Request of the Winter Park YMCA at 1201 N. Lakemont Avenue for Conditional Use approval for a 3,115 sq. ft. expansion to the existing building for new locker rooms, a Conditional Use request to add an additional zero-depth children’s pool and recreation area on the existing property; and Comprehensive Plan and Zoning Map Amendments to change from Single Family (R-1A) to Public Quasi-Public (PQP) and Future Land Use from Single Family Residential to Institutional on the properties located at 1751 and 1761 Palmer Avenue to allow the expansion of the existing YMCA parking lot onto those two properties adding 53 more spaces.

This application consists of three requests by the Winter Park YMCA for:

Conditional Use approval for a 3,115 sq. ft. expansion to the existing building for new locker rooms; and

Conditional Use approval to add an additional zero-depth children’s pool and recreation area on the existing property; and

Comprehensive Plan and Zoning Map Amendments to change from Single Family (R-1A) to Public Quasi-Public (PQP) and Future Land Use from Single Family Residential to Institutional on the properties located at 1751 and 1761 Palmer Avenue to allow the expansion of the existing YMCA parking lot onto those two properties adding 53 more spaces.

YMCA Proposal

The Winter Park YMCA has submitted their proposed site plan, floor plan, perspective architectural elevation drawings, exterior wall plan, landscape plan and traffic study for these expansion requests. In terms of code compliance, the project would meet the setbacks, floor area ratio and other development standards for the PQP zoning (if approved). The existing YMCA is 30,335 square feet in size. The YMCA has 139 parking spaces. With the 3,115 square foot locker room expansion, the total size would be 33,450 square feet. The code requires one parking space for each 250 square feet which equates to 134 spaces.

The YMCA owns and has owned since the 1960’s, the 35 feet of property south of the existing south wall of their swimming pool which appears to be visually part of the backyards of the two homes at 1751/1761 Palmer Avenue. No one knows for sure, why in 1967, the YMCA built their existing swimming pool privacy wall 35 feet from their property line. Maybe it was to save the oak trees in that area. The proposed new swimming pool utilizes that 35 feet and meets the setbacks (10 feet to the water/5 feet to the deck) from that adjoining residential property line.
Background and History

The YMCA last proposed an expansion in 1996. It was a very similar scenario of some neighborhood opposition contrasted with the benefits to the citizenry that the YMCA provides. There was considerable discussion about the adequacy of parking, effect on the neighborhood, plans for any future expansions, etc.

On October 22, 1996 the City Commission approved the YMCA expansion for a total of 33,450 square feet. The YMCA subsequently constructed the additions and renovations but did not undertake the locker room expansion. Conditional Use approvals expire after two years so the YMCA cannot complete the locker room expansion, as was approved in 1996, without a new or renewed approval from the City. The proposed 3,115 square foot locker room expansion brings the total YMCA building to the same 33,450 square feet approved in 1996.

The approval granted by the City Commission in 1996 was conditioned upon and contingent upon the YMCA providing a written agreement, subject to review and approval by the City Attorney specifying that: 1) There will be no further acquisition of property in the immediate area for expansion purposes; 2) There will be no further expansion of the building; 3) All new landscaping and walls will be maintained in their original condition with allowance for normal wear and tear; 4) Construction of the parking lot and landscaping will be completed, without interruption, prior to the commencement of expansion of the building; 5) Operation of the outdoor pool will be restricted to 7:30 am to 7:30 pm; 6) Wheel stops will be placed on all parking spaces that immediately adjoin landscape area; and 7) No second outdoor pool to be constructed.

Pursuant to that approval a “Developer’s Agreement” was executed by the YMCA on January 7, 1997 incorporating those conditions of approval outlined above and the agreement was recorded in the public records. One purpose of the “Developer’s Agreement” was to incorporate the ‘promises’ that were made at that time by the YMCA officials that there would not be any further expansions to the YMCA building (beyond what was approved in 1996) and no further expansions to their property.

In March 2008, the YMCA purchased the two adjoining single family residential properties at 1751 and 1761 Palmer Avenue. This was done in violation of the “Developer’s Agreement” wherein the YMCA committed “not to acquire additional property adjacent to the YMCA for expansion purposes”.

At this time, the YMCA is asking to rescind the “Developer’s Agreement” or amend the “Developer’s Agreement” or to substitute a new revised “Developer’s Agreement” that would permit the property and facility expansions requested. Staff has not received a new “Developer’s Agreement” at this time so we are uncertain which of the above actions is being requested or if any new amended agreement would contain any representations concerning future expansions.
It is not uncommon for property owners to ask the City to revisit development agreements. The city has revised and amended development agreements with Sydgan Corp. and for the Langford/Regent/JW Marriott hotel project. It is totally within the discretion of the City Commission, following a recommendation from the Planning Commission, whether to entertain such a request. However, typically property owners do not violate and breach the terms of a Developer’s Agreement prior to asking the City for reconsideration of the terms.

**Staff Analysis**

There are three separate requests by the YMCA that staff will critique individually:

1. **Locker Room Expansion:** As stated previously, the locker room expansion was approved in 1996 but not constructed. Staff does not believe that locker rooms in and of themselves add to the membership or increase traffic. Yes, new locker rooms will be more appealing and will improve the facilities for existing and new members but staff is hard pressed to make a case that membership will increase solely because the locker rooms are nicer.

As mentioned earlier, in 1996 there was significant debate about the adequacy of parking for the YMCA. The YMCA was certain that parking would be adequate. Staff suggested a cap on membership but it was decided that parking is self regulating in that people will not join the YMCA or continue to pay their dues if there is no parking when they come to use the YMCA.

The complication is that the “dirt” area where the locker rooms are to be built has been and is being used as an employee parking lot. Typically there are about ten employee cars in that dirt area. So when the new locker rooms are built, those employee cars will be displaced to the main paved parking lot thus providing less parking for the membership.

The solution is to extend the existing parking lot to the west, replacing the existing storm water retention area by converting that retention area to underground storm water exfiltration. The expansion of the parking lot would add about 14-15 parking spaces bringing the site back to its current parking volume. Staff will propose this as a condition of approval.

2. **Swimming Pool Expansion:** A new children’s swimming pool was part of the YMCA request in 1996. It was proposed for the area that now holds the child care playground. That component was denied at that time.
The YMCA desires to revisit that request in an alternate location south of the existing swimming pool. They believe that this new zero-depth children’s pool is critical to the mission of the Winter Park YMCA Family Center. There are many comparisons of the YMCA to a Bally’s Healthclub or LA Fitness, which in many respects are accurate. However, one thing the YMCA does better than anyone else is their focus on swimming lessons for children or as they now refer to it as “drown-proofing” children. This then becomes another premier facility for swimming lessons and children’s swim recreation.

Staff recognizes the criticism that there are plenty of swim lessons options available now and it is doubtful that any children are currently missing out on swimming lessons due to a lack of swimming pool facilities. Winter Park has the existing YMCA pool, Cady Way pool, Crosby Center pool and in two years the new zero-depth children’s swimming pool planned for the Winter Park Community Center. However, that does not seem to be sufficient rationale to turn down this recreational asset if the YMCA desires to provide it.

Staff has also heard the criticism that the children’s swimming pool is all about selling more memberships to families. That may well be true and the swimming pool facilities may add to the membership and use of the YMCA. However, this does not seem to be a reason for denial, as long as there are minimal impacts to the surrounding neighborhood. Those impacts come in two forms, traffic and noise. In terms of traffic volume, any increase in traffic is tempered by the parking that is available. The noise impact is a very real concern. Many noise ordinances measure sound volume by decibels to determine what level of sound is too loud. One interesting feature of noise ordinances using the decibel measurements is that most include exemptions for children’s playgrounds. Noise measurements adjacent to children’s playgrounds and swimming pools often exceed the decibel levels permitted by noise ordinances. Children yell and scream when they are excited and having fun.

Adjacent to the new proposed children’s swimming pool is a vacant single family lot at 1741 Palmer Avenue and that property (as well as maybe 1751/1761 Palmer) is ground zero for the noise impact. Some people may love the sound of children laughing and yelling. Maybe it is buyer beware scenario for the adjacent homes. But to compound the noise impact, the plans show a ten foot tall water slide proposed right next to the adjacent single family homes. At some point you begin to wonder when the “do unto others” comes into play for the YMCA. Staff will propose elimination of the water slide as a condition.
3. Parking Lot Expansion: This is the most difficult part of the YMCA’s application to rationalize given the promises made in 1996, the “Developer’s Agreement” contract that was executed, then the subsequent action to ignore the contract and acquire additional property for expansion anyway. Perhaps it is the motto that it is easier to seek forgiveness than permission.

The parking lot expansion would add 53 additional parking spaces. It would be screened with the same type of wall and landscaping treatment that successfully screens the existing parking lot. There would be a significant upgrade to the landscaping both in the new parking lot as well as the existing lot. The parking lot expansion is proposed for the convenience of the existing membership but it would also function as a way to increase membership. The expanded parking lot may be just for the existing membership but the land cost already expended to acquire the two properties ($727,000) and the construction cost ($265,000) is quite a large capital investment just for the existing membership.

The problem for most of the neighbors that are in opposition, is the question “When does the expansion of the YMCA ever stop?” In 1996 the City had a promise and a “Developer’s Agreement” contract. Now thirteen years later the City has a request to re-write or throw away the “Developer’s Agreement” contract and not even a promise that there will be no more future expansions. So the neighbors are justified to ask “How far down Palmer Avenue does the YMCA propose to expand?”

**STAFF RECOMMENDATION:** (P&Z needs to have three separate votes)

Approval of the Conditional Use request for the Locker Room expansion conditioned upon:
1. Expansion of the existing parking lot over the existing storm water retention area to compensate for the loss of employee parking, and
2. Incorporation of the plans submitted such that any change to those plans (including the internal floor plan) would require approval of the City.

Approval of the expansion for the new zero depth children’s swimming pool and recreation area excluding the swimming pool slide component.

Denial of the Comprehensive Plan future land use map change and the rezoning request to expand the YMCA parking lot onto the properties at 1751/1761 Palmer Avenue.

*(As a matter of disclosure, the planning staff (Jeff Briggs and Stacey Scowden) are members of Winter Park YMCA)*
Parcel ID: 302205396800110

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


APPLICATION FOR CONDITIONAL USE
CONDITIONAL USE # __________________

General Instructions: To request approval of a Conditional Use, complete this application and submit it to the Planning Department along with a fee of $300 ($600 for building reviews) and all additional information necessary for public hearing before the Planning and Zoning and City Commissions. If applicable, submit eight sets of plans: one typical blueprint, seven 11x17 or smaller. All required documents must be submitted with application.

I. APPLICANT

Name ____________________________
Powell Design Group, Inc.

Address ____________________________
303 East Par Street
Orlando, FL 32804

Phone ____________________________
(407) 622-6882

Email Address ____________________________
david@powelldesigngroup.com

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

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

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

II. PROPERTY

Street Address: ____________________________
1201 North Lakemont Avenue

Zoning Classification: POP & R1-A

PARCEL #: 05 22 30 0000 00 010 (same as tax ID number of Orange County property tax records)

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

(Please see attached sheet)

III. CONDITIONAL USE REQUESTED: The applicant requests Conditional Use Approval for:

Amendment to October 1, 1996 Conditional Use Approval

IV. CERTIFICATION

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

□ the owner of the property described herein

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

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

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

Signature ____________________________
David R. Zann, NCARB, LEED AP

Date ____________________________
6/3/08

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1/4/2008
Proposed Zero Depth Pool - With New Parking

Winter Park YMCA Family Center
The Winter Park YMCA is making requests for the following expansions to their existing facility at 1201 North Lakemont Avenue:

1. Conditional Use request for a 3,115 sq. ft. expansion to their existing building for new locker rooms.
2. Conditional Use request expansion for an additional zero-depth children's pool and recreation area adjacent to the existing swimming pool.
3. Comprehensive Plan and Zoning Map Amendment to change from Single Family (R-1A) to Public Quasi-Public (PQP) and future land use from Single Family Residential to Institutional on the properties located at 1751 and 1761 Palmer Avenue. This change would allow the expansion of the existing parking lot on those two properties, adding 53 more spaces.

Existing facility 30,335 sq. ft.  
Existing parking count 139 spaces
CITY OF WINTER PARK
401 PARK AVENUE SOUTH
WINTER PARK, FL 32789

CONDITIONAL USE PERMIT
No. 1 :96

Applicant: YMCA
Address: 1201 N. Lakemont Ave.
Winter Park, FL

Owner: Same
Address:

This is to advise that on October 22, 1996, the City Commission of Winter Park granted your request for a conditional use to allow:

CU 1:96 Request of the Winter Park Y.M.C.A. for Conditional Use approval to expand their building facilities at 1201 N. Lakemont Avenue with an addition of 7,610 square feet onto the existing 25,840 square-foot building and an expansion of their parking area adjacent to Palmer Avenue to provide 34 additional paved parking spaces.

This approval is subject to the following condition(s):

contingent upon the YMCA providing a written agreement, subject to review and approval by the City Attorney, specifying that: 1) There will be no further acquisition of property in the immediate area for expansion purposes; 2) There will be no further expansion of the building; 3) All new landscaping and walls will be maintained in their original condition with allowance for normal wear and tear; 4) Construction of the parking lot and landscaping will be completed, without interruption, prior to the commencement of expansion of the building; 5) Operation of the outdoor pools will be restricted to 7:30 a.m. to 7:30 p.m.; 6) Wheel stops will be placed on all parking spaces that immediately adjoin landscaped area; and 7) No second outdoor pool to be constructed.

VIOLATION OF THESE CONDITION(S) SHALL BE GROUNDS FOR REVOKING THIS PERMIT

This permit shall become invalid 12 months following the date of approval unless the subject property is being used for the conditional use requested. The above approval is also subject to Section 31-24.6, Par. 2 of the Zoning Regulations of the City of Winter Park which states:

"Should a conditional use be discontinued or abandoned, inactive for a period of six (6) consecutive months, or violate any of the requirements or restrictions of record, then the use shall no longer be permitted and the structure, or structures and premises in combination, shall only be used in conformity with the regulations of the district in which it is located."

Jeffrey Briggs
City Planner
CITY OF WINTER PARK
PLANNING AND ZONING COMMISSION

Ragula Meeting
Commission Chambers

October 1, 1996
7:00 p.m.

MINUTES

The monthly meeting of the Planning and Zoning Commission was held in the Commission Chambers of City Hall at 7:10 p.m. on October 1, 1996. Since Jay Cohen, Chairman, was delayed Marlene Schaus called the meeting to order. Present were: Judith Albertson; Rick Swisher; James Dorsey; Mary Daniels; and Jeffrey Briggs, City Planner.

Chairman Cohen arrived at 7:15 p.m. and opened the meeting by asking for approval of the minutes of the September 3, 1996, meeting. Mr. Swisher moved to approve, Mr. Dorsey seconded, motion carried (5-0), minutes approved.

CU 1:56 Request of the Winter Park Y.M.C.A. for Conditional Use approval to expand their building facilities at 1201 N. Lakemont Avenue with an addition of 7,610 square feet onto the existing 25,840 square-foot building and an expansion of their parking area adjacent to Palmer Avenue to provide 34 additional paved parking spaces.

Mr. Briggs reviewed this request as previously presented before this Planning Commission in January and May of 1996. He described the revisions that had been made to the plan in response to the five issues raised by the Planning Commission and reviewed the comments made by the community during neighborhood meetings. Mr. Briggs reported that a parking study had been completed which concluded a peak-time average requirement of 126 parking spaces; 140 parking spaces are planned in the proposed expansion. He went on to add that Plan "B" (the preferred plan by neighbors) places the stormwater retention on the east side of the property thereby buffering adjacent residents from parking lot activity. The revised landscape plan augments what was previously proposed along Palmer Avenue, adds more landscaping to the existing lot, and creates a buffer along the rear of the homes on Pine Avenue. Mr. Briggs briefly re-examined the issues of parking lot lighting and the YMCA's expansion plan, stating that the applicant would detail these issues during his presentation. In conclusion, staff determined that this revised plan successfully addressed the recommendations/concerns previously expressed by the neighbors and the Planning Commission. However, staff expressed concern that the expanded facilities will attract more members than the expanded parking area could hold and this would result in off-site parking. Therefore, staff recommended approval with the condition that the adult membership of the YMCA not exceed 2700 unless approved by the City.

Chairman Cohen disclosed that he had received numerous mailings and telephone calls regarding this issue; all other commission members expressed that they had as well. At the request of Ms. Schaus, Mr. Briggs provided the previous ownership and history of the parcels involved. Mr. Swisher questioned how the number of parking spaces was determined. Mr. Briggs explained that when the Wellness Center was constructed the City had no specific code for this type of use, therefore, the parking requirement was based upon the Orange County standard of one space per 300 sq.ft. of building space. However, based upon the perception that their parking is inadequate, one parking space per 250 sq.ft. of building space is being provided for the YMCA. Mr. Dorsey confirmed that expansion at the line with a zero setback (adjacent to the park) would be permitted via this conditional use approval and cited some concerns expressed by neighbors.
Dan Medders, Chairman of the Board of the Winter Park YMCA, identified other board members present in the audience. He then provided the service history and mission of the YMCA. He introduced Dave Hollowell, YMCA Director.

Dave Hollowell, YMCA Director, summarized the prior findings of the Planning Commission and the measures taken to respond to each issue: 1) Parking Study - completed by Glattling, Jackson, et al., who compiled the alternative parking layout with relocated stormwater retention area (Plan "B"); 2) Landscaping will be included on the pool side and along the west side of the property; 3) Lighting concerns had been addressed; and 4) Two neighborhood meetings had been held and the site plan has been revised to reflect the comments expressed at those meetings. Chairman Cohen questioned if use of the facility was seasonal to which Mr. Hollowell responded that January was a busy month with attendance slowing down in July and August. Mr. Hollowell added that measures had been taken to address the recommendations made by staff and the Planning Commission; however, he deemed capping the number of members to be a cumbersome task given the various membership categories available.

John Rinehart, Glattling, Jackson, et al., displayed a rendering of the revised site plan describing the modifications: 1) Reduction in the number of entrance/exits from Lakemont Ave.; 2) The parking lot has been realigned providing additional parking spaces to the north; 3) Additional landscape material has been introduced around the north/south edges and along the pool area; and 4) A masonry wall will be constructed along Palmer Avenue. He went on to compare the number of parking slips proposed which exceeds those at the Wellness Center and the Orlando YMCA. He displayed manufacturer information regarding the lighting fixtures to be used in the parking lot to control light spray, the location of each type of fixture, and outlined the illumination boundary of the property. Ms. Schaus clarified the parking lot drive directions. Chairman Cohen confirmed that Glattling, Jackson found the number of proposed parking spaces to be adequate given the current membership but asked if projections had been made for the expected increase in membership for the expanded YMCA; Mr. Rinehart replied that they had not.

Mr. Rinehart went on to provide additional information regarding this Master Expansion Plan and emphasized that no further expansion would be considered for this location. Ms. Daniels questioned use of the Eastbrook facility for expansion purposes to which Mr. Hollowell replied that the existing 4.5 acres of wooded area at that location is necessary for camping programs but there does remain the possibility of future building expansion at that site. Chairman Cohen confirmed that the YMCA does commit to not acquire any additional residential property at the Lakemont Avenue location to which Mr. Hollowell agreed.

Mr. Rinehart summarized the concerns expressed by the community during the two neighborhood meetings held in September. He reported that the Palmer Avenue residents preferred the Plan "B" parking lot layout and felt that concerns regarding the YMCA's ability to maintain the new landscaping was addressed by the installation of an irrigation system. He reported that the YMCA would make every effort to ameliorate the complaints expressed by the Pine Avenue residents: 1) Better communication between the YMCA and the neighborhood will be realized; 2) Loitering members will be cleared from the parking lot when the facility closes; 3) Facility lights will be turned off when the facility is not in use, 4) Measures will be taken to reduce noise disturbances; and 5) A viburnum hedge will be planted along the north side of the property to provide a buffer.
Bob Greene, YMCA Board Member, stated that in comparison to the volume of traffic currently traveling Lakemont Avenue, any additional traffic resulting from this YMCA expansion would be of minimal consequence.

Bob Miller, architect for the YMCA, described the light projection radius anticipated from the parking lot lighting fixtures.

John Hurlburt, 931 Poinciana Ln., YMCA Board, spoke in favor stating that most of the issues expressed by those present during the neighborhood meetings had been satisfactorily addressed. He stated that the intent of the expansion was to enlarge workout rooms, not to increase the number of members. He deemed this site plan to be an enhancement to the look of the facility and the area along Palmer Avenue. He also anticipated that many members in the immediate area walk or bike to the facility.

Kennard Flamily, 1749 Pine Ave., spoke in opposition citing commercial encroachment into a residential area, suggested using the Eastbrook facility, concern regarding the adequacy of the number of proposed parking slips, and the YMCA’s ability to perform as promised considering the dilapidated condition of the landscaping, parking area, and facility. He also suggested that some measure be taken to ensure that total funding was secured by the YMCA before the commencement of construction to prevent a piece meal process or incomplete construction due to lack of funds.

Jean McIntosh, 1756 Pine Ave., spoke against approving this request since a written ten-year plan has not been presented by the YMCA as instructed by the Planning Commission during May’s meeting; she did hear a verbal commitment. She stated that she was opposed to the second outdoor pool due to the noise disturbance and was in favor of placing a cap on the number of memberships. She then played a video recording of YMCA members laughing, yelling, etc. in the parking lot at 11:30 p.m. and the swimming coach whistling and yelling to students at 6:30 a.m. to demonstrate the noise disturbances to those neighboring the YMCA facility.

Dan McIntosh, 1756 Pine Ave., spoke in opposition reiterating the opinions expressed by Mrs. McIntosh. He provided a brief history of Phelps Park and the condition imposed by the City Commission in 1966 restricting the hours of use of the outside pool from 7:30 a.m. to 7:30 p.m.; Mr. McIntosh presented a copy of those minutes. He opposed the second outdoor pool and favored capping the membership at 2700 units.

Radolfo Barrio, 1760 Palmer Ave., spoke in opposition citing increased traffic, the demolition of the house on Palmer Ave. which he would like to see renovated, the glare caused by the 25' parking lot lights, lack of curbing around the parking area on Pine Street, and questioned the YMCA’s commitment to maintain the landscaping, walls, and facility properly. He also recited the City’s ordinance regarding the condition in which landscaping should be maintained.

Gail Turner, across the street on Lakemont Ave. (unincorporated Winter Park), stated that she and her neighbors on Lakemont Ave. were not included in the neighborhood meetings and that she was opposed due to increased traffic, inadequate driveway clearance for buses transporting children to the facility, encroachment upon a residential area, late hours of operation, the location of the entrance/exit directly across from her driveway, and the lack of management of the premises. She also questioned whether the height of the hedge along Lakemont Ave. would create a safety hazard by blocking a driver’s view of bicycling children entering the parking lot.
Nick Daher, 1751 & 1761 Palmer Ave., reiterated the opposing factors expressed by preceding speakers and added that the expansion will create a public nuisance to neighbors, that police reports revealed seven vehicle accidents had occurred at Palmer and Lakemont within the last six months, and no ten-year plan agreement had been submitted by the YMCA as instructed.

Thor MacKenzie, 1764 Pine St., summarized the conditions under which this site plan would be acceptable to those residing on Pine St.: 1) The wall around the retention area be constructed of brick not cinder blocks; 2) No second outdoor pool be constructed due to the noise; 3) A written agreement that no there will be no additional expansion at this facility and a traffic study be completed; 4) Membership will be limited to 2700 units; and 5) All needed funds for the expansion/improvements will be secured before commencement of any construction to ensure that construction will not be done in a piece meal fashion and/or no construction will be left incomplete due to lack of funds.

Lisa Daher, 1751 & 1761 Palmer Ave., stated that this plan would create an obstruction to the traffic flow and that the traffic study requested by the neighbors was not conducted. She questioned the safety of children traveling to or from the facility on bicycles or foot. She added that she favored the landscaping and parking improvements but was opposed to the expansion of the facility.

As no one else wished to speak to this issue, Chairman Cohen closed the public hearing. Commissioners read the minutes of the 1966 City Commission meeting approving construction of the existing outdoor pool with the condition that operating hours be restricted to 7:30 a.m. to 7:30 p.m. and confirmed that installation of an irrigation system was planned. Also discussed was the residents' request that the wall be constructed of brick, approval of a second outdoor pool, and a written commitment from the YMCA not to acquire any additional land at this facility for further expansion. Regarding the membership cap recommended by staff, the Planning Commission thought it difficult to govern the number of members given the different types of membership categories offered and thought that the number of members using the facility at once would be self-regulated given the number of parking spaces, availability of equipment, and maximum occupancy restrictions. Also discussed was the necessity of a traffic study to confirm the impact to the area, the setback for the property line to the west, and additional encroachment into a residential area. The Planning Commission believed Site Plan B to be a good compromise between the YMCA and the surrounding residential areas with adequate landscape buffers to soften the commercial appearance. They also determined the increase in traffic to be minimal.

Ms. Schaus moved to approve this request contingent upon the YMCA providing a written agreement, subject to review and approval by the City Attorney, specifying that: 1) There will be no further acquisition of property in the immediate area for expansion purposes; 2) There will be no further expansion of the building; 3) All new landscaping and walls will be maintained in their original condition with allowance for normal wear and tear; 4) Construction of the parking lot and landscaping will be completed, without interruption, prior to the commencement of expansion of the building; 5) Operation of the outdoor pools will be restricted to 7:30 a.m. to 7:30 p.m.; and 6) Wheel stops will be placed on all parking spaces that immediately adjoin landscaped area. Ms. Albertson seconded, motion carried (5-0).
City Commission Meeting
October 22, 1996
Page 9

Mr. Briggs explained that this property is owned by the Morse and Genius foundations and holds Knowles Cottage. They intend to renovate the cottage for use as their offices.

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

Motion to approve the ordinance (Comprehensive Plan) on second reading made by Commissioner Marchman, seconded by Commissioner Hotard. A roll call vote was taken with Mayor Brewer and Commissioners Terranova, Marchman, Murrah and Hotard voting Yes. Motion carried unanimously.

Motion to approve the ordinance (Rezoning) on second reading made by Commissioner Terranova, seconded by Commissioner Murrah. A roll call vote was taken with Mayor Brewer and Commissioners Terranova, Marchman, Murrah and Hotard voting Yes. Motion carried unanimously.

CU-REQUEST OF THE WINTER PARK Y.M.C.A. FOR APPROVAL TO EXPAND ITS BUILDING FACILITIES AT 1201 N. LAKE MONT AVENUE WITH AN ADDITION OF 7,610 SQUARE-FOOT AND TO EXPAND THE PARKING AREA ADJACENT TO PALMER AVENUE TO PROVIDE 34 ADDITIONAL PAVED PARKING SPACES.

Commissioner Hotard declared a Conflict of Interest on this matter as his wife is employed by the Y.M.C.A.

Mr. Briggs provided the details of this request to expand the existing building and paved parking areas and reviewed the history of previous requests. He reviewed the site plan which includes a retention area adjacent to Palmer Avenue to provide a buffer to the adjacent homes to the north and provides for 140 parking spaces. A parking study was conducted which indicated an average of 126 cars on the property during peak hours. The Planning and Zoning Commission recommended approval of this request contingent upon the Y.M.C.A. providing a written agreement, subject to review and approval by the City Attorney, specifying that:

1. There will be no further acquisition of property in the immediate area for expansion purposes.
2. There will be no further expansion of the building.
3. All new landscaping and walls will be maintained in their original condition with allowance for normal wear and tear.
4. Construction of the parking lot and landscaping will be completed, without interruption, prior to the commencement of expansion of the building.
5. Operation of the outdoor pools will be restricted to 7:30 a.m. to 7:30 p.m. and
6. Wheel stops will be placed on all parking spaces that immediately adjoin landscaped area.

In response to a question by Commissioner Terranova, Mr. Briggs pointed out the expansion areas and the location of the proposed smaller pool. The racquetball courts will be converted to a different type of recreational space.
City Commission Meeting  
October 22, 1996  
Page 10

Mr. Dan Medders, Chairman of the Board of the Winter Park Y.M.C.A., provided the history of the Y.M.C.A. at this location.

Mr. Dave Hollowell, Director of the Y.M.C.A., reviewed the concerns and previous conditions imposed by the Planning and Zoning Commission and outlined the actions taken in response to those conditions. He stated that they do not intend to acquire more property, that they foresee more off-site programs and that the Y.M.C.A. has taken actions to address the neighbors concerns, i.e. maintenance of the block wall, lighting, noise.

Mr. John Rinehart, Glatting, Jackson, Kercher, Anglin, Lopez and Rinehart, gave a presentation on the proposed expansion and reviewed the site and landscaping plans. To address the concerns expressed in the Planning and Zoning Commission, the proposed pool could be elongated and the building extended to the north in order to provide a more adequate noise buffer for the neighbors. He stated that the new walls will be adequately maintained and that the landscaping will maintained by an outside contractor. He stated that they will not allow swim team practices before 7:30 a.m., but would like the opportunity to allow lap swimming beginning at 6:30 a.m. He reviewed the results of the parking study conducted over a two day period and summarized the current membership units.

Mr. Medders stated that over 350 people signed a petition in support of this request and requested approval of this request subject to the conditions recommended by the Planning and Zoning Commission and to permit lap swimming from 6:30 a.m. to 7:30 a.m.

In response to a question by Commissioner Murrah, Mr. Rinehart stated that they would not alter the plans to extend the rear of the building to provide a buffer without first reviewing the change with the residents. They are asking for approval of the site plan as presented.

Mayor Brewer said that the Commission could add a condition to require that any alterations to the building footprint be approved by the Commission before issuing any building permits.

Mr. Rinehart responded to questions from members of the Commission, providing additional details on irrigation, landscaping, parking, and access to the building.

Mrs. Jean McIntosh, 1756 Pine Avenue, spoke in opposition to this request as she feels the Y.M.C.A. has outgrown this location and creates too much noise and traffic. She feels that alternating programs will not ease the parking problem and urged the Commission to establish a cap on the membership if this request is approved. She expressed her approval of the landscaping plan and the parking layout and asked that no further expansion be permitted.
City Commission Meeting  
October 22, 1996  
Page 11

No one wished to speak further to this issue. Public Hearing closed.

Motion to approve the conditional use request with the conditions recommended by the Planning and Zoning Commission made by Commissioner Terranova, seconded by Mayor Brewer.

Commissioner Terranova said that he feels the Y.M.C.A. has not been a good neighbor and has not complied with previous conditions imposed by the city, although those conditions have not been adequately enforced. He suggested that, if this request is approved, a better system for enforcing conditions be implemented. He said that he is not in favor of allowing lap swimming at 6:30 a.m.

Commissioner Marchman said that he could support this request provided the Y.M.C.A. executes an agreement which includes the conditions of the Planning and Zoning Commission and provides that there will be no further expansion.

Motion to amend the motion by adding a condition eliminating the smaller, proposed pool made by Commissioner Murrah, seconded by Commissioner Terranova. Motion carried with a 3-1 vote with Commissioners Terranova, Marchman, and Murrah voting Yes and Mayor Brewer voting No. Commissioner Hotard abstained. (Condition #7). Form 8B Memorandum of Voting Conflict is attached to these minutes.

Motion to amend the motion by adding a condition limiting the membership at 2700 adult units made by Commissioner Murrah. Motion failed for lack of second.

Commissioner Terranova suggested that the City Commission have the opportunity to review and approve the agreement.

Main Motion (as amended): A roll call vote was taken with Mayor Brewer and Commissioners Terranova, Marchman and Murrah voting Yes. Motion carried unanimously with a 4-0 vote. Commissioner Hotard abstained. (Form 8B Memorandum of Voting Conflict is attached to these minutes.)

CU-REQUEST OF JAMES LUCIA FOR APPROVAL TO ALLOW THE CONSTRUCTION OF A NEW, TWO STORY, SINGLE-FAMILY HOME OF 21,892 SQUARE FEET IN SIZE ON THE VACANT TWO ACRES AT 161 PALMER AVENUE, ZONED R-1AAA.

Mr. Briggs explained that city code requires conditional use approval for the construction of buildings in excess of 10,000 square feet and explained how floor area ratio and square footage is determined. The actual square footage of the house is approximately 17,000 square feet. This proposal does not exceed the city's floor area ratio and impervious lot coverage requirements. He displayed a footprint of the proposed house and of the adjacent houses and said that he feels the footprint of the house is comparable to the adjacent houses given the size of this lot. Mr. Briggs provided the details of the site plan including the design
DEVELOPER'S AGREEMENT

This agreement made this 7th day of January, 1996, by and between THE CITY OF WINTER PARK, a Florida municipal corporation ("City"), and the, CENTRAL FLORIDA YOUNG MEN'S CHRISTIAN ASSOCIATION, a Florida not-for-profit corporation ("Owner").

RECITAL:

WHEREAS, Owner warrants that it is the owner of that certain land situated in Orange County, Florida comprising 3.2 acres, more or less, being more particularly described in Exhibit "A" hereto, said land to be hereinafter sometimes referred to as the "Property" on which Owner operates the Winter Park Family YMCA; and

WHEREAS, Owner applied to the City for a Conditional Use Permit (the "Permit") to allow it to further improve the Property as described in the application (the "Application"), and

WHEREAS, on October 22, 1996, the City approved the Application for the Permit with the exception of the request to build a teaching pool, and

WHEREAS, said approval was conditioned upon the Owner's agreement to abide by certain terms and covenants, and

WHEREAS, it is the purpose of this agreement to set forth clearly the understanding and agreement of the parties with respect to all the foregoing matters.

NOW, THEREFORE, the parties agree as follows:

1. The recitals above are true and correct.

2. Owner will not acquire additional property in the City of Winter Park adjacent to the Property for expansion purposes.
3. There will be no further expansion of the building on the property after the expansion contemplated by the Application and Permit.

4. All new landscaping and walls will be maintained in their original condition, normal wear and tear excepted.

5. Construction of the parking lot and landscaping (Alternate B in the Application) will be completed without interruption prior to the commencement of expansion of the building.

6. Operation of the outdoor pool will be restricted as provided by the Permit.

7. Wheel stops will be placed on all parking spaces that immediately adjoin landscaped areas.

8. Owner, upon the execution of this agreement, shall pay to the City the cost of recording this agreement in the public records of Orange County, Florida.

THIS AGREEMENT shall be binding upon and shall inure to the benefit of the successors or assigns of the parties and shall run with the Property and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the Property.

IF ANY SENTENCE, phrase, paragraph, provision or portion of this agreement is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate and distinct and such holding shall not affect the validity of the remaining portion hereof.
IN WITNESS WHEREOF, the parties have caused these presents to be signed all as of the date and year first above written.

CITY OF WINTER PARK,
a municipal corporation

By: [Signature]
Print Name: Gary A. Brewer
Mayor, City of Winter Park

(CITY SEAL)

ATTEST:

Joyce M. Swain
Print Name: Joyce M. Swain
Title: City Clerk

Approved as to form and legality.

City Attorney,
City of Winter Park

Signed, sealed and delivered in the presence of:

Jerry M. Herman
Print Name: David B. Hollowell

Date: December 16, 1996.

CENTRAL FLORIDA YOUNG MEN'S CHRISTIAN ASSOCIATION,
a Florida not-for-profit corporation

By: [Signature]
Print Name: James W. Ferber
Title: President Central Florida YMCA

Print Name: DAVID B. HOLLOWELL
STATE OF FLORIDA
COUNTY OF ORANGE

THE FOREGOING instrument was acknowledged before me this 10th
December, 1996, by Gary A. Brewer
and Joyce M. Swain, Mayor and City Clerk of the
CITY OF WINTER PARK, a municipal corporation under the laws of the
State of Florida, to me known to be the individuals and officers
described in and who executed the foregoing agreement and severally
acknowledged the execution thereof to be their free act and deed as
such officers thereunto duly authorized; that the official seal of
said corporation is duly affixed thereto, and that the said
agreement is the act and deed of said corporation.

NOTARY PUBLIC

Signature of Notary
Linor T. Seaman

Name of Notary Printed
Commission Number

STATE OF FLORIDA
COUNTY OF ORANGE

THE FOREGOING instrument was acknowledged before me this 1st
January, 1997, by Jim Keeler and David Hollowell of CENTRAL
FLORIDA YOUNG MEN'S CHRISTIAN ASSOCIATION, a Florida not-for-profit
corporation, on behalf of the corporation. They are personally
known to me or has produced identification and did (did not) take an oath.

NOTARY PUBLIC

Signature of Notary
Stephanie Lee Puzzo

Name of Notary Printed
Commission Number
# Parking Comparison

<table>
<thead>
<tr>
<th>Facility</th>
<th>Paved Parking Spaces</th>
<th>Facility Square Footage</th>
<th>Ratio</th>
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<tr>
<td>South Orlando YMCA</td>
<td>75</td>
<td>23,000</td>
<td>1:307</td>
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<tr>
<td>Downtown YMCA</td>
<td>174</td>
<td>51,000</td>
<td>1:293</td>
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<tr>
<td>Winter Park YMCA - before</td>
<td>92</td>
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<td>1:281</td>
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<td>Osceola YMCA</td>
<td>65</td>
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<tr>
<td>Winter Park YMCA - after</td>
<td>132</td>
<td>33,450</td>
<td>1:253</td>
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<tr>
<td>Marion County YMCA</td>
<td>102</td>
<td>22,000</td>
<td>1:216</td>
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<td>Golden Triangle YMCA</td>
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<td>22,000</td>
<td>1:170</td>
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<td>West Orange YMCA</td>
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<td>1:155</td>
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<tr>
<td>Dr. Phillips YMCA</td>
<td>274</td>
<td>19,600</td>
<td>1:72</td>
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<tr>
<td>Winter Park Wellness Center</td>
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<td>37,000</td>
<td>1:310</td>
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Mr. Mayor, Distinguished Commissioners and Mr. Briggs,

I am a resident of Winter Park and a long time member of the Winter Park YMCA and I wanted to take this opportunity to email you about my position regarding the Y's planned facilities enhancement. The facilities upgrade will allow the YMCA to alleviate its parking problems, upgrade is family locker room facilities, and add a zero depth children's pool to the facility. The process will also enhance the neighboring properties, as the YMCA will demolish two dilapidated rental houses on Palmer Avenue (which the Y already owns) and create a walled, landscaped, appearance there. I am 100% in support of this project and would appreciate your thoughtful consideration and support of the project.

Best regards,

Jimmy Ferrell

JAMES W. FERRELL, MBA, CPA, CFP, PFS, CIMC
President
Ferrell Wealth Management, Inc.
1400 W. Fairbanks Avenue
Suite 202
Winter Park, FL 32789
Phone: (407) 629-7008
Cell: (407) 716-4924
Fax: (407) 629-7516
jferrell@FerrellWM.com
www.FerrellWM.com

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FYI:

-----Original Message-----
From: James Yarbrough [mailto:James.Yarbrough@RaymondJames.com]
Sent: Mon 8/17/2009 2:00 PM
To: Mayor and Commissioners
Subject: Winter Park YMCA renovations

Ladies and Gentlemen,
Please support our efforts to enhance the quality of our Lakemont facility by approving our modest request for remodeling. The requested changes in the parking lot and the addition of a zero depth pool will be invisible from street level on any adjacent street. Improved landscaping and a privacy fence will assure that.
The approximate 10% change in our square footage will simply result in the squaring off of one corner of our existing rectangular building.
We have thousands of members that will benefit from these improvements.
Thank you, Jim Yarbrough
WP YMCA Board Member
Jeffrey Briggs

From: GERI [ggthrone@yahoo.com]
Sent: Tuesday, July 07, 2009 10:08 AM
To: Jeffrey Briggs
Subject: YMCA

Jeff,

Here's a voice from your distant past. It's reassuring to me to be able to contact a person I've known so long in the city about this matter. Hope you are doing well.

I am still at the same address on Chestnut Avenue, in walking distance from the Winter Park Y. I, like many of my neighbors, am extremely concerned about its plans to expand and plan to help them in any way to combat it.

It is unfathomable to me how the city can make a big show of protecting residential areas from commercial uses, yet seem willing to allow an intrusive commercial use just because the perpetrator is a nonprofit -- albeit with a lot of wealthy, powerful friends.

At your earliest convenience, Jeff, could you please email or call me (407-644-3633) with the status of the Y's request? I thought by now there would be some definitive request.

Sincerely,
Geri Throne
To: City of Winter Park Commissioners and P&Z board members

Keep Winter Park green.

Neighborhood zoning is currently in existence for Palmer Avenue, a street that not only is encouraging economical home investment but proving a family haven for quiet living with a touch of country if only in its guarantee of no commercial distractions. Houses between Park and Lakemont avenues are representative of the character and care apparent to the Winter Park area, and, continuing purchases of older houses reveals more architectural renovations and/or rebuilds enhancing an upscale and manicured environment — a landscape which abides with cobble-stoned and tree-lined streets.

Here driveways must lead to the back of houses, where carports and garages and cars are visually hidden from street view as outlined in the new rezoning ordinances. Here the city recently enforced a 20 mile-per-hour traffic zone for Palmer Avenue to relieve homeowner complaints on the issue of increased traffic at unsafe speeds. It is a street marked clearly for bicycle travel.

Lakemont Avenue is also home to the new elementary school right off Palmer Avenue, a few blocks from the YMCA. And yet, even this several, block-deep development buries its parking behind long driveways to the back of its buildings — just like the city mandates homeowners.

A small, neighborhood-framed YMCA backed by a city park must limit itself as the city’s conditional-use permit specifically stated it must do. Buying property before asking the city for expansion permission, and being granted such permission, is a slap in the face of the city and its regulation process. Back-door advancement isn’t any less ugly because it’s used by a self-proclaimed charity-based organization.

Please also consider: YMCA parking on Lakemont is well lit throughout the night. Consequently, the two lots purchased on Palmer for additional parking will also be lit throughout the night causing further distraction, not withstanding the all-too-common parking lot phenomenon — car alarms “set off” by who knows what. My property is directly opposite the proposed parking expansion.

With a larger YMCA less than a mile up Lakemont, an increasing membership with cars in need of parking need only drive five minutes further, if that is the case.

If the YMCA’s goal is simply to expand in order to increase membership, the city needs to stand by its original determination of keeping this small-scale business, which it is, to a small-scale family YMCA: “There will be no further acquisition of property in the immediate area for expansion purposes.”

I am a recent resident to the Winter Park community and let me assure you that the new and younger residents care about this just as much as the original residents who fought to protect the quiet neighborhood community feel in the first phase. I also do not understand how the local government, which is sworn to serve the entire community, has not upheld the agreement issued 10 years ago that does not allow further expansion. When is a legal agreement binding in this community?
I was drawn to relocate to Winter Park because of the lush green community atmosphere that kept commercialism to select areas and protected the green environment. Does Winter Park want to transform its look and feel for that of other surrounding Orlando towns where commercial property is scattered and integrated across residential areas?

Even without their proposed expansion, they already have been expanding. On many occasions, as a resident whose back yard overlooks the park, I have witnessed neighborhood children pushed off Phelps Park’s basketball courts so YMCA-based exercise classes can workout outdoors.

It is my sincere hope that you represent all of your tax-paying residents when you review and decide on what our future will be.

Margaret

Margaret deBoer
Houghton Mifflin Harcourt Publishing Company
Senior Vice President, K-12 Marketing
386.235.6375 cell
407.345.2480 Orlando office
617.351.5353 Boston office

New email address: Margaret.deBoer@hmhpub.com
dear commissioners and mr. briggs:
the following is an e-mail i sent to members of P&Z. i wanted you to know my opinions as well.
thank you.
kathy kiely

hello P&Z board members:
well, the notices for the YMCA's requested expansion went out, and there is going to be a battle. The surrounding neighborhood is ready.
two things: one, the Y promised in writing ten years ago, in order to get its last expansion, that it would not request another, but here it goes again. as adjoining neighbor jean mcintosh said, " they thought we'd be dead by now, but we're not!"
second, it would be unheard of lately (at least outside the westside) for R1a to be allowed to be taken for parking, yet that is what the Y is poised to do -- the two houses it bought on palmer ave. are vacant and derelict and waiting for the wrecking ball. converting R1a to parking has been attempted in our area before -- for example, at lakemont and edwin -- and was met with a flat no from the city (even though those lots were surrounded by commercial zoning). this case should not be any different. it is astonishing that a parking lot would be allowed to encroach up palmer ave., one of our nicer residential addresses.
finally, i hope everyone involved will keep in mind that the YMCA is a business like any other. it trades on a reputation as a charity, but this facility is a middle-class sports club, nothing more. it draws paying customers from outside the city and especially from nearby seminole county.
this Y facility is surrounded on all sides by R1a homes only, and it already draws too much traffic for a residential area. it never should have been built in that location, but the least we can do is keep it from expanding yet again. once the Y's size and traffic reach a certain critical level, the surrounding homes will turn into a slum -- it's that simple.
please hold the YMCA to its previous promise not to expand again.
thank you.
kathy kiely
1800 oneco ave.
Hello folks .. as I type this email from 1050 North Lakemont I am watching vehicles trying to navigate around the barriers, water hoses, and sewer line temporarily in place during the city's maintenance or repair. Beside these vehicles I watched a semi truck navigate into the Y's parking lot which was a real feat under these circumstances.

I know the city work being done on Lakemont is a temporary situation but it further illustrates that 53 parking places are just not needed, there's plenty of traffic and confusion already on Lakemont. Further, when I learned that the Y does in fact propose to expand the building another 3,000+ square feet I was appalled. What good is a signed, written agreement if it's not honored?

I reiterate my position on *not granting* the Y *any* consideration for expansion. When I bought this home in 1991 there was a small, family sized YMCA across the street which has grown to an already uncomfortable size.

Myself and some 70+ neighbors agree with Jean McIntosh, enough is enough .. the YMCA should keep to their signed agreement, *no more expansion*.

Thank you all for your time and consideration.

Sincerely,

John Kurash

407-671-0500
Hello Jeff. We received your letter of August 12, 2008 regarding the YMCA's request to expand their facilities further up Palmer Avenue. Please make note that Laura and I are generally opposed to further intrusion of this commercial enterprise into our residential community.--

Laura and Jeff Hale
1640 Palmer Avenue
Winter Park, Florida 32789
Tele.(407) 644-8642 Fax(407) 644-3682