



city commission agenda

December 9,
2019
3:30 PM
Commissioner
Chamber

mayor & commissioners

seat 1
Gregory Seidel

seat 2
Sarah Sprinkel

Mayor
Steve Leary

seat 3
Carolyn Cooper

seat 4
Todd Weaver

welcome

Welcome to the City of Winter Park City Commission meeting. The agenda for regularly scheduled Commission meetings is posted in City Hall the Tuesday before the meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofwinterpark.org.

meeting procedures

Persons desiring to address the Commission MUST fill out and provide the the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the podium, state their name and address, and direct all remarks to the Commission as a body and not to individual members of the Commission, staff or audience.

Citizen comments at 5 p.m. and each section of the agenda where public commend 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

Wes Hamil, Director of Finance

Pledge of Allegiance

3. Approval of Agenda

4. Mayor's Report

a. **Presentation - Valencia College Peace and Justice Institute**

10 minutes

- b. Board Appointments** 1 minute
Civil Service Board

5. City Manager's Report

- a. City Manager's Report** 1 minute

6. City Attorney's Report

7. Non-Action Items

8. Citizen Comments | 5 p.m. or soon thereafter

(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting)
(Three (3) minutes are allowed for each speaker)

9. Consent Agenda

- a. Approve minutes of November 25, 2019** 1 minute
- b. Approve extension of Conservation Easement for the Genius Preserve** 1 minute
- c. Approve the following piggyback agreements:** 1 minute
 - 1. Motorola Solutions: State of Florida contract #43190000-18-NASPO-ACS-1 – Public Safety Communication Equipment, Phase 1: Radios, Consoles, Antennas & Repeaters; Not to exceed \$178,000.
 - 2. CDW-G: Sourcewell contract #081419-CDW – Technology Catalog Solutions; not to exceed \$500,000.
 - 3. Pace Concrete: Extension of City of Eustis contract #007-15 – Concrete Sidewalk, Curb & Gutter; not to exceed \$300,000.
- d. Approve the following contract items:** 1 minute
 - 1. Thales Consulting: CAFR-Online Software Subscription (6-year initial term); \$13,000 for year 1 and \$4,000 for each subsequent year.
 - 2. Lewis Outdoor Solutions: Amendment to renew IFB-7-2017 – Landscape Maintenance for City of Winter Park Facilities; not to exceed \$260,000.
- e. Approve the following purchase:** 1 minute
 - 1. Musco Sports Lighting: LED lighting upgrade at Ward Park baseball fields 4 & 5; \$227,500.

10. Action Items Requiring Discussion

- a. Splash, Float, Swim Initiative** 10 Min

- b. Agreement for the realignment of Bennett Avenue with Executive Drive at Lee Road** 30 minutes

11. Public Hearings

- a. Request of the Sydgan Corp. for:** 5 minutes
- Conditional Use approval to add a third story onto the existing two-story garage and guest house building to the rear of the three-story building at 411 West New England Avenue, zoned C-2. (2nd public hearing)
(Per Section 58-75(c)(3) of the City Code, requests for buildings with a third floor and up to 40 feet in height within C-2 zoning require two public hearing approvals by the City Commission)
- b. Request of Chez Vincent and Hannibal's and the City of Winter Park for:** 10 minutes
- An Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" Section 58-84 to provide for the same hours of sale of alcoholic beverages that exist within the City at-large to be applied within the New England Avenue portion of the Hannibal Square Neighborhood Commercial district. (2)
 - An Ordinance amending Chapter 62, Division 2, Noise and Disturbance Control, providing for the same noise controls that exist within the Central Business District to be applied within the Hannibal Square Neighborhood Commercial district. (2)

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	12/9/2019
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Wes Hamil, Director of Finance

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	Mayor's Report	meeting date	12/9/2019
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Presentation - Valencia College Peace and Justice Institute

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	Mayor's Report	meeting date	12/9/2019
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Board Appointments

Civil Service Board

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	City Manager's Report	meeting date	12/9/2019
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

City Manager's Report

Upload Date

12/4/2019

Type

Backup Material



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.

12/9/19 meeting

issue	update
Quiet Zones	Railroad street crossing safety improvements construction is completed. NO TRAIN HORN signs are being installed. Quiet Zones implementation is expected January 2020.
Seminole County Ditch Drainage Improvement	The hydraulic model has been updated. Seminole County is reviewing the improvement alternatives and will provide the City feedback regarding participation and phasing over a 5 year capital improvement plan.
Electric Undergrounding	<u>Miles of Undergrounding performed</u> Project G: 4.1 miles 82% complete. Project H: 2.5 miles 75% complete. Walnut/Chestnut at Phelps, part of Project I: 70% complete. 0.1 miles 80% complete TOTAL for FY 2020: 0.75 miles
Fairbanks Transmission	End of March 2020 is the estimated completion date for the Fairbanks project from Duke transmission contractors. Poles are scheduled to be removed 30 days after the completion by transmission contractors.
Canopy Project	The Construction Drawings (CD's) have been received. Currently being reviewed by staff and priced by the construction team. The GMP is expected by mid-December 2019.
Orange Avenue Overlay Steering Committee	The Planning and Zoning Board held a public hearing on the Orange Avenue Overlay District on December 3, 2019. They voted 7-0 to approve the project. On December 18, 2019, staff will hold a public information meeting in the lobby of the Gateway Plaza building at 1201 Orlando Ave for property owners within the Orange Avenue Overlay area. Notice was sent to all property owners within the Overlay District and the public is welcome to attend as well. On December 21, 2019, staff will have a booth at the Winter Park Farmers Market to be available to discuss the Orange Avenue

	Overlay District with anyone who has questions, concerns or suggestions. Staff will at the booth from 7AM until 1PM.
Greenway/Connectivity Plan	The Senior Transportation Planner position has been posted. Once the hiring process has finished, staff will put together anticipated dates and scopes for items such as this.
Charter Amendments	Ordinance adopted November 25 th . Staff translating questions into Spanish to submit to the Supervisor of Elections Office by December 13 th .
MLK Park Plan	City has contracted professional services through Dix-Hite to conduct review of MLK master plan, assessment of neighborhood connectivity with MLK Park and Library/Event Center, and provide suitable options for replacement of Shady Park spray feature. CRA has ability to address some improvements at this site with potential funding as part of CRA CIP.
Drainage Plan for City	Staff has met internally to discuss approach and design project scope. Staff has requested a proposal from Geosyntech, a stormwater consulting firm on contract for the study and development of improvements particularly surrounding the MLK park pond basin and the Center street basin downtown. . This process will progress to the entire city as the CRA portion is completed.
Parks and Recreation Bike Path and Green Spaces Plan	Will be part of the overall Transportation Master Plan being performed by the Planning and Public Works Departments.
New Vehicle Purchase	Staff members at City Hall reviewed fully electric vehicles for the applicability of replacement of conventional gas powered vehicles. The Building Department is the most likely candidate for any type of conversion and is considering options for replacement.
Circulator Shuttle	Staff is looking at grant opportunities and possible use of County-led one cent sales tax increase. This project concept, along with others, will be part of the CRA Advisory Board's task to review. Staff has met with one provider, Beep, who currently operates a shuttle in the Lake Nona area. A field visit is currently being scheduled.
Lakemont Avenue	Scope to be determined. Work to be tentatively performed by new transportation planner position in conjunction with the Public Works and Planning Departments.
17/92 Corridor Modeling	Staff is currently working with FDOT Arterial Team to assess needs and scope for model development and funding needs. CRA has reserved funds for this project. Staff met with FDOT on Sept 10th regarding the entire streetscape project and has asked for any updates regarding timing of this project. FDOT hopes to have 60% plans designed by Feb 2020. The city will work with FDOT on design and other associated improvements such as coordinating of utility undergrounding and water & sewer improvements, over the next couple months.
Lakes Health Analysis	The Natural resources division of Parks (where lakes management now resides) along with Public Works are preparing a presentation detailing historic and existing lake water quality along with previously implemented improvement projects and proposed future

	projects for information and discussion. It will illustrate excellent, good and impaired water quality criteria and where the City lakes rank accordingly.
Tree Preservation and Landscape Ordinance Revisions	Staff working on finalization of ordinance language. Ordinance was introduced to PRAB on November 22nd with no action taken and request for additional time to review and possible work session for detailed explanation by staff. PRAB work session will be scheduled for December to review ordinance in detail. Tree Ordinance will be presented to Planning and Zoning in early January and be presented to commission at the January 27th meeting.
Post Office Acquisition	Met with post office representative on 12/4. They are open to a potential sale and are going to send us a Letter of Intent for consideration.

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	Consent Agenda	meeting date	12/9/2019
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Approve minutes of November 25, 2019

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Minutes of November 25, 2019

Upload Date

12/4/2019

Type

Backup Material



City Commission Regular Meeting Minutes

November 25, 2019 at 3:30 p.m.

City Hall, Commission Chambers
401 S. Park Avenue | Winter Park, Florida

Present

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Todd Weaver

City Manager Randy Knight
City Attorney Kurt Ardaman
City Clerk Rene Cranis

1. Meeting called to order

Mayor Steve Leary called the meeting of the Winter Park City Commission to order at 3:30 p.m.

2. Invocation and Pledge of Allegiance

George Wiggins, Director of Building and Permitting Services, provided the invocation, followed by the Pledge of Allegiance.

3. Approval of Agenda

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

4. Mayor's Report

5. City Manager's Report

a. Schedule Work Session on Orange Avenue Overlay

Mr. Knight stated that a work session is scheduled for December 9th at 2:00 prior to the regular meeting. He presented available dates for evening work session meeting on December 16th or 17th.

After discussion, consensus to schedule the work session for December 17th at 5:30 p.m.

New Director of Winter Park Public Library

Lawrence Lyman, Vice President of Winter Park Public Library Board of Trustees, announced the appointment of Sabrina Bernat as Executive Director of the Winter Park Library.

City Hall closed for termite treatment

Mr. Knight reminded everyone that City Hall will be closed on Wednesday, November 27th for tenting of termites, re-open on Monday, December 2nd.

Commissioner Seidel decision not to run for re-election

Commissioner Seidel announced his decision to not seek re-election for another term. In response to questions, Mr. Knight advised that the qualifying period begins at noon on December 3rd and ends at noon on December 10th and public notice has been given of the two seats to be filled.

b. City Manager's Report

Commissioner Cooper asked how the public can provide additional input on the old library reuse. Mr. Knight stated that there was an e-mail set up to receive public input. Discussion followed on the task force recommendations for future use.

6. City Attorney's Report

Attorney Ardaman advised that the final judgement has been entered for the Champions Circle matter.

Attorney Ardaman provided an update on the City of Pensacola arbor litigation. Thus far, the rulings have been favorable to the City of Pensacola.

7. Non-Action Items

8. Citizen Comments

9. Consent Agenda

- a. Approve the minutes of November 11, 2019 **(Pulled by Commissioner Weaver)**
- b. Approve termination of two water and sewer utility easements as requested by Vintage Winter Park, LLC
- c. Approve Tourist Development Tax Grant Agreement with Orange County for Canopy Project **(Pulled by Commissioner Weaver)**
- d. Approve the following contract items:
 1. Audio-Visual Innovations; Infinity Corporation of Central Florida: Increase allowable spend under RFP-18-2019 - Design, Install, Configure & Maintain Audio Visual System Services; not to exceed \$200,000 per vendor.
 2. Pike Engineering: Amendment to renew RFQ-15-2016 - Professional Distribution Engineering & Substation Consultant Services; not to exceed \$100,000.
 3. A Budget Tree Service: Allowable FY20 spend under ITN-23-2018 - Vegetation Management Services; not to exceed \$720,000.
 4. The Davey Tree Expert Co.: Amendment to renew ITN-23-2018 - Vegetation Management Services; not to exceed \$900,000.
- e. Approve the following interconnection agreement:
 1. Orlando Utilities Commission: Wholesale power distribution interconnection agreement.
- f. Approve the following project participation agreement:
 1. Florida Municipal Power Agency: Solar II Power Project

Commissioner Weaver pulled Items 9a and 9c.

Motion made by Commissioner Sprinkel to approve the Consent Agenda except Items 9a and 9c; seconded by Commissioner Seidel.

Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the minutes as follows:

- **City Attorney's Report** "...covered by the ordinance to include only New England Avenue between Virginia and Pennsylvania Avenues."
- **Non-Action Items** - "...the west wing of city hall has less architectural value compared to the main section of City Hall. He acknowledged that using the library as temporary space for City staff could allow for expanding parking and/or mixed use along Lyman Avenue."
- **Commissioner Reports** - "...bringing the Bolt to test drive."

Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the minutes as follows:

- **Action Items Requiring Discussion, Old Library Reuse Task Force Update, “...supported the continuing preservation of city hall in its current location as it is a contributing property to the Downtown National Historic District and opposed the report's suggestion that City Hall wings could be torn down.**

There were no public comments.

Upon a roll call vote on the motion made by Commissioner Cooper, Mayor Leary, Commissioners Seidel, Cooper and Weaver voted yes. Commissioner Sprinkel voted no. Motion carried with a 4-1 vote.

Upon a roll call vote on the motion made by Commissioner Weaver, Mayor Leary, Commissioners Seidel, Cooper and Weaver voted yes. Commissioner Sprinkel voted no. Motion carried with a 4-1 vote.

Commissioner Weaver commented on Item 9c and outlined some issues he sees with the contract regarding the Guaranteed Maximum Price (GMP), lack of a completion date, liquidated damages, and change orders.

Motion made by Commissioner Weaver to table this item until GMP is received and discussed in January; seconded by Cooper.

Commissioner Cooper expressed her concern with the language in Section 3 of the grant agreement that she feels will not allow the city to modify the project. Attorney Ardaman stated that this Section was amended to read “...as generally described in the City’s Orange County Tourist Development Tax Grant Application dated November 2018 to ensure the event center/auditorium component is constructed materially as described in the Grant Application.” which he feels allows the city some flexibility. He added that this, as well as the bond, ties this to the selected location.

Mr. Knight stated that staff feels it is important to know that this grant is in place and resources are known when GMP is received.

Upon a roll call vote to table, Commissioners Cooper and Weaver voted yes and Mayor Leary, Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Motion made by Commissioner Sprinkel to approve Consent Agenda Item 9c with the amendment as presented; seconded by Commissioner Seidel. Upon a roll call vote, Mayor Leary, Commissioners Seidel and Sprinkel voted yes. Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

10. Action Items requiring Discussion

a. City Manager Annual Review

Mr. Knight advised that the maximum salary increase for employees approved in the budget is 3.5% but it is the Commission’s discretion to approve an increase up to that amount.

Commissioner Seidel said he feels Mr. Knight is doing a good job; however given Mr. Knight’s current salary a bonus would be more appropriate than a salary increase.

Motion made by Commissioner Seidel to give a 2% bonus in lieu of a salary increase; seconded by Mayor Leary.

Commissioner Sprinkel agreed. She suggested that a uniform evaluation system be used in the future.

Commissioner Weaver stated he compared city manager salaries which shows that Mr. Knight is near the top in pay and supported a bonus in lieu of raise.

Commissioner Cooper stated she has met with Mr. Knight and discussed his performance and read a prepared statement detailing an incident that occurred many months ago. As a result, she stated she could not support a salary increase or a bonus.

Discussion followed on the incident cited by Commissioner Cooper. In response to questions by members of the Commission, Mr. Knight provided additional information on the incident.

There were no public comments.

Upon a roll call vote, Mayor Leary, Commissioners Seidel and Sprinkel voted yes. Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

11. Public Hearings

- a. ORDINANCE NO. 3157-19: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2018 - 2019 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. (Second Reading)

Attorney Ardaman read the ordinance by title.

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

- b. ORDINANCE NO. 3158-19: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE PARTIAL ASSIGNMENT OF THE CITY OWNED EASEMENT LOCATED NEAR THE INTERSECTION OF FAIRBANKS AVENUE AND NEW YORK AVENUE; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. (Second Reading)

Attorney Ardaman read the ordinance by title.

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

- c. ORDINANCE 3159-19: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF WINTER PARK SECTIONS 1.01, 1.03, 2.03, 2.05, 2.06, 2.08, 2.11, 2.17, 3.01, 3.03, 3.04, 4.01, 4.05, 4.07, 5.05, 5.08, 5.10 AND 6.04, THE PREAMBLE, CHANGING ARTICLE AND SECTION NAMES AND CREATING GENDER NEUTRAL LANGUAGE; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF WINTER PARK ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 17, 2020; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS. (Second Reading)

Attorney Ardaman read the ordinance by title.

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

Attorney Ardaman pointed that that if any amendments are made to the substantive text of the ordinance, it would constitute a first reading of this ordinance.

Commissioner Cooper commented on the time for a referendum on Question 5 and Question 11 stating she recalls the time was to be 90 days for both. Commissioner Weaver agreed.

After discussion, Attorney Ardaman clarified these questions are two separate issues. Question 5 speaks referendums for the Commission reconsider adoption of an ordinance and Question 11 speaks specifically to referendums for charter amendments.

Motion made by Commissioner Sprinkel to amend the ordinance deleting Question 2, Annual Base Salary of Mayor and City Commissioners; seconded by Mayor Leary.

Motion made by Commissioner Sprinkel to amend the ordinance deleting Question 7, Board Appointments and Election of Vice-Mayor; seconded by Mayor Leary.

Motion made by Commissioner Sprinkel to amend the ordinance deleting Question 8, Quorum, Voting and Video-Conferencing; seconded by Mayor Leary.

Motion made by Commissioner Sprinkel to amend the ordinance deleting Question 10, Nonpartisan Elections; seconded by Mayor Leary.

Attorney Ardaman clarified that amending language would constitute a first reading of the ordinance but deleting questions would not.

Mary Daniels, 650 Canton Avenue, spoke in favor of the salary increase and changing the board appointment process.

LaWanda Thompson, 664 W. Lyman Avenue, asked for clarification on the time to submit petitions for referendum. Mayor Leary stated time for filing petitions is proposed to change to 45 days.

Sally Flynn, 1400 Highland Road, expressed her support for Commission salary increases and changing the board appointment process.

Commissioner Seidel clarified that the Commission is only voting to put these questions on the ballot to be voted on by the city electors.

Upon a roll call vote on the motion to delete Question 2, Mayor Leary and Commissioner Sprinkel voted yes Commissioners Seidel, Cooper and Weaver voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to delete Question 7, Mayor Leary and Commissioner Sprinkel voted yes Commissioners Seidel, Cooper and Weaver voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to delete Question 8, Mayor Leary and Commissioner Sprinkel voted yes Commissioners Seidel, Cooper and Weaver voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to delete Question 10, Mayor Leary and Commissioner Sprinkel voted yes Commissioners Seidel, Cooper and Weaver voted no. Motion failed with a 2-3 vote.

Upon a roll call vote to adopt the ordinance, Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

d. Request of the Sydgan Corp. for:

Conditional Use approval to add a third story onto the existing two-story garage and guest house building to the rear of the three-story building at 411 West New England Avenue, zoned C-2.

Senior Planner Allison McGillis reviewed this request which meets zoning setback and floor area ratio requirements and is compatible with surrounding properties. She showed the floor plans, third-floor addition, view of property and elevations. She advised that staff and the Planning and Zoning Commission recommend approval.

Dan Bellows, applicant, was present to answer questions.

Motion made by Commissioner Sprinkel to approve the Conditional Use; seconded by Commissioner Cooper.

LaWanda Thompson, 663 W. Lyman Avenue, asked that the buildings complement the historical character of the area.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

e. Request of Chez Vincent and Hannibal's and the City of Winter Park for:

An Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" Section 58-84 to provide for the same hours of sale of alcoholic beverages that exist within the City at-large to be applied within the New England Avenue portion of the Hannibal Square Neighborhood Commercial district. (1)

An Ordinance amending Chapter 62, Division 2, Noise and Disturbance Control, providing for the same noise controls that exist within the Central Business District to be applied within the Hannibal Square Neighborhood Commercial district. (1)

A simultaneous public hearing was held on these ordinances.

Attorney Ardaman read the ordinances by title.

Planning Manager Jeff Briggs stated that these ordinances work together to achieve consistency in the application of alcoholic beverage service and noise controls and would apply the same rules in the Central Business District to New England Avenue in Hannibal Square within the HSNCD, which would allow the sale of alcoholic beverages until 2:00 a.m. Mondays through Saturdays and midnight on Sundays. However, the noise ordinance in effect prohibits live music which can be disturbing to nearby residents after 10:00 p.m. as it prohibits any music heard 50 feet from an establishment which is the case with live entertainment of full bands with amplified guitars, drums, etc. within the entire HSNCD. Mr. Briggs indicated that these noise controls were successful in the CBD in allowing later hours of alcohol sales and avoiding noise disturbances to nearby residential units and the Park Plaza Hotel. The sole reason for the earlier hours on alcohol sales was the impact of live music from Dexter's, which has now moved.

Commissioner Weaver expressed his appreciation for staff's work on these ordinances.

Motion made by Mayor Leary to approve the ordinances; seconded by Commissioner Sprinkel.

Commissioner Cooper asked that noise controls in residential areas be reviewed and brought to the Commission. Approved by consensus.

The following spoke in favor of these ordinances:

Christian Swann, 281 Salvador Square
Matthew Gurtis, 1651 Summerland Avenue
Robin Swann, Director of Government Affairs, Winter Park Chamber of Commerce
Michael Boslet, 972 Aragon Avenue
James Barnes, 7 Isle of Sicily
George Royal, 780 Virginia Drive

The following spoke against these ordinances:

LaWanda Thompson, 664 W. Lyman Avenue
Martha Bryant Hall, 331 W. Lyman Avenue
Barbara Chandler, 730 Minnesota Avenue
Wes Hodge, 2826 Fitzooth Drive

Vincent Gagliano, owner Chez Vincent, 533- 511 West New England, said that he understood the initial limitation but feels they improved the neighborhood and should be treated equally.

In response to public comments, Mr. Briggs clarified that this ordinance does not change the requirement that food from the restaurant's menu must be served during the time alcoholic beverages are served. Mayor Leary pointed out that these restaurants do not sell beer like packaged liquor stores and do not contribute to the empty containers in the area.

Commissioner Weaver stated he would like to prohibit package liquor stores and establishments that do not meet criteria from this area. He noted that that his review of police reports shows that the complaints were not related to Chez Vincent or Hannibal's, but from Pepe's but understands nearby residents concerns. Mr. Briggs stated that the Pepe's complaints stemmed from live entertainment which must now end at 10:00 p.m.

Commissioner Cooper said she respects what Chez Vincent has brought to the community but is concerned about new tenant in the former Dexter's location. She commented on police response to complaints at area restaurants. She stated that a special permit is required to stay open after midnight but questioned the feasibility of prohibiting any establishment within a certain number of feet from a residential area from having extended hours. Mr. Briggs said the effect of that prohibition would close about 60% of restaurants in the city. He provided additional information on extended hours permits which allow the sale alcoholic beverages after 11 p.m. but also allows for revocation of the permit.

Commissioner Cooper stated that there has been decrease in noise complaints thus far this year from 2018 and although this is not an easy decision, she will support these ordinances.

Commissioner Sprinkel stated that food and alcohol service requirements are audited by State. She feels that the current restrictions are unfair and will support these ordinances.

Commissioner Seidel said he has looked at the potential effects and feels there is control with extended hours permit although he feels there should be an overlay that supports both the businesses and the residents.

Upon a roll call vote on the ordinance amending the noise controls, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the ordinance amending the zoning regulations, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

12. City Commission Reports:

Commissioner Seidel

- Participated in National Adoption Day at the Orange County Courthouse.

Commissioner Sprinkel

- Attended the Teach-in at Brookshire Elementary where she received appreciation for heating Cady Way pool and the new Splash, Float and Swim Program.
- Commented on the upcoming holiday events and expressed her appreciation for businesses and staff who make these events possible.

Commissioner Cooper

- Congratulated Sabrina Bernat on her appointment as the Director of Winter Park Public Library.
- Recommended the appointment of Marty Sullivan to a city board.
- Attended the Florida League of Cities conference and will bring resolutions requesting support of items.

Commissioner Weaver

- Received several e-mails from residents regarding electric vehicles and will be meeting with a resident to respond to his concerns.
- Asked whether the Canopy project was reviewed by the Planning and Zoning Board. Mr. Knight stated that the Planning and Zoning Board approved the conditional use, which then came to the Commission for approval. The Planning and Zoning Board was advised by city staff that the building design and cost was outside their purview.

Mayor Leary

- Advised of an incident where an elderly lady had fallen and she had nobody that she could call. He stressed the importance of remembering others, especially this time of year.
- Wished everyone Happy Thanksgiving and thanked everyone for their contributions and participation,

The meeting adjourned at 6:01 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC



city commission agenda item

item type	Consent Agenda	meeting date	12/9/2019
prepared by	Planning	approved by	City Manager, City Attorney
board approval	N/A final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development, Investment in Public Assets and Infrastructure		

subject

Approve extension of Conservation Easement for the Genius Preserve

motion / recommendation

Staff Recommendation is for Approval.

background

For the past 20 years, the Elizabeth Morse Genius Foundation has offered and the City has accepted a Conservation Easement over the 46 acres of the Genius Preserve. City Commission approval is requested to extend the Conservation Easement for another 10 years until February 1, 2030.

This Conservation Easement dedicates the development rights to the City so that the property cannot be developed. In return, it allows the Property Appraiser to reduce the property taxes (since it is rendered unbuildable) so that the property taxes do not become a financial burden that hastens development.

The City also holds a Conservation Easement on the Osceola Lodge property on Interlachen Avenue including the vacant land on Lake Osceola. That easement is in effect until 2022.

alternatives / other considerations

N/A

fiscal impact

N/A

ATTACHMENTS:

Description	Upload Date	Type
Extension of Conservation Easement	11/19/2019	Backup Material
Conservation Easement Map	11/19/2019	Backup Material

**THIS DOCUMENT PREPARED BY
AND SHOULD BE RETURNED TO:
James E. Cheek, III
Winderweedle, Haines, Ward & Woodman, P.A.
P.O. Box 880
Winter Park, Florida 32790-0880**

Parcel ID # 08-22-30-000-00-001

EXTENSION OF CONSERVATION EASEMENT

THIS EXTENSION OF CONSERVATION EASEMENT (“Extension”), is entered into this ____ day of _____, 2019, by and between Elizabeth Morse Genius Foundation, Inc., a Delaware not for profit corporation (hereinafter referred to as the “Grantor”) and the City of Winter Park, a Florida municipal corporation (hereinafter referred to as the “Grantee”).

RECITALS:

- A. By a Conservation Easement (“Conservation Easement”) dated December 15, 1999, recorded December 27, 1999, in Official Records Book 5908, Page 4036, Public Records of Orange County, Florida, Grantor did grant to the Grantee a Conservation Easement encumbering certain property more particularly described therein.
- B. The Conservation Easement had an original term commencing December 15, 1999 and ending February 1, 2010 (“Term”).
- C. The Conservation Easement was extended through February 1, 2020, pursuant to an Extension of Conservation Easement dated November 4, 2009, and recorded January 5, 2010, in official records Book 9982, Page 8472, Public Records of Orange County, Florida.
- D. The Grantor has notified the Grantee of its intention and desire to extend the Term of the Conservation Easement for an additional ten (10) years.

NOW, THEREFORE, in consideration of the agreements contained in the Conservation Easement and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the parties agree:

- 1. The foregoing recitals are true and correct and incorporated herein.
- 2. The Grantor, by execution of this Extension, extends the Conservation Easement for a period of ten (10) years commencing February 1, 2020 and ending February 1, 2030 (“Extended Term”). The Term of this Conservation Easement may be extended for one (1) additional period of ten (10) years at the option of Grantor. Grantor may exercise

this option by providing notice to Grantee in writing of its election to extend this Conservation Easement no later than three months prior to the expiration of the Extended Term established herein.

3. Other than as herein amended, the Conservation Easement remains as originally executed and all of the obligations of the Grantor are hereby reaffirmed.

IN WITNESS WHEREOF, the Grantor has duly executed this Extension to become effective as of day and year first above written.

**Signed, Sealed and Delivered
In the Presence of:**

**ELIZABETH MORSE GENIUS
FOUNDATION, INC., a Delaware not for
profit corporation**

Print Name: _____

By: _____
Harold A. Ward, III
President

Print Name: _____

“Grantor”

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ____ day of _____, 2019 by HAROLD A. WARD, III, as PRESIDENT of ELIZABETH MORSE GENIUS FOUNDATION, INC., a Delaware not for profit corporation, on behalf of the corporation. He is personally known to me.

NOTARIAL SEAL

Notary Public-State of Florida
Print Name: _____
My Commission Expires: _____

ACKNOWLEDGED AND ACCEPTED

CITY OF WINTER PARK
a Florida municipal corporation

Print Name: _____

By: _____
Print Name: _____
Title: _____

Print Name: _____

ATTEST: _____
Rene Cranis, as City Clerk

“Grantee”

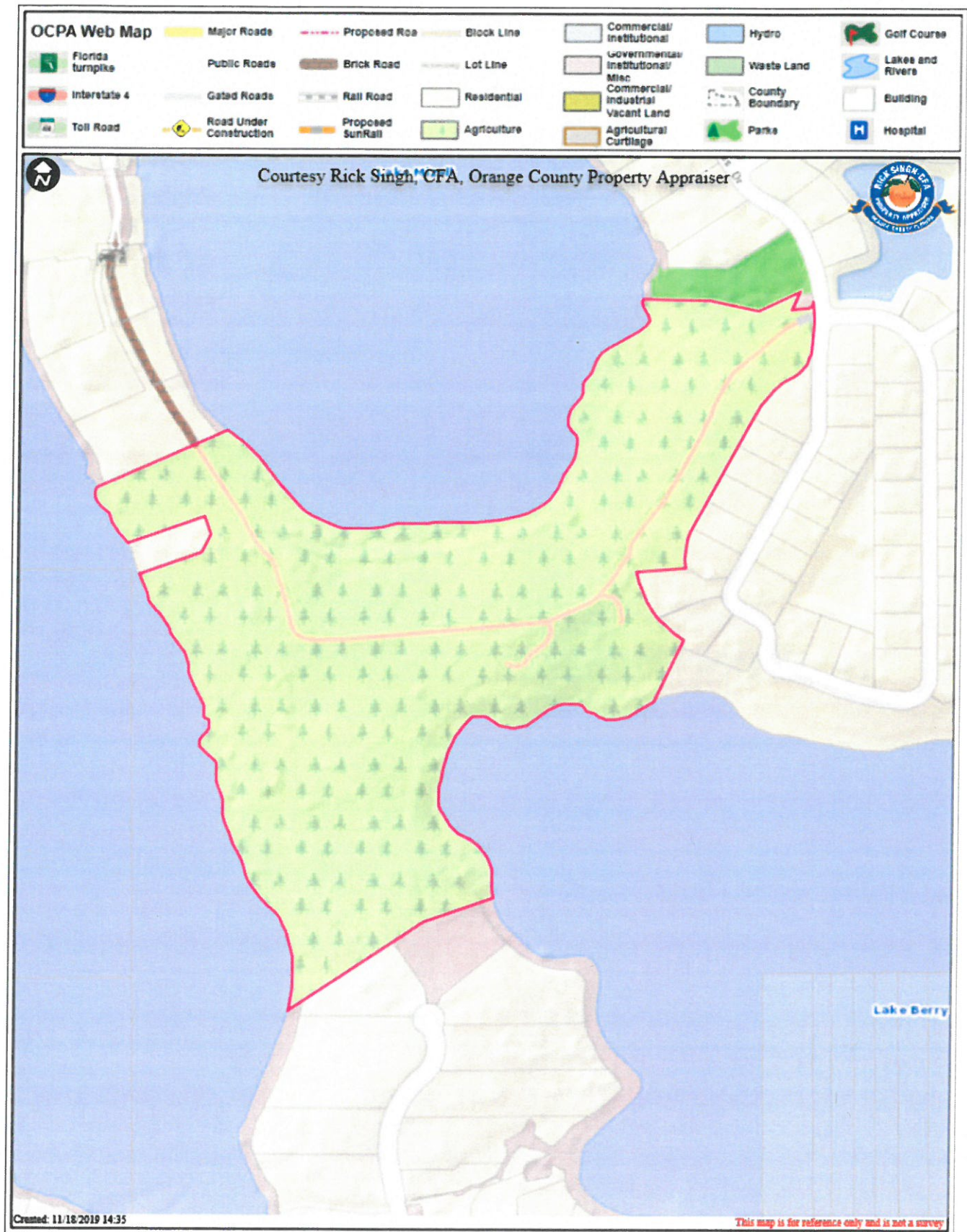
STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ____ day of _____, 2019 by _____, as _____, and Rene Cranis, as City Clerk of the CITY OF WINTER PARK, FLORIDA, a municipal corporation, on behalf of said municipal corporation, who are personally known to me or who produced _____ as identification.

NOTARIAL SEAL

Notary Public-State of Florida
Print Name: _____
My Commission Expires: _____





city commission agenda item

item type	Consent Agenda	meeting date	12/9/2019
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following piggyback agreements:

1. Motorola Solutions: State of Florida contract #43190000-18-NASPO-ACS-1 – Public Safety Communication Equipment, Phase 1: Radios, Consoles, Antennas & Repeaters; Not to exceed \$178,000.
2. CDW-G: Sourcwell contract #081419-CDW – Technology Catalog Solutions; not to exceed \$500,000.
3. Pace Concrete: Extension of City of Eustis contract #007-15 – Concrete Sidewalk, Curb & Gutter; not to exceed \$300,000.

motion / recommendation

Commission approve items as presented.

background

Formal solicitations were issued by the originating agencies to award these contracts.

alternatives / other considerations

N/A

fiscal impact

Item 1: Total expenditure under the contract term not to exceed \$178,000.

Item 2: Total FY2020 expenditure not to exceed \$500,000.

Item 3: Total expenditure under the contract term not to exceed \$300,000.

ATTACHMENTS:

Description

Piggyback Agreements

Upload Date

12/3/2019

Type

Cover Memo



city commission agenda item

item type	Piggyback Agreements	meeting date	December 9, 2019
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 Agreements

	vendor(s)	item background	fiscal impact	motion recommendation
1.	Motorola Solutions	State of Florida contract #43190000-18-NASPO-ACS-1 – Public Safety Communication Equipment, Phase 1: Radios, Consoles, Antennas & Repeaters	Total expenditure under the contract term not to exceed \$178,000.	Commission approve the piggyback and authorize the Mayor to execute.
2.	CDW-G	Sourcewell contract #081419-CDW – Technology Catalog Solutions	Total FY2020 expenditure not to exceed \$500,000.	Commission approve the piggyback and authorize the Mayor to execute.
Initial term of the agreement shall be valid through 10/30/2023.				
3.	Pace Concrete	Extension of City of Eustis contract #007-15 – Concrete Sidewalk, Curb & Gutter	Total expenditure under the contract term not to exceed \$300,000.	Commission approve the extension and authorize the Mayor to execute.



city commission agenda item

item type	Consent Agenda	meeting date	12/9/2019
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following contract items:

1. Thales Consulting: CAFR-Online Software Subscription (6-year initial term); \$13,000 for year 1 and \$4,000 for each subsequent year.
2. Lewis Outdoor Solutions: Amendment to renew IFB-7-2017 – Landscape Maintenance for City of Winter Park Facilities; not to exceed \$260,000.

motion / recommendation

Commission approve items as presented.

background

Item 1: Alternative software programs were demo'd and quoted. The city selected CAFR-Online due to functionality and cost.

Item 2: A formal solicitation was issued to award this contract.

alternatives / other considerations

N/A

fiscal impact

Item 1: Expenditure in year 1 shall be \$13,000 (implementation & maintenance). Expenditure in each subsequent year under the initial term shall be \$4,000 (maintenance).

Item 2: Total expenditure under the contract term not to exceed \$260,000.

ATTACHMENTS:

Description

Contracts

Upload Date

12/3/2019

Type

Cover Memo



city commission agenda item

item type	Contracts	meeting date	December 9, 2019
prepared by department division	Procurement Division	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		final vote

Contracts

	vendor(s)	item background	fiscal impact	motion recommendation
1.	Thales Consulting	CAFR-Online Software Subscription (6-year initial term)	Total expenditure included in approved budget. Amount: \$13,000	Commission approve the agreement and authorize the Mayor to execute.
Expenditure in year 1 shall be \$13,000 (implementation & maintenance). Expenditure in each subsequent year under the initial term shall be \$4,000 (maintenance).				
2.	Lewis Outdoor Solutions	Amendment to renew IFB-7-2017 – Landscape Maintenance for City of Winter Park Facilities	Total expenditure under the contract term not to exceed \$260,000.	Commission approve the amendment and authorize the Mayor to execute.



city commission agenda item

item type	Consent Agenda	meeting date	12/9/2019
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following purchase:

1. Musco Sports Lighting: LED lighting upgrade at Ward Park baseball fields 4 & 5; \$227,500.

motion / recommendation

Commission approve item as presented.

background

Purchase to be made utilizing the city's existing piggyback of Clay County contract #18/19-2.

alternatives / other considerations

N/A

fiscal impact

Total expenditure included in approved budget.

ATTACHMENTS:

Description	Upload Date	Type
\$75k+ Purchases	12/3/2019	Cover Memo



city commission agenda item

item type	Purchases over \$75,000	meeting date	December 9, 2019
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.	Musco Sports Lighting	LED lighting upgrade at Ward Park baseball fields 4 & 5	Total expenditure included in approved budget. Amount: \$227,500	Commission approve the purchase.
Purchase to be made utilizing existing piggyback of Clay County contract #18/19-2.				



city commission agenda item

item type	Action Items Requiring Discussion	meeting date	12/9/2019
prepared by	Parks	approved by	
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Public Health and Safety		

subject

Splash, Float, Swim Initiative

motion / recommendation

Support of initiative and approval of increase to Dinner on the Avenue fee with up to 25% of revenues being used to assist in funding of Splash, Float, Swim initiative.

background

The Splash, Float, Swim initiative is focused on ensuring that every Winter Park child is provided basic water safety and swim training prior to the completion of Kindergarten.

The program is a cooperative effort between the City of Winter Park, Central Florida YMCA, and our three Winter Park elementary schools (Lakemont, Audobon, and Brookshire) with additional support through AdventHealth.

The City of Winter Park Parks and Recreation Department would also provide a community based option for children in the community not enrolled in our public school system and work individually with our local private schools to address needs.

The Parks and Recreation Department has been organizing and running the Dinner on the Avenue event for the past 10 years at a break-even business model. The event does not act as any form or fundraiser or have a particular cause.

The Parks Department would like commissions blessing to increase the fee for the event by \$50 per table and allow for a portion of the event revenue be used to help in funding the Splash, Float, Swim initiative.

By tying the two events together we can give the Splash, Float, Swim program a funding mechanism and increased awareness of the initiative in the community while also providing one of the City's premier events with a worthy cause.

Further program detail provided in attached program overview.

alternatives / other considerations

The City could choose to take a lesser or no role in the initiative and rely on private sector or other non-profit entities to champion such a cause.

fiscal impact

The total annual cost for the Splash, Float, Swim program as presented is estimated at approximately \$15,000 with a small percentage of staffing cost already accounted for in approved FY20 operating budget.

AdventHealth has committed \$5000 to assist the program. If Dinner on the Ave tie in is approved, the additional \$6000 in funding generated through the revenue share would result in the Splash, Float, Swim initiative having no net impact on department or City budget.

ATTACHMENTS:

Description

Upload Date

Type



city commission agenda item

item type Action Items Requiring Discussion	meeting date 12/9/2019
prepared by Planning	approved by City Manager, City Attorney
board approval	final vote
strategic objective Exceptional Quality of Life, Intelligent Growth and Development, Investment in Public Assets and Infrastructure, Public Health and Safety	

subject

Agreement for the realignment of Bennett Avenue with Executive Drive at Lee Road

motion / recommendation

Staff recommends extending the agreement deadline as contemplated in the Development Order by 90 days for the agreement, design documents and construction.

background

As outlined in the Ravaudage Development Order, originally approved in 2011 and subsequently modified several times with the last revised Development Order approved in 2018, the developer of Ravaudage is required to realign Bennett Avenue to align with Executive Drive at the Lee Road intersection and to install a traffic signal, once warranted by the volume of traffic created by the build out of the Ravaudage development. The original reasoning for this realignment and signal was to provide access for the development and to also provide the ability to safely cross Lee Road in a vehicle. The proposed intersection would also better utilize and interconnect the existing road network south of Lee Road in order to provide improved traffic circulation and also offer multi-modal transportation opportunities. The current development order states that an agreement shall be in place by December 31, 2019 for this realignment. Attached is a draft agreement which defines the realignment of the roads and specifies that the realignment and intersection improvements shall be done at the expense of the developer.

The latest traffic signal warrant study performed in October 2019 shows a signal is not warranted yet however it anticipates one will be warranted when the proposed commercial and residential is constructed and occupied regardless of the office component. In order to protect the City should the signal not be warranted when the realignment is constructed, language is provided in the agreement to establish an escrow agreement for the future signal construction once warranted. It is our

understanding that the developer has tried to develop an agreement with the property owner south of Lee Road to provide for the realignment of Executive to meet the existing Bennett Avenue alignment but has been unsuccessful to this date.

Much discussion and preliminary study has been performed for this realignment by the developer. Key points of discussion have been:

1. Is there a willingness by the City to contribute to the funding of this work realizing it could provide regional traffic benefit? There is a mechanism already in place for the city to reimburse the developer for a portion of the cost of new roadway infrastructure (Ravaudage roadway reimbursement agreements approved November 17, 2017). However, this realignment was not part of the agreement since it was contemplated to be a more complex construction project. Does the City consider additional mobility to the south a benefit worth funding?
2. Since Lee Road is a FDOT road, they control the permitting of intersections and signals, which leads to the question of what is permissible? Through preliminary discussion with FDOT, it appears they are willing to work outside their normal rigid guidelines for distances between signalized intersections and access points, however no formal plans have been developed and/or submitted for their review or permitting.
3. Would it be a better alternative to realign Executive Drive south of Lee Road to the existing Bennett Avenue since the median cut already exists and is further from the 17-92 signal to the east? It appears both FDOT and the developer would prefer this option as it maximizes the distance to both the eastbound directional access onto Lewis Drive and the 17-92 signalized intersection.
4. What is the disposition of the existing Bennett Avenue right-of-way if the road is realigned? Based on the original platting, if it were to be vacated, the western 30 feet would revert the Veterinary clinic located at 1601 Lee Road and the eastern 25 feet would revert to the developer, as these were the dimensions dedicated via the plats.
5. Are the residents of Gay Road and Executive Drive amenable to an increase in traffic which is all but guaranteed if a traffic signal be installed? The increase in traffic has not been quantified and would take further study/modeling to determine.
6. How is the known conflict with the Duke Energy transmission support pole to be handled? Several different costs have been obtained over the years to remove this guy pole ranging from \$100,000 to over \$300,000.
7. Is the new Bennett Avenue constructed in dedicated right-of-way or privately-owned land with a public access easement? This has been how several other new roads are handled initially, including Morgan Stanley Way. It is intended these roads will be dedicated to the City at a future date.

In order to fully develop these details, Staff recommends extending the agreement deadline as contemplated in the Development Order by 90 days for the agreement, design documents and construction.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Ravaudage DO

Agreement

Upload Date

12/3/2019

12/3/2019

Type

Backup Material

Backup Material

After Recording Return to:
City of Winter Park
Attn: City Clerk
401 Park Avenue South
Winter Park, Florida 32789



RESOLUTION NO. 2211-18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE RAVAUDAGE DEVELOPMENT; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

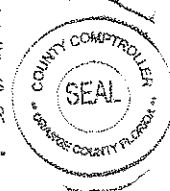
WHEREAS, Benjamin Partners, Ltd. (Developer), and City of Winter Park previously entered into an Annexation Agreement dated April 9, 2012 and recorded in O.R. Book 10363, Page 1250, et seq, Public Records of Orange County, Florida, concerning property generally located at Lee Road and 17-92 in Winter Park, Florida and known as Ravaudage, in which the parties agreed that Developer's Development Order with Orange County dated May 24, 2011, (the "Original Development Order") would govern the development of Ravaudage with a few modifications, as noted in the Annexation Agreement; and

WHEREAS, the Original Development Order was amended and restated by that certain Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2148-14 adopted on November 10, 2014, which is recorded at Official Records Book 10938, Page 3602, et. seq., Public Records of Orange County, Florida, as further amended by that certain First Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2188-17 adopted on July 24, 2017, which is recorded at Official Records Document number 20170499479, et. seq., Public Records of Orange County, Florida ("Amended and Restated Development Order"); and

WHEREAS, the Orange County Code applies to the development of Ravaudage under F.S. §171.062 and under the terms of the Annexation Agreement subject to the terms and conditions of the Amended and Restated Development Order as further amended herein; and

WHEREAS, the Developer and the City staff have requested certain additional amendments to the Amended and Restated Development Order, which have been recommended for approval by the City's Development Review Committee at a public hearing on October 11, 2018, and by the City Commission at a public hearing on October 22, 2018, all in accordance with the procedure required by the Orange County Zoning Code, and those requested amendments are reflected in the attached Second Amendment to the Amended and Restated Development Order; and

State of FLORIDA, County of ORANGE
I hereby certify that this is a true copy of
the document as reflected in the Official Records
PHIL DIAMOND, COUNTY COMPTROLLER
BY: _____, D.C.
DATED: 10-30-18



WHEREAS, the City finds that these amendments to the Amended and Restated Development Order are consistent with the City of Winter Park and Orange County Comprehensive Plan and the Orange County Zoning Code, and is in the best interests of the citizens of Winter Park.

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

SECTION 1. APPROVAL. The City Commission of the City of Winter Park hereby approves the Second Amendment to the Amended and Restated Development Order attached hereto as Attachment "A" ("Second Amendment"), and authorizes the Mayor to execute said First Amendment on behalf of the City.


SECTION 2. SEVERABILITY. If any Section or portion of a Section of this Resolution 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 Resolution.

SECTION 3. CONFLICTS. In the event of conflicts between this Resolution and other resolutions or parts thereof, this Resolution shall control to the extent of the conflict.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 23rd day of October 2018.

City Commission
City of Winter Park



Mayor Steve Leary

ATTEST:




Cynthia S. Bonham, City Clerk

Prepared by and Return to:
City Clerk
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

Attachment 'A'

**SECOND AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT ORDER
(RAVAUDAGE)**

THIS SECOND AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT ORDER (the "Second Amendment") is made and entered into this 22nd day of OCTOBER, 2018, by and between the **City of Winter Park**, a municipal corporation of the State of Florida (the "City"), 401 Park Avenue South, Winter Park, Florida 32789 and **DANIEL B. BELLOWS**, (referred to as "Developer" and "Owner"), P.O. Box 350, Winter Park, FL 32790; **BENJAMIN PARTNERS, LTD.**, a Florida limited partnership, of P.O. Box 350, Winter Park, FL 32790; **CENTRAL FLORIDA STOCK INVESTORS, LLC**, a Florida corporation, of **P.O. Box 350, Winter Park, FL 32790**; and **GARMET, LTD.**, a Florida limited partnership, of 222 South Pennsylvania Ave., Ste. 200, Winter Park, FL 32789 (excluding the City, the foregoing parties, including the Developer are herein collectively referred to as "Owners").

WHEREAS, the City and Owners (or their predecessors in title) previously entered into that certain Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2148-14 adopted on November 10, 2014, which is recorded at Official Records Book 10938, Page 3602, et. seq., Public Records of Orange County, Florida, as further amended by that certain First Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2188-17 adopted on July 24, 2017, which is recorded at Official Records Document number 20170499479, et. seq., Public Records of Orange County, Florida ("Amended and Restated Development Order"); and

WHEREAS, the City and Owners desire to further amend the Amended and Restated Development Order as set forth in this Second Amendment; and

WHEREAS, the City finds that this Second Amendment is consistent with the City and County Comprehensive Plans, the Orange County Zoning Code, and is in the best interests of the citizens of Winter Park.

NOW, THEREFORE, for and in consideration of the terms and conditions of this Second Amendment, the mutual covenants set forth herein, and for other good and valuable consideration, the City and Owners agree to the following conditions:

1. Recitals. The above recitals are true and correct and form a materials part of this Second Amendment.
2. Amendment. The Amended and Restated Development Order is hereby amended as set forth in the strike-through and underline version of the Amended and Restated Development Order attached hereto as **Attachment "1"** (~~strike-through~~ language are deletions; underlined language is being added).
3. Ratification. All other provisions of the Amended and Restated Development Order, except as modified herein, shall remain in full force in effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

CITY OF WINTER PARK, FLORIDA, a municipal corporation of the State of Florida

Michelle Bernstein
Name: Michelle Bernstein

By: [Signature]
Steve Leary, Mayor

Allison McGillis
Name: Allison McGillis

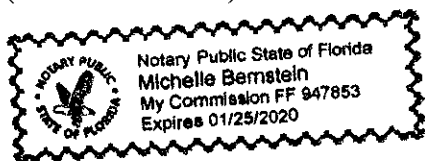
ATTEST: [Signature]
By: Cynthia S. Bonham, City Clerk

Date: 10-23-18

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 23 day of October, 2018, by Steve Leary, Mayor of THE CITY OF WINTER PARK, FLORIDA, a municipal corporation, on behalf of the corporation. He (She) ☒ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)



Michelle Bernstein
Notary Public Signature

(Name typed) [Signature]
Notary Public Seal for Michelle Bernstein, State of Florida, Commission FF 947853, Expires 01/25/2020.

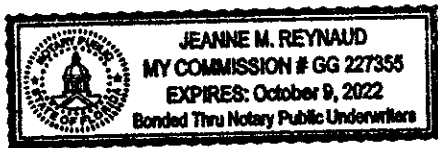
[Signature]
Name: Jeanne M. Reynaud
[Signature]
Name: Giang H. Pazzetti

By: *[Signature]*
Daniel B. Bellows
Date: 10-30-18

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 30th day of October, 2018, by Daniel B. Bellows, who ☒ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)



[Signature]
Notary Public Signature
Jeanne M. Reynaud
(Name typed, printed or stamped)

GARMET, LTD., a Florida limited partnership

By: Welbourne Ave. Corp., its General Partner

By: Robert P. Saltsman
Robert P. Saltsman, President

Date: 10/24/18

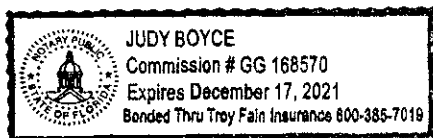
Kay Charlton
Name: Kay Charlton

Tanya Rayman
Name: Tanya Rayman

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 24th day of October, 2018, by Robert P. Saltsman, President of Welbourne Ave., Corp, a Florida corporation, the General Partner for Garmet Ltd, a Florida limited partnership, who ☒ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)



Judy Boyce
Notary Public Signature

Judy Boyce
(Name typed, printed or stamped)

Central Florida Stock Investors, LLC a Florida corporation

Name: Kay Charlton

Name: Tonya Raymon

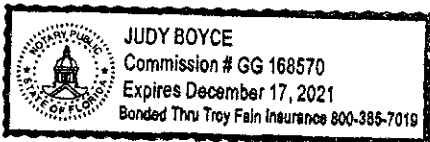
By: Robert Saltzman
Robert Saltzman, Manager

Date: 10/24/18

STATE OF FLORIDA
COUNTY OF ORANGE

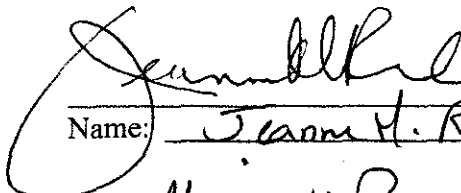
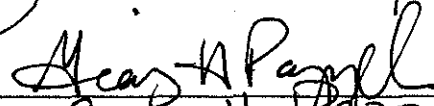
The foregoing instrument was acknowledged before me this 24th day of October, 2018, by Robert Saltzman, Manager, Central Florida Stock Investors, LLC, a Florida corporation, who ☒ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)



Judy Boyce
Notary Public Signature

Judy Boyce
(Name typed, printed or stamped)


Name: Jeanne M. Reynaud

Name: Giang H. Pazzetti

BENJAMIN PARTNERS, LTD., a Florida
limited partnership

By: BENNETT AVE. COMPANY, INC., a
Florida corporation, its General Partner

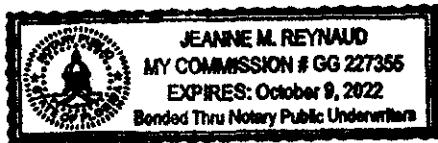

By: Daniel B. Bellows, President

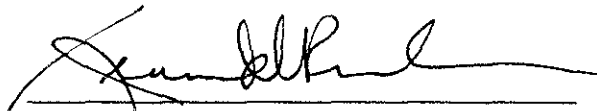
Date: 10-30-18

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 30th day of October, 2018, by Daniel B. Bellows, President, of Bennett Ave. Company, Inc., a Florida corporation, the General Partner of Benjamin Partners, Ltd., a Florida limited partnership, who ☒ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)




Notary Public Signature
Jeanne M. Reynaud
(Name typed, printed or stamped)

**AMENDED AND RESTATED DEVELOPMENT ORDER
(RAVAUDAGE)**

THIS AMENDED AND RESTATED DEVELOPMENT ORDER (the "Amended Order") is made and entered into this ____ day of _____, 2018~~7~~, by and between the **City of Winter Park, Florida**, a political subdivision of the State of Florida (the "City"), 401 Park Avenue South, Winter Park, Florida 32789 and **DANIEL B. BELLOWS**, (referred to as "Developer" and "Owner"), P.O. Box 350, Winter Park, FL 32790; **BENJAMIN PARTNERS, LTD.**, a Florida limited partnership, of ~~558 W. New England Ave., Suite 210~~ P.O. Box 350, Winter Park, FL 32790~~89~~; **CENTRAL FLORIDA STOCK INVESTORS, LLC**, a Florida corporation, of P.O. Box 350, Winter Park, FL 32790; and **GARMET, LTD.**, a Florida limited partnership, of 222 South Pennsylvania Ave., Ste. 200, Winter Park, FL 32789 (excluding the City, the foregoing parties, including the Developer are herein collectively referred to as "Owners").

WITNESSETH:

WHEREAS, the property that is the subject of this Amended Order is generally located at Lee Road and U.S. 17-92 in Winter Park, Florida, and is described in attached Exhibit A (the "Property"), and the development on the Property is known as Ravaudage; and

WHEREAS, the City and Developer previously entered into an Annexation Agreement dated April 19, 2012 and recorded in O.R. Book 10363, Page 1250 et seq, Public Records of Orange County, Florida, and in Section 5, the parties agreed to accept the Developer's prior Development Order with Orange County dated May 24, 2011, to govern the development of Ravaudage with a few modifications, as noted in the Annexation Agreement; and

WHEREAS, the City agreed to maintain the County Comprehensive Plan designation on the Property, Orange County PD zoning, and pursuant to Fla. Stat. 171.062, to follow the Orange County Subdivision and Zoning Code to regulate development on the Property; and

WHEREAS, the Developer has requested certain amendments to the Original Order, which have been approved by the City's Development Review Committee at public hearings, and by the City Commission at public hearings, as required by the Orange County Zoning Code, and those amendments are reflected in this Amended Order~~First Amendment to Amended and Restated Agreement~~; and

WHEREAS, the Original Order will continue to govern those parcels which are no longer owned by the Developer, which consist of the parcel at 1251 Lee Road, Winter Park, Florida, with a Parcel ID No. 01-22-29-3712-01-010, the ~~vacant~~ parcel at 1035 N. Orlando Avenue, Winter Park, Florida, with a Parcel ID No. 01-22-29-3712-01-131, the parcel at 1006 Lewis Drive, Winter Park, Florida, with a Parcel ID No. 01-22-29-3712-02-150, the parcel at 1101 Lewis Drive, Winter Park, Florida, with a Parcel ID No. 01-22-29-2712-06-170, and the Amended and Restated Development Order as approved by Resolution No. 2148-14 will continue to govern the parcel at 1060 Lewis Drive, Winter Park, Florida with a Parcel ID No. 01-22-29-3712-07-031; and

WHEREAS, this Amended Order was previously amended by the First Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2188-17 adopted on July 24, 2017, which is recorded at Official Records Document number 20170499479, et. seq., Public Records of Orange County, Florida, and the form of this Amended Order reflects those previous amendments; and

WHEREAS, the City finds that this Amended Order is consistent with the City and County Comprehensive Plans, the Orange County Zoning Code, and is in the best interests of the citizens of Winter Park.

NOW, THEREFORE, for and in consideration of the terms and conditions of this Amended Order, the mutual covenants set forth herein, and for other good and valuable consideration, the City and Developer agree to the following conditions:

1. Recitals. The above recitals are true and correct and form a materials part of this Amended Order~~First Amendment~~.
2. THE DEVELOPMENT SHALL CONFORM TO THE RAVAUDAGE PD LAND USE PLAN DATED JULY 24, 2017 AND ANY AMENDMENT AND/OR MODIFICATIONS THEREOF AND ATTACHED HERETO AS EXHIBIT B AND SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND COUNTY LAWS, ORDINANCES AND REGULATIONS, EXCEPT TO THE EXTENT THAT ANY APPLICABLE COUNTY LAWS, ORDINANCES OR REGULATIONS ARE EXPRESSLY WAIVED OR MODIFIED BY ANY OF THESE CONDITIONS, ACCORDINGLY, THE PD MAY BE DEVELOPED IN ACCORDANCE WITH THE USES, DENSITIES AND INTENSITIES DESCRIBED IN SUCH LAND USE PLAN, SUBJECT TO THOSE USES, DENSITIES AND INTENSITIES CONFORMING WITH THE RESTRICTIONS AND REQUIREMENTS FOUND IN THE CONDITIONS OF APPROVAL AND COMPLYING WITH ALL APPLICABLE FEDERAL, STATE AND COUNTY LAWS, ORDINANCE AND REGULATIONS, EXCEPT TO THE EXTENT THAT ANY APPLICABLE COUNTY LAWS, ORDINANCES OR REGULATIONS ARE EXPRESSLY WAIVED OR MODIFIED BY ANY OF THESE CONDITIONS. IF THE DEVELOPMENT IS UNABLE TO ACHIEVE OR OBTAIN DESIRED USES, DENSITIES OR INTENSITIES, ~~THE COUNTY~~ CITY IS NOT UNDER ANY OBLIGATION TO GRANT ANY WAIVERS OR MODIFICATIONS TO ENABLE THE DEVELOPER TO ACHIEVE OR OBTAIN THOSE DESIRED USES, DENSITIES OR INTENSITIES. IN THE EVENT OF A CONFLICT OR INCONSISTENCY BETWEEN A CONDITION OF APPROVAL OF THIS ZONING AND THE LAND USE PLAN DATED JULY 24, 2017 THE CONDITION OF APPROVAL SHALL CONTROL TO THE EXTENT OF SUCH CONFLICT OR INCONSISTENCY.
3. THIS PROJECT SHALL COMPLY WITH, ADHERE TO, AND NOT DEVIATE FROM OR OTHERWISE CONFLICT WITH ANY VERBAL OR WRITTEN PROMISE OR REPRESENTATION MADE BY THE APPLICANT (OR AUTHORIZED AGENT) TO THE BOARD OF COUNTY COMMISSIONERS AT THE PUBLIC HEARING WHERE THIS DEVELOPMENT WAS APPROVED, WHERE SUCH PROMISE OR REPRESENTATION, WHETHER ORAL OR WRITTEN, WAS RELIED UPON BY THE BOARD IN APPROVING THE DEVELOPMENT, COULD HAVE REASONABLY BEEN EXPECTED TO HAVE BEEN RELIED UPON BY THE BOARD IN APPROVING THE DEVELOPMENT, OR COULD HAVE REASONABLY INDUCED OR OTHERWISE INFLUENCED THE BOARD TO APPROVE THE DEVELOPMENT. FOR PURPOSES OF THIS CONDITION, A "PROMISE" OR "REPRESENTATION" SHALL BE DEEMED TO HAVE BEEN MADE TO THE BOARD BY THE APPLICANT (OR AUTHORIZED AGENT) IF IT WAS EXPRESSLY MADE TO THE BOARD AT A PUBLIC HEARING WHERE THE DEVELOPMENT WAS CONSIDERED OR APPROVED.
4. OUTDOOR SALES, STORAGE, AND DISPLAY SHALL BE ALLOWED TO INCLUDE SPECIAL EVENT SALES, KIOSKS, (TEMPORARY AND PERMANENT) SPECIAL OUTDOOR SALES, FOOD TRUCK EVENTS AND OUTDOOR GARDEN SALES IN CONFORMANCE WITH THE CITY REGULATIONS GOVERNING SUCH EVENTS AND ACTIVITIES.
5. SIGNAGE SHALL COMPLY WITH THE MASTER SIGNAGE PLAN TO BE SUBMITTED AND REVIEWED PRIOR TO DEVELOPMENT PLAN APPROVAL.

6. A WAIVER FROM SECTION 34-209, WHICH REQUIRES A 6-FOOT HIGH MASONRY WALL TO SEPARATE RESIDENTIAL SUBDIVISIONS FROM ADJACENT ROADWAYS, IS GRANTED AS THIS IS AN URBAN TOWN CENTER IN-FILL PROJECT.

7. THE FOLLOWING RELATES TO THE PROJECT BUILDING PROGRAM:

CATEGORY	ENTITLEMENTS
RESIDENTIAL	562 UNITS ¹
COMMERCIAL	388,102 SQUARE FEET
OFFICE	866,255 SQUARE FEET
HOTEL	320 ROOMS

¹ UNIT COUNT REFLECTS 10% LAND USE INCREASE WHICH WAS CALCULATED USING THE EQUIVALENCY MATRIX BY CONVERTING 24,745 SQUARE FEET OF OFFICE ENTITLEMENTS INTO 51 ADDITIONAL RESIDENTIAL UNITS.

- A. MULTI-FAMILY PROJECTS SHALL PROVIDE EITHER AT LEAST 10% OF THE MULTI-FAMILY RESIDENTIAL UNITS BUILT TO BE CERTIFIED AFFORDABLE HOUSING OR PAY A FEE IN LIEU OF THE REQUIREMENT INTO THE CITY'S AFFORDABLE HOUSING TRUST FUND AT \$0.50/SQUARE FOOT FOR THE MULTI-FAMILY SQUARE FOOTAGE OR TO A NON-PROFIT AFFORDABLE HOUSING ENTITY TO PROVIDE FOR USE WITHIN THE CITY, SUBJECT TO APPROVAL BY CITY STAFF.
- B. ASSISTED LIVING/MEMORY CARE FACILITIES ARE PERMITTED WITHIN THE ORANGE COUNTY PD COMMERCIAL/OFFICE LAND USES, AND DEVELOPER MAY UTILIZE OFFICE AND/OR COMMERCIAL ENTITLEMENTS FOR THIS USE.
- C. IF ANY INDIVIDUAL BLOCK LENGTH EXCEEDS 600 FEET, THE BLOCK SHALL INCORPORATE A 20 FOOT PEDESTRIAN WALKWAY THAT INCLUDES A 10 FOOT PAVED CROSSWALK, LANDSCAPING AND LIGHTING. A BLOCK'S OVERALL PERIMETER MAY NOT EXCEED 2,400 FEET, UNLESS INTERRUPTED BY PEDESTRIAN WALKWAYS, LANDSCAPING AND DRIVEWAYS.
- D. MAXIMUM RESIDENTIAL DENSITY IS 14.76 DU/ACRE (BASED ON ACERAGE INCLUDING RIGHT-OF-WAY VACATION) AND MINIMUM RESIDENTIAL FLOOR AREA PER UNIT IS 500 SQUARE FEET UNDER HEAT AND AIR.
- E. MAXIMUM HEIGHTS ARE DETERMINED BY THE MAXIMUM HEIGHT MAP INCLUDED WITHIN EXHIBIT "B".
8. RESERVED.
9. THE FOLLOWING WAIVERS FROM THE BIG BOX DEVELOPMENT STANDARDS ARE GRANTED:
- A. A WAIVER IS GRANTED FROM SECTION 38-1234(3) (F) (2) TO ALLOW BIG BOX DEVELOPMENT ONE (1) STORY AND LESS THAN 200,000 SF SHALL HAVE 5% OPEN SPACE (WITH RESTRICTIONS) WITHIN ITS LOT, IN LIEU OF 25% GIVEN THE URBAN VILLAGE LAYOUT OF THIS PLAN, BIG BOX DEVELOPMENT SHALL PROVIDE WITHIN ITS BUILDING LOT 5% OF THE GROSS AREA FOR OPEN SPACE USES (PLAZAS, POCKET PARKS, GREEN AREAS, ETC.).

- B. A WAIVER IS GRANTED FROM SECTION 38-79 (153) (B) TO ALLOW BIG BOX DEVELOPMENTS TO HAVE MAXIMUM 1.00 FAR IN LIEU OF 0.23 FAR.
 - C. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(C) TO ALLOW A DETAILED TRAFFIC STUDY AT THE DEVELOPMENT PLAN STAGE IN LIEU OF PROPOSED BIG BOX DEVELOPMENT APPLICATION AT THE LAND USE PLAN STAGE.
 - D. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(E) TO ALLOW BIG BOX DEVELOPMENTS TO DESIGNATE AT LEAST TWO (2) VEHICLE PARKING SPACES FOR LOCAL LAW ENFORCEMENT WITHIN THE APPLICABLE PARKING STRUCTURES IN LIEU OF PROVIDING REFERENCED PARKING SPACES ADJACENT TO THE PRINCIPAL STRUCTURE.
 - E. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(G) TO ALLOW OFF- STREET STRUCTURED PARKING SERVICING THE BIG BOX NOT TO BE SUBDIVIDED INTO MULTIPLE "SUB-LOTS" WITH UNINTERRUPTED (EXCEPT AT CROSSWALKS) LANDSCAPED PEDESTRIAN SIDEWALK PATHWAYS IN LIEU OF OFF-STREET SERVICING THE PROJECT SHALL BE SUBDIVIDED INTO MULTIPLE "SUB-LOTS" WITH UNINTERRUPTED (EXCEPT AT CROSSWALKS) LANDSCAPED PEDESTRIAN PATHWAYS.
 - F. A WAIVER IS GRANTED FROM SECTION 38-79 (153) (I) TO ALLOW BIG BOX USES WITH OFF-STREET STRUCTURED PARKING SHALL PROVIDE ZERO (0) ROADWAY "STACKING" BEFORE THE FIRST TURN WITHIN THE PARKING STRUCTURE IN LIEU OF 200' OFF THE ROADWAY BEFORE THE FIRST TURN WITHIN THE PARKING LOT AS LONG AS ACCESS TO THE PARKING STRUCTURE IS FROM AN INTERNAL ROAD AND ACCESS TO THE PARKING STREET IS LOCATED A MINIMUM OF 200' FROM US 17-92 AND/OR LEE ROAD.
 - G. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(K) TO ALLOW NO PAVEMENT OR PART OF ANY VERTICAL STRUCTURE ASSOCIATED WITH THE REAR OR SIDE OF A BIG BOX DEVELOPMENT SHALL BE LOCATED CLOSER THAN 85' IN LIEU OF 200' FROM THE NEAREST PROPERTY LINE OF ANY ADJACENT SINGLE-FAMILY RESIDENTIALLY ZONED PROPERTY. ADDITIONALLY, ONE (1) LANDSCAPE SEPARATION BUFFERS SHALL BE PROVIDED WITHIN A 10' PLANTING STRIP IN LIEU OF TWO (2) AND 200'. THIS WAIVER SHALL APPLY TO THE FOLLOWING PARCELS: 01-22-29-3712- 06-i 00 AND 01-22-29-3712-06-170 WHICH FRONT LEWIS DRIVE.
 - H. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(K) TO ALLOW NO PAVEMENT OR PART OF ANY VERTICAL STRUCTURE ASSOCIATED WITH THE REAR OR SIDE OF A BIG BOX DEVELOPMENT SHALL BE LOCATED CLOSER THAN 25' IN LIEU OF 200' FROM THE NEAREST PROPERTY LINE OF ANY ADJACENT SINGLE-FAMILY RESIDENTIALLY ZONED PROPERTY. ADDITIONALLY, ONE (1) LANDSCAPE SEPARATION BUFFERS SHALL BE PROVIDED IN LIEU OF TWO (2). A SETBACK OF ZERO (0) (NO BUFFER, WALL OR LANDSCAPE BUFFER) SHALL BE GRANTED WITH PROPERTY OWNER LETTER OF CONSENT. THIS WAIVER SHALL APPLY TO THE FOLLOWING PARCEL ONLY: 01-22-29-3712-06-010.
10. THE FOLLOWING WAIVERS FROM THE PD COMMERCIAL CODE ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1272(A) (1) IS GRANTED TO ALLOW THE MAXIMUM IMPERVIOUS AREA FOR INDIVIDUAL LOTS / DEVELOPMENT PODS SHALL BE 85% IN LIEU OF 70%. THE OVERALL PROJECT SHALL PROVIDE FOR 15% OPEN SPACE (WITH RESTRICTIONS) AND A MASTER STORM WATER SYSTEM.
- B. A WAIVER FROM SECTION 38-1234(3) (C) IS GRANTED TO ALLOW OVERALL PROJECT OPEN SPACE TO BE 15% (WITH RESTRICTIONS) IN LIEU OF 25%, EXCEPT FOR A BIG BOX SITE.
- C. A WAIVER FROM SECTION 38-1272 (A) (3) IS GRANTED TO ALLOW INTERNAL REAR AND SIDE SETBACKS (NOT FRONTING ON RIGHT-OF-WAY) SHALL BE ZERO (0), IN LIEU OF 10'.

WHERE ADJACENT TO PROJECT RESIDENTIAL USES, THE SETBACK SHALL BE ZERO (0) IN LIEU OF 25'.

A MINIMUM 15' BUILDING SETBACK SHALL BE MAINTAINED ALONG BENNETT AVENUE, IN LIEU OF 30' (WITH A MAXIMUM SETBACK OF 25'), WITH THE EXCEPTION OF BLOCK E BETWEEN MORGAN STANLEY AVENUE AND GLENDON PARKWAY SHALL BE PERMITTED A 6' BUILDING SET BACK SO LONG AS A MINIMUM OF A 10' SIDEWALK EXISTS WITH ON STREET PARKING AND THE BUILDING IS LIMITED TO THREE-STORIES IN HEIGHT.

BUILDING SETBACKS FOR ALL INTERIOR/EXTERIOR STREETS SHALL BE A MAXIMUM OF 15' IN LIEU OF 30' WITH A MINIMUM OF ZERO (0') FEET FROM BACK OF SIDEWALK. THIRD AND FOURTH STORIES MUST BE SET BACK ON STREET FRONTAGES EQUAL TO THEIR HEIGHT OF A ONE FOOT SETBACK FOR EACH ONE FOOT HEIGHT OF THE RESPECTIVE THIRD AND FOURTH STORIES. ALL OTHER RIGHTS-OF-WAY SHALL HAVE A MAXIMUM SETBACK OF 10'. NO BUILDING SHALL ENCROACH INTO THE RIGHT-OF-WAY. THIS CONDITION APPLIES TO BUILDINGS WITH A MAXIMUM HEIGHT OF FOUR STORIES.

BUILDING SETBACKS ALONG ARTERIALS (LEE ROAD AND ORLANDO AVENUE - US 17/92) SHALL BE 15' IN LIEU OF 40' (WITH A MAXIMUM SETBACK OF 25'). PD PERIMETER SETBACK IS 15' UNLESS OTHERWISE WAIVED.

- D. A WAIVER FROM SECTION 38-1272 (A) (5) IS GRANTED TO ALLOW A MAXIMUM BUILDING HEIGHT UP TO EIGHT (8) STORIES, (100' PLUS 15' OF ARCHITECTURAL ENHANCEMENTS) AS DETAILED IN EXHIBITS FROM THE LAND USE PLAN LABELED: "SHEET A-2 MAXIMUM HEIGHT ZONES AND SHEET A-5 BUILDING SETBACKS," IN LIEU OF A MAXIMUM HEIGHT OF 50', 35' IF WITHIN 100' OF RESIDENTIAL.
- E. THE DEVELOPMENT SHALL RETAIN FLEXIBILITY TO ALLOW HEIGHT TRANSITIONS THROUGHOUT THE PROJECT TO BE DETERMINED ON THE INDIVIDUAL PROJECT BASIS. ~~THE HEIGHT TRANSITION SHALL NOT INCREASE OR DECREASE MORE THAN TWO (2) STORIES BASED ON THE URBAN FORM.~~ EXHIBIT B, AS MODIFIED SHALL BE USED TO ESTABLISH THE HEIGHTS AND NO BUILDING HEIGHT SHALL EXCEED EIGHT (8) STORIES.
- F. NO BUILDING SHALL EXCEED FOUR (4) STORIES IN HEIGHT WITHIN A 200' SETBACK ALONG ORLANDO AVENUE AND LEE ROAD, ~~AND 130' ALONG THE SOUTH EDGE OF MONROE AVENUE.~~
- G. IF THE APPLICANT SEEKS TO INCREASE THE HEIGHT OF A BUILDING IN THE DEVELOPMENT, AS REFLECTED ON THE MAXIMUM HEIGHT MAP INCLUDED IN EXHIBIT

B, THE APPLICANT MUST PROPOSE TO LOWER THE HEIGHT OF ANOTHER BUILDING IN THE DEVELOPMENT OF THE SAME SCALE AND TO THE SAME EXTENT AS THE BUILDING WITH THE HEIGHT INCREASE. ANY HEIGHT INCREASE MUST BE APPROVED BY THE CITY COMMISSION.

11. THE FOLLOWING WAIVERS FROM PD RESIDENTIAL CODE ARE GRANTED:

- A. A WAIVER IS GRANTED FROM SECTION 38-1254(1) IS GRANTED TO ALLOW BUILDING SETBACKS ALONG THE PD BOUNDARY TO BE A MINIMUM OF 15' IN LIEU OF 25' (WITH A MAXIMUM SETBACK OF 25'); WITH THE EXCEPTION THAT THE PD BOUNDARY BETWEEN THE MAITLAND AND WINTER PARK CITY LIMITS SHALL BE PERMITTED TO BE ZERO ALONG THE SOUTH SIDE OF MONROE AVE AND WITHIN BLOCK K.
- B. A WAIVER IS GRANTED FROM SECTION 38-1254 (2)(C) TO ALLOW BUILDING SETBACKS FROM LEE ROAD AND ORLANDO AVENUE (US 17/92) TO BE A MINIMUM OF 15' IN LIEU OF 50' (WITH A MAXIMUM SETBACK OF 25').
- C. A WAIVER IS GRANTED FROM SECTION 38-1254 (2) (E) TO ALLOW BUILDING SETBACKS FOR ALL INTERIOR/EXTERIOR (ALL OTHER R-O-W'S) STREETS TO BE A MINIMUM OF 0' IN LIEU OF 20' (WITH A MAXIMUM SETBACK OF 25'). THIRD AND FOURTH STORIES MUST BE SET BACK ON STREET FRONTAGES EQUAL TO THEIR HEIGHT OF A ONE FOOT SETBACK FOR EACH ONE FOOT HEIGHT OF THE RESPECTIVE THIRD AND FOURTH STORIES. THE MINIMUM SETBACK OF 0' SHALL APPLY TO BACK OF SIDEWALK WITH A MINIMUM SIDEWALK WIDTH OF 10'. ~~NO BUILDING SHALL ENCROACH INTO THE RIGHT-OF-WAY.~~ THIS CONDITION APPLIES TO BUILDINGS WITH A MAXIMUM HEIGHT OF FOUR STORIES.
- D. SUBJECT TO REVIEW AND APPROVAL BY THE DEVELOPMENT REVIEW COMMITTEE, ARCHITECTURAL FEATURES (E.G. LOGGIA, COLUMN, AWNING, ARCHES, OR SIMILAR IMPROVEMENTS) WHICH DO NOT IMPEDE VEHICULAR OR PEDESTRIAN TRAVEL, DO NOT CAUSE DANGEROUS CONDITIONS, DO NOT CAUSE UTILITY CONFLICTS OR INTERFERE WITH RIGHT-OF-WAY IMPROVEMENTS MAY BE PERMITTED. ANY PROPOSED RIGHT-OF-WAY ENCROACHMENTS SHALL ALSO BE REVIEWED AND COMMENTED ON BY THE PUBLIC WORKS AND UTILITY DEPARTMENTS AND SHALL BE CONDITIONED UPON THE CITY'S AND DEVELOPER'S (OR APPROPRIATE PROPERTY OWNER'S) EXECUTION OF A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH TERMS ACCEPTABLE TO THE CITY.

12. THE FOLLOWING WAIVERS FOR PARKING FACILITIES ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1230(A) IS GRANTED TO ALLOW PARKING AREAS (STRUCTURED PARKING, AND SURFACE PARKING) MAY BE LOCATED UP TO 350' FROM THE USES THEY SERVE IN LIEU OF PARKING LOCATED WITHIN 150'.
- B. A WAIVER FROM SECTION 38-1477 IS GRANTED TO ALLOW PARKING AREAS (STRUCTURED AND/OR SURFACE PARKING) TO BE LOCATED UP TO 350' FROM THE PRINCIPAL USE ON A SEPARATE LOT IN LIEU OF PARKING PROVISION ON THE SAME LOT (PRINCIPAL USE) OR WITHIN 300' FROM THE PRINCIPAL ENTRANCE AS MEASURED ALONG THE MOST DIRECT PEDESTRIAN ROUTE.

13. THE FOLLOWING WAIVERS FROM SECTION 38-1258 (MULTI-FAMILY COMPATIBILITY) ARE

GRANTED:

- A. A WAIVER FROM SECTION 38-1258(A) IS GRANTED TO ALLOW MULTIFAMILY BUILDINGS OF TWO (2) STORIES TO BE LOCATED WITHIN 5' TO 55'; FOUR (4) STORIES TO BE LOCATED BETWEEN 55' AND 80'; AND FIVE (5) TO EIGHT (8) STORY BUILDINGS TO BE LOCATED 80' IN LIEU OF 1 STORY LIMIT WITHIN 100' OF SINGLE-FAMILY ZONED PROPERTY.
- B. A WAIVER FROM SECTION 38-1258(B) IS GRANTED TO ALLOW MULTIFAMILY BUILDINGS OF EIGHT (8) STORIES TO BE LOCATED AT 80' FROM SINGLE-FAMILY ZONED PROPERTY, IN LIEU OF MULTI-FAMILY BUILDINGS LOCATED BETWEEN 100' AND 150' WITH A MAXIMUM OF 50% OF THE BUILDINGS BEING THREE (3) STORIES (NOT TO EXCEED 40') WITH THE REMAINING BUILDINGS BEING 1 OR 2 STORIES IN HEIGHT.
- C. A WAIVER FROM SECTION 38-1258(C) IS GRANTED TO ALLOW MULTIFAMILY BUILDINGS OF EIGHT (8) STORIES AND 100' IN HEIGHT (PLUS 15' FOR ARCHITECTURAL FEATURES, ELEVATOR TOWERS, AND COMMUNICATION ANTENNAE) AT 80' FROM PROPERTY LINE OF SINGLE FAMILY ZONED PROPERTY IN LIEU OF 3 STORIES AND 40' IN HEIGHT AND WITHIN 100' AND 150' OF SINGLE FAMILY-ZONED PROPERTY.
- D. A WAIVER FROM SECTION 38-1258(D) IS GRANTED TO ALLOW MULTIFAMILY BUILDINGS OF EIGHT (8) STORIES AND 100' IN HEIGHT (PLUS 15' FOR ARCHITECTURAL FEATURES, ELEVATOR TOWERS, AND COMMUNICATION ANTENNAE) IN LIEU OF BUILDINGS IN EXCESS OF 3 STORIES AND 40'.
- E. A WAIVER FROM SECTION 38-1258(E) IS GRANTED TO ALLOW PARKING AND OTHER PAVED AREAS OF MULTI-FAMILY DEVELOPMENT TO BE LOCATED 5' FROM ANY SINGLE FAMILY ZONED PROPERTY IN LIEU OF 25'. A 5' LANDSCAPE BUFFER SHALL BE PROVIDED IN LIEU OF 25'.
- F. A WAIVER FROM SECTION 38-1258 (F) IS GRANTED TO ALLOW NO MASONRY, BRICK OR BLOCK WALL TO BE CONSTRUCTED IN LIEU OF A 6' WALL WHENEVER A MULTI-FAMILY DEVELOPMENT IS LOCATED ADJACENT TO SINGLE FAMILY ZONED PROPERTY.
- G. A WAIVER FROM SECTION 38-1258(G) IS GRANTED TO ALLOW DIRECT MULTI-FAMILY ACCESS TO ANY RIGHT-OF-WAY SERVING PLATTED SINGLE FAMILY ZONED PROPERTY IN LIEU OF ACCESS TO ONLY COLLECTOR OR ARTERIAL ROADS.
- H. A WAIVER FROM SECTION 38-1258(I) IS GRANTED TO ALLOW URBAN/PEDESTRIAN FEATURES (SIDEWALKS, STREET FURNITURE, STREET TREES, ETC; REFER TO URBAN FORM: INTERNAL STREET DESIGN ELEMENTS) IN LIEU OF FENCING AND LANDSCAPE WHENEVER A SINGLE FAMILY ZONED PROPERTY IS LOCATED ACROSS THE RIGHT-OF-WAY.
- I. A WAIVER FROM SECTION 38-1258(J) IS GRANTED TO ALLOW A SEPARATION OF ZERO (0) BETWEEN MULTI-FAMILY, OFFICE, COMMERCIAL BUILDINGS (WITHOUT WINDOWS OR OTHER OPENINGS), IN LIEU OF 20' FOR FIRE PROTECTION PURPOSES; AND A SEPARATION OF 10' FOR BUILDINGS WHERE DOORS, WINDOWS AND OTHER OPENINGS IN THE WALL OF A LIVING UNIT BACK UP TO A WALL OF ANOTHER BUILDING WITH SIMILAR OPENINGS, IN LIEU OF A MINIMUM SEPARATION OF 30' FOR 2 STORY BUILDINGS AND 40' FOR 3 STORY BUILDINGS.

- J. A WAIVER FROM SECTION 38-1234(3) (A) (2) IS GRANTED TO ALLOW 15% (WITH RESTRICTIONS) OPEN SPACE IN LIEU OF 25% EXCEPT FOR BIG BOX AREA.

14. THE FOLLOWING WAIVERS FROM CH. 31.5 (SIGNAGE REGULATIONS) ARE GRANTED:

- A. A WAIVER FROM SECTION 31.5-126 (A) IS GRANTED TO ALLOW A NEW 14' X 48' BILLBOARD WITH (LIQUID CRYSTAL DISPLAY) LCD TECHNOLOGY IN A PD IN EXCHANGE FOR THE REMOVAL OF THREE (3) EXISTING 14' X 48' BILLBOARDS. THE NEW STRUCTURE BILLBOARD SHALL BE PERMITTED TO BE CONSTRUCTED UPON THE REMOVAL OF EXISTING BILLBOARDS #1 AND #2. THE NEW BILLBOARD SHALL BE LOCATED ON LEE ROAD. BILLBOARD #3 SHALL BE REMOVED WITHIN TWO (3) YEARS OF APPROVAL OF THIS PD.
- B. A WAIVER IS GRANTED FROM SECTION 31.5-126(K)(1) TO ALLOW A BILLBOARD WITH A ZERO FOOT R-O-W SETBACK IN LIEU OF THE REQUIRED 15' FRONT PROPERTY LINE SETBACK.
- C. A WAIVER IS GRANTED FROM SECTION 31.5-126 (H) TO ALLOW 672 (14' X 48') SQUARE FOOT ALLOWABLE COPY AREA IN LIEU OF THE MAXIMUM 400 SQUARE FEET.
- D. A WAIVER IS GRANTED FROM SECTION 31.5-5 TO ALLOW THE BILLBOARD TO ADVERTISE RAVAUDAGE PROJECT DEVELOPMENT ADVERTISEMENTS AND MARKETING MATERIAL ON BILLBOARD #3 UNTIL IT IS REMOVED.

15. SECTION 4 OF THE ANNEXATION AGREEMENT ATTACHED HERETO AS EXHIBIT C SHALL GOVERN.

- A. THE INTERNAL STREET NETWORK SHALL CONSIST OF A STREET GRID SYSTEM THAT IS FLEXIBLE TO ACCOMMODATE AND SUPPORT A VARIETY OF URBAN LAND USES. THE GRID SYSTEM SHALL EMPHASIZE PEDESTRIAN USES AND ACTIVITIES, HUMAN-SCALE STREETS AND BUILDING FACADES.
- B. THE STREET GRID SYSTEM SHALL CONSIST (AT A MINIMUM) OF: TWO (2) NORTH-SOUTH CORRIDORS TO BE LOCATED FROM LEE ROAD TO MONROE AVENUE. BENNETT AVENUE IS TO REMAIN WITH AN ADDITIONAL STREET PARALLEL TO BENNETT AVENUE AND ORLANDO AVENUE AND TWO (2) EAST-WEST CORRIDORS CONNECTING ORLANDO AVENUE AND BENNETT AVENUE. ALL INTERNAL STREETS MAY BE RELOCATED AND RECONFIGURED.
- C. THE PROPOSED LAND USES ARE INTERCHANGEABLE ON ANY BLOCK DUE TO THE UNDERLYING URBAN DEVELOPMENT FRAMEWORK AND GRID SYSTEM.
- D. BENNETT AVENUE SHALL REMAIN A NORTH-SOUTH MAJOR MOBILITY CORRIDOR FROM LEE ROAD TO ITS TERMINUS AT MONROE AVENUE. BENNETT AVENUE OR EXECUTIVE DRIVE MAY MUST BE REALIGNED TO CREATE A FULL ACCESS MEDIAN CUT WITH EXECUTIVE DRIVE. BENNETT AVENUE MAY BE REALIGNED TO CONNECT WITH GEM LAKE DRIVE TO THE NORTH.

16. COORDINATION WITH (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX HAS LISTED AS A PRIORITY IN ITS 2010 TRANSIT DEVELOPMENT PLAN A TRANSFER STATION IN THIS GENERAL LOCATION. (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX ROUTES 1, 9, 14, 102 AND 443 ALL CURRENTLY COMPLETE TRANSFERS AT WEBSTER AVENUE AND DENNING DRIVE ON SURFACE STREETS. THEREFORE, (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX HAS EXPRESSED A DESIRE FOR A DEDICATED SUPER STOP OR TRANSFER FACILITY WITH EASY INGRESS AND EGRESS FOR (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX BUSES WITHIN THE PROJECT SITE. IN ADDITION, (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX IS CURRENTLY CONSIDERING PREMIUM TRANSIT SERVICE (BRT AND/OR EXPRESS BUS SERVICE) ALONG U.S.17/92 (ORLANDO AVENUE). THEREFORE, COORDINATION PRIOR TO APPROVAL OF THE MASTER TRANSPORTATION PLAN AND (PRELIMINARY SUBDIVISION PLAN) PSP OR (DEVELOPMENT PLAN) DP IS REQUIRED TO PROVIDE FOR THE NEEDED SUPER STOP OR TRANSFER STATION AND PEDESTRIAN CONNECTIVITY.
- A. COORDINATION WITH THE MASTER DEVELOPER IS ENCOURAGED TO PROVIDE A BUS TRANSFER STATION STOP WITH PEDESTRIAN ACTIVITY AT SUCH TIME THAT A SUNRAIL STATION IS CONSIDERED AS PART OF THE OVERALL DEVELOPMENT PLAN.
- B. THE DEVELOPER HAS AGREED TO PROVIDE A BIKE SHARE LOCATION ON THE RAVAUDAGE SITE BY THE COMPLETION OF THE DEVELOPMENT'S SECOND RESIDENTIAL PROJECT.
17. THE SELLING OF ANY PARCEL OF LAND SHALL CARRY THE REQUIREMENT THAT ANY AND ALL REQUIRED IMPROVEMENTS AND ASSOCIATED MITIGATION AS IDENTIFIED FROM THE STUDIES DEFINED IN CONDITION 15 SHALL BE CARRIED FORWARD AS MITIGATION IN PROPORTION TO THE PARCEL(S) IMPACTS AS A PERCENTAGE OF THE TOTAL SITE IMPACTS IDENTIFIED IN THE STUDIES. THE SPECIFIC METHODOLOGY AND PROCEDURE TO CALCULATE THE PERCENTAGE OF PROPORTIONAL IMPACTS SHALL BE DEVELOPED AND AGREED UPON BY ALL PARTIES AS PART OF THE STUDIES CONDUCTED AS THE REQUIREMENTS OF CONDITION 15.
18. THE FOLLOWING EDUCATION CONDITION OF APPROVAL SHALL APPLY:
- C. DEVELOPER SHALL COMPLY WITH ALL PROVISIONS OF THE CAPACITY ENHANCEMENT AGREEMENT ENTERED INTO WITH THE ORANGE COUNTY SCHOOL BOARD AS OF 1/25/2011.
- D. UPON THE COUNTY'S AND CITY'S RECEIPT OF WRITTEN NOTICE FROM (ORANGE COUNTY PUBLIC SCHOOLS) OCPS THAT THE DEVELOPER IS IN DEFAULT OR BREACH OF THE CAPACITY ENHANCEMENT AGREEMENT, THE ~~COUNTY~~ CITY SHALL IMMEDIATELY CEASE ISSUING BUILDING PERMITS FOR ANY RESIDENTIAL UNITS IN EXCESS OF THE 204 RESIDENTIAL UNITS ALLOWED PRIOR TO THE ZONING APPROVAL. THE ~~COUNTY~~ CITY SHALL AGAIN BEGIN ISSUING BUILDING PERMITS UPON (ORANGE COUNTY PUBLIC SCHOOLS) OCPS'S WRITTEN NOTICE TO THE COUNTY AND CITY THAT THE DEVELOPER IS NO LONGER IN BREACH OR DEFAULT OF THE CAPACITY ENHANCEMENT AGREEMENT. THE DEVELOPER AND ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT SHALL INDEMNIFY AND HOLD THE COUNTY AND CITY

HARMLESS FROM ANY THIRD PARTY CLAIMS, SUITS, OR ACTIONS ARISING AS A RESULT OF THE ACT OF CEASING THE COUNTY'S CITY'S ISSUANCE OF RESIDENTIAL BUILDING PERMITS.

- E. DEVELOPER, OR ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT, AGREES THAT IT SHALL NOT CLAIM IN ANY FUTURE LITIGATION THAT THE COUNTY'S AND CITY'S ENFORCEMENT OF ANY OF THESE CONDITIONS ARE ILLEGAL, IMPROPER, UNCONSTITUTIONAL, OR A VIOLATION OF DEVELOPER'S RIGHTS.
- F. ORANGE COUNTY AND CITY SHALL BE HELD HARMLESS BY THE DEVELOPER AND ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT, IN ANY DISPUTE BETWEEN THE DEVELOPER AND (ORANGE COUNTY PUBLIC SCHOOLS) OCPS OVER ANY INTERPRETATION OR PROVISION OF THE CAPACITY ENHANCEMENT AGREEMENT. AT THE TIME OF (DEVELOPMENT PLAN/PRELIMINARY SUBDIVISION PLAN) DP/PSP, DOCUMENTATION SHALL BE PROVIDED FROM (ORANGE COUNTY PUBLIC SCHOOLS) OCPS THAT THIS PROJECT IS IN COMPLIANCE WITH THE CAPACITY ENHANCEMENT AGREEMENT.

19. THE FOLLOWING CONDITIONS OF APPROVAL WERE COORDINATED WITH ADJACENT JURISDICTIONS:

- A. SEE EXHIBIT C FOR MODIFICATIONS REGARDING TRAFFIC FACILITIES. WHEN THE PROJECT REACHES OR EXCEEDS 151,000 SQUARE FEET, THE DEVELOPER SHALL AT THEIR EXPENSE, COMPLETE A TRAFFIC SIGNAL WARRANT STUDY WITHIN SIX MONTHS OF ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR SAID BUILDINGS AND SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL FOR THE FIRST TRAFFIC LIGHT. IF THE PROPOSED TRAFFIC SIGNAL MEETS THE WARRANTS AND IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE DEVELOPER SHALL, AT THEIR EXPENSE, INSTALL THE FIRST TRAFFIC LIGHT SUBJECT TO THE (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS, IF THE TRAFFIC VOLUMES OR OTHER CONDITIONS DO NOT WARRANT THE FIRST TRAFFIC LIGHT AND IT IS NOT APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE PROJECT MAY CONTINUE TO PROCEED WITH ADDITIONAL EXPANSIONS BUT THE TRAFFIC SIGNAL WARRANT STUDY SHALL BE UPDATED ANNUALLY, AT DEVELOPER EXPENSE AND DEVELOPER SHALL SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL. AT THE TIME THEN WHEN THE FIRST TRAFFIC SIGNAL IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THE DEVELOPER SHALL THEN, AT THEIR EXPENSE, INSTALL THE FIRST TRAFFIC LIGHT SUBJECT TO (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS. WHEN THE PROJECT REACHES OR EXCEEDS 490,000 SQUARE FEET, THE DEVELOPER SHALL AT THEIR EXPENSE, COMPLETE A TRAFFIC SIGNAL WARRANT STUDY WITHIN SIX MONTHS OF ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR SAID BUILDINGS AND SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL FOR THE SECOND TRAFFIC LIGHT. IF THE SECOND PROPOSED TRAFFIC SIGNAL MEETS THE WARRANTS AND IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE DEVELOPER SHALL, AT THEIR EXPENSE, INSTALL THE SECOND TRAFFIC LIGHT SUBJECT TO THE (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS. IF THE TRAFFIC VOLUMES OR OTHER CONDITIONS DO NOT WARRANT THE SECOND TRAFFIC LIGHT AND IT IS NOT APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE PROJECT

MAY CONTINUE TO PROCEED WITH ADDITIONAL EXPANSIONS BUT THE TRAFFIC SIGNAL WARRANT STUDY SHALL BE UPDATED ANNUALLY FOR AT LEAST THREE CONSECUTIVE YEARS THEREAFTER, AT DEVELOPER EXPENSE AND DEVELOPER SHALL SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL FOR THE SECOND TRAFFIC LIGHT. AT THE TIME THE SECOND TRAFFIC SIGNAL IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THE DEVELOPER SHALL, AT THEIR EXPENSE INSTALL THE SECOND TRAFFIC LIGHT SUBJECT TO (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS. FOR BOTH TRAFFIC LIGHTS, THE DEVELOPER, AT THEIR SOLE COST, SHALL BE RESPONSIBLE FOR THE INSTALLATION OF AN ENHANCED MAST ARM SIGNALIZED INTERCONNECTED INTERSECTION, AS WELL AS THE LANEAGE IMPROVEMENTS NECESSARY.

- B. FOR SITE ACCESS PURPOSES, THE INTERSECTION OF GLENDON PARKWAY AND US 17-92 MUST NOT DEAD END INTO A COMMERCIAL, RESIDENTIAL OR OFFICE DEVELOPMENT, AND MUST CONNECT, TO AN INTERNAL ROADWAY WHICH CONNECTS TO EITHER BENNETT AVENUE, MONROE AVENUE OR LEE ROAD. AT THE TIME OF THE TRAFFIC SIGNAL INSTALLATION AT GLENDON PARKWAY, THE DEVELOPER SHALL PAY FOR THE COST OF THE CLOSURE OF PERTINENT MEDIANS ON US 17-92, AS DETERMINED BY (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT.
- C. FOR SITE ACCESS PURPOSES AT THE PROPOSED INTERSECTION OF BENNETT AVENUE AND LEE ROAD REALIGNED WITH EXECUTIVE DRIVE, THE NORTHERN LEG OF THIS INTERSECTION MUST BE REALIGNED TO CONNECT AND ALIGN STRAIGHT WITH EXECUTIVE DRIVE OR, IN THE ALTERNATIVE, EXECUTIVE DRIVE MUST BE REALIGNED TO CONNECT AND ALIGN STRAIGHT WITH BENNETT DRIVE ("ROAD REALIGNMENT"). ONE OF THE PURPOSES OF THE ROAD RELIGNMENT IS TO FACILITATE A FOUR LEG SIGNALIZED INTERSECTION AT THE REALIGNED BENNETT DRIVE/EXECUTIVE DRIVE INTERSECTION WITH LEE ROAD. THE DEVELOPER SHALL CAUSE THE DESIGN, PERMITTING AND CONSTRUCTION OF THE ROAD REALIGNMENT AND CONVEYANCE TO THE CITY OF RIGHT-OF-WAY PROPERTY NEEDED FOR THE SAME TO OCCUR ON OR BEFORE AUGUST 30, ~~2019~~2020, UNLESS AN EXTENSION IS GRANTED BY THE CITY COMMISSION FOR GOOD CAUSE SHOWN. THE REALIGNED ROADWAY INTO THE PROJECT MUST NOT DEAD END INTO A COMMERCIAL, RESIDENTIAL OR OFFICE DEVELOPMENT, AND MUST CONNECT, TO AN INTERNAL ROADWAY WHICH CONNECTS TO MONROE AVENUE OR US 17-92.

ON OR BEFORE EARLIER OF DECEMBER 31, 2019~~8~~, OR COMMENCEMENT OF PERMITTING AND CONSTRUCTION OF THE ROAD REALIGNMENT, THE DEVELOPER SHALL ENTER INTO A ROAD CONSTRUCTION AGREEMENT WITH THE CITY OF WINTER PARK IN A FORM ACCEPTABLE TO THE CITY SETTING FORTH THE TERMS AND CONDITIONS FOR THE DESIGN, PERMITTING, CONSTRUCTION AND COMPLETION OF THE ROAD REALIGNMENT AND RELATED UTILITY RELOCATIONS.

THE DEVELOPER SHALL CAUSE, AT DEVELOPER'S EXPENSE AND AT NO CHARGE TO THE CITY, TO BE CONVEYED TO THE CITY OF WINTER PARK IN FEE SIMPLE, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT FOR MATTERS ACCEPTABLE TO THE CITY, RIGHT-OF-WAY LANDS NEEDED FOR THE ROAD REALIGNMENT IN ORDER TO CONNECT BENNETT DRIVE WITH EXECUTIVE DRIVE ACROSS AND SOUTH OF LEE ROAD. THE REALIGNED PORTION OF BENNETT DRIVE AND/OR EXECUTIVE DRIVE RIGHT-OF-WAY TO BE DETERMINED AT THE TIME OF DESIGN APPROVAL BY THE CITY OF WINTER PARK.

THE CITY IS NOT OBLIGATED TO VACATE AND ABANDON ANY PORTION OF THE EXISTING BENNETT DRIVE AND EXECUTIVE DRIVE RIGHTS-OF-WAY AS THE RESULT OF THE ROAD REALIGNMENT.

THE DEVELOPER'S FAILURE TO MEET DEADLINES REQUIRED UNDER THIS SECTION MAY RESULT IN A HOLD ON PROCESSING AND APPROVAL OF ADDITIONAL DEVELOPMENT ORDERS AND PERMITS FOR THE RAVAUDAGE PROJECT.

- D. THE DEVELOPER MUST CLOSE THE 11 EXISTING PRIVATE PROPERTY CURB CUTS / DRIVEWAYS ON US 17-92 OR TRAFFIC SIGNAL WARRANT STUDY MUST ASSUME SUCH CLOSURE.
- E. ~~A 100 FOOT SETBACK SHALL BE MAINTAINED FOR DEVELOPMENT GREATER THAN 1 STORY ADJACENT TO ANY SINGLE FAMILY DWELLING DISTRICT AND USES ALONG RAVAUDAGE BOUNDARY WITH THE CITY OF MAITLAND. A BUFFER OF 25 FEET FOR PAVED PARKING AREAS ADJACENT TO A SINGLE FAMILY DWELLING DISTRICT SHALL NOT BE REDUCED AND THE PERIMETER FOR THE PD BE MAINTAINED AT A MINIMUM OF 25 FEET. AT SUCH TIME AS BENJAMIN PARTNERS LTD OBTAINS OWNERSHIP OF THE SINGLE FAMILY PARCELS SOUTH OF MONROE AVENUE THAT ARE CURRENTLY UTILIZED FOR SINGLE FAMILY PURPOSES AND INCLUDES THOSE PARCELS INTO THE DEVELOPMENT PLAN FOR RAVAUDAGE, THE STATUS OF THESE PARCELS WILL NOT REQUIRE THE SAME LEVEL OF BUFFERING AS THE COUNTY'S EXISTING REGULATIONS PROVIDE. AT THAT JUNCTURE, MAITLAND WILL PROCESS A MODIFICATION OF ITS SUGGESTED BUFFERING REQUIREMENTS WITH THE INTENT TO CHANGE THEM TO BE CONSISTENT WITH THE APPROVALS GRANTED HEREIN. BENJAMIN PARTNERS HAS OBTAINED OWNERSHIP OF THE SINGLE FAMILY PARCELS SOUTH OF MONROE AND THE LAND HAS BEEN CLEARED OF ALL STRUCTURES. THE CITY OF MAITLAND PROVIDED A LETTER DATED APRIL 30, 2018 STATING NO OBJECTION TO A NEW WAIVER MODIFICATION REQUEST TO ALLOW A ZERO FOOT SETBACK BETWEEN THE MAITLAND AND WINTER PARK CITY LIMITS BOUNDARY ALONG THE SOUTH SIDE OF MONROE AVE AND WITHIN BLOCK K. FOR THOSE PROPERTIES LOCATED EAST OF BENNETT AVENUE, ADJACENT TO THE RESIDENTIAL PROPERTY WITHIN THE CITY OF WINTER PARK, A BUILDING SETBACK OF 15 FEET IS TO BE PROVIDED FROM THE EASTERN RIGHT-OF-WAY LINE OF BENNETT AVENUE, WITH THE EXCEPTION OF BLOCK E BETWEEN MORGAN STANLEY AVENUE AND GLENDON PARKWAY SHALL BE PERMITTED A 6' BUILDING SETBACK FROM THE BENNETT AVE EASTERN RIGHT OF WAY LINE SO LONG AS A MINIMUM OF A 10' SIDEWALK EXISTS WITH ON STREET PARKING.~~
20. ANY PETITION TO VACATE SHALL HAVE A CONDITION THAT WILL IDENTIFY THAT THE APPLICANT MAY PROVIDE A RIGHT-OF-WAY STRIP FOR LEE ROAD AND/OR ORLANDO AVENUE TO THE COUNTY OR (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT AT NO COST UPON REQUEST BY THE COUNTY OR (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT. A RIGHT-OF-WAY AGREEMENT MAY BE REQUIRED AS PART OF ANY FUTURE DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN.
21. INTERNAL TRAFFIC LANES SHALL BE 12 (TWELVE) FEET IN WIDTH WITH ON STREET PARKING AND THE PARKING LANES SHALL BE 8 ½ (EIGHT AND ONE-HALF) FEET IN WIDTH, OR AS APPROVED BY THE CITY OF WINTER PARK PUBLIC WORKS DEPARTMENT.

22. USE OF THE EQUIVALENCY MATRIX (SHOWN BELOW) THAT CHANGES ANY USE BY 10% OR GREATER (INDIVIDUALLY OR IN THE AGGREGATE) SHALL BE DEEMED A SUBSTANTIAL CHANGE TO THE PD. EQUIVALENCY MATRIX IS SHOWN BELOW. NOTE: PROJECT HAS UTILIZED THE 10 % USE INCREASE FOR RESIDENTIAL UNITS.

RAVAUDAGE PD
Equivalency Matrix

Change From:		Change to Land Use:				ITE Land Use	
Land Use	Size	Apartment	Hotel	General Office	Commercial	Trip Rate (1)	Code
Apartment	1 DU		0.837 Room	0.485 SF	0.136 SF	0.59 Trips/DU	220
Hotel	1 Room	1.195 DU		0.579 SF	0.162 SF	0.70 Trips/Room	310
Office	1,000 SF	2.061 DU	1.726 Room		0.280 SF	1.21 Trips/1,000 SF	710
Commercial	1,000 SF	7.372 DU	6.171 Room	3.576 SF		4.32 Trips/1,000 SF	820

(1) Conversion factors based on PM Peak Hour Peak Direction Trip Generation Rates from ITE 8th Edition Trip Generation Report, 2008.

Example: To convert 10,000 SF of Office space to equivalent Apartment, Hotel or Commercial:

To Apartment: $(10,000 / 1,000) \times 2.061 = 20.61$ DU. Use 21
 To Hotel: $(10,000 / 1,000) \times 1.726 = 17.26$ Rooms. Use 17
 To Shopping Center: $(10,000 / 1,000) \times 0.280 = 2.796$ KSF. Use 2,800 SF

To check if equivalent Land Use is the same:

10,000 SF Office = $(10,000 / 1,000) \times 1.21 = 12.08$ PM Peak Hour Trips. Use 12
 Apartment: $21 \times 0.59 = 12.31$ PM Peak Hour Trips. Use 12
 Hotel: $17 \times 0.70 = 11.90$ PM Peak Hour Trips. Use 12
 Shopping Center: $(2,800 / 1,000) \times 4.32 = 12.10$ PM Peak Hour Trips. Use 12

RAVAUDAGE PD

Estimated Trip Generation for Representative Land Use (1)

Land Use	Size		ITE Land Use Code (2)	Trip Generation Rates			
				Daily	PM Peak Hour		
					Total	Enter	Exit
Apartment	489	DU	220/E	6.31	0.59	0.38	0.21
Hotel	320	Room	310/R	8.92	0.70	0.34	0.36
General Office	891,000	SF	710/E	8.07	1.21	0.21	1.00
Commercial	323,100	SF	820/E	45.05	4.32	2.12	2.20

(1) Trip Generation Rates from 8th Edition of ITE Trip Generation Report, 2008.

(2) E = Fitted Curve Equation, or R = Average Trip Rate

Note: Trip Generation rates in bold face used for calculating Equivalency matrix

Luke Transportation Engineering Consultants, 2010

October 25, 2010

23. THE DEVELOPER WILL CONTRIBUTE A PROPORTIONATE SHARE OF THE COSTS FOR INTERSECTION TRAFFIC SIGNALIZATION TECHNOLOGY UPGRADES THROUGH THE PHASING OF THE PROJECT. THESE UPGRADES WILL APPLY TO SIGNIFICANTLY AFFECTED INTERSECTIONS BASED ON A MUTUAL DETERMINATION BY THE DEVELOPER'S TRAFFIC ENGINEER AND THE CITY'S TRANSPORTATION TRAFFIC ENGINEER AND A MAXIMUM WILL BE DETERMINED.

[SIGNATURE PAGES OF AMENDED AND RESTATED DEVELOPMENT ORDER NOT SHOWN]

EXHIBIT "A"

WINTER PARK AMENDED DEVELOPMENT ORDER LEGAL DESCRIPTION:

A PORTION HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND A PART OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; RUN SOUTH $01^{\circ}40'06''$ W 30.01 FEET TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF MONROE AVENUE AND THE CENTERLINE OF BENNETT AVENUE; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE $S01^{\circ}40'06''$ W ALONG THE CENTERLINE OF AFORESAID BENNETT AVENUE A DISTANCE OF 100.96 FEET TO THE POINT OF INTERSECTION OF SAID CENTERLINE OF BENNETT AVENUE AND THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 2, BLOCK "O", HOME ACRES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK M, PAGE 97 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN $N90^{\circ}00'00''$ E A DISTANCE OF 143.71 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE $N00^{\circ}22'31''$ E ALONG THE EAST LINE OF SAID LOT 2 A DISTANCE OF 12.00 FEET TO THE NORTHWEST CORNER OF LOT 14, BLOCK "O", OF SAID HOME ACRES; THENCE $N90^{\circ}00'00''$ E ALONG THE NORTH LINE OF SAID LOT 14, THE NORTH LINE OF LOT 6, BLOCK "P", AND THE NORTH LINE OF LOT 11, BLOCK "P", SAID HOME ACRES, A DISTANCE OF 431.30 FEET TO THE NORTHEAST CORNER OF SAID LOT 11, BLOCK "P", SAID POINT LYING ON THE WEST LINE OF LEWIS DRIVE; THENCE $S00^{\circ}05'24''$ W ALONG SAID WEST LINE A DISTANCE OF 360.00 FEET TO THE INTERSECTION OF SAID WEST LINE OF LEWIS DRIVE WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 10, BLOCK "K", SAID HOME ACRES, THENCE, THENCE $N90^{\circ}00'00''$ E ALONG SAID WESTERLY EXTENSION A DISTANCE OF 70.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 10, BLOCK "K", SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF AFORESAID LEWIS DRIVE; THENCE $S00^{\circ}05'24''$ W ALONG THE EAST RIGHT OF WAY LINE OF LEWIS DRIVE A DISTANCE OF 200.00 FEET TO THE SOUTHWEST CORNER OF LOT 7, BLOCK K; THENCE $N90^{\circ}00'00''$ E ALONG THE SOUTH LINE OF SAID LOT 7 A DISTANCE OF 132.50 FEET TO THE NORTHWEST CORNER OF LOT 15, BLOCK K; THENCE $S00^{\circ}05'24''$ W ALONG THE WEST LINE OF SAID LOT 15 A DISTANCE OF 50.00 FEET; THENCE $N90^{\circ}00'00''$ E ALONG THE SOUTH LINE OF SAID LOT 15 AND EASTERLY EXTENSION THEREOF, A DISTANCE OF 182.50 FEET TO THE EAST RIGHT OF WAY LINE OF BENJAMIN AVENUE; THENCE $S00^{\circ}05'24''$ W ALONG SAID EAST RIGHT OF WAY LINE OF BENJAMIN AVENUE A DISTANCE OF 255.00 FEET TO A POINT ON THE NORTH LINE OF GLENDON PARKWAY AS IT NOW EXISTS; THENCE $N90^{\circ}00'00''$ E ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 187.50 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF ORLANDO AVENUE (STATE ROAD 15 & 600); SAID POINT BEING A POINT ON A CURVE HAVING A RADIUS OF 5676.65 FEET, A CENTRAL ANGLE OF $02^{\circ}43'16''$ AND A CHORD THAT BEARS $S01^{\circ}16'50''$ E; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 269.61 FEET TO THE POINT OF TANGENCY; THENCE RUN $S00^{\circ}04'48''$ W ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 803.10 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE WITH THE NORTHERLY RIGHT OF WAY LINE OF LEE ROAD; (STATE ROAD NO. 438); THENCE RUN ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: $S67^{\circ}42'20''$ W, 36.68 FEET; $S89^{\circ}45'12''$ W, 124.55 FEET; $S81^{\circ}01'12''$ W, 34.71 FEET; $N00^{\circ}04'22''$ W, 11.27 FEET; $S89^{\circ}45'12''$ W, 385.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF LEWIS DRIVE; THENCE $N00^{\circ}04'22''$ W ALONG SAID RIGHT OF WAY OF LEWIS DRIVE A DISTANCE OF 213.88 FEET TO THE NORTHEAST CORNER OF LOT 7, BLOCK C, HOME ACRES; THENCE $S90^{\circ}00'00''$ W ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 132.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE $S00^{\circ}04'22''$ E ALONG THE EAST LINE OF SAID LOT 7, BLOCK C, A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE $S90^{\circ}00'00''$ W ALONG THE NORTH LINE OF LOT 19, BLOCK C, A DISTANCE OF 132.50 FEET TO THE EAST RIGHT OF WAY LINE OF LOREN AVENUE; THENCE $S00^{\circ}04'22''$ E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 165.02 FEET TO A POINT ON AFORESAID LEE ROAD; THENCE $S89^{\circ}45'12''$ W ALONG SAID EAST LINE A DISTANCE OF 50.00 FEET TO THE WEST RIGHT OF WAY LINE OF SAID LOREN AVENUE; THENCE $N00^{\circ}04'22''$ W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 115.23

FEET TO THE NORTHEAST CORNER OF LOT 5, BLOCK D, HOME ACRES; THENCE S90°00'00"W ALONG THE NORTH LINE OF LOT 5, BLOCK D, A DISTANCE OF 51.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE S00°04'22"E ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 115.45 FEET TO A POINT ON AFORESAID NORTH RIGHT OF WAY LINE OF LEE ROAD; THENCE S89°45'12"W, 257.52 FEET TO THE POINT OF INTERSECTION OF THE NORTH LINE OF LEE ROAD AND THE WEST RIGHT OF WAY LINE OF BENNETT AVENUE; THENCE NORTHERLY ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 1,434 FEET MORE OR LESS; TO THE NORTHEAST CORNER OF PARK GREEN; ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 90, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N89°58'47"W A DISTANCE OF 491.91 FEET; THENCE N00°07'54"E A DISTANCE OF 186.84 FEET; THENCE S89°56'22"E A DISTANCE OF 191.75 FEET; THENCE N00°07'54"E A DISTANCE OF 320.55 FEET; THENCE N89°53'51"E A DISTANCE OF 49.46 FEET; THENCE N00°12'06"E A DISTANCE OF 103.89 FEET TO THE SOUTH RIGHT OF WAY LINE OF AFORESAID MONROE AVENUE; THENCE N90°00'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 295.57 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING:

~~LOT 15, BLOCK "B", HOME ACRES ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 97, IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.~~

LOTS 10, 11 AND 17, BLOCK "F", AND VACATED RIGHT OF WAY NORTH OF LOTS 10 AND 11, AND EAST OF LOT 11; HOME ACRES ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 97, IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LOT 1, BLOCK "H", HOME ACRES ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 97, IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LOTS 11, 12 AND 16, BLOCK "L", AND VACATED RIGHT OF WAY EAST OF LOT 16, BLOCK "L"; AND THE NORTH 1/2 OF LOT 13, BLOCK "L", HOME ACRES ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 97, IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

~~LOT 14, THE NORTH 25 FEET OF LOT 4, THE SOUTH 37.5 FEET OF LOT 5, AND THE SOUTH 16.67 FEET OF LOT 13, BLOCK "P", HOME ACRES ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 97, IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.~~

ALSO LESS:

A PORTION HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF BENJAMIN AVENUE, WITH THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 438 (LEE ROAD), AS SHOWN ON THE STATE OF FLORIDA, STATE ROAD DEPARTMENT RIGHT OF WAY MAP, SECTION 75190-2502, SHEET 34 OF 42; THENCE RUN N.00°04'22"W. ALONG SAID WEST RIGHT OF WAY LINE OF BENJAMIN AVENUE, A DISTANCE OF 21.00 FEET FOR A POINT OF BEGINNING; THENCE RUN N.00°04'22"W. DISTANCE OF 143.39 FEET; THENCE RUN N.89°45'12"E. A DISTANCE OF 137.00 FEET; THENCE S.00°04'22"E. A DISTANCE OF 143.39 FEET; THENCE RUN S.89°45'12"W. A DISTANCE OF 137.00 FEET TO THE POINT OF BEGINNING.

ALSO LESS:

A PORTION OF BLOCK "A", HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 15 & 600, (ORLANDO AVENUE) PER STATE ROAD DEPARTMENT RIGHT OF WAY MAP, SECTION NO. 75030-2205 & 75030-2502, WITH THE SOUTH RIGHT

OF WAY LINE OF KINDEL AVENUE, ACCORDING TO THE AFOREMENTIONED PLAT, THENCE RUN N89°50'56"W ALONG SAID SOUTH RIGHT OF WAY LINE OF KINDEL AVENUE A DISTANCE OF 6.00 FEET; THENCE RUN S00°04'04"W ALONG A LINE LYING 6.00 FEET WEST OF (BY PERPENDICULAR MEASUREMENT) AND PARALLEL WITH AFORESAID WEST RIGHT OF WAY LINE OF STATE ROAD NO. 15 AND 600, A DISTANCE OF 92.96 FEET; THENCE RUN N89°55'56"W A DISTANCE OF 15.58 FEET FOR A POINT OF BEGINNING; THENCE RUN S00°04'04"W A DISTANCE OF 178.00 FEET; THENCE N89°55'56"W A DISTANCE OF 78.09 FEET; THENCE N00°04'04"E A DISTANCE OF 178.00 FEET; THENCE S89°55'56"E A DISTANCE OF 78.09 FEET TO THE POINT OF BEGINNING.

ADDED LAND AREA – PER ORDINANCE NO: 2957-14

970 LOREN AVENUE
1000 LOREN AVENUE
1008 LOREN AVENUE
1306 LOREN AVENUE
1141 LOREN AVENUE
1313 LOREN AVENUE

ADDED LAND AREA – PER ORDINANCE NO: 3022-15

1531 LEE ROAD
1325 LEWIS DRIVE

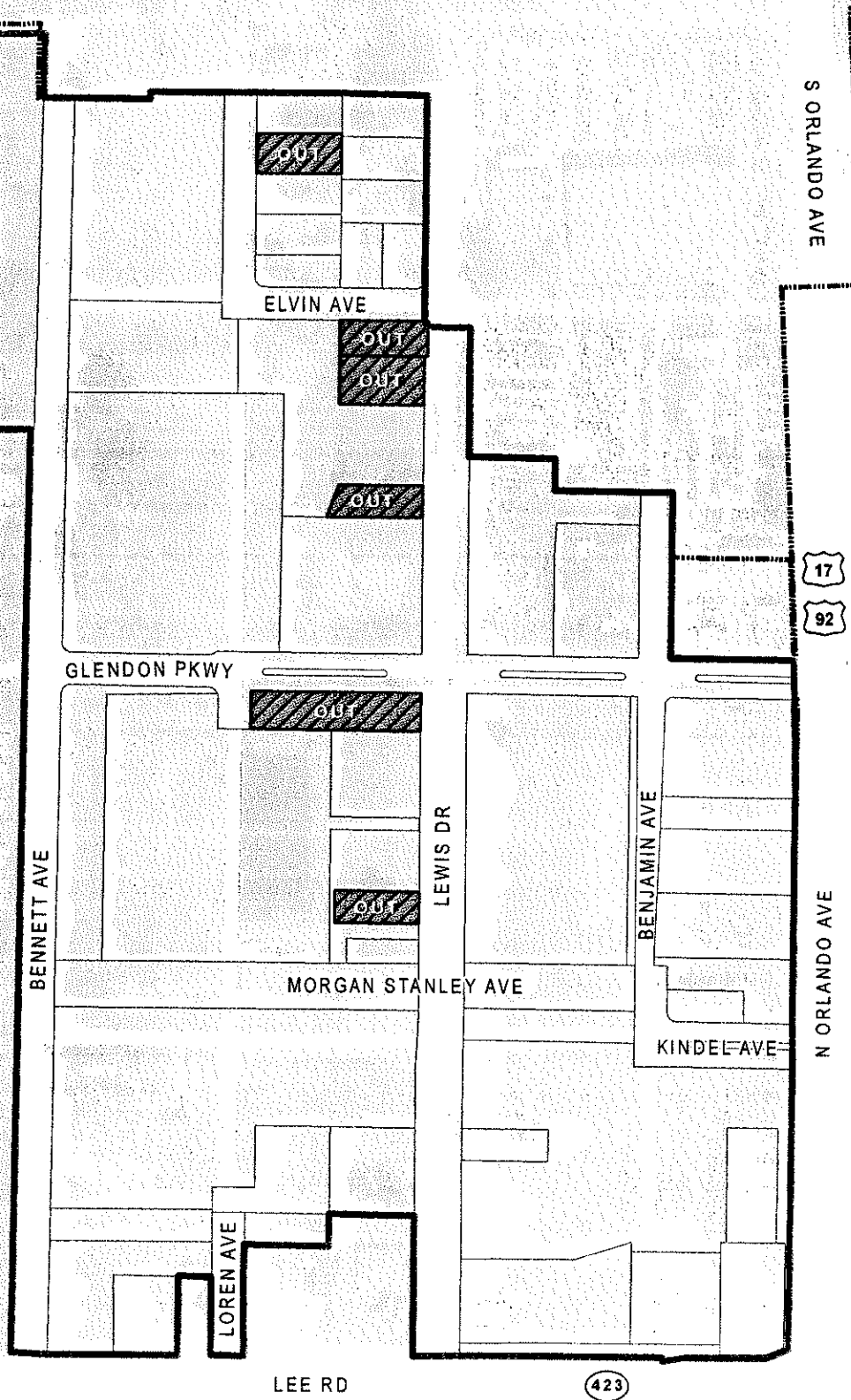
ALL OF THE ABOVE DESCRIBED PROPERTY CONTAINS 46.7 ACRES MORE OR LESS.

EXHIBIT "B"

RAVAUDAGE LAND USE PLAN

SEE ATTACHED MAP SERIES

NOTE: IN CASES OF CONFLICT BETWEEN THE FOLLOWING LAND USE PLAN MAP SERIES AND
THE DEVELOPMENT ORDER, THE TEXT OF THE AMENDED AND RESTATED DEVELOPMENT
ORDER SHALL PREVAIL



LEGEND

- PROJECT BOUNDARY
- NOT PART OF PROJECT
- CITY LIMITS

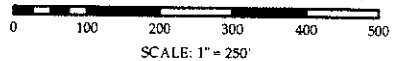
NOTES

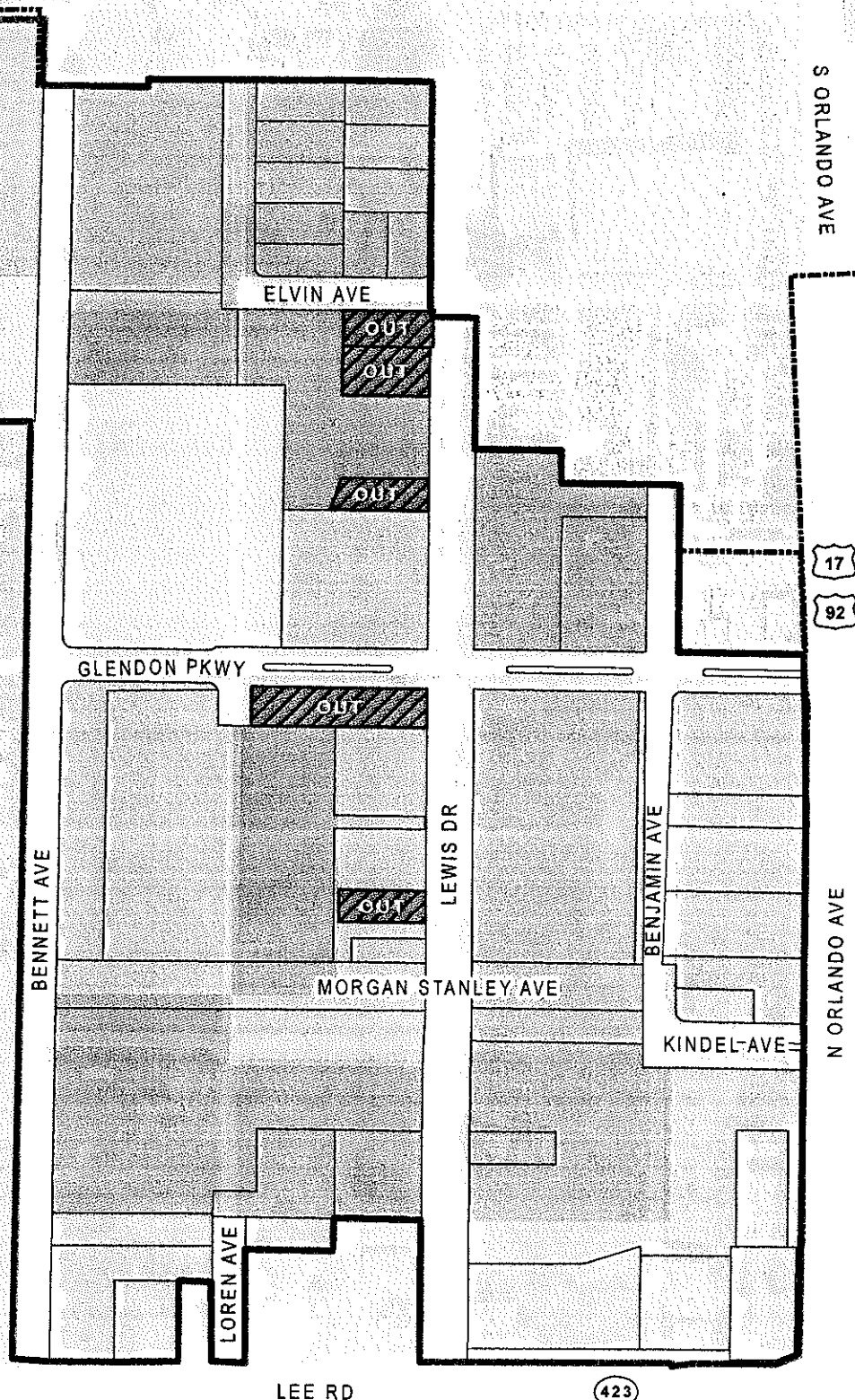
GROSS SITE AREA: 46.7 AC +/-
 NET SITE AREA: 38.5 AC +/-



**RAVAUDAGE
 LAND USE PLAN
 WINTER PARK, FLORIDA**

**SHEET A-1
 PROJECT LOCATION**





LEGEND

- PROJECT BOUNDARY
- CITY LIMITS
- NOT PART OF PROJECT

MAX HEIGHT LIMITS

- 1-3 STORIES (40')
- 1-4 STORIES (52')
- 1-5 STORIES (65')
- 1-6 STORIES (87')
- 1-7 STORIES (92')
- 5-8 STORIES (100')

NOTES

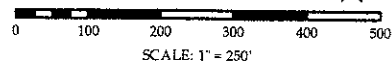
REFER TO NOTES UNDER SECTION 38-125 FOR BUFFER REQUIREMENTS

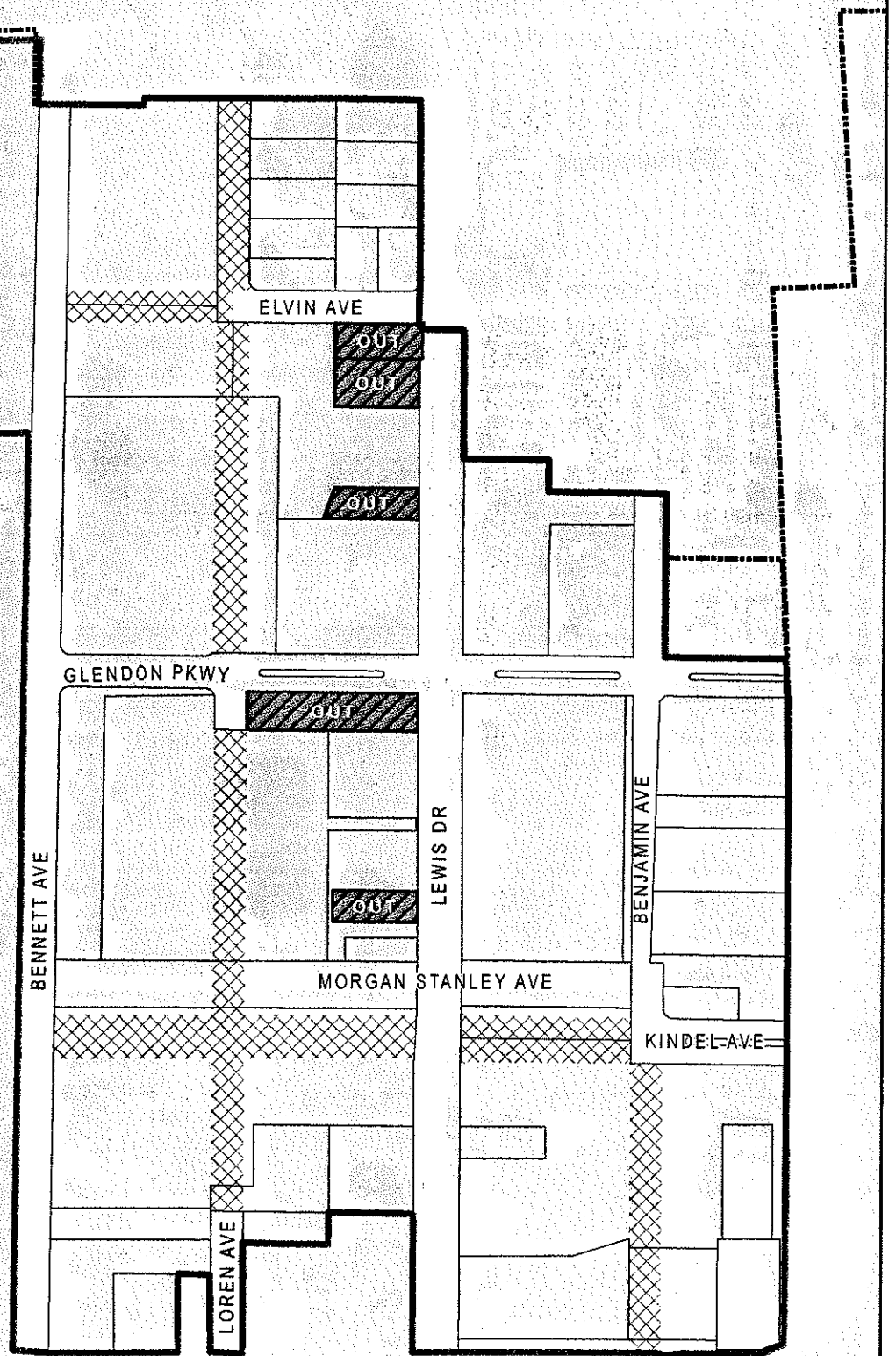
ADDITIONAL 15' PERMITTED FOR ARCHITECTURAL ELEMENTS AND MECHANICAL EQUIPMENT



RAVAUDAGE LAND USE PLAN WINTER PARK, FLORIDA

SHEET A-2
MAXIMUM HEIGHT ZONES





LEGEND

- PROJECT BOUNDARY
- CITY LIMITS
- NOT PART OF PROJECT
- VACATED R.O.W.
- POTENTIALLY VACATED R.O.W.

NOTES

ANY AND ALL FUTURE ROAD RIGHT-OF-WAY PETITIONS TO BE FILED WITH CITY OF WINTER PARK PUBLIC WORKS. NO PARCEL SHALL BE LEFT LAND-LOCKED.



RAVAUDAGE LAND USE PLAN WINTER PARK, FLORIDA

SHEET A-3
RIGHT-OF-WAY ANALYSIS

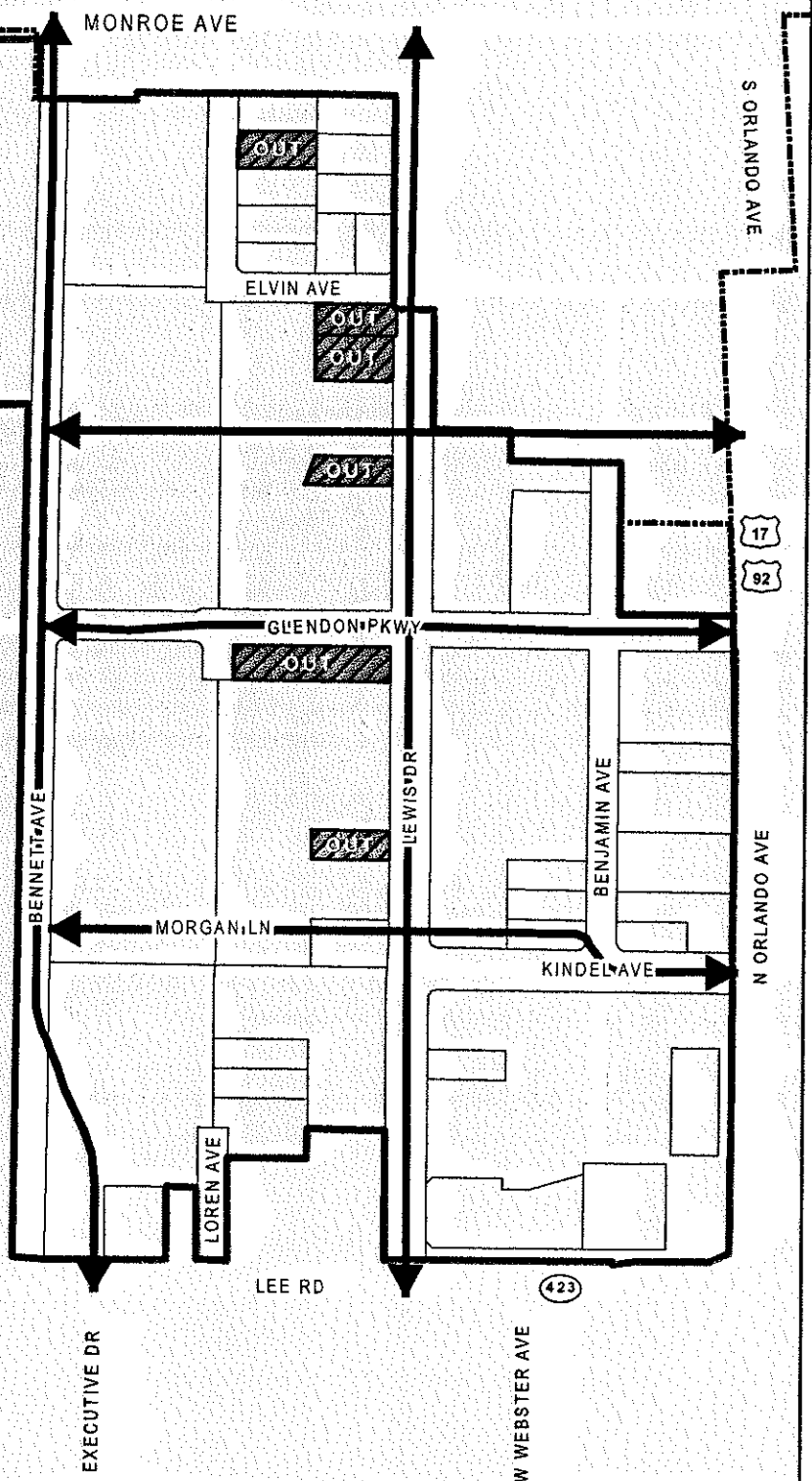


0 100 200 300 400 500

SCALE: 1" = 250'

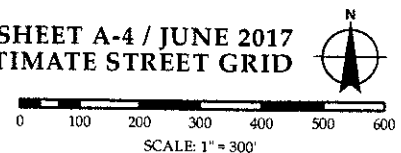
NOTES

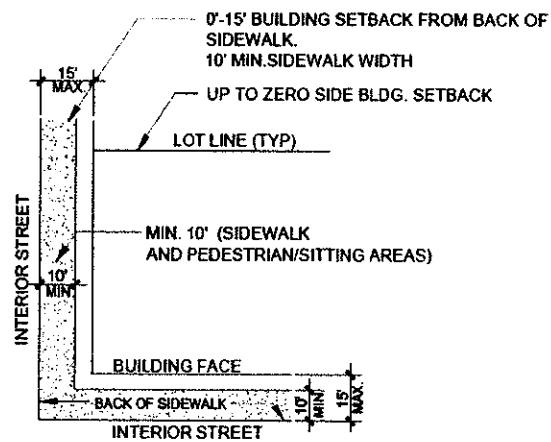
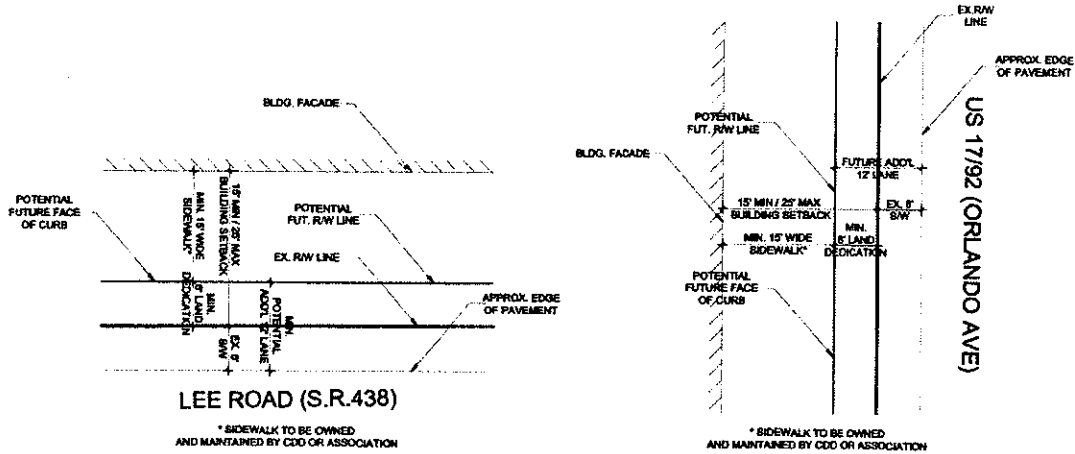
1. THE INTERNAL STREET NETWORK SHALL CONSIST OF A STREET GRID SYSTEM THAT IS FLEXIBLE TO ACCOMMODATE AND SUPPORT A VARIETY OF URBAN LAND USES. THE GRID SYSTEM SHALL EMPHASIZE PEDESTRIAN USES AND ACTIVITIES, HUMAN-SCALE STREETS AND BUILDING FACADES.
2. THE STREET GRID SYSTEM SHALL CONSIST (AT A MINIMUM) OF: TWO (2) NORTH-SOUTH CORRIDORS TO BE LOCATED FROM LEE ROAD TO MONROE AVENUE. BENNETT ROAD IS TO REMAIN WITH AN ADDITIONAL STREET PARALLEL TO BENNETT AND ORLANDO AVE. TWO (2) EAST-WEST CORRIDORS CONNECTING ORLANDO AVENUE AND BENNETT ROAD. IN THE EVENT THAT THE SOLANA AVENUE EXTENSION IS COMPLETED, IT SHALL COUNT AS ONE OF THE REQUIRED EAST-WEST STREETS.
3. THE PROPOSED LAND USES ARE INTERCHANGEABLE ON ANY BLOCK DUE TO THE UNDERLYING URBAN DEVELOPMENT FRAMEWORK AND GRID SYSTEM. PEDESTRIAN USES AND ACTIVITIES, HUMAN-SCALE STREETS AND BUILDING FACADES.
4. BENNETT ROAD TO REMAIN A NORTH-SOUTH MAJOR MOBILITY CORRIDOR FROM LEE ROAD TO TERMINUS AT MONROE AVENUE. BENNETT ROAD MAY BE REALIGNED TO CREATE FULL ACCESS MEDIAN CUT WITH EXECUTIVE DRIVE.



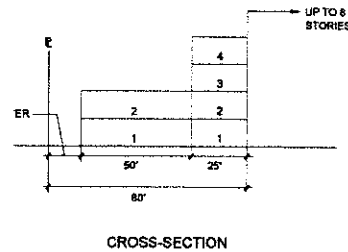
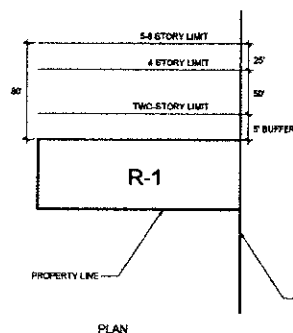
RAVAUDAGE LAND USE PLAN WINTER PARK, FLORIDA

**SHEET A-4 / JUNE 2017
ULTIMATE STREET GRID**





**NOTE:
MAXIMUM FACADE
SETBACK OF 15'**



RAVAUDAGE LAND USE PLAN WINTER PARK, FLORIDA

**SHEET A-5 / JUNE 2017
BUILDING SETBACKS**



0 100 200 300 400 500
SCALE: 1" = 250'

EXHIBIT "C"
[Section 4 of the Annexation Agreement]

Section 4. Development Conditions Regarding Traffic Facilities.

- a. Project development shall require new traffic lights onto US 17-92 and Lee Road. It shall be at the option of the Developer or a Community Development District ("CDD") which may be formed, which traffic light to construct first. When the project reaches or exceeds 151,000 square feet, the Developer or CDD shall at their expense, complete a traffic signal warrant study within six months of issuance of certificates of occupancy for said buildings and seek Florida DOT approval for the first traffic light. If the proposed traffic signal meets the warrants and is approved by Florida DOT, then the, Developer or CDD shall, at their expense, install the first traffic light subject to the DOT permit and conditions. If the traffic volumes or other conditions do not warrant the first traffic light and it is not approved by Florida DOT, then the Project may continue to proceed with additional expansions but the traffic signal warrant study shall be updated annually, at Developer or CDD's expense, and Developer or CDD shall seek Florida DOT approval. At the time then when the first traffic signal is approved by Florida DOT, the Developer or CDD shall then, at their expense, install the first traffic light subject to DOT permit and conditions. When the Project reaches or exceeds 490,000 square feet, the Developer or CDD shall at their expense, complete a traffic signal warrant study within six months of issuance of certificates of occupancy for said

buildings and seek Florida DOT approval for the second traffic light. If the second proposed traffic signal meets the warrants and is approved by Florida DOT, then the Developer or CDD shall, at their expense, install the second traffic light subject to the DOT permit and conditions. If the traffic volumes or other conditions do not warrant the second traffic light and it is not approved by Florida DOT, then the Project may continue to proceed with additional expansions but the traffic signal warrant study shall be updated annually for at least three consecutive years thereafter, at Developer's or CDD's expense and Developer or CDD shall seek Florida DOT approval for the second traffic light. At the time the second traffic signal is approved by Florida DOT, the Owners, Developer, or CDD shall, at their expense, install the second traffic light subject to DOT permit and conditions. For both traffic lights, the Developer or CDD, at their sole cost, shall be responsible for the installation of an enhanced mast arm signalized interconnected intersection, as well as the laneage improvements necessary.

- b. For site access purposes at the proposed intersection of Solana Avenue and US 17-92 the western extension of Solana Avenue into the Project must not dead end into a commercial, residential or office development, and must connect, to an internal roadway which connects to either Bennett Avenue, Monroe Avenue or Lee Road. At the time of the traffic signal installation at Solana



Avenue, the Developer or CDD shall pay for the cost of the closure of all medians on US 17-92, with the exception of Dixon Avenue, from Park Avenue to Lee Road, subject only to FDOT approval for any median closure.

- c. For site access purposes at the proposed intersection of Bennett Avenue and Lee Road, the northern leg of this intersection must be realigned to connect and align with Executive Drive. The realigned roadway into the Project must not dead end into a commercial, residential or office development, and must connect to an internal roadway which connects to Monroe Avenue or US 17-92.
- d. The Developer or CDD must close the 11 existing private property curb cuts/driveways on US 17-92 or traffic signal warrant study must assume such closure.

Section 5. Development Conditions Regarding Private Buildings and the Property.

- a. The City and Owners agree to accept and be governed by the Orange County PD and Commercial Future Land Use designation(s) on the Property and the Orange County PD zoning designations and all other applicable provisions of the Orange County Land Development Code. The City and Owners agree to accept and be governed by the specific approvals of PD future land use and PD zoning, as have been granted by Orange County, including all waivers and conditions thereto which are included as a part of this Agreement as Exhibit "C".





city commission agenda item

item type	Action Items Requiring Discussion	meeting date	12/9/2019
prepared by	Planning	approved by	City Manager, City Attorney
board approval	final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development, Investment in Public Assets and Infrastructure, Public Health and Safety		

subject

Agreement for the realignment of Bennett Avenue with Executive Drive at Lee Road

Ravaudage Intersection Alignment Agreement

motion / recommendation

Staff recommends extending the agreement deadline as contemplated in the Development Order by 90 days for the agreement, design documents and construction.

background

As outlined in the Ravadauge Development Order, originally approved in 2011 and subsequently modified several times with the last revised Development Order approved in 2018, the developer of Ravadauge is required to realign Bennett Avenue to align with Executive Drive at the Lee Road intersection and to install a traffic signal, once warranted by the volume of traffic created by the build out of the Ravadauge development. The original reasoning for this realignment and signal was to provide access for the development and to also provide the ability to safely cross Lee Road in a vehicle. The proposed intersection would also better utilize and interconnect the existing road network south of Lee Road in order to provide improved traffic circulation and also offer multi-modal transportation opportunities. The current development order states that an agreement shall be in place by December 31, 2019 for this realignment. Attached is a draft agreement which defines the realignment of the roads and specifies that the realignment and intersection improvements shall be done at the expense of the developer.

The latest traffic signal warrant study performed in October 2019 shows a signal is not warranted yet however it anticipates one will be warranted when the proposed commercial and residential is constructed and occupied regardless of the office component. In order to protect the City should the signal not be warranted when the realignment is constructed, language is provided in the agreement to establish an escrow agreement for the future signal construction once warranted. It is our understanding that the developer has tried to develop an agreement with the property owner south of Lee Road to provide for the realignment of Executive to meet the existing Bennett Avenue alignment but has been unsuccessful to this date.

Much discussion and preliminary study has been performed for this realignment by the developer. Key points of discussion have been:

1. Is there a willingness by the City to contribute to the funding of this work realizing it could provide regional traffic benefit? There is a mechanism already in place for the city to reimburse the developer for a portion of the cost of new roadway infrastructure (Ravadauge roadway reimbursement agreements adopted ??). However, this realignment was not part of the agreement since it was contemplated to be a more complex construction project. Does the City consider additional mobility to the south a benefit worth funding?
2. Since Lee Road is a FDOT road, they control the permitting of intersections and signals, which leads to the question of what is permissible? Through preliminary discussion with FDOT, it appears they are willing to work outside their normal rigid guidelines for distances between signalized intersections and access points, however no formal plans have been developed and/or submitted for their review or permitting.
3. Would it be a better alternative to realign Executive Drive south of Lee Road to the existing Bennett Avenue since the median cut already exists and is further from the 17-92 signal to the east? It appears both FDOT and the developer would prefer this option as it maximizes the distance to both the eastbound directional access onto Lewis Drive and the 17-92 signalized intersection.
4. What is the disposition of the existing Bennett Avenue right-of-way if the road is realigned? Based on the original platting, if it were to be vacated, the western 30 feet would revert the Veterinary clinic located at 1601 Lee Road and the eastern 25 feet would revert to the developer, as these were the dimensions dedicated via the plats.
5. Are the residents of Gay Road and Executive Drive amenable to an increase in traffic which is all but guaranteed if a traffic signal be installed? The increase in traffic has not been quantified and would take further study/modelling to determine.

6. How is the known conflict with the Duke Energy transmission support pole to be handled? Several different costs have been obtained over the years to remove this guy pole ranging from \$100,000 to over \$300,000.

7. Is the new Bennett Avenue constructed in dedicated right-of-way or privately-owned land with a public access easement? This has been how several other new roads are handled initially, including Morgan Stanley Way. It is intended these roads will be dedicated to the City at a future date.

In order to fully develop these details, Staff recommends extending the agreement deadline as contemplated in the Development Order by 90 days for the agreement, design documents and construction.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description	Upload Date	Type
Draft Agreement	12/3/2019	Backup Material
Ravada DO	12/3/2019	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Briggs, Jeffrey	Approved	12/3/2019 - 1:50 PM
Planning	Stephenson, Bronce	Approved	12/3/2019 - 3:25 PM



city commission agenda item

item type	Public Hearings	meeting date	12/9/2019
prepared by	City Clerk	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of the Sydgan Corp. for:

Conditional Use approval to add a third story onto the existing two-story garage and guest house building to the rear of the three-story building at 411 West New England Avenue, zoned C-2. (2nd public hearing)
(Per Section 58-75(c)(3) of the City Code, requests for buildings with a third floor and up to 40 feet in height within C-2 zoning require two public hearing approvals by the City Commission)

motion / recommendation

Recommendation by staff and the P&Z Board for approval of the Conditional Use request.

background

This is a Conditional Use request that seeks to add a third story onto the existing two-story garage and guest house building to the rear of the three-story building located at 411 West New England Avenue, which is zoned C-2.

Project Description

The 411 West New England Avenue property measures 6,500 square feet in size. The property's current C-2 zoning allows for a 200% Floor Area Ratio (FAR). The existing square footage of the three and two story buildings on the property measures 9,072 square feet (FAR of 139%), and with the 616 square foot third-story addition, brings the total square footage of property to 9,688 square feet (FAR of 149%). The addition creates no new parking impact as it is part of the residence on the third floor of the 411 Building.

Compatibility with the Surroundings

There are several other three story buildings in this immediate vicinity including the 411 Building out front and others at 425 West New England, 444 West New England and 433 West New England Avenue. In this location behind the 411 building, this addition will not be visible from the street.

Summary

This third floor addition meets the Zoning Code setbacks and FAR. It creates no new impervious surface or parking impact. It is compatible with other three story

buildings in the immediate proximity.

Minutes from the November 5, 2019 P&Z Board Meeting:

- **CU #19-11 Request of The Sydgan Corp. For: Conditional Use Approval to add a third-story onto the existing two-story garage and guest house building to the rear of the three-story building at 411 West New England Avenue, Zoned C-2.**

Senior Planner Allison McGillis read the staff report and explained that the item was a Conditional Use request to add a third story onto the existing two-story garage and guesthouse building in the rear of 411 West New England Avenue, which is, zoned C-2. She stated that all third stories whether an addition or new building in the Hannibal Square district require a Condition Use.

Mrs. McGillis stated that the addition measured 616 square feet in size and provided a map indicating where the addition would be located. She explained that the addition would be internal to the block and only visible from the eastern side of S. Virginia Avenue. She noted the entire property measures 6,500 square feet in size and its C-2 zoning allows for a 200% Floor Area Ratio (FAR). The existing buildings on the property currently have a Floor Area Ratio of 139% and with the 616 square foot addition; the total FAR would increase to 149%, which is still in the maximum allowable by code.

Mrs. McGillis provided exhibits of the floorplans of each of the stories in the back of the building outlining the third-story addition. She stated that the addition would be a den for the existing residence on the third story of the building and provided slides of existing views of the property and elevations of the proposed addition.

Mrs. McGillis summarized by stating that overall the request meets all of the code requirements, no variances were requested and no additional parking is needed for the addition since it was added on square footage for the third-story addition.

Staff recommendation was for approval.

There were no questions for Staff.

Applicant Dan Bellows, 411 West New England Avenue, Winter Park, FL addressed the Board explaining that the he is the property owner and the third floor of the building was his primary residence. Mr. Bellows stated that his family was expanding which was the reason for building the addition to his home. He noted one of the tenants (Dr. Trevisani) who rents the second floor of the building was present at the hearing who had expressed concerns with issues related to roofing construction previously done on the property. Mr. Bellows stated that he and the tenant (Dr. Trevisani) spoke prior to the hearing and he agreed, for the record, that they had negotiated days and times (Tuesdays, Thursdays and Saturdays) when Mr. Bellows could work on the construction of the addition and not impede Dr. Trevisani's business. Lastly, Mr. Bellows noted that he appreciated Dr. Trevisani's comments and he would work around the doctor's schedule.

Mr. Bellows then answered questions from the Board regarding views of neighbors and timeline for construction of the addition.

The Board heard public comment from:

Thomas Trevisani 1320 Bridgeport Drive, Winter Park FL addressed the Board. Dr. Trevisani thanked the Planning and Zoning Board for their service to the community and explained that he enjoyed having his practice located at the applicant's building. He recounted his experience during the roof repair and explained how it affected his practice. He explained that he had come to the hearing to get direction from the

Board, but after speaking with Mr. Bellows, believed that the construction of the addition would have minimal impact on his practice. He explained his concerns with needing unobstructed parking and access to the front door for his patients and stated that as long as he and Mr. Bellows agreed to a construction schedule, everything should be ok.

John Skolfield, 358 Vitoria Avenue, Winter Park, FL addressed the Board. He commended Mr. Bellows for his contributions to the development of New England Avenue and stated that he was in support of the request.

No one else from the public wished to speak. The public hearing was closed.

Mr. Bellows answered questions from the Board regarding ADA access during the construction on the addition. Mr. Bellows stated there would be no obstructions that would impede ADA accessibility during construction.

In addition, the Board asked Mr. Bellows if there would be a development agreement between himself and Dr. Trevisani. Mr. Bellows stated that Dr. Trevisani would be writing a letter to Mr. Bellows with his conditions and Mr. Bellows would then agree and sign the letter. The Board advised that a letter of agreement would protect both parties.

The Board agreed with Staff's recommendation.

Motion made by Christian Swann, seconded by Laura Turner, for Conditional Use approval to add a third-story onto the existing two-story garage and guest house building to the rear of the three-story building at 411 West New England Avenue, Zoned C-2.

The motion carried unanimously with a 7-0 vote.

[alternatives / other considerations](#)

N/A

[fiscal impact](#)

N/A

ATTACHMENTS:

Description

Backup Materials

Upload Date

11/13/2019

Type

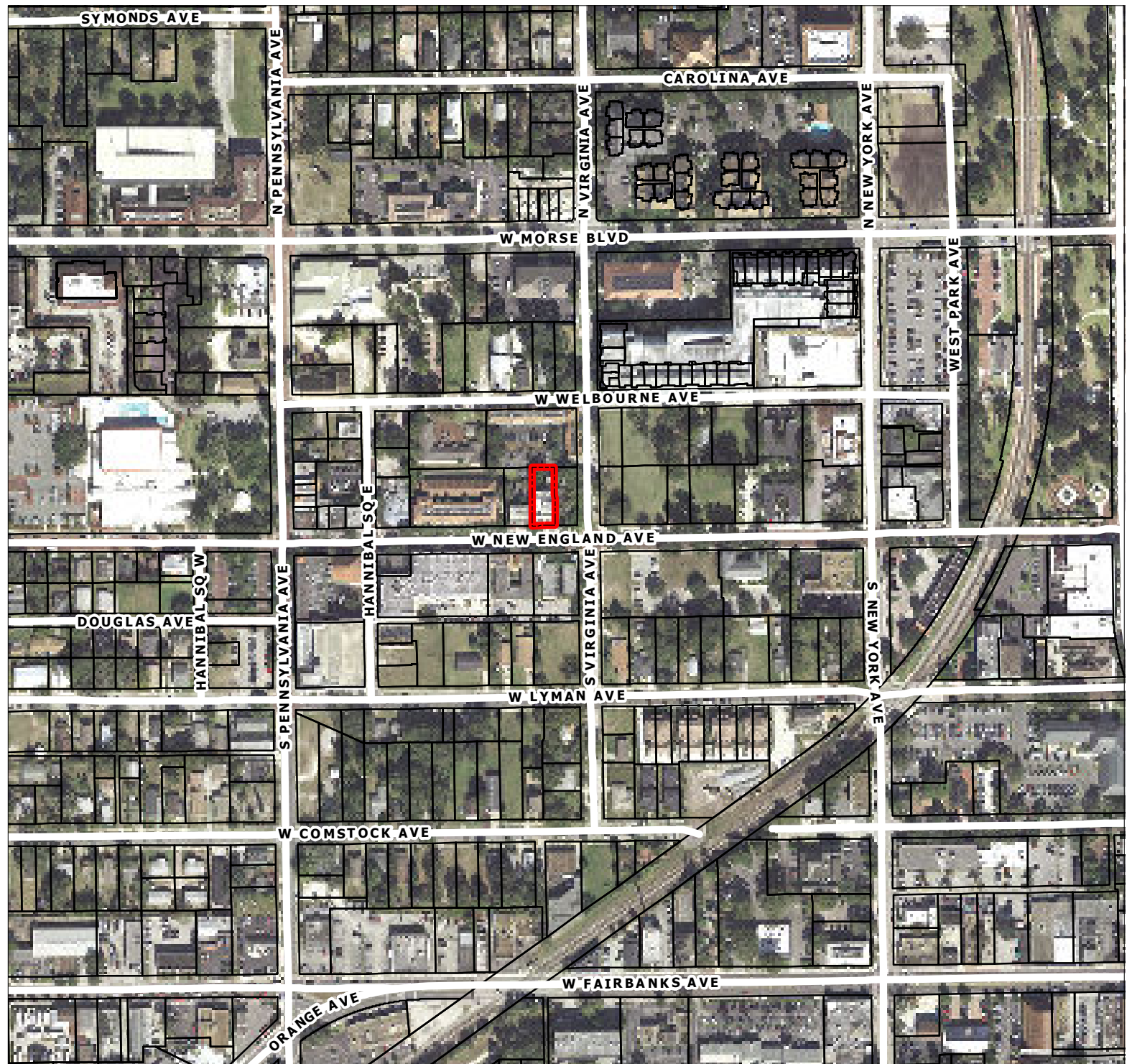
Backup Material



LOCATION MAP

411 W New England Ave

City of Winter Park
Florida



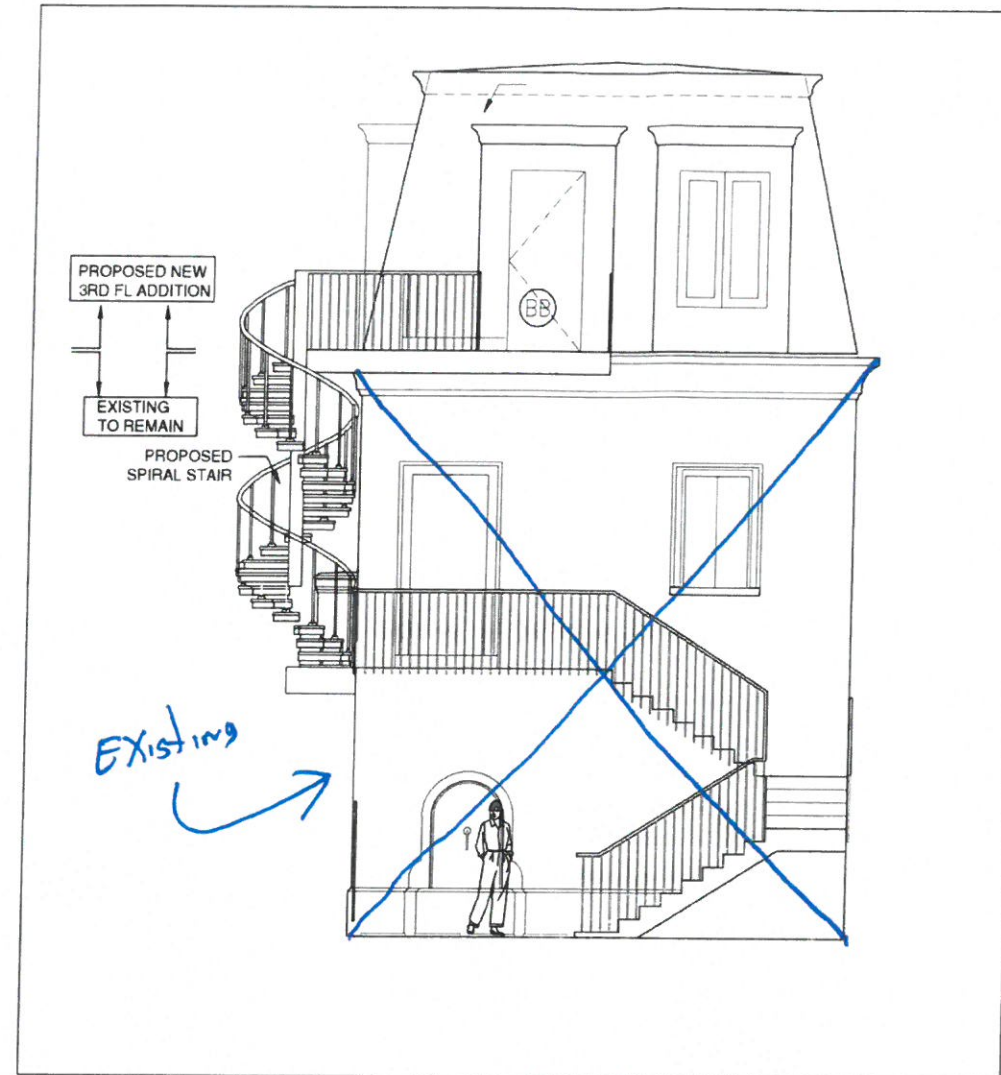


LOCATION MAP

411 W New England Ave

City of Winter Park
Florida





JOB: 411 W. New England Ave., GUESTHOUSE
Winter Park, Fla 32789

RE: 3RD FL Den Addition

OWNER
Winter Park Redevelopment Agency, Ltd - PO
Box 350
Winter Park, Fla 32790
407-644-3151

GENERAL CONTRACTOR
Sydgan Corporation - PO Box 350
Winter Park, Fla 32790
407-644-3151
CGC1522161

CONTACT:
Daniel B. Bellows
Sydgan Corporation
PO Box 350
Winter Park, Fla 32790
407-644-3151

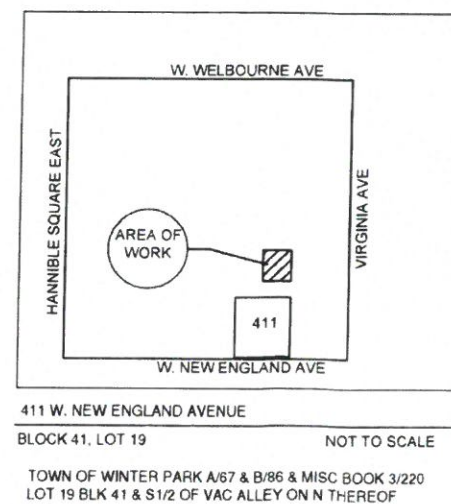
STRUCTURAL ENGINEER
BISHOP ENGINEERING
4776 NEW BROAD ST, SUITE 150
ORLANDO, FL 32814

T/ 407-622-2477
F/ 407-622-2479

FAR SCHEDULE:

LOT SIZE: 50' X 130' = 6500 SF
ZONING : C-2
ALLOWABLE FAR: 200% / 13,000 SF
EXISTING FAR: 9072 SF
PROPOSED ROOM ADDITION: 616 SF
TOTAL NEW FAR: 9688 SF

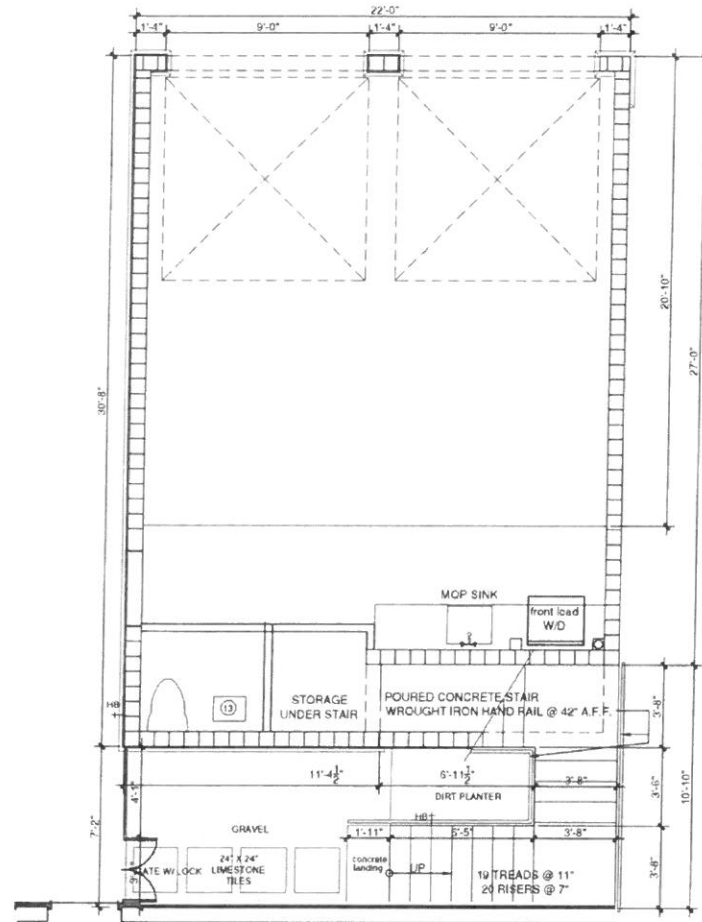
PARKING: NO INCREASE



411 GUESTHOUSE WEST NEW ENGLAND
REVISED 3RD FLOOR
WINTER PARK, FL 32790

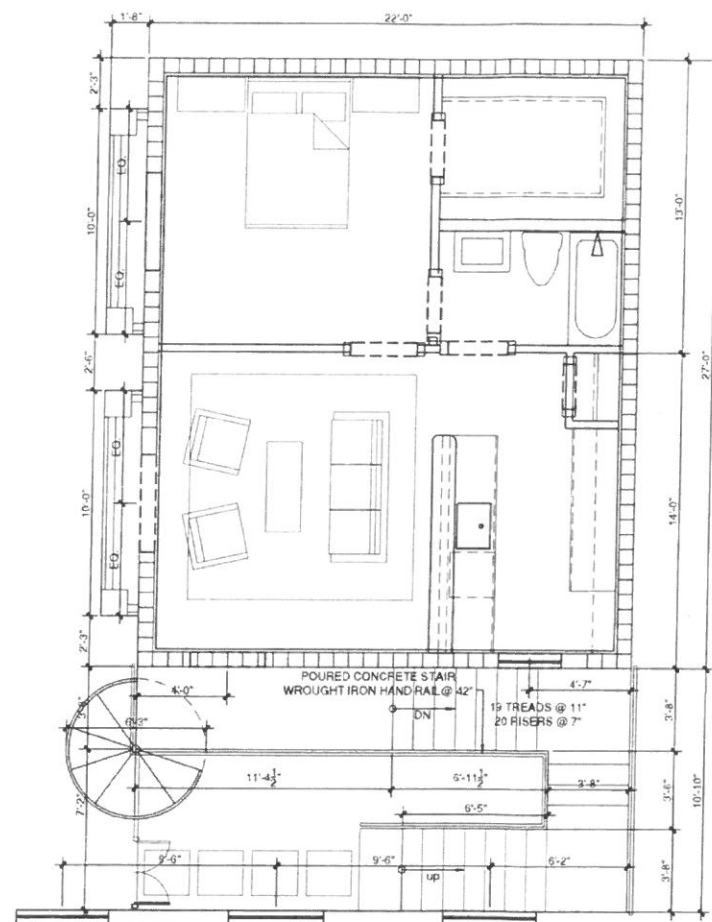
PRELIMINARY
NOT FOR
CONSTRUCTION

MOD DWG NO.	T/ 407.740.5585 SCALE: N/A	MO@MODinc.us		NO REVISIONS	
		DATE:	DATE:	DATE:	DATE:
CS	08-15-19				



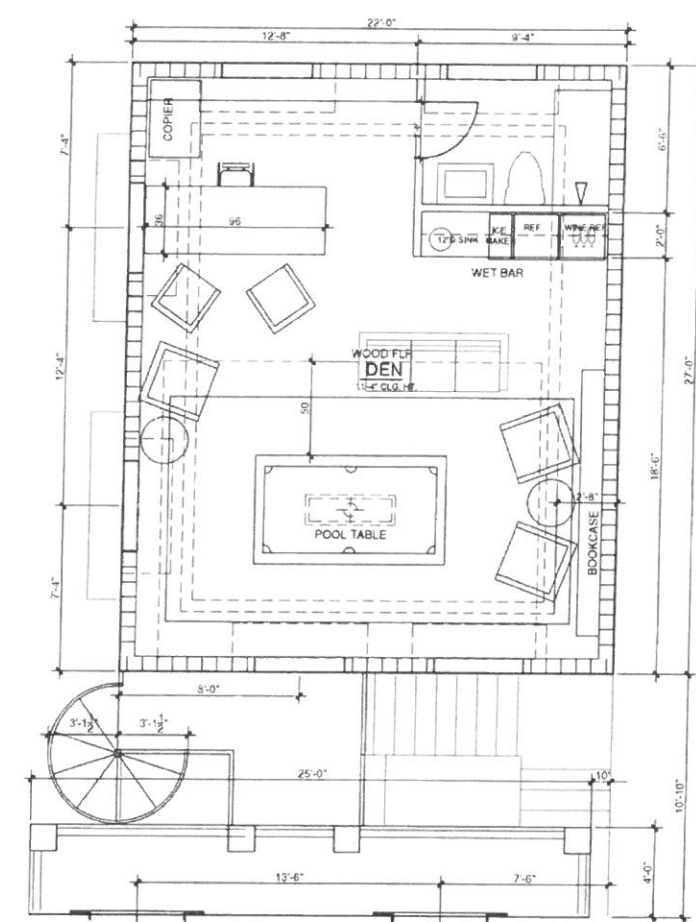
GROUND LEVEL PLAN EXISTING
1/8" = 1'-0"

1
A-1



2ND LEVEL PLAN EXISTING
1/8" = 1'-0"

1
A-1



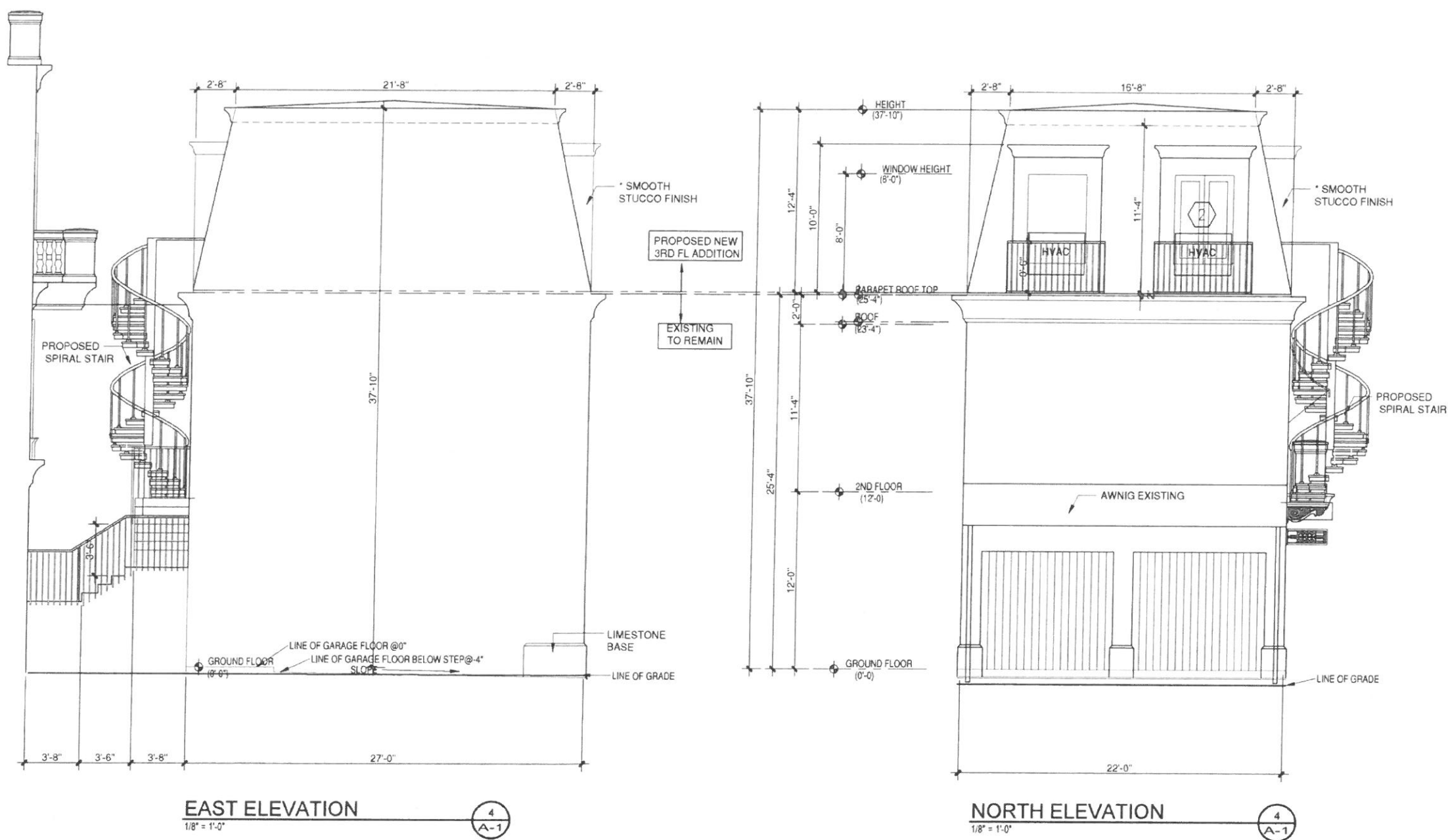
3RD LEVEL PLAN PROPOSED
1/8" = 1'-0"

1
A-1

411 GUESTHOUSE WEST NEW ENGLAND
REVISED 3RD FLOOR
WINTER PARK, FL 32790

PRELIMINARY
NOT FOR
CONSTRUCTION

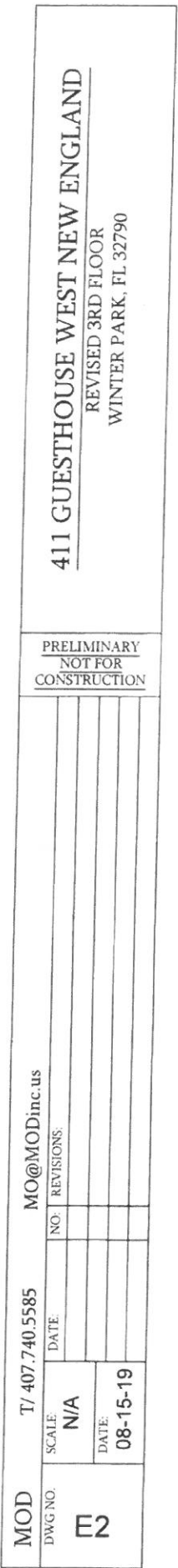
MOD	T/ 407.740.5585	MO@MODinc.us
DWG NO.	SCALE: N/A	DATE: 08-15-19
A1	NO REVISIONS	

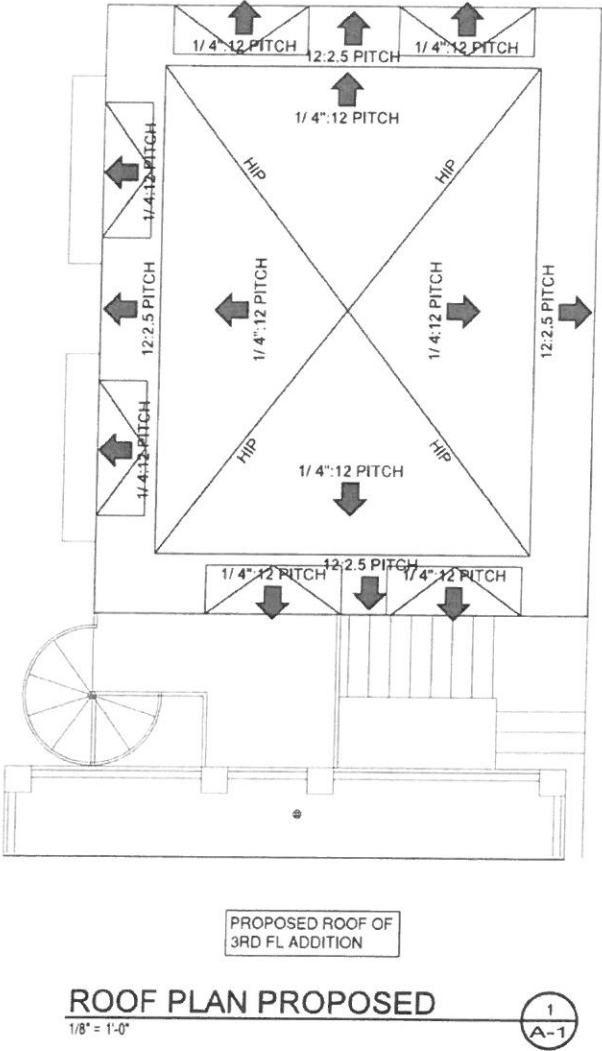


411 GUESTHOUSE WEST NEW ENGLAND
REVISED 3RD FLOOR
WINTER PARK, FL 32790

PRELIMINARY
NOT FOR
CONSTRUCTION

MOD	T/ 407.740.5585	MO@MODinc.us
DWG NO.	SCALE: N/A	DATE: 08-15-19
E1	NO. REVISIONS	

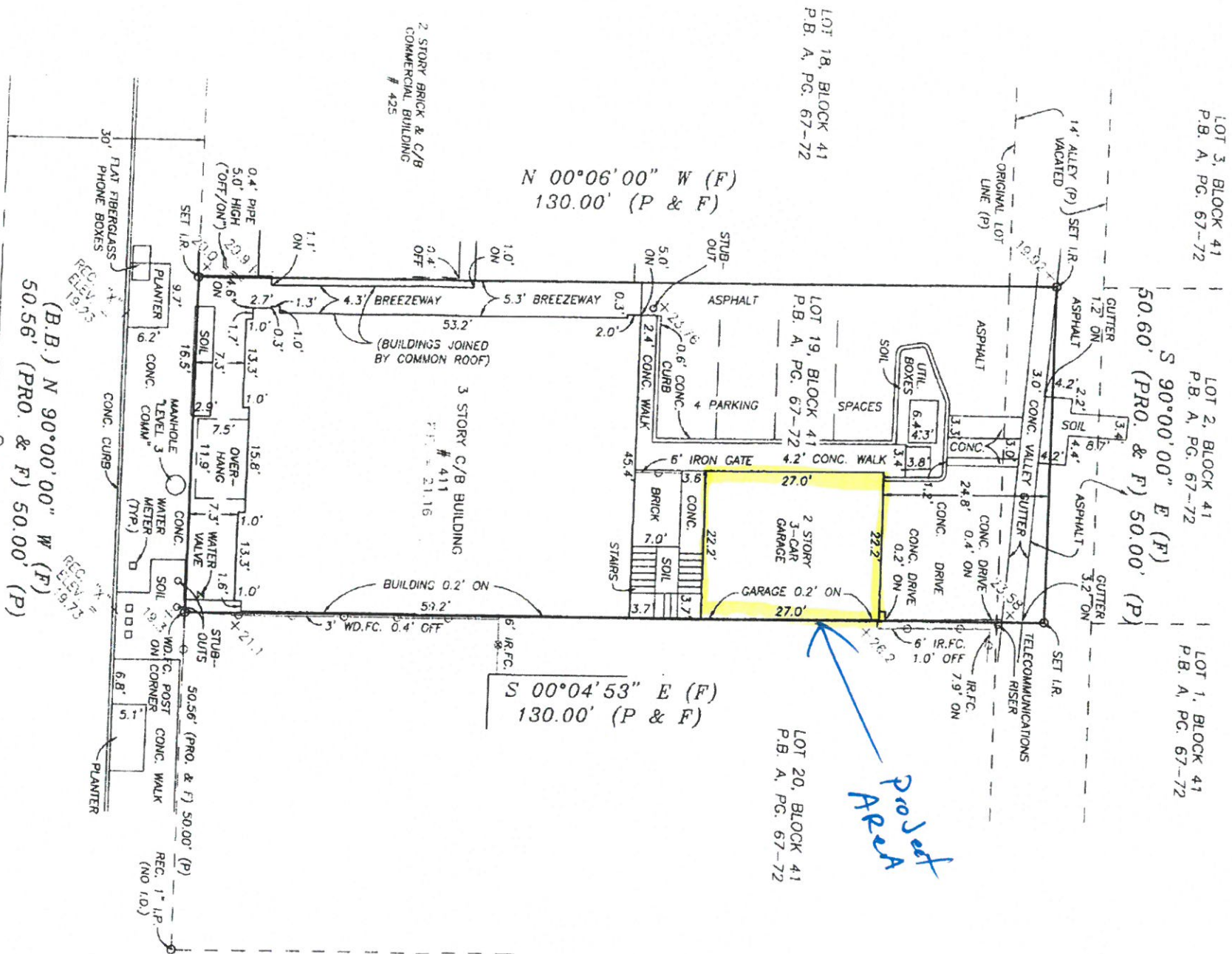




MOD		T/ 407.740.5585		MO@MODinc.us		411 GUESTHOUSE WEST NEW ENGLAND		
DWG NO. R1	SCALE		N/A		NO		REVISED 3RD FLOOR	
	DATE		08-15-19				WINTER PARK, FL 32790	
						<u>PRELIMINARY</u> <u>NOT FOR</u> <u>CONSTRUCTION</u>		

DESCRIPTION AS FURNISHED: Lot 19, Block 41, and the South 7 feet of vacated alley on the North of property, Orange County, Florida.

BOUNDARY SURVEY FOR / CERTIFIED TO: Winter Park Redevelopment Agency & Daniel B. Bellows; David Englet; Paradise Bank; Liberty Title; Old Republic National Title Insurance Co.



NEW ENGLAND AVENUE

60' R/W (P)

GRUSENMEYER-SCOTT & ASSOC., INC. - LAND SURVEYORS

- LEGEND -
- PLAT
 - FIELD LINE
 - IRON ROD
 - CONCRETE MONUMENT
 - 1/2" IR. #10 4596
 - RECOVERED
 - POINT OF BEGINNING
 - POINT OF COMMENCEMENT
 - CENTERLINE
 - RIGHT-OF-WAY
 - EXISTING
 - UNIMPAVED
 - CHALK LINE
 - WOOD FENCE
 - CONCRETE MONUMENT
 - POINT OF BEGINNING
 - POINT OF COMMENCEMENT
 - DESCRIPTION
- LEGEND -
- RADIUS
 - CHORD
 - CHORD BEARING
 - POINT ON LINE
 - POINT OF BEGINNING
 - POINT OF COMMENCEMENT
 - NON-RADIUS
 - WINNERS POINT
 - FINISHED FLOOR ELEVATION
 - CONCRETE
 - SET LINE & TACK
 - IRON ROD
 - IRON PIPE
 - IRON BOLT
 - IRON NAIL
 - PROBABLE

5400 E. COLONIAL DR. ORLANDO, FL. 32807 (407)-277-3232 FAX (407)-658-1436

NOTES: 1. THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO THE FLORIDA STATUTES.

2. UNLESS EMBOSSED WITH SURVEYOR'S SEAL, THIS SURVEY IS NOT VALID AND IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY.

3. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR. THERE MAY BE OTHER RESTRICTIONS.

4. NO UNDESIGNED IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.

5. THE SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.

6. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.

7. ELEVATIONS ARE BASED ASSUMED DATUM AND ON THE LINE SHOWN AS BASE BEARING (B.B.)

8. ELEVATIONS, IF SHOWN, ARE BASED ON NATIONAL GEODETIC DATUM OF 1929, UNLESS OTHERWISE NOTED.

9. CERTIFICATE OF AUTHORIZATION No. 4596.

CERTIFIED BY:

TOM X. GRUSENMEYER, R.L.S. #4714
JAMES W. SCOTT, R.L.S. #4801
VERNON H. BERRY JR., R.L.S. #6262

DATE: BOUNDARY SURVEY/ELEVATIONS 03/06/04

SCALE: 1" = 20'

DRAWN BY: JB et al

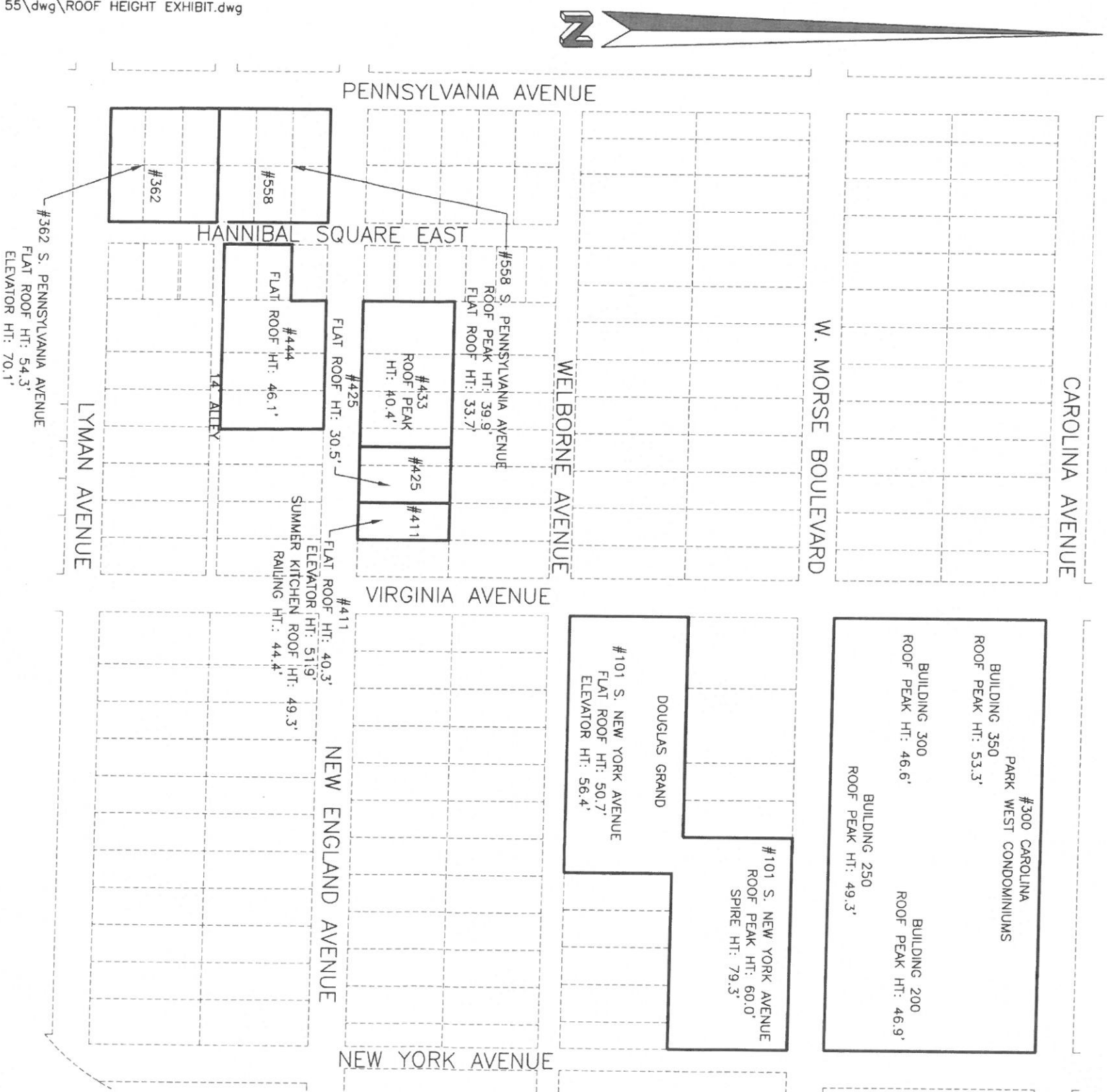
ORDER NO.

1849-04
2440-05
830-06

THIS BUILDING/PROPERTY DOES NOT LIE WITHIN THE ESTABLISHED 100 YEAR FLOOD PLANE AS PER "FIRM" ZONE X UNSHADED PANEL #120188 0230 E. 12/06/2000



EXHIBIT
BUILDING HEIGHTS
411 W. NEW ENGLAND AVENUE
WINTER PARK, FL 32789
(AND SURROUNDING AREA)
FOR
SYDGAN CORPORATION



LEGEND

HT	HEIGHT
#	ADDRESS

SURVEYOR'S NOTES:

1. This is not a survey.
2. The purpose of this exhibit is to show the height of the roofs and elevator shafts at the locations noted.
3. All addresses are on New England Avenue unless otherwise noted.

HLSN, LLC

Henrich-Luke-Swagerty-Menard

Licensed Business No. 7276
794 Big Tree Drive, Suite 108
Longwood, Florida 32750
P. (407) 647-7346
F. (407) 982-7166
Survey@HLSM.US

Job No: F-180
Field Date: 4/10/15
Drawn By: ADA
Scale: 1"=200'

THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

William F. Menard
Professional Surveyor & Mapper
Florida Registration #56625



city commission agenda item

item type	Public Hearings	meeting date	12/9/2019
prepared by	City Clerk	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of Chez Vincent and Hannibal's and the City of Winter Park for:

- An Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" Section 58-84 to provide for the same hours of sale of alcoholic beverages that exist within the City at-large to be applied within the New England Avenue portion of the Hannibal Square Neighborhood Commercial district. (2)
- An Ordinance amending Chapter 62, Division 2, Noise and Disturbance Control, providing for the same noise controls that exist within the Central Business District to be applied within the Hannibal Square Neighborhood Commercial district. (2)

motion / recommendation

Recommendation by staff to approve the Ordinances as presented.

background

Staff has revised the Ordinances in response to the action to table on October 28th. Now these two ordinances are intended to provide consistency on Park Avenue and New England Avenue by establishing the same hours of alcoholic beverage sale and consumption and the same rules for noise control.

As discussed previously, in 1995/1996 when the CRA evolution of New England Avenue, there was a serious concern about the impact that new bars and restaurants might have on the surrounding residential homes and apartments. The goal of the CRA was to establish a "restaurant district" but the City did not want New England Avenue to become a "bar and nightclub district". To ensure that outcome, the City established earlier closing hours for New England Avenue and the rest of the Hannibal Square Neighborhood Commercial district. Those hours are closing at 11:00 pm on Sunday thru Thursday and 12:00 Midnight on Friday and Saturday nights. The rules in the Central Business District and everywhere else in the City are closing at 2:00 am except for 12:00 Midnight on Sundays. This earlier closing hours has been a source of frustration for restaurants on New England Avenue that have operated within the area that cannot host later evening dinners or special events and

have customers that leave to go to Park Avenue, where the rules allow for later hours of operation.

In the 1980's, a problem of live music existed along Park Avenue with bands playing late at night that were disturbing to the guests at the Park Plaza Hotel and nearby residential properties. The solution was to adopt noise controls for the Central Business District that create a violation after 10:00 pm if one can hear the sound of live music 50 feet away from an establishment. Those established conditions have adequately addressed the issues that once existed along Park Avenue.

The Ordinances establish consistency in two ways. One Ordinance would establish the same hours of alcoholic beverage sale and consumption that exist in the Central Business District to also apply on the New England Avenue portion of the Hannibal Square Neighborhood Commercial district, which is until 2:00 AM, and 12:00 AM on Sundays. The second Ordinance establishes the same cut-off hours of 10:00 pm for live music.

These regulations have worked well along Park Avenue to maintain the primary focus as a "restaurant district" and not as a "bar/nightclub district". The same then will be the case on New England Avenue in the Hannibal Square Neighborhood Commercial district.

There was no "promise" that the hours of sale would be changed after one year. It was agreed that the hours could be revisited after one year after the "one year probation" but the reason the shorter hours have remained in place since 1995 was that no one wanted the live music at Dexter's to be heard by residents until 2:00 am. Now that Dexter's has closed and moved to Ravaudage, it opens up the opportunity for consistency of the hours city-wide. Provided that there are adequate controls on noise.

Mr. Barnes has asked that the City Commission to consider making that 10:00 pm cut-off apply in all residential areas. In that way if there were a party with music playing that was bothersome and people could not sleep, the music could be ended at 10:00 pm versus now only at 11:00 pm. Another option is to have a 10:00 pm cut-off for any outdoor music/live bands city-wide since those are the instances that generate complaints affecting many homes.

The Police Dept. will enforce whatever rules the City Commission establishes for other residential areas city-wide. However, the Police Dept. does expect some increase in calls if officers must respond an hour earlier after 10:00 pm city-wide versus after 11:00 pm now. These are difficult calls due to the nature of call, multiple people on scene and often uncooperative hosts.

Parties/music inside residences is typically not what generates calls to the Police. It is outdoor music from bands or music systems that generates the calls to the Police since they affect a much wider number of homes. An alternative is to have a 10:00 pm cut-off for outdoor music. Then the Police can ask that the party and music move indoors.

alternatives / other considerations

N/A

fiscal impact

N/A

ATTACHMENTS:

Description	Upload Date	Type
Ordinance - Hours for Sale of Alcoholic Beverages	11/19/2019	Backup Material
Ordinance for Noise Control	11/19/2019	Backup Material

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-84 "GENERAL PROVISIONS FOR NONRESIDENTIAL ZONING DISTRICTS" AND CHAPTER 10 "ALCOHOLIC BEVERAGES" SECTION 10-33 "HOURS DURING WHICH SALES, CONSUMPTION AND SERVICE ARE PROHIBITED" SO AS TO ESTABLISH UNIFORM HOURS OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON NEW ENGLAND AVENUE AS CURRENTLY ARE IN PLACE CITY-WIDE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the hours of sales and consumption of alcoholic beverages and the hours of live music at venues located nearby residential homes and apartments can affect the livability and peaceful enjoyment of those residential neighbors; and

WHEREAS, the City recognizes that providing for uniform hours for the sale and consumption of alcoholic beverages and for the control of noise city-wide in the equitable manner in which to protect the public health, safety and general welfare.

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

SECTION 1: Recitals. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION 2: Amendment to Section 58-84. That Chapter 58 "Land Development Code", Article III "Zoning", Section 58-84 "General Provisions", of the City of Winter Park Code of Ordinances is hereby amended to delete subsection (x) of Section 58-84 in its entirety as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Section 58-84. General Provisions for Nonresidential Zoning Districts.

(x) Restaurant, bar, tavern, lounge; conditional uses in the Hannibal Square neighborhood. The city has established that restaurants, bars, taverns or lounges, in the Hannibal Square Neighborhood Commercial District located on Morse Boulevard or on Pennsylvania Avenue north of Morse Boulevard, shall be limited in the hours of sale and consumption of alcoholic beverages due to the proximity of residential homes and apartments and the related problems of nighttime activity and noise generated by these establishments and their customers outside the establishments. This restriction shall be in effect within the geographic area of the Hannibal Square neighborhood bounded by Denning Drive, Comstock Avenue, New York Avenue and Webster Avenue. The restriction shall limit the hours of sale and consumption of alcoholic beverages to no later than 11:00 p.m. on Sundays through Thursdays and no later than 12:00 a.m. (midnight) on Fridays and Saturdays, except for New Year's Eve when the hours are extended until 1:00 a.m.

SECTION 3. Amendment to Section 10-33. That Chapter 10 "Alcoholic Beverages", Section 10-33 "Hours during which sales, consumption and service are prohibited" of the Code of Ordinances is hereby amended to delete subsection (j) of Section 10-33 in its entirety as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Sec. 10-33. - Hours during which sales, consumption and service are prohibited.

(j) The city has established that restaurants, bars, taverns and cocktail lounges located on Morse Boulevard or on Pennsylvania Avenue, north of Morse Boulevard, in the Westside neighborhood shall be limited in the hours of sale and consumption of alcoholic beverages due to the proximity of churches, residential homes and apartments and the related problems of nighttime activity and noise generated by these establishments. ~~This restriction shall be in effect within the geographic area of the Westside community bounded by Denning Drive, Comstock Avenue, New York Avenue and Webster Avenue.~~ The restriction shall limit the hours of sale and consumption of alcoholic beverages to no later than 11:00 p.m. on Sundays through Thursdays and no later than 12:00 a.m. (midnight) on Fridays and Saturdays.

SECTION 4. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 5: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 6: CODIFICATION. Sections 2 and 3 of this Ordinance shall be codified and made a part of the City of Winter Park Code of Ordinances, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 7: This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

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 _____, 2019.

Mayor Steve Leary

ATTEST:

Rene S. Cranis, City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 62, "OFFENSES AND MISCELLANEOUS PROVISIONS" WITHIN DIVISION 2, "NOISE AND DISTURBANCE CONTROL", SECTION 62-98, PROVIDING FOR THE SAME NOISE CONTROLS THAT EXIST WITH THE CENTRAL BUSINESS DISTRICT TO ALSO APPLY WITH THE HANNIBAL SQUARE NEIGHBORHOOD COMMERCIAL DISTRICT AND TO CLARIFY EXISTING LANGUAGE; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the hours of live music and other amplified sounds at venues located nearby residential homes and apartments can affect the livability and peaceful enjoyment of those residential neighbors; and

WHEREAS, the City recognizes that providing for uniform hours for certain types of live music and other noise and sounds for the control of noise in an equitable manner for both the Central Business District and the Hannibal Square Neighborhood Commercial District is in the best interests of the public and residents in order to protect the public health, safety and general welfare.

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

SECTION 1: Recitals. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION 2: Amendment. That Chapter 62 "Offenses and Miscellaneous Provisions", Division 2 "Noise and Disturbance Control, Section 62-98 of the City of Winter Park Code of Ordinances is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Chapter 62. Offenses and miscellaneous provisions.

Sec. 62-98. –Central business district and Hannibal Square Neighborhood Commercial District.

(a) The regulations of this section apply within the Central Business District and Hannibal Square Neighborhood Commercial District. As used in this section, the "Central Business District" shall have the same meaning as defined within the maps of the Central Business District adopted in the Definitions section of the Comprehensive Plan of the city, Article I, Chapter 58 and is generally is defined as that part of the city bordered by Webster Avenue on the north, Interlachen Avenue on the east, Fairbanks Avenue on the south and New York Avenue on the west and that part of the city zoned central business (C-2) district. As used in this section, the "Hannibal Square Neighborhood Commercial District" shall have the same meaning

as defined within the maps of the Hannibal Square Neighborhood Commercial District adopted in the Definitions section of the Comprehensive Plan of the city, Article I, Chapter 58 and is generally that part of the city fronting on New England Avenue, Hannibal Square, Morse Boulevard and Pennsylvania Avenue.

(b) It shall be unlawful for any person operating or occupying a motor vehicle on a street or highway between the hours of 10:00 p.m. and 7:00 a.m. to operate or amplify the sound produced by a radio, tape player, or other mechanical sound making device or instrument from within the motor vehicle so that the sound:

(1) Is plainly audible to a reasonably prudent person of ordinary sensibilities on a public street or highway within the Ceentral Bbusiness dDistrict or within the Hannibal Square Neighborhood Commercial District but outside the motor vehicle in which the sound is created;

(2) Is plainly audible to a reasonably prudent person of ordinary sensibilities within a hotel or restaurant located within the Ceentral Bbusiness dDistrict or within the Hannibal Square Neighborhood Commercial District; or

(3) Is at a level that equals or exceeds 50 dBA measured at the property line of the recipient of such sound.

(c) It shall be unlawful for any person on a public street or highway between the hours of 10:00 p.m. and 7:00 a.m. to operate or amplify the sound produced by a radio, tape player, or other mechanical sound making device or instrument so that the sound:

(1) Is plainly audible to a reasonably prudent person of ordinary sensibilities within a hotel or restaurant located within the Ceentral Bbusiness dDistrict or within the Hannibal Square Neighborhood Commercial District; or

(2) Is at a level that equals or exceeds 50 dBA measured at the property line of the recipient of such sound.

(d) If a sound prohibited in subsection (b) of this section is created within a motor vehicle, the driver and each passenger shall be presumed to have individually and collectively used, operated or maintained such sound amplification device in violation of this section.

(e) It shall be unlawful for any person, business or establishment between the hours of 10:00 p.m. and 7:00 a.m. to provide musical entertainment in such manner as to create a plainly audible sound to a reasonably prudent person of ordinary sensibilities or detectable vibration that:

(1) Unreasonably disturbs the peace;

(2) Can be heard or felt at a distance of 50 feet from the building or structure in which such musical entertainment is located;

(3) Can be heard or felt inside any residential occupancy within another building or any tenant space within the same building; or

(4) Is in excess of 50 dBA as measured with a sound level meter inside any receiving property.

(f) A violation of any provision of this section shall be classified as a class II violation. Each successive repeated violation of this section shall be subject to a civil

penalty for the next higher violation classification. For example, a first violation of this section will be fined as a class II violation, a second violation will be fined as a class III violation, and so on. Nothing shall prohibit the city from enforcing this section by any other means. Further, the city commission shall have the right to revoke or suspend the permission for any musical entertainment for a period of time to be determined by the city commission in the case of repeated violations of this section.

(g) Exempted from the prohibitions of this section is the use of sound amplification devices in connection with the use of emergency, fire, police and ambulance vehicles, railway locomotives or railway crossing warning devices, emergency warning systems, and theft alarms, as well as the use of horns or other warning devices required by F.S. § 316.271 when necessary to ensure safe operation of the motor vehicle to which the horn or device is attached. Also exempted from this section is the use of sound amplification devices in connection with an event sanctioned by prior resolution or approval of the city commission or for which a special permit has been issued by the city, and the event has been given specific authority to produce sound amplification or noise within the scope of the permit.

SECTION 3. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 5: CODIFICATION. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Code or Ordinances, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

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 _____, 2019.

Mayor Steve Leary

ATTEST:

Rene Cranis, City Clerk