AND THE SOUTH HALF OF THE VACATED ALLEY PER THE REVISED MAP OF THE TOWN OF WINTER PARK, AS RECORDED IN PLAT BOOK "A", Pages 67-72 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

SECTION 2. Voluntary Consent to Setback Limitations. Notwithstanding the general development standards of the Commercial (C-2) zoning district, the City hereby establishes, with the consent of the property owners, a minimum five (5) foot building front setback along the New England Avenue street frontage. No other development standard of the Zoning Code shall be restricted or limited in any fashion.

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

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

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

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

Mayor Steve Leary

Attest:

City Clerk



September 21, 2015

Mr. Jeff Briggs
City of Winter Park
City Manager
Winter Park, Florida 32789

Dear Mr. Briggs:

Bethel Missionary Baptist Church is the owner of property at 347 W. New England Avenue; Winter Park Florida. We purchased the property to use as overflow parking for the church. We no longer need the additional parking due to the size of our congregation and we have no plans to develop the lot.

Bethel wants to rezone the property to comply with the City's Comprehensive Plan.

We would like to sale the property in the future. The eventual sale will be very important for the financial stability of Bethel Missionary Baptist Church.

If you need additional information, please contact me at 407-629-5741.

Regards,

Deacon Kevin Robinson, Trustee Chairman
Rev. Tyron Browder, Interim Pastor

Cynthia M. Henry, Church Clerk

A handwritten signature in cursive script, reading "Cynthia M. Henry", is placed to the right of the typed name.

UNITY IN SPIRIT UNITY IN PURPOSE PRODUCING A FELLOWSHIP OF LOVE

425 West Welborne Avenue | Winter Park, FL 32789 | T:407.629.5741



city commission public hearing

item type	Public Hearing	meeting date	October 26, 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 & Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-1 final vote

Subject: Ordinance to Establish Institutional Future Land Use and Public, Quasi-Public (PQP) Zoning on the Property located at 315 Holt Avenue.

Rollins College is requesting to change the Comprehensive Plan future land use map from Low Density Residential to Institutional; and to change the Zoning Map from Low Density Residential (R-2) to Public, Quasi-Public (PQP) on their "College Arms" property located at 315 Holt Avenue. This property is located at the northwest corner of Holt and New York Avenues. It extends 270 feet along Holt Avenue, 109 feet along New York Avenue, and is 29,430-square feet (0.68 acres) in size. The existing two-story College Arms building and parking lot is to be removed for the redevelopment of this land.

College Arms was built in 1935. The original multi-family building included two two-bedroom apartments and two one-bedroom units (each with a living room, kitchen, bathroom and sunroom). Rollins College has owned the College Arms property since 1969.

Summary: Rollins College desires to redevelop the College Arms property and is seeking the Comprehensive Plan designation (Institutional) and Zoning (PQP) that is used for the rest of the college campus. Specifically, Rollins College desires to move their Child Development Center from the current on-campus location in a small renovated house to a new 5,050-square foot, one story building as shown in the attached plans.

Architecturally, the new Child Development Center will continue the Mediterranean architectural theme of the college campus. There will be a fenced playground area to the west of the building for outdoor child play and observation. However, there will be no outdoor lighting for evening use. The new building will observe a 25 foot setback (versus the permitted 10 foot setback in PQP zoning) in order to maintain continuity with the existing R-2 setback of 25 feet and the prevailing setbacks of the other homes along Holt Avenue. The proposed floor area ratio (FAR) is approximately 18.0%.

Currently, the Child Development Center provides day care opportunities for members of the Rollins College community, as well as a small number of residents. In the new facility, the intention is also to offer child care for students within the Hamilton Holt evening program which has classes up until 9:00 pm. The anticipated capacity for child care is 25 students at night and 40 students during the day.

TRAFFIC/MOBILITY IMPACTS: The access to the Child Development Center will only be from New York Avenue. This has been purposefully arranged so that no traffic enters/exits directly from Holt Avenue. The parking spaces on the south side of the drive aisle will be reserved for Child Development Center use as drop-off and pick-up area. The staff will park off-site in other on-campus parking. The parking spaces on the north side of the drive aisle will be available but those are also used by that adjacent commercial building.

ZONING ENTITLEMENTS: The PQP zoning that is requested potentially allows much greater building development than the one-story, 5,050-square foot building proposed. Under the PQP zoning this site could potentially be used for building(s) of 13,243-square feet and up to three stories, 42 ½ feet in height. Rollins College has voluntarily agreed to development limitations and the Planning and Zoning (P&Z) Board's recommendation included those restrictions as part of their action to recommend approval. Thus, a Development Agreement (attached) will be executed to run with title to the land to limit the building size to the 18% FAR and 5,100 sq. ft.; to limit the building height to one-story, 35 feet; to restrict to a minimum 25 foot front setback on Holt Avenue and to commit that there be no outdoor playground activities or lighting after 6:00 pm. The proposed Zoning Ordinance in the packet contains those development restrictions and limitations. That was the Staff's recommendation. If at a later time, further development or other redevelopment of this property is proposed, Rollins College would have to ask the City for those restrictions to be modified which would then require the same P&Z and City Commission public notice and public hearing process.

COMPREHENSIVE PLAN POLICIES: There are various Comprehensive Plan policies that have been cited by Brent Spain (attorney for some neighbors) that prohibit the City from these approvals and which are contested by Rebecca Wilson (attorney for Rollins College) as not valid. One Comp. Plan policy speaks to the development of Rollins College in accordance with a Master Plan. There is a 2011 Rollins College Master Plan adopted by the college that contains this project in the exact fashion as requested. While that 2011 Rollins College Master Plan has not been adopted by the City, the reason is that the City does not have provisions in our Comp. Plan or Zoning Code for "Master Plan" approvals in terms of legal authority, approval process, etc.

Policy 1.2.5.1: Institutional. This land use designation includes lands used by governments, hospitals, churches, community centers, schools, utilities and social service agencies serving the public. This designation is compatible with the P.Q.P. zoning and any future hospital or medical arts district. However, these types of uses are also permitted as conditional uses within other designations. The intensity of use in the designation is up to a maximum 45% floor area ratio outside of the Central Business District and up to a maximum 200% floor area ratio inside the same as the Central Business District future land use designation inside the C.B.D. Public parking garages (not private) may be excluded from the floor area ratio by the City Commission.

3. Redevelopment of Rollins College. The City shall strive to accommodate the enhancement and redevelopment of the Rollins College campus to the extent that such redevelopment is compatible with the height and density of surrounding properties and is in compliance with our Land Use Development Codes. Development of the Rollins College campus and ancillary facilities shall be in accordance with an adopted Master Plan to be presented for approval within one year of adoption of this Comprehensive Plan.

There also is a Comprehensive Plan Study Area policy (below) which describes a "division line between low-density residential and single-family residential between Holt and Fairbanks Avenues". The opposition cites this as a Policy prohibiting this approval. The flaw in that

argument is that there is no "division line between low-density residential and single-family residential between Holt and Fairbanks Avenues". That line is between commercial and low density residential. The low density/single family division line is between Antonette and Maryland Avenues and the intent of this policy was to prohibit rezoning to R-2 along Antonette Avenue.

Policy 1-4.1.F.6: Preserve Division of Low-Density Residential and Single-Family Residential between Holt and Fairbanks Avenues. The City shall preserve the division line between low-density residential and single-family residential between Holt and Fairbanks Avenues.

Lastly there is a Comprehensive Plan policy (below) which is intended to discourage re-zonings from residential to business or other non-residential zonings in order to preserve neighborhoods. However, the City recognized (see emphasis in yellow below) that there would be occasions when there was some public benefit from such an action needed for the Hospital or College or other non-profit so the other Policy exempts such prohibition in order to foster such public benefits.

Policy 1-3.5.1: Criteria for Managing Encroachment of Nonresidential Uses into Established Residential Neighborhoods. The City shall require that any change in land use designation from residential to nonresidential comply with all of the following:

1. That this change shall not be a precedent toward other similar applications for change requesting similar land use as a matter of equity or fairness;
2. That the change can be demonstrated to be in the best interests of the City at large;
3. That the change can be demonstrated to be in the best interests of the adjacent residential area;
4. That residential use of the property is no longer a viable use.

Policy 1.2.5.1: Institutional. This land use designation includes lands used by governments, hospitals, churches, community centers, schools, utilities and social service agencies serving the public. This designation is compatible with the P.Q.P. zoning and any future hospital or medical arts district. However, these types of uses are also permitted as conditional uses within other designations. The intensity of use in the designation is up to a maximum 45% floor area ratio outside of the Central Business District and up to a maximum 200% floor area ratio inside the same as the Central Business District future land use designation inside the C.B.D. Public parking garages (not private) may be excluded from the floor area ratio by the City Commission.

1. **New Institutional Facilities.** Since any new institutional facilities or expansions can only occur through conditional uses or Future Land Use Map changes, these proposed types of facilities such as public governmental buildings, schools, colleges or universities, public utility facilities, public parking lots, churches, museums, libraries, retirement and nursing homes, hospitals and non-profit community service facilities (excluding private clubs and lodges) may be exempted from policy 1-3.5.1 in this element which discourages land use plan map changes so that appropriate future sites may be established that shall provide these public services and benefits.

IMPLEMENTATION ALTERNATIVE: At the P&Z meeting, Rollins College offered an alternative method to facilitate this project without doing the Comprehensive Plan Future Land Use (FLU) or Rezoning. That would be to amend the R-2 zoning district to allow for conditional uses for child care limited to non-profit providers. The Winter Park Day Nursery on North Pennsylvania Avenue is on property zoned R-2. However, that would require this approval process to start over. That alternative would need to be re-advertised and go back to P&Z and then City Commission. The P&Z Board, per the 6-1 vote, was comfortable with the current method subject to those conditions of approval restricting the development of the site.

Planning and Zoning Board Analysis: The P&Z Board discussed and recognized that the current R-2 zoning allows Rollins College residential use of this property for up to seven two-story townhouse units that could be a cumulative 16,186 square feet in size. The proposed project provides both an educational purpose and a societal amenity. The P&Z Board felt that a one-story, 5,050 square foot building was more compatible with the adjacent neighborhood than the alternative seven townhouses. The scale of the proposed building (one story) and the size of 5,050-square feet (FAR of 18%) is one-third the size of the amount of building size that would be allowed under the R-2 FAR of 55%. The architectural style and traffic circulation all work to make the proposal compatible with the surrounding neighborhood. Together with the restrictions and limitations agreed to by the applicant that are to be included in the Zoning Ordinance and the Development Agreement, the P&Z Board, by a 6-1 vote, was comfortable that the neighborhood will be assured of compatible development with restrictions recorded.

Planning and Zoning Board Recommendation:

Motion made by James Johnston, seconded by Tom Sacha recommending approval of the request to amend Chapter 58, Article I, "Comprehensive Plan" to change the Future Land Use designation of Low Density Residential to Institutional on the College Arms Property at 315 Holt Avenue.

Motion carried with a 6-1 vote. Peter Gottfried voted against the motion.

Motion made by James Johnston, seconded by Peter Weldon recommending approval of the request to amend Chapter 58, Article III, "Zoning" and the official zoning map to change the zoning designation of Low Density Residential (R-2) to Public, Quasi-Public (PQP) on the College Arms property at 315 Holt Avenue in addition to the following conditions:

- 1. FAR not to exceed 0.18**
- 2. Building not to exceed 5,100 gross square feet**
- 3. Height not to exceed one story (35 feet)**
- 4. Construction of a masonry wall or fence with masonry columns on south & west**
- 5. 25 foot front setback**
- 6. No outdoor evening activity**
- 7. Rollins quality landscaping**
- 8. Use of the property is limited to a child development center only**
- 9. All employees must park at the off-site location**

Motion carried with a 6-1 vote. Peter Gottfried voted against the motion.

Planning and Zoning Board Minutes: October 6, 2015

REQUEST OF ROLLINS COLLEGE TO: AMEND CHAPTER 58, ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO INSTITUTIONAL ON THE COLLEGE ARMS PROPERTY AT 315 HOLT AVENUE.

REQUEST OF ROLLINS COLLEGE TO: AMEND CHAPTER 58, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP TO CHANGE THE ZONING OF LOW DENSITY RESIDENTIAL (R-2) DISTRICT TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ON THE COLLEGE ARMS PROPERTY AT 315 HOLT AVENUE.

Planning Manager Jeffrey Briggs presented the staff report and explained that the applicant Rollins College is requesting a comprehensive plan future land use map amendment from low density residential to institutional; and a zoning map amendment from low density residential (R-2) to Public, Quasi Public (PQP) for property located at 315 Holt Avenue commonly referred to as the College Arms. Mr. Briggs stated that the applicant plans to demolish the existing two-story building and parking lot to allow for the redevelopment of this land to move their child development center from the current on campus location to 315 Holt Avenue. Mr. Briggs discussed the history of the subject property to a new 5,050-square foot, one-story building as depicted on plans submitted to the Planning Department. Mr. Briggs reviewed the policies of the comprehensive plan and land development code regulations that relate to this particular project. He also reviewed the issues of traffic circulation, pick-up and drop-off, adequate parking, and playground noise.

He said that architecturally, the new Child Development Center will continue the Mediterranean architectural theme of the college campus. There will be a fenced playground area to the west of the building for outdoor child play and observation, but there will be no outdoor lighting for evening use. The new building will observe a 25-foot setback (versus the permitted 10 foot setback in PQP zoning) in order to maintain continuity with the existing R-2 setback of 25 feet and the prevailing setbacks of the other homes along Holt Avenue. The proposed floor area ratio (FAR) is 18%. Currently, the Child Development Center provides day care opportunities for members of the Rollins College community. The scale of the proposed building (one story) and the size of 5,050-square feet (FAR of 18%) is significantly smaller than the amount of building that would be allowed under the R-2 FAR of 55%. The architectural style and traffic circulation all work to make the proposal compatible with the surrounding neighborhood.

The project that is proposed provides both an educational purpose and a societal amenity and together with the restrictions and limitations agreed to by the applicant proposed to be included in the Zoning ordinance, the neighborhood will be assured of compatible redevelopment. Staff recommendation is for approval of the request for Institutional FLU and PQP Zoning for 315 Holt Avenue with the condition that the Zoning Ordinance includes the restrictions and limitations matching the proposed project parameters. Mr. Briggs responded to Board member questions and concerns.

Rebecca Wilson, with the Lowndes Law Firm, 218 North Eola Drive, represented Rollins College. Mrs. Wilson noted that use of the subject property for the child care center has been in the Rollins Master Plan since 2009, in addition to being posted on the Rollins website. She introduced the members of the redevelopment team and discussed the surrounding land uses. She used a Power Point presentation to provide an overview of the project which included historical details, the current redevelopment proposal, the current site plan and architectural renderings of the proposed facility. She discussed comprehensive plan policies, storm water retention, landscaping, traffic circulation, location and times for pick-up and drop-off. She requested that the Board recommend approval of Future Land Use Map amendment to Institutional; and approval of rezoning with staff's conditions in addition to the following

self-imposed conditions: FAR not to exceed 0.18, building not to exceed 5,100 gross square feet, height not to exceed one-story 35', masonry wall on south and west, 25 foot front setback, no outdoor evening activity, and Rollins quality landscaping. Mrs. Wilson responded to Board member questions and concerns.

Diane Doyle, Director, Rollins Child Development Center, gave an overview of the child development center (to include the number of children served, daily activities for the children, and how it runs on a daily basis, and the history of the establishment). She responded to Board member questions and concerns.

Attorney Dan Langley noted that chapter 58-89 of the Land Development Code requires that the conditions be incorporated into a development agreement for a rezoning/map change. Mrs. Wilson expressed no opposition to the use of a development agreement for this project.

Thad Seymour, 1804 Summerfield Road, spoke in favor of the request. He gave history of the project from his perspective as a former President of Rollins College. He stated that it has long been the desire of the College for the Child Development Center to be housed in its own facility. In addition, the following people spoke in favor of the request: Todd McCaughey, 1167 Lakeview Drive; Marie Gilbert, 1000 Holt Avenue; Sally Miller, 222 Alexander Place; Gabriel Barnechi, 2180 Turkey Run; Ali De Maria, Winter Park Day Nursery; and William Sullivan, 1362 Richmond Road.

Brent Spain, Attorney, 4767 New Broad Street, Orlando, represented the College Quarter Neighborhood Association and a consortium of other property owners in the neighborhood. He distributed a binder and utilized a Power Point presentation that detailed the concerns and arguments against the proposed redevelopment. He explained that a planning study has been completed by Laura Diedenbach, AICP, Gainesville, who presented the details of a planning analysis that she conducted concerning the proposed request. She cited sections of both the comprehensive plan and land development code that explained why she did not feel that the request met the conditions of the city's code and why various policies of the Comp. Plan precluded approval of the request.

The following residents spoke in opposition to the request: Pamela Smith, President, College Quarter Neighborhood Association, 451 Huntington Avenue, submitted a petition in opposition to the request; Judith Marlowe, 695 French Avenue; Mike Galyean, 746 McIntyre; John Carabatos, 330 Holt Avenue; Patrick Doyle, 748 McIntyre; Cynthia Strollo, 777 French Avenue. Those in opposition expressed concern that approval will have a negative impact on the current traffic patterns for the neighborhood; the appropriateness of the subject property for the use of the child development center; setting the precedent of a non-residential intrusion into the established residential neighborhood. They also expressed that they were not necessarily opposed to a child development center, but that this location may not be the best fit for their neighborhood.

Mrs. Wilson was allowed an opportunity to respond to those concerns raised. She said that the applicant would be willing to entertain a change in the R-2 code to eliminate the need to amend the comprehensive plan and change the zoning of the property and it would be a conditional use permit under the R-2 provisions of the code. She explained that this is a way to protect the neighborhood protection. She said they are willing to accept the restriction that the use be limited to a child development center only. Mrs. Wilson responded to Board member questions and concerns. Mr. Briggs stated that after hearing the arguments both for and against, the City staff opinion has not changed as expressed in the staff report. He stated that he feels that an approval of the request is legally defensible under the provisions of the City's comprehensive plan and land development code policies.

The Chairman closed the public hearing. He opened up the item for Board discussion. Mr. Gottfried stated that he preferred the option of not rezoning or amending the comprehensive plan at this time and allowing the applicant to apply for a conditional use. He said that option would give the opportunity to

discuss conditions and eliminates the precedent setting nature of the request Mr. Weldon stated that he feels that the project is great for Rollins, and good for the City. If use of the property is limited to use as a child development center and all the other restrictions and limitations on future development are put in place within a development agreement then and only then would we have assurance to the neighborhood that no other use or larger development can go there without going back thru the P&Z/City Commission public hearing process. Mrs. De Ciccio agreed with the comments made by Mr. Weldon. Mr. Johnston stated that he understands the neighborhood concerns of encroachment. He pointed out that the subject property has been in continuous ownership by the applicant since 1969 and that much larger development could be done under the existing R-2 zoning. He stated that the property is not a part of the historic district and further that it has been in the Rollins master plan for this use for quite some time. He stated that as long as the use is limited to that of a child development center and the other restrictions are in place then he supports the request.

Motion made by James Johnston, seconded by Tom Sacha recommending approval of the request to amend Chapter 58, Article I, "Comprehensive Plan" to change the Future Land Use designation of Low Density Residential to Institutional on the College Arms Property at 315 Holt Avenue. Motion carried with a 6-1 vote. Peter Gottfried voted against the motion.

Motion made by James Johnston, seconded by Peter Weldon recommending approval of the request to amend Chapter 58, Article III, "Zoning" and the official zoning map to change the zoning designation of Low Density Residential (R-2) to Public, Quasi-Public (PQP) on the College Arms property at 315 Holt Avenue in addition to the following conditions:

- 1. FAR not to exceed 0.18**
- 2. Building not to exceed 5,100 gross square feet**
- 3. Height not to exceed one story (35 feet)**
- 4. Construction of a masonry wall or fence with masonry columns on south and west**
- 5. 25 foot front setback**
- 6. No outdoor evening activity**
- 7. Rollins quality landscaping**
- 8. Use of the property is limited to a child development center only**
- 9. All employees must park at the off-site location**

Motion carried with a 6-1 vote. Peter Gottfried voted against the motion.

Chairman Johnston recessed the meeting at 8:20 p.m., and reconvened the meeting at 8:25 p.m.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO INSTITUTIONAL FUTURE LAND USE ON THE PROPERTY AT 315 HOLT AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

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

WHEREAS, Section 163.3184, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments amending the future land use designation of property; and

WHEREAS, the owner of this property is desirous of amending the future land use designation from Institutional to Office and Professional; and

WHEREAS, this Comprehensive Plan amendment meets the criteria established by Chapter 163 and 166, Florida Statutes; and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on October 6, 2015, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on October 26, 2015 and November 9, 2015 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

SECTION 1. Future Land Use Map Amendment. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation from Low Density Residential to Institutional on the property at 315 Holt Avenue, more particularly described as follows:

Lots 1 through 5 and the South Half of the vacated alley lying to the north within the Mrs. L. A. Dennis subdivision as recorded in Plat Book "J", Page 140 of the Public Records of Orange County, Florida.

Parcel ID# 07-22-29-2044-00-011

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

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

SECTION 4. Effective Date. An amendment adopted under this paragraph does not become effective until 31 days after adoption. If timely challenged, an amendment may not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance.

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

Mayor Steve Leary

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ZONING ON THE PROPERTY AT 315 HOLT AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owner of a property at 315 Holt Avenue has requested a Zoning Map amendment consistent with the amended Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their October 6, 2015 meeting; and

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

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

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

SECTION 1. Official Zoning Map Amendment. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation from Low Density Residential (R-2) to Public, Quasi-Public (PQP) District on the properties at 315 Holt Avenue, more particularly described as follows:

Lots 1 through 5 and the South Half of the vacated alley lying to the north within the Mrs. L. A. Dennis subdivision as recorded in Plat Book "J", Page 140 of the Public Records of Orange County, Florida.

Parcel ID# 07-22-30-2044-00-011

SECTION 2. Voluntary Consent to Development Agreement Limitations. The property owner has made certain representations concerning voluntary restrictions and conditions to be placed upon the property subject to this Ordinance. In accordance with Section 58-89(j), City of Winter Park

Code of Ordinances, the property owner and city shall execute a development agreement incorporating the following conditions of rezoning approval as voluntarily proposed and agreed upon by the property owner: (i) a maximum height building limit of one story (35 feet); (ii) a maximum building size of 5,100 square feet; (iii) Floor Area Ratio (FAR) not to exceed 0.18; (iv) a minimum front building setback of 25 feet from Holt Avenue; (v) no freestanding light/light poles for the playground area in accordance with the plans presented to the City for the Rollins College Child Development Center; (vi) no outdoor activities during the evening hours (after 6 p.m.); (vii) property owner will execute and record a restrictive covenant binding upon and running with the land restricting the use of the property to a child development center and giving the City the right to enforce the same; (viii) all employees must park at the off-site location; (ix) construction of a masonry wall or fence with masonry columns on south and west; and (x) landscaping similar in quality to that found on the Rollin College Campus. These conditions as to be set forth in the development agreement shall control notwithstanding the general development standards of the Public, Quasi-Public (PQP) zoning district.

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

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

SECTION 5. Effective Date. This Ordinance shall become effective upon the effective date of Ordinance _____ and after the Development Agreement required under Section 2 of this Ordinance is executed by the City and property owner. If Ordinance _____ does not become effective, then this Ordinance shall not become effective.

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

Mayor Steve Leary

Attest:

City Clerk

PREPARED BY:

Jeffrey Briggs, Planning Manager
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789
(407) 599-3440

After recording, return to:

Winter Park City Clerk
401 S. Park Avenue
Winter Park, FL 32789

Orange County Tax Parcel # 07-22-30-2044-00-011

DEVELOPER'S AGREEMENT
(Rollins College – 315 Holt Avenue)

THIS DEVELOPER'S AGREEMENT ("Agreement") entered into and made as of the ____ day of _____, 2015, by and between the **CITY OF WINTER PARK, FLORIDA**, 401 S. Park Avenue, Winter Park, Florida, 32789 (hereinafter referred to as the "City"), and Rollins College, a non-profit corporation whose address is 1000 Holt Avenue, Winter Park, FL 32789 (hereinafter referred to as "Rollins College").

W I T N E S S E T H

WHEREAS, Rollins College is the owner of that certain real property located at 315 Holt Avenue, Winter Park, FL, lying within the municipal boundaries of the City, having Orange County Tax Parcel Identification Number 07-22-30-2044-00-011 and is more particularly described as:

Lots 1 through 5 and the South Half of the vacated alley lying to the north within the Mrs. L. A. Dennis subdivision as recorded in Plat Book "J", Page 140 of the Public Records of Orange County, Florida.

(hereinafter referred to as "Property"); and

WHEREAS, Rollins College desires to develop the Property as a 5,100 sq. ft. child development center (hereinafter, the "Project"); and

WHEREAS, Rollins College desires to facilitate the development of the Project, in compliance with the laws and regulations of the City and of other governmental authorities, as well as provide assurances that the Project will be compatible with surrounding properties; and

WHEREAS, Rollins College made certain representations concerning voluntary restrictions and conditions to be placed upon the Property, and desires to formalize such voluntary restrictions and conditions; and

WHEREAS, on November 9, 2016 the City Commission approved Ordinance _____, concerning a rezoning of the Property to Public, Quasi-Public (PQP) District provided that Rollins College abide by the restrictions mutually agreed upon for the operation and future use of the Property, and that this Agreement shall set out the development entitlements, exceptions, conditions and terms of the City's approvals; and

WHEREAS, this Agreement is not a statutory development agreement pursuant to Chapter 163, Florida Statutes (Florida Local Government Development Agreement Act), and is being entered into by the City pursuant to the City's home rule authority as a condition of development approvals and based on concessions voluntarily agreed upon by Rollins College.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, the City, Owners and Rollins College agree as follows:

SECTION 1. RECITALS

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

SECTION 2. CONDITIONS OF APPROVAL

Rollins College agrees to develop and maintain the Project and Property in accordance with the conditions of approval imposed by the City Commission concerning the rezoning of the Property to Public, Quasi-Public (PQP) District, which are outlined as follows:

- (i) a maximum height building limit of one story (35 feet);
- (ii) a maximum building size of 5,100 square feet;
- (iii) Floor Area Ratio (FAR) not to exceed 0.18;
- (iv) a minimum front building setback of 25 feet from Holt Avenue;
- (v) no freestanding light/light poles for the playground area in accordance with the plans presented to the City for the Rollins College Child Development Center;
- (vi) no outdoor activities during evening hours (after 6:00 p.m.);
- (vii) On or before November 10, 2015 and prior to the issuance of any building or site permits concerning the Project or the Property, Rollins College will execute and record in the Public Records of Orange County, Florida, a restrictive covenant perpetually binding upon and running with the land restricting the use of the Property to only a child development center and giving the City the right to enforce the same;
- (viii) All employees must park at the off-site location;
- (ix) Construction of a masonry wall or fence with masonry columns on south and west; and
- (x) Landscaping similar in quality to landscaping found on the Rollins' campus.

In addition to the requirements and obligations of Rollins College herein, the development of the Property and the Project shall be subject to the City of Winter Park Code of Ordinances requirements and any other development orders, approvals and permits for the Project and Property, including the conditions of such development orders, approvals and permits.

SECTION 3. STORM WATER RETENTION

Rollins College will retrofit the Property to conform to the storm water retention requirements of the City and the St. Johns River Water Management District.

SECTION 4. AMENDMENTS TO THIS AGREEMENT

Amendments to this Agreement, if requested by Rollins College, may be permitted if approved following review by the City in conformance with the City's Land Development Code and other applicable requirements of the City.

SECTION 5. AGREEMENT TO BE BINDING

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

SECTION 6. ENFORCEMENT

This Agreement may be enforced by specific performance by either party. In no event shall the City be liable for monetary damages arising out of or concerning this Agreement. In the event that enforcement of this Agreement by the City becomes necessary, and the City is successful in such enforcement, Rollins College shall be responsible for all costs and expenses, including attorney's fees, whether or not litigation is necessary, and if necessary, both at trial and on appeal, incurred in enforcing or ensuring compliance with the terms and conditions of this Agreement, which costs, expenses and fees shall also be a lien upon the Property superior to all others. In addition to the foregoing, the City shall be permitted without notice to immediately withhold the issuance of certificates of occupancy and building permits associated with the Project in the event Rollins College is in violation of any provision of this Agreement until such violation is cured to the City's satisfaction. Further, if Rollins College fails to timely pay the City any monies due pursuant to this Agreement, the City may record a Notice of Lien against the Property in the amount owed to the City. Interest on unpaid overdue sums shall accrue at the rate of eighteen percent (18%) compounded annually or at the maximum rate allowed by law if lower than 18%. A copy of such Notice of Lien shall also be delivered to Rollins College in the same manner as required under this Agreement for delivery of written notices. The recorded Notice of Lien shall constitute a lien upon the Property and the lien may be foreclosed upon for the benefit of the City any time after fifteen (15) days after the Notice of Lien has been recorded in the public records. City may foreclose the lien in accordance with the procedures established in Chapter 702, Florida Statutes, or successor or other statute providing for lien foreclosure procedures. Rollins College may obtain a release from the lien by paying the amount stated in the lien, plus accrued interest, plus attorney's fees and costs incurred by the City in filing and collecting upon the lien.

SECTION 7. GOVERNING LAW; VENUE

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The exclusive venue for purpose of litigation in any action to construe or enforce the provisions of this Agreement shall be in a court of competent jurisdiction in and for Orange County, Florida.

SECTION 8. RECORDING

This Agreement shall be recorded, at Rollins College's expense, among the Public Records of Orange County, Florida no later than fourteen (14) days after full execution. Notwithstanding the foregoing, the same shall not constitute any lien or encumbrance on title to the Property and shall instead

constitute record notice of governmental regulations, which regulates the use and enjoyment of the Property.

SECTION 9. TIME IS OF THE ESSENCE

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

SECTION 10. SEVERABILITY

If any part of this Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be affected. To that end, this Agreement is declared severable.

SECTION 11. DEVELOPMENT PERMITS

Nothing herein shall limit the City's authority to grant or deny any development permit applications or requests subsequent to the effective date of this Agreement. The failure of this Agreement to address any particular City, County, State and/or Federal permit, condition, term or restriction shall not relieve Rollins College or the City of the necessity of complying with the law governing said permitting requirement, condition, term or restriction. Unless expressly authorized or granted herein, nothing in this Agreement shall constitute or be deemed to constitute or require the City to issue any approval by the City of any rezoning, Comprehensive Plan amendment, variance, special exception, final site plan, preliminary subdivision plan, final plat or subdivision plan, building permit, grading, stormwater drainage, engineering, or any other land use or development approval. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures with respect to same as otherwise set forth in the City's Code of Ordinances and subject to any conditions of approval thereof. This Agreement is approved under the City's home rule authority and is not a statutory development agreement under Chapter 163, Florida Statutes.

SECTION 12. SUBORDINATION/JOINDER

Rollins College represents and warrants to City that it is the fee simple owner of the Property. Unless otherwise agreed to by the City, all liens, mortgages and other encumbrances not satisfied or released of record, must be subordinated to the terms of this Agreement or the lienholder join in this Agreement. It shall be the responsibility of Rollins College to promptly obtain the said subordination or joinder, if necessary, in form and substance acceptable to the City Attorney, prior to the City's execution of the Agreement.

SECTION 13. NOTICE

Any notices required or permitted under this Agreement shall be addressed to the City, Owners and Rollins College at the addresses listed in the first paragraph of this Agreement, or at such other addresses designated in writing by the party to receive notice. Notices shall be either: (i) personally delivered (including without limitation, delivery by UPS, Federal Express or other commercial courier service), in which case they shall be deemed delivered on the date of delivery; or (ii) sent by certified mail, return receipt requested, in which case they shall be deemed delivered on the date shown on the receipt unless delivery is refused or intentionally delayed by the addressee, in which event they shall be deemed delivered on the date of deposit in the U.S. Mail.

SECTION 14. MISCELLANEOUS

a. Nothing contained in this Agreement nor in any instruments executed pursuant to the terms of this Agreement shall be construed as a waiver or attempted waiver by the City of its home rule

authority, police power, zoning authority and sovereign immunity under the Constitution and laws of the State of Florida or any other privilege, immunity or defense afforded to the City or the City's officials, officers, employees and agents under the law.

b. This Agreement is entered into voluntarily by Rollins College without duress and after full review, evaluation and consideration by Rollins College. Rollins College is represented by counsel, or alternatively, has been afforded an opportunity to retain counsel for review of this Agreement.

c. The captions or section headings of this Agreement are provided for convenience only and shall not be deemed to explain, modify, amplify or aid in the interpretation, or meaning of this Agreement.

d. City and Rollins College are not partners and this Agreement is not a joint venture and nothing in this Agreement shall be construed to authorize Rollins College to represent or bind the City to matters not expressly authorized or provided in this Agreement.

e. None of the parties shall be considered the drafter of all or any portion of this Agreement for the purposes of interpreting all or any portion of this Agreement, it being recognized that all parties have contributed substantially and materially to the preparation of this Agreement.

SECTION 15. TERM; EFFECTIVE DATE

This Agreement shall not be effective and binding until the latest date that this Agreement is approved by and signed by all parties hereto. The Agreement will be effective for 50 years from the Effective Date.

[SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, Rollins College and the City have executed this Agreement as of the day and year first above written.

Witnesses

ROLLINS COLLEGE

By: _____

Name: _____

Its: _____

Name: _____

Date: _____

Name: _____

STATE OF FLORIDA
COUNTY OF ORANGE

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

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

CITY OF WINTER PARK, FLORIDA

ATTEST:

By: _____
Mayor Steve Leary

By: _____
City Clerk

STATE OF FLORIDA)
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Steve Leary, as Mayor of the City of Winter Park, Florida, who is personally known to me.

Notary Public
Printed Name: _____
My commission expires: _____



- 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
- E Block Number
- 6 Lot Number
- 06060 Parcel Number
- 3106 Parcel Address
- 111.9 Parcel Dimension

Courtesy Rick Singh, CFA, Orange County Property Appraiser



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

Created: 9/14/2015

August 31, 2015

Jeff Briggs
Winter Park Planning Dept.
401 Park Avenue South
Winter Park, FL 32789

Re: 315 Holt Ave.

Dear Jeff,

As you know this firm has the pleasure of representing Rollins College (the "College") with respect to the relocation of its Child Development Center to 315 Holt Avenue. Enclosed please find our request for a comprehensive plan future land use map amendment/rezoning along with the associated fee and 12 sets of proposed plans.

The proposed Child Development Center is comprised of approximately 5,050 sq. ft. along with outdoor play area and 15 new parking spaces. The building is one-story and set back from Holt Ave. 25 ft. in order to be consistent with the residential setback on Hold Ave. to the west. The play area is enclosed with a decorative steel picket fence (Holt Ave.) and a wooden fence. The play area will not be used in the evenings, therefore there are no light poles proposed.

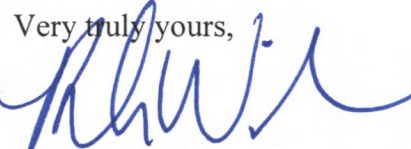
There are approximately 8 staff members and 2 faculty members working 8 a.m. to 5 p.m. There will be up to 40 children (an estimate of 32 families) dropping off children between 8:30 a.m. and 9:30 a.m. The pickup is staggered by age and program at noon and 3:30 p.m. The students will be dropped off (parking in rear) or walked to the Child Development Center by his or her parent.

There is a Hamilton Holt Educare Evening Program with drop off between 3:30 p.m. and 4:30 p.m. while Hamilton Holt Students attend evening classes. This program is estimated to have up to 25 students.

August 31, 2015

Page 2

A new, innovative Child Development Center has been a desire for the College in order to provide excellent childcare for our faculty and to serve as a state-of-the-art learning lab for our students. The College has received generous donations in order to make this Child Development Center a reality. We look forward to presenting this to the City.

Very truly yours,


M. Rebecca Wilson

MRW/sjg

cc: Jeff Eisenbarth



JOB NO. 14824L	
SCALE AS NOTED	
START: 8/25/2016	
DESIGN:	MAK
DRAWN:	MAK
CHECKED:	MMM
APPROVED:	
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ROLLINS COLLEGE
HUME HOUSE CDC
1315 HOLT AVENUE, WINTER PARK, FLORIDA 32789
WINTER PARK FLORIDA

CONCEPTUAL PLANTING PLAN

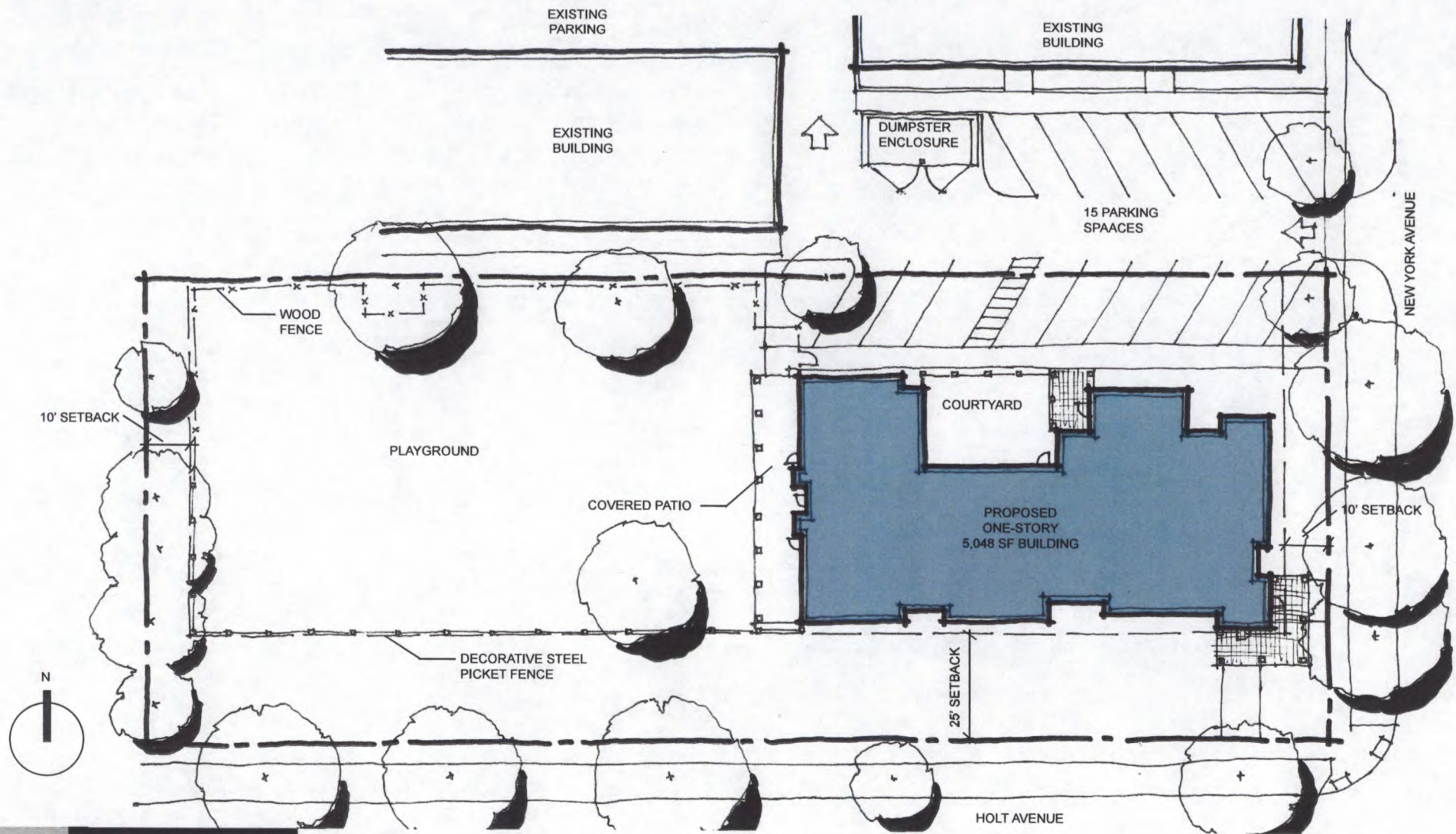


SHEET
L1

M. KATHERINE MAGLEY, R.L.
FL0001376

A Landscape Architecture • Site Planning • Project Management
1817 E. Washington St. • Orlando, FL 32803 • 407.896.0223

MD MagleyDesign



bca architecture

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martin côté c. 407.312.3882
e. martin@bcaarchitecture.com
nelson blankenship c. 407.921.9231
e. nelson@bcaarchitecture.com
AA26002580

site plan

ROLLINS COLLEGE
HUME HOUSE CHILD DEVELOPMENT CENTER
design review

08.21.15



bca architecture

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view from corner of holt & new york

ROLLINS COLLEGE
HUME HOUSE CHILD DEVELOPMENT CENTER
design review
08.21.15



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view from new york avenue

ROLLINS COLLEGE
 HUME HOUSE CHILD DEVELOPMENT CENTER
 design review
 08.21.15



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AA26002580

view of entrance & courtyard

ROLLINS COLLEGE
HUME HOUSE CHILD DEVELOPMENT CENTER
design review
08.21.15

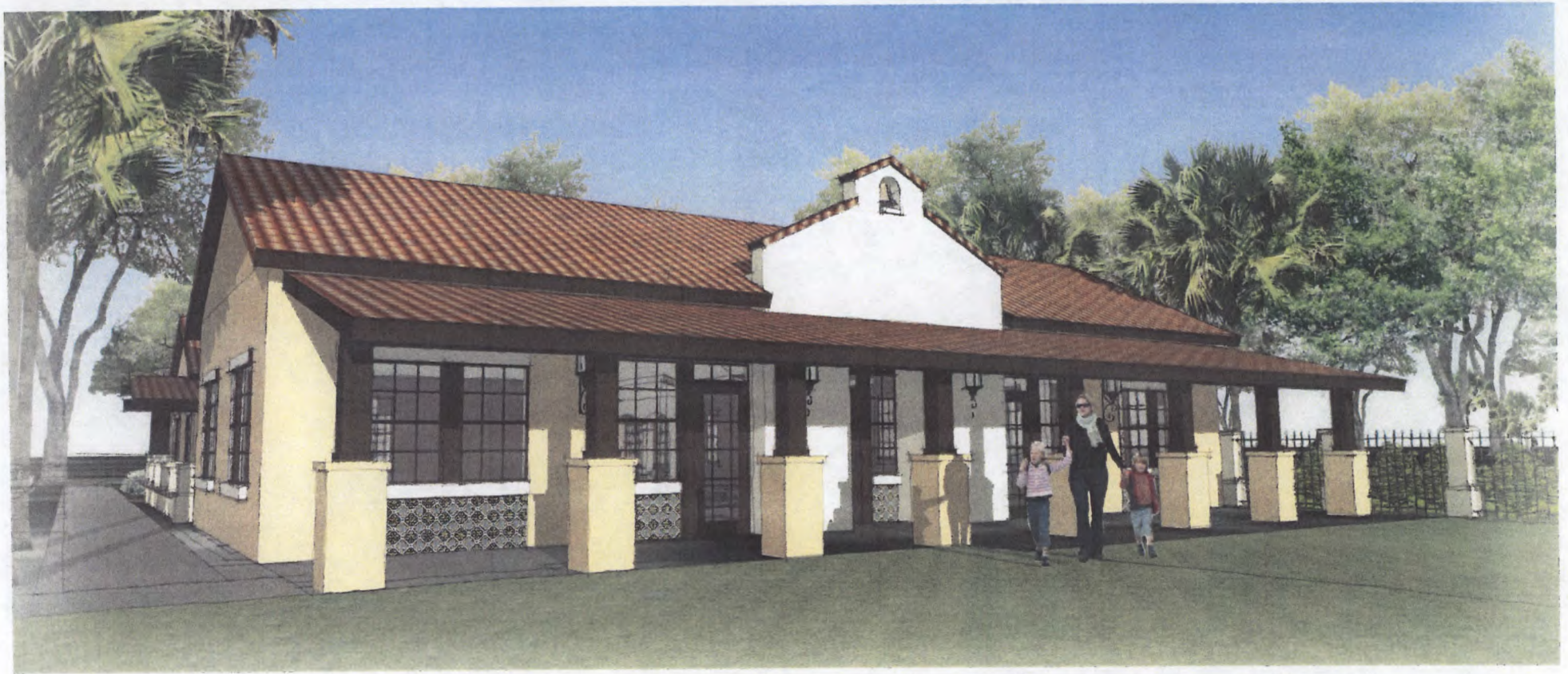


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holt avenue elevation

ROLLINS COLLEGE
 HUME HOUSE CHILD DEVELOPMENT CENTER
 design review
 08.21.15



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 e. nelson@bcaarchitecture.com
 AA26002580

view from playground

ROLLINS COLLEGE
 HUME HOUSE CHILD DEVELOPMENT CENTER
 design review 08.21.15



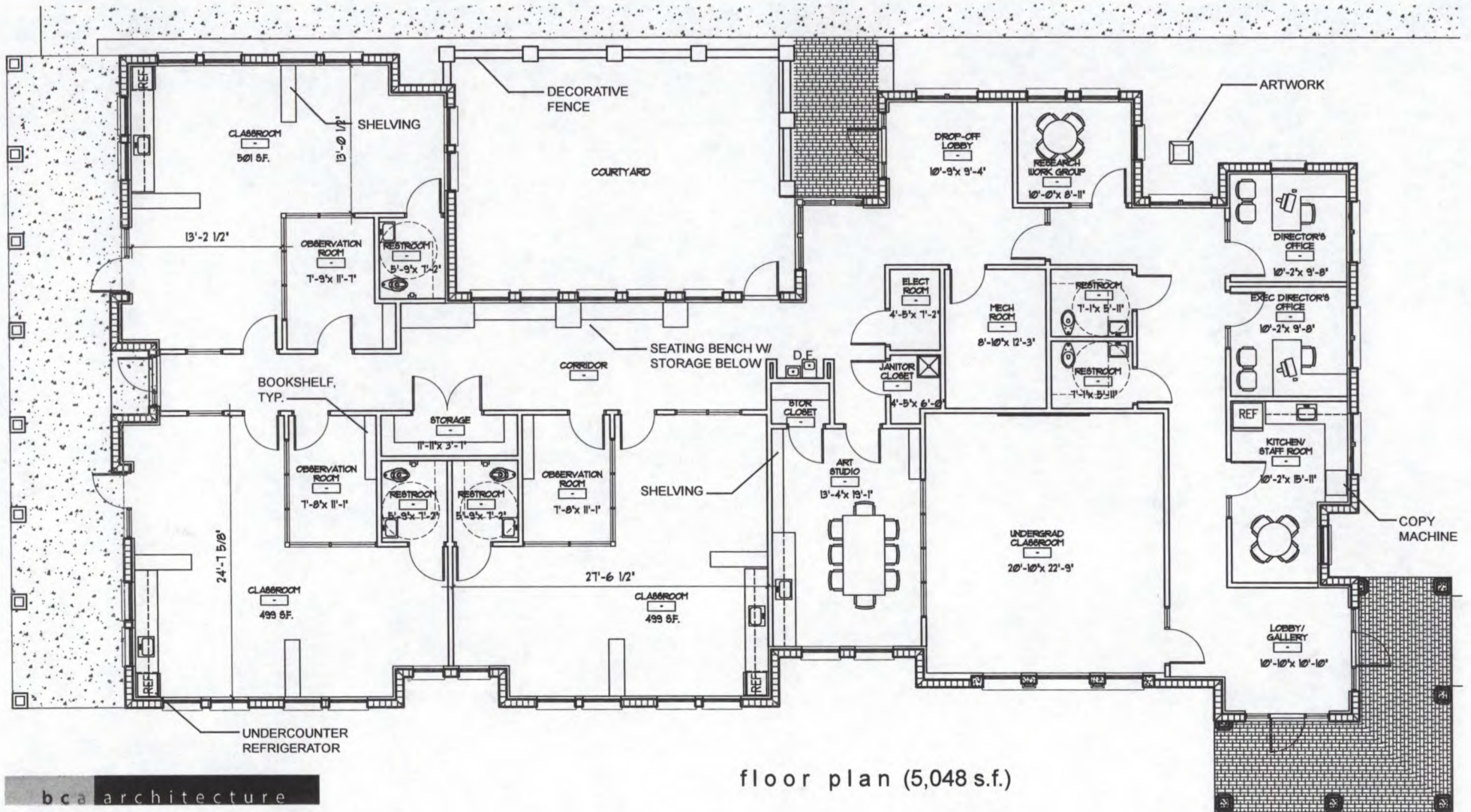
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 e. nelson@bcaarchitecture.com
 AA26002580

view from holt avenue

ROLLINS COLLEGE
 HUME HOUSE CHILD DEVELOPMENT CENTER
 design review

08.21.15



floor plan (5,048 s.f.)

ROLLINS COLLEGE
HUME HOUSE CHILD DEVELOPMENT CENTER
design review

08.21.15

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AA26002580



October 9, 2015

VIA ELECTRONIC MAIL

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

Re: *Proposed Comprehensive Plan Amendment & Rezoning – 315 Holt Avenue (College Arms Property)*

Dear Mayor Leary:

Our law firm represents the College Quarter Neighborhood Association and property owners residing in the College Quarter Historic District with regard to the proposed Comprehensive Plan amendment and rezoning for the property located at 315 Holt Avenue (College Arms Property). The above-referenced proposal seeks a Future Land Use Map ("FLUM") amendment from Low-Density Residential to Institutional and a companion rezoning from R-2 (Low-Density Residential) to PQP (Public and Quasi-Public) to accommodate a 5,050 square foot child care facility, operating from 8:00 a.m. until at least 9:30 p.m., and accommodating forty (40) children during the day and twenty-five (25) children in the evenings. The proposal is currently scheduled to be heard by the City Commission at its meeting on October 26, 2015. For the reasons summarized herein, our clients object to the proposed FLUM amendment and respectfully request that the City Commission deny the same on first reading.

As the Commission is well aware, Florida law requires that a proposed amendment to the City's FLUM be consistent with the City's Comprehensive Plan.¹ A local government's comprehensive plan has been likened to "a constitution for all future development within the governmental boundary" and all development must "strictly" comply with the comprehensive

¹ See § 163.3161(6), Fla. Stat. (2015) (providing that "no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof"); § 163.3177(2), Fla. Stat. (2015) (requiring that "the several elements of the comprehensive plan shall be consistent"); § 163.3194(1)(a), Fla. Stat. (2015) (providing "all development undertaken . . . shall be consistent with such plan or element as adopted"); *Payne v. City of Miami*, 53 So. 3d 258 (Fla. 3d DCA 2010) (reversing city's approval of small-scale land use amendment which was inconsistent with city's comprehensive plan).

Tallahassee 433 North Magnolia Drive Tallahassee, Florida 32308 (850) 224-7332 Fax: (850) 224-7662	Orlando 4767 New Broad Street Orlando, Florida 32814 (407) 514-2676 Fax: (407) 264-6132
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plan.² In this regard, the City's Comprehensive Plan expressly provides that "the City shall exercise strict application of the policies of this Comprehensive Plan and the implementing Land Use Codes."³ Additionally, the City's Comprehensive Plan mandates that "[i]mprovements or expansions to the buildings and facilities of Rollins College . . . shall conform to existing Comprehensive Plan policies . . . and shall not negatively impact the surrounding residential areas."⁴

With respect to the proposed FLUM amendment, it is undisputed that the property is located within "Planning Area F: Mead Garden, Virginia Heights and College Quarter," as established in the City's Comprehensive Plan. Significantly, FLU Policy 1-4.1.F.6 of the City's Comprehensive Plan, entitled "Preserve Division of Low-Density Residential and Single-Family Residential between Holt and Fairbanks Avenues," states:

The City shall preserve the division line between low-density residential and single-family residential between Holt and Fairbanks Avenues.

(Emphasis supplied).

The Future Land Use Element Data Inventory and Analysis ("FLU DIA") explains the intent and rationale for FLU Policy 1-4.1.F.6 as follows:

The residential area in the northeast corner of this planning area is adjacent to Rollins College, the Winter Park Ninth High School Grade Center, and the commercial and office properties. All of these uses impact the residential area through traffic and noise. To assist in preserving the residential properties on the north side of Holt Avenue an administrative rezoning to R-2 was undertaken in 1980. This was done to prohibit the use of these properties in conjunction with the commercial properties, and to prohibit parking lots that connect Fairbanks Avenue to Holt Avenue, thereby increasing traffic on residential streets. To preserve the character of the single-family area, the division line

² See *Machado v. Musgrove*, 519 So. 2d 629, 632 (Fla. 3d DCA 1987).

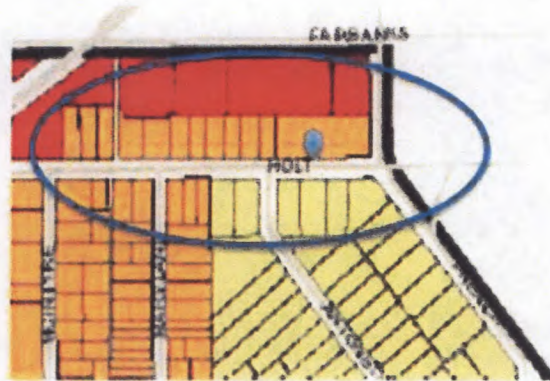
³ See FLU Policy 1-1.1.2, Winter Park Comprehensive Plan (emphasis supplied). The City's Code of Ordinances provides that the term "shall" is "to be construed as being mandatory." See § 1-2, Winter Park Code of Ordinances.

⁴ See FLU Policy 1-4.1.G.11, Winter Park Comprehensive Plan (emphasis supplied).

*between the low-density residential area and single-family residential area should be maintained.*⁵

Thus, the plain language of FLU Policy 1-4.1.F.6 of the City's Comprehensive Plan requires that the existing Low-Density Residential area on the north side of Holt Avenue be maintained in order to preserve and protect the existing Single-Family Residential area on the south side of Holt Avenue from the encroachment and adverse impacts of non-residential land uses.

The existing division line along Holt Avenue between Low-Density Residential and Single-Family Residential is depicted on the map below, with the site of the proposed FLUM amendment denoted with a blue "*":



The existing Low-Density Residential area on the north side of Holt Avenue is depicted in "orange" and the existing Single-Family Residential area on the south side of Holt Avenue is depicted in "yellow."

The proposed FLUM amendment would change the land use designation of the "starred" property from Low-Density Residential to Institutional. Doing so, however, would not maintain the division line between Low-Density Residential and Single-Family Residential on Holt Avenue, as expressly mandated by FLU Policy 1-4.1.F.6. Consequently, adoption of the proposed FLUM amendment would be inconsistent with the City's Comprehensive Plan and violate Florida law. On this basis alone, the City Commission should deny the proposed FLUM amendment on first reading.⁶

⁵ FLU DIA at 1-60 (emphasis supplied).

⁶ Consistent with FLU Policy 1-4.1.F.6, Section 58-89(m) of the City's Land Development Code provides, "in furtherance of the policies of the Comprehensive Plan, some types of rezonings are discouraged in certain areas, as set forth in the future land use element policies . . . 1-4.1.F.6[.]"

Adoption of the proposed FLUM amendment would also be inconsistent with FLU Policy 1-3.5.1, entitled "Criteria for Managing Encroachment of Nonresidential Uses into Established Residential Neighborhoods," which provides:

The City shall require any change in land use designation from residential to nonresidential comply with all of the following:

1. That this change shall not be a precedent toward other similar applications for change requesting similar land uses as a matter of equity or fairness;

[The proposed FLUM amendment would set a precedent for future non-residential uses along the entire north side of this segment of Holt Avenue.]

2. That the change can be demonstrated to be in the best interests of the City at large;

[The proposed FLUM amendment cannot be said to be in the best interests of the City at large. An underlying policy throughout the City's entire Comprehensive Plan is the protection of established residential neighborhoods from the encroachment of detrimental and incompatible non-residential land uses. Further, the best interests of the City at large are served and furthered by the City Commission strictly applying and adhering to the provisions in the City's Comprehensive Plan, as required by FLU Policy 1-1.1.2.]

3. That the change can be demonstrated to be in the best interests of the adjacent residential area;

[The proposed FLUM amendment cannot be said to be in the best interests of the adjacent residential area – which consists of the College Quarter Historic District, the City's first historic neighborhood. To the contrary, the proposed FLUM amendment would allow the encroachment of a non-residential/Institutional use into an established low-density residential area. Moreover, the best interests of the adjacent College Quarter Historic District are served by the City Commission preserving and maintaining the division line between Low-Density Residential and Single-Family Residential on Holt Avenue, as mandated by FLU Policy 1-4.1.F.6.]

4. That residential use of the property is no longer a viable use.

[There has been no suggestion, nor is there any proof, that residential use of the site, which is zoned R-2 (Low-Density Residential), is no longer a viable use. To the contrary, the site is located in a highly-desirable and well-maintained residential area and is within walking distance to Rollins College and many stores and restaurants along Fairbanks Avenue and Park Avenue. Thus, the site is ideal for continued residential use.]

(Emphasis supplied). As reflected above, adoption of the proposed FLUM amendment would be inconsistent with FLU Policy 1-3.5.1. Accordingly, on this additional basis, the City Commission should deny the proposed FLUM amendment on first reading.

Lastly, adoption of the proposed FLUM amendment would be inconsistent with Housing Element Policy 3-1.1.2.1, entitled "Protection of Residential Uses," which provides:

The City shall not accept any amendment to the Future Land Use Map that proposes to change a residential designation to a non-residential category except when such amendment addresses at least one of the following [criteria].⁷

The proposed FLUM amendment, which seeks to change a residential designation (*i.e.*, Low-Density Residential) to a non-residential designation (*i.e.*, Institutional), fails to satisfy any of the criteria mandated in Housing Element Policy 3-1.1.2.1. Accordingly, on this additional basis, adoption of the proposed FLUM amendment would be inconsistent with the City's Comprehensive Plan and violate Florida law.

In sum, the College Quarter neighborhood is a stable and vibrant residential area which has the proud distinction of being designated as the City's first historic neighborhood. Moreover, for more than thirty (30) years, the City has recognized the need and importance to preserve and protect the existing low-density and single-family residential uses located along Holt Avenue. Consistent therewith, FLU Policy 1-4.1.F.6 of the City's Comprehensive Plan mandates that the City "preserve the division line between low-density residential and single-

⁷ Per Housing Element Policy 3-1.1.2.1, such an amendment must be: (1) consistent with a City-approved redevelopment plan; (2) necessary to accommodate facilities for *public* schools, public safety, or City services; (3) allow development that includes mandatory residential uses; (4) include a housing agreement with the City to replace any demolished residential units or payment of a fee in lieu thereof; (5) necessary to accommodate a nursing home, adult congregate care facility, or other housing for the elderly; or (6) occur as an administrative amendment initiated by the City. Criteria 1, 2, 3, 5, and 6 are inapplicable to the proposed FLUM amendment and the application for the proposed FLUM amendment did not include a housing agreement, as provided in criteria 4.

Honorable Steve Leary, Mayor
October 9, 2015
Page 6

family residential” on Holt Avenue. The proposed FLUM amendment, if approved, would not preserve and protect the existing low-density and single-family residential uses located along Holt Avenue and would essentially render FLU Policy 1-4.1.F.6 meaningless. The proposed FLUM amendment, if approved, would also establish a precedent and open the door for additional non-residential uses to be located along the north side of Holt Avenue. Accordingly, on behalf of our clients, we respectfully request that the City Commission deny the proposed FLUM amendment on first reading at its October 26 meeting, as such amendment is inconsistent with the City’s Comprehensive Plan.

I appreciate your attention to this matter, and the College Quarter Neighborhood Association thanks you in advance for your support in adhering to the City’s Comprehensive Plan, denying the proposed FLUM amendment, and preventing the detrimental intrusion of non-residential uses along Holt Avenue. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

/s/ *S. Brent Spain*

S. Brent Spain

cc: Commissioner Greg Seidel (via e-mail)
Commissioner Sarah Sprinkel (via e-mail)
Commissioner Carolyn Cooper (via e-mail)
Commissioner Tom McMacken (via e-mail)
A. Kurt Ardaman, Esquire

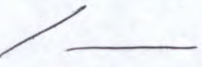
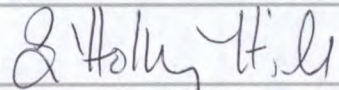
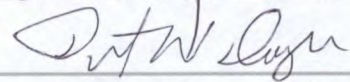
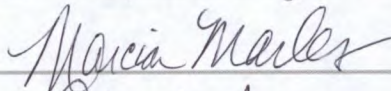
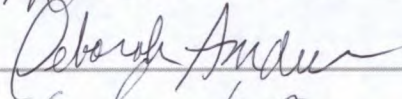
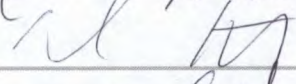
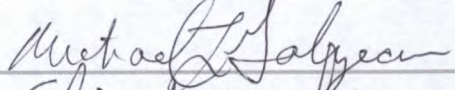
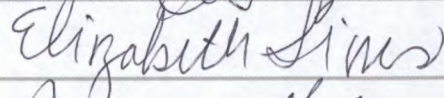
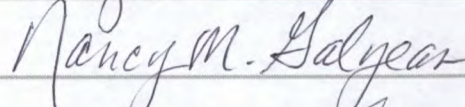
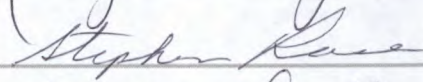
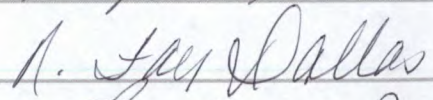
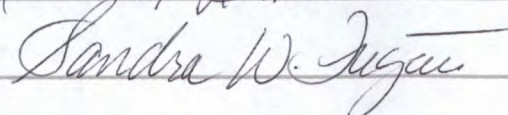
PETITION

As residents of the College Quarter neighborhood, we, the undersigned, ask the Winter Park Planning & Zoning Board to **DENY** the proposed plan amendment and rezoning from R-2 to PQP of the College Arms property at 315 Holt Avenue.

Print legal name

Legal signature

Address

DAVID HILL		817 ANTONETTE Ave, W.P., FL 32789
HOLLY HILL		" " " "
PATRICK W. DOYLE		748 McIntyre Ave, W.P. FL 32789
MARCIA MARKS		585 HUNTINGTON AVE W.P. 32789
Deborah Amdur		792 McIntyre Ave. W.P. 32789
Paul Patti		" " " "
Mike Galyean		746 McIntyre Ave, Winter Park, FL 32789
Liz Sims		326 Vitoria Ave 32789
Nancy Galyean		746 McIntyre Ave 32789
Steve Rose		815 Mc clntyre 32789
A. Jay Dallas		440 Holt Ave. 32789
Sandra Fugate		805 McIntyre Ave, WP 32789

PETITION

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Print legal name

Legal signature

Address

JANET CHARITY

Janet Charity

367 HOLT AVE W.P. 32789

RAY COOK

Raymond F. Cook

735 McAntyre Ave. W.P. 32789

TONY GARCIA

Tony Garcia

472 HOLT AVE WP 32789

RICK HARRIS

Rick Harris

834 ANDREASSETTE AVE 32789

ROBERT FULATE

Robert Fulate

805 MCINTYRE AVE 32789

PETITION

6 OCTOBER 2015

As residents of the College Quarter neighborhood, we, the undersigned, ask the Winter Park Planning & Zoning Board to **DENY** the proposed plan amendment and rezoning from R-2 to PQP of the College Arms property at 315 Holt Avenue.

Print legal name

Legal signature

Address

Cynthia Spello	Cynthia A. Spello	777. French Ave., WP 32783
GORDON H. BLITCH	Gordon H. Blitch	695 FRENCH AVE, WP 32789
Pamela Contant	Pamela Contant	905 Lakeview Dr W.P. 32789

PETITION

6 OCTOBER 2015

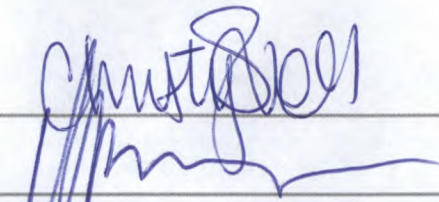
As residents of the College Quarter neighborhood, we, the undersigned, ask the Winter Park Planning & Zoning Board to **DENY** the proposed plan amendment and rezoning from R-2 to PQP of the College Arms property at 315 Holt Avenue.

Print legal name

Legal signature

Address

Christy Voll

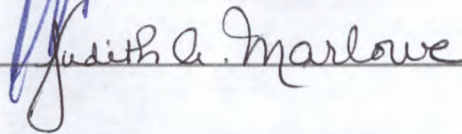


719 French Ave.

Michael Voll

719 French Ave.

JUDITH A. MARLOWE



695 French Ave.

PETITION

6 OCTOBER 2015

As residents of the College Quarter neighborhood, we, the undersigned, ask the Winter Park Planning & Zoning Board to **DENY** the proposed plan amendment and rezoning from R-2 to PQP of the College Arms property at 315 Holt Avenue.

Print legal name

Legal signature

Address

SUSAN J. FIELDS

Susan J. Fields

745 FRENCH AVE

PETITION

As residents of the College Quarter neighborhood, we, the undersigned, ask the Winter Park Planning & Zoning Board to **DENY** the proposed plan amendment and rezoning from R-2 to PQP of the College Arms property at 315 Holt Avenue.

Print legal name

Legal signature

Address

Thomas Sims	Thomas P. Sims	326 Vitoria Ave
JAN MAY	Jan May	338 VITORIA AVE.
Robert Schurz	Robert G. Schurz	1005 LAKENIOW Drive
Duason May	Duason May	338 Vitoria Ave
Pamela Cleet Smith	Pamela Cleet Smith	451 Huntington Ave -
Lisa R. Bohlmann	Given to P. Smith over phone - in MC now for week	453 Huntington Ave.
Glenn R. Norvell		453 Huntington Ave
B- Thomas Smith	Thomas Smith	451 Huntington Ave
Ruth Preller	Ruth Preller	391 Vitoria Ave
Bill Nicholas	Bill Nicholas	391 Vitoria Ave -
Dave Preller	Dave Preller	321 Vitoria Ave
Charlotte Ann Evans	Charlotte Ann Evans	736 S. Pennsylvania Ave

PETITION

As residents of the College Quarter neighborhood, we, the undersigned, ask the Winter Park Planning & Zoning Board to **DENY** the proposed plan amendment and rezoning from R-2 to PQP of the College Arms property at 315 Holt Avenue.

Print legal name

Legal signature

Address

Deborah Dain

Deborah Dain

787 Antoinette Ave



Oral Willson

782 McIntyre Ave

Winter Park, Fl 32789

October 1, 2015

Planning And Zoning Board

Winter Park City

401 South Park Avenue

Winter Park, Fl

Re: Request of Rollins College to amend Comprehensive Plan for 315 Holt Ave

Request of Rollins College to change the zoning of 315 Holt Ave.

Please deny the request of Rollins College to change the Comprehensive Plan and the Zoning for 315 Holt Ave.

315 Holt Avenue is directly at the intersection of Holt and New York /French avenues All the auto traffic for people trying to reach their homes in the College Quarter and Virginia Heights and other points in the southern part of Winter Park from the north or the East of Winter Park pass through through this intersection. Allowing a Child Development Center to be constructed at this location would significantly increase the congestion at this intersection and create traffic chaos. Please remember that this area is bounded by the Ninth Grade Facility with its many school busses using Holt, a Kindergarten on Pennsylvania, and the College itself. The use of Park Avenue through Rollins College or of New York Ave to Holt are the only streets which allow access to the College Quarter and Virginia Heights and the Pennsylvania/Lake Sue main traffic route. There is no left turn on to Pennsylvania permitted at the intersection of Orange/ Fairbanks/ Pennsylvania. I would remind the board that when Holt was rebricked that both Park Avenue access and New York Avenue were closed to Holt for a short time and what circus that caused.

Thank You for Your Consideration,

Oral A Willson

Jeffrey Briggs

From: Jeffrey Briggs
Sent: Monday, October 05, 2015 10:34 AM
To: Jeffrey Briggs
Subject: FW: Rollins P&Z application for Daycare site on Holt and New York Ave

From: Bill Sullivan [<mailto:Billsullivan@potomacland.com>]
Sent: Monday, October 05, 2015 10:08 AM
To: Lisa Smith
Subject: Rollins P&Z application for Daycare site on Holt and New York Ave

Dear P&Z Board Members

We live in the Virginia Heights behind Rollins and are supportive of the daycare use and since this is only a request to increase the present square footage by 800 feet see no real change to the neighborhood. We appreciate that the building will be only one story. We request Rollins use architectural feature such as the existing medallions and front door area and window treatments from College Arms and incorporate these historic features to the new building. This building and its use is needed. the present location of the daycare is too small.

Bill and Kate Sullivan
1362 Richmond Road
Winter Park, FL 32789



city commission public hearing

item type	Public Hearing	meeting date	October 26, 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 & Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0 final vote

Subject: Conditional Use to Expand the Holler Hyundai dealership at 1150 North Orlando Avenue.

This public hearing is a Conditional Use request from the Holler Hyundai dealership at 1150 North Orlando Avenue to expand the dealership to incorporate the former self-storage property at the rear fronting on Solana and Dixon Avenues in order to provide for expanded vehicle sales, display and parking. Vehicle sales are a conditional use in the I-1 and C-3 zoning districts, and the expansion of a vehicle sales/service business requires this approval. The significant issue with this request is the Land Development Code requirement that the entire property be brought into code compliance with respect to the perimeter landscaping requirements.

Summary:

The City of Winter Park has strict limits on the locations in the City where vehicle sales are permitted. The Holler Hyundai dealership is located within one of the two sectors in which vehicle sales are permitted under the Comprehensive Plan and Zoning Code. This expansion is permitted under the Comprehensive Plan policy and Zoning Code provisions as shown below:

Comprehensive Plan Policy:

Policy 1-3.8.10: Restrict Vehicle, Boat Sales, and Recreational Vehicle Sales and Operations.

The City shall concentrate and restrict vehicle, boat, and recreational vehicle sales businesses to the northwest section of the City and shall only permit vehicle sales businesses within the geographic areas specified in Planning Areas J and K. The location and site planning of all vehicle and repair and sales operations as well as boat sales operations shall be reviewed and evaluated based on conditional use procedures established in the Land Development Code.

I-1 and C-3 Zoning Code excerpts:

(c) Conditional uses.

(1) New and used motor vehicle, boat or trailer sales but per the policies of the Comprehensive Plan restricted and limited to locations north of Webster Avenue, west of Denning Drive and east of Bennett Avenue and locations on the west side of Wymore Road, north of Lee Road.

Staff Recommendation: Approve the Conditional Use to expand the Holler Hyundai dealership at 1150 North Orlando Avenue, subject to the condition that the perimeter of the entire property be landscaped to city code requirements.

Planning and Zoning Board Summary:

The Planning and Zoning Board supported the request but recognized that the new Whole Foods shopping center would be bringing thousands of citizens and visitors to that project next door to this dealership. The landscape plan presented by Holler Hyundai proposed to provide landscape perimeter screening around the new expansion area (former self storage property) but the landscape plan didn't address the other areas along Dixon Avenue that have no existing landscaping. The P&Z Board felt it was essential for the entire property to be brought into code compliance for perimeter landscaping. That involves a perimeter hedge buffer along the street frontages. The City Attorney cited to the P&Z Board the zoning code section of Sec. 58-90 (a) (2) that confirms that the "entire" property was the subject of the conditional use and not just the self-storage portion.

In summary, the P&Z Board supported the expanded use of this property for vehicle sales, display and parking with the condition to upgrade the street frontage landscape buffer around the entire site. (Existing pictures are attached)

Planning and Zoning Board Recommendation:

Motion made by Peter Weldon, seconded by Tom Sacha recommending approval of the conditional use to expand the Holler Hyundai dealership at 1150 North Orlando Avenue to incorporate the former self-storage property to the rear fronting on Solana and Dixon Avenues, subject to the condition that the perimeter of the entire property be landscaped to city code requirements. Motion carried unanimously with a 7-0 vote.

Planning and Zoning Board Minutes: October 6, 2015

REQUEST OF HWP PARTNERS LLLP FOR: CONDITIONAL USE APPROVAL TO EXPAND THE HOLLER HYUNDAI DEALERSHIP AT 1150 N. ORLANDO AVENUE TO INCORPORATE THE FORMER SELF STORAGE PROPERTY TO THE REAR FRONTING ON SOLANA AND DIXON AVENUES FOR EXPANDED VEHICLE SALES, DISPLAY AND PARKING, ZONED I-1.

Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing is a request from the Holler Hyundai dealership at 1150 North Orlando Avenue to amend their Conditional Use Approval to expand the dealership to incorporate the former self-storage property at the rear fronting on Solana and Dixon Avenues to provide for expanded vehicle sales, display and parking. He noted that vehicle sales are a conditional use in the I-1 and C-3 zoning districts, and thus the expansion of a vehicle sales/service business requires this approval. Mr. Briggs reviewed the provisions of the Comprehensive Plan and Land Development Code and the history of the subject property. He summarized by stating that the use of this property for expanded vehicle sales, display and parking is compatible with the surrounding area and is in conformance with the policies of the Comprehensive Plan and Zoning Code provisions.

The one issue that has been raised is the appearance of the property in a location that will be next door to the new Whole Foods shopping center with thousands of visitors once completed. The applicant has provided a landscape plan for the new car display area but it does not address the portion of the existing dealership along Dixon Avenue that has no landscape buffer. Staff recommended approval of the request subject to

the following condition that the perimeter street frontage landscape buffer be re-established with irrigation, and contain the hedges and trees around the entire site. Mr. Briggs responded to Board member questions and concerns. Mr. Langley read to the Board the Code section that outlined that the entire site (not just the new area) is subject to the conditional use review.

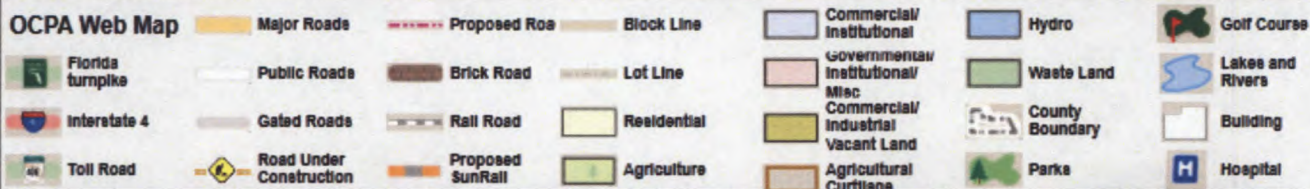
Andrew Solara represented the applicant. He stated that additional landscaping has not been discussed fully with Attorney Hamner, but they are not necessarily opposed to it and would not want to hold any approvals of the conditional use request. No one wished to speak in favor of or in opposition to the request.

The P&Z Board discussed how important it is for this car dealership to meet at least the minimum perimeter landscape code since the new Whole Foods development will bring many new visitors to this location when completed.

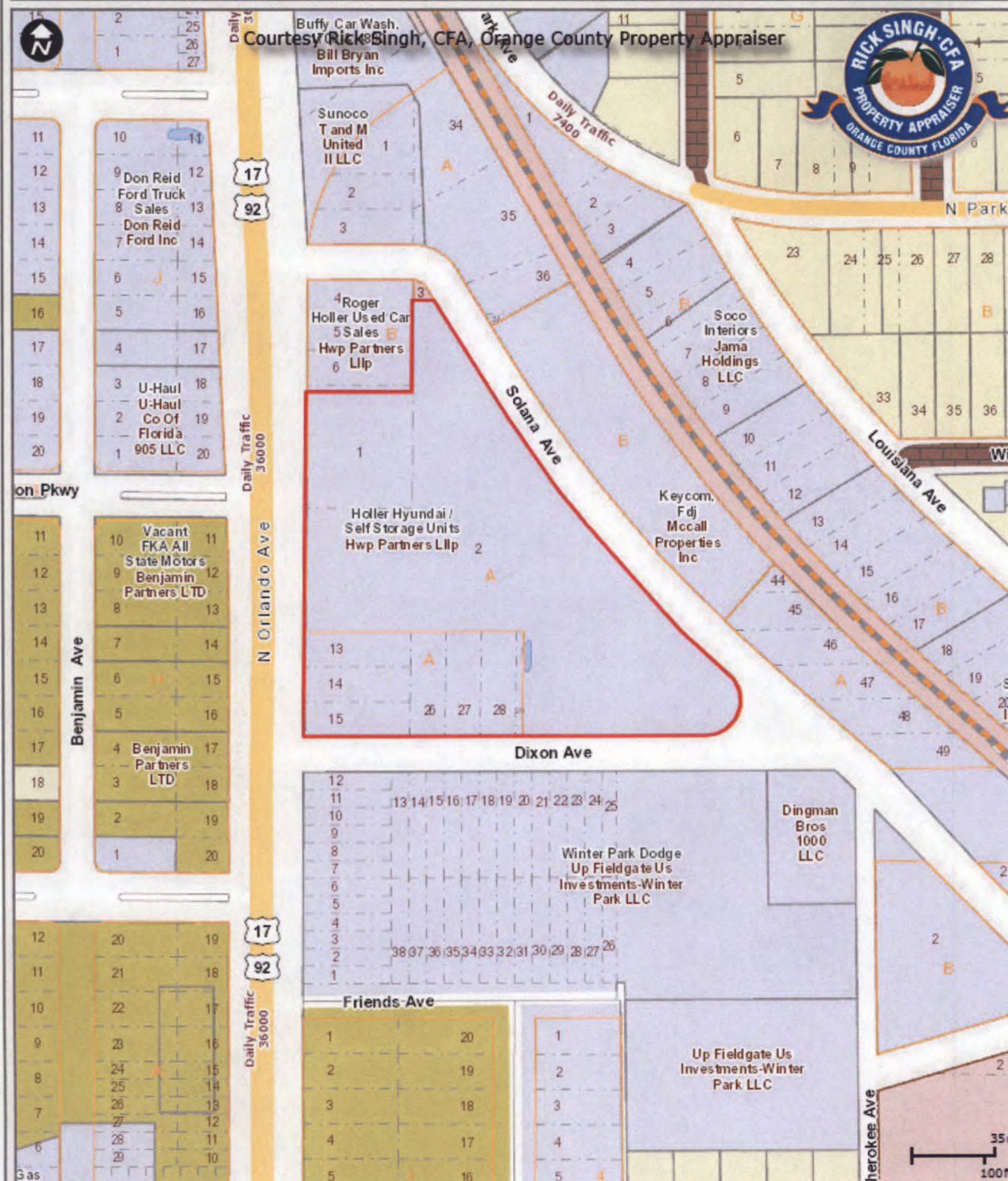
Motion made by Peter Weldon, seconded by Tom Sacha recommending approval of the conditional use to expand the Holler Hyundai dealership at 1150 North Orlando Avenue to incorporate the former self-storage property to the rear fronting on Solana and Dixon Avenues for expanded vehicle sales, display and parking, subject to the condition that the street frontage perimeter of the entire property be landscaped to city code requirements.

Motion carried unanimously with a 7-0 vote.

OCPA Web Map



Courtesy Rick Singh, CFA, Orange County Property Appraiser

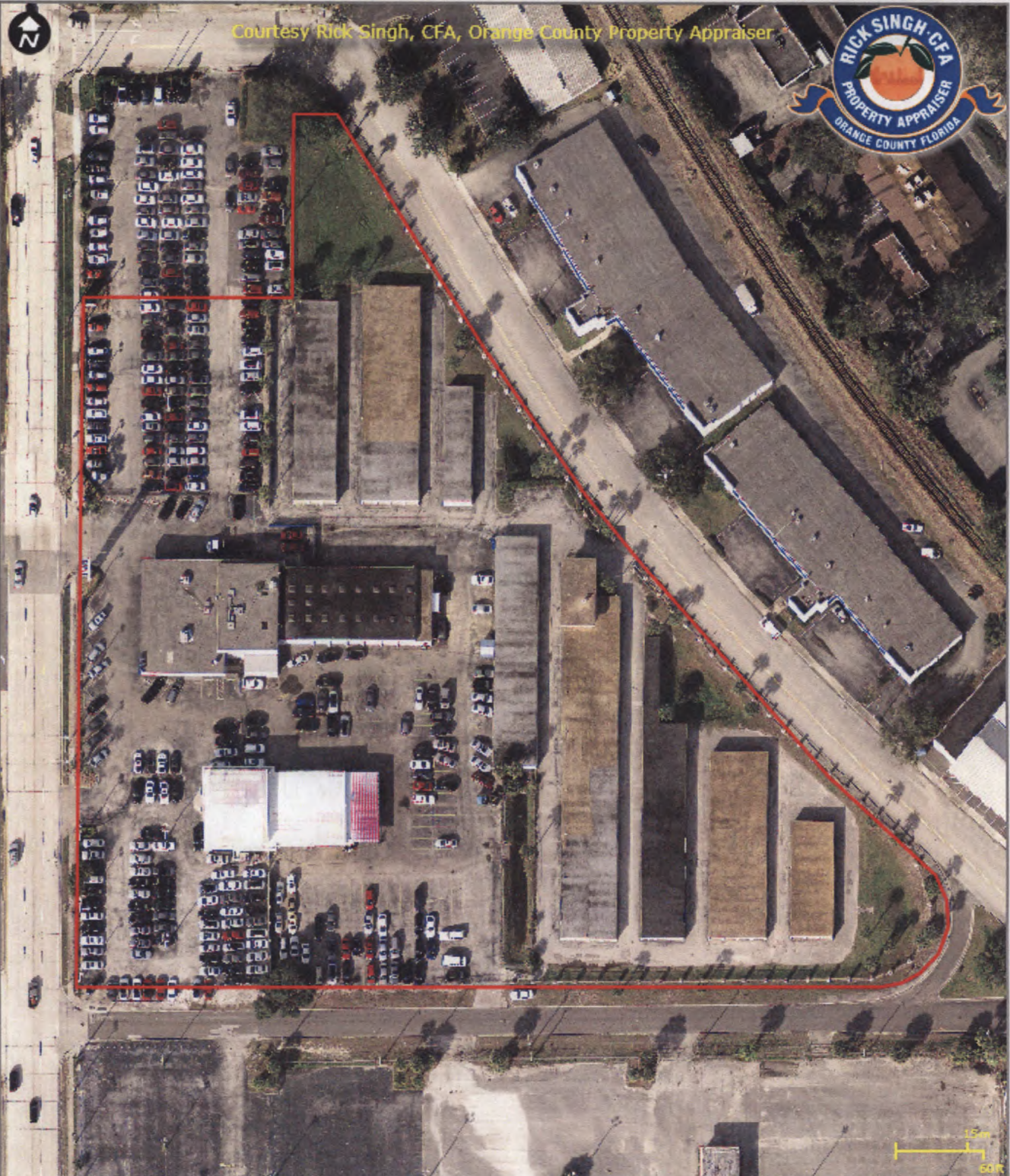


Created: 9/9/2015

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

OCPA Web Map

	Major Roads		Proposed Road		Residential		Commercial/Industrial/Vacant Land		Parks	6	Lot Number
	Florida Turnpike		Public Roads		Brick Road		Agriculture		Lakes and Rivers	06060	Parcel Number
	Interstate 4		Gated Roads		Block Line		Commercial/Institutional		Building	3106	Parcel Address
	Toll Road		Road Under Construction		Lot Line		Governmental/Institutional/Misc		Hydro	E	Block Number
							Waste Land			111.9	Parcel Dimensions



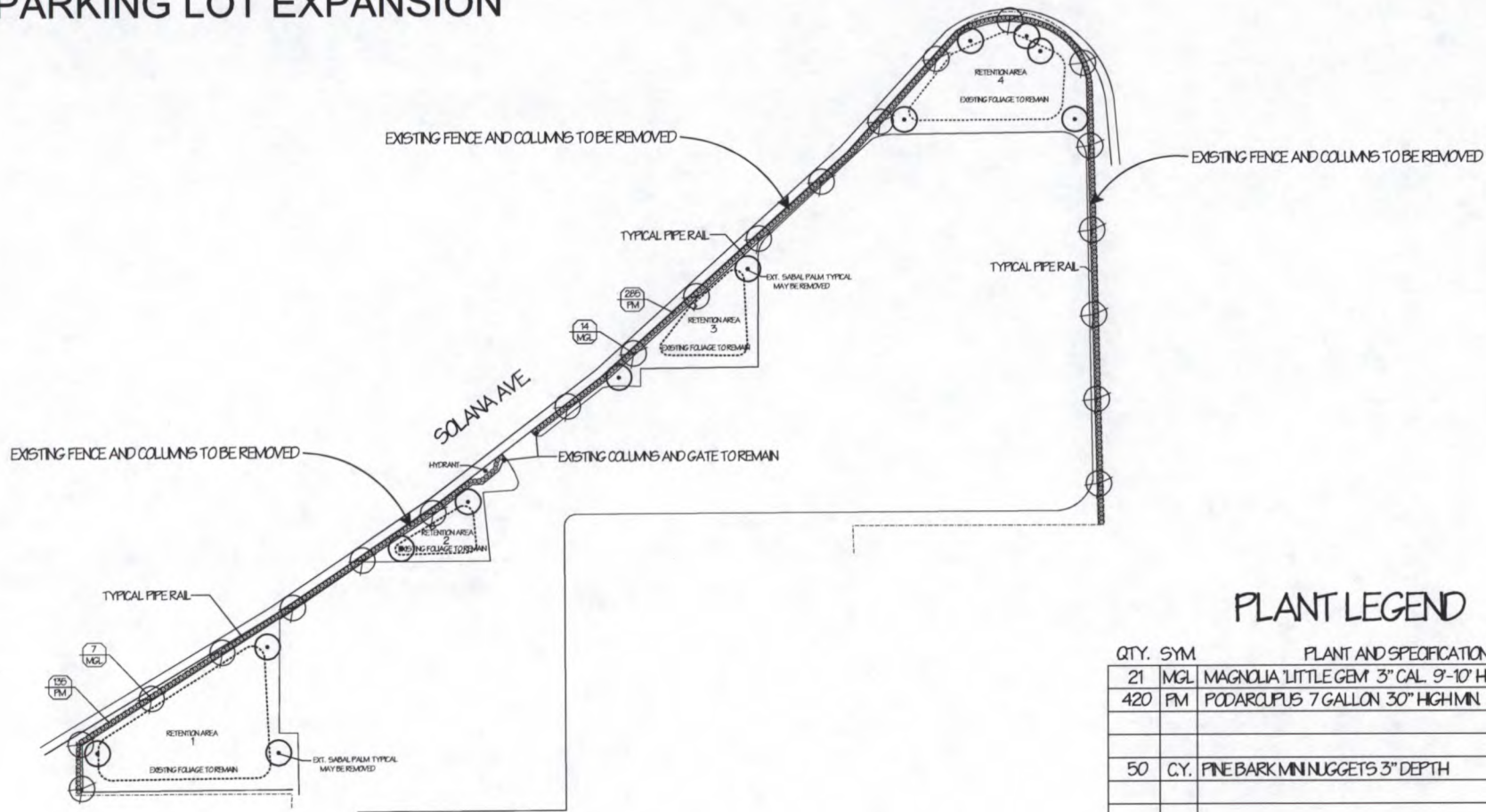
Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 9/9/2015

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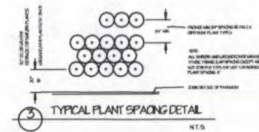
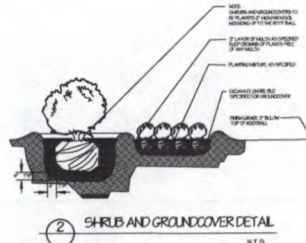
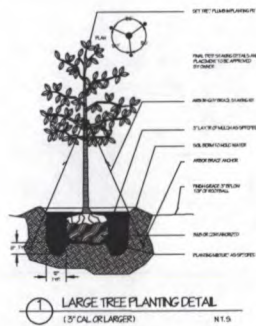
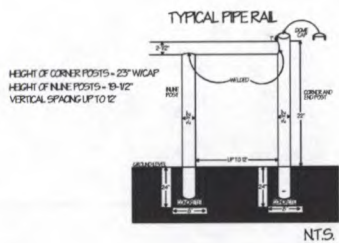
PARKING LOT EXPANSION



PLANT LEGEND

QTY. SYM		PLANT AND SPECIFICATIONS
21	MGL	MAGNOLIA 'LITTLE GEM' 3" CAL. 9'-10" HIGH 50" O.C. OR A.S.
420	PM	PODARCUS 7 GALLON 30" HIGH MIN. 30" O.C.
50	C.Y.	PINE BARK MIN. NUGGETS 3" DEPTH

ALL TREES TO HAVE A BUBBLER
PROVIDE 100% IRRIGATION COVERAGE TO NEW PLANTINGS



Revision #:

Scale:
1" = 30'

Landscape Plan: 1150 N. Orlando Ave. W.P.
HOLLER HYUNDAI

Landscape Design by: **MUG**
GIRARD ENVIRO. SERVIC., INC.



View of intersection of Dixon Avenue and Orlando Avenue.



View of intersection of Dixon Avenue and Orlando Avenue.



View of Dixon Avenue facing west.



View of Dixon Avenue facing east.



city commission public hearing

Item type	Public Hearing	meeting date	October 26, 2015
prepared by	Peter Moore	approved by	<input checked="" type="checkbox"/> City Manager
department	Administrative Services		<input checked="" type="checkbox"/> City Attorney
division	Budget & Performance		<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> N/A
strategic objective	<input type="checkbox"/> Exceptional Quality of Life	<input checked="" type="checkbox"/> Fiscal Stewardship	
	<input type="checkbox"/> Intelligent Growth & Development	<input type="checkbox"/> Public Health & Safety	
	<input type="checkbox"/> Investment in Public Assets & Infrastructure		

subject

Ordinance Amending the FY15 Adopted Budget

motion | recommendation

Approve the ordinance adopting amendments made to the FY15 budget over the course of last fiscal year (2015).

background

The City Commission is required by Statute to approve any budget adjustments that alter the total amount budgeted in any fund or when funds are transferred between different fund types. The City has adopted the practice of bringing budget amendments to the City Commission as they arise and then bringing a year-end ordinance adopting all the amendments formally to comply with Statute.

Through the receipt of grants or due to a need to revise original revenue estimates the city periodically needs to make changes to stated account revenues and expenditures. This is primarily a housekeeping process and it properly provides departments and divisions with an accurate picture of the funds available to undertake programs and projects. The following attachment highlights the budget amendments (Exhibit A of the Ordinance) that have already been approved by the Commission at prior meetings and now need to be formally adopted through public hearing. One additional amendment is included to properly record the receipt of a police enforcement grant for pedestrian and bicycle safety.

alternatives | other considerations

N/A

fiscal impact

The majority of the amendments have been previously approved by the Commission and are either based on grants, use of reserves, or reallocation of surplus project funds.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2014 – 2015 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2977-14, the City of Winter Park, Florida has adopted the Budget and Capital Improvement Program for the fiscal year 2014 – 2015; and

WHEREAS, the City of Winter Park, Florida desires to amend the Budget and Capital Improvement Program for supplemental appropriations in the amounts identified in Exhibit A; and

WHEREAS, Section 166.241(4)(c) Florida Statutes require such a budget amendment be adopted in the same manner as the original budget.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA THAT:

SECTION 1. The Budget and Capital Improvement Program for fiscal year 2014 – 2015 is hereby amended by providing for changes identified in Exhibit A.

SECTION 2. If any section, subsection, phrase or portion of this Ordinance 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 portions thereof.

SECTION 3. In the event of any conflict between the provisions of this Ordinance and any other ordinance, resolution, or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 4. The provisions of this Ordinance shall become effective immediately upon passage.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, held in City Hall, Winter Park, Florida this 9th day of November, 2015.

Steve Leary, Mayor

ATTEST:

Cynthia S. Bonham, City Clerk

Budget Amendments Requiring Commission Approval

Fiscal Year 2014 - 2015

Item	Amount	Source Account	Source Acct. Name	Exp. Account	Exp. Acct. Name	Note	Approval Date
Pedestrian & Bike Safety Grant	\$ 47,000	001-0000-334.20-00	STATE GRANTS PUBLIC SAFETY	001-4104-521.14-10	OVERTIME	Overtime for enforcement of laws pertaining to bikes, pedestrians and motor vehicles as well as community education on pedestrian and bicycle safety.	Pending
Funding for Visioning	\$ 115,000	001-0000-382.10-00	FUND BALANCE CARRYFORWARD	001-2301-515.49-25	ECONOMIC DEVELOPMENT ACTV	Discussed by Commission at Aug 25, 2014 meeting to fund at \$140k using ED and CRA funds.	10/13/2014
Lk. Forest/Howard Dr. Retention Pond	\$ 249,000	303-0000-331.39-00	FEDERAL GRANTS	303-3406-602.01-53	LK. FOREST/HOWARD RET POND	Allocates funding reimbursable through a federal DEP grant.	10/27/2014
	\$ 142,399	303-3406-602.01-23	LAND LOCKED LAKES			Allocates surplus funding from another project account.	
Forestry (Tree Grant money)	\$ 20,000	001-0000-331.70-01	TREE GRANTS	001-6104-539.34-40	CONTRACTUAL SERVICE	Reflects receipt of second phase of urban forestry grant to cover cost of tree inventory work.	12/8/2014
Lee Rd Building Purchase	\$ 1,000,000	001-0000-382.10-00	FUND BALANCE CARRYFORWARD	301-0000-539.10-67	2600 LEE RD.	Purchase of 2600 Lee Rd property and allocates funds for demolition.	12/8/2014
Library Space Needs Study	\$ 50,000	001-0000-382.10-00	FUND BALANCE CARRYFORWARD	001-2301-515.34-54	CONTRACTUAL SERVICE	Funding for space needs study of proposed library project.	12/8/2014
Stormwater (GIS Mapping)	\$ 22,000	303-3406-602.01-31	STORMWATER GIS MAPPING	102-3401-534.21-10	REGULAR WAGES	Reallocates project funds to pay for a temporary position to perform GIS mapping locates.	2/9/2015
				102-3401-534.21-10	FICA TAXES		
Communications (Graphic Arts Equipment)	\$ 25,223	001-0000-369.90-10	OTHER MISC. REVENUE	001-1204-512.64-50	MACHINERY & EQUIPMENT	Allocates a portion of funding from Communication's closed bulk mail permit to pay for graphic arts equipment.	2/9/2015
				001-9200-585.04-10	CONTINGENCY RESERVE		
Cemetery (Turf Truck & Benches)	\$ 2,300	605-0000-382.10-00	FUND BALANCE CARRYFORWARD	001-6105-539.64-50	MACHINERY & EQUIPMENT	Purchase benches for the babyland burial area.	4/27/2015
Stormwater (Fee in Lieu)	\$ 56,978	303-0000-343.70-11	FEE IN LIEU RECEIPTS	303-3406-602.01-05	DRAINAGE IMPROVEMENT	One-time revenues to be allocated to general stormwater improvements.	5/8/2015
Public Works (TECO)	\$ 7,000	001-0000-341.90-30	RIGHT OF WAY FEES	001-3112-539.13-10	SALARIES PART TIME	TECO ROW fees to cover cost for inspector to oversee gas main improvements.	5/8/2015
Building/ Permitting (Scanner)	\$ 11,095	001-0000-382.42.11	BUILDING BALANCE CARRYFORWARD	001-2303-524.64-50	MACHINERY AND EQUIPMENT	Scanner for large format plans.	7/13/2015
Electric Warehouse and Fire Apparatus Bay Project	\$ 1,015,000	406-2903-531.62-01	ELECTRIC WAREHOUSE FACILITY	301-0000-539.10-69	ELECTRIC WAREHOUSE AT PWC	Moves funding to the Capital projects fund to complete the Electric warehouse, Fire Apparatus Bay, and Electric operations office.	7/27/2015
	\$ 125,000	001-5103-522.64-50	MACHINERY & EQUIPMENT	301-0000-539.10-70	FIRE STATION 64 RENOVATION		

Budget Amendments Requiring Commission Approval
Fiscal Year 2014 - 2015

Item	Amount	Source Account	Source Acct. Name	Exp. Account	Exp. Acct. Name	Note	Approval Date
Library Design Work (ACI)	\$ 50,000	301-0000-369.90-10	OTHER MISC. REVENUE	301-0000-539.10-74	WINTER PK PUBLIC LIBRARY	Funds 2/3 of cost to do library designs. Other 1/3 to be paid by library.	7/27/2015
	\$ 108,750	001-0000-382.10-00	FUND BALANCE CARRYFORWARD	301-0000-539.10-74			
Cady Way Cycle Track	\$ 17,000	301-0000-366.95-00	PUBLIC WORKS DONATIONS	301-0000-539.10-63	BICYCLE & PEDESTRIAN IMPROVEMENTS	Provides funding from KWPB and the Health Foundation to complete the Cady Way Cycle Track project.	9/28/2015
	\$ 10,000	101-0000-572.52-10 PR: KWPB	KWPB				
Building Interactive Voice Response	\$ 14,000	001-0000-382.42.11	BUILDING BALANCE CARRYFORWARD	001-2303-524.66-20	SOFTWARE	Upgrades and replaces the old IVR software and server which provided automated permitting scheduling and status updates to customers by phone.	9/28/2015

CRA Budget Amendments

Item	Amount	Source Account	Source Acct. Name	Exp. Account	Exp. Acct. Name	Note	Approval Date
SunRail at WP Art Fest	\$ 6,000	104-0000-382.10-00	FUND BALANCE CARRYFORWARD	104-2306-515.34-40	CONTRACTUAL SERVICES	CRA paid \$32k to have sunrail service at the art festival. \$26k was reimbursed through outside contributions.	2/23/2015
New CRA Projects	\$ 660,000	104-0000-382.10-00	FUND BALANCE CARRYFORWARD	104-2308-515.01-63	PARK AVE	Funds for clean-up and maintenance.	5/11/2015
				104-2308-515.01-62	W. MORSE STREETScape	17/92 intersection improvements and mast arms.	
				104-2308-515.01-69	ADAPTIVE SIGNALIZATION	Lee Rd/17-92	
				104-2308-515.01-50	BUSINESS FAÇADE	Addl funding for small businesses.	



city commission public hearing

item type	Public Hearing	meeting date	October 26, 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 & Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0 final vote

Subject: Ordinance to Update the Ordinary High Water Elevation of the City's Lakes and Clarify Lakefront Building Regulations.

This public hearing is primarily to consider an Ordinance to revise the ordinary high water elevations in the zoning code that establish the point at which the lakefront or other waterfront setbacks are measured. The elevation information used by FEMA to establish flood plain regulations and also used by surveyors has been the National Geodetic Vertical Datum of 1929 (NGVD 1929) based on a series of measurements from that time. Due to geographic differences across the nation, the base measurements were updated into the North American Vertical Datum of 1988 (NAVD 88). In 2009 FEMA converted all the flood plain maps across the nation to the NAVD 88 datum. From that time forward, surveyors have transitioned to the new elevations.

Summary:

As a result, the City needs to update the ordinary high water elevations referenced in the zoning code from the 1929 datum to the 1988 datum as current surveys reflect those numbers. The table below shows the changes between the two.

City of Winter Park Ordinary High Water Elevations NGVD (1929) to NAVD (1988) Conversions

Lake Name	OHW NGVD (1929)	OHW NAVD (1988)
Baldwin	91.5	90.7
Bell	89.4	88.6
Berry	70.0	69.4
Chelton	80.0	79.2
Forest	100.8	100.0
Grace	101.6	100.8
Killarney	82.8	82.0
Knowles	76.7	75.9
Maitland	66.5	65.7

Midget	85.1	84.3
Mizell	66.5	65.7
Osceola	66.5	65.7
Rose	88.6	87.8
Spier	90.5	89.7
Sue	71.5	70.7
Sylvan	72.0	71.2
Temple	68.0	66.6
Tuscany	69.9	69.1
Virginia	66.5	65.7
Wilbar	88.5	87.7

This Ordinance also addresses some other situations with respect to the water front reviews conducted by the P&Z Board to match current practice or for clarifications as follows:

1. With respect to storm water retention on water front lots, the zoning code now has a prescriptive retention requirement for the first inch of runoff. Typically there is ample land area to meet that design volume because the 50 foot minimum lakefront setback sets aside ample land to accommodate that amount of retention. However, this first inch volume has been a hardship on properties with many large oak and/or cypress trees along the lakefront. Digging a retention swale deep enough or big enough for that volume can cause serious damage to the root systems of those trees jeopardizing their survival. In practice, what staff has recommended and what the P&Z Board has approved, is an alternative a retention berm system in these situations, versus digging a swale. The retention berm accomplishes the goal of providing retention in a qualitative rather than quantitative manner. This Ordinance includes the code amendment to clarify that established process.
2. Similarly, the Ordinance also addresses the situations where setback relief is needed in order to encourage tree preservation. The P&Z Board already has that authority and has exercised it judiciously to ease the impact on lake views and this would extend to tree preservation.
3. Lastly, the current Ordinance is not easily understood with respect to the regulations on walls and fences on water front lots. These text revisions will make those rules more understandable without changing any of the content. The ordinance also establishes how much of the lake frontage (10% maximum) can be covered by at grade patios, decks, fire pits, etc.

Staff Recommendation: Approval of an Ordinance to update the Ordinary High Water Elevation of the City's Lakes and clarify lakefront building regulations.

Planning and Zoning Board Recommendation:

Motion made by Tom Sacha, seconded by Peter Weldon recommending approval of the ordinance amending Article III, "Zoning", Sections 58-87 so to update the ordinary high water elevations of lakes within the City and provide for clarifications of the waterfront review procedures.

Motion carried unanimously with a 7-0 vote.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTIONS 58-87 SO AS TO UPDATE THE ORDINARY HIGH WATER ELEVATIONS OF THE LAKES WITHIN THE CITY AND PROVIDE FOR CLARIFICATIONS OF THE WATERFRONT REVIEW PROCEDURES AND DEVELOPMENT STANDARDS; PROVIDING FOR CODIFICATION, FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to clarify the development standards on water front properties within the City and to update the ordinary high water elevations for the most current data; 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.

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

Section 1. Chapter 58, Land Development Code, Section 58-87, Lakefront lots, canalfront lots, streamfront lots, wetlands, boathouses and docks, Subsections (d) (1), (3), (5), (6) (7) and (8) are hereby amended to read as follows:

* * *

Sec. 58-87. Lakefront lots, canalfront lots, streamfront lots, wetlands, boathouses and docks.

(d) *Other structures on lakefront, canalfront or streamfront lots.* The following standards shall apply to all construction on lakefront, canalfront or streamfront lots:

(1) Lakefront, canalfront and streamfront lots shall be developed to maximize the amount of natural rainfall which is percolated into the soil and to minimize direct overland runoff into the water. With the exception of boathouses, docks or other over-water construction, storm water runoff from structures and other impervious surfaces shall be directed into swales or terraces on the lot or restrained by berms so as to provide for the on-site retention and percolation of the first one inch of runoff. Properties being developed or redeveloped shall eliminate any direct piped discharges of storm water into the water, so that this runoff is directed to the onsite retention and percolation areas. The planning and zoning ~~commission~~ board may require, as conditions necessitate, the submission of soil and water table information, topographic detail, drainage calculations and professionally designed plans so as to insure these requirements are met. All storm water retention compliance shall prioritize the preservation of existing trees and the impacts of fill or excavation on tree root systems shall be minimized and the planning and zoning board shall have to authority to require berm or alternative retention methods and volumes where necessary to protect the root systems and survivability of existing oak and cypress trees.

(3) Structures on lakefront, canalfont or streamfront lots shall, to the extent reasonably possible, be designed and located to minimize their obstruction or degradation of traditional views to and through the property to the water. Structures in this context shall also include fences and walls. Structures shall also be located so that existing trees shall be preserved to the degree reasonable possible. The planning and zoning ~~commission~~ board, may as conditions necessitate, reduce the height of structures, alter their location, size and design so as to accomplish ~~this~~ these objectives. The planning and zoning ~~commission~~ board shall also have limited authority to grant ~~variances~~ exceptions to the front and side setback standards when deemed necessary to accomplish ~~this~~ these objectives.

(5) Structures on lakefront lots require the approval of the planning and zoning ~~commission~~ board prior to the issuance of a building permit. As conditions necessitate the planning and zoning ~~commission~~ board or city commission may impose increased setbacks in concert with their waterfront review or conditional use authority as necessary to accomplish the objectives in this section. Structures in this context shall also include swimming pools, cabanas, gazebos, screen enclosures, tennis courts and other accessory buildings.

(a) Setbacks - Single family/duplex. The setback from the lake's water's ordinary high water elevation for single family and duplex buildings and any other accessory structures on those properties (other than boathouses, docks, over the water gazebos or retaining walls) shall be the average established by the adjacent lake water front properties within 200 feet of the subject property, or 50 feet, whichever is greater. The planning and zoning ~~commission~~ board shall have the authority to approve lake water front ~~and canal front~~ setbacks less than the average determined above to a minimum of 50 feet in accordance with their lake water front review authority.

(b) Setbacks - Multi-family/non-residential/mixed use. The lake water front setback from the lake's ordinary high water elevation for multi-family (3 or more units) or non-residential or mixed use buildings and any other accessory structures on those properties (other than boathouses, docks, over the water gazebos or retaining walls) shall correspond to the height of the proposed structure. For buildings and structures 35 feet in height or less, the lake water front setback shall be a minimum of 75 feet. As the height of the building or structure increases, for each one foot increase in height over 35 feet in height, the lake water front setback shall increase by two and a half (2.5) feet.

(c) Ordinary High Water Elevations. For convenience, the ordinary high water elevations of the city's principal lakes are listed below. These elevations have been determined by the Florida Department of Environmental Protection (FDEP) Bureau of Survey and Mapping. All elevations reference ~~NGVD ('29 datum)~~ NGVD (88 datum). For the canal and stream front locations, the ordinary high water elevations are to be provided by the public works department.

1. Lake Berry	<u>69.4 feet</u>	70.0 feet
2. Lake Killarney....	<u>82.0 feet</u>	82.8 feet
3. Lake Maitland....	<u>65.7 feet</u>	66.5 feet
4. Lake Mizell....	<u>65.7 feet</u>	66.5 feet
5. Lake Osceola....	<u>65.7 feet</u>	66.5 feet
6. Lake Sue....	<u>70.7 feet</u>	72.5 feet
7. Lake Sylvan....	<u>71.2 feet</u>	72.0 feet
8. Lake Virginia....	<u>65.7 feet</u>	66.5 feet
9. Lake Bell....	<u>88.6 feet</u>	89.4 feet
10. Lake Spier....	<u>89.7 feet</u>	90.5 feet

11. Lake Forrest....	<u>100.0 feet</u>	88.9 feet
12. Lake Grace....	<u>100.8 feet</u>	101.6 feet
13. Lake Rose....	<u>87.8 feet</u>	88.6 feet
14. Lake Tuscany....	<u>69.1 feet</u>	69.9 feet
15. Lake Baldwin....	<u>90.7 feet</u>	91.5 feet
16. Lake Temple....	<u>66.6 feet</u>	

(6) Structures on canalfront or streamfront lots require the approval of the planning and zoning ~~commission~~ board prior to the issuance of a building permit. Other than boathouses, the waterfront setback shall be at least 50 feet from the canal bulkhead or stream. Structures in this context shall also include swimming pools and pool decks, screen enclosures, tennis courts, cabanas and other accessory buildings. Swimming pools and decks on canalfront or streamfront lots may be permitted a minimum of 25 feet from the canal bulkhead or stream ordinary high water elevation, provided the swimming pool has an elevation of no more than two feet above the existing grade on the side closest to the canal or stream. The planning and zoning ~~commission~~ board may require, as conditions necessitate, the imposition of increased setbacks to accomplish the objectives in this section.

(7) Fences or walls on lakefront, canalfront, or streamfront lots shall not be permitted to extend into the water beyond the ordinary high water elevation or into a canal beyond the bulkhead. Fences and walls shall not be permitted which run parallel to or across the lakefront, canalfront or streamfront anywhere within the 50-foot setback from the ordinary high water elevation. Fences but not walls may be permitted which run parallel to or across the lakefront, canalfront or streamfront on that portion of the land between the rear of the main structure and the 50-foot setback provided such fence does not exceed four (4) feet in height above existing grade. ~~The 50-foot setback shall also apply to any Retaining walls, terrace walls, decks, railings or other structures higher than three feet above existing the lowest grade shall not be permitted within the 50-foot setback. Other accessory structures or improvements that do not exceed three (3) feet in height within the 50 foot setback such as walkways, railings, patios, decks, fire pits, etc. shall not cover more than ten (10%) percent of the land area within that 50 foot setback.~~ Fences running down the sides of properties within the 50-foot setback or parallel to or across the waterfront shall be substantially open fences limited to the materials such as ~~of~~ aluminum picket, wrought iron, or green or black clad vinyl chain link which allow visibility across property lines and to the lake water. Wood shadow box fences shall not qualify as open fencing. The planning and zoning ~~commission~~ board may permit fences closer than the 50 feet but only on canalfront or streamfront lots as necessary to enclose swimming pools.

(8) Swimming pool and spa decks, patios and terraces shall not be constructed more than three feet in height above the average existing grade elevation on the lakeside edge of that deck, patio or terrace. In addition, the facade of these retaining walls facing the lake shall be screened with landscape plantings across the length of the retaining wall except for any sections involving stairs down to the lakefront. On lots with severe grade drops of over seven feet throughout the length of the house, the planning and zoning ~~commission~~ board may approve swimming pool and spa decks, patios and terraces higher than three feet above existing grade on the lake water side if approved by four members of the planning ~~commission~~ board.

Section 2. 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 3. 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 4. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall become effective 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