REGULAR MEETING OF THE CITY COMMISSION
October 27, 2014

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

Members present:
Mayor Kenneth Bradley
Vice Mayor Steven Leary
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:
City Manager Randy Knight
City Attorney Bill Reischmann
City Clerk Cynthia Bonham

Approval of the agenda

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

Mayor’s Report

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

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

b. Proclamation – Feed the Need Month

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

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

c. Proclamation – National Red Ribbon Week

Mayor Bradley proclaimed October 25-31 as “National Red Ribbon Week” and urged all citizens to join in promoting a drug-free environment. Sergeant Major John Gionet from the United States Marine Corp was present to accept the proclamation.
d. **Proclamation - Orange County “Week of the Family”**

Mayor Bradley proclaimed November 1-8 as “Week of the Family” in Winter Park. Lynn Whitcomb, Chair of the Week of the Family Foundation accepted the proclamation.

e. **Board appointment – Parks and Recreation Board alternate position**

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

**City Manager’s Report**

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

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

**City Attorney’s Report**

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

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

**Non-Action Item**

a. **Library Facility Task Force interim report**

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

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

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

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

Consent Agenda

a. Approve the minutes of October 13, 2014.
b. Approve the Winter Park Firefighter’s Local 1598 IAFF labor contract.
c. Approve the following Blanket Purchase Orders:
   1. Blanket Purchase Order to Winter Park Library for annual organizational support; $1,045,935.
   2. Blanket Purchase Order to Mead Botanical Garden for annual organizational support; $75,000.
   3. Blanket Purchase Order to Winter Park Historical Association for annual organizational support; $60,000.
d. Approve the FY2015 budget adjustment to account for the Federal Grant for stormwater improvements to the Lake Forest/Howard Drive retention pond.

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

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

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

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

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

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

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

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

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

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

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

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

c. City Manager annual review

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

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

Public Hearings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This item was withdrawn per the request of the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

**City Commission Reports:**

a. **Commissioner Leary**

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

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

b. Commissioner Sprinkel

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

c. Commissioner Cooper

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

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

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

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

d. Commissioner McMacken

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

e. Mayor Bradley

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

The meeting adjourned at 7:21 p.m.

ATTEST:

[Signature]
City Clerk Cynthia S. Bonham, MMC
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