

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

**Staff Report  
September 1, 2015**

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**REQUEST OF UNICORP NATIONAL DEVELOPMENTS, INC. TO:** AMEND AND PROVIDE FOR FINAL CONDITIONAL USE APPROVAL FOR THE LAKESIDE CROSSING REDEVELOPMENT IN ORDER TO ALLOW AN INCREASE IN THE SIZE OF THE PARKING GARAGE BY APPROXIMATELY 75 SPACES FROM A TWO AND A HALF LEVEL STRUCTURE TO A THREE LEVEL STRUCTURE ON THE PROPERTY AT 110 S. ORLANDO AVENUE, ZONED C-3 AND PROVIDING FOR CERTAIN EXCEPTIONS AND FOR THE APPROVAL OF A DEVELOPMENT ORDER PERTAINING TO THE PROJECT.

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This public hearing is the request by Unicorp National Developments, Inc. for their "final" amended Conditional Use approval for the expanded three level parking garage of 276 spaces.

As you are aware, Unicorp National Developments, Inc. received their "final" conditional use approval for their Lakeside Crossing project from the Planning Board on April 7, 2015 and from the City Commission on April 27, 2015, for the property at 110 N. Orlando Avenue, zoned C-3. That approval was for the 2 ½ level parking garage of 201 spaces.

On the June 2, 2015 P&Z agenda was a Comprehensive Plan Amendment (CPA) and Zoning Code Amendment to enable Unicorp to expand the project parking garage by 75 parking spaces which would change it from a 2½ level structure to a 3 level structure. The request also committed one-half of those spaces as "private parking" that could be used for expanded restaurant seating and the other half would be deemed "public parking" to be provided in excess of the City's parking code requirements.

**The Approval Process:**

At the P&Z and City Commission public hearings in June, the method for approval to expand this parking garage was an amendment to the Comprehensive Plan and C-3 Zoning Code to allow for this additional FAR. However, it has been determined by the City Attorney, at the request of the City Commission that an alternative method of approval could be via exception in the Development Agreement for the project. That method would be to classify the 40 employee parking spots within the parking garage (provided for the Lakeside/Trader Joe's project) as public parking, thus not counting toward the floor area ratio, in essence, creating a parking variance for the Lakeside project. The attached Development Agreement contains those provisions.

In the interim, the CPA was sent to the Florida Dept. of Economic Opportunity for review and comment. The City has received their response and they have no objection to the CPA as originally proposed. The City Commission will decide which method is most appropriate to allow for the third floor of the parking garage to be completed. Both methods of approval then will be going forward to the City Commission for them to choose between.

### **The New Plan Submittals/Final Conditional Use:**

The 'action' item for the Planning Board is the final CU for the proposed 3 level parking garage. The footprint dimensions, location and setbacks of the parking garage have not changed from the preliminary CU approval in April. The only change is that the parking garage would be fully two-stories in height (25 feet tall approx.) on all sides with parking on the roof/upper third level. The floor area ratio under the CPA method 52.52% and via the Development Agreement approach would be 43.79%, within the maximum 45% FAR for that C-3 zoning.

**Parking Garage Design:** The new plans and new façade elevations that have been substantially revised from the previous conceptual plans shown in April and June in order to respond to the City's new parking garage design guidelines. The parking garage will look like the elevations that show both the structure and the landscape buffer. Staff also asked the applicant for versions with the landscaping removed. The important design elements are that:

1. Staff recognizes there is a modern or contemporary architectural character to the Lakeside Crossing project and that the parking garage design is attempting to incorporate and replicate some of those design elements.
2. The Developer's architects have incorporated architectural appeal to the facades and have added design elements that were not included in the initial versions of the design such as the addition of the planter boxes, window framing and other new design improvements.
3. There have been additions of the window/opening framing and planter boxes much like what was done at the Winter Park Towers parking garage. Attached is a picture of the WP Towers garage that shows those elements. This plan does not include the "Juliet" railing projections seen in the picture as they are not compatible with this contemporary style but otherwise the picture provides an example of those exterior façade elements.
4. The pattern of the façade sections of 3-bay without planters, then 4-bay with planters, then 3-bay without, then 4-bay with planters, then 3-bay without planters along Harper Street, which needs to be continued on the 4 bay section facing south to New England Avenue, as well as the southern-most 4-bay section visible to the public facing west toward Orlando Avenue.
5. The design goal unique to this location is the desire to shield the cars from view parked on the rooftop level from sight when one is further away within Martin Luther King Jr. Park. The alternating parapet wall



heights of 3 foot 7 inches to 4 feet 6 inches will obscure most of the vehicles but not the tops of larger vehicles like SUV's.

6. There is no visible structure roof over the stairs on the Southeast corner of parking garage. The structure roof and elevator will be on the Northwest corner where the contemporary design is incorporated into those elements. The interior walls of the stair/elevator tower will be painted as well as the exterior walls on the rooftop level of the stair elevator tower.
7. LED lighting will be used throughout the inside of the garage to provide safe and balanced light levels (the LED fixtures are much more efficient at eliminating hot/dark spots, providing much more uniform lighting).
8. The rooftop light poles will be similar to the ones used at the WP Hospital parking garage. See picture attached. Placement is on the interior rather than on the exterior sides of the parking to minimize their visibility.
9. Most of the different "looks" on the exterior are from the textured paint and scoring of different colors versus differing exterior material coverings.
10. The articulation (in's and out's) that one sees along the façade walls are 8 inch pop-outs.
11. The staff understands that all of the openings will have a metal framing element and none of the openings will only be an opening with only a railing except for those openings behind the planter boxes. There will be a black mesh screen at some of the openings where necessary for safety.
12. The staff is not content with the proposed metal framing design within the openings. The City's stated objective in the parking garage design guidelines is to have the openings resemble building windows as much as possible, thus with metal framing of more equal dimensions as if it looked like window framing, versus the upside down 'cross' is what is required by the design guidelines.

**Landscape Plan:** The other component of the approval for this final CU is the landscape plan for this section of the project around the parking garage. As part of the previous overall project approval, new live oak trees of 5-inch caliper, 10-12 feet tall, are to be planted in the parkway green space along the Harper Street (5) and New England Avenue (3) frontages. Given that these live oaks will be virtually all of the landscape screening along Harper Street, staff will suggest that the spacing be reduced from 50 feet apart to 40 feet apart requiring one more live oak.

On the land area between the property line/sidewalk and the parking garage structure, there is only six feet to work with on the Harper Street side and some of that is encumbered by the complimentary planter boxes to be on the parking garage façade. Landscaping along Harper Street is a low camellia hedge (2½ feet tall) (which needs to be podocarpus) and nine Japanese blueberry trees, 8-9 feet tall.

On the New England Avenue side, there is 25 feet between the sidewalk and parking garage structure. The plan shows a low hedge buffer of azalea plants (2½ feet tall) (which needs to be podocarpus) and six Magnolia trees up by the garage that are 10-12 feet tall. While this landscaping will buffer and screen the lower half of the parking garage in the beginning years, the upper half of the 25 foot tall structure is without landscape screening, thus the need for architectural appeal.

**Parking Variance/Exception:**

The applicant is also requesting approval of a parking variance or exception to allow "Smile Dental" to lease 3,000 square feet of the 16,800 square feet of retail space within this project. The City's parking code is one space for each 250 sf for retail (4 per 1,000) and one space for each 200 sf (5 per 1,000) for medical/dental. So while 12 parking spaces are being provided for that space, the code would require 15 spaces. There is a letter (attached) from the applicant addressing why they believe this 3 space exception will work within the total 379 on-site parking spaces. The applicant feels that the dental use is strongest during the day when the restaurants need is not as strong and then that tenant space is closed at night helping to provide added parking for the restaurant patrons.

**Summary and Staff Recommendation:**

The public benefit to this amended Conditional Use request for an expanded parking garage is that the patrons of the Lakeside Crossing businesses will have 39 more parking spaces above and beyond the code requirements to use. It is only 10% more parking but it is 10% more parking than previously agreed to. Those 39 extra parking spaces will certainly help during the peak times for the three proposed restaurants.

The appearance of a full 2-story parking garage at approximately the same height (25 feet) as the commercial buildings will look appropriate in terms of architecture and scale. When one discounts the "public parking" aspect of the request, the amount of floor area ratio above Code (48.4% FAR versus 45% FAR) is not significant even without the special Development Agreement exception. Even without any public parking discounts, the total FAR of 60.87% FAR is a size and scale that was contemplated within the Commercial future land use category of the Comprehensive Plan and the C-3 Zoning Code and only slightly larger than the gross floor area of the previous Mt. Vernon Inn.

The Development Agreement contains the entitlements provided, the variances or exceptions granted and the specific terms of the parking allocation for the project along with the requirement for a subsequent 'parking management plan' addressing how the parking will be used.



**Staff Recommendation is for Approval of the Final Amended Conditional Use for the expanded parking garage with the following conditions to be added that relate to the final design of the parking garage and landscape plan:**

1. The design elements of the parking garage as clarified in this staff report with respect to the parking garage and landscape plan are to be part of the design requirements for the parking garage.
2. That the planter box pattern needs to be continued on the 4 bay section facing south to New England Avenue, as well as the southern-most 4-bay section visible to the public facing west toward Orlando Avenue.
3. That the metal framing design within the openings must resemble building windows as much as possible, with metal framing of more equal dimensions in order to look like window framing, versus the upside down 'cross', as required by the design guidelines.
4. That the landscape plan be revised to include a podocarpus hedge as the low hedge plant buffer and one additional live oak (at 40 foot spacing) along Harper Street.

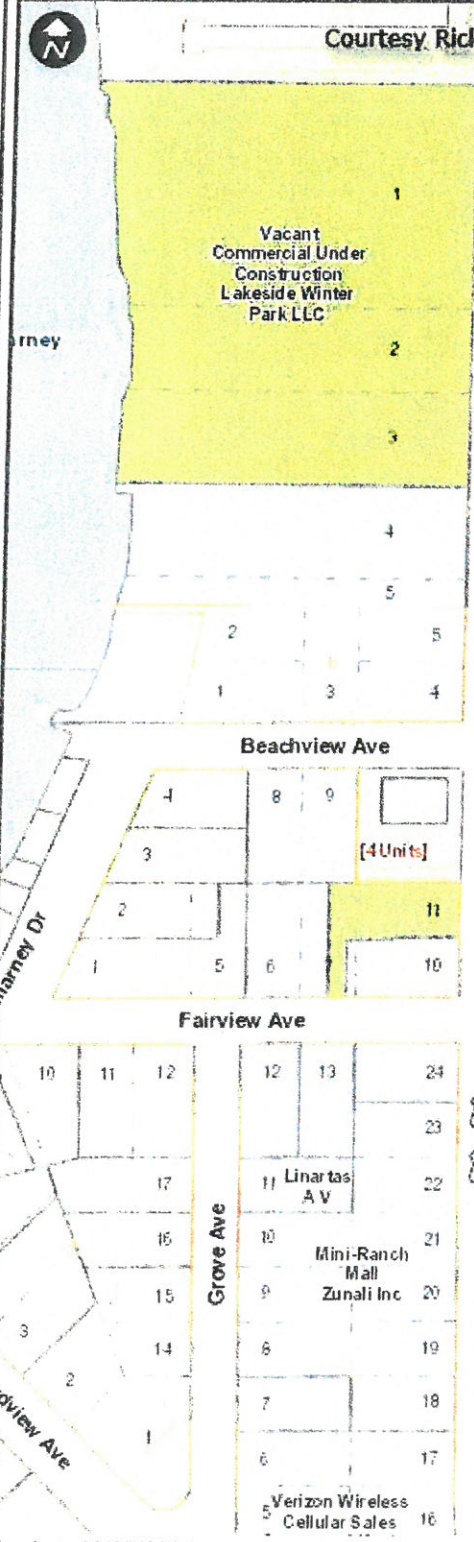
**OCPA Web Map**

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

Courtesy Rick Singh, CFA, Orange County Property Appraiser



12	29	4	8
13	Carmel Cafe' and Wine Bar	30	
14	Pjs Carmel Land Holdings II LLC	31	
15	Sesco Lighting	10	
16	1133 W Morse Blvd LLC	32   33   34	
17		1	11 8 9 10



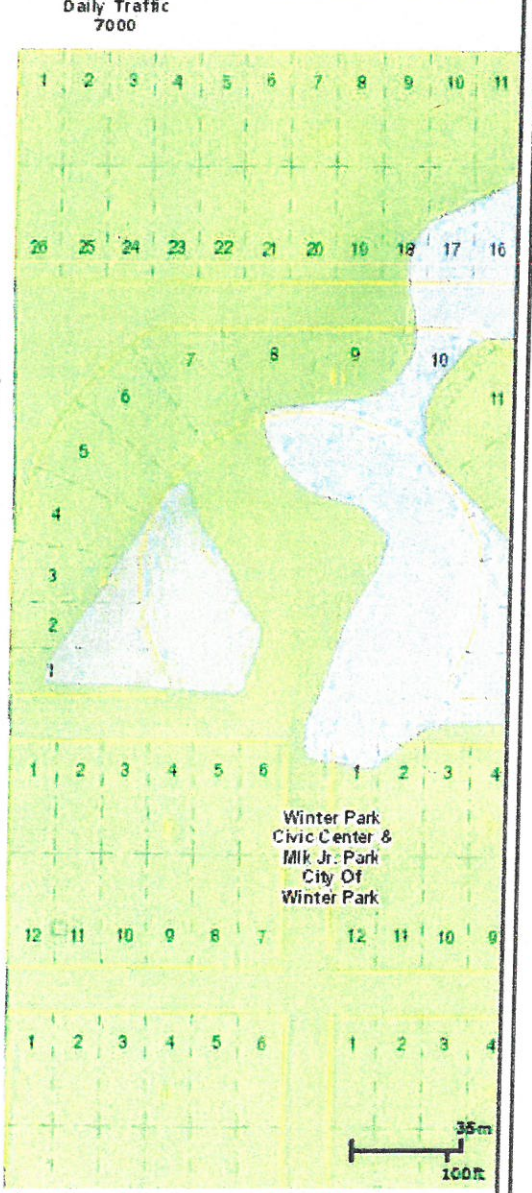
**W Morse Blvd**

Daily Traffic 7000

14	15
13	16
12	17
11	18
10	19
9	20
8	21
7	22
6	23
5	24
4	25
3	26
2	27
1	28

**W New England Ave**

11	New England	12
10	Wharf Shopping	13
9	New England Courtyard LLC	14
8		15
7		16
6		17
5	Copytronics Sss Investments Of Jacksonville Inc	18
4		19
3	Burger King	20
2	Burger King Corp	21



Created: 10/28/2014

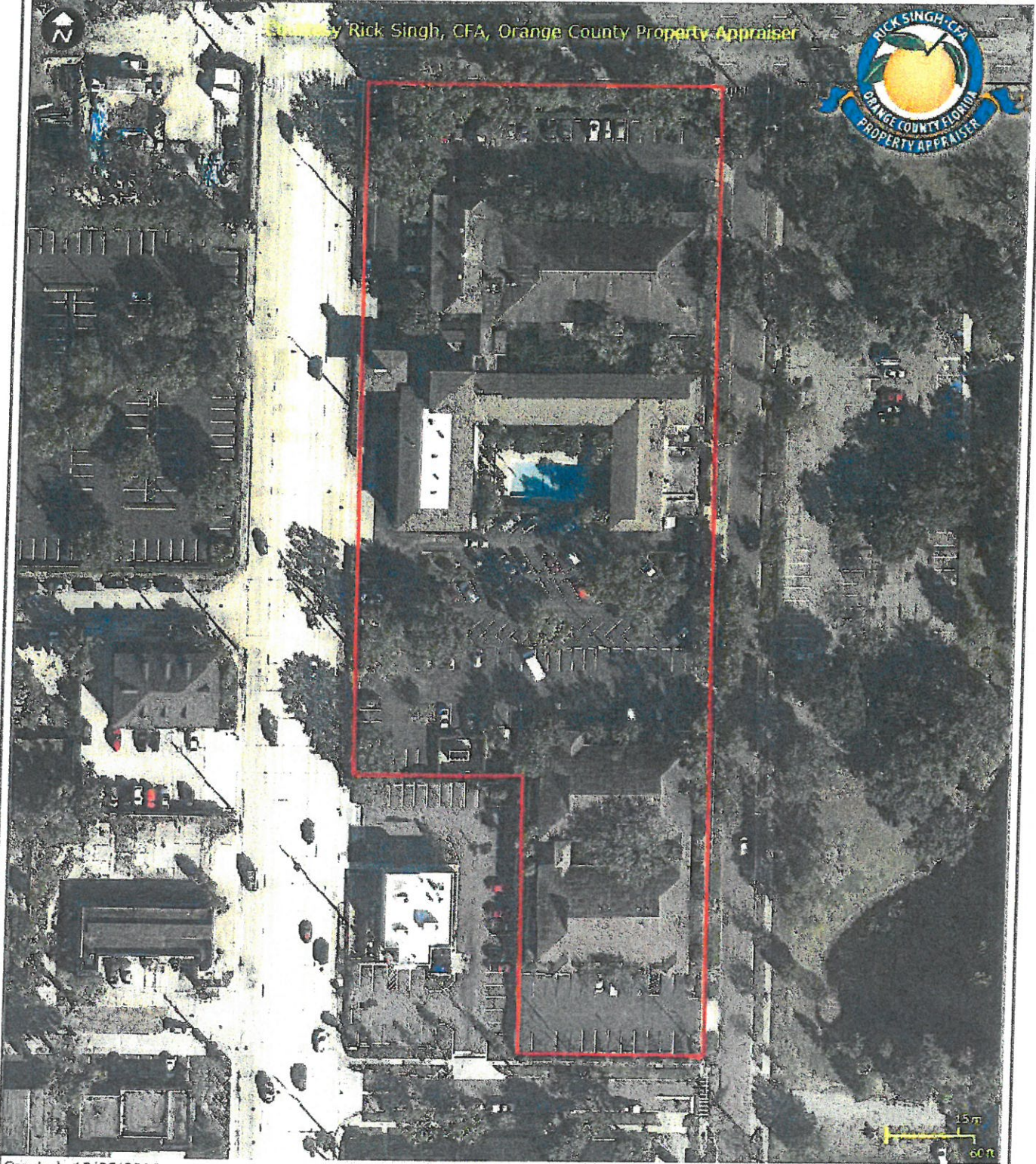
This map is for reference only and is not a survey.



**OCPA Web Map**

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

Map by Rick Singh, CFA, Orange County Property Appraiser



Created: 10/28/2014

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



W. P. Towers  
Park. Garage



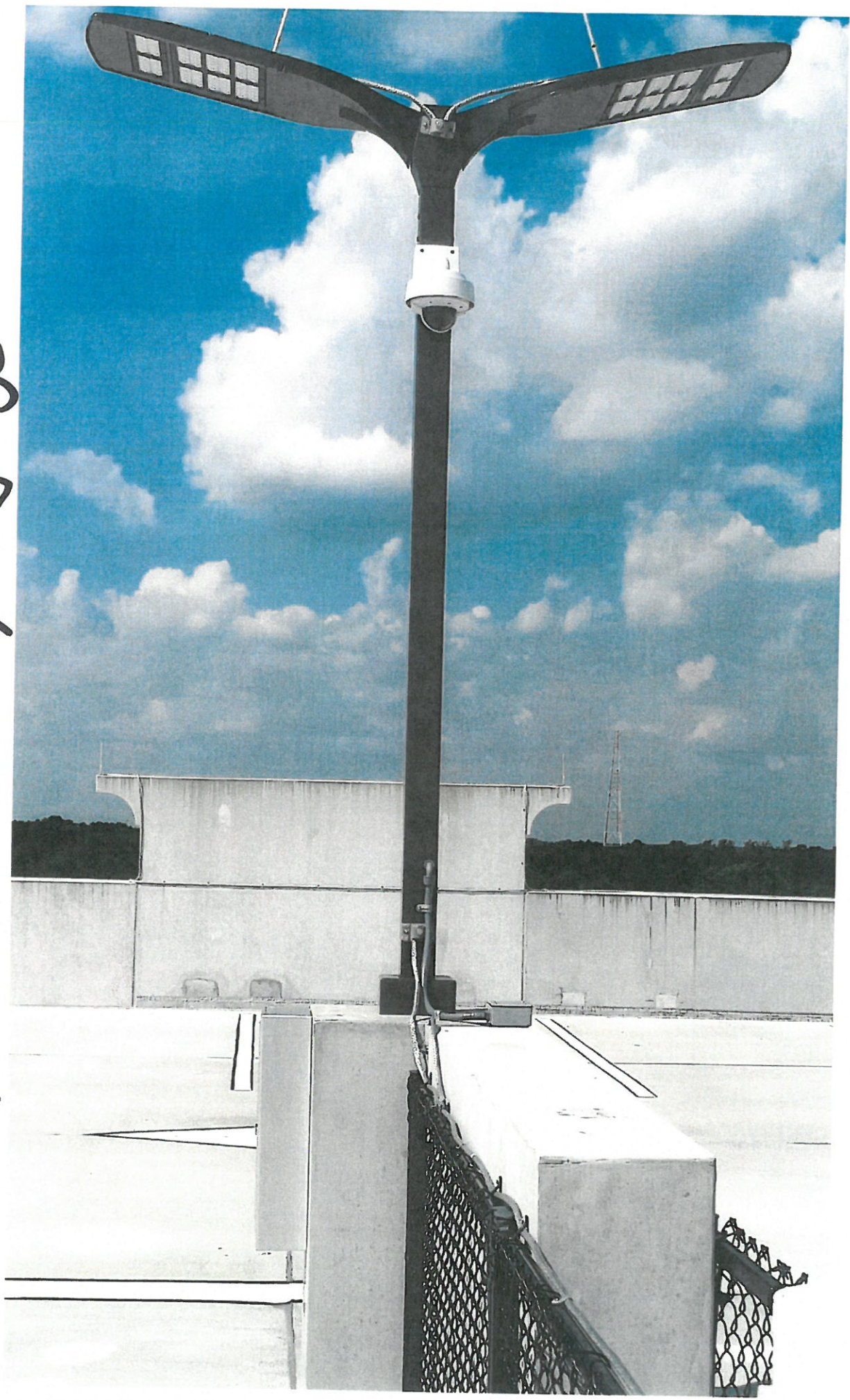


*W.P.  
Towers*

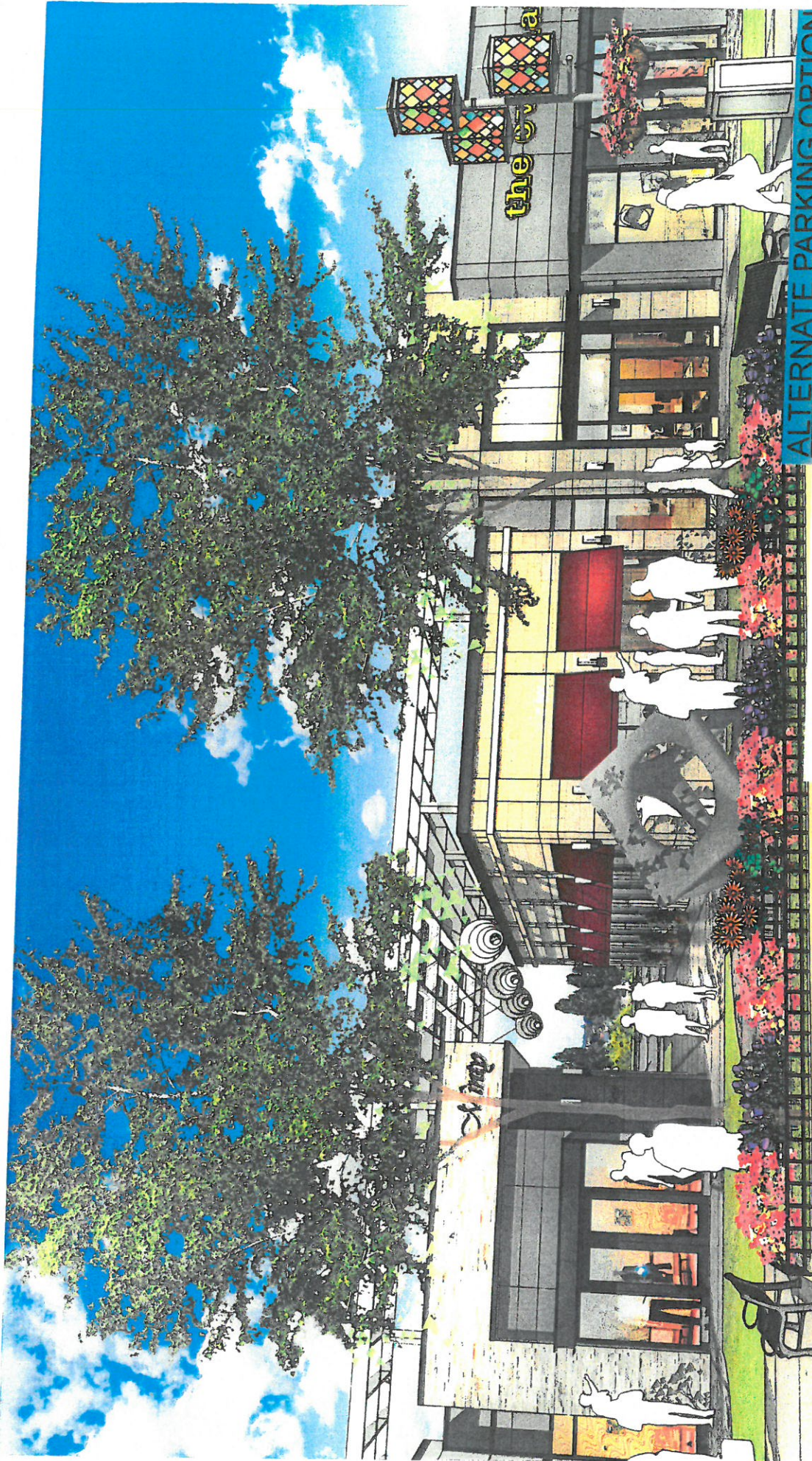




Sample Lites - W.P. Hospital garage







ALTERNATE PARKING OPTION

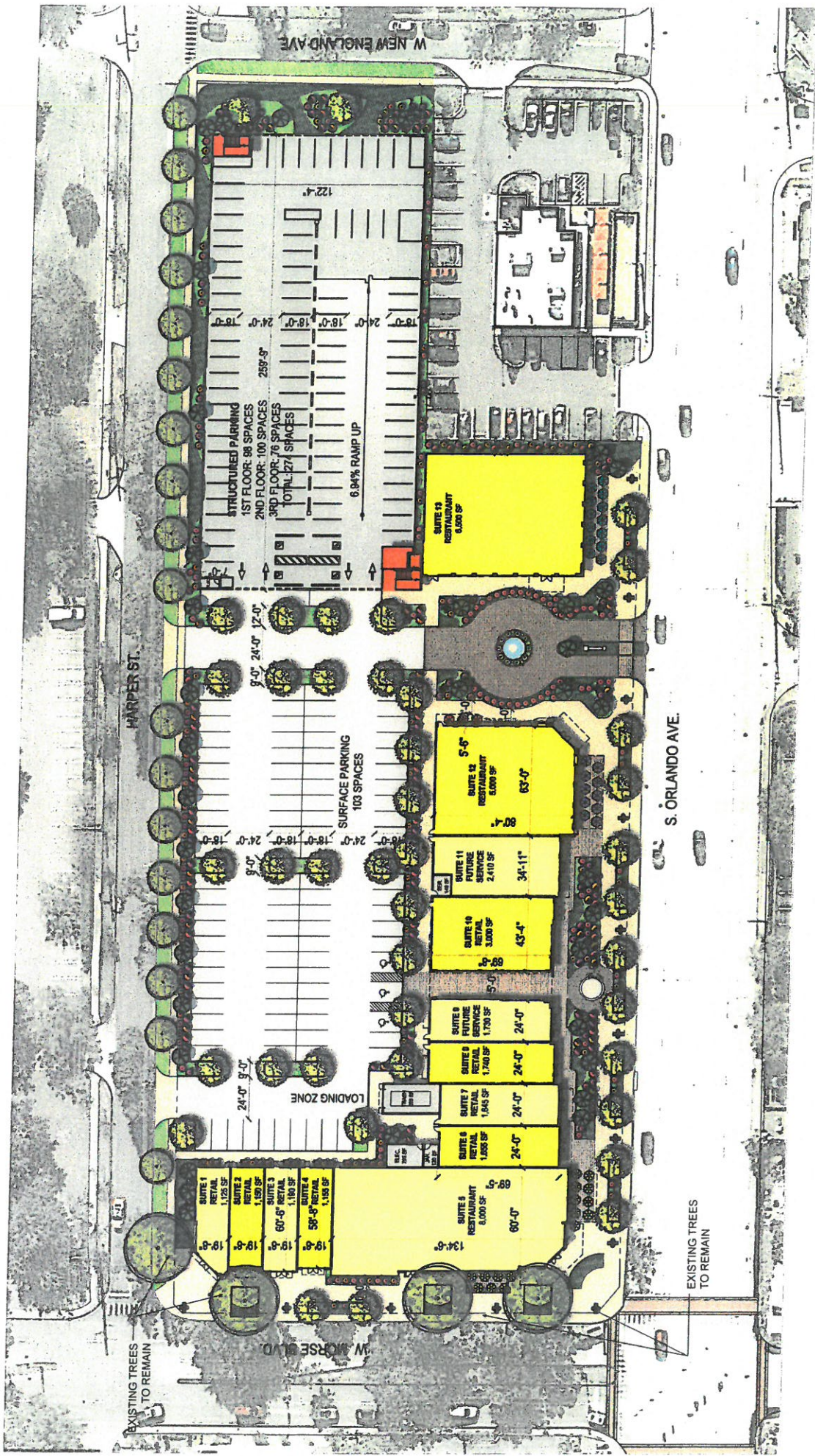
# PLANNING AND ZONING BOARD

CITY OF WINTER PARK, FLORIDA

# LAKESIDECROSSING

WINTER PARK  
Unicorp National Developments Developer | Antunovich Associates Architect | Kimley Horn Civil Engineer





# LAKESIDECROSSING

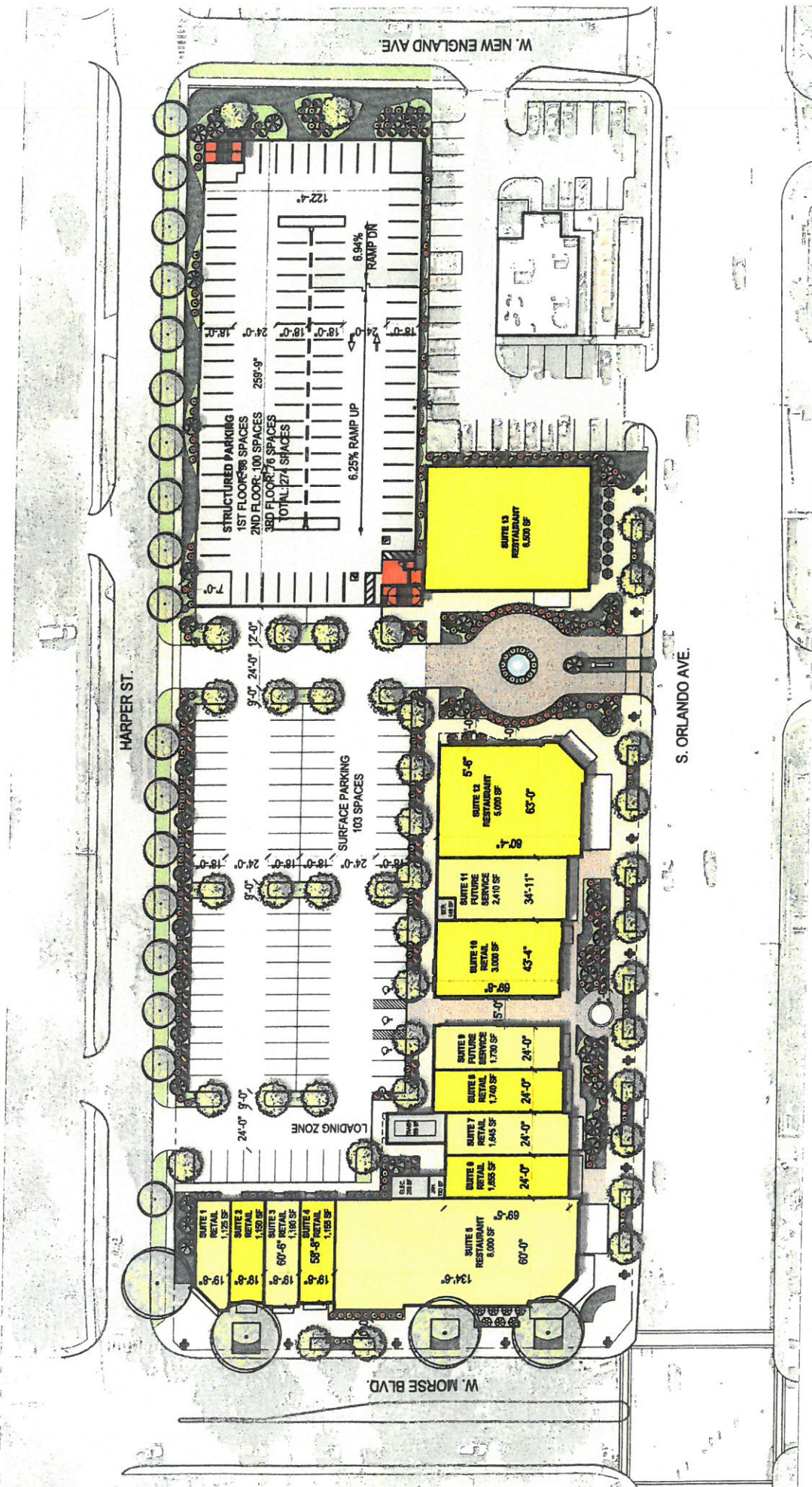
## WINTERPARK

### SITE PLAN 3

Winter Park, Florida | March 23th, 2015

Unicorp National Developments Developer | Artunovich Associates Architect | Kinley Horn Civil Engineer





# LAKESIDECROSSING

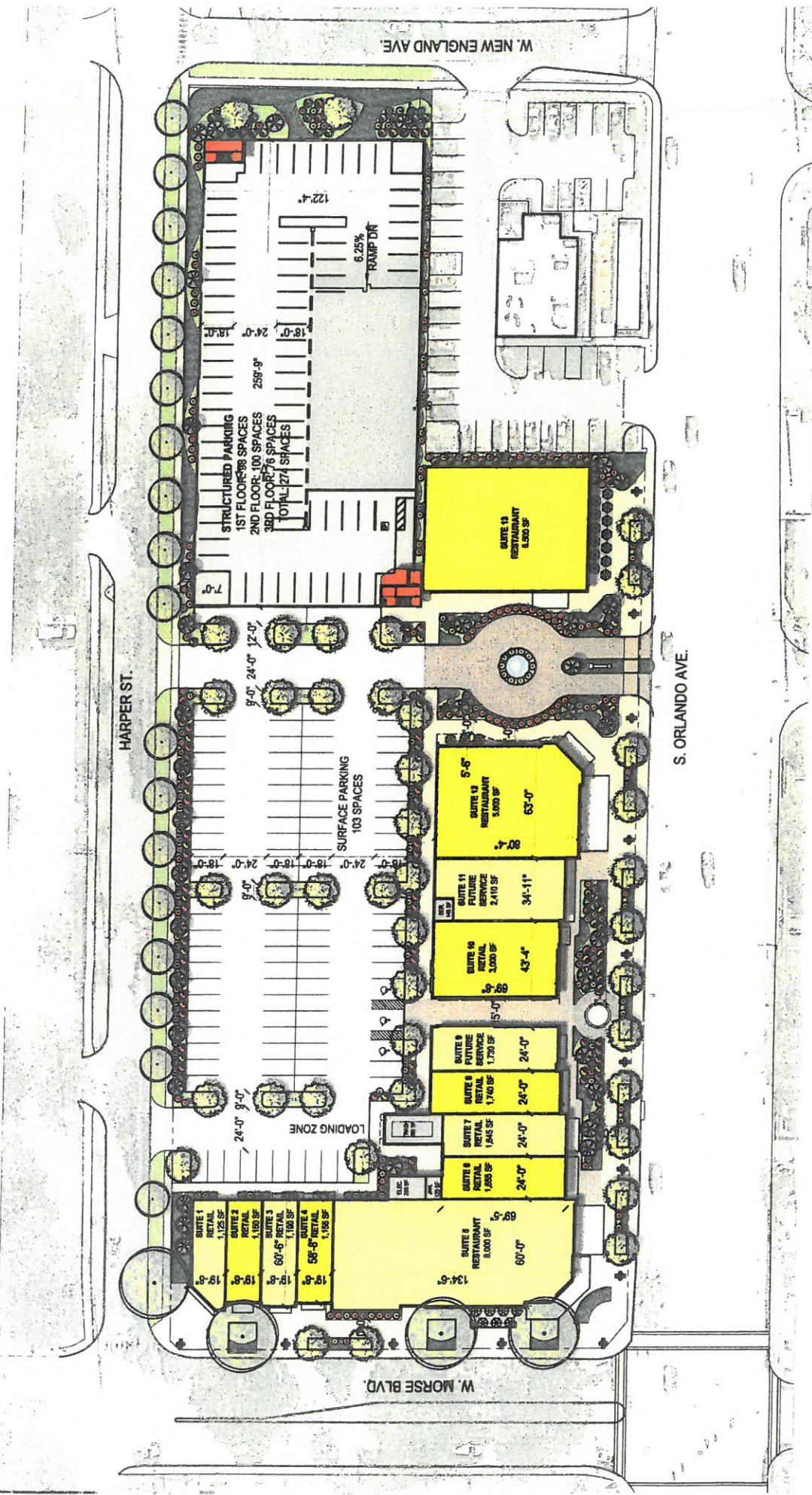
WINTER PARK

# GARAGE SECOND FLOOR PLAN

Unicomp National Developments Developer | Antunovich Associates Architect | Kimley Horn Civil Engineer

WINTER PARK, FLORIDA | MARCH 23TH, 2015





**LAKESIDECROSSING**  
 WINTER PARK

**GARAGE THIRD FLOOR PLAN** 5

Unicorp National Developments Developer | Antanovich Associates Architect | Kimberly Horn Civil Engineer

WINTER PARK, FLORIDA | MARCH 23TH, 2015





August 6, 2015

Jeff,

The Lakeside Crossing project is well underway and we are excited about the great tenant mix and the superior quality development that we will bring to Winter Park. This project is truly mixed use and our tenants and the community will benefit from our great mix.

We will have the advantage of internal capture during the day that our tenants and their employees will have great places to dine without ever having to even get in their cars.

The tenant line up is great with a Salon, Dentist (3,000 sf), restaurants and even a company that sells pre-packaged Fit meals. The restaurants are truly extraordinary and new to the market. They are Chuys Mexican Restaurant, Kona Grill and Bulla which is a really exciting independently owned restaurant. Check out their web site: [www.bullamiami.com](http://www.bullamiami.com)

The mix of tenants is truly supportive of a mixed use environment which capitalizes on Smart Parking. For instance the Fit Food, Salon and Dentist are certainly experiencing their intensity during day time hours while the restaurants will peak in the evening. They are open at lunch time but definitely not their peak hours.

Our request is for a waiver from the code on the allowable parking calculations to allow the 3,000sf Dentist to be calculated at a standard retail rate and not to be required additional parking and to be permitted total of 693 full service restaurant seats.

This request is justified for several reasons.

1. The mix of the tenants certainly supports varied hours of intensity. By regulating us to 693 full service restaurant seats you insure that this type of mix will be maintained throughout the years to come.
2. We will agree to build an additional 70 spaces beyond what we will need which actually exceeds code by approximately 35 spaces for our uses without even asking for a waiver. We will consider the over build public parking that will benefit the public when events are hosted at the community center. There should always be some over flow parking at our project. We will not charge for use of our parking structure and will not mark spaces with the exception of maybe a few take out spaces and a few short term spaces.
3. Aside from the public parking we are doing mentioned above, we are building an additional 40 spaces. Twenty of those spaces are required to support our development across the street and



twenty were for an insurance policy that the Mayor asked for as safe measure because the initial success of Trader Joes. It is worth noting that the opening buzz of Trader Joes has certainly stabilized and the parking is sufficient at that center even before the additional 40 spaces come into play. My point is we are well covered in the parking department.

The reasons above should adequately support the request but we have additional attributes as well. Our new Traffic Study with the changes we made have reflected more favorable conditions than our earlier approach. The uses contemplated at our development takes advantage of existing traffic on the roads and serves the local community therefore creating less new traffic.

The new restaurants we are bringing to Winter Park will certainly be favored by the community and the greater income paid by them allows us to invest in the property to promote the standards of quality we have become accustomed to and the reputation in which we have built our company on. It also allows us to construct the additional parking beyond code we are seeking to build while not decreasing any of the green space or open space. We have wonderful things planned in our open and green areas. We are committed to creating a great gateway for the city.

Lastly another justification for our request is that we are going a step beyond. We are contributing significant capital to make Morse Blvd. a more friendly pedestrian and vehicular intersection. The improvements of mast arms, planters and new cross walks will certainly mitigate current concerns and also provide a more walkable environment. Not to mention the expense of burying the power lines to create greater aesthetics. Once this development is complete, our two projects will greatly complement each other from parking, to walkability and certainly the beautification aspect.

So based on all the measures we are taking, I kindly request the City to support our enlarged parking garage and allow us to have 693 restaurant seats and have our 3,000sf Dentist calculated as standard retail.

If you have any further questions, I'm always available. We look forward to moving this along.

My Best,



Chuck Whittall

Unicorp National Development, Inc.



**PREPARED BY AND RETURN TO:**

Jeffrey Briggs, Planning Manager  
City of Winter Park  
401 Park Avenue  
Winter Park, FL 32789  
(407) 599-3440

**DEVELOPER'S AGREEMENT FOR  
LAKESIDE CROSSING – 110 S. ORLANDO AVENUE**

**THIS AGREEMENT** ("Agreement") entered into and made as of the \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the **CITY OF WINTER PARK, FLORIDA**, 401 S. Park Avenue, Winter Park, Florida, 32789 (hereinafter referred to as the "City"), and **LAKESIDE CROSSING, LLC**, a Florida limited liability company (referred to as "/Developer"), 7940 Via Dellagio Way, Suite 200, Orlando, Florida 32819.

**WITNESSETH**

**WHEREAS, LAKESIDE CROSSING, LLC** is the Developer of certain real property at 110 S. Orlando Avenue, lying within the municipal boundaries of the City, as more particularly described on Exhibit "A" attached to and incorporated into this Agreement (hereinafter referred to as "Property")

**WHEREAS**, the Developer desires to develop the Property with commercial retail, office and restaurant space of approximately 37,473 SF with a companion parking garage and surface parking to be known as Lakeside Crossing, as more particularly shown on Exhibit "B", the final site plan, attached to and incorporated into this Agreement by reference (hereinafter, the "Project"); and

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

**WHEREAS**, on April 27, 2015, the City granted certain conditional use approvals and other zoning code exceptions and has approved the development of the Project, provided that Developer abide by the restrictions mutually agreed upon for the operation and future use of the Property, and that this Agreement shall set out the terms of the City's approvals.

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

**SECTION 1. RECITALS**

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

**SECTION 2. CONDITIONS OF APPROVAL**

The /Developer agrees to develop and maintain the Project and Property in accordance with the conditions of approval imposed by the City Commission and outlined as follows:

1. The Project consists of approximately 37,473 square feet of commercial development which includes restaurant, retail and office space.
2. The Project is required to have a minimum of 379 parking spaces, which includes a parking garage and surface parking lot. The City will only approve restaurant seating and floor plans that



meet the City's parking code requirements granted in this Agreement. Fifteen (15) bicycle spaces have been deemed adequate for this Project.

3. The entrance to the Project from Orlando Avenue will be restricted to right in/right out only.

4. The Developer will coordinate and install intersection traffic signal improvements for the Morse Boulevard/Orlando Avenue intersection to include restricted left turn signals in all directions, subject to FDOT and City approval.

5. At the time of issuance of the first building permit, or as otherwise may be mutually agreed to by the City and Developer, the Developer will contribute \$50,000 to the City toward the cost of new mast arms as part of the improvements to Orlando Avenue and West Morse Boulevard, subject to City approval and appropriation of the City's share of the cost of the mast arms.

6. At the time of issuance of the first building permit, the Developer will pay \$5,000 to the City, representing the Developer's pro-rata share of the cost to install adaptive traffic signal control technology improvements at the Morse Boulevard/Orlando Avenue intersection.

7. Subject to City approval, the Developer agrees to install decorative paving within the entire Morse Boulevard/Orlando Avenue intersection for safer pedestrian crossing.

8. The Developer commits to using a minimum of 5 inch caliper street trees along street frontages.

9. The Developer will work with the City's Arborist regarding necessary tree replacement and maintenance along Orlando Avenue, Morse Avenue and Harper Avenue adjacent to the Property.

10. The setback for the parking garage on Harper Street is reduced from 10 feet down to 6 feet along the length of the parking garage so that the interior traffic aisles may be widened to 24 feet.

11. That the Project shall be required to submit to the City for approval and amendment as conditions necessitate a "Parking Management Plan" for subsequent approval by the City to maintain oversight on the management of the parking garage, specifically restricting and limiting any areas reserved via signage for specific tenants, restricting and limiting any areas to be set aside for valet parking and shall require City approval for any parking fees to be charged for use of the project's parking other than for valet parking, etc. It is the Developer's commitment that there shall be no fees charged to employees or the public for parking on-site; that only to a minimum degree necessary will parking be reserved for specific tenants and that joint usage by the public for special events within Martin Luther King, Jr. park is to be permitted.

12. In conformance with the Morse Boulevard design guidelines there shall be no interior illuminated signs permitted on this Project.

### **SECTION 3. SIGNAGE**

The Project is limited to monument signage only for all ground signs in lieu of pole signs, and the location and number of monument signs shall be subject to Conditional Use approval by the City Commission. Interior illuminated signs are prohibited.

### **SECTION 4. PARKING REQUIREMENTS.**

(a) **Parking Management Plan.** The City will approve a Parking Management Plan to govern the Developer's management and operation of the parking garage and surface parking, and the Plan may be amended by the City in the future in its sole discretion. The Parking Management Plan shall detail the operations and regulations governing parking



within the Project, including specifying any areas/spaces to be set aside for valet parking and the times for such valet parking usage; any areas/spaces to be signed as reserved for specific tenant usage; and whether any charges shall be imposed for parking. The Developer will not charge for the parking by employees, customers or clients of the businesses within the Project unless expressly approved by the City Commission as part of the Parking Management Plan. Additionally, in recognition of the relationship between this Property and the adjacent Martin Luther King, Jr. city park, Developer cannot erect signage restricting parking by the general public other than as specified in the Parking Management Plan.

(a) **Parking Count.** The Property contains 379 spaces, but only 300 are to be counted as parking available for this Project, due to some of the spaces being dedicated public parking and some being restricted for use by another project. Of those 300 parking spaces, there are 67 spaces provided for the 16,800 square feet retail or office space, based on the zoning code requirement of one space for each 250 square feet of retail or office space and 233 spaces provided for the three restaurants which allows for a maximum of 699 total seats based on the zoning code requirement of one space for each three seats. This total seat count includes seating within the restaurants as well as outdoor patio dining.

(b) **Public Parking Restriction.** There will be thirty-nine (39) public parking spaces, in the parking garage, meaning that these thirty-nine (39) spaces are for the use of the general public and cannot be counted toward the minimum parking requirements of any of the retail, office or restaurant tenant space at the Property. These thirty-nine (39) spaces shall be subtracted from the 379 total parking spaces when calculating the parking available for the Project and as "public parking" shall not count toward the floor area ratio for this Project.

(c) **Off-site Parking Restriction.** There will be forty (40) parking spaces that shall be considered off-site parking tied to 111 N. Orlando Avenue, meaning that these forty (40) spaces cannot be used in any fashion toward meeting the minimum parking requirements of any of the retail, office or restaurant tenant space needs at 110 S. Orlando Avenue. These forty (40) spaces shall be subtracted from the 379 total parking spaces when calculating the parking available for the Project. Those forty (40) spaces shall be deemed "public parking" and shall not count toward the floor area ratio for this Project.

(d) **Allowance for Dental Tenant.** Parking shall be considered adequate based upon the parking provided as shown in Exhibit "B" to allow the dental/medical usage of 3,000 square feet of tenant space previously committed to retail usage.

## **SECTION 5. STORM WATER RETENTION**

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

## **SECTION 6. LANDSCAPING**

The Developer will provide enhanced landscaping as detailed by City along the Harper Street and New England Avenue frontages and oak trees will be used to achieve substantial screening of the parking garage.

## **SECTION 7. AMENDMENTS TO THIS AGREEMENT**

Amendments to this Agreement, if requested by the Developer, may be permitted if approved following review by the City in conformance with the City's Land Development Code.

## **SECTION 8. AGREEMENT TO BE BINDING**

This Agreement, including any and all supplementary orders and resolutions, together with the approved development plan, the master sign plan, and all final site plans, shall be binding upon the Developer and their successors and assigns in title or interest. The provisions of this Agreement and all



approved plans shall run with the Property and shall be administered in a manner consistent with Florida Statutes and local law.

**SECTION 9. ENFORCEMENT**

This Agreement may be enforced by specific performance. In the event that enforcement of this Agreement by the City becomes necessary, and the City is successful in such enforcement, the Developer shall be responsible for all costs and expenses, including attorney's fees, whether or not litigation is necessary, and if necessary, both at trial and on appeal, incurred in enforcing or ensuring compliance with the terms and conditions of this Agreement, which costs, expenses and fees shall also be a lien upon the Property superior to all others. Interest on unpaid overdue sums shall accrue at the rate of eighteen percent (18%) compounded annually or at the maximum rate allowed by law.

**SECTION 10. GOVERNING LAW; VENUE**

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The venue for purpose of litigation shall be in Orange County, Florida.

**SECTION 11. RECORDING**

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

**SECTION 12. TIME IS OF THE ESSENCE**

Time is hereby declared of the essence as to the lawful performance of all duties and obligations set forth in this Agreement.

**SECTION 13. SEVERABILITY**

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

**SECTION 14. DEVELOPMENT PERMITS**

Nothing herein shall limit the City's authority to grant or deny any development permit applications or requests subsequent to the effective date of this Agreement. The failure of this Agreement to address any particular City, County, State and/or Federal permit, condition, term or restriction shall not relieve Developer or the City of the necessity of complying with the law governing said permitting requirement, condition, term or restriction.

**SECTION 15. SUBORDINATION/JOINDER**

Unless otherwise agreed to by the City, all liens, mortgages and other encumbrances not satisfied or released of record, must be subordinated to the terms of this Agreement or the lienholder join in this Agreement. It shall be the responsibility of the Developer to promptly obtain the said subordination or joinder, if necessary, in form and substance acceptable to the City Attorney, prior to the City's execution of the Agreement.

**SECTION 16. TERM; EFFECTIVE DATE**

This Agreement shall not be effective and binding until the latest date that this Agreement is approved by and signed by all parties hereto. The Agreement will be effective for 50 years from the Effective Date.

*[SIGNATURES TO FOLLOW]*



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

**LAKESIDE CROSSING LLC**, a Florida limited liability corporation

By: RILEY 1, LLC, a Florida limited liability company, Manager

By: CW FAMILY, LLLP, a Florida limited liability partnership, Manager

By: CW FAMILY, LLC, a Florida limited liability company, General Partner

\_\_\_\_\_  
Name: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, as \_\_\_\_\_ of Lakeside Crossing LLC. He (She)  is personally known to me or  has produced \_\_\_\_\_ as identification.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
(Name typed, printed or stamped)



CITY OF WINTER PARK, FLORIDA

ATTEST:

By: \_\_\_\_\_  
Mayor Steve Leary

By: \_\_\_\_\_  
City Clerk

STATE OF FLORIDA            )  
COUNTY OF ORANGE        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, Mayor, of the City of Winter Park, Florida, who is personally known to me.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_



**EXHIBIT "A"**

**110 S. Orlando Avenue**

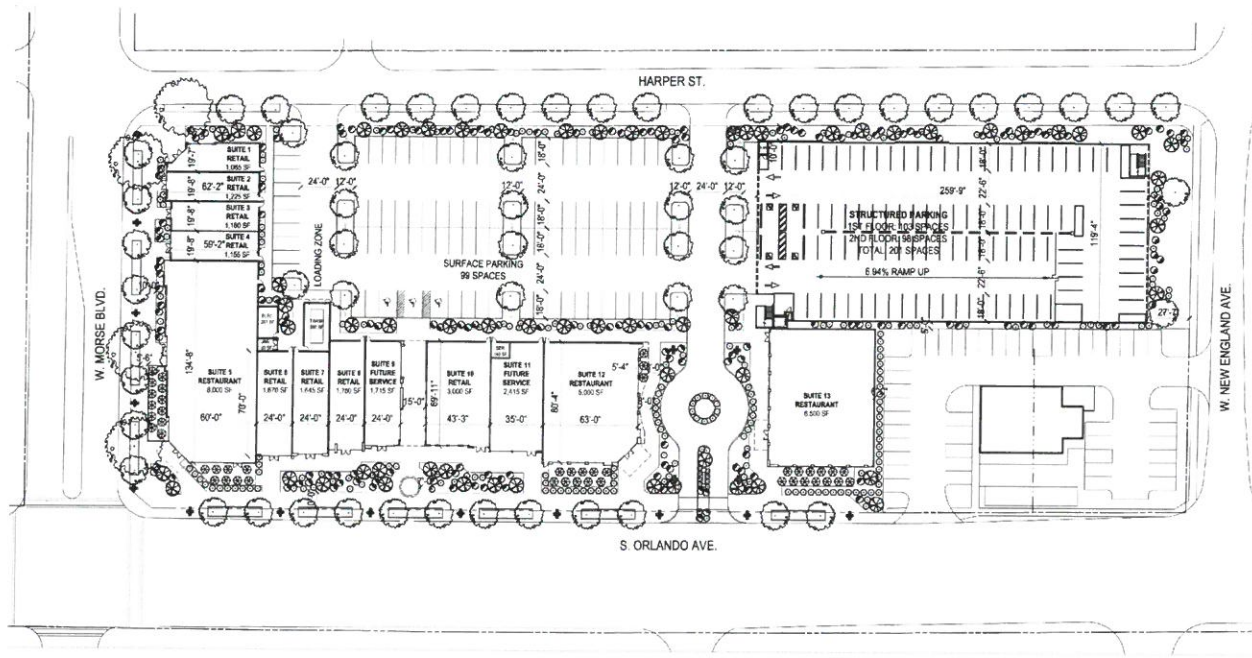
LOTS 5 THROUGH 28, BLOCK 10 (LESS W 10 FT OF LOTS 5 THRU 14 FOR R/W & LESS NW COR OF LOT 14 & NE COR OF LOT 15 FOR R/W), LAKE ISLAND ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "M", PAGE 95, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PROPERTY TAX ID#: 01-22-29-4512-10-050



EXHIBIT "B"

Site Plan of the Project



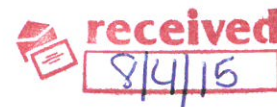


Rick Scott  
GOVERNOR



Jesse Panuccio  
EXECUTIVE DIRECTOR

July 30, 2015



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

Dear Mayor Leary:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Winter Park (Amendment 15-1ESR), which we received on June 30, 2015. We reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that would be adversely impacted by the amendment if adopted.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City considers appropriate changes to the amendment(s) based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment(s) after adoption.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Barbara Lenczewski, Planning Analyst at (850) 717-8502 or by email at [Barbara.Lenczewski@deo.myflorida.com](mailto:Barbara.Lenczewski@deo.myflorida.com).

Sincerely,

Ana Richmond, Chief  
Bureau of Community Planning

AR/bl

Enclosure(s): Procedures for Adoption

cc: Jeff Briggs, Manager, Planning & Zoning, City of Winter Park  
Hugh Harling, P.E., Executive Director, East Central Florida Regional Planning Council



**GENERAL GRADING NOTES:**

1. THE CONTRACTOR SHALL COMPLY WITH ALL REGION, STATE, FEDERAL AND LOCAL REQUIREMENTS OF ANY AGENCIES HAVING JURISDICTION OVER THE PROJECT.
2. THE CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS OF ANY AGENCIES HAVING JURISDICTION OVER THE PROJECT.
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10. THE CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS OF ANY AGENCIES HAVING JURISDICTION OVER THE PROJECT.

**GENERAL LIGHTING NOTES:**

1. THE DRAWING IS FOR LAYOUT OF FIXTURES ONLY.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SELECTION OF THE TYPE AND MAKE OF THE LIGHTING FIXTURES TO BE USED.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SELECTION OF THE TYPE AND MAKE OF THE LIGHTING FIXTURES TO BE USED.
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**GENERAL LAYOUT NOTES:**

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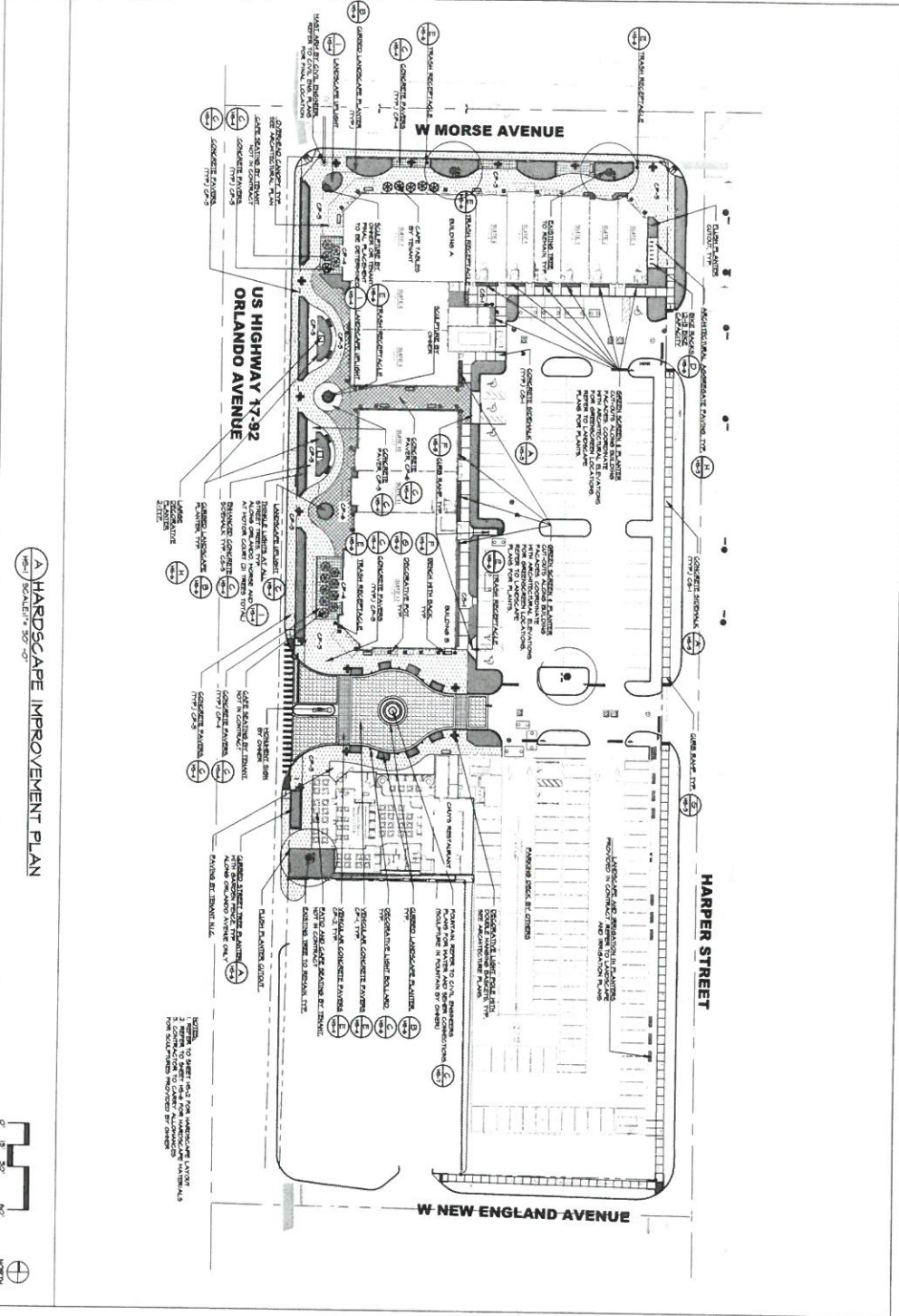
Two Los Oak  
 1445 Peachtree RD NE  
 Suite 1425  
 Atlanta, Georgia 30326  
 www.hgor.com  
 404.248.1962  
 404.248.1992

NO.	REVISIONS
1	AS SHOWN
2	AS SHOWN
3	AS SHOWN
4	AS SHOWN
5	AS SHOWN

**LAKESIDE CROSSING**  
 Winter Park, FL  
 UniCorp National Developments  
 7940 Via Dellaglio Way, STE 200, Orlando, FL

DATE	07-31-2015
BY	15019
CHECKED	15019
DATE	07-31-2015
BY	15019
CHECKED	15019
DATE	07-31-2015
BY	15019
CHECKED	15019





**LAKESIDE CROSSING**  
 W MORSE AVENUE  
 US HIGHWAY 17-92  
 ORLANDO AVENUE  
 HARPER STREET  
 W NEW ENGLAND AVENUE



<b>HS-1</b> 2 of 11		<b>LAKESIDE CROSSING</b> Winter Park, FL <b>UniCorp National Developments</b> 7940 Via Dellagio Way, STE 200, Orlando, FL		Two Live Oak 3445 Peachtree RD NE Suite 1425 Atlanta, Georgia 30326 www.hgor.com p 404-248-1960 f 404-248-1092
<b>REVISIONS</b> NO. DATE BY 1 05-28-15 JRM 2 08-04-15 ANNA 3 08-04-15 ANNA	<b>TITLE</b> LAKESIDE CROSSING HARDSCAPE IMPROVEMENT PLAN	<b>DATE</b> 07-31-2015	<b>SCALE</b> AS SHOWN	<b>DESIGNER</b> ANNA
<b>CLIENT</b> UNICORP NATIONAL DEVELOPMENTS	<b>PROJECT</b> LAKESIDE CROSSING	<b>DATE</b> 07-31-2015	<b>SCALE</b> AS SHOWN	<b>DESIGNER</b> ANNA
<b>DATE</b> 07-31-2015	<b>PROJECT</b> LAKESIDE CROSSING	<b>DATE</b> 07-31-2015	<b>SCALE</b> AS SHOWN	<b>DESIGNER</b> ANNA
<b>DATE</b> 07-31-2015	<b>PROJECT</b> LAKESIDE CROSSING	<b>DATE</b> 07-31-2015	<b>SCALE</b> AS SHOWN	<b>DESIGNER</b> ANNA

RELEASED FOR CONSTRUCTION







PLANT SCHEDULE

QUANTITY	BOTANICAL NAME	COMMON NAME	CULTURE	HEIGHT	SPREAD	ROOT	COMMENT	SPACING	ADD ALTERNATE
2	Escallonia laevis	Japanese Birdwing Tree	2.5-3	8-9	4-5	60-70	Pruned to 3' tall, single trunk. Light, rounded, pyramidal form.		
5	Lagerfloriana 'Snow'	Shore Crabapple	2.5-3	10-12	1-2	60-70	Medium density tree, branching above 5'. Individual buds.		
5	Colobryx x Eubolobus 'Alpharandros'	Alexander's Sucker Magnolia	3.5-5	10-12	1-2	60-70	Multi-trunk, 3-5 trunks. Light, rounded, columnar form.		
4	Quercus virginiana 'GYN'	Highland Live Oak	3.5-5	10-12	1-2	60-70	Single trunk tree, dense, uniform branching, single canopy. Under.	Mid Spring Nurseries	
2	Quercus virginiana 'SON'	Highland Live Oak	4-5	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
15	Campanula medium	Common Bellflower	2-3	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
15	Yucca rostrata	Spotted Yucca	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
60	Bougainvillea x Burgundy King	Bougainvillea	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
2-3	Callisander x Little Leaf	Little Leaf	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
15	Hemelia coccinea 'Sultan's Gem'	Sultan's Gem	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
3-4	Huronia obovata 'Palm Park'	Palm Park	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
15	Impatiens 'Daisy Fantasy'	Daisy Fantasy	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
15	Rosa x 'Kardis'	Kardis	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
5-6	Amorpha canescens	False Indigo	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
5-6	Chamaecrista nictitans	Scarlet Runner Bean	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
4-7	Yucca rostrata	Spotted Yucca	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
6-8	Yucca rostrata	Spotted Yucca	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
2-3	Parthenocissus vitacea	Parthenocissus	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
2-3	Parthenocissus vitacea	Parthenocissus	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
15	Stachytarpheta jamaicensis	Jamaican Sea Sage	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
15	Stachytarpheta jamaicensis	Jamaican Sea Sage	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	
15	Stachytarpheta jamaicensis	Jamaican Sea Sage	3-4	10-12	1-2	60-70	Single trunk tree, dense branching, multi-trunk. Under.	Mid Spring Nurseries	

1. CONTRACTOR SHALL VERIFY ALL PLANT QUANTITIES ON LANDSCAPE PLAN SHALL BE AS SHOWN.  
 2. CONTRACTOR SHALL VERIFY ALL SPECIFICATIONS SHALL BE AS SHOWN.  
 3. CONTRACTOR SHALL VERIFY ALL MATERIALS SHALL BE AS SHOWN.  
 4. CONTRACTOR SHALL VERIFY ALL PLANTING SHALL BE AS SHOWN.  
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**LAKESIDE CROSSING**  
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**UniCorp National Developments**  
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Ten Lee Oak  
 3445 Peachtree Rd NE  
 Suite 1425  
 Atlanta, Georgia 30326  
 www.hgor.com  
 P: 404.248.1922  
 F: 404.248.1092

DATE: 07-31-2015  
 DRAWN: AS  
 CHECKED: JS  
 SCALE: AS SHOWN

LS-3  
 11 of 11



THIS ARCHITECTURAL RENDERING IS A REPRESENTATION OF THE PROPOSED PROJECT AND IS NOT A CONTRACT. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE PROJECT AS SHOWN IN THIS RENDERING. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN OF THE PROJECT AS SHOWN IN THIS RENDERING. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.



14-402  
**FINROCK**  
FINROCK DESIGN, INC.

GARAGE NORTHEAST CORNER  
**LAKESIDE CROSSING PARKING GARAGE**  
Winter Park, FL A006  
07/22/15





GARAGE NORTHEAST CORNER

**LAKESIDE CROSSING PARKING GARAGE**

Winter Park, FL | A007  
07/22/15





GARAGE NORTHWEST CORNER

**LAKE SIDE CROSSING PARKING GARAGE**

Winter Park, FL | A005  
07/22/15

14-402  
**FINROCK**  
FINROCK DESIGN, INC.





GARAGE SOUTHEAST CORNER AERIAL

**LAKESIDE CROSSING PARKING GARAGE**

Winter Park, FL | A008  
07/22/15





GARAGE FROM LAKE MENDESEN / PARK

**LAKESIDE CROSSING PARKING GARAGE**

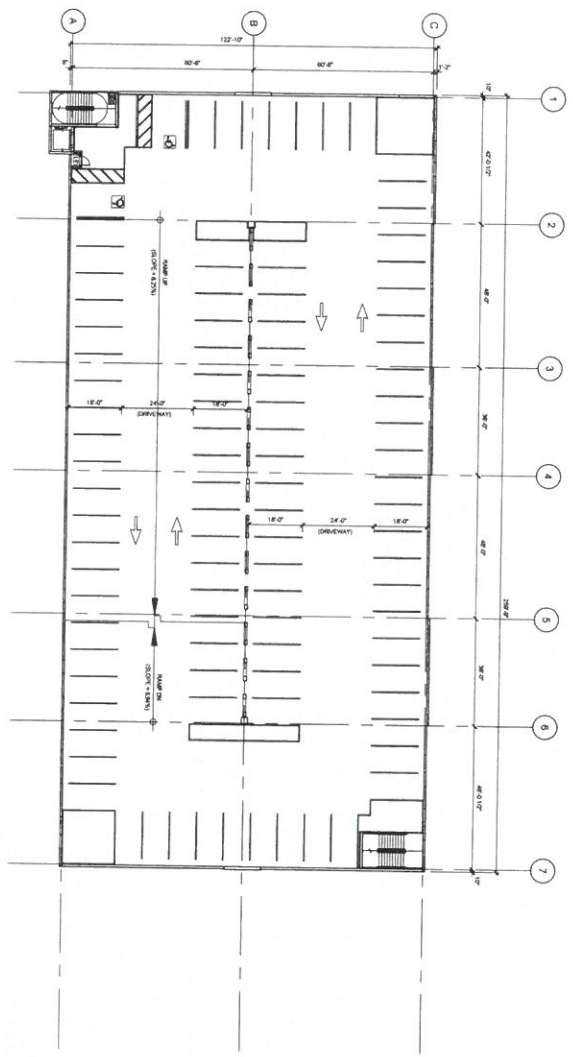
Winter Park, FL A009  
07/22/15







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SECOND LEVEL FLOOR PLAN

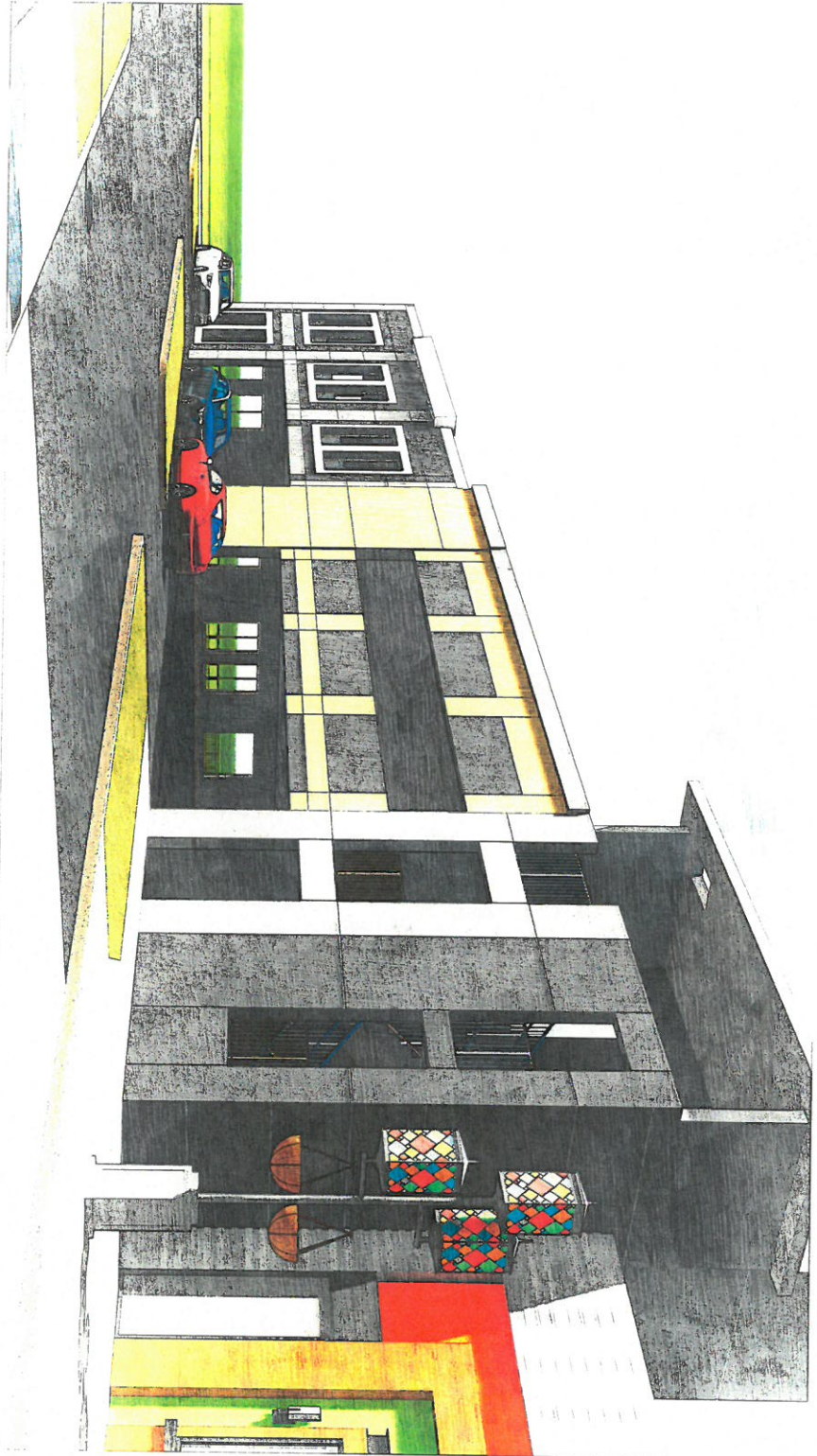
**LAKESIDE CROSSING PARKING GARAGE**

Winter Park, FL | A102  
07/22/2015

NOT FOR CONSTRUCTION







GARAGE NORTHWEST CORNER

**LAKESIDE CROSSING PARKING GARAGE**

THIS ARCHITECTURAL RENDERING IS A REPRESENTATION OF THE PROPOSED DESIGN AND SHOULD NOT BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS RENDERING. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THE ARCHITECTURAL DRAWINGS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT'S SERVICES ARE LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THE ARCHITECTURAL DRAWINGS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS.



GARAGE NORTHEAST CORNER

**LAKE SIDE CROSSING PARKING GARAGE**

Winter Park, FL | A006-8  
08/20/15

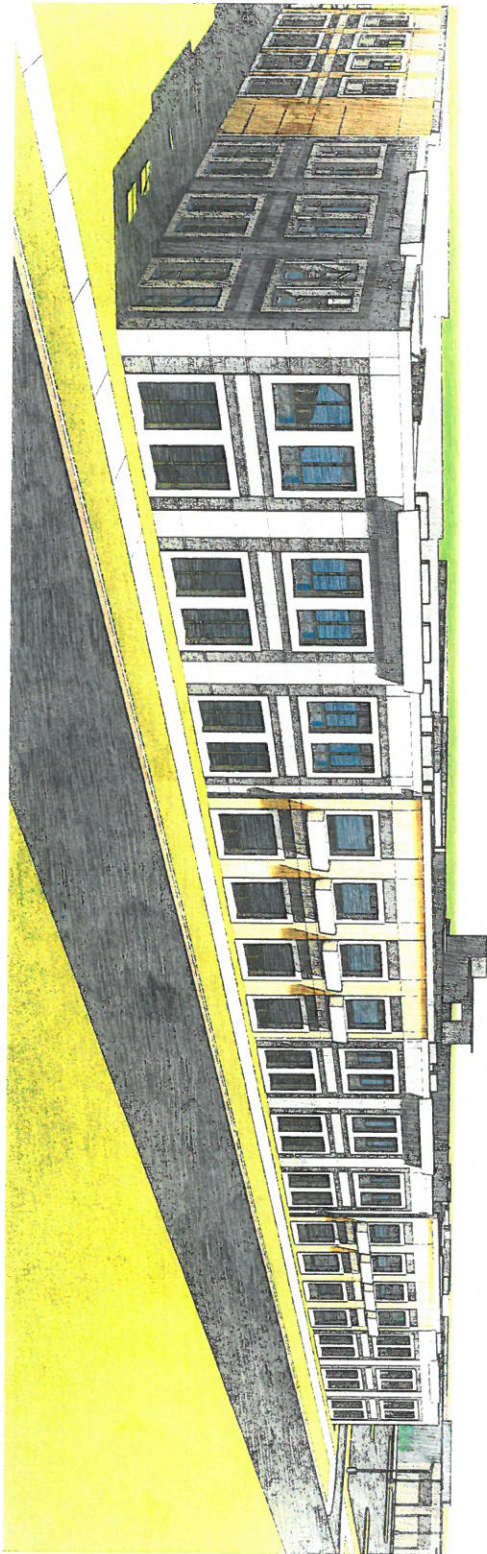




GARAGE NORTHEAST CORNER

**LAKESIDE CROSSING PARKING GARAGE**

Winter Park, FL | A007-8  
08/20/15



GARAGE SOUTHEAST CORNER AERIAL

**LAKESIDE CROSSING PARKING GARAGE**

Winter Park, FL | A009-8  
08/20/15





GARAGE FROM LAKE MENDISEN / PARK

**LAKESIDE CROSSING PARKING GARAGE**

Winter Park, FL | A009-B  
08/20/15

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

**Staff Report  
September 1, 2015**

---

**REQUEST OF PHIL KEAN DESIGNS INC. TO:** AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP FROM COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 652 WEST MORSE BOULEVARD.

**REQUEST OF PHIL KEAN DESIGNS INC. TO:** AMEND THE OFFICIAL ZONING MAP FROM OFFICE (O-1) DISTRICT TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTY AT 652 WEST MORSE BOULEVARD.

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

---

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

There are three combined requests to the City:

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

**CRA/Zoning Background/History:**

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



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

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

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

#### **Project Development Standard Parameters:**

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

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

The proposed setback of the third floors on the outside visible facades is an issue to be discussed. While there are bay window bump-out articulation and a ground floor porch element the building façade walls are vertical. In order to mandate building articulation and terracing on the third floors, the Comp. Plan requires that the third floor be setback from the two floors below via a prescriptive one foot for each foot of floor height; but it specifies "on street frontages". In this case none of the third floors are "on street frontages". However, in the C-2 zoning code the terracing requirement is more generic and it says "for any building over two stories...a significant portion of the top

floor shall be terraced and stepped back from the exterior face of the next lower floors". The purpose is to mandate more appealing architectural facades that are seen by the public than just a flat wall. In this case, the three story buildings do not front on the street but are interior to the site. As such the applicants are asking for a zoning exception or variance to this requirement for additional third floor terracing or setback.

The planning staff has no issue with the interior facades facing the private motor court. The question is the applicability of the exterior facing facades toward the west side of the city park/walkway and toward Morse Blvd. The critical piece is the northernmost Building #2 which is visible from Morse Blvd. Particularly visible will be the flat end wall of that building (facing Morse Blvd.) that needs articulation and terracing. Note that the end walls of the two story building on Morse Blvd. have significant architectural articulation and appeal. Thus, staff will not recommend the zoning exception/variance for Building #2 in compliance with Code.

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

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

### **Traffic/Mobility Impacts:**

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



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

**Other Considerations:**

This project is intended to be developed as fee simple townhouses pursuant to a replat (not as a condominium). To the extent that any "subdivision approval" is required, then this process provides that approval. This fee simple/replat marketing approach is what was approved by the City for the 400 Swoope townhouse project, the Morse/Virginia Townhouse project, 125 S. Interlachen Avenue and 170 E. Morse Blvd.

Special attention needs to be paid to the placement of the electric transformers and back flow preventers. It is not a significant issue with the green electric transformer or switch gear boxes but the appearance of the backflow preventers next to the sidewalk quickly diminishes the visual appeal of the development. While one can accept that in commercial locations, it is not acceptable on Morse Blvd. There are conditions recommended to address these circumstances.

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

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

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

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

**STAFF RECOMMENDATION IS FOR APPROVAL of the request for Central Business District FLU and C-2 Zoning for 652 W. Morse Blvd.**

**STAFF RECOMMENDATION IS FOR APPROVAL of both the Preliminary and Final Conditional Use approvals with the following conditions:**

1. That Building #2 visible from Morse Blvd. must be modified such that per Code "a significant portion of the top floor shall be terraced and stepped back from the exterior face of the lower floors" on the western and northern sides.
2. That zoning exceptions/variances are granted for the absence of third floor terracing and articulation for Buildings #3 and #4.
3. The electric transformer/switch gear and all backflow preventers shall be located where not visible from a public street and shall also be landscaped so as to be effectively screened from view.
4. Changes to the Welbourne Avenue parking arrangement are approved for the creation of three parallel parking spaces.
5. That a common area be provided in the rear (not in the right-of-way) for the placement of the 11 trash carts.
6. As the Applicant is not the owner of the Property, but rather is the purchaser under a contract for sale and purchase to buy the Property, unless specifically consented to by Owner in writing, no approval issued pursuant to the Application or any condition imposed in connection therewith, shall be binding upon the Property or the current Owner of the Property unless and until Applicant, or its successor or assign, acquires title to the Property. If Applicant or its successor or assign does not acquire title to the Property within one hundred fifty (150) days following the approval by the City Commission of this project and the expiration of any appeal period applicable thereto, the Conditional Use Permit shall be null and void.



## Relevant Comprehensive Plan policies:

### **Policy 1-3.8.11: Restriction on the Use of CBD Future Land Use and (C-2) Zoning.**

The City shall only permit the use of CBD future land use designations or C-2 zoning on property in the area depicted in the Map located on page D-4 within the definitions sections of this Comprehensive Plan. **CBD future land use and C-2 zoning may also be permitted on properties abutting Morse Blvd between Capen and Virginia Avenues,** abutting New England Avenue between Pennsylvania and New York Avenues, abutting Pennsylvania Avenue between Garfield and Lyman Avenues, or abutting Hannibal Square, East. Central Business District future land use designations or C-2 zoning shall not be permitted by the City for any property outside these designated areas. Properties within the designated areas are not deemed entitled to Central Business District future land use or to C-2 zoning nor should any property owner have any reasonable expectation that CBD FLU/C-2 zoning will be allowed. These are simply the area locations where properties may be candidates for C-2 which may or may not be granted by the City Commission on a case by case basis. *Policy amended to reflect changes as adopted on October 11, 2010 per Ordinance 2825-10.*

### **Policy 1-3.8.9: Preserve the Pedestrian Scale and Orientation of the CBD and Restrict Building Height.**

The City shall preserve the pedestrian scale and orientation of the Winter Park Central Business District Boundary Map, as defined in the Definitions section of this Comprehensive Plan, by limiting development for any property to two stories in height or three stories (including any mezzanine levels) on a case by case basis via conditional use approval by the City Commission for any third floor. The pedestrian orientation is also protected by prohibiting new drive-in businesses within the C-2 zoning locations east of Virginia Avenue. Approvals or other variances for more than three stories are prohibited. **Third floors approved by conditional use must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor.** Properties designated low density residential and properties limited to two stories on the Maximum Height Map are not candidates for the 3 story height conditional use. *Policy amended to reflect changes as adopted on July 14, 2014 per Ordinance 2970-14 and 2971-14.*

**Policy 1-3.2.3: Hannibal Square Neighborhood Commercial District.** Comprehensive Plan land use policies shall foster redevelopment of the Hannibal Square Neighborhood Commercial District with its own distinct individual scale and character but sharing some of the characteristics of the Central Business District. Commercial, office and residential development policies shall permit buildings footprints that have minimal setbacks from the street in order to foster a pedestrian friendly environment and design standards shall require streetscape amenities and foster architectural features that promote a human scale. **These policies shall be implemented within the Hannibal Square Neighborhood Commercial District, limited to:**

- 1) **Properties abutting Morse Boulevard between Capen Avenue and Virginia Avenue;**
- 2) Properties abutting New England Avenue between Pennsylvania and New York Avenues;



- 3) Properties abutting Pennsylvania Avenue between Lyman and Garfield Avenues, including those existing commercial properties just north of Garfield Avenue; and
- 4) Properties abutting Hannibal Square East.

The C-2 zoning district delineation shall only be applied to properties designated CBD on the Future Land Use Map. Pursuant to CRA policy direction, mixed use buildings are encouraged. Two story maximum building heights shall be the maximum permitted, except the City may permit third stories when limited to residential use and deed restricted for residential usage only. Building heights on the north end of Pennsylvania Avenue shall be two stories maximum when transitioning to residential. Shared parking shall be encouraged and enforced whenever parking management plan approvals are granted. The implementing land development regulations must ensure that compatible land use relationships occur, particularly between land uses within perimeter areas of the Hannibal Square Neighborhood Commercial District and areas 500 feet outside this area so as to protect the surrounding residential areas and local churches.

#### **Relevant C-2 Zoning excerpts:**

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

(a) *Purpose and intent.*

(1) This commercial zoning district is limited to the commercial portion of the geographic downtown area known as the Central Business District and the similar commercial area of the city within the Hannibal Square Neighborhood Commercial District (HSNCD) of the City's Community Redevelopment Area (CRA). As detailed in the Comprehensive Plan, Commercial (C-2) district zoning is not permitted on any property except if it is within the Central Business District "potential C-2 zoning" area depicted in the CBD Map (D-2) in the definitions section, generally described as west of Knowles Avenue, south of Swoope Avenue, north of Comstock Avenue and east of and including the New York Avenue Corridor or it is on properties abutting Morse Blvd between Capen and Virginia Avenues, abutting New England Avenue between Pennsylvania and New York Avenues, abutting Pennsylvania Avenue between Garfield and Lyman Avenues, or abutting Hannibal Square, East. No applications for C-2 zoning shall be accepted for any property outside these designated areas. Moreover, even properties within these designated areas shall have no vested right to C-2 zoning. This district has different requirements than other commercial areas especially pertaining to setbacks, parking requirements, height limitations and permitted land uses. This district is established to encourage the continuation of the present unique Park Avenue business district of the city and to provide for its use within certain other defined geographical areas as specified in the Comprehensive Plan.

(b) *Permitted uses.*

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



(c) *Conditional uses.*

(3) Buildings with a third floor and up to forty (40) feet in height, provided that such conditional use approvals require two public hearing approvals by the city commission;

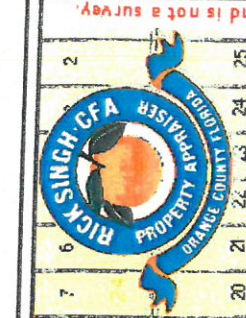
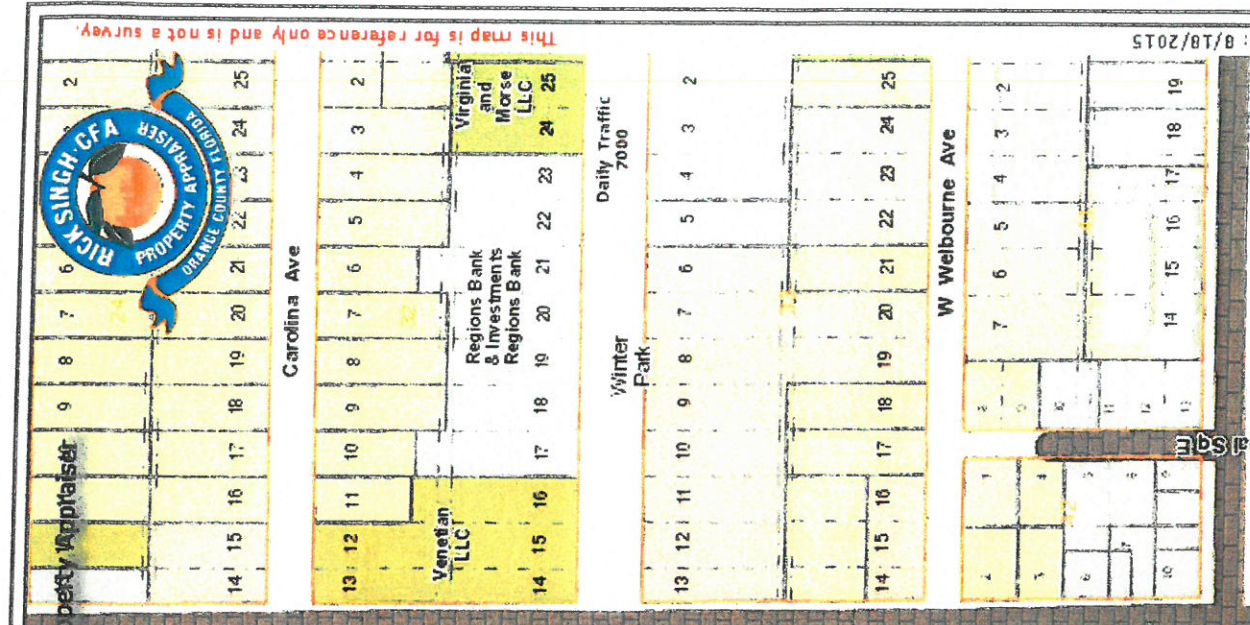
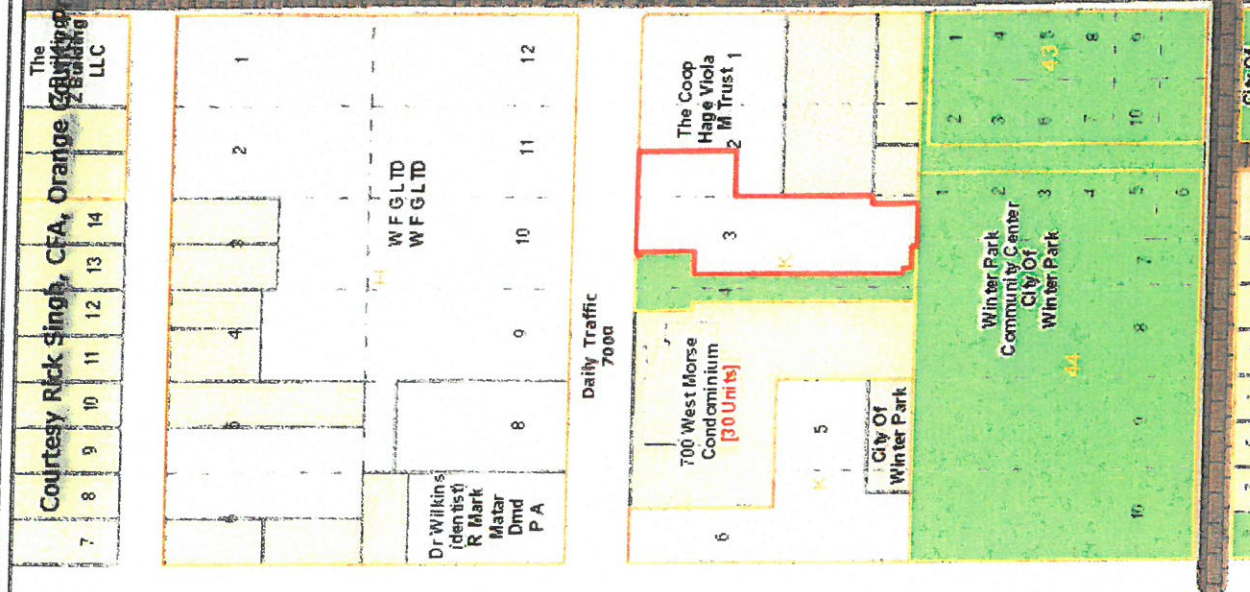
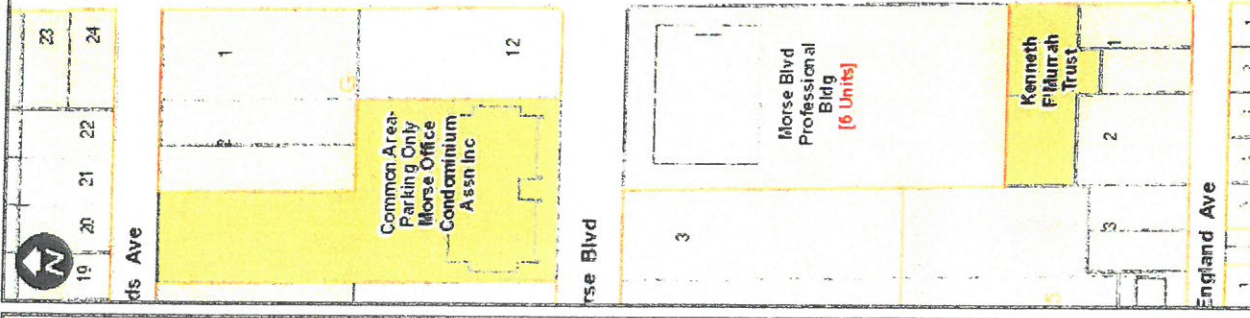
(e) *Development standards.*

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

(8) Terracing and articulation requiring additional setbacks are required to create relief to the overall massing of the building facades. Such design features of building façade articulation are required at least every sixty (60) feet on average along the primary building façades facing the streets, or along the building frontage where the building fronts the primary parking lot area. For any building over two stories in height and over 200 feet in length, there shall be a thirty-five (35) foot break on at least the first floor, the design of which shall be a component of the architectural review process required for conditional use. For any building over two stories or thirty (30) feet in height, a significant portion of the top floor shall be terraced and stepped back from the exterior face of the next lower floor. Parking structures are exempt from this terracing requirement.



- 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
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Institutional/Office
- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Building



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

Courtesy Rick Singh, CFA, Orange County Property Appraiser

The Building Z Building LLC

Created: 8/18/2015



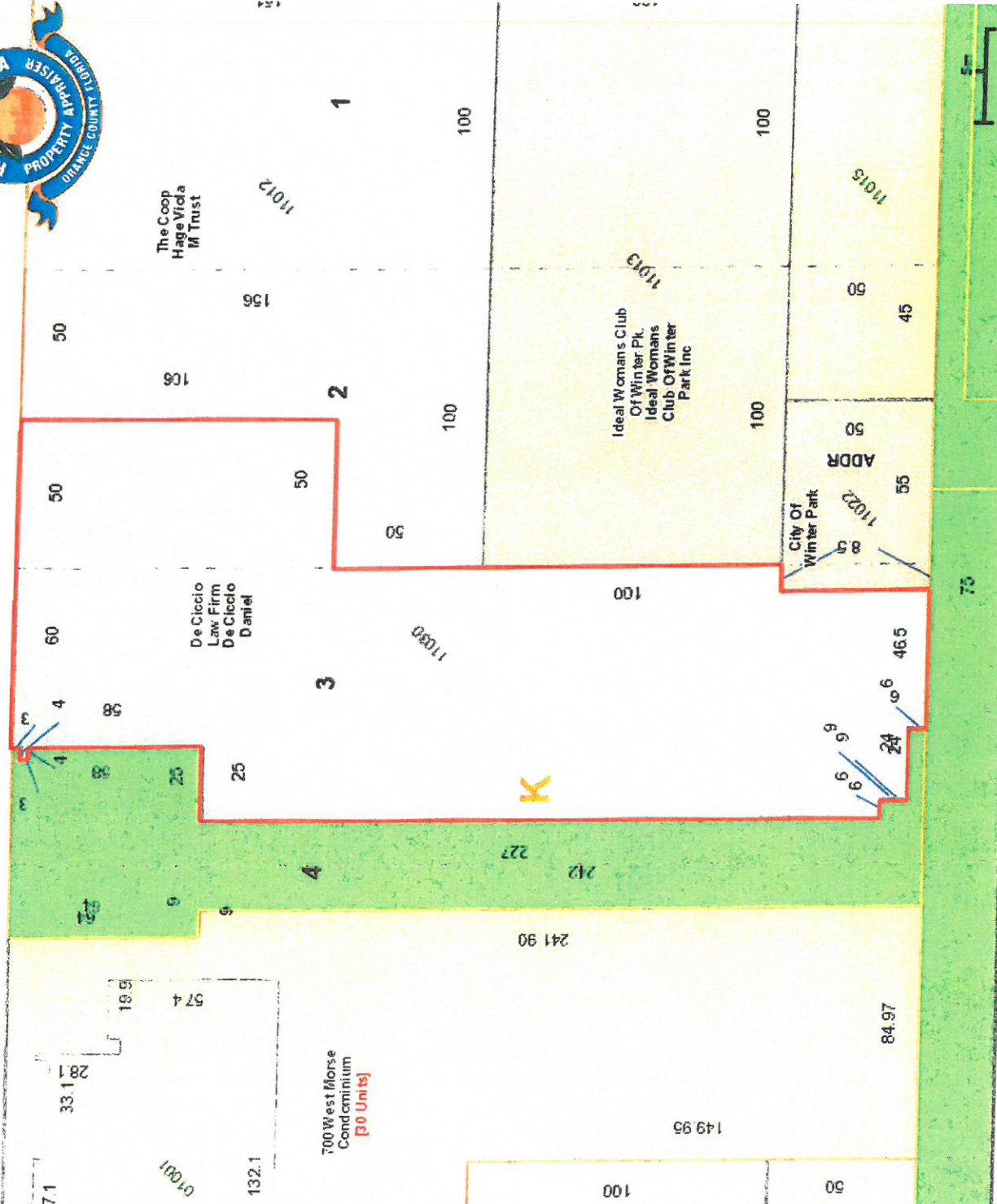
- Florida Turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
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- State Road
- County Road
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- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental
- Institutional/Misc
- Commercial/Industrial
- Vacant Land
- Hydro
- Waste Land
- Agricultural Curflage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Block Number
- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimension

Courtesy Rick Singh, CFA, Orange County Property Appraiser



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

Created: 8/18/2015





**OCPA Web Map**

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

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 8/18/2015

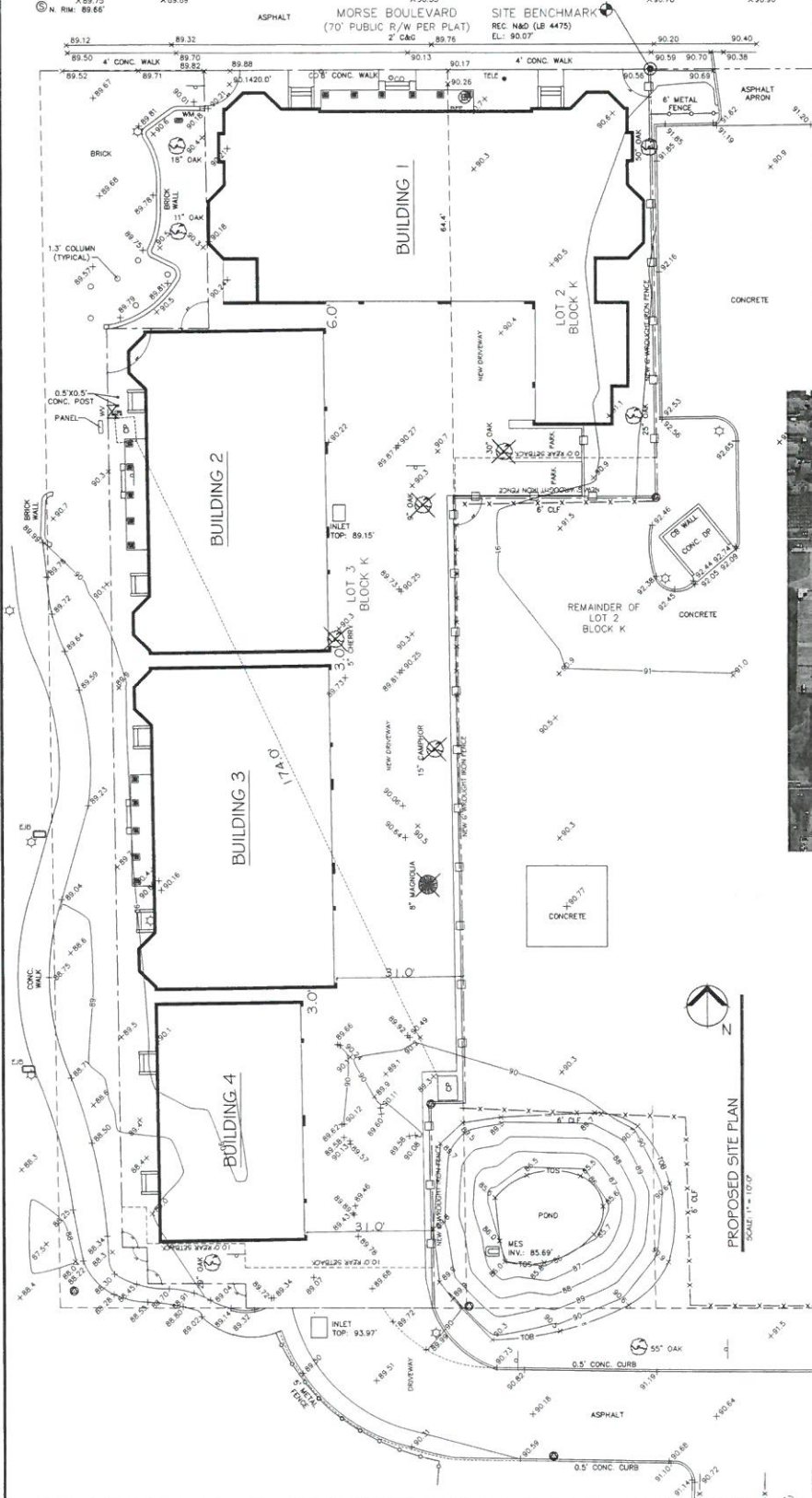
This map is for reference only and is not a survey.



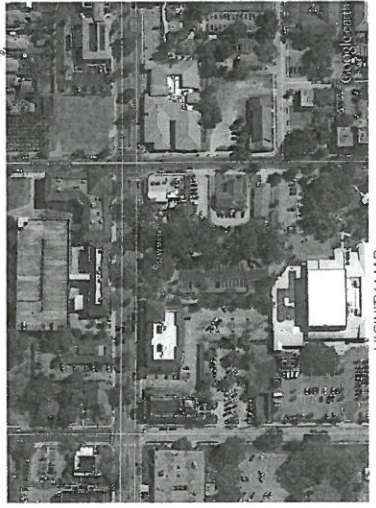




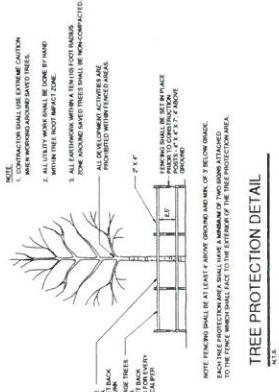


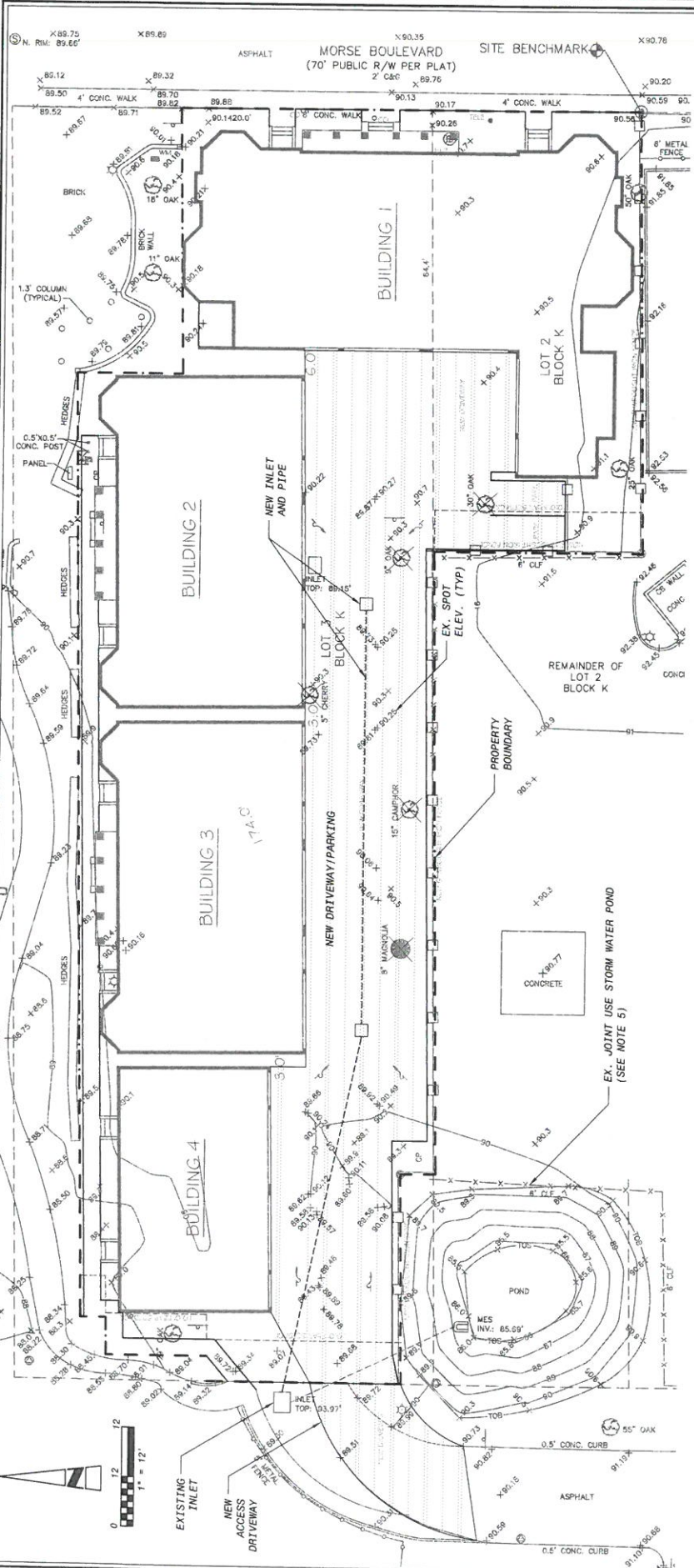


**LOT COVERAGE**  
 LOT AREA = 29,036 SQ. FT.  
**BUILDING COVERAGE**  
 BUILDING 1 = 5,917 SQ. FT.  
 BUILDING 2 = 3,814 SQ. FT.  
 BUILDING 3 = 3,814 SQ. FT.  
 BUILDING 4 = 2,166 SQ. FT.  
**TOTAL BUILDINGS = 15,711 SQ. FT.**  
**DRIVE = 8,647 SQ. FT.**  
**WALKS - STOOPS = 255 SQ. FT.**  
**TOTAL LOT COVERAGE = 24,613 SQ. FT. = 84.7%**  
**FLOOR AREA RATIO**  
 BUILDING 1 = 11,648 SQ. FT.  
 BUILDING 2 = 11,210 SQ. FT.  
 BUILDING 3 = 11,210 SQ. FT.  
 BUILDING 4 = 6,498 SQ. FT.  
**TOTAL FAR = 139.7%**



**PROPOSED SITE PLAN**  
 SCALE: 1" = 10'-0"





**LEGEND**  
 --- CONTOUR  
 - - - - SPOT ELEVATION  
 - - - - FLOW DIRECTION  
 - - - - PROPERTY BOUNDARY

- NOTES:**
- EXISTING SITE INFORMATION BASED ON BOUNDARY AND TOPOGRAPHICAL SURVEY BY HLSM, LLC SURVEYS (DATED 6/28/15). REFER TO THIS DOCUMENT FOR ADDITIONAL INFORMATION REGARDING PROPERTY LEGAL DESCRIPTIONS, FLOOD ZONE AND BENCHMARKS.
  - MATCH EXISTING GRADE AT PROPERTY LINE.
  - CALCULATIONS FOR IMPERVIOUS AREA INCLUDE ROOF/HOMES, SIDEWALKS AND DRIVEWAY.
  - CALCULATIONS FOR RETENTION VOLUME IN ACCORDANCE WITH SECTION 58, CITY OF WINTER PARK CODE OR ORDINANCES FOR CENTRAL BUSINESS DISTRICT (RETENTION OF 0.5" OVER IMPERVIOUS AREA).
  - STORM WATER VOLUME (RETENTION) PROVIDED BY JOINT STORM WATER POND IN ACCORDANCE WITH DEVELOPMENT AGREEMENT DATED 1995 (OR/BK-4973; PG 2833).

**REQUIRED RETENTION VOLUME CALCULATIONS**

Basin Number	Basin Description	Area, sf	Rainfall, inch	Volume, cf
1	Site	24,752	0.5	1,031
Joint Use Pond Volume (adequate volume in pond)				7,263

**SITE AREA AND RATIO CALCULATIONS**

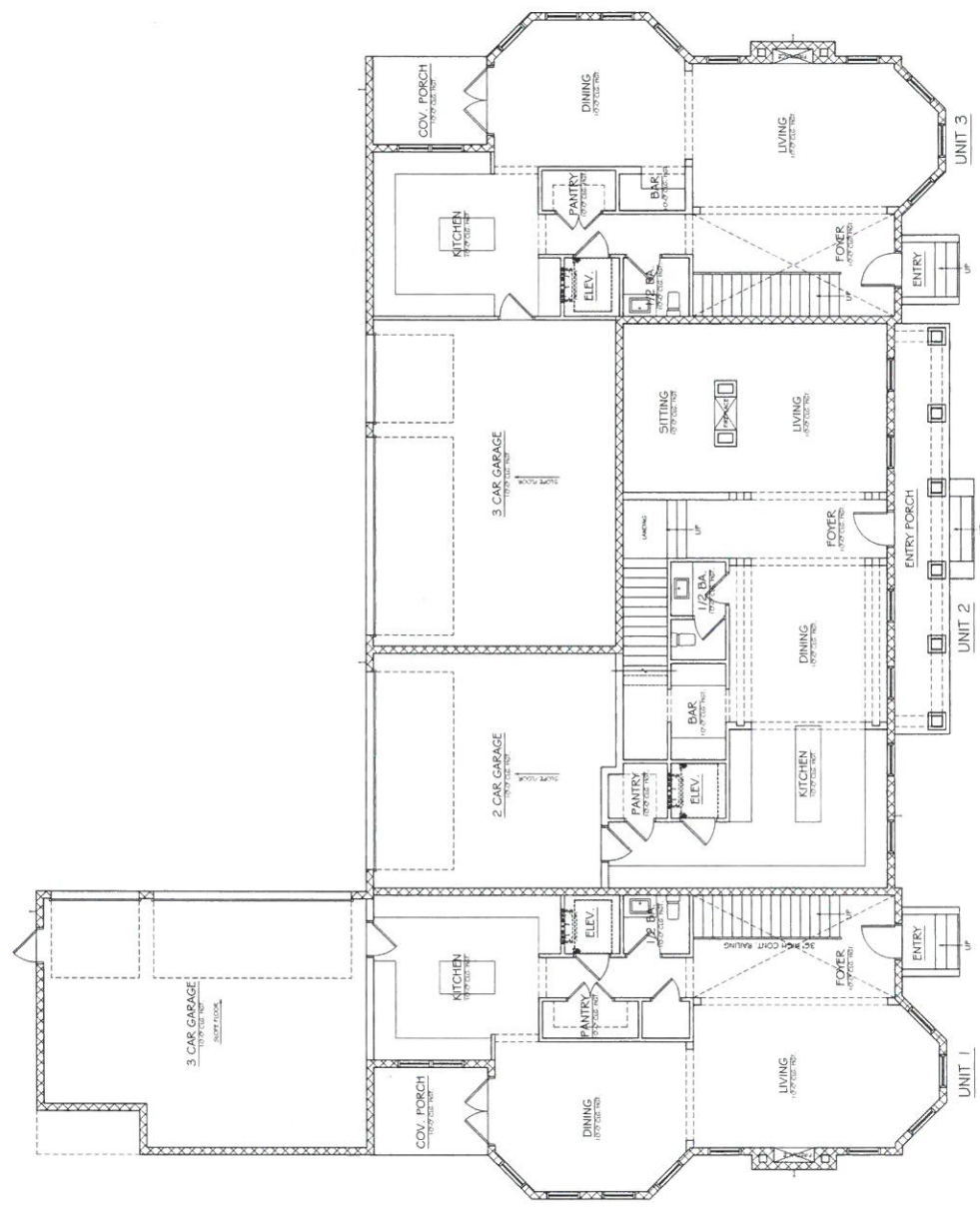
Item	Existing	Proposed
Total Site Impervious	29,190	29,190
Building	3,207	15,552
Patio and Walkways	1,570	1,480
Driveway/Parking	10,584	7,720
Total, Impervious	15,361	24,752
Impervious Ratio	53%	85%



DWELLING / GARAGE SEPARATION (GRADE 8302 G)	
SEPARATION	MATERIAL
FROM RESIDENCE AND ATTICS	NOT LESS THAN 3/4" INCH OPTIMUM BOARD OR EQUIVALENT TO THE GARAGE SIDE
FROM INTERIORS ROOMS ABOVE GARAGE	NOT LESS THAN 3/4" INCH TYPE X GYPSUM BOARD OR EQUIVALENT
STRUCTURES SUPPORTING FLOORING/CEILING ASSEMBLIES USED FOR SEPARATION REQUIRED BY THIS SECTION	NOT LESS THAN 3/4" INCH OPTIMUM BOARD OR EQUIVALENT
GARAGES LOCATED LESS THAN 3 FEET FROM A DWELLING UNIT ON THE SAME LOT	NOT LESS THAN 3/4" INCH OPTIMUM BOARD OR EQUIVALENT APPLIED TO THE INTERIOR SIDE OF EXTERIOR WALLS THAT ARE WITHIN THIS AREA.

**PLAN NOTES:**  
 1. OPENINGS BETWEEN THE GARAGE AND RESIDENCE SHALL HAVE A 20 MIN. FIRE RATED DOOR OR SOLID CORE DOOR WITH A MINIMUM 1 1/2" GAP. THE DOOR SHALL BE EQUIPPED WITH AUTOMATIC CLOSERS.

BUILDING # 1	
<b>UNIT # 1</b>	
<b>LOWER LEVEL</b>	
A/C	1160
GARAGE	175
COV. PORCH	63
<b>UPPER LEVEL</b>	
2-STORY AREA	1145
BALCONY	171
BALCONY	39
<b>TOTALS</b>	
NET GARAGE	222.2
NET GARAGE	222.2
COV. PORCH	63
BALCONY	39
BALCONY	39
TOTAL UNDER ROOF	349.2
<b>UNIT # 2</b>	
<b>LOWER LEVEL</b>	
A/C	1322
GARAGE	187
ENTRY PORCH	187
<b>UPPER LEVEL</b>	
A/C	1806
BALCONY	154
<b>TOTALS</b>	
A/C	3130
GARAGE	187
ENTRY PORCH	187
BALCONY	154
TOTAL UNDER ROOF	3607
<b>UNIT # 3</b>	
<b>LOWER LEVEL</b>	
A/C	1160
GARAGE	175
COV. PORCH	63
<b>UPPER LEVEL</b>	
2-STORY AREA	1145
BALCONY	171
BALCONY	39
<b>TOTALS</b>	
A/C	2943
GARAGE	175
COV. PORCH	63
BALCONY	39
TOTAL UNDER ROOF	3307



# 1 LOWER LEVEL FLOOR PLAN - NOTED  
 SCALE: 1/8" = 1'-0"

DESIGNER: PHIL KEAN DESIGN GROUP  
 1100 N. 10th Street, Suite 100  
 Philadelphia, PA 19107  
 TEL: 215-581-1234  
 WWW.PHILKEANDSIGN.COM

ENGINEER: MICHAEL J. BURDEN  
 PE# 61628  
 ARCHITECT: PHIL KEAN DESIGN GROUP  
 1100 N. 10th Street, Suite 100  
 Philadelphia, PA 19107  
 TEL: 215-581-1234  
 WWW.PHILKEANDSIGN.COM

PROJECT: INTERIOR ARCHITECTURE  
 MORSE & PENNSYLVANIA  
 BROWNSTONES

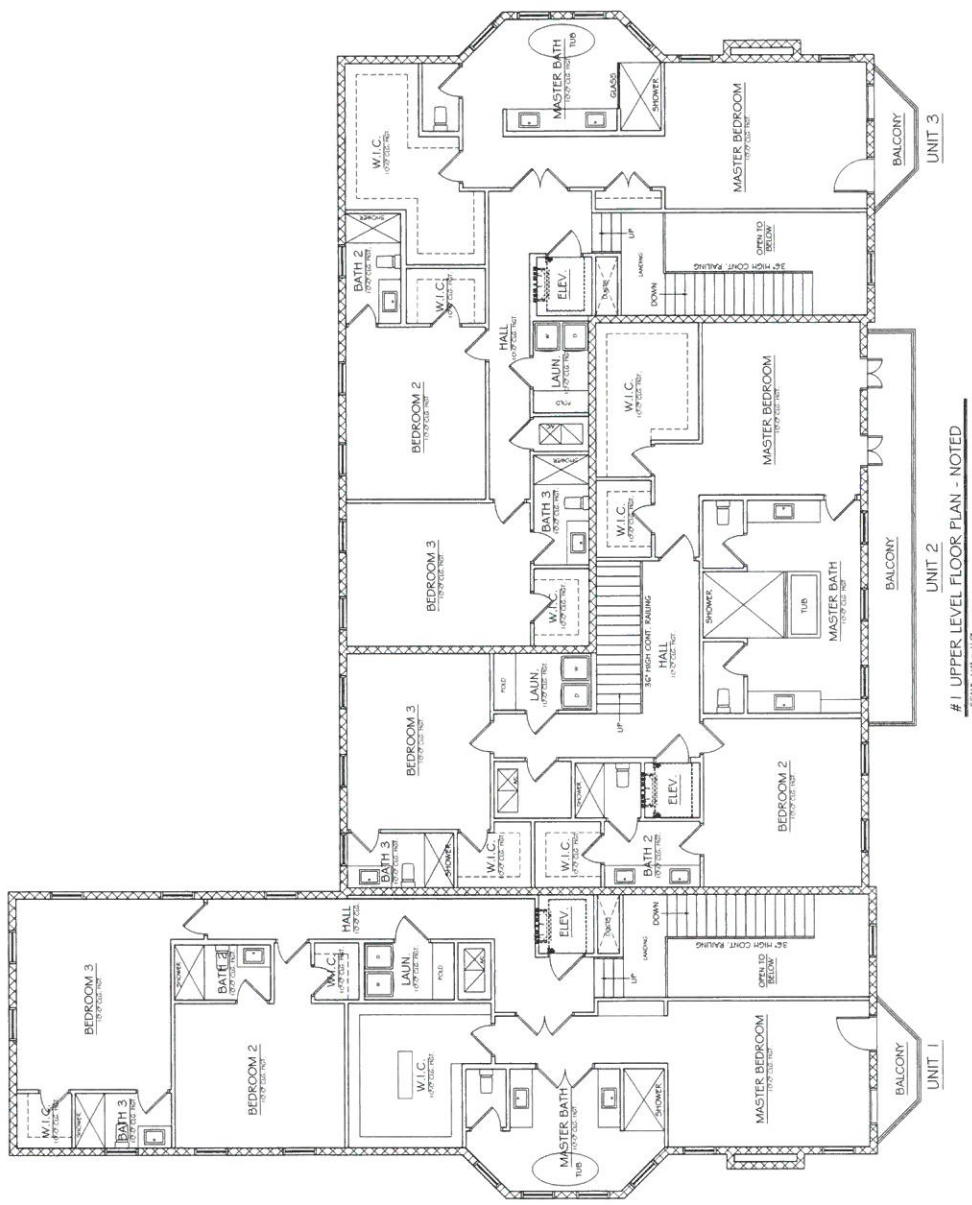
PLAN HISTORY

DATE	DESC.
07/23/13	ISSUANCE # 1
07/14/13	ISSUANCE # 2

SHEET DATA  
 PREPARED BY: PHIL KEAN  
 DRAWN BY:

SHEET DESC.:  
 BUILDING #1  
 FLOOR PLAN  
 FLOOR PLAN  
 NOTED

SHEET  
 1.4

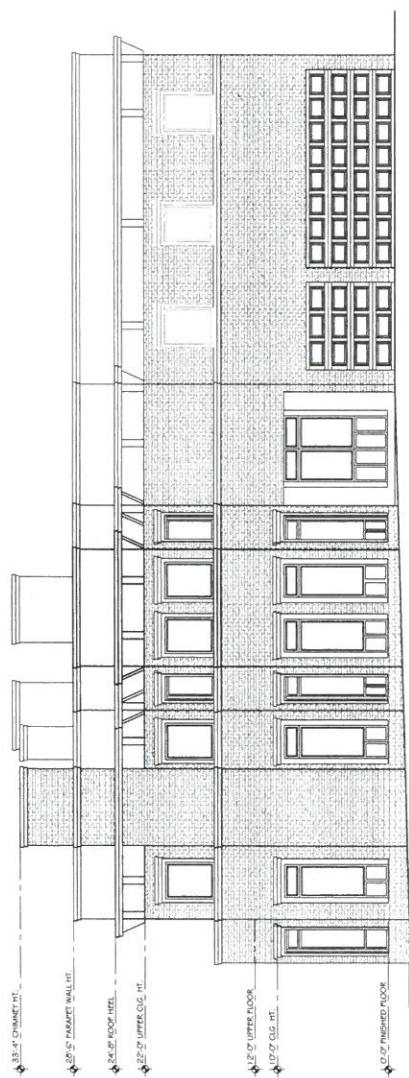


#1 UPPER LEVEL FLOOR PLAN - NOTED  
 SCALE: 1/8" = 1'-0"

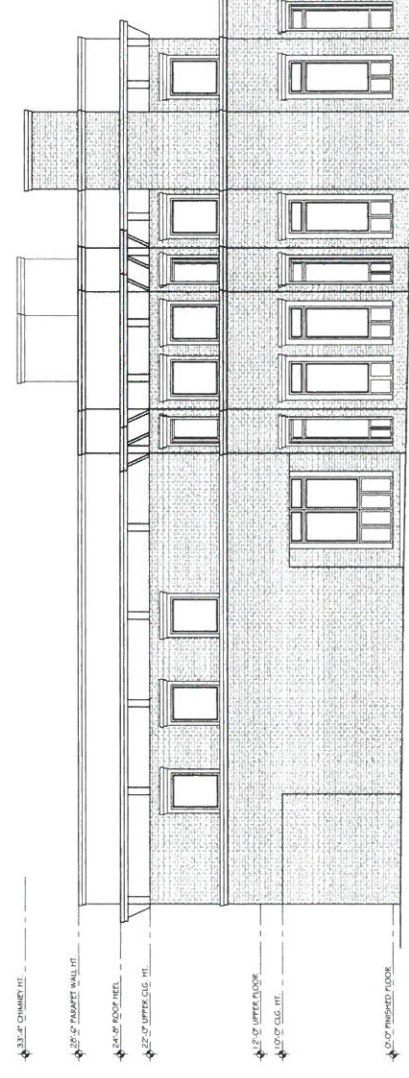
BUILDING # 1	
<b>UNIT # 1</b>	
<b>LOWER LEVEL</b>	
AC	1104
GARAGE	725
CON. PORCH	83
<b>UPPER LEVEL</b>	
AC	1795
2-STORY AREA	171
BALCONY	139
<b>TOTALS</b>	
AC	2973
GARAGE	725
CON.	171
2-STORY AREA	171
BALCONY	39
TOTAL UNDER ROOF	3952
<b>UNIT # 2</b>	
<b>LOWER LEVEL</b>	
AC	1332
GARAGE	484
ENTRY PORCH	197
<b>UPPER LEVEL</b>	
AC	1606
BALCONY	156
<b>TOTALS</b>	
AC	3138
GARAGE	484
ENTRY PORCH	197
BALCONY	156
TOTAL UNDER ROOF	3809
<b>UNIT # 3</b>	
<b>LOWER LEVEL</b>	
AC	1105
GARAGE	600
CON. PORCH	83
<b>UPPER LEVEL</b>	
AC	1755
2-STORY AREA	171
BALCONY	139
<b>TOTALS</b>	
AC	2943
GARAGE	600
CON.	171
2-STORY AREA	171
BALCONY	39
TOTAL UNDER ROOF	3857







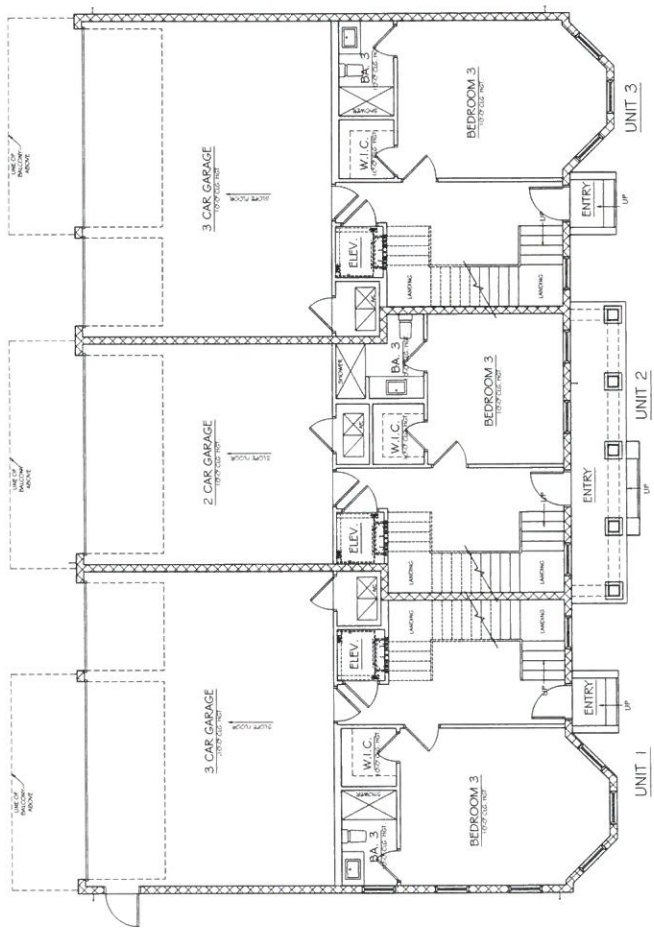
MORSE BUILDING RIGHT (WEST)  
 SCALE 1/4" = 1'-0"



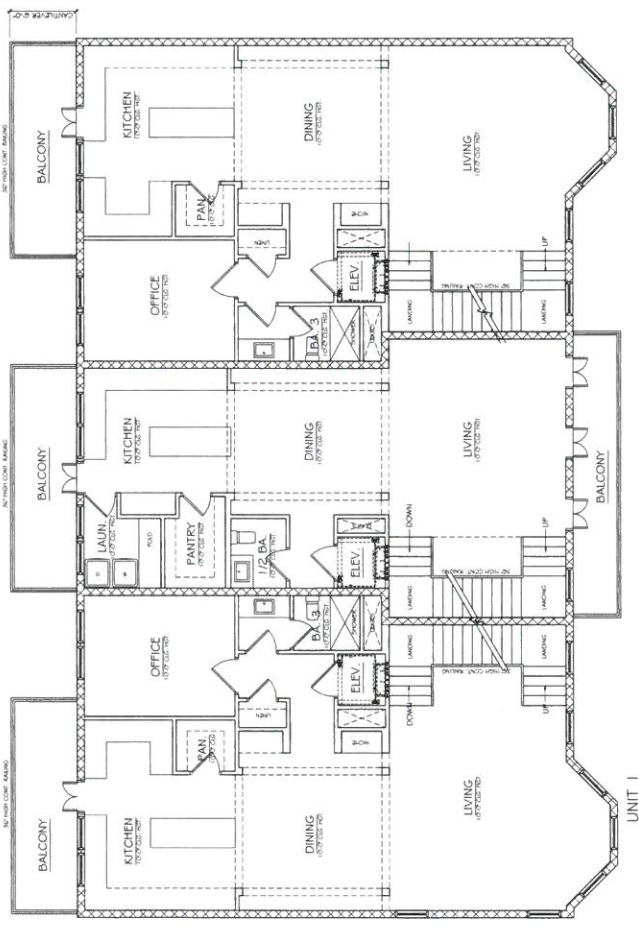
MORSE BUILDING LEFT (EAST)  
 SCALE 1/4" = 1'-0"



BUILDING # 2	
<b>UNIT # 1</b>	
<b>LOWER LEVEL</b>	SLE 700, GARAGE 700
<b>MIDDLE LEVEL</b>	AC 1320, BALCONY 122
<b>UPPER LEVEL</b>	AC 1217, FRONT BALCONY 39, 2-STORY AREA 75
<b>TOTALS</b>	AC 3161, GARAGE 700, 2-STORY AREA 75, TOTAL UNDER ROOF 3920, BALCONY 195
<b>UNIT # 2</b>	
<b>LOWER LEVEL</b>	SLE 490, GARAGE 490, COVERED ENTRY 137
<b>MIDDLE LEVEL</b>	AC 1051, BALCONY 120
<b>UPPER LEVEL</b>	AC 963, 2-STORY AREA 66
<b>TOTALS</b>	AC 2504, GARAGE 490, 2-STORY AREA 66, COVERED ENTRY 137, TOTAL UNDER ROOF 3290, BALCONY 120
<b>UNIT # 3</b>	
<b>LOWER LEVEL</b>	SLE 700, GARAGE 700
<b>MIDDLE LEVEL</b>	AC 1220, BALCONY 122
<b>UPPER LEVEL</b>	AC 1200, 2-STORY AREA 60
<b>TOTALS</b>	AC 3164, GARAGE 700, 2-STORY AREA 60, TOTAL UNDER ROOF 3920, BALCONY 122



#2 LOWER LEVEL FLOOR PLAN - NOTED  
 SCALE 1/4" = 1'-0"



#2 MIDDLE LEVEL FLOOR PLAN - NOTED  
SCALE: 1/4" = 1'-0"

BUILDING # 2	
<b>UNIT # 1</b>	
LOWER LEVEL	616
AC: GARAGE	705
MIDDLE LEVEL	1326
AC: BALCONY	122
UPPER LEVEL	1217
AC: FRONT BALCONY	39
AC: 2 STORY AREA	175
<b>TOTALS</b>	
AC: GARAGE	3161
AC: 2 STORY AREA	705
AC: BALCONY	75
TOTAL UNDER ROOF	3540
AC: BALCONY	135
<b>UNIT # 2</b>	
LOWER LEVEL	565
AC: GARAGE	499
COVERED ENTRY	137
MIDDLE LEVEL	1051
AC: BALCONY	126
UPPER LEVEL	963
AC: 2 STORY AREA	66
<b>TOTALS</b>	
AC: GARAGE	2567
AC: 2 STORY AREA	406
COVERED ENTRY	137
TOTAL UNDER ROOF	3290
AC: BALCONY	126
<b>UNIT # 3</b>	
LOWER LEVEL	616
AC: GARAGE	705
MIDDLE LEVEL	1326
AC: BALCONY	122
UPPER LEVEL	1217
AC: FRONT BALCONY	39
AC: 2 STORY AREA	175
<b>TOTALS</b>	
AC: GARAGE	3164
AC: 2 STORY AREA	705
AC: BALCONY	3540
TOTAL UNDER ROOF	122



DESIGNER:

PROJECT:

ENGINEER:

MORSE & PENNSYLVANIA  
BROWNSTONES

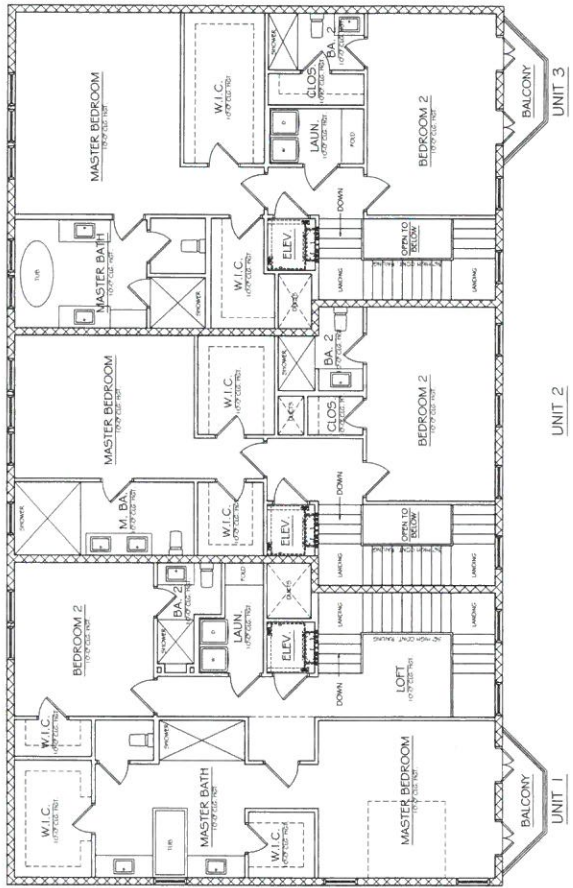
PLAN HISTORY

SHEET DATA

SHEET DESC.

BUILDING #2

1.6



#2 UPPER LEVEL FLOOR PLAN - NOTED  
SCALE: 1/8" = 1'-0"

**BUILDING # 2**

<b>UNIT # 1</b>	
<b>LOWER LEVEL</b>	634
AC	708
<b>MIDDLE LEVEL</b>	1306
AC	122
<b>UPPER LEVEL</b>	1517
AC	39
POINT BALCONY	73
<b>TOTALS</b>	3161
AC	100
2-STORY AREA	73
<b>TOTAL UNDER ROOF</b>	3940
BALCONY	1195

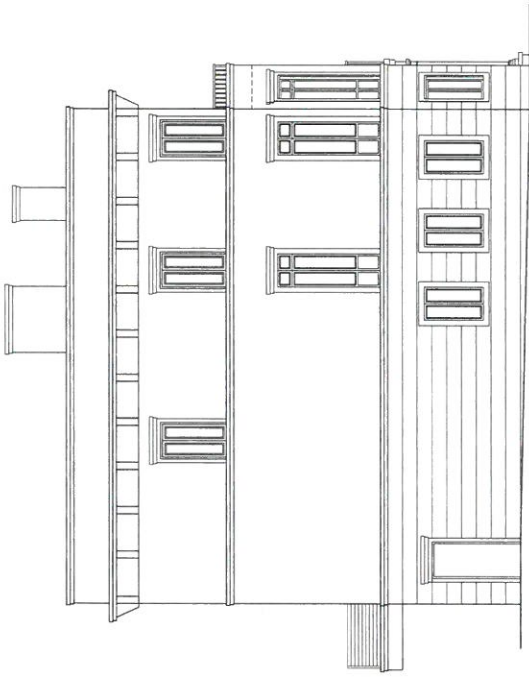
<b>UNIT # 2</b>	
<b>LOWER LEVEL</b>	552
AC	137
<b>MIDDLE LEVEL</b>	1051
AC	126
<b>UPPER LEVEL</b>	962
AC	66
<b>TOTALS</b>	2567
AC	46
2-STORY AREA	137
<b>TOTAL UNDER ROOF</b>	3290
BALCONY	126

<b>UNIT # 3</b>	
<b>LOWER LEVEL</b>	634
AC	708
<b>MIDDLE LEVEL</b>	1306
AC	122
<b>UPPER LEVEL</b>	1702
AC	15
<b>TOTALS</b>	3164
AC	108
2-STORY AREA	66
<b>TOTAL UNDER ROOF</b>	3940
BALCONY	122

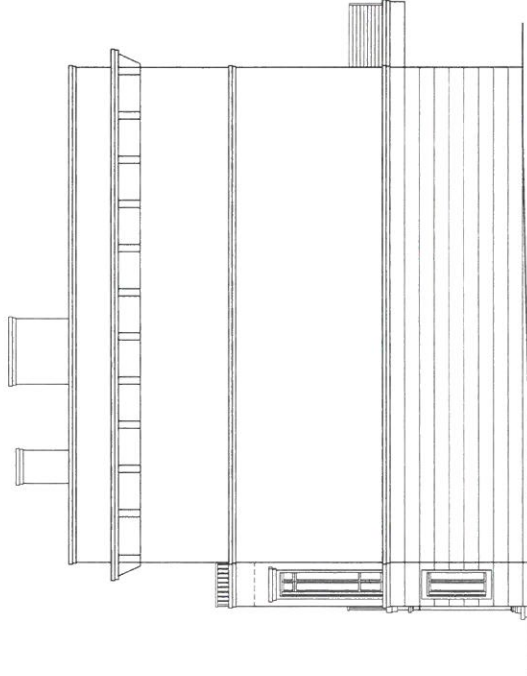




DESIGNER: PHIL KEAN DESIGN GROUP 1000 N. MARKET ST., SUITE 200 PHILADELPHIA, PA 19107 TEL: 215-592-7200 FAX: 215-592-7201 WWW.PHILKEANDSIGN.COM	ENGINEER: MICHAEL J. BURDEN PE# 61628	PROJECT: MORSE & PENNSYLVANIA BROWNSTONES	PLAN HISTORY	SHEET DATA: DESIGNED BY: PHIL KEAN DRAWN BY:	SHEET DESC.: BUILDING 2 RIGHT & LEFT ELEVATIONS	SHEET
			DATE   DESC.   2024-11-14   2024-11-14			



BUILDING #2 LEFT (NORTH)  
SCALE: 1/4" = 1'-0"

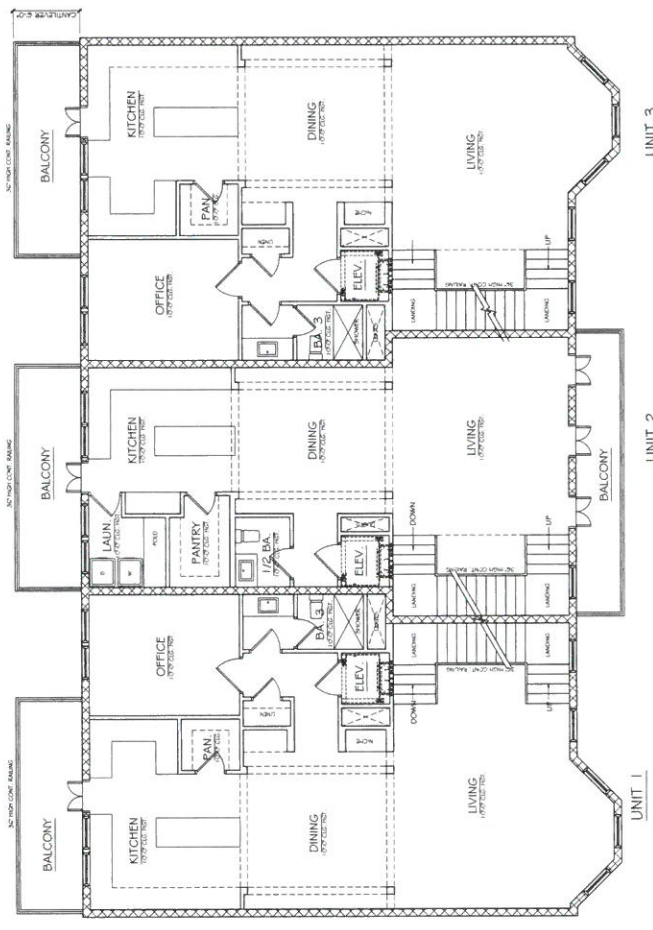


BUILDING #2 RIGHT (SOUTH)  
SCALE: 1/4" = 1'-0"



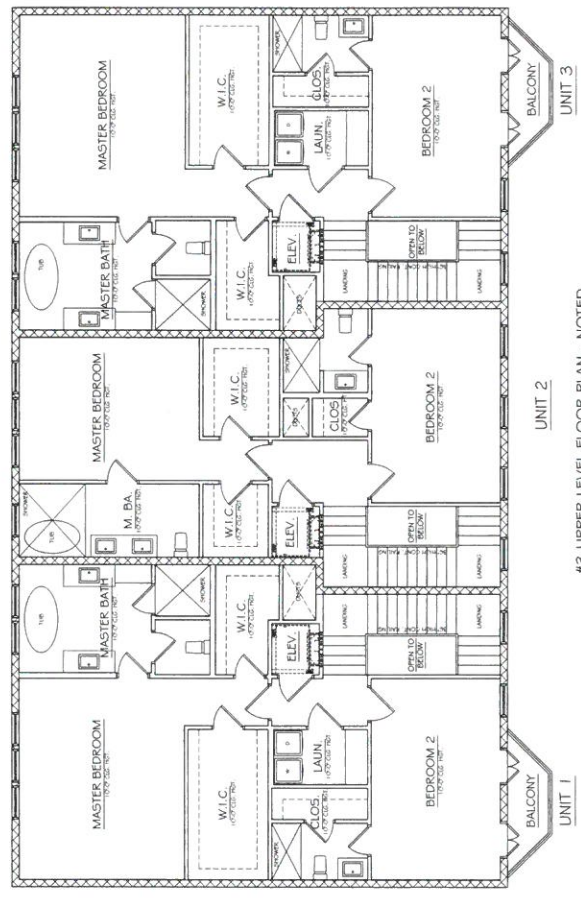


DESIGNER: PILL & KAY DESIGN GROUP 1000 W. 10TH ST., SUITE 200 DENVER, CO 80202 TEL: 303.733.1111 WWW.PILLANDKAY.COM	ENGINEER: MICHAEL J. BURDEN PE# 01628 WINTERS PARK ENGINEERING 1000 W. 10TH ST., SUITE 200 DENVER, CO 80202 TEL: 303.733.1111 WWW.WINTERSPARK.COM	PROJECT: MORSE & PENNSYLVANIA BROWNSTONES	PLAN HISTORY: DATE: 05/11/11 DESC: 27000 13 DRAWN BY: NORMAN T. Z...	SHEET DATA: DESIGNED BY: PILL/KAY DRAWN BY: PILL/KAY	SHEET DISC: 1 BUILDING 3 MIDDLE LEVEL FLOOR PLAN NOTES	SHEET 1.4
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#3 MIDDLE LEVEL FLOOR PLAN - NOTED  
SCALE: 1/8" = 1'-0"

BUILDING # 3	
<b>UNIT # 1</b>	
<b>LOWER LEVEL</b>	636 700
AC: GARAGE	
<b>MIDDLE LEVEL</b>	1320
AC: BALCONY	122
<b>UPPER LEVEL</b>	1202
AC: 2 STORY AREA	200
<b>TOTALS</b>	3166
AC: GARAGE	700
AC: 2 STORY AREA	3850
TOTAL UNDER ROOF	195
BALCONY	
<b>UNIT # 2</b>	
<b>LOWER LEVEL</b>	553
AC: GARAGE	437
COVERED ENTRY	137
<b>MIDDLE LEVEL</b>	1091
AC: BALCONY	120
<b>UPPER LEVEL</b>	365
AC: 2 STORY AREA	300
<b>TOTALS</b>	2667
AC: GARAGE	430
AC: 2 STORY AREA	137
COVERED ENTRY	3290
TOTAL UNDER ROOF	120
BALCONY	
<b>UNIT # 3</b>	
<b>LOWER LEVEL</b>	636
AC: GARAGE	700
<b>MIDDLE LEVEL</b>	1320
AC: BALCONY	122
<b>UPPER LEVEL</b>	1202
AC: 2 STORY AREA	66
<b>TOTALS</b>	3166
AC: GARAGE	700
AC: 2 STORY AREA	3850
TOTAL UNDER ROOF	122
BALCONY	

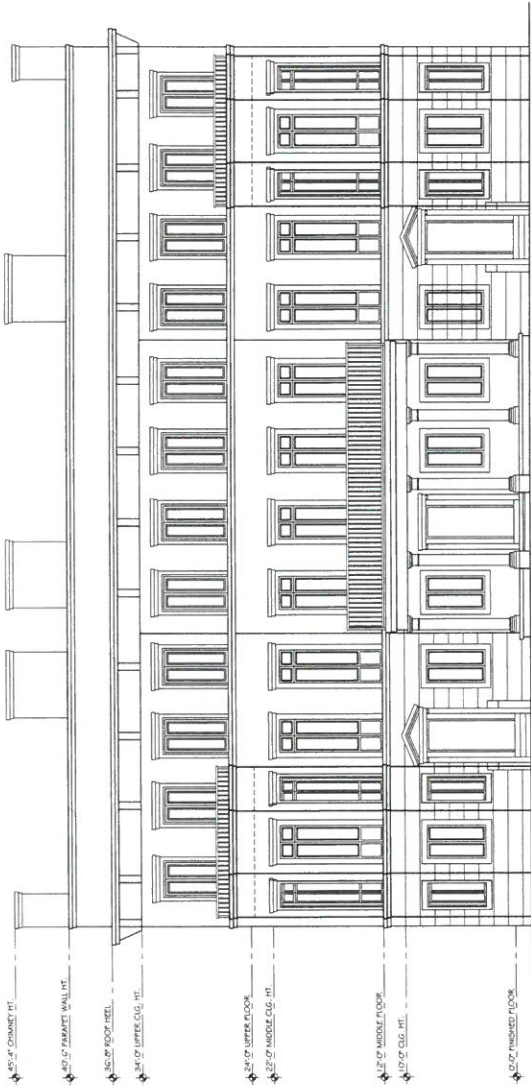


#3 UPPER LEVEL FLOOR PLAN - NOTED  
SCALE: 1/4" = 1'-0"

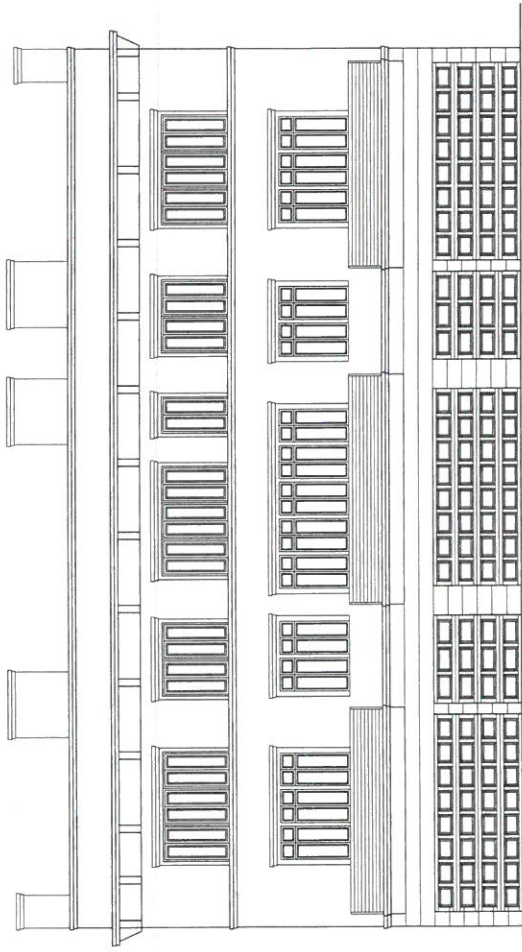
BUILDING # 3	
<b>UNIT #1</b>	
<b>LOWER LEVEL</b>	636 706
<b>MIDDLE LEVEL</b>	1320 122
<b>UPPER LEVEL</b>	1320 60
<b>TOTALS</b>	3166 786 3950
<b>UNIT #2</b>	
<b>LOWER LEVEL</b>	553 636 1189
<b>MIDDLE LEVEL</b>	1051 120
<b>UPPER LEVEL</b>	963 60
<b>TOTALS</b>	2467 816 3283
<b>UNIT #3</b>	
<b>LOWER LEVEL</b>	636 706
<b>MIDDLE LEVEL</b>	1320 122
<b>UPPER LEVEL</b>	1320 60
<b>TOTALS</b>	3166 786 3950



DESIGNER: PHIL KEAN DESIGN GROUP 212 E. Union St. P.O. Box 100 Pittsburgh, PA 15222 www.philkeandesign.com	ENGINEER: MICHAEL J. BUDEN P.E. #1628 PHIL KEAN DESIGN GROUP 212 E. Union St. P.O. Box 100 Pittsburgh, PA 15222	PROJECT: MORSE & PENNSYLVANIA BROWNSTONES	PLAN HISTORY	DATE	DESC.
			2/20/13	2/20/13	2/20/13
			SHEET DATA		
			DESIGNED BY:	PHIL KEAN	
			DRAWN BY:		
			SHEET DESC.		
			BUILDING 3		
			FRONT & REAR ELEVATIONS		
			SHEET		
			2.0		



BUILDING #3 FRONT (WEST)  
SCALE: 1/4" = 1'-0"

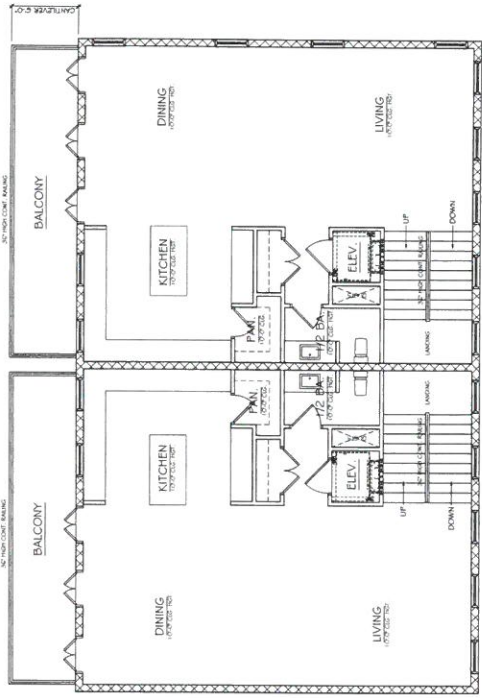


BUILDING #3 REAR (SOUTH)  
SCALE: 1/4" = 1'-0"

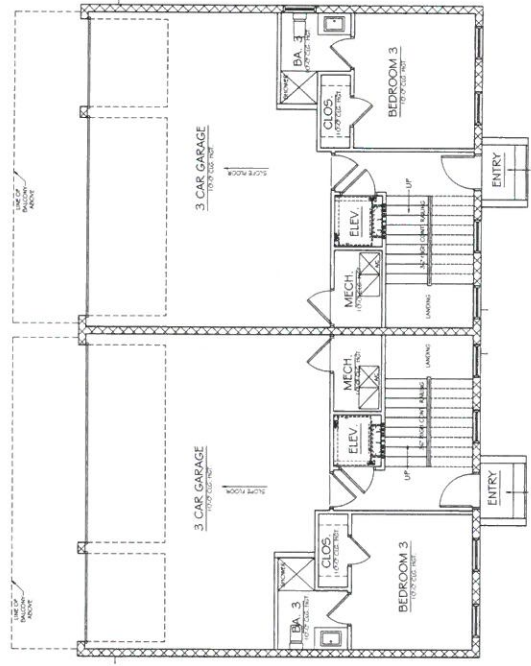




DESIGNER: PHIL KLAN DESIGN GROUP PHILIP KLAN ARCHITECTS 1000 MARKET STREET, SUITE 200 PHILADELPHIA, PA 19102 TEL: (215) 561-1100 WWW.PHILKLANDESIGN.COM	ENGINEER: MICHAEL I. RUDEN P.E. # 6128	PROJECT: MORSE & PENNSYLVANIA BROWNSTONES	PLAN HISTORY: DATE: 07/11/13 DESC: 1.0 REV: 1.0 SCREENING: 1.0
	WITNESSEK ENGINEERING 1000 MARKET STREET, SUITE 200 PHILADELPHIA, PA 19102 TEL: (215) 561-1100 WWW.WITNESSEK.COM		
SHEET DATA: DESIGNED BY: PHIL KLAN DRAWN BY:			SHEET DESC: BUILDING 4 LOWER & MIDDLE LEVEL FLOOR PLANS NOTED
			SHEET 1.2



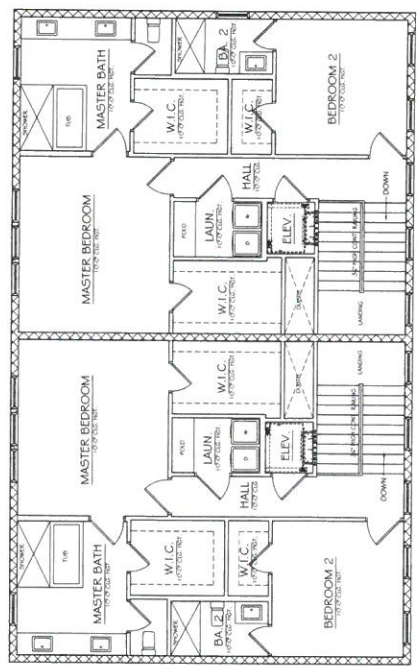
UNIT 1  
UNIT 2  
#4 MIDDLE LEVEL FLOOR PLAN - NOTED  
SCALE: 1/4" = 1'-0"



UNIT 1  
UNIT 2  
#4 LOWER LEVEL FLOOR PLAN - NOTED  
SCALE: 1/4" = 1'-0"

BUILDING # 4	
UNIT # 1	
LOWER LEVEL	450 625
MIDDLE LEVEL	1003 170
UPPER LEVEL	1003
TOTALS	2524 825
TOTAL UNDER ROOF	3249 170
UNIT # 2	
LOWER LEVEL	410 625
MIDDLE LEVEL	1003 170
UPPER LEVEL	1003
TOTALS	2524 825
TOTAL UNDER ROOF	3249 170

<b>DESIGNER:</b> PHIL KLAN DESIGN GROUP 1000 N. 17TH ST., SUITE 200 PHILADELPHIA, PA 19103 TEL: 215-592-1100 WWW.PHILKLANDESIGN.COM	<b>ENGINEER:</b> MICHAEL J. BUDEN REG.# 61628 PROFESSIONAL ENGINEER CIVIL STATE OF PENNSYLVANIA	<b>PROJECT:</b> MORSE & PENNSYLVANIA BROWNSTONES	<b>PLAN HISTORY:</b> DATE   DESC.   DRAWN BY   CHECKED BY 07/24/11   SCHEMATIC # 1   PHIL KLAN   07/24/11   SCHEMATIC # 2   PHIL KLAN   07/24/11   SCHEMATIC # 3   PHIL KLAN   07/24/11   SCHEMATIC # 4   PHIL KLAN   07/24/11   SCHEMATIC # 5   PHIL KLAN   07/24/11   SCHEMATIC # 6   PHIL KLAN   07/24/11   SCHEMATIC # 7   PHIL KLAN   07/24/11   SCHEMATIC # 8   PHIL KLAN   07/24/11   SCHEMATIC # 9   PHIL KLAN   07/24/11   SCHEMATIC # 10   PHIL KLAN   07/24/11   SCHEMATIC # 11   PHIL KLAN   07/24/11   SCHEMATIC # 12   PHIL KLAN   07/24/11   SCHEMATIC # 13   PHIL KLAN   07/24/11   SCHEMATIC # 14   PHIL KLAN   07/24/11   SCHEMATIC # 15   PHIL KLAN   07/24/11   SCHEMATIC # 16   PHIL KLAN   07/24/11   SCHEMATIC # 17   PHIL KLAN   07/24/11   SCHEMATIC # 18   PHIL KLAN   07/24/11   SCHEMATIC # 19   PHIL KLAN   07/24/11   SCHEMATIC # 20   PHIL KLAN   07/24/11   SCHEMATIC # 21   PHIL KLAN   07/24/11   SCHEMATIC # 22   PHIL KLAN   07/24/11   SCHEMATIC # 23   PHIL KLAN   07/24/11   SCHEMATIC # 24   PHIL KLAN   07/24/11   SCHEMATIC # 25   PHIL KLAN   07/24/11   SCHEMATIC # 26   PHIL KLAN   07/24/11   SCHEMATIC # 27   PHIL KLAN   07/24/11   SCHEMATIC # 28   PHIL KLAN   07/24/11   SCHEMATIC # 29   PHIL KLAN   07/24/11   SCHEMATIC # 30   PHIL KLAN   07/24/11   SCHEMATIC # 31   PHIL KLAN   07/24/11   SCHEMATIC # 32   PHIL KLAN   07/24/11   SCHEMATIC # 33   PHIL KLAN   07/24/11   SCHEMATIC # 34   PHIL KLAN   07/24/11   SCHEMATIC # 35   PHIL KLAN   07/24/11   SCHEMATIC # 36   PHIL KLAN   07/24/11   SCHEMATIC # 37   PHIL KLAN   07/24/11   SCHEMATIC # 38   PHIL KLAN   07/24/11   SCHEMATIC # 39   PHIL KLAN   07/24/11   SCHEMATIC # 40   PHIL KLAN   07/24/11   SCHEMATIC # 41   PHIL KLAN   07/24/11   SCHEMATIC # 42   PHIL KLAN   07/24/11   SCHEMATIC # 43   PHIL KLAN   07/24/11   SCHEMATIC # 44   PHIL KLAN   07/24/11   SCHEMATIC # 45   PHIL KLAN   07/24/11   SCHEMATIC # 46   PHIL KLAN   07/24/11   SCHEMATIC # 47   PHIL KLAN   07/24/11   SCHEMATIC # 48   PHIL KLAN   07/24/11   SCHEMATIC # 49   PHIL KLAN   07/24/11   SCHEMATIC # 50   PHIL KLAN   07/24/11   SCHEMATIC # 51   PHIL KLAN   07/24/11   SCHEMATIC # 52   PHIL KLAN   07/24/11   SCHEMATIC # 53   PHIL KLAN   07/24/11   SCHEMATIC # 54   PHIL KLAN   07/24/11   SCHEMATIC # 55   PHIL KLAN   07/24/11   SCHEMATIC # 56   PHIL KLAN   07/24/11   SCHEMATIC # 57   PHIL KLAN   07/24/11   SCHEMATIC # 58   PHIL KLAN   07/24/11   SCHEMATIC # 59   PHIL KLAN   07/24/11   SCHEMATIC # 60   PHIL KLAN   07/24/11   SCHEMATIC # 61   PHIL KLAN   07/24/11   SCHEMATIC # 62   PHIL KLAN   07/24/11   SCHEMATIC # 63   PHIL KLAN   07/24/11   SCHEMATIC # 64   PHIL KLAN   07/24/11   SCHEMATIC # 65   PHIL KLAN   07/24/11   SCHEMATIC # 66   PHIL KLAN   07/24/11   SCHEMATIC # 67   PHIL KLAN   07/24/11   SCHEMATIC # 68   PHIL KLAN   07/24/11   SCHEMATIC # 69   PHIL KLAN   07/24/11   SCHEMATIC # 70   PHIL KLAN   07/24/11   SCHEMATIC # 71   PHIL KLAN   07/24/11   SCHEMATIC # 72   PHIL KLAN   07/24/11   SCHEMATIC # 73   PHIL KLAN   07/24/11   SCHEMATIC # 74   PHIL KLAN   07/24/11   SCHEMATIC # 75   PHIL KLAN   07/24/11   SCHEMATIC # 76   PHIL KLAN   07/24/11   SCHEMATIC # 77   PHIL KLAN   07/24/11   SCHEMATIC # 78   PHIL KLAN   07/24/11   SCHEMATIC # 79   PHIL KLAN   07/24/11   SCHEMATIC # 80   PHIL KLAN   07/24/11   SCHEMATIC # 81   PHIL KLAN   07/24/11   SCHEMATIC # 82   PHIL KLAN   07/24/11   SCHEMATIC # 83   PHIL KLAN   07/24/11   SCHEMATIC # 84   PHIL KLAN   07/24/11   SCHEMATIC # 85   PHIL KLAN   07/24/11   SCHEMATIC # 86   PHIL KLAN   07/24/11   SCHEMATIC # 87   PHIL KLAN   07/24/11   SCHEMATIC # 88   PHIL KLAN   07/24/11   SCHEMATIC # 89   PHIL KLAN   07/24/11   SCHEMATIC # 90   PHIL KLAN   07/24/11   SCHEMATIC # 91   PHIL KLAN   07/24/11   SCHEMATIC # 92   PHIL KLAN   07/24/11   SCHEMATIC # 93   PHIL KLAN   07/24/11   SCHEMATIC # 94   PHIL KLAN   07/24/11   SCHEMATIC # 95   PHIL KLAN   07/24/11   SCHEMATIC # 96   PHIL KLAN   07/24/11   SCHEMATIC # 97   PHIL KLAN   07/24/11   SCHEMATIC # 98   PHIL KLAN   07/24/11   SCHEMATIC # 99   PHIL KLAN   07/24/11   SCHEMATIC # 100   PHIL KLAN	<b>SHEET DATA:</b> DESIGNED BY: PHIL KLAN DRAWN BY:	<b>SHEET DESC.:</b> BUILDING 4 UPPER LEVEL FLOOR PLAN	<b>SHEET:</b> 1.3
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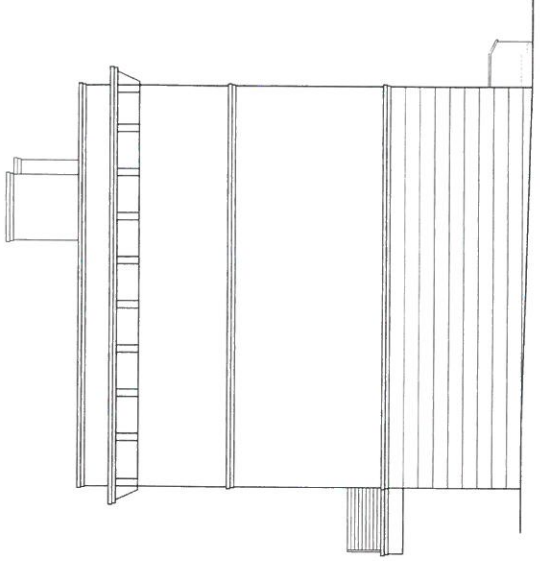


UNIT 1  
 UNIT 2  
 UNIT 3  
 #4 UPPER LEVEL FLOOR PLAN - NOTED  
 SCALE: 1/4" = 1'-0"

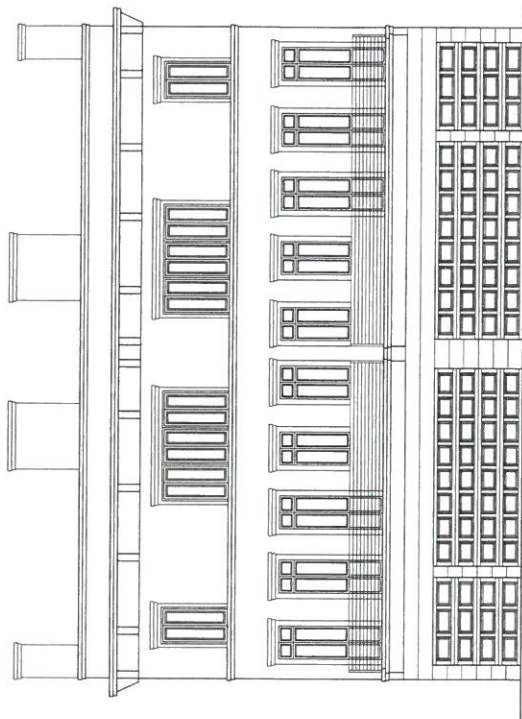
BUILDING # 4	
<b>UNIT # 1</b>	
<b>LOWER LEVEL</b>	448 425
<b>MIDDLE LEVEL</b>	1083 170
<b>UPPER LEVEL</b>	1083
<b>TOTALS</b>	2614 625
TOTAL UNDER ROOF:	3249
BALCONY:	170
<b>UNIT # 2</b>	
<b>LOWER LEVEL</b>	448 425
<b>MIDDLE LEVEL</b>	1083 170
<b>UPPER LEVEL</b>	1083
<b>TOTALS</b>	2614 625
TOTAL UNDER ROOF:	3249
BALCONY:	170



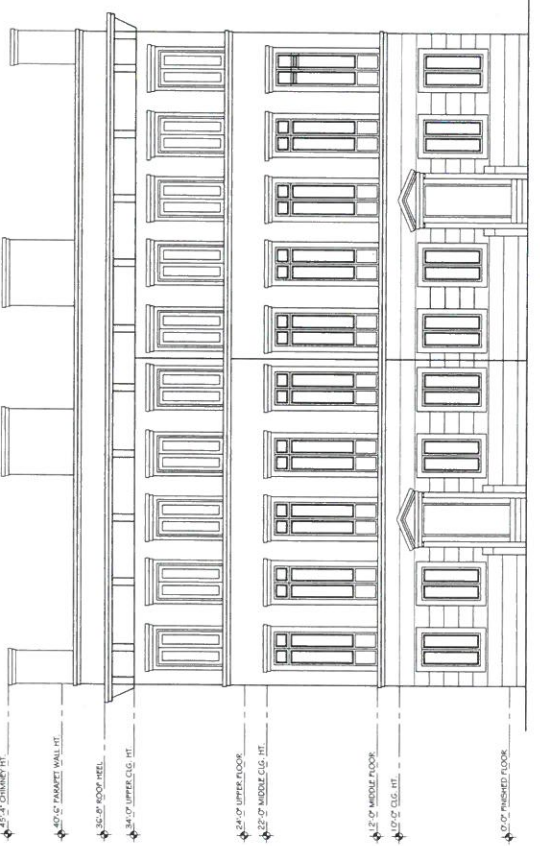
DESIGNER: PUL KRAN DESIGN GROUP 1000 MARKET STREET PHILADELPHIA, PA 19107	ENGINEER: MICHAEL J. BURDEN PE # 1638 1725 RIVERSIDE AVENUE PHILADELPHIA, PA 19102	PROJECT: MORSE & PENNSYLVANIA BROWNSTONES	PLAN HISTORY: DATE   DESC. 07/20/18   SCHEMATIC 1.1 07/24/18   SCHEMATIC 1.2	SHEET DATA: DESIGNED BY: [Blank] DRAWN BY: [Blank]	SHEET DESC.: BUILDING 4 ELEVATIONS	SHEET: 2.0
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BUILDING #4 LEFT (NORTH)  
SCALE: 1/8" = 1'-0"

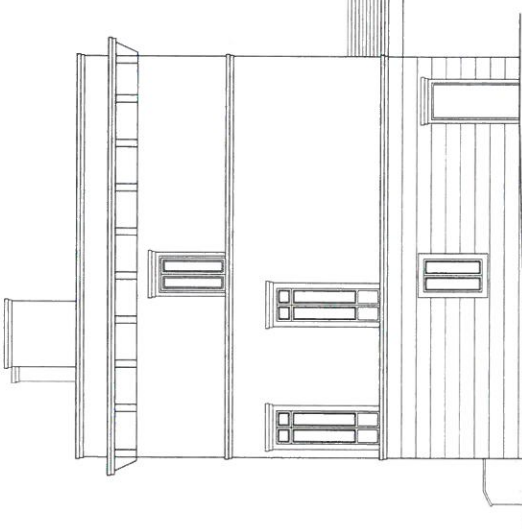


BUILDING #4 REAR (SOUTH)  
SCALE: 1/8" = 1'-0"



BUILDING #4 FRONT (WEST)  
SCALE: 1/8" = 1'-0"

- ↑ 4'-0" FINISH FLOOR
- ↑ 3'-0" FINISH FLOOR
- ↑ 2'-0" FINISH FLOOR
- ↑ 1'-0" FINISH FLOOR
- ↑ 0'-0" FINISH FLOOR



BUILDING #4 RIGHT (SOUTH)  
SCALE: 1/8" = 1'-0"

















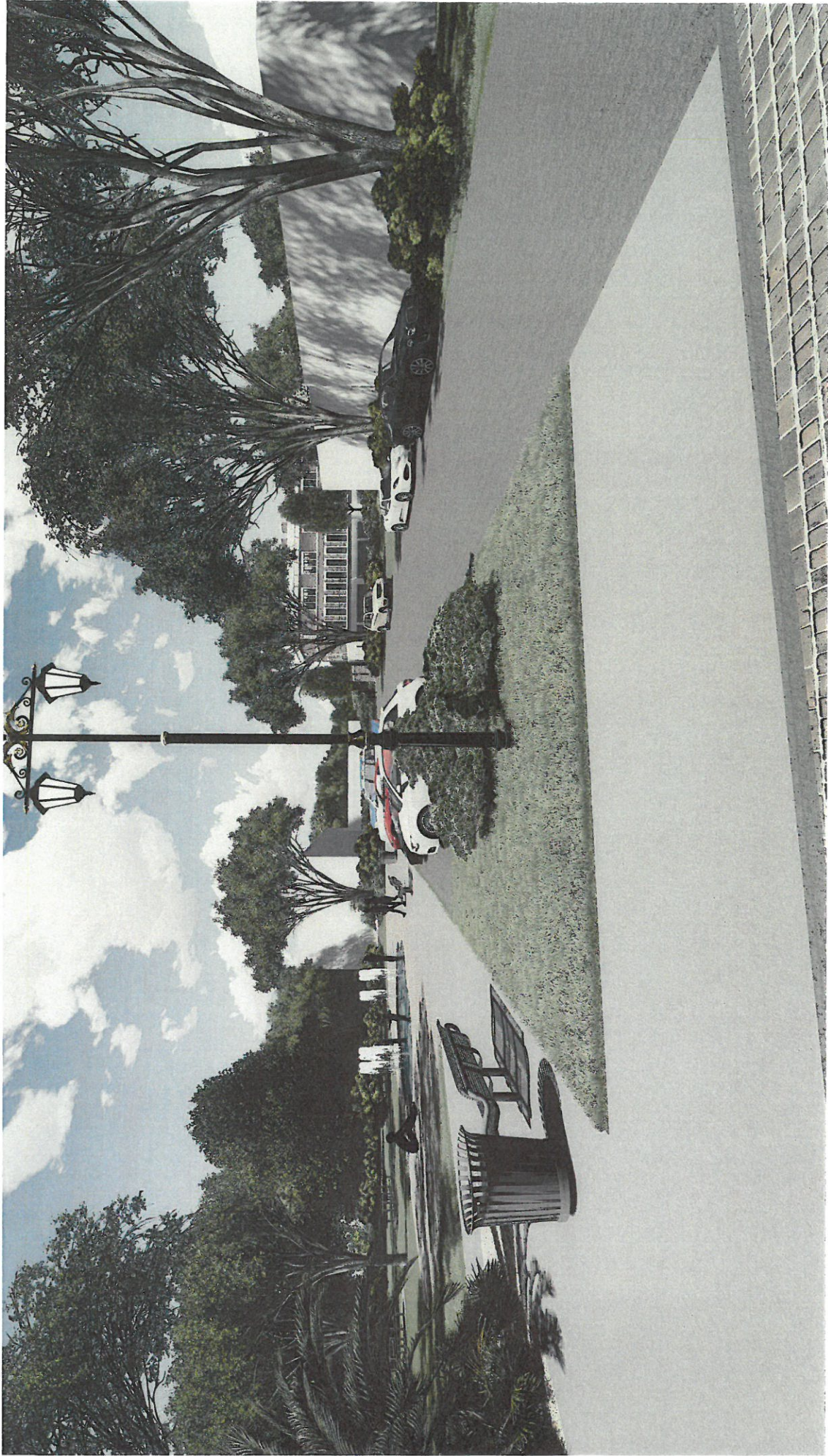
















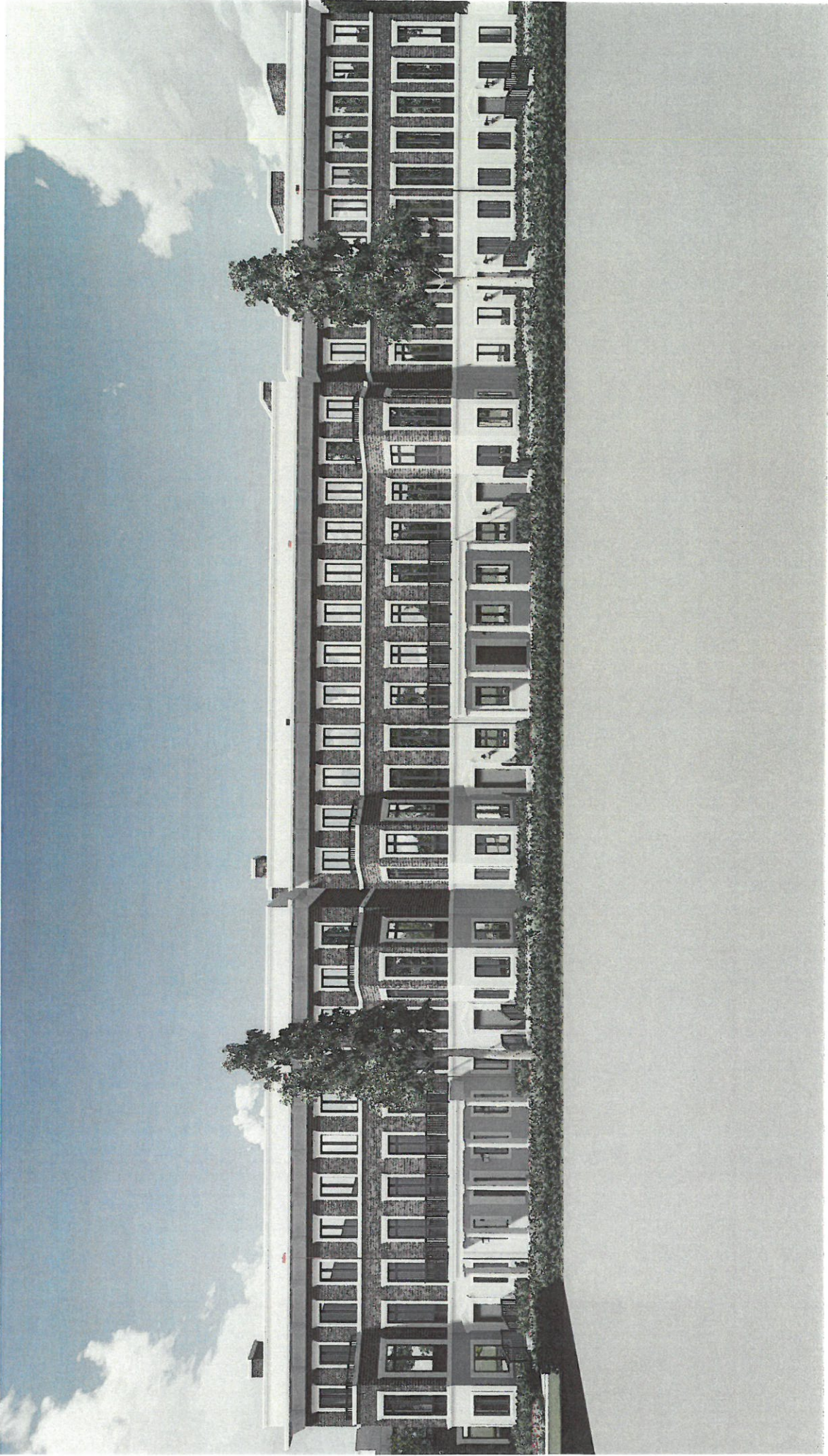








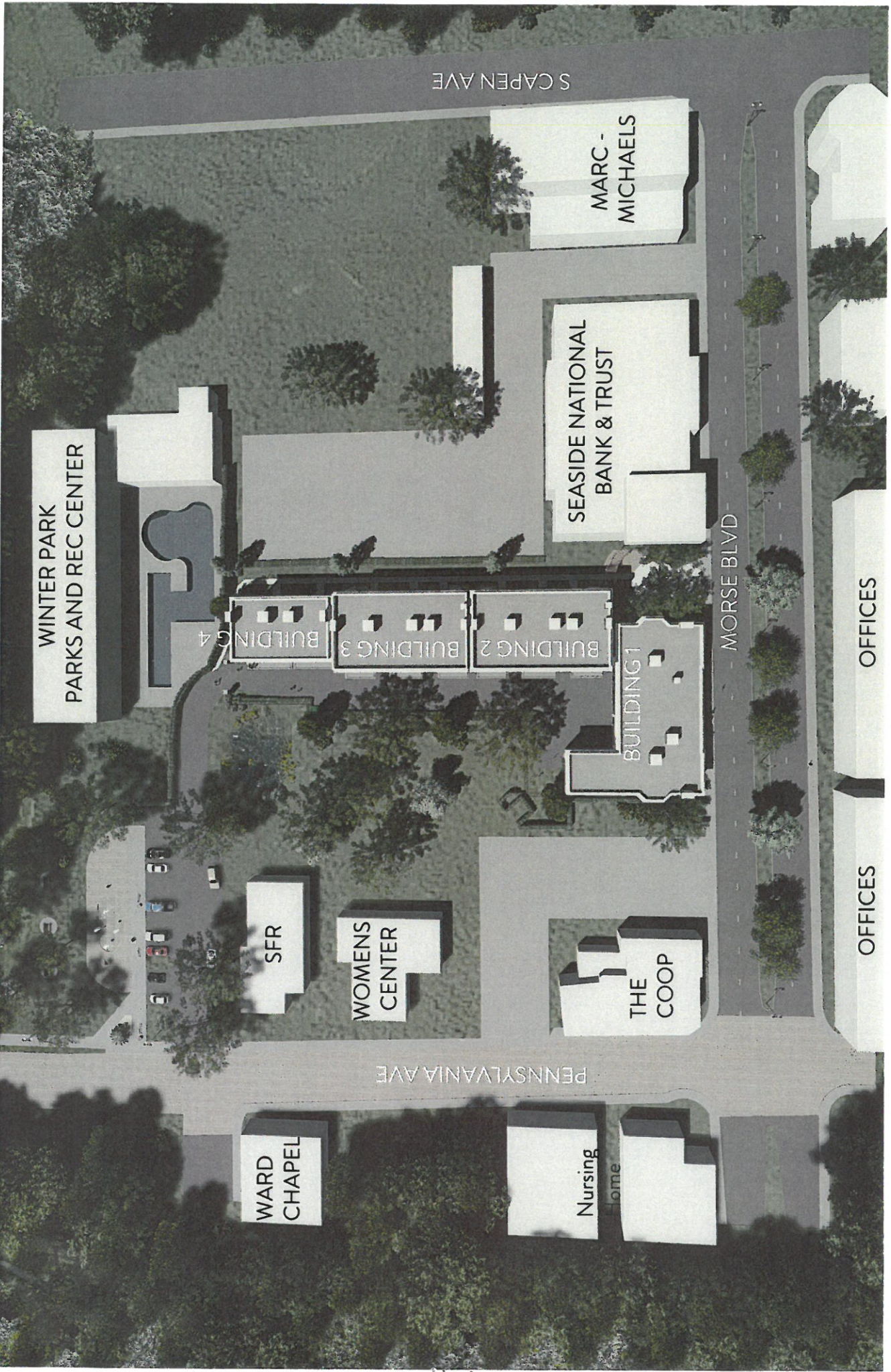












S CAPEN AVE

MARC -  
MICHAELS

SEASIDE NATIONAL  
BANK & TRUST

WINTER PARK  
PARKS AND REC CENTER

BUILDING 4

BUILDING 3

BUILDING 2

BUILDING 1

MORSE BLVD

OFFICES

OFFICES

PENNSYLVANIA AVE

WARD  
CHAPEL

Nursing

ome

THE  
COOP

WOMENS  
CENTER

SFR



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

**Staff Report  
September 1, 2015**

**REQUEST OF REBECCA WILSON FOR:** SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE VACANT PROPERTY AT 1004 N. PENNSYLVANIA AVENUE, ZONED R-1A, INTO FOUR SINGLE FAMILY BUILDING LOTS.

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Ms. Rebecca Wilson, attorney (representing the contract purchasers) is requesting subdivision or lot split approval to divide the property at 1004 N. Pennsylvania Avenue into four (4) single family lots. The zoning is R-1A. The property is now vacant. Variances are requested for each lot to be on average, 60 feet in width in lieu of the minimum 75 feet of lot width requirement. Building setback variances are also requested.

When the City reviews small subdivisions or lot split requests there are two criteria. One is the 'Zoning Test' as to conformance with the R-1A zoning criteria. The other is the 'Comprehensive Plan Test' which is conformance to the neighborhood character or neighborhood lot sizes.

**ZONING TEST:** The R-1A minimum lot sizes are 75 feet of lot width and 8,500 square feet of lot area. All four (4) proposed lots range in size from 9,191 to 9,985 square feet so all meet the minimum lot area standard. However, variances are needed for all four (4) lots which average 60 feet in width versus the minimum R-1A lot width standard of 75 feet for interior lots and 85 feet for corner lots.

**COMPREHENSIVE PLAN TEST:** There are many neighborhoods in the City that are zoned R-1AA or R-1A but the existing character or typical dimensions may be significantly different than the zoning code minimums. In some cases the typical lots are smaller and in some cases the typical lots are larger. The Comprehensive Test or comparison is a door that swings both ways. In some cases, it can substantiate a relaxation of the minimum lot dimensions and in other cases it can require larger lot sizes than the minimums.

As a result, the practice outlined in the Comprehensive Plan and the Subdivision Code (attached) is to look at the surrounding neighborhood to see what standard is for typical lot sizes with the same zoning. By lot "size" the City uses the same two criteria for "size" as outlined in the R-1A "minimum building site" standard. The Code dictates that the review area is within a 500 foot radius of the subject property and limited to those in the same zoning. Thus we only use properties zoned single family R-1A for our comparisons in this case.

There are 47 homes within this neighborhood within the 500 foot radius. These are four adjacent homes, homes in Northwood Circle; homes within Park Place; homes on Misty/Waterfall Lane and homes along Beloit/Pennsylvania Avenues. The average lot width of these 47 homes is 69.7 feet. The median lot width is 75 feet. There are 25% of these homes that are on lots less than 75 feet in width and the other 75% of



the homes are on lots of 75 feet or greater. It is an immediate neighborhood area within a 500 foot radius that has some exceptions to the R-1A lot frontage rule (25%), but where the majority of the homes (75%) either conform to or exceed the R-1A lot frontage requirements.

The staff also looked at the 'greater' neighborhood area encompassing all of the homes in Northwood Circle; all of the Pennsylvania Place development; all of Misty/Waterfall Lane homes and all of the Beloit/Pennsylvania townhomes. Within this 'greater' neighborhood area there are 91 homes. The average lot width of these 91 homes is 67.3 feet. The median lot width is 75 feet. There are 39% of these homes that are on lots less than 75 feet in width and 61% of the homes are on lots of 75 feet or greater. Bringing in smaller home sites within Pennsylvania Place and along Beloit/Pennsylvania Avenue helps the comparison. However, it is still a 'greater' neighborhood area that while it has more exceptions to the R-1A rule (39%), the majority of the homes (61%) either conform to or exceed the R-1A frontage requirements.

**Development Plans and Setback Variances:** The applicant has not provided generalized elevations and floor plans for the types of homes anticipated to be built on these lots, if approved. However, they envision homes similar to what we see in Pennsylvania Place and along Beloit with rear alley access so that the frontage is more attractive with the garages in the rear. If that development option is chosen then the easement width needs to be expanded to accommodate two-way traffic and we would need a buffer privacy wall to the adjacent properties for this access alley. A wall buffer was constructed both for the Beloit townhomes alley and the Pennsylvania Place alley.

The applicant is also requesting building setback variances to be established as part of this subdivision. The setbacks shown for the front, rear and north sides conform to Code. The applicant is requesting setbacks for the corner lot, first floor 5 feet closer to Tantum Avenue (10 feet vs. 15 feet) than Code and to reduce the interior setbacks to 5 feet (from 7.5 feet). Staff has no objection to the interior lot setback changes that only affect these future homes. However, staff does not support the reduced street setback to Tantum Avenue which is less than the street setback for the home directly across that street on the opposite corner.

**Summary:** Based on the application of the Comp. Plan policy and Subdivision Code text using lot area size (square footage) this request does conform to the Zoning Test and Comprehensive Plan Test. Based on both the average and median lot frontage size for comparison purposes, this request does not conform to the Zoning Test (it needs variances) or the Comprehensive Plan Test of the neighborhood comparison (based on average and median lot frontages). The request also does not conform to lot frontages when looking at the 'greater' neighborhood area.

Back in May, the P&Z Board faced a similar situation with the lot split of 500 Fairfax Avenue into 50 foot lots. In that case the lots met the lot "size" with respect to land area within the neighborhood area but not to the lot size with respect to frontage. In that case, the 500 foot radius did not support the variances but the P&Z Board recognized that those two lots were the same size (lot area and lot frontage) as 71% of the homes (50-53 feet) in the immediate area of Fairfax/Richmond.



Again the P&Z Board has some latitude in the perspective on this request to look at the 'greater' neighborhood area for more supporting factors. Or P&Z can look predominately at lot area or predominately on lot frontage for neighborhood comparisons.

However, for the planning staff, we are compelled to follow the same perspective as staff did with the Fairfax request which was to look at both the lot area and lot frontage for guidance. Thus, in recognition that the zoning variances for lot frontage do not meet the R-1A rules or the Comp. Plan neighborhood comparison, the staff does not support the request.

**Staff Recommendation is for Denial.**

*If the P&Z Board recommends approval then staff would suggest the following conditions:*

- 1. Building setback variances as requested are approved for interior lot line but not to any exterior lot lines.*
- 2. If a rear access alley is developed then the access easement must be 24 feet wide and the eastern property line shall have a six foot brick privacy wall constructed as part of the required infrastructure.*

## **RELEVANT COMPREHENSIVE PLAN POLICY:**

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

## **ARTICLE VI. - SUBDIVISION AND LOT CONSOLIDATION REGULATIONS**

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

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

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

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

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





**OCA Web Map**

- |  |                  |  |                         |  |                                 |  |                                   |  |                  |  |                  |
|--|------------------|--|-------------------------|--|---------------------------------|--|-----------------------------------|--|------------------|--|------------------|
|  | Major Roads      |  | Proposed Road           |  | Residential                     |  | Commercial/Industrial/Vacant Land |  | Parks            |  | Lot Number       |
|  | Florida Turnpike |  | Public Roads            |  | Agriculture                     |  | Agricultural Curtilage            |  | Lakes and Rivers |  | Parcel Number    |
|  | Interstate 4     |  | Gated Roads             |  | Commercial/Institutional        |  | Hydro                             |  | Building         |  | Parcel Address   |
|  | Toll Road        |  | Road Under Construction |  | Governmental/Institutional/Misc |  | Waste Land                        |  | Block Number     |  | Parcel Dimension |

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 8/17/2015

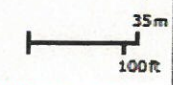
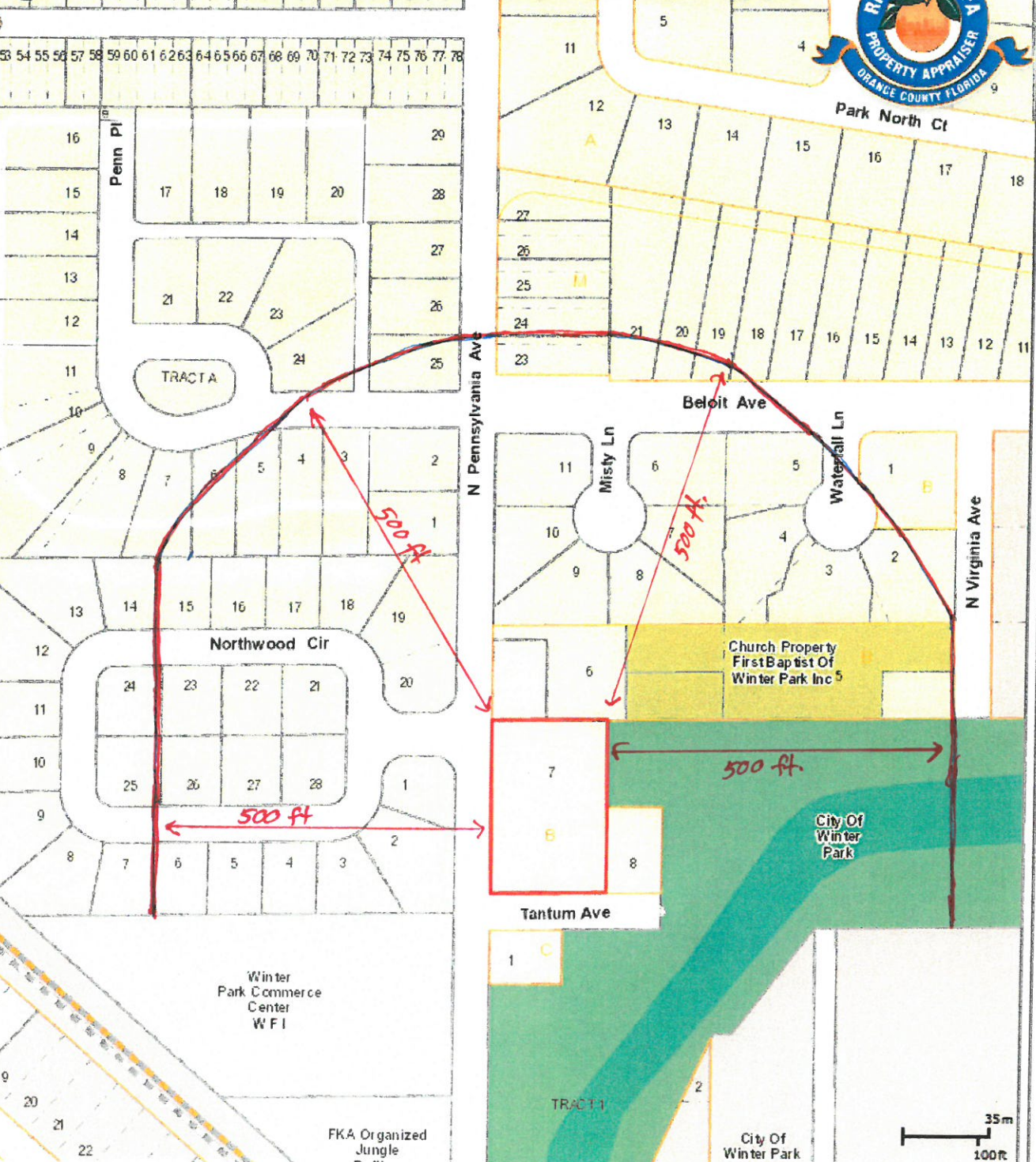
This map is for reference only and is not a survey.



**OCPA Web Map**

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

Courtesy: Rick Singh, CFA, Orange County Property Appraiser



Created: 8/17/2015

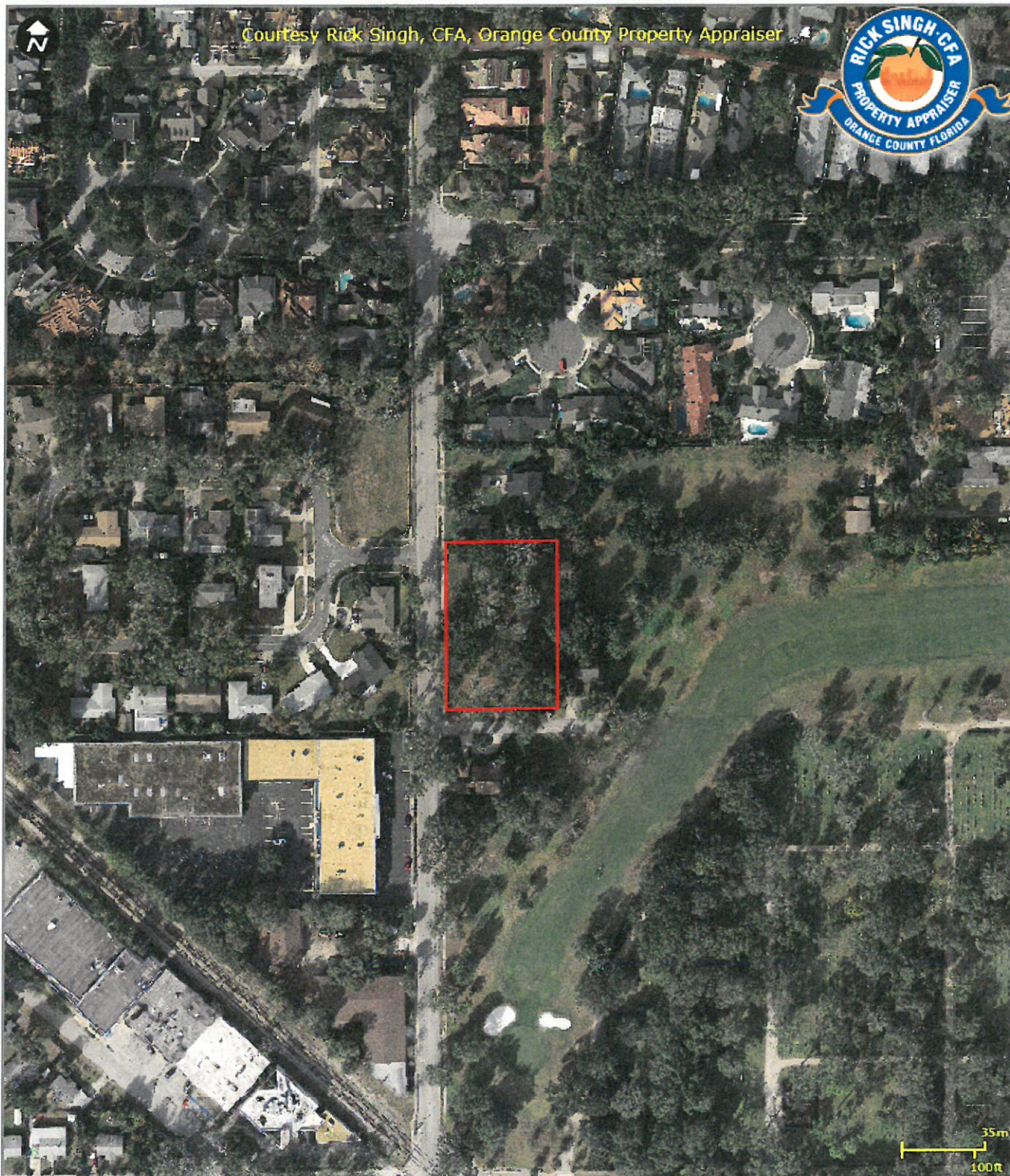
This map is for reference only and is not a survey.



**OCPA Web Map**

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

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 8/17/2015

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



# Boundary Survey

## Legal Description:

Lot 7, Block B, TANTUM'S ADDITION TO WINTER PARK, according to the Plat thereof as recorded in Plat Book C, Page 32, Public Records of Orange County, Florida.

Flood Zone: X Panel: 0255 F  
Community Number: 12095C Date: 9/25/2009

CERTIFIED TO:  
Salman Haider

## -Site Benchmark Information-

#1

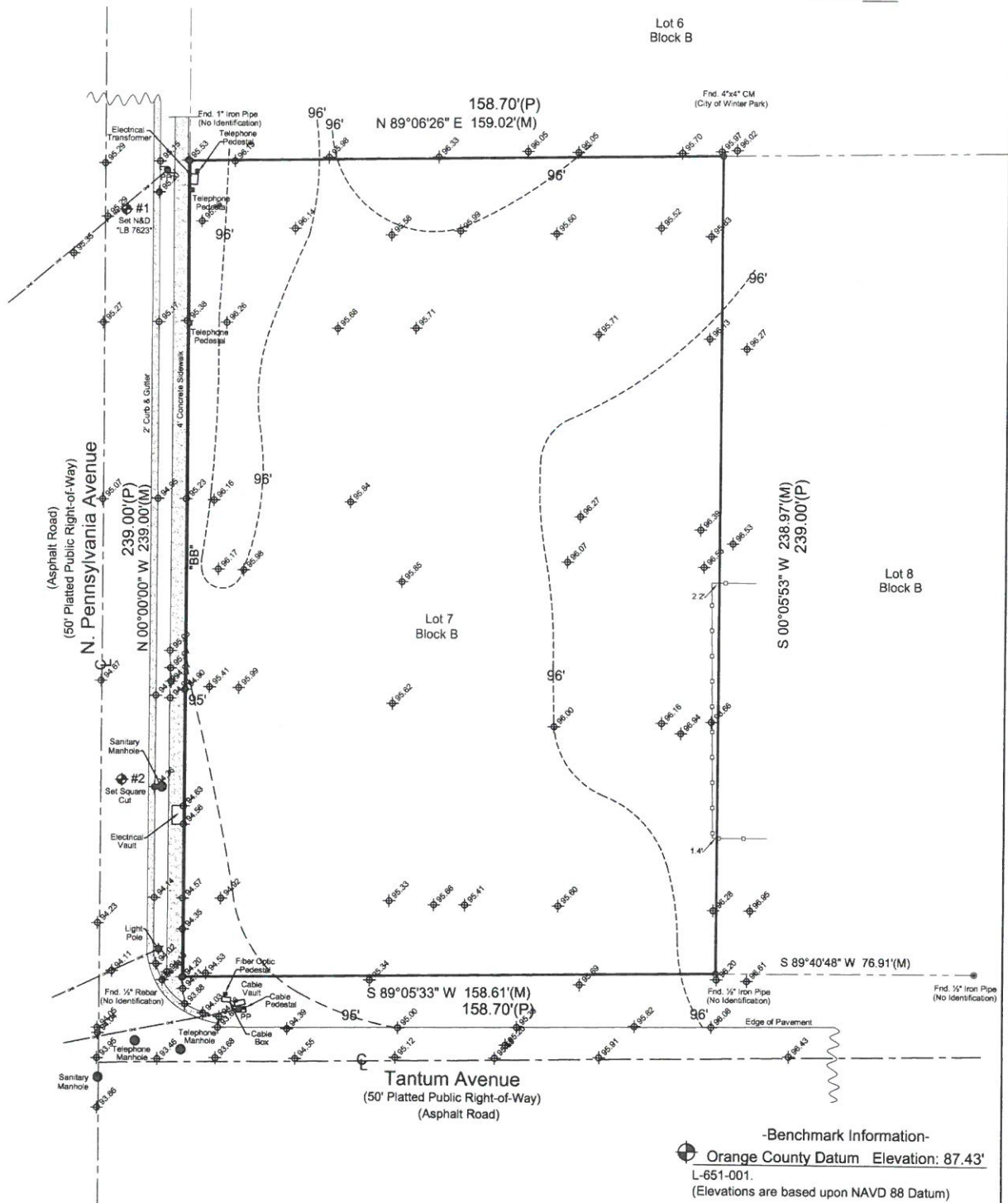
Set Nail & Disk in curb located 9.0' West and 9.3' South of the Northwest Corner of Subject Property.

Elevation: 95.20'

#2

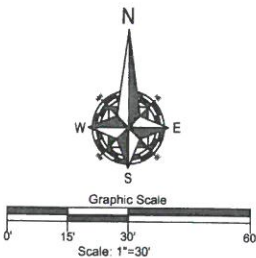
Set Square Cut in curb located 55.4' North and 9.1' West of the Southwest Corner of Subject Property.

Elevation: 94.36'



## -Benchmark Information-

Orange County Datum Elevation: 87.43'  
L-651-001.  
(Elevations are based upon NAVD 88 Datum)



Field Date: 08-03-15 Date Completed: 08-04-15  
Drawn By: SP File Number: IS-23102

Legend	
C	- Calculated
CB	- Centerline
CM	- Concrete Block
Conc.	- Concrete Monument
D	- Description
E	- Easement
DEM	- Drainage Easement
F.E.M.A.	- Federal Emergency Management Agency
FFE	- Finished Floor Elevation
Frnd	- Found
IP	- Iron Pipe
L	- Length (Arc)
M	- Measured
N&D	- Nail & Disk
N.R.	- Non-Radial
ORB	- Official Records Book
P	- Plat
P.B.	- Plat Book
W	- Wood Fence
PC	- Point of Curvature
Pp	- Page
RAC	- Radial
P.O.B.	- Point of Beginning
P.O.L.	- Point on Line
PP	- Power Pole
PRM	- Permanent Reference Monument
PT	- Point of Tangency
R	- Radius
Rad.	- Radial
Rec	- Rebar & Cap
Reco	- Recovered
RIS	- Rooted
Set	- Set 1/4\" Rebar & Cap "LB 7623"
Typ.	- Typical
US	- Utility Easement
WM	- Water Meter
Δ	- Delta (Central Angle)
-O-	- Chain Link Fence

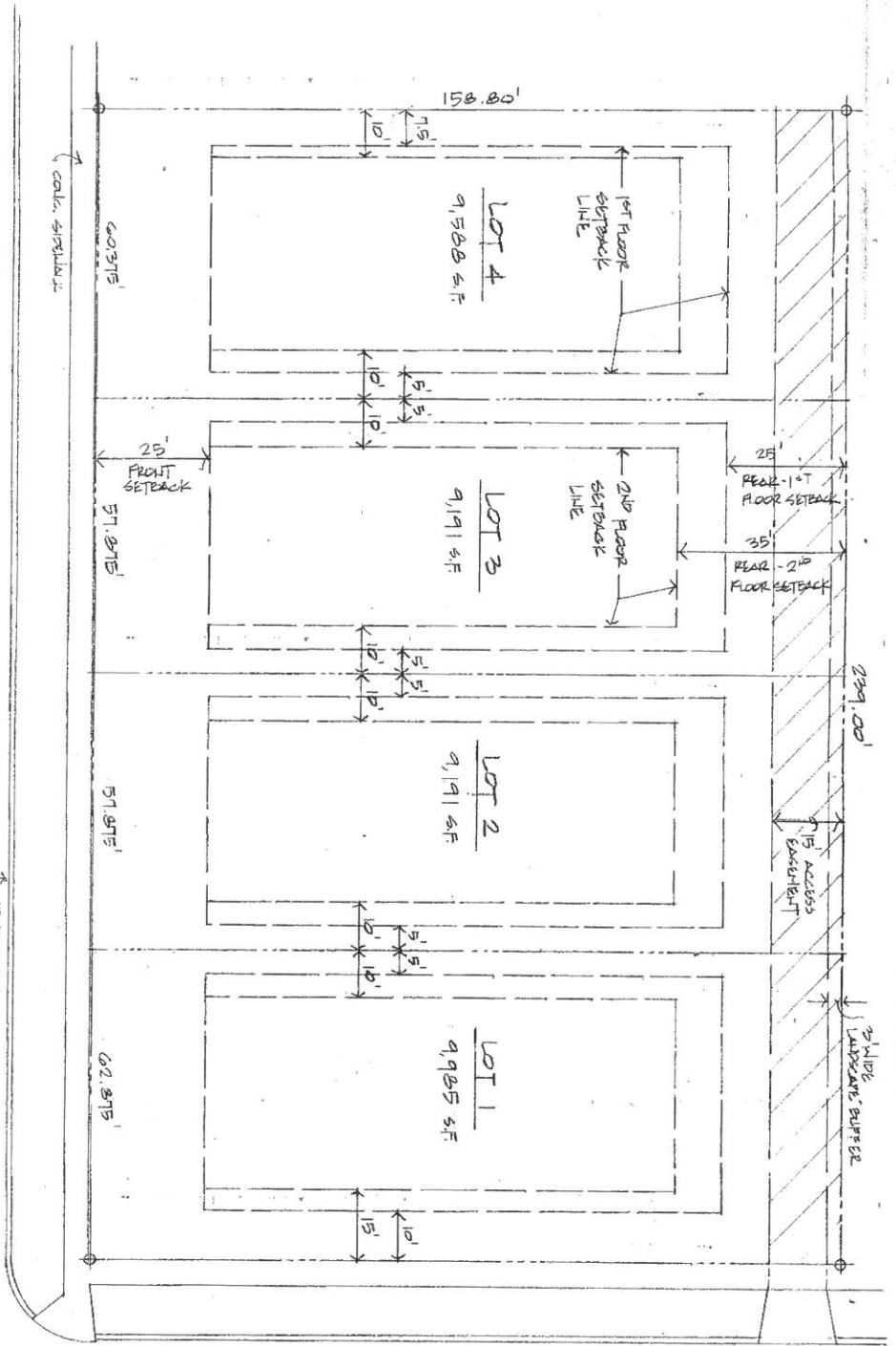
-Notes-  
>Survey is Based upon the Legal Description Supplied by Client.  
>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Holes.  
>Subject to any Easements and/or Restrictions of Record.  
>Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".  
>Building Ties are NOT to be used to reconstruct Property Lines.  
>Fence Ownership is NOT determined.  
>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.  
>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.  
>Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Constructed to give ANY Rights or Benefits to Anyone Other than those Certified.  
>Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this Endeavor.  
>Ireland & Associates Surveying, Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.

I hereby Certify that the Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 63-17, 652 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

*Patrick K. Ireland* FOR THE FIRM

Patrick K. Ireland License # PS120637 LB 7623  
This Survey is intended ONLY for the Use of Said Certified Parties. This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.

**Ireland & Associates Surveying, Inc.**  
1301 S. International Parkway Suite 2001  
Lake Mary, Florida 32746  
www.irelandsurveying.com  
Office-407.678.3366 Fax-407.320.8165



FELLSVILLE AVE.

TANTUM AVENUE



SITE PLAN

SCALE: 1" = 20'



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

**Staff Report  
September 1, 2015**

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**REQUEST OF FERNA BERNSTEIN TO:** AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH A COMMERCIAL FUTURE LAND USE DESIGNATION TO THE ANNEXED PROPERTY AT 1566 W. FAIRBANKS AVENUE.

**REQUEST OF FERNA BERNSTEIN TO:** AMEND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH COMMERCIAL (C-3) DISTRICT ZONING ON THE ANNEXED PROPERTY AT 1566 W. FAIRBANKS AVENUE.

---

Ferna Bernstein is the owner the commercial property at 1566 W. Fairbanks Avenue. She has made a voluntary request for annexation and the City has annexed that property. Now the City needs to establish a Commercial FLU designation on the Comprehensive Plan maps and Commercial (C-3) zoning on this property. The property now has the same Commercial FLU and C-3 zoning in Orange County, so there is no change.

**STAFF RECOMMENDATION IS FOR APPROVAL**





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 ESTABLISH COMMERCIAL (C-3) ZONING ON THE ANNEXED PROPERTY AT 1566 W. FAIRBANKS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.**

**WHEREAS**, the owner of the property more particularly described herein has voluntarily requested annexation into the City of Winter Park and in compliance with Chapter 171, Florida Statutes, said property has been annexed into the City of Winter Park, and

**WHEREAS**, the City Commission intends to establish a municipal zoning designation on this property in compliance with the establishment of a similar Comprehensive Plan future land use designation for said property, and

**WHEREAS**, the establishment of 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.

**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 establish Commercial (C-3) district zoning on the annexed property at 1566 W. Fairbanks Avenue, more particularly described as follows:

LOTS 2 & 3, BLOCK "A", LAWNSDALE ANNEX SUBDIVISION AS RECORDED IN PLAT BOOK "J", PAGE 50 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA  
PROPERTY TAX ID# 12-22-29-5000-01-020

**SECTION 2.** This ordinance shall become effective 31 days after adoption. If this Ordinance or the related companion Ordinance amending the Comprehensive Plan for this property is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

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

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

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 ESTABLISH COMMERCIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 1566 WEST FAIRBANKS AVENUE AND TO INDICATE THE ANNEXATION ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.**

**WHEREAS**, the owner of the property more particularly described herein has voluntarily requested annexation into the City of Winter Park and in compliance with Chapter 171, Florida Statutes, said property has been annexed into the City of Winter Park, and

**WHEREAS**, the City Commission intends to amend its Comprehensive Plan to establish a municipal Comprehensive Plan future land use map designation as a small scale amendment to the Comprehensive Plan, and

**WHEREAS**, the amendment of the Comprehensive Plan maps and the establishment of a future land use designation meets the criteria established by Chapter 163, Florida Statutes and Rule 9J-5, F.A.C. 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.

**NOW THEREFORE BE IT ENACTED, 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 establish a Commercial future land use designation on the annexed property at 1566 W. Fairbanks Avenue and that all other maps in the Comprehensive Plan reflect the annexation of this property into the City of Winter Park, said property being more particularly described as follows:

LOTS 2 & 3, BLOCK "A", LAWNDALDE ANNEX SUBDIVISION AS RECORDED IN PLAT BOOK "J", PAGE 50 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA  
PROPERTY TAX ID# 12-22-29-5000-01-020

**SECTION 2.** This ordinance shall become effective 31 days after adoption but shall not become effective if this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. In that case it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

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

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk