



city commission agenda

June 11, 2018
3:30 PM

mayor & commissioners

seat 1
Gregory Seidel

seat 2
Sarah Sprinkel

Mayor
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.

meeting procedures

Persons desiring to address the Commission MUST fill out and provide the 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. The 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.

*times are projected and
subject to change

agenda

1. Meeting Called to Order

2. Invocation

**Rev. Craig Blocher, First United Methodist Church
of Winter Park**

Pledge of Allegiance

3. Approval of Agenda

4. Mayor's Report

- a. Presentation - Best of Show - 2018 Sidewalk Art Festival 5 minutes**

5. City Manager's Report

- a. City Manager's Report** 5 minutes

6. City Attorney's Report

7. Non-Action Items

- a. Discussion of Mixed Use Future Land Use** 20 minutes

Discussion between the City Commission and staff regarding the development of a Mixed Use Future Land Use Designation and zoning district

8. Citizen Comments (items not on the agenda) | 5 p.m. or soon thereafter

9. Consent Agenda

- a. Approve the minutes of May 14, 2018.** 5 minutes

- b. Approve the following purchase and authorize the execution of subsequent purchase orders:** 5 minutes

1. Traffic Control Devices, Inc. - Continued citywide signal maintenance, as well as upgrades of the traffic signals at 17-92 & Morse Blvd; \$200,000

- c. Approve the following piggyback agreements and authorize the Mayor to execute:** 5 minutes

1. Stuart C. Irby Co. - Renewal of existing piggyback of OUC contract #3601-2 OQ for the provision of Padmount Switchgears; \$200,000
2. DataProse, LLC - Piggyback of City of Boca Raton contract #2016-023 for Utility Bill Printing & Distribution Services; \$200,000
3. T.V. Diversified, Inc. - Renewal of existing piggyback of City of West Palm Beach contract #ITB-13-14-129 for Lift Station Repairs & Rehabilitation Services; \$200,000

- d. Approve the following contract amendment and authorize the Mayor to execute:** 5 minutes

1. HDD of Florida, LLC - Amendment 4 to IFB-8-2014 - Underground Utility Services to allow for the boring of 30" stormwater HDPE; \$175,000

- e. Approve the FY18 Budget Amendment - Golf Course** 5 minutes

10. Action Items Requiring Discussion

11. Public Hearings

- | | |
|--|------------|
| a. Ordinance - Renewal of Gas Franchise (1) | 10 minutes |
| b. Ordinance - To implement the updated Comprehensive Plan policies into the Land Development Code, specifically the policy to adopt a new Medical Arts zoning district and to amend the R-3 and PL zoning districts. (2) | 20 minutes |

12. City Commission Reports

Appeals and Assistance

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

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



city commission **agenda item**

item type	Invocation	meeting date	6/11/2018
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

Rev. Craig Blocher, First United Methodist Church of Winter Park

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	Mayor's Report	meeting date	6/11/2018
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

Presentation - Best of Show - 2018 Sidewalk Art Festival

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	City Manager's Report	meeting date	6/11/2018
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

City Manager's Report

Upload Date

6/5/2018

Type

Cover Memo



city commission city manager's report

item type	meeting date
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Below are issues of interest to the Commission and community that are currently being worked on by staff, but do not currently require action on the Commission agenda. These items are being tracked to provide the Commission and community the most up to date information regarding the status of the various issues. The City Manager will be happy to answer questions or provide additional updates at the meeting.

issue	update
Quiet zones	FDOT installed conduit at Canton, New York, Pennsylvania/Webster, Denning and Minnesota to connect the new gate mechanical houses. The first two signal houses were installed at the Pennsylvania/Webster crossing. Expected completion in early 2019.
Seminole County Ditch Drainage Improvement	Draft report received May 22 nd . Preliminary drainage improvements design to be completed by Summer 2018.
Electric undergrounding	<u>Miles of Undergrounding Update</u> Grove Terrace: Complete. Project G: 4.03 miles 22% complete McKean Circle Phase 2 is complete. TOTAL so far for FY 2018: 3.6 miles
Fairbanks transmission	Meeting with Duke Energy Wednesday, 6/6/18 to secure starting date. Funds secured to begin project.
Power contracts	10MW GRU expires in 2019. ITN has been released to secure 10MW block to replace GRU.
Denning Drive	Phase 2a from Fairbanks to Morse is substantially complete; awaiting striping and landscaping for final completion. Phase 2b from Morse to Canton is underway with demolition and storm pipe installation. Recent rains have hampered progress. Anticipate this phase being substantially complete in 4 weeks weather permitting.
Library Design	Architect team is currently working on Design development following recent commission meeting approvals and work session clarifications of add/alternates. Additional Team meetings are scheduled with the City/Library stakeholders the week of June 11 as a part of further refinement so design development can be completed this summer.

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



city commission agenda item

item type	Non-Action Items	meeting date	6/11/2018
prepared by	Planning / CRA	approved by	
board approval	N/A final vote		
strategic objective	Intelligent Growth and Development		

subject

Discussion of Mixed Use Future Land Use

Discussion between the City Commission and staff regarding the development of a Mixed Use Future Land Use Designation and zoning district

motion / recommendation

background

Does the City want a more comprehensive mixed-use development solution for properties that are located along gateway corridors within the city limits? Staff has been debating this question since the approval of the new Comprehensive Plan in 2017. The materials addressed in this evaluation address some preliminary points for consideration by the City Commission.

Definition and History

There are as many definitions of mixed use as there are organizations that implement them. In reviewing many of the definitions, the essence includes the following:

Mixed-use development combines two or more types of land use into a building or set of buildings that are physically and functionally integrated and mutually supporting. This can be some combination of residential, commercial, industrial, office, institutional, or other land uses. The form of mixed use development can be vertical or horizontal. Vertical mixed-use occurs when different uses inhabit the same building and sit atop one another, such as residential or office uses over ground floor retail. Horizontal mixed-use occurs when uses are placed next to each other, such as an apartment building that is adjacent to offices, restaurants, or retail shops. Mixed-use areas often create the main street/downtown, activity center, or commercial corridor of a local community, district, or neighborhood. Ideally mixed-use areas promote walkability, connect to public transit systems, and support principles of Transit-oriented development (TOD).

Reference: San Joaquin Blueprint Toolkit

So how has Winter Park defined Mixed Use over the course of the past 30 years? Three developments primarily have a mixed-use development component. They are:

- Park Avenue downtown mixed uses
- Hannibal Square redevelopment
- Winter Park Village

Winter Park Village has a small housing component to the original development. The addition of Paseo adds to the context of this project as a mixed-use area. While Ravaudage is a mixed-use project, the intensity and height of this development is incongruous to the historic development patterns that are reflected in other projects. Staff did not include it in this analysis.

In defining Winter Park's mixed use development pattern, staff evaluated what each of these projects has in common. In general, all three are accessible to single-family residential development and have a sense of pedestrian scale. In addition, they project connectivity to Winter Park's historic development patterns primarily in well-established residential areas and the city's SunRail location. Both Hannibal Square and Park Avenue are centered on city parks that help account for limited individual open space or green space in the existing development pattern. Both have wider tree lined sidewalks that define the sense of public space. All three uses have shared parking components. Winter Park Village has been developed around the typical retail parking lot while Hannibal Square and Park Avenue have a shared parking model that permits parking exemptions and public/private parking opportunities.

The development pattern in each of these areas used historic and current land use designations and zoning districts. The city has always had the ability to provide a small mixed-use component through its straight zoning districts. Mixed uses are allowed in both Commercial and Office land use categories and the associated C-1, C-2 and C-3 zoning districts as well as in O-1 and O-2 districts. These districts currently allow up to 60% FAR with a density of 17 dwelling units per acre through the conditional use process. Hannibal Square and Park Avenue were developed before the city established density and intensity threshold allowing more density per acre than currently permitted under today's codes.

Designing Winter Park's Mixed Use

Beyond the existing Commercial and Office zoning districts, staff has tried to define what the city may want from a stand-alone Mixed Use Future Land Use category. Based on community responses in the city's visioning process and concerns over the implementation of the city's rescinded PD land use, the community wants mixed-use development to address the following:

- Connectivity to the historic development patterns surrounding the development
- More pedestrian scale projects
- Desire to have more open space/ green space within a project or for community benefit
- Desire for pedestrian improvements
- Better traffic flow through and around a project
- Shared parking
- Mobility within and outside a project
- More than 15% impervious space for a project

In this same vein, staff has used past public meetings and the outcome of the visioning process to try to define issues that are concerning about any type of mixed-use development. These items include:

- Significant height which can be defined by area
- Single use development with a pretense of mixed uses (primarily residential with a scattering of retail/restaurant/office)
- Sea of asphalt parking
- Trendy development that has no long-term architectural benefit to the city

Considering these factors, staff has defined the terms that any new Mixed Use land use should meet at a minimum. Any mixed-use project must promote development that reflects the style and taste of Winter Park by requiring architectural review and design approval through the adoption of specific design standards. Projects should increase open space through their design and provide or mitigate green space for community enjoyment and use as part of the project. All projects should require up-front negotiations on density and intensity as well as mass placement prior to submittal. All projects will begin with a threshold of entitlements at the on-set of a project that can grow using on-site and off-site improvements to capture more entitlements for the project. All mixed use projects must consider infrastructure improvements that promote pedestrian, transportation and parking for the entire city.

The last step that staff has evaluated is the concept of implementation. How could the City Commission work with staff and property owners to ensure that implementing a Mixed Use category doesn't mean higher buildings and more density but delivers the benefits to the community?

The City Commission would need to determine if the Mixed Use category is a land use district and zoning

code or a special overlay district that is superimposed over an existing base land use and zoning. The property owner would only activate the overlay if it meets the criteria that is established in the Mixed Use zoning district.

The second consideration is the size of the properties within a Mixed Use category. Staff would recommend a minimum size for mixed use, ensuring that there is enough property to meet the criteria for open space and design standards. On preliminary design, this would be properties over two acres in size. Staff recommends not setting a maximum size.

A Mixed Use district will only work if there is transparency in the planning process. Staff recommends adding two steps into the process. The property owner would need at least one public meeting with citywide notice to educate and engage the community in the proposed development and the city's Development Review Committee is expanded to have a public meeting prior to the city's Planning & Zoning Board to opening review and comment on the design standards, architectural style and preliminary and final design.

In summary, the city already has the ability to provide low-intensity mixed-use development along gateway corridors. Staff is seeking direction on the City Commission's desire to provide property owners the opportunity to build outside the traditional land use and zoning patterns in return for more community input and assets.

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	Consent Agenda	meeting date	6/11/2018
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

Approve the minutes of May 14, 2018.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Minutes

Upload Date

5/31/2018

Type

Cover Memo

**REGULAR MEETING OF THE CITY COMMISSION
MAY 14, 2018**

Mayor Steve Leary called the meeting of the Winter Park City Commission to order at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Pastor Phil Young, Aloma Baptist Church, followed by the Pledge of Allegiance.

Members present:

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

Also Present:

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

Approval of agenda

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Weldon and carried unanimously with a 5-0 vote.

Mayor's Report

a. 2018 Board appointments

Mayor Leary nominated the following board members. **Motion made by Mayor Leary to approve the list as follows; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.** Commissioner Seidel asked if the process could be done differently where the entire Commission discusses potential appointments beforehand. Mayor Leary stated he has encouraged Commissioners to have potential members submit applications and he is happy to receive and consider them. Commissioner Cooper agreed that having discussions beforehand regarding potential applicants would be beneficial before the Mayor makes the actual appointments.

Board of Adjustments: Michael Clary moved from alternate to replace Lucy Morse (2017-2020 1st partial term); Aimee Hitchner was reappointed (2018-2021); and Charles Steinberg was appointed as alternate.

Code Compliance Board: Todd Boyer was reappointed (2018-2021); Daniel McIntosh was reappointed (2018-2021); Kyle Sanders was reappointed (2018-2021); and John Terwilliger was appointed as alternate.

CRA Advisory Board: Lambrine Macjewski was reappointed (2018-2021); Jeffrey Stephens was reappointed (2018-2021); Mike Emerson was appointed (2016-2019 1st partial term to replace Tom Hiles). The alternate position remained open.

Construction Board of Adjustment and Appeals Board: Tony Apfelbeck was appointed to fill the vacant fire professional position (2018-2021).

Economic Development Advisory Board: Betsy Eckbert (Chamber of Commerce President was reappointed 2018-2021); Bill Segal replaced Stephen Flanagan (2018-2021); Russell T. Bruguiera was appointed to replace Kelly Olinger (2018-2021); and Peter Muller resigned leaving the alternate position vacant.

Golf Course Advisory Board: The board should consist of 5 members (not 7) and an alternate. Marc Reicher was reappointed (2018-2021); Jeff Shafer and Dave Cocchiarella came off the board; Hannah Wickham replaced Aaron Bearden as alternate.

Historic Preservation Board: Jason Taft moved from alternate to replace Bill Segal (2018-2021); Laura Armstrong was reappointed (2018-2021); Randall Slocum was appointed as alternate.

Housing Authority: Dorothy Felton, Kenneth Goodwin and Judith Kovisars were reappointed (2018-2021); Karen Jacobs was appointed to replace Mike Haye who resigned (2018-2021).

Keep Winter Park Beautiful and Sustainable Board: Nora Miller moved from alternate to replace Natalie Hellman (2018-2021); Ben Ellis was reappointed and put in Sally Miller position (2018-2021); Ellen Wolfson was reappointed (2018-2021); David Daly was appointed (2016-2019 1st partial); and the alternate position remained vacant.

Lakes and Waterways Board: Amy Byrd was reappointed (2018-2021); David Moorhead was appointed as alternate.

Parks and Recreation Advisory Board: Brian Furey replaced Addison Lanpher (2018-2021); Chris Morrison was appointed as alternate.

Public Arts Advisory Board: Lauren Branzei was reappointed (2018-2021); Catherine Knudsen moved from alternate and replaced Susan Battaglia (2017-2020 1st partial term); Linda Metcalf replaced Sarah Davey (2018-2021); Jessica DeArcos was reappointed (2018-2021); Caryn Israel was reappointed (2018-2020); Austin Reeves was appointed as alternate.

Transportation Advisory Board: Duane Skage was reappointed (2018-2021); Steve Boyd replaced Jim McFarland (2018-2021); Tonya Mellen was reappointed (2018-2021); Jonathan Thigpen was appointed to replace Harry Barley (2016-2019 1st partial); the alternate position (Tom McMacken resigned) was not filled.

Utilities Advisory Board: Rick Baldocchi and Lawrie Platt Hall were reappointed (2018-2021).

Fire Pension Board: Tony Gray was reappointed (2018-2020).

Police Pension Board: Mike Broshcart resigned; the position was not filled.

City Manager's Report

City Manager Knight reminded the Commission about the board appreciation event on May 23 at 5:30 and the cancellation of the May 28 meeting because of the Memorial Day holiday. City Manager Knight announced that tonight is Fire Chief Jim White's last Commission meeting before retirement and commented about his appreciation for his leadership and professionalism for many years. The entire Commission provided comments about the excellent job he has provided over the years for his department and the state. Fire Chief White thanked the Commission for the support they have always provided.

Commissioner Seidel asked about the status of the Orange Avenue report on traffic crashes. City Manager Knight stated they received a report from the State who recommended a limiting left hand turn off Westchester both east and westbound on certain times of the day. He stated they are reviewing signage as an option to see if that will be enough to help the issue. Discussion ensued regarding potential increases in traffic through neighborhoods and that the Commission wants to see staff's solution prior to implementation in case they are contacted by the public.

Commissioner Cooper spoke about the Orange County Planning and Zoning Board rejecting the RaceTrac on Semoran Boulevard and asked what happens next and if it goes to their Commission. Planning Manager Jeff Briggs stated it is going to their County Commission sometime in June. She also spoke about the flooding on 17-92 and who is correcting the problem. City Manager Knight commented it is Maitland's responsibility because of their development project in connection with the DOT and they are working on a solution.

The regular Commission meeting adjourned at this time (3:54) to approve the CRA minutes. The CRA Agency convened at this time.

City Attorney's Report

a. CRA Agency approval of minutes

Motion made by Commissioner Weldon to approve the April 23, 2018 CRA Agency minutes; seconded by Commissioner Sprinkel and carried unanimously with a 6-0 vote. There were no public comments.

After approval, the regular Commission meeting reconvened (3:56). City Manager Knight stated the next time they will meet 5 minutes earlier before the regular Commission meeting so they do not have to affect the Commission meeting.

Continuation of City Attorney report

Attorney Ardaman brought forward the contract with the City and Verax, the buyer of the 1111 Fairbanks Avenue property. He stated the Commission approved the contract that has a contingency for an agreed shared parking use agreement. He stated the buyer has requested they close early on May 25 so he is bringing the agreement to the Commission this evening for approval. He commented about previously providing this to the Commission for review and over the weekend made other changes to the agreement that is acceptable to the applicant. He spoke about the business that wants to lease the entire building and property to and the original hours of operation (Monday-Friday from 5:00-10:00 pm and on Saturday and Sunday from 8:00 am-11:00 pm) shared parking for at least the 25 spaces on the north side of property abutting Comstock Avenue).

He stated the doctor's group that wants the property has hours of operation Monday-Saturday from 7:00 am-7:00 pm so the tenant needs all the parking but are still willing to agree to the 25 spaces. He addressed the adjustment of hours: Monday-Saturday from 6:00 pm until 11:00 pm; Saturday from 12:00 noon to 11:00 pm; and on Sunday from 8:00 am to 11:00 pm.

Ann Long, Dean Mead law firm, 420 S. Orange Avenue, Orlando, stated they have also agreed the City would have use of those spaces on national holidays as well.

Motion made by Commissioner Sprinkel to approve the agreement as presented; seconded by Commissioner Weldon.

Commissioner Cooper wanted to hear from staff as to their needs for parking. City Manager Knight stated staff is pleased to be able to obtain this much parking and will continue to work with them once they are in place to see if additional parking can be worked out. Assistant Parks Director Jason Seeley spoke about the hours they need for activities.

There were no public comments made.

Commissioner Seidel spoke about adding more vehicle trips to the Fairbanks Avenue intersection between 5:00-7:00 and had previously asked about looking at different ways to add parking on the street. He stated he would rather gain 25 of the City's own spaces and work a deal where the business can have all their own spaces. He commented about feeling rushed with approving this agreement.

Motion made by Commissioner Seidel to table this item until they have a chance to fully review this; seconded by Commissioner Cooper. The motion failed with a 3-2 vote with Mayor Leary and Commissioner Sprinkel and Weldon voting no.

Motion amended by Commissioner Seidel that we have parking from the original hours of 5:00-10:00 pm and on Saturdays and Sundays (original hours). Mayor Leary stated he understands what Commissioner Seidel is concerned with but that he wants staff to review Comstock to see if there can be more on-street parking. **The amendment failed with a 3-2 vote with Mayor Leary and Commissioners Sprinkel and Weldon voting no.**

Motion amended by Commissioner Cooper that staff pursue with the buyer a reservation for a future consideration of a shared parking facility on your parking area. Amended failed for lack of a second. Attorney Ardaman commented it would cause issues because it is not part of the contract.

Motion amended by Commissioner Seidel that they pay 100% of the maintenance cost for the parking lot since we are using lesser hours; seconded by Commissioner Cooper. The amendment failed with a 3-2 vote with Mayor Leary and Commissioners Sprinkel and Weldon voting no.

Upon a roll call vote on the main motion to approve as presented, Mayor Leary and Commissioners Sprinkel and Weldon voted yes. Commissioners Seidel and Cooper voted no. The motion carried with a 3-2 vote.

Non-Action Items

- a. Financial report - March 31, 2018

Finance Director Wes Hamil provided a presentation on the first six months of the fiscal year for permit and plan review revenues, the first five months of the half cent sales tax revenue, golf course operations (first six months of fiscal year), CRA tax increment revenue, water and sewer figures, and electric figures. Mr. Hamil answered questions.

Consent Agenda

- a. Approve the minutes of April 23, 2018.
- b. Approve the following solicitation awards and authorize the Mayor to execute:
 - 1. Ceres Environmental Services, Inc. – RFP-5-2018 – Emergency Debris Management Services; as needed basis.
 - 2. Brance Diversified, Inc. (Primary) and Waterfront Property Services, LLC DbA Gator Dredging (Secondary) – IFB-7-2018- Dredging Services; \$250,000.
- c. Approve the following purchase and authorize the execution of a purchase Order:
 - 1. Thompson Pump & Manufacturing Co., Inc. – PR18001514 for well point and bypass pumps for the Water/Wastewater utility; \$175,794.

- d. Approve the following contract amendments and authorize the Mayor to execute: **PULLED BY COMMISSIONER COOPER FOR DISCUSSION. SEE BELOW.**
 - 1. HDD of Florida, LLC – Amendment 3 to IFB-8-2014 – Underground Utility Services – to extend the contract for an additional term and increase all Unit pricing by 4%; \$1,500,000.
 - 2. Heart Utilities of Jacksonville, Inc. – amendment 3 to IFB-8-2014 – Underground Utility Services to extend the contract for an additional term and increase all time and equipment rates by 4%; \$1,800,000.
- e. Approve the following piggyback agreements and authorize the Mayor to execute:
 - 1. Musco Sports Lighting, LLC – Renewal of existing piggyback of Clay County contract #13/14-8 – Various Equipment and Amenities for Parks and Playgrounds; \$200,000.
 - 2. Pure Air Control Services – Piggyback Cooperative Contract PAEC #18-05-HVAC Services; \$130,000.

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

Consent Agenda item 'd'

Commissioner Cooper asked about the 4% increase in the unit pricing and if this is a negotiated amount over a number of years or an annual increase. Electric Director Dan D'Alessandro explained they have not asked for any increases since they have been with the City.

Motion made by Commissioner Cooper to approve Consent Agenda item 'd'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote. No public comments were made.

Action Items Requiring Discussion

a. Events Center Rooftop Add/Alternate

City Manager Knight explained the conversations of the Commission and the need to get through some decision points related to the add/alternates and whether the Commission wants to continue to move forward with them in the design, move forward saying they are going to do them, or pull them out of design entirely.

Jim Russell, Pizzuti, spoke about the need for more discussion on the rooftop venue and to provide clarification on the add/alternates and the cost for moving those forward. He commented that an outline of the costs have been provided and summarized the costs for design.

Mayor Leary asked if the library is committed to raising additional money above the \$2.5 million for the raked auditorium. Library Director Shawn Shaffer commented that the library is committed to make up the difference on the raked auditorium of \$471,000.

Mayor Leary addressed a commitment from a City family to fund the amphitheater. He also spoke about the rooftop venue that everyone says the City needs to make this building unique and special. He believed that \$4 million is attainable for the additional costs.

Motion made by Commissioner Sprinkel to move forward with the planning of the add/alternates (amphitheater, raked auditorium, and the rooftop venue) (the porte cochere was already previously approved) with the costs and to find the additional funds to be determined later where they will come from); seconded by Mayor Leary.

Further discussion ensued regarding the add/alternates and the cost for each. Commissioner Weldon was not in favor of the rooftop venue unless it is fully paid for by a third party.

Commissioner Cooper expressed her concerns with the lack of parking with adding the rooftop venue that she believed would be a great asset but does not need to be done now. She was comfortable spending the cost to get the infrastructure in place for the rooftop and waiting until later to complete. She addressed the need to understand where the additional funds are coming from before deciding how to spend those funds. She summarized where additional funds could come from and where she did not want to see funds taken from.

Motion amended by Commissioner Weldon to move forward with the other three add/alternates but to limit the amount of funding (\$382,000) for the rooftop venue for the design, development and physical infrastructure necessary to build the rooftop structure later to decide later how to pay for that; seconded by Commissioner Sprinkel. City Manager Knight clarified if this goes forward and we find someone between now and the time this is bid out to fund it we can move forward with the entire venue.

Trish Gallagher, 881 Via Lugano and President of the Library Board, commented that they have already raised \$1.2 million and that they want to continue the design of the raked auditorium to allow them the opportunity to fundraise for that. She stated the Library Board has not voted on that yet to increase their obligation to the City from \$2.5 million to \$2.9 million. She stated if they can continue the design to a particular date where they can commit to making that addition to their budget they would be happy to do that.

The following spoke:

Nancy Shutts, 2010 Brandywine Drive, addressed parking concerns and hoped that they will continue to raise funds.

Pat McDonald, 2348 Summerfield Drive, expressed parking concerns and spoke about the fundraising by the library and concerns with other fundraising opportunities being sought by others that may hurt the library's efforts.

Michael Perelman, 1010 Greentree Drive, opposed to making decisions to build something when it is unknown where the funds are coming from. He also addressed the need for sufficient parking.

Commissioner Cooper reiterated her waiting to see the numbers for all the add/alternates beforehand but is not opposed to them. Commissioner Weldon stated he wants to see any fundraising for a rooftop venue be limited to commercial and public sources.

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

Upon a roll call vote on the main motion, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Public comments (items not on the agenda):

Library Director Shawn Shaffer explained the summer reading program and provided brochures.

Mary Daniels, 650 Canton Avenue, expressed concerns with the four way stop signs at the intersection of Lyman Avenue and New York Avenue that is a safety hazard with people not understanding four way stop signs.

Brandon Suggs, 1575 Orange Avenue, expressed concerns with the safety on Orange Avenue due to the speeders and traffic.

Bill Swartz, 2020 Taylor Avenue, spoke about this past year's Santa Claus, Irma fence debris still at a residence, voice mail at City Hall, and that the City should advertise to the citizens what they want to see at our parks and recreation.

Recess

A recess was taken from 5:49-6:07 p.m.

b. Naming of Library and Events Center

City Manager Knight addressed the issue before the Commission of either naming the entire campus or a portion of it.

Tom McMacken, Library Task Force and Library Board of Directors, spoke about their meetings held and coming up with the branding of 'The Canopy'. Mayor Leary addressed the importance to have a branding.

Motion made by Commissioner Sprinkel to name only the library and events center buildings, not the MLK Park; seconded by Commissioner Cooper.

Motion amended by Commissioner Cooper that the board do a little more work on considering the name and definitely delete the two sentences in the center of the description or get a lot more input on those words because that is not Winter Park to her. Motion failed for a lack of a second.

Commissioner Weldon did not support renaming anything.

The following spoke against the branding name 'The Canopy' (to include MLK Jr. Park):

Michael Perelman, 1010 Greentree Drive
Mary Daniels, 650 Canton Avenue
Nancy Shutts, 2010 Brandywine Drive
LaWanda Thompson, 664 W. Lyman Avenue
Sally Flynn, 1400 Highland Road
Martha B. Hall, 331 W. Lyman Avenue
Camille Reynolds, 2265 Lee Road
Barbara Chandler, 730 Minnesota Avenue
Fairolyn Livingston, 5500 Ansley Way

Commissioner Sprinkel clarified that they are not changing anything about the name of Martin Luther King, Jr. Park; only affecting the name of the Library and Events Center (only the Sr. Adjaye buildings presented).

After further comments, **Commissioner Cooper withdrew her second (because she believed that Winter Park is the best brand they could have). Mayor Leary seconded the motion made by Commissioner Sprinkel. Upon a roll call vote, Mayor Leary and Commissioners Seidel and Sprinkel voted yes. Commissioners Cooper and Weldon voted no. The motion carried with a 3-2 vote.**

Public Hearings:

- a. ORDINANCE NO. 3109-18: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CERTAIN PROVISIONS OF ARTICLE IV, SIGN REGULATIONS OF THE CITY OF WINTER PARK LAND DEVELOPMENT CODE TO REVISE THE REGULATIONS FOR TEMPORARY AND PROHIBITED SIGNS, REVISING THE DEFINITIONS FOR SIGNS, PROVIDE MORE SPECIFICITY AND CLARITY TO EXISTING SIGN REGULATIONS; AND AMENDING SECTION 1-24, SCHEDULE OF VIOLATIONS AND PENALTIES, RELATING TO SNIPE SIGNS; AND PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs addressed the discussion at the last meeting regarding murals and the proposed code limiting the area to half of the wall size and that an amendment is necessary that the code does not allow commercial messages.

Motion made by Commissioner Seidel to adopt the ordinance as presented; seconded by Mayor Leary.

Motion amended by Commissioner Weldon that Section 58-130 (e) Mural signs read: "Murals painted on walls shall bear no advertising matter. Murals painted or affixed to building walls, facades or other exterior surfaces shall be limited to one single façade only on the first floor on each side directly facing the street and shall not cover more than 60% of the first floor of that wall or signable area (and delete the last sentence in the existing ordinance); seconded by Commissioner Seidel for discussion.

Motion amended by Commissioner Cooper that on Section 58-130 (e) Mural signs to add the following statement: "Murals are limited to office/commercial buildings outside of Planning Area G (the downtown) and Planning Area H (Hannibal Square neighborhood)." Motion failed for lack of a second.

Wade Miller, 1520 Glencoe Road, spoke in favor of murals as an expression of art.

Betsy Eckbert, President and CEO, Winter Park Chamber of Commerce, spoke in favor of adopting the ordinance that many had worked hard to bring forward.

Upon a roll call vote on the amendment made by Commissioner Weldon, Commissioners Seidel, Sprinkel and Cooper voted no. Mayor Leary and Commissioner Weldon voted yes. The amendment failed with a 3-2 vote.

Upon a roll call vote on the main motion to approve as presented (with no amendments), Commissioner Weldon, Commissioners Seidel, Sprinkel and Mayor Leary voted yes. Commissioners Cooper and Weldon voted no. The motion carried with a 3-2 vote.

- b. Request of the First Church of Christ Scientist for conditional use approval to build a replacement church at 650 North New York Avenue

Planning Manager Jeff Briggs explained the request to rebuild their church. He stated they are meeting all the codes, will be getting a new sidewalk on the south side of the church, the best trees are being saved, and addressed two small variances regarding landscaping to the north and east.

Motion made by Commissioner Sprinkel to approve the request, seconded by Commissioner Weldon. 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.

- c. Request of Charles and Shirley Smallwood for subdivision or lot split approval to divide the property at 2410 Winter Park Road

Planning Manager Jeff Briggs explained the location of the property and the variance request for an extra 10' in the corner lot. He stated what they are asking for matches the neighborhood. There were no objections made.

Motion made by Commissioner Sprinkel to approve the request, seconded by Commissioner Cooper. There were no public comments. 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. Appeal of HPB decision of COR 18-001

Since this is a quasi-judicial matter, the Commission announced their discussions with the applicant and board members. Planning Director Dori Stone announced this is an appeal to a Historic Preservation Board decision regarding a garage Mr. John Skolfield wants to put on his property located at 358 Vitoria Avenue that is located within the College Quarter Historic District, and subject to the College Quarter design guidelines and rules. She stated Mr. Skolfield came before the HPB on March 14 for a 5' setback request, a variance that was denied by the HPB. He then came before the HPB on April 11 asking for a garage that met City code requirements as an accessory use allowed in the R-1AA zoning category. At that time, he requested a variance to the front doors of the garage to make it slightly taller than the 10' required under code so he revised his design to take that out. She stated his setbacks are in line with the requirements of the code and meets the requirements of all the design guidelines within College Quarter. She reported about staff's position when they approached the HPB that they had the authority to approve the design and not to approve or disapprove a garage.

Mr. Skolfield came before the HPB to take down a shed and build a new garage as his second accessory use that is allowed in the College Quarter design guidelines. His design met the design guidelines look and feel and is a non-contributing

structure in his back yard but was denied at the HPB by a 3-2 vote. She stated staff was unclear at that meeting as to rationale to the decision to deny not just his request for the design but the garage overall. She stated that staff's recommendation is for approval of the garage, which is allowed based on City code, and that he is not asking for variances or exemptions to the code. She pointed out what is allowed in the R-1AA and R-1A code and that Mr. Skolfield is wanting the garage to be used as a garage. She also addressed the design guidelines which allows any property owner to have two accessory structures and that they must be similar style and color which he has assured it would be and will not exceed the height of the building. She displayed the placement of the garage. Ms. Stone replied to Commission questions.

Mr. Skolfield, appealing the HPB decision, apologized that this came before the Commission because it should have been resolved at the HPB level. He summarized his requests before the HPB. He displayed a map of the College Quarter showing his home, the neighbors who have approved his request, and the lots having garages or carports. He explained what he wants to build a garage that fits in with the architectural design and showed the garage door he wants to simulate, and the view from the adjacent neighbor's property in the diagram.

Motion made by Commissioner Sprinkel that we overrule the HPB decision and approve the request; seconded by Commissioner Weldon.

Attorney Allison Yurko, representing Ms. Salvatori (the neighbor), addressed the HPB review of the proposal and Ms. Salvatori's objection to the proposed garage because of the proximity to her property and believed a variance is required. She spoke how she will be negatively impacted because of having to view the back and side of the RV port and objected to where Mr. Skolfield has been parking his RV on his property. She spoke about what they believed to be negative impacts to the surrounding area. She provided documents to the Commission.

The following spoke in opposition to the request:

Larry Zirbel, 1035 Lakeview Drive
Wendy Brandon, 318 Vitoria Avenue

After public comments, Mr. Skolfield commented that Building Director Wiggins has determined that no variances are needed for the garage (in conflict to what was explained by Ms. Yurko) and clarified other comments he believed were inaccurate. Upon questioning, Ms. Stone clarified that he cannot convert the structure into another house/rental without being a code compliance issue.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion to approve carried unanimously with a 5-0 vote.

- e. Request of Sydgan Corp. for conditional use approval under the cluster housing provisions of the R-2 zoning to construct a two-story, four-unit residential project of 10,556 square feet on the property at 301 West Comstock Avenue, zoned R-2.

Planning Manager Jeff Briggs summarized the zoning, the request for four units, the parking spaces, garages, and the architectural style to replicate the Old World Mediterranean of the Barbour Apartments designed by Gamble Rogers. In order for that to happen, he explained the two variances needed: You need to be 10' away from the railroad tracks and they are asking 7 1/2'; and the other variance regarding the height of the wall arch off Comstock. He addressed the positive P&Z Board recommendation and clarified questions of the Commission regarding setbacks.

Attorney Jeanne Reynaud, representing the applicant, agreed with staff's comments and spoke about the setbacks. She mentioned staff's recommendation for approval and the unanimous P&Z Board approval.

Motion made by Commissioner Sprinkel to approve the conditional use request (as presented); seconded by Commissioner Weldon.

Commissioners asked for clarification of various issues regarding landscaping, buffers and parking spaces. Commissioner Cooper voiced appreciation for the nice project but wished it was in a different location.

The following spoke in opposition because of traffic, parking, noise, setbacks and the scale and mass of neighborhood:

Attorney Scott Rost, representing Lyman Avenue Villas 1 HOA, Inc.
Tom Wilkerson and Lee Ann Inman, 327 W. Comstock Avenue
Jennifer Anderson, 1621 Roundelay Lane

Martha Bryant Hall, 331 W. Lyman Avenue (said she doesn't object to this project but had concerns with traffic, parking and noise).

The following spoke in favor of the project:
John Skolfield, 358 Vitoria Avenue

Commissioner Cooper stated this is difficult for her because of her love for the Barbour House but did not believe this project is compatible with the character of the surrounding area because of type and size of the building. She addressed cluster housing in R-2 zoning and encroachments by commercial property.

Motion amended by Commissioner Cooper (to improve compatibility) that we reduce the allowable FAR from 55% to 45% as required by code for R-2 developments across the street for the single family homes. Motion failed for lack of a second.

Motion amended by Commissioner Cooper that we require the project to comply with the setbacks facing the rail right-of-way as required by code (move building back 2 1/2' from the rail). Motion failed for lack of a second.

Motion amended by Commissioner Cooper to promote compatibility would be to limit the garage heights to the heights of the garages at the property to the north (match the heights of the David Weekly homes). Motion failed for lack of a second.

Motion amended by Commissioner Cooper to deny the project. Motion failed for lack of a second.

Commissioner Weldon disputed the compatibility issue after reviewing the conditional use requirements with regard to compatibility and reached the opposite conclusion. He stated this project is not more dense than the surrounding projects.

Upon a roll call vote to approve the request as presented, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

- f. RESOLUTION NO. 2206-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, INITIATING THE NEGOTIATION PROCESS PURSUANT TO SECTION 171.203, FLORIDA STATUTES WITH THE CITY OF MAITLAND AND ORANGE COUNTY FOR AN INTERLOCAL SERVICE BOUNDARY AGREEMENT FOR THE CONTRACTION AND ANNEXATION OF CERTAIN LAND OWNED BY THE CITY OF WINTER PARK THAT IS CURRENTLY LOCATED WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF MAITLAND; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Ardaman read the resolution by title. City Manager Knight explained the properties acquired by the City on Howell Branch contained two properties in the City of Maitland and this process begins our request to negotiate with them to de-annex the one property that is just on the other side of the Maitland/Winter Park line and is adjacent to the Howell Branch Preserve Park. He addressed the other property that we acquired as part of that is over into the other side of another Maitland property and are proposing as part of the negotiation that we give them that property in exchange for the annexation/de-annexation agreement.

Motion made by Commissioner Cooper to adopt the resolution (begin negotiation process); seconded by Commissioner Weldon. There were no public comments 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.

- g. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS CHANGING THE PERMITTED, CONDITIONAL PROHIBITED USES AND DEVELOPMENT STANDARDS WITHIN THE OF THE CITY BY ADOPTING A NEW MEDICAL ARTS ZONING DISTRICT AND AMENDING THE MULTI-FAMILY (R-3) DISTRICT AND PARKING LOT (PL) DISTRICT AS NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs explained that the ordinance completes the implementation of the Zoning Code changes necessary for the Comprehensive Plan adopted in April 2017. Most of the necessary changes were made in November 2017 but these three items were tabled for revisions and future implementation. Mr. Briggs explained that staff has removed the items the Commission had issues with in the Medical Arts district and in the R-3 rules for properties that are less than 15,000 square feet. He also indicated that this implements the ability to require cross access easements anytime they are rezoning properties PL. He further summarized changes made to the ordinance. Mr. Briggs and Planning Director Dori Stone clarified questions and comments of the Commissioners. Ms. Stone spoke about the Medical Arts District and the safeguards that staff has taken in the code to prevent other uses of the medical arts district.

Motion made by Commissioner Weldon to accept the ordinance on first reading as presented; seconded by Mayor Leary.

Commissioner Cooper indicated that she had several amendments to offer.

Commissioner Cooper stated that the size of homes relative to the lot size and loss of tree canopy was a concern of many residents and that the City should not allow more lot coverage. While first floor bedrooms are a preference of older residents, market demands would cause that to happen without us allowing more lot coverage.

Motion amended by Commissioner Cooper to Section 58-68 R-3 District, page 231 of agenda packet, regarding the lot coverage of homes, to delete the note that offers a 3% increase in lot coverage for homes with first floor bedroom space. Motion failed for lack of a second.

Commissioner Cooper recommended that the City expand this proposed right to require cross access easements on commercial/office properties along major corridors, when a request for up-zoning of property comes before the Commission. There was a consensus by the entire Commission for staff to review this and bring back something.

Amendment #1: Motion amended by Commissioner Cooper under Section 58-82, Medical Arts District that the verbiage be consistent with Policy 1-2.4.12 in the comprehensive plan and the Medical Arts District be limited to the Winter Park Hospital and the adjacent vicinity as depicted on the Future Land Use Map; seconded by Commissioner Sprinkel.

Motion made by Commissioner Weldon to table this item; seconded by Commissioner Cooper. Motion failed with a 4-1 vote with Commissioner Weldon voting yes.

Commissioner Cooper asked that before the second reading of this ordinance, that staff clarify what they mean by "specific provisions" in the following statement (b) (1) Application: "The adoption of Medical Arts (MD) zoning shall only occur in locations where specific provisions are to be applied on a case by case basis to ensure the compatibility..."

Motion amended by Commissioner Cooper under the same paragraph (b)(1), that 80% of the floor space within "the building" be changed to 80% of the floor space "within each building". Motion failed for lack of a second.

Motion amended by Commissioner Cooper that (b)(2) Application be deleted in its entirety, which would result in MA applications being governed by our existing codes or say that these zoning changes and conditional uses will be processed according to our existing process. Motion failed for lack of a second.

Amendment #2: Motion amended by Commissioner Cooper under (b) (1) Application: To add: 'to be common ownership'; seconded by Commissioner Sprinkel. Commissioner Cooper advised that common ownership is required by Comprehensive Plan Policy 1-2.4.12.

Amendment #3: Motion amended by Commissioner Cooper under (c) Permitted uses: (1) Hospitals – To add 'and adjacent' and to indent and renumber all other permitted uses to show they must be associated with a hospital. Seconded by Commissioner Sprinkel.

Motion amended by Commissioner Cooper under (c) Minimum building site, to change the minimum building site for a hospital Medical Arts District from two (2) to five (5) acres. Motion failed for lack of a second.

Commissioner Cooper explained that the City should obtain a "public benefit" for the increase from 45% floor area ratio to the 100% floor area ratio allowed in this zoning district. She believed additional pervious coverage (open space) should be that "pubic benefit."

Amendment #4: Motion amended by Commissioner Cooper under (7) Development Standards, it read "Development shall not exceed 75% impervious coverage in this district"; seconded by Commissioner Seidel.

The following spoke:

Donna Colado, 327 Beloit Avenue, stated the Medical Arts District needs to remain where it is and do not allow anywhere else in the City.

Pat McDonald, 2348 Summerfield Road, agreed with all the amendments and other issues that did not receive a second.

Upon a roll call vote on Amendment #1, Commissioners Seidel, Sprinkel and Cooper voted yes. Mayor Leary and Commissioner Weldon voted no. The motion carried with a 3-2 vote.

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

Upon a roll call vote on Amendment #3, Commissioners Seidel, Sprinkel, Cooper and Mayor Leary voted yes. Commissioner Weldon voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on Amendment #4, Commissioners Seidel and Cooper voted yes. Commissioners Sprinkel, Weldon and Mayor Leary voted no. The motion failed with a 3-2 vote.

Upon a roll call vote on the main motion with the three amendments, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

City Commission Reports:

Commissioner Seidel – No report.

Commissioner Sprinkel – No report.

Commissioner Cooper – No report.

Commissioner Weldon – Commented on the Medical Arts District and our comprehensive plan.

Motion made by Commissioner Weldon to move forward with opening up the City Attorney's contract to review and get bids. Motion failed for lack of a second. Commissioner Weldon will meet with the City Attorney along with the City Manager.

Mayor Leary – No report.

The meeting adjourned at 9:22 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Cynthia S. Bonham, MMC



city commission **agenda item**

item type	Consent Agenda	meeting date	6/11/2018
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following purchase and authorize the execution of subsequent purchase orders:

1. Traffic Control Devices, Inc. - Continued citywide signal maintenance, as well as upgrades of the traffic signals at 17-92 & Morse Blvd; \$200,000

motion / recommendation

Commission approve the item as presented.

background

Equipment & services to be procured utilizing IFB-12-2014 - Traffic Signal Maintenance.

alternatives / other considerations

N/A

fiscal impact

Total expenditure included in approved FY18 budget.

ATTACHMENTS:

Description	Upload Date	Type
Purchases \$75,000+	5/30/2018	Cover Memo



city commission agenda item

item type	Purchases over \$75,000	meeting date	June 11, 2018
prepared by department division	Procurement Division	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		
		final vote	

Purchases over \$75,000

	vendor	item background	fiscal impact	motion recommendation
1.	Traffic Control Devices, Inc.	Continued citywide signal maintenance, as well as upgrades of the traffic signals at 17-92 & Morse Blvd.	Total expenditure included in approved FY18 budget. Amount: \$200,000	Commission approve the purchases and authorize the issuance of subsequent purchase orders.
Equipment and services to be procured utilizing IFB-12-2014 – Traffic Signal Maintenance.				



city commission agenda item

item type	Consent Agenda	meeting date	6/11/2018
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following piggyback agreements and authorize the Mayor to execute:

1. Stuart C. Irby Co. - Renewal of existing piggyback of OUC contract #3601-2 OQ for the provision of Padmount Switchgears; \$200,000
2. DataProse, LLC - Piggyback of City of Boca Raton contract #2016-023 for Utility Bill Printing & Distribution Services; \$200,000
3. T.V. Diversified, Inc. - Renewal of existing piggyback of City of West Palm Beach contract #ITB-13-14-129 for Lift Station Repairs & Rehabilitation Services; \$200,000

motion / recommendation

Commission approve the items as presented.

background

Formal solicitations were issued to award the originating contracts.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved FY18 budget.

ATTACHMENTS:

Description	Upload Date	Type
Piggybacks	5/31/2018	Cover Memo



city commission agenda item

item type	Piggyback Contracts	meeting date	June 11, 2018
prepared by	Procurement Division	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
department			
division			
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.	Stuart C. Irby Co.	Renewal of existing piggyback of OUC contract #3601-2 OQ – Padmount Switchgears	Total expenditure included in approved FY18 budget. Amount: \$200,000	Commission approve the renewal and authorize the Mayor to execute.
A formal solicitation was issued to award this contract.				
2.	DataProse, LLC	Piggyback of City of Boca Raton contract #2016-023 for Utility Bill Printing & Distribution Services	Total expenditure included in approved FY18 budget. Amount: \$200,000	Commission approve the agreement and authorize the Mayor to execute.
A formal solicitation was issued to award this contract.				
3.	T.V. Diversified, Inc.	Renewal of existing piggyback of City of West Palm Beach contract #ITB-13-14-129 for Lift Station Repairs & Rehabilitation Services	Total expenditure included in approved FY18 budget. Amount: \$200,000	Commission approve the renewal and authorize the Mayor to execute.
A formal solicitation was issued to award this contract.				



city commission **agenda item**

item type	Consent Agenda	meeting date	6/11/2018
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following contract amendment and authorize the Mayor to execute:

1. HDD of Florida, LLC - Amendment 4 to IFB-8-2014 - Underground Utility Services to allow for the boring of 30" stormwater HDPE; \$175,000

motion / recommendation

Commission approve the item as presented.

background

A formal solicitation was issued to award this contract.

alternatives / other considerations

N/A

fiscal impact

Total expenditure included in approved FY18 budget.

ATTACHMENTS:

Description

Contracts

Upload Date

5/30/2018

Type

Cover Memo



city commission agenda item

item type	Contracts	meeting date	June 11, 2018
prepared by department division	Procurement 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	

Contracts

	vendor	item background	fiscal impact	motion recommendation
1.	HDD of Florida, LLC	Amendment 4 to IFB-8-2014 – Underground Utility Services – to allow for the boring of 30" stormwater HDPE.	Total expenditure included in approved FY18 budget. Amount: \$175,000	Commission approve the Amendment and authorize the Mayor to execute.
A formal solicitation was issued to award this contract.				



city commission agenda item

item type	Consent Agenda	meeting date	6/11/2018
prepared by	Budget and Performance Measurement	approved by	City Manager
board approval	N/A final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the FY18 Budget Amendment - Golf Course

motion / recommendation

Approve the amendment as presented.

background

The City Commission is required by Statute to approve any budget amendments that alter the total amount budgeted in any fund or when funds are transferred between different fund types.

The Golf Course Management makes an estimate of expected revenues and expenses during the budget process each year. Better than expected play and sales of merchandise and food items are driving up corresponding costs.

This amendment, if approved by the Commission will become part of the formal FY18 year-end close out process that will adopt all FY18 amendments by formal ordinance. The amendment requested is attached to this item.

alternatives / other considerations

N/A

fiscal impact

This amendment will adjust the total planned expenses of the course by \$75,500 with offsetting revenues to cover this increase. (Full list of changes attached.)

ATTACHMENTS:

Description

Budget Amendment - Exhibit A

Upload Date

5/31/2018

Type

Cover Memo

Exhibit A

Budget Amendments Requiring Commission Approval

Fiscal Year 2017 - 2018

Item	Amount	Source Account	Source Acct. Name	Exp. Account	Exp. Acct. Name	Note	Approval Date
Golf Course Revenue and Expense Adjustment	\$ 75,500	Various Revenue	See attached list	Various Expense	See attached list	Golf course revenues are exceeding budgeted estimates and corresponding expenses tied to demand need to be raised.	Pending

Recommended Amendment to Golf Course Admin (6301) Budget

Object	Description	2018 Budget	2018 Amended Budget	Budget Adjustment
347230	PARKS-GOLF GREEN FEES	(440,000.00)	(471,000.00)	(31,000.00)
347231	PARKS-GOLF MEMBERSHIP FEES	(80,000.00)	(90,000.00)	(10,000.00)
347232	PARKS-GOLF CART FEES	(60,000.00)	(69,000.00)	(9,000.00)
347234	PARKS-PRO SHOP MERCHANDISE SALE	(60,000.00)	(80,000.00)	(20,000.00)
347235	PARKS-GOLF PRO SHOP FOOD & BEV	(49,000.00)	(54,500.00)	(5,500.00)
Total Amended Revenues		(689,000.00)	(764,500.00)	(75,500.00)

534040	OTHER SERVICES - CONTRACTUAL	0.00	1,500.00	1,500.00
534045	OTHER SERVICES - CR CARD FEES	7,500.00	12,500.00	5,000.00
541015	COMM SERVICES - EQUIP CHARGES	769.00	2,069.00	1,300.00
541020	COMM SERVICES - MOBILE DEVICES	600.00	1,800.00	1,200.00
543070	UTILITY SERVICES - ELECTRICITY	7,000.00	11,000.00	4,000.00
547010	PRINTING AND BINDING	1,400.00	2,900.00	1,500.00
552010	OPERATING SUPPLIES - GENERAL	12,000.00	21,000.00	9,000.00
552012	OPERATING SUPPLIES - MERCHDISE	30,000.00	56,000.00	26,000.00
552014	OPERATING SUPPLIES - RECREATN	1,500.00	4,000.00	2,500.00
552015	OPERATING SUPPLIES - FOOD&BEV	10,000.00	10,500.00	500.00
552016	OPERATING SUPPLIES - ALCOHOL	10,000.00	19,000.00	9,000.00
552060	OPERATING SUPPLIES - JANITOR	2,600.00	3,600.00	1,000.00
534040	OTHER SERVICES - CONTRACTUAL	13,000.00	26,000.00	13,000.00
Total Amended Expenses		96,369.00	171,869.00	75,500.00

Higher demand for play and sales are driving corresponding cost increases in cost of goods sold.



city commission **agenda item**

item type	Public Hearings	meeting date	6/11/2018
prepared by	City Manager	approved by	City Manager, City Attorney
board approval	final vote		
strategic objective	Investment in Public Assets and Infrastructure		

subject

Ordinance - Renewal of Gas Franchise (1)

motion / recommendation

Approve the nonexclusive gas franchise renewal to Peoples Gas System, a division of Tampa Electric Company.

background

The current 10 year franchise agreement with Peoples Gas expired in November 2017. The attached franchise renewal is for a period of 10 years with an option for an additional 10 years at the expiration of the first 10 year period.

alternatives / other considerations

None.

fiscal impact

The franchise fee percentage is unchanged.

ATTACHMENTS:

Description

Franchise Ordinance

Upload Date

5/31/2018

Type

Cover Memo

NATURAL GAS
FRANCHISE AGREEMENT
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, GRANTING TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT TO USE THE PUBLIC RIGHTS OF WAY OF THE CITY OF WINTER PARK, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE; AND REPEALING AND REPLACING THE PRIOR ORDINANCE AND FRANCHISE AGREEMENT.

WHEREAS, Peoples Gas System and the City of Winter Park desire to enter into a franchise agreement for a period of ten (10) years commencing from the date provided herein; and

WHEREAS, the City Commission finds that it is in the public interest of its citizens to enter into a new franchise agreement with Peoples Gas System.

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

SECTION 1: DEFINITIONS

For the purposes of this Ordinance, the following terms shall have the meaning given herein.

- A. "Customer" shall mean any Person served by the Company within the corporate limits of the City.
- B. "City" shall mean the City of Winter Park, Orange County, Florida, its successor and assigns.
- C. "Company" shall mean Peoples Gas System, a division of Tampa Electric

Company, a Florida corporation, its successors and assigns.

- D. "Distribution System" shall mean any and all transmission pipe lines, main pipe lines and service lines, together with all tubes, traps, vents, vaults, manholes, meters, gauges, regulators, valves, conduits, attachments, structures and other appurtenances, as are used or useful in the sale, distribution, transportation or delivery of Natural Gas and as are situated within the corporate limits of the City.
- E. "Effective Date" shall mean the date this Franchise becomes Effective as described in Section 19 below.
- F. "Franchise" or "Franchise Agreement" shall mean this agreement, as passed and adopted by the City and accepted by the Company, as provided in Section 19 below.
- G. "FPSC" shall mean the Florida Public Service Commission or any successor agency.
- H. "Gross Revenues" shall mean all revenues (as defined by the Florida Public Service Commission) received by the Company from any Customer from the sale, transportation, distribution or delivery of Gas.
- I. "Person" shall mean any individual, firm, partnership, estate, corporation, company or other entity, including, but not limited to, any government entity.
- J. "Natural Gas" of "Gas" shall mean natural gas and/or manufactured gas and/or a mixture of gases which is distributed in pipes and measured by meter on the Customer's premise. It shall not mean propane gas or liquefied petroleum gas (commonly referred to as "bottled gas").
- K. "Right-of-way" means any street, road, lane, highway, avenue, boulevard, alley, bridge, easement, public thoroughfares or other right-of-way that is owned by or dedicated to the City. With respect to easements, the term "right-of-way" only includes those easements owned by City or dedicated to the City or public which permit gas utilities or lines by the terms of the

applicable easement instrument.

SECTION 2: GRANT

The City hereby grants to the Company the non-exclusive right, privilege, and franchise to lay, erect, construct, operate and maintain in, on or under any and all Rights-of-way, as they now exist or may be hereafter constructed, opened, laid out or extended within the present incorporated limits of the City, or in such territory as may be hereafter added or annexed to, or consolidated with, the City, a Distribution System subject to the terms and conditions herein contained. Notwithstanding the grant to use Rights-of-way, no right-of-way shall be used by the Company if the City, in its reasonable discretion and after consultation with the Company, determines that such use by the Company is inconsistent with the terms, conditions or provisions by which the applicable right-of-way was created or dedicated or is being used.

SECTION 3: TERM

Except as provided in Section 15, the Franchise hereby granted shall be for a period of ten (10) years from the effective date of this ordinance; provided, however, that there will be an option to renew the Franchise for one (1) ten (10) year renewal term if the Company provides the City with written notice, no less than one hundred and eighty (180) days' prior to the expiration of the initial ten (10) year term, that the Company wants to exercise the option to an additional ten (10) year term, and, in addition, the City provides written notice of acceptance of the ten (10) year renewal term prior to the expiration of the initial ten (10) year term. If the Company fails to provide timely written notice that Company want to exercise the option for the additional ten (10)

year term or if the City does not accept the Company's request for the additional ten (10) year term, then the Franchise shall expire upon the conclusion of the initial ten (10) year term.

SECTION 4: ASSIGNMENT

A. The Franchise hereby granted shall not be leased, assigned or otherwise alienated or disposed of except with the prior express written consent of the City, which shall not be unreasonably withheld or unduly delayed. No assignment shall be allowed without the assignee assuming the terms of the Franchise Agreement with the City .

B. Notwithstanding the foregoing, the Company may, without the consent of the City, lease, assign or otherwise alienate and transfer this Franchise in connection with the lease or sale of the Distribution System or upon its merger or consolidation with, or transfer to, a corporation engaged in similar business (including an affiliate or subsidiary of the Company), or pledge or mortgage of such Franchise in connection with the physical property owned and used by it in the operation of the Distribution System for the purpose of securing payment of monies borrowed by the Company.

SECTION 5: CITY COVENANT

As a further consideration for this Franchise Agreement, the City covenants and agrees that it will not, during the term of this Franchise Agreement or any extension thereof, engage in the business of distributing or selling Natural Gas within the corporate limits of the City, as modified, during the term of this Franchise Agreement.

SECTION 6: USE OF STREETS

The Distribution System shall be erected, placed, or laid in such manner as will, consistent with necessity, as to minimize interference with additions to the City's real property in the Right-

of-way, City's utilities and other public uses of the Rights-of-way, and said Rights-of-way shall not be unnecessarily obstructed, and before, except in an emergency situation, the Company makes any excavation or disturbs the surface of any of the Rights-of-way, it shall make application for a permit to the appropriate City authority. The City shall issue, or if applicable deny, permits within ten (10) business days of application by the Company. In consideration of the franchise fees contemplated in this agreement, the City shall not charge the Company any fees for the issuance of such permits. The Company shall, with due diligence and dispatch, place such Rights-of-way in as good a condition as before such excavation or disturbance was made; provided, however, that should the Company fail, within ten (10) days of its receipt of written notice from the City, to restore such Rights-of-way, then the City may undertake such restoration (other than any restoration work on the Distribution System) and charge the reasonable cost thereof to the Company.

To the extent consistent with Florida law, the Company hereby agrees to abide by all the rules and regulations and ordinances which the City has passed or might pass in the future, in the exercise of its police power, and further agrees to abide by any established policy which the City or its duly authorized representative has passed, established, or will establish, in the exercise of its police power; provided, however, that the City shall not enforce against the Company any ordinance or regulation that results in a material change in the rights or obligations of the Company under the Franchise Agreement.

SECTION 7: MAINTENANCE

All such components of the Distribution System of the Company located within the City shall be installed and maintained in safe condition, in accordance with accepted good practice and in accordance with the orders, rules, and regulations of the Florida Public Service Commission.

SECTION 8: LAYING OF PIPE

All components of the Distribution System shall be laid consistent with all applicable codes, rules, regulations and laws, including, to the extent consistent with all applicable codes, rules, regulations and laws, specifications contained in City permits. In the event of conflicts between the construction or installation of components of the Distribution System and the City's utility systems and additions to the City's real property, conflicts shall be resolved through consultation between the parties to minimize interference with the City's utilities systems and improvements unless otherwise agreed to by the City.

SECTION 9: CONSTRUCTION WORK

The City reserves the right to permit to be laid electric conduits, water and gas pipes and lines, cables, sewers, and to do and permit to be done any underground work that may be deemed necessary or proper by the City in, across, along, or under any Right-of-way. Whenever, by reason of establishing a grade or by reason of changes in the grade of any Right-of-way, or by reason of the widening, grading, paving, or otherwise improving present or future Rights-of-way, or in the location or manner of construction of any water pipes, electric conduits, sewers, or other underground structure located within the Rights-of-way, it shall be deemed necessary by the City to remove, relocate or disconnect any portion of the Distribution System of the Company hereto for such public purpose, such removal, relocation or disconnection shall be made by the Company

as ordered in writing by the City without claim for reimbursement. If the City shall require the Company to remove, relocate or disconnect any portion of its Distribution System or in any way to alter the placement or location of the Distribution System, to enable any other Person to use said Rights-of-way of the City, as part of its permitting or approval process, the City shall require the Person desiring or occasioning such removal, relocation, disconnection or alteration to reimburse the Company for any loss, cost or expense caused by or arising out of such removal, relocation, disconnection or alteration of any portion of the Distribution System. The Company further agrees that it will not intentionally interfere with, change, or injure any water pipes, drains, or sewers of said City unless it has received specific permission from the City or its duly authorized representative.

SECTION 10: FRANCHISE FEE

Subject to Section 11 below, within thirty (30) days after the close of the first full billing month following the effective date of this Franchise Agreement, and each month thereafter during the term of this Franchise Agreement, the Company, its successors or assigns, shall pay to the City, or its successors, a sum of money equal to six percent (6%) of the Company's Gross Revenue, less any adjustments for uncollectable accounts, from the sale, transportation, distribution or delivery of Natural Gas to Customers within the corporate limits of the City. The franchise fee payment shall be deemed paid on time if post-marked within thirty (30) days of the close of the preceding billing month.

SECTION 11: IDENTIFICATION OF CITY RESIDENTS

No less than thirty (30) days prior to the Effective Date, the City shall deliver to the Company such information (including City limit streets and block numbers) as is needed by the

Company to determine which of its customer are located within the City limits. The City shall also provide the Company notice of any property annexed into or contracted from the City limits occurring after the Effective Date within thirty (30) days after the effectiveness of any change in said City limits. The Company shall be relieved of any obligation to pay franchise fees to the extent the City has failed to provide information in accordance with this Section 11; provided however, once such information is provided by the City, the Company shall pay franchise fees accordingly, and this provision does not relieve the Company from paying franchise fees concerning those properties and customers for which the Company has been provided such information.

SECTION 12: ACCOUNTS AND RECORDS

The Company shall maintain accounting, maintenance, and construction records as prescribed by the FPSC. The Company shall establish and maintain appropriate accounts and records in such detail that revenues within the corporate limits of the City are consistently declared separately from all other revenues, and such records shall be maintained within the State of Florida. Upon request by the City, or its designated representative, and execution of a confidentiality agreement reasonably satisfactory to the Company, the Company shall make available said records within thirty (30) days to the City for the determination of the accuracy of the Gross Revenues upon which the Company's franchise fee is based. The Company shall maintain its billing records only for the period of time required by the FPSC and any examination conducted after such period shall be confined to the billing records then available.

SECTION 13: INSURANCE

During the term of this Franchise, the Company shall file with the City Clerk and shall keep in full force and effect at all times during the effective period hereof, insurance certificates evidencing a general liability insurance policy or policies or evidence of self-insurance within the corporate limits of the City, as they currently exist or may exist in the future. Each such policy shall be in the minimum sum of \$5,000,000.00 for injury or death to any one person, and in the minimum sum of \$5,000,000.00 for injury or death to all persons where there is more than one person involved in any one accident, and in the minimum sum of \$5,000,000.00 for damage to property, resulting from any one accident, and each of the said minimum sums shall remain in full force and shall be undiminished during the effective period of this Ordinance. The coverage requirements set forth in this Section 13 may be satisfied, in whole or in part, with self-insurance.

Company shall notify the clerk of the City, in writing, of any material alteration, modification, or cancellation of such policy.

SECTION 14: INDEMNIFICATION

In consideration of the permissions granted to the Company by this Franchise Agreement, the Company hereby agrees to indemnify and hold harmless the City, its officers, agents and employees from and against claims, suits, actions, and causes of action, to the extent caused by the Company's negligent operation of the Distribution System within the City during the term of this Franchise and resulting in personal injury, loss of life or damage to property sustained by any person or entity, through or as a result of the doing of any work herein authorized or the failure to do work herein required, and including all reasonable costs, attorney's fees, expenses and liabilities incurred by the City in connection with any such claim, suit or cause of action, including the

investigation thereof, and the defense of any action or proceeding brought thereon and any order, judgment or decree which may be entered in any such action or proceeding or as a result thereof; provided, however, that neither the Company nor any of its employees, agents, contractor, licensees, or sublessees shall be liable under this section for any claims, demands, suits, actions, losses, damages, or expenses, including attorney's fees, arising out of the negligence, strict liability, intentional torts, criminal acts, or error of the City, its officers, agents, or employees. The provisions of this section shall survive the expiration or earlier termination of this Franchise Agreement. Notwithstanding any provision herein to the contrary, the Company's liability under this Agreement shall be limited to the assets and business of Peoples Gas System, a division of Tampa Electric Company, as if Peoples were incorporated separate and apart from Tampa Electric Company. Nothing herein shall constitute or is intended as a waiver of the City's sovereign immunity protections or of any other privilege, immunity or defense afforded to the City and its officers, employees and agents under law.

SECTION 15: TERMINATION BY CITY

Violation by the Company of any of the covenants, terms, and conditions hereof, or default by the Company in observing or carrying into effect any of said covenants, terms and conditions, shall authorize and empower the City to declare a termination this Franchise Agreement; provided, however, that before such action by the City shall become operative and effective, the Company shall have been served by the City with a written notice setting forth all matters pertinent to such violation or default, and describing the action of the City with respect thereto, and the Company shall have had a period of sixty (60) days after service of such notice, or, in the event such cure reasonably requires a period of more than sixty (60) days, sixty (60) days to present a plan,

reasonably satisfactory to the City, to effect such cure; and provided further that any violation or default resulting from a strike, a lockout, an act of God, or any other cause beyond the control of the Company shall not constitute grounds for termination.

SECTION 16: CHANGES IN PROVISIONS HEREOF

Changes in the terms and conditions hereof may be made by written agreement between the City and the Company.

SECTION 17: SEVERABILITY; CHANGE IN LAW

(A) If any section, part of a section, paragraph, sentence, or clause of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other portion hereof, but shall be restricted and limited in its operation and effect to that specific portion hereof involved in the controversy in which such decision shall have been rendered; provided, however, that should elimination of the specific portion of the Franchise Agreement adjudged to be invalid results in significant adverse consequences to a party, then that party may terminate this Franchise Agreement by providing thirty (30) days written notice to the other party.

(B) Upon the issuance by a court of competent jurisdiction of an order, ruling, or decision, or the enactment or adoption by the Florida Legislature, the City or any other governmental or regulatory body, of a law, rule, regulation or ordinance, that materially diminishes a municipality's ability to exact franchise fees from a utility, or that effectively does away with the ability of a municipality to grant a franchise altogether, then the Company or City may terminate this Franchise Agreement by providing ninety (90) days written notice to the other party.

SECTION 18: GOVERNING LAW

This Franchise shall be governed by the laws of the State of Florida and applicable federal law. Exclusive venue for any lawsuit arising out of this Franchise Agreement shall be in a court of proper jurisdiction in Orange County, Florida.

SECTION 19: REPEAL

The previous franchise agreement between the City and Company (including the ordinance approving the same) are hereby repealed and replaced by this Ordinance and the Franchise Agreement.

SECTION 20: EFFECTIVE DATE

This Franchise Agreement shall become effective upon its acceptance by the Company, which acceptance must be evidenced in writing within sixty (60) days of the City's passage and adoption hereof.

PASSED AND CERTIFIED AS TO PASSAGE this _____ day of _____, 2017.

Steve Leary, MAYOR

ATTEST: _____
Cindy Bonham
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

Accepted this _____ day of _____, 2018

PEOPLES GAS SYSTEM, A DIVISION OF
TAMPA ELECTRIC COMPANY

By: _____
Title: _____



city commission agenda item

item type	Public Hearings	meeting date	6/11/2018
prepared by	Planning / CRA	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Ordinance - To implement the updated Comprehensive Plan policies into the Land Development Code, specifically the policy to adopt a new Medical Arts zoning district and to amend the R-3 and PL zoning districts. (2)

motion / recommendation

Recommendation to approve the Ordinance as presented.

background

This proposed Ordinance makes the changes required to implement the recently adopted new Comprehensive Plan adopted on April 24, 2017 within the City's Land Development Code, that were tabled for additional review by the City Commission in November 2017. A summary of those changes are as follows and the "track change" version shows the changes made since you last saw this in November 2017:

1. Sec. 58-82 – Implements the Comp. Plan policy decision to adopt a new Medical Arts zoning district, with revisions.
2. Sec. 58-68 – Implements the Comp. Plan policy decisions to change the R-3 zoning district to fully implement the maximum 17 units/acre; remove the affordable housing density incentives; implement the policy on third floor sloped roofs and dormers; clarify the visitor parking requirements; and addresses the most common exception request for master bedrooms on the first floor, with revisions.
3. Sec. 58-80 – Implements the Comp. Plan policy decision to require easement for interconnectivity of parking lots when they are granted Parking Lot District zoning by the City, which is all new.

The primary change to the new Medical Arts zoning district from the previous version was to remove the requirement for Master Plans which then granted the authority to staff to approve development consistent with the Master Plans. Instead, the same procedures and notice will be required for the approval of individual development projects within the Medical Arts zoning, as now are in effect for all the other zoning districts of the City.

The primary change to the Multi-Family (R-3) zoning district from the previous version was to remove the staff modifications that applied to projects with less than 15,000 square feet of land area. The current regulations for those properties then

are unchanged.

Planning and Zoning Board Minutes – April 3, 2018:

REQUEST OF THE CITY OF WINTER PARK TO: AMEND CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING REGULATIONS" SO AS TO ADOPT NEW ZONING REGULATIONS BY ADOPTING A NEW MEDICAL ARTS ZONING DISTRICT AND AMENDING THE MULTI-FAMILY (R-3) DISTRICT AND PARKING LOT (PL) DISTRICT AS NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017.

Planning Manager, Jeff Briggs, presented the staff report and explained that the proposed Ordinance makes the changes required to implement the recently adopted new Comprehensive Plan adopted on April 24, 2017 within the City's Land Development Code, that were tabled for additional review by the City Commission in November 2017. He stated that the primary change to the new Medical Arts zoning district from the previous version was to remove the requirement for Master Plans which then granted the authority to staff to approve development consistent with the Master Plans. Instead, the same procedures and notice will be required for the approval of individual development projects within the Medical Arts zoning, as now are in effect for all the other zoning districts of the City.

Mr. Briggs note that the primary change to the Multi-Family (R-3) zoning district from the previous version was to remove the staff modifications that applied to projects with less than 15,000 square feet of land area. The current regulations for those properties then are unchanged. With respect the Parking Lot change, it requires interconnecting easement between parking lots created in the future behind redevelopment along the north side of Fairbanks Avenue. Staff Recommendation is for APPROVAL of the Ordinance.

No one from the public wished to speak; the Public Hearing was closed. The Board agreed with Staff's recommendation and there were no questions.

Motion made by Ray Waugh, seconded by Laura Turner to amend Chapter 58 "Land Development Code", Article III, "Zoning Regulations" so as to adopt new zoning regulations changing the permitted, conditional and prohibited uses and development standards within the City by adopting a new Medical Arts Zoning District and amending the multi-family (R-3) District and Parking Lot (PL) District as necessary to implement the City of Winter Park, Comprehensive Plan, Goals and Objectives and Policies Document, dated April 24, 2017.

The motion carried unanimously with a 5-0 vote.

[alternatives / other considerations](#)

N/A

[fiscal impact](#)

N/A

ATTACHMENTS:

Description

Ordinance

Upload Date

5/31/2018

Type

Cover Memo

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS CHANGING THE PERMITTED, CONDITIONAL AND PROHIBITED USES AND DEVELOPMENT STANDARDS WITHIN THE CITY BY ADOPTING A NEW MEDICAL ARTS ZONING DISTRICT AND AMENDING THE MULTI-FAMILY (R-3) DISTRICT AND PARKING LOT (PL) DISTRICT AS NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has adopted Chapter 163, Florida Statutes which requires all local communities to adopt amendments to their Land Development Codes to implement the growth and development policies of Comprehensive Plans adopted pursuant to Chapter 163, Florida Statutes and Florida Administrative Rules in order to provide appropriate policy guidance for growth and development: and

WHEREAS, the Winter Park City Commission adopted a new Comprehensive Plan on April 24, 2017 via Ordinance 3076-17; and

WHEREAS, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended adoption of proposed amendments to the Zoning Regulations portion of the Land Development Code having held an advertised public hearing on April 3, 2018, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed amendments to the Zoning Regulations portion of the Land Development Code and held advertised public hearings on May 14, 2018 and on June 11, 2018 and advertised notice of such public hearings in the Orlando Sentinel pursuant the requirements of Chapter 166, Florida Statutes and placed the proposed amendments on the City's website on March 28, 2018; and.

WHEREAS, the portions of Chapter 58, Land Development Code, Article III, Zoning Regulations that are to be amended and modified as described in each section and amended to read as shown herein where words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

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

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by adding a new Section 58-82 Medical Arts (MA) District, utilizing Section 58-82 reserved, thereby creating a new zoning district in the "Zoning" Article of the Land Development Code to read as attached as Exhibit "A" to this ordinance.

SECTION 2. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-68 Medium Density Multiple Family (R-3) District subsections (c) (5) (8) (10); (d) (3) and (e) (1), (6) (7) in the "Zoning" Article of the Land Development Code to read as follows:

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

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

(5) Residential complexes which are developed and operated by the Winter Park Housing Authority, or by nonprofit 501(c) corporations providing affordable housing and receiving financial support for affordable or workforce housing from agencies of the federal, state or city government. ~~For such projects the following minimum requirements are met:~~

~~a. The density shall not exceed one unit per 1,000 square feet of ground area;~~

~~b. Parking spaces provided shall not be less than one space per residential unit;~~

~~c. No minimum apartment size shall be required; however, the average size of all the residential units shall not be less than 500 square feet in floor area;~~

~~d. The site on which the complex is to be located shall be served by public utilities and streets capable of accommodating the increased residential densities permitted by this section;~~

~~e. The property owner enters into a formal agreement with the city to pay all taxes and fees required by the city or enters into contractual agreement for a payment in lieu of taxes to the city, whichever shall apply because of ownership.~~

(8) Buildings with a third floor within the central business district, provided that such conditional use approvals require two public hearing approvals by the city commission and buildings with a third floor outside the central business district subject to the normal public hearing approvals outlined in Section 58-90.

(10) Bed and breakfast inns provided such property location is one hundred (100) feet from any single family zoned property ~~residence~~.

(d) *Minimum building site and maximum density.*

(1) The minimum building site required for either a single family residence or a duplex shall be the same as required by the R-2 district.

(2) The minimum building site for a multiple family complex of shall be 15,000 square feet with a minimum front width of 100 feet and a minimum depth of 100 feet. For properties with less than 15,000 square feet in size, the provisions of the R-2 zoning district shall apply.

(3) The ~~minimum ground area per dwelling unit shall be 2,500 square feet and the~~ maximum density shall be seventeen (17) units per acre.

(e) *Development standards.*

(1) Development in the R-3 district, at the discretion of the property owner, may meet the requirements of the R-2 district or shall meet the following R-3 development standards. The requirements of R-2 district must be met for lots which are 65 feet wide or less.

	Single Family	Duplexes	Multi-family housing
Min. land area (sq. ft.)	6,000	9,000	15,000
Min. lot width (ft.)	50	50	100
Min. land area per unit	6,000	4,500	2,500 <u>2,562</u>
Min. building setbacks (ft.):			
front yard	25	25	25
side yard	10	10	20
rear yard--one-story	10	10	20
rear yard--two-story	25	25	25
Max. building coverage	35%	35% **	40% **
Max. impervious coverage	60%	65%	70%
Max. building height (ft.)	30	30	35/30*
Min. off-street parking	2/unit	2/unit	2.5/unit

*Note: The Comprehensive Plan limits development in the R-3 zoning district to a maximum of two stories and 30 feet of building height in the area bounded by Minnesota, Azalea Lane, Melrose and Pennsylvania Avenues, and the area bounded by Orlando, Orange, Fairbanks Avenues and Denning Drive.

**Note: In cases where the interior building floor plan design includes a first floor bedroom space in order to accommodate the housing needs of the elderly or mobility impaired, the building footprint coverage may be increased by the actual size of the first floor bedroom space, up to a maximum of three (3%) percent, but this shall not allow any variance or exception to the required amount of open space pervious coverage.

(6) The intent of the Code requirement for 2.5 (2½) spaces for multiple family projects is to provide resident and visitor parking spaces for guests, service calls, deliveries, etc. For multiple family projects providing 2.5 (2½) parking spaces per unit, the provision of those resident and visitor

spaces may not be exclusively within enclosed garages or carports and there must be at least one visitor parking space for each two units that are open and accessible for guests, service calls, deliveries, etc. Multiple family projects may not sell or lease any of the code required visitor parking spaces to individual unit owners or residents. In cases where the City may grant or has granted a variance or exception enabling the total parking spaces for any multiple family project to be less than the code required 2.5 (2½) spaces per unit, then at least fifteen (15%) percent of the total number of parking spaces approved by the City must be made available as visitor parking. All such visitor parking spaces shall be clearly marked on the pavement or have signage provided, indicating their use for visitor parking. In cases where there is restricted access security or gates for resident parking, then such restricted access security or gates, etc. shall not prohibit access to the required number of visitor parking spaces. Parking necessary for on-site management or other on-site employees shall be provided in parking spaces in excess of the number required as visitor parking. The City's Code Enforcement Board may enforce these provisions when it is witnessed by city staff that on any four consecutive occasions within any two consecutive day period, the same resident vehicle or management employee vehicle is utilizing any designated visitor parking spaces. Two car garages utilized to meet the parking requirements shall be a minimum size of 22 x 22 feet.

(7) Except within the Central Business District geographical area, multi-family residential development within areas designated R-3, shall not exceed two stories in height unless approved via conditional use by the City Commission. In addition, such third floors must have a roof slope of a maximum 12:12 roof slope (45 degree angle) for the third floor starting at the second floor eave height. When the roof slope height reaches the maximum roof height, then a flat roof is permitted or the roof slope may function as a parapet wall. Dormer windows are permitted on the third floor to provide light into such spaces but the dormers may not exceed forty-five (45%) percent of within the same roof plane and must be placed at least 2.5 (2½) feet back from the second floor wall below. Alternative methods of compliance may be approved by the city commission such as terracing and enhanced setbacks for the third floor, such as in wedding cake manner, that setbacks at least seventy-five (75%) percent of the third floor walls without roof porch coverings from the floor walls below for a significant distance on the sides facing streets or other properties.

SECTION 3. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by adding to Section 58-80 Parking Lot (PL) District, new Section (c) entitled "Cross Access easements" to read as follows:

Sec. 58-80. Parking Lot (PL) District.

(c) Cross access easements.

- (1) It is deemed to be in the public interest that private parking lots, under certain conditions be required by design and function to have inter-connectivity with other adjacent properties so that vehicles and traffic may have alternate means of access to side streets or away from residential streets thereby promoting traffic safety and energy efficiency.
- (2) As a term and condition of the City granting parking lot (PL) zoning, the city may require and the owner be obligated to grant to the city, a perpetual easement through the proposed parking lot that would allow use by other adjacent owners so that parking lots are interconnected and achieve the public interest cited above. The city shall declare that intent to require such easement, at the time the zoning is granted, so that the owner may choose not to accept parking lot zoning if the easement is unacceptable to the owner. However, once adopted, the easement may not be vacated except by subsequent action by the City Commission.

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

SECTION 6. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2018.

Mayor

ATTEST:

City Clerk

Exhibit A

Sec. 58-82. Medical Arts (MA) District.

(a) Purpose:

(1) The Medical Arts district provides for and encourages the development and operation of hospitals, clinics, medical offices and wellness/fitness facilities. Accessory complementary specialty retail businesses, and food service are permitted to serve the users, visitors and employees of the development standards may be clustered and spread across all or portions of the medical/wellness campus, regardless of intervening streets. The Medical Arts district should encourage the development of diverse urban infill medical projects that also include open space areas and public gathering places. The increased building density permitted by this Medical Arts district contrasted with other zoning districts is balanced by the provision of health care that is important to the community at large. Each building use project shall incorporate designs and architecture that enhances the surrounding area and which encourages traditionally designed, pedestrian friendly neighborhoods.

(b) Application:

(1) The Medical Arts (MD) zoning district is appropriate for ~~and limited to the land area of the Winter Park Hospital and the adjacent vicinity where medical, wellness and associated businesses exist and are encouraged to further develop, as depicted and limited to the boundaries in Figure 1-14a of the Comprehensive Plan. limited areas along the major commercial corridors that possess prior office or commercial zoning, as specified in the Comprehensive Plan, in order to permit the efficient use of land, as well as the clustering of building density.~~ Medical Arts (MD) zoning shall not be permitted in the Central Business District or Hannibal Square Neighborhood Commercial District. ~~The adoption of Medical Arts (MD) zoning shall only occur in locations where specific provisions are to be applied on a case by case basis to ensure the compatibility of character and intensity of the Medical Arts district with the surrounding development.~~ Medical Arts district zoning shall not be utilized or applicable unless at least eighty (80%) of the floor space within the building is devoted to medical or wellness related business.

(2) Application for Medical Arts zoning in concert with or separate from application for Medical Arts future land use designation in the Comprehensive Plan shall ~~in accordance with Section 58-89 and shall~~ be made with a conceptual development plan showing existing and proposed development and any other improvements contemplated such as roadways. Such prospective or conceptual development plan is intended to provide some generalized information on the location, proposed use and size of future buildings, as may be known by the applicant at the time of application.

(c) Permitted uses.

(1) Hospitals; (but not animal hospitals or veterinary clinics) ~~and the following associated uses:~~

~~(a2) Medical offices, such as those of medical doctors, physical therapists, state licensed massage therapists, and dentists;~~

~~(b3) Medical and dental laboratories;~~

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(c4) Wellness and fitness facilities related to physical therapy facilities;

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(d5) Nursing homes or health rehabilitation facilities but not including assisted living or memory care facilities.

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(e6) Off-street parking lots and parking garages to serve the permitted and accessory uses;

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(d) Accessory uses permitted. The location of the following accessory and ancillary uses within structures is permitted in this district. These uses must be located within the primary office structure (not within a separate structure) and must be primarily for the use and convenience of occupants and users of the building. These uses shall not have separate public entrances to the outdoors nor separate outdoor advertising signs or any other advertising signs which encourage use by the general public.

(1) Restaurant or cafeteria;

(2) Card and gift shop, florist, or bank/credit union.

(3) Pharmacy store within a medical office building which sells prescription and nonprescription drugs, medicines and medically related equipment only.

(e) Conditional uses. The following uses may be permitted as conditional uses following review by the planning and zoning board and approval by the City Commission in accordance with the provisions of this article. See Sec. 58-90. Conditional Uses.

(1) Drive-in components of any business;

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

(3) Assisted living or memory care facilities.

(e) Minimum building site. The minimum building site size shall be no less than two acres and the site shall have a minimum frontage of one hundred (100) feet on a publicly dedicated right-of-way.

(f) Development standards.

(1) Any building constructed within this district shall adhere to the following minimum or required setbacks for front, rear and side yards, as set forth in the Office (O-1) zoning district.

(2) The maximum floor area ratio shall be one hundred (100%) percent. The floor area ratio shall include the floor area of any attached or detached above grade private parking garage. The permitted floor area ratio may be calculated on a campus wide or area wide collective basis of the properties in the same common ownership and MD zoning without respect to intervening streets so that the average of the private land areas in the respective blocks do not collectively exceed the permitted one hundred (100%) floor area ratio even though that number may be exceeded in one or more portions of the overall campus or site area.

(3) The maximum floor area ratios outlined above are not an entitlement and are not achievable in all situations. Many factors may limit the achievable floor area ratio including limitations imposed by the Maximum Height Map, concurrency management/level of service standards, physical limitations imposed by property dimensions and natural features as well as compliance with applicable code

requirements such as, but not limited to, parking and internal circulation, setbacks, landscaping requirements, impervious lot coverage, design standards and on-site and off-site improvements and design amenities required to achieve land use compatibility.

(4) Building heights shall not exceed the height limits imposed by the Maximum Height Map. For those properties shown with a two story maximum, the maximum building height shall be thirty (30) feet; for those properties shown with a three story maximum height, the maximum building height shall be forty-two and a half (42½) feet. For those properties shown with a four story maximum height, the maximum building height shall be fifty-five (55) feet; for those properties shown with a five story maximum height, the maximum building height shall be sixty-five (65) feet. Unless specifically approved by the City Commission, as a conditional use, buildings developed with less than the maximum building stories shall conform to the height for the applicable stories. Parking garage levels shall be counted as stories for each level except for any basement level or the open roof level.

(5) Parapet walls or mansard roofs functioning as parapet walls may be added to the permitted building height but in no case shall extend more than five (5) feet above the height limits in this subsection. Mechanical penthouses, mechanical and air conditioning equipment, elevator/stair towers and related non-occupied structures may be permitted to extend up to ten (10) feet above the height limits in this subsection. Architectural appendages, embellishments and other architectural features may be permitted to exceed the roof heights specified in this section, on a limited basis, encompassing no more than thirty (30%) percent of the building roof length and area, up to eight (8) feet of additional height, upon approval of the city commission, based on a finding that said features are compatible with adjacent projects.

(6) For properties not shown on the Maximum Height Map, located on a property or a campus adjacent to four lane roadways, the maximum height shall not exceed fifty-five (55) feet, or the maximum height shall not exceed forty-two and a half (42 1/2) feet for properties located adjacent to two lane roadways. For corner properties adjacent to both four lane and two lane roadways, the maximum height shall be fifty-five (55) feet.

(7) Development shall not exceed eighty-five (85%) percent impervious coverage in this district.

(8) Whenever the rear or side property lines within this district share a common property line with parcels zoned residential, either a solid wall or vinyl fence shall be provided along the entire common line. The wall or fence shall be six (6) feet in height; except that such wall or fence shall be only three (3) feet in height from the front setback line of the adjoining parcel to the front property line of the adjoining parcel.

(9) Parking garages constructed within the district shall be constructed and maintained in strict conformance with the parking garage design guidelines, as detailed in Sec. 58-84 and as may be adopted and amended by resolution of the city commission.

(10) Other code sections related to development that should be referenced include but are not limited to Off-street Parking Regulations, Maximum Height Map, General Provisions, Definitions, Sign Regulations (Article IV), Environmental Protection (Article V) (this section includes Division 1 Storm Water, Division 6 Tree Preservation, Division 8 Landscape Regulations Division 9 Irrigation Regulations and Division 10 Exterior Lighting), Subdivision Regulations (Article VI), Historic Preservation (Article VIII) and Concurrency Management regulations (Article II).