Meeting Called to Order

Invocation
Finance Director Wes Hamil
Pledge of Allegiance

Approval of Agenda

Mayor’s Report

a. Presentation - 2015 Historic Preservation Awards and Winter Park Register of Historic Places plaques
c. Presentation - 2015 Government Finance Officers Association Distinguished Budget Presentation Award
d. Keep Winter Park Beautiful and Sustainable Board reappointment

*Projected Time
Subject to change

30 minutes
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<th></th>
<th>City Manager’s Report</th>
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<tr>
<td></td>
<td>a. Presentation of the proposed 2015/2016 budget</td>
<td>20 minutes</td>
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<th>City Attorney’s Report</th>
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<th>Non-Action Items</th>
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<tr>
<th></th>
<th>Citizen Comments</th>
<th>5 p.m. or soon thereafter (if the meeting ends earlier than 5 p.m., the citizen comments will be at the end of the meeting) (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)</th>
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<th></th>
<th>Consent Agenda</th>
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<tr>
<td></td>
<td>a. Approve the minutes of June 22, 2015.</td>
<td>5 minutes</td>
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<td>b. Approve the following purchase and Blanket Purchase Orders:</td>
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<td>1. Purchase of a used 1998 KME AerialCat tractor drawn ladder truck from Command Fire Apparatus; not to exceed $200,000.</td>
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<td>2. Blanket Purchase Order to ENCO Utilities Services for O&amp;M electric utility; $1,100.00.</td>
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<td>3. Blanket Purchase Order to Heart Utilities of Jacksonville for City-wide underground projects; $500,000.</td>
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<td>4. Blanket Purchase Order to HDD of Florida for City-wide underground projects; $575,000.</td>
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<td>5. Blanket Purchase Order to Covanta Energy Marketing LLC for bulk power supply; $250,000.</td>
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<td>6. Blanket Purchase Order to Gainesville Regional Utilities for bulk power supply; $250,000.</td>
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<td>c. Approve the budget amendment for the Building Division for the purchase of a scanner.</td>
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<td>d. Authorize the City Manager to execute the Annual Funding Agreement with MetroPlan Orlando for FY2016 in the amount of $2,366.00.</td>
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<th>Action Items Requiring Discussion</th>
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<tr>
<td></td>
<td>a. New Library Facility – Next Steps</td>
<td>15 minutes</td>
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<td>b. City Attorney contract</td>
<td>15 minutes</td>
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<th>Public Hearings</th>
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</table>
a. Ordinance – Amending the Land Development Code to clarify language by removing the antiquated term “Servant” (2)

b. Resolution – Extending the term of existence of the Golf Course Strategic Plan Task Force

c. Resolution – Designating 500 North Interlachen Avenue as a historic landmark on the Winter Park Register of Historic Places

d. Resolution – Designating 1565 Forest Avenue as a historic landmark on the Winter Park Register of Historic Places

e. Request of Tower Acquisition Partners LLC: (2nd public hearing required)
   - To amend the conditional use approval previously granted to the property at 170 S. Knowles Avenue/170 East Morse Boulevard in 2007 to allow for modifications to the multi-family project to now be composed of three units, three stories and 19,935 square feet of residential living area and garage

f. Ordinance – Annexing 1566 W. Fairbanks Avenue (1)

g. Request of Icon Residential:
   - Conditional use approval to redevelop the 3.45 acres collectively referred to as 1800 Lee Road, including the tax parcels of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road for a 30 unit townhouse development (cluster housing).

h. Fifth Third Bank Development Agreement

i. Ordinance – Amending Chapter 94, Taxation, to increase the business tax fees by 5% or less, provide clarification on certain business tax categories, modify proration of partial year business tax certificates and provide enabling language to collect Orange County business tax receipts for Winter Park businesses. (1)

<table>
<thead>
<tr>
<th>12</th>
<th>City Commission Reports</th>
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<tbody>
<tr>
<td>a.</td>
<td>Commissioner Seidel</td>
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<td>b.</td>
<td>Commissioner Sprinkel</td>
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<td>c.</td>
<td>Commissioner Cooper</td>
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<td>d.</td>
<td>Commissioner McMacken</td>
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<td>e.</td>
<td>Mayor Leary</td>
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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>
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<tr>
<td>Railroad crossing update</td>
<td>Grade crossing repairs included in a CIP managed by FDOT.</td>
<td>Contracts to be awarded by August 2015.</td>
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<tr>
<td>Future tree plantings</td>
<td>FY 2015 to date – 333 trees planted.</td>
<td>Street tree inventory has started.</td>
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<tr>
<td>MLK (Rollins) Restroom</td>
<td>Plans complete. Rollins will be contracting.</td>
<td>Contractor is constructing foundation. Construction will take approximately (four) 4 months.</td>
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<td>Historic Preservation Ordinance</td>
<td>Draft approved by the Historic Preservation Board. Work session scheduled for June 17 at 6:00 p.m. to review with citizens group.</td>
<td>To be determined based on work session outcome.</td>
</tr>
<tr>
<td>Visioning Steering Committee</td>
<td>Next meeting scheduled for August 4 at 3:00 p.m. in Welcome Center. Continuing to host stakeholder meetings. Inviting community to participate at <a href="http://www.visionwinterpark.org">www.visionwinterpark.org</a> and community talks on July 16 and 30 at the Civic Center.</td>
<td>On-going activities.</td>
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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.
REGULAR MEETING OF THE CITY COMMISSION
June 22, 2015

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Rev. John D. Williams, Sr., Ward Chapel AME, followed by the Pledge of Allegiance.

Members present:
Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:
City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham

Approval of the agenda

Public Hearings ‘c’ and ‘f’ were pulled from the agenda. The agenda was approved by acclamation.

Mayor’s Report

a. Proclamation – Parks and Recreation Month

Mayor Leary proclaimed July 2015 as Parks and Recreation Month. Parks Director John Holland spoke about the numerous events on the July calendar and the great Parks Department they have.

b. Historic Preservation Board appointments and discussion:

Mayor Leary addressed the need to appoint the two members to the Historic Preservation Board per the City Charter. He spoke about Commissioner McMacken’s concern of timing and the proposed time of September to bring the ordinance before the Economic Development Advisory Board and the Planning and Zoning Board. He proposed that the ordinance come to the Commission on November 9.

Commissioner McMacken stated he was willing to support the board appointments if the Commission came up with a date certain for the ordinance to come before them. It was clarified that the ordinance will come before them on November 9 and in the interim to receive a report from the Historic Preservation Board.

Commissioner Cooper expressed her preference that the appointees qualify as part of the Certified Local Government if the ordinance should come forward with the recommendation that the City become a Certified Local Government.

Motion made by Mayor Leary to appoint Bill Segal as the full member and Phil Kean as the alternate; seconded by Commissioner Sprinkel.
Commissioner Seidel stated he would be more comfortable appointing someone that had a more historic preservation approach on applications as one position and is happy to appoint another person for the other position to bring some balance to the board. Commissioner McMacken applauded the current board member composition. Discussion ensued regarding the proposed ordinance to come to the Commission and if it has any recommendations about the composition of the board, that would be taken in consideration by the Commission in response to the ordinance.

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

City Manager’s Report

City Manager Knight addressed the Fourth of July celebration, the proposed budget being presented at the next meeting, and the July 20 work session to discuss capital projects. Upon questioning, Assistant Electric Utility Director Terry Hotard spoke about the recent storms and outages.

City Attorney’s Report

Attorney Brown spoke about the lawsuit filed concerning the anti-picketing ordinance.

Non-Action Item

a. Library Strategic Task Force Report

Library Strategic Task Force Chair Sam Stark provided a PowerPoint presentation consisting of their final report. Several task force members were present. He thanked the task force for their hard work as well as thanking City staff and the library staff for the support they provided. Mr. Stark summarized the process from June 2014 to the present and what they were charged with by the Commission; the current use and users of the library; clarification of space and program needs; their exploration of sites and Commission directed sites; the task force recommendation regarding the site; examination of costs and funding strategies; examination of community spaces and resources; and exploration of partnerships.

Mr. Stark concluded that the task force has recommended the construction of a new library in the northern section of the Martin Luther King, Jr. Park. Discussion took place regarding the sites that were considered and the costs. Mr. Stark answered Commission questions. Whether all information can be obtained in time to include a referendum on the March 2016 ballot was discussed. The report was received by acclamation of 5-0.

The following public comments were made:
Joe Terranova, 151 N. Virginia Avenue, agreed a new library is needed and recommended the Civic Center property because of its age and because of the existence of the Community Center that he believed could be used for some Civic Center events.

Jean Cumming, 902 Golfview Terrace, wanted the library to remain at its current location.

The following were in favor of the proposed location at the MLK Park and a new library:

Nancy Shutts, 2010 Brandywine
Dimity Nibitin, 370 Autumn Breeze Way
Rev. John Williams, 159 S. Pennsylvania Avenue
Michele McArdle, Valencia College, 850 W. Morse Boulevard
Ann Higbie, 190 Ward Drive
Thaddeus Seymour, 1804 Summerfield Road
Gary Barker, 1029 McKean Circle
Jeffry Jontz, 1138 Park North Place

There was a consensus for staff to schedule a work session as soon as possible before the next meeting to address every aspect of the project and the next steps to move forward. Discussion took place regarding whether to extend the task force. It was determined that if the task force is further needed that the Commission will reach out to them.


Finance Director Wes Hamil provided the report and answered questions.

**Motion made by Mayor Leary to accept the financial report as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

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

Gary Brewer, 1250 S. Denning Drive, as Chairman of the Civic Service Board, asked for consideration in the upcoming budget to unfreeze the four Police Department positions.

Nancy Shutts, 2010 Brandywine, asked to remedy the situation with the rough bricks on Lake Sue/Pennsylvania in the upcoming budget because of the impact to vehicles.

David Williams, 209 Tyree Lane, provided pictures of the site and spoke about the destruction of a tree on his property due to the power lines and outage. Staff will follow up with Mr. Williams.
Joe Terranova, 151 N. Virginia Avenue, spoke in favor of the contribution to DPAC because of the benefits it provides to the residents but had concerns with the manner it was financed.

Recess
There was a recess taken from 5:31 – 5:51 p.m.

Consent Agenda

a. Approve the minutes of June 8, 2015.
b. Approve the following contracts:
   1. Piggyback contract with HD Supply Waterworks, Ltd. for water/wastewater material alliance extension agreement No. 895; and authorize the Mayor to execute contract.
   2. Piggyback contract with CycleHop, LLC for Bicycle Sharing System; and authorize the Mayor to execute contract.
   3. Piggyback contract IFB15-0017 with Layne Inliner, LLC for storm line rehabilitation cleaning and video recording; and authorize the Mayor to execute contract and proposal.
   5. Amendment 3, RFQ-2-2012, Continuing Contracts for Professional, Architectural, & Engineering Services. Discipline: Surveying Services to Southeastern Surveying and Mapping Corporation; and authorize the Mayor to execute Amendment.

Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Sprinkel. No public comments were made. The motion carried unanimously with a 5-0 vote.

Action Items Requiring Discussion

   a. Florida League of Cities Conference Voting Delegate

Upon discussion, a motion was made by Mayor Leary to nominate Commissioner Cooper to represent the Commission. No public comments were made. The motion was seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.
b. Citizens Century Collection Recognition Policy

Parks Director John Holland commented about recent Commission discussion as to how to honor and recognize citizens who turn 100 years old. He spoke about planting a tree at the honoree’s request in a park and that they have specified in the policy either Central Park or Martin Luther King, Jr. Park (but are not limited to those two parks) because those parks would provide the opportunity for a grove or collection of trees in one location rather than spread throughout the City.

Upon discussion, **a motion was made by Mayor Leary to approve the policy with the stipulation that the Parks and Recreation Board has the authority to place individual trees but if determined that there to be a grove of some sort or an accumulation of trees that it be presented to the Commission prior to doing that; and to delete the Central Park and MLK Park language out of the policy; seconded by Commissioner Sprinkel.** No public comments were made. **The motion carried unanimously with a 5-0 vote.**

c. Real Estate Purchase and Sale between Orange County School Board, City of Winter Park and UP Fieldgate US Investments and Indemnity Agreement between the City and UP Fieldgate US Investments – Winter Park LLC

City Manager Knight stated this was tabled at the last meeting because of concerns over language in the contract that might put the City at risk. He reported that the City Attorney has negotiated with the School Board and the developer to get revised language that protects the City.

**Motion made by Commissioner Sprinkel to approve the two agreements; seconded by Commissioner Cooper.** No public comments were made. **The motion carried unanimously with a 5-0 vote.**

**Public Hearings:**

a. Request of the Winter Park Racquet Club, Inc. for the property at 2011 Via Tuscany:

**ORDINANCE NO. 2999-15:** **AN ORDINANCE AMENDING CHAPTER 58 ”LAND DEVELOPMENT CODE” ARTICLE I, ”COMPREHENSIVE PLAN” SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL FUTURE LAND USE TO OPEN SPACE AND RECREATION ON THE PROPERTY AT 2011 VIA TUSCANY, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE  Second Reading**

**ORDINANCE NO. 3000-15:** **AN ORDINANCE AMENDING CHAPTER 58 ”LAND DEVELOPMENT CODE” ARTICLE III, ”ZONING” AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE FAMILY RESIDENTIAL (R-1AA) DISTRICT ZONING TO PARKS AND RECREATION (PR) DISTRICT ZONING ON THE PROPERTY AT 2011 VIA TUSCANY, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE  Second Reading**
Conditional use approval to amend the site plan layout for the Racquet Club to add the property at 2111 Via Tuscany, eliminate the north driveway and to make other site modifications.

This was a simultaneous public hearing. Attorney Brown read both ordinances by title. Any conversations with staff or the applicants were disclosed by each member of the Commission.

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

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

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

b. **Request of Tower Acquisition Partners LLC:** To amend the conditional use approval previously granted to the property at 170 S. Knowles Avenue/170 East Morse Boulevard in 2007 to allow for modifications to the multi-family project to now be composed of three units, three stories and 19,935 square feet of residential living area and garage.

Planning Manager Jeff Briggs addressed the request to amend the conditional use for the townhouse project approved in 2007 which is now going to be three units, it has gone through Planning and Zoning, and it continues to meet all code requirements. He spoke about the parking and the requirement for terracing by imposing a further setback for the third floors; the applicant has agreed to move the third floor back another foot to break up the vertical wall on the Treat Way alley side. Lastly, he addressed streetscape improvements on the section on Knowles south of Morse to bring the Morse streetscape around the corner. The applicant wants to convert the parking to parallel parking arrangement which will cause the loss of six parking spaces but will widen the sidewalk to 12’ which will allow for planting of trees. Questions were addressed by Mr. Briggs. Commissioners disclosed conversations they had with the applicant or their attorney.

Rebecca Wilson, Lowndes, Drosdick, Kantor and Reed, representing the applicant explained the previous projects that the applicant has developed and the what has
taken place since 2007 regarding the project. She displayed pictures of the current site and addressed their proposal to reduce the number of units to three units, no changes are being made in parking ratios or setbacks, and no additional stories. She showed the proposed site plan and explained the improved streetscape and their request for parallel parking. She shared statistics as to what is happening with Knowles Avenue with trying to make it a pedestrian friendly street and with the traffic reduction. She spoke about Treat Way and answered questions. She asked for approval with the Planning and Zoning conditions. Comments were brought forward about the improvements the project brings and concerns that will be addressed by the applicant and staff. Ms. Wilson spoke about the need for them to close on the property quickly.

Motion made by Commissioner Sprinkel to approve the conditional use request with the Planning and Zoning Board conditions listed; seconded by Commissioner Seidel. No public comments were made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

c. Request of Icon Residential: Conditional use approval to redevelop the 3.45 acres collectively referred to as 1800 Lee Road, including the tax parcels of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road for a 30 unit townhouse development (cluster housing).

Postponed until July 13 by request of the applicant.

d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTIONS 58-71 AND 58-95 OF ARTICLE III, ZONING, CHAPTER 58, LAND DEVELOPMENT CODE TO CLARIFY LANGUAGE BY REMOVING THE ANTIQUATED TERM "SERVANT"; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE First Reading

Attorney Brown read the ordinance by title. It was explained that this is a housekeeping item.

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

e. RESOLUTION NO. 2159-15: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, TO EXECUTE THE QUIET ZONE IMPROVEMENT AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WINTER PARK FOR CAPITAL IMPROVEMENTS IN RESPONSE TO THE USE OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS.

Attorney Brown read the resolution by title and spoke about FDOT wanting resolutions to accompany any agreements they have with the City. City Manager Knight stated further revisions were made to the agreement after the last meeting
regarding if the project goes over budget. Public Works Director Troy Attaway explained it is up to the FDOT as to when this project begins.

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

f. **Request of Javier Omana and Chris Hite for the property at 426 West Lyman Avenue**

This item was withdrawn by the applicant.

g. **Request of Unicorp National Developments, Inc.:**

AN ORDINANCE TO AMEND CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, “COMPREHENSIVE PLAN” IN THE FUTURE LAND USE ELEMENT SO AS TO ADD A NEW POLICY TO THE US HIGHWAY 17-92 CORRIDOR PLANNING AREA “J” TO PROVIDE FOR ADDITIONAL FLOOR AREA RATIO FOR PARKING GARAGES IF EQUAL PRIVATE AND PUBLIC PARKING IS PROVIDED; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. **First Reading**

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, “LAND DEVELOPMENT CODE”, ARTICLE III, “ZONING”, SECTIONS 58-74 COMMERCIAL (C-1) DISTRICT AND 58-76 COMMERCIAL (C-3) DISTRICT, SO AS TO ALLOW FOR ADDED FLOOR AREA RATIO FOR PARKING GARAGES IF EQUAL PRIVATE AND PUBLIC PARKING IS PROVIDED, LIMITED TO LOCATIONS ALONG THE ORLANDO AVENUE CORRIDOR; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. **First Reading**

This was a simultaneous public hearing. Attorney Brown read both ordinances by title. Planning Manager Jeff Briggs stated this request is for first reading and transmittal to FDEO on comprehensive plan and zoning code amendments to put into the code provisions that would allow for additional Floor Area Ratio (FAR) for parking garages only when there is an equal provision of public and private parking. He stated the City-wide notice was mailed. He provided the status of the Lakeside Crossing project as approved. He stated the developer has made an offer to build additional parking above and beyond code of 77 spaces; half is for the benefit of the developer to allow additional restaurant seating, and the other half is for public parking. This allows them to go from 44.17% to 60.87% FAR.

He explained the two ordinances have to be passed to enable them to apply later for the expanded parking garage and because it is a comprehensive plan amendment that is changing policy text, it has to be sent to Tallahassee after this first reading for their review and comment. After this comes back from Tallahassee, they will submit the plans in August at the time of second reading for approval.
Mr. Briggs addressed the Planning and Zoning Board discussions as to how to accomplish this. He stated they did not want to do this City-wide or for this one specific property so it is being presented in the context of for the corridor.

Chuck Whittall, Unicorp National Developments, addressed their request and the traffic study coming back more favorable with generating less trips than the previous plan. Mr. Whittall answered questions of the Commission.

Upon questioning of Commissioner McMacken, Mr. Briggs will clarify language in the zoning ordinance regarding the “public parking spaces required for the commercial project, etc.”

Commissioner Cooper spoke about the option of giving variances or special exceptions. She stated she agrees with the garage being built out but disagreed with increasing the FAR along 17-92 in the comprehensive plan. Attorney Brown addressed the possible options for handling this that could include a variance, development agreement, or special waiver provision based on the unique aspects of the project. He stated he would need to review the code. Mr. Briggs spoke about the criticism concerning the parking at Lakeside and that staff did not believe the proper approach would be to bring forth an application that provided a variance to parking at Lakeside.

Questions were answered by Mr. Briggs whereby discussion ensued regarding only doing this for this one particular area and not the entire corridor, the definition of public spaces, and if amending the comprehensive plan for only one parcel is the right way to handle this. Mr. Whittall spoke about this being time sensitive for them as they are close to getting their permit for the building itself and they need to construct the parking with it. They hope to have the entire project finished within 12 months.

Mayor Leary asked if this goes back through the variance process if that would be a shorter process than going through the comprehensive plan process. Mr. Briggs suggested if it is decided to tweak the ordinance to make it a smaller area, pass it on first reading and send it to Tallahassee, then when it comes back in August they can craft a different method with a variance which would give the Commission different ways to choose from.

Commissioner Cooper expressed her preference to give them a variance instead of amending the comprehensive plan for this one request.

Mr. Briggs further clarified what happens in August when this comes back before the Planning and Zoning Board for the expanded garage, landscape plan, architecture, etc. He stated at the same meeting they can make a recommendation with the variance approach. Mr. Briggs also clarified that under our conditional use provisions, the Commission has the authority to grant variances for parking; other types of variances go to the Board of Adjustments. Commissioner McMacken commented while this is in Tallahassee they could come up with a development
agreement that would allow them to do the variance so when they get to that point, they can decide which way to go.

Commissioner Sprinkel stated she was not comfortable amending the comprehensive plan to go to Tallahassee for the entire corridor. She suggested a smaller area which was acceptable to the Commission.

**Motion made by Commissioner Sprinkel to accept the comprehensive plan policy ordinance on first reading but instead of the 17-92 corridor, make it only between Morse and Comstock (the area bordering Harper and 17-92); seconded by Commissioner Seidel.**

There was a consensus to direct the City Manager to direct staff to analyze the variance approach, work with the City Attorney and to bring it back as viable and to take this to the P&Z Board for their review and advice with the Commission having the final variance approval for parking.

The following public comments were made:

Gary Barker, 1029 McKean Circle, opposed changing the comprehensive plan and agreed with having a variance for this particular request.

Joe Terranova, 151 Virginia Avenue, agreed with the change of not including the entire corridor. He was in favor of the increase in parking but asked to consider when making these major exceptions that something is included by the applicant for the public good. He proposed that the power lines on the west side of Harper be undergrounded at the developer’s expense.

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

**Motion made by Commissioner Sprinkel to accept the zoning ordinance on first reading with the same guidelines; seconded by Commissioner Seidel. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

**City Commission Reports:**

a. **Commissioner Seidel**

Commissioner Seidel thanked Mayor Leary for meeting with him and that it was very productive. He spoke about the traffic modeling he discussed during the campaign and the meeting with the FDOT along with staff where they discussed a lot of the concept he was trying to go with. He stated there will be follow-up conversations with the FDOT and will be meeting with Public Works to see about making this
happen. Mayor Leary asked Commissioner Seidel to make sure that everything goes through the City Manager because per the Charter they are not allowed to direct staff.

b. Commissioner Sprinkel

Commissioner Sprinkel addressed the fence at Harper and Morse that is still impeding the sight when turning right. City Manager Knight stated they made adjustments to it but will have Public Works Director Attaway review this again.

Commissioner Sprinkel asked when the topic of boards will be brought back to the Commission so they can provide more direction to the boards concerning the rules. City Manager said they can agenda that for a future agenda.

c. Commissioner Cooper

Commissioner Cooper thanked Commissioner Seidel for the traffic issues he is working on. She asked about Board recognition. City Manager stated funds will be provided in the upcoming budget.

d. Commissioner McMacken

Commissioner McMacken spoke about the visioning process being underway and the importance that as many people as possible provide input. Discussion ensued regarding residents that do not have computer access and how the City will handle this.

e. Mayor Leary

Mayor Leary spoke about his thoughts about parking garages and solar on top of the structures. There was a consensus for staff to look into this and if should be a condition of approval.

The meeting adjourned at 7:32 p.m.

________________________________________
Mayor Steve Leary

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>
</tr>
</thead>
<tbody>
<tr>
<td>This purchase will be made utilizing the Vehicle Replacement Fund. Replacing 23 year old reserve ladder with an apparatus that has similar capabilities to our current tractor drawn aerial.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2. Enco Utilities Services</td>
<td>Blanket Purchase Order for O&amp;M Electric Utility</td>
<td>Total amount: $1,100,000</td>
<td>Commission approve Blanket Purchase Order to Enco Utilities Services for O&amp;M Electric Utility</td>
<td></td>
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</tr>
<tr>
<td>This Blanket Purchase Order will expire September 30, 2015.</td>
<td></td>
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</tr>
<tr>
<td>3. Heart Utilities of Jacksonville</td>
<td>Blanket Purchase Order for City-wide Underground Projects IFB-8-2014 &amp; Jacksonville Beach Contract No.1213-03</td>
<td>Total amount: $500,000</td>
<td>Commission approve Blanket Purchase Order to Heart Utilities of Jacksonville for City-wide Underground Projects</td>
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<td>This Blanket Purchase Order will expire September 30, 2015.</td>
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agenda item

<table>
<thead>
<tr>
<th>Item type</th>
<th>Consent Agenda</th>
<th>meeting date</th>
<th>July 13, 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>prepared by</td>
<td>Peter Moore</td>
<td>approved by</td>
<td>City Manager</td>
</tr>
<tr>
<td>department</td>
<td>Administrative Services</td>
<td></td>
<td>City Attorney</td>
</tr>
<tr>
<td>division</td>
<td>Budget, Purchasing, Performance Measurement</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>board approval</td>
<td></td>
<td>yes</td>
<td>no</td>
</tr>
<tr>
<td>strategic objective</td>
<td></td>
<td>Exceptional Quality of Life</td>
<td>Fiscal Stewardship</td>
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<tr>
<td></td>
<td>Intelligent Growth &amp; Development</td>
<td></td>
<td>Public Health &amp; Safety</td>
</tr>
<tr>
<td></td>
<td>Investment in Public Assets &amp; Infrastructure</td>
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<td></td>
</tr>
</tbody>
</table>

subject

FY 2015 Budget Amendment for Building Division

motion | recommendation

Approve the budget amendment as presented.

Background

The City Commission is required by Statute to approve any budget amendments that alter the total amount budgeted in any fund or when funds are transferred between different fund types. The Building Division currently outsources its large format scanning services. To reduce wait times, improve customer service, and to allow for easier electronic storage of plans, the Building Division would like to use $11k of restricted building reserves (current fund balance of $500k+) to purchase the scanner. This will increase revenues in the revised budget and increase expenditures in the Building Division by the same amount.

This amendment if approved by the Commission will become part of the formal FY15 year-end close out process that will adopt all FY15 amendments by formal ordinance. The adjustments requested are attached to this item.

alternatives | other considerations

N/A

fiscal impact

The increase in appropriated budget levels is equally offset by an increase in revenue.
Budget Adjustments Requiring Commission Approval

<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>Building/ Permitting (Scanner)</td>
<td>$ 11,095</td>
<td>001-0000-382.42.11</td>
<td>Building Balance Carryforward</td>
<td>001-2303-524.64-50</td>
<td>Machinery and Equipment</td>
<td>Scanner for large format plans.</td>
<td>Pending</td>
</tr>
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</table>
subject

Annual funding agreement for FY2015/2016 between the City of Winter Park and MetroPlan Orlando

motion | recommendation

Motion to approve the agreement with MetroPlan Orlando as a Municipal Advisory Committee voting member in the amount of $2,366.00 for FY2015/2016

background

On February 9, 2015, Mayor Kenneth Bradley announced that MetroPlan Orlando will discuss allowing the Municipal Advisory Council (MAC) to have a vote on the MetroPlan Board and that they are proposing enactment for the 2015/2016 budget season. He spoke about the associated funding with being a member and that an interlocal agreement will be coming.

On February 23, 2015, Mayor Kenneth Bradley announced that the MAC has been granted a seat on the MetroPlan Board and that each City that is a member of MAC would be assessed its pro rata share of membership dues based upon population.

alternatives | other considerations

N/A

fiscal impact

$2,366.00 annually
June 10, 2015

Honorable Steve Leary
Mayor
City of Winter Park
401 South Park Avenue
Winter Park, FL 32789

Re: Annual Funding Agreement for FY2015/2016

Dear Mayor Leary:

Enclosed is the Annual Funding Agreement between the City of Winter Park and MetroPlan Orlando for FY 2015/2016. The enclosed Funding Agreement is the standard agreement with all members who have voting membership on the MetroPlan Orlando Board. As a Municipal Advisory Committee (MAC) member, which now has voting membership on the MetroPlan Orlando Board, your amount is based on a total of $25,000 prorated by population to all members of the MAC. The funding amount of $2,366.00 is based on the most current data reported by the University of Florida Bureau of Economic and Business Research in their publication of Florida Estimates of Population and the prorated per capita assessment.

We have provided two copies of the Annual Funding Agreement. It is requested that both copies be executed as soon as possible. Please retain one copy for your records and return a copy to us. Your assistance with expediting this process is appreciated. As a reminder, you will be invoiced in two installments due on October 1, 2015 and April 1, 2016. No payment is due at this time.

We appreciate your support of the work we have underway to provide Central Florida with a world-class transportation system serving the needs of residents, businesses and visitors.

Sincerely,

Jason S. Loschiavo, CPA
Director of Finance and Administration

Enclosures
CITY OF WINTER PARK/METROPLAN ORLANDO (URBAN AREA METROPOLITAN PLANNING
ORGANIZATION) FY 2015-2016 FUNDING AGREEMENT

THIS AGREEMENT, is made and entered into this ______ day of ___________, 2015, by and
between the CITY OF WINTER PARK, a municipal corporation organized and existing under the laws of
the State of Florida, whose address is 401 South Park Avenue, Winter Park, Florida 32789 (hereinafter
referred to as the "CITY"), and the Orlando Urban Area Metropolitan Planning Organization, d/b/a
MetroPlan Orlando, A Regional Transportation Partnership, a metropolitan planning organization,
whose address is 315 East Robinson Street, Suite 355, Orlando, Florida 32801-1949 (hereinafter referred
to as "METROPLAN ORLANDO").

WITNESSETH

WHEREAS, metropolitan planning organizations (MPOs) are the lead transportation planning
agencies in urban areas throughout the United States; and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP-21) provides MPOs with
the authority and responsibility for transportation planning and funding; and

WHEREAS, the quality of life and economic vitality of our community depends on coordinating
transportation issues and developing complementary plans and policies; and

WHEREAS, METROPLAN ORLANDO has the lead role in formulating regional transportation plans
and programs and coordinating transportation issues among local entities and the Florida Department of
Transportation (FDOT); and

WHEREAS, METROPLAN ORLANDO has adopted the following Mission Statement:

To provide leadership in transportation planning by engaging the public and fostering effective
partnerships.

METROPLAN ORLANDO shall achieve this mission by:

a. Preparing and maintaining up-to-date transportation plans;

b. Setting priorities for investing transportation resources to implement adopted regional plans;

c. Shaping and communicating a regional perspective on transportation issues;

d. Competing nationally and statewide for additional financial resources;

e. Building strong alliances with the business community and residents of the region;

f. Coordinating planning efforts with federal, state, and local governments and other
transportation agencies; and

g. Recruiting and retaining top quality staff and consultants.
WHEREAS, the CITY desires to enter into this Agreement with METROPLAN ORLANDO to provide it with funding to support the functions necessary to achieve METROPLAN ORLANDO’s role in planning and funding the Orlando Urban Area Transportation System.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, the CITY and METROPLAN ORLANDO agree as follows:

SECTION 1. RECITALS. The CITY and METROPLAN ORLANDO hereby declare that the recitals set forth above are true and correct and incorporated herein.

SECTION 2. REPORTING REQUIREMENTS. METROPLAN ORLANDO agrees to provide the CITY, on a quarterly basis commencing October 1, 2015, a written operational report which will include an accounting of all Unified Planning Work Program Tasks for the quarter. The report shall identify each program task, the costs allocated to the task, and the percentage of the task completed. Each quarterly report shall be cumulative.

SECTION 3. FISCAL YEAR 2015-2016 CITY FUNDING REQUIREMENTS. The CITY agrees to allocate TWO THOUSAND THREE HUNDRED SIXTY-SIX DOLLARS ($2,366.00) to METROPLAN ORLANDO from the CITY’s Fiscal Year 2015-2016 budget, to be utilized by METROPLAN ORLANDO during its fiscal year ending June 30, 2016, in accordance with this Funding Agreement. Said funds shall be paid to METROPLAN ORLANDO on a semi-annual basis. The first payment of ONE THOUSAND ONE HUNDRED EIGHTY-THREE DOLLARS ($1,183.00) shall be due and payable on October 1, 2015. The second payment of ONE THOUSAND ONE HUNDRED EIGHTY-THREE DOLLARS ($1,183.00) shall occur on or before April 1, 2016. The funding provided to METROPLAN ORLANDO by the CITY is contingent upon funding by all local governments who are represented on the METROPLAN ORLANDO Board; such funding being equal to FIFTY CENTS ($0.50) per capita based, at time of budget adoption, on the latest available estimates of population within each local government’s jurisdiction as provided by the Bureau of Economic and Business Research, University of Florida.

SECTION 4. EFFECTIVE DATE, TERM. The effective date of this Agreement shall be the date of signature by the last party to sign this Agreement. The terms of this Agreement shall commence on the effective date and terminate on September 30, 2016.

SECTION 5. INTERPRETATION. The headings contained in this Agreement are for reference purposes only and will not affect in any way the meaning or interpretation of this Agreement.

SECTION 6. NEGOTIATIONS. The parties to this Agreement acknowledge that all terms of this Agreement were negotiated at arms length and that this Agreement and all documents executed in connection herewith were prepared and executed without undue influence exerted by any party or upon any party. Further, this Agreement was drafted jointly by all parties, and no parties are entitled to the benefit of any rules of construction with respect to the interpretation of any terms, conditions, or provisions of this Agreement in favor of or against any person or party who drafted this Agreement.
SECTION 7. MISCELLANEOUS

A. This Funding Agreement constitutes the entire agreement between the parties with respect to the specific matters contained herein and supersedes all previous discussions, understandings, and agreements, written or oral, between the parties hereto. Any amendments to or waivers of the provisions herein shall be made by the parties in writing. No other agreement, oral or otherwise, regarding the subject matter of this Funding Agreement shall be deemed to exist or to bind either party hereto.

B. If any sentence, phrase, paragraph, provision or portion of this Funding Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed an independent provision and such holding shall not affect the validity of the remaining portions hereof.

C. The parties hereby acknowledge that they have freely and voluntarily entered into this Funding Agreement and that each party has been given the opportunity to receive the advice of independent legal counsel for all negotiations in connection with this Funding Agreement.

SECTION 8. CONTROLLING LAWS

A. This Funding Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida and all duly adopted ordinances, regulations, and policies of the CITY now in effect and those hereinafter adopted.

B. The location for settlement of any and all lawsuits, claims, controversies, or disputes, arising out of or relating to any part of this Funding Agreement, or any breach thereof, shall be Orange County, Florida.

C. The parties to this Funding Agreement agree to comply with all applicable Federal, State, and local laws, ordinances, rules and regulations pertaining to this Agreement.

SECTION 9. BINDING NATURE OF AGREEMENT. This Agreement shall be binding only between the CITY and METROPLAN ORLANDO.

SECTION 10. NOTICES. All notices, consents, approvals, waivers and deletions which any party shall be required or shall desire to make or give under this Agreement shall be in writing and shall be sufficient only when mailed by certified mail, first class postage affixed, addressed as follows:

CITY: Office of the Mayor
       City of Winter Park
       401 South Park Avenue
       Winter Park, FL 32789

METROPLAN ORLANDO: Executive Director
                    MetroPlan Orlando
                    315 East Robinson Street, Suite 355
                    Orlando, FL 32801-1949

3 of 4
SECTION 11. AUDIT AND RECORDKEEPING PROCEDURES. METROPLAN ORLANDO shall keep and maintain all records related to this Funding Agreement and the services rendered pursuant to this Funding Agreement for the period required by the State of Florida General Records Schedule GS1-L for Local Government Agencies or other applicable State law, whichever is greater. Said records shall be made available to the public for inspection, examination and copying pursuant to the terms of Chapter 119, Florida Statutes. If any litigation, claim or audit is commenced, said records shall be maintained until all litigation, including appeals, claims or audits have been concluded or resolved.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement as of the day and year first above written.

METROPLAN ORLANDO

By: ____________________________

Print Name: Harold W. Barley

Title: Executive Director

Date: ____________________________

ATTEST:

______________________________

(CORPORATE SEAL)

CITY OF WINTER PARK

By: ____________________________

Print Name: ______________________

Title: ____________________________

Date: ____________________________

ATTEST:

______________________________
**subject**

New Library Facility – Next Steps

**motion | recommendation**

Provide direction on site selection, inclusion of the Civic Center, possible parking structure, level of design (and budget) in preparation for a referendum, and the timing of a referendum.

**background**

The Library Facilities Task force delivered its report to the Commission on June 22, 2015. At that work session there appeared to be consensus that the preferred site was the north end of Martin Luther King, Jr. Park and that a new civic center component be part of the project. There was not clear consensus on exactly where on the north end of the park it should be located or whether or not a parking structure should be included.

There was also not a clear consensus on the level of design needed prior to a referendum or the timing of such referendum. A work session was scheduled to hear from John Chrastka, a consultant that has assisted in numerous Library referendums, to discuss his thoughts on timing and level of design.

**alternatives | other considerations**

There were several alternatives presented in the Task Force report.

**fiscal impact**

To be determined depending on site selection and components included.
subject
City Attorney Contract

motion | recommendation

Under City Charter Section 2.09, the City Attorney is appointed and removed by the City Commission. The City Commission has three options:

1. Contract with Greenspoon Marder Law under the same terms as the previous contract with Brown, Garganese, Weiss & D’Agresta, PA;
2. Stay with Brown, Garganese, Weiss & D’Agresta, PA;
3. Issue an RFP and select a temporary firm while bidding out the services. If the Commission chooses to bid it out it still needs to decide which firm will provide legal services to the city until the bid process is completed.

background

City Attorney Usher L. Brown, has moved from Brown, Garganese, Weiss & D’Agresta, PA to Greenspoon Marder Law and has requested the City enter into a new agreement with his new firm. The City Manager temporarily signed an agreement with Greenspoon Marder until a decision is made by the City Commission.

Attached is a copy of a letter notifying the City of its rights and a copy of the new contract.
fiscal impact

The contract contains the same terms as the previous contract so there should be no fiscal impact.
June 30, 2015

City of Winter Park
Attention: Randy Knight, City Manager
401 Park Ave. South
Winter Park, FL 32789

Re: Representation of the City of Winter Park

Dear Mr. Knight:

This is to advise you that Usher L. Brown, Cherish Benedict, Tina Garcia, Thu Pham, and Amy Pitsch (collectively the “departing lawyers”), will be leaving Brown, Garganese, Weiss & D’Agresta, P.A. effective June 30, 2015. Their new firm’s address, telephone number, and fax number are:

Greenspoon Marder Law
201 E. Pine St., Suite 500
Orlando, FL 32801
Phone/Fax:
Usher L. Brown: phone - direct dial (407) 692-9114/fax (407) 244-8114
Tina Garcia: phone - direct dial (407) 692-9115/fax (407) 244-8115
Cherish Benedict: phone - direct dial (407) 692-9117/fax (407) 244-8117
Thu Pham: phone - direct dial (407) 692-9116/fax (407) 244-8116
Amy Pitsch: phone - direct dial (407) 692-9118/fax (407) 244-8120

Both Brown, Garganese, Weiss & D’Agresta, P.A. and the departing lawyers wish to advise you of your rights as a client to choose your representation of your active files on a going-forward basis from either Brown, Garganese, Weiss & D’Agresta, P.A., Greenspoon Marder, or a different law firm as you select. If you stay at Brown, Garganese, Weiss & D’Agresta, P.A., Anthony Garganese will serve as the partner responsible for this matter and any other matter.

If you elect to have your file(s) transferred to Greenspoon Marder, or another firm, you also acknowledge and agree that Brown, Garganese, Weiss & D’Agresta, P.A. will
have no further responsibility for handling any aspect of said file(s), except as may be subsequently agreed upon and set forth in writing. If you elect to have your file(s) transferred to Greenspoon Marder or another firm, please be advised that any accounts payable by you will have to be resolved prior to the transfer of the file(s).

Please let us know of your decision as soon as possible by completing the third page of the copy of this letter (enclosed). You may scan and email your election to Usher L. Brown (larry.brown@gmlaw.com) and Tami L. Austin (tami.austin@gmlaw.com), or fax your election to (407) 244-8114.

In the event that we are currently holding trust funds in relation to your file, a separate authorization request may be requested by both of the undersigned attorneys to transfer those trust funds. Should you have any questions, please do not hesitate to contact me.

Sincerely,

[Signature]

Usher L. Brown

[Signature]

Anthony A. Garganese

Enclosure
ELECTION FORM

TO: City of Winter Park
Client No.: 1416

CHOICE (Please check one):

☐ Please leave my file(s) at Brown, Garganese, Weiss & D'Agresta, P.A. with __________________, Esq. as the partner in charge of this file.

☑ Please transfer my file(s), any of my original documents in your possession and any unused retainer or other trust funds held for my account to Greenspoon Marder once any outstanding accounts payable have been paid by the client.

☐ Please transfer my file(s), any of my original documents in your possession and any unused retainer or other trust funds held for my account to a different law firm, identified as follows once any outstanding accounts payable have been paid by the client:

Name of Law Firm:________________________________________
Attorney Contact:________________________________________
Address:________________________________________________

________________________________________________________
Telephone No.:__________________________________________

* Signature

Reedy B. Knight

Print’Name 6/30/15

Date 6-30-15

* Subject to Commission ratification/action at meeting on July 13, 2015.
AMENDED RETAINER AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT FOR LEGAL SERVICES (hereinafter: “Agreement”) is entered into between GREENSPoon MARDER, LAW, a Florida corporation, whose address is 201 E. Pine St., Suite 500, Orlando, Florida 32801 (hereinafter: the “Law Firm”) and THE CITY OF WINTER PARK a Florida municipal corporation, whose address is 401 Park Avenue South, Winter Park Florida 32789 (hereinafter: the “City”). This Agreement shall bind the parties upon its execution by their representatives and shall become effective upon the date of the last signature.

RECITALS:

WHEREAS, the Law Firm desires to provide legal services to the City and the City desires to receive such services; and

WHEREAS, this Agreement is entered into in accordance with a competitive request for proposal process; and

WHEREAS, the parties mutually desire to finalize in writing this Agreement; and

WHEREAS, the City Commission finds this Agreement is in the best interests of the public health, safety, and welfare of the City of Winter Park.

NOW THEREFORE, in consideration of the mutual covenants and promises set forth herein, the parties agree as follows:

1.0 ENGAGEMENT OF THE LAW FIRM. The City hereby engages the Law Firm and the Law Firm agrees to perform the legal services set forth below. In accordance with its proposal, the Law Firm hereby designates Larry Brown as City Attorney. The Law Firm hereby designates, and the City accepts, Larry Brown to serve in the capacity of City Attorney under the City’s Charter. Mr. Brown will be responsible for attending all City Commission Meetings. In Mr. Brown’s temporary absence due to scheduling conflicts, vacation, or sickness, the Law Firm will assign an experienced government lawyer to attend City Commission meetings while Mr. Brown is temporarily absent. The other attorneys of the Law Firm will also provide legal services to the City as the need arises and shall serve as assistant city attorneys. As mentioned below and for continuity purposes, the Law Firm will assign one attorney to primarily attend other board meetings that are required by the City. The Law Firm agrees that all services contracted for are to be performed solely by the Law Firm and may not be subcontracted for or assigned unless provided in this Agreement.
2.0 **SCOPE OF SERVICES**

A. The Law Firm agrees under the direction of the City Commission and City Manager to perform certain professional legal services more particularly described as follows: 1) Represent the City and attend City Commission meetings (unless excused from attendance by the City Commission or City Manager); 2) Draft/Review ordinances, resolutions, contracts, and correspondence relating to the transaction of City business and affairs; 3) Prepare and file pleadings, motions, or briefs which may be required and represent the City in any and all litigations (including, but not limited to, actions brought by or against the City in a judicial or administrative forum and all appeals), except such actions as may be assigned to special counsel or be covered by an insurance policy naming the City as the insured or actions jointly defended with the City of Winter Park; 4) Initiate and conduct discovery including depositions on behalf of the City and represent the City in discovery initiated by opposing parties; 5) Perform legal research and render legal advice; 6) Review and analyze City legal files, data, documents and other materials concerning the matters referenced in this paragraph and advise on recommended legal course of action; 7) Attend and participate in meetings, conference calls, field trips or similar functions and report on the status of the legal matters; 8) Act as an intermediary and legal advisor for the City when special counsel or insurance defense counsel is appointed to represent the City in any legal proceeding; 9) Assist in bond transactions and bids; 10) Prepare formal legal opinions; 11) Provide legal representation, as set forth above, to City boards as required by the City Commission or City Manager and when requested to do so, the Law Firm will designate one attorney to be primarily responsible for attending a particular city board; 12) at the election of the City Commission either prosecute cases before the City’s Code Enforcement Board or represent said Board and defend on appeal Board decisions rendered in such prosecutions; 13) Complete real property transactions; 14) Prosecute code enforcement citations before a court of competent jurisdiction; and 15) Such other legal services required by the City Commission or City Manager.

B. As the Law Firm deems appropriate and in specialized matters, the Law Firm may recommend to the City that special legal counsel be used for defined purposes. If recommended by the Law Firm, the City Manager may approve use of special counsel for an expenditure of legal fees payable to the special legal counsel
not to exceed the City Manager’s spending authority approved by the City Commission. All other requests to utilize special counsel shall be subject to prior approval of the City Commission.

C. The Law Firm and the attorneys therein shall be bound by the requirements of Section 112.313(2), (4), (5), (6), and (8), Florida Statutes (code of ethics). The Law Firm and the attorneys therein shall represent no private individual or legal entity before the City in any proceeding or matter.

3.0 CONSIDERATION.

A. Compensation – Fees and Expenses.

1. For payment of all legal services, beginning July 1, 2010, called for under this Agreement, the City of Winter Park will compensate the Law Firm by paying it a monthly retainer of $25,000.00 (“Retainer”) per month. This Retainer will be paid on or before the 10th day of each month during the course of this Agreement unless the Agreement is amended or terminated. This Retainer will cover all legal services (but not properly billable costs) with the exception of those matters stated in subparagraph B hereinafter.

2. Included within this Retainer will be office hours to be provided by Usher L. Brown and other qualified attorneys within the Law Firm. These office hours will be performed at City Hall in space designated by the City Manager. There will be regular office hours scheduled periodically, but in no event will these office hours exceed 15 hours per week unless this Agreement is amended. The parties agree that to the extent reasonably possible, staff will resolve all issues that can reasonably be resolved by working with the attorneys during these office hours. Of course, if staff have any reasonable need to access the attorneys, subject to control of such access by the City Manager, staff shall have the right to contact the attorneys outside of these office hours and the attorneys shall be responsive to these requests for service. The attorneys of the Law Firm agree to respond to requests for service by the City of Winter Park as quickly as reasonably possible.
3. The following constitutes the exceptions to the Retainer. These matters shall be billable in accordance with the provisions of this subparagraph. Litigation will include litigation and matters pending before any administrative tribunal (such as EEOC). Litigation will also include arbitrations as well as any type of quasi judicial proceeding other than a proceeding wherein an attorney from the law firm is advising the City of Winter Park or a subsidiary board of the City (such as P&Z). And, litigation will include matters pending before any federal or state court, or before any administrative law judge from the Division of Administrative Hearings or any other agency.

4. Litigation (defined above) will be billed separately and in addition to the Retainer. Litigation services will be billed at $170.00 per hour for attorneys of the Law Firm for any State of Florida proceeding (whether arbitration, administrative or court) and $185.00 per hour for any federal court litigation. These rates will be guaranteed for the remainder of the current fiscal year and the next fiscal year (through September 30, 2011). Paralegals will be billed at $85.00 per hour.

5. For each Litigation matter, the City shall receive a credit within the Retainer for the first 3 hours of work. Thus, if a matter may be quickly resolved with 3 hours or less of time, there will be no charge to the City.

6. Costs that are reimbursable in accordance with this Agreement will continue to be separately stated and charged in all Litigation matters (and in all Retainer matters as well).

7. In addition to Litigation being billed outside the Retainer, if there is a bond or financial transaction where the financial advisor to the City or its bond counsel establishes a payment to the Law Firm for services rendered on behalf of the issuer as issuer’s or borrower’s counsel, then such mutually agreed fee to be paid from the proceeds of the bond or other borrowing would be in addition to the Retainer.

8. In addition to Litigation and for services rendered in connection with certain bond or financial transactions, the Law Firm will also be entitled to receive any title insurance
premium paid in accordance with law in connection with any real estate transaction in
which the Law Firm acts as title insurance agent.

9. In the event the Law Firm is entitled or eligible to receive a recovery of attorneys’ fees
in any case, the Law Firm will be entitled to receive such recovery, but only to the
extent the recovery exceeds the amount the City has already paid the Law Firm with
respect to the specific Litigation invoicing related to the matter. After the City has
been reimbursed for such fees and costs that it has paid the Law Firm may recover the
excess.

Upon request by the Law Firm, the City’s City Commission may be asked to review and adjust this rate
of compensation. Upon request by the City, the Law Firm will negotiate alternative pricing utilizing a monthly
retainer for items specified and an hourly rate for matters outside the retainer.

B. Costs/Expenses.

1. Routine expenses such as local phone calls, local travel expenses, routine copies, word
processing, and clerical or secretarial services are overhead and will not be separately
compensated.

2. Billing for services performed shall be on a monthly basis. Billable hours shall be
measured in 6-minute increments. All bills shall denote what attorney conducted the
work, a brief explanation of the type of work performed, the date on which the work was
performed, the amount of time expended in performing the work, and for which City
department the work was performed. Reimbursement of costs for items such as exhibits,
title insurance commitment and policy, priority and overnight postage, computer
research (e.g., Westlaw), environmental studies, appraisals, surveys, transcripts,
document reproduction for non-routine copies (e.g., filing of appellate briefs and
records; bate stamping and indexing litigation discovery), and witness fees will be at
cost to the Law Firm and will also be billed monthly. City will pay billing invoices
within thirty (30) days after receipt.
C. Travel. In addition to the above compensation for fees and costs, justified and reasonable non-local travel expenses which are directly and exclusively related to the professional services rendered under this Agreement will be reimbursed in accordance with Section 112.061, Florida Statutes, or as otherwise provided in City ordinances. Pursuant to Section 112.061, Florida Statutes, attorneys of the Law Firm are designated as authorized travelers during the life of this Agreement. For the purposes of computing travel expenses, the Law Firm's place of business shall be utilized for computation of all travel expenses. The Law Firm will not bill for travel time within Orange County, Florida.

D. Sales Tax. The Law Firm shall not be exempted from paying Florida state sales and use taxes to the appropriate governmental agencies or for payment by the Law Firm to suppliers for taxes on materials used to fulfill its contractual obligations with the City. The Law Firm shall not use the City's exemption number in securing such materials. The Law Firm shall be responsible and liable for the payment of all its FICA/Social Security and other taxes resulting from this Agreement for their respective employees.

E. No Pledge of Credit. The Law Firm shall not pledge the City's credit or make the City a guarantor of payment or surety for any contract, debt, obligation, judgment, lien or any form of indebtedness.

4.0 DOCUMENTATION.

A. The Law Firm shall submit monthly written invoices. All invoices shall be submitted to the City Manager at the address listed above unless the City Manager directs otherwise.

B. The Law Firm shall maintain files, available for inspection by the City Manager, containing documentation of costs and fees incurred in connection with this Agreement. The files shall be maintained for a period of one year after the cost or fee is incurred by the Law Firm, unless otherwise notified in writing by the City specifying the document to be maintained.

5.0 PUBLIC RECORDS. As provided by Florida Statutes, anything, by whatsoever designation it may be known, that is produced by or developed in connection with this Agreement shall remain the exclusive property of the City and may not be copyrighted, patented, or otherwise restricted as provided by Florida Statutes. Neither the Law Firm nor any other individual employed under this Agreement shall have any proprietary interest in any product(s) delivered under this Agreement. The reasonable cost of preparing and photocopying the documents for the City may be charged for said services.
6.0 **TERMINATION OF AGREEMENT.**

A. In the event this Agreement is terminated by either party for convenience or cause, all finished or unfinished documents, data, studies, correspondence, reports and other products prepared by or for the Law Firm under this Agreement shall be made available to and for the exclusive use of the City.

B. This is a continuing services agreement; however, the City Commission may terminate this Agreement for any reason or for its convenience (without cause) by giving ten (10) days written notice to the Law Firm including the effective date of termination. The Law Firm may at any time terminate their interests in this Agreement for any reason or for convenience (without cause) by giving ninety (90) days written notice to the City, including the effective date of termination. Upon termination of this Agreement by either party, the Law Firm shall honor the provisions of Rule 4-1.16, of the Code of Professional Conduct of the Florida Bar.

7.0 **AMENDMENTS.** Any party may, from time to time, request changes under this Agreement. Such changes, which are mutually agreed upon, shall be incorporated in written amendments to this Agreement.

8.0 **AGREEMENT AS INCLUDING ENTIRE AGREEMENT.** This instrument, including any attachments, embodies the entire agreement of the parties. There are no other provisions, terms, conditions, or obligations. This Agreement supersedes all previous oral or written communications, representations or agreements on this subject.

9.0 **LIABILITY.** The City shall defend the actions of the Law Firm in performing legal services on behalf of the City. As required by the City, the Law Firm shall maintain, during the period of this Agreement, a professional liability insurance policy or policies for the professional services to be rendered to the City under this Agreement with a minimum of five million dollars of liability coverage.

10.0 **ADMINISTRATION OF AGREEMENT.**

A. The City contract administrator is the City Manager. The City Attorney is the contract administrator for the Law Firm. All written and verbal approvals reference in this Agreement (unless specified as being required to be obtained from the City Commission) must be obtained from the parties' contract administrators or their designees. From time to time any party may notify the other, making a unilateral change in the person named by said party as the contract administrator for said party. This contract shall be governed by and construed under the laws of the State of Florida.
B. Any attorney employed by the Law Firm may provide legal representation under this Agreement to the City, its officers and employees. The Law Firm may refer work under this Agreement to attorneys in said law firm.

C. The City of Winter Park, acting by and through its City Commission as a collegial body, shall be considered Law Firm's client.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the date set forth below.

CITY OF WINTER PARK, FLORIDA:

By: __________________________
    Steven Leary, Mayor

Date: _________________________

DATE APPROVED BY CITY COMMISSION: ____________

ATTEST: __________________________
        City Clerk

GREENSPOON MARDER LAW

By: __________________________
    Usher L. Brown, City Attorney

Date: _________________________

And:

____________________________
Michael Marder, Managing Shareholder
Subject: Ordinance to Update Zoning Terminology.

This public hearing is to consider an Ordinance, requested by the City Commission, to update the Zoning Code text by removing the antiquated term of “servants” and replacing it with “domestic service employees”. SECOND READING OF ORDINANCE.

Summary:

When the City discussed the lot consolidation request at 1251/1252 Lakeview Drive there was discussion of a proposed ‘guest house”. In the Zoning Code text, the use of guest houses is limited to family members, visitors and “servants”. This is an antiquated term going back to the adoption of this zoning regulation in 1952. The City Commission asked that staff update this terminology and the city attorney has prepared the accompanying ordinance to accomplish that request.

Planning and Zoning Board Recommendation:

Motion made by Mr. Sacha, seconded by Mr. Gottfried to APPROVE amending sections 58-71 and 58-95 of Article III, Zoning, Chapter 58, Land Development Code to clarify language by removing the antiquated term “Servant”.

Motion carried unanimously with a 7-0 vote.
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTIONS 58-71 AND 58-95 OF ARTICLE III, ZONING, CHAPTER 58, LAND DEVELOPMENT CODE TO CLARIFY LANGUAGE BY REMOVING THE ANTIQUATED TERM "SERVANT"; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to clarify the language in the City Code by removing the antiquated term “servant”; and

WHEREAS, this Ordinance promotes the health, safety and welfare of the City residents; and

WHEREAS, words with double underline shall constitute additions to the original text and strike through text shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW, THEREFORE, BE IT ADOPTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK AS FOLLOWS:

Section 1. Sub-section (i)(8) of Section 58-71, General Provisions for Residential Zoning Districts, of Chapter 58, Land Development Code, is hereby amended to read as follows:

* * *

(i) Accessory buildings, structures, air-conditioning equipment and other accessory uses in residential zones.

* * *

(8) Guesthouses or garage apartments are permitted accessory uses when they provide accommodations for guests, servants domestic service employees or members of a family occupying the main building on the same property. Guesthouses or garage apartments shall not exceed 1,000 square feet of floor area. Guesthouses or garage apartments as permitted accessory uses may not have a kitchen area or cooking facilities. They also may not have separate utility meters or be rented, let or hired out for occupancy whether compensations be paid directly or indirectly. In order to insure that these provisions are understood as ownership of property transfers and to protect the city from a proliferation of prohibited nonconforming rental uses, all applicants for building permits for guesthouses or garage apartments, or for the substantial improvement of same shall record a deed restriction outlining the above restrictions and conditions of that building permit. That deed restriction shall be recorded prior to the issuance of the building permit and shall be removed only with the consent of the city. Substantial improvement for the purposes of this section shall be work totaling more than 25 percent of the replacement construction value of the original accessory structure.
Section 2. Section 58-95, Definitions, of Chapter 58, Land Development Code, is hereby amended as follows:

Dwelling, single-family means a detached building designed for or occupied exclusively by one family, including guests and servants domestic service employees employed on the premises and having but one kitchen.

Family means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over three unrelated persons, but further provided that domestic servants domestic service employees employed on the premises may be housed on the premises without being counted as a family or families.

Section 3. Incorporation Into Code. This ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. Conflicts. 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 adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, held at City Hall, Winter Park, Florida, on the _____ day of __________, 2015.
Mayor Steve Leary

Attest:

Cynthia Bonham, City Clerk
REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTIONS 58-71 AND 58-95 OF ARTICLE III, ZONING, CHAPTER 58, LAND DEVELOPMENT CODE TO CLARIFY LANGUAGE BY REMOVING THE ANTIQUATED TERM “SERVANT”.

Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing was to consider an Ordinance, requested by the City Commission, to update the Zoning Code text by removing the antiquated term of “servants”.

When the City discussed the lot consolidation request at 1251/1252 Lakeview Drive there was discussion of a proposed ‘guest house”. In the Zoning Code text, the use of guest houses is limited to family members, visitors and “servants”. This is an antiquated term going back to the adoption of this zoning regulation in 1952. The City Commission asked that staff update this terminology and the city attorney has prepared the accompanying ordinance to accomplish that request.

No one wished to speak to this item.

The Planning Board members agreed that it was appropriate to update this terminology.

**Motion made by Mr. Sacha, seconded by Mr. Gottfried to APPROVE amending sections 58-71 and 58-95 of Article III, Zoning, Chapter 58, Land Development Code to clarify language by removing the antiquated term “Servant”.

Motion carried unanimously with a 7-0 vote.**
subject

Extend the sunset of the Golf Strategic Task Force 1 month. The Task Force originally was to sunset on July 25, 2015; with this action will now sunset August 25, 2015.

motion | recommendation

Staff recommends extending the Sunset to August 25, 2015 allowing the Task Force to complete their presentation.

background

Golf Task Force Members: Gary Diehl, Brian Furey, Matthew Hegarty, Steve Hoffman, Bill Neidlinger, Taylor Sacha, Jeff Shafer

The task force is finalizing their presentation with a target date of presenting to City Commission on July 27, 2015.

alternatives | other considerations

None

fiscal impact

None
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, EXTENDING THE TERM OF EXISTENCE FOR THE GOLF COURSE STRATEGIC PLAN TASK FORCE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Winter Park established the Golf Course Strategic Plan Task Force on August 25, 2014; and

WHEREAS, the Task Force held their first meeting on November 25, 2014; and

WHEREAS, Section 2-46 of the Municipal Code provides that all subsidiary boards of the City shall be established in Chapter 2, Article III, Division 1 of the Code of Ordinances of the City of Winter Park; and

WHEREAS, Section 2-47 of the Municipal Code enumerates all subsidiary boards of the City, and the Task Force is not there established; and

WHEREAS, Section 2-48 of the Municipal Code provides general rules for all subsidiary boards of the City, and in subsection 2-48(n) allows for establishment of municipal task forces, each of which shall have a term of one hundred eighty (180) days unless the term is extended by action of the Commission; and

WHEREAS, by this Resolution the Commission of the City of Winter Park has determined that it is in the public interest to extend the term of the Task Force; and

WHEREAS, the City Commission of the City of Winter Park has determined that the term of the Task Force should be extended for one (1) month to allow it a reasonable opportunity to accomplish its important work.

WHEREAS, on May 11, 2015 the City Commission of the City of Winter Park previously extended the term of the Task Force until July 25th, 2015 to allow it a reasonable opportunity to accomplish its important work.

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

SECTION 1. Extension of the Term of the Task Force. The term of the Task Force shall be extended for one (1) month, ending August 25, 2015. The City Commission may, by future resolution further extend the term of existence of the Task Force as it may determine advisable in the future.
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 13th day of July, 2015.

________________________________________________________________________
Steve Leary, Mayor

Attest:

________________________________________________________________________
Cynthia S. Bonham, City Clerk
### Item Type
- **Public Hearing**

### Meeting Date
- **July 13, 2015**

### Prepared by
- **Planning and Community Development Department**

### Approved by
- **City Manager**
- **City Attorney**
- **N/A**

### Board Approval
- **Historic Preservation Board**
- **Yes**
- **No**
- **N/A**
- **6-0**

### Strategic Objective
- **Exceptional Quality of Life**
- **Intelligent Growth & Development**
- **Investment in Public Assets & Infrastructure**
- **Fiscal Stewardship**
- **Public Health & Safety**

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**Subject**

Resolution entering 500 North Interlachen Avenue as a historic landmark in the Winter Park Register of Historic Places.

**Motion / Recommendation**

Historic Preservation Board recommends approval.

**Background**

The Historic Preservation Board staff report and owner request is attached.

**Alternatives / Other Considerations**

**Fiscal Impact**
RESOLUTION NO._____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 500 NORTH INTERLACHEN AVENUE, WINTER PARK, FLORIDA AS A HISTORIC LANDMARK ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

WHEREAS, there are located within the City of Winter Park historic sites, areas, structures, buildings, improvements and appurtenances, both public and private, both on individual properties and in groupings, that serve as reminders of past eras, events, and persons important in local, state and national history; or that provide significant examples of past architectural styles and development patterns and that constitute unique and irreplaceable assets to the City; and

WHEREAS, the City Commission recognizes that the sites and properties of historical, cultural, archaeological, aesthetic and architectural merit contribute to the public health, welfare, economic well-being and quality of life of the citizens of Winter Park; and

WHEREAS, there is the desire to foster awareness of and civic pride in the accomplishments of the past; and

WHEREAS, the Winter Park Historic Preservation Board determined that the property at 500 North Interlachen Avenue meets the criterion for historic resource status through its association with master architect Harold Hair, first owner General Andrew D. and Mrs. Avery, and as an example of Spanish Eclectic style architecture.

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

The City Commission of the City of Winter Park hereby supports and endorses the entry of 500 North Interlachen Avenue as a historic landmark on the Winter Park Register of Historic Places.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this _____ day of______________ 2015.

__________________________  
Steve Leary, Mayor

ATTEST:

__________________________  
City Clerk
HDA 15-002  Request by Katherine and Valmore Ward Jr. to designate their property at 500 North Interlachen Avenue as a historic landmark and add it to the Winter Park Register of Historic Places. Zoned R-1AAA. Parcel ID #05-22-30-9398-00-200.

**History.** The residential property at 500 North Interlachen was designed by architect Harold Hair and built for General and Mrs. Andrew D. Avery in 1934. Born in New York in 1864, Avery Delano Andrews was commissioned 1886. He retired from the Army in 1900 with the rank of Brigadier General after a distinguished career. He would later return to service with the American Expeditionary Force in World War I. Going on to a business and legal career, he practiced law in New York from 1891 and was the Vice President and Director of the General Asphalt Company, Vice President of the Uintah Railway Company. General Andrews was the Police Commissioner of New York from 1895-98.

General Avery and his wife Mary first wintered in Winter Park in 1932 at the Lincoln Apartments on Morse Boulevard. In 1934, they purchased the property on Interlachen Avenue and hired Harold Hair to design the Spanish Eclectic style house. They were very active in the city’s social and charitable effort scene. General Avery was a founding member of the University Club. The Avery’s were active in All Saints Church and after her death in 1945; three chancel windows were dedicated in her memory. General Avery lived in Winter Park until his death in 1959.

**Description.** The two story Spanish Eclectic style residence was designed by D. Harold Hair and built by contractor Frank Hiegel. The house was the subject of a February 16, 1935 article in the Winter Park Topics shortly after its completion. The lot slopes down to Lake Osceola. The cross-gabled two story main body of the house is flanked by one story wings. The exterior is stucco and the roof in tile. There is little overhang at the roof line. There are bands of decorative brickwork below the eave and tile vents in the gables. The house is on a continuous foundation and there is a basement. The house is approached through a sunken courtyard with a stuccoed wall and iron gates. The entry surround features Spanish style cast stone detailing and an elaborate ironwork sconce to the left. The windows are divided light casement type. Some windows have wood shutters with ironwork hardware. There is a tall oblong stair window with a decorative ironwork grill and spiral cast stone trim to the left of the entry, and a window with a cast stone grill above the entry. The wing to the right features a double French door with sidelights and a transom. The wing to the left slants away from the main body of the house. Originally the garage on this wing had two single bay doors. They have since been
replaced with a double garage door. There is decorative stuccowork over the garage door and an ocular window with grillwork. There are two windows with cast stone grills on the courtyard side of the garage. There is a walk gate through an arch to the left of the garage. The two chimneys have arched tops and decorative stucco bands. The rear of the house overlooks a swimming pool and Lake Osceola. There is a shed roofed loggia on the left. The right features a shallow iron balcony accessed from the second floor by two French doors. Below the balcony on the ground floor is an expanse of divided light and a divided light French door set into a triple arch stucco detail. There is a pool house that incorporates the architecture of the main house connected to the house by an enclosed breezeway on the south side of the rear yard.

The property includes a non-contributing semicircular driveway at the front swimming pool and pool house, on the rear lake facing side of the site and a boathouse. The property is in excellent condition and possesses its original character and architecture.

Architecture. D. Harold Hair graduated from the Clemson School of Architecture in 1924. He opened a practice on the second floor of 222 North Park Avenue. In his very active career, he would design a number of notable local buildings including the Louis McKinney home to the south of the Andrews home on Interlachen Avenue, the Beal-Maltbie Shell Museum at Rollins College and the original 1937 high style Mediterranean Revival auditorium at the 1927 Winter Park High School.

Popularized after the Panama-California Exposition in 1915 in San Diego, Spanish styles became especially popular in Florida. The Spanish Eclectic style borrows freely from the history of Spanish architecture with details from Moorish, Byzantine, Gothic and Renaissance influences. Wall surfaces are stuccoed and roofs are tiled. Carved doors are typical and doorways are accented with adjacent columns, spirals, pilasters, carved or cast stonework or patterned tiles. Door leading to exterior gardens, patios and courtyards are usually paired and include a number of multi-paned glazed openings. Many Spanish style examples will have one large focal window. Decorative grills of wood spindles or ironwork are common. Other details include vent tiles, decorative chimney tops, fountains, arcades and towers.

RECOMMENDATION: Staff recommends listing as a historic landmark on the Winter Park Register of Historic Places.
City of Winter Park Historic Designation Application

1. 500 N. Interlachen Ave., W.P. 32789
   Building address
   WARD, JR. 500 N. Interlachen Ave 407-637-2881
   Owner's name(s) Address Telephone
   Ward 828-967-2937
   Applicant's name (if different from above) Address Telephone

2. I, WARD, JR., as owner of the property described above, do hereby authorize the filing of this application for historic designation for that property.
   
   Owner's Signature 3/4/2015
   Date

Historic Preservation Board Office Use

Criteria for Designation

___ A. Association with events that have made a significant contribution to the broad patterns of history including the local pattern of development; or
___ B. Association with the lives of a person or persons significant in our past; or that
✓ C. Embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic values or that represents a significant and distinguishable entity whose components may lack individual distinction; or
___ D. Has yielded or are likely to yield information important in prehistory or history.

PARCEL ID: 05-22-30-9378-00-200 0.1934
Legal description Year built

GENERAL AVERY D. ANDREWS HOUSE
Historic name of building (if any)

Historic district name (if any)

Date received: 3-9-15
HPC Meeting: 4-8-15
Case File No.: HDA 15-002
Florida Master Site File No.: OR 9339
☐ Local Historic Landmark ☐ Local Historic Resource
Parcel Photos - 500 N Interlachen Ave

500 N INTERLACHEN AVE    05/20/2014
WINTER PARK TOPICS
A Weekly Review of Social and Cultural Activities
During the Winter Resort Season

Vol. 2—No. 6
Winter Park, Fla., Saturday, February 16, 1935
Price 10 Cents

Residence of General and Mrs. Avery D. Andrews, of New York, on
Interlachen Avenue which was built since last season. Mr. D. Harold
Hale, of Winter Park, was the architect.

SUPERB CONCERT BY
LUBOSHUTZ-GOLDOVSKY

The concert given last night by Mmes. Luboshutz, violinist, and
Baron Goldovsky, pianist, both of the Curtis Institute of Music,
further established both favorites with Winter Park audiences.
Felix Salmond, the violist, was unable to fill his engagement be-
cause of two successive attacks of the grippe.
Mmes. Luboshutz and Mr. Goldovsky gave a masterly performance
of a varied and interesting pro-
gram.

BIRTHDAY SURPRISE PARTY FOR MR. HANNA

Mrs. A. B. Dick entertained Dr.
and Mrs. Holt, Mr. Hanna and his
mother, Mrs. Hanna, and Mrs. Le
Venture at dinner at her home last
Saturday evening. Lately they
went over to the Whistling Kettle,
where a group of friends number-
ning about twenty-five had gath-
ered to surprise Mr. Hanna on his
birthday. Being carefully planned
the party was a complete and suc-
sessful surprise. Mr. Hanna was
the object of many a clever jest.
We present with pleasure the fol-
lowing poem written for the oc-
casion by Dr. Holt and read au-
thoritatively by him and Dean Boyart.

Dr. Holt: Who is the rollite graduate
Who works for Rollina daily
And while he works he sees a face
No woman yet can make him hate

Dean Boyart: Since none else answers, may I say
His first name begins with A.

Dr. Holt: Good Rollina Dean, above all men
You speak by voice and pen
You know a rooster from a hen
Thank you for the hint you gave
Who is this man who won’t behave
Pray tell us, is he fool or knows

(Continued on page 4)

ANIMATED MAGAZINE COMES NEXT SUNDAY

More than 5,600 "subscribers" are expected to attend the produc-
tion of the Animated Magazine
here on Sunday, February 24. Ham-
liton Holt, president of Rollins Col-
lege, and former editor of "The In-
dependent," originated the An-
imated Magazine nine years ago
and its fame and popularity draw
from all over Florida.
Promoters who have accepted
invitations from Editor Holt to ap-
pear "in person" to read manu-
scripts for the year's "table of
contenta" include U. S. Secretary
of State Cordell Hull, Walter G.
Fitzharris, author of several best
sellers, including "Life Begins at Fift-
ye" and "More Power to You." M.
Andre de Laboulaye, French Am-
hamadou to the United States; East
Beach, the author, an alumni of
Rollins College; Arthur Forrest,
(Continued on page 5)

Due to his illness, Dr. Holt will be
unable to speak at the Chapel Sun-
day. Dr. Henry A. Atkinson will
substitute.

FAITH JONES SHOWS RED CHALK PORTRAITS

Among the many exhibit-
tions before the approaching
Winter painter's eye
this season will be a "one-
night" show of the work of
Miss Faith Jones of Bos-
ton, daughter of Mr. and
Mrs. A. Marshall Jones.
Her medium is red chalk,
and those who have seen
her work give her high
tributes. Her show will
open February 18th at the
Orchestra Box Room and
last until the 25th.
Miss Jones attended
Smith College, the Cam-
bridge School of Land-
scape Architecture, and
Walker-Child School of
Print Arts in Boston. She
also worked with Giovanni
Tromboli, the portrait painter,
and has been painting with
Mr. George Neys in Winter
Park.
Miss Jones is a member of the
Junior League and
Boston Art Club and has
had exhibitions in these
places and elsewhere.
She has already done
several red chalk portraits
of Winter Park people,
some of which will be on
exhibition. Probably one of the
most interesting features is a portrait
of Mr. Ralph Adams Cram, done in
Boston. This is of special interest
to Winter Park people as Mr. Cram
is the architect of Knowles Memo-
rial Chapel and is well known for
his national and international repu-
tation.

SOCIAL NOTES

The many friends of Dr. Burton
are delighted to hear of his steady
progress toward recovery. He was
able to be brought to his home
much sooner than expected from
the severity of the accident and is
comfortable and cheerful.

Mrs. William Blaukom, widow
of the late president of Rollins Col-
lege, is the guest of Mrs. H. E.
Dixter for a few weeks.

Judge A. B. Anderson, a winter
guest at the Alahama, motored to
Jacksonville on Sunday to meet his
sister-in-law, Mrs. Cram, and her
daughter, Miss Anna Carolyn Cram,
arriving from Crawfordville, Fla.,
to spend the rest of the season in
Winter Park.

Mrs. Richard Blaukom is ar-
iving Tuesday from New York
with four guests at her estate, Hi-
awatha Grove, in Maitland. Mrs.
Blaukom's daughter and son-in-
law, Mr. and Mrs. Bixler, and Mr.
and Mrs. Haskey, of Greenwich,
(Continued on page 4)
GEN. ANDREWS' NEW WINTER PARK HOME

The new home of Gen. and Mrs. Avery D. Andrews on Interlachen avenue is ideally planned for its site. It stands on an odd shaped lot adjoining the street to the lake. The approach from the street to the house is made over a generous sweep of lawns and through a sunken garden which makes the house seem to grow out of its site.

The exterior is beautiful because of its well arranged massing and its little or no detail. In color, texture and feeling, it is reminiscent of the most beautiful old houses found on the Riviera and yet is original and modern.

The interior is perfectly arranged for a Florida home. Each room has cross ventilation and large windows, and every room is so arranged that it has sunlight some time during the day. The arrangement proves that a Spanish home can be so designed that all the Spanish traditions can be maintained and still have all the light and ventilation that a Florida climate requires. The interior decoration is very soft in line and color and very simple in detail. The woodwork is the best grade Cypress and the workmanship is smooth, dull finish. It resembles the soft worn surface of an old piece of furniture. It looks old as woodwork should. The doors have the same smooth, dull finish and feel like oak to the touch. This interior is in sharp contrast to those interiors of a few years ago, wherein they used pocky Cypress and hand hewn timbers so denatured to resemble spider webs, mold and decay. Mrs. D. Harald Hearst was the architect and F. A. Higgin the contractor.

WINTER PARK ENJOYS FRANCK SYMPHONY

A representative audience heard an impressive performance of Choralfraenk's great Symphonies in D minor played by the Symphony Orchestra under the capable direction of Harvey Cramers last Sunday. This great work is a task for only the largest and best trained orchestras, and the fine performance given here was a high tribute to the skill of Mr. Glennata and his players.

Benefit Bridge Games at Orchestra Tea Room

A successful series of bridge games held every Friday morning at the Tea Room attracts all players, good and bad, to the Orchestra Tea Room. The beginners are put together at special tables, having an expert to play and teach. The game lasts two hours for which each player pays twenty-five cents, for the Orchestra fund.

Mrs. J. Edward Spurr manages the bridge class, assisted by Miss Meigs and Miss Crabtree. Mrs. E. S. Fowle and her guests, Miss Mithie Speare, of Pittsburgh, look after the beginners. Several groups of the Virginia Inn play at the Inn, but send money to the Orchestra party.

CHAPEL CHOIR CONCERT

In response to popular demand the Rehills College A Capella Choir will present its first home concert of the season in Knowies Memorial Chapel Sunday evening, February 11, at 8:15 o'clock. The choir is composed of over fifty trained voices, under the direction of Choirmaster Christopher O. Kamen, and has been undergoing widespread attention for its fine work at the regular Sunday morning services in the Chapel.

 VIRGINIA INN NEWS

New arrivals at the Virginia Inn are: Mrs. G. W. H. Biddle, Mr. and Mrs. L. W. Bateham, Mr. Chas. McRae, President, K. J. Mr. and Mrs. Allen Ross Ely, Estesville, Ky.; Mr. and Mrs. E. S. Broker, Asheville, North Carolina, N. Y.; H. C. Alley, Kansas City, Mo.; Mrs. Edgar Dickman, New York; Mrs. W. S. Fyer, London; Mr. and Mrs. J. B. Meade, J. S. Moss, Jr., Lake Forest, Ill.; G. N. Cox, Mr. and Mrs. E. S. Dunn, Woonsocket, R. I.

HOTEL ALABAMA NEWS

Superintendent Judge Martin M. Grisby and Mrs. Grisby, of Brantmore, Illinois, arrived Thursday for a lengthy sojourn.

The rapidly increasing New York colony at the Alabama was joined this week by Miss B. E. Prookhagen, of Terrytown, N. Y., Miss Helen Horr, Ethel M. Hayes, Miss P. E. White and Miss M. E. White, Mrs. W. J. Douglas, Mrs. Edward Meyer of Brooklyn, N. Y., and Mrs. Edward B. Wilson, Mrs. E. A. Rocker and Miss Betty Rocker.

STEVENS MOTOR CO.

114 Lyman Ave.

New to deliver all models on the New Ford V-6. Call 6279 for demonstration.

Queens of the Grove!

Indian River Temple Orange

We are Shippers of Indian River Fruits — Put —

"Indian River" Mustard Tan The

Mark to Get in a Box of Fruit — Going North from —

POINSETTIA GROVES

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Order Temple today from —

The Woman's Exchange

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Shop for Quality and Get It

A Gentleman's Home at a Bargain

IN WINTER PARK'S FINEST DISTRICT

Large residence has 5 bedrooms, tiled baths, splendid sleeping porch, sun decks, screened verandas, music room, study, dining room large living room, four fireplaces.

Grounds of great depth, 100 feet frontage on lakeshore and avenue.

Double garage with 2 bedrooms and bath.

Boathouse.

Larger grounds available if desired.

The angle from which this view has been taken shows the south and west elevations of the residence, the arched sleeping porch, the arcaded, the gardens, the screened verandas, sleeping porch, and a portion of the lawn. There is a gradual slope from the crest of the ridge upon which the building stand to the shore of Lake Osceola and the best house. This property commands one of the finest views in Winter Park, a landing position, is closest to the shore of Lake Osceola and the finest residential section of Winter Park, a quiet region of dignified valuable estates and homes. Inspection and detailed information cheerfully furnished upon request.

Telephone 852 HIRAM POWERS, Realtor, 133 E. Morse Blvd.

Established 1915
Mr. and Mrs. Robert Bruce Sanger have their daughter, Mrs. W. H. Brown, of Deseret, with them for a month's stay. Also a guest at the Sanger's is Mrs. Fletcher Pyle, of Lowell, Mass., daughter of Mr. and Mrs. Herbert B. Fletcher, of Westwood, Mass., and Alston Manor, Fla.

Mr. Rees Heidavicius has joined his wife here after a two-days' stay in New York. Mr. Heidavicius brought with him Mr. Otto Pfeiffer, of Wilson Point, Cape, and the two men will visit Mr. Maurice Polio, Jr., in Palm Beach next week. Mr. Polio is the son of Mr. Polio who was the distinguished guest of Dr. Heidavicius when he spoke at the College Wednesday evening. Mr. Polio, Jr., is a prominent architect in Palm Beach, having designed many of the most beautiful homes there.

(Continued on page 8)
SOCIAL NOTES

Mrs. Roma Jones Shermack arrived on Wednesday to make an extended visit with her mother, Mrs. Gordon Jones of Cortland Avenue. Mrs. Shermack's home is in Denver, Colo., and she has been visiting in New York and Washington before coming to Winter Park.

Mr. George Woodbury and sisters, Mrs. Margaret Miller and Miss Alice Woodbury, will depart for their summer home in Gloucestor, Mass., toward the end of May. Mr. Woodbury's daughter Mrs. Lawrence Stewart, with Mr. Stewart, is leaving shortly for Cincinnati, Ohio after spending the season in Winter Park on Risto Willis Avenue.

Mr. and Mrs. Joshua A. Chase close their Palmes Avenue estate season in May and after a stay in Philadelphia will go to Camden, N. J., as usual.

Mr. and Mrs. James Shaw Taylor and son, Mr. Osborne Taylor, who has visited them, have returned from a trip to Miami, Palm Beach and Port Lauderdale. They were accompanied on the trip by their daughters Mrs. Mr. and Mrs. Howard C. Osborne. The Taylors will return to Minneapolis for the summer.

Mr. and Mrs. William R. Stark, who have passed the season at the Alabama Apartments, will remain until the middle of May before going to their home in Lowell, Mass., for the summer.

CREATIVE VENTURES

AT ANDRE SMITHS

At the Research Studio, in Maine, the experiments in "plastic environments" have been attracting so much interest that the TOPICS sent forth its art-editor to check up on this "creative adventure".

In the long Laboratory Gallery with its unique arrangement of light-dark compartments, the evidence of inventive activity was once evident. These mazes which on an earlier visit contained the sober gray paintings done by the Research Studio's "imported" artists, have now become small "play stages" each containing a separate "performance", and existing one of that.

Our scout found Andy Smith in front of one of these small enclosures, adding a final flourish to the shining ceiling of eye-popping barriers to one of his compositions, a most convincing three-dimensional representation of a country fair, crowded with people and wildlife details.

"You may remember," he said, "that once I told you that the idea of this Lab-Gallery with its separate lighted cells was inspired by our cows? now you see how it works; and you can even detect the overtones of entertainment that the logical use of these compartments has stimulated. Here are twelve cubicles, each filled with dancing people and compressed places of the conventional kind..."

EASTER, 1938

Winged words
Of praise and prayer
To Him uplifted
The world around
On Easter Day
War and strife,
Came to an end,
His peace desired
The world around
On Easter Day
—Irma O. Whelan

ANDALUSIAN EVENING

At BARBRO ESTATE

The annual Ceramicus Celebration to be held next Saturday and Sunday will include a number of interesting events. The affair is under the auspices of the Spanish Institute of Florida.

"An Andalusian Evening," to be held on Saturday afternoon from 2 to 7 at the beautiful Barbro estate on Interlachen Avenue will open the celebration. It will include a program featuring the Spanish Symphony, directed by Enrico Tommasini of Revilla College which will play the gay music of Spain cut out the opera lover's heart. The program will be Spanish songs sung by Arcadia Haigis, Louise Hammond and Virginia Shaw.

Dancers in colorful costumes will perform on the program to the music of the Symphony. At 9 o'clock a Spanish supper of chicken and rice, prepared by a Spanish chef, will be served al fresco. General admission will be twenty-five cents and the supper forty-five cents extra.

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"THE PERFECT ALIBI"

BY STUDENT PLAYERS

Is there a "Perfect Alibi"? The Rollins Student Players will present A. A. Milne's argument when they produce his popular mystery drama, "The Perfect Alibi" in the Artie Russell Theatre next Thursday and Friday evenings, April 21 and 22.

The competent amateur cast presented by Director Donald R. Allen is concentrating on characterization and perfect interpretations of their respective roles. A fast moving comedy, "The Perfect Alibi" promises to reach a peak in student dramatic accomplishment.

The cast includes Falke Hefley, Carl Howland, Jack Reckwalt, Walter Royal, Richard Reddix, Joe Knowles, Margaret Smith, Mary Peters, Frances Gudrill, Robert Pas and Elsey Yacht.

FIRST MAY-DAY PARTY PROMISES GOOD TIME

With a gay and colorful program to be presented on the grounds of May 3 at 8:35 on the shore of Lake Virginia, Rollins College will inaugurater an Annual May-Day—another worth while, rare entertainment to bring together members of the faculty and student staff, alumni and friends of Rollins.

Helen Bar will direct the program and Alexander Bland will conduct a string orchestra. With Mr. Bland's able leadership and Rollins student band, the musical numbers will be most enjoyable and well worth travelling far to see.

Admission to the Rollins College May Day program is free and all are cordially invited.

MARY E. LEONARD
Indelible promoter of the Symphony Orchestra who is now conducting a campaign for next season's subscribers.
SOCIAL NOTES

The Rt. Rev. William Lawrence, D. D., and Mrs. Lawrence are here for a short stay at the Seminole. Dr. Lawrence is the former Bishop of Massachusetts, now retired. With them is their daughter, Mrs. Harold Peacock.

Mrs. H. E. Coleman entertained a group of Chicago friends with a dinner party at their home to honor Miss Henny Clark, well-known columnist of the Chicago Tribune, who was a house guest for a few days of Mrs. Coleman's mother-in-law, Mrs. H. E. Coleman, of Onteora Avenue.

Mr. and Mrs. Harry Wheelin Stone are on a short trip to St. Petersburg and Palma, stopping at the Bellwether showman.

Mr. and Mrs. A. M. Harris are entertaining at a small dinner party tonight at their Belmont avenue home.

Mrs. John J. Carvay returned Wednesday from a few days spent with friends in Ponce de Leon, Fla.

Miss Anna Blain, of Cincinnati, has come over from Dayton where she is staying for the winter, to be the guest of Mr. and Mrs. L. J. Hildreth for a brief time.

Mr. and Mrs. William E. Aubrey, of Jackson, Miss., are visiting his brother-in-law and sister, Mr. and Mrs. Charles E. Pratt. Mr. Aubrey is an attorney in Jackson.

Mrs. Arthur S. Tompkins and Mrs. Anna L. Stearns, of Nyeck-ot-Hudson, N. Y., have been guests of Mr. and Mrs. John J. Bell, who gave a small dinner for them Saturday night. The guests included Mr. and Mrs. Arthur M. Harris, Mr. and Mrs. H. E. Coleman, Mr. William M. Meade.

Mr. and Mrs. Harold H. Ellett and son Harold, Jr., arrived from Glencoe, Ill., last week. Mr. Ellett has returned North but his wife and son will remain for the winter at the guest house of her mother, Mrs. Emma G. Cox. Mr. and Mrs. S. G. Cox, Jr., arrived by motor this week for a month's visit with his mother.

Miss Julie Raymond, of Laguna Beach, Cal., a guest for the winter of Mrs. Harry Hane, of Kentel Drive, is visiting friends in Mount Dora.

NEW CELEBRITIES FOR ANIMATED MAGAZINE

Vol. X. No. 1, of The Rolling Ornamented Magazine is scheduled for publication this week. Dr. Ripley, the publisher, will have his party at 1:30 of February Friday. This highly original and entertaining magazine, classifies the many cultures and the many cultures' figures of the Winter Park season. It is a living and reactive with con-tentious appeal. Person to read it, a high-priced magazine of the Independent, this year's edition will be "a nice" and composed by Mr. Wilson Lewis, Washington correspondent of The London Monthly, E. V. Kallanam, dean of American Radio Speaking and famous author editor of the air; the Reverend Karl Rollins; Michael Fyn, noted author and authority on India and its people's problems; Amy Ettie of Ossabawine, tal-ented young German who has twice taken part in the Pennsylvania Play; Thad Kumpf, poet and raconteur and for several years secretary of The Poetry Society of America, will contribute; and Owen D. Young, statesman and financier and mentioned as present at any pos-sible candidate of the democratic party for the presidency. Other contributors will be announced in the near future.

ARCHITECTS DISCUSS COMMUNITY BEAUTY

"What can be done to make Winter Park more beautiful?" was a question discussed by the architects, D. Harold Hall and Carlisle Rogers, at the Woman's Club. In a beauty contest there is little doubt that Winter Park would be crowned "Miss Floridam," but there are many things still to be done that would improve its appearance. This could be accomplished," said Mr. Rogers, "by the various women.

SANFORD FOUNDERS TO BE HONORED

Members and friends of the Flor-ida Historical Society, including Mr. Joshua C. Chase, of Winter Park, will be attended by a dinner meeting at the Mayflower Hotel in Sanford, Florida, this evening to stand the evolution of the early settlements on the shores of Lake Monroe and the memory of Captain Charles Mallon and General Henry M. Townson.

The Sanford family will be rep-
WINTER PARK TOPICS, SATURDAY, FEBRUARY 8, 1936

ARCHITECTS DISCUSS
COMMUNITY BEAUTY

(Continued on page 1)

have not seen its way clear to employ such an official.

The particular enthusiasm of Mr. Rogers in his response to the demand for small dwellings. Their planning in both "row" and groups is a matter to which he has given much study. The "row," which is beautifully exemplified in Colwod, England, is desirable for an individual who does not wish to live in an isolated house. The group has the special advantage of gardens and walls planned in relation to the whole. The realization of Mr. Rogers' dream of a small house is the residence of C. L. Neve on Interlachen avenue, but less expense in building does not necessarily preclude beauty of design. If all persons intending to build could be brought to realize this, the erosion of structures that only deface the landscape might be brought to an end. Concerned action on the part of property owners in Lake Forest, Pasadena, and Santa Barbara has resulted in making these town three of the most beautiful in the country.

Pastures to Paris Gowns

Shown in Paris Today

"In Paris the traveller can see the life of a thousand years in a day," said Dr. Rosalie Slaughter Morton in a talk on "Persian Women" at the Woman's Club. "In the pastoral region a whole tribe is migrating with all their animals from the lowlands to higher places in search of pastures as in the movie "Graal," and at the same time ladies in Paris gowns are dancing at a grand ball in the capital, a same rhythm only by the Arabian Nights."

During the lecture ladies in long trains and partially or wholly veiled, who appeared on the stage in the midst of objects d'art from Dr. Morton's collection, showed the captivity and allure that accompany a costume which serves as a disguise. But the progressive Shah Pahlavi has forbidden the use of the veil. Many men, including the mihrab, or Mahomedan priests, are opposed to this edict, fearing that women may adopt the styles they have seen worn by foreign tourists, who by their sunburned dresses and bare manners have inhabited the emancipation of Persian women.

The value of our factual education is not apparent to all Persians. "Why should we learn about sapphires? Is the camel not more valuable? It bears burdens, furnishes food and clothing, reproduces itself, and requires no repairs," said Dr. Morton adds, "Neither am I so confident of its superiority after observing their people on the desert and in their homes and workshops, for I know that with the mechanization of their life the old art and the poetry of living will be no more."

Mrs. Eunice Lipphardt Webber, Miss Sylvia Orton, Mrs. Charles F. Harwood and Mrs. George English represented the different periods in Persian dress.

Walk-Over Shoes for Style and Beauty

Wanda Step-In.

White Buck with

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Walk-Over Boot Shop

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ORLANDO

SANFORD'S FOUNDER'S

(Continued from page 1)

revisited by Irving Bachelev, the former editor of Winery, whose grandmother was a Sanford. Thomas A. Mellon, of Pittsburgh, nephew of former Secretary of the Treasury, Andrew W. Mellon, will represent the Mellon family. Old Fort Mellon and later Mellonville were named in honor of Captain Charles Mellon, who was killed by the Seminole Indians near the present site of the city of Sanford almost a hundred years ago.

A feature of the program will be a paper by Sydney G. Cline, of Sanford, giving the history of Central Florida's notable citrus grove and experimental nursery which was a contributing factor to the development of the citrus industry in Florida.

Among the members and friends of the Florida Historical Society who have made reservations are: Mr. and Mrs. Joshua C. Chase, Mr. and Mrs. Irving Bachelev, Mr. and Mrs. T. A. Mellon, Dr. and Mrs. Hamilton Hall, Mr. John B. Woods, Mrs. Frederick W. Taylor, Dr. and Mrs. William H. Fox, Miss Elizabeth Bland, Miss Anna Reed, Mrs. J. C. Hanna and A. J. Hanna, Dr. W. B. Beard, Miss Elizabeth Wells and Mrs. L. K. Shipman.

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A BEAUTY TREATMENT

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American Laundry & Dry Cleaning Co.

A clean and satisfactory service for every need.

WINTER PARK PHONE 49

We call for and deliver.
General by Governor Roosevelt in January 1899. He served on the Police Board of this city when Governor Roosevelt was President of the Board.

MRS. AVERY D. ANDREWS
Wife of Brigadier General is Dead in Winter Park, Florida

WINTER PARK, Florida, January 17, 1945 - Mrs. Mary Schofield Andrews, wife of Brigadier General Avery D. Andrews, who was Assistant Chief-of-Staff to General Pershing in France in 1918, died at her home heretoday after a brief illness at the age of 79. She was a daughter of Lieutenant General John M. Schofield of the Civil War.


AVERY D. ANDREWS, 95, IS DEAD;
ONCE CITY POLICE COMMISSIONER

WINTER PARK, Florida, April 19, 1959 - Brigadier General Avery Delano Andrews, U.S.A., retired, died here today at his home. He was 95 years old.

In addition to his Army service, General Andrews was a lawyer, oil company executive and a former Police Commissioner of New York City.

He was head of the Police Department from 1895 to 1898, when Theodore Roosevelt was President of the Police Board. When Mr. Roosevelt became Governor of New York, General Andrews was his Chief of Staff and Adjutant General of the State.

As Police Commissioner, General Andrews organized the force's first bicycle squad. He picked four men, all athletes, and stationed them on wheels in parts of the city where runaway horses were frequent. In less than a month the squad stopped so many runaways that it was increased to 100 men.


General Andrews was born in Massena, New York. He was graduated from the United States Military Academy in 1886. He served in the Spanish-American War and was Assistant Chief of Staff to General John J. Pershing in World War I.

In 1892 General Andrews received a Bachelor of Laws degree from the New York Law School.

He was formerly a director of the Irving Trust Company of New York, the Central-Penn National Bank of Philadelphia and the Shell Union Oil Corporation.
responded that the subject property is owner occupied and that the addition will not become a living-space. She added that she has lived in the home since 1960.

No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

Motion made by Mrs. Sprimont, seconded by Mr. Wood to approve the certificate of review request to remove a carport and add an attached garage on the rear of her property at 440 Holt Avenue with a variance to allow a side setback of 5 feet in lieu of 7 feet. A roll call vote was taken and all Board members voted yes. Motion carried unanimously.

HDA 15-002 Request by Katherine and Valmore Ward Jr. to designate their property at 500 North Interlachen Avenue as a historic landmark and add it to the Winter Park Register of Historic Places. Zoned R-1AAA. Parcel ID #05-22-30-9398-00-200.

Senior Planner Lindsey Hayes gave the staff report. She explained that the applicants have come forward for “back to back” hearings; first for designation and then for a Certificate of Review. She used a Power Point presentation to provide an overview of the property. She noted that the property includes a non-contributing semicircular driveway at the front swimming pool and pool house, on the rear lake facing side of the site and a boathouse. She stated that the property is in excellent condition and possesses its original character and architecture. Staff recommended listing the property as a historic landmark on the Winter Park Register of Historic Places. Ms. Hayes responded to Board member questions and concerns.

No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

Ms. Hayes provided an explanation of the need to hear the items separately. The members of the Board expressed support of the designation request.

Motion made by Mrs. DeVane, seconded by Mr. Wood to designate 500 North Interlachen Avenue as a historic landmark, and add it to the Winter Park Register of Historic Places. A roll call vote was taken and all Board members voted yes. Motion carried unanimously.

COR 15-005 Certificate of request by Katherine and Valmore Ward Jr. to add an attached garage to their property at 500 North Interlachen Avenue with a variance request to allow a front setback of 51.5 feet in lieu of 87 feet. Zoned R-1AAA. Parcel ID #05-22-30-9398-00-200.

Senior Planner Lindsey Hayes gave the staff report. She added that the Certificate of Review and variance request will become effective if the designation process is finalized by resolution of the City Commission. Ms. Hayes explained that the applicants are requesting a Certificate of Review to add an attached two car garage to their property at 500 North Interlachen Avenue. She said that the request also includes a variance to allow a front setback of 51.5 feet in lieu of 87 feet. She explained that the original garage is too small for two modern day vehicles. It would remain and two single doors as shown on the original design would replace the double door. The proposed design places the new garage offset from the southwest corner of the existing garage by the sunken courtyard. From the interior, the new garage would provide access to the house through the original garage. Ms. Hayes mentioned that the lakefront setting and narrow side setback of this property alone make other garage placement less feasible. The HPB has observed similar situations with lakeside properties. She noted that the proposed placement preserves the exposure of the original house;
subject

Resolution entering 1565 Forest Avenue as a historic resource in the Winter Park Register of Historic Places.

motion | recommendation

Historic Preservation Board recommends approval.

background

The Historic Preservation Board staff report and owner request is attached.

alternatives | other considerations

fiscal impact
RESOLUTION NO._____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1565 FOREST AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

WHEREAS, there are located within the City of Winter Park historic sites, areas, structures, buildings, improvements and appurtenances, both public and private, both on individual properties and in groupings, that serve as reminders of past eras, events, and persons important in local, state and national history; or that provide significant examples of past architectural styles and development patterns and that constitute unique and irreplaceable assets to the City; and

WHEREAS, the City Commission recognizes that the sites and properties of historical, cultural, archaeological, aesthetic and architectural merit contribute to the public health, welfare, economic well-being and quality of life of the citizens of Winter Park; and

WHEREAS, there is the desire to foster awareness of and civic pride in the accomplishments of the past; and

WHEREAS, the Winter Park Historic Preservation Board determined that the property at 1565 Forest Avenue meets the criterion for historic resource status through its association with the 1920s Florida Land Boom period of development in the Elinho-Willo neighborhood in Winter Park and as an example of Craftsman architecture.

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

The City Commission of the City of Winter Park hereby supports and endorses the entry of 1565 Forest Avenue as a historic resource on the Winter Park Register of Historic Places.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this _____ day of__________________ 2015.

__________________________
Steve Leary, Mayor

ATTEST:

__________________________
City Clerk
HDA 15-003  Request by Stuart and Janice Omans to designate their property at 1565 Forest Avenue as a historic resource and add it to the Winter Park Register of Historic Places. Zoned R-1AA. Parcel ID #07-22-30-2472-03-180.

**History.** The residential property at 1565 Forest Avenue was built in the Craftsman style about 1926 as one of the first homes in the Ellno-Willo subdivision. The Ellno-Willo subdivision was platted in 1925 by Dr. N. L. Bryan during the Florida Land Boom. Many subdivision plats were recorded that year including Orwin Manor, College Place, Virginia Heights, Forest Hills, Cortland Park and many others. Dr. Bryan named the subdivision after his children; Elliot, Norman, William and Louise. The plat included Virginia Drive, Forest Avenue and Ellno-willo Avenue which has since been renamed Hillcrest Avenue. Circa 1925 deed restrictions included such provisions as allowing only residences and garages to be constructed, requiring that houses built on Block C such as this property be built at a cost of at least $5,000 with a setback of 35 feet. Deed records indicate that the first occupants were E.E. Lytle and his wife Luella. The Great Depression drastically slowed housing construction and the neighborhood was so undeveloped the hunters dashing through the area with their dogs was a reported problem. Many houses fell into foreclosure, including this one. Ellno-Willo claims a number of landmark homes including the Bryan House, the Haverstadt House, the Breneman House, the Edwards House and the Joiner House on Virginia Drive, and other distinctive examples of architectural styles from the first part of the last century.

**Description.** 1565 Forest Avenue is a side-gabled, story and a half Craftsman style bungalow. It is a larger and more substantial variation of the style companied to the smaller bungalows found in nearby neighborhoods. The roof is shingled with wide eaves and the exterior is stucco over wood frame. There are triangular knee braces at the corners and an arbor over a side porch entrance. The foundation is continuous stone-faced block and raised. A distinctive wide hipped roof dormer is centered on the second story above the entry. There is a full width front porch recessed under a break in the slope of the roof. The entry is centered and approached up broad steps flanked with curved knee walls. The skirted front porch has broad arched supports that allow a wide view toward Lake Virginia from the interior. The dormer has a band of six over one sash windows. The windows elsewhere on the house are typically six over one singly and in combination. There is a tapered brick chimney on the south elevation, and a hipped roof extension on the rear elevation for a dormer with an eyebrow vent. A sunroom with modernized is on the rear elevation. The property includes a freestanding hipped roof stone-faced block garage on the north west rear corner. It is accessed by a single width side driveway. The property possesses its original appearance with only minor alterations that do not affect the historic character. It is in very good condition.
Architecture. Craftsman style bungalows were inspired primarily by the work of Charles Summer Greens and Henry Mather Greene; two California brothers who practiced in Pasadena from 1893 to 1914. With origins in East Asia, bungalows are low homes with generous porches and they display their structural components including rafter tails, knee braces and ridge beams. They designed several landmark examples that reflected English Arts and Crafts influences as well as oriental wooden architecture. They work was widely publicized in architecture and home publications. Pattern books appeared that sold plans for bungalows and even pre-cut kits of lumber and detailing could be purchased. Craftsman style bungalows quickly became to most popular smaller homes in the country. In Florida, the style is found throughout the state typically dating from the 1920s.

RECOMMENDATION: Staff recommends listing as a historic resource on the Winter Park Register of Historic Places.
City of Winter Park Historic Designation Application

1. 1565 Forest Ave
   Building address
   Heartland Janiece Owens 1565 Forest Ave, Winter Park, Florida 32789
   Owner's name(s) Address Telephone 407-645-5210

   Applicant's name (if different from above) Address Telephone

2. I, Janiece Owens, as owner of the property described above, do hereby authorize the filing of this application for historic designation for that property.

   [Signature]
   Date March 17, 2015

Historic Preservation Commission Office Use

Criteria for Designation

✓ A. Association with events that have made a significant contribution to the local patterns of history including the local pattern of development; or

✓ B. Association with the lives of a person or persons significant in our past; or that

✓ C. Embody the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic values or that represents a significant and distinguishable entity whose components may lack individual distinction; or

✓ D. Has yielded or are likely to yield information important in prehistory or history.

407-22-30-2472-03-180 2.1925

Legal description Year built

Historic name of building (if any) Historic district name (if any)

Date received: 3-19-15 HPC Meeting: 5-13-2015

Case File No.: HOA 15-003 Florida Master Site File No.: OR-

Local Historic Landmark Local Historic Resource
Parcel Photos - 1565 Forest Ave

1565 FOREST AVE  05/12/2014

http://www.ocpafl.org/Searches/ParcelPhotoPrinterFriendly.aspx/PDF/False/PID/3022072...  3/27/2015
responded that the subject property is owner occupied and that the addition will not become a living space. She added that she has lived in the home since 1960.

No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

**Motion made by Mrs. Sprimont, seconded by Mr. Wood to approve the certificate of review request to remove a carport and add an attached garage on the rear of her property at 440 Holt Avenue with a variance to allow a side setback of 5 feet in lieu of 7 feet. A roll call vote was taken and all Board members voted yes. Motion carried unanimously.**

HDA 15-002 Request by Katherine and Valmore Ward Jr. to designate their property at 500 North Interlachen Avenue as a historic landmark and add it to the Winter Park Register of Historic Places. Zoned R-1AAA. Parcel ID #05-22-30-9398-00-200.

Senior Planner Lindsey Hayes gave the staff report. She explained that the applicants have come forward for “back to back” hearings; first for designation and then for a Certificate of Review. She used a Power Point presentation to provide an overview of the property. She noted that the property includes a non-contributing semicircular driveway at the front swimming pool and pool house, on the rear lake facing side of the site and a boathouse. She stated that the property is in excellent condition and possesses its original character and architecture. Staff recommended listing the property as a historic landmark on the Winter Park Register of Historic Places. Ms. Hayes responded to Board member questions and concerns.

No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

Ms. Hayes provided an explanation of the need to hear the items separately. The members of the Board expressed support of the designation request.

**Motion made by Mrs. DeVane, seconded by Mr. Wood to designate 500 North Interlachen Avenue as a historic landmark, and add it to the Winter Park Register of Historic Places. A roll call vote was taken and all Board members voted yes. Motion carried unanimously.**

COR 15-005 Certificate of request by Katherine and Valmore Ward Jr. to add an attached garage to their property at 500 North Interlachen Avenue with a variance request to allow a front setback of 51.5 feet in lieu of 87 feet. Zoned R-1AAA. Parcel ID #05-22-30-9398-00-200.

Senior Planner Lindsey Hayes gave the staff report. She added that the Certificate of Review and variance request will become effective if the designation process is finalized by resolution of the City Commission. Ms. Hayes explained that the applicants are requesting a Certificate of Review to add an attached two car garage to their property at 500 North Interlachen Avenue. She said that the request also includes a variance to allow a front setback of 51.5 feet in lieu of 87 feet. She explained that the original garage is too small for two modern day vehicles. It would remain and two single doors as shown on the original design would replace the double door. The proposed design places the new garage offset from the southwest corner of the existing garage by the sunken courtyard. From the interior, the new garage would provide access to the house through the original garage. Ms. Hayes mentioned that the lakefront setting and narrow side setback of this property alone make other garage placement less feasible. The HPB has observed similar situations with lakeside properties. She noted that the proposed placement preserves the exposure of the original house;
Subject: Second Public Hearing for an Amendment of a Conditional Use for a Three Story Townhouse Project at 170 E. Morse/170 S. Knowles.

Ordinance 2886-14 adopted last year requires two City Commission public hearings for approval or amendment of a Conditional Use involving three story building in the CBD. The rest of this package is repeated from the first public hearing.

This second public hearing is a Conditional Use request by the prospective purchasers of 170 S. Knowles Avenue/170 E. Morse Blvd. to amend the previous multi-family project approved in 2007. It was originally four units however, this proposal is now three units, each three stories in height and now 19,935 square feet of total building area. The property is zoned C-2.

Summary:

Background: On October 22, 2007 the City Commission approved a Conditional Use, for a four unit, three-story, 18,290 square foot residential project to replace the two story retail/office building at the SW corner of Morse Blvd. and Knowles Avenue. That project by the current property owner, Mr. Furst and required Conditional Use approval as it was a three story building in the Central Business District and over 10,000 sq. ft.

That original Conditional Use approval was valid for two years. The City Commission provided an extension on April 13, 2009. Then on April 10, 2010 the City Commission provided a five year extension until October 22, 2016. Later, on October 24, 2011 the City Commission extended the Conditional Use approval until October 24, 2021. As this application is from a contract purchaser, the seller and purchaser have requested that any approval be conditioned upon the eventual sale and closing which is reflected in the staff conditions.

Current Project Plan Request:

The project parameters retain much of the original site plan layout from the original approval in 2007. The project fronts on Morse Blvd. and Knowles Avenue and has a rear entry motor court from the Treat Way alley into two car garages for each of the three units. The total building area increases from 18,290 square feet to 19,935 square feet. This is an increase in floor area ratio (FAR) from the 177% permitted in 2007 to the current request at 192.61%. The Code maximum FAR for C-2 zoning is 200%.
For purposes of comparison, the following table outlines the C-2 zoning requirements and the proposed dimensions of this project.

<table>
<thead>
<tr>
<th></th>
<th>C-2 Requirements</th>
<th>Project Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Size</td>
<td></td>
<td>10,350 sf</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>Max. 200%</td>
<td>192.61%</td>
</tr>
<tr>
<td>Knowles Ave. setback</td>
<td>0 feet</td>
<td>5-8 feet</td>
</tr>
<tr>
<td>Morse Blvd. setback</td>
<td>3.3 feet</td>
<td>3.3 feet</td>
</tr>
<tr>
<td>Alley setback</td>
<td>0 feet Floors 1 &amp; 2 Floors 10 feet -3rd floor</td>
<td>3 feet 4 inches for all floors</td>
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<tr>
<td>Interior Side setback</td>
<td>0 feet</td>
<td>0 feet</td>
</tr>
<tr>
<td>Bldg. Height</td>
<td>40 feet</td>
<td>40 feet</td>
</tr>
</tbody>
</table>

The street setbacks on Morse Blvd. are in line with the average existing 3.3 foot setback (from the adjacent Landmark Condominium) and the street setbacks on Knowles Avenue are 5 to 8 feet except for the first floor entry porch features at zero feet or at the property line as there is no ‘average’ setback on Knowles Avenue in this block. There is also a proposed 3 foot-4 inch street setback to the Treat Way alley (south side) and to the adjacent Landmark Condo (west side).

The building height is at the maximum 40 feet permitted for three story buildings in the Central Business District and in the C-2 zoning. There is a cornice parapet wall of 5 feet in height for a total visual height of 45 feet. Back within the rooftop are the elevator/stair tower elements for each unit, an additional 10 feet in height. These heights are consistent with the original 2007 approval and the parapet walls are somewhat smaller as the 2007 plans which had architectural ornamentation on the corners.

The Comprehensive Plan and the Zoning Code contain a requirement to provide terracing and articulation by imposing a further setback for the third floors of any prospective building within the Central Business District and C-2 zoning. The Comprehensive Plan policies are very prescriptive in requiring a one for one foot setback for the third floors. If the third floor is 10 feet tall then the third floor setback is 10 feet. The C-2 zoning is less prescriptive in that it just requires that “a significant portion of the top floor shall be terraced and stepped back from the exterior face of the next lower floor”.

In this project, as with the Morse/Virginia Townhouses, designed by Phil Kean, the design solution is to build the “box” setback from the street front by 9-10 feet and then add architectural articulation outward from the “box”. It is an acceptable method of
compliance and in some ways a better design solution because the bulk of the “building mass” is further setback from the street frontages.

Per the policy of the Comprehensive Plan, if the third floor is ten feet in height then the third floor must be setback 10 feet from the street where zero foot setbacks apply (Knowles Avenue and the Alley) and the third floor must be setback 13 feet 3 inches from where a 3 foot, 3 inch street setback exists (Morse Blvd.). The proposed plans indicate a 9 foot, 1 inch setback for the third floor on the Knowles Avenue frontage and a 12 foot, 3 inch setback for the third floor on the Morse Blvd. frontage. The applicant is asking for an exception, as may be permitted via this Conditional Use review for the 1 foot difference (9 foot setback vs. 10 foot floor height). To the staff this one foot differential seems deminimus and staff has no issue for the request for that 1 foot setback exception.

On the Treat Way alley side, which is also street frontage, the plans depict a setback of 3 feet 4 inches for all three floors and the applicant has proposed another one foot setback for the third floor. This request is asking in effect to vest the vertical 3 feet 4 inches setback for all three floors that was approved for the previous project in 2007 but allowing for another one foot setback for the third floor to break up that vertical wall. Treat Way is a public street, albeit an alley but with frontage and visibility all along Knowles Avenue. The P&Z Board is in support of these setback exceptions.

**Streetscape Proposal:**

The applicant is also asking the City to consider a streetscape proposal for this section of Knowles Avenue. Currently (as depicted in the plans) along Knowles Avenue are 12 on-street parking spaces at 90 degrees from the travel lanes. An existing 4.5 feet of sidewalk exists between the curb and the property line. The applicant would like to convert this Knowles Avenue street frontage using on street spaces. That increases the sidewalk width to 12.5 feet for better pedestrian circulation and oak trees within this area.

This proposal benefits the project by enhancing the visual street appeal of this street section and increasing pedestrian access. The concern is that the City loses public parking spaces within an area where all the parking spaces are usually full.

Public Works has been conducting parking surveys on the use and availability of parking spaces in the six city parking lots downtown for the past 15 months. The Knowles Avenue parking spaces have consistently been the most heavily utilized parking in the downtown. As a result, the recommendation from Public Works was not in favor of this streetscape proposal as it results in the loss of six to eight public parking spaces.

The applicants’ position is that the conversion of this property from a retail/office building to a residential building is going to reduce the demand from customers/clients parking on Knowles to visit businesses within this building. The applicants’ perspective is that this change in use will benefit the parking situation and more than offset the loss of the six parking spaces.

The P&Z Board agreed with the applicant and felt that the benefits of continuing the streetscape program on Morse Blvd around the corner with a wider sidewalk and new oak trees, especially to increase pedestrian safety was more important than the loss of six parking spaces.
Traffic Study:

The staff did not require the developer to provide a traffic study because the total trip generation from 3 residential units of 33 trips per day is far less than the trip generation from the existing 7,365 square feet of retail/office spaces which produces 349 trips per day per ITE generation estimates. This existing traffic generation may be overstated since many trips to the downtown are multi-destination trips but the conclusion regardless is that this residential project of three townhouses will generate less traffic than the existing building.

Impact Upon the Downtown Winter Park Historic Districts:

This property is located outside the US Federal Register - Downtown Winter Park Historic District which ends at the Center Street alley and the Interlachen Avenue Historic District which ends adjacent to this property. See maps attached. In other cases, a question has been raised about applicability of a recommendation from the City’s Historic Preservation Board per the code text below:

Sec. 58-446. - Functions, powers and duties of the historic preservation board. The historic preservation board shall be responsible for the development and administration of a comprehensive historic preservation program, and shall identify and maintain the city's historic resources for the benefit of both present and future residents. It shall be the responsibility of the HPB to:

1. Provide or recommend incentives for historic preservation, and to recommend for or against rezonings, demolitions, developments, lot splits, lot consolidations, or conditional uses that could impact historic resources identified in the Florida Master Site File survey of the City of Winter Park.

The precedent has been to apply this Code requirement to projects within a historic district but not outside the Districts. Staff did not bring this application to the Historic Preservation Board for review since it was outside the District and has not received direction from the City Commission to do so in the past.

Other Considerations:

This project is intended to be developed as fee simple townhouses pursuant to a replat (not as a condominium). To the extent that any “subdivision approval” is required, then this process provides that approval. This fee simple/replat marketing approach is what was approved by the City for the 400 Swoope townhouse project, the Morse/Virginia Townhouse project and the one at 125 S. Interlachen Avenue.

The scale of this project and the materials presented allows the City to combine the Preliminary and Final Conditional Use approvals. However, the Code requires two public hearings for approval by the City Commission for three story buildings within the Central Business District.
Comprehensive Plan and Zoning Code Compliance:

There are a number of policies in the Comprehensive Plan that address the design aspects of this application. Those policies and other relevant C-2 Zoning Code sections that are included as an appendix to this staff report.

Planning and Zoning Board Recommendation:

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve both the Preliminary and Final Conditional Use approvals for the modification of this project with the following conditions:

1. The third floor facing the Treat Way alley must be setback an additional one-foot from the lower floors in a reduced but similar fashion to the other street elevations.
2. The electric transformer/switch gear and backflow preventers shall be located adjacent to the building and shall be effectively screened from view.
3. Changes to the Knowles Avenue streetscape and parking arrangement are approved, as presented by the applicant.
4. As the Applicant is not the owner of the Property, but rather is the purchaser under a contract for sale and purchase to buy the Property, unless specifically consented to by Owner in writing, no approval issued pursuant to the Application or any condition imposed in connection therewith, shall be binding upon the Property or the current Owner of the Property unless and until Applicant, or its successor or assign, acquires title to the Property. If Applicant or its successor or assign does not acquire title to the Property within one hundred fifty (150) days following the approval by the City Commission of such Conditional Use Permit and the expiration of any appeal period applicable thereto, the Conditional Use Permit shall be null and void and the existing Conditional Use, which was extended by the City Commission on October 24, 2011 until October 24, 2021 shall be in full force and effect; provided, however, that Owner shall have the right to waive the foregoing and accept the new Conditional Use Permit which shall not be null and void in such event.”

Motion carried unanimously with a 7-0 vote.
Comprehensive Plan policy and C-2 District excerpts:

**Policy 1-3.2.2: Maintain the Character and Scale of the Central Business District:** The City shall maintain the character and scale of the Central Business District (CBD), including the Park Avenue Corridor as one of the premier downtown retail shopping districts in Florida, by reinforcing attributes that underlie its ambiance and special character, including its pedestrian scale, the relationship of its buildings and their orientation to the street, the eclectic mix of architectural styles, the open space vistas of Central Park, and the predominance of small distinctive specialty shops. This Comprehensive Plan imposes a two story height limit throughout the Central Business District as depicted on the Winter Park Central Business District Boundary Map located in the Definitions section of this Comprehensive Plan. These height restrictions may be increased to a maximum 3 story height limit if the development is approved by the City Commission as a Conditional Use and conforms to the Maximum Height Map. Third floors approved by conditional use in the CBD must be setback on street frontages equal to their height of a one foot setback for each one foot height of the third floor. Properties designated low density residential, and other properties identified as limited to two stories on the Maximum Height Map are not candidates for the 3 story height Conditional Use. The maximum floor area ratio within the CBD shall include private parking garages which are either at grade or elevated in calculations of floor area. Subterranean parking garages and public parking garages may be excluded from floor area calculations by the City Commission.

**Policy 1-3.8.9: Preserve the Pedestrian Scale and Orientation of the CBD and Restrict Building Height.** The City shall preserve the pedestrian scale and orientation of the Winter Park Central Business District Boundary Map, as defined in the Definitions section of this Comprehensive Plan, by limiting development for any property to two stories in height or three stories (including any mezzanine levels) on a case by case basis via conditional use approval by the City Commission for any third floor. The pedestrian orientation is also protected by prohibiting new drive-in businesses within the C-2 zoning locations east of Virginia Avenue. Approvals or other variances for more than three stories are prohibited. Third floors approved by conditional use must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor. Properties designated low density residential and properties limited to two stories on the Maximum Height Map are not candidates for the 3 story conditional use.

**Sec. 58-75. Commercial (C-2) District.**

(b) *Permitted uses.*

(4) Residences located on any floor outside of the Park Avenue Corridor or above the ground floor within the Park Avenue Corridor.

(c) *Conditional uses.* The following uses may be permitted as conditional uses following review by the planning and zoning board and approval by the city commission in accordance with the provisions of this C-2 district section only.

(3) Buildings with a third floor provided that such conditional use approvals require two public hearing approvals by the city commission;

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

(e) *Development standards.*
(1) On all streets, buildings and structures shall be built to a zero foot building setback from the property line or such front setback as is established by the average front setback of the existing buildings on that block of street frontage, whichever is greater. However, canopies may extend over the sidewalks provided a clearance of nine feet zero inches is maintained from the sidewalk to the bottom portion of the canopy.

(2) Building heights shall not exceed the height limits imposed by the Maximum Height Map. For those properties within the geographic areas shown with a two story maximum, the maximum building height shall be thirty (30) feet; for those properties shown with a three story maximum height, the maximum building height may be up to forty (40) feet if approved via conditional use. Variances for more than three stories in the Central Business District are prohibited. Parapet walls, mansard, gable or hip roof appendages or similar architectural elements or appendages on a one or two story building may be added to the building height but in no case shall extend more than five (5) feet above the building roof height limitations established in the section. Mechanical equipment, elevator towers and related non-occupied structures may be added to the building roof height but in no case shall exceed more than ten (10) feet above these building roof height limitations and shall be located to the maximum extent possible so that they are not visible from the street.

(3) Buildings shall be setback no less than ten (10) feet from the rear lot line.

(4) No side yard setbacks shall be required on interior side property lines.

(5) The maximum floor area ratio for any building shall be two hundred (200%) percent. The floor area ratio shall include the floor area of any attached or detached above grade private parking garage.

(8) Terracing and articulation requiring additional setbacks are required to create relief to the overall massing of the building facades. Such design features of building façade articulation are required at least every sixty (60) feet on average along the primary building façades facing the streets, or along the building frontage where the building fronts the primary parking lot area. For any building over two stories in height and over 200 feet in length, there shall be a thirty-five (35) foot break on at least the first floor, the design of which shall be a component of the architectural review process required for conditional use. For any building over two stories or thirty (30) feet in height, a significant portion of the top floor shall be terraced and stepped back from the exterior face of the next lower floor. Parking structures are exempt from this terracing requirement.
REQUEST OF TOWER ACQUISITION PARTNERS, LLC TO: AMEND THE CONDITIONAL USE APPROVAL PREVIOUSLY GRANTED TO THE PROPERTY AT 170 S. KNOWLES AVENUE/170 EAST MORSE BOULEVARD IN 2007, TO ALLOW FOR MODIFICATIONS TO THE MULTI-FAMILY PROJECT, TO NOW BE COMPOSED OF THREE UNITS, THREE STORIES AND 19,935 SQUARE FEET OF RESIDENTIAL LIVING AREA AND GARAGE, ON THIS PROPERTY ZONED C-2.

Planning Manager Jeffrey Briggs presented the staff report and explained that this was a Conditional Use request by the prospective purchasers of the property at 170 S. Knowles Avenue/170 E. Morse Blvd. seeking to amend the previously approved conditional use plans to allow for modifications to the multi-family project originally approved in 2007. It was originally four units but is now three units, each three stories in height and now 19,935 square feet of total building area. The property is zoned C-2.

Mr. Briggs explained that the project parameters retain much of the original site plan layout from the original approval in 2007. The project fronts on Morse Blvd. and Knowles Avenue and has a rear entry motor court from the Treat Way alley into two car garages for each of the three units. The total building area increases from 18,290 square feet to 19,935 square feet. This is an increase in floor area ratio from the 177% permitted in 2007 to the current request at 192.61%. The Code maximum FAR for C-2 zoning is 200%. Mr. Briggs further described the setbacks, building articulation and height.

Mr. Briggs described the issue on the Treat Way alley side however, which is also street frontage, that the plans depict a 3 foot-4 inch setback for all three floors and no additional setback for the third floor as required by the C-2 zoning. This request is asking in effect to “grandfathered-in” the vertical 3 foot-4 inch setback for all three floors that was approved for the previous project in 2007. Treat Way is a public street with frontage and visibility all along Knowles Avenue and there is a valid reason to break up the vertical wall as is being done for the Knowles and Morse frontages. Thus, the staff did not support an exception from the Code for the third floor on this Treat Way frontage but would support just an additional 3 foot setback.

Mr. Briggs also discussed the applicant’s streetscape proposal for this section of Knowles Avenue. Currently (as depicted in the plans) along Knowles Avenue are 12 on-street parking spaces at 90 degrees from the travel lanes. An existing 4½ foot sidewalk exists between the curb and the property line. The applicants would like to convert this Knowles Avenue street frontage to a parallel parking orientation of 6 on-street spaces. That increases the sidewalk width to 12½ feet for better pedestrian circulation and oak trees within this area. This proposal benefits the project by enhancing the visual street appeal of this street section and increasing pedestrian access. The negative part is that the City loses 6 public parking spaces and the ability to add 2 more spaces when the existing driveway is closed. Public Works has been conducting parking surveys on the use and availability of parking spaces in the six city parking lots downtown for the past 15 months. The Knowles Avenue parking spaces have consistently been the most heavily utilized parking in the downtown. As a result, the recommendation from Public Works is not in favor of this streetscape proposal as it results in the loss of 6-8 public parking spaces.

Staff recommended approval of both the Preliminary and Final Conditional Use approvals for the modification of this project with conditions.

Rebecca Wilson, Lowndes, Drosdick, Kantor and Reed, representing the applicant presented a power point detailing the history of the project, the conformance to the C-2 zoning regulations and the applicant’s position with regard to the two issues of the setback from Treat Way and the Streetscape proposal. Ms. Wilson provided detail on the Treat Way situation with comparisons to other properties and the necessity for the setback and that the applicant was proposing an additional one foot setback for the third floor from the proposed 3 foot 4 inch setback of the first two floors.
Ms. Wilson also discussed the rationale for the streetscape improvements by showing pictures of the current conditions, previous plans presented 2007 and why the parking will be improved. The applicant's position is that the conversion of this property from a retail/office building to a residential building is going to reduce the demand from customers/clients parking on Knowles to visit businesses within this building. The applicant's position is that this change in use will benefit the parking situation and more than offset the loss of the 6 parking spaces.

David Odahowski, 199 E. Welbourne Avenue (Bush Foundation) representing the adjacent property expressed that public parking in this area was critical. He explained that people are continually parking within their private lot and he could not support any plan that removed public parking.

Dykes Everett, 341 E. Webster Avenue expressed support for the project as an improvement and asset for the downtown.

No one else appeared to speak and the public hearing was closed.

The Planning Board members discussed the application and the consensus was that the proposal for the Treat Way façade accomplished the objective of the Code in providing articulation and that on this less visible side of the building, the façade was appropriate with a one foot additional setback for the third floor as presented by the applicant. The Planning Board members had significant discussion regarding the streetscape proposal. The competing interests were how important every public parking space is within the downtown versus the public benefit to continue the streetscape of Morse Blvd. around the corner to greatly enhance pedestrian circulation and safety.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve both the Preliminary and Final Conditional Use approvals for the modification of this project with the following conditions as suggested by staff and as modified:

1. The third floor facing the Treat Way alley must be setback an additional one-foot from the lower floors in a reduced but similar fashion to the other street elevations.
2. The electric transformer/switch gear and backflow preventers shall be located adjacent to the building and shall be effectively screened from view.
3. Changes to the Knowles Avenue streetscape and parking arrangement are approved, as presented by the applicant.
4. As the Applicant is not the owner of the Property, but rather is the purchaser under a contract for sale and purchase to buy the Property, unless specifically consented to by Owner in writing, no approval issued pursuant to the Application or any condition imposed in connection therewith, shall be binding upon the Property or the current Owner of the Property unless and until Applicant, or its successor or assign, acquires title to the Property. If Applicant or its successor or assign does not acquire title to the Property within one hundred fifty (150) days following the approval by the City Commission of such Conditional Use Permit and the expiration of any appeal period applicable thereto, the Conditional Use Permit shall be null and void and the existing Conditional Use, which was extended by the City Commission on October 24, 2011 until October 24, 2021 shall be in full force and effect; provided, however, that Owner shall have the right to waive the foregoing and accept the new Conditional Use Permit which shall not be null and void in such event.”

Motion carried unanimously with a 7-0 vote.
OVERALL BUILDING HEIGHT TO TOP OF ROOF
NOTICE OF REQUEST TO MODIFY A CONDITIONAL USE APPROVAL AT 170 S. KNOWLES AVE.

NOTICE IS HEREBY GIVEN BY THE CITY OF WINTER PARK, FLORIDA, that public hearings will be held by the City of Winter Park Planning & Zoning Board on Tuesday, March 3, 2015, at 6 p.m., and by the City Commission on Monday, March 23, 2015, at 3:30 p.m., in the Commission Chambers of City Hall at 401 S. Park Ave., Winter Park, Florida, 32789, to consider the request to modify and amend the previous conditional use approval granted for 170 S. Knowles Ave. for revised plans for a three-story, three-unit, 19,935-square-foot residential building at 170 S. Knowles Ave., zoned C-2.

Copies of the proposed development plans are available now for inspection in the Planning & Community Development Department in City Hall, Monday through Friday, from 8 a.m. to 5 p.m., and beginning Tuesday, February 24, 2015, on the city’s website at cityofwinterpark.org under Board & Public Meetings.

All interested parties are invited to attend and be heard with respect to the adoption of the proposed amendments. 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 hearing.

Pursuant to the provisions of the Americans with Disabilities Act: any person requiring special accommodation to participate in this meeting, because of disability or physical impairment, should contact the Planning & Community Development Department at 407-599-3453, at least 48 hours in advance of this hearing.

Pursuant to §286.0105 of the Florida Statues: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.
## ZONING

### BUILDING CRITERIA

<table>
<thead>
<tr>
<th>1. BUILDING HEIGHT</th>
<th>W.P. LDC</th>
<th>PROJECT AS PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROOF HEIGHT</td>
<td>3 STORIES 40'</td>
<td>3 STORIES 37'</td>
</tr>
</tbody>
</table>
| 2. PARAPETS, MANSARD AND GABLE ROOF APPENDAGES | AN ADDITIONAL 10' FOR 3 AND 4 STORY BUILDINGS | 2'-7" to 6'-6"

### BUILDING SETBACK

| 1. FRONT | 0' OR AVERAGE OF BLOCK | Morse – 5'-1" to 7'-2"
| 2. SIDE | 0'                     | Knowles – 5'10 to 9'-8"
| 3. REAR  | 10'                    | 0' |

### F.A.R.

<table>
<thead>
<tr>
<th>FLOOR AREA RATIO</th>
<th>W.P. COMP. PLAN</th>
<th>PROJECT</th>
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<tbody>
<tr>
<td></td>
<td>FAR 2.0</td>
<td>FAR 1.77 with garages</td>
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<tr>
<td></td>
<td></td>
<td>FAR 1.62 without garages</td>
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</tbody>
</table>

Winter Park Land Development Code § 58-74 (e)
• **ZONING (CONTINUED)**

**PARKING**

**W.P. LDC**
COMMERCIAL 1/250 SQ.FT.

**EXISTING**
7,500 SQ. FT.
30 SPACES REQUIRED
14 SPACES PROVIDED
16 SPACES ON STREET

**PROJECT**
4 RESIDENTIAL UNITS
10 SPACES REQUIRED
8 SPACES PROVIDED
2 SPACES ON STREET

**RESIDENTIAL 2.5/UNIT**

**THERE IS LESS IMPACT TO PUBLIC ON-STREET PARKING BY 14 SPACES (16-2)**

Winter Park Land Development Code § 58-84 (3)
Upon a roll call vote on the first ordinance as amended, 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 second ordinance, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

b. Request for 10 year Conditional Use approve extension for Mr. Felix Furst for the project at 170 S. Knowles Avenue.

Planning Director Jeff Briggs explained the request for the four unit townhouse project located at 170 S. Knowles Avenue and that this was back on the agenda because of a requirement of advertising. This would add another five years and would be effective until October 24, 2021.

Motion made by Commissioner Sprinkel to approve the extension of the conditional use request, seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

c. Request of Winter Park Investors LLC on behalf of WAWA, Inc.: Conditional use approval to construct a convenience store and drive-in gas/fuel sales at 901 and 911 North Orlando Avenue

Each Commissioner disclosed their ex-parte conversations with the applicant. Planning Director Jeff Briggs summarized the site and the conditional use request. He noted that he is comfortable with the architecture of the proposed canopy and the landscaping and indicated that it is an upgrade from the minimum requirement listed in the code.

Applicant Brian Pomykacz, Real Estate Manager for WAWA, provided a presentation and video regarding the history of their company and how the company will integrate into the surrounding community.

Ryan Stahl, Equinox Development Group provided the site plan, showed renderings of the proposed building and explained how the building will look both inside and outside.

Motion made by Commissioner McMacken to approve the conditional use request, seconded by Commissioner Sprinkel.

Bill Shallcross, 1450 Bonnie Burn Circle, indicated that this is not a project that he would prefer to see in the City and encouraged the Commission to carefully consider approving the project.

Bee Epley, 151 N. Orlando Avenue, spoke in favor of the project.

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.
Allan E. and Linda S. Keen
140 East Morse Boulevard
Residence K
Winter Park, FL 32789
407.645.4400

To: Honorable Mayor and Winter Park City Commissioners
   Members of the Planning & Zoning Commission
   Winter Park Planning Department Staff

From: Allan and Linda Keen

Date: May 26, 2015

Subject: Request to Modify a CUP for 170 East Morse/170 South Knowles

CC: Reid Berman and Residents of The Landmark Winter Park

On behalf of Linda and I, we wish to register and offer our strong support for the upcoming request of Mr. Berman, related to the property immediately adjacent to our residence at The Landmark.

As most of you know, I was the developer of The Landmark, and have continued to not only own our 2-story residence in the building, but have over time, owned a number of the residences for-sale; currently there are two (2) residences we still own that are for-sale, in addition to our personal residence, with a combined value of just under $6,000,000.

We take extreme pride in the quality and architectural elevation and style of The Landmark, and this property is now the home to eleven (11) families, including Linda and I. The combined value of those eleven (11) residences approaches $17,000,000 . . . and with the added value of the two (2) remaining residences for-sale, The Landmark represents a substantial real estate investment in Winter Park, of over $20,000,000 just steps from Park Avenue.

With the love, sweat and substantial cash investment that we have made to this property, we are of course very interested in what any neighboring property will be developed into, and look like. I have known Mr. Berman, and his family, for over 25 years, and have seen the type and quality of their investments throughout Central Florida. They were an early developer in downtown Winter Park, with the high-quality three (3) story residential condominium located on Park Avenue across from St. Margaret Catholic Church. Also, I recently met with Mr. Berman, and carefully reviewed their plans for the adjacent property, as well as the proposed request before the P&Z and City Commission.
I have no reservations in offering Linda and my complete and unqualified support for the proposed project, including the requested variances presented in your staff report. As to the parking variance request, the current office building is significantly “under-parked”, with the excess parking needs being served by the adjacent City parking areas, and with only three (3) residential units (with self-contained parking for those residences), the minor reduction in angular parking, adjacent to their Knowles Avenue frontage, is de minimis, and in fact will yield more public parking availability when the office building is removed from service.

There are no properties or individuals within the City of Winter Park that will be impacted more by this proposed project, however after reviewing their plans and request, we continue to offer our support, and respectfully ask that you look favorably upon this request, including the variances. This will be a fine addition to our growing downtown Winter Park residential base.

If anyone has any questions on any of the above, please do not hesitate to reach out to either Linda or me.

Thank you for your time in considering this application.

Take care.
Subject: Ordinance to Annex the property at 1566 W. Fairbanks Avenue.

Summary:

The owner of the commercial property at 1566 W. Fairbanks Avenue has made a voluntary request for annexation. This annexation will also include that portion of the adjacent Jackson Avenue.

After the annexation is official, the agenda will also contain the Ordinances to establish a Commercial FLU designation on the Comprehensive Plan maps and Commercial (C-3) zoning on this property. Ordinances to establish the FLU and Zoning can only be done once the second reading of the annexation is official. The property now has the Commercial FLU and zoning in Orange County, so there is no change.
ORDINANCE NO. 3001-15

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 1566 WEST FAIRBANKS AVENUE AND A PORTION OF JACKSON AVENUE TO THE WEST; MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 171, Florida Statutes provides the exclusive method of municipal annexation, in order to insure sound urban development and efficient provision of urban services; and

WHEREAS, the City has determined that the area to be annexed is contiguous and reasonably compact, is developed for urban purposes, is not within the boundaries of another municipality, and has met all other requirements of Chapter 171, Florida Statutes, including but not limited to the prerequisites for annexation; and

WHEREAS, the City Commission hereby finds that the annexation of said property will not result in the creation of any enclaves, and it is further determined that the property otherwise fully complies with the requirements of State law; and

WHEREAS, The owner of the property has provided their voluntary consent and petitioned the City of Winter Park for this annexation as described in Exhibit “A” and shown on Exhibit “B”, which is the area to be annexed; and:

WHEREAS, pursuant to, and in compliance with the law, notice has been given by publication once a week for two consecutive weeks in a newspaper of general circulation notifying the public of this proposed Ordinance and of public hearings to be held at City Hall in the City of Winter Park; and

WHEREAS, the City Commission has determined that the annexation of the subject area has met all procedural requirements and that it will promote sound urban development and efficient provision of urban services; and
WHEREAS, the annexation is in compliance and consistent with the goals and objectives of the City of Winter Park Comprehensive Plan, Charter and Municipal Code; and

WHEREAS, in the best interest of the public health, safety, and welfare of the citizens of Winter Park, the City Commission of the City of Winter Park desires to annex the real property generally described below into the municipal boundaries of the City of Winter Park; and

WHEREAS, upon adoption of this Ordinance, the municipal boundaries lines of the City of Winter Park, shall, for purposes of Article I, Section 1.02 of the Municipal Charter, shall be redefined to include the subject real property.

NOW, THEREFORE, be it enacted by the City Commission of the City of Winter Park, Florida as follows:

Section 1. Annexation of Real Property. The real property described herein shall be, and is hereby annexed into the City of Winter Park, Florida. This real property is described in Exhibit "A" and illustrated in Exhibit "B". These Exhibits are incorporated herein by reference. The described real property shall be existing within the boundaries of the City of Winter Park, Florida and known to be existing within said boundaries from the effective date of this Ordinance.

Section 2. Incorporation of Recitals. The recitals to this Ordinance are hereby incorporated herein by reference and are fully effective as part of this Ordinance.

Section 3. City Boundaries Redefined; Winter Park Charter Amended. Pursuant to Section 166.031(3), Florida Statutes and Section 171.091, Florida Statutes, the City of Winter Park Charter, Article I, Section 1.02 is hereby amended to redefine the corporate boundaries of the City of Winter Park to include the real property described in Section 1 and Exhibits "A" and "B" of this Ordinance. The City Clerk shall file the revised Winter Park Charter, Article 1, Section 1.02 with the Department of State within seven days after the effective date of this Ordinance. Section 1.02 provides that the corporate boundaries of the City of Winter Park shall remain as they exist on the date the amended Charter took effect, and provides that the City has the power to change its boundaries in the manner prescribed by law. The amendment to the Charter will provide that after the effective date of the adoption of Section 1.02, the property subject to this Ordinance was annexed, and the legal description of the property will not be included in the Charter but the Ordinance number shall be included so that the public is on notice that a description of the corporate boundaries, including the property annexed hereby, is on file in the City Clerk’s office.

Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions. All Ordinances and Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed to the extent of conflict.
Section 5. Severability. Should any section or provision of this Ordinance or any portion hereof, including any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereto as a whole, and the invalid portion shall be severed from the remainder of this Ordinance and the remainder of this Ordinance shall be continue to be lawful, enforceable and valid.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED by the City Commission of the City of Winter Park, Florida at a regular meeting assembled on the _____ day of __________________________, 2015.

________________________
Steve Leary, Mayor

Attest: ________________________
Cynthia S. Bonham, City Clerk

| First Reading: ________________, 2015 |
| Second Reading: ________________, 2015 |
| Effective Date: ________________, 2015 |
Exhibit A

1566 W. Fairbanks Avenue and a portion of the adjacent Jackson Avenue right-of-way

PROPERTY TAX ID# 12-22-29-5000-01-020

Metes and Bounds Legal Description:

Per the plat of Lawndale Annex as recorded in Plat Book "J", Page 50 of the Public Records of Orange County, Florida: BEGIN at the NE corner of Lot 2, Block A per the plat thereof; then run South 150 feet to the SE corner of Lot 2, Block A; then run West 83 to the SW corner of Lot 3, Block A; then run south along the east right-of-way line of Jackson Avenue 102.35 feet to the SW corner of Lot 5, Block A; then run West 40 feet to the SE corner of Lot 7, Block B; then run North along the west right-of-way line of Jackson Avenue 252.3 feet to the NE corner of Lot 1, Block B; then run East along the south right-of-way line of Fairbanks Avenue 133 feet to the point of beginning.
July 1, 2015

Board of the Orange County Commission
Orange County Administration
PO Box 1393
Orlando, FL 32801

RE: Annexation of 1566 W. Fairbanks Avenue and adjacent right-of-way of Jackson Avenue.

Dear Board of County Commissioners:

Pursuant to Chapter 171, Florida Statutes, the City of Winter Park has received a voluntary annexation petition from the owners of the property at 1566 W. Fairbanks Avenue to annex that property. Enclosed is a copy of the legal advertisement and ordinance. The legal advertisements will run in the Orlando Sentinel for two consecutive weeks on Sunday, July 5, 2015 and Sunday, July 12, 2015.

The ordinance for this annexation will be heard at public hearings on July 13, 2015 and July 27, 2015 at 3:30 pm in the Commission Chambers of City Hall, 401 S. Park Avenue, Winter Park.

If you have other questions, please contact me at jbriggs@cityofwinterpark.org or at (407) 599-3440.

Sincerely,

[Signature]

Jeffrey Briggs,
Planning Director

Enclosures
Subject: 1800 Lee Road Conditional Use

This public hearing is the request of Icon Residential for the redevelopment of the properties collectively referred to as the 1800 Lee Road property which are all in the same ownership but have property addresses of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road. All of the properties have a Low Density Residential future land use designation in the Comprehensive Plan and are zoned Low Density Residential (R-2). The request is for Conditional Use approval under the R-2 provision for Cluster Housing to redevelop the properties with 30, two-story townhouses. There are currently eight one-story duplexes on this property (16 units) which will be demolished to make way for this redevelopment.

Background and Summary:

The current duplexes on these properties were built in 1964. In 2007, the P&Z Board and City Commission approved a redevelopment plan via this same Conditional Use process for a project of 27 two-story townhouses. Based on that approval the property was sold to the current ownership group. However, shortly thereafter, the economy experienced the downturn and that project was not pursued. The current applicant has a contract to purchase these properties from that ownership group, contingent upon receiving these development approvals.

This property location sits in between two office properties with the Lee World Center, a three story building of 62,000 square feet on the west and the one-story Bank of 6,500 square feet on the east. As such there are no neighborhood impacts from this project.

Current Development Request: The proposed development consists of approximately 82,000 square feet of total residential buildings which yield townhouse units of an average size of 2,733 square feet inclusive of a two car garage for each unit. For purposes of comparison, the following table outlines the R-2 zoning requirements and the proposed dimensions of this project.

<table>
<thead>
<tr>
<th>Property Size</th>
<th>R-2 Requirements</th>
<th>Project Proposal</th>
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</thead>
<tbody>
<tr>
<td>Floor Area Ratio</td>
<td>Max. 55%</td>
<td>53.3%</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>Max. 35%</td>
<td>27.2%</td>
</tr>
<tr>
<td>Max. Impervious</td>
<td>Min. 65%</td>
<td>62.5%</td>
</tr>
</tbody>
</table>
The 30 townhouse units are spread amongst nine separate buildings holding 2-4 units each. Four units in a building is the maximum permitted under the R-2 cluster housing regulations. Parking spaces shown for this project are 73-75 spaces. Each townhouse has a two-car garage and there are 13-15 visitor parking spaces.

Tree Preservation: Since the May 5th P&Z meeting there have been two site plan changes that have greatly enhanced tree preservation on this property. Both of these site plan changes were reviewed by P&Z at their June 2nd meeting and endorsed.

The first modification involved increasing the building setbacks along the western property line from 15 feet to 30 feet. This greatly enhances the preservation of the tree canopy (limbs) for the major oak trees that exist along that western property line of the Lee World Center office building. The second modification is in the location of the visitor parking, where there is a stand of oak trees in good condition that Dru Dennison, Urban Forestry Chief has requested that the applicant make an effort to save. There are two landscape plans submitted with this package that preserve these trees: Landscape Plan - Sheet L1 and Landscape Plan (Alternate) Sheet L1 ALT. The alternate landscape plan saves four more oak trees than the original plan but loses two visitor parking spaces. The Planning/Forestry staff supports the Alternate Landscape Plan in order to maximize the preservation of this nice stand of oak trees. The applicant believes that the 13 visitor spaces will be sufficient based on their experience developing other townhouse communities.

Storm water retention will be accomplished through a combination of underground exfiltration and some retention swales within the lakefront portions of the site. Due to the shallow location of groundwater given the lakeside location, the site has to be built up with fill so that there can be clearance between the underground exfiltration and the groundwater so that the system can function as designed. A tree well is to be constructed around the stand of oak trees in order to preserve those trees. The city staff has requested added separation from the tree for the exfiltration and sewer lift station.

These units will be sold fee simple with a Homeowners Association for maintenance of the common elements. There will be a re-plat of this property for the “lots” and common area tracts to be maintained by the HOA as well as indicating the easement areas needed for utilities.
The common area amenities will include boat slips and a gazebo/dock area for the use and enjoyment of the residents. The primary concern of the Lake Killarney Advisory Board is the number of structures and the number of boat/jet skis that add to the impact on lake usage. The applicant is asking for the ability for their residents to have 10 boat or jet ski slips and one common dock/gazebo for the residents. That number is agreeable to the Lake Killarney Advisory Board. However, the actual design and location of these facilities is one item that needs further refinement. As such there is a condition of approval requiring a subsequent review and approval by P&Z, as to the actual design and location.

The project also proposes to redevelop the privacy wall that exists along the Lee Road frontage. The existing wall is not in good condition structurally in some sections due to tree root/growth impacts since 1964. The applicant is proposing to move the wall closer to Lee Road, at a 10 foot setback and is requesting a variance for 7 feet of wall height in lieu of the typical code maximum of 6 feet. P&Z agreed with the need for a little more height and sound buffering given the location adjacent to Lee Road. However, as there is not a firm design at this time, there is a condition of approval requiring a subsequent review and approval by P&Z, as to the actual design and configuration of the wall.

Preliminary and Final CU: This application package is intended to provide the detail needed both for the “preliminary” and “final” conditional use approvals and as such includes the final site plan, civil engineering plans, architectural perspective images of the building facades, landscape plan, complete storm water retention design and a traffic impact information. Aside from the two items previously mentioned, which can be conditions of approval, everything else appears to have been provided.

Traffic/Mobility Impacts:

The 30 townhouses will have a daily traffic generation of 285 trips per day. The existing 16 units generate 152 trips per day so the net increase is 133 trips per day. On Lee Road with an existing 35,500 cars a day, this increase is deminimus.

Staff Analysis of the Applicant’s Requests:

Various city departments have reviewed this application including representatives from Planning & Community Development, Public Works, Electric Utility, Water and Wastewater Utilities, Fire, Urban Forestry, Parks & Recreation and City Administration. Their comments were as follows:

Fire Dept.: Applicant is aware of the fire hydrant and fire flow needs for the project.

Traffic Engineering/Police Dept.: The median on Lee Road allows left turns from the site. The added traffic impact is minimal.

Water/Sewer/Storm Water Utility: The applicant is aware of the requirements for the private lift station for sanitary sewer and the fire flow need for additional hydrants. The HOA will maintain the lift station and underground exfiltration system per the required Maintenance Agreements with the City for both facilities.
Planning and Zoning Board Recommendation:

Motion made by Mr. Weldon, seconded by Mr. Gottfried to grant conditional use approval to redevelop the 3.45 acres of properties collectively referred to as 1800 Lee Road, including the tax parcels of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road for a 30 unit townhouse development (cluster housing), on these properties zoned R-2 subject to the following conditions requested by staff:

1. The Icon Residential project entitlements comprise 30 residential two-story townhouses of approximately 82,000 total square feet which may be sold as fee simple units subject to the City's review and approval of the re-plat, covenants/restrictions and HOA documents by staff and city attorney.
2. The final number, location and design of the docks and gazebos shall be reviewed and approved by the Planning & Zoning Board but may not exceed accommodations for more than 10 boats/jet skis and the re-plat covenants/restrictions and HOA documents shall reflect this restriction.
3. The final design of the privacy wall along Lee Road shall be reviewed and approved by the Planning & Zoning Board.

Motion carried unanimously by a 7-0 vote.

Added Staff Recommendations:

There needs to be two added conditions of approval. One is the added separation for the storm water exfiltration and sanitary sewer lift station from the oak trees to be preserved. The other is the requirement to deed to the City the ownership of the adjacent drainage outfall. Staff recommends adding these two conditions as follows:

1. That the civil engineering plans be modified by relocating the storm water exfiltration and sanitary sewer lift station out of the open space area adjacent to the visitor parking to be utilized for the preservation of existing oak trees.
2. That the applicant, as part of the replat, dedicate to the City, the parcel of 1746 Lee Road, which is the drainage outfall from Lake Killarney.
Planning and Zoning Board Minutes – May 5, 2015:

REQUEST OF ICON RESIDENTIAL FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THE 3.45 ACRES OF PROPERTIES COLLECTIVELY REFERRED TO AS 1800 LEE ROAD, INCLUDING THE TAX PARCELS OF 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 LEE ROAD FOR A 30 UNIT TOWNHOUSE DEVELOPMENT (CLUSTER HOUSING), ON THESE PROPERTIES ZONED R-2.

Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing involves the request of Icon Residential for the redevelopment of the properties collectively referred to as the 1800 Lee Road property that are all in the same ownership but which have separate property addresses of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road. All of the properties have a Low Density Residential future land use designation in the Comprehensive Plan and are zoned Low Density Residential (R-2). The request is for Conditional Use approval under the R-2 provision for Cluster Housing to redevelop the properties with 30, two-story townhouses. There are currently eight one-story duplexes on this property (16 units) which will be demolished to make way for this redevelopment. Project Site is 3.45 acres. Mr. Briggs discussed the R-2 zoning requirements and the proposed dimensions of this project, preliminary and final Conditional Use approvals, history of the Property, compatibility with adjacent properties, traffic/mobility impacts and detailed the current redevelopment proposed by the applicant. The proposed redevelopment consists of approximately 82,000 square feet of total residential buildings which yield townhouse units of an average size of 2,733 square feet inclusive of a two car garage for each unit. Mr. Briggs briefly touched on the concerns and comments received from other departments.

Mr. Briggs concluded by stating that the staff recognizes that in 2007 the City approved a redevelopment plan for this property with a similar concept (two-story townhouses) and density (27 units). This location is on a four lane arterial State Highway (Lee Road) with 35,500 cars/day and sits in between two office buildings. The one negative impact is that the storm water exfiltration design is causing the loss of many significant oak trees. Overall, the applicant has provided a plan that meets the requirements of the Comprehensive Plan and Land Development Code. The only items to define further are the boat docks/gazebo and exterior wall design. After significant review, staff has analyzed the Conditional Use and is recommending approval subject to the following special conditions:

1. The Icon Residential project entitlements comprise 30 residential two-story townhouses of approximately 82,000 total square feet which may be sold as fee simple units subject to the City’s review and approval of the re-plat, covenants/restrictions and HOA documents by staff and city attorney.

2. The final number, location and design of the docks and gazebos shall be reviewed and approved by the Planning & Zoning Board but may not exceed accommodations for more than 10 boats/jet skis and the re-plat covenants/restrictions and HOA documents shall reflect this restriction.

3. The final design of the privacy wall along Lee Road shall be reviewed and approved by the Planning & Zoning Board.

Mr. Briggs responded to Board member questions and concerns.

Brian Kiraly, 2190 South Belcher Road, Largo, represented Icon Residential. He stated that the applicant agrees with the staff report and the conditions as presented by Mr. Briggs. He further discussed parking, architectural details, ingress/egress. He confirmed that the applicant will build a private lift station for this project. Mr. Kiraly and Mr. Ryan Studzinski of Icon Residential responded to Board member questions and concerns.
The following people addressed the Board concerning the request: Bob Maska, 1820 Lee Road; Paul Gaulding, 1121 Park Green Place; Bee Epley, 151 North Orlando Avenue; Linda Young, 1808 Lee Road; Karen Gray, 1832 Lee Road; Resident of 1814 Lee Road; Perry Pryor, 1830 Lee Road. The existing residents within the properties that spoke expressed concern about the impact on the existing cove, additional boat docks, the proposed height of the townhomes, traffic on Lee Road, the loss of trees, and the impact that the redevelopment would have on the existing wildlife. The residents that reside at the property currently expressed frustration over the upkeep of the property, their displacement and expressed frustration that no one from the ownership, management or prospective buyers would talk to them or provide them any information for them to plan for the future.

No one else wished to speak. Public Hearing closed.

The Planning Board members expressed sympathy to the residents that no one on the ownership or development side had made any effort to provide information regarding their future. However, the Chairman noted that a lease agreement provides rights and privileges to the tenants but also provides the opportunity for the owners to redevelop their property at the end of the lease periods. The role of the P&Z Board then is limited to review of those prospective plans if the ownership decides to redevelop.

The Board members noted that the redevelopment plans were in conformance with the R-2 code regulations and no variances were requested. Mr. Gottfried added that the St. Johns WMD reviews the storm water system and impacts upon wetlands and thereby impacts on wildlife. The Board agreed that the items to return for further review were important for the ecology of the lake and for the aesthetics of project.

Motion made by Mr. Weldon, seconded by Mr. Gottfried to grant conditional use approval to redevelop the 3.45 acres of properties collectively referred to as 1800 Lee Road, including the tax parcels of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road for a 30 unit townhouse development (cluster housing), on these properties zoned R-2 subject to the following conditions requested by staff:

1. The Icon Residential project entitlements comprise 30 residential two-story townhouses of approximately 82,000 total square feet which may be sold as fee simple units subject to the City’s review and approval of the re-plat, covenants/restrictions and HOA documents by staff and city attorney.

2. The final number, location and design of the docks and gazebos shall be reviewed and approved by the Planning & Zoning Board but may not exceed accommodations for more than 10 boats/jet skis and the re-plat covenants/restrictions and HOA documents shall reflect this restriction.

3. The final design of the privacy wall along Lee Road shall be reviewed and approved by the Planning & Zoning Board.

Motion carried unanimously by a 7-0 vote.
1800 Lee Road - Frontage
Landscape Plan - 7/13/2015 With 15 visitor parking spaces
Alternate Landscape Plan - 7/13/2015 with 13 visitor spaces - saves 4 more trees
Site Plan - 7/13/2015 Shows existing tree canopy on western border to be preserved.
# 1800 Lee Rd. Townhomes
City of Winter Park, Florida Parcel I.D. #
01-22-29-5224-00-006,007,010,045,086,087,089,091,109

## Project Team

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<tr>
<th>Role</th>
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<tr>
<td>Owner</td>
<td>Ormco Associates, LTD</td>
<td>2317 15th St N, Oak Park, FL 33565</td>
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<tr>
<td>Developer</td>
<td>ICON Residential</td>
<td>1190 Broken Rd S, Largo, FL 33771</td>
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<tr>
<td>Surveyor</td>
<td>Ralph Thomas Jones, PhD</td>
<td>3414 North Highlands Dr, Longwood, FL 32779</td>
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<tr>
<td>Civil Engineer</td>
<td>Icon Research Engineering, Inc.</td>
<td>3607 Rightway Ave, Lake Mary, FL 32746</td>
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<tr>
<td>Landscape Architect</td>
<td>Foundation Design Studio, LLC</td>
<td>6425 N Orange Ave, Orlando, FL 32808</td>
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<tr>
<td>Environmental</td>
<td>Icon Environmental Consulting, Inc.</td>
<td>2400 S. Robinson St, Orlando, FL 32806</td>
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## Utilities

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<tr>
<td>Sewer</td>
<td>Orlando Utilities</td>
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</tbody>
</table>

## Vicinity Map

![Vicinity Map](image)

**Site**

**STR: 1, 22S, 29E**

**1" = 1,000 ft**

## Drawing Index

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<th>No.</th>
<th>Title</th>
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<td>Overall Site Plan</td>
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<td>Detailed Site Plan</td>
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<td>11-12</td>
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2007 Approved Plan - 27 units

1800 LEE ROAD (S.R. 438) WINTER PARK FLORIDA

PARCEL ID # 01-22-29-5254-00-025

NOTE: NO MORE THAN 8 BOATS TO BE MOORED AT THE THREE EXISTING DOCKS AT THE SAME TIME.
The following spoke in favor of the conditional use approval:

Michael Harbison, 2150 Forrest Road
Joe Terranova, 700 Melrose Avenue – expressed concerns with the wetlands mitigation and asked that they be permanently protected and that the mitigation be done at the Clayton property.
Muriel Dubuc, Mayflower resident
Jack Williamson, Mayflower resident

The following submitted a letter of opposition to the conditional use approval which Attorney Cheek read into the record: S. Charles Modell, 1230 Sunset Drive (representing the Gallery Condominiums).

Barbara Smith, 2427 Gallery View Drive, did not speak for or against the project but expressed concerns with the construction phase, the dirt and noise and the two lane road that will be used during the construction. She asked what can be done to keep these concerns at a minimum.

Motion made by Commissioner Metcalf to approve the conditional use request, and seconded by Commissioner Bridges for discussion. Commissioner Bridges stated she supports the project but asked if there is a way to help mitigate the traffic issues during the construction phase. Mr. Kolb responded there are ways to help this and they will be developing those plans. He stated they will consider an alternate access road that may be a solution to both the construction and emergency access. Mr. McGuffin spoke about their sensitivity with the Gallery Condominium resident's concerns regarding traffic. Mayor Strong asked if there was any way we could regulate the construction traffic during the construction period that would alleviate some of the concerns. Attorney Cheek responded as well as Mr. Kolb who spoke about a satellite parking area for construction traffic which will alleviate some of the traffic back and forth. Further discussion ensued regarding the size of the building. The motion carried unanimously.

A recess was taken from 5:16 – 5:20 p.m.

b) Conditional Use Approval-Request to construct 27 two-story townhouse units on the 3.4 acre property at 1800 Lee Road.

Planning Director Jeff Briggs explained the location of the request and the other issues related to the project that have been resolved regarding the gated entrance into the property, the access and tree preservation. He stated they have adequate parking, the stormwater retention meets the code and that the site plan has been perfected. He added that there is more architectural detail and the architecture of the individual buildings has been improved. He addressed the Planning and Zoning approval with conditions. Commissioner Metcalf inquired into the rules currently in place regarding gates. Mr. Briggs responded there is a prohibition in the code about private streets and further spoke regarding this issue. There was discussion as to why the applicant asked for a gate, that the code does not prohibit it and that all public safety concerns have been eliminated.

Representing the applicant, Attorney Allison Yurko and Ed Avellaneda provided a power point presentation outlining the details of the project. Ms. Yurko asked that the record reflect the following: "That they have talked a lot with the adjacent neighbor to the west and that they will cooperate in good faith with the neighbor at 1850 Lee Road on sewer related issues and that they will use best efforts to preserve the density and health of the seven trees near the western
boundary of their property”. She stated they are actually located on the neighbor’s property but that they wanted assurances that they would try and preserve the trees. She stated this is also important to them because that is their buffer between the commercial property to the west and their parcel. She stated that staff is going to add a phrase to recommendation #2.

Michael (unknown), Lakefront Boulevard, asked that the cypress trees be preserved along the perimeter. He spoke about the stormwater runoff swales between the trees and the water and asked how that will be created and that this be considered. He stated he is not against gating their community. It was assured by the applicant that the existing trees will remain and that the trees behind the swales are new trees that will be added.

Motion made by Commissioner Metcalf to approve the conditional use request, subject to the following conditions as approved by the P&Z:
1. Applicant is to bring back for final development plan approval, the final site plan, civil plans (retention), final architectural elevations, tree preservation protection plan and landscape/hardscape plans to P&Z for review and approval; and
2. Applicant is to modify the stormwater retention area to increase separation from the cypress trees (indicated by numbers 41, 43 and 46 on the tree survey) to 35 feet for better protection of the tree root systems and preservation of those trees.

Motion was seconded by Commissioner Bridges. Commissioner Bridges commented about the gated community and if this is precedent setting. There was further discussion regarding the allowance of gates within the City. Commissioner Metcalf commented against gates. He spoke about the future gateways of the City and the future of Lee Road to look like other areas of the City but without gates. Attorney Yurko spoke about the importance of the gate for the project. Mayor Strong and Commissioner Eckbert addressed their preference of a gate at this location. Mayor Strong commented about Lee Road having its own set of circumstances and issues that would warrant a gate that may not be warranted at most other City locations. He stated that the project is an upgrade for the community and that the gate does not detract from that upgrade significantly. Commissioner Bridges asked that the issue of gates within the City be discussed at a future work session as part of the visioning process. The motion carried unanimously.

c) Conditional Use Approval-Request to allow the three properties at 634/640/642 West Comstock Avenue to be used for the construction of four individual one-story single family homes.

Planning Director Jeff Briggs explained that this is a combined request from the City and the Hannibal Square Community Land Trust. He showed the location of the three 50’ lots on the south side of Comstock Avenue. He commented that instead of building three large homes, they worked to promote the goals of the affordable work force housing. He addressed the layout showing four smaller homes: 1,100-1,300 square feet in size; one single center drive, and parking behind the two front residences. He stated this is before the Commission because of the conditional use request to build four affordable houses versus the three that are permitted. He stated there are no variances, besides the conditional use, as it meets the parking requirements, external setbacks, and Floor Area Ratio (FAR).

Mary Daniels, 650 Canton Avenue, asked for approval of the request as presented.

Joe Terranova, 700 Melrose Avenue, spoke in favor of the request because it increases affordable housing.
### Subject

Fifth Third Bank Development Agreement

### Background

At the May 11, 2015 City Commission meeting, the Fifth Third Bank CUP was unanimously approved with the condition added below:

**Motion made by Commissioner McMacken to approve the application for conditional use as was presented this evening with the modification included in the plan, and also with the additional condition of approval that was submitted by the applicant, and for the City Attorney to insure a means for resolution of the easement negotiations if the parties cannot agree as to what is reasonable under the circumstances; seconded by Commissioner Sprinkel.**

After the City Commission motion, the City Attorney concluded that a Development Agreement was necessary in order to enforce the terms of the condition above as well as to incorporate the other conditions of approval. The City Attorney in consultation with the attorneys representing Fifth Third and the Matsby’s developed the attached Agreement to implement the requirement that will allow the Matsby’s to negotiate with Fifth Third for vehicular access through the Fifth Third property as an alternate traffic exit onto Lakemont Avenue. The easement negotiations will commence when the adjacent property owner comes forward with a site development plan to construct a new building at 1835 Aloma Avenue. See Subsection 3 (m) on the third page of the attached Development Agreement for the specific provision.
DEVELOPER’S AGREEMENT
(Fifth Third Bank)

THIS DEVELOPER’S AGREEMENT (the “Agreement”) is made and entered into this ___ day of ______, 2015, 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 Fifth Third Bank, an Ohio banking corporation, (referred to as “Developer”), _________________ (address).

WITNESSETH:

WHEREAS, Developer intends to build and manage a 3,872 square foot branch bank for Fifth Third Bank with two drive-in tellers and a companion 5,410 square feet of separate “for lease” office space (hereinafter the “Project”); and

WHEREAS, the properties subject to the Conditional Use application are 443 and 453 North Lakemont Avenue and 1851, 1861 and 1871 Aloma Avenue; and

WHEREAS, the request for a drive-in teller requires a Conditional Use permit for the Project under the Municipal Code; and

WHEREAS, this Agreement is adopted pursuant to the Conditional Use section of the City Code, Section 58-90, and is not a statutory development agreement under Fla. Stat. §163.3220, et seq.

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

1. Subject Property: The Subject Property is comprised of 3,872 square feet bank branch for Fifth Third Bank and the companion 5,410 square feet of separate “for lease” office space, located at 443 and 453 North Lakemont Avenue, and 1851, 1861 and 1871 Aloma Avenue, as more particularly described on Exhibit “A” attached hereto and incorporated by this reference.
2. Project Approvals: The plan for the Project was approved by the City Commission on May 11, 2015, subject to compliance with this Agreement, as depicted on Exhibit “B”.

3. Special Conditions of Approval: The following variances or conditions of approval are included in the Conditional Use Permit as follows, and are or shall be deemed to be depicted on Exhibit “B”, the Site Plan:

a. The Fifth Third Bank Project entitlements comprise 9,282 square feet of office development including two drive-thru teller lanes.

b. The Project is required to have a minimum of 37 parking spaces to meet the anticipated needs of the development plan and may create the additional 6 parking spaces needed for medical tenant usage of the 5,410 square feet of associated office space within the landscape area along the western border of the site.

c. The entrance/exits to the Project along Aloma and Lakemont Avenues will be restricted to ‘right in/right out’ only and the center line median on Lakemont Avenue shall be extended to the north 25 feet at the expense of the applicant.

d. The Project signs along the two streets shall be limited to non-interior illuminated monument signs as presented.

e. The western building elevation facing 17,000 cars a day traveling east on Aloma Avenue shall include significant brick veneer façade coverings to match the architectural pattern of the other building façades.

f. The hours of operation of the drive-in teller speaker system is restricted to no later than 10:00 p.m. and no drive-in teller speaker noise shall be audible within any adjacent residential building.

g. Replacement of the sweet gum and cypress trees on the northern border of the property with oak trees.

h. Increase in the height of the proposed privacy wall on the northern property line to eight feet in height and construction to be of brick or brick veneer to match the primary structure with columns appropriately spaced and cap. Also, this privacy wall to be constructed in the first phase of the construction activity in order to serve as a buffer from construction noise/dust.

i. Insure that the parapet wall height and location of AC and mechanical equipment screens such equipment from view.

j. Add hedges and understory trees to the landscape area adjacent to the north side of the building consistent with that shown of the landscape areas on the east and south sides of the building.
k. Modify the rear parking lot lighting on the northern border of the property adjacent to the residential properties to insure no light intrusion onto their properties.

1. Relocate the dumpster to a location further removed from the abutting residential neighbors.

m. Upon Matsby Properties L.L.C., its successors and assigns, submitting a final site plan to the City for the property with tax identification number 05-22-30-1140-00-160 (the “Matsby Property”) and subject to commercially reasonable discretion of Fifth Third Bank, Fifth Third Bank, its successors and assigns shall enter into an agreement with Matsby Properties, L.L.C. providing for cross access between the Matsby Property and the property owned by Fifth Third Bank that is the subject of this approval. Fifth Third Bank and Matsby Properties, L.L.C. will continue to negotiate a reasonable resolution for the current impasse relating to the standards for which commercially reasonable discretion will be based for the potential cross access easement. Matsby Properties L.L.C., its successors and assigns, must submit to the City of Winter Park a complete submission of a final site plan for the Matsby Property prior to May 11, 2017, or this condition will automatically terminate and will become null and void in its entirety.

4. Each party to the Agreement represents and warrants to the other that it has all necessary power and authority to enter into and consummate the terms and conditions of this Agreement and that all acts, approvals, procedures and similar matters required in order to authorize this Agreement have been taken, obtained or followed, as the case may be, and upon the execution of this Agreement by both parties, this Agreement shall be valid and binding upon the parties hereto and their successors in interest.

5. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

6. This Agreement may only be amended or terminated by a written agreement executed by all parties hereto or by their successors in interests.

7. This Agreement and the terms and conditions hereof shall be binding upon and inure to the benefit of the City, Developer and their respective successors in interests, and the terms and conditions shall be binding upon and inure to the benefit of the Subject Property, and shall run with title to the same.

8. This Agreement will be recorded by the City, at the City’s expense, among the Public Records of Orange County, Florida. Notwithstanding the foregoing, the same shall not constitute any lien or encumbrance on title to the Subject Property and shall instead constitute record notice of government regulations which may regulate the use and enjoyment of the Subject Property. The City shall, upon written request by Developer, provide written confirmation of the status of this Agreement and performance or non-performance of obligations
hereunder as may be reasonably requested by Developer or any lender with respect to the Subject Property.

9. If any provisions of this Agreement are held to be illegal or invalid, the other provisions of this Agreement shall remain in full force and effect.

10. Term. This Agreement has a term of fifty (50) years.

11. Specific Performance. Strict compliance shall be required with each and every provision of this Agreement. The parties agree that failure to perform the obligations provided by this Agreement shall result in irreparable damage and that specific performance of these obligations may be obtained by a suit in equity.

12. Development Permits. Nothing herein shall limit the City’s authority to grant or deny any development permit application or request subsequent to the effective date of this Agreement. The failure of this Agreement to address any particular City, County, State and/or Federal permit, condition, term or restriction shall not relieve Developer or the City of the necessity of complying with the law governing said permitting requirements, condition, term or restriction. Without imposing any limitation on the City’s police powers, the City reserves the right to withhold, suspend, or terminate any and all certificates of occupancy or permits for the Property if Developer is in breach of any term and condition of this Agreement.

13. Termination. The City shall have the unconditional right, but not obligation, to terminate this Agreement, without notice or penalty, if Developer fails to receive building permits and substantially commence construction of the Project within three (3) years of the effective date of this Agreement. If the City terminates this Agreement, the City shall record a notice of termination in the public records of Orange County, Florida.

14. Recitals. The Recitals to this Agreement are incorporated herein and are a part of the Agreement.

15. Notice. Any notice delivered with respect to this Agreement shall be in writing and be deemed to be delivered (whether or not actually received) when (i) hand delivered to the other party at the address appearing on the first page of this Agreement, or (ii) when deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the part at the address appearing on the first page of this Agreement, or such other person or address as the party shall have specified by written notice to the other party delivered in accordance herewith.

16. Time of the Essence. Time is hereby declared of the essence to the lawful performance of the duties and obligations contained in this Agreement.

17. Agreement. This Agreement, along with the Preliminary Plan, constitutes the entire agreement between the parties, and supersedes all previous discussions, understandings and agreements, with respect to the subject matter hereof.

18. Further Documentation. The parties agree that at any time following a request by the other party, each shall execute and deliver to the other party such further documents and
instruments, in form and substance reasonably necessary to confirm and/or effectuate the obligations of either party hereunder.

19. Attorneys’ Fees. In the event that either party finds it necessary to commence an action against the other party to enforce any provision of this Agreement or because of a breach by the other party of any terms hereof, the prevailing party shall be entitled to recover from the other party its reasonable attorneys’ fees, paralegal fees and costs incurred in connection therewith, at both trial and appellate levels, including bankruptcy proceedings, without regard to whether any legal proceedings are commenced or whether or not such action is prosecuted to judgment.

20. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument.

21. Captions. Captions of the Sections and Subsections of this Agreement are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction, or meaning of the provisions of this Agreement.

22. Severability. If any word, sentence, phrase, paragraph, provision, or portion of this Agreement 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 portion hereof so long as the purpose and intent of this Agreement can still be achieved.

23. Effective Date. The Effective Date of this Agreement shall be the day this Agreement is last executed by a party hereto and such date shall be inserted on Page 1 of this Agreement.
IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

_______________________________
Name: __________________________

_______________________________
Name: __________________________

ATTEST:

_______________________________
By: _____________________________

_______________________________
Name: Steve Leary, Mayor

_______________________________
Cynthia S. Bonham, City Clerk

Date: ____________________________

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of ___________, 2015, by Steve Leary, Mayor of THE CITY OF WINTER PARK, FLORIDA, a municipal corporation, on behalf of the corporation. He (She) ☐ is personally known to me or ☐ has produced __________________________ as identification.

(NOTARY SEAL)

_______________________________
Notary Public Signature

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

The foregoing instrument was acknowledged before me this _____ day of ___________, 2015, by ________________________________, as ______________ of Fifth Third Bank. He (She) □ is personally known to me or □ has produced ___________________________ as identification.  

(NOTARY SEAL)  

Notary Public Signature  

(Name typed, printed or stamped)
FIFTH THIRD BANK, an Ohio banking corporation

By: ________________________________
Name: ______________________________
Its: ________________________________

Name: ______________________________
Date: ________________________________

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of ____________,
2015, by ________________________________, as ______________ of Fifth Third Bank. He
(She) ☐ is personally known to me or ☐ has produced ___________________________ as
identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)
Exhibits “A” and “B” to be attached for execution
### subject

Updating City Business Licensing Ordinance including increasing business tax by 5% or less

### motion | recommendation

Approve: Approval requires 4 affirmative votes, a majority plus one vote of the Commission by Florida Statute.

### background

Each year current businesses must renew their business certificates by October 1 which can be done online, mailing in payment with their renewal notice or by payment in person at our Building and Permitting counter. Our online payment service was added last year as a convenience. Before a new businesses can open they must obtain their City business certificate which is facilitated by our addition of an on line fill-in-the-blank form with instructions.

As authorized by Florida Statute, local governments may increase our business tax receipt charges by up to 5% every two years. Due to concerns over the economy the City has not increased our business tax amounts since 2009. Looking at the amount of increases throughout the Ordinance you will see that most of these range from $5.50 to $7.50 with the largest increase of $60 for a hospital; however, our one hospital in the City is tax exempt.
Other important areas addressed in the Ordinance include:

(1) Provision of a fairer business pro-rated tax charge for businesses that obtain a license for less than one year. Currently, an excessively large fee is charged when a business opens up late into the fiscal year.

(2) Removal of unneeded or out of date businesses.

(3) Adjustments to clarify what each profession is charged.

(4) Enablement language is added to allow us to collect Orange County business tax receipts from Winter Park businesses at the same time they are obtaining our license. If we are able to achieve this in cooperation with the Orange County Tax Collector, this will be a substantial customer service enhancement, and will eliminate the need for customers to go downtown to Orlando to apply for and obtain their Orange County business tax receipt after obtaining one from Winter Park.

(5) Modifications to the enforcement section of the ordinance as recommended by our Police Department Attorney to streamline the business license revocation process are included. We have had cases involving criminal activity within the last year where this improvement would have helped further facilitate the process.

alternatives | other considerations

Modify Ordinance without any increase but adopt all other enhancement/clarification additions.

fiscal impact

Increasing these charges will result in an increase of annual revenue by approximately $20,000 which has been factored into the proposed budget.
ORDINANCE NO. _______

AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA AMENDING CHAPTER 94 TAXATION, ARTICLE II, BUSINESS TAX, SO AS TO INCREASE THE BUSINESS TAX FEES BY FIVE PERCENT (5%) (ROUNDING DOWN TO THE NEAREST DOLLAR), PROVIDE CLARIFICATION ON CERTAIN BUSINESS TAX CATEGORIES, MODIFY PRORATION OF PARTIAL YEAR BUSINESS TAX CERTIFICATES, CLARIFY AND UPDATE PROVISIONS; AND PROVIDE ENABLING LANGUAGE TO COLLECT ORANGE COUNTY BUSINESS TAX RECEIPTS FOR WINTER PARK BUSINESSES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, Section 205.0535 of the Florida Statutes empowered any municipality to, by October 1, 1995, reclassify businesses, professions and occupations and to establish a new rate structure for Local Business Tax Receipts; and

WHEREAS, the City fully complied with Section 205.0535, Florida Statutes, and reclassified businesses, professions and occupations and established new rate structures for Local Business Tax Receipts; and

WHEREAS, since the City fully complied with Section 205.0535, Florida Statutes in 1995, Section 205.0535(4), Florida Statutes, empowers the City, every other year thereafter, to increase the rates of Local Business Tax Receipts fees by up to five percent upon a vote of a majority, plus one, of the City Commission; and

WHEREAS, the City has not increased the Local Business Tax Receipt fees for more than 6 years; and

WHEREAS certain business classifications require updating to accurately describe these businesses;

WHEREAS the City desires to establish a fairer business tax charge for businesses operating for less than one year, and to clarify certain terms in the code; and

WHEREAS, words with double underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK AS FOLLOWS:

SECTION 1. Section 94-31, “Definitions” is amended as follows:
* * *

Business tax receipt shall also mean business certificate.

* * *

City business tax officer or business tax officer means the director of code enforcement, Director of Building and Permitting Services.

Director of code enforcement Building and Permitting Services means and includes the appointee of the director of code enforcement Building and Permitting Services who shall be authorized to exercise any and all of the powers granted in this article. to the director of code enforcement.

* * *

SECTION 2. Section 94-32(d) is added and shall read as follows:

(d) In coordination with and after approval by the Orange County Tax Collector or any other authority having jurisdiction, and pursuant to Fla. Stat. 205.045, the city may collect the business tax receipts from city businesses on behalf of Orange County, and shall transmit to Orange County all business tax receipts received at rates established by Orange County in accordance with a remittance schedule agreed upon by the Orange County Tax Collector or any other authority having jurisdiction.

SECTION 3. Section 94-35 is hereby amended to read:

Sec. 94-35. - Duties of city business tax officer.

(a) Issuance of tax receipts. The city business tax officer shall collect all business taxes and issuance fees and shall issue tax receipts in the name of the city to all persons qualified under the provisions of this article and shall:

(1) Promulgate and enforce reasonable rules and regulations necessary for the operation and enforcement of this article.
(2) Adopt all forms and prescribe the information to be given therein as to character and other relevant matters.
(3) Require applicants to submit all affidavits and oaths necessary to the administration of this article.
(4) Submit all applications to other interested city officials for their endorsements thereon as to compliance by the applicant with all city regulations which they have the duty of enforcing.
(5) Investigate and determine the eligibility of any applicant for a tax receipt as prescribed in this article.
(6) Examine the records of any applicant or tax receipt holder when reasonably necessary to verify information submitted as an application or return in the administration and enforcement of this article.
(7) Notify any applicant of the acceptance or rejection of his application and shall, upon his refusal to issue any tax receipt or permit, at the applicant’s request, state in writing the reasons therefor and deliver them to the applicant.

(b) **Information confidential.** The business tax officer shall keep all information furnished or secured under the authority of this article in strict confidence to the fullest extent permitted under applicable law. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this article or except as otherwise required by applicable law.

**SECTION 4.** Section 94.36 is hereby amended to read:

Sec. 94-36. - Qualifications of applicants. The general standards set out in this article relative to the qualifications of every applicant for a city tax receipt shall be considered and applied by the city business tax officer. The applicant shall:
(1) Be of good character. In making such determination the city business tax officer shall consider the following:
   a. All criminal convictions, the reasons therefor and the subsequent conduct of the applicant.
   b. The tax receipt history of the applicant; **Be up to date on tax receipts,** whether such person, in previously operating in this or another city or county under a tax receipt, has had such tax receipt revoked or suspended, the reasons therefor and the conduct of the applicant subsequent to such action.
(2) Not be in default under the provisions of this article or indebted or obligated in any manner to the city except for current taxes.
(3) Present a certificate of occupancy furnished by the zoning official to the effect that the proposed use of any premises is not a violation of city zoning regulations.

**SECTION 5.** Section 94-37(c) is hereby amended to read:

* * *

(c) **Renewal procedure.** The applicant for the renewal of a tax receipt shall submit an application for such tax receipt upon request of the city business tax officer. The application shall:
(1) Be a written statement upon forms provided by the city business tax officer; such form shall include an affidavit, to be sworn to by the applicant before a notary public of this state.
(2) Require the disclosure of such information concerning the applicant’s demeanor and the conduct and operation of applicant’s business during the preceding licensing period as is reasonably necessary
to the determination by the business tax officer of the applicant’s eligibility for a renewal tax receipt and to a possible adjustment of the business tax.

***

SECTION 6. Section 94-38 is amended to read:

Each local business tax receipt shall be prepared and issued by the director of code enforcement building and permitting services in the manner and form prescribed by him and shall state upon the face thereof, among other things, the following:

***

SECTION 7. Section 94-40(b)(2) is amended to read:

* * *

(2) Transfer fee. When a business moves to a new location within the city, the business tax officer shall collect a transfer fee of $5.00 for businesses with license fees under $100.00 and a fee $10.00 for all others.

SECTION 8. Section 94-41 is amended to read:

Sec. 94-41. - Enforcement.
(a) Inspections. In the enforcement of this article, inspections shall be conducted as follows:

(1) Persons authorized. The following persons are authorized to conduct inspections in the manner prescribed as follows:

a. Business tax officer. The business tax officer shall make all investigations reasonably necessary to the enforcement of this article.

b. Officials. The business tax officer shall have the authority to order the inspection of tax receipt holders, their businesses and premises by all city officials having duties to perform with reference to such tax receipt holders or businesses to enforce compliance with this article.

c. Police officers. All police officers shall inspect and examine businesses located within their respective jurisdictions or beats to enforce compliance with this article.

(2) Authority of inspectors. All persons authorized in this section to inspect tax receipt holders shall have the authority to enter, with or without a search warrant, at all reasonable times, as may be permitted by law, during business hours, those premises for which a tax receipt:

a. Is required.

b. Was issued and which, at the time of inspection, is operating under such tax receipt.
c. Has been revoked or suspended.

(3) **Reports by inspectors.** Persons inspecting tax receipt holders, their business or premises as authorized in this section shall report all violations of this article or of other laws or ordinances to the business tax officer and shall submit such other reports as the business tax officer shall order.

* * *

(d) **Final order.** Upon the failure or refusal of the violator to comply with the provisional order or with any order made after hearing, the business tax officer shall then declare and make the provisional order final.

   (1) **Authority of business tax officer.** The business tax officer shall have the authority to suspend or revoke tax receipts upon making and declaring a provisional order final.

   (2) **Effect of revocation or suspension.** Upon revocation or suspension, no refund of any portion of the tax receipt fee shall be made to the tax receipt holder, and he shall immediately cease all business at all places under such tax receipt.

(e) **Summary action.** When the conduct of any tax receipt holder, agent or employee is so inimicable to the public health, safety and general welfare as to constitute a nuisance and thus give rise to an emergency, the business tax officer shall have the authority to summary order the cessation of business and the closing of premises or to suspend or revoke the tax receipt. Unless waived in writing, within five working days after he the business tax officer has acted summarily, the business tax receipt holder may request a hearing to contest the summary action of the business tax officer. If the business tax receipt holder requests a hearing, the business tax officer shall hold a hearing within 10 working days. Upon a hearing request, the business tax officer shall conduct a special hearing for such action in respect to the summary order as may be therein determined. Notice of such hearing shall be given the affected person in the manner prescribed in this section. If the business tax receipt holder does not request a hearing within five working days, the business tax receipt holder waives their right to a hearing and their right to appeal as stated in this section.

* * *

(h) Nothing in this code section limits the City’s remedies to address code violations by a business, and if the City pursues a remedy under this section, the City does not waive any other remedy available under any other code or statute.

**SECTION 9.** Section 94-42(b)(2) is amended to read as follows:

(2) Require the payment of only three-fourths the tax specified in section 94-43 for any business commenced on or after April January 1 and before
August 1 of any year, and payment of only one-half the tax specified in section 94-43 for any business commenced on or after September June 1 and before October 1 of any year.

SECTION 10. That the rates contained in Section 94-43, “Schedule,” be amended to reflect a five percent (5%) increase (and rounding down to the nearest dollar) to read as follows:

Business Tax Fees Receipts by Category

COMMUNICATIONS:

Newspaper 127.50 133.00
Telephone or Communications Company 1,215.00 1,275.00
Telegraph Company 249.00
Newsrack Boxes (On City property or rights of way) See City Fee Schedule 30.00

CLERICAL:
Administrative Services, Stenographer, Paralegal, Book Keeper Accountant (not a CPA), Secretary, Typist, Etc. 110.50 116.00

CONSTRUCTION AND MAINTENANCE SERVICES:

Alarm Systems Contractor 110.50 116.00
Residential, Building or General Contractor 157.50 165.00
Demolition Contractor 157.50 165.00
Electrical Contractor General Contractor 157.50 165.00
House Mover 157.50 165.00
Land Clearing Company 157.50 165.00
Underground Utility Contractor 157.50 165.00
Landscaping 127.50 133.00
Mechanical/HVAC Contractor [See Note 1] 48.30 133.00
Misc. Contractors, Carpentry, Masonry, Painting, Tile, Roofing, Irrigation, Swimming Pool, Stucco, etc. 157.50 165.00
Plumbing Contractor 157.50 165.00
Residential Contractor 157.50

Tree Trimming/Surgeon and Removal Services* 24.00 130.00
*(1000 Surety Bond and proof of Liability Insurance is Required)

[Note 1: The $48.30 charge for this category was a scrivener’s error]

FINANCE/INSURANCE/REAL ESTATE

Agent/Agencies
Title Agent, Directory Service
Employment, Equipment rental, Mail-Order Manufacturer’s Representative/agent, Claims/collections, Credit reporting; etc.  

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee 1</th>
<th>Fee 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appraiser</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>ATM location (off-site)</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Auditor</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Banks</td>
<td>248.50</td>
<td>250.00</td>
</tr>
<tr>
<td>Credit Bureau</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Finance/Loan Company</td>
<td>248.50</td>
<td>250.00</td>
</tr>
<tr>
<td>Mortgage Broker</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Mortgage Company</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Real Estate Broker</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No agents</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>1 to 5 salespersons</td>
<td>182.00</td>
<td>191.00</td>
</tr>
<tr>
<td>6 to 15 salespersons</td>
<td>243.00</td>
<td>255.00</td>
</tr>
<tr>
<td>16 or more salespersons</td>
<td>455.00</td>
<td></td>
</tr>
<tr>
<td>Savings &amp; Loan Association</td>
<td>127.50</td>
<td></td>
</tr>
<tr>
<td>Stocks Bonds dealer</td>
<td>248.50</td>
<td>250.00</td>
</tr>
<tr>
<td>Tax Consultant</td>
<td>248.50</td>
<td>250.00</td>
</tr>
<tr>
<td>Title Company</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Insurance Company</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home/regional office</td>
<td>279.00</td>
<td>292.00</td>
</tr>
<tr>
<td>District office</td>
<td>188.00</td>
<td>197.00</td>
</tr>
<tr>
<td>Resident agent office</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Each Insurance company (doing business within city)</td>
<td>60.00</td>
<td>63.00</td>
</tr>
</tbody>
</table>

**HOME OCCUPATIONS:**
See individual category for license fee. Home occupations are subject to limitations in Chapter 58, Section 7182, Subsection (eeaa) of the Winter Park Code.

**MANUFACTURING/FABRICATION:**
Boat/car builders, Furniture, Computers, etc.:
- 1 to 5 employees 127.50 133.00
- 6 to 15 employees 157.50 165.00
- Over 15 employees 188.00 197.00

**PROFESSIONALS:**
<table>
<thead>
<tr>
<th>Professional Services - Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office (More than one licensed professional person)</td>
</tr>
<tr>
<td>Animal Hospital</td>
</tr>
<tr>
<td>Assisted Living Facilities</td>
</tr>
<tr>
<td>Commercial Laboratory</td>
</tr>
<tr>
<td>Mental Health or Family Counselors</td>
</tr>
<tr>
<td>Dentist</td>
</tr>
<tr>
<td>Dietician/Nutritionist</td>
</tr>
<tr>
<td>Physicians</td>
</tr>
<tr>
<td>Fitness Trainer or Consultant</td>
</tr>
<tr>
<td>Massage Therapist</td>
</tr>
<tr>
<td>Health or Day Spa</td>
</tr>
<tr>
<td>Hospitals</td>
</tr>
<tr>
<td>Kennel/Animal Boarding</td>
</tr>
<tr>
<td>Nursing Homes</td>
</tr>
<tr>
<td>0 to 10 rooms</td>
</tr>
<tr>
<td>11 or more rooms</td>
</tr>
<tr>
<td>Orthodontist</td>
</tr>
<tr>
<td>Outpatient Medical or Emergency Clinic</td>
</tr>
<tr>
<td>Rehabilitation Specialist</td>
</tr>
<tr>
<td>Veterinarian</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Professional Legal Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office (More than one licensed professional person)</td>
</tr>
<tr>
<td>Attorneys</td>
</tr>
<tr>
<td>Bondsman</td>
</tr>
<tr>
<td>Detectives/Investigators, Security service:</td>
</tr>
<tr>
<td>1 to 5 employees</td>
</tr>
<tr>
<td>6 to 15 employees</td>
</tr>
<tr>
<td>Over 15 employees</td>
</tr>
</tbody>
</table>
### Repairs:
Garage/Auto, Bicycle Shop/Auto Detailing, Radio, Car Wash etc.:
- **1 to 5 employees**: $127.50 / $133.00
- **6 to 15 employees**: $157.00 / $164.00
- **Over 15 employees**: $180.00 / $189.00

### Retail/Wholesale:
- Basic retail/wholesale:
  - First 3,000 sq. ft.: $84.50 / $88.00
  - Each add’l 3,000 sq. ft.: $36.00 / $37.00
- Boat Sales: $188.00 / $197.00
- Cemetery/monument Sales: $188.00 / $197.00
- Farmer’s Market Vendor: $36.00 / $37.00
- Gasoline service Station:
  - First pump: $18.00
  - Each additional pump: $8.50 / $9.00
- New/Used Car Dealer: $310.00 / $325.00
- Pawnbroker: $461.50 / $484.00

### Restaurant:
- 0 to 10 seats: $60.50 / $63.00
- Each additional seat: $2.00 / $2.10
- Drive-in/take-out service: $60.50 / $63.00
- Ice Cream Vendor: $127.50 / $133.00
- Sales Representative: $127.50 / $133.00
- Solicitor/Peddler (**See City Fee Schedule**)
- Mobile Licensing Vendors - Produce/Specialties (permit fee is additional separate charge): $60.00 / $63.00

### Salons
- Barber Shop /Beauty Shop/Nail/Pedicure Shop: $86.50 / $90.00
- Esthetician/Body and Facial Scrubs: $30.00 / $31.00
- Each chair/or license holder: $27.50 / $28.00
(Also see Massage Therapist under Professional Services – Health)

### Services-Educational:
- Schools/Independent Teacher/Instructor
- Commercial, Dancing, Electronic, **Vocational**, Kindergarten,
  Music, Riding, etc.):
  - 1 to 25 students: $42.00 / $44.00
  - 26 to 50 students: $79.00 / $82.00
  - 51 to 75 students: $115.00 / $120.00
  - 51 to 75 students: $157.50 / $164.00

### Services-Entertainment:
- Amusement/Video Game Arcade: $127.50 / $133.00
- Billiards/Pool (each location): $127.50 / $133.00
<table>
<thead>
<tr>
<th>Service</th>
<th>Price 1</th>
<th>Price 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bowling Alley</td>
<td>249.00</td>
<td>261.00</td>
</tr>
<tr>
<td>Dance/Entertainment Facilities</td>
<td>249.00</td>
<td>261.00</td>
</tr>
<tr>
<td>Halls: 0 to 60 seats</td>
<td>279.00</td>
<td>292.00</td>
</tr>
<tr>
<td></td>
<td>over 60 seats</td>
<td></td>
</tr>
<tr>
<td>Exhibitions (per day)</td>
<td>60.00</td>
<td>63.00</td>
</tr>
<tr>
<td>Golf - Miniature course</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Par 3 course</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Regulation-9-18 holes</td>
<td>249.00</td>
<td>261.00</td>
</tr>
<tr>
<td>Palmistry</td>
<td>249.00</td>
<td>261.00</td>
</tr>
<tr>
<td>Rinks</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Shooting Galleries</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Spiritualist/Medium</td>
<td>249.00</td>
<td>261.00</td>
</tr>
<tr>
<td>Swimming Pool</td>
<td>60.00</td>
<td>63.00</td>
</tr>
<tr>
<td>Theaters:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 to 700 seats</td>
<td>249.00</td>
<td>261.00</td>
</tr>
<tr>
<td>701 to 1,000 seats</td>
<td>492.00</td>
<td>516.00</td>
</tr>
<tr>
<td>over 1,000 seats</td>
<td>735.00</td>
<td>771.00</td>
</tr>
<tr>
<td>Vending/Amusement Machines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(coin operated): Jukebox, Pinball, Video, Pool Tables, Shuffleboard Etc., (each machine)</td>
<td>24.00</td>
<td>25.00</td>
</tr>
<tr>
<td>Drink &amp; Food Products</td>
<td>12.00</td>
<td></td>
</tr>
<tr>
<td>($0.25 or less) each machine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drink &amp; Food Products (over $0.25) each machine</td>
<td>17.85</td>
<td>18.00</td>
</tr>
</tbody>
</table>

**SERVICES-LODGING/PROPERTYMANAGEMENT: OFFICE**

<table>
<thead>
<tr>
<th>Service</th>
<th>Price 1</th>
<th>Price 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment Building over three units- Apartments (each dwelling unit bedroom)</td>
<td>3.50</td>
<td>7.00</td>
</tr>
<tr>
<td>Hotels, Motels, &amp; Boarding</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 to 10 bedrooms</td>
<td>84.50</td>
<td>88.00</td>
</tr>
<tr>
<td>Over 10 rooms</td>
<td>310.00</td>
<td>325.00</td>
</tr>
<tr>
<td>Advertising Agency</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Auction</td>
<td>249.00</td>
<td>261.00</td>
</tr>
<tr>
<td>Auctioneers</td>
<td>310.00</td>
<td>325.00</td>
</tr>
<tr>
<td>In Home Child or Senior care (6 clients)</td>
<td>36.00</td>
<td>37.00</td>
</tr>
</tbody>
</table>

**Miscellaneous Business Offices and Businesses:**

<table>
<thead>
<tr>
<th>Service</th>
<th>Price 1</th>
<th>Price 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising Agency</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Ambulance (each vehicle)</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Auction</td>
<td>249.00</td>
<td>261.00</td>
</tr>
<tr>
<td>Auctioneers</td>
<td>310.00</td>
<td>325.00</td>
</tr>
<tr>
<td>Auto Parking Lot/Garage:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 to 10 cars</td>
<td>30.00</td>
<td>31.00</td>
</tr>
<tr>
<td>11 to 30 cars</td>
<td>60.50</td>
<td>63.00</td>
</tr>
<tr>
<td>31 to 60 cars</td>
<td>84.50</td>
<td>88.00</td>
</tr>
<tr>
<td>Service Description</td>
<td>Less than 50 employees</td>
<td>50 to 250 employees</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>61 to 100 cars</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Over 100 cars</td>
<td>249.00</td>
<td>261.00</td>
</tr>
<tr>
<td>Vehicle/Auto Rental</td>
<td>157.50</td>
<td>165.00</td>
</tr>
<tr>
<td>Bus Station</td>
<td>157.50</td>
<td>165.00</td>
</tr>
<tr>
<td>Cleaners, Copier Service, Dressmaker, Janitorial, Lawn Spraying, Linen &amp; Towel Service, Photographer With Studio, Printer, Tailor, Travel Agency, etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner operated</td>
<td>60.00</td>
<td>63.00</td>
</tr>
<tr>
<td>1 to 5 employees</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>6 to 15 employees</td>
<td>157.50</td>
<td>165.00</td>
</tr>
<tr>
<td>Over 15 employees</td>
<td>188.00</td>
<td>197.00</td>
</tr>
<tr>
<td>Caterer/Catering Service:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Each company</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Mobile vendor</td>
<td>127.50</td>
<td>133.00</td>
</tr>
<tr>
<td>Each vehicle</td>
<td>60.00</td>
<td>63.00</td>
</tr>
<tr>
<td>Day Care Centers (not schools):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 to 25 children</td>
<td>42.00</td>
<td>44.00</td>
</tr>
<tr>
<td>26 to 50 children</td>
<td>79.00</td>
<td>82.00</td>
</tr>
<tr>
<td>51 to 75 children</td>
<td>115.00</td>
<td>120.00</td>
</tr>
<tr>
<td>over 76 children</td>
<td>157.50</td>
<td>165.00</td>
</tr>
<tr>
<td>Escort Service</td>
<td>765.50</td>
<td>803.00</td>
</tr>
<tr>
<td>Pest control company/Exterminator</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Each truck</td>
<td>24.00</td>
<td>25.00</td>
</tr>
<tr>
<td>Funeral home</td>
<td>249.00</td>
<td>261.00</td>
</tr>
<tr>
<td>Interior Decorator</td>
<td>85.00</td>
<td>89.00</td>
</tr>
<tr>
<td>Laundromats</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 to 10 machines</td>
<td>60.00</td>
<td>63.00</td>
</tr>
<tr>
<td>over 10, each add’ 1</td>
<td>6.00</td>
<td>6.00</td>
</tr>
<tr>
<td>Laundry/Dry cleaners</td>
<td>84.50</td>
<td>88.00</td>
</tr>
<tr>
<td>Locksmith</td>
<td>84.50</td>
<td>88.00</td>
</tr>
<tr>
<td>Messenger/Delivery service</td>
<td>84.50</td>
<td>88.00</td>
</tr>
<tr>
<td>Outdoor Advertising Sign</td>
<td>60.50</td>
<td>63.00</td>
</tr>
<tr>
<td>Piano Tuner</td>
<td>48.50</td>
<td>50.00</td>
</tr>
<tr>
<td>Public Stenographer</td>
<td>60.50</td>
<td>63.00</td>
</tr>
<tr>
<td>Railroad Company</td>
<td>461.00</td>
<td></td>
</tr>
<tr>
<td>Telephone Answering Service</td>
<td>60.50</td>
<td>63.00</td>
</tr>
<tr>
<td>Telephone Solicitor:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For others</td>
<td>765.50</td>
<td>803.00</td>
</tr>
<tr>
<td>For business/Customers</td>
<td>431.00</td>
<td>452.00</td>
</tr>
<tr>
<td>Warehouse/Storage:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First 5,000 sq.ft.</td>
<td>127.50</td>
<td>133.00</td>
</tr>
</tbody>
</table>
Each add'l, 1000 sq.ft.  6.00  6.00
Wrecker-Towing Service 127.50  133.00
Valet Service  127.50  133.00
Vehicle for Hire  300.00  315.00
Taxi Service, Moving Company
  1 to 4 vehicles  157.50  165.00
  Each add'l vehicle  15.00  15.00

UTILITIES:
  Electric Power Company  1215.00
  Fuel Oil or Gas Dealer:
    Manufactured, Bottled, LPG  243.50  255.00
    Gasoline & Oil  279.50  293.00
  Natural Gas Dealer  1215.50  1276.00
  Waste/Recycling Collector:
    First truck  84.50  88.00
    Each add'l truck  24.50  25.00
  Water Company  1215.50
  Solid Waste Company  127.50  133.00

UNCLASSIFIED or MISCELLANEOUS  127.50  133.00

SECTION 11. Incorporation Into Code. This ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 12. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 13. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

SECTION 14. This ordinance shall take effect October 1, 2015.

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 July, 2015.

________________
Mayor Steve Leary

ATTEST: