

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

**Staff Report
January 3, 2017**

REQUEST OF WINTER PARK REAL ESTATE ADVISORS INC. TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP FROM SINGLE FAMILY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON ELEVEN FEET TO THE EAST OF 326 HANNIBAL SQUARE, EAST AND FROM CENTRAL BUSINESS DISTRICT TO MEDIUM-DENSITY RESIDENTIAL ON THE PROPERTY AT 354 HANNIBAL SQUARE, EAST AND FROM SINGLE FAMILY RESIDENTIAL TO LOW DENSITY RESIDENTIAL ON THE PROPERTIES AT 463 AND 455 WEST LYMAN AVENUE.

REQUEST OF WINTER PARK REAL ESTATE ADVISORS INC. TO: AMEND THE OFFICIAL ZONING MAP TO CHANGE FROM SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE ELEVEN FEET OF PROPERTY TO THE EAST OF 326 HANNIBAL SQUARE, EAST AND TO CHANGE FROM COMMERCIAL (C-2) DISTRICT ZONING TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT 354 HANNIBAL SQUARE, EAST AND FROM SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING ON THE PROPERTIES AT 463 AND 455 WEST LYMAN AVENUE.

REQUEST OF WINTER PARK REAL ESTATE ADVISORS INC. FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THE PROPERTIES AT 326 AND 354 HANNIBAL SQUARE, EAST AND AT 465; 463 AND 455 WEST LYMAN AVENUE WITH A NINE UNIT, TWO AND THREE STORY RESIDENTIAL PROJECT, PROSPECTIVELY ZONED R-3 AND R-2; PROVIDING FOR CERTAIN EXCEPTIONS AND FOR A DEVELOPMENT AGREEMENT, IF REQUIRED.

Winter Park Real Estate Advisors, Inc. is requesting the following:

1. Changing the Comprehensive Plan future land use designations of Single Family Residential to Medium Density Residential on the eleven feet to the east of 326 Hannibal Square, East and to change from Central Business District to Medium-Density Residential on the property at 354 Hannibal Square, East and from Single Family Residential to Low Density Residential on the properties at 463 and 455 West Lyman Avenue.
2. Changing the Zoning on the same properties to Multi-Family (R-3); and (R-2)
3. Conditional Use for a nine unit townhouse project, as shown on the plans submitted.

Property Zoning Characteristics and Request: The entire site is 35,018 square feet (0.8 acres) with 141 feet of frontage on Hannibal Square East and 248 feet of frontage along W. Lyman Avenue. Generally, the western 86 feet along Hannibal Square East (326/354 Hannibal and 465 W. Lyman), which is one-third of the site, currently have land use designations of Central Business District with C-2 zoning and Medium Density Residential with R-3 zoning. Both allow up to 17 units per acre. There is a small piece that is 11 feet west of 326 Hannibal requested to be rezoned to R-3 so that the eastern boundary will be a straight line. They also are asking to rezone the C-2 lot at 354 Hannibal from C-2 to R-3. The major component of this application is for the remaining two-thirds of the site on the eastern side that has a future land use designation of Single Family Residential with R-1A zoning. That property is requested to be changed to Low Density Residential (R-2).

Property Development Potential (Before and After the Rezoning): Under the existing and proposed zoning, the western 86 feet could be developed with a four unit, three story townhouse building per the R-3/C-2 entitlements. There is no significant change to the development potential on this portion of the site. However, the eastern two-thirds of the site, designated single family could now yield three single-family homes. The proposal for rezoning to R-2 is for five total units, an increase of 2 units. The combination of these rezoning requests changes and increases the residential unit density by two units.

Under the proposed zoning of R-3, the western one-third of this site has 12,215 square feet that could be developed with up to 13,441 square feet of townhouse building per the R-3 FAR of 110% entitlements. The proposal for those four units is a total of 13,366 square feet. The eastern two-thirds of the site could yield 10,037 square feet per the current R-1A FAR of 43% entitlements. Under the proposal to rezone to R-2 with a 55% FAR, the proposed five townhouses combined are 15,524 total square feet, an increase of 5,487 square feet, over the R-1A entitlements.

Previous Related Rezoning Requests in the Hannibal Square Neighborhood:

There is some important guidance on how to view this request based upon actions in similar requests before the P&Z Board and City Commission in recent years.

The most relevant is the request in May 2016 on these same properties. That request differed from the current one in that the eastern two-thirds of the site was requested to change from Single Family future land use (R-1A) to Multi-Family Residential future land use (R-3). That was denied by the Planning and zoning Board in May, 2016 and subsequently withdrawn.

Another related request occurred in February, 2013, when the City considered the future land use change and rezoning of what became the David Weekly duplex townhouse project at 250 West Lyman Avenue, which was reviewed together with the relocation of the Grant Chapel. The applicants argued that the site was next to the Central Business District (CBD), adjacent to the City's Electric Utility yard and the Railroad. The City Commission rejected the original request to R-3 but granted

and compromised (in accordance with the Comprehensive Plan) a change the future land use and rezone to R-2. The duplex townhouses on Lyman Avenue then were built to R-2 standards of two stories and 55% FAR. Those duplex townhouses are compatible with the area and fit well into the residential character of Lyman Avenue.

Another related request came in April through October 2014, to the Planning Board for the redevelopment of the Canton/Capen properties adjacent to the parking garage for the Atlantic Housing senior apartments. The applicant cited their location adjacent to a parking garage as the primary rationale why a future land use change and rezoning was justified. In April, the P&Z Board tabled the request to designate the property as Medium and High Density Residential with R-3 and R-4 zoning districts due to density concerns.

At the September 2nd P&Z meeting the request was modified to request R-2 zoning together with a development plan to consolidate all of the 10 individual properties into one unified development site, and build 16 units in two story buildings. Again due density concerns, the P&Z Board voted 4-2 for denial and the request was subsequently withdrawn by the applicant.

Finally in October 2014 the project was revised again to a subdivision of 11 lots to be built (now under construction) by David Weekly Homes of single family homes under the existing R-1A zoning standards at an FAR of 43%.

Lastly, in June 2015 the property at 426 W. Lyman Avenue across the street from this application was requested to be rezoned from R-1A to R-2 as the applicant desired the FAR of R-2 (55%) versus the R-1A FAR (43%). That request was denied by the P&Z Board and subsequently withdrawn. However, in that case it would have been the only R-2 lot in that entire block. The P&Z Board was committed to maintaining single family zoning in that block.

Comprehensive Plan Policy Guidance: Policy 1-3.8.4 in the adopted Comprehensive Plan states that applications, requesting a land use change from either single family (R-1A) or low density residential (R-2) development to multi-family residential (R-3) are strongly discouraged. That was the Policy that staff relied upon in May, 2016 when the previous request for this property was denied by the P&Z Board to change the zoning to R-3. It is important to note that this policy does not discourage a change from single family residential to low density residential (R-2) as requested by the applicant.

There is no other Policy in the current adopted Comprehensive Plan that directly relates to this situation of a potential rezoning from R-1A to R-2. There is Policy 1-H-10 which says any property less than 7,500 square feet in size should not be rezoned from R-1A to R-2, but that does not apply to this request with 22,772 square feet of land area.

There is one other applicable Policy that has not yet been adopted but has been approved by the City Commission in the new Comprehensive Plan just sent up to the State for review. That Policy 1-H-15 is shown below and it provides guidance for approval of the type of request that has been made in this application.

Policy 1-H-15: Special Circumstances for the North Side of West Lyman Avenue between New York and Hannibal Square, West Capen and Pennsylvania Avenues. Notwithstanding Policy 1-H-1 above, there exists low density residential future land use and development along a portion of West Lyman Avenue. Continuance of that scale, type and size of development and changes to low density residential future land use, only, may be permitted on the north side of West Lyman Avenue between New York Avenue and Hannibal Square, East.

Conditional Use for the 4-Unit Townhouse Project on the R-3 Property:

This application contains preliminary site plans and elevation drawings for Conditional Use approval for the 4-unit building, with R-3 zoning. That building is two stories on for the north and south end units and three stories for the two middle units. The Floor Area Ratio and Unit Density match the proposed zoning. That 4 Unit Building is asking for the following exceptions or variances:

1. Building Lot Coverage (47.8% vs. 40%)
2. Minimum land area for multi-family development (12,219 sq. ft. vs. 15,000 sq. ft.) but it meets the unit density as site size allows 4 units.
3. Side setback on east side (3 feet vs. 20 feet)
4. Lyman facing door entry columns project into the Lyman street setback.
5. Second story element projects into Lyman street setback.

None of these exceptions are consequential. While the building footprint (lot coverage) is over by a large number, it reflects that more square footage is on the ground floor due to the two story units as part of the design.

Conditional Use for the 5-Unit Townhouse Project on the R-2 Property:

This application contains preliminary site plans and elevation drawings for Conditional Use approval for the 5-unit townhouse project, contingent upon the rezoning to R-2. Those buildings are two stories and the Floor Area Ratio and Unit Density match the proposed zoning. There are no exceptions requested for that project and it meets all the R-2 regulations in terms of setbacks, building heights, etc.

Parking for the Combined Project: Each townhouse has a two car garage. In addition, the project is providing the required visitor parking via seven parking spaces on the metal grate over the storm water retention area. Access to the R-2 townhomes is from the city alley to the rear. There is a Development Agreement that pertains to that alley for which an Amendment is proposed (attached). Due to the loss of three parking spaces for that new alley access, this project is making the private visitor parking spaces on the metal grate open to public so that anyone can use it, the same as the parking spaces within the alley.

Other Approvals: This project is intended to be developed as fee simple townhouses pursuant to a replat (not as a condominium). To the extent that a "subdivision approval" is required, then this process provides that approval. This fee simple/replat marketing approach is what is occurring on most multi-family residential projects in today's market environment.

Planning Staff Summary and Recommendation: For the R-3 portion of this project on the western one-third of the site, the rezonings to square off and create a unified R-3 zoned parcel for the 4-unit townhouse do not affect the unit density and provide for less floor area ratio than the current zonings would provide. The design with the two-story unit facing West Lyman is sensitive to the scale of the existing and future buildings to be built across W. Lyman Avenue. It is also important to note the context for this building is adjacent to the six story parking garage. The staff is recommending APPROVAL of the rezonings and the conditional use for this R-3 component of the overall project.

The rezoning of the R-1A properties to R-2 is consistent with the new proposed Comprehensive Plan Policy guidance in the new version of the Comp. Plan and does not violate any of the existing Comp. Plan policies. It is also important to note the context for this building is adjacent to three story commercial buildings to the rear (north). The townhouse product will be similar in density/scale to the David Weekly townhouses so there is precedent on West Lyman for this type of housing. No exceptions or variances are requested for this component of the project. The staff is recommending APPROVAL of the Comp. Plan FLU/Rezonings to Low Density Residential (R-2) and the conditional use for this component of the overall project, subject to the Development Agreement amendment.

STAFF RECOMMENDATION IS FOR APPROVAL OF ALL THE COMPREHENSIVE PLAN FLU AND REZONING REQUESTS.

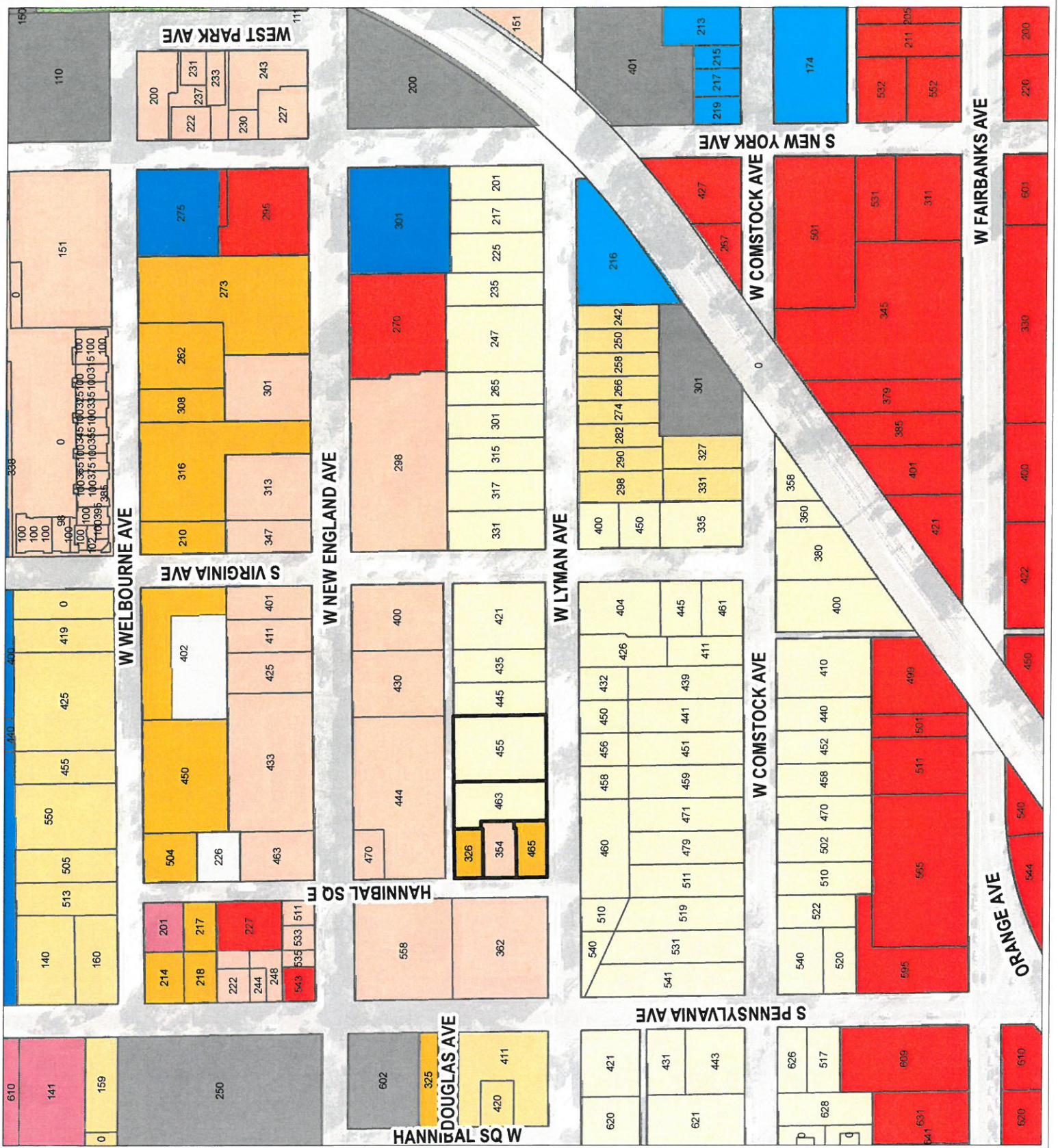
STAFF RECOMMENDATION IS FOR APPROVAL OF THE CONDITIONAL USE REQUESTS TOGETHER WITH THE EXCEPTIONS REQUESTED SUBJECT TO THE DEVELOPMENT AGREEMENT AMENDMENT.



**City of Winter Park
Florida**

Legend

- C-2
- C-3
- C-3-A
- O-1
- O-2
- PL
- PQP
- PR
- R-1A
- R-2
- R-3






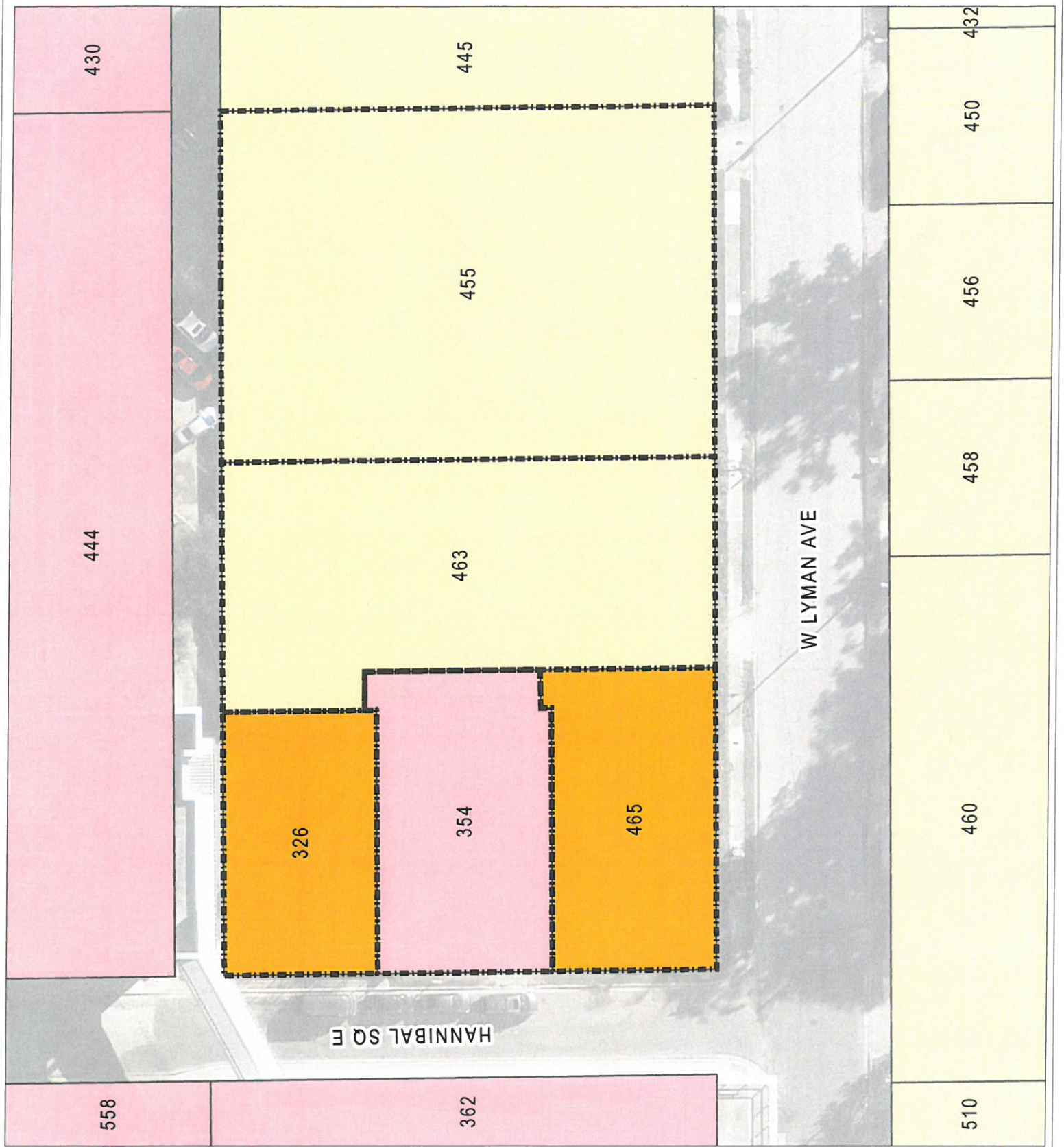
Date: 4/20/2016



City of Winter Park
Florida

Legend

-  C-2
-  R-1A
-  R-3

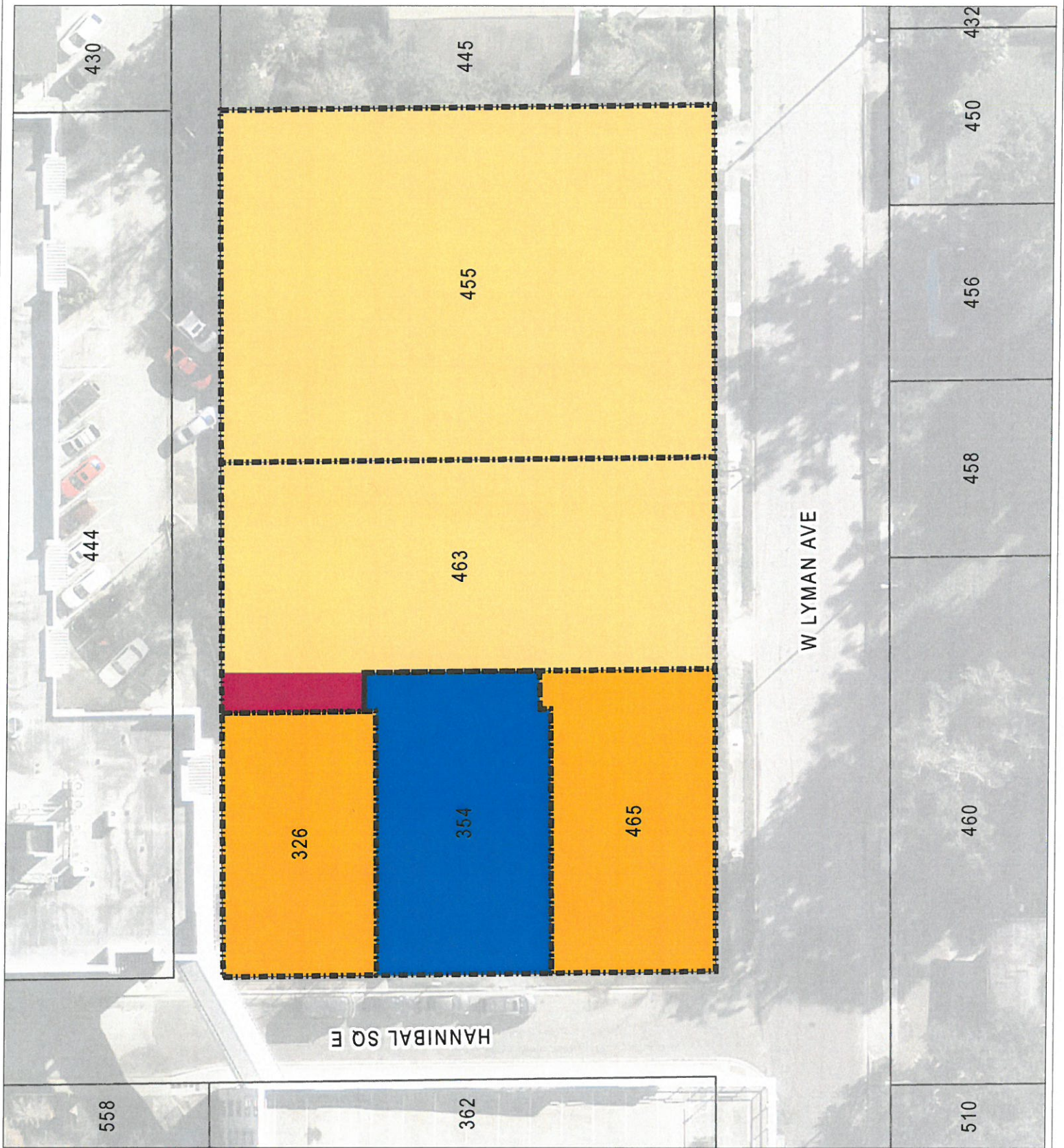




City of Winter Park
Florida

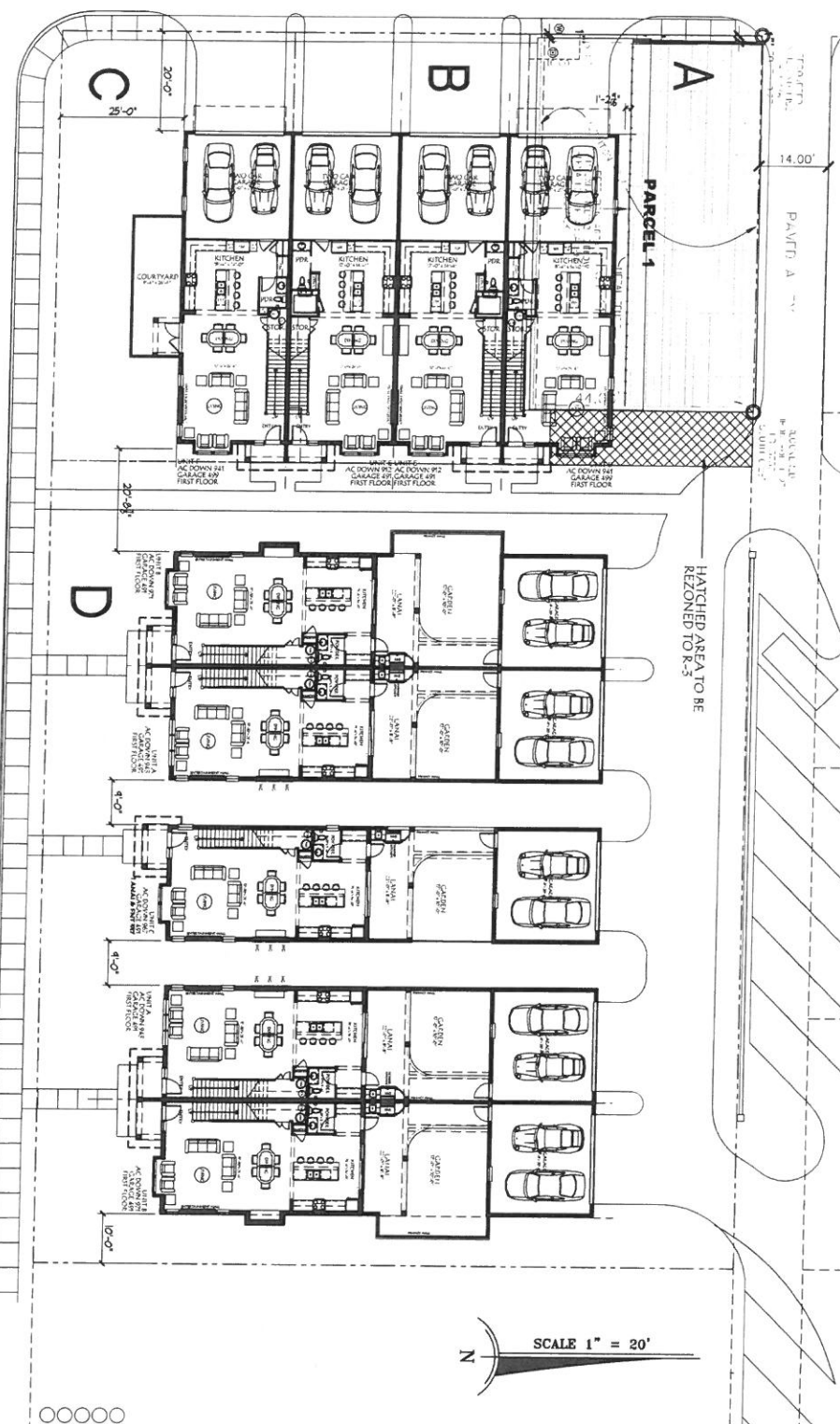
Legend

-  R-1A to R-2
-  R-1A to R-3
-  C-2 to R-3
-  Remain R-3



E HANNIBAL SQUARE

W LYMAN AVENUE



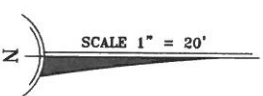
A AREA CALCULATIONS
LOT 11 - R-3

SITE AREA	3278 SF
FAIR	3278 SF
ALLOWABLE %	100%
ACTUAL %	100%
PERMITTED	3278 SF
ALLOWABLE %	100%
ACTUAL %	100%
BUILDING COVERAGE	4888 SF
ALLOWABLE %	149%
ACTUAL %	149%

B AREA CALCULATIONS
LOTS 14, 15, 16 - R-2A

SITE AREA	2773 SF
FAIR	2773 SF
ALLOWABLE %	100%
ACTUAL %	100%
PERMITTED	2773 SF
ALLOWABLE %	100%
ACTUAL %	100%
BUILDING COVERAGE	1488 SF
ALLOWABLE %	53%
ACTUAL %	53%

HATCHED AREA TO BE
REZONED TO R-3



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A10

DATE	01/20/2016
SCALE	AS SHOWN
PROJECT	WINTER PARK
CLIENT	FLORIDA
DESIGNER	FLORIDA
DRAWN	FLORIDA

SITE PLAN WITH UNITS

LYMAN SQUARE
A TOWNHOME PROJECT

WINTER PARK FLORIDA

SLOCUM PLATT ARCHITECTS, P.A.

RANDALL J. SLOCUM AND WILLIAM P. PLATT ARCHITECTS, P.A.
475 NORTH ORLANDO AVENUE, SUITE 1201 MELBOURNE, FL 32901
TEL: (407) 648-3019 FAX: (407) 648-2771
WWW.SLOCUMPLATT.COM

REVISIONS	
NO.	DESCRIPTION



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D

E

E

F

ENTRY ELEVATION

Lyman Square

A Townhome Project

16-004

12.7.16





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D

E

E

F

ELEVATION

Lyman Square
A Townhome Project
16-004
12.7.16





UNIT E AND F

SIDE ELEVATION

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Lyman Square
A Townhome Project
16-004
12.7.16





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A1

B1

C

B2

A2

ELEVATIONS

Lyman Square
A Townhome Project
16-004
12.7.16



SECOND AMENDMENT TO DEVELOPER'S AGREEMENT

THIS SECOND AMENDMENT TO DEVELOPER'S AGREEMENT (this "Second Amendment") is made and entered into this ___ day of _____, 2017 between **THE CITY OF WINTER PARK**, a municipal corporation organized and existing under the laws of the State of Florida whose address is P.O. Box 350, Winter Park, Florida 32790 (the "City"); **ORC HANNIBAL SQUARE, LLC**, a Florida limited liability company and **ORC HANNIBAL SQUARE II, LLC**, a Florida limited liability company whose address is 1646 33rd Street, Suite 301, Orlando, Florida 32839 (together "ORC"); and **Winter Park Real Estate Advisors, Inc.**, a Florida corporation whose address is 3200 S. Hiwassee Road, Suite 205, Orlando, Florida 32835 ("WPREA") (collectively ORC and WPREA shall be referred to as the "Developers"). The City and Developers are sometimes collectively referred to herein as the "Parties".

WITNESSETH:

WHEREAS, on or about November 19, 2001, Daniel Bellows, St. Michael, LTD., and The Winter Park Redevelopment Agency, LTD (collectively the "Original Developer") entered into that certain Developer's Agreement recorded in Official Records Book 7164, Page 550, Public Records of Orange County, Florida as amended by that certain First Amendment to Developer's Agreement recorded in Official Records Book 10356, Page 9109, Public Records of Orange County, Florida (collectively the "Developer's Agreement") relating, inter alia, to the development of certain parking areas, access roads and storm water retention in the New England Corridor; and

WHEREAS, the Developers are the successors in interest to the Original Developers who executed the Developer Agreement; and

WHEREAS, ORC is the owner of the properties located at 400, 430 and 444 W. New England Avenue, Winter Park, Florida (Lots 1-7 Block 55, TOWN OF WINTER PARK, according to the Plat thereof as recorded in Plat Book A, Page 86, Public Records of Orange County, Florida ("Plat")) and WPREA is the owner of the property located at 326 Hannibal Square East, Winter Park, Florida (Lot 11 of the Plat) collectively defined in the Developer's Agreement as "Developer Property 2"; and

WHEREAS, the Parties wish to amend certain portions of the Developer's Agreement, as set forth herein.

NOW THEREFORE, for and in consideration of Ten and No/100ths Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. **Recitals; Defined Terms.** The foregoing recitals are true and correct and are hereby incorporated herein by this reference. Capitalized terms used herein shall have the same meaning ascribed to them in the Developer's Agreement, unless expressly provided otherwise herein.
2. **Replacement of Exhibit "A".** Exhibit "A" attached to the Developer's Agreement is hereby deleted in its entirety and replaced with Exhibit "A" attached to this Second Amendment and incorporated herein by this reference.
3. **Access and Parking Easement.** Subparagraph 2(a) of the Developer's Agreement as revised and restated in paragraph 3 of the First Amendment to Developer's Agreement is hereby modified to add the following:

"Notwithstanding anything contained herein to the contrary, the Parties acknowledge that WPREA and its successors and assigns shall have the right to construct and utilize the driveways as shown on the attached Exhibit "A". Further WPREA hereby grants to the City and ORC a perpetual, non-exclusive easement (the "Parking Easement") upon, over, under, in and through the three parking spaces hatched area reflected on Exhibit "A" (the "Parking Easement Area") to be utilized for parking."

4. **Parking Easement.** The City acknowledges that the Parking Easement granted hereinabove shall replace the three parking spaces lost by the addition of the driveways as shown on Exhibit "A". The City further acknowledges that pursuant to paragraph 1 of the Developer's Agreement, the parking spaces required pursuant to Exhibit "B" continue to be satisfied. The City further acknowledges that the balance of the parking spaces shown on the Parking Easement Area depicted on Exhibit "A" and identified as "guest parking" shall count towards satisfying the guest parking requirements required for the proposed and approved development by WPREA.
5. **Dumpster.** WPREA also owns Lots 12-16 of the Plat and intends to develop this property as residential units ("Residential Development"). WPREA and its successor and assigns of the Residential Development (or the property owners association to be formed for such Residential Development), agree to use the dumpster located on ORC's property. ORC gives WPREA and its successors and assigns, a license to enter its property for use of the dumpster. WPREA or its successors and assigns will be responsible for payment to The City for its use of the dumpster.
6. **Full Force and Effect.** Except as expressly amended by this Second Amendment, the Developer's Agreement shall remain in full force and effect.

7. **Counterpart Execution.** This Second Amendment may be executed in three (3) or more counterparts and all such counterparts shall be deemed to constitute but one and the same instrument. To facilitate execution of this Second Amendment the parties hereto may execute and exchange by telephone facsimile counterparts of the signature pages.

(SIGNATURES APPEAR ON THE FOLLOWING PAGES)

IN WITNESS WHEREOF, the City and the Developer have executed this Agreement as of the date written above.

CITY:

Witnesses:

City of Winter Park, a Florida municipal corporation of the State of Florida

Print Name:

By: _____

Print Name: _____

Date: _____

Print Name:

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing Agreement was acknowledged before me this ___ day of _____, 2016, by _____, as _____ of CITY OF WINTER PARK, a Florida municipality, on behalf of said corporation _____ who is personally known to me or produced _____ as identification.

{Seal}

Notary Public, State of Florida
Print Name: _____
Commission Expires: _____

Witnesses:

**ORC HANNIBAL SQUARE, LLC a
Florida limited liability company**

Print Name:

By: ORC Hannibal Square Investors, LLC, Manager

Print Name:

By: ORC Hannibal Square Management, LLC,
Manager

By: Owens Realty Capital, LLC, Manager

By: _____

Print Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing Agreement was acknowledged before me this ___ day of _____, 2016, by _____, as _____ of ORC HANNIBAL SQUARE, LLC, on behalf of said limited liability company _____ who is personally known to me or produced _____ as identification.

{Seal}

Notary Public, State of Florida

Print Name: _____

Commission Expires: _____

Witnesses:

**ORC HANNIBAL SQUARE II, LLC
A Florida limited liability company**

Print Name:

By: _____

Print Name: _____

Date: _____

Print Name:

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing Agreement was acknowledged before me this ___ day of _____, 2016, by _____, as _____ of ORC HANNIBAL SQUARE II, LLC, on behalf of said limited liability company _____ who is personally known to me or produced _____ as identification.

{Seal}

Notary Public, State of Florida

Print Name: _____

Commission Expires: _____

Witnesses:

**Winter Park Real Estate Advisors, Inc., a
Florida corporation**

Print Name:

By: _____

Print Name: Nancy A. Rossman, President

Date: _____

Print Name:

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing Agreement was acknowledged before me this ___ day of _____, 2016, by Nancy A. Rossman, as President of WINTER PARK REAL ESTATE ADVISORS, INC., a Florida corporation, on behalf of said corporation _____ who is personally known to me or produced _____ as identification.

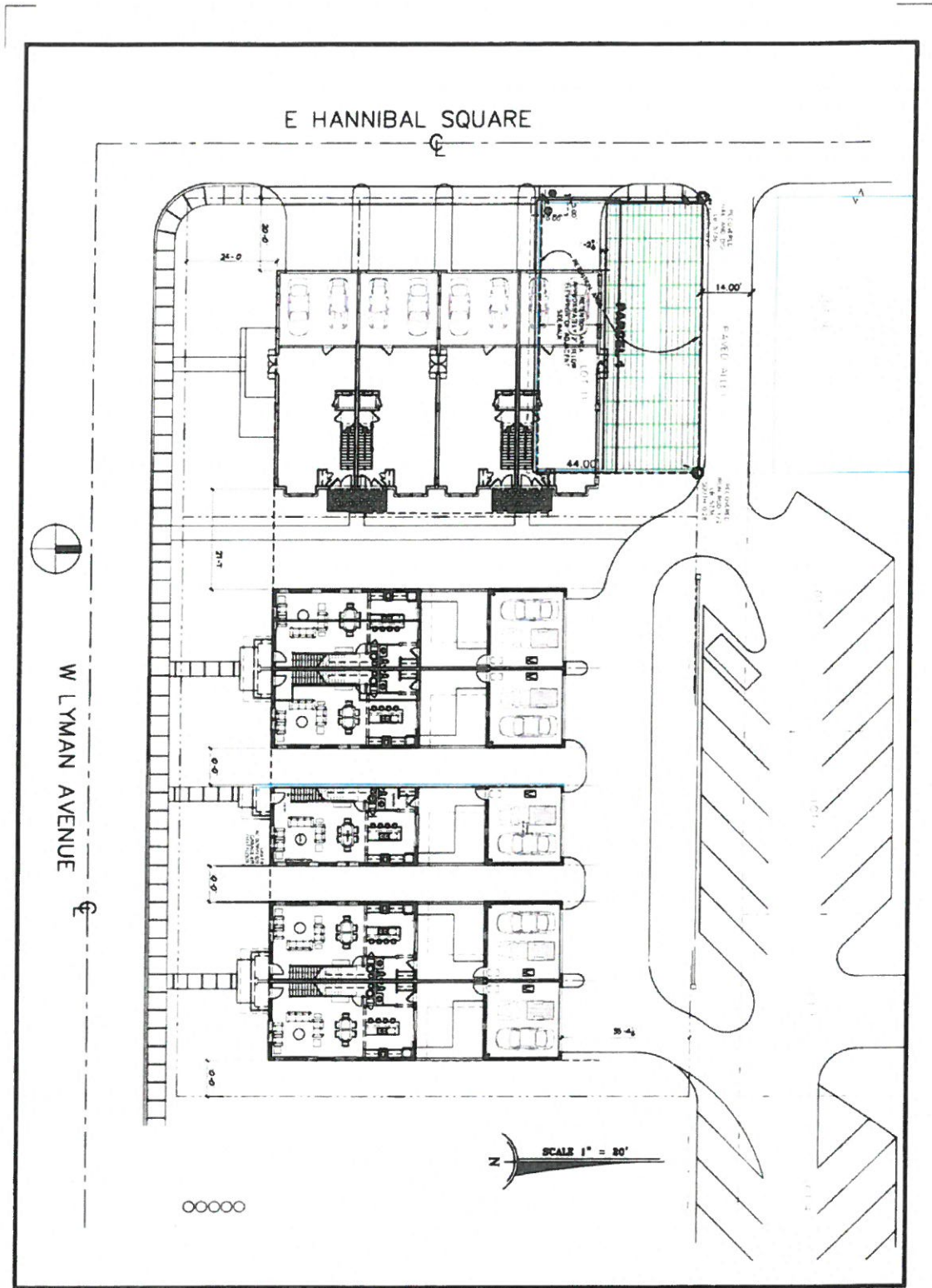
{Seal}

Notary Public, State of Florida

Print Name: _____

Commission Expires: _____

Exhibit "A"



<p>A10</p> <p>DATE: 10/10/00 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO: [Number]</p>	<p>SITE PLAN</p> <p>WEST LYMAN SQUARE</p>	<p>SLOCUM PLATT ARCHITECTS, P.A.</p> <p>REGISTERED ARCHITECTS 1000 SLOCUM PLATT P. A. ARCHITECTS, P.A. 1000 SLOCUM PLATT P. A. ARCHITECTS, P.A. 1000 SLOCUM PLATT P. A. ARCHITECTS, P.A. 1000 SLOCUM PLATT P. A. ARCHITECTS, P.A.</p>	<p>DATE: 10/10/00 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO: [Number]</p>
	<p>WESTER PARK</p> <p>FLORIDA</p>		

Exhibit "B"

Parking Space accounting Block 55

- 400 W. New England Ave: 17 total spaces allocated for this building.
- 430 W. New England Ave: 0 new spaces allocated, nine existing in front of building, to remain.
- 444 W. New England Ave: 3 total spaces allocated for this building.
- 460 W. New England Ave: 36 new parking spaces created for this new proposed apartment project, site currently vacant land.
- 314 Hannibal Square East: 0 new spaces allocated for this existing building.
- 320 Hannibal Square East: 0 new spaces allocated for this existing building.



INSTR 20030618618
 OR BK 07164 PG 0550
 MARTHA O. HAYNIE, COMPTROLLER
 ORANGE COUNTY, FL
 10/23/2003 02:35:38 PM
 REC FEE 37.50

**THIS INSTRUMENT PREPARED
 BY AND RETURN TO:**

**C. Brent McCaghren, Esquire
 Winderweedle, Haines, Ward
 & Woodman, P.A.
 Post Office Box 880
 Winter Park, Florida 32790**



DEVELOPER'S AGREEMENT

THIS DEVELOPER'S AGREEMENT (the "Agreement") is made and entered into this 19th day of November, 2001, by and among the CITY OF WINTER PARK, FLORIDA, a municipal corporation organized and existing under the laws of the State of Florida (the "City"), 401 Park Avenue South, Winter Park, Florida 32789, and DANIEL B. BELLOWS, individually, and ST. MICHAEL, LTD., a Florida Limited Partnership, whose mailing address is Post Office Box 350, Winter Park, Florida 32790, and THE WINTER PARK REDEVELOPMENT AGENCY, LTD., a Florida Limited Partnership, whose mailing address is Post Office Box 350, Winter Park, Florida 32790 (collectively the "Developer").

WITNESSETH:

WHEREAS, the City is currently the owner of a right-of-way over real property as shown as a platted alley, 14 feet in width, with a length of approximately 445 feet running east and west in the middle of Block 55, TOWN OF WINTER PARK, according to the Plat thereof as recorded in Plat Book A, Page 86, Public Records of Orange County, Florida, and located between Virginia Avenue on the east and Hannibal Square East on the west in said Block 55, lying south of West New England Avenue (said right-of-way hereafter referred to as "City Property No. 1"); and

WHEREAS, the Developer is currently the owner of certain real property fronting on the south side of West New England Avenue in the City of Winter Park, Florida, more particularly described as Lots 1 through 7, and Lot 11, Block 55, TOWN OF WINTER PARK, according to the Plat thereof as recorded in Plat Book A, Page 86, Public Records of Orange County, Florida (hereafter referred to as "Developer Property No. 2"); and

WHEREAS, the Developer is seeking to develop the amount of parking spaces sufficient to meet the City's parking requirements for further development of Developer's Property No. 2, and Developer has suggested an arrangement whereby the City would permit the use of a portion of its alley (City Property No. 1) for parking in exchange for the use of a portion of the Developer's property (Developer Property No. 2) for parking and pedestrian and vehicular traffic; and

WHEREAS, the City wishes to encourage and facilitate the development of appropriate parking areas in the New England Avenue Corridor and to afford opportunity for the redevelopment of the New England Avenue Corridor by private enterprise in accordance with Section 163.345, Florida Statutes; and

NOW THEREFORE, in consideration of the foregoing premises, and the mutual covenants set forth herein, the parties hereby agree as follows:

1. **Parking Plan.** The City and Developer agree and commit to the development and use of City Property No. 1 and Developer Property No. 2, as outlined in the site plan (the "Parking Plan") which is attached hereto as Exhibit "A" and by this reference made a part hereof. City agrees that it will make that portion of City Property No. 1 available for the development of parking spaces as shown on the Parking Plan, and the Developer agrees to make a portion of the Developer's Property No. 2 available for parking, public access, and stormwater retention as necessary to serve the development, as shown on the Parking Plan. Those parking spaces created by the use of a portion of City Property No. 1 and Developer Property No. 2 as a result of the implementation of the Parking Plan will count towards satisfying the parking requirements required by development of Developer Property No. 2.

Attached hereto is Exhibit "B" showing the parking space accounting for said Block 55, which allocates both the current and proposed new parking spaces among the properties within said Block 55. The parking space allocation as shown on Exhibit "B" shall not be changed without the written approval of the City.

2. **Special Conditions.** The following special conditions shall also apply to and be binding upon Developer and Developer Property No. 2:

(a) The Developer hereby grants to the City an access easement 15 feet in width over that portion of Developer Property No. 2 as shown on the Parking Plan attached hereto as Exhibit "A", together with an easement for public parking adjacent to and lying southerly of said access easement over that portion of Developer Property No. 2 as shown on the Parking Plan attached hereto as Exhibit "A". The access easement shall be for public right-of-way; the parking area south of the access easement shall be for public parking and public utilities.

(b) The Developer shall build and maintain the roadway and parking areas as shown on the Parking Plan in accordance with all applicable codes, rules and regulations. The Developer shall further install and maintain the parking area in an attractive fashion with screening along the south property line and other interior landscaping, including trees, so as to blend harmoniously with the surrounding residential neighborhood. The screening along the south property line shall be either a brick wall or a masonry wall with stucco and paint on both sides. Developer shall install and maintain an irrigation system in order to insure the survival

and growth of all landscape materials. The Developer shall also construct and install lighting as may reasonably be required by the City for the roadway and parking spaces. The Developer shall be responsible for the maintenance and repair of the roadway, parking spaces, landscaping, irrigation system, wall, and lighting.

(c) The construction and installation of the public access route, parking area, irrigation system, wall and landscaping is five (5) years from the date of execution of this Agreement.

(d) The Developer shall comply with all stormwater retention requirements of the City and of the St. Johns River Water Management District, if applicable, but shall be entitled to utilize a portion of City Property No. 1 for the construction and installation of stormwater retention facilities beneath City Property No. 1; provided, however, that such underground installation shall not interfere with public utilities. The maintenance and repair of all stormwater retention facilities shall be the sole obligation and responsibility of Developer.

(e) Developer shall be responsible for construction and maintenance of adequate sites, including access thereto, for solid waste collection vehicles and trash and recycling containers, as shown on the Parking Plan.

(f) The parking spaces created by the Parking Plan on City Property No. 1 will be open and available for parking by the public, and no signage shall be installed indicating that any of such parking is reserved or otherwise unavailable for use by the general public.

3. **Binding Effect.** This Agreement shall be binding upon the parties hereto, and their respective successors and assigns in interest and all parties acquiring any interest in City Property No. 1 and Developer Property No. 2.

In addition to any and all other remedies available to the City, Developer agrees that the City shall have the right, but not the obligation, to enforce Developer's obligations under this Agreement through its Code Enforcement Department and Code Enforcement Board.

4. **Authority.** Each party represents and warrants to the other that it has all necessary power and authority to enter into and consummate the terms and conditions of this Agreement and that all acts, approvals, procedures and similar matters required in order to authorize this Agreement has been taken or followed, as the case may be, and that upon execution of this Agreement by both parties, this Agreement shall be valid and binding upon the parties hereto and their successors in interest.

5. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

6. **Evidence of Ownership.** Within ten (10) days from the date of this Agreement, Developer shall furnish the City with a title opinion of an attorney at law licensed in Florida or a certification by a title insurance company showing that record title to Developer Property No. 2 is in the name of the Developer, as well as showing the names of all other parties having an interest in Developer Property No. 2, whether as mortgagee, lienor, easement holder, or otherwise. Developer within sixty (60) days of the date of this Agreement shall furnish to the City the requisite joinders, subordinations or consents and ratifications, in order to have the interest of the City in that portion of Developer Property No. 2 to be utilized for right-of-way and parking to be superior to all such outstanding interests; such documentation as to form and execution to be subject to the approval of the City, and the cost of recording to be at the expense of Developer.

7. **Amendment.** This Agreement may be amended or terminated by mutual consent of the City and Developer, in writing, subject to any requirements of notice, public meetings or public hearings as set forth by city ordinance or Florida Statutes, but this provision shall not serve to create any such requirement.

8. **Termination on Vacation.** In the event the City after the date of this Agreement vacates the entire alley and right-of-way running east and west in the middle of said Block 55, then Developer, or Developer's successors in title to Developer Property No. 2, shall have the option, by giving at least thirty (30) days notice in writing delivered to the City, to terminate this Agreement.

9. **Recording.** This Agreement shall be recorded by the City, at Developer's expense, among the Public Records of Orange County, Florida.

10. **Severability.** If any provisions of this Agreement are found to be illegal or invalid, the other provisions of this Agreement shall remain in full force and effect.

11. **Effective Date.** This Agreement shall take effect as of the date and year first above written.

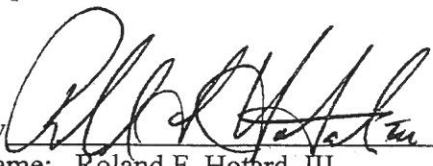
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

Signed, Sealed and Delivered in
the Presence of:

CITY OF WINTER PARK, a municipal
corporation of the State of Florida


Print Name Tania Haas


Print Name Keri Martin

By 
Name: Roland F. Hotard, III
As its: Mayor

(signatures continued on page 5)

(signatures continued from page 4)

Roberta M. Adams
Print Name Roberta M. Adams

[Signature]
Daniel B. Bellows

Jennifer A. Stasulis
Print Name Jennifer A. Stasulis

St. Michael, Ltd., a Florida limited partnership

By: New England Avenue Development Company, a Florida corporation

Roberta M. Adams
Print Name Roberta M. Adams
Jennifer A. Stasulis
Print Name Jennifer A. Stasulis

By: [Signature]
Daniel B. Bellows, Vice-President

The Winter Park Redevelopment Agency, Ltd., a Florida limited partnership

By: Winter Park Redevelopment Management Corp., a Florida corporation

Roberta M. Adams
Print Name Roberta M. Adams
Jennifer A. Stasulis
Print Name Jennifer A. Stasulis

By: [Signature]
Daniel B. Bellows, President

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 24th day of October, 2001 by ROLAND F. HOTARD, III, as Mayor of the City of Winter Park, a Florida municipality, on behalf of said municipality. He is personally known to me or has produced _____ as identification.

My Commission expires:

Linda T. Seaman
NOTARY PUBLIC



Linda T. Seaman
MY COMMISSION # CC996506 EXPIRES
May 4, 2005
BONDED THRU TROY FAIN INSURANCE, INC

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 19th day of November, 2001 by DANIEL B. BELLOWS. He is personally known to me or has produced _____ as identification.

JENNIFER A. STASULIS
Notary Public, State of Florida
My comm. exp. Jan. 8, 2006
Comm. No. DD 082822
My Commission expires: _____
Jennifer A. Stasulis
NOTARY PUBLIC

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 19th day of November, 2001 by DANIEL B. BELLOWS, as Vice-President of New England Avenue Development Company, a Florida corporation, as general partner of St. Michael, Ltd., a Florida limited partnership. He is personally known to me or has produced _____ as identification.

JENNIFER A. STASULIS
Notary Public, State of Florida
My comm. exp. Jan. 8, 2006
Comm. No. DD 082822
My Commission expires: _____
Jennifer A. Stasulis
NOTARY PUBLIC

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 19th day of November, 2001 by DANIEL B. BELLOWS, as President of Winter Park Redevelopment Management Corp., a Florida corporation, as general partner of The Winter Park Redevelopment Agency, Ltd., a Florida limited partnership. He is personally known to me or has produced _____ as identification.

JENNIFER A. STASULIS
Notary Public, State of Florida
My comm. exp. Jan. 8, 2006
Comm. No. DD 082822
My Commission expires: _____
Jennifer A. Stasulis
NOTARY PUBLIC

Exhibit "B"

Parking Space accounting Block 55

- 400 W. New England Ave: 17 total spaces allocated for this building.
- 430 W. New England Ave: 0 new spaces allocated, nine existing in front of building, to remain.
- 444 W. New England Ave: 3 total spaces allocated for this building.
- 460 W. New England Ave: 36 new parking spaces created for this new proposed apartment project, site currently vacant land.
- 314 Hannibal Square East: 0 new spaces allocated for this existing building.
- 320 Hannibal Square East: 0 new spaces allocated for this existing building.

DOC# 20120177525 B: 10356 P: 9109
04/04/2012 03:22:51 PM Page 1 of 6
Rec Fee: \$52.50
Deed Doc Tax: \$0.00
DOR Admin Fee: \$0.00
Intangible Tax: \$0.00
Mortgage Stamp: \$0.00
Martha O. Haynie, Comptroller
Orange County, FL
PU - Ret To: WINDERWEEDLE HAINES WARD



**THIS INSTRUMENT TO BE
RETURNED TO:**
Richard J. Zaden, Esquire
2850 North Andrews Avenue
Wilton Manors, Florida 33311

FIRST AMENDMENT TO DEVELOPER'S AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPER'S AGREEMENT (this "First Amendment") is made and entered into this 24th day of February, 2011, between **THE CITY OF WINTER PARK**, a municipal corporation organized and existing under the laws of the State of Florida, whose address is P.O. Box 350, Winter Park, Florida 32790 (the "City"), and **DANIEL B. BELLOWS**, individually, and **ST. MICHAEL, LTD.**, a Florida limited partnership, whose address is P.O. Box 350, Winter Park, Florida 32790, and **THE WINTER PARK REDEVELOPMENT AGENCY, LTD.**, a Florida limited partnership, whose address is P.O. Box 350, Winter Park, Florida 32790 (collectively, the "Developer") (the City and the Developer are sometimes collectively referred to herein as the "Parties").

WITNESSETH:

WHEREAS, on or about November 19, 2001, the Parties entered into that certain Developer's Agreement recorded in Official Records Book 7164, Page 550, Public Records of Orange County, Florida (the "Developer's Agreement"), relating, inter alia, to the development of certain parking areas, access roads, and stormwater retention in the New England Avenue Corridor; and

WHEREAS, the Parties wish to amend certain portions of the Developer's Agreement, as set forth herein.

NOW, THEREFORE, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee hereby agree as follows:

1. **Recitals; Defined Terms.** The foregoing recitals are true and correct and are hereby incorporated herein by this reference. Capitalized terms used herein shall have the same meaning ascribed to them in the Developer's Agreement, unless expressly provided otherwise herein.

2. **Replacement of Exhibit "A".** Exhibit "A" attached to the Developer's Agreement is hereby deleted in its entirety and replaced with Exhibit "A" attached to this First Amendment and incorporated herein by reference.

3. **Access and Parking Easement.** Subparagraph 2(a) of the Developer's Agreement is hereby deleted in its entirety and replaced with the following:

(a) The Developer hereby grants to City, its successors, assigns, and agents, a perpetual, non-exclusive easement (the "Easement") upon, over, under, in and through the hatched area reflected on the Parking Plan (the "Easement Area") for vehicular and pedestrian access over the right-of-way reflected thereon as well for public utilities and public parking in the parking spaces adjacent to and located to the south of such right-of-way, as well as a perpetual non-exclusive easement for construction and regular and emergency maintenance and repair of the Easement Area, if deemed necessary by the City. The Developer shall not block, remove, demolish or in any way modify the Easement Area without the prior written consent of the City.

4. **Full Force and Effect.** Except as expressly amended by this First Amendment, the Developer's Agreement shall remain in full force and effect as originally executed.

5. **Counterpart Execution.** This First Amendment may be executed in two (2) or more counterparts, and all such counterparts shall be deemed to constitute but one and the same instrument. To facilitate execution of this First Amendment, the parties hereto may execute and exchange by telephone facsimile counterparts of the signature pages.

6. **Warranty of Title.** The Developer hereby warrants and covenants: (a) that it is the owner of the fee simple title to Developer Property No. 2, as defined in the Developer's Agreement, (b) that it has full right and lawful authority to grant and convey the easements described in the Developer's Agreement, as amended by this First Amendment, (c) that the City shall have quiet and peaceful possession, use, and enjoyment of such easements.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the City and the Developer have executed this Agreement as of the date written above.

CITY:

Witnesses:

CITY OF WINTER PARK, a Florida municipal corporation

Michelle Bernstein
Print Name: Michelle Bernstein

By: Kenneth W. Bradley
Print Name: Kenneth W. Bradley
Date: 3/26/12

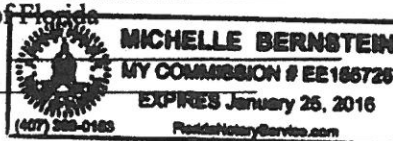
Cynthia Bonham
Print Name: Cynthia Bonham

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing Agreement was acknowledged before me, this 26th day of March 2012, by Kenneth W. Bradley Mayor of CITY OF WINTER PARK, a Florida municipal corporation, on behalf of said corporation, who is personally known to me or who has provided _____ as identification.

Michelle Bernstein

Notary Public, State of Florida
Type or Print Name:
Commission Expires:



DEVELOPER:

Witnesses:

[Signature]
Print Name: Robert B. White Jr

[Signature]
DANIEL B. BELLOWS

[Signature]
Print Name: LAURA L. DISALVO

STATE OF FLORIDA
COUNTY OF ORANGE

~~2011~~ ²⁰¹² The foregoing Agreement was acknowledged before me, this 24th day of ~~September~~ ^{February}, 2011, by **DANIEL B. BELLOWS**, who is personally known to me or who has provided as identification.



[Signature]
Notary Public, State of Florida
Type or Print Name: LAURA L. DISALVO
Commission Expires: _____

Witnesses:

[Signature]
Print Name: Robert B. White Jr.

THE WINTER PARK REDEVELOPMENT AGENCY, LTD., a Florida limited partnership

By: [Signature]
Print Name: DANIEL B. BelloWS
Date: 2/24/12

[Signature]
Print Name: LAURA L. DISALVO

STATE OF FLORIDA
COUNTY OF ORANGE

2012 The foregoing Agreement was acknowledged before me, this 24th day of ~~September~~ ^{FEBRUARY} 2011, by DAN BELLONS as _____ of **THE WINTER PARK REDEVELOPMENT AGENCY, LTD.**, a Florida limited partnership, on behalf of said partnership, who is personally known to me or who has provided _____ as identification.



Laura L DiSalvo
Notary Public, State of Florida
Type or Print Name: LAURA L. DISALVO
Commission Expires: _____

Witnesses:

[Signature]
Print Name: Robert D. White Jr

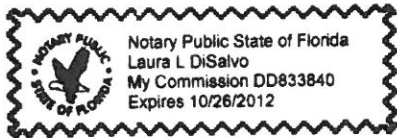
ST. MICHAEL, LTD.,
a Florida limited partnership

By: [Signature]
Print Name: DANIEL B. BELLONS
Date: 2/24/12

Laura L DiSalvo
Print Name: LAURA L. DISALVO

STATE OF FLORIDA
COUNTY OF ORANGE

2012 The foregoing Agreement was acknowledged before me, this 24th day of ~~September~~ ^{FEBRUARY} 2011, by DAN BELLONS as _____ of **ST. MICHAEL, LTD.**, a Florida limited partnership, on behalf of said partnership, who is personally known to me or who has provided _____ as identification.



Laura L DiSalvo
Notary Public, State of FLORIDA
Type or Print Name: LAURA L DISALVO
Commission Expires: _____

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

**Staff Report
January 3, 2017**

REQUEST OF ROLLINS COLLEGE TO: AMEND THE LAND DEVELOPMENT CODE, ARTICLE III, "ZONING REGULATIONS" SO AS TO CHANGE THE TEXT OF THE COMMERCIAL (C-3) ZONING DISTRICT TO ADD A NEW CONDITIONAL USE TO INCLUDE "WAREHOUSING AND DISTRIBUTION FACILITIES WHEN SERVING A UNIVERSITY OR COLLEGE".

REQUEST OF ROLLINS COLLEGE TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL FUTURE LAND USE TO A COMMERCIAL FUTURE LAND USE DESIGNATION ON 875 SQ. FEET OF THE NORTHWEST CORNER OF 483 HOLT AVENUE.

REQUEST OF ROLLINS COLLEGE TO: AMEND THE OFFICIAL ZONING MAP TO CHANGE FROM LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING TO COMMERCIAL (C-3) DISTRICT ZONING ON 875 SQUARE FEET OF THE NORTHWEST CORNER OF 483 HOLT AVENUE.

REQUEST OF ROLLINS COLLEGE FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT A TWO-STORY, 21,564 SQUARE FOOT BUILDING ON THE VACANT PROPERTIES AT 501 HOLT AVENUE AND 450 WEST FAIRBANKS AVENUE TO HOLD THE FACILITIES AND PHYSICAL PLANT OPERATIONS OF ROLLINS COLLEGE, PROVIDING FOR CERTAIN EXCEPTIONS AND FOR A DEVELOPMENT AGREEMENT, IF REQUIRED.

Rollins College is requesting the following:

1. A change to the Commercial (C-3) Zoning Code text to provide for a new conditional use involving "warehousing and distribution facilities when serving a university or college";
2. To change the Comprehensive Plan future land use designation of Low Density Residential to Commercial on 875 square feet of the property at 483 Holt Avenue;
3. To change the Zoning on the same 875 square feet from Low Density Residential (R-2) to Commercial (C-3); and
4. Conditional Use approval to construct a 21,564 square foot Physical Plant and Warehouse facility for Rollins College at 501 Holt and 450 W. Fairbanks Avenues.

Application Background: Rollins College or its affiliated LLC's have owned since 2006, the vacant 1.1 acre properties at 501 Holt and 450 W. Fairbanks Avenues. Those properties are designated Commercial in the Comprehensive Plan and zoned Commercial (C-3). The College desires to develop these properties with a physical plant and warehouse facility. Their goal is to move those operations that now exist on the main campus to this new site that borders the Railroad and commercial properties along Fairbanks and Orange Avenues on one side but which also borders the College Quarter residential neighborhood on the other side.

The challenge for Rollins College is that the site does not have the correct Comprehensive Plan designation or Zoning that allows this type of physical plant industrial and warehouse operations. The first component of this overall request from Rollins College is for the City to change the Zoning Code rules for the C-3 zoning district in order to allow this type of facility, as a conditional use. Thus the first question for the P&Z Board is whether the "use" of this property is acceptable.

The second component involves the Conditional Use required for the Project and the addition of a small piece of adjacent property in order to provide more space for visual screening. The second question for the P&Z Board via the Conditional Use, is whether the size and operations of the facility and the facility and site design is acceptable and compatible in this location. Also are some minor exceptions (variances) requested as part of the plans.

History of the Property: Rollins College (Holt Properties LLC) acquired this property in March, 2006. The property was vacant at that time. Previously the property had held a small two bay car repair building (Andy Ahik's garage) that was demolished by the previous owners in the 1980's. The property due to that previous commercial use has been designated and zoned as commercial. To that end, when Rollins College purchased the property in 2006, it was not zoned appropriately to permit the physical plant and warehouse building facility that they now desire to construct and operate.

Rollins College Plans: One priority of the Rollins College has been to find a new location for the physical plant/central receiving functions. Those facilities are now located on a prime lakefront portion of the campus. It doesn't make sense for Rollins College to have one of the least attractive aspects of the campus located on one of the most attractive locations on the campus. The campus also struggles with tractor trailer deliveries to that location and other buildings on campus. As a result, Rollins College desires to take these aspects of the campus and move those to this site.

Request for the C-3 Zoning Text Change: A warehouse and distribution facility in the City would need to be located in Industrial zoning or it could be in PQP zoning as a component of a larger facility such as a College or Hospital. Initially this request contemplated a rezoning to PQP. However, in discussions with neighbors, they preferred maintaining the commercial (C-3) zoning and changing the zoning text, as is requested. Since there is only one "university or college" in the City with "warehousing and distribution facilities" the proposed zoning text change is essentially being made just for Rollins College.

Request for the Rezone of the 875 sq. ft.: One of the goals of Rollins College is to screen the view of these physical plant operations and facilities as best as can be done from the neighborhood perspective. By shaving off a small piece (875 sq. ft.) of the northwest corner of their adjacent 483 Holt Avenue property, it allows the entire Project to slide another 10 feet away from Holt Avenue, thus providing more space for the essential landscape buffer.

The rest of the 483 Holt Avenue property is to be used for a new two-story single family house built in a Craftsman architectural style. Those plans were reviewed and approved by the City's Historic Preservation Board on December 14th and the Board also agreed with shaving off that small corner. The city staff also endorses this portion of the request in order to provide space for the landscape screening.

Request for Conditional Use Approval/Project Description: The proposed building is primarily a warehouse and distribution facility that also holds administrative office space for the physical plant departments of the College. The building is 21,564 square feet, which is at a floor area ratio of 45%, meaning that it is the largest building size that the C-3 zoning would permit on the 1.1 acre site. Due to the interior height needed for stacked pallet warehousing, this building has approximately 20 feet of visible height including parapet for the one story section closest to Holt Avenue and 44 feet in height for the two story portion of the building, closest to Fairbanks Avenue. For comparison, this building will similar in size to City Hall both in square footage and in height for the two-story portion.

The primary purpose of the facility is to receive and then distribute to the College campus every item that is needed for their "community" of approximately 3,000 people that inhabit the college campus each day. So every item needed on the campus every day will be received at this facility and then distributed to the campus by smaller vehicles or golf carts. Thus, this is primarily a warehouse facility with truck docks that can accommodate tractor trailer vehicle deliveries. Inside is warehouse space with storage and movement of products via forklifts. There also are other truck loading docks for the smaller vehicles transporting the goods to the campus. The building is located adjacent to the Railroad property line so that all of the truck loading docks and bay doors face the College Quarter neighborhood.

As the applicant recognizes that the facility operations and the truck activity facing the neighborhood is not a desirable image, the site and project plans include a proposal for an eight foot tall brick wall along the Holt Avenue frontage and residential property lines along with landscaping in front of the wall. The other purpose of the eight foot wall is to try to block sound from the operations.

The project has been modified since the initial application to increase the setbacks for the eight foot tall buffer wall in order to provide more space for planting of oak trees both in the Holt Avenue parkway area and in front of the wall in order to screen and hide the view of the facility as best as can be done.

Land Development Code Exceptions (Variances) Requested: There are two exceptions or variances requested for this project that do not meet the requirements of the Land Development Code. One exception or variance is that parking lots are required to have a ten foot setback to any residential property line. In this case, the college suggests that the eight foot wall is the only buffer needed, especially as the only impact is to the residential property that they own at 483 Holt Avenue.

The second exception is technically for the inadequacy of parking. Office space requires one space for each 250 sq. ft. and warehouse space requires one space for each 1,000 sq. ft. The combination of those uses in this facility would require 35 parking spaces either on-site or within 300 feet. The site plan shows 5 parking spaces. The applicant indicates that the employees will park on campus where they park today to work at this facility. The applicant also owns the unimproved property at 379 W. Fairbanks, just to the west of Keke's that they can utilize for employee parking.

Staff Analysis of Commercial C-3 District text change: Whether as originally requested via a rezoning to PQP or now (at the neighbor's request) via a change to the C-3 zoning district text, the City is asked to solve the problem that this site is not zoned appropriately for the project requested. The planning staff has no issue with the "use" and the proposed text change. It is the neighborhood compatibility aspects of the conditional use that are paramount.

Staff Analysis of Conditional Use Request: As with all conditional use requests, the primary question is compatibility. This location is adjacent to commercial development on three sides. It has frontages along the Railroad and the four lane arterial roadway of Fairbanks Avenue. The only question of compatibility is the interface with the residential neighborhood along Holt Avenue.

The P&Z Board also needs to understand that despite the best efforts of Rollins College, the size and scale of this facility cannot be completely hidden from view. In much the same way that if there was an eight foot wall along Park Avenue in front of City Hall with trees in front, you would still be able to see City Hall. This scenario is no different. Thus, despite what the perspective images represent, everyone who travels along Holt Avenue or lives across the street will still see some of a 44 foot tall, 21,564 square foot warehouse facility. There is 300 feet of frontage along Holt Avenue in which to screen a 280 foot long building, the equivalent of 3 stories in height. The applicant is doing the absolute best that they can do with the eight foot tall wall and new oak trees to screen this building. However, the wall and 18 foot tall shade trees at planting will not hide a building of this size any more than they would hide City Hall, which is a comparable size building.

Staff does not believe the images that have been provided by the architect team fairly represent the success of the wall and landscape screening. The perspective image along Holt Avenue barely includes the proposed building behind it. The oak trees depicted in that perspective image scale, are at 30 feet in height, but the planting specifications are for 18 feet in height. Oak trees 18 feet in height do not screen a 44 foot tall building. None of the images include the 12 foot tall tractor trailer trucks that will be visible as they are significantly taller than the screen wall. Also the truck bay doors and loading docks for the tractor trailer bays closest to the neighborhood are not shown.

Staff just wants to make sure that everyone understands that the screening will not completely hide most of this facility nor block the sound of some of the operational activity. This is especially important because the active side of the project including the operational noise faces toward the neighborhood and the homes across Holt Avenue.

The other neighborhood compatibility issue is the sounds that this facility will generate. There are truck deliveries and truck/golf cart exports of goods to the campus. The aspect compounding the issue is the safety beeping noises every time a truck, or golf cart or forklift backs up. Staff is concerned that the noise of the interior forklifts and larger truck deliveries will not be blocked by the perimeter wall and landscape screening. Everyone needs to recognize the nature of the operations of this facility and especially the very early (6:00 am) morning start time of the physical plant activities.

Rollins College needs to be aware of the City's protections for noise impacts on residential properties within our Code. The City's noise ordinance now includes a noise performance standard which reads as follows: "The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 8:00 a.m. in such manner as to create a plainly audible sound so that a person inside a building which is across a residential property line from the source of the sound is able to hear the plainly audible sound shall be prima facie evidence and create a presumption that a noise disturbance exists in violation of this division."

It should be noted that "machines or devices" include trucks, golf carts and forklifts. If neighbors are awakened by the backup beeping or other operational noise before 8:00 am in violation of the Ordinance inside their homes then Rollins College will need to implement a plan that complies with the Ordinance.

Alternative Site Plan Arrangements: The P&Z Board could request an alternative arrangement that would place the building along the Holt Avenue frontage so that this projects "backs up" to Holt Avenue and all the truck and other activity is facing north toward the commercial properties, Fairbanks Avenue, and Railroad. The same oak tree landscape buffer program could work to screen the view of the rear building façade.

Applicable Comprehensive Plan Policies: The applicant has provided in their letter and the staff cites on the following page the applicable Comprehensive Plan policies regarding this property. Note that one proposed change by staff that was accepted by the City Commission would allow for the project to back up to Holt Avenue. Originally, these policies were adopted in 2009 with the understanding that a retail commercial building or office building would be the perspective development, as those are the types of buildings that match the commercial land use.

Staff Summary and Recommendation: For the Planning and Zoning Board this request will seem very similar to the Villa Tuscany memory care item on the October P&Z agenda. Again it is two questions. The first question is whether the "use "of the property is acceptable. Without approval of the proposed change to the C-3 zoning district text, the rest of the application is moot.

Next the P&Z Board must decide whether the physical plant and facilities building in layout, design and operations are compatible with the location adjacent to a residential neighborhood.

The staff recommendation is similar to the Villa Tuscany memory care request. The planning staff believes that the location adjacent to other commercial development, the Railroad and Fairbanks Avenue is an appropriate location "PROVIDED" that the facility design is compatible with the context adjacent to a residential neighborhood. As the staff report indicates above, a potential solution to these concerns might be an alternative site plan design that directs these activities to the north and uses the building as the buffer to the neighborhood.

The staff could be wrong about the impacts of this facility. All of these activities now occur in the middle of the campus and they co-exist in that residential environment. However, the planning staff would not be doing their job to just accept that no one will be able to see the building (as the perspectives show) and that no one will hear anything either.

Thus, the planning staff recommendation is for APPROVAL of the Zoning C-3 text change and the FLU/Rezoning for the 875 sq. ft. from 483 Holt Avenue.

- 1. APPROVAL of the text change to the C-3 zoning district.**
- 2. APPROVAL of the request to change the Comprehensive Plan future land use designation of Low Density Residential to Commercial on 875 square feet of 483 Holt Avenue;**
- 3. APPROVAL of the change of Zoning from Low Density Residential (R-2) to Commercial (C-3) on the same 875 square feet;**

The planning staff recommendation is for the P&Z Board to ask Rollins College to explore the alternative site design that appears to remedy the neighborhood compatibility concerns. Perhaps that alternative does not work for several valid reasons, but the effort could be beneficial. However, if that action is not deemed appropriate then a motion for APPROVAL of the Conditional Use should be subject to conditions as follows:

APPROVAL of the Preliminary and Final Conditional Use subject to the following conditions:

- a. Understanding that the provisions of Section 67-92 of the City's Noise Ordinance applies to this project as any "machine or device" shall be construed to apply to trucks, golf carts and forklifts operating at this facility.**

- b. That the undergrounding of the power lines along Holt Avenue, as agreed to by the applicant, is necessary in order to provide for the screening oak trees to be planted in the right-of-way.**
- c. That measures necessary to protect the 48 inch live oak tree on-site will be incorporated in the design, construction and operations of this facility.**
- d. That the City and Rollins College work together to connect the sidewalk on Holt Avenue to the sidewalk on Pennsylvania.**
- e. That the final architectural elevations and materials of the building and screen wall be approved by the P&Z Board with input from the city architect.**

APPLICABLE COMPREHENSIVE PLAN POLICIES:

Note that the underlined text in F-13 is new in the Comp. Plan approved by the City Commission on Dec. 12th, 2016.

Policy 1-F-12: Restrictions on Redevelopment of the Commercial "Ahik's" Property at the Northeast Corner of the Pennsylvania/Holt Avenues Intersection. Redevelopment of the commercial "Ahik's" property at 501 Holt Avenue at the northeast corner of the intersection of Pennsylvania and Holt Avenues shall be sensitive to traffic generated onto Holt Avenue. The scale and height of buildings fronting on Holt Avenue shall be limited to 2 stories (30 feet) in height as a compatible transition from the adjacent areas designated "Low-Density Residential" on the Future Land Use Map. In addition, the redevelopment of the property shall be compatible with the adjacent historic district.

Policy 1-F-13: Redevelopment of the Commercial "Ahik's" Property to Be Concentrated along Railroad and Fairbanks Avenue Frontages while Maintaining Natural Features of the Site. Notwithstanding the heights and densities permitted or conditionally permitted under the existing commercial land use designations, the commercial redevelopment of the commercial "Ahik's" property (as mentioned above) at 501 Holt Avenue, shall be concentrated along the railroad and Fairbanks Avenue frontages while maintaining the natural features of the site, unless an alternative site plan and building layout, not exceeding two stories (30 feet) in height provides a more enhanced visual and sound buffer protections for the adjacent residential properties.

Policy 1-F-14: Restriction on Development Fronting on Holt Avenue. Expansions of commercial or office developments or the parking of vehicles on properties fronting on Holt Avenue shall be prohibited. Access driveways from commercial or office development on Fairbanks Avenue onto Holt Avenue shall be prohibited.

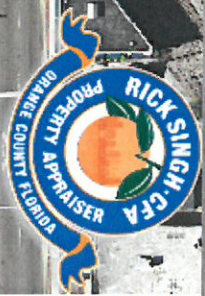
City Noise Ordinance Sec. 62-97. - Specific prohibitions.

The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 8:00 a.m. in such manner as to create a plainly audible sound so that a person inside a building which is across a residential property line from the source of the sound is able to hear the plainly audible sound shall be prima facie evidence and create a presumption that a noise disturbance exists in violation of this division.

-  Florida Turnpike
-  Interstate 4
-  Toll Road
-  Major Road
-  Public Roads
-  Gated Roads
-  Road Under Construction
-  Proposed Road
-  US Road
-  State Road
-  County Road
-  One Way
-  Brick Road
-  Proposed SunRail
-  Block Line
-  Lot Line
-  Residential
-  Agriculture
-  Commercial/Institutional/Governmental/Industrial/Misc
-  Commercial/Industrial/Vacant Land
-  Hydro
-  Waste Land
-  Agricultural Curtilage
-  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: 12/23/2016



ROLLINS

DECEMBER 7, 2016

FACILITIES BUILDING 501 HOLT AVENUE



VICINITY MAP (N.T.S.)

PARCEL ID NO.:
05-22-30-9400-89-170 AND 05-22-30-9400-89-151

RLF

PROJECT NUMBER: **15034**

**CITY OF WINTER PARK
PRELIMINARY CONDITIONAL USE SUBMITTAL**

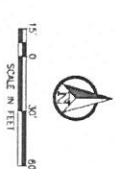
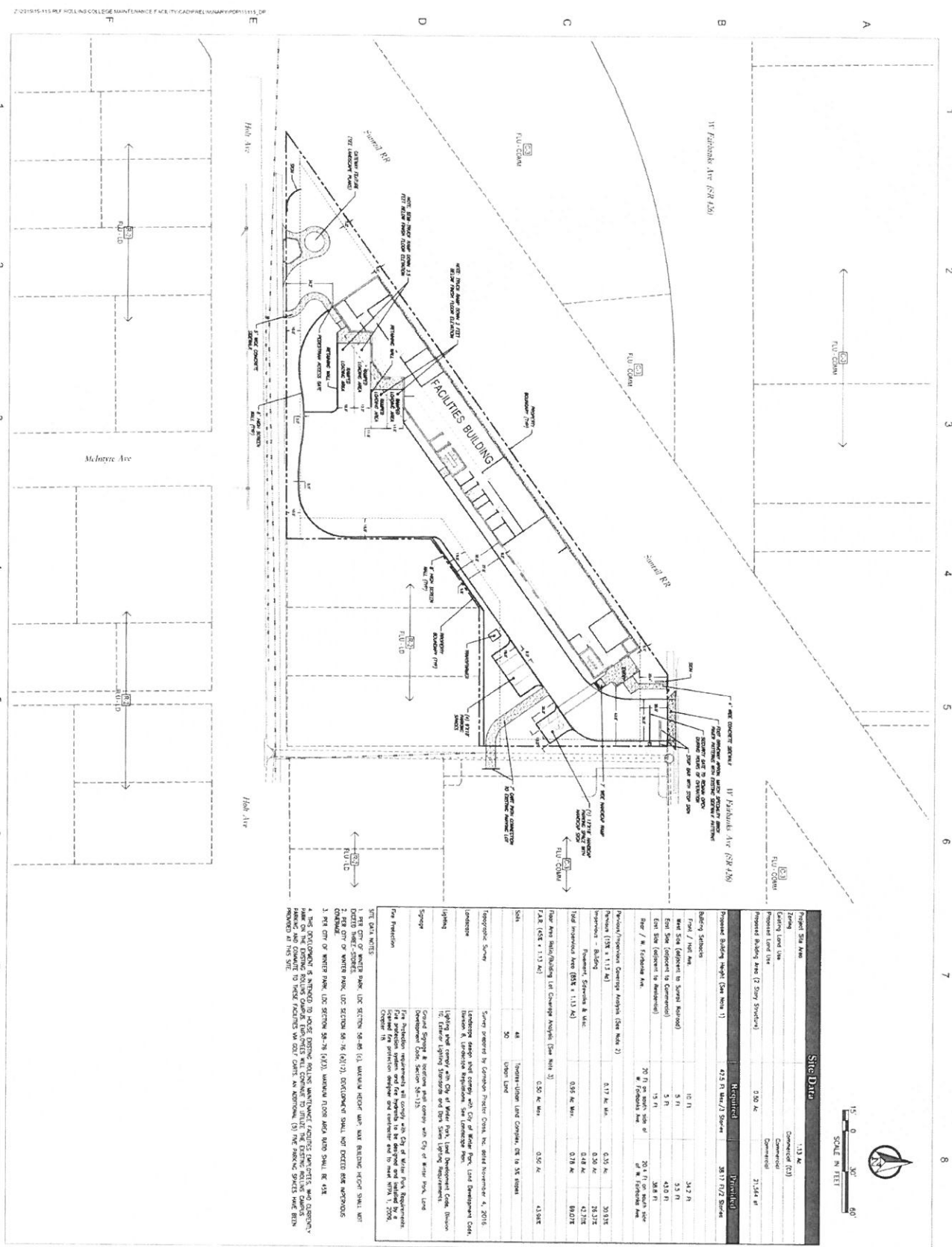
Architect
R.L.F. Architects
4750 New Road Street
Orlando, Florida 32814
Telephone (407) 730-8600
Telex (407) 730-3803
License #A400020284

Civil
Francis E. Livingston
2602 E. Livingston St
Orlando, Florida 32813
Telephone (407) 467-2564
Telex (407) 289-5288
Sta. No. 140-2599

Landscape
Nancy Dwyer
1877 East Washington Street
Orlando, Florida 32813
Telephone (407) 58-9426
Telex (407) 98-0273
P.L. # 1001213

INDEX OF DRAWINGS:

- GENERAL OVER SHEET INDEX OF DRAWINGS
- BOUNDARY & TOPOGRAPHIC SURVEY
- CIVIL
- 01-0100 SITE PLAN
- 01-0101 ENGINEERING CONDITIONS PLAN
- 01-0102 SITE FLOODING PLAN
- 01-0103 SITE FLOODING DETAIL PLAN
- LANDSCAPE
- 01-0104 TREE MITIGATION & PROTECTION PLAN
- 01-0105 PLANTING PLAN
- 01-0106 PLANT SPECIFIC DETAIL NOTES
- ARCHITECTURE
- 01-0107 EXTERIOR ELEVATIONS
- 01-0108 INTERIOR ELEVATIONS
- 01-0109 SECTION VIEW THROUGH FAC. FROM WINTER PARK AVENUE
- 01-0110 SECTION VIEW THROUGH FAC. FROM WINTER PARK AVENUE
- 01-0111 SECTION VIEW OF WINTER PARK FACILITY FROM HOLT AVE
- 01-0112 AREA 30 VIEWS
- 01-0113 AREA 30 VIEWS



Site Data

Project Site Area	1.13 Ac
Existing Land Use	Commercial (C2)
Proposed Building Area (2 Story Structure)	0.50 Ac
Proposed Parking Area (2 Story Structure)	21,544 sq ft

Proposed Building Height (See Note 1)

Required	42.5 ft Max./3 Story Max	Permitted	38 ft 7.97 Story Max
----------	--------------------------	-----------	----------------------

Building Statistics

Type / Total Area	10.71	34.73
Base Size (Refer to Survey Record)	5.71	5.33
East Side (Refer to Corner)	5.71	4.03
East Side (Refer to Survey)	5.71	4.03
East Side (Refer to Intersection)	5.71	4.03
Base / W. Parkbank Ave	20.71	20.71
Base / W. Parkbank Ave	20.71	20.71

Proposed/Proposed Change Analysis (See Note 2)

Proposed	0.17	0.55	39,935
Proposed	0.50	0.50	28,532
Proposed	0.18	0.18	12,735
Proposed	0.18	0.18	9,078

Total Impervious Area (SMA 1.13 Ac)

Existing	0.59	0.59	42,078
Proposed	0.59	0.59	42,078

Final Impervious Area (SMA 1.13 Ac)

Existing	0.59	0.59	42,078
Proposed	0.59	0.59	42,078

GENERAL NOTES:

1. SET OUT OF WALKWAY SHALL LOC SECTION 56.46 (S). WALKWAY HEIGHT SHALL BE 6 INCHES ABOVE FINISH SHALL NOT EXCEED 3 INCHES.
2. DETAIL WALKWAY SHALL LOC SECTION 56.46 (S). WALKWAY SHALL NOT EXCEED 3 INCHES ABOVE FINISH SHALL NOT EXCEED 3 INCHES.
3. SET OUT OF WALKWAY SHALL LOC SECTION 56.46 (S). WALKWAY SHALL NOT EXCEED 3 INCHES ABOVE FINISH SHALL NOT EXCEED 3 INCHES.
4. THIS DOCUMENT IS INTENDED TO PROVIDE GENERAL INFORMATION AND NOT BE USED FOR CONSTRUCTION. THE USER SHALL CONSULT WITH THE ENGINEER FOR ALL NECESSARY DETAILS AND SPECIFICATIONS. THE ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL STRUCTURES AND EQUIPMENT. THE USER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL OTHER WORK.

ROLLINS
FACILITIES BUILDING
(501 HOLT AVENUE)

CITY OF WINTER PARK
PRELIMINARY CONDITIONAL USE SUBMITTAL

DATE: December 7, 2016

POITOUS & BURNETT
1212 E. University Ave., Suite 101
Winter Park, CO 80197
Tel: 970.839.1212

Project No: 15034
Revision: BW

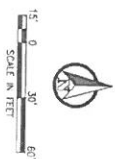
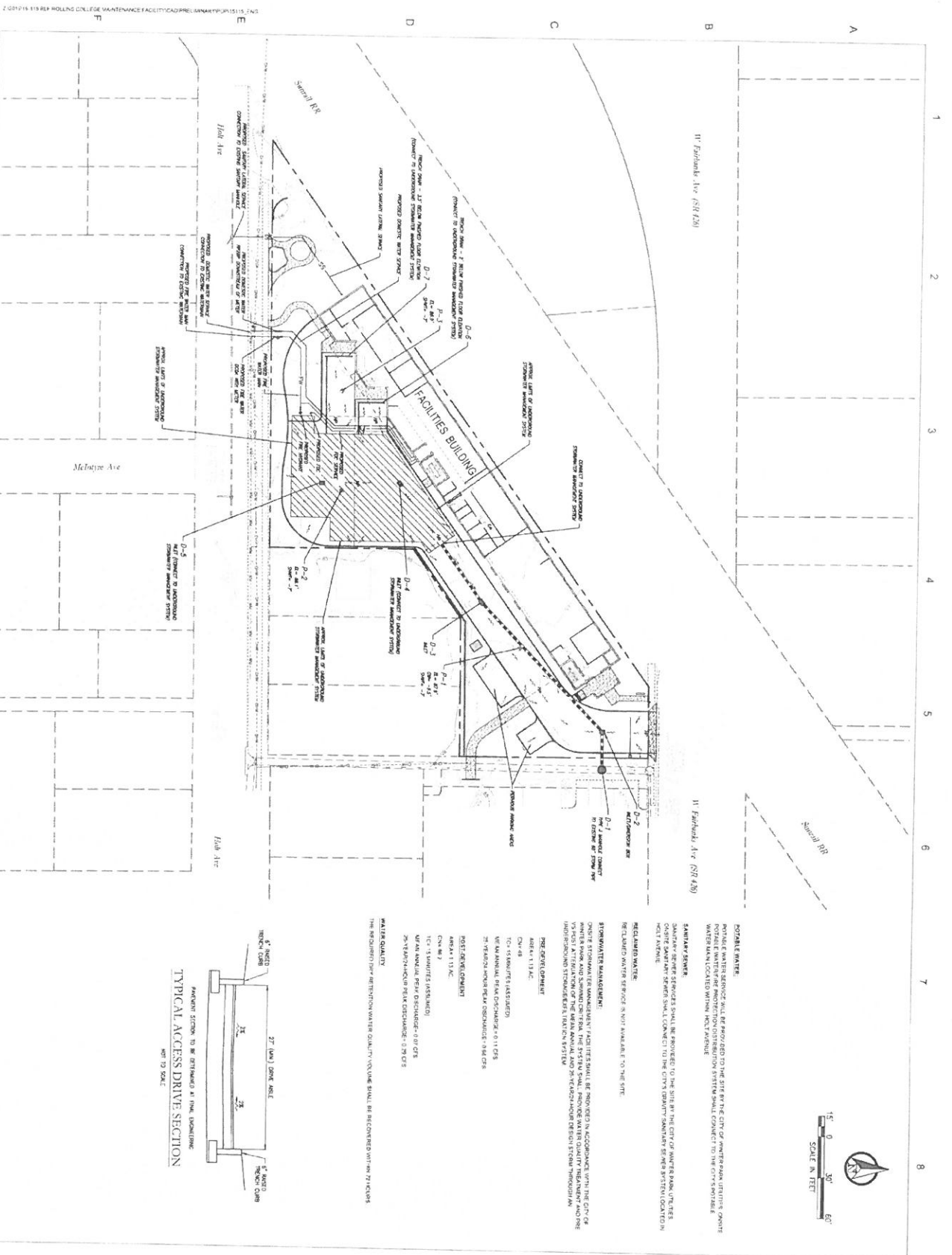
DATE: DECEMBER 7, 2016

No.	Description	Date
MDS		

AS SHOWN

DP1.00

ROGERS LOVELOCK & FRITZ, INC.
ARCHITECTURE
1115 West Beaver Creek Road
Winter Park, CO 80197
Tel: 970.839.1212
www.rlf.com
AA 000004
EIR 000024



POTABLE WATER
 POTABLE WATER SERVICE WILL BE PROVIDED TO THE SITE BY THE CITY OF WINTER PARK. POTABLE WATER SERVICE SHALL BE PROVIDED TO THE CITY OF WINTER PARK THROUGH THE CITY OF WINTER PARK WATER MAIN SYSTEM. POTABLE WATER SHALL BE PROVIDED TO THE CITY OF WINTER PARK THROUGH THE CITY OF WINTER PARK WATER MAIN SYSTEM.

RECYCLED WATER
 RECYCLED WATER SERVICE SHALL BE PROVIDED TO THE SITE BY THE CITY OF WINTER PARK. RECYCLED WATER SERVICE SHALL BE PROVIDED TO THE CITY OF WINTER PARK THROUGH THE CITY OF WINTER PARK RECYCLED WATER MAIN SYSTEM.

STORMWATER MANAGEMENT
 STORMWATER MANAGEMENT SHALL BE PROVIDED TO THE SITE BY THE CITY OF WINTER PARK. STORMWATER MANAGEMENT SHALL BE PROVIDED TO THE CITY OF WINTER PARK THROUGH THE CITY OF WINTER PARK STORMWATER MAIN SYSTEM.

SEWER
 SEWER SERVICE SHALL BE PROVIDED TO THE SITE BY THE CITY OF WINTER PARK. SEWER SERVICE SHALL BE PROVIDED TO THE CITY OF WINTER PARK THROUGH THE CITY OF WINTER PARK SEWER MAIN SYSTEM.

PAVING SECTION TO BE DETERMINED AT FINAL LANDSCAPE PLAN TO SCALE

WATER QUALITY
 THE WATER QUALITY OF THE WATER MAIN SYSTEM SHALL BE MAINTAINED AT ALL TIMES. THE WATER QUALITY OF THE WATER MAIN SYSTEM SHALL BE MAINTAINED AT ALL TIMES.

ROLLINS
 ROGERS, LOVELOCK & FRITZ, INC.
 ARCHITECTS
 Engineering
 Interior Design
 4100 New River Road
 Winter Park, CO 81492
 Telephone: (970) 754-8800
 Fax: (970) 754-8803
 License Number: EA 0007824
 License Number: EA 0007824

ROLLINS
 FACILITIES BUILDING
 (501 HOLT AVENUE)
 CITY OF WINTER PARK
 PRELIMINARY CONDITIONAL USE SUBMITTAL
 December 7, 2016

POLLOS & SERNETT
 PROFESSIONAL ENGINEERING
 15034
 DECEMBER 7, 2016
 15034
 MDS
 DWG

Preliminary Engineering Plan
 AS SHOWN
 DP2.00

1 2 3 4 5 6 7 8

ROLLINS APARTMENT FACILITY TREE MITIGATION CHART

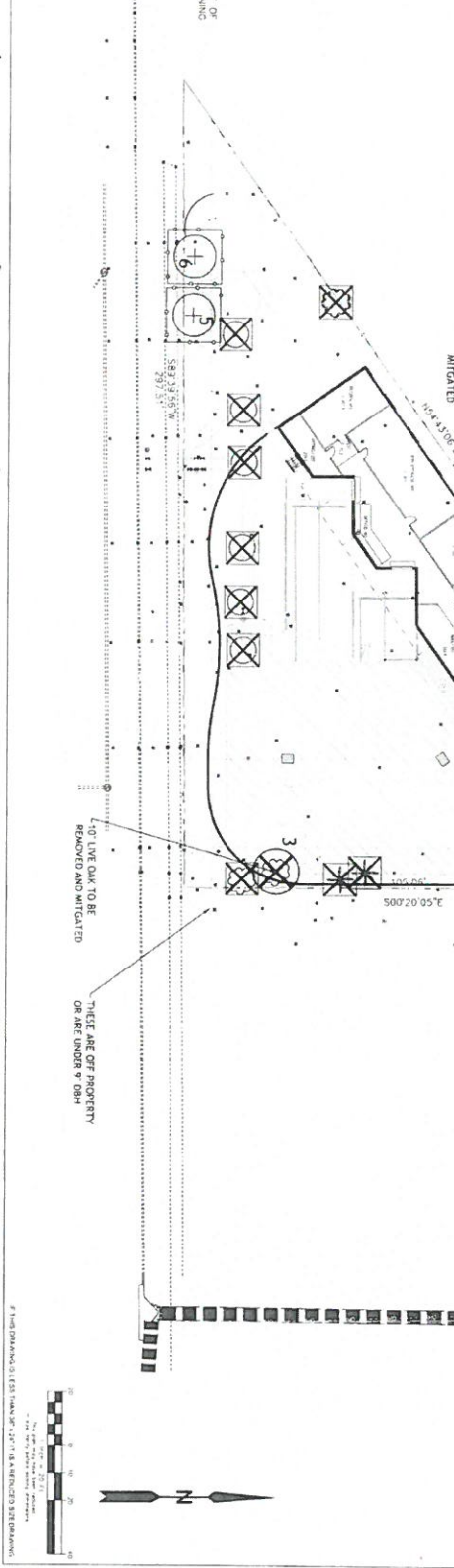
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2	LIVE OAK	16"	REMOVED	REMOVED FOR REPAIRS
3	LIVE OAK	16"	REMOVED	REMOVED FOR REPAIRS
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99	LIVE OAK	16"	REMOVED	REMOVED FOR REPAIRS
100	LIVE OAK	16"	REMOVED	REMOVED FOR REPAIRS

LEGEND

- Tree to remain / Tree to be removed and mitigated
- Tree to be removed
- Palm to be removed

Notes:

1. TREE PROTECTION DETAIL



ROLLINS
FACILITIES BUILDING
(501 HOLT AVENUE)
CITY OF WINTER PARK
PRELIMINARY CONDITIONAL USE SUBMITTAL

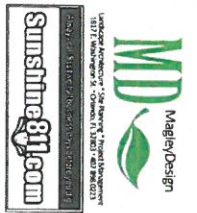
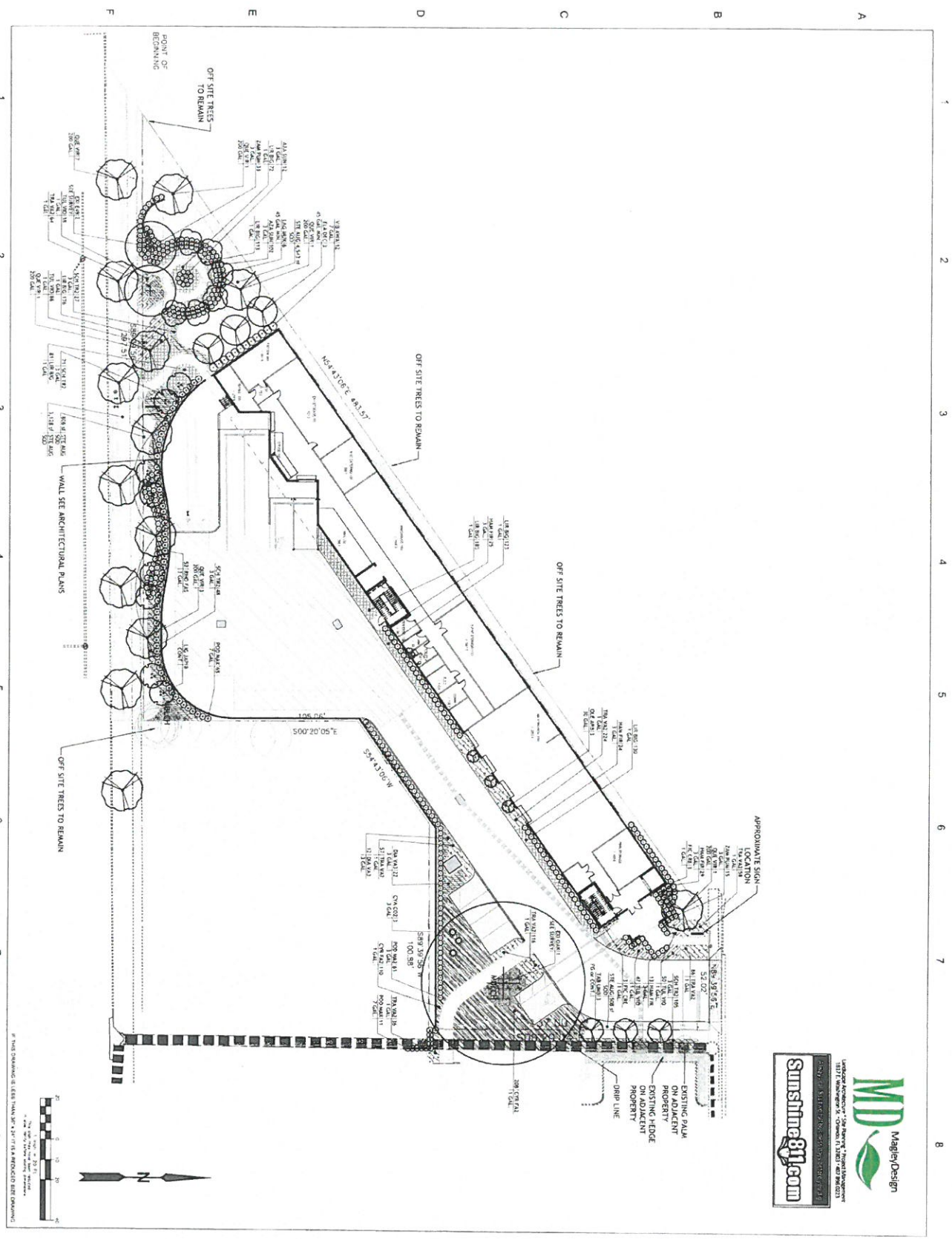
RRLF
ROGERS LOVELOCK & FRITZ, INC.
ARCHITECTS

DATE: DECEMBER 7, 2016
DRAWN BY: MD 1653
CHECKED BY: MKM
DESIGNED BY: JRM

MD MagleyDesign
Stimling Stimling & Co., Inc.

TREE MITIGATION & PROTECTION PLAN

AS SHOWN
TM1



RRLF
 ROGERS LOVELOCK & FRITZ, INC.

ARCHITECTS
 4900 West 12th Street
 Suite 200
 Minneapolis, MN 55425
 Phone: (612) 338-3833
 Fax: (612) 338-3834
 Email: info@rllf.com
 Project No. 15-00020

ROLLINS
 FACILITIES BUILDING
 (501 HOLT AVENUE)
 CITY OF WINTER PARK
 PRELIMINARY CONDITIONAL USE SUBMITTAL

DATE: DECEMBER 7, 2016
 PROJECT: MD 1653

NO.	DESCRIPTION	DATE
MKM	MODIFIED BY	
JRM	DESIGNED BY	

PLANTING PLAN

AS SHOWN
 L1



MD Maple Design
 Landscape Architecture
 1877 Woodmont Ave., Suite 1100
 Silver Spring, MD 20910
 Phone: 301.271.1000
 Fax: 301.271.1001
 www.mdmaple.com
 License No. LA 100044
 License Expiration: 06/30/2015

ROLLINS
 FACILITIES BUILDING
 (501 HOLT AVENUE)
 CITY OF WINTER PARK
 PRELIMINARY CONDITIONAL USE SUBMITTAL

DATE: DECEMBER 7, 2016
 MD 1653

BY: MKM
 FOR: JRM

PLANT SCHEDULE
 DETAILS,
 & NOTES

L2

1. ALL TREES SHALL BE PLANTED WITHIN THE SPECIFIED PLANTING ZONE AND MAINTAINED THROUGHOUT THE PROJECT.
2. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED PLANTING ZONE AND MAINTAINED THROUGHOUT THE PROJECT.
3. ALL TREES SHALL BE PLANTED WITHIN THE SPECIFIED PLANTING ZONE AND MAINTAINED THROUGHOUT THE PROJECT.
4. ALL TREES SHALL BE PLANTED WITHIN THE SPECIFIED PLANTING ZONE AND MAINTAINED THROUGHOUT THE PROJECT.
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7. ALL TREES SHALL BE PLANTED WITHIN THE SPECIFIED PLANTING ZONE AND MAINTAINED THROUGHOUT THE PROJECT.
8. ALL TREES SHALL BE PLANTED WITHIN THE SPECIFIED PLANTING ZONE AND MAINTAINED THROUGHOUT THE PROJECT.

PLANT SCHEDULE	QTY	DESCRIPTION	COMMON NAME	SCIENTIFIC NAME	HEIGHT	SPREAD	PLANTING DATE	PLANTING METHOD	PLANTING LOCATION	PLANTING NOTES
1	1	Large Tree Planting Detail	Large Tree							
2	1	Small Tree Planting Detail	Small Tree							
3	1	Shrub Planting Detail	Shrub							
4	1	Groundcover Planting Detail	Groundcover							
5	1	Plant Spacing Detail	Plant Spacing							



1 2 3 4 5 6 7 8

1 LARGE TREE PLANTING DETAIL SCALE: N 1/8" = 1'-0"

2 SMALL TREE PLANTING DETAIL SCALE: N 1/8" = 1'-0"

3 SHRUB PLANTING DETAIL SCALE: N 1/8" = 1'-0"

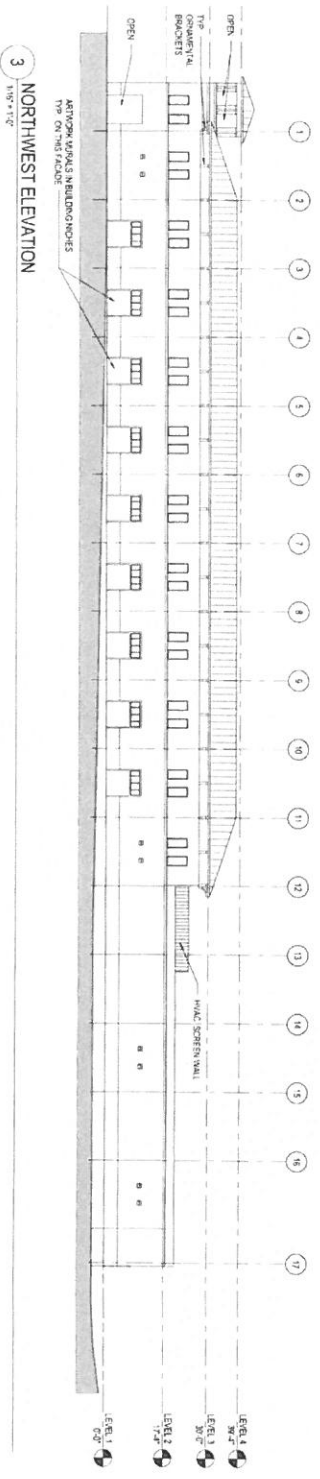
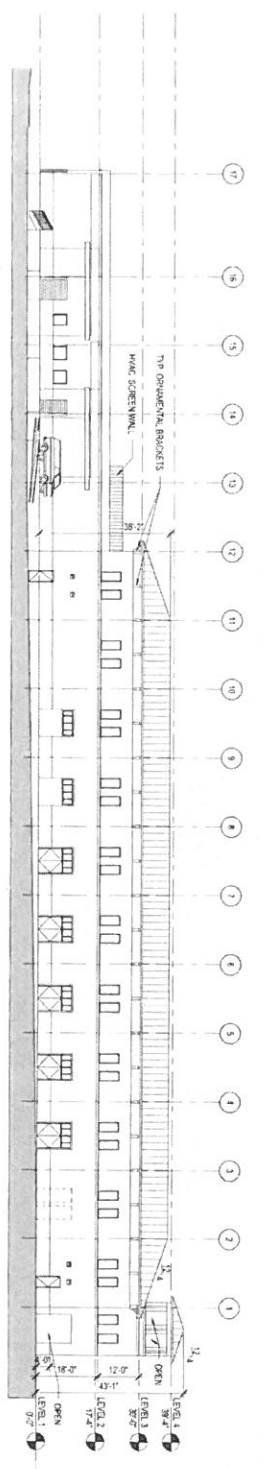
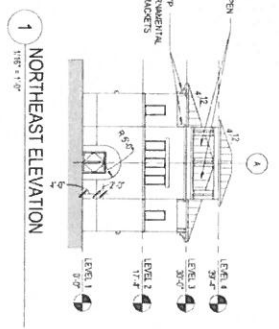
4 GROUNDCOVER PLANTING DETAIL SCALE: N 1/8" = 1'-0"

5 PLANT SPACING DETAIL SCALE: N 1/8" = 1'-0"

1000 DRAINAGE: 0.15% SLOPE, 10' x 10' TYPICAL SQUARE GRID DRAINAGE

1 2 3 4 5 6 7 8

NOTES:
SHEET NOTES

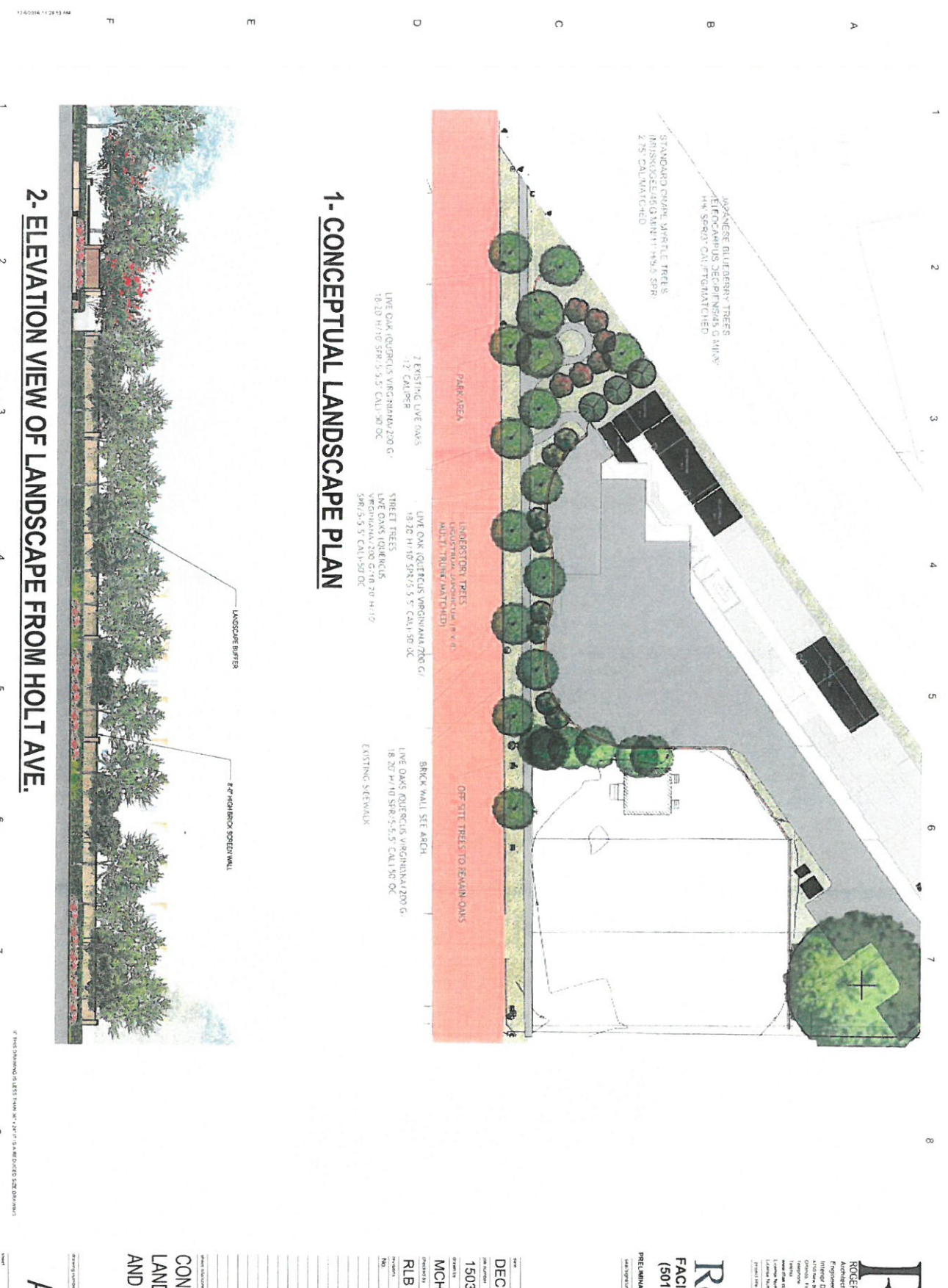


RRLF
ROGERS LOVELOCK & FRITZ, INC.
Architectural
Engineering
Interior Design
Mechanical
Electrical
Plumbing
Civil
Survey
1011 25th Street
Lawrenceville, GA 30046
770.962.1200
www.rllf.com
A/E/C/DA/CM/DM/PM
Professional Seal
No. 3000023
Expiration Date 12/31/2015

ROLLINS
FACILITIES BUILDING
(501 HOLT AVENUE)
PRELIMINARY CONDITIONAL USE SUBMITTAL
CITY OF ANTIETAM PARK
NOVEMBER 2015

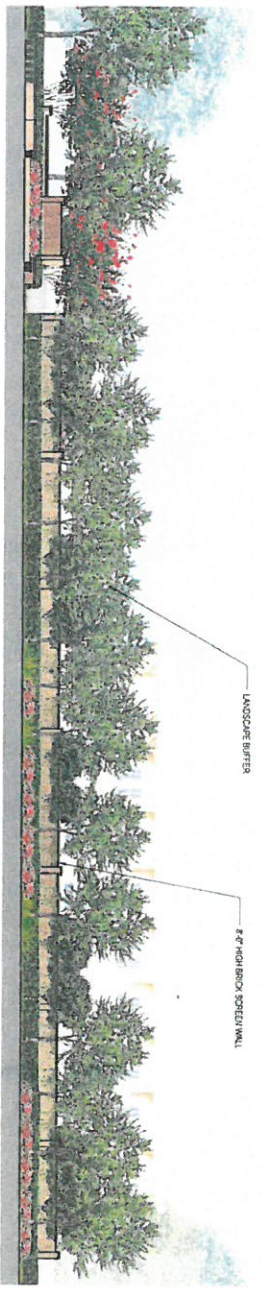
DATE: DECEMBER 7, 2016
PROJECT NO: 15034
CLIENT: MCH/MCP
DESIGNER: SML/RLB

DATE: 12/7/16
PROJECT NO: AE200
SCALE: 1/8" = 1'-0"



1- CONCEPTUAL LANDSCAPE PLAN

2- ELEVATION VIEW OF LANDSCAPE FROM HOLT AVE.



DATE	DECEMBER 7, 2016
NO.	15034
PROJECT	MCH/MCP
DESIGNED BY	RLB
CHECKED BY	
NO.	
DESCRIPTION	
DATE	

PREPARED BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]

CONCEPTUAL LANDSCAPE PLAN AND ELEVATION
 NOT TO SCALE
AE900

ROLLINS
 FACILITIES BUILDING
 (501 HOLT AVENUE)
 CITY OF WINTER PARK
 PRELIMINARY CONDITIONAL USE SUBMITTAL
 1248 WINTER PARK AVENUE
 WINTER PARK, CO 80086

RLIF
 ROCKERS, LOVELL & FRITZ, INC.
 ARCHITECTURE
 1000 W. 10TH ST.
 DENVER, CO 80202
 (303) 733-3833
 (303) 733-3833
 www.rlif.com
 1248 WINTER PARK AVENUE
 WINTER PARK, CO 80086

1 2 3 4 5 6 7 8



ROLLINS
FACILITIES BUILDING
(501 HOLT AVENUE)
 CITY OF MARTIN PARK
 PRELIMINARY CONDITIONAL USE SUBMITTAL
 10/23/2016

DATE: **DECEMBER 7, 2016**
 PROJECT NO.: **15034**
 CLIENT: **MCH, MCP**
 ARCHITECT: **RLB**

NO.	DESCRIPTION	DATE

SECTION VIEW FROM HOLT AVE.



SECTION VIEW FROM HOLT AVE.

1 2 3 4 5 6 7 8 9

NOT TO SCALE
AE901

1 2 3 4 5 6 7 8



VIEW LOOKING DOWN HOLT AVE. FROM PENNSYLVANIA

1 2 3 4 5 6 7 8

A
B
C
D
E
F

THIS DRAWING IS LATEST AND SUPERSEDES ALL PREVIOUS DRAWINGS

RLE

ROGERS, LOVELOCK & FRITZ, INC.
Architectural
Engineering
Interior Design
Landscape Architecture
2017-2018
1501 1st Ave.
Greenville, SC 29615
Phone: 864.671.1500
Fax: 864.671.1501
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ROLLINS FACILITIES BUILDING (501 HOLT AVENUE)
CITY OF HUNTER PARK
PRELIMINARY CONDITIONAL USE SUBMITTAL
DRAWING NO.

DATE: DECEMBER 7, 2016
PROJECT NO.: 15034

DESIGNED BY: MCH, MCP
CHECKED BY: RLB

No.	Description	Date

DATE PLOTTED: 12/16/16
VIEW LOOKING DOWN HOLT AVE. FROM PENNSYLVANIA

NOT TO SCALE
PROJECT NUMBER: AE902

1 2 3 4 5 6 7 8



VIEW OF NEW ROLLINS FACILITY FROM HOLT AVE.

1 2 3 4 5 6 7 8

12/22/2016 11:30:47 AM

RILEY
 HOGENS, LOVELOCK & PRITZ INC.
 Architecture
 Engineering
 Planning
 Landscape Architecture
 Program Management
 Construction Management
 5001 Holt Avenue
 Rollins, Florida 32854
 Telephone: (407) 270-9000
 Fax: (407) 270-9005
 www.riley.com
 A4 - C100101
 License Number: 02-3000079

ROLLINS FACILITIES BUILDING (501 HOLT AVENUE)
 CITY OF WINTER PARK
 PRELIMINARY CONDITIONAL USE SUBMITTAL
 12/22/2016

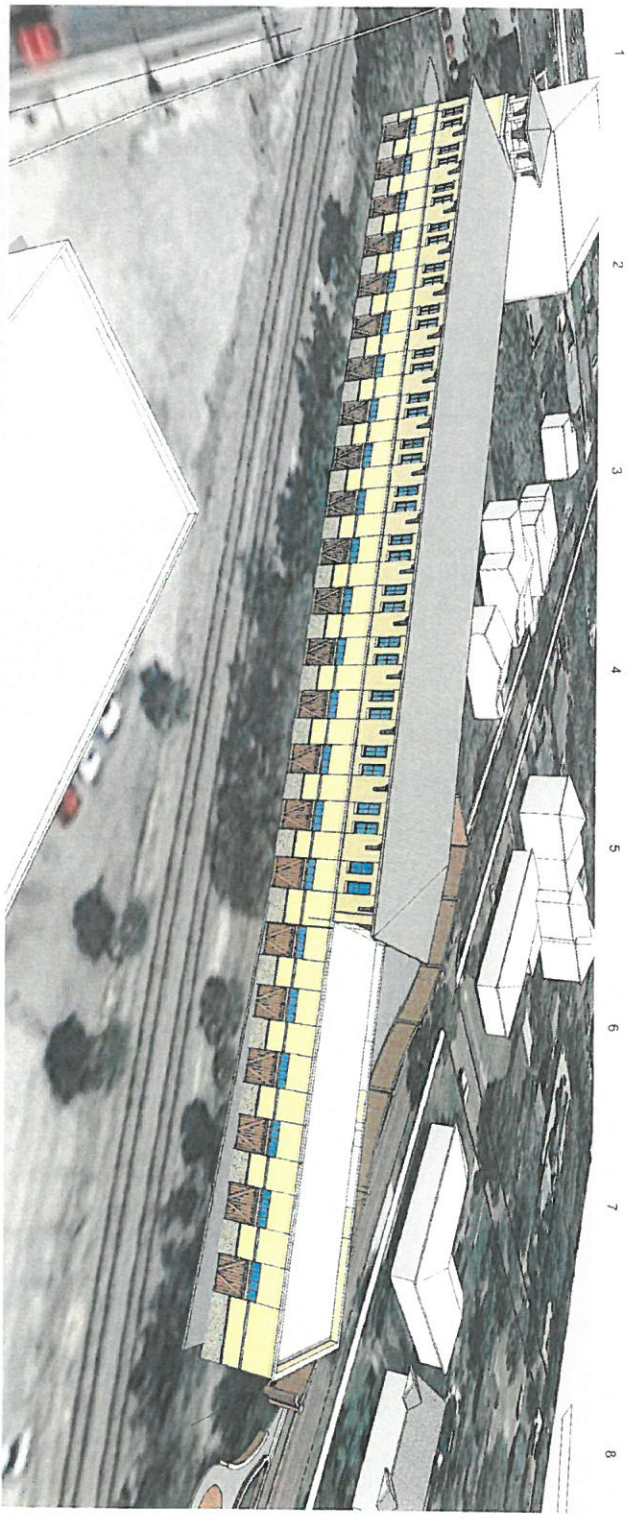
Date: **DECEMBER 7, 2016**
 Job Number: **15034**

Design By	MCH, MCP	
Drawn By	RLB	
Checked		
Reviewed		
No.	Description	Date

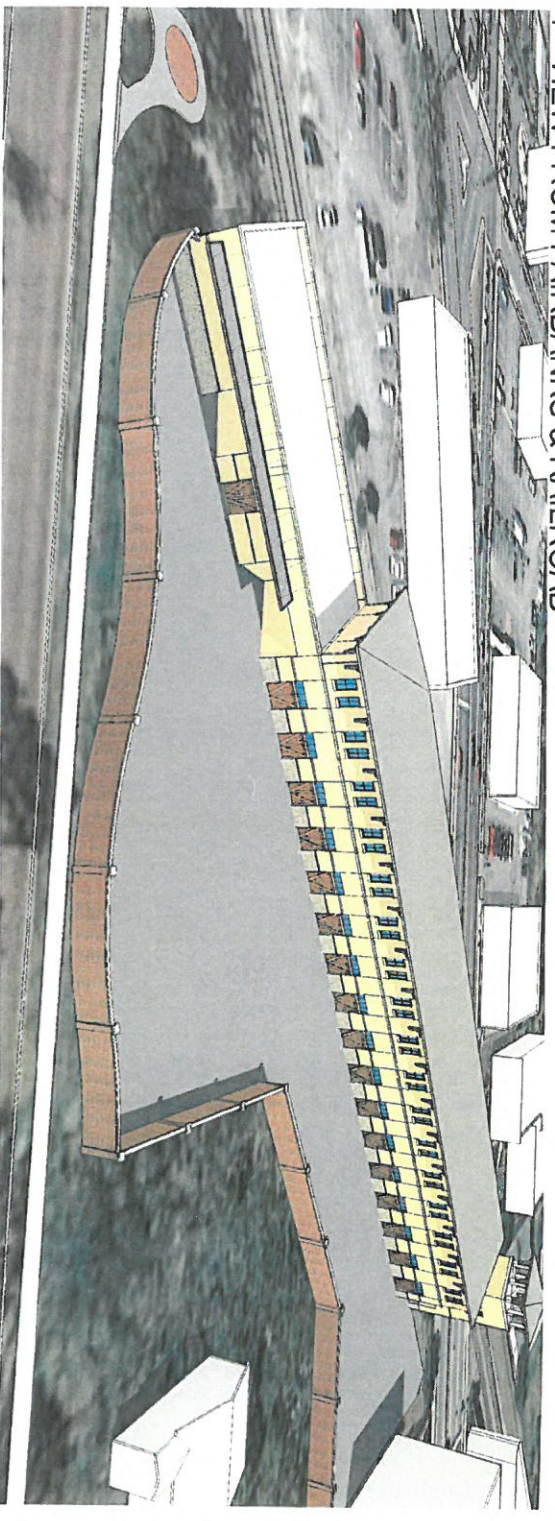
VIEW OF NEW ROLLINS FACILITY FROM HOLT AVE.

NOT TO SCALE
AE903

Project Number: _____
 Date: _____



1 - VIEW FROM FAIRBANKS & RAILROAD



2 - VIEW FROM HOLT

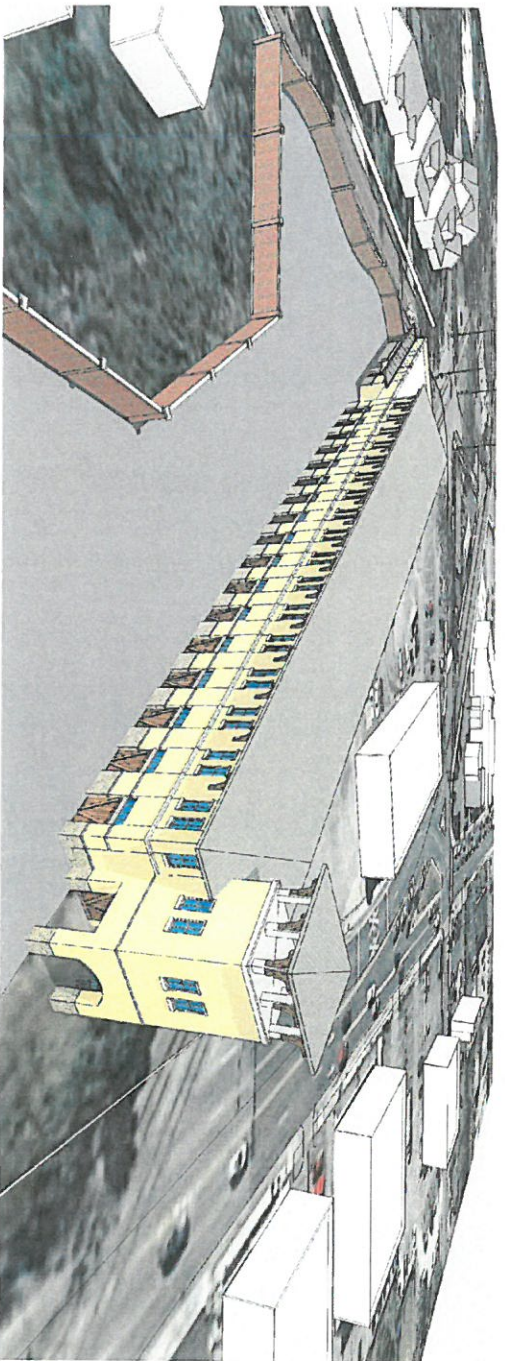
RILF
 ROGERS LOVELOCK & FRITZ, INC.
 ARCHITECTS
 400 WEST 10TH AVENUE
 SUITE 100
 DENVER, COLORADO 80202
 PHONE: (303) 733-4400
 FAX: (303) 733-4401
 WWW: RILF.COM
 LICENSE NUMBER: EC 0000029

ROLLINS
 FACILITIES BUILDING
 (501 HOLT AVENUE)
 CITY OF WINTER PARK
 PRELIMINARY CONDITIONAL USE SUBMITTAL
 WEST VIRGINIA

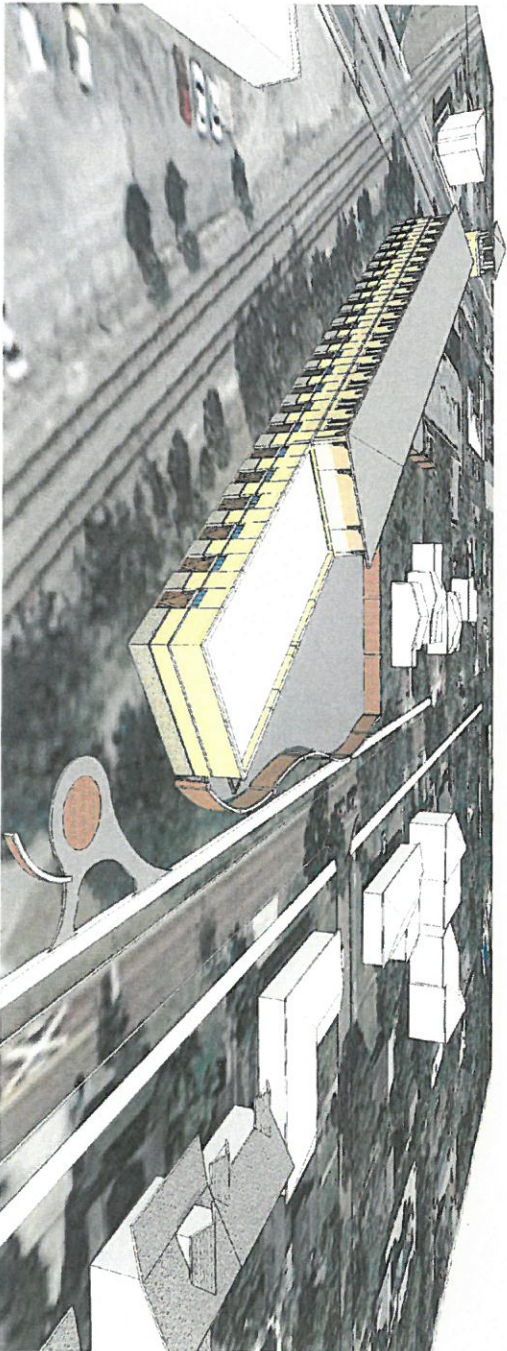
DATE	DECEMBER 7, 2016
PROJECT NUMBER	15034
CLIENT	MCH, MCP
DESIGNER	RLB
DESCRIPTION	Office

3D VIEWS

AE904



1 - VIEW FROM FAIRBANKS LOOKING TO WEST



2 - VIEW FROM HOLT & RAILROAD

12/6/2016 11:31:42 AM

R/L/F
 ROGERS LOVELOCK & FRITZ, INC.
 Architecture
 Engineering
 Planning
 1155 L Street, Suite 100
 Fairbanks, Alaska 99701
 Phone: (907) 526-8800
 Fax: (907) 526-8802
 www.rlf.com
 A/E/C-30240
 License Number: 06 0000678
 08/17/2016 & 08/18/2016

ROLLINS
FACILITIES BUILDING
(501 HOLT AVENUE)
 CITY OF FAIRBANKS PARK
 PRELIMINARY CONDITIONAL USE SUBMITTAL
 SHEET NUMBER

DATE: DECEMBER 7, 2016
 DRAWN BY: 15034

CHECKED BY: MCH, MCP

PROJECT NO.: RLB

NO. Description Date

3D VIEWS

AE905

A

B

C

D

E

F

1

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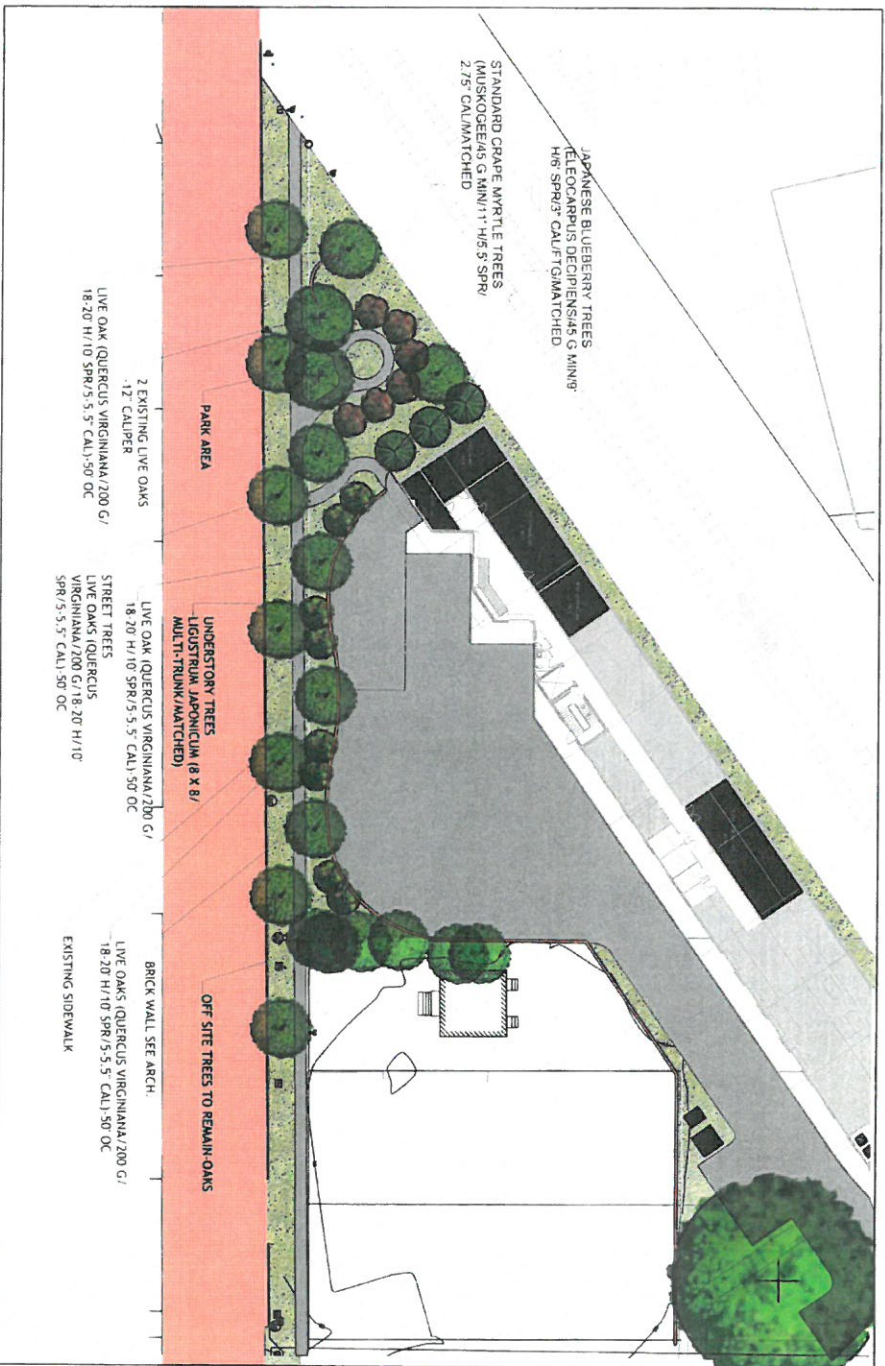
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5

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MD Magle-Design
 3172 Waverly N., Orlando, FL 32817-4976
 407.260.4444
www.magle-design.com

Sunshine811.com

RLEF
 ROGERS, LOVELOCK & FRITZ, INC.
 3172 Waverly N., Orlando, FL 32817-4976
 407.260.4444
www.rleef.com

ROLLINS
 FACILITIES BUILDING
 (501 HOLT AVENUE)
 CITY OF WINTER PARK
 PRELIMINARY CONDITIONAL USE SUBMITTAL

DATE: NOVEMBER 17, 2016
 MD 1653
 DRAWN BY: MKM
 CHECKED BY: JRM
 NO. DATE/DESCRIPTION DATE

CONCEPTUAL PLANTING PLAN
 Concept 2
 AS SHOWN

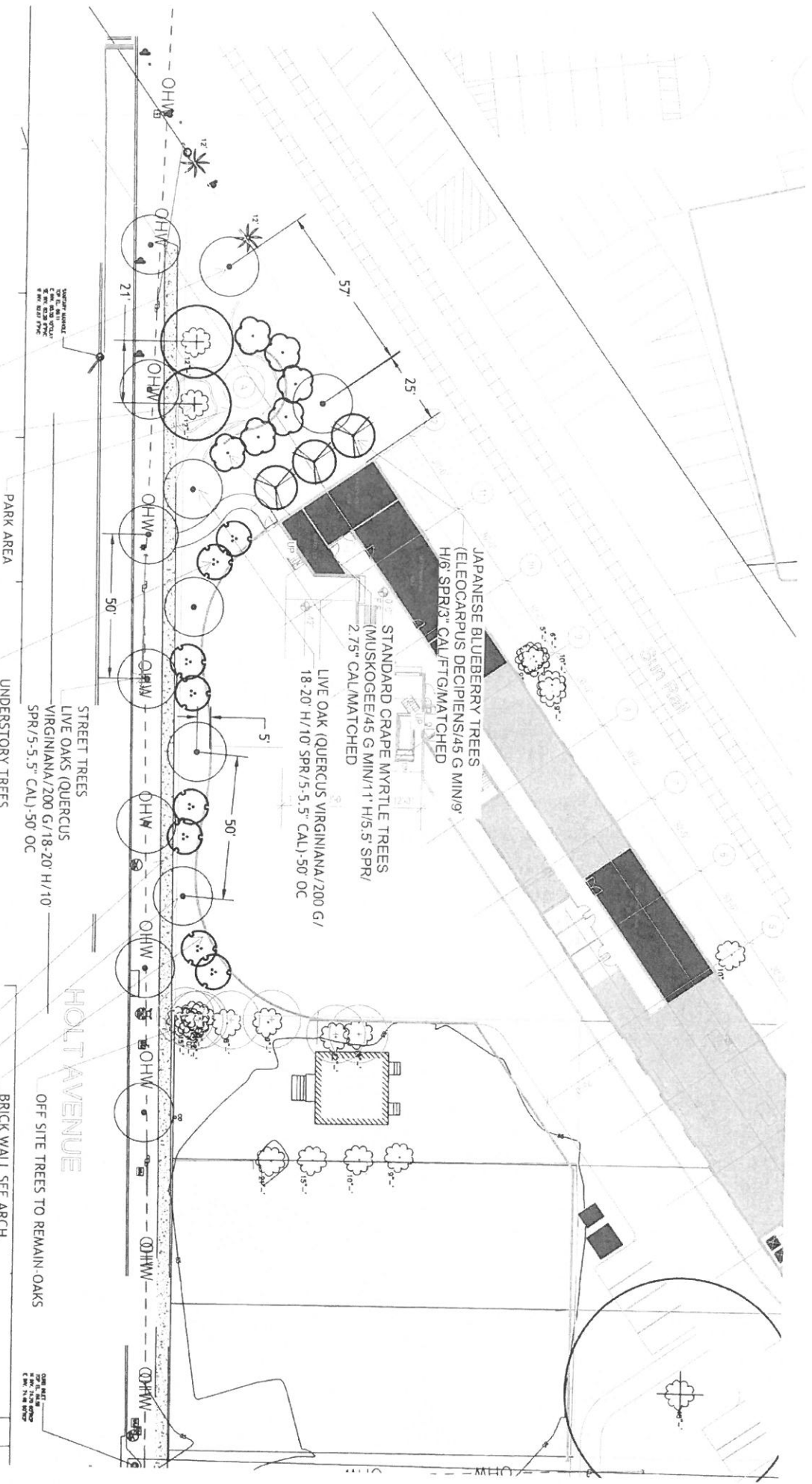
L1

CONCEPT A with STREET TREES
 ROLLINS WAREHOUSE FACILITY
 WALL / BUFFER PLANTING
 NOVEMBER 4, 2016
 MAGLEY DESIGN #1653

PARK AREA
 2 EXISTING LIVE OAKS
 -12" CALIPER
 LIVE OAK (QUERCUS VIRGINIANA/200 G/
 18-20' H/10" SPR/5-5.5" CALI)-50' OC

UNDERSTORY TREES
 LIGUSTRUM JAPONICUM (8 X 8/
 MULTI-TRUNK/MATCHED)
 STREET TREES
 LIVE OAKS (QUERCUS
 VIRGINIANA/200 G/18-20' H/10"
 SPR/5-5.5" CALI)-50' OC

BRICK WALL SEE ARCH.
 OFF SITE TREES TO REMAIN-OAKS
 LIVE OAKS (QUERCUS VIRGINIANA/200 G/
 18-20' H/10" SPR/5-5.5" CALI)-50' OC
 EXISTING SIDEWALK



JAPANESE BLUEBERRY TREES
 (ELEOCARPUS DECIPLENS/45 G MIN/9"
 H/6" SPR/3" CAL/FTG/MATCHED

STANDARD GRAPE MYRTLE TREES
 (MUSKOGEE/45 G MIN/1'1" H/5.5" SPR/
 2.75" CAL/MATCHED

LIVE OAK (QUERCUS VIRGINIANA/200 G/
 18-20' H/10" SPR/5-5.5" CALI)-50' OC

HOLT AVENUE

8' Valle
Windsong





architecture | engineering | interiors

Rollins Facilities Operations Development Narrative
REVISED 12-8-16

Rollins College requests to relocate its Facilities Operations to the properties located at 450 W. Fairbanks and 501 Holt Ave. The Facilities Operations' is comprised of a two-story building which is approximately 21,564 gross square feet. Rollins College proposes an 8-foot-high decorative masonry wall and landscaping on Holt Ave. The properties are currently designated as Commercial/C-3 and fall within the Comprehensive Plan Planning Area F. The request includes a C-3 text to add the following language as a conditional use: (11) warehousing and distribution facilities when serving a university or college.

The proposed development meets the development standards for this site set for in Planning Area F including:

Policy 1-4.1.F.12: "Redevelopment of the commercial "Ahik's" property at 501 Holt Avenue at the north east corner of the intersection of Pennsylvania and Holt Avenues shall be sensitive to traffic generated onto Holt Avenue. The scale and height of buildings fronting on Holt Avenue shall be limited to 2 stories (30 feet) in height as a compatible transition from the adjacent areas designated Low-Density Residential on the Future Land Use Map. In addition, the redevelopment of the property shall be compatible with the adjacent historic district."

Policy 1-4.1.F.13: "Notwithstanding the heights and densities permitted or conditionally permitted under the existing commercial land use designations, the commercial redevelopment of the commercial "Ahik's" property at 501 Holt Avenue, shall be concentrated along the railroad and Fairbanks Avenue frontages while maintaining the natural features of the site."

Policy 1-4.1.F.14: "Expansions of commercial or office developments of the parking of vehicles on properties fronting Holt Avenue shall be prohibited. Access driveways from commercial or office development on Fairbanks Avenue onto Holt Avenue shall be prohibited."

The proposed development removes the existing curb cut onto Holt Ave. and does not provide any access onto Holt Ave. The entire building is moved away from fronting Holt avenue which allows the height adjacent to Fairbanks avenue to be 30 feet at fascia. The half of the building closest to Holt avenue is 20 feet high to the top of parapet. The site plan is designed in a manner to protect historic district by providing significant landscaping along Holt Ave and on the west side of the property. The building runs along the railroad track as required.

In addition, a portion of 483 Holt Ave (**875 ft.**) is propose to be used for a landscape buffer and driveway. Since 483 Holt Avenue is in the College Quarter Historic District, these improvements are being reviewed by the Historic Planning Board on December 14, 2016.

Greg Randall
831 Huntington Court
Winter Park, Fl 32789 tele 321 230 4395

The City of Winter Park
401 Park Ave. Winter Park, Fl 32789-4386
Department of Planning and Community Development
Jeffery Briggs City Planner

Re: Rollins Facilities Building 501 Holt Ave Preliminary dated 12/ 7/2016

Mr. Briggs,

Thanks for giving me a copy of the drawings. I have had some time to look over the preliminies for the proposed Facilities building. Instead of discussing them with you initially, I thought that it would be better to address my concerns in writing.

The first paragraph of the zoning ordinance concerning conditional uses states that approval is contingent on there being no adverse effects on the surrounding area .As you know the adjacent neighborhood to the south of this site is residential.

In my opinion there are 4 main problems with this project:

- 1) The proposed building scale is relatively enormous. At about 375 foot long almost 40 feet high, it is about 4 times larger that the adjacent commercial structures to the north , over twice as high and about 20 times the mass of the individual houses in the immediate neighborhood.
- 2) The proposed building looks industrial, like a warehouse.
- 3) The potential use of this site as a garbage transfer area i.e. dumpster and garbage truck storage.
- 4) The noise generated from activates and traffic from vehicles.

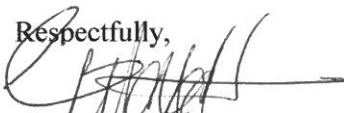
The elevations of the proposed building appear to be warehousey. Possibly the massing could be relieved by visually dividing the length into maybe 3 or 4 masses similar to the mass of the Rollins building at the corner of Holt and Fairbanks. Tile roofs and stucco walls would be a welcome improvement to the aesthetics for the neighborhood and as a positive entry feature to Downtown Winter Park (by way of the Sun Rail). In my opinion the proposed trees along Holt will not adequately obstruct or soften the view of this enormous structure. A possible consideration ,clumping bamboo along the facades or maybe grape leaf vine.

I visited the existing Facilities building At the Campus and noticed garbage trucks, dumpsters and many golf carts. There are also numerous signs posted to keep the NOISE down for the benefit of students that live in the dorms.

The proposed mini park on the southwest corner of the site is welcomed.

It would be nice to see a 3 or 4 foot brick wall (for children's safety) or a podocarpus hedge along the property line to block the train tracks and Fiddlers parking lot from view.

Respectfully,



Greg Randall
Architect/ neighbor

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

**Staff Report
January 3, 2017**

REQUEST OF ST. JOHN EVANGELICAL LUTHERAN CHURCH FOR:
CONDITIONAL USE APPROVAL TO USE THEIR VACANT PROPERTIES AT 1010 GARDEN DRIVE AND 1021 CAMELIA AVENUE, ZONED SINGLE FAMILY RESIDENTIAL (R-1A), AS AN UNIMPROVED GRASS PARKING LOT FOR THE CHURCH; CHURCH SCHOOL AND COMMUNITY EVENTS.

This public hearing is the request of St. John Lutheran Church at 1600 S. Orlando Avenue for Conditional Use approval to use the two adjacent Church properties at 1010 Garden Drive and 1021 Camellia Avenue for an unimproved overflow parking lot.

Background to the Request: As the P&Z Board will recall, in July 2015 the City approved a change to the Comprehensive Plan future land use map from institutional to office and a companion rezoning from single family (R-1A) to office (O-1); along with a Conditional Use for a two-story, 15,000 square foot medical building for the Center for Reproductive Medicine on the former Church parking lot property at 1500 S. Orlando Avenue. This enabled the Church to sell that 1.36 acre parking lot property in October, 2015 for \$2.1 million. Subsequently in April, 2016 the City issued the building permit for the medical office and construction has begun.

The Church has for many years owned the two adjacent properties at 1010 Garden Drive and 1021 Camellia Avenue. The 1010 Garden Drive property held a single family home used by the Church and the 1021 Camellia Avenue property held a single family house that the Church had converted to a "youth house". Shortly after closing in November 2015 those two structures were demolished. Both of the properties are now vacant and both are zoned Single Family (R-1A).

Conditional Use Required for Expanded Parking: St. John Lutheran Church as well as these two properties at 1010 Garden Drive and 1021 Camellia Avenue, are zoned single family (R-1A). The good news for Churches in our City is that they can be located in any zoning district. The reason for such zoning flexibility is that in every zoning district, when a Church wants to build any structure, start or expand a Church school or use a property for something different than the zoning would permit, (such as a parking lot), then the Church needs the City's approval via a conditional use.

Conditional Use Request: The letter attached describes the request of St. John Lutheran Church to use the two adjacent Church properties at 1010 Garden Drive and 1021 Camellia Avenue for an unimproved grass overflow parking lot. Part of the reason for this request is that since the medical office property is under construction, the Church does not have access during construction to the 34 parking spaces to be provided for on Sundays and Holidays per their Agreement. That part of this request for temporary usage during the construction is completely understandable.

However, this request is not just for a temporary approval. It is for a permanent continuous approval. It is also not just for use by the Church on Sunday but is for use seven days a week including day time use by the Church elementary school, for all Church functions and for "community events during the week, such as concerts and outside groups". Use for concerts and outside groups then would mean evening use as well as daytime usage.

The Church letter also makes mention of using the property for the "Pumpkin Patch". Thus, it appears that the Church also wants to use these single family residential properties as a commercial sales location for pumpkins and presumably Christmas trees. So for one-two months of the year the staff assumes that this request is to allow these properties to be used for commercial sales or to be leased to others for such sales, as is typically done for Christmas trees.

There is no "site plan" per se showing how the properties would be used as a parking lot in terms of a parking layout for the 52 cars that the Church envisions as the peak occupancy of these properties. Their letter mentions 4 foot fencing facing the streets and a sprinkler system to sustain the grass. By not having a "plan" it allows the Church to use these properties in any fashion that they desire including no restrictions on the extent of commercial sales and no restrictions on the days or times of use.

City Code and Experience with Unimproved Parking Lots: The Zoning Code allows for unimproved parking lots when there is expected to be "light and infrequent use". Typically for Churches that means use by the Church during services and for perhaps one or two evenings a week. As described above, this application is to use the properties as a parking lot at any time, seven days a week.

The City's experience with unimproved Church parking lots hinges on how often they are used. Attached are aerial pictures of the Seventh Day Adventist Church on West Swoope Avenue and the Catholic Church at 15 W. Par Avenue. In both cases you will see that with regular use the drive aisles soon become dirt except for where each Church has paved the drive aisles. The brown grass shows what can be expected in this case, as well. So the good intentions of a Church for a pretty green grass parking lot often wind up becoming the reality of nothing but dirt.

The P&Z Board needs to be aware that in the context of this request, there is no Code Enforcement action possible for an unimproved grass parking lot because if an applicant never commits to any level of landscape coverage or any limitations on the days or hours of use, then there is no enforcement when grass becomes dirt. The problem is that unimproved is unimproved. The staff has suggested to the applicant that they consider paving the drive aisle and commit to a specific landscape program but there is no commitment to either from the Church. For the City, that means that regardless of how this property may look in the future, it will only be the voluntary action of the Church that maintains any attractiveness.

Church Parking Requirements: During the review of the Medical project in July 2015, the City determined that the Church's parking requirement based on the 525 seats in the Church sanctuary was 131 parking spaces.

The Church submitted to the City that they had 125 parking spaces comprised as follows: (A) 61 spaces to the east of the Church which will soon be increased to 78 spaces by reconfiguring the playground (see sketch attached); (B) 13 spaces pursuant to the agreement with Lutheran Counseling Center; and (C) 34 spaces on The Baby Project.

The staff report at that time indicated that the current size of the congregation for Sunday services is about one-third full. Thus, given a typical Sunday, the 78 spaces on site should be adequate to meet the parking needs of the Church with about 120-140 people in attendance, especially with 34 more spaces on the medical office property. At the public hearings, the Church representatives assured the P&Z Board and the City Commission that they would have adequate parking on-site for the needs of the Church. Those representatives also explained that if the congregation was to grow substantially and parking became a problem, then the Church could very easily switch to two Church services to solve any parking issues.

Summary and Conclusion: The planning staff understands the need for this overflow parking during the construction time period. To that end, the City has allowed the Church to use the property while this application is pending in recognition of the temporary shortfall. If this were just a request for that temporary construction period, there would not be any dissent.

However, as to the long term usage, the City was assured repeatedly at public hearings by St. John Lutheran Church that if the City allowed the Church sell off their parking lot, that they had ample parking to meet their needs. Now that the parking lot has been sold, the Church is now telling the City that the situation has changed and that the previous assurances were not true. Now, the Church indicates that they doesn't have enough parking for the current congregation, that the Church doesn't have enough parking to grow, that the Church doesn't have enough parking for the elementary school, and that the Church needs more parking to allow for concerts and outside groups to use the Church.

The other major difficulty is that the Church wants the Conditional Use approval with no limitations on the use of the property for parking and so that it can be used seven days a week and at any hours. In addition, the Church wants to be able to use the residential land for commercial sales of pumpkins and Christmas trees. As to appearance and condition, the Church offers no landscape plan or any other assurance as to the condition of the property.

The Planning staff also cannot support such an open ended approval for the Conditional Use. The staff also knows from experience that the condition of these properties will degrade over time from the traffic and parking. The weight of the vehicles compacts the soil so that there is no percolation of rainfall and the traffic and heat of the car engines after parking results in mostly dirt over time. As presented this request has no limitations on usage and no assurance to the City or the adjacent neighborhood on any landscape program or standards.

Staff Recommendation is for APPROVAL of the Conditional Use for the temporary time period while the medical office project is under construction.

Staff Recommendation is for DENIAL of the Conditional Use for any further parking usage of these properties after the construction is complete.

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 | |

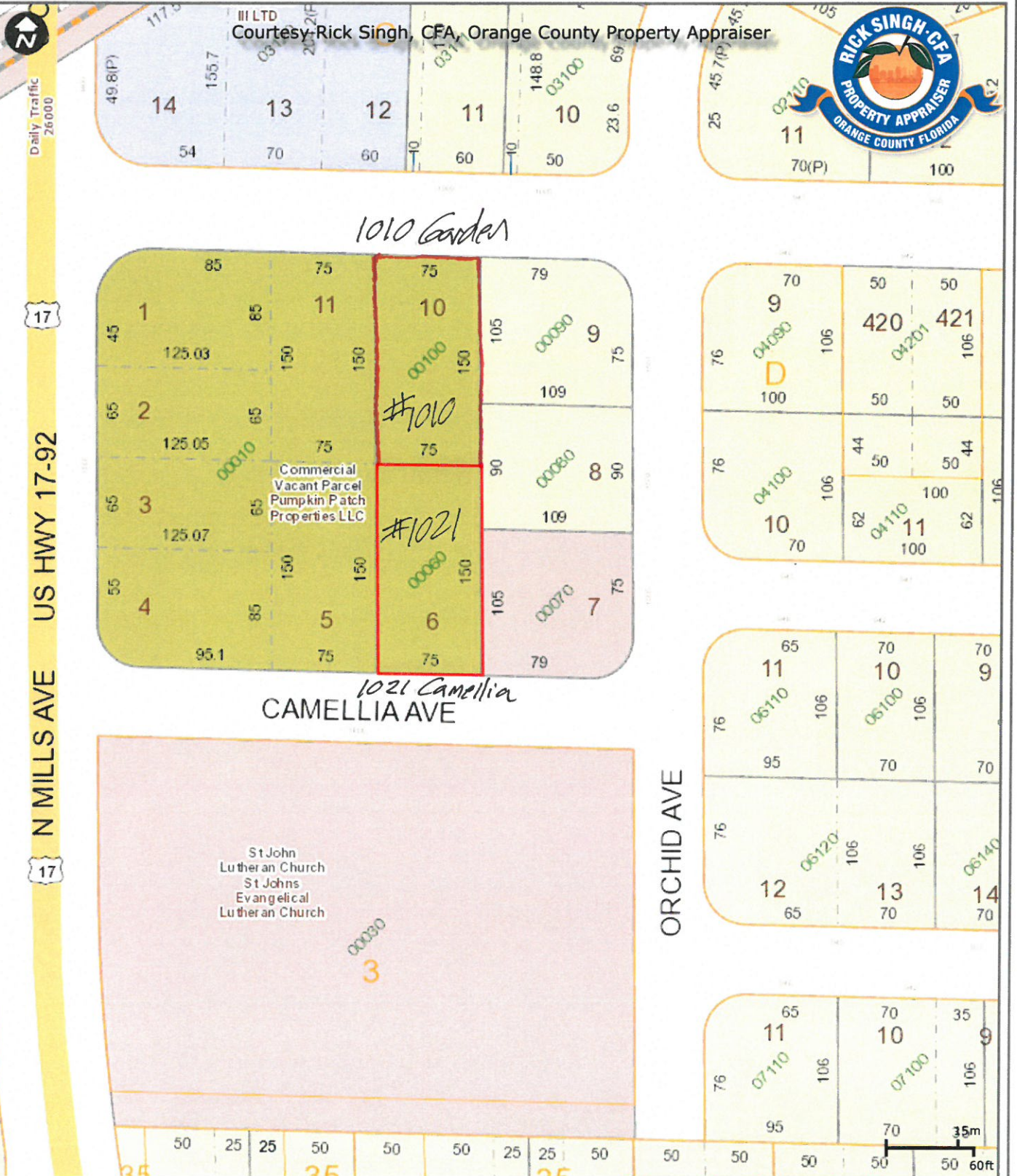
Courtesy Rick Singh, CFA, Orange County Property Appraiser

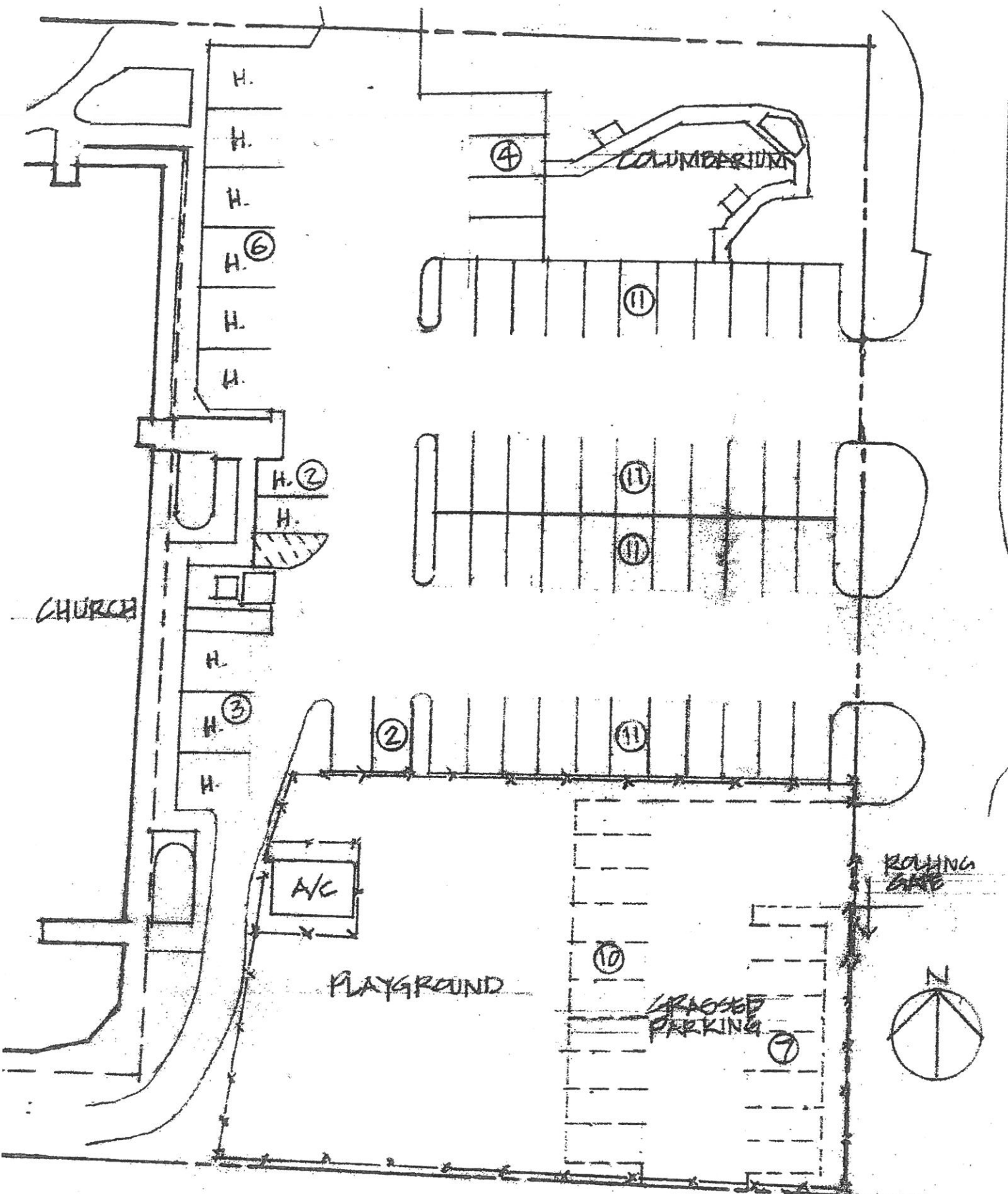


OCPA Web Map

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

Courtesy Rick Singh, CFA, Orange County Property Appraiser





61 PAVED SPACES
 17 GRASED SPACES
 78 TOTAL SPACES

525 seats

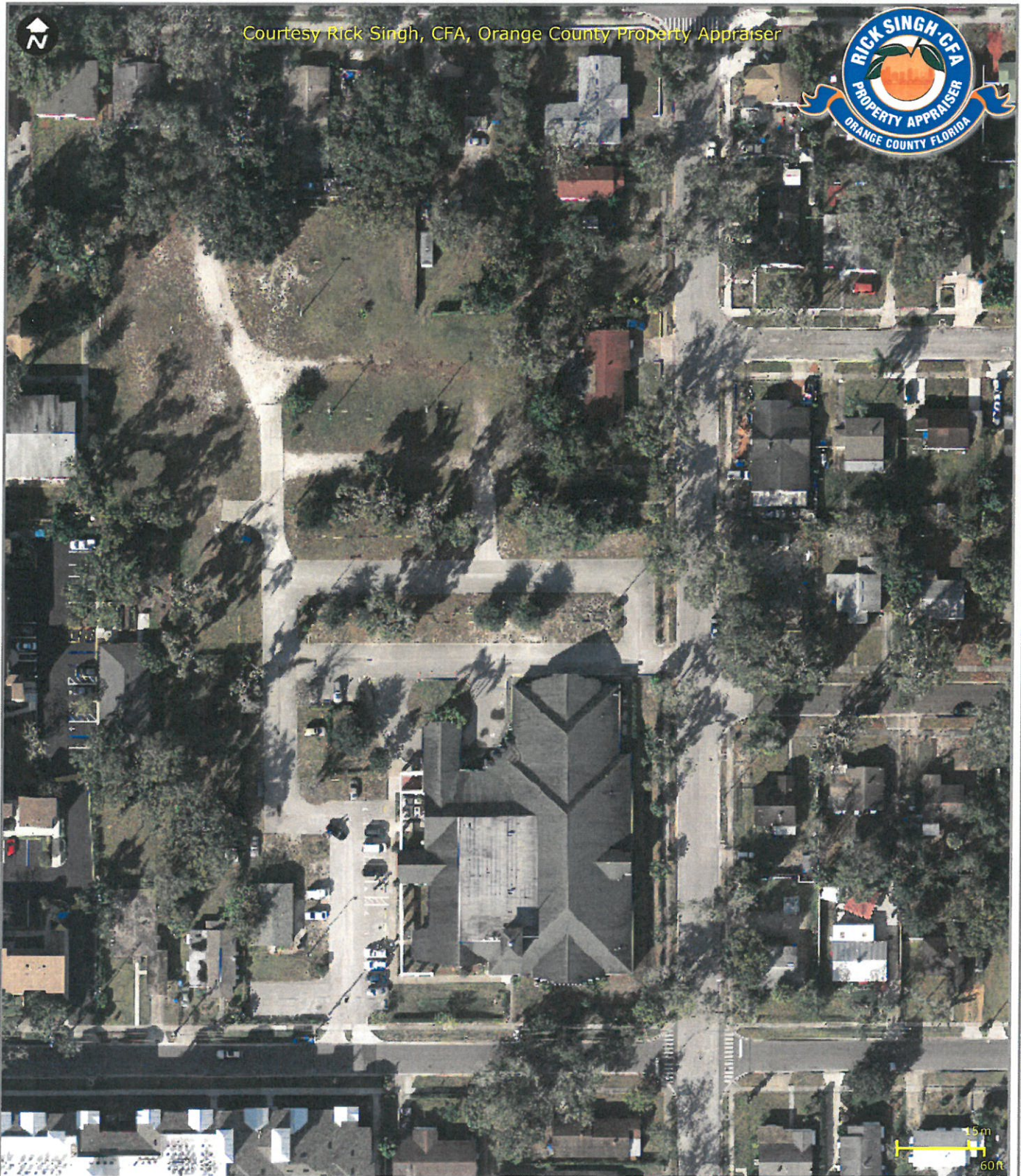
ST. JOHN
 LUTHERAN CHURCH
 PROPOSED EAST PARKING
 1" = 30'

6/1/14

Seventh Day Adventist Church - West Swape - Impaired Parking

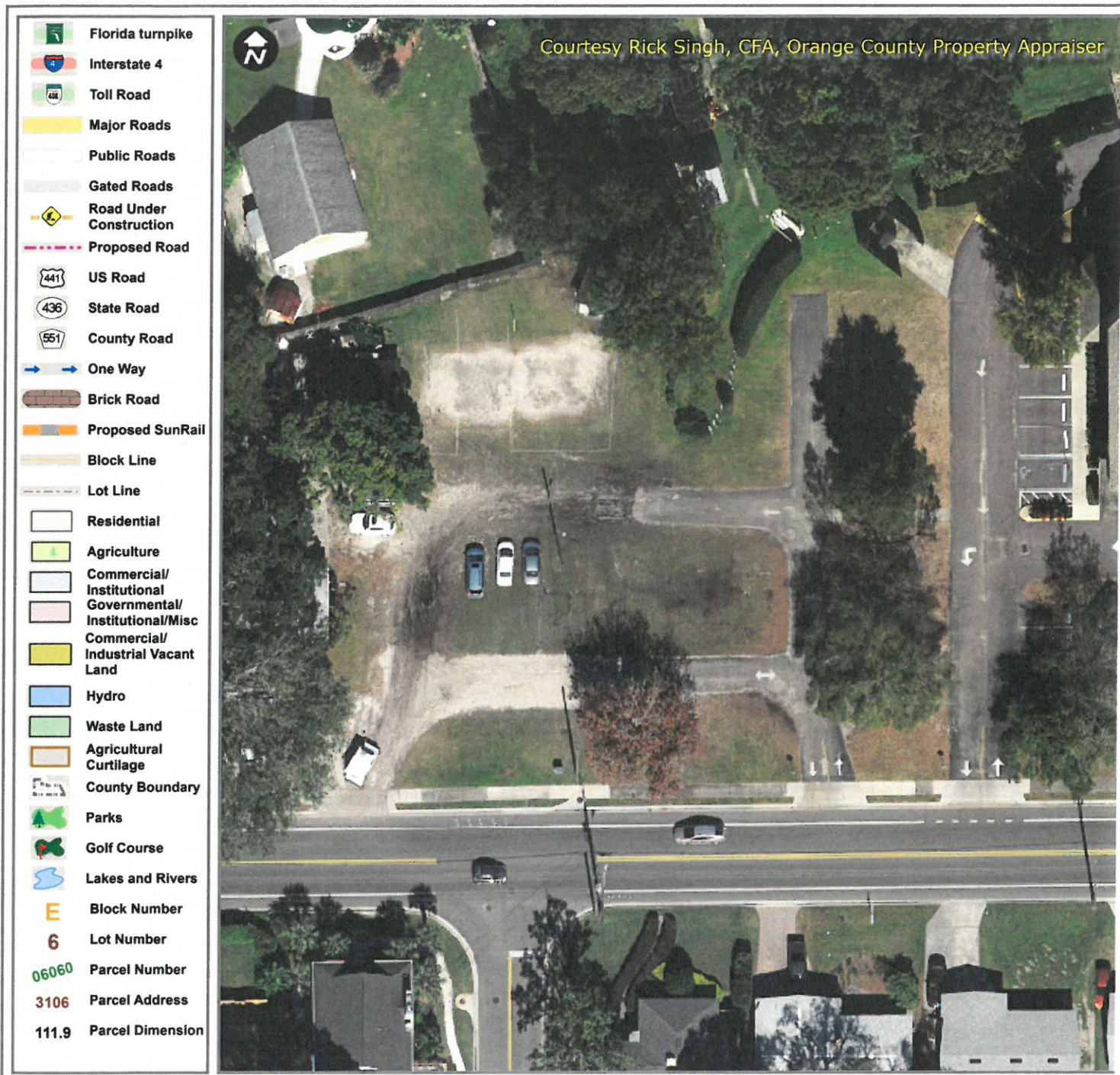
OCPA Web Map	
Major Roads	Proposed Road
Florida turnpike	Brick Road
Interstate 4	Gated Roads
Toll Road	Road Under Construction
Residential	Agriculture
Commercial/Industrial Vacant Land	Hydro
Agricultural Curtilage	Waste Land
Parks	Building
Lakes and Rivers	Block Number
Lot Line	Governmental/Institutional/Misc
Commercial/Institutional	Parks
Governmental/Institutional/Misc	Lakes and Rivers
Building	Waste Land
Block Number	Block Number
Lot Number	Lot Number
Parcel Number	Parcel Number
Parcel Address	Parcel Address
Parcel Dimensions	Parcel Dimensions

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 12/19/2016

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



*Unimproved grass parking lot at the
Catholic Church at 15 West Par*

Proposed Conditional Use Narrative for Residential Lots

St. John Evangelical Lutheran Church of Winter Park and Orlando

1600 South Orlando Avenue

Winter Park, FL 32789

St. John Evangelical Lutheran Church of Winter Park and Orlando is requesting conditional use of two lots owned by the congregation: 1010 Garden and 1021 Camelia. Prior to early 2016 two residential homes occupied these lots for church use but were torn down and are currently vacant. Our request is to use these undeveloped grass lots for congregational parking as lot 1500 South Orlando Avenue was previously used by the congregation for over forty years.

The mission of any Christian congregation is to grow and adequate parking for current and future growth is vital. With the sale of lot 1500 South Orlando Avenue to the Center for Reproductive Medicine of Orlando, the congregation lost considerable parking. While the Center will be allowing St. John use of their parking in off hours, it has yet to be completed, leaving us with limited parking currently and on weekdays in the future. Using the current grass lots as we did with our previous property will allow sufficient parking now and for the future.

Our desire for the lots is, however, multipurpose. We want to keep the lots all grass for a number of reasons. First, sustainable green space is preferable to paved space. Winter Park does not need more pavement and as the 2016 Innovative Green Employer recognized by the Central Florida Workplace Challenge, we are committed toward maximum green space. Second, keeping the lots all grass allows for recreational use by both the church and the neighborhood. Our intention is to keep it fenced and maintained, screened from the road but like a grassed park on the interior that will allow for events like the annual Pumpkin Patch. It will have a far better appearance than the previous lot. Third, the additional 52 parking spaces will afford us the opportunity to host community events during the week, such as concerts and outside groups, that would require extra space from what we have currently.

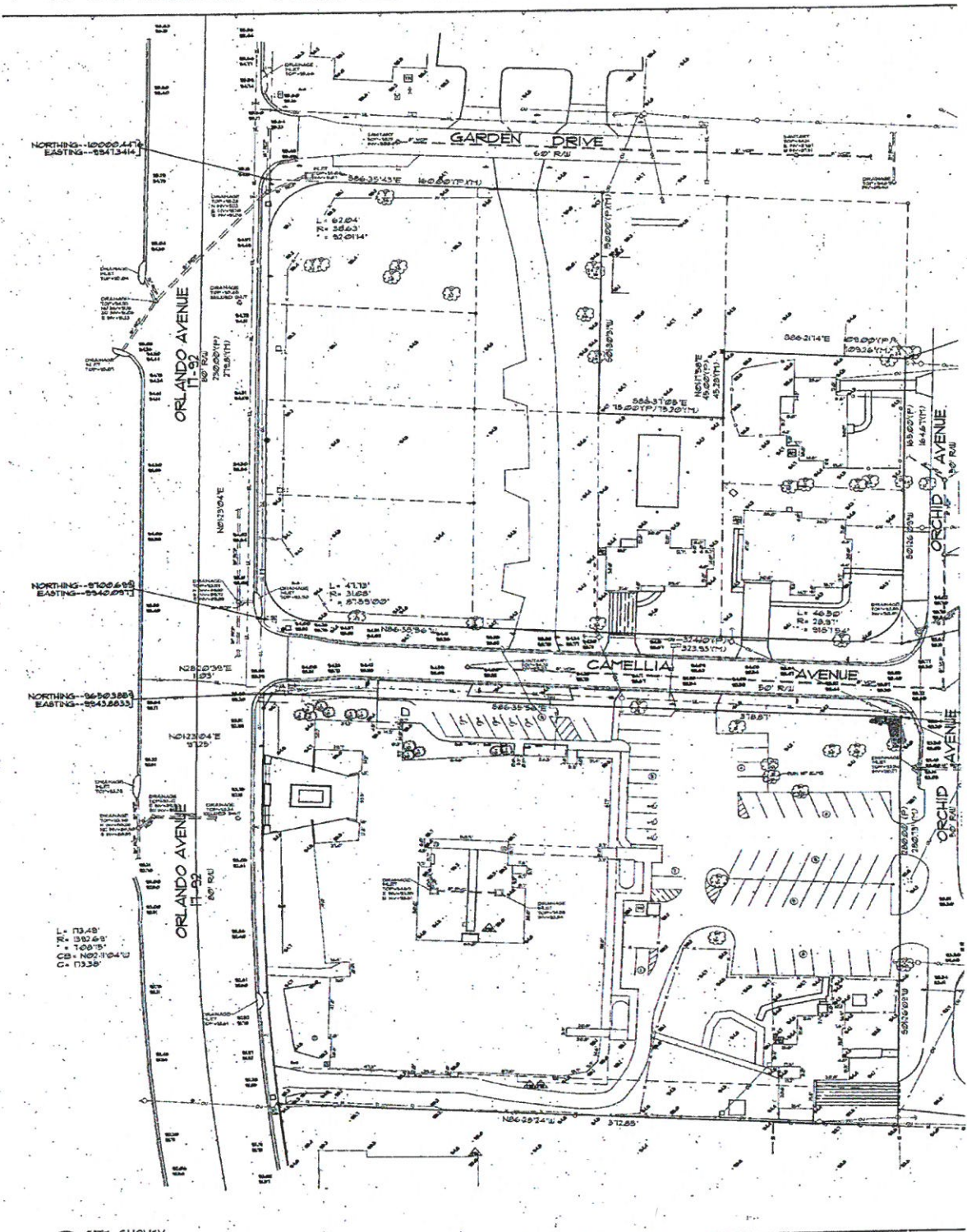
The conditional use for parking would be ongoing while St. John exists as a congregation. No paving or commercial use would be permitted without city approval. We would commit to maintaining the lots in a pleasing well maintained grass area that would be low street visibility but a beneficial green asset to the neighborhood.

Proposed Landscaping and Fencing Plan

St. John Evangelical Lutheran Church of Winter Park and Orlando
1600 South Orlando Avenue
Winter Park, FL 32789

In order to make our grass lots more attractive, available, and safe, please read below to envision the following:

- A 4' fence on both Garden Drive and Camellia Avenue sides with entrance and exits marked and secured.
-
- Reposition drive entrances and curbs if needed
- Appropriate fencing at least 4' in height with additional landscaping for screening
- Sprinkler system maintained to sustain green space



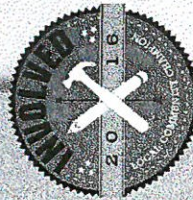
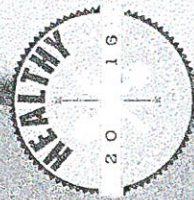
(K1) SITE SURVEY
 SCALE: 1" = 30'-0"



2016

Gold

Green Innovation



St. John Evangelical Lutheran Church

This employer is recognized by City of Orlando, Orange County, City of Winter Park,
and Green Destination Orlando as being a leading example to our community



**CITY OF WINTER PARK
Planning & Zoning Board**

**Regular Meeting
City Hall, Commission Chambers**

**July 7, 2015
6:00 p.m.**

MINUTES

Chairman James Johnston called the meeting to order at 6:00 p.m. in the Commission Chambers of City Hall. Present: James Johnston, Vice-Chairman Peter Gottfried, Tom Sacha, Randall Slocum, and Robert Hahn. Peter Weldon participated by phone conference. Absent: Shelia De Ciccio and Ross Johnston Staff: Planning Manager, Jeff Briggs, and Recording Secretary Lisa Smith.

Approval of minutes – June 2, 2015

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the June 2, 2015, meeting minutes. Motion carried unanimously with a 7-0 vote.

PUBLIC HEARINGS

REQUEST OF DR. RANDALL LOY FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF INSTITUTIONAL TO OFFICE AND PROFESSIONAL FUTURE LAND USE ON THE PROPERTY AT 1500 S. ORLANDO AVENUE.

REQUEST OF DR. RANDALL LOY FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING OF SINGLE FAMILY (R-1A) DISTRICT TO OFFICE (O-1) DISTRICT ON THE PROPERTY AT 1500 S. ORLANDO AVENUE.

REQUEST OF DR. RANDALL LOY FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THE ST. JOHN'S LUTHERAN CHURCH PARKING LOT AT 1500 S. ORLANDO AVENUE WITH A TWO STORY, 15,000 SQUARE FOOT MEDICAL OFFICE BUILDING, PURSUANT TO THE REQUESTED O-1 ZONING.

Planning Manager Jeffrey Briggs presented the staff report and stated that this public hearing is at the request of Dr. Randall Loy (Center for Reproductive Medicine) involving rezoning and redevelopment of the St. John Lutheran Church parking lot at 1500 S. Orlando Avenue. He noted that it does not include the two adjacent Church properties at 1010 Garden Drive and 1021 Camellia Avenue. He explained that the applicants are requesting to change the Comprehensive Plan future land use map from institutional to office & professional and a companion rezoning from single family (R-1A) to office (O-1). In addition there is a Conditional Use request for the proposed two-story, 15,000 square foot medical building. Mr. Briggs reviewed the history of the subject property, project statistics, parking requirements, tree preservation, Comprehensive Plan policies and requested exceptions, Zoning Code requirements and requested exceptions, the details of the traffic Study, and site design and compatibility. He discussed the differences between the proposed project versus the previous Sentio request.

Mr. Briggs summarized by stating that the planning staff has not been opposed to the sale and redevelopment of this property. In the December 2014 staff report, it said "One more compatible option would be to sell for a use, such as an office, that is more compatible with the adjacent single family residential neighborhoods. If redeveloped as an office building, then with office zoning and the 45% maximum FAR, it would be the virtually

the same size as the current single family zoning would permit with its maximum 43% FAR. This is also an attractive scenario because typically the office building parking lot would be inactive at nights and on weekends and available for the Church to use on Sundays.”

Staff recommended approval of the request for office and professional future land use and office (O-1) zoning; and approval of the Preliminary Conditional Use with the following conditions:

1. That the civil site plan complies with a 25 foot setback from the oak trees in the northern portion of the site before grading/digging begins for the storm water retention area. The applicant may maximize retention with a vertical wall (to increase retention capacity) on the sides away from the trees, but may not utilize more than a 6:1 side slope for the retention area on the eastern side, near the trees due to the impacts on the root systems and survivability of those trees.
2. That the proposed sidewalk adjacent to those live oak trees be removed due to the construction impacts of digging the sidewalk so close to those trees and tree root systems.

Mr. Briggs responded to Board member questions and concerns.

Rebecca Wilson, 215 North Eola Drive, represented the applicant. She introduced the members of the development team and background information on the applicant's practice. She said that the applicant intends to relocate their Orlando location to Winter Park. Mrs. Wilson noted that a community meeting was held on June 9 in an effort to address as many neighborhood concerns as possible prior to the public hearing. She agreed with staff recommendations concerning comprehensive plan amendment and rezoning; however requested that tonight they be granted a final conditional use. She expressed that they have submitted all of the necessary information to staff for final conditional use approval. She explained that the timing of the closing is sensitive and does not allow for the applicant to go thru an additional approval step. She used a power point to present the details of the site plan. She discussed parking requirements and the contents of the traffic report. Mrs. Wilson responded to Board member questions and concerns.

Wendy Anderson, Attorney representing St. John's Lutheran Church, commented that the church's Board whole-heartedly supports the project and would like to see this project move forward. She further explained the Church parking situation as being adequate to meet their needs, the options to increase parking on their existing properties and the ability to move to two services if parking becomes an issue.

Sara Brady, 929 Garden Drive, explained that she lives in the Mead Garden neighborhood. She said that the neighbors are not opposed to redevelopment but support smart and compatible redevelopment. She expressed concern that no one from the church has ever reached out to the residential community in a neighborly fashion and discussed the state of the two residential properties owned by the Church. She stated that the neighborhood is opposed to the demolition of houses for more Church parking and feels that the Church has been unresponsive to the concerns of the neighborhood.

Woody Woodall, 328 North Park Avenue, stated that he opposes the change in zoning and comprehensive plan amendment.

Richard Kessler, explained that he is church member. He stated that the Church has worked closely with the team to bring the project to this point. He said that the sale of this property will allow the church to pay off the mortgage and hire the pastor that the church needs. He echoed the concerns raised by Attorney Wilson with regard to the time sensitivity.

Kim Ruffier, 3039 Middlesex Road, expressed concern with transparency thru the process and supported the statements made by other neighbors.

Marilyn Money, stated that she is a past resident of the neighborhood and a long-time church member. She spoke in favor of the request.

Genean Newman, 941 Camelia Avenue, agreed with the comments made by Ms. Ruffier concerning process.

Attorney Anderson responded to concerns raised with regard to the Counseling Center, youth house and parsonage. She explained that there are 13 spaces at the counseling center site and 7 spaces at the youth and parsonage house. She said that the youth house is no longer in use and the church is in the process of evicting the tenant in the parsonage house.

Attorney Wilson clarified that the applicant is not requesting any variances. She noted that although the property is zoned R-1A, residential could not be developed on the site due to the current future land use designation of institutional. With regard to landscaping on 17/92, she noted that the landscaping and sidewalks for this project will be similar to that of the Women's Center as this is the same developer. Attorney Wilson reiterated the need for the Conditional Use to be a "final" approval versus a "preliminary" approval. She responded to Board member questions and concerns.

No one else wished to speak concerning this issue. Public Hearing closed.

Chairman Johnston asked Mr. Briggs if this could be a "final" CU approval per the applicant's request. Mr. Briggs responded that we do not yet have a landscape plan, storm water plan or lighting plan but if P&Z did not feel it necessary to review those then the action could delegate that authority to the staff. Mr. Gottfried expressed that he was fine with that scenario but asked that staff look at ways to make the project more pedestrian friendly on the Orlando Avenue frontage.

Mr. Weldon discussed with the Board the option for O-2 zoning and a height exception versus O-1 zoning since it would permit redevelopment many years from now for a 4 story building. He suggested that it would be a good idea not to create entitlements for future redevelopment. The Board discussed this matter and the consensus of the Board members was to allow the O-1 as requested by the applicant and to delegate to staff the approval of the final plans for the conditional use. They had no objections to granting the final approval for the conditional use.

The Board members then individually expressed their appreciation to the neighborhood for their participation in this process and that the eventual outcome appeared to be much better for all involved.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the ordinance amending Chapter 58 "Land Development Code" Article I, "Comprehensive Plan" so as to change the Future Land Use designation of Institutional to Office and Professional Future Land Use on the property at 1500 S. Orlando Avenue.

Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" and the official zoning map so as to change the zoning of Single Family (R-1A) district to Office (O-1) district on the property at 1500 S. Orlando Avenue.

Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to APPROVE the "Final" Conditional Use request to redevelop the St. John's Lutheran Church parking lot at 1500 S. Orlando Avenue with a two story, 15,000 square foot medical office building, subject to the staff conditions as follows:

- 1. That the civil site plan complies with a 25 foot setback from the oak trees in the northern portion of the site before grading/digging begins for the storm water retention area. The applicant may maximize retention with a vertical wall (to increase retention capacity) on the sides away from the trees, but may not utilize more than a 6:1 side slope for the retention area on the eastern side, near the trees due to the impacts on the root systems and survivability of those trees.**
- 2. That the proposed sidewalk adjacent to those live oak trees be removed due to the construction impacts of digging the sidewalk so close to those trees and tree root systems.**

Motion carried unanimously with a 5-0 vote.