



city commission agenda

Regular Meeting

October 24, 2016
3:30 p.m.
Commission Chambers

commissioners				mayor		commissioners			
seat 1	Gregory Seidel	seat 2	Sarah Sprinkel	Steve Leary		seat 3	Carolyn Cooper	seat 4	Pete Weldon

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

1 Meeting Called to Order

2 Invocation Mark Rickman, Director of Fellowship of Christian Athletes of Central Florida Pledge of Allegiance

3 Approval of Agenda

4 Mayor's Report

***Projected Time**
***Subject to change**

- Introduction of Orlando Philharmonic Orchestra Executive Director
- Proclamation – Week of the Family, November 5-12

10 minutes

5 City Manager's Report

***Projected Time**
***Subject to change**

- Blake Yard update

10 minutes

[illegible]

11 Public Hearings	*Projected Time *Subject to change
a. Request of UP Fieldgate US Investments – Winter Park LLC: <ul style="list-style-type: none"> - Amend conditional use and development agreement for Whole Foods project at 1000/1040 N. Orlando Avenue, 1160 Galloway Drive and 967 Cherokee Avenue, providing for the addition of the development properties at 900/950 N. Orlando Avenue 	15 minutes
b. Request of Knightira, LLC: <ul style="list-style-type: none"> - Subdivision or lot split approval to divide the property at 1751 Taylor Avenue into two single family building lots 	15 minutes
c. Request of JT Palm Holdings LLC (Cask & Larder): <ul style="list-style-type: none"> - Ordinance – Amending the “Comprehensive Plan” Future Land Use Map to change from a Single Family Density Residential Future Land Use Designation to a Parking Lot Future Land Use Designation on the vacant property at 520 South Pennsylvania Avenue (1) - Ordinance – Amending the Official Zoning Map to change from Single Family Residential (R-1A) District zoning to Parking Lot (PL) District zoning on the property at 520 South Pennsylvania Avenue (1) 	20 minutes
d. Request for Appeal by Ms. Martha Bryant-Hall, Owner (Ms. Hall is also the Agent for H-Mob Properties LLC, listed by Orange County as Owner) of the decision by the Historic Preservation Board (HPB), on August 24, 2016, to deny her application for historic designation of her home at 331 West Lyman Avenue, Winter Park, Florida as a historic resource on the Winter Park Register of Historic Places.	30 minutes
12 City Commission Reports	*Projected Time *Subject to change
a. Commissioner Seidel b. Commissioner Sprinkel c. Commissioner Cooper d. Commissioner Weldon e. Mayor Leary	10 minutes total

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.”



city commission **city manager's report**

item type

City Manager's Report

meeting date

October 24, 2016

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.

issue	update	date
Railroad crossing update	Four of Winter Park's street crossings are included in FDOT's CIP for installing concrete panels with South Denning, Pennsylvania North and South remaining.	Holt/Pennsylvania crossing to be adjusted 10/22-23. Pennsylvania/Webster crossing scheduled for 10/29-30.
Ward Park restrooms	Block work is underway with roof framing.	Restrooms dried-in. Utility installation has begun. Anticipated substantial completion - late November 2016.
Cady Way Pool	Notice to proceed has been given to the contractor on the pool heat. Anticipate pool heat operational in December. Currently evaluating upgrades to locker rooms including hot water and air conditioning. Cost estimates are not completed.	Pool heat expected to be completed in December.
Comprehensive Plan Update	Staff is updating the data, inventory and analysis for each element. Staff has scheduled a citywide transportation meeting to discuss the element and proposed policies.	Citywide Transportation Meeting is scheduled for October 19 th from 5:00 p.m. – 8:00 p.m. in the City Commission Chambers. The Plan update is due to the Department of Economic Opportunity by February 1, 2017. Schedule is available at www.cityofwinterpark.org/comp-plan

Once projects have been resolved, they will remain on the list for one additional meeting to share the resolution with the public and then be removed.

REGULAR MEETING OF THE CITY COMMISSION
October 10, 2016

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:35 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Budget Manager Peter Moore, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper (by phone)
Commissioner Pete Weldon

Also present:

City Manager Randy Knight
City Clerk Cynthia Bonham
City Attorney Kurt Ardaman

Approval of the agenda

Motion made by Commissioner Sprinkel to approve the agenda with the deletion of public hearing 'b'; seconded by Commissioner Weldon and carried unanimously with a 5-0 vote.

Mayor's Report

Mayor Leary spoke about the excellent job that staff did during Hurricane Matthew.

- a. Business Recognition Award Recipient – Third Quarter 2016 – Chez Vincent

Mayor Leary recognized Chez Vincent as the Business Recognition Award Recipient, for the third quarter 2016. Mr. Vincent spoke about how he loves the City of Winter Park and that he is very happy to be here.

City Manager's Report

City Manager Knight summarized what transpired for preparation and during Hurricane Matthew and how well the City managed this.

City Manager Knight addressed the Blake Yard property that will come back for discussion at the October 24 meeting as to a plan moving forward.

An update was made regarding the completion of the Holt/Pennsylvania railroad crossing. Also reported was that Showalter Field will be ready for their upcoming games.

City Attorney's Report

City Attorney Ardaman addressed the two lawsuits pending in respect to the challenge of the library. He stated that the state attorney has withdrawn the two motions that he previously filed to vacate the courts order to show cause and to

strike some of the allegations in the city bond counsel's complaint related primarily to the location of the project. Mayor Leary stated he will be eagerly anticipating whatever media covered the state attorney picking up those motions to cover the dismissal of those motions as well.

Non-Action Item

a. Financial Report – August 2016

Finance Director Wes Hamil summarized the financial report.

Consent Agenda

- a. Approve the minutes of September 26, 2016.
- b. Approve the following purchases and contracts:
 - 1. Blanket Purchase Order to South Seminole & North Orange County Wastewater for operational maintenance; \$839,627.
 - 2. Blanket Purchase Order to City of Altamonte Springs for wholesale sewer treatment; \$221,806.
 - 3. Blanket Purchase Order to City of Orlando for Asbury sanitary sewer; \$500,000.
 - 4. Blanket Purchase Order to City of Orlando for Iron Bridge sanitary sewer; \$2,640,000.
 - 5. Blanket Purchase Order to Air Liquide Industrial Company for liquid oxygen for water treatment facilities; \$160,000.
 - 6. Blanket Purchase Order to GATSO USA for red light safety enforcement; \$403,000.
 - 7. Contract with The Pizzuti Companies, RFP-13-2016, Owners Representative Services; \$535,000; and authorize Mayor to execute contract.
 - 8. Contract with Leidos Engineering, LLC, RFQ-15-2016, Distribution Engineering & Substation Consultant; and authorize Mayor to execute contract; amount as needed basis.
 - 9. Piggyback contract with City of Daytona Beach Contract No. 13-159 and blanket purchase order for mechanical sweeping services with USA Services, Inc.; and authorize Mayor to execute contract; \$205,247.64.
 - 10. Piggyback contract Pasco County Tax Collector Contract No. IFB-KB-16-109 with Owens, Renz & Lee Company, Inc. d/b/a Owens Realty Services for janitorial services; \$169,698.
- c. Cancel the December 26, 2016 Commission meeting due to the holiday.

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

Action Items Requiring Discussion

- a. Settlement agreement between United States Department of Justice, the City of Winter Park, and Winter Park Scenic Boat Tour, Inc. regarding boat launch access

City Manager Knight addressed the complaint filed a year ago with the Department of Justice about the perceived lack of ADA access at the property which the City owns and franchises out to the boat tour operator. He stated the parties agreed to move forward with Mr. Hightower paying for the work to make it ADA accessible. He stated the settlement agreement implements that which stops the Justice Department's further investigation and looking into the matter.

City Attorney Ardaman pointed out two typographical errors in the agreement that was agreed to by the Justice Department that we could change. Commissioner Cooper asked if any thought has been given to help Mr. Hightower some with the cost of the ramps. City Manager Knight stated the City has contributed with the engineering and design work as well as managing the project. City Attorney Ardaman addressed the agreement made between the Boat Tour and the City regarding the cost of the boat ramp. No public comments were made.

Motion made by Commissioner Sprinkel to approve the settlement agreement with the incorporation of the two corrected typographical errors, seconded by Commissioner Weldon. The motion carried unanimously with a 5-0 vote.

Public Hearings:

- a. Request for acceptance of offer to purchase City property:

ORDINANCE NO. 3051-16: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED BETWEEN 652 AND 700 WEST MORSE BOULEVARD PURSUANT TO THE PROPOSAL APPROVED BY THE CITY COMMISSION ON SEPTEMBER 26, 2016, SUBJECT TO RESERVATION OF DEVELOPMENT RIGHTS AND DEED RESTRICTIONS; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. Second Reading

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs spoke about the prior agreement regarding the location of the buildings and since they purchased the property, they will move the buildings back to where they originally were (on the border of the park property).

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

Public comments (Items not on the agenda normally around 5:00)

No public comments were made.

City Commission Reports:

a. Commissioner Seidel – Congratulated staff for the golf course re-opening and that he is very pleased with the golf course improvements.

b. Commissioner Sprinkel – Spoke about the wonderful board appreciation event that took place and the large number of board members in attendance.

c. Commissioner Cooper – Appreciated being able to phone in to the meeting.

d. Commissioner Weldon – Asked to schedule a CRA Agency meeting on October 24 to discuss the New York Avenue streetscape project and where it goes in the budget. Commissioner Seidel asked to also include undergrounding in the CRA. Mayor Leary asked Commissioners Weldon and Seidel to work with staff to address their issues. There was a consensus to move forward and schedule the meeting.

Commissioner Weldon stated he wanted to discuss some of the tradeoffs with regard to longer term investments on the part of the CRA and how they each feel about some of the possibilities going forward and to prioritize certain objectives with regard to the long plan term for the CRA fund. Commissioner Cooper asked Commissioner Weldon to provide information ahead of time so they understand what he is hoping to discuss. Commissioner Weldon agreed to provide this.

Commissioner Weldon also asked to schedule a time to discuss the bowling alley property and the post office property. There was discussion that there was no consensus on the bowling alley and that they were waiting for the MLK parks master plan. City Manager Knight stated they can provide the old master plan as a new one will not be completed.

Commissioner Sprinkel disagreed with having another discussion on the New York streetscape project as this was a part of the previous budget discussions but if they are going to discuss it, she asked that they have the same information that was provided to them previously about how those decisions were made because that was the determining factor for her. She asked that this be included in with what Commissioner Weldon will provide. This will be discussed at the CRA Agency meeting on October 24.

e. Mayor Leary – Spoke about the cancellation of the art festival that was the correct decision to make because of Hurricane Matthew. He spoke about the board appreciation event being a nice event.

The meeting adjourned at 4:23 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Cynthia S. Bonham, MMC



city commission agenda item

item type	Consent Agenda	meeting date	October 24, 2016
prepared by department division	Purchasing Division	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A final vote		

Purchases over \$75,000

	vendor	item background	fiscal impact	motion recommendation
1.	Gresco Utility Supply, Inc.	PR160888 – Electric Undergrounding Inventory RFQ-9-26-2016-31-JV	Total expenditure included in approved FY17 budget. Amount: \$218,422	Commission approve PR160888 to Gresco Utility Supply, Inc. for Electric Undergrounding Inventory.
Formal quotes were obtained to award this purchase.				
2.	Stuart C. Irby	PR160890 – Electric Undergrounding Inventory RFQ-9-26-2016-31-JV	Total expenditure included in approved FY17 budget. Amount: \$238,225.70	Commission approve PR160890 to Stuart C. Irby for Electric Undergrounding Inventory.
Formal quotes were obtained to award this purchase.				
3.	Ten-8 Fire Equipment	PR160897 – Self Contained Breathing Apparatus for Fire Department	Total expenditure included in approved FY17 budget. Amount: \$312,839.24	Commission approve PR160897 to Ten-8 for Self Contained Breathing Apparatus' & authorize the Mayor to execute piggyback contract renewal.
Pricing per Lake County Contract No. 12-08060.				
4.	Musco Lighting, Inc.	PR160832 – Lighting installation at the Azalea Tennis Center; Courts 1 – 3	Total expenditure included in approved FY17 budget. Amount: \$129,900	Commission approve PR160832 to Musco Lighting for court lighting at the Azalea Tennis Center.
Pricing per Clay County Contract #13/14-8.				
5.	Odyssey Manufacturing Co.	Blanket Purchase Order for sodium hypochlorite.	Total expenditure included in approved FY17 budget. Amount: \$165,000	Commission approve Blanket Purchase Order to Odyssey Manufacturing Co. & authorize the Mayor to execute piggyback contract.
Pricing obtained through piggyback of City of Daytona Beach ITB#0115-1900. This Blanket Purchase Order will expire September 30, 2017.				
6.	Covanta Energy Marketing LLC	Blanket Purchase Order for FY17 Bulk Power Supply ITN-13-2013	Total expenditure included in approved FY17 budget. Amount: \$5,205,000	Commission approve Blanket Purchase Order to Covanta Energy Marketing LLC for Bulk Power Supply Purchases
This Blanket Purchase Order will expire September 30, 2017.				
7.	Duke Energy	Blanket Purchase Order for FY17 Transmission pursuant to Duke Energy Tariff	Total expenditure included in approved FY17 budget. Amount: \$1,985,000	Commission approve Blanket Purchase Order to Duke Energy for Transmission pursuant to Duke Energy Tariff
This Blanket Purchase Order will expire September 30, 2017.				

8.	Florida Power & Light Company	Blanket Purchase Order for FY17 Bulk Power Supply & Power Transmission Purchases ITN-13-2013	Total expenditure included in approved FY17 budget. Amount: \$11,200,000	Commission approve Blanket Purchase Order to Florida Power & Light Company for Bulk Power Supply & Transmission Purchases
This Blanket Purchase Order will expire September 30, 2017.				
9.	Gainesville Regional Utilities	Blanket Purchase Order for FY17 Bulk Power Supply Purchases ITN-13-2013	Total expenditure included in approved FY17 budget. Amount: \$4,875,000	Commission approve Blanket Purchase Order to Gainesville Regional Utilities for Bulk Power Supply Purchases
This Blanket Purchase Order will expire September 30, 2017.				
10.	Orlando Utilities Commission	Blanket Purchase Order for FY17 Bulk Power Supply & Power Transmission Purchases ITN-13-2013	Total expenditure included in approved FY17 budget. Amount: \$4,645,000	Commission approve Blanket Purchase Order to Orlando Utilities Commission for Bulk Power Supply & Transmission Purchases
This Blanket Purchase Order will expire September 30, 2017.				

Contracts

	vendor	item background	fiscal impact	motion recommendation
11.	Ardaman & Associates	RFQ-2-2012 – Geotechnical Amendment 4	Total expenditure included in approved FY17 budget. Amount: As Needed Basis	Commission approve Amendment No. 4 to Ardaman & Associates and authorize the Mayor to execute renewal.
This City issued a formal solicitation to award this contract. The contract term was for a period of one (1) year with four (4) one-year renewal options, not to exceed five years in total. This is the final renewal for this contract.				

Approval of contract shall constitute approval for all subsequent purchase orders made against contract

Piggyback Contracts

	vendor	item background	fiscal impact	motion recommendation
12.	Electric Supply of Tampa	City of Gainesville Regional Utilities Contract No. 2015-002-A-Wire and Cable	Total expenditure included in approved FY17 budget.	Commission approve Piggyback Contract with Electric Supply of Tampa and authorize the Mayor to execute contract.
The City of Gainesville issued a formal solicitation to award this contract. Items purchased from this contract will be used to replenish stock in the Central Utilities Warehouse on an as needed basis.				

Approval of contract shall constitute approval for all subsequent purchase orders made against contract



city commission agenda item

Item type	Action Item Requiring Discussion	meeting date	October 24, 2016
prepared by department division		approved by	<input type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> N/A
board approval		<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote
vision themes	<input type="checkbox"/> Cherish and sustain city's extraordinary quality of life. <input type="checkbox"/> Plan growth through a collaborative process that protects city's scale and character. <input type="checkbox"/> Enhance city's brand through flourishing arts and culture. <input type="checkbox"/> Build and embrace local institutions for lifelong learning and future generations.		

subject

City Manager Annual Review

motion | recommendation

Approve the amount, if any, of the merit increase for the City Manager.

background

Attached is a summary of the evaluations provided to the City Manager. In accordance with the FY 2017 budget, the City Manager is eligible for up to a 3.5% merit increase.

The scale used for employees is as follows:

<u>Rating</u>	<u>Eligible Increase</u>
2 or below	up to 2.5%
2.01-3.0	2.6% to 3.1%
3.01-4.0	3.2% to 3.5%

City of Winter Park, Florida

City Manager Performance Evaluation Summary

Evaluation Period : 10/1/2014 - 9/30/2015

	Mayor Leary		Comm. Cooper		Comm. Seidel		Comm. Sprinkel		Comm. Weldon		Average	
	Score	Weight	Score	Weight	Score	Weight	Score	Weight	Score	Weight	Score	Weight
Rating Factors:												
1 Core Values	<u>3.25</u>	10%	<u>2.00</u>	10%	<u>3.00</u>	10%	<u>3.00</u>	10%	<u>4.00</u>	10%	<u>3.05</u>	10%
2 Leadership Competencies	<u>2.57</u>	30%	<u>2.00</u>	30%	<u>3.00</u>	30%	<u>3.00</u>	30%	<u>3.00</u>	30%	<u>2.71</u>	45%
3 Job Functions	<u>2.20</u>	30%	<u>2.50</u>	30%	<u>2.00</u>	30%	<u>3.00</u>	30%	<u>4.00</u>	30%	<u>2.74</u>	15%
4 Advancemnet of Polices, Goals & Initiatives	<u>2.67</u>	30%	<u>2.00</u>	30%	<u>3.00</u>	30%	<u>3.00</u>	30%	<u>4.00</u>	30%	<u>2.93</u>	30%
Weighted Score	2.56		2.15		2.70		3.00		3.70		2.82	

Line Item Rating Levels:

- 4 Distinguished Performance
- 3 Commendable Performance
- 2 Effective Performance
- 1 Lacking Performance
- 0 Unacceptable Performance



city commission public hearing

Item type	Public Hearing	meeting date	October 24, 2016
prepared by	Jeff Briggs	approved by	<input checked="" type="checkbox"/> City Manager
department	Planning and Community Development		<input checked="" type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0 final vote

vision themes	<input checked="" type="checkbox"/> Cherish and sustain city's extraordinary quality of life.
	<input checked="" type="checkbox"/> Plan growth through a collaborative process that protects city's scale and character.
	<input type="checkbox"/> Enhance city's brand through flourishing arts and culture.
	<input type="checkbox"/> Build and embrace local institutions for lifelong learning and future generations.

Subject: Request to Amend the Development Agreement for the Whole Foods Shopping Center.

This public hearing involves the request of Fieldgate US Investments – Winter Park LLC, the owner and developer of the Whole Foods Shopping Center at 1040 N. Orlando Avenue to transfer the unused floor area ratio building density from the 11 acre shopping center parcel to the 2 acre property directly to the south of the new Lee Road extension at 900/950 N. Orlando Avenue.

Planning and Zoning Board Recommendation:

Motion made by Tom Sacha, seconded by Randall Slocum to approve the request to amend the Development Agreement for the Whole Foods project at 1000/1040 North Orlando Avenue, 1160 Galloway Drive and 967 Cherokee Avenue, providing for the addition of the development properties at 900/950 North Orlando Avenue and to allocate the permitted building floor area ratio amongst all of the above referenced properties, subject to future approval of those building projects. Motion carried unanimously with a 7-0 vote.

Summary: In May-September 2014, the UP Development group came to the City for the approval of the Whole Foods shopping center which was approved with a Whole Foods grocery store, a second major retailer which is a Nordstrom Rack store and three outparcels. As you recall, UP Development desired changes to the traffic light/intersection at Lee Road and Orlando Avenue to be a signalized intersection for access to the shopping center. That desire and the condition of approval by FDOT lead to the approval and construction of the new Lee Road extension roadway. At the same time UP Development owned the 3-story office building at 950 N. Orlando Avenue and, in the interim, have acquired the former Ice Cold Auto air property at 900 N. Orlando Avenue. All of this property is designated Commercial in the Comprehensive Plan and all of the land is zoned C-3 which has a maximum floor area ratio of 45%.

The original plans of UP Development was to build larger intensity (floor area ratio) on the 900/950 Orlando properties, as Phase II of the project, utilizing the unused floor area ratio from the shopping center. At the current time, all of this property, including the land to be used for the Lee Road extension is in the ownership of UP Development. Phase II of this project is the redevelopment of the 900/950 N. Orlando Avenue properties. However, in late October the land under the Lee Road extension is to be dedicated to the City as a new public street. Under the terms of the Comprehensive Plan and the Zoning Code, floor area ratio cannot be transferred from one side of a street to the other side. The purpose of this agenda item is to request approval for the transfer of floor area ratio, at this time, while the property is in common ownership, so that it can be used by UP Development as they originally envisioned the project. It will also allow a quicker dedication to the City of the Lee Road extension as public right-of-way.

Result of the Development Agreement Amendment: The existing Whole Foods shopping center property is 11.0 acres in size. Based on the permitted 45% floor area ratio, that property potentially could hold 215,622 square feet of building space. The size of the Whole Foods grocery, Nordstrom Rack store and out-parcel development is 89,565 square feet. Thus, there is an unused "balance" of 126,057 square feet.

The new properties being added via this DA amendment at 900/950 N. Orlando Avenue are 2.04 acres in size. By themselves, within the permitted 45% floor area ratio, those combined properties could hold 39,988 square feet of building space. However with the unused "balance" added to this, the total potential building size increases to 166,045 square feet of building space. Viewed as a stand-alone parcel that potential development floor area ratio would be 187%. This scale of development is similar to the intensity that you can see for the 3-story buildings along New England Avenue in Hannibal Square.

It is important to point out that the request does not authorize development approval on the 900/950 N. Orlando property and does not ask for credit to be able to use the land under the Lee Road extension as land to be used toward floor area ratio. The request is that the City view the development (Phase I and Phase II) as a unified project, so that they can share the permitted floor area ratio across both Phase I and Phase II land areas of the project.

Next Steps, If Approved: If the Development Agreement is approved, then the next step will be for UP Development to request Conditional Use approval for a specific project utilizing some or all, of the permitted floor area ratio. Since that future project still must meet the parking requirements, it is certain that any development exceeding the 45% floor area ratio would contain a parking garage component. It also is to be expected that such future development would encompass most of the site.

Planning and Zoning Board Summary: The P&Z Board recognized that when UP Development originally asked FDOT for approval to modify the Lee Road/Orlando Avenue intersection, all that UP Development desired was a signalized entrance/exit for the shopping center. If FDOT had granted that approval, then this agenda item would not be needed because UP Development could have spread the permitted floor area ratio over the entire site within the permitted 45% floor area ratio. However, FDOT required the construction of the Lee Road extension and with the approval from the City it has been constructed and will soon be dedicated as a public street. So in that sense, UP Development is not asking for anything that they did not already have the ability to do, if not for the FDOT mandate.

Planning and Zoning Board Minutes: October 4, 2016:

REQUEST OF UP FIELDGATE US INVESTMENTS – WINTER PARK LLC TO:
AMEND THE CONDITIONAL USE AND DEVELOPMENT AGREEMENT FOR THE WHOLE FOODS PROJECT AT 1000/1040 N. ORLANDO AVENUE, 1160 GALLOWAY DRIVE AND 967 CHEROKEE AVENUE, PROVIDING FOR THE ADDITION OF THE DEVELOPMENT PROPERTIES AT 900/950 N. ORLANDO AVENUE AND TO ALLOCATE THE PERMITTED BUILDING FLOOR AREA RATIO AMONGST ALL OF THE ABOVE REFERENCED PROPERTIES, SUBJECT TO FUTURE APPROVAL OF THOSE BUILDING PROJECTS.

Planning Manager Jeffrey Briggs provided the staff report and explained that the this public hearing involves the request of Fieldgate US Investments – Winter Park LLC, the owner and developer of the Whole Foods Shopping Center at 1040 N. Orlando Avenue to transfer the unused floor area ratio building density from the 11 acre Whole Foods shopping center parcel to the 2 acre property directly to the south of the new Lee Road extension at 900/950 N. Orlando Avenue. He discussed the history of the UP Development. He explained that the method of implementation for this request is to provide an Amendment to the original Whole Foods Development Agreement for this purpose. The City Attorney has reviewed and modified the proposed Amendment for the protection of the City.

Mr. Briggs gave an overview of the proposed development agreement amendment. Mr. Briggs noted that if the Development Agreement is approved, then the next step will be for UP Development to request Conditional Use approval for a specific project utilizing some or all, of the permitted floor area ratio. Since that future project still must meet the parking requirements, it is certain that any development exceeding the 45% floor area ratio would contain a parking garage component. It also is to be expected that such future development would encompass most of the site. He summarized by stating that when UP Development originally asked FDOT for approval to modify the Lee Road/Orlando Avenue intersection, all that UP Development desired was a signalized entrance/exit for the shopping center. If FDOT had granted that approval, then this agenda item would not be needed. Then, UP Development could have spread the permitted floor area ratio over the entire site within the permitted 45% floor area ratio. However, FDOT required the construction of the Lee Road extension and with the approval from the City it has been constructed and will soon be dedicated as a public street. So in that sense, UP Development is not asking for anything that they did not already have the ability to do, if not for the FDOT mandate.

The reason for this agenda item is that once the new Lee Road extension roadway is dedicated to the City, the Code prohibits transferring floor area ratio across a public street. That road dedication will happen very soon when the Whole Foods Market opens. Staff recommended approval of the request.

Attorney J.J. Johnson, represented UP Fieldgate, stated that he was in agreement with the content of the staff report as presented by staff.

No one wished to speak concerning the request. Public Hearing closed.

Motion made by Tom Sacha, seconded by Randall Slocum to approve the request to amend the conditional use and development agreement for the Whole Foods project at 1000/1040 North Orlando Avenue, 1160 Galloway Drive and 967 Cherokee Avenue, providing for the addition of the development properties at 900/950 North Orlando Avenue and to allocate the permitted building floor area ratio amongst all of the above referenced properties, subject to future approval of those building projects. Motion carried unanimously with a 7-0 vote.

Prepared by:
Paul "J.J." Johnson, Jr., Esq.
Sloane & Johnson, PLLC
3670 Maguire Blvd, Ste 250
Orlando, FL 32803

Return to:
City of Winter Park
City Clerk's Office
401 Park Ave S
Winter Park, FL 32789

FIRST AMENDMENT TO DEVELOPER'S AGREEMENT

THIS FIRST AMENDMENT (hereinafter referred to as the "Amendment") is entered into and made as of the ____ day of _____, 2016, by and between the **CITY OF WINTER PARK, FLORIDA**, 401 Park Ave South, Winter Park, Florida, 32789 (hereinafter referred to as the "City"), and **UP FIELDGATE US INVESTMENTS – WINTER PARK, LLC**, a Florida limited liability company, 3201 East Colonial Drive, Orlando, Florida, 32083, (hereinafter referred to as the "Owner/Developer"). The City and the Owner/Developer may be individually referred to as a "Party" or collectively as the "Parties."

WITNESSETH

WHEREAS, the City and the Owner/Developer entered into that certain Developer's Agreement dated February 25, 2015 and recorded on March 19, 2015 at Book 10891, Page 2720 of the Public Records of Orange County, Florida (hereinafter referred to as the "Developer's Agreement"); and

WHEREAS, the Developer's Agreement addressed certain obligations and restrictions to govern the Owner/Developer's development of certain real property at 1000/1050 North Orlando Avenue, 1160 Galloway Drive and 967 Cherokee Avenue, lying within the municipal boundaries of the City of Winter Park, as more particularly described in the Developer's Agreement (hereinafter referred to as the "Original Property"), for the operation of a Whole Foods grocery store, a secondary retail store and out-parcels (hereinafter referred to as the "Phase I Project"); and

WHEREAS, the Owner/Developer is the fee owner of certain real property at 900/950 North Orlando Avenue and 1061 Cherokee Avenue, lying within the municipal boundaries of the City of Winter Park, as more particularly described on Exhibit "1" attached to and incorporated into this Amendment by reference (hereinafter referred to as the "Additional Property"); and

WHEREAS, the Owner/Developer desires to develop the Additional Property as the "Phase II Project"; and

WHEREAS, the Original Property and the Additional Property form one contiguous parcel (hereinafter referred to collectively as the "Property") with a floor area ratio of 0.45 under the City's Land Development Code for C-3 zoned area that may, subject to further review and approval in accordance with applicable development order and approval processes, be permitted to build to up a maximum of 255,610 square feet of building floor area based upon 13.04 acres, which acreage excludes any land used to construct the roadway improvements to connect the intersection of Lee Road and US17/92 to Webster Avenue (hereinafter referred to as for the "Lee Road Extension"); and

WHEREAS, the Owner/Developer acquired all necessary lands to construct the Lee Road Extension for the use, health, safety and welfare of the public and in accordance with that certain

Memorandum of Understanding Regarding Lee Road Extension between the Parties dated August 19, 2015 (hereinafter referred to as the "MOU"); and

WHEREAS, the Owner/Developer is nearing completion of and desires to dedicate and convey to the City the right-of-way and roadway improvements constructed as the Lee Road Extension in accordance with the terms of the Agreement and the MOU; and

WHEREAS, the Owner/Developer desires to continue to utilize up to a maximum of 255,610 square feet of building floor area for the Property after dedication of the Lee Road Extension to the City, such building floor area reflecting the current maximum amount permitted for the Property as a contiguous parcel as of the date hereof less any land to be dedicated to the City as part of the Lee Road Extension; and

WHEREAS, the Owner/Developer understands and acknowledges that the Phase II Project remains subject to permitting to ensure compliance with the laws and regulations of the City and of other governmental authorities.

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

A. RECITALS.

The above recitals are true and correct and form a material part of the Amendment. Capitalized terms not defined herein shall retain the original definition provided in the Developer's Agreement.

B. RATIFICATION. All provisions of the Developer's Agreement not modified (whether explicitly or implicitly) by this Amendment will remain in full force and effect according to their terms. This Amendment and the Developer's Agreement shall be construed as a single document and shall be collectively referred to as the Developer's Agreement, except to the extent the terms of this Amendment conflict or are inconsistent with the terms of the Developer's Agreement, in which case this Amendment will control.

C. AMENDMENT. The Developer's Agreement shall be amended as follows:

(i). The definition of the "Property" described in the first Whereas clause of and attached to and incorporated as Exhibit "A" of the Developer's Agreement is hereby amended to add the Additional Property, being that certain the real property as more particularly described on Exhibit "1" attached to and incorporated into this Amendment by reference. The proposed Phase II Project is not being approved by the Developer's Agreement and this Amendment. The purpose of this Amendment is primarily to give Owner/Developer assurance that the floor area ratio calculation for the Additional Property will be calculated as set forth herein. The Parties acknowledge and agree that the addition of the Additional Property to the Developer's Agreement does not vest or entitle the Additional Property with development permits, orders and rights, as the development of the Additional Property is still subject to further application, review and approval in accordance with the City's standard development order and permitting processes, including without limitation, conditional use approval, site plan approval and building permits.

(ii). A new Section 20, entitled "**FLOOR AREA RATIO**" is hereby added to the Developer's Agreement to read as follows:

"Section 20. FLOOR AREA RATIO. For purposes of calculation of the floor area ratio (FAR), the Property, which will be split by the Lee Road Extension to be constructed and dedicated by

the Owner/Developer, shall be considered a singular parcel based upon a lot size of 13.04 acres remaining after dedication of the Lee Road Extension to the City, subject to permitting to ensure compliance with the laws and regulations of the City and of other governmental authorities. Land used for the Lee Road Extension to be conveyed to the City shall be excluded for the purposes of calculating the floor area ratio for the Property. Owner/Developer acknowledges and agrees that the maximum FAR is not an entitlement and a lower FAR may be applied to the development of the Property, since the calculation and application of FAR is subject to various factors as set forth in the City's Comprehensive Plan and the land development regulations, including without limitation, the conditional use approval criteria and process."

C. EFFECTIVE DATE

This Amendment shall not be effective and binding until the latest date that this Amendment is approved by and signed by all parties hereto.

D. RECORDING

This Amendment shall be recorded, at Owner/Developer's expense, among the Public Records of Orange County, Florida no later than fourteen (14) days after the Effective Date. 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.

IN WITNESS WHEREOF, the Owner/Developer and the City have executed this Amendment as of the day and year first above written.

Signed, Sealed and Delivered
In the Presence of:

Signature of Witness #1

Printed Name: _____

Signature of Witness #2

Printed Name: _____

OWNER/DEVELOPER:

**UP FIELDGATE US INVESTMENTS –
WINTER PARK, LLC**, a Florida limited
liability company

By: _____
Scott Fish, Manager

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Scott Fish, as Manager of **UP FIELDGATE US INVESTMENTS – WINTER PARK, LLC (Owner/Developer)**, a Florida limited liability company, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Notary Public
Printed Name: _____
My commission expires: _____

CITY OF WINTER PARK, FLORIDA

ATTEST:

By: _____
Steve Leary, Mayor

By: _____
_____, City Clerk

STATE OF FLORIDA)
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Steve Leary, Mayor, City of Winter Park, Florida, who is personally known to me.

Notary Public
Printed Name: _____
My commission expires: _____

Exhibit "1"

1061 Cherokee Ave

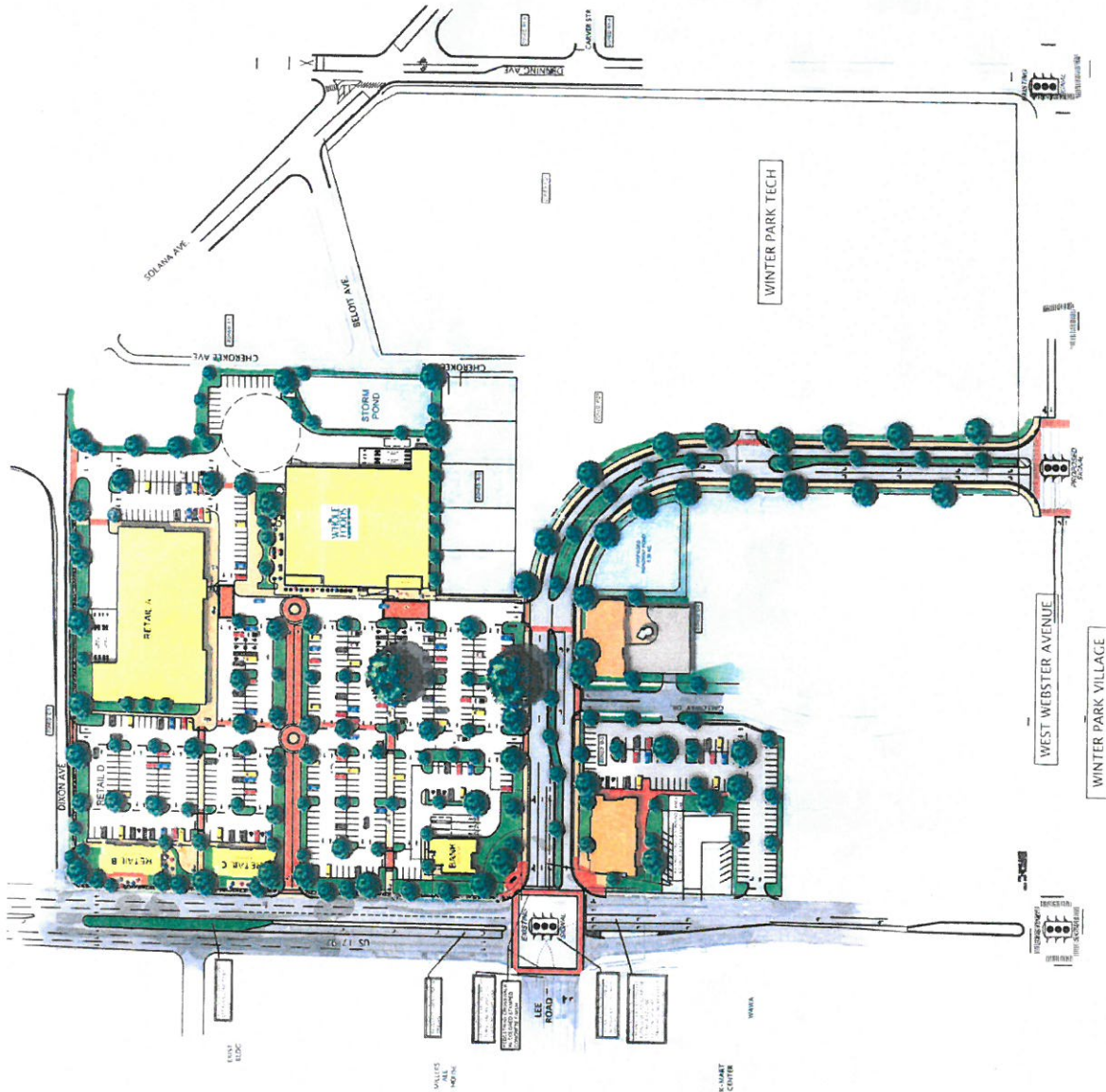
Lot 1 and the North 25 feet of Lot 2, Block 2, Havilah Park, according to the plat thereof as recorded in Plat Book O, Page 144, Public Records of Orange County, Florida, together with the South one-half of vacated Quaker Avenue lying North and adjacent to said Lot 1, Block 2, pursuant to Ordinance No. 1399 recorded in Book 3269, Page 1263, Book 3286, Page 1868 and Book 3466, Page 552, Public Records of Orange County, Florida, Less and Except right-of-way on West.

900 N Orlando Ave

Parcel E from a point 714 feet West and 546 feet South of the NE corner of SE 1/4 of NE 1/4, Section 1, Township 22 South, Range 29 East, run South 114 feet; thence West 66 feet, thence North 114 feet, thence East 66 feet to the Point of Beginning.

950 N Orlando Ave

Lots 8 through 13, inclusive, Block 1, Havilah Park, according to the plat thereof as recorded in Plat Book O, Page 144, Public records of Orange County, Florida; less and except the West 10 feet of Lots 8, 9 and 10, Block 1, thereof for road right-of-way for U.S. Highway 17-92 a/k/a Orlando Avenue, together with the North half of vacated Quaker Avenue lying between U.S. Highway 17-92 and Galloway Drive f/k/a Elah Street; and the South 25 feet of Lot 2, all of Lots 3, 18, 19 and 20, Block 2, Havilah Park, according to the Plat thereof as recorded in Plat Book O, Page 144, Public records of Orange County, Florida, together with the South 1/2 of vacated Quaker Avenue adjacent to Lot 20, Block 2, less and except that part deeded to the State of Florida for road right-of-way in Official Records Book 1762, Page 65, Public Records of Orange County, Florida.





city commission public hearing

Item type	Public Hearing	meeting date	October 24, 2016
prepared by	Jeff Briggs	approved by	<input checked="" type="checkbox"/> City Manager
department	Planning and Community Development		<input checked="" type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0 final vote
vision themes	<input checked="" type="checkbox"/> Cherish and sustain city's extraordinary quality of life. <input checked="" type="checkbox"/> Plan growth through a collaborative process that protects city's scale and character. <input type="checkbox"/> Enhance city's brand through flourishing arts and culture. <input type="checkbox"/> Build and embrace local institutions for lifelong learning and future generations.		

Subject: Request for Subdivision or Lot Split Approval for 1751 Taylor Avenue.

Knightira, LLC (contract purchaser) is requesting subdivision or lot split approval to divide the property located at 1751 Taylor Avenue into two single-family lots. The zoning of this property is R-1A. The property is currently occupied by one single-family home in the eastern portion of the lot, which the applicants plan to demolish.

Planning and Zoning Board Recommendation:

Motion made by Tom Sacha, seconded by Randall Slocum to approve the subdivision or lot split request to divide the property at 1751 Taylor Avenue into two single family building lots. The two lots are proposed to be 70 feet in width and 10,500 square feet in size. Variances are granted for the 70 feet of lot width proposed. Motion carried unanimously with a 7-0 vote.

Summary: During the City's review process of subdivisions or lot split requests, there are two criteria that are reviewed. First is the 'Zoning Test' as to conformance with the zoning criteria. The next is the 'Comprehensive Plan Test' which is conformance to the neighborhood character.

Zoning Test: This existing property is 140 feet wide on Taylor Avenue and 18,480-square feet in size. The contract purchaser is also purchasing the southern 20 feet of the alley located in the northern portion of the property to make the total lot 21,017-square feet in size. The subdivided lots are proposed to be 70 feet wide, with lot areas of 10,500-square feet in size (including the alley area). The R-1A zoning requires a minimum of 75 feet of lot width, and a minimum of 8,500-square feet of land area. Thus, this request does not meet the R-1A lot dimension standards, and a variance is requested.

Comprehensive Plan Test: There are many neighborhoods in the City that are zoned R-1AA or R-1A, but the existing character may be significantly different than the zoning code minimums. In

some cases the typical lots are smaller or larger. The Comprehensive Plan test, or comparison, is a door that swings both ways. In some cases, it can substantiate a relaxation of the minimum lot dimensions, and in other cases it can require larger lot sizes than the minimums.

As a result, the practice outlined in the Comprehensive Plan and the Subdivision Code (attached) is to look at the surrounding neighborhood to compare the standard lot sizes. The Code dictates that the review area is within a 500-foot radius of the subject property, and limited to those in the same zoning.

There are 96 homes within this neighborhood along Windsor Drive, Taylor, Walker, Bryan, Lasbury, Lakehurst, Phelps and Dale Avenues with the R-1A zoning (see attached map). The average lot width is 74.2 feet.

Using the average method is unfair to the applicant in some cases. In this case, the smallest lot size is 35 feet, and the largest lot size is 150 feet. When lot widths that are more than double the size of the smallest lot width are averaged, it makes it almost impossible to come up with an average of 70 feet. Another way to compare the lot widths is by looking at the median lot width. From this 96 home survey, the median lot width is 75 feet, and 44% of the homes have lots less than 70 feet. Thus, the proposed lot widths of 70 feet compare favorably to 44% of the neighborhood.

The average lot area from this 96 home survey is 10,248-square feet, and the median lot area is 9,801-square feet. Thus, the proposed lot area (10,500-square feet each) compares favorably to the median lot area of the neighborhood.

Applicable Codes: The applicable Comprehensive Plan policy and Subdivision Code section governing lot splits are on the following page.

Development Plans: The applicant has provided a generalized front elevation for the type of homes that they plan to build, and general site plans for the layout of the proposed new homes. The applicants will comply with the normal single-family development standards, setbacks, etc.

Planning Staff Recommendation: Based on the advice from the City Attorney, the staff will no longer make recommendations for "approval" of lot splits with variances. The issue is that if staff says that the applicants meet the criteria for a variance, then it effectively ties the hands of the P&Z Board to make a differing recommendation, based on review of comparable lot sizes in the neighborhood. Therefore, the staff recommendation was for denial.

4 ?

Planning and Zoning Board Summary:

The P&Z Board recognized that the neighborhood surrounding this lot has a wide variety of lot sizes with a number of 50 foot lots along Taylor Avenue. The P&Z Board felt that these 70 foot wide lots compare favorably to the diversity to the neighborhood. Thus, the P&Z Board recommended approval.

RELEVANT COMPREHENSIVE PLAN POLICY:

Policy 1-3.6.8: Subdivision of Land and Lot Splits for Non-Lakefront Single Family and Low Density Multi-Family Property. The City shall consider approving subdivision and lot split applications, which are not lakefront properties and which are not estate lots in areas designated single family, low density or multi-family residential, when the proposed new lots are designed at size and density consistent with the existing conditions in the surrounding neighborhood within a radius of five hundred (500) feet.

ARTICLE VI. - SUBDIVISION AND LOT CONSOLIDATION REGULATIONS

Sec. 58-377. - Conformance to the comprehensive plan.

(a) In the City of Winter Park, as a substantially developed community, the review of lot splits, lot consolidations, plats, replats or subdivisions within developed areas of the city shall insure conformance with the adopted policies of the comprehensive plan as a precedent to the conformance with other technical standards or code requirements.

(b) In existing developed areas and neighborhoods, all proposed lots shall conform to the existing area of neighborhood density and layout. The proposed lot sizes, widths, depths, shape, access arrangement, buildable areas and orientation shall conform to the neighborhood standards and existing conditions. This provision is specifically intended to allow the denial or revision by the city of proposed lot splits, lot consolidations, plats, replats or subdivisions when those are not in conformance with the existing neighborhood density or standards, even if the proposed lots meet the minimum technical requirements of the zoning regulations.

(c) In determining the existing area or neighborhood density and standards, for the consideration of lot splits, plats, replats or subdivision of other than estate lots or lakefront lots, the planning and zoning commission and city commission shall consider the frontage and square foot area of home sites and vacant properties with comparable zoning within an area of 500-foot radius from the proposed subdivision.

(d) In order to implement the policies of the comprehensive plan, the city commission may also impose restrictions on the size, scale, and style of proposed building, structures, or other improvements. This provision shall enable the city commission to impose restrictions on the size, height, setback, lot coverage, impervious area or right-of-way access such that proposed building and other improvements match the dimension and character of the surrounding area or neighborhood.

Planning and Zoning Board Minutes: October 4, 2016:

REQUEST OF KNIGHTIRA, LLC FOR: SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE PROPERTY AT 1751 TAYLOR AVENUE, ZONED R-1A, INTO TWO SINGLE FAMILY BUILDING LOTS. VARIANCES ARE REQUESTED FOR THE 70 FEET OF LOT WIDTH PROPOSED.

Planner Allison McGillis gave the staff report and explained that Knightira, LLC is the contract purchaser of the subject property and is requesting subdivision or lot split approval to divide the property located at 1751 Taylor Avenue, currently zoned R-1A, into two single-family lots. The property is currently occupied by one single-family home in the eastern portion of the lot, which the applicants plan to demolish. She provided an overview of the criteria for both the Zoning and Comprehensive Plan tests, review of the applicable codes, preliminary development plans. She stated that based on the advice from the City Attorney, the staff will not recommend "approval" of lot splits with variances due to the lots not meeting the minimum lot size requirements. However, the criteria still exists in the Comprehensive Plan and Subdivision Code regulations that the Planning and Zoning Board can base their recommendation on the Comprehensive Plan Test of the comparison with lot sizes in the immediate neighborhood. The Planning and Zoning Board then has the factual justification for approval or denial based on those statistical comparisons. This is a situation where the proposed lot sizes (square footage) is comparable to the neighborhood standard but the lot widths are five feet smaller than required. She responded to Board member questions and concerns.

Bret Lundequum, Lunde Custom Homes, 1201 Louisiana Avenue, explained that the subject property sits on the east side of a 140 foot wide lot and the west side of the lot is vacant. He added that there are no trees on the site; therefore, tree preservation is not an issue. He noted that of the 26 homes on Taylor between Phelps and Lakemont, the average lot width is 68 feet. He added that he plans to hire local architect Gary Hancock to draft preliminary designs of the homes and that each home is proposed to be between 3,900 and 4,000 square feet. He responded to Board member questions and concerns.

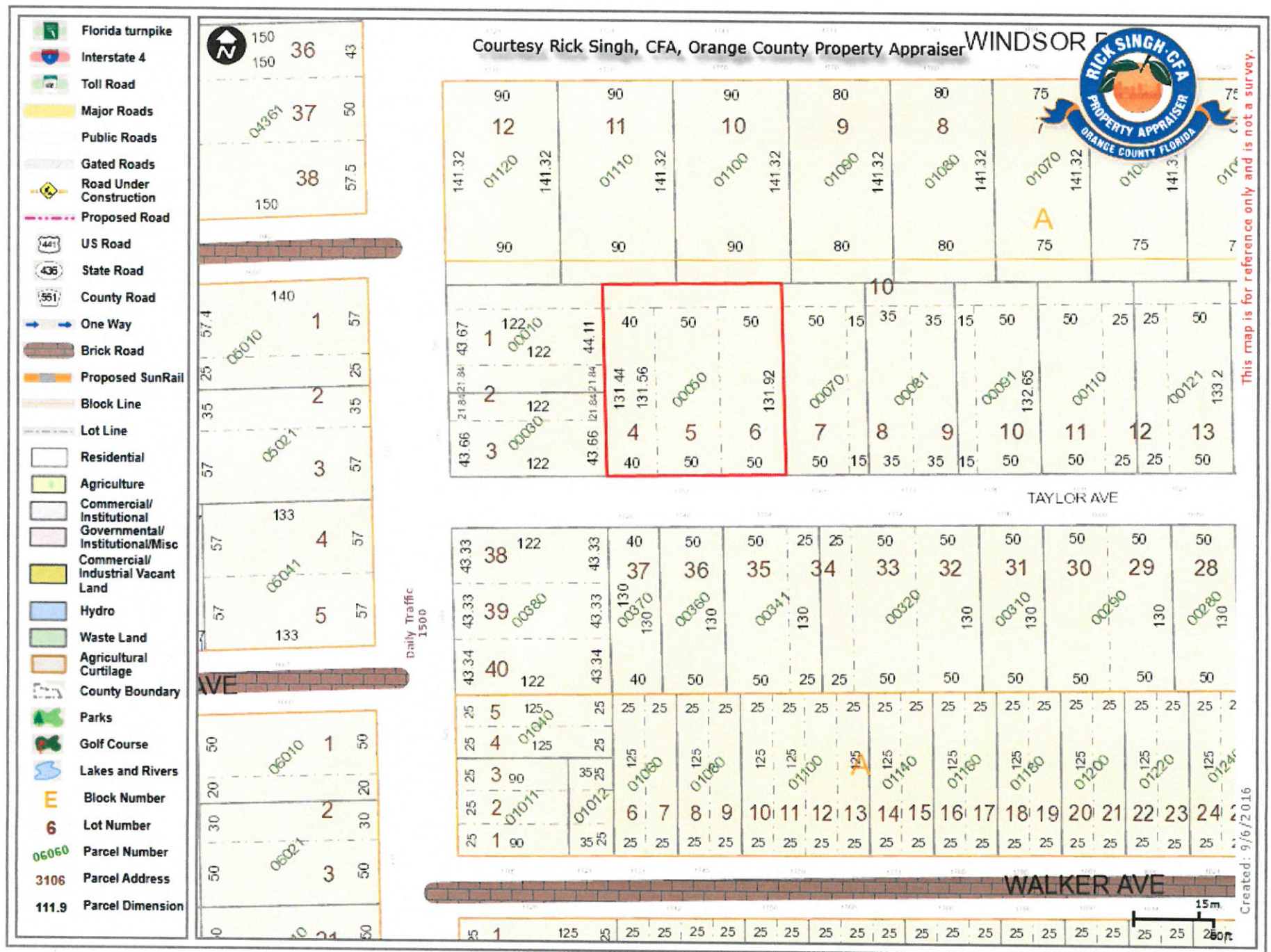
Meredith Murphy, 1770 Windsor Drive, spoke in opposition to the request. She expressed concern with the applicant constructing two-story homes. She stated that she feels that will result in a loss of privacy and she also expressed that she would like to see the character of the existing neighborhood maintained. Linton Hutchinson, 724 Bonita Drive, (owns 1728 Taylor Avenue), spoke in opposition to the request. He said that he too would like to see the character of the existing neighborhood maintained. He added that his neighbor Mr. Fred Kittingham was not able to attend the meeting and he read a statement into the record from him.

Mr. Lundequum was allowed an opportunity to respond to the concerns of the neighbors. He said that letters were sent out to the surrounding neighborhood and no responses were received. He stated his willingness to install a landscape buffer so that the existing neighbors privacy is maintained.

No one else wished to speak concerning the request. Public Hearing closed.

The Board members voiced support for the request. They noted that the proposed lot sizes are exactly the same as the typical lot size in this neighborhood. The five feet of lot width shortfall was not a concern because the over-riding factor is that the overall lot sizes match the immediate neighborhood. Mr. Slocum pointed out that the alternative from two 4,000 sq. ft. homes would be a much larger 7,000-8,000 sq. ft. home that would be incompatible in size with the character of that street.

Motion made by Tom Sacha, seconded by Randall Slocum to approve the subdivision or lot split request to divide the property at 1751 Taylor Avenue into two single family building lots. The two lots are proposed to be 70 feet in width and 10,500 square feet in size. Variances are granted for the 70 feet of lot width proposed. Motion carried unanimously with a 7-0 vote.





Comprehensive Plan Test

1751 Taylor Avenue
 Lot Split Request
 Date: October 2016

NOTES

 Subject Site

Average Lot Width = 74.2 feet

Average Lot Size = 10,248 square feet

42 Lots are 70' or Less in Width (44%)

 R-1A Lots Within 500' of Site (96 total)

Median Lot Width = 75 feet

Median Lot Size = 9,801 square feet

54 Lots are Greater than 70' in Width (56%)

LUNDEV
CUSTOM HOMES

August 29, 2016

Dear Neighbor,

My name is Brett Lundequam of LunDev and I am a local custom homebuilder. I focus my business efforts in the Winter Park area and have been in the residential building and development trade for over 20 years.

I have a contract to purchase your neighbor's property, located at 1751 Taylor Avenue. I intend to demolish the existing home, subdivide the property into two new vacant lots and build two new custom homes on the property. This lot split will require approval from the City of Winter Park. As a neighboring property owner, I am reaching out to you to share my plans with you and give you an idea of the "character" of the homes that I intend to build in your neighborhood. Attached are photos of homes that I have built in the Winter Park area over the past few years and are similar in size and character to what I intend to build on Taylor Avenue. I have also included a proposed site plan for the lot split as well as a copy of the subdivision application that I have submitted to the City.

I recently completed a similar lot split on the property located at 1735/1720 Edwin Blvd., located two streets to the south of Taylor Avenue. Please feel free to drive by and look at the homes under construction as they are representative of what you can expect to be built at 1751 Taylor Avenue.

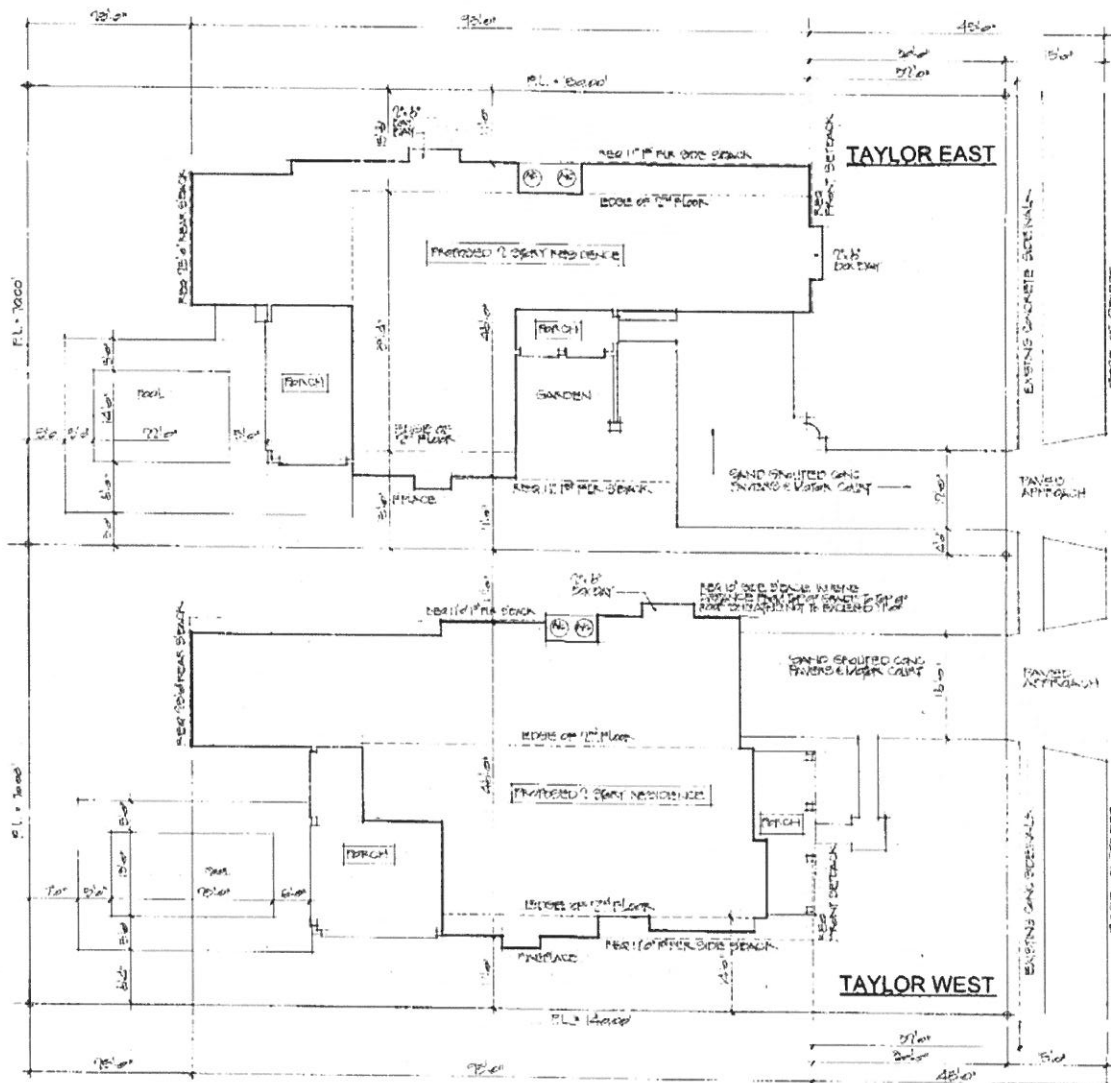
Feel free to contact me on my cell at (407) 466-8072 or by email at Brett@Lundev.com if you have any questions or concerns that you want to discuss with me.

Sincerely,



Brett Lundequam





TAYLOR EAST RESIDENCE

BUILDING AREA	
First Floor	2,315
Second Floor	1,500
Total	3,815 SF
Garage	300
Total FAR	0.15 SF
Front Porch	115
Rear Porch	310
Total	635 SF

COVERAGE CALCULATIONS	
PROPERTY ADDRESS	TAYLOR AVENUE
EXISTING ZONING	R-1A
LOT AREA	10,500 SF
MAXIMUM COVERAGE	5,250 SF
ALLOWED (50%)	5,250 SF
PROPOSED (50%)	5,250 SF
FLOOR AREA RATIO	0.43%
ALLOWED (0.43%)	4,515 SF
PROPOSED (0.43%)	4,515 SF
SETBACKS	
FRONT	30'-0"
REAR	25'-0"
LEFT SIDE	11'-0"
RIGHT SIDE	11'-0"

TAYLOR WEST RESIDENCE

BUILDING AREA	
First Floor	2,870
Second Floor	1,500
Total	4,370 SF
Garage	300
Total FAR	0.15 SF
Front Porch	180
Rear Porch	490
Total	5,140 SF

COVERAGE CALCULATIONS	
PROPERTY ADDRESS	TAYLOR AVENUE
EXISTING ZONING	R-1A
LOT AREA	10,500 SF
MAXIMUM COVERAGE	5,250 SF
ALLOWED (50%)	5,250 SF
PROPOSED (50%)	5,250 SF
FLOOR AREA RATIO	0.43%
ALLOWED (0.43%)	4,515 SF
PROPOSED (0.43%)	4,515 SF
SETBACKS	
FRONT	30'-0"
REAR	25'-0"
LEFT SIDE	11'-0"
RIGHT SIDE	11'-0"

SITE PLAN



TAYLOR RESIDENCES
WINTER PARK, FLORIDA



1

Following are examples of recent homes
that we have built in Winter Park on similar
lots

These homes are representative of the size
and architectural character of what we
intend to build on the two lots at 1751
Taylor

1751 Taylor (Existing) to be demolished



1661 Oneco
3,342 \$1.175M



1701 Palm Ave
3,404sf \$1.123M



911 Poinciana
4,542sf \$1.16M



338 Sylvan Drive lot split 4,272sf \$1.4M



1369 Mayfield Ave
2,628sf \$829K





Edwin Ave lot split under construction

2030 Versailles lot split 3,461sf



2050 Versailles lot split 3,591sf



1841 Laurel Ave
3,343sf \$1.239M



1870 Laurel Ave
3,986 \$1.365M



1970 Laurel Ave
3,314sf \$995,000



431 Langholm
3,625sf \$2M



301 Magnolia Rd
3,524sf \$853K



I have built many other homes in the area that I can show to you and would be happy to discuss this issue with you in person if desired. Thank you for your time.

Please feel free to contact me at (407) 466-8072 or by email at Brett@Lundev.com.

Brett Lundequam



city commission public hearing

Item type	Public Hearing	meeting date	October 24, 2016
prepared by	Jeff Briggs	approved by	<input checked="" type="checkbox"/> City Manager
department	Planning and Community Development		<input checked="" type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	7-0 final vote
vision themes	<input checked="" type="checkbox"/> Cherish and sustain city's extraordinary quality of life. <input checked="" type="checkbox"/> Plan growth through a collaborative process that protects city's scale and character. <input type="checkbox"/> Enhance city's brand through flourishing arts and culture. <input type="checkbox"/> Build and embrace local institutions for lifelong learning and future generations.		

Subject: Request by Cask & Larder Restaurant to Rezone the Property at 520 S. Pennsylvania Avenue.

JT Palm Holdings, LLC/Cask & Larder Restaurant (property owner) is requesting the following:

1. Changing the Comprehensive Plan future land use designation of Single-Family Residential to Parking Lot on the property at 520 South Pennsylvania Avenue;
2. Changing the Zoning on the same property from Single-Family Residential (R-1A) to Parking Lot (PL).

Planning and Zoning Board Recommendation:

Motion made by Tom Sacha, seconded by Randall Slocum to approve the request to amend the Comprehensive Plan Future Land Use Map from single family residential to parking lot on property located at 520 South Pennsylvania Avenue. Motion carried unanimously with a 7-0 vote.

Motion made by Tom Sacha, seconded by Randall Slocum to approve the request to amend the official zoning map from single-family residential (R-1A) to parking lot district on property located at 520 South Pennsylvania Avenue. Motion carried unanimously with a 7-0.

Summary: The applicant is requesting to rezone 520 South Pennsylvania Avenue to PL (parking lot) in order to undertake paving and driveway improvements that cannot be done under the existing single family (R-1A) zoning. That property is currently a vacant property that has for the past 30+ years been used for overflow parking dating back many decades to the era of Harpers Tavern and the Cordon Bleu. Thus the unimproved use of this property as overflow parking has been grandfathered-in from decades ago despite the residential zoning category.

As shown on the new site/landscape plan, the property owners would improve the lot with paving versus the dirt surface and provide new enhanced landscaping. The construction plans would also comply with the required storm water retention per Code. The property owners would also need to extend the vinyl fence buffer along the rear side of the adjacent residential property. All together these improvements will create a more attractive parking lot and more of a buffer for the surrounding residential properties.

Without the rezoning, this property would not be able to be improved as a paved parking lot. This Parking Lot (PL) zoning category also limits the permitted uses to parking lots, not including parking garages, so no structures are permitted, just a surface parking lot. The Parking Lot (PL) zoning category has been used in other similar circumstances elsewhere in the City as a transitional zoning and to guarantee that the use of the land is limited only to a surface parking lot.

In response to the comments at the September P&Z meeting, the applicant has provided a preliminary landscape plan showing the improvements to be done to upgrade the aesthetics of the entire site. The applicants also provided a proposed Development Agreement that incorporates the terms and conditions of this approval and the responsibility to make such improvements and to maintain such, as well as the justification for the request.

Planning and Zoning Board Summary: The P&Z Board generally has been in opposition to zoning changes from residential to a business use. However, it is difficult to take that stance when the property has been used as an overflow parking lot for 30+ years. In terms of location and context, the 520 South Pennsylvania Avenue property is on the edge of a residential neighborhood downtown adjacent to commercial uses. In this transitional location, the parking lot zoning category would not change the use of this property from what exists today, and creates a buffer for the residential properties from the commercial uses. The P&Z Board felt that this would improve the aesthetics of this block and that the Development Agreement provided the assurance that this was not precedent setting, that it was only being approved because of the historical use as a parking lot and that if the property ceased to be parking lot, then the owners consented to a rezoning back to residential.

Planning and Zoning Board Minutes: October 4, 2016:

REQUEST OF JT PALM HOLDINGS LLC (CASK & LARDER) TO:
AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP FROM A SINGLE FAMILY DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO A PARKING LOT FUTURE LAND USE DESIGNATION ON THE VACANT PROPERTY AT 520 SOUTH PENNSYLVANIA AVENUE.

REQUEST OF JT PALM HOLDINGS LLC (CASK & LARDER) TO:
AMEND THE OFFICIAL ZONING MAP FROM SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO PARKING LOT (PL) DISTRICT ZONING ON THE PROPERTY AT 520 SOUTH PENNSYLVANIA AVENUE.

Planning Manager Jeffrey Briggs presented the staff report. The applicant, JT Palm Holdings, LLC (property owner) is requesting the following:

1. Changing the Comprehensive Plan future land use designation of Single-Family Residential to Parking Lot on the property at 520 South Pennsylvania Avenue;
2. Changing the Zoning on the same property from Single-Family Residential (R-1A) to Parking Lot (PL).

Mr. Briggs reviewed the details of the rezoning and comprehensive plan amendment. He explained that the applicant seeks to rezone 520 South Pennsylvania Avenue to PL (parking lot) because the paving and driveway improvements cannot be done under the existing single family (R-1A) zoning. He noted that the subject property is currently vacant and is grandfathered-in and used for parking for many decades in spite of its residential zoning. He noted that since this matter was tabled at the September 6th P&Z meeting the applicants have a proposed development agreement with provisions that will run with the title to the land and takes into consideration the uniqueness of the subject property; and if a situation arises where the current property owners are no longer in control, the property will revert back to single-family residential; and all of the improvements shown on the plans will be maintained.

He explained that in response to the comments heard at the September P&Z meeting, the applicant has provided a preliminary landscape plan showing the improvements to be done to upgrade the aesthetics of the entire site. There is more land area being used for landscaping in that area behind the Cleaners/Swine & Sons building. Other aesthetic improvements are upgraded landscaping along the west side of that building, new landscape islands with trees in the interior of the existing parking lot and relocation of the dumpster out of sight. He said that this plan meets the primary desire of the applicants which is to increase the attractiveness of access along Pennsylvania Avenue, and to upgrade the appearance of the entire property.

Mr. Briggs stated that generally the staff is in opposition to zoning changes from residential to a business use. However given the property's historic use and location on the end of a transitional neighborhood, it is difficult to take that stance. In this transitional location, the parking lot zoning category would not change the use of this property from what exists today, and it creates a buffer for the residential properties from the commercial uses. Staff feels that this would improve the aesthetics of this block. Staff recommended approval of the requests.

Attorney Stuart Buchanan, 1031 West Morse Boulevard, Suite 350, represented the applicants. He indicated their agreement with the staff report as presented by staff. He explained the proposed development agreement that takes into consideration comments from the September meeting. He requested approval of the request given the historical use of the property for parking, and that the applicants only want to improve the lot for parking, and that the applicants have committed to by way of the proposed development agreement that the property will revert back to residential if the property were to no longer be used as a parking lot. He responded to Board member questions and concerns.

Michael Wenrich, 865 Nottingham Street (project architect), was also present to respond to Board member questions and concerns.

Bob Cambric, Hannibal Square CLT, 2265 Lee Road, Suite 117, commended the owners of Cask and Larder for working with the neighborhood residents. He asked for clarification on the location of the entrance in proximity to the existing residential, and the reverter clause in the proposed development agreement.

Forrest Michael, 358 West Comstock Avenue, also commended the applicants and discussed his concerns with regard to the lay-out of the current plan. He said that it could present a problem to future owners. He presented to the Board members with an alternate parking plan.

Bob Morris, 112 Washington Avenue, spoke in support of the request. He thanked the applicants for working with members of the community to come up with an acceptable plan.

No one else wished to speak in support of the request. Public Hearing closed.

James Johnston stated that he is comfortable that the development agreement as drafted accurately reflects the applicant's intent for the property reverting back to R-1A. Several of the Board members thanked the applicant for working with the community. Randall Slocum stated that he feels that this layout is the most efficient in obtaining the most parking spaces. Mr. Slocum noted that the drive-way ingress/egress is on the south side of the residential lot across the street, so he did not see an issue. Bob Hahn, Tom Sacha and Shelia De Ciccio also expressed their support of the request.

Motion made by Tom Sacha, seconded by Randall Slocum to approve the request to amend the Comprehensive Plan Future Land Use Map from single family residential to parking lot on property located at 520 South Pennsylvania Avenue. Motion carried unanimously with a 7-0 vote.

Motion made by Tom Sacha, seconded by Randall Slocum to approve the request to amend the official zoning map from single-family residential (R-1A) to parking lot district on property located at 520 South Pennsylvania Avenue. Motion carried unanimously with a 7-0.

ORDINANCE NO. _____

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 CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO PARKING LOT ON THE PROPERTY AT 520 SOUTH PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN 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, 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 Board, acting as the designated Local Planning Agency, has reviewed and recommended APPROVAL of the proposed Comprehensive Plan amendment by a 7-0 voted after having held an advertised public hearing on October 4, 2016, and 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 October 24, 2016 and November 14, 2016 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. 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 of single family residential to parking lot on the property at 520 South Pennsylvania Avenue, more particularly described as follows:

THE NORTH 50 FT OF THE SOUTH 68 FT OF LOTS 12 & 13 BLOCK 74 PER THE REVISED MAP OF THE TOWN OF WINTER PARK, AS RECORDED IN PLAT BOOK "A", Pages 67-72 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Property Tax ID # 05-22-30-9400-74-122

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 _____, 2016.

Mayor

Mayor Steve Leary

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE FAMILY (R-1A) ZONING TO PARKING LOT (PL) DISTRICT ZONING ON THE PROPERTY AT 520 SOUTH PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owners of property at 520 South Pennsylvania Avenue have requested a Zoning map amendment that is consistent with the Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such municipal zoning does meet 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 October 4, 2016 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

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 of Single Family (R-1A) District zoning to Parking Lot (PL) District zoning on the property at 520 South Pennsylvania Avenue, more particularly described as follows:

THE NORTH 50 FT OF THE SOUTH 68 FT OF LOTS 12 & 13 BLOCK 74 PER THE REVISED MAP OF THE TOWN OF WINTER PARK, AS RECORDED IN PLAT BOOK "A", Pages 67-72 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Property Tax ID # 05-22-30-9400-74-122

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 _____, 2016.

Mayor Steve Leary

Attest:

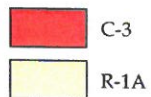
City Clerk



520 S PENN AVE
REZONING REQUEST

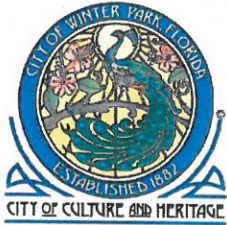
City of Winter Park
Florida

Legend



Date: 8/24/2016





**CASK & LARDER
CONDITIONAL
USE REQUEST**

**City of Winter Park
Florida**



Date: 8/24/2016





Design Narrative for Rezoning Request at 565 W. Fairbanks Avenue

Julie and I would like to have our residential lot rezoned to commercial parking as well as approval to create an outdoor dining area on the interior of our lot.

We would like to beautify the property by taking an area already used for parking and entrance to create a carefully landscaped and paved entrance. This will improve the view from the street and provide a safer and more efficient vehicular entrance. The side entrance will help alleviate some of the dangerous turns currently required to access the property. This will help our on-site businesses which will in turn help the neighborhood. Also, we intend to provide landscaping and lighting improvements throughout the property. Located at the entrance to Winter Park, we feel our improvements at the five points intersection will benefit and showcase our great city.

In addition to these site and parking improvements, we would like to create an outdoor dining space on the north side of main entrance on slightly raised wood deck. The +/- 800 sf outdoor dining deck will be surrounded by wood planters and a small awning.

James Petrakis
August 3, 2016

520 S PENNSYLVANIA AVENUE

WINTER PARK, FLORIDA

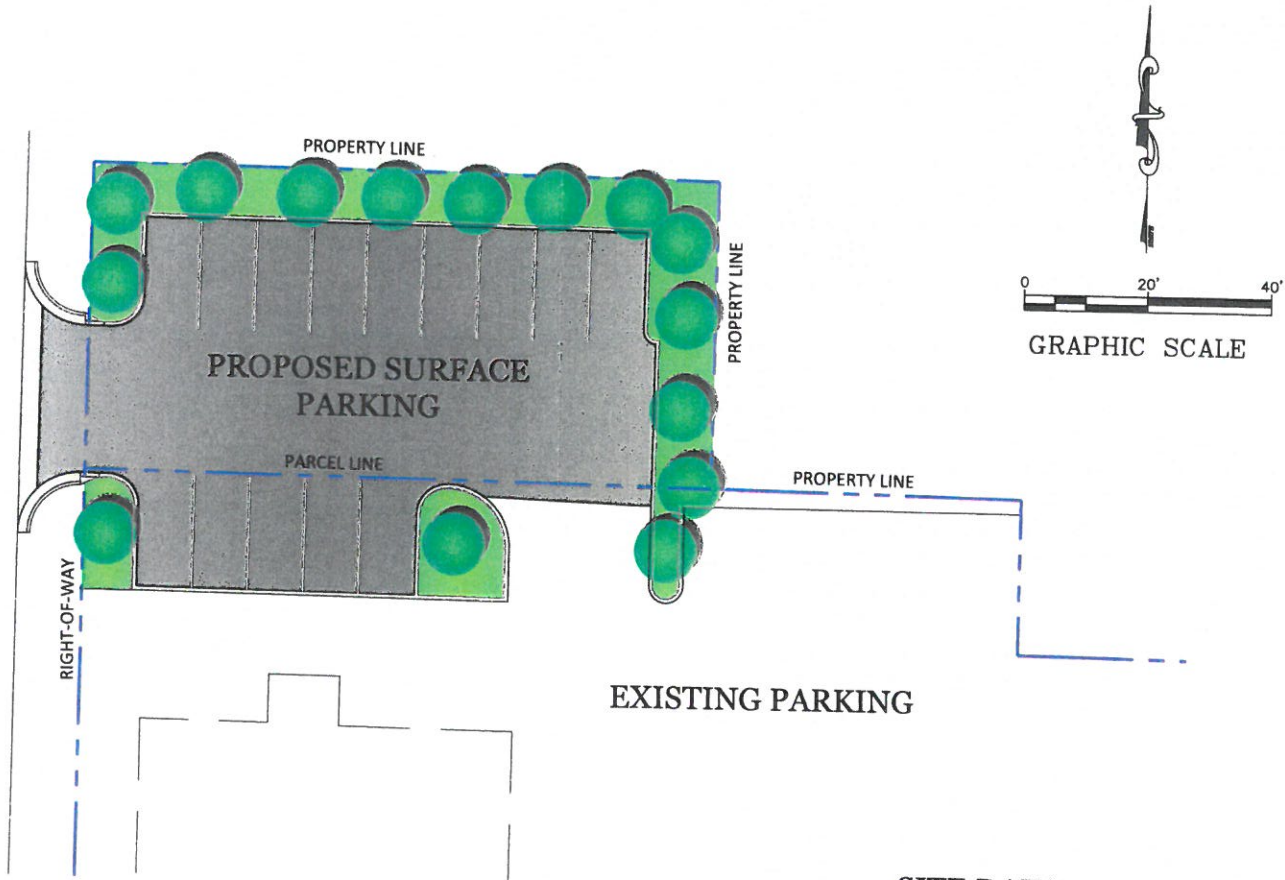
SITE PLAN

revision	description	date
Δ		
Δ		

drawn by:	ELI
checked by:	SCW
date:	07/06/2016
plot scale:	1"=40'
project number:	CONCEPT
file name:	COLOR CONCEPT

C 001

S PENNSYLVANIA AVENUE



SITE DATA

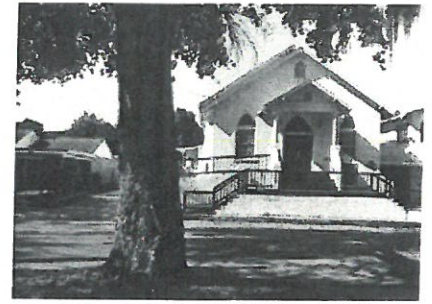
AREA OF SUBJECT PARCEL	0.12 ACRES
PARKING ON SUBJECT PARCEL	9 CARS

Hannibal Square Community Advocates

Date: September 5, 2016

To: **Planning and Zoning Advisory Board, City of Winter Park**
Dori Stone, Community Development Director and CRA
John, and James and Julie Petrakis, J.T.PALM, Cask and Lauder
Hannibal Square Community Advocates (Multiple); and Media

From: Forest Michael, Resident, 358 West Comstock Avenue, contact: michaelplanning@gmail.com



**MT. MORIAH MISSIONARY
BAPTIST CHURCH, 1886**

A. OPPOSITION TO R-1A LAND USE CHANGE REQUEST

Many of us are patrons of the Cask. Unfortunately the owner of the Cask seems to think this R-1A lot is an easy target to expand the business. The rezoning of the R-1A single family home lot for a parking lot PL use for commercial use is **OPPOSED** by this Hannibal Community neighbor for the following reasons:

1. Would YOU want an R-1A residential home lot in your own neighborhood rezoned into a commercial parking lot with all of those door FOBS BEEPING until 3:00 AM and beginning again at 4:AM?
2. This is **NOT ACCEPTABLE RACIAL PRACTICE in the Hannibal Square Community** for a white landowner of a longtime restaurant establishment to **seek to DAMAGE THE RESIDENTIAL CHARACTER of the HISTORIC 1881 predominantly African American Community by rezoning R-1A RESIDENTIAL to COMMERCIAL PARKING. THIS IS IN VIOLATION OF THE STATED GOALS AND INTENTION OF THE CITY COMPREHENSIVE PLAN AND THE CRA PLAN.**
3. Applicant is proposing to **change the city's R-1A land use designation in the Hannibal Square Community** and this is **OPPOSED BY RESIDENTS.**
4. **Said R-1A lot should be used for a residence as zoned and not for commercial uses.** R-1A lot is also close to **HANNIBAL SQUARE COMMUNITY LAND TRUST HOMES (4),** and several **HABITAT FOR HUMANITY HOMES** and is within view of the **historic MT. MORIAH MISSIONARY BAPTIST CHURCH AND IS THE PENNSYLVANIA AVENUE GATEWAY TO THE HISTORIC HANNIBAL SQUARE COMMUNITY.**
5. Applicant seeks to violate and invade the sanctity of the **Hannibal Square Community's SOUTH EDGE** (SEE ITEM C DIAGRAM) by **rezoning an R-1A lot to Parking for Commercial C-3 use for a parking lot.**
6. Applicant seeks to violate and invade the **sanctity of EXISTING R-1A NEIGHBORS with commercial parking intrusion** with associated **FOB BEEPERS, ENGINE NOISES AND OTHER LATE NIGHT NOISES.**
7. Applicant has stated to have **used (illegally) an R-1A lot for commercial parking purposes.**
8. Applicant has **not paid commercial taxes for said property while using said R-1A property for commercial purposes.**
9. Applicant has **not been fined by city staff or cited for misuse of R-1A property for commercial purpose.**

Hannibal Square Community Advocates

10. Applicant appears to have no / ZERO (0) STORMWATER ATTENUATION ON THEIR EXISTING SITE AND IS PROPOSING TO ADD EVEN MORE COMMERCIAL PARKING WITH NO STATED STORMWATER ATTENUATION.
11. Applicant may have allowed Enterprise Rental, another landowner, to use same R-1A lot for COMMERCIAL parking purposes.

B. SUGGESTED USE OF R-1A LOT:

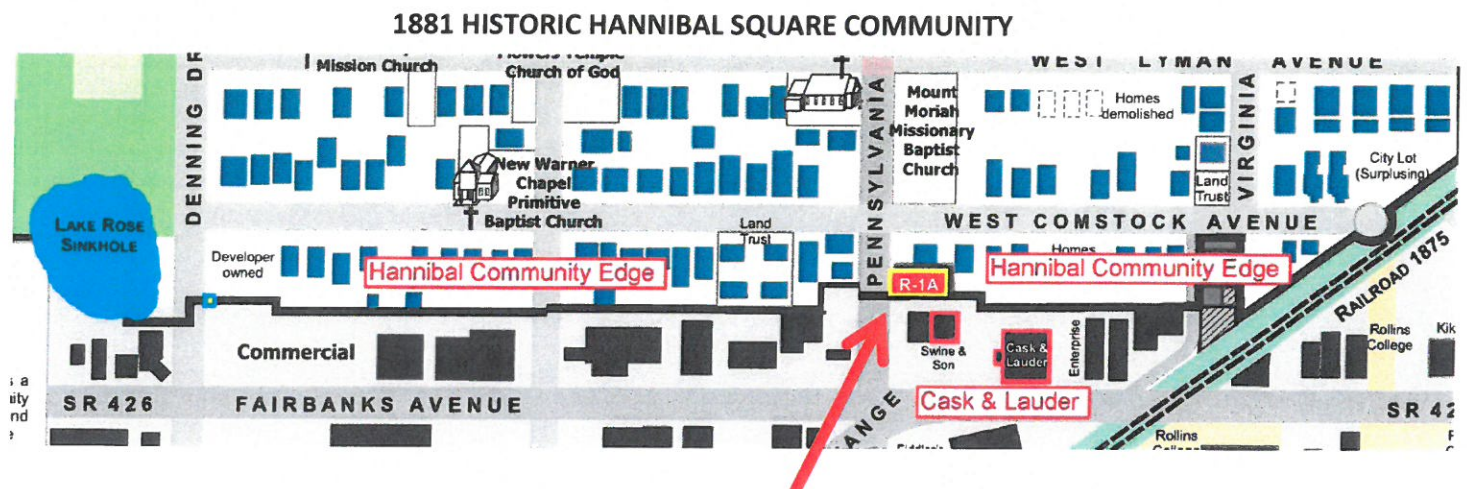
PRIORITY 1 – SINGLE FAMILY RESIDENTIAL USE – GIVE TO HABITAT FOR HUMANITY OR THE HANNIBAL SQUARE LAND TRUST, WITH AN ENTRANCE GATEPOST FOR HANNIBAL; OR

PRIORITY 2 – REDESIGN THE SITE WITH LESS PARKING, MORE STORMWATER, AND GATEPOST FOR HANNIBAL SQUARE COMMUNITY. CONTACT FOREST MICHAEL FOR ALTERNATIVE DESIGN.

PRIORITY 3 – ENTIRE LOT USED FOR STORMWATER ATTENUATION WITH SHADE TREES, WITH AN ENTRANCE GATEPOST FOR HANNIBAL.

C. HANNIBAL SQUARE COMMUNITY DIAGRAM

SHOWING COMMERCIAL LAND USE ZONING CHANGE INTRUSION INTO NEIGHBORHOOD



PROPOSED R-1A REZONING AND INTRUSION INTO THE
HANNIBAL SQUARE COMMUNITY EDGE
BY THE CASK AND LAUDER

September 5, 2016

Attn: Lisa Clark
City of Winter Park
Planning & Zoning Board
140 S. Park Avenue
Winter Park, FL 32789

Cc: Dori Stone, Planning & Community Development
Jeff Briggs, Planner

Ref: Items: Opposition of Rezoning Any R1A zoning to PL and Up-zoning in the Hannibal Square Community. Please try to preserve what is left of this community zoned R1A.

REQUEST OF JT PALM HOLDINGS LLC (CASK & LARDER) TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM A SINGLE FAMILY DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO A PARKING LOT FUTURE LAND USE DESIGNATION ON THE VACANT PROPERTY AT 520 SOUTH PENNSYLVANIA AVENUE.

REQUEST OF JT PALM HOLDINGS LLC (CASK & LARDER) TO: AMEND THE OFFICIAL ZONING MAP TO CHANGE FROM SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO PARKING LOT (PL) DISTRICT ZONING ON THE PROPERTY AT 520 SOUTH PENNSYLVANIA AVENUE.

I/we are asking this board to discontinuing to rezoning what is left of R1A property to PL and up-zoning to higher density in this community. Realizing that this property is directly adjacent to the rear of residential homes and that perhaps it has been used for parking in the past and to justify that it be grandfathered in as PL sets a precedent for other R1A, R2, & R3 properties to easily be changed to PL and possibly other up-zonings of the Comstock Avenue block.

This property should remain as R1A , Research the sale on this property it appears that Mr. C Jimmie L. Boyer, Jr. sold it to Francis R. Harper 5/27/83 for \$25,000 and it has remained in the Harper family through the years. Moving through the Harper family on dates the dates shown: 11/30/89; 9/28/90; 7/6/01; 2/18/05 to Harper Rental; 11/18/11; 12/8/11; and 4/3/15 to JT Palm Holding LLC for \$79,000.

The city had a similar request on the other end of Comstock with the Hollers property and that was not granted and should also remain the residential status it currently is.

We are asking this board & staff to preserve what is left of R1A zoning in this community to start the inching encroachment process of another block of zoning changes to PL or higher density zoning based on the commercial surrounding and not the residential zoning in the adjacent area. It would also be beneficial to learn or research how/when the rear of these Comstock lots which appears to have been divided or split while the other lots have their full lot depths!

Thanks for not approving the rezoning of this property and that it remains R1A zoning.

Mary Raglin Daniels, Resident



city commission public hearing

Item type	Public Hearing	meeting date	October 24, 2016		
prepared by	Dori Stone	approved by	<input checked="" type="checkbox"/> City Manager		
department	Planning & Comm. Development		<input type="checkbox"/> City Attorney		
division			<input type="checkbox"/> N/A		
board approval	HPB	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	<input type="checkbox"/> N/A	7-0	final vote
vision themes	<input checked="" type="checkbox"/> Cherish and sustain city's extraordinary quality of life.				
	<input type="checkbox"/> Plan growth through a collaborative process that protects city's scale and character.				
	<input type="checkbox"/> Enhance city's brand through flourishing arts and culture.				
	<input type="checkbox"/> Build and embrace local institutions for lifelong learning and future generations.				

Subject

Appeal of HDA 16-005 Request by Ms. Martha Bryant-Hall, Owner (Ms. Hall is also the Agent for H-Mob Properties LLC, listed by Orange County as Owner) of the decision by the Historic Preservation Board (HPB), on August 24, 2016, to deny her application for historic designation of her home at 331 West Lyman Avenue, Winter Park, Florida as a historic resource on the Winter Park Register of Historic Places.

Motion | Recommendation

Following the criteria outlined in Section 58-456, staff recommends upholding the HPB finding in this designation.

Background

Mrs. Martha Bryant-Hall submitted a Historic Designation Application to the Historic Preservation Board (HPB) on June 8, 2016 for her home located at 331 W. Lyman Avenue. Her home was built in 1958 by her late husband, Reverend Jerry Hall, following the taking of his original home on land that is now known as Martin Luther King, Jr. Park on Denning Drive.

This Application was heard by the HPB on August 24, 2016. Mrs. Hall and her Daughter, Maria, presented a comprehensive history of this house, Reverend Hall and other information to support their case for historic designation. Staff recommended

denial of the designation based on the criteria in Section 58-456 of the Land Development Code. After significant discussion, The HPB voted unanimously (7-0) to deny this application on the grounds that the home did not meet the criteria of Ordinance No. 3024-15, citing DIVISION 3. DESIGNATION OF HISTORIC LANDMARKS, RESOURCES OR DISTRICTS, Section 58-456- Designation criteria, which states:

- a. In order to qualify a local historic landmark, resource or district, properties must be in keeping with the intent and purpose of the Winter Park Historic Preservation Code as set forth in Section 58-433. The eligibility of any potential historic landmark, resource or district shall be supported by meeting applicable criteria based upon the National Register of Historic Places guidelines criteria for evaluation at the local, state or national level. Properties must be at least 50 years old to be eligible for designation unless they are of exceptional importance.*
- i. The criteria for the designation of historic landmarks and historic resources are as follows:*
 - 1. A quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship feeling, and associations; and*
 - 2. At least one of the following:*
 - a. That are associated with events that have made a significant contribution to the broad patterns of our history; or*
 - b. That are associated with the lives of persons significant in our past; or*
 - c. That embody the distinctive characteristics of a type, period, or method of construction; or*
 - d. That represent the work of a master; or*
 - e. That possess high artistic values; or*
 - f. That represent a significant and distinguishable entity whose components may lack individual distinction; or*
 - g. Those have yielded, or may be likely to yield, information important in prehistory or history*

Staff notified Ms. Hall of the HPB denial of her Application for Historic Designation by mail in a letter dated August 29, 2016, and advising her of her right to appeal this decision to the City Commission. Ms. Hall filed her Appeal and paid her fee of \$35.00 on September 13, 2016. The original application, staff report and minutes from the HPB meeting are attached as reference.

Alternatives | Other Considerations

The City Commission can support or overturn the determination of the HPB on this matter.

Fiscal Impact

The Historic Designation of 331 West Lyman Avenue has no fiscal impact to the City of Winter Park.





City of Winter Park
Planning Department
401 Park Avenue, South
Winter Park, Florida 32789
407-599-3498

City of Winter Park Historic Designation Application

1. 331 West Lyman Ave W.P., FL.
Building address
Martha D Vall 331 W. Lyman Ave. 407-463-7
Owner's name(s) Address Telephone 7963
Martha Bryant-Hall 407-463-7963
Applicant's name (if different from above) Address Telephone
2. I, Martha Bryant-Hall, as owner of the property described above, do hereby authorize the filing of this application for historic designation for that property.
- Martha Bryant-Hall June 8, 2016
Owner's Signature Date

Historic Preservation Board Office Use

Criteria for Designation

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

Legal description

1958
Year built

Historic name of building (if any)

Historic district name (if any)

Date received: 6/8/2016

HPC Meeting: _____

Case File No.: _____

Florida Master Site File No.: OR-_____

☐ Local Historic Landmark

☐ Local Historic Resource

**CITY OF WINTER PARK
HISTORIC PRESERVATION COMMISSION**

**Staff Report
August 24, 2016**

HDA 16-005 Request of Ms. Martha Bryant-Hall, Owner (Ms. Hall is also the Agent for H-Mob Properties, LLC, listed by Orange County as Owner) to designate her home at 331 West Lyman Avenue, Winter Park, Florida as an Historic Resource Property on the City of Winter Park Register of Historic Places.

The residence at 331 Lyman Avenue was built in 1958 by the Reverend Jerry Hall, as a result of his being displaced through eminent domain from his original home on Denning Drive (formerly Maitland Avenue). His displacement was a direct result of the City of Winter Park's 1950's Maurice Rotival Master Plan, resulting in the building of what is now known as Martin Luther King, Jr. Park.

Ms. Hall submitted her Historic Designation Application on 8 June 2016. Mrs. Hall based her application for designation based on the age of the house and the contributions of her husband, Reverend Hall and his historical significance in Winter Park. The house is now 58 years old and is of no remarkable historical architectural style other than a representation of the post-WWII development style that is still prevalent throughout Winter Park. It is a one story concrete block residence with two-car carport, on the corner of W. Lyman Avenue and South Virginia Avenue.

Staff has received three letters of support for Mrs. Hall's application from Reverend Dr. Vivian Carrington and Rebecca Talbert, AIA, and Michael Spencer (attached).

Staff also contacted the Hannibal Square Heritage Center and emailed Ms. Mary Daniels and Ms. Fairolyn Livingston, historians for the Center. Their report is attached and states that Ms. Hall's deceased husband, the Reverend Jerry Hall was a prominent figure in Winter Park and active in representing the Hannibal Square Neighborhood. He was a street preacher and later founded the Prayer Mission Church, which is still located at 827 Lyman Avenue.

In evaluating this application, staff considered several factors. First, the home located at 311 Lyman Avenue has no real architectural significance other than representing a post-war pattern of development that is still very prevalent city-wide. Second, while Reverend Hall was an important figure to the community, he passed away in 2008. It is still too early to know how his legacy and contributions to the city, especially in the Hannibal Square area will be determined. In reviewing the classification of "significance" with the staff at the Florida Department of Historic Resources, state staff recommended that "significance" be determined by the same threshold as a historic resource which is 50 years. Staff is hopeful that Reverend Hall's legacy will stand the test of time, but at this point it is too recent to

determine that. While both the Historic Preservation Board and the City Commission have made it clear that they wish to encourage voluntary designations of resources, staff feels that designating this property may be premature.

Staff would recommend not designating this property on the Winter Park Register of Historic Places at this time.



**CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD**

9:00 a.m.
August 24, 2016
Commission Chambers
401 Park Avenue South

MINUTES

1. Call to order. The meeting was called to order at 9:00 a.m.

Present: Chairman Bill Segal, Phil Wood, Genean McKinnon, Laura Armstrong, Bob Schwetje, and Ed Sabori, Chuck Bell. Absent: Phil Kean. Staff: Planning Manager Jeffrey Briggs, City Architect Brooks Weiss and Recording Secretary Lisa Smith.

- 1) Approval of Minutes: July 13, 2016

**Motion made by Laura Armstrong, seconded by Chuck Bell to approve the July 13, 2016 meeting minutes.
Motion carried unanimously.**

Public Comments on any item not appearing under action: No one wished to speak. Public comment closed.

2. Action Items.

- 1) HDA 16-005 Request by Mrs. Martha Hall to designate her home at 331 West Lyman Avenue, Winter Park, Florida as a historic resource on the Winter Park Register of Historic Places. Zoned R-1A.

Planning and Community Development Director Dori Stone presented the staff report. She explained that the residence at 331 Lyman Avenue was built in 1958 by the Reverend Jerry Hall, as a result of his being displaced through eminent domain from his original home on Denning Drive (formerly Maitland Avenue). She presented the history of the subject property. She stated that the applicant, Ms. Hall, submitted her Historic Designation Application on June 8, 2016. Mrs. Hall based her application for designation based on the age of the house and the contributions of her husband, Reverend Hall and his historical significance in Winter Park. The house is now 58 years old and is of no remarkable historical architectural style other than a representation of the post-WWII development style that is still prevalent throughout Winter Park. It is a one story concrete block residence with two-car carport, on the corner of W. Lyman Avenue and South Virginia Avenue. Staff has received three letters of support for Mrs. Hall's application from Reverend Dr. Vivian Carrington and Rebecca Talbert, AIA, and Michael Spencer (attached).

Staff also contacted the Hannibal Square Heritage Center and emailed Ms. Mary Daniels and Ms. Fairolyn Livingston, historians for the Center and their reports were provided to the Board members as a part of the staff report. She noted that the reports state that Ms. Hall's deceased husband, the Reverend Jerry Hall was a prominent figure in Winter Park and active in representing the Hannibal Square Neighborhood. He was a street preacher and later founded the Prayer Mission Church, which is still located at 827 Lyman Avenue.

She explained that staff considered several factors in evaluating this application. First, the home located at 311 Lyman Avenue has no real architectural significance other than representing a post-war pattern of development that is still very prevalent city-wide. Second, while Reverend Hall was an important figure to the community, he passed away in 2008. It is still too early to know how his legacy and contributions to the city, especially in the Hannibal Square area will be determined. In reviewing the classification of “significance” with the staff at the Florida Department of Historic Resources, state staff recommended that “significance” be determined by the same threshold as a historic resource which is 50 years. Staff is hopeful that Reverend Hall’s legacy will stand the test of time, but at this point it is too recent to determine that. While both the Historic Preservation Board and the City Commission have made it clear that they wish to encourage voluntary designations of resources, staff feels that designating this property may be premature. Staff would recommend not designating this property on the Winter Park Register of Historic Places at this time. Director Stone responded to Board member questions.

The applicant, Mrs. Martha Bryant-Hall, 331 West Lyman Avenue, and Maria Bryant, 450 South Virginia Avenue, used a Power Point presentation to provide the Board members with historical information regarding the life of her late husband Reverend Jerry Hall and the residence located 331 West Lyman Avenue. Mrs. Bryant-Hall stated that she feels that as it pertains to certain structures, they must be looked at holistically and the time period which it was built as to what qualifies the structure for designation. She also cited State of Florida Historic Preservation laws and what qualifiers are used to determine a structure’s historic significance. They expressed concern with their experiences of the application submittal process and leading up to today’s public hearing, specifically not receiving the public notices at their physical addresses and differing staff reports. They responded to Board member questions regarding Reverend Hall, the residence and his church building located at 827 West Lyman Avenue.

P&CD Director Stone spoke to the issue of differing staff reports. She stated that the initial staff report that Mrs. Hall received was a draft that did not properly cite the new historic preservation ordinance, and the final staff report was rewritten to cite the criteria of the new historic preservation ordinance. She apologized for any confusion that was caused by that. She also explained that the City of Winter Park’s historic preservation ordinance overrides the State of Florida Historic Preservation Laws, and that every city has the right to establish its own laws. She maintained that the structure does not meet the Division 3, Section 58-456 (1) a and b.

Mary Daniels, 650 Canton Avenue, read a letter of support into the record from Dwayne A. Bryant dated July 12, 2016, and she also spoke in support of a project. Ms. Daniels stated that she feels more consideration should be given in what criteria is used to qualify homes in the neighborhood to be placed on the registry because it may not always be architectural.

Christine Madrid French, 656 North Park Avenue, introduced herself as the new Executive Director of the Friends of Casa Feliz. She briefly explained her background in historic preservation to the Board members. She spoke in favor of the request. She urged the Board to consider the wider context of the structure, including the history of Rev. Hall as an African-American community developer in mid-20th century Winter Park. She suggested that the City and Board consider a historic resources survey of the neighborhood to proactively document, identify and protect significant structures. She stated she feels that post World War II structures should be studied overall in the City to help guide community planning efforts. She cited national historic preservation standards for what qualifies a building as historically important, noting that cultural significance is equally important.

Javier Omana, 426 West Lyman Avenue, spoke in opposition to the designation. He stated that he agrees with the comments concerning giving Rev. Hall a higher level of recognition, but did not agree with placing the home at 331 Lyman Avenue on the register.

Kathleen Yanks, 200 St. Andrews Boulevard, Apartment 2205, read a letter of support into the record from Linda Goddard of St. Margaret Mary. She stated that she feels that as it pertains to the history of the African-American community, it has to be listened to a different way when determining a structure's historic significance. She added that she feels that there is more to it than the building.

Maureen Brady, 640 North Park Avenue, #23, read into the record a letter of support dated August 2, 2016, from Doug Ball, former City of Winter Park Police Chief.

Forest Michael, 358 West Comstock Avenue, spoke in favor of the designation. He briefly explained his professional background working with the Department of Defense designing housing for military communities. He noted that in his working experience with the DOD, the structure located at 331 West Lyman Avenue would qualify as a structure that is to be preserved based its unique and distinct architectural style that is currently recognized by the U.S. Government. He said that he feels that Rev. Hall's legacy was established long before he died. He suggested that the Hannibal Square Heritage Center and Hannibal Square Community Land Trust be consulted with regard to the importance of these structures in this regard.

No one else wished to speak concerning the request. Public Hearing closed.

Mrs. McKinnon stated that she did not support the historic designation in accordance with the criteria established in the new historic preservation ordinance. She stated that she would support an endeavor that provides greater recognition to not only to Rev. Hall, but to other members of the community that have made significant contributions to the community. She stated that she feels that honoring his life is greater than placing the structure on the Register. Mr. Bell stated that he has gained a greater understanding of Rev. Hall. He applauded the applicants for coming forward to request the designation and all the research that was done to make the presentation. He supported the idea of doing a resource survey. He does feel that there is significance to the structure, but did not feel that it withstands that language of the ordinance. Mr. Wood appreciated the applicant's presentation. He expressed full support of conducting the resources survey. He said that from an individual standpoint he does not feel that the house has great historic significance. He did not support the designating the house at this time but encouraged the applicant to return and pursue historic designation of the Prayer Mission Church of God in Christ building. He also stated that he feels that Reverend Hall is due a greater level of recognition. Mr. Schwetje stated that he was appreciative of the presentation made by the applicants, but feels that a greater level of recognition of his life is warranted. He did not support the designation for the same reasons as stated by in previous Board member comments. Mr. Sabori did not support the designation, but he acknowledged that Rev. Hall made significant contributions to the physical qualities of the Hannibal Community specifically the homes that he built. He agreed with the comments from the speakers on recognizing that there needs to be a different perspective necessary in evaluating structures in the Hannibal Square community. Mrs. Armstrong agreed with the previous comments of Board members regarding upholding the ordinance. She encouraged the applicants to reach out to Randy Knowles, Publisher, Winter Park Magazine, for a feature story on Rev. Hall. She said that would educate many more people to the contributions he made. Mr. Segal thanked the applicants for their informative presentation. He supported the suggestion to conduct a resources survey. He spoke to the need to uphold the ordinance.

Motion made by Laura Armstrong, seconded by Genean McKinnon to deny the request to designate 331 West Lyman Avenue to the Winter Park Register of Historic places as recommended by staff based on the current City Ordinance No. 3024-15, Division 3, Section 58-456 (1) a. and the revised Staff Report, dated August 24, 2016. Motion carried unanimously with a 7-0 vote.

- 2) HDA 16-007 - Request by Matthew McKeever, Owner and Fred C. Schaub Custom Homes, Applicant, to demolish the existing home at 1421 Highland Road, Virginia Heights East Historic District, Winter Park, Florida and replace it with a new 4,513 SF Italianate home at this same address. The Applicant also is requesting a Front Setback variance from 43 feet to 35.9 feet. The existing home is a non-contributing resource in the Virginia Heights East Historic District. Zoned R-1AA. Parcel ID. #07-22-30-8908-14-190.
THIS ITEM HAS BEEN WITHDRAWN. NO FURTHER ACTION IS FORESEEN AT THIS TIME.

Staff Updates and Informational Items

These items were brought forward by staff as informational only.

- 1)
 - a) Temple House at 1700 Alabama Drive, Ms. Lisa Knight, Owner- Demolition of portions nearing completion and modifications agreed upon.
 - b) 425 Alberta Drive, Ms. Emilee S. Carleton, Owner- Presentation of ways to preserve this 1935 James Gamble Rogers II home.
 - c) 511 Melrose Avenue, FG Schaub, Developer- Presentation of ways to preserve the 1910 California Bungalow.
 - d) 1234 Lakeview Drive, New Owner under contract, John Pinel, Coldwell Banker, Realtor- 1922 Wood Sided Bungalow may be lost to New Home.
 - e) 1167 Lakeview Drive, Ms. Alexis Magargee, Owner has met with Staff and plans to make application for Historic Preservation of her 1922 home on Lake Virginia, based on the incentives allowed (setback variances for new Garage and third floor use).

3. New Business. There were no items of new business.

4. Adjournment. There was no further business. The meeting adjourned at 11:50 a.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary