

**CITY OF WINTER PARK
PLANNING AND ZONING BOARD**

**Staff Report
May 6, 2014**

REQUEST OF UP FIELDGATE US INVESTMENTS - WINTER PARK LLC

FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THE FORMER CORPORATE SQUARE AND WINTER PARK DODGE PROPERTIES WITH A 40,000 SQUARE FOOT WHOLE FOODS GROCERY AND A 36,000 SQUARE FOOT RETAIL BUILDING WITH THREE OUTPARCEL DEVELOPMENT SITES ON THE PROPERTIES AT 1030/1050 N. ORLANDO AVENUE, 1160 GALLOWAY DRIVE AND 967 CHEROKEE AVENUE.

REQUEST OF UP FIELDGATE US INVESTMENTS - WINTER PARK LLC

TO: AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF MEDIUM DENSITY MUTIFAMILY RESIDENTIAL TO COMMERCIAL FUTURE LAND USE ON THE PROPERTY AT 967 CHEROKEE AVENUE.

REQUEST OF UP FIELDGATE US INVESTMENTS - WINTER PARK LLC

TO: AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING OF MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT TO COMMERCIAL (C-3) DISTRICT ZONING ON THE PROPERTY AT 967 CHEROKEE AVENUE.

REQUEST OF UP FIELDGATE US INVESTMENTS - WINTER PARK LLC

FOR: AN ORDINANCE TO VACATE AND ABANDON PORTIONS OF THE PUBLIC RIGHTS-OF-WAY OF FRIENDS AVENUE AND GALLOWAY DRIVE, MORE PARTICULARLY DESCRIBED HEREIN.

These requests by the UP Fieldgate US Investments – Winter Park LLC relate to the preliminary conditional use request for approval of the plans for the redevelopment of the properties at 1030 N. Orlando Avenue and 1160 Galloway Drive (former Corporate Square offices); 1050 N. Orlando Avenue (former Winter Park Dodge) and 967 Cherokee Avenue (overflow Holler Hyundai parking lot).

All of the property is designated and zoned Commercial (C-3) except for the 967 Cherokee Avenue property which is designated and zoned Multi-family (R-3). However more than 20+ years ago, that property was granted a conditional use to be used at first as Holler Dodge overflow car inventory parking and then it transitioned upon sale of the Dodge dealership to be used for Holler Hyundai overflow car inventory. As such, it has been utilized in a quasi-commercial nature and part of this request is to designate and rezone that property from R-3 to commercial (C-3).

The development combines and assembles these properties and another component includes the vacating and abandonment of the portions of public right-of-ways of Galloway Drive and Friends Avenue interior to this assemblage.

Site and Context: The “development parcel” is the combination of these four properties wherein the project would demolish all the buildings, improvements and trees for a complete redevelopment of the combined 11.0 acre site. To the north, across Dixon Avenue is Holler Hyundai. To the south is the three story office building at 950 N. Orlando (also owned by the applicant) and other commercial properties including the Volvo Store. Across Orlando Avenue is the Ravaudage development.

Current Development Request: The application package for “preliminary” conditional use approval includes the site plan, architectural perspective images of the main building facades, conceptual landscape and storm water retention design and traffic impact report as required for the “preliminary” approval.

The major project components area 40,965 sq. ft. Whole Foods grocery store, another (to be determined) 36,600 sq. ft. retail store and three out-parcels of approximately 4,000 sq. ft. each which could be branch banks, restaurants or free-standing retail stores. The project meets the C-3 development standards in terms of density and intensity, parking, landscaping, storm water retention, etc. Based on the 11.0 acres, the project has a 19.0% building lot coverage and FAR (well within the 45% maximum FAR). Parking required for this total 89,565 square feet of commercial space (one per 250 sf) is 358 spaces. The development plan indicates 493 spaces are to be provided which are 135 more parking spaces than Code. This is primarily due to the desires of supermarkets and other major retailers to have 5 spaces per 1,000 sf provided versus the typical code of 4 per 1,000 sf. What the over-parking will allow is for the out-parcel retail buildings to become restaurant locations that need more parking than the 4 spaces per 1,000 sf.

Building Heights: The proposed major retail buildings are one-story but given the interior floor to ceiling heights desired and the parapets the heights generally compare to two-story buildings.

Architectural Elevations: The project elevations that have been provided to showcase the major retailers in the project depict a contemporary architectural image. While the elevations show the truck loading doors, you will not on the site plan that those features are in the rear and hidden from view. There is ample articulation of the building facades and the many undulations help immensely to break up the exterior façade of the building.

Tree Preservation: There are very few trees on the site except for on the perimeter of the 967 Cherokee parcel and two nice live oak trees in the right-of-way of Galloway Avenue. This site plan is a typical engineer design approach which makes no effort to assess the quality of any trees or expend any effort to work toward preservation of any trees. It will be difficult to save trees on the 967 Cherokee parcel because that is where the Whole Foods building is located. But the live oak trees in the Galloway Drive right-of-way would fall within the parking lot area and may be able to be preserved. There will be a staff condition requiring such exploration.

Storm Water Retention: The site currently has storm water retention for the office building site that was developed in the mid-1980's but no retention for the old motel site where the rainfall runoff goes directly into Lake Killarney. The redevelopment of this property will retrofit the site to conform to the storm water retention requirements of the City and St. Johns River Water Management District. At this "preliminary" conditional use stage, the storm water design is conceptual via the narrative provided. At the "final" conditional use stage the design is complete. The area between the buildings and the lake is anticipated to be used for the storm water retention system. The plans commit to the preservation of the existing cypress trees on the lakefront at the same time there is urban streetscape being built to the lake's edge and construction of the storm water retention system. The detailed design and calculations are submitted at the "final" conditional use stage and the applicant is aware that the City Code prohibits any increase in the existing grades on the site above 2 feet.

Landscaping: Overall the impervious coverage of the site will be within the code maximum of 85% with 19% open space. There are larger landscape areas (20 ft. width versus 8 foot width) along the Orlando Avenue frontage. A specific detailed landscape plan with types, sizes, quantities, etc. is reviewed at the "final" conditional use step.

Traffic Impact: The applicant has submitted a lengthy traffic study addressing the traffic generation from this project. Of special interest to many is the project's desire to obtain FDOT permission to change the three leg intersection of Lee Road and Orlando Avenue into a four legged intersection thereby providing traffic light access to and from this project. The site plan depicts one of three potential alignments for the extension of Lee Road through the Orange County Public Schools – Webster School property.

Ultimately the City Commission has the authority to agree or not with the Lee Road extension proposal. The Planning Commission's recommendation is not requested or needed for that decision. The Planning Commission is looking at the project and just the project. The project shows a four way intersection at Orlando and Lee Road. It is the jurisdiction of the City Commission, not the P&Z Board to determine whether the road is extended beyond the project's boundaries. If the Lee Road extension is not approved by the City Commission then those are issues the developer will need to work out with FDOT. If the access changes then it may require another review by P&Z as a significant plan change.

Staff Analysis and Summary: This project is a quality redevelopment and enhancement for this 11.0 acre location and the staff is fully supportive of the Whole Foods project. The City and the applicant both share the goal to make this project as successful as it can be in a gateway entrance location into the City of Winter Park. To that end, there are some matters for discussion, outlined below, regarding the Whole Foods project that need to be implemented and will be presented as conditions of approval:

Site and Urban Design – The City staff agrees with the critique that the Whole Foods project is basically a 1960's shopping center design. It does have larger landscape areas (20 ft. width versus 8 foot width) along the Orlando Avenue frontage but the view of 35,000 cars a day traveling past each day on Orlando Avenue is a retail shopping center that is nothing but a "sea of parking". Meanwhile the perception of the Fresh Market Shopping Center down at Orlando's new Mills & Nebraska development is very positive and it is cited as shopping center design that is the state-of-art to emulate.

There are some very easy things that can be done to improve the Orlando Avenue (front door) image of this development. One is to require flipping the drive-in bank so that the attractive side faces Orlando Avenue and the less attractive teller lanes face the interior.

Second, the site plan design needs to revise the retail out-parcels "B" and "C" and re-orient the buildings length-wise facing Orlando Avenue which is a more attractive image, provides more exposure for those out-parcel tenants and more effectively screens the interior parking.

The third and most significant change needed is to reorient the major retail buildings to be closer to Orlando Avenue in order to reduce the size of the "sea of parking". The planning staff has attached a revised site plan that accomplishes this and other objectives. The benefits with this revised site plan layout include the following:

1. Reduce the negative impact of a large parking lot, by dispersing the parking around the buildings and provides better visibility for the major retailers by moving their buildings closer to Orlando Avenue.
2. Employee parking is located in the most remote locations, therefore, reducing impact on easy access spaces.
3. Creates more pedestrian friendly multi-point access areas, including more sidewalks through the various parking arrangements.
4. Provides more points of ingress from the different directions which creates better optional access for patrons.
5. Creates the ability to have better Architectural expression and differing building façade exposure, especially with this arrangement of facades to Orlando Avenue and the other secondary streets, since the buildings aren't pushed back so far.
6. The relationship of these buildings to the neighboring R-3 Property is improved by distancing the Whole Foods by the width of double-sided parking.
7. The delivery courtyard can be completely concealed with a masonry wall.
8. Although staff does not have an exact count on the parking spaces, we believe there is enough property to maintain the same number of spaces.

Lastly, the staff will require that the applicant emulate the Mills and Nebraska project and supplement the Orlando Avenue landscape package with trellis features, ligustrum trees and other design elements to better screen the shopping center parking.

Tree Preservation – It is an expectation of the City that developers will try to save trees or have a rational why it is not possible. The staff condition will require that for the Final Conditional Use review that an assessment of the opportunities for preservation of the major trees be undertaken as there does not appear to be any effort in this regard to date.

Project Signage - The City will require that the project be limited to monument signage for all ground signs in lieu of pole signs. Buildings are still entitled to wall signage, awning signage, etc.

Traffic Light Coordination - There are limited options for traffic flow improvements in this immediate area but one thing the City is exploring is an effort to install "smart signal technology" along the Orlando Avenue corridor. As traffic increases with redevelopment of this quadrant, the City is looking to upgrade the signal technology for enhanced coordination between the traffic lights and to adjust to patterns and create better flow. The City is requiring the developer of Ravaudage to provide their proportionate share of this cost and the City would similarly look to this project and as K-Mart redevelops to participate. The exact specific requirements are something the City would detail with you in the Final Conditional Use stage but we wanted to make you aware of this at this time.

Conditional Use Process: Winter Park's conditional use process (Section 58-90) for these major projects is a Preliminary Approval which approves the entitlements and then a Final Conditional Use Approval wherein the City approves at the Final Conditional Use stage, the more specific design plans including storm water design, site lighting plan, project signage, landscape and streetscape plans, etc. Most of the staff conditions will then be reflected in the Final Conditional Use submittal.

STAFF RECOMMENDATION IS FOR APPROVAL OF THE "PRELIMINARY" CONDITIONAL USE based on the revised staff site plan subject to:

1. The project being limited to monument signage for all ground signs in lieu of pole signs.
2. That for the final conditional use review the applicant review opportunities for preservation of the major trees on-site.
3. That for the final conditional use review the city and applicant will negotiate for a proportionate share of funding for traffic signal timing improvements.
4. That for the final conditional use review a location in the rear of the project be provided for a sanitary sewer lift station as may be required for this project.

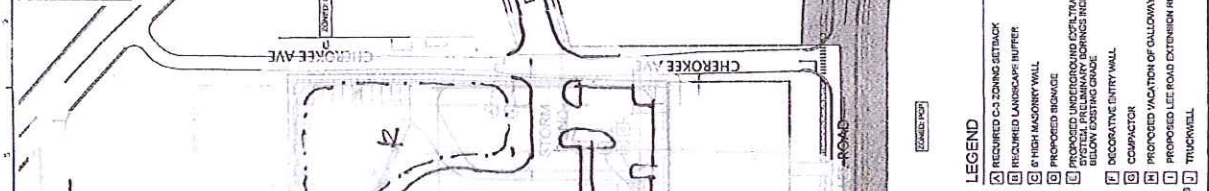
NO.	DESCRIPTION	AGREES	%
1	RETAIL	2.00	10%
2	WHOLE FOODS	0.30	07%
3	OFFICE SPACE	0.02	0%
4	OPEN SPACE	2.10	10%
5	TOTAL	4.42	100%

DESCRIPTION	AGREES	%
BUILDINGS	2.00	10%
VEHICLE USE AREA	0.30	07%
SIDEWALK/HARDSCAPE	0.02	0%
OPEN SPACE	2.10	10%
TOTAL	4.42	100%

ACREAGE SUMMARY	LOT 1	LOT 2	LOT 3	TOTAL
881AC				
691AC				
331AC				
181AC				
TOTAL				

PARKING RATIO	MIN. #	MAX. #
RETAIL A	227	1.5 / 1000
RETAIL B	248	1.5 / 1000
RETAIL C	248	1.5 / 1000
OFFICE	10	1.2 / 1000
WAREHOUSE	10	1.2 / 1000

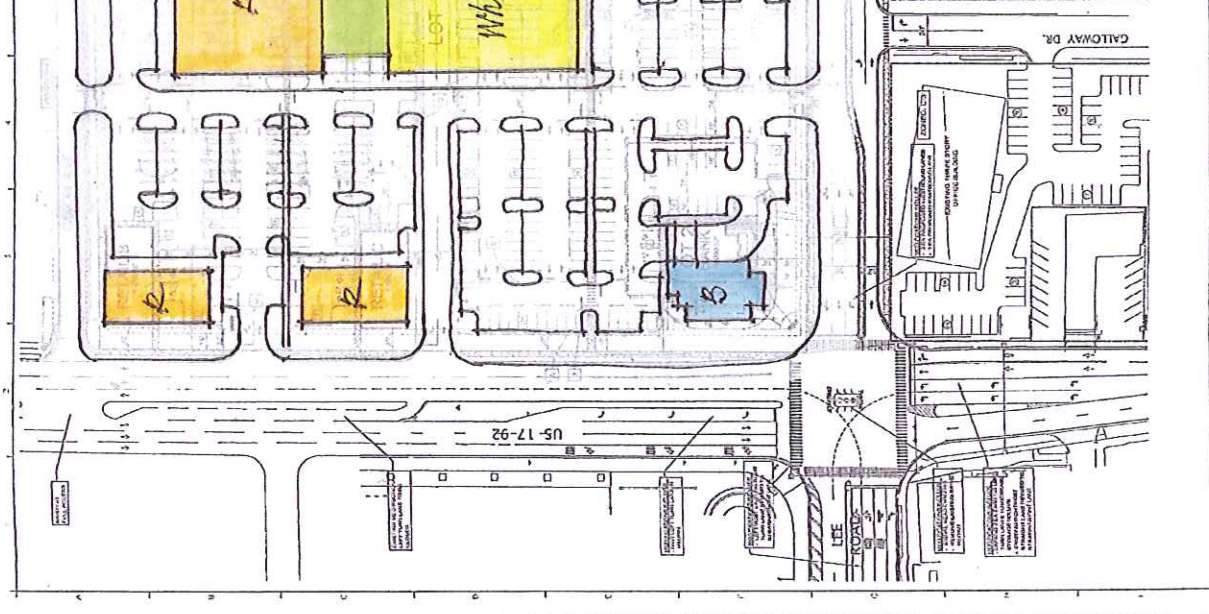
FAIR CALCULATION	WHOLE FOODS MARKET	RETAIL A	RETAIL B	RETAIL C	OFFICE	TOTAL
40,000 SF	30,000 SF	4,000 SF	4,000 SF	4,000 SF	4,000 SF	80,000 SF
100,000 SF	100,000 SF	100,000 SF	100,000 SF	100,000 SF	100,000 SF	400,000 SF
TOTAL	140,000 SF	140,000 SF	140,000 SF	140,000 SF	140,000 SF	560,000 SF



- LEGEND**
- 1. REQUIRED C-3 ZONING SETBACK
 - 2. REQUIRED LANDSCAPE BUFFER
 - 3. HIGH MASONRY WALL
 - 4. PROPOSED SIGNAGE
 - 5. PROPOSED UNDERGROUND EXFILTRATION STATION
 - 6. ELECTRICAL PRELIMINARY BORINGS INDICATE SHWT BY 500' DEPTH AND SPACED
 - 7. DECORATING ENTRY WALL
 - 8. COMPACTOR
 - 9. PROPOSED VACATION OF GALLOWAY DR. RW
 - 10. PROPOSED VACATION OF FRIENDS AVENUE RW
 - 11. TANKVA HICK-UP CELEBRATOR
 - 12. RAINWATER HARVESTING TANK
 - 13. PERMITTED EVENTS AREA
 - 14. TRUCKWELL
 - 15. BICYCLE ROCK
 - 16. DESIGNATED RESTAURANT AREA
 - 17. 10' WIDE CANOPY/WAWING
 - 18. SIDEWALK AREA
 - 19. ADJACENT PARKING AREA
 - 20. EMPLOYEE PARKING AREA

- SITE NOTES:**
1. EXISTING ZONING C-3 & R-3
 2. PROJECT IS OUTSIDE 100-YEAR FLOOD PLAIN ELEVATION PER FEMA FIRM MAP
 3. ALL EXISTING UTILITIES SHALL BE DELETED AND NEW UTILITIES SHALL BE INSTALLED PER CITY CODE SECTION 16.04.01
 4. WHOLE FOODS AND RETAIL BUILDING HEIGHT ONE STORY, APPROX. 40' CEILING
 5. ALL BUILDING HEIGHTS SHALL BE INDICATED BY DIMENSIONS WITH 1/8" UP OR DOWN
 6. FAR & C-3. SEE FAR CALCULATION THIS SHEET.
 7. "NO BUILD AREA" IS GENERALLY ALL AREAS NOT UNENCUMBERED BY BUILDING
 8. PERMITTED RESTAURANT AREA IS LIMITED TO RETAILS B & C AS SHOWN ON THIS PLAN.

Staff Revised Site Plan



April 25, 2014

Mr. Troy Attaway, P.E.
Public Works Director
City of Winter Park
401 Park Avenue South
Winter Park, Florida 32789

Subject: Lee Road Extension Traffic Analysis Review

Dear Mr. Attaway:

Comprehensive Engineering Services, Inc. (CES) has reviewed the traffic analysis submitted for the extension of Lee Road and the development of the site which includes a Whole Foods on the east side of US 17/92 in the City of Winter Park. In addition, we have met with the Developer's Engineers to obtain a more complete understanding of the traffic impacts and the methodology used in their analysis. The primary purpose for the proposed Lee Road extension is to provide relief to congestion along US 17/92 and to enhance access to the site at the US 17/92 intersection. For the Florida Department of Transportation (FDOT) to allow this connection, improvements that mitigate the added delay associated with the additional signal time to service the fourth leg of the intersection are required. FDOT has indicated that the only way to mitigate the added approach to the intersection is for Lee Road to be extended further to the east to provide relief for delay associated with the movements to and from Lee Road and Webster Avenue.

The Developer's team analyzed three alternatives for the extension of Lee Road to the east which are depicted in the attachment listed as Figure 3 from the Developer's Traffic Analysis Report and include:

1. 2004 PD&E Alignment – The FDOT has completed a Project Development and Environmental (PD&E) report for improvements along the US 17/92 corridor that included the extension of Lee Road to Denning Drive at the intersection with Solana Avenue as the preferred alignment.
2. Alignment A – Lee Road would extend eastward to connect to Denning Drive at the Carver Street intersection. This proposed extension would restrict traffic on Lee Road from turning left onto northbound Denning Drive or eastbound through onto Carver Street.
3. Alignment B – Lee Road would extend eastward to a point midway between US 17/92 and Denning Drive then turn to the south and connect to Webster Avenue. This alternative would also prohibit southbound lefts from US 17/92 onto Webster Avenue.

We reviewed the analysis completed by the Developer's team as it relates to overall traffic operations, access and for the potential of "cut-through" traffic to nearby residential areas including but not limited to North Park Avenue, Palmer Avenue and Carver Street. We offer the following recommendations for consideration of each alternative.

1. For the first alternative based on the 2004 PD&E, consideration should be given to utilizing a roundabout for the intersection of Lee Road with Denning Drive, Solana Avenue and Railroad Avenue. This alternative offers the best connectivity to the neighborhoods to the north and east which may be desirable to some and undesirable to others that are concerned about cut-through traffic. The roundabout may help mitigate this concern for some.
2. For Alignment A, We concur that with this alternative the eastbound lefts and through movements be prohibited at the intersection with Carver Street to mitigate cut-through traffic concerns. However, elimination of these movements may be undesirable to some residents who wish to shop at the proposed development.

3. For Alignment B, We concur with the recommendation that the southbound lefts from US 17/92 be prohibited at Webster Avenue. This Alternative would result in the most mitigation to existing traffic operational concerns on US 17/92. It would have the most noticeable improvements to the ongoing issues that result in delay caused by the northbound US 17/92 left turns at Lee Road and the southbound US 17/92 left turns at Webster Avenue. The queues associated with these movements significantly reduce the overall operational performance of these intersections and can also inhibit northbound/southbound traffic flow along US 17/92 between these intersections. This Alternative also gives the most reduction in perceived cut-through traffic into the residential communities to the north and east of the site. There does not appear to be any advantage for additional trips originating from North Park Avenue or Palmer Avenue to utilize this new connection. The traffic analysis prepared by the Developer indicates that a signal is not warranted for the new Lee Road connection to Webster Avenue. However, after construction the intersection should be studied for signalization warrants. It is anticipated that at some time in the future a signal will be warranted.


Regardless of which alignment is selected additional enhancements for pedestrians, access management and landscaping should be included. The access management can be accomplished with landscaped medians and all sidewalks should be 8 foot in width to provide safe and appealing pedestrian travel to the site.

As we analyze these types of developments as it pertains to trip generation and traffic assignment to connected streets, it is important to understand that since this site does not include any new residential development, almost all of the trips are “attracted” to the site or “captured” from adjacent roadways. In addition, since there are many competing similar establishments in the overall area of influence it will mostly attract trips from areas nearby and capture passerby trips already occurring. What this means is that some trips to this site will be much shorter than trips that currently occur to other commercial sites and as it relates to this site, traffic will most likely be reduced in some roadway links. This is best exemplified in this situation, where there are certainly some trips originating from residential areas to the north that currently travel along North Park Avenue and Palmer Avenue to shop at the Whole Foods on Aloma Avenue. Some of these trips will be removed in favor of traveling to the new Whole Foods.

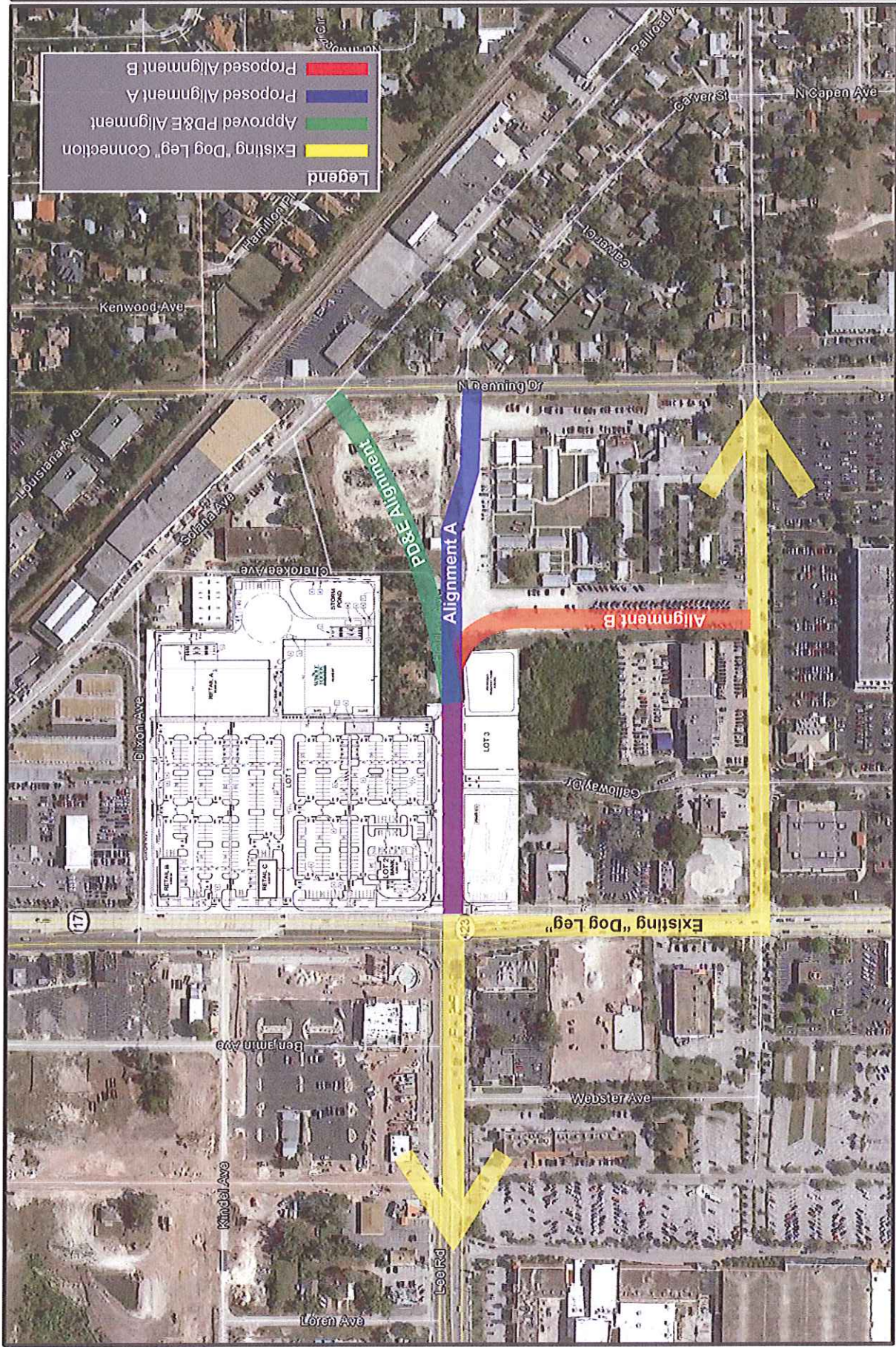
The primary reason that a motorist chooses to “cut-through” parallel streets (that can often be residential) is because of the delay on the primary arterial routes. The US 17/92 congestion associated with eastbound Lee Road traffic which continues to eastbound Webster Avenue and the westbound Webster Avenue traffic which is continuing to Lee Road is the exact type of situation that causes cut-through traffic. The queues associated with these movements often spill over into the through lanes of US 17/92 causing significant delay which pushes traffic into parallel roadways and even further into residential streets. It does not appear that any of the proposed alternatives would result in an actual increase in cut-through traffic and may actually reduce traffic in some links due to the reduction in delay on US 17/92, and as it relates to this development, shorten trip lengths to this destination. Increased development in the vicinity of this site may increase overall traffic on the roadway network in the future. However, the extension of Lee Road to the east on its own should not be the cause of any increased traffic on nearby residential streets. It would actually help disperse traffic more effectively, resulting in reduced risk of a significant impact to only a few streets.

It is our recommendation that Alternative B with the elimination of the southbound left turn movement from US 17/92 to Webster Avenue be the preferred improvement. This alternative provides the most improvement to congestion along US 17/92 and the operations of intersections in the vicinity. This alternative also provides the most direct route for traffic that is currently traveling this way to and from the residential areas of Winter Park and for shopping/dining along South Park Avenue. Another positive consideration for this alignment is that it provides better multimodal connectivity to the Winter Park Village and other new development occurring to the south without relying on access from the already congested US 17/92 corridor.

Comprehensive Engineering Services, Inc.


Christopher A. Simoneaux, P.E.



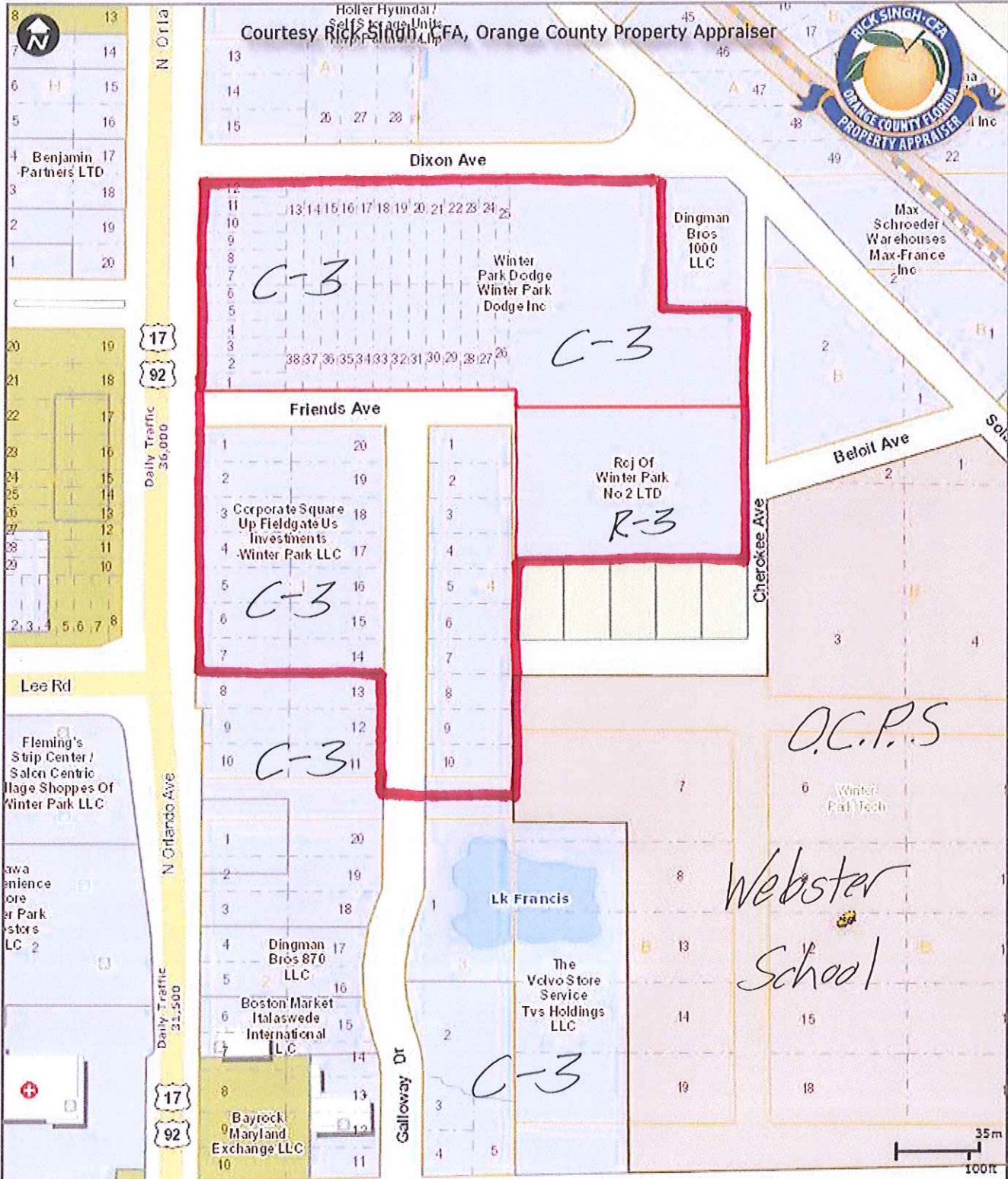


Legend

- █ Existing "Dog Leg" Connection
- █ Approved PD&E Alignment
- █ Proposed Alignment A
- █ Proposed Alignment B

OCPA Web Map

- Florida Turnpike
- Public Roads
- Interstate 4
- Toll Road
- Major Roads
- Proposed Road
- Block Line
- Lot Line
- Residential
- Agriculture
- Brick Road
- Rail Road
- Proposed SunRail
- Road Under Construction
- Commercial/Institutional
- Governmental/Institutional/Misc
- Commercial/Industrial
- Vacant Land
- Agricultural Curtilage
- Hydro
- Waste Land
- County Boundary
- Parke
- Golf Course
- Lakes and Rivers
- Building
- Hospital



Created: 4/24/2014

This map is for reference only and is not a survey.

OCPA Web Map

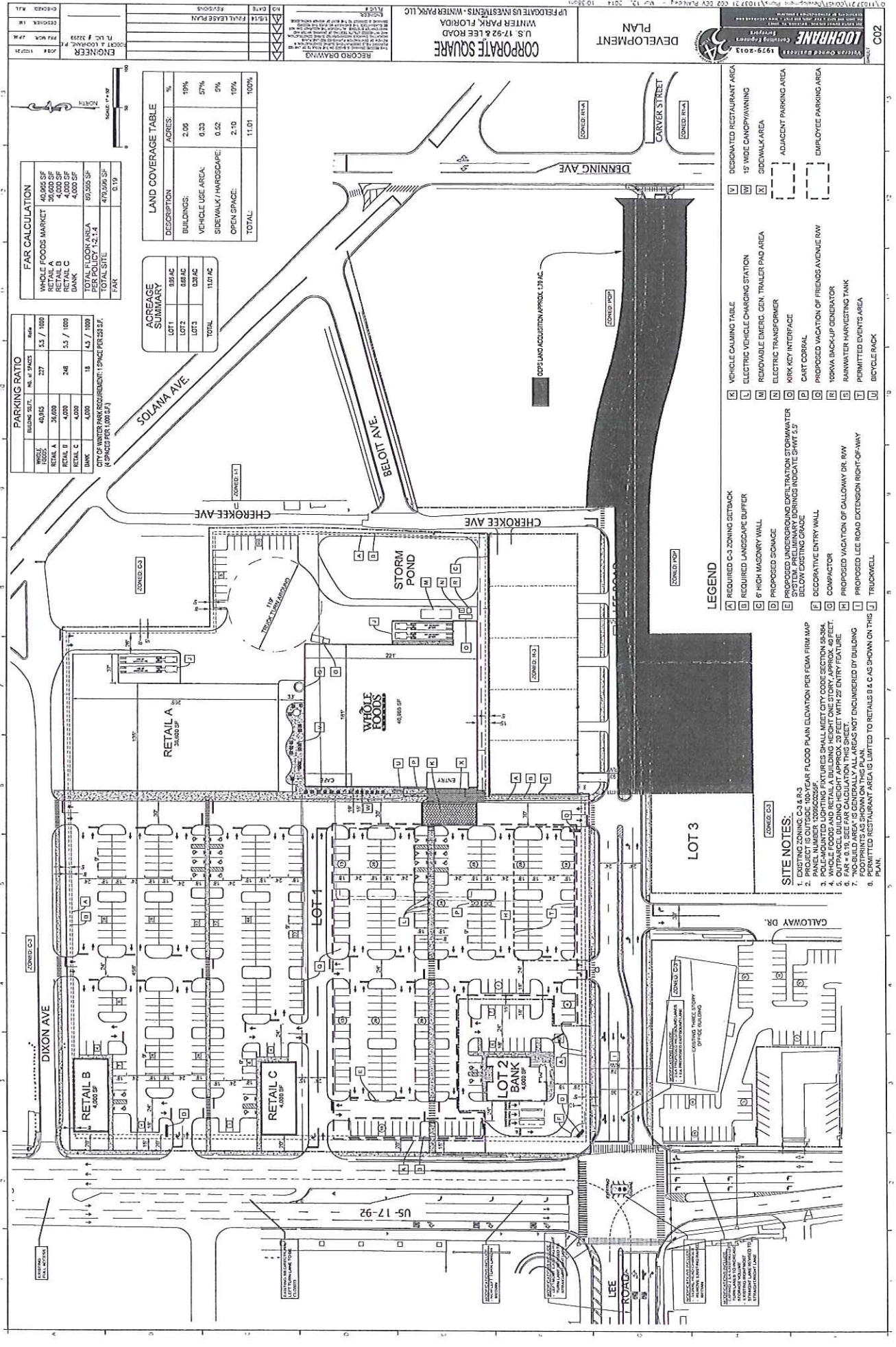
	Major Roads		Proposed Road		Block Line		Commercial/Institutional		Hydro		Golf Course
	Florida Turnpike		Public Roads		Lot Line		Governmental/Institutional/Misc		Waste Land		Lakes and Rivers
	Interstate 4		Galad Roads		Residential		Commercial/Industrial/Vacant Land		County Boundary		Building
	Toll Road		Road Under Construction		Agriculture		Agricultural Curtilosa		Parke		Hospital
			Rail Road								

Courtesy Rick Singh, CPA, Orange County Property Appraiser



Created: 4/24/2014

This map is for reference only and is not a survey.



ENGINEER
 T. L. COOK, P.E.
 1102 N. W. 12th St.
 Fort Lauderdale, FL 33304

CLIENT
 U.S. 17-92 & LEE ROAD
 WINTER PARK, FLORIDA
 LP FELDGAUS INVESTMENTS - WINTER PARK, LLC

RECORD DRAWING

DATE
 10/25/2014

SCALE
 1" = 40'

PROJECT
 CORPORATE SQUARE
 DEVELOPMENT PLAN

FAIR CALCULATION

WHOLE FOODS MARKET	40,000 SF
RETAIL A	30,000 SF
RETAIL B	4,000 SF
RETAIL C	4,000 SF
BANK	4,000 SF
TOTAL FLOOR AREA	82,000 SF
PER POLICY 1.2, 1.4	470,000 SF
TOTAL SITE	6.19

ACREAGE SUMMARY

LOT 1	0.99 AC
LOT 2	0.82 AC
LOT 3	0.82 AC
TOTAL	2.63 AC

PARKING RATIO

BUILDING	NO. OF SPACES
WHOLE FOODS	227
RETAIL A	53
RETAIL B	100
RETAIL C	24
BANK	43
TOTAL	447

CITY OF WINTER PARK REQUIREMENT: 1 SPACE PER 200 SF.
 (4 SPACES PER 1,000 SF.)

LAND COVERAGE TABLE

DESCRIPTION	ACRES	%
BUILDINGS	2.06	10%
VEHICLE USE AREA	0.33	5%
SIDEWALK / HARDSCAPE	0.52	2%
OPEN SPACE	2.10	10%
TOTAL	5.01	100%

RECORD DRAWING

DATE
 10/25/2014

SCALE
 1" = 40'

PROJECT
 CORPORATE SQUARE
 DEVELOPMENT PLAN

CLIENT
 U.S. 17-92 & LEE ROAD
 WINTER PARK, FLORIDA
 LP FELDGAUS INVESTMENTS - WINTER PARK, LLC

ENGINEER
 T. L. COOK, P.E.
 1102 N. W. 12th St.
 Fort Lauderdale, FL 33304

- LEGEND**
- A REQUIRED C-3 ZONING SETBACK
 - B REQUIRED LANDSCAPE BUFFER
 - C 6" HIGH MASONRY WALL
 - D PROPOSED SIGNAGE
 - E PROPOSED UNDERGROUND DECONTAMINATION STORMWATER COLLECTION SYSTEM (BORINGS INDICATE SHWIT 5.7' BELOW EXISTING GRADE)
 - F DECORATIVE ENTRY WALL
 - G COMPACTOR
 - H PROPOSED VACATION OF GALLOWAY DR. RW
 - I PROPOSED LEE ROAD EXTENSION RIGHT-OF-WAY
 - J TRUCKWELL
 - K VEHICLE CALMING TABLE
 - L ELECTRIC VEHICLE CHARGING STATION
 - M REMOVABLE EMERG. GEN. TRAILER PAD AREA
 - N ELECTRIC TRANSFORMER
 - O KIRK KEY INTERFACE
 - P CART CORRAL
 - Q PROPOSED VACATION OF FRIENDS AVENUE RW
 - R 100KVA BACK-UP GENERATOR
 - S RAINWATER HARVESTING TANK
 - T PERMITTED EVENTS AREA
 - U BICYCLE RACK
 - V DESIGNATED RESTAURANT AREA
 - W 15' WIDE CANOPAWALKING
 - X SIDEWALK AREA
 - Y ADJACENT PARKING AREA
 - Z EMPLOYEE PARKING AREA

- SITE NOTES:**
- EXISTING ZONING: C-3 & R-3
 - PROJECT IS OUTSIDE 100-YEAR FLOOD PLAIN ELEVATION PER FEMA FIRM MAP
 - ALL EXISTING AND PROPOSED LIGHTING FIXTURES SHALL MEET CITY CODE SECTION 58.28A
 - WHOLE FOODS AND RETAIL A BUILDING HEIGHT ONE STORY, APPROX. 49 FEET.
 - OUTPACE BUILDING HEIGHT APPROX. 20 FEET WITH 25' ENTRY FEATURE
 - "NO-BUILD AREA" IS GENERALLY ALL AREAS NOT ENCUMBERED BY BUILDING FOOTPRINTS AS SHOWN ON THIS PLAN.
 - PERMITTED RESTAURANT AREA IS LIMITED TO RETAILS B & C AS SHOWN ON THIS PLAN.

DEVELOPMENT PLAN

CORPORATE SQUARE

U.S. 17-92 & LEE ROAD

WINTER PARK, FLORIDA

LP FELDGAUS INVESTMENTS - WINTER PARK, LLC

RECORD DRAWING

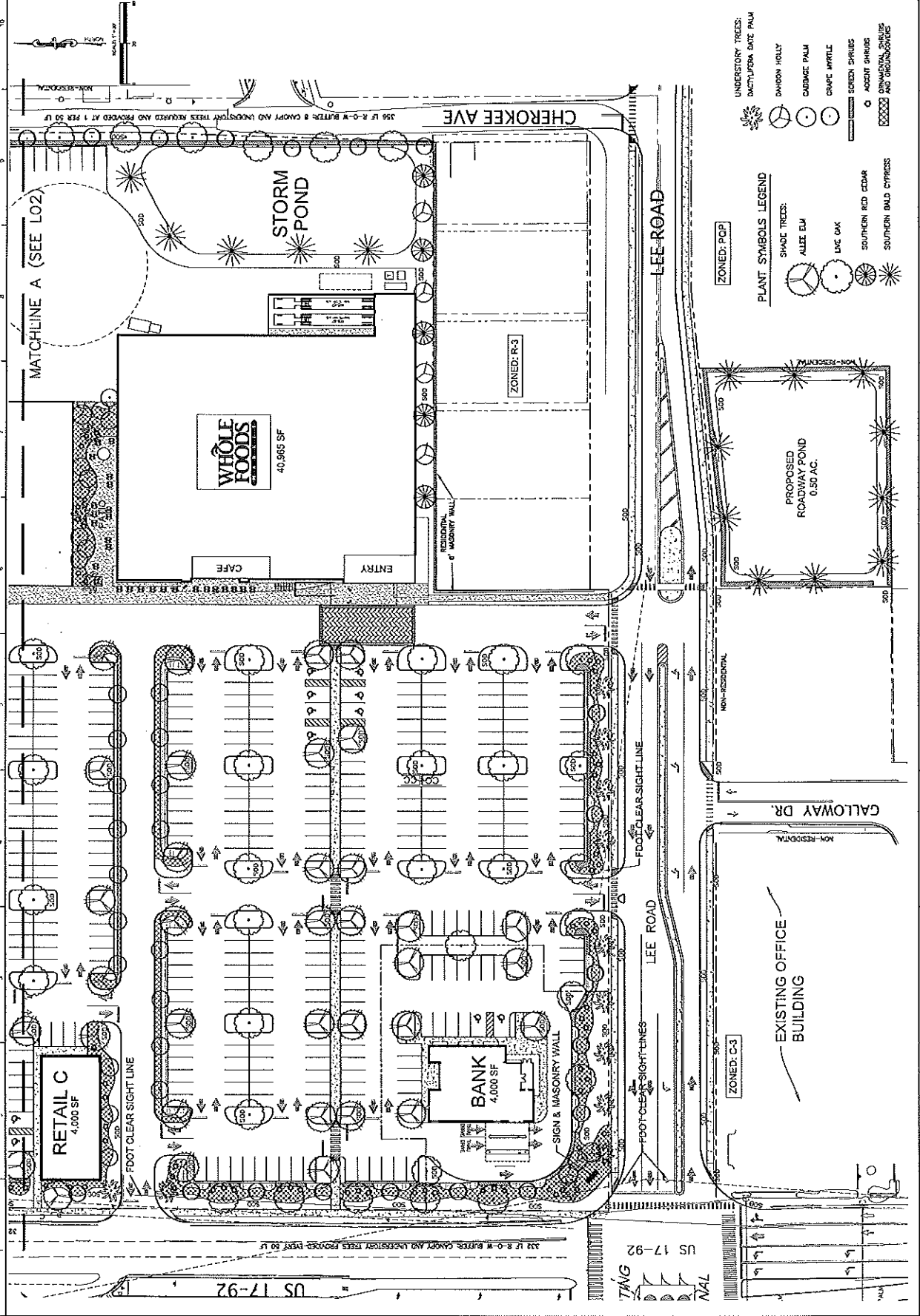
DATE
 10/25/2014

SCALE
 1" = 40'

PROJECT
 CORPORATE SQUARE
 DEVELOPMENT PLAN

CLIENT
 U.S. 17-92 & LEE ROAD
 WINTER PARK, FLORIDA
 LP FELDGAUS INVESTMENTS - WINTER PARK, LLC

ENGINEER
 T. L. COOK, P.E.
 1102 N. W. 12th St.
 Fort Lauderdale, FL 33304



- PLANT SYMBOLS LEGEND**
- SHADE TREES:**
- ALLEE ELM
 - DOG OAK
 - SOUTHERN RED CEDAR
 - SOUTHERN BIRD CYPRESS
- UNDERSTORY TREES:**
- DIAPYCNEMA DATE PALM
 - DIAPYCNEMA
 - ORANGE PALM
 - GRAPE APRITTE
 - SCREEN SHRUBS
 - ACCENT SHRUBS
 - ORNAMENTAL SHRUBS AND DECORATIVES
- ZONED: POP**

All fees, design, engineering and permitting are the responsibility of the client. The architect is not responsible for obtaining any permits and for the accuracy of any information provided by the client. The architect is not responsible for the construction of the building or for any construction-related issues. The architect is not responsible for the accuracy of any information provided by the client. The architect is not responsible for the construction of the building or for any construction-related issues.

11/18/2013

2014 FEB 27

Mark Adams, AIA
FL REG. ARCH. 51962
FL REG. LANDSCAPE ARCH. 145205



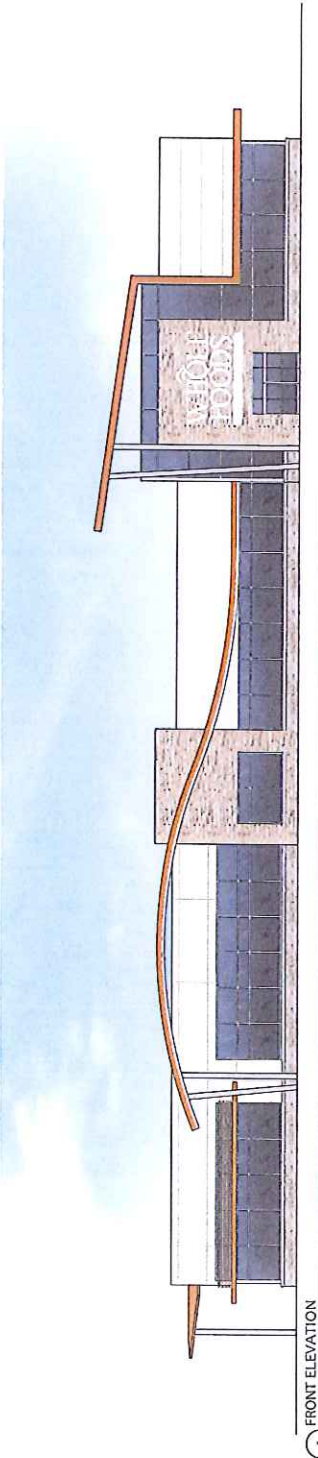
434 E. Green Blvd. #34
www.18architect.com
Mark Adams: 407-250-1119
John Adams: 407-250-1199
John Walker: 407-410-0050
© Copyright 2014 by Mark Adams, Inc., FL
All Rights Reserved. 11/18/2013

#	DATE	DESC.

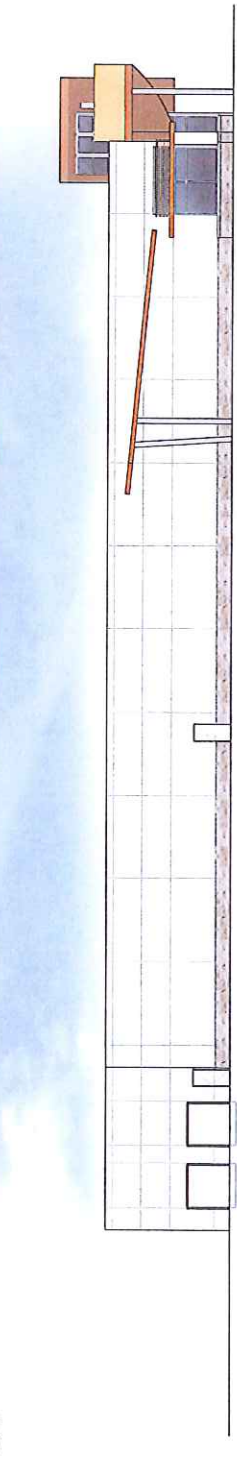
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**WHOLE
FOODS
MARKET**

PROJECT CLIENT:
**WHOLE
FOODS
MARKET**

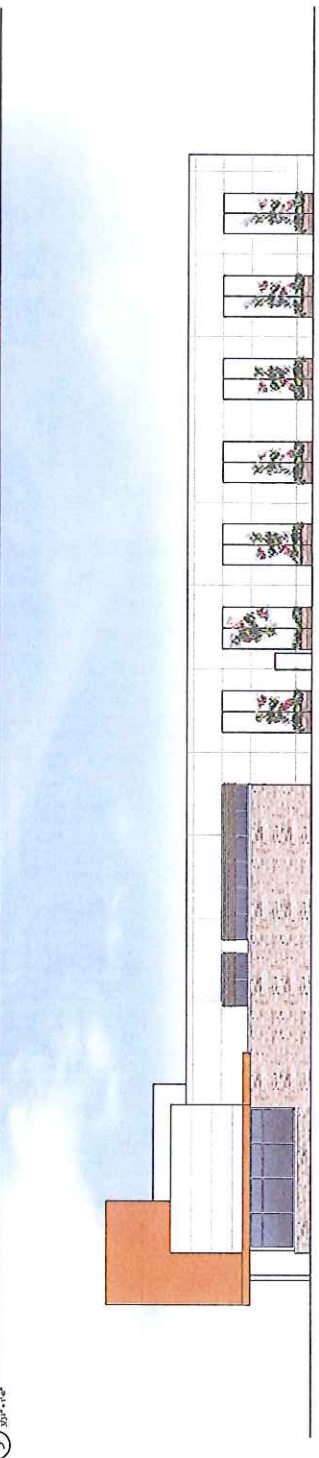
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JOB NAME:	WHOLEFOODS	CHECKED BY:	MM
COLOR:	ELEVATIONS		



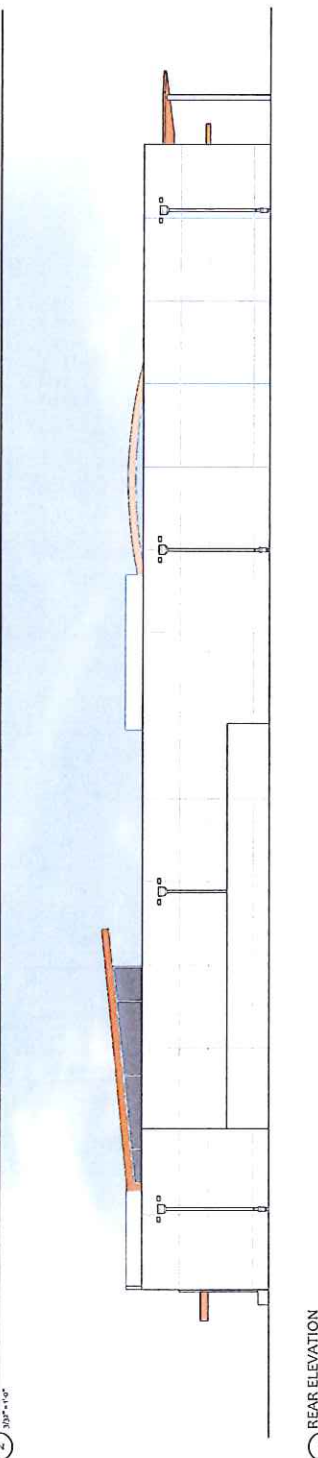
4 FRONT ELEVATION
33'-0" x 140'-0"



3 NORTH ELEVATION
33'-0" x 140'-0"



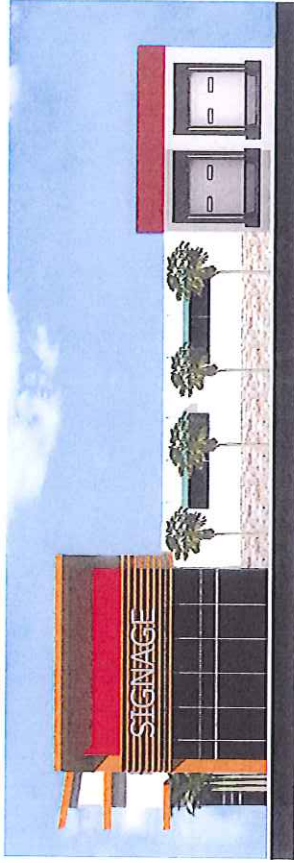
2 SOUTH ELEVATION
33'-0" x 140'-0"



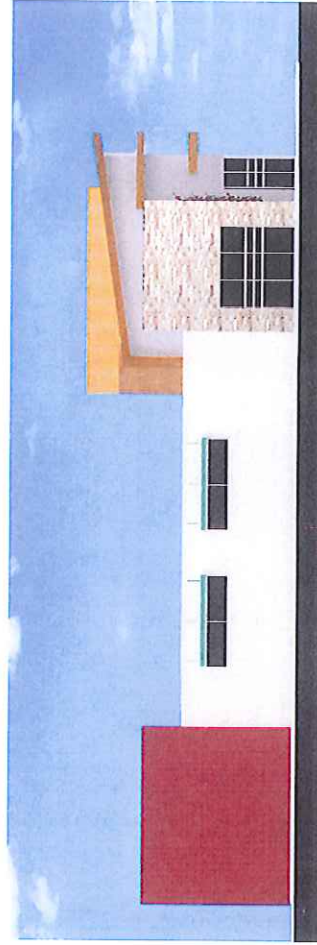
1 REAR ELEVATION
33'-0" x 140'-0"



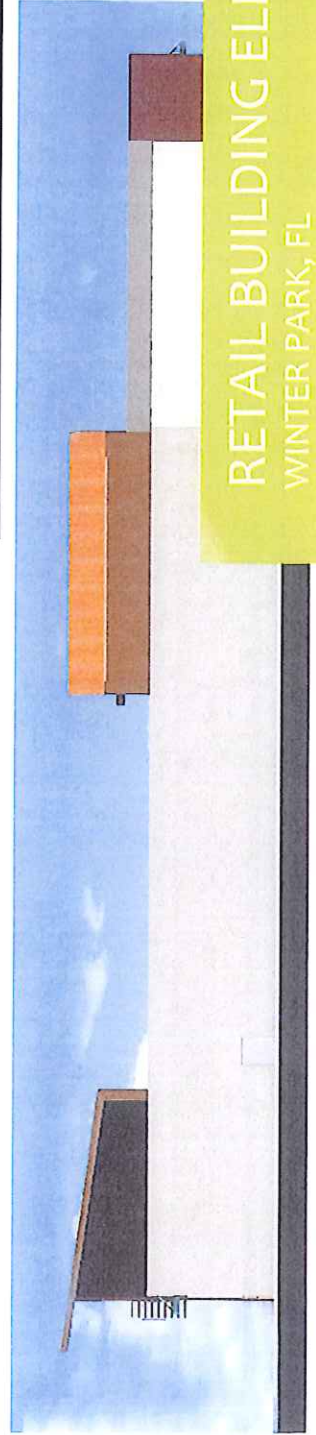
FRONT ELEVATION NOT TO SCALE



SOUTH ELEVATION NOT TO SCALE



NORTH ELEVATION NOT TO SCALE



REAR ELEVATION NOT TO SCALE

RETAIL BUILDING ELEVATIONS
WINTER PARK, FL
www.eleven18architecture.com

**CITY OF WINTER PARK
PLANNING AND ZONING BOARD**

**Staff Report
May 6, 2014**

REQUEST OF 1776 REAL ESTATE ADVISORS LLC TO: AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY MUTIFAMILY RESIDENTIAL FUTURE LAND USE ON THE 0.64 ACRES OF VACANT PROPERTY AT THE NORTHEAST CORNER OF SCHULTZ AND MICHIGAN AVENUES.

REQUEST OF 1776 REAL ESTATE ADVISORS LLC TO: AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING OF LOW DENSITY RESIDENTIAL (R-2) DISTRICT TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ON THE 0.64 ACRES OF VACANT PROPERTY AT THE NORTHEAST CORNER OF SCHULTZ AND MICHIGAN AVENUES.

This public hearing involves the request by 1776 Real Estate Advisors LLC, who have a contract to purchase (contingent upon rezoning) the vacant 0.94 acres on the northeast corner of Schultz and Michigan Avenues.

The entire vacant property is 310 feet along Michigan Avenue and 131.5 feet along Schultz Avenue and is 40,765 sq. ft. (0.94 acres). The eastern 100 feet (0.30 acres) is zoned R-3 and the western 200 feet (0.64 acres) is zoned R-2. That western 200 feet (0.64 acres) is what is requested to be rezoned from R-3 to R-2 along with the companion future land use change.

Existing Zoning Development Potential:

The R-3 zoning allows 17 units per acre and the R-2 zoning allows 10 units per acre. On this combined blended zoning site, that would entitle the owners to 11 units. The site plan presented shows a proposed project of 12 total units. Thus the request is just marginally more than what could be built under the existing zoning.

The R-3 zoning allows a maximum 110% FAR and the R-2 zoning allows a maximum 55% FAR. On this blended zoning site that would entitle the owners to 23,523 square feet of total building living and garage space. The site plan presented shows approximately the potential for 36,000 square feet as 12 units of 3,000 square feet each inclusive of garage space. That is a floor area ratio of 88%.

Neighborhood Zoning Background:

All of these blocks of Michigan, Miller, Indiana and Harmon Avenues have commercial zoning along the eastern half of the blocks that front on Orlando Avenue and then R-2 zoning as a transition into the R-2 neighborhood streets west of Schultz Avenue.

The reason that the eastern 100 feet of this site is zoned R-3 is that in the late 1980's the adjacent office building on Minnesota Avenue had a mental health counseling business with large group sessions that needed overflow parking. So at that time, the only zoning technique available to allow business parking on residentially zoned land was to rezone to R-3 with a conditional use. The problem, which we have learned over time is that when the parking goes away you still have the R-3 zoning in place. That is why later on, the City created the "Parking Lot" (PL) zoning district so if someone asked for rezoning for off-site parking that is all you received. In this case however, no harm was done as the Commercial to R-3 to R-2 transition makes sense.

These R-2 sections of Michigan, Miller, Indiana and Harmon Avenues are comprised of older 1960's duplexes and newer townhome development. There is a very nice, six unit townhouse project built in 1990 on the corner of Harmon and Schultz Avenues, built to R-2 standards, that fits in well with the neighborhood, across the street from Orwin Manor.

The more recent townhouse project, built in 2004, that has been very well received is the Townhouses at Harper Place. This is the 21 unit project along Schultz Avenue between Miller and Indiana Avenues. These are 21 units of about 2,400 square feet living area and garage that have sold for \$300,000-\$400,000. That property was also similar to the applicant's property in that it was also a blended site with a portion of the site with R-3 entitlements and a portion with R-2 zoning. The resultant Harper Place townhouse project is at a density of one unit for each 3,000 square feet of land. If one applied that formula of density to this request it would allow 13 units versus the 12 requested so they are very similar in residential unit density. The total project is at a floor area ratio of approximately 80%.

Staff Analysis of the Applicant's Requests:

The Development Plan presented to the City does not fully utilize all of the development potential of the R-3 code. For example, once all this property is zoned R-3 it would allow 16 units versus the 12 units shown. Also while the Development Plan shows two story units, the Code would allow 2 ½ story units. So while the proposed two story townhouse project with two car garages depicted on the Development Plan is a total of 36,000 square feet, the R-3 zoning would potentially allow a 16 unit apartment project of up to 45,000 square feet of building area with a surface outdoor parking lot around a single building.

As the applicants may develop this project or may flip the property to others with different plans, the applicant and staff have agreed upon voluntary limitations to be imposed on the R-3 zoning as to scale and character. Otherwise, staff was compelled to recommend DENIAL. Staff believed this was also necessary because whatever the City decides on this property will be precedent setting for the properties across the street on the south side of Michigan Avenue and also on the north side of Miller Avenue.

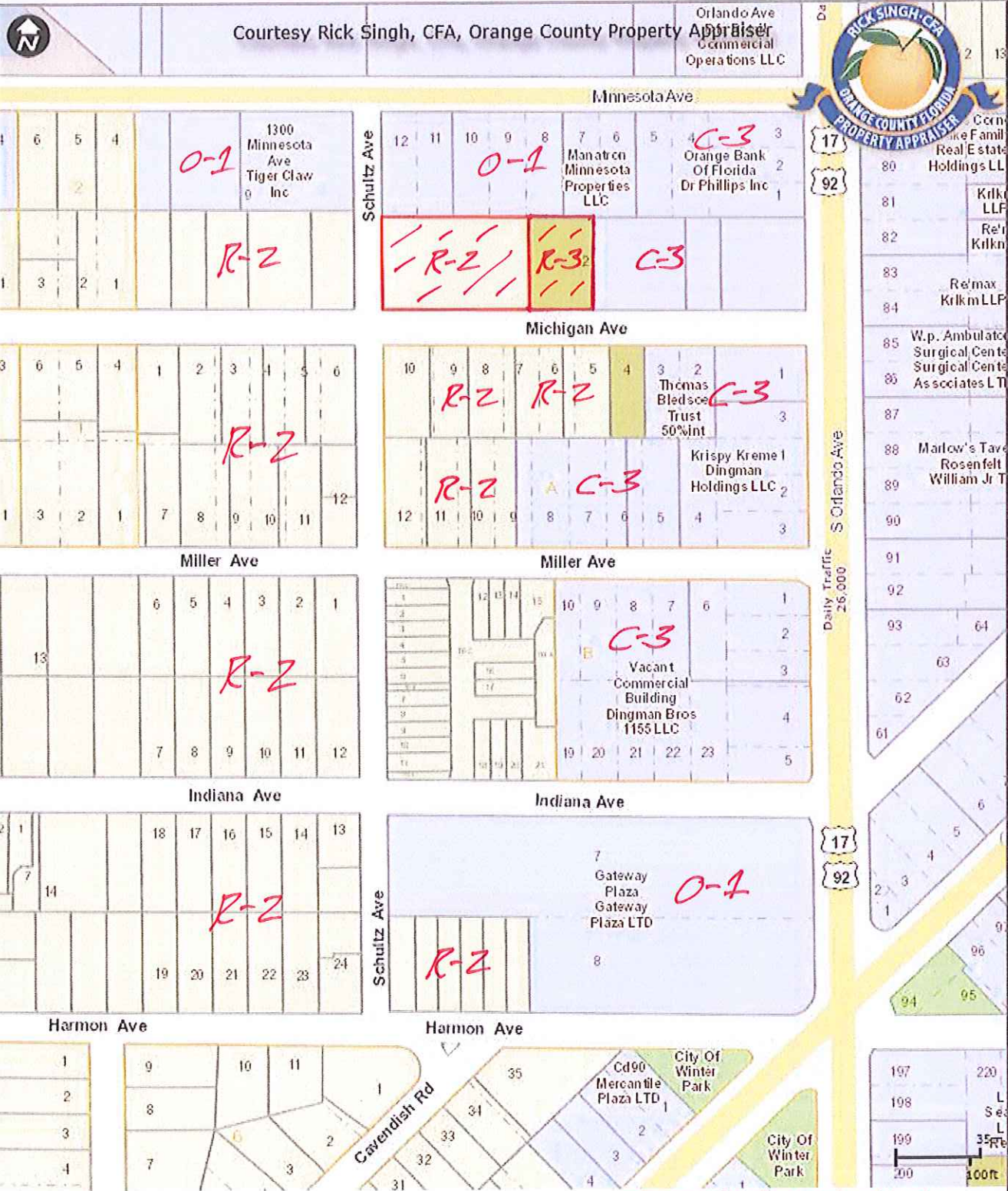
Fortunately, the applicant has agreed (in the attached letter) to accept the limitations of 12 units; two stories and 36,000 square feet. These terms are to be formalized in a Development Agreement and referenced within the text of the Zoning Ordinance.

Staff believes that just as the Townhomes at Harper Place have fit in nicely with the scale and character of the neighborhood, this project also, within these limitations will also blend in very well with the surrounding area. This project is just about the same residential density in terms of units/acre, it is similar as a two story product and similar in total floor area ratio.

STAFF RECOMMENDATION IS FOR APPROVAL subject to the limitations as incorporated in to the Development Agreement, which is referenced in the Zoning Ordinance.

OCPA Web Map

- Major Roads
- Proposed Road
- Block Line
- Commercial/Institutional
- Hydro
- Golf Course
- Florida Turnpike
- Public Roads
- Brick Road
- Lot Line
- Governmental/Institutional/Misc
- Waste Land
- Lakes and Rivers
- Interstate 4
- Galad Roads
- Rail Road
- Residential
- Commercial/Industrial/Vacant Land
- County Boundary
- Building
- Toll Road
- Road Under Construction
- Proposed SunRail
- Agriculture
- Agricultural Curtilage
- Parks
- Hospital



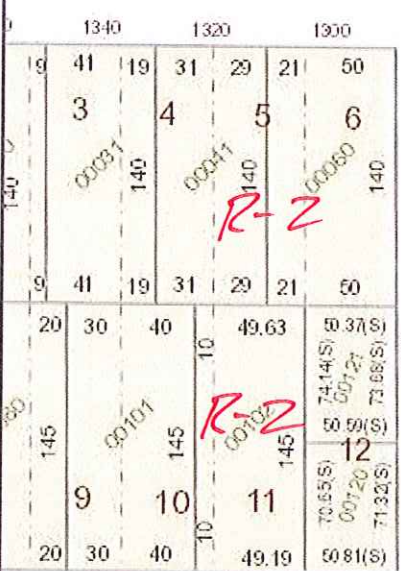
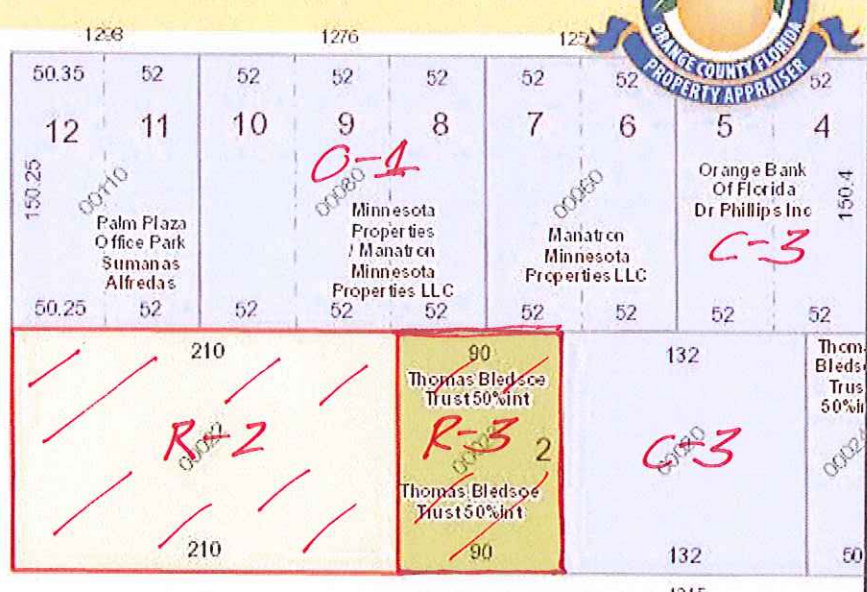
Courtesy Rick Singh, CFA, Orange County Property Appraiser

Orlando Ave
Commercial
Operations LLC

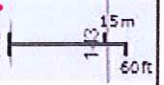
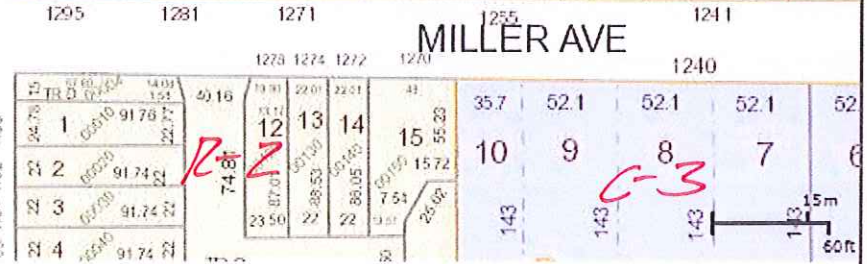
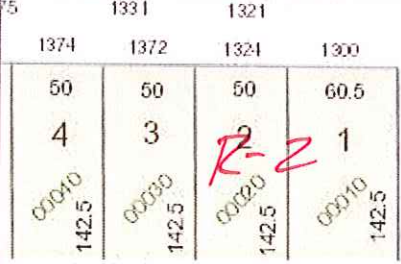
OCPA Web Map

	Major Roads		Proposed Road		Residential		Commercial/Industrial/Vacant Land		Parks	6	Lot Number
	Florida Turnpike		Public Roads		Brick Road		Agriculture		Lakes and Rivers	06060	Parcel Number
	Interstate 4		Galad Roads		Block Line		Commercial/Institutional		Building	3106	Parcel Address
	Toll Road		Road Under Construction		Lot Line		Governmental/Institutional/Misc		Waste Land	E	Block Number
										111.9	Parcel Dimension

300 Courtesy Rick Singh, CFA, Orange County Property Appraiser 1221



SCHULTZ AVE



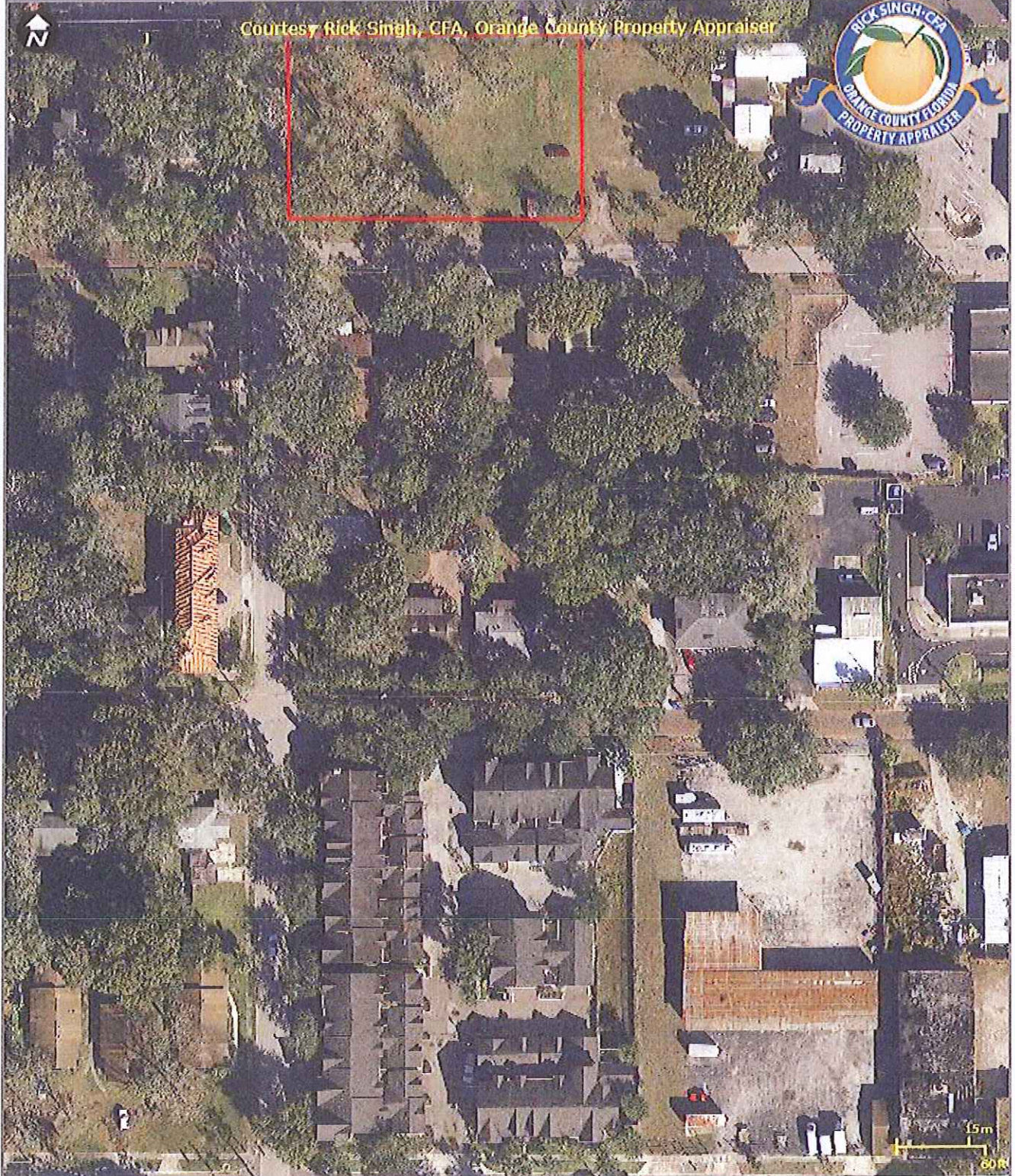
Created: 4/23/2014

This map is for reference only and is not a survey.

OCPA Web Map

Major Roads	Proposed Road	Residential	Commercial/Industrial Vacant Land	Parks	6 Lot Number
Florida Turnpike	Public Roads	Brick Road	Agricultural Curtilage	Lakes and Rivers	06060 Parcel Number
Interstate 4	Galad Roads	Agriculture	Hydro	Building	3106 Parcel Address
Toll Road	Road Under Construction	Commercial/Institutional	Waste Land	E Block Number	111.9 Parcel Dimension
	Lot Line	Governmental/Institutional/Misc.			

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 4/23/2014

This map is for reference only and is not a survey.

Jeffrey Briggs

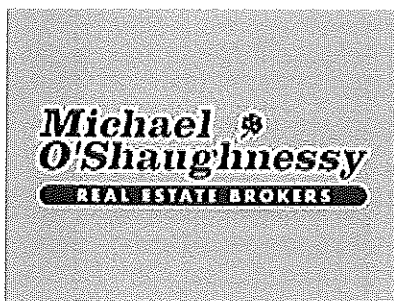
From: Michael O'Shaughnessy <44@MichaelOShaughnessy.com>
Sent: Friday, April 25, 2014 3:07 PM
To: Jeffrey Briggs
Cc: Randall Glidden; paulfbryan@mindspring.com; John Cunningham; Michael O'Shaughnessy; Larry Adams; Tom Bledsoe; Michael O'Shaughnessy
Subject: Michigan
Attachments: 1776 - Michigan & Schultz MO EditsV2 2014-04-25.docx

Jeff,
Thank you for working with us on the Michigan & Shultz property and helping us come to a mutually workable solution, with respect to our rezoning application. We appreciate your and staff feedback. We have reviewed the suggested Agreement that you sent to Randall. It looks good, with a few minor revisions. I have attached the revised document (nothing substantive), for you to take a look. I think that you will be fine with the changes, but let me know if we need to discuss. I am confirming with this email that the terms of the Agreement are acceptable to me, as the applicant, for the R3 rezoning application regarding the Michigan & Shultz property, specifically:

- Rezone the property to R-3, with the Developer Agreement as a condition of rezoning
- Developer Agreement contains the following terms:
 - 2 story restriction
 - 12 units maximum
 - total square footage of 36,000 maximum [average 3,000 per unit, but unit sizes can vary]

If you need further confirmation of my agreement, please advise and I can provide you with "formal" letter. Have a good weekend.

Michael



Have a great day!

Michael O'Shaughnessy
Michael O'Shaughnessy Inc.
Real Estate Brokers
"since 1986"
201 West Canton Ave #44

Prepared by: Jeff Briggs
City of Winter Park, Florida
401 Park Avenue South
Winter Park, Florida 32789

Return to: Cindy Bonham, City Clerk
City of Winter Park, Florida
401 Park Avenue South
Winter Park, Florida 32789

MICHIGAN & SCHULTZ AGREEMENT

THIS MICHIGAN & SCHULTZ AGREEMENT (“Agreement”) is made this ___ day of _____, 2014, between the **CITY OF WINTER PARK, FLORIDA**, a Florida municipality (“City”), whose address is City Hall, 401 Park Avenue South, Winter Park, Florida 32789, and the **1776 REAL ESTATE ADVISORS, LLC**, A Florida Limited Partnership, (“Owner”) whose address is 210 West Canton Avenue, Suite 44, Winter Park, Florida 32789:

RECITALS

WHEREAS, the City and Owner desire to modify the comprehensive plan future land use designation and zoning district designation for the property at the northeast corner of Michigan and Schultz Avenues, referred to as the “Property”, more particularly described as:

The West 310 feet of Lot 2, Henkel’s Addition to the Town of Winter Park subdivision as recorded in Plat Book “F”, Page 1 of the Public Records of Orange County, Florida.

WHEREAS, the Owner has made a voluntary commitment for future redevelopment to occur within limitations as to residential density on the Property as are incorporated within this Agreement and has further committed to these restrictions being recorded in the public records and running with title to the land, and

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, the parties agree as follows:

1. The City agrees to the requested changes in Comprehensive Plan future and use and zoning as requested for the Property and as adopted by the City Commission on June 23, 2104.
2. The Owner voluntarily agrees that future development on the Property shall not exceed two stories in height, that the maximum residential density shall be 12 residential units and that the cumulative maximum floor area density (floor area ratio) shall be no more than 36,000 square feet in total for all 12 units, as defined by the definition of floor area ratio within the City Zoning Code.
3. **BINDING EFFECT:** This Agreement shall be binding upon Owner and its successors and assigns in interest and all other parties acquiring any interest in the Property, and shall inure to the benefit of the City, and shall run with the land.
4. **AUTHORITY:** Each party represents and warrants to the other that it has all necessary power and authority to enter into and consummate the terms and conditions of this Agreement and that all acts, approvals, procedures and similar matters required in order to authorize this Agreement have been taken or followed, as the case may be, and that upon execution of this Agreement by both parties, this Agreement shall be valid and binding upon the parties hereto and their successors in interest.
5. **GOVERNING LAW:** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
6. **SEVERABILITY:** If any provisions of this Agreement are found to be illegal or invalid, the other provisions of this Agreement shall remain in full force and effect.
7. **RECITATIONS:** The Recitals are hereby incorporated as if fully set forth herein.
8. **THIRD PARTY BENEFICIARIES:** This Agreement gives no rights or benefits to anyone other than the City and Owner and has no third-party beneficiaries.

9. **NOTICES:** Any notices required or permitted to be made or given to either party pursuant to this Agreement shall be in writing and shall be delivered as follows with notice deemed given as indicated: (i) by personal delivery when delivered personally; (ii) by overnight courier upon written notification of receipt; or (iii) by email or facsimile transmission upon acknowledgment of receipt of electronic transmission.

10. **SPECIFIC PERFORMANCE:** The parties hereto shall have the right to enforce the terms and conditions of this Agreement by an action for specific performance.

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

OWNER:

1776 Real Estate Advisors LLC
201 West Canton Avenue, Suite 44
Winter Park, Florida 32789
Attn: Michael O'Shaughnessy

CITY:

City of Winter Park
401 South Park Avenue
Winter Park, Florida 32789
Attn: City Manager

With a Copy to:

Usher L. Brown, Esquire
Brown, Garganese, Weiss & D'Agresta
111 N. Orange Avenue, Suite 2000
Orlando, Florida 32802
Telephone: 407-425-9566
Fax: 407-425-9596

Signed, sealed and delivered

in the presence of :

CITY OF WINTER PARK,
FLORIDA
A municipal corporation

Signature _____
Print Name

By: _____
It's Mayor _____
Date Executed: _____

Signature

Print Name

1776 Real Estate Advisors LLC

Signature

Print Name

Date Executed: _____

Signature

Print Name

STATE OF FLORIDA
COUNTY OF ORANGE

Acknowledged before me this _____ day of _____ 2014, by
_____ who is personally known to me or has produced
(type of identification) as identification.

Notary Public, State of Florida

Print, Type or Stamp Commissioned Name of
Notary Public

STATE OF FLORIDA

COUNTY OF ORANGE

Acknowledged before me this _____ day of _____ 2014, by Kenneth Bradley as Mayor of the City of Winter Park, Florida, a municipal corporation, who is personally known to me or has produced _____ (type of identification) as identification and he acknowledged that he executed the above document for the City.

Notary Public, State of Florida

Print, Type or Stamp Commissioned Name of
Notary Public

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY MUTI-FAMILY RESIDENTIAL FUTURE LAND USE ON THE PROPERTY AT THE NORTHEAST CORNER OF MICHIGAN AND SCHULTZ AVENUES, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

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

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

WHEREAS, the owner of a property on Michigan Avenue, as petitioner for a future land use amendment, is desirous of amending the future land use designation from Low Density Residential to Medium Density Multi-Family Residential; and

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

WHEREAS, the Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on May 6, 2014, 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 June 9, 2014 and June 23, 2014 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

SECTION 1. Future Land Use Map Amendment. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation from Low Density Residential to Medium Density Multi-Family Residential on the properties at the northeast corner of Michigan and Schultz Avenues, more particularly described as follows:

The West 310 feet of Lot 2, Henkel's Addition to the Town of Winter Park subdivision as recorded in Plat Book "F", Page 1 of the Public Records of Orange County, Florida.

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 _____, 2014.

Mayor

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 LOW DENSITY RESIDENTIAL (R-2) ZONING TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT THE NORTHWEST CORNER OF MICHIGAN AND SCHULTZ AVENUES, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owner has requested a Zoning map amendment consistent with the amended Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their May 6, 2014 meeting; and

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

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

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

SECTION 1. Official Zoning Map Amendment. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation from Low Density Residential (R-2) District to Medium Density Multi-Family (R-3) District on the property at northeast corner of Michigan and Schultz Avenues, subject to the implementation of a voluntary development agreement for the property providing for limitations on development potential, more particularly described as follows:

The West 310 feet of Lot 2, Henkel's Addition to the Town of Winter Park subdivision as recorded in Plat Book "F", Page 1 of the Public Records of Orange County, Florida.

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 _____, 2014.

Mayor

Attest:

City Clerk



FEE PAID
ck # _____
amt. \$ _____
date _____

**APPLICATION FOR COMPREHENSIVE PLAN
AMENDMENT AND/OR
APPLICATION FOR A CHANGE IN ZONING CLASSIFICATION**

General Instructions: To request a change in land use category or zoning, complete this application and submit it to the Planning Department along with the fee of \$1,000 for less than one (1) acre or \$6,000 for more than one (1) acre and all additional information necessary for public hearing before the Planning and Zoning and the City Commissions. **All required documents must be submitted with the application.**

<u>I. APPLICANT</u>	<u>OWNER</u>
Name <u>1776 Real Estate Advisors, LLC</u>	<u>Thomas Bledsoe Trust, et al</u>
Address <u>201 West Canton Ave - Ste. 44</u>	<u>1385 Abbot Way</u>
<u>Winter Park, Florida 32789</u>	<u>Deland, Florida 32724</u>
Phone <u>407-539-4844</u>	<u>407-539-6174</u>
Email Address <u>44@michaeloshaughnessy.com</u>	Email Address <u>twbledso@gmail.com</u>

Is the property under contract for purchase or lease? Yes No

If the applicant is NOT the owner, attach a copy of the purchase or lease contract or option on the property, or a letter signed by the owner of record authorizing the applicant to act as agent for the owner. This information is requested to establish the legal status of the applicant and will be held in confidence, except as the information pertains to the zoning application.

Is the contract for purchase or lease contingent upon this approval? Yes No

II. PROPERTY The west 300 feet of Lot 2, Henkel's Addition to town of Winter Park (PARCEL A) plus the west 10 feet of the east 132 feet of of the west 432 feet of Lot 2 Henkel's Addition to Town of Winter Park (Portion of PARCEL B)

Street Address: _____
 PARCEL # PARCEL A R-3 12-22-29-3484-00-023 & R-2 12-22-29-3484-00-022 PARCEL B C-3 12-22-20 3484-00-020 (part -10')
 (same as tax ID number of Orange County property tax records)

Legal Description: Provide complete and accurate legal description below including Plat Book and Page Number OR attach a copy of the legal description to this application.

PARCEL A - The west 300 feet of Lot 2, Henkel's Addition to town of Winter Park, as recorded in Plat Book F page 1 of the Public Records of Orange County Florida., Less the south 25 feet for road.
10' of PARCEL B - The east 132 feet of the west 432 feet of Lot 2 Henkel's Addition to the town of Winter Park as recorded in the Plat Book F page 1 of the Public Records of Orange County, Florida less the south 25' for road.

III. ZONING MAP AMENDMENT/COMPREHENSIVE PLAN AMENDMENT

Current Future Land Use Low Density Residential Proposed Future Land Use Medium Density Residential
 Current Zoning R-2, R-3 & C-3 Proposed Zoning R-3

The applicant requests that the property be changed to a zoning/land use (as specified above) for the following specific use or uses:


Construction of residential townhouses.

IV. CERTIFICATION

I certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate, and that I am:

- the owner of the property described herein
- a party to an agreement for purchase or lease of this property
- an agent for the owner or purchaser/lessee of this property

If applicable, it is understood and agreed that approval of this application by the Planning and Zoning Commission is contingent upon the recording of restrictive covenants designing the terms and conditions of an approval. These restrictive covenants will be executed by the owner of the property and recorded by the City of Winter Park. Said owner will be responsible for all fees associated with the recording of this document.

SIGNATURE 
 Michael O'Shaughnessy Manager
 1776 Real Estate Advisors, LLC

DATE 3-28/14

BLEDSONE STEWARD PROPERTIES
1385 Abbot Way
DeLand, FL 32724

March 27, 2014

City of Winter Park
Attention: Planning Department
Hand Deliver

Re: Application for a Change in Zoning Classification
West 310 ft. of Lot 2, Henkel's Addition to the Town of Winter Park, PB F, Pg 1, Less S 25 ft. for road r/w

To whom it may concern:

As Trustee of the Thomas Bledsoe Trust and authorized agent for the co-owners, I hereby authorize 1776 Real Estate Advisors, LLC ("1776"), whose representative is Michael O'Shaughnessy, of 201 West Canton Avenue., Suite 44, Winter Park, FL 32789, to act as agent for the undersigned owner and to file the Application For a Change in Zoning Classification on the above referenced property, which accompanies this letter.

The 1776 entity's representatives, consultants and agents are also authorized to file any additional information required to comply with the City of Winter Park regulations or laws pertaining to the Application, to appear at hearings held by the Planning and Zoning Board or the City Council, to attend meetings with the City staff and to do whatever else is reasonably appropriate to process the Application to conclusion on behalf of the undersigned.

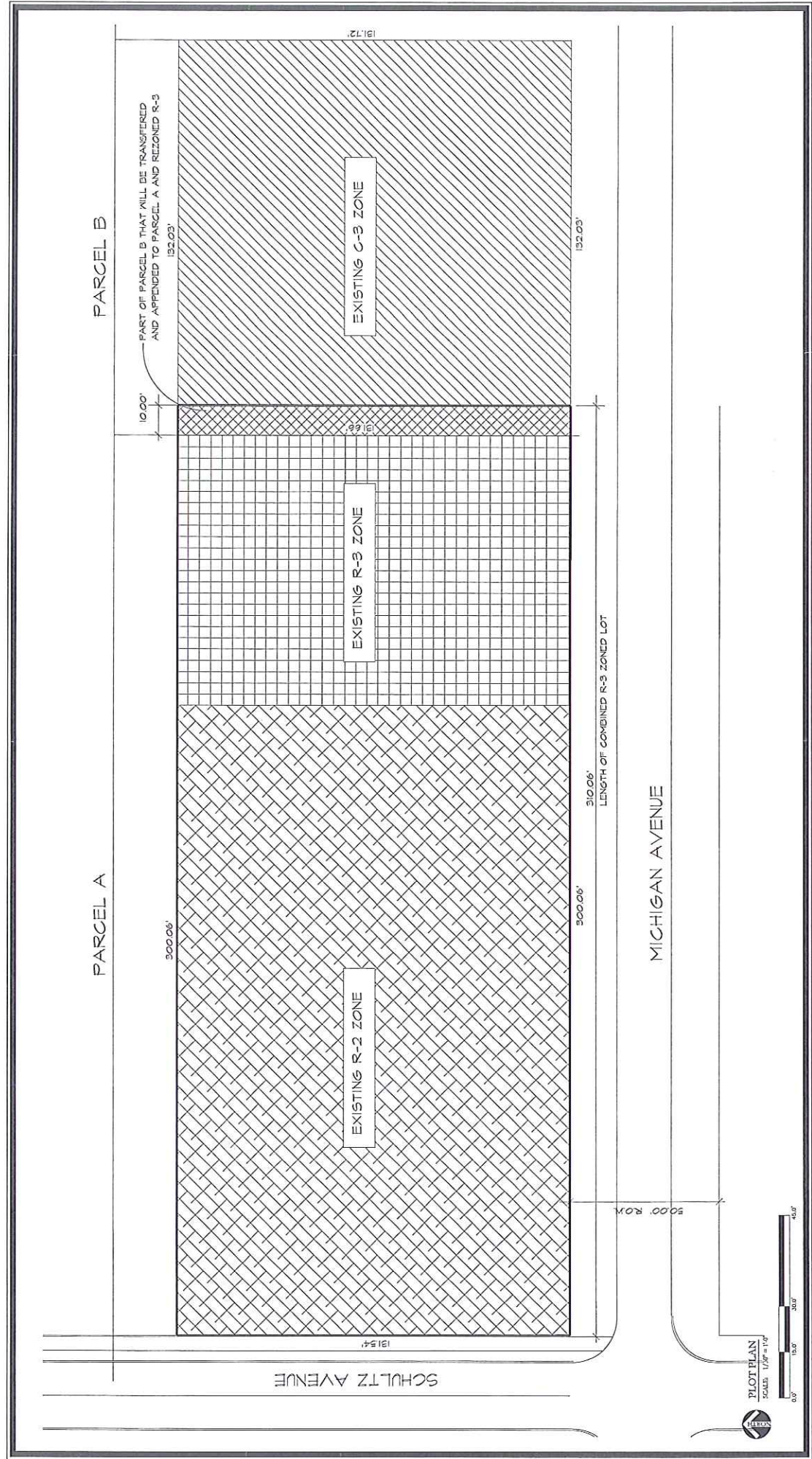
Thank you.

Sincerely,



Thomas W. Bledsoe,

Trustee of the Thomas Bledsoe Trust and Agent for the co-owners, Harrison B. Steward IV and John Clay
Steward
Owner



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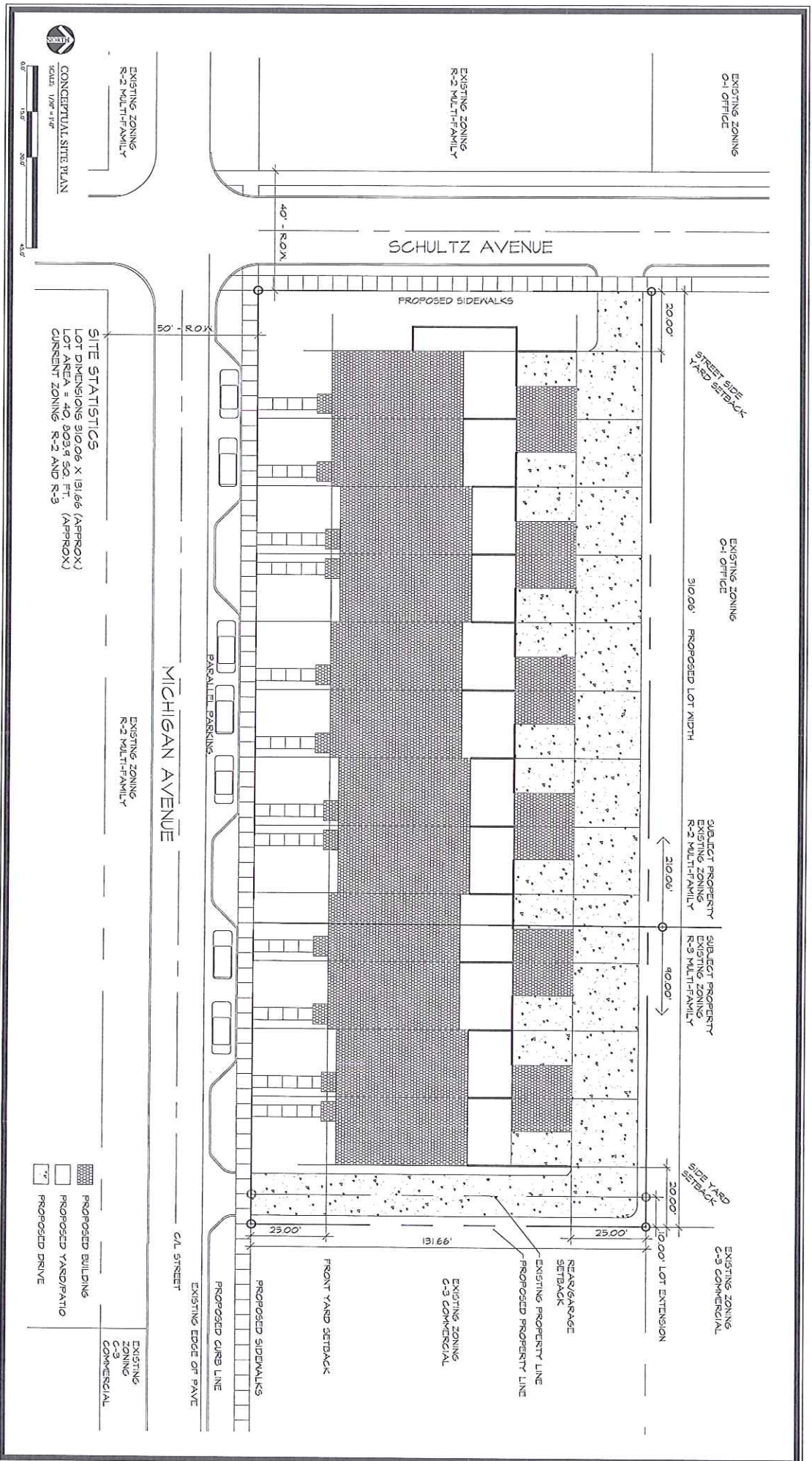
REZONING of LAND at the CORNER of MICHIGAN & SCHULTZ AVENUES.
Winter Park, Florida

APRIL 2, 2014

955 North Pennsylvania Avenue - Winter Park, FL - (T)407-740-8405 - (F)407-740-8406 - acistudios.com

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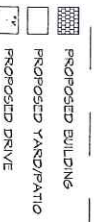


EXISTING ZONING
R-2 MULTI-FAMILY

SITE STATISTICS
LOT DIMENSIONS 310.06' X 131.66' (APPROX.)
LOT AREA = 40,803.9 SQ. FT. (APPROX.)
CURRENT ZONING R-2 AND R-3



EXISTING ZONING
C-3 COMMERCIAL



REZONING of LAND at the CORNER of MICHIGAN & SCHULTZ AVENUES.
Winter Park, Florida

APRIL 2, 2014





CONCEPTUAL PHOTOS

REZONING of LAND at the CORNER of MICHIGAN & SCHULTZ AVENUES.
Winter Park, Florida

APRIL 2, 2014



THE PRESENTATION OF THIS PLAN IS INTENTIONALLY AN ARTISTIC CONCEPT AND DOES NOT REPRESENT AN OFFICIAL ACTION OF ANY AGENCY. THE INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSE.

**CITY OF WINTER PARK
PLANNING AND ZONING BOARD**

**Staff Report
May 6, 2014**

REQUEST OF GARMET LTD FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS CHANGE THE FUTURE LAND USE MAP DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTIES AT 298 AND 313 W. NEW ENGLAND AVENUE.

REQUEST OF GARMET LTD FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING DESIGNATIONS OF GENERAL COMMERCIAL (C-3), LIMITED COMMERCIAL (C-3A) AND MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICTS TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTIES AT 298 AND 313 W. NEW ENGLAND.

These public hearings involve requests by Garmet Ltd. (property owner) of 298 and 313 W. New England Avenue to change the Comp. Plan and Zoning to Central Business District (C-2). The property at 298 W. New England, on the southeast corner of New England and Virginia Avenues, is 38,768 sq. ft. in size (0.89 acres) and has existing C-3, C-3A and R-3 zoning. The property at 313 W. New England, on the north side of New England Avenue is 13,000 sq. ft. in size (0.30 acres) and has existing R-3 zoning.

When the Community Redevelopment Area was established in 1994, one of the primary goals was to encourage the redevelopment of that portion of West New England Avenue from Pennsylvania to New York Avenue. To that end, the City administratively changed the Comprehensive Plan future land use map in 1995 for all the properties affected to a Commercial FLU. In that way, anyone buying a property would know they were guaranteed to be able to get that property rezoned from residential or office to commercial. By "commercial" that meant being rezoned to general commercial C-3 or to C-3A districts.

However, when the redevelopment of New England Avenue began in earnest shortly thereafter, with the redevelopment of the Dexters building, the zoning needed for that density and building setback, up close to the street, was the central business district, C-2 designation. The major difference between general commercial C-3 zoning and central business district C-2 zoning is that C-3 has a 45% FAR and 10 foot street setbacks and the C-2 zoning has a 200% FAR and allows buildings with zero front setbacks right at the sidewalk. Much like the character of Park Avenue.

In turn, all of the successive redevelopment of New England Avenue between Pennsylvania and Virginia Avenues has been undertaken utilizing C-2 central business district zoning. This has been consistent with the goal to emulate on West New England Avenue, the style, density and character of Park Avenue. The goal has also been to someday have the redevelopment continue down to New York Avenue so the Park Avenue shopping district is physically connected to the Hannibal Square business district. In that way, one's shopping trip would be up and down Park Avenue and up and down West New England Avenue.

During 2007-2008 in the preparation of the current Comprehensive Plan, which was adopted in 2009, there was much discussion with the Planning Board and City Commission on what the appropriate density should be for this last 'block' of the redevelopment West New England Avenue. This debate on either Commercial or Central Business District FLU for New England Avenue from Virginia to New York Avenues was specifically referred to the Planning Commission for a recommendation in October 2008. The major difference between the two designations is the 45% maximum FAR in the Commercial FLU and the 200% FAR maximum in the CBD FLU. You will hear or read of this as described as the difference between 'red' and 'pink', as red is the color of commercial and pink is the color of the CBD. Those materials are attached.

At that time in 2008, the staff recommendation was in favor of the Central Business District FLU. This was based on continuing the redevelopment pattern that had already occurred along New England Avenue. It also was based on the recognition that the City still has the review and approval control over all redevelopment since the Code requires P&Z/City Commission approval of any building/building addition over 500 sq. ft. However, the P&Z recommendation was to compromise between the two and establish a maximum 100% FAR for this block of New England Avenue so that the style and character of the redevelopment could continue but in a slightly smaller scale. This Policy was then adopted by the City Commission as shown below:

Policy 1-3.2.4: New England Avenue Transitional Development Standards. In addition to the policy parameters outlined above, the portion of the Hannibal Square Neighborhood Commercial District comprising properties that front on New England Avenue between Virginia and New York Avenues may be developed with enhanced density and intensity. Notwithstanding the limitations otherwise imposed upon properties designated with Commercial future land use, for any lots fronting on New England Avenue from Virginia to New York Avenues, development may be permitted enhanced density and intensity up to a maximum 100% floor area ratio (FAR).

So by changing the Future Land Use on these properties from Commercial to Central Business District, this Policy would not apply and the owners would be permitted up to a maximum 200% FAR and the setbacks of C-2 zoning.

Staff Analysis of the Applicant's Requests:

The staff recommendation in October 2008 was in favor of CBD and C-2 zoning for this area and the staff continues to believe that is appropriate based on continuing the redevelopment pattern that has already occurred along New England Avenue. It also was based on the recognition that the City still has the review and approval control over all redevelopment since the code requires P&Z/City Commission approval of any building/building addition over 500 sq. ft.

It is also important to note that the former Grant Chapel property at 301 West New England in this same area is already designated CBD and zoned C-2. That was done prior to the Comp. Plan Policy change in 2009.

One can debate the merits of the transition in density for this block (200% FAR vs. 100% FAR) but that transition will still be in effect on the eastern half of the block.

STAFF RECOMMENDATION IS FOR APPROVAL of the change to Central Business District FLU and C-2 Zoning for the properties at 298 and 313 West New England Avenue.

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- Toll Ramp
- Interstate Ramp
- One Way
- Brick Road
- Rail Road
- Proposed SunRail
- Block Line
- Let Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental
- Institutional/Misc
- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Building

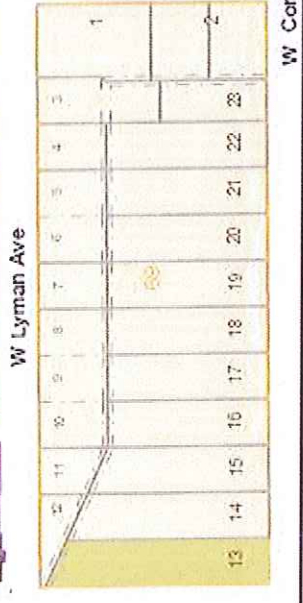
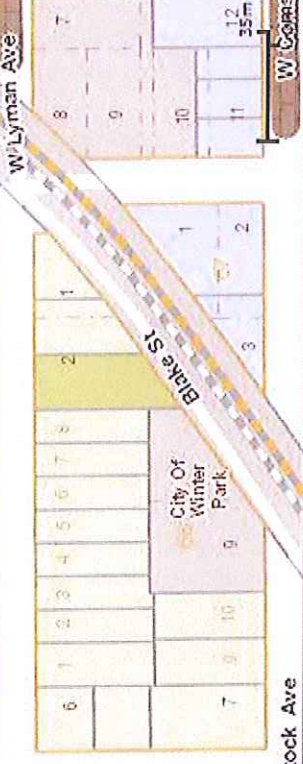
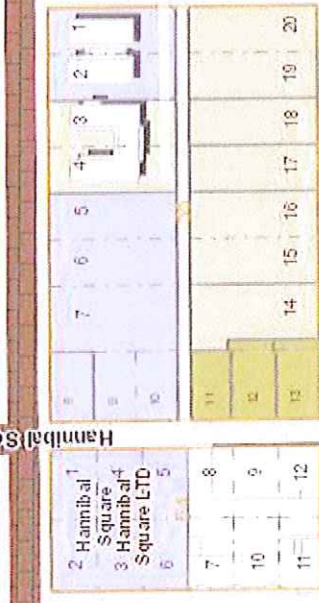
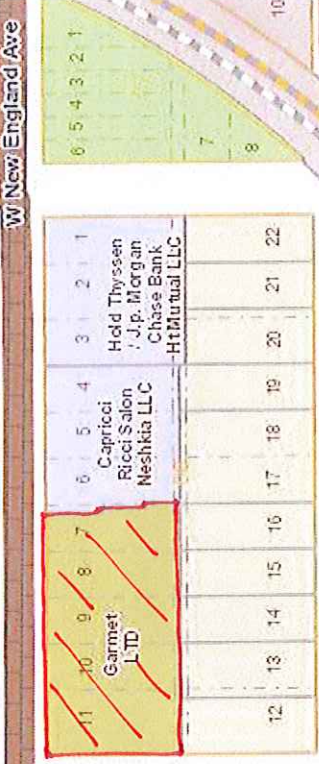
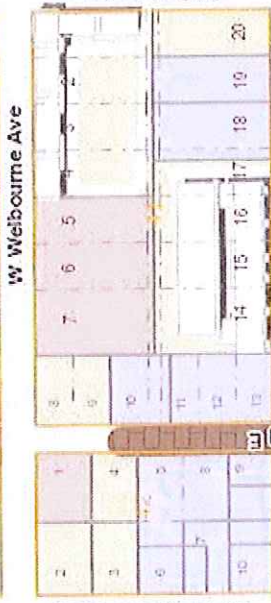
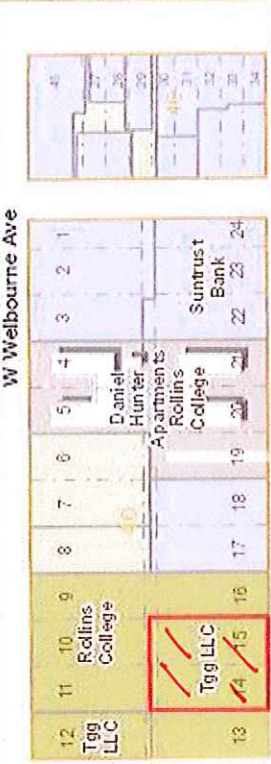
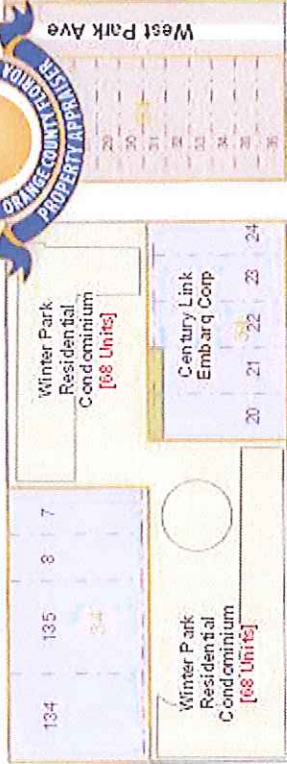


14 15 16 17 18 19 20 21 22 23 24 25 26
 Courtesy Rick Singh, CFA

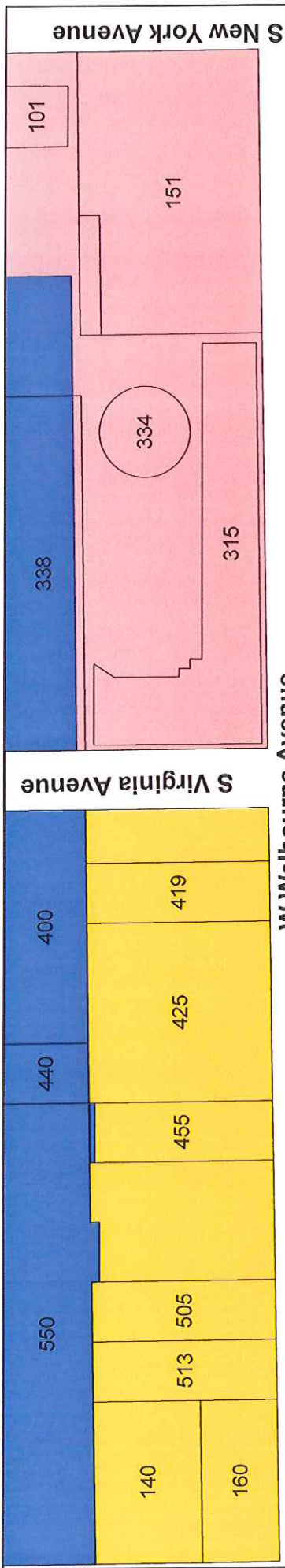
Orange County Property Appraiser



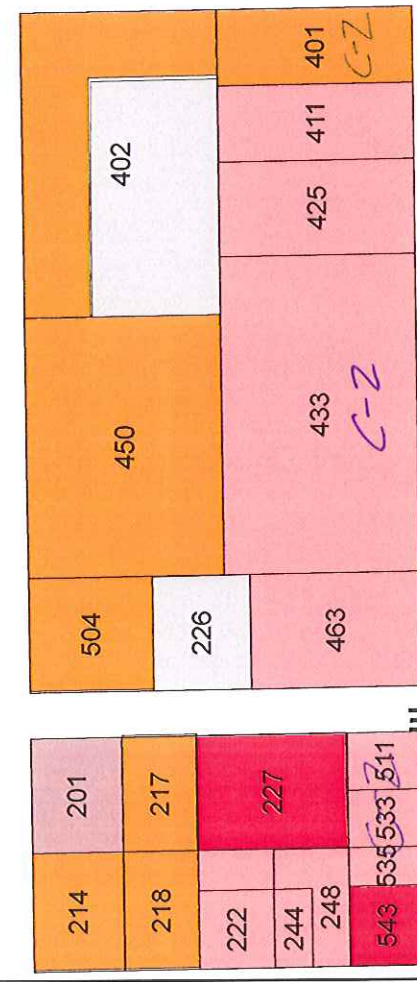
This map is for reference only and is not a survey.



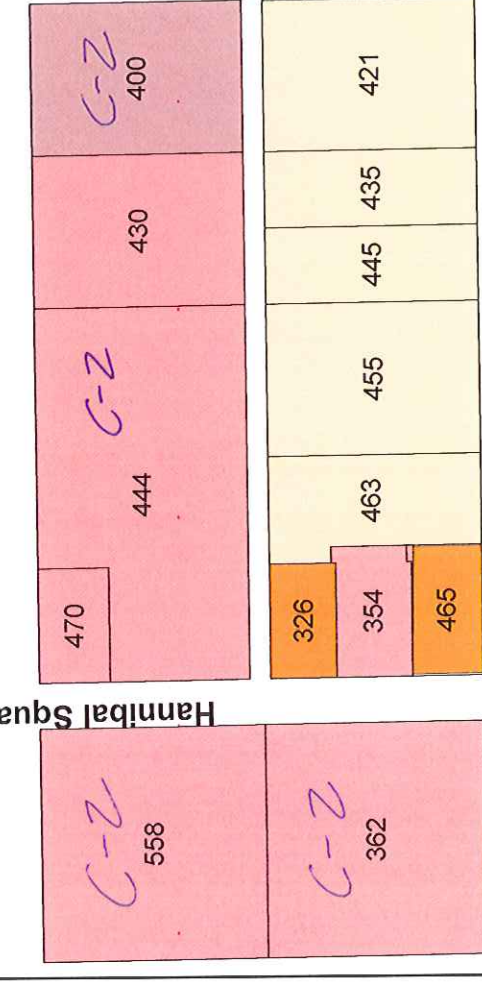
Created: 4/17/2014



W Welbourne Avenue



W New England Avenue



W Lyman Avenue

Zoning

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 COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTIES AT 298 AND 313 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.

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 Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on May 6, 2014, 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 June 9, 2014 and June 23, 2014 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 commercial to central business district on the properties at 298 and 313 West New England Avenue, being more particularly described as follows:

Lots 7, 8, 9, 10 & 11, and the north half of the vacated alley adjacent thereto within Block 56, 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 # 05-22-30-9400-56-070

Lots 14 & 15 and the south half of the vacated alley adjacent thereto within Block 40, 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 # 05-22-30-9400-40-140

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 _____, 2014.

Attest: Mayor

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-3), COMMERCIAL (C-3A) DISTRICT AND MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTIES AT 298 AND 313 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the owner has requested a Zoning map amendment consistent with the amended Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their May 6, 2014 meeting; and

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

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

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the existing zoning designations of commercial (C-3), commercial (C-3A) and medium density multiple family residential (R-3) to commercial (C-2) district zoning on the properties at 298 and 313 West New England Avenue, more particularly described as follows:

Lots 7, 8, 9, 10 & 11, and the north half of the vacated alley adjacent thereto within Block 56, 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 # 05-22-30-9400-56-070

Lots 14 & 15 and the south half of the vacated alley adjacent thereto within Block 40, 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 # 05-22-30-9400-40-140

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 _____, 2014.

Mayor

Attest:

City Clerk

**CITY OF WINTER PARK
PLANNING AND ZONING COMMISSION**

Staff Report
October 1, 2008 

COMPREHENSIVE PLAN POLICY REFERRAL

The City Commission referred back to the Planning Commission for a recommendation, the decision on the appropriate Future Land Use designation for the properties fronting on New England Avenue generally in between Pennsylvania and New York Avenue. (See attached map) The choice is between Commercial (red), as now exists in the Comprehensive Plan and a change to Central Business District (pink):

Background

In 1994, the City established and adopted our Community Redevelopment Area (CRA) Plan including the Hannibal Square neighborhood. The key component of the CRA Plan was to encourage the redevelopment of the properties that fronted on New England Avenue and Morse Boulevard in order to eliminate the blighted conditions (rooming houses, bars, vacant properties, etc.). In particular, New England Avenue was envisioned as becoming an expansion or extension of Park Avenue with shoppes, restaurants and apartments upstairs. The CRA Plan indicated a future 'mixed use' zoning. Staff at that time drafted and proposed a new Mixed Use zoning district but it was opposed by neighborhood residents who did not want zoning in their neighborhood that was different than the zoning used throughout the rest of the City. So it was decided that we would work with the existing zoning options which are C-3, C-3A and C-2.

In 1995, the City amended the Comprehensive Plan future land use map to designate all the properties fronting on New England Avenue as commercial (red). Commercial (red) indicates C-3 or C-3A zoning. This was to make it easier for future buyers/developers to invest since they could count on the certainty of rezoning.

Four other important policy decisions evolved after that action:

1. Based upon incremental requests from the Sydgan Corp. investors, the City on a case by case basis approved rezoning/comp. plan changes to Central Business District (C-2) zonings. This permitted the scale and intensity of buildings which have been developed over the ensuing years which is greater than the Commercial (C-3/C-3A) codes would have permitted.
2. In order to encourage mixed use buildings with residential components, the City limited buildings to no more than two stories unless the third floor was used as residential and deed restricted for that residential use. So every three story building along New England Avenue has residential on the third floor and it is deed restricted to that use.

3. Expansion onto any property fronting on Lyman Avenue (for building or parking) is absolutely prohibited. So there will be no expansion of any commercial building or parking lot beyond the dimensions of the lots fronting on the south side of New England Avenue.
4. Expansion onto a portion of properties fronting on Welbourne Avenue has been permitted provided that Welbourne Avenue maintains a residential face such as the Liner Apartment building at the SW corner of Welbourne and Virginia Avenues. So it is possible that parking for developments on the north side of New England Avenue may ask (via comp. plan and rezoning) to use the southern 50%-65% of the residential lots fronting on Welbourne Avenue as parking.

Primary Differences in the Commercial and CBD designations

There are two primary differences in the Commercial (C-3/C-3A) and Central Business District (C-2) designations. They are setbacks and floor area ratio.

The C-3/C-3A zoning has 10 foot front setbacks, 5 foot side setbacks and 30 foot rear setbacks for buildings. The C-2 zoning has up to a zero front setback, zero also on the sides and 10 feet in the rear. The difference in the rear setbacks is moot because virtually every scenario will have parking in the rear. However, if the City wants to continue the streetscape pattern that already exists for the majority of New England Avenue then the C-2 setbacks are the most appropriate. It is however possible, since the City Commission can grant setbacks variances, to continue the existing streetscape pattern and still utilize the C-3/C-3A zoning. That is if you believe that any kind of variance (for anything !) is possible in this current political environment. So this may or may not be a major factor in your decision.

The C-3/C-3A zoning has up to a 45% floor area ratio (FAR). The C-2 zoning has up to a 200% FAR. This appears to be a big difference except for the role parking plays in development scenarios.

Regardless, of the future land use or zoning designation, any new building has to provide parking to meet the code. The entire development world revolves around parking. With surface parking, commercial or office buildings max out at 45% FAR. You do not have any enough land to provide enough parking that allows you to exceed the 45% FAR. It is only because of the parking garage, now under construction at the 362 S. Pennsylvania Avenue building and the basement parking under the 450 New England Avenue building, that allowed the density of the existing buildings that exist along New England Avenue.

It is also important to mention that any prospective parking garage in the future will count toward the FAR since it will be a "Private parking garage" defined as "any parking structure within which parking is provided as required by the parking requirements of the Land Development Code to meet the code requirements for the private (non-public) use of building space, be it for retail, office, restaurant, residential uses, etc. This floor area of the private parking space is counted toward the floor area ratio. Regardless of the fact that the "public" uses the parking garage spaces as customers, clients, residents, visitors, or employees if the parking space floor area is necessary to meet the code requirements it is defined as private parking."

As you are aware, the floor area of private parking garages were previously excluded from the floor area ratio limitation within the CBD.

Potential Development under the CBD designation

When you look at the property sizes that exist within the remaining properties left for redevelopment along New England Avenue, there does not exist any current property that is big enough to hold a parking garage and a building. It may be possible for a building to have parking within a basement under a building footprint but otherwise redevelopment will consist of buildings and surface parking. Realistically, the only advantage to the property owners in gaining a CBD designation is the additional FAR possible by using the second or third floors as residential (since the parking requirements are less) or with the basement parking scenario. The resultant FAR's would be in the 80%-100% range.

The questions for the Planning Commission are twofold. Do you want to see a continuation of the development pattern that currently exists on New England Avenue for the balance of its length? Buildings up front and the bulk of the parking hidden to the rear. If you do, then the CBD (C-2) setbacks are required.

The second question is whether you want to continue to see building projects along New England Avenue with residential components within them, as we have seen in the projects developed to-date along New England Avenue. It is less likely that a developer will build residential units within buildings if they are limited to a 45%/60% FAR when space can be rented or sold at higher prices as commercial or office space. Why would you build the same square footage and rent/sell it for less? The additional FAR you will get from the CBD (C-2) designation (above 60%) is the incentive needed to encourage residential units in future building projects. If you think the apartments within the buildings along New England Avenue were a bad idea then keeping the Commercial future land use designation will insure that the City does not get any more residential units along New England Avenue.

Staff Recommendation

Staff understands that any issue that involves granting property owners more building size is dead on arrival with many citizens. Makes no difference what the merits are.

It just seems like we are halfway done on New England Avenue and we should keep the same development pattern. The buildings cannot be as big as we have seen because they do not have the option for a parking garage. However, they can be larger than the 45%/60% FAR that is the maximum in the Commercial designation. Otherwise we will have one block (Penn. to Virginia) that looks like Park Avenue and the next block (Virginia to New York) that will look like Aloma Avenue. (Buildings surrounded by surface parking lots)

THE STAFF RECOMMENDATION IS FOR DESIGNATING THE REMAINING BLOCK FRONTAGES ON NEW ENGLAND AVENUE AS CENTRAL BUSINESS DISTRICT.



FEE PAID
ck # _____
amt. \$ _____
date _____

**APPLICATION FOR COMPREHENSIVE PLAN
AMENDMENT AND/OR
APPLICATION FOR A CHANGE IN ZONING CLASSIFICATION**

General Instructions: To request a change in land use category or zoning, complete this application and submit it to the Planning Department along with the fee of \$1,000 for less than one (1) acre or \$6,000 for more than one (1) acre and all additional information necessary for public hearing before the Planning and Zoning and the City Commissions. All required documents must be submitted with the application.

<p>I. <u>APPLICANT</u></p> <p>Name <u>Sydsan Corporation</u></p> <p>Address <u>P.O. Box 350</u> <u>Winter Park, FL 32790</u></p> <p>Phone <u>407-644-3151</u></p> <p>Email Address <u>W1454 @ Aol. com</u></p>	<p><u>OWNER</u></p> <p><u>GARMET, Ltd</u></p> <p><u>P.O. Box 350</u> <u>Winter Park, FL 32790</u></p> <p><u>407-644-3151</u></p> <p>Email Address <u>W1454 @ Aol. com</u></p>
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Is the property under contract for purchase or lease? Yes No

If the applicant is NOT the owner, attach a copy of the purchase or lease contract or option on the property, or a letter signed by the owner of record authorizing the applicant to act as agent for the owner. This information is requested to establish the legal status of the applicant and will be held in confidence, except as the information pertains to the zoning application.

Is the contract for purchase or lease contingent upon this approval? Yes No

II. PROPERTY

Street Address: 298 W. New England Ave

PARCEL # 05-22-30-9400-56-070 (same as tax ID number of Orange County property tax records)

Legal Description: Provide complete and accurate legal description below including Plat Book and Page Number OR attach a copy of the legal description to this application. See ATTACHED

III. ZONING MAP AMENDMENT/COMPREHENSIVE PLAN AMENDMENT

Current Future Land Use <u>Commercial</u>	Proposed Future Land Use <u>CRD</u>
Current Zoning <u>C-3, C-3A</u>	Proposed Zoning <u>C-2</u>

The applicant requests that the property be changed to a zoning/land use (as specified above) for the following specific use or uses:

1PTO Three story mixed use Development.

IV. CERTIFICATION

I certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate, and that I am:

the owner of the property described herein

a party to an agreement for purchase or lease of this property

an agent for the owner or purchaser/lessee of this property

If applicable, it is understood and agreed that approval of this application by the Planning and Zoning Commission is contingent upon the recording of restrictive covenants designing the terms and conditions of an approval. These restrictive covenants will be executed by the owner of the property and recorded by the City of Winter Park. Said owner will be responsible for all fees associated with the recording of this document.

SIGNATURE [Signature] DATE 4/3/14



FEE PAID
ck # _____
amt. \$ _____
date _____

APPLICATION FOR COMPREHENSIVE PLAN
AMENDMENT AND/OR
APPLICATION FOR A CHANGE IN ZONING CLASSIFICATION

General Instructions: To request a change in land use category or zoning, complete this application and submit it to the Planning Department along with the fee of \$1,000 for less than one (1) acre or \$6,000 for more than one (1) acre and all additional information necessary for public hearing before the Planning and Zoning and the City Commissions. **All required documents must be submitted with the application.**

I.	<u>APPLICANT</u>	<u>OWNER</u>
Name	<u>SYDSAON CORPORATION</u>	<u>T99, LLC</u>
Address	<u>P.O. Box 350</u> <u>Winter Park, FLA 32790</u>	<u>P.O. Box 350</u> <u>Winter Park, FLA 32790</u>
Phone	<u>407-644-3151</u>	<u>407-644-3151</u>
Email Address	<u>WI454@AOL.com</u>	<u>WI454@AOL.com</u>

Is the property under contract for purchase or lease? Yes No

If the applicant is NOT the owner, attach a copy of the purchase or lease contract or option on the property, or a letter signed by the owner of record authorizing the applicant to act as agent for the owner. This information is requested to establish the legal status of the applicant and will be held in confidence, except as the information pertains to the zoning application.

Is the contract for purchase or lease contingent upon this approval? Yes No

II. PROPERTY

Street Address: 313 W. New England Ave

PARCEL # 05-22-30-9400-40-140 (same as tax ID number of Orange County property tax records)

Legal Description: Provide complete and accurate legal description below including Plat Book and Page Number OR attach a copy of the legal description to this application.
See ATTACHED

III. ZONING MAP AMENDMENT/COMPREHENSIVE PLAN AMENDMENT

Current Future Land Use Commerce Proposed Future Land Use CBD

Current Zoning R-3 Proposed Zoning C-2

The applicant requests that the property be changed to a zoning/land use (as specified above) for the following specific use or uses:
UP TO THREE (3) STORY MIXED USE DEVELOPMENTS.

IV. CERTIFICATION

I certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate, and that I am:

- the owner of the property described herein
- a party to an agreement for purchase or lease of this property
- an agent for the owner or purchaser/lessee of this property

If applicable, it is understood and agreed that approval of this application by the Planning and Zoning Commission is contingent upon the recording of restrictive covenants designing the terms and conditions of an approval. These restrictive covenants will be executed by the owner of the property and recorded by the City of Winter Park. Said owner will be responsible for all fees associated with the recording of this document.

SIGNATURE DATE 4/3/14