



# city commission agenda

## Regular Meeting

February 13, 2017  
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	Pete Weldon

## 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 Father Richard Walsh, St. Margaret Mary Catholic Church Pledge of Allegiance	
3	Approval of Agenda	
4	Mayor's Report	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Proclamation – 2017 General and Referendum Election	5 minutes
5	City Manager's Report	<b>*Projected Time</b> <b>*Subject to change</b>
		5 minutes

<b>6</b>	<b>City Attorney's Report</b>	<b>*Projected Time</b> <b>*Subject to change</b>
<b>7</b>	<b>Non-Action Items</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Financial Report – December 2016	10 minutes
<b>8</b>	<b>Citizen Comments   5 p.m. or soon thereafter</b> <b>(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting)</b> (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)	
<b>9</b>	<b>Consent Agenda</b>	<b>*Projected Time</b> <b>*Subject to change</b>
	a. Approve the minutes of January 23, 2017. b. Approve the following contracts and bid solicitations: <ol style="list-style-type: none"> <li>1. Piggyback contract (Lake County Contract No. 12-08060) with Ten-8 Fire Equipment, Inc.; and authorize the Mayor to execute the contract.</li> <li>2. Piggyback contract (City of Orlando Contract No. IFB-15-0017, Storm Line Rehabilitation Cleaning and Video Recording) with Layne Inliner, LLC; and authorize the Mayor to execute the contract.</li> <li>3. Piggyback contract (Orlando Utilities Commission Agreement No. 895, Water/Wastewater Material Alliance) with HD Supply Waterworks; and authorize the Mayor to execute the contract.</li> <li>4. Authorize staff to enter into negotiations for RFQ-3-2017, Continuing Contract for Professional Architectural Services with Le-Huu Partners.</li> <li>5. Authorize staff to enter into negotiations for RFQ-3-2017, Continuing Contract for Professional Architectural Services with Zyscovich Architects.</li> <li>6. Authorize staff to enter into negotiations for RFQ-4-2017, Continuing Contract for Professional Stormwater Management &amp; Design Services with Singhofen &amp; Associates, Inc.</li> <li>7. Authorize staff to enter into negotiations for RFQ-4-2017, Continuing Contract for Professional Stormwater Management &amp; Design Services with Geosyntec Consultants.</li> <li>8. Authorize staff to enter into negotiations for RFQ-5-2017, Continuing Contract for Professional General Civil &amp; Public Facility Engineering Services with CPH, Inc.</li> <li>9. Authorize staff to enter into negotiations with Kimley-Horn &amp; Associates for RFQ-6-2017, Continuing Contract for Professional Transportation Planning &amp; Engineering Services.</li> <li>10. Authorize staff to enter into negotiations with Comprehensive Engineering Services, Inc. for RFQ-6-2017, Continuing Contract for Professional Transportation Planning &amp; Engineering Services.</li> </ol> c. Approve the renewal of a SWAT Mutual Aid Agreement between the Winter Park, Apopka, Maitland, Winter Garden and Ocoee Police Departments.	5 minutes

10 Action Items Requiring Discussion	*Projected Time *Subject to change
<ul style="list-style-type: none"> <li>a. Cady Way pool potential programming and improvements</li> <li>b. West Fairbanks Façade Matching Grant Program</li> <li>c. Canvassing Board for March 14, 2017 election</li> <li>d. Vertical zoning and application to specific streets</li> </ul>	<ul style="list-style-type: none"> <li>15 minutes</li> <li>15 minutes</li> <li>10 minutes</li> <li>15 minutes</li> </ul>
11 Public Hearings	*Projected Time *Subject to change
<ul style="list-style-type: none"> <li>a. <u>Request of Winter Park Real Estate Advisors, Inc.:</u> <ul style="list-style-type: none"> <li>- Ordinance – To amend the “Comprehensive Plan” Future Land Use Map to change from Single Family Residential to Medium Density Residential on the 11’ to the east of 326 Hannibal Square, East and to change from Central Business District to Medium Density Residential on the property at 354 Hannibal Square, East and from Single Family Residential to Low Density Residential on the properties at 463 and 455 West Lyman Avenue (2)</li> <li>- Ordinance – To amend the Official Zoning Map to change from single Family Residential (R-1A) District to Medium Density Multiple Family Residential (R-3) District zoning on the 11’ of property to the east of 326 Hannibal Square, East and to change from Commercial (C-2) District zoning to Medium Density Multiple Family Residential (R-3) District zoning on the property at 354 Hannibal Square, East and from Single Family Residential (R-1A) District zoning to Low Density Residential (R-2) District zoning on the properties at 463 and 455 West Lyman Avenue (2)</li> </ul> </li> </ul>	10 minutes
<ul style="list-style-type: none"> <li>b. <u>Request of Z Properties Group:</u> Subdivision or lot split approval to divide the property at 200 Oakwood Way, zoned R-1AA, into two single family building lots. Tabled on November 28, 2016.</li> </ul>	30 minutes
<ul style="list-style-type: none"> <li>c. Ordinance – Vacating and abandoning utility easements in Blocks A,B,C,D,E,F,G,H,L,M,O,P and portion abutting Lots 1-6 and Lots 16-20, Block K of Home Acres Subdivision (1)</li> </ul>	10 minutes
<ul style="list-style-type: none"> <li>d. Ordinance – Establishing the Golf Course Advisory Board and reducing the members on the Public Art Advisory Board (1)</li> </ul>	10 minutes
<ul style="list-style-type: none"> <li>e. Ordinance – Amending Chapter 102-182, City Code with respect to penalties for unauthorized discharges into waterways and other violations of Chapter 102, City Code of Ordinances; providing for fines as provided in the City’s fee schedule; providing for enforcement via the Code Compliance Board for repeated or continuous violations (1)</li> </ul>	10 minutes

12 City Commission Reports	<b>*Projected Time</b> <b>*Subject to change</b>
a. Commissioner Seidel b. Commissioner Sprinkel c. Commissioner Cooper d. Commissioner Weldon e. Mayor Leary	10 minutes total

## appeals & assistance

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

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

## **PROCLAMATION OF ELECTION**

The City Commission of the City of Winter Park, Florida, hereby proclaims a General and Referendum Election to be held on Tuesday, March 14, 2017, for the purpose of electing a City Commissioner for Seat 1 and a Charter referendum to eliminate primary elections and instead hold runoff elections when needed. Qualifying was held from noon, January 3, 2017 and ended at noon, January 10, 2017.

The polling places shall be open for voting from 7:00 a.m. on the day of said election until 7:00 p.m. on the same day:

- PRECINCT NO. 9102:** Winter Park Christian Church  
760 N. Lakemont Avenue, Winter Park
- PRECINCT NO. 9202:** St. Andrews Methodist Church  
100 St. Andrews Blvd., Winter Park
- PRECINCT NO. 9302:** Winter Park Presbyterian Church  
400 S. Lakemont Ave., Winter Park
- PRECINCT NO. 9402:** First Baptist Church  
1021 New York Ave., Winter Park
- PRECINCT NO. 9502:** Azalea Lane Recreation Center  
1045 Azalea Lane, Winter Park

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Mayor Steve Leary

**ATTEST:**

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City Clerk Cynthia S. Bonham

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# Financial Report

For the Month of December (25% of fiscal year lapsed) Fiscal Year 2017

## **General Fund**

One quarter of the way into the fiscal year General Fund revenues appear to be on track with annual budget projections. A few items of note include:

1. The largest portion of property tax revenues are received in the December – February timeframe.
2. Business taxes are renewed each October 1. Some additional revenue will be realized over the remainder of the fiscal year but the largest amount has already been received.
3. A few commercial construction projects are driving the large building permit fee revenues. Ravadauge Apartments (268 units, \$540,000 permit fees), Winter Park Memorial Hospital (\$315,000) and Orchard Supply Hardware (\$55,000).
4. Golf related revenues are up \$115,000 in the 1<sup>st</sup> quarter alone in comparison to the prior year.
5. Fire inspection fees for the commercial construction projects mentioned above increased charges for services revenue by \$220,000.
6. Miscellaneous revenue is largely made up of investment earnings which reflect market value swings in the City's investment portfolio. The Federal Reserve rate hike reduced the market value of the City's fixed income portfolio. The City follows a buy and hold investment strategy in which the swings neither benefit nor harm the City as the Treasury and Agency securities invested in are paid off at par when the investment matures.

Departmental expenditures for the first quarter are in line with budgetary expectations. Information Technology Services expenditures appear ahead of schedule due to renewal of annual software maintenance contracts and Microsoft licensing. Operating transfers out include the City's transfer to the CRA for tax increment revenue. This payment is required to be made by December 31. Transfers out will be exactly equal to the budget at the end of the fiscal year.

## **Community Redevelopment Agency Fund**

The CRA was credited with the annual tax increment revenue from both the City and County in December. The County portion is on the Intergovernmental revenue line item and the City portion is reflected in the Operating Transfers In.

Miscellaneous revenue is negative at the end of the quarter due to the same factors discussed above regarding the impact of rising interest rates on the market value of a fixed income portfolio.

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

## **Water and Sewer Fund**

Sales of water and sewer service for the first quarter of FY 2017 are tracking closely with the forecast. Rates were increased by 1.21% effective October 1. This is the index increase used by the Florida Public Service Commission for water and sewer utilities it regulates. Rising interest rates negatively affected investment values. The bottom line reflects a positive \$269,461 and debt service coverage is projected to be a strong 1.94 for the fiscal year.

## **Electric Services Fund**

So far, the weather has not been cooperating with us as well for electric sales. Based on the history of 1<sup>st</sup> quarter sales as a percentage of annual sales, we would be about 2.6% behind our forecast. It is still early, and we will be monitoring our costs accordingly.

For the quarter, we have over recovered on fuel costs by about \$14,000. However, in December alone, we under recovered by about \$120,000 so we are moving in the desired direction of reducing our fuel stabilization fund balance towards our target range. Fuel rates were not increased January 1. We will continue to monitor fuel costs closely and adjust as necessary.

The bottom line for the first quarter was \$538,118. Part of what helps this is sold/purchased kWh ratio of 106.47%. October always has the highest ratio for the year because we pay for kWh purchased in October and for the most part are billing our customers for the hotter month of September. This balances out over the course of the year.

Cash decreased by \$1,073,647 for the first quarter but that is due to \$2,450,000 in principal paid October 1.

Debt service coverage is forecast at 2.33.

## **Investment Report**

This two page report summarizes the City's cash and investment holdings as of December 31, 2016. The overall portfolio has a blended rate of return of 1.17% and the average maturity of the long-term investment securities held was 4.30 years. All investment holdings were within the parameters of the City's current Investment Policy as of December 31, 2016.

**The City of Winter Park, Florida**  
**Monthly Financial Report - Budget vs. Actual**  
**General Fund**  
**Fiscal YTD December 31, 2016 and 2015**  
**25% of the Fiscal Year Lapsed**

	Fiscal YTD December 31, 2016						Fiscal YTD December 31, 2015					
	Actual		Budget				Actual		Budget			
	YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual	Variance from Prorated Adj. Annual	YTD	Adjusted Annual	Prorated Adj. Annual	Variance from Prorated Adj. Annual		
Revenues:												
Property Tax	\$ 10,601,184	218%	\$ 19,441,569	\$ 19,441,569	\$ 4,860,392	\$ 5,740,792	\$ 10,685,314	\$ 17,927,507	\$ 4,481,877	\$ 6,203,437		
Franchise Fees	234,720	87%	1,079,913	1,079,913	269,978	(35,258)	271,043	1,181,603	295,401	(24,358)		
Utility Taxes	1,611,351	101%	6,404,269	6,404,269	1,601,067	10,284	1,619,725	6,680,726	1,670,182	(50,457)		
Business Taxes	432,039	348%	496,475	496,475	124,119	307,920	433,623	494,975	123,744	309,879		
Building Permits	1,465,281	305%	1,922,997	1,922,997	480,749	984,532	463,406	1,918,000	479,500	(16,094)		
Other Licenses & Permits	8,365	88%	37,940	37,940	9,485	(1,120)	8,070	25,000	6,250	1,820		
Intergovernmental	1,768,373	95%	7,419,917	7,419,917	1,854,979	(86,606)	1,730,310	7,145,937	1,786,484	(56,174)		
Charges for Services	2,010,237	107%	7,504,420	7,504,420	1,876,105	134,132	1,421,087	5,604,608	1,401,152	19,935		
Fines and Forfeitures	263,643	95%	1,111,205	1,111,205	277,801	(14,158)	302,593	937,797	234,449	68,144		
Miscellaneous	(44,598)	-26%	688,850	688,850	172,213	(216,811)	38,164	710,700	177,675	(139,511)		
Fund Balance	-	-	133,284	656,597	164,149	(164,149)	-	1,897,527	474,382	(474,382)		
<b>Total Revenues</b>	<b>18,350,595</b>	<b>157%</b>	<b>46,240,839</b>	<b>46,764,152</b>	<b>11,691,037</b>	<b>6,659,558</b>	<b>16,973,335</b>	<b>44,524,380</b>	<b>11,131,096</b>	<b>5,842,239</b>		
Expenditures:												
City Commission	6,810	98%	27,864	27,864	6,966	156	6,723	26,432	6,608	(115)		
Legal Services - City Attorney	70,959	100%	284,000	284,000	71,000	41	12,146	301,000	75,250	63,104		
Legal Services - Other	29,618	197%	60,000	60,000	15,000	(14,618)	18,419	60,000	15,000	(3,419)		
Lobbyists	10,500	36%	118,000	118,000	29,500	19,000	19,500	118,000	29,500	10,000		
City Management	125,521	82%	613,549	613,549	153,387	27,866	136,144	585,051	146,263	10,119		
Budget and Performance Measurement	31,497	0%	160,086	162,806	40,702	9,205	33,335	160,998	40,250	6,915		
City Clerk	31,259	67%	185,984	185,984	46,496	15,237	29,703	182,470	45,618	15,915		
Communications Dept.	108,316	78%	557,097	557,777	139,444	31,128	116,008	558,409	139,602	23,594		
Information Technology Services	614,532	146%	1,551,062	1,688,867	422,217	(192,315)	378,740	1,405,288	351,322	(27,418)		
Finance	187,852	83%	909,886	909,886	227,472	39,620	196,342	886,496	221,624	25,282		
Human Resources	92,932	107%	348,320	348,320	87,080	(5,852)	87,575	332,059	83,015	(4,560)		
Purchasing	75,419	115%	262,662	262,662	65,666	(9,753)	77,084	279,527	69,882	(7,202)		
Planning & Community Development	186,660	87%	798,520	856,810	214,203	27,543	216,288	911,522	227,881	11,593		
Building	270,349	87%	1,247,462	1,247,462	311,866	41,517	272,771	1,212,538	303,135	30,364		
Economic Development	9,890	-	-	-	-	(9,890)	48	-	-	(48)		
Public Works	1,779,019	79%	8,842,427	9,027,721	2,256,930	477,911	1,770,135	7,262,207	1,815,552	45,417		
Police	2,837,220	83%	13,607,783	13,618,064	3,404,516	567,296	2,994,853	13,388,511	3,347,128	352,275		
Fire	2,998,492	94%	12,573,304	12,698,304	3,174,576	176,084	2,929,108	11,828,181	2,957,045	27,937		
Parks & Recreation	1,699,165	90%	7,517,116	7,520,359	1,880,090	180,925	1,692,269	7,315,293	1,828,823	136,554		
Organizational Support	372,937	102%	1,465,146	1,465,146	366,287	(6,650)	355,618	1,422,472	355,618	-		
Non-Departmental	-	-	243,476	243,476	60,869	60,869	-	255,000	63,750	63,750		
<b>Total Expenditures</b>	<b>11,538,947</b>	<b>89%</b>	<b>51,373,744</b>	<b>51,897,057</b>	<b>12,974,267</b>	<b>1,435,320</b>	<b>11,342,809</b>	<b>48,491,454</b>	<b>12,122,866</b>	<b>780,057</b>		
<b>Revenues Over/(Under) Expenditures</b>	<b>6,811,648</b>	<b>-531%</b>	<b>(5,132,905)</b>	<b>(5,132,905)</b>	<b>(1,283,230)</b>	<b>8,094,878</b>	<b>5,630,526</b>	<b>(3,967,074)</b>	<b>(991,770)</b>	<b>6,622,296</b>		
Operating transfers in	2,207,952	96%	9,178,676	9,178,676	2,294,669	(86,717)	2,203,577	8,871,531	2,217,883	(14,306)		
Operating transfers out	(2,378,023)	235%	(4,045,771)	(4,045,771)	(1,011,442)	(1,366,581)	(2,313,813)	(4,904,457)	(1,226,114)	(1,087,699)		
Other Financing Sources/(Uses)	(170,071)	-13%	5,132,905	5,132,905	1,283,227	(1,453,298)	(110,236)	3,967,074	991,769	(1,102,005)		
<b>Total Revenues Over Expenditures</b>	<b>\$ 6,641,577</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ (3)</b>	<b>\$ 6,641,580</b>	<b>\$ 5,520,290</b>	<b>\$ -</b>	<b>\$ (1)</b>	<b>\$ 5,520,291</b>		

\* As adjusted through December 31, 2016

The City of Winter Park, Florida  
Monthly Financial Report - Budget vs. Actual  
Community Redevelopment Fund  
Fiscal YTD December 31, 2016 and 2015  
25% of the Fiscal Year Lapsed

	Fiscal YTD December 31, 2016						Fiscal YTD December 31, 2015			
	Actual		Budget				Actual	Budget		
	YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual	Variance from Prorated Adj. Annual	YTD	Adjusted Annual	Prorated Adj. Annual	Variance from Prorated Adj. Annual
Revenues:										
Intergovernmental	\$ 1,961,209	397%	\$ 1,975,328	\$ 1,975,328	\$ 493,832	\$ 1,467,377	\$ 1,550,866	1,506,764	\$ 376,691	\$ 1,174,175
Charges for services	131,539	234%	225,000	225,000	56,250	75,289	126,998	225,000	56,250	70,748
Miscellaneous	(15,735)	-90%	70,000	70,000	17,500	(33,235)	28,800	60,000	15,000	13,800
Fund Balance	-	0%		7,400	1,850	(1,850)	-	1,638,751	409,688	(409,688)
Total Revenues	2,077,013	365%	2,270,328	2,277,728	569,432	1,507,581	1,706,664	3,430,515	857,629	849,035
Expenditures:										
Planning and Development	358,310	125%	1,146,060	1,146,060	286,515	(71,795)	189,075	794,897	198,724	9,649
Capital Projects	-	0%	762,183	769,583	192,396	192,396	242,740	2,474,677	618,669	375,929
Debt service	-	0%	1,493,552	1,493,552	373,388	373,388	573,357	1,494,053	373,513	(199,844)
Total Expenditures	358,310	42%	3,401,795	3,409,195	852,299	493,989	1,005,172	4,763,627	1,190,906	185,734
<b>Revenues Over/(Under)</b>										
<b>Expenditures</b>	<b>1,718,703</b>	<b>-608%</b>	<b>(1,131,467)</b>	<b>(1,131,467)</b>	<b>(282,867)</b>	<b>2,001,570</b>	<b>701,492</b>	<b>(1,333,112)</b>	<b>(333,277)</b>	<b>1,034,769</b>
Operating transfers in	1,822,284	400%	1,822,815	1,822,815	455,704	(1,366,580)	1,435,305	1,390,428	347,607	(1,087,698)
Operating transfers out	(11,651)	100%	(46,604)	(46,604)	(11,651)	-	(14,329)	(57,316)	(14,329)	-
Other Financing Sources/(Uses)	1,810,633	0%	1,776,211	1,776,211	444,053	1,366,580	1,420,976	1,333,112	333,278	1,087,698
<b>Total Revenues Over/(Under)</b>										
<b>Expenditures</b>	<b>\$ 3,529,336</b>		<b>\$ 644,744</b>	<b>\$ 644,744</b>	<b>\$ 161,186</b>	<b>\$ 3,368,150</b>	<b>\$ 2,122,468</b>	<b>-</b>	<b>\$ 1</b>	<b>\$ 2,122,467</b>

\* As adjusted through December 31, 2016

**WINTER PARK WATER AND WASTEWATER METRICS**  
**December 31, 2016**

	FY 2017 YTD				FY 2016	
	FY 2017 YTD	FY 2017 Annualized	FY 2017 Budget	Projected Variance from Budget	FY 2016 YTD	FY 2016 in Total
<b>Operating Performance:</b>						
<b>Water and Irrigation Sales (thousands of gallons)</b>						
Sewer - inside city limits	256,179	1,014,275	1,015,000	(725)	248,594	972,012
Sewer - outside city limits	219,428	860,859	890,000	(29,141)	214,424	810,658
Water - inside city limits	395,838	1,562,261	1,500,000	62,261	369,711	1,528,589
Irrigation - Inside City	148,222	571,205	585,000	(13,795)	147,374	571,356
Water - outside city limits	304,269	1,180,452	1,235,000	(54,548)	292,660	1,192,418
Irrigation - Outside City	26,055	102,162	115,000	(12,838)	26,804	112,207
<b>Total</b>	<b>1,349,992</b>	<b>5,291,213</b>	<b>5,340,000</b>	<b>(48,787)</b>	<b>1,299,567</b>	<b>5,187,240</b>
=====						
<b>Operating revenues:</b>						
Sewer - inside city limits	\$ 1,623,323	\$ 6,493,292	\$ 6,443,045	\$ 50,247	1,574,624	6,396,742
Sewer - outside city limits	1,715,065	6,860,260	6,825,015	35,245	1,666,224	6,781,958
Water - inside city limits	2,321,310	9,285,240	8,947,315	337,925	2,176,317	8,812,400
Water - outside city limits	1,414,220	5,656,880	5,768,541	(111,661)	1,380,559	5,622,426
Other operating revenues	437,457	1,749,828	1,307,797	442,031	308,760	1,473,079
<b>Total operating revenues</b>	<b>7,511,375</b>	<b>30,045,500</b>	<b>29,291,713</b>	<b>753,787</b>	<b>7,106,484</b>	<b>29,086,605</b>
<b>Operating expenses:</b>						
General and adminstration	355,836	1,423,344	1,735,419	312,075	351,064	1,775,532
Operations	2,574,924	12,359,635	10,780,289	(1,579,346)	2,694,802	11,581,024
Labor costs capitalized	598,154	2,392,616	2,392,616	-	109,959	598,154
Wastewater treatment by other agencies	1,091,837	4,367,348	4,610,153	242,805	987,562	4,115,075
<b>Total operating expenses</b>	<b>4,620,751</b>	<b>20,542,943</b>	<b>19,518,477</b>	<b>(1,024,466)</b>	<b>4,143,387</b>	<b>18,069,785</b>
<b>Net Operating income</b>	<b>2,890,624</b>	<b>9,502,557</b>	<b>9,773,236</b>	<b>(270,679)</b>	<b>2,963,097</b>	<b>11,016,820</b>

**WINTER PARK WATER AND WASTEWATER METRICS**  
**December 31, 2016**

	FY 2017 YTD				FY 2016	
		FY 2017	FY 2017	Projected		
	FY 2017 YTD	Annualized	Budget	Variance from Budget	FY 2016 YTD	FY 2016 in Total
Other sources (uses):						
Investment earnings	(105,455)	(421,818)	288,016	(709,834)	(519)	162,754
Miscellaneous revenue	6,173	6,173	26,000	(19,827)	6,698	8,440
Transfer to Renewal and Replacement Fund	(413,154)	(1,652,616)	(1,652,626)	10	(418,175)	(1,672,701)
Transfer to General Fund	(574,980)	(2,299,920)	(2,299,924)	4	(548,259)	(2,193,038)
Transfer for Organizational Support	(17,469)	(69,876)	(69,883)	7	(16,725)	(66,905)
Transfer to Capital Projects Fund	(34,896)	(139,584)	(139,583)	(1)	(23,751)	(95,000)
Debt service sinking fund deposits	(1,481,382)	(5,925,330)	(5,928,330)	3,000	(1,480,682)	(5,924,930)
Total other sources (uses)	(2,621,163)	(10,502,971)	(9,776,330)	(726,641)	(2,481,413)	(9,781,380)
Net increase (decrease) in funds	\$ 269,461	\$ (1,000,414)	\$ (3,094)	\$ (997,320)	481,684	1,235,440
Debt service coverage		1.94				1.99

**WINTER PARK ELECTRIC UTILITY METRICS**  
**December 31, 2016**

	<b><u>FY'17</u></b> <b><u>YTD</u></b>	<b><u>FY'17</u></b> <b><u>Annualized</u></b>	<b><u>FY'17</u></b> <b><u>Budget</u></b>	<b>Variance</b> <b>from</b> <b><u>Budget</u></b>	<b><u>FY'16</u></b>
<b><u>Technical Performance</u></b>					
Net Sales (kWh)	103,342,351	422,841,045	434,504,964	(11,663,919)	437,486,122
Average Revenue/kWh	0.1028	0.1042			0.1064
Wholesale Power Purchased (kWh)	97,059,987	426,449,855	457,373,646	(30,923,791)	450,549,953
Wholesale Power Cost/kWh	(0.0524)	(0.0524)			(0.0506)
Gross margin	0.1553	0.1567			0.1569
Sold vs. Purchased kWh Ratio	106.47%	99.15%	95.00%		97.10%
 <b><u>Revenues and Expenses Directly Related to Sales of Electricity:</u></b>					
Electric Sales:					
Fuel	3,173,807	13,580,993	15,345,946	(1,764,953)	14,645,490
Non-Fuel	7,452,826	30,494,378	31,551,008	(1,056,630)	31,883,159
Purchased Power :		-			
Fuel	(3,159,314)	(13,880,993)	(15,345,946)	1,464,953	(14,083,240)
Non-Fuel	(1,929,481)	(8,477,509)	(9,467,708)	990,199	(8,696,038)
Transmission Power Cost	(744,410)	(3,270,694)	(3,105,267)	(165,427)	(3,261,373)
<b>Net Revenue from Sales of Electricity</b>	<b>4,793,428</b>	<b>18,446,175</b>	<b>18,978,033</b>	<b>(531,858)</b>	<b>20,487,998</b>
 <b><u>Other Operating Income (Expenses):</u></b>					
Other Operating Revenues	44,953	179,812	428,100	(248,288)	283,147
General and Administrative Expenses	(272,246)	(1,088,984)	(1,480,605)	391,621	(1,577,778)
Operating Expenses	(1,435,464)	(5,741,856)	(6,239,392)	497,536	(7,737,057)
Total Other Operating Income (Expenses)	(1,662,757)	(6,651,028)	(7,291,897)	640,869	(9,031,688)
<b>Net Operating Income</b>	<b>3,130,671</b>	<b>11,795,147</b>	<b>11,686,136</b>	<b>109,011</b>	<b>11,456,310</b>
 <b><u>Nonoperating Revenues (Expenses):</u></b>					
State Funding for Fairbanks Distribution Lines	-	-	-	-	-

**WINTER PARK ELECTRIC UTILITY METRICS**  
**December 31, 2016**

	<b><u>FY'17</u></b> <b><u>YTD</u></b>	<b><u>FY'17</u></b> <b><u>Annualized</u></b>	<b><u>FY'17</u></b> <b><u>Budget</u></b>	<b>Variance</b> <b>from</b> <b><u>Budget</u></b>	<b><u>FY'16</u></b>
Undergrounding Fairbanks Distribution Lines	-	-		-	(4,050)
Investment Earnings	297	1,189	6,293	(5,104)	19,493
Principal on Debt	(612,500)	(2,450,000)	(2,450,000)	-	(2,070,000)
Interest on Debt	(651,717)	(2,606,868)	(2,589,780)	(17,088)	(2,710,747)
Miscellaneous Revenue	14,758	59,032	-	59,032	28,341
Proceeds from Sale of Assets	8,672	34,688	-	34,688	31,455
Contributions in Aid of Construction (CIAC)	107,400	429,600	500,000	(70,400)	996,514
Residential Underground Conversions	26,725	106,900	16,000	90,900	101,447
Capital (including the costs of improvements paid for by CIAC revenues)	(348,672)	(1,394,688)	(1,300,000)	(94,688)	(1,569,013)
Undergrounding of Power Lines	(494,609)	(1,978,436)	(3,500,000)	1,521,564	(2,856,303)
<b>Total Nonoperating Revenues (Expenses)</b>	<b>(1,949,646)</b>	<b>(7,798,583)</b>	<b>(9,317,487)</b>	<b>1,518,904</b>	<b>(8,032,863)</b>
<b>Income Before Operating Transfers</b>	<b>1,181,025</b>	<b>3,996,564</b>	<b>2,368,649</b>	<b>1,627,915</b>	<b>3,423,447</b>
<b>Operating Transfers In/Out:</b>					
Transfers from Water and Sewer Fund	-	-	151,088	(151,088)	
Transfers to General Fund	(568,228)	(2,324,992)	(2,691,780)	366,788	(2,556,617)
Transfers for organizational support	(29,736)	(118,944)	(118,947)	3	(116,795)
Transfers to capital projects	(44,943)	(179,772)	(179,771)	(1)	(174,771)
<b>Total Operating Transfers</b>	<b>(642,907)</b>	<b>(2,623,708)</b>	<b>(2,839,410)</b>	<b>215,702</b>	<b>(2,848,183)</b>
<b>Net Change in Working Capital</b>	<b>538,118</b>	<b>1,372,856</b>	<b>(470,761)</b>	<b>1,843,617</b>	<b>575,264</b>
<b><u>Other Financial Parameters</u></b>					
Debt Service Coverage		2.33			2.40
Fixed Rate Bonds Outstanding	64,685,000				67,115,000
Auction Rate Bonds Outstanding	1,030,000				1,050,000
Total Bonds Outstanding	65,715,000				68,165,000
Principal Retired	2,450,000				2,120,000
Balance Owed on Advance from General Fund	-				-
Cash Balance	(268,128)				805,519
<b>Current year change in cash balance</b>	<b>(1,073,647)</b>				

**WINTER PARK ELECTRIC UTILITY METRICS**  
**December 31, 2016**

	<b><u>FY'17</u></b>	<b><u>FY'17</u></b>	<b><u>FY'17</u></b>	<b>Variance</b>	
	<b><u>YTD</u></b>	<b><u>Annualized</u></b>	<b><u>Budget</u></b>	<b>from</b>	<b><u>FY'16</u></b>
				<b><u>Budget</u></b>	
<b><u>Fuel Cost Stabilization Fund Balance:</u></b>					
Beginning Balance	2,127,701				
Fuel Revenues	3,173,005				
Fuel Expenses	(3,159,314)				
Ending Balance	<u>2,141,392</u>				
<b>Current year change in fuel stabilization fund</b>	<b>13,691</b>				

**Notes**

Fiscal Years run from October to September; FY'17 is 10/1/16 to 9/30/17

**Cash and Investment Portfolio (excluding pension funds and bond proceeds)**  
**31-Dec-16**

Issuer	CUSIP	Purchase Date	Quantity	Estimated Price	Coupon Rate	Cost	Market Value	Maturity Date	Moody's Rating	S & P Rating	Percentage of Total Cash and Investments	Percentage of Long-Term Investments
<b>Short-term funds:</b>												
Bank of America					0.25%	\$ 7,471,631	\$ 7,471,631					
SeacoastBank					0.25%	\$ 1,161,984	\$ 1,161,984					
FL Safe Money Market Fund					0.74%	\$ 100,326	\$ 100,326					
American Municipal Securities Money Market Fund					0.05%	\$ 2,252,079	\$ 2,252,079					
State Board of Administration (SBA)					0.90%	\$ 19,182	\$ 19,182					
FL Safe Term Series					0.90%	\$ 500,000	\$ 500,000	01/25/17				
FL Safe Term Series					0.75%	\$ 400,000	\$ 400,000	09/29/17				
Certificate of Deposit					0.50%	\$ 100,955	\$ 100,955	12/29/17				
<b>Total short-term funds</b>						<b>\$ 12,006,157</b>	<b>\$ 12,006,157</b>				19.50%	
<b>Long-term investments:</b>												
<b>US Treasury Note Investments (backed by full faith and credit of the United States Government):</b>												
US TREASURY NOTES	912828K66	09/09/15	\$ 1,000,000	99.961	0.50%	\$ 998,750	\$ 999,610	04/30/17	AAA			
US TREASURY NOTES	912828UA6	02/07/13	\$ 1,000,000	99.758	0.63%	\$ 992,580	\$ 997,580	11/30/17	AAA			
US TREASURY NOTES	912828Q94	06/09/16	\$ 2,000,000	99.664	0.75%	\$ 2,000,000	\$ 1,993,280	04/30/18	AAA			
US TREASURY NOTES	912828P53	06/27/16	\$ 1,000,000	99.000	0.75%	\$ 1,000,000	\$ 990,000	02/15/19	AAA			
US TREASURY NOTES	912828TR1	02/23/16	\$ 1,000,000	98.961	1.00%	\$ 992,500	\$ 989,610	09/30/19	AAA			
US TREASURY NOTES	912828L32	09/09/15	\$ 1,000,000	98.938	1.38%	\$ 992,500	\$ 989,380	08/31/20	AAA			
US TREASURY NOTES	912828S27	07/05/16	\$ 1,000,000	96.758	1.13%	\$ 1,010,156	\$ 967,580	06/30/21	AAA			
US TREASURY NOTES	912828G53	09/09/15	\$ 1,000,000	99.672	1.88%	\$ 1,002,188	\$ 996,720	11/30/21	AAA			
<b>Total US Treasury Note Investments</b>						<b>\$ 9,000,000</b>	<b>\$ 8,988,674</b>				14.50%	18.01%
<b>Government National Mortgage Investments (backed by full faith and credit of the United States Government):</b>												
GNMA II ARM PASS THRU POOL 8258	36202KE76	05/04/99	\$ 490,000	102.399	1.75%	\$ 1,640	\$ 1,669	08/20/23				
GNMA PASS THRU POOL 372024	36204KG98	05/21/98	\$ 1,730,000	114.424	6.50%	\$ 36,003	\$ 40,556	01/15/24				
GNMA PASS THRU POOL AD1605	36180CYA1	02/01/13	\$ 1,000,000	102.313	2.00%	\$ 643,683	\$ 631,086	01/15/28				
GNMA II PASS THRU POOL 2562	36202CZ30	02/08/01	\$ 2,500,000	114.771	6.00%	\$ 31,946	\$ 36,213	03/20/28				
GNMA PASS THRU POOL 497581	36210NXJ3	02/11/99	\$ 500,000	115.899	6.00%	\$ 13,837	\$ 15,825	01/15/29				
GNMA II PASS THRU POOL 2795	36202DC82	02/08/01	\$ 2,000,000	113.986	6.50%	\$ 17,673	\$ 19,831	08/20/29				
GNMA II PASS THRU POOL 2997	36202DKJ9	01/31/01	\$ 1,717,305	114.849	6.50%	\$ 4,706	\$ 5,319	11/20/30				
GNMA PASS THRU POOL 574674	36200WMX6	03/27/08	\$ 1,700,000	111.851	5.00%	\$ 32,073	\$ 35,123	04/15/34				
GNMA II PASS THRU POOL 3839	36202EHQ5	01/30/08	\$ 1,000,000	107.989	4.50%	\$ 124,708	\$ 133,030	04/20/36				
GNMA II PASS THRU POOL 4071	36202EQY8	01/18/08	\$ 1,000,000	109.818	5.00%	\$ 72,555	\$ 78,114	01/20/38				
GNMA 09-9 TA REMIC MULTICLASS CMO	38374TDH4	03/17/09	\$ 1,000,000	103.644	4.50%	\$ 69,236	\$ 71,362	08/20/38				
GNMA 10-31 AP REMIC MULTICLASS CMO	38376XL50	04/12/10	\$ 1,000,000	103.776	4.00%	\$ 182,042	\$ 187,603	08/20/38				
GNMA PASS THRU POOL 702875	36296V2G2	05/10/10	\$ 1,015,000	107.648	4.00%	\$ 517,091	\$ 548,163	07/15/39				
GNMA 13-28 DE REMIC MULTICLASS CMO	38378FWG1	02/08/13	\$ 1,000,000	97.652	1.75%	\$ 636,450	\$ 611,692	12/20/42				
GNMA 13-42 DE REMIC MULTICLASS CMO	38378JFT4	03/13/13	\$ 1,000,000	99.331	1.75%	\$ 233,315	\$ 229,024	01/20/43				
<b>Total Government National Mortgage Investments</b>						<b>\$ 18,652,305</b>	<b>\$ 2,616,958</b>				4.30%	5.34%
<b>Agencies which are non-full faith and credit):</b>												
<b>Federal Farm Credit Investments:</b>												
FEDERAL FARM CREDIT	3133ECMJ0	04/22/13	\$ 1,000,000	99.940	0.74%	\$ 1,000,000	\$ 999,400	07/25/17	AAA	AA+		
FEDERAL FARM CREDIT	3133ECNY6	05/03/13	\$ 1,000,000	99.740	0.95%	\$ 1,000,000	\$ 997,400	05/08/18	AAA	AA+		
FEDERAL FARM CREDIT	3133EFWX1	01/22/16	\$ 2,000,000	99.850	1.27%	\$ 2,000,000	\$ 1,997,000	01/28/19	AAA	AA+		

Cash and Investment Portfolio (excluding pension funds and bond proceeds)  
31-Dec-16

Issuer	CUSIP	Purchase Date	Quantity	Estimated Price	Coupon Rate	Cost	Market Value	Maturity Date	Moody's Rating	S & P Rating	Percentage of Total Cash and Investments	Percentage of Long-Term Investments
FEDERAL FARM CREDIT	31331KAU4	01/21/11	\$ 1,000,000	104.070	3.33%	\$ 1,000,000	\$ 1,040,700	01/28/19	AAA	AA+		
FEDERAL FARM CREDIT	3133EGF42	11/02/16	\$ 1,000,000	97.590	1.36%	\$ 1,000,000	\$ 975,900	01/28/19	AAA	AA+		
FEDERAL FARM CREDIT	3133EGRN7	08/10/16	\$ 1,000,000	97.770	1.47%	\$ 1,000,000	\$ 977,700	02/17/21	AAA	AA+		
FEDERAL FARM CREDIT	3133EEF28	02/23/16	\$ 1,600,000	98.460	1.65%	\$ 1,600,000	\$ 1,575,360	03/01/21	AAA	AA+		
FEDERAL FARM CREDIT	3133EGQP3	08/16/16	\$ 1,000,000	97.000	1.44%	\$ 1,000,000	\$ 970,000	08/16/21	AAA	AA+		
FEDERAL FARM CREDIT	3133EGQM0	08/16/16	\$ 1,500,000	97.050	1.62%	\$ 1,500,000	\$ 1,455,750	02/10/22	AAA	AA+		
FEDERAL FARM CREDIT	3133EGRK3	08/10/16	\$ 1,000,000	96.250	1.60%	\$ 1,000,000	\$ 962,500	08/17/22	AAA	AA+		
<b>Total Federal Farm Credit Investments</b>			<b>\$ 12,100,000</b>			<b>\$ 12,100,000</b>	<b>\$ 11,951,710</b>				19.41%	24.12%
<b>Federal Home Loan Banks Investments:</b>												
FEDERAL HOME LOAN BANK	3130A92Z3	08/30/16	\$ 1,300,000	98.770	1.07%	\$ 1,300,000	\$ 1,284,010	08/28/19	AAA	AA+		
FEDERAL HOME LOAN BANK	3130A95J6	08/18/16	\$ 3,000,000	98.600	1.00%	\$ 3,000,000	\$ 2,958,000	03/16/21	AAA	AA+		
FEDERAL HOME LOAN BANK	3130AAET1	12/08/16	\$ 2,500,000	99.290	1.00%	\$ 2,500,000	\$ 2,482,250	03/16/21	AAA	AA+		
FEDERAL HOME LOAN BANK	3130A6UY1	12/03/15	\$ 2,500,000	99.810	2.00%	\$ 3,000,000	\$ 2,495,250	12/30/21	AAA	AA+		
FEDERAL HOME LOAN BANK	3130AA5W4	12/16/16	\$ 4,500,000	99.360	1.50%	\$ 4,500,000	\$ 4,471,200	05/23/22	AAA	AA+		
<b>Total Federal Home Loan Banks Investments</b>			<b>\$ 13,800,000</b>			<b>\$ 14,300,000</b>	<b>\$ 13,690,710</b>				22.24%	27.63%
<b>Federal Home Loan Mortgage Investments:</b>												
FEDERAL HOME LN MTG CORP	3134G42X5	04/11/13	\$ 2,000,000	99.750	1.05%	\$ 2,000,000	\$ 1,995,000	10/30/18	AAA	AA+		
FEDERAL HOME LN MTG CORP	3134GABK9	08/09/16	\$ 2,000,000	99.010	1.16%	\$ 2,000,000	\$ 1,980,200	08/28/19	AAA	AA+		
FHLMC GOLD PASS THRU POOL J01091	3128PCF80	01/17/06	\$ 1,000,000	104.340	5.00%	\$ 38,664	\$ 40,178	02/01/21	AAA	AA+		
FHLMC GOLD PASS THRU POOL C91020	3128P7DZ3	03/21/07	\$ 1,000,000	112.510	5.50%	\$ 44,222	\$ 49,042	03/01/27	AAA	AA+		
<b>Total Federal Home Loan Mortgage Investments</b>			<b>\$ 6,000,000</b>			<b>\$ 4,082,886</b>	<b>\$ 4,064,420</b>				6.60%	8.20%
<b>Federal National Mortgage Association Investments:</b>												
FEDERAL NATL MTG ASSN	3136G16F1	12/11/12	\$ 1,000,000	99.780	1.00%	\$ 1,000,000	\$ 997,800	06/27/18	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G13U1	11/27/12	\$ 1,000,000	99.750	1.10%	\$ 1,000,000	\$ 997,500	12/18/18	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G2WX1	01/25/16	\$ 500,000	99.760	1.25%	\$ 500,000	\$ 498,800	02/22/19	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G3L45	07/26/16	\$ 4,800,000	97.670	1.25%	\$ 4,800,000	\$ 4,688,160	07/28/20	AAA	AA+		
FEDERAL NATL MTG ASSN	3136G2CS4	01/12/15	\$ 1,000,000	98.900	2.00%	\$ 1,000,000	\$ 989,000	01/27/22	AAA	AA+		
FNMA PASS THRU POOL 255994	31371MKF3	03/12/07	\$ 1,605,000	112.708	5.50%	\$ 99,380	\$ 110,468	11/01/25	AAA	AA+		
<b>Total Federal National Mortgage Association Investments:</b>			<b>\$ 9,905,000</b>			<b>\$ 8,399,380</b>	<b>\$ 8,281,728</b>				13.45%	16.71%
<b>Total Federal Instrumentalities (United States Government Agencies which are non-full faith and credit):</b>			<b>\$ 41,805,000</b>			<b>\$ 38,882,266</b>	<b>\$ 37,988,568</b>				61.71%	76.66%
<b>Total Long-Term Investments</b>			<b>\$ 69,457,305</b>			<b>\$ 50,487,898</b>	<b>\$ 49,556,938</b>					
<b>Total Short-Term Funds and Long-Term Investments</b>						<b>\$ 62,494,055</b>	<b>\$ 61,563,095</b>					
<b>Blended Portfolio Rate of Return</b>							<b>1.17%</b>					
<b>Average Maturity (in years)</b>							<b>4.30</b>					

**REGULAR MEETING OF THE CITY COMMISSION**  
**January 23, 2017**

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Rev. Dr. Harold Custer, St. Andrews United Methodist Church, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary  
Commissioner Greg Seidel  
Commissioner Sarah Sprinkel  
Commissioner Carolyn Cooper  
Commissioner Pete Weldon

Also present:

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

**Approval of the agenda**

**Motion made by Commissioner Cooper to approve the agenda with the removal of public hearing 'd' (postponed); seconded by Commissioner Seidel and carried with a 4-0 vote with Commissioner Weldon voting no.** Commissioner Weldon asked about the Age Friendly Winter Park Advisory Board item that will be discussed under the Mayor's Report.

**Mayor's Report**

a. Business Recognition Award Recipient 4<sup>th</sup> Quarter 2016 – Izea, Inc.

CRA Manager Kyle Dudgeon introduced Ted Murphy, CEO and Founder of Izea, Inc. with the Business Recognition Award, 4<sup>th</sup> Quarter. Mr. Murphy explained their business that is headquartered in Winter Park and that they are happy to be in Winter Park.

b. Board appointment – CRA Advisory Board

Mayor Leary nominated Teri Gagliano for the CRA Advisory Board (alternate position); seconded by Commissioner Weldon and carried unanimously with a 5-0 vote.

c. Golf Course Task Force (Advisory Board)

Mayor Leary explained the function of the five member advisory board. After discussion, the ordinance will be amended to add this board and names of potential members will be nominated at the time the ordinance is brought forth. **Motion made by Mayor Leary to bring forth an ordinance; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

d. Appointments to the Age Friendly Winter Park Advisory Board (Commission and citizen representative)

Commissioner Weldon commented that programs such as this should emanate from Winter Park citizens directly and be supported by the Commission as a larger scale issue if they all agree. Mayor Leary addressed his challenge with creating this board with a Commission member and City staff that is run by an outside organization. City Manager Knight stated the board can move forward without the City's participation. Upon further discussion, no action was taken on this item.

**City Manager's Report**

City Manager Knight reported that the Cady Way swimming pool will be on the next agenda.

Commissioner Cooper asked about receiving links to the City's design standards. City Manager will make sure that happens.

Commissioner Seidel asked if the connectivity between adjacent properties is promoted in the comprehensive plan (cross access agreements). Planning Director Dori Stone stated it would have to be put into our Land Development Code. She will bring back examples of cross access agreements/easements from other jurisdictions.

Commissioner Cooper asked about vertical zoning and the need for further discussion with the properties within the CBD and Hannibal Square along our commercial roads. This will be further discussed as an agenda item.

**City Attorney's Report**

Attorney Ardaman had no report.

**Consent Agenda**

- a. Approve the minutes of January 9, 2017.
- b. Approve PR 161226 to Musco Lighting, Inc. for Ward Park Field 8 light pole replacement.
- c. Approve the agreement between the Winter Park Garden Club and Mead Botanical Gardens and agree to amend the existing land lease pending City Attorney approval of the wording. **PULLED FOR DISCUSSION. SEE BELOW.**
- d. Approve a six month extension of pay differential for an employee currently deployed on active military duty.

**Motion made by Commissioner Weldon to approve Consent Agenda items a, b and d; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.** No public comments were made.

Consent Agenda item 'c'

Attorney Ardaman explained the agreement in the packet that the Commission does not need to approve but that the City is a party to two agreements with Mead Botanical Garden, Inc. and the Winter Park Garden Club. He asked for feedback regarding the existing agreement with Mead Botanical/Garden Club which requires payment from the City of \$70,000 if the City does not renew the lease. The other issue is with respect to ownership of the Garden Club building and if the City expects and intends to own the building, regardless of whether Mead Botanical Garden, Inc. takes over the lease or it is assigned.

Bill Weir, Mead Botanical Garden, Inc. addressed their intent for the Garden Club to use the facility wherever it is at no charge as long as they have a relationship with the City. He suggested cancelling the lease with the Garden Club and to remove the restriction in their lease that says the property where the building is built is exempted from their lease.

Mayor Leary commented that it is in the City's best interest to own the property and building and to have this all under one lease. Mr. Weir stated they agree with moving forward approving the assignment of the lease knowing the City is going to rewrite the lease for the entire facility.

**Motion made by Commissioner Weldon to approve an assignment with Mead Gardens to own the structure, no reimbursement by the City as provided currently under the Garden Club lease, and Mead Gardens to provide insurance and authorize the City Manager to execute that document to effect that on or before the 31<sup>st</sup> to accommodate the closing of the Garden Club building purchase; and to renegotiate the lease in combination with Mead Gardens; seconded by Commissioner Sprinkel. No public comments were made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

**Action Items Requiring Discussion**

No action items.

**Public Hearings:**

- a. ORDINANCE NO. 3061-17: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE APPROVAL OF THE PROJECT WELLNESS FINAL PLAT AND ACCEPTANCE OF THE DEDICATIONS THEREIN, INCLUDING THE RECONFIGURED PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE VACATION AND ABANDONMENT OF CERTAIN PORTIONS OF MIZELL AVENUE, SOUTH EDINBURGH DRIVE AND NORTH PERTH LANE AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE VACATION AND ABANDONMENT OF CERTAIN DISTRIBUTION AND UTILITY EASEMENTS; PROVIDING FOR THE RENAMING OF CERTAIN

PUBLIC RIGHTS-OF-WAY; PROVIDING FOR CONFLICTS, SEVERABILITY,  
AN EFFECTIVE DATE AND RECORDING Second Reading

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

b. Request of TGG Ltd.

ORDINANCE NO. 3062-17: 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 DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 309 WEST NEW ENGLAND AVENUE (LOT 16, BLOCK 40), MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

ORDINANCE NO. 3063-17: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3), DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 309 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Attorney Ardaman read the ordinances by title.

**Motion made by Commissioner Weldon to adopt the comprehensive plan ordinance; seconded by Commissioner Sprinkel.** Lurline Fletcher, 811 English Court opposed both ordinances because of rezoning the property on the Westside. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

**Motion made by Commissioner Weldon to adopt the zoning ordinance; seconded by Commissioner Sprinkel.** **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

Commissioner Cooper asked if this property can be subject to the vertical zoning standards. Planning Manager Briggs stated once the comprehensive plan is adopted it will be subject to this.

c. Request of St. John Evangelical Lutheran Church: Conditional use approval to use their vacant properties at 1010 Garden Drive and 1021 Camelia Avenue zoned Single Family Residential (R-1A), as unpaved grass parking lots for the church, church school and community events

Planning Manager Jeff Briggs explained the request and that it will be a temporary use.

**Motion made by Commissioner Cooper to approve the conditional use request (only for a temporary use) as approved by P&Z; seconded by Commissioner Weldon.** No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

d. Request of Rollins College: Postponed until February 27, 2017.

e. Request of Winter Park Real Estate Advisors, Inc.:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM SINGLE FAMILY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON THE ELEVEN FEET TO THE EAST OF 326 HANNIBAL SQUARE, EAST AND TO CHANGE FROM CENTRAL BUSINESS DISTRICT TO MEDIUM-DENSITY RESIDENTIAL ON THE PROPERTY AT 354 HANNIBAL SQUARE, EAST AND FROM SINGLE FAMILY RESIDENTIAL TO LOW DENSITY RESIDENTIAL ON THE PROPERTIES AT 463 AND 455 WEST LYMAN AVENUE, 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 TO CHANGE FROM SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE ELEVEN FEET OF PROPERTY TO THE EAST OF 326 HANNIBAL SQUARE, EAST AND TO CHANGE FROM COMMERCIAL (C-2) DISTRICT ZONING TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT 354 HANNIBAL SQUARE, EAST AND FROM SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING ON THE PROPERTIES AT 463 AND 455 WEST LYMAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Conditional use approval to redevelop the properties at 326 and 354 Hannibal Square, East and at 465, 463 and 455 West Lyman Avenue with a nine unit, two and three story residential project, prospectively zoned R-3 and R-2; providing for certain exceptions and for a development agreement, if required.

Attorney Ardaman read both ordinances by title. Planning Manager Jeff Briggs explained the zoning of the properties, the surrounding area zoning, and the conditional use request. Mr. Briggs spoke about the 463 and 455 West Lyman Avenue parcels (eastern 2/3 of the property) currently zoned single family that they want to change to R-2. He addressed the revised site plan that flips the single family unit to the eastern end because it abuts single family and makes it

compatible. He stated they are not asking for any exceptions for the R-2 properties and the only issue is the land use change as to whether to permit the two additional units or maintain the single family land use. Mr. Briggs addressed staff's positive recommendation for that change because of the general context of the site that is next door to the parking garage, it backs up to commercial development to the north, and that staff has included policy direction in the comprehensive plan that outlines how redevelopment should be treated that is clearly coming along the north side of Lyman Avenue.

Commissioner Seidel disclosed conversations with the client's attorney, Ms. Mary Daniels, and the architects. Commissioner Cooper stated she spoke with many residents. Commissioner Weldon spoke with the applicant. Commissioner Sprinkel received an email from the applicant. Mayor Leary stated he read emails but have not spoken to anyone.

Attorney Rebecca Wilson, representing the applicant, provided a PowerPoint presentation outlining the zoning of the property and surrounding properties, the parking garage, the alleyway, the vacant property currently there, and the home on the far east portion of the property. She summarized the lots the applicant owns that they want to build on and the changes made to the updated site plan they provided. She asked for approval of their zoning request and approval of the conditional use permit. She explained there will be a development agreement brought back at second reading that deals with access to the alleyway, neighbors to the north and anything else that comes up this evening that needs to be included.

Architect Randall Slocum explained the lot coverage. Commissioner Seidel agreed with the request but expressed his preference to make the townhouses look unique and to have a smooth transition into the current houses there.

**Motion made by Commissioner Sprinkel to accept the comprehensive plan ordinance on first reading; seconded by Commissioner Weldon.**

**Motion made by Commissioner Sprinkel to accept the zoning ordinance on first reading; seconded by Commissioner Weldon.**

**Motion made by Commissioner Sprinkel to approve the conditional use with the condition that the development agreement comes back at the second reading to address any issues and that the conditional use not be effective unless and until the comprehensive plan and zoning are effective; seconded by Commissioner Weldon.**

Commissioner Weldon agreed with the design and the consistency of the design. He spoke about the Commission agreeing to change the comprehensive plan from the north side of Lyman Avenue to limit future development to R-2 to avoid a proposal for larger development. He stated this project creates the transition correctly at the right density and intensity for the properties involved and expects the south side to remain R-1.

The following spoke in support of the request:

Attorney Alexandre Mestdagh, Mestdagh & Wall P.A. representing ORC Hannibal Square LLC and ORC Hannibal Square II, LLC, 541 S. Orlando Avenue, Maitland (owners of the mixed use project north of the applicant's property)  
Pamela Peters, 467 Lakewood Drive  
Javier Omana, 426 West Lyman Avenue

The following spoke in opposition to the request:

Martha Bryant Hall, 331 West Lyman Avenue  
Glenn Franklin, 445 West Lyman Avenue  
Maria Bryant, 450 S. Virginia Avenue  
Sally Flynn, 1400 Highland Road  
Pat McDonald, 2348 Summerfield Road  
Lurline Fletcher, 811 English Court  
James Giuliani, 867 South Pennsylvania Avenue

Commissioner Cooper spoke expressed the difficulty with her decision because of her respect for the architect involved. She spoke about the codes and the entitlements to develop this property where a very large house could be built there as R-1A that would not be the same scale of what exists there now. She expressed her preference to build single family homes on this property and would not support the zoning change of R-1 to R-2. She wanted to support the other change but cannot because the way this was presented in a bundle.

Discussion ensued regarding the design to make each townhome unique. Mr. Slocum addressed Mayor Leary's and Commissioner Seidel's concern concerning uniqueness of the buildings. Commissioner Seidel addressed concerns with the house on the end and hoped something could be done to not encroach on the neighbor or take away her privacy. Mr. Slocum spoke about their different style windows where they can look at minimizing the size and number of the windows to provide privacy to the property to the east, especially on the second story.

Commissioner Weldon commented that he would love to accommodate every emotional concern of every citizen but that realty is not available to him and has to look at this from a planning context point of view. He believed this project to be the appropriate density and transition to single family that will be preserved on the south side of Lyman Avenue. He spoke where the comprehensive plan allows for transition of the north side of Lyman between New York Avenue and Hannibal Square to R-2 over time should property owners elect to pursue that.

Commissioner Seidel spoke about the need to respect the privacy of the adjacent property on the east side and that the windows on the eastern most property be designed respect the privacy of the property to the east. It was clarified that he can work with the architect before the second reading to remedy this.

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

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

**Upon a roll call vote on the conditional use request including development agreement approval with provisions as discussed regarding parking and access as well as Attorney Wilson's issues and that the conditional use not be effective unless and until the comprehensive plan and zoning ordinances are effective, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

**Public Comments (items not on the agenda)**

Karen Giuliani, 865 and 867 South Pennsylvania Avenue, spoke in opposition to the Rollins College public hearing that was pulled this evening from the agenda.

Pamela Peters, 467 Lakewood Drive, expressed concerns with pedestrian safety with vehicles not stopping to allow pedestrians to cross the road, especially on Park Avenue. She asked that something be done to help with this.

James Giuliani, 867 South Pennsylvania Avenue, spoke in opposition to the Rollins College public hearing that was pulled this evening from the agenda.

Linda Eriksson, 535 North Interlachen, asked that parking spaces on Park Avenue be marked to delineate parking spaces to help with the parking situation.

Stephen Coutant, 905 Lakeview Drive, spoke in opposition to the Rollins College public hearing that was pulled this evening to be on the February 27 agenda.

**City Commission Reports:**

a. Commissioner Seidel – Reported that he attended the Bach Festival and that he is hosting the second meeting with the neighbors regarding Champion Circle.

b. Commissioner Sprinkel – Asked to look at the curbs that are breaking throughout the City with heavy trucks and buses running over them. She addressed the safety with the Cady Way bike paths with bikers not stopping at the intersection (consensus for staff to review). She asked that the Mayor's upcoming State of the City address be streamed and videoed. She asked to fix the dip in the road at the Lee Road extension. Spoke about signs appearing on stop signs throughout the City and asked that staff review that. Staff will look at signs that are posted and determine how to manage them and to screen new signs getting sent out.

c. Commissioner Cooper – Spoke about the problems with curbs breaking she believed to be a right-of-way issue with vehicles not making the turning radiuses on major streets. She asked for a copy of the Rollins College master plan from 2010. She addressed a letter of thanks for Bruce Kern and Steve Mathes and their co-workers and that she appreciates staff respecting and supporting the residents. Lastly, she asked if more benches can be placed at bus stops (mentioned New York Avenue and Webster Avenue) so people do not have to sit on the ground.

d. Commissioner Weldon – Spoke about a letter received from Cain Cervenka regarding bike crossing where he will provide his response to him that he copied to the City Manager and the Chair of Transportation Advisory Board. He expressed his appreciation for the Bach Festival event at Casa Feliz where the Bach Festival Chairman asked him to tell City staff and the Commission how much their organization appreciates the support they have received over the years and that they are happy to be able to continue to expand their programming.

e. Mayor Leary – Thanked Vice Mayor Sprinkel for filling in for him at the Unity Festival. He thanked the Commission for their service that is sometimes a thankless job and addressed the receipt of bombastic and untrue comments being made about pushing people out and having closed door meetings. He asked if something can be done to stop miscellaneous papers being left in the driveways (Attorney Ardaman addressed Winter Gardens ordinance that he will provide as to how they address that). Fire Chief White spoke about receiving other complaints and that they have used their solicitation ordinance and sent out letters that they have seen it slow down after sent.

Mayor Leary also asked about vehicles making U-turns in the middle of Park Avenue and other streets holding up traffic and causing pedestrian issues. He asked if there is support from the Commission to look at a No U-Turn policy on Park Avenue. Police Chief Deal comments about the need for signs to be able to enforce it. This will be reviewed.

Mayor Leary addressed crosswalks and asked that the stanchions continue to be rotated throughout the City because they seem to help the situation.

The meeting adjourned at 6:47 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	February 13, 2017
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	

## Piggyback Contracts

	vendor	item   background	fiscal impact	motion   recommendation
1.	Ten-8 Fire Equipment, Inc.	Piggyback of Lake County Contract No. 12-08060 for Fire Equipment & Supplies	Total expenditure included in approved FY17 budget.	Commission approve the piggyback contract with Ten-8 Fire Equipment, Inc. and authorize the Mayor to execute the contract.
Lake County issued a formal solicitation to award this contract. The contract will expire June 30, 2017.				
2.	Layne Inliner, LLC	Piggyback of City of Orlando Contract No. IFB15-0017 – Storm Line Rehabilitation Cleaning & Video Recording	Total expenditure included in approved FY17 budget.	Commission approve the piggyback contract with Layne Inliner, LLC and authorize the Mayor to execute the contract.
The City of Orlando issued a formal solicitation to award this contract. The contract will expire December 14, 2017.				
3.	HD Supply Waterworks, Ltd	Piggyback of Orlando Utilities Commission Agreement No. 895 – Water/Wastewater Material Alliance	Total expenditure included in approved FY17 budget.	Commission approve the piggyback contract with HD Supply Waterworks and authorize the Mayor to execute the contract.
Orlando Utilities Commission issued a formal solicitation to award this contract. The contract will expire June 30, 2017.				

Approval of contract shall constitute approval for all subsequent purchase orders made against contract.

## Formal Solicitations

	vendor	item   background	fiscal impact	motion   recommendation
4.	Le-Huu Partners	RFQ-3-2017 – Continuing Contract for Professional Architectural Services	Continuing Contract to be used on a per project basis with approved budget.	Commission authorize staff to enter into negotiations with Le-Huu Partners.
This fiscal year the City issued a Request for Qualifications for professional architectural services. The evaluation committee short listed a total of six (6) firms for oral presentations. The post presentation ranking identified Le-Huu Partners as a top ranked firm. Under CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with this firm for a continuing services contract.				
5.	Zyscovich Architects	RFQ-3-2017 – Continuing Contract for Professional Architectural Services	Continuing Contract to be used on a per project basis with approved budget.	Commission authorize staff to enter into negotiations with Zyscovich Architects.
This fiscal year the City issued a Request for Qualifications for professional architectural services. The evaluation committee short listed a total of six (6) firms for oral presentations. The post presentation ranking identified Zyscovich Architects as a top ranked firm. Under CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with this firm for a continuing services contract.				

	contract.			
6.	Singhofen & Associates, Inc.	RFQ-4-2017 – Continuing Contract for Professional Stormwater Management & Design Services	Continuing Contract to be used on a per project basis with approved budget.	Commission authorize staff to enter into negotiations with Singhofen & Associates, Inc.
This fiscal year the City issued a Request for Qualifications for professional architectural services. The evaluation committee short listed a total of three (3) firms for oral presentations. The post presentation ranking identified Singhofen & Associates, Inc. as a top ranked firm. Under CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with this firm for a continuing services contract.				
7.	Geosyntec Consultants	RFQ-4-2017 – Continuing Contract for Professional Stormwater Management & Design Services	Continuing Contract to be used on a per project basis with approved budget.	Commission authorize staff to enter into negotiations with Geosyntec Consultants.
This fiscal year the City issued a Request for Qualifications for professional architectural services. The evaluation committee short listed a total of three (3) firms for oral presentations. The post presentation ranking identified Geosyntec Consultants as a top ranked firm. Under CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with this firm for a continuing services contract.				
8.	CPH, Inc.	RFQ-5-2017 – Continuing Contract for Professional General Civil & Public Facility Engineering Services	Continuing Contract to be used on a per project basis with approved budget.	Commission authorize staff to enter into negotiations with CPH, Inc.
This fiscal year the City issued a Request for Qualifications for professional architectural services. The evaluation committee short listed a total of three (3) firms for oral presentations. The post presentation ranking identified CPH, Inc. as a top ranked firm. Under CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with this firm for a continuing services contract.				
9.	Kimley-Horn & Associates	RFQ-6-2017 – Continuing Contract for Professional Transportation Planning & Engineering Services	Continuing Contract to be used on a per project basis with approved budget.	Commission authorize staff to enter into negotiations with Kimley-Horn & Associates.
This fiscal year the City issued a Request for Qualifications for professional architectural services. The evaluation committee short listed a total of three (3) firms for oral presentations. The post presentation ranking identified Kimley-Horn & Associates as a top ranked firm. Under CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with this firm for a continuing services contract.				
10.	Comprehensive Engineering Services, Inc.	RFQ-6-2017 – Continuing Contract for Professional Transportation Planning & Engineering Services	Continuing Contract to be used on a per project basis with approved budget.	Commission authorize staff to enter into negotiations with Comprehensive Engineering Services, Inc.
This fiscal year the City issued a Request for Qualifications for professional architectural services. The evaluation committee short listed a total of three (3) firms for oral presentations. The post presentation ranking identified Comprehensive Engineering Services, Inc. as a top ranked firm. Under CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with this firm for a continuing services contract.				

Approval of contract shall constitute approval for all subsequent purchase orders made against contract.



# city commission agenda item

Item type	Consent Agenda	meeting date	February 13, 2017		
prepared by department division	Police Department	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	
vision themes	<input checked="" type="checkbox"/> Cherish and sustain city's extraordinary quality of life. <input type="checkbox"/> Plan growth through a collaborative process that protects city's scale and character. <input type="checkbox"/> Enhance city's brand through flourishing arts and culture. <input type="checkbox"/> Build and embrace local institutions for lifelong learning and future generations.				

## subject

Renewal of Mutual Aid Agreement to use combined SWAT services with other agencies.

## motion | recommendation

Motion to allow the Mayor to sign the renewal of a SWAT Mutual Aid Agreement between the Winter Park Police Department and the Apopka Police Department, Maitland Police Department, Winter Garden Police Department and Ocoee Police Department.

## background

In order to have a fully functional SWAT team within the City of Winter Park, the WPPD has entered into mutual aid with other cities to create a joint SWAT team which can respond to emergencies as needed. This team trains together and combines the resources from multiple cities in order to have a highly trained and equipped SWAT unit.

## alternatives | other considerations

## fiscal impact

N/A

**2017-2021 MEMORANDUM OF UNDERSTANDING OF THE CENTRAL FLORIDA  
METRO SWAT TEAM TASK FORCE**

**APOPKA POLICE DEPARTMENT**

**MAITLAND POLICE DEPARTMENT**

**OCOOE POLICE DEPARTMENT**

**WINTER GARDEN POLICE DEPARTMENT**

**WINTER PARK POLICE DEPARTMENT**

WHEREAS, the City of Apopka, the City of Maitland, the City of Ocoee, the City of Winter Garden, and the City of Winter Park, along with other agencies, have entered into a duly signed Municipal Inter-Local Voluntary Cooperation Mutual Aid Agreement (hereafter “Mutual Aid Agreement”) which is in effect until January 1, 2021.

WHEREAS, “Section II, Provisions for Voluntary Cooperation” in said Mutual Aid Agreement allows agencies within the Mutual Aid Agreement to enter into Inter-Agency task forces including Special Weapons and Tactics Teams (hereafter “SWAT Team”).

WHEREAS, the Apopka Police Department, the Maitland Police Department, the Ocoee Police Department, the Winter Garden Police Department, and Winter Park Police Department believe that the creation of one larger Inter-Agency SWAT team will allow for the most economical and efficient use of the their respective SWAT team resources.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

- A. The Central Florida Metro SWAT team (hereafter “Metro SWAT”) is a multi-agency unit, organized and formulated to work together to respond to calls needing the specialized services of a SWAT team.
- B. The parties incorporate the Municipal Inter-Local Voluntary Cooperation Mutual Aid Agreement in effect from 2017-2021 in its entirety, and this Agreement shall be deemed the formalization of a SWAT Task Force contemplated in Section II of that agreement.
- C. The Chief of Police, or his/her designee, from each participating agency will act as a member of the Board of Directors for Metro SWAT (Board of Directors). The Board of Directors will develop command structures, develop protocols, and ensure members are trained in compliance within professional standards.

- D. Each participating agency shall designate a representative that has the authority to request or render SWAT team assistance on behalf of their agency.
- E. When services are requested, each designated representative will evaluate the request for services and his/her available resources, and respond in a manner he/she deems appropriate.
- F. The Chief, or their designee, of the jurisdiction where the SWAT activity is located will act as the High Risk Incident Commander (HRIC) for events occurring within their jurisdiction.
- G. Whenever a team member is rendering assistance under this MOU, the team member shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his/her own employing agency. If at any time, any rule, regulation, personnel policy, general order or standard operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of Metro SWAT then such rule, regulation, policy, general order or procedure of the employing agency shall control and shall supersede the direct order of the superior officer of Metro SWAT.
- H. If a complaint has been lodged against any member of the Metro SWAT team, that complaint will be forwarded to the Chief of Police (or his/her designee) of the member's employing agency to be handled pursuant to the policy and procedures of the employing agency.
- I. While present outside the Metro SWAT member's jurisdiction by request of another agency, Metro SWAT members may detain, search, and arrest individuals during their Metro SWAT assignment as if they were inside their own jurisdiction. If any crime occurs in the Metro SWAT member's presence while executing their duties pursuant to this MOU, said Metro SWAT member is empowered to render law enforcement assistance.
- J. Each participating agency engaging in any assistance pursuant to this MOU understands that the provisions of the current Municipal Inter-Local Voluntary Cooperation Mutual Aid Agreement apply, including but not limited to: Section IV: Powers, Privileges, Immunities, and Costs, Section V. Indemnification, and Section VI. Insurance Provisions. Specifically, and as provided and limited by the Mutual Aid Agreement, each agency will be responsible for the acts, omissions or conduct of its own employees; damage or loss of their own equipment; and will defend their own agency employees in any suit or claim

arising in reference to their agency employee(s). Nothing in this agreement shall be deemed a waiver of any party's sovereign immunity.

- K. Metro SWAT members of each participating agency when engaging in assistance outside of their jurisdictional limits, under the terms of this MOU, shall, pursuant to provisions of state statute have the same powers, duties, rights, privileges and immunities as if the Metro SWAT member was performing duties inside the member's political subdivision in which normally employed.
- L. This MOU will be in effect until January 1, 2021. This agreement may be canceled by any party upon delivery of written notice to the other parties.

**SIGNATURE PAGES TO FOLLOW**

**WINTER PARK POLICE DEPARTMENT**

\_\_\_\_\_  
Michael Deal  
Chief of Police

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

APPROVED:  
**WINTER PARK, FLORIDA**

ATTEST: \_\_\_\_\_

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

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

APPROVED AS TO FORM AND  
LEGALITY THIS 18th DAY OF  
January 2017.

\_\_\_\_\_  
Erin L. DeYoung  
General Counsel  
Winter Park Police Department



# city commission agenda item

item type	Action Item Requiring Discussion	meeting date	February 13, 2017
prepared by	Troy Attaway	approved by	<input checked="" type="checkbox"/> City Manager
department	Public Works		<input type="checkbox"/> City Attorney
division	Administration		<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 checked="" type="checkbox"/> Exceptional Quality of Life		<input type="checkbox"/> Fiscal Stewardship
	<input type="checkbox"/> Intelligent Growth & Development		<input type="checkbox"/> Public Health & Safety
	<input checked="" type="checkbox"/> Investment in Public Assets & Infrastructure		

## subject

Cady Way Pool Potential Programing and Improvements

## motion | recommendation

Move to reallocate funding related to Cady Way improvements.

## Background

At the December 12, 2016, Commission Meeting, staff brought forward a discussion recommending that funding assigned to heat the pool be considered for reallocation based on projected pool attendance in winter months. The data prepared to bring forward this recommendation was in collaboration with the YMCA. As a result of the discussion, the Commission asked staff to look into other building and restroom/locker room improvements that could be made at the Cady Way facility and also asked staff to look at other potential operating models to offer year round pool availability.

## Operational Options

Currently the YMCA is operating the facility under a one-year contract extension to provide staffing and daily summer programming. Financial reports provided by the YMCA show that they have experienced an operational loss over the past 3 summers of more than \$148,000, which increases significantly when including the City's maintenance expenses. Discussions with the YMCA Administration indicated they are willing to extend the partnership by entering into a three-year agreement to continue to staff and operate the pool during the summer season. Additionally, they are working to secure funding, through grants and donations, to expand the Safety Around Water (free swim lessons), which has already had great success at Cady Way (over 600 swimmers in the past two years).

Internally, our Parks and Recreation Department has estimated the cost for the city to run the pool both in the winter and year round. Below are summarized estimated costs:

	2014	2015	2016(YTD)
<b>Rev (YMCA)</b>	50,593	50,051	55,289
<b>Direct Exp. (YMCA)</b>	(109,256)	(111,131)	(84,620)
<b>Maint. Expenses (COWP)* 2014 &amp; 15 est. based on 2016</b>	*(51,000)	*(53,000)	(55,190)
<b>Net</b>	(\$109,663)	(\$114,080)	(\$84,521)

	Annual	Winter Only
<b>Revenue</b>	53,650	13,000
<b>Staffing &amp; Operations</b>	(99,600)	(32,250)
<b>Maint. Expenses</b>	(56,000)	*
<b>Pool Heat</b>	(13,000)	(13,000)
<b>Net</b>	(\$114,950)	(\$32,250)

\*Maintenance required regardless of schedule.

Participation	2014	2015	2016
<b>Daycare/Camp Rec Swim</b>	4,875	4,979	5,328
<b>Swimmers-recreation &amp; lap swim</b>	2,666	2,781	2,204
<b>Safety Around Water (free swim lessons)</b>		635	672
<b>Brookshire PE swim lessons</b>	306	294	258
<b>Swim Lesson Participation</b>	48	69	77

## **Facility Improvements**

The pool and associated buildings were constructed by a swim club in the 1960's and have been continuously maintained in a functioning manner. The City purchased the pool in 1980 from the swim club and the YMCA has operated the pool over 20 years.

Most recently, the pool shell, pool deck, pumping and piping were completely renovated in 2014. Although the pool buildings are maintained in a clean and functional manner, little update has been performed from the original 1960's construction. The locker rooms and office buildings are concrete block construction with concrete double "T" roof panels which have open ends and louvers for static ventilation. Only cold water is provided in the restroom and shower facilities. The interior finishes are primarily struck block with painted concrete walls and floors. The partitions and fixtures are in good working condition while the lighting is functional but dated. Most of the shower stalls do not meet ADA criteria.

Using the City's recently constructed pool restrooms at the Community Center as a pattern, Improvements could be undertaken at Cady Way pool including, adding hot water to the restrooms and showers, correcting ADA issues, reconfiguring men's gang showers to

individual stalls, providing tiled finishes, adding mechanical ventilation, updating sink fixtures and updating to LED lighting.

Additionally, modern lockers and seating in the locker rooms would be a welcome addition. The office area could be improved with new air conditioning and windows. An aesthetically pleasing and depictive painting/graphics scheme could enhance the visual appearance to the public as well as pool users.

A more detailed description of these improvements along with estimated costs is provided below:

Improvement Item	Description	Order of Magnitude Cost
1.	ADA COMPLIANCE- Fixes to Men’s + Women’s showers and exterior ramps	\$8,000
2.	MEN’S SHOWERS- Add new shower stalls in place of existing gang showers	\$10,000
3.	WATER HEATERS- Add new water heaters to Restrooms + Showers	\$40,000
4.	FINISHES- Add new floor + wall tile to Restrooms + Showers	\$15,000
5.	FIXTURES + LIGHTING- Update with plumbing + LED lighting fixtures	\$10,000
6.	MECHANICAL VENTILATION- Add new mechanical ventilation, sky- lights in Locker Rooms + package A/C units in Staff areas	\$30,000
7.	LOCKERS + SEATING- Replace with new lockers + seating units	\$10,000
8.	EXTERIOR REPAINT- Update colors palette with new aesthetically pleasing graphic scheme	\$20,000
TOTAL		\$143,000

Staff met to discuss the above recommendations with the YMCA to determine if these improvements would increase their ability to provide additional services or increase revenue opportunities. The YMCA staff indicated that the primary users of the pool were summer camps (see above) and that the recommended improvements would not have an impact on participation or revenues. Based, on the depth of the pool, they are unable to host meets or expand programming to include competitive races. Further, they are confident that between the Lakemont YMCA and the new Wellness Place they will be able to meet the needs of swimmers looking for pre and post swim locker room facilities. In summary, the YMCA was not eager to participate in funding infrastructure improvements.

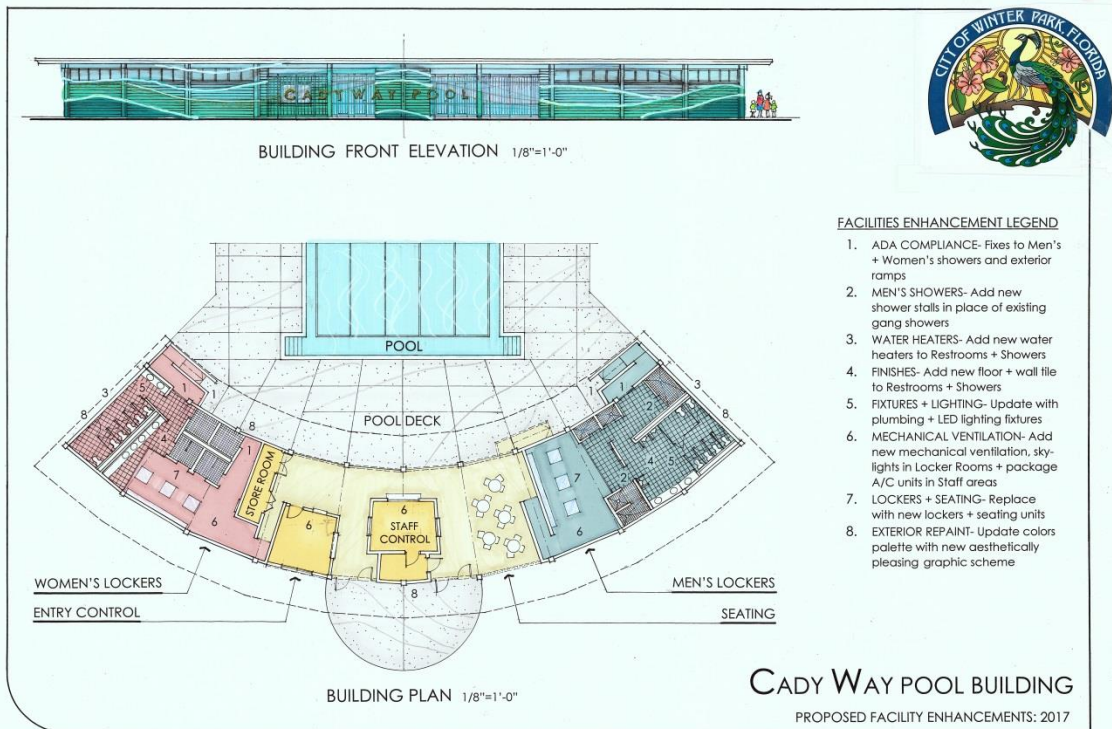
**alternatives | other considerations**

- There are many alternatives:
- Continue with seasonal programming through the YMCA and either maintain existing facilities or improve the facilities.
  - Continue with the existing programming and improve the facilities

- Expand to year round program either by the City taking back all programming or supplementing winter programming and either maintain existing facilities or improve the facilities.

### **fiscal impact**

There is currently \$190,000 available for capital improvements to Cady Way, which includes \$70K from the YMCA designated as a contribution towards heating the pool.





# city commission agenda item

Item type	Action Item Requiring Discussion	meeting date	February 13, 2017		
prepared by	Kyle Dudgeon	approved by	<input checked="" type="checkbox"/>	City Manager	
department	Planning & Community Development		<input type="checkbox"/>	City Attorney	
division	Economic Development Division		<input type="checkbox"/>	N/A	
board approval	Economic Development Advisory Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0	final vote	
vision themes	<input type="checkbox"/> Cherish and sustain city's extraordinary quality of life. <input checked="" type="checkbox"/> Plan growth through a collaborative process that protects city's scale and character. <input type="checkbox"/> Enhance city's brand through flourishing arts and culture. <input type="checkbox"/> Build and embrace local institutions for lifelong learning and future generations.				

## subject

West Fairbanks Façade Matching Grant Program

## motion | recommendation

Approve modifications to the West Fairbanks Façade Matching Grant program.

## background

The West Fairbanks Façade Matching Grant program was established to promote reinvestment and beautification along West Fairbanks Avenue between I-4 and 17-92/Orlando Avenue; a major entry corridor to the city. There has been significant public investment with the installation of sewer lines, light posts and other infrastructure improvements. The corridor has been analyzed by an Urban Land Institute (ULI) TAPS panel. The grant program is consistent with their analysis and is in concurrence with the Economic Development Advisory Board's (EDAB) three year plan.

Eligible improvements are enhancements visible from the public right of way such as storefronts, paint, awnings and signage. Similar programs have been successful. The CRA's Business Façade Matching Grant Program is responsible for assisting 48 businesses and leveraging a ratio of 12:1 in private to public dollars for improvements.

Staff has received a number of calls interested in West Fairbanks improvements. Modifications are proposed to improve the program and encourage applicants to invest in corridor enhancements.

- The program would offer a 50% reimbursement up to \$5,000.00 as opposed to a 25% reimbursement. The 25% reimbursement has only attracted one applicant.
- Eligible applicants would include national franchises to encourage augmentations to standard corporate designs.
- Eligible improvements would include sewer connections and parking lot landscaping in conjunction with at least one other façade improvement.

A copy of the amended West Fairbanks Façade Matching Grant Program information, map of the eligible area and application are attached. The EDAB unanimously recommended approval of the proposed modifications at their January 17, 2017 meeting.

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

Do not make modifications to the program

#### **fiscal impact**

\$20,000.00 from Economic Development Activity Account 001-2301-515-49.25



# City Of Winter Park

## West Fairbanks Façade Matching Grant Program

### 1. APPLICANT

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

Address: \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Legal Form:          Sole Proprietorship ☐          Partnership ☐

Corporation: Profit ☐          Non-Profit ☐

In which State are the incorporation and/or organization documents filed?

\_\_\_\_\_

Social Security Number/Tax Identification Number: \_\_\_\_\_

### 2. BUILDING/BUSINESS TO BE IMPROVED

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

Address: \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Legal Description (may be attached on separate page):

\_\_\_\_\_

Property Tax Parcel Number: \_\_\_\_\_

### 3. OWNER OF PROPERTY (if not applicant)

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

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

Address: \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

**4. AUTHORIZATION TO UNDERTAKE WORK**

If the applicant is not the owner of the property, please include a signed copy of the attached Property Owner Authorization form.

**5. BRIEF DESCRIPTION OF PROPOSED EXTERIOR IMPROVEMENTS**

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**6. ESTIMATED COST OF WORK FROM BIDS RECEIVED** *(Applicant may make multiple copies of this page if the applicant is acting as their own General Contractor and more than one type of work is being performed. List each type of work separately under item 5 and enter the required bids below.)*

Bid #1:

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

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

Contact Phone Number: \_\_\_\_\_

Bid Amount for Total Work: \$\_\_\_\_\_.\_\_\_\_\_

Bid #2:

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

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

Contact Phone Number: \_\_\_\_\_

Bid Amount for Total Work: \$\_\_\_\_\_.\_\_\_\_\_

**7. SOURCE OF MATCHING FUNDS** (personal financing, bank etc.)

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**8. INVESTMENT VALUE OF WORK BEING PERFORMED BY APPLICANT**

Include the total cost estimate of all work being performed at the business, both exterior and any interior improvements being made. \$\_\_\_\_\_.\_\_\_\_\_

## 8. ACKNOWLEDGEMENTS

- ☐ I have read and understand the program guidelines and criteria.
- ☐ I have attached a copy of my current business license to this document.
- ☐ I have attached a copy of my current property insurance.
- ☐ To the best of my knowledge the business and the property are current on all local, state and federal taxes.
- ☐ I have attached a copy of the scope of work and available drawings or sketches.
- ☐ I have attached a copy of the Property Owner Authorization form.
- ☐ I understand that final approval must come from all City departments concerned with any improvement and that award of the grant by the City does not guarantee approval of the project. The applicant must meet all City requirements and codes.

Staff Use Only:

Application Approved ( Y / N )

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

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

**CERTIFICATION BY APPLICANT**

The applicant certifies that all information in this application, and all information furnished in support of this application, is given for the purpose of obtaining up to a 50% matching grant and is true and complete to the best of the applicant's knowledge and belief.

If the applicant is not the owner of the property to be rehabilitated, or if the applicant is not the sole owner of the property, the applicant certifies that he/she has the authority to sign and enter into an agreement to perform the rehabilitation work on the property. Evidence of this authority must be attached.

The City of Winter Park is dedicated to promoting and encouraging diversity in the programs that it supports or funds. Successful applicants in the West Fairbanks Business Façade Matching Grant Program are encouraged to contact contractors that are certified minority owned or small businesses.

Verification of any information contained in this application may be obtained by City Staff from any available source.

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**Applicant Signature**

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**Date****Submit complete applications and supporting documentation to:**

City of Winter Park Economic Development/CRA  
Attn: West Fairbanks Business Façade Program  
401 South Park Avenue  
Winter Park, FL 32789

## Business Façade Program Property Owner Authorization

I, \_\_\_\_\_, understand that

\_\_\_\_\_, a leaseholder of my property located at

\_\_\_\_\_ is considering improvements under the City of Winter Park Community Redevelopment Agency West Fairbanks Business Façade Grant Program, hereinafter referred to as "Program." For the purposes of this authorization, hereinafter the Community Redevelopment Agency shall be referred to as "CRA" and the City of Winter Park as "City".

I have received and reviewed the Program guidelines and reviewed the application submitted by my tenant. I agree to permit the proposed improvements to my building. I understand that I am not financially responsible to complete these improvements under the Program.

I understand and agree that neither the CRA nor the City assume responsibility or liability to me or any other part for any action or failure of any contractor or other third party and in no way guarantee any work to be done or material to be supplied.

I further agree to hold the CRA and the City harmless from and indemnify them for and against any and all claims which may be brought or raised against the CRA, the City, or any of its officers, representatives, agents or agencies regarding any matters relevant to the participant obligations under the Program.

I assure the CRA and the City that the tenant holds a valid lease with no expiration pending within the next twenty-four months following the date of application for Program funding.

I have read the above statements and acknowledge that they are true and complete to the best of my knowledge. I have no objection to the applicant pursuing the proposed improvements project, and I authorize the leaseholder to make the proposed improvements under the provisions of the Program.

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

by \_\_\_\_\_, who is personally

known to me or who has produced \_\_\_\_\_ as identification.

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



# City Of Winter Park

## West Fairbanks Business Façade Matching Grant Program

The City of Winter Park established the West Fairbanks Business Façade Matching Grant program to provide a financial incentive to encourage renovation of and reinvestment in the exterior of properties along the West Fairbanks Avenue entrance to Winter Park. Grants made to business and commercial properties will encourage reuse and redevelopment of underutilized properties, improve the appearance, and support the long-term viability of the corridor. Aesthetic improvements are appealing to business owners and patrons. The intent of this program is to enhance the West Fairbanks Avenue corridor and incentivize aesthetically engaging economic development.

### ELIGIBILITY

#### General

- The grant will contribute 50% of the total cost of eligible improvements up to \$5,000.00 to the Owner/Lessee.
- Owner/Lessee is responsible for all project costs in excess of the above amount.
- All work must be done on the exterior of a street facing side of an existing building on Fairbanks Avenue.
- Fairbanks Façade Program Grant can only be used once per building; regardless of ownership.

#### Applicants

- The grant applicant must be a property owner or a business owner leasing a storefront;
- The business must have a visible façade on West Fairbanks Avenue (see map);
- The business owner and property owner must submit a joint application;
- Proposed project must be a small business as defined by the U.S. Small Business Administration (For more information visit [www.sba.gov/size](http://www.sba.gov/size);
- Tenant must have at least two years remaining in lease at location of proposed project;
- The project applicant must owe no outstanding property taxes, fees, judgment, or liens to the City of Winter Park or Orange County and have no outstanding code violations.
- **Multiple Tenant Building:** Business tenants in a multiple tenant property may apply to the program as long as the tenant has a clearly definable independent entrance into the storefront that is clearly visible from public rights-of-way (ex. strip-mall tenants). Business tenants in multi-tenant buildings that do not have independent storefronts are not eligible to apply, however the property owner may still apply if they meet the

eligibility requirements. Multiple tenant property owners may apply if they meet all other eligibility requirements. The property owner and other tenants must agree to the proposed improvements for multiple tenant properties. Property owners will not be able to apply if other tenants in the same property have previously used the program. If no other tenant in the property has utilized the program then the property owner may apply as the applicant and receive up to \$5,000 for the entire property.

**Ineligible Applicants:** Government offices and agencies (non-governmental, for-profit, tenants are eligible), businesses that exclude service to minors, properties primarily in residential use, properties exempt from property taxes.

#### Scope of Work

Rehabilitation of building facades visible to the street or public right-of-way, including:

- storefronts
- ledges
- gutters and downspouts
- signs and graphics
- exterior lighting
- canopies and awnings
- painting and masonry work
- Water and sewer connections in conjunction with one other façade improvement
- Parking lot landscaping in conjunction with one other façade improvement

**Ineligible Activities:** Roofs; structural foundations; billboards; security systems; non-permanent fixtures; interior window coverings; personal property and equipment; security bars; razor/barbed wire fencing; sidewalks and paving; work performed prior to application approval.

#### PROCESS

##### Pre-Application Meeting

The applicant is required to meet with city staff who will review the applicant's plans per the program requirements to determine eligibility. Staff will provide the applicant with general guidance as to whether the proposed project is likely to qualify for program funds and whether the applicant is sufficiently prepared to move forward to submit the application.

##### Funding Reimbursement

Reimbursement shall be limited to no more than 50% of the total cost of eligible improvements, not to exceed \$5,000.00 per storefront. All necessary government approvals, building permits, and taxes are not eligible for reimbursement.

The City reserves the right to refuse reimbursements in whole or in part for work that is not completed within 6 months. Funds cannot be reserved indefinitely, grants may be subject to cancellation if not completed or significant progress has not been made by the completion

date. Request for extensions will be considered only if made in writing and progress towards completion has been demonstrated.

Grants are awarded on a first come, first served basis, as long as funding remains available in the program.

**Contracts/Bidding:**

Applicants are required to get two (2) competitive bids for every type of proposed work. The grant will match up to 50% of the cost of the bid up to \$5,000.00, excluding any design or planning costs. All contractors must be insured and licensed by the State of Florida. All construction contracts will be between the applicant and contractor.

Accepted applicants must enter into a contractual agreement with the City prior to disbursement of grant funds.

**Disclosures**

The City expressly reserves the right to reject any and all applications or to request additional information from any and all applicants and grantees. The City retains the right to amend the program guidelines, agreements, and application procedures. The City also retains the right to display and advertise properties that receive matching funds under this grant.

In the event all programs funds have been committed, owner/lessee may still submit an application. Due to the uncertain nature of budget availability in any given year, the City cannot guarantee that funding will be available or if any applicant will be reimbursed. Applicants who submit a completed application and are on the waiting list will be eligible to be reimbursed if funding becomes available up to one year past the date of their application submittal. Work completed in advance of funding availability must be maintained in like-new condition and match with the scope of work submitted with the application in order to receive reimbursement. Only applicants that have previously applied, and been placed on the waiting list prior to beginning any façade improvements, will be eligible for funding.

City Staff has the sole authority to determine eligibility of proposed work and confirmation of completed work. Certain work may be required or precluded as a condition of funding. Participants will be responsible for obtaining necessary regulatory approvals, including any needed by City departments or boards and including, but not limited to, building permits and any other necessary permits. All work must comply with city, state and federal regulations.

## **SUBMISSION REQUIREMENTS**

Application packages must include documentation to sufficiently illustrate the visual impact of the project and its cost.

***Failure to provide required information will delay the review and/or approval process.***

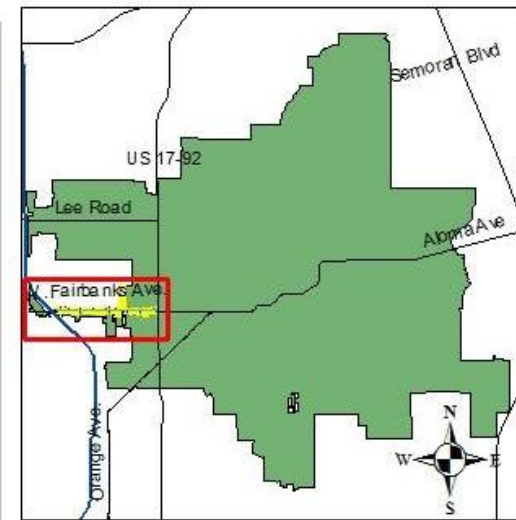
The applications must include the following attachments:

1. Complete application form
2. Copy of current business license
3. Copy of current property insurance
4. Written consent from property owner giving permission to conduct façade improvements if applicant is not the property owner
5. Letter of no objection from other tenants of multiple tenant properties
6. Digital photographs of existing conditions of building and site
7. Written description of project improvements including material list and color selections
8. Simple sketch of improvement project(s)
9. Two competitive bids for each type of work proposed

### **Submit complete applications to:**

City of Winter Park Economic Development/CRA  
Attn: West Fairbanks Business Façade Program  
401 South Park Avenue  
Winter Park, FL 32789

For more information about the West Fairbanks Business Façade Program, please contact our office at 407-599-3498.





# city commission agenda item

Item type	Action Item Requiring Discussion	meeting date	February 13, 2017
prepared by	Cindy Bonham	approved by	<input checked="" type="checkbox"/> City Manager
department	City Clerk		<input type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval		<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote
vision themes	<input type="checkbox"/> Cherish and sustain city's extraordinary quality of life. <input type="checkbox"/> Plan growth through a collaborative process that protects city's scale and character. <input type="checkbox"/> Enhance city's brand through flourishing arts and culture. <input type="checkbox"/> Build and embrace local institutions for lifelong learning and future generations.		

## Subject

2017 Canvassing Board

## motion | recommendation

Three motions are necessary as follows:

**Appoint three members to the 2017 General Election Canvassing Board. Each member must be able to attend the meetings scheduled for March 14 and March 16 (see explanation below).** For the 2017 election, the only Commissioner who cannot serve on the Board is Commissioner Greg Seidel. Please remember that the City Clerk can also serve on the Board if the Mayor or Commissioner cannot. We need to have a quorum, so we need to have three (3) Canvassing Board members.

**Motion to accept the canvassing criteria as set by the state and used by Orange County for canvassing absentee ballots as attached.**

**Motion to allow the Orange County Supervisor of Elections to open and run all Vote By Mail (renamed from absentee) ballots through the tabulator (after 9:00 a.m. on March 14) that are not questionable without ascertaining the results until 7:00 p.m.**

That will save the Canvassing Board a lot of time as that portion will be completed upon our arrival. The Canvassing Board will only need to accept or reject any absentees that have issues with them (such as no signature, signatures do not match, etc.) using the criteria approved.

## **background**

Per our Charter, the Commission must appoint three (3) of its members to consist of the Canvassing Board. For any disqualified City Commissioner or Mayor, the City Clerk can act as the alternate Canvassing Board member.

This will require the Board to meet at the Supervisor of Elections Office on March 14 at 4:00 to conduct the Logic and Accuracy Test on the tabulating equipment, select the contest and precinct to be audited in accordance with Chapter 101.591, Florida Statutes and Rule 1SER08-04, F.A.C. (conducted on March 16), and to canvass Vote By Mail (absentee) ballots and any provisional ballots needing review.

The board will be required to meet again on March 16 at 2:00 at the Supervisor of Elections Office to certify the election results, canvass any outstanding provisional ballots and at 3:00 p.m., perform the audit.

The City Clerk will run the meeting and guide the board as necessary.

## **alternatives | other considerations**

N/A

## **fiscal impact**

N/A

**Orange County Voting Board  
2016 Criteria**

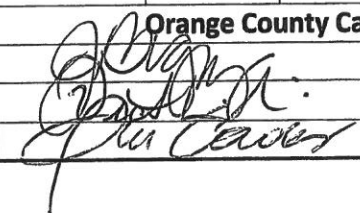
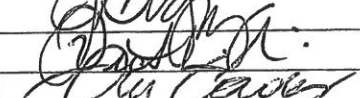
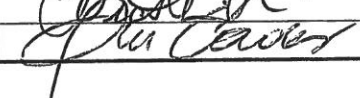
*TO USE MARCH 14, 2017*

Last Updated: 10/06/2015 Revised: 01/26/2016				
<b>Absentees</b>	<b>Accept</b>	<b>Reject</b>	<b>Case by Case</b>	<b>CB Review?</b>
No Signature [101.68(2)( c)1]		X		
Signature does not match [101.68(2)( c)1] [101.65-15th day]		X		
Signature printed and does not match the signature on file [101.68(2)( c)1] [101.65]		X		
Voter signed envelope for someone else and the other person had a request on file	X			
Certificate envelope has two signatures and both voters requested ballots and both received the same card numbers.	X			
Voter sends ballot in blank envelope that does not have the oath [101.64(2)]		X		
Voted wrong ballot card (voter has moved) [101.045]			X	
Voter deceased or canceled since ballot returned [101.68(2)( c)1]	X			
Late return of absentee ballot (Except UOCAVA voters) [101.67(2)]		X		
Voted early or at the polls [101.69]		X		
F.S. 101.68 Until 5pm on the day before the election, the supervisor shall allow an elector who has returned an absentee ballot that does not include the elector's signature to complete and submit an affidavit in order to cure the unsigned absentee ballot.				
<b>First time voters who registered by mail - Special Absentees</b>	<b>Accept</b>	<b>Reject</b>	<b>Case by Case</b>	
Voter provides proper identification or indicates exemption [101.6923]	X			
Voter does not provide proper identification or indicate an exemption by 7 pm [101.6923]		X		
<b>Provisional Ballots 101.048</b>	<b>Accept</b>	<b>Reject</b>	<b>Case by Case</b>	
Voter is eligible, signature matches, correct precinct	X			
Voter is eligible but did not have proper ID - Signature matches that on file	X			
Voter given the provisional in error--should have voted a regular ballot	X			
Voter's application was not verified by State, voter furnished additional information prior to 5 p.m. of second day. Voter deemed eligible.	X			
Ballot cast in wrong precinct		X		
Voter name not found - not registered to vote		X		
Voter moved into county- Eligible, signature matches, correct precinct [101.045]	X			
Voter moved out of county		X		
Voter was canceled as a Felon or for other reasons		X		
Voter registered after the books closed		X		

Orange County  vassing Board  
2016 Criteria

Provisional Ballots 101.048	Accept	Reject	Case by Case	CB Review?
Voter's application was not verified by State, voter did not furnish additional identification by 5 p.m. of the second day.		X		
Voter's application was incomplete so not eligible to vote		X		
Voter's signature does not match and voter refuses to sign "Signature Differs" Affidavit. If signature on Prov <b>matches</b> that on file in the SOE office	X			
Voter's signature <b>does not match</b> and voter refuses to sign "Signature Differs" Affidavit. If signature on Prov <b>does not match</b> that on file in the SOE office		X		
Voter had been sent an absentee ballot, did not surrender it, absentee ballot has not been received by SOE	X			
Voter's right to vote has been challenged			X	
Voter has disputed party affiliation in PPP and Primary - provisional ballot is the wrong party according to SOE research		X		
Voter has already voted by absentee or at an early voting center		X		
Voting hours extended - voter is eligible and in the correct precinct [101.049]	X			
Voting hours extended - voter is eligible and NOT in the correct precinct		X		
<b>Absentees from Overseas Voters (10 days after the election)</b>	<b>Accept</b>	<b>Reject</b>	<b>Case by Case</b>	
No Postmark or date [101.6952] and [1S-2.013]		X		
Dated or postmarked on or by election day [101.6952] and [1S-2.013]	X			
Dated on or before election day but postmarked later or no postmark	X			
Dated and postmarked after election or dated after election with no postmark		X		
<b>State Write-In Ballot</b>	<b>Accept</b>	<b>Reject</b>	<b>Case by Case</b>	
Wait to see if we have requests - have never had one				

**Orange County Canvassing Board**  
**2016 Criteria**

Federal Write In Absentee Ballot	Just the Facts			CB Review?
	Accept	Reject	Case by Case	
Must be a registered voter in the county				
Must have signed the FWAB and the signature verified				
No date and no postmark - received after election day		X		
Dated or postmarked on election day or earlier	X			
No request received but dated on or before election day and oath is signed.	X			
Challenge of overseas voter based on not meeting definition of [97.021(22)]			X	
Not registered by deadline - all overseas voters		X		
<b>10-Day Extension for Overseas Voters:</b> A federal write-in absentee ballot may not be canvassed until 7 p.m. on the day of the election. A federal write-in absentee ballot from an overseas voter in a presidential preference primary or general election may not be canvassed until the conclusion of the 10-day period specified in subsection (5). Each federal write-in absentee ballot received by 7 p.m. on the day of the election shall be canvassed pursuant to ss. 101.5614(5) and 101.68, unless the elector's official absentee ballot is received by 7 p.m. on election day. 101.6952 (2)(a) An absent uniformed services voter or an overseas voter who makes timely application for but does not receive an official absentee ballot may use the federal write-in absentee ballot to vote in any federal, state, or local election.				
<b>Date Adopted:</b> Jan 28 2016				
	<b>Orange County Canvassing Board</b>			
County Judge	  			
County Commissioner				
Supervisor of Elections				

1/28/16

**1S-2.027 Standards for Determining Voter's Choice on a Ballot.**

(1) Application. The standards in this rule apply to determine whether the voter has clearly indicated a definite choice for purposes of counting a vote cast on a ballot in a manual recount as provided specifically by Section 102.166, F.S.

(2) Direct recording electronic voting system.

(a) A vote cast on this voting system is valid for a particular candidate, issue choice, or judicial retention choice when the voter marks the ballot electronically as specified in the ballot instructions.

(b) A vote cast on this voting system is valid for a particular write-in candidate when the voter types on the touch screen the name of a write-in candidate in accordance with the ballot instructions.

(3) Optical scan voting system.

(a) A vote cast on this voting system is valid for a particular candidate, issue choice, or judicial retention choice when the voter marks the ballot as specified in the ballot instructions.

(b) A vote cast on this voting system is valid for a particular write-in candidate when the voter writes in the name of a candidate in the designated write-in space and fills in the oval or arrow next to the write-in candidate's name.

(4) Manual review and tabulation.

(a) The standards under this subsection apply in all instances where a contest is not marked as specified in the ballot instructions under subsection (2) or (3) and a manual review of the voter's markings on a ballot is required to determine whether there is a clear indication that the voter has made a definite choice in a contest.

(b) The canvassing board must first look at the entire ballot for consistency. Then the provisions of paragraph (c) apply to determine whether the voter has made a definite choice in a contest, provided the voter has not marked any other contest on the ballot, or if the voter has marked other contests, he or she has marked them in the same manner, subject to the exceptions in subparagraphs 7., 10., and 15. The following are examples of valid votes after review for consistency:

*James B. Bly* Jan 26  
2014  
*Pia Carter*  
*D. H. L.*

**For Attorney General**  
(Vote for one)

- ☐ Lucille Ball
- ☒ Jack Benny
- ☐ Desi Arnaz
- ☐ Lenny Bruce

























**For Commissioner of  
Agriculture**  
(Vote for one)

- ☐ Jack Ritter
- ☐ Audra Lindley
- ☒ Francis Bavier
- ☐ Jack Dodson

**For State Representative**  
(Vote for one)

- ☒ Don Nichols
- ☐ Michael Ross
- ☐ Bernie West
- ☐ Norman Fell

*Ballot Situation 1: Recount in race of State Representative. The two ovals in the first two races are filled in properly, but the voter has circled the candidate's name in the state representative race. Since the voter did not mark the state representative race in the same manner as in the other races, it cannot be determined whether the voter has clearly indicated a definite choice for Don Nichols.*

<b>For Attorney General</b> (Vote for one)		
Lucille Ball		
Jack Benny		
Desi Arnaz		
Lenny Bruce		
<b>For Commissioner of Agriculture</b> (Vote for one)		
Jack Ritter		
Audra Lindley		
Francis Bavier		
Jack Dodson		
<b>For State Representative</b> (Vote for one)		
Don Nichols		
Michael Ross		
Bernie West		
Norman Fell		

*Ballot Situation 2: Recount in race of State Representative. All races on this ballot are marked in the same manner. Since the ballot is consistently marked as in paragraph (c), the vote cast for Michael Ross in the state representative race is a valid vote.*

For Attorney General (Vote for one)		
Lucille Ball	←	—
Jack Benny	←	—
Desi Arnaz	←	—
Lenny Bruce	←	—

For Commissioner of Agriculture (Vote for one)		
Jack Ritter	←	—
Audra Lindley	←	—
Francis Bavier	←	—
Jack Dodson	←	—

For State Representative (Vote for one)		
Don Nichols	←	—
Michael Ross	←	—
Bernie West	←	—
Norman Fell	←	—





*Ballot Situation 3: Recount in State Representative race. Each race is marked differently so that no consistency in marking exists. It cannot be determined which marking, if any, is clearly indicative of the voter's choice. Therefore, the vote cast for Bernie West is not valid.*

(c) Subject to the provisions of paragraph (4)(b), the following marks constitute a valid vote as indicated for a particular candidate, issue choice, or judicial retention choice:

1. The voter circles or underlines either the oval, or arrow next to a candidate's name, issue choice, or judicial retention choice.





**Valid Vote for Ball**

**For Attorney General**  
(Vote for one)

	Lucille Ball
	Jack Benny
	Desi Arnaz
	Lenny Bruce





**Valid Vote for Ball**

**For Attorney General**  
(Vote for one)

Lucille Ball	
Jack Benny	
Desi Arnaz	
Lenny Bruce	





**Valid Vote for Ball**

**For Attorney General**  
(Vote for one)

	Lucille Ball
	Jack Benny
	Desi Arnaz
	Lenny Bruce

**Valid Vote for Ball**





**For Attorney General**  
(Vote for one)

Lucille Ball	
Jack Benny	
Desi Arnaz	
Lenny Bruce	

2. The voter circles or underlines the name of a candidate, issue choice, or judicial retention choice.





**Valid Vote for Arnaz**

**For Attorney General**  
(Vote for one)

	Lucille Ball
	Jack Benny
	Desi Arnaz
	Lenny Bruce

**Valid Vote for Arnaz**

**For Attorney General**  
(Vote for one)

Lucille Ball	
Jack Benny	
Desi Arnaz	
Lenny Bruce	

3. The voter circles or underlines the party abbreviation associated with a candidate's name.

**Valid Vote for Benny**

**For Attorney General**  
(Vote for one)

Lucille Ball	DEM
Jack Benny	<u>REP</u>
Desi Arnaz	GRN
Lenny Bruce	LBT

**Valid Vote for Benny**

**For Attorney General**  
(Vote for one)

Lucille Ball	DEM	←	—
Jack Benny	<u>REP</u>	←	—
Desi Arnaz	GRN	←	—
Lenny Bruce	LIB	←	—

4. The voter marks an "X," a check mark, a cross, a plus sign, an asterisk or a star, any portion of which is contained in a single oval or within the blank space between the head and tail of a single arrow. The marking must not enter into another oval or the space between the head and tail of another arrow.

**Valid Vote for Ball**

**For Attorney General**  
(Vote for one)

<input checked="" type="checkbox"/> Lucille Ball
<input type="checkbox"/> Jack Benny
<input type="checkbox"/> Desi Arnaz
<input type="checkbox"/> Lenny Bruce

**Valid Vote for Ball**

**For Attorney General**  
(Vote for one)

Lucille Ball	← X —
Jack Benny	← —
Desi Arnaz	← —
Lenny Bruce	← —

**Invalid Vote**

**For Attorney General**  
(Vote for one)

Lucille Ball
Jack Benny
Desi Arnaz
Lenny Bruce

**Invalid Vote**

**For Attorney General**  
(Vote for one)

Lucille Ball	← X —
Jack Benny	← X —
Desi Arnaz	← —
Lenny Bruce	← —

5. The voter draws a diagonal, horizontal, or vertical line, any portion of which intersects two points on the oval and which does not intersect another oval at any two points. If it is a horizontal line, the line must not strike through the name of the candidate.

**Valid Vote for Ball**

**For Attorney General**  
(Vote for one)

☒ Lucille Ball

☐ Jack Benny

☐ Desi Arnaz

☐ Lenny Bruce

**Valid Vote for Ball**

**For Attorney General**  
(Vote for one)

☒ Lucille Ball

☐ Jack Benny

☐ Desi Arnaz

☐ Lenny Bruce

**Invalid Vote**

**For Attorney General**  
(Vote for one)

☒ Lucille Ball

☐ Jack Benny

☐ Desi Arnaz

☐ Lenny Bruce

**Invalid Vote**

**For Attorney General**  
(Vote for one)

☒ Lucille Ball

☐ Jack Benny

☐ Desi Arnaz

☐ Lenny Bruce

6. The voter draws a diagonal or vertical line that intersects an imaginary line extending from the center of the head of a single arrow to the center of the tail of the same arrow, provided the diagonal or vertical line does not intersect the imaginary line joining the head and tail of another arrow.

**Valid Vote for Ball**

**For Treasurer**  
(Vote for one)

Lucille Ball ☒

Jack Benny ☐

Desi Arnaz ☐

Lenny Bruce ☐

**Invalid Vote**

**For Treasurer**  
(Vote for one)

Lucille Ball ☒

Jack Benny ☐

Desi Arnaz ☐

Lenny Bruce ☐

7. The voter marks all the choices for a race but further clarifies a choice for a particular candidate, issue choice or judicial retention choice by placing an additional mark or marks showing support solely for that particular candidate, issue or judicial retention choice.

**Valid Vote for Arnaz**

**For Commissioner of Education**  
(Vote for one)

Lucille Ball ☐

Jack Benny ☐

Desi Arnaz ☒

Lenny Bruce ☐

**Valid Vote for Ball**

**For Commissioner of Education**  
(Vote for one)

Lucille Ball ☒

Jack Benny ☐

Desi Arnaz ☐

Lenny Bruce ☐

**Valid Vote to Keep Justice in Office**

**Judicial Retention**  
**State Supreme Court**  
(Vote yes or no)

Shall Justice Tom Poston be retained as  
Chief Justice of the State Supreme  
Court

Yes ☒

No ☐

8. The voter strikes through all the choices for candidates, issue, or judicial retention except for one and also leaves the write-in candidate space blank.

**Valid Vote for Bruce**

**For Commissioner of Agriculture**  
(Vote for one)

~~Lucille Ball~~

~~Jack Benny~~

~~Desi Arnaz~~

Lenny Bruce ☐

☐  
Write-In

9. The voter writes words such as "Vote for [candidate's name]," "Count this vote" or "Vote no on amendment or referendum," or "I want this one," provided there are no other markings in the race that would constitute a valid vote for a different candidate, issue choice, or judicial retention choice pursuant to rule.

**Valid Vote for Arnaz**

**For State Senator**  
(Vote for one)

☐ Lucille Ball

☐ Jack Benny

☒ Desi Arnaz *This one*

☐ Lenny Bruce

**Invalid Vote**

**For State Senator**  
(Vote for one)

Lucille Ball ← ☐

Jack Benny ← ☐

☒ Desi Arnaz ← ☐

Lenny Bruce ← ☐

*This one*

**Valid "No" vote**

**Proposed Constitutional Amendment No. 1**  
Article \_\_, section \_\_  
(Popular Name)

An amendment to limit the increase in the assessed value of a taxpayer's real property after a countywide reappraisal and to require a property tax credit.

☒ *I vote no* Proposed Constitutional Amendment No. 1

☐ Proposed Constitutional Amendment No. 1

10. The voter fills in the majority of an oval, or the majority of the distance between the head and the tail of an arrow designating a particular candidate, issue choice, or judicial retention choice, regardless of how other races on the ballot are marked.

**Valid Vote for Arnaz**

**For School Board Member**  
(Vote for one)

Lucille Ball  
Jack Benny  
Desi Arnaz  
Lenny Bruce

**Valid Vote for Arnaz**

**For School Board Member**  
(Vote for one)

Lucille Ball  
Jack Benny  
Desi Arnaz  
Lenny Bruce

11. If a voter marks fewer candidates than there are positions to be elected for those offices, then the votes for all of those marked candidates shall count. For example, if the voter is allowed to vote for 5 candidates in a special district election ("Vote for 5") and the voter marks 2 candidates, the votes for those two marked candidates shall count.

**Valid Votes for Arnaz and Bruce**

**For County Commissioner**  
(Vote for three)

Lucille Ball  
Jack Benny  
Desi Arnaz  
Lenny Bruce

**Valid Vote for Benny**

**For School Board Member**  
(Vote for one)

Lucille Ball  
Jack Benny  
Desi Arnaz  
Lenny Bruce

12. The voter draws an arrow from the arrow head to a particular candidate, issue choice or judicial retention choice or draws an arrow head on the tail end of the arrow in lieu of filling in the void between the arrow head and the tail for the particular candidate, issue choice or judicial retention choice.

**Valid Vote for Arnaz**

**For U.S. Senator**  
(Vote for one)

Lucille Ball  
Jack Benny  
Desi Arnaz  
Lenny Bruce

**Valid Vote for Bruce**

**For U.S. Senator**  
(Vote for one)

Lucille Ball  
Jack Benny  
Desi Arnaz  
Lenny Bruce

13. The voter darkens or bolds the arrow head and the arrow tail but does not fill in the void between the arrow head and the tail.

**Valid Vote for Ball**

For Attorney General (Vote for one)		
Lucille Ball		
Jack Benny		
Desi Arnaz		
Lenny Bruce		

14. The voter punches the oval or the void between the arrow head and tail.

**Valid Vote for Ball**

For Attorney General (Vote for one)
Lucille Ball
Jack Benny
Desi Arnaz
Lenny Bruce

**Valid Vote for Benny**

For Attorney General (Vote for one)		
Lucille Ball		
Jack Benny		
Desi Arnaz		
Lenny Bruce		

15. The voter marks two or more choices similarly in one of the ways indicated in paragraphs 1.-14. and additionally writes in comments such as "not this," "ignore this," "don't want," or "wrong," or "Vote for [candidate's name]" such that voter's definite choice is clearly indicated.

**Valid Vote for Ball**

For Clerk of Court (Vote for one)
Lucille Ball
Jack Benny <i>wrong</i>
Desi Arnaz
Lenny Bruce


**Valid Vote for Arnaz**

For Clerk of Court (Vote for one)		
Lucille Ball		
Jack Benny		
Desi Arnaz	<i>Yes!</i>	
Lenny Bruce		

(5) Write-in

Voting.

(a) A voter is determined to have made a definite choice for a write-in vote for the joint office of President/Vice-President if the voter writes in either the last name of the candidate for President or the last name of the candidate for Vice-President. This standard

 similarly applies to constitute a valid write-in vote for the joint office of Governor/Lieutenant Governor if the voter writes in either the last name of the candidate for Governor or the last name of the candidate for Lieutenant Governor.

**Valid Vote for Joint Qualified Write-in President and Vice President Candidates, Lenny Bruce and Sally Marr**

<b>For President/Vice President</b> (Vote for one)	
<input type="radio"/>	Lucille Ball
	Buster Keaton
<input type="radio"/>	Jack Benny
	Don Wilson
<input type="radio"/>	Desi Arnaz
	Xavier Cugat
<input type="radio"/>	Lenny Bruce
	Sally Marr
<input type="radio"/>	<u>Marr</u> Write-In

(b) A voter is determined to have made a definite choice for a named candidate if the voter indicates a vote for a candidate named on the ballot and also writes-in the name of that same candidate in the blank space for 'write-in candidate'.

**Valid Vote for Benny**











<b>For Attorney General</b> (Vote for one)	
<input type="radio"/>	Lucille Ball
<input checked="" type="radio"/>	Jack Benny
<input type="radio"/>	Desi Arnaz
<input type="radio"/>	Lenny Bruce
<input checked="" type="radio"/>	<u>Benny</u> Write-In

(c) A voter is determined to have made a definite choice for a particular candidate if the voter either writes in the name of a qualified write-in candidate or the name of a candidate who is named on the ballot in that race, whether or not the oval or arrow designating the selection of a write-in candidate has been marked.

**Valid Vote for Smith, if Smith  
is a qualified write-in candidate**

<b>For Public Defender</b> (Vote for one)	
<input type="radio"/>	Lucille Ball
<input type="radio"/>	Jack Benny
<input type="radio"/>	Desi Arnaz
<input type="radio"/>	Lenny Bruce
<input type="radio"/>	<u><b>Smith</b></u> Write-In

**Valid Vote for Bruce**

<b>For Public Defender</b> (Vote for one)	
Lucille Ball	 
Jack Benny	 
Desi Arnaz	 
Lenny Bruce	 
<u><b>Bruce</b></u> Write-In	 











(d) If a voter abbreviates, misspells or varies the form of the name of a candidate in the write-in candidate space, it shall not affect the determination of whether the voter has made a definite choice.

(e) If a voter indicates a vote for a candidate named on the ballot and also writes in a name of a different person in the write-in candidate space, it shall be considered an overvote and none of the votes are valid for that race.

**Invalid Vote**

<b>For Sheriff</b> (Vote for one)	
<input checked="" type="radio"/>	Lucille Ball
<input type="radio"/>	Jack Benny
<input type="radio"/>	Desi Arnaz
<input type="radio"/>	Lenny Bruce
<input checked="" type="radio"/>	<u><b>GOOFY</b></u> Write-In

**Invalid Vote**

<b>For Sheriff</b> (Vote for one)	
Lucille Ball	 
Jack Benny	 
Desi Arnaz	 
Lenny Bruce	 
<u><b>Chester</b></u> Write-In	 

(6) Overvotes. Except as otherwise provided in subsections (4) and (5), if the voter marks more choices than there are positions or choices for that office or issue, it shall be considered an overvote and none of the votes are valid for that race.

**Invalid Vote**

For U.S. Representative (Vote For one)	
<input type="radio"/>	Lucille Ball
<input type="radio"/>	Jack Benny
<input checked="" type="radio"/>	Desi Arnaz
<input checked="" type="radio"/>	Lenny Bruce

**Invalid Vote**

For U.S. Representative (Vote For one)	
Lucille Ball	←
Jack Benny	←
Desi Arnaz	←
Lenny Bruce	←

(7) Valid Vote.

(a) A vote shall not count for any particular candidate, issue choice, or judicial retention choice at issue unless determined to be a valid vote pursuant to this rule.

(b) If a voter does not mark a candidate, judicial retention choice, or issue choice in a contest, the valid votes for other candidates or issues on the same ballot shall still be counted.

*Rulemaking Authority 20.10(3), 97.021, 102.166(4) FS. Law Implemented 101.5614(5), 102.166(4) FS. History—New 6-6-02, Amended 10-6-08.*



# city commission agenda item

item type	Action Item Requiring Discussion	meeting date	February 13, 2017
prepared by	Jeff Briggs	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
department	Planning Department		
division			
board approval		<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A	final vote
strategic objective	<input checked="" type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship <input checked="" type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Public Health & Safety <input type="checkbox"/> Investment in Public Assets & Infrastructure		

## Subject: Discussion of Vertical Zoning and Application to Specific Streets.

**Background:** Vertical Zoning is when the Code permits certain types of businesses or uses on the first floor and permits different businesses types or uses on the upper floors. The City has vertical zoning along the Park Avenue corridor, on properties zoned C-2. Only retail stores and restaurants are allowed on the first floor along Park Avenue (and 140 feet down the side streets). Offices, salons and residential units are only allowed on the upper floors of buildings. The attached map shows the geographic area where those vertical zoning rules apply.

As buildings were approved along New England Avenue, starting in 1995, those conditional use approvals established that the first floors were to be retail, restaurant, salons or offices. Any residential units had to be above the first floor and in some cases those upper floors are deed restricted to residential to prevent a future conversion to office. The goal was to build a district where people could live, work and play.

In order to make those commitments more apparent versus looking back at conditional use files, the new 2017 Comprehensive Plan includes the Policy 1-H-16 (below) that incorporates the previous commitments and imposes a similar requirement for residential only above the ground floor for any existing or future building with frontage on New England Avenue.

**Policy 1-H-16: Encourage the Viability of the Hannibal Square Commercial District along New England Avenue.** In order to encourage and insure the viability of the Hannibal Square Commercial District, the existing buildings and any other future buildings with street frontage on New England Avenue shall be required to be used for non-residential business purposes on the first floor and utilized as such for retail space, restaurants space, salons or office space; and residential use shall be only permitted on the upper floors of any such building, other than an entrance lobby for access to the upper floor units.

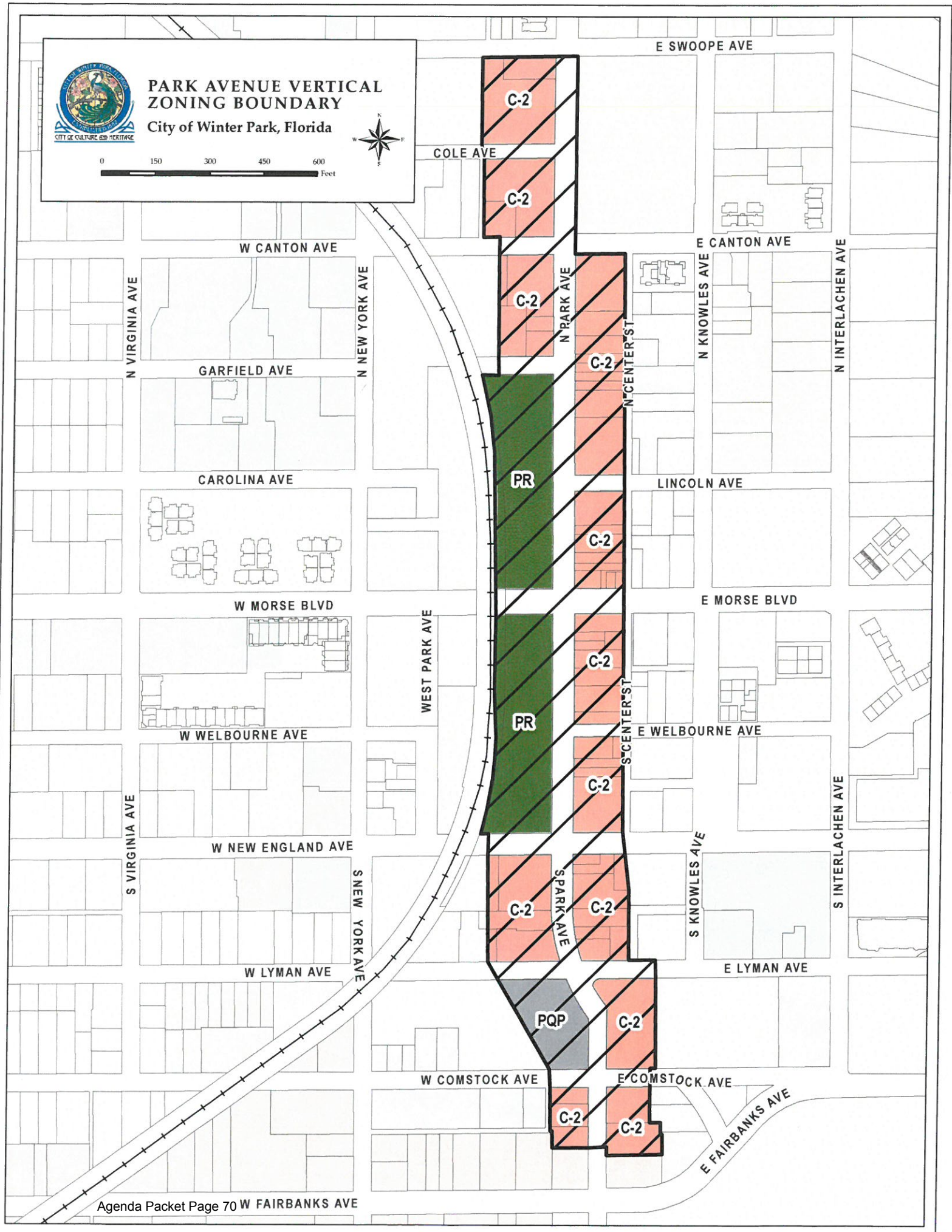
This Policy or Vertical Zoning regulation does not apply to Morse Boulevard or Pennsylvania Avenue or any street in the CBD outside the area shown in the attached map. The Phil Kean townhouses projects on Morse Blvd. are three stories of residential. The question for the City Commission is whether there are other areas in the CBD or Hannibal Square area where these vertical zoning rules should be applied.



# PARK AVENUE VERTICAL ZONING BOUNDARY

City of Winter Park, Florida

0 150 300 450 600 Feet





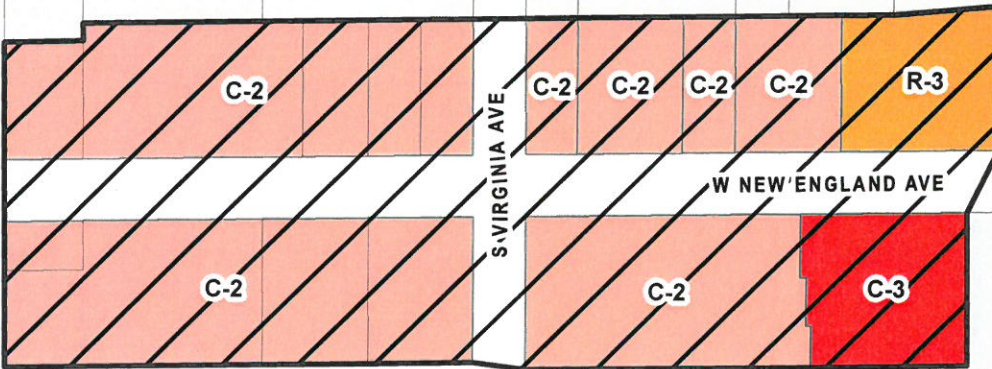
# NEW ENGLAND VERTICAL ZONING BOUNDARY

City of Winter Park, Florida



0 100 200 300 400 Feet

HANNIBAL SQ E



W WELBOURNE AVE

W MORSE BLVD

W NEW ENGLAND AVE

W LYMAN AVE

W COMSTOCK AVE

W COMSTOCK AVE

S NEW YORK AVE

N NEW YORK AVE



# city commission public hearing

Item type	Public Hearing	meeting date	February 13, 2017		
prepared by	Jeff Briggs	approved by	<input checked="" type="checkbox"/> City Manager		
department	Planning and Community		<input checked="" type="checkbox"/> City Attorney		
division	Development		<input type="checkbox"/> N/A		
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-1	final vote	
vision themes	<input checked="" type="checkbox"/> Cherish and sustain city's extraordinary quality of life.				
	<input checked="" type="checkbox"/> Plan growth through a collaborative process that protects city's scale and character.				
	<input type="checkbox"/> Enhance city's brand through flourishing arts and culture.				
	<input type="checkbox"/> Build and embrace local institutions for lifelong learning and future generations.				

## **Subject: Request for Comp. Plan future land use and Zoning changes and Conditional Use Approvals for a Nine Unit Townhouse Project at 326/354 Hannibal Square, East and 465/463/455 W. Lyman Avenue. SECOND READING AND HEARING**

The owners of the aforementioned properties seek change to the Comp. Plan future land use and Zoning designations on portions of the properties and conditional Use approvals for a nine unit townhouse project at 326/354 Hannibal Square, East and 465/463/455 W. Lyman Avenue. The plans (attached) have been revised based on the submissions made at the January 23, 2017 City Commission meeting.

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

**Motion made by Tom Sacha, seconded by Shelia DeCiccio to approve the request to amend the Comprehensive Plan" Future Land Use Map From Single Family Residential To Medium Density Residential on the eleven feet to the east of 326 Hannibal Square, East and to change from Central Business District To Medium-Density Residential on the property at 354 Hannibal Square, East and from Single Family Residential to Low Density Residential on the properties at 463 and 455 West Lyman Avenue. Motion carried with a 6-1 vote. Peter Gottfried voted against the motion.**

**Motion made by Tom Sacha, seconded by James Johnston to amend the Zoning Map to change from Single Family Residential (R-1A) District To Multiple Family Residential (R-3) zoning on the eleven feet of property to the east of 326 Hannibal Square, East and to change from Commercial (C-2) Zoning to Multiple Family Residential (R-3) Zoning on the property At 354 Hannibal Square, East and from Single Family Residential (R-1A) Zoning to Low Density Residential (R-2) Zoning on the properties at 463 and 455 West Lyman Avenue. Motion carried with a 6-1 vote. Peter Gottfried voted against the motion.**

**Motion made by Tom Sacha, seconded by Shelia DeCiccio to approve the Conditional Use requests for the nine unit townhouse project with the condition that the Development Agreement with regard to the parking and alley be worked out between the private parties prior to the City Commission meeting. Motion carried with a 6-1 vote. Peter Gottfried voted against the motion.**

**Summary:** Winter Park Real Estate Advisors, Inc. (owner) is requesting the following:

1. Changing the Comprehensive Plan future land use designations of Single Family Residential to Medium Density Residential on the eleven feet to the east of 326 Hannibal Square, East and to change from Central Business District to Medium-Density Residential on the property at 354 Hannibal Square, East and from Single Family Residential to Low Density Residential on the properties at 463 and 455 West Lyman Avenue.
2. Changing the Zoning on the same properties to Multi-Family (R-3); and (R-2)
3. Conditional Use for a nine unit townhouse project, as shown on the plans submitted.

**Property Zoning Characteristics and Request:** The entire site is 35,018 square feet (0.8 acres) with 141 feet of frontage on Hannibal Square East and 248 feet of frontage along W. Lyman Avenue. Generally, the western 86 feet along Hannibal Square East (326/354 Hannibal and 465 W. Lyman), which is one-third of the site, currently have land use designations of Central Business District with C-2 zoning and Medium Density Residential with R-3 zoning. Both allow up to 17 units per acre. There is a small piece that is 11 feet west of 326 Hannibal requested to be rezoned to R-3 so that the eastern boundary will be a straight line. They also are asking to rezone the C-2 lot at 354 Hannibal from C-2 to R-3. The major component of this application is for the remaining two-thirds of the site on the eastern side that has a future land use designation of Single Family Residential with R-1A zoning. That property is requested to be changed to Low Density Residential (R-2).

**Property Development Potential (Before and After the Rezoning):** Under the existing and proposed zoning, the western 86 feet could be developed with a four unit, three story townhouse building per the R-3/C-2 entitlements. There is no significant change to the development potential on this portion of the site. However, the eastern two-thirds of the site, designated single family could now yield three single-family homes. The proposal for rezoning to R-2 is for five total units, an increase of 2 units. The combination of these rezoning requests changes and increases the residential unit density by two units.

Under the proposed zoning of R-3, the western one-third of this site has 12,215 square feet that could be developed with up to 13,441 square feet of townhouse building per the R-3 FAR of 110% entitlements. The proposal for those four units is a total of 13,366 square feet. The eastern two-thirds of the site could yield 10,037 square feet per the current R-1A FAR of 43% entitlements. Under the proposal to rezone to R-2 with a 55% FAR, the proposed five townhouses combined are 15,524 total square feet, an increase of 5,487 square feet, over the R-1A entitlements.

**Previous Related Rezoning Requests in the Hannibal Square Neighborhood:** There is some guidance on how to view this request based upon actions in similar requests before the P&Z Board and City Commission in recent years.

One is the request that went to the P&Z Board in May 2016 on these same properties. That request differed from the current one in that the eastern two-thirds of the site was requested to change from Single Family future land use (R-1A) to Multi-Family Residential future land use (R-3). That was denied by the P&Z Board in May, 2016 and subsequently withdrawn.

Another related request occurred earlier in February, 2013, when the City considered the future land use change and rezoning of what became the David Weekly duplex townhouse project at 250 West Lyman Avenue, which was reviewed together with the relocation of the Grant Chapel. The applicants argued that the site was next to the Central Business District (CBD), adjacent to the City's Electric Utility yard and the Railroad. The City Commission rejected the original request to R-3 but granted and compromised (in accordance with the Comprehensive Plan) a change to the future land use and rezone to R-2. The duplex townhouses on Lyman Avenue then were built to R-2 standards of two stories and 55% FAR.

Lastly, in June 2015 the property at 426 W. Lyman Avenue across the street from this application was requested to be rezoned from R-1A to R-2 as the applicant desired the FAR of R-2 (55%) versus the R-1A FAR (43%). That request was denied by the P&Z Board and subsequently withdrawn. However, in that case it would have been the only R-2 lot in that entire block. The P&Z Board was committed to maintaining single family zoning in that block.

**Comprehensive Plan Policy Guidance:** Policy 1-3.8.4 in the adopted Comprehensive Plan states that applications, requesting a land use change from either single family (R-1A) or low density residential (R-2) development to multi-family residential (R-3) are strongly discouraged. That was the Policy that staff relied upon in May, 2016 when the previous request for this property was denied by the P&Z Board to change the zoning to R-3. It is important to note that this policy does not discourage a change from single family residential to low density residential (R-2) as requested by the applicant.

There is no other Policy in the current adopted Comprehensive Plan that directly relates to this situation of a potential rezoning from R-1A to R-2. There is Policy 1-H-10 which says any property less than 7,500 square feet in size should not be rezoned from R-1A to R-2, but that does not apply to this request with 22,772 square feet of land area.

There is one other applicable Policy that has not yet been adopted but has been approved by the City Commission in the new Comprehensive Plan just sent up to the State for review. That Policy 1-H-15 is shown below and it provides guidance for approval of the type of request that has been made in this application.

**Policy 1-H-15: Special Circumstances for the North Side of West Lyman Avenue between New York and Hannibal Square, West Capen and Pennsylvania Avenues.** Notwithstanding Policy 1-H-1 above, there exists low density residential future land use and development along a portion of West Lyman Avenue. Continuation of that scale, type and size of development and changes to low density residential future land use, only, may be permitted on the north side of West Lyman Avenue between New York Avenue and Hannibal Square, East.

**Conditional Use for the 4-Unit Townhouse Project on the R-3 Property:** This application contains preliminary site plans and elevation drawings for Conditional Use approval for the 4-unit building, with R-3 zoning. That building is two stories on for the north and south end units and three stories for the two middle units. The Floor Area Ratio and Unit Density match the proposed zoning. That 4 Unit Building is asking for the following exceptions or variances:

1. Building Lot Coverage (47.8% vs. 40%)

2. Minimum land area for multi-family development (12,219 sq. ft. vs. 15,000 sq. ft.) but it meets the unit density as site size allows 4 units.
3. Side setback on east side (3 feet vs. 20 feet)
4. Lyman facing door entry columns project into the Lyman street setback.
5. Second story element projects into Lyman street setback.

None of these exceptions are consequential. While the building footprint (lot coverage) is over by a large number, it reflects that more square footage is on the ground floor due to the two story units as part of the design.

**Conditional Use for the 5-Unit Townhouse Project on the R-2 Property:** This application contains preliminary site plans and elevation drawings for Conditional Use approval for the 5-unit townhouse project, contingent upon the rezoning to R-2. Those buildings are two stories and the Floor Area Ratio and Unit Density match the proposed zoning. There are no exceptions requested for that project and it meets all the R-2 regulations in terms of setbacks, building heights, etc.

**Parking for the Combined Project:** Each townhouse has a two car garage. In addition, the project is providing the required five visitor parking spaces via seven parking spaces on the metal grate over the storm water retention area. Access to the R-2 townhomes is proposed to be from the city alley to the rear. There is a Development Agreement that pertains to that alley for which an Amendment is proposed (attached). Due to the loss of three parking spaces for that new alley access, this project is making the private visitor parking spaces on the metal grate open to public so that anyone can use it, the same as the parking spaces within the alley. Since the applicant did not have approval from the parties to the original Development Agreement, the P&Z Board agreed to allow this request to continue with the condition that those details be worked out prior to the City Commission meeting.

**Other Approvals:** This project is intended to be developed as fee simple townhouses pursuant to a replat (not as a condominium). To the extent that a "subdivision approval" is required, then this process provides that approval. This fee simple/replat marketing approach is what is occurring on most multi-family residential projects in today's market environment.

**Planning and Zoning Board Summary:** The P&Z Board was in consensus that for the R-3 portion of this project on the western one-third of the site, the rezonings to square off and create a unified R-3 zoned parcel for the 4-unit townhouse; do not affect the unit density and provide for less floor area ratio than the current zonings would provide. The design with the two-story unit facing West Lyman is sensitive to the scale of the existing and future buildings to be built across W. Lyman Avenue. Also P&Z noted the context for this building is adjacent to the six story parking garage.

Most of the P&Z Board felt that the rezoning of the R-1A properties to R-2 is consistent with the new proposed Comprehensive Plan Policy guidance in the new version of the Comp. Plan and does not violate any of the existing Comp. Plan policies. They also noted the context for this building is adjacent to three story commercial buildings to the rear (north). No exceptions or variances are requested for this component of the project. The dissenting vote was due to the density increase (2 units) and desire to maintain single family land use.

**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 TO CHANGE FROM SINGLE FAMILY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON THE ELEVEN FEET TO THE EAST OF 326 HANNIBAL SQUARE, EAST AND TO CHANGE FROM CENTRAL BUSINESS DISTRICT TO MEDIUM-DENSITY RESIDENTIAL ON THE PROPERTY AT 354 HANNIBAL SQUARE, EAST AND FROM SINGLE FAMILY RESIDENTIAL TO LOW DENSITY RESIDENTIAL ON THE PROPERTIES AT 463 AND 455 WEST LYMAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

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

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

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

**WHEREAS,** the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended APPROVAL of the proposed Comprehensive Plan amendment after having held an advertised public hearing on January 3, 2017, and provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

**WHEREAS,** the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on January 23, 2017 and February 13, 2017 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation of single family to medium density multi-family residential on the 11 feet to the East of 326 Hannibal Square, East, more particularly described as follows:

THE WEST 11 FEET OF LOT 14, BLOCK 55 LYING DIRECTLY TO THE EAST OF LOT 11, BLOCK 55 PER THE PLAT OF THE REVISED MAP OF THE TOWN OF WINTER PARK IN PLAT BOOK "A", PAGES 67-72 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**SECTION 2.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation of central business district to medium density multi-family residential on the property at 354 Hannibal Square, East, more particularly described as follows:

THE SOUTH 3 FEET OF LOT 11, PLUS LOT 12 AND THE WEST 11 FEET OF LOT 14, BLOCK 55 (LESS THE SOUTH 47 FEET THEREOF) LYING DIRECTLY TO THE EAST OF THE SOUTH 3 FEET OF LOT 11 AND LOT 12, BLOCK 55 PER THE PLAT OF THE REVISED MAP OF THE TOWN OF WINTER PARK IN PLAT BOOK "A", PAGES 67-72 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**SECTION 3.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation of single family residential to low density residential on the properties at 455 and 463 West Lyman Avenue, more particularly described as follows:

LOTS 14, 15 AND 16, BLOCK 55 (LESS THE WEST 11 FEET OF LOT 14 THEREOF), BLOCK 55 PER THE PLAT OF THE REVISED MAP OF THE TOWN OF WINTER PARK IN PLAT BOOK "A", PAGES 67-72 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**SECTION 4. 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 5. Conflicts.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 6. Effective Date.** An amendment adopted under this paragraph does not become effective until 31 days after adoption. If timely challenged, an amendment may not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

Attest:

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

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

**AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP TO CHANGE FROM SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE ELEVEN FEET OF PROPERTY TO THE EAST OF 326 HANNIBAL SQUARE, EAST AND TO CHANGE FROM COMMERCIAL (C-2) DISTRICT ZONING TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT 354 HANNIBAL SQUARE, EAST AND FROM SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING ON THE PROPERTIES AT 463 AND 455 WEST LYMAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the owners of the subject properties have requested a Zoning map amendment that is consistent with the Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such municipal zoning does meet the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

**WHEREAS**, the Planning and Zoning Board of the City of Winter Park has recommended APPROVAL of this Ordinance at their January 3, 2017 meeting; and

**WHEREAS**, the City Commission of the City of Winter Park held a duly noticed public hearing on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and

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

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

**SECTION 1. Official Zoning Map Amendment.** That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation of Single Family Residential (R-1A) District to Medium Density Multi-family Residential (R-3) District on the 11 feet of the property lying directly to the East of 326 Hannibal Square, East, more particularly described as follows:

THE WEST 11 FEET OF LOT 14, BLOCK 55 LYING DIRECTLY TO THE EAST OF LOT 11, BLOCK 55 PER THE PLAT OF THE REVISED MAP OF THE TOWN OF WINTER PARK IN PLAT BOOK "A", PAGES 67-72 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**SECTION 2. Official Zoning Map Amendment.** That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation of Commercial (C-2) District to Medium Density

Multi-family Residential (R-3) District on the property at 354 Hannibal Square, East, more particularly described as follows:

THE SOUTH 3 FEET OF LOT 11, PLUS LOT 12 AND THE WEST 11 FEET OF LOT 14, BLOCK 55 (LESS THE SOUTH 47 FEET THEREOF) LYING DIRECTLY TO THE EAST OF THE SOUTH 3 FEET OF LOT 11 AND LOT 12, BLOCK 55 PER THE PLAT OF THE REVISED MAP OF THE TOWN OF WINTER PARK IN PLAT BOOK "A", PAGES 67-72 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**SECTION 3. Official Zoning Map Amendment.** That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation of Single Family Residential (R-1A) District to Low Density Residential (R-2) District on the properties at 455 and 463 West Lyman Avenue, more particularly described as follows:

LOTS 14, 15 AND 16, BLOCK 55 (LESS THE WEST 11 FEET OF LOT 14 THEREOF), BLOCK 55 PER THE PLAT OF THE REVISED MAP OF THE TOWN OF WINTER PARK IN PLAT BOOK "A", PAGES 67-72 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**SECTION 4. 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 5. Conflicts.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 6. Effective Date.** This Ordinance shall become effective upon the effective date of Ordinance \_\_\_\_\_. If Ordinance \_\_\_\_\_ does not become effective, then this Ordinance shall be null and void.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

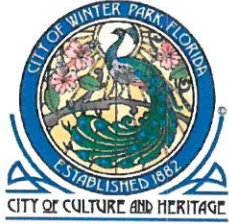
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Mayor Steve Leary

Attest:

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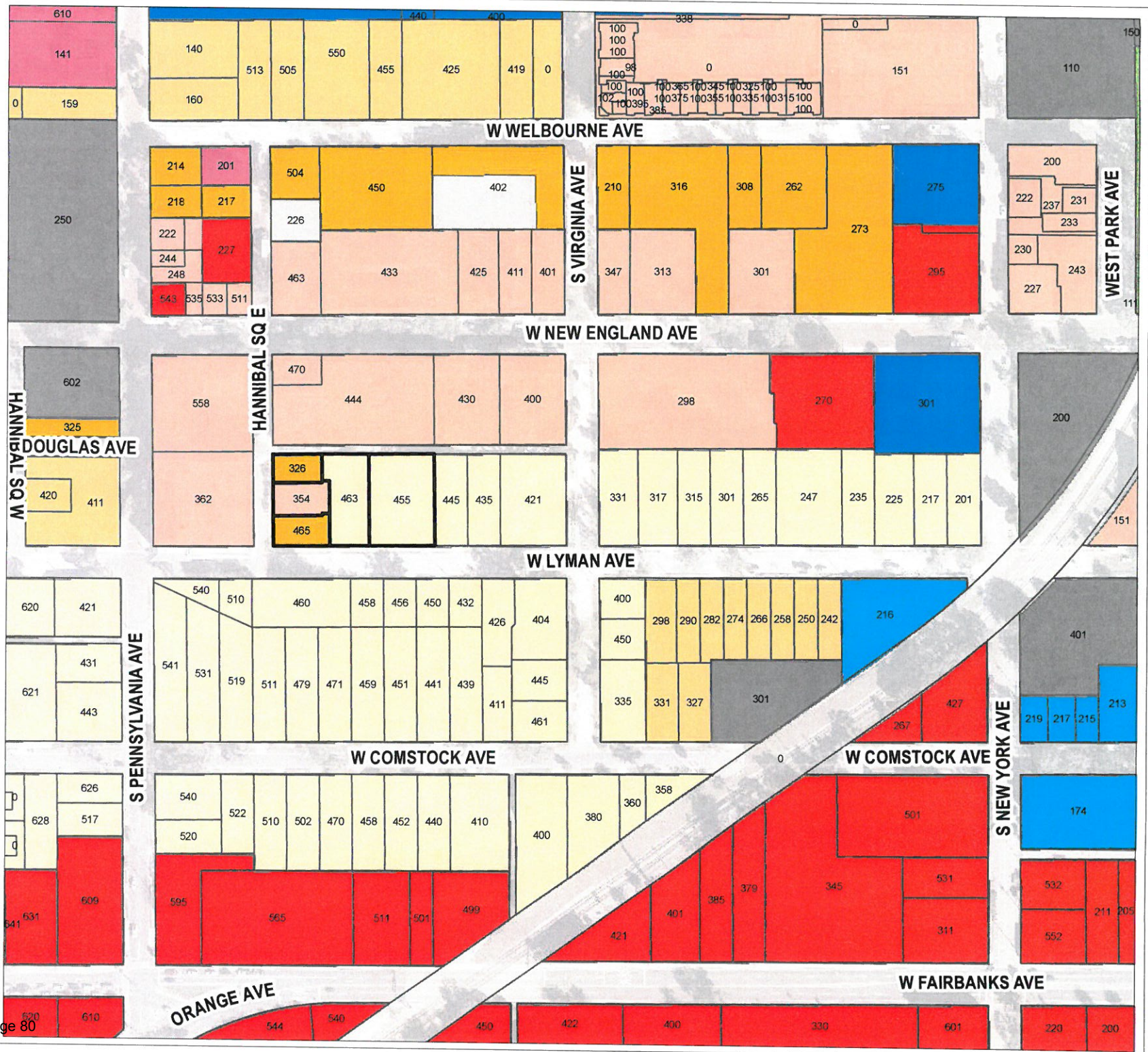
City Clerk



City of Winter Park  
Florida

Legend

- C-2
- C-3
- C-3A
- O-1
- O-2
- PL
- PQP
- PR
- R-1A
- R-2
- R-3



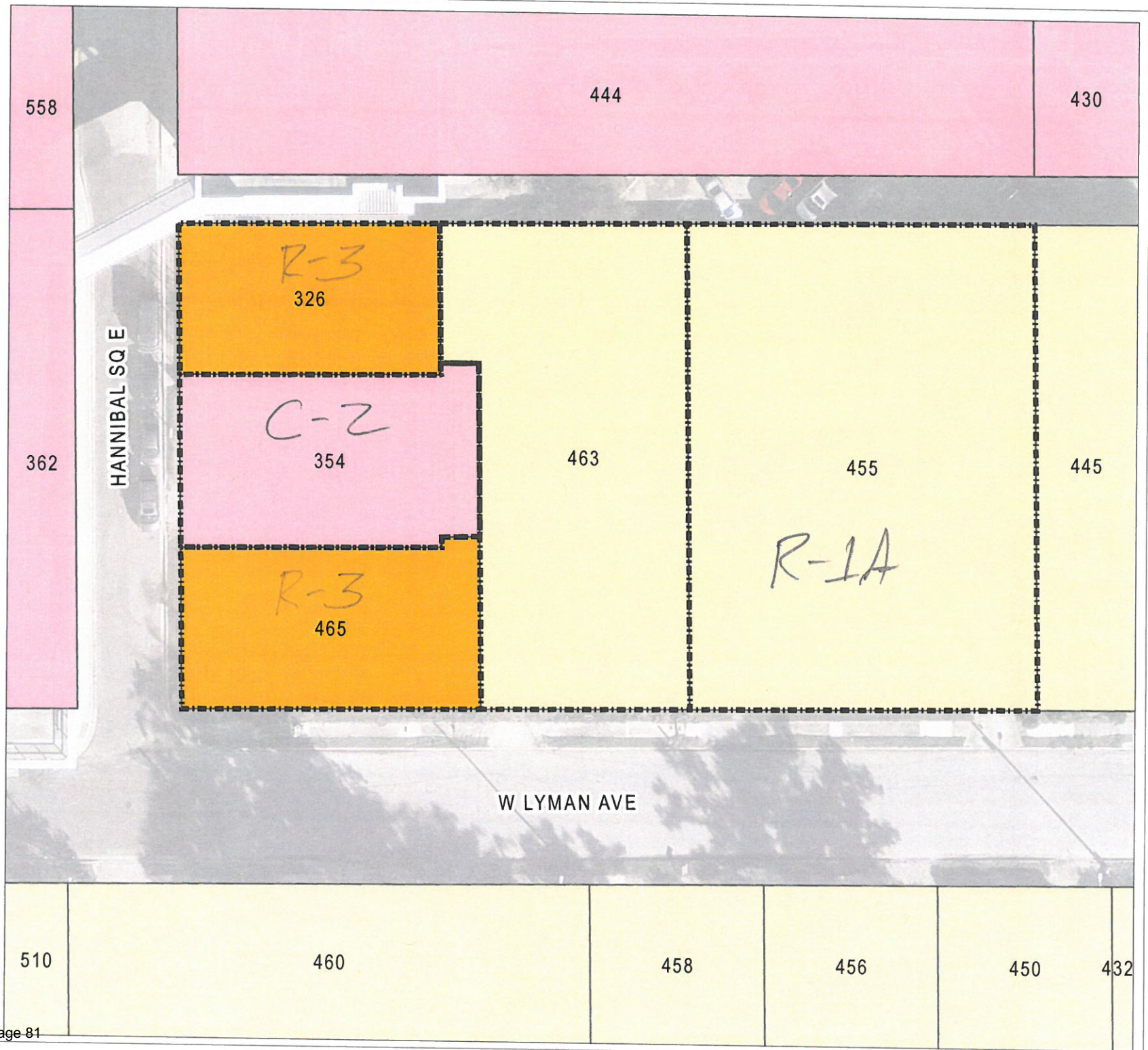
Date: 4/20/2016



City of Winter Park  
Florida

### Legend





- C-2
- R-1A
- R-3

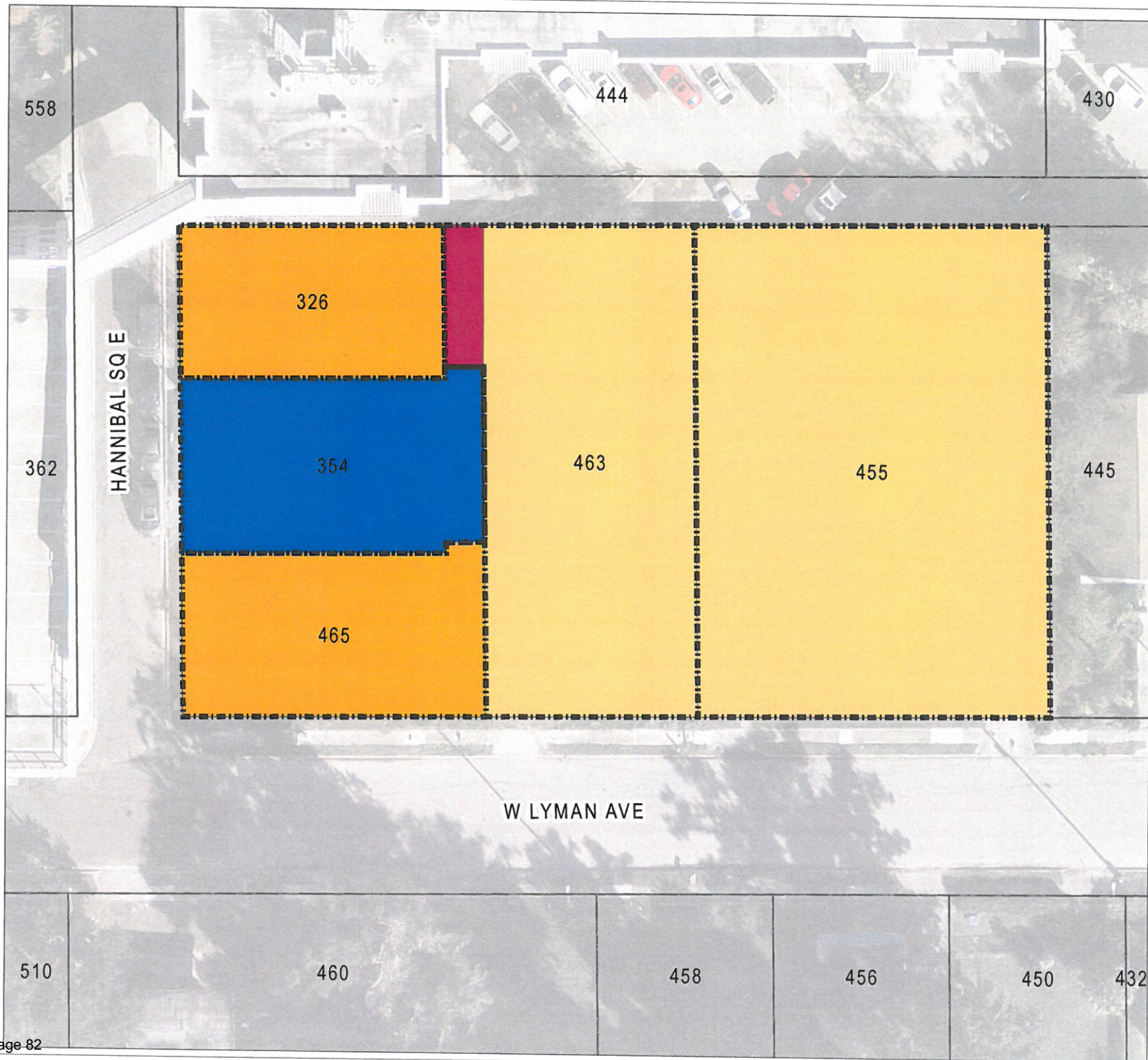




City of Winter Park  
Florida

Legend

-  R-1A to R-2
-  R-1A to R-3
-  C-2 to R-3
-  Remain R-3



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## MEMORANDUM

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**TO:** JEFF BRIGGS, CITY OF WINTER PARK  
**FROM:** PAUL BRYAN, WINTER PARK REAL ESTATE ADVISORS  
**SUBJECT:** LYMAN SQUARE  
**DATE:** JANUARY 20, 2017

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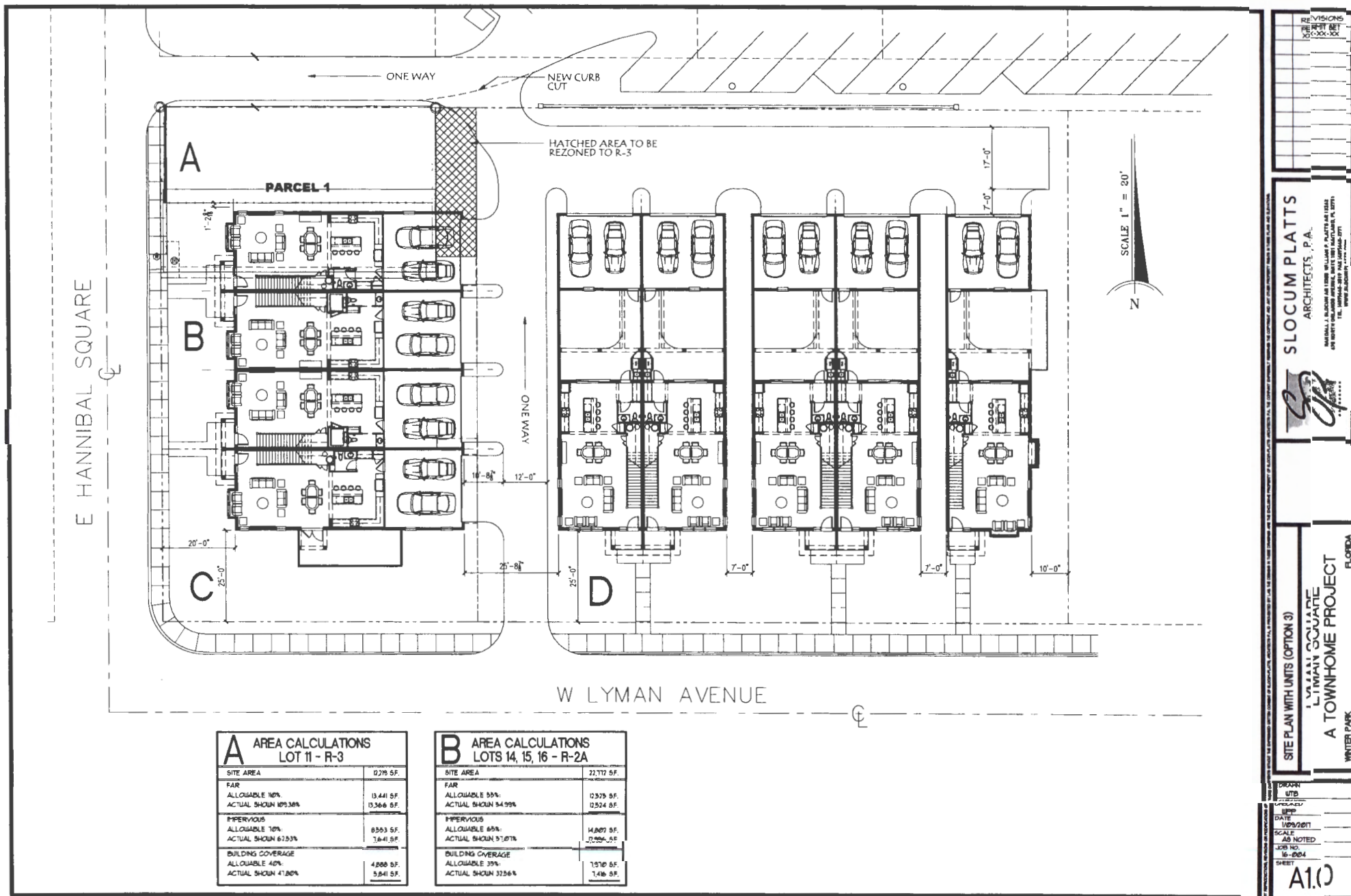
Jeff,

Per your request, I am providing a short narrative explanation of the changes to the Lyman Square site plan, which will be presented to the City Commission on Monday, January 23, 2017.

After the recent project approval by the Planning and Zoning Board, the project site plan was revised to respond to comments from neighboring property owners. The changes do not modify the pertinent elements of the approval of the Planning and Zoning Board, but reflect the following:

- Reorientation of the quadruplex building, so that the front doors face Hannibal Avenue, which accommodates the neighbors' desire for an "active" street front elevation along Hannibal, as well as eliminating garage access from the street;
- Shifting of the single-family residence to the eastern most side of the property, which accommodates the neighbors' desire for a "step down" plan;
- The addition of an internal road access for the garages of all the town homes, with a single exit into the City's alley to the north, which accommodates the neighbors' desire for more internal flow of traffic and eliminates the neighbor's objection to the loss of two parking spaces in the City's alley to the north.

We are satisfied that these modifications will still produce a very desirable project for the City.





UNIT F

UNIT B

UNIT A

UNIT A

UNIT B

UNIT C

## WEST LYMAN AVENUE ELEVATIONS

Lyman Square

A Townhome Project

16-004

12.7.16





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## UNIT E AND F

## SIDE ELEVATION

Lyman Square  
A Townhome Project  
16-004 12.7.16





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D

E

E

F

## ENTRY ELEVATION

Lyman Square  
A Townhome Project  
16-004 12.7.16





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D

E

E

F

## ELEVATION

Lyman Square  
A Townhome Project  
16-004 12.7.16





1 FRONT ENTRANCE ELEVATION - WEST LYMAN AVENUE  
SCALE 3/16" = 1'-0"

REVISIONS	

**SLOCUM PLATTS**  
ARCHITECTS, P.A.  
ARCHITECTS & INTERIORS DESIGNERS  
100 NORTH HUNTERSWOOD DRIVE, SUITE 100, MARYLAND, FL 32701  
TEL: (407) 255-7777 FAX: (407) 255-7771  
WWW.SLOCUMPLATTS.COM



WEST LYMAN AVENUE ELEV.  
**LYMAN SQUARE**  
**A TOWNHOME PROJECT**  
FLORIDA  
WINTER PARK

DRAWN  
WTD  
CHECKED  
WTD  
DATE  
11-09-2016  
SCALE  
AS NOTED  
JOB NO.  
16-0004

SHEET  
**A6.1**



① UNITS A B & C - LEFT ELEVATION  
SCALE 1/4" = 1'-0"

REVISIONS	

**SLOCUM PLATTS**  
ARCHITECTS, P.A.  
BARRELL J. SLOCUM AS 1238 WILLIAM P. PLATTS AS 1238  
410 NORTH 1ST STREET, SUITE 100, TAMPA, FL 33601  
TEL: 813-291-1111 FAX: 813-291-1111  
WWW.SLOCUMPLATTS.COM



**UNITS A B & C - LEFT ELEVATION**  
**LYMAN SQUARE**  
**A TOWNHOME PROJECT**  
FLORIDA  
WINTER PARK

DRAWN: WTB  
CHECKED: WTP  
DATE: 0-09-2016  
SCALE: AS NOTED  
JOB NO: 16-0004  
SHEET

**A6.4**



1 UNITS A B & C - REAR ELEVATION  
SCALE 3/16" = 1'-0"

REVISIONS	

**SLOCUM PLATTS**  
ARCHITECTS, P.A.  
10000 N. W. 11TH AVE., SUITE 1000  
FORT LAUDERDALE, FL 33304  
TEL: (954) 581-7771 FAX: (954) 581-7771  
WWW.SLOCUMPLATTS.COM



ILLUSTRATION: PLATTS ARCHITECTS

UNIT A B & C REAR ELEVATION  
**LYMAN SQUARE**  
**A TOWNHOME PROJECT**  
WINTER PARK, FLORIDA

DRAWN: LTB  
CHECKED: LTB  
DATE: 10-09-2016  
SCALE: AS NOTED  
JOB NO: 16-004  
SHEET

**A6.3**



① UNITS A B & C - RIGHT ELEVATION  
SCALE 1/4" = 1'-0"

REVISIONS	

**SLOCUM PLATTS**  
ARCHITECTS, P.A.  
ARCHITECTS & ENGINEERS  
400 WEST 10TH AVENUE, SUITE 1000, MIAMI, FL 33135  
TEL: 305.576.1111 FAX: 305.576.1112  
WWW.SLOCUMPLATTS.COM



LYMAN SQUARE  
A TOWNHOME PROJECT  
WINTER PARK, FLORIDA

UNITS A B + C RIGHT ELEVATION  
LYMAN SQUARE  
A TOWNHOME PROJECT  
WINTER PARK, FLORIDA

DRAWN	WTS
CHECKED	WTS
DATE	07-09-2016
SCALE	AS NOTED
JOB NO.	16-0004
SHEET	

**A6.2**



1 UNITS D E & F - FRONT ENTRANCE ELEVATION  
SCALE 1/4" = 1'-0"

REVISIONS	

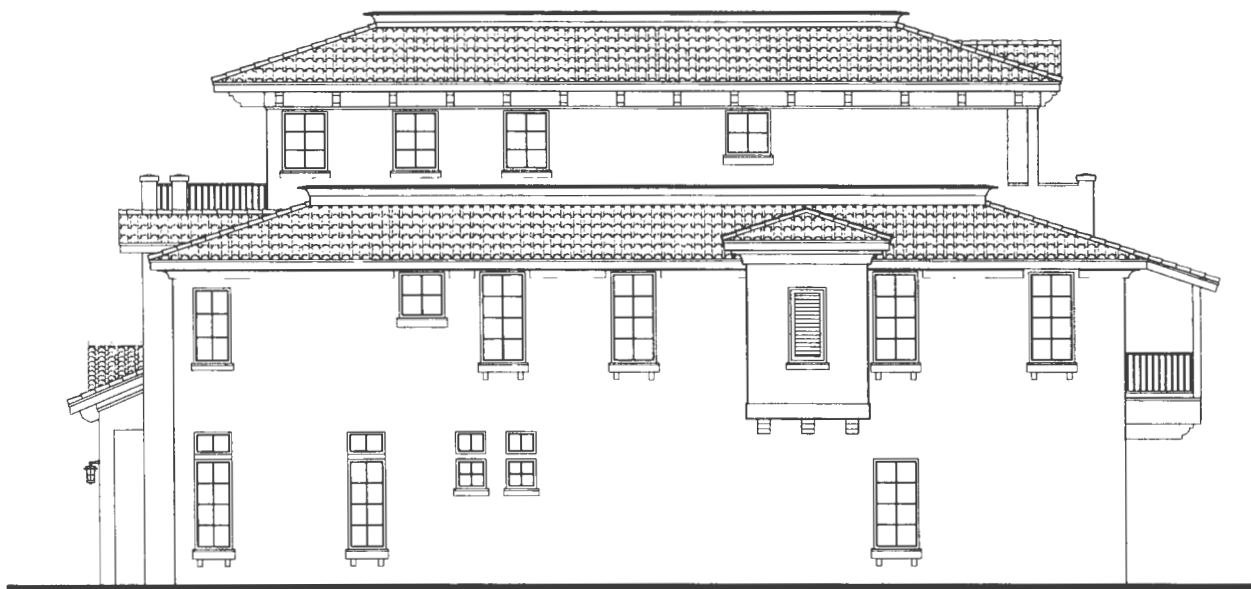
**SLOCUM PLATTS ARCHITECTS, P.A.**  
 1000 N. ALABAMA AVE. SUITE 1000  
 TAMPA, FL 33602  
 TEL: 813.251.1111 FAX: 813.251.1112  
 WWW.SLOCUMPLATTS.COM



**FRONT ENTRANCE ELEVATION**  
**LYMAN SQUARE**  
**A TOWNHOME PROJECT**  
 WINTER PARK, FLORIDA

DRAWN	UTB
CHECKED	UTB
DATE	12-05-2016
SCALE	AS NOTED
JOB NO.	16-0004
SHEET	

**A6.5**



① UNITS D E & F - NORTH ELEVATION  
SCALE 1/4" = 1'-0"

REVISIONS

**SLOCUM PLATTS**  
ARCHITECTS, P.A.  
NARDBALL, J. N. SLOCUM AS 13308 WILLIAM P. PLATTS AS 13304  
401 NORTH OULAH AVE. SUITE 1000, N. MIAMI, FL 33131  
TEL: (305) 351-1111 FAX: (305) 351-1112  
WWW.SLOCUMPLATTS.COM

*[Signature]*

ILLUSTRATION BY SLOCUM PLATTS ARCHITECTS, P.A.

**NORTH ELEVATION**  
**LYMAN SQUARE**  
**A TOWNHOME PROJECT**  
WINTER PARK, FLORIDA

DRAWN  
BY: S  
CHECKED  
BY: S  
DATE  
12-09-2016  
SCALE  
AS NOTED  
JOB NO.  
18-0064  
SHEET

**A6.6**



① UNITS D E & F - HANNIBAL SQUARE ELEVATION  
SCALE 1/4" = 1'-0"

REVISIONS

**SLOCUM PLATT**  
ARCHITECTS, P.A.  
BIRMINGHAM, AL 35204  
1400 NORTH BRADSHAW AVENUE, SUITE 1000 BIRMINGHAM, AL 35204  
TEL: 205.988.7771  
WWW.SLOCUMPLATT.COM



REGISTERED PROFESSIONAL ARCHITECT  
STATE OF ALABAMA  
NO. 10000

**HANNIBAL SQUARE ELEVATION**  
**LYMAN SQUARE**  
**A TOWNHOME PROJECT**  
WINTER PARK, FLORIDA

DRAWN BY: JTB  
CHECKED BY: JTB  
DATE: 08-09-2016  
SCALE: AS NOTED  
JOB NO.: 16-0004  
SHEET:

**A6.7**



① UNITS D E & F - LYMAN AVENUE ELEVATION  
SCALE 1/4" = 1'-0"

REVISIONS

**SLOCUM PLATTS**  
ARCHITECTS, P.A.  
KANSAS CITY, MISSOURI  
430 NORTH OAKLAND AVENUE, SUITE 100 KANSAS CITY, MO 64108  
TEL: 816-261-1111 FAX: 816-261-1112  
WWW.SLOCUM-PLATTS.COM



**LYMAN AVENUE ELEVATION**  
**LYMAN SQUARE**  
**A TOWNHOME PROJECT**

DRAWN	WTD
CHECKED	WTD
DATE	09-20-2016
SCALE	AS NOTED
JOB NO.	16-004
SHEET	

**A6.8**

December 7, 2016

Jeff Briggs, Manager  
Planning & Zoning Department  
City of Winter Park  
401 Park Avenue South  
Winter Park, Florida 32789-4386

Subject: **Lyman Square Townhomes – Preliminary Drainage Design**  
Conditional Use Plan  
Winter Park, Florida  
FEG Project No. 16-135

Dear Jeff,

This letter is being submitted with the Conditional Use Plan application for the West Lyman Square Townhomes to provide an overview of the preliminary drainage design for the project and demonstrate that the drainage system for the proposed project will, when finally designed, comply with the City of Winter Park and St. Johns River Water Management District requirements.

As can be seen on the preliminary paving, grading, and drainage plan, the proposed project will modify an existing master drainage retention pond located in the northwest corner of the project site. Specifically, the proposed project proposes to fill a portion of the existing master drainage retention pond and replace the pond volume (which is lost as a result of the filling of the pond) within an exfiltration system proposed on the north side of the project to the east of the remaining portion of the existing retention pond. The exfiltration system will hydraulically connect to the remaining portion of the existing retention pond.

The existing retention pond provides drainage for a portion of the property located at 450 N. New England Avenue and other adjacent areas located to the north of the proposed West Lyman Square development site. Based on review of the St. Johns River Water Management District (SJRWMD) permits covering the existing retention pond (SJRWMD Permits 42-095-89352-1 and 42-095-89352-2), this existing pond provides drainage for an approximately 0.82-acre drainage basin area (Basin "450 N. new England Basin A" + Block 55). Also, based on review of the drainage calculations included in the SJRWMD permits, the pond provides a total volume of 11,469 cubic feet between the pond design bottom elevation of 85.0 Ft. and the weir overflow elevation of 88.25 Ft.

Based on our preliminary calculations, the proposed West Lyman Square project will remove approximately 3,900 cubic feet of pond volume. The proposed exfiltration system will provide approximately 5,200 cubic feet of storage, which will replace the filled pond volume and allow approximately an additional 1,300 cubic feet to be used for the proposed West Lyman Square town home development. Thus, the existing master drainage system would not be negatively impacted by the proposed development.

In addition to the exfiltration system, shallow swales are also planned for the proposed development and will be located on the south side of the proposed townhomes. The shallow swales will provide approximately 4,625 cubic feet of additional storage and will be landscaped.

The combined volume of the swales and the excess storage in the exfiltration system is approximately 5,925 cubic feet, which significantly exceeds the City of Winter Park and SJRWMD water quality volume requirements for the site.

Our preliminary drainage calculations also indicate that the combined volume of the swales and the excess storage in the exfiltration system would be sufficient to provide water quantity volume for the proposed development. This will be further verified during the final engineering design once additional geotechnical and topographic information is available, and the final engineering design and drainage analysis are completed.

Should there be a deficiency in the proposed retention volume, there is sufficient area to provide an additional exfiltration system on the west side of the townhomes to make-up any deficiency.

In conclusion, it is my opinion that the proposed modification to the existing master drainage system, would not affect the offsite contributing drainage basin. Furthermore, the proposed conceptual drainage system design will be adequate to meet the City of Winter Park and SJRWMD requirements based on preliminary drainage analysis and design work. Should there be a need to provide additional on-site retention storage based on final engineering design and drainage analysis, there is sufficient area on the west side of the townhomes to do so.

Please let me know if I can provide any additional clarification or if you have further questions. You can reach me at 407-895-0324 or by e-mail to [SSebaali@feg-inc.us](mailto:SSebaali@feg-inc.us).

Sincerely,



5127 S. Orange Avenue, Suite  
200 Orlando, FL 32809  
Phone: 407-895-0324  
Fax: 407-895-0325



## **SECOND AMENDMENT TO DEVELOPER'S AGREEMENT**

**THIS SECOND AMENDMENT TO DEVELOPER'S AGREEMENT** (this "Second Amendment") is made and entered into this \_\_\_ day of \_\_\_\_\_, 2017 between **THE CITY OF WINTER PARK**, a municipal corporation organized and existing under the laws of the State of Florida whose address is P.O. Box 350, Winter Park, Florida 32790 (the "City"); **ORC HANNIBAL SQUARE, LLC**, a Florida limited liability company and **ORC HANNIBAL SQUARE II, LLC**, a Florida limited liability company whose address is 1646 33<sup>rd</sup> Street, Suite 301, Orlando, Florida 32839 (together "ORC"); and **Winter Park Real Estate Advisors, Inc.**, a Florida corporation whose address is 3200 S. Hiawasse Road, Suite 205, Orlando, Florida 32835 ("WPREA") (collectively ORC and WPREA shall be referred to as the "Developers"). The City and Developers are sometimes collectively referred to herein as the "Parties".

### **WITNESSETH:**

**WHEREAS**, on or about November 19, 2001, Daniel Bellows, St. Michael, LTD., and The Winter Park Redevelopment Agency, LTD (collectively the "Original Developer") entered into that certain Developer's Agreement recorded in Official Records Book 7164, Page 550, Public Records of Orange County, Florida as amended by that certain First Amendment to Developer's Agreement recorded in Official Records Book 10356, Page 9109, Public Records of Orange County, Florida (collectively the "Developer's Agreement") relating, inter alia, to the development of certain parking areas, access roads and storm water retention in the New England Corridor; and

**WHEREAS**, the Developers are the successors in interest to the Original Developers who executed the Developer Agreement; and

**WHEREAS**, ORC is the owner of the properties located at 400, 430 and 444 W. New England Avenue, Winter Park , Florida (Lots 1-7 Block 55, TOWN OF WINTER PARK, according to the Plat thereof as recorded in Plat Book A, Page 86, Public Records of Orange County, Florida ("Plat")) and WPREA is the owner of the property located at 326 Hannibal Square East, Winter Park, Florida (Lot 11 of the Plat) collectively defined in the Developer's Agreement as "Developer Property 2"; and

**WHEREAS**, the Parties wish to amend certain portions of the Developer's Agreement, as set forth herein.

**NOW THEREFORE**, for and in consideration of Ten and No/100ths Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. **Recitals; Defined Terms.** The foregoing recitals are true and correct and are hereby incorporated herein by this reference. Capitalized terms used herein shall have the same meaning ascribed to them in the Developer's Agreement, unless expressly provided otherwise herein.
2. **Replacement of Exhibit "A".** Exhibit "A" attached to the Developer's Agreement is hereby deleted in its entirety and replaced with Exhibit "A" attached to this Second Amendment and incorporated herein by this reference.
3. **Access and Parking Easement.** Subparagraph 2(a) of the Developer's Agreement as revised and restated in paragraph 3 of the First Amendment to Developer's Agreement is hereby modified to add the following:

"Notwithstanding anything contained herein to the contrary, the Parties acknowledge that WPREA and its successors and assigns shall have the right to remove a portion of the wall in order to create a single connection to the existing alleyway as shown on the attached Exhibit "A". Further WPREA hereby grants to the City and ORC a perpetual, non-exclusive easement (the "Parking Easement") upon, over, under, in and through the seven (7) parking spaces hatched area reflected on Exhibit "A" (the "Parking Easement Area") to be utilized for parking."
4. **Parking Easement.** The City acknowledges that the seven (7) parking spaces shown in the Parking Easement Area depicted on Exhibit "A" and identified as "guest parking" shall satisfy the guest parking requirements required for the proposed and approved development by WPREA.
5. **Full Force and Effect.** Except as expressly amended by this Second Amendment, the Developer's Agreement shall remain in full force and effect.
6. **Counterpart Execution.** This Second Amendment may be executed in three (3) or more counterparts and all such counterparts shall be deemed to constitute but one and the same instrument. To facilitate execution of this Second Amendment the parties hereto may execute and exchange by telephone facsimile counterparts of the signature pages.

**(SIGNATURES APPEAR ON THE FOLLOWING PAGES)**

IN WITNESS WHEREOF, the City and the Developer have executed this Agreement as of the date written above.

**CITY:**

Witnesses:

**City of Winter Park, a Florida municipal  
corporation of the State of Florida**

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

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

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

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, as \_\_\_\_\_ of CITY OF WINTER PARK, a Florida municipality, on behalf of said corporation \_\_\_\_\_ who is personally known to me or produced \_\_\_\_\_ as identification.

{Seal}

\_\_\_\_\_  
Notary Public, State of Florida

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

Commission Expires: \_\_\_\_\_

Witnesses:

**ORC HANNIBAL SQUARE, LLC a  
Florida limited liability company**

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

By: ORC Hannibal Square Investors, LLC, Manager

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

By: ORC Hannibal Square Management, LLC,  
Manager

By: Owens Realty Capital, LLC, Manager

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

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2016, by \_\_\_\_\_, as \_\_\_\_\_ of ORC HANNIBAL  
SQUARE, LLC, on behalf of said limited liability company \_\_\_\_\_ who is personally  
known to me or produced \_\_\_\_\_ as identification.

{Seal}

Notary Public, State of Florida

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

Commission Expires: \_\_\_\_\_

Witnesses:

**ORC HANNIBAL SQUARE II, LLC  
A Florida limited liability company**

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

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

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

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2016, by \_\_\_\_\_, as \_\_\_\_\_ of ORC HANNIBAL  
SQUARE II, LLC, on behalf of said limited liability company \_\_\_\_\_ who is personally  
known to me or produced \_\_\_\_\_ as identification.

{Seal}

Notary Public, State of Florida

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

Commission Expires: \_\_\_\_\_

Witnesses:

**Winter Park Real Estate Advisors, Inc., a  
Florida corporation**

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

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

Print Name: Nancy A. Rossman, President

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

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

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing Agreement was acknowledged before me this \_\_\_\_ day of  
\_\_\_\_\_, 2016, by Nancy A. Rossman, as President of WINTER PARK REAL  
ESTATE ADVISORS, INC., a Florida corporation, on behalf of said corporation \_\_\_\_\_  
who is personally known to me or produced \_\_\_\_\_ as identification.

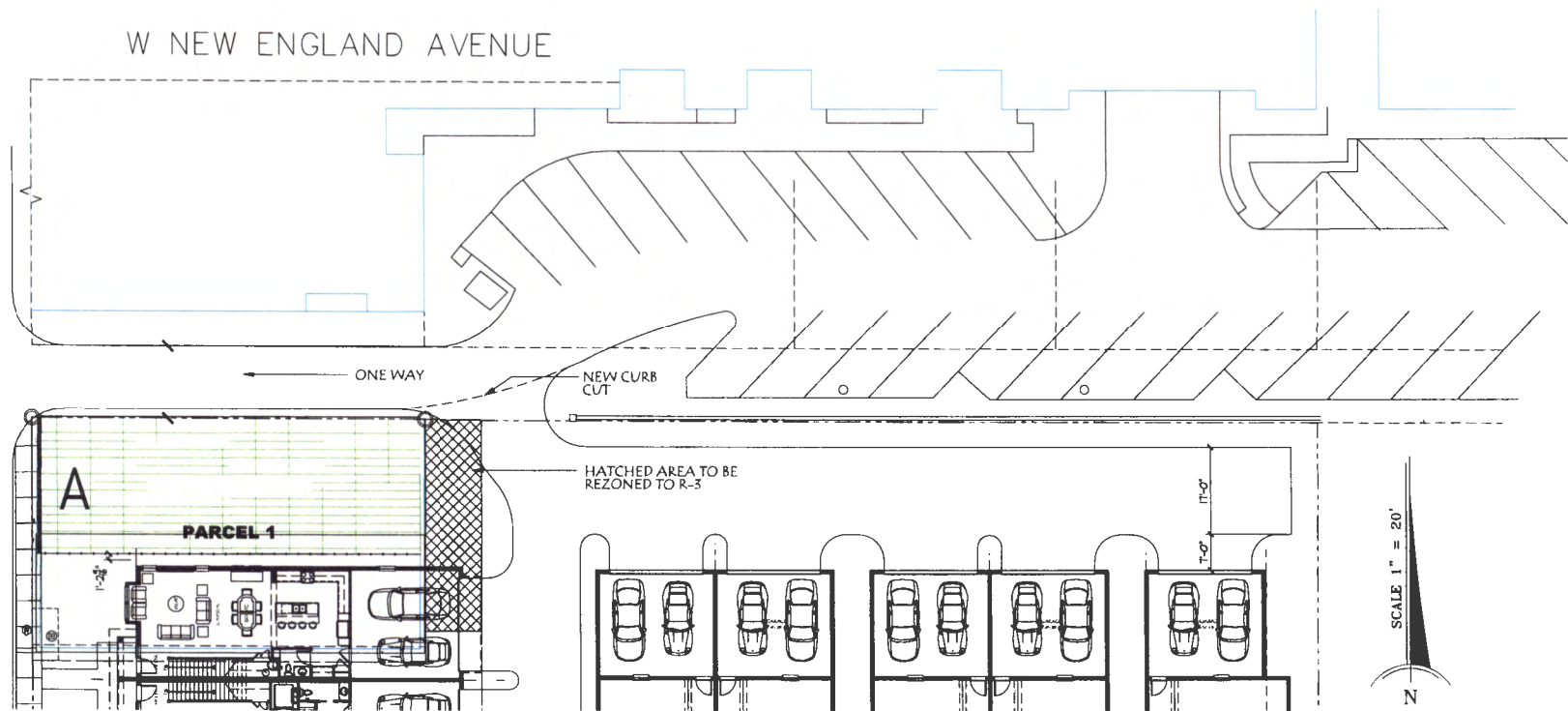
{Seal}

\_\_\_\_\_  
Notary Public, State of Florida

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

Commission Expires: \_\_\_\_\_

E HANNIBAL SQUARE



<b>REVISIONS</b> PERMIT SET 000-000-000	
<b>SLOCUM PLATT ARCHITECTS, P.A.</b> 1000 N. W. 10th Ave., Suite 1000 Fort Lauderdale, FL 33304 TEL: 561-534-1111 FAX: 561-534-1112 WWW.SLOCUMPLATT.COM	
<b>SP</b>	
<b>FLORIDA</b>	
<b>WINTER PARK</b>	
<b>LYMAN SQUARE A TOWNHOME PROJECT</b>	
<b>WINTER PARK</b>	
<b>16-004</b>	
<b>A0.0</b>	



# city commission public hearing

Item type	Public Hearing	meeting date	February 13, 2017		
prepared by	Jeff Briggs	approved by	<input checked="" type="checkbox"/> City Manager		
department	Planning and Community		<input checked="" type="checkbox"/> City Attorney		
division	Development		<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	
vision themes	<input checked="" type="checkbox"/> Cherish and sustain city's extraordinary quality of life. <input checked="" type="checkbox"/> Plan growth through a collaborative process that protects city's scale and character. <input type="checkbox"/> Enhance city's brand through flourishing arts and culture. <input type="checkbox"/> Build and embrace local institutions for lifelong learning and future generations.				

## Subject: Request for Subdivision of 200 Oakwood Way.

This request was tabled by the City Commission at November 28, 2016 meeting. It has been re-advertised and notices mailed. Z Properties Group is requesting subdivision or lot split approval to divide the property located at 200 Oakwood Way into two single-family lots, zoned R-1AA.

## Procedural History

### Planning and Zoning Board Minutes – Nov. 1, 2016:

**REQUEST OF Z PROPERTIES GROUP FOR:** SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE PROPERTY AT 200 OAKWOOD WAY, ZONED R-1AA, INTO TWO SINGLE FAMILY BUILDING LOTS.

Planning Manager Jeffrey Briggs presented the staff report. He explained that Z Properties Group is requesting subdivision or lot split approval to divide the R-1AA zoned property located at 200 Oakwood Way into two single-family lots. The property is currently occupied by one single-family home, which the applicant plans to demolish. Mr. Briggs reviewed the history of the property and explained that the western portion of the lot is a brick traffic circle (Champion Circle) that provides access mid-block from Oakwood Way to East Rockwood Way. However, in August of 1936 this road, formerly known as Champion Circle, was vacated. The brick roadway surface is still in-place today. The applicant plans to remove the entire traffic circle, and has provided letters of consent from the adjacent affected parties. Specifically, the applicant has agreed to remove all of the curbing and brick roadway, and add additional fill dirt to regrade the street and add new curbing. Also, they are going to add a new irrigation system, sod and fence to 160 Oakwood Way and 151 East Rockwood Way.

Mr. Briggs reviewed the zoning and comprehensive plan test criteria used in subdivision requests. He discussed the current configuration which was platted in an east/west pattern. The applicant desires to re-configure in a north/south which would result in the need for a variance. That pattern is not in keeping with neighborhood. He summarized by stating that there is neighborhood opposition to the

requested lot split and staff does not recommend approval of lot splits with variance requests. Staff did support the alternative of redeveloping the lots as they were originally platted in the east/west pattern (Lots 3 and 6) because than no variances are needed and the lots fully comply with the R-1A zoning criteria.

Ira Kitograd, the applicant, 731 Pansy Avenue, discussed the plans to redevelop the property. He said that from an architectural standpoint, they would to prefer to redevelop "side-by-side" versus "back-to-back" that would allow more design flexibility. However, he indicated his willingness to accept whatever direction the Board provides. Mr. Kitograd responded to Board member questions and concerns.

The following residents spoke in opposition to the request as originally presented: Linda Stanford, 201 East Fawsett Road; Glenna Harmon, 151 Oakwood Way; Donna Colada, 327 Beloit Avenue; Patricia Doherty, 211 Oakwood Way; Salvatore Curto, 251 Oakwood Way; Nan Castino, 250 Oakwood Way; Steve Garrity, 2150 Forrest Road; Suzanne Billings, 110 Chelton Circle; Drew De Vane, 220 Forrest Road; Stuart Lillie, 200 East Rockwood Way; and Jason Taft, 171 Oakwood Way. The neighbors all expressed their preference is to see the lots redeveloped as originally platted in the east/west orientation in keeping with the existing neighborhood so that the front of the homes faced Oakwood and Rockwood Way. The neighbors did not see the hardship to redevelop the lots "side-by-side" and they expressed that they want to maintain the character of the existing neighborhood.

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

The Planning Board members expressed that the public input was very helpful and valid. The existing pattern of homes facing the streets should be maintained. There was consensus of the Board that the method requested by the neighbors which needed no variances was the correct decision.

**Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the subdivision or lot split to divide the property at 200 Oakwood Way into two single-family lots as originally platted (Lots 3 & 6). Motion carried unanimously with a 7-0 vote.**

**Actions Since the City Commission November 28<sup>th</sup> Meeting:** Since the City Commission tabled this matter, the City has hosted two 'community meetings' on January 11<sup>th</sup> and 25<sup>th</sup> that were well attended by the three property owners adjacent to Champion Circle, the applicant and neighbors in the vicinity. The planning staff prepared four alternative plans (attached) that depicted concepts to retain the circle roadway/park and also to provide other options for smaller street to street pathway/park connections. Unfortunately there was not a consensus on a viable alternative. The adjacent property owners feel that they own their portion of Champion Circle, they have paid taxes on it and they are not open to turning any significant portion into a public use without compensation. Some of the neighbors feel just as strongly that Champion Circle has been open to the public and that they have vested private access rights. Additionally the City has received legal notice from some of the parties presenting their evidence to support their position on the continued city maintenance. It also has escalated to the point where the adjacent owners want to fence/block off Champion Circle citing the liability of public access onto their private land.

Some of the claims relating to Champion Circle involve assertions that the City has not given up public right-of-way rights because the City has performed routine maintenance on the roadway and park. Further, other lot owners in the subdivision have asserted private easement rights over and upon Champion Circle and Affidavits from some residents have been presented to the City making that assertion. However, the City does not have records of active maintenance of Champion Circle.

This matter may well involve future litigation to establish/confirm on the one hand and to extinguish/confirm on the other hand private easement rights.

### **Relevant Comprehensive Plan and Code Sections:**

**Policy 1-3.6.8: Subdivision of Land and Lot Splits for Non-Lakefront Single Family and Low Density Multi-Family Property.** The City shall consider approving subdivision and lot split applications, which are not lakefront properties and which are not estate lots in areas designated single family, low density or multi-family residential, when the proposed new lots are designed at size and density consistent with the existing conditions in the surrounding neighborhood within a radius of five hundred (500) feet.

### **Sec. 58-377. - Conformance to the comprehensive plan.**

(a) In the City of Winter Park, as a substantially developed community, the review of lot splits, lot consolidations, plats, replats or subdivisions within developed areas of the city shall insure conformance with the adopted policies of the comprehensive plan as a precedent to the conformance with other technical standards or code requirements.

(b) In existing developed areas and neighborhoods, all proposed lots shall conform to the existing area of neighborhood density and layout. The proposed lot sizes, widths, depths, shape, access arrangement, buildable areas and orientation shall conform to the neighborhood standards and existing conditions. This provision is specifically intended to allow the denial or revision by the city of proposed lot splits, lot consolidations, plats, replats or subdivisions when those are not in conformance with the existing neighborhood density or standards, even if the proposed lots meet the minimum technical requirements of the zoning regulations.

(c) In determining the existing area or neighborhood density and standards, for the consideration of lot splits, plats, replats or subdivision of other than estate lots or lakefront lots, the planning and zoning commission and city commission shall consider the frontage and square foot area of home sites and vacant properties with comparable zoning within an area of 500-foot radius from the proposed subdivision.

(d) In order to implement the policies of the comprehensive plan, the city commission may also impose restrictions on the size, scale, and style of proposed building, structures, or other improvements. This provision shall enable the city commission to impose restrictions on the size, height, setback, lot coverage, impervious area or right-of-way access such that proposed building and other improvements match the dimension and character of the surrounding area or neighborhood.

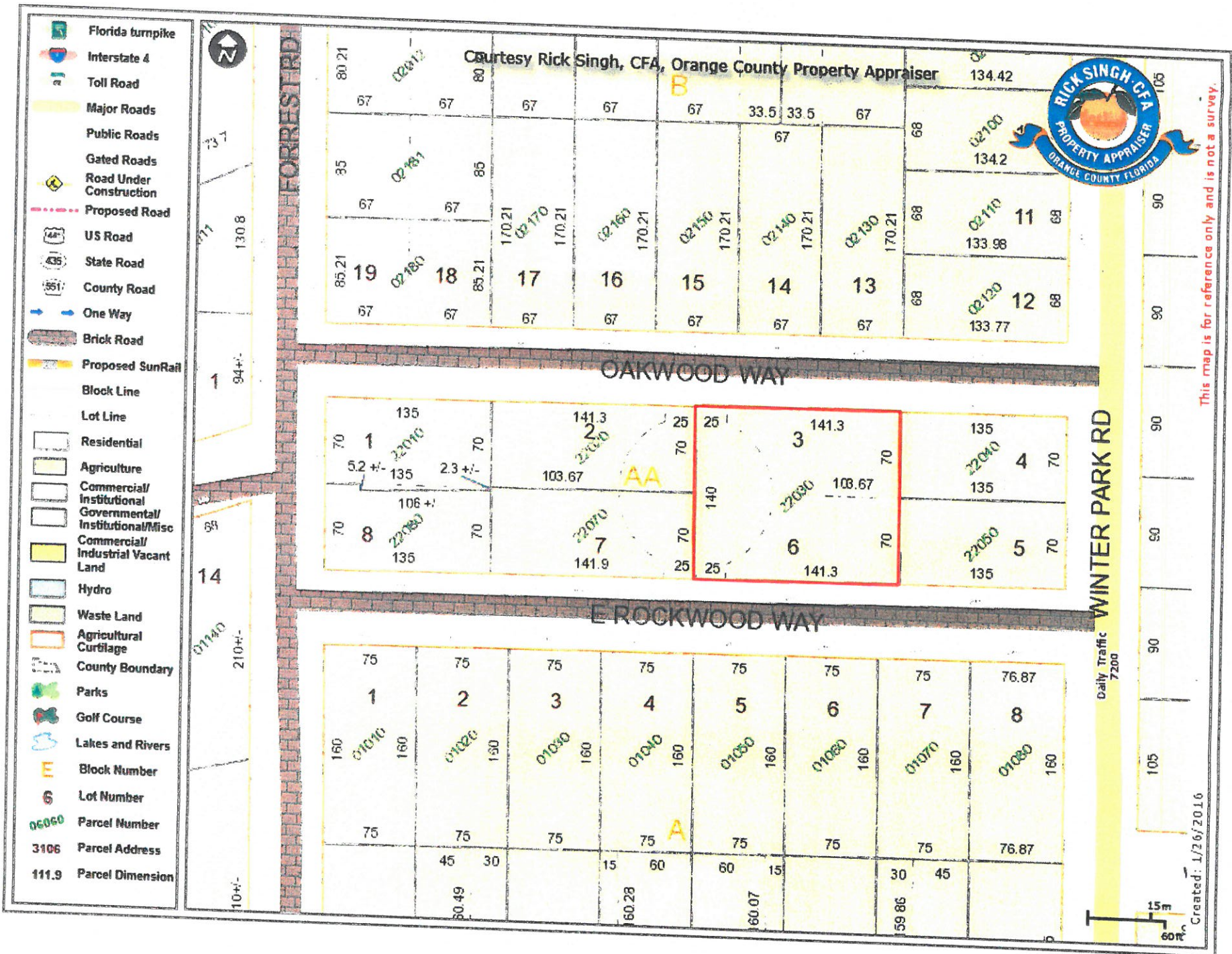
(e) Pursuant to the policies of the comprehensive plan, in the consideration of lot splits, lot consolidations, plats, replats or subdivisions of single-family estate properties, it shall be recognized that, historically, Winter Park is a distinct residential community in part because of the existence of large estate lots. These existing estate lots, many with historical or architectural significance, provide a character that in turn creates value throughout the surrounding neighborhoods and the community. Thus, preservation of the estate lots maintains the attractive character of Winter Park that helps to set it apart from other cities in Florida. The existence of large estate lots dispersed throughout Winter Park adds great attractiveness, appeal and value to residents and

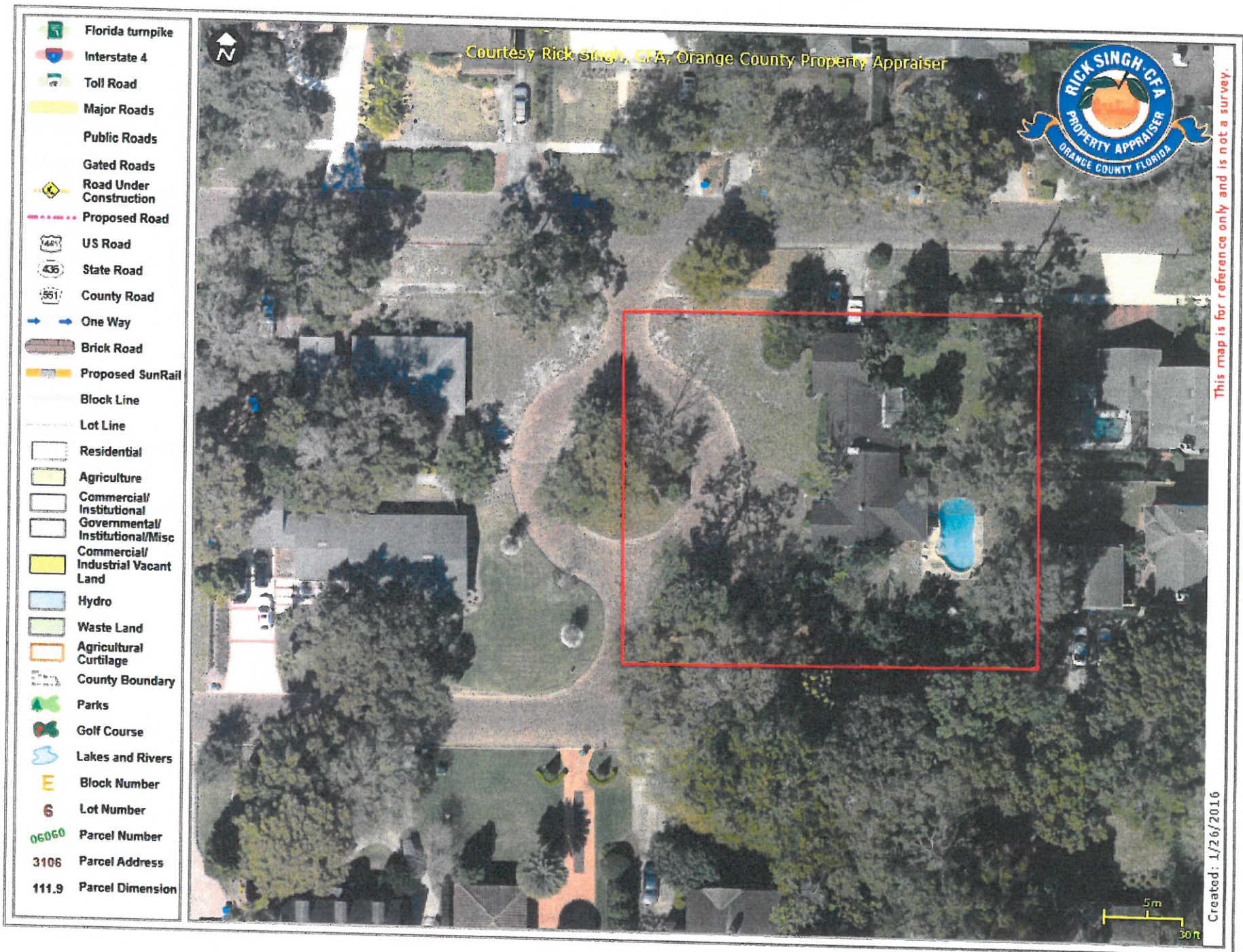
potential buyers as contrasted with newer more uniform homogenous subdivisions. In order to protect these features and values and preserve neighborhood character, the city shall strongly discourage any subdivisions or lot splits of estate lots within areas designated single-family residential.

(f) Pursuant to the policies of the comprehensive plan, in the consideration of lot splits, plats, replats or subdivisions of lakefront estate lots, it is the city's policy to maintain the diversity of sizes of lakefront properties and lakefront estate lots and to strongly discourage the subdivision or split of such properties. The city shall preserve low densities along the city's lakefront property, including larger lakefront estate lots in order to perpetuate the unique character of Winter Park that sets it apart from other cities throughout Florida.

**Staff Recommendation:** The City Commission may wish to consider the following conditions if the Commission were to approve the lot split:

1. The City Commission's decision to grant the lot split is not an adjudication of the easement interests claimed by owners of other lots within the subdivision or any other third party concerning the subject property or the area shown on the subdivision plat as Champion Circle. The lot split approval is granted subject to any third party easement rights over, under and through the subject property as such may exist or be legally adjudicated. It is the property owners' and applicant's responsibility to comply with the legal requirements of any easements and to not interfere with easement rights of others to the extent they exist. The future approval or issuance of any permits or development orders by the City for the subject property shall not alter the property owners' and applicant's responsibilities in this regard.
2. The property owners and applicant hereby assumes any and all risk arising out of or in any way related to proceeding with development of the subject property given the disputed issues concerning Champion Circle and asserted easement rights of third parties.
3. In consideration for the City's issuance of a lot split, the property owners and applicant shall execute and deliver to the City an indemnification and hold harmless agreement in favor of the City of Winter Park, in a form acceptable to the City Manager and City Attorney within twenty (20) days of such lot split approval. The lot split approval shall not become effective unless and until the foregoing agreement is executed and delivered to the City.







ORDINANCE # 279

AN ORDINANCE TO VACATE CHAMPION CIRCLE  
A FIFTY FOOT STREET, AS SHOWN BY THE PLAT  
OF CHARMONT SUBDIVISION, RECORDED IN PLAT  
BOOK "L", PAGE 93, PUBLIC RECORDS OF ORANGE  
COUNTY, FLORIDA; SAID CHAMPION CIRCLE RUN-  
NING NORTH AND SOUTH BETWEEN OAKWOOD WAY  
AND PACKWOOD WAY, IN BLOCK "AA", OF CHAR-  
MONT SUBDIVISION.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:

Section 1. That Champion Circle, a fifty foot street,  
in Block "AA", of Charmont Subdivision, as shown by plat  
of Charmont Subdivision, as recorded in Plat Book "L",  
page 93, Public Records of Orange County, Florida, be and  
the same is hereby permanently vacated, abandoned and closed  
as a public street and thoroughfare of the City of Winter  
Park, Florida.

Section 2. That the City Clerk is hereby directed to  
prepare a certified copy of this ordinance, after its pass-  
age and adoption, and file the same with the Clerk of the  
Circuit Court of Orange County, Florida.

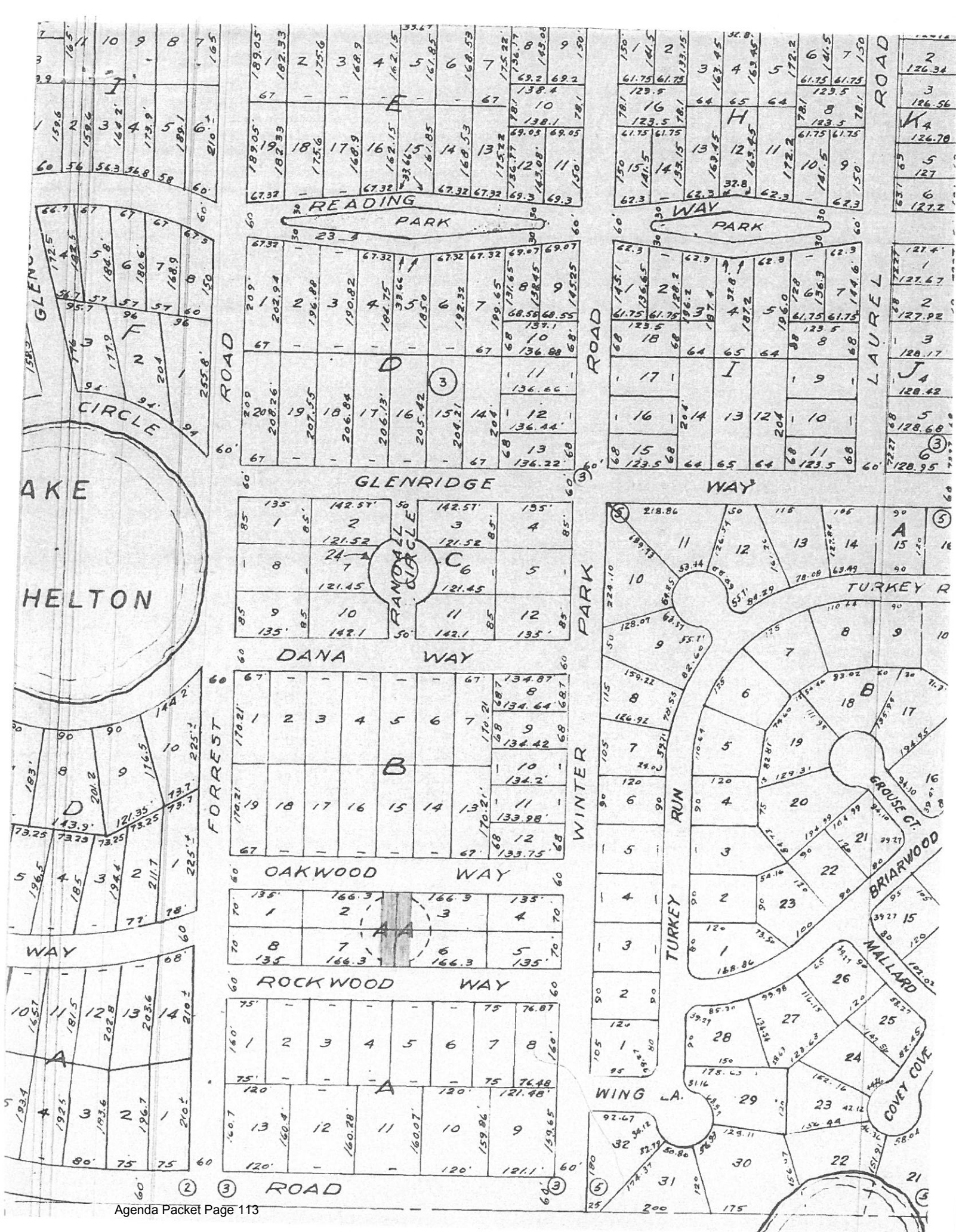
Section 3. This ordinance shall become effective im-  
mediately upon its final passage and adoption, and a copy  
of said ordinance shall be published once within ten days  
in the Winter Park Herald after its passage and adoption.

Adopted at a regular session of the City Commission of  
the City of Winter Park, Florida, this 3rd day of August,  
A.D. 1936.

  
\_\_\_\_\_  
Mayor-Commissioner

Attest:

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





# Public Notice

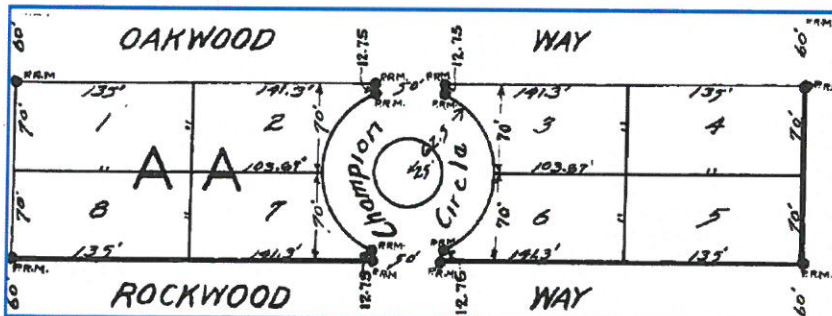
## CHAMPION CIRCLE 200 OAKWOOD WAY

### NEIGHBORHOOD MEETING

Wednesday, January 25 @ 6 p.m.

Commission Chambers

Winter Park City Hall, 2nd Floor  
401 South Park Avenue | Winter Park, Florida



Please make plans to attend this public meeting to provide your input on the future of Champion Circle and the lot split of 200 Oakwood Way.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Planning & Community Development Department at 407-599-3324 at least 48 hours in advance of the meeting.



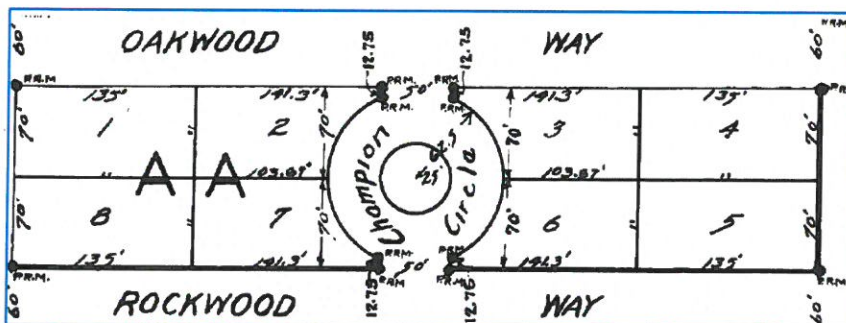
# Public Notice

## CHAMPION CIRCLE 200 OAKWOOD WAY

### NEIGHBORHOOD MEETING

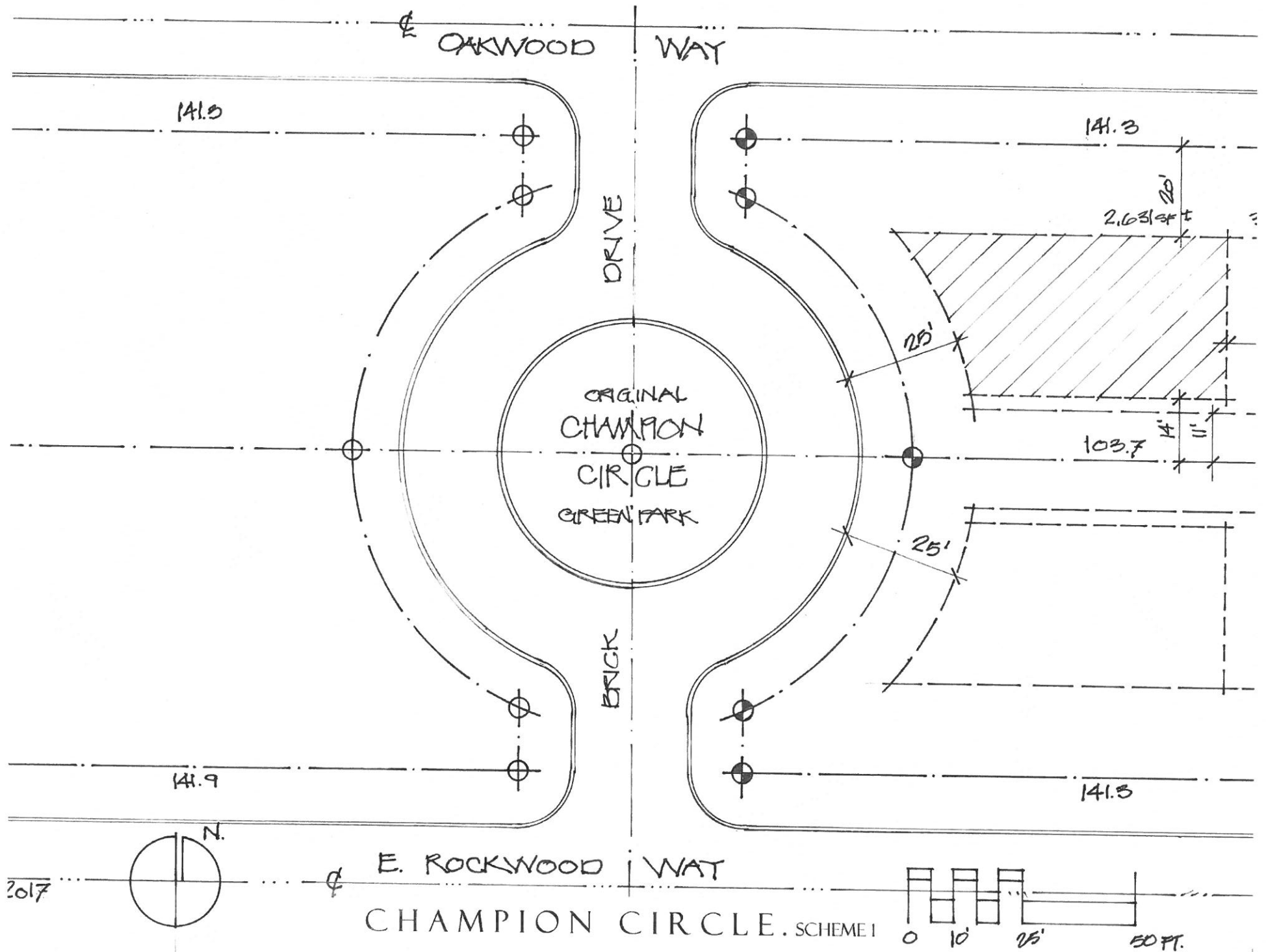
Wednesday, January 11 @ 6 p.m.

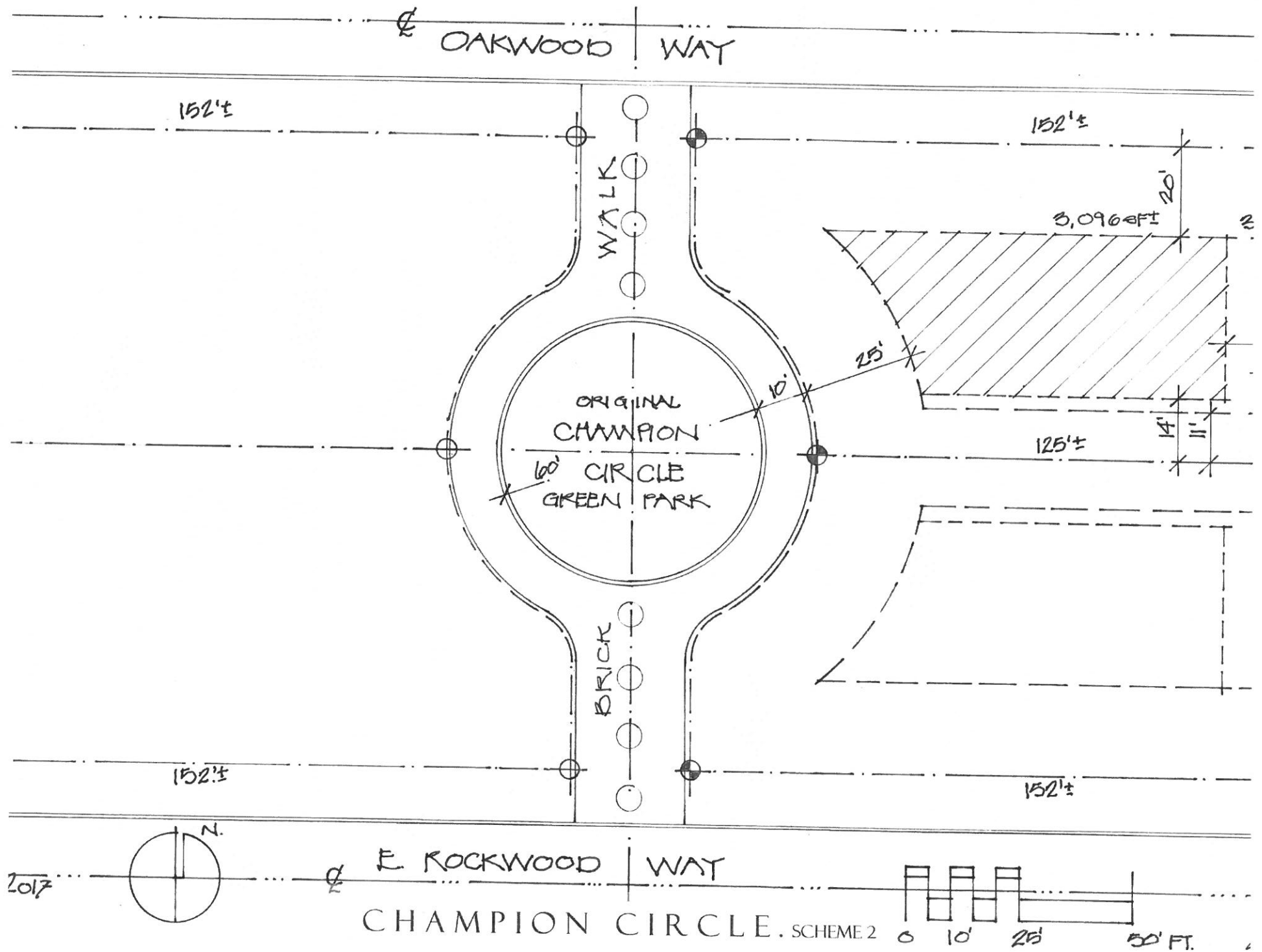
Commission Chambers  
Winter Park City Hall, 2nd Floor  
401 South Park Avenue | Winter Park, Florida



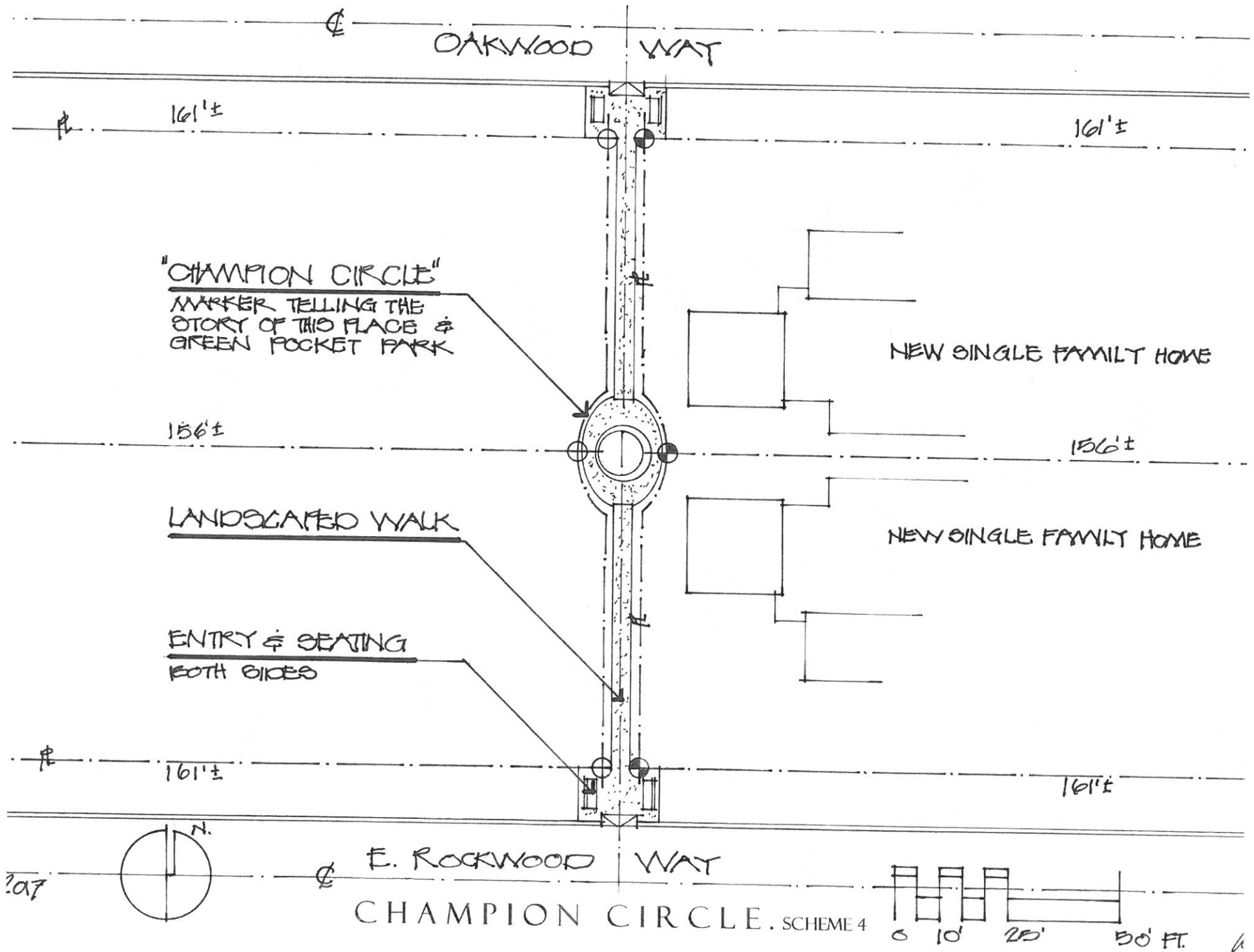
Please make plans to attend this public meeting to provide your input on the future of Champion Circle and the lot split of 200 Oakwood Way.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Planning & Community Development Department at 407-599-3324 at least 48 hours in advance of the meeting.









City of Winter Park – City Commission  
401 South Park Avenue  
Winter Park, FL 32789

01-20-17411:20 RCVD

Dear Commission Members,

We are writing in response to the proposed plans involving Champion Circle, as owners of 151 E Rockwood Way.

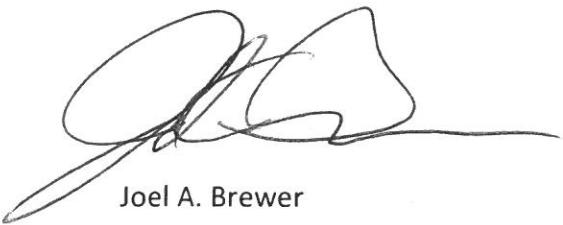
We trust you will forward this response to all necessary parties, and enter into the record as may be necessary and appropriate, related to the application for lot split of 200 Oakwood Way (Z Properties application).

We have reviewed copies of a few proposed plans for 'future versions' of Champion Circle, all of which include some portion of our property, 151 E Rockwood Way.


Please be aware, we as the owners of 151 E Rockwood Way will not agree to donate any portion of our property to another party, nor agree to any alteration to our rights to free use of our property as are clearly guaranteed in our property title policy and deed. We will not agree to allow construction of a pathway or road on our property.

We also advise we plan to construct a fence around our property and will not permit further trespassing.

Regards,



Joel A. Brewer



Lauren R. Brewer

151 E Rockwood Way  
Winter Park, FL 32789

Z

September 26, 2016

Joel & Lauren Brewer  
151 E. Rockwood Way  
Winter Park, Fl. 32789

Re: Oakwood Cul-de-sac

Dear Mr. and Mrs. Brewer

We currently have the property adjacent to yours, 200 Oakwood Way, under contract. We are proposing a lot split of this property. This letter will provide acknowledgement to the city that you approve of this split.

Z Properties will make the following improvements to the property:

- Remove all curbing at cul-de-sac
- Removal of brick roadway
- Add additional fill dirt and re-grade street
- New irrigation system and sod for 150 Oakwood Way and 151 Rockwood Way
- New fencing for 150 Oakwood Way and 151 Rockwood Way
- New curbing

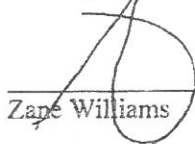
Additionally Z Properties, a licensed Building Contractor approved to work in the City of Winter Park agrees to the following terms and conditions requested:

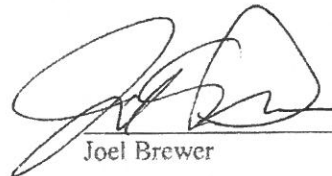
All work will be completed in an expeditious manner and 100% of all costs associated with the work shall be the responsibility of Z Properties. The property owners, Brewer's and Crosby's, shall incur no costs associated with this project.

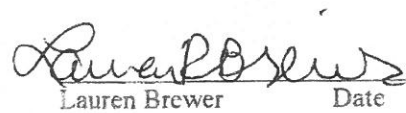
Z Properties | P.O. Box 488 | Winter Park, Fl. 32790  
407.929.3303 | zane@zpropertiesinc.com

All work will be constructed to code and fully inspected by the City of Winter Park.  
Additionally, Z Properties, at their expense shall hire an independent landscape contractor and engineer to fully inspect all new work in place including but not limited to Grading, Irrigation, Sod, Curbs, Sidewalks, Fencing, and any other work performed by Z properties.

Thank you,

  
\_\_\_\_\_  
Zane Williams      9/26/16  
Date

  
\_\_\_\_\_  
Joel Brewer      9/26/16  
Date

  
\_\_\_\_\_  
Lauren Brewer      9/26/16  
Date

Z Properties | P.O. Box 488 | Winter Park, FL 32790  
407.929.3303 | zane@zpropertiesinc.com

Z

September 26, 2016

William Crosby  
150 Oakwood Way  
Winter Park, Fl. 32789

Re: Oakwood Cul-de-sac

Dear Mr. Crosby,

We currently have the property adjacent to yours, 200 Oakwood Way, under contract. We are proposing a lot split of this property. This letter will provide acknowledgement to the city that you approve of this split.

Z Properties will make the following improvements to the property:

- Remove all curbing at cul-de-sac

- Removal of brick roadway

- Add additional fill dirt and re-grade street

- New irrigation system and sod for 150 Oakwood Way and 151 Rockwood Way

- New fencing for 150 Oakwood Way and 151 Rockwood Way

- New curbing

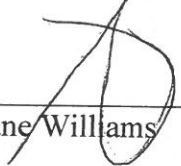
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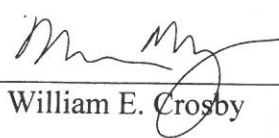
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Z Properties | P.O. Box 488 | Winter Park, Fl. 32790  
407.929.3303 | zane@zpropertiesinc.com

All work will be constructed to code and fully inspected by the City of Winter Park. Additionally, Z Properties, at their expense shall hire an independent landscape contractor and engineer to fully inspect all new work in place including but not limited to Grading, Irrigation, Sod, Curbs, Sidewalks, Fencing, and any other work performed by Z properties.

Thank you,

  
\_\_\_\_\_  
Zane Williams                      9/26/16  
Date

  
\_\_\_\_\_  
William E. Crosby                      9/26/16  
Date

November 1, 2016

James and Rebecca Alessandro  
160 W. Rockwood Way  
Winter Park, Fl. 32789


Re: Oakwood Cul-de-sac

Dear Jeff Briggs,

We are property owners at 160 W. Rockwood and we received notice of the lot split of 200 Oakwood Way. We are in favor of the lot split and re-development of the poorly maintained cul-de-sac as it will add value to all surrounding properties.

Thank you,

  
James Alessandro  
11/1/16  
Date

  
Rebecca Alessandro  
11/1/16  
Date

## Jeffrey Briggs

---

**From:** jarvisd3@aol.com  
**Sent:** Monday, October 31, 2016 1:32 PM  
**To:** Mayor and Commissioners; Jeffrey Briggs  
**Subject:** Z Properties Variance Request



October 30, 2016

221 Oakwood Way  
Winter Park, FL 32789

James Johnston, Chairman  
Planning and Zoning Board  
401 Park Avenue, South  
Winter Park, FL 32789

Dear Mr. Johnston:

I received a Public Notice concerning the property located at 200 Oakwood Way and the plans being made by Z Properties Group with respect to this lot. The Notice indicated a request for a variance made by Z Properties in order to proceed with their desire to build 2 houses, each of approximately 5,000 sq. ft., to replace the current single dwelling. The purpose of my letter is to inform the Planning and Zoning Board and the Commission of my opposition to Z Properties's variance request.

The Vision Statement for the City of Winter Park indicates a commitment to maintaining the character of the City. A sampling of adjectives incorporated in the web site text includes but is not limited to: esteemed old communities, historic, charming features, and tree lined. Additional remarks included in this Vision for Winter Park also claim that the City cherishes its traditional scale and charm. I am most confused. These words do not reflect the current building trend in this area. I challenge the board to take a "field trip" to Rockwood Way, face due west and notice the size and character of the new house located at 100 Forrest Road. Then, walk about a half block to W. Rockwood Way, and consider the two homes currently under construction as well as the two recently completed houses. I can't fathom any architect who could honestly say that these homes fit the size, historical feel, or charm of this area in Old Winter Park. Additionally, there are two other lots on E. Rockwood Way where the original homes have been razed and are prepared for two more new houses to be constructed. City leaders are bound to support and enforce this Plan that "seeks growth through a collaborative process that protects the City's timeless scale and character". Approving variances that do not adhere to the parameters of the City's Test, Plan and Vision while simultaneously demolishing the homes upon which the standard was based are effectively creating a different baseline thereby mathematically altering the mean and median standards for variances. Soon, sections of Winter Park will be a mere repetition of Baldwin Park where descriptive adjectives could include big, angular, heavy, sterile, and high density. Unfortunately, the houses Z Properties plans to build are in alignment with the Baldwin Park descriptors with an emphasis on big, very big and not with those presented in the Vision Statement of the City of Winter Park. And, what happened to the trees on these overbuilt lots? Soon, "The City of Trees" moniker will have to be refocused to "The City of Big Homes" title.

My other concern involves the eradication of "the circle". The packet from the Planning and Zoning Board states that the circle was "vacated". How and why does one vacate a circle? What possessed the City of Winter Park to cease taking care of the curbs, roads and green space in a neighborhood? Is that not part of the responsibility of cities? Is the same situation repeated at Randall Circle located on the next block between Dana Way and Glenridge Road? These two circles are of the same approximate, size, placement within the city block, and function. Who or what had the power to treat one piece of land differently than the other? The three homes on Champion Circle have been bought and sold and bought again for 80 years. The past and present purchasers of these properties certainly had to have been aware of their property boundaries. Actually, it's very possible that previous owners realized the true value of Champion Circle in that it provided for them a guarantee that no one could build right on top of them, a concern about which most of us have no guarantee. The homeowners of these three properties also had to be aware that other private individuals (neighbors, friends and those doing business in this area) were using their property on a regular basis. No complaints or petitions for the cessation of this adverse practice were ever made known. This circle has "championed" friendship and a sense of community. It has been the site for birthday parties and egg hunts, neighborhood covered dish dinners, children playing

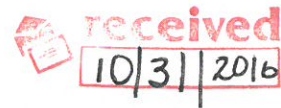
hide and seek, young people riding bikes around and around away from the threat of the direct traffic on the two primary streets, dogs walked, shared glasses of wine, and it is a grave site for Sandy (the dog) who is buried under the oak. What's truly unfortunate is that two of the current homeowners on the circle (151 E. Rockwood Way and 150 Oakwood Way) have no history at this location. They have not lived in this area very long, and therefore have no awareness of the best aspects Champion Circle encourages. The people maintaining the lot sought by Z Properties 200 Oakwood Way) are temporary residents. They have been at this location just long enough to take care of matters involving the death of Mrs. Elizabeth, her mother. So, they understandably would have little or no concern about the eradication of the circle, division of lots or homes to be built. The Plan states that the City values "a taste of the good life", protecting intangible qualities, pedestrian enhancement, making it easy for kids to find balanced creative play, and the commitment to increase the appeal of communities to residents, attracting and retaining families. The Champion Circle has support and continues to support each of those stated visions.

It seems a bit presumptuous that Z Properties took it upon themselves to approach, explain their intentions, make promises concerning payments, and acquire signatures of the circle homeowners before any public meetings or discussions have been held or any recommendations or decisions have been made by the Planning and Zoning Board or the City Commission.

So, for the reasons mentioned above and others too numerous to include in this letter, I am not in favor of the efforts of Z Properties to acquire a variance- no lot splitting, not two houses, no circle demolition. The primary benefactors of this variance would be for the financial gain of Z Properties and the positive tax impact for the City. I would like to see the City of Winter Park work with Z Properties to approve a tasteful home that can be built within the current specifications set forth and established by the Zoning Test and the Comprehensive Plan Test. Finally, the City web site states that growth pressure will continue in our city. But, it also says that Winter Park is "far from built out". Perhaps there's an alternative lot that better suits Z Properties desires.

Respectfully,

DTJarvis



Glenna Harmon

151 Oakwood Way  
Winter Park, FL 32789

October 30, 2016

Planning and Zoning Commission  
Winter Park, FL 32789

Dear Commissioners,

I recently received a Public Notice regarding the proposed construction by Z Properties Group at 200 Oakwood Way. The plans include dividing the current lot and building two homes, requiring a variance for lot width of 83 feet each. The zoning regulations require 100 feet.

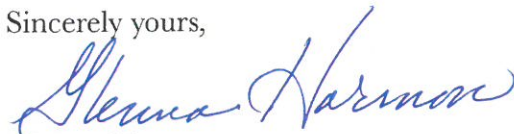
My greatest objection to the proposed plan is the orientation of these two homes. Oakwood residents would view the driveway, garage, fence, and rear wall of the houses. I know of no other home in our area or of all of Winter Park that has the rear of the house facing a residential street.

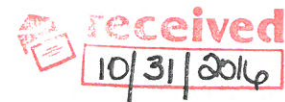
I also would be disappointed to lose Champion Circle and its trees and park. There are similar circle parks on Randall Circle, Reading Way and Kings Way. We would be losing a historical community asset which draws the neighborhood together.

The proposed houses are very large, approximately 5,000 square feet each on 1/4 acre lots, leaving no room for landscaping or trees. They overwhelm the scale and character of the immediate neighborhood, altering the charm and the feel of the street and the Lake Sue community.

Finally, in making your recommendation, I ask you to please consider how you would feel if this plan were affecting the view from your front porch.

Sincerely yours,

  
Glenna Harmon



Keith M. Kasen

150 E. Rockwood Way  
Winter Park, FL 32789

October 31, 2016

Planning and Zoning Commission  
Winter Park, FL 32789

Dear Commissioners,

I am writing about the proposed construction by Z Properties Group at 200 Oakwood Way. Their plan calls for dividing the lot into two parcels and building two story houses that cover all available property with construction.

We moved into our home in October of 2008. Part of the reason for selecting the property was the long view afforded from the front of the house of Champion Circle. The plan you are considering, if approved, would block the view and replace it with two large homes in close proximity.

The design is quite unusual. I know of no other area where houses are positioned so that the rear of the house is facing a street (Oakwood).

If approved, the charm and feel of the neighborhood will suffer and I believe decrease our property value.

Sincerely,

Keith M. Kasen



Anthony Azzollini  
230 E. Rockwood Ave  
Winter Park, Florida 32789

October 28, 2016

James Johnston, Chairman  
Planning and Zoning Board  
Jeffrey Briggs, City Manager  
401 Park Avenue, South  
Winter Park, FL 32789

Jeffrey Briggs [Jbriggs@cityofwinterpark.org]

Dear Mr. Briggs & Chairman Johnson,

Recently we received a Public Notice regarding the property at 200 Oakwood Way which is located ACROSS THE STREET from the property that I currently own. I am writing you this letter to make my position known to members of the Zoning Board as well as the City Commission that as an owner in very close proximity we APPROVE and SUPPORT the proposed lot split.

We feel this proposal will significantly enhance the neighborhood. I believe that this lot split is appropriate for the following reasons:

It would be more compatible with the neighborhood to have two smaller homes rather than one massive home that could possibly be built on such a large lot.

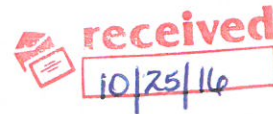
The current home located at 200 Oakwood is an older residence, not well maintained, and not adding anything architecturally to the community.

Splitting the lot into two parcels will be more compatible to the smaller narrow 70 foot lots located access the street on both Oakwood and Rockwood.

There will be a benefit to remove the private access road that connects Oakwood & Rockwood has little use and a little confusing at times.

Thanking you in Advance

  
ANTHONY AZZOLLINI



October 25, 2016

250 Oakwood Way  
Winter Park, FL 32789

James Johnston, Chairperson  
Jeff Briggs, Manager  
Planning and Zoning Commission  
Winter Park, FL 32789

Dear Commissioners:

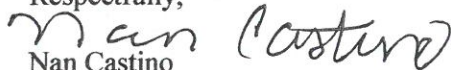
This past week we received a Public Notice regarding the property at 200 Oakwood Way which is adjacent to my home. Specifically, a variance is sought by Z Properties Group to subdivide the lot, enabling them to build two homes at that location. In order to proceed with the project, variances are needed to allow 83 feet of lot width for each job site. The current R-1AA zoning requirement is 100 feet of lot width.

The purpose of this letter is let you and members of the Commission know that residents in close proximity to the above property, object to the proposed variance. I expect that each will make their concerns known to the Commission in a manner of their own choosing, however, we are generally agreed on the following:

- These two homes are very large for the proposed lot size (approximately 5000 sq ft each) and would look out of place
  - The proposed construction will straddle the entire strip of land between Oakwood Way and Rockwood Way, resembling shotgun-style homes
  - There are no other homes in the Charmont neighborhood with such an orientation
  - On the corners of both Oakwood and Rockwood, bordering on the property, are two large two-story homes. Placing two more in such proximity creates an appearance inconsistent with the surrounding neighborhood, suggesting high density zoning
  - Oakwood residents will only see the back wall and garage – reminiscent of Baldwin Park alley ways
  - The proposed project, if completed, may adversely affect surrounding property value
  - The variance sets a precedent with the potential to alter the character and charm of old Winter Park neighborhoods
- In addition to the above concerns shared with me by my neighbors, I have concerns of particular importance to me. The proposed homes will overlook my pool, my family room and create a direct sight line into my master bedroom on the second floor of my home, thus destroying my privacy.

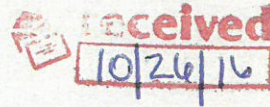
The important issue of whether or not the Commission approves or denies the requested variance has the attention of residents from both affected streets. Those of us who are able, plan on attending the November 1<sup>st</sup> and 28<sup>th</sup> meetings and, if appropriate, would be available to speak about our objections.

Respectfully,

  
Nan Castino

October 24, 2016

251 Oakwood Way  
Winter Park, FL 32789



James Johnston, Chairman  
Planning and Zoning Board  
401 Park Avenue, South  
Winter Park, FL 32789

Dear Mr. Johnston:

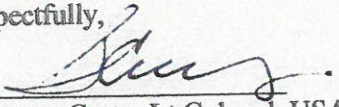
This past week we received a Public Notice regarding the property at 200 Oakwood Way which is across from our home. Specifically, a variance is sought by Z Properties Group to subdivide the lot, enabling them to build two homes at that location. In order to proceed with the project, variances are needed to allow 83 feet of lot width for each job site. The current R-1AA zoning requirement is 100 feet of lot width.

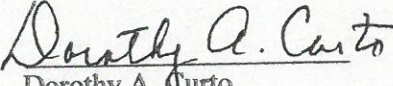
The purpose of this letter is to let members of the Zoning Board, as well as the City Commission, know that residents in close proximity to the above property object to the proposed variance. While each will make their concerns known to the Commission in a manner of their own choosing, we are generally agreed on the following:

- These two homes are very large for the proposed lot size (approximately 5000 sq ft each) and would look out of place
- The proposed construction will straddle the entire strip of land between Oakwood Way and Rockwood Way, resembling shotgun-style homes
- There are no other homes in the Charmont neighborhood with such an orientation
- On the corners of both Oakwood and Rockwood, bordering on the property, are two large two-story homes. Placing two more in such proximity creates an appearance inconsistent with the surrounding neighborhood, suggesting high density zoning
- Oakwood residents will only see the back wall and garage – reminiscent of Baldwin Park alley ways
- If the existing property were divided along an east-west axis (instead of north-south), two homes could be built back-to-back and would compliment both streets
- The project, if completed as proposed, may adversely affect surrounding property value
- The variance sets a precedent with the potential to alter the character and charm of old Winter Park neighborhoods

The important issue of whether or not the Commission approves or denies the requested variance has the attention of residents from both affected streets. Those of us who are able, plan on attending the November 1<sup>st</sup> and 28<sup>th</sup> meetings and, if appropriate, would be available to speak about our objections.

Respectfully,

  
Salvatore Curto, Lt.Colonel, USAF, Ret.

  
Dorothy A. Curto

Cc: [mayorandcommissioners@cityofwinterpark.org](mailto:mayorandcommissioners@cityofwinterpark.org)  
[jbriggs@cityofwinterpark.org](mailto:jbriggs@cityofwinterpark.org)

## Jeffrey Briggs

---

**From:** ibk1000@gmail.com  
**Sent:** Monday, October 31, 2016 7:36 PM  
**To:** Zane Williams; Jeffrey Briggs  
**Subject:** Fwd: Proposed lot split at 200 E Rockwood Way

Sent from my iPhone

Begin forwarded message:

**From:** "Spoonhour, James" <[James.Spoonhour@lowndes-law.com](mailto:James.Spoonhour@lowndes-law.com)>  
**Date:** October 31, 2016 at 6:45:04 PM EDT  
**To:** "'ibk1000@gmail.com'" <[ibk1000@gmail.com](mailto:ibk1000@gmail.com)>  
**Subject:** Proposed lot split at 200 E Rockwood Way

Ira: As we discussed today, my wife and I own the neighboring house at 241 E. Rockwood Way. We have no objection to your proposed lot split and think your proposed houses will be a good upgrade to the neighborhood. If there is any way to save the large oak behind our garage, that would be sincerely appreciated. Best wishes for your project. Jim Spoonhour 407-474-1383 (cell)

### James M. Spoonhour

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.  
215 North Eola Drive  
Orlando, FL 32801  
Phone: 407-418-6300  
Fax: 407-843-4444  
email: [james.spoonhour@lowndes-law.com](mailto:james.spoonhour@lowndes-law.com)  
website: [www.lowndes-law.com](http://www.lowndes-law.com)

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**STENSTROM, McINTOSH, COLBERT & WHIGHAM, P.A.**  
ATTORNEYS AND COUNSELORS AT LAW

WILLIAM L. COLBERT  
FRANK C. WHIGHAM

KENNETH W. MCINTOSH  
-RETIRED-  
ROBERT K. MCINTOSH  
-RETIRED-

DOUGLAS STENSTROM  
(1921-2010)  
THOMAS E. WHIGHAM  
(1952-1988)

1001 HEATHROW PARK LANE  
SUITE 4001  
LAKE MARY, FLORIDA 32746  
PHONE: (407) 322-2171  
FAX: (407) 330-2379  
WWW.STENSTROM.COM

**OF COUNSEL**

LONNIE N. GROOT  
DAVID W. HALL  
RAYMOND J. BRANCH III  
STACEY R. SPRINGER  
JENNIFER D. COCKCROFT  
CLAUD B. NELSON, III

January 5, 2017

A. Kurt Ardaman, Esquire  
Fishback Dominick  
1947 Lee Road  
Winter Park, Florida 32789

**SUBJECT:** Request for Continuance; Request For Subdivision; 200 Oakwood Way;  
Taking Of Rights Relative To Champions Circle; Z Properties Group, Inc.;  
Zane L. Williams

Dear Kurt:

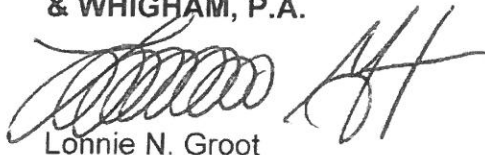
The purpose of this letter is to acknowledge that it is understood by the many citizens involved in the subject matter and opposed to the application that a continuance of the January 9, 2017 hearing relative to the matter will occur in view of the now-scheduled community meeting to be held on January 11, 2017 and be hosted by Commissioner Seidel.

We plan on being actively involved in this matter in each step of the process.

Thank you for your attention to this matter.

Respectfully,

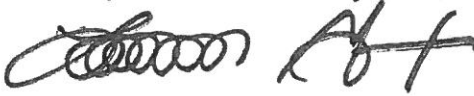
**STENSTROM, McINTOSH, COLBERT,  
& WHIGHAM, P.A.**



Lonnie N. Groot

# MEMORANDUM

Stenstrom, McIntosh, Colbert & Whigham, P.A.  
1001 Heathrow Park Lane, Suite 4001  
Lake Mary, Florida 32746  
(407) 322-2171

**To:** Honorable Mayor and City Commission, City of Winter Park  
**From:** Lonnie N. Groot   
**Date:** January 7, 2017  
**Subject:** Champion Circle; Subdivision of Land  
**Copy To:** A. Kurt Ardaman, Esquire, City Attorney

## A. OUTLINE OF MEMORANDUM:

This memorandum is organized into this section and the following sections:

- B. INTRODUCTION:
- C. EXECUTIVE SUMMARY:
- D. THE APPLICATION UNDER REVIEW/SUBDIVISION OF LAND:
  - (1). The Application Is A Subdivision Of Land Subject To Processes And Procedures:
  - (2). If The Street Was Vacated; The City Has Caused Title To Be Revested:
  - (3). The Park Was Never Vacated:
  - (4). The Private Rights Of Owners Within The Subject Plat:
  - (5). Additional Significant Legal Issues That Arise:
- E. SUMMARY/CONCLUSION:

## B. INTRODUCTION:

This memorandum relates to a subdivision application. That is, the application relates to the subdivision of real property. In this case, the subdivision of land relates to previously subdivided (platted) lands.

It is important to note at the inception that the best view of the factual scenario for the applicant results in the following:

(1). The applicant owns the roadway of Champion Circle subject to the private rights of all persons owning real property that is subject to the 1925 plat of *Charmont Winter Park* as recorded at Plat Book L/1012, Page 93 of the Public Records of Orange County, Florida.

(2). The City or those owning rights under the provisions of the 1925 plat of *Charmont Winter Park* as recorded at Plat Book L/1012, Page 93 of the Public Records of Orange County, Florida own the circular park area located in the middle of the street.

Again, this is the best case scenario for the applicant. As will be seen from the following, the opponents to the application have sound and persuasive legal positions which, if need be, can be the subject of prolonged legal disputes. That need not occur, however, if the application is denied.

#### **C. EXECUTIVE SUMMARY:**

The application under review is a subdivision of land that has not been processed in accordance with the City's own Code or controlling State law. In any event, the application cannot be approved on the basis of many other legal problems inherent in the application. The park in the midst of Champion Circle was never vacated. That fact alone thwarts the pending application. The park is either a public park or a non-public park in which many property owners owning property within the plat of *Charmont Winter Park* have rights. If the street was vacated, the actions of the City have caused title in the street to be revested in the City and the City continues to have ownership rights. Thus, the street would need to go through the vacation process in order for the pending subdivision application to be filed. Even assuming that the public does not have ownership rights in the park area or the subject street, numerous property owners in the area of Champion Circle have private legal rights in both the park and the street. If the City were to take those rights, the property owners would be entitled to full and just compensation. The application is, in any event, not consistent with the City's *Comprehensive Plan* and approval of the application would be inherently unlawful as a result. The City faces a significant and expensive legal battle if it were to erroneously grant the application.

#### **D. THE APPLICATION UNDER REVIEW/SUBDIVISION OF LAND:**

##### **(1). The Application Is A Subdivision Of Land Subject To Processes And Procedures:**

Section 58-371 of the *City Code* provides the definitions for Article VI the City's *Land Development Code*<sup>1</sup> which relates to the regulation of the subdivision of property and lot

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<sup>1</sup> Chapter 58 of the *City Code* contains the City's *Land Development Code*.

consolidation of properties. There are no provisions of the *Land Development Code* relating to lot splits to the extent that are present relative to lot consolidations.<sup>2</sup>

Section 58-371 of the *City Code* does define the term "lot split" to mean "subdivision." The term "subdivision" is defined to mean:

" . . . land, vacant or improved, which is subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument."

Thus, the lot split application that is being discussed herein is clearly a subdivision application and must be treated in every respect as one. That is the entirety of Chapter 58 of the *City Code* is applicable as are the provisions of controlling State law.

Inasmuch as the application under discussion which has been submitted to the City requests the City to approve a development order relating to the subdivision of real property; Part I of Chapter 177, *Florida Statutes*, is applicable. Section 177.011, *Florida Statutes*, relates to the purpose and scope of Part I of Chapter 177, *Florida Statutes*, and states as follows:

This part shall be deemed to establish consistent minimum requirements, and to create such additional powers in local governing bodies, as herein provided to regulate and control the platting of lands. This part establishes minimum requirements and does not exclude additional provisions or regulations by local ordinance, laws, or regulations.

The proposed action is not an initial platting of property, but is, instead, the replatting of previously platted property. Section 177.081, *Florida Statutes*, relates to the dedication and approval of plats and requires, in pertinent part, as follows:

- (1) . . .
- (2) Every plat of a subdivision filed for record must contain a dedication by the owner or owners of record. **The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed.** All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate

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<sup>2</sup> Perhaps that is why the staff report for the City Commission agenda relative to this matter is without citation to any provision of the *Land Development Code*.

instrument joining in and ratifying the plat and all dedications and reservations thereon.

(3) . . .

(**Emphasis** added).

Further, since the proposed subdivision relates to previously platted property, it is a replat of the prior plat. Accordingly, Section 177.051, *Florida Statutes*, relating to the name and replat of subdivisions, is applicable. That provision states that:

(1) Every subdivision shall be given a name by which it shall be legally known. For the purpose of this section, that name is the "primary name." The primary name shall not be the same or in any way so similar to any name appearing on any recorded plat in the same county as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is further divided as an additional unit or section by the same developer or the developer's successors in title. In that case, the additional unit, section, or phase shall be given the primary name followed by the unit, section, or phase number. Words such as "the," "replat," or "a" may not be used as the first word of the primary name. Every subdivision's name shall have legible lettering of the same size and type, including the words "section," "unit," or "phase." If the word "replat" is not part of the primary name, then it may be of a different size and type. The primary name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name.

(2) **Any change in a plat, except as provided in s. 177.141, shall be labeled a "replat," and a replat must conform with this part.** After the effective date of this act, the terms "amended plat," "revised plat," "corrected plat," and "resubdivision" may not be used to describe the process by which a plat is changed.

(**Emphasis** added).

Accordingly, based upon the foregoing, assuming that all those owning interests in the properties platted as *Charmont Winter Park* agreed with the applicant, the applicant would be required to:

(1). Have all persons, corporations, or entities owning interests in the properties platted as *Charmont Winter Park* execute the dedication as to the replat.

(2). Comply with all of the procedures and processes of Chapter 58 of the *Land Development Code*.

(3). Comply with all of the procedures and processes of Part I, Chapter 177, *Florida Statutes*.

**(2). If The Street Was Vacated; The City Has Caused Title To Be Revested:**

First, it is significant to note that the 1936 ordinance purporting to vacate the subject street was enacted under a process that would not be lawful today. In modern procedures since the municipalities of the State were granted home rule powers, ordinances require two readings and an advertised public hearing. The 1936 City Commission dispensed with a second reading and there appears to have been no public notice provided.

Section 95.361, *Florida Statutes*, pertains to roads presumed to be dedicated to public entities such as the City. The subject street may not have been constructed by the City<sup>3</sup>, but that would not affect the fact that the City still has the road within its jurisdictional responsibility as part of its City street system<sup>4</sup>: Subsection 95.361, *Florida Statutes*, provides that:

(1) **When a road, constructed by a county, a municipality, or the Department of Transportation, has been maintained or repaired continuously and uninterruptedly for 4 years by the county, municipality, or the Department of Transportation, jointly or severally, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained for the prescribed period, whether or not the road has been formally established as a public highway. The dedication shall vest all right, title, easement, and appurtenances in and to the road in:**

- (a) The county, if it is a county road;
- (b) **The municipality, if it is a municipal street or road;** or
- (c) The state, if it is a road in the State Highway System or State Park Road System, whether or not there is a record of a conveyance, dedication, or appropriation to the public use.

(2) **In those instances where a road has been constructed by a nongovernmental entity, or where the road was not constructed by the entity currently maintaining or repairing it, or where it cannot be determined who constructed the road, and when such road has been regularly maintained or repaired for the immediate past 7 years by a county, a municipality, or the Department of Transportation, whether jointly or severally, such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway.** This subsection shall not

<sup>3</sup> There appears to be historical evidence, however, that the New Deal Federal agency, the Works Progress Administration, constructed the brick road on behalf of the City.

<sup>4</sup> The term "city street system" is defined in Section 334.03 (3), *Florida Statutes*, to mean "... all local roads within a municipality, and all collector roads inside that municipality, which are not in the county road system."

apply to an electric utility, as defined in s. 366.02(2). The dedication shall vest all rights, title, easement, and appurtenances in and to the road in:

- (a) The county, if it is a county road;
- (b) The municipality, if it is a municipal street or road; or
- (c) The state, if it is a road in the State Highway System or State Park Road System, whether or not there is a record of conveyance, dedication, or appropriation to the public use.

(3) ...

(4) ...

(5) ...

**(Emphasis added).**

Section 334.03 (23), *Florida Statutes*, defines the term "routine maintenance" to mean as follows:

... minor repairs and associated tasks necessary to maintain a safe and efficient transportation system. **The term includes:** pavement patching; shoulder repair; **cleaning and repair of drainage ditches**, traffic signs, and structures; mowing; bridge inspection and maintenance; pavement striping; **litter cleanup; and other similar activities.**

It is without dispute that the City has been involved in maintenance such as street sweeping for well over 7 years. For example, please see the attached affidavits of various property owners relative to properties owned proximate to Champion Circle. Indeed, we believe that a case may be able to be made that the road has been maintained by the City decades.

Accordingly, the subject City street is, in fact, a City street within its jurisdiction and control. If a party desires to vacate the street, a new application must be filed. The 1936 action is of no legal effect.

### **(3). The Park Was Never Vacated:**

The *City Charter* in effect in the City at the time of the purported 1936 street vacate did allow for the vacation of streets, but did not provide for the vacation of parks. Thus, the 1936 ordinance had no effect on the circular park located within the street. The *City Charter* in effect in 1936 did provide authority for the City Commission "to beautify the streets, parks and public thoroughfares of the City by the planting of trees, palms and shrubbery".<sup>5</sup> Indeed, the 1936 ordinance relates only to a street fifty feet in width.

In any event, as stated in Advisory Legal Opinion Number AGO 83-51 dated August 12, 1983, issued to Irvin S. Cowie, County Attorney for Polk County, the Florida Attorney General determined that platted parks may be vacated, but only in the process of the platting statutes as discussed above. Also, the Attorney General stated that "application must be made by persons holding fee simple title to all or part of the

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<sup>5</sup> See, Chapter 11325, *Laws of Florida* (1925), as amended.

said plat, and such persons must show that such annulment or vacation will not affect the ownership or right of convenient access of persons owning other parts of the subdivision."

Also, in Advisory Legal Opinion Number AGO 2005-11, dated February 9, 2005, issued to Garth Collier, Hernando County Attorney, the Florida Attorney General concluded that:

. . . pursuant to section 177.101(3), *Florida Statutes*, a county on its own motion may not vacate easements or rights-of-way that are dedicated by plat for a public purpose, but **must act upon the application of fee simple title landowners of the whole or that part of the tract covered by the plat sought to be vacated.** (*Emphasis added*).

The park located within the subject street was not vacated. It would be most problematic, if not impossible, to implement a vacation of that park.

**(4). The Private Rights Of Owners Within The Subject Plat:**

One matter that tends to be overlooked by the cursory statement that the property owners whose property is the subject own insured title is that a normative exception to all title policies relating to platted property reads substantially as follows:

Subject to the restrictions, covenants, conditions, easements and other matters as contained on the Plat of XXXXX, recorded in Plat Book X, Page X, of the Pubic Records of X County, Florida.

Assuming the validity of the 1936 ordinance, that ordinance did not serve to vacate private rights of the other lot owners within *Charmont Winter Park* relative to the subject street and the park. Florida law is clear on that point.

In *Powers v. Scobie*, 60 So. 2d 758, (Fla 1952), the Florida Supreme Court held that when property is platted, two separate types of rights are created. First, to the extent that a plat dedicated any areas such as streets, alleys, parks, etc., to the public, by acceptance of the plat the public has rights to use the areas so dedicated.

Secondly, and most important in this matter, by the sale of lots within the plat of *Charmont Winter Park*, each lot owner is vested with a private right and easement to use all such areas. That is, the owners of lots within the plat of *Charmont Winter Park* to the subject street and park, regardless of any purported action by the City.

The City may have some legal ability give up the rights of the public, the private rights of private property owners cannot be vacated or otherwise eliminated by action of the City (unless it wishes to exercise the power of eminent domain and condemn them and paying full and just compensation to each property owner as required by the

*Constitution of the State of Florida*<sup>6</sup>). With respect to streets shown on the plat of *Charmont Winter Park* only those lot owners who are reasonably benefitted by such streets have these rights. In this case, owing to the configuration of the streets within the plat of *Charmont Winter Park*, it is apparent that the number of property owners so benefitting would be numerous.

However, with respect to park areas and similar areas, every owner within the plat of *Charmont Winter Park* possess these rights, regardless of where their lot is located. It is a fact that the subject street, Champions Circle and the park have been in continuous use both by members of the public and by owners of lots within the plat of *Charmont Winter Park*. Even if this continuous use was not the case, the private rights of the lot owners would remain intact with respect to each square inch of Champions Circle and the park.

Again, the City is not merely adjudicating the development desires of the applicant, but, far more substantially, the property rights of all owners of property located within the plat of *Charmont Winter Park*. Granting the application would violate the fundamental due process rights of the property owners owning property within plat of *Charmont Winter Park* and take their private property rights without compensation.

The Title Notes published by Attorneys Title Insurance Fund, Inc. are a well-established source in analyzing real property title issues in the State of Florida. They are considered essential reading for attorneys involved in Florida title issues and cross-reference the Uniform Title Standards published by the Real Property, Probate and Trust Law Section of The Florida Bar. Numerous Title Notes support the analysis set forth in this part of this memorandum. The following are provided in that regard:

*TN<sup>7</sup> 24.01.01 Acceptance and Revocation of Dedication (Rev. 12/08)*

When property is platted and sold, two kinds of rights are created in the streets. Public rights are acquired by the offer and acceptance of a dedication of the streets. **Private rights are acquired by purchasers of lots which are described by reference to the plat.**

A. Public Rights: 1. Before 1971. Prior to September 1, 1971, the public did not acquire rights in the streets until the offer to dedicate was accepted, either by a formal acceptance by the proper authorities or by an implied acceptance by public use. No express dedication was necessary except where necessary for approval by the governing body.

a) Common-Law Dedication. A common-law dedication is the setting apart of land for public use. There must be (1) an intention by the owner to dedicate the property to public use, and (2) an acceptance by the public. *City of Miami Beach v. Miami Beach Improvement Co.*, 14 So. 2d 172 (Fla. 1943). An offer to dedicate streets may be implied from the filing of a plat showing the streets unless the plat recited a contrary intention. The

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<sup>6</sup> Together with expert fees, attorneys fees and costs incurred by the property owners. See, Chapter 74, *Florida Statutes*, and Article I, Section IX and Article X, Section 6 of the *Constitution of the State of Florida*.

<sup>7</sup> "TN" means, of course, "Title Note".

burden of establishing acceptance is on the person asserting it. See Robinson v. Town of Riviera, 25 So. 2d 277 (Fla. 1946); and Brooks-Garrison Hotel Corp. v. Sara Inv. Co., 61 So. 2d 913 (Fla. 1953). The mere approval of a plat by a county commission, or other governing body, or by a representative thereof as a prerequisite to its recordation does not constitute a formal acceptance of the dedication. Board of County Com'rs v. F.A. Sebring Realty Co., 63 So. 2d 256 (Fla. 1953). An ordinance vacating a street was not evidence of a previous acceptance of it. Twenty-Third Street R. Corp. v. City of Miami Beach, 191 So. 464 (Fla. 1939).

b) Partial Improvement. A subdivision platted in the 1920's dedicated certain 50-foot rights-of-way to the city. These were never formally accepted. The city has improved one of the rights-of-way but only to the extent of 40 feet. See Smith v. City of Melbourne, 211 So. 2d 66 (Fla. 4th DCA 1968), (a common-law dedication of the east 30 feet could be an acceptance of the full width of the easement without improving or repairing the entire amount offered for dedication).

c) Revocation. A subdivider or his successor in title could revoke a dedication which amounted only to an offer to dedicate at any time before formal 24 - 4 Plats and Streets acceptance, or before an implied acceptance by use, of the offer to dedicate. Marion County v. Gary, 88 So. 2d 749 (Fla. 1956). However, the revocation was not effective without the consent of the owner of other lots and blocks in the subdivision who had a private easement in the streets. Weber v. City of Hollywood, 120 So. 2d 826 (Fla. 2d DCA 1960). An ordinance vacating a street was not evidence of a previous acceptance of it. Twenty-Third Street R. Corp. v. City of Miami Beach, 191 So. 464 (Fla. 1939). 2. After 1971. After September 1, 1971, the dedication of streets, alleys, easements, rights-of-way and public areas is complete on approval by the governing body and the recordation of the plat. Sec. 177.081, F.S.

#### **B. Private Rights**

1. **Description by reference to map or plat. Persons acquiring lots described by reference to a plat acquire private implied easements over the streets shown on the plat. Mumaw v. Roberson, 60 So. 2d 741 (Fla. 1952); Enos v. Casey Mountain, 532 So. 2d 703 (Fla. 5th DCA 1988); and Southeast Seminole Civic Association v. Adkins, 604 So. 2d 523 (Fla. 5th DCA 1992).** Conversely, persons acquiring land described without reference to the plat acquire no implied easement over the streets shown on the plat. City of Miami v. Florida East Coast R. Co., 84 So. 726 (Fla. 1920); Brooks-Garrison Hotel Corp. v. Sara Inv. Co., 61 So. 2d 913 (Fla. 1953); and Feig v. Graves, 100 So. 2d 192 (Fla. 2d DCA 1958). **Under the old so-called broad or unity rule which was followed in early Florida cases, such a purchaser acquired an unconditional private easement in the streets, parks, etc., and the right to insist that such areas be kept open. See Price v. Stratton, 33 So. 644 (Fla. 1903); Florida East Coast Ry. Co. v. Worley, 38 So. 618 (Fla. 1905);**

and City of Miami v. Florida East Coast Ry. Co., 84 So. 726 (Fla. 1920).

2. Streets: Beneficial Rule. The Supreme Court modified its position as to streets and alleys. In *Powers v. Scobie*, 60 So. 2d 738 (Fla. 1952), the court held that the broad rule previously followed was impractical in Florida where so many wild and unimproved lands had been subdivided but remained in the same unimproved condition for many years. Therefore, the court adopted the intermediate view referred to as the beneficial or complete enjoyment rule to the effect that the extent of a grantee's private right of user in streets and alleys shown on the plat is limited to such streets and alleys as are reasonably and materially beneficial to the grantee and of which the deprivation would reduce the value of his lot. The case was followed in Harbor View #7, Inc. v. Willson, 120 So. 2d 453 (Fla. 2d DCA 1960); and Weber v. City of Hollywood, 120 So. 2d 826 (Fla. 2d DCA 1960). The beneficial rule does not apply to new subdivisions. Application of the rule to old subdivisions depends upon off-the-record facts, must be determined on a case-by-case basis, and may be risky. See *Highland Plats and Streets 24 - 5 Construction, Inc. v. Paquette*, 697 So. 2d 235 (Fla. 5th DCA 1997).

3. Parks, Beaches, etc: Broad Rule. In Powers v. Scobie, 60 So. 2d 738 (Fla. 1952), the Supreme Court limited the beneficial rule to streets and alleys and continued to adhere to the old rule stated in Boothby v. Gulf Properties of Alabama, 40 So. 2d 117 (Fla. 1949), as to parks, beaches, etc. The Powers case was followed by the court in the later case of Brooks-Garrison Hotel Corp. v. Sara Inv. Co., 61 So. 2d 913 (Fla. 1953). See also Dan Dee Corporation v. Samuels, 124 So. 2d 733 (Fla. 2d DCA 1960); Reynolds v. County of Volusia, 659 So. 2d 1186 (Fla. 5th DCA 1995). The rules as stated are clear, but difficulties frequently arise with their application, particularly since under the modified rule, as stated by the court in the Powers case, each situation must be determined on its own particular facts. See TN 24.01.05 for application of legal principles. C. "Private" Dedications Private dedications are not true dedications in the commonly understood meaning of the term, because public use or public purpose is not involved. It is not always clear whether an easement or some right to use is created by the so-called "private" dedication. Fee title is also not conveyed by a "private" dedication, unless the conveyance of the fee is expressed in the private dedication. See Title Standard 11.2 and cases cited therein.

#### TN 24.01.03 Ownership of Vacated Platted Street (Rev. 12/95)

For ownership of vacated unplatted streets, see TN 24.01.08. Platted streets must be vacated by proper governmental action before they can be insured. A Fund Member may rely on a recorded ordinance or resolution of the appropriate governing body, as a release of public rights to the vacated area, provided a specific legal description of it is set forth, and it

states unequivocally that the governmental interest is vacated. Private rights must be considered.

A. Ownership: Dedicator or Remote Grantees After a platted street is vacated, who has better title to the vacated street—the dedicator or the remote grantees, the purchasers of lots abutting the street? The primary Plats and Streets 24 - 7 guide in such situations is the intention of the dedicator as reflected in the dedication. Where there is no specific dedication of streets on a plat or where the dedication is silent as to the reversionary interest after vacation of the streets, the general rule is that the owners of lots abutting the streets take title. The difficulty arises when the dedication contains a reversion clause that may indicate a contrary intention. Dedications of streets often contain a reversion clause such as: . . . reserving to ourselves, our heirs, administrators, executors, or assigns, the reversion or reversions thereof if ever discontinued by law. In *Peninsular Point, Inc. v. South Georgia Dairy Co-op*, 251 So.2d 690 (Fla. 1st DCA 1971), the First District Court of Appeal held that a reversion clause similar to the one set out above manifested a clear intent by the dedicator that upon vacation of the street the title should not revert to the abutting lot owner. Probably to overcome the effect of the *Peninsular Point, Inc.* case, the Florida Legislature enacted Sec. 177.085, F.S., effective July 1, 1972, which provides among other things that the reversionary interest in platted streets is carried to the grantees unless the grantors clearly provide otherwise in the conveyances. Title Standard 11.3 expresses concern with the constitutionality of the purported retroactive application of this statute to plats filed prior to the statute's effective date. *United States v. 16.33 Acres of Land in Cty. of Dade*, 342 So. 2d 476 (Fla. 1977), involved a dedication and reversion clause in a plat filed prior to July 1, 1972. The Fund's opinion is that it controls over the *Peninsular Point, Inc.* unless the holder of the reversionary rights instituted suit as provided for in Sec. 177.085(2). In the *United States* case, the Supreme Court of Florida held that upon conveyance of all the lots in a plat, without clear reservation of the reversionary interest in the deeds, the reversionary interest of the dedicator was distributed among the lot owners and the dedicator had no interest in the property. Therefore, for issuing a title policy, if the dedication contains a reversion clause to the dedicator and all lots were conveyed without reservation of the reversionary interest in the deeds, ownership of the vacated street can generally be insured without an exception for or the clearing of any interest of the dedicator. See Title Standard 11.3.

B. If the reversionary interest in the vacated street remains in the dedicator, the dedicator takes title to the entire street. If, as is the usual situation, the reversionary interest is distributed to the abutting owners, what is the width of their ownership? 1. Interior Streets. The general rule is that the owners of lots abutting an interior street take title to the center of the vacated street. Title Standards 11.4 and 11.5; *Burkart v. City of Fort Lauderdale*, 168 So. 2d 65 (Fla. 1964). 2. Perimeter Streets. With at least

one reported exception, the general rule is that owners of lots abutting a perimeter street take title to the entire width of the 24 - 8 Plats and Streets vacated street. In *Caples v. Taliaferro*, 197 So. 861 at 867 (Fla. 1940), the Supreme Court of Florida stated that when a street is platted on the margin of the grantor's land, a conveyance of the land abutting the street carries the fee to the entire width of the street unless expressly reserved. See also Sec. 177.085, F.S., which provides that a conveyance of lots in a subdivision abutting a right of way or similar strip "shall carry the reversionary interest in the abutting street to the centerline or other appropriate boundary, unless the owner clearly provides otherwise in the conveyance (emphasis added)." An apparent exception to the perimeter street rule is reported in *Calvert v. Morgan*, 436 So. 2d 314 (Fla. 1st DCA 1983). All the land in question was owned at one time by the Woodham Corporation. In 1961, Woodham filed a plat and dedicated to the City of Jacksonville, without reserving the reversionary interest, a perimeter right of way for drainage and utilities on the north margin of the plat. At this time Woodham was the owner of the land immediately north of and contiguous to the right of way. In other words, the rear property lines of the platted land (containing the dedication) and the adjacent land (not containing the dedication) were separated by this right of way. In 1976 Woodham's successor in title to the land lying north of the right of way filed a plat of that land. In 1980, the city abandoned the right of way by ordinance. In this factual situation, the First District Court of Appeal, without citing *Caples* or Sec. 177.085, F.S., held that the abutting lot owners in the southern plat only took title to the center of the vacated right of way. The abutting lot owners in the northern plat took title to the northern portion of the vacated right of way, that is, they took title to land lying beyond the boundary of their plat. The result in *Calvert* may be inconsistent with *Caples*, Sec. 177.085, F.S., and the principle that "reversion rights of a lot adjoining a subdivision boundary extend along the boundary line of the subdivision and cannot extend beyond the boundary line." See *ROBILLARD & WILSON, BROWN'S BOUNDARY CONTROL AND LEGAL PRINCIPLES* (4th ed. 1995), Sec. 8.15. Therefore, for issuing a title policy, if the issue of common ownership is eliminated, ownership of the vacated perimeter street can generally be insured for its entire width in the abutting lot owners of the plat in which the street appears.

**C. Private Rights of Other Lot Owners: Regardless of who owns the reversionary interest and the width of the ownership, the private rights of other owners acquiring lots by reference to the plat must be considered. The vacation of a street by a governmental authority does not eliminate the private rights of other owners acquiring lots "according to the plat." Their interest must be released or an appropriate exception must be made in Schedule B of the policy. An appropriate exception may be: Plats and Streets 24 - 9 The rights of all owners of property described in the plat of Orange Heights, as recorded in Plat Book 6, Page 7, of the Public Records of Palmetto**

**County, Florida, in and to the vacated street contained within the legal description in Schedule A. The persons who should execute a release is determined by the "Beneficial Rule" described in Powers v. Scobie, 60 So. 2d 738 (Fla. 1952) and TN 24.01.01. Under this rule the lot owners who should execute a release is limited to those who would reasonably and materially benefit from use of the street such that deprivation of use would reduce the value of their lot.**

D. Location of Boundaries and Description of Reversionary Interest in Vacated Street 1. Regularly shaped Lots and Streets. If the reversionary interest is distributed to owners of rectangular lots abutting linear streets of uniform width, the location of the boundaries is usually not a problem. In the latter situation, an appropriate description may be: Lot 1, together with that portion of vacated Elm Street abutting and lying between Lot 1 and the centerline of vacated Elm Street, according to the plat of Orange Heights, as recorded in Plat Book 6, Page 7, of the Public Records of Palmetto County, Florida. If the boundaries of the lot and vacated street do not run in cardinal directions, the underwriter hesitates to insure the vacated street portion of "Lot 1, together with the south half of vacated Elm Street lying north of and adjacent to Lot 1." When the boundaries do not run in cardinal directions, the question is whether the vacated street should be divided by a line parallel to the northerly and southerly boundary lines of the vacated street or a line running true east and west. A description similar to the indented one above is preferred. Use of the north one-half, south one-half, east one-half, or west one-half should be avoided unless the original lines were due north, south, east or west. BROWN, BOUNDARY CONTROL AND LEGAL PRINCIPLES (3d ed. 1986), Sec. 7.8. For an analogous situation, see TN 13.01.02. 2. Irregularly Shaped Lots and Streets. Irregularly shaped lots and lots abutting dead-end, curved, or irregularly shaped streets may cause differing opinions as to the proper apportionment of the vacated street and the boundaries of the reversionary interest. See BROWN, ROBILLARD & WILSON, EVIDENCE AND PROCEDURE FOR BOUNDARY LOCATION (3d ed, 1994), Sec. 13- 3; ROBILLARD & WILSON, BROWN'S BOUNDARY CONTROL AND LEGAL PRINCIPLES (4th ed. 1995), Chapter 8. With such irregular shapes, the Fund Member should not insure without a court adjudication of the validity of a surveyor's opinion of the proper apportionment as reflected by the surveyor's metes and bounds description of the reversionary interest. 24 - 10 Plats and Streets E. Conveyance of Lot Without Reference to Vacated Platted Street If a subdivision lot is conveyed after an abutting street is vacated but there is no reference to the vacated street in the deed, does title to the reversionary interest in the vacated street pass with the conveyance of the lot? Yes. In Joseph v. Duran, 436 So. 2d 316 (Fla. 1st DCA 1983), the First District Court of Appeal held that the grantors conveyed the reversionary interest in the abutting, vacated alley when they conveyed the lot even though the alley was not mentioned in the deed. The fact that the alley had been vacated

prior to the conveyance did not alter this result. Although the better practice is to describe the reversionary interest in the vacated street, it is not necessary that the interest be described in every deed in the chain. However, it must be determined that there was no separate conveyance of the reversionary interest. Moreover, the interest must be described in the deed in the current transaction. Since a title insurance policy does not insure any property beyond the lines of the area described or referred to in Schedule A of the policy, the interest to be insured must be described in Schedule A. See policy, Conditions 1(g). See TN 13.01.04 which requires a partial release of a mortgage in a situation in which the owner of the reversionary interest conveyed the interest in a vacated street without conveying the abutting lot that had been mortgaged prior to the vacation. See also Title Standard 11.5.  
(**Emphasis** added).

**(5). Additional Significant Legal Issues That Arise:**

There are other legal issues that arise as a result of the application.

First, although as clearly demonstrated above, the lot split is a subdivision. Thus, all of the procedural and technical issues pertinent thereto arise once the matter is correctly placed before the City Commission as a subdivision application.

Second, Subsection 58-392 (c) of the *City Code* provides, with regard to lot consolidations of residential lots, that “[t]he following shall be considered in the review of residential lot consolidations:

- (1) **The proposal will not adversely affect access, design or other public safety concerns relevant to the original approval of plats, if any;**
- (2) **The proposal will not violate any plat conditions;**
- (3) **The proposal will not violate this Code;**
- (4) **The proposal will not invalidate any easements;**
- (5) **No new streets will be created**<sup>8</sup>; and
- (6) **The proposal will not be out of scale with the existing street or with the neighborhood character.”** (**Emphasis** added).

It would seem that the above considerations should, equally, apply to so-called lot splits considered by the City as they are even more likely than lot consolidations to adversely affect the neighborhood within which they are proposed.

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<sup>8</sup> It would seem that taking away a means of internal circulation (both vehicular and pedestrian) within an established neighborhood would be, at a minimum, equally detrimental. That is, of course, exactly what is occurring in terms of the subject application. Also, the aesthetics of the neighborhood will be adversely impacted.

Third, assuming that the subject application is approved, and that action is sustained upon judicial review, there are lit size issues and issues relating to variances that may be required.

Fourth, it is critical to address the provisions of Section 163.3194, *Florida Statutes*, which relates to the legal status of local government comprehensive plans.

In pertinent and salient parts, that statutory provision provides as follows:

(1)(a) After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

(b) All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

(2) After a comprehensive plan for the area, or element or portion thereof, is adopted by the governing body, no land development regulation, land development code, or amendment thereto shall be adopted by the governing body until such regulation, code, or amendment has been referred either to the local planning agency or to a separate land development regulation commission created pursuant to local ordinance, or to both, for review and recommendation as to the relationship of such proposal to the adopted comprehensive plan, or element or portion thereof. Said recommendation shall be made within a reasonable time, but no later than within 2 months after the time of reference. If a recommendation is not made within the time provided, then the governing body may act on the adoption.

(3)(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(b) A development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(4)(a) A court, in reviewing local governmental action or development regulations under this act, may consider, among other things, the reasonableness of the comprehensive plan, or element or elements thereof, relating to the issue justiciably raised or the appropriateness and completeness of the comprehensive plan, or element or elements thereof, in relation to the governmental action or development regulation under consideration. The court may consider the relationship of the comprehensive plan, or element or elements thereof, to the governmental action taken or the development regulation involved in litigation, but private property shall not be taken without due process of law and the payment of just compensation.

(b) It is the intent of this act that the comprehensive plan set general guidelines and principles concerning its purposes and contents and that this act shall be construed broadly to accomplish its stated purposes and objectives.

(5) - (6). (**Emphasis** added).

Policy 1-1.1.2: of the City's Comprehensive Plan provides as follows:

Maintain 'Village' Character. The City shall strive to maintain the overall low-density 'village character' of Winter Park consistent with the Future Land Use Map. When exercising the authority of the 'conditional approval' process, and the variance process, the 'village character' shall be preserved. Towards this end, the City shall exercise strict application of the policies of this Comprehensive Plan and the implementing Land Use Codes for site development and shall authorize variances only when such exceptions are compatible with adjacent properties and are required by unusual circumstances, including but not limited to tree specimens or

clusters, historically significant structures, or unusual lot characteristics. **The desire is to achieve a beautiful, pleasant, principally village scale pedestrian orientated community by fostering and encouraging good design, pedestrian connectivity**, landscaping and buffering, harmonious building colors, materials and signage, outdoor lighting photometrics, and good proportional relationships in design of building mass and scale. The desired design shall allow for individual styles and variety compatible with the historically accepted character of Winter Park. Design criteria shall also address screening unsightly structures and appurtenances, maintaining varied rooflines and fenestration (i.e. character and interrelationships of façade design components including windows, dormers, entryways, and roof design), and facade and entryway landscaping. The City shall reserve the authority to require applicants for large scale development or redevelopment to submit engineered three-dimensional model, virtual computer images, or other satisfactory evidence that provides a realistic measure of building mass, scale, access to sunlight (i.e. shadow analysis), and relationships to surroundings.

This is just one provisions of the City's "land use constitution", but, as noted above, Section 163.3194, *Florida Statutes*, establishes the legal status of comprehensive plans and requires that, after a comprehensive plan, or element or portion thereof, has been adopted in conformity with the State's planning laws, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted. Thus, before the City issues any development order<sup>9</sup>, the City must ensure that the action is consistent with the adopted provisions of the City's *Comprehensive Plan*. There is no variance to the City's *Comprehensive Plan*.

The standard of review to be applied by the City in determining whether a proposed development order is consistent with the comprehensive plan shall be strict scrutiny in accordance with Florida law. See, *Southwest Ranches Homeowners Ass'n, Inc. v. Broward County*, 502 So.2d 931 (Fla. 4<sup>th</sup> DCA 1987), *review denied*, 511 So.2d 999 (Fla., 1987). The Supreme Court in *Snyder* adopted the strict scrutiny standard of review for comprehensive plan consistency cases. In adopting the strict scrutiny standard in *Board of County Commissioners of Brevard County v. Snyder*, 627 So. 2d 469 (Fla. 1993), the Supreme Court cited, with approval, *Machado v. Musgrove*, 519 So.2d 629 (Fla. 3<sup>rd</sup> DCA 1987), and *Lee County v. Sunbelt Equities, II, Ltd Partnership*, 619 So.2d 996 (Fla. 2d DCA 1993), as examples of strict scrutiny review in land use

---

<sup>9</sup> The term "development order" is defined, in Subsection 163.3164(15), *Florida Statutes*, as follows and, as can be seen, refers to the "granting, denying, or granting with conditions [of] an application":

... any order granting, denying, or granting with conditions an application for a development permit.

Subsection 163.3164(15), *Florida Statutes*, defines the term "development permit" as follows:

... includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

cases. 627 So.2d at 475. In citing these cases, the Supreme Court observed that “[t]he term ‘strict scrutiny’ arises from the necessity of strict compliance with comprehensive plan.” 627 So. 2d. at 475. Further underscoring the importance of the consistency requirement, the Supreme Court held in *Snyder* that the landowner applicant has the burden of proving that his or her development proposal is consistent with the local government’s comprehensive plan. 627 So. 2d at 476.

It is extremely risky to proceed with development when the issue of comprehensive plan consistency is pendant. *Pinecrest Lakes, Inc. v. Shidel*, 795 So.2d 191 (Fla. 4th. DCA 2001), *review denied*, 821 So.2d 300 (Fla. 2002). See, the photographs depicting the demolition and other materials describing the facts of the *Shidel* case at the following Web site: [http://www.powershow.com/view/a4490-NjVhN/Pinecrest\\_v\\_Sheidel\\_powerpoint\\_ppt\\_presentation](http://www.powershow.com/view/a4490-NjVhN/Pinecrest_v_Sheidel_powerpoint_ppt_presentation)

In *Machado v. Musgrove*, 519 So.2d 629 (Fla. 3<sup>rd</sup> DCA 1987), the Third District Court of Appeal recognized that strict compliance with the goals, objectives and policies in a local comprehensive plan is necessary to prevent a return to the *ad hoc* decision-making that created, in significant part, the need for *Florida’s Growth Management Act*. The Court determined that a strict standard of judicial review was necessary in cases where local actions are challenged on the basis of inconsistency with a local comprehensive land use plan. 519 So. 2d at 632. Acknowledging the new role of the State-mandated comprehensive plans, which it “likened to a constitution for all future development” 519 So. 2d at 632, the *Machado* Court noted that:

A Comprehensive Land Use Plan is not a “vest-pocket tool, for making individual zoning changes based on political vagary. Instead, it is a broad statement of a legislative objective “to protect human, environmental, social, and economic resources; and to maintain through orderly growth and development, the character and stability of present and future land use and development in this state. 519 So. 2d at 625 (**Emphasis** added).

In considering the standard of review appropriate to making a determination of consistency with a comprehensive plan, the *Machado* Court concluded that:

application of a fairly debatable, or for that matter any other deferential or discretionary standard, is not the correct standard of review of an administrative determination that a development order is consistent with the local comprehensive plan. 519 So. 2d at 633.

Instead, the *Machado* Court held that the “non-deferential standard of strict judicial scrutiny applies.” 519 So. 2d at 632. The Court defined strict scrutiny as “the process whereby a court makes a detailed examination of a statute, rule or order of a tribunal for exact compliance with, or adherence to, a standard or norm. It is the antithesis of a deferential review.” 519 So. 2d at 632. (**Emphasis** added).

Accordingly, the *Machado* Court adopted the definition of “strict scrutiny” articulated in the concurring opinion in *City of Cape Canaveral v. Mosher*, 467 So. 2d 468, 471 (Fla. 5th DCA 1985), as follows:

The word “consistent” implies the idea or existence of some type or form of model, standard, guideline, point, mark or measure as a norm and a comparison of items or actions against that norm. Consistency is the fundamental relation between the norm and the compared item. If the compared item is in accordance with, or in agreement with, or within the parameters specified, or exemplified, by the norm, it is “consistent” with it but if the compared item deviates or departs in any direction or degree from the parameters of the norm, the compared item or action is not “consistent” with the norm.

In summary, the fundamental law that the comprehensive land use plans of local governments are the land use constitutions relating to the development of real property within the jurisdictional boundaries of local governments has not changed. The inconsistency one policy from the City's *Comprehensive Plan* is enough to have the application be deemed fatally flawed. A more thorough analysis is most likely to result in the assertion that the application would run afoul of other goals, objectives and policies of the City's *Comprehensive Plan* and the conclusion that the application does not withstand a strict scrutiny analysis as mandated by the Courts.<sup>10</sup>

#### **E. SUMMARY/CONCLUSION:**

The application pending before the City Commission is not supported by controlling law and the City would adversely affect the private property rights of numerous citizens and property owners of the City should it approve the application. The City would place itself in legal jeopardy and likely incur avoidable legal costs by denying the application in accordance with the controlling provisions of law.

Thank you for your attention to this matter. You are urged to deny the application for the subject lot split (subdivision of lands) based upon the foregoing reasons.

---

<sup>10</sup> It is noted that the staff report relating to the application does not contain an analysis of the application vis-à-vis the City's *Comprehensive Plan* nor a proposed development order making findings relative to the *Comprehensive Plan*.

**AFFIDAVIT OF SALVATORE CURTO**  
**LT. COLONEL, USAF RET**

**STATE OF FLORIDA                    )**

**COUNTY OF ORANGE                )**

**BEFORE ME**, the undersigned authority, personally appeared Salvatore Curto, Lt. Colonel, USAF Ret., who, upon being by me duly sworn, deposes and says:

(1).     The undersigned is a resident of the City of Winter Park in Orange County, Florida.

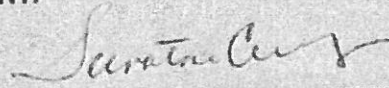
(2).     I have lived for the last 26 years at 251 Oakwood Way (located on the north corner of Oakwood and Winter Park Road). The property has been occupied by my wife's family since 1956. It was my wife's childhood home.

(3).     Following my retirement from the military (the United States Air Force), my wife and I had the house rebuilt and lived there with my mother-in-law until she passed away several years later. This short history is offered to underscore my wife's family's long and continuous connection with the neighborhood.

(4).     Over the last two months, the issue has been raised regarding the City of Winter Park maintaining Champion Circle. Over the many years of my family's residing proximate to Champion Circle, on multiple occasions, I observed a City of Winter Park vehicle sweeping the Champion Circle's brick surface. I cannot recall the number of times or the dates - primarily because it always appeared to be normative and what all cities do in terms of maintaining city streets. I might have paid more attention had I known that the Circle was abandoned decades earlier. That aside, I recall the sweeper

cleaning the Circle on two occasions this year (2016); the first being during the summer and most recently, about a week before Christmas.

FURTHER YOUR AFFIANT SAYETH NAUGHT.



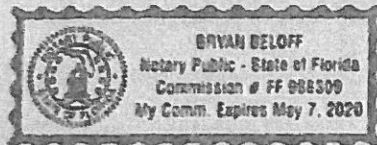
Salvatore Curto, Lt. Colonel, USAF Ret.

STATE OF FLORIDA     )

COUNTY OF ORANGE    )

SWORN TO AND SUBSCRIBED on this day, before me, an officer duly authorized in the State and County aforesaid to administer oaths and take acknowledgements, by Salvatore Curto, Lt. Colonel, USAF Ret., to me personally known and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid on this 5<sup>th</sup> day of January, 2017.



NOTARY PUBLIC

State of: FLORIDA

Name: BRYAN DELOFF

My Commission Expires: MAY 7, 2020

**AFFIDAVIT OF JOYCE LILIE  
AND STUART LILIE**

**STATE OF FLORIDA                     )**

**COUNTY OF ORANGE                 )**

**BEFORE ME**, the undersigned authority, personally appeared Joyce Lilie and Stuart Lilie, who, upon being by me duly sworn, depose and say:

(1). The undersigned are residents of the City of Winter Park in Orange County, Florida.

(2). We have lived at 200 East Rockwood Way since 1991 and before moving to this address we lived for 19 years at 200 East Reading Way, which is also in the Charmont subdivision. This neighborhood has been a part of most of our adult lives.

(3). We choose our present house in significant part because of Champion Circle, which added a great deal to the feel and look of our block. It was clear to us that Champion Circle would be a permanent part of the neighborhood.

(4). The removal of Champion Circle would be a great loss to us personally and to the neighborhood more generally. It would remove much of the character of both Rockwood and Oakwood. One benefit of Champion Circle is the way it draws together residents of both streets. We firmly believe that Champion Circle is a unique asset to all the neighbors in the immediate area and for the Charmont more generally.

(5). Over the many years that we have lived in our home we have seen the Winter Park City street sweeper clean the street that is part of Champion Circle from the remote past to as recently as December, 2016.

**FURTHER YOUR AFFIANT SAYETH NAUGHT.**

Joyce Lillie  
Joyce Lillie

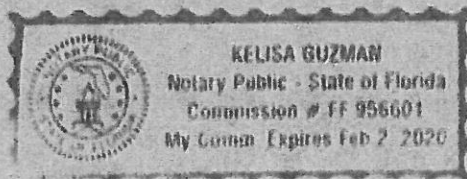
Stuart Lillie  
Stuart Lillie

STATE OF FLORIDA )

COUNTY OF ORANGE )

SWORN TO AND SUBSCRIBED on this day, before me, an officer duly authorized in the State and County aforesaid to administer oaths and take acknowledgements, by Joyce Lillie and Stuart Lillie, to me personally known and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid on this 4<sup>th</sup> day of January, 2017.



Kelisa Guzman  
NOTARY PUBLIC  
State of: Florida  
Name: Kelisa Guzman  
My Commission Expires: 2/2/20

From: Lonnie Groot lgroot@stenstrom.com  
Subject: Affidavit  
Date: Jan 5, 2017, 9:51:20 PM  
To: championcircle@icloud.com  
Cc: Pope, Nicholas nicholas.pope@lowndes-law.com,  
aolpad@cfl.rr.com

Ms. Harmon:

*I received your voice mail and understand that you could not open the attachment.*

*The below is the text of the affidavit:*

**AFFIDAVIT OF GLENNA M. HARMON**

STATE OF FLORIDA )

COUNTY OF ORANGE )

BEFORE ME, the undersigned authority, personally appeared Glenna M. Harmon, who, upon being by me duly sworn, deposes and says:

(1). The undersigned is a resident of the City of Winter Park in Orange County, Florida.

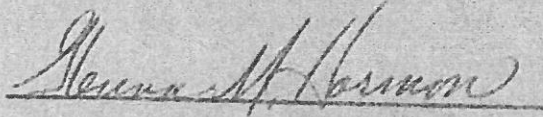
(2). I have lived at 151 Oakwood Way since 1968.

(3). Over the time that I have lived proximate to Champion Circle and on numerous occasions I observed a City of Winter Park vehicle sweeping the Champion Circle's brick surface and performing maintenance on the street.

(4). The maintenance of Champion Circle was routine and normal by the City. Please see the attached photographs as examples.

(5). I am also aware of others in my neighborhood and community who have observed maintenance to include curb repairs and like activities. I am also aware that the City's Police Department has recently engaged in enforcement actions within the right-of-way of Champion Circle.

**FURTHER YOUR AFFIANT SAYETH NAUGHT.**



Glenna M. Harmon

STATE OF FLORIDA )

COUNTY OF ORANGE )

**SWORN TO AND SUBSCRIBED** on this day, before me, an officer duly authorized in the State and County aforesaid to administer oaths and take acknowledgements, by Glenna M. Harmon, to me personally known and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid on this 6<sup>th</sup> day of January, 2017.

Monique Matos

**NOTARY PUBLIC**  
State of Florida

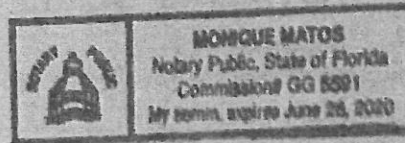
Monique Matos

Name:

June 26, 2020  
My Commission Expires:

Thanks.

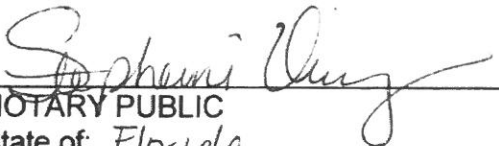
Lonnie



acknowledgements, by Patricia A. Doherty, to me personally known and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid on this 9 day of January, 2017.



  
NOTARY PUBLIC  
State of: Florida  
Name: Stephani Quiroz  
My Commission Expires: \_\_\_\_\_

**AFFIDAVIT OF PATRICIA A. DOHERTY**

STATE OF FLORIDA                     )

COUNTY OF ORANGE                     )

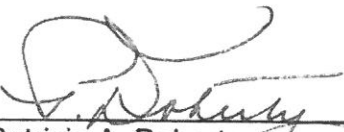
BEFORE ME, the undersigned authority, personally appeared Patricia A. Doherty, who, upon being by me duly sworn, deposes and says:

(1). I lived at 211 Oakwood Way in Winter Park, Florida from 1988 to 1999. My home is located across from Champions Circle with the front of the house facing toward Champions Circle.

(2). Oakwood Way and Champions Circle are both brick streets. During the time I lived on Oakwood Way I observed what appeared to be City personnel perform brick replacement/repairs on both Oakwood Way and Champions Circle. The street work was performed on both streets during the same time frame by the same people and the same equipment.

(3). In addition to the brick work, I also observed a street sweeper frequently maintain Oakwood Way and Champions Circle by sweeping both streets.

**FURTHER YOUR AFFIANT SAYETH NAUGHT.**

  
\_\_\_\_\_  
Patricia A. Doherty

STATE OF FLORIDA                     )

COUNTY OF ORANGE                     )

SWORN TO AND SUBSCRIBED on this day, before me, an officer duly authorized in the State and County aforesaid to administer oaths and take



# city commission **public hearing**

item type	Public Hearing	meeting date	February 13, 2017
prepared by	Don Marcotte	approved by	<input checked="" type="checkbox"/> City Manager
department	Public Works		<input type="checkbox"/> City Attorney
division	Administration		<input type="checkbox"/> N/A
board approval	N/A	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship <input checked="" type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Public Health & Safety <input type="checkbox"/> Investment in Public Assets & Infrastructure		

## subject

Vacating and abandoning Utility Easements in Home Acres Subdivision @ Ravaudage  
(legal description in ordinance)

## motion | recommendation

Staff recommendation is to approve vacating and abandoning utility easements.

## background

The developer is requesting to vacate the existing platted utility easements for the planned development of Ravaudage.

## alternatives | other considerations

Do not vacate easements.

## 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. \_\_\_\_\_-17

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING UTILITY EASEMENTS IN BLOCKS A,B,C,D,E,F,G,H,L,M,O,P, AND THAT PORTION ABUTTING LOTS 1 THROUGH 6 AND LOTS 16 THROUGH 20, BLOCK K, OF HOME ACRES SUBDIVISION, AS RECORDED IN PLAT BOOK M, PAGE 97.

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

**WHEREAS**, the City has determined that the utility 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:

THE UTILITY EASEMENT AREA, ON THE REAR OF ALL LOTS IN BLOCKS A, B, C, D, E, F, G, H, L, M, O, P, AND LOTS 1 THROUGH 6, BLOCK K AND LOTS 16 THROUGH 20, BLOCK K, OF HOME ACRES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK M, PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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

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

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

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the \_\_\_\_\_ day of February, 2017.

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

ATTEST:

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

Charter Spectrum Corporation  
3701 W. American Blvd.  
Orlando FL 32819



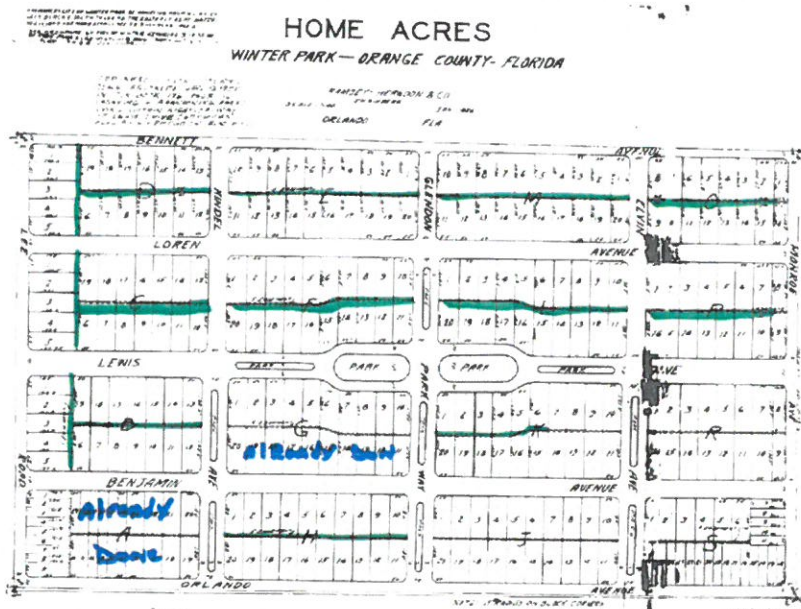
January 12, 2017

Dan Bellows  
Sydgan Corporation  
P.O. Box 350  
Winter Park, FL 32790

Re: Request for a Vacate of Easements  
Plat M Page 97 Home Acres  
Orange County FL S1-T22-R39

Dear Mr. Bellows:

Charter Spectrum has reviewed your request to vacate these easements and have no objection to the vacation as shown in this highlight drawing below.



If you need and additional information, please contact me at my office 407-532-8511.

Sincerely,

Tracey Domostoy  
Construction Supervisor  
Charter- Spectrum

Cc: PJ King

Date: January 2, 2017

City of Winter Park

Terry Hotard

401 Park Ave South

Winter Park, FL 32789-4386

Dear Terry,

I am in the process of requesting the City of Winter Park to vacate the platted 5' North/South utility easement that runs down the middle of Blocks E, F H, M, L, K, O, P and the middle of blocks D, C and B to include the East/ West 5' platted utility easement as shown on the attached Plat of the Home Acres subdivision. 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 W1454@ aol.com and or Post office Box 350 Winter Park, FL 32790. If you have any questions please contact myself at 407-644-3151 or [W1454@aol.com](mailto:W1454@aol.com).

Sincerely Yours,

Daniel B. Bellows

Post Office Box 350

Winter Park, FL 32790

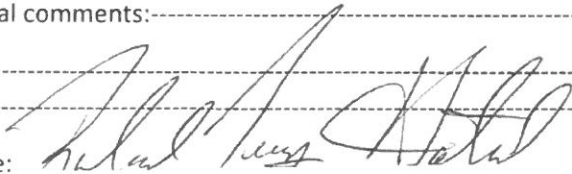
----- The subject parcel is not within our service area.

-----X----- The subject parcel is within our service area. We do not have any facilities within the easement. We have no objection to the vacation.

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

Additional comments:-----

Signature:



Print Name: TERRY HOTARD

Title: ASSIST. ELECTRIC UTILITY DIRECTOR

Date: 1-6-17



Date: January 2, 2017

City of Winter Park

David Zusi

401 Park Ave South

Winter Park, FL 32789-4386

Dear David,

I am in the process of requesting the City of Winter Park to vacate the platted 5' North/South utility easement that runs down the middle of Blocks E, F H, M, L, K, O, P and the middle of blocks D, C and B to include the East/ West 5' platted utility easement as shown on the attached Plat of the Home Acres subdivision. 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 W1454@ aol.com and or Post office Box 350 Winter Park, FL 32790. If you have any questions please contact myself at 407-644-3151 or [W1454@aol.com](mailto:W1454@aol.com).


Sincerely Yours,

Daniel B. Bellows

Post Office Box 350

Winter Park, FL 32790

----- 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. We have no objection to the vacation.

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

Additional comments:-----

Signature: 

Print Name: David L. Zusi

Title: W & WW Utility Director

Date: 1-17-17





January 12, 2017

Mr. Daniel B. Bellows  
P.O. Box 350  
Winter Park, FL 32790

**RE: Vacation Petition: Home Acres, Plat Book M Page 97**

Dear Mr. Bellows:

Please be advised that the Distribution and Transmission divisions of Duke Energy have "No Objection" to the vacation and abandonment of:

**A platted 5.00 foot utility easement area running North to South in the middle of all lots in Blocks B, C, D, E, F, H, L, M, O, and P, HOME ACRES, as depicted on the Plat thereof recorded in Plat Book M, Page 97, Public Records of Orange County, Florida.**

**AND**

**A platted 5.00 foot utility easement area running North to South in the middle of Lots 1-6, and 16-20 of Block K, HOME ACRES, as depicted on the Plat thereof recorded in Plat Book M, Page 97, Public Records of Orange County, Florida.**

**AND**

**A platted 5.00 foot utility easement area running East to West along Lots 1-5, 6 and 19 in Blocks B, C, and D, HOME ACRES, as depicted on the Plat thereof recorded in Plat Book M, Page 97, Public Records of Orange County, Florida.**

**This No Objection response does not include the easement for the Transmission guy pole on the property, specifically Orange County Parcel ID# 29-22-01-3712-04-010, located at 1561 Lee Road, Winter Park, FL 32789. Distribution has no objection to the vacation approval upon such time that all Duke Energy distribution facilities being fully removed from the requested vacation areas as described above.**

If I can be of further assistance, do not hesitate to contact me. Thank you.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Karla Rodriguez", written over a horizontal line.

Karla Rodriguez  
Research Support Specialist I  
Distribution Right of Way - Florida

Duke Energy • 3300 Exchange Place • Lake Mary • Florida • 32746  
Telephone (407) 942-9657

Date: December 28, 2016

TECO/Peoples Gas

Ms. Debbi Frazier

PO Box 2433

Orlando, Fla 32802-2433

Dear Ms. Frazier,

I am in the process of requesting the City of Winter Park to vacate the platted 5' North/South utility easement that runs down the middle of Blocks E, F H, M, L, K, O, P and the middle of blocks D, C and B to include the East/ West 5' platted utility easement as shown on the attached Plat of the Home Acres subdivision. 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 Post office Box 350 Winter Park, FL 32790. If you have any questions please contact myself at 407-644-3151 or [W1454@aol.com](mailto:W1454@aol.com).

Sincerely Yours,

Daniel B. Bellows

Post Office Box 350

Winter Park, FL 32790

----- 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. We have no objection to the vacation.

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

Additional comments:-----

Signature: *Shawn Windsor*

Print Name: *Shawn Windsor*

Title: *Geo Design / Project Manager*

Date: *1-3-17*



January 03, 2017

To whom it may concern:

This is notification that this company has gas main facilities in the area but our not within the easement area indicated on the attached sketch. We have no objection to the vacation of the easement.

The usual precautions will be taken to safeguard your facilities in this area.

If there are any questions, please contact our office at (407) 420-6663.

Sincerely,  
TECO/PEOPLES GAS/

A handwritten signature in black ink, appearing to read "Shawn Winsor".

**Shawn Winsor**  
Gas Design / Project Manager  
600 West Robinson St.  
Orlando, Fl. 32801  
Office: 407-420-6663  
[swinsor@tecoenergy.com](mailto:swinsor@tecoenergy.com)



AN EMERA COMPANY



# city commission **public hearing**

Item type	Public Hearing	meeting date	February 13, 2017
prepared by	Michelle Neuner	approved by	<input checked="" type="checkbox"/> City Manager
department	City Management		<input checked="" 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
vision themes	<input checked="" type="checkbox"/> Cherish and sustain city's extraordinary quality of life.		
	<input type="checkbox"/> Plan growth through a collaborative process that protects city's scale and character.		
	<input checked="" type="checkbox"/> Enhance city's brand through flourishing arts and culture.		
	<input type="checkbox"/> Build and embrace local institutions for lifelong learning and future generations.		

## subject

Golf Course Advisory Board

## motion | recommendation

After receiving public input, move to establish a Golf Course Advisory Board and to reduce the membership of the Public Art Advisory Board to the advisory board standard membership.

## background

At the previous Commission Meeting, Mayor Leary suggested the addition of a Golf Course Advisory Board to make recommendations to the City Commission and City Management. Their tasks would be as follows:

1. Provide advice on course and golf shop operations
2. Advise on programs and events
3. Promote the golf course and facilities to the Winter Park community

Additionally, the staff liaison and the Chair of the Public Art Advisory Board agree that the membership of the board be reduced to be consistent with other city advisory boards. Currently, the board consists of seven regular members and one alternate.

## alternatives | other considerations

These changes may be implemented as presented or modified based on Commission discussion.

**fiscal impact**

N/A

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

AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA, AMENDING ARTICLE III OF CHAPTER 2 OF THE CITY OF WINTER PARK CODE OF ORDINANCES REGARDING SUBSIDIARY CITY BOARDS AS ADOPTED BY ORDINANCE NO. 2843-11; ESTABLISHING THE GOLF COURSE ADVISORY BOARD; AND AMENDING THE NUMBER OF MEMBERS OF THE PUBLIC ART ADVISORY BOARD; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, the City has recently made a significant investment in the Winter Park Golf Course infrastructure; and

**WHEREAS**, seeking advice and recommendations from patrons, neighbors, and golf industry professionals on best practices will only enhance the benefit of the Winter Park Golf Course, and

**WHEREAS**, the City Commission desires to establish a subsidiary board to be known as the Golf Course Advisory Board.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, HEREBY ORDAINS AS FOLLOWS:**

Section 1.     Recitals.     The recitals set forth above are hereby adopted and incorporated by reference.

Section 2.     Amendment/Adoption.     Article III of Chapter 2 of the City of Winter Park Code of Ordinances is hereby amended to read as follows: (underlined language are additions; ~~stricken through~~ language are deletions; language not included is not being amended):

ARTICLE III. - SUBSIDIARY BOARDS OF THE CITY OF WINTER PARK DIVISION 1. - ESTABLISHMENT OF CITY BOARDS

DIVISION 1. ESTABLISHMENT OF CITY BOARDS

Sec. 2-46. - Establishment of city boards.

There shall be established in this division all boards of the City of Winter Park. If a board is required to be in existence by Florida Statute or City Charter, the section providing for the board shall so provide, as well as any special requirements. If, by Florida Statute or Charter there is a requirement with respect to the board that is different than the general rules in this chapter and article, then the requirements of state statute and the Charter shall control.

Sec. 2-47. - List and size of boards established.

The following boards and number of members are established. The general requirements are specified in division 2 herein and the board specific requirements are specified in division 3. Unless the City Charter, ~~or state law~~, or the City Commission requires a different number of members ~~than as specified in this Article~~, each board shall have seven members and one alternate member, ~~although boards that had more than seven members prior to May 9, 2011, shall continue to have the greater number of members plus one alternate, and other boards by ordinance of the city commission may have a greater number of members as shown hereinafter:~~

- (1) Board of adjustments;
- (2) Civil service board (also sits as the independent personnel review board);
- (3) Code Compliance board (which also sits as the nuisance abatement board and tree preservation board and performs the functions of a code enforcement board pursuant to F.S. ch. 162);
- (4) Community redevelopment agency;
- (5) Community redevelopment advisory board;
- (6) Construction board of adjustments and appeals;
- (7) Economic development advisory board;
- (8) Historic preservation board;
- (9) Housing authority board;
- (10) Keep Winter Park beautiful and sustainable advisory board;
- (11) Lakes and waterways advisory board;
- (12) Parks and recreation advisory board;
- (13) Transportation advisory board;
- (14) Planning and zoning board;
- (15) Public art advisory board ~~11 members, one alternate;~~
- (16) Utilities advisory board;
- (17) Winter Park Firefighters' pension board;
- (18) Winter Park Police Officers' pension board;
- (19) Golf Course Advisory Board.

### DIVISION 3. - DESCRIPTION, DUTIES AND PROCEDURES OF EACH CITY BOARD

#### Sec. 2-72. – Golf Course Advisory Board.

Pursuant to the authority of the city commission, there is established within the City of Winter Park, a golf course advisory board, subject to the following provisions:

(1) Membership. There shall be five (5) members and one (1) alternate member and the procedures for appointment thereof shall be in accordance with the provisions in divisions 1 and 2 of this article.

(2) Advisory board – functions and responsibility. The golf course advisory board is an advisory board and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the City Commission concerning the Winter Park Golf Course. The board will provide advice on course and golf shop operations; program and events. Additionally, the board will promote the golf course and facilities to the Winter Park community. The golf course advisory board shall have no adjudicatory or enforcement authority.

(3) Procedures. The procedures and rules for operation of the golf course advisory board shall be in accordance with the general requirements stated in divisions 1 and 2 of this article.

Section 3. Codification. Section 2 shall be codified in the City Code. Any section, paragraph number, letter or heading within the Code may be changed or modified as necessary to effectuate the codification. Grammatical, typographical and similar or like errors may be corrected in the Code, and additions, alterations and omissions not affecting a material substantive change in the construction or meaning of this Ordinance may be freely made.

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

Section 5. Conflicts. In the event of any conflict between this Ordinance, or any part thereof, with any of the provisions of other City Ordinances or the City Code, this Ordinance shall control.

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

Adopted by the City Commission of the City of Winter Park, Florida in a regular meeting assembled on the 27th day of February, 2017.

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Mayor Steve Leary

ATTEST:

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Cynthia S. Bonham, City Clerk



# city commission public hearing

item type	Public Hearing	meeting date	February 13, 2017
prepared by department division	Public Works Stormwater	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Lakes and Waterways Unanimous	<input checked="" 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 type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Investment in Public Assets & Infrastructure <input type="checkbox"/> Fiscal Stewardship <input checked="" type="checkbox"/> Public Health & Safety		

## subject

Amend Chapter 102-182 of the City Code of Ordinances with regard to fee structure.

## motion | recommendation

Recommend approving ordinance change.

## background

Fines for illicit discharges to waterways or the stormwater management system were added to the fee schedule but the current code references the outdated fee structure in Chapter 1. This revision will amend the code to reference the current fines approved by the Commission in the fee schedule.

## alternatives | other considerations

No change to the code.

## fiscal impact

None

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTION 102-182 OF THE CITY CODE OF ORDINANCES WITH RESPECT TO PENALTIES FOR UNAUTHORIZED DISCHARGES INTO WATERWAYS AND OTHER VIOLATIONS OF CHAPTER 102 OF THE CITY CODE OF ORDINANCES; PROVIDING FOR FINES AS PROVIDED IN THE CITY'S FEE SCHEDULE; PROVIDING FOR ENFORCEMENT VIA THE CODE COMPLIANCE BOARD FOR REPEATED OR CONTINUOUS VIOLATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

**WHEREAS**, the City periodically adopts the City of Winter Park Fee Schedule, which establishes and lists fees and fines for a variety of City services, permits, Code violations, and other fees and fines; and

**WHEREAS**, Section 102-182 of the City Code of Ordinances provides for penalties, including fines, and enforcement by the City with respect to unauthorized discharges of polluting matter into waterways in violation of Section 102-176 and other provisions of Chapter 102 of the City Code of Ordinances; and

**WHEREAS**, the City wishes to amend Section 102-182 of the City Code of Ordinances to provide and clarify that fines for violations under Section 102-182 are as provided in the City of Winter Park Fee Schedule, and to provide for alternative enforcement via proceedings before the Code Compliance Board for repeated and continuous violations; and

**WHEREAS**, the City Commission hereby finds that it is in the best interest of the health, safety, and welfare of the citizens of Winter Park and the general public that Section 102-182 of the City Code of Ordinances be amended as provided herein.

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

**SECTION 1. Recitals.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

**SECTION 2. Code Amendment.** Chapter 102, Article V, Division 2, Section 102-182 of the City Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 102-182. - Penalties.

(a) Any person who violates any ~~of the~~ provisions of this chapter shall be ~~punished as provided in section 1-7 of this Code. Each and every day on which such person continues to~~

~~violate the provisions of this chapter after having been notified of such violation shall constitute a separate offense subject to a fine as set forth in a fee schedule adopted by the City Commission, including but not limited to the City of Winter Park Fee Schedule, or as otherwise set by the City Commission via resolution or ordinance. In cases where multiple violations have occurred, a separate fine may be levied for each violation.~~

~~(b) Any person who violates any provision of this chapter shall be subject to a civil penalty not exceeding \$1,000.00 per day for each day that such person is in violation of this chapter.~~

~~(eb)~~ Any person who ~~causes or allows an~~ fails to take corrective action to prevent repeated or continuous unauthorized discharge(s), or who otherwise violates the provisions of this chapter, may be required to appear before the code ~~enforcement~~ compliance board of the city for enforcement proceedings pursuant to sections 2-101 through 2-110 of this Code.

~~(dc)~~ The remedies and penalties provided in this chapter are not exclusive, and the city may seek whatever other remedies are authorized by statute, at law or in equity against any person who violates the provisions of this chapter.

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

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

**SECTION 5. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

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

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017, by the City Commission of the City of Winter Park, Florida.

\_\_\_\_\_  
Steve Leary, Mayor/Commissioner

ATTEST:

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