Meeting Called to Order

Invocation
Pastor Ed Garvin, Calvary Assembly of God

Pledge of Allegiance

Approval of Agenda

Mayor’s Report

- Recognition - Winter Park 14u Babe Ruth 2015 World Series Bronze Medalist
- Business Recognition Award–Q3 2015 recipient Tuni Trendy & Chic
- Proclamation - National Friends of Libraries Week
- Proclamation - World Stroke Day
- Proclamation - 2015 Fire Prevention Month

*Projected Time
*Subject to change

30 minutes

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

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

Citizen comments at 5 p.m. and each section of the agenda where public comment is allowed are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left. Large groups are asked to name a spokesperson. This period of time is for comments and not for questions directed to the Commission or staff for immediate answer. Questions directed to the City Commission will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

Agenda
5 City Manager’s Report

6 City Attorney’s Report

7 Non-Action Items

8 Citizen Comments | 5 p.m. or soon thereafter (if the meeting ends earlier than 5 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)

9 Consent Agenda

   a. Approve the minutes of September 28, 2015.
   b. Approve the following purchases and formal solicitations:

      2. Blanket Purchase Order to Air Liquide Industrial Company for Liquid Oxygen for Water Treatment Facilities; $150,000.
      3. Blanket Purchase Order to Odyssey Manufacture Co. for Sodium Hypochlorite; $155,000.
      4. Blanket Purchase Order to GATSO USA for Red Light Safety Enforcement; $403,200.
      5. Blanket Purchase Order to Stephen Technology for Trenchless Repair to Sanitary Sewer Main; $120,000.
      6. Blanket Purchase Order to Perma Liner Industry for Trenchless Repair to Sanitary Sewer Main; $300,000.
      7. Blanket Purchase Order to Florida Power & Light Co. for Bulk Power Supply; $10,500,000.
      8. Blanket Purchase Order to Florida Power & Light Co. for Power Transmission; $800,000.
      9. Blanket Purchase Order to Covanta Energy Marketing LLC for Bulk Power Supply; $4,000,000.
     10. Blanket Purchase Order to Duke Energy for Transmission pursuant to Duke Energy Tariff; $2,100,000.
     11. Blanket Purchase order to Gainesville Regional Utilities (GRU) for Bulk Power Supply (ITN-13-2013); $4,600,000.
     12. Blanket Purchase Order to Orlando Utilities Commission for Bulk Power Supply and Power Transmission (ITN-13-2013); $4,600,000.
     13. Blanket Purchase Order to Winter Park Public Library for Annual Organizational Support; $1,422,472.
17. Authorize staff to enter into negotiations with the top ranked firm, Tyler Technologies, ITN-11-2015, Enterprise Resource Planning (ERP) System Selection.

<table>
<thead>
<tr>
<th>10</th>
<th>Action Items Requiring Discussion</th>
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<tr>
<td>a.</td>
<td>State Legislative Priorities</td>
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<td>a.</td>
<td>Request of Phil Kean Designs, Inc. for the property at 652 West Morse Boulevard:</td>
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<td>- Ordinance – To change the future land use map designation of Commercial to Central Business District (2)</td>
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<td>- Ordinance – To change the existing zoning designation of Office (O-1) District to Commercial (C-2) District (2)</td>
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<td>- Conditional use approval to redevelop the property into 11 residential units that are two and three story in height with a total project size of 40,566 square feet.</td>
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<td>b.</td>
<td>Request of Sydgan Corporation:</td>
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<td>- Ordinance – Vacating and abandoning the 5’ utility easement located on Block “G” of the Home Acres Subdivision and the 1999 Florida Power Corporation distribution easement (2)</td>
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<tr>
<td>c.</td>
<td>Resolution – Supporting the school rezoning petition of the Lake Bell neighborhood.</td>
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<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>Notice to Proceed for construction expected October 2015.</td>
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<tr>
<td>Future tree plantings</td>
<td>Develop an agenda item for Commission to review planting policies.</td>
<td>November 9 agenda.</td>
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<tr>
<td>MLK (Rollins) Restroom</td>
<td>Contractor is currently constructing foundation and walls. Construction will take approximately (four) 4 months.</td>
<td>Anticipate completion by the end of the year.</td>
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<tr>
<td>Historic Preservation Ordinance</td>
<td>Draft under review by the Historic Preservation Board.</td>
<td>Ordinance to be presented to the Commission on November 9.</td>
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<tr>
<td>Visioning Steering Committee</td>
<td>Inviting community to participate at <a href="http://www.visionwinterpark.org">www.visionwinterpark.org</a>.</td>
<td>October 27, 5:30-7:30, Mead Gardens – Keynotes in the Park</td>
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<tr>
<td>New Hope Baptist Church Project</td>
<td>The exterior of the buildings, accessible restrooms, landscaping, parking and drainage have been completed and approved. The Pastor has requested a conditional use to change the use of the buildings to Fellowship Hall and Sunday School classrooms.</td>
<td>Conditional Use will be on the October 26 agenda.</td>
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<tr>
<td>Library Public Sessions</td>
<td>Report to come to the City Commission on October 26.</td>
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<tr>
<td>Street Performers ordinance</td>
<td>Park Avenue Merchant’s Association meeting in October. Goes to Parks Board in October and City Commission in November.</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.
90 Day Plan

Note: The dates below are tentative and subject to change.

October 12
  • Legislative Priorities

October 26
  • Update Flood Ordinance
  • Library report from consultants
  • Shallow Lot ordinance
  • Rollins Day Care
  • New Hope Baptist Church conditional use request
  • Residential Code Glitch Cleanup

November 9
  • Street Performer Ordinance
  • Library/Civic Center Bond Ordinance
  • Ravaudage Development Order modifications
  • Historic Preservation Ordinance
  • NOD for Progress Point
  • Ordinance concerning rental properties

November 23
  • Golf Course Proposals
  • Winter Park Health Foundation/Wellness Center Redevelopment
• Showalter Agreements

December 14

• Fire Department Standard of Cover Update
• Sign Ordinance
• Blake Yard discussion

Other important activities in the next quarter:

• October 10 & 11 – Autumn Art Festival
• November 6 - Veteran’s Day Celebration
• December 3 - Christmas in the Park
• December 4 – Holiday Tree Lighting
• December 5 – Christmas Parade
• December 14 – December 18 – Qualifying for Commission seats 3 & 4
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 Reverend Leslie McCarrick, Winter Park Christian Church, 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

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

Mayor’s Report

a. Presentation - Ronny Jack Coleman Leadership Legacy Award

Mayor Leary presented Fire Chief Jim White with the Ronny Jack Coleman Leadership Legacy Award that was presented to Chief White during the Center for Public Safety Excellence 16th Annual Awards Ceremony in Atlanta. The award recognizes an individual for their superior leadership and actions that have elevated the international fire and emergency services profession through mentoring, teaching and sharing outstanding contributions.

b. Proclamation – Electric Director Jerry Warren retirement

Mayor Leary provided Electric Director Jerry Warren with a proclamation and proclaimed September 30, 2015 as Jerry Warren Day in recognition of his retirement from the City. Mr. Warren spoke about his great experience working for the City.

City Manager’s Report

City Manager Knight spoke about Mr. Warren’s time and success with the electric utility during his tenure with the City. He stated that Public Works Director Troy Attaway will oversee the electric utility from the director’s side. He introduced Dan D’Alessandro (new Operations Manager) and Kara Purdy (new Assistant Operations Manager and Senior Engineer who will be designing the undergrounding). He stated they will keep Mr. Warren on contract to handle areas such as the bulk power supply.
City Manager Knight addressed the 90 day work schedule provided to the Commission.

Commissioner McMacken asked City Manager Knight about the update on trees. He wanted to schedule that for the October 12 agenda or another time when we have a light agenda.

Commissioner Seidel spoke about Electric Director Jerry Warren when he served on the Utilities Advisory Board and that he did a great job putting the City in the financial position that we are in.

**City Attorney’s Report**

Attorney Brown brought up the issue of the Fifth Third Bank with Matsby Properties and Mr. and Mrs. Helsby. He stated the developer’s agreement between the City and the bank was approved at the August 24 meeting. At that time he was under the understanding that the attorney’s had worked out their issue with the easement but found out later they had not resolved it. He asked the Commission what they wanted to do about this issue. He addressed providing the bank’s attorney suggestions as how to resolve this and trying to help the private parties come to a private cross access easement agreement. He expressed concerns with holding the bank up with their development because of this one issue because they are entitled to their permit. He summarized what has transpired over the last few months.

Attorney Arthur Baker, representing Fifth Third Bank, clarified the terms of the development agreement approved on August 24 that states that they are at an impasse regarding the negotiation and what was approved includes the additional condition of approval from May 11. He concluded that they have been working on this for five months and commented against holding this up or having to address the development agreement again today between the bank and the City for the benefit of a private party. He stated they are willing to work with Mr. and Mrs. Helsby to resolve this but that the development agreement has been approved.

Kathy Helsby, Matsby Properties, proposed a compromise to dedicate the northwest corner of their property to parking so when their property is developed, the adjacent area that would connect would also be designated as parking. It will then be up to the two property owners at some time in the future to negotiate and create or not create the connection. She addressed the revised plan the bank gave them that contained changes made so that traffic could potentially go both ways in this area. She asked that these changes remain and the designated parking spots are made so a future connection would be possible if and when both parties agree. She stated she is in favor of the bank being able to proceed with their development if these two changes in the layout are made by the Commission.

Mayor Leary spoke about the change in law on October 1 whereby this creates an unfavorable issue for the City. Attorney Brown stated they are vested and have a right to obtain a permit and build but that this issue has been delaying them. He
stated it can be viewed as a private issue and that the question is that it may not be the City’s role without liability to assist them in that regard.

The site plan provided on May 11, 2015 was addressed. Upon discussion, motion made by Mayor Leary to ratify the August 24 development agreement approval; seconded by Commissioner McMacken. No other public comments were made.

Ms. Helsby reiterated her comments about the parking spaces. Mr. Baker responded that they are willing to enter into that private conversation. Planning Manager Briggs displayed the approved site plan with the condition that the dumpster be relocated and that the plan contains parking spaces. There was a consensus for staff to review the issue of cross connection of commercial and retail and determine if we need to do anything in our codes or policy so that we do not put this on private individuals in the future.

**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.**

**Non-Action Item**

a. Parks Master Plan update

Parks and Recreation Director John Holland provided a PowerPoint presentation from a request of the Commission. Mr. Holland updated the Parks and Recreation Master Plan including the Ward/Showalter/Cady Way Complex. He summarized the history of the master plan, the master plan recommendations, progress of the parking lots (completed parking, current projects, and future parking), conceptual designs, athletic field progress, Ward Park Restrooms, and additional Ward Park improvements (includes new field lighting #9 softball, new field lighting for Showalter East, refurbishment of existing baseball restrooms, and improvements to Ward Park drainage and environmental area.). It was clarified that all of these additional Ward Park improvements have been included in this year’s budget. Mr. Holland responded to questions of the Commission.

**Consent Agenda**

a. Approve the minutes of September 14, 2015.

b. Approve the following contracts and formal solicitations:
   1. Renewal of commercial insurance package with Brown & Brown; and authorize the Mayor to execute the renewal and approve the subsequent purchase order; $1.124 million.
   2. Temporary 90 day extension to Waste Pro of Florida, Inc. (RFP-6-2009); and authorize the Mayor to execute the extension letter. **PULLED FROM AGENDA FOR DISCUSSION. SEE BELOW.**
3. Award to Lee Crest Company, IFB-4-2015, Construction of Brookshire Elementary School Neighborhood Sidewalk Project.
4. Award to William J. Peebles & Capitol Insight, RFP-17-2015, State Lobbyist; and authorize the Mayor to execute the contract.

c. Approve the budget amendment for Public Works and the Building Department for the Cady Way Cycle Track improvements and the Building Interactive Voice Response (IVR) software. **PULLED FROM AGENDA FOR DISCUSSION. SEE BELOW.**

d. Authorize the City Manager, in consultation with the City Attorney, as needed, to sign purchase orders for payment of HIDTA personnel and operations, subject to the condition that the HIDTA grant funds will be the sole source of money to pay these obligations. Additionally, authorize purchase orders in the amounts of $85,000, $120,000 and $156,000 for several independent contractors who provide specialized and confidential investigative services on behalf of HIDTA; and a purchase order for $126,000 for facility expenses of HIDTA.

e. Authorize the Mayor to execute the Florida Power & Light Company Native Load Firm and System Firm Partial Requirements Power and Energy Transaction Confirmation.

f. Authorize the Mayor to sign a lease agreement between the City of Winter Park and the Winter Park Benefit Shop. **PULLED FROM AGENDA FOR DISCUSSION. SEE BELOW.**

g. Approve the Watermain Construction Agreement; Cost-Sharing Agreement between the City and UP Fieldgate US Investments – Winter Park, LLC (the “Developer”).

**Motion made by Commissioner McMacken to approve Consent Agenda items a, b.1, b.3-4, d, e and g; seconded by Commissioner Seidel.** No public comments were made. The motion carried unanimously with a 5-0 vote.

Consent Agenda items b.2, c and f:

Commissioner Sprinkel pulled these items off the consent agenda for clarification purposes. Upon a request by Commissioner Seidel, Mr. Knight will send the Commission the RFP for garbage pickup to review and see if they have any comments or proposed changes. Regarding the benefit shop and items being hung outside of City Hall the days they are open, they will follow the sign code as part of the new lease. No public comments were made. Upon clarification by staff, **motion made by Commissioner Sprinkel to approve Consent Agenda items b.2, c and f; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**
Action Items Requiring Discussion

a. City Attorney Contract

City Manager Knight explained the two options provided at the last meeting whereby staff was directed to go back and provide a third option that would provide for 120 hours per month. He met with the new attorney who proposed three 40-hour blocks of discounted attorney time.

Motion made by Commissioner McMacken to approve the new option; seconded by Commissioner Seidel. Commissioner Cooper expressed her concerns with the cap because of the current usage of many more hours. She stated she did not want anything to ever inhibit her or staff from asking a question needing an answer.

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.

Public Hearings:

a. Request of Ferna Bernstein for the annexed property at 1566 W. Fairbanks Avenue:

Attorney Brown read the ordinances by title.

ORDINANCE NO. 3009-15: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, “LAND DEVELOPMENT CODE”, ARTICLE I “COMPREHENSIVE PLAN” FUTURE LAND USE MAP SO AS TO ESTABLISH COMMERCIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 1566 WEST FAIRBANKS AVENUE AND TO INDICATE THE ANNEXATION ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

ORDINANCE NO. 3010-15: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, “LAND DEVELOPMENT CODE”, ARTICLE III, “ZONING” AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH COMMERCIAL (C-3) ZONING ON THE ANNEXED PROPERTY AT 1566 WEST FAIRBANKS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Motion made by Commissioner McMacken to adopt the comprehensive plan ordinance; 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 McMacken to adopt the zoning ordinance; 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.

b. Subdivision or lot split of 1004 N. Pennsylvania Avenue

Planning Manager Jeff Briggs explained the request for subdivision or lot split approval to divide the property at 1004 N. Pennsylvania Avenue into four (4) single family lots. The zoning is R-1A and the property is now vacant. Variances are requested for each lot to be on average, 60 feet in width in lieu of the minimum 75 feet of lot width requirement. Building setback variances are also requested. Mr. Briggs addressed the zoning and comprehensive plan tests. Upon questioning, Mr. Briggs provided the staff recommendation of denial because of the code outlining the 500’ radius and the comparison was not there on widths. The developer or applicant would be following the tree removal process.

Motion made by Commissioner Sprinkel to approve the request to subdivide or lot split the property at 1004 N. Pennsylvania Avenue (with the Planning and Zoning conditions: 1) Building setback variances as requested are approved for interior lot line but not to any exterior lot lines; 2) If a rear access alley is developed then the access easement must be 24 feet wide and the eastern property line shall have a six foot brick privacy wall constructed as part of the required infrastructure); seconded by Mayor Leary.

Attorney Rebecca Wilson, representing the contract purchasers, summarized the location of the property, provided a street view of the property, site plan, variance and setback requests, Planning and Zoning (P&Z) Board recommendation, and compatibility with the neighborhood. She listed the other things they agreed to, including building Santa Barbara style homes, and their willingness to build a six-foot masonry wall on the rear. She spoke about her disagreement with staff regarding the comprehensive plan test and how staff determines this.

Regarding the variance request, the applicant requested building setback variances to be established. The setbacks shown for the front, rear and north sides conform to code. The applicant requested to reduce the interior setbacks to 5’ (from 7.5’). The P&Z Board had no objection to the interior lot setback changes that only affect these future homes. However, the P&Z Board did not support the reduced street setback to Tantum Avenue which is less than the street setback for the home directly across that street on the opposite corner.

Commissioner Cooper spoke in opposition to the request because of it not complying with the City’s land use codes that require 75’ lot width and not complying with the City’s comprehensive plan test. Commissioner Seidel asked how often we approve a smaller lot size than the code requires. Mr. Briggs responded around 30%-40% of the ones that come to the Commission. Mr. Briggs addressed the alleyway and
garbage pickup, and the design to put the garages in the rear so the homes are more attractive on the Pennsylvania frontage. Commissioner Seidel asked about having three lots instead of four and what happens to the oak trees during development. Ms. Wilson stated the request is for four lots, not three, and they have not done a tree survey. Planning Director Dori Stone expressed staff’s denial of the request because staff does not believe that they should ever recommend to create lots that have a variance to them; three lots on this property do not require a variance, however, the four lots for this request does.

The following spoke in favor of the request:

John McDade, 450 Beloit Avenue
Chris Heidrich, 922 N. Pennsylvania Avenue
Frank Baker, 650 Northwood Circle
Janie Baker, 650 Northwood Circle

Amendment to the motion made by Commissioner McMacken that in addition to the conditions that the Planning and Zoning Commission put on he wanted to add that the four residential units will not be of uniform elevation on the exteriors and that they will have significant architectural variation among them and the architectural style of the homes may be interrelated and compatible; seconded by Commissioner Cooper. Upon a roll call vote on the amendment, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

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

Public comments (items not on the agenda)

Robert Rich, 502 Brechin Drive, spoke about the speeders on Brechin Drive and the sidewalks that he believed will have no impact on the speed limit. He spoke about the problems associated with Kimbrace Place. He asked that staff review this before completing the sidewalk project. City Manager Knight will look into this.

Recess

A recess was taken from 5:34 - 5:52 p.m.

Budget Public Hearings:

Mayor Leary made the following comments: “The millage rate needed for Fiscal Year 2016 to generate the same property tax revenue for the City as in 2015, based on the Property Appraiser's certification, is 3.8774 mills.”
The budget proposed by the staff with amendments generally agreed to by the City Commission requires a millage of 4.0923 mills which has been the rate levied by the city for the last seven years. The proposed millage of 4.0923 mills would represent an increase in property taxes, not counting new construction and the City’s dedicated increment value payment to the Community Redevelopment Agency, of 5.54%. This increase in property taxes levied over the prior year is not due to any change in tax rate but is due to the increase in assessed values of properties.

In addition, a 0.0892 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2004 approved by the citizens of Winter Park at the June 4, 1996 bond referendum, and a 0.1858 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2011 approved by the citizens of Winter Park at the May 16, 2000 bond referendum. “This will be a simultaneous public hearing on two ordinances.”

Attorney Brown read both ordinances by title. There were no public comments.

**ORDINANCE NO. 3011-15:** AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING A 4.0923 MILL AD VALOREM TAX LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE GENERAL OPERATING EXPENSES OF THE CITY, A .0892 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2004, AND A .1858 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2011 Second Reading

Motion made by Commissioner McMacken to adopt the millage ordinance; seconded by Commissioner Cooper. 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.

**ORDINANCE NO. 3012-15:** AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN; APPROPRIATING FUNDS FOR THE GENERAL FUND, DESIGNATIONS TRUST FUND, STORMWATER UTILITY FUND, COMMUNITY REDEVELOPMENT FUND, FEDERAL FORFEITURE FUND, POLICE GRANT FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, ELECTRIC UTILITY FUND, FLEET MAINTENANCE FUND, VEHICLE/EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AND UNSPENT PROJECT BUDGETS AS OF SEPTEMBER 30, 2015; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY Second Reading
Motion made by Commissioner McMacken to adopt the budget ordinance; seconded by Commissioner Cooper. 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. Continuance of public hearings: Request of Phil Kean Designs, Inc. for the property at 652 West Morse Boulevard:

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT FUTURE LAND USE ON THE PROPERTY AT 652 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE FROM OFFICE (O-1) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 652 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Conditional use approval to redevelop the property into 11 residential units that are two and three story in height with a total project size of 40,566 square feet.

Attorney Brown read both ordinances by title. Planning Manager Jeff Briggs stated this is a simultaneous public hearing, and conditional use approval which requires two hearings of the conditional use. He explained the location of the property and current zoning of O-1 (Office) and the request to rezone the property to C-2 (Commercial) to build residential townhomes two and three stories in height. He stated the current building facing Morse Boulevard is two stories in height, and the three buildings further back on the site are three stories. Because of the one and two story character along Morse Boulevard, the applicant agreed to reduce the size of the scale along Morse to two stories to be compatible with the character. He spoke about the driveway access to the buildings being in the rear off of Welbourne and not from Morse Boulevard. Mr. Briggs addressed the parking spaces for this project as well as the Floor Area Ratio (FAR) and terracing on the third floors. He explained the Planning and Zoning recommendation and the conditions agreed to by the applicant.

Jacob Farmer, 135 N. Knowles Avenue, on behalf of Phil Kean Designs, showed the digital 3-D fly-around images shown at the Planning and Zoning Board meeting. Per questioning by Commissioner Cooper, there was discussion regarding the City owned property they will be using and if the City should ask the applicant to purchase it for their project since they are going to be improving the property. The applicant agreed to maintain the property, and will work with the Parks Department for any changes that may be made to the property. Other discussion ensued regarding parking at that location.
Commissioner McMacken stated he viewed the property and surrounding area. He made the determination that the project is too dense for the site. Commissioner McMacken disagreed with the fourth building, with residential properties counting on greenspace to be the park that is City owned property, and having to parallel park vehicles on City property to make this work. The need to put feet on the street was also addressed.

Motion made by Commissioner Sprinkel to accept the comprehensive plan ordinance on first reading; seconded by Mayor Leary. No public comments were made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.

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

Motion made by Commissioner Cooper to approve the conditional use to be accompanied by a developer's agreement to be worked out by staff and the applicant before the next meeting that addresses the maintenance of the property along the City easement (path and upkeep); seconded by Commissioner McMacken. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.

d. Request of Sydgan Corporation:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND ABANDONING THE 5 FOOT UTILITY EASEMENT LOCATED ON BLOCK “G” OF THE HOME ACRES SUBDIVISION AND THE 1999 FLORIDA POWER CORPORATION DISTRIBUTION EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Public Works Director Troy Attaway explained the two easements: one is for Florida Power (now Winter Park Electric) and the other is a platted utility easement from 1926. Block “G” is the block where the eight story apartment building approved by the DRC for construction will be built. He stated the 5’ platted utility easement runs up the middle of the block and that neither easement is needed.

Motion made by Commissioner McMacken to accept the ordinance on first reading; 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.
Comments to departing City Attorney Larry Brown:

Mayor Leary stated this is the last meeting for Attorney Brown. He stated Attorney Brown was always available, a great ally to the Commission and a great resource. He commented that he appreciated Attorney Brown’s sense of humor and great discussions and will miss him. He thanked Attorney Brown for his services to the City.

City Commission Reports:

a. Commissioner Seidel – Spoke about lot splits and the stormwater associated with that. Mayor Leary asked that he reach out to staff to look at what issues are causing flooding when subdividing properties and for developing other properties.

b. Commissioner Sprinkel – Spoke about her visit to UCF and the great college and positive impact UCF has on the area.

c. Commissioner Cooper – Spoke about having legal fees paid by the requesting developers (staff is already looking into this); invited the Commission to come to her Coffee Talk on Wednesday; spoke on the Central Florida water initiative issue and our issues with flooding; believed there to be a weakness in our code regarding parking spaces (Commission will discuss regarding the interpretation of the code); wanted to include staff recommendations in the reports coming to them for items of approval; asked to schedule a time to discuss C-2 zoning in general and where they want to go with this regarding a policy (Commissioner Sprinkel asked that this discussion also include other zoning whereby Planning Director Stone stated she can provide a briefing on any land use/zoning code the Commission wants); and asked if the City architect position got approved. City Manager Knight stated they are looking at a position they are considering to fill with this position.

d. Commissioner McMacken – Spoke about the magazine on the Delta airplane showcasing Orlando where many of the places are actually Winter Park; spoke about the upcoming Art Festival; and attended the retirement for 41 year employee Sam Jones.

e. Mayor Leary – No report.

The meeting adjourned at 6:56 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>Air Liquide Industrial Company</td>
<td>Blanket Purchase Order for Liquid Oxygen for Water Treatment Facilities</td>
<td>Total expenditure included in approved FY16 budget. Amount: $150,000</td>
<td>Commission approve Blanket Purchase Order to Air Liquide Industrial Company for Liquid Oxygen.</td>
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<tr>
<td>Odyssey Manufacture Co.</td>
<td>Blanket Purchase Order for Sodium Hypochlorite</td>
<td>Total expenditure included in approved FY16 budget. Amount: $155,000</td>
<td>Commission approve Blanket Purchase Order to Odyssey Manufacture Co. for Sodium Hypochlorite.</td>
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<tr>
<td>GATSO USA</td>
<td>Blanket Purchase Order for Red Light Safety Enforcement</td>
<td>Total expenditure included in approved FY16 budget. Amount: $403,200</td>
<td>Commission approve Blanket Purchase Order to GATSO USA for Red Light Safety Enforcement.</td>
<td></td>
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</tr>
<tr>
<td>Stephen Technology</td>
<td>Blanket Purchase Order for Trenchless Repair to Sanitary Sewer Main</td>
<td>Total expenditure included in approved FY16 budget. Amount: $120,000</td>
<td>Commission approve Blanket Purchase Order to Stephen Technology for Trenchless Repair to Sanitary Sewer Main.</td>
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</table>

The City of Winter Park utilized a formal solicitation to award this contract. The current contract will expire on July 29, 2016. This Blanket Purchase Order will expire September 30, 2016 but any remaining funds will be cancelled and reallocated to the new solid waste services contract.


This purchase will be made utilizing piggyback contract with City of Eustis – 010-10. The current contract term will expire on June 22, 2016 but is expected to renew. This Blanket Purchase Order will expire September 30, 2016. If the piggyback contract is not renewed then this blanket purchase order will be cancelled on June 22nd.

This Blanket Purchase Order will expire September 30, 2016.

This is a Sole Source purchase. This Blanket Purchase Order will expire September 30, 2016.
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<th>motion / recommendation</th>
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<tbody>
<tr>
<td>6 Perma Liner Industry</td>
<td>Blanket Purchase Order for Trenchless Repair to Sanitary Sewer Main</td>
<td>Total expenditure included in approved FY16 budget. Amount: $300,000</td>
<td>Commission approve Blanket Purchase Order to Perma Liner Industry for Trenchless Repair to Sanitary Sewer Main</td>
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<td>This Blanket Purchase Order will expire September 30, 2016.</td>
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<tr>
<td>7 Florida Power &amp; Light Co.</td>
<td>Blanket Purchase Order for Bulk Power Supply ITN-13-2013</td>
<td>Total expenditure included in approved FY16 budget. Amount: $10,500,000</td>
<td>Commission approve Blanket Purchase Order to Florida Power &amp; Light Co. for Bulk Power Supply</td>
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<td>This Blanket Purchase Order will expire September 30, 2016.</td>
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<tr>
<td>8 Florida Power &amp; Light Co.</td>
<td>Blanket Purchase Order for Power Transmission</td>
<td>Total expenditure included in approved FY16 budget. Amount: $800,000</td>
<td>Commission approve Blanket Purchase Order to Florida Power &amp; Light Co. for Power Transmission</td>
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<td>This Blanket Purchase Order will expire September 30, 2016.</td>
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<tr>
<td>9 Covanta Energy Marketing LLC</td>
<td>Blanket Purchase Order for Bulk Power Supply ITN-13-2013</td>
<td>Total expenditure included in approved FY16 budget. Amount: $4,000,000</td>
<td>Commission approve Blanket Purchase Order to Covanta Energy Marketing LLC for Bulk Power Supply</td>
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<td>This Blanket Purchase Order will expire September 30, 2016.</td>
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<tr>
<td>10 Duke Energy</td>
<td>Blanket Purchase Order for Transmission pursuant to Duke Energy Tariff</td>
<td>Total expenditure included in approved FY16 budget. Amount: $2,100,000</td>
<td>Commission approve Blanket Purchase Order to Duke Energy for Transmission pursuant to Duke Energy Tariff</td>
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<td>This Blanket Purchase Order will expire September 30, 2016.</td>
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<tr>
<td>11 Gainesville Regional Utilities (GRU)</td>
<td>Blanket Purchase Order for Bulk Power Supply ITN-13-2013</td>
<td>Total expenditure included in approved FY16 budget. Amount: $4,600,000</td>
<td>Commission approve Blanket Purchase order to Gainesville Regional Utilities (GRU) for Bulk Power Supply</td>
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<td>This Blanket Purchase Order will expire September 30, 2016.</td>
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<tr>
<td>12 Orlando Utilities Commission</td>
<td>Blanket Purchase Order for Bulk Power Supply and Power Transmission ITN-13-2013</td>
<td>Total expenditure included in approved FY16 budget. Amount: $4,600,000</td>
<td>Commission approve Blanket Purchase Order to Orlando Utilities Commission for Bulk Power Supply and Power Transmission</td>
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<td>This Blanket Purchase Order will expire September 30, 2016.</td>
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<tr>
<td>13 Winter Park Public Library</td>
<td>Blanket Purchase Order for Annual Organizational Support</td>
<td>Total expenditure included in approved FY16 budget. Amount: $1,422,472</td>
<td>Commission approve Blanket Purchase Order to Winter Park Public Library for Annual Organizational Support</td>
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<td>This Blanket Purchase Order will expire September 30, 2016.</td>
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### Formal Solicitation

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<tbody>
<tr>
<td>14 Avcon, Inc.</td>
<td>RFQ-15-2015 - Continuing Services Contract for Engineering &amp; Design Services of Florida Department of Transportation (FDOT) Local Agency Program (LAP) projects</td>
<td></td>
<td>Commission approve FDOT review and Notice to Proceed to award was issued September 22, 2015.</td>
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On June 9, 2015, Winter Park entered into a $450,000 grant LAP Agreement with FDOT for the engineering and design of the St. Andrews Trail Project – a storm water pipe installation with surface recreational trail project. This Request for Qualification (RFQ) process is for the purpose of prequalifying three professional firms, pursuant to Federal Highway Administration (FHWA) requirements, for design of the St. Andrews Trail Project, as well as any future LAP projects for a period of up to five years.

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<tbody>
<tr>
<td>15 Comprehensive Engineering Services, Inc.</td>
<td>RFQ-15-2015 - Continuing Services Contract for Engineering &amp; Design Services of Florida Department of Transportation (FDOT) Local Agency Program (LAP) projects</td>
<td></td>
<td>Commission approve FDOT review and Notice to Proceed to award was issued September 22, 2015.</td>
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<tbody>
<tr>
<td>16 Kelly, Collins, &amp; Gentry, Inc.</td>
<td>RFQ-15-2015 - Continuing Services Contract for Engineering &amp; Design Services of Florida Department of Transportation (FDOT) Local Agency Program (LAP) projects</td>
<td></td>
<td>Commission approve FDOT review and Notice to Proceed to award was issued September 22, 2015.</td>
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<tr>
<th></th>
<th>Tyler Technologies</th>
<th>ITN-11-2015 – Enterprise Resource Planning (ERP) System Selection</th>
<th>This project is budgeted in the City’s 5 year CIP</th>
<th>Commission authorize staff to enter into negotiations with the top ranked firm, Tyler Technologies.</th>
</tr>
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</table>

On July 1, 2015 the City issued an Invitation to Negotiate for an ERP System Selection. A total of four (4) companies responded to the solicitation. A post presentation selection identified the top ranked firm as Tyler Technologies. Staff seeks authorization to enter into negotiations with the top ranked firm.
2016 State Legislative Priorities

Approve State legislative priorities for 2016.

The 2016 Legislative session is scheduled to begin in January next year due to the election cycle. Attached is a schedule of legislative priorities recommended by staff. The Commission is requested to review, revise if desired, and approve the list. Once approved staff will work with the lobbyist to advance these projects/issues.

N/A

TBD
Projects:
- Mead Garden Lake Lillian Restoration – Phase 2
- Acquisition of Howell Branch Creek Property for Open Space and Linear Parkland
- Acquire excess CSX ROW from State including that within Central Park
- Assist with widening of SR 426 between 17-95 and Pennsylvania Ave.
- New Library
- Acquisition of post office property for expansion of Central Park
- Expansion of reuse water system
- Green energy generation (Solar, etc.)
- 17-92 Beautification and corridor improvements
- Assistance with I-4 Ultimate utility improvements associated with water quality
- Expansion of sewer infrastructure to eliminate septic tanks

Legislative matters:
- Pension Reform
- Remove statutory requirements for public employers to provide subsidized health, hospitalization and other insurance coverage for retirees (FS 112.0801)
- Dedicated Funding Source for Commuter Rail
- Protection of home rule authority including control of local planning issues, revenues and expenditures
- Oppose Public Service Commission regulation of municipal owned electric utilities
- Oppose revision of utility relocate law to put burden of relocations on the taxpayers
Subject: Second Reading and Second Public Hearing on the Proposed Townhouse Redevelopment of 652 W. Morse Boulevard.  (New text in yellow)

This public hearing involves the request by the Phil Kean Design Group, (contract purchasers contingent upon rezoning) for the property at 652 West Morse Boulevard, just to the west of the Coop Restaurant. The property is 110 feet along Morse Blvd. and 300 feet deep and 29,190 sq. ft. (0.67 acres) in size. The existing two story office building and parking lot is to be removed for the redevelopment of this land. At the first public hearing on September 28th, the City Commission asked for a Development Agreement which would include a requirement for the future Homeowners Association to maintain the city-owned parcel to the west. That Development Agreement is now part of this agenda package.

There are three combined requests to the City:
1. Change to the Comp. Plan future land use map from Commercial to Central Business District; and
2. Change to the Zoning Map from Office (O-1) to Commercial (C-2); and
3. Conditional Use for the construction of eleven (11) residential townhouses, 2 & 3 stories in height with a total project size of 40,566 square feet.

Summary:

When the Community Redevelopment Area was established in 1994, one of the primary goals was to encourage the redevelopment of West Morse Boulevard from New York Avenue to Denning Drive. To that end, the City administratively changed the Comprehensive Plan future land use map in 1995 for all the properties which were Residential to a Commercial future land use allowing property to be rezoned from residential to office or commercial. By “commercial”, that meant, at that time, to be rezoned to Commercial C-3 or to Office O-1.

That is exactly what the current owners of this property did in 1996. They purchased residential property, had it rezoned in conformance with the CRA Plan and the Comprehensive Plan to Office (O-1). Then they constructed the existing two story, 6,500 square foot office building.

However, as the redevelopment of Morse Boulevard continued in 1999 with the redevelopment of the office buildings and parking garage across Morse Blvd. at the NW corner of Morse and Pennsylvania, the zoning needed for that density and building setback was the Commercial (C-2) designation. The major difference between office (O-1) or commercial (C-3) zoning and
commercial (C-2) zoning is that O-1 & C-3 have a 45% FAR and 10 foot street setbacks and the C-2 zoning has a 200% FAR and potentially a zero front setback.

In turn, several other properties along West Morse Blvd have been designated for Central Business District future land use and C-2 zoning over the ensuing years such as the vacant NE corner of Morse and Pennsylvania in 2000; the Regions Bank site in 2003; the property at 403 W. Morse in 2003 and the adjacent 421 W. Morse in 2014.

**Project Development Standard Parameters:**

The CBD land use and C-2 zoning allow a maximum of 17 units per acre. Based on this lot size of 29,190 sq. ft., these eleven (11) units are the maximum number permitted. The CBD/C-2 designations have a maximum FAR of 200% and this project FAR is at 139.7%. Coincidentally that is the exact same FAR as this applicant’s previous townhouse project at 403/421 W. Morse (NW corner of Virginia).

In order to be respectful of the existing predominately one and two story character along Morse Blvd., the applicant is proposing a two story building along the Morse Blvd. frontage and then interior to the site, three other buildings that are three stories in height. The height limit for a two story buildings is 30 feet and this project is at 24.5 feet plus an allowable 4 additional feet of parapet height. The height limit for three story buildings is 40 feet and this project is at 36.5 feet plus 4 additional feet of parapet height.

The street front setback for the two story building on Morse Blvd. is 10 feet to the building wall and 5 feet to the bay window and porch features. Five feet matches the setback for the existing office building as well as the setback for the Coop Restaurant.

Note that there are no driveways/curb cuts on Morse Blvd. This project’s access will be the same as for the current office building which is from the rear off Welbourne Avenue. Parking is being provided per Code (2½ spaces per unit) but in a different fashion than typically done. In this case, eight of the eleven residential units will have 3-car garages and the other three units will have 2-car garages. That is 28 parking spaces (albeit all private) to match the Code requirement. There are 2 on-site visitor parking spaces but visitors can also (except when the spray park is actively used) park in the city parking lot next to the spray park and walk to the units. But to help the City and themselves, the applicants are proposing to create three new parallel parking spaces on the north side of the driveway, opposite the spray park. That will provide more parking for the spray park as well as added parking for their use. Also at the rear entrance to the project is the area for storm water retention. The applicant will need to provide a space where the residents can place their 11 garbage carts.

The proposed setback of the third floors on the outside visible facades is an issue that was discussed by the Planning Board. In the design, while there are bay window bump-out articulations and a ground floor porch element, the building façade walls are vertical. In order to mandate building articulation and terracing on the third floors, the Comp. Plan requires that the third floor be setback from the two floors below via a prescriptive one foot for each foot of floor height; but it specifies “on street frontages”. In this case none of the third floors are “on street frontages”. However, in the C-2 zoning code the terracing requirement is more generic and it says “for any building over two stories...a significant portion of the top floor shall be terraced and stepped back from the exterior face of the next lower floors”.
The P&Z Board had no issue with the interior facades facing the private motor court or the facades of Buildings # 3 & #4 which are not visible from the street. The critical piece is the northernmost Building #2 which is visible from Morse Blvd. Particularly visible will be the flat end wall of that building (facing Morse Blvd.) that needs articulation and terracing. Note that the end walls of the two-story building on Morse Blvd. have significant architectural articulation and appeal. Thus, P&Z recommended and the applicant agreed to a condition requiring compliance with Code for Building #2.

**Traffic/Mobility Impacts:**

There is no substantial difference in traffic generation between the existing and proposed uses. Based on the I.T.E. data, these 11 townhouses will have a daily traffic generation of 104 trips per day. The existing 6,500 square foot office generates 110 trips per day.

**Comprehensive Plan policy and C-2 Zoning criteria:** There are some Comprehensive Plan policies that relate to this type of land use/zoning and project. Those Comprehensive Plan policies and Zoning Code sections are included as an appendix to this staff report.

**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, 125 S. Interlachen Avenue and 170 E. Morse Blvd.

The scale of this project and the materials presented allows the City to combine the Preliminary and Final Conditional Use approvals. The final civil engineering and landscape plans can be administratively approved. However, the Code requires two public hearings for approval by the City Commission for three story buildings within the Central Business District.

**Staff Analysis of the Applicant’s Requests:**

Since 1995, the CBD designation and C-2 zoning has been granted to four other properties along Morse Blvd. The request does represent a significant increase in development intensity going from an O-1 office FAR of 45% to this project’s 139.7% FAR under C-2 zoning. That is an increase of 27,430 square feet more building area on this site.

There is a great market desire for residential units within close proximity to Park Avenue. Over the past two years there have been 17 new luxury townhomes approved by the City in or near the CBD and this will add another 11 units. From the public’s perspective it seems that the acceptance focuses less on the size of project and more on the quality of the architectural product that fits in with the context of the surrounding area. With the exception of Building #2, this project would accomplish that end result.
Planning and Zoning Board Recommendation:

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the ordinance amending the "Comprehensive Plan” and the Future Land Use Map so as change the future land use map designation of Commercial to Central Business District on the property at 652 West Morse Boulevard. Motion carried unanimously with a 6-0 vote. S. De Ciccio abstained.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the ordinance amending the official Zoning Map so as change the existing zoning designation of Office (O-1) district to Commercial (C-2) district on the property at 652 West Morse Boulevard. Motion carried unanimously with a 6-0 vote. S. De Ciccio abstained.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to grant Conditional Use approval to redevelop the property at 652 West Morse Boulevard, prospectively zoned C-2, into eleven (11) residential units, two and three story in height with a total project size of 40,566 square feet with the following conditions agreed to by the applicant:

1. That Building #2 visible from Morse Blvd. must be modified such that per Code “a significant portion of the top floor shall be terraced and stepped back from the exterior face of the lower floors” on the western and northern sides.
2. That zoning exceptions/variances are granted for the absence of third floor terracing and articulation for Buildings #3 and #4.
3. The electric transformer/switch gear and all backflow preventers shall be located where not visible from a public street and shall also be landscaped so as to be effectively screened from view.
4. Changes to the Welbourne Avenue parking arrangement are approved for the creation of three parallel parking spaces.
5. That a common area be provided in the rear (not in the right-of-way) for the placement of the 11 trash carts.
6. 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 this project and the expiration of any appeal period applicable thereto, the Conditional Use Permit shall be null and void.

Motion carried unanimously with a 6-0 vote. S. De Ciccio abstained.
REQUEST OF PHIL KEAN DESIGNS INC. FOR: AN ORDINANCE AMENDING THE "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS CHANGE THE FUTURE LAND USE MAP DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 652 WEST MORSE BOULEVARD.

REQUEST OF PHIL KEAN DESIGNS INC. FOR: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING DESIGNATION OF OFFICE (O-1) DISTRICT TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTY AT 652 WEST MORSE BOULEVARD.

REQUEST OF PHIL KEAN DESIGNS INC. FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THE PROPERTY AT 652 WEST MORSE BOULEVARD, PROSPECTIVELY ZONED C-2, INTO ELEVEN (11) RESIDENTIAL UNITS, THAT ARE TWO AND THREE STORY IN HEIGHT WITH A TOTAL PROJECT SIZE OF 40,566 SQUARE FEET.

Mrs. De Ciccio announced that she is the owner of the subject property and that she will not participate in the discussion or vote on this item. She completed Form 8B, Memorandum of Voting Conflict, and that is included as a part of these minutes.

Planning Manager Jeffrey Briggs presented the staff report. He explained that this public hearing involves the request by the Phil Kean Design Group, who have a contract to purchase (contingent upon rezoning) the property at 652 West Morse Boulevard, just to the west of the Coop Restaurant. The property is 110 feet along Morse Blvd. and about 300 feet deep and is 29,190 sq. ft. (0.67 acres) in size. The existing two story office building and parking lot is to be removed for the redevelopment of this land.

Mr. Briggs discussed the CRA/Zoning background and history, project development standards, traffic impacts, and comprehensive plan policy and zoning criteria. This project is intended to be developed as fee simple townhouses pursuant to a replat (not as a condominium). He explained that the scale of this project and the materials presented allows the City to combine the Preliminary and Final Conditional Use approvals. The final civil engineering and landscape plans can be administratively approved. However, the Code requires two public hearings for approval by the City Commission for three story buildings within the Central Business District. He then discussed the terracing setback issues for the third floors and the rationale for a staff condition regarding compliance. Staff recommended approval of both the Preliminary and Final Conditional Use approvals conditions:

Phil Kean, 229 Alexander Place, the applicant, stated that they agree and accept the conditions proposed by staff. He provided an overview of the proposed project with a 3-D fly-around presentation. He responded to Board member questions and concerns. No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

The Board members expressed no concerns with the request.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the ordinance amending the "Comprehensive Plan" and the Future Land Use Map so as change the future land use map designation of Commercial to Central Business District on the property at 652 West Morse Boulevard. Motion carried unanimously with a 6-0 vote. S. De Ciccio abstained.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the ordinance amending the official Zoning Map so as change the existing zoning designation of Office (O-1) district to Commercial (C-2) district on the property at 652 West Morse Boulevard. Motion carried unanimously with a 6-0 vote. S. De Ciccio abstained.
Motion made by Mr. Sacha, seconded by Mr. Gottfried to grant Conditional Use approval to redevelop the property at 652 West Morse Boulevard, prospectively zoned C-2, into eleven (11) residential units, two and three story in height with a total project size of 40,566 square feet in addition to the following conditions:

1. That Building #2 visible from Morse Blvd. must be modified such that per Code “a significant portion of the top floor shall be terraced and stepped back from the exterior face of the lower floors” on the western and northern sides.

2. That zoning exceptions/variances are granted for the absence of third floor terracing and articulation for Buildings #3 and #4.

3. The electric transformer/switch gear and all backflow preventers shall be located where not visible from a public street and shall also be landscaped so as to be effectively screened from view.

4. Changes to the Welbourne Avenue parking arrangement are approved for the creation of three parallel parking spaces.

5. That a common area be provided in the rear (not in the right-of-way) for the placement of the 11 trash carts.

6. 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 this project and the expiration of any appeal period applicable thereto, the Conditional Use Permit shall be null and void.

Motion carried unanimously with a 6-0 vote. S. De Ciccio abstained.
NEW DEVELOPMENT AGREEMENT:

PREPARED BY AND RETURN TO:
Jeffrey Briggs, Planning Manager  After recording, return to:
City of Winter Park  Winter Park City Clerk
401 S. Park Avenue  401 S. Park Avenue
Winter Park, FL  32789  Winter Park, FL  32789
(407) 599-3440

Orange County Tax Parcel # 06-22-30-1168-11-030

DEVELOPER’S AGREEMENT FOR
MORSE BROWNSTONES – 652 WEST MORSE BOULEVARD

THIS AGREEMENT (“Agreement”) entered into and made as of the _____ day of
________________, 2015, by and between the CITY OF WINTER PARK, FLORIDA, 401 S. Park
Avenue, Winter Park, Florida, 32789 (hereinafter referred to as the “City”), VIRGINIA AND MORSE,
LLC, a Florida limited liability company (hereinafter referred to as “Developer”), 912 West Fairbanks
Avenue, Winter Park, Florida 32789, and Daniel De Cicco and Shelia G. De Cicco, husband and
wife, whose address is 1630 Laurel Road, Winter Park, Florida 32789 (referred to as “Owners”).

WITNESSETH

WHEREAS, Developer is the contract purchaser and developer of that certain real property
located at 652 West Morse Boulevard, lying within the municipal boundaries of the City, having Orange
County Tax Parcel Identification Number 06-22-30-1168-11-030 and is more particularly described on
Exhibit “A” attached to and incorporated into this Agreement (hereinafter referred to as “Property”); and

WHEREAS, the Developer desires to develop the Property with eleven (11) residential
townhomes totaling approximately 40,566 S.F. subject to a fee simple plat, as more particularly shown
on Exhibit “B”, the final site plan, attached to and incorporated into this Agreement by reference
(hereinafter, the “Project”); and

WHEREAS, the Owners are the current fee simple owners of the Property and hereby join into and
consent to this Agreement and agree that this Agreement is binding upon the Property; and

WHEREAS, the Developer desires to facilitate the development of the Project, in compliance
with the laws and regulations of the City and of other governmental authorities, as well as provide
assurances that the Project will be compatible with surrounding properties; and

WHEREAS, on October 12, 2015 the City Commission granted certain conditional use
approvals and other zoning code exceptions providing the approval for a Project referred to as Morse
Brownstones and has approved the development of the Project, provided that Developer abide by the
restrictions mutually agreed upon for the operation and future use of the Property, and that this
Agreement shall set out the development entitlements, exceptions, conditions and terms of the City’s
approvals; and
WHEREAS, this Agreement is not a statutory development agreement pursuant to Chapter 163, Florida Statutes (Florida Local Government Development Agreement Act), and is being entered into by the City pursuant to the City’s home rule authority as a condition of development approvals.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, the City, Owners and the Developer agree as follows:

SECTION 1. RECITALS
The above recitals are true and correct and form a material part of the Agreement.

SECTION 2. CONDITIONS OF APPROVAL

Developer agrees to develop and maintain the Project and Property in accordance with the conditions of approval imposed by the City Commission concerning the October 12, 2015 approval of the conditional use and other zoning code exceptions, which are outlined as follows:

1. The Project consists of approximately 40,566 square feet of residential development which includes eleven (11) townhomes of two and three stories in height that will be owned in fee simple. Developer shall submit (and obtain approval for) a final plat of the Property to be reviewed and approved by the City in accordance with applicable statutes and ordinances, and thereafter recorded in the Public Records of Orange County, Florida. As part of the final plat process, the Developer shall cause the formation of a Homeowners Association for the Project providing that each of the townhome unit owners shall be members of the homeowners association and each unit and unit owner subject to a set of declaration of covenants, conditions and restrictions. The Project is further subject to the conditions outlined below.

2. That Project Building #2 visible from Morse Blvd. must be modified such that per Code “a significant portion of the top floor shall be terraced and stepped back from the exterior face of the lower floors” on the western and northern sides. Issuance of building permit by the City for this Project shall constitute compliance with this condition.

3. That zoning exceptions/variances are granted for the absence of third floor terracing and articulation for Project Buildings #3 and #4.

4. The electric transformer/switch gear and all backflow preventers shall be located where not visible from a public street and shall also be landscaped so as to be effectively screened from view. Issuance of building permit by the City for this Project shall constitute compliance with this condition.

5. Changes to the Welbourne Avenue parking arrangement are approved for the creation of three parallel parking spaces.

6. That a common area be provided in the rear (not in the right-of-way) for the placement of the 11 trash carts. Issuance of building permit by the City for this Project shall constitute compliance with this condition.

7. Developer shall, at its expense, make the improvements to the City-owned public space located to the west of the Property (being on a portion of real property having Orange County Tax Parcel Identification # 05-22-30-9400-44-010) as shown on the City-approved final site plan for the Project (herein the “Park Improvements”). As part of the final platting of the Property, a use and maintenance
agreement shall be drafted and executed between the homeowners association for this Project and the City providing for such homeowners association’s non-exclusive and revocable licensed use and maintenance of the Park Improvements located on such City-owned public space. Such use and maintenance agreement shall be in a form and with terms acceptable to the City, including without limitation, providing that if the Park Improvements are not properly maintained by the Project’s homeowners’ association, at its expense, that the City shall have the right to remove the Park Improvements or self-maintain the Park Improvements, and charge the costs for the same to the homeowners’ association. Such use and maintenance agreement shall provide that the homeowners association and its members (i.e. unit owners) use of the applicable public space is non-exclusive, subject to rules and regulations as may be imposed from time to time by the City, and that the homeowners association and its members shall not interfere with the City’s or public’s use and enjoyment of the public space and Park Improvements constructed thereon. Further, such agreement shall be subject to termination by the City upon sixty (60) days written notice, and thereafter, the City shall have the right to require the removal of the Park Improvements, or any portion thereof, at the homeowners association’s expense. In no event shall certificates of occupancy be issued for the Project or any portion thereof unless and until the aforesaid use and maintenance agreement is executed.

8. In addition to the requirements and obligations of the Developer herein, the development of the Property and the Project shall be subject to the City of Winter Park Code of Ordinances requirements and any other development orders, approvals and permits for the Project and Property, including the conditions of such development orders, approvals and permits.

SECTION 3. STORM WATER RETENTION
The Developer will retrofit the Property to conform to the storm water retention requirements of the City and the St. Johns River Water Management District.

SECTION 4. AMENDMENTS TO THIS AGREEMENT
Amendments to this Agreement, if requested by the Developer, may be permitted if approved following review by the City in conformance with the City’s Land Development Code and other applicable requirements of the City.

SECTION 5. AGREEMENT TO BE BINDING
This Agreement, including any and all supplementary orders and resolutions, together with the approved development plan, the master sign plan, and all final site plans, shall be binding upon the Developer and their successors and assigns in title or interest. The provisions of this Agreement and all approved plans shall run with the Property and shall be administered in a manner consistent with Florida Statutes and local law.

SECTION 6. ENFORCEMENT
This Agreement may be enforced by specific performance by either party. In no event shall the City be liable for monetary damages arising out of or concerning this Agreement. In the event that enforcement of this Agreement by the City becomes necessary, and the City is successful in such enforcement, the Developer shall be responsible for all costs and expenses, including attorney’s fees, whether or not litigation is necessary, and if necessary, both at trial and on appeal, incurred in enforcing or ensuring compliance with the terms and conditions of this Agreement, which costs, expenses and fees shall also be a lien upon the Property superior to all others. In addition to the foregoing, the City shall be permitted without notice to immediately withhold the issuance of certificates of occupancy and building permits associated with the Project in the event Developer is in violation of any provision of this Agreement until such violation is cured to the City’s satisfaction. Further, if Developer fails to
timely pay the City any monies due pursuant to this Agreement, the City may record a Notice of Lien against the Property in the amount owed to the City. Interest on unpaid overdue sums shall accrue at the rate of eighteen percent (18%) compounded annually or at the maximum rate allowed by law if lower than 18%. A copy of such Notice of Lien shall also be delivered to Developer in the same manner as required under this Agreement for delivery of written notices. The recorded Notice of Lien shall constitute a lien upon the Property and the lien may be foreclosed upon for the benefit of the City any time after fifteen (15) days after the Notice of Lien has been recorded in the public records. City may foreclose the lien in accordance with the procedures established in Chapter 702, Florida Statutes, or successor or other statute providing for lien foreclosure procedures. Developer may obtain a release from the lien by paying the amount stated in the lien, plus accrued interest, plus attorney's fees and costs incurred by the City in filing and collecting upon the lien.

SECTION 7. GOVERNING LAW; VENUE
This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The exclusive venue for purpose of litigation in any action to construe or enforce the provisions of this Agreement shall be in a court of competent jurisdiction in and for Orange County, Florida.

SECTION 8. RECORDING
This Agreement shall be recorded, at Developer’s expense, among the Public Records of Orange County, Florida no later than fourteen (14) days after full execution. Notwithstanding the foregoing, the same shall not constitute any lien or encumbrance on title to the Property and shall instead constitute record notice of governmental regulations, which regulates the use and enjoyment of the Property.

SECTION 9. TIME IS OF THE ESSENCE
Time is hereby declared of the essence as to the lawful performance of all duties and obligations set forth in this Agreement.

SECTION 10. SEVERABILITY
If any part of this Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be affected. To that end, this Agreement is declared severable.

SECTION 11. DEVELOPMENT PERMITS
Nothing herein shall limit the City’s authority to grant or deny any development permit applications or requests 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 requirement, condition, term or restriction. Unless expressly authorized or granted herein, nothing in this Agreement shall constitute or be deemed to constitute or require the City to issue any approval by the City of any rezoning, Comprehensive Plan amendment, variance, special exception, final site plan, preliminary subdivision plan, final plat or subdivision plan, building permit, grading, stormwater drainage, engineering, or any other land use or development approval. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures with respect to same as otherwise set forth in the City’s Code of Ordinances
SECTION 12. SUBORDINATION/JOINDER

Owners represent and warrant to City that they are the fee simple owner of the Property. Unless otherwise agreed to by the City, all liens, mortgages and other encumbrances not satisfied or released of record, must be subordinated to the terms of this Agreement or the lienholder join in this Agreement. It shall be the responsibility of the Developer to promptly obtain the said subordination or joinder, if necessary, in form and substance acceptable to the City Attorney, prior to the City’s execution of the Agreement. If the Developer fails to acquire ownership of the Property, or any portion thereof, the Developer’s obligations under this Agreement shall remain the obligation of the Owners and their successors and assigns in interests.

SECTION 13. NOTICE

Any notices required or permitted under this Agreement shall be addressed to the City, Owners and the Developer at the addresses listed in the first paragraph of this Agreement, or at such other addresses designated in writing by the party to receive notice. Notices shall be either: (i) personally delivered (including without limitation, delivery by UPS, Federal Express or other commercial courier service), in which case they shall be deemed delivered on the date of delivery; or (ii) sent by certified mail, return receipt requested, in which case they shall be deemed delivered on the date shown on the receipt unless delivery is refused or intentionally delayed by the addressee, in which event they shall be deemed delivered on the date of deposit in the U.S. Mail.

SECTION 14. MISCELLANEOUS

a. Nothing contained in this Agreement nor in any instruments executed pursuant to the terms of this Agreement shall be construed as a waiver or attempted waiver by the City of its home rule authority, police power, zoning authority and sovereign immunity under the Constitution and laws of the State of Florida or any other privilege, immunity or defense afforded to the City or the City’s officials, officers, employees and agents under the law.

b. This Agreement is entered into voluntarily by the Developer and Owners without duress and after full review, evaluation and consideration by the Developer. Developer and Owners are represented by counsel, or alternatively, has been afforded an opportunity to retain counsel for review of this Agreement.

c. The captions or section headings of this Agreement are provided for convenience only and shall not be deemed to explain, modify, amplify or aid in the interpretation, or meaning of this Agreement.

d. City, Owners and Developer are not partners and this Agreement is not a joint venture and nothing in this Agreement shall be construed to authorize the Owners or Developer to represent or bind the City to matters not expressly authorized or provided in this Agreement.

e. None of the parties shall be considered the drafter of all or any portion of this Agreement for the purposes of interpreting all or any portion of this Agreement, it being recognized that all parties have contributed substantially and materially to the preparation of this Agreement.
SECTION 15. TERM; EFFECTIVE DATE
This Agreement shall not be effective and binding until the latest date that this Agreement is approved by and signed by all parties hereto. The Agreement will be effective for 50 years from the Effective Date.

[SIGNATURES TO FOLLOW]
IN WITNESS WHEREOF, the Owner, Developer and the City have executed this Agreement as of the day and year first above written.

Witnesses

DEVELOPER

VIRGINIA AND MORSE LLC, a Florida limited liability corporation

Name: ________________________________
By: ________________________________
Name: ________________________________
Its: ________________________________
Date: ________________________________

OWNERS

STATE OF FLORIDA
COUNTY OF ORANGE

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

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)
Witnesses

__________________________________
Daniel De Ciccio

__________________________________
Shelia G. De Ciccio

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of _____________, 2015, by Daniel De Ciccio and Shelia G. De Ciccio. They ☐ are personally known to me or ☐ has produced __________________________ as identification.

(NOTARY SEAL)  
Notary Public Signature

(Name typed, printed or stamped)
CITY OF WINTER PARK, FLORIDA

ATTEST:

By: __________________________________
   Mayor Steve Leary

By: __________________________________
   City Clerk

STATE OF FLORIDA   )
COUNTY OF ORANGE   )

The foregoing instrument was acknowledged before me this ____ day of _________, 2015, by Steve Leary, as Mayor of the City of Winter Park, Florida, who is personally known to me.

________________________________
Notary Public
Printed Name: _____________________
My commission expires: _____________
EXHIBIT “A” Legal Description

The land referred to herein below is situated in the County of Orange, State of Florida, and is described as follows:

Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, as recorded in Plat Book A, Page 95, Public Records of Orange County, Florida, less the following portion thereof, to wit:

Begin at the Northwest corner of said Lot 3; thence run North 90°00'00" East along the North boundary of said Lot 3 a distance of 60.00 feet; thence run South 00°45'09" East parallel with the West boundary of said Lot 3, a distance of 45.00 feet, thence run South 90°00'00" West 45.00 feet; thence run South 00°45'09" East 261.00 feet to the South boundary of said Lot 3; thence run South 90°00'00" West 15.00 feet to the Southwest corner of said Lot 3, thence run North 00°45'09" West 306.00 feet to the point of beginning.

AND

The Westerly 50 feet of the North 106 feet of Lot 2, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof, as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida.

AND

The North 45 feet of the West 60 feet, less the West 40 feet thereof, Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida.

AND

A three foot (3') by four foot (4") tract of land lying in Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida, and more particularly described as follows:

Commencing at the Northwest corner of said Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, for a point of reference; thence East, 40.00 feet along and with the South right-of-way line of Morse Boulevard and the North line of said Lot 3; thence S 00°45'09" E, 3.00 feet to the Point of Beginning; thence continue S 00°45'09" E, 3.00 feet; thence West, 4.00 feet; thence N 00°45'09" W, 3.00 feet; thence East, 4.00 feet to the Point of Beginning.

LESS

The South 19 feet of the North 64 feet of the West 40 feet, less the West 15 feet thereof, Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida.

LESS

The East 8.5 feet of the South 50 feet, Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida.
A tract of land lying in Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida, and more particularly described as follows:

Commencing at the Southwest corner of said Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, for a point of reference; thence East, 15.00 feet along and with the South line of said Lot 3 to the Southwest corner of the tract being described and the Point of Beginning; thence North, parallel to the West line of said Lot 3, 15.00 feet to the Northwest corner of the tract being described; thence East, parallel to the South line of said Lot 3, 6.00 feet; thence South, parallel to the West line of said Lot 3, 9.00 feet; thence East, parallel to the South line of said Lot 3, 24.00 feet; thence South parallel to the West line of said Lot 3, 6.00 feet to the South line of said Lot 3; thence West, along and with the South line of said Lot 3, 30.00 feet to the Point of Beginning.
EXHIBIT “B” Site Plan of the Project
AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, “COMPREHENSIVE PLAN” SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT FUTURE LAND USE ON THE PROPERTY AT 652 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Winter Park City Commission adopted its Comprehensive Plan on February 23, 2009 via Ordinance 2762-09, and

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

WHEREAS, the owner of this property is desirous of amending the future land use designation from Commercial to Central Business District; and

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

WHEREAS, the Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on September 1, 2015, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on September 28, 2015 and October 12, 2015 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

SECTION 1. Future Land Use Map Amendment. That Chapter 58 “Land Development Code”, Article I, “Comprehensive Plan” future land use plan map is hereby amended so as to change the future land use map designation from Commercial to Central Business District on the property at 652 West Morse Boulevard, identified with the Parcel ID# of 06-22-30-1168-11-030 and as more particularly described in Exhibit “A” to this Ordinance.
SECTION 2. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

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

SECTION 4. Effective Date. An amendment adopted under this paragraph does not become effective until 31 days after adoption. If timely challenged, an amendment may not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance.

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

__________________________________________
Mayor Steve Leary

Attest:

__________________________________________
City Clerk
The land referred to herein below is situated in the County of Orange, State of Florida, and is described as follows:

Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, as recorded in Plat Book A, Page 95, Public Records of Orange County, Florida, less the following portion thereof, to wit:

Begin at the Northwest corner of said Lot 3; thence North 90°00'00" East along the North boundary of said Lot 3 a distance of 60.00 feet; thence run South 00°45'09" East parallel with the West boundary of said Lot 3, a distance of 45.00 feet, thence run South 90°00'00" West 45.00 feet; thence run South 00°45'09" East 261.00 feet to the South boundary of said Lot 3; thence run South 90°00'00" West 15.00 feet to the Southwest corner of said Lot 3, thence run North 00°45'09" West 306.00 feet to the point of beginning.

AND

The Westerly 50 feet of the North 106 feet of Lot 2, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof, as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida.

AND

The North 45 feet of the West 60 feet, less the West 40 feet thereof, Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida.

AND

A three foot (3') by four foot (4') tract of land lying in Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida, and more particularly described as follows:

Commencing at the Northwest corner of said Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, for a point of reference; thence East, 40.00 feet along and with the South right-of-way line of Morse Boulevard and the North line of said Lot 3; thence S 00°45'09" E, 3.00 feet to the Point of Beginning; thence continue S 00°45'09" E, 3.00 feet; thence West, 4.00 feet; thence N 00°45'09" W, 3.00 feet; thence East, 4.00 feet to the Point of Beginning.

LESS

The South 19 feet of the North 64 feet of the West 40 feet, less the West 15 feet thereof, Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida.

LESS

The East 8.5 feet of the South 50 feet, Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida.
A tract of land lying in Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida, and more particularly described as follows:

Commencing at the Southwest corner of said Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, for a point of reference; thence East, 15.00 feet along and with the South line of said Lot 3 to the Southwest corner of the tract being described and the Point of Beginning; thence North, parallel to the West line of said Lot 3, 15.00 feet to the Northwest corner of the tract being described; thence East, parallel to the South line of said Lot 3, 6.00 feet; thence South, parallel to the West line of said Lot 3, 9.00 feet; thence East, parallel to the South line of said Lot 3, 24.00 feet; thence South parallel to the West line of said Lot 3, 6.00 feet to the South line of said Lot 3; thence West, along and with the South line of said Lot 3, 30.00 feet to the Point of Beginning.
WHEREAS, the owner of a property at 652 West Morse Boulevard has requested a Zoning Map amendment consistent with the amended Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their September 1, 2015 meeting; and

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

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

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

SECTION 1. Official Zoning Map Amendment. That Chapter 58 “Land Development Code”, Article III, “Zoning” and the Official Zoning Map is hereby amended so as to change the zoning designation from Office (O-1) District to Commercial (C-2) District on the property at 652 West Morse Boulevard, identified with the Parcel ID# of 06-22-30-1168-11-030 and as more particularly described in Exhibit “A” to this Ordinance.
SECTION 2. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

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

SECTION 4. Effective Date. This Ordinance shall become effective upon the effective date of Ordinance _________. If Ordinance _________ does not become effective, then this Ordinance shall be null and void.

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

Mayor Steve Leary

Attest:

City Clerk
Exhibit A

The land referred to herein below is situated in the County of Orange, State of Florida, and is described as follows:

Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, as recorded in Plat Book A, Page 95, Public Records of Orange County, Florida, less the following portion thereof, to wit:

Begin at the Northwest corner of said Lot 3; thence North 90°00'00" East along the North boundary of said Lot 3 a distance of 60.00 feet; thence run South 00°45'09" East parallel with the West boundary of said Lot 3, a distance of 45.00 feet, thence run South 90°00'00" West 45.00 feet; thence run South 00°45'09" East 261.00 feet to the South boundary of said Lot 3; thence run South 90°00'00" West 15.00 feet to the Southwest corner of said Lot 3, thence run North 00°45'09" West 306.00 feet to the point of beginning.

AND

The Westerly 50 feet of the North 106 feet of Lot 2, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof, as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida.

AND

The North 45 feet of the West 60 feet, less the West 40 feet thereof, Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida.

AND

A three foot (3') by four foot (4') tract of land lying in Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida, and more particularly described as follows:

Commencing at the Northwest corner of said Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, for a point of reference; thence East, 40.00 feet along and with the South right-of-way line of Morse Boulevard and the North line of said Lot 3; thence S 00°45'09" E, 3.00 feet to the Point of Beginning; thence continue S 00°45'09" E, 3.00 feet; thence West, 4.00 feet; thence N 00°45'09" W, 3.00 feet; thence East, 4.00 feet to the Point of Beginning.

LESS

The South 19 feet of the North 64 feet of the West 40 feet, less the West 15 feet thereof, Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida.

LESS

The East 8.5 feet of the South 50 feet, Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida.
AND LESS

A tract of land lying in Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, according to the plat thereof as recorded in Plat Book "A", Page 95, Public Records of Orange County, Florida, and more particularly described as follows:

Commencing at the Southwest corner of said Lot 3, Block K, CAPEN'S ADDITION TO WINTER PARK, for a point of reference; thence East, 15.00 feet along and with the South line of said Lot 3 to the Southwest corner of the tract being described and the Point of Beginning; thence North, parallel to the West line of said Lot 3, 15.00 feet to the Northwest corner of the tract being described; thence East, parallel to the South line of said Lot 3, 6.00 feet; thence South, parallel to the West line of said Lot 3, 9.00 feet; thence East, parallel to the South line of said Lot 3, 24.00 feet; thence South parallel to the West line of said Lot 3, 6.00 feet to the South line of said Lot 3; thence West, along and with the South line of said Lot 3, 30.00 feet to the Point of Beginning.
SITE AREA AND RATIO CALCULATIONS

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Impervious Ratio: 53% 89%

REQUIRED RETENTION VOLUME CALCULATIONS

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Joint Use Pond Volume (adequate volume in pond): 7,263 cft

NOTES:

1. EXISTING SITE INFORMATION BASED ON BOUNDARY AND TOPOGRAPHICAL SURVEY BY SLMK, LLC. SURVEYS (DATED 4/29/15). EXISTING SITE INFORMATION BASED ON PLAT OF RECORD WITH RESPECT TO PROPERTY LEGAL DESCRIPTIONS, FLOOD ZONE AND BOUNDARIES.

2. MATCH EXISTING GRADE AT PROPERTY LINE.

3. CALCULATIONS FOR IMPERVIOUS AREA INCLUDE ROOFS, SIDES, SIDEWALKS AND DRIVEWAYS.

4. CALCULATIONS FOR RETENTION VOLUME IN ACCORDANCE WITH CITY REQUIREMENTS. ADDITIONAL REQUIREMENTS TO DETAIL IN DETAIL PERMIT DETENTION OF 0.25" OVER IMPERVIOUS AREA.

5. STORM WATER VOLUME (RETENTION) PROVIDED BY JCS; STORM WATER POND IN ACCORDANCE WITH DEVELOPMENT AGREEMENT DATED 1995 (OBDC 4970, PC 2033).

LEGEND

--- Contour

-1.20 Foot Elevation

--- Property Boundary
### Building #2

#### Unit #1

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#### Unit #2

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#### Unit #3

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<td>Totals</td>
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<td>3,868</td>
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<tr>
<td></td>
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---

#2 Lower Level Floor Plan - Noted

[Diagram of the floor plan showing three units: Unit 1, Unit 2, Unit 3, with labeled rooms like Bedroom 1, Bedroom 2, etc.]
## Building #2

### Unit 1
- **Lower Level**
  - AC:
  - Garage:
  - Balcony: 108

- **Middle Level**
  - AC: 1.5 kW

- **Upper Level**
  - AC: 1.5 kW, Master Bedroom: 127.5
  - 2nd Story Area: 88

**Totals**
- AC: 3.0 kW
- 2nd Story Area: 196
- Total Upper Room: 3460
- Balcony: 108

### Unit 2
- **Lower Level**
  - AC:
  - Garage: 93.3
  - Covered Area: 89

- **Middle Level**
  - AC: 159

- **Upper Level**
  - AC: 362
  - 2nd Story Area: 88

**Totals**
- AC: 2612
- 2nd Story Area: 171
- Total Upper Room: 4940
- Balcony: 128

### Unit 3
- **Lower Level**
  - AC:
  - Garage: 626
  - Balcony: 108

- **Middle Level**
  - AC: 1329

- **Upper Level**
  - AC: 1302
  - 2nd Story Area: 88

**Totals**
- AC: 3134
- 2nd Story Area: 166
- Total Upper Room: 3960
- Balcony: 128

---

#2 Middle Level Floor Plan - Noted

#2 Upper Level Floor Plan - Noted
#3 MIDDLE LEVEL FLOOR PLAN - NOTED

UNIT 1

UNIT 2

UNIT 3
Subject  SECOND READING OF ORDINANCE

1. Request to vacate 1999 Florida Power Corporation distribution easement (O.R.B. 5858 Page 2124)

2. Request to vacate 5’ platted easement Block “G” Home Acres Subdivision

motion | recommendation

Approve the vacate request

Background

Sydgan Corporation has requested that the City vacate two (2) separate easements. The first is a 5’ 1999 Florida Power Corporation distribution easement recorded in O.R.B. 5858 Page 2124. The second is a 5’ platted easement recorded in 1926 as part of the Home Acres Subdivision. All utilities within the defined easement areas have been removed.

alternatives | other considerations

N/A

fiscal impact

None
AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND ABANDONING THE 5 FOOT UTILITY EASEMENT LOCATED ON BLOCK “G” OF THE HOME ACRES SUBDIVISION AND THE 1999 FLORIDA POWER CORPORATION DISTRIBUTION EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City has determined that the easement or part thereof is no longer needed by the City of Winter Park; and

WHEREAS, all utilities within the defined easement area have been removed.

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

Section 1. The City Commission of the City of Winter Park, Florida, does hereby vacate and abandon that certain utility easement located within Block “G” of the Home Acres Subdivision in Winter Park, Florida, more particularly described and attached as Exhibit “1.”

Section 2. The City Commission of the City of Winter Park, Florida, does hereby vacate and abandon that certain 1999 Florida Power Corporation distribution easement, as recorded in O.R.B. 5858, Page 2124, of the Orange County Clerk of Court Public Records, being more particularly described as follows:

A 5 foot wide Easement Area defined as comprising the North 5 feet of the following described property.

Lot 13 and the South 25 feet of Lot 12, Block G, HOME ACRES, according to the plat thereof, as recorded in Plat Book M, Page 97, of the Public Records of Orange County, Florida.

Tax Parcel Number: 01-22-29-3712-07-130

Section 3. The legal description for the distribution easement is based on the grant of the Distribution Easement recorded in O.R.B. 5858, Page 2124, of the Orange County Clerk of Court Public Records; and the legal description for the utility easement is based on the survey performed by William F. Menard. The City Manager is authorized to execute such curative documents and to record the same as may be necessary to conform the vacation to the accurate legal description of the easement being vacated should error exists in the legal description.
A subsequently recorded vacation of this easement, if any, which is in the nature of a curative document necessary to conform the vacation of the easement to the accurate legal description of the easement being vacated, shall take precedence over the legal description provided herein, and any subsequently recorded curative document shall control with respect to the legal description of the easement being vacated. An accurate legal description of the easement being vacated is a condition of this vacation of the easement.

**Section 4.** All ordinances or portions of ordinances in conflict herewith are hereby repealed.

**ADOPTED** by the City Commission of the City of Winter Park, Florida, in a regular meeting assembled on the _____ day of_______________________, 2015.

____________________________________
Mayor Steve Leary

ATTEST:

_______________________________
Cynthia S. Bonham, City Clerk, MMC
DISTRIBUTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, their successors, lessees and assigns ("GRANTOR"), in consideration of the mutual benefits, covenants and conditions herein contained, did grant and convey to FLORIDA POWER CORPORATION, a Florida corporation ("GRANTEE"), P. O. Box 14042, St. Petersburg, Florida 33733, and to its successors, lessees and assigns, an easement to install, operate and maintain in perpetuity or until the use thereof is abandoned, such facilities as may be necessary or desirable for providing electric energy and service and communication services; by GRANTEE or others; said facilities being located in the following described "Easement Area" within GRANTOR's premises in Orange County, Florida, to wit:

A 5 foot wide Easement Area defined as comprising the North 5 feet of the following described property.

Lot 13 and the South 25 feet of Lot 12, Block G, HOME ACRES, according to the plat thereof, as recorded in Plat Book M, Page 97, of the Public Records of Orange County, Florida.

Tax Parcel Number: 01-22-29-3712-07-130

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

GRANTOR hereby covenants and agrees that no buildings, structures or obstacles (except fences) shall be located, constructed, excavated or created within the Easement Area. If fences are installed, they shall be placed so as to allow ready access to GRANTEE's facilities and provide a working space of not less than six feet (6') on the opening side and one foot (1') on the other three sides of any pad mounted transformer. If GRANTOR's future orderly development of the premises is in physical conflict with GRANTEE's facilities, GRANTEE shall, within 60 days after receipt of written request from GRANTOR, relocate said facilities to another mutually agreed upon Easement Area in GRANTOR's premises, provided that prior to the relocation of said facilities, (a) GRANTOR shall pay to GRANTEE the full expected cost of the relocation as estimated by GRANTEE, and (b) GRANTOR shall execute and deliver to GRANTEE, at no cost, an acceptable and recordable easement to cover the relocated facilities. Upon the completion of the relocation, the easement herein shall be considered canceled as to the portion vacated by such relocation.

This document prepared by BELISA OLIVEIRA
Real Estate Dept., Florida Power Corp.
P. O. Box 14042, St. Petersburg, FL 33733
Rev. 954

Sec-Twp-Rng: 01-22-29
County: Orange
Grantor: Orange, Lilia
Project ID: J39-99-1011

INDIVIDUAL
Ret: Life of Corporation RESP: Real Estate 913 529 (S)
GRANTOR covenants not to interfere with GRANTEE's facilities within the Easement Area in GRANTOR's premises, and GRANTOR further covenants to indemnify and hold GRANTEE harmless from any and all damages and injuries, whether to persons or property, resulting from interference with GRANTEE's facilities by GRANTOR or by GRANTOR's agents or employees.

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

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

IN WITNESS WHEREOF, the GRANTOR's hands and seals have been hereunto affixed this 19 day of
August, 1999.

WITNESSES:

[Signature]

Printed Name: [Name]

[Signature]

Printed Name: [Name]

[Signature]

Printed Name: [Name]

(Names must be typed or printed under each signature.)

GRANTOR(s):

[Signature]

Printed Name: [Name]

[Signature]

Printed Name: [Name]

(Grantor(s) mailing address)

P.O. Box 1882
Winter Park, FL 32780

STATE OF FLORIDA SS:
COUNTY OF ORANGE

The foregoing Easement was acknowledged before me this 19 day of August, 1999 by [Name]
who is/are personally known to me or who has/have produced [Identification] as identification and who did/did not take an oath.

[Signature]

Name:
Notary Public
Serial Number:
My Commission Expires:

(Seal)
subject
Resolution supporting petition of Lake Bell neighborhood requesting school rezoning

motion | recommendation
Adopt the attached Resolution.

background
City staff was approached by representatives of the Lake Bell neighborhood north of Lee Road about the potential of changing the schools to which their children are zoned to attend. They have been working with OCPS and were told that they should put together a petition of their request and also to get support from the Winter Park City Commission.

The Lake Bell neighborhood is currently zoned to attend Hungerford Elementary, Lee Middle and Edgewater High School. The neighbors would like to be zoned in the Winter Park or Maitland schools.

The attached Resolution was drafted to provide that support.

alternatives | other considerations
N/A

fiscal impact
N/A
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPORTING THE SCHOOL REZONING PETITION OF THE LAKE BELL NEIGHBORHOOD.

WHEREAS, the residents of the Lake Bell neighborhood in Winter Park have submitted the attached petition requesting that its neighborhood be rezoned into Winter Park/Maitland schools; and

WHEREAS, the Lake Bell neighborhood consists of approximately 200 single family homes that are currently zoned in the Hungerford Elementary, Lee Middle and Edgewater High School districts, and

WHEREAS, the petitioners request consideration to be rezoned to an elementary school such as Dommerich, Lake Sybelia, Killarney, or Lakemont; to Maitland Middle School; and to Winter Park High School; and

WHEREAS, the School Board of Orange County Public Schools has the authority and responsibility to establish school districts within Orange County

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

Section 1. The City Commission of the City of Winter Park hereby supports the school rezoning request of the Lake Bell neighborhood.

Section 2. The City Commission hereby encourages the School Board of Orange County Public Schools to give the rezoning request due consideration.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 12th day of October 2015.

_______________________________ Mayor Steve Leary

ATTEST:

_______________________________
City Clerk Cynthia S. Bonham
Lake Bell Neighborhood School Rezoning Petition

The residents of the Lake Bell neighborhood would like for Orange County Public Schools to rezone our homes into Winter Park/Maitland area schools...specifically schools such as: Dommerich, Lake Sybelia, Killarney, Lakemont, Maitland Middle and Winter Park High. (***)A section of Lake Bell is currently zoned for Dommerich Elementary and Maitland Middle already!****

We are a City of Winter Park neighborhood that consists of 203 single family homes. 85 homes on the West side of Lake Bell (Dupont area) and 118 homes on the East side (Turner area). At this time, we are able to account for approximately 30 school aged children for our entire neighborhood. That number reflects children in elementary, middle and high school. All elementary aged children in our neighborhood either go to a private school, charter school or are home schooled. We are not aware of one child attending our zoned elementary school. Over the years, few families have enrolled their kids at Hungerford but their attendance their was short lived.

The families of Lake Bell support Winter Park/Maitland businesses, send their children to Winter Park/Maitland preschools & private schools, participate in Winter Park/Maitland youth sports leagues (our zoned area), and actively participate in our Winter Park/Maitland community! We love our neighborhood! Most neighbors have been here a long time! Some are even 2nd generation homeowners! Many residents own local Winter Park businesses, teach in Winter Park schools, work in local government, etc. As residents of the City of Winter Park, we'd like the opportunity for our children to attend public schools within our area, with their neighbors and with their extracurricular sports teammates.

Currently, our neighborhood is zoned for Hungerford Elementary school (Eatonville), Lee Middle (Orlando) and Edgewater High School (Orlando). Hungerford Elementary is between 1.2-2.4 miles away for our residents. A majority of us would be considered "walkers!" In the journey to Hungerford, for our 5-10 year olds, they would have to walk out of our neighborhood to the sidewalks on Lee Rd. From Lee and Wymore, they'd have to walk .8 mile down Wymore towards...
Eatonville with NO SIDEWALKS. This is a busy, 45 mph road with a sharp curve, hidden businesses entrances/exits, as well as a new I4 construction zone with an increasing amount of "Trucks Entering and Leaving Highway!" The sidewalk does not start again until you reach the intersection of Wymore and Kennedy. (Please see attached pictures depicting route to and from Hungerford using Lee Rd and Wymore.)

We'd like for our school zones to please be reconsidered! Overall, outside of our current zone, our neighborhood is closest to the Dommerich and Maitland Middle School zone lines. It's closer than the Hungerford and Killarney zone lines. The number of school aged children we have in total is few! The impact they would make on any Winter Park/Maitland area school in regards to the population would be very minimal!

Thank you! Please help us!

Lake Bell residents

Letter to
School Board, School Zoning Orange County Public Schools
Orange County Public Schools
Orange County School Board
City of Winter Park
Nancy Robinson, District School Board Representative

Updates

Keep your supporters engaged with a news update. Every update you post will be sent as a separate email to signers of your petition.

Post an update

1. 1 day ago
   100 supporters

Delete this update

Are you sure?

Delete  Cancel

2. 1 week ago
   David Hmielewski started this petition

Reasons for signing

- Most Popular
- Latest

Sandra Schmidt OKLAHOMA CITY, OK
   - 2 days ago
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