



# city commission agenda

July 9, 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](http://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**  
**Finance Director Wes Hamil**  
**Pledge of Allegiance**
- 3. Approval of Agenda**
  - a. Citizen Budget Comments**
- 4. Mayor's Report**
- 5. City Manager's Report**

- a. **City Manager's Report** 5 minutes
- b. **Presentation of the Proposed FY 2019 Budget** 30 Minutes

## **6. City Attorney's Report**

## **7. Non-Action Items**

- a. **Financial Report for May 31, 2018** 10 minutes

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

## **9. Consent Agenda**

- a. **Approve the June 25, 2018 Commission minutes.** 5 minutes
- b. **Approve the following purchase and authorize the execution of a purchase order:** 5 minutes
  - 1. Asphalt Paving Systems, Inc. - Micro-surfacing of various streets throughout the City; \$152,184.10
- c. **Approve the following piggyback agreements and authorize the Mayor to execute:** 5 minutes
  - 1. The Nidy Sports Construction Co. - Renewal of existing piggyback agreement for Athletic Surfacing Systems Maintenance & Construction; \$200,000
  - 2. OpenEdge, A Division of Global Payments - Agreement for Merchant Services Processing; no impact on budget.
  - 3. Penn Credit Corporation - Collection Services; No impact on budget.
- d. **Approve the following formal solicitation and authorize staff to enter into negotiations:** 5 minutes
  - 1. High Performance Sports Management - RFP-17-2018 - Tennis Programming & Instructional Services; Amount: TBD

## **10. Action Items Requiring Discussion**

- a. **City Participation on Lawrence Center Parking Garage** 20 minutes

## **11. Public Hearings**

- a. **Resolution - Approval of Ravago Americas Inc. as a Qualified Target Industry** 10 minutes
- b. **Ordinance - Vacating and abandoning a 15'** 10 minutes

## **utility easement - Project Wellness (2)**

### **c. Request of Z Properties Group:** 10 minutes

- Ordinance - To amend the "Comprehensive Plan" Future Land Use map from Low Density Residential to Parking Lot Future Land Use on the eastern 70 feet of the residentially designated portion of the property at 301 N. Pennsylvania Avenue (2)
- Ordinance - Zoning map amendment to change from Low Density Residential (R-2) to Parking Lot (PL) on the eastern 70 feet of the residentially designated portion of the property at 301 N. Pennsylvania Avenue. (2)

### **d. Request of Sydgan Corporation:** 10 minutes

- Ordinance - To amend the "Comprehensive Plan" Future Land Use map from Multi-Family Residential to Central Business District on the properties at 218 South Pennsylvania Avenue and 217 Hannibal Square East and from Commercial to Central Business District on the property at 227 Hannibal Square East (2)
- Ordinance - To change the Zoning of 218 South Pennsylvania Avenue and 217 Hannibal Square East from Medium Density Multi-Family Residential (R-3) to Commercial (C-2) and from Commercial (C-3) to Commercial (C-2) on the property at 227 Hannibal Square East. (2)

### **e. Ordinance - Revise the Sign Code for Murals (1)** 30 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	7/9/2018
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

## **subject**

Finance Director Wes Hamil

## **motion / recommendation**

## **background**

## **alternatives / other considerations**

## **fiscal impact**





# city commission **agenda item**

item type	Approval of Agenda	meeting date	7/9/2018
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

## **subject**

Citizen Budget Comments

## **motion / recommendation**

## **background**

## **alternatives / other considerations**

## **fiscal impact**



# city commission **agenda item**

item type	City Manager's Report	meeting date	7/9/2018
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

## **subject**

City Manager's Report

## **motion / recommendation**

N/A

## **background**

See attached.

## **alternatives / other considerations**

## **fiscal impact**

### ATTACHMENTS:

#### Description

City Manager's Report

#### Upload Date

7/3/2018

#### Type

Cover Memo



# city commission city manager's report

item type	meeting date
-----------	--------------

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 <sup>nd</sup> . Preliminary drainage improvements design to be completed by Summer 2018.
Electric undergrounding	<b><u>Miles of Undergrounding Update</u></b> Project G: 4.03 miles 40% complete (some overhead strip out has begun) S. Virginia Ave. near Lyman: .41 miles 50% complete <b>TOTAL so far for FY 2018: 4 miles</b>
Fairbanks transmission	Ongoing weekly meetings are taking place between Duke, FDOT and the COWP. Tentative start date 10/1/18
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 landscaping for final completion. Phase 2b from Morse to Canton is underway with demolition, storm pipe installation and curbing complete. Sidewalk installation is underway. On July 11, the road will be closed to traffic for the final push including island installation and repaving. It is Anticipated this phase being substantially complete and back open for traffic on July 24 weather permitting. Power undergrounding and new decorative light installation continues.

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 were held with the City/Library stakeholders the week of June 11 as a part of further refinement so design development can be completed this summer.
Consideration of additional parking	This discussion is for Comstock Avenue adjacent to MLK, Jr. Park – Scheduled for July 23 meeting.
“Prohibit Language”	Discussion in the comprehensive plan will be scheduled for one of the August meetings since the July 23 meeting is expected to be long.

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	City Manager's Report	meeting date	7/9/2018
prepared by	Budget and Performance Measurement	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

## **subject**

Presentation of the Proposed FY 2019 Budget

## **motion / recommendation**

## **background**

Budget document will be provided later this week.

## **alternatives / other considerations**

## **fiscal impact**



# city commission **agenda item**

item type	Non-Action Items	meeting date	7/9/2018
prepared by	Finance	approved by	City Manager
board approval	N/A final vote		
strategic objective	Fiscal Stewardship		

## **subject**

Financial Report for May 31, 2018

## **motion / recommendation**

None

## **background**

None

## **alternatives / other considerations**

None

## **fiscal impact**

None

### ATTACHMENTS:

Description	Upload Date	Type
Monthly Financial Report	7/2/2018	Cover Memo

---

# Financial Report

For the Month of May (67% of fiscal year lapsed) Fiscal Year 2018

## **General Fund**

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

1. Almost all property tax revenues have been received at this point. The remaining budgeted revenues should be received over the last four months of the fiscal year.
2. Electric utility tax revenues will likely be about \$130,000 below the annual estimate due to lower than projected kWh sales.
3. Business taxes are renewed each October 1. Some additional revenue will be realized over the remainder of the fiscal year but the largest amount has already been received.
4. While FY 2018 building permits are not as high as the year before, they are still well on track to exceed our budget estimates. The three most significant building permit receipts in the current year have been Bainbridge Apartments (\$333,727), office space at 531 W Morse Blvd (\$97,158) and Sprouts (\$91,961). The unrestricted portion of these revenues will likely be at least \$350,000 in excess of the annual budget.
5. Half cent sales tax revenues are off to a strong start and are on track to exceed the annual budget projection by \$400,000.
6. Golf course revenues are continuing to be strong. First eight month revenues for FY 2018 total \$579,762 as compared to \$559,607 in the prior year. At this pace revenues will exceed the budget by \$100,000.
7. Other charges for services revenues that will exceed the budget are fire inspection fees due to the large amount of construction activity. These revenues will likely exceed the budget by at least \$225,000.
8. The most significant components of miscellaneous revenue include \$2,326,312 from the sale of the bowling alley property, \$130,244 from the City's pcard rebate, and (\$224,012) from investment earnings. The loss in investment earnings is a result of increasing interest rates. The Federal Reserve rate hikes in recent months reduced the market value of the City's fixed income portfolio. The City follows a buy and hold investment strategy in which the swings neither benefit nor harm the City as the Treasury and Agency securities invested in are paid off at par when the investment matures. As interest rates continue to rise, the FY 2018 budget shortfall will get worse. This budget could see a deficit of \$500,000. The good news is that as investments mature, the proceeds are being reinvested at higher rates. Since market rates are rising, we are reinvesting in shorter term securities but still following the basic laddering approach to both issuer (Treasury Notes, FNMA, FHLB, etc.) and duration. The goal is to have similar amounts maturing each year.

Departmental expenditures are in line with budgetary expectations. Operating transfers out include the City's transfer to the CRA for tax increment revenue. This payment is required to be made by December 31. Transfers out will be exactly equal to the budget at the end of the fiscal year.

### **Community Redevelopment Agency Fund**

The CRA was credited with the annual tax increment revenue from both the City and County in December. The County portion is on the Intergovernmental revenue line item and the City portion is reflected in the Operating Transfers In. Revenue increase is due to a 15% increase in the taxable value of property within the CRA.

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

Capital spending is primarily for street lighting, sidewalk, and landscaping improvements for Denning Drive.

Principal on CRA debt is due January 1. While debt service appears to be going over budget at this point, it will equal the annual budget by fiscal year end.

### **Water and Sewer Fund**

Sales of water and sewer service are tracking closely with the forecast for the year. Revenues are also closely following budget projections. We have a slight negative variance in operating revenues but it is only about 1%.

Investment earnings are still trending downward due to unrealized losses resulting from rising interest rates which reduce the value of the City's fixed income investment portfolio. The City follows a buy and hold investment strategy and all investments are at par value when called or reach their maturity date. As these investments mature the City is able to reinvest at higher rates. Unrealized losses will likely continue through the remainder of the year however, this will be partially offset by reinvestment of maturing bonds at higher interest rates.

The FY 2018 budget anticipates spending \$1,747,964 in water and wastewater reserves. Most of this is from spending reserves on the I-4 Ultimate Project (relocating water and sewer lines as required by the project. \$322,564 of the balance is to fund open purchase orders at 09/30/2017 and unspent FY 2017 capital funds.

The bottom line reflects a positive \$1,531,760 and debt service coverage of 1.90 for the fiscal year.



## **Electric Services Fund**

Sales in terms of kWh the first eight months in comparison to our forecast and recent history:

	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
kWh sold in first eight months of FY	262,143,700	260,369,537	268,466,873	258,975,815	256,481,617

Sales through May were the lowest of the past five years. This is most likely due to the very low heating/cooling degree days in the past few months in comparison to previous years. We are now on track to be less than 0.5% of our forecast of 420,000,000 kWh fiscal year sales.

Fuel costs have been under recovered by \$346,755 so far this fiscal year bringing the fuel cost stabilization fund balance to \$1,651,318 at 05/31/2018. We are aiming at a fuel cost stabilization fund balance of \$1,400,000 at 12/31/2018. Adjustments will be made as necessary based on actual costs. For purposes of this report, we assumed an under recovery of \$500,000 for fiscal year 2018.

Non-fuel rates that increased customer bills by 4-6% on average were implemented October 1, 2017 and revenues appear to be on track with budget projections.

Contributions in aid of construction is a rough guess made in the budget process of spending on connecting construction projects to the City's distribution system. The City requires payment from developers and builders to offset those costs.

Cash decreased by \$2,207,351 in the first seven months. The table below helps summarize the major factors in this change:

	Impact on Cash
Change in receivables balance from customers	\$1,098,168
Change in inventory balance	(\$683,047)
Change in accounts payable balance	(\$2,317,362)
Net change in working capital from report	(\$450,259)
Other factors	\$145,149
Total change for first seven months	(\$2,207,351)

The first three items impact only the balance sheet and not the monthly report we review which is based on an income statement model.

Our fiscal year is off to a good start. We have a small negative of (\$450,259) for the first eight months but are on track with the budget forecast for the fiscal year. Projected debt service coverage is 2.46. We recently submitted our claim to FEMA for power restoration

costs following Hurricane Irma. We expect to receive approximately \$710,000 from FEMA and the State. Most likely this will not occur until sometime in FY 2019.

**The City of Winter Park, Florida**  
**Monthly Financial Report - Budget vs. Actual**  
**General Fund**  
**Fiscal YTD May 31, 2018 and 2017**  
**67% of the Fiscal Year Lapsed**

Fiscal YTD May 31, 2018							Fiscal YTD May 31, 2017				
Actual			Budget				Actual		Budget		
YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual	Variance from Prorated Adj. Annual		YTD	Adjusted Annual	Prorated Adj. Annual	Variance from Prorated Adj. Annual	
<b>Revenues:</b>											
Property Tax	\$ 20,273,082	145%	\$ 20,932,465	\$ 20,932,465	\$ 13,954,977	\$ 6,318,105	\$ 18,810,967	\$ 19,441,569	\$ 12,961,046	\$ 5,849,921	
Local Option Gas Tax	678,195	98%	1,040,000	1,040,000	693,333	(15,138)	675,923	1,042,816			
Utility Tax	2,964,458	93%	4,794,930	4,794,930	3,196,620	(232,162)	2,836,082	4,529,999	3,019,999	(183,917)	
Communication Services Tax	1,274,972	99%	1,923,406	1,923,406	1,282,271	(7,299)	1,321,858	1,874,270			
Local Business Tax	457,623	138%	496,250	496,250	330,833	126,790	463,052	496,475	330,983	132,069	
Building Permits	2,018,913	158%	1,916,769	1,916,769	1,277,846	741,067	3,184,362	1,862,997	1,241,998	1,942,364	
Franchise Fees	570,215	90%	950,813	950,813	633,875	(63,660)	604,981	1,079,913	719,942	(114,961)	
Other Licenses & Permits	133,378	176%	113,465	113,465	75,643	57,735	143,991	97,940	65,293	78,698	
Intergovernmental	4,541,418	108%	6,279,328	6,279,328	4,186,219	355,199	4,248,363	6,377,101	4,251,401	(3,038)	
Charges for Services	5,753,947	107%	8,075,199	8,075,199	5,383,466	370,481	5,772,943	7,551,265	5,034,177	738,766	
Fines and Forfeitures	906,632	118%	1,150,169	1,150,169	766,779	139,853	789,716	1,111,205	740,803	48,913	
Miscellaneous	2,487,785	554%	673,072	673,072	448,715	2,039,070	328,747	694,850	463,233	(134,486)	
Fund Balance	-	-	266,000	662,279	441,519	(441,519)	-	899,803	599,869	(599,869)	
<b>Total Revenues</b>	<b>42,060,616</b>	<b>129%</b>	<b>48,611,866</b>	<b>49,008,145</b>	<b>32,672,096</b>	<b>9,388,520</b>	<b>39,180,986</b>	<b>47,060,203</b>	<b>29,428,744</b>	<b>7,754,460</b>	
<b>Expenditures:</b>											
City Commission	15,814	83%	28,567	28,567	19,045	3,231	19,106	27,864	18,576	(530)	
Lobbyists	58,000	85%	102,000	102,000	68,000	10,000	58,135	102,000	68,000	9,865	
Legal Services - City Attorney	163,072	82%	300,000	300,000	200,000	36,928	168,938	280,000	186,667	17,729	
Legal Services - Other	52,718	132%	60,000	60,000	40,000	(12,718)	46,693	80,000	53,333	6,640	
City Management	392,792	92%	638,928	638,928	425,952	33,160	381,962	613,549	409,033	27,071	
Budget and Performance Measurement	99,766	0%	166,664	166,664	111,109	11,343	98,169	162,806	108,537	10,368	
City Clerk	117,933	94%	188,619	188,619	125,746	7,813	121,452	185,984	123,989	2,537	
Information Technology Services	997,797	92%	1,620,481	1,620,481	1,080,321	82,524	1,190,768	1,688,867	1,125,911	(64,857)	
Finance	605,897	99%	914,096	914,096	609,397	3,500	558,040	909,886	606,591	48,551	
Communications Dept.	402,065	102%	585,134	592,634	395,089	(6,976)	338,224	557,777	371,851	33,627	
Human Resources	270,916	98%	413,805	413,805	275,870	4,954	260,562	348,320	232,213	(28,349)	
Purchasing	157,654	80%	293,827	293,827	195,885	38,231	146,371	262,662	175,108	28,737	
Planning & Community Development	556,366	94%	885,414	885,414	590,276	33,910	500,079	856,810	571,207	71,128	
Building	955,398	105%	1,370,410	1,370,410	913,607	(41,791)	805,401	1,277,462	851,641	46,240	
Public Works	6,400,086	97%	9,567,433	9,862,406	6,574,937	174,851	5,620,557	9,027,721	6,018,481	397,924	
Police	8,947,802	93%	14,470,520	14,470,520	9,647,013	699,211	8,495,579	13,618,064	9,078,709	583,130	
Fire	8,210,682	96%	12,779,475	12,779,475	8,519,650	308,968	8,280,566	12,791,149	8,527,433	246,867	
Parks & Recreation	4,954,004	92%	8,078,786	8,078,786	5,385,857	431,853	5,095,296	7,520,359	5,013,573	(81,723)	
Organizational Support	1,134,225	113%	1,509,100	1,509,100	1,006,067	(128,158)	1,101,261	1,465,146	976,764	(124,497)	
Non-Departmental	-	-	(150,972)	(150,972)	(100,648)	(100,648)	-	243,476	162,317	162,317	
<b>Total Expenditures</b>	<b>34,492,985</b>	<b>96%</b>	<b>53,822,287</b>	<b>54,124,760</b>	<b>36,083,173</b>	<b>1,590,188</b>	<b>33,287,159</b>	<b>52,019,902</b>	<b>34,679,934</b>	<b>1,392,775</b>	
<b>Revenues Over/(Under) Expenditures</b>	<b>7,567,631</b>	<b>-222%</b>	<b>(5,210,421)</b>	<b>(5,116,615)</b>	<b>(3,411,077)</b>	<b>10,978,708</b>	<b>5,893,827</b>	<b>(4,959,699)</b>	<b>(5,251,190)</b>	<b>11,145,017</b>	
Operating transfers in	6,286,905	100%	9,430,357	9,430,357	6,286,905	(0)	5,798,082	9,178,676	6,119,117	(321,035)	
Operating transfers out	(3,537,679)	123%	(4,219,936)	(4,313,742)	(2,875,827)	(661,852)	(3,304,255)	(4,218,977)	(2,812,651)	(491,604)	
Other Financing Sources/(Uses)	<b>2,749,226</b>	<b>81%</b>	<b>5,210,421</b>	<b>5,116,615</b>	<b>3,411,078</b>	<b>(661,852)</b>	<b>2,493,827</b>	<b>4,959,699</b>	<b>3,306,466</b>	<b>(812,639)</b>	
<b>Total Revenues Over Expenditures</b>	<b>\$ 10,316,857</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1</b>	<b>\$ 10,316,856</b>	<b>\$ 8,387,653</b>	<b>\$ -</b>	<b>\$ (1,944,724)</b>	<b>\$ 10,332,377</b>	

\* As adjusted through May 31,2018

The City of Winter Park, Florida  
Monthly Financial Report - Budget vs. Actual  
Community Redevelopment Fund  
Fiscal YTD May 31, 2018 and 2017  
67% of the Fiscal Year Lapsed

	Fiscal YTD May 31, 2018						Fiscal YTD May 31, 2017			
	Actual		Budget				Actual	Budget		
	YTD	YTD %	Original Annual	Adjusted Annual *	Prorated Adj. Annual	Variance from Prorated Adj. Annual	YTD	Adjusted Annual	Prorated Adj. Annual	Variance from Prorated Adj. Annual
Revenues:										
Intergovernmental	\$ 2,215,051	151%	\$ 2,196,932	\$ 2,196,932	\$ 1,464,621	\$ 750,429	\$ 1,961,209	1,975,328	\$ 1,316,885	\$ 644,324
Charges for services	151,495	114%	200,000	200,000	133,333	18,161	158,918	225,000	150,000	8,918
Miscellaneous	2,347	5%	65,000	65,000	43,333	(40,987)	130,306	159,500	106,333	23,973
Fund Balance	-	0%	-	3,204,279	2,136,186	(2,136,186)	-	1,756,685	1,171,123	(1,171,123)
Total Revenues	2,368,892	63%	2,461,932	5,666,211	3,777,474	(1,408,582)	2,250,433	4,116,513	2,744,341	(493,908)
Expenditures:										
Planning and Development	705,853	55%	1,692,295	1,942,192	1,294,795	588,942	722,988	1,307,888	871,925	148,937
Capital Projects	666,881	0%	1,000,000	4,015,382	2,676,921	2,010,040	36,465	3,091,284	2,060,856	2,024,391
Debt service	1,337,739	134%	1,496,648	1,496,648	997,765	(339,974)	1,315,813	1,493,552	995,701	(320,112)
Total Expenditures	2,710,474	55%	4,188,943	7,454,222	4,969,481	2,259,008	2,075,265	5,892,724	3,928,482	1,853,217
Revenues Over/(Under)										
Expenditures	(341,582)	29%	(1,727,011)	(1,788,011)	(1,192,007)	850,426	175,167	(1,776,211)	(1,184,141)	1,359,308
Operating transfers in	2,141,166	151%	2,125,167	2,125,167	1,416,778	724,388	1,822,284	1,822,815	1,215,210	607,074
Operating transfers out	(38,367)	100%	(57,550)	(57,550)	(38,367)	(0)	(31,069)	(46,604)	(31,069)	(0)
Other Financing Sources/(Uses)	2,102,799	0%	2,067,617	2,067,617	1,378,411	724,388	1,791,215	1,776,211	1,184,141	607,074
Total Revenues Over/(Under)										
Expenditures	\$ 1,761,218		\$ 340,606	\$ 279,606	\$ 186,404	\$ 1,574,814	\$ 1,966,382	-	\$ -	\$ 1,966,382

\* As adjusted through May 31, 2018

**WINTER PARK WATER AND WASTEWATER METRICS**  
**May 31, 2018**

	FY 2018 YTD				FY 2017 YTD	
	FY 2018 YTD	FY 2018 Annualized	FY 2018 Budget	Variance from Budget	FY 2017 YTD	FY 2017 in Total
<b>Operating Performance:</b>						
<b>Water and Irrigation Sales (thousands of gallons)</b>						
Sewer - inside city limits	676,496	1,006,639	1,015,000	(8,361)	698,043	1,038,872
Sewer - outside city limits	602,118	901,283	890,000	11,283	598,427	897,614
Water - inside city limits	1,049,682	1,577,527	1,500,000	77,527	1,089,274	1,625,369
Irrigation - Inside City	391,325	597,199	585,000	12,199	412,773	619,193
Water - outside city limits	814,416	1,219,397	1,235,000	(15,603)	844,707	1,257,926
Irrigation - Outside City	78,803	119,949	115,000	4,949	78,642	121,191
<b>Total</b>	<b>3,612,840</b>	<b>5,421,995</b>	<b>5,340,000</b>	<b>81,995</b>	<b>3,721,866</b>	<b>5,560,164</b>
<hr/>						
<b>Operating revenues:</b>						
Sewer - inside city limits	\$ 4,296,949	\$ 6,445,424	\$ 6,584,939	\$ (139,515)	4,399,984	6,467,070
Sewer - outside city limits	4,659,910	6,989,865	6,832,844	157,021	4,644,340	6,852,240
Water - inside city limits	6,087,873	9,131,809	9,305,079	(173,270)	6,426,146	9,486,677
Water - outside city limits	3,836,255	5,754,383	5,915,918	(161,535)	3,933,695	5,819,501
Other operating revenues	1,106,434	1,659,651	1,412,751	246,900	1,044,941	1,524,830
<b>Total operating revenues</b>	<b>19,987,422</b>	<b>29,981,133</b>	<b>30,051,531</b>	<b>(70,398)</b>	<b>20,449,106</b>	<b>30,150,318</b>
<b>Operating expenses:</b>						
General and adminstration	1,285,053	1,927,580	1,902,003	(25,577)	1,192,861	1,891,022
Operations	7,549,375	12,759,507	12,655,540	(103,967)	7,418,909	11,461,688
Labor costs capitalized	304,442	456,663	500,000	43,338	300,133	300,133
Wastewater treatment by other agencies	3,001,640	4,502,460	4,647,800	145,340	2,777,950	4,376,172
<b>Total operating expenses</b>	<b>12,140,510</b>	<b>19,646,209</b>	<b>19,705,343</b>	<b>59,134</b>	<b>11,689,853</b>	<b>18,029,015</b>

**WINTER PARK WATER AND WASTEWATER METRICS**  
**May 31, 2018**

	FY 2018 YTD				FY 2017 YTD	
	FY 2018 YTD	FY 2018 Annualized	FY 2018 Budget	Variance from Budget	FY 2017 YTD	FY 2017 in Total
<b>Net Operating income</b>	<b>7,846,912</b>	<b>10,334,923</b>	<b>10,346,188</b>	<b>(11,265)</b>	<b>8,759,252</b>	<b>12,121,303</b>
<b>Other sources (uses):</b>						
Investment earnings	(78,222)	(117,332)	249,485	(366,817)	(46,926)	20,067
Miscellaneous revenue	10,742	16,112	16,000	112	6,689	(128,853)
Transfer to Renewal and Replacement Fund	(578,034)	(867,051)	(867,051)	-	(1,101,751)	(1,652,626)
Transfer to General Fund	(1,596,911)	(2,395,367)	(2,395,367)	(0)	(1,533,283)	(2,299,924)
Transfer for Organizational Support	(49,206)	(73,809)	(73,809)	-	(46,589)	(69,883)
Transfer to Capital Projects Fund	(105,278)	(157,917)	(157,917)	-	(93,055)	(139,583)
Transfer to Electric Fund	(97,707)	(146,561)	(146,561)	(0)	-	(1,151,088)
Other Capital Spending	(10,491)	(15,736)	(2,190,835)	-	-	(128,690)
Debt service sinking fund deposits	(3,810,045)	(5,634,572)	(5,928,097)	293,525	(3,950,242)	(5,925,330)
<b>Total other sources (uses)</b>	<b>(6,315,152)</b>	<b>(9,392,233)</b>	<b>(11,494,152)</b>	<b>(73,180)</b>	<b>(6,765,156)</b>	<b>(11,475,909)</b>
<b>Net increase (decrease) in funds</b>	<b>\$ 1,531,760</b>	<b>\$ 942,691</b>	<b>\$ (1,147,964)</b>	<b>\$ (84,444)</b>	<b>1,994,096</b>	<b>645,394</b>
<b>Debt service coverage</b>		<b>1.90</b>				<b>2.08</b>

**WINTER PARK ELECTRIC UTILITY METRICS**  
**May 31, 2018**

	<b><u>FY'18</u></b> <b><u>YTD</u></b>	<b><u>FY'18</u></b> <b><u>Annualized</u></b>	<b><u>FY'18</u></b> <b><u>Budget</u></b>	<b><u>Variance</u></b> <b><u>from</u></b> <b><u>Budget</u></b>	<b><u>FY'17</u></b>	<b><u>FY'16</u></b>
<b><u>Technical Performance</u></b>						
Net Sales (kWh)	256,481,617	418,464,701	420,000,000	(1,535,299)	424,821,271	437,231,854
Average Revenue/kWh	0.1126	0.1130			0.1043	0.1064
Wholesale Power Purchased (kWh)	263,490,397	432,953,398	442,105,263	(9,151,865)	429,845,391	450,549,953
Wholesale Power Cost/kWh	(0.0636)	(0.0630)			(0.0627)	(0.0578)
Gross margin	0.0490	0.0500			0.0415	0.0486
Sold vs. Purchased kWh Ratio	97.34%	96.65%	95.00%		98.83%	97.04%
<b><u>Revenues and Expenses Directly Related to Sales of Electricity:</u></b>						
Electric Sales:						
Fuel	8,452,569	13,945,341	14,574,541	(629,200)	13,663,392	14,645,490
Non-Fuel	20,425,610	33,325,573	33,177,995	147,578	30,628,559	31,883,159
Purchased Power :						
Fuel	(8,791,266)	(14,445,341)	(14,574,540)	129,199	(12,619,342)	(14,083,240)
Non-Fuel	(6,010,071)	(9,875,428)	(9,761,945)	(113,483)	(10,778,312)	(8,696,038)
Transmission Power Cos	(1,957,387)	(2,936,080)	(3,493,178)	557,098	(3,558,875)	(3,261,373)
<b>Net Revenue from Sales of Electricity</b>	<b>12,119,456</b>	<b>20,014,065</b>	<b>19,922,873</b>	<b>91,192</b>	<b>17,335,423</b>	<b>20,487,998</b>
<b><u>Other Operating Income (Expenses):</u></b>						
Other Operating Revenues	165,389	248,083	300,600	(52,517)	276,212	283,147
General and Administrative Expense	(1,199,154)	(1,798,731)	(1,601,978)	(196,753)	(1,705,609)	(1,577,778)
Operating Expenses	(3,743,231)	(6,070,104)	(6,488,736)	418,632	(7,170,834)	(7,737,057)
Total Other Operating Income (Expenses)	(4,776,996)	(7,620,751)	(7,790,114)	169,363	(8,600,231)	(9,031,688)
<b>Net Operating Income</b>	<b>7,342,461</b>	<b>12,393,314</b>	<b>12,132,759</b>	<b>260,555</b>	<b>8,735,192</b>	<b>11,456,310</b>

**WINTER PARK ELECTRIC UTILITY METRICS**  
**May 31, 2018**

	<b><u>FY'18</u></b>	<b><u>FY'18</u></b>	<b><u>FY'18</u></b>	<b><u>Variance</u></b>		
	<b><u>YTD</u></b>	<b><u>Annualized</u></b>	<b><u>Budget</u></b>	<b><u>from</u></b>	<b><u>FY'17</u></b>	<b><u>FY'16</u></b>
				<b><u>Budget</u></b>		
<b>Nonoperating Revenues (Expenses):</b>						
Undergrounding Fairbanks Distribution Line				-		(4,050)
Investment Earnings	(45,841)	(68,761)	2,000	(70,761)	(35,398)	19,493
Principal on Debt	(1,475,833)	(2,530,000)	(2,530,000)	-	(2,450,000)	(2,070,000)
Interest on Debt	(1,648,085)	(2,472,128)	(2,496,628)	24,500	(2,995,826)	(2,710,747)
Miscellaneous Revenue	83,427	125,140	-	125,140	21,910	28,341
Proceeds from Sale of Assets	20,705	31,057	-	31,057	18,592	31,455
Contributions in Aid of Construction (CIAC)	579,807	869,711	500,000	369,711	498,577	996,514
Residential Underground Conversion	54,518	81,777	100,000	(18,223)	94,004	101,447
Capital (including the costs of improvements paid for by CIAC revenue)	(975,799)	(1,463,698)	(1,166,000)	(297,698)	(1,546,321)	(1,569,013)
Undergrounding of Power Line:	(2,730,412)	(4,095,618)	(3,925,000)	(170,618)	(3,303,800)	(2,856,303)
<b>Total Nonoperating Revenues (Expenses)</b>	<b>(6,137,513)</b>	<b>(9,522,520)</b>	<b>(9,515,628)</b>	<b>(6,892)</b>	<b>(9,698,262)</b>	<b>(8,032,863)</b>
<b>Income Before Operating Transfers</b>	<b>1,204,947</b>	<b>2,870,794</b>	<b>2,617,131</b>	<b>253,663</b>	<b>(963,070)</b>	<b>3,423,447</b>
<b>Operating Transfers In/Out:</b>						
Transfers from Water and Sewer Fund	97,707	146,561	146,561	-	1,151,088	
Transfers to General Fund	(1,590,777)	(2,595,446)	(2,635,399)	39,953	(2,463,692)	(2,556,617)
Transfers for organizational support	(80,470)	(120,705)	(120,705)	-	(118,947)	(116,795)
Transfers to capital projects	(81,667)	(122,500)	(122,500)	-	(179,771)	(174,771)
<b>Total Operating Transfers</b>	<b>(1,655,207)</b>	<b>(2,692,090)</b>	<b>(2,732,043)</b>	<b>39,953</b>	<b>(1,611,322)</b>	<b>(2,848,183)</b>
<b>Net Change in Working Capital</b>	<b>(450,259)</b>	<b>178,704</b>	<b>(114,912)</b>	<b>293,616</b>	<b>(2,574,392)</b>	<b>575,264</b>
<b><u>Other Financial Parameters</u></b>						
Debt Service Coverage		2.46			1.72	2.40
Fixed Rate Bonds Outstanding	62,185,000				64,685,000	67,115,000
Auction Rate Bonds Outstanding	1,000,000				1,030,000	1,050,000
Total Bonds Outstanding	63,185,000				65,715,000	68,165,000
Principal Retired	2,530,000				2,450,000	2,120,000
Cash Balance	(2,532,044)				(324,693)	862,880
<b>Current year change in cash balance</b>	<b>(2,207,351)</b>					



**WINTER PARK ELECTRIC UTILITY METRICS**  
**May 31, 2018**

	<b><u>FY'18</u></b>	<b><u>FY'18</u></b>	<b><u>FY'18</u></b>	<b><u>Variance</u></b>		
	<b><u>YTD</u></b>	<b><u>Annualized</u></b>	<b><u>Budget</u></b>	<b><u>from</u></b>	<b><u>FY'17</u></b>	<b><u>FY'16</u></b>
				<b><u>Budget</u></b>		
<b><u>Fuel Cost Stabilization Fund Balance:</u></b>						
Beginning Balance	1,998,073				2,127,701	
Fuel Revenues	8,444,511				13,821,741	
Fuel Expenses	(8,791,266)				(13,951,369)	
Ending Balance	<u>1,651,318</u>				<u>1,998,073</u>	
<b>Current year change in fuel stabilization fund</b>	<b><u>(346,755)</u></b>				<b><u>(129,628)</u></b>	

Notes

Fiscal Years run from October to September; FY'18 is 10/1/17 to 9/30/18



# city commission **agenda item**

item type	Consent Agenda	meeting date	7/9/2018
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

## **subject**

Approve the June 25, 2018 Commission minutes.

## **motion / recommendation**

## **background**

## **alternatives / other considerations**

## **fiscal impact**

### ATTACHMENTS:

#### Description

Minutes

#### Upload Date

6/29/2018

#### Type

Cover Memo

**REGULAR MEETING OF THE CITY COMMISSION  
JUNE 25, 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 Ed Garvin, Calvary Assembly of God, followed by the Pledge of Allegiance.

Members present:

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

Also Present:

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

Member absent:

Commissioner Sarah Sprinkel

**Approval of agenda**

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

**Mayor's Report**

No report.

**City Manager's Report**

City Manager Knight addressed potential dates for upcoming meetings. Upon discussion, the following meetings were scheduled: CRA meeting on July 9 at 2:30 to discuss a potential parking garage with Rollins; a Commission work session on July 10 at 8:00 a.m. to discuss mixed use; and a CRA budget meeting on July 23 at 2:00 p.m.

Commissioner Cooper expressed her preference that all Commissioners be invited to all meetings.

**City Attorney's Report**

Attorney Ardaman provided an update on the Harmon lawsuit.

Discussion ensued regarding more than one Commissioner attending meetings outside of the Commission Chambers.

### **Non-Action Items**

No items.

### **Consent Agenda**

- a. Approve the minutes of June 11, 2018.
- b. Approve the minor change to Commission minutes of May 14.
- c. Approve the following piggyback agreement and authorize the Mayor to execute:
  1. Lafleur Nurseries & Garden Center, LLC - Piggyback agreement of City of Longwood contract #RFQ02092017 - Landscape Installation Services for Projects Less Than \$500,000; \$150,000.
- d. Approve the following purchase and authorize the execution of a purchase order:
  1. All-Rite Fence Services, Inc. - Fencing installation and maintenance services at the Azalea Lane Tennis Center; \$80,000.

**Motion made by Commissioner Seidel to approve the Consent Agenda; seconded by Commissioner Weldon and carried unanimously with a 4-0 vote.** No public comments were made.

### **Action Items Requiring Discussion**

- a. Four Seasons Condominium Association of Winter Park, Inc. License and Landscape Agreement

City Manager Knight explained the agreement completes the St. Andrews bike trail that connects from Cady Way to Aloma Avenue and allows the bike trail to be placed next to the Four Seasons Condominiums.

**Motion made by Commissioner Weldon to approve the agreement; seconded by Commissioner Seidel.** There were no public comments made. **Upon a roll call vote, the motion carried unanimously with a 4-0 vote.**

### **Public Hearings:**

- a. RESOLUTION NO. 2207-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE REQUIRED ASSURANCES INCLUDED WITHIN THIS RESOLUTION IN ACCORDANCE WITH THE REQUISITE LIBRARY CONSTRUCTION GRANT REQUIREMENTS ESTABLISHED BY THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES, FOR THE PURPOSE OF SECURING A PUBLIC LIBRARY CONSTRUCTION GRANT; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Ardaman read the resolution by title. City Manager Knight explained the resolution is necessary and has to be part of the library grant application. There was a consensus that this will be a legislative priority.

**Motion made by Mayor Leary to adopt the resolution; seconded by Commissioner Weldon.** There were no public comments made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A 15 FOOT EASEMENT GRANTED TO THE CITY OF WINTER PARK ON OCTOBER 17, 1995, RECORDED IN OFFICIAL RECORDS BOOK 4964, PAGE 2797 AND OFFICIAL RECORDS BOOK 4971, PAGE 4989 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA (EXHIBIT A); PARTICULARLY DESCRIBED IN EXHIBIT B; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Public Works Director Troy Attaway stated that this easement was granted for a project that is no longer there and not needed.

**Motion made by Commissioner Cooper to accept the ordinance on first reading; seconded by Commissioner Seidel.** There were no public comments made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

- c. and d. Request of Z Properties Group:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO PARKING LOT ON A PORTION OF THE PROPERTY AT 301 NORTH SOUTH PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE LOW DENSITY RESIDENTIAL (R-2) ZONING TO PARKING LOT (PL) DISTRICT ZONING ON A PORTION OF THE PROPERTY AT 301 NORTH PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

Request of Z Properties Group for Development Plan and subdivision approval for a two-story, 5,494 square foot retail/office building, and the associated parking lot, and a two-story residential home for the benefit of the Hannibal Square Community

Land Trust on the property at 301 N. Pennsylvania Avenue, prospectively zoned C-3, PL, and R-2.

Planning Manager Jeff Briggs explained the requests and answered questions.

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

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

The following spoke in favor of the request:

Camille Reynolds, Hannibal Square Community Land Trust  
Mary Daniels, 650 W. Canton Avenue

**Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

**Upon a roll call vote on the second ordinance (zoning), Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

**Motion made by Commissioner Cooper to approve the development plan and subdivision approval as presented with the Planning and Zoning Board conditions; seconded by Commissioner Weldon. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

e. and f. Request of Sydgan Corporation:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTIES AT 218 S PENNSYLVANIA AVE AND 217 HANNIBAL SQUARE EAST, AND FROM COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 227 HANNIBAL SQUARE EAST, MORE PARTICULARLY DESCRIBED HEREIN PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE FIRST READING

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

DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTIES AT 218 S PENNSYLVANIA AVE AND 217 HANNIBAL SQUARE EAST, AND TO CHANGE FROM COMMERCIAL (C-3) TO COMMERCIAL (C-2) ON THE PROPERTY AT 227 HANNIBAL SQUARE EAST, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE FIRST READING

- Site and building plan approval to construct a two-story approximately 4,275 square foot retail/residential building at 218 South Pennsylvania Avenue and to construct a two-story 5,492 square foot residential building at 217 and 227 Hannibal Square East.

Planning Manager Jeff Briggs addressed the zoning, the eligibility of the two properties that have been demolished to become commercial, the proposed plan for the properties, and the parking requirements.

Commissioner Cooper spoke in opposition to the request. She addressed the single family home being built across from this property where the property owner wanted to have C-2 zoning but was not agreed to by staff. She spoke about the number of parking spaces that she believed was not enough. She expressed concerns with the overall impact of the gradual erosion of available parking (even though it is on private property) that currently supports this business area and that more parking is being taken away. She asked why R-3 zoning was recommended by staff on 226 S. Pennsylvania Avenue and why C-2 is acceptable to staff on 217 and 218 S. Pennsylvania Avenue which would provide less parking. Mr. Briggs explained the property at 218 S. Pennsylvania will have retail space on the ground floor that needs commercial zoning to allow this. Commissioner Cooper stated she did not agree that the net new parking spaces being proposed will be good for the community.

**Motion made by Commissioner Cooper to deny the request. Motion failed for lack of a second.**

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

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

There were no public comments made.

**Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Leary and Commissioners Seidel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.**

**Upon a roll call vote on the second ordinance (zoning), Mayor Leary and Commissioners Seidel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.**

**Motion made by Commissioner Weldon to approve the site and building plan with the Planning and Zoning Board conditions; seconded by Mayor Leary. Upon a roll call vote, Mayor Leary and Commissioners Seidel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.**

g. and h. Request of Amy Black:

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO MODIFY AND ADD COMPREHENSIVE PLAN POLICIES WITHIN THE TEXT OF THE FUTURE LAND USE ELEMENT REGARDING SUBDIVISIONS OF LAKEFRONT PROPERTIES AND ESTATES ON LAKE KILLARNEY, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE First Reading

Subdivision approval to split the property at 1800 Boitnott Lane into three single family lots of approximately one acre each in size

Attorney Ardaman read the ordinance by title.

Planning Manager Jeff Briggs provided the staff report and the need to amend the comprehensive plan so the applicant can divide the property into three single family lots approximately one acre each. He explained the lot sizes of the current homes on Lake Killarney and that this property is much larger than the other properties currently there. He spoke about the current comprehensive plan that prohibits this type of action and that this one change would be only for Lake Killarney. He addressed the need for public infrastructure improvements in the future and that the Boitnott homes will have to be re-addressed as Lake Drive. He commented about the conditions attached to the subdivision request.

Commissioner Cooper expressed concerns with dividing an estate lot and wanted to make sure our policy statement does not make the cypress trees on the lot vulnerable. Mr. Briggs explained the trees are around the perimeter of the lake.



Attorney Tara Tedrow, representing the applicant, summarized the project. She addressed the lot being significantly larger than the other site, the current zoning, the sizes of the other homes there, the comprehensive plan policy and other sections of the code, the request is not precedent setting because it only pertains to one property on the lake, and that staff and the P&Z Board approved the request. She concluded that their request can be done one of two ways: to amend the comprehensive plan to permit subdivision of lakefront lots into average sized lots of one acre or greater on Lake Killarney only; or to add language to Planning Area K as Policy 1-K-7 regarding lakefront estates on Lake Killarney. She summarized the rationale of the request.

Ms. Tedrow then spoke about the subdivision request and asked for approval of the comprehensive plan amendment and subdivision for three estate lots, per staff's recommended conditions of approval as follows:

- 1) That the property owner execute a public access easement for the 4,380 square foot cul-de-sac bulb shown on the proposed plan to the benefit of the three proposed lots, as presented, and also to the owners of 2064 Lake Drive, who currently use that driveway;
- 2) That the common access easement 4,380 square foot cul-de-sac bulb, as presented, be constructed with pavement/curbing per city roadway specifications, which must be completed at the time of construction of the second new home, prior to the issuance of any temporary or final certificate of occupancy;
- 3) That new potable water and fire flow infrastructure be constructed including fire hydrant(s) as needed within 300 feet travel distance to all sides of all three homes and any water line upgrades needed (2 inch to 4 inch) which must be completed at the development's expense prior to the issuance of the building permit for the construction of the second new home; and
- 4) That all three new homes be assigned Lake Drive addresses.

She stated they will come back for second reading of the ordinance for final approval after it comes back from the State.

Commissioners Weldon, Cooper and Seidel as well as Mayor Leary disclosed conversations with either the applicant's attorney or neighbors.

**Motion made by Commissioner Weldon to accept the comprehensive plan amendment on first reading as recommended by staff and the Planning and Zoning Board; seconded by Commissioner Seidel.**

**Motion amended by Commissioner Cooper that all healthy cypress trees be preserved or relocated on the property. Motion failed for lack of a second.**

**Motion amended by Commissioner Cooper to opt for Option 2 moving the change in the comprehensive plan language into the neighborhood Planning Area L; seconded by Commissioner Seidel.**

The following made public comments:

Todd Weaver, 1051 Lake Bell Drive, asked that boring samples be done on site to make sure that the fill is not contaminated before moving forward.

Sally Flynn, 1400 Highland Road, agreed with the lot split.

Property owner Amy Black, 1427 Melrose Place, Homewood, Alabama, explained why the family wants to split their property and asked for approval.

**Upon a roll call vote on the amendment, Commissioners Seidel, Cooper and Weldon voted yes. Mayor Leary voted no. The motion carried with a 3-1 vote.**

**Upon a roll call vote on the ordinance, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

**Motion made by Commissioner Seidel to approve the lot split including the Planning and Zoning Board recommendations; seconded by Commissioner Weldon. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

**Public comments (items not on the agenda):**

Todd Weaver, 1051 Lake Bell Drive, asked that the canopy of oak trees at the Rachel D. Murrah Civic Center be saved for replanting at the new library and events center. He spoke about preserving trees by placing them in crates and caring for them until they can be replanted. He provided a photo showing this. He stated he would be willing to pay the rental fee for the crane for the operation.

Sabrina Bernat, Winter Park Public Library Assistant Director provided an update as to what is happening at the library this summer. She also thanked the Commission for their support with the construction grant.

- i. Request of Villa Tuscany Holdings LLC for subdivision approval to divide the property at 1298 Howell Branch Road on Lake Temple, zoned R-3, into four lakefront lots ranging in size from 20,473 square feet to 24,892 square feet in size.

Planning Manager Jeff Briggs explained the request and the process moving forward.

**Motion made by Commissioner Seidel to approve the request to include the Planning and Zoning Board recommendations; seconded by Commissioner Cooper.**

Nancy Freeman, 1055 Tuscany Place, spoke in favor of the request. She addressed a comment made at the P&Z Board meeting regarding the developer meeting with the neighbors prior to going to P&Z for approval of the individual homes and hoped that would happen. Mr. Briggs stated they can encourage that but there is nothing mandating it.

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

- j. Request of Verax Investments, LLC for approval of the final building elevations for the proposed medical office building located at 1111 W Fairbanks Avenue.

Planning Manager Briggs explained the condition of approval of the building concerning the final architectural elevations to come back to the P&Z and Commission. He stated an acceptable resolution has been reached on the issues.

**Motion made by Mayor Leary to approve the final building elevations; seconded by Commissioner Weldon.** There were no public comments made.

City Manager Knight updated the Commission regarding the parking issue. Public Works Director Attaway explained in order to do what they would like to do on Comstock Avenue they would need to utilize a portion of their property that is their 8' landscape buffer. Mr. Knight stated they have agreed to this at the City's expense. Planning Director Dori Stone addressed the issue at hand this evening is only to approve the final building elevations.

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

Mr. Attaway displayed a visual of the parking lot for the development and spaces on West Comstock Avenue and how those spaces would lay out. He stated they would replicate the same look on the north side of Comstock where they have a similar size buffer between the existing parking lot that is adjacent to the softball field. Mayor Leary asked that staff bring back a plan for Comstock Avenue.

- k. ORDINANCE NO. 3111-18: 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 Second Reading

Attorney Ardaman read the ordinance by title.

**Motion made by Commissioner Seidel to adopt the ordinance; seconded by Commissioner Weldon.** There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

#### **City Commission Reports:**

Commissioner Seidel – Spoke about the tree issue that Mr. Weaver brought forth that he believed should be investigated.

Commissioner Sprinkel – Absent.

Commissioner Cooper – Spoke about Mr. Weaver's tree comments and wanted to see a cost analysis of the net cost including everything from removal to keeping them alive.

Spoke about mixed uses on 2 to 5 acre lots and asked for addresses where she can see and better understand it at differing Floor Area Ratios.

Spoke about the discussion at the last meeting where Commissioner Seidel wanted more information about the perimeter setback along Aloma Avenue within the hospital district.

Spoke about what she wanted to see in the new Planning Director. She expressed her preference that the new director has experience harnessing the economic value of historic preservation, human scaled development, greenspace, and the arts.

Commissioner Weldon – Spoke about Denning Drive and the improvements made. Asked for consideration to rename it as a boulevard instead of a drive.

Mayor Leary – Asked that staff bring forward an agenda item regarding the 'prohibit' language within the comprehensive plan that he believed to be a burden on the residents when the plan says you are prohibited from asking for something. There was a consensus to discuss this further and put on a future agenda.

Spoke about seeing a lot of Executive Branch members coming through the city which is good for all the positions to visit and hear from residents as to what they expect from their elected leaders at the higher levels of office.

The meeting adjourned at 5:36 p.m.

---

Mayor Steve Leary

ATTEST:

---

City Clerk Cynthia S. Bonham, MMC



# city commission **agenda item**

item type	Consent Agenda	meeting date	7/9/2018
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

## **subject**

Approve the following purchase and authorize the execution of a purchase order:

1. Asphalt Paving Systems, Inc. - Micro-surfacing of various streets throughout the City; \$152,184.10

## **motion / recommendation**

Commission approve the item as presented.

## **background**

To be purchased utilizing an existing piggyback agreement of Polk County contract #15-601.

## **alternatives / other considerations**

N/A

## **fiscal impact**

Total expenditure included in approved FY18 budget.

### ATTACHMENTS:

Description	Upload Date	Type
Purchases Over \$75k	6/29/2018	Cover Memo



# city commission agenda item

item type	Purchases over \$75,000	meeting date	July 9, 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.	Asphalt Paving Systems, Inc.	Micro-surfacing of various streets throughout the City	Total expenditure included in approved FY18 budget. Amount: \$152,184.10	Commission approve the purchase and authorize the execution of a purchase order
To be purchased utilizing an existing piggyback agreement of Polk County contract #15-601.				



# city commission agenda item

item type	Consent Agenda	meeting date	7/9/2018
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. The Nidy Sports Construction Co. - Renewal of existing piggyback agreement for Athletic Surfacing Systems Maintenance & Construction; \$200,000
2. OpenEdge, A Division of Global Payments - Agreement for Merchant Services Processing; no impact on budget.
3. Penn Credit Corporation - Collection Services; No impact on budget.

## **motion / recommendation**

Commission approve items as presented.

## **background**

Formal solicitations were issued to award these services.

## **alternatives / other considerations**

N/A

## **fiscal impact**

Total expenditure included in approved FY18 budget.

### ATTACHMENTS:

Description	Upload Date	Type
Piggyback Contracts	7/2/2018	Cover Memo





# city commission agenda item

item type	Piggyback Contracts	meeting date	July 9, 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

## Piggyback Contracts

	vendor	item   background	fiscal impact	motion   recommendation
1.	The Nidy Sports Construction Co.	Renewal of existing piggyback agreement for Athletic Surfacing Systems Maintenance & Construction	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 by the originating agency to award these services (NCPA #08-07).				
2.	OpenEdge, A Division of Global Payments	City of Palm Beach Gardens Piggyback Contract – Merchant Services Processing	No impact on budget.	Commission approve piggyback contract and authorize the Mayor to execute.
3.	Penn Credit Corporation	City of Key West – RFP16-004 – Collection Services	No impact on budget.	Commission approve piggyback contract and authorize the Mayor to execute.



# city commission **agenda item**

item type	Consent Agenda	meeting date	7/9/2018
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

## **subject**

Approve the following formal solicitation and authorize staff to enter into negotiations:

1. High Performance Sports Management - RFP-17-2018 - Tennis Programming & Instructional Services; Amount: TBD

## **motion / recommendation**

Commission approve item as presented.

## **background**

A formal solicitation was issued to make this award.

## **alternatives / other considerations**

N/A

## **fiscal impact**

Total expenditure included in approved FY18 budget.

### ATTACHMENTS:

Description	Upload Date	Type
Backup	7/3/2018	Cover Memo



# city commission agenda item

item type	Formal Solicitations	meeting date	July 9, 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

## Formal Solicitations

	vendor	item   background	fiscal impact	motion   recommendation
1.	High Performance Sports Management	RFP-17-2018 – Tennis Programming & Instructional Services	Total expenditure included in approved budget.	Commission approve recommendation to award and authorize staff to enter into negotiations.
A formal solicitation was issued on April 4, 2018. Submittals were received in responses to the solicitation, and staff conducted two rounds of oral presentations with each vendor. Staff is requesting permission to enter into negotiations with the top ranked firm to negotiate the services and fees for tennis programming and instructional services.				



# city commission agenda item

item type	Action Items Requiring Discussion	meeting date	7/9/2018
prepared by	Planning / CRA	approved by	
board approval	final vote		
strategic objective	Intelligent Growth and Development, Investment in Public Assets and Infrastructure		

## **subject**

City Participation on Lawrence Center Parking Garage

## **motion / recommendation**

Staff recommends partnering with Rollins College in the development and construction of the Lawrence Center Parking Garage to provide, at minimum 120 public parking spaces and participate in the public hearing process through a new citywide mailing with a new garage rendering sponsored by the city.

## **background**

Over the last two years, staff has been actively engaging in parking strategies and parking code updates in the downtown area. The City Commission requested that staff work with Rollins College during their redevelopment of the Lawrence Center site and evaluate the ability to provide public parking as part of the project. Staff has worked with Rollins College reps including Brasfield and Gorrie as well as their architects Baker Barrios to look at the cost and design of a new parking structure. Rollins College is willing to partner with the city based on a desire to continue a long standing relationship of providing community benefit. Should the city decide not to partner with Rollins, they will build a garage that meets their needs.

The CRA Agency is scheduled to review the funding for this project at their meeting on July 9th. Should the CRA Agency approve the capital funding, staff is recommending that the City Commission approve a modified citywide public notice showing a five or six level profile on the Lawrence Center site. This profile would provide 120 spaces that would help alleviate some of the 200 space deficit impacting the core of the city's downtown area. If the city participates in this parking garage, the anticipated public hearing timeframe is September, 2018.

The anticipated timeframe for construction of this facility is 18-24 months. During that time the Commission will negotiate use, maintenance and other aspects of the parking garage. The CRA Agency and the City Commission will also see a "go/no go" option before construction to determine the total costs.

### **alternatives / other considerations**

The City Commission could continue to look at other parking options in the downtown area. Considerations include the cost of land, total cost of construction and operations and maintenance.

### **fiscal impact**

The cost of a citywide notice is \$6,000.



# city commission agenda item

item type	Public Hearings	meeting date	7/9/2018
prepared by	Planning / CRA	approved by	
board approval	final vote		
strategic objective	Intelligent Growth and Development		

## **subject**

Resolution - Approval of Ravago Americas Inc. as a Qualified Target Industry

## **motion / recommendation**

Motion to approve the resolution as presented is requested.

## **background**

City staff maintains a relationship with the Orlando Economic Partnership for business relocation and expansion assistance. Staff was contacted regarding participation in a Qualified Target Industry (QTI) application by an in state business interested in moving their headquarters to Winter Park. The QTI program is a state-led incentive program for encouraging new and expanding businesses to grow in Florida.

In 2010, the city passed resolution 2052-10 which defined the Economic Development Department as the city's local economic development agency, a prerequisite of participating in state economic development incentive programs under F.S. 288.

The applicant is requesting Winter Park commit a total of \$40,000 as a 20% share under Florida's Qualified Target Industry Tax Refund Program. The remaining funding will be paid for by the state. The award will induce the applicant to relocate their headquarters to Winter Park.

The proposed relocation provides for a total of 40 net new jobs to Winter Park over the next 3 years with an average annual salary of \$53,388. This is over 115% above the prevailing average wage in Orange County. The new jobs would largely consist of administration, human resources, accounting/finance, and information technology. Additional information, including the application, is under confidentiality of public record protected under Florida Statue 288.075.

The payout schedule is over six years and begins in 2019 providing for no immediate financial contribution until the next budget cycle. The program acts as a rebate providing additional protection to the City ensuring all jobs have been created and retained prior to remission of any funds. Funding is additionally subject to the firm meeting all the statutory requirements of the QTI program.

### **alternatives / other considerations**

Do not consider the incentive.

### **fiscal impact**

\$40,000 paid out over six years beginning in FY2019. This project is not within the CRA so funding would come from General Fund.

#### ATTACHMENTS:

Description	Upload Date	Type
Resolution	7/3/2018	Cover Memo

**RESOLUTION NO. 2208-18**

**A RESOLUTION OF THE WINTER PARK, FLORIDA RECOMMENDING  
RAVAGO AMERICAS INC. BE APPROVED AS A QUALIFIED TARGET  
INDUSTRY BUSINESS PURSUANT TO SECTION 288.106, FLORIDA  
STATUTES AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Winter Park is entering into a Qualified Target Industry Tax Refund Program in cooperation with Orange County and the State of Florida; and

**WHEREAS**, the purpose of the Qualified Target Industry Tax Refund Program is to retain and expand job opportunities within the City of Winter Park and part of the program is to provide certain tax refund benefits to targeted industries; and

**WHEREAS**, Ravago Americas has made a complete application for participation in the Tax Refund Program to the State of Florida in an expeditious manner;

**WHEREAS**, Ravago Americas employs 1264 employees nationwide and seeks to locate their headquarters in Orange County in the City of Winter Park; and

**WHEREAS**, Ravago Americas anticipates forty new jobs as a result in part of the Qualified Target Industry Tax Refund Program averaging 115% of the average wage in Orange County by December 31, 2020; and

**WHEREAS**, Ravago Americas anticipates that these new jobs will be created according to the following schedule: ten (10) jobs by December 31, 2018; fifteen jobs by December 31, 2019; and fifteen (15) jobs by December 31, 2020; and

**WHEREAS**, in order for Ravago Americas to be approved under the Qualified Target Industry Tax Rebate Program, the City Commission of the City of Winter Park must adopt a resolution recommending their approval and providing local financial support in the amount equal to 20% of the annual tax refund up to but not exceeding \$40,000 over the course of Ravago America's eligibility as a Qualified Target Industry; and

**WHEREAS**, the City of Winter Park affirms that this local financial support is solely provided through the Qualified Target Industry Tax Rebate Program and does not commit the City to any other obligations or commitments requested by Ravago Americas.

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

**Section 1.** The City Commission of the City of Winter Park hereby recommends that Ravago Americas be approved as a Qualified Target Industry Business pursuant to Section 288.106, Florida Statutes.



**Section 2.** The necessary commitment of local financial support for the Qualified Target Industry Business for the Qualified Target Industry Tax Refund Program has been identified in the amount of \$40,000 (20% OF \$200,000). Subject to approval, one hundred percent (100%) of said local contribution shall be paid by the City of Winter Park. The amount will be paid over a six year period to the Florida Economic Development Trust Fund as tax refunds become due with the stipulation that these funds are intended to represent the local financial support required by Section 288.106, Florida Statutes and are conditional upon the applicant meeting all statutory requirements of the program.

**Section 3.** The City shall pay local financial support in the following amounts:

FY2018-2019	\$2,500
FY2019-2020	\$6,250
FY2020-2021	\$10,000
FY2021-2022	\$10,000
FY2022-2023	\$7,500
FY2023-2024	\$3,750

Total	<u>\$40,000</u>
-------	-----------------

**Section 4.** In the event Ravago Americas is approved by the State of Florida for tax refunds in an amount less than the \$40,000 requested, the local financial support to be paid by the City through the Qualified Target Industry Tax Rebate Program shall be proportionately reduced so that at no time will the City's contribution exceed its portion of the annual tax refund awarded.

**Section 5.** Neither this Resolution nor anything contained in this Resolution nor any payments or other actions taken by the City of Winter park under or pursuant to this Resolution: (i) constitute approval of or commitment to approve any comprehensive plan amendment, rezoning or other development related order, permit, agreement or other approvals; (ii) relieve Ravago America from complying with all requirements for or in any way related to real property development or redevelopment and entitlements, permitting, construction or reconstruction for relocating its headquarters to the City of Winter Park.

**Section 6.** This resolution shall take effect immediately upon its passage and adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 9th day of July, 2018.

---

Mayor Steve Leary

ATTEST:

---

Cynthia S. Bonham, City Clerk



# city commission agenda item

item type	Public Hearings	meeting date	7/9/2018
prepared by	Public Works	approved by	
board approval	no final vote		
strategic objective	Investment in Public Assets and Infrastructure		

## **subject**

Ordinance - Vacating and abandoning a 15' utility easement - Project Wellness (2)

## **motion / recommendation**

Approve motion to vacate portion of right of way. Staff agrees this right-of-way section is appropriate to vacate and abandon as shown in "Exhibit A." "Letters of No Objection" received from each utility.

## **background**

Ordinance vacating and abandoning a 15 FOOT EASEMENT GRANTED TO THE CITY OF WINTER PARK ON OCTOBER 17, 1995, RECORDED IN OFFICIAL RECORDS BOOK 4964, PAGE 2797 AND OFFICIAL RECORDS BOOK 4971, PAGE 4989 OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA.

## **alternatives / other considerations**

Not approve Request to Vacate

## **fiscal impact**

None

### ATTACHMENTS:

Description	Upload Date	Type
Ordinance	6/14/2018	Cover Memo
Exhibit A - 1995 Recorded Easement	6/14/2018	Cover Memo
Exhibit B	6/14/2018	Cover Memo
Letters of No Objection	6/14/2018	Cover Memo
Title Sheet	6/14/2018	Cover Memo

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

**ORDINANCE NO. \_\_\_\_\_-18**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A 15 FOOT EASEMENT GRANTED TO THE CITY OF WINTER PARK ON OCTOBER 17, 1995, RECORDED IN OFFICIAL RECORDS BOOK 4964, PAGE 2797 AND OFFICIAL RECORDS BOOK 4971, PAGE 4989 OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA. (EXHIBIT A)**

**PARTICULARLY DESCRIBED IN EXHIBIT B; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Park has authority to adopt this Ordinance by virtue of its home rule powers and Charter with respect to abandoning and vacating rights of way no longer needed for public purposes, and the City Commission has made such a determination;

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

**Section 1.** The City Commission of the City of Winter Park, Florida hereby vacates and abandons that certain portion of the Utility Easement located at 2010 Mizell Avenue legally described in that certain legal description and sketch of description attached hereto as **Exhibit "B"**.

**Section 2.** In the event of any conflict between this Ordinance and any other ordinance or portions of ordinances, this Ordinance controls.

**Section 3.** After adoption, this Ordinance shall be recorded in the public records of Orange County, Florida.

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

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

ATTEST:

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

**THIS INSTRUMENT PREPARED BY  
AND RETURN TO:**

**Randolph J. Rush, Esquire  
Winderweeple, Haines, Ward  
& Woodman, P.A.  
Post Office Box 880  
Winter Park, Florida 32790**

**EASEMENT**

THIS EASEMENT made this 17<sup>th</sup> day of October, 1995, between WINTER PARK MEMORIAL HOSPITAL ASSOCIATION, INC., a Florida not-for-profit corporation, of 1870 Aloma Avenue, Suite 200, Winter Park, Florida 32789, Grantor, and the CITY OF WINTER PARK, a Florida municipal corporation, of 401 Park Avenue South, Winter Park, Florida 32789, Grantee:

**W I T N E S S E T H:**

That the Grantor, for and in consideration of the mutual benefits, covenants and conditions herein contained, and in consideration of the sum of One and No/100 Dollar (\$1.00) paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby give and grant unto the Grantee and its successors and assigns, a non-exclusive underground utility easement, as is more particularly hereafter described, with full authority to enter upon, install, construct, operate and maintain public utilities, including but not limited to sanitary sewer, stormwater and water facilities within said easement as the Grantee and its successors and assigns may deem necessary or desirable; said public utilities being located in an easement area (the "Easement Area") within Grantor's premises in Orange County, Florida, to-wit:

A 15 foot easement being 7.50 feet on either side of the following described centerline:

Commence at the Northeast corner of Lot 1, Block 5 ALOMA SECTION 1 as recorded in Plat Book O, Page 51, of the Public Records of Orange County, Florida, said point also being on the Southerly right of way line of Mizell Avenue; thence along the Easterly line of said Lot 1, N 39°36'06" W 27.00 feet to the point of beginning; thence S 42°35'28" W 158.74 feet; thence N 89°01'29" W 11.00 feet to a point on the Easterly right of way line of Edinburgh Drive and the point of terminus, said point being 5.00 feet South of the Northwest corner of Lot 3, Block 5 of said ALOMA SECTION 1.

TAX PARCEL ID # 09-22-30-0120-05010

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns forever.

Grantor hereby warrants and covenants (a) that Grantor is the owner of the fee simple title to the premises in which the above-described Easement Area is located, (b) that Grantor has full right and lawful authority to grant and convey this easement to Grantee, and (c) that Grantee shall have quiet and peaceful possession, use and enjoyment of this easement.

Grantor reserves unto itself and its successors and assigns the use of the surface of the Easement Area.

Grantee shall, at its sole cost and expense, repair and replace any improvements or landscaping disturbed or damaged by Grantee during the construction, maintenance, repair, or removal of such facilities.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

WINTER PARK MEMORIAL HOSPITAL  
ASSOCIATION, INC., a Florida  
not-for-profit corporation  
1870 Aloma Avenue  
Winter Park, Florida 32789

BY Patricia M. Ashmore  
Patricia M. Ashmore, President

Print Name: Patricia M. Ashmore

Print Name: Debbie Watson

STATE OF FLORIDA  
COUNTY OF ORANGE

<sup>4</sup>  
17 day of October, 1995, by PATRICIA M. ASHMORE, as President of Winter Park Memorial Hospital Association, Inc., a Florida not-for-profit corporation, on behalf of said corporation. She is personally known to me or produced \_\_\_\_\_ as identification.



LAURA M. BRAGG  
COMMISSION # CC 309771  
EXPIRES AUG 18, 1997  
Atlantic Bonding Co., Inc.  
800-732-2245

Laura M. Bragg  
Print Name Laura M. Bragg  
NOTARY PUBLIC  
My Commission Expires: Aug. 18, 1997

OR Bk 4964 Pg 2798  
Orange Co FL 5402170

Record Verified - Martha G. Haynie

w:\wpfiles\rjr\wpmh\city.ess



THIS INSTRUMENT PREPARED BY  
AND RETURN TO:

Randolph J. Rush, Esquire  
Winderweede, Haines, Ward  
& Woodman, P.A.  
Post Office Box 880  
Winter Park, Florida 32790

Orange Co FL 5418912  
11/09/95 10:34:07am  
OR Bk 4971 Pg 4989  
Rec 10.50 DSC .70

**EASEMENT**

THIS EASEMENT made this 17<sup>th</sup> day of October, 1995, between WINTER PARK MEMORIAL HOSPITAL ASSOCIATION, INC., a Florida not-for-profit corporation, of 1870 Aloma Avenue, Suite 200, Winter Park, Florida 32789, Grantor, and the CITY OF WINTER PARK, a Florida municipal corporation, of 401 Park Avenue South, Winter Park, Florida 32789, Grantee:

**W I T N E S S E T H:**

That the Grantor, for and in consideration of the mutual benefits, covenants and conditions herein contained, and in consideration of the sum of One and No/100 Dollar (\$1.00) paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby give and grant unto the Grantee and its successors and assigns, a non-exclusive underground utility easement, as is more particularly hereafter described, with full authority to enter upon, install, construct, operate and maintain public utilities, including but not limited to sanitary sewer, stormwater and water facilities within said easement as the Grantee and its successors and assigns may deem necessary or desirable; said public utilities being located in an easement area (the "Easement Area") within Grantor's premises in Orange County, Florida, to-wit:

A 15 foot easement being 7.50 feet on either side of the following described centerline:

Commence at the Northeast corner of Lot 1, Block 5 ALOMA SECTION 1 as recorded in Plat Book O, Page 51, of the Public Records of Orange County, Florida, said point also being on the Southerly right of way line of Mizell Avenue; thence along the Easterly line of said Lot 1, N 39°36'06" W 27.00 feet to the point of beginning; thence S 42°35'28" W 158.74 feet; thence N 89°01'29" W 11.00 feet to a point on the Easterly right of way line of Edinburgh Drive and the point of terminus, said point being 5.00 feet South of the Northwest corner of Lot 3, Block 5 of said ALOMA SECTION 1.

TAX PARCEL ID # 09-22-30-0120-05010

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns forever.

Grantor hereby warrants and covenants (a) that Grantor is the owner of the fee simple title to the premises in which the above-described Easement Area is located, (b) that Grantor has full right and lawful authority to grant and convey this easement to Grantee, and (c) that Grantee shall have quiet and peaceful possession, use and enjoyment of this easement.

Grantor reserves unto itself and its successors and assigns the use of the surface of the Easement Area.

STATE OF FLORIDA, COUNTY OF ORANGE I HEREBY CERTIFY  
That the above and foregoing is a true copy of the original filed in this office.

Joyce M. Smith, City Clerk  
City of Winter Park, Florida

Dated: 11/9/95

City Clerk - Deputy Clerk

Grantee shall, at its sole cost and expense, repair and replace any improvements or landscaping disturbed or damaged by Grantee during the construction, maintenance, repair, or removal of such facilities.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

WINTER PARK MEMORIAL HOSPITAL  
ASSOCIATION, INC., a Florida  
not for-profit corporation  
1870 Aloma Avenue  
Winter Park, Florida 32789

BY Patricia M. Ashmore  
Patricia M. Ashmore, President

Print Name Patricia M. Ashmore

Print Name Patricia M. Ashmore

OR Bk 4971 Pg 4990  
Orange Co FL 5418912

Record Verified - Martha O. Haynie

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of October, 1995, by PATRICIA M. ASHMORE, as President of Winter Park Memorial Hospital Association, Inc., a Florida not-for-profit corporation, on behalf of said corporation. She is personally known to me or produced \_\_\_\_\_ as identification.



LAURA M. BRAGG  
COMMISSION # CC 309771  
EXPIRES AUG 18, 1997  
Atlantic Bonding Co., Inc.  
800-732-2245

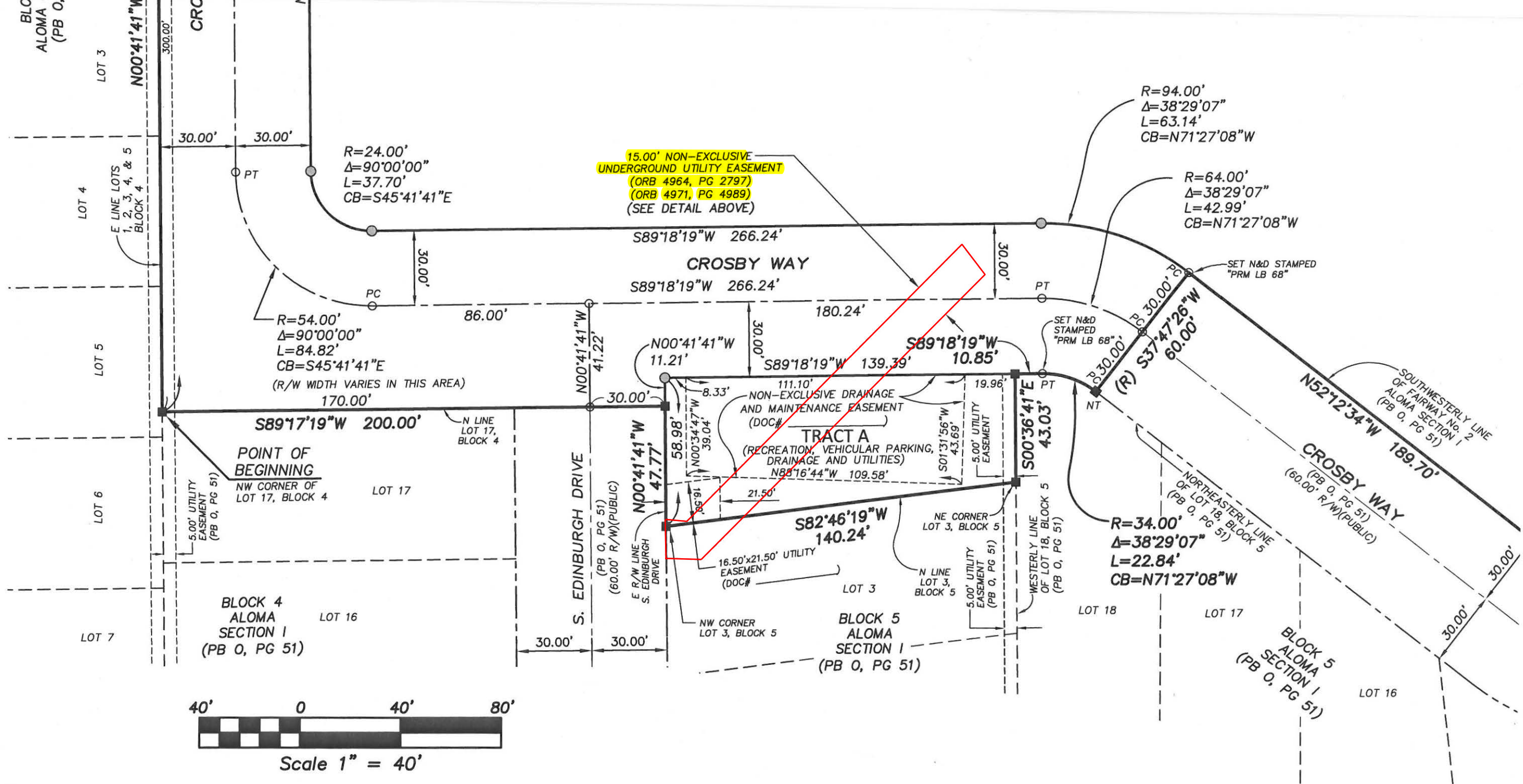
Laura M Bragg  
Print Name Laura M Bragg  
NOTARY PUBLIC  
My Commission Expires: Aug 18, 1997

OR Bk 4964 Pg 2798  
Orange Co FL 5402170

Record Verified - Martha O. Haynie

w:\wpfiles\rjr\wpmh\city.eas





**McINTOSH ASSOCIATES, INC.**  
**PLANNERS SURVEYORS**  
 1000 NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068  
 STATE OF AUTHORIZATION NUMBER LB68

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

2AM  
 plat\project wellness plat.dwg





**DONALD W. MCINTOSH  
ASSOCIATES, INC.**

June 20, 2017

F

Mr. Don Marcotte  
Asst. Dir P/W-City Engineer  
City of Winter Park  
401 Park Avenue South  
Winter Park, FL 32789

Re: Project Wellness  
Utility Easement Vacate  
PID# 09-22-30-0120-05-010

Dear Mr. Marcotte:

Pursuant to your request, we have enclosed the Utility Company letters of no objections for the proposed vacate and abandonment of the Easement granted to the City of Winter Park recorded in Official Records Book 4964 Page 2797 and Official Records Book 4964 Page 4989, of the Public Records of Orange County Florida, copies attached. The site is located at 2010 Mizell Avenue.

CIVIL ENGINEERS

LAND PLANNERS

SURVEYORS

We have enclosed a copy of the Utility Easement Vacate Area map and the plat of PROJECT WELLNESS as recorded in Plat Book 91 Pages 149 and 150 of said Public Records.

Please let me know if you have any questions,

Sincerely,  
DONALD W. MCINTOSH ASSOCIATES, INC.

Rocky L. Carson, PSM  
Vice President

/jdv

Encls.

c: Ms. Rebecca Wilson/ Lowndes, Drosdick, Doster, Kantor & Reed, P.A.  
Mr. Ron Lambert / Winter Park Health Foundation  
Donald W. McIntosh, Jr. / Donald W. McIntosh Associates, Inc.  
John M. Florio, P.E. / Donald W. McIntosh Associates, Inc.  
John T. Townsend, P.E. / Donald W. McIntosh Associates, Inc.

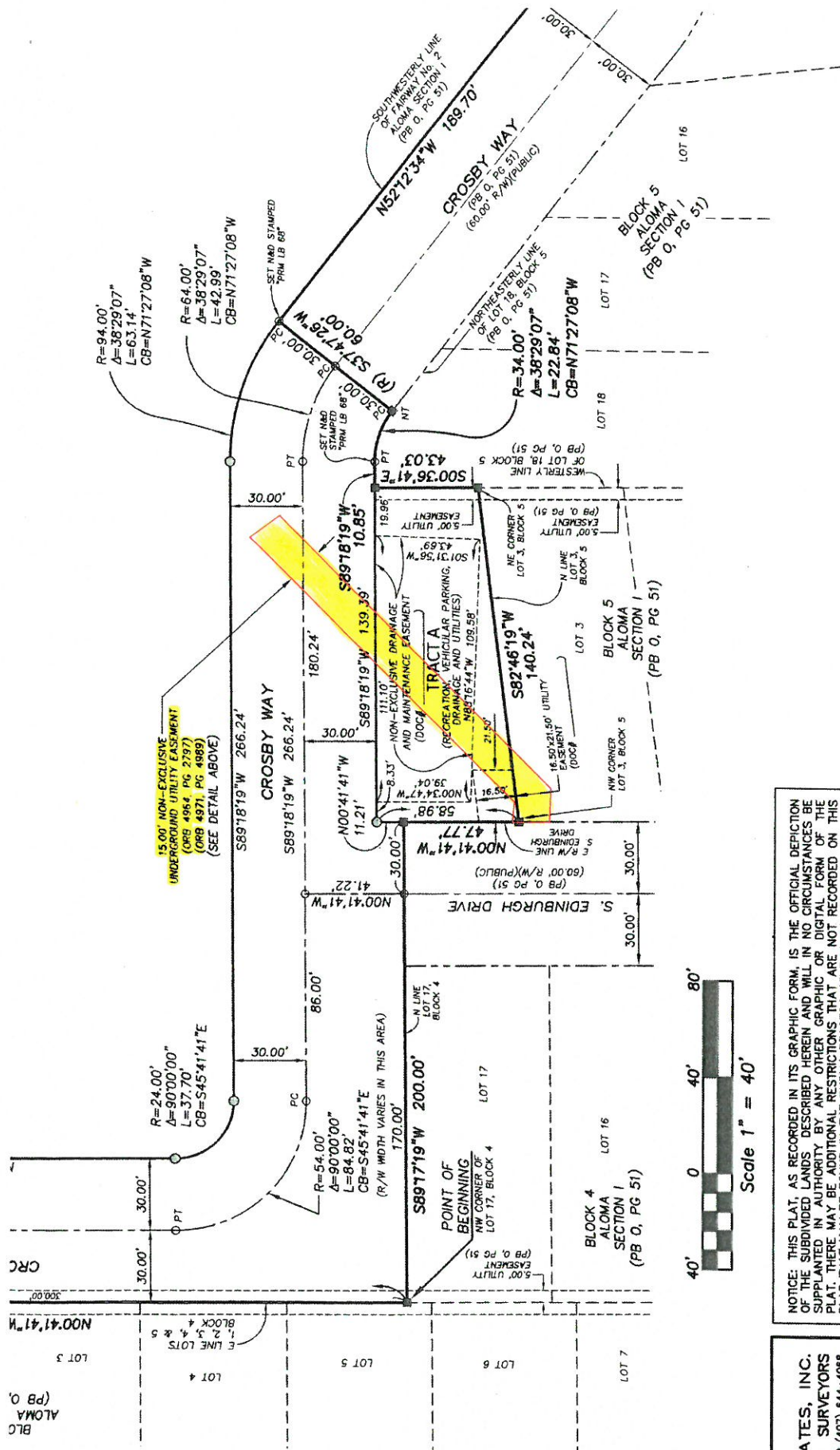
2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-644-8318

407-644-4068



NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

McINTOSH ASSOCIATES, INC.  
PLANNERS  
SURVEYORS  
18TH, WINTER PARK, FLORIDA 32789 (407) 644-4088  
DATE OF AUTHORIZATION NUMBER LB68

lat\project wellness plat.dwg  
2AM



**THIS INSTRUMENT PREPARED BY  
AND RETURN TO:**

Randolph J. Rush, Esquire  
Winderweeple, Haines, Ward  
& Woodman, P.A.  
Post Office Box 680  
Winter Park, Florida 32790

**EASEMENT**

THIS EASEMENT made this 17<sup>th</sup> day of October, 1995,  
between WINTER PARK MEMORIAL HOSPITAL ASSOCIATION, INC., a Florida  
not-for-profit corporation, of 1870 Aloma Avenue, Suite 200, Winter  
Park, Florida 32789, Grantor, and the CITY OF WINTER PARK, a  
Florida municipal corporation, of 401 Park Avenue South, Winter  
Park, Florida 32789, Grantee:

**W I T N E S S E T H:**

That the Grantor, for and in consideration of the mutual  
benefits, covenants and conditions herein contained, and in  
consideration of the sum of One and No/100 Dollar (\$1.00) paid by  
the Grantee, the receipt and sufficiency of which is hereby  
acknowledged, does hereby give and grant unto the Grantee and its  
successors and assigns, a non-exclusive underground utility  
easement, as is more particularly hereafter described, with full  
authority to enter upon, install, construct, operate and maintain  
public utilities, including but not limited to sanitary sewer,  
stormwater and water facilities within said easement as the Grantee  
and its successors and assigns may deem necessary or desirable;  
said public utilities being located in an easement area (the  
"Easement Area") within Grantor's premises in Orange County,  
Florida, to-wit:

A 15 foot easement being 7.50 feet on either side  
of the following described centerline:

Commence at the Northeast corner of Lot 1, Block 5  
ALOMA SECTION 1 as recorded in Plat Book 0, Page  
51, of the Public Records of Orange County,  
Florida, said point also being on the Southerly  
right of way line of Mizell Avenue; thence along  
the Easterly line of said Lot 1, N 39°36'06" W  
27.00 feet to the point of beginning; thence S  
42°35'28" W 158.74 feet; thence N 89°01'29" W 11.00  
feet to a point on the Easterly right of way line  
of Edinburgh Drive and the point of terminus, said  
point being 5.00 feet South of the Northwest corner  
of Lot 3, Block 5 of said ALOMA SECTION 1.

TAX PARCEL ID # 09-22-30-0120-05010

TO HAVE AND TO HOLD the same unto the Grantee, its  
successors and assigns forever.

Grantor hereby warrants and covenants (a) that Grantor is  
the owner of the fee simple title to the premises in which the  
above-described Easement Area is located, (b) that Grantor has full  
right and lawful authority to grant and convey this easement to  
Grantee, and (c) that Grantee shall have quiet and peaceful  
possession, use and enjoyment of this easement.

Grantor reserves unto itself and its successors and  
assigns the use of the surface of the Easement Area.

Grantee shall, at its sole cost and expense, repair and replace any improvements or landscaping disturbed or damaged by Grantee during the construction, maintenance, repair, or removal of such facilities.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

WINTER PARK MEMORIAL HOSPITAL  
ASSOCIATION, INC., a Florida  
not-for-profit corporation  
1870 Aloma Avenue  
Winter Park, Florida 32789

BY Patricia M. Ashmore  
Patricia M. Ashmore, President

Debbie Watson  
Print Name Debbie Watson

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of October, 1995, by PATRICIA M. ASHMORE, as President of Winter Park Memorial Hospital Association, Inc., a Florida not-for-profit corporation, on behalf of said corporation. She is personally known to me or produced as identification.



LAURA M. BRAGG  
COMMISSION # 00008771  
EXPIRES AUG 18, 1997  
Atlantic Bonding Co., Inc.  
800.732.4245

Laura M. Bragg  
Print Name Laura M. Bragg  
NOTARY PUBLIC  
My Commission Expires: Aug. 18, 1997

OR BK 4964 Pg 279B  
Orange Co FL 5402170

Record Verified - Martha G. Haynie

v:\wpfiles\rjr\wpsh\city.ess



THIS INSTRUMENT PREPARED BY  
AND RETURN TO:

Randolph J. Rush, Esquire  
Winderwee, Haines, Ward  
& Woodman, P.A.  
Post Office Box 880  
Winter Park, Florida 32790

Orange Co FL 5402170  
10/23/95 03:02:28pm  
OR Bk 4964 Pg 2797  
Rec 10.50 DSC .70

Orange Co FL 5418912  
11/09/95 10:34:07am  
OR Bk 4971 Pg 4989  
Rec 10.50 DSC .70

### EASEMENT

THIS EASEMENT made this 17<sup>th</sup> day of October, 1995, between WINTER PARK MEMORIAL HOSPITAL ASSOCIATION, INC., a Florida not-for-profit corporation, of 1870 Aloma Avenue, Suite 200, Winter Park, Florida 32789, Grantor, and the CITY OF WINTER PARK, a Florida municipal corporation, of 401 Park Avenue South, Winter Park, Florida 32789, Grantee:

### W I T N E S S E T H:

That the Grantor, for and in consideration of the mutual benefits, covenants and conditions herein contained, and in consideration of the sum of One and No/100 Dollar (\$1.00) paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby give and grant unto the Grantee and its successors and assigns, a non-exclusive underground utility easement, as is more particularly hereafter described, with full authority to enter upon, install, construct, operate and maintain public utilities, including but not limited to sanitary sewer, stormwater and water facilities within said easement as the Grantee and its successors and assigns may deem necessary or desirable; said public utilities being located in an easement area (the "Easement Area") within Grantor's premises in Orange County, Florida, to-wit:

A 15 foot easement being 7.50 feet on either side of the following described centerline:

Commence at the Northeast corner of Lot 1, Block 5 ALOMA SECTION 1 as recorded in Plat Book O, Page 51, of the Public Records of Orange County, Florida, said point also being on the Southerly right of way line of Mizell Avenue; thence along the Easterly line of said Lot 1, N 39°36'06" W 27.00 feet to the point of beginning; thence S 42°35'28" W 158.74 feet; thence N 89°01'29" W 11.00 feet to a point on the Easterly right of way line of Edinburgh Drive and the point of terminus, said point being 5.00 feet South of the Northwest corner of Lot 3, Block 5 of said ALOMA SECTION 1.

TAX PARCEL ID # 09-22-30-0120-05010

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns forever.

Grantor hereby warrants and covenants (a) that Grantor is the owner of the fee simple title to the premises in which the above-described Easement Area is located, (b) that Grantor has full right and lawful authority to grant and convey this easement to Grantee, and (c) that Grantee shall have quiet and peaceful possession, use and enjoyment of this easement.

Grantor reserves unto itself and its successors and assigns the use of the surface of the Easement Area.

STATE OF FLORIDA, COUNTY OF ORANGE I BEG: BY CERTIFY  
that the above and foregoing is a true copy of the original filed in this office.  
JULIE M. S. ALI, City Clerk  
City of Winter Park, Florida

Noted: 11/9/95

City Clerk - Winter Park

Grantee shall, at its sole cost and expense, repair and replace any improvements or landscaping disturbed or damaged by Grantee during the construction, maintenance, repair, or removal of such facilities.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

WINTER PARK MEMORIAL HOSPITAL  
ASSOCIATION, INC., a Florida  
not for-profit corporation  
1870 Aloma Avenue  
Winter Park, Florida 32789

BY Patricia M. Ashmore  
Patricia M. Ashmore, President

Print Name Daniel M. Ashmore  
Print Name Daniel M. Ashmore

OR Bk 4971 Pg 4990  
Orange Co FL 5418912

Record Verified - Martha D. Haynie

STATE OF FLORIDA  
COUNTY OF ORANGE

17<sup>th</sup> The foregoing instrument was acknowledged before me this day of October, 1995, by PATRICIA M. ASHMORE, as President of Winter Park Memorial Hospital Association, Inc., a Florida not-for-profit corporation, on behalf of said corporation. She is personally known to me or produced as identification.



LAURA M. BRAGG  
COMMISSION # CC 308771  
EXPIRES AUG 18, 1997  
Atlantic Bonding Co., Inc.  
800-732-2245

Laura M Bragg  
Print Name Laura M Bragg  
NOTARY PUBLIC  
My Commission Expires: Aug 18, 1997

OR Bk 4964 Pg 2798  
Orange Co FL 5402170

Record Verified - Martha D. Haynie

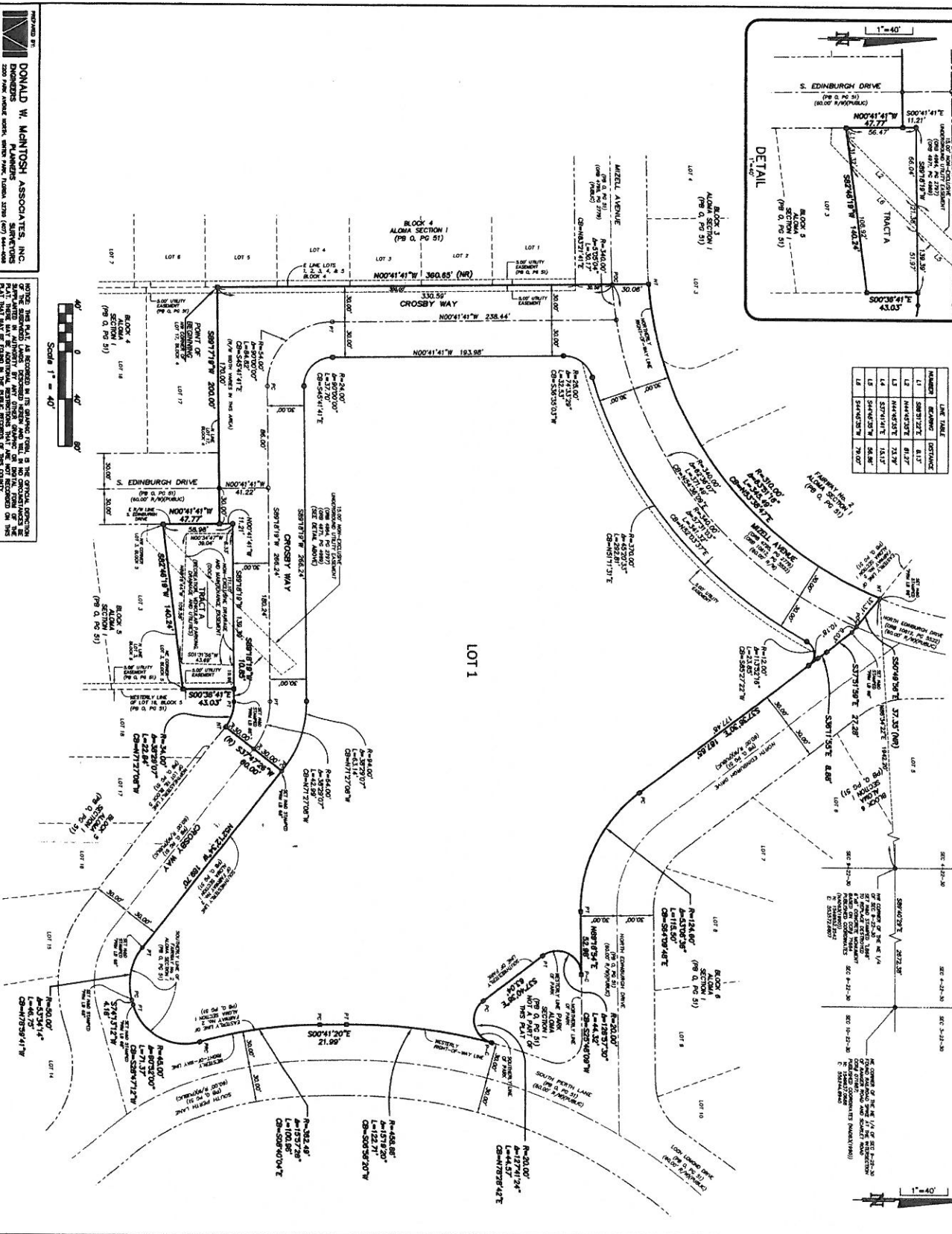
w:\wpfiles\trj\wpmh\city.ema





PLAT	91	PAGE	150
BOOK			

LINE TABLE	
NAME OF BEARING	DISTANCE
L1	S89°31'22"E 8.15'
L2	N44°45'53"E 81.27'
L3	N44°45'53"E 73.29'
L4	S37°41'41"E 15.15'
L5	S44°46'30"W 96.86'
L6	S44°46'30"W 79.00'







AN EMERA COMPANY

RECEIVED

JUN 19 2017

McINTOSH ASSOC. INC.

Crystal Corbitt  
Distribution Easement Coordinator,  
Real Estate  
Office: 813.228.1091  
FAX: 813.228.1376  
[clcorbitt@tecoenergy.com](mailto:clcorbitt@tecoenergy.com)

June 14, 2017

Rocky L. Carson, PSM  
Donald W. McIntosh Associates, Inc.  
2200 Park Ave. North  
Winter Park, FL 32789-2355

RE: Proposed Easement Vacation, 2010 Mizell Ave, PID# 09-22-30-0120-05-010, Winter Park

Rocky Carson:

Please be advised that Peoples Gas System, a division of Tampa Electric Company has no interest in any easements that may or may not be a matter of public record. We have no objection to such easements being released.

If you have any questions, please feel free to contact me.

Thank you,

A handwritten signature in blue ink that reads "Crystal L. Corbitt".

Crystal L. Corbitt  
Distribution Easement Coordinator  
Real Estate Services



**DONALD W. MCINTOSH  
ASSOCIATES, INC.**

March 10, 2017  
Marvin.UsryJr@charter.com

**Charter (Brighthouse)**  
Mr. Marvin Usry  
Mr. P J King, Construction Supervisor  
3767 All American Blvd.  
Orlando, FL 32810

**Re: Project Wellness  
Easement Release Request – City of Winter Park**

**Dear Gentlemen:**

CIVIL ENGINEERS

LAND PLANNERS

SURVEYORS

I am in the process of requesting the City of Winter Park vacate an easement as shown on the copy of the enclosed Utility Easement Vacate Area map and proposed plat. The site is located at 2010 Mizell Avenue – PID# 09-22-30-0120-05-010 in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form below, and return this letter to me at Donald W. McIntosh Assoc., Inc. If you have any questions, please contact Rocky L. Carson, PSM at (407) 644-4068 – rocky@dwma.com

Sincerely,

DONALD W. MCINTOSH ASSOCIATES, INC.

Rocky L. Carson, PSM  
Vice President

RC/jmr

Enclosures:

Utility Easement Vacate Area Map  
Proposed Plat  
ORB 4964, PG 2797 & ORB 4971, PG 4989

2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-644-8318

407-644-4068

c: Ms. Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.  
Mr. Ron Lambert, Winter Park Health Foundation  
Mr. Donald W. McIntosh, Jr.  
John M. Florio, P.E.  
John Townsend, P.E.

F:\Proj2016\16012\SURadmin\CS044 utility letters 030917 brighthouse.doc

<http://www.dwma.com>



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

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

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

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

9, 22, 30

Signature: Marvin L. Usry, Jr.  
Print Name: MARVIN L. USRY, JR.  
Title: CONST. SUPV.  
Date: 3/13/17

cc: P.J. KING, CHARTER COMMUNICATIONS

F:\Proj2016\16012SURadmin\Cec044 utility letters 030917 bighthouse.doc

**DONALD W. MCINTOSH Associates, Inc.**  
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789-2355 • (407) 644-4088 • FAX (407) 644-8318



**DONALD W. MCINTOSH  
ASSOCIATES, INC.**

March 10, 2017

*jriegler@cityofwinterpark.org*

**City of Winter Park  
Mr. Jason Riegler  
Water/Wastewater Asst. Utility Director  
401 Park Avenue South  
Winter Park, FL 32789-4386**

**Re: Project Wellness  
Easement Release Request – City of Winter Park**

**Dear Mr. Riegler:**

CIVIL ENGINEERS

LAND PLANNERS

SURVEYORS

I am in the process of requesting the City of Winter Park vacate an easement as shown on the copy of the enclosed Utility Easement Vacate Area map and proposed plat. The site is located at 2010 Mizeli Avenue – PID# 09-22-30-0120-05-010 in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form below, and return this letter to me at Donald W. McIntosh Assoc., Inc. If you have any questions, please contact Rocky L. Carson, PSM at (407) 644-4068 – [rocky@dwma.com](mailto:rocky@dwma.com)

Sincerely,

  
DONALD W. MCINTOSH ASSOCIATES, INC.

Rocky L. Carson, PSM  
Vice President

RC/jmr

Enclosures:

Utility Easement Vacate Area Map  
Proposed Plat  
ORB 4964, PG 2797 & ORB 4971, PG 4989

2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-644-8318

407-644-4068

c: Ms. Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.  
Mr. Ron Lambert, Winter Park Health Foundation  
Mr. Donald W. McIntosh, Jr.  
John M. Florio, P.E.  
John Townsend, P.E.

F:\Proj2016\16012\SURadmin\C\sc044 utility letters 030917 City of Winter Park.doc

<http://www.dwma.com>



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

X

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

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

Additional comments: Only applicable for potable water and sanitary sewer.  
Stormwater is not included.

Signature: Digitally signed by Jason Riegler, P.E.  
DN: C=US,  
Print Name: E=jriegler@cityofwinterpark.org, O=City  
of Winter Park, OU=Water and  
Title: Wastewater Utility Department,  
CN="Jason Riegler, P.E."  
Date: Date: 2017.03.24 12:59:41-04'00'

## Jean del Valle

---

**From:** Brana, Nick <Nick.Brana@duke-energy.com>  
**Sent:** Thursday, March 16, 2017 2:35 PM  
**To:** Jean del Valle; Rocky L. Carson, PSM  
**Subject:** RE: Project Wellness (DWMA 16012)  
**Attachments:** No Objection ORB (4964-2797).pdf

Jean & Rocky,

Please find attached, the response regarding Release/Vacate of Easement for the property of 2010 Mizell Avenue, Winter Park, and specifically OR Bk. 4964, Pg. 2797. Please let me know if you need anything further here. Thank you.

Kindly,

Nick Brana  
Land Rep, Land Services  
O: 407-942-9727  
C: 321-439-9070  
[Nick.Brana@Duke-Energy.com](mailto:Nick.Brana@Duke-Energy.com)

---

**From:** Jean del Valle [<mailto:jdvalle@dwma.com>]  
**Sent:** Friday, March 10, 2017 2:15 PM  
**To:** Brana, Nick; Rocky L. Carson, PSM  
**Subject:** Project Wellness (DWMA 16012)

\*\*\* Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*

**DONALD W. MCINTOSH ASSOCIATES, INC.**  
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789  
PHONE (407) 644-4068 - FAX (407) 644-8318  
CIVIL ENGINEERS  
LAND PLANNERS / SURVEYORS

### EMAIL TRANSMITTAL

**TO:** Nicholas Brana  
**COMPANY:** Duke Energy, Inc.  
**DATE:** March 10, 2017  
**JOB NO.:** 16012  
**Job Name:** Project Wellness

#### DESCRIPTION:



X The subject parcel is not within our service area.

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

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

Additional comments: These Easements were granted to the  
City of Winter Park, and are not within Duke  
Energy service territory. Duke has "No Objection."

Signature: Nick Brana

Print Name: NICK BRANA

Title: LAND AGENT

Date: 3/15/17



April 14, 2017



**LETTER OF NO OBJECTION**

Donald W. McIntosh Assoc., Inc.  
2200 Park Avenue North  
Winter Park Florida 32789-2355

Via Email: [rocky@dwma.com](mailto:rocky@dwma.com)

**SUBJECT: PROPOSED VACATE OF THE EASEMENTS GRANTED TO THE CITY OF WINTER PARK, RECORDED IN ORANGE COUNTY OFFICIAL RECORDS BOOK 4964 PAGE 2797 AND ORANGE COUNTY OFFICIAL RECORDS BOOK 4964 PAGE 4989, AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA ; ORANGE COUNTY PARCEL ID IS 09-22-30-0120-05-010; PRN 787475**

Dear Mr. Carson,

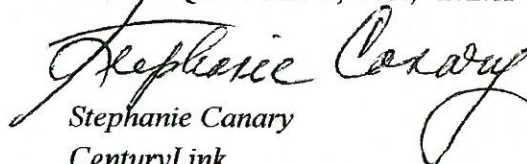
Please be advised that Embarq Florida, Inc., d/b/a CenturyLink has no objection to the proposed vacate and abandonment of the Easements granted to the City Of Winter Park recorded in Orange County Official Records Book 4964 Page 2797 and Orange County Official Records Book 4964 Page 4989, recorded in the Public Records of Orange County Florida, as requested by Rocky L. Carson.

The location of said vacate is more particularly shown on the attached sketch. The Property Address is 2010 Mizell Avenue, Winter Park Florida and the Orange County Parcel ID is 09-22-30-0120-05-010.

Should there be any questions or concerns, please contact me at 352-425-8763 or by email at [stephanie.canary@centurylink.com](mailto:stephanie.canary@centurylink.com).

Sincerely,

**EMBARQ FLORIDA, INC., D/B/A CENTURYLINK**

  
Stephanie Canary  
CenturyLink

319 SE Broadway Street

Mailstop: D7303L0401-4058

Ocala FL 34471

[stephanie.canary@centurylink.com](mailto:stephanie.canary@centurylink.com)

Phone: Cell: (352) 425-8763

Fax: (352) 368-8889

David C. Kennedy, CenturyLink

**PRN 787475**





# city commission **public hearing**

item type	Public Hearing	meeting date	June 25, 2018
prepared by	Don Marcotte	approved by	<input checked="" type="checkbox"/> City Manager
department	Public Works		<input type="checkbox"/> City Attorney
division	Administration		<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		final vote
strategic objective	<input type="checkbox"/> Exceptional Quality of Life <input type="checkbox"/> Fiscal Stewardship		
	<input type="checkbox"/> Intelligent Growth & Development <input type="checkbox"/> Public Health & Safety		
	<input checked="" type="checkbox"/> Investment in Public Assets & Infrastructure		

## subject

Ordinance vacating and abandoning a 15 FOOT EASEMENT GRANTED TO THE CITY OF WINTER PARK ON OCTOBER 17, 1995, RECORDED IN OFFICIAL RECORDS BOOK 4964, PAGE 2797 AND OFFICIAL RECORDS BOOK 4971, PAGE 4989 OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA.

## motion | recommendation

Approve motion to vacate portion of right of way. Staff agrees this right-of-way section is appropriate to vacate and abandon as shown in "Exhibit A." "Letters of No Objection" received from each utility.

## background

## alternatives | other considerations

Not approve Request to Vacate

## fiscal impact

No direct financial impact as a part of this action



# city commission agenda item

item type	Public Hearings	meeting date	7/9/2018
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

Request of Z Properties Group:

- Ordinance - To amend the "Comprehensive Plan" Future Land Use map from Low Density Residential to Parking Lot Future Land Use on the eastern 70 feet of the residentially designated portion of the property at 301 N. Pennsylvania Avenue (2)
- Ordinance - Zoning map amendment to change from Low Density Residential (R-2) to Parking Lot (PL) on the eastern 70 feet of the residentially designated portion of the property at 301 N. Pennsylvania Avenue. (2)

## motion / recommendation

Recommendation is for approval of the Comprehensive Plan future land use map amendment and Zoning map amendments.

## background

**Location and Site Details:** The property at 301 N. Pennsylvania Avenue is 100 feet wide by 200 feet deep. It has split Future Lane Use and Zoning with the front or east half designated Commercial (C-3) and the rear or west half designated Low Density Residential (R-2).

The property is also unique because the City holds a right-of-way easement over the north 40 feet of the entire property. On that 40 feet is the roadway of Israel Simpson Court leading back into the Land Trust development of single family homes which includes the on-street parking and street oak trees. The applicant only has the ability to develop the south 60 feet of this property.

**Proposed Project:** The applicant is asking for these approvals in order to build on the Pennsylvania Avenue frontage a new two-story office building of 5,496 square feet, (on the land zoned C-3) and to build a portion of the necessary parking lot (on the land prospectively to be rezoned to Parking Lot) and then build a two story, 1,492 square foot single family home for the benefit of the Hannibal Square Community land Trust (on land remaining zoned R-2). Thus the front (east) 100 feet stays Commercial (C-3) for the office building and some of the parking; the next 67 feet would be rezoned Parking Lot in order to create 12 more parking spaces to add to the office building yield

and the rear (west) 33 feet is the site of the new single family home that stays zoned R 2.

**The Comprehensive Plan Policy Issue:** The Comprehensive Plan has very restrictive policies and regulations regarding future land use changes and rezoning in the Hannibal Square Neighborhood. Policy 1-H-1 (below) indicates that land use changes from residential to a non-residential designation are "in conflict with this Comprehensive Plan" unless otherwise provide for. Policy 1-H-2 (below) indicates that if such a change is to be made then "the loss of the housing potential must be compensated for through the provision of housing". That is exactly what the applicant proposes to do. Attached is a Development Agreement contract that commits the property owner to build a new single family home on the rear (west) 33 feet for the Hannibal Square Community Land Trust, in order to provide an affordable home resultant from this overall development. The home would be constructed by the applicant and the land and home then deeded to the Land Trust.

## **PLANNING AREA H: Hannibal Square Neighborhood**

**Policy 1-H-1: Discourage Non-Residential Encroachments into Residential Sections** The City shall discourage non-residential and medium or high-density residential future land use amendments into single family and low density residential areas of this neighborhood planning area and shall deem land use changes from single family residential to low or medium density residential or to a non-residential designation to be in conflict with this Comprehensive Plan policy and shall not be permitted unless otherwise provided for in the Comprehensive Plan.

**Policy 1-H-2: If Non-Residential Zonings Are Approved, Compensation Required for Lost Housing** In situations where a change to non-residential Comprehensive Plan Amendment is approved, in this planning area, the loss of housing or housing potential must be compensated for through the provision of housing or negotiated fees in lieu of housing, paid to the Affordable and Workforce Housing Trust Fund.

**Development Plan Approval:** Generally, the proposed development meets the Code with some small exceptions/variances. The new office building meets the Code with respect to parking (one per 250) and setbacks, FAR, etc. The parking lot on the PL zoned portion needs a variance because it does not have the 10 foot required setback to the vacant residential land to the south but that land is also owned by the applicant. Their plan is to continue the six foot block wall that now screens the existing office parking lot so that there will not be any negative impact on the future homes to be built on that vacant land.

The new two-story single family home also needs an exception/variance for the 10 foot rear setback and the 3 foot east side setback. But again, the applicant owns the adjacent property and is in agreement with those dimensions.

**Infrastructure Considerations:** During the departmental review of this project, there was a request for a utility easement along the front five feet on Pennsylvania Avenue because of existing electric utilities in that area. The applicant is in agreement.

**Summary and Staff Recommendation:** In essence, the Comprehensive Plan says:

that if rezoning occurs in part of the Hannibal Square neighborhood from residential to a business use, then there must be something done in return for the neighborhood and its residents. Specifically, the Comprehensive Plan indicates the City's need for affordable housing. The applicant has followed and conformed to the direction of the Comprehensive Plan. In the future, this policy direction could be broadened for other benefits such as providing park space or other amenities for the residents of the neighborhood.

### **Planning and Zoning Board Minutes – June 5, 2018:**

**REQUEST OF Z PROPERTIES TO:** AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL TO PARKING LOT DESIGNATION ON THE EASTERN 67 FEET OF THE RESIDENTIALLY DESIGNATED PORTION OF 301 N. PENNSYLVANIA AVENUE.

**REQUEST OF Z PROPERTIES TO:** AMEND THE OFFICIAL ZONING MAP TO CHANGE FROM LOW DENSITY (R-2) DISTRICT ZONING TO PARKING LOT (PL) ZONING ON THE EASTERN 67 FEET OF THE RESIDENTIALLY DESIGNATED PORTION OF 301 N. PENNSYLVANIA AVENUE.

**REQUEST OF Z PROPERTIES FOR:** DEVELOPMENT PLAN AND SUBDIVISION APPROVAL FOR A TWO STORY 5,494 SQUARE FOOT RETAIL/OFFICE BUILDING, PARKING LOT AND A TWO STORY RESIDENTIAL HOME ON THE PROPERTY AT 301 N. PENNSYLVANIA AVENUE, PROSPECTIVELY ZONED C-3, PL AND R-2.

Planning Manager, Jeff Briggs, presented the staff report and explained that the applicant, Z Properties is requesting the following:

1. To amend the "Comprehensive Plan" Future Land Use map from Low Density Residential to Parking Lot designation on the eastern 67 feet of the residentially designated portion of 301 N. Pennsylvania Avenue.
2. To amend the zoning map for the same property from Low Density district zoning to Parking Lot zoning.
3. Development Plan and Subdivision approval to split the lot in order to construct a two-story, retail/office building, parking lot and two-story home on the same property as shown in the plans submitted.

Mr. Briggs explained that the property at 301 N Pennsylvania Avenue is currently vacant with the exception of the north forty feet where the city street, Israel Simpson Court, is located. He stated that the City has a right-of-way easement over the north forty feet which allowed for the building of the road, including on-street parking and sidewalks that lead back to Hannibal Square Community Land Trust development of single family homes. He stated that the applicant currently owns the south 60 feet of the property as well as the existing two-story office building to the south at 271 N. Pennsylvania Avenue.

Mr. Briggs stated that the property has two different zoning categories. The property is 200 feet long with the front (east) 100 feet of the property is zoned Commercial and the west 100 feet is zoned residential (R-2). He explained that the applicant would like to construct a larger office building at the front half of the property and use some of the back portion for added parking in order to build a larger office building. The applicant is requesting to rezone the rear 67 feet of the property from residential to commercial in order to accommodate the required extra parking and is committing to build a new, 1500 square foot, two-story home on the remaining 33 feet of the

property in partnership with the Hannibal Square Community Land Trust. He then presented elevations for the proposed office building and home to be built on the western 33 feet property.

Mr. Briggs explained that the new comprehensive plan has policies about rezoning residential property in the Hannibal Square neighborhood for business use. Policy 1-H-1 indicates that that land use changes from residential to a non-residential designation are "in conflict with this Comprehensive Plan" unless otherwise provide for elsewhere in the Comp Plan. However, Policy 1-H-2 indicates that if such a change is to be made then "the loss of the housing potential must be compensated for through the provision of housing". He stated the applicant's request comes with a commitment to build, in partnership, with the Hannibal Square Community Land Trust, the new single-family home.

Mr. Briggs summarized by stating that the Comprehensive Plan says that if rezoning occurs in the Hannibal Square neighborhood from residential to a business use, then there must be something done in return for the neighborhood and its residents.

Specifically, the Comprehensive Plan indicates the City's need for affordable housing. The applicant has followed and conformed to the direction of the Comprehensive Plan. In the future, this policy direction could be broadened for other benefits such as providing park space or other amenities for the residents of that neighborhood. Staff Recommendation is for Approval of the Comprehensive Plan future land use map amendment and Zoning map amendments.

Staff Recommendation is for Approval of the Development Plan, as presented, subject to the following conditions:

1. That the Development Agreement with the Land Trust be implemented such that a Certificate of Occupancy (C.O.) may not be issued for the office building until one is issued for the new single-family home and the property is transferred in ownership.
2. That the applicant dedicate to the City a utility easement over the front (east) five feet of this property.

Mr. Briggs answered questions from the Board regarding the deeding of the single family home and the property, future certificate of occupancy and maintenance of the remainder of the street Israel Simpson Court.

Zane Williams (applicant), Z Properties, 1160 Mayfield Avenue, Winter Park, FL, addressed the Board. He answered questions regarding the proposed building. He stated that he understood that there were no 'free passes' to rezone in this neighborhood and wanted to do the right thing by contributing to the HSCLT via the new home.

The Board heard public comment from Eddie Jones, 751 Simons Avenue, Winter Park. Mr. Jones expressed concerns of traffic management with the new office building and increased parking as well ask impacts to the neighborhood while construction of the home and building were ongoing.

Mary Daniels, 654 Canton Avenue, Winter Park, FL. wanted to confirm and make it clear that the land, as well as the home, is deeded to the land trust. Ms. Daniels stated that normally she would not be in support any residential rezoning

in the neighborhood, but given that the neighborhood is gaining a residential home, she can support the request and asked the Board to support the request as well.

Applicant, Zane Williams, addressed the traffic concerns; he stated that he does not anticipate a large increase in traffic. He stated that he has been at his current office at 271 Pennsylvania Avenue for five years and the parking lot has never been full. He stated that it is a commercial office building and generally does not generate a high volume of traffic.

No one else wished to speak. The Public Hearing was closed.

The Board members were in support of the request given that the Agreement for the HSCLT home then conforms to the policies of the Comprehensive Plan and that the conditions of approval require that implementation.

**Motion made by Ray Waugh, seconded by Sheila De Ciccio for approval to amend the "Comprehensive Plan" Future Land Use map from Low Density Residential to Parking Lot designation on the eastern 67 feet of the residentially designated portion of 301 N. Pennsylvania Avenue. The motion carried unanimously with a 6-0 vote.**

**Motion made by Ray Waugh, seconded by Sheila De Ciccio for approval to amend the official zoning map to change from Low Density (R-2) District Zoning to Parking Lot (PL) zoning on the eastern 67 feet of the residentially designated portion of 301 N. Pennsylvania Avenue. The motion carried unanimously with a 6-0 vote.**

**Motion made by Ray Waugh, seconded by Laura Walda for Development Plan and Subdivision approval for a two-story, 5,494 square foot retail/office building, parking lot and a two-story residential home on the property at 301 N. Pennsylvania Avenue, prospectively zoned (C-3), (PL) and (R-2), subject to the conditions recommended by staff and agreed to by the applicant:**

- 1. That the Development Agreement with the Land Trust be implemented such that a Certificate of Occupancy (C.O.) may not be issued for the office building until one is issued for the new single-family home and the property is transferred in ownership.**
- 2. That the applicant dedicate to the City a utility easement over the front (east) five feet of this property.**

**The motion carried unanimously with a 6-0 vote.**

#### **alternatives / other considerations**

N/A

#### **fiscal impact**

N/A

ATTACHMENTS:

**Description**

Comp Plan ordinance

Zoning ordinance

**Upload Date**

6/27/2018

6/27/2018

**Type**

Cover Memo

Cover Memo

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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA  
AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I  
"COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO  
CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY  
RESIDENTIAL TO PARKING LOT ON A PORTION OF THE PROPERTY  
AT 301 NORTH SOUTH PENNSYLVANIA AVENUE, MORE  
PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS,  
SEVERABILITY AND AN EFFECTIVE DATE.**

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

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

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

**WHEREAS**, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended APPROVAL of the proposed Comprehensive Plan amendment after having held an advertised public hearing on July 10, 2018, and provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

**WHEREAS**, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on July 23, 2018 and August 13, 2018 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation of Low Density Residential to Parking Lot on a portion of the property at 301 North Pennsylvania Avenue, more particularly described as follows:



THE WEST 67 FEET OF LOT 11, BLOCK E, CAPENS ADDITION TO WINTER PARK, AS RECORDED IN PLAT BOOK "A", Page 95 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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

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

**SECTION 4. Effective Date.** An amendment adopted via this Ordinance does not become effective, if timely challenged, until the state land planning agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance. Furthermore, this Ordinance shall only become effective upon the completion and issuance of a certificate of occupancy for the home to be built for the Hannibal Square Community Land Trust (HSCLT) and fee simple transfer of the home and land to the HSCLT on the property described as: The East 33 feet of Lot 11, Block E, for the Capens Addition to Winter Park, as recorded in Plat Book "A", page 95 of the public records of Orange County, Florida.

**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

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

Attest:

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

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

**AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE LOW DENSITY RESIDENTIAL (R-2) ZONING TO PARKING LOT (PL) DISTRICT ZONING ON A PORTION OF THE PROPERTY AT 301 NORTH PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS,** the owner of property at 301 North Pennsylvania Avenue has requested a Zoning map amendment that is consistent with the Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such municipal zoning does meet the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

**WHEREAS,** the Planning and Zoning Board of the City of Winter Park has recommended APPROVAL of this Ordinance at their July 10, 2018 meeting; and

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

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

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

**SECTION 1. Official Zoning Map Amendment.** That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation of Low Density Residential (R-2) District zoning to Parking Lot (PL) District zoning on a portion of the property at 301 North Pennsylvania Avenue, more particularly described as follows:

THE WEST 67 FEET OF LOT 11, BLOCK E, CAPENS ADDITION TO WINTER PARK, AS RECORDED IN PLAT BOOK "A", Page 95 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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

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

**SECTION 4. Effective Date.** This Ordinance shall become effective upon the effective date of Ordinance \_\_\_\_\_. If Ordinance \_\_\_\_\_ does not become effective, then this Ordinance shall be null and void. Furthermore, this Ordinance shall only become effective upon the completion and issuance of a certificate of occupancy for the home to be built for the Hannibal Square Community Land Trust (HSCLT) and fee simple transfer of the home and land to the HSCLT on the property described as: The East 33 feet of Lot 11, Block E, for the Capens Addition to Winter Park, as recorded in Plat Book "A", page 95 of the public records of Orange County, Florida.

**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 Steve Leary

Attest:

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



# city commission agenda item

item type	Public Hearings	meeting date	7/9/2018
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

Request of Sydgan Corporation:

- Ordinance - To amend the "Comprehensive Plan" Future Land Use map from Multi-Family Residential to Central Business District on the properties at 218 South Pennsylvania Avenue and 217 Hannibal Square East and from Commercial to Central Business District on the property at 227 Hannibal Square East (2)
- Ordinance - To change the Zoning of 218 South Pennsylvania Avenue and 217 Hannibal Square East from Medium Density Multi-Family Residential (R-3) to Commercial (C-2) and from Commercial (C-3) to Commercial (C-2) on the property at 227 Hannibal Square East. (2)

## motion / recommendation

Recommendation is for approval of the Comprehensive Plan future land use map amendment and Zoning map amendments.

## background

**Site and Context:** These properties are located within the Hannibal Square Neighborhood Commercial District, to the north of New England Avenue. The entire project site is 17,650 square feet in size (0.41 acres). The 227 Hannibal Square East property is currently developed with a 24 space parking lot, and 218 South Pennsylvania Ave and 217 Hannibal Square East are vacant land.

The location of these three properties are within the geographical area, as defined in the Comprehensive Plan, which are permitted to ask for a Future Land Use and Rezoning to Central Business District/C-2 per the Policy below.

**Policy 1-2.4.7: Restriction on the Use of CBD Future Land Use & (C-2) Zoning** CBD future land use and C-2 zoning may also be permitted on properties abutting Morse Blvd between Capen and Virginia Avenues, abutting New England Avenue between Pennsylvania and New York Avenues,

abutting Pennsylvania Avenue between Garfield and Lyman Avenues, or abutting Hannibal Square, East. Central Business District future land use designations or C-2 zoning shall not be permitted by the City for any property outside these designated areas. Properties within the designated areas are candidates for C-2 which may or may not be granted by the City Commission on a case by case basis.

**Project Analysis:** Per the C-2 zoning code, all new buildings within the Hannibal Square Neighborhood Commercial District require site and building plan approval by the P&Z Board and City Commission. The predominant factor requiring all development projects to go through this process is first and foremost, compatibility with the surrounding area. To the north of these properties is the Ward Chapel, the Welbourne Day Nursery and other properties zoned residential. This property is on the transitional edge of the business district as it transitions into a residential area. Planning staff feels that these two-story buildings with residential units on the second floor are an appropriate scale and compatible use in this location adjacent to residential zoning.

The proposed two-story building at 218 S. Pennsylvania will have 750 square feet of retail or office space on the ground floor and 927 square feet of storage space. These retail spaces are not being provided parking to allow for use as restaurant space. They may be food related businesses, as long as they have 12 seats or less they are classified as retail. The storage space shown on the floor plan is only permitted to be used by the residences or other tenants of the property owner. Off-site storage is not a permitted use in C-2 zoning to unrelated third-parties.

There will be five residential units between the two buildings, which Central Business District/C-2 allows for 17 units per acre. The project site measures 0.41 acres in size, and therefore allows up to six units. The first floor of the building facing Hannibal Square East will be parking spaces that will be hidden from view from Hannibal Square East. This is to be a replica of the Liner Apartment building to the east at the SW corner of Welbourne and Virginia Avenues. The four residential units on the second floor of this Liner Apartment building fronting Hannibal Square, East are all less than 750 square feet in size. The second first floor residential unit in the two-story building at 218 S. Pennsylvania Avenue is 1,677 square feet in size.

**Parking Analysis:** The applicant is requesting a variance to the residential parking requirements of 2.5 spaces for multi-family projects for the 4 Liner Building apartment units. Those units are less than 750 square feet in size and the variance request seems appropriate to staff as those units will likely hold one or two residents. The multi-family parking requirement is more applicable to larger units with more than one bedroom, and larger multi-family projects that require more guest parking. The larger apartment unit of 1,677 square feet in the 218 S. Pennsylvania Avenue building is only required to provide 2 spaces for that unit because it is not in a multi-family building (defined as 3 units or more).

The existing parking lot on this property is being reconfigured and will now provide 28 parking spaces, which is a net increase of four additional spaces than what exists today. Two of the residential units are located within the Hannibal Square Parking Exclusion Area, and therefore are not counted toward the parking requirement for the

project. The total parking required for this project per Code is 9 spaces. The applicant will provide the other 5 parking spaces needed by committing 5 surplus parking spaces at 226 Hannibal Square, East toward this project.

Altogether, there are six different corporate entities involved in shared use of this parking lot. As a result, there needs to be a formal Development Agreement initiated to make clear the rights that each party has to this shared parking lot.

**Summary:** The planning staff can support the requested changes to the Future Land Use designation from Multi-Family and Commercial to Central Business District, as well as the zoning changes to Commercial (C-2) because the Comprehensive Plan indicates that these properties are eligible for such designations. The two-story scale of the proposed development is compatible with the surrounding area. The staff believes that the parking variance for 2 spaces per unit in the new Liner Apartment building can be supported because the existing Liner Apartment building at the SW corner of Welbourne and Virginia Avenue has functioned adequately based on that number. However, there does need to be an agreement in writing about this shared parking so that everyone understands their abilities to use this shared parking lot.

#### **Planning and Zoning Board Minutes – June 5, 2018:**

**REQUEST OF SYDGAN CORP. TO:** AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP FROM A MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO CENTRAL BUSINESS DISTRICT DESIGNATION ON THE PROPERTIES AT 218 S. PENNSYLVANIA AVENUE AND 217 HANNIBAL SQUARE, EAST AND FROM A COMMERCIAL DESIGNATION TO A CENTRAL BUSINESS DISTRICT DESIGNATION ON THE PROPERTY AT 227 HANNIBAL SQUARE, EAST.

**REQUEST OF SYDGAN CORP. TO:** AMEND THE OFFICIAL ZONING MAP TO CHANGE FROM MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) ZONING TO COMMERCIAL (C-2) ZONING ON THE PROPERTIES AT 218 S. PENNSYLVANIA AVENUE AND 217 HANNIBAL SQUARE, EAST AND FROM COMMERCIAL (C-3) ZONING TO COMMERCIAL (C-2) ZONING ON THE PROPERTY AT 227 HANNIBAL SQUARE, EAST.

**REQUEST OF SYDGAN CORP. FOR:** SITE AND BUILDING PLAN APPROVAL TO CONSTRUCT A TWO STORY, APPROXIMATELY 4,274 SQUARE FOOT RETAIL AND RESIDENTIAL MIXED USE BUILDING ON THE PROPERTY AT 218 S. PENNSYLVANIA AVENUE AND TO CONSTRUCT AN APPROXIMATELY 5,492 SQUARE FOOT, TWO STORY RESIDENTIAL.

Senior Planner, Allison McGillis presented the staff report, she explained that property owner, Sydgan Corp., is requesting the following:

1. Changing the Comprehensive Plan Future Land Use designation of Multi-Family Residential to Central Business District on the properties at 218 South Pennsylvania Avenue and 217 Hannibal Square East and from Commercial to Central Business District on the property at 227 Hannibal Square East;
2. Changing the Zoning of 218 South Pennsylvania Avenue and 217 Hannibal Square East from Medium Density Multi-Family Residential (R-3) to Commercial (C-2) and from Commercial (C-3) to Commercial (C-2) on the property at 227 Hannibal Square East; and

1. Site and building plan approval to construct a two-story approximately 4,275 square foot retail/residential building at 218 South Pennsylvania Avenue and to construct a two-story 5,492 square foot residential building at 217 and 227 Hannibal Square East.

Mrs. McGillis stated that the properties are located within the Hannibal Square Neighborhood Commercial District, to the north of New England Avenue. The entire project site is 17,650 square feet in size (0.41 acres). The 227 Hannibal Square East property is currently developed with a 24-space parking lot, and 218 South Pennsylvania Ave and 217 Hannibal Square East are currently vacant.

Mrs. McGillis showed the Board the site plan for the proposed properties. She explained that the proposed two-story building at 218 S. Pennsylvania will be retail or office space on the ground floor with storage areas in the back and one residential unit on the second floor. She noted that the ground floor may have food related business as long as the business have 12 seats or less, which is classified as retail per the land development code based on the parking that is provided for the property.

Mrs. McGillis presented elevations for the proposed building from all four sides. She stated that the proposed building at 217 and 227 Hannibal Square, East will have covered parking on the first floor and 4 residential units on the second floor which are all less than 750 square feet in size. She showed elevations for the proposed building and noted that the architecture matches the architecture for Hannibal Square.

Mrs. McGillis stated that with respect to parking, the applicant is asking for a variance to use 2 spaces per unit versus 2.5 spaces for the 4-Liner Building apartment units because all of the units in the 4-Liner apartment building are less than 750 square feet in size. She noted that the larger apartment in the 218 S. Pennsylvania building only requires two parking spaces because that unit is not in a multi-family project, which is defined as three units or more. She stated that two of the residential units for this project are located within the Hannibal Square Parking Exclusion Area and therefore, are not counted toward the parking requirement for the project and the total parking requirement for the project, with the variance, is nine spaces. She stated that the existing parking lot on the property is being reconfigured, which will provide 28 parking spaces, which is a net increase of 4 parking spaces which will be utilized for the project and the applicant will be committing 5 parking spaces across the street at 226 Hannibal Square, East to the project. Altogether, there are six different entities involved in the use of the parking lot, therefore, Staff is recommending a Condition of Approval that there be a formal Development Agreement initiated to make clear, the rights that each party has to the shared parking lot and to fulfill the 5 remaining parking spaces,

Mrs. McGillis summarized by stating that Staff is recommendation is for approval of the Comprehensive Plan amendments, rezoning and site and building plan approval with the condition regarding the Development Agreement to be executed to formalize the parking requirements for this project and that the retail spaces cannot be used for food services if the business has more than 12 seats.

**STAFF RECOMMENDATION IS FOR APPROVAL** of the Comp. Plan, Rezoning and Site/Building plans with the following condition that a Development Agreement be executed providing assurances as to the parking commitments for the project, including the allocation of parking to each user, that the two retail tenants onsite are limited a commercial/office use and if food service then limited to or 12 seats or less each, and that the 5 spaces offsite at 226 Hannibal Square East are committed towards the parking requirements of this project.

There were no question for Staff.

Applicant Dan Bellows, Winter Park Development Agency, LTD., 411 West New England Avenue, Winter Park, addressed the Board. He reviewed the site plans and land use map related to the project.

There was no public comment. The Public Hearing was closed.

The Board agreed with Staff's recommendations.

**Motion made by Ray Waugh, seconded by Owen Beitsch, for approval to amend the "Comprehensive Plan" Future Land Use map from a Medium Density Multi-Family Residential to Central Business District designation on the properties at 218 S. Pennsylvania Avenue and 217 Hannibal Square, East and from a Commercial designation to a Central District designation on the property at 227 Hannibal Square, East.**

**Motion carried unanimously with a 6-0 vote.**

**Motion made by Ray Waugh, seconded by Sheila De Ciccio for approval to amend the Official Zoning Map to change from Medium Density Multi-Family Residential (R-3) to Commercial (C-2) zoning on the properties at 2108 S. Pennsylvania Avenue and 217 Hannibal Square, East and from Commercial (C-3) zoning to Commercial (C-2) zoning on the property at 227 Hannibal Square, East.**

**Motion carried unanimously with a 6-0 vote.**

**Motion made by Ray Waugh, seconded by Bob Hahn for Site and Building Plana approval to construct a two-story, approximately 4,274 square foot retail and residential mixed use building on the property at 218 S. Pennsylvania Avenue and to construct an approximately 5,492 square foot, two-story residential building on the properties at 217 and 227 Hannibal Square East, subject to the conditions recommended by staff and agreed to by the applicant:**

- 1. That a Development Agreement be executed providing assurances as to the parking commitments for the project, including the allocation of parking to each user, that the two retail tenants onsite are limited a commercial/office use and if food service then limited to or 12 seats or less each, and that the 5 spaces offsite at 226 Hannibal Square East are committed towards the parking requirements of this project.**

**Motion carried unanimously with a 6-0 vote.**



**alternatives / other considerations**

N/A

**fiscal impact**

N/A

ATTACHMENTS:

Description

Ordinance - Comp Plan

Ordinance - Zoning

Upload Date

6/12/2018

6/12/2018

Type

Ordinance

Ordinance

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

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTIES AT 218 S PENNSYLVANIA AVE AND 217 HANNIBAL SQUARE EAST, AND FROM COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 227 HANNIBAL SQUARE EAST, MORE PARTICULARLY DESCRIBED HEREIN PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the Winter Park Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on June 5, 2018, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

**WHEREAS**, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on June 25, 2017 and on July 9, 2018 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

**SECTION 1.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation of Medium Density Multi-Family Residential to Central Business District on the properties at 218 South Pennsylvania Avenue and 217 Hannibal Square East, being more particularly described as follows:

LOTS 3 & 4 BLK 42 REVISED MAP OF THE TOWN OF WINTER PARK as recorded in Plat Book "A" Pages 67-72 of the Public Records of Orange County, Florida.

Property Tax ID#s 05-22-30-9400-42-030 and 05-22-30-9400-42-041

**SECTION 2.** That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation of Commercial to Central Business District on the property at 227 Hannibal Square East, being more particularly described as follows:

LOTS 5 & 8 AND THE EAST 26 FT OF LOTS 6 & 7 BLK 42 REVISED MAP OF THE TOWN OF WINTER PARK as recorded in Plat Book "A" Pages 67-72 of the Public Records of Orange County, Florida.

Property Tax ID# 05-22-30-9400-42-040

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

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

**SECTION 5. Effective Date.** An amendment adopted under this paragraph does not become effective until 31 days after adoption. If timely challenged, an amendment may not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance.

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

Mayor

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

Attest:

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



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

**AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTIES AT 218 S PENNSYLVANIA AVE AND 217 HANNIBAL SQUARE EAST, AND TO CHANGE FROM COMMERCIAL (C-3) TO COMMERCIAL (C-2) ON THE PROPERTY AT 227 HANNIBAL SQUARE EAST, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS,** the owners of properties at 218 South Pennsylvania Avenue, 217 and 227 Hannibal Square East have requested a Zoning map amendment consistent with the amended Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

**WHEREAS,** the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their June 5, 2018 meeting; and

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

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

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

**SECTION 1. Official Zoning Map Amendment.** That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation of Medium Density Multi-Family Residential (R-3) District to Commercial (C-2) District zoning on the properties at 218 South Pennsylvania Avenue and 217 Hannibal Square East, being more particularly described as follows:

LOTS 3 & 4 BLK 42 REVISED MAP OF THE TOWN OF WINTER PARK as recorded in Plat Book "A" Pages 67-72 of the Public Records of Orange County, Florida.

Property Tax ID#s 05-22-30-9400-42-030 and 05-22-30-9400-42-041

**SECTION 2. Official Zoning Map Amendment.** That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation of Commercial (C-3) District to Commercial (C-2) District zoning on the property at 227 Hannibal Square East, being more particularly described as follows:

LOTS 5 & 8 AND THE EAST 26 FT OF LOTS 6 & 7 BLK 42 REVISED MAP OF THE TOWN OF WINTER PARK as recorded in Plat Book "A" Pages 67-72 of the Public Records of Orange County, Florida.

Property Tax ID# 05-22-30-9400-42-040

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

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

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

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

---

Mayor Steve Leary

Attest:

---

City Clerk



# city commission agenda item

item type	Public Hearings	meeting date	7/9/2018
prepared by	Planning / CRA Manager	approved by	City Manager, City Attorney
board approval	N/A final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

## **subject**

Ordinance - Revise the Sign Code for Murals (1)

## **motion / recommendation**

Motion to amend the murals section of sign Ordinance as recommended by the City Commission.

## **background**

This Ordinance is to provide the City Commission an opportunity to revisit the Sign Code regulations regarding murals.

As you have discussed, the Sign Code did not previously regulate murals as signs as long as the mural "in no way identified a product". The recent Sign Code change identifies murals as signs and limits murals one single façade, only on the first floor and not covering more than 45% of the wall/façade area. The current text is below:

*(e) Mural signs.* Art work painted or afixed 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 a street and shall not cover more than forty-five (45%) percent of the first floor of that wall or signable area. The City Commission may approve larger murals on a case by case basis, at a public hearing after notice to adjacent property owners, if such mural art works are exclusively non-commercial in nature and deemed to provide artistic value and benefit to the surrounding area and not just of benefit to the building or business proposing the mural.

## **Options for Changes:**

The staff believes that the City should continue to regulate murals as signs and have regulations on the size and extent of murals. If the City Commission agrees, then the options are the appropriate size of murals and how many building walls/facades are appropriate.

The attached Ordinance contains the existing sign code text. The City Commission can amend as desired.

**alternatives / other considerations**

N/A

**fiscal impact**

N/A

ATTACHMENTS:

Description

Ordinance

Examples of Murals

Upload Date

6/29/2018

6/29/2018

Type

Ordinance

Backup Material



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

**AN ORDINANCE OF THE CITY OF WINTER PARK,  
FLORIDA, AMENDING ARTICLE IV, SIGN REGULATIONS  
OF THE CITY OF WINTER PARK LAND DEVELOPMENT  
CODE; TO PROVIDE FOR THE REGULATION OF  
MURALS; PROVIDING FOR SEVERABILITY,  
CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Park has determined the need to update and revise its Land Development Code relative to signs;

**WHEREAS**, the City Commission finds that some signs, particularly large signs, signs with lighted and/or changing information, and human signs, detract from the aesthetic beauty of the landscape;

**WHEREAS**, the City Commission wishes to preserve the aesthetic beauty of the City of Winter Park;

**WHEREAS**, the City Commission finds and determines that pursuant to the policy of the City's Comprehensive Plan, the City's Land Development Code is required to regulate signage;

**WHEREAS**, 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 PEOPLE OF THE CITY OF WINTER PARK:**

**SECTION 1.** Chapter 58, Land Development Code, Article IV, Sign Regulations, Section 58-130 (e) Mural signs" is hereby amended and modified to read as follows:

*(e) Mural signs.* Art work painted or afixed 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 a street and shall not cover more than forty-five (45%) percent of the first floor of that wall or signable area. The City Commission may approve larger murals on a case by case basis, at a public hearing after notice to adjacent property owners, if such mural art works are exclusively non-commercial in nature and deemed to provide artistic value and benefit to the surrounding area and not just of benefit to the building or business proposing the mural.

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

**SECTION 3. CODIFICATION.** It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

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

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon 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.

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

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

# Examples of Murals

