

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

**Staff Report
February 7, 2017**

REQUEST OF Z DEVELOPMENT SERVICES FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT A NEW DUNKIN DONUTS STORE WITH A DRIVE-THRU COMPONENT ON THE PROPERTY AT 370 BLUE HERON DRIVE LOCATED AT THE NORTHEAST CORNER OF FAIRBANKS AVENUE AND BLUE HERON DRIVE, ZONED C-3.

This item is a continuation of the conditional use request tabled at the December 6th P&Z meeting, to construct a new Dunkin Donuts store with a drive-thru on the property at 370 Blue Heron Drive which is the northeast corner of Blue Heron and Fairbanks Avenue. It is a conditional use because of the drive-thru component.

Site and Context: This property of 17,820 square feet in size has 132 feet of frontage on Fairbanks Avenue and 135 feet along the side street of Blue Heron Drive. There also is a platted 20 foot wide public alley directly behind (to the north) that has never been improved. The property is next to a medical office complex to the east, an auto parts store to the west and has single family residential homes to the north along Blue Heron Drive.

Project Plans: There are now two alternative site plan layouts to discuss. One is the version from December and the second is revised and acceptable to the applicant to address concerns at that meeting. Both plans show a one-story, 1,435 square foot, Dunkin Donuts store with one drive-thru lane. Both site plans show 13-14 parking spaces which meets the code requirements for the seats and patron area, as indicated on the plans.

Traffic Circulation and Stacking: There are two primary reasons for drive-thru's being conditional uses. One is to avoid any negative traffic impact from the design by insuring that the stacking needs are met so cars do not back up into the street or create on-site circulation issues. In both cases, there is adequate stacking for six cars using the drive-thru lane and a by-pass lane for circulation. The stacking for the Dunkin Donuts in Maitland is also six cars. If there are ever more cars than that the instinct for customers is to park and walk in for quicker service.

The second primary reason drive-thru's are conditional uses is to provide safeguards to nearby properties so that they will not be negatively affected by nuisances due to the operation of the drive-thru such as excessive noise, overflow parking, etc.

Design for Neighborhood Compatibility. When a Dunkin Donuts was first discussed on this site, the neighbors' expressed their concerns about the potential negative impact of noise from the order board/drive thru and spill over traffic on Blue Heron Drive. Thus there are pro's and con's to both site plans with respect to neighborhood compatibility.

The first site plan presented in December solved the issue with traffic onto Blue heron because it included a wall and gate system along the Blue Heron Drive frontage from the rear property line down to the front line of the drive-thru pickup window. The wall and gate would provide a partial visual buffer to the homes across the street on Blue Heron Drive and there was also space within the parkway area of the right-of-way between the wall and the sidewalk for street oak trees that would hide the building from view of the nearby homes. The problem was that the City and the neighbors were not confident that the low wall and open gate along Blue Heron would completely block the sound associated with the drive-thru operations and order board.

The alternative site plan for this February meeting shifts the building and drive-thru over to the eastern side of the property. The sound issues are completely resolved because all of the sound from the order board and pickup window is away from the adjacent residential properties. However, the parking lot now has the only entrance/exit onto Blue Heron drive. The driveway is too close to the corner to allow an entrance/exit directly onto Fairbanks Avenue. Plus one could not do the hairpin turn to get into the drive-thru lane. Perhaps this is not an issue because anyone that exits onto Blue Heron Drive and turns right will learn to their frustration that this is not a cut-thru route, as it is a dead end neighborhood that leads you back to Fairbanks Avenue. In considering the alternatives, staff believes this revised plan provides better protections for the neighbors.

Landscape and Screen Wall Plan: The landscape plan provided in December along with the low wall along Blue Heron Drive is what the staff would suggest be implemented. The staff will condition the approval on added landscape detail for the alley area outside the north wall and for the addition of one extra oak tree along the Blue Heron Drive frontage.

Storm Water Retention: This site will have an underground storm water exfiltration system that will meet the requirements of the St. John River Water Management District as well as City Code.

Site Lighting: The City's lighting code does not allow light pole/fixtures higher than 16 feet; the fixtures themselves must focus the light downward to eliminate light spread and the photometric design does not allow more than one foot candle at the property lines. Thus, there will be no issues for the neighbors with impacts from the site lighting.

Comprehensive Plan Policy and History: As the P&Z Board is aware, the Comprehensive Plan policy that applied only to West Fairbanks Avenue prohibiting "fast food" businesses has been revised to allow conditional use reviews similar to all other commercial corridors in the City. Thus, food related businesses with drive-thru components can apply for conditional use approval and the City determines if the design is compatible with the surrounding area, if the site and building plans are adequate to provide for such a drive-thru component and that the nearby property owners are effectively safeguarded from noise, off-site parking and traffic impacts.

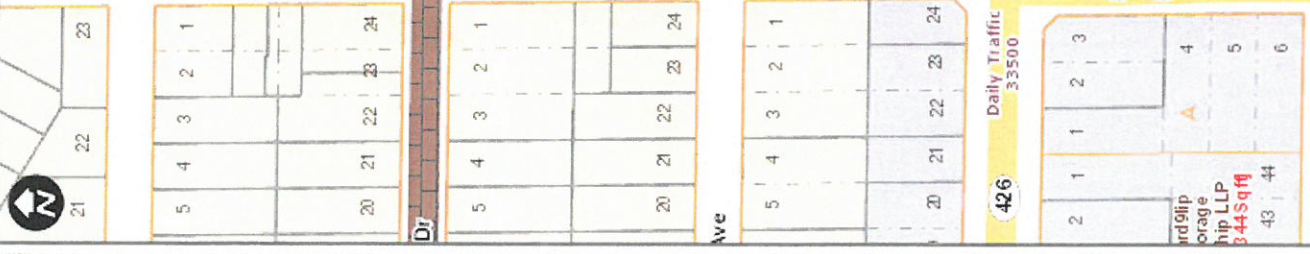
Architectural Compatibility on the West Fairbanks Gateway Corridor: As redevelopment begins along the West Fairbanks corridor, it is critically important that the architectural image of the new redevelopment is complimentary considering the \$20 million of public investment within the corridor. The original architectural submittal is more or less a standard common franchise look. While there are some upgrades, those elements are probably would not be noticed by the average person. The City Architect has previously provided conceptual drawings to the applicant for revision of the building façade elements to a much more attractive and detailed Mediterranean image. Staff will condition the approval upon revisions to the building architectural consistent with that revised design direction. In lieu of design guidelines, the City must act project by project.

Summary: The proposed location for this Dunkin Donuts store site is adequately sized and the newest site plan design is well suited for this type of project and provides protection to the nearby neighbors from the sounds associated with the drive-thru ordering. The project meets all the code requirements, there are no variances requested, other than the rear 8 foot wall height which is being done to safeguard the adjacent neighbor. The drive-in components are designed to meet the peak stacking needs for use intended. The site design of the low walls along Blue Heron Drive with the perimeter oak trees will protect the neighbors from the sounds of the drive-thru operations and screen the view of the building. No traffic can exit the site directly into the neighborhood. Together with the conditions recommended, the staff believes this Dunkin Donuts can operate compatibility in this location adjacent to residential properties.

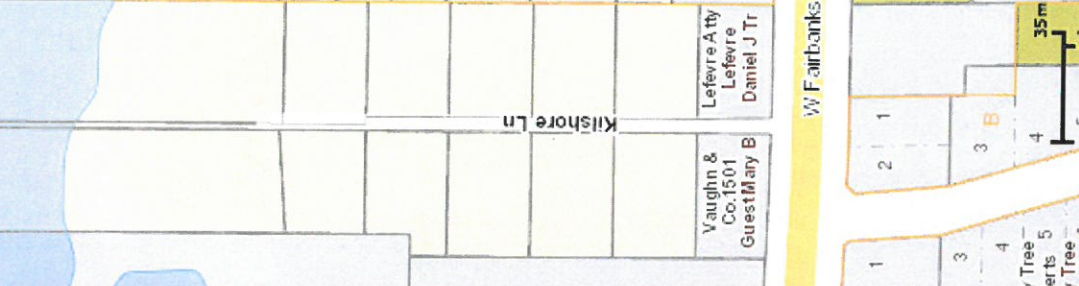
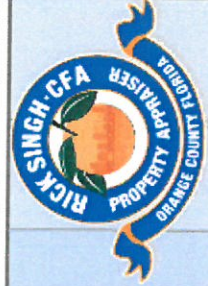
STAFF RECOMMENDATION IS FOR APPROVAL of the alternate plan including the low wall along Blue Heron Drive subject to the following conditions:

1. **That the landscape plan be modified to add new oak trees on the north side of wall adjacent to the alley and add one extra oak tree along the Blue Heron Drive frontage and that a right-of-way use agreement be executed for the use of the alley for trees and irrigation.**
2. **That the project be limited to a monument sign (in lieu of a pole sign) as presented.**
3. **That the architectural facades be modified to a Mediterranean design consistent with the images provided to the applicant and be approved by the City Architect.**

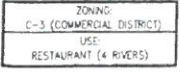
- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- Toll Ramp
- Interstate Ramp
- One Way
- Brick Road
- Rail Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture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



Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 11/21/2016



Original Site Plan Layout - December 2016

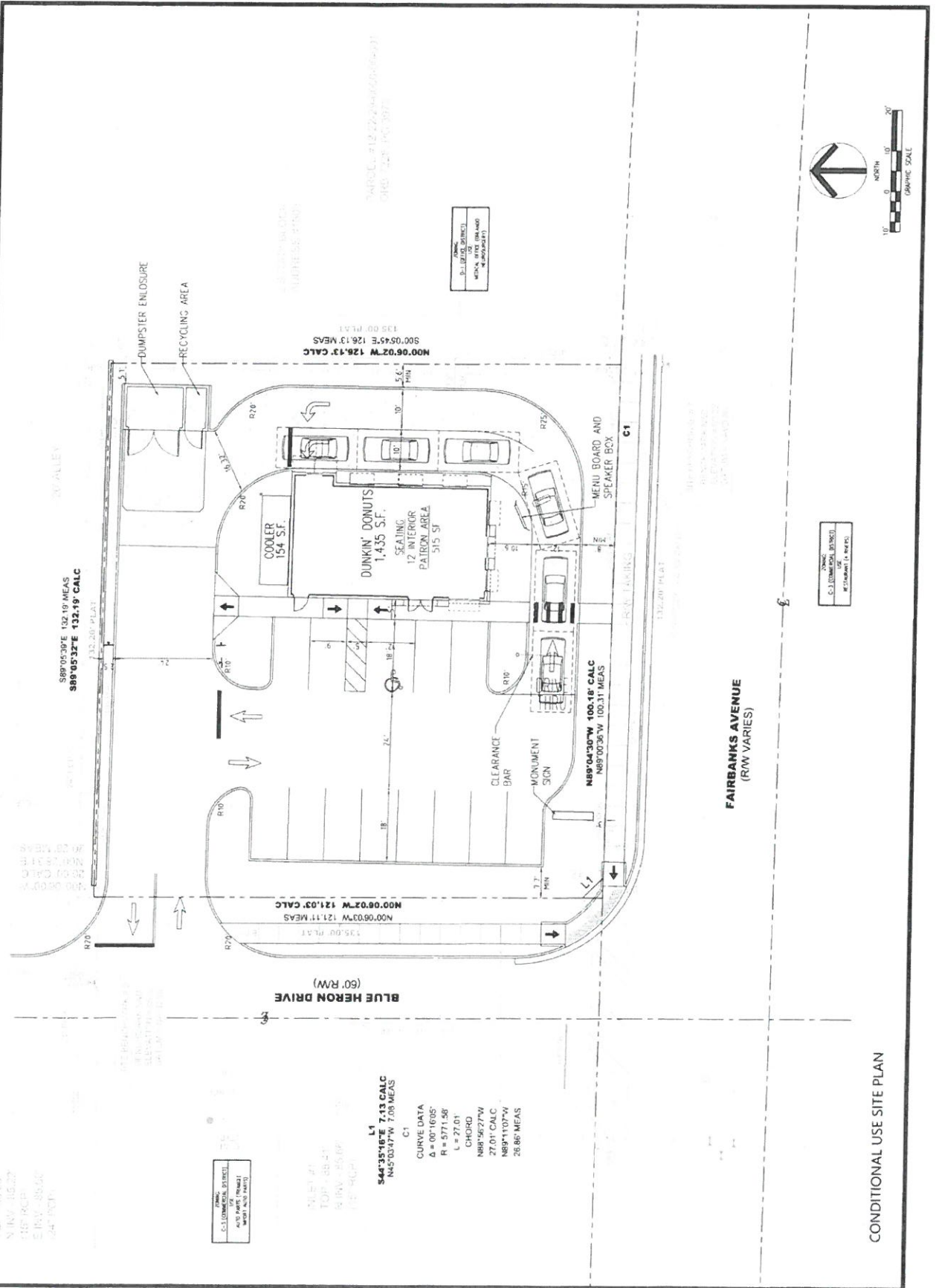
New Revised Site Plan Layout - February 2017

Z DEVELOPMENT
CA 29354
708 E. COLONIAL DR. STE 100
ORLANDO, FL 32803
PH: (407) 271-8910
FAX: (407) 442-0604

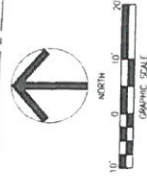
DUNKIN' DONUTS
370 BLUE HERON DRIVE
WINTER PARK, FLORIDA

DATE: 12-09-16
DRAWN BY:
CHECKED BY:

PROJECT NO: 2015175



CONDITIONAL USE SITE PLAN





DATE: 12-09-16
DRAWN BY:
CHECKED BY:




PLANT LEGEND


SHADE TREES


 LIVE OAK – QUERCUS VIRGINIANA
3" CAL./5' SPD./12' HT.

 ALLEE ELM – ULMAS AMERICANA
3" CAL./5' SPD./12' HT.


 SOUTHERN MAGNOLIA – MAGNOLIA GRANDIFLORA
3" CAL./5' SPD./12' HT.


UNDERSTORY TREE


 LIGUSTRUM TREE – LIGUSTRUM LUCIDUM
2" CAL./6' SPD./6' HT./MULTI-TRUNKED


 GRAPE MYRTLE – LAGERSTROEMIA INDICA
1.5" CAL./3' SPD./6' HT.


SHRUBS / GROUND COVER


 ILEX CORNUTA 'BURFORDII' – BURFORD HOLLY
24" HT. x 30" SPD. / FULL / 3G

 VIBURNUM ODORATISSIMUM – SWEET VIBURNUM
30" HT. x 30" SPD. / FULL / 7G

 LIRIOPE MUSCARI 'EMERALD' – EMERALD GODDESS LIRIOPE
MIN. 6 BIES / 18" O.A. / 1G

 FLAX LILY – DIAELLA TASMANICA
24" SPD. / FULL / 3G – 24" O.C.

 PASPALUM NOTATUM 'ARGENTINE' – ARGENTINE BAHIA
SOLID, FREE OF PESTS AND DISEASES

 **SOD**

ALL LANDSCAPE AREAS TO BE IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM.

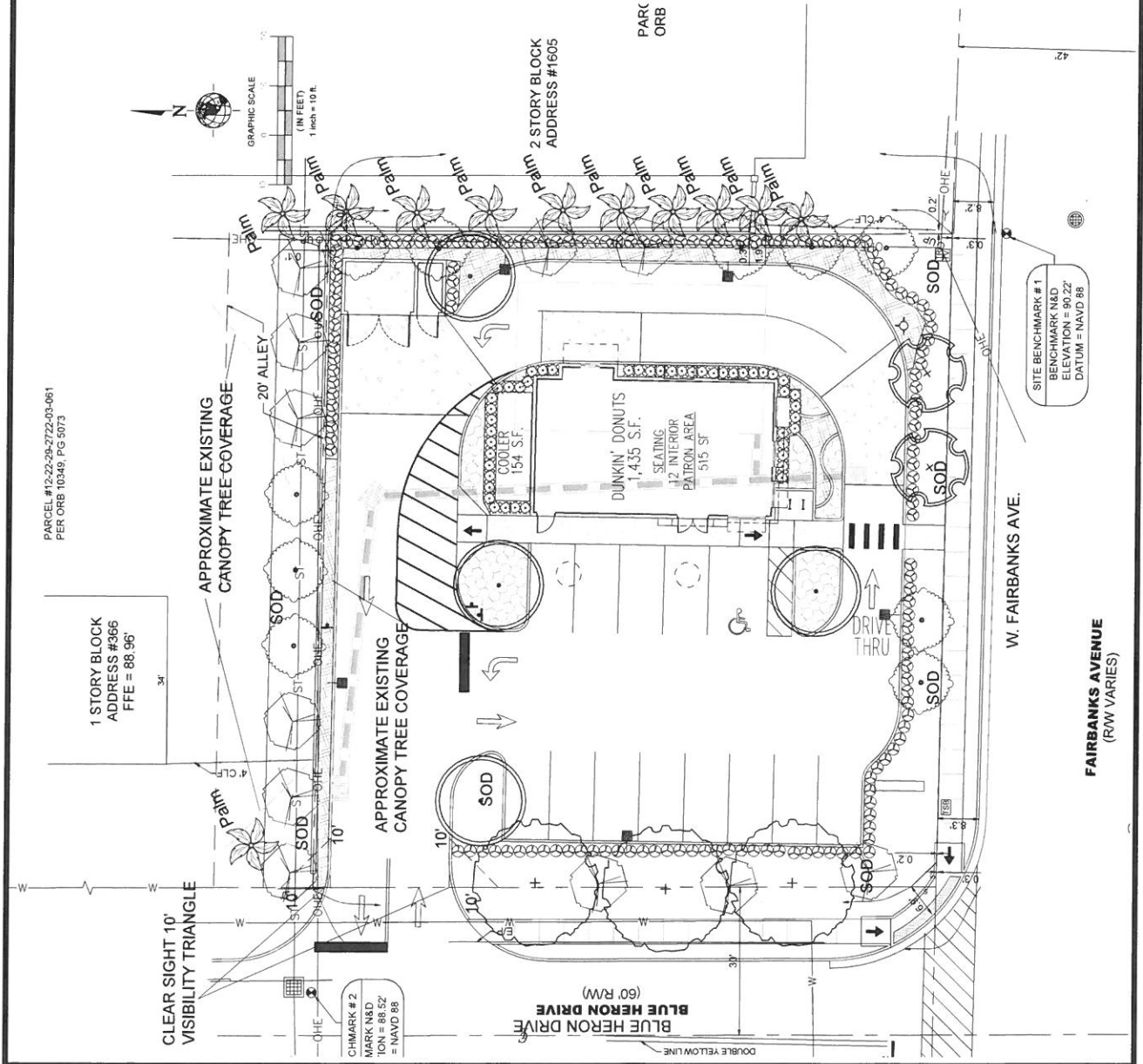
CITY OF WINTER PARK CODE NOTES:

LANDSCAPE WATER USE ZONES IN SF / %
LANDSCAPE AREA: 4,482 SF / 100% (Proposed areas)

ZONES	
LOW	3,182 SF / 71%
MODERATE	1,305SF / 29%
HIGH	0 SF / 0%

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Florida Landscape Architecture Firm
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Deftona, FL 32738
Office: 407 310-5567 Jason Bridgewater, RLA
LCA 2900050
© Caddscapes, Inc. 2017
jasonbridgewater@gmail.com

811
48 HOURS BEFORE YOU DIG
CALL SUNSHINE
1-800-432-4770 or 811
IT'S THE LAW IN FLORIDA
CALL FOR THE REQUIREMENTS
FOR EXCAVATING
OWNERS OF UNDERGROUND
FACILITIES NO LESS THAN TWO
(2) DAYS PRIOR TO EXCAVATION

TOTAL SHEETS
L-1

	Endowment
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CONSULTANT

6 DEC 2016

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Kimberly Day McCann,
FL REG#AR0091745

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Mailing Address:
424 E. Central Blvd. #542
Orlando, FL 32801
www.elevenbararchitecture.com

[illegible]

PROJECT NAME:
**DUNKIN'
DONUTS**



DATE:	DRAWN BY:
JOB NAME: AIRBANKS	CHECKED BY:
ENDERINGS	A-6.1

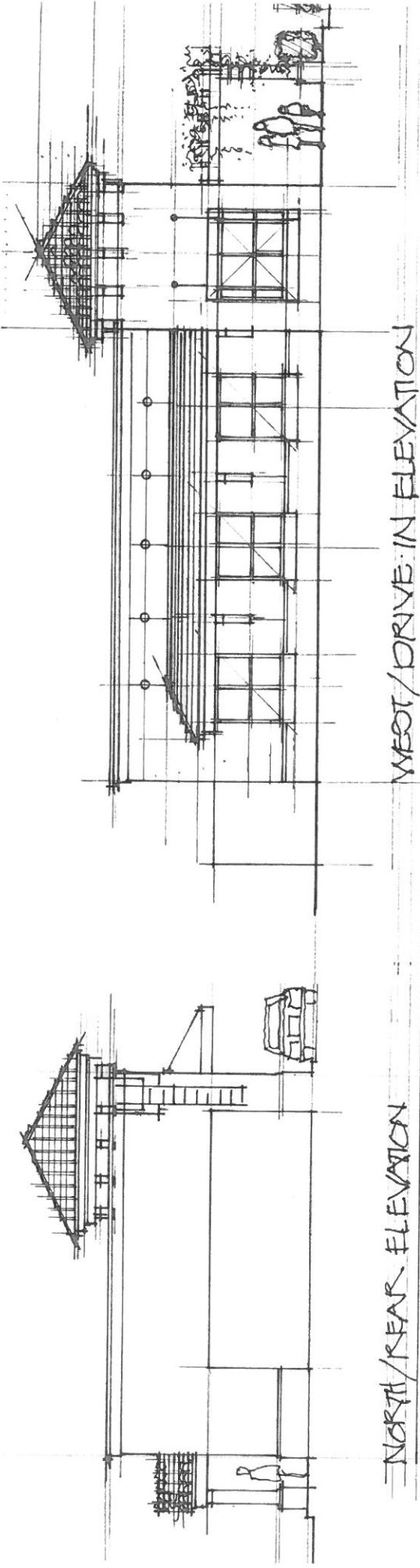


01 VIEW 1- LOOKING TOWARDS SOUTHEAST
NOT TO A SCALE

DATE:	DRAWN BY:
JOB NAME: FAIRBANKS	CHECKED BY:
EXTERIOR ELEVATIONS	A6

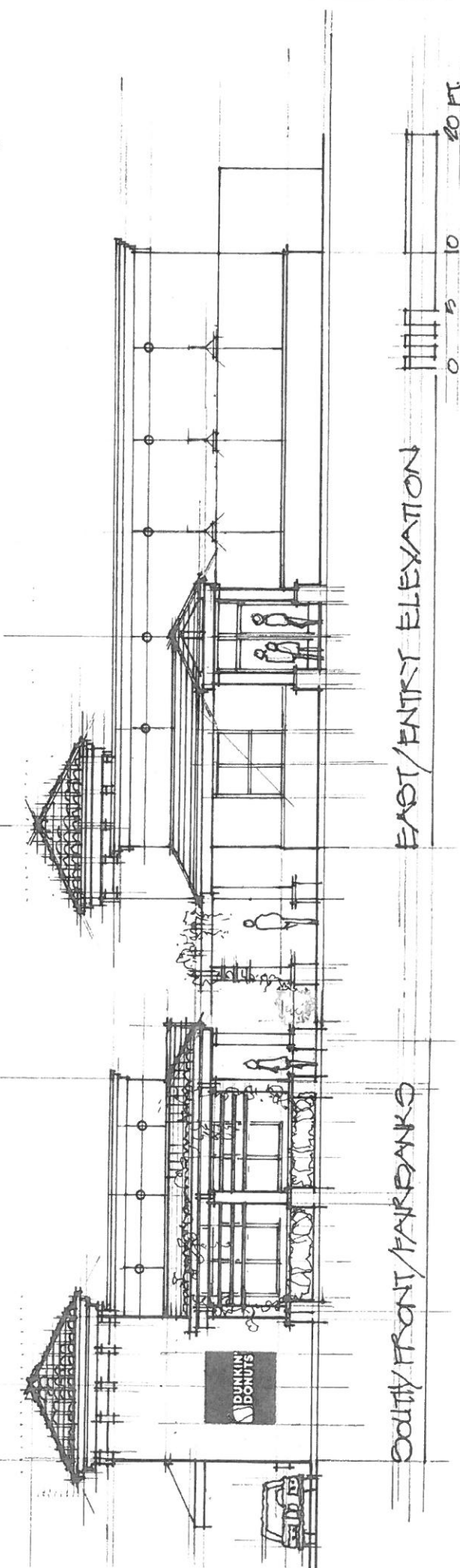


City Architect Version

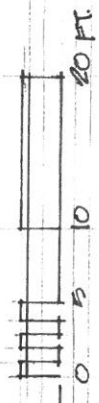


SCHEME




























WINTER PARK TRADITIONAL
10 NOV 2016



SOUTH FRONT/PARK PARKS



OCPA Web Map

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



Created: 11/21/2016

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



View of DD lot from the SW corner



View of DD lot facing NE



view of W adjoining property

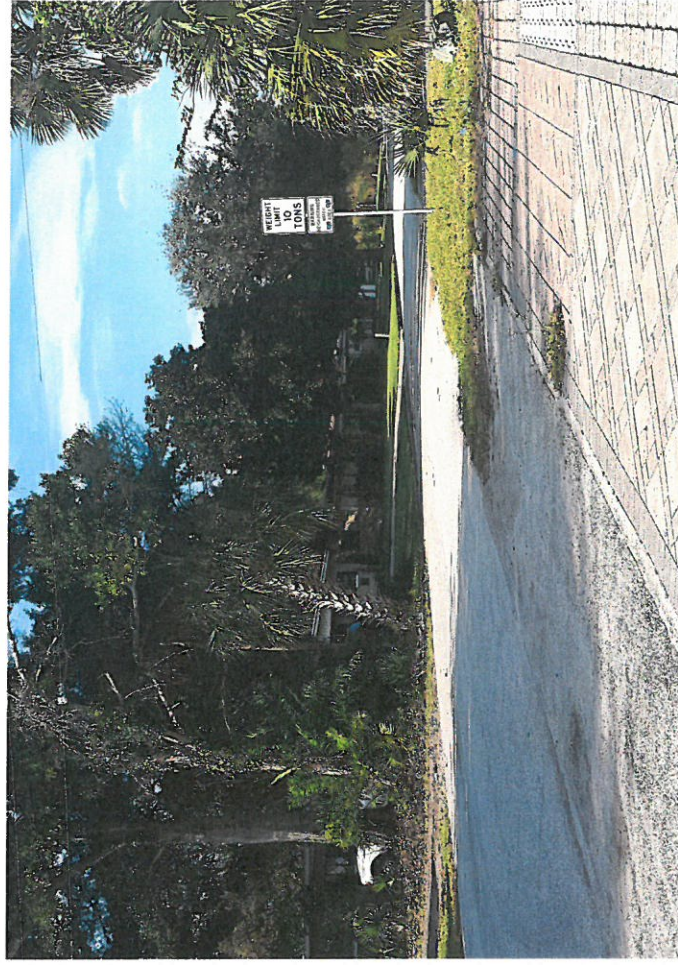
View of residence to the north



View of DD lot in the NW corner facing N



View of residence to the NW



View of Blue Heron Drive from DD lot facing NW

Jeffrey Briggs

From: Jeffrey Briggs
Sent: Wednesday, December 28, 2016 10:47 AM
To: 'erj1964@hotmail.com'; Deborah Kirkland (dkirkland88@yahoo.com); 'rhornborg@cfl.rr.com'
Cc: Allison McGillis; Brooks Weiss
Subject: Dunkin Donuts
Attachments: SPlanning C16122810320.pdf

To All:

As you know, the application for the proposed Dunkin Donuts was tabled by the P&Z Board at the meeting on December 6th. It was tabled to provide time to explore alternative site plan arrangements that might be better for the neighbors. FYI: The Dunkin Donuts will go back to P&Z on Tuesday, February 7th at 6:00 pm and the City will send new notices.

Attached are two alternative site plan layouts that are acceptable to the applicant.

The first one is the same as was presented on December 6th. The order board is on the northwest side of the building. It has an 8 foot wall along the north property line. It has a gate that closes off the driveway onto Blue Heron except for when the delivery trucks or trash trucks need to exit (each about 3 times a week). There was some concern about whether the 8 foot wall would block all the sound from the order board and everyone agreed that the open gate and low wall (as proposed by the applicant along Blue Heron) would not block the sound. So that plan solved the traffic access issue onto Blue Heron but not the sound issue.

The second site plan layout attached is the new revised layout that moves the order board and pickup window to face Fairbanks and toward the east. It solves the sound issue completely but has a driveway onto Blue Heron. FDOT will not permit a driveway onto Fairbanks because it would be too close to the Blue Heron street. At the initial meetings there was some concern expressed about Dunkin Donuts customers turning right and driving into the neighborhood. Staff didn't think that was much of an issue (since it is a dead end neighborhood) that takes you back to Fairbanks, but others disagreed. So the outcome of this new revised site plan layout is that it solves the sound issue but not the traffic concern.

We want to know what you think. Please reply or call. Thanks.



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

Jeffrey Briggs

From: Elizabeth Johnson <ERJ1964@hotmail.com>
Sent: Sunday, January 08, 2017 4:47 PM
To: Jeffrey Briggs
Cc: Deborah Kirkland (dkirkland88@yahoo.com); rhornborg@cfl.rr.com; Allison McGillis; Brooks Weiss; Doug Blue Heron
Subject: Re: Dunkin Donuts

Hello. I can't support the plan that allows traffic to exit on to Blue Heron. We have a serious situation of safety in our neighborhood as we have no streetlights or sidewalks. We can't put our pedestrian neighbors into more danger with increased traffic.

In regards to the second alternative, has a noise study been done on how many decibels the order box would be with the construction of a wall along the north side?

Thank you, Liz

Sent from my iPhone

On Dec 28, 2016, at 10:47 AM, Jeffrey Briggs <jbriggs@cityofwinterpark.org> wrote:

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

**Staff Report
February 7, 2017**

REQUEST OF DESHPANDE, INC. FOR: APPROVAL OF A PRELIMINARY SUBDIVISION PLAT TO CREATE 31 NEW RESIDENTIAL SINGLE FAMILY LOTS FROM THE CURRENT PROPERTIES OF 613/621/629 ELLEN DRIVE AND 503/511/519/524/525/532/600/601/604/618/619/624 COUNTRY CLUB DRIVE, ZONED R-2/R-1A. ALL OF THE PROPOSED NEW LOTS WOULD MEET OR EXCEED THE MINIMUM LOT WIDTH AND LOT LAND AREA NEEDED.

Deshpande Inc. (contract purchaser) is requesting Preliminary Plat subdivision approval to replat and subdivide 613/621/629 Ellen Drive and 503/511/519/524/525/532/600/601/604/618/619/624 Country Club Drive, into 31 single family residential lots. All of these properties are zoned R-2 except 524 Country Club Drive, which is zoned R-1A. All of the existing buildings would be demolished for this new subdivision of 31 single family homes.

Zoning Requirements: The one lakefront lot that is zoned R-1A has been kept intact. It meets and exceeds the minimum 75 feet of frontage (84 feet) and 8,500 square feet of lot area (10,717 sq. ft.) so this property remains conforming with the R-1A lot size requirements.

The rest of the property is zoned R-2 and in the R-2 zoning district, the minimum size for single family lots is 50 feet of lot width and 6,000 square feet of lot area. All of the proposed lots meet and exceed those requirements and there are no variances requested for lot size or setbacks.

There are four "flag lots" proposed in the layout which are Lots 21 & 22 and Lots 26 & 28. A "flag lot" must have a minimum of 15 feet of frontage on the street, and the buildable area for the home of at least 6,000 square feet in size. In this case the combined 30 feet (15 feet from each lot) will be used for a common driveway for both homes. That common driveway of 16-18 feet in width then allows 6-7 feet on each side of grass for separation from the neighboring lots and also where the driveway runoff can be directed for retention.

Infrastructure Requirements: This Country Club Drive/Ellen Drive area was originally a private development that was never formally platted in Orange County when it was developed in the 1960's. These Country Club Drive and Ellen Drive 'streets' are substandard roadways that were privately maintained by the property owner. After annexation by the City in the 1990's the City acquired title to these streets via a right-of-way deed. However, rather than a typical 50 foot right-of-way that provides room for the road, sidewalks and parkway area on both sides, the right-of-way deeds to the City are approximately 30-34 feet in width.

The proposed subdivision plan contemplates the extension of Ellen Drive which is a small 30 foot wide right-of-way and roadway that runs from Lee Road south to this property. The applicant is proposing an extension at the same 30 feet of right-of-way width which requires approval of a variance from the minimum standards of the City for a 50 foot right-of-way.

Park Dedications: For all new subdivisions over four lots, the City is to look for parkland provisions based upon the City's adopted standard of 10 acres for every 1,000 residents (or more simply 1 acre for each 100 residents). This 31 lot subdivision at 2.2 persons per household will have an expected population of 68 persons translating into the provision of 29,620 square feet of park land. The applicant would point out that there are virtually the same number of existing apartments on the property so there is no new net park impacts. As a result, city staff is recommending that this project just pay the typical \$2,000/unit park impact fee of \$62,000 for these 31 homes.

Sanitary Sewer, Water and Electric: All of these properties are on septic tanks. The development contemplates the construction of sanitary sewer to serve all of these new homes. Similarly, there will be water service upgrades and new fire hydrant locations provided. Electric service to all of these homes will be from a new underground distribution system. Those utilities, plus a sidewalk on each side of the street are shown in the cross section provided on the plan sheet. With substantially a new roadway, new curbs and underground utilities this should be an upgrade to the current conditions.

Storm Water Retention: There will need to be a storm water retention provision for the extension of Ellen Drive and the City will also look to achieve some retention for the existing roadways that have no retention provided. This detail is one of the Final Plat determinations on the extent of the improvements required.

Tree Protection: Attached are the review comments from the City's Urban Forestry Division. The planning staff has highlighted the most important comments which point out some significant live oak trees and others worthy of effort toward preservation. The comments fall into two categories. For the trees within the proposed right-of-way of Ellen drive there is clearly more opportunity to save some of these trees if we had the standard 50 foot right-of-way dedication versus the proposed variance for a 30 foot width. Thus, staff cannot commit to that variance until the final plat resolves the layout and design of that new city street section. In the second category are trees that can potentially be saved via house design or variance to building setbacks. So the location of future driveways and the setbacks for an individual lot may need to be modified to save those trees worthy of preservation. Please note that the trees on the lakefront lots (Lots 1 -9) will be looked at individually when those new homes come to P&Z Board for the lakefront review.

Development Opportunities: Subdivision requests give the City an opportunity to provide input to the developers and to encourage variety and character in their design to mimic the City's single-family neighborhoods that are a mix of architectural styles. Some of these lots will obviously be custom designs due to the unusual dimensions but the City desires to avoid a production house development of similar homes simply differentiated by color or some minor changes in façade materials. Staff will suggest a condition to require such diversity in design.

Development Process: This is the Preliminary Plat stage that provides a conceptual approval to the layout of the proposed subdivision. At the Final Plat stage, the City is presented with all of the engineering and details on how and where the infrastructure necessary for the community is to be provided.

This Preliminary Plat is not intended to be an entitlement because it is possible that the infrastructure needs for storm water retention or other utilities or need for tree preservation might require changes to certain dimensions that may alter the final yield of lots. However, at this time it appears that the 31 lots proposed are a viable development plan.

SUMMARY: From the City's perspective, this is a large subdivision of 31 lots but the same number of smaller apartments already exist on these combined properties so any net increase in resident population insignificant. This is a good opportunity for redevelopment that can address most of the infrastructure deficiencies that exist in this area from the 1960's era construction. All of the R-2 lots meet the size requirements and no setback variances are requested for those lots.

Staff Recommendation is for APPROVAL of the Preliminary Plat, with the following conditions:

1. That this approval does not represent an entitlement or approval of variance for the 30 foot right-of-way in lieu of the required 50 feet. The final road design, lot yield and building setbacks will be determined at the Final Plat stage pending resolution of the tree preservation evaluation and roadway design.
2. That the final architectural elevations of the homes consist of diverse architectural styles, front façades and roof materials with the City Architect to provide advice on style and materials variations to accomplish this objective.
3. That the development pay to the City's parks acquisition trust fund a one-time payment of \$62,000 for park acquisition in-lieu of park impact fees.
4. That the approval is preliminary and recognizes that requirements for storm water retention, infrastructure or for the preservation of specimen trees may alter the final lot design and building yield at the Final Plat stage.
5. That as part of the Final Plat, the City may require traffic calming measures be implemented on the new roadways in the form of rollovers in order to calm or slow the speed of traffic on this cut-through route.

Country Club Drive
Preliminary Plat
City of Winter Park
Florida



LEE RD

ELLEN DR

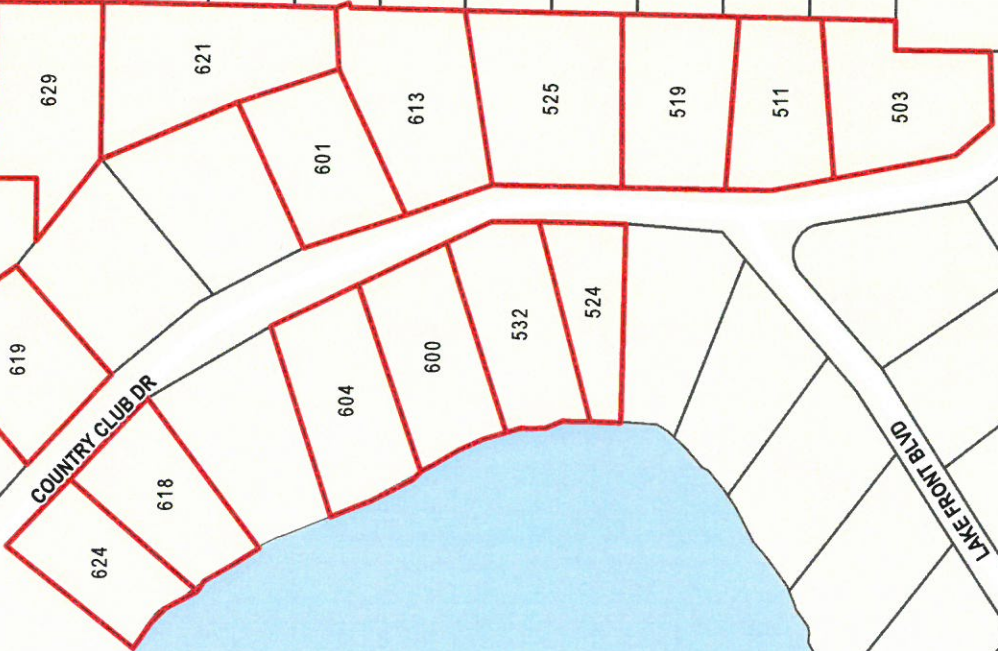
COUNTRY CLUB DR

EXECUTIVE DR

GAY RD

LAKE FRONT BLVD

Lake
Killarney



Country Club Drive
Preliminary Plat
City of Winter Park
Florida



ELLEN DR

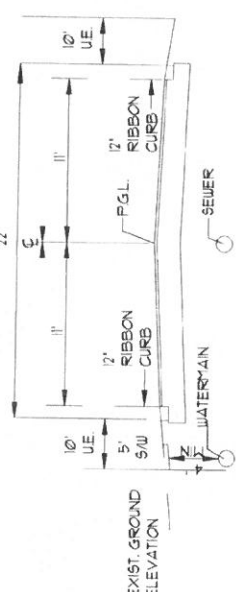
COUNTRY CLUB DR

EXECUTIVE DR

GAY RD

LAKE FRONT BLVD

LEERD



URBAN FORESTRY STAFF REPORT

Lake Killarney Single Family Lots

01-30-2017

- Proposed Ellen Drive has 13 trees in the road itself. The road may need to be shifted to completely avoid all trees, build islands in the road, or curve the road around the trees. – There are 6 laurel oaks in good/fair condition in the path of proposed new footprint for Ellen Dr. There is 1 young live oak in the path of Ellen Dr. that is worth saving, possibly small enough to move.
- Lot 4 has a twin oak in proposed building footprint and one tree near footprint This is a cherry laurel (many trees on the survey are incorrectly identified).
- Lot 5 has large oak in proposed building footprint This is a camphor.
- Lot 7 has 3 large trees in proposed building footprint 1 cedar, 1 laurel oak in good condition, 2 camphors (1 at front, 1 at back).
- Between Lot 7 & Lot 8 is unknown tree.....enough space to preserve? Species? Worth preserving? cedar in poor condition
- Lot 8 has 2 trees in proposed building footprint cedar at front in great condition, chinaberry in back
- Lot 9 has 1 tree in proposed building footprint laurel oak in decline
- Between Lot 10 & Lot 11 large oak..... enough space to preserve? Worth preserving? – live oak in great condition. Definitely worth saving.
- Lot 11 has 4 trees in or near proposed building footprint.....worth preserving? Do we disappear Lot 11 to preserve all of these trees? 4 laurel oaks in good/fair condition. May be able to shift setbacks to accommodate.
- Lot 13 has large oak inside proposed building footprint great live oak worth saving
- Between Lot 13 & Lot 14 a cluster of 3 oaks..... enough space to preserve? Worth preserving? Should we shift to the north to preserve all 4 trees and shift Lot 12 & Lot 13 both to the north? 2 small laurel oaks and 1 cherry laurel in poor condition
- Lot 15 has 1 tree in proposed building footprint podocarpus not worth saving
- Lot 18 has 1 tree in proposed building footprint young live oak, small enough to move?
- Between Lot 20 & Lot 21.....there should be enough space to preserve 1 large oak.....is it worth preserving? great live oak worth saving
- Lot 23 has 1 large mag near proposed building footprint great magnolia worth savings
- Lot 24 has 2 large trees in proposed building footprint great cedars worth saving
- Lot 25 has large tree in proposed building footprint and mag in proposed access easement adjacent to Lot 25 great magnolia in building footprint, poor magnolia in easement
- Lot 27 has a tree in proposed building footprint avocado
- Lot 29 has a tree in proposed building footprint good cedar
- Lot 30 & Lot 31 have 3 trees near proposed building footprint great live oak at lot 30, great magnolia at lot 31, tree on corner of lot 31 is a camphor
- In the open space between Lot 11 & Lot 18 is a large, healthy live oak

In the open space between Lots 3 & 4 is a large live oak, 2 magnolias and 5 cypress

REVISIONS		

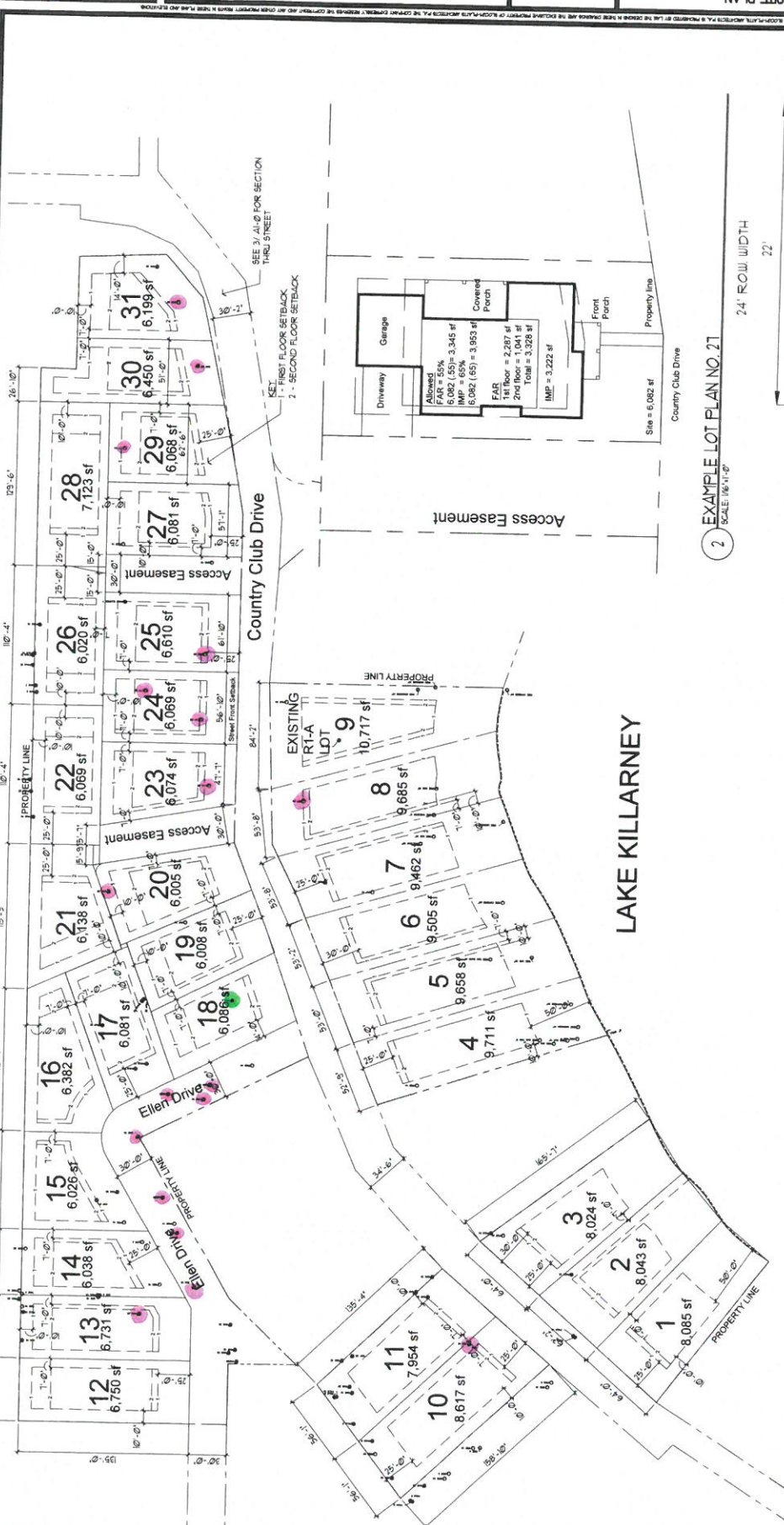
ARCHITECTURAL SITE PLAN
LAKE KILLARNEY
SINGLE FAMILY LOTS
FLORIDA
WINTER PARK



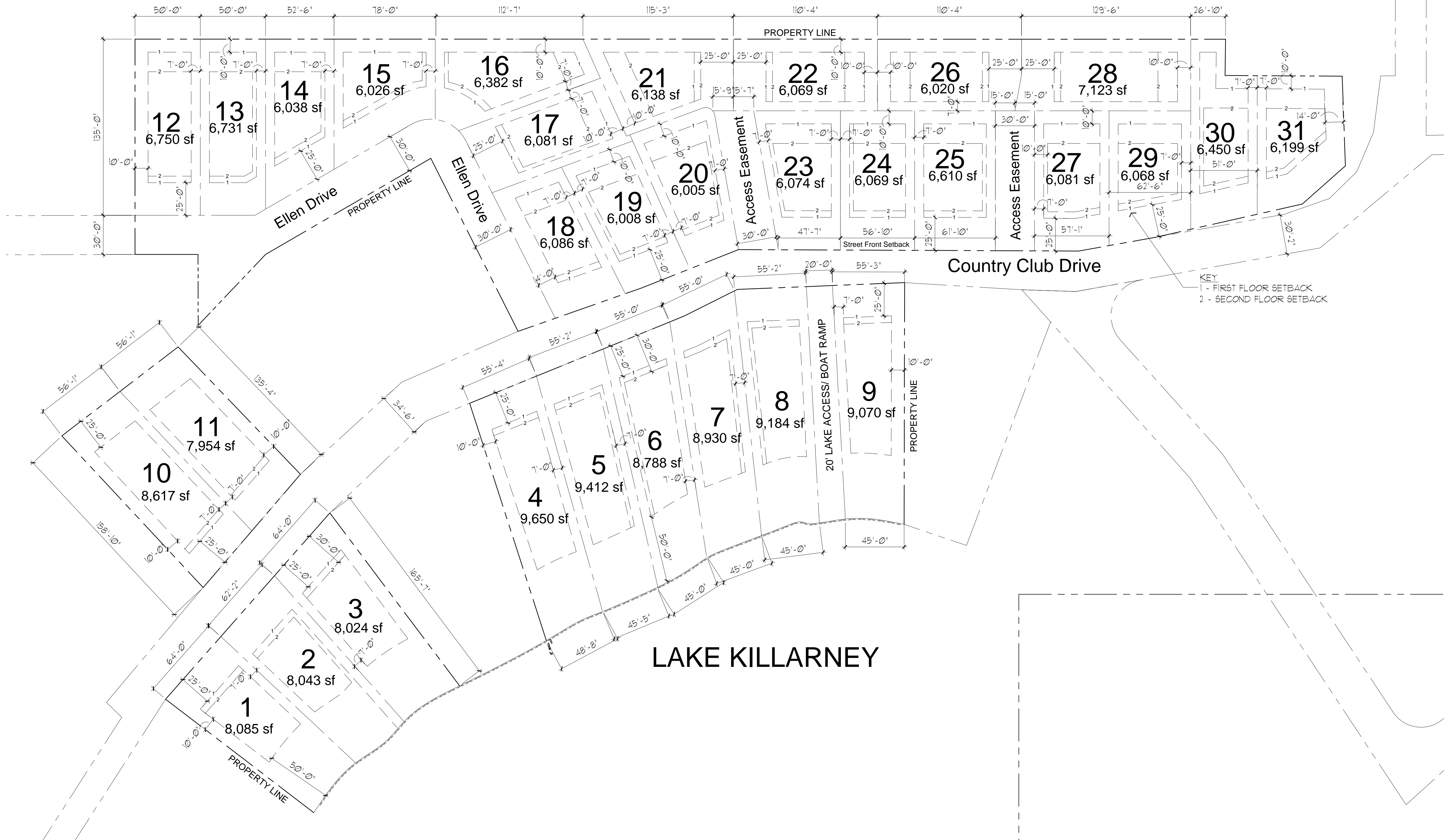
ARCHITECTS, P.A.
430 NORTH OAKLAND AVENUE, SUITE 1000, WILMINGTON, DE 19801
TEL: 302.441.1000 FAX: 302.441.1001
WWW.SLOOMPLATTS.COM

DATE: 11/11/11
BY: JTT
CHECKED: JTT
SCALE: AS NOTED
SHEET: A1.0

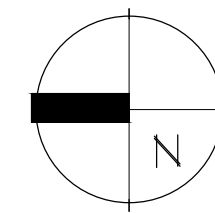
ARCHITECTURAL SITE PLAN - (R-2) SINGLE FAMILY / MULTI-FAMILY LOTS
SCALE 1" = 40'-0"



= Trees worth saving
 = Trees w/ possibility of moving

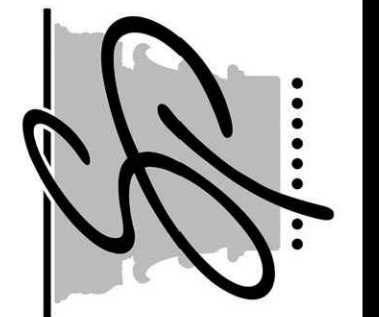


1 ARCHITECTURAL SITE PLAN - (R-2) SINGLE FAMILY/ MULTI-FAMILY LOTS
SCALE: 1" = 40'-0"



REVISIONS	

SLOCUM PLATTS
ARCHITECTS, P.A.
RANDALL J. SLOCUM, AIA 13350 WILLIAM F. PLATTS, AIA 13262
670 NORTH ORLANDO AVENUE, SUITE 1001, MAITLAND, FL 32751
TEL: (407) 845-3019 FAX: (407) 845-2771
WWW.SLOCUMPLATTS.COM

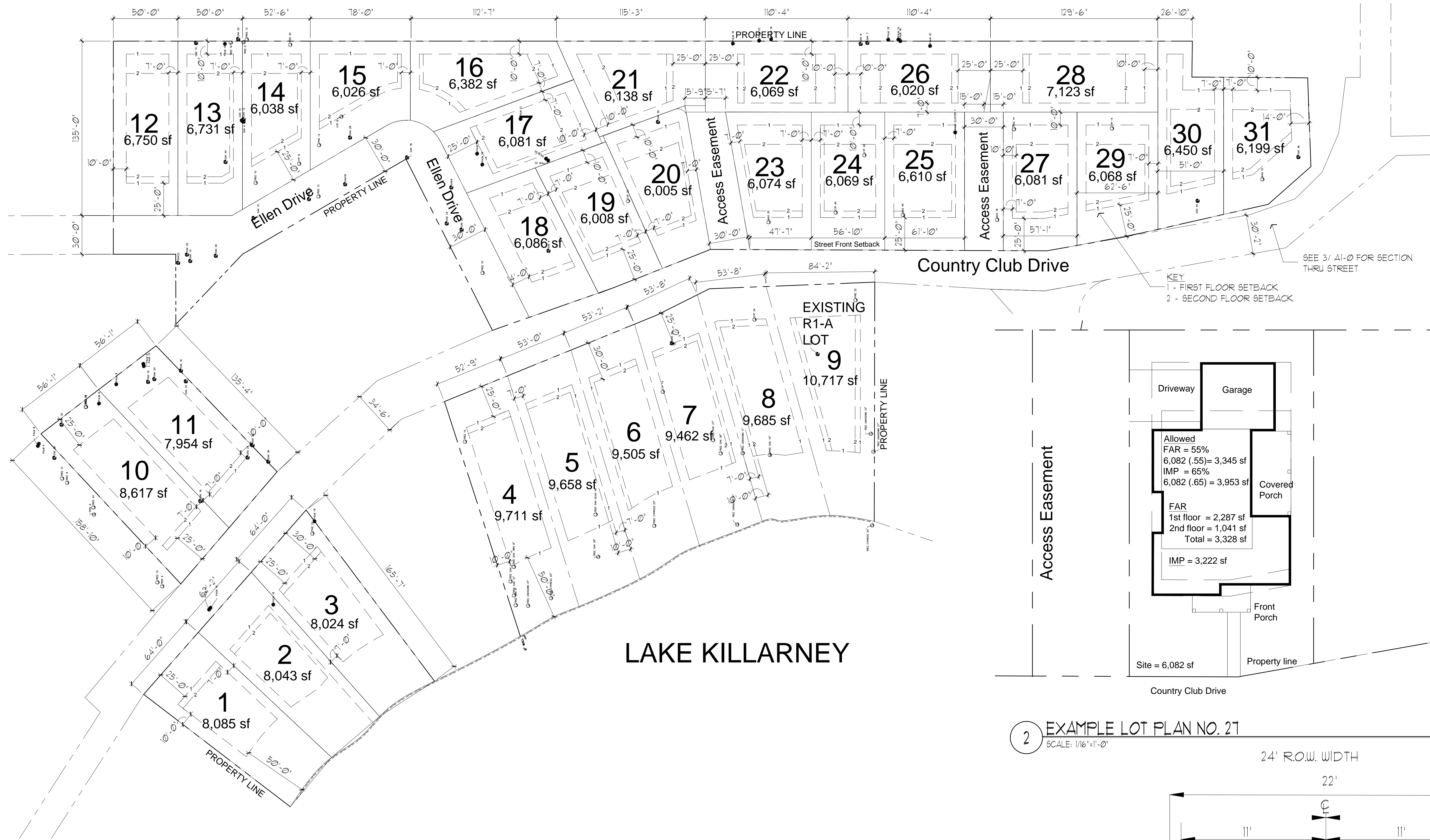


WILLIAM F. PLATTS, AIA 13262

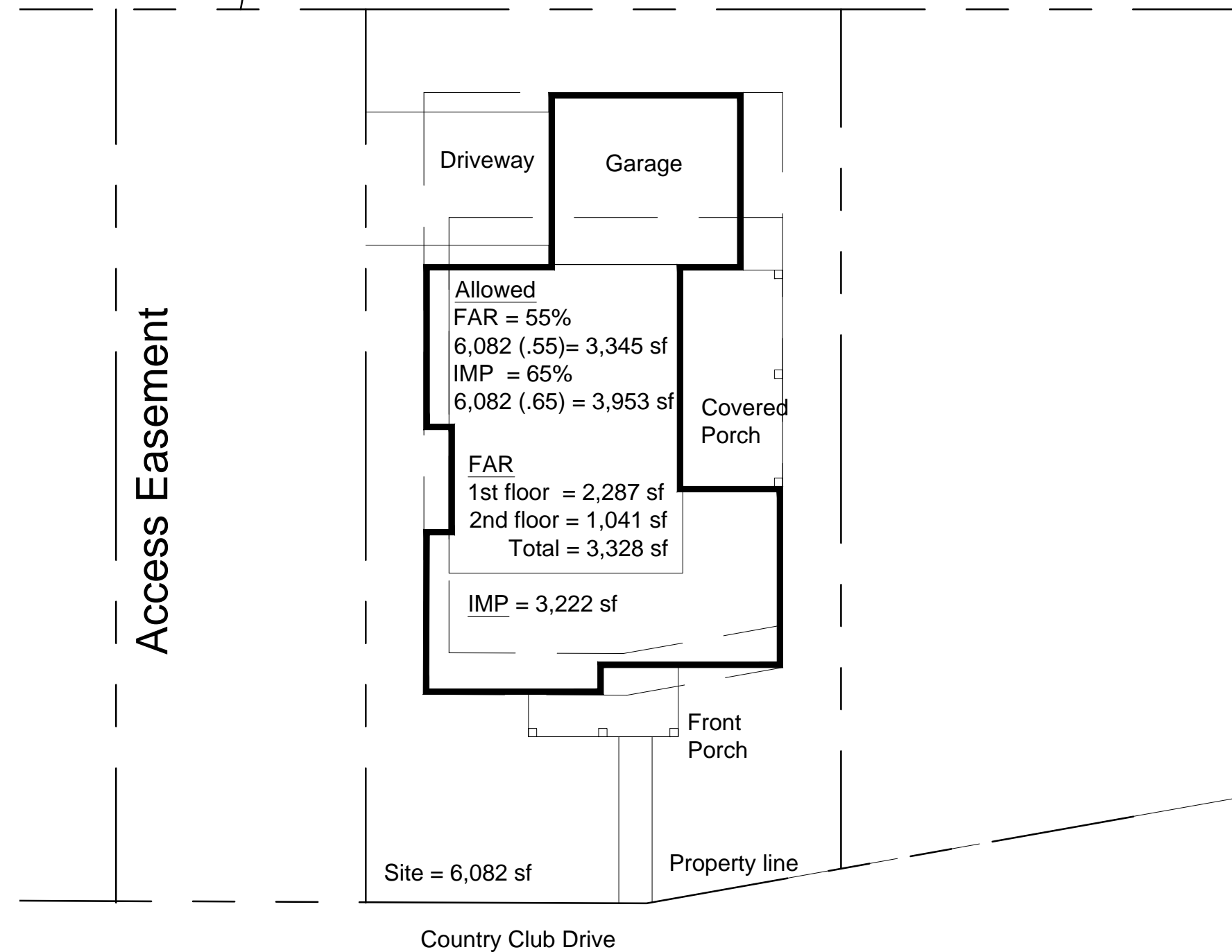
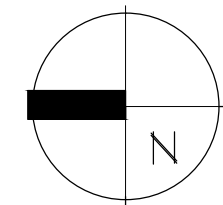
ARCHITECTURAL SITE PLAN
LAKE KILLARNEY
SINGLE FAMILY LOTS
WINTER PARK, FLORIDA

DRAWN	CAD
CHECKED	WFP
DATE	11.11.11
SCALE	AS NOTED
JOB NO.	16-062
SHEET	

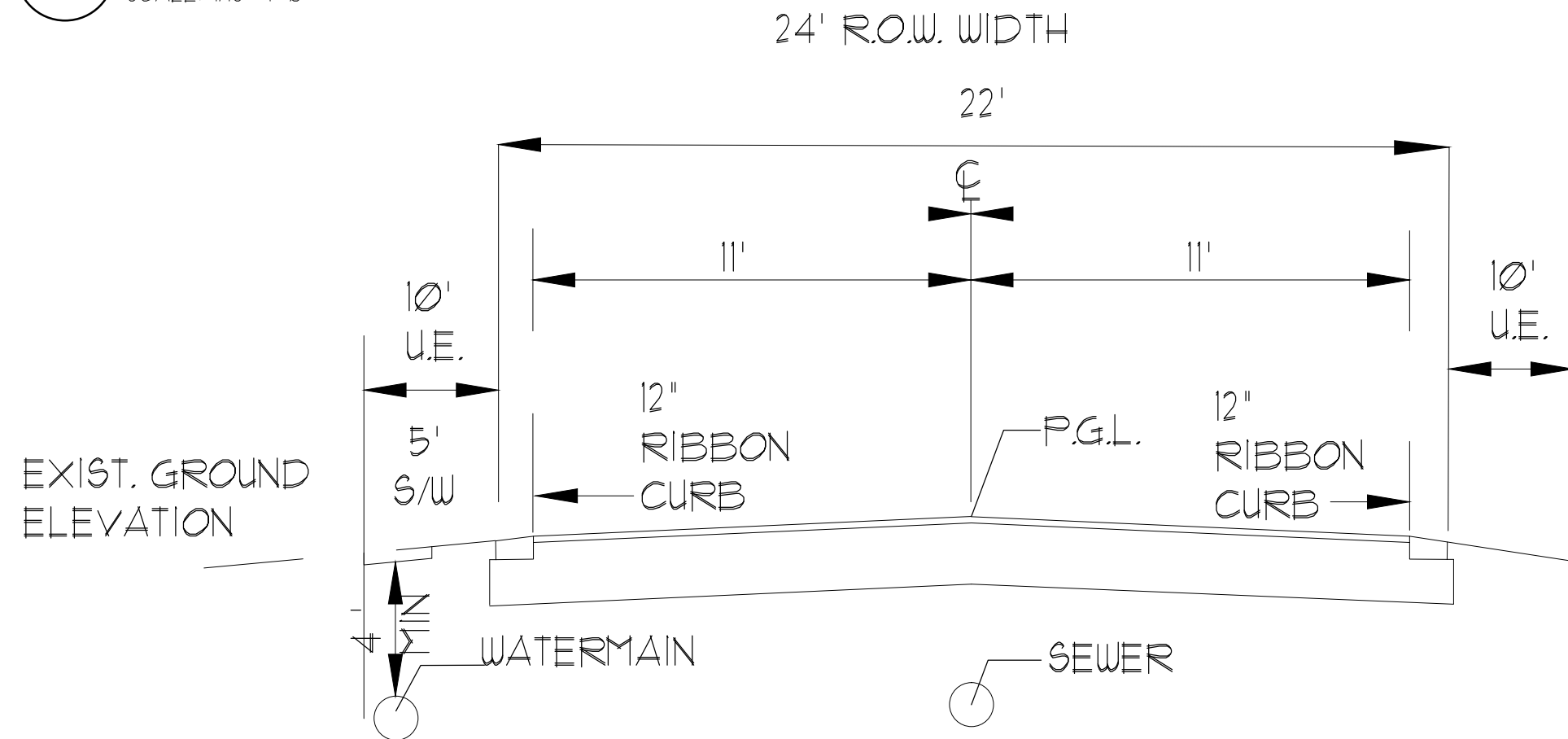
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1 ARCHITECTURAL SITE PLAN - (R-2) SINGLE FAMILY/ MULTI-FAMILY LOTS
SCALE: 1" = 40'-0"



2 EXAMPLE LOT PLAN NO. 27
SCALE: 1/16" = 1'-0"



3 SECTION THRU COUNTRY CLUB DRIVE
SCALE: NTS

REVISIONS	

ARCHITECTURAL SITE PLAN
LAKE KILLARNEY
SINGLE FAMILY LOTS
WINTER PARK
FLORIDA

SLOCUM PLATTS
ARCHITECTS, P.A.

RANDALL J. SLOCUM AR 13350 WILLIAM F. PLATTS AR 13262
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WWW.SLOCUMPLATTS.COM

DRAWN	CAD
CHECKED	WPP
DATE	11/11
SCALE	AS NOTED
JOB NO.	16-062
SHEET	

A1.0

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

**Staff Report
February 7, 2017**

APPEAL REQUEST OF DETERMINATION RELATING TO PROVISION OF INSUFFICIENT PARKING AT VILLAGE PARK SENIOR LIVING APARTMENTS: APPEALING DECISION OF DIRECTOR OF BUILDING THAT BLOCKING OFF PART OF THE REQUIRED PARKING SPACES FOR THE VILLAGE PARK APARTMENT PROJECT IS A VIOLATION OF THE DEVELOPMENT AGREEMENT INCLUDED WITH APPROVAL OF THE APARTMENT PROJECT 550 N. DENNING DRIVE.

This appeal hearing is the request of Atlantic Housing, LLLP, the owner of Village Park Senior Living apartments

Background to the Request: On December 10, 2012, the City Commission approved a conditional use request to construct the 4 story Village Park Senior apartment project along with the required parking for the project located within a pre-existing multistory parking garage. The project consists of 108 apartment dwelling units (originally 105) with a range of unit sizes from 1 to 3 bedrooms. At the time of the approval, the applicant requested a deviation from the normal code requirement for the number of parking spaces based on the fact that all occupants will be senior citizens, and therefore will not need as many parking spaces as an apartment project without age limits.

Therefore, based on the those unique circumstances, the applicant received permission to provide 170 parking spaces in lieu of the normal required number of 262 spaces. In addition, five more required spaces were added when former storage space within the apartment building was converted into 3 additional apartments.

The required parking for these apartments are located within a parking garage on the ground level, on the ramp leading up to the second floor and on the second floor of the garage along with 5 spaces outside of the garage. The management of these apartments (Atlantic Housing) charges rent for some of the parking spaces to their tenants and grants free parking to certain tenants based on the number of bedrooms in the unit. On the second level of the parking garage a chain link barricade blocks access to some of the required parking spaces.

In July of 2016, the City received a letter and petition signed by 85 residents of the Village Park Apartments and asking that the City review the parking

situation, particularly the need for more guest parking which could easily be relieved by removing or relocating the fenced barricade on the second level of the parking garage. This appeal of our determination to provide access to the required parking is the result of months of communication over this matter with Atlantic Housing and their attorney.

The City believes that all 175 parking spaces should be open and accessible since they are the required parking spaces for the 108 dwelling units within the apartment building. However, the management for the apartments, Atlantic Housing, feels they have the right to block off unrented parking spaces until such time tenants choose to rent out more parking spaces. As the result of this action and due mostly to having insufficient "guest " parking spaces, the City has received a petition from most of the residents of the apartments requesting that the City intervene and require that the remainder of the parking be opened up and available for guest parking. Currently there are only 6 marked guest parking spaces in the garage. The remainder of the parking spaces are marked as parking for disabled persons (4 spaces) or for tenants of the apartments (101 spaces).

The management for the apartments and their attorney have meet with staff over this matter, and their position as stated in their appeal letter maintains that they have a right to manage their unrented parking spaces through the use of the fenced barricade, and need not necessarily make all 175 spaces accessible.

City Code as applied to Parking Regulations:

Winter Park Zoning Code

Sec. 58-86. - Off-street parking and loading regulations.

- (a) *General.* At the time of the erection of any building or structure, or at the time the property undergoes a change in use, or at the time any building or structure is enlarged or increased in capacity by the addition of dwelling units, guestrooms, square footage, floor area, seats, then the minimum off-street automobile parking spaces with adequate provisions for ingress and egress by automobiles of standards size shall be provided in accordance with the following requirements. These requirements should be considered the minimum requirements. The owners of each individual building or structure must assess their individual needs and provide sufficient parking spaces to accommodate their needs if they should exceed the required minimum established by this article. If desired, a property owner with a parking lot larger than 20 parking spaces may divide up to two parking spaces into four spaces to accommodate motorcycles or scooters. Parking lots are intended to meet the parking requirements for both the employees of the building and users of those buildings. As such, no property owner or tenant may prohibit by signage or policy the use of parking lots by their employees, unless remote off-site parking within 1,000 feet of the business is provided to such employees

As seen hear the Zoning Code does require that owners of buildings "assess their individual needs and provide suffient parking spaces to accommodate

their needs" and from the petition received by the residents there clearly appears to be insufficient guest parking for visitors.

Summary and Conclusion: Staff understands the need to manage the parking spaces provided for the apartment tenants, and other apartments do provide a gated access with an electronic entry for their tenants. However, one example across the street is Paseo Apartments, and there appears to be ample guest parking readily available on the ground floor of their parking garage for their tenants.

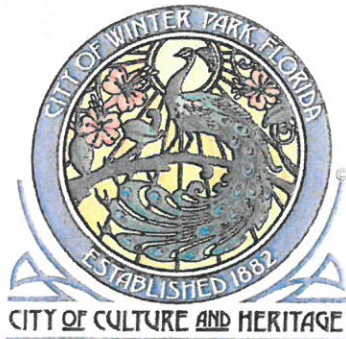
The issue is not whether this apartment project can rent the parking spaces separately from the apartment rent. The City agrees that they have that right.

The issue in this appeal is simply the parking management technique (blocking off a portion of the required 175 spaces). By using that parking management technique of a chain link fence barricade, it then deprives the residents of parking spaces for guests and visitors. With no on-street parking allowed in the vicinity, the guests/visitors must park across the street at Winter Park Village and walk over. In turn when visitors illegally park in a resident space, the resident is displaced and must park across the street at Winter Park Village.

Atlantic Housing can solve this problem by simply doing what many other apartment complexes do. They issue resident parking stickers to those who have paid for parking spaces. Management can then see if cars without stickers are regularly parking. Then those found to be parking here regularly without a sticker can be informed by a note to move the car, lease a space or be towed. This does take some management time and effort and a chain link fence takes no management effort. This may be why the Village Park apartment management have resisted the City's request, to make the required parking accessible.

In summary, the City's position is that Atlantic Housing cannot say they are in compliance with the Development Agreement and are providing the required 175 parking spaces, if a large percentage of them remain inaccessible and blocked off behind a fence barricade.

Staff Recommendation is to require that the Village Park apartments comply with the Development Agreement and provide 175 accessible parking spaces without the fence barricade.



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

September 15, 2016

VIA U.S. Mail and Certified Mail

Atlantic Housing Partners, LLLP
Attn: Scott Culp
200 East Canton Avenue, Suite 102
Winter Park, Florida 32789

***RE: Village Park Senior Living Parking Garage Access
and Related Issues***

550 N. Denning Drive, Winter Park, FL

Mr. Culp:

In follow-up to our previous meeting on June 17, 2016, and my correspondence to you dated July 20, 2016, the City of Winter Park (the "City") continues to receive multiple letters and complaints regarding various parking garage related issues at Village Park Senior Living ("Village Park"). Upon further investigation and review, this letter amends and supplements my previous letter to you dated July 20, 2016.

To date, the City understands that only a limited number of the 170 required parking spaces are accessible to Village Park residents and their guests as substantial portions of the required 170 parking spaces remain blockaded at your direction and may be made accessible only through Village Park resident rental or leasing of same. Additionally, the City was provided a copy of a notice dated August 15, 2016, which was purportedly circulated to the residents of Village Park stating:

Village Park Senior Housing Partners, Ltd. has access to availability of the required number of parking spaces for our apartments. The Condominium Association charges rent for those parking spaces. If you need a parking space or additional parking spaces please contact us to review your parking space rental options.

A copy of the notice is enclosed. Contrary to the representations in the notice, blocking access to a portion of the required 170 parking spaces does not constitute maintenance of "access to availability of the required number of parking spaces." Barricading all or any portion of the required 170 parking spaces violates the requirement that 170 parking spaces be made available to serve Village Park residents and their guests.

The agreements and City approvals for Village Park require that all of the 170 parking spaces be made available to Village Park residents and their guests. Initially, the Amended and Restated Developer's Agreement (the "Agreement") between the City and Denning Swoop

GP, LLC dated January 28, 2013, for the modified Village Park project incorporates variances or conditions of approval included in the Conditional Use Permit granted by the City in December 2012. The parking variance provides:

Parking: The required parking is 170 parking spaces within the existing Parking Garage (1.62 spaces per unit) which is located on the Subject Property.

Agreement, ¶4. Paragraph six (6) of the Agreement states that the Agreement "shall be valid and binding upon the parties hereto and their successors in interest." Thereafter, paragraph fourteen (14) provides:

Specific Performance. Strict compliance shall be required with each and every provision of this [Agreement]. The parties agree that failure to perform the obligations provided by this [Agreement] shall result in irreparable damage and that specific performance of these obligations may be obtained by a suit in equity.

The provisions of the Agreement are consistent with the conditions imposed upon Village Park for site plan approval reflected in the minutes of the City Planning and Zoning Board from December 4, 2012, and the minutes of the City Commission hearing on December 10, 2012. The approval requires 170 spaces in the parking garage for resident and resident guest access.

Moreover, the original parking variance request was for 145 parking spaces (1.33 spaces per unit)—an amount well under the zoning code requirements. To that end, the Planning and Zoning Board and the City Commission both advised Atlantic Housing Partners, LLLP (Atlantic Housing) that the parking ratio could be reevaluated six months after the project was completed and totally occupied to determine if the original variance requested was warranted. Instead of pursuing the interim revaluation mechanism or otherwise applying for other City accommodations regarding parking, Atlantic Housing has circumvented the entire process through blockading varying portions of the required parking and otherwise limiting access.

Last, the City understands your intention that the elevators be no longer utilized in the parking garage. This will require formal termination of the use of the elevator within the parking garage. This process requires a building plan revision, including submission of a building application and building plan, to consider closure of the elevator shafts and related use termination.

Please take the necessary actions to make all 170 parking spaces available for building occupants and submit a building permit application request with plans indicating construction modifications to be made to formally terminate use of the elevators at both locations. Your action to accomplish this will be expected within ten (10) days of receipt of this notice.

Respectfully,



George Wiggins, CBO
Director of Building & Permitting Services
407-599-3426
Enclosure



August 15, 2016

Dear Residents,

"Village Park Senior Housing Partners, Ltd." is just one of the Members of the Village Park Condominium Association. Village Park Senior Housing Partners, Ltd. has access to availability of the required number of parking spaces for our apartments. The Condominium Association charges rent for those parking spaces. If you need a parking space or additional parking spaces please contact us to review your parking space rental options.

In addition, you should be aware that the Condominium Association has closed the elevators for the safety of the residents and the economic viability of the maintenance of the Association property.

Sincerely,

Village Park Management

December 14, 2016

VIA EMAIL AND HAND DELIVERY

George Wiggins, CBO
Director of Building & Permitting Services
401 S. Park Avenue
Winter Park, Florida 32789

**Re: NOTICE OF APPEAL: November 15, 2016, Decision of the City of Winter Park's Director of Building & Permitting Services relating to Village Park Senior Living Parking Garage Access
550 N. Denning Drive, Winter Park, Florida 32789**

Dear Mr. Wiggins:

We have the privilege of representing Atlantic Housing, LLLP ("AHP"), the owner of Village Park Senior Living ("Village Park"). We are in receipt of your November 15, 2016, letter relating to Village Park's parking garage access and other related issues (the "Letter"). Pursuant to the City's Code of Ordinances (the "City Code") Section 58-94(a), please accept this as AHP's notice of appeal of the decisions set forth within the Letter. AHP is specifically appealing the City's mandate that the parking spaces located within the parking garage of Village Park be "physically accessible to resident and guest vehicles without physically blocking the spaces by chain link gate(s) or other physical barrier." As the City does not have the legal authority to impose such conditions on the parking garage under the City Code, the Amended and Restated Developer's Agreement between the City and Denning Swoope GP, LLC, dated January 28, 2013 (the "Developer's Agreement"), which is binding upon Village Park, or Florida law, AHP appeals the City's imposition of such condition.

By way of background, Village Park is a senior living facility that has both affordable restricted rental housing units and unrestricted market rental housing units. The rent for the two (2) and three (3) bedroom units in Village Park includes the cost associated with renting one (1) parking space in Village Park's parking garage. The residents of the one (1) bedroom units have the option of renting a space in the parking garage if they so desire. As authorized by the Internal Revenue Service (the "IRS"), AHP is permitted to charge the tenants who are residing in the affordable restricted rental housing units an additional fee for parking because AHP did not include the cost of the parking garage in the eligible

CITY OF WINTER PARK

DEC 14 2016

BUILDING DIVISION

basis calculation. Throughout all of its affordable communities in Central Florida, AHP has, as a policy, excluded the costs associated with parking from the eligible basis calculation so as to not charge senior residents who do not have a vehicle on-site the same rent as senior residents who opt to maintain a vehicle on-site, which would be inequitable.

The Development Agreement governing Village Park requires that there be 170 parking spaces located within the parking garage. There is an amendment to the Development Agreement that requires an additional 5 parking spaces. Village Park currently has a total of 177 parking spaces – 47 spaces are included in the rents of the two and three bedroom units in Village Park, 41 spaces are rented by other residents who pay a parking fee in addition to their monthly rent, 82 parking spaces are available for rent by the residents, and there are 7 reserved visitor parking spaces. All residents have been informed that there is parking available to them in the parking garage if they wish to so rent. In order to ensure that only those residents who have a reserved parking space are utilizing the parking garage, AHP has blocked off those spaces that are not currently being rented.

In the Letter, the City attempts to require AHP to remove the barrier that is located between the rented and unrented parking spaces. The City's mandate is, in essence, requiring AHP to allow any of the residents the right to utilize the parking spaces within the parking garage whether or not they have paid for such right. The City does not have the authority, under either Florida law or the City Code, to require a private property owner to provide its tenants with additional property rights for no charge. The Letter takes the position that the imposition of a physical barrier violates by the Development Agreement and the City Code, but fails to cite to any provision in either document that prohibits AHP from separating the parking spaces in the complained of manner. Such failure was not an oversight, but, rather, the result of the fact that neither the Development Agreement nor the City Code prohibits AHP from including a barrier in the parking garage to delineate the rented from the unrented parking spaces. Accordingly, as the inclusion of the complained of barrier in the parking garage does not run afoul of either the Development Agreement or the City Code, the City has no authority to require its removal.

Moreover, there is no code provision in the City Code that requires that all residential units located in the City be assigned a free parking space. Accordingly, as the City does not have a general legislative power to control how AHP utilizes its property, the City's attempt to require AHP to provide all of its residents with free parking is an unlawful attempt to expand the City's police powers in the absence of a valid ordinance that so requires. *See State ex rel. Henry v. City of Miami*, 117 Fla. 594 (Fla. 1934). The City's requirement that AHP essentially open the parking garage up for all residents is not based upon a regulation that was duly enacted pursuant to the City's lawful authority relating to the public health, safety, morals or general welfare, and, as such, is an invalid attempt to deprive AHP of its constitutional right to the full enjoyment of its property.

As AHP is in complete compliance with the Development Agreement and City Code, the City has no legal authority to require AHP to remove the barrier separating those parking spaces that have been rented from those that are available to the residents for rent. Accordingly, AHP hereby appeals

CITY OF WINTER PARK

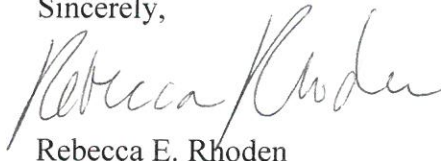
DEC 14 2016

BUILDING DIVISION

George Wiggins
December 14, 2016
Page 3

your decision that AHP is required to remove the physical barrier protecting the parking spaces that are not currently rented.

Sincerely,



Rebecca E. Rhoden

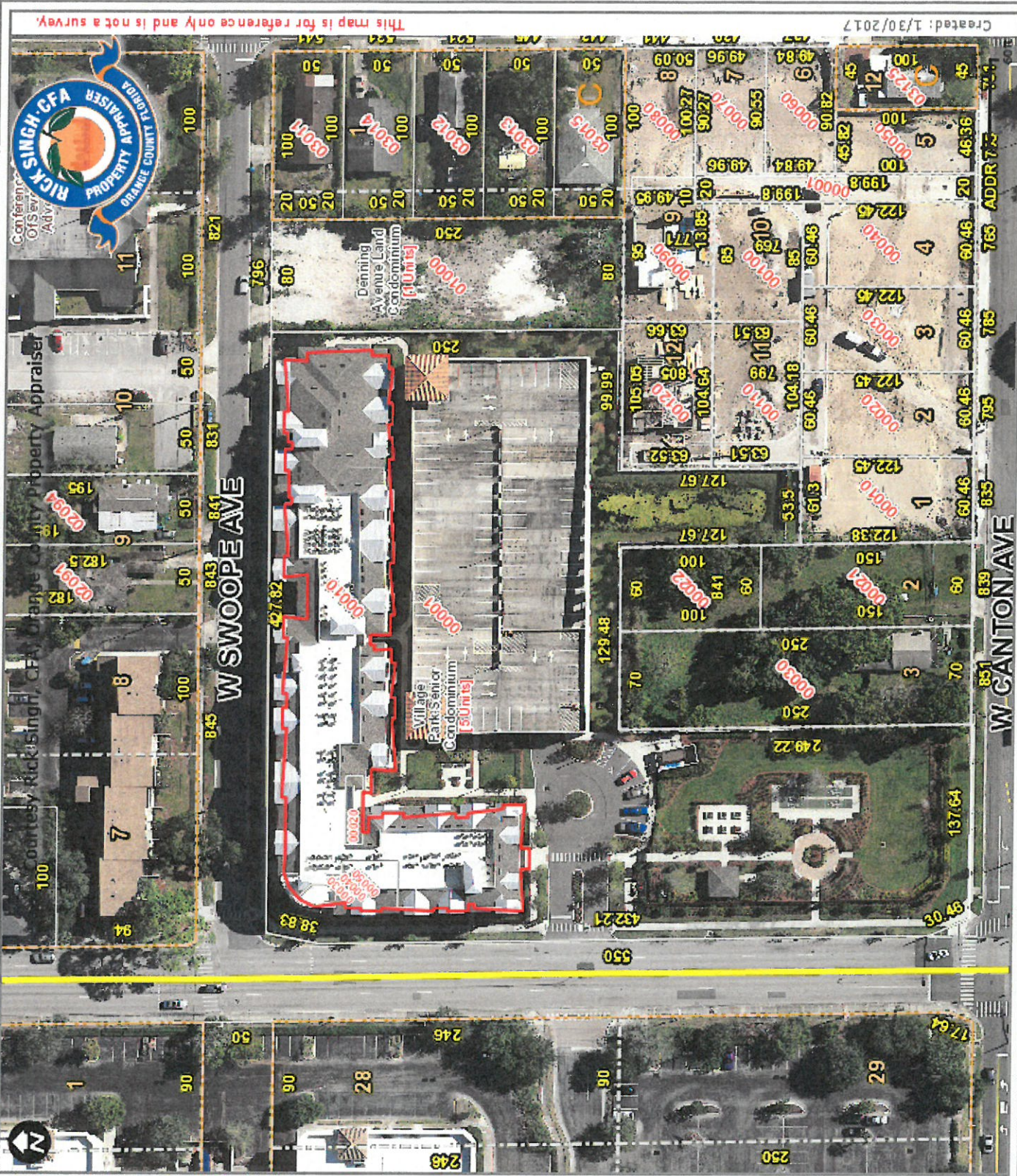
RER/rer
W. Scott Culp
M. Rebecca Wilson, Esq.
Randy Knight, City Manager
James White, Fire Chief
Dori Stone, Director of Planning and Community Development
Jeff Briggs, Planning Manager

CITY OF WINTER PARK

DEC 14 2016

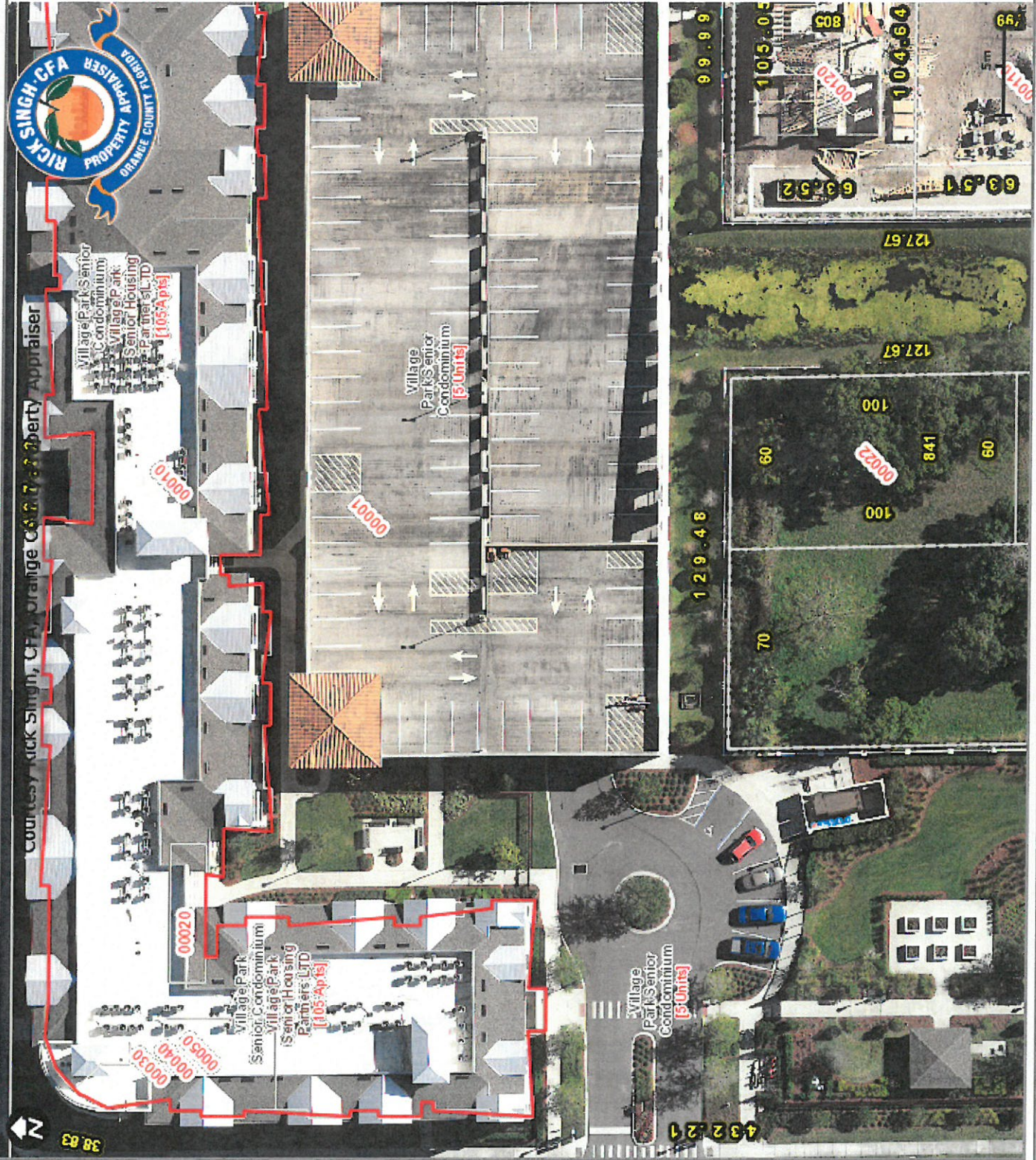
BUILDING DIVISION

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- 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/Institutional/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

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
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- County Road
- One Way
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- Commercial/Vacant Land
- Industrial
- Hydro
- Waste Land
- Agricultural
- Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Block Number
- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimension



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

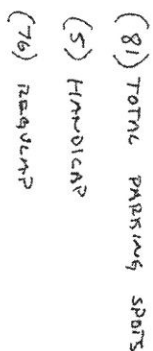


Courtesy Rick Singh, CFA, Orange County, Florida Appraiser

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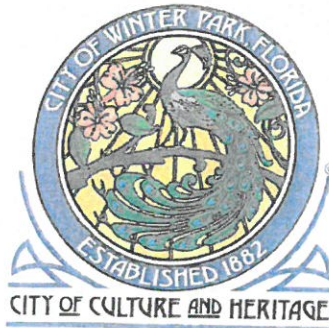
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Created: 1/30/2017



GROUND LEVEL SIGNAGE PLAN

SACRED SCHEDULE	
DATE	ITEM
1	Uniq. Thrift store
2	Shop
3	Accidental home
4	Thrift store
5	Shop
6	Thrift store
7	Shop
8	Thrift store
9	Shop
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11	Shop
12	Thrift store
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99	Shop
100	Thrift store



July 20, 2016

Regular & Certified Mail

Mr. Scott Culp
Atlantic Housing Partners
200 E. Canton Avenue, Suite 102
Winter Park, FL 32789

Dear Mr. Culp:

Following up on our meeting held at the parking garage on June 17, 2016 at 550 N. Denning Drive, I have verified that access to roof top solar panels does not require vertical accessibility.

However, there is a sign posted in the management office window at the corner of Denning & Swoope which indicates that monthly leased parking is available at this location and I assume it must be in the parking garage since very little parking is provided outside of the garage. In order to conduct the business of leased parking a business certificate for this commercial activity is required and each floor of the parking garage where leased parking is available must be provided with vertical accessibility and the provision of the appropriate required accessible parking spaces on each floor level is required.

In accordance with the Development Agreement you will need to make the required 170 parking spaces available for use, provide 4 properly marked accessible parking spaces on the first floor of the garage, and in order to formally end the use of the elevator please provide a plan with a permit request which details how this will be closed or safely abandoned, since a CO was issued based on plans that included an active elevator. However, the above actions must be met if leased parking for the garage is taking place. If not, then I strongly suggest if you move ahead with closing off the elevator that all of the occupants in the building be clearly notified of this action.

Please let me know of what actions you intend to take with regard to the elevator, re-instate the required markings and signage for the required accessible parking spaces and re-instate the required parking spaces within 7 days of receipt of this notice. In addition, no leased parking may occur in the garage until the above stated requirements have been met, approved and a revised Certificate of Occupancy is issued for this use.

If you have further questions on this matter please feel free to contact me.

George Wiggins, CBO

Director of Building & Permitting Services
407-599-3426

Attachment

C: Randy Knight, City Manager

James White, Fire Chief

Dori Stone, Director of Planning & Community Development

Jeff Briggs, Planning Manager

CITY OF WINTER PARK

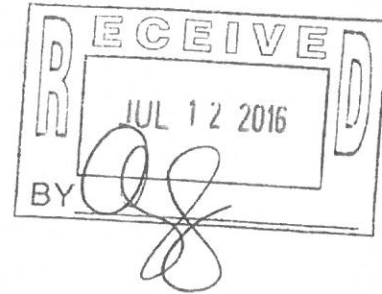
401 Park Avenue South

Winter Park, Florida

32789-4386

July 7, 2016

TO: The City of Winter Park
FROM: The Residents of Village Park Senior Living
RE: Parking at Village Park Senior Living (VPSL)
550 N Denning Drive, Winter Park, FL 32789



We are writing you today to ask for a resolution to the parking situation at our home, the Village Park Senior Living apartments. Since we moved in two and one half years ago, the parking situation has been a BIG source of conflict, aggravation, and stress; something that does not belong at a home.

We understand that VPSL is required to have approximately 170 spaces; yet they have only about 100+/-, and about one month ago, they closed off about eleven more spaces in the garage.

We have been told to park extra vehicles at the Winter Park Village shopping center. This is trespassing! And not to mention challenging crossing a busy street with parcels.

There is no street parking.

We have been told by the city that the elevators in the garage are not repairable and that they would have to be torn down. We do not understand why this was not addressed before the apartments were occupied.

The garage is a three story structure. The second and third floors of the garage structure have been closed off (by the City, we were told) and unavailable for parking. We were told that because seniors live here elevators are required in the garage. The City has allowed VPSL to install solar panels on the third floor.

We are asking that the City of Winter Park review this matter so that we may open the second floor to parking. This would add about 40 spaces. As it stands now, there are less than 10 guest parking spaces.

P.1065

We have children and grandchildren visit, other family members visit, friends visit, and healthcare workers visit. Ten spaces are just not enough for 108 apartment homes. Some of the parking spaces that were available until about a month ago are located at the top of the first ramp, which is essentially the second floor. If people are able to walk down from the ramp, they should be able to walk around the corner from the level surface of the second floor down the ramp. **We need to have these spaces made available to us, the residents, and our guests.**

Another issue about the parking is there are large signs in the window of the office, facing the streets that say covered parking may be rented. There is no way VPSL should be allowed to rent spaces to the public if they are not able to fulfill their obligation to us, the tenants.

We appreciate your careful and swift review of this matter to resolve our parking dilemma and open the spaces on the second floor, as we see this as the only solution.

Thank you,

Joan Newson
L. Brumfield Jr

Erkane Brumfield
George R. Loveland

San G. ...

JESUS BERRIZ

Fisy Berriz

June Manka

Havain ...

Adeline ...
Santa ...

Chris MacDonalde
...

Francisco ...
...

P. Lole

...

Shari Astor

Annie Miney
Jack Ryan
Petunia Mayo
VASTHY PERALTA
Rosalie Tuley

Jy AW Keen 221
#119
Cecilia Jose Munoz

Pat Vero
Barbara Shankley
Barbara Ferguson

Virginia Benada

Fayela R Read

John Alex - Munoz

Fanny C. C.

Franko C.

Peter A. Smyth

Mr. Woland

Janet G. C.

Virginia Mayers

Vincent Mayers

Sandra Ramlogan

Margaret Cherry

Elaine Perry

Anni A. New

Sherley Burke

Nareida Rodriguez

Juan C. Fajoy

Barbara Corder

Gunice W. Pennolds

Lorna Corder Jackson

W. J. McLeod

Diane Heigler

Mary Harris

J. L. S.

Bertie Paige

J. L. S.

W. L. S.

Betty Mc

Chris L. Nelder

Jean L. Nelder

Angie Loring

Larry Loring

John L. Loring

E. L. Loring

Lydia Loring

Dee Loring

Elba Loring

John L. Loring

Ernest L. Loring

Elizabeth M. Loring

Charles L. Loring

Sharon L. Loring

Dorothy Lee

Beth L. Loring

Maria L. Loring

Rona L. Loring

Joe L. Loring

Viola Loring

Ma L. Loring

Clyde L. Loring

Evelyn L. Loring

John O. Loring

Rebecca L. Loring

Leslie L. Loring

Patricia L. Loring

Madeline L. Loring

on whether or not they should amend the conditions to the developers agreement;
Commissioner Cooper withdrew her motion.

f. Request of Atlantic Housing Partners, LLLP:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF SINGLE FAMILY (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE PROPERTY AT 861 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

- Conditional Use Approval to construct a four story, 105 unit senior living facility of affordable and workforce senior housing units on the properties at 550 North Denning Drive and 861 West Canton Avenue.

Attorney Brown read both ordinances by title. He advised that this project relates to the Fair Housing Act and provided legal counsel. Since this was a quasi-judicial proceeding, communications were disclosed. Commissioners Leary and Sprinkel spoke with the applicant's attorney Rebecca Wilson. Commissioner Cooper stated there were no communications. Commissioner McMacken spoke with Rebecca Wilson and the landscape architect and greeted the applicants this evening. Mayor Bradley spoke with the developer.

Planning Director Jeff Briggs explained that Atlantic Housing Partners LLLP is requesting to develop the former site of the half-finished Denning Drive Apartment project at 550 N. Denning Drive with a four-story, 105 unit residential affordable senior housing development. The project would utilize the existing on-site three level parking garage. He explained that this project is adding a new property at 861 W. Canton Avenue, zoned R-1A, to the previous development site and removing from the previous development plan the properties at 781/783/835 W. Canton Avenue and 441/437 N. Capen Avenue. He said that in order to approve this project there are amendments required to the comprehensive plan and zoning code to rezone the property at 861 W. Canton Avenue to R-4 and the conditional use for the overall project.

Mr. Briggs summarized the Planning and Zoning Board votes to include the "final" conditional use with a revision to the parking variance to require 170 parking spaces located in the parking garage with the caveat that the parking number or ratio be reevaluated six months after the project is completed and totally occupied

to determine if the original variance requested is warranted. The approval also included the revised Development Agreement and the elimination of the former property in the former agreement.

Attorney Rebecca Wilson of the Lowndes, Drosdick, Kantor and Reed Law Firm spoke on behalf of the applicant. She presented a PowerPoint presentation which included previous approvals granted versus the significant improvements being proposed, the need for affordable housing and P&Z recommendations. She explained that this is a very good alternate development plan as compared to the previous proposed redevelopment which is vested. She addressed the site plan revisions and the creation of the open space park amenity on the Canton/Denning corner and that the new building is set back further from the street frontages which will provide more space for landscape screening for the building along the street. In terms of building size, the 2006 project was a building of 138,788 sq. ft. and the 2012 project is 124,829 sq. ft. or about 14,000 sq. ft. smaller.

Ms. Wilson submitted to the Deputy City Clerk affidavits and qualifications of the development team members and noted that the project is in compliance with the City's comprehensive plan. She advised that the Florida Housing Finance Corporation is responsible for issuing the tax credits for this project. This agency will ensure that the criteria for age and income will be met and that the project will remain as senior affordable housing for 50 years. Ms. Wilson answered questions including the parking and taxable value of the property.

A brief discussion ensued regarding the open green space, the 50 year commitment and the parking variance.

Motion made by Mayor Bradley to accept the first ordinance (comprehensive plan) on first reading; seconded by Commissioner Sprinkel.

Motion made by Mayor Bradley to accept the second ordinance (zoning) on first reading; seconded by Commissioner Sprinkel.

Motion made by Mayor Bradley to approve the conditional use request (with the recommendations by P&Z); seconded by Commissioner Sprinkel.

Commissioner Cooper shared concerns with the rezoning of single family residential to high density residential, particularly opening up the east side of Denning Drive to allow for four story buildings.

Lurlene Fletcher, 790 Lyman Avenue, spoke in opposition of the project.

Dan Bellows, 558 W. New England Avenue, spoke in favor of the request.

Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

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

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

- g. Request of Marlow's Tavern: Conditional use approval: To convert the former McDonald's Restaurant at 1008 S. Orlando Avenue, Zoned C-3 into a Marlow's Tavern and Restaurant

Planning Director Jeff Briggs explained that this conditional use request is to redevelop the former McDonald's site into a Marlow's Tavern restaurant with the sale and consumption of alcoholic beverages. Conditional use was required due to this location being within 300 feet of residential properties. There are residential properties to the east (behind) along Balch and Minnesota Avenues and along Kelly and Oak Place. There are also residences to the west across Orlando Avenue on Miller and Michigan Avenues.

On December 4, 2012 the P&Z board voted 6-0 for approval subject to the following conditions: No outside speaker system is permitted; the restaurant will have closing hours of 11:00 pm on Sunday thru Thursday and midnight on Friday and Saturday; and no live amplified musical entertainment other than single acoustic acts will be allowed. Mr. Briggs answered questions and concerns.

Tom DiGiorgio, 24 NE 24th Avenue, Pompano Beach, FL spoke on behalf of the applicant. He provided a brief overview of the concept, character and operation of the restaurant/tavern. He addressed several questions including the proposed site plan and noted that the drive thru will not be in existence.

Attorney Brown provided legal counsel regarding the sale of alcohol near a residential area. He explained that the Commission can impose reasonable conditions to make the project compatible with the surrounding neighborhood to protect the residents.

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