



# city commission agenda

## Regular Meeting

December 14, 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](http://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 Pledge of Allegiance

### 3 Approval of Agenda

### 4 Mayor's Report

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

- Recognition – America In Bloom
- Presentation – Susan Johnson, Founder and President of Support our Scholars
- Recognition – "Winter in the Park" Holiday Window Contest winners
- Board appointment:
  - Civil Service Board

20 minutes

5	City Manager's Report	*Projected Time *Subject to change
6	City Attorney's Report	*Projected Time *Subject to change
7	Non-Action Items	*Projected Time *Subject to change
	a. PACE Interlocal agreement	20 minutes
8	<b>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)</b> (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)	
9	Consent Agenda	*Projected Time *Subject to change
	a. Approve the minutes of November 23, 2015. b. Approve the following purchases and contracts: 1. PR158996 to Sternberg Lanterns for Aloma Streetlights; \$85,664. 2. Purchase and subsequent PR for two Pierce Fire Apparatus – Quantum Pumpers from Pierce Manufacturing Inc., and authorize Mayor to execute piggyback contract. 3. PR159016 to Sungard HTE for Maintenance and Technical Support Services for FY16; \$93,770. 4. PR159003 for the purchase of one Crew Cab Dump Truck from Orlando Freightliner Inc.; \$103,224. 5. Piggyback contract IFB15-0017 (City of Orlando) with Layne Inliner for Storm Line Rehabilitation Cleaning & Video Recording. 6. Award to Kelly, Collins & Gentry, Inc., RFP-3-2016, for the Engineering & Design Service for St. Andrews Trail Project. Authorize Mayor to execute contract and approve subsequent purchase requisition. c. Approve the contract extension of 90 days with Waste Pro of Florida. d. Approve the budget amendment of \$11,691 for the stormwater capital fund. e. Approve the addition of janitorial cleaning to the Winter Park Train Station on the weekends.	5 minutes
10	Action Items Requiring Discussion	*Projected Time *Subject to change



11 Public Hearings	<b>*Projected Time</b> <b>*Subject to change</b>
a. <u>Request of Rollins College:</u> <ul style="list-style-type: none"> <li>- Ordinance – Amending Chapter 58 “Land Development Code” Article III, “Zoning” to add within Section 58-67 Low Density Residential (R-2) District, a new conditional use provision for child care and education facilities operated by non-profit entities subject to certain limitations (1)</li> <li>- Conditional use approval for a child care and educational facility operated by Rollins College on the property at 315 Holt Avenue, zoned R-2 and providing for the approval of a development agreement pertaining to the project.</li> </ul>	20 minutes
b. <u>Request of SVAP Winter Park L.P.:</u> <ul style="list-style-type: none"> <li>- Conditional use approval to redevelop and renovate the Winter Park Center (K-Mart Shopping Center) at 501 N. Orlando Avenue to provide for the redevelopment of existing stores and parking lot including an exception for parking in order to accommodate increased restaurant tenant space.</li> </ul>	30 minutes
c. <u>Request of Sydgan Corporation:</u> <ul style="list-style-type: none"> <li>- Conditional use approval to construct a third story onto the existing two story building at 425 West New England Avenue, zoned C-2.</li> </ul>	10 minutes
d. <u>Request of Sydgan Corporation:</u> <ul style="list-style-type: none"> <li>- Approval to construct a steeple on top of the Grant Chapel Building at 216 West Lyman Avenue, zoned O-2.</li> </ul>	10 minutes
e. <u>Request of Warner Chapel Primitive Baptist Church:</u> <ul style="list-style-type: none"> <li>- Conditional use approval to construct a fellowship hall addition to their church building for Sunday School Classroom space and fellowship hall activities in conjunction with the church at 753 West Comstock Avenue, Zoned R-1A.</li> </ul>	10 minutes
f. Ordinance – Vacating and abandoning the utility easements located at 110 South Orlando Avenue (1)	10 minutes
g. <u>Request of Benjamin Partners, Ltd.:</u> <ul style="list-style-type: none"> <li>- Ordinance – To amend the “Comprehensive Plan” to change the Future Land use designations of Commercial and Low Density Residential at 1531 Lee Road and 1325 Lewis Drive to Planned Development in conjunction with the Ravaudage Planned Development (2)</li> <li>- Ordinance - To amend the official zoning map to change the zoning of Commercial (C-3) and Low Density Residential (R-2) to Planned Development (PD-2) District on the properties at 1531 Lee Road and 1325 Lewis Drive in conjunction with the Ravaudage Planned Development (2)</li> </ul>	10 minutes

h. Ordinance – Creating regulations for street performers in certain areas of the City (2)	15 minutes
i. Ordinance – Amending Chapter 58 “Land Development Code” Article VIII, “Historic Preservation” to provide clarity, improve the functionality, and revise the process and procedures for the Historic Preservation Board and staff, the designation of historic landmarks, historic resources and historic districts; the regulation, administration and enforcement concerning such designated landmarks, resources and district, and the certificate of review process; creating procedures for the demolition of properties identified in the Florida Master Site File and Historic Survey; amending provisions regarding tax exemptions for historic properties (2)	15 minutes
j. Resolution – Accepting recommendations for incentives for Historic Preservation from the Historic Preservation Board	30 minutes

<b>12 City Commission Reports</b>	<b>*Projected Time</b> <b>*Subject to change</b>
<ul style="list-style-type: none"> <li>a. Commissioner Seidel</li> <li>b. Commissioner Sprinkel</li> <li>c. Commissioner Cooper – Council member on the Plaza discussion</li> <li>d. Commissioner McMacken</li> <li>e. Mayor Leary</li> </ul>	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

December 14, 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	FDOT had only one bidder and had to discard it.	They expect to reach negotiations with their current maintenance contractor and complete the work by 1 <sup>st</sup> quarter 2016.
MLK (Rollins) Restroom	The MLK punch list walk through is Wednesday, 12/9/15.	Opening will be January 8, 2016.
Visioning Steering Committee	Inviting community to participate at <a href="http://www.visionwinterpark.org">www.visionwinterpark.org</a> .	
New Hope Baptist Church Project	The exterior of the buildings, accessible restrooms, landscaping, parking and drainage have been completed and approved. The Pastor has agreed to obtain assistance of a designer to improve the architectural appearance of the buildings to include the area at the base of the structures.	Tabled at the October 26 Commission meeting to come back to the Commission at a later date.
Street Performers ordinance	Park Avenue Merchant's Association meeting 10/13 voted in favor. Parks Board meeting 10/28 in favor.	Completed. Second reading of ordinance on December 14.
Progress Point property	Planning and Zoning Board work session on 11/3/2015 at 4:00 p.m.	Review outcome with City Commission in January 2016.
City General Election	Qualifying begins noon, December 14, 2015 and ends noon, December 18, 2015	The Winter Park March 15, 2016 general election will be held with the Presidential Preference Primary Election. If necessary, a primary election will be held February 9, 2016.
Ward Park restrooms	Design is being completed on two new restrooms by the new soccer fields and adjacent to the existing restrooms at the Little League fields.	Out to bid no later than the end of January 2016. Bid release rescheduled due to extraordinary attention required by currently active construction projects.

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



# city commission agenda item

Item type	Non-Action Item	meeting date	December 14, 2015		
prepared by	Kris Stenger	approved by	<input checked="" type="checkbox"/> City Manager		
department	Building & Permitting		<input type="checkbox"/> City Attorney		
division			<input type="checkbox"/> N/A		
board approval		<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> N/A	final vote
strategic objective	<input checked="" 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 checked="" type="checkbox"/> Investment in Public Assets & Infrastructure				

## Subject

The City of Winter Park Sustainability Action Plan set a goal of providing a PACE (Property Accessed Clean Energy) program to the citizens of Winter Park. The Florida PACE Agency will be providing us with a short presentation of what PACE is and how this agency operates its program

## **motion | recommendation**

The interlocal agreement with the Florida Pace Agency will be on the January 11, 2016 agenda for approval.

## **background**

The KWPB&S board unanimously supported this program. Our City attorney has reviewed and made modifications to the interlocal agreement which the Florida PACE Agency has agreed.

## **alternatives | other considerations**

Adopting residential, commercial or both programs under the interlocal agreement

## **fiscal impact**

There is no cost to the city as the program is operated and funded by the Florida PACE Agency.





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[ABOUT](#) [HOW IT WORKS](#) [FIND A CONTRACTOR](#) [QUALIFYING IMPROVEMENTS](#) [APPLY NOW](#) [FAQS](#) [NEWS](#) [CONTACT](#)

## FAQS

### CATEGORIES

- [> General Questions](#)
- [> Eligibility](#)
- [> Costs & Financing](#)
- [> Program Details](#)

### TOP QUESTIONS

- [1. Do I qualify for E|VEST Financing?](#)
- [2. What improvements can I make using E|VEST financing?](#)
- [3. How much financing can I get for E|VEST improvements?](#)
- [4. How do I apply for E|VEST financing?](#)

### General Questions

#### ▶ What is E|VEST Florida?

E|VEST Florida (E|VEST) is the name for the Florida PACE Funding Agency's PACE program.

#### ▶ Who may provide Qualifying Improvements?

Qualifying Improvements may only be made by Authorized Contractors and subcontractors. See a list of Authorized Contractors at: <http://evestflorida.com/find-a-contractor/>

#### ▶ My county/municipality has not approved the Florida PACE Funding Agency's program yet. How do they sign up?

Your County/City must pass a resolution and sign an interlocal agreement before the Agency may offer E|VEST in your area. A template letter requesting that your County/City offer the Agency's program may be found at the following link(s): **LETTER FROM PROPERTY OWNER** or **LETTER FROM CONTRACTOR**

#### ▶ What are the benefits for residential property owners?

Lower utility bills and a more comfortable home are the big benefits of home energy efficiency. By combining proper equipment maintenance and upgrades with recommended insulation, air sealing, and thermostat settings, you can reduce your energy use for heating and cooling and reduce environmental emissions.

Wind mitigation improvements can provide a safer home and protect your loved ones and the contents of your home during a damaging wind event (e.g., hurricane). These improvements may also reduce the wind portion of your property insurance bill by up to 77%, depending on the age of your home and type of improvement.

#### ▶ What are the benefits for commercial property owners?

Businesses often face capital budgets constraints that force business owners to choose between capital improvements. Using E|VEST financing enables business to take advantage of fixed rates and longer terms that allow capital costs to be annually

and significantly reduced by savings associated with energy efficiency, renewables and wind resistance improvements. In addition, E|VEST financing is an off-balance sheet transaction that maintains your company's cash position while allowing capital projects to be advanced immediately.

▶ What are the benefits of being an Authorized Contractor?

Authorized Contractors automatically receive a listing in the Contractor Directory. See: <http://evestflorida.com/find-a-contractor/>

In addition, Authorized Contractors have access to:

- \$200M of immediately available funding for qualified improvements/properties in the State of Florida.
- Training on program process and new construction and sales methods at no cost;
- Marketing collateral;
- On-line web resources; and
- Access to Agency staff support.

Eligibility

▶ Do I qualify for E|VEST Financing?

To be eligible, the financing Property Owners must meet the minimum criteria below:

- Be the owner of record;
- Be current and have no missed or late property taxes or mortgage payments in the past three (3) years or period ownership, whichever is less;
- Have no involuntary liens on the property; and
- Have no bankruptcies for the past three (3) years.

▶ Is my credit score used to determine whether I may apply for E|VEST financing?

No. However, a credit report will be run to determine status of any mortgage payments and/or balance and verify there are no bankruptcies in the past 7 years. Please see minimum qualifications above: **“Who is eligible to apply for E|VEST financing?”**

▶ How do I apply for E|VEST financing?

Please click to: **Apply Now**

▶ What improvements can I make using E|VEST financing?

Energy conservation and efficiency improvements, renewable energy improvements and wind resistance improvements are eligible. Please see the list of Qualifying Improvements **HERE**. If you wish to install an improvement that is not listed, please contact us at **1-866-558-3180**.

▶ What types of properties are eligible for E|VEST financing?

Financing is available for residential, commercial, industrial and non-profits. Government-owned properties (cannot be assessed) and mobile homes (not permanent structures) are not eligible.

▶ Do new construction projects qualify for E|VEST financing?

E|VEST financing is only available for existing properties.

► What is required to become an E|VEST Authorized Contractor?

E|VEST Authorized Contractors must meet the following Minimum Requirements:

- Possess all valid licenses, certifications and registrations (federal, state, and local) legally required to make the Qualifying Improvement(s);
- License must be active and not on probationary status;
- Maintain the appropriate insurance coverage for work to be performed;
- Have a Better Business Bureau rating of "B" or higher, if applicable;
- Complete an application **HERE** and pay a one-time administrative fee of \$50; and
- Abide by the E|VEST **Code of Conduct** and agree to E|VEST **Terms and Conditions**.

► How will I know that my application to become an E|VEST Authorized Contractor has been approved?

Upon successful verification of credentials, the Agency Team will email or mail a letter confirming your status as an Authorized Contractor to the contact address listed in your application and activate your profile **HERE** in the Authorized Contractor Directory. Applications are generally processed within one week of receipt.

## Costs & Financing

► How is E|VEST financing repaid?

E|VEST financing is repaid through a special non-ad valorem assessment included on the annual property tax bill. The assessment is assignable and may transfer to the next owner or be paid off as a condition of sale.

► How is E|VEST financing attached to the property?

A notice of assessment is filed with the County Clerk office within five business days after all financing documents have been signed. The assessment will be included on your annual property tax bill for the term of the financing, or until paid in full.

► What happens to E|VEST financing if the property is sold before the end of the term?

The assessment stays with the property upon title transfer (assignable) or may be paid off in full as a negotiable term of sale. If the assessment is assigned to the new owner, the energy savings on the property continue to accrue to the benefit of the new owner.

► What is the interest rate offered?

Interest rates vary depending on the length of the term and size of the project. For current rates, please email [info@EvestFlorida.com](mailto:info@EvestFlorida.com) or click on the **"Get a Quote"** button on the upper right corner of the E|VEST home page.

► How much financing can I get for E|VEST improvements?

The maximum amount that may be financed is 20% of the just market property value (found on your local property appraiser website). Exceeding 20% requires an energy audit verifying energy savings exceed the cost, or Lender approval.

► What if the approved E|VEST financing amount is less than the amount of the bid I select?

Without an energy audit demonstrating more savings than cost or Lender consent, E VEST financing is limited to 20% of the just market value of the property (found on your local property appraiser website).
▶ May I make partial payments on my assessment?
No. State law prohibits partial payments of property taxes. Partial payments of property taxes will trigger delinquency fees and interest charges.
▶ May I pay off my assessment early?
Yes, assessments can be prepaid in full with no penalty. Please email <a href="mailto:info@EvestFlorida.com">info@EvestFlorida.com</a> , or mail your request to Leidos-PACE Processing, Attn: Finance Manager, 1000 Legion Place, Suite 1100, Orlando, FL 32801 at least ten (10) days prior to the date you intend to prepay the assessment for the total amount due.
▶ Do I get to keep utility rebates and tax incentives when I use E VEST financing?
Yes. All utility rebates and tax incentives flow to the property owner. Information on available energy savings may be obtained by accessing the Agency website at: <a href="http://evestflorida.com/energy-savings/">http://evestflorida.com/energy-savings/</a> .
▶ Are there loan-to-value (LTV) requirements for participation in E VEST financing?
Currently, the Agency's underwriting guideline requires that the total outstanding mortgage balance (including home equity loans) plus the total PACE assessment is less than or equal to 100% of the Just Market Value of the property per the property appraiser website. The Agency will consider an appraised value in place of the Just Market Value if an appraisal was completed within the past 12 month. The maximum PACE assessment, however, is 20% of the Just Market Value per the FL Statute 163.08.
▶ Are there minimum or maximum E VEST financing amounts?
Minimum EVEST financing amounts are currently \$2,500 for residential properties and \$10,000 for commercial properties.
▶ How do I pay my E VEST Florida Authorized Contractor application fee?
<p>The non-refundable \$50 E VEST Florida Authorized Contractor application fee may be paid by mailing your completed application and check payable to "Leidos Engineering, LLC" to the following address:</p> <p><b>Leidos Engineering, LLC – PACE Processing</b> <b>1000 Legion Place, Suite 1100</b> <b>Orlando, Florida 32801</b></p> <p><b>Interested Contractors may now pay the program application fee by Credit Card!</b></p>
▶ Are there any additional mandatory costs to maintain my status as an Authorized Contractor?
No, not at this time.
▶ Are progress payments available to E VEST Authorized Contractors to offset the upfront cost of materials and equipment used in the installation of Qualifying Improvements?
The E VEST program allows for progress payments on commercial projects with a total E VEST financing amount of greater than \$100,000.



Program Details

► How do I get E|VEST financing for my project?

Please click to see: **“How it Works”**.  
For more information, please call **1-866-558-3180** or email [info@EvestFlorida.com](mailto:info@EvestFlorida.com)

► What protections are in place for me as a property owner?

All Qualifying Improvements must be made by E|VEST Authorized Contractors. See Contractor requirements above under **ELIGIBILITY: What is required to become a Florida PACE Funding Agency Authorized Contractor?**

All Qualifying Improvements require building permits to ensure compliance with all applicable codes through mandatory inspection by local building officials.

Contractor payment will not be made until the Property Owner submits a signed Property Owner Approval form to verify that the work is complete. This may be completed once the building permit is signed by the local building official.

► How do I pick a qualified contractor?

Please click to review our current list of Authorized Contractors: <http://evestflorida.com/find-a-contractor>

► What if I already have a contractor that I trust, but the contractor is not an E|VEST Authorized Contractor?

The Agency encourages Property Owners to ask their preferred contractor to apply to become E|VEST Authorized Contractors. Contractors can apply **HERE**.

► How many proposals should the Property Owner obtain?

We encourage property owners to get at least three proposals before making your contractor selection. However, the Agency does not require property owners to get multiple bids.

► What happens if the E|VEST Florida Authorized Contractor begins work on the Qualifying Improvement and discovers additional work that must be done in order to complete the project?

The bid may be altered to accommodate the additional work necessary, but once the financing agreement is signed, any additional project work must be paid by the property owner through other means. In short, once the E|VEST financing agreement is signed, it may not be changed.

► How are projected savings estimated?

For energy efficiency projects, you may:

- Contact your local utility company for a free energy evaluation which will provide information on what may be the best value improvements you may make and information on potential energy savings.
- Your selected Contractor will provide proposed costs and energy savings estimates for energy efficiency improvement(s). The Agency’s Team reviews these savings and cost projections for reasonableness as a part of the underwriting process.
- Obtain an energy audit from a licensed Energy Rater. The Energy Rater will provide detailed savings calculations on planned qualifying improvements. The cost for an energy audit will vary, but the cost may be rolled into the E|VEST financing.

For renewable energy projects you may:

- Receive a free evaluation of the selected Contractor’s proposed costs and utility power offset for renewable generation improvement(s) from the Agency. This evaluation will give the property owner additional assurance that the proposal costs and projected savings are reasonable.

- Obtain an energy audit from a licensed Energy Rater. The Energy Rater will provide detailed savings calculations on planned qualifying improvements. The cost for an energy audit will vary, but the cost may be rolled into the requested financing.

For wind mitigation improvements you may:

- Access the Florida Department of Emergency Management’s Florida Wind Insurance Savings Calculator at: [www.floridadisaster.org](http://www.floridadisaster.org). By answering a series of questions about your home as it currently exists or based on renovations you are planning, the Wind Insurance Savings Calculator (WISC) will help determine what level of savings you may be eligible for.

In addition to accessing the WISC, we strongly recommend you work directly with your insurance carrier to determine the potential insurance savings of qualifying wind mitigation improvements. Your carrier will also advise what, if any, inspections may be required.

► How do I get a job installing Qualifying Improvements funded through E|VEST financing?

After you become an E|VEST Authorized Contractor, you will be listed in the online Contractor Directory. This directory is used by property owners seeking an Authorized Contractor to perform Qualifying Improvements. In addition, educating your existing clients about E|VEST financing may help you initiate additional jobs.



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# PROPERTY ASSESSED CLEAN ENERGY (PACE)

A Guide to Making Building  
Improvements Happen in  
Winter Park, Florida

# WHY MAKE PROPERTY IMPROVEMENTS

## **Proactive Equipment Replacement**

- Avoid equipment failure
- Avoid equipment downtime

## **Cost Containment and Management**

- Reduce operating costs
- Reduce repairs and maintenance
- Avoid future cost increase

## **Property Appeal and Value**

- Improve property value for sale
- Improve comfort and look
- Improve worker performance

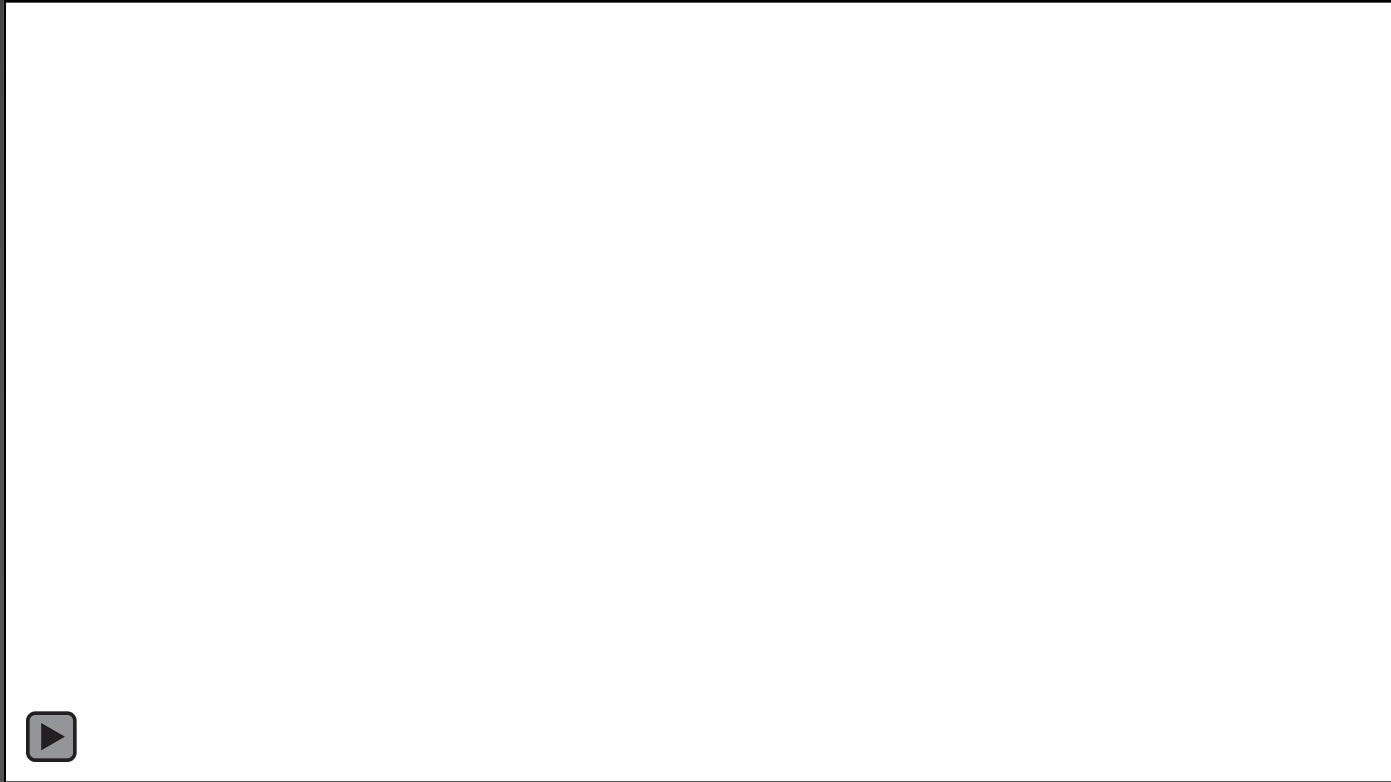


# HOW DO PEOPLE PAY FOR PROPERTY IMPROVEMENTS?

- ▶ Cash out-of-pocket
  - ▶ **Problem:** Don't have a lot of cash available
  - ▶ **Problem:** Don't always want to use cash for long-term improvements
- ▶ Traditional bank financing
  - ▶ **Problem:** Good credit score required (720+) for better interest rates
  - ▶ **Problem:** High equity requirements (40%), 5-7 year terms and variable interest rates
- ▶ Traditional third-party financing
  - ▶ **Problem:** Interest rates range between 12-25% depending on credit score
  - ▶ **Problem:** Shorter 5-7 year financing terms
- ▶ Put it on a credit card
  - ▶ **Problem:** Credit cards significantly affect your credit score
  - ▶ **Problem:** Credit cards have rates between 8-20%



# A SIMPLE & AFFORDABLE SOLUTION



# WHAT DOES “PACE” FINANCING MEAN?

- ▶ **PACE** is an acronym for Property Assessed Clean Energy
- ▶ **PACE Financing** – Statutory financing method enabling property owners to make energy efficiency, renewable generation and wind-hardening improvements and use annual property tax bill as a repayment vehicle.
- ▶ **Florida PACE Funding Agency** - a local government offering a PACE Financing program.
- ▶ **EVEST Florida** - the name of the Florida PACE Funding Agency's PACE Financing program

# WHAT IMPROVEMENTS CAN I FINANCE?

- ▶ Property Owners may finance any qualifying improvement that becomes a permanent part of the building or home (except for appliances)

## Qualifying improvements include:

### **Energy Efficiency**

Replacing inefficient energy-consuming or conserving equipment

### **Renewable Generation**

Use renewable energy sources or convert renewable energy to electric power

### **Wind Resistance**

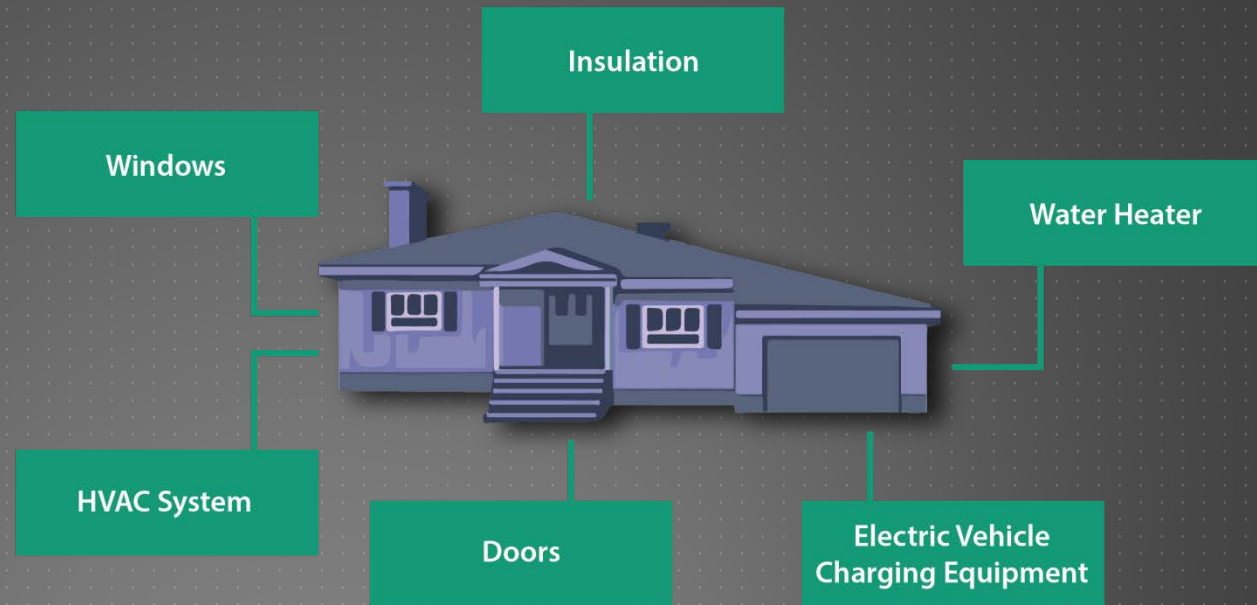
Improve building or home storm safety



# ENERGY EFFICIENCY IMPROVEMENTS

## Residential Examples

- ▶ HVAC Systems
- ▶ Water Heaters
- ▶ Pool Pumps
- ▶ Windows
- ▶ Doors
- ▶ EV Charging Equipment



# ENERGY EFFICIENCY IMPROVEMENTS

## Commercial Examples

- ▶ HVAC systems;
- ▶ Lighting;
- ▶ Duct sealing and insulation;
- ▶ Windows and doors;
- ▶ Daylight harvesting;
- ▶ High-efficiency pumps & motors;
- ▶ Generators; and
- ▶ EV and CNG charging equipment



# RENEWABLE GENERATION

- ▶ Rooftop Solar PV
- ▶ Other solar equipment
  - ▶ Solar Thermal (Heating water)
  - ▶ Solar PV Water Heater
  - ▶ Solar PV Attic Fan
- ▶ Geothermal heating and cooling
- ▶ Wind and water power



# WIND RESISTANCE

- ▶ Improvements that make your home or business safer in a storm
  - ▶ Wind resistant roofing systems
  - ▶ Bracing and strapping systems
  - ▶ Secondary water barriers
  - ▶ Hurricane shutters
  - ▶ Impact-resistant windows and doors
  - ▶ Hardening of rooftop equipment
- ▶ May result in Property Insurance Premium Reductions of up to 38%



# PROPERTY OWNER QUALIFICATION

- ▶ Record owner of property
- ▶ No missed or late property tax payments (last 3 years or period of ownership, whichever is less)
- ▶ Current on mortgage payments
- ▶ No involuntary liens on the property
- ▶ Property not in foreclosure
- ▶ No bankruptcy in the last 3 years
- ▶ Enough equity to cover the cost of the improvement
- ▶ Minimum residential property value of \$50,000, commercial \$250,000

ALL PROPERTY TYPES ARE ELIGIBLE, EXCEPT PUBLIC PROPERTIES AND MOBILE HOMES (Have to be permanent structures)

\* Property Owner qualifications may be found in FL Statutes Section 163.08

# HOW MUCH FINANCING IS AVAILABLE?

- ▶ If you have a mortgage and qualify you may have access to 20% of the just property value\* to finance qualifying projects
- ▶ If you qualify and do not have a mortgage, you are not limited to 20%
- ▶ Minimum size project for residential is \$2,500, commercial is \$10,000
- ▶ 100% financing at a fixed rate with no upfront costs

\*Amount found on County Property Appraiser's website

# AUTHORIZED CONTRACTORS

- ▶ Authorized Agency Contractors must
  - ▶ Provide proof of insurance
  - ▶ Possess a valid license
  - ▶ Have a Better Business Bureau rating of “B” or higher if available
  - ▶ Satisfy worker’s compensation requirements
  - ▶ Abide by Agency Code of Conduct and Terms & Conditions

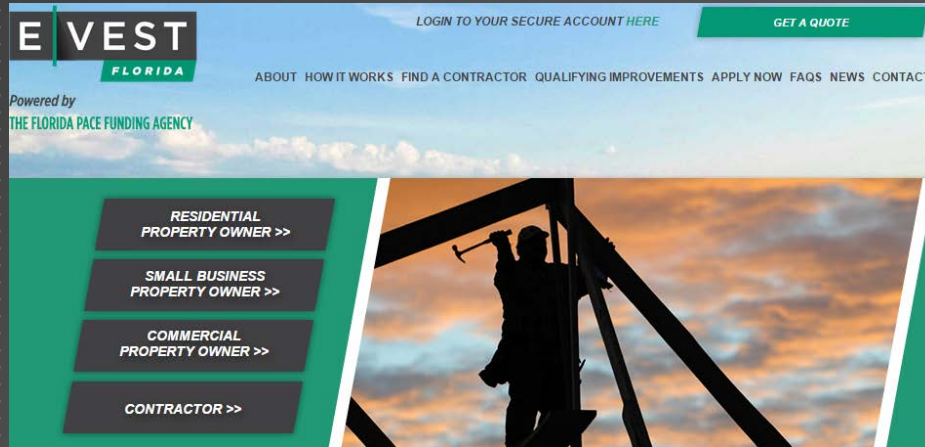


# HOW DOES IT WORK?



- ▶ **STEP 1: Apply to E|VEST** - Submit an application and the Agency will check your eligibility.
- ▶ **STEP 2: Submit Project** - Once approved, select contractor and submit your project for review.
- ▶ **STEP 3: Project Review** - Agency reviews your project for reasonable costs and useful life.
- ▶ **STEP 4: Financing Agreement** - Sign financing agreement and your contractor begins work.
- ▶ **STEP 5: Complete Project:** Submit project summary. Agency validates and pays your contractor.

# FLORIDA PACE FUNDING AGENCY



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- ▶ The Florida PACE Funding Agency (Agency) is a unit of local government that provides PACE financing through its innovative EVEST Florida Program.
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- ▶ The Program is available to the City of Winter Park without risk, liability and cost to Winter Park taxpayers by signing an Interlocal Agreement with the Agency.

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- ▶ Time your savings to payments to manage your monthly costs
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- ▶ Payoff at any time in full, without penalty

# QUESTIONS?

**Jonathan Schaefer, MSIE, MSSM**

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**REGULAR MEETING OF THE CITY COMMISSION**  
**November 23, 2015**

The meeting of the Winter Park City Commission was called to order by Vice Mayor Sarah Sprinkel, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Reverend Alison Harritty, St. Richard's Episcopal Church, followed by the Pledge of Allegiance.

Members present:

Commissioner Greg Seidel  
Vice Mayor Sarah Sprinkel  
Commissioner Tom McMacken  
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight  
City Attorney Kurt Ardaman  
City Clerk Cynthia Bonham

Members Absent:

Mayor Steve Leary

Approval of the agenda

**Motion made by Commissioner McMacken to approve the agenda; seconded by Commissioner Cooper and carried unanimously with a 4-0 vote.**

**Mayor's Report**

a. Proclamation – Small Business Saturday

Vice Mayor Sprinkel presented Debbie Hendrickson, Winter Park Chamber of Commerce, with a proclamation proclaiming Saturday, November 28, 2015 as Small Business Saturday. Ms. Hendrickson expressed the importance to support the businesses in Winter Park.

b. Gift of art to the City in recognition of Employment Technologies Corporation 20<sup>th</sup> anniversary in Winter Park

Susan Battaglia, Public Art Advisory Board Chair, addressed the art being gifted to the City by Mr. Sefcik. Mr. Sefcik spoke about their 20 years in Winter Park. He introduced artist and sister-in-law Belva Sefcik from Charlotte, North Carolina who painted the two pictures of Shady Park and the molecular dog being presented to the City.

c. Presentation – Bicycle Friendly Community Bronze Designation from the League of American Bicyclists

Staff board liaison and Traffic Manager Butch Margraf spoke about the Bicycle Friendly Community Bronze Designation they were awarded from the League of American Bicyclists. Jill Hamilton-Buss, Executive Director of Healthy Central Florida, commented about their accomplishment and the many cyclists who ride to school and to work.

d. Proclamation – #GivingTuesday, a “Day of Giving”

Vice Mayor Sprinkel introduced Karen Revels, Senior Manager of Philanthropy for the Rollins College Edyth Bush Institute for Philanthropy & Nonprofit Leadership. Vice Mayor Sprinkel presented a proclamation proclaiming December 1, 2015 as “#Giving Tuesday” as a national day of giving on the Tuesday following Thanksgiving and to encourage citizens to serve others throughout the holiday season and during all other times of the year. Ms. Revels introduced her colleagues also present.

e. Presentation - Core Value Coin recipients (Fiscal Year 2015 4th Quarter)

City Manager Knight introduced the coin recipients for this quarter as follows: Hector Williams for Customer Service; Charles Simon for Innovation; Mimi McDaniel, Nikki Johnson, Josh Panton and Joe Smirti for Professionalism; and Georgia St. Peter for Teamwork.

**City Manager’s Report**

City Manager Knight summarized the many events coming up for the holidays.

Commissioner Cooper inquired about the status of the oaks removed by Unicorp and the railroad crossings order of being worked on. City Manager Knight stated they have been working with the Unicorp applicant who wants to mitigate with larger and more oaks as opposed to paying the fee. She asked if we could plant cypress trees on the lakefront behind Whole Foods. City Manager Knight stated that staff met with FDOT and that they are in the process of re-bidding the work. Assistant Public Works Director Don Marcotte stated they should begin the work the first quarter of 2016, will start in Winter Park and that they hope to have the crossing at Lyman Avenue completed by the end of December 2015.

**City Attorney’s Report**

City Attorney Ardaman spoke about the pass through ordinance, where the fees and costs the City incurs for reviewing and processing developers’ development applications are to be paid by the developer, being submitted to staff for review to bring back to the Commission.

**Non-Action Item**

No items.

### **Consent Agenda**

- a. Approve the minutes of November 9, 2015.
- b. Approve the following purchases and contracts:
  1. Blanket Purchase Order to Covanta Energy Marketing LLC for Bulk Power Supply (ITN-13-2013); \$4,765,000.
  2. Blanket Purchase Order to Gainesville Regional Utilities (GRU) for Bulk Power Supply (ITN-13-2013); \$4,400,000.
  3. Blanket Purchase Order to Orlando Utilities Commission for Bulk Power Supply and Transmission Services (ITN-13-2013); \$4,435,000.
  4. Blanket Purchase Order to Florida Power & Light Company for Bulk Power Supply and Transmission Services (ITN-13-2013); \$11,140,000.
  5. Blanket Purchase Order to Duke Energy for Transmission Services (ITN-13-2013); \$2,140,000.
  6. Blanket Purchase Order to Layne Inliner LLC for Sewer Lining Rehab Cleaning/Manhole; \$623,985.
  7. Blanket Purchase Order to ENCO Utilities Services for FY16 O&M Electric Utility; \$4,000,000.
  8. Blanket Purchase Order to Heart Utilities of Jacksonville for City-wide Underground Projects (IFB-8-2014); \$1,350,000.
  9. Blanket Purchase Order to HDD of Florida for City-wide Underground Projects (IFB-8-2014); \$650,000.
  10. Blanket Purchase Order to South Seminole & North Orange County Wastewater for Operational Maintenance; \$751,500.
  11. Contract renewal with A Budget Tree Service Inc. (RFQ-25-2014) for Tree Removal Services; and authorize the Mayor to execute Amendment No. 1.
  12. Contract renewal with Ardaman & Associates, Inc. (RFQ-2-2012), Continuing Contracts for Professional, Architectural & Engineering Services (Geotechnical Services); and authorize the Mayor to execute Amendment No. 3. **PULLED FOR DISCUSSION. SEE BELOW.**
  13. Contract renewal with Universal Engineering Sciences (RFQ-2-2012), Continuing Contracts for Professional, Architectural & Engineering Services (Geotechnical Services) and authorize the Mayor to execute Amendment No. 3. **PULLED FOR DISCUSSION. SEE BELOW.**
  14. Piggyback contract with Orlando Freightliner for Purchase of Semi-Tractor Truck and approve PR158911; \$95,558.
  15. Piggyback contract with Vermeer Southeast for the purchase of a Vermeer D24x40 S3 Horizontal Directional Drill Rig; and approve purchase of Horizontal Directional Drilling Rig; \$194,298.
- c. Approve the annual review of the City's Debt Management Policy.

**Motion made by Commissioner McMacken to approve Consent Agenda items a, b.1-11 and b.14-15; seconded by Commissioner Cooper and carried unanimously with a 4-0 vote.** No public comments were made.



Consent Agenda Items 12 and 13:

These items were pulled from the Consent Agenda by Commissioner Seidel due to a conflict of interest with being involved with those engineering firms. Form 8B, Memorandum of Voting Conflict form was completed and is a part of these minutes.

**Motion made by Commissioner Cooper to approve Consent Agenda items b.12 and b.13; seconded by Commissioner McMacken and with a 3-0 vote with Commissioner Seidel abstaining.**

**Action Items Requiring Discussion**

No action items.

**Public Hearings:**

- a. ORDINANCE NO. 3020-15: AN ORDINANCE CALLING A BOND REFERENDUM TO BE HELD ON THE QUESTION OF THE ISSUANCE OF NOT EXCEEDING \$30,000,000 GENERAL OBLIGATION BONDS, SERIES 2016, OF THE CITY OF WINTER PARK, FLORIDA, TO FINANCE THE COST OF THE ACQUISITION AND CONSTRUCTION OF THE WINTER PARK LIBRARY AND EVENTS CENTER AND RELATED IMPROVEMENTS IN THE CITY; AUTHORIZING THE ISSUANCE OF SUCH BONDS IF APPROVED BY REFERENDUM; AND PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Ardaman read the ordinance by title. City Manager Knight pointed out alternate language for the bond question to consider. **Motion made by Commissioner Cooper to accept the alternate language presented and to adopt the ordinance; seconded by Commissioner McMacken.**

**Motion made by Commissioner Cooper to add language for the ballot that says "on the northwest corner of the Martin Luther King Park". Motion failed for lack of a second.** Attorney Ardaman recommended not to change this at this point but to make sure the information provided by the City for the referendum clearly points out the proposed location of the library/events center.

Catherine unknown, no address provided, asked to clarify the ballot language so people understand what is going on.

Sally Flynn, 1400 Highland Road, asked to put the proposed site location on the ballot.

Commissioner Seidel spoke about why a specific location should not be included in the ballot language because of concerns if something happened that the location is not feasible then a library would not be built. He stated not putting a location provides the flexibility to make that location work or to find another location if necessary.

**Upon a roll call vote, Vice Mayor Sprinkel and Commissioners Seidel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

- b. Request of Drew Hill: Conditional use approval to redevelop Spanish Oaks and Golfview Apartments located at 633 and 651 North Park Avenue, zoned R-3, into ten (10) new residential units, three stories in height with a total project size of 44,200 square feet, providing for certain setback exceptions and for a development agreement

Planning Manager Jeff Briggs explained the conditional use request, the variance requested, and the conditions of staff. He showed the site plan, the elevation of the project and parking at the site. He concluded that the Planning and Zoning Board approved the project with the conditions recommended by staff.

Attorney Becky Wilson, representing the applicant, confirmed that the third floor is space to be occupied and that they are meeting code with the trees being planted. She stated they are not impacting the street trees. Commissioner Cooper provided her preference to planting oak trees in lieu of money going into the Tree Preservation Fund. Ms. Wilson stated they will take that into consideration.

**Motion made by Vice Mayor Sprinkel to approve the conditional use request with the staff conditions as approved by the Planning and Zoning Board; seconded by Commissioner Cooper. No public comments were made. Upon a roll call vote, Vice Mayor Sprinkel and Commissioners Seidel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

- c. Request of the Winter Park Health Foundation: This hearing took place at 5:36 p.m.

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADD A NEW COMPREHENSIVE PLAN POLICY TO THE TEXT OF THE FUTURE LAND USE ELEMENT WITHIN THE WINTER PARK HOSPITAL STUDY AREA "C" SO AS TO ALLOW FOR A BUILDING FLOOR AREA RATIO OF UP TO NINETY-EIGHT (98%) PERCENT, CONDITIONED UPON USE FOR HEALTH AND WELLNESS RELATED USES, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO CHANGE WITHIN SECTION 58-72 OFFICE (O-1) DISTRICT, SUBSECTION (F) DEVELOPMENT STANDARDS SO AS TO ALLOW FOR A BUILDING FLOOR AREA RATIO OF UP TO NINETY-EIGHT (98%) PERCENT, CONDITIONED UPON USE FOR HEALTH AND WELLNESS RELATED USES, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE

OFFICE (O-2) DISTRICT ZONING TO OFFICE (O-1) DISTRICT ZONING ON A PORTION OF THE PROPERTY AT 2010 MIZELL AVENUE AND THE PROPERTIES AT 1992 MIZELL AVENUE, 101 S. EDINBURGH DRIVE AND 149 S. EDINBURGH DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

- Preliminary conditional use approval to redevelop the Wellness Center property at 2005 Mizell Avenue and the adjacent streets with a new two-story, approximately 78,000 square foot "Project Wellness" facility consisting of a new 44,000 square foot Wellness Center, 34,000 square feet of medical/public space, and a companion parking garage with 265 spaces, on property zoned O-1.

City Attorney Ardaman read all the ordinances by title. Planning Manager Jeff Briggs summarized the request, and the need for the Commission to act on three ordinances and the preliminary conditional use approval. He stated if everything is approved this evening, because the text of the comprehensive plan is being amended, this has to be sent to Tallahassee for their review; therefore the second readings will not take place until sometime next year.

Mr. Briggs stated besides the formal recommendations on each item, the Planning and Zoning Board spent a lot of time addressing the interconnection of this project with the surrounding properties; Ward Park, Winter Park Hospital, and Lakemont and Mizell Avenues. The P&Z saw a need for the City to take the lead with looking at the street section in terms of pedestrian access, new crosswalks, etc. He stated that roadways will be vacated, and new roadways will be dedicated to the City once the road construction is finalized.

Patty Maddox, Winter Park Health Foundation President and CEO, addressed the vision for the project and the enhancements to the neighborhood. Architect Turan Duda of Durham, North Carolina addressed the programmatic design for "Project Wellness".

Attorney Becky Wilson explained their requests regarding the comprehensive plan text amendment, the zoning code text amendment, the rezoning of portions of the properties, and the preliminary conditional use approval. She spoke about the roads to be vacated and dedicated to the City. She stated a traffic analysis has been done and their recommendation was a turn lane at Mizell Avenue. She commented about Ward Park and the priority of a connection from the building into the park. Planning Director Dori Stone stated there are no City capital improvement funds dedicated at this time for improvements to Ward Park.

Upon discussion, Ms. Wilson agreed to change the language of the first ordinance, second page, third line where it states "redevelopment of this block" to read "redevelopment of 2005 Mizell Avenue".

The following spoke in favor of the project:

Harold Barley, 1671 Oakhurst Avenue

Kurt Wood, Glencoe Road, Winter Park Health Foundation

Keith Piazza, 2409 Whitehall Circle

**Motion made by Commissioner McMacken to accept the comprehensive plan ordinance on first reading with the word change from "this block" to "2005 Mizell Avenue"; seconded by Vice Mayor Sprinkel. Upon a roll call vote, Vice Mayor Sprinkel and Commissioners Seidel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

**Motion made by Commissioner McMacken to accept the first zoning ordinance on first reading; seconded by Vice Mayor Sprinkel. Upon a roll call vote, Vice Mayor Sprinkel and Commissioners Seidel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

**Motion made by Commissioner McMacken to accept the second zoning ordinance on first reading; seconded by Vice Mayor Sprinkel. Upon a roll call vote, Vice Mayor Sprinkel and Commissioners Seidel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

**Motion made by Commissioner McMacken to approve the preliminary conditional use with the Planning and Zoning Board conditions; seconded by Vice Mayor Sprinkel. Upon a roll call vote, Vice Mayor Sprinkel and Commissioners Seidel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

d. Request of Benjamin Partners, Ltd.:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATIONS OF COMMERCIAL AND LOW DENSITY RESIDENTIAL TO PLANNED DEVELOPMENT FUTURE LAND USE ON THE PROPERTIES AT 1531 LEE ROAD AND 1325 LEWIS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE COMMERCIAL (C-3) AND LOW DENSITY RESIDENTIAL (R-2) DISTRICT DESIGNATIONS TO PLANNED DEVELOPMENT (PD-2) DISTRICT ZONING ON THE PROPERTIES AT 1531 LEE ROAD AND 1325 LEWIS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Ardaman read the ordinances by title. Planning Manager Jeff Briggs explained the requests for the properties at 1325 Lewis Drive and 1531 Lee Road that the applicant acquired to add to the Ravaudage development. He stated that

the Planning and Zoning Board recommended approval. No public comments were made.

**Motion made by Commissioner Cooper to accept the comprehensive plan ordinance on first reading; seconded by Commissioner Seidel. Upon a roll call vote, Vice Mayor Sprinkel and Commissioners Seidel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

**Motion made by Commissioner McMacken to accept the zoning map change ordinance on first reading; seconded by Commissioner Cooper. Upon a roll call vote, Vice Mayor Sprinkel and Commissioners Seidel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE I, CHAPTER 70, SECTION 70-10 OF THE CODE OF ORDINANCES REGARDING PEDDLERS, HAWKERS AND SOLICITORS BY CREATING REGULATIONS FOR STREET PERFORMERS IN CERTAIN DESIGNATED AREAS OF THE CITY; PROVIDING LEGISLATIVE FINDINGS OF THE CITY; PROVIDING ADDITIONAL DEFINITIONS; PROVIDING FOR PROHIBITIONS AND UNLAWFUL ACTS OF STREET PERFORMERS; PROVIDING AMPLE ALTERNATIVE CHANNELS RELATING TO PERFORMANCE AREAS; PROVIDING PENALTIES; AND PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE. First Reading

City Attorney Ardaman read the ordinance by title. Fire Chief Jim White explained the problems that have occurred with activity of street performers especially on the Park Avenue area. He addressed the ordinance that the Park Avenue Merchant's Association and the Parks and Recreation Board worked on to create performance areas for the safe performance of individuals. He spoke about individuals currently being unregulated because they do not obtain permits, and safety issues with blocking the sidewalks and individuals seeking donations. He showed a video of an individual violating the current ordinance involving amplified music, blocking the sidewalk, and holding a special event without a permit. He reported other problems with individuals setting up in closed stores alcoves without permission.

Fire Chief White stated the ordinance went before the Parks Board because of the consideration to utilize Central Park as a performance area; the Board amended the ordinance to not restrict certain areas in the park. He commented that City Manager Knight has the flexibility to adjust this as needed in case of an event taking place in the park. He explained they would still need a permit if they are soliciting and if it is a larger event they need to go through the special event permitting process. He outlined the designated prohibited areas as stipulated in the ordinance and alternative locations if the park is closed to include the park located at Park and Whipple Avenues and in front of City Hall. He explained that violators will be asked to relocate and if they chose not to they will be issued a Notice of Violation and be required to go before the Code Enforcement Board.

Upon questioning by Commissioner McMacken, discussion ensued regarding the process of removing individuals if they do not cooperate, why City Hall was considered an alternate and not a base, certain activities that will still be allowed on Park Avenue such as the Salvation Army bell ringers, and that the City of St. Augustine ordinance that we are modeling this ordinance after has deemed to be sufficient in case of a challenge.

Commissioner Cooper asked if specifying particular locations within Central Park is legally defensible because of concerns with children playing in the park. Chief White stated after hearing the legal side of this it was determined the broader we make the opportunity the more likely this will be successful. He stated the ordinance can always be amended if the need arises.

Commissioner Seidel posed questions that were clarified concerning our codes with amplified music, blocking the sidewalk, other people soliciting money, the vote of the Park Avenue Merchant's Association having no dissenting comments, and when a permit is required.

**Motion made by Commissioner McMacken to accept the ordinance as presented on first reading; seconded by Commissioner Seidel.**

The following spoke in favor of the ordinance:

Linda Eriksson, 635 N. Interlachen Avenue  
Karen Barber, 246 Rippling Lane  
Nancy Shutts, 2010 Brandywine Drive (welcomed performers)

The following opposed the ordinance:

Larry Walker, Jr., 331 Scottsdale Square (balloon street performer) but was appreciative that they are welcomed in certain locations that he will obey.

Egberto Almenas, 1375 Lake Shadow Circle, Maitland (artist) stated he is welcomed and always receives positive comments.

Commissioner McMacken asked that we consider additional spaces on New England Avenue and that City Hall property be open more for this and not only when Central Park is closed.

Vice Mayor Sprinkel asked that when this comes back for second reading that data be provided concerning the number of performers, any problems experienced and when violations happened so she gains a better understanding as to how serious this is.

**Motion amended by Commissioner Cooper that we specifically define places to include City Hall and parts within Central Park as opposed to the entire park before our next reading. Motion failed for lack of a second.**

**Upon a roll call vote on the main motion, Vice Mayor Sprinkel and Commissioners Seidel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

Public Comments (items not on the agenda):

No comments were made.

Recess

A recess was taken from 5:25 - 5:36 p.m.

- f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AMENDING SECTION 58-65 & 58-66 "RESIDENTIAL DISTRICTS "R-1AAA, R-1AA & R-1A," TO REMOVE AN UNNECESSARY DEED RESTRICTION REQUIREMENT TO STREAMLINE THE PERMITTING PROCESS, AMENDING SECTION 58-71 GENERAL PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS SO AS TO ESTABLISH REAR SETBACKS FOR SINGLE FAMILY RESIDENTIAL PROPERTIES WITH SHORT LOT DEPTHS, AMENDING SECTION 58-67 "LOW DENSITY RESIDENTIAL (R-2) DISTRICT" TO CORRECT A SINGLE FAMILY DWELLING COVERAGE ERROR AND MODIFY CERTAIN MISCELLANEOUS RESIDENTIAL PROVISIONS IN SECTIONS 58-65, 58-66 & 58-71; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

City Attorney Ardaman read the ordinance by title. Building Director George Wiggins explained the content of the ordinance and that this ordinance originally came before the Commission on August 25, 2014 but was tabled due to concerns over density. The proposed ordinance provides appropriate rear and front setbacks to single family residential lots that are unusually short in lot depth. In addition, four other minor items are addressed to clarify and refine single family zoning rules for garages and articulation, elimination of an unneeded deed restriction requirement and correction of an error in the R-2 Zoning District.

Clarifications were made pertaining to portions of the ordinance. Commissioner Cooper spoke about multi-family homes that are built close to each other because of the setback and expressed concerns with 105' deep lots being shoved up to within 10' of the property line. Commissioner McMacken commented about not having a problem with a home being close to the property line.

**Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Seidel.**

**Motion amended by Commissioner Seidel to have a third front facing garage there must be a minimum lot width of 100' (add to #4); seconded by Commissioner McMacken.**

Vice Mayor Sprinkel expressed concerns with not having data to support the ordinance and did not want to pass the ordinance without knowing what the problems have been and how many people have been turned down for a variance. Mr. Wiggins explained properties having issues with the current ordinance that

applied for a variance. He explained that the Board of Adjustments has difficulty with granting variances for narrow lots because they are only looking at unique hardships for a particular lot. Commissioner Cooper stated she is more comfortable with asking the property owners that are impacted to go before the Board of Adjustments for a variance instead of granting reduced setbacks between neighbors across the board for everyone.

Zach Seybold, 2494 Whitehall Circle, Chairman of the Orange County Board of Zoning and Adjustment, and real estate broker, spoke about people being discouraged from applying for a property to be redeveloped which is why there is no data. He explained how the County handles this.

John (Jack) H. Rogers, 311 E. Morse Boulevard, opposed the ordinance because of the need for more study. He spoke about this pertaining to hundreds of lots and that young people can afford smaller homes on lots like this because they are affordable.

**Motion made by Commissioner Seidel to table this item until staff can bring back the data; seconded by Commissioner Cooper.** Commissioner Seidel stated he would like actual numbers for the 75' deep and the 105' deep lots that are affected. He also commented that maybe this could be done in certain zonings. **Upon a roll call vote to table, Vice Mayor Sprinkel and Commissioners Seidel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

g. Historic Preservation:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE VIII, "HISTORIC PRESERVATION" TO PROVIDE CLARITY, IMPROVE THE FUNCTIONALITY, AND REVISE THE PROCESS AND PROCEDURES FOR THE HISTORIC PRESERVATION BOARD AND STAFF, THE DESIGNATION OF HISTORIC LANDMARKS, HISTORIC RESOURCES AND HISTORIC DISTRICTS, THE REGULATION, ADMINISTRATION AND ENFORCEMENT CONCERNING SUCH DESIGNATED LANDMARKS, RESOURCES AND DISTRICTS, AND THE CERTIFICATE OF REVIEW PROCESS; CREATING PROCEDURES FOR THE DEMOLITION OF PROPERTIES IDENTIFIED IN THE FLORIDA MASTER SITE FILE AND HISTORIC SURVEY; AMENDING PROVISIONS REGARDING TAX EXEMPTIONS FOR HISTORIC PROPERTIES; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE. First Reading

City Attorney Ardaman read the ordinance by title. Planning Director Dori Stone stated the ordinance contains all the amendments made to the ordinance at the prior meeting and are reflective of the vote taken. She stated the ordinance also contains clarification that multi owners on a property must agree how their vote will go with regard to the creation of a district and that each property owner only gets one vote.



Vice Mayor Sprinkel asked if there is a provision for a vote to take place for a historic district. Ms. Stone replied that each property owner is sent a ballot in the mail. After the ordinance is adopted, the Historic Preservation Board wants to put together a set of rules; it was discussed to make the vote in a sealed envelope sent to the City Clerk's Office to be opened on a date certain.

The master file list was addressed by Vice Mayor Sprinkel. She spoke about residents not understanding how they got on the list and how the list works now and will in the future. She asked that information be provided so people understand whether or not they qualify to be on the master file list. Ms. Stone stated the contributing properties listed on the Florida Master Site File Survey was created in 2000 and recommended that the list be updated by a professional who is very knowledgeable about historic preservation and historic elements of a home. She explained the process for being included on the master site file.

Commissioner Cooper addressed the importance to incentivize the homes in Winter Park that are on the list. Ms. Stone addressed the resolution on the next agenda regarding incentives. Further discussion ensued regarding districts.

The following spoke in opposition to the ordinance:

Bill Sullivan, 1562 Richmond Road  
Nancy Shutts, 2010 Brandywine Drive  
Zach Seybold, 2492 Whitehall Circle  
Jennifer Tobin, Shutts & Bowen LLP, representing John & Connie Cox, 181 Virginia  
Diana Almodovar, P.O. Box 452, Winter Park  
Peter Weldon, 700 Via Lombardy  
Jeffrey Hale, 1640 Palmer Avenue

The following spoke in favor of the ordinance:

Linda Eriksson, 535 N. Interlachen Avenue  
Karen Barber, 246 Rippling Lane  
Betsy Owens, Casa Feliz, 656 Park Avenue  
Rebecca Talbert, 3024 Northwood Boulevard  
John (Jack) Rogers, 311 E. Morse Boulevard  
Thad Seymour, 1804 Summerfield Road  
Sally Flynn, 1400 Highland

**Motion made by Commissioner McMacken to accept the ordinance on first reading as presented in the packet; seconded by Commissioner Seidel.**

**Motion amended by Commissioner Cooper that for the 130 premier "A" list properties we revert to the 90 day waiting period. Motion failed for lack of a second.**

**Motion amended by Vice Mayor Sprinkel that the 50% plus 1 go back to 67% for historic districts. Motion failed for lack of a second.**

**Upon a roll call vote on the main motion, Vice Mayor Sprinkel voted no. Commissioners Seidel, Cooper and McMacken voted yes. The motion carried with a 3-1 vote.**

**City Commission Reports:**

a. Commissioner Seidel – Spoke about the need for more discussions regarding traffic.

b. Commissioner Sprinkel – Expressed Thanksgiving wishes and spoke about the outstanding City staff that she is grateful for.

c. Commissioner Cooper – Addressed concerns with the properties surrounded by Ravaudage that are not a part of Ravaudage. She asked how we afford the holdout businesses the opportunity to develop and become part of the community they are surrounded by. She stated she would like to discuss this with the Commission if they are ever asked about it by a property owner.

d. Commissioner McMacken – Spoke about an email from the Lakes and Waterways Board regarding Lake Bell falling into the same category as lakes that are 40 acres and above. City Manager Knight stated that staff is looking into that. Commissioner McMacken spoke about the Sunday Sentinel Signature Magazine article about Orwin Manor.

The meeting adjourned at 8:11 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Cynthia S. Bonham, MMC



# city commission agenda item

item type	Consent Agenda	meeting date	December 14, 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.	Sternberg Lanterns	PR158996 – Aloma Streetlights	Total expenditure included in approved FY16 budget. Amount: \$85,664	Commission approve PR158996 to Sternberg Lanterns for Streetlights
This is a Sole Source purchase.				
2.	Pierce Manufacturing Inc.	Purchase of 2 Pierce Fire Apparatus - Quantum Pumps	Total expenditure included in approved FY16 and pending FY 17 Vehicle Replacement budget. Amount not to exceed: \$1.2 million	Commission approve purchase and subsequent PR for 2 Pierce Fire Apparatus – Quantum Pumpers from Pierce Manufacturing Inc., and authorize Mayor to execute piggyback contract.
This purchase will be made utilizing piggyback contract with St. Johns County 07-53 – Fire Apparatus and Special Application Vehicles. Purchase will be made using planned funding in the Vehicle replacement fund for FY 16 and FY 17. The city will receive a discount for agreeing to purchase both vehicles now however they will each be purchased in two different budget years.				
3.	Sungard HTE	PR159016 for Sungard Maintenance and Technical Support Services for FY16	Total expenditure included in approved FY16 budget. Amount: \$93,770	Commission approve PR159016 to Sungard HTE for Maintenance and Technical Support Services for FY16.
This renewal is for the financial software utilized by the City.				
4.	Orlando Freightliner Inc.	PR159003 for Purchase of 1 Crew Cab Dump Truck	Total expenditure included in approved FY16 Vehicle Replacement budget. Amount: \$103,224	Commission approve PR159003 for the purchase of 1 Crew Cab Dump Truck from Orlando Freightliner Inc.
This purchase will be made utilizing piggyback contract with Toho Water Authority contract# IFB-15-077. Toho Water Authority issued a formal solicitation to award this contract.				

## Piggyback Contracts

	vendor	item   background	fiscal impact	motion   recommendation
5.	Layne Inliner	City of Orlando Contract # IFB15-0017 – Storm Line Rehabilitation Cleaning & Video Recording	Total expenditure included in approved FY16 budget. Amount: As needed basis	Commission approve piggyback contract with Layne Inliner for Storm Line Rehabilitation Cleaning & Video Recording
The City of Orlando issued a formal solicitation to award this contract.				

## Formal Solicitations

	vendor	item   background	fiscal impact	motion   recommendation
6.	Kelly, Collins & Gentry, Inc.	RFP-3-2016 – Engineering & Design Services for St. Andrews Trail Project	This project is FDOT – LAP Grant funded.	Commission approve award to Kelly, Collins & Gentry, Inc. for the Engineering & Design Service for St. Andrews Trail Project. Authorize Mayor to execute contract and approve subsequent purchase requisition.
This project is 100% grant funded from FDOT LAP grant. A formal solicitation was issued to award this contract.				



# city commission agenda item

Item type	Consent Agenda	meeting date	December 14, 2015		
prepared by	Peter Moore	approved by	<input checked="" type="checkbox"/> City Manager		
department	Administrative Services		<input checked="" type="checkbox"/> City Attorney		
division	Budget, Purchasing, Perf. Measurement		<input type="checkbox"/> N/A		
board approval		<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> N/A	final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life	<input checked="" type="checkbox"/> Fiscal Stewardship			
	<input type="checkbox"/> Intelligent Growth & Development	<input type="checkbox"/> Public Health & Safety			
	<input type="checkbox"/> Investment in Public Assets & Infrastructure				

## subject

Contract Extension with Waste Pro of Florida.

## motion | recommendation

Approve the contract extension.

## background

The original contract expiration was for April of 2016. At a prior commission meeting this was extended to July 31, 2016. Staff is requesting an additional extension due to the significant number of questions received from the potential bidders regarding the scope of the RFP. The new extension would last till October 31, 2016 with options for future extensions.

Staff has received over 130 questions for further clarification and information with many of these questions raising policy related issues that may need further review and input from the Sustainability Board and/or City Commission. Multiple potential bidders participating in the solicitation have requested more time and in response to this, staff has extended the deadline for bid submittals back to December 30<sup>th</sup>. With a tight timeline already in place for a potential service provision change it will make it very difficult to stick to the deadline date of July 31<sup>st</sup> and more flexibility will be needed to move successfully through this process.

## alternatives | other considerations

Not extending the contract will compact the total timeline potentially giving less time to a winning bidder to establish routes, acquire vehicles, and get all the logistics settled, which could impact customer service.

## **fiscal impact**

Extending the contract does not affect the budget as the total annual budget for solid waste service was factored in at the current contract rates.



## CITY OF WINTER PARK

401 South Park Avenue

Winter Park, Florida

32789-4386

## PURCHASING DIVISION

P 407.643.1627

F 407.599.3448

12/4/15

Mr. Tim Dolan  
Waste Pro of Florida, Inc.  
2101 West SR 434, Suite 301  
Longwood, FL 32791

RE: Request for Temporary Extension  
RFP-6-2009 Garbage and Recycling Collection Services  
Solid Waste Agreement dated May 1, 2009.

Dear Mr. Dolan:

Based upon 90 day temporary extension entered into on September 28, 2015, the current Solid Waste Agreement between the City of Winter Park and Waste Pro of Florida, Inc. expires on July 31, 2016. The City is requesting that Waste Pro of Florida, Inc. extend the term of the Solid Waste Agreement to October 31, 2016 with the same terms, conditions and pricing. Further, the City requests that Waste Pro of Florida, Inc. grant the City the right and option to extend the term of the Solid Waste Agreement beyond October 31, 2016 with the same terms, conditions and pricing for additional 90 day periods upon 30 days written notice from the City Manager or Mayor prior to the expiration of the then current extension term.

Please confirm your acceptance of the above proposed extension and City option to extend the Agreement in 90 day increments thereafter by executing under the vendor area below and return to the address listed or via email to [jjones@cityofwinterpark.org](mailto:jjones@cityofwinterpark.org).

Sincerely,

Jennifer Jones, CPPB, FCCM  
Purchasing Agent

Waste Pro of Florida, Inc.

City of Winter Park

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



# city commission agenda item

Item type	Consent Agenda	meeting date	December 14, 2015		
prepared by	Peter Moore	approved by	<input checked="" type="checkbox"/>	City Manager	
department	Administrative Services		<input type="checkbox"/>	City Attorney	
division	Budget, Purchasing, Performance Measurement		<input type="checkbox"/>	N/A	
board approval		<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> N/A	final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life	<input checked="" type="checkbox"/> Fiscal Stewardship			
	<input type="checkbox"/> Intelligent Growth & Development	<input type="checkbox"/> Public Health & Safety			
	<input type="checkbox"/> Investment in Public Assets & Infrastructure				

## subject

FY 2015 Budget Amendment for Stormwater Capital Fund.

## motion | recommendation

Approve the budget amendment as presented.

## background

The City Commission is required by Statute to approve any budget amendments that alter the total amount budgeted in any fund or when funds are transferred between different fund types. The Stormwater Fund receives fees-in-lieu of site treatment where the constraints of the site are such that the stormwater improvements cannot be made. This one-time receipt of fees was not part of the original budget and this amendment would raise the budgeted revenues for the utility by \$11,691 and raise the budgeted project spending on drainage improvement projects by the same amount.

This amendment if approved by the Commission will become part of the formal FY16 year-end close out process that will adopt all FY2016 amendments by formal ordinance. The amendment requested is attached to this item.

## alternatives | other considerations

N/A

## fiscal impact

This amendment represents an increase in budgeted revenues and equally offsetting increase to stormwater drainage expenditures.



Budget Amendments Requiring Commission Approval

Fiscal Year 2015 - 2016

Item	Amount	Source Account	Source Acct. Name	Exp. Account	Exp. Acct. Name	Note	Approval Date
Stormwater (Fee In Lieu)	\$ 11,691	303-0000-343.70-11	Fee in Lieu Receipts	303-3406-602.01-05	Misc Drainage Improvement Projects	Records fee revenue received from 2715 S Park Ave and 1085 W. Morse Blvd.	Pending



# city commission agenda item

Item type	Consent Agenda	meeting date	December 14, 2015		
prepared by	Bob Wirick	approved by	<input type="checkbox"/>	City Manager	
department	Public Works		<input type="checkbox"/>	City Attorney	
division	Facilities Management		<input type="checkbox"/>	N/A	
board approval		<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> N/A	final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life		<input type="checkbox"/> Fiscal Stewardship		
	<input type="checkbox"/> Intelligent Growth & Development	<input checked="" type="checkbox"/>	Public Health & Safety		
	<input type="checkbox"/> Investment in Public Assets & Infrastructure				

## subject

Add janitorial cleaning to the Winter Park Train Station on the weekends.

## motion | recommendation

Approve the amendment to add weekend service for the Train Station to the original contract with Owens, Renz & Lee Co, Inc.

## background

The original contract only services the Train Station on Monday – Friday. Since the Train Station is still used by Amtrak passengers and the restrooms are available to the public during the weekend they need cleaning on the weekends also to maintain the cleanliness and quality Winter Park expects.

## alternatives | other considerations

None

## fiscal impact

\$4,464.46



November 16, 2015

Mr. Bob Wirick  
Building Maintenance, Millwright  
City of Winter Park  
City Hall  
401 Park Avenue, South  
Winter Park, FL 32789-4386

Re: Quote to Perform Janitorial Services for the Winter Park Commuter SunRail Stop and Amtrak Station – 7 days per week

Dear Mr. Wirick:

Owens Realty Services is pleased to present this proposal for janitorial services for the Winter Park Train Station, 150 West Morse Boulevard, Winter Park, Florida. We are currently providing service for the Station 5 days per week at a rate of \$921.57 per month.

The quote, as per the attached Scope of Services for 7 days per week service will be \$1,293.62 per month, \$15,523.56 annual.

**Area 1 – Public: \$805.74 - Monthly**

Area:	Square Feet
Lobby	787
Hallway	149
Ladies RR	135
Men's RR	135
Total:	1,206

**Area 3 – Exterior: \$487.89 - Monthly**

Blower will be needed. Scope includes picking of trash in green areas and emptying the trash cans. Scope includes cleaning of machines, water fountains, benches and low dusting.

**Northeast Office:** 2 Summit Place • Branford, CT 06405 • 203.643.1001

**Southeast Office:** 1646 33<sup>rd</sup> Street – Suite 301 • Orlando, FL 32839 • 407.681.2000

**[www.owens-services.com](http://www.owens-services.com)**

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*Facility & Property Management | Commercial & Investment Brokerage | Real Estate Investment  
Engineering, Trades & Maintenance Staffing | Housekeeping & Environmental Services*

Additional work, outside of the scope of services, or for an emergency situation, as defined by the Scope of Services will be performed by request and will be invoiced by work order at a rate of \$15.00 per hour with a minimum charge of (1) hour.

An Amendment is attached for your convenience. If you have any questions, please feel free to contact me at 407.680.6536.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sonny Acevedo', with a large, stylized loop at the end.

Sonny Acevedo  
Executive Vice President

**Winter Park Commuter SunRail Stop and Amtrak Station**  
**Scope of Services for 7 Days per Week Service**

**Daily Cleaning- Non-Peak Hours**

- General cleaning services will be performed at each station, 7 days per week, Sunday through Saturday.
- Cleaning will be documented and performed to allow a clean platform prior to the first train of the following morning.
- Cleaning will include:
  - Remove all graffiti.
  - Remove all unauthorized stickers, decals and/or posters.
  - Sweep platform and associated walkways, excluding pedestrian crossovers located between platforms within the Corridor.
  - Remove debris and trash from platforms, benches and walkways, excluding pedestrian crossovers located between platforms within the Corridor.
  - Remove stains, spills and chewing gum from platforms, walkways, benches, handrails, fixtures, passenger amenities, phones, Ticket Vending Machines (TVMs), ticket validators, and water fountains. Stains include spots, tarnish, blemishes and discolorations larger than the size of a US Mint dime.
  - Remove bird/animal droppings from all platform areas. Droppings include dung or feces from all birds and animals.
  - Remove trash from trash containers and replace plastic trash bags. Trash shall be hauled off of the Station Property after collection.
  - Remove cobwebs, egg sacs and nests from platforms, benches, fixtures, canopies and railings.
  - Wipe down all surfaces of TVMs and validators.
  - Wipe inside of trash containers (clear) and tops and sides of containers.
  - Clean any display cases (bulletin boards for schedule information, etc.).
  - Wipe down emergency call phone and customer information phone.
  - Wipe, clean and disinfect water fountains.
  - Clean feet and fingerprint marks from support structures, posts, walls and fixtures. These include dirt, soil and grease marks caused by feet, shoes hands or gloves.

**Monthly Cleaning – Non-Peak Hours**

- Hand wipe and clean station signage, excluding electronic message signs or signage between the platforms in the Corridor.
- Thorough cleaning of canopy support structures
- Pressure washing of platforms, walkways, benches, canopy support structures and tactile strips. Pressure washing must be performed during weekends.
- Hand wipe and clean all variable message signs.
- Hand wipe and clean all TVMs and validators.

### **Maintenance and Housekeeping - Station Property**

- Twice daily trash removal from all receptacles (as shown on the Station Plans) and once daily trash pick-up from the platform, grounds, landscaping, and parking lot. Trash shall be hauled off Station Property after collection;

### **Immediate Cleaning Response**

- Immediately respond to report of incidents involving feces, urine, blood, vomit or miscellaneous spills on station platforms. Miscellaneous spills include fluids which would limit the effectiveness of the abrasive character of the platform material and cause the potential for a slip and fall. Aesthetic spills do not require immediate cleaning response.
- Immediate response to report of any broken glass on the station platform.
- Immediate response to report of offending graffiti. Offensive graffiti includes but is not limited to that which is pornographic, racist, sexist, hate-related, profane or foul. Offensive is defined as distasteful, disgusting or revolting, causing a reasonable person embarrassment.
- Immediate response to the items listed above shall not be more than 2 hours on the scene from time of notification.

Note: If an immediate/emergency response is required during SunRail train service hours, the general public must be protected from slip/trip/ and fall hazards. Signage and/or caution cones or tape shall be used.

**Amendment - Re: Request for Additional Services  
By and Between  
City of Winter Park, Florida  
and the  
Owens, Renz & Lee Co., Inc.**

This Amendment, effective \_\_\_\_\_ 2015, modifies the Janitorial Services Agreement between the City of Winter Park, Florida and the Owens Renz & Lee Co., Inc., "Janitorial Services Piggyback Contract # 05—114 (Pasco County)" with regard to an increase of services provided as follows:

1. Contractor agrees to provide janitorial services as per the attached **"Schedule A - the Scope of Services"** and the attached **"Schedule B – Fee Proposal"** for the Winter Park Train Station, 150 West Morse Boulevard, Winter Park, Florida.
2. The Cost for 7-day services at the Winter Park Train Station is \$1,293.62 per month. Owens, Renz & Lee Co., Inc. will provide all labor, chemicals, and equipment. Owens Realty Services will provide all paper, plastic, hand soap and sanitizer.

By signature of this Amendment, the City of Winter Park, Florida acknowledges acceptance of the increase in fees and the foregoing terms and conditions. Please indicate your acceptance and agreement by signing this Amendment in duplicate and returning one (1) original to the contractor as listed below.

**Agreed:**

**City of Winter Park**

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

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

Title: \_\_\_\_\_

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

**Owens, Renz & Lee Co., Inc.**

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

Print Name: Sonny Acevedo

Title: Executive Vice President

Date: 11.16.2015



**Schedule A – Scope of Services**  
**Winter Park Commuter SunRail Stop**  
**7 Days per Week Service**

**Daily Cleaning- Non-Peak Hours**

- General cleaning services will be performed at each station, 7 days per week from Sunday through Saturday.
- Cleaning will be documented and performed to allow a clean platform prior to the first train of the following morning.
- Cleaning will include:
  - Remove all graffiti.
  - Remove all unauthorized stickers, decals and/or posters.
  - Sweep platform and associated walkways, excluding pedestrian crossovers located between platforms within the Corridor.
  - Remove debris and trash from platforms, benches and walkways, excluding pedestrian crossovers located between platforms within the Corridor.
  - Remove stains, spills and chewing gum from platforms, walkways, benches, handrails, fixtures, passenger amenities, phones, Ticket Vending Machines (TVMs), ticket validators, and water fountains. Stains include spots, tarnish, blemishes and discolorations larger than the size of a US Mint dime.
  - Remove bird/animal droppings from all platform areas. Droppings include dung or feces from all birds and animals.
  - Remove trash from trash containers and replace plastic trash bags. Trash shall be hauled off of the Station Property after collection.
  - Remove cobwebs, egg sacs and nests from platforms, benches, fixtures, canopies and railings.
  - Wipe down all surfaces of TVMs and validators.
  - Wipe inside of trash containers (clear) and tops and sides of containers.
  - Clean any display cases (bulletin boards for schedule information, etc.).
  - Wipe down emergency call phone and customer information phone.
  - Wipe, clean and disinfect water fountains.
  - Clean feet and fingerprint marks from support structures, posts, walls and fixtures. These include dirt, soil and grease marks caused by feet, shoes hands or gloves.

**Monthly Cleaning – Non-Peak Hours**

- Hand wipe and clean station signage, excluding electronic message signs or signage between the platforms in the Corridor.
- Thorough cleaning of canopy support structures
- Pressure washing of platforms, walkways, benches, canopy support structures and tactile strips. Pressure washing must be performed during weekends.
- Hand wipe and clean all variable message signs.
- Hand wipe and clean all TVMs and validators.



### **Maintenance and Housekeeping - Station Property**

- Twice daily trash removal from all receptacles (as shown on the Station Plans) and once daily trash pick-up from the platform, grounds, landscaping, and parking lot. Trash shall be hauled off Station Property after collection;

### **Immediate Cleaning Response**

- Immediately respond to report of incidents involving feces, urine, blood, vomit or miscellaneous spills on station platforms. Miscellaneous spills include fluids which would limit the effectiveness of the abrasive character of the platform material and cause the potential for a slip and fall. Aesthetic spills do not require immediate cleaning response.
- Immediate response to report of any broken glass on the station platform.
- Immediate response to report of offending graffiti. Offensive graffiti includes but is not limited to that which is pornographic, racist, sexist, hate-related, profane or foul. Offensive is defined as distasteful, disgusting or revolting, causing a reasonable person embarrassment.
- Immediate response to the items listed above shall not be more than 2 hours on the scene from time of notification.

Note: If an immediate/emergency response is required during SunRail train service hours, the general public must be protected from slip/trip/ and fall hazards. Signage and/or caution cones or tape shall be used.

**Schedule B – Fee Schedule**  
**Winter Park Commuter SunRail Stop**  
**7 Days per Week Service**

The following is the pricing breakdown for 7 days per week service, Sunday through Saturday to provide the labor, chemicals and equipment for janitorial services at the Winter Park Train Station, 150 West Morse Boulevard, Winter Park, Florida. Owens Realty Services will provide all paper, plastic, hand soap and sanitizer.

**Area 1 – Public: \$805.74 Monthly - \$9,668.88 Annual**

<b>Area:</b>	<b>Square Feet</b>
Lobby	787
Hallway	149
Ladies RR	135
Men's RR	135
Total:	1,206

**Area 3 – Exterior: \$487.89 Monthly - \$5,854.68 Annual**

Blower will be needed. Scope includes picking of trash in green areas and emptying the trash cans. Scope includes cleaning of machines, water fountains, benches and low dusting.

Additional work, outside of the scope of services, or for an emergency situation, as defined by the Scope of Services will be performed by request and will be invoiced by work order at a rate of \$15.00 per hour with a minimum charge of (1) hour.

***Prices quoted do not include any applicable sales tax.***



# city commission public hearing

item type	Public Hearing	meeting date	December 14, 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: An Ordinance to Establish a New Conditional Use in R-2 Zoning for Child Care Centers and a Conditional Use Request from Rollins College for the Construction of a Child Care Center at 315 Holt Avenue.**

The request of Rollins College to construct a Child Care Center at 315 Holt Avenue was on the City Commission agenda on October 26<sup>th</sup> via a rezoning application. At the October 26<sup>th</sup> City Commission meeting, the request was tabled and referred back to P&Z so that it could be reviewed via an alternate Conditional Use approach.

Thus, this public hearing involves two combined items:

1. A change to the Zoning Code to establish a new Conditional Use provision in the R-2 zoning district for child care centers; and
2. A Conditional Use request by Rollins College for the specific project as outlined in the attached materials and development agreement. (However, approval of the Conditional Use will need to await the second reading of the Ordinance)

## Summary:

This property at 315 Holt Avenue (at the northwest corner of Holt and New York Avenues) is 270 feet along Holt Avenue; 109 feet deep along New York Avenue and is 29,430-square feet (0.68 acres) in size and is zoned R-2. 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 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.

## R-2 Zoning Code Amendment:

The proposed new Conditional Use for the R-2 zoning district would be for:

(6) Child care centers which are operated by a non-profit educational institution. The location of such use may not have ingress and egress onto a street which serves primarily residential traffic. The proposed CUP must specifically address traffic impacts, parking, playground noise and hours of operation.

This type of Conditional Use could potentially apply to other situations where non-profit educational child care providers wish to establish a child care facility. A good example that already fits this model is the existing Winter Park Day Nursery at 741 S. Pennsylvania Avenue which is located on land zoned R-2 and has been in that location since the late 1950's. However, important caveats are that the potential locations cannot be on a "street which serves primarily residential traffic" and each request must stand on its own merits and be reviewed based on compatibility for the location as well as potential impacts from traffic, parking and playground noise.

### **Rollins College Conditional Use Request:**

Rollins College desires to redevelop the College Arms property and is seeking the Conditional Use approval pursuant to the adoption of the proposed Ordinance. Specifically, Rollins College desires to move their Child Development Center from the current on-campus location in a renovated house to a new 5,050-square foot, one story building as shown in the attached plans.

Architecturally, the new Child Care 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. There will be no outdoor lighting for evening use. Since the October P&Z meeting, the proposed playground area has been moved 50 feet further to the east leaving a 60 foot separation to the adjacent residential property on Holt Avenue to the west.

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.

Currently, the Child Care Center provides day care opportunities for members of the Rollins College community. In the new facility the plan 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.

The access to the Child Care Center will only be from New York Avenue. This has been arranged so that all traffic enters from New York Avenue and exits onto Fairbanks Avenue and no traffic enters or exits directly from Holt Avenue. The parking spaces on the south side of the drive aisle will be reserved for Child Care Center use such as drop-off and pick-up. The parking spaces on the north side of the drive aisle will be available but those are also used by that adjacent commercial building.

### **Development Agreement to Implement the Conditional Use:**

A draft Development Agreement is attached which would be executed, if approved, to place in the public record the conditions of approval for the Child Care Center. Those conditions have been agreed upon by Rollins College and the College Quarter Neighborhood Association as follows:

#### **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, which are outlined as follows:

- (i) All employees must park at the off-site location;
- (ii) The child development center shall be limited to a one-story building, not to exceed 5,100 square feet in size and thirty (30) feet in height, which shall be developed in substantial compliance with the architectural renderings submitted by Rollins with its land use/rezoning application;
- (iii) The hours of operation of the child development center for the public shall be limited to 8:30 a.m. to 9:30 p.m., Monday through Friday, and staff hours shall be limited to 8:00 a.m. to 10:00 p.m. There may be Saturday hours for special events from 8:00 a.m. to 1:00 p.m.;
- (iv) Use of the outdoor playground and rear covered patio for the child development center shall be limited to the hours of 9:30 a.m. to 5:30 p.m., Monday through Friday. There shall be no evening or weekend use of the outdoor playground facility or rear covered patio except as set forth for Saturday special events above;
- (v) The size of the outdoor playground has been reduced with the removal of Lot 5 from this Conditional Use Application. Lot 5 may be redeveloped in accordance with the R-2 zoning and College Quarter Design Guidelines as residential;
- (vi) There shall be no lighted signage located on the child development center building or neon lighting on the exterior of the building. Signage shall be limited to one, ground-mounted sign no larger than four (4) square feet, limited to no more than four (4) feet in height, to be installed on the New York Avenue side of the building;
- (vii) All exterior lighting for the property, including lighting on the building, the parking area, and the lawn, shall be downward shielded to prevent any glare and light spillage onto any surrounding residential properties and lighting shall achieve a measurement of 0.5 foot-candles measured at the western, southern, and eastern property lines. There shall be no free-standing lights within the outdoor playground area, and such area shall not otherwise be lit by building or roof mounted spot lights;
- (viii) There shall be no outdoor loud speakers or amplification of sound, excluding any required emergency/life-safety equipment (e.g., fire alarm or security system);
- (ix) To serve as a visual buffer and assist with noise attenuation, Rollins shall install an increased landscape buffer along the side of the outdoor playground facing Holt Avenue including, but not limited to, the installation of a viburnum or equivalent hedge running the length of the side yard fence depicted on the site plan;
- (x) The main entrances to the building shall be from the sides of the building facing Fairbanks Avenue and New York Avenue;
- (xi) The vehicular ingress to the child development center shall be only from New York Avenue, not Holt Avenue, and the proposed ingress/egress from New York Avenue shall be re-designed to provide only one-directional ingress from

New York Avenue with angled parking, with patrons exiting the site through the adjacent commercial property onto Fairbanks Avenue;

- (xii) In the event residential unit(s) are built on the western lot within the property, any driveway related thereto shall be limited solely to use by the occupants of such dwelling and shall not be accessible or otherwise for use by child care staff (unless said staff lives in said unit) and patrons of the child development center to access Holt Avenue; and

### **Comprehensive Plan Policies:**

There are policies in the Comprehensive Plan that relate to the request (see below). These policies address compatible development in R-2 districts and the development of Rollins College in accordance with a Master Plan. As discussed at the P&Z meeting in October, the City does not have provisions in our Comp. Plan or Zoning Code for "Master Plans" in terms of their legal authority, approval process or enforcement. Rollins College however has a Master Plan adopted by the College in 2011 which does show this location for the future Child Development Center. This Master Plan was not adopted by the City Commission.

**Policy 1-3.6.3: Ensure Compatible Size, Form and Function are Achieved in Areas Designated Low-Density Residential.** Since much of the land designated Low-Density Residential is at densities up to ten (10) dwelling units per acre, the City shall enforce regulatory measures and develop additional land use and design standards to mitigate adverse impacts caused by varied types of uses and structures, such as single-family homes, duplexes, townhouses, and small apartments. The City shall apply the conditional use review process together with floor area ratio regulations within Low-Density Residential designated areas in order to avoid land use compatibility conflicts due to dissimilar building types, size, mass, articulation, and height. The City shall promote redevelopment and renovation in these areas but the City shall place restrictive controls on the height, size and coverage of duplex, townhouse, and apartment buildings and required off-street parking to ensure compatibility, achieve a smooth transition in density, and protect adjacent Single-Family Residential designated areas.

**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.

## **Planning and Zoning Board Review:**

The Planning and Zoning Board was pleased that the College Quarter neighborhood group and Rollins College had worked together to resolve the issues of concern and to derive conditions of approval acceptable to all parties. The P&Z Board agreed that the proposed Zoning Code amendment to establish a new Conditional Use in the R-2 zoning district is an appropriate provision that is consistent with other potential conditional uses that already exist in the R-2 zoning district including Churches which in many cases have child care as part of their religious mission.

As per the specific Conditional Use request by Rollins College, the P&Z Board concluded that the request meets the standards for approval as specified in Section 58-90 (j). This is based upon the proposed development agreement which imposes conditions, restrictions and safeguards that provide for operations that are compatible with the adjacent residential properties.

The Conditional Use provides both an educational purpose and a societal amenity. The scale of the proposed building (one story) and the size of 5,050-square feet 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 work to make the proposal compatible with the surrounding neighborhood. Together with the restrictions and limitations agreed to by the applicant, the P&Z Board concluded that the proposal represents compatible redevelopment.

## **Planning Staff Recommendation:**

The Planning staff recommendation was the same as approved by the Planning and Zoning Board.

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

**Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve an Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" so as to add within Section 58-67 Low Density Residential (R-2) district, a new conditional use provision for child care centers operated by non-profit entities subject to certain limitations. Motion carried unanimously with a 7-0 vote.**

**Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the Conditional Use for a child care center operated by Rollins College on the property at 315 Holt Avenue, zoned R-2 subject to the plans presented and to a Development Agreement pertaining to the project reflecting the conditions provided at the December 1, 2015 Planning and Zoning Board meeting as agreed upon by the College Quarter Neighborhood Association and Rollins College. Motion carried unanimously with 7-0 vote.**

## **P&Z Minutes – December 1, 2015:**

**REQUEST OF ROLLINS COLLEGE FOR:** AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADD WITHIN SECTION 58-67 LOW DENSITY RESIDENTIAL (R-2) DISTRICT, A NEW CONDITIONAL USE PROVISION FOR CHILD CARE AND EDUCATION FACILITIES OPERATED BY NON-PROFIT ENTITIES SUBJECT TO CERTAIN LIMITATIONS.

**REQUEST OF ROLLINS COLLEGE FOR:** CONDITIONAL USE APPROVAL FOR A CHILD CARE AND EDUCATIONAL FACILITY OPERATED BY ROLLINS COLLEGE ON THE PROPERTY AT 315 HOLT AVENUE, ZONED R-2 AND PROVIDING FOR THE APPROVAL OF A DEVELOPMENT AGREEMENT PERTAINING TO THE PROJECT.

Planning Manager Jeffrey Briggs gave the staff report and he updated the Board members on what has happened since the previous public hearing held on October 6<sup>th</sup>. He explained that at the October 26<sup>th</sup> City Commission meeting the request was tabled, and referred back to P&Z so that it could be reviewed via an alternate Conditional Use approach. Mr. Briggs said that since the October 6<sup>th</sup> meeting, there have been continual meetings between Rollins College and the College Quarter Neighborhood Association. He stated that the applicant's current request involves two combined items:

1. A change to the Zoning Code to establish a new Conditional Use provision in the R-2 zoning district for child care centers; and
2. A Conditional Use request by Rollins College for the specific project as outlined in the attached materials and development agreement.

Mr. Briggs summarized the request that the proposed Zoning Code amendment to establish a new Conditional Use in the R-2 zoning district is an appropriate provision that is consistent with other potential conditional uses that already exist in the R-2 zoning district including Churches which in many cases have child care as part of their religious mission.

Rebecca Wilson, Attorney, 215 North Eola Drive, represented Rollins College. She agreed with the staff presentation as presented by Mr. Briggs and reviewed the two changes to the site plan since the last P&Z meeting. She said that the location of the playground has been relocated to 60 feet from the western boundary line. She said that this now creates a buildable lot and if and when it is developed, it will be developed as a residence in accordance with the College Quarter Neighborhood design standards. With regard to traffic concerns raised by neighbors at the previous public hearing, traffic will now be one-way into the adjacent retail center. She requested that approval be granted based on the conditions submitted to the Board as agreed upon by both parties on December 1<sup>st</sup>. She responded to Board member concerns with regard to the traffic impact on the neighboring retail center. No one wished to speak concerning the request. Public Hearing closed.

Mr. Sacha thanked both sides for their efforts coming to a resolution on this issue. There was concurrence and appreciation from all the P&Z members that the concerns had been resolved.

**Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve an Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" so as to add within Section 58-67 Low Density Residential (R-2) district, a new conditional use provision for child care and education facilities operated by non-profit entities subject to certain limitations. Motion carried unanimously with a 7-0 vote.**

**Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve a Conditional Use approval for a child care and educational facility operated by Rollins College on the property at 315 Holt Avenue, zoned R-2 and providing for the approval of a Development Agreement pertaining to the project subject to the conditions provided at the December 1, 2015 Planning and Zoning Board meeting as agreed upon by the College Quarter Neighborhood Association and Rollins College. Motion carried unanimously with 7-0 vote.**



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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-67 "LOW DENSITY RESIDENTIAL (R-2) DISTRICT" SO AS TO ADD A NEW CONDITIONAL USE FOR CHILD CARE CENTERS, SUBJECT TO CERTAIN LIMITATIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at its December 1, 2015 meeting; and

**WHEREAS**, the City Commission of the City of Winter Park held duly noticed public hearings on the proposed zoning change set forth hereunder and considered 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's Comprehensive Plan; and

**WHEREAS**, the City Commission hereby find 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 PEOPLE OF THE CITY OF WINTER PARK:**

**SECTION 1.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by adding within Section 58-67 "Low Density Residential (R-2) District", a new Conditional Use for Child Development Centers, as subsection 58-67 (e) (6) to read as follows:

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

(e) *Conditional uses.*

(6) Child care centers which are operated by a non-profit educational institution. The location of such use may not have ingress and egress onto a street which serves primarily residential traffic. The proposed CUP must specifically address traffic impacts, parking, playground noise and hours of operation.

**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. CODIFICATION.** It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made

a part of the Code of Ordinance of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall become effective immediately upon its final passage and adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor Steve Leary

Attest:

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

**PREPARED BY AND RETURN TO:**

City of Winter Park  
401 Park Avenue  
Winter Park, FL 32789  
(407) 599-3440

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 4 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 care 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 January 11, 2016 the City Commission approved a Conditional Use Permit for the proposed Project 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, which are outlined as follows:

- (i) All employees must park at an off-site location;
- (ii) The child care center shall be limited to a one-story building, not to exceed 5,100 square feet in size and thirty (30) feet in height, which shall be developed in substantial compliance with the architectural renderings attached hereto. The building shall be setback a minimum of twenty-five (25) feet along the Holt Avenue side of the Property;
- (iii) Enrollment at the child care center shall be limited to forty (40) children during the day (8:30 a.m. to 3:30 p.m.) and twenty-five (25) children during the evening (3:30 p.m. to 9:30 p.m.). The hours of operation of the child care center for the public shall be limited to 8:30 a.m. to 9:30 p.m., Monday through Friday, and staff hours shall be limited to 8:00 a.m. to 10:00 p.m., Monday through Friday. There may be Saturday hours for special events associated with the child care center from 8:00 a.m. to 1:00 p.m.;
- (iv) Use of the outdoor playground and rear covered patio for the child development center shall be limited to the hours of 9:30 a.m. to 5:30 p.m., Monday through Friday. There shall be no evening or weekend use of the outdoor playground facility or rear covered patio except as set forth for Saturday special events above, which shall be limited to 9:30 a.m. to 1:00 p.m.;
- (v) The size of the outdoor playground has been reduced with the removal of Lot 5 from this Conditional Use Application. Lot 5 may be redeveloped in accordance with the R-2 zoning and College Quarter Design Guidelines as residential;
- (vi) There shall be no lighted signage located on the child care center building or neon lighting on the exterior of the building. Signage shall be limited to one, ground-mounted sign no larger than four (4) square feet, limited to no more than four (4) feet in height, to be installed on the New York Avenue side of the building;
- (vii) All exterior lighting for the Property, including lighting on the building, the parking area, and the lawn, shall be downward shielded to prevent any glare and light spillage onto any surrounding residential properties and lighting shall achieve a measurement of 0.5 foot-candles measured at the western, southern, and eastern property lines. There shall be no free-standing lights within the outdoor

playground area, and such area shall not otherwise be lit by building or roof mounted spot lights;

- (viii) There shall be no outdoor loud speakers or amplification of sound, excluding any required emergency/life-safety equipment (e.g., fire alarm or security system);
- (ix) To serve as a visual buffer and assist with noise attenuation, Rollins shall install an increased landscape buffer along the side of the outdoor playground facing Holt Avenue, including, but not limited to, the installation of a viburnum or equivalent hedge running the length of the side yard fence depicted on the site plan;
- (x) The main entrances to the building shall be from the sides of the building facing Fairbanks Avenue and New York Avenue. The door depicted on the site plan in the middle of the building on the Holt Avenue side of the Property shall be a non-operational, fixed door and will not provide general access to the building;
- (xi) The vehicular ingress to the child care center shall be only from New York Avenue, not Holt Avenue, and the proposed ingress/egress from New York Avenue shall be re-designed to provide only one-directional ingress from New York Avenue with angled parking, with patrons exiting the site through the adjacent commercial property onto Fairbanks Avenue; and
- (xii) In the event residential unit(s) are built on the western lot within the Property, any driveway related thereto shall be limited solely to use by the occupants of such dwelling and shall not be accessible or otherwise for use by child care staff (unless said staff lives in said unit) and patrons of the child development center to access Holt Avenue.

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 30 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: \_\_\_\_\_

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

Its: \_\_\_\_\_

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016,  
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 \_\_\_\_\_, 2016, 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
- Toll Ramp
- Interstate Ramp
- One Way
- Brick Road
- Rail Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Institutional/Misc
- Commercial/Industrial Vacant Land
- Hydro
- Waste Land
- Agricultural Cutilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Building

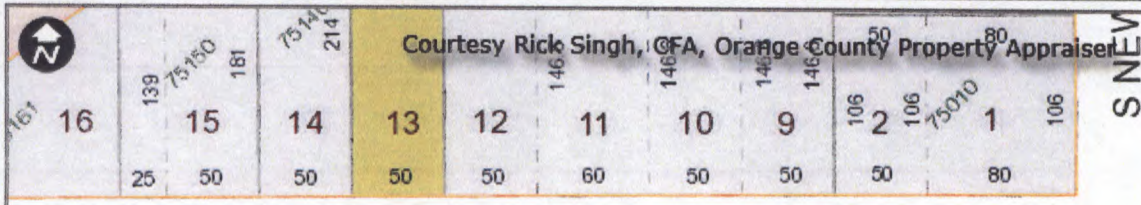


This map is for reference only and is not a survey.

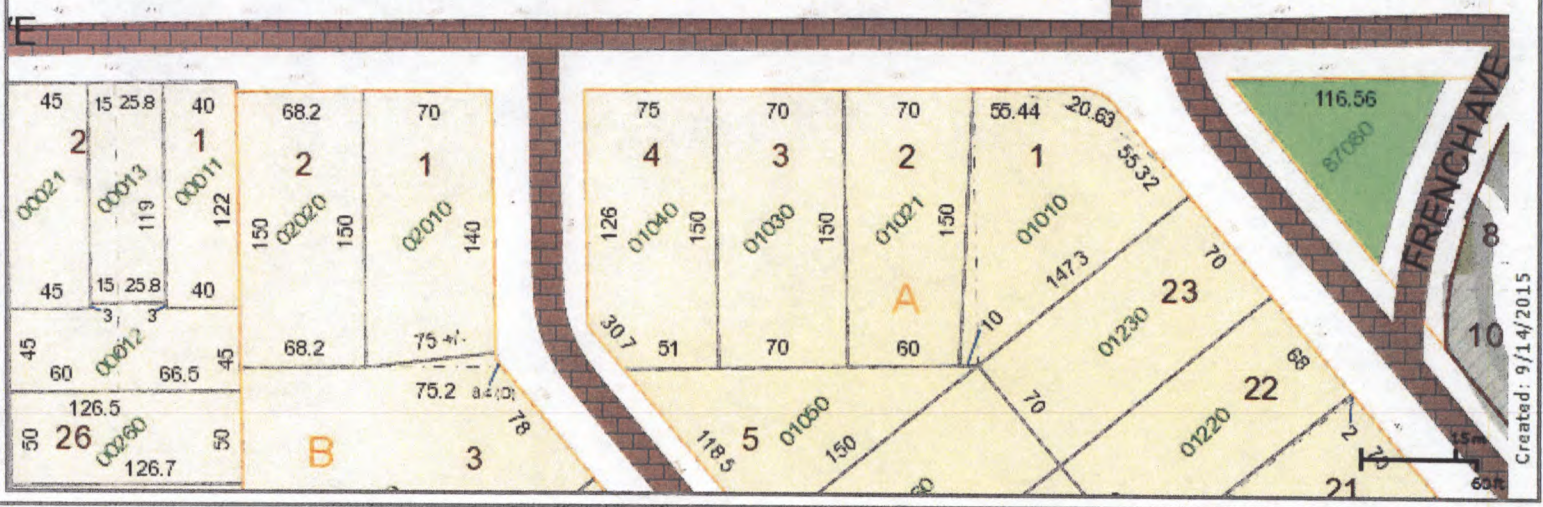
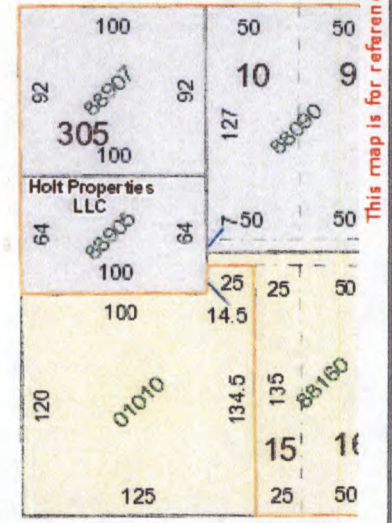
Created: 9/14/2015



- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
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- One Way
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- Proposed SunRail
- Block Line
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- 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



426 W FAIRBANKS AVE SR 426 426 Daily Traffic 39000 W Fairbanks Ave W F



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

Created: 9/14/2015



October 28, 2015

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

**Re: 315 Holt Ave.**

Dear Jeff,

As you know this firm represents Rollins College with respect to the above referenced property. Pursuant to my email to you and the City Manager dated October 22<sup>nd</sup> and pursuant to the City Commission motion to table the pending rezoning and Comprehensive Plan Amendment request, Rollins College suggests the following underlined text be added to the City's R-2 zoning category:

- (e) Conditional uses.
- (6) Child development centers which are operated by a non-profit educational institution. The location of such use may not have ingress and egress onto a street which serves primarily residential traffic.

Also attached are the conditions Rollins College will agree to (note I have underlined two clarifications related to hours of operation):

- The child development center shall be limited to a one-story building, not to exceed 5,100 square feet in size and thirty (30) feet in height, which shall be developed in substantial compliance with the architectural renderings submitted by Rollins with its land use/rezoning application.
- The hours of operation of the child development center for the public shall be limited to 8:30 a.m. to 9:30 p.m., Monday through Friday, and staff hours shall be limited to 8:00 a.m. to 10:00 p.m. There may be Saturday hours for special events from 8:00 a.m. to 1:00 p.m.

- Use of the outdoor playground and rear covered patio for the child development center shall be limited to the hours of 9:30 a.m. to 5:30 p.m., Monday through Friday. There shall be no evening or weekend use of the outdoor playground facility or rear covered patio except as set forth for Saturday special events above.
- The size of the outdoor playground shall be reduced in size by at least 50 ft. move it further from the western boundary line of the property. Such lot may then be redeveloped in accordance with the R-2 zoning and College Quarter Design Guidelines as residential.
- There shall be no lighted signage located on the child development center building or neon lighting on the exterior of the building. Signage shall be limited to one, ground-mounted sign no larger than four (4) square feet, limited to no more than four (4) feet in height, to be installed on the New York Avenue side of the building.
- All exterior lighting for the property, including lighting on the building, the parking area, and the lawn, shall be downward shielded to prevent any glare and light spillage onto any surrounding residential properties and lighting shall achieve a measurement of 0.5 foot-candles measured at the western, southern, and eastern property lines. There shall be no free-standing lights within the outdoor playground area, and such area shall not otherwise be lit by building or roof mounted spot lights.
- There shall be no outdoor loud speakers or amplification of sound, excluding any required emergency/life-safety equipment (e.g., fire alarm or security system).
- To serve as a visual buffer and assist with noise attenuation, Rollins shall install an increased landscape buffer along the side of the outdoor playground facing Holt Avenue including, but not limited to, the installation of a viburnum or equivalent hedge running the length of the side yard fence depicted on the site plan.
- The main entrances to the building shall be from the sides of the building facing Fairbanks Avenue and New York Avenue.
- The vehicular ingress to the child development center shall be only from New York Avenue, not Holt Avenue, and the proposed ingress/egress from New York Avenue shall be re-designed to provide only one-directional ingress from New York Avenue with angled parking, with patrons exiting the site through the adjacent commercial property onto Fairbanks Avenue.

October 28, 2015

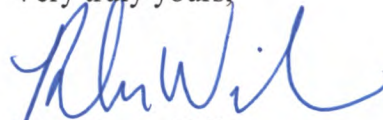
Page 3

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- In the event residential unit(s) are built on the western lot within the property, any driveway related thereto shall be limited solely to use by the occupants of such dwelling and shall not be accessible or otherwise for use by child care staff (unless said staff lives in said unit) and patrons of the child development center to access Holt Avenue.

Please contact me if you have any questions.

Very truly yours,



M. Rebecca Wilson

MRW/sjg



# **SITE DATA**

NAME OF DEVELOPMENT:  
ROLLINS COLLEGE  
HUME HOUSE CHILD DEVELOPMENT CENTER

PARCEL ID. NO.:  
07-22-30-2044-00-011

CURRENT ZONING:  
R-2

## **SITE DESCRIPTION:**

- VEGETATION: DEVELOPED PROPERTY WITH EXIST. APPROX. 4,262-SF BLDG., GARAGE, PAVED AND GRAVEL PARKING, AND GRASSED YARD AREA.
- JURISDICTIONAL LANDS: NO JURISDICTIONAL WETLANDS PRESENT
- FEMA FLOOD ZONE(S): ZONE "X" PER FLOOD INSURANCE RATE MAP (FIRM), MAP NUMBER 12085C0255F, DATED SEPTEMBER 25, 2009.

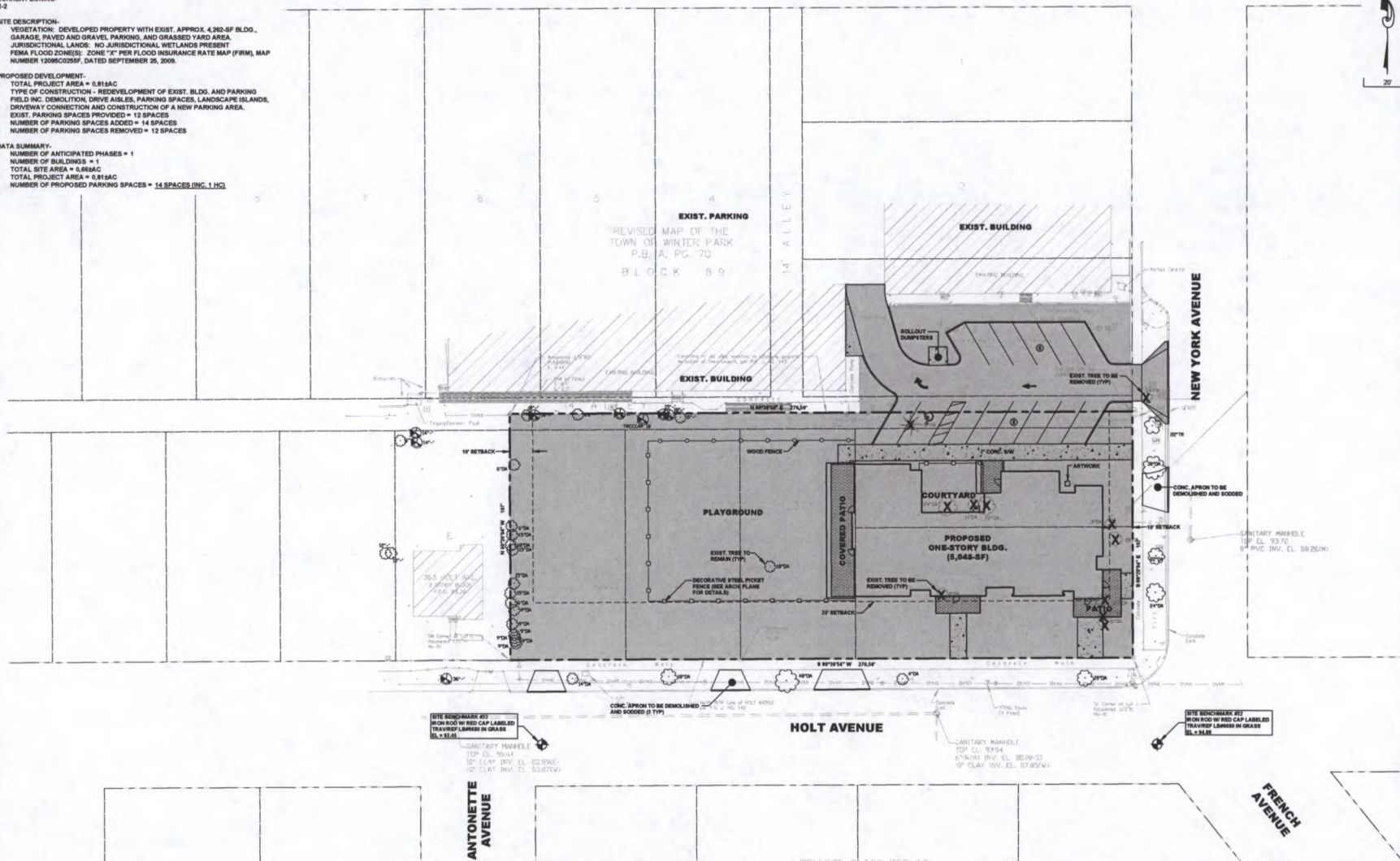
## **PROPOSED DEVELOPMENT:**

- TOTAL PROJECT AREA = 0.815AC
- TYPE OF CONSTRUCTION: REDEVELOPMENT OF EXIST. BLDG. AND PARKING
- FIELD INC. DEMOLITION, DRIVE ABLES, PARKING SPACES, LANDSCAPE ISLANDS, DRIVEWAY CONNECTION AND CONSTRUCTION OF A NEW PARKING AREA.
- EXIST. PARKING SPACES PROVIDED = 12 SPACES
- NUMBER OF PARKING SPACES ADDED = 14 SPACES
- NUMBER OF PARKING SPACES REMOVED = 12 SPACES

## **DATA SUMMARY:**

- NUMBER OF ANTICIPATED PHASES = 1
- NUMBER OF BUILDINGS = 1
- TOTAL SITE AREA = 0.815AC
- TOTAL PROJECT AREA = 0.815AC
- NUMBER OF PROPOSED PARKING SPACES = 14 SPACES (INC. 1 HCL)

W. FAIRBANKS AVENUE



JOB NO. 18486	
SCALE	AS NOTED
START	11/13/2016
DESIGN	KSH
DRAWING	KSH
CHECKED	KSH
APPROVED	KSH
DESCRIPTION OF REVISION	
NO.	DATE

**ROLLINS COLLEGE  
HUME HOUSE CDC**  
315 HOLT AVENUE, WINTER PARK, FLORIDA 32789  
WINTER PARK, FLORIDA

## **CONCEPTUAL SITE PLAN**

**m i e i civil**  
566 Lake Robinson Lane, Suite 200  
Winter Park, FL 32789  
P: 407.562.0804 | F: 407.562.0801  
www.mieicivil.com

SHEET  
**CSP1**









view from corner of holt & new york

ROLLINS COLLEGE  
HUME HOUSE CHILD DEVELOPMENT CENTER  
design review  
08.21.15

bca architecture

540 lake faith circle  
maitland, florida 32751  
p. 407.599.2884  
martin côté c. 407.312.3882  
e. martin@bcaarchitecture.com  
nelson blankenship c. 407.921.9231  
e. nelson@bcaarchitecture.com  
AA26002580





**bca** architecture

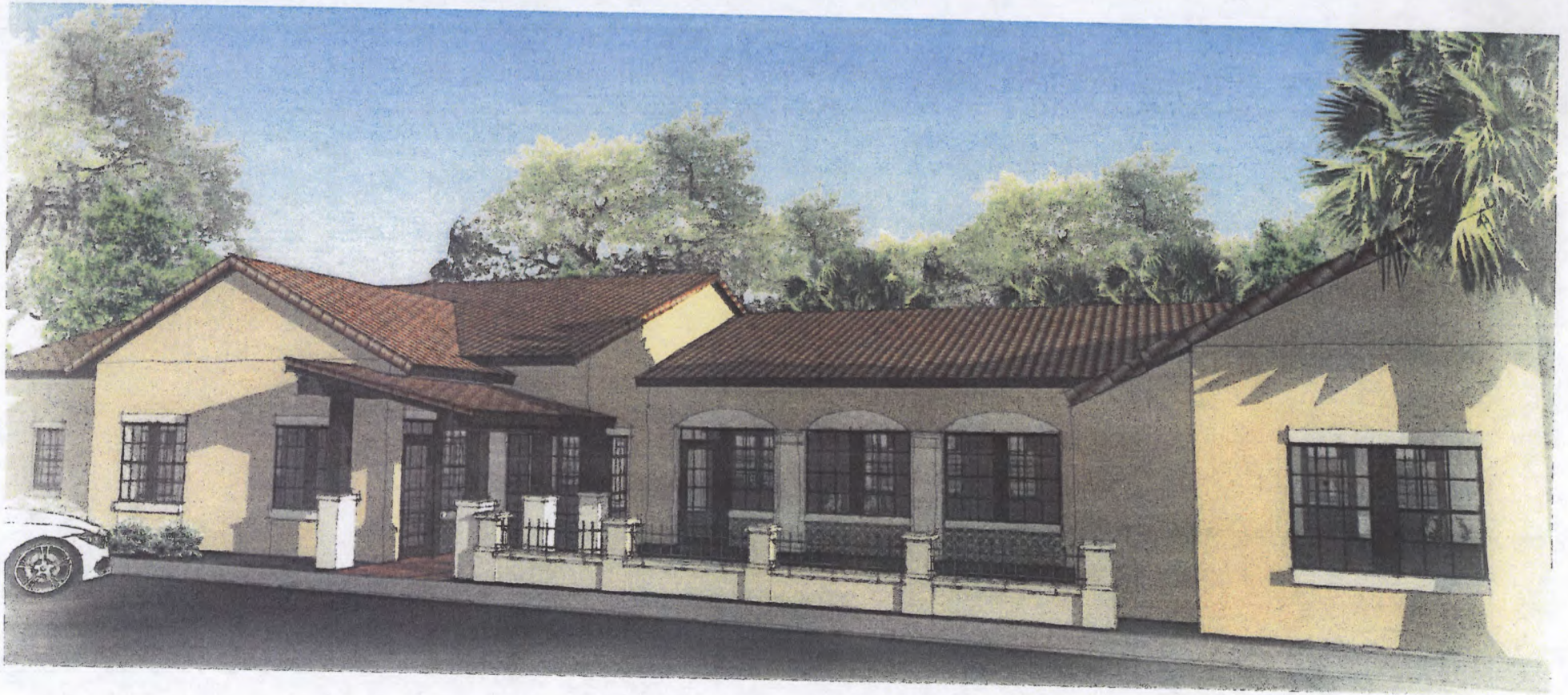
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view from new york avenue

ROLLINS COLLEGE  
HUME HOUSE CHILD DEVELOPMENT CENTER  
design review

08.21.15





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view of entrance & courtyard

ROLLINS COLLEGE  
HUME HOUSE CHILD DEVELOPMENT CENTER  
design review

08.21.15





**bca** architecture

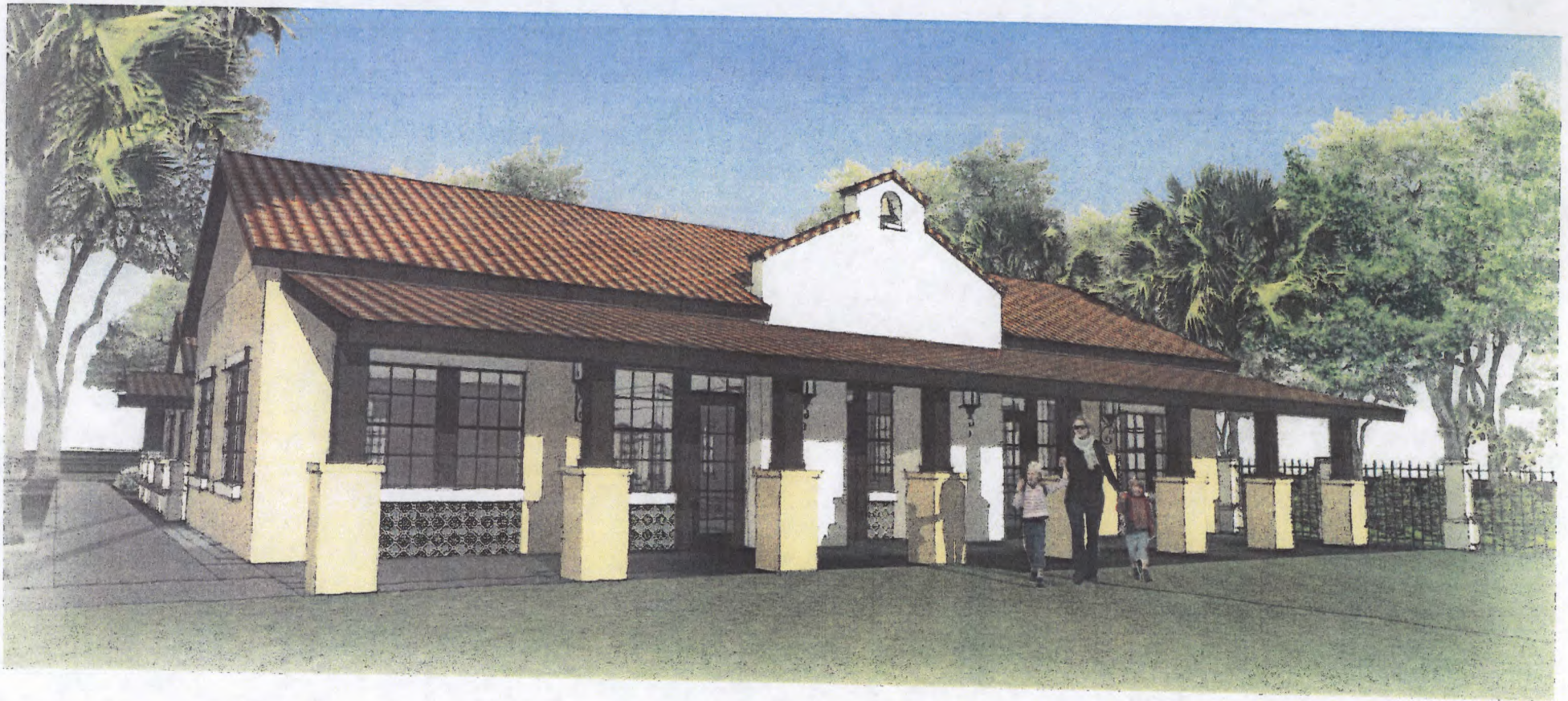
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AA26002580

holt avenue elevation

ROLLINS COLLEGE  
HUME HOUSE CHILD DEVELOPMENT CENTER  
design review

08.21.15





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view from playground

ROLLINS COLLEGE  
HUME HOUSE CHILD DEVELOPMENT CENTER  
design review

08.21.15





**bca** architecture

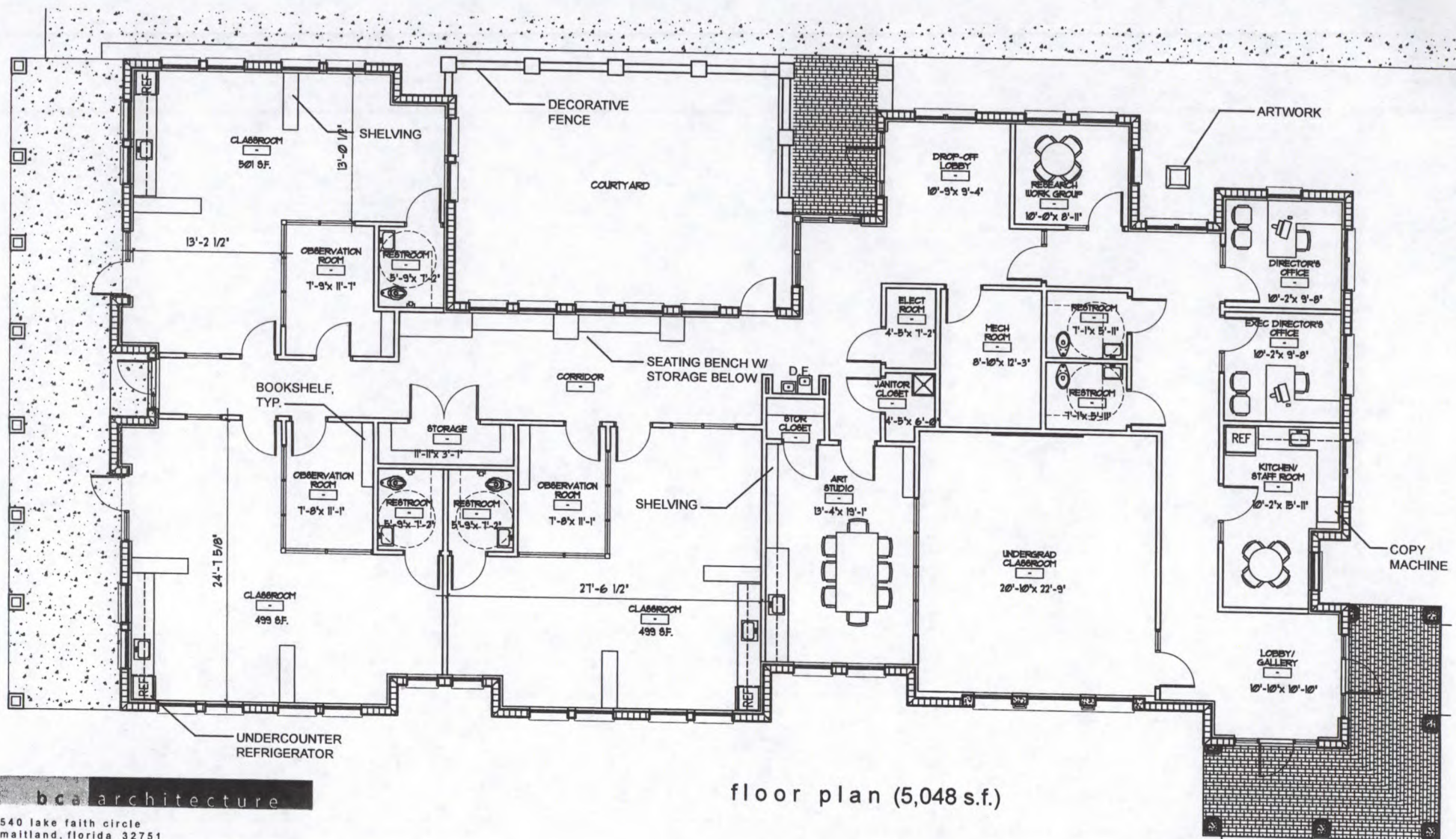
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view from holt avenue

ROLLINS COLLEGE  
 HUME HOUSE CHILD DEVELOPMENT CENTER  
 design review

08.21.15





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AA26002580

floor plan (5,048 s.f.)

ROLLINS COLLEGE  
HUME HOUSE CHILD DEVELOPMENT CENTER  
design review

08.21.15





# Public Hearing

## NOTICE OF AN ORDINANCE TO ESTABLISH A NEW CONDITIONAL USE FOR CHILD CARE CENTERS WITHIN THE R-2 ZONING DISTRICT

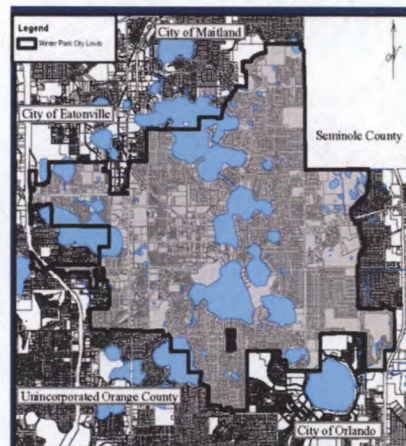
**NOTICE IS HEREBY GIVEN** that the Winter Park City Commission will hold a Public Hearing on Monday, December 14, 2015 at 3:30 p.m., in City Hall Commission Chambers, located at 401 South Park Avenue in the City of Winter Park, Florida, to consider the adoption of an Ordinance to establish a new Conditional Use within the residential (R-2) zoning district to allow non-profit Child Care Centers.

Copies of the proposed Ordinance are available for inspection in the Planning Department in City Hall, Monday through Friday, from 8 a.m. to 5 p.m., as well as on the city's official web site at [www.cityofwinterpark.org](http://www.cityofwinterpark.org).

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

Pursuant to the provisions of the Americans with Disabilities Act: any person requiring special accommodation to participate in this meeting, because of disability or physical impairment, should contact the Planning Department at 407-599-3324 at least 48 hours in advance of this hearing.

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



**PUBLISH: December 6, 2015 ORLANDO SENTINEL**



# city commission public hearing

item type	Public Hearing	meeting date	September 14, 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 Request to Redevelop the Center of Winter Park (K-Mart Shopping Center) at 501 N. Orlando Avenue.**

This public hearing involves the request of SVAP Winter Park, L. P., the owners of the former K-Mart Shopping Center otherwise referred to as "Winter Park Center" to redevelop and renovate the existing stores and parking lot at 501 N. Orlando Avenue. Normally renovations do not require conditional use approval but since the project is adding more than 10,000 sq. ft. where the K-Mart garden shop was located, it triggered this review.

## Summary:

The proposed redevelopment consists of major building facade renovations and upgrades to the parking lot. The square footage of the existing buildings will be reduced from 258,885 square feet by 14,659 square feet to a total of 244,226 square feet. For purposes of comparison, the following table outlines the C-1 zoning requirements and the proposed dimensions of this project.

	C-1 Require-ments	Project Proposal
Property Size		22.44 acres
Floor Area Ratio	Max. 45%	25%
Lot Coverage	Max. 45%	25%
Max. Impervious Coverage	Max. 85%	89.2%
Lee Road setback	15 feet	80-110 feet
Executive Drive setback	15 feet	50 feet
Gay Rd. setback	15 feet	50 feet
Parking Required	1064 spaces	1048 spaces
Bldg. Height	55 feet	25-35 feet

The major changes to the site are reducing the depth of the retail store bays from the L.A. Fitness south thru the Office Depot including infilling the former K-Mart garden area. By reducing the depth of this portion of the storefronts, it allows for a small increase of 47 parking spaces. The entire shopping center is to receive new storefront façade renovations. The other major change is the retrofit of the southern parking field to conform to current landscape standards.

Parking spaces shown for this project are 1048 spaces which is 16 spaces short of Code (1.5%) of the total 1064 required parking spaces. Currently the property has a parking deficit of 3% per Code. The applicant has asked to retain that 3% deficit given the mix of uses with many larger retail stores that provide more parking than needed.

Storm water retention will need to be upgraded with those details provided at the subsequent review subject to a condition recommended by P&Z. There are some significant challenges to retrofit for storm water on a 22 acre site. The K-mart Shopping Center was originally built in 1964 when no storm water retention was required at all. When the shopping center last underwent renovation in the 1990, the soils report showed that this location has mucky soils with a very high ground water table. Still there are things that can be done to improve the situation and provide water quality and retention improvements and those will be engineered and the detailed solution brought back for the subsequent review.

#### **New Signage on Orlando Avenue and Lee Road:**

This Conditional Use package includes proposals for new shopping center identification signage on Orlando Avenue (at Webster Avenue) and on Lee Road to be constructed at the locations as the existing signage. The Lee Road signage would remain at the existing 145 square feet which is larger than the Code limits of 100 square feet per sign. However, given that this property has 660 feet of frontage on Lee Road technically, for each 300 feet the shopping center is allowed a 100 square foot ID sign.

The Orlando Avenue location is grandfathered-in with two existing pylon signs of 278 square feet total. Those signs were approved in 1990 in recognition that the K-Mart Shopping Center is 22 acres with limited frontage on Orlando Avenue and needed special consideration given the previous movie theatre and major retailers. The same scenario exists today with major retailers needing some ID signage on Orlando Avenue. The proposal is asking to rebuild the existing 280 square feet of signage into one structure but the combination of adding the base and other elements to the sign make it 28 feet tall and about 500 square feet in size for the entire structure.

#### **Traffic/Mobility Impacts:**

The project decreases the daily traffic generation by reducing the overall square footage of the project by 14,659 square feet. However, the project repurposes 16,277 square feet from retail store traffic generation to restaurant usage. The net difference is an increase of 352 more trips per day. Given the location of Orlando Avenue with 29,500 trips per day and on Lee Road with an existing 35,500 cars a day, this increase in traffic will not be significant.



The revised parking lot plan incorporates a new north/south travel route from Webster Avenue down to Gay Road. This should help the internal traffic circulation within the site. However, the unfortunate part is that two existing mature oak trees are lost to this reconfiguration of the parking circulation. P&Z has suggested a condition to look closer at that design to see if those trees can be saved.

**Preliminary and Final CU:** This application package is intended to provide the detail needed both for the “preliminary” and “final” conditional use approvals and as such includes the final site plan, civil engineering plans, architectural perspective images of the building facades, landscape plan and lighting plans.

### **Planning and Zoning Board Review:**

To the P&Z Board this is a welcome and much needed renovation and rebranding of a 1960's shopping center. The Board desired further improvements for more of a “Winter Park” character with enhanced pedestrian circulation, enhanced landscaping and storm water retention which will result in some loss of parking to accomplish those goals. The P&Z Board felt that the current mix of stores and restaurants has worked successfully in the past with a 3% parking deficit and the P&Z Board desired to encourage an enhanced design by recommending an allowance of up to a 5% parking deficit.

### **Planning Staff Recommendation:**

The Planning staff recommendation was the same as approved by the Planning and Zoning Board with the exception that P&Z desired the landscape plan and pedestrian connectivity plan to come back for subsequent P&Z review and to provide additional parking allowance for those improvements.

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

**Motion made by J. Johnston, seconded by Peter Weldon to approve the Conditional Use to redevelop the Winter Park Center (K-mart Shopping Center) at 501 N. Orlando Avenue, zoned C-1, subject to the following conditions:**

- 1. That the storm water system be upgraded for current technology in a form acceptable to the Public Works Department and that a maintenance agreement be executed for regular inspection and upkeep of the system.**
- 2. That the final design of the Orlando Avenue ID sign, landscape plan and pedestrian connectivity plan be reviewed and approved by the P&Z Board.**
- 3. That the final parking lot design further examine preservation of the two specimen oak trees lost to the parking lot reconfiguration.**
- 4. That in recognition of the need for storm water retention retrofit, pedestrian access improvements and enhanced landscaping which will result in some added loss of parking, the P&Z Board recommended approval of parking variance up to 5% (53 spaces of 1064 total).**

**Motion carried unanimously with a 7-0 vote.**

## P&Z Minutes – December 1, 2015:

### **REQUEST OF SVAP WINTER PARK, L.P. FOR:** CONDITIONAL USE APPROVAL TO REDEVELOP AND RENOVATE THE WINTER PARK CENTER (K-MART SHOPPING CENTER) AT 501 N. ORLANDO AVENUE, ZONED C-1, TO PROVIDE FOR REDEVELOPMENT OF THE EXISTING STORES AND PARKING LOT.

Planning Manager Jeffrey Briggs presented the staff report and explained that the applicants, SVAP Winter Park, L. P., are the owners of the former K-Mart Shopping Center also referred to as the Winter Park Center and are seeking to redevelop and renovate the existing stores and parking lot at 501 N. Orlando Avenue. Mr. Briggs reviewed the dynamics of the subject property, and discussed the following aspects of the current development request: parking, setbacks, storm water, landscaping, tree preservation, new signage on Orlando Avenue and Lee Road, and traffic and mobility impacts. He stated that the applicants are requesting both preliminary and final conditional use approval. He summarized by stating that Planning staff welcomes this redevelopment and feels that this is a much needed renovation and rebranding of a 1960's shopping center. Staff recommended approval of the Conditional Use subject to the following conditions:

1. That the storm water system be renovated and upgraded for current technology in a form acceptable to the Public Works Dept. and that a maintenance agreement be executed for regular inspection and upkeep of the system.
2. That the final design of the Orlando Avenue ID sign plan be reviewed and approved by the Planning & Zoning Board.
3. That the final parking lot design further examine preservation of the two specimen oak trees lost to the reconfiguration and further examine pedestrian access options.

Mr. Briggs responded to Board member questions and concerns.

Dustin Hicks, Sterling Corporation, West Palm Beach, Florida, represented the applicant. He agreed with the staff report as presented by Mr. Briggs. He introduced the members of the development team. He explained that they do not see this project as a reconfiguration, but as a much needed upgrade to attract new retail tenants, and new signage is a big part of what is needed to attract new tenants. He explained that the existing center does not meet the current parking code by about 30 spaces or 3% of the total. He said that overall square footage of the center is being reduced by about 14,500 square feet and 46 new parking spaces will be added in order to comply with the current parking code. He requested that the Board consider a parking variance of 3% consistent with the current parking conditions. He stated that will provide much needed flexibility in bringing the existing center up to code.

Bob Ziegenfuss, Z Development Services, 708 East Colonial Drive, discussed the plans to upgrade the parking and landscaping, tree preservation, and the request for new signage, and lighting. He responded to Board member questions and concerns in detail concerning pedestrian pathways, new sidewalks, storm water retention matters and parking. He said that the landscape architect had walked the site with the City Arborist and reviewed the ability to save trees and the new landscaping proposed. He highlighted the issues with preservation of the two specimen oaks as they would be about two feet from the travel lane of the new north/south drive.

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

Considerable discussion ensued at length with the Planning Board members. Their concerns were raising the level of landscaping within the project to be of "winter park" quality. They focused in on the challenges for pedestrian circulation and the need for safer travel ways for pedestrians. The members discussed the architecture and quality of the project questioning whether this project would have any special features of a "winter park" identity or just resemble any typical newly designed shopping center. The applicants responded outlining the challenges facing a renovation versus a rebuild, highlighting the opportunities and constraints.

Chairman Johnston suggested that just as the staff has proposed that the sign detail come back to P&Z, that the Board ask for and review in more detail the landscape plan and pedestrian improvements. The P&Z Board then discussed the need for design flexibility given that the enhancements would need likely result in the loss of some parking. Mr. Gottfried suggested an exception of up to 5% of the parking code which was acceptable to the Board members.

**Motion made by J. Johnston, seconded by Peter Weldon to approve the Conditional Use to redevelop the Winter Park Center (K-mart Shopping Center) at 501 N. Orlando Avenue, subject to the following conditions:**

- 1. That the storm water system be upgraded for current technology in a form acceptable to the Public Works Department and that a maintenance agreement be executed for regular inspection and upkeep of the system.**
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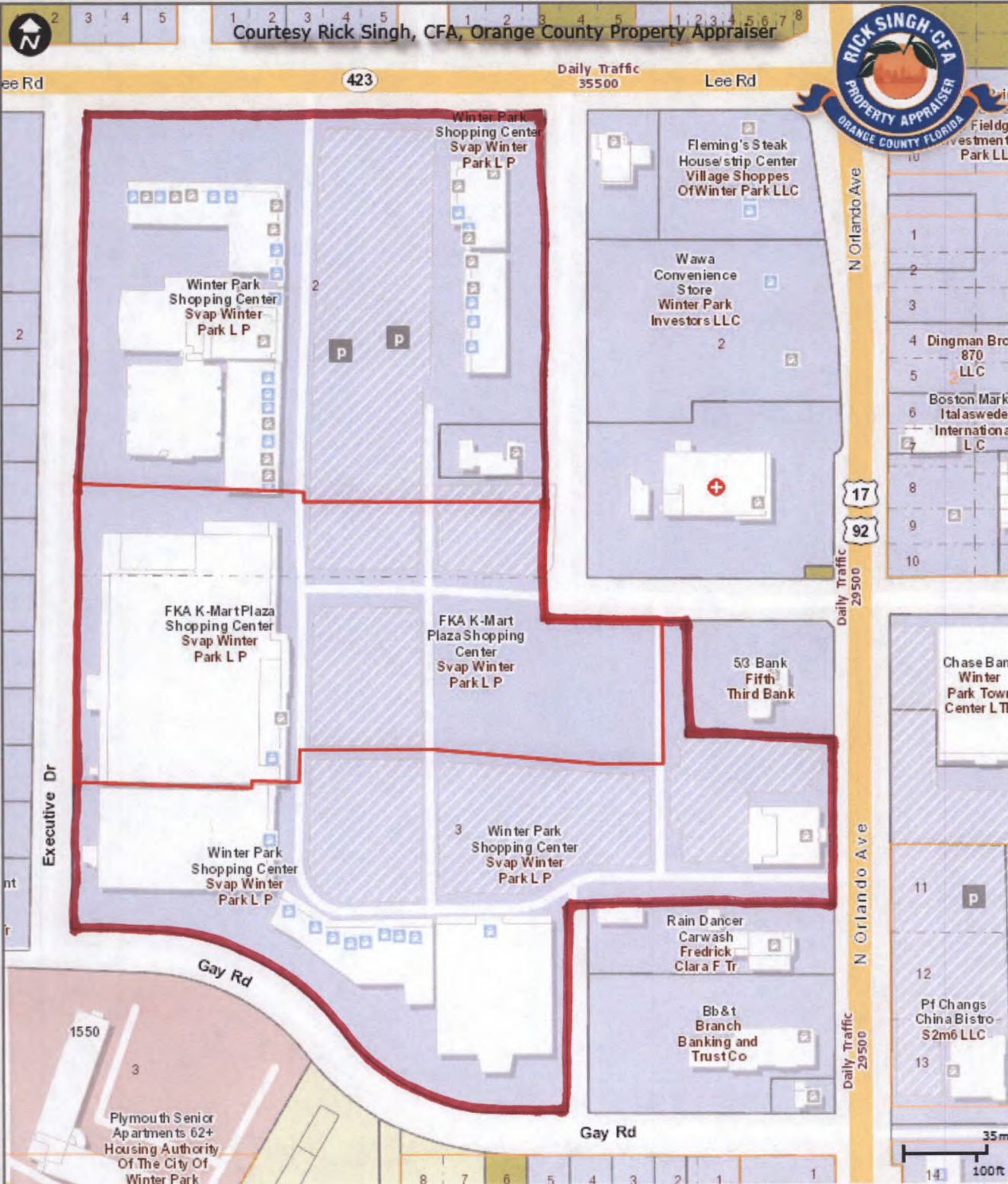






# OCPA Web Map

	Major Roads		Proposed Road		Block Line		Commercial/Institutional		Hydro		Golf Course
	Florida Turnpike		Public Roads		Lot Line		Governmental/Institutional/Misc		Waste Land		Lakes and Rivers
	Interstate 4		Gated Roads		Residential		Commercial/Industrial/Vacant Land		County Boundary		Building
	Toll Road		Road Under Construction		Agriculture		Agricultural/Cutlance		Parks		Hospital
			Brick Road		Rail Road						
			Proposed SunRail								



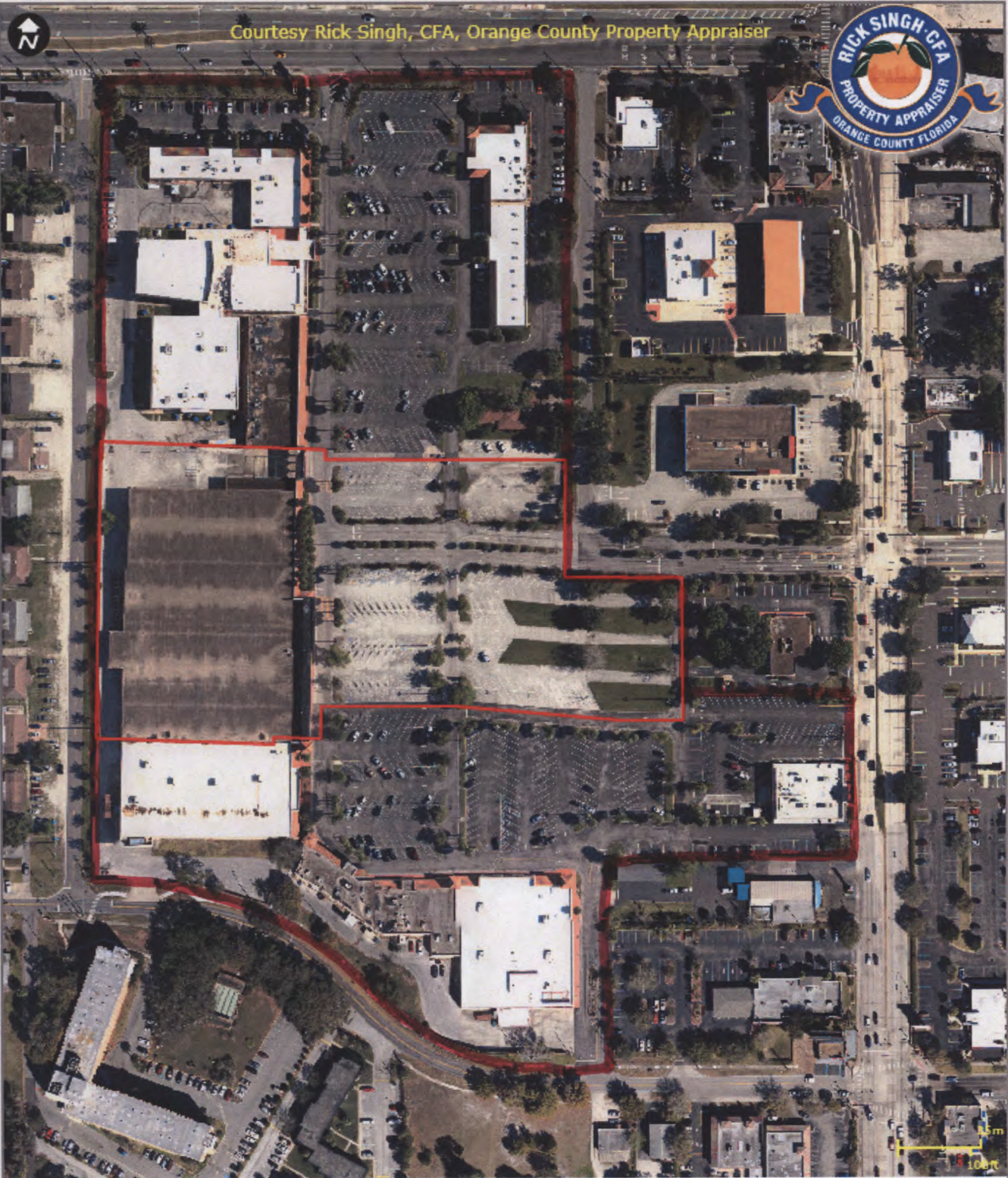
Created: 11/16/2015

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



# OCPA Web Map

Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Florida Turnpike	Public Road	Brick Road	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Interstate 4	Gated Roads	Rail Road	Commercial/Industrial/Vacant Land	County Boundary	Building
Toll Road	Road Under Construction	Proposed SunRail	Agricultural/Curtilage	Parks	Hospital
		Lot Line			
		Residential			
		Agriculture			



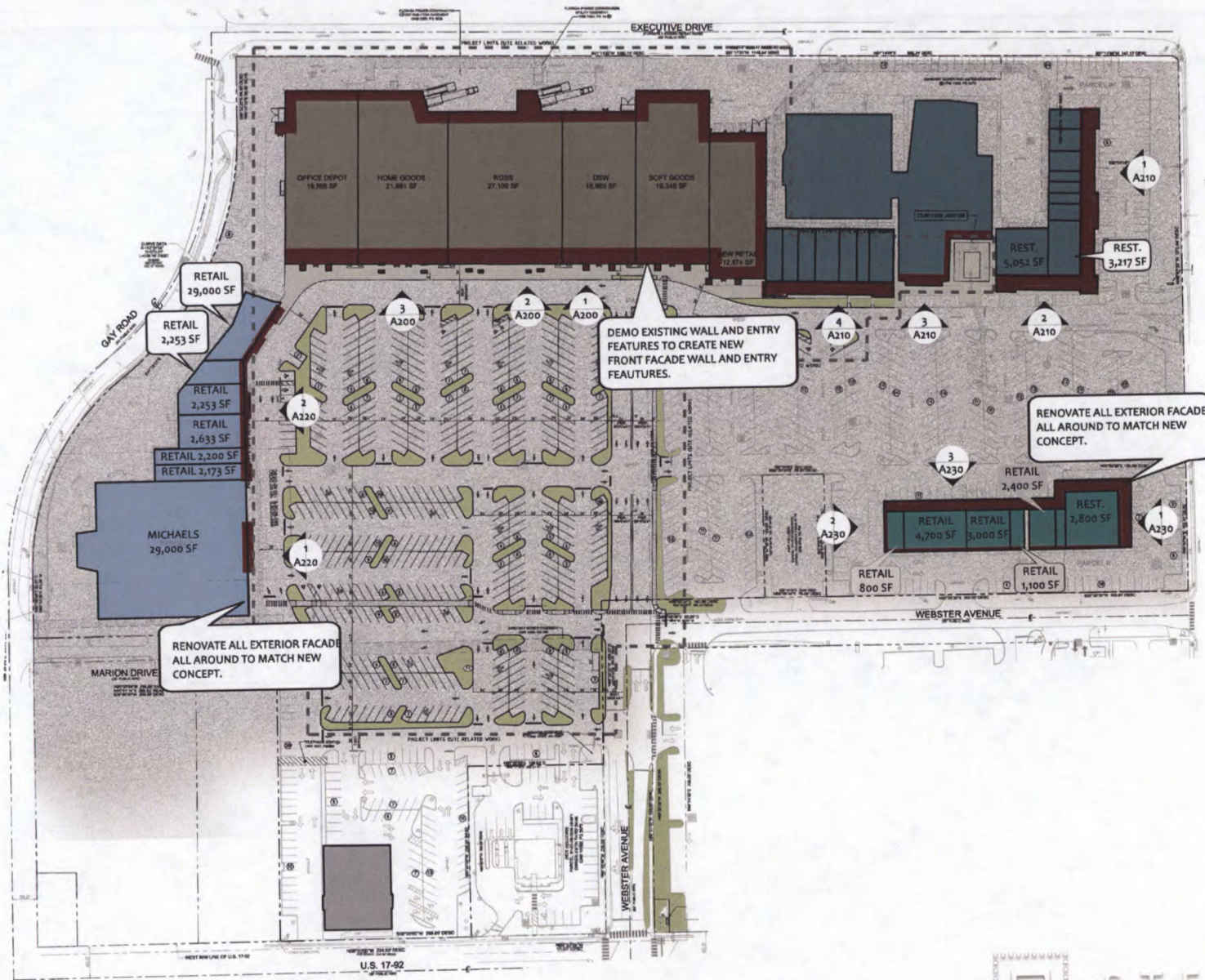
Courtesy Rick Singh, CFA, Orange County Property Appraiser



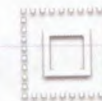
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- SOUTHWEST BUILDING
- NORTHWEST BUILDING
- SOUTHEAST BUILDING
- NORTHEAST BUILDING

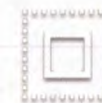


# WINTER PARK CENTER PROPOSED RENOVATION

CONDITIONAL USE APPLICATION  
NOVEMBER 4, 2015

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SP1	Civil Site Plan Enlarged Parking Calculation Chart Architectural Site Plan
A200	South West Building Elevations
A210	North West Building Elevations
A220	South East Building Elevations
A230	North East Building Elevations
A301	Proposed Renderings
A302	Proposed Renderings
A303	Proposed Renderings
A304	Proposed Renderings
A305	Proposed Renderings
A306	Proposed Renderings
A307	Proposed Renderings
A308	Proposed Renderings
A500	Monument Sign Diagram
A510	Monument Sign Rendering
L-1	Tree Mitigation Plan
L-2	Landscape Plan Lighting Plan Survey Sheet 1 of 2 Survey Sheet 2 of 2



STERLING  
ORGANIZATION









# PARKING ANALYSIS SUMMARY

	EXISTING	PROPOSED
RETAIL SF	239,482	209,746
RESTAURANT SF	19,403	34,480
TOTAL SF	258,885	244,226
PARKING REQ'D	1,035	1,064
PARKING PROVIDED	1,001	1,048
PARKING DEFICIENCY	34	16

# PARKING ANALYSIS DETAIL

SOUTHEAST BUILDING #	Name	Total SF	Seats	Parking Rate Calc Method	Req'd Parking
BIG BOX RETAIL					
131	Michaels	29,000	NA	85%sf @ 1:250 / 15%sf @ 1:1000	103
SMALL RETAIL					
137	Vacant	2,173	NA	1 per 250SF	9
139	Guber Optical & Eyeglass Boutique	2,200	NA	1 per 250SF	9
141	Vacant	2,633	NA	1 per 250SF	11
147	Vacant	1,500	NA	1 per 250SF	6
151	Vacant	1,240	NA	1 per 250SF	5
153	Great Clips	1,000	NA	1 per 250SF	4
155	Vacant	650	NA	1 per 250SF	3
157	Vacant	697	NA	1 per 250SF	3
EXIST'G RESTAURANTS					
145	Carlucci's of Winter Park	2,253	72	1 per 4 Seats	18
149	Tamarind Indian Cuisine	1,500	36	1 per 4 Seats	9
NEW RESTAURANTS					
None proposed					

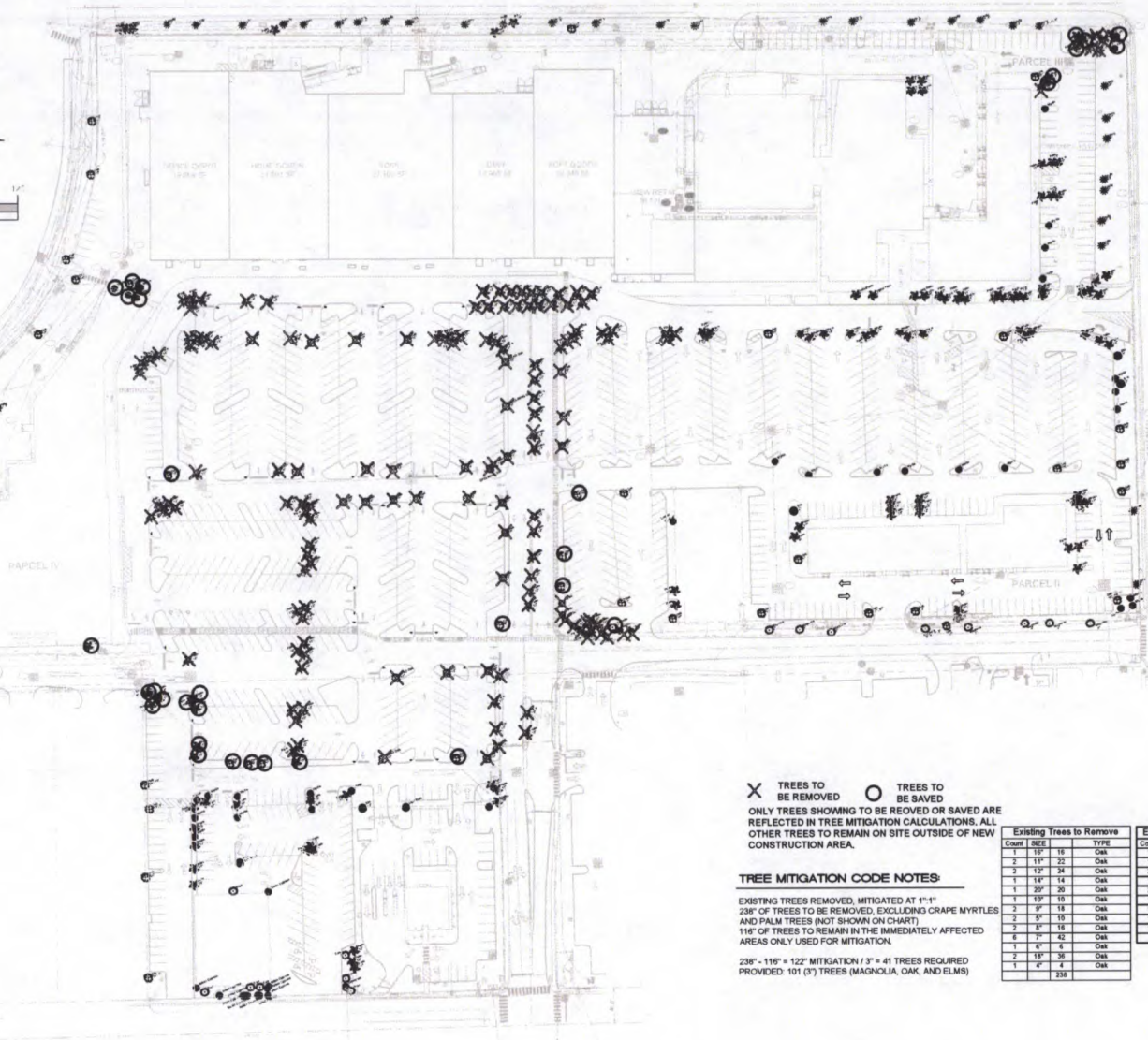
SOUTHWEST BLDG #	Name	Total SF	Seats	Parking Rate Calc Method	Req'd Parking
BIG BOX RETAIL					
201	Office Depot	19,568	NA	85%sf @ 1:250 / 15%sf @ 1:1000	70
203a	HomeGoods	21,891	NA	85%sf @ 1:250 / 15%sf @ 1:1000	78
203b	Ross	27,109	NA	85%sf @ 1:250 / 15%sf @ 1:1000	97
203c	DSW	16,965	NA	85%sf @ 1:250 / 15%sf @ 1:1000	61
203d	Soft Goods	19,345	NA	85%sf @ 1:250 / 15%sf @ 1:1000	69
203e	Retail	12,574	NA	85%sf @ 1:250 / 15%sf @ 1:1000	45
SMALL RETAIL					
None proposed					
EXIST'G RESTAURANTS					
None proposed					
NEW RESTAURANTS					
None proposed					

NORTHWEST BLDG #	Name	Total SF	Seats	Parking Rate Calc Method	Req'd Parking
BIG BOX RETAIL					
219	L.A. Fitness	37,360	NA	1 per 250SF	150
SMALL RETAIL					
209	His & Hers Hair Design	1,400	NA	1 per 250SF	6
211	H&R Block	1,400	NA	1 per 250SF	6
213	Sally's Beautify Supply	2,100	NA	1 per 250SF	9
215A	Vacant	1,470	NA	1 per 250SF	6
215B	Vacant	924	NA	1 per 250SF	4
EXIST'G RESTAURANTS					
217	El Proto Mexican Restaurant	2,150	76	1 per 4 Seats	19
235	Chung On	800	6	1 per 4 Seats	2
243	George's Cookies	1,000	12	1 per 4 Seats	3
NEW RESTAURANTS					
221-227	Proposed New Restaurant	5,052	130	1 per 3 Seats	44
229/231	Proposed New Restaurant	4,425	120	1 per 3 Seats	40

NORTHEAST BLDG #	Name	Total SF	Seats	Parking Rate Calc Method	Req'd Parking
BIG BOX RETAIL					
None proposed					
SMALL RETAIL					
301	GNC	800	NA	1 per 250SF	4
303-311 - retail portion	Vacant	1,700	NA	1 per 250SF	7
313	The UPS Store	1,000	NA	1 per 250SF	4
315	Gypsy Nails	1,000	NA	1 per 250SF	4
317	Prime Dental	1,100	NA	1 per 250SF	5
323/325 - retail portion	Vacant	947	NA	1 per 250SF	4
EXIST'G RESTAURANTS					
319-321	Thai Place	2,400	80	1 per 4 Seats	20
NEW RESTAURANTS					
303-311 - rest. portion	Proposed New Restaurant	4,000	100	1 per 3 Seats	34
323/325 - rest. portion	Proposed New Restaurant	2,800	80	1 per 3 Seats	27

OUTPARCEL 01 #	Name	Total SF	Seats	Parking Rate Calc Method	Req'd Parking
NA	Olive Garden	8,100	264	1 per 4 Seats	66





EXISTING TREES REMOVED, MITIGATED AT 1":1"  
238' OF TREES TO BE REMOVED, EXCLUDING GRAPE MYRTLES  
AND PALM TREES (NOT SHOWN ON CHART)  
116' OF TREES TO REMAIN IN THE IMMEDIATELY AFFECTED  
AREAS ONLY USED FOR MITIGATION.

Existing Trees to Remove			
Count	SIZE	TYPE	
2	11"	32	Oak
2	11"	32	Oak
2	12"	34	Oak
1	14"	14	Oak
1	20"	30	Oak
1	10"	15	Oak
2	9"	18	Oak
2	5"	10	Oak
2	8"	16	Oak
6	7"	42	Oak
1	6"	6	Oak
2	18"	36	Oak
1	6"	4	Oak
238			

Existing Trees to Remain			
Count	SIZE	TYPE	
1	7"	7	Magnolia
2	8"	16	Oak
1	17"	17	Oak
2	7"	14	Oak
1	8"	8	Oak
1	22"	22	Oak
1	10"	8"	18
1	8"	6	Oak
116			



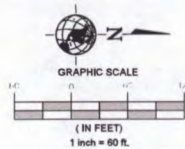
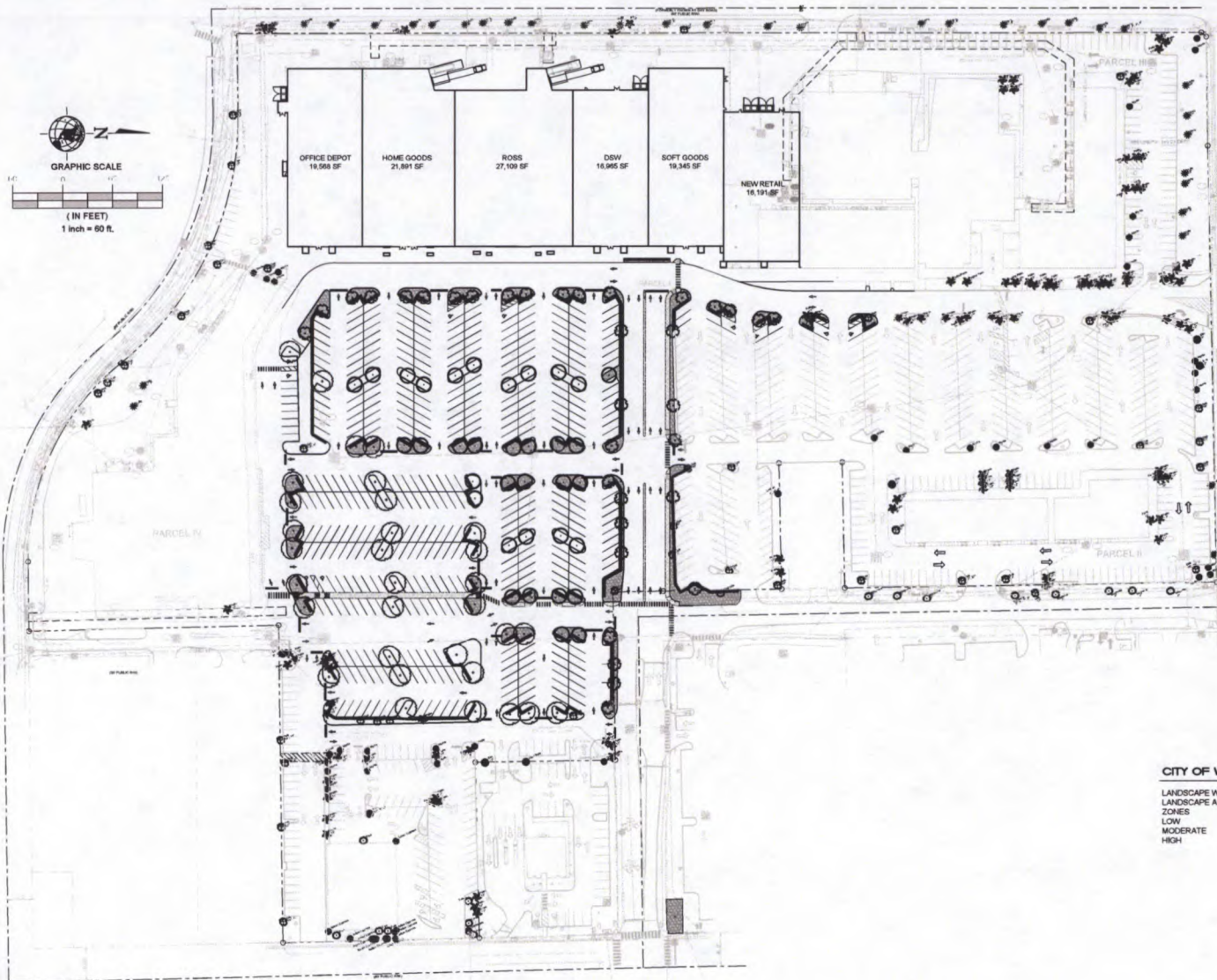
TREE MITIGATION PLAN  
 PROJECT NO.: 2015.168

[illegible]

John William Ewseychik, Jr.,  
Registered Landscape Architect  
FL Registration -LA 807

WINTER PARK CENTER  
WINTER PARK, FLORIDA





## PLANT LEGEND

### SHADE TREES

- LIVE OAK - QUERCUS VIRGINIANA  
8" CAL./8" SPREAD/12' HT.
- ALBICE BLM - ULMAS AMERICANA  
8" CAL./8" SPREAD/12' HT.
- SOUTHERN MAGNOLIA - MAGNOLIA GRANDIFLORA  
8" CAL./8" SPREAD/12' HT.

### SHRUBS / GROUND COVER

- YUCCA ORNAMENTAL - SWEET YUCCA  
30" HT. x 30" SPREAD / FULL / 50
- LIRIODENDRON - EMERALD GLOSSY LIRIODENDRON  
30" HT. x 30" SPREAD / 50
- FLAX LILY - DIANELLA TAYMANIA  
24" SPREAD / FULL / 10 - 24" O.C.
- PASTORALIS NOTATUM 'ARGENTINE' - ARGENTINE BAHIA  
SOLD, FREE OF PESTS AND DISEASES

ALL LANDSCAPE AREAS TO BE IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM.

### CITY OF WINTER PARK CODE NOTES

LANDSCAPE WATER USE ZONES IN SF / %  
LANDSCAPE AREA: 35,986 SF / 100% (Proposed area)  
ZONES  
LOW 19,395 SF / 51%  
MODERATE 17,421 SF / 49%  
HIGH 0 SF / 0%

**CADDSCAPES, INC.**  
Florida Landscape Architecture Firm  
1022 Palm Beach  
Daleway, FL 33478  
Office 407.710.5697

Landscape Architect:  
John Ewasychuk, RLA  
Landscape Designer:  
Jason Bridgewater,  
Florida Water Star AP

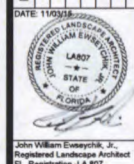
48 HOURS BEFORE YOU DIG  
CALL SUNSHINE  
1-800-454-4779 # 811  
IT'S THE LAW IN FLORIDA  
FLORIDA LAW REQUIRES  
EXCAVATORS TO NOTIFY  
OWNERS OF UNDERGROUND  
UTILITIES NO LESS THAN TWO  
(2) DAYS PRIOR TO EXCAVATION



TOTAL SHEETS  
L-1 AND L-2

**Z DEVELOPMENT**  
se r v i c e s  
CA 29354  
708 E. COLONIAL DR. STE 100  
ORLANDO, FL 32803  
PH: (407) 271-8910  
FAX: (407) 442-0604

DATE	REVISION



**WINTER PARK CENTER  
WINTER PARK, FLORIDA**

DATE: 11-3-15  
DRAWN: JB  
CHECKED: JE

**L-2**

LANDSCAPE PLAN  
PROJECT NO.: 2015.168



REVISIONS		
REV #	DATE	BY:
1	7/15/15	TO
2	11/4/15	TO

INTEGRATED

LIGHTING SOLUTIONS

1919 WINDSOR PLACE  
FORT WORTH, TX 76110  
WWW.WLSLIGHTING.COM

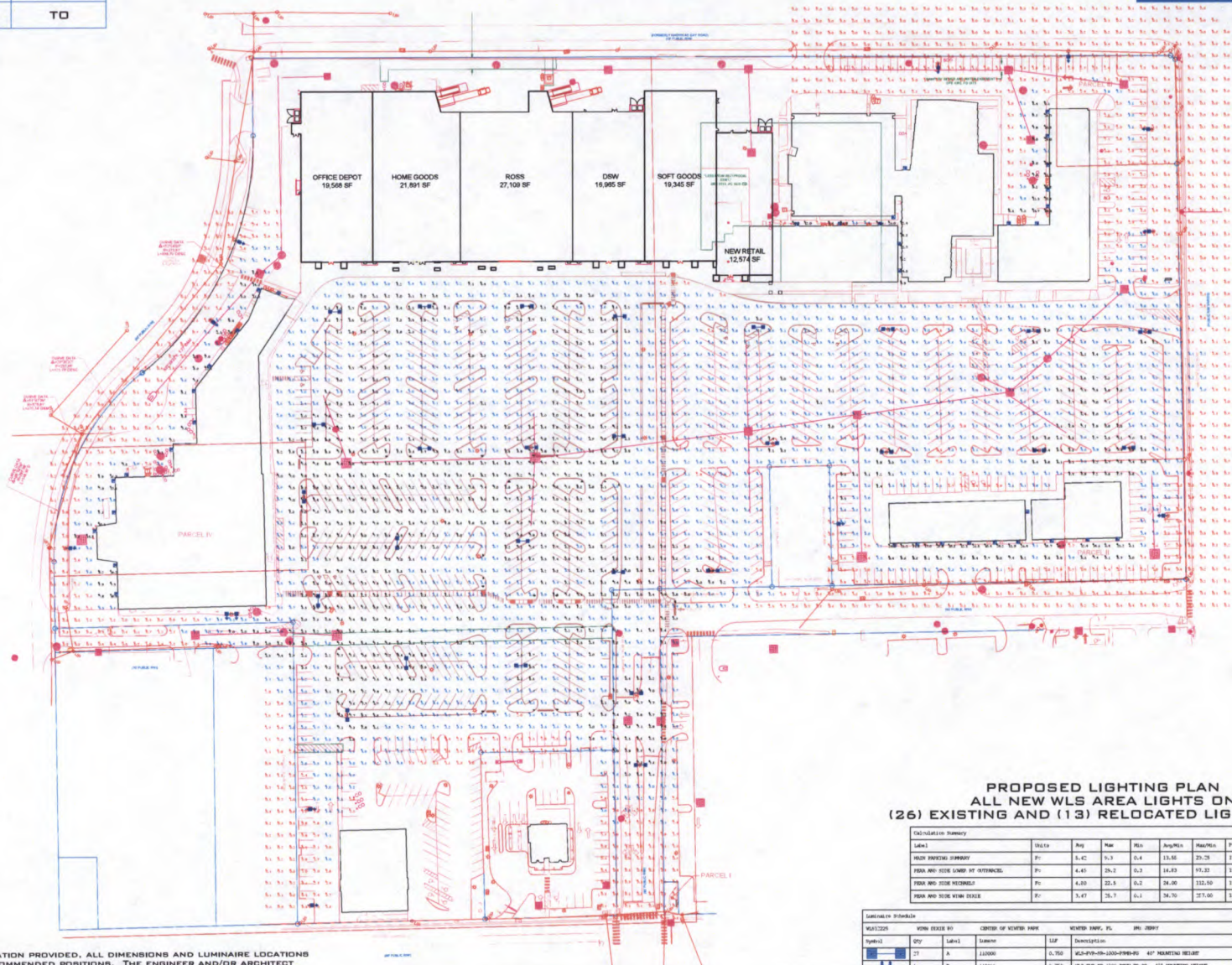
WLS LIGHTING SYSTEMS

Consider the Impact!

CENTER OF WINTER PARK

WINTER PARK, FL

PROPOSED LIGHTING PLAN



PROPOSED LIGHTING PLAN  
ALL NEW WLS AREA LIGHTS ON  
(26) EXISTING AND (13) RELOCATED LIGHT POLES

Calculation Summary									
Label	Volts	Req	Max	Min	Avg/Min	Max/Min	Footcandle	Footcandle	Footcandle
NEW RETAIL DEPOT	27	6.42	6.3	6.4	13.55	25.25	25	15	
ROAD AND SIDE DRIVE BY ENTRANCE	11	4.45	26.2	6.2	14.83	76.20	25	15	
ROAD AND SIDE DRIVE	11	4.80	22.5	6.2	16.66	102.00	25	15	
ROAD AND SIDE DRIVE DRIVE	11	5.47	25.7	6.1	16.70	275.00	25	15	

BASED ON THE INFORMATION PROVIDED, ALL DIMENSIONS AND LUMINAIRE LOCATIONS SHOWN REPRESENT RECOMMENDED POSITIONS. THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING OR FUTURE FIELD CONDITIONS.

THIS LIGHTING PATTERN REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS UTILIZING CURRENT INDUSTRY STANDARD LAMP RATINGS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS AND OTHER VARIABLE FIELD CONDITIONS.

Schedule of Materials									
QUANTITY	WINDSOR ST	CENTER OF WINTER PARK	WINTER PARK, FL	PM- JERRY					
Item	Qty	Label	Item	Qty	Description	Item	Qty	Description	Item
1	27	A	110000	0.750	WLS-PH-100-PH-45 45° MOUNTING HEIGHT	110000	0.750	WLS-PH-100-PH-45 45° MOUNTING HEIGHT	110000
2	11	B	110000	0.750	WLS-PH-100-PH-45 45° MOUNTING HEIGHT	110000	0.750	WLS-PH-100-PH-45 45° MOUNTING HEIGHT	110000
3	11	C	110000	0.750	WLS-PH-100-PH-45 45° MOUNTING HEIGHT	110000	0.750	WLS-PH-100-PH-45 45° MOUNTING HEIGHT	110000
4	27	D	N/A	0.400	WLS-CSPH-100-PH-45 15° MOUNTING HEIGHT	110000	0.750	WLS-PH-100-PH-45 45° MOUNTING HEIGHT	110000







**SPENDING DATA**

**SPENDING PATTERN OF NEW YORK CITY**  
The following table shows the estimated expenditures for the various categories of expenditures for the fiscal year 1990. The expenditures are shown in millions of dollars.

Category	Estimated Expenditures (in millions of dollars)
General Government	1,200.0
Police	1,500.0
Fire	1,000.0
Public Works	1,500.0
Health	1,000.0
Education	1,500.0
Transportation	1,000.0
Other	1,000.0

**NEW YORK CITY**  
The following table shows the estimated expenditures for the various categories of expenditures for the fiscal year 1990. The expenditures are shown in millions of dollars.

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General Government	1,200.0
Police	1,500.0
Fire	1,000.0
Public Works	1,500.0
Health	1,000.0
Education	1,500.0
Transportation	1,000.0
Other	1,000.0

[illegible]



ACCURIGHT SURVEYS OF ORLANDO INC., LB 4475  
2012 E. Robinson Street, Orlando, Florida 32803  
[www.AccurightSurveys.net](http://www.AccurightSurveys.net)  
ACCURIGHTSURVEYS.NET  
PHONE: (407) 884-4731

THIS SURVEY IS MADE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 5-17, FLORIDA BOARD OF LAND SURVEYING, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

  
 EDWIN R. STRIMLING BY PCK 0515

"NOT VALID UNLESS THE SIGNATURE AND THE ORIGINAL SEAL OF THE LICENSED SURVEYOR AND MAPPER."

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 EDWIN R. STRIMLING BY PCK 0515

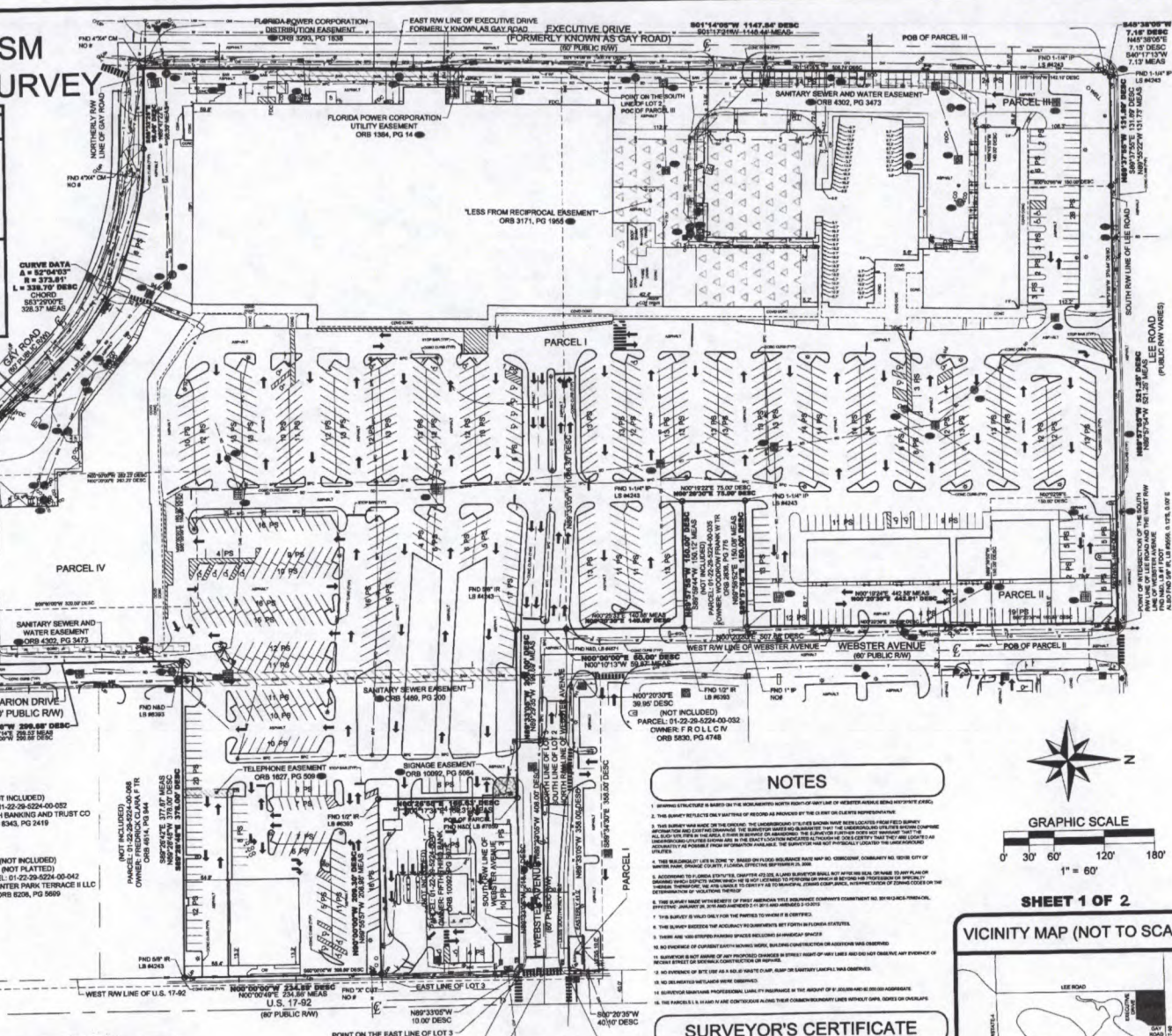
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 EDWIN R. STRIMLING BY PCK 0515

"NOT VALID UNLESS THE SIGNATURE AND THE ORIGINAL SEAL OF THE LICENSED SURVEYOR AND MAPPER."

[illegible]

### SCHEDULE B-2 - EXCEPTIONS

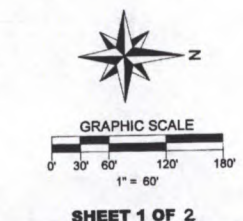
[illegible][illegible]

TO: EDWARD WINTER PARK, L.P., 5000 GARDEN PARK, NATIONAL ASSOCIATION, ITS SUCCESSORS AND ASSURED, FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED, HEREIN DEPOSITED IN ACCORDANCE WITH THE JOINT STATUTES ESTABLISHING TITLE REQUIREMENTS FOR A THOUSAND AND FIFTY (1500) FEET STRIP OF LAND AND ACCEPTED BY PLATING MAPS AND INCLUSIVE TOWNS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 AND 17 OF TOWNSHIP 2 NORTH, RANGE 2 WEST, COUNTY OF TULSA, OKLAHOMA, HAS BEEN COMPLETED.

*Frank A. Rogers, State*

DATE: 10-26-15



A map showing the location of Lake Villanoy. The lake is situated south of Lee Road and east of Wyngames Avenue. To the east of the lake is the U.S. 90 bridge. A compass rose indicates North is towards the top-left of the map.

DATE	JOB #	REVISION	B
10/8/15	NA	ADJUST BUILDING DIMENSIONS	3
10-26-15	43537	TOPOGRAPHIC SURVEY	M

SCALE: 1" = 50'	CF# OCP-86PAR201-36-93	JOB #41767
FIELD DATE: 01/29/15		DRAWN BY: TWR
PREPARED FOR:	<b>SVAP WINTER PARK, L.P.</b>	
LOCATION:	201 & 501 N ORLANDO AVENUE WINTER PARK, ORANGE COUNTY, FLORIDA 32789	
	SUBDIVISION NAME:	LORDS
		SUBDIVISION





3 SOUTHWEST BUILDING ELEVATION



2 SOUTHWEST BUILDING ELEVATION



1 SOUTHWEST BUILDING ELEVATION

SHEET A200



STERLING  
ORGANIZATION

ELEVEN  
18  
ARCHITECTURE





④ NORTHWEST BUILDING ELEVATION



③ NORTHWEST BUILDING ELEVATION



② NORTHWEST BUILDING ELEVATION



① NORTHWEST BUILDING ELEVATION

SHEET A210



STERLING  
ORGANIZATION

ELEVEN  
18  
ARCHITECTURE  
A COMMUNITY DESIGN PRACTICE





3 SOUTHEAST BUILDING ELEVATION



2 SOUTHEAST BUILDING ELEVATION



1 SOUTHEAST BUILDING ELEVATION

SHEET A220



STERLING  
ORGANIZATION

ELEVEN  
18  
ARCHITECTURE  
A THORNTON TOMLINSON COMPANY





④ NORTHEAST BUILDING ELEVATION



③ NORTHEAST BUILDING ELEVATION



② NORTHEAST BUILDING ELEVATION



① NORTHEAST BUILDING ELEVATION



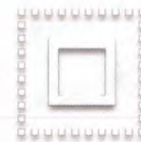




PROPOSED FACADE



EXISTING FACADE



STERLING  
ORGANIZATION

ELEVEN  
18  
ARCHITECTURE  
A WOMEN'S BUSINESS ENTERPRISE





PROPOSED FACADE



EXISTING FACADE



STERLING  
ORGANIZATION

ELEVEN  
18  
ARCHITECTURE  
A WOMEN'S BUSINESS ENTERPRISE

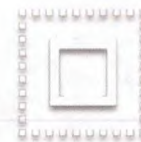




PROPOSED FACADE



EXISTING FACADE



STERLING  
ORGANIZATION

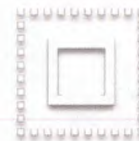




PROPOSED FACADE



EXISTING FACADE



STERLING  
ORGANIZATION

ELEVEN  
18  
ARCHITECTURE  
A WOMEN'S BUSINESS ENTERPRISE

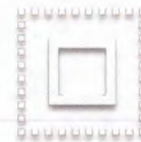




PROPOSED FACADE



EXISTING FACADE



STERLING  
ORGANIZATION

ELEVEN  
18  
ARCHITECTURE  
A WOMEN'S BUSINESS ENTERPRISE

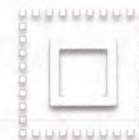




PROPOSED FACADE



EXISTING FACADE



STERLING  
ORGANIZATION

ELEVEN  
18  
ARCHITECTURE  
A WOMEN'S BUSINESS ENTERPRISE

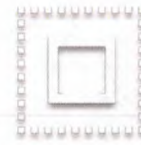




PROPOSED FACADE



EXISTING FACADE



STERLING  
ORGANIZATION

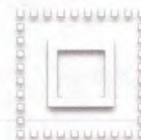




PROPOSED FACADE



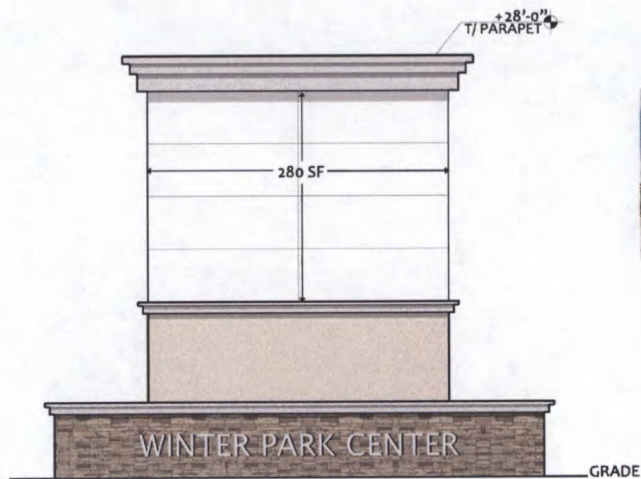
EXISTING FACADE



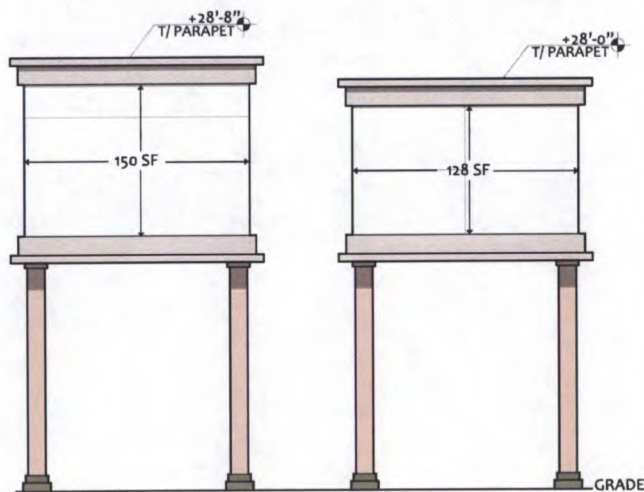
STERLING  
ORGANIZATION

ELEVEN  
18  
ARCHITECTURE  
A WOMEN'S BUSINESS ENTERPRISE





PROPOSED MONUMENT SIGN ON 17-92  
TOTAL SIGN AREA= 280 SF

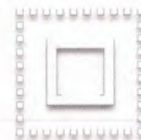


EXISTING MONUMENT SIGNS ON 17-92  
TOTAL SIGN AREA= 278 SF



PROPOSED MONUMENT SIGN

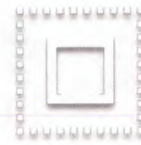
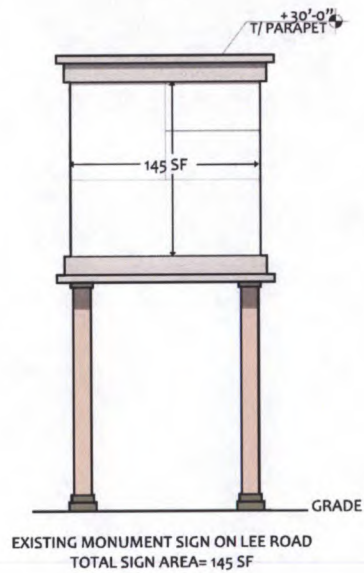
SHEET A500



STERLING  
ORGANIZATION

ELEVEN  
18  
ARCHITECTURE  
A WOMEN'S BUSINESS ENTERPRISE







# city commission public hearing

item type	Public Hearing	meeting date	December 14, 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 Request for a Third Floor at 425 West New England Avenue.**

This public hearing involves the request by the Sydgan Corp. to add a third story onto the existing two-story building at 425 W. New England Avenue, zoned C-2. This is a Conditional Use because third stories in the C-2 zoning district require Conditional Use approval.

### **Summary:**

All of the previous redevelopment on West New England Avenue that has occurred involving three story buildings has also been done via Conditional Use approvals, which is a requirement of the C-2 zoning district. The general philosophy of those Conditional Use approvals has been to encourage "live, work and play" along the West England Avenue corridor. The third floors of the 558 W. New England building (Dexter's), the 444 W. New England building and the two buildings adjacent to this site at 433 & 411 W. New England have included residential third floors to add the "live" element to the "live, work and play" along this corridor. All of those third floor Conditional Uses have been approved with the condition that the third floors are deed restricted to remain residential. This policy was subsequently adopted as a Comprehensive Plan policy requirement.

### **Project Development Standard Parameters:**

The CBD land use and C-2 zoning allow up to a 200% floor area ratio (FAR). This third floor of approximately 1,700 square feet added onto the first two floors is a total building FAR of 63%. The proposed building height is at the maximum 40 feet permitted for three story building plus a one foot, eight inch parapet.

The two parking spaces required for the proposed one residential living unit on this third floor are to be created via a cantilevered parking system over the existing storm water retention area to the rear in the parking lot. That cantilevered system would hold three parking spaces and the dumpster. The detailed plan would rely upon Public Works Dept. approval. One residential living unit creates up to 12 new car trips per day based on the I.T.E. data, so this increase is de minimus.

The proposed setback of this third floor on the New England Avenue street frontage needs a zoning variance or exception. In order to encourage building articulation and terracing on the third floors, the Comprehensive Plan requires that the third floor be set back from the two floors below via a prescriptive one foot for each foot of floor height "on street frontages".

In the C-2 zoning code, the terracing requirement is more generic and it requires that for “any building over two stories...a significant portion of the top floor shall be terraced and stepped back from the exterior face of the next lower floors”. The purpose is to mandate more appealing architectural facades that are seen by the public other than just a flat wall.

In this case, the third floor has no setback (zero feet) from the two floors below. As such, the applicant is asking for a zoning exception or variance to this requirement for additional third floor terracing or setback. Those Comp. Plan policies and Zoning Code sections are included as an appendix to this staff report. Due to the fact that all of the other three story buildings in this block were built prior to the third floor terracing or setback requirement, the planning staff supported the variance or exception requested.

The scale of this project and the materials presented allows the City to combine the Preliminary and Final Conditional Use approvals. The final civil engineering and landscape plans can be administratively approved. There will be some Building/Life Safety Code challenges for adding a third floor onto an existing building and the need to maintain the required storm water retention but those can be designed successfully. The Code requires two public hearings for approval by the City Commission for three story buildings within the Central Business District.

### **Planning and Zoning Board Review:**

The Planning and Zoning Board agreed that the City has been successfully encouraging the creation of a “live, work and play” environment along West New England Avenue via the C-2 zoning and conditional use approvals for third floors when used residentially. The third floor setback variance was deemed consistent with the existing character of the other three story buildings in this block.

### **Planning Staff Recommendation:**

The Planning staff recommendation was the same as approved by the Planning and Zoning Board.

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

**Motion made by Peter Weldon, seconded by Randall Slocum to approve the Conditional Use to construct a third story onto the existing two story building at 425 West New England Avenue, zoned (C-2) subject to the following conditions as recommended by staff:**

- 1. That the Public Works Department must approve the modifications to the storm water retention area so that the water quality and water retention requirements continue to be met.**
- 2. That zoning exceptions/variances are granted for the absence of third floor terracing and articulation along New England Avenue.**
- 3. That if any new electric transformer/switch gear or backflow preventers are required that they be located where not visible from a public street and shall also be landscaped so as to be effectively screened from view.**
- 4. That the project comply with the Comprehensive Plan policy requiring deed restriction of this third floor to residential use only.**

**Motion carried unanimously with a 7-0 vote.**



## **P&Z Minutes – December 1, 2015:**

### **REQUEST OF THE SYDGAN CORP. FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT A THIRD STORY ONTO THE EXISTING TWO STORY BUILDING AT 425 WEST NEW ENGLAND AVENUE, ZONED (C-2).**

Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing involves the request of the Sydgan Corporation to add a third story onto the existing two-story building at 425 W. New England Avenue, zoned C-2. This is a Conditional Use because third stories in the C-2 zoning district require Conditional Use approval. He discussed the CRA, zoning background and history on New England. He provided an overview of the project development standard parameters with regard to the C-2 zoning (FAR, square footage, setbacks, and building heights). The proposed setback of this third floor on the New England Avenue street frontage needs a zoning variance or exception. The scale of this project and the materials presented allows the City to combine the Preliminary and Final Conditional Use approvals. The final civil engineering and landscape plans can be administratively approved. However, the Code requires two public hearings for approval by the City Commission for three story buildings within the Central Business District. Mr. Briggs summarized by stating that the City has been successfully encouraging the creation of a “live, work and play” environment along West New England Avenue via the CBD future land use designations, C-2 zoning and conditional use approvals for third floors when used residentially. There are some Building/Life safety Code challenges for adding a third floor onto an existing building and the challenge of maintaining the required storm water retention. But aside from the third floor setback variance the plan is consistent with other approvals granted along this corridor. Staff recommendation is for approval of both the Preliminary and Final Conditional Use approvals with conditions:

Dan Bellows, the applicant, 411 West New England Avenue, agreed with the staff report. He said that the third floor would be built with the same materials used in constructing the first two. No one else wished to speak concerning the request. Public Hearing closed.

The P&Z Board members expressed that this project is consistent with previous approvals for residential units on the third floor along West New England and given that all the existing three story buildings within this block were built prior to 2009 when the third floor setback rule was adopted that the variance would be consistent and compatible with the street character.

**Motion made by Peter Weldon, seconded by Randall Slocum to conditional use approval to construct a third story onto the existing two story building at 425 West New England Avenue, zoned (C-2) subject to the following conditions as recommended by staff:**

- 1. That the Public Works Department must approve the modifications to the storm water retention area so that the water quality and water retention requirements continue to be met.**
- 2. That zoning exceptions/variances are granted for the absence of third floor terracing and articulation along New England Avenue.**
- 3. That if any new electric transformer/switch gear or backflow preventers are required that they be located where not visible from a public street and shall also be landscaped so as to be effectively screened from view.**
- 4. That the project comply with the Comprehensive Plan policy requiring deed restriction of this third floor to residential use only.**

**Motion carried unanimously with a 7-0 vote.**

## Relevant Comprehensive Plan policies:

**Policy 1-3.8.9: Preserve the Pedestrian Scale and Orientation of the CBD and Restrict Building Height.** The City shall preserve the pedestrian scale and orientation of the Winter Park Central Business District Boundary Map, as defined in the Definitions section of this Comprehensive Plan, by limiting development for any property to two stories in height or three stories (including any mezzanine levels) on a case by case basis via conditional use approval by the City Commission for any third floor. The pedestrian orientation is also protected by prohibiting new drive-in businesses within the C-2 zoning locations east of Virginia Avenue. Approvals or other variances for more than three stories are prohibited. **Third floors approved by conditional use must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor.** Properties designated low density residential and properties limited to two stories on the Maximum Height Map are not candidates for the 3 story height conditional use. *Policy amended to reflect changes as adopted on July 14, 2014 per Ordinance 2970-14 and 2971-14.*

**Policy 1-3.2.3: Hannibal Square Neighborhood Commercial District.** Comprehensive Plan land use policies shall foster redevelopment of the Hannibal Square Neighborhood Commercial District with its own distinct individual scale and character but sharing some of the characteristics of the Central Business District. Commercial, office and residential development policies shall permit buildings footprints that have minimal setbacks from the street in order to foster a pedestrian friendly environment and design standards shall require streetscape amenities and foster architectural features that promote a human scale. **These policies shall be implemented within the Hannibal Square Neighborhood Commercial District, limited to:**

- 1) Properties abutting Morse Boulevard between Capen Avenue and Virginia Avenue;
- 2) **Properties abutting New England Avenue between Pennsylvania and New York Avenues;**
- 3) Properties abutting Pennsylvania Avenue between Lyman and Garfield Avenues, including those existing commercial properties just north of Garfield Avenue; and
- 4) Properties abutting Hannibal Square East.

The C-2 zoning district delineation shall only be applied to properties designated CBD on the Future Land Use Map. Pursuant to CRA policy direction, mixed use buildings are encouraged. **Two story maximum building heights shall be the maximum permitted, except the City may permit third stories when limited to residential use and deed restricted for residential usage only.** Building heights on the north end of Pennsylvania Avenue shall be two stories maximum when transitioning to residential. Shared parking shall be encouraged and enforced whenever parking management plan approvals are granted. The implementing land development regulations must ensure that compatible land use relationships occur, particularly between land uses within perimeter areas of the Hannibal Square Neighborhood Commercial District and areas 500 feet outside this area so as to protect the surrounding residential areas and local churches.

## Relevant C-2 Zoning excerpts:

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

- (a) *Purpose and intent.*

(1) This commercial zoning district is limited to the commercial portion of the geographic downtown area known as the Central Business District and the similar commercial area of the city within the Hannibal Square Neighborhood Commercial District (HSNCD) of the City's Community Redevelopment Area (CRA). As detailed in the Comprehensive Plan, Commercial (C-2) district zoning is not permitted on any property except if it is within the Central Business District "potential C-2 zoning" area depicted in the CBD Map (D-2) in the definitions section, generally described as west of Knowles Avenue, south of Swoope Avenue, north of Comstock Avenue and east of and including the New York Avenue Corridor or it is on properties abutting Morse Blvd between Capen and Virginia Avenues, abutting New England Avenue between Pennsylvania and New York Avenues, abutting Pennsylvania Avenue between Garfield and Lyman Avenues, or abutting Hannibal Square, East. No applications for C-2 zoning shall be accepted for any property outside these designated areas. Moreover, even properties within these designated areas shall have no vested right to C-2 zoning. This district has different requirements than other commercial areas especially pertaining to setbacks, parking requirements, height limitations and permitted land uses. This district is established to encourage the continuation of the present unique Park Avenue business district of the city and to provide for its use within certain other defined geographical areas as specified in the Comprehensive Plan.

(b) *Permitted uses.*

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

(c) *Conditional uses.*

(3) Buildings with a third floor and up to forty (40) feet in height, provided that such conditional use approvals require two public hearing approvals by the city commission;

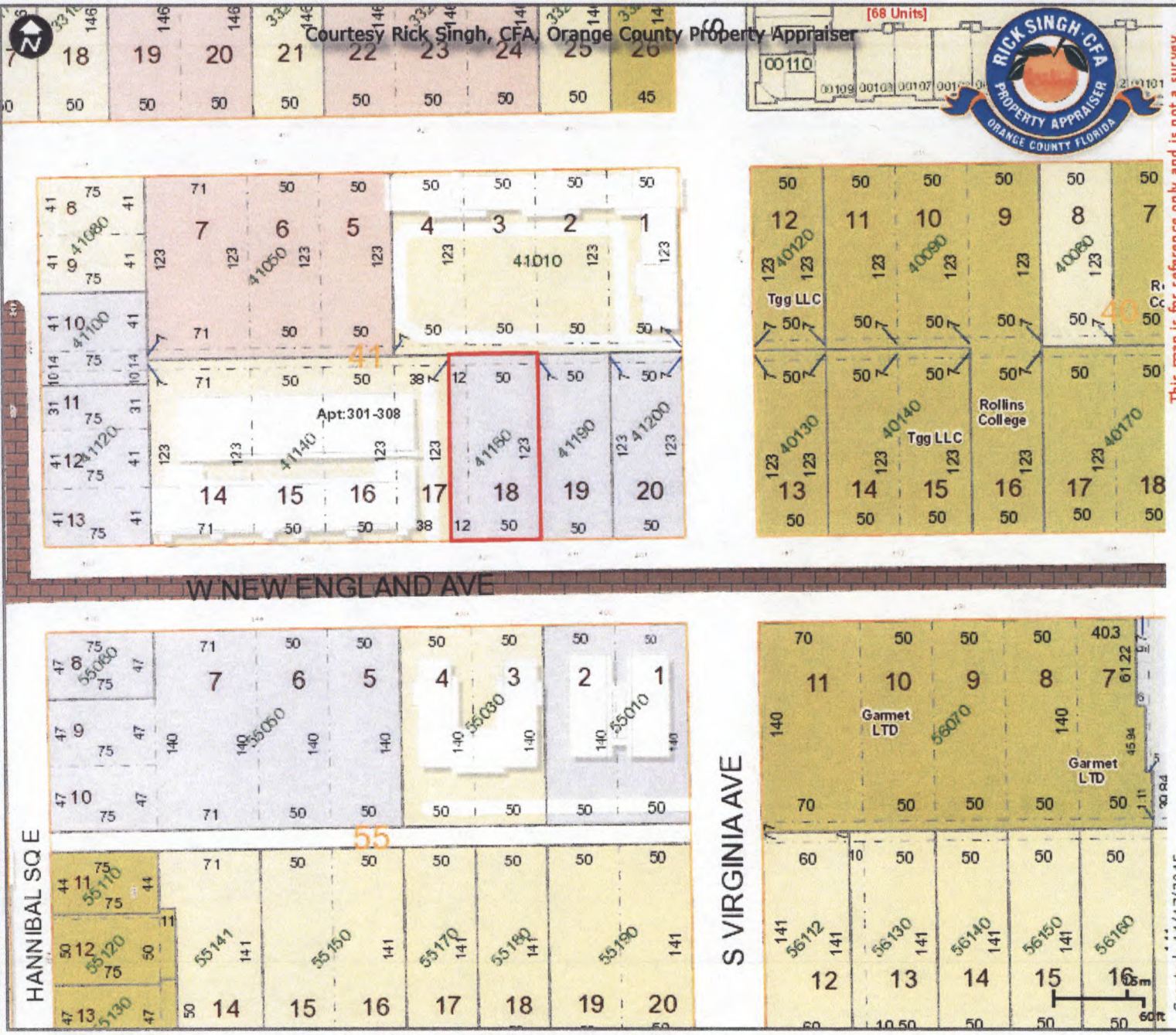
(e) *Development standards.*

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

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




































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



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



-  Florida turnpike
-  Interstate 4
-  Toll Road
-  Major Roads
-  Public Roads
-  Gated Roads
-  Road Under Construction
-  Proposed Road
-  US Road
-  State Road
-  County Road
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-  Waste Land
-  Agricultural Curtilage
-  County Boundary
-  Parks
-  Golf Course
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-  Block Number
-  Lot Number
-  Parcel Number
-  Parcel Address
-  Parcel Dimension



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

Created: 11/17/2015

















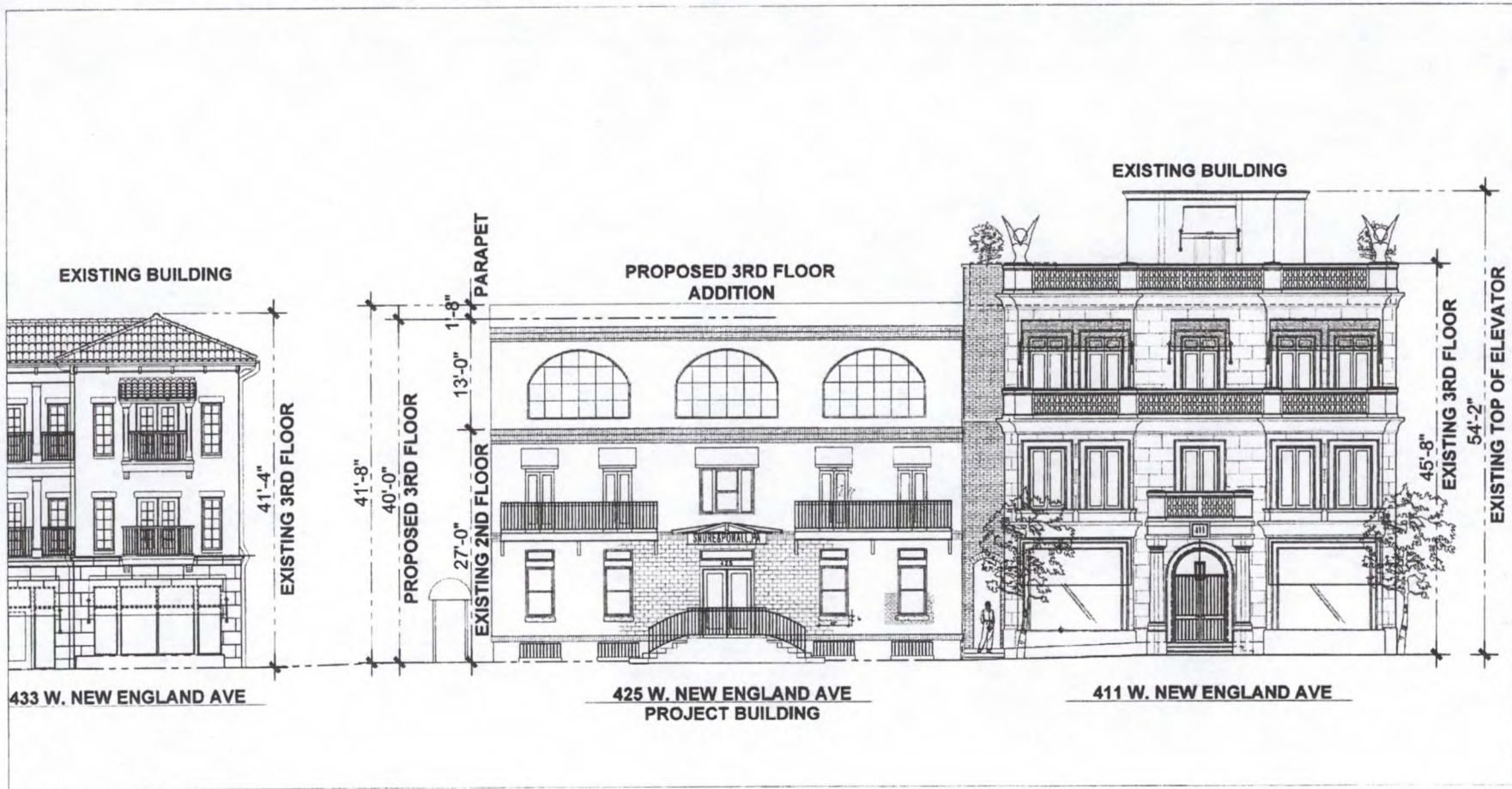
MARGARET H. O'ROURKE DESIGNS, INC.  
PO BOX 2971 WINTER PARK, FLORIDA 32790  
MC@MODinc.US TEL 407.740.5585

425 W. NEW ENGLAND AVE.  
WINTER PARK, FL 32789

DWG NO.	SCALE	AS NOTED	DATE	NO.	REVISIONS
B	AS NOTED	DATE	11-4-2015		

REAR & SIDE ELEVATION





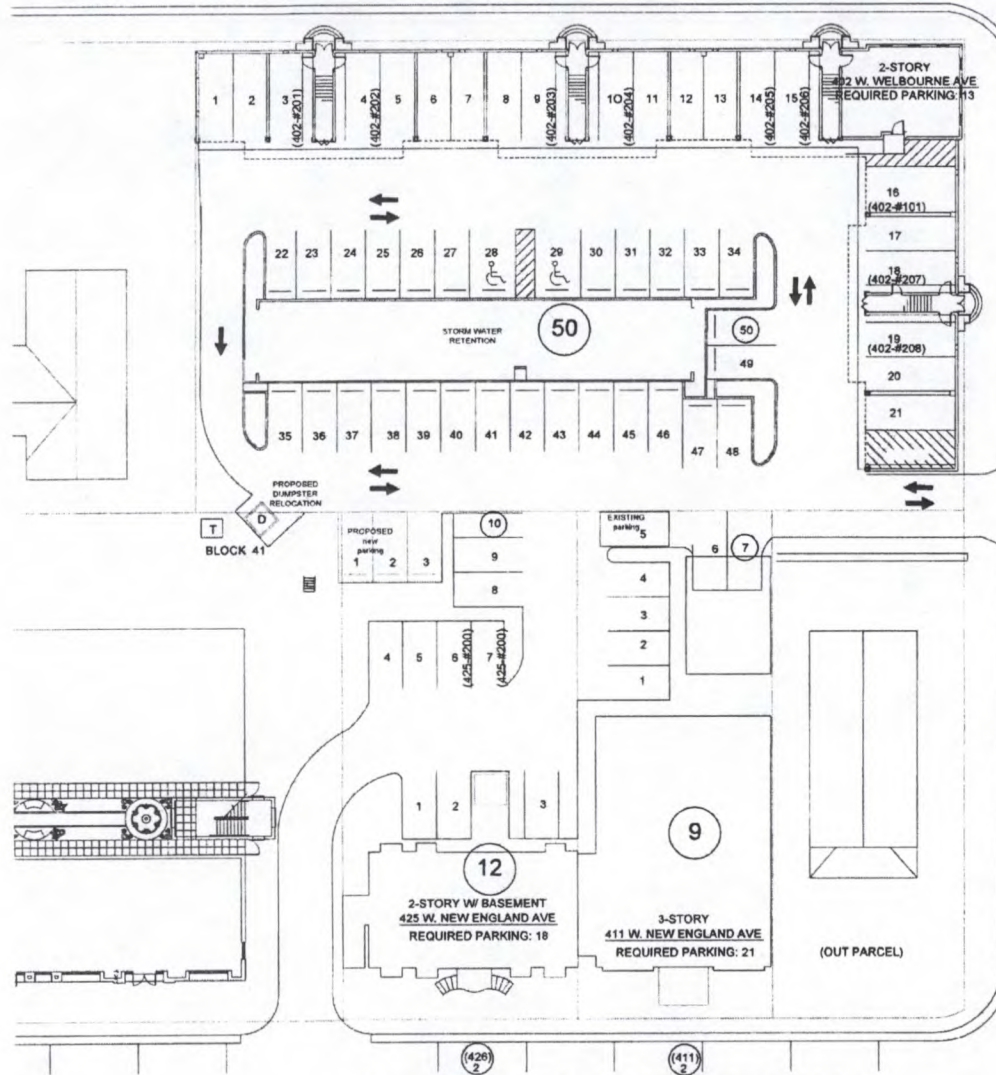
MARGARET H. O'ROURKE DESIGNS, INC.  
PO BOX 2071 WINTER PARK, FLORIDA 32789  
MC@MODINC.US TEL / 407 / 4635585

DWG NO.	SCALE	DATE	NO.	REVISIONS
A	AS NOTED	11-4-2015		

FRONT ELEVATION AT STREET

425 W. NEW ENGLAND AVE.  
WINTER PARK, FL 32789

W. WELBOURNE AV.



N. VIRGINIA AV.

W. NEW ENGLAND AVE

425 W. NEW ENGLAND AVE.  
WINTER PARK, FL 32789

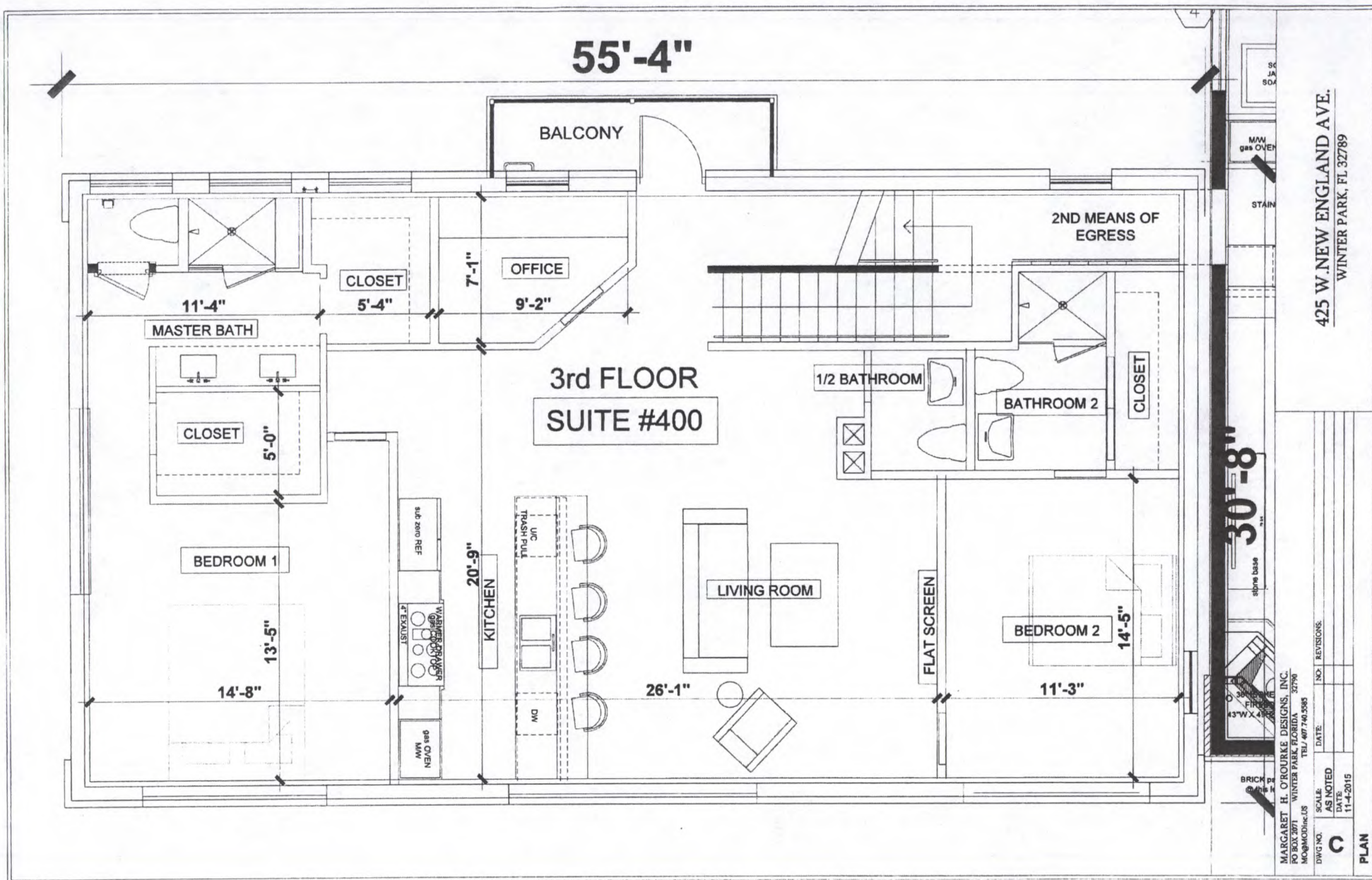
MARGARET H. O'ROURKE DESIGNS, INC.  
PO BOX 2071 WINTER PARK, FLORIDA 32790  
MOBMOD Inc. US TEL: 407.40.5585

DWG NO. SCALE: AS NOTED DATE: 11-4-2015

NO. REVISIONS.

PARKING





425 W. NEW ENGLAND AVE.  
WINTER PARK, FL 32789

MARGARET H. O'ROURKE DESIGNS, INC.  
PO BOX 2071 WINTER PARK, FLORIDA 32790  
MO@MODinc.US TEL: 407.740.5585

NO. 1 REVISIONS:

DATE:

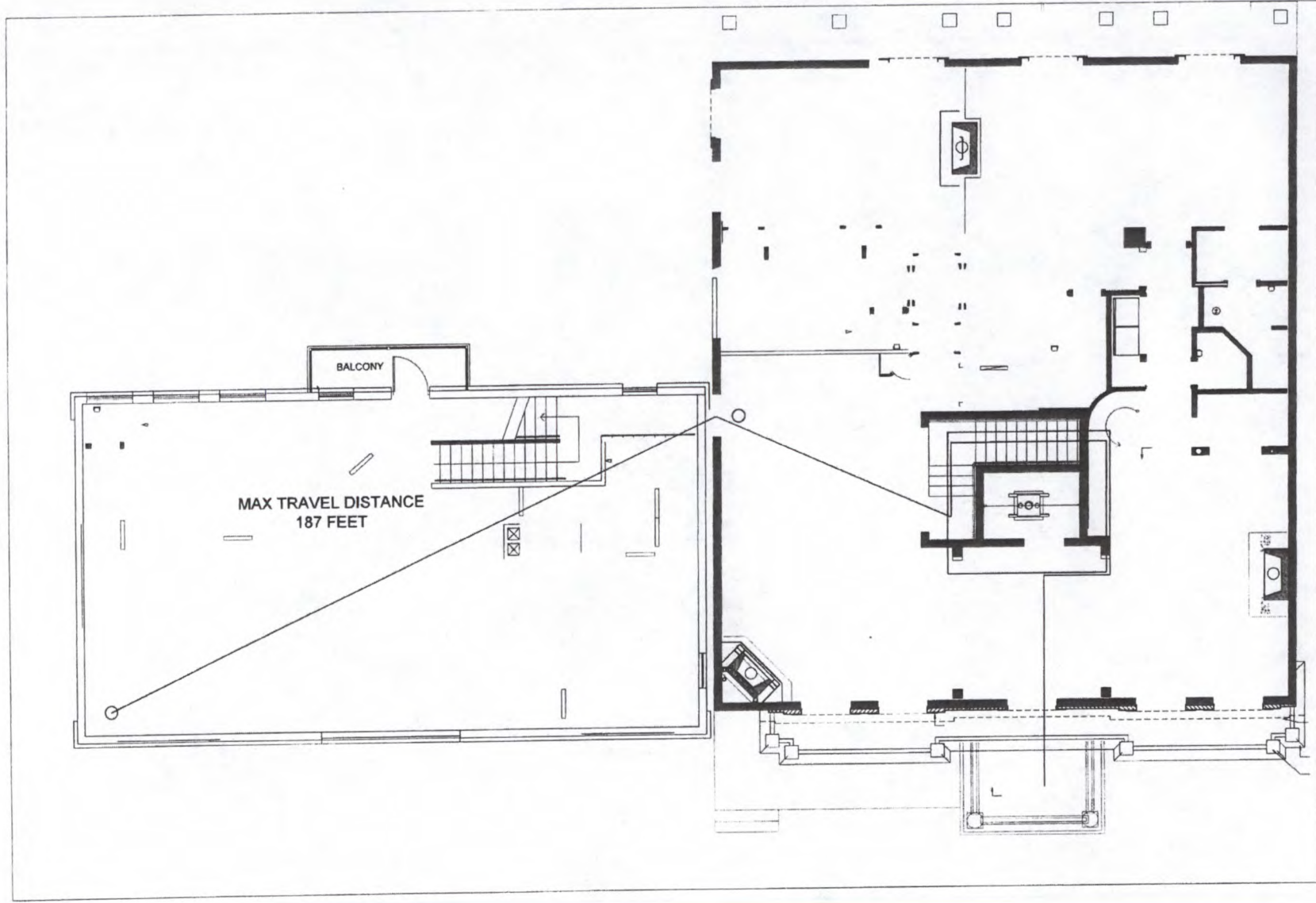
SCALE: AS NOTED

DATE: 11-4-2015

DWG NO. C

PLAN





MARGARET H. O'ROURKE DESIGNS, INC.  
 10 BOX 2011 WINTER PARK, FLORIDA 32789  
 MO@MCDInc.US TEL/ 407.740.5595

425 W. NEW ENGLAND AVE.  
 WINTER PARK, FL 32789

DWG NO	SCALE	DATE	NO.	REVISIONS
G	AS NOTED	11-4-2015		

TRAVEL DISTANCE



# city commission public hearing

item type	Public Hearing	meeting date	December 14, 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: Request for Additional Height for a Church Steeple at 216 West Lyman Ave.

This public hearing is the request by the Sydgan Corp. to add a steeple to the roof of the Grant Chapel building at 216 West Lyman Avenue, zoned O-2 and to exceed the 35 feet permitted in the O-2 zoning district up to 43 feet of total height for the steeple.

### Summary:

Grant Chapel was constructed in 1935 at 301 West New England Avenue as an African Methodist Episcopal Church. As the congregation dissipated the Church became inactive and in 2002 the property and church building were sold to the applicant. In 2013 the City Commission approved the relocation of the Grant Chapel to the current location at 216 West Lyman Avenue and rezoned that property to office (O-2) to allow a business use of that building.

While Grant Chapel was a church at one time, it is in reality a commercial building that formerly was a Church. The perspective for this request should be "is a height variance to a commercial building at 216 W. Lyman Avenue appropriate and compatible with the location and context".

The specific request is to add a 19 foot, 8 inch steeple on top of the existing 23 foot, 4 inch Church building for a total height of 43 feet. The Office O-2 zoning has a maximum height of 35 feet. The Zoning Code allows the City Commission, following a recommendation from P&Z, to approve up to an additional 8 feet of height for "architectural appendages". The key factor in the Zoning Code is that such an approval must be "based on a finding that said features are compatible with adjacent projects".

### Planning Staff Recommendation:

The Planning staff based its recommendation on the standard cited in the Zoning Code that such an approval must be "based on a finding that said features are compatible with adjacent projects". There is no building/project within this section of West Lyman Avenue that has any architectural element that is 43 feet in height and no building taller than 30 feet on this section of West Lyman Avenue.

From the staff's perspective, to add a steeple of almost another 20 feet in height onto the existing building was not compatible with the adjacent projects/buildings that are residential. The applicant can add a steeple up to 35 feet in height but to staff there was no justification or need for an additional 8 foot height variance. The staff recommendation was for denial.

### Planning and Zoning Board Review:

The P&Z Board recognized that the existing building heights on West Lyman Avenue are one and two stories of 25-30 feet in height corresponding to the height of the existing Grant Chapel building. However, they noted that many other Churches within residential neighborhoods have steeples that exceed the height limits of the surrounding buildings.

The P&Z Board also recognized that the City has permitted other height variances for such things as the cupola on the roof of the Chamber of Commerce/Welcome Center building and at the Douglas Grande building at New York Avenue and Morse Blvd.

### Planning and Zoning Board Recommendation:

**Motion made by Peter Gottfried, seconded by J. Johnston to recommend approval to construct a steeple on top of the Grant Chapel building at 216 West Lyman Avenue, zoned O-2 to a total height of 43 feet. This approval is necessary in order to exceed the 35 foot height limit of the O-2 zoning district.**

**Motion carried with a 6-1 vote. Peter Weldon voted no.**

### Relevant Zoning excerpts:

#### **Sec. 58-84. General Provisions for Non-Residential Zoning Districts.**

(c) *Architectural towers, spires, chimneys, or other architectural appendages, etc.*

(1) Any architectural tower, spire, chimney, flag pole or other architectural appendage to a building shall conform to that districts height limit. However, when necessary to meet the building code requirements, chimneys may exceed the height by that minimum required distance.

(2) If provided for within the respective non-residential zoning district, architectural appendages, embellishments and other architectural features may be permitted to exceed the roof heights specified in that section, on a limited basis encompassing no more than thirty (30) percent of the building roof length and area, up to eight (8) feet of additional height upon approval of the City Commission, based on a finding that said features are compatible with adjacent projects. For any such approval not part of a conditional use request the planning and zoning commission will review the plans at a public hearing after notification of such request is mailed to all owners of property within 500 feet. The planning and zoning commission will make a recommendation to the city commission for their final decision.



## P&Z Minutes – December 1, 2015:

**REQUEST OF THE SYDGAN CORP. FOR:** APPROVAL TO CONSTRUCT A STEEPLE ON TOP OF THE GRANT CHAPEL BUILDING AT 216 WEST LYMAN AVENUE, ZONED O-2. THE PROPOSED 19 FOOT-8 INCH TALL STEEPLE ADDED TO THE 23 FOOT-4 INCH HEIGHT OF THE EXISTING BUILDING IS A TOTAL HEIGHT OF 43 FEET. THIS APPROVAL IS NECESSARY IN ORDER TO EXCEED THE 35 FOOT HEIGHT LIMIT OF THE O-2 ZONING DISTRICT.

Planning Manager Jeffrey Briggs presented the staff report and explained that the applicant is requesting a height variance in order to add a steeple to the roof of the Grant Chapel building at 216 West Lyman Avenue, zoned O-2. This needs City Commission approval because the 43 feet of total height for the steeple exceeds the 35 feet permitted in the O-2 zoning district. He provided insight into the zoning and history of Grant Chapel. He explained that the specific request is to add a 19 foot, 8 inch steeple on top of the existing 23 foot, 4 inch Church building for a total height of 43 feet. The Zoning Code has a maximum height in the O-2 zoning district of 35 feet. The Zoning Code allows the City Commission, following a recommendation from P&Z, to approve up to an additional 8 feet of height for “architectural appendages”. However, the key criteria cited in the Zoning Code are that such an approval must be “based on a finding that said features are compatible with adjacent projects”. There is no building/project within this section of West Lyman Avenue that has any architectural element that is 43 feet in height. While the Grant Chapel is zoned office (O-2) it is located on a residential street of R-1A and R-2 zoning. The existing building heights on West Lyman Avenue are one and two stories of 25-30 feet in height corresponding to the height of the existing Grant Chapel building. From the staff’s perspective, to add a steeple of almost another 20 feet in height onto the existing building is not compatible with the adjacent projects/buildings that are residential. Mr. Briggs noted that the City has permitted other height variances for such things as the cupola on the roof of the Chamber of Commerce/Welcome Center building and at the Douglas Grande building at New York Avenue and Morse Blvd. However, those were located in commercial/business locations. Mr. Briggs responded to Board member questions and concerns.

Dan Bellows, the applicant 411 West New England Avenue, presented a rendering that showed the scale of his vision of what the Grant Chapel with steeple would look like. He presented pictures of other Churches in Winter park with steeples that exceeded the heights permitted and felt that his situation was the same as theirs. He did feel that there was an issue of compatibility with the surrounding neighborhoods given its unique location.

Linda Walker, 794 Comstock Avenue, spoke in opposition to the request. No one else wished to speak concerning the request. Public Hearing closed.

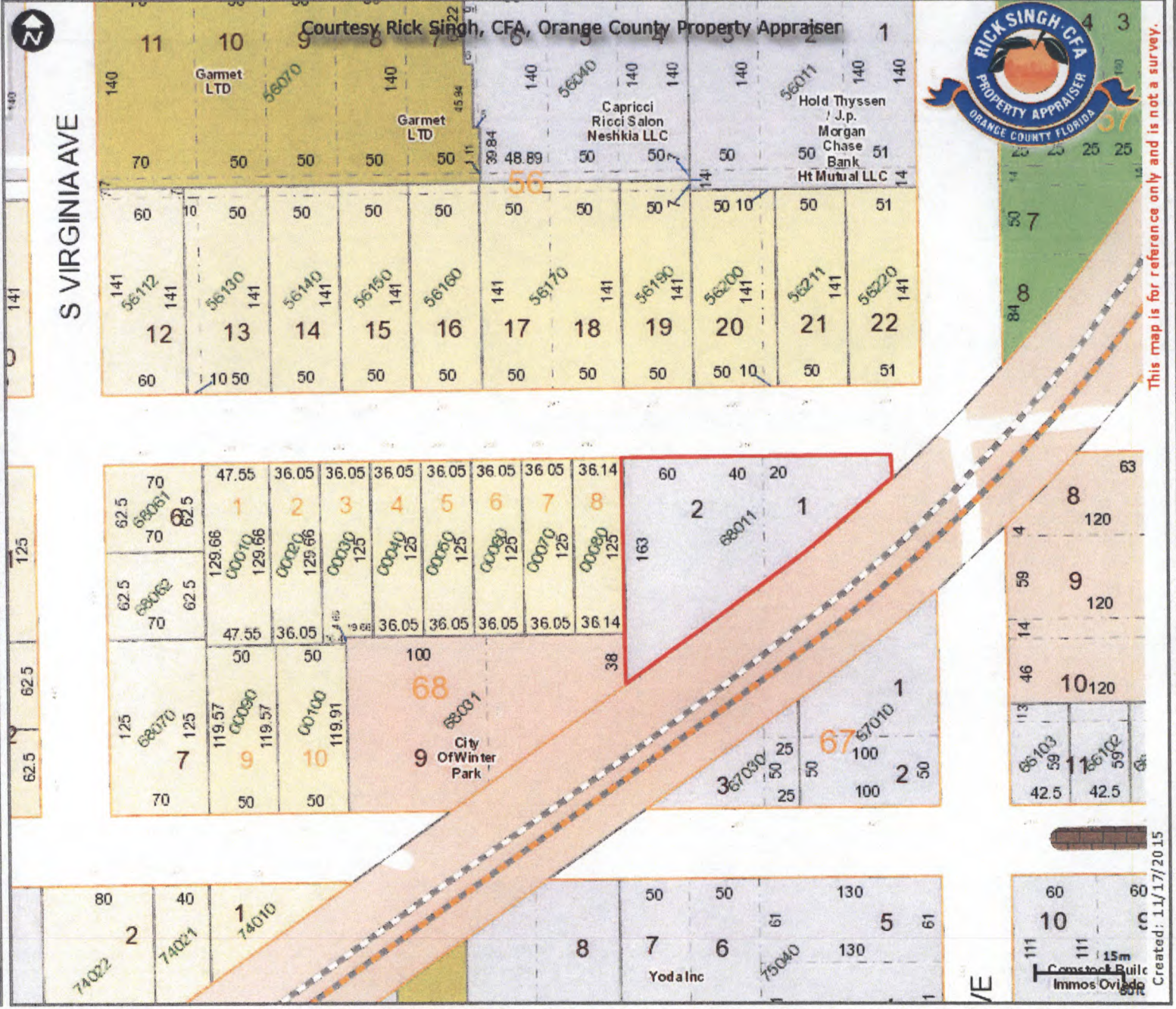
The majority of the Board members expressed support of the project and they felt that the small nature of a steeple and the history of the building as Church were criteria in support. Mr. Weldon questioned whether the steeple on a building that is not a church is relevant and felt the Code criteria did not support the request.

**Motion made by Peter Gottfried, seconded by J. Johnston to grant approval to construct a steeple on top of the Grant Chapel building at 216 West Lyman Avenue, zoned O-2. The proposed 19 foot-8 inch tall steeple added to the 23 foot-4 inch height of the existing building is a total height of 43 feet. This approval is necessary in order to exceed the 35 foot height limit of the O-2 zoning district.**

**Motion carried with a 6-1 vote. Peter Weldon voted no.**



- Florida Turnpike
- Interstate 4
- Toll Road
- Major Road
- Public Road
- Gated Road
- Road Under Construction
- Proposed Road
- US Road
- State Road
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- Lakes and Rivers
- Block Number
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- Parcel Number
- Parcel Address
- Parcel Dimension







Courtesy Rick Singh, CFA, Orange County Property Appraiser

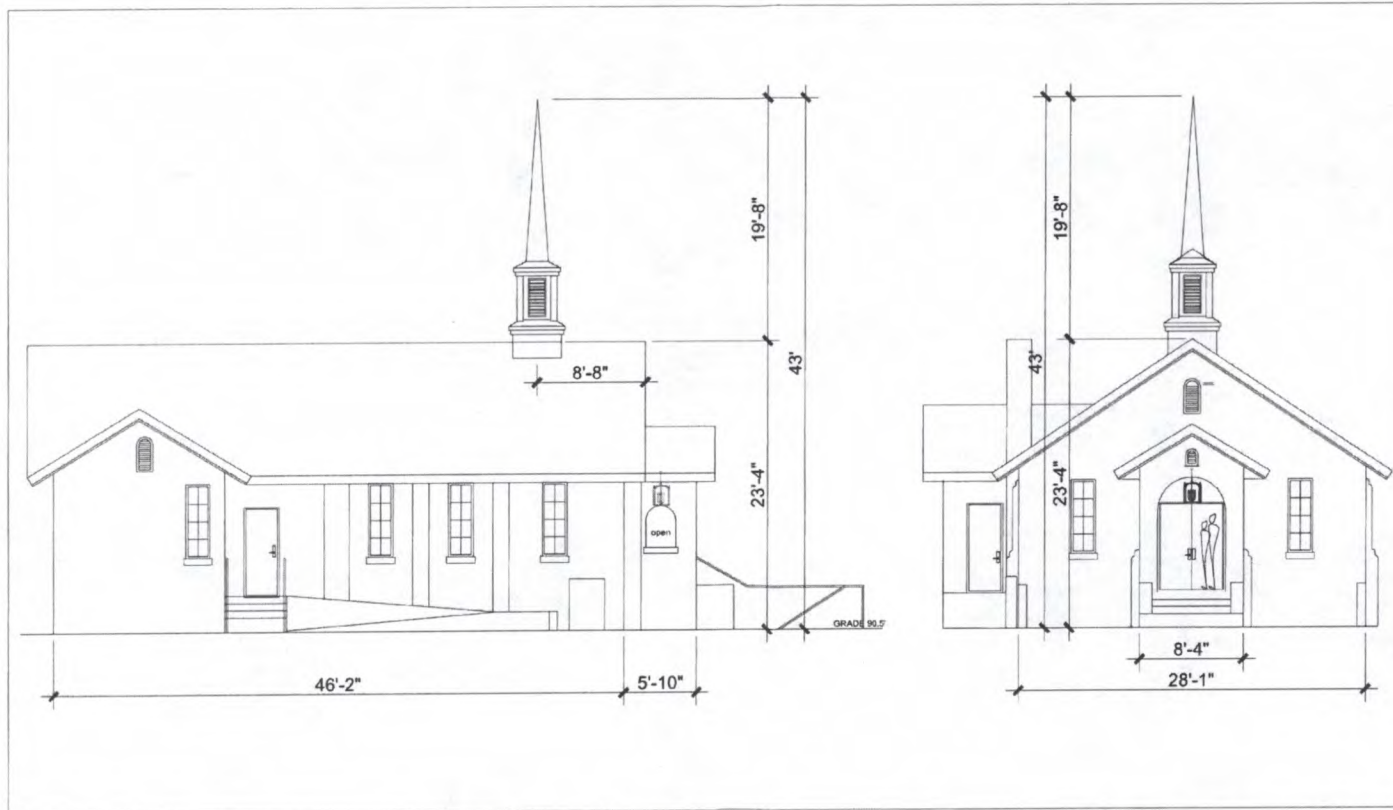


- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
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- Golf Course
- Lakes and Rivers
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- Parcel Number
- Parcel Address
- Parcel Dimension

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

Created: 11/17/2015





EXTERIOR ELEVATIONS  
1/8" = 1'0"

EXTERIOR ELEVATIONS  
1/8" = 1'0"

GRANT CHAPEL RELOCATION  
216 W. LYMAN AVENUE  
WINTER PARK, FL 32789

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

MARGARET H. O'ROURKE DESIGN, INC.  
PO BOX 2071 WINTER PARK, FLORIDA 32790  
1/407.740.5585  
MO@MODinc.US

DWG NO.	SCALE	DATE	REV	BY	CHK	DATE
A	1/8" = 1'	10-27-15				

ELEVATIONS



## Jeffrey Briggs

---

**From:** Scott G <srgoodkind@gmail.com>  
**Sent:** Saturday, November 28, 2015 10:52 PM  
**To:** Jeffrey Briggs  
**Subject:** W. Lyman Chapel request for the steeple

Jeff,

My wife and I live at 266 W. Lyman Ave, and we emphatically are against this approval for exceeding the normal WP variance. This is not a church and they should not pretend to be one in an attempt to gain more wedding venue revenue. It is deceptive but besides that, there is NO justification for this to be granted. Thanks for passing on our sentiment as we are unable to attend the hearing.

Scott & Teresa Goodkind

## Jeffrey Briggs

---

**From:** Cegirand@gmail.com  
**Sent:** Monday, November 30, 2015 10:59 AM  
**To:** Jeffrey Briggs  
**Subject:** 216 W Lyman steeple

City of Winter Park

We live at 282 W Lyman Ave and support the city's staff recommendation for denial regarding the 216 W Lyman steeple.

Thank you for your time  
Christine & Keith Girand  
282 W Lyman Ave  
Winter Park, FL 32789

Sent from my iPhone





# city commission public hearing

item type	Public Hearing	meeting date	December 14, 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 for Warner Chapel to construct a Fellowship Hall addition at 753 West Comstock Avenue.**

This public hearing is a request from the Warner Chapel Primitive Baptist Church for Conditional Use Approval to construct an addition to the Church sanctuary building as a Sunday School classroom and Fellowship Hall at 753 W. Comstock Avenue. Conditional Use approval is required for any new buildings built on Church properties.

### **Summary:**

The Warner Chapel Primitive Baptist Church building now contains sanctuary space and office space but very little space for the congregation to gather in a fellowship hall setting or to use as Sunday school classroom space. The Warner Chapel Primitive Baptist Church desires to add onto their existing building with a 2,000 square foot, one story addition for those purposes. The project also involves restructuring of the parking lot arrangement. Architecturally, the Fellowship Hall addition will match the existing Church image of white stucco walls, red trim and red shingle roof.

There is no added parking or traffic impact anticipated because the Fellowship Hall building addition only serves the existing congregation. The revised site plan maintains the same 10 existing parking spaces as exist today.

### **Planning Staff Recommendation:**

The Planning staff recommendation was the same as approved by the Planning and Zoning Board.

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

**Motion made by Peter Weldon, seconded by Tom Sacha to recommend approval of the Conditional Use to construct a Fellowship Hall addition to their church building for Sunday School classroom space and Fellowship Hall activities in conjunction with the church at 753 West Comstock Avenue, zoned (R-1A).**

**Motion carried unanimously with 7-0 vote.**

## **P&Z Minutes – December 1, 2015:**

### **REQUEST OF WARNER CHAPEL PRIMITIVE BAPTIST CHURCH FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT A FELLOWSHIP HALL ADDITION TO THEIR CHURCH BUILDING FOR SUNDAY SCHOOL CLASSROOM SPACE AND FELLOWSHIP HALL ACTIVITIES IN CONJUNCTION WITH THE CHURCH AT 753 WEST COMSTOCK AVENUE, ZONED (R-1A).**

Planning Manager Jeffrey Briggs presented the staff report and explained that Warner Chapel Primitive Baptist Church is requesting Conditional Use Approval to construct an addition to the Church sanctuary building as a Sunday school classroom and Fellowship Hall at 753 W. Comstock Avenue. Conditional Use approval is required for any new buildings built on Church properties. The Church desires to add onto their existing building with a 2,000 square foot, one story addition. The project also involves restructuring of the parking lot. Architecturally, the Fellowship Hall addition will match the existing Church image of white stucco walls, red trim and red shingle roof. There is no added parking or traffic impact anticipated because the Fellowship Hall building addition only serves the existing congregation. The revised site plan maintains the current 10 spaces. Staff recommended approval of the request. Mr. Briggs responded to Board member questions and concerns.

There were 12-15 Church members in support of the request present at the public hearing. They did not wish to address the Board.

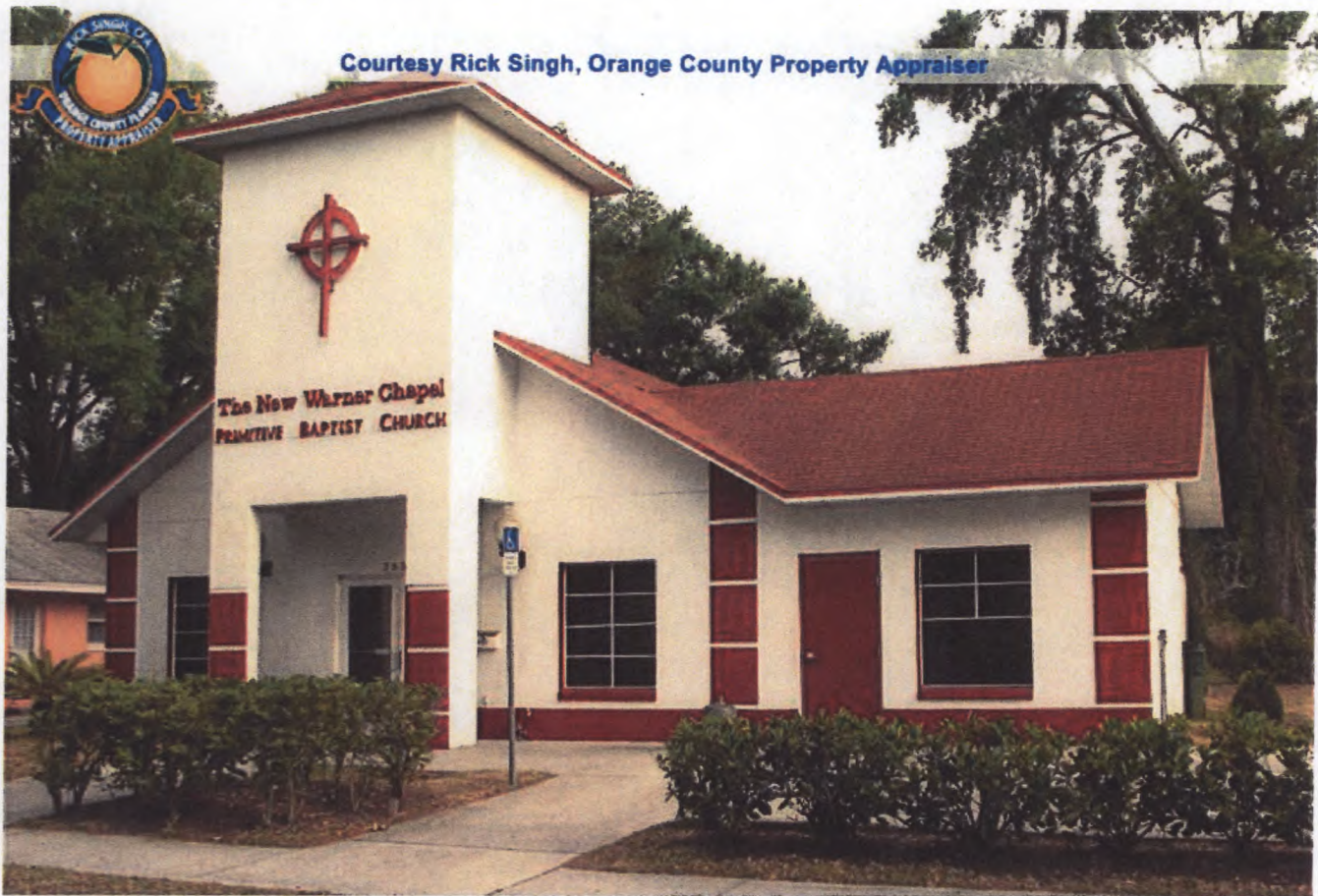
Linda Walker-Chappelle, 794 Comstock Avenue, spoke in opposition to the request. No one else wished to speak. Public Hearing closed.

The Board members expressed support of the project and felt that the addition of one story was compatible with the surrounding neighborhood.

**Motion made by Peter Weldon, seconded by Tom Sacha to recommend conditional use approval to construct a fellowship hall addition to their church building for Sunday School classroom space and Fellowship Hall activities in conjunction with the church at 753 West Comstock Avenue, zoned (R-1A). Motion carried unanimously with 7-0 vote.**



## Parcel Photos - 753 W Comstock Ave

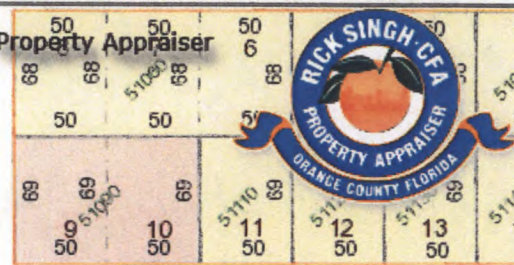
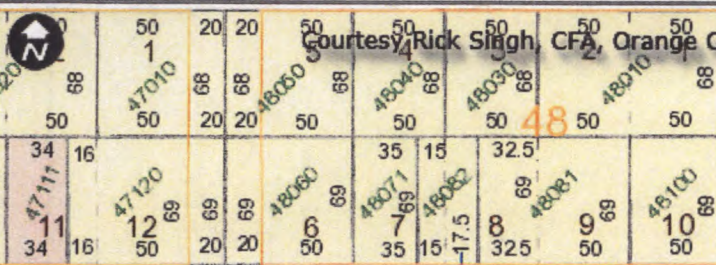


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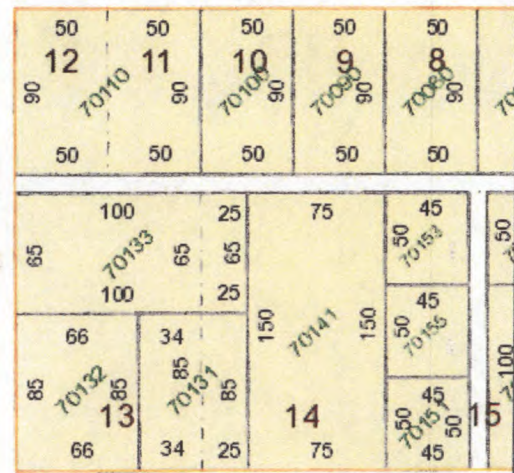
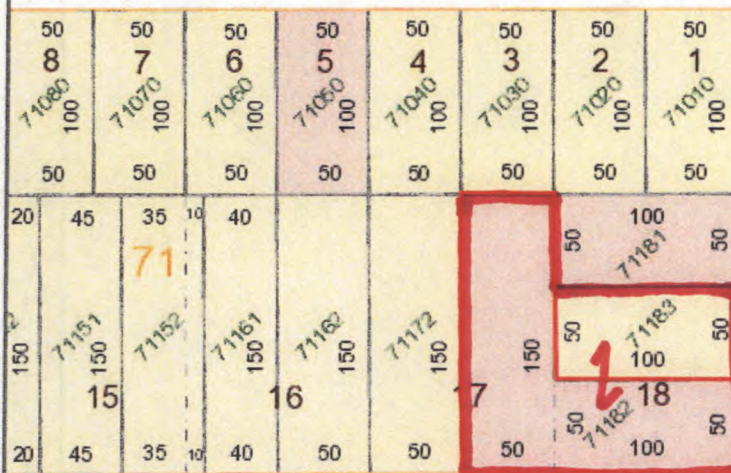


# OCA Web Map

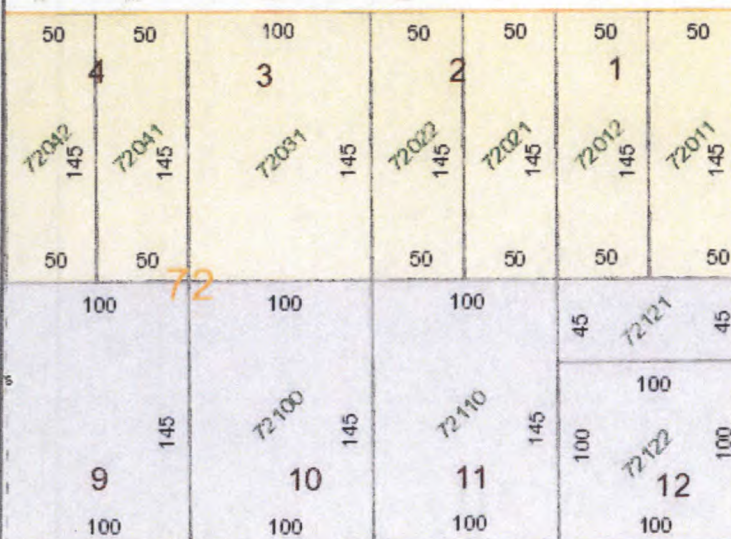
Florida Turnpike	Major Roads	Proposed Road	Residential	Commercial/Industrial/Vacant Land	Parks	<b>6</b> Lot Number
Interstate 4	Public Roads	Brick Road	Agriculture	Agricultural Curtilage	Lakes and Rivers	<b>06060</b> Parcel Number
Toll Road	Gated Roads	Block Line	Commercial/Institutional	Hydro	Building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



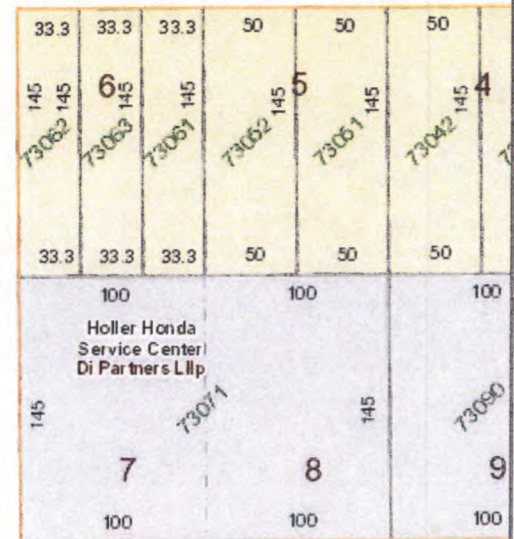
LYMAN AVE



W COMSTOCK AVE



S CAPEN AVE



Daily Traffic  
27000

426

W Fairbanks Ave

W FAIRBANKS AVE



















SR

Created: 11/20/2015

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



# OCA Web Map

	Florida Turnpike		Public Roads		Brick Road		Agriculture		Agricultural Curtilage		Lakes and Rivers	06060	Parcel Number
	Interstate 4		Gated Roads		Block Line		Commercial/Institutional		Hydro		Building	3106	Parcel Address
	Toll Road		Road Under Construction		Lot Line		Governmental/Institutional/Misc		Waste Land		Block Number	111.9	Parcel Dimension

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 11/20/2015

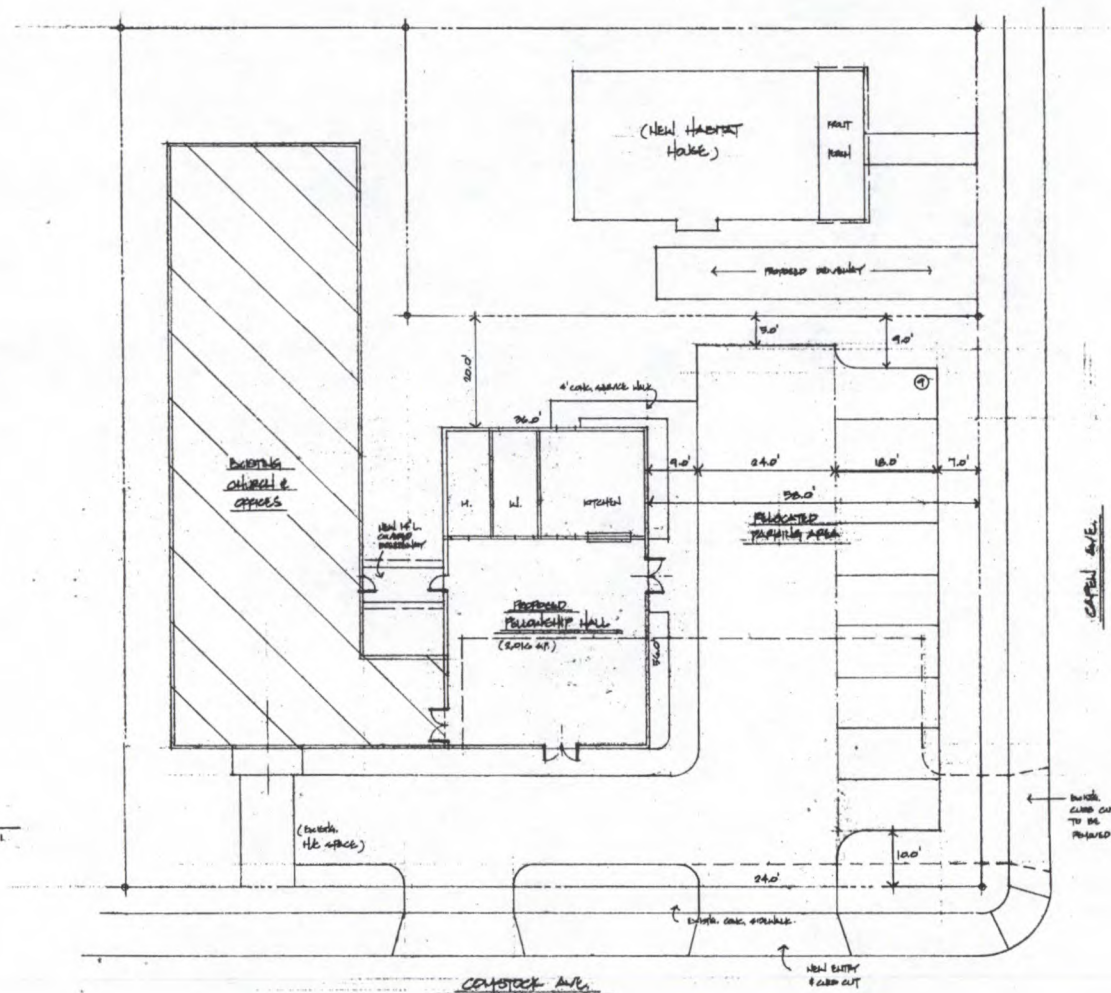
This map is for reference only and is not a survey.





PRELIMINARY SITE PLAN

SCALE: 1"=10'



REVISIONS	BY

David E. Runnels, AIA, P.A.  
Architect  
233 West Park Avenue  
Winter Park, FL 32789  
State License No. AT 001689

Fellowship Hall Addition  
753 Comstock Avenue Winter Park, Florida

DRAWN	DATE
PREPARED	DATE
DESIGNED	DATE
CHECKED	DATE
APPROVED	DATE
DATE	DATE
DATE	DATE
DATE	DATE
DATE	DATE
DATE	DATE





# city commission public hearing

Item type	Public Hearing	meeting date	December 14, 2015
prepared by	Don Marcotte	approved by	<input type="checkbox"/> City Manager
department	Stormwater		<input type="checkbox"/> City Attorney
division	Administration		<input checked="" type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> N/A
strategic objective	<input type="checkbox"/> Exceptional Quality of Life	<input type="checkbox"/> Fiscal Stewardship	
	<input checked="" type="checkbox"/> Intelligent Growth & Development	<input type="checkbox"/> Public Health & Safety	
	<input type="checkbox"/> Investment in Public Assets & Infrastructure		

## subject

Request to vacate and abandon four utility easements located at 110 S Orlando Ave

## motion | recommendation

Approve vacate request.

## background

A request has been received by the property owner at 110 S. Orlando Ave. to abandon four easements. Letters of no objection from every applicable utility provider have been received.

## alternatives | other considerations

na

## fiscal impact

None

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

ORDINANCE NO. \_\_\_\_\_-15

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE UTILITY EASEMENTS LOCATED AT 110 SOUTH ORLANDO AVENUE, WINTER PARK, FLORIDA, PROVIDING AN EFFECTIVE DATE**

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

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

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

**Section 1.** The City Commission of the City of Winter Park, Florida, hereby vacates and abandons those certain utility easements which fall within a parcel of land described as follows:

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28, LESS AND EXCEPT road right of way, Block 10, Lake Island Estates, according to the map or plat thereof, as recorded in Plat Book M, Page 95, Public Records of Orange County, Florida, and said easements being recorded in (Official Record Book 895, Page 375) (Official Record Book 2108, Page 457) (Official Record Book 3993, Page 1332) and (Official Record Book 2108, Page 434)

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

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

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

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor Steven Leary

ATTEST:

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




## Debbie Wilkerson

---

**From:** Donald Marcotte  
**Sent:** Friday, October 16, 2015 2:36 PM  
**To:** Debbie Wilkerson  
**Subject:** FW: Lakeside Crossing - Easement Release  
**Attachments:** SElectric C15100709200.pdf; SUtilities 15100214210.pdf; TECO - No Objection Letter.pdf; Brighthouse - No Objection Letter.pdf; Cnetury Link - No Objection Letter.pdf; Duke Energy - No Objection Letter.pdf; 3070101-110 S ORLANDO AVE WP-Sh1 093015.pdf; 3070101-110 S ORLANDO AVE WP-Sh2 093015.pdf

Debbie,  
Could you please prepare this for processing and the City Commission agenda/

Bruce,  
Do we have any stormwater needs for this easement?

 <p>City of Winter Park 1409 Howell Branch Rd. Winter Park, FL. 32789 <a href="http://cityofwinterpark.org">cityofwinterpark.org</a></p>	<p><b>Donald Marcotte</b>, P.E. Asst Dir P/W-City Engineer Stormwater Administration</p> <p>407.599.3425</p>
---	--



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

---

**From:** Brett Mulligan [<mailto:Brett@unicorpUSA.com>]  
**Sent:** Friday, October 16, 2015 9:20 AM  
**To:** Donald Marcotte  
**Subject:** Lakeside Crossing - Easement Release

Don,

Attached please find no objection letters to the easement release for the property at 110 S. Orlando Ave Winter Park. One of the tenants, Chuy's, has requested the easements be vacated as they are leasing the land from us.

Also I have attached the survey showing the FPC and Brighthouse easements.

Please let me know what, if anything else you require from me to vacate the easements on our property.

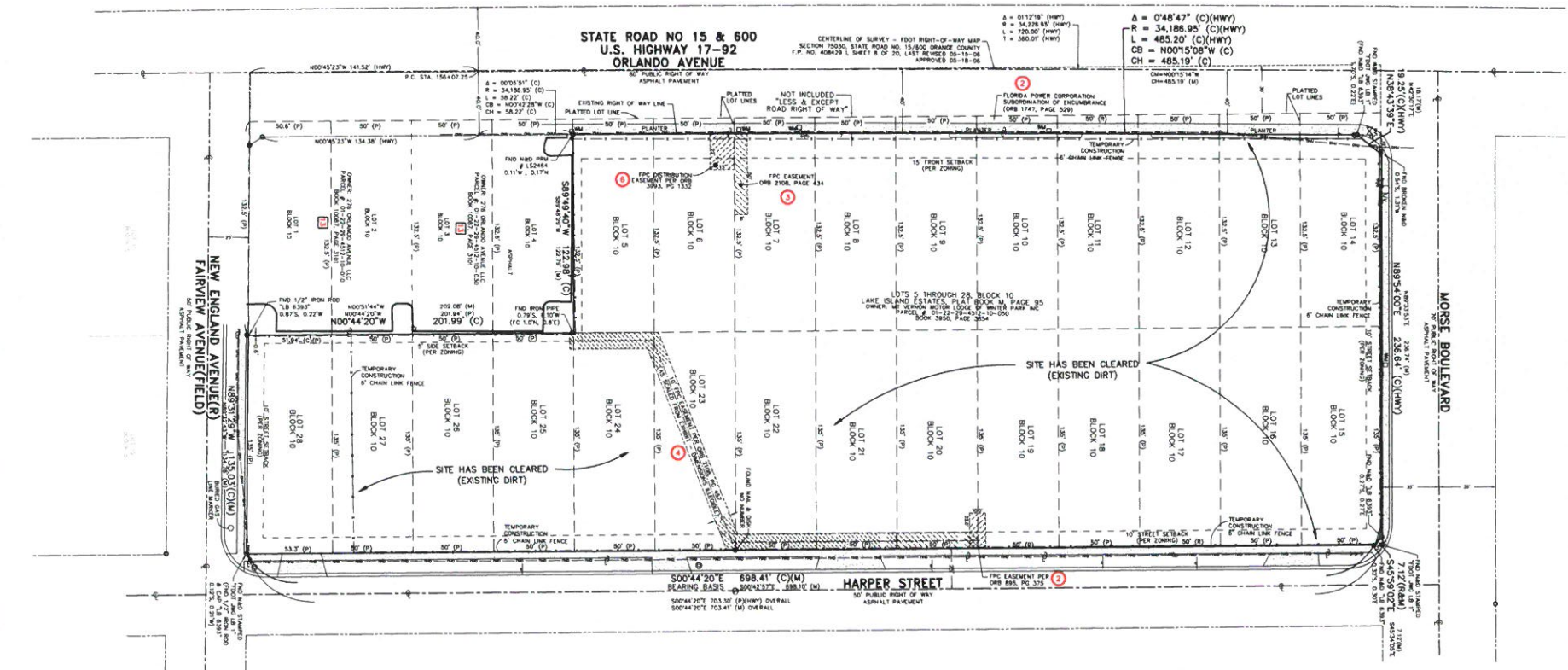
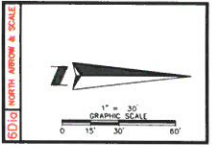
Thank you,

**BRETT MULLIGAN**

Unicorp National Developments Inc.  
7940 Via Dellagio Way  
Suite 200  
Orlando, FL 32819  
P: 407-999-9985 x2223  
C: 407-832-0158







6016 LEGEND & ABBREVIATIONS	
	CONCRETE SURFACE
	NO PARKING ZONE
	PAVER SURFACE
	HANDICAP PARKING SPACE
	FENCE LINE
	OVERHEAD UTILITY LINE
	SUN
	FIRE HYDRANT
	UTILITY POLE
	GATE POST
	WATER VALVE
	GAS VALVE
	SANITARY MANHOLE
	LIGHT POLE
	STORM MANHOLE
	CENTRAL ANGLE
	GROUND 1/2\"/>
	CAP 18\"/>
	GROUND SURVEY MONUMENT
	AS DESCRIBED
	ELECTRIC CHARGING STATION
	BACK FLOW PREVENTER
	BUILDING SETBACK CENTERLINE
	COLUMN
	DEED BOOK
	EASEMENT & UTILITY EASEMENT
	FLORIDA POWER CORPORATION EASEMENT
	LICENSED BUSINESS
	LAND SURVEY AREA
	MEASURED AREA
	OFFICIAL RECORDING BOOK
	POINT OF CURVATURE
	POINT OF INTERSECTION
	POINT OF TANGENCY
	PRIVATE EASEMENT
	RADIUS POINT
	SQUARE FEET
	ELECTRIC TRANSFORMER
	UTILITY BOX

DATE	REVISIONS	TECH	BY	APP'D
02/16/14	CLIENT COMMENTS	N/A	N/A	
02/16/14	FIELD UPDATE	JN	JN	
02/16/14	FIELD & TITLE UPDATE	PT	PT	
02/16/14	FIELD & TITLE UPDATE	CHP	CHP	
02/16/14	FIELD & TITLE UPDATE	CHP	CHP	

6016 ALTA/ACSM LAND TITLE SURVEY

OF

MOUNT VERNON MOTOR LODGE

110 S. ORLANDO AVENUE

ORANGE COUNTY, WINTER PARK, FLORIDA

**ASM**

**AMERICAN SURVEYING & MAPPING INC.**

1311 W. US HWY 90, SUITE 200  
ORANGE, FL 32668  
TEL: 407.266.1111  
WWW.ASM-CORP.COM



Date: October 1, 2015

TECO/Peoples Gas  
600 West Robinson  
PO Box 2433  
Orlando, FL 32802-2433  
Attn: Bruce Stout, Sr Engineer Tech

Dear Mr. Stout:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 110 S. Orlando Avenue in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at Brett@UnicorpUSA.com . If you have any questions, please contact Brett Mulligan 407-999-9985

Sincerely



Name: Brett Mulligan  
Address: 7940 Via Dellagio Way, Suite 200  
City, State, Zip Code: Orlando, FL 32819

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

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

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

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

Signature: Debbi Frazier

Print Name: Debbi Frazier

Title: Sr Admin

Date: 10/2/2015

N:\depts.\pworks\COMMON\formsVacateRequestinstUPDATE4-21-14

Date: October 1, 2015

City of Winter Park  
Terry Hotard  
Electric Asst. Director  
401 Park Avenue South  
Winter Park, FL 32789-4386

Dear Mr. Hotard:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 110 S. Orlando Avenue in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at [Brett@UnicorpUSA.com](mailto:Brett@UnicorpUSA.com) . If you have any questions, please contact Brett Mulligan 407-999-9985

Sincerely



Name: Brett Mulligan  
Address: 7940 Via Dellagio Way, Suite 200  
City, State, Zip Code: Orlando, FL 32819

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

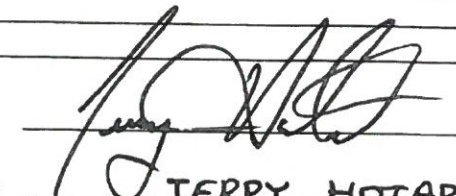
Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Title: \_\_\_\_\_

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

  
TERRY HOTARD  
CITY OF WINTER PARK ELECTRIC Utility  
10.7. 2015



**1. SITE MAP**

**2. SURVEYOR'S CERTIFICATE**

**3. PROJECT INFORMATION**

**4. SURVEYING & ADJUSTMENTS**

**5. FIELD INFORMATION**

**6. CALCULATION OF STATION/INTERSECTION**

**7. COMMENTS**

**8. COMMENTS**

SEE SHEET 2 OF 2 FOR DRAWING

**9. SPECIAL INSTRUCTIONS**

**10. SURVEYOR'S CERTIFICATE**

**11. PROJECT INFORMATION**

**12. SURVEYING & ADJUSTMENTS**

**13. FIELD INFORMATION**

**14. CALCULATION OF STATION/INTERSECTION**

**15. COMMENTS**

**16. COMMENTS**

**17. SPECIAL INSTRUCTIONS**

**18. SURVEYOR'S CERTIFICATE**

**19. PROJECT INFORMATION**

**20. SURVEYING & ADJUSTMENTS**

**21. FIELD INFORMATION**

**22. CALCULATION OF STATION/INTERSECTION**

**23. COMMENTS**

**24. COMMENTS**

**1. SITE MAP**

**2. SURVEYOR'S CERTIFICATE**

**3. PROJECT INFORMATION**

**4. SURVEYING & ADJUSTMENTS**

**5. FIELD INFORMATION**

**6. CALCULATION OF STATION/INTERSECTION**

**7. COMMENTS**

**8. COMMENTS**

SEE SHEET 2 OF 2 FOR DRAWING

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**13. FIELD INFORMATION**

**14. CALCULATION OF STATION/INTERSECTION**

**15. COMMENTS**

**16. COMMENTS**

**17. SPECIAL INSTRUCTIONS**

**18. SURVEYOR'S CERTIFICATE**

**19. PROJECT INFORMATION**

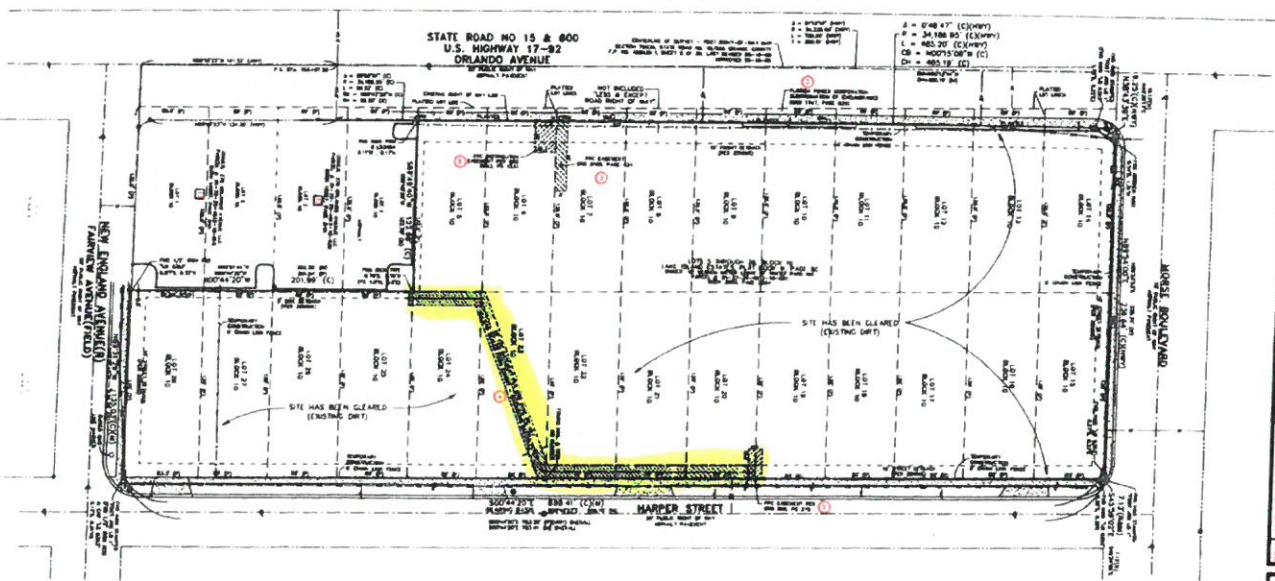
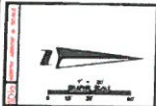
**20. SURVEYING & ADJUSTMENTS**

**21. FIELD INFORMATION**

**22. CALCULATION OF STATION/INTERSECTION**

**23. COMMENTS**

**24. COMMENTS**



**NOTES & ASSUMPTIONS**

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. THE SITE HAS BEEN CLEARED (EXISTING DIRT).
3. THE PROPOSED CONSTRUCTION IS SUBJECT TO APPROVAL BY THE LOCAL AUTHORITY.
4. THE SITE IS BOUND BY STATE ROAD NO 15 & 600 TO THE NORTH, HARPER STREET TO THE EAST, AND MOBILE BOUTIQUE TO THE SOUTH.
5. THE PROPOSED CONSTRUCTION IS SUBJECT TO THE EXISTING EASEMENTS AND ENCUMBRANCES.
6. THE SITE IS BOUND BY THE EXISTING EASEMENTS AND ENCUMBRANCES.
7. THE PROPOSED CONSTRUCTION IS SUBJECT TO THE EXISTING EASEMENTS AND ENCUMBRANCES.
8. THE SITE IS BOUND BY THE EXISTING EASEMENTS AND ENCUMBRANCES.
9. THE PROPOSED CONSTRUCTION IS SUBJECT TO THE EXISTING EASEMENTS AND ENCUMBRANCES.
10. THE SITE IS BOUND BY THE EXISTING EASEMENTS AND ENCUMBRANCES.

**AMERICAN SURVEYING & MAPPING INC.**  
110 S. ORANGE AVENUE  
ORANGE, FLORIDA 32801  
TEL: (407) 251-1111  
FAX: (407) 251-1112  
WWW.ASM-SURVEYING.COM

**DATA/ACSM LEAD TITLE SURVEY**  
OF  
MOBILE BOUTIQUE LOT 100  
110 S. ORANGE AVENUE  
ORANGE COUNTY, FLORIDA 32801





DATE	RECORDS	TOTAL
2/22/2013	CLERK COMMENTS	N/A
2/7/13	FILED DEPT	24
12/12/11	FILED AT THE CLERK	11
06/20/13	FILED AT THE CLERK	14

2013 JAN 10 09:46 AM  
 2013 JAN 10 09:46 AM  
 2013 JAN 10 09:46 AM



# MEMORANDUM

**To:** Brett Mulligan

**FROM:** PHIL DANIELS

**DATE:** October 2, 2015

**SUBJECT:** 110 S. ORLANDO AVE. -LAKESIDE CROSSING EASEMENT VACATE

CITY OF WINTER PARK

401 South Park Avenue

Winter Park, Florida

32789-4386

WATER & WASTEWATER  
UTILITY DEPARTMENT

P 407.599.3219

F 407.643.1680

Please find attached the approved request for vacate of the two easements you indicated at the above referenced project.

I am assuming that there was not an easement for the sanitary sewer main connected to the main in Harper Street since that main is being removed and there was no request included for vacate of an easement in that vicinity. If you do find that there is an easement for it then we will need to follow this same procedure.

Please do not hesitate to contact us if you need additional assistance.

Sincerely,

E. Phillip Daniels  
Assistant Utility Director  
Water & Wastewater Department



Date: October 1, 2015


City of Winter Park  
Phil Daniels  
Water/Wastewater Asst. Utility Director  
401 Park Avenue South  
Winter Park, FL 32789-4386

Dear Mr. Daniels:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 110 S. Orlando Avenue in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at Brett@UnicorpUSA.com. If you have any questions, please contact Brett Mulligan 407-999-9985

Sincerely

  
Name: Brett Mulligan  
Address: 7940 Via Dellagio Way, Suite 200  
City, State, Zip Code: Orlando, FL 32819

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

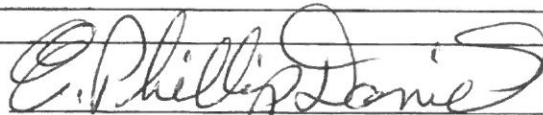
Additional comments: \_\_\_\_\_

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

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

Title: \_\_\_\_\_

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



E. Phillip Daniels

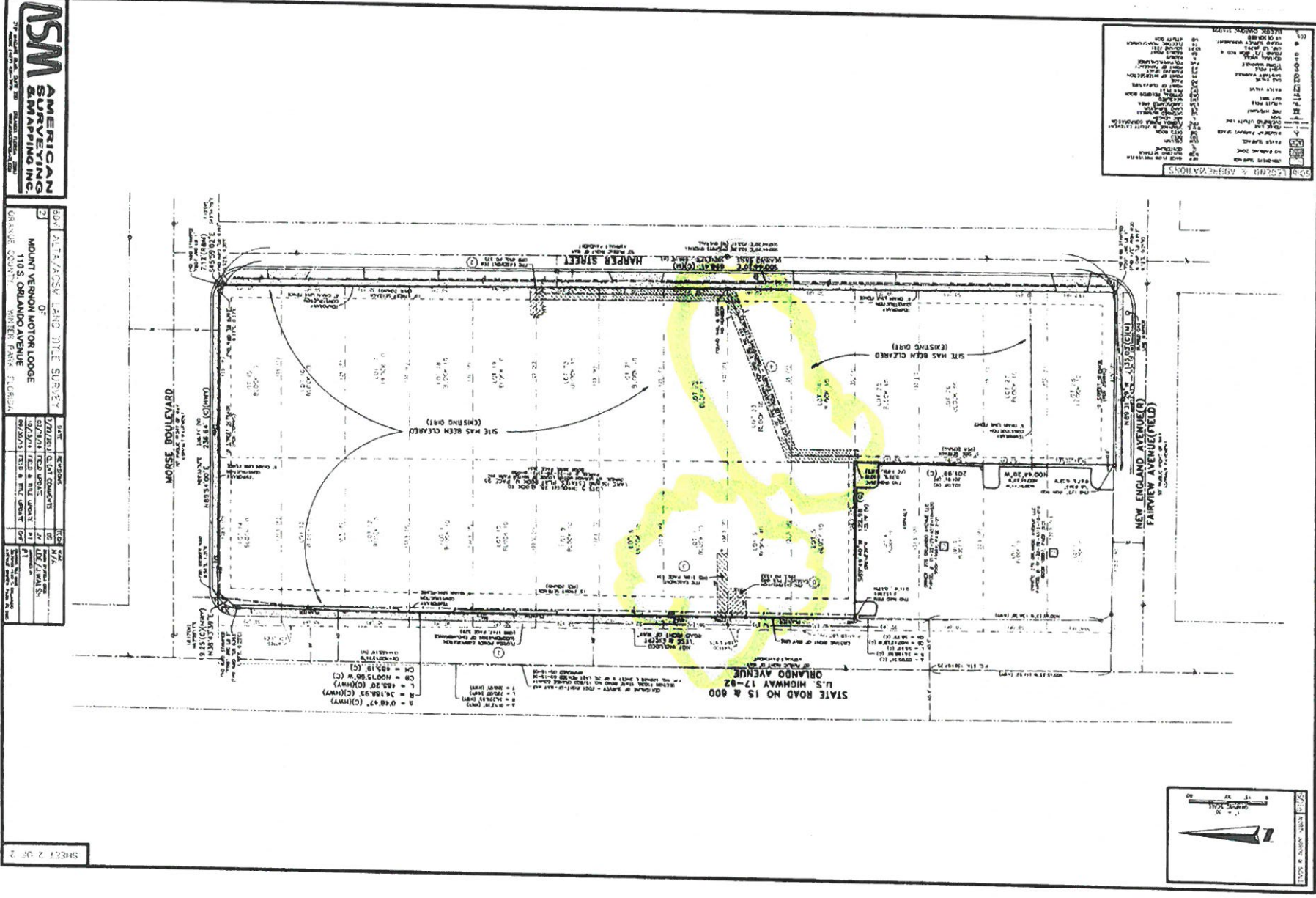
Assistant Utility Director - Water & Wastewater

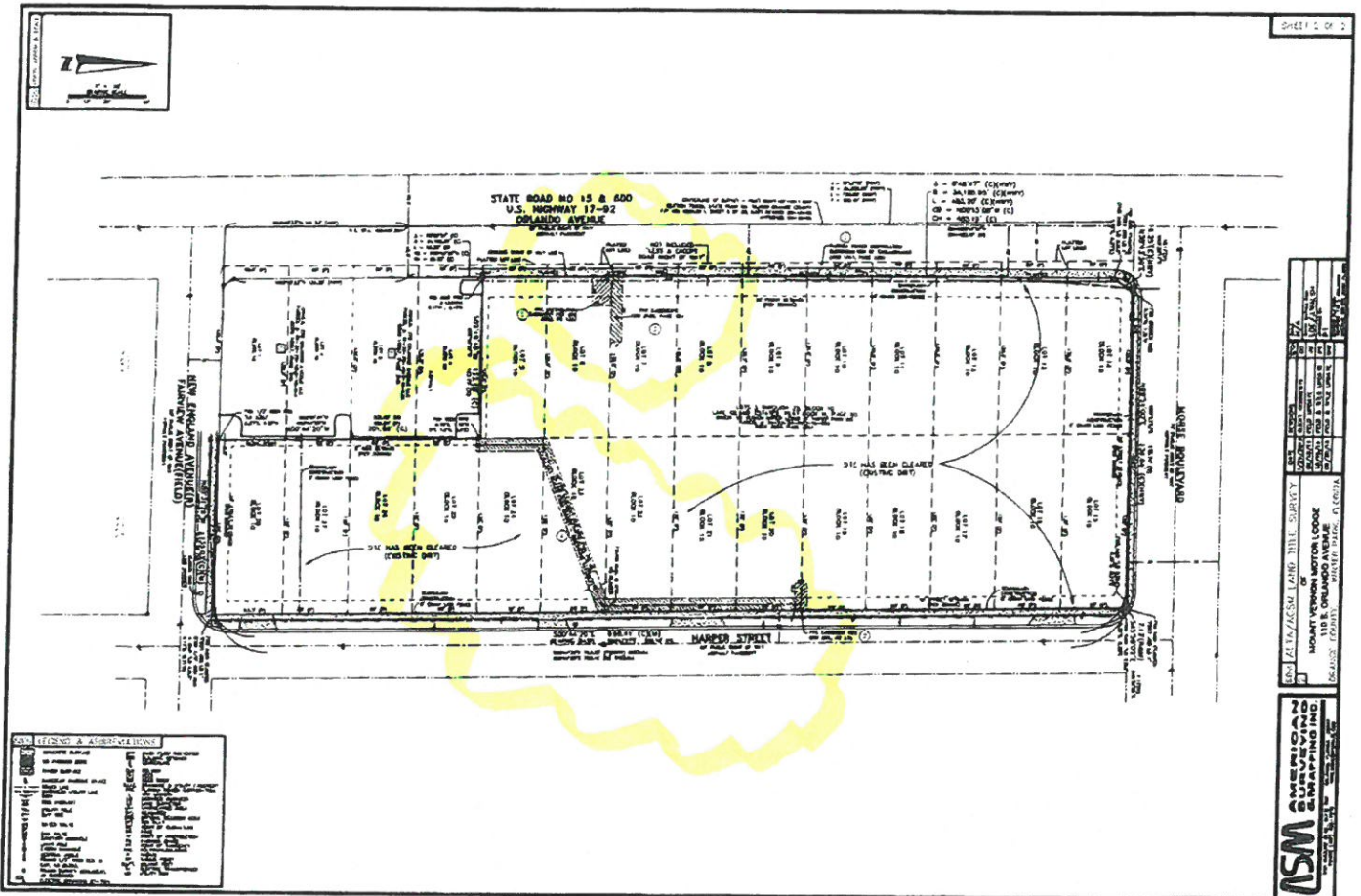
October 2, 2015

N:\depts.\pworks\COMMON\forms\VacateRequestinstUPDATE4-21-14











Date: October 1, 2015

Bright House Networks, Inc  
Attn Marvin Usry  
3767 All American Blvd.  
Orlando, FL 32810

Dear Mr. Usry:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 110 S. Orlando Avenue in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at Brett@Unicorpl SA.com . If you have any questions, please contact Brett Mulligan 407-999-9985

Sincerely

Name: Brett Mulligan  
Address: 7940 Via Dellagio Way, Suite 200  
City, State, Zip Code: Orlando, FL 32819

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

Additional comments: 1, 22, 29

Signature: P.J. King

Print Name: P.J. KING

Title: SR. CONST. MGR.

Date: 10/7/2015

Date: October 1, 2015

Century Link  
Attn: Candy Crim  
952 First St.  
Altamonte Springs, FL 32701

Dear Ms. Crim:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 110 S. Orlando Avenue in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at [Brett@UnicorpUSA.com](mailto:Brett@UnicorpUSA.com) . If you have any questions, please contact Brett Mulligan 407-999-9985

Sincerely

  
Name: Brett Mulligan  
Address: 7940 Via Dellagio Way, Suite 200  
City, State, Zip Code: Orlando, FL 32819

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

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

Signature: 

Print Name: VICTORIA S. Bucher

Title: Negotiator - CenturyLink

Date: 10-6-2015

Date: October 1, 2015

Duke Energy, Inc.  
3300 Exchange Place  
Lake Mary, FL 32746  
Attn: Lori Herring Easement Specialist

Dear Ms. Herring

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 110 S. Orlando Avenue in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at [Brett@UnicorpUSA.com](mailto:Brett@UnicorpUSA.com) . If you have any questions, please contact Brett Mulligan 407-999-9985

Sincerely



Name: Brett Mulligan  
Address: 7940 Via Dellagio Way, Suite 200  
City, State, Zip Code: Orlando, FL 32819

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

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

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

Additional comments: This area and these easements now belong to the City of Winter Park, and they have control over the use of

Signature: Nick Brana

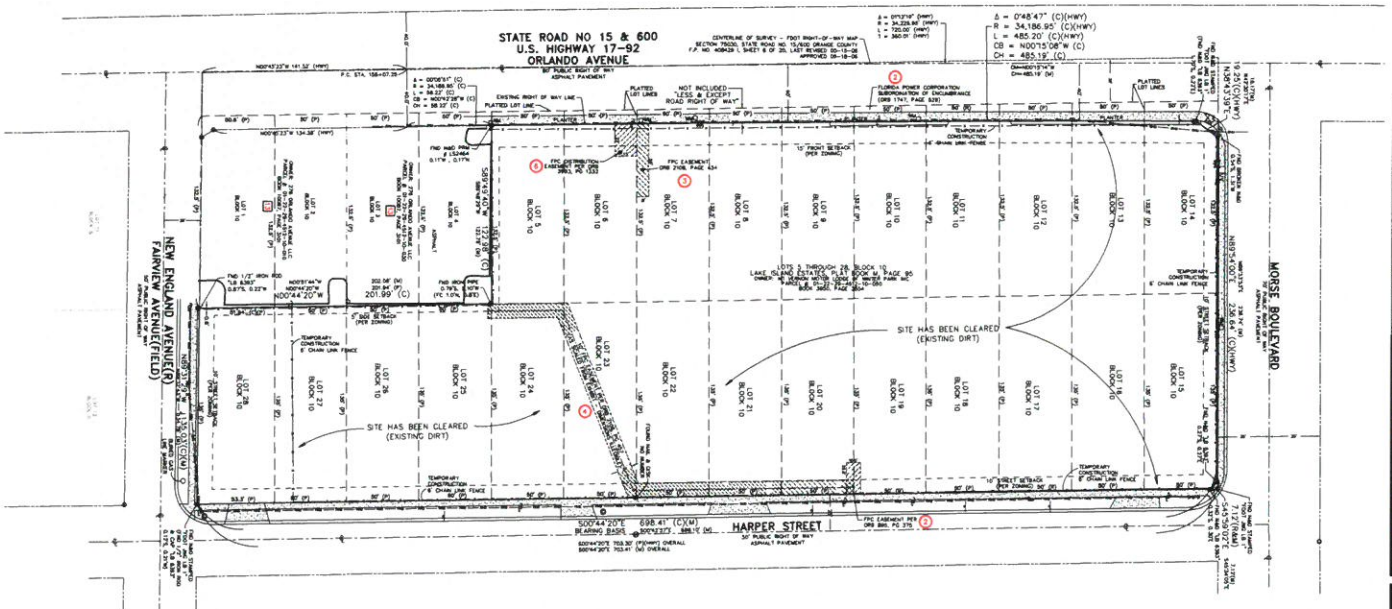
Print Name: NICK BRANA

Title: LAND REP- DISTRIBUTION

Date: 10/8/15





[illegible][illegible]

**ASM** AMERICAN SURVEYING & MAPPING INC.  
391 WILSON BLVD. SUITE 100 GAITHERSBURG, FLORIDA 33503  
PHONE (407) 478-1779 FAX (407) 478-1779



# city commission public hearing

item type	Public Hearing	meeting date	December 14, 2015
prepared by department division	Jeff Briggs Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0 final vote

**Subject: Request to Amend the Comprehensive Plan Future Land Use (FLU) Map, and Zoning Map of the properties located at 1325 Lewis Drive and 1531 Lee Road, in conjunction with the Ravaudage Planned Development. SECOND READINGS**

Benjamin Partners Ltd. (property owner) has two requests for the properties located at 1325 Lewis Drive and 1531 Lee Road (see attached map):

1. To amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU designations of Low-Density Residential and Commercial at these properties, respectively, to a Planned Development (PD) FLU, as part of with the Ravaudage PD.
2. To amend the Zoning Map so as to change the zoning designations of Low-Density Residential (R-2) and Commercial (C-3) at these properties, respectively, to a Planned Development (PD-2) zoning, in conjunction with the Ravaudage PD.

All the surrounding properties within the Ravaudage PD owned by Benjamin Partners have Planned Development FLU designations and Planned Development (PD) zoning based on the Orange County Board of County Commission (BCC) approvals of May 24, 2011. When properties are added to the Ravaudage PD they can be granted the City's PD designations.

The City has previously agreed in 2012 to add six properties to the Ravaudage PD and has rezoned them to PD-2. When properties are added to the Ravaudage PD, the entitlements can be increased (pursuant to City Commission approval) based on the 14.76 dwelling units per acre and a 100% Floor Area Ratio (FAR), based on the land area added, from the original approval on May 24, 2011 by the Orange County BCC. Therefore, in the future, these two added properties at 1531 Lee Road and 1323 Lewis Drive which total 21,389-square feet (0.49 acres), could then add 7.23 units/acre in new entitlements and 21,389-square feet of building.

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

**Motion made by Mr. Sacha, seconded by Mr. Gottfried to amend the "Comprehensive Plan" Future Land Use Map from Commercial and Low Density Residential at 1325 Lewis Drive and 1531 Lee Road to Planned Development as part of the Ravaudage PD. Motion carried unanimously with a 7-0 vote.**

**Motion made by Mr. Sacha, seconded by Mr. Gottfried to amend the Official Zoning Map so as to change the zoning of Commercial (C-3) and Low Density Residential (R-2) to Planned Development (PD-2) district zoning on the properties at and 1325 Lewis Drive and 1531 Lee Road as part of the Ravaudage PD. Motion carried unanimously with a 7-0 vote.**



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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATIONS OF COMMERCIAL AND LOW DENSITY RESIDENTIAL TO PLANNED DEVELOPMENT FUTURE LAND USE ON THE PROPERTIES AT 1325 LEWIS DRIVE AND 1531 LEE ROAD, MORE PARTICULARLY DESCRIBED HEREIN.**

**WHEREAS**, the owner of the property more particularly described herein has requested changes in the future land use designations of certain parcels in order to add them into the Ravaudage PD in compliance with City Code and Florida Statutes, and

**WHEREAS**, the City Commission intends to amend its Comprehensive Plan future land use map to provide such Planned Development future land use designations as a small scale amendment to the Comprehensive Plan, and

**WHEREAS**, the amendment of the Comprehensive Plan maps and the establishment of a future land use designation meets the criteria established by Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code 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.

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the existing future land use designations of Commercial and Low Density Residential to a Planned Development future land use designation on the properties 1531 Lee Road and 1325 Lewis Drive, more particularly described as follows:

1325 Lewis Drive – Low-Density Residential to Planned Development  
HOME ACRES M/97 LOT 11 & N 16 2/3 FT OF LOT 12 BLK P  
Property Tax ID # 01-22-29-3712-16-110

1531 Lee Road – Commercial to Planned Development  
HOME ACRES M/97 LOTS 3 & 4 OF BLK D (LESS RD R/W PER 1544/144)  
Property Tax ID # 01-22-29-3712-04-030

**SECTION 2.** Pursuant to the annexation agreement of April 9, 2012 for the Ravaudage PD between the City of Winter Park and Benjamin Partners, Ltd, as recorded in Book 10383, Page 1260 of the Public Records of Orange County, Florida; the aforementioned properties shall be governed by Section 5 of the annexation agreement which states that the City and Owners agree to accept and be governed by the Orange County PD future land use and the Orange County PD zoning and also agree to accept and be governed by the specific approvals of the PD future land use and PD zoning as have been granted by the Orange County BCC on May 24, 2011 including all waivers and conditions thereto and as may be subsequently amended or modified.

**SECTION 3.** This ordinance shall become effective 31 days after adoption but shall not become effective if this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. In that case it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

**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 OF THE CITY OF WINTER PARK, FLORIDA  
AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE  
III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE  
THE COMMERCIAL (C-3) AND LOW DENSITY RESIDENTIAL (R-2)  
DISTRICT DESIGNATIONS TO PLANNED DEVELOPMENT (PD-2)  
DISTRICT ZONING ON THE PROPERTIES AT 1325 LEWIS DRIVE  
AND 1531 LEE ROAD, MORE PARTICULARLY DESCRIBED HEREIN.**

**WHEREAS**, the owner of the property more particularly described herein has requested changes in the zoning designations of certain parcels in order to add them into the Ravaudage PD in compliance with City Code and Florida Statutes, and

**WHEREAS**, the City Commission intends to establish a municipal zoning designation on this property in compliance with the establishment of a similar Comprehensive Plan future land use designation for said properties, and

**WHEREAS**, the establishment of 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.

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the existing zoning designations of Commercial (C-3) district and Low Density Residential (R-2) district to Planned Development (PD-2) district zoning on the properties 1531 Lee Road and 1325 Lewis Drive, more particularly described as follows:

1325 Lewis Drive R-2 to PD-2  
HOME ACRES M/97 LOT 11 & N 16 2/3 FT OF LOT 12 BLK P  
Property Tax ID # 01-22-29-3712-16-110

1531 Lee Road C-3 to PD-2  
HOME ACRES M/97 LOTS 3 & 4 OF BLK D (LESS RD R/W PER 1544/144)  
Property Tax ID # 01-22-29-3712-04-030

**SECTION 2.** Pursuant to the annexation agreement of April 9, 2012 for the Ravaudage PD between the City of Winter Park and Benjamin Partners, Ltd, as recorded in Book 10383, Page 1260 of the Public Records of Orange County, Florida; the aforementioned properties shall be governed by Section 5 of the annexation agreement which states that the City and Owners agree to accept and be governed by the Orange County PD future land use and the Orange County PD zoning and also agree to accept and be governed by the specific approvals of the PD future land use and PD zoning as have been granted by the Orange County BCC on May 24, 2011 including all waivers and conditions thereto and as may be subsequently amended or modified.



**SECTION 3.** This ordinance shall become effective 31 days after adoption. If this Ordinance or the related companion Ordinance amending the Comprehensive Plan for this property is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

**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

**Planning and Zoning Board Minutes: November 3, 2015:**

**REQUEST OF BENJAMIN PARTNERS, LTD. TO:** AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATIONS OF COMMERCIAL AND LOW DENSITY RESIDENTIAL AT 1531 LEE ROAD AND 1325 LEWIS DRIVE TO PLANNED DEVELOPMENT IN CONJUNCTION WITH THE RAVAUDAGE PLANNED DEVELOPMENT, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

**REQUEST OF BENJAMIN PARTNERS, LTD. TO:** AMEND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING OF COMMERCIAL (C-3) AND LOW DENSITY RESIDENTIAL (R-2) TO PLANNED DEVELOPMENT (PD-2) DISTRICT ZONING ON THE PROPERTIES AT 1531 LEE ROAD AND 1325 LEWIS DRIVE IN CONJUNCTION WITH THE RAVAUDAGE PLANNED DEVELOPMENT, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.



# city commission public hearing

Item type	Public Hearing	meeting date	December 14, 2015		
prepared by	James White	approved by	<input checked="" type="checkbox"/>	City Manager	
department	Fire		<input checked="" type="checkbox"/>	City Attorney	
division	Code Compliance		<input type="checkbox"/>	N/A	
board approval	Parks and Recreation	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/>	N/A	4-0 final vote
strategic objective	<input checked="" type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship				
	<input type="checkbox"/> Intelligent Growth & Development <input checked="" type="checkbox"/> Public Health & Safety				
	<input type="checkbox"/> Investment in Public Assets & Infrastructure				

## subject

This Ordinance will create what are referred to as designated public performance areas within the Central Business District and will restrict the activity of unregulated street performers within these specifically defined areas. SECOND READING OF ORDINANCE.

## motion | recommendation

Staff believes that the adoption of this Ordinance will address the known issues of unregulated activity in the Central Business District and will offer individuals a place to safely perform within a specifically designated area. With this anticipated outcome staff recommends adoption of this Ordinance.

## background

For the past several years the central business district has seen an influx of what are commonly referred to as street performers operating in the area. These individuals are currently unregulated and use both public and private property to practice their crafts. Most of the performers are musicians while some are artist and others demonstrating different talents. When these individuals operate in the public space they often cause pedestrian flow issues, blocking business exits, and slow vehicular traffic.

Under the current Ordinances the city is unable to regulate the activity of these types of performers. Most of the performers fail to secure a special event permit for their activity thus not allowing the city any notice of their presence in the area.

The city of St. Augustine, Florida experienced a similar situation several years ago where street performers were operating in and around their business district. The city



passed a similar Ordinance offering a public area adjacent to the prohibited zones for individuals to practice their craft, or other activity considered by law to be protected by the First Amendment of the United States Constitution. These designated performance areas were challenged and found to be lawful and not in violation of an individual's rights.

It is with this experience within the State of Florida that we recommend the creation of similar performance areas adjacent to the designated prohibited areas identified in the Ordinance for the purpose of offering a safe place for the unregulated activity to occur. This Ordinance would not preclude any performer from securing a specific city permit to solicit funds in authorized areas.

### **alternatives | other considerations**

At the present time we are offering no alternatives to the proposed Ordinance. If adoption of this Ordinance fails our Code Compliance and Police Officers will continue to enforce any and all violations of the city's Code currently in place.

More specifically to this draft; considerations could be made as to the location of the designated performance areas outside the prohibited areas. An attempt needs to remain to make all designated performance areas easily accessible and adjacent to the prohibited zones.

Through the creation of these designated performance areas street performers will not be operating within the public right-of-way causing the potential for traffic and pedestrian conflicts. Staff also sees the creation of these public performance areas as a means to offer people who wish to hear and see the performances a safe area to do so without blocking pedestrian or slowing vehicular traffic ultimately creating a positive solution for everyone.

### **fiscal impact**

The adoption of this Ordinance is not anticipated to have any fiscal impact.

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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE I, CHAPTER 70, SECTION 70-10 OF THE CODE OF ORDINANCES REGARDING PEDDLERS, HAWKERS AND SOLICITORS BY CREATING REGULATIONS FOR STREET PERFORMERS IN CERTAIN DESIGNATED AREAS OF THE CITY; PROVIDING LEGISLATIVE FINDINGS OF THE CITY; PROVIDING ADDITIONAL DEFINITIONS; PROVIDING FOR PROHIBITIONS AND UNLAWFUL ACTS OF STREET PERFORMERS; PROVIDING AMPLE ALTERNATIVE CHANNELS RELATING TO PERFORMANCE AREAS; PROVIDING PENALTIES; AND PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, it is the primary concern and interest of the City of Winter Park (the “City”) to vigilantly protect and preserve the quality and historical and cultural ambience of the Central Business District of the City and other areas of the City designated by the City Commission for the benefit of the City’s residents, business owners and occupants, and visitors and tourists to such areas; and

**WHEREAS**, the City desires to balance the freedom of speech and freedom of expression protections afforded by federal and Florida law of those desiring to perform on the streets of the City that is intended to or has the effect of gathering large crowds and audiences with protected and significant governmental interests related to traffic and sidewalk congestion, pedestrian safety, aesthetics, the ability of emergency response personnel to reach locations, limiting access to and egress from businesses and residences, and other interests to ensure smooth pedestrian traffic flow, relieve congestion and overcrowding, limit disorderliness, and prevent potential interference with and visibility obstruction for motorists attempting to navigate through the Central Business District and other designated areas; and

**WHEREAS**, the City recognizes that allowing street performers during certain times, at certain locations, and in certain manners adversely affects or may adversely affect the City and the public health, safety, and welfare of the City’s residents, business owners and occupants, and visitors and tourists to certain areas within the City; and

**WHEREAS**, the City recognizes that established federal and Florida law allows municipalities to regulate the time, place, and manner of speech and other forms of expression where such regulations are narrowly tailored, content-neutral, and leave open ample alternative channels of communication for conveying speech and displaying expressive activity; and

**WHEREAS**, the City recognizes that the Eleventh Circuit Court of Appeals, in *Horton v. City of St. Augustine*, upheld reasonable time, place, and manner regulations that related to street performers who performed in a limited area in St. Augustine’s historic business district. 272 F.3d 1318 (11th Cir. 2001); and

**WHEREAS**, upon consideration, the City Commission has determined that the reasonable and content-neutral time, place, and manner restrictions outlined herein that apply to certain conduct on the streets of the City will be effective, are narrowly tailored to address the governmental interests outlined herein, and constitute the least restrictive alternative for the purposes intended and set forth herein; and

**WHEREAS**, the City recognizes that street performers may intend to reach a particular audience at a particular location, and the City desires that such performers be afforded an ample opportunity to engage in expressive activities and performances in City-designated area(s) located reasonably proximate to any prohibited public area as defined herein to ensure that messages and performances can be conveyed to the street performer's intended audience.

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

**SECTION 1. Recitals.** The City Commission hereby ratifies, approves, and adopts all of the preceding "Whereas" clauses, which constitute the legislative findings of the City Commission.

**SECTION 2. Adoption.** Article I, Chapter 70, Sections 70-10 through 70-35 are hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 70-10. – Regulation of Street Performers.**

(a) *Intent.* The City Commission of the City of Winter Park recognizes that street performers, as defined in this section, are afforded rights defined in established federal and Florida law relating to freedom of expression and freedom of speech. The City Commission further desires to balance such rights with significant and substantial governmental interests related to the public health, safety, and welfare as outlined herein. The City Commission finds that street performers in certain areas of the City defined herein and designated as the prohibited public area have interfered with and have a substantial likelihood of interfering with pedestrian and vehicular traffic of the City, including residents, business owners and occupants, and visitors and tourists by, among other things, attracting audiences which congest the prohibited public area, increase the likelihood for conflict and disorderliness, and may impede the ability of emergency response personnel to reach various locations. Moreover, such street performers may cause or contribute to pedestrian and vehicular safety risks through increased congestion, sight obstruction and obfuscation, and obstruction of pedestrian rights-of-way and crosswalks. The City finds that the existence of street performers in the prohibited public area adversely affects the City's interests in maintaining the aesthetics of the prohibited public area and character of same in a city with a unique historic downtown district. Additionally, the City finds that such street performers adversely affect the interests of residents and code compliant businesses and museums in the enjoyment of peace, repose, and quiet in their homes, businesses, and museums. Therefore, it is the intent of the City to regulate and limit street performers from performing in the prohibited public area of the City. It is the further intention of the City to balance the above-referenced regulations and governmental interests with the recognized rights of street performers



to practice freedom of speech and freedom of expression to their intended audiences. Accordingly, the City further intends for street performers subject to these provisions to be afforded ample alternative channels of communication and expression and reasonable access to proximate performance areas where the street performers may reach their intended audience.

(b) *Definitions.* For purposes of this section, the following words, terms, and phrases, shall have the following meanings subscribed to them except where the context clearly indicates a different meaning:

(1) *Perform and performance* means to engage in any of the following activities: acting; singing; playing musical instruments; puppetry; pantomiming, miming; performing or demonstrating magic or acts of illusion; dancing; juggling; or the public display of and composition or creation of crafts, sculpture, artistry, writings, or compositions, including the application of brush, pastel, crayon, pencil, or other similar objects applied to paper, cardboard, canvas, cloth or to other similar medium.

(2) *Prohibited street performer activity* means any activity performed, effectuated, or directed by any street performer during a performance that involves the utilization of any spray painting, or the use of aerosols or propellants, including air pressure, to spray or apply any liquid. Prohibited street performer activity also includes the utilization of fire during a performance.

(3) *Prohibited public area* means the pedestrian accessed public areas of the Central Business and Hannibal Square Districts along Park Avenue from Fairbanks Avenue to Swoope Avenue, and along New England Avenue from Park Avenue to Pennsylvania Avenue including the area within fifty (50) feet of the public right-of-way of Park Avenue and New England Avenue on the public lanes, streets, thoroughfares, and ways, including the Winter Park train station and the public property at what is known as the Winter Park Farmer's Market and the Winter Park Historical Association located at 200 West New England Avenue, excluding public performance zones as provided in subsection (d)(2). A map of the prohibited public area is attached as Exhibit "1."

(4) *Street performer* means individuals or groups who perform in a public area or areas for the purpose of providing public entertainment or whose performance otherwise has the effect of drawing a crowd or audience.

(c) *Prohibition.* No street performers may perform in the prohibited public area, and no street performer may perform a prohibited street performer activity in the City.

(d) *Permitted performances and conditions.* Street performers may perform in the following locations and circumstances:

(1) *Public areas not encompassed in the prohibited public area.* Street performers may perform in all public areas of the City where the public is allowed, including without limitation, the public performance zone(s) provided in subsection (d)(2) except those areas designated as the prohibited public area as set forth in

subsection (b)(3) of this section. Notwithstanding the preceding, street performers shall not perform in locations or in a manner that: (i) unreasonably interferes with, obstructs, or obfuscates the visibility or sight distances of any motorist traveling on or entering or exiting any street, thoroughfare, or right-of-way of the City; (ii) unreasonably interferes with, obstructs, or impedes the safe and orderly movement of pedestrian traffic proximate to City crosswalks; or (iii) is in violation of any other City Ordinance.

(2) *Public performance zone(s).* Street performers may perform in the public performance zone(s), which includes the entirety of Central Park and such other public performance zone(s) as are designated by the City Manager or his or her designee. The location of the public performance zone(s) shall at all times be reasonably proximate to the prohibited public area to ensure that street performers may reach their intended audiences. A map of the public performance zone(s) shall be provided upon request. Notwithstanding the preceding, the City Manager or his or her designee may restrict, limit, or modify any public performance zone(s) for special events or private events where street performers would likely interfere with the event or portions thereof. To the extent such special events or private events necessitate the closing of customary public performance zone(s), the City Manager or his or her designee may provide alternative or additional public performance zone(s) as identified on the attached Appendix “1-4” or as may otherwise be designated as necessary. All street performers who perform in any public performance zone(s) shall not perform in a location or in a manner that is in violation of any other City Ordinance.

(e) *Penalties.* Offenses under this section shall be punishable as provided in section 1-7 of the City Code of Ordinances.

## **70-11—70-35. – Reserved.**

**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

**SECTION 4. Codification.** It is the intention of the City Commission and it is hereby ordained that section 2 of this Ordinance shall become and be made a part of the City Code of Ordinances. The provisions of this Ordinance may be renumbered or relettered to accomplish such intention, and the word “Ordinance” may be changed to “Section,” “Article,” or other appropriate word.

**SECTION 5. Conflicts.** All ordinances or parts thereof that are in conflict with any provisions of this Ordinance are hereby repealed.

**SECTION 6. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

First reading held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Second reading, public hearing, and adoption held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**City of Winter Park  
City Commission**

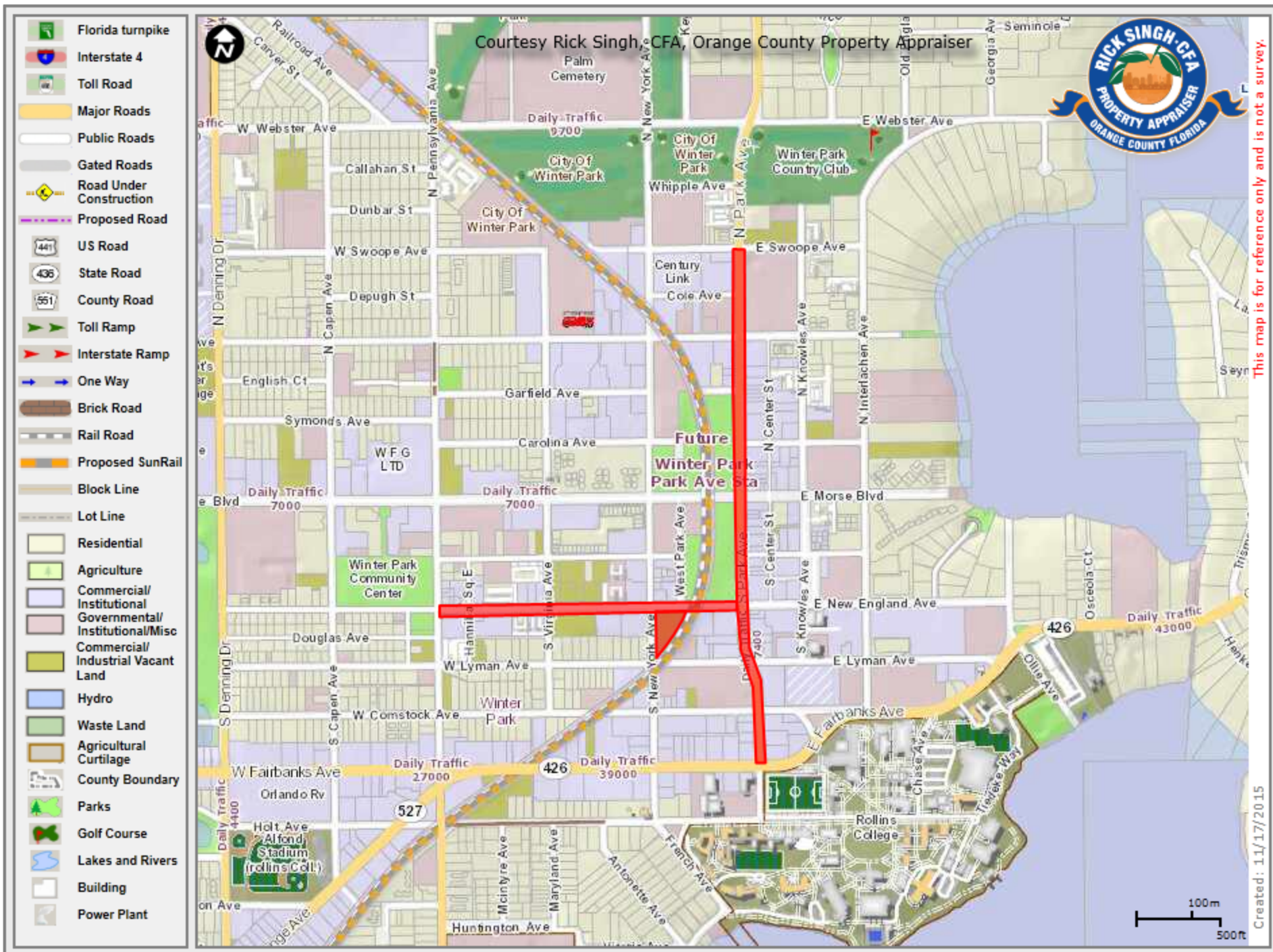
\_\_\_\_\_  
Steven M. Leary, Mayor

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

Approved as to legal form and sufficiency for  
the City of Winter Park, Florida only:

\_\_\_\_\_  
A. Kurt Ardaman, City Attorney







# city commission public hearing

Item type	Public Hearing	meeting date	December 14, 2015		
prepared by	Dori Stone	approved by	<input checked="" type="checkbox"/>	City Manager	
department	Planning & Community Development		<input checked="" type="checkbox"/>	City Attorney	
division			<input type="checkbox"/>	N/A	
board approval	Historic Preservation Board	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> N/A	6-1 Final Vote
strategic objective	<input checked="" type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship				
	<input type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Public Health & Safety				
	<input type="checkbox"/> Investment in Public Assets & Infrastructure				

## Subject SECOND READING

An ordinance amending Chapter 58 of the City of Winter Park Land Development Code, Article VIII, Historic Preservation

## motion | recommendation

Recognizing the changes to city policy associated with this Ordinance, the City Commission may move to adopt, adopt with changes or not adopt the proposed amendments to Chapter 58 of the City's Land Development Code, Historic Preservation

## background

At their meeting on November 9, 2015, the City Commission reviewed the Historic Preservation Ordinance forwarded to them by the Historic Preservation Board from their meeting on October 14, 2015. The City Commission approved fifteen amendments to the proposed ordinance which have been included in the attached draft and are highlighted in yellow. The City Attorney suggests two amendments for consistency and additional clarification. These amendments are highlighted by sections within the Ordinance and include the following:

- Section 58-434 – Definitions
  - revise the definition of contributing element
  - make non-contributing element definition consistent with contributing element – suggested by city attorney for consistency
  - revise definition of property owner to provide proof of ownership to the city
- Section 58-446 - Qualifications
  - remove the requirement for city residents only
- Section 58-456 – Designation criteria

- (2)(b), a district must contain a minimum of twelve (12) properties
  - (2) (c), unsuccessful district nominations must wait at least three (3) years to reapply for nomination
- Section 58-457 – Designation procedures
  - (1)(a), the property owner shall provide proof of ownership to the city of the property being nominated
  - (2) (b), the city has 90 days to complete the nomination process and conduct community meetings
  - (2)(c)
    - all property owners must agree in order to cast a vote for a district – suggested by city attorney for clarification
    - A favorable vote of 50% plus one shall move a district forward for consideration to the HPB and City Commission
- Section 58-469 – Guidelines for review
  - (3)(c), garage apartments shall not exceed 1,000 square feet in size
- Section 58-479 – Guidelines for demolition of designated properties or properties within a historic district
  - Noncontributing elements are exempt from the provisions of subsections 1 through 5 in this section
- Section 58-481 Procedure for demolition of properties identified in the Florida Master Site File or the Historic Survey
  - The city has sixty (60) days to issue a demolition permit for properties found in the Historic Survey
  - Add subsection (9) exempting properties that have a valid and approved development order or permit prior to the effective date of the ordinance
- Section 58-482 – Reconstruction of destroyed historic landmarks
  - Reconstruction to be in the form and style of the demolished building
- Section 58-510- delete

The resolution regarding possible incentives will be scheduled at the time of the second reading of the ordinance.

## **alternatives | other considerations**

Options other than amending Article VIII, Historic Preservation for consideration:

1. The City Commission can choose to not adopt the proposed changes to Chapter VIII and allow the existing Code to remain in place;
2. The City Commission can send the ordinance back to the HPB for further review with additional direction including select sections;
3. The City Commission may choose to adopt the ordinance with a delayed effective date to allow an update to the Master Site File Survey data clarifying individually contributing properties; or
4. The City Commission can modify the ordinance and adopt as modified.



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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE VIII, "HISTORIC PRESERVATION" TO PROVIDE CLARITY, IMPROVE THE FUNCTIONALITY, AND REVISE THE PROCESS AND PROCEDURES FOR THE HISTORIC PRESERVATION BOARD AND STAFF, THE DESIGNATION OF HISTORIC LANDMARKS, HISTORIC RESOURCES AND HISTORIC DISTRICTS, THE REGULATION, ADMINISTRATION AND ENFORCEMENT CONCERNING SUCH DESIGNATED LANDMARKS, RESOURCES AND DISTRICTS, AND THE CERTIFICATE OF REVIEW PROCESS; CREATING PROCEDURES FOR THE DEMOLITION OF PROPERTIES IDENTIFIED IN THE FLORIDA MASTER SITE FILE AND HISTORIC SURVEY; AMENDING PROVISIONS REGARDING TAX EXEMPTIONS FOR HISTORIC PROPERTIES; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Park, Florida ("City"), recognizes that the City has within its jurisdiction a significant number of historic resources, structures and properties; and

**WHEREAS**, the City Commission recognizes that the identification, protection, enhancement and use of such resources provides a public purpose; and

**WHEREAS**, the City Commission recognizes that these historic resources, structures and properties constitute valuable assets that contribute to the charm and appeal of the City and create a unique environment for both residential and commercial pursuits, thereby providing significant and substantial economic benefit to the City; and

**WHEREAS**, the City Commission wishes to take advantage of all state and federal policies and programs for assistance and grants for the study, preservation, rehabilitation or restoration of historic buildings, districts and sites for the benefit of the public; and

**WHEREAS**, the City Commission desires that more property owners seek voluntary designation of their properties as historic landmarks or historic resources; and

**WHEREAS**, the City Commission desires that more property owners in areas with a concentration of historic landmarks or historic resources, seek designation of their areas as historic districts, through the use of the procedures set forth herein; and

**WHEREAS**, the City Commission desires to implement additional economic incentives to encourage owners of historic structures to seek voluntary designation of such structures as historic landmarks or historic properties, or designation of their neighborhoods as historic districts; and

**WHEREAS**, the regulations herein are consistent with the City's Comprehensive Plan; and

**WHEREAS**, the City Commission desires to encourage the preservation and restoration of the City's historic resources, structures and properties for the benefit of the public:

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article VIII "Historic Preservation" of the Code of Ordinances is hereby amended and modified as shown in Exhibit A (ATTACHED).

**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 - CODIFICATION.** It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to correct scriveners' errors, such as incorrect code cross references, grammatical, typographical and similar or like errors when codifying this Ordinance.

**SECTION 4 - CONFLICTS.** All ordinances or portions or 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 its final passage and adoption.

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

Attest:

\_\_\_\_\_  
Mayor Steve Leary

\_\_\_\_\_  
City Clerk Cynthia Bonham

## EXHIBIT A

### ARTICLE VIII. - HISTORIC PRESERVATION

#### FOOTNOTE(S):

--- (9) ---

**Editor's note**— Ord. No. 2688-06, § 1, adopted Oct. 9, 2006, amended Art. VIII in its entirety to read as herein set out. At the editor's discretion, the provisions of Ord. No. 2675-06 have been renumbered to preserve the style of this Code and the original section numbers have been included in the history notes for future reference. Former Art. VIII, §§ 58-433—58-459, 58-463—58-470, 58-476—58-482, pertained to similar subject matter, and derived from Ord. No. 2425-01, § 1, adopted June 28, 2001; Ord. No. 2446-01, § 1, adopted Nov. 13, 2001.

#### DIVISION 1. – GENERALLY

Sec. 58-433. - Short title; intent and purpose.

(a) *Short title.* This article shall be cited as the Winter Park Historic Preservation Code.

(b) *Intent and purpose*

(1) The purpose of these regulations is to establish the framework for a comprehensive historic preservation program in the city.

(2) It ~~is shall be~~ the policy of the city to promote the educational, cultural, and economic welfare of the public by preserving and protecting historic structures, sites, portions of structures, groups of structures, manmade or natural landscape elements, works of art, or integrated combinations thereof, which serve as visible reminders of the history and cultural heritage of the city, state, or nation. ~~Furthermore, it is the purpose of this article to strengthen the economy of the city by stabilizing and improving property values in historic areas, and to encourage new buildings and development that will be harmonious with existing historic buildings and districts. to achieve the following objectives:~~

- a. Safeguard the heritage of the city by encouraging the preservation of historic resources representing significant elements of its history;
- b. Enhance the visual character of the city by encouraging the preservation of these buildings which make a significant contribution to the older neighborhoods of the city particularly to the designated historic register structures reflecting unique and established architectural traditions;
- c. Foster public appreciation of and civic pride in the beauty of the city and the accomplishments of its past;
- d. Strengthen the economy of the city by protecting and enhancing the city's attractions to residents, tourists and visitors;
- e. Promote the private and public use of historic resources for the education, prosperity and general welfare of the people; and
- f. Stabilize and improve property values within the city.

(3) In addition, the provisions of this article will assist the city and private property owners to be eligible for federal tax incentives, federal and state grant funds, property tax abatement, and any other incentive programs for the purpose of furthering historic preservation activities.

(Ord. No. 2688-06, § 1, Exh. A (58-433), 10-9-6)



Sec. 58-434. - Definitions.

The following words, terms and phrases, as used in this article, shall have the meanings set forth below except where the context clearly indicates a different meaning.

*Addition* means a construction project physically connected to the exterior of an historic building or that increases the gross floor area of the building.

*Administrative review* means the process by which the planning and community development director or his/her designee may approve, approve with conditions, or deny certain types of permit applications for alterations or additions allowed by the HPB and based upon the standards in section 58-469 to an individually designated property or property located in a designated historic district.

*Alteration* means any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, maintenance or structural changes involving exterior changes ~~in form, texture, materials or color~~, or any such changes in appearance in a designated historic property or specially designated historic site. or district. In designated local historic districts, alterations shall be in keeping with the design guidelines established for the district per section 58-457(2) (b) (5).

*Applicant* means ~~an individual or group, a property owner or owners~~ who provides(s) sufficient written information to the city to ascertain that their property potentially meets the minimum eligibility requirements for local historic designation, or who is applying for a certificate of review.

*Archaeological site* means a single specific location that has yielded, or based on previous research is likely to yield, information on local history or prehistory.

*Certificate of review* means ~~a written document approved the approval process~~ by the Winter Park Historic Preservation Commission Board allowing an applicant to proceed with approved exterior alterations, additions, relocation, new construction, or demolition of, or other work to, a designated historic landmark building, historic resource, historic landmark site or property in a historic district, following a determination of the proposal's suitability to applicable criteria.

- ~~(1) Standard certificate of review: Those certificates based upon such specific guidelines and standards as may be recommended by the Historic Preservation Board for which administrative issuance, by the city, has been authorized upon findings that proposed actions are in accord with such official guidelines and standards.~~
- ~~(2) Special certificate of review: Those certificates involving the demolition, removal, reconstruction, exterior alteration or new construction, which require determination by the Historic Preservation Board during a public hearing before such certificate can be issued.~~

*City* means the City of Winter Park.

*Contributing element (or contributing)* means a building or structure that contributes to the historic significance of a district, which by location, design, setting, materials, workmanship, feeling, and/or association adds to the district's sense of time, place and historic development.

*Demolition* means an act or process that destroys or razes, in whole or in part, a building structure or site, including a building within a district, or which permanently impairs its structural integrity.

*Designated property (or designated properties)* means a property or properties that have been designated as historic landmark(s) or historic resource(s) under Division 3 of this Article VIII.

*Florida Master Site File* means the State of Florida's official inventory of historical and cultural resources. Categories of resources recorded at the Site File include archaeological sites, historical structures, historical cemeteries, historical bridges and historic districts. The Site File also maintains copies of archaeological and historical survey reports and other manuscripts relevant to history and

historic preservation in Florida.

*Historic district* means a geographically defined area possessing a significant concentration, linkage, or continuity of landmarks, resources, improvements, or landscape features united by historic events or aesthetically by plan or physical development, and which area has been designated as an historic district pursuant to procedures described in this article. Such district may have within its boundaries noncontributing buildings or other structures that, while not of such historic and/or architectural significance to be designated as landmarks or resources, nevertheless contribute to the overall visual character of the district.

~~*Historic landmark or resource* means any prehistoric or historic site, building, structure, landscape feature, improvement, or archaeological site which has been designated as an historic landmark or resource pursuant to procedures described in this article. that is of historical, architectural or archaeological value.~~

*Historic landmark* means buildings, structures, or sites of specific and exceptional historic or aesthetic significance to the city, state or nation. Historic landmarks may be associated with historic personages or events or embody exceptional architecture, or may be the work of a master designer or architect.

*Historic Preservation ~~Commission (HPC)~~ Board (HPB)* means the City of Winter Park Historic Preservation ~~Commission Board~~ as created by sections ~~58-441 and 58-442~~ 58-445 and 58-446.

*Historic resource* means any prehistoric or historic site, building, structure, landscape feature, improvement, or archaeological site that is of historical, architectural or archaeological value.

*Historic survey* means the results of a systematic process of identifying determined by the Historic Preservation Board to identify significant buildings, sites and structures through visual reconnaissance and research for compilation in the Florida Master Site File maintained by the Bureau of Historic Resources in Tallahassee, Florida.

*Improvement* means any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, fountain, sign, work of art, earthworks, or other manmade object constituting a physical betterment of real property or any part of such betterment.

~~*Multiple property nomination* means a group of related significant properties that share common themes, and are organized by historic contexts and property types.~~

*National Register of Historic Places* means a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended.

*Non-contributing element* (or non-contributing) means a building or structure located within the boundaries of a historic property or district that does not contribute to the historic significance of the district or property by virtue of its age, location, design, setting, materials, workmanship, feeling, and/or association.

*Ordinary repairs and maintenance* means any:

- (1) Work done on any improvement, which does not involve a change of design, appearance or material.
- (2) Replacement of any part of an improvement where the purpose and effect of such work or replacement is to correct any deterioration, decay of, or damage to such improvement or any part thereof and to restore the same as nearly as may be practicable to its condition prior to the occurrence of such deterioration, decay or damage.

*Property* means land and the buildings and improvements on it.

*Property owner* means the individual or entity in possession of title for land and the buildings and improvements on it. Any person or entity claiming to be a property owner shall provide the city with

proof of such ownership interest.

*Reconstruction* means the process of reproducing, by new construction, the exact form and detail of a demolished building, structure or object as it appeared at a certain point in time.

*Rehabilitation* means the process of repairing or altering a historic building so that an efficient contemporary use is achieved, while preserving those significant historical, architectural or cultural features that establish the character of the property.

*Relocation* means the act of preserving a historic structure, which cannot remain on its existing site, by physically moving it to a new location.

*Renovation* means the act of making changes and repairs so that a historic structure is back in good condition.

*Restoration* means the act of accurately recovering the form and details of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.

*Standards for Rehabilitation (36 CFR 67)* as periodically revised ~~in 1990~~ means the standards provided by the National Park Service and the Secretary of the Interior that provide guidance on the sensitive rehabilitation of

a historic property. The standards generally address issues that include; character defining elements; changes which have occurred over the course of the property's history; desirable approaches to the repair of damaged features; appropriate cleaning methods; archaeological resources; and new construction in connection with a historic property.

(Ord. No. 2688-06, § 1, Exh. A (58-434), 10-9-06)

Sec. 58-435. - Relationship to zoning districts.

These regulations are intended to provide the framework to preserve and protect historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, parks, residential neighborhoods and commercial districts. These regulations are intended to act as an overlay to existing zoning designations. Zoning amendments may be applied to designated historic structures, districts, and sites with such actions and procedures as otherwise provided for in this chapter.

(Ord. No. 2688-06, § 1, Exh. A (58-435), 10-9-06)

Secs. 58-436—58-440. - Reserved.

FOOTNOTE(S):

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**Editor's note**— Ord. No. 2843-11, § 3.b.A, adopted June 13, 2011, amended Div. 2 in its entirety to read as set out herein. Former Div. 2, §§ 58-441—58-446, pertained to historic preservation commission and derived from Ord. No. 2688-06, § 1, Exh. A (58-437—58-441), adopted Oct. 9, 2006.

DIVISION 2. - HISTORIC PRESERVATION BOARD

Secs. 58-441—58-444. - Reserved.

Sec. 58-445. - Establishment of historic preservation board.



There is hereby established pursuant to sections 2-46 through 2-49 and section 2-59, a historic preservation board ([HPB](#)). This board shall operate and be controlled pursuant to the provisions in sections 2-46 through 2-49 and section 2-59.

(Ord. No. 2843-11, § 3.b.A., 6-13-11; Memo of 2-22-12(Att. 3.b.A.))

Sec. 58-446. [Qualifications.](#)

[Members of the HPB shall have demonstrated civic pride, interest in historic preservation and the knowledge, experience and mature judgment to act in the public interest to make informed and equitable decisions concerning the conservation of historic resources. The board shall be comprised of seven \(7\) members and one \(1\) alternate.](#)

- a. [One member shall be a licensed architect; and](#)
- b. [One member versed in local history; and](#)
- c. [One member who owns or lives in a designated resource or district.](#)

[Sec. 58-4467](#) - Functions, powers and duties of the historic preservation board.

The [HPB historic preservation board](#) shall be responsible for the development and administration of a comprehensive historic preservation program, and shall identify and maintain the city's historic resources for the benefit of both present and future residents. It shall be the responsibility of the HPB to:

- (1) Provide or recommend incentives for historic preservation, and to recommend for or against rezonings, demolitions, developments, lot splits, lot consolidations, or conditional uses that could impact historic resources identified in the Florida Master Site File survey of the City of Winter Park.
- (2) Identify potential historic landmarks, [historic resources](#) and potential historic districts for designation; and provide assistance to, and education of, owners of properties for potential designation;
- (3) Develop and maintain a local register of historic places and review National Register [of Historic Places](#) nominations within the city;
- (4) Develop guidelines based upon the Secretary of the Interior's [Guidelines Standards](#) for ~~u~~Use in reviewing applications for certificates of review. The Secretary of the Interior's Standards for Rehabilitation as [periodically](#) revised ~~in 1990~~ will be used until local guidelines are developed and adopted by the HPB;
- (5) Review applications for certificates of review for [individually](#) designated landmarks [and](#), resources, [and contributing and non-contributing](#) properties within designated districts, [city-owned historic properties and sites, and historic properties for which the city has received a façade or preservation easement;](#)
- (6) Approve variances that are appropriate for the preservation of historic resources in conjunction with applications for certificates of review;
- (7) Conduct an ongoing survey and inventory of historically, culturally or architecturally significant buildings, structures, districts and archaeological sites within the city; coordinate survey results with the Florida Master Site File; and plan for resource preservation with the aid of staff and consultants with professional expertise as may be necessary;
- (8) Develop programs to stimulate public interest and involvement in the city's history and preservation, and inform the public of the city's preservation opportunities and the HPB's activities;
- (9) Cooperate with and advise local, state and federal governments on preservation activities;

- (10) Attend relevant educational meetings, workshops and conferences;
  - (11) Adopt rules of procedure, which shall be reviewed annually and which shall be available for public inspection; and
  - (12) Perform any other function that may be designated by the city commission.
- (Ord. No. 2843-11, § 3.c.A., 6-13-11; Memo of 2-22-12(Att. 3.b.A.))

Secs. 58-447—58-455. - Reserved.

### DIVISION 3. - DESIGNATION OF HISTORIC LANDMARKS, RESOURCES OR DISTRICTS

#### Sec. 58-456. - Designation criteria.

In order to qualify as a local historic landmark, resource or district, properties must ~~have character, interest or value as part of the historical, cultural, archaeological, aesthetic or architectural heritage of the city, state or nation. For a multiple property nomination, eligibility may be based on the establishment of historic contexts or themes that describe the historical relationship of the properties.~~ be in keeping with the intent and purpose of the Winter Park Historic Preservation Code as set forth in Section 58-433, herein and be based on the establishment of historic contexts or themes that describe the historical relationship of the properties. The eligibility of any potential historic landmark, resource or district shall be supported by meeting ~~one or more~~ applicable criteria based upon the National Register of Historic Places guidelines criteria for evaluation at the local, state or national level. Properties must be at least 50 years old to be eligible for designation unless they are of exceptional importance.

(1) The criteria for the designation of historic landmarks and historic resources are as follows:

- a. A quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and associations; and
  - b. ~~That are associated with events that have made a significant contribution to the broad patterns of our history; or~~
  - c. ~~That are associated with the lives of persons significant in our past; or~~
  - d. ~~That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or~~
  - e. ~~That have yielded, or may be likely to yield, information important in prehistory or history.~~
- b. At least one of the following:
- i. That are associated with events that have made a significant contribution to the broad patterns of our history; or
  - ii. That are associated with the lives of persons significant in our past; or
  - iii. That embody the distinctive characteristics of a type, period, or method of construction; or
  - iv. That represent the work of a master; or
  - v. That possess high artistic values; or
  - vi. That represent a significant and distinguishable entity whose

- components may lack individual distinction; or
- vii. Those have yielded, or may be likely to yield, information important in prehistory or history.

(2) Historic districts must meet the criteria of Section 58-456 (1) a. and one two or more of the National Register criteria in section 58-456 (1) b. at the local, state or national level. A district shall possess a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

- a. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the historic environment or be an arrangement of historically or functionally related properties. A significant concentration may be represented by 60 percent of the sites, buildings, structures or objects that contribute to the historic context of the district. At least 50 percent of the sites, buildings, structures or objects in a historic district must meet two or more of the National Register of Historic Places criteria at the local, state or national level.
- b. A district must contain a minimum of twelve (12) properties. A district must be a definable geographic area of contiguous properties and, where possible, should cover both sides of any street or comprise all the properties in any cul-de-sac or similar area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations, and generally follow the technical guidelines for selecting boundaries used by the National Register of Historic Places. The boundaries must be based upon a shared relationship among the properties constituting the district and represent the area which completed the process described in Section 58-457(2). The boundaries should be defined by utilizing the parcels and lots as shown on the Orange County Property Appraiser's maps.
- c. If the nomination for designation of a particular district pursuant to Section 58-457(2) below is unsuccessful, no district nomination including the selected area shall be presented for nomination for at least three (3) years after the date the city notifies the proposed district's residents that the nomination has been unsuccessful.

(Ord. No. 2688-06, § 1, Exh. A (58-442), 10-9-06)

Sec. 58-457. - Designation procedures.

Winter Park historic landmarks, resources and districts shall be designated only as provided in this section. Properties, which meet the criteria for designation as set forth in section 58-456, shall be designated according to the following procedures:

(1) *Designation of local historic landmarks and resources.*

- a. Recommendations for nomination for designation of individual local historic landmarks and resources may be submitted to the planning and community development department by the property owner(s), the HPC, or a city commission member who believes(s) that the property meets the criteria for listing as set forth in section 58-456. The property owner shall provide to the city proof of current fee simple ownership of the property being nominated. The proposal shall include a legal description or address of the property, a brief statement regarding its historic, cultural, aesthetic or architectural significance, and must include written authorization by the property owner(s). A recommendation for nomination that does not include the property owner(s)



~~authorization shall not proceed.~~

- b. ~~Every proposed historic landmark or resource shall have a historic designation report prepared by the city that shall be presented to the HPC at a regularly scheduled meeting. Prior to consideration of designation, the city shall first determine if the property sought to be designated meets the criteria for designation. If so, the city shall prepare a historic designation report that shall be presented to the HPB at a regularly scheduled meeting.~~
- c. For each proposed designation of a historic landmark or resource, the City is responsible for mailing a notice of public hearing to all property owners of record on the latest Orange County tax roll within a 500-foot radius of the proposed landmark or resource at least 15 days prior to the public hearing held pursuant to this section, however failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation in the city and county at least 15 days prior to the hearing.

*(2) Local historic districts.*

- a. Nominations for designation of historic districts may be submitted to the planning and community development department by petition from 20 percent of the proposed district property owners, at least half of whom shall be owners of individually designated historic homes in the proposed district, or owners of contributing homes in the proposed district by any member of the HPC, or by a city commission member, who believes that the district meets the criteria for listing as set forth in section 58-456. The nomination proposal shall include a description of the proposed boundaries of the district, and a brief statement explaining—setting forth: (i) that at least 50% of the homes in the proposed district are individually designated historic homes or contributing homes; (ii) explaining its historic, cultural, aesthetic or architectural significance, (iii) the specific National Register of Historic Places criteria (two or more) that apply to the proposed district; and (iv) including—a—the required petition representing the ownership of at least 20 percent of the properties within the proposed district as described above. Designation of historic districts shall only be considered by the HPCB subsequent to meetings with district property owners and actions as described in subsections b. and c. below.
- b. ~~Prior to consideration of designation by the HPCB, the city shall facilitate conferences with the property owners within the nominated district to discuss the following: first determine if the proposed district meets the criteria for designation as set forth in the petition. If so, the city shall then prepare a historic designation report which shall analyze and report upon: 1) the historic designation report (2) proposed boundaries, 3) 2) contributing and non-contributing buildings and elements, 3) district goals, 4) design guidelines to include district alteration criteria, and 5) results effects of designation and 6) available incentives. The city shall then mail the report and other necessary information to each property owner of record to notify them of the initial interest in establishing a historic district, the effects of establishing a historic district, and a schedule of informational meetings for owners and interested parties. The schedule of informational meetings will also be published in a newspaper of general circulation and posted on the city's web site. The city shall then facilitate conferences with property owners within the nominated district to discuss the proposed district.~~ The city shall have 90 days to complete these requirements.
- c. After informational meetings have concluded, the city will mail a summarized final historic designation report to every property owner of record in the nominated district as of that date. The report will describe the voting process including a 14 day deadline to respond. The final report, voting process and deadline will also be posted on the city's web site. Property owners of record will be polled, with each property

representing one vote. If a property is jointly owned by two or more persons or entities, all such persons or entities having an ownership interest in that property must agree in order to cast a vote in favor of creating the nominated district. Upon receipt of a favorable vote representing the ownership of ~~two-thirds~~ fifty percent (50%) plus one of the properties within the nominated ~~proposed~~ district, a historic designation report shall be forwarded to the HPCB recommending approval or disapproval of the nominated area as a historic district based upon the vote received and citing any other specific criteria for the decision. ~~A historic district that is commemorative in nature only and whose designation report does not require design review will not require a vote of the property owners, but shall require a public hearing as described in section 58-457(2) d.~~

- d. The nominated historic district shall have a historic designation report that shall be presented to the HPCB at a regularly scheduled meeting. The designation report shall include the historic context, proposed boundaries, contributing and non-contributing elements, a staff recommendation and the results of listing which may include guidelines for review, and appropriate incentives. For each proposed designation of a historic district, the city is responsible for mailing a notice of public hearing to all property owners of record whose property is located within the boundary of the designation 15 days prior to the public hearing held pursuant to this section, however failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation ~~in the city and county~~ at least 15 days prior to the hearing.

- (3) Decision of the HPB ~~historic preservation commission~~. If, after a public hearing, the HPCB finds that the proposed local historic landmark, resource or district meets the criteria set forth in section 58-456, it shall transmit such findings to the city commission along with the recommendation that the designation be approved. The historic landmark ~~or, resource or district,~~ shall only be recorded in the Winter Park Register of Historic Places following adoption of a resolution of the city commission approving such designation. The designation of a historic district shall only be created following the adoption of an ordinance of the city commission approving such designation. The city commission shall have final decision making authority over whether to approve or deny any request for designation under this division.

- (4) ~~The city commission shall further direct staff to notify the following of the action with a~~ A copy of the resolution(s) designating the historic landmark, resource or district and the adopted guidelines for review shall be sent to:

- Planning and Community Development Department  
(all divisions)
- Building and Permitting Services Department
- Code Compliance Division
- City Clerk
- Public Works Department
- Owners of the affected property and other parties having an interest in the property, if known

(5) Following the published date of a public hearing before the HPCB, no permits shall be issued by the Building and Permitting Services Department, except for permits that do not require the review of the HPCB, for any new construction, exterior alterations, rehabilitation, restoration, renovation, addition, relocation, moving, or demolition of the real property that is the subject matter of the recommendation, until one of the following has occurred:

- The historic designation is enacted and a certificate of review is issued under the provisions of division 4; or
  - The historic designation is denied by the city commission; or
  - The property owner has applied for an accelerated approval of a certificate of review prior to final enactment of the historic designation; and such certificate of review has been issued under the provision of section 58-473, and the property owner has voluntarily proffered a covenant binding him to comply with all terms and conditions of the certificate of review which will cease to be effective should the city commission deny the historic designation.
- (6) Historic landmarks, resources or districts shall be formed as ~~a special~~ an overlay, which shall be placed over the existing zoning. The regulations and procedures for both the zoning district and the historic landmark, resource or district regulations shall apply.
- (7) Should the city commission deny a request for historic district designation, the city shall notify all property owners within the proposed district by mail of the decision and contemporaneously post the notice of the decision on the city web site.

(Ord. No. 2688-06, § 1, Exh. A (58-443), 10-9-06)

Secs. 58-458—58-465. - Reserved.

#### DIVISION 4. - CERTIFICATE OF REVIEW

Sec. 58-466. - Purpose.

The purpose of the certificate of review process is to assist owners of historical landmarks or resources and owners in historic districts, ~~in accordance with design guidelines,~~ who plan to rehabilitate, restore or redevelop their property for contemporary use to achieve their goals and take advantage of incentive programs while preserving the historic character, architecture and materials, to the greatest extent possible.

(Ord. No. 2688-06, § 1, Exh. A (Div. IV), 10-9-06)

Sec. 58-467. - Pre-application conference.

Before entering binding commitments or incurring substantial expense in the preparation of plans, surveys and other data, and before submitting an application for a certificate of review, an applicant shall confer with the city HPB staff to obtain information and guidance. The purpose of such conference is to further discuss and clarify conservation objectives and design guidelines in cases that do not conform to established objectives and the Land Development Code guidelines. In no case shall any statement or representation made prior to the official application review be binding on the ~~HPCB~~, the city commission or any city departments.

(Ord. No. 2688-06, § 1, Exh. A (58-444), 10-9-06)

Sec. 58-468. - Review requirement.

The ~~HPCB~~ shall review and render a decision during an advertised public hearing on applications for ~~special~~ certificates of review for any proposed exterior alterations, rehabilitation, restoration, renovation, or addition, or any proposed new construction, demolitions, or relocations of: (i) designated historic landmarks; (ii) historic resources; (iii) contributing and noncontributing resources



within historic districts; (iv) city-owned historic properties and sites; and (v) historic properties for which the city has received a façade or preservation easement in keeping with the applicable design guidelines. Provided however, the HPB shall not have the authority to review and render a decision on interior alterations to structures that do not affect the exterior or structural integrity of the structure. The HPB shall review and render a decision on all applications for special certificates of review for any proposed exterior alterations, demolitions, new construction or relocations within the boundaries of designated historic districts. The HPCB may approve, approve with conditions recommendations, or deny an application. For reconstructed buildings that have been permitted pursuant to section 58-4802, the provisions of this section shall still apply.

(Ord. No. 2688-06, § 1, Exh. A (58-445), 10-9-06)

Sec. 58-469. - Guidelines for review.

In adopting guidelines for review, It shall be the intent of the HPCB to preserve the exterior historic characteristics of the landmark, resource or district, and to promote maintenance, restoration, adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites, and streetscapes. Guidelines shall also serve as criteria for staff to make decisions, as permitted by the HPCB, regarding applications for standard administrative certificates of review.

- (1) The U.S. Secretary of the Interior's Standards for Rehabilitation as periodically revised ~~in 1990~~ are generally the standards and guidelines by which applications for any certificate of review for historic buildings, sites, or districts are to be measured and evaluated. The HPCB may recommend additional standards to preserve and protect special features unique to the city or may recommend amending any existing guidelines to the city commission.
- (2) Variances to achieve the design review standards for historic preservation may be granted from the land development code requirements ~~as may be appropriate to achieve the design review standards for historic preservation for the purposes of this ordinance, provided the variance does not negatively affect the character of the area and with good cause shown.~~ These variances may include those for building height, side, rear and front setbacks, building coverage, floor area ratio, impervious coverage, storm water retention, and walls and fences. Building code exemptions may be granted subject to the guidelines of the Florida Building Code for qualified historic buildings or structures. Additional information to justify variances and exemptions may be needed.
  - a. When a variance or exception is considered, the application shall comply with the notice standards listed in subsection ~~58-88(c)(2)~~ 58-89(c)(2).
  - b. All variance requests through the HPCB ~~design certificate of~~ review process shall be limited to properties with individual landmark, resource or historic district designation. This landmark, resource or district designation must be completed before issuance of a building permit for the work that requires a variance.
  - c. The appeal of a decision to grant or deny a variance by any person aggrieved by the decision of the HPCB shall be taken to the city commission after following the notice criteria of subsection ~~58-88(c)(1)~~ 58-89(c)(2) if filed within 15 days of the date of the decision by the HPCB.
- (3) The HPCB may also allow garage apartments or accessory cottages to be determined to be conforming uses on designated historic landmarks or resources, or ~~to~~ on properties in a designated historic district.
  - a. Historic designation must be completed before the issuance of a building permit or approval for the construction, re-establishment or construction of a new garage apartment or accessory cottage.
  - b. Building setbacks shall be determined by the HPCB, however no garage apartment or accessory cottage shall be closer than five feet to a rear or side line, unless such

setback currently exists, or may be in a required front setback.

c. It is desirable that garage apartments or accessory cottages not exceed 750 square feet of living area. The HPB may reduce or enlarge this square foot limitation depending on the configuration or size of the property; provided, however, Garage apartments or accessory cottages shall not exceed 1,000 square feet in size.

d. Conversion of any existing garage space shall not be allowed, but an existing garage may be enlarged in height or ground area to accommodate the garage apartment. Garage apartments or accessory cottages may utilize a separate electric meter and utility connections contingent upon meeting the parking requirements for an accessory dwelling unit.

e. Tenants must be provided on-site parking space(s) behind the front setback of the principal residence. All required parking spaces must be accessed independently and shall not require moving any vehicle to allow another vehicle to enter or exit from the property. All vehicles shall be parked on-site in spaces conforming to setbacks so that no regular daytime or overnight parking occurs on city streets. Violation of these terms and conditions may result in enforcement action by Code Compliance. Will be deemed sufficient grounds for the code enforcement board to order the discontinuation of the garage apartment or accessory cottage as a secondary living unit along with other penalties and remedies at their discretion

(4) Each designated historic district may adopt specific district guidelines for design review based upon the U.S. Secretary of the Interior's Standards for Rehabilitation as periodically revised ~~in 1990~~ subject to final approval by the HPCB

(5) Local guidelines for design review may be adopted based upon the U.S. Secretary of the Interior's Standards for Rehabilitation as periodically revised ~~in 1990~~.

(Ord. No. 2688-06, § 1, Exh. A (58-446), 10-9-06)

#### Sec. 58-470. - Forms.

Applications for certificates of review will be made on forms approved and provided by the HPCB. ~~historic preservation commission.~~

(Ord. No. 2688-06, § 1, Exh. A (58-447), 10-9-06)

#### Sec. 58-471. - Delegation of review authority.

The planning and community development director or his/her designee may approve, approve with conditions, or deny certain types of permit applications for alterations or additions allowed by the HPB and based upon the standards in Section 58-469 to an individually designated property or property located in a designated historic district. The planning and community development director or his/her designee is not required to grant this administrative review and may require review by the HPB. Further, the HPCB may delegate the authority to the planning and community development director or his/her designee appropriate staff members to review and grant standard administrative certificates of review without referral to the HPCB and without a public hearing in the case of certain types of applications, which the HPCB shall determine in advance. If the applicant wishes to appeal planning and community development director's or his/her designee's decision, a complete certificate of review application for the project will then be placed on the HPB agenda.

(Ord. No. 2688-06, § 1, Exh. A (58-448), 10-9-06)

Sec. 58-472. - Administrative review- Standard certificates.

Based upon the standards for rehabilitation, the designation report, a complete application for a building permit standard certificates of review, and any additional plans, drawings or photographs to fully describe the proposed alteration, the city shall within 15 business days from the date a complete application has been filed, approve, approve with conditions or deny the application for a standard certificate of administrative review prior to the issuance of a building permit. The decision shall be based upon the standards in section 58-469(1). The findings of the city shall be mailed to the applicant within three days of the city's decision accompanied by a statement in full regarding the decision unless delivered in person. The applicant shall have an opportunity to challenge the decision to deny the application by applying for a special certificate of review within 15 days of the findings.

(Ord. No. 2688-06, § 1, Exh. A (58-449), 10-9-06)

Sec. 58-473. - Special Certificates of Review.

- (a) An applicant for a special certificate of review whether for new construction, exterior alteration, addition, rehabilitation, restoration, renovation, addition, moving or demolition, or relocation shall submit an application to the HPCB accompanied by photographs, elevations, site plans, floor plans, and samples of materials as deemed appropriate by the HPCB to fully describe the proposed appearance, materials and architectural design of the building(s), other outbuildings and site plan. The application shall include floor area ratio, impervious lot coverage and height and setback calculations as well as landscape and hardscape plans if applicable. The applicant shall provide adequate information to enable the HPCB to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes. If such application involves a designated archaeological zone, the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site.
- (b) In the event that the applicant is requesting a special certificate of review for demolition, the HPCB shall be provided with the details for the proposed disposition of the site. The HPCB may require architectural drawings, financial plans or other information regarding any proposed new construction. Proposed demolitions shall be reviewed subject to the considerations in section 58-479.
- (c) The HPCB will rule upon applications for a certificate of review during a public hearing. A notice of the hearing shall be published in a newspaper of general circulation within the city at least 13 45 days in advance of the hearing. Written notice of the time and place of the hearing and the proposed action to be taken shall be mailed to all owners of record of property within 500 feet of the property requesting a certificate of review. A notice shall also be posted upon the property at least 15 days in advance of the hearing.
- (d) An approved certificate of review and any accompanying variance(s) shall expire one year after the date of approval if the approved construction, rehabilitation, restoration, renovation, addition, demolition, or relocation has not physically commenced on the property within such time period. Upon the request of the property owner, staff may administratively extend the approval for an additional year. Thereafter, upon request by the property owner one additional one year extension may granted by the HPB upon good cause.

(Ord. No. 2688-06, § 1, Exh. A (58-450), 10-9-06)



Sec. 58-474. - Decision of the commission board

The decision of the HPB historic preservation commission shall be based upon the guidelines set forth in section 58-469 as well as the general purpose and intent of these regulations and any specific planning objectives and design guidelines officially adopted for the particular historic landmark, resource or historic district. The decision may include such incentives for preservations as the HPB finds appropriate. No decision of the HPC shall result in an inordinate burden for the owner if the HPB has determined the existence of such burden in accordance with state law. The decision of the HPB shall include a complete description of the reasons for such findings and details of the public interest that is sought to be preserved and shall direct one or more of the following actions:

- (1) Issuance of a special certificate of review for the work proposed by the applicant; or
- (2) Issuance of a special certificate of review with specified modifications and conditions or;
- (3) Issuance of a special certificate of review with recommendations for zoning required to for the preservation of the building or site and those recommendations shall be placed on the consent agenda of the soonest possible planning and zoning commission board meeting
- (4) Denial of the application and refusal to grant a certificate of review; or
- (5) Issuance of a special certificate of review with a deferred effective date of up to 12 months from the date of the HPCB's decision at a public hearing in cases of demolition or moving of a significant building.

(Ord. No. 2688-06, § 1, Exh. A(58-451), 10-9-06)

Sec. 58-475. - Time limit.

The historic preservation commission HPB shall act upon an application within 60 days of receipt of the proposed action. The time limit may be waived at any time by mutual written consent of the applicant and the HPCB.

(Ord. No. 2688-06, § 1, Exh. A (58-452),10-9-06)

Sec. 58-476. - Records.

The decision of the historic preservation commission HPB shall be issued in writing. Evidence of approval of the application shall be by certificate of review issued by the HPCB or the HPCB's designated staff representative to the applicant, and whatever its decision, notice in writing shall be given to the applicant, city clerk and the director of the planning and community development department. When an application is denied, the HPCB's notice shall provide an adequate written explanation of its decision. The HPCB shall keep a written record showing its action on each application considered.

(Ord. No. 2688-06, § 1, Exh. A (58-453),10-9-06)

Sec. 58-477. - Appeals.

(a) Any substantially affected party may appeal any decision of the HPCB to the city commission by filing within 15 days after the date of the decision a written notice of appeal and an appeal fee as established by the city's schedule of fees. The notice shall set forth concisely the decision appealed from and the reasons or grounds for the appeal.

~~(b)~~ The appeal shall be heard by the city commission, which shall hear and consider all facts material to the appeal and render a decision promptly. The appeal shall be a de novo appeal. The city commission may affirm, modify or reverse the HPCB's decision based upon the standards in section 58-469 and guidelines in section 58-479. The decision of the city commission shall constitute final administrative review. Appeals from decisions of the city commission may be made to the courts having jurisdiction over the matter. ~~as provided by the Florida Rules of Appellate Procedure.~~

(Ord. No. 2688-06, § 1, Exh. A (58-454), 10-9-06)

#### Sec. 58-478. - Change in approved work.

The HPCB's staff shall review any change in work proposed subsequent to the issuance of a certificate of review. If the HPCB's staff finds that the proposed change does not materially affect the historic character or the proposed change is in accord with approved guidelines, it may issue a supplementary standard certificate of review for such change. If the proposed change is not in accordance with guidelines, standards, or certificate of review previously approved by the HPCB, a new application for a special certificate of review shall be required.

(Ord. No. 2688-06, § 1, Exh. A (58-455), 10-9-06)

#### Sec. 58-479. - Guidelines for ~~issuance—~~Demolition of designated properties or properties within historic districts. ~~, and construction, excavation or other disturbance in archaeological zones.~~

~~(a)~~ In addition to all other provisions of this article, in determining whether to approve or deny an application involving the demolition of designated properties or properties located within designated historic districts, the HPCB shall consider the following criteria ~~in evaluating applications for a special certificate of review for demolition of designated properties:~~

- (1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark.
- (2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
- (3) The structure is one of the last remaining examples of its kind in the city, the county, or the region.
- (4) The structure contributes to the historic character of a designated district.
- (5) Retention of the structure promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.
- (6) There are definite plans for reuse of the property if the proposed demolition is carried out, and there is an explanation of what the effect of those plans will be on the character of the surrounding area.

Noncontributing elements are exempt from the provisions of subsections (1) through (5) above.

Sec. 58-480. – Identified interred archaeological site.

~~(b)~~ In cases where new construction, excavation, tree removal or any other activity may disturb or reveal an identified interred archaeological site, the HPGB may issue a certificate of review with a delayed effective date up to 60 days. During the delay period, the applicant shall permit the subject site to be examined under the supervision of an archaeologist approved by the HPGB. A certificate of review may be denied if the site were of exceptional importance and such denial would not unreasonably restrict the primary use of the property.

Sect. 58-481. – Procedure for demolition of properties identified in the Florida Master Site File or the Historic Survey.

Applications requesting the demolition of properties that are identified in the Florida Master Site File or the Historic Survey as potential candidates for the National Register of Historic Places but are not designated properties or properties within historic districts, shall comply with the procedures of this section.

(1) Upon receipt of a complete application for a demolition permit, for properties found in the Historic Survey as potential candidates for the National Register of Historic Places, the city shall have sixty (60) days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this 60 day period is to facilitate and encourage the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. Upon receipt of the application for demolition, the property owner or their designee will receive a letter from the HPB staff notifying them of the 60 day period and the purpose of such and the next HPB meeting where the application for demolition will be reviewed and potential alternatives to demolition discussed. During this 60 day period, the HPB will review the application for demolition permit and may direct HPB staff to make proposals to the property owner or their designee as to any specific alternatives to demolition.

(2) Upon the city's receipt of a complete application for a demolition permit of properties that are identified in the Florida Master Site File, the city shall have sixty (60) days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this 60 day period is to facilitate and encourage the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. Upon receipt of the application for demolition, the property owner or their designee will receive a letter from staff regarding the 60 day period and the purpose of such. During this 60 day period, staff shall consider appropriate alternatives to demolition and is authorized to make proposals to the property owner or their designee to protect the historic character of the property in lieu of demolition. HPB staff shall notify the HPB of any applications for demolition that qualify under this category at the next scheduled meeting of the HPB subsequent to the receipt of a complete application for demolition permit.



(3) During the consideration period set forth under subsection (1) and (2), the following alternatives to demolition should be considered:

(i) The feasibility of moving or relocating the structure;

(ii) The feasibility of purchasing the structure, either privately or through the use of public funds;

(iii) Preservation of historic elements of the structure prior to demolition through photographic documentation of the structure, removal and relocation of historic elements, or otherwise archiving the historic nature of the structure.

(4) If agreement is reached with the property owner to allow preservation of aspects of the structure pursuant to subsection (3) (iii) above, the demolition shall be allowed immediately upon completion of the preservation or at the end of the consideration period, whichever may come first, provided all other criteria for demolition have been met. As further consideration for allowing the preservation of the structure pursuant to this section, any person or entity undertaking the preservation effort shall provide the property owner a waiver of liability for any personal injury or property damage incurred by the preserving party.

(5) If after the expiration of the applicable consideration period under subsection (1) and (2), the property owner notifies the HPB staff in writing that no alternatives to demolition that are acceptable to the property owner have been presented, provided that all other requirements and conditions of its application for a demolition permit have been met, the city shall proceed to issue a demolition permit in accordance with its standard procedures. At any time after a complete application for demolition permit is received, the HPB staff may waive the remaining time under the applicable consideration period under subsection (1) and (2) if the HPB or the HPB staff determines that no meaningful alternatives to demolition exist or will be proposed to the property owner.

(6) For good cause shown, and with the agreement of the property owner, the consideration periods under subsection (1) and (2) may be extended for an additional sixty day (60) day period. The time limit under sec. 58-475 does not apply to demolition permits under this section.

(7) The criteria set forth in Sec. 58-479 do not apply to applications for demolition permits under this section. The HPB does not have the authority to approve or deny an application for demolition permit under this section.

(8) The provisions of this section shall be supplemental to any other requirements and conditions applicable to applications for and permits issued concerning the demolition of properties.

(9) Any property that has received, prior to the effective date of this section, an approved and valid development order or permit from the City that authorizes the redevelopment of the property is exempt from the provisions of subsection (1) and (2) in regards to the redevelopment approved by such development orders and permits.

Sec. 58-~~480~~482. - Reconstruction of destroyed historic landmarks.

The ~~loss less~~ of local historic landmarks, resources or contributing structures within a historic district that have been destroyed by fire or other natural disaster may be ameliorated by efforts to reconstruct the resource. Reconstruction means the process of reproducing by new construction the exact form and detail of a demolished building structure or object as it appeared at a certain point in time. The HPCB shall encourage reconstruction when deemed appropriate and when such reconstruction is based upon evidence of the size, form, architectural style and detail of the demolished building. The reconstruction will be recognized as such in the Winter Park Register of Historic Places.

(Ord. No. 2688-06, § 1, Exh. A(58-457), 10-~~9~~  
9-06)

Sec. 58-~~481~~483—58-489. - Reserved.

## DIVISION 5. - ADMINISTRATION AND ENFORCEMENT

### Sec. 58-490. Incentives.

The City may adopt additional incentives applicable to designated historic landmarks, historic resources and/or properties in a historic district, including but not limited to fee discounts or grant programs, at its discretion.

Sec. 58-491. - National Register of Historic Places nominations.

The HPCB shall review local nominations to the National Register of Historic Places and shall forward a record of their actions and recommendations to the Florida State Historic Preservation Officer.

- (1) The city commission, City Manager, Planning and Community ~~red~~Development department director, ~~chief planner~~, owners of record and applicants shall be given a minimum of 30 and not more than 75 days prior to the HPCB meeting in which to comment on or object to the listing of a property in the National Register of Historic Places.
- (2) Objections by property owners must be submitted in writing and their signature notarized to prevent nomination to the National Register of Historic Places.

(Ord. No. 2688-06, § 1, Exh. A (58-458), 10-9-06)

Sec. 58-492. - Certified local government performance.

The HPCB shall apply to participate in the certified local government program through the Florida Division of Historical Resources. As part of the program requirements the HPCB shall:

- (1) Provide 30 days prior notice of all meetings to the state historic preservation officer.
- (2) Submit minutes of each meeting to the state historic preservation officer within 30 days of each meeting.
- (3) Submit record of attendance for the HPCB to the state historic preservation officer within 30 days of each meeting.
- (4) Submit public attendance figures for each meeting to the state historic preservation officer within 30 days of each meeting.

- (5) Notify state historic preservation officer of any change in HPCB membership within 30 days of the action.
- (6) Notify state historic preservation officer immediately of all new historic designations or alterations to existing designated buildings, structures and sites.
- (7) Submit amendments to ordinance to the state historic preservation officer for review and comment at least 30 days prior to adoption.
- (8) Submit annual report by November 1 covering previous October 1 through September 30 of each year. The annual report shall include:
  - a. Any changes to the rules of procedure.
  - b. The number of proposals reviewed.
  - c. All new designations.
  - d. Changes to the HPCB
  - e. Revised resumes of HPCB members as appropriate.
  - f. Changes to the historic preservation ordinance.
  - g. A review of any survey and inventory activity with a description of the system used.
  - h. A program report on each grant-assisted

activity. (Ord. No. 2688-06, § 1, Exh. A(58-459), 10-9-06)

Sec. 58-493. Amendments-Reserved.

~~Applications for amendments to existing designated historic landmarks, resources or historic districts shall be processed according to the provision of sections 58-456 and 58-457 of this chapter provided that no action resulting from such application shall have the effect of eliminating the requirement for certificates of review as otherwise provided for in this article. Where the HPB has issued a certificate of review for demolition or moving of the improvement or feature of principal historic significance on a historic landmark site, the historic classification may be changed through the amendment process.~~

(Ord. No. 2688-06, §1, Exh. A (58-463), 10-9-06)

Sec. 58-494. - Ordinary maintenance and repair.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any improvement, which does not involve a change of design, appearance or material, or to prevent ordinary maintenance of landscape features.

(Ord. No. 2688-06, § 1, Exh. A (58-464), 10-9-06)

Sec. 58-495. - Enforcement of maintenance and repair provisions.

Where the HPCB or city determines that any improvement of a designated historic landmark or resource, or historic district is endangered by lack of maintenance and repair, or that other improvements in visual proximity to a historic landmark, historic resource or historic district lack maintenance and repair to such an extent as to detract from the desirable character of the historic



landmark, [historic](#) resource or [historic](#) district, it shall request appropriate officials or agencies of the city to require correction of such deficiencies under authority of applicable laws and regulations.

(Ord. No. 2688-06, § 1, Exh A (58-465), 10-9-06)

#### Sec. 58-496. - Unsafe structures.

In the event the building official determines that any designated building or contributing structure within a designated historic district is unsafe pursuant to the [Florida](#) Building Code, he or she shall immediately notify the HPCB with copies of such findings. Where reasonably feasible within applicable laws and regulations, the building official shall endeavor to have the structure repaired rather than demolished and shall take into consideration any comments and recommendations by the HPCB. The HPCB may take appropriate actions to effect and accomplish the preservation of such structure including, but not limited to, negotiations with the owner and other interested parties, if such actions do not interfere with procedures in the [Florida](#) Building Code.

(Ord. No. 2688-06, § 1, Exh.A (58-466), 10-9-06)

#### Sec. 58-497. - Emergency conditions.

For the purpose of remedying emergency conditions determined to be imminently dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction, demolition or other repairs to an improvement, or site within a designated historic landmark, resource or district pursuant to an order of a government agency or a court of competent jurisdiction, provided that only such work as is reasonably necessary to correct the hazardous condition may be carried out. The owner of an improvement damaged by fire or natural calamity shall be permitted to stabilize the improvement immediately and to rehabilitate it later under the normal review procedure of this article.

(Ord. No. 2688-06, § 1, Exh. A (58-467), 10-9-06)

#### Sec. 58-498. - Inspections.

The Building [and Permitting Services](#) Department and [Code Compliance Division](#) shall assist the HPCB by making necessary inspections in connection with enforcement of this article. The building official shall be responsible to promptly stop any work attempted to be done without or contrary to any certificate of review required under this division and shall further be responsible for ensuring that any work not in accordance with an issued certificate of review shall be corrected to comply with the certificate, or that authorized remedial action in accordance with city codes is initiated promptly.

(Ord. No. 2688-06, § 1, Exh. A(58-468), 10-9-06)

#### Sec. 58-499. --Reserved. ~~Inordinate burden.~~

~~Nothing in this article shall cause an inordinate burden to a property owner's existing use of real~~

~~property or a vested right under 1995 Fla. Laws Ch. 95-181, § (1-2), the Bert J. Harris, Jr. Private Property Rights Protection Act. An ordinate burden to a property owner's existing use of real property or a vested right may not be considered unless an application for a certificate of review for a designated property has been denied. In any instance where there is a claim of an inordinate burden to existing use of real property or vested rights, the owner shall submit, by affidavit, to the commission at least 30 days prior to a public hearing, such information as may be required to describe those vested rights and the perceived inordinate burden to those rights.~~

(Ord. No. 2688-06, § 1, Exh.A (58-469), 10-

9-06)

Sec. 58-500. - Violations.

(a) Any person who carries out or causes to be carried out any work in violation of this article shall be required to restore the subject improvement, landscape feature or site either to its appearance prior to the violation or in accordance with a certificate of review approved by the HPB. This civil remedy shall be in addition to and not in lieu of any ~~criminal prosecution and civil~~ penalty otherwise provided in section ~~2-408~~ 2-107 in this Code.

(b) Any person who carries out or causes to be carried out any work in violation of this article that causes irreparable or irreversible damage to a designated historic resource, or to any contributing or noncontributing resource within a designated historic district a fine not to exceed three times the amount per violation provided for in section ~~2-408~~ 2-107 in this Code.

(Ord. No. 2688-06, § 1, Exh A (58-470), 10-

9-06)

Secs. 58-501—58-509. - Reserved.

## DIVISION 6. - TAX EXEMPTIONS FOR HISTORIC PROPERTIES

Sec. 58-510. Reserved.

Sec. 58-511. - Scope of tax exemptions for restoration, renovation or rehabilitation.

(a) Chapter 196.1997, Florida Statutes establishes Aa method ~~is hereby created~~ for the city commission to allow tax exemptions for the restoration, renovation or rehabilitation of historic properties. The exemption shall apply to one hundred percent (100%) percent of the assessed value of all improvements to historic properties, which result from restoration, renovation or rehabilitation made on or after the effective date of an approved application. The exemption applies only to taxes levied by the city. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida State Constitution. The exemption does not apply to personal property.

(Ord. No. 2688-06, § 1, Exh. A (58-476), 10-9-06)

Sec. 58-512. - Duration of tax exemptions.

Any exemption granted under ~~this~~ section 58-511 to a particular property may remain in effect for

ten years as specified in the ordinance approving the exemption. The duration of ten years may continue regardless of any change in the authority of the city to grant such exemptions or any changes in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements, which qualified the property for an exemption, must be maintained over the period for which the exemption was granted.

(Ord. No. 2688-06, § 1, Exh. A (58-477), 10-9-06)

Sec. 58-513. - Eligible properties and improvements.

(a) Property is qualified for an exemption under ~~this~~ section [58-511](#) if:

(1) At the time the exemption is granted, the property is:

- a. Individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended;
- b. A contributing property within a National Register listed district; or
- c. Individually listed in the Winter Park Register of Historic Places or noted as a contributing structure within a designated local historic district as enacted by ordinance of the city commission.

(2) The HPCB has certified to the city commission that the property for which an exemption is requested satisfies subsection (a) (1) [above](#).

(b) In order for an improvement to a historic property to qualify the property for an exemption, the improvement must be:

- (1) Consistent with the United States Secretary of the Interior's Standards for Rehabilitation and/or local design guidelines for historic preservation, and
- (2) Determined by the HPCB to meet criteria established in rules adopted by the department of state [if the city is a Certified Local Government, or by the Department of State Division of Historic Resources.](#)

(c) [Property is qualified under section 58-513\(b\) above if the property meets the following criteria:](#)

- [\(1\) The property must be used for commercial purposes or used by a not-for-profit organization under s. 501\(c\) \(3\) or \(6\) of the Internal Revenue Code of 1986; or](#)
- [\(2\) The property must be listed in the National Register of Historic Places, as defined in Florida Statutes section 267.021; or](#)
- [\(3\) Must be a local historic contributing property to a National Register Historic District; or must be a locally designated historic landmark or a contributing property within a locally designated historic district; and](#)
- [\(4\) The property must be regularly open to the public, which means that there are regular hours when the public may visit to observe the historically significant aspects of the building. This means a minimum of forty \(40\) hours per week, for forty-five \(45\) weeks per year, or an equivalent of eighteen hundred \(1,800\) hours per year. A fee may be charged to the public; however, it must be comparable with other entrance fees in the immediate geographic locale.](#)



Only those portions of the property used predominantly for the purposes specified in section 58-513(c) shall receive the ad valorem tax exemption of up to fifty (50%) percent of the assessed property value. In no event shall an incidental use of property qualify such property for an exemption or impair the exemption of an otherwise exempt property. In order to retain the exemption, the historic character of the property must be maintained in good repair and condition to the extent necessary to preserve the historic value and significance of the property.

(Ord. No. 2688-06, § 1, Exh. A (58-478), 10-9-06)

#### Sec. 58-514. - Applications.

(a) Any person, firm or corporation that desires ad valorem tax exemption from the improvement of a historic property must, in the year the exemption is desired to take effect, file with the historic preservation staff a written application on a form approved by the Florida Department of State. Any applicable fees shall be paid at the time the application is submitted. The application must include the following information:

- (1) The name of the property owner and the location of the historic property.
- (2) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvement.
- (3) Proof to the satisfaction of the HPCB that the property that is to be rehabilitated or renovated is a historic property under this section.
- (4) Proof to the satisfaction of the HPCB that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the Florida Department of State.
- (5) Other information identified in appropriate Florida Department of State regulations.

(b) Following approval by the city commission, any person, firm or corporation who is claiming the ad valorem tax exemption provided under section 513(b) shall, on or before March 1 of each year, file an application for exemption with the Orange County Property Appraiser, describing the property for which exemption and certifying its ownership and use.

(Ord. No. 2688-06, § 1, Exh.A (58-479), 10-9-06)

#### Sec. 58-515. - Required restrictive covenant.

To qualify for an exemption the property owner must enter into a covenant or agreement with the city commission for the term for which the exemption is granted. The form of the covenant must be established by the Florida Department of State and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors or assigns. Violations of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years plus interest on the difference calculated as provided in F.S. § 212.12(3).

(Ord. No. 2688-06, § 1, Exh. A (58-480), 10-9-06)

Sec. 58-516. - Review by the HPCB-~~historic preservation board~~.

The HPCB or its successor is designated to review applications for exemptions. The HPCB must recommend that the city commission grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the Florida Department of State. The recommendation and the reason therefore must be provided to the applicant and to the city commission before consideration of the application at an official meeting.

(Ord. No. 2688-06, § 1, Exh.A (58-481), 10-9-06)

Sec. 58-517. - Approval by the city commission.

A majority vote of the city commission shall be required to approve a written application for exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The city commission shall include the following in the ~~ordinance~~ decision approving the written application for exemption:

- (1) The name of the property owner and the address of the historic property for which the exemption is granted.
- (2) The period of time for which the exemption will remain in effect and the expiration date of the exemption.
- (3) A finding that the historic property meets the requirements of this article.

(Ord. No. 2688-06, § 1, Exh. A (58-482), 10-9-06)



# city commission public hearing

Item type	Public Hearing	meeting date	December 14, 2015		
prepared by	Dori Stone	approved by	<input checked="" type="checkbox"/>	City Manager	
department	Planning & Community Development		<input checked="" type="checkbox"/>	City Attorney	
division			<input type="checkbox"/>	N/A	
board approval	HPB	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> N/A	6-1 final vote
strategic objective	<input checked="" type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship				
	<input type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Public Health & Safety				
	<input type="checkbox"/> Investment in Public Assets & Infrastructure				

## subject

Resolution adopting Historic Preservation Incentives

## motion | recommendation

Adopt the attached resolution as the instrument to list possible incentives for the implementation of the Historic Preservation Ordinance

## background

As part of the review and amendments to the city's Historic Preservation Ordinance, the City Commission instructed staff and gave direction to the Historic Preservation Board to create a more significant list of incentives to encourage property owners to list their resources on the Winter Park Register of Historic Places. The city currently offers a number of development incentives that have been in place since the creation of the ordinance in 2001.

The attached documentation and list highlight the incentives that exist and are proposed to be created with additional guidelines. City staff has reviewed the possible financial incentives and has provided a summary of each program with proposed guidelines and anticipated funding in the section below. These are suggestions of programs that could be developed with Commission approval but do not currently exist exclusively for historic resources. Staff would need to work through details of each program including ranking criteria, application processes and funding options before implementation. These programs are also not exclusive to other opportunities that staff may find to offer financial incentives for historic preservation.



The city staff is recommending that these incentives would first apply to all buildings on the Historic Survey on the Florida Master Site File (FMSF) and then on the remaining contributing properties on the FMSF.

1. Preservation easement purchase

This program would allow the city to purchase a preservation easement from a property owner for the life of the property. This incentive would only apply for contributing resources found on the Historic Survey of the Florida Master Site File.

The purpose of this incentive is to pay the property owner for a preservation easement along the façade of the property or resource at a value determined by the square footage of the façade to the square footage of the entire building. The amount of the easement would be determined by the percentage of the façade to the overall building and would be based on the most current values of the Orange County Property Appraiser's Office. Applications for this program would occur at the start of each budget year and the applications would be ranked based on the placement of the resource on a ranked list of Historic buildings. The funding could be in a one-time payment or over several years. The property owner would register their property on the city's Historic Resources list as well as allow city staff to submit an application on behalf of the property owner for the National Register of Historic Resources. The owner would be required to show proof of the dedication of the easement in the public record before payment is issued.

This program may have significant financial impact to the city depending on the number of property owners that wish to participate in the program. Many of the properties located on the Historic Survey are privately owned and exceeded \$500,000 in value in 2015 according to the OCPA. These payments could be structured over time or a one-time payout.

**Estimated Funding: \$200,000/year**

2. Reduced or waived permit fees

The city has the ability to reduce or waive permit fees. Currently the permit fees are calculated at 9/10% of the value of the overall construction. The reduction or loss of building fees as permitted by law are relatively insignificant to the overall new construction taking place in the city. This incentive would only apply to designated properties. The City Commission could also set an annual limit on fee waivers or reductions.

3. Preservation Investment Fund

The Preservation Investment Fund provides the funding source for all historic preservation programs and is intended to mitigate the impact on the General Fund for the city's desire to incentivize historic preservation designations. This fund would be a linkage fee of \$.50/square ft. on any commercial or residential structure and would be earmarked specifically for historic preservation programs. The city commission would budget the

use and expenditure of these revenues to each program during the annual budget process.

#### 4. Rehabilitation grants

The concept of the rehabilitation grant program is based on the housing rehabilitation and business façade programs currently operating within the city's CRA district. This rehabilitation program would be for resources valued under \$400,000 from the OCPA. The program would provide a 50% match to a property owner for exterior improvements. The maximum city matching grant is 25,000/property. The property owner would be required to own the property for an additional five years or pay back a pro-rata share of the grant to the city. A resource receiving this incentive would be required to list their property on the city's Register of Historic Places and, if appropriate apply for the National Register of Historic Places.

**Estimated Funding: \$200,000/year**

#### 5. Undergrounding of electric

Electric Utility currently charges customers up to \$3,000 to run the electricity from the street into the house. This program would waive the cost of that connection. This incentive could be applied to individual resources or districts.

**Estimated Funding: \$30,000/year**

#### 6. Streetlights for districts

Currently the city charges the homeowners in the neighborhood to install period street lighting. As part of a district incentive, the city would fund and install the streetlights for the entire district if the district desires or needs street lighting. This has the potential to be a significant incentive to a district based on the district boundaries

**Estimated Funding: Varies – only applies to a newly approved district**

#### 7. City Acquisition

The resources on the Historic Survey have been recognized by the city within the Comprehensive plan as the most significantly historic landmarks within Winter Park. The ability to protect and designate these landmark resources as historic while still allowing the property owners to benefit from what is often their most significant investment – their home – is a challenge for any community. Staff is recommending a community-wide effort that would establish a not-for-profit entity interested in buying, designating and selling these resources with the profits being reinvested in acquiring and designating landmark resources. The City could seed the not-for-profit entity with additional revenues coming from grant and private contributions. The money to begin this program would come from the Preservation Investment Fund.

## **alternatives | other considerations**

The City Commission may desire to fund several of these programs as pilot projects to see if there is community interest over the course of the next 12 months. Staff could then evaluate the programs and bring the results back to the City Commission for further consideration.

## **fiscal impact**

To implement a pilot project of each of these incentives, staff is recommending the City Commission provide \$500,000 in funding.



**RESOLUTION NO. 2166-15**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF  
WINTER PARK, FLORIDA, ACCEPTING RECOMMENDATIONS FOR  
INCENTIVES FOR HISTORIC PRESERVATION FROM THE  
HISTORIC PRESERVATION BOARD.**

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

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

**WHEREAS**, Chapter 58, Article VIII. Historic Preservation includes monetary and non-monetary incentives for historic preservation; and

**WHEREAS**, as directed by the City Commission of the City of Winter Park, the Winter Park Historic Preservation Board is recommending additional monetary and non-monetary incentives to encourage and support historic preservation;

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

The City Commission of the City of Winter Park hereby supports and endorses the recommended incentives for historic preservation from the Historic Preservation Board in Exhibit A, subject to additional policy implementation and funding.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 14<sup>th</sup> day of December 2015.

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Mayor Steve Leary

ATTEST:

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City Clerk Cynthia S. Bonham

## Exhibit A

### Historic Preservation Incentive Guide

Status	Incentive	Type	Cost	Comments
<b>Existing</b>	Plaque program	Promotion/Educational	Budget	Offered to owners of designated properties
<b>Existing</b>	Accessory dwelling unit	Development	No cost	Single Family residential bonus ADU
<b>Existing</b>	Ad valorem tax residential rehabilitation	Financial	Property specific	Offered for major rehabilitation projects for 10 year period
<b>Existing</b>	HPB variance review	Development	No cost	No owner cost or hardship requirement for appropriate design
<b>Existing</b>	FL Building Code flexibility	Development	No cost	Flexibility allowed by the FBC for designated properties
<b>Existing</b>	No fee for designation or Certificate of Review	Financial	Staff time	No application fees charges to owners
<b>Existing</b>	Preservation easement donation	Financial	Project specific	City can receive preservation easements that may give owners tax benefits
<b>Proposed</b>	Preservation easement purchase	Financial *	Project specific	City could purchase future development rights
<b>Proposed</b>	Ad valorem tax commercial preservation	Financial *	Property specific	For commercial properties in public view and case by case basis
<b>Proposed</b>	HP resource guide	Educational/Technical	Staff time	Located at WPPL and/or City Hall
<b>Proposed</b>	HP resource library	Educational/Technical	Budget	Located at WPPL and/or City Hall
<b>Proposed</b>	HP newsletter	Educational/Promotional	Staff time and printing costs if in print	Highlights properties and provides technical information

<b>Proposed</b>	Walking tours	Educational/Promotional	Staff time and printing costs if in print	Could be in partnership with HP organizations
<b>Proposed</b>	Illustrated design guidelines	Educational/Development	Budget	Provides illustrated guidelines for appropriate rehabilitation and infill development
<b>Proposed</b>	Building assessment	Technical	Staff time	Assist owners in preservation planning to a greater and more technical degree
<b>Proposed</b>	Reduced permit fees	Financial *	Rehabilitation specific	Amend fee schedule to rebate city portion of permitting fees
<b>Proposed</b>	Expedited plan review and inspection	Development	Staff time	Involves both Planning and Building departments
<b>Proposed</b>	Transfer of density (TOD) for commercial properties	Development	No cost	Requires a policy and receiving area to accept additional density/intensity from downtown
<b>Proposed</b>	Preservation investment fund	Financial *	Project specific	% of construction costs reserved for preservation activities. Establish Commission policy.
<b>Proposed</b>	Rehabilitation grants	Financial *	Project and budget specific cost	Establish Commission policy and program
<b>Proposed</b>	Undergrounding electric building to main line	Financial *	Budget	Estimated to be about a \$3,000 benefit
<b>Proposed</b>	Period appropriate streetlights for districts	Financial *	Budget	Adds property value and pedestrian safety to walkable historic neighborhoods
<b>Proposed</b>	City acquisition	Financial *	Property specific	Establish Commission policy for unique and threatened properties

\*These incentives would require establishing policies and the appropriation of funding.





**CITY OF WINTER PARK  
HISTORIC PRESERVATION BOARD**

**Staff Report  
October 14, 2015**

*(first presented August 12, 2015)*

**Historic Preservation Incentive Background**

**Justification.** Since a historic preservation article was added to Winter Park's Land Development Code in 2001, the City has offered incentives to individual owners who list their properties in the Winter Park Register of Historic Places and owners in designated local historic districts. Under the code, individual owners are responsible for bringing their property forward for listing in the Winter Park Register of Historic Places, and the city wants to encourage this for the welfare of the community. The many and varied benefits of preserving community's historic properties has been widely documented, and for a city that is recognized for its special sense of place like Winter Park, it is especially important to preserve and promote its modest number of character defining historic resources.

Preserving and advocating for Winter Park's historic properties is consistent with Comprehensive Plan Future Land Use Objective 1.3.12. Winter Park's historic downtown and neighborhoods distinguish it from surrounding cities and set it apart as a cultural tourism destination. The historic development of Winter Park provides the foundation for the city's excellent quality of life for its residents. The community has benefited from the protection of historic resources while accommodating beneficial growth and revitalization.

Recognizing that Winter Park's historic resources are unique assets for the entire community, the existing and proposed incentives offer a variety of programs to maximize the public and private benefits of preservation. Incentives encourage appropriate preservation practices, and support effectively keeping historic resources in active use. Public policies that favor preservation and financial and technical benefits that offset the necessary regulation that comes with historic designation encourage owners to maintain and preserve their vintage properties.

**Recommended Incentives.** Though the historic preservation program first adopted in 2001, Winter Park provides assistance to meet the needs of properties listed in the Winter Park Register of Historic Places. The task assigned by the City Commission includes recommending additional incentives. All the existing and proposed incentives apply to buildings listed in the Winter Park Register of Historic Places to ensure that public services and funds are used for the preservation of historic properties. The variety of existing and proposed incentives falls into four general categories:

- Technical
- Educational/Promotional
- Development
- Financial

It will not be possible to immediately implement all the proposed incentives, but the recommendations can be phased in as policies, programs and funding mechanisms are developed further following direction from the City Commission. Some new incentives can be implemented quickly; relying on staff time and expertise and low budget impacts.

**Technical Assistance.** Some assistance is both educational and technical such as providing incentives property owners with information and staffs' expertise relating to the maintenance, repair, rehabilitation or reuse of designated historic properties. At modest cost, a resource guide and library of materials for the maintenance, repair and restoration of historic properties can be made available to the public. Staff technical expertise could be made available to inspect historic properties, develop building assessments and help develop preservation plans.

**Educational/Promotional.** The existing plaque program has proved very popular with owners and builds awareness of the city's variety of historic resources. A newsletter similar to the Lakes & Waterways newsletter would spotlight different historic resources and aspects of local history as well as provide information and advice to the owners of historic properties. Self-guided walking tours of downtown and residential neighborhoods could be developed using technology such as QR codes. Regular walking tours led by staff and volunteers could also be offered to build awareness and appreciation of local history and architecture. Educational programs could also explain how the "greenest" building is the one already existing, and how to improve the sustainability of historic buildings.

**Development.** The ability to add or activate an accessory dwelling unit such as a garage apartment has been fairly popular. It not only offers owners an income producing opportunity, but it creates additional housing opportunities while preserving historic resources. The existing ordinance allows owners of historic properties to make variance requests to the Historic Preservation Board for appropriate designs for additions. Historic properties often do not meet current zoning requirements but don't meet a hardship definition, thus appropriate additions require a variance. This has been attractive to owners as a means to keep historic properties in contemporary use, and streamlines the certificate of review process.

**Financial.** The City does not charge for listing properties on the Winter Park Register of Historic Places or for a certificate of review. The existing local code and state statutes allow tax valorem tax benefits for major restoration of historic properties that would otherwise add to taxable value. Given the limits on increasing taxes on homestead properties and the paperwork procedures, this has not attracted consideration. The proposed new ad valorem tax credit would apply to a portion of the taxes paid by a well preserved historic commercial or multi-family building in public view. The amount of local tax reduction would be made on a case by case basis.

The city could rebate the portion of building permit fees charged for historic property projects as an incentive to rehabilitation. The city can and has received the donation of historic façade easements which may allow owners a federal tax benefit. The city could also explore the option to buy preservation easements that would permanently protect historic properties but in that case would not include tax benefits for owners. The city could also offer rehabilitation grant for property improvements. The grants could focus on electrical system, plumbing, heating and cooling and fire suppression to ensure the longevity and safety of historic structures. The city could offer electric undergrounding to historic

property owners at no charge. Historic districts could be offered period appropriate decorative streetlights at no charge.

The City could consider a transfer of development rights (TDR) program for historic commercial properties in the downtown area. Policies would have to be developed to determine what properties have development potential to transfer, and a receiving area to accept the additional development would have to be determined. For exceptional historic properties that are threatened, the City could buy them and resell with a preservation plan to an appropriate owner.

The new financial incentives could be funded through a historic preservation reinvestment fund dedicated to providing financial assistance to designated historic properties. The funds could come from a small fee charged to new construction and/or an annual budget.