Meeting Called to Order

Invocation
Reverend Alison Harrity, St. Richards Episcopal Church
Pledge of Allegiance

Approval of Agenda

Mayor’s Report

*Projected Time
*Subject to change
<table>
<thead>
<tr>
<th>5</th>
<th>City Manager’s Report</th>
<th>*Projected Time</th>
<th>*Subject to change</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>6</th>
<th>City Attorney’s Report</th>
<th>*Projected Time</th>
<th>*Subject to change</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>7</th>
<th>Non-Action Items</th>
<th>*Projected Time</th>
<th>*Subject to change</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>8</th>
<th>Citizen Comments</th>
<th>5 p.m. or soon thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting)</td>
<td>10 minutes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9</th>
<th>Consent Agenda</th>
<th>*Projected Time</th>
<th>*Subject to change</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Approve the minutes of October 27, 2014.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td>Approve the following Blanket Purchase Orders (BPO), purchases, and formal solicitations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>BPO to Duke Energy for FY15 Transmission pursuant to Duke Energy Tariff, $1,855,000.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>BPO to ENCO Utilities Services for FY15 O&amp;M Electric Utility; $3,000,000.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>BPO to Gainesville Regional Utilities (GRU) for FY15 Bulk Power Supply; ITN-13-2013; $3,220,000.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>BPO to HDD of Florida for FY15 City-wide underground projects; IFB-8-2014; $800,000.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>BPO to Heart Utilities of Jacksonville for FY15 City-wide underground projects; IFB-8-2014 &amp; Jacksonville Beach Contract No. 1213-03; $1,700,000.</td>
<td></td>
<td>5 minutes</td>
</tr>
<tr>
<td>9.</td>
<td>BPO to Seminole Cooperative, Inc. for FY15 Bulk Power Supply purchases; ITN-33-2010; $2,429,000.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>BPO to Brown, Garganese, Weiss &amp; D’Agresta for City Attorney; RFP-21-2009; $345,000.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Purchase Order to Environmental Products of Florida for a 2015 KW Vactor RD Sewer Combo Truck; $343,108.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Purchase Order to Stuart C. Irby Company for Source Trans PME Padmount Switchgears; $130,991.84.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Award to A Budget Tree Service, Inc.; RFQ-25-2014, Tree Removal Services Dead/Diseased/High Risk; authorize the Mayor to execute the contract and approve all subsequent purchase orders.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
14. **Award to Copytronics Information Systems; RFQ-26-2014, Copier Equipment and Services; and authorize the Mayor to execute the contract and approve all subsequent purchase orders; $135,000.**

   c. **Cancel the December 22, 2014 Commission meeting due to the holidays.**
   
   d. **Approve the amendment to the parking easement agreement with BFC Park Avenue, LLC for the Welbourne Avenue/Center Street compactor site.**

### 10 Action Items Requiring Discussion

<table>
<thead>
<tr>
<th>Projected Time</th>
<th>Subject to change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td></td>
</tr>
</tbody>
</table>

#### 11 Public Hearings

<table>
<thead>
<tr>
<th>Projected Time</th>
<th>Subject to change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td></td>
</tr>
<tr>
<td>d.</td>
<td></td>
</tr>
<tr>
<td>e.</td>
<td></td>
</tr>
<tr>
<td>f.</td>
<td></td>
</tr>
<tr>
<td>g.</td>
<td></td>
</tr>
</tbody>
</table>

#### a. **Ordinance** – Authorizing the conveyance of the City owned property located at 300 North Pennsylvania Avenue (2)

#### b. **Request of Jewett Orthopedic Clinic:**

- **Ordinance** – Vacating a utility easement at 1245 Orange Avenue (1)

#### c. **Request of DePugh Nursing Home:**

- **Ordinance** – Vacating a utility easement at 500 W. Morse Boulevard (1)

#### d. **Ordinance** – Amending the FY14 adopted budget (1)

#### e. **Resolution** – Supporting the proposed “All Aboard Florida” Intercity passenger rail service between downtown Miami and the Orlando International Airport

#### f. **Resolution** – Approving an amended and restated development order for the Ravaudage development

#### g. **Request of Benjamin Partners, Ltd. and American Land Ventures, Inc.:**

- Approval of setback amendments for the fifth and sixth floors of the proposed six story, 296 unit apartment project to be located 2’ 2” into the required street setback on Bennett Avenue and 10’ 2” into the required setback on Loren Avenue.
**12 City Commission Reports**

| a. Commissioner Leary                      | *Projected Time* |
| b. Commissioner Sprinkel                  | *Subject to change* |
| c. Commissioner Cooper                    | 10 minutes each |
| d. Commissioner McMacken                  |                    |
| e. Mayor Bradley                          |                    |

**appeals & assistance**

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

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

<table>
<thead>
<tr>
<th>issue</th>
<th>update</th>
<th>date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quiet Zones</td>
<td>State funds approved for grant disbursement. City submitted grant applications for City quiet zones on July 23, 2014. Applications deadline to State was October 15, 2014.</td>
<td></td>
</tr>
<tr>
<td>Fairbanks electric transmission and distribution undergrounding</td>
<td>Engineering cost estimates have been completed indicating that the project can be completed within FDOT’s available funding. Contracts among Duke, the City, and FDOT are currently in negotiation.</td>
<td>City Commission action expected November/December 2014.</td>
</tr>
<tr>
<td>New Hope Baptist Church Project</td>
<td>Construction on the site has continued with pouring concrete drives, parking area and stormwater retention area. Pastor John Phillips is pursuing licensing for the day care and school through DCF and obtaining required certifications for staff.</td>
<td>Approved Conditional Use will expire in September 2015.</td>
</tr>
<tr>
<td>Railroad crossing update</td>
<td>FDOT maintains all crossings. Winter Park provides priorities based on existing condition.</td>
<td>Ongoing.</td>
</tr>
</tbody>
</table>

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.
General Fund

Below is an analysis of General Fund revenue projections for FY 2014 (preliminary financial report):

<table>
<thead>
<tr>
<th></th>
<th>Adjusted Budget</th>
<th>Projected Variance</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property taxes</td>
<td>14,680,681</td>
<td>(100,000)</td>
<td>Variance is due to more early payment discounts and valuation adjustments</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>than anticipated when the FY 2014 budget was put together</td>
</tr>
<tr>
<td>Franchise fees</td>
<td>1,118,000</td>
<td>18,000</td>
<td></td>
</tr>
<tr>
<td>Utility taxes</td>
<td>6,830,400</td>
<td>(180,000)</td>
<td>Communications services tax revenue continues to decrease each year</td>
</tr>
<tr>
<td>Business license tax</td>
<td>476,500</td>
<td>19,000</td>
<td></td>
</tr>
<tr>
<td>Building permits</td>
<td>1,463,194</td>
<td>870,000</td>
<td>Increased construction activity has improved fee permit revenues</td>
</tr>
<tr>
<td>Other licenses &amp;</td>
<td>26,000</td>
<td>(4,000)</td>
<td></td>
</tr>
<tr>
<td>Intergovernmental</td>
<td>6,341,648</td>
<td>155,000</td>
<td>Sales tax revenue has continued to improve</td>
</tr>
<tr>
<td>Charges for services</td>
<td>5,179,450</td>
<td>350,000</td>
<td>Fire inspection fee revenues are up as a result of the increased</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>construction activity</td>
</tr>
<tr>
<td>Fines and forfeitures</td>
<td>1,294,150</td>
<td>(175,000)</td>
<td>Traffic fines are less than projected</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>571,607</td>
<td>135,000</td>
<td>Market values of the investment portfolio have improved nicely after</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>falling dramatically in the prior year. The City continues to follow a</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>“buy and hold” investment strategy and does not anticipate being</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>negatively impacted by the up and down movement of market values.</td>
</tr>
<tr>
<td>Transfers from other</td>
<td>8,573,917</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>funds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>46,555,547</td>
<td>1,088,000</td>
<td></td>
</tr>
</tbody>
</table>

The projections above reflect some estimates for revenues to be received in the November time frame but should be very close to final. Also, not all expenses have been accrued. Some September bills will not be received until November.

Community Redevelopment Agency Fund

The CRA was credited with tax increment revenue from both the City and County in December.

Charges for services revenue is primarily associated with the ice rink.
$543,693 of the transfers out number is to move property owner share of savings associated with the Orange Avenue project to the Debt Service Fund where it is being used to reduce annual assessments to the property owners for the project. Assessments to property owners go through 2028.

**Water and Sewer Fund**

Water sales in terms of thousands of gallons were about 3.2% below our forecast. This translates to our revenues being projected to be about 1.5% below our budget estimates. Budgetary spending savings will be adequate to cover this projected shortfall.

The bottom line preliminarily reflects a positive $1,929,845 and debt service coverage is projected to be a strong 1.93 for the fiscal year.

**Electric Services Fund**

Electric sales in kWh were about 3% ahead of last year.

Fuel costs were under-recovered by about $160,000 for FY 2014. The balance in our fuel cost stabilization fund at September 30, 2014 was $540,000 which is within our target range of $500,000 - $900,000.

Annualized sales in terms of both kWh and dollars take into consideration the seasonality of electric sales.

Projected net change in working capital for the fiscal year is ($146,669). This is far better than the budgeted decrease of ($2,971,351). The large reduction budgeted was due to the rollover of unspent undergrounding funds from the prior fiscal year.

Debt service coverage is projected to be a strong 2.62 for the fiscal year.

**Investment Report**

This two page report summarizes the City’s cash and investment holdings as of September 30, 2014. The overall portfolio has a blended rate of return of 1.36% and the average maturity of investment securities held was 4.27 years. All investment holdings were within the parameters of the City’s current Investment Policy as of September 30, 2014.
The City of Winter Park, Florida  
Monthly Financial Report - Budget vs. Actual  
General Fund  
Fiscal YTD September 30, 2014 and 2013  
100% of the Fiscal Year Lapsed

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Tax</td>
<td>$14,579,748</td>
<td>$14,680,681</td>
</tr>
<tr>
<td>Franchise Fees</td>
<td>1,136,721</td>
<td>1,136,721</td>
</tr>
<tr>
<td>Utility Taxes</td>
<td>6,649,952</td>
<td>6,649,952</td>
</tr>
<tr>
<td>Occupational Licenses</td>
<td>495,399</td>
<td>495,399</td>
</tr>
<tr>
<td>Building Permits</td>
<td>2,336,576</td>
<td>2,336,576</td>
</tr>
<tr>
<td>Other Licenses &amp; Permits</td>
<td>709,079</td>
<td>709,079</td>
</tr>
<tr>
<td>Charges for Services</td>
<td>5,528,481</td>
<td>5,528,481</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>709,079</td>
<td>709,079</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>39,074,395</td>
<td>39,074,395</td>
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<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>City Commission</td>
<td>20,044</td>
<td>20,044</td>
</tr>
<tr>
<td>Legal Services - City Attorney</td>
<td>386,159</td>
<td>386,159</td>
</tr>
<tr>
<td>Legal Services - Other</td>
<td>26,119</td>
<td>26,119</td>
</tr>
<tr>
<td>Lobbyists</td>
<td>86,543</td>
<td>86,543</td>
</tr>
<tr>
<td>City Management</td>
<td>517,266</td>
<td>517,266</td>
</tr>
<tr>
<td>City Clerk</td>
<td>238,321</td>
<td>238,321</td>
</tr>
<tr>
<td>Information Technology Services</td>
<td>1,167,673</td>
<td>1,167,673</td>
</tr>
<tr>
<td>Finance</td>
<td>841,456</td>
<td>841,456</td>
</tr>
<tr>
<td>Human Resources</td>
<td>296,567</td>
<td>296,567</td>
</tr>
<tr>
<td>Purchasing</td>
<td>225,592</td>
<td>225,592</td>
</tr>
<tr>
<td>Planning &amp; Community Development</td>
<td>490,661</td>
<td>490,661</td>
</tr>
<tr>
<td>Building</td>
<td>1,072,724</td>
<td>1,072,724</td>
</tr>
<tr>
<td>Economic Development</td>
<td>15,735</td>
<td>15,735</td>
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<tr>
<td>Public Works</td>
<td>6,586,858</td>
<td>6,586,858</td>
</tr>
<tr>
<td>Police</td>
<td>12,415,221</td>
<td>12,415,221</td>
</tr>
<tr>
<td>Fire</td>
<td>10,644,564</td>
<td>10,644,564</td>
</tr>
<tr>
<td>Parks &amp; Recreation</td>
<td>6,965,323</td>
<td>6,965,323</td>
</tr>
<tr>
<td>Organizational Support</td>
<td>1,534,560</td>
<td>1,534,560</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>44,125,978</td>
<td>44,125,978</td>
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</table>

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td>(5,051,583)</td>
<td>(5,051,583)</td>
</tr>
<tr>
<td>Operating transfers in</td>
<td>8,565,334</td>
<td>8,565,334</td>
</tr>
<tr>
<td>Operating transfers out</td>
<td>1,777,474</td>
<td>1,777,474</td>
</tr>
<tr>
<td>Other Financing Sources/(Uses)</td>
<td>6,787,860</td>
<td>6,787,860</td>
</tr>
<tr>
<td>Total Revenues Over</td>
<td>$1,736,277</td>
<td>$1,736,277</td>
</tr>
</tbody>
</table>

* As adjusted through September 30, 2014
### Community Redevelopment Fund
#### Fiscal YTD September 30, 2014 and 2013

<table>
<thead>
<tr>
<th></th>
<th>Actual YTD 2014</th>
<th>Actual YTD %</th>
<th>Original Annual</th>
<th>Adjusted Annual</th>
<th>Variance from Prorated</th>
<th>Prorated YTD</th>
<th>Prorated Adjusted Annual</th>
<th>Variance from Prorated</th>
<th>Prorated YTD</th>
<th>Prorated Adjusted Annual</th>
<th>Variance from Prorated</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Tax</td>
<td>$2,127,789</td>
<td>100%</td>
<td>$2,130,437</td>
<td>$2,130,437</td>
<td>($2,648)</td>
<td>$2,003,379</td>
<td>$2,024,000</td>
<td>($2,648)</td>
<td>$2,003,379</td>
<td>$2,024,000</td>
<td>($2,648)</td>
</tr>
<tr>
<td>Intergovernmental</td>
<td>-</td>
<td>0%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Charges for services</td>
<td>219,197</td>
<td>0%</td>
<td>195,000</td>
<td>195,000</td>
<td>24,197</td>
<td>205,358</td>
<td>175,940</td>
<td>29,418</td>
<td>175,940</td>
<td>29,418</td>
<td>29,418</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>61,799</td>
<td>88%</td>
<td>70,000</td>
<td>70,000</td>
<td>(8,201)</td>
<td>(62,391)</td>
<td>25,300</td>
<td>(87,691)</td>
<td>25,300</td>
<td>(87,691)</td>
<td>(87,691)</td>
</tr>
<tr>
<td>Fund Balance</td>
<td>-</td>
<td>0%</td>
<td>-</td>
<td>531,658</td>
<td>(531,658)</td>
<td>-</td>
<td>55,845</td>
<td>55,845</td>
<td>(55,845)</td>
<td>55,845</td>
<td>(55,845)</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>2,408,785</td>
<td>82%</td>
<td>2,395,437</td>
<td>2,927,095</td>
<td>(518,310)</td>
<td>2,146,346</td>
<td>2,281,085</td>
<td>(134,739)</td>
<td>2,281,085</td>
<td>2,281,085</td>
<td>(134,739)</td>
</tr>
<tr>
<td><strong>Expenditures:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning and Development</td>
<td>837,376</td>
<td>63%</td>
<td>794,600</td>
<td>1,326,258</td>
<td>488,882</td>
<td>539,152</td>
<td>733,802</td>
<td>194,650</td>
<td>733,802</td>
<td>194,650</td>
<td>194,650</td>
</tr>
<tr>
<td>Capital Projects</td>
<td>-</td>
<td>0%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>251,720</td>
<td>-</td>
<td>251,720</td>
<td>-</td>
<td>(251,720)</td>
</tr>
<tr>
<td>Debt service</td>
<td>1,486,427</td>
<td>100%</td>
<td>1,486,425</td>
<td>1,486,425</td>
<td>(2)</td>
<td>7,281,113</td>
<td>1,547,283</td>
<td>(5,733,830)</td>
<td>1,547,283</td>
<td>1,547,283</td>
<td>(5,733,830)</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>2,323,803</td>
<td>83%</td>
<td>2,281,025</td>
<td>2,812,683</td>
<td>488,880</td>
<td>8,071,985</td>
<td>2,281,085</td>
<td>(5,790,900)</td>
<td>2,281,085</td>
<td>2,281,085</td>
<td>(5,790,900)</td>
</tr>
<tr>
<td><strong>Revenues Over/(Under) Expenditures</strong></td>
<td>$84,982</td>
<td>100%</td>
<td>$114,412</td>
<td>$114,412</td>
<td>$29,430</td>
<td>$5,925,639</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(5,925,639)</td>
</tr>
<tr>
<td>Debt proceeds</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>5,870,000</td>
<td>-</td>
<td>-</td>
<td>5,870,000</td>
<td>-</td>
</tr>
<tr>
<td>Operating transfers in</td>
<td>50,000</td>
<td>0%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Operating transfers out</td>
<td>(567,693)</td>
<td>0%</td>
<td>(47,934)</td>
<td>(47,934)</td>
<td>(47,934)</td>
<td>(469,759)</td>
<td>(203,561)</td>
<td>-</td>
<td>-</td>
<td>(203,561)</td>
<td>-</td>
</tr>
<tr>
<td>Other Financing Sources/(Uses)</td>
<td>(517,693)</td>
<td>0%</td>
<td>(47,934)</td>
<td>(47,934)</td>
<td>(47,934)</td>
<td>(469,759)</td>
<td>5,666,439</td>
<td>-</td>
<td>-</td>
<td>5,666,439</td>
<td>-</td>
</tr>
<tr>
<td><strong>Reconciliation</strong></td>
<td>$ (432,711)</td>
<td>-</td>
<td>$ 66,478</td>
<td>$ 66,478</td>
<td>$ (499,189)</td>
<td>$ (259,200)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(259,200)</td>
</tr>
</tbody>
</table>

* As adjusted through September 30, 2014

---

The City of Winter Park, Florida
Monthly Financial Report - Budget vs. Actual
Community Redevelopment Fund
Fiscal YTD September 30, 2014 and 2013
100% of the Fiscal Year Lapsed
## WINTER PARK WATER AND WASTEWATER METRICS
### September 30, 2014

<table>
<thead>
<tr>
<th>FY 2014</th>
<th>FY 2014 YTD</th>
<th>FY 2014 Annualized</th>
<th>FY 2014 Budget</th>
<th>Variance from Budget</th>
<th>FY 2013 in Total</th>
<th>FY 2013 YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FY 2014</td>
<td>Projected</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Operating Performance:

**Water and Irrigation Sales (in thousands of gallons)**

<table>
<thead>
<tr>
<th></th>
<th>FY 2014</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sewer - inside city limits</strong></td>
<td>965,315</td>
<td>965,315</td>
</tr>
<tr>
<td><strong>Sewer - outside city limits</strong></td>
<td>862,933</td>
<td>862,933</td>
</tr>
<tr>
<td><strong>Irrigation - Inside City</strong></td>
<td>1,434,771</td>
<td>1,434,771</td>
</tr>
<tr>
<td><strong>Water - inside city limits</strong></td>
<td>559,528</td>
<td>559,528</td>
</tr>
<tr>
<td><strong>Water - outside city limits</strong></td>
<td>1,238,144</td>
<td>1,238,144</td>
</tr>
<tr>
<td><strong>Irrigation - Outside City</strong></td>
<td>115,527</td>
<td>115,527</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>5,176,218</td>
<td>5,176,218</td>
</tr>
</tbody>
</table>

### Operating revenues:

<table>
<thead>
<tr>
<th></th>
<th>FY 2014</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sewer - inside city limits</strong></td>
<td>$6,213,559</td>
<td>$6,213,559</td>
</tr>
<tr>
<td><strong>Sewer - outside city limits</strong></td>
<td>6,778,780</td>
<td>6,778,780</td>
</tr>
<tr>
<td><strong>Water - inside city limits</strong></td>
<td>7,758,431</td>
<td>7,758,431</td>
</tr>
<tr>
<td><strong>Water - outside city limits</strong></td>
<td>5,476,149</td>
<td>5,476,149</td>
</tr>
<tr>
<td><strong>Other operating revenues</strong></td>
<td>1,263,400</td>
<td>1,263,400</td>
</tr>
<tr>
<td><strong>Total operating revenues</strong></td>
<td>27,490,319</td>
<td>27,490,319</td>
</tr>
</tbody>
</table>

### Operating expenses:

<table>
<thead>
<tr>
<th></th>
<th>FY 2014</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operations</strong></td>
<td>1,627,431</td>
<td>1,627,431</td>
</tr>
<tr>
<td><strong>Wastewater treatment by other agencies</strong></td>
<td>3,617,311</td>
<td>3,617,311</td>
</tr>
<tr>
<td><strong>Total operating expenses</strong></td>
<td>16,341,680</td>
<td>16,341,680</td>
</tr>
</tbody>
</table>

### Operating income (loss):

<table>
<thead>
<tr>
<th></th>
<th>FY 2014</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total operating expenses</strong></td>
<td>11,148,639</td>
<td>11,148,639</td>
</tr>
<tr>
<td><strong>Operating income (loss)</strong></td>
<td>10,325,017</td>
<td>10,325,017</td>
</tr>
</tbody>
</table>

### Other sources (uses):

<table>
<thead>
<tr>
<th></th>
<th>FY 2014</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Investment earnings</strong></td>
<td>274,406</td>
<td>274,406</td>
</tr>
<tr>
<td><strong>Miscellaneous revenue</strong></td>
<td>685,121</td>
<td>685,121</td>
</tr>
<tr>
<td><strong>Transfer to Renewal and Replacement Fund</strong></td>
<td>(2,336,658)</td>
<td>(2,336,658)</td>
</tr>
<tr>
<td><strong>Transfer to General Fund</strong></td>
<td>(1,852,675)</td>
<td>(1,852,675)</td>
</tr>
<tr>
<td><strong>Transfer to Capital Projects Fund</strong></td>
<td>(66,458)</td>
<td>(66,458)</td>
</tr>
<tr>
<td><strong>Debt service sinking fund deposits</strong></td>
<td>(5,922,530)</td>
<td>(5,922,530)</td>
</tr>
<tr>
<td><strong>Total other sources (uses)</strong></td>
<td>(9,218,794)</td>
<td>(9,218,794)</td>
</tr>
<tr>
<td><strong>Net increase (decrease) in funds</strong></td>
<td>$1,929,845</td>
<td>$1,929,845</td>
</tr>
</tbody>
</table>

### Debt service coverage:

<table>
<thead>
<tr>
<th></th>
<th>FY 2014</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annual Renewal and Replacement (R&amp;R) Funding</strong></td>
<td>2,336,658</td>
<td>2,336,658</td>
</tr>
</tbody>
</table>

### Net Value of Water and Wastewater Plant as of 09/30/2013: $84,957,732

### Annual R&R Funding as a Percentage of Plant: 2.75%

---

1 The City implemented adjustments to water (increasing) and wastewater (decreasing) effective October 1, 2013.
### Sewer Impact Fees

<table>
<thead>
<tr>
<th>Beginning Balance</th>
<th>Additions</th>
<th>Deductions</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>91,710</td>
<td>1,040,459</td>
<td>1,040,459</td>
<td>91,710</td>
</tr>
<tr>
<td>Sewer impact fee revenues</td>
<td>1,040,459</td>
<td>1,040,459</td>
<td></td>
</tr>
<tr>
<td>Investment earnings</td>
<td>31,555</td>
<td>31,555</td>
<td></td>
</tr>
<tr>
<td>Fairbanks Avenue sewer extension</td>
<td>(103,118)</td>
<td>(103,118)</td>
<td></td>
</tr>
<tr>
<td>Other sewer main extension work</td>
<td>(76,541)</td>
<td>(76,541)</td>
<td></td>
</tr>
<tr>
<td><strong>Ending balance - 9/30/2014</strong></td>
<td><strong>91,710</strong></td>
<td><strong>1,072,014</strong></td>
<td><strong>984,065</strong></td>
</tr>
</tbody>
</table>

### Water Impact Fees

<table>
<thead>
<tr>
<th>Beginning Balance</th>
<th>Additions</th>
<th>Deductions</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,532,576</td>
<td>378,761</td>
<td>378,761</td>
<td>2,532,576</td>
</tr>
<tr>
<td>Water impact fee revenues</td>
<td>378,761</td>
<td>378,761</td>
<td></td>
</tr>
<tr>
<td>Investment earnings</td>
<td>66,169</td>
<td>66,169</td>
<td></td>
</tr>
<tr>
<td>Upgrade water mains</td>
<td>(70,220)</td>
<td>(70,220)</td>
<td></td>
</tr>
<tr>
<td><strong>Ending balance - 9/30/2014</strong></td>
<td><strong>2,532,576</strong></td>
<td><strong>444,930</strong></td>
<td><strong>2,907,286</strong></td>
</tr>
</tbody>
</table>

### Renewal and Replacement Fund

<table>
<thead>
<tr>
<th>Beginning Balance</th>
<th>Additions</th>
<th>Deductions</th>
<th>Ending Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,314,042</td>
<td>2,336,658</td>
<td>2,336,658</td>
<td>1,314,042</td>
</tr>
<tr>
<td>R&amp;R transfer</td>
<td>2,336,658</td>
<td>2,336,658</td>
<td>1,314,042</td>
</tr>
<tr>
<td>Investment earnings</td>
<td>43,445</td>
<td>43,445</td>
<td></td>
</tr>
<tr>
<td>Upgrade water mains</td>
<td>(887,612)</td>
<td>(887,612)</td>
<td></td>
</tr>
<tr>
<td>Upgrade sewer mains</td>
<td>(368,233)</td>
<td>(368,233)</td>
<td></td>
</tr>
<tr>
<td>Rehab sewer manholes</td>
<td>(3,035)</td>
<td>(3,035)</td>
<td></td>
</tr>
<tr>
<td>Replace asbestos cement force mains</td>
<td>(50,796)</td>
<td>(50,796)</td>
<td></td>
</tr>
<tr>
<td>Short line sewer rehab projects</td>
<td>(150,458)</td>
<td>(150,458)</td>
<td></td>
</tr>
<tr>
<td>Sewer main extensions</td>
<td>(2,376)</td>
<td>(2,376)</td>
<td></td>
</tr>
<tr>
<td>Lift station upgrades and repairs</td>
<td>(280,991)</td>
<td>(280,991)</td>
<td></td>
</tr>
<tr>
<td>Utility patch crew work</td>
<td>(297,136)</td>
<td>(297,136)</td>
<td></td>
</tr>
<tr>
<td><strong>Ending balance - 9/30/2014</strong></td>
<td><strong>1,314,042</strong></td>
<td><strong>2,380,103</strong></td>
<td><strong>1,653,508</strong></td>
</tr>
</tbody>
</table>
## Technical Performance

<table>
<thead>
<tr>
<th>FY'14</th>
<th>FY'14</th>
<th>FY'14</th>
<th>Variance from FY'13</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY'13</td>
<td>YTD</td>
<td>Annualized</td>
<td>Budget</td>
</tr>
<tr>
<td>Net Sales (kWh)</td>
<td>425,342,682</td>
<td>425,342,682</td>
<td>419,633,177</td>
</tr>
<tr>
<td>Average Revenue/kWh</td>
<td>0.1129</td>
<td>0.1129</td>
<td>0.1157</td>
</tr>
<tr>
<td>Wholesale Power Purchased (kWh)</td>
<td>445,526,000</td>
<td>445,526,000</td>
<td>446,266,000</td>
</tr>
<tr>
<td>Wholesale Power Cost/kWh</td>
<td>0.0572</td>
<td>0.0572</td>
<td>0.0606</td>
</tr>
<tr>
<td>Gross margin</td>
<td>0.0557</td>
<td>0.0557</td>
<td>0.0551</td>
</tr>
<tr>
<td>SAIDI (rolling 12 month sum)</td>
<td>77.80</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAIFI (rolling 12 month sum)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sold vs. Purchased kWh Ratio</td>
<td>95.47%</td>
<td>95.47%</td>
<td>94.03%</td>
</tr>
</tbody>
</table>

## Income Statement

### Electric Sales:

<table>
<thead>
<tr>
<th></th>
<th>FY'14</th>
<th>FY'14</th>
<th>FY'13</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Fuel</td>
<td>Non-Fuel</td>
<td>Other Operating Revenues</td>
</tr>
<tr>
<td><strong>Operating Revenues</strong></td>
<td>48,353,427</td>
<td>48,353,427</td>
<td>47,030,780</td>
</tr>
<tr>
<td><strong>Operating Expenses</strong></td>
<td>36,778,793</td>
<td>36,778,793</td>
<td>37,080,422</td>
</tr>
<tr>
<td><strong>Operating Income (Loss)</strong></td>
<td>11,574,634</td>
<td>11,574,634</td>
<td>9,950,358</td>
</tr>
<tr>
<td><strong>Nonoperating Revenues (Expenses):</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investment Earnings (net of interest paid on interfund borrowings)</td>
<td>73,387</td>
<td>73,387</td>
<td>25,593</td>
</tr>
<tr>
<td>Principal on Debt</td>
<td>(1,765,000)</td>
<td>(1,765,000)</td>
<td>(1,765,000)</td>
</tr>
<tr>
<td>Routine Capital</td>
<td>(2,951,067)</td>
<td>(2,951,067)</td>
<td>(2,951,067)</td>
</tr>
<tr>
<td>Undergrounding of Power Lines</td>
<td>(3,459,952)</td>
<td>(3,459,952)</td>
<td>(3,459,952)</td>
</tr>
<tr>
<td>Contributions in Aid of Construction</td>
<td>901,067</td>
<td>901,067</td>
<td>901,067</td>
</tr>
<tr>
<td>Residential Underground Conversions</td>
<td>3,050</td>
<td>3,050</td>
<td>3,050</td>
</tr>
<tr>
<td>Capital Contributions for Plug-In Program</td>
<td>63,960</td>
<td>63,960</td>
<td>63,960</td>
</tr>
<tr>
<td><strong>Total Nonoperating Revenues (Expenses)</strong></td>
<td>(9,031,686)</td>
<td>(9,031,686)</td>
<td>(10,234,249)</td>
</tr>
<tr>
<td><strong>Income (Loss) Before Operating Transfers</strong></td>
<td>2,542,948</td>
<td>2,542,948</td>
<td>(283,891)</td>
</tr>
<tr>
<td><strong>Operating Transfers In</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Operating Transfers Out</strong></td>
<td>(2,689,617)</td>
<td>(2,689,617)</td>
<td>(2,687,500)</td>
</tr>
<tr>
<td><strong>Total Operating Transfers</strong></td>
<td>(2,689,617)</td>
<td>(2,689,617)</td>
<td>(2,687,500)</td>
</tr>
<tr>
<td><strong>Net Change in Working Capital</strong></td>
<td>(146,669)</td>
<td>(146,669)</td>
<td>(2,971,391)</td>
</tr>
</tbody>
</table>

### Other Financial Parameters

- **Debt Service Coverage**: 2.62
- **Auction Rate Bonds Outstanding**: 445,000
- **Total Bonds Outstanding**: 72,195,000
- **Principal Repayment**: 1,765,000
- **Balance Owed on Advance from General Fund**: -
- **Cash Balance**: 3,503,683

### Notes

- Fiscal Years run from October to September; FY'14 is 10/1/13 to 9/30/14
- SAIDI is System Average Interruption Duration Index (12-month rolling sum)
- MAIFI is Momentary Average Interruption Frequency Index (12-month rolling sum)
<table>
<thead>
<tr>
<th>Issuer CUSIP</th>
<th>Purchase Date</th>
<th>Quantity</th>
<th>Estimated Price</th>
<th>Coupon Rate</th>
<th>Cost</th>
<th>Market Value</th>
<th>Maturity Date</th>
<th>Moody's Rating</th>
<th>S &amp; P Rating</th>
<th>Percentage of Total Cash and Investments</th>
<th>Percentage of Long-Term Investments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank of America</td>
<td>91282UG3</td>
<td>02/08/13</td>
<td>1,500,000</td>
<td>100.145</td>
<td>0.38%</td>
<td>$1,501,875</td>
<td>01/15/16</td>
<td>AAA</td>
<td></td>
<td></td>
<td>15.18%</td>
</tr>
<tr>
<td>BankFirst</td>
<td>91282UR1</td>
<td>02/21/14</td>
<td>2,000,000</td>
<td>100.750</td>
<td>1.00%</td>
<td>$2,018,270</td>
<td>09/30/16</td>
<td>AAA</td>
<td></td>
<td></td>
<td>15.18%</td>
</tr>
<tr>
<td>Money Market Fund</td>
<td>91282UUA8</td>
<td>02/07/13</td>
<td>1,000,000</td>
<td>98.203</td>
<td>0.63%</td>
<td>$992,580</td>
<td>11/30/17</td>
<td>AAA</td>
<td></td>
<td></td>
<td>15.18%</td>
</tr>
<tr>
<td>State Board of Administration (SBA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total short-term funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$7,880,075</td>
<td></td>
<td></td>
<td></td>
<td>15.18%</td>
<td></td>
</tr>
</tbody>
</table>

**Long-term investments:**

<table>
<thead>
<tr>
<th>US Treasury Note Investments (backed by full faith and credit of the United States Government):</th>
</tr>
</thead>
<tbody>
<tr>
<td>US TREASURY NOTES</td>
</tr>
<tr>
<td>US TREASURY NOTES</td>
</tr>
<tr>
<td>US TREASURY NOTES</td>
</tr>
<tr>
<td>Total US Treasury Note Investments</td>
</tr>
</tbody>
</table>

**Government National Mortgage Investments (backed by full faith and credit of the United States Government):**

| GNMA II ARM PASS THRU POOL 8258 | 36202KE76 | 05/04/99 | 490,000 | 102.838 | 1.75% | $863,188 | 08/20/23 | | | |
| GNMA PASS THRU POOL 372024 | 36204K9G8 | 05/12/08 | 1,730,000 | 115.721 | 6.50% | $62,575 | 01/16/24 | | | |
| GNMA PASS THRU POOL AD1605 | 36180CYA1 | 02/15/13 | $1,000,000 | 98.388 | 2.00% | $196,379 | 07/15/17 | AAA | AA+ | |
| GNMA II PASS THRU POOL 2562 | 36202CZ30 | 02/08/11 | 2,000,000 | 114.216 | 6.00% | $122,430 | 07/15/17 | AAA | AA+ | |
| GNMA PASS THRU POOL 497581 | 36210NL34 | 02/15/13 | 500,000 | 114.216 | 6.00% | $31,200 | 07/15/17 | AAA | AA+ | |
| GNMA II PASS THRU POOL 2755 | 36202CZC2 | 02/08/11 | 2,000,000 | 114.763 | 6.00% | $18,200 | 07/15/17 | AAA | AA+ | |
| GNMA II PASS THRU POOL 2997 | 36202DKJ9 | 01/20/13 | 1,000,000 | 102.838 | 2.00% | $196,379 | 07/15/17 | AAA | AA+ | |
| GNMA PASS THRU POOL 574674 | 36205NM0X | 03/01/13 | 1,500,000 | 110.585 | 5.00% | $75,275 | 07/15/17 | AAA | AA+ | |
| GNMA II PASS THRU POOL 3839 | 36202EC7Q | 03/01/08 | 1,000,000 | 109.881 | 4.50% | $45,900 | 07/15/17 | AAA | AA+ | |
| GNMA II PASS THRU POOL 4071 | 36202ECXY8 | 01/10/08 | 1,000,000 | 110.376 | 5.00% | $50,000 | 07/15/17 | AAA | AA+ | |
| GNMA 09-9 TA REMIC MULTICLASS CMO | 38374TDH4 | 03/17/09 | 1,000,000 | 105.511 | 4.50% | $50,000 | 07/15/17 | AAA | AA+ | |
| GNMA 10-31 AP REMIC MULTICLASS CMO | 38376XL50 | 04/08/10 | 1,000,000 | 106.548 | 4.00% | $42,500 | 07/15/17 | AAA | AA+ | |
| GNMA PASS THRU POOL 702875 | 36205V2G2 | 05/10/10 | 1,500,000 | 106.559 | 4.00% | $63,800 | 07/15/17 | AAA | AA+ | |
| GNMA 13-28 DE REMIC MULTICLASS CMO | 38378FWG1 | 02/08/13 | 1,000,000 | 99.936 | 1.75% | $179,900 | 07/15/17 | AAA | AA+ | |
| GNMA 13-42 DE REMIC MULTICLASS CMO | 38378JFT4 | 03/01/13 | 1,000,000 | 98.915 | 1.75% | $179,900 | 07/15/17 | AAA | AA+ | |
| Total Government National Mortgage Investments | | | $18,652,305 | | | $4,547,192 | | | 9.30% | 10.96% |

**Agencies which are non-full faith and credit:**

**Federal Farm Credit Investments:**

| FEDERAL FARM CREDIT | 3133EA3Z9 | 10/16/12 | 1,000,000 | 97.374 | 1.42% | $999,250 | 07/10/19 | AAA | AA+ | |
| FEDERAL FARM CREDIT | 3133EC7L2 | 12/13/13 | 2,000,000 | 96.879 | 1.29% | $1,931,749 | 06/14/19 | AAA | AA+ | |
| FEDERAL FARM CREDIT | 3133ECDMO | 04/22/13 | 1,000,000 | 98.789 | 0.74% | $1,000,000 | 09/20/19 | AAA | AA+ | |
| FEDERAL FARM CREDIT | 3133ECNY6 | 05/03/13 | 1,000,000 | 97.712 | 0.95% | $1,000,000 | 09/20/19 | AAA | AA+ | |
| FEDERAL FARM CREDIT | 3133EAEYF0 | 10/10/12 | 1,000,000 | 97.775 | 1.24% | $1,000,000 | 09/20/19 | AAA | AA+ | |
| FEDERAL FARM CREDIT | 3133EAK4U | 01/22/11 | 1,000,000 | 106.458 | 3.33% | $1,000,000 | 01/28/19 | AAA | AA+ | |
| FEDERAL FARM CREDIT | 3133EAD70 | 07/31/12 | 800,000 | 97.134 | 1.40% | $978,600 | 08/01/19 | AAA | AA+ | |
| Total Federal Farm Credit Investments | | | $7,800,000 | | | $7,729,599 | | | 14.83% | 17.48% |
### Cash and Investment Portfolio (excluding pension funds and bond proceeds)

30-Sep-14

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<th>Issuer CUSIP</th>
<th>Purchase Date</th>
<th>Quantity</th>
<th>Estimated Price</th>
<th>Coupon Rate</th>
<th>Cost</th>
<th>Market Value</th>
<th>Maturity Date</th>
<th>Moody’s Rating</th>
<th>S &amp; P Rating</th>
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<td>AA+</td>
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<td><strong>Total Federal Instrumentalities (United States Government Agencies which are non-full faith and credit):</strong></td>
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<td><strong>Total Long-Term Investments</strong></td>
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<td><strong>Total Short-Term Funds and Long-Term Investments</strong></td>
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<td>$52,267,236</td>
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</tbody>
</table>

Blended Portfolio Rate of Return: 1.36%

Average Maturity (in years): 4.27
REGULAR MEETING OF THE CITY COMMISSION
October 27, 2014

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:33 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Minister David Fitzgerald, First Christian Church, followed by the Pledge of Allegiance.

Members present:        Also present:
Mayor Kenneth Bradley      City Manager Randy Knight
Vice Mayor Steven Leary     City Attorney Bill Reischmann
Commissioner Sarah Sprinkel  City Clerk Cynthia Bonham
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Approval of the agenda

Motion made by Commissioner Cooper to approve the agenda with the deletion of public hearing ‘h’; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.

Mayor’s Report

   a. Recognition – Professor Robert Reinauer and Patricia Tome, Art in Chambers exhibition “Rollins (Re)Visits Cuba”

Mayor Bradley introduced local artist Robert Reinauer and Patricia Tome and thanked them for displaying their art work in the Commission Chambers for public viewing.

   b. Proclamation – Feed the Need Month

Patrick Chapin, President, Winter Park Chamber of Commerce, announced the kickoff event to take place on Friday, October 31 at 10:00 a.m. at City Hall.

Mayor Bradley proclaimed the month of November 2014 as “Feed the Need” month and urged our community to observe this month by participating in helping to feed our hungry neighbors in the Central Florida community.

   c. Proclamation – National Red Ribbon Week

Mayor Bradley proclaimed October 25-31 as “National Red Ribbon Week” and urged all citizens to join in promoting a drug-free environment. Sergeant Major John Gionet from the United States Marine Corp was present to accept the proclamation.
d. Proclamation - Orange County “Week of the Family”
Mayor Bradley proclaimed November 1-8 as “Week of the Family” in Winter Park. Lynn Whitcomb, Chair of the Week of the Family Foundation accepted the proclamation.

e. Board appointment – Parks and Recreation Board alternate position

Motion made by Mayor Bradley to appoint Sacha Taylor to fill the remaining position of Michael Palumbo who resigned (2013-2016) and to appoint Gary Diehl to the alternate position; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

City Manager’s Report
City Manager Knight announced the rescheduling of the CRA Agency meeting to December 8, 2014. He stated that the RFP for the visioning scope of services is anticipated to be on the next agenda for approval.

Commissioner Cooper spoke about the need to obtain a better understanding of private master planning.

City Attorney’s Report
Attorney Debra Babb-Nutcher announced that the settlement agreement for the Clear Channel/Max Media litigation matter is completed and is ready for approval/signature by all parties.

Motion made by Mayor Bradley to approve the Clear Channel/Max Media settlement agreement as presented to the Commission; seconded by Commissioner Sprinkel. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Non-Action Item
a. Library Facility Task Force interim report

Library Facility Task Force Chairman Sam Stark provided a mid-term report and PowerPoint presentation. He explained that to date they have reviewed and discussed previous library studies regarding the current deficiencies, potential site opportunities, established their mission and developed an aggressive timeline to help them achieve a conclusion by the end of the year.
The task force unanimously adopted the following mission statement “To create a multi-use, multi-purpose facility in Winter Park that meets the needs and brings together the citizens of Winter Park and others in the region. The new facility will be anchored by the Winter Park Public Library. The space will be flexible enough to provide access to the full range of life long informational and educational opportunities relevant today and accommodate what will become relevant in the future.”

Mr. Stark announced that on October 30 there will be two separate public forum meetings; 8-10 a.m. at the Winter Park Welcome Center and 6-8 p.m. at the Rachel D. Murrah Civic Center. All residents are encouraged to attend and provide feedback. Mr. Stark answered questions.

b. Recommendation of the parking codes for retail stores, shopping centers and restaurants

Planning Manager Jeff Briggs explained that per the request of the City Commission the Planning and Zoning (P&Z) Board discussed this matter at their work session on September 23 and at their regular meeting on October 7. The Board believed that the retail store/shopping center parking codes have worked successfully in the past and there is no reason to change the parking requirements based on the experience from one particular store (Trader Joe’s). The P&Z Board also believed that the restaurant parking code (that was increased in 2009) is adequate to meet the needs of most establishments.

Consent Agenda

a. Approve the minutes of October 13, 2014.

b. Approve the Winter Park Firefighter’s Local 1598 IAFF labor contract.

c. Approve the following Blanket Purchase Orders:
   1. Blanket Purchase Order to Winter Park Library for annual organizational support; $1,045,935.
   2. Blanket Purchase Order to Mead Botanical Garden for annual organizational support; $75,000.
   3. Blanket Purchase Order to Winter Park Historical Association for annual organizational support; $60,000.

d. Approve the FY2015 budget adjustment to account for the Federal Grant for stormwater improvements to the Lake Forest/Howard Drive retention pond.

Motion made by Mayor Bradley to approve the Consent Agenda; seconded by Commissioner McMacken. No public comments were made. The motion carried unanimously with a 5-0 vote.
Action Items Requiring Discussion

a. Orlando/Winter Park Interlocal Agreement – Performing Arts Center funding

City Manager Knight explained the terms, conditions and funding obligations within the interlocal agreement.

Motion made by Commissioner Sprinkel to approve the interlocal agreement; seconded by Commissioner Leary. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

b. Purchasing of a residential lot located at 2908 Temple Trail for a park, open space and conservation property

City Manager Knight provided a brief overview and addressed questions related to the site, location and usage. Planning Manager Jeff Briggs explained that once the City purchases the land we will then have the ability to rezone it to one of the three park designations: active use, passive use or no use (conservation property).

Motion made by Mayor Bradley to approve the purchase and after the sale is complete that we will rezone the property to one of the three park designations; seconded by Commissioner Cooper.

City Manager Knight advised that this is a short sale and that we still have to obtain bank approval.

Dottie and Eric Green, 2907 Cove Trail, spoke in favor of the purchase.

Gene Lozano and Teresa Parker, 2914 Temple Trail, said the lot is perfect for a conservation area.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

City Manager Knight acknowledged the request to keep the Commission abreast of the pending sale.

c. City Manager annual review

Motion made by Mayor Bradley to approve the increase which is consistent with staff; seconded by Commissioner McMacken. Assistant City Manager Michelle del Valle answered questions pertaining to the evaluation rating score and
how it relates to a salary percentage increase. Mayor Bradley and Commissioner McMacken withdrew their original motion.

Motion made by Mayor Bradley to approve a 3.5% salary increase; seconded by Commissioner McMacken. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Public Hearings:

a. ORDINANCE NO. 2979-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE 2953-14 AUTHORIZING THE ISSUANCE OF NOT EXCEEDING $16,000,000 ELECTRIC REVENUE BONDS OF THE CITY TO FINANCE ITS OUTSTANDING ELECTRIC REVENUE BONDS, SERIES 2005A TENDERED FOR PURCHASE BY THE HOLDERS THEREOF AND PAY THE COSTS OF ISSUANCE THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM THE ELECTRIC SYSTEM OF THE CITY ON PARITY WITH THE CITY’S OUTSTANDING ELECTRIC REVENUE BONDS; PROVIDING FOR THE SALE OF SUCH BONDS PURSUANT TO A PRIVATE NEGOTIATED SALE; AND PROVIDING AN EFFECTIVE DATE. Second Reading

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

b. RESOLUTION NO. 2145-14: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE NO. 2979-14; AUTHORIZING THE ISSUANCE IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $6,200,000 ELECTRIC REFUNDING REVENUE BOND, SERIES 2014A OF THE CITY FOR THE PURPOSE OF REFUNDING A PORTION OF THE CITY’S OUTSTANDING ELECTRIC REVENUE BONDS, SERIES 2005A AND TO PAY THE COSTS THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; PROVIDING FOR THE PAYMENT OF SUCH BOND FROM THE NET REVENUES DERIVED FROM THE ELECTRIC SYSTEM OF THE CITY; AUTHORIZING A NEGOTIATED SALE OF SUCH BOND; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Reischmann read the resolution by title. Motion made by Mayor Bradley to adopt the ordinance; seconded by Commissioner Leary. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

NOTE: Agenda order was re-arranged.
e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED AT 300 NORTH PENNSYLVANIA AVENUE PURSUANT TO THE PROPOSAL APPROVED BY THE CITY COMMISSION ON SEPTEMBER 22, 2014, SUBJECT TO RESERVATION OF EASEMENTS; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. First Reading

Attorney Reischmann read the ordinance by title. Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Sprinkel. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

f. RESOLUTION NO. 2146-14: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1200 LAKEVIEW DRIVE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Reischmann read the resolution by title. Motion made by Commissioner McMacken to adopt the resolution; seconded by Commissioner Cooper. Upon request, applicant Dr. Jack Lane spoke about the home improvements since it was originally constructed. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

d. ORDINANCE NO. 2981-14: AN ORDINANCE AFFECTING THE USE OF LAND IN THE CITY OF WINTER PARK, FLORIDA RELATING TO MEDICAL MARIJUANA TREATMENT CENTERS, WHETHER FOR MEDICAL OR RECREATIONAL USE; ESTABLISHING REGULATIONS FOR MEDICAL MARIJUANA TREATMENT CENTERS TO BE CODIFIED AS ARTICLE III, OF CHAPTER 54, HEALTH AND SANITATION, OF THE CITY CODE; AMENDING SECTION 58-78, LIMITED INDUSTRIAL AND WAREHOUSE (I-1) DISTRICT, OF CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE III, ZONING TO ALLOW “MEDICAL MARIJUANA TREATMENT CENTERS” AS A PERMITTED USE BY SETTING FORTH SITING STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA TREATMENT CENTERS; AMENDING SECTION 58-86, OFF-STREET PARKING AND LOADING REQUIREMENTS, OF CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE III, ZONING; AMENDING SECTION 58-95, DEFINITIONS, OF CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE III, ZONING; AMENDING SECTION 94-43, SCHEDULE, OF CHAPTER 94, TAXATION, ARTICLE II, BUSINESS TAX; PROVIDING FOR CONFLICTS; CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE. Second Reading

Attorney Reischmann read the ordinance by title. Motion made by Mayor Bradley to adopt the ordinance; seconded by Commissioner Leary. Attorney Reischmann answered questions including zoning districts and permitted uses. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.
Public Comments (General 5:00 p.m.)

Joe Terranova, 151 N. Virginia Avenue, provided several suggestions regarding the upcoming visioning process.

Gary Barker, 1029 McKean Circle, thanked the Library Task Force for their efforts.

A recess was taken from 5:15 p.m. to 5:34 p.m.

c. Request of UP Fieldgate US Investments – Winter Park LLC: Final conditional use approval to redevelop the former Corporate Square and Winter Park Dodge properties with a 40,000 square foot Whole Foods Grocery and a 36,000 square foot retail building with three outparcel development sites on the properties at 1000/1050 N. Orlando Avenue, 1160 Galloway Drive and 967 Cherokee Avenue

ORDINANCE NO. 2980-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE PORTIONS OF GALLOWAY DRIVE AND FRIENDS AVENUE WITHIN THE PROPOSED WHOLE FOODS DEVELOPMENT PROJECT, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Reischmann read the ordinance by title. Planning Manager Jeff Briggs explained what had transpired since the June meeting. The “final” conditional use provides new plan details including landscape, storm water drainage, site lighting, final site plan, details on the cross section of the Lee Road extension, site signage and architectural conformity.

Mr. Briggs advised that the Planning & Zoning Board provided a recommendation for approval of the “final” conditional use pursuant to the condition that a Development Agreement be executed (following approval by the City Attorney) to incorporate the approvals granted, the variances permitted, the conditions of approval and enforcement methods for those conditions as outlined in the agreement.

J. J. Johnson, Johnson Real Estate Law, represented the applicant, UP Development. He spoke about the project being consistent with the Comprehensive Plan, that it meets/exceeds all requirements of the Land Development Code, and is compatible with surrounding development patterns.

Motion made by Mayor Bradley to approve the final conditional use as presented with approval, subject to the development agreement; seconded by Commissioner McMacken.

Motion made by Mayor Bradley to adopt the ordinance; seconded by Commissioner Sprinkel.
Gary Barker, 1029 McKean Circle, requested that a site plan be shown to the public outlining the specific property being discussed.

Isaac Jenkins, 1061 Cherokee Avenue, asked for reassurance that the road width of Cherokee Avenue will remain as is. Mr. Briggs confirmed his request.

Commissioner Cooper disclosed that she has spoken with the developer and their attorney and with the residents on Cherokee Avenue since the last public hearing.

**Upon a roll call vote (on the final conditional use approval), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

**Upon a roll call vote (on the ordinance), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

g. **Request of Phil Kean Design Group:** Revising the site plan for the townhouse project at 403 and 421 W. Morse Boulevard

Planning Manager Jeff Briggs explained that on June 23 the City Commission granted approval with the condition, as recommended by the Planning & Zoning (P&Z) Board, that the existing live oak tree on the north property line be preserved. The developers then had the live oak tree surveyed including the extent of the canopy and consulted with the City’s Chief of Forestry Dru Dennison. The conclusion was that the original site plan with two units fronting on Virginia Avenue could not be built as presented without significant damage to the live oak tree and its canopy. As a result, the site plan has been revised by moving one of those townhouse units back into the northwest corner of the site. This then provides the space and separation from the live oak tree needed for its preservation and protection.

The only issue is that by relocating the townhouse unit, it now occupies land originally intended for visitor parking. The parking requirement is 2.5 spaces for each unit. Each townhouse has a two car garage but based on the eight units, there are four visitor spaces needed. The revised site plan has room for only two visitor spaces. Thus, the developers are asking for approval of the revised site plan and a variance for the two visitor parking spaces based upon the hardship or special conditions and circumstances caused by preserved the existing live oak tree. P&Z voted unanimously to recommend approval.

**Motion made by Commissioner Cooper to approve the request as presented; seconded by Commissioner Sprinkel.**

Joe Terranova, 151 N. Virginia Avenue, spoke in favor of the request.
Mary Randall, 1000 S. Kentucky Avenue, requested that a site plan be shown to the public outlining the specific property being discussed.

Commissioner Cooper disclosed that she has spoken to the project developer.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

h. Request of Mr. Joseph Passalacqua: After-the-fact subdivision or lot split approval so that 1252 Lakeview Drive will be determined to be a buildable lot

This item was withdrawn per the request of the applicant.

i. Request of Sydgan Corporation: Lot consolidation and subdivision approval to combine and then re-subdivide the properties at 755/761/781/783/785/831/835 West Canton Avenue and at 437/439/441 North Capen Avenue zoned R-1A, into twelve single family lots. Variances are requested for the single family lot dimensions comprised on average of 62.15 feet in width and 7,071 square feet of lot area in lieu of the 75 feet of lot width and 8,500 square feet of lot area standard for R-1A

Planning Manager Jeff Briggs provided background regarding the Planning & Zoning (P&Z) Advisory Board meetings that took place which resulted in resolving the main issues. He gave a brief overview of the site and context of the request, subdivision proposal, zoning test, comprehensive plan test and the terms and conditions of the development agreement. He advised that on October 7 the P&Z Advisory Board voted unanimously in favor by recommending approval of the lot consolidation and subdivision requests subject to the proposed plan and voluntary development agreement restrictions and provisions. Mr. Briggs answered questions.

Commissioner Cooper presented the attached chart and expressed concerns with the variances and setting a precedent with R-1A lots by strongly objecting to the following: 1) Approving twelve residential units on 1.77 acres of land in a single family residential land use category that is restricted by the Comprehensive Plan to a maximum density of five units per acre (under that maximum allowable density the property is permitted 8 units); 2) Granting variances to permit twelve R-1A single family residential lots that did not meet the zoning requirements for R-1A minimum lot width or minimum land area (granting these variances in the absence of any demonstrated hardship); 3) Approving five residential R-1A lots that failed not only the minimum zoning standards but also failed to meet the minimum average lot widths and land area of other R-1A lots within 500 feet of the subject property; 4) Approving special allowances for transfer of density between individual R-1A lots when no such transfer of density is permitted by our Land Use Codes or Comprehensive Plan; 5) Through this density redistribution, we would approve individual homes on at least five of the lots to be built at 55% floor area ratio in a
zoning district that is limited by Comprehensive Plan Policy and Land Use Codes to 38-43% floor area ratio; and 6) The use of R-1A when our Comprehensive Plan and Land Use Codes include a Planned Unit Residential Development (PURD) zoning specifically designed to be used for this type project that permits up to eight units per acre.

Attorney Reischmann provided legal counsel and clarified that this variance request does not set a precedent.

**Motion made by Commissioner Sprinkel to approve the request as presented with approval subject to the development agreement; seconded by Commissioner Leary.**

Applicant Dan Bellows, 558 W. New England Avenue, spoke about the request and explained that there were 10 parcels existing during one period of time with 11 structures and 12 units. He advised that they addressed the concerns raised by the nearby residents and that the proposed project meets all code requirements.

Kevin Kramer, David Weekly Homes, provided an overview of the proposed development including the variance request, the FAR and square footage.

Joe Terranova, 151 N. Virginia Avenue, spoke in favor of the request.

Elizabeth Posner, 350 Carolina Avenue, favored the project but shared concern with the process.

Sally Flynn, 1400 Highland Road, said it is wonderful that the developer has agreed to provide a solution which satisfies the surrounding neighbors but shared concern with the process.

Mr. Briggs addressed Commissioner McMacken’s request to explain the overall process for a PURD (Planned Unit Residential Development).

**Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

**City Commission Reports:**

a. **Commissioner Leary**

Commissioner Leary mentioned that the Movoto blog listed the ten best cities in Florida and that Winter Park ranked number three.

Commissioner Leary spoke about the impact of future development on our roadways and requested that we reach out to neighboring communities/cities to
find out what their future plans are for the northbound 17-92 roadway. City Manager Knight acknowledged the request.

b. Commissioner Sprinkel

Commissioner Sprinkel spoke about future tree plantings and the numerous tree stakes throughout the City. She requested that an ongoing update be provided on the City Manager’s report. A suggestion was made to post a detailed quarterly planting schedule on the City’s website.

c. Commissioner Cooper

Commissioner Cooper spoke about the potential need for an Architectural Review Board for future planned commercial development projects and asked for support. Commissioner McMacken explained that he favors adding an architect to City staff rather than establishing a committee. A majority did not favor this concept.

Commissioner Cooper said she had the privilege of attending Reverend Mitchell Dawkins celebration of life last week.

Commissioner Cooper announced: November 1st is the last night to visit the Red Fox Lounge at the Best Western Mt. Vernon Inn; and November 7 is the City’s annual Veterans Day celebration event.

Commissioner Cooper said it would be advantageous to purchase the post office property and requested that it continue to be a forefront goal of our City.

d. Commissioner McMacken

Commissioner McMacken requested to add the railroad crossing updates to the City Manager’s report.

e. Mayor Bradley

Mayor Bradley announced that the 3rd annual Mayor’s Sole Challenge event starts at 7:00 a.m. this Saturday and encouraged everyone to attend.

The meeting adjourned at 7:21 p.m.

______________________________
Mayor Kenneth W. Bradley

ATTEST:

______________________________
City Clerk Cynthia S. Bonham, MMC
### Purchases over $75,000

<table>
<thead>
<tr>
<th>vendor</th>
<th>item</th>
<th>background</th>
<th>fiscal impact</th>
<th>motion</th>
<th>recommendation</th>
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</thead>
<tbody>
<tr>
<td>2 Duke Energy</td>
<td>Blanket Purchase Order for FY15 Transmission pursuant to Duke Energy Tariff</td>
<td>Total expenditure included in approved FY15 budget. Amount: $1,855,000</td>
<td>Commission approve Blanket Purchase Order to Duke Energy for Transmission pursuant to Duke Energy Tariff.</td>
<td></td>
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<tr>
<td>3 Enco Utilities Services</td>
<td>Blanket Purchase Order for FY15 O&amp;M Electric Utility</td>
<td>Total expenditure included in approved FY15 budget. Amount: $3,000,000</td>
<td>Commission approve Blanket Purchase Order to Enco Utilities Services for O&amp;M Electric Utility.</td>
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<tr>
<td>11 Environmental Products of Florida</td>
<td>PR156477 2015 KW Vactor RD Sewer Combo Truck</td>
<td>Total expenditure included in approved FY15 budget. Amount: $343,108</td>
<td>Commission approve Purchase Requisition to Environmental Products of Florida for a 2015 KW Vactor RD Sewer Combo Truck.</td>
<td>This purchase will be made utilizing Florida Sheriff Association Contract 14-12-0904.</td>
<td></td>
</tr>
<tr>
<td>12 Stuart C. Irby Company</td>
<td>Purchase of Source Trans PME Pad mount Switchgears</td>
<td>Total expenditure included in approved FY15 budget. Amount: $130,991.84</td>
<td>Commission approve Purchase of Source Trans PME Pad mount Switchgears.</td>
<td>This purchase will be made utilizing the Orlando Utilities Commission Contract 3601-2-OQ.</td>
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**Formal Solicitation**

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<th>background</th>
<th>fiscal impact</th>
<th>motion</th>
<th>recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 A Budget Tree Service Inc.</td>
<td>RFQ-25-2014 Tree Removal Services Dead/Diseased/High Risk</td>
<td>Total expenditure included in approved FY15 budget.</td>
<td>Commission approve award to A Budget Tree Service Inc., authorize the Mayor to execute contract and approve all subsequent Purchase Orders.</td>
<td>The City utilized a formal solicitation process to award this contract.</td>
<td></td>
</tr>
<tr>
<td>14 Copytronics Information Systems</td>
<td>RFQ-26-2014 Copier Equipment and Services</td>
<td>Total expenditure included in approved FY15 budget. Amount: not to exceed $135,000</td>
<td>Commission approve award to Copytronics Information Systems and authorize the Mayor to execute contract and all subsequent Purchase Orders.</td>
<td>The City utilized a formal solicitation process to award this contract. Copytronics offered the best value of pricing, expertise, and service.</td>
<td></td>
</tr>
</tbody>
</table>
subject

Cancellation of December 22, 2014 City Commission meeting

motion | recommendation

Cancel the December 22, 2014 Commission meeting due to the holidays.

background

Traditionally, the City Commission has cancelled the second meeting in December.

alternatives | other considerations

Hold the meeting as scheduled or on another day.

fiscal impact

N/A

strategic objective

N/A
AMENDMENT TO PARKING EASEMENT AGREEMENT

THIS AMENDMENT TO PARKING EASEMENT AGREEMENT (this "Amendment") is made and entered into as of the ___ day of ____________, 2014 (the "Effective Date"), by and between BFC PARK AVENUE, LLC, a Florida limited liability company, f/k/a 250 PARK AVENUE TRUSTEE, INC., a Florida corporation, as successor trustee of 250 Park Avenue Trust dated March 30, 2000 (the "Grantor") and the CITY OF WINTER PARK, FLORIDA, a Florida municipal corporation (the "Grantee" and, together with Grantor, the "Parties").

RECIPIENTS:

WHEREAS, the Parties entered into that certain Parking Easement Agreement, dated as of August 18, 2003 and recorded on August 19, 2003 in Official Records Book 7058, Page 4205 of the Public Records of Orange County, Florida, wherein Grantor granted to Grantee a perpetual, exclusive easement over and on certain parking spaces, referred to as the Existing Parking Structure Spaces, located within Grantor's Existing Parking Structure, as more particularly described therein (the "Easement Agreement"); and

WHEREAS, Grantee desires to install, operate, and maintain a certain receptacle for storage and compression of refuse and waste, as well as a surrounding fence and related equipment (collectively, the "Compactor") in that portion of the Existing Parking Structure as particularly depicted on attached Exhibit "A" (the "Compactor Area"); and

WHEREAS, Grantor desires to grant and convey unto Grantee a perpetual exclusive easement for the installation, operation, use and maintenance of the Compactor within the Compactor Area (the "Compactor Easement"); and

WHEREAS, the Parties desire to amend the Easement Agreement to reflect Grantor's grant of the Compactor Easement to Grantee.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration provided in the Easement Agreement, and the mutual agreements, rights and obligations therein, the Parties hereby amend the Easement Agreement as follows:
1. **Recitals.** The Recitals set forth above are true and correct and are incorporated herein by this reference. Any terms used but not defined herein shall have the meanings given to them in the Easement Agreement.

2. **Easement Grant.** Section 2 of the Easement Agreement is hereby revised by adding the following language:

   Furthermore, subject to the terms and conditions contained in the Developer's Agreement and this Agreement, Grantor hereby grants, bargains, sells, conveys, and declares appurtenant to and for the benefit of Grantee, its guests, invitees, successors and assigns a perpetual exclusive easement on and over the Compactor Area for the Compactor Easement. Said Compactor Easement shall also include a right of reasonable access to the Existing Parking Structure and the Compactor Area from the public right-of-way (and vice-versa) and to maintain, operate, and use the Compactor and the Compactor Area consistent with the terms of this Agreement, including the installation of signs thereon.

3. **Use of the Easement.** Section 3 (a) of the Easement Agreement is hereby revised by adding the following language:

   Except as otherwise provided for herein, the rights of Grantee with respect to the use of the Compactor Area is limited to the installation, operation, use and maintenance of the Compactor, including the installation and operation of a privacy fence surrounding the Compactor.

4. **Maintenance and Repair.** The following subsection is added to Section 3 of the Easement Agreement:

   e) **Maintenance and Repair.** The Grantee shall be responsible, at its sole cost and expense, for maintaining the Compactor and the Compactor Area, as well as any and all fences and/or equipment located in the Compactor Area, in accordance with the standards of cleanliness, odor protection, and visual aesthetics comparable to other parking structures associated with "Class A" office buildings. Further, the Grantee shall be responsible, at its sole cost and expense, for repairing and replacing the Compactor. Any company retained by Grantee to maintain, repair or replace the Compactor (the "Vendor") shall be duly licensed to perform such activities and shall be fully insured. Grantee shall provide proof of Vendor's commercial liability insurance to Grantor, and Grantor shall be named as an additional insured on said Vendor's insurance policy.

5. **Placement of Compactor.** The following subsection is added to Section 3 of the Easement Agreement:

   f) **Placement of Compactor.** The Grantee hereby agrees and acknowledges that the proposed Compactor encroaches into the Center Street right-of-way, as depicted on Exhibit A, however, Grantee confirms
that placement of the Compactor shall not in any way impede or interfere with traffic flow, or access to the Existing Parking Structure, Existing Parking Structure Spaces, or Center Street.

6. **Permitted Users.** The following subsection is added to Section 3 of the Easement Agreement:

   g) **Permitted Users.** At the time of execution of this Amendment, Grantee has provided Grantor with a list with the names and addresses of those parties which Grantee has authorized to utilize the Compactor (the "**Permitted Users**"). In the event Permitted Users are added or withdrawn, Grantee shall provide Grantor with an updated list of Permitted Users on or before fifteen (15) days after said changes made thereto.

7. **Utilities.** The following is added as a new Section 3.(h) to the Easement Agreement:

   h) **Electricity Separately Metered.** Grantee shall be solely responsible for the cost and expenses relating to (i) the permitting and installation of all electrical lines, equipment, separate electrical meter, and a power cut-off box in a location identified by Grantor, which electrical meter and power cut-off box shall be used for the operation of the Compactor, and (ii) all bills and fees for any utility expenses relating to Grantee's installation, operation, use and maintenance of the Compactor.

8. **Default and Remedies.** The following is added as a new Section 3.(i) to the Easement Agreement:

   i) **Default and Remedies.** If Grantee fails to perform, comply with or observe any obligation or agreement hereunder, and such failure continues for a period of twenty (20) days after written notice thereof to Grantee, Grantor may, in addition to all other rights and remedies available to Grantor at law or in equity, terminate the Compactor Easement and cause the removal of the Compactor, at Grantee's sole cost and expense. In the event of such termination, and upon Grantor's request, Grantee agrees to promptly execute a recordable document releasing and terminating the Compactor Easement.

9. **Existing Parking Structure Spaces.** The Parties acknowledge and agree that the Compactor Area is not deemed to be one of the Existing Parking Structure Spaces, and therefore the use of the Compactor Area does not reduce or affect the number of parking spaces Grantor is required to provide under the Easement Agreement.

10. **Miscellaneous.** Except as modified and amended by this Amendment, all of the terms, covenants and conditions of the Easement Agreement continue to be and remain in full force and effect. In the event of any conflict between this Amendment and the Easement Agreement, this Amendment shall control. This Amendment may be executed in counterparts and a complete set of such counterparts shall be considered a single agreement.
IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed on the date first above written.

WITNESSES:

______________________________
Name:________________________

______________________________
Name:________________________

GRANTOR:

BFC PARK AVENUE, LLC, a Florida limited liability company, f/k/a 250 PARK AVENUE TRUSTEE, INC., a Florida corporation, as successor trustee of 250 Park Avenue Trust dated March 30, 2000

______________________________
By:___________________________
Name:________________________
Its:__________________________

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ____ day of ____________, 2014, by __________________________, as ___________ _____ of BFC PARK AVENUE, LLC, a Florida limited liability company, f/k/a 250 PARK AVENUE TRUSTEE, INC., a Florida corporation, as successor trustee of 250 Park Avenue Trust dated March 30, 2000, on behalf of the corporation, who either [___] is personally known to me or [___] has produced ______________________ as identification.

{Notary Seal} Notary Public, State of Florida at Large
Print Name:____________________
My Commission Expires:____________
My Commission No.:_____________
WITNESSES:

__________________________
Name:______________________

__________________________
Name:______________________

GRANTEE:

CITY OF WINTER PARK, a municipal corporation organized and existing under the laws of the State of Florida

By:________________________
Name:______________________
Its:________________________

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ___ day of ____________, 2014, by __________________________, as ________________ of CITY OF WINTER PARK, a municipal corporation organized and existing under the laws of the State of Florida, on behalf of the municipal corporation, who either [___] is personally known to me or [___] has produced ______________ as identification.

[Notary Seal]  
Notary Public, State of Florida at Large
Print Name:____________________
My Commission Expires:____________
My Commission No.:_______________
EXHIBIT "A"

See attached.
WELBORNE AVE / CENTER ST
COMPACTOR SITE
City of Winter Park
Winter Park, Florida

WCCS 2014
JULY 2014
1" = 20'

SCALE 1"=20'
**Item type** | Consent Agenda  
---|---  
**meeting date** | November 10, 2014  
**prepared by** | Troy Attaway  
**department** | Public Works  
**division** | Administration  
**approved by** | City Manager  
| City Attorney  
| N|A  
**board approval** | yes  
| no  
| N|A  
**final vote**  
**strategic objective** | X Exceptional Quality of Life  
|  
| Intelligent Growth & Development  
|  
| X Investment in Public Assets & Infrastructure  
|  
**subject**  
Amend parking agreement to allow for the placement of a trash compactor adjacent to the City parking within Bank of America Garage.  
**motion | recommendation**  
Approve Amendment  
**background**  
In 2003 the City and owner of the Bank of America garage agreed to allow public parking spaces within the said garage. The agreement is attached for your review. With the advent of the new style compactor and in order to be able to remove numerous trash dumpsters on Center Street which serve businesses on Park Avenue, the City and property owner have agreed for the placement of a compactor, primarily on the owner’s property, which will enable the removal of numerous individual dumpsters. The placement of the compactor will not remove any public parking, rather will allow for the placement of a commercial loading zone on Center Street south of Welbourne to prevent trucks from blocking Center Street as routinely happens now. Additionally, the placement of the compactor will allow for screening to be placed around the compactor to hide it from view. The new style compactor will also be serviced much more easily by the City’s hauler (Waste Pro).  
Staff feels this agreement is advantageous in promoting a cleaner and more functional Center Street corridor.  
**alternatives | other considerations**  
Leave dumpsters as they are now.  
**fiscal impact** - None
PARKING EASEMENT AGREEMENT

THIS PARKING EASEMENT AGREEMENT ("Agreement") is entered into as of this 13th day of August, 2003, by 250 PARK AVENUE TRUSTEE, INC., a Florida corporation, as successor trustee of 250 Park Avenue Trust dated March 30, 2000 ("Grantor") and the CITY OF WINTER PARK, FLORIDA a Florida municipal corporation ("Grantee").

RECITALS:

A. WHEREAS, Grantor and Grantee (in addition to the Winter Park Community Redevelopment Agency, a body corporate and politic created pursuant to Part III of Chapter 163 of the Florida Statutes (the "CRA)) entered into that certain Developer's Agreement of even date herewith (the "Developer's Agreement") and which Developer's Agreement, including specifically, without limitation, the definitions of the defined terms of the Developer's Agreement used in this Agreement, is incorporated herein by this reference; and

B. WHEREAS, the Developer's Agreement provides, inter alia, for the granting of certain easements and the imposition of certain obligations upon the parties thereto, upon the conditions set forth therein; and

C. WHEREAS, Grantee is the fee simple owner of the Existing Office Building", located in Winter Park, Orange County, Florida, and being more particularly described on attached Exhibit "A" (the "Existing Office Parcel"); and

D. WHEREAS, Grantee is the fee simple owner of that certain parcel of land, upon which is located the Existing Parking Structure, located in Winter Park, Orange County, Florida, and being more particularly described on attached Exhibit "B" (the "Existing Parking Structure Parcel"); and

E. WHEREAS, Grantee desires to or is in the process of making certain improvements to the Existing Office Building, the Existing Parking Structure and the New Parking Structure described in the Developer's Agreement as the "Project") in accordance with those certain plans referenced in the Developer's Agreement as the Master Plan; and

F. WHEREAS, pursuant to the Developer's Agreement and as part of the Project, Grantor is required to grant to Grantee a perpetual exclusive easement over and on that certain portion of land generally described as the ground level of the Existing Parking Structure, and being more particularly described on attached Exhibit "C" (the "Existing Parking Structure Spaces"), for the purposes of Twenty-seven (27) public parking spaces; and
G. WHEREAS, Grantor desires to grant and convey unto Grantee a perpetual exclusive easement for the use, possession and occupation of the Existing Parking Structure Spaces and to allow Grantee to maintain, use and enjoy the Existing Parking Structure Spaces, in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the aforesaid premises, TEN DOLLARS ($10.00), the mutual promises contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby covenant and agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein as material provisions of this Agreement.

2. **Easement Grant.** Subject to the terms and conditions contained in the Developer’s Agreement and this Agreement, Grantor hereby forever grants, bargains, sells, conveys, and declares appurtenant to and for the benefit of Grantee, its guests, invitees, successors and assigns a perpetual exclusive easement on and over the Existing Parking Structure Spaces for the purposes of public parking. Said easement grant shall also include a right of reasonable access to the Existing Parking Structure Spaces from the public right-of-way (and vice-versa) and to maintain, operate, and use the Existing Parking Structure Spaces consistent with the terms of this Agreement, including the installation of signs thereon.

3. **Limitations on Use of the Easement.** In accordance with Developer’s Agreement and except as otherwise provided for in the Developer’s Agreement or herein:

   a) **Use of the Easement.** Except as otherwise provided for herein, the rights of Grantee with respect to the use of the Existing Parking Structure Spaces is limited to public parking (and under no circumstances shall the Grantee provide the spaces as parking for tenants of the Existing Office Building).

   b) **Temporary Use for City Employees.** The Grantor hereby agrees that the Grantee may temporarily use the Existing Parking Structure Spaces for City employees (if such a need should arise). However, under such circumstances, the Grantor may temporarily re-assign to the Grantee substitute parking spaces at certain locations in the Existing Parking Structure other than the ground floor parking spaces that are currently designated for public use and temporarily assign the ground floor parking spaces as reserved spaces for the tenants of the Existing Office Building until such time as the Grantor has no further need for temporary City employee parking. At such time as the Grantee no longer has a need for such substitute spaces, the Existing Parking Structure Spaces shall be re-designated as public parking and reassigned to the Grantee.

   c) **Temporary Suspension.** The use of the easement granted herein by Grantee may be temporarily suspended by Grantor for the purposes of reconstructing all or a portion of the Existing Parking Structure and/or New Parking Structure
which has suffered a Loss as provided for in the Developer's Agreement. Notwithstanding the foregoing, such temporary suspension shall only be for such time and apply to such portions of the Existing Parking Structure Spaces as may be reasonably necessary for the purposes of reconstruction.

d) Casualty, Destruction, Substantial Damage to or Condemnation of Parking Structure. As provided for in the Developer’s Agreement, in the event a Loss occurs, one of the following scenarios shall apply:

(1) If the Grantee permits the Grantor to reconstruct that portion of the Parking Structures which has suffered a Loss to substantially the same size, in terms of height and square footage (or larger) and with the same or a greater number of parking spaces, and further, if Grantor elects to reconstruct that portion of the Parking Structures which has suffered a Loss with the consent of all Grantor’s mortgagees having a security interest in the Developer’s Property, the Grantor shall be so obligated to reconstruct and the Grantee will maintain a proportionate number (i.e., 8.26%) of parking spaces in the reconstructed parking structure.

(2) In the event that the Grantee permits the Grantor to reconstruct that portion of the Parking Structures which has suffered a Loss with a greater number of parking spaces, the Grantor so elects to reconstruct with the consent of the Grantor’s mortgagees, and the insurance proceeds and other compensation received by Grantor as a result of the Loss do not cover all necessary reconstruction costs, the Grantee shall have the option to either: (i) elect to pay its proportionate share of additional costs not covered by the insurance proceeds and other compensation received by Grantor and maintain its proportionate number of parking spaces (i.e., 8.26%) in the Parking Structure; or (ii) elect not to pay its proportionate share of additional costs not covered by the insurance proceeds and maintain its easement for twenty-seven (27) ground level parking spaces in the Parking Structure.

(3) In the event that Grantor cannot obtain the necessary approvals from the Grantee to reconstruct that portion of the Parking Structures which has suffered a Loss under the terms described above or if Grantor does not elect to reconstruct the Parking Structures, or Grantor’s Mortgagees do not consent to such reconstruction, the Grantee shall receive an interest in any remaining or reconstructed parking spaces equal to the proportionate share of parking spaces the Grantee had in the Parking Structures prior to the loss or destruction (i.e., 8.26%). Furthermore, the Grantor shall pay to the Grantee that portion of the insurance proceeds or compensation received by or for the benefit of the Grantor as a result of the Loss in proportion to the number of parking spaces the Grantee had in the Existing and New Parking Structures prior to the Loss (less any construction costs for any reconstructed parking structure). Any election of the Grantor to not
reconstruct the Parking Structures shall be made in the exercise of the Grantor’s commercially reasonable business judgment applied to the Grantor’s then existing facts and circumstances.

4. Non Waiver of Grantee’s Regulatory Powers. Nothing contained in this Agreement shall be construed as a waiver of or contract with respect to the regulatory and permitting authority of Grantee as it now or hereafter exists under applicable law, rules and regulations.

5. Non Waiver of Sovereign Immunity. Nothing contained in this Agreement or any instrument executed pursuant to the terms of this Agreement shall be construed as a waiver or attempt at a waiver by Grantee of its sovereign immunity under the Constitution in the laws of the State of Florida.

6. Remedies. Each party shall have any and all remedies as permitted by law and equity; provided, however, that the parties agree to provide for a positive dialogue and communication if disputes or disagreements arise as to the interpretation or implementation of this Agreement.

7. Governing Law; Venue. This Agreement and the provisions contained herein shall be construed and interpreted in accordance with, and controlled and governed by, the laws of the State of Florida. To the maximum extent permitted by applicable law, any action to enforce, arising out of, or relating in any way to, any of the provisions of this Agreement shall be brought and prosecuted in such court or courts located in Orange County, Florida as is provided by law; and the parties consent to the jurisdiction of said court or courts located in Orange County, Florida.

8. Covenants Run With the Land. The easement granted herein is hereby declared and shall hereinafter be deemed to be a covenant running with the Existing Parking Structure Parcel and shall be binding upon and inure to the benefit of Grantor and Grantee, their mortgagees, any purchaser at a foreclosure sale, each of the successors and assigns of all such parties, as well as the tenants, agents, licensees, guests and invitees of each of them.

9. Entire Agreement; Amendments. This Agreement contains the entire agreement of the parties hereto with respect of the subject matter hereof. This Agreement may be amended, supplemented, extended or modified in any respect whatsoever, or rescinded in whole or in part, only by a written instrument duly executed and acknowledged by all of the parties hereto or their respective successors and assigns and recorded in the Official Records of Orange County, Florida. Nothing contained in this Agreement shall be interpreted in a manner to waive any rights of enforceability by either party.

10. Notices. All notices required or permitted to be given under this Agreement must be in writing and must be delivered to Grantor or Grantee at its address set forth below (or such other address as may hereafter be designated by such party). Any such notice must be personally delivered or sent by registered or certified mail, overnight courier or facsimile or telecopy. Any such notice will be deemed effective when received (if sent by hand delivery, overnight courier
telexcopy or facsimile) or on the date which is three days after such notice is deposited in the United States mail (if sent by registered or certified mail). The parties' addresses for the delivery of all such notices are as follows:

Grantor’s Address: 250 Park Avenue Trustee, Inc.
300 South Orange Avenue, Suite 975
Orlando, Florida 32801
Attn: Scott R. Stahley, President

With a copy to: Broad and Cassel, P.A.
390 North Orange Avenue, Suite 1100
Orlando, Florida 32801
Attn: James E. Slater, Esquire

Grantee’s Address: City of Winter Park
401 Park Avenue South
Winter Park, Florida 32789-4386
Attn: City Manager

11. **Counterparts.** This Agreement may be executed in counterparts, each of which will be deemed an original document. This Agreement will not be binding on the parties, until such time as a counterpart of this Agreement has been executed by each party and a copy thereof delivered to the other party to this Agreement.

12. **Authority.** Grantor represents and warrants that it has taken all necessary action to grant the easement and covenants contained herein.

13. **Definitions; Conflict.** The terms defined herein shall, where applicable, have the same meanings as such terms are defined in the Developer’s Agreement. In the event of a conflict between any term, condition or provision of this Agreement and the Developer’s Agreement, the terms, conditions and provisions of the Developer’s Agreement shall control.

**IN WITNESS WHEREOF,** Grantor and Grantee have executed this Agreement as of the date first set forth above.
Signed, sealed and delivered in the presence of the following witnesses:

Scott R. Stahley, President

“GRANTOR”:

250 PARK AVENUE TRUSTEE, INC., a Florida corporation, as successor trustee of 250 Park Avenue Trust dated March 30, 2000

By:
Printed Name: Kenneth R. Marchman
Title: Mayor

“GRANTEE”:

CITY OF WINTER PARK, a municipal corporation organized and existing under the laws of the State of Florida

By:
Printed Name: Kenneth R. Marchman
Title: Mayor

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 13th day of August, 2003, by KENNETH R. MARCHMAN, as MAYOR of the CITY OF WINTER PARK, a municipal corporation organized and existing under the laws of the State of

(CORPORATE SEAL)
Florida, on behalf of the corporation. He (She) is personally known to me or has produced N/A as identification.

(NOTARY SEAL)

Anne Ward
Notary Public Signature

Deborah B. Crupe
Notary Public Signature

STATE OF FLORIDA
COUNTY OF Crane

The foregoing instrument was acknowledged before me this 13th day of August, 2003, by Scott R. Stahley, as President of 250 PARK AVENUE TRUSTEE, INC., a Florida corporation, as successor trustee of 250 Park Avenue Trust dated March 30, 2000, on behalf of the corporation. He is personally known to me or has produced N/A as identification.

(NOTARY SEAL)
EXHIBIT “A”

LEGAL DESCRIPTION OF EXISTING OFFICE BUILDING PARCEL

Lots 10 through 15, inclusive, Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the Northwest corner of said Lot 10; run thence East along the North line of said Lot 10, a distance of 138.00 feet to the Northeast corner of said Lot 10; thence South 00°53'59" West along the East line of said Lots 10 through 15, inclusive, a distance of 155.00 feet to the Southeast corner of said Lot 15; thence West along the South line of said Lot 15, a distance of 138.00 feet to the Southwest corner of said Lot 15; thence North 00°53'59" East along the West line of said Lots 10 through 15, inclusive, a distance of 155.00 feet to the Point of Beginning.
EXHIBIT “B”

LEGAL DESCRIPTION OF EXISTING PARKING STRUCTURE PARCEL

A portion of Lots 2, 3, 4 and 5, Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the Northwest corner of said Lot 5; run thence East along the North line of said Block 39, a distance of 172.00 feet; thence South 00°53'59" West, a distance of 113.00 feet; thence West along a line 10.00 feet North of and parallel to the South line of said Lots 2, 3, 4 and 5, a distance of 172.00 feet to a point on the West line of said Lot 5; thence North 00°53'59" East along said West line, a distance of 113.00 feet to the Point of Beginning.
LEGAL DESCRIPTION OF EXISTING PARKING STRUCTURE PARKING SPACES

SPECIFIC PURPOSE SURVEY
DESCRIPTION SKETCH
(NOT A BOUNDARY SURVEY)

LEGAL DESCRIPTION: (PARKING EASEMENT AGREEMENT)

A portion of Lots 4 and 5, Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof, as recorded in Plat Book A, Pages 67 to 72, inclusive, of the Public Records of Orange County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Lot 5; thence S.00°53'59"W., along the West boundary of said Lot 5, a distance of 4.92 feet to the POINT OF BEGINNING; thence East along a line 4.92 feet South of and parallel to the North line of said Lots 4 and 5, a distance of 93.04 feet; thence S.00'10'58"W., a distance of 108.07 feet to a point on the South boundary of said Lots 4 and 5; thence S.89°49'43"W., a distance of 17.40 feet; thence N.89°49'43"W., a distance of 15.40 feet; thence N.00'10'17"E., a distance of 3.43 feet; thence N.00°53'59"E., a distance of 87.19 feet to the POINT OF BEGINNING.

Containing 9,983.51 square feet or 0.229 acres, more or less.

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### subject

Presentation and approval of scope of services for Winter Park visioning

### motion | recommendation

Recommend approval of the scope of services and direct staff to prepare an RFP for consultant services.

### background

On September 22nd, the city hosted a ULI Technical Assistance Panel (TAP) to help the city prepare a scope of services for a citywide visioning exercise. The three panelists interviewed the City Commissioners and listened to the input from the community meeting in preparing the scope of services found within the overview of the attached final report. Bob Rhodes, the facilitator for the Panel will present the findings and their recommendations.

### alternatives | other considerations

The Commission can choose to not move forward with the scope of services or make amendments to the scope prior to approval.

### fiscal impact

N/A
INTRODUCTION

Winter Park has worked for years to maintain its reputation as an upscale community with million-dollar homes, a pristine chain of lakes, a thriving downtown shopping district, and a prestigious private college. But it’s so much more than that.

The city represents a variety of neighborhoods, each with its own personality. These neighborhoods share many things in common beside ZIP codes, schools and roads. But there is one overriding element that binds them: a sense of pride in their community.

As Winter Park looks toward the next 20 years, its leaders want to craft a vision that all parts of the city can share — a vision that takes into account the rich diversity of the community and is inclusive of each area’s residents and businesses.

To start that initiative, the city’s Planning and Community Development division called on the nonprofit Urban Land Institute to conduct a Technical Assistance Panel (TAP). The panel’s task was to determine how the city should undertake the initiative of creating a new vision for Winter Park. Who should be involved? How should the process be handled? How should the initiative and its results be communicated? Who should oversee the process?

The results of the TAP’s research are the subject of this report.

PROJECT OBJECTIVES

In September 2013, consulting firm WRT reported to city leaders that Winter Park’s absence of a shared consensus on community vision is holding the city back from realizing its full potential. The firm issued a report, City of Winter Park: Analysis of Potential Policy and Regulatory Impediments to Economic Development, which made the following observations:

The 2009 Comprehensive Plan does not include a “community vision,” which was encouraged in language introduced into Chapter 163 in 2005. Most of the interviewed stakeholders concede that no community vision exists, although several partial or focused visioning efforts have been conducted in the past. The results have been mixed for various reasons.
Some of WRT’s interviewees doubted the likelihood of ever arriving at a consensus vision, due to perceptions that differences of opinion in the community run too deep. WRT does not share this worry. However, we view the lack of a collective community vision as one of the fundamental causes of conflict over the comprehensive plan.

The consulting firm expressed the importance of a vision statement, which it said would set a tone and provide a “destination” for the comprehensive plan that every citizen can understand. The report further stated:

WRT recommends that the city consider engaging in a community-wide visioning process in the next couple of years, prior to the deadline to decide on the next full comprehensive plan update. We believe it is important having a community vision statement as the cornerstone of a comprehensive plan because the vision represents the consensus of its citizens. Consensus does not imply unanimity, but a process where everyone’s input is carefully considered and the outcome best meets the needs of the community as a whole.

Not everyone needs to agree with every aspect of a vision statement, but if the consensus building process is conducted effectively, individual interests, concerns and aspirations are tested against the best interest of the community. As people work through issues, they have their own needs reflected back to them against the context of the community needs, which encourages them to consider interests beyond their own. For this reason, a consensus vision requires less enforcement (less regulation).

Against the backdrop of that 2013 report, the ULI TAP asked city commissioners pointed questions about what it will take to build a consensus vision and how they would go about doing it. The commissioners represent five districts with very different sets of constituents, and the leaders themselves are diverse in age, professions and political experience. Although they were interviewed separately, the commissioners were in agreement on several objectives.

City leaders made it clear they did not expect the TAP to handle the visioning process during the one-day panel meeting. Instead, the city asked for strategic advice from the panel on how to proceed. The panel’s report is intended to aid the city in creating a project scope for hiring a consulting firm that will oversee the visioning process.

**METHODOLOGY**
The Technical Assistance Panel met Sept. 23, 2014, for a one-day session in Winter Park to explore the current situation and make recommendations on how the city should proceed. Panelists were chosen for their extensive experience with similar projects and their knowledge of how to build community consensus. They were not connected with Winter Park or the Orlando region and were not familiar with the city’s history or the discussion over recent developments.

The panelists were:

**Bob Rhodes** (TAP Chair) – an attorney and real estate development consultant in Jacksonville who formerly served as Executive Vice President of the St. Joe Company and as St. Joe’s General Counsel. He held similar positions with Arvida Corporation and Disney Development Company. Rhodes administered Florida’s growth management program and served as counsel to the Speaker of the Florida House of Representatives and as Assistant Director of the Washington, D.C., office of the Council of State Governments. He chaired state commissions that developed and subsequently recommended revisions to the state’s growth management program. He also chaired the Tallahassee-Leon County Planning Commission, Jacksonville’s Downtown Development Authority and Economic Development Commission, the Trust for Public Land’s Northeast Florida Chapter, the Northeast Florida Regional Community Institute and the Florida Bar Administrative Law Section and Environmental Land Use Law Section.

**Robert Karn**, AIA, LEED AP – a Design Principal for Consilium Urban Design and Architecture, based in the Boston area. He has worked on numerous urban design plans in the United States, the Middle and Far East and Europe, including urban design, campus and civic planning for new towns in India, university campuses on the Eastern Seaboard, and transit-oriented development in the Northeast. Prior to locating in Boston, Karn practiced for 10 years in Germany collaborating on the reconstruction of East Germany after the destruction of the Berlin Wall. He formerly served as the Director of Design and Planning for the Denver Partnership, a 501c3 responsible for the development of the Downtown Area Plan 2000, which included creation of a long-term transit and transportation strategy, a comprehensive open space system, and extensive land use modification to stimulate downtown housing. Karn is also a founding member and faculty at the Center for Sustainable Urbanism.

**Jeff Pearlman** – immediate past Mayor of Delray Beach, where he served on the City Commission from 2000-07, including four years as Mayor, and was a finalist for Florida Mayor of the Year and World Mayor of the Year. Under his leadership, Delray Beach gained national recognition for its renaissance. Among his accomplishments: a Downtown Master Plan, creation of the cultural plan, passage of the 2005 Parks Bond, and a vision for the Congress Avenue corporate/innovation corridor. He championed walkability, design, smart growth, downtown housing, and mixed-used development, helping Delray Beach become a model for other small cities. Pearlman currently is CEO
of Community Ventures and Executive Vice President of Business Development for CDS International Holdings, a private equity firm with a wide range of real estate, consumer and philanthropic interests. He has served on dozens of corporate and nonprofit boards.

The TAP interviewed each of Winter Park’s five elected city leaders individually, in compliance with Florida’s Sunshine Laws that call for discussion of any city business by two or more officials of the same government body to be open to the public. Those city leaders were:

- Mayor Ken Bradley
- Vice Mayor Steven Leary
- Commissioner Carolyn Cooper
- Commissioner Tom McMacken
- Commissioner Sarah Sprinkel

Each elected official described a scenario and offered opinions about how to build consensus among Winter Park’s varied constituents. The TAP observed that there was much more consensus among the commissioners than even the leaders themselves realized. The commissioners’ ideas followed several main themes, and the TAP captured those in this report.

After the individual interviews, the panel considered its recommendations. Later that day, the city held a public meeting where the TAP could present its findings to the entire commission as well as residents and local business leaders. About 60 people were in attendance.

COMMON THEMES

Each of the five commissioners spoke with the panel about specific questions and concerns from residents and business owners who have very definite opinions about the city’s future. Panelists listened intently, asked questions, and then collaborated to compile an outline of common themes they had heard from the city’s leaders. The TAP shared those themes with the audience during the public meeting and served as significant steppingstones toward development of the TAP’s final recommendations.

Among the themes:
Gathering input on the vision

- **Favor a value-based visioning process vs. specific issues** – When seeking input from the community, the visioning process should ask people to define their vision, rather than seek their opinions on certain points such as housing density, building heights, zoning or other specific issues.
- **Favor maximum inclusion** – The process should include as many residents and business owners as it can, rather than choosing a sampling of representatives.
- **Offer a variety of ways to participate** – Different people will respond to different methods of outreach, leaders told the TAP. Some will answer only a mailed survey, while others will respond only if the survey is online. Some will engage through social media, and others will not connect to the effort unless someone knocks on their doors and invites them to a neighborhood cookout.
- **Educate the public about the visioning process** – At the beginning, the education will be about the process itself and how and why they should participate. It will evolve into educating them about how the shared vision will affect their lives and how the city will use it to guide future decisions. The process should help define for residents what a vision is and what it is not. For instance, a vision is not a comprehensive growth plan.

Defining the vision

- **Identify problems to be solved** – The vision should address what’s causing today’s concerns as well as tomorrow’s opportunities. In the visioning process, it will help to give examples of how the vision could be used in the future to solve issues the city will face.
- **Separate vision** – Creating the vision separately from other initiatives, such as the comprehensive plan, will give the city more flexibility to apply it to future decisions across the board instead of just when dealing with development, growth, zoning or other specific types of issues.
- **Actionable steps/direction desired** – The consulting firm hired to handle the visioning process must outline specific actionable steps the city should take and what each of those steps is expected to accomplish.
- **Solid results from dollars spent** – The visioning process should produce results that show a solid return on investment. This process will be performed with taxpayer dollars, and the city’s residents and business owners will want to know that those were spent wisely.

Language/messaging
• **Strategic direction** – The plan for conducting the visioning process should address why the city needs a collective vision so it can be explained to community groups.

• **Avoid bias** – In the visioning process, no one group, neighborhood or population segment is more important than any other. The process and the messaging cannot show bias for the residents in mansions over those in modest homes, or for longtime residents over new neighbors, or for businesses on Park Avenue over those on U.S. 17-92.

• **Avoid terms that are too “technical”** – The campaign must address participants in layman’s terms to fully engage them. If it’s too technical, it won’t resonate and the results will be skewed toward only those who understand city planning lingo.

• **Drill down by neighborhoods** – To reach the maximum number of people for their input, the visioning process should actively solicit input from each neighborhood and address its specific needs. In some parts of the city, neighbors will have known each other for years and will be happy to get together to talk about their ideas. In other areas, people will have to be coaxed out of their homes with an event that allows them to get to know each other and have an inclusive discussion about the city’s future.

• **Identify Winter Park’s role in the region** – The vision has to create clarity on Winter Park’s relationship to the rest of Central Florida. It can’t be created and implemented in a geographic bubble. The city’s unique position in the middle of the Orlando metropolitan area makes it completely different from municipalities that are more isolated on the outskirts. People drive into Winter Park every day to enjoy its features, and they also travel through the city on their way from one place to another.

• **Add visuals to make it understandable** – Include photographs and graphics to show examples of what Winter Park’s residents consider desirable and not acceptable. The visuals will provide the context for understanding the choices residents will need to make for their future.

**Steering committee**

• **Commissioners as champions, but not “owners”** – The city’s elected officials should not spearhead the visioning process. It must be conducted and viewed as nonpolitical and as a community effort rather than an edict.

• **Critical to visioning process** – Establish a steering committee to manage the visioning process.

• **Diverse and representative of city** – To engage the most people and incorporate the rich diversity of the community, the committee should be made up of people from all parts of the city and a variety of interests.

**RECOMMENDATIONS**
Based on their conversations with the city’s leaders, input from the community at the public hearing, and their experience with other communities, the Technical Assistance Panel made several recommendations for the city to move forward:

1) **Handle the process of hiring a consulting firm as an RFP.**

   The city should focus on bringing in the most qualified bidders with the most creative ideas for handling a project that is so vital to the very essence of Winter Park’s future. Consulting firms should be asked, “What is your experience, and how would you handle this project?” In selecting a consulting firm, the city should not choose based on lowest price but on the best idea, and then negotiate with the firm to be sure to meet Winter Park’s budget for the project.

2) **Make the vision a values-based process.**

   The vision is not a comprehensive plan for growth. Instead, it’s a North Star that serves as a guide for future decisions. It looks at a bigger picture than the requirements for a comprehensive plan found in Chapter 163 of the Florida Statutes. It looks at what its citizens value today, what the city’s challenges will be tomorrow, how today’s values may need to change to allow the city to sustain itself in the future, and how those changes will need to be translated into specific actions.

   The vision should address questions such as:

   - What physical, social, cultural and other factors do Winter Park residents use to identify the city?
   - What characteristics define a good quality of life for Winter Park residents?
   - What are the neighborhoods and districts that form Winter Park? What are their functions and boundaries?
   - What should each part of Winter Park physically look like in the future?
   - How should the city function as part of the economic region?
   - What are the overarching goals of the city relative to what its residents want to preserve, revitalize or redevelop?
   - What actions are necessary for Winter Park to promote healthy community design?
   - What five things would improve the city of Winter Park, and how should they be prioritized?

3) **Make diverse citizen engagement a priority.**
One of the primary purposes of preparing a vision is to engage the entire community in a discussion of what everyone values and how that translates into what they want the future to look like and how the city wants to function in the future. To that extent, you should always refer to the vision as a “Shared Vision.”

4) **Create a Steering Committee to oversee the project.**

The visioning process should start with the selection of a “Steering Committee” by the City Council. The Steering Committee should be diverse in membership relative to geography, income and sectors of the city’s economic and business interests. Commissioners should agree on a method for appointing Steering Committee members, such as three from each commission district.

Once appointed, the Steering Committee should look at each neighborhood and determine whether any could be combined because they are homogeneous in character. Additionally, the committee may want to identify “character districts” that cross neighborhood boundaries such as Fairbanks Avenue, U.S. 17-92, or other segments of road corridors.

No member of the City Commission should serve on the Steering Committee, and members of the Steering Committee should lead any meetings with the City Commission. The Steering Committee should elect a chair and vice chair to work closely with the city staff and the consulting firm.

The Steering Committee should hold at least one meeting in each character district to assure an understanding of the issues and gauge the community values from residents and stakeholders within the district. The Steering Committee may form subcommittees to address particular subject areas that go beyond any one neighborhood or character district.

The Steering Committee should meet prior to each public meeting to review the information to be presented and make suggested revisions and/or additions. An additional meeting after the kickoff meeting may be necessary to further educate the Steering Committee regarding physical or economic conditions that may influence the vision.

5) **Organize the vision around answering four questions.**
Where are we now?
Where are we going?
Where do we want to go?
How do we get there?

In addition to the standard boilerplate that is included in an RFP relative to the information requested from the city, such as the criteria for submissions and evaluation, each proposal for the work should be structured around how the consulting firm would address these four key questions. This will assure that the city is addressing all the work required in the RFP and will provide a basis for comparison. Again, it’s important that the city not provide too many details in the RFP as to the content required under each question. This will allow each consulting firm to demonstrate its own creative approach.

The city should specify that it wants the selected consulting firm to use advanced visualization/computer tools that will help residents and business leaders understand with great clarity what Winter Park’s various neighborhoods and character districts can look like and how they will physically function in the future. These tools also integrate critical aspects of environmental and financial sustainability. This clarity allows communities to base their decisions on a solid understanding of the costs and benefits associated with physical implications of the city building decision-making process.

It’s easy to imagine that significant sectors, districts or neighborhoods of Winter Park will remain as they look today because the city is a model community. In these neighborhoods, the potential for improvements lies in the public domain. What is difficult for the lay community member is imagining the unique future this public domain may allow. Other sectors will be more complex, answering bigger questions and addressing and accomplishing significant future needs. The lay community member will again be left out of the understanding if the visualization is too abstract.

It seems Winter Park is an appropriate community to lead in the evolution and use of these innovative tools. The visualization tools can help the city emphasize community-wide objectives such as healthy community design, open space and transit connectivity, affordable housing, and sustainable densities. These tools can also demonstrate for the community the possibilities of alternative futures.

6) Determine the status of the vision and how it will be used.
Once the city receives the work back from the consulting firm it hires for the visioning process, the city will have to determine whether and how it will be implemented. Will the vision provide advisory guidance on certain decisions? Or will it provide mandatory or binding direction? Some governments have incorporated this type of a vision into their comprehensive plans and apply it in development decisions. Others use a vision for strategic guidance. That will be up to the city to decide after the vision is completed.

**RECOMMENDED VISION SCOPE OF WORK**

Based upon the preceding recommendations, the Scope of Work for the Winter Park Vision should include the following information and components.

1. **Mobilization**
   
   1.1. **Project Kickoff**
      
      1.1.1. Project management and team responsibilities
      1.1.2. Data availability
      1.1.3. Finalize project schedule
      1.1.4. Confirm public meeting venues and responsibilities
      1.1.5. Establish social media plan

2. **Public Engagement Process**
   
   2.1. **Steering Committee Kickoff Meeting**
      
      2.1.1. Review vision process and Steering Committee roles and responsibilities
      2.1.2. Confirm Steering Committee schedule
      2.1.3. Establish neighborhood and district subcommittees as necessary
      2.1.4. Confirm character districts
      2.1.5. Discuss speaker options for kickoff and public forums
      2.1.6. Confirm social media plan

   2.2. **Implement Public Engagement Process**
      
      2.2.1. Assist the city in implementing the public engagement process through preparation of documents and materials required to support the following public meetings.
      2.2.2. Recommend and work with the city to implement the social media program that will be used to inform the public of the visioning process, its progress and its results.
2.2.3. Assist the city in developing a survey of city residents and performing keypad polling of attendees at Steering Committee and district meetings.

2.3. Public Information Meeting (Kickoff Vision Project Open House)
   2.3.1. Introduce vision process and objectives
   2.3.2. Introduce steering committee
   2.3.3. Communicate vision schedule
   2.3.4. Communicate social media program and opportunities

2.4. Public Forum I (Where Are We Now? Where Are We Going?)
   2.4.1. Convey latest socio-demographic data/maps on Winter Park
   2.4.2. Describe trend map(s) based on build-out scenario(s)
   2.4.3. Breakout sessions to address SWOT analysis (strengths, weaknesses, opportunities, threats)
   2.4.4. Summary of SWOT conclusions

2.5. Neighborhood and Character District Meetings
   2.5.1. Meetings with residents and stakeholders of each neighborhood or character district – to relate results of trend SWOT analysis and refine based on specific neighborhood or character district input
   2.5.2. Summary of district SWOT issues
   2.5.3. Summary of SWOT analysis and district input
   2.5.4. Assess Community Values — will be used to guide development of the vision and should address questions such as:
   - What physical, social, cultural and other factors do Winter Park residents use to identify the city?
   - What characteristics define a good quality of life for Winter Park residents?
   - What are the neighborhoods and districts that form Winter Park? What are their functions and boundaries?
   - What should each part of Winter Park physically look like in the future?
   - How should the city function as part of the economic region?
   - What are the overarching goals of the city relative to what its residents want to preserve, revitalize or redevelop?
   - What actions are necessary for Winter Park to promote healthy community design?
   - What five things would improve the city of Winter Park, and how should they be prioritized?

2.6. Community Forum II (Where Do We Want to Go?) Vision Scenarios
2.6.1. Summary of community values assessment
2.6.2. Build-out scenario(s) based on neighborhood and character district input
2.6.3. Vision statement and strategic objectives
2.6.4. Keypad polling to gauge consensus

2.7. Community Forum III: (How Do We Get to Our Destination?) Vision and Action Plan Presentation by Steering Committee
2.7.1. Summary of the vision plan
2.7.2. Recommended actions to achieve the vision
2.7.3. Recommended actions to monitor progress and make necessary adjustments
2.7.4. Recommended actions to market the vision

2.8. Steering Committee
2.8.1. Prepare for and attend each meeting of the Steering Committee. The Steering Committee must be formed prior to beginning the public engagement process and at a minimum will include one representative from each of the defined districts. The Steering Committee should meet prior to each public meeting to review the information to be presented and make suggested revisions and/or additions. Subcommittees of the Steering Committee may be developed to consider particular aspects of the vision. An additional meeting after the kickoff meeting may be necessary to further educate the Steering Committee regarding physical or economic conditions that may influence the vision.

2.9. Social Media Plan
2.9.1. Recommend social media to be used to inform and solicit community feedback
2.9.2. Provide keypad polling or similar equipment to gauge community consensus at steering committee and community district meetings
2.9.3. Assist city staff in preparing survey questions to assess city values

3. Preparation of the Vision and Action Plan

3.1. Data Collection and Analysis (Where Are We Now?)
3.1.1. Assembly of latest socio-economic data to demonstrate current conditions in the city and comparison to other cities of similar size and location in the metropolitan area
3.1.2. Growth forecasts – Use the University of Florida Bureau of Economic and Business Research (BEBR) and other sources to forecast probable growth in the city and how it will impact the demand for residential and non-
residential development and the demand on key city infrastructure and services.

3.2. Trend Scenario Mapping, SWOT Assessment and Neighborhood and Character District Values Assessment (Where Are We Going?)

3.2.1. Prepare a trend map for the city illustrating what build-out of the city may look like, including probable redevelopment scenarios. Use advanced visualization computer tools to demonstrate the trend map. This is not a land use plan and should use categories and vocabulary significantly different than those used in the City Land Use Plan.

3.2.2. Prepare a map of each neighborhood and character district in the city for use in district meeting and SWOT assessment.

3.2.3. Prepare PPT and appropriate handouts to inform citizens of the key data points and trend development scenarios.

3.2.4. Prepare for and facilitate Community Forum I.

3.2.5. Prepare for and facilitate neighborhood and character district meetings including refinement of SWOT and performance of values assessment.

3.3. Preparation of Draft Winter Park Vision Scenario(s) (Where Are We Going?)

3.3.1. Prepare summary results of the SWOT analysis and the values assessment held in each of the neighborhoods and character districts.

3.3.2. Prepare the draft Vision Statement and Strategic Objectives for achieving the vision. The consultant will also prepare an illustration of what Winter Park would look like if the vision were achieved. This illustration should use advanced visualization computer tools to demonstrate the trend map.

3.3.3. Facilitate Community Forum II to inform city residents of the results of previous tasks and to (using keypad polling or other similar assessment mechanism) assess consensus for the results of the SWOT, Community Values Assessment and Draft Vision.

3.4. Preparation of City of Winter Park’s Shared Vision and Action Plan (How Do We Get There?)

3.4.1. Prepare the final draft of the city’s Shared Vision and an Action Plan for assuring its achievement. The plan must include an analysis illustrating how the plan achieves the principle values for the city that resulted from the public engagement process and must include strategic objectives and benchmarks for achieving those objectives that allow the city to measure progress over time and make adjustments, when necessary.
3.4.2. The Action Plan must address how the city will market the vision to assure that all decisions are being viewed through the context of consistency or realization of the Shared Vision.

3.4.3. Facilitate the final Community Forum III to inform city residents and stakeholders about the Shared Vision and Action Plan.

3.4.4. Preparation of a PPT executive summary of the Shared Vision for use by the city and key organizations to market the Shared Vision inside and outside the city of Winter Park.

3.5. Presentation to City Commission

3.5.1. Assist the Steering Committee and staff in the presentation of the Shared Vision to city commission for its acceptance.
## Agenda Item

### Item type
Action Item Requiring Discussion

### meeting date
November 10, 2014

### prepared by
Dori Stone

### department
Planning & Comm. Development

### division

### approved by
- City Manager
- City Attorney
- N/A

### board approval
EDAB

### yes
### no
### N/A

### final vote
6-0

<table>
<thead>
<tr>
<th>strategic objective</th>
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<tr>
<td>Exceptional Quality of Life</td>
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<tr>
<td>Intelligent Growth &amp; Development</td>
</tr>
<tr>
<td>Fiscal Stewardship</td>
</tr>
<tr>
<td>Public Health &amp; Safety</td>
</tr>
<tr>
<td>Investment in Public Assets &amp; Infrastructure</td>
</tr>
</tbody>
</table>

## Subject

Approval of a pilot program for West Fairbanks Façade Grant Program

## Motion | Recommendation

Recommend approval of a pilot façade grant program limited to West Fairbanks from Orlando Avenue to I-4.

## Background

West Fairbanks has been identified as a major corridor in Winter Park. There has been significant investment with the installation of sewer lines, light posts and other infrastructure improvements. It has also been analyzed by an Urban Land Institute (ULI) TAPS panel. This program reflects a recommendation made by the TAP panel in 2012.

The intent of the program is to incentivize property and business owners to reinvest in the exterior of their buildings with a primary focus on what can be seen from the public right-of-way. The program encourages a partnership between the local business and municipality as a 75%/25% matching grant up to $5,000. Eligible enhancements focus on hardscape improvements including, but not limited to, storefronts, signs and painting. Examples of ineligible improvements include roofs, landscaping and other personal property and equipment. A copy of the proposed program guidelines and application are attached.

Similar successful programs have been used in the past. The Winter Park CRA Façade Grant Program is responsible for assisting 48 businesses and leveraging a ratio of 12:1 in private to public dollars for improvements.

EDAB approved this program at their meeting on October 21, 2014.
alternatives | other considerations

Not approve the Façade grant program.

fiscal impact

$25,000
The Economic Development Advisory Board of the City Of Winter Park established the Fairbanks Business Façade Matching Grant program to provide a financial incentive to property and business owners to renovate and reinvest in the exterior of their business or commercial property. The program specifically encourages redevelopment and reinvestment for commercial properties located on Fairbanks Avenue of the City. Grants made to properties will encourage reuse/redevelopment of vacant or underutilized properties, improve appearance, and support the long-term viability of the City. A well-manicured corridor is attractive to business owners and patrons alike. This programs intent is to increase interest in the Fairbanks Avenue area.

**ELIGIBILITY**

**General**
- The grant will contribute the Owner/Lessee a 25%/75% match of the total cost of eligible improvements up to $5,000.
- Owner/Lessee is responsible for all project costs in excess of the above amount.
- All work must be done on the exterior of a street facing side of an existing building on Fairbanks Avenue.
- Fairbanks Façade Program Grant can only be used once per building; regardless of ownership.
- Fairbanks Façade Grant Program cannot be combined with CRA Business Façade Program.

**Applicants**
- The grant applicant must be a property owner or a business owner leasing a storefront;
- The business must the primary visible façade to on Fairbanks Avenue (see map);
- The business owner and property owner must submit a joint application;
- Proposed project must be a small business as defined by the U.S. Small Business Administration (For more information visit [www.sba.gov/size](http://www.sba.gov/size);
- Business may be an individually owned franchise as long as it meets all other criteria;
- Tenant must have at least two years remaining in lease at location of proposed project;
- The project applicant must owe no outstanding property taxes, fees, judgment, or liens to the City of Winter Park or Orange County and have no outstanding code violations.
- **Multi-Tenant Building:** Business tenants in a multi-tenant property may apply to the program as long as the tenant has a clearly definable independent entrance into the storefront that is clearly visible from public rights-of-way (ex. strip-mall tenants). Business tenants in multi-tenant buildings that do not have independent storefronts are not eligible to apply, however the property owner may still apply if they meet the eligibility requirements. Multi-tenant property owner may still apply if they meet all
other eligibility requirements. Property owners will not be able to apply if other tenants in
the same property have previously used the program. If no other tenant in the property
has utilized the program then the property owner may apply as the applicant and receive
up to $5,000 for the entire property.

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

**Scope of Work**
Rehabilitation of building facades visible to the street or public right-of-way, including:
- storefronts
- ledges
- gutters and downspouts
- signs and graphics
- exterior lighting
- canopies and awnings
- painting and masonry work.

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

**PROCESS**

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

**Funding Reimbursement**
Reimbursement shall be limited to no more than 25% of the total cost of eligible improvements,
not to exceed $5,000 per storefront. All necessary government approvals, building permits, and
taxes are not eligible for reimbursement.

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

Grants are awarded on a first come, first served basis, as long as funding remains available in the
program.
Contracts/Bidding:
Applicants are required to get two (2) competitive bids for every type of proposed work. The grant will match up to 25% of the cost of the bid up to $5,000, excluding of any design or planning costs being reimbursed. All contractors must be insured and licensed by the State of Florida. All construction contracts will be between the applicant and contractor.

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

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

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

City Staff/EDAB has the sole authority to determine eligibility of proposed work and confirmation of completed work. Certain work may be required or precluded as a condition of funding. Participants will be responsible for obtaining necessary regulatory approvals, including any needed by City departments or boards and including, but not limited to, building permits and any other necessary permits. All work must comply with city, state and federal regulations.
SUBMISSION REQUIREMENTS
Application packages must include documentation that illustrates the visual impact of the project and its cost.  
*Failure to provide required information will delay the review and/or approval process.*

The applications must include the following attachments:
1. Complete application form
2. Copy of current business license
3. Copy of current property insurance
4. Written consent from property owner giving permission to conduct façade improvements *(if necessary)*
5. Digital photographs of existing conditions of project
6. Written description of project improvements including material list and color selections
7. Simple sketch of improvement project
8. Two competitive bids for each type of work proposed

Submit complete applications to:
City of Winter Park Economic Development/CRA  
Attn: Business Façade Program  
401 Park Avenue South  
Winter Park, FL 32789

For more information about EDAB’s Business Façade Program, please contact our office at 407-599-3217.
1. APPLICANT
Name: ___________________________________________________________________
Address: ___________________________________________________________________
______________________________________________________________________________ Zip __________
Contact Name: __________________________ Phone Number: ______________
Email: __________________________ Fax Number: __________________________
Legal Form: Sole Proprietorship [ ] Partnership [ ]
Corporation: Profit [ ] Non-Profit [ ]
In which State are the incorporation and/or organization documents filed?
______________________________________________________________________________
Social Security Number/Tax Identification Number: __________________________

2. BUILDING/BUSINESS TO BE IMPROVED
Name: ___________________________________________________________________
Address: ___________________________________________________________________
______________________________________________________________________________ Zip __________
Legal Description (may be attached on separate page):
______________________________________________________________________________
Property Tax Parcel Number: __________________________

3. OWNER OF PROPERTY (if not applicant)
Name: ___________________________________________________________________
Contact Name: ___________________________________________________________________
Address: ___________________________________________________________________
______________________________________________________________________________ Zip __________
Phone Number(s): __________________________
4. AUTHORIZATION TO UNDERTAKE WORK
If the applicant is not the owner of the property, provide written evidence that the owner authorizes this work to be undertaken. (Typically a lease or other written permission that shows the owner has read the program guidelines and understands the conditions and restrictions.)

5. BRIEF DESCRIPTION OF PROPOSED EXTERIOR IMPROVEMENTS

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

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

Bid #1:
Company Name: _______________________________________________________
Contact Name: _______________________________________________________
Contact Phone Number: ________________________________________________
Bid Amount for Total Work: $__________.

Bid #2:
Company Name: _______________________________________________________
Contact Name: _______________________________________________________
Contact Phone Number: ________________________________________________
Bid Amount for Total Work: $__________.

7. SOURCE OF MATCHING FUNDS
____________________________________________________________________
____________________________________________________________________

8. INVESTMENT VALUE OF WORK BEING PERFORMED BY APPLICANT
Include the total cost estimate of all work being performed at the business, both exterior and any interior improvements being made. $__________.
8. ACKNOWLEDGEMENTS
☐ I have read and understand the program guidelines and criteria
☐ I have attached a copy of my current business license to this document
☐ I have attached a copy of my current property insurance
☐ To the best of my knowledge the business and the property are current on all local, state and federal taxes
☐ I have attached a copy of the scope of work and available drawings or sketches
☐ I understand that final approval must come from all City departments concerned with any improvement and that award of the grant by the City does not guarantee approval of the project. The applicant must meet all City requirements and codes.
CERTIFICATION BY APPLICANT
The applicant certifies that all information in this application, and all information furnished in support of this application, is given for the purpose of obtaining a 25/75 grant and is true and complete to the best of the applicant’s knowledge and belief.

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

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

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

________________________________________  ______________________
Applicant Signature                        Date

Please return a copy of this completed application along with any supporting documentation to the City of Winter Park Economic Development Department.

Kyle Dudgeon
Economic Development Program Manager
401 S. Park Ave
Winter Park, FL 32789
Phone: 407-599-3217
Email: kdudgeon@cityofwinterpark.org
subject

Ordinance to implement the sale of 300 N. Pennsylvania Avenue – SECOND READING

motion | recommendation

Motion to approve the ordinance.

background

The City Charter requires an Ordinance be adopted for the sale of any City property.

This Ordinance authorizes the sale of the property at 300 N. Pennsylvania Avenue to PhMD Private Health Medical Concierge (Dr. Ivan Castro) subject to the terms of the proposal approved by the City Commission on September 22, 2014.

This Ordinance and the subsequent sale will reserve to the City two easements. One easement is a five foot sidewalk easement for the existing sidewalk along the Pennsylvania Avenue frontage that was constructed as part of the Pennsylvania Avenue streetscape program. The second is an electric utility easement for the transformer/switch gear boxes back in the northeast corner of the site and for the underground wiring along the north and east property lines.

alternatives | other considerations

N/A

fiscal impact

N/A
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED AT 300 NORTH PENNSYLVANIA AVENUE PURSUANT TO THE PROPOSAL APPROVED BY THE CITY COMMISSION ON SEPTEMBER 22, 2014, SUBJECT TO RESERVATION OF EASEMENTS; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, Section 2.11 of the Charter of the City of Winter Park, Florida, authorizes the City Commission, by ordinance to convey or authorize by administrative action the conveyance of any lands of the City; and

WHEREAS, the City undertook an advertised and notice of disposal solicitation for the purchase of the city owned property at 300 N. Pennsylvania Avenue consistent with the adopted purchasing and sale of policies of the City (BID # NOD 18-2014) and also consistent with the requirements of Chapter 163, Florida Statutes which was subsequently approved by the City Commission on September 22, 2014; and

WHEREAS, the City has determined that there is not a municipal use of this property and that the proposed development will be of benefit to the City and the Community Redevelopment Area; and

WHEREAS, the City Commission deems it advisable to convey City property to PhMD Private Health Medical Concierge pursuant to the terms of the proposal approved by the City Commission on September 22, 2014.

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

SECTION 1. The recitals stated hereinabove are incorporated herein by reference and are made fully a part of this Ordinance.

SECTION 2. The property that is authorized to be conveyed by the City to PhMD Private Health Medical Concierge is the property identified in Exhibit “A” attached hereto and made a part hereof by reference, with a street address of 300 North Pennsylvania Avenue, Winter Park, Florida.

SECTION 3. The City Commission of the City of Winter Park hereby approves the transfer and conveyance of 300 North Pennsylvania Avenue, Winter Park, Florida to PhMD Private Health Medical Concierge subject to the terms of the proposal approved by the City commission on September 22, 2014 and subject to reservation of a sidewalk
easement along Pennsylvania Avenue and an underground electric easement, as the City Commission deems it to be in the public interest.

**SECTION 4.** This Ordinance shall constitute the authorization by the City Commission pursuant to Section 2.11 of the Charter of the City of Winter Park, Florida, for the transfer and conveyance of the property set forth above, and the City Commission of the City of Winter Park hereby authorizes the Mayor to execute such contract and deed on behalf of the City, as may be required.

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

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ______ day of __________________, 2014.

__________________________________________
Mayor Kenneth W. Bradley

ATTEST:

__________________________________________
City Clerk, Cynthia S. Bonham
EXHIBIT “A”
CITY PROPERTY

LOTS 14 & 15 & 16 & S1/2 OF VAC R/W ON NORTH PER 7094/2000 BLOCK 23
REVISED MAP OF THE TOWN OF WINTER PARK as recorded in PLAT BOOK “A”,
Pages 67-72 of the Public Records of Orange County, Florida.

Parcel ID#: 05-22-30-9400-23-140
subject

Request to vacate the utility easement located at 1245 Orange Avenue.

motion | recommendation

Approve the vacate request.

background

Jewett Orthopedic Clinic is requesting the City vacate a distribution easement granted to Florida Power Corporation dated December 1982. All electric facilities within the defined easement area have been removed. (See Attachment)

alternatives | other considerations

N/A

fiscal impact

None
ORDINANCE NO. ______-14

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 1245 ORANGE AVENUE, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park by custom will abandon an easement no longer needed for municipal purposes; and

WHEREAS, the City has determined that the easement is no longer needed by the City of Winter Park.

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

Section 1. The City Commission of the City of Winter Park, Florida, hereby vacates and abandons the Easterly 10 feet of the Westerly 5 feet of Lots 18, 19 and 20, Palmetto Company’s addition to Winter Park, according to the plat thereof recorded in plat book “E”, page 14, Public Records of Orange County, Florida, lying and being in Section 12, Township 22 South, Range 29 East.

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

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

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

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the ______ day of ________________, 2014.
October 7, 2014

Donald J. Marcotte, P.E., City Engineer
180 West Lyman Avenue
401 Park Avenue South
Winter Park, Florida 32789

RE: Easement Release / Request to Vacate Easement 1245 Orange Ave., Winter Park FL

Dear Mr. Marcotte

Please accept this letter as request to vacate the easement located at 1245 Orange Ave., Winter Park FL, 2839 Sec. 12, Township 22 S., Range 29 E. This easement was utilized for overhead power line that has been removed to facilitate the Construction of the new Winter Park Surgery Center now under construction at this location. The poles and lines have been removed and replaced by an underground service outside of this easement.

We need this accomplished ASAP within the month of October if possible. Please contact me directly should you have questions or need further information.

Sincerely,

Charles May
CEO
Jewett Orthopaedic Clinic, LLC
1285 Orange Avenue
Winter Park, FL 32789

CELEBRATING OVER 75 YEARS OF ORTHOPAEDIC LEADERSHIP
Charles M. May, Chief Executive Officer
DISTRIBUTION EASEMENT

THIS EASEMENT, Made this day between

[Signature]

[Address]

as a [Florida Power Corporation]
corporation, (State)

its successors and assigns ("GRANTOR"), and FLORIDA POWER CORPORATION, a Florida corporation, its successors, lessees and assigns ("GRANTEE").

WITNESSETH. That, for and in consideration of the mutual benefits, covenants and conditions herein contained, GRANTOR grants and conveys to GRANTEE an easement to install, operate and maintain in perpetuity or until the use thereof is abandoned, such facilities as may be necessary or desirable for providing electric energy and service and communication services; said facilities being located in the following described "Easement Area" within GRANTOR's premises in [Orange County, Florida], to wit:

A 10 foot wide easement area defined as comprising the Easterly 10 feet of the Waseley 15 feet of Lots 18, 19, and 20, Palmetto Company's addition to Winter Park, according to the plat thereof recorded in plat book '8', page 14, Public Records of Orange County, Florida, lying and being in Section 12, Township 22 South, Range 29 East.

The rights herein granted to GRANTEE by GRANTOR specifically include: (a) the right for GRANTEE to patrol, inspect, alter, improve, repair, rebuild, relocate, and remove said facilities; (b) the right for GRANTEE to increase or decrease the voltage and to change the quantity and type of facilities; (c) the right for GRANTEE to clear the Easement Area of trees, limbs, underground and other physical objects which, in the opinion of GRANTEE, endanger or interfere with the safe and efficient installation, operation or maintenance of said facilities; (d) the right for GRANTEE to trim or remove any timber adjacent to but outside the Easement Area which, in the opinion of GRANTEE, endangers or interferes with the safe and efficient installation, operation or maintenance of said facilities; (e) the reasonable right for GRANTEE to enter upon land of the GRANTOR adjacent to said Easement Area for the purpose of exercising the rights herein granted; and (f) all other rights and privileges reasonably necessary or convenient for GRANTEE's safe and efficient installation, operation and maintenance of said facilities and for the enjoyment and use of said easement for the purposes described above.

GRANTOR hereby covenants and agrees that no buildings, structures or obstacles (except fences) shall be located, constructed, excavated or created within the Easement Area. If fences are installed, they shall be placed so as to allow ready access to GRANTEE's facilities and provide a working space of not less than six feet (6') on the opening side and one foot (1') on the other three sides of any pad mounted transformer. If GRANTOR's future orderly development of the premises is in physical conflict with GRANTEE's facilities, GRANTEE

This document prepared by
BLAIR W. CLARK
RETURN TO: Real Estate Dept.
Florida Power Corporation
P. O. Box 1461
St. Petersburg, Fl 33733

Corporation 913 552 (5)
shall, within 60 days after receipt of written request from GRANTOR, relocate said facilities to another mutually agreed upon Easement Area in GRANTOR's premises, provided that prior to the relocation of said facilities (a) GRANTOR shall pay to GRANTEE the full expected cost of the relocation as estimated by GRANTEE, and (b) GRANTOR shall execute and deliver to GRANTEE, at no cost, an acceptable and recordable easement to cover the relocated facilities. Upon the completion of the relocation, the easement herein shall be considered cancelled as to the portion vacated by such relocation.

GRANTOR covenants not to interfere with GRANTEE's facilities within the Easement Area in GRANTOR's premises, and GRANTOR further covenants to indemnify and hold GRANTEE harmless from any and all damages and injuries, whether to persons or property, resulting from interference with GRANTEE's facilities by GRANTOR or by GRANTOR's agents or employees.

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

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

IN WITNESS WHEREOF, the GRANTOR has caused this easement to be signed in its corporate name by its proper officers thereunto duly authorized and its official corporate seal to be hereunto affixed and attested this 14 day of December, 1982.

WITNESSES:

[Signatures]

ATTEST:

[Signatures]

STATE OF Florida

COUNTY OF Orange

The foregoing easement was acknowledged before me this 10 day of December, 1982, by

[Signatures]

as President and by

[Signatures]

as Secretary, respectively,

of

[Signatures]

a corporation of the State of Florida, or behalf of the corporation as GRANTOR.

[Notary Public]

[Recorded & Record Verified]
1) Submit letter of request, including reasons for requesting the Easement Release.

2) Submit a copy of a Survey Plat showing the proposed area to be released.

3) Submit copies of letters from all utility companies stating their position on the proposed release. (List at bottom of page.)

The request is to be submitted to the City Engineer, at 180 West Lyman Avenue, for City of Winter Park, 401 Park Avenue South, Winter Park, Florida 32789. Should there be any questions regarding Release of Easements, contact Donald J. Marcotte, P.E., City Engineer (407) 599-3424 or E-mail: dmarcotte@cityofwinterpark.org.

**UTILITY CONTACT LIST**

<table>
<thead>
<tr>
<th>TECO/Peoples Gas</th>
<th>Progress Energy Florida Inc.</th>
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<tbody>
<tr>
<td>600 West Robinson</td>
<td>3300 Exchange Place</td>
</tr>
<tr>
<td>P.O. Box 2433</td>
<td>Lake Mary, FL 32746</td>
</tr>
<tr>
<td>Orlando, FL 32802-2433</td>
<td>Lori L. Herring</td>
</tr>
<tr>
<td>Attn: Bruce A. Stout, Sr. Engineer Tech</td>
<td>Easement Specialist</td>
</tr>
<tr>
<td>407-428-2678</td>
<td>407-942-9463</td>
</tr>
<tr>
<td>407-443-6174 FAX</td>
<td>407-942-9417 FAX</td>
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<tr>
<th>Bright House Networks Inc</th>
<th>Embarq, Florida Inc</th>
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<tbody>
<tr>
<td>Marvin Usry</td>
<td>Steve O'Brien</td>
</tr>
<tr>
<td>407-532-8509</td>
<td>407-830-3277</td>
</tr>
<tr>
<td>P J King, Construction Supervisor</td>
<td>Robert Gudek</td>
</tr>
<tr>
<td>407-532-8506</td>
<td>407-830-3421</td>
</tr>
<tr>
<td>3767 All American Blvd.</td>
<td>952 First St.</td>
</tr>
<tr>
<td>Orlando, FL 32810</td>
<td>Altamonte Springs, FL 32701</td>
</tr>
<tr>
<td>407-552-8544 FAX</td>
<td>407-260-2683 FAX</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City of Winter Park</th>
<th>City of Winter Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phil Daniels</td>
<td>Jerry Warren</td>
</tr>
<tr>
<td>Water/Wastewater Asst. Utility Director</td>
<td>Electric Director</td>
</tr>
<tr>
<td>401 Park Avenue South</td>
<td>401 Park Avenue South</td>
</tr>
<tr>
<td>Winter Park, FL 32789-4386</td>
<td>Winter Park, FL 32789-4386</td>
</tr>
<tr>
<td>407-599-3555</td>
<td>407-599-3491</td>
</tr>
<tr>
<td>407-599-3417 FAX</td>
<td>407-599-3417 FAX</td>
</tr>
</tbody>
</table>
Date: October 6th 2014

Jerry Warren  
Electric Director  
180 West Lyman Avenue  
401 Park Avenue South  
Winter Park, Florida 32789  

Dear Mr. Warren:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 1245 Orange Ave., Winter park FL 2839 Sec. 12, Township 22 S, Range 29 E in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at Jewett Orthopaedic Clinic, LLC  
1285 Orange Avenue  
Winter Park, FL 32789  
If you have any questions, please contact Philip Tanner 407-545-4701  

Sincerely

Name: Charles May, CEO  
Jewett Orthopaedic Clinic, LLC  
Address:  
1285 Orange Avenue  
Winter Park, FL 32789

__________________________________________

The subject parcel is not within our service area.

X__________________________________________

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

__________________________________________

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

Additional comments: EASEMENT TO BE VACATED IS FLORIDA POWER CORP. DOCUMENT.

Signature: [Signature]  
Print Name: Terry Hotard  
Title: ELECTRIC UTILITY- ASSIST DIR.  
Date: 10-20-2014
subject

Request to Vacate Easement, 500 W. Morse Blvd.

motion | recommendation

Approve vacate request.

background

DePugh Nursing Home is requesting the City vacate a distribution easement granted to Florida Power Corporation in 1976. All electric facilities within the defined easement area have been removed. (See Attachment)

alternatives | other considerations

na

fiscal impact

None
ORDINANCE NO. __________-14

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 500 W. MORSE BOULEVARD, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park by custom will abandon an easement no longer needed for municipal purposes; and

WHEREAS, the City has determined that the easement is no longer needed by the City of Winter Park.

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

Section 1. The City Commission of the City of Winter Park, Florida, hereby vacates and abandons that certain 14 foot wide utility easement granted in Seminole Place, Lots 5 & 6, Plat Book 3, Page 121, Orange County Florida, being described as follows:

All of Lots 6, 7, 8, 9, 10 and the North 63 feet of Lots 11, 12, 13, and all of Lots 19, Also, the North ½ of the platted alley lying South of said Lots 6, 7, 8, 9, and 10, and the South ½ of the platted alley lying North of said Lot 19, all in Block 33, Town of Winter Park, as recorded in plat book “A”, page 70, Public Records of Orange County, Florida. Lying and being in Section 6, Township 22 South, Range 30 East. A 10 foot wide Easement Area, centerline of said Easement Area to begin 5 feet North of the Western most South corner of the above described property and extend North 74 degrees East 81 feet to the end of said Easement Area.

Section 2. All ordinances or portions of ordinances in conflict herewith are hereby repealed.
Section 3. The parties intend that any error in legal description or in depiction of the portion of the easement vacated and abandoned may be corrected by subsequent curative document if the parties agree that there was an error in the survey or description.

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

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the ____ day of November, 2014.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham
Re: DePugh Nursing Home

Dear Jeff:

It was good to talk to you today. Pursuant to our discussions, I wanted to provide you with some information over a "dead end" easement that impairs the title to the DePugh property. Enclosed is a copy of the Easement in question which was granted to Florida Power Corporation in 1976. Also enclosed is a portion of a survey recently performed on the DePugh property showing Lots 12 and 13. As you can see there is a dead end easement coming off of Pennsylvania Avenue up into the middle of the DePugh property which at this point and time serves no purpose whatsoever.

It is the request of the DePugh Nursing Home folks that this easement be vacated as it is a dead end easement, provides no access at the present time and serves no useful purpose.

If you have any questions or need any additional information, please do not hesitate to contact me.

Thanks in advance as always for your assistance.

Very truly yours,

Ralph V. Hadley III

RVH/gm
Enclosures.
CC: Richard O. Baldwin, Jr.
Date: October 14, 2014

Terry Hotard
Assistant Director
Electric Utility Winter Park

Dear Mr. Hotard:

I am in the process of requesting the City of Winter Park vacate an (easement/right of way) as shown on the copy of the enclosed tax map. The site is located at (address) 500 West Morse Boulevard in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at 500 West Morse Blvd., Winter Park, FL 32789. If you have any questions, please contact Tonya Oliver.

Sincerely

Mary Lee DePugh Nursing Home
Name: Association, Inc.
Address: 500 W Morse Blvd.
City, State, Zip Code: Winter Park, FL 32789

The subject parcel is not within our service area.

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

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

Additional comments:

Signature: [Signature]
Print Name: Terry Hotard
Title: Assistant Director - Electric Utility WP
Date: Oct 4, 2014
THIS EASEMENT, made this 4th day of February, 1976,

between MARY LEE DEPUCH NURSING HOME ASSOCIATION, INC., a Florida corporation, and FLORESA POWER CORPORATION, a Florida corporation (GRANTEE). 

WITNESSETH: That the said in consideration of the mutual benefits, covenants, and conditions contained herein, GRANTOR grants and conveys to GRANTEE, its successors, lessees, and assigns, an easement to install, operate and maintain, for as long as GRANTEE requires the use of GRANTOR'S premises, or until the use thereof in abandoned by GRANTEE, such facilities as are necessary and desirable in rendering underground electric service, and, when applicable, telegraph and telephone communication service to

MARY LEE DEPUCH NURSING HOME

said facilities being located on the following described premises of GRANTOR in Orange County, Florida, to wit:

all of Lots 5, 6, 7, 8, 9, 10 and the North 63 feet of Lots 11, 12, 13, and all of Lot 19; also, the North 1/4 of the platted alley lying South of said Lots 6, 7, 8, 9 & 10, and the South 1/4 of the platted alley lying North of said Lot 19, all in Block 13, Town of Winter Park, as recorded in plat book "A", page 70, Public Records of Orange County, Florida, lying and being in Section 6, Township 22 South, Range 30 East.

A 10 foot wide Easement Area, centerline of said Easement Area to begin 5 feet North of the Westmost South corner of the above described property and extend North 74', East 61 feet to the end of said Easement Area.

GRANTEE shall have the right to repair or alter said facilities, including the right to alter the voltage thereof, together with all rights and privileges reasonably necessary or convenient for the enjoyment or use thereof for the purposes above described. GRANTEE shall have the right to clear the easement of any and all physical objects which, in the opinion of GRANTEE, endanger proper operation.

GRANTOR further grants the reasonable right for GRANTEE to enter GRANTOR'S premises adjoining said easement in exercising the rights granted.

GRANTOR shall not utilize GRANTEE'S easement in any way or manner which would create a dangerous condition with respect to said facilities, or create any interference with the safe and efficient construction, operation and maintenance thereof without first giving written notification to GRANTEE, together with written plans of such proposed utilization of the easement area.

GRANTOR agrees to reimburse GRANTEE for any relocation of facilities necessitated by GRANTOR'S planned utilization of said easement, and GRANTOR covenants to indemnify and hold GRANTEE harmless from any and all damages and injuries, whether to persons or property, resulting from interference with the facilities by GRANTOR, its agents or employees.

The easement herein granted is not exclusive and GRANTOR reserves the right to grant rights to others affecting the said easement, provided that (1) notice is first given to GRANTEE, and (2) in the reasonable judgment of GRANTEE such rights do not create a dangerous or unsafe condition, or unreasonably conflict with the rights heretofore.

GRANTOR covenants that it has the right to convey this easement, and that GRANTEE shall have quiet and peaceful possession and use of this easement.

All covenants, terms and conditions shall inure to the benefit of, and be binding upon, the parties and their respective successors, lessees, and assigns.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be signed in its name by its

President

and its corporate seal to be affixed, witnessed by its

Secretary

the day and year first above written.

Mary Lee DePuech Nursing Home Association Inc.

[signature]

[signature]
STATE OF FLORIDA
COUNTY OF ORANGE

I HEREBY CERTIFY that on this______ day of February A. D. 1976, before me personally appeared P. D. Shipley and Roberta J. Bailey, respectively, President and Secretary of Mary Lee DePugh Nursing Home Association, Inc., a corporation of the State of Florida, not for profit, to me known to be the persons described in and who executed the foregoing instrument to the FLORIDA POWER CORPORATION and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned; and that they affixed thereto the official seal of said corporation, and the said instrument in the act and deed of said corporation.

WITNESS my signature and official seal in said County and State, the day and year last above

(Notarial Seal)

Notary Public
STATE OF FLORIDA

My Commission Expires:

February 15, 1976

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
1/30/76

13 8694

RECORDED & RECORD VERIFIED

County Commissioner, Orange Co., Fla.
subject

Ordinance Amending the FY14 adopted budget

motion | recommendation

Approve the ordinance adopting amendments made to the FY14 budget over the course of last year.

background

The City Commission is required by Statute to approve any budget adjustments that alter the total amount budgeted in any fund or when funds are transferred between different fund types. The City has adopted the practice of bringing budget amendments to the City Commission as they arise and then bringing a year-end ordinance adopting all the amendments formally to comply with Statute.

Through the receipt of grants or due to a need to revise original revenue estimates the city periodically needs to make changes to stated account revenues and expenditures. This is primarily a housekeeping process and it properly provides departments and divisions with an accurate picture of the funds available to undertake programs and projects. The following attachment highlights the budget amendments (Exhibit A of the Ordinance) that have already been approved by the Commission at prior meetings and includes two additional amendments that are requested to be approved as part of this ordinance.

The additional items not previously approved include a $15k increase to both EMS transport revenue and to contractual services to cover the increased cost of ADPI services, and a $30k transfer of funds to facility capital improvements from savings...
on electric costs due to energy efficiency improvements at city facilities that have reduced the cost of electricity.

**alternatives | other considerations**

N/A

**fiscal impact**

The majority of the amendments have been previously approved by the Commission and the additional two amendments are either based on savings on operations or from increasing revenues that offset or exceed the increase in cost due to the generation of those increased revenues.
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2013 – 2014 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2977-14, the City of Winter Park, Florida has adopted the Budget and Capital Improvement Program for the fiscal year 2013 – 2014; and

WHEREAS, the City of Winter Park, Florida desires to amend the Budget and Capital Improvement Program for supplemental appropriations in the amounts identified in Exhibit A; and

WHEREAS, Section 166.241(4)(c) Florida Statutes require such a budget amendment be adopted in the same manner as the original budget.

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

SECTION 1. The Budget and Capital Improvement Program for fiscal year 2013 – 2014 is hereby amended by providing for changes identified in Exhibit A.

SECTION 2. If any section, subsection, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. In the event of any conflict between the provisions of this Ordinance and any other ordinance, resolution, or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 4. The provisions of this Ordinance shall become effective immediately upon passage.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, held in City Hall, Winter Park, Florida this 24th day of November, 2014.

_________________________
Kenneth W. Bradley, Mayor

Attest:

_______________________________
Cynthia S. Bonham, City Clerk
## EXHIBIT A

### Budget Amendments Requiring Commission Approval

**Fiscal Year 2013-2014**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Source Account</th>
<th>Source Acct. Name</th>
<th>Exp. Account</th>
<th>Exp. Acct. Name</th>
<th>Note</th>
<th>Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Center (Program Services)</td>
<td>$30,000</td>
<td>001-0000-347.20-10</td>
<td>Program Activity Fees</td>
<td>001-6205-572.34-40</td>
<td>Contractual Service</td>
<td>Programs offered at the center are reimbursed by user fees, this adjustment increases funding for contractual services and revenues accordingly.</td>
<td>8/25/2014</td>
</tr>
<tr>
<td>Golf Course (Pro Shop Sales)</td>
<td>$4,000</td>
<td>001-0000-347.20-34</td>
<td>Pro Shop Merchandise Sale</td>
<td>001-6301-572.52-12</td>
<td>Pro Shop Merchandise</td>
<td>The cost of items at the Pro Shop are recouped from purchasers.</td>
<td>8/25/2014</td>
</tr>
<tr>
<td>Building &amp; Permitting (Electronic Permit Review)</td>
<td>$11,094</td>
<td>001-0000-322.10-01</td>
<td>Building Code Enforcement Permits</td>
<td>001-2303-524.64-50</td>
<td>Machinery &amp; Equipment</td>
<td>Allocates funding to purchase a large format printer for plans and document printing, monitors for electronic plan review, and scanning of building records to complete the electronic library of records. Revenues received for enforcement of the building code are expected to exceed budgeted estimates by $400K+.</td>
<td>8/25/2014</td>
</tr>
<tr>
<td></td>
<td>$4,600</td>
<td></td>
<td></td>
<td>001-2303-524.52-90</td>
<td></td>
<td></td>
<td>8/25/2014</td>
</tr>
<tr>
<td></td>
<td>$30,000</td>
<td></td>
<td></td>
<td>001-2303-524.34-40</td>
<td></td>
<td></td>
<td>8/25/2014</td>
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<tr>
<td>Forestry (Tree Grant money)</td>
<td>$15,000</td>
<td>001-0000-331.70-01</td>
<td>Tree Grants</td>
<td>001-6104-539.34-40</td>
<td>Contractual Service</td>
<td>Reflects receipt of urban forestry grant to cover cost of tree inventory work.</td>
<td>8/25/2014</td>
</tr>
<tr>
<td>Forestry (Run for the Trees)</td>
<td>$24,736</td>
<td>001-0000-381.10-10</td>
<td>Transfer from Donations</td>
<td>001-6104-539.34-40</td>
<td>Contractual Service</td>
<td>Allocates surplus funding from the Run for the Trees event to Forestry to advance the Urban Forestry Management Plan.</td>
<td>8/25/2014</td>
</tr>
<tr>
<td>Fire (CPR Grant)</td>
<td>$14,588</td>
<td>001-0000-334.20-00</td>
<td>State Grants/ Public Safety</td>
<td>001-5104-522.64-50</td>
<td>Machinery &amp; Equipment</td>
<td>Accounts for funds received for a grant to purchase CPR devices.</td>
<td>8/25/2014</td>
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<tr>
<td>Facilities (Amtrak Station)</td>
<td>$10,200</td>
<td>001-0000-362.10-10</td>
<td>Building Rental</td>
<td>001-3110-539.34-40</td>
<td>WP Train Station Janitorial</td>
<td>Reflects Amtrak funding received to pay for cleaning and utility costs at the new train station.</td>
<td>8/25/2014</td>
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<td></td>
<td>$6,600</td>
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<td></td>
<td>001-3110-539.43-70</td>
<td>WP Train Station Electric</td>
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<td>8/25/2014</td>
</tr>
<tr>
<td></td>
<td>$900</td>
<td></td>
<td></td>
<td>001-3110-539.43-20</td>
<td>WP Train Station Water/Garbage</td>
<td></td>
<td>8/25/2014</td>
</tr>
<tr>
<td>Police (OCDETF)</td>
<td>$13,599</td>
<td>001-0000-331.20-24</td>
<td>OCDETF Funding</td>
<td>001-4108-521.14-10</td>
<td>Overtime Wages</td>
<td>Reflects funding received as reimbursement for participation in the Organized Crime Drug Enforcement Task Force.</td>
<td>8/25/2014</td>
</tr>
<tr>
<td>Fire (EMS transport fee charges)</td>
<td>$15,000</td>
<td>001-0000-342.60-10</td>
<td>EMS Transport</td>
<td>001-5104-522.34-40</td>
<td>Contractual Service</td>
<td>Revenues exceeded expectations resulting in greater fee payment to ADPI.</td>
<td>Pending Approval</td>
</tr>
<tr>
<td>Facilities (Electric Savings)</td>
<td>$30,000</td>
<td>001-3110-539.43-70</td>
<td>Electricity</td>
<td>301-0000-539.10-31</td>
<td>Facility Replacement Account</td>
<td>Savings on electric budget to be transferred to Facility replacement CIP account</td>
<td>Pending Approval</td>
</tr>
</tbody>
</table>

Note:
- **Facilities (Electric Savings)**: Savings on electric budget to be transferred to Facility replacement CIP account.
### subject
Resolution supporting All Aboard Florida

### motion | recommendation
Adopt the Resolution.

### background
The Florida East Coast Industries, Inc. has announced plans to develop a privately owned, operated and maintained passenger service between Miami and the Orlando International Airport with stops in Fort Lauderdale and West Palm Beach. The project is referred to as All Aboard Florida.

The City has been asked by the project developers to support the effort by Resolution. City staff supports the concept of enhancing intercity connectivity through private funded efforts and believes this project to be good for the region.

### alternatives | other considerations
N/A

### fiscal impact
No direct impact.
A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA IN SUPPORT OF THE PROPOSED “ALL ABOARD FLORIDA” PRIVATELY OWNED, OPERATED AND MAINTAINED INTERCITY PASSENGER RAIL SERVICE BETWEEN DOWNTOWN MIAMI AND THE ORLANDO INTERNATIONAL AIRPORT BEING DEVELOPED BY FLORIDA EAST COAST INDUSTRIES, LLC; AND FURTHER URGING THE GOVERNOR, FLORIDA DEPARTMENT OF TRANSPORTATION, ENTERPRISE FLORIDA AND OTHER AGENCIES TO SUPPORT THE PROJECT AS NECESSARY.

WHEREAS Central Florida is the nation’s most visited region and the Orlando International Airport is one of the busiest in the United States; and

WHEREAS, South Florida is the State’s most populous and most utilized transit-oriented region; and

WHEREAS, despite these facts, neither Orlando International Airport nor Downtown Miami are currently served directly by regional or intercity passenger rail; and

WHEREAS, Florida East Coast Industries, Inc. has announced plans to develop privately owned, operated and maintained passenger rail service between Downtown Miami and Orlando Airport, with additional stops at Fort Lauderdale and West Palm Beach; and

WHEREAS, the City of Winter Park finds that this proposed service addresses critical transportation challenges as Florida’s population grows and is consistent with the State’s goal to have additional mobility options for residents and visitors to move between Central and South Florida; and

WHEREAS, the future SunRail connection between Winter Park and the Orlando Airport Intermodal Transportation Facility will provide our residents with a convenient and seamless link to the airport and the All Aboard Florida passenger rail station,

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

Section 1. The recitals are true and correct and are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The City Commission of the City of Winter Park, Florida supports the proposed “All Aboard Florida” privately owned, operated and maintained passenger rail service between Orlando International Airport and Downtown Miami being developed by Florida East Coast Industries, LLC.

Section 3. The City Commission of the City of Winter Park, Florida urges the Governor, Florida Department of Transportation, Enterprise Florida and other agencies to support the project as necessary.

ADOPTED this _____ day of _____________ 2014.

______________________________
Mayor Kenneth W. Bradley

ATTEST:

_________________________________
Cynthia S. Bonham, City Clerk
Subject:

First Amendment of the Ravaudage Planned Development Development Order

Summary:

Benjamin Partners, Ltd. has made a request to amend the adopted Ravaudage Development Order as granted by the Orange County Board of County Commissioners on May 24, 2011. Since the property still maintains county land use and zoning, the Annexation Agreement with the city provides for the review process to mirror Orange County. Through this process, staff has met as a Development Review Committee (DRC) to review all the requested amendments to the existing adopted Development Order. This amendment request has been determined to be a significant change to the Development Order which requires a public hearing by the City Commission.

DRC has also reviewed two separate projects as part of the Ravaudage plan which includes a 55 unit project with David Weekly Homes and a 296 unit project for American Land Venture. Both of these projects triggered policy issues that are addressed later in this item. The American Land Venture project is requesting two setback variances from the Development Order that must go to the City Commission for consideration. DRC is not permitted to grant any variance or waivers to the approved Development Order.

Due to the number of changes requested, the following information is provided as reference to this DO amendment request. A red-line version of the Development Order is attached and should be used as reference to highlight the changes and modifications and is tagged as Exhibit 1. The minutes from the city’s three DRC meetings are included as Exhibit 3. The developer has provided an explanation of the requested changes. This is included in the background materials.

The following highlights the various Development Order changes (correlated by Development Order number) that were requested by the developer. The city’s Amended and Restated Development Order numbering was used for this review. The DRC action is highlighted next to the Condition number.

<table>
<thead>
<tr>
<th>item type</th>
<th>Public Hearing</th>
<th>meeting date</th>
<th>November 10, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>prepared by department division</td>
<td>Dori Stone Planning and Community Development Department</td>
<td>approved by</td>
<td>City Manager City Attorney N/A</td>
</tr>
<tr>
<td>board approval</td>
<td>Development Review Committee (DRC)</td>
<td></td>
<td>yes no N/A 5-0 final vote</td>
</tr>
</tbody>
</table>
**Condition #2:** - This will provide for the ability to incorporate changes and amendments as may be granted by the Winter Park City Commission.

**DRC Recommendation: Approval**

**Condition #4 and #6:**- These amendments will eliminate the requirement for a Master Storm Water Management Plan for the Ravaudage development and allows the project to impact the conservation areas designated on the land use plan without mitigation.

The Applicant has opted to prepare the required storm water plan and requisite permitting on an incremental development plan submission basis. As evidenced by current on-site construction, an on-site storm water management plan has been implemented to accommodate Phase One, bounded by Orlando Avenue, Lee Road, Bennett Avenue, and Glendon Parkway, which includes the Ale House restaurant, parking and other surface improvements as well as other future construction in this phase. Future development plan phases shall include/incorporate additional storm water plans. Current plans have been permitted through the St. Johns River Water Management District (SJRWMD) with permit #: 40-095-128708-1 issued on: April 5, 2012. The Applicant has complied with wetland and/or conservation area thru the issuance of the SJRWMD permit #: 40-095-128708-1. Stormwater management will need to be permitted prior to the approval of any additional phases of the project.

**DRC Recommendation: Approval**

**Condition #7:**- This amendment allows outdoor retail sales and special events with limitations. Applicant has agreed to follow City protocol for outdoor sales, temporary/permanent structures and special events per City Code.

**DRC Recommendation: Approval subject to conformance with the City’s zoning regulations for outdoor sales and special events**

**Condition #12 (c):** - This is a change to the PD commercial code. This amendment would allow the street front setbacks to be reduced from fifteen (15 ft.) to zero (0 ft.) and is limited to buildings up to four stories only. The development order is modified to read: Building setbacks for all interior/exterior streets shall be a maximum of 15’ in lieu of 30’ with a minimum of 0’. All other rights-of-way shall have a minimum sidewalk width of 10’. No building shall encroach into the right-of-way. This condition is only applicable to buildings with a maximum height of four stories.

**DRC Recommendation: Approval subject to allowing this setback only on projects within the Ravaudage Master Plan that are planned up to four-story buildings.**

**Condition #13 (c):** - This is a change to the PD residential code that mirrors the request in the commercial code. This amendment would apply only to buildings up to four stories and would 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’. The minimum of 0’ shall apply to back of sidewalk with a minimum sidewalk width of 10’. No building shall encroach into the right-of-way.
Both Condition #11(c) and 12(c) allow for a compact urban development within a planned community. The applicant’s parcel yield and intensity is not affected by this setback range and the impact will be on four-story development within the PD itself. This type of development pattern meets the pedestrian and urban form that the developer is hoping to achieve.

**DRC Recommendation: Approval subject to allowing this setback only on buildings up to four stories in height.**

**Condition #12 (e and f):** – This amendment as requested would allow an increase in the building height of the area designated with a four story maximum building height to be increased to a six story maximum building height, provided the location is setback 200 feet from Lee Road. A revised Urban Form: Proposed Building Height Zones exhibit is attached for clarification. This exhibit is an amendment to Sheet C-5 Urban Form Templates in the Development Order.

The applicant states that the purpose of this request is to provide maximum flexibility to parcel developers with respect to product placement, visibility and massing. This request does not increase project density or intensity nor does it increase building heights throughout the project. The proposal calls for a reduction on buildings heights in the area bounded by Morgan Lane, Lewis Drive, Loren Avenue and south of Elvin Way. It would allow for an increase of up to two additional stories on a case-by-case basis for projects located within a certain Ravaudage area. Additionally, said specific height increase request shall be reviewed by staff and approved by City Commission. No six story buildings shall be located within 200 feet of the Lee Road right-of-way unless otherwise authorized by City Commission.

**DRC Recommendation: Approval with conditions requiring a setback of 200 feet from Lee Road and Orlando Avenue with a maximum height of 87 feet.**

**Condition #14 (b):** – This amendment allows the required parking to be up to 350 feet from the building(s) it serves in lieu of the 300 foot maximum distance previously granted by Orange County. Staff believes this distance is still walkable for the users.

**DRC Recommendation: Approval**

**Condition #17:** – This amendment eliminates the requirement to submit a Planning Context Study.

The applicant provided the Planning Context Study to Orange County and the City thus there has been compliance.

**DRC Recommendation: Approval**

**Condition #18, 19, 20 and 21** – The applicant has asked that the city delete Conditions 1 through 21 based on the fact that the applicant has submitted all the required studies to Orange County to study traffic and mitigation methodology. The applicant has also
implemented or planned for the necessary mitigation measures for future traffic impacts as outlined in each study. The developer will also be responsible to traffic monitoring for the signalization of Glendon Parkway and Orlando Avenue as well as Bennett Avenue and Lee Road. While staff recognizes the analysis that took place as part of the development approval, staff had concerns over the signalization along Orlando Avenue and a desire for the developer to participate in a systematic renovation of the signals from Lee Road to Morse Boulevard.

Recognizing that this development is part of other redevelopment underway along Orlando Avenue, the developer did agree to participate in a proportionate share of the costs of smart technology along Orlando Avenue. DRC recommends adding a condition to the Development Order that addresses this contribution.

An additional issue regarding bike trails and bike connectivity was addressed in the city’s DRC meeting. The developer expressed support for bike trail and bikeway activities. Staff recommends adding a condition to the Development Order that addresses this item.

**DRC Recommendation: Remove Conditions 18, 19, 20 and 21 and add the following conditions:**

New Condition #32: The developer will contribute a proportionate share of the costs of intersection traffic signalization technology upgrades through a 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 with the developer’s share not to exceed 25.5% for five intersections.

**Condition #22 (a) (b) (c) (d) and (e):** – Condition 22 (a) is replaced with language from the Annexation Agreement that includes the intersection requirements as well as all the traffic analysis that must be completed and the timing of that analysis for signal evaluation. Section 22 (b) (c) (d) and (e) implements requirements for a street grid system. Future traffic will warrant the need for a signalized intersection at both Glendon Parkway and Orlando Avenue as well as Bennett Avenue and Lee Road. None of the modifications to the traffic analysis affects that requirement. At such time as the threshold is reached for traffic signal warrant studies to begin, the applicant, the City and FDOT can evaluate the best location for future traffic signals.

**DRC Recommendation: Approval, subject to removing the references to Solana Avenue from 22 (a), (b) and (d)**

**Condition #23:** - This amendment eliminates the requirement to accommodate or provide any locations or stops for LYNX service for the development as part of the mobility strategy or provide opportunity for a review of this change by LYNX. City staff examined the existing super stop at Denning Drive and Webster Avenue and believes that this is the best location for a super stop in Winter Park. Staff felt that the developer should give consideration to a transit stop and pedestrian way if a new SunRail station is approved as part of the master development plan. The developer is willing to work with Lynx to accommodate appropriate bus stop locations along Lee Road and Orlando Avenue.
New Condition 23 (a) (b): The applicant will provide a bike share facility within the Ravaudage project by the completion of the second residential development. Additional bike share facilities are encouraged throughout the Ravaudage project.

**DRC Recommendation: Approval with a language modification that allows the developer to include a transit stop and pedestrian way for a SunRail stop.**

**Condition #28:** This amendment would eliminate the requirement for a minimum of 300 residential units which would alter original vision for Ravaudage as a “mixed use” development.

The Applicant states that their building program that consists of residential, hotel, commercial/ retail and office. It is the intent to develop specific uses that reflect and respond to market forces. As a result if market forces do not favor residential then the applicant does not want to be mandated to include 300 units. As detailed later, mandating residential does not match the strategic goals of the City.

**DRC Recommendation: Approval**

**Condition #29** - This amendment would change the internal traffic lanes from 11 to 12 feet in width.

**DRC Recommendation: Approval**

**Condition #30** – This amendment would not require intersection crosswalks to be elevated from street height.

DRC Recommendation: This item did not go through DRC, but the city’s Public Works Department recommends removal of this condition for several reasons. There appears to be no significant impact to driver behavior when passing over these raised pedestrian crossings and groundwater will pool around them causing road deterioration over time.

**DRC recommends approval of the overall amended Development Order, subject to modifications.**

**Policy Issues**

The developer is proposing a six story, 296 unit multi-family project at Ravaudage, subject to approval of several Development Order conditions. At DRC, there were several other outstanding issues related to the approved development plan found on Page C-4 that require policy direction. While these apply to this specific project, other projects within the development will be affected by the decisions of the Commission.

In Item 13, under Project Notes, recreation shall be provided at a rate of 2.5/1000 population. Orange County allows on-site recreational improvements to count towards the recreational requirements. For this project, the developer is required to provide 1.63 acres of parkland. The developer has met this requirement using his on-site recreational uses such as tennis courts, a weight room and public space around the project. In lieu of counting on-
site recreation, the developer is interested in paying the parks impact fees ($2000/unit) to cover his recreation needs for the entire Ravaudage project. The fee would be paid as residential units are constructed and the overall on-site requirement to have parklands would be optional based on the fee payment. If the Commission chooses not to allow him to mitigate using this fee, he will be required to provide 2.5 acres/1000 population for all residential development within the Ravaudage master plan.

In Item 7 found under Project Building Program notes, Orange County requires that at least 10% of the multi-family residential units built in the project shall be certified affordable housing. The developer has offered to pay the city’s Affordable Housing Trust Fund fee of $.50/square foot for each multi-family unit in lieu of the requirement to lease 10% of all multi-family units as certified affordable housing. To be consistent with the terms of the Annexation Agreement, the Commission’s options are only to accept the payment or require the developer to provide the affordable housing units.

After consultation with Orange County and the City Attorney’s office, the attached resolution is the mechanism that will be used to adopt any amended Development Order to the Ravaudage Planned Development. The Development Order will be revised to reflect any Commission decisions on the modifications and changes that have been requested or proposed by the Commission including codification and additions. Any future amendments to this Development Order will be adopted in the same manner. This is consistent with Orange County procedures.
RESOLUTION NO. __________

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

WHEREAS, Daniels B. Bellows (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 Order”) would govern the development of Ravaudage with a few modifications, as noted in the Annexation Agreement; and

WHEREAS, the Orange County Zoning Code applies to the development of Ravaudage under F.S. §171.062 and under the terms of the Annexation Agreement; and

WHEREAS, the Developer has requested certain additional amendments to the Original Order, which have been approved by the City’s Development Review Committee at public hearings on March 25, 2014, April 15, 2014, and August 27, 2014, and by the City Commission at a public hearing on ______________, all in accordance with the procedure required by the Orange County Zoning Code, and those requested amendments are reflected in the Amended and Restated Development Order; 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 N. Orlando Avenue, Winter Park, Florida, with a Parcel ID No. 01-22-29-3712-01-131, and the parcel at 1006 Lewis Drive, Winter Park, with a Parcel ID No. 01-22-29-3712-02-150; and

WHEREAS, the City finds that the Amended and Restated Development Order is consistent with the County Comprehensive Plan and the 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, AS FOLLOWS:

SECTION 1. Approval. The City Commission of the City of Winter Park hereby approves the Amended and Restated Development Order attached hereto as Exhibit “A”, and authorizes the Mayor to execute said Order 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. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 4. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of ______________, 2014.

________________________________
Kenneth W. Bradley, Mayor

Attest:

________________________________
Cynthia S. Bonham, City Clerk
AMENDED AND RESTATED DEVELOPMENT ORDER
(RAVAUDAGE)

THIS AMENDED AND RESTATED DEVELOPMENT ORDER (the “Amended Order”) is made and entered into this ___ day of ____________, 2014, 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 411 W. New England Ave., Suite 3, 2nd Floor, Winter Park, FL 32789; BUBBALOU’S INC., a Florida corporation, of 558 W. New England Ave., Suite 210, Winter Park, FL 32789; and GARMET, LTD., a Florida limited partnership, of 222 South Pennsylvania Ave., Ste. 200, Winter Park, FL 32789 (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, 2014, 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 on March 25, 2013, April 15, 2014 and August 27, 2014, and by the City Commission at a public hearing on _______________, as required by the Orange County Zoning Code, and those amendments are reflected in this 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 N. Orlando Avenue, Winter Park, Florida, with a Parcel ID No. 01-22-29-3712-01-131, and the parcel at 1006 Lewis Drive, Winter Park, Florida, with a Parcel ID No. 01-22-29-3712-02-150, and the parcel at 1101 Lewis Drive, Winter Park, Florida, with a parcel ID No. 01-22-29-2712-06-170; 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 First Amendment.

2. THE DEVELOPMENT SHALL CONFORM TO THE RAVAUDAGE PD LAND USE PLAN DATED “RECEIVED APRIL 4, 2011,” 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 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 “RECEIVED APRIL 4, 2011,” 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. PRIOR TO CONSTRUCTION PLAN APPROVAL, A MASTER STORMWATER MANAGEMENT PLAN INCLUDING A DRAINAGE STUDY TO ESTABLISH THE 100-YEAR FLOOD ELEVATION SHALL BE SUBMITTED TO THE DEVELOPMENT ENGINEERING DIVISION FOR REVIEW AND APPROVAL.

5. THE CONCEPTUAL ACCESS POINTS IDENTIFIED ON THE LAND USE PLAN ARE NOT APPROVED AT THIS TIME AND ARE CONCEPTUAL ONLY. FINAL ACCESS POINTS SHALL BE REVIEWED AND APPROVED AT PRELIMINARY SUBDIVISION PLAN OR DEVELOPMENT PLAN STAGE.

6. ALL ACREAGES REGARDING CONSERVATION AREAS AND WETLAND BUFFERS ARE CONSIDERED APPROXIMATE UNTIL FINALIZED BY A CONSERVATION AREA DETERMINATION (CAD) AND A CONSERVATION AREA IMPACT (CAI) PERMIT. APPROVAL OF THIS PLAN DOES NOT AUTHORIZE ANY DIRECT OR INDIRECT CONSERVATION AREA IMPACTS.

7. OUTDOOR SALES, STORAGE, AND DISPLAY SHALL BE PROHIBITED 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.

8. SIGNAGE SHALL COMPLY WITH THE MASTER SIGNAGE PLAN TO BE SUBMITTED AND REVIEWED PRIOR TO DEVELOPMENT PLAN APPROVAL.

9. TREE REMOVAL/EARTHWORK SHALL NOT OCCUR UNLESS AND UNTIL CONSTRUCTION PLANS FOR THE FIRST PRELIMINARY SUBDIVISION AND/OR DEVELOPMENT PLAN WITH A TREE REMOVAL AND MITIGATION PLAN HAVE BEEN APPROVED BY ORANGE COUNTY.

10. 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.

11. 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-I 70 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: 01-22-29-3712-06-180.

12. 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 20%, 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 ROAD, IN LIEU OF 30’ (WITH A MAXIMUM SETBACK OF 25’).

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. ALL OTHER RIGHTS-OF-WAY SHALL HAVE A MAXIMUM SETBACK OF 25’10’. 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 25’15’ 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: “URBAN FORM: PROPOSED BUILDING HEIGHT ZONES AND URBAN FORM: PROPOSED BUILDING SETBACKS FOR ABUTTING RESIDENTIAL LOTS NOT PART OF PROJECT,” IN LIEU OF A MAXIMUM HEIGHT OF 50’, 35’ IF WITHIN 100’ OF RESIDENTIAL.

E. THE DEVELOPMENT SHALL RETAIN FLEXABILITY 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 2, 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.

13. 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’).

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 15’ 0’ IN LIEU OF 20’ (WITH A MAXIMUM SETBACK OF 25’). 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.

14. 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) MAY 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.

15. THE FOLLOWING WAIVERS FROM SECTION 38-1258 (MULTI-FAMILY COMPATIBILITY) ARE GRANTED:

A. A WAIVER FROM SECTION 38-1258(A) IS GRANTED TO ALLOW MULTI-FAMILY 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 MULTI-FAMILY 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 MULTI-FAMILY 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 MULTI-FAMILY 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.

16. 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.

17. THE PLANNING CONTEXT STUDY SHALL BE SUBMITTED AND APPROVED PRIOR TO SUBMITTAL OF THE FIRST PRELIMINARY SUBDIVISION PLAN OR DEVELOPMENT PLAN. THE PLANNING CONTEXT STUDY SHALL COVER THE ENTIRE PLANNED DEVELOPMENT. THE FOLLOWING ARE SOME OF THE REQUIRED ELEMENTS TO BE INCLUDED:


B. THE MOBILITY EXHIBITS SHOULD AT A MINIMUM PROVIDE THE FOLLOWING INFORMATION:

1) ULTIMATE FOOTPRINT OF THE PROPOSED DEVELOPMENT;

2) SHOW AT A MINIMUM TWO EAST-WEST AND TWO NORTH-SOUTH COLLECTOR TYPE ROADS TRAVERSESING THE ENTIRETY OF THE PROPERTY (THESE CORRIDORS CAN BE DEPICTED ON THE CONTEXT MAP, WITH ARROWS TRAVERSESING THE PROPERTY AT THE GENERAL LOCATIONS WHERE THESE CORRIDORS WILL BE PRESERVED/PROVIDED). IDENTIFY EXISTING AND PROPOSED SITE ACCESS LOCATIONS (ALSO INDICATING WHICH ACCESS LOCATIONS WOULD BE CLOSED). PLEASE NOTE NEW/MODIFIED ACCESS LOCATIONS IN ADDITION TO MEDIAN MODIFICATIONS WILL BE SUBJECT TO FDOT APPROVAL FOLLOWING PRELIMINARY SUBDIVISION PLAN (PSP) SUBMITTAL AND CONSTRUCTION PLANS.

3) DEPICTION AND LOCATION OF PLANNED AND EXISTING STREET NETWORK, SIDEWALKS, BIKE TRAILS, EXISTING AND PROPOSED BUS STOPS/SHELTERS AND TRANSFER STATIONS (PLEASE REFER TO (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX TRANSIT COMMENTS LISTED BELOW);

4) IDENTIFY CONNECTIVITY TO ADJACENT PARCELS IN RESPECT TO ROADS, BIKE TRAILS, SIDEWALKS, BUS STOPS/SHELTERS, BUS ROUTES AND PEDESTRIAN TRAILS.

5) THE DEVELOPER IS TO PROVIDE A BLOCK BY BLOCK ANALYSIS AS PART OF THE PSP (OR DEVELOPMENT PLAN) DETAILING AND
ENSURING THE APPROPRIATE CONNECTIVITY OF SIDEWALKS, STREET GRID SYSTEM, BIKEWAYS AND PATHS. IN ADDITION, A BLOCK BY BLOCK ANALYSIS WILL ALSO ADDRESS STREET CROSS SECTIONS AND ON STREET PARKING LOCATIONS.

18. PRIOR TO APPROVAL OF THE FIRST DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN THAT WOULD CAUSE DEVELOPMENT TO EXCEED A NET 160 P.M. PEAK TRIPS REFERENCED IN CONDITION 18, A TRANSPORTATION ANALYSIS AND MITIGATION STRATEGY THROUGH BUILD-OUT (MASTER TRANSPORTATION PLAN) SHALL BE SUBMITTED AND THEN REVIEWED AT A COMMUNITY MEETING AND BY COUNTY STAFF AND THEN CONSIDERED BY THE BOARD OF COUNTY COMMISSIONERS AT AN ADVERTISED PUBLIC HEARING. IF THE MASTER TRANSPORTATION PLAN IS NOT APPROVED, THE DEVELOPMENT SHALL NOT EXCEED THE NET 160 P.M. PEAK TRIPS. THE STUDY ANALYSIS WOULD INCLUDE ALL ROADWAY SEGMENTS AND MAJOR INTERSECTIONS WITHIN A ONE MILE RADIUS PLUS ALL ROADWAY SEGMENTS (INCLUDING MAJOR INTERSECTIONS) WHERE THE PROJECT TRAFFIC CONSUMES 3% OR MORE OF THE (LEVEL OF SERVICE) LOS CAPACITIES AND THE ANALYSIS OF THE (STATE ROAD) S.R. 423 (LEE ROAD) AT INTERSTATE 4 INTERCHANGE RAMPS. IN ADDITION TO ROADWAY ANALYSIS, THIS STUDY SHALL INCLUDE ALTERNATIVE MODES OF TRANSPORTATION ANALYSIS (PEDESTRIAN, BIKE, MASS TRANSIT).

A METHODOLOGY MEETING SHALL BE HELD PRIOR TO PERFORMING THE STUDY. AT THIS METHODOLOGY MEETING, THE SPECIFIC REQUIREMENTS TO BE MET AND THE METHODOLOGY TO BE USED TO COMPLETE THE STUDY WILL BE DISCUSSED AND AGREED UPON.

THE FOLLOWING AGENCIES WILL PARTICIPATE IN THE METHODOLOGY MEETING AND REVIEW PROCESS OF THIS STUDY WITH THE FINAL APPROVAL COMING FROM ORANGE COUNTY:

A. ORANGE COUNTY
B. CITY OF MAITLAND
C. CITY OF WINTER PARK
D. LYNX (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY)
E. FLORIDA DEPARTMENT OF TRANSPORTATION

19. THE APPLICANT SHALL BE ALLOWED TO DEVELOP EITHER LESS THAN OR EQUAL TO 20,000 SQUARE FEET OF FAST FOOD RESTAURANT (INSTITUTION OF TRANSPORTATION ENGINEERS ITE CODE 933) OR 35,000 SQUARE FEET OF HIGH TURNOVER SIT-DOWN RESTAURANT (INSTITUTION OF TRANSPORTATION ENGINEERS ITE CODE 932) OR 50,000 SQUARE FEET OF SHOPPING CENTER (ITE CODE 820) OR 50,000 SQUARE FEET OF GENERAL OFFICE (INSTITUTION OF TRANSPORTATION ENGINEERS ITE CODE 710) OR A
COMBINATION OF ALL ABOVE NOT TO EXCEED A NET 160 P.M. PEAK TRIPS. THIS DEVELOPMENT PROGRAM CAN PROCEED WITHOUT ANY ADDITIONAL TRAFFIC STUDIES. SPECIFIC MOBILITY ALTERNATIVES TO BE IMPLEMENTED PRIOR TO THE COMPLETION OF THE ABOVE DEVELOPMENT PROGRAM SHALL ENSURE CONNECTIVITY WITH ADJOINING PARCELS AND SHALL BE CONSISTENT WITH THE MOBILITY STRATEGIES IDENTIFIED IN THE MASTER TRANSPORTATION PLAN DEVELOPED AND APPROVED AS IDENTIFIED IN CONDITION 17 ABOVE.

20. IN ADDITION, A DETAILED TRANSPORTATION ANALYSIS SHALL BE PERFORMED TO IDENTIFY SPECIFIC AND DETAILED MOBILITY STRATEGIES AND ALL NECESSARY IMPROVEMENTS TO MITIGATE PHASE 1 (LESS THAN OR EQUAL TO 33 PERCENT OF THE TOTAL PEAK HOUR PROJECT TRIPS, WHICH NUMBER OF TRIPS WILL BE AGREED UPON AS PART THE STUDY METHODOLOGY) IMPACTS. THIS STUDY SHALL BE COMPLETED WHEN DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN (OR COMBINED) APPROVAL IS LESS THAN OR EQUAL TO 160 (POST MERIDIEM) PM PEAK HOUR NET NEW EXTERNAL TRIPS. SPECIFIC FUNDING FOR ALL MOBILITY STRATEGIES AND ALL NECESSARY IMPROVEMENTS SHALL BE IDENTIFIED AS PART OF THIS STUDY. APPROVAL OF THIS STUDY AND AGREEMENT ON THE MOBILITY STRATEGIES AND MITIGATION IMPROVEMENTS WILL BE REQUIRED PRIOR TO ANY DEVELOPMENT APPROVAL BEYOND 160 PM PEAK HOUR NET NEW EXTERNAL TRIPS. THE SPECIFIC REQUIREMENTS TO BE MET AND THE METHODOLOGY TO BE USED TO COMPLETE THE STUDY WILL BE DISCUSSED AND AGREED ON AS PART OF THE METHODOLOGY MEETING REFERENCED IN CONDITION 17.

21. THE DEVELOPMENT SHALL NOT BE ALLOWED TO MOVE BEYOND PHASE 1 UNTIL AN ANALYSIS AND STUDY THAT PROVIDES FOR ADDITIONAL TRANSPORTATION STRATEGIES TO BE IMPLEMENTED AS PART OF THE FUTURE BUILD OUT OF THE PROJECT HAS BEEN REVIEWED AND APPROVED. THIS STUDY SHALL IDENTIFY FUTURE SPECIFIC MITIGATION STRATEGIES AND SPECIFIC FUNDING FOR THOSE STRATEGIES. THE ADDITIONAL ANALYSIS AND STUDY WILL REQUIRE A MONITORING EFFORT TO ASSESS ADDITIONAL IMPROVEMENTS NECESSARY TO MITIGATE THE IMPACTS OF THE NEXT PHASE OF THE DEVELOPMENT. IN ADDITION TO ROADWAY ANALYSIS, THIS ANALYSIS SHALL INCLUDE ALTERNATIVE MODES OF TRANSPORTATION ANALYSIS (PEDESTRIAN, BIKE, MASS TRANSIT).

22. TWO INTERSECTIONS ARE PROPOSED TO BE SIGNALIZED:

A. U.S. 17/92 (ORLANDO AVENUE) AT SOLANA AVENUE EXTENSION GLENDON PARKWAY B. (STATE ROAD) S.R. 423 (LEE ROAD) AT RE-ALIGNED BENNETT AVENUE

SIGNALIZATION OF THESE TWO INTERSECTIONS AND ALL NECESSARY IMPROVEMENTS REQUIRED AS PART OF THE SIGNALIZATION WILL BE DONE
BY THE APPLICANT’S WITHOUT PUBLIC CONTRIBUTION. TIMING AND METHODOLOGY TO BE FOLLOWED WHILE PERFORMING THE SIGNAL WARRANT STUDIES WILL BE COORDINATED WITH (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT TRAFFIC OPERATIONS. THE (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT HAS SOLE APPROVAL OF ALL PLANNING, DESIGN AND CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE TWO INTERSECTIONS TO BE SIGNALIZED. IN ADDITION AN INTERSECTION OPERATIONAL ANALYSIS (WITH AND WITHOUT PLANNED DEVELOPMENT) FOR THE FOLLOWING INTERSECTIONS: ORLANDO AVENUE AND PARK AVENUE, LAKE AVENUE, MONROE AND MAGNOLIA SHALL BE REVIEWED AND APPROVED.

CONDITION 22(A) IS HEREBY DELETED AND THIS SECTION IS RENDERED OBSOLETE. THE NEW PROVISION IS SECTION 4 OF THE ANNEXATION AGREEMENT ATTACHED HERETO AS EXHIBIT C SHALL GOVERN.

B. 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.

C. 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 ROAD AND ORLANDO AVENUE AND TWO (2) EAST-WEST CORRIDORS CONNECTING ORLANDO AVENUE AND BENNETT ROAD. ALL INTERNAL STREETS MAY BE RELOCATED AND RECONFIGURED.

D. THE PROPOSED LAND USES ARE INTERCHANGEABLE ON ANY BLOCK DUE TO THE UNDERLYING URBAN DEVELOPMENT FRAMEWORK AND GRID SYSTEM.

E. BENNETT ROAD SHALL REMAIN A NORTH-SOUTH MAJOR MOBILITY CORRIDOR FROM LEE ROAD TO ITS TERMINUS AT MONROE AVENUE. BENNETT ROAD MAY BE REALIGNED TO CREATE A FULL ACCESS MEDIAN CUT WITH EXECUTIVE DRIVE.

MODIFIED BY THE PARTIES THROUGH SECTION 4 OF THE ANNEXATION AGREEMENT ATTACHED AS EXHIBIT C.

23. 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.


25. THE FOLLOWING EDUCATION CONDITION OF APPROVAL SHALL APPLY:

A) DEVELOPER SHALL COMPLY WITH ALL PROVISIONS OF THE CAPACITY ENHANCEMENT AGREEMENT ENTERED INTO WITH THE ORANGE COUNTY SCHOOL BOARD AS OF 1/25/2011.

B) UPON THE COUNTY’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 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 SHALL
AGAIN BEGIN ISSUING BUILDING PERMITS UPON (ORANGE COUNTY PUBLIC SCHOOLS) OCPS’S WRITTEN NOTICE TO THE COUNTY 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 HARMLESS FROM ANY THIRD PARTY CLAIMS, SUITS, OR ACTIONS ARISING AS A RESULT OF THE ACT OF CEASING THE COUNTY’S ISSUANCE OF RESIDENTIAL BUILDING PERMITS.

C) 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 ENFORCEMENT OF ANY OF THESE CONDITIONS ARE ILLEGAL, IMPROPER, UNCONSTITUTIONAL, OR A VIOLATION OF DEVELOPER’S RIGHTS.

D) ORANGE COUNTY 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.

26. 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


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 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 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. FOR THOSE PROPERTIES LOCATED EAST OF BENNETT AVENUE, ADJACENT TO THE RESIDENTIAL PROPERTY WITHIN THE CITY OF WINTER PARK, A BUILDING SETBACK OF 75 FEET IS TO BE PROVIDED FROM THE WEST RIGHT-OF-WAY LINE OF BENNETT AVENUE.

27. 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.

28. DEVELOPMENT SHALL PROVIDE FOR A MINIMUM OF 300 RESIDENTIAL UNITS. A MINIMUM OF 50% OF THE FIRST FLOOR (BASED ON LINEAR FOOTAGE) FACING A STREET SHALL BE USED FOR NON-RESIDENTIAL USES.

29. INTERNAL TRAFFIC LANES ON SHEET C-3 (OF THE LAND USE PLAN) SHALL BE 11 (ELEVEN) 12 (TWELVE) FEET IN WIDTH WITH ON STREET PARKING...
AND THE PARKING LANES SHALL BE 8 ½ (EIGHT AND ONE-HALF) FEET IN WIDTH.

30. **INTERSECTION CROSSWALKS SHALL GENTLY ELEVATE TO SLOW TRAFFIC** SHALL BE 20 (TWENTY) FEET WIDE MEASURED FROM BULB-OUT TO BULB-OUT, AND SHALL HAVE MOUNTABLE CURBS FOR EMERGENCY VEHICLE ACCESS.

31. **USE OF THE EQUIVALENCY MATRIX THAT CHANGES ANY USE BY 10% OR GREATER (INDIVIDUALLY OR IN THE AGGREGATE) SHALL BE DEEMED A SUBSTANTIAL CHANGE TO THE PD.**

32. **THE DEVELOPER WILL CONTRIBUTE A PROPORTIONATE SHARE OF THE COSTS FOR INTERSECTION TRAFFIC SIGNALIZATION TECHNOLOGY UPGRADES THRU 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.**

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

[signatures to follow]
Signed, sealed and delivered in the presence of:

CITY OF WINTER PARK, FLORIDA, a political subdivision of the State of Florida

By: _____________________________________________
   Kenneth W. Bradley, Mayor

ATTEST:
By: _____________________________________________
   Cynthia S. Bonham, City Clerk

Date: _________________________________

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of ____________, 2014, by Kenneth W. Bradley, 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)

______________________________
Notary Public Signature

______________________________
(Name typed, printed or stamped)
STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of __________, 2014, by Daniel B. Bellows, who ☐ is personally known to me or ☐ has produced __________________________ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)
GARMET, LTD., a Florida limited partnership

By: Welbourne Ave. Corp., its General Partner

By: ____________________________
    Robert P. Saltsman, President

Name: ____________________________

Date: ____________________________

Name: ____________________________

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of ____________, 2014, 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)

Notary Public Signature

(Name typed, printed or stamped)
BUBBALOU’S, INC., a Florida corporation

By: __________________________
   Daniel B. Bellows, President

Date: __________________________

Name: __________________________

Name: __________________________

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of __________, 2014, by Daniel B. Bellows, President, of Bubbalou’s, Inc., a Florida corporation, who □ is personally known to me or □ has produced __________________________ as identification.

(NO TARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)
BENJAMIN PARTNERS, LTD., a Florida limited partnership

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

Name: ____________________________
By: ____________________________
Daniel B. Bellows, President

Date: ____________________________

Name: ____________________________

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ___ day of ___________, 2014, 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

______________________________
(Name typed, printed or stamped)
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 ¼ OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; RUN SOUTH 01°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; THEN CONTINUE S 01°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 N 90°00'00"E A DISTANCE OF 143.71 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE N 00°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 N 90°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 S 00°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 N 90°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 S 00°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 N 90°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 S 00°05'24"W ALONG THE WEST LINE OF SAID LOT 15 A DISTANCE OF 50.00 FEET; THENCE N 90°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 S 00°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 N 90°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°43'16" AND A CHORD THAT BEARS S 01°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 S 00°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: S 67°42'20"W, 36.68 FEET; S 89°45'12"W, 124.55 FEET; S 81°01'12"W, 34.71 FEET; N 00°04'22"W, 11.27 FEET; S 89°45'12"W, 385.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF LEWIS DRIVE; THENCE N 00°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 S 90°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 S 00°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 S 90°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 S 00°04'22"E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 165.02 FEET TO A POINT ON AFORESAID LEE ROAD; THENCE S 89°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 N 00°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 S 90°00'00"W ALONG THE NORTH LINE OF LOTS 3, 4 AND 5, BLOCK D, A DISTANCE OF 153.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE S 00°04'22"E ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 115.56 FEET TO A POINT ON AFORESAID NORTH RIGHT OF WAY LINE OF LEE ROAD; THENCE S 89°45'12"W, 155.50 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 1,534 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 N 89°58'47"W A DISTANCE OF 491.91 FEET; THENCE N 00°07'54"E A DISTANCE OF 186.84 FEET; THENCE S 89°56'22"E A DISTANCE OF 191.75 FEET; THENCE N 00°07'54"E A DISTANCE OF 320.55 FEET; THENCE N 89°53'51"E A DISTANCE OF 49.46 FEET; THENCE N 00°12'06"E A DISTANCE OF 103.89 FEET TO THE SOUTH RIGHT OF WAY LINE OF AFORESAID MONROE AVENUE; THENCE N 90°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.


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 N 89°50'56"W ALONG SAID SOUTH RIGHT OF WAY LINE OF KINDEL AVENUE A DISTANCE OF 6.00 FEET; THENCE RUN S 00°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 N 89°55'56"W A DISTANCE OF 15.58 FEET FOR A POINT OF BEGINNING; THENCE RUN S 00°04'04"W A DISTANCE OF 178.00 FEET; THENCE N 89°55'56"W A DISTANCE OF 78.09 FEET; THENCE N 00°04'04"E A DISTANCE OF 178.00 FEET; THENCE S 89°55'56"E A DISTANCE OF 78.09 FEET TO THE POINT OF BEGINNING.

ALL OF THE ABOVE DESCRIBED PROPERTY CONTAINS 46.27 ACRES MORE OR LESS.
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.
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”.

Page 8 of 24
Ravaudage LAND USE PLAN

AN INITIAL DEVELOPMENT PLANNED USE PROJECT
UNINCORPORATED ORANGE COUNTY, FLORIDA

PROJECT TEAM

UTILITY PROVIDERS

INDEX OF SHEETS

C-1 COVER SHEET
C-2 EXISTING CONDITIONS
C-3 EXISTING CONDITIONS, CONT.
C-4 LAND USE PLAN
C-5 URBAN FORM TEMPLATES
C-6 URBAN FORM TEMPLATES, CONT.
C-7 PLANNING CONTEXT STUDY EXHIBITS
C-8 PLANNING CONTEXT STUDY EXHIBITS, CONT.

ASSOCIATED DRAWINGS
BOUNDARY SURVEYS AND DESCRIPTIONS

APPLICANT/DEVELOPER:
SYDGAN CORPORATION

STATE OF FLORIDA - COUNTY OF ORANGE
HEREBY CERTIFY that this is a true and accurate copy of the document as filed with this office.

By: Mitch Gordon, Zoning Manager

LEGAL DESCRIPTIONS

RECEIVED
MAY 10, 1993
The meeting was called to order at 1:30 p.m. in the Chase Room on the first floor of City Hall. Staff Present: Assistant City Attorney Catherine Reischmann; Assistant City Manager Michelle Del Valle; Planning & Community Development Director Dori Stone; Planning Manager Jeffrey Briggs; Public Works Director Troy Attaway; Director of Building George Wiggins; Electric Utility Director Jerry Warren; Parks and Recreation Director John Holland; Water/Wastewater Utility Director David Zusi; Fire Marshall Scott Donovan; Planner Caleena Shirley. Also Present: Developer Dan Bellows, Benjamin Partners, Margaret O’Rourke, Margaret O’Rourke Designs; Land Planner Javier Omana. Recording Secretary Lisa Smith.

Appointment of a Chair and Vice-Chair

Motion made by Jeffrey Briggs, seconded by George Wiggins appointing Dori Stone as Chair of the DRC. Motion carried unanimously with a 5-0 vote.

Motion made by Dori Stone, seconded by Jeffrey Briggs appointing Troy Attaway as Vice-Chair of the DRC. Motion carried unanimously with a 5-0 vote.

Mr. Briggs provided an overview and explanation of why the DRC committee has been formed and the purpose which is to replicate the Orange County Development Review Committee as Ravaudage was approved under the Orange County Land Development Code. Furthermore, Mr. Briggs explained that the pre-annexation agreement with Benjamin Partners states that both parties are to use the Orange County Land Development Code in the administration of this Planned Development. He explained that the five voting members are the City Manager’s designee, the Director of Planning and Community Development, Director of Public Works, Planning Manager and the Building Official. Other key city staff is on hand to be resources for the discussion. He acknowledged the City Attorney being present.

Agendas were posted accordingly and distributed.

Mr. Bellows stated that he disagrees with the comments made by Mr. Briggs with regard to following Orange County process. He disagreed with following the Orange County DRC process. He referenced the pre-annexation agreement and a provision that provides Winter Park with the ability to govern by their Codes so long as their public process is followed. He said that he has no desire to create another layer of bureaucracy with regard to this process. He requested that the pre-annexation agreement be further studied.

Ms. Stone said that she feels that this process works in the applicant’s favor as site and building plans can be approved at the staff level. Attorney Reischmann explained that Mr. Bellows understanding of the pre-annexation agreement is incorrect. She indicated that Section 5 states “the City and Owners agree to accept and be governed by the Orange County PD and Commercial Future land use designations on the Property and the Orange County PD zoning designations and all other applicable provisions of the Orange County Land Development Code”. Thus, there is no option as desired by Mr. Bellows to use the Orange County Code and City Code interchangeably when it suits the needs of the developer.
Action Items

REQUEST OF THE RAVAUDAGE PD FOR: DEVELOPMENT PLAN APPROVAL FOR THE
APPROVED ROAD OR STREET GRID WITHIN THE PD AND PROVISIONS FOR PUBLIC AND
PRIVATE INFRASTRUCTURE

Mr. Briggs explained that Benjamin Partners, Ltd. has made a request for development plan approval for the road or street grid system within the PD providing for the creation of the private streets of Morgan Lane; Via McAlister; Via Margarita and Spanish Moss Lane and provisions for public and private infrastructure.

BENJAMIN PARTNERS REQUEST IS TO BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

Condition #1: That the applicant obtain approval from the Orange County 911 system for the proposed private street names since duplication of street names already in use is prohibited.

The applicant agreed to this condition.

Condition #2: That the applicant plat the area bounded by Bennett Avenue, Morgan Lane, Lewis Drive and Spanish Moss Lane so that the easements for utilities, storm water and right-of-ways can be recorded in the public records.

The applicant agreed to plat as follows: East side of Bennett Avenue up to the West side of Lewis Drive, all of Morgan Lane and all of Spanish Moss Lane.

Condition #3: That the applicant or CDD agrees to accept the maintenance responsibility by the CDD for these private streets via the plat document.

The applicant agreed to this condition and expressed that he expects to work with the utilities department to at some point in the future the City may take over. As the platting of this project progresses, this can be addressed appropriately by Public Works.

Condition #4: That the applicant or CDD enter into an agreement with the City permitting Police enforcement of traffic laws on these private streets per the approved plat.

The applicant agreed to this condition. The City agreed to provide the applicant a copy of the agreement that WPPD has with the Winter Park Village regarding patrolling the private streets.

Condition #5: City approval does not provide any authority for parking regulation or enforcement on the platted rights-of-way within Ravaudage including Bennett Avenue, Lewis Drive, Glendon Parkway, Monroe Avenue, Benjamin Avenue, Kindel Avenue or Loren Avenue.

The applicant agreed to work with WPPD regarding parking regulation and enforcement.

Condition #6: The applicant requested an additional condition for the purposes of moving the David Weekly project forward that any roadways should be constructed to a minimum City Standard as agreed to by the City’s Public Works Director. The members of the DRC Committee expressed no opposition to his request.

Motion to approve development plan for road/street grid aka plat with the conditions as amended made by Jeff Briggs, seconded by Troy Attaway. Motion carried unanimously.
Mr. Warren noted that the current version of the plans do not show locations for transformers and switchgear and he requested that as the process moves forward, that the applicant please work with Electric to identify such locations.

REQUEST OF THE RAVAUDAGE PD FOR: SIGNIFICANT CHANGES AND AMENDMENTS TO THE RAVAUDAGE LAND USE PLAN, CONDITIONS AND WAIVERS AS GRANTED BY THE ORANGE COUNTY COMMISSION ON MAY 24, 2011 AND DEVELOPMENT PLAN APPROVAL FOR A SIX OR SEVEN STORY APARTMENT PROJECT IN THE BLOCK BOUNDED BY LEWIS DRIVE AND GLENDON PARKWAY.

The applicant requested 22 significant changes and amendments to the Ravaudage Land Use Plan, Conditions and Waivers which was approved by the Orange County Board of County Commissioners on 5/24/2011. Mrs. Stone noted that traffic will not be discussed at today's meeting, and that the Development Order as a whole will go as one submittal to the City Commission.

Motion to approve the applicant’s requested changes and amendments to conditions #1, 3, 5 and 6, as amended, made by Jeff Briggs, seconded by George Wiggins. Motion carried unanimously.

Condition 11(c): PD Commercial

Motion made by Dori Stone, seconded by Michelle Del Valle that the setbacks shall apply to four-story building. The language shall read: Building setbacks for all interior/exterior streets shall be a maximum of 15’ in lieu of 30’ with a minimum of zero (0’). All other rights-of-way shall have a maximum setback of 25’15’. The minimum of 0’ shall apply to back of sidewalk with a minimum sidewalk width of 10’. No building shall encroach into the right-of-way.

Motion carried with a 4-1 vote. Jeff Briggs voted against the motion.

Condition 12(c): PD Residential

Motion made by George Wiggins, seconded by Dori Stone that the setbacks shall apply to four-story building. The language shall read: 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 15’ in lieu of 20’ (with a maximum setback of 25’). The minimum of 0’ shall apply to back of sidewalk with a minimum sidewalk width of 10’. No building shall encroach into the right-of-way.

Motion carried with a 4-1 vote. Jeff Briggs voted against the motion.

Conditions 11(E) and 11(F)

The applicant is requesting approval of this requested amendment in order to allow for an increase in the building height of the area designated with a four story maximum building height to be increased to a six-story maximum building height, if the location is setback 200 feet from Lee Road. Staff recommended approval with conditions requiring setback of 200 feet from Lee Road and Orlando Avenue and from any off-site or internal residential units that are not part of the Ravaudage PD with a maximum height of 80 feet.

Motion made by Jeff Briggs, second by George Wiggins to approve the request, as amended. Motion carried unanimously.

Condition 13(b)

The applicant is requesting approval of this amendment to allow the required parking to be up to 350 feet from the buildings as it serves in lieu of the 300 foot maximum distance previously granted by Orange County. Staff feels that the distance is still walkable for users.
Motion made by George Wiggins, seconded by Jeff Briggs to approve. Motion carried unanimously.

Condition 16

The applicant is requesting approval of this amendment to eliminate the requirement to submit a Planning Context Study. The applicant has complied with this requirement.

Motion made by Jeff Briggs, second by Mr. Wiggins to approve. Motion carried unanimously.

Conditions 17, 18, 19, 20 and 21

Consensus of the Committee members was to table the applicant’s requests for conditions #17, 18, 19, 20, and 21 until the April 15th DRC meeting.

Condition 22

Staff recommended denial of this request. This amendment eliminates the requirement to accommodate or provide any locations or stops for LYNX service for the development as part of the mobility strategy or provide opportunity for a review of this change by LYNX. Staff position is that without the complete information on traffic and transit improvements proposed by the Ravaudage PD, any action on this request would be premature.

Consensus of the Committee members was to table this request until the April 15th DRC meeting.

Condition 27

Staff recommended approval of this request to eliminate the requirement for a minimum of 300 residential units which would alter the original vision for Ravaudage as a mixed-use development. It is the applicant’s position that his building program will consist of residential, hotel, commercial/retail and office. It is, however, his intent to develop specific uses that reflect and respond to market forces. Further, if the market forces do not favor residential, then the applicant does not want to be mandated to include 300 units.

Motion made by George Wiggins, seconded by Jeff Briggs to delete the requirement. Motion carried unanimously.

Condition 29

Jeff Briggs explained that this amendment alters the matrix equivalency table by allowing changes up to 40% versus 10% in the Orange County Code. He explained that the applicant is requesting this modification to better respond to market driven initiatives. Further, this proposed amendment conflicts with the strategic plan of the City to increase the percentage of property taxes paid by commercial development versus residential development, thereby reducing the property tax burden on city residents. The matrix is all about trying to having equal traffic impact.

The applicant explained that breakdown of the matrix. He explained that he firmly believes that there needs to be a mix of viable residential with office/commercial to create a live-work environment. He would like the flexibility to develop a nice blend.

Consensus of the Committee members was to table this request until the April 15th DRC meeting.

Dori Stone noted that the Development Order will not be moved forward until after the April 15th DRC meeting.
REQUEST OF THE RAVAUDAGE PD FOR: DEVELOPMENT PLAN APPROVAL FOR THE 55 UNIT TOWNHOUSE PROJECT PROPOSED FOR DAVID WEEKLY HOMES.

Dori Stone reiterated that this is a staff level approval and that once the conditions are in place, they will be incorporated into the Development Agreement, and become a part of the site plan approval process.

Fire concerns: Upgrade of the water source for both residential and commercial. As the engineering plans are done, plans will be routed through Fire Department for final approval of fire hydrant locations.

The applicant was agreeable to this request.

Benjamin Partners, Ltd. has made a request for development plan approval for David Weekly townhouse project.

DAVID WEEKLY 55 UNIT TOWNHOUSE SITE/DEVELOPMENT PLAN IS TO BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

Condition #1: Construction on site infrastructure may proceed to provide streets/storm water/utilities etc. to the development blocks but permits for the construction of the residential townhouse buildings shall not be issued until there is conformance with or provisions made for the implementation of Conditions 17, 18 and 19 of the Ravaudage PD approval of May 24, 2011, by the Orange County BCC regarding mobility.

Motion made by Dori Stone, second by George Wiggins to add and approve a condition #6 subject to City Commission resolution of the transportation items in the Development Order prior to any issuance of a building permit. Motion carried unanimously.

Condition #2: Applicant or developer shall designate on the plat, the .30 acres of recreation land required for this residential density of the 55 units and the HOA covenants and restrictions shall indicate the maintenance responsibility of the HOA or CDD for this recreation area.

Mr. Briggs explained that the Orange County PD requires 2.5 acres of recreation land (not open space) to be provided for each 1,000 residents. This development of 55 units at 2.2 persons per household would generate the requirement for 0.30 acres. About half of that is included in the proposed plat but the other half remains to be provided. John Holland stated his concerns that there be dedicated areas for recreation for the residents that desire recreation. Staff expressed strong opposition to parks and recreation space being designated after-the-fact on the parcels that do not sell. The applicant indicated that he has no issues with the dedication of the land for parks, but stated that he would like to get further into design and development before those determinations can be made. His rationale was that he does not want to get locked into a location and later on find out that is not a good location for a recreational use. He agreed to dedicate the spray park as recreational use on the recorded plat, therefore this condition was removed.

After a considerable amount of discussion, this condition was removed pursuant to the applicant’s guarantee to provide the remaining recreational land off-site.

Condition #3: Applicant or developer shall indicate the method of compliance or fee in lieu for the required provision of 10% certified affordable housing units (5 units) within this project.

The applicant stated that since the City has removed the affordable housing fee, this should not apply to this project. Thus, the applicant would like this provision removed. Mr. Briggs advised that if the applicant wants to amend the development order from the Orange County Commission then he should make an official request to have this language taken out. The applicant agreed to resubmit his request.

The applicant has indicated that he will resubmit his request using the City’s definition of work force housing prior to the next DRC meeting. However, until such text is amended by the City Commission, the requirement shall be in force.
Condition #4: Applicant or developer shall indicate the method of garbage/trash collection for this project which shall be provided by the City prior to any permit issuance.

Jeff Briggs explained that the purpose of this condition is to ensure that there is adequate space in the 2-car garage for two cars and the otto cart. The applicant read into the record a letter from David Weekly Homes addressing this issue. The applicant agreed to this condition.

The applicant also agreed to plat the alley and perimeters sidewalks. This is to ensure that he will run the potable and private sewer line through the alley and lateral it off. Back-flows and meters will be off the alley.

Condition #5: The city will permit the 55-unit David Weekly townhouse project to connect to the City's existing sanitary sewer system, but no additional connections shall be made prior to construction of the below referenced regional pump station and force main. The existing flow that has been allowed to connect to the existing sanitary sewer system shall be diverted to the new proposed regional pump station when it is completed. The City cannot accept additional sanitary sewer flow from the Ravaudage development east through town, eventually being treated by the Iron Bridge Water Reclamation Facility, as this puts undue stress on the collection system and puts the collection system over capacity. The required alternative is to construct a new regional sanitary sewer pump station that will pump sanitary sewerage west to the Altamonte Springs Water Reclamation Facility. This pump station shall be sized to handle the existing flow generated west of Ravaudage, the proposed Ravaudage flow (including the Ale House), and additional flow from the future proposed development in the Lee Road/SR 17-92 intersection. The developer shall provide the City with a site or easement for the regional pump station. The City will participate in the pro-rata share of the cost to upsize the pump station and force main required to serve the existing sanitary flow west of Ravaudage, and future additional development adjacent to Ravaudage.

Dave Zusi, stated that as long as the applicant complies with this condition, water and waste water concerns have been met. He said that he feels that any additional sewer connections beyond David Weekly Homes will require the construction of a new lift station. The applicant expressed his concerns. He encouraged staff to re-review the details of the inter-local agreement. Troy Attaway encouraged the applicant to speak to the City Manager concerning this issue. The applicant agreed that something needs to be worked out. He agreed that the lift station is important (i.e.: location, size of the land, non-offensive, and that it cannot devalue the surrounding property). He stated that he will reach out to the City Manager in an effort to re-ignite the discussions regarding the interlocal agreement.

Motion made by Jeff Briggs, seconded by George Wiggins to approve the request of the Ravaudage PD for development plan approval for the 55-unit David Weekly townhouse project as amended with the condition that the applicant designate a spray park. The motion was withdrawn.

Motion made by George Wiggins, seconded by Jeff Briggs to approve the request subject to the applicant designating .3 acres of interactive recreational amenities at the south end of the Ravaudage pond #1. Motion carried unanimously.

Date of Next Meeting: Tuesday, April 15, 2014 @ 1:30 p.m., Chase Room, City Hall

There was no further business. Meeting adjourned at 4:50 p.m.

Respectfully submitted,

Lisa M. Smith, Recording Secretary
The meeting was called to order at 1:30 p.m. in the Chase Room on the first floor of City Hall. Staff Present: Assistant City Attorney Catherine Reischmann; Assistant City Manager Michelle Del Valle; Planning & Community Development Director Dori Stone; Planning Manager Jeffrey Briggs; Public Works Director Troy Attaway; Director of Building George Wiggins; Electric Utility Director Jerry Warren; Parks and Recreation Director John Holland; Water/Wastewater Utility Director David Zusi; Fire Chief Jim White; Police Chief Brett Railey; Traffic Engineer Butch Margraf; Planner Caleena Shirley. Also Present: Developer Dan Bellows, Benjamin Partners, Land Planner Javier Omana, and Traffic Consultant Bill Tipton. Recording Secretary Lisa Smith.

Action Items

REQUEST OF THE RAVAUDAGE PD FOR: SIGNIFICANT CHANGES AND AMENDMENTS TO THE RAVAUDAGE LAND USE PLAN, CONDITIONS AND WAIVERS AS GRANTED BY THE ORANGE COUNTY COMMISSION ON MAY 24, 2011 AND DEVELOPMENT PLAN APPROVAL FOR A SIX OR SEVEN STORY APARTMENT PROJECT IN THE BLOCK BOUNDED BY LEWIS DRIVE AND GLENDON PARKWAY, AS WERE CONTINUED OR TABLED FROM THE MARCH 25TH MEETING:

a. Conditions #17, 18, 19, 20, 21 & 22 regarding traffic and transit mobility planning and improvements.

Jeff Briggs stated that notification of today’s meeting was sent to representatives from Orange County, City of Maitland, FDOT and LYNX. He said that no email or phone call comments were received from any of those entities.

Dori Stone, Planning and Community Development Director, stated that she and Troy Attaway, Public Works Director, have met to discuss traffic conditions. Mr. Bill Tipton, the applicant’s traffic consultant, was allowed to address staff concerns with regard to conditions 17, 18, 19 and 20. He explained that he is not sure where the precise numbers came from but a decision was made to allow Mr. Bellows to develop some parcels in order to see if they triggered anything. Mr. Bellows provided some insight. He said that he feels that the additional analyses were requested because he brought the project forward and he feels that the individual entities took advantage of this particular project going forward. He noted that his rationale had previously been provided to City staff. Staff and the applicant discussed this at length. Staff continued to state their desire for the developer to be part of a bigger picture alternative for handling traffic on 17/92. Mr. Bellows stated that he agrees with the concept of proportionate fair share. He said that he feels that at a minimum the signalization in that particular area should be shared three ways (the developers of K-Mart shopping center, UP Development, LLC and Ravaudage and possibly a fourth). Further, he said that he feels that he has done his fair share. He said that he firmly believes that other developers coming in should also pay their proportionate fair share of the signalization for the 17/92 area.

Consensus of the Committee and the Developer was to allow Troy Attaway, as the City’s lead traffic engineer, and Dan Bellows, as the lead developer, to work together and come up with mutually agreed upon language
with regard to the signalization and bring the language back to the DRC for approval of the language to be incorporated into the development agreement.

**Motion made by George Wiggins, seconded by Michelle Del Valle to eliminate conditions 17, 18, 19 and 20; and ask that a new condition be added that the developer will contribute a proportionate share of the costs for intersection traffic signalization technology upgrades thru 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. Motion carried unanimously.**

New Condition #2

Troy Attaway stated that within the new development bicycle/pedestrian section, he would like to bring more clarity to the bike portion. He said that the City is now in the process of creating a bike share plan. The Developer stated that he is totally in agreement with this and has been to the City’s Bicycle Pedestrian Board and has discussed his plan to own a bike share franchise and establish stations in Hannibal square and one in Ravaudage. He said that his plan is to eventually partner with the Winter Park Village and Rollins College to have a concession on Park Avenue. He asked staff if he can own, operate and manage the franchise. Troy Attaway responded that he could. The Developer outlined the details of his plan to the members of the Committee.

**Motion made by George Wiggins, seconded by Michelle Del Valle to approve a bike share facility at Ravaudage with the stipulation that this will be completed by the completion of the second residential development on the bike share location. Motion carried unanimously.**

Dori Stone clarified in Condition 21 that references to an intersection at Solana Avenue Extension should be replaced by Glendon Parkway. This affects Condition 21 (a), and (d).

DRC discussed the request to amend Condition 22 regarding the potential new location of a superstop for Lynx service. Troy Attaway stated that he and his staff have looked at the existing Webster/Denning location and feel that it is the most appropriate place for a superstop and that Ravaudage is not a good location for this type of use. The DRC did discuss the fact that if a SunRail station was placed on the Ravaudage project, it would be appropriate to consider a new superstop location and a pedestrian way at this site. DRC recommended modifying the condition by deleting the existing language and adding this language.

**Motion made by Dori Stone, seconded by George Wiggins to approve the language changes for conditions 21 and 22. Motion carried unanimously.**

Chief Brett Railey discussed how the City Police Department enforces the Winter Park Village. He explained that there is no agreement and provided details of how the enforcement works. They discussed detail options for Ravaudage.

b. **Condition #29 regarding the equivalency matrix to increase the residential component of the Ravaudage PD.**

**Motion made by Jeff Briggs, seconded by Michelle Del Valle to defer action on this item until a revised plan is received from the applicant. Motion carried unanimously.**

New Business:

Planning staff distributed copies of the plan submitted by UP Development LLC for a new Whole Foods store located at 1030/1050 North Orlando Avenue, and provided an overview of the preliminary details of the project. Staff requested that any comments and concerns be provided to them prior to the Planning and Zoning Board meeting.
Date of Next Meeting: T.B.D.

There was no further business. Meeting adjourned at 4:00 p.m.

Respectfully submitted,

Lisa M. Smith, Recording Secretary
The meeting was called to order at 1:30 p.m. in the Chase Room on the first floor of City Hall. Staff Present: Assistant City Attorney Catherine Reischmann; Assistant City Manager Michelle Del Valle; Planning & Community Development Director Dori Stone; Planning Manager Jeffrey Briggs; Public Works Director Troy Attaway; Director of Building George Wiggins; Electric Utility Director Jerry Warren; Parks and Recreation Director John Holland; Water/Wastewater Utility Director David Zusi; Scott Donovan; Traffic Engineer Butch Margraf; Planner Caleena Shirley. Also Present: Developer Dan Bellows, Benjamin Partners, Land Planner Javier Omana, and Traffic Consultant Bill Tipton. Recording Secretary Lisa Smith.

**Action Items**

**REQUEST OF THE AMERICAN LAND VENTURE FOR: DEVELOPMENT PLAN APPROVAL FOR A 274 UNIT APARTMENT PROJECT PROPOSED WITHIN THE RAVAUDAGE PD.**

Mrs. Stone opened the meeting requesting that the applicant provide clarification of the number of units for the project. After a considerable amount of discussion of 310 versus 294 units, consensus was that the applicant will build a six-story apartment building with 296 multi-family units, a five-level private parking garage, and an estimated parking calculation of 592 based on two parking spaces per unit in accordance with the current code. There was extensive discussion concerning the condition that sets the height in the development order. It was noted that at the March 25th meeting a motion was made setting the height at a maximum of 80 feet.

Motion made by Jeff Briggs, seconded by George Wiggins to amend the action made by DRC on 3/25/14 to reference the heights provided by the applicant for today’s meeting so that there is internal consistency between what is being shown on the plans and what the intent of the original motion. This matches the 87-foot height as provided by the applicant. Motion carried unanimously.

It was noted that 87 versus 80 feet is what will be going forward in the development order for conditions 11(E) and 11(F).

Mrs. Stone introduced Condition #1 and asked David Zusi, Water and Wastewater Director to address this issue. Mr. Zusi agrees that there is a benefit to the city and standard practice to upgrade substandard water mains throughout its service area and this will happen in this area regardless of what the applicant is doing. Mr. Zusi said that there is a regional benefit to this and discussed City’s intent in this regard. He said that the applicant has agreed to provide a site for the lift station and the city will use collected impact fees from the applicant’s project as well as from the projects on the east side of 17-92/Lee Road and K-mart shopping center redevelopment. The sanitary sewer is the bigger issue and that is not something that the City will typically pay for unless there is a Commission desire due to an ancillary benefit that is outside of the water and sewer utility area. There is no return on the city’s investment on sanitary sewer investments. The applicant would need to get permission from the Commission that there is a return on investment to make sanitary sewer investments on this site. Outside of that, the applicant will be responsible for sanitary sewer that is necessary for his development.
The applicant stated that he understands the potable water and lift station and he is in agreement with Mr. Zusi that he will set aside a piece of land not to exceed 50 x 50, west of Bennett Ave at the north end of the project on property abutting Monroe. Mr. Bellows explained his position with regard to the sanitary sewer lift station. He requested that in an effort to get the American Land project underway that consideration be given to his request that in addition to the lift station the city install (at the city's expense) the sanitary collector pipe on Bennett Avenue. He said that he feels that it can be justified due to the amount of impacts that will be collected from the Ravaudage development, the UP Development project, and with the redevelopment of K-Mart shopping center. That way everything can be done at once (i.e.: potable, sanitary, storm water and decorative street elements).

Motion made by Dori Stone, seconded by Jeff Briggs with regard to American Land conditions #1 and #2 are combined and that the developer agrees to set aside a parcel of land not to exceed 50 ft. x 50 ft. at Bennett and Monroe Avenues to be determined by the developer and the city for a regional lift station and force main location and the city agrees to fund and construct the regional list station and force main, subject to approval by the City Commission. Motion carried unanimously.

Condition #3 - Recreational Space

Mr. Bellows noted that plans are reflective of the counts stated by staff and he agrees. He detailed his recreational space counts for the projects. Mr. Holland requested clarification as to what was private versus what will be public. He said that as presented, no public off-site recreational space comes from this project. The developer responded to Mr. Holland’s concerns and detailed his entitlements that were received at the county level. The developer offered that he feels that for every foot of sidewalk over 10-feet that should be counted as recreational space. He requested that he be allowed to opt for the fee-in-lieu of. Consensus was that determination must be made by the City Commission.

Motion made by Dori Stone, seconded by Jeff Briggs with regard to recreational space, the City Commission must approve the preference of either the required amount of park land on site as defined by the development order or the payment of the city's recreation fee. Motion carried unanimously.

Condition #4 – Affordable Housing

Mrs. Stone explained that the development order requires that 10% of the units be certified as affordable housing. The developer has offered a fee-in-lieu of providing the required percentage at the same rate as the affordable housing linkage fee for all building permits. She feels that this is a good compromise, and recommended approval of this methodology for affordable housing units for the project.

Motion made by Dori Stone, seconded by George Wiggins to approve the applicant’s request for a fee-in-lieu of at the same rate as the affordable housing linkage fee as the methodology for affordable housing units for the project on all building permits for the project. Motion carried unanimously.

Condition #5 – Setbacks, Modifications to Required Mobility Planning and Building Heights

Ms. Stone explained that this condition reflects that the project under the current development order, is restricted to four stories and there are some transportation monitoring issues that are also being requested for revision and all are subject to City Commission approval before the applicant can submit for construction plans or the next step in the approval process. Otherwise, if that does not happen, then the project would have to come back to DRC for another review. The members of the Committee and the applicant entered into an extensive discussion concerning the setbacks and building heights for the Morgan Lane/Lewis Drive area.

Motion made by George Wiggins, seconded by Michelle Del Valle that the two upper floors of the American Land project along Lewis Drive shall be stepped back to meet the 15 foot setback and it is determined that the 2.2 feet on the corner of the building at Bennett and Morgan is diminimus. This motion was withdrawn.
Motion made by George Wiggins and seconded by Michelle Del Valle to accept the architectural plan with the 4’10” setback from the Lewis Drive property line, recognizing the 2.2 foot setback as diminimus on Bennett Avenue in recognition of considerable extra right-of-way width on Lewis Drive. Motion carried with a 4-1 vote. Jeff Briggs voted against the motion.

Condition #7 – Parking Garage

Mrs. Stone explained that this condition directs the applicant to design the parking garage in conformance with architectural design and materials that are upgraded from the typical parking garage, similar to the Winter Park Hospital Parking garage. The applicant expressed concern with regard to fenestration for the proposed parking garage. He suggested that he be allowed to build to the Winter Park standard on the west elevation facing Bennett and that the south elevation at a minimum will have a vegetative screening. The members of the committee were not in favor of that request.

Motion made by Dori Stone, seconded by George Wiggins to approve the garage given that the elevations match on the south and west side of Bennett and to see screening on the north and east side that would be panels and vegetation on the Lee Road elevation. Motion carried unanimously.

Condition #8 – Storm water

Condition #8 was removed. A permit from St. Johns for Phase 1 has already been submitted.

Motion made by George Wiggins, seconded by Jeff Briggs for an overall approval subject to the conditions that were discussed and recommended for approval at today’s meeting. Motion carried unanimously.

Mrs. Stone noted that it is her desire to have these items on the first city commission meeting in October.

New Business:

There were no items of new business.

Date of Next Meeting: T.B.D.

There was no further business. Meeting adjourned at 3:30 p.m.

Respectfully submitted,

Lisa M. Smith, Recording Secretary
Explanations of Requested Modifications to the Ravaduage Development Order dated May 24, 2014, Board of County commissioners, Orange County, Florida

Development Order (D.O.) Condition # 1
Reason for Request:

The addition of the submitted language will provide for the ability to incorporate changes, adjustments and amendments and their validity as may be granted by the Winter Park City Commission.

Development Order D.O. Condition # 3
Reason for Requested Deletion:

The Applicant has opted to prepare the required storm water plan and requisite permitting on an incremental development plan submission basis. As evidenced by current on-site construction an on-site storm water management plan has been implemented to accommodate the Ale House restaurant, parking and other surface improvements. Future development plan phases shall include/incorporate additional storm water plans. Current plans have been permitted through the St. Johns River Water Management District (SJRWMD) with permit #: 40-095-128708-1 issued on: April 5, 2012.

Development Order D.O. Condition # 5
Reason for Requested Deletion:

The Applicant has complied with wetland and/or conservation area thru the issuance of the SJRWMD permit #: 40-095-128708-1.

There are no wetlands, wetland buffers or conservation areas within the Ravaudage project site.

Development Order D.O. Condition # 6
Reason for Request:

Given the unique land use mix proposed within Ravaudage’s vision, Outdoor vendors, events, special events form part of the pedestrian-friendly, walkable community.

Applicant agrees to follow City protocol for outdoor sales, temporary/permanent structures and special events per City Code.

Applicant may also provide specific list of anticipated uses for staff approval.

Development Order D.O. Condition # 11
Reason for Request:

The proposed setback “range” from a maximum of 15’ to a minimum of zero will enable the applicant and individual parcel developer(s) to provide building placement, outdoor cafes, wide walks and street furniture, hardscape and landscape in such a fashion as to create a uniform, vibrant, pedestrian and activity oriented “public” realm. Parcel yield/intensity is not affected by this setback range. Building massing is to be regulated within the Ravaudage property by the Design Guidelines manual and the Architectural Review Board (ARB) as established by the Community Development District (CDD).
Development Order D.O. Condition # 11 (c)
**Reason for Request:**
The Applicant’s intent is to “create” an urban/in-fill frontage along US 17-92 and Lee Road that celebrates the public realm by allowing building placement to be close to the property line/public right-of-way. This will establish the physical framework for pedestrian, human-scale urban design to include: hardscape, landscape, street furniture, architectural elements. Building articulation and height restrictions will be enforced through design standards established in the PD document and the Ravaudage Design Guidelines. Property yield will not be increased by this setback standard.

Development Order D.O. Condition # 11 (e & f)
**Reason for Request:**
The purpose of this request is to provide maximum flexibility to parcel developers with respect to product placement, visibility and massing. This request does not increase project density or intensity nor does it incase building heights throughout the project. The proposal calls for a reduction on buildings heights in the area bounded by Morgan Lane, Lewis Drive, Loren Avenue and South of Elvin Way. It would allow for an increase of up to two additional stores on a case-by-case basis for projects located within a certain Ravaudage area. Additionally, said specific height increase request shall be reviewed by staff and approved by City Commission. No six story buildings shall be located within 200 feet of the Lee Road right-of-way unless otherwise authorized by City Commission.

Development Order D.O. Condition # 12 (c)
**Reason for Request:**
The Applicant’s intent is to “create” pedestrian – human scale buildings and urban design within the context of livable streets and public realm. No increases in density and/or intensities are requested or result from this request. Residential setbacks would range from 0’ to 25’ with this modification.

Development Order D.O. Condition # 13
**Reason for Request:**
Parking for the uses within the Ravaudage project will consist of temporary and permanent surface parking (onsite, off-site), parking structures serving specific uses (residential, non-residential) and parking structures serving the overall project. Granting of this request will provide flexibility in the site planning and principal uses building location.

Development Order D.O. Condition # 16
**Reason for Request:**
The Planning Study was updated on January 2012. Copy of same is to be submitted to City staff.

Development Order D.O. Condition # 21 (a) (c) (d) (f)
**Reason for Request:**
The Applicant requests the option to locate a signalized intersection at either Solana Avenue or
Glendon Parkway. In the event that the necessary land is not acquired to create the westward Solana Extension, the applicant shall purpose a signalized intersection at the existing Glendon Parkway intersection.

The Street grid system shall consist at minimum the east-west and north-south Street corridors as approved in the PD package (master plan and urban form plates)

**Development Order D.O. Condition # 27**

**Reason for Request:**

The Applicant has provided a building program that consists of residential, hotel, commercial/retail and office. It is the intent to develop specific uses that reflect and respond to market forces.

Residential developers shall have the option to provide ground-level non-residential uses as dictated by market research and demand.

**Development Order D.O. Condition # 30 now 29**

**Reason for Request:**

The Applicant has completed a minimum of thirteen traffic studies that identify and project trip generation and impacts to roadway links and intersections. Also included in the traffic studies is a preliminary warrant study for two future traffic signals. Applicant is hereby requesting this modification to better respond to market driven initiatives.

Ravaudage is an infill, redevelopment, mixed use and multi-use project located within the urban fabric of Winter Park/Maitland/Orange County. The project seeks to create an urban, integrated environment of commercial and residential development that features medium density and intensity mixed use, vertically integrated buildings, stand alone uses that promote and are conducive to pedestrian, sustainable activities, place making and tax generating revenue uses. Ravaudage will focus on design flexibility, pedestrian oriented uses and sustainable design.
Ravaudage Traffic Studies

The Ravaudage development has hit or is about to hit the 160 trip threshold for development in Phase One. Trips beyond that threshold require more traffic studies per the Orange County Development Order. Given the number of studies conducted for this development and certain mobility improvements completed, it is requested that the City of Winter Park support the deletion of additional studies with the exception of traffic signal warrant studies at square foot age milestones already established by the City.

Since 2008 ten traffic studies have been accomplished for the Ravaudage development. A listing of the studies is attached. This document will focus on the November 29, 2010 study and the follow up January 2011 Addendum to that report and the commitments Ravaudage has made in those reports.

November 29, 2010 Traffic Study

The November report includes analyses of all of the adjacent intersections for two access plans serving the Ravaudage development. The difference in the two access plans is one includes the extension of Solana Avenue west of US 17-92 into the Ravaudage development and one does not. The property needed for this extension is not within the Ravaudage development so this extension is not possible at this time.

The November study includes am and pm peak hour traffic analyses of all of the development’s access points for both access plans. The study includes a discussion of the internal circulation within the development connecting to the access points.

The study goes into all phases of transportation and includes mass transit, pedestrian movement, and bike and trail connections. There is coordination with Lynx. The study includes the provision of a bus shelter along both US 17-92 and Lee Road. The study includes the provision of 15 foot wide sidewalks adjacent to US 17-92 and Lee Road. The sidewalks within the development will range between 10 and 14 feet wide. It designates the locations for the extension of bike and trails adjacent to the development.

The following Mobility Standards have been committed to by the Ravaudage development with the completed or partially completed noted in parenthesis:
1. Closure of 11 existing curb cuts along US 17-92 (Three closed)
2. Closure of 7 existing curb cuts along Lee Road (Six closed)
3. Elimination of an intersection along Lee Road by the vacation of Benjamin Avenue from Lee Road to Kindel Avenue (Completed)
4. Construction of a bus shelter along US 17-92
5. Construction of a bus shelter along Lee Road
6. Provision of right of way for a southbound free flow lane along US 17-92 at Lee Road

7. Provision of an additional 6 feet of right of way along US 17-92 so an additional lane can be added (Formal agreement with Orange County stating that within 6 months of their request this right of way will be deeded to either Orange County or the State of Florida. This land is currently set aside as a grass area.)
8. Provision of right of way along Lee Road for an additional lane (This is included in the above agreement with Orange County.)
9. Intersection improvement at US 17-92 and Solana Avenue when the extension of Solana Avenue becomes a reality
10. Alignment of Bennett Road at Lee road with the existing Executive Drive
11. The addition of a westbound right turn lane on Lee Road at Bennett Road
12. The addition a second southbound left turn lane on Bennett Road at Lee Road
13. The addition a southbound right turn lane on Bennett Road at Lee Road
14. Signalization of the intersection Bennett Road and Executive Drive when warranted
15. Signalization of the intersection of US 17-92 and Glendon Parkway when warranted
16. Relocation of the signal at US 17-92 and Glendon Parkway to US 17-92 and Solana Avenue when the extension of Solana Avenue occurs (Dependent on master developer acquisition of future right of way for the extension and FDOT permitting.)
17. Provide an additional 15 feet of right of way along US 17-92 for the construction of a 15 foot wide sidewalk (Partially completed around the Phase 1 Ale House area. It will be continued as development/construction advances.)
18. Provide an additional 7 feet of right of way along Lee Road for the construction of a 15 feet wide sidewalk (Same comment as in 17 above.)
19. Provide 10 to 14 foot wide sidewalks along all of the public roads within the development
20. Provide sidewalk connections from all of the private developments to the existing and planned public sidewalk system (On-going)
21. Provide bike and trail network connections to the City of Maitland and the City of Winter Park systems and to the proposed commuter rail station
22. Provide bicycle parking facilities within each block of the development
23. Provide cross access connections and encourage joint use driveways (On-going)
24. Enhance pedestrian activity by providing architectural features in the front of buildings such as canopies, awnings and colonnades over portions of the sidewalk. (On-going)

Addendum to November 29, 2010 Traffic Study

The Addendum to the November 29, 2010 traffic report was in response to the City of Maitland request that four intersections in Maitland be analyzed. The
intersections requested were along US 17-92 at Monroe Avenue, Park Avenue, Magnolia Road, and Lake Avenue.

The report documents the analyses resulting in the recommendation for modifying the median cut in US 17-92 at Monroe Avenue. This median cut is recommended to be modified to become a directional left turn from US 17-92 into Monroe Avenue.

A recommendation is made in the report for modifying the intersection of US 17-92 and Park Avenue to reduce the weaving conflict along US 17-92 between Park Avenue and Magnolia Road by signalizing the free flowing right turn from Park Avenue. The City of Maitland and the FDOT were already working together on plans to resolve this safety issue.

The report addressed a safety issue along US 17-92 at Magnolia Road. The issue is queuing vehicles in the curb lane of US 17-92 waiting to drop off and pick up school children at Park Maitland School. The recommendation is made for the City of Maitland to work with the school to develop a system to eliminate this hazardous condition.

The intersection of US 17-92 and Lake Avenue was found to operate in a satisfactory manner. Thus no recommendations are made for that location.

Conclusions

A. The November 29, 2010 study details specific standards and requirements for Ravaudage. The master developer has begun to complete and implement certain requirements.

B. The City of Maitland and the FDOT are working in concert to resolve the safety issues addressed at US 17-92 and Park Avenue in the addendum report.

C. The FDOT is about to undertake substantial work on I-4 which includes the Lee Road ramps and interchange intersections.

Given the above studies, analyses, recommendations and master developer mobility item completions, deletion of certain development order conditions and or requirements are requested. The master developer and/or successors covet to continue implementing the mobility requirements as project development plans continue to fruition.
### RAVAUDAGE TRAFFIC STUDIES

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<th>NUMBER</th>
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<td>July 2008</td>
<td>Ravaudage - Transportation Demand Analysis for a Small Scale Comprehensive Policy Plan Amendment</td>
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<tr>
<td>2</td>
<td>None</td>
<td>Central Florida Commuter Rail Application Phase 2</td>
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<td>February 2010</td>
<td>Ravaudage PD Transportation Demand Analysis for a Large Scale Comprehensive Policy Plan Amendment</td>
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<td>Revised Ravaudage PD Transportation Demand Analysis for a Large Scale Comprehensive Policy Plan Amendment</td>
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<td>Ravaudage PD Transportation Demand Analysis for a Large Scale Comprehensive Policy Plan Amendment</td>
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<td>October 2010</td>
<td>SR15/6000 US 17-92 (Orlando Avenue) and Solana Avenue Traffic Signal Warrant and Operations Study</td>
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<td>Addendum to November, 29, 2010 Report Ravaudage PD Traffic Study for Zoning</td>
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<td>January 2012</td>
<td>Planning Context Study for Ravaudage PD</td>
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ON MAY 24, 2011, THE BOARD OF COUNTY COMMISSIONERS CONSIDERED THE FOLLOWING APPLICANT'S REQUEST:

APPLICANT: DANIEL B. BELLows, RAVAUDAGE PLANNED DEVELOPMENT PLANNED DEVELOPMENT (PD) LAND USE PLAN (LUP)

CONSIDERATION: REQUEST TO REZONE FROM R-2 (RESIDENTIAL DISTRICT), P-0 (PROFESSIONAL OFFICE DISTRICT), C-1 (RETAIL COMMERCIAL DISTRICT), C-2 (GENERAL COMMERCIAL DISTRICT), AND C-3 (WHOLESALE COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), MORE SPECIFICALLY THE RAVAUDAGE PD, TO ALLOW FOR MIXED USES INCLUDING MULTI-FAMILY, COMMERCIAL (WITH BIG BOX), OFFICE, AND HOTEL, IN ADDITION TO WAIVERS FROM CHAPTERS 31.5, 34, AND 38, ORANGE COUNTY CODE, WAIVING: MAXIMUM BUILDING HEIGHTS; MINIMUM SETBACKS AND LANDSCAPE BUFFERS; MINIMUM IMPERVIOUS SURFACE AREA REQUIREMENTS; MINIMUM OPEN SPACE REQUIREMENTS; MAXIMUM FLOOR AREA RATIO FOR BIG BOX DEVELOPMENT; TIMING OF TRAFFIC STUDY FOR BIG BOX DEVELOPMENT; PARKING LOCATION, CONFIGURATION AND LANDSCAPING REQUIREMENTS; ROADWAY STACKING REQUIREMENTS FOR ACCESS TO PARKING; CERTAIN BILLBOARD RESTRICTIONS; REQUIREMENTS FOR MASONRY WALL SEPARATION OF RESIDENTIAL USES FROM CERTAIN OTHER RESIDENTIAL USES (SINGLE FAMILY FROM MULTI-FAMILY), COMMERCIAL USES, AND OFFICE USES; RESTRICTED MULTI-FAMILY ACCESS TO CERTAIN RIGHTS-OF-WAY; AND FENCING AND LANDSCAPE REQUIREMENTS FOR DEVELOPMENT ACROSS A RIGHT-OF-WAY FROM SINGLE-FAMILY USES; PURSUANT TO ORANGE COUNTY CODE, CHAPTER 30, SECTION 38-1207

LOCATION: DISTRICT 5; PROPERTY GENERALLY LOCATED NORTH OF LEE ROAD, WEST OF ORLANDO AVENUE (U.S. 17/92), SOUTH OF MONROE AVENUE, AND THE EAST AND WEST SIDES OF BENNETT AVENUE; MULTIPLE PARCEL IDS; S/T/R: 01/22/29; ORANGE COUNTY, FLORIDA (LEGAL PROPERTY DESCRIPTION ON FILE)
UPON A MOTION, THE BOARD OF COUNTY COMMISSIONERS MADE A FINDING OF CONSISTENCY WITH THE COMPREHENSIVE PLAN; AND FURTHER, APPROVED THE REQUEST BY DANIEL B. BELLOWS, RAVAUDAGE PD LUP, TO REZONE FROM R-2 (RESIDENTIAL DISTRICT), P-0 (PROFESSIONAL OFFICE DISTRICT), C-1 (RETAIL COMMERCIAL DISTRICT), C-2 (GENERAL COMMERCIAL DISTRICT), AND C-3 (WHOLESALE COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), MORE SPECIFICALLY THE RAVAUDAGE PD, TO ALLOW FOR MIXED USES INCLUDING MULTIFAMILY, COMMERCIAL (WITH BIG BOX), OFFICE, AND HOTEL, IN ADDITION TO WAIVERS FROM CHAPTERS 31.5, 34, AND 38, ORANGE COUNTY CODE, WAIVING: MAXIMUM BUILDING HEIGHTS; MINIMUM SETBACKS AND LANDSCAPE BUFFERS; MINIMUM IMPERVIOUS SURFACE AREA REQUIREMENTS; MINIMUM OPEN SPACE REQUIREMENTS; MAXIMUM FLOOR AREA RATIO FOR BIG BOX DEVELOPMENT; TIMING OF TRAFFIC STUDY FOR BIG BOX DEVELOPMENT; PARKING LOCATION, CONFIGURATION AND LANDSCAPING REQUIREMENTS; ROADWAY STACKING REQUIREMENTS FOR ACCESS TO PARKING; CERTAIN BILLBOARD RESTRICTIONS; REQUIREMENTS FOR MASONRY WALL SEPARATION OF RESIDENTIAL USES FROM CERTAIN OTHER RESIDENTIAL USES (SINGLE FAMILY FROM MULTI-FAMILY), COMMERCIAL USES, AND OFFICE USES; RESTRICTED MULTI-FAMILY ACCESS TO CERTAIN RIGHTS-OF-WAY; AND FENCING AND LANDSCAPE REQUIREMENTS FOR DEVELOPMENT ACROSS A RIGHT-OF-WAY FROM SINGLE-FAMILY USES, ON THE DESCRIBED PROPERTY; SUBJECT TO THE FOLLOWING CONDITIONS:
1. DEVELOPMENT SHALL CONFORM TO THE RAVAUDAGE PD LAND USE PLAN DATED "RECEIVED APRIL 4, 2011," AND ANY AMENDMENT AND OR MODIFICATIONS THEREOF 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 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 "RECEIVED APRIL 4, 2011," THE CONDITION OF APPROVAL SHALL CONTROL TO THE EXTENT OF SUCH CONFLICT OR INCONSISTENCY.

2. 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.

3. PRIOR TO CONSTRUCTION PLAN APPROVAL, A MASTER STORMWATER MANAGEMENT PLAN INCLUDING A DRAINAGE STUDY TO ESTABLISH THE 100-YEAR FLOOD ELEVATION SHALL BE SUBMITTED TO THE DEVELOPMENT ENGINEERING DIVISION FOR REVIEW AND APPROVAL.
4. THE CONCEPTUAL ACCESS POINTS IDENTIFIED ON THE LAND USE PLAN ARE NOT APPROVED AT THIS TIME AND ARE CONCEPTUAL ONLY. FINAL ACCESS POINTS SHALL BE REVIEWED AND APPROVED AT PRELIMINARY SUBDIVISION PLAN OR DEVELOPMENT PLAN STAGE.

5. ALL ACREAGES REGARDING CONSERVATION AREAS AND WETLAND BUFFERS ARE CONSIDERED APPROXIMATE UNTIL FINALIZED BY A CONSERVATION AREA DETERMINATION (CAD) AND A CONSERVATION AREA IMPACT (CAI) PERMIT. APPROVAL OF THIS PLAN DOES NOT AUTHORIZE ANY DIRECT OR INDIRECT CONSERVATION AREA IMPACTS.

6. OUTDOOR SALES, STORAGE, AND DISPLAY SHALL BE PROHIBITED ALLOWED TO INCLUDE SPECIAL EVENT SALES, KIOSKS, (TEMPORARY AND PERMANENT), SPECIAL OUTDOOR SALES, FOOD TRUCK EVENTS AND OUTDOOR GARDEN SALES.

7. SIGNAGE SHALL COMPLY WITH THE MASTER SIGNAGE PLAN TO BE SUBMITTED AND REVIEWED PRIOR TO DEVELOPMENT PLAN APPROVAL.

8. TREE REMOVAL/EARTHWORK SHALL NOT OCCUR UNLESS AND UNTIL CONSTRUCTION PLANS FOR THE FIRST PRELIMINARY SUBDIVISION AND/OR DEVELOPMENT PLAN WITH A TREE REMOVAL AND MITIGATION PLAN HAVE BEEN APPROVED BY ORANGE COUNTY.

9. 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.

10. 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)(8) 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)(1) 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: 01-22-29-3712-06-100 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: 01-22-29-3712-06-180.

11. 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 20%, 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 ROAD, IN LIEU OF 30' (WITH A MAXIMUM SETBACK OF 25').

BUILDING SETBACKS FOR ALL INTERIOR/EXTERIOR STREETS SHALL BE A MAXIMUM OF 15' IN LIEU OF 30', WITH A MINIMUM OF ZERO (0'). ALL OTHER RIGHTS-OF-WAY SHALL HAVE A MAXIMUM SETBACK OF 25'15'.

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 25'15' 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: "URBAN FORM: PROPOSED BUILDING
HEIGHT ZONES AND URBAN FORM: PROPOSED BUILDING SETBACKS
FOR ABUTTING RESIDENTIAL LOTS NOT PART OF PROJECT," 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 A
INDIVIDUAL PROJECT BASIS. THE HEIGHT TRANSITION SHALL NOT
INCREASE OR DECREASE MORE THEN TWO (2) STORIES BASED ON THE
URBAN FORM: PROPOSED BUILDING HEIGHT ZONES REQUESTED
MODIFICATIONS EXHIBIT - 2 AND SHALL NOT EXCEED EIGHT (8) STORIES.

D.F. NO BUILDING SHALL EXCEED FOUR (4) STORIES IN HEIGHT
WITHIN A 200' SETBACK ALONG ORLANDO AVE AND LEE ROAD AND 130'
ALONG THE SOUTH EDGE OF MONROE AVE.

12. 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').

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-0-
W'S) STREETS TO BE A MINIMUM OF 15'-0' IN LIEU OF 20' (WITH A
MAXIMUM SETBACK OF 25').

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

A. A WAIVER FROM SECTION 38-1258(A) IS GRANTED TO ALLOW MULTI-FAMILY 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 1STORY LIMIT WITHIN 100'OF SINGLE-FAMILY ZONED PROPERTY.

B. A WAIVER FROM SECTION 38-1258(B) IS GRANTED TO ALLOW MULTI-FAMILY 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 MULTI-FAMILY 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 MULTI-FAMILY 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(1) 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.

15. 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.

8. A WAIVER IS GRANTED FROM SECTION 31.5-126(K)(1) TO ALLOW A BILLBOARD WITH A ZERO FOOT R-0-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 315-5 TO ALLOW THE BILLBOARD TO ADVERTISE RAVAUDAGGE PROJECT DEVELOPMENT ADVERTISEMENTS AND MARKETING MATERIAL ON BILLBOARD #3 UNTIL IT IS REMOVED.

16. THE PLANNING CONTEXT STUDY SHALL BE SUBMITTED AND APPROVED PRIOR TO SUBMITIAL OF THE FIRST PRELIMINARY SUBDIVISION PLAN OR DEVELOPMENT PLAN. THE PLANNING CONTEXT STUDY SHALL COVER THE ENTIRE PLANNED DEVELOPMENT. THE FOLLOWING ARE SOME OF THE REQUIRED ELEMENTS TO BE INCLUDED:


B. THE MOBILITY EXHIBITS SHOULD AT A MINIMUM PROVIDE THE FOLLOWING INFORMATION:

1) ULTIMATE FOOTPRINT OF THE PROPOSED DEVELOPMENT;

2) SHOW AT A MINIMUM TWO EAST-WEST AND TWO NORTH-SOUTH COLLECTOR TYPE ROADS TRAVERSING THE ENTIRETY OF THE PROPERTY (THESE CORRIDORS CAN BE DEPICTED ON THE CONTEXT MAP, WITH ARROWS TRAVERSING THE PROPERTY AT THE GENERAL LOCATIONS WHERE THESE CORRIDORS WILL BE PRESERVED / PROVIDED). IDENTIFY EXISTING AND PROPOSED SITE ACCESS LOCATIONS (ALSO INDICATING WHICH ACCESS LOCATIONS WOULD BE CLOSED). PLEASE NOTE, NEW/MODIFIED ACCESS LOCATIONS IN ADDITION TO MEDIAN MODIFICATIONS WILL BE SUBJECT TO FOOT APPROVAL FOLLOWING PRELIMINARY SUBDIVISION PLAN (PSP) SUBMITTAL AND CONSTRUCTION PLANS.

3) DEPICTION AND LOCATION OF PLANNED AND EXISTING STREET NETWORK, SIDEWALKS, BIKE TRAILS, EXISTING AND PROPOSED BUS STOPS/SHELTERS AND TRANSFER STATIONS (PLEASE REFER TO (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX TRANSIT COMMENTS LISTED BELOW).
4) IDENTIFY CONNECTIVITY TO ADJACENT PARCELS IN RESPECT TO ROADS, BIKE TRAILS, SIDEWALKS, BUS STOPS/SHELTERS, BUS ROUTES AND PEDESTRIAN TRAILS.

5) THE DEVELOPER IS TO PROVIDE A BLOCK-BY-BLOCK ANALYSIS AS PART OF THE PSP (OR DEVELOPMENT PLAN) DETAILING AND ENSURING THE APPROPRIATE CONNECTIVITY OF SIDEWALKS, STREET GRID SYSTEM, BIKEWAYS AND PATHS. IN ADDITION, A BLOCK-BY-BLOCK ANALYSIS WILL ALSO ADDRESS STREET CROSS SECTIONS AND ON STREET PARKING LOCATIONS. THE STUDY WAS COMPLETED AND SUBMITTED TO ORANGE COUNTY TRANSPORTATION DEPARTMENT. THE MOBILITY EXHIBITS ARE INCLUDED IN THE PD MASTER PLAN SET APPROVED MAY 24, 2011.

17. PRIOR TO APPROVAL OF THE FIRST DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN THAT WOULD CAUSE DEVELOPMENT TO EXCEED A NET 160 P.M. PEAK TRIPS REFERENCED IN CONDITION 18, A TRANSPORTATION ANALYSIS AND MITIGATION STRATEGY THROUGH BUILD-OUT (MASTER TRANSPORTATION PLAN) SHALL BE SUBMITTED AND THEN REVIEWED AT A COMMUNITY MEETING AND BY COUNTY STAFF AND THEN CONSIDERED BY THE BOARD OF COUNTY COMMISSIONERS AT AN ADVERTISED PUBLIC HEARING. IF THE MASTER TRANSPORTATION PLAN IS NOT APPROVED, THE DEVELOPMENT SHALL NOT EXCEED THE NET 160 P.M. PEAK TRIPS. THE STUDY ANALYSIS WOULD INCLUDE ALL ROADWAY SEGMENTS AND MAJOR INTERSECTIONS WITHIN A ONE MILE RADIUS PLUS ALL ROADWAY SEGMENTS (INCLUDING MAJOR INTERSECTIONS) WHERE THE PROJECT TRAFFIC CONSUMES 3% OR MORE OF THE (LEVEL OF SERVICE) LOS CAPACITIES AND THE ANALYSIS OF THE (STATE ROAD) S.R. 423 (LEE ROAD) AT INTERSTATE 4 INTERCHANGE RAMPS. IN ADDITION TO ROADWAY ANALYSIS, THIS STUDY SHALL INCLUDE ALTERNATIVE MODES OF TRANSPORTATION ANALYSIS (PEDESTRIAN, BIKE, MASS-TRANSIT).

A METHODOLOGY MEETING SHALL BE HELD PRIOR TO PERFORMING THE STUDY. AT THIS METHODOLOGY MEETING, THE SPECIFIC REQUIREMENTS TO BE MET AND THE METHODOLOGY TO BE USED TO COMPLETE THE STUDY WILL BE DISCUSSED AND AGREED UPON.

THE FOLLOWING AGENCIES WILL PARTICIPATE IN THE METHODOLOGY MEETING AND REVIEW PROCESS OF THIS STUDY WITH THE FINAL APPROVAL COMING FROM ORANGE COUNTY:
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A. ORANGE COUNTY
8. CITY OF MAITLAND
C. CITY OF WINTER PARK
D, LYNX (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY)
E. FLORIDA DEPARTMENT OF TRANSPORTATION

APPLICANT HAS CONDUCTED NUMEROUS TRAFFIC STUDIES THAT ADDRESS INTERSECTION CAPACITY AND IMPROVEMENTS, MOBILITY STRATEGIES, PRELIMINARY TRAFFIC SIGNAL WARRANT STUDIES, ETC.

COMPLETED RAVAUDAGE TRAFFIC STUDIES

OCTOBER 2010 - TRANSPORTATION DEMAND ANALYSIS FOR A SMALL SCALE COMPREHENSIVE POLICY PLAN AMENDMENT. (LTE CONSULTANTS)

2010 - CENTRAL FLORIDA COMMUTER RAIL APPLICATION PHASE 2 (CPH ENGINEERS)

FEBRUARY 2010 - RAVAUDAGE PD TRANSPORTATION DEMAND ANALYSIS FOR A LARGE SCALE COMPREHENSIVE POLICY PLAN AMENDMENT. (LTE CONSULTANTS)

APRIL 2010 - REVISED RAVAUDAGE PD TRANSPORTATION DEMAND ANALYSIS FOR A LARGE SCALE COMPREHENSIVE POLICY PLAN AMENDMENT. (LTE CONSULTANTS)

JUNE 2010 - RAVAUDAGE PD TRANSPORTATION DEMAND ANALYSIS FOR A LARGE SCALE COMPREHENSIVE POLICY PLAN AMENDMENT. (LTE CONSULTANTS)

OCTOBER 2010 - SR15/6000 US 17/92 (ORLANDO AVE) AND SOLANA AVENUE TRAFFIC WARRANT AND OPERATIONS STUDY. (LTE CONSULTANTS)

NOVEMBER 2010 - RAVAUDAGE PD TRAFFIC STUDY FOR ZONING. (TIPTON)

JANUARY 2011 - ADDENDUM TO NOVEMBER 29, 2010 REPORT RAVAUDAGE PD TRAFFIC STUDY FOR ZONING. (TIPTON)

JANUARY 2012 - PHASE 1 PM PEAK HOUR NEW TRAFFIC GENERATION RAVAUDAGE PD (TIPTON)

JANUARY 2012 - PLANNING CONTEXT STUDY FOR RAVAUDAGE PD (TIPTON)

OCTOBER 2012 - RAVAUDAGE MAITLAND PUD TRAFFIC STUDY (TIPTON)

18. THE APPLICANT SHALL BE ALLOWED TO DEVELOP EITHER LESS THAN OR EQUAL TO 20,000 SQUARE FEET OF FAST FOOD RESTAURANT (INSTITUTION OF TRANSPORTATION ENGINEERS-ITE CODE 933) OR 36,000 SQUARE FEET OF ______ HIGH TURNOVER SIT-DOWN RESTAURANT (INSTITUTION OF TRANSPORTATION ENGINEERS-ITE CODE 932) OR 50,000 SQUARE FEET OF SHOPPING CENTER (ITE CODE 820) OR 50,000 SQUARE FEET OF GENERAL OFFICE (INSTITUTION OF TRANSPORTATION ENGINEERS-ITE CODE 710) OR A COMBINATION OF ALL ABOVE NOT TO EXCEED A NET 160 P.M. PEAK TRIPS. THIS DEVELOPMENT PROGRAM CAN PROCEED WITHOUT ANY ADDITIONAL TRAFFIC STUDIES. SPECIFIC MOBILITY ALTERNATIVES TO BE IMPLEMENTED PRIOR TO THE COMPLETION OF THE ABOVE DEVELOPMENT PROGRAM SHALL ENSURE CONNECTIVITY WITH ADJOINING PARCELS AND SHALL BE-
CONSISTENT WITH THE MOBILITY STRATEGIES IDENTIFIED IN THE MASTER TRANSPORTATION PLAN DEVELOPED AND APPROVED AS IDENTIFIED IN CONDITION 17 ABOVE.

19. IN ADDITION, A DETAILED TRANSPORTATION ANALYSIS SHALL BE PERFORMED TO IDENTIFY SPECIFIC AND DETAILED MOBILITY STRATEGIES AND ALL NECESSARY IMPROVEMENTS TO MITIGATE PHASE 1 (LESS THAN OR EQUAL TO 33 PERCENT OF THE TOTAL PEAK HOUR PROJECT TRIPS, WHICH NUMBER OF TRIPS WILL BE AGREED UPON AS PART OF THE STUDY METHODOLOGY) IMPACTS. THIS STUDY SHALL BE COMPLETED WHEN DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN (OR COMBINED) APPROVAL IS LESS THAN OR EQUAL TO 160 (POST MERIDIEM) PM PEAK HOUR NET NEW EXTERNAL TRIPS. SPECIFIC FUNDING FOR ALL MOBILITY STRATEGIES AND ALL NECESSARY IMPROVEMENTS SHALL BE IDENTIFIED AS PART OF THIS STUDY. APPROVAL OF THIS STUDY AND AGREEMENT ON THE MOBILITY STRATEGIES AND MITIGATION IMPROVEMENTS WILL BE REQUIRED PRIOR TO ANY DEVELOPMENT APPROVAL BEYOND 160 PM PEAK HOUR NET NEW EXTERNAL TRIPS. THE SPECIFIC REQUIREMENTS TO BE MET AND THE METHODOLOGY TO BE USED TO COMPLETE THE STUDY WILL BE DISCUSSED AND AGREED ON AS PART OF THE METHODOLOGY MEETING REFERENCED IN CONDITION 17.
20. THE DEVELOPMENT SHALL NOT BE ALLOWED TO MOVE BEYOND PHASE 1 UNTIL AN ANALYSIS AND STUDY THAT PROVIDES FOR ADDITIONAL TRANSPORTATION STRATEGIES TO BE IMPLEMENTED AS PART OF THE FUTURE BUILD OUT OF THE PROJECT HAS BEEN REVIEWED AND APPROVED. THIS STUDY SHALL IDENTIFY FUTURE SPECIFIC MITIGATION STRATEGIES AND SPECIFIC FUNDING FOR THOSE STRATEGIES. THE ADDITIONAL ANALYSIS AND STUDY WILL REQUIRE A MONITORING EFFORT TO ASSESS ADDITIONAL IMPROVEMENTS NECESSARY TO MITIGATE THE IMPACTS OF THE NEXT PHASE OF THE DEVELOPMENT. IN ADDITION TO ROADWAY ANALYSIS, THIS ANALYSIS SHALL INCLUDE ALTERNATIVE MODES OF TRANSPORTATION ANALYSIS (PEDESTRIAN, BIKE, MASS-TRANSIT).

21. TWO INTERSECTIONS ARE PROPOSED TO BE SIGNALIZED:

A. U.S.17/92 (ORLANDO AVENUE) AT SOLANA AVENUE EXTENSION OR AT GLENDON PARKWAY.

B. (STATE ROAD) S.R. 423 (LEE ROAD) AT RE-ALIGNED BENNETT AVENUE

SIGNALIZATION OF THESE TWO INTERSECTIONS AND ALL NECESSARY IMPROVEMENTS REQUIRED AS PART OF THE SIGNALIZATION WILL BE DONE BY THE APPLICANT’S WITHOUT PUBLIC CONTRIBUTION. TIMING AND METHODOLOGY TO BE FOLLOWED WHILE PERFORMING THE SIGNAL WARRANT STUDIES WILL BE COORDINATED WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TRAFFIC OPERATIONS. THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) HAS SOLE APPROVAL OF ALL PLANNING, DESIGN AND CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE TWO INTERSECTIONS TO BE SIGNALIZED. IN ADDITION AN INTERSECTION OPERATIONAL ANALYSIS (WITH AND WITHOUT PLANNED DEVELOPMENT) FOR THE FOLLOWING INTERSECTIONS: ORLANDO AVENUE AND PARK AVENUE, LAKE AVENUE, MONROE AND MAGNOLIA SHALL BE REVIEWED AND APPROVED.

C. 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.

D. 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. ALL INTERNAL STREETS MAY BE RELOCATED AND/OR RECONFIGURED.
E. THE PROPOSED LAND USES ARE INTERCHANGEABLE ON ANY BLOCK DUE TO THE UNDERLYING URBAN
   DEVELOPMENT FRAMEWORK AND GRID SYSTEM.

F. BENNETT ROAD TO REMAIN A NORTH-SOUTH MAJOR MOBILITY CORRIDOR FROM LEE ROAD TO
   TERMINUS AT MONROE AVENUE. BENNETT ROAD MAY BE REALIGNDED TO CREATE FULL ACCESS MEDIAN
   CUT WITH EXECUTIVE DRIVE.

22. (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 WITH MASTER
    DEVELOPER IS ENCOURAGED TO PROVIDE A TRANSFER STATION, STOP AND
    PEDESTRIAN CONNECTIVITY. 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.

23. 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 CONDITIONS
    17, 19, AND 20 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 CONDITIONS 17, 19, AND
    20.

24. THE FOLLOWING EDUCATION CONDITION OF APPROVAL SHALL APPLY:
   A) DEVELOPER SHALL COMPLY WITH ALL PROVISIONS OF THE CAPACITY
      ENHANCEMENT AGREEMENT ENTERED INTO WITH THE ORANGE COUNTY
      SCHOOL BOARD AS OF 1/25/2011
B) UPON THE COUNTY’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 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 SHALL AGAIN BEGIN ISSUING BUILDING PERMITS UPON (ORANGE COUNTY PUBLIC SCHOOLS) OCPS’S WRITTEN NOTICE TO THE COUNTY 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 HARMLESS FROM ANY THIRD PARTY CLAIMS, SUITS, OR ACTIONS ARISING AS A RESULT OF THE ACT OF CEASING THE COUNTY’S ISSUANCE OF RESIDENTIAL BUILDING PERMITS.

C) 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 ENFORCEMENT OF ANY OF THESE CONDITIONS ARE ILLEGAL, IMPROPER, UNCONSTITUTIONAL, OR A VIOLATION OF DEVELOPER’S RIGHTS.

D) ORANGE COUNTY 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.

25. THE FOLLOWING CONDITIONS OF APPROVAL WERE COORDINATED WITH ADJACENT JURISDICTIONS:
A) 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 FDOT, THEN THE DEVELOPER SHALL, AT THEIR EXPENSE, INSTALL THE FIRST TRAFFIC LIGHT SUBJECT TO THE FDOT PERMIT AND CONDITIONS. IF THE TRAFFIC VOLUMES OR OTHER CONDITIONS DO NOT WARRANT THE FIRST TRAFFIC LIGHT, AND IT IS NOT APPROVED BY FDOT, 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 FDOT APPROVAL. AT THE TIME THEN WHEN THE FIRST TRAFFIC SIGNAL IS APPROVED BY FDOT, THE DEVELOPER SHALL THEN, AT THEIR EXPENSE, INSTALL THE FIRST TRAFFIC LIGHT SUBJECT TO FDOT 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 FDOT APPROVAL FOR THE SECOND TRAFFIC LIGHT. IF THE SECOND PROPOSED TRAFFIC SIGNAL MEETS THE WARRANTS AND IS APPROVED BY FLORIDA FDOT, THEN THE DEVELOPER SHALL, AT THEIR EXPENSE, INSTALL THE SECOND TRAFFIC LIGHT SUBJECT TO THE FDOT PERMIT AND CONDITIONS. IF THE TRAFFIC VOLUMES OR OTHER CONDITIONS DO NOT WARRANT THE SECOND TRAFFIC LIGHT AND IT IS NOT APPROVED BY FLORIDA FDOT, 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 FDOT APPROVAL FOR THE SECOND TRAFFIC LIGHT. AT THE TIME THE SECOND TRAFFIC SIGNAL IS APPROVED BY FDOT, THE DEVELOPER SHALL AT
THEIR EXPENSE INSTALL THE SECOND TRAFFIC LIGHT SUBJECT TO FDOT 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.


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 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 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. FOR THOSE PROPERTIES LOCATED EAST OF BENNETI AVENUE, ADJACENT TO THE RESIDENTIAL PROPERTY WITHIN THE CITY OF WINTER PARK, A BUILDING SETBACK OF 75 FEET IS TO BE PROVIDED FROM THE WEST RIGHT-OF-WAY LINE OF BENNETT AVENUE.

26. ANY PETITION TO VACATE SHALL HAVE A CONDITION THAT WILL IDENTIFY THAT THE APPLICANT MAY PROVIDE A RIGHT-OF-WAY STRIP FOR LEE ROAD ANO/OR ORLANDO AVENUE TO THE COUNTY OR FDOT AT NO COST UPON REQUEST BY THE COUNTY OR FDOT. A RIGHT-OF-WAY AGREEMENT MAY BE REQUIRED AS PART OF ANY FUTURE DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN.

27. DEVELOPMENT SHALL PROVIDE FOR A MINIMUM OF 300 RESIDENTIAL UNITS. A MINIMUM OF 50% OF THE FIRST FLOOR (BASED ON LINEAR FOOTAGE) FACING A STREET SHALL BE USED FOR NON-RESIDENTIAL USES.

28. INTERNAL TRAFFIC LANES ON SHEET C-5 (OF THE LAND USE PLAN) SHALL BE 11 (ELEVEN) TWELVE (12) FEET IN WIDTH WITH ON STREET PARKING AND THE PARKING LANES SHALL BE EIGHT AND ONE-HALF FEET IN WIDTH.
29.28. INTERSECTION CROSSWALKS SHALL GENTLY ELEVATE TO SLOW TRAFFIC, SHALL BE 20 (TWENTY) FEET WIDE MEASURED FROM BULB-OUT TO BULB-OUT, AND SHALL HAVE MOUNTABLE CURBS FOR EMERGENCY VEHICLE ACCESS.

30.29. USE OF THE EQUIVALENCY MATRIX THAT CHANGES ANY USE BY 10% OR GREATER (INDIVIDUALLY OR IN THE AGGREGATE) SHALL BE DEEMED A SUBSTANTIAL CHANGE TO THE PD. Any use of the equivalency matrix that increases the project build-out traffic generation/trip count shall be deemed a substantial change to the PD.

THE FOREGOING DECISION HAS BEEN FILED WITH ME THIS 2ND DAY OF JUNE 2011.

DEPUTY CLERK
BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA

Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board’s subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.
CITY OF WINTER PARK

PUBLIC NOTICE

NOTICE is hereby given that a public hearing will be held by the City Commission on Monday, November 10, 2014 at 3:30 p.m. in the Commission Chambers of City Hall, 401 Park Avenue South, Winter Park, Florida, 32789 to consider the following PUBLIC HEARING:

Request of Benjamin Partners, Ltd.; Greenhouse Partners Ltd, and Garmet, Ltd, for Amendments to the Development Order, as approved by the Orange County Board of County Commissioners on May 24, 2011 as contained within:

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

These amendments shall not apply to 1035 N. Orlando Avenue; 1235 Lee Road; 1006 Lewis Drive and 1231 Kindel Avenue within the Ravaudage PD as those property owners have not provided their consent to these changes.

AND

Request of Benjamin Partners, Ltd. and American Land Ventures, Inc. for approval of setback variances for the fifth and sixth floors of the proposed six story, 296 unit apartment project to be located 2 feet – 2 inches into the required street setback on Bennett Avenue and 10 feet – 2 inches into the required street setback on Loren Avenue.

A copy of the complete amendment package and resolution may be obtained from the Planning Department of the City of Winter Park, 401 S. Park Avenue, Winter Park, FL. 32789. (407) 599-3324

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

NOTE: If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he 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 Planning Department at 407-599-3453 at least 48 hours in advance of the meeting.

/s/: Cindy S. Bonham, CMC
City Clerk

PUBLISH: October 26, 2014, Orlando Sentinel
Item type: Public Hearing  
Meeting date: November 10, 2014

Prepared by: Dori Stone  
Department: Planning & Comm. Development

Approved by:  
City Manager: X  
City Attorney: X

N/A

Board approval: DRC  
Yes: X  
No:  
N/A:  
Final vote: 4-1

Subject: Approve amendments to the Development Order for the American Land Ventures project consisting of 297 unit multi-family development in the Ravaudage Planned Development

Motion | Recommendation

Recommend approval of two amendments to the Development Order for the American Land Ventures multi-family project located in the Ravaudage Planned Development.

Background

The developer is asking for two amendments to the Development Order for the setbacks for the American Lands project, located along Loren Avenue to the south, Bennett Avenue to the east and Lewis Drive to the west. The Development Order requires 15' for side setbacks. The first setback is for 2.2 feet is at the corner of Bennett Avenue and Morgan Lane. The second setback is for 10.2 feet along Lewis Drive and Morgan Lane. The width of Lewis Drive is 70'. These areas are highlighted in yellow in the attachment. The unit count and all other setbacks meet the requirements found in the Development Order.

Appropriate section from the Development Order:

13. 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').
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 15’ 0’ IN LIEU OF 20’ (WITH A MAXIMUM SETBACK OF 25’). 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.

DRC reviewed this plan and recommends approval, subject to the City Commission’s approval of the amendments to the Development Order. Minutes from the DRC meeting where this was discussed are included in this agenda item.

alternatives | other considerations

Require the developer to meet the setbacks in the Development Order and redesign the plans.
DRC SITE PLAN FOR
AMERICAN LAND VENTURES RAVAUDAGE

SECTION 01, TOWNSHIP 22 SOUTH, RANGE 29 EAST
PARCEL ID #: 01-22-29-3712-03-080
PARCEL 'B' OF RAVAUDAGE OVERALL MASTER PLAN
WINTER PARK, FLORIDA

FOR
AMERICAN LAND VENTURES
800 BRICKELL AVE., PENTHOUSE ONE
MIAMI, FL 33131
305-350-1901 X 108

DEVELOPMENT STANDARDS AND NOTES:
1. PROJECT AREA: 4.15 ACRES
2. PROJECT TO BE BUILT IN ONE PHASE
3. PROPOSED NUMBER OF UNITS: 310
4. PROJECT DENSITY: 74.7 DU/AC
5. "FORGED" PD
6. PROPOSED USE: MULTI-FAMILY
7. FUTURE LAND USE DESIGNATION PD
8. PERMITTED BUILDING HEIGHT: 85'
9. WATER AND SEWER SERVICE TO BE PROVIDED BY CITY OF WINTER PARK.
10. MINIMUM RESIDENTIAL FLOOR AREA PER UNIT: 550 SF
11. RECREATION SPACES TO BE PROVIDED BY THE RAVAUDAGE MASTER SITE PLAN
12. OPEN SPACE IS PROVIDED BY THE RAVAUDAGE MASTER SITE PLAN
13. STORMWATER TREATMENT IS PROVIDED BY THE RAVAUDAGE MASTER STORMWATER SYSTEM
14. EXISTING ON-SITE VEGETATION: N/A, VACANT LAND
15. PARKING IS PROVIDED BY INTERNAL PARKING GARAGE
16. LIGHTING PLANS ARE NOT REQUIRED FOR THIS PROJECT OR EXISTING ROADS OR EXTERNAL PARKING LOTS PROPOSED IN THIS PROJECT. EXTERIOR STREET LIGHTS ARE NEEDED TO BE ADDED AS PART OF THE PROJECT AND LIGHTING PLANS WILL BE PROVIDED WITH THE CONSTRUCTION PLANS.

MADDEN
MOORHEAD & GLUNT, INC.
CIVIL ENGINEERS
431 E. HORATIO AVENUE, SUITE 280
MAITLAND, FLORIDA 32751
PHONE (407) 629-8330
FAX (407) 629-8336

INDEX OF SHEETS

COVER SHEET
SITE PLAN
LANDSCAPE PLAN

OPEN SPACE CALCULATIONS:
PROPOSED ON-SITE OPEN SPACE:
= 0.10 AC (2.419K)

IMPERVIOUS AREA CALCULATIONS:
PROPOSED IMPERVIOUS AREA:
= 4.05 AC (97.50K)

MINIMUM BUILDING SETBACK:
FRONT:
0'
* PER RAVAUDAGE MASTER PLAN AMENDMENT IN PROCESS BY OTHERS

VICINITY MAP