CITY OF WINTER PARK
Planning & Zoning Commission

Regular Meeting
Commission Chambers

April 6, 2010
7:00 p.m.

AGENDA

Approval of minutes –February 24th and March 16th minutes

PUBLIC HEARINGS:

REQUEST OF THE CITY OF WINTER PARK FOR: 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 FROM CENTRAL BUSINESS DISTRICT TO OPEN SPACE AND RECREATION ON THE 2.03 ACRES OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-2) DISTRICT TO PARKS AND RECREATION (PR) DISTRICTON THE 2.03 ACRES OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

REQUEST OF THE CITY OF WINTER PARK FOR: 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 FROM CENTRAL BUSINESS DISTRICT TO INSTITUTIONAL ON THE 2.03 ACRES OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-2) DISTRICT TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ON THE 2.03 ACRES OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.
THERE WILL BE A SIMULTANEOUS PUBLIC HEARING ON THE FOUR ABOVE REFERENCED ORDINANCES

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE EXISTING COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION OF INSTITUTIONAL TO OPEN SPACE AND RECREATION ON THE 1.21 ACRES OF THE WEST MEADOW TO CENTRAL PARK PROPERTY AT 150 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF PUBLIC, QUASI-PUBLIC (POP) DISTRICT TO PARKS AND RECREATION (PR) DISTRICT ON THE 1.21 ACRES OF THE WEST MEADOW TO CENTRAL PARK PROPERTY AT 150 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

THERE WILL BE A SIMULTANEOUS PUBLIC HEARING ON THE TWO ABOVE REFERENCED ORDINANCES

SITE PLAN REVIEWS

Request of Dr. Ajayi for approval of the Development Agreement for the conversion of the property at 639 Overspin Drive to a medical sleep lab facility and parking lot.

NEW BUSINESS

All interested parties are invited to attend and be heard. Additional information is available in the Planning Department so that citizens may acquaint themselves with each issue and receive answers to any questions they may have prior to the meeting.

NOTE: If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105).

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Planning Department at 407-599-3453 at least 48 hours in advance of the meeting.
CITY OF WINTER PARK
PLANNING AND ZONING COMMISSION

Staff Report
April 6, 2010

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF THE CENTRAL BUSINESS DISTRICT TO OPEN SPACE AND RECREATION ON THE POST OFFICE PROPERTY. ALTERNATIVELY, AN ORDINANCE OF THE CITY OF WINTER PARK TO CHANGE THE FUTURE LAND USE TO INSTITUTIONAL ON THE WINTER PARK POST OFFICE PROPERTY AT 300 N. NEW YORK AVENUE.

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-2) DISTRICT TO PARKS AND RECREATION (PR) DISTRICT ON THE POST OFFICE PROPERTY. ALTERNATIVELY, AN ORDINANCE OF THE CITY OF WINTER PARK TO CHANGE TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ON THE WINTER PARK POST OFFICE PROPERTY AT 300 N. NEW YORK AVENUE.

Overview:

On November 8, 2004, via Ordinance 2608-04, the City Commission changed the Comprehensive Plan future land use designation on the Winter Park Post Office property from "Governmental and Community Service" to "Central Business District". At the same time, via Ordinance 2609-04, the City Commission also changed the zoning designation from Public, Quasi-Public (PQP) district to Central Business (C-2) district. This was done at the request of Central Park Station Partners LLC to facilitate the proposed joint venture redevelopment project known as the Carlisle. As everyone knows, the Carlisle project was terminated when the City purchased the redevelopment rights to the property. As a result, there is no need for the C-2 zoning and the property should, at a minimum, revert back to the pre-existing PQP zoning.

The City Commission has just recently adopted Resolution 2043-10. In that resolution, the City Commission has declared its intention that the Post Office property be converted to park land, should it cease to be used as a Post Office. This is in concert with the Central Park Master Plan which calls for the expansion of Central Park over to New York Avenue. To further bolster that position, the City Commission has administratively sponsored these proposed ordinances to change the comprehensive plan future land use and zoning designations.
Notice Requirements:

Consistent with the code requirements, this proposed change to future land use and zoning (since over two acres) has been noticed and advertised at least thirty days in advance of the P&Z public hearing via a city-wide mailing to all 14,000 households in the city. In addition, notices were mailed to all property owners within 1,500 feet and posters were placed on the two street frontages. Legal notice was also advertised in the Orlando Sentinel at least thirty days in advance. Since this is an administrative change, notice was also mailed (return receipt required) to the property owner (post office) again thirty days in advance together with a return form to indicate whether they are in favor or opposed to the change. The city has the 'return receipt' that the notice was received but has not received any reply as to the position of the post office on this matter.

Land Use Changes Options:

There are two alternative changes that have been advertised and noticed. One is a change to Open Space and Recreation (PR zoning) and the other is to change to Institutional (PQP zoning).

The proposed change to Open Space and Recreation future land use (PR zoning) is based upon the City Commission's vision for this property per Resolution 2043-10 wherein the City Commission "declares its intention that the property be converted to public parkland" should it cease to be used as a post office. The complication for this action is that the 'parks' land use and zoning would make the current post office building and operations a nonconforming use. Post offices are not a permitted use in the 'parks' land use and zoning designations. The current post office could continue to function unaffected by this change but if the post office wanted to redevelop the property for a new post office via rebuilding or if they wanted to enlarge the current post office, then they would be prohibited from doing so by our code, absent a special permit. Also, if the post office decided to move and sell the property, then probably no one would buy the property (except the city) because the only permitted use is as park and recreation land. This would affect the value of the property.

The proposed change to Institutional future land use (PQP) zoning would simply restore the pre-existing zoning in place prior to the Carlisle proposal. Post offices are a permitted use. The permitted heights and floor area ratio allowed in PQP zoning are the same as exist in the current C-2 zoning so there is no legitimate Bert Harris claim that this is devaluing the property. It would restore the same rights and abilities to this property as pre-existed the 2004 rezoning.

STAFF RECOMMENDATION IS FOR APPROVAL to the Institutional future land use and PQP zoning designations.
Future Land Use Changes
RESOLUTION NO. 2043-10

A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA SUPPORTING THE ACQUISITION OF THE PROPERTY CURRENTLY OWNED AND USED BY THE UNITED STATES POSTAL SERVICE FOR THE PURPOSE OF PUBLIC PARKLAND.

WHEREAS, the United States Postal Service (USPS) currently owns the property located at 300 N. New York Avenue in Winter Park (the Property) and has been using said property since 1963 for both retail and distribution functions of the post office, and,

WHEREAS, the Property is located within the heart of downtown Winter Park and is directly adjacent to the City's Central Park and upscale shopping district, and

WHEREAS, the New York Avenue corridor adjacent to the Property is prime for economic redevelopment, and

WHEREAS, the City Commission of Winter Park has recognized that the distribution center located on the Property is neither appropriate nor compatible with Central Park, the upscale nature of the surrounding uses, or the desire to promote economic development downtown, and

WHEREAS, alternative nearby local sites are readily available for the construction of a replacement Post Office and

WHEREAS, as the city and surrounding region increases in intensity and density of land uses the need for added green space has grown substantially, and

WHEREAS, parks are a priority of Winter Park and the city guarantees the citizens’ a minimum of 10 acres of parkland per 1000 residents; and

WHEREAS, there is a desire to have the Property become park land for the purpose of expanding Central Park for future generations of Winter Park residents and visitors.

WHEREAS, the City of Winter Park desires the donation of the current Winter Park Post Office land from the Federal government, and guarantees it will not be sold for commercial purposes or financial gain, but will only be utilized for the public good;

NOW, THEREFORE, be it resolved by the City Commission of the City of Winter Park, Florida that:

Section 1. The City Commission of the City of Winter Park hereby declares its intention that the Property located at 300 N. New York Avenue be converted to public parkland.
Section 2. The City Commission calls upon the USPS to work with the City of Winter Park to insure that the Property becomes park should it cease to be utilized as a post office.

Section 3. The City Commission calls upon Winter Park Congressional Representatives to assist the City in acquiring the Property in order to stimulate economic development along the New York Avenue corridor and to provide an expansion of the much needed green space in this urban environment.

Section 4. The City Commission commits to keep the Property as park land in perpetuity for the recreational use and enjoyment of current and future residents and visitors.

Adopted at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida on the 25th day of January 2010.

Mayor Kenneth W. Bradley

Attest: Cynthia Bonham
City Clerk Cynthia Bonham
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 FROM CENTRAL BUSINESS DISTRICT TO OPEN SPACE AND RECREATION ON THE 2.03 ACRES OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the 2.03 acres of the Winter Park Post Office property at 300 N. New York Avenue is envisioned to become an expansion of Central Park, in whole or in part, and

WHEREAS, the City Commission changed the previous governmental and institutional Comprehensive Plan future land use designation for this property on November 8, 2004 via ordinance No. 2608-04 in order to facilitate a proposed joint venture redevelopment project that included retail, office, residential uses in addition to the post office, and

WHEREAS, that joint venture redevelopment project is no longer viable and thus the current future land use designation of central business district no longer reflects the appropriate current or future use of this property and as such the City Commission in furtherance of the long term 20 year vision of the Comprehensive Plan desires to establish a future land use designation compatible with that vision, and

WHEREAS, the US Postal Service will be unaffected by this change as they may continue to utilize this property for their operation of a post office in the interim, and

WHEREAS, this City initiated amendment of the Comprehensive Plan future land use designation meets the criteria established by Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held, and

WHEREAS, the proposed amendment was reviewed by the City’s Planning and Zoning Board on April 6, 2010, and said amendment was found to be consistent with the Comprehensive Plan.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:
SECTION 1. That Chapter 58 “Land Development Code”, Article I, “Comprehensive Plan” future land use plan map is hereby amended so as to change the future land use map designation from central business district to open space and recreation on the property at 300 N. New York Avenue, said property being more particularly described as follows:

All that certain parcel of land situated in the City of Winter Park, described as beginning at the point of intersection of the East line of New York Avenue with the North line of Carolina Avenue and running thence Northwardly along the east line of New York Avenue 590.0 feet to the South line of Canton Avenue; thence Eastwardly along the South line of Canton Avenue and forming an interior angle of 90 degrees 03' 20" with the preceding course, 62.45 feet to a point 40 feet southwesterly, measured radially, from the original center line of the main tract of the A.C.L. Railroad Company; thence Southeastwardly along the arc of a curve to the right having a radius of 1392.69 feet, said curve being supported by a chord forming an interior angle of 116 degrees 24' 04" with the preceding course and having a length of 342.68 feet to a point on the center line of Garfield Avenue (now vacated); thence Westwardly, along the center line of Garfield Avenue (now vacated) and forming an interior angle of 63 degrees 35' 56" with said chord, 65.12 feet to the center line of West Park Avenue (now vacated); thence Southwardly along the center line of West Park Avenue (now vacated), and forming an exterior angle of 90 degrees 03' 20" with the preceding course, 283.65 feet to the north line of Carolina Avenue; thence Westwardly along the North line of Carolina Avenue forming an interior angle 89 degrees 50' with the preceding course, 150 feet to the point of beginning all lying and being situate in Section 6, Township 22, Range 30 East, Orange County, Florida. Property Tax ID # 05-22-30-9400-21-010

SECTION 2 - SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 3 - CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective 31 days after adoption on May 10, 2010. If this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of ________________, 2010.

__________________________________________
Mayor

Attest:

__________________________________________
City Clerk
ORDINANCE NO. 

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-2) DISTRICT TO PARKS AND RECREATION (PR) DISTRICT ON THE 2.03 ACRES OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the 2.03 acres of the Winter Park Post Office property at 300 N. New York Avenue is envisioned to become an expansion of Central Park, in whole or in part, should it cease to be used as a post office, and

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

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

WHEREAS, the Planning and Zoning Board recommended approval of this Ordinance at its April 6, 2010 meeting and found it to be consistent with the Comprehensive Plan.

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the existing zoning designation of commercial (C-2) district (same as the formerly named central business (C-2) district) to parks and recreation (PR) district on the property at 300 N. New York Avenue, said property being more particularly described as follows:

All that certain parcel of land situated in the City of Winter Park, described as beginning at the point of intersection of the East line of New York Avenue with the North line of Carolina Avenue and running thence Northwardly along the east line of New York Avenue 690.0 feet to the South line of Canton Avenue; thence Eastwardly along the South line of Canton Avenue and forming an interior angle of 90 degrees 03' 20" with the preceding course, 62.45 feet to a point 40 feet southwesterly, measured radially, from the original center line of the main tract of the A.C.L. Railroad Company; thence Southeastwardly along the arc of a curve to the right having a radius of 1392.69 feet, said curve being supported by a chord forming an
interior angle of 116 degrees 24' 04" with the preceding course and having a length of 342.68 feet to a point on the center line of Garfield Avenue (now vacated); thence Westwardly, along the center line of Garfield Avenue (now vacated) and forming an interior angle of 63 degrees 35' 56" with said chord, 65.12 feet to the center line of West Park Avenue (now vacated); thence Southwardly along the center line of West Park Avenue (now vacated), and forming an exterior angle of 90 degrees 03' 20" with the preceding course, 283.65 feet to the north line of Carolina Avenue; thence Westwardly along the North line of Carolina Avenue forming an interior angle 89 degrees 50' with the preceding course, 150 feet to the point of beginning all lying and being situate in Section 6, Township 22, Range 30 East, Orange County, Florida. Property Tax ID # 05-22-30-9400-21-010

SECTION 2 - SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 3 - CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon the effective date of Ordinance _________. If Ordinance _________ does not become effective, then this Ordinance shall be null and void.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____________, 2010.

_____________________________  
Mayor

Attest: _____________________________  
City Clerk

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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION FROM CENTRAL BUSINESS DISTRICT TO INSTITUTIONAL ON THE 2.03 ACRES OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the 2.03 acres of the Winter Park Post Office property at 300 N. New York Avenue is the site of a quasi-governmental institutional public service entity as described in the Institutional future land use category of the Comprehensive Plan, and

WHEREAS, the City Commission changed the previous government and institutional Comprehensive Plan future land use designation for this property on November 8, 2004 via ordinance No. 2608-04 in order to facilitate a proposed joint venture redevelopment project that included retail, office, residential uses in addition to the post office, and

WHEREAS, that joint venture redevelopment project is no longer viable and thus the current future land use designation of central business district no longer reflects the appropriate current or future use of this property and as such the more accurate institutional future land use designation should be restored, and

WHEREAS, this City initiated amendment of the Comprehensive Plan future land use designation meets the criteria established by Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held, and

WHEREAS, the proposed amendment was reviewed by the City’s Planning and Zoning Board on April 6, 2010, and said amendment was found to be consistent with the Comprehensive Plan.

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

SECTION 1. That Chapter 58 “Land Development Code”, Article I, “Comprehensive Plan” future land use plan map is hereby amended so as to change the future land use map designation from central business district to institutional on the property at 300 N. New York Avenue, said property being more particularly described as follows:
All that certain parcel of land situated in the City of Winter Park, described as beginning at the point of intersection of the East line of New York Avenue with the North line of Carolina Avenue and running thence Northwardly along the east line of New York Avenue 590.0 feet to the South line of Canton Avenue; thence Eastwardly along the South line of Canton Avenue and forming an interior angle of 90 degrees 03' 20" with the preceding course, 62.45 feet to a point 40 feet southwesterly, measured radially, from the original center line of the main tract of the A.C.L. Railroad Company; thence Southeastwardly along the arc of a curve to the right having a radius of 1392.69 feet, said curve being supported by a chord forming an interior angle of 116 degrees 24' 04" with the preceding course and having a length of 342.68 feet to a point on the center line of Garfield Avenue (now vacated); thence Westwardly, along the center line of Garfield Avenue (now vacated) and forming an interior angle of 63 degrees 35' 56" with said chord, 65.12 feet to the center line of West Park Avenue (now vacated); thence Southwardly along the center line of West Park Avenue (now vacated), and forming an exterior angle of 90 degrees 03' 20" with the preceding course, 283.65 feet to the north line of Carolina Avenue; thence Westwardly along the North line of Carolina Avenue forming an interior angle 89 degrees 50' with the preceding course, 150 feet to the point of beginning all lying and being situate in Section 6, Township 22, Range 30 East, Orange County, Florida. Property Tax ID # 05-22-30-9400-21-010

SECTION 2 - SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 3 - CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective 31 days after adoption on May 10, 2010. If this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____________, 2010.

______________________________
Mayor

Attest:

______________________________
City Clerk

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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-2) DISTRICT TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ON THE 2.03 ACRES OF THE WINTER PARK POST OFFICE PROPERTY AT 300 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the 2.03 acres of the Winter Park Post Office property at 300 N. New York Avenue is envisioned to become an expansion of Central Park, in whole or in part, should it cease to be used as a post office, and

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

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

WHEREAS, the Planning and Zoning Board recommended approval of this Ordinance at its April 6, 2010 meeting and found it to be consistent with the Comprehensive Plan.

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the existing zoning designation of commercial (C-2) district (same as the formerly named central business (C-2) district) to public, quasi-public (PQP) district on the property at 300 N. New York Avenue, said property being more particularly described as follows:

All that certain parcel of land situated in the City of Winter Park, described as beginning at the point of intersection of the East line of New York Avenue with the North line of Carolina Avenue and running thence Northwardly along the east line of New York Avenue 590.0 feet to the South line of Canton Avenue: thence Eastwardly along the South line of Canton Avenue and forming an interior angle of 90 degrees 03' 20" with the preceding course, 62.45 feet to a point 40 feet southwesterly, measured radially, from the original center line of the main tract of the A.C.L. Railroad Company; thence Southeastwardly along the arc of a curve to the right having a radius of 1392.69 feet, said curve being supported by a chord forming an
interior angle of 116 degrees 24' 04" with the preceding course and having a length of 342.68 feet to a point on the center line of Garfield Avenue (now vacated); thence Westwardly, along the center line of Garfield Avenue (now vacated) and forming an interior angle of 63 degrees 35' 56" with said chord, 65.12 feet to the center line of West Park Avenue (now vacated); thence Southwardly along the center line of West Park Avenue (now vacated), and forming an exterior angle of 90 degrees 03' 20" with the preceding course, 283.65 feet to the north line of Carolina Avenue; thence Westwardly along the North line of Carolina Avenue forming an interior angle 89 degrees 50' with the preceding course, 150 feet to the point of beginning all lying and being situate in Section 6, Township 22, Range 30 East, Orange County, Florida. Property Tax ID # 05-22-30-9400-21-010

SECTION 2 - SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 3 - CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon the effective date of Ordinance ________. If Ordinance ________ does not become effective, then this Ordinance shall be null and void.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____________, 2010.

______________________________
Mayor

Attest:

______________________________
City Clerk
February 22, 2010

TO: United States Postal Service
1735 N. Brown Road, Suite 200 Lawrenceville, Georgia 30043

FROM: City of Winter Park, Planning Department

SUBJECT: Owner Notification and Confirmation of Future Land Use Map and Zoning Map Amendment for Property within the City of Winter Park at 300 N. New York Avenue.

NOTICE is hereby given that a public hearing will be held by the Planning and Zoning Commission of the City of Winter Park, Florida, on April 6, 2010 at 7:00 p.m. and by the City Commission on April 26, 2010 and May 10, 2010 at 5:30 p.m., in the Commission Chambers at City Hall, 401 Park Avenue South, Winter Park, Florida, to consider the following:

The City is proposing to administratively amend the Comprehensive Plan Future Land Use Map and Zoning Map designations for the Winter Park Post Office property at 300 N. New York Avenue, Winter Park, Fl. 32789; Property ID # 05-22-30-9400-21-010 from a Central Business District future land use designation and C-2 Zoning to Open Space and Recreation future land use designation and PR zoning or alternatively to an Institutional future land use designation and PQP zoning.

This action has been advertised in the Orlando Sentinel for review by the Local Planning Agency (aka Planning and Zoning Commission) on April 6, 2010. The action has been advertised in the Orlando Sentinel for review by the City Commission on April 26, 2010 and May 10, 2010. Your attendance is not required, but citizen participation is always encouraged. The ordinances can be inspected at the Planning Department office at Winter Park City Hall between 8:00 am and 5:00 p.m. weekdays.

Please review the information provided on the attached verification letter that includes the property tax ID number(s), map location, the proposed Future Land Use and zoning designations of the property, and other information to ensure that the property is being correctly amended. Owner and location information was obtained from the 2009 Orange County Property Appraiser’s tax maps and ownership files.

Please sign and return a copy of the ownership data to verify the accuracy of our information within two weeks of receiving this letter. Corrections to any erroneous information may be made directly on the information sheet. You can fax your response to (407) 599-3499. or, if you prefer, you can scan and email the form to jbriggs@cityofwinterpark.org. No response will be treated as an affirmative response and will be processed as indicated.

All interested parties are invited to attend the meetings and be heard. Additional information is available in the Planning Department so that citizens may acquaint themselves with each issue and receive answers to any questions they may have prior to the meeting.

Note: If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) Persons with disabilities needing assistance to participate in any of these proceedings should contact the Planning Department at 407-599-3463 at least 48 hours in advance of the meeting.
Comprehensive Plan and Zoning Amendment

Winter Park Post Office property

300 N. New York Avenue

ID # 05-22-30-9400-21-010

The City is proposing to administratively amend the Comprehensive Plan Future Land Use Map and Zoning Map designations for the Winter Park Post Office property at 300 N. New York Avenue, Winter Park, Fl. 32789; Property ID # 05-22-30-9400-21-010 from a Central Business District future land use designation and C-2 Zoning to Open Space and Recreation future land use designation and PR zoning or alternatively to an Institutional future land use designation and PQP zoning.

I have reviewed the tax ID number and proposed FLU and rezoning

☐ I own this property, and agree to the proposal

☐ I own this property, but disagree to the proposed FLU and zoning classification(s).

☐ I don't own this property

Signature

Telephone
Dear Mr. Lowe:

Attached is the "Notice to the Property Owner" letter that has been mailed to the address of record from the Orange County Property Tax Rolls concerning an administrative change proposed by the City Commission for the Winter Park Post Office property at 300 N. New York Avenue. This involves a proposed change to the Comprehensive Plan future land use map and also to the Official Zoning map to change the land use and zoning designation now on the Winter Park Post Office property from the existing Central Business District future land use designation and C-2 zoning to either the Open Space and Recreation future land use (PR zoning) or to Institutional future land use (PQP zoning).

You will note the public hearings are advertised for April 6, 2010 at 7:00 pm for the Planning and Zoning Commission and April 26, 2010 and May 10, 2010 at 5:01 pm for the City Commission at City Hall, 401 S. Park Avenue.

Please note there is a response sheet where the Post Office can send in your consent or opposition to this change.

The Winter Park Post Office had been zoned PQP since 1971 until it was rezoned in 2004 to C-2 in order to enable the joint venture redevelopment project between the Post Office and Broad Street Partners. Thus, it the proposal of the City Commission to either adopt parks and recreation zoning in conjunction with their long term vision for the expansion of the adjacent Central Park or back to the original PQP zoning as the C-2 zoning is no longer necessary.

Included in the attachments above is the existing zoning and the two alternatives for your comparison.

Jeffrey Briggs
Planning Director
(407) 599-3440
The City of Winter Park is proposing to change the Comprehensive Plan Future Land Use Map designation and Zoning from Central Business District (C-2) to Open Space and Recreation (PR) or Institutional (PQP) on the 2.03 acres of the Winter Park Post Office at 300 North New York Avenue.

The City of Winter Park is also proposing to change the Comprehensive Plan Future Land Use Map designation and Zoning from Institutional (PQP) to Open Space and Recreation (PR) on 1.21 acres of the former Parking Lot A, now the Central Park West Meadow at 150 North New York Avenue.

NOTE: If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105).

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Planning Department at 407-599-3453 at least 48 hours in advance of the meeting.
CITY OF WINTER PARK
PLANNING AND ZONING COMMISSION

Staff Report
April 6, 2010

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, “COMPREHENSIVE PLAN” AND THE FUTURE LAND USE MAP SO AS CHANGE THE FUTURE LAND USE DESIGNATION OF INSTITUTIONAL TO OPEN SPACE AND RECREATION ON THE WEST MEADOW PORTION OF CENTRAL PARK AT 150 NORTH NEW YORK AVENUE.

REQUEST OF THE CITY OF WINTER PARK FOR: 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 CHANGE THE EXISTING ZONING DESIGNATION OF PUBLIC, QUASI-PUBLIC (POP) DISTRICT TO PARKS AND RECREATION (PR) DISTRICT ON THE WEST MEADOW PORTION OF CENTRAL PARK AT 150 NORTH NEW YORK AVENUE.

Overview:

In 2009, the City Commission agreed to change the former municipal parking lot on the northeast corner of Morse Blvd. and New York Avenue into the West Meadow expansion of Central Park. This is in concert with the Central Park Master Plan which calls for the expansion of Central Park over to New York Avenue. To further bolster that position, the City Commission has administratively sponsored these proposed ordinances to change the comprehensive plan future land use for the 1.21 acres of the West Meadow to Open Space and Recreation and to Parks and Recreation (PR district) zoning.

Notice Requirements:

Consistent with the code requirements, this proposed change to future land use and zoning (since over one acre) has been noticed and advertised at least thirty days in advance of the P&Z public hearing via a city-wide mailing to all 14,000 households in the city. In addition, notices were mailed to all property owners within 1,500 feet and posters were placed on the two street frontages. Legal notice was also advertised in the Orlando Sentinel at least thirty days in advance. Since this is an administrative change on a city owned property, notice was not required to the property owner since it is the City.

STAFF RECOMMENDATION IS FOR APPROVAL.
ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, “LAND DEVELOPMENT CODE”, ARTICLE I “COMPREHENSIVE PLAN” AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE EXISTING COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION OF INSTITUTIONAL TO OPEN SPACE AND RECREATION ON THE 1.21 ACRES OF THE WEST MEADOW TO CENTRAL PARK PROPERTY AT 150 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the 1.21 acres of property at 150 N. New York Avenue has been converted from a municipal parking lot to the ‘West Meadow’ portion of Central Park, and

WHEREAS, the City Commission desires to establish a similar Comprehensive Plan future land use designation for said property in concert with the current and future use as an expansion to Central Park, and

WHEREAS, this amendment of the Comprehensive Plan future land use designation meets the criteria established by Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

WHEREAS, the proposed amendment was reviewed by the City’s Planning and Zoning Board on April 6, 2010, and said amendment was found to be consistent with the Comprehensive Plan.

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

SECTION 1. That Chapter 58 “Land Development Code”, Article I, “Comprehensive Plan” future land use plan map is hereby amended so as to change the future land use map designation of institutional to open space and recreation on the property at 150 N. New York Avenue, said property being more particularly described as follows:

Lots 28 through 35, Block 31, Revised Map of the Town of Winter Park as recorded in Plat Book “A”, Pages 67-72 and Lot 56, Block 31 Old Town of Winter Park as recorded in Misc. Book 3, Page 220 of the Public Records of Orange County, Florida plus that part of West Park Avenue lying west thereof.

Property Tax ID’s # 05-22-30-9400-31-300 and 05-22-30-9400-31-560
SECTION 2 - SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 3 - CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective 31 days after adoption on May 10, 2010. If this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of ______________, 2010.

_________________________________________  Mayor

Attest:

_________________________________________  City Clerk
ORDINANCE NO. ———

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING DESIGNATION OF PUBLIC, QUASI-PUBLIC (PQP) DISTRICT TO PARKS AND RECREATION (PR) DISTRICT ON THE 1.21 ACRES OF THE WEST MEADOW TO CENTRAL PARK PROPERTY AT 150 NORTH NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the 1.21 acres of property at 150 N. New York Avenue has been converted from a municipal parking lot to the 'West Meadow' portion of Central Park, and

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

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

WHEREAS, the Planning and Zoning Board recommended approval of this Ordinance at its April 6, 2010 meeting and found it to be consistent with the Comprehensive Plan.

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the existing zoning designation of public, quasi, public (PQP) district to parks and recreation (PR) district on the property at 150 N. New York Avenue, said property being more particularly described as follows:

Lots 28 through 35, Block 31, Revised Map of the Town of Winter Park as recorded in Plat Book "A", Pages 67-72 and Lot 56, Block 31 Old Town of Winter Park as recorded in Misc. Book 3, Page 220 of the Public Records of Orange County, Florida plus that part of West Park Avenue lying west thereof.

Property Tax ID's # 05-22-30-9400-31-300 and 05-22-30-9400-31-560
SECTION 2 - SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 3 - CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon the effective date of Ordinance ________. If Ordinance ________ does not become effective, then this Ordinance shall be null and void.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ____ day of ____________, 2010.

______________________________
Mayor

Attest:

__________________________
City Clerk
In December 2009, the Planning Commission and City Commission approved the request from Randolph Real Estate LLC (Doctor Ajayi) who has the medical office and sleep lab at 2660 West Fairbanks Avenue (corner of Fairbanks and Overspin, west of I-4) to annex the property at 639 Overspin Drive and to change the Comp. Plan and Zoning from single family residential to office in order to utilize that property for added sleep lab space and parking.

At this time, the construction plans have been completed and a building permit has been requested. The condition of approval for this project required a Development Agreement to incorporate the conditions and representations necessary. The attached letter discusses the issues that have been resolved since December 2009, especially to assure that the neighboring property (Kwastel’s @ 657 Overspin) privacy and security concerns would be met.

1. Soils/Sinkhole/Retention/Septic Tank – The geotech report has been prepared that assures that the soils can support the construction of the parking lot, the storm water retention exfiltration and relocation of the septic tank to the front yard.

2. Security for the Neighboring Property – Dr. Ajayi also has agreed to do an elevation survey and photo survey of the Mr. and Mrs. Kwastel’s property and home and guarantee that if for any reason any damage occurs from the construction, it will be remedied.

3. Privacy Fencing and Lighting - The Kwastel’s do not want a block wall but prefer a vinyl privacy fence. The parking lot lighting is agreed to have a timer and go off at 10:00 pm.

4. Architecture – Dr. Ajayi agrees to the design controls for residential appearance, limit to one story and no front yard signage.

5. Dumpster – the location shown is the best spot and an attractive wall buffer and front yard landscaping will be installed. The City’s franchise prohibits pickups before 7:00 am.

6. Access – No access is permitted from Overspin Drive.
7. Binding Lot – Both properties are to be unified as one parcel.
8. Development Agreement - All of these conditions and representations have been put into a new Development Agreement, prepared by the City Attorney covering both properties and replacing the existing agreement.

The P&Z CONDITIONS OF APPROVAL from the December 1, 2009 meeting were as follows:

1. That the existing development agreement be revised and restated (by the city attorney) to incorporate the current conditions related to parking and permitted usage as well as to incorporate new conditions for 639 Overspin, that both properties be tied via binding lot agreement to the existing property at 2660 W. Fairbanks and thus require approval of the City to be split, sold separately or used other than in conjunction with the office building at 2660 W. Fairbanks and that the use of the building be confined to the sleep lab usage as proposed and to incorporate all of the conditions and representations made by the applicant.
2. That the development agreement include that vehicular access from Overspin Drive is prohibited.
3. That any future change to those existing or proposed conditions requires a future application, notice to neighbors and rehearing by P&Z/City Commission.
4. That the Development Agreement be approved by the planning Commission prior to action by the City Commission.

The Planning staff believes that the development agreement covers the issues that were discussed. **STAFF RECOMMENDATION IS FOR APPROVAL**
DEVELOPER'S AGREEMENT FOR
2660 West Fairbanks and 639 Overspin Drive

THIS AGREEMENT ("Agreement") entered into and made as of the ___ day of _______, 2010, by and between the CITY OF WINTER PARK, FLORIDA, 401 S. Park Avenue, Winter Park, FL 32789 (hereinafter referred to as the "City"), and RANDOLPH REAL ESTATE LLC, P.O. Box 540326, Orlando, FL 32854, (hereinafter referred to as "Owner/Developer");

WITNESSETH

WHEREAS, Randolph Real Estate LLC is the Owner/Developer of certain real property at 2660 West Fairbanks Avenue and 639 Overspin Drive, lying within the municipal boundaries of the City of Winter Park, (hereinafter referred to as "Property") more particularly described as:

2660 W. Fairbanks Avenue: Lots 1, 2 and 3 (less the west 20 feet & less R/W on North), Block C, Dubsdread Heights as recorded in Plat Book "J", Page 115 of the Public Records of Orange County, Florida. Tax ID # 11-22-29-2248-03-010 (hereinafter "Property A").

639 Overspin Drive; Lot 25, Block C, Dubsdread Heights, as recorded in Plat Book "J", Page 115 of the Public Records of Orange County, Florida. Tax ID # 11-22-29-2248-03-250 (hereinafter "Property B").

WHEREAS, the Owner/Developer desires to develop the Property for the operation of an Pediatric Pulmonary and Pediatric Sleep Diagnostic Center (hereinafter "Project"); and

WHEREAS, the Owner/Developer desires to facilitate the development of the Property, in compliance with the laws and regulations of the City, and of other governmental authorities, and the Owner/Developer desires to temporarily seek relief from the parking standards in the City's Land Development Code as well as provide assurances that the business operations will be compatible with surrounding properties; and

WHEREAS, the City of Winter Park has provided annexation and amendments to the Comprehensive Plan future land use and zoning designations in order to facilitate this Project and has also agreed to consent to development of the Project provided that Owner/Developer acknowledge and abide by the restrictions mutually agreed upon for the operation and future use of the Property and such acknowledgement and restrictions are agreed upon to be in the form of a recordable Development Agreement to run with title to the land.

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

SECTION 1. RECITALS
The above recitals are true and correct and form a material part of the Agreement.
SECTION 2. REPEAL OF PREVIOUS DEVELOPER’S AGREEMENT
This Developer’s Agreement is intended to amend and replace the existing Developer’s Agreement, consisted of four pages, entered into on December 7, 2007 and recorded in Official Record Book 09554, Page 4685 of the Public Records of Orange County, Florida such that the existing agreement shall no longer be in force and effect.

SECTION 3. PARKING RELIEF AND ACESS RESTRICTIONS
The Owner/Developer consents and agrees that parking, is deficient per the City’s Land Development Code based upon the requirement for one parking space for each 200 square feet needed for medical use. As a direct consequence of the parking deficiency, the Owner/Developer acknowledges and agrees that as long as the first floor of the principal building on Property A at 2660 W. Fairbanks Avenue is used as a medical office, the second floor will be utilized solely as a sleep laboratory with usage primarily in the evening hours (after 5:00 p.m.), and offset from the medical use on the first floor. The second floor is only to be used in conjunction with the same medical use of the first floor. Furthermore, the first floor may not be rented, leased or used by third parties to this agreement. In furtherance, the City of Winter Park agrees that, in the future, the entire building on Property A at 2660 W. Fairbanks Avenue may be converted completely to non-medical office use, as it is deemed to meet the non-medical office parking standard of one parking space for each 250 square feet. In addition, there shall be no driveway access permitted to either Property A or Property B from Overspin Drive, unless approved as an amendment to this Agreement by the City Commission.

SECTION 4. BINDING LOT AGREEMENT
The Owner/Developer consents and agrees that Property A and Property B are to be joined and used as one parcel and that there shall not be separate third party use of any portion of the two buildings on this Property, without the consent of the City. Property A and Property B shall not be sold, subdivided or otherwise disposed of, or encumbered, in lesser constituent parcels without an amendment to this Agreement. The Owner/Developer shall combine Property A and Property B as one parcel on the property tax rolls of Orange County.

SECTION 5. RESTRICTIONS ON PROPERTY B AT 639 OVERSPIN DRIVE
The Owner/Developer, in recognition of the commitments made to secure the annexation and change of use from the City for Property B at 639 Overspin Drive from residential to office, consents and agrees that the operation of the business from the one story building on Property B at 639 Overspin Drive shall abide by the following restrictions:
1. The building shall remain one story in height and there shall be no front yard signage;
2. The building usage shall be limited to sleep laboratory operations and shall not be used as typical medical office space for patient visits;
3. The parking lot lighting shall be controlled by a timer which shall have 10:00 pm cut-off and turn-on no earlier than 6:00 am;
4. The six foot vinyl privacy fencing, screening the building and parking lot from the adjacent residential properties, shall be maintained in good condition, as well as the landscaping. Upon notice by the City, any repair, replacement or replanting shall be done expeditiously.

SECTION 6. EXPANSIONS, AMENDMENTS & MODIFICATIONS TO THIS AGREEMENT.
Expansions, amendments, and modifications to this Agreement, if requested by the Owner/Developer, may be permitted as approved following review by the City of Winter Park in conformance with the City’s Land Development Code.

SECTION 7. AGREEMENT TO BE BINDING
This Agreement, including any and all supplementary orders and resolutions, together with the approved development plan and all final site plans, shall be binding upon the Owner/Developer and their successors and assigns in title or interest. The provisions of this Agreement and all approved plans shall run with the land and shall be administered in a manner consistent with Florida Statutes and local law.

Developer’s Agreement
Page No. 2
SECTION 8. ENFORCEMENT
This Agreement may be enforced by specific performance. In the event that enforcement of this Agreement by the City becomes necessary, and the City is successful in such enforcement, the Owner/Developer shall be responsible for all costs and expenses, including attorney’s fees, whether or not litigation is necessary, and if necessary, both at trial and on appeal, incurred in enforcing or ensuring compliance with the terms and conditions of this Agreement, which costs, expenses and fees shall also be a lien upon the Property superior to all others. Interest on unpaid overdue sums shall accrue at the rate of eighteen percent (18%) compounded annually or at the maximum rate allowed by law.

SECTION 9. GOVERNING LAW; VENUE
This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. The Venue for purpose of litigation shall be in Orange County, Florida.

SECTION 10. RECORDING
This Agreement shall be recorded, at Owner/Developer’s expense, among the Public Records of Orange County, Florida no later than fourteen (14) days after full execution. Notwithstanding the foregoing, the same shall not constitute any lien or encumbrance on title to the Property and shall instead constitute record notice of governmental regulations, which regulates the use and enjoyment of the Property.

SECTION 11. TIME IS OF THE ESSENCE
Time is hereby declared of the essence as to the lawful performance of all duties and obligations set forth in this Agreement.

SECTION 12. SEVERABILITY
If any part of this Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be affected. To that end, this Agreement is declared severable.

SECTION 13. DEVELOPMENT PERMITS
Nothing herein shall limit the City’s authority to grant or deny any development permit applications or requests subsequent to the effective date of this Agreement. The failure of this Agreement to address any particular City, County, State and/or Federal permit, condition, term or restriction shall not relieve Developer or the City of the necessity of complying with the law governing said permitting requirement, condition, term or restriction. Without imposing any limitation on the City’s police powers, the City reserves the right to withhold, suspend, or terminate any and all certificates of occupancy or permits for the Property if Developer is in breach of any term and condition of this Agreement.

SECTION 14. SUBORDINATION/JOINER
Unless otherwise agreed to by the City, all liens, mortgages and other encumbrances not satisfied or released of record, must be subordinated to the terms of this Agreement or the lienholder join in this Agreement. It shall be the responsibility of the Owner/Developer to promptly obtain the said subordination or joinder, if necessary, in form and substance acceptable to the City Attorney, prior to the City’s execution of the Agreement.

SECTION 15. EFFECTIVE DATE
This Agreement shall not be effective and binding until the latest date that this Agreement is approved by and signed by all parties hereto.
IN WITNESS WHEREOF, the Owner/Developer and the City have executed this Agreement as of the day and year first above written.

Signed, Sealed and Delivered
In the Presence of:

OWNER:

Randolph Real Estate LLC

By: ____________________________
   Signature
   Printed Name: Dr. Akinyemi Ajayi
   Title: Manager

Signature of Witness #1
Printed Name:________________________

Signature of Witness #2
Printed Name:________________________

STATE OF FLORIDA     )
COUNTY OF _____________ )

The foregoing instrument was acknowledged before me this ___ day of __________, 2010, by
_____________________________________, as ____________________________
   of Randolph Real Estate LLC (Owner/Developer),
a Florida limited liability company, who is personally known to me or who has produced
____________________________________ as identification and who did (did not) take an oath.

Notary Public
Printed Name:________________________
My commission expires:________________

Developer’s Agreement
Page No. 4
CITY OF WINTER PARK, FLORIDA

Witness

By: ____________________________

Mayor: Kenneth Bradley

ATTEST:

By: ____________________________

City Clerk

STATE OF FLORIDA   )
COUNTY OF ORANGE   )

The foregoing instrument was acknowledged before me this _____ day of __________, 2010, by
____________________ of the City of Winter Park, Florida, who are personally known to me and they
acknowledged executing the same freely and voluntarily under authority vested in them and that the seal
affixed thereto is the true and corporate seal of the City of Winter Park, Florida.
____________________ as identification and who did (did not) take an oath.

Notary Public
Printed Name: ____________________________
My commission expires: ____________________
March 8, 2010

Mr. Jeff Briggs, Planning Director  
City of Winter Park  
401 Park Avenue South  
Winter Park, Florida 32789

Subject: Dr. Akin Ajayi – 639 Overspin Drive Property

Dear Mr. Briggs:

I have enclosed the documentation required to complete the annexation/re-zoning of the subject property with this letter. The information contained below is also submitted as part of said documentation.

The bullet points below are intended to elaborate on some of the outstanding issues covered by the attachments:

- Sink Hole Activity: As noted in the geotechnical report no conditions were found which indicated the need for extraordinary measures and no indications were found which lead the consultant to believe subsidence was imminent. With that being said it was also clearly noted that this entire area was susceptible to sink holes and regardless of the amount or extent of borings done it would be impossible to assure that no such activity would occur. The recommendations to the owner are to secure commercial insurance against such incidents. We will be instituting several measures through the course of construction to monitor the adjacent structures for any signs of movement or distress during the course of construction. Those measures will include photo documentation of all structures to compare the pre/post development conditions and survey information taking fixed points on the structures back to an established benchmark to monitor for any movement.

- Drain field: Orange County Health Department has expressed no opposition to the relocation of the system. Additionally the Civil Engineer has designed the exfiltration system with the full knowledge that the neighbor’s property has a septic and drain field located in their rear yard. There is no conflict between these two systems and the exfiltration system will not adversely affect the performance of the septic system. A statement from the engineer is being submitted under separate cover.

- Fencing: The drawings depict the limits of the fencing as agreed to with the adjacent property owner. The final selection of fencing type has not yet been made however it is anticipated to be an upgraded PVC/ Vinyl type.

- Landscaping: The attached drawings reflect a buffer as discussed in our meetings. In addition to the fencing material to be installed a dense landscape buffer has been added against the fence surrounding the parking area using 7 gallon/30” shrubs (at time of planting) along with trees to be relocated from between this expansion facility and the existing building. Additional steps have
been taken to screen the facility from the street by wrapping the same hedge line around that area.

- Lighting: The site lighting plan is being submitted with the building plans. As agreed to in our meetings the lighting hours of operation will be restricted. Site lighting will have a cut-off of 10:00 PM and a cut-on of no earlier than 6:00 AM. Cut sheets on the fixtures and a preliminary photometric drawing of the site are included. The fixtures are designed to have zero light spillover on the adjacent residential property.

I trust the information contained here combined with the attached drawings and supplemental information satisfies the requirements for the outstanding information necessary to complete the annexation/re-zoning. Please do not hesitate to contact me in the event you need any further documentation or clarification on any items.

Sincerely,

Richard J. Tracey
Vice President
CGC021914
Jeff,

See info below. Hopefully this will address any questions.

Additionally I have attached a copy of the civil engineers letter regarding no conflicts with the drain field / exfiltration system.

Rich

---

Rich/Doug:

Got your plans on Friday. Have a few comments or questions.

1. I see that the new handicapped parking space plan has handicapped access out to the sidewalk. I talked to George Wiggins, our Building Official and the handicapped access is only required to the building. Not required to go out to sidewalk. We want to screen this parking space also, so you need to continue the existing wall along Overspin down in front of this new handicapped space. [Rich Tracey] We can make this change, we thought the City required connectivity to the walk as well.

2. P&Z will ask what the dumpster wall enclosure is to look like aside from the notes of six foot block with decorative cap and facing to match principle building. Need you ideas. Match exterior wall? stucco? [Rich Tracey] Exterior walls will be stucco and painted to match the building.

3. Will the new drainfield be mounded? How tall? [Rich Tracey] Current design does not require the drain field to be mounded, it is in for permit now.

4. Not sure if the plan for the six foot tall vinyl privacy fence for the neighbors goes out in front of the house/office. It can only be three feet tall in that front yard area in front of the existing house/office. If the idea is to have a front yard vinyl fence then the landscaping needs to go on the street side of the fence. [Rich Tracey] No, the fence is intended for only the side and rear yard with landscape to serve as the sole front buffer

5. Not sure what the height of the parking lot light poles/fixtures are. Please advise. 16 feet is max code height. [Rich Tracey] Poles are currently designed at 16 ft however we are trying to see if a 12 ft pole will work. In no event will the pole / mounted height exceed 16 feet.

Jeff Briggs
FEATURES & SPECIFICATIONS

INTENDED USE — Ideal for parking areas, street lighting, walkways, and car lots.

CONSTRUCTION — Rugged, die-cast, soft corner aluminum housing with 0.12" nominal wall thickness. Die-cast door frame has impact-resistant, tempered, glass lens that is fully gasketed with one-piece tubular silicon.

FINISH — Standard finish is dark bronze (DBB) polyester powder finish, with other architectural colors available.

OPTICAL SYSTEM — Anodized, aluminum hydroformed reflectors: IES full cutoff distributions R2 (asymmetrical), R3 (asymmetrical), R4 (forward throw) and RS5 (square) are interchangeable. High-performance anodized, segmented aluminum reflectors IES full cutoff distributions SR2 (asymmetrical), SR5 (asymmetrical) and SR4SC forward throw, sharp cutoff. Segmented reflectors attach with tool-less fasteners and are rotatable and interchangeable.

ELECTRICAL SYSTEM — Ballast: High pressure sodium: 70-150V is high reactance, high power factor. Constant wattage autotransformer for 260-400V. Metal halide: 70-150V is high reactance, high power factor and is standard with pulse start ignitor technology. SCWA not required. Constant wattage autotransformer for 170-400V. Super CWA (pulse start ballast), 88% efficient and EISA legislation compliant, is required for metal halide 151-400V (SCWA option) for US shipments only, CSA, NEM or INL required for probe start shipments outside of the US. Pulse start ballast (SCWA) required for 200W, 320W, or 390W. Ballast is 100% factory-tested.

Socket: Porcelain, horizontally oriented medium base socket for 70-150M. Mogul base socket for 175M and above, and 70-400S, with copper alloy, nickel-plated screw shell and center contact. UL listed 1500W, 600V.

LISTING — UL Listed (standard). CSA Certified (see Options). UL listed for 25°C ambient and wet locations. IP65 rated in accordance with standard IEC 529.

Specifications subject to change without notice.

ORDERING INFORMATION

For shortest lead times, configure product using standard options (shown in bold).

Example: KAD 400M R3 SCWA SPD04 LPI

<table>
<thead>
<tr>
<th>Series</th>
<th>Voltage</th>
<th>Type</th>
<th>Mounting</th>
<th>Ballast</th>
<th>Options</th>
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<td>Pulse</td>
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Hydroformed reflectors

- R2 IES type II asymmetrical
- R3 IES type III asymmetrical
- R4 IES type IV forward throw
- RS5 IES type V square

Segmented reflectors

- SR2 IES type II asymmetrical
- SR3 IES type III asymmetrical
- SR4SC IES type IV forward throw

NOTES:

1. Not available with SCWA.
2. Not available with 400V.
3. Must be ordered with SCWA.
4. Reduced JEC option required for SR2, SR3, and SR4SC optics.
5. House side conductor available.
6. Optional segmented reflectors not available with SR350.
7. Must specify CWI for use in Canada.

Options

- SF: Single fuse 120, 277, 347V
- DF: Double fuse 208, 240, 480V
- PD: Power tray
- PER: NEMA twist-lock receptacle (no photocell)
- QRS: Quartz restrim system
- QST: QRS time delay
- WTB: Terminal wiring block
- HS: House-side shield
- CSA: CSA certified
- INTL: Available for MH probe start shipping outside the U.S.

Shipped separately

- PE1: NEMA twist-lock PE (120, 208, 480V)
- PE3: NEMA twist-lock PE (347V)
- PE4: NEMA twist-lock PE (480V)
- PE7: NEMA twist-lock PE (277V)
- SC: Shortening cap for PER option
- VG: Vandal guard
- WG: Wire guard

Accessories

Order as separate catalog number.

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KADWG Vandal guard
KADWG Wire guard

Sheet #: KAD-M-S

AL-370
March 16, 2010

Mr. Rich Tracey
Capital Development Group, Inc.
249 Maitland Avenue, Suite 2000
Altamonte Springs, Florida 32701-4911

Subject: Evaluation of Mounding Effects of Exfiltration Trench on Adjacent Drainfield
          Orlando Pediatric Pulmonary Parking Expansion
          Winter Park, Florida
          F.E.G., Inc. 09-082

Dear Rich,

Pursuant to your request, I have evaluated the groundwater mounding effects relative to the exfiltration trench proposed at the subject project site. The purpose of this evaluation is to assess the effects of surface water inflow into the exfiltration system on an adjacent drainfield located a distance of about 35 feet west of the west edge of the exfiltration trench.

In order to assess the noted surface water inflow on the adjacent drainfield, we have modeled the mounding effects of surface water inflow into the exfiltration trench on the seasonal high groundwater table using PONDS Version 3.2.0207 Software. The model was set-up for the 25-year, 24-hour storm event of 8.6 inches (i.e.; required design storm) and for the 100-year, 24-hour storm event of 10.6 inches. The model shows that the surface water inflow into the exfiltration trench would cause a rise of about 0.3 Ft. at the location of the described drainfield during the 25-year, 24-hour design storm; and a rise of about 0.4 Ft. at the location of the described drainfield during the 100-year, 24-hour storm event.

The seasonal high groundwater at the exfiltration trench was estimated at elevation 93.3 Ft. by the geotechnical engineering consultant. The existing grades along the west boundary of the site were surveyed at about elevation 101.0 Ft. Assuming that the seasonal high groundwater elevation and grades at the drainfield location are similar (i.e.; 93.3 Ft. and 101.0 Ft., respectively), it would be my professional opinion that the groundwater mounding from the exfiltration trench would not affect the operation of the drainfield provided that the drainfield is constructed pursuant to regulatory requirements. As a frame of reference, the Health Department requires a 2 Ft. separation between the bottom of a drainfield and the seasonal high groundwater table. After taking into consideration mounding effects for the 25-year, 24-hour design storm, the separation between the seasonal high groundwater table and the bottom of the drainfield on the adjacent site would be on the order of about 6.3 Ft. This is considerably higher than the required regulatory separation.

I trust that this letter addresses your needs. Please do not hesitate to contact me if you have any questions or require further clarification.

Sincerely,

Florida Engineering Group, Inc.
REQUEST OF RANDOLPH REAL ESTATE LLC TO ANNEX THE PROPERTY AT 639 OVERRUN DRIVE AND TO CHANGE THE EXISTING COMPREHENSIVE PLAN AND ZONING DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO OFFICE SO THE EXISTING HOME AT 639 OVERRUN DRIVE MAY BE CONVERTED TO AN OFFICE AND REAR YARD PARKING.

Planning Director Jeffrey Briggs gave the staff report. He explained that the request was tabled at the November meeting. He explained that Dr. Ajayi has the adjacent single family property at 639 Overspin Drive under contract and that he would like to annex that property into the City and change the Comprehensive Plan and Zoning designations from single family residential to office to combine that property for added sleep lab space and parking.

Mr. Briggs stated that since last month’s meeting several actions have occurred to provide more details on the expansion and to assure the neighboring property (Kwastel’s @ 657 Overspin) that their privacy and security concerns would be met. Please see the attached letter from the applicant. He detailed the major issues of this request:

1. Soils/Sinkhole/Retention/Septic Tank – Dr. Ajayi realizes that these issues need to be resolved and he does not want to buy the property if there are soils problems that make his plans impossible or too costly. The closing will not occur under a full soil boring geotech report is prepared that assures Dr. Ajayi and the City that the soils can support the construction of the parking lot, the storm water retention exfiltration and relocation of the septic tank to the front yard. If the septic cannot be relocated then the flow will be piped to the office building septic tank and drainfield.
2. Security for the Neighboring Property – Dr. Ajayi has agreed to do an elevation survey and photo survey of the Mr. and Mrs. Kwastel’s property and home and guarantee in writing that if for any reason any damage occurs from the construction, it will be remedied.
3. Privacy Fencing and Lighting - The Kwastel’s do not want a block wall but prefer a vinyl privacy fence. The parking lot lighting is agreed to have a timer and go off at 11:00 pm with lower bollard lighting in use after that time.
4. Architecture – Dr. Ajayi agrees to the design controls for residential appearance, limit to one story and no front yard signage.
5. Dumpster – the location shown is the best spot but a more attractive wall buffer and front yard landscaping will be installed. The City’s franchise prohibits pickups before 7:00 am.
6. Development Agreement - All of these conditions and representations will be put into a new Development Agreement, prepared by the City Attorney covering both properties and replacing the existing agreement.
7. Ordinance Timing – Both ordinances for the annexation and land use designations will not become effective until the closing occurs and the development agreement is executed.

Staff recommendation is for approval subject to the following conditions:

1. That the existing development agreement be revised and restated (by the city attorney) to incorporate the current conditions related to parking and permitted usage as well as to incorporate new conditions for 639 Overspin, that both properties be tied via binding lot agreement to the existing property at 2660 W. Fairbanks and thus require approval of the City to be split, sold separately or used other than in conjunction with the office building at 2660 W. Fairbanks and that the use of the building be confined to the sleep lab usage as proposed and to incorporate all of the conditions and representations made by the applicant.
2. That the development agreement include that vehicular access from Overspin Drive is prohibited.
3. That any future change to those existing or proposed conditions requires a future application, notice to neighbors and rehearing by P&Z/City Commission.

Mr. Briggs noted that staff has no objections to the Planning Commission reviewing and approving the development agreement prior to its execution to ensure that all concerns have been satisfied.

Dr. Ajai and members of his redevelopment team were present to address questions and concerns raised by the members of the Board. No one else wished to speak concerning this request. Public hearing closed.

The Board members were pleased with the progress that was made since the last meeting. Mr. Dick said that he supports the request conditioned upon the Board review and approval of the final development agreement. Mrs. Cooper stated that she supports the request with the addition of language into the Development agreement that addresses per diem and lodging for the Kwastel's property if repairs require that they have to leave their home at 657 Overspin Drive.

Motion made by Mr. Dick, seconded by Mrs. Cooper to approve the comprehensive plan amendment, annexation and final development agreement approval by the Planning Commission with staff conditions as follows:

1. That the existing development agreement be revised and restated (by the city attorney) to incorporate the current conditions related to parking and permitted usage as well as to incorporate new conditions for 639 Overspin, that both properties be tied via binding lot agreement to the existing property at 2660 W. Fairbanks and thus require approval of the City to be split, sold separately or used other than in conjunction with the office building at 2660 W. Fairbanks and that the use of the building be confined to the sleep lab usage as proposed and to incorporate all of the conditions and representations made by the applicant.

2. That any future change to those existing or proposed conditions requires a future application, notice to neighbors and rehearing by P&Z/City Commission.

Mrs. Cooper amended the motion to add that the development agreement be approved by the Planning Commission prior to action by the City Commission. Motion carried with a 3-1 vote. (Mrs. Whiting voted against the motion because she did not feel that the request needed to return to the Planning Commission).

REQUEST OF ROLLINS COLLEGE AND NOVASOL ENERGY TO AMEND THE CONDITIONAL USE APPROVAL FOR THE SUNTRUST BUILDING AT 400 S. PARK AVENUE, ZONED C-2, TO INSTALL SOLAR PANELS ON A PORTION OF THE TOP DECK OF THE PARKING GARAGE.

Planning Director Jeffery Briggs presented the staff report. He explained that this is a request of Rollins College (as building owner) and NovaSol Energy (as project applicant) for conditional use approval to allow the construction of 42,076 square feet of solar panels on the roof (fourth level) of the Sun Trust Building parking garage at 400 S. Park Avenue. He noted that the City’s Utility Advisory Board has reviewed this project and provided its support for this request. He provided the Board members with a detailed project analysis and responded to their questions and concerns. He added that the applicant is requesting preliminary approval at this time. Staff recommendation is for preliminary approval of the conditional use subject to the condition that the final development (construction) plans be reviewed and approved by the Planning and Zoning Commission prior to issuance of a building permit. Mr. Briggs responded to Board member questions and concerns.

Rebecca Furman, 215 North Eola Drive, Orlando, FL, represented the applicant. She introduced the members of the project team. She gave a short Power Point presentation that provided details of the request.

Haseeb Qadrie, owner of Novasol Energy. He provided an overview of the history of his company and exactly what they do. He responded to questions and concerns raised by Board members. No one wished to speak concerning the request. Public Hearing closed.