Welcome

Welcome to the City of Winter Park City Commission meeting. The agenda for regularly scheduled Commission meetings is posted in City Hall the Tuesday before the meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk’s office or on the city’s website at cityofwinterpark.org.

Meeting Procedures

Persons desiring to address the Commission MUST fill out and provide the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the podium, state their name and address, and direct all remarks to the Commission as a body and not to individual members of the Commission, staff or audience.

Citizen comments at 5 p.m. and each section of the agenda where public commend is allowed are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left. Large groups are asked to name a spokesperson. The period of time is for comments and not for questions directed to the Commission or staff for immediate answer. Questions directed to the City Commission will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

Agenda

*times are projected and subject to change

1. NOTE: A reception will be held in the Chapman Room (next to Chambers) from 2:45-3:30 to congratulate Mayor Leary.

2. Meeting Called to Order

3. Invocation

   a. Father Richard Walsh, St. Margaret Mary Catholic Church

Pledge of Allegiance
4. Approval of Agenda

5. Mayor's Report
   a. Presentation: 2017 Bicycle Friendly Community of the Year Award

6. City Manager's Report
   a. City Manager's Report

7. City Attorney's Report

8. Non-Action Items

9. Citizen Comments (Items not on the agenda) 5:00 p.m. or soon thereafter

10. Consent Agenda
    a. Approve the following solicitation awards: 5 minutes
        2. Professional Services Industries, Inc. - RFQ-10-2018 - Continuing Contract for Professional Geotechnical & Environmental Consulting Services; As-needed basis
        3. Terracon Consultants, Inc. - RFQ-10-2018 - Continuing Contract for Professional Geotechnical & Environmental Consulting Services; As-needed basis
        4. Universal Engineering Sciences, Inc. - RFQ-10-2018 - Continuing Contract for Professional Geotechnical & Environmental Consulting Services; As-needed basis
    b. Approve the following purchase and authorize the execution of a purchase order: 5 minutes
        1. USA Services, Inc. - FY18 mechanical street sweeping services utilizing piggyback agreement of City of Daytona Beach contract #13-159; $206,000
    c. Approve the following contracts and authorize the Mayor to execute: 5 minutes
        1. Associated Consulting International, Inc. - Amendment No. 1 (first renewal) of RFQ-3-2017 - Continuing Contract for Architectural Services; As-needed basis
        2. Le-Huu Partners - Amendment No. 1 (first
renewal) of RFQ-3-2017 - Continuing Contract for Architectural Services; As-needed basis
3. Zyscovich, Inc. - Amendment No. 1 (first renewal) of RFQ-3-2017 - Continuing Contract for Architectural Services; As-needed basis
5. Geosyntec Consultants - Amendment No. 1 (first renewal) of RFQ-4-2017 - Continuing Contract for Stormwater Design & Management Services; As-needed basis
6. CPH, Inc. - Amendment No. 1 (first renewal) of RFQ-5-2017 - Continuing Contract for General Civil & Public Facility Engineering Services; As-needed basis
7. Comprehensive Engineering Services, Inc. - Amendment No. 1 (first renewal) of RFQ-6-2017 - Continuing Contract for Transportation Planning & Engineering Services; As-needed basis
8. Kimley-Horn & Associates, Inc. - Amendment No. 1 (first renewal) of RFQ-6-2017 - Continuing Contract for Transportation Planning & Engineering Services; As-needed basis
9. Interlocal Agreement for Maintenance of Cady Way Bike Trail - Second Approval of Continuation

d. Approve the minutes of March 12, 2018.

11. Action Items Requiring Discussion

a. Discuss naming of Library and Events Center Campus 10 minutes

12. Public Hearings

a. Ordinance - Establishing a Commercial Future Land Use designation on the annexed property at 1562 West Fairbanks Avenue. (1) 5 minutes

b. Ordinance - Establishing a Commercial (C-3) Zoning on the annexed property at 1562 West Fairbanks Avenue. (1) 5 minutes

c. Conditional Use approval for a Class III (4COP) liquor license in conjunction with the proposed Irish 31 restaurant with 130 seats at 510 S. Park Avenue, within 1,000 feet of
d. Request of Z Properties Inc. for subdivision or lot split approval to divide the property at 566 Sylvan Drive, combined with ten (10) feet from the 1570 Bryan Avenue property to form two single-family building lots.  

20 minutes

e. Request of Verax Investments, Inc. for Conditional Use approval to construct a new two-story, 20,000 square foot medical and general office building on the property at 1111 W. Fairbanks Avenue, zoned C-3.  

40 minutes

f. Ordinance - Sale of 1111 W. Fairbanks Avenue (2)  

5 minutes

g. Ordinance - Request of Ansaka, LLC to amend the "Comprehensive Plan" Future Land Use Map for 1835 Aloma Avenue. (1) PLEASE NOTE: THE FOLLOWING THREE PUBLIC HEARINGS ARE POSTPONED UNTIL APRIL 9.  

15 minutes

h. Ordinance - Request of Ansaka, LLC to amend the official Zoning map from O-2 to R-3 at 1835 Aloma Avenue and from R-1A to PURD at 1791, 1801, 1811 and 1821 Aloma Avenue (1)  

15 minutes

i. Request of Ansaka, LLC for preliminary and comprehensive development plan and subdivision approval for a planned unit residential development of eighteen (18) two-story, fee-simple, townhouses to be developed collectively on the properties located at 1791, 1801, 1811, 1821 and 1835 Aloma Avenue.  

40 minutes

13. City Commission Reports

Appeals and Assistance

"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 City Clerk's Office (407-599-3277) at least 48 hours in advance of the meeting."
**subject**
Presentation: 2017 Bicycle Friendly Community of the Year Award

**motion / recommendation**

**background**

**alternatives / other considerations**

**fiscal impact**
**subject**
City Manager's Report

**motion / recommendation**

**background**

**alternatives / other considerations**

**fiscal impact**

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<tr>
<td>City Manager's Report</td>
<td>3/20/2018</td>
<td>Cover Memo</td>
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</table>
Below are issues of interest to the Commission and community that are currently being worked on by staff, but do not currently require action on the Commission agenda. These items are being tracked to provide the Commission and community the most up to date information regarding the status of the various issues. The City Manager will be happy to answer questions or provide additional updates at the meeting.

<table>
<thead>
<tr>
<th>issue</th>
<th>update</th>
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<tbody>
<tr>
<td>Quiet zones</td>
<td>FDOT Schedule Update 2/5/2018 – Construction will begin April 2018 at the Pennsylvania and Webster Avenues crossing. This involves the installation of additional crossing gates, signal houses and some concrete curb and sidewalk.</td>
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<tr>
<td>Seminole County Ditch Drainage Improvement</td>
<td>Dredging the drainage ditch behind the homes along the east side of Arbor Park Drive continues in March. Preliminary design for additional ditch outfall to be completed by Summer 2018.</td>
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</tbody>
</table>
| Electric undergrounding                    | **Miles of Undergrounding performed**  
Grove Terrace: 95% complete.  
Project G: 4.03 miles  
Boring has begun.  
McKean Circle Phase 2 is underway.  
**TOTAL so far for FY 2018:** 2 miles |
| Fairbanks transmission                     | Working through the FDOT to acquire additional funding as well as trying to acquire some level of “not to Exceed” assurance from Duke. |
| Power contracts                            | Commission approved 10MW solar from FMPA. Actual receiving of power will begin in 2020.                                               |
| Denning Drive                              | Construction is on schedule with curb currently being constructed to Morse boulevard from Fairbanks Avenue with sidewalk construction trailing that effort. The traffic signal at Fairbanks is now fully functional and backups have been minimized. Work will begin north or Morse Boulevard by mid-April with the entire project anticipated to be substantially complete by June 30th. |
| Library Design                             | Schematic design is still in progress following review of the designer’s first submission and staff/user review. Working with design team on the |
next submission schedule for schematic design to be presented to the commission.

| Sign Code Revisions | Staff is revising and will bring to City Commission in April. |

Once projects have been resolved, they will remain on the list for one additional meeting to share the resolution with the public and then be removed.
subject
Approve the following solicitation awards:

2. Professional Services Industries, Inc. - RFQ-10-2018 - Continuing Contract for Professional Geotechnical & Environmental Consulting Services; As-needed basis
3. Terracon Consultants, Inc. - RFQ-10-2018 - Continuing Contract for Professional Geotechnical & Environmental Consulting Services; As-needed basis
4. Universal Engineering Sciences, Inc. - RFQ-10-2018 - Continuing Contract for Professional Geotechnical & Environmental Consulting Services; As-needed basis

motion / recommendation
Commission approve items as presented.

background
Formal solicitations were issued in order to make these awards.

alternatives / other considerations
N/A

fiscal impact
Total expenditures included in approved FY18 budget.

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<td>Formal Solicitations</td>
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<td>background</td>
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<tr>
<td>1. Comp-Air Service Co.</td>
<td>IFB-9-2018 – Nitrogen Boost Compressed Air System &amp; Services</td>
<td>Total expenditure included in approved FY18 budget. Amount: $99,549</td>
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<tr>
<td>2. Professional Services Industries, Inc.</td>
<td>RFQ-10-2018 – Continuing Contract for Professional Geotechnical &amp; Environmental Consulting Services</td>
<td>Total expenditure included in approved FY18 budget. Amount: As-needed basis</td>
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<tr>
<td>3. Terracon Consultants, Inc.</td>
<td>RFQ-10-2018 – Continuing Contract for Professional Geotechnical &amp; Environmental Consulting Services</td>
<td>Total expenditure included in approved FY18 budget. Amount: As-needed basis</td>
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<td>4. Universal Engineering Sciences, Inc.</td>
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<td>Total expenditure included in approved FY18 budget. Amount: As-needed basis</td>
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subject
Approve the following purchase and authorize the execution of a purchase order:

1. USA Services, Inc. - FY18 mechanical street sweeping services utilizing piggyback agreement of City of Daytona Beach contract #13-159; $206,000

motion / recommendation
Commission approve the item as presented.

background
Formal solicitations were issued to award the services.

alternatives / other considerations
N/A

fiscal impact
Total expenditure included in approved FY18 budget.

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<td>meeting date</td>
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</tr>
<tr>
<td>prepared by</td>
<td>Procurement Division</td>
<td>approved by</td>
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<td>department division</td>
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| board approval | □ yes | □ no | □ N/A | final vote |

**Purchases over $75,000**

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<tr>
<th>vendor</th>
<th>item</th>
<th>background</th>
<th>fiscal impact</th>
<th>motion</th>
<th>recommendation</th>
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<tbody>
<tr>
<td>1. USA Services, Inc.</td>
<td>Mechanical Street Sweeping Services</td>
<td>Total expenditure included in approved FY18 budget. Amount: $206,000</td>
<td>Commission approve the purchase and authorize the execution of a purchase order.</td>
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A piggyback agreement of City of Daytona Beach contract #13-159 is currently in place. The contract is valid through September 30, 2018.
subject
Approve the following contracts and authorize the Mayor to execute:

1. Associated Consulting International, Inc. - Amendment No. 1 (first renewal) of RFQ-3-2017 - Continuing Contract for Architectural Services; As-needed basis
2. Le-Huu Partners - Amendment No. 1 (first renewal) of RFQ-3-2017 - Continuing Contract for Architectural Services; As-needed basis
3. Zyscovich, Inc. - Amendment No. 1 (first renewal) of RFQ-3-2017 - Continuing Contract for Architectural Services; As-needed basis
5. Geosyntec Consultants - Amendment No. 1 (first renewal) of RFQ-4-2017 - Continuing Contract for Stormwater Design & Management Services; As-needed basis
6. CPH, Inc. - Amendment No. 1 (first renewal) of RFQ-5-2017 - Continuing Contract for General Civil & Public Facility Engineering Services; As-needed basis
7. Comprehensive Engineering Services, Inc. - Amendment No. 1 (first renewal) of RFQ-6-2017 - Continuing Contract for Transportation Planning & Engineering Services; As-needed basis
8. Kimley-Horn & Associates, Inc. - Amendment No. 1 (first renewal) of RFQ-6-2017 - Continuing Contract for Transportation Planning & Engineering Services; As-needed basis
9. Interlocal Agreement for Maintenance of Cady Way Bike Trail - Second Approval of Continuation

motion / recommendation
Commission approve the items as presented.

background
Items 1-8 - Formal solicitations were issued to award these contracts.
Item 9 - Interlocal Agreement executed June 26, 2012.

alternatives / other considerations
N/A
fiscal impact
Total expenditures included in approved FY18 budget.

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<tr>
<td>2. Le-Huu Partners</td>
<td>First renewal of RFQ-3-2017 – Continuing Contract for Architectural Services</td>
<td>Total expenditure included in approved FY18 budget. Amount: As-needed basis</td>
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<tr>
<td>3. Zyscovich, Inc.</td>
<td>First renewal of RFQ-3-2017 – Continuing Contract for Architectural Services</td>
<td>Total expenditure included in approved FY18 budget. Amount: As-needed basis</td>
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<td>5. Geosyntec Consultants</td>
<td>First renewal of RFQ-4-2017 – Continuing Contract for Stormwater Design &amp; Management Services</td>
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<td>6. CPH, Inc.</td>
<td>First renewal of RFQ-5-2017 – Continuing Contract for General Civil &amp; Public Facility Engineering Services</td>
<td>Total expenditure included in approved FY18 budget. Amount: As-needed basis</td>
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<td>Comprehensive Engineering Services, Inc.</td>
<td>First renewal of RFQ-6-2017 – Continuing Contract for Transportation Planning &amp; Engineering Services</td>
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<tr>
<td>7.</td>
<td>A formal solicitation was issued to award this contract.</td>
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<tr>
<td>9.</td>
<td>Interlocal Agreement with Orange County, City of Orlando and City of Winter Park</td>
<td>Second Renewal of Interlocal Agreement for Maintenance of Cady Way Bike Trail</td>
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</table>
subject
Approve the minutes of March 12, 2018.

motion / recommendation

background

alternatives / other considerations

fiscal impact
ATTACHMENTS:

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<td>Minutes</td>
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REGULAR MEETING OF THE CITY COMMISSION  
MARCH 12, 2018

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Reverend Dr. Jason T. Micheli, Winter Park Presbyterian Church, followed by the Pledge of Allegiance.

Members present:
Mayor Steve Leary
Commissioner Pete Weldon
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper

Also Present:
City Manager Randy Knight
City Clerk Cynthia Bonham
City Attorney Kurt Ardaman

Approval of agenda

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote.

Mayor’s Report
No report.

City Manager’s Report

a. Update on the status of the Orange Avenue traffic investigation

Public Works Director Troy Attaway provided an update on the process and the progress to date. He stated they reviewed recent crashes and that the DOT has undertaken a study to look at the speeds and factors resulting from the crashes. He stated that the DOT has drafted information but have not yet finalized their report. Police Chief Deal addressed accidents at the intersection as compared to other State road intersections. Mr. Attaway spoke about de-widening the road and that the DOT wanted to understand if the Commission agrees to that and if not it would not be part of their recommendations. He summarized the number of vehicles per day on Orange Avenue. After discussion, there was no consensus for de-widening the road.

b. Video Presentation – “Living the Senior Life”

Communications Director Clarissa Howard presented the video from the Community Center and recognized the women present that participated in the video.

Other issue

Mayor Leary asked about the lighting installed on Denning Drive. Electric Director D’Alessandro explained they are LED lights and tried to match the lights throughout the City. Public Works Director Attaway explained the lights are a different style
fixture and that they are progressing to a new LED white light. He explained being cognizant of the residents when choosing the lighting to avoid shining in their homes.

**City Attorney’s Report**

Attorney Ardaman summarized the legislation that did not pass the Senate to include trimming trees, vacation rentals, municipal elections, CRA, and impact fees.

**Non-Action Items**

No items.

**Consent Agenda**

a. Approve the minutes of February 26, 2018.
b. Approve the easement conveyance from Orange County for the St. Andrews canal. 
   **PULLED FROM CONSENT AGENDA BY COMMISSIONER COOPER. SEE BELOW.**
c. Approve the following solicitation award and authorize the Mayor to execute the contract:  **PULLED FROM CONSENT AGENDA BY COMMISSIONER SEIDEL DUE TO A CONFLICT OF INTEREST. SEE BELOW.**
   1. Tetra Tech, Inc. - RFP-4-2018 - Emergency Debris Monitoring Services; as-needed basis.

**Motion made by Commissioner Sprinkel to approve Consent Agenda item a; seconded by Commissioner Cooper.** There were no public comments. **The motion carried unanimously with a 5-0 vote.**

**Consent Agenda Item b:**

Commissioner Cooper asked if the Four Seasons is in agreement with the issue of the wall. Public Works Director Attaway stated it is looking positive that they will be able to have the trail over the ditch and portion that is on the Four Seasons property and that a wall is going to be built. Attorney Ardaman clarified that the license agreement will come back for approval where all documents associated with the agreement will be provided to the Commission. City Manager Knight explained that their Board has not voted yet but the City has an indication by the Board that they are in favor of it.

**Motion made by Commissioner Sprinkel to approve Consent Agenda ‘b’; seconded by Commissioner Weldon.** There were no public comments. **The motion carried unanimously with a 5-0 vote.**

**Consent Agenda Item c:**

**Motion made by Commissioner Cooper to approve Consent Agenda ‘c’; seconded by Commissioner Sprinkel.** There were no public comments. **The**
motion carried unanimously with a 4-0 vote with Commissioner Seidel abstaining from voting due to a conflict of interest. Form 8B is attached.

**Action Items Requiring Discussion**

a. May 28, 2018 Commission meeting cancellation/rescheduling

City Manager Knight explained this meeting falls on Memorial Day when City Hall is closed. He asked if the Commission wanted to cancel or reschedule this meeting to May 29.

**Motion made by Commissioner Weldon to cancel the meeting unless the City Manager comes back in April to reconsider; seconded by Commissioner Cooper.** There were no public comments made. **The motion carried unanimously with a 5-0 vote.** There was clarification that this could change if staff brings forward items that cannot wait until June.

b. Proposed Winter Park Tennis Center Operation Model

Jason Seeley, Parks and Recreation Department, provided a PowerPoint presentation regarding the proposed contract and business model modification for the Winter Park Tennis Center. He summarized the current operation model with High Performance Sports Management; the fiscal performance of the current contract model; the public input process including meetings and surveys; public feedback concerning current operational challenges with communication, soft court maintenance, customer service, instruction and instructors; and fees and costs. Mr. Seeley summarized the participation regarding the member survey. Addressed was the proposed operational model to include the modification of the scope, the division of duties for the City and the contracted Tennis Programming Provider as well as the fiscal impact to include staffing. In conclusion, Mr. Seeley addressed the expected outcomes to include the positive impacts of the proposed changes.

Mr. Seeley answered questions of the Commission. **Motion made by Commissioner Weldon to approve the operation model; seconded by Commissioner Cooper.** John Reker, 1660 Joeline Court, Winter Park, spoke in favor of approval. **The motion carried unanimously with a 5-0 vote.**

c. Solar Project Power Sales agreement between Florida Municipal Power Agency, Solar Power Project and the City of Winter Park

Electric Director Dan D’Alessandro presented the solar project information that was jointly developed by FMPA and OUC. He explained the contractual arrangement, the other participating utilities (preliminary list), economics of the project, the estimated savings based on 10 MW, the risks involved, and the benefits to include additional renewable energy for Winter Park among other benefits. He asked for Commission action to include approving Winter Park participation in the project at
10 MW, and to approve the Solar Project Power Sales Agreement between the Florida Municipal Power Agency, the Solar Power Project and the City substantially in the form presented this evening.

Frank Gafney, FMPA, clarified concerns and questions of the Commission.

Jerry Warren was present and commented about his concern with a 20 year agreement versus a 10 year agreement.

**Motion made by Commissioner Sprinkel to approve the agreement; seconded by Commissioner Seidel.**

The following spoke in favor of the agreement:
Michael Perelman, 1010 Greentree Drive
Todd Weaver, 1051 Lake Bell Drive

**The motion carried unanimously with a 5-0 vote.**

**Public Hearings:**

a. **ORDINANCE NO. 3105-18: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A PORTION OF THE LOREN AVENUE RIGHT-OF-WAY FROM ELVIN AVENUE TO THE CITY LIMIT LINE, DEDICATED BY HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, MORE PARTICULARLY DESCRIBED IN EXHIBIT A; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE Second Reading**

Attorney Ardaman read the ordinance by title.

**Motion made by Commissioner Sprinkel to adopt the ordinance; seconded by Commissioner Cooper.** There were no public comments. **Upon a roll call vote, the motion carried unanimously with a 5-0 vote.**

**City Commission Reports:**

Commissioner Seidel – Spoke about gun control, the NRA, and the need to address gun safety. He thanked the Governor for his legislation.

Commissioner Sprinkel – No report.

Commissioner Cooper – Spoke about the street bricking policy. City Manager Knight stated that staff is working on this to bring back to the Commission. She spoke about the Florida League of Cities webinar scheduled for March 28, from 2-3:00 where they will recap the legislative session.

Commissioner Weldon – No report.
Mayor Leary – Spoke about the home rule issue before the legislators and thanked the residents for contacting Tallahassee to oppose their proposed legislation regarding home rule.

PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA)

Hazel Walker, Winter Park resident, spoke about receiving a red light ticket. Staff will address this issue with Ms. Walker.

Michael Perelman, 1010 Greentree Drive, asked the Commission to mandate that every candidate for public office provide to the City their vision, what they want to do and stand for and to expand the website to include that information. Mayor Leary expressed his belief that it is the candidate’s responsibility to inform the public and expressed concerns with possible issues with the City participating.

The meeting adjourned at 5:00 p.m.

______________________________
Mayor Steve Leary

ATTEST:

______________________________
City Clerk Cynthia S. Bonham, MMC
### Agenda Item

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<th>Action Items Requiring Discussion</th>
<th>meeting date 3/26/2018</th>
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<tr>
<td>board approval</td>
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<td>strategic objective</td>
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#### subject
Discuss naming of Library and Events Center Campus

#### motion / recommendation
Information will be provided on Friday after the committee meets.

#### background

#### alternatives / other considerations

#### fiscal impact
subject
Ordinance - Establishing a Commercial Future Land Use designation on the annexed property at 1562 West Fairbanks Avenue. (1)

motion / recommendation
Motion to approve the Ordinance to establish a Commercial Future Land Use designation on the annexed property at 1562 West Fairbanks Avenue.

background
At the request of the City of Winter Park, the Orange County Commission has adopted an inter-local agreement that has annexed the property at 1562 W. Fairbanks Avenue into the City.

The property is now designated as Commercial FLU and C-3 zoning in Orange County, so there is no change of land use or zoning proposed for this site. To be consistent with the city's Comprehensive Plan, the City needs to establish a Commercial Future Land Use designation in the Comprehensive Plan and Commercial (C-3) zoning on this property.

Planning and Zoning Board Minutes – March 6, 2018:

REQUEST OF THE CITY OF WINTER PARK TO: AMEND CHAPTER 58 “LAND DEVELOPMENT CODE’, ARTICLE I, ”COMPREHENSIVE PLAN” AND THE FUTURE LAND USE MAP SO AS TO ESTABLISH A COMMERCIAL FUTURE LAND USE DESIGNATION ON THE ANNEXED PROPERTY AT 1562 WEST FAIRBANKS AVENUE.

REQUEST OF THE CITY OF WINTER PARK TO: AMEND CHAPTER 58 “LAND DEVELOPMENT CODE’, ARTICLE III, ”ZONING REGULATIONS” AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH A COMMERCIAL (C-3) ZONING DESIGNATION ON THE ANNEXED PROPERTY AT 1562 WEST FAIRBANKS AVENUE.
Mrs. McGillis presented the staff report. She explained that at the request of the City of Winter Park, the Orange County Commission has adopted an inter-local agreement that has annexed the property at 1562 W. Fairbanks Avenue into the City. She stated that City needs to establish a Commercial Future Land Use designation in the Comprehensive Plan and Commercial (C-3) zoning on this property. The property now has the same Commercial FLU and C-3 zoning in Orange County, so there is no change.

No one from the public wished to speak and the applicant volunteered to answer any questions. The public hearing was closed.

The Board agreed with Staff’s recommendation and there were no questions.

**Motion made by Sheila De Ciccio, seconded by Laura Walda to amend Chapter 58 “Land Development Code”, Article I, “Comprehensive Plan” and the Future Land Use Map so as to establish a Commercial Future Land Use designation on the annexed property at 1562 West Fairbanks Avenue.**

The motion carried unanimously with a 7-0 vote.

**Motion made by Sheila De Ciccio, seconded by Laura Turner to amend Chapter 58 “Land Development Code”, Article III, “Zoning Regulations” and the Official Zoning Map so as to establish ad Commercial (C-3) zoning designation on the annexed property at 1562 West Fairbanks Avenue.**

The motion carried unanimously with a 7-0 vote.

**alternatives / other considerations**

N/A

**fiscal impact**

N/A

**ATTACHMENTS:**

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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 ESTABLISH COMMERCIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 1562 WEST FAIRBANKS AVENUE AND TO INDICATE THE ANNEXATION ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the City of Winter Park and the Orange County Commission have provided for the annexation of the property at 1562 W. Fairbanks Avenue by Interlocal Agreement and in compliance with Chapter 171, Florida Statutes, said property has been annexed into the City of Winter Park, and

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

WHEREAS, the amendment of the Comprehensive Plan maps and the establishment of a future land use designation meets the criteria established by Chapter 163, Florida Statutes and pursuant to and in compliance with law.

NOW THEREFORE BE IT ENACTED, AS FOLLOWS:

SECTION 1. That Chapter 58 “Land Development Code”, Article I, “Comprehensive Plan” future land use plan map is hereby amended so as to establish a Commercial future land use designation on the annexed property at 1562 W. Fairbanks Avenue and that all other maps in the Comprehensive Plan reflect the annexation of this property into the City of Winter Park, said property being more particularly described as follows:

LOTS 1, BLOCK “A”, LAWNDALE ANNEX SUBDIVISION AS RECORDED IN PLAT BOOK “J”, PAGE 50 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA PROPERTY TAX ID# 12-22-29-5000-01-010

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

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____________, 2018.

_________________________________________  Mayor Steve Leary

Attest:

_________________________________________  City Clerk
February 2, 2018

Randolph Real Estate, LLC
2660 W. Fairbanks Ave.
Winter Park, FL 32789-3385

SUBJECT: Proposed Interlocal Agreement for annexation of an enclave at 1562 W. Fairbanks Avenue between City of Winter Park and Orange County

Dear Property Owner:

This letter is to inform you that the Orange County Board of County Commissioners (BCC) will consider an Interlocal Agreement between Orange County and the City of Winter Park for annexation of an enclave. This agreement will be heard by the BCC on March 6, 2018, at 2:00 p.m. in the Commission Chambers located on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida.

Chapter 171 of the Florida Statutes defines an enclave as, "(a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality." Enclave annexations for properties that are 110 acres or less are permitted pursuant to Section 171.046, Florida Statutes, provided there is an interlocal agreement between the county and the annexing municipality.

Currently, your property located at 1562 W. Fairbanks Avenue meets the requirements for annexation by an interlocal agreement. This 0.16-acre property is developed, and it is completely surrounded by the City of Winter Park (see attached map).

The Winter Park City Commission adopted the Interlocal Agreement on November 13, 2017. Upon execution of the Interlocal Agreement by the BCC, this property will be within the City of Winter Park's jurisdiction. If you have any questions concerning this Interlocal Agreement, please contact Steven Thorp, of my staff, at (407) 836-5549 or Steven.Thorp@ocfl.net.

Sincerely,

[Signature]

Alberto A. Vargas, MArch., Manager
Planning Division

Attachment

PLANNING DIVISION
ALBERTO A. VARGAS, MArch., Planning Manager
201 South Rosalind Avenue, 2nd Floor ■ Reply To: Post Office Box 1393 ■ Orlando FL 32802-1393
Telephone 407-836-5600 ■ FAX 407-836-5862 ■ orangecountyfl.net
INTERLOCAL AGREEMENT FOR ANNEXATION OF ENCLAVE AT 1562 WEST FAIRBANKS AVENUE

between

CITY OF WINTER PARK, FLORIDA

and

ORANGE COUNTY, FLORIDA

THIS INTERLOCAL AGREEMENT, dated this ___ day of MAR 06 2018, 20___, (hereinafter referred to as “Agreement”) between the CITY OF WINTER PARK, a municipal corporation in the State of Florida whose mailing address is 401 S. Park Avenue, Winter Park, Florida 32789 (hereinafter referred to as “City”), and ORANGE COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida whose mailing address is 201 South Rosalind Avenue, Orlando, Florida 32801 (hereinafter referred to as “County”), is entered into for the purpose of annexing an enclave located within unincorporated Orange County into the corporate limits of the City of Winter Park, Florida, pursuant to, and as authorized by, Florida Statutes §171.046 (2017).

WITNESSETH

WHEREAS, Florida Statutes §171.046 (2017), adopted by the Florida Legislature, recognizes that enclaves can create significant problems in planning, growth management, and service delivery; that it is the policy of the State of Florida to eliminate enclaves; and provides a method for the annexation by interlocal agreement of enclaves that are one hundred and ten (110) acres or less; and

WHEREAS, Florida Statutes §171.031 (2017), adopted by the Florida Legislature, defines areas that are “urban in character” as those lands used intensively for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes; and defines an “enclave”
as any unincorporated developed or improved area that is enclosed within and bounded on all sides by a single municipality, or any unincorporated developed or improved area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality; and

WHEREAS, Florida Statutes §171.043 (2017), adopted by the Florida Legislature, describes the character of the area that may be annexed; and

WHEREAS, the City and County agree that both parties shall work together in good faith to enter into interlocal agreements pursuant to Florida Statutes to eliminate such identified enclaves; and

WHEREAS, it has been determined by the City that the parcel to be annexed by this Agreement is within the future annexation and planning areas of the City and meets the requirements set out in Florida Statutes §171.043 (2017); and

WHEREAS, annexation of the identified enclave into the City will avoid unnecessary confusion and duplication of municipal services, including emergency services.

NOW, THEREFORE, in consideration of the premises and the mutual promises and agreements set forth herein and other good and valuable consideration, the receipt of which is hereby acknowledged and intending to be legally bound hereby, the parties hereto do hereby agree as follows:

SECTION I. The Recitals set forth above are true and correct and by this reference are incorporated herein as part of this Agreement.

SECTION II. This Agreement is executed in order to adjust and redefine the corporate limits of the City to include the land described in Section III below in order to ensure the sound and efficient delivery of urban services to said lands.

SECTION III. The City and the County hereby find that the following land located in unincorporated Orange County is an enclave of one hundred and ten (110) acres or less which meets the criteria for annexation into the City under Florida Statutes §171.046 (2017);

See Attachment “A” which is attached hereto and by this reference made a part hereof.
A map of the above-described lands which clearly shows the area proposed to be annexed is attached hereto as Attachment “B” and by this reference made a part hereof.

SECTION IV. The City hereby finds that the annexation of the land herein described is consistent with State law and the City’s Comprehensive Plan, and meets all of the requirements for annexation set forth in State law and the City’s Comprehensive Plan.
SECTION V. Pursuant to Florida Statutes §171.046(2) (2017), the City and the County by this Agreement hereby annex into the corporate limits of the City the land described in Attachment “A” hereto.

SECTION VI. The land herein described and future inhabitants of said land shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City and shall be entitled to the same privileges and benefits as other areas of the City.

SECTION VII. The land herein described shall have the existing County land use plan and County zoning or subdivision regulations in full force and effect until the City adopts a comprehensive plan amendment and rezoning that includes said land. The City agrees to process for change the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws within 24 months following the date of execution of this Agreement by the second party hereto and at no charge to the owners of the land described in Attachment “A” hereto.

SECTION VIII. The City and the County hereby acknowledge that, prior to their approval of this Agreement, they have separately provided written notice to the owner of the real property identified in Attachment “A” whose name and address are known by reference to the latest published ad valorem tax records of the Orange County Property Appraiser. The written notice described the purpose of this Agreement and stated the date, time, and place of the meetings of the City of Winter Park City Commission and the Orange County Board of County Commissioners at which this Agreement was to be considered for approval.

SECTION IX. Miscellaneous.

1. This Agreement may not be modified or amended, or any term or provision hereof waived or discharged except in writing, in recordable form, signed by the parties hereto, or their respective successors and assigns. Any such modification or amendment shall not be effective until recorded in the Public Records of Orange County, Florida.

2. This Agreement shall be construed and enforced in accordance with, and governed by, the laws of the State of Florida.

3. All of the terms of this Agreement, whether so expressed or not, shall be binding upon the respective successors, assigns and legal representatives of the parties hereto and shall inure to the benefit of and be enforceable by the parties hereto and their respective successors, assigns and legal representatives.

4. The headings of this Agreement are for reference only and shall not limit or otherwise affect the meaning thereof.
5. Each party to this Agreement shall bear its own attorneys' fees and costs in connection with this Agreement and / or in connection with any action undertaken in compliance with, or relating to, this Agreement.

SECTION X. If any section, subsection, sentence, clause, phrase, or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION XI. This Agreement shall become effective upon its execution by the second of the two parties hereto and the respective date shall be inserted on the first page of this Agreement. Thereafter the City Clerk is directed to file a certified copy of this Agreement and associated attachments with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

SECTION XII. Following its execution by the City and the County, a copy of this Agreement shall be recorded and thereafter provided by certified mail to the owner of the real property identified in Attachment "A" whose name and address are known by reference to the latest published ad valorem tax records of the Orange County Property Appraiser.

IN WITNESS WHEREOF, the City and County have executed this Interlocal Agreement for Annexation of an Enclave on the dates inscribed below.

[Remainder of page intentionally left blank]
Interlocal Agreement between the City of Winter Park, Florida, and Orange County, Florida, for the Annexation of an Enclave at 1562 W. Fairbanks Avenue

“CITY”

CITY OF WINTER PARK, a Florida municipal corporation

By: ____________________________
   Steve Leary, Mayor

Attest: __________________________
       Cindy Bonham, City Clerk

Executed on:

(SEAL)

FOR USE AND RELIANCE ONLY BY THE CITY OF WINTER PARK, FLORIDA

APPROVED BY THE WINTER PARK CITY COMMISSION AT A MEETING HELD ON November 13, 2019

Page 5 of 8
Interlocal Agreement between the City of Winter Park, Florida, and Orange County, Florida, for the Annexation of an Enclave at 1562 W. Fairbanks Avenue

"COUNTY"

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: [Signature]
Teresa Jacobs
Orange County Mayor
Date: 3.7.18

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: [Signature]
Craig A. Stopyra
Deputy Clerk

Print Name: Craig A. Stopyra
ATTACHMENT “A”

LEGAL DESCRIPTION OF ANNEXED LANDS

Lot 1, Block "A", Lying South of State Road 424A Right of Way, Lawndale Annex, Book "J", Page 50, Orange County, Florida

Parcel ID Number: 12-22-29-5000-01010
**subject**
Ordinance - Establishing a Commercial (C-3) Zoning on the annexed property at 1562 West Fairbanks Avenue. (1)

**motion / recommendation**
Motion to approve the Ordinance to establish a Commercial (C-3) Zoning on the annexed property at 1562 West Fairbanks Avenue.

**background**
At the request of the City of Winter Park, the Orange County Commission has adopted an inter-local agreement that has annexed the property at 1562 W. Fairbanks Avenue into the City.

The property is designated as Commercial FLU and C-3 zoning in Orange County. The City needs to establish a Commercial Future Land Use designation in the Comprehensive Plan and Commercial (C-3) zoning on this propert to be consistent with the Orange County designations.

**Planning and Zoning Board Minutes – March 6, 2018:**

**REQUEST OF THE CITY OF WINTER PARK TO:** AMEND CHAPTER 58 “LAND DEVELOPMENT CODE”, ARTICLE I, “COMPREHENSIVE PLAN” AND THE FUTURE LAND USE MAP SO AS TO ESTABLISH A COMMERCIAL FUTURE LAND USE DESIGNATION ON THE ANNEXED PROPERTY AT 1562 WEST FAIRBANKS AVENUE.

**REQUEST OF THE CITY OF WINTER PARK TO:** AMEND CHAPTER 58 “LAND DEVELOPMENT CODE”, ARTICLE III, “ZONING REGULATIONS” AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH A COMMERCIAL (C-3) ZONING DESIGNATION ON THE ANNEXED PROPERTY AT 1562 WEST FAIRBANKS AVENUE.

Mrs. McGillis presented the staff report. She explained that at the request of the City
of Winter Park, the Orange County Commission has adopted an interlocal agreement that has annexed the property at 1562 W. Fairbanks Avenue into the City. She stated that City needs to establish a Commercial Future Land Use designation in the Comprehensive Plan and Commercial (C-3) zoning on this property. The property now has the same Commercial FLU and C-3 zoning in Orange County, so there is no change.

No one from the public wished to speak and the applicant volunteered to answer any questions. The public hearing was closed.

The Board agreed with Staff’s recommendation and there were no questions.

Motion made by Sheila De Ciccio, seconded by Laura Walda to amend Chapter 58 “Land Development Code”, Article I, “Comprehensive Plan” and the Future Land Use Map so as to establish a Commercial Future Land Use designation on the annexed property at 1562 West Fairbanks Avenue.

The motion carried unanimously with a 7-0 vote.

Motion made by Sheila De Ciccio, seconded by Laura Turner to amend Chapter 58 “Land Development Code”, Article III, “Zoning Regulations” and the Official Zoning Map so as to establish ad Commercial (C-3) zoning designation on the annexed property at 1562 West Fairbanks Avenue.

The motion carried unanimously with a 7-0 vote.

alternatives / other considerations
N/A

fiscal impact
N/A

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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 ESTABLISH COMMERCIAL (C-3)
ZONING ON THE ANNEXED PROPERTY AT 1562 W. FAIRBANKS AVENUE,
MORE PARTICULARLY DESCRIBED HEREIN.

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

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

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

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

SECTION 1. That Chapter 58 “Land Development Code”, Article III, “Zoning” and the
Official Zoning Map is hereby amended so as to establish Commercial (C-3) district zoning on the
annexed property at 1562 W. Fairbanks Avenue, more particularly described as follows:

LOTS 1, BLOCK “A”, LAWNDALE ANNEX SUBDIVISION AS RECORDED IN PLAT BOOK “J”,
PAGE 50 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA
PROPERTY TAX ID# 12-22-29-5000-01-010

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

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida,
held in City Hall, Winter Park, on this _____ day of _____________, 2018.

Mayor Steve Leary

Attest:

City Clerk
February 2, 2018

Randolph Real Estate, LLC
2660 W. Fairbanks Ave.
Winter Park, FL 32789-3385

SUBJECT: Proposed Interlocal Agreement for annexation of an enclave at 1562 W. Fairbanks Avenue between City of Winter Park and Orange County

Dear Property Owner:

This letter is to inform you that the Orange County Board of County Commissioners (BCC) will consider an Interlocal Agreement between Orange County and the City of Winter Park for annexation of an enclave. This agreement will be heard by the BCC on March 6, 2018, at 2:00 p.m. in the Commission Chambers located on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida.

Chapter 171 of the Florida Statutes defines an enclave as, "(a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality." Enclave annexations for properties that are 110 acres or less are permitted pursuant to Section 171.048, Florida Statutes, provided there is an interlocal agreement between the county and the annexing municipality.

Currently, your property located at 1562 W. Fairbanks Avenue meets the requirements for annexation by an interlocal agreement. This 0.16-acre property is developed, and it is completely surrounded by the City of Winter Park (see attached map).

The Winter Park City Commission adopted the Interlocal Agreement on November 13, 2017. Upon execution of the Interlocal Agreement by the BCC, this property will be within the City of Winter Park's jurisdiction. If you have any questions concerning this Interlocal Agreement, please contact Steven Thorp, of my staff, at (407) 836-5549 or Steven.Thorp@ocfl.net.

Sincerely,

Alberto A. Vargas, MArch., Manager
Planning Division

Attachment

PLANNING DIVISION
ALBERTO A. VARGAS, MArch., Planning Manager
201 South Rosalind Avenue, 2nd Floor ■ Reply To: Post Office Box 1393 ■ Orlando FL 32802-1393
Telephone 407-836-5600 ■ FAX 407-836-5862 ■ orangecountyfl.net
INTERLOCAL AGREEMENT FOR ANNEXATION OF ENCLAVE AT 1562 WEST FAIRBANKS AVENUE

between

CITY OF WINTER PARK, FLORIDA

and

ORANGE COUNTY, FLORIDA

THIS INTERLOCAL AGREEMENT, dated this ____ day of MAR 05 2018, 20___, (hereinafter referred to as “Agreement”) between the CITY OF WINTER PARK, a municipal corporation in the State of Florida whose mailing address is 401 S. Park Avenue, Winter Park, Florida 32789 (hereinafter referred to as “City”), and ORANGE COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida whose mailing address is 201 South Rosalind Avenue, Orlando, Florida 32801 (hereinafter referred to as “County”), is entered into for the purpose of annexing an enclave located within unincorporated Orange County into the corporate limits of the City of Winter Park, Florida, pursuant to, and as authorized by, Florida Statutes §171.046 (2017).

WITNESSETH

WHEREAS, Florida Statutes §171.046 (2017), adopted by the Florida Legislature, recognizes that enclaves can create significant problems in planning, growth management, and service delivery; that it is the policy of the State of Florida to eliminate enclaves; and provides a method for the annexation by interlocal agreement of enclaves that are one hundred and ten (110) acres or less; and

WHEREAS, Florida Statutes §171.031 (2017), adopted by the Florida Legislature, defines areas that are “urban in character” as those lands used intensively for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes; and defines an “enclave”
as any unincorporated developed or improved area that is enclosed within and bounded on all
sides by a single municipality, or any unincorporated developed or improved area that is
enclosed within and bounded by a single municipality and a natural or manmade obstacle that
allows the passage of vehicular traffic to that unincorporated area only through the municipality;
and

WHEREAS, Florida Statutes §171.043 (2017), adopted by the Florida Legislature,
describes the character of the area that may be annexed; and

WHEREAS, the City and County agree that both parties shall work together in good
faith to enter into interlocal agreements pursuant to Florida Statutes to eliminate such identified
enclaves; and

WHEREAS, it has been determined by the City that the parcel to be annexed by this
Agreement is within the future annexation and planning areas of the City and meets the
requirements set out in Florida Statutes §171.043 (2017); and

WHEREAS, annexation of the identified enclave into the City will avoid unnecessary
confusion and duplication of municipal services, including emergency services.

NOW, THEREFORE, in consideration of the premises and the mutual promises and
agreements set forth herein and other good and valuable consideration, the receipt of which is
hereby acknowledged and intending to be legally bound hereby, the parties hereto do hereby
agree as follows:

SECTION I. The Recitals set forth above are true and correct and by this reference are
incorporated herein as part of this Agreement.

SECTION II. This Agreement is executed in order to adjust and redefine the corporate
limits of the City to include the land described in Section III below in order to ensure the sound
and efficient delivery of urban services to said lands.

SECTION III. The City and the County hereby find that the following land located in
unincorporated Orange County is an enclave of one hundred and ten (110) acres or less which
meets the criteria for annexation into the City under Florida Statutes §171.046 (2017);

See Attachment “A” which is attached hereto and by this reference made a part hereof.
A map of the above-described lands which clearly shows the area proposed to be annexed is
attached hereto as Attachment “B” and by this reference made a part hereof.

SECTION IV. The City hereby finds that the annexation of the land herein described is
consistent with State law and the City’s Comprehensive Plan, and meets all of the requirements
for annexation set forth in State law and the City’s Comprehensive Plan.
SECTION V. Pursuant to Florida Statutes §171.046(2) (2017), the City and the County by this Agreement hereby annex into the corporate limits of the City the land described in Attachment “A” hereto.

SECTION VI. The land herein described and future inhabitants of said land shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City and shall be entitled to the same privileges and benefits as other areas of the City.

SECTION VII. The land herein described shall have the existing County land use plan and County zoning or subdivision regulations in full force and effect until the City adopts a comprehensive plan amendment and rezoning that includes said land. The City agrees to process for change the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws within 24 months following the date of execution of this Agreement by the second party hereto and at no charge to the owners of the land described in Attachment “A” hereto.

SECTION VIII. The City and the County hereby acknowledge that, prior to their approval of this Agreement, they have separately provided written notice to the owner of the real property identified in Attachment “A” whose name and address are known by reference to the latest published ad valorem tax records of the Orange County Property Appraiser. The written notice described the purpose of this Agreement and stated the date, time, and place of the meetings of the City of Winter Park City Commission and the Orange County Board of County Commissioners at which this Agreement was to be considered for approval.

SECTION IX. Miscellaneous.

1. This Agreement may not be modified or amended, or any term or provision hereof waived or discharged except in writing, in recordable form, signed by the parties hereto, or their respective successors and assigns. Any such modification or amendment shall not be effective until recorded in the Public Records of Orange County, Florida.

2. This Agreement shall be construed and enforced in accordance with, and governed by, the laws of the State of Florida.

3. All of the terms of this Agreement, whether so expressed or not, shall be binding upon the respective successors, assigns and legal representatives of the parties hereto and shall inure to the benefit of and be enforceable by the parties hereto and their respective successors, assigns and legal representatives.

4. The headings of this Agreement are for reference only and shall not limit or otherwise affect the meaning thereof.
5. Each party to this Agreement shall bear its own attorneys' fees and costs in connection with this Agreement and/or in connection with any action undertaken in compliance with, or relating to, this Agreement.

SECTION X. If any section, subsection, sentence, clause, phrase, or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION XI. This Agreement shall become effective upon its execution by the second of the two parties hereto and the respective date shall be inserted on the first page of this Agreement. Thereafter the City Clerk is directed to file a certified copy of this Agreement and associated attachments with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

SECTION XII. Following its execution by the City and the County, a copy of this Agreement shall be recorded and thereafter provided by certified mail to the owner of the real property identified in Attachment "A" whose name and address are known by reference to the latest published ad valorem tax records of the Orange County Property Appraiser.

IN WITNESS WHEREOF, the City and County have executed this Interlocal Agreement for Annexation of an Enclave on the dates inscribed below.

[Remainder of page intentionally left blank]
Interlocal Agreement between the City of Winter Park, Florida, and Orange County, Florida, for the Annexation of an Enclave at 1562 W. Fairbanks Avenue

“CITY”

CITY OF WINTER PARK, a Florida municipal corporation

By: 

[Signature]
Steve Leary, Mayor

Attest: 

[Signature]
Cindy Bonham, City Clerk

Executed on:

(SEAL)

FOR USE AND RELIANCE ONLY BY THE CITY OF WINTER PARK, FLORIDA

APPROVED BY THE WINTER PARK CITY COMMISSION AT A MEETING HELD ON November 13, 2019
Interlocal Agreement between the City of Winter Park, Florida, and Orange County, Florida, for the Annexation of an Enclave at 1562 W. Fairbanks Avenue

"COUNTY"

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Teresa Jacobs
   Orange County Mayor

Date: 3.7.18

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: Craig A. Stopyra
   Deputy Clerk

Print Name: Craig A. Stopyra
ATTACHMENT “A”

LEGAL DESCRIPTION OF ANNEXED LANDS

Lot 1, Block "A", Lying South of State Road 424A Right of Way, Lawndale Annex, Book "J", Page 50, Orange County, Florida

Parcel ID Number: 12-22-29-5000-01010
**subject**
Conditional Use approval for a Class III (4COP) liquor license in conjunction with the proposed Irish 31 restaurant with 130 seats at 510 S. Park Avenue, within 1,000 feet of Rollins College.

**motion / recommendation**
Motion to approve the Conditional Use request for a Class III (4COP) liquor license in conjunction with the proposed Irish 31 restaurant with 130 seats at 510 S. Park Avenue, within 1,000 feet of Rollins College with the following condition:

1. That the business function as a full service restaurant in compliance with the Section 58-95 zoning definition of a ‘fine dining restaurant’ as follows: Fine dining restaurant means any establishment which is devoted to the retailing and on-premises consumption of meals and food where more than 50 percent of the gross revenue is derived from food sales versus alcoholic beverages. Additionally, fine dining restaurants shall meet all of the following criteria:
   (1) A host or hostess should be regularly present to greet and arrange for seating of patrons;
   (2) Food and beverage service (other than bar service) is provided via table service by servers;
   (3) Dinnerware (utensils, plates, etc.) shall be non-disposable;
   (4) Ordering, food service and payment is done at the table; and
   (5) The menu shall consist of full dining cuisine with a range of appetizers, entrees and desserts along with appropriate selections of beverages.
   (6) Payment at a counter/cashier may be allowed only and exclusively to accommodate take-out orders.

**background**
This item is a Conditional Use request to allow a new proposed Irish 31 Pub House & Eatery to be located at 510 S. Park Avenue to obtain a Class III City Liquor License with 130 seats when it is within 1,000 feet of Rollins College.

**City Liquor License Regulations:** There are different rules for places with just
beer & wine licenses versus those that can serve full liquor. In order to serve full liquor, there are generally two ways to obtain a State and City liquor license to sell any kind of alcoholic beverage within a restaurant. The most common method is to obtain a State 4COP-SFS and City Class III Special liquor license provided that a restaurant is a minimum of 3,000 square feet in size, can serve/seat 150 people and the revenue is at least 51% from food. So along Park Avenue, for example, places like 310/Blu; Luma, Prado, Cocina 214, Bosphorus, Boca, etc. all operate with State 4COP-SFS and City Class III Special liquor licenses. The alternative method for a full liquor license is to obtain the State 4COP and City Class III liquor license. However, those liquor licenses do not require any food sales at all and can be used for bars/lounges, liquor stores, etc.

**Effect upon the Proposed Irish 31 Location:** In this instance, the proposed Irish 31 at 510 S. Park Avenue has the 3,000 square feet of floor area needed but due to the interior floor plan of kitchen/customer area, they can only fit 130 seats inside and outside on the sidewalk. Thus, without the required 150 seats, it requires the Irish 31 to ask for a City Class III liquor license. However, to obtain a Class III liquor license (because it can be used for bars/liquor stores) the location must be more than 1,000 feet from a church or school. Every location on Park Avenue is within that radius. The functional reality is this requirement reinforces the zoning prohibitions in the CBD which do not allow bars/lounges or liquor stores. As a result, the businesses with liquor licenses in the CBD are restaurants first and foremost and only secondarily cater to “bar” business.

**Irish 31 Request:** The applicant and property owner understand the City’s Code intention and propose to be a restaurant first and foremost and an Irish Pub secondarily. Looking at the floor plan there is a small limited number of “bar” seats and the vast majority of seating is at small or communal tables. The floor plan for this location will function primarily as a restaurant. Other information on the Irish 31 brand is at their website: https://irish31.com/

**Necessary Conditions of Approval:** Since the City Class III liquor license does not require food sales or full menus etc. there need to be conditions of approval that require the operation of this business and any successor at this location to function as a restaurant. Those conditions are as follows for the definition of a ‘fine dining restaurant’ within City code:

1. Fine dining restaurant means any establishment which is devoted to the retailing and on-premises consumption of meals and food where more than 50 percent of the gross revenue is derived from food sales versus alcoholic beverages. Additionally, fine dining restaurants shall meet all of the following criteria:
   (1) A host or hostess should be regularly present to greet and arrange for seating of patrons;
   (2) Food and beverage service (other than bar service) is provided via table service by servers;
   (3) Dinnerware (utensils, plates, etc.) shall be non-disposable;
   (4) Ordering, food service and payment is done at the table; and
   (5) The menu shall consist of full dining cuisine with a range of appetizers, entrees and desserts along with appropriate selections of beverages.
   (6) Payment at a counter/cashier may be allowed only and exclusively to
accommodate take-out orders.

**Summary:** The P&Z Board agreed with the staff’s summary and recommendations, and felt that there was no difference to the character of the Park Avenue area from a new 150 seat restaurant with full liquor versus, in this case, a 130 seat restaurant with full liquor. They felt comfortable with the business model of Irish 31, and that it didn’t function like a sports bar and wouldn’t create a noise issue. The focus was just on conditions to insure that the business is a restaurant first and foremost and understanding that this approval runs with the land so it would apply to other restaurant concepts in this location.

**Planning and Zoning Board Minutes – March 6, 2018:**

**REQUEST OF THE IRISH 31 RESTAURANT FOR:** CONDITIONAL USE APPROVAL FOR A CLASS III, (4COP) LIQUOR LICENSE IN CONJUNCTION WITH THEIR PROPOSED 130 SEAT RESTAURANT AT 510 S. PARK AVENUE WITHIN 1,000 FEET OF ROLLINS COLLEGE.

Senior Planner Allison McGillis presented the staff report. She explained that the request is a Conditional Use request to allow a new proposed Irish 31 Pub House & Eatery to be located at 510 S. Park Avenue to obtain a Class III City Liquor License with 130 seats when it is within 1,000 feet of Rollins College.

Mrs. McGillis showed the Board a street view of the location for the restaurant at the south end of Park Avenue. She explained that there are different rules for places with just beer & wine licenses versus those that can serve full liquor. She noted that in order to serve full liquor, there are generally two ways to obtain a State and City liquor license. The most common method is to obtain a State 4COP-SFS and City Class III Special liquor license, which means that a restaurant is a minimum of 3,000 square feet in size, can serve/seat 150 people and the revenue is at least 51% from food. Mrs. McGillis provided the Board with examples of other restaurants along Park Avenue that currently operate with State 4COP-SFS and City Class III Special liquor licenses. She stated that the alternative method for a full liquor license is to obtain the State 4COP and City Class III liquor license. However, those liquor licenses do not require any food sales at all and can be used for bars/lounges, liquor stores, etc.

Mrs. McGillis went on to explain that the proposed Irish 31 at 510 S. Park Avenue has the 3,000 square feet of floor area needed, but due to the interior constraints, they can only fit 130 seats inside and outside thus, they do not meet the requirement of 150 seats, which requires the Irish 31 to ask for a City Class III liquor license. She stated that in order to obtain a Class III liquor license (because it can be used for bars/liquor stores) the location must be more than 1,000 feet from a church or school. She noted that every location on Park Avenue is within that radius so the functional reality is this requirement reinforces the zoning prohibitions in the CBD which do not allow bars/lounges or liquor stores. As a result, the businesses with liquor licenses in the CBD are restaurants first and foremost and only secondarily cater to "bar" business.

Mrs. McGillis noted that the applicant and property owner understand the City’s Code
intention and propose to be a restaurant first and foremost and an Irish Pub secondarily. She stated since the City Class III liquor license does not require food sales or full menus etc. there need to be conditions of approval that require the operation of this business and any successor at this location to function as a restaurant.

Staff recommendation is for approval subject to the following conditions:
1. That the business function as a full service restaurant in compliance with the Section 58-95 zoning definition of a ‘fine dining restaurant’ as follows: Fine dining restaurant means any establishment which is devoted to the retailing and on-premises consumption of meals and food where more than 50 percent of the gross revenue is derived from food sales versus alcoholic beverages. Additionally, fine dining restaurants shall meet all of the following criteria:
   (1) A host or hostess should be regularly present to greet and arrange for seating of patrons;
   (2) Food and beverage service (other than bar service) is provided via table service by servers;
   (3) Dinnerware (utensils, plates, etc.) shall be non-disposable;
   (4) Ordering, food service and payment is done at the table; and
   (5) The menu shall consist of full dining cuisine with a range of appetizers, entrees and desserts along with appropriate selections of beverages.
   (6) Payment at a counter/cashier may be allowed only and exclusively to accommodate take-out orders.

Mrs. McGillis answered questions from the Board.

Frank Hamner, Law Offices of Frank A. Hamner, P.A. 1011 N. Wymore Road, Winter Park, Florida represented the Applicant. He presented a floor layout of the restaurant and reiterated the interior constraints did not allow for 150 seats. He reviewed the Irish 31 menu to show that the establishment was first and foremost a restaurant.

Mr. Hamner answered questions from the Board regarding potential noise complaints. He stated that Irish 31 is not a sports bar and does not have wall of televisions throughout the restaurant. Mr. Hamner noted that Irish 31 is known for being an upscale family friendly chain of restaurants.

No one from the public wished to speak. The public hearing was closed.

The Board agreed with Staff’s recommendation and there were no additional questions.

Motion made by Laura Turner, seconded by Sheila De Ciccio for conditional use approval for a Class III, (4COP) liquor license in conjunction with their proposed 130 seat restaurant at 510 S. Park Avenue within 1,000 feet of Rollins College, with Staff recommendations.

The motion carried unanimously with a 7-0 vote.

alternatives / other considerations
N/A
**fiscal impact**

N/A

**ATTACHMENTS:**

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subject
Request of Z Properties Inc. for subdivision or lot split approval to divide the property at 566 Sylvan Drive, combined with ten (10) feet from the 1570 Bryan Avenue property to form two single-family building lots.

motion / recommendation
Recommendation to approve the lot split with the condition that the homes be of varying architecture as the applicant has proposed.

background
Z Properties Group is requesting subdivision or lot split approval to divide the property located at 566 Sylvan Drive, combined with ten (10) feet from the eastern adjoining property, 1570 Bryan Avenue, into two single-family lots. The zoning of these properties is R-1A. Both properties are currently occupied by single-family homes, which are to be demolished.

During the City’s review process of subdivisions or lot split requests, there are two criteria that are reviewed. First is the ‘Zoning Test’ as to conformance with the zoning criteria. The next is the ‘Comprehensive Plan Test’ which is conformance to the neighborhood character.

ZONING TEST: The existing 566 Sylvan Drive is a corner lot, and is 150 feet wide on Bryan Avenue, 142 feet wide on Sylvan Drive, and measures 21,238 square feet in size. The existing 1570 Bryan Avenue is 100 feet wide and 14,168 square feet in size. The subdivided lots are proposed to be divided north and south and fronting on Bryan Avenue. With the western ten (10) feet from 1570 Bryan Avenue, the property is proposed to be divided into a 75 feet wide interior lot and an 85 feet wide corner lot, with lot areas of 10,650 square feet and 12,070 square feet in size, respectively. Then the resulting 1570 Bryan Avenue will be 90 feet wide and 12,780 square feet in size. The R-1A zoning requires a minimum of 75 feet of lot width for an interior lot and 85 feet for a corner lot, and a minimum of 8,500 square feet of land area. Thus, this request meets the R-1A lot dimension standards, and no variances are
**COMPREHENSIVE PLAN TEST:** There are many neighborhoods in the City that are zoned R-1AA or R-1A, but the existing character may be significantly different than the zoning code minimums. In some cases the typical lots are smaller or larger. The Comprehensive Plan test, or comparison, is a door that swings both ways. In some cases, it can substantiate a relaxation of the minimum lot dimensions, and in other cases it can require larger lot sizes than the minimums.

As a result, the practice outlined in the Comprehensive Plan and the Subdivision Code (attached) is to look at the surrounding neighborhood to compare the standard lot sizes. The Code dictates that the review area is within a 500-foot radius of the subject property, and limited to those in the same zoning.

There are 49 homes within this neighborhood along with the R-1A zoning (see attached map). The average lot width is 87 feet, and the median lot width is 85 feet. The average lot area from this 49 home survey is 13,609 square feet, and the median lot area is 13,852 square feet.

Over 55% of the neighborhood has lot widths in the 75-85 foot range and lot areas of 10,000 to 13,000 square feet. Thus, in this case the applicant is proposing to create three 75-85 foot wide lots lot with areas of 10,650-12,780 square feet that compare favorably to a majority of the neighborhood.

**APPLICABLE CODES:** The applicable Comprehensive Plan policy and Subdivision Code section governing lot splits are on the following page.

**DEVELOPMENT PLANS:** The applicant has provided a generalized front elevation for the type of homes that they plan to build, and general site plans for the layout of the proposed new homes. Staff is recommending that a condition be placed that these homes be of varying architecture as the applicant has presented. The applicants will comply with the normal single-family development standards, setbacks, etc.

**SUMMARY:** The request meets all of the R-1A zoning requirements for lot sizes, and no variances are requested.

**Planning and Zoning Board Minutes – March 6, 2018:**

**REQUEST OF Z PROPERTIES FOR:** SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE PROPERTY AT 566 SYLVAN BOULEVARD COMBINED WITH 10 FEET FROM THE 1570 BRYAN AVENUE PROPERTY TO FORM TWO SINGLE FAMILY BUILDING LOTS. BOTH LOTS THEN MEET THE MINIMUM LOT SIZE REQUIREMENTS OF THE R-1A ZONING AND NO VARIANCES ARE REQUESTED.

Senior Planner, Allison McGillis, presented the staff report. She explained that Z Properties Group is requesting subdivision or lot split approval to divide the property located at 566 Sylvan Drive, combined with ten (10) feet from the eastern adjoining property, 1570 Bryan Avenue, into two single-family lots. The zoning of these properties is R-1A. She reviewed the “Zoning Test”, “Comprehensive Plan Test”, applicable codes and development plans for the property. She Summarized by stating...
Staff is recommending that a condition be placed that these homes be of varying architecture as the applicant has presented. The applicants will comply with the normal single-family development standards, setbacks, etc. The request meets all of the R-1A zoning requirements for lot sizes, and no variances are requested. Staff recommendation is for approval with the condition that the proposed homes be of varying architecture. No one from the public wished to speak and the applicant volunteered to answer any questions. The public hearing was closed.

The Board agreed with Staff’s recommendation and there were no questions.

**Motion made by Laura Walda, seconded by Sheila De Ciccio for subdivision or lot split approval to divide the property at 566 Sylvan Boulevard combined with 10 feet from the 1570 Bryan Avenue property to form two single-family building lots with the condition that the homes be of varying architecture.**

The motion carried unanimously with a 7-0 vote.

**alternatives / other considerations**
N/A

**fiscal impact**
N/A

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NOTES
Average Lot Width = 87 ft
Median Lot Width = 85 ft
Average Lot Size = 13,609 sq ft
Median Lot Size = 13,852 sq ft
February 14, 2018

City of Winter Park
Planning and Zoning
401 Park Avenue South
Winter Park, Florida 32789

Re: 566 Sylvan Drive Lot Split

To whom it may concern,

I purchased ten feet from the adjacent property at 1570 Bryan Avenue so that 566 Sylvan Drive can conform with zoning regulations. The current structure will be demolished. It is my intent to split the new conforming property and build two new single-family residences. Please see attached letter from the adjacent neighbor supporting this proposed lot split.

Best,

Zane Williams
Z Properties Group, Inc.
February 1, 2018

FLOM Holdings
Asghar "Oscar" Meshkati
5415 Lake Howell Road
#323
Winter Park, Fl. 32792

Re: 566 Sylvan/ 1570 Bryan

To Whom It May Concern:

I, Oscar Meshkatia, as primary director of FLOM Holdings, own 1570 Bryan Avenue, Winter Park, Florida 32789. I support splitting the lot adjacent to me located at 566 Sylvan Drive, Winter Park, Florida 32789.

Thank you,

[Signature]

Oscar Meshkati/ FLOM Holdings  Date

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BRYAN EAST RESIDENCE

WINTER PARK, FLORIDA
BRYAN WEST RESIDENCE

WINTER PARK, FLORIDA
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**subject**
Request of Verax Investments, Inc. for Conditional Use approval to construct a new two-story, 20,000 square foot medical and general office building on the property at 1111 W. Fairbanks Avenue, zoned C-3.

**motion / recommendation**
Recommendation to approve both the preliminary and final conditional use with the following conditions:
1. That the final architectural elevations and materials of the proposed office building be subsequently approved by the P&Z Board and City Commission after input and dialogue with the city architect.
2. That the project shall be restricted to a non-interior illuminated monument sign and non-interior illuminated wall signage.
3. That the project incorporate the required bike parking.
4. That a Development Agreement be executed with approval from the city attorney that will permit joint use of 25 spaces after 5:00 p.m. on weekdays and all-day on the weekends, excluding over-night parking and that on-site signage shall indicate such.
5. That the final landscape plan meet the code requirements for species diversity.
6. That the project construct, an eight (8) foot wide sidewalk along Harper Street from Fairbanks to Comstock Avenue.

**background**
This item is a Conditional Use request to build an approximately 20,000 square foot, two-story, office building at the vacant property located at 1111 West Fairbanks Avenue. This property is currently owned by the City, but is under contract with the applicant. The applicant was selected by the City Commission through the Notice of Disposal process to move forward with more detailed plans of their proposal. Therefore, the applicant has developed the attached Conditional Use package to receive the necessary entitlements to construct the building prior to closing on the property.

**Site & Context:**  The original former Fairbanks Bowl property was 1.63 acres.
However, the City is retaining (not selling) twenty (20) feet on the southern portion of the property along Fairbanks Avenue and an additional three (3) feet along Harper Street as right-of-way in order to do roadway and sidewalk widening in this area. Therefore, the property the applicant has to build on measures 1.51 acres, or 68,814 square feet. The property is currently vacant, and has frontages along Harper Street, West Fairbanks, Ward and West Comstock Avenues. To the east is an auto-body shop and commercial properties, to the south is additional commercial properties, to the west is a CVS Pharmacy, and to the north is Martin Luther King, Jr. Park.

**Project Plans:** As part of the Notice of Disposal, the City Commission stated that they were interested in quality redevelopment that would enhance the street image and streetscape along the Fairbanks Avenue corridor. This redevelopment should also maintain a view corridor from Fairbanks Avenue into MLK Jr. Park. While the view today is primarily of the Rollins softball field, the future evolution of the park may relocate that field elsewhere and open up a vista into MLK Jr. Park. The other stated goal of the City Commission was to provide for some joint use of the parking lot at night and on weekends to accommodate special events and peak times of the soccer/lacrosse fields.

The applicant has provided two site plan options, both showing a two-story, medical/general office building. Option A is what was shown to the City Commission at the time this buyer was selected which locates the building in a north/south orientation on the eastern side of the property. Excluding the Harper Street right-of-way and Walgreens, it provides for a 165 foot view shed across the parking lot toward MLK Jr. Park. This option is approximately 20,000 square feet in size, has a floor area ratio (FAR) of 29% which is below the code maximum of 45%. This option meets all of the Code requirements with respect to building heights, setbacks, and impervious coverage.

Option B locates the building in an east/west orientation parallel to Fairbanks Avenue. Again excluding the Harper Street right-of-way and Walgreens, it provides for an 80 foot view shed across the parking lot toward MLK Jr. Park. This option is approximately 20,800 square feet in size, has a FAR of 30% which is below the code maximum of 45%. This option also meets all of the Code requirements with respect to building heights, setbacks, and impervious coverage.

There is a graphic in the applicant’s materials concerning the view shed that attempts to conclude that both view shed options are similar. To be clear, the City Commission suggested, during the review of the NOD process, that the building should be located on the east side of the lot. This placement location was part of the overall contract for sale. The advantage of Option A is that it creates twice as much view shed (165 feet versus 80 feet) across the parking lot into MLK Jr. Park.

The advantage of Option B is that the building screens more of the view of the parking lot along the Fairbanks Avenue frontage. This placement also coincides with the urban form that staff has developed for design guidelines along other corridors. Another advantage of Option B is that it allow more space for landscaping along the Fairbanks Avenue frontage. A disadvantage of Option B is that it faces the less attractive narrow side end wall of the building toward the 20,000 cars traveling east each day.
**Architectural Image:** Perspective elevations are included in the agenda materials depicting the look of the proposed office building. It is a contemporary architectural style. Again, as with some previous applications (Rollins Facility Bldg. & Sprouts) the staff will condition this request on a return to P&Z/City Commission with revised architectural images for some potential improvements in design or material selection.

With respect to signage, this application package does not include any proposed signage. However, staff is recommending a condition that the project shall be restricted to a non-interior illuminated monument sign and non-interior illuminated wall signage.

**Landscaping:** The applicant has provided a preliminary landscape plan to show the required enhanced landscaping that was requirement from the City Commission. The applicant is to be complemented on following the wishes of the City Commission for an enhanced landscape program for this project. The Urban Forestry Department commented that per code the species selection needs to be more diverse.

**Parking:** The Code requirement for parking is one space per 250 square feet for general office space, and one space per 200 square feet of medical office space. The project is meeting the medical office requirement with 100/104 parking spaces for the 20,000/20,800 square feet buildings. The project will also be required to comply with the City’s bike parking Ordinance, which in this case requires 10 bike parking spaces.

One of the primary reasons for the selection of this group for the sale was the ability to provide a joint use parking lot adjacent MLK Jr. Park. Offices tend to need their peak parking during the business daytimes. The potential overflow parking needs from MLK Jr. Park are at nights and on weekends. The applicant has also expressed that they are open to allowing park visitors to use some of the parking lot provided that are spaces still available for building tenants to use during those times and that no over-night parking is allowed. Thus, the Development Agreement that will be required for this project will impose a condition that 25 spaces be available for joint use by the City after 5:00 p.m. on weekdays and all-day on the weekends, but no overnight parking. On-site signage will provide this guidance to users.

**Traffic & Circulation:** There are two entrances to the property. One entrance is from Harper Street, and the other is from Ward Avenue. This is the best possible scenario because the former Bowl America site had several more access points and an access point on Fairbanks which can cause internal backups at rush hour times, especially with an office use.

The applicant has not provided a traffic study as part of their conditional use submittal, however, staff utilized the Institute of Transportation Engineers (ITE) Trip Generation rates to estimates the daily trips that would be associated with this project. As previously mentioned, the project will be a mix of general office and medical office uses. Based on the approximate 20,000 square feet of space, the average trip generation per weekday would be 200 trips, if the building were entirely general office. Or alternatively, 723 trips if the building were entirely medical uses.
This project will likely be a hybrid of both of those scenarios. Either way, this use will typically have very little weekend or night time traffic as office buildings are normally closed at nights and weekends. This is also significantly less than what a development with a retail or restaurant component would generate. Therefore, in terms of neighborhood compatibility this is the best possible scenario for this property that already has Commercial (C-3) zoning. Also, with this being an office building that is closed at nights and weekends, that gives the park visitors additional parking during those times.

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

**Other Items from Departmental Review:** The Public Works department has requested that the project install a new eight (8) foot sidewalk along Harper Street from Fairbanks to Comstock Avenue to match the planned eight (8) foot sidewalk along Fairbanks Avenue. This will provide an adequate multi-use sidewalk leading into Martin Luther King, Jr. Park. The time of construction of this sidewalk can be determined at a later date, and may come after the project is completed due to the electric utility undergrounding of this section of Fairbanks which will require this section of Harper Street to be deconstructed. However, the condition will be that the sidewalk must be constructed and paid for by the developer of this project.

**P&Z Board Summary:** The Board felt this office building is compatible with the surrounding buildings and appreciated that fact that there are no variances or exceptions requested. This is a positive infill development scenario if created in an architectural style that relates to the context of its location. The P&Z Board felt Option B with the east-west orientation was the better choice, and felt comfortable with the condition that the final architectural elevations come back for final approval by the Board and Commission.

**Planning and Zoning Board Minutes – March 6, 2018:**

**REQUEST OF VERAX INVESTMENTS, LLC FOR:** CONDITIONAL USE APPROVAL TO CONSTRUCT A TWO STORY, 20,000 SQUARE FOOT MEDICAL AND GENERAL OFFICE BUILDING ON THE PROPERTY AT 1111 WEST FAIRBANKS AVENUE, ZONED C-3.

Director of Planning and Community Development, Dori Stone, presented the staff report. She explained that this item is a Conditional Use request to build an approximately 20,000 square foot, two-story, medical and general office building at the vacant property located at 1111 West Fairbanks Avenue, Zoned (C-3). She stated that this is a property that the City currently owns (formerly the Aloma Bowl). She stated that in late 2017 the City issued Notice of Disposal for the property and the Applicant, Verax Investments, LLC was approved by the City Commission to process to move forward in the application process as well as to contract for sale. Therefore, the applicant has developed the attached Conditional Use package to receive the necessary entitlements to construct the building prior to closing on the property.

Mrs. Stone explained that the property is 1.63 acres in size. She stated that when
the original proposal came in, it was discussed with the City Commission that there be a North/South placement of the building on the property, in order to gain parking on the north side of Comstock Avenue so a cross access agreement could be put in place with Verax Investments to get more parking in the City park itself. She stated that the applicants has provided two site plan options, both showing a two-story, medical/general office building. Option A is what was shown to the City Commission at the time this buyer was selected which locates the building in a north/south orientation on the eastern side of the property. Option B locates the building in an east/west orientation parallel to Fairbanks Avenue. Again excluding the Harper Street right-of-way and Walgreens, it provides for an 80-foot view shed across the parking lot toward MLK Jr. Park. This option is approximately 20,800 square feet in size, has a FAR of 30% which is below the code maximum of 45%. This option also meets all of the Code requirements with respect to building heights, setbacks, and impervious coverage.

Mrs. Stone reviewed the advantages of both options for the Board. She reiterated that the City Commission suggested, during the review of the NOD process, that the building should be located on the east side of the lot. This placement location was part of the overall contract for sale. The advantage of Option A is that it creates twice as much view shed (165 feet versus 80 feet) across the parking lot into MLK Jr. Park. The advantage of Option B is that the building screens more of the view of the parking lot along the Fairbanks Avenue frontage. This placement also coincides with the urban form that staff has developed for design guidelines along other corridors. Another advantage of Option B is that it allows more space for landscaping along the Fairbanks Avenue frontage. A disadvantage of Option B is that it faces the less attractive narrow side end wall of the building toward the 20,000 cars traveling east each day.

Mrs. Stone discussed issues related to architectural image, landscaping, traffic & circulation, stormwater retention and parking. She also explained to the Board that the Public Works department has requested that the project install a new eight (8) foot sidewalk along Harper Street from Fairbanks to Comstock Avenue to match the planned eight (8) foot sidewalk along Fairbanks Avenue. This will provide an adequate multi-use sidewalk leading into Martin Luther King, Jr. Park.

Mrs. Stone summarized by stating that the proposed location for this office building is compatible with the surrounding buildings and importantly there are no variances or exceptions requested. This is a positive infill development scenario if created in an architectural style that relates to the context of its location. The planning staff is not asking the P&Z Board to choose between Options A or B, however, if the Board has preference that can be conveyed to the City Commission as part of your recommendation. The proposed recommendation would be for both Options together with appropriate conditions of approval. She also mentioned that since the staff report was sent to the Board, staff is deleting the language in Condition #1 that references a specific architectural style.

Staff recommendation is for approval of both the preliminary and final conditional use with the following conditions:

1. The final architectural elevations and materials of the proposed office building, be
subsequently approved by the P&Z Board and City Commission after input and dialogue with the city architect.

2. That the project shall be restricted to a non-interior illuminated monument sign and non-interior illuminated wall signage.

3. That the project incorporates the required bike parking.

4. That a Development Agreement be executed with approval from the city attorney that will permit joint use of 25 spaces after 5:00 p.m. on weekdays and all-day on the weekends, excluding over-night parking and that on-site signage shall indicate such.

5. That the final landscape plan meets the code requirements for species diversity.

6. That the project construct, an eight (8) foot wide sidewalk along Harper Street from Fairbanks to Comstock Avenue.

Mrs. Stone answered questions from the Board related to ingress and egress to and from the building, parking space count and City obligation for parking lot/cleaning maintenance.

David Lamm, 968 Lake Baldwin Lane, Orlando Florida, represented the applicant. He reiterated that Verax Investments has been working closely with Staff on the architecture. He stated that the applicant is asking the Board, as a condition of the contract, to approve, at minimum, the North/South elevation to be compliant with the contract, but also ask the Board to approve the East West elevation as a recommendation to the City Commission as the applicant believes, from a design standpoint, the East/West elevation is the better option as reviewed by Mrs. Stone in the Staff report.

He reviewed other design iterations that the applicant has been working on with City Architect, Brooks Weiss to show opportunities of architecture ideas where transparency is being used. He stated that the applicant is trying to make a building that is transparent, has a reflective feel, uses natural shading and has an elegant look and feel from the corner location.

Mr. Lamm answered questions from the Board regarding building use. He explained to the Board that the applicant is currently in discussion and negotiations with an anchor tenant which would make the building a high-tech medical specialty facility.

Mrs. Stone stated that by the City Commission’s proactivity, they have asked for a North/South configuration with the desire to have the building set back from the street and obtain optimized parking. She reiterated that Staff does agree that the East/West configuration would work equally as well as both configurations meet the required FAR of 45%. Mrs. Stone noted that the approval of the property sale is contingent on the North/South configuration, however, should the Board find that while the North/South configuration is acceptable, the opinion of the Board is that the East/West configuration is the preferred option, to please do so when making their motion.

Mrs. Stone answered questions from the Board regarding the eight-foot sidewalk that will be constructed adjacent to the property for pedestrians, landscaping, and restricted parking.

The Board discussed both configurations and agreed that the East/West elevation
was the preferred option.

No one from the public wished to speak. The public hearing was closed.

Motion made by Laura Turner, seconded by Ray Waugh for Conditional Use approval to construct a two story, 20,000 square foot medical and general office building on the property at 1111 West Fairbanks Avenue, Zoned (C-3), with the preference of the East/West orientation over the North/South orientation. In addition, the Board accepts Staff recommendations for approval with the amendment to Condition 1 as follows:

1. The final architectural elevations and materials of the proposed office building, be subsequently approved by the P&Z Board and City Commission after input and dialogue with the city architect.
2. That the project shall be restricted to a non-interior illuminated monument sign and non-interior illuminated wall signage.
3. That the project incorporates the required bike parking.
4. That a Development Agreement be executed with approval from the city attorney that will permit joint use of 25 spaces after 5:00 p.m. on weekdays and all-day on the weekends, excluding over-night parking and that on-site signage shall indicate such.
5. That the final landscape plan meets the code requirements for species diversity.
6. That the project construct, an eight (8) foot wide sidewalk along Harper Street from Fairbanks to Comstock Avenue.

The motion carried unanimously with a 7-0 vote.

alternatives / other considerations
N/A

fiscal impact
N/A

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Fairbanks MOB - Exterior Design Concepts

Option 1 - View From Fairbanks and Mills Ave, Intersection - Fairbanks East Bound
Fairbanks MOB - Exterior Design Concepts

Option 2 - Plan View 1

© 2018 KTH Architects, Inc.

Agenda Packet Page 94
Option 2 - View From Fairbanks and Mills Ave, Intersection - Fairbanks East Bound

PARK VIEW CORRIDOR － MAINTAINED
Option 2 - View From Fairbanks and Mills Ave. Intersection - Mills Ave. Corner
An East-West Building Orientation has less of an impact on the existing Park View Corridor from the Fairbanks Avenue and Mills Avenue Intersection.

Fairbanks MOB - Exterior Design Concepts  
Option 2 - Plan View 1
Fairbanks MOB - Exterior Design Concepts

Option 2 - View From Fairbanks and Mills Ave. Intersection - Mills Ave. Corner
*An East-West Building Orientation has less of an impact on the existing Park View Corridor from the Fairbanks Avenue and Mills Avenue Intersection.
subject
Ordinance - Sale of 1111 W. Fairbanks Avenue (2)

motion / recommendation
Recommendation to approve the Ordinance required for the sale of 1111 West Fairbanks Avenue.

background
Section 2.11 of the Charter of the City of Winter Park, Florida, requires that the City Commission adopt an ordinance to convey any lands of the City. The City undertook an advertised notice of disposal solicitation and then engaged a licensed real estate broker to solicit the best offer for the benefit of the citizens of the City of Winter Park which satisfied the requirements of Chapter 163, Florida Statutes and which was subsequently approved by the City Commission.

The City Commission has determined that there is not a municipal use of this property and that the proposed use will be consistent with the Commercial Future Land Use and C-3 district zoning and no variances or any other commitments have been made other than the ability to develop the land in conformance with the normal land development code regulations. The attached Ordinance allows for the sale of the City property at 1111 W. Fairbanks Avenue to Verax Investments, LLC, pursuant to the terms of the offer of purchase price of $3,500,000 pursuant to the offer as approved by the City Commission.

This price exceeds the appraised value of $2,960,000. The proposed use as a two story medical and business office is compatible with the surrounding area; will bring new employment to the City and would be expected to conform to the existing C-3 zoning regulations for this property. The City is retaining land along the Fairbanks and Comstock frontages for roadway and utility purposes.

The development proposed will require a Conditional Use approval. This first reading will signal the formal intent to sell and the second reading will occur at the time of the Conditional Use public hearing, so that the buyer will then have the authorization for the sale and prospectively, the project approval at that time.
Staff Recommendation is for Approval.

**alternatives / other considerations**
N/A

**fiscal impact**
N/A

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ORDINANCE NO. _________

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE SALE AND CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED AT 1111 WEST FAIRBANKS AVENUE PURSUANT TO THE SALES PROCESS APPROVED BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, Section 2.11 of the Charter of the City of Winter Park, Florida, authorizes the City Commission, by ordinance to convey or authorize by administrative action the conveyance of any lands of the City; and

WHEREAS, the City undertook an advertised notice of disposal solicitation and then engaged a licensed real estate broker to solicit the best offer for the benefit of the citizens of the City of Winter Park which satisfied the requirements of Chapter 163, Florida Statutes and which was subsequently approved by the City Commission; and

WHEREAS, the City has determined that there is not a municipal use of this property and that the proposed use will be consistent with the Commercial (C-3) district zoning and no variances or any other commitments have been made other than the ability to develop the land in conformance with the normal land development code regulations.

WHEREAS, the City Commission deems it advisable to convey this property to the Verax Investments, LLC, pursuant to the terms of the offer of purchase price of $3,500,000 pursuant to the offer as approved by the City Commission.

NOW, THEREFORE, BE IT ENACTED THE CITY OF WINTER PARK:

SECTION 1. The recitals stated hereinabove are incorporated herein by reference and are made fully a part of this Ordinance.

SECTION 2. The property that is authorized to be conveyed by the City is the property identified as follows:

LOTS 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18, BLOCK 1, LAKE ISLAND ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK M, PAGE 95, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
TOGETHER WITH: THAT PORTION OF THE VACATED 10.00 FOOT WIDE ALLEY RUNNING EAST AND WEST THROUGH SAID BLOCK 1; (LESS THE WEST 3.00 FEET LYING SOUTH OF SAID LOT 18 AND LYING NORTH OF LOT 7, BLOCK 1); AND (LESS THE SOUTH 5.00 FEET LYING NORTH OF AND CONTIGUOUS TO LOT 12, BLOCK 1), OF SAID LAKE ISLAND ESTATES; AND ALSO: (LESS THE SOUTH 20.00 FEET OF LOTS 7, 8, 9, 10 AND 11, BLOCK 1), AND (LESS THE WEST 3.00
Property Tax ID # 01-22-29-4512-01-070

SECTION 3. The City Commission of the City of Winter Park hereby approves the transfer and conveyance of this property to Verax Investments LLC, based upon the development potential of Commercial future land use and Commercial (C-3) zoning and no commitments have been made other than development permitted consistent the normal land development code regulations associated with that future land use and zoning designation.

SECTION 4. This Ordinance shall constitute the authorization by the City Commission pursuant to Section 2.11 of the Charter of the City of Winter Park, Florida, for the transfer and conveyance of the property set forth above, and the City Commission of the City of Winter Park hereby authorizes the Mayor to execute such contract and deed on behalf of the City, as may be required.

SECTION 5. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

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 ___________________, 2017.

Mayor Steve Leary

ATTEST:

_______________________________

City Clerk, Cynthia S. Bonham
W COMSTOCK AVE

Property to be sold

Property to be retained by the City

W FAIRBANKS AVE

This map is for reference only and is not a survey.
October 18, 2017

City Of Winter Park
C/O CBRE
Attention: Bobby Palta

Re: Letter of Intent to purchase real property located at 1111 West Fairbanks Avenue, Winter Park, Florida, 32789.

Dear Bobby:

This Letter of Intent (this "Letter") outlines the basic terms upon which the parties intend to enter into a Purchase and Sale Agreement (the "Purchase Agreement"), wherein Purchaser will agree to purchase the Property from Seller (the "Transaction") upon the terms and conditions set forth explicitly in the Purchase Agreement, and based upon the general terms contained herein.

1. **Seller:** City of Winter Park

2. **Purchaser:** Verax Investments, LLC

3. **Property:** Fee simple interest in an estimated 1.51 acre parcel per the attached Exhibit.

4. **Purchase Price:** Three Million Five Hundred Thousand Dollars ($3,500,000)

5. **Method of Payment:**
   5.1 One Hundred Thousand Dollars ($100,000) initial earnest money deposit within Two (2) business Days upon execution of the Purchase Agreement.
   5.2 One Hundred Fifty Thousand dollars ($150,000) earnest money deposit within Two (2) business days upon the end of the Inspection Period. Except as provided hereinafter, the deposits shall become non-refundable upon the expiration of the Inspection Period unless the City willfully fails or refuses to close or if the Purchaser applies for a Conditional Use Permit ("CUP") for a project substantially similar to the one submitted to the City in the Purchaser's purchase bid and the City denies the CUP.
   5.3 Notwithstanding any other provision contained herein, $10,000.00 of the earnest money deposit shall become non-refundable upon execution of the Purchase Agreement between the Purchaser and the City and approval of the same by the City Commission unless the City willfully fails or refuses to close or if the Purchaser applies for a CUP in the manner set forth in Paragraph 5.2 and the City denies the CUP.
   5.4 The Deposits will be held in escrow by Fishback Law Firm.

6. **Use/Tenants:** +/-20,000sf, Two (2) story building with 5/1000 parking, multi-use medical facility. Certain tenant will not be disclosed at this time due to the public nature of this sale. Please see last page. While the desire is to have 100% of the property leased by the end of the inspection period, executed leases/commitments are not a requirement for the buyer to close.

1112 Sweetbriar Rd
Orlando, FL 32806
7. **Inspection Period:** Purchaser shall have Ninety (90) days following full execution of a Purchase Agreement to perform and complete its due diligence investigation of the Property which may include, but is not limited to, title and survey review, civil and architectural, traffic engineering, above and below ground physical inspection, including environmental testing, all pertinent records or documents relating to the Property, zoning and entitlement for Purchaser's intended use, and any other due diligence reasonably contemplated by Purchaser. Should Purchaser not be satisfied with any aspect of its review and inspection of the Property, as determined in Purchaser's sole and absolute discretion, then the Purchase Agreement shall terminate and the earnest money deposit shall be returned to Purchaser. The parties will agree on an initial Concept Plan during the inspection period and any material modifications thereafter would be subject to City review. But minor field adjustments should be acceptable if due to engineering necessity or governmental requirements without City approval rights. Purchaser will have the right, for any reason, to extend the Inspection Period for an additional thirty (30) days by paying the City a $10,000.00 extension fee, which shall be applied towards the purchase price at closing.

8. **Approval Period:** Purchaser shall apply for the CUP within thirty (30) days after the Effective Date of the Purchase Agreement. If the City denies the CUP, the Purchaser may terminate the Purchase Agreement and the earnest money deposit shall be returned to Purchaser provided Purchaser otherwise complies with the provisions of Paragraphs 5.2 and 5.3.

9. **Due Diligence Documents:** Within three (3) days upon full execution of the Purchase Agreement, Seller shall deliver to Purchaser any and all documents in its possession relating to due diligence including, but not limited to, existing surveys, existing environmental reports, Purchaser is in receipt of all documentation available from City of Winter Park.

10. **Closing:** Closing of the Transaction contemplated by this Letter shall take place on the date that is fifteen (15) days after the later of (i) end of the Inspection Period, (ii) approval of the CUP with all appeals periods having expired (usually 30 days after City approval). CUP is an express condition of closing provided Purchaser applies for a CUP for a project substantially similar to the one submitted to the City in Purchaser's purchase bid.

11. **Closing Costs:** Buyer and seller to pay their typical closing costs.

12. **Public Amenities:** Buyer shall create an amenity for the public, including access to the parking lot after 5pm on weekdays and on weekends. The concept plan shall show the parking spots up for public use and such use should be subject to the parties entering into a mutually acceptable license/parking lease agreement during the inspection period.

13. **Financial Ability:** ComTech Properties Inc has received direct communication & documentation from the buyer’s lender stating they are confident they can provide the financing for the total cost of the development. Proof of funds for the down payment portion will be provided.
14. **Non-binding:** The purpose of this Letter is to set forth the general intent of Seller and Purchaser as to some of the material terms of a Purchase Agreement to be prepared by Purchaser. The parties agree that this Letter is non-binding upon Seller and Purchaser.

16. **Brokerage:** Buyer acknowledges that there is no brokerage agreement with the seller and buyer acknowledges it is their sole responsibility to pay a commission to their Broker, ComTech Properties Inc, in a separate written agreement, in the event the Purchase Sale Agreement is closed.

17. **Purchase Agreement:** Seller shall prepare an initial draft of the Purchase Agreement contemplated by this Letter of Intent. The parties agree to use commercially reasonable efforts to complete the negotiation and execution of the Purchase Agreement within thirty (30) days following full execution of this Letter.

18. **Landscaping Greenspace:** The project will conform to City of Winter Park code and will continue the beautification of Fairbanks Avenue. Purchaser shall use its best efforts to provide enhanced landscaping and greenspace above Code as well as provide an open view corridor to the park from Fairbanks Avenue north along Harper Street. Plans are provided in separate document.

19. **Reporting:** Purchaser will provide bi-weekly reporting to seller's agent on the following aspects of the purchase:
- Financing, loan commitment and funding
- Conditional Use Permit application and approval status
- Leasing progress: LOI and Lease negotiations status (tenant and square footage only). Purchaser will not disclose specific tenants they are working with.

20. **CUP Application:** City Commission is not bound to accept any application.
If this Letter correctly describes your understanding of the basic terms of the Transaction, please so indicate by signing, dating, and returning a copy of this Letter to the undersigned.

Sincerely,

Amy Ullrich, agent of
ComTech Properties, Inc.
amyammerman@gmail.com
407-276-2398 (cell)

Agreed to by:

<table>
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<th>Seller:</th>
<th>Buyer:</th>
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<tr>
<td>City of Winter Park</td>
<td>Verax Investments, LLC</td>
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<tr>
<td>By:</td>
<td>By:</td>
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<tr>
<td>Name:</td>
<td>Name: Ravi Gandhi, M.D.</td>
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<td>Title: Authorized Representative</td>
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<td>By:</td>
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<tr>
<td></td>
<td>Name: Javier Miller, M.D.</td>
</tr>
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<td>Title: Authorized representative</td>
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SKETCH OF DESCRIPTION

LEGAL DESCRIPTION

LOTS 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, BLOCK 1, LAKE ISLAND ESTATES, according to the plat therein, as recorded in Plat Book M, Page 96, of the Public Records of Orange County, Florida.

Together with that portion of the vacated 10.00 feet wide alley running east and west through said Block 1, (less the west 3.00 feet) lying south of said Lot 18 and lying north of Lot 7, Block 1, and less the south 5.00 feet lying north of and contiguous to Lot 12, Block 1, of said Lake Island Estates.

And also, (less the south 20.00 feet of Lots 7, 8, 9, 10 and 11, Block 1) and (less the west 3.00 feet of Lots 7 and 11, Block 1), of said Lake Island Estates, as recorded in the Plat Book M, Page 96, of the Public Records of Orange County, Florida.

Containing thereon 1.81 acres, more or less.

SURVEYOR’S NOTES:

1) Bearings shown herein are based on the South Right-of-Way line of Comstock Avenue, being 589°39'27" E.

2) No underground utilities and improvements were located except as shown.

3) This Sketch of Description is not valid without the original raised seal and signature of the Florida Professional Surveyor and Mapper.

NOT A BOUNDARY SURVEY

For City of Winter Park
Scale: 1" = 80'
Date: 05-04-2017
subject
Ordinance - Request of Ansaka, LLC to amend the "Comprehensive Plan" Future Land Use Map for 1835 Aloma Avenue. (1) PLEASE NOTE: THE FOLLOWING THREE PUBLIC HEARINGS ARE POSTPONED UNTIL APRIL 9.

motion / recommendation
Recommendation to approve the request to amend the "Comprehensive Plan" Future Land Use Map to change from an Office Future Land Use designation to a Medium Density Residential Future Land Use designation on the property at 1835 Aloma Avenue.

background
Planning & Zoning Board Meeting: The P&Z Board met on December 5, 2017 and recommended Approval of the Comprehensive Plan Future Land Use, rezoning requests and the Conditional Use with the condition: “that the Planning Department staff impose additional buffer requirements along the rear property line for the surrounding properties following a community meeting”. Due to the need for the Community Meeting and to hopefully address concerns of the neighbors that were brought forth at the P&Z meeting, the applicant tabled the request until the March 26th City Commission meeting. New notices were mailed to the surrounding property owners notifying them of this meeting. In addition, the applicant held a community meeting on Thursday, March 1st at the Winter Park Library to address concerns that have been raised.

Site and Zoning/Future Land Use Changes: The entire development site of 1791, 1801, 1811, 1821 and 1835 Aloma Avenue comprises 1.81 acres. The property has 325 feet of frontage on Aloma Avenue and a property depth of 250 feet. To the immediate east is a vacant Office property owned by Fifth Third Bank, (see previous approved plan, attached) and to the rear/north and west side are single family homes. The property currently has split zoning with 1835 Aloma Avenue, zoned Office (O-2) and the 1791, 1801, 1811, 1821 Aloma Avenue properties zoned Single Family (R-1A). The Future Land Use designations are similar with 1835 Aloma Avenue, designated Office and 1791, 1801, 1811, 1821 Aloma Avenue designated Single Family Residential.
**Proposed Project:** The proposed 18 new two-story townhouse units will be developed in building clusters of two to four units. The unit sizes average 2,390 square feet with approximately 2,000 square feet of living area. Total building size of all 18 units is 43,030 square feet which is a floor area ratio (FAR) of 55%; that is equal to what would be permitted under R-2 zoning. The total building lot coverage (footprint) is 33%, which is equal to the permitted FAR in R-1A.

One interesting attribute of the proposed project is that there are different townhouse unit sizes resulting in some variation in sales price. The units range in size from 1,541 square feet to 2,252 square feet of living area, and from 1,541 square feet to 2,760 square feet in total size when the garage space is factored in. Twelve of the units have two car garages, two units have one car garages and four units have parking outside in a designated parking lot area. All totaled, there are 53 parking spaces provided on-site within garages or outside with 46 spaces required based on the Land Development Code requirement of two and a half spaces per unit.

The proposed 18 units of residential density are achieved by combining the permitted unit density of the R-3 and PURD components. The portion of the site to be zoned R-3 is 17,691 square feet (0.41 acres) and the R-3 zoning density of 17 units per acre allows seven units. Under the current O-2 zoning the density is also seven units, so there is no increase requested. The portion of the site to be zoned PURD is 61,152 square feet (1.40 acres) and the proposed PURD zoning density of eight units per acre allows 11 units, which is an increase of four units over the R-1A permitted density. Under the current existing land use designations of Office and Single Family, the combined site would be permitted up to 14 units. Thus, the proposed land use changes increase the residential density of this property by four units and the total floor area ratio by 7,500 square feet, which is about the equivalent of the four added units.

The proposed townhouse buildings range in height, with the tallest portion being just over 28 feet in height, which is under the 30 foot height permitted by the PURD zoning. The applicant has designed this entire project (on both the R-3 and PURD land) to meet and exceed the setback requirements of the PURD zoning for consistency. The buildings are located 30 feet back from Aloma Avenue, 30 feet from the eastern property line, 40 feet from the adjacent single family properties to the rear and 28 feet or greater from the adjacent single family home to the west. A 20 foot perimeter setback is required in the PURD zoning which is exceeded by the dimensions outlined above.

In the center of the project is a 15,000 square foot common area courtyard tract that will be an open space and recreation area for all of the residents to use. Altogether, the building footprints and drives/parking are 75% of the site, leaving 25% of the overall site as open space landscape area or common areas.

Only one variance or exception is requested for this project. The PURD zoning has a two acre minimum size. This is a 1.81 acre project with 1.41 acres to be zoned PURD. The planning staff feels that the 8,275 square foot of total land shortfall is consistent with the intent of the PURD regulations.
Applicable Comprehensive Plan Policy: The applicable Comprehensive Plan policy that relates to this planning area, is shown below:

Planning Area B: Osceola/Lakeview

Policy 1-B-1: Preserve Single-Family Homes. The City shall preserve single-family residential land use in the Osceola/Lakeview planning area and shall deem land use changes from single family residential to low or medium density residential or to a non-residential designation to be in conflict with this Comprehensive Plan policy and shall not be permitted unless otherwise provided for in this Comprehensive Plan.

The policy above states that the City shall not change the Future Land Use from Single Family to any higher density permitted by Low Density or Multi-Family Future Land Use or zoning. This is a very good policy for 98% of this Planning Area. It does not apply as well in this context of a large 1.81 acre property fronting on the four lane arterial highway of State Road 426 (Aloma Avenue) with 43,000 cars a day travelling past.

Originally the applicant desired a conversion of the site to Low Density Residential Future Land Use and R-2 zoning. It would have been a down-zoning of the Office zoned property and an up-zoning of the Single Family property. The complication is the 6-month process that is required to amend the Comprehensive Plan policy text (above) and the $8,000 application fee to cover the city-wide notice.

As a result, this alternative method of implementation is proposed using an O-2 to R-3 zoning change and an R-1A to PURD zoning change. In that fashion the Single Family Future Land Use does not have to change in conflict with the Comprehensive Plan policy above. The end result is exactly the same. The density increase of four residential units is the same as a change to R-2. The other details of the project have been designed to match the PURD requirements on the total project and also match and not exceed what R-2 would allow.

Traffic Impact: The four new net residential units will generate 32 more car trips per day onto Aloma Avenue which currently has a traffic volume of 43,000 cars per day.

Tree Preservation: The project is attempting to save as many oak trees as possible throughout the project. The applicants have met with Urban Forestry and have concurrence on the tree removal. One very nice live oak will be removed but the other very nice live oak tree on the site has been saved in the area of the entrance surface parking lot.

Storm Water Retention: This project will have a combination of surface and underground storm water system that will meet the requirements of the St. John River Water Management District as well as City Code.

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

**Development Options for the Property if the Requests are Denied:** The development potential of these properties requested for the Aloma Townhouses if no changes are made to the Zoning/FLU are as follows:

The 1835 Aloma Avenue portion of the site that is now zoned Office (O-2) is 17,691 sq. ft. in size per OCPA. An owner could build either a 7,960 square foot two story, 35 foot tall office building (45% FAR max for office) or a 10,615 square foot two story, 35 foot tall, mixed use building with office on the ground floor and up to 7 residential apartments/condo on the second floor (60% FAR max for mixed use and 17 units/acre max. density). O-2 zoning has a maximum two story, 35 foot height limit. There is sufficient land to park either option.

The development potential of the adjacent 4 residential properties, at 1791, 1801, 1811 and 1821 Aloma Avenue (also part of the ownership/application) have two options. Right now that combined 1.4 acres consists of 4 single family properties. However, with the property size and lot depth there are be subdivision options. It is basically a 250 foot by 250 foot square. The Comp. Plan maximum density is 5 units per acre, which translates into 7 SF homes. This is where it is hard to say for sure.

They might be able to do a small cul-de-sac bulb in the middle and arrange 7 new lots around that bulb. Maybe, but it likely needs some lot width variances (not lot area tho). What they positively could do, is take the two properties at 1791 & 1801 that are each 75 feet wide and 250 feet deep and do a center common driveway to two lots in the back and have two lots up front. Each lot would be 75 by 125 feet and meet the R-1A code for 75 feet and with 9,375 sq. ft. exceed the 8,500 sf needed. Then they have the two existing grandfathered-in homes at 1811 & 1821. Gives them 6 SF lots meeting all Code requirements.

As a result, the permitted residential density is 6-7 SF homes and 7 apts./condos above the office. Combined residential density is 13-14 units. The application is asking for 18. Thus, the staff report says that the increase in residential density is 4 units based on the Comp. Plan allowance.

**Planning Staff Summary:** This 1.81 acre property with 250 feet of lot depth fronts a four-lane arterial State Highway with 43,000 cars a day. Directly adjacent on the NW corner of Lakemont and Aloma will eventually be a large office building (see previous plans approved for Fifth Third Bank). This project makes sense for the Planning staff to provide a transitional use from Office to Townhouses to Single Family, as one travel from East to West.

**Planning and Zoning Board Minutes – December 5, 2017:**

REQUEST OF ANSAKA LLC TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM AN OFFICE FUTURE LAND USE DESIGNATION TO A MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION ON THE PROPERTY AT 1835 ALOMA AVENUE.

REQUEST OF ANSAKA LLC TO: AMEND THE OFFICIAL ZONING MAP TO CHANGE
FROM OFFICE (O-2) DISTRICT ZONING TO MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT 1835 ALOMA AVENUE AND FROM SINGLE FAMILY (R-1A) DISTRICT ZONING TO PLANNED UNIT RESIDENTIAL (PURD) DISTRICT ZONING ON THE PROPERTIES AT 1791, 1801, 1811 AND 1821 ALOMA AVENUE.

REQUEST OF ANSAKA LLC FOR: PRELIMINARY AND COMPREHENSIVE DEVELOPMENT PLAN AND SUBDIVISION APPROVAL FOR A PLANNED UNIT RESIDENTIAL DEVELOPMENT OF EIGHTEEN TWO-STORY FEE-SIMPLE OWNERSHIP TOWNHOUSES TO BE DEVELOPED COLLECTIVELY ON THE PROPERTIES LOCATED AT 1791, 1801, 1811, 1821 AND 1835 ALOMA AVENUE

Planning Manager, Jeff Briggs, presented the staff report. He explained that the entire development site of 1791, 1801, 1811, 1821 and 1835 Aloma Avenue comprises 1.81 acres. The property has 325 feet of frontage on Aloma Avenue and a property depth of 250 feet. To the immediate east is a vacant Office property owned by Fifth Third Bank, (see previous approved plan, attached) and to the rear/north and west side are single family homes. The property currently has split zoning with 1835 Aloma Avenue, zoned Office (O-2) and the 1791, 1801, 1811, 1821 Aloma Avenue properties zoned Single Family (R-1A). The Future Land Use designations are similar with 1835 Aloma Avenue, designated Office and 1791, 1801, 1811, 1821 Aloma Avenue designated Single Family Residential.

He stated that the proposed 18 new two-story townhouse units will be developed in building clusters of two to four units. The unit sizes average 2,390 square feet with approximately 2,000 square feet of living area. Total building size of all 18 units is 43,030 square feet which is a floor area ratio (FAR) of 55%; that is equal to what would be permitted under R-2 zoning. The total building lot coverage (footprint) is 33%, which is equal to the permitted FAR in R-1A.

Mr. Briggs explained one interesting attribute of the proposed project is that there are different townhouse unit sizes resulting in some variation in sales price. The units range in size from 1,541 square feet to 2,252 square feet of living area, and from 1,541 square feet to 2,760 square feet in total size when the garage space is factored in. Twelve of the units have two car garages, two units have one car garages and four units have parking outside in a designated parking lot area. All totaled, there are 53 parking spaces provided on-site within garages or outside with 46 spaces required based on the code of two and a half spaces per unit.

The proposed 18 units of residential density are achieved by combining the permitted unit density of the R-3 and PURD components. The portion of the site to be zoned R-3 is 17,691 square feet (0.41 acres) and the R-3 zoning density of 17 units per acre allows seven units. Under the current O-2 zoning the density is also seven units, so there is no increase requested. The portion of the site to be zoned PURD is 61,152 square feet (1.40 acres) and the proposed PURD zoning density of eight units per acre allows 11 units, which is an increase of four units over the R-1A permitted density. Under the current existing land use designations of Office and Single Family, the combined site would be permitted up to 14 units. Thus, the proposed land use changes increase the residential density of this property by four units and the total floor area ratio by 7,500 square feet, which is about the equivalent of the four added units.
The proposed townhouse buildings range in height, with the tallest portion being just over 28 feet in height, which is under the 30 foot height permitted by the PURD zoning. The applicant has designed this entire project (on both the R-3 and PURD land) to meet and exceed the setback requirements of the PURD zoning for consistency. The buildings are located 30 feet back from Aloma Avenue, 30 feet from the eastern property line, 40 feet from the adjacent single family properties to the rear and 28 feet or greater from the adjacent single family home to the west. A 20 foot perimeter setback is required in the PURD zoning which is exceeded by the dimensions outline above. In the center of the project is a 15,000 square foot common area courtyard tract that will be an open space and recreation area for all of the residents to use. Altogether, the building footprints and drives/parking are 75% of the site, leaving 25% of the overall site as open space landscape area or common areas.

He stated that only one variance or exception is requested for this project. The PURD zoning has a two acre minimum size. This is a 1.81 acre project with 1.41 acres to be zoned PURD. The planning staff felt that the 8,275 square foot of total land shortfall is consistent with the intent of the PURD regulations.

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Originally the applicant desired a conversion of the site to Low Density Residential Future Land Use and R-2 zoning. It would have been a down-zoning of the Office zoned property and an up-zoning of the Single Family property. The complication is the 6-month process that is required to amend the Comprehensive Plan policy text (above) and the $8,000 application fee to cover the city-wide notice.

As a result, this alternative method of implementation is proposed using an O-2 to R-3 zoning change and an R-1A to PURD zoning change. In that fashion the Single Family Future Land Use does not have to change in conflict with the Comprehensive Plan policy above. The end result is exactly the same. The density increase of four residential units is the same as a change to R-2. The other details of the project have been designed to match the PURD requirements on the total project and also match and not exceed what R-2 would allow.

Mr. Briggs reviewed issues related to traffic impacts, parking, storm water retention, landscaping, tree preservation, and neighborhood compatibility. He stated that the four new net residential units will generate 32 more car trips per day onto Aloma Avenue which currently has a traffic volume of 43,000 cars per day.

**STAFF RECOMMENDATION IS FOR APPROVAL** of the Future Land Use Amendment, Rezoning, Subdivision re-plat for fee simple ownership, and Preliminary and Comprehensive Development Plan.
Mr. Briggs answered questions from the Board related to parking, buffer requirements and traffic concerns. The P&Z Board indicated that they believed that there should be a larger buffer to the adjoining residences. They also discussed traffic along Aloma and Lakemont Avenues.

Andrew Ryan, applicant, presented the details of the project and responded to questions from the Board about internal circulation, traffic issues and his plans for buffering the surrounding residences from noise and light impacts.

The Board heard public comments from: Tim Caldwell, 1791 Windsor Drive; Ron Prodin, 1810 Windsor Drive; Sally Coil, 452 N Phelps Avenue; Rick Moore, Edwin Boulevard; Leanne Johnson, 201 N Phelps Avenue; Susan, Phelps Avenue; Laura Sanchez Edwin Boulevard; John Yellen 1664 Roundelay Lane; Craig and Kathy Cook Edwin Boulevard. Their comments centered on traffic impacts to Lakemont and Aloma Avenues, cut-through traffic onto the surrounding streets, density concerns, buffer concerns to the surrounding neighborhood, visitor parking, and the proximity of their parking spaces to the adjoining residences.

No one else wished to speak. The public hearing was closed.

The Board agreed generally with Staff’s recommendation. Chairman Johnston stated that he was very concerned with the buffer to the adjacent residences. Chairman Johnston and Ray Waugh also discussed that the traffic that will be generated from this project is not a big issue because of the 42,000 plus cars that are already on Aloma. In addition, Owen Beitsch stated that he recognizes that this was a difficult site to plan and commended their creativity, but did not feel as comfortable with the density proposed. Laura Walda was in support of the use of the site as townhouses, but felt that that project was too dense. She felt that the project did not provide enough visitor parking, and along with the busy Aloma Street, it proposed safety concerns. Overall, the Board felt that proposing a community meeting to hear from the adjoining residences about what they prefer for a buffer would be the best compromise.

Motion made by Ray Waugh, seconded by Sheila De Ciccio, to amend the Future Land Use map to change from an Office to Medium Density Residential Future Land Use designation on property located at 1835 Aloma Avenue. Motion carried unanimously with a 7-0 vote.

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Motion made by Ray Waugh, seconded by Sheila De Ciccio, to approve the preliminary and comprehensive development plan and subdivision approval for a planned unit residential development of eighteen two-story, fee-simple ownership townhouses to be developed collectively on the properties located at 1791, 1801, 1811, 1821 and 1835 Aloma Avenue subject to one condition:
1. That the Planning Department staff impose additional buffer requirements along the rear property line for the surrounding properties following a community meeting. The final vote was 6-1, Laura Walda voted against the motion to approve due to the concerns expressed by the neighbors.

**alternatives / other considerations**
N/A

**fiscal impact**
N/A

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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 AN OFFICE FUTURE LAND USE DESIGNATION TO A MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION ON THE PROPERTY AT 1835 ALOMA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3184, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments amending the future land use designation of property; and

WHEREAS, this Comprehensive Plan amendment meets the criteria established by Chapter 163 and 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 Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on December 5, 2017, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on January 8, 2018 and on January 22, 2018 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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 Office to Medium Density Residential on the property at 1835 Aloma Avenue, being more particularly described as follows:

LOT 17 AND THE WEST HALF OF LOT 18, CAMPO BELLO AS RECORDED IN PLAT BOOK “L”, PAGE 23 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Property Tax ID # 05-22-30-1140-00-170
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. An amendment adopted under this paragraph does not become effective until 31 days after adoption. If timely challenged, an amendment may not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance.

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 ______________, 2018.

Mayor

________________________________________
Mayor Steve Leary

Attest:

____________________________________
City Clerk
subject
Ordinance - Request of Ansaka, LLC to amend the official Zoning map from O-2 to R-3 at 1835 Aloma Avenue and from R-1A to PURD at 1791, 1801, 1811 and 1821 Aloma Avenue (1)

motion / recommendation
Recommendation to approve the request to amend the official Zoning map to change from Office (O-2) district zoning to Medium Density Multi-Family Residential (R-3) district zoning on the properties at 1835 Aloma Avenue and from Single-Family (R-1A) district zoning to Planned Unit Residential (PURD) district zoning on the properties at 1791, 1801, 1811 and 1821 Aloma Avenue.

background
Planning & Zoning Board Meeting: The P&Z Board met on December 5, 2017 and recommended Approval of the Comprehensive Plan Future Land Use, rezoning requests and the Conditional Use with the condition: “that the Planning Department staff impose additional buffer requirements along the rear property line for the surrounding properties following a community meeting”. Due to the need for the Community Meeting and to hopefully address concerns of the neighbors that were brought forth at the P&Z meeting, the applicant tabled the request until this March 26th City Commission meeting. New notices were mailed to the surrounding property owners notifying them of this meeting. In addition, the applicant held a community meeting on Thursday, March 1st at the Winter park Library to address concerns that have been raised.

Site and Zoning/Future Land Use Changes: The entire development site of 1791, 1801, 1811, 1821 and 1835 Aloma Avenue comprises 1.81 acres. The property has 325 feet of frontage on Aloma Avenue and a property depth of 250 feet. To the immediate east is a vacant Office property owned by Fifth Third Bank, (see previous approved plan, attached) and to the rear/north and west side are single family homes. The property currently has split zoning with 1835 Aloma Avenue, zoned Office (O-2) and the 1791, 1801, 1811, 1821 Aloma Avenue properties zoned Single Family (R-1A). The Future Land Use designations are similar with 1835
Proposed Project: The proposed 18 new two-story townhouse units will be developed in building clusters of two to four units. The unit sizes average 2,390 square feet with approximately 2,000 square feet of living area. Total building size of all 18 units is 43,030 square feet which is a floor area ratio (FAR) of 55%; that is equal to what would be permitted under R-2 zoning. The total building lot coverage (footprint) is 33%, which is equal to the permitted FAR in R-1A.

One interesting attribute of the proposed project is that there are different townhouse unit sizes resulting in some variation in sales price. The units range in size from 1,541 square feet to 2,252 square feet of living area, and from 1,541 square feet to 2,760 square feet in total size when the garage space is factored in. Twelve of the units have two car garages, two units have one car garages and four units have parking outside in a designated parking lot area. All totaled, there are 53 parking spaces provided on-site within garages or outside with 46 spaces required based on the code of two and a half spaces per unit.

The proposed 18 units of residential density are achieved by combining the permitted unit density of the R-3 and PURD components. The portion of the site to be zoned R-3 is 17,691 square feet (0.41 acres) and the R-3 zoning density of 17 units per acre allows seven units. Under the current O-2 zoning the density is also seven units, so there is no increase requested. The portion of the site to be zoned PURD is 61,152 square feet (1.40 acres) and the proposed PURD zoning density of eight units per acre allows 11 units, which is an increase of four units over the R-1A permitted density. Under the current existing land use designations of Office and Single Family, the combined site would be permitted up to 14 units. Thus, the proposed land use changes increase the residential density of this property by four units and the total floor area ratio by 7,500 square feet, which is about the equivalent of the four added units.

The proposed townhouse buildings range in height, with the tallest portion being just over 28 feet in height, which is under the 30 foot height permitted by the PURD zoning. The applicant has designed this entire project (on both the R-3 and PURD land) to meet and exceed the setback requirements of the PURD zoning for consistency. The buildings are located 30 feet back from Aloma Avenue, 30 feet from the eastern property line, 40 feet from the adjacent single family properties to the rear and 28 feet or greater from the adjacent single family home to the west. A 20 foot perimeter setback is required in the PURD zoning which is exceeded by the dimensions outline above.

In the center of the project is a 15,000 square foot common area courtyard tract that will be an open space and recreation area for all of the residents to use. Altogether, the building footprints and drives/parking are 75% of the site, leaving 25% of the overall site as open space landscape area or common areas.

Only one variance or exception is requested for this project. The PURD zoning has a two acre minimum size. This is a 1.81 acre project with 1.41 acres to be zoned PURD. The planning staff feels that the 8,275 square foot of total land shortfall is
consistent with the intent of the PURD regulations.

**Applicable Comprehensive Plan Policy:** The applicable Comprehensive Plan policy that relates to this planning area, is shown below:

**Planning Area B: Osceola/Lakeview**

**Policy 1-B-1: Preserve Single-Family Homes.** The City shall preserve single-family residential land use in the Osceola/Lakeview planning area and shall deem land use changes from single family residential to low or medium density residential or to a non-residential designation to be in conflict with this Comprehensive Plan policy and shall not be permitted unless otherwise provided for in this Comprehensive Plan.

The policy above states that the City shall not change the Future Land Use from Single Family to any higher density permitted by Low Density or Multi-Family Future Land Use or zoning. This is a very good policy for 98% of this Planning Area. It does not apply as well in this context of a large 1.81 acre property fronting on the four lane arterial highway of State Road 426 (Aloma Avenue) with 43,000 cars a day travelling past.

Originally the applicant desired a conversion of the site to Low Density Residential Future Land Use and R-2 zoning. It would have been a down-zoning of the Office zoned property and an up-zoning of the Single Family property. The complication is the 6-month process that is required to amend the Comprehensive Plan policy text (above) and the $8,000 application fee to cover the city-wide notice.

As a result, this alternative method of implementation is proposed using an O-2 to R-3 zoning change and an R-1A to PURD zoning change. In that fashion the Single Family Future Land Use does not have to change in conflict with the Comprehensive Plan policy above. The end result is exactly the same. The density increase of four residential units is the same as a change to R-2. The other details of the project have been designed to match the PURD requirements on the total project and also match and not exceed what R-2 would allow.

**Traffic Impact:** The four new net residential units will generate 32 more car trips per day onto Aloma Avenue which currently has a traffic volume of 43,000 cars per day.

**Tree Preservation:** The project is attempting to save as many oak trees as possible throughout the project. The applicants have met with Urban Forestry and have concurrence on the tree removal. One very nice live oak will be removed but the other very nice live oak tree on the site has been saved in the area of the entrance surface parking lot.

**Storm Water Retention:** This project will have a combination of surface and underground storm water system that will meet the requirements of the St. John River Water Management District as well as City Code.

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

**Development Options for the Property if the Requests are Denied:** The development potential of these properties requested for the Aloma Townhouses if no changes are made to the Zoning/FLU are as follows:

The 1835 Aloma Avenue portion of the site that is now zoned Office (O-2) is 17,691 sq. ft. in size per OCPA. An owner could build either a 7,960 square foot two story, 35 foot tall office building (45% FAR max for office) or a 10,615 square foot two story, 35 foot tall, mixed use building with office on the ground floor and up to 7 residential apartments/condo on the second floor (60% FAR max for mixed use and 17 units/acre max. density). O-2 zoning has a maximum two story, 35 foot height limit. There is sufficient land to park either option.

The development potential of the adjacent 4 residential properties, at 1791, 1801, 1811 and 1821 Aloma Avenue (also part of the ownership/application) have two options. Right now that combined 1.4 acres consists of 4 single family properties. However, with the property size and lot depth there are subdivision options. It is basically a 250 foot by 250 foot square. The Comp. Plan maximum density is 5 units per acre, which translates into 7 SF homes. This is where it is hard to say for sure.

They might be able to do a small cul-de-sac bulb in the middle and arrange 7 new lots around that bulb. Maybe, but it likely needs some lot width variances (not lot area tho). What they positively could do, is take the two properties at 1791 & 1801 that are each 75 feet wide and 250 feet deep and do a center common driveway to two lots in the back and have two lots up front. Each lot would be 75 by 125 feet and meet the R-1A code for 75 feet and with 9,375 sq. ft. exceed the 8,500 sf needed. Then they have the two existing grandfathered-in homes at 1811 & 1821. Gives them 6 SF lots meeting all Code requirements.

As a result, the permitted residential density is 6-7 SF homes and 7 apts./condos above the office. Combined residential density is 13-14 units. The application is asking for 18. Thus, the staff report says that the increase in residential density is 4 units based on the Comp. Plan allowance.

**Planning Staff Summary:** This 1.81 acre property with 250 feet of lot depth fronts a four-lane arterial State Highway with 43,000 cars a day. Directly adjacent on the NW corner of Lakemont and Aloma will eventually be a large office building (see previous plans approved for Fifth Third Bank). This project makes sense for the Planning staff to provide a transitional use from Office to Townhouses to Single Family, as one travel from East to West.

**Planning and Zoning Board Minutes – December 5, 2017:**

- **REQUEST OF ANSAKA LLC TO: AMEND THE “COMPREHENSIVE PLAN” FUTURE LAND USE MAP TO CHANGE FROM AN OFFICE FUTURE LAND USE DESIGNATION TO A MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION ON**
THE PROPERTY AT 1835 ALOMA AVENUE.
REQUEST OF ANSAKA LLC TO: AMEND THE OFFICIAL ZONING MAP TO CHANGE
FROM OFFICE (O-2) DISTRICT ZONING TO MEDIUM DENSITY MULTIPLE-FAMILY
RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT 1835 ALOMA
AVENUE AND FROM SINGLE FAMILY (R-1A) DISTRICT ZONING TO PLANNED
UNIT RESIDENTIAL (PURD) DISTRICT ZONING ON THE PROPERTIES AT 1791,
1801, 1811 AND 1821 ALOMA AVENUE.
REQUEST OF ANSAKA LLC FOR: PRELIMINARY AND COMPREHENSIVE
DEVELOPMENT PLAN AND SUBDIVISION APPROVAL FOR A PLANNED UNIT
RESIDENTIAL DEVELOPMENT OF EIGHTEEN TWO-STORY FEE-SIMPLE
OWNERSHIP TOWNHOUSES TO BE DEVELOPED COLLECTIVELY ON THE
PROPERTIES LOCATED AT 1791, 1801, 1811, 1821 AND 1835 ALOMA AVENUE.

Planning Manager, Jeff Briggs, presented the staff report. He explained that the entire
development site of 1791, 1801, 1811, 1821 and 1835 Aloma Avenue comprises 1.81
acres. The property has 325 feet of frontage on Aloma Avenue and a property depth
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ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, “ZONING” AND THE OFFICIAL ZONING MAP SO AS TO CHANGE FROM OFFICE (O-2) DISTRICT ZONING TO MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT 1835 ALOMA AVENUE AND FROM SINGLE FAMILY (R-1A) DISTRICT ZONING TO PLANNED UNIT RESIDENTIAL (PURD) DISTRICT ZONING ON THE PROPERTIES AT 1791, 1801, 1811 AND 1821 ALOMA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owners of properties at 1791, 1801, 1811, 1821 and 1835 Aloma Avenue have requested Zoning map amendments consistent with the amended Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such 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 of the City of Winter Park has recommended approval of this Ordinance at their December 5, 2017 meeting; and

WHEREAS, the City Commission of the City of Winter Park held a duly noticed public hearing on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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

SECTION 1. Official Zoning Map Amendment for 1835 Aloma Avenue. That Chapter 58 “Land Development Code”, Article III, “Zoning” and the Official Zoning Map is hereby amended so as to change the zoning designation of Office (O-2) District to Medium Density Multiple-Family Residential (R-3) District zoning on the property at 1835 Aloma Avenue, more particularly described as follows:

LOT 17 AND THE WEST HALF OF LOT 18, CAMPO BELLO AS RECORDED IN PLAT BOOK “L”, PAGE 23 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Property Tax ID# 05-22-30-1140-00-170
SECTION 2. Official Zoning Map Amendment for 1791, 1801, 1811 and 1821 Aloma Avenue. That Chapter 58 “Land Development Code”, Article III, “Zoning” and the Official Zoning Map is hereby amended so as to change the zoning designation of Single Family (R-1A) District to Planned Unit Residential (PURD) District zoning on the properties at 1791, 1801, 1811 and 1821 Aloma Avenue, more particularly described as follows:

LOTS 12 through 16, CAMPO BELLO AS RECORDED IN PLAT BOOK “L”, PAGE 23 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Property Tax ID#'s: 05-22-30-1140-00-120; 05-22-30-1140-00-140; 05-22-30-1140-00-150 and 05-22-30-1140-00-160

SECTION 3. 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 4. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 5. 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 ________________, 2018.

__________________________________________
Mayor Steve Leary

Attest:

__________________________________________
City Clerk
Sec. 58-70. - Planned unit residential development (PURD) district.

(a) **Purpose and intent.**

(1) The planned unit residential development (PURD) district is established to encourage the development of large tracts of land as planned residential areas which provide a more varied and interesting urban pattern and are capable of incorporating new demands in the housing market and changes in design and technology in the building industry.

(2) Further, the objectives of the PURD district include:

   a. To provide a more desirable living environment than would be possible through the strict application of article requirements;
   
   b. To encourage developers to use a more creative approach in the development of land;
   
   c. To encourage a more efficient allocation and maintenance by private initiative of common open spaces within new residential areas;
   
   d. To encourage variety in the physical development pattern of the city;
   
   e. To provide for more efficient use of those public facilities and utilities required in connection with the new residential development;
   
   f. To encourage a variety of dwelling and building types within a neighborhood area; and
   
   g. To place emphasis on the density of dwelling units per acre rather than on minimum lot sizes, thereby permitting and encouraging a developer to preserve scenic and natural amenities.

(b) **Permitted uses.** The uses permitted within this district shall be primarily residential in character, and may include the following:

(1) Single family detached dwellings;

(2) Duplex townhouses or cluster housing but excluding garden apartments or density in a single building beyond that defined in this article;

(3) Multiple-family dwellings provided, however, in no case shall the building height as defined in this article exceed 35 feet. Parapet walls or mechanical equipment and related structures may be added to the building height but in no case shall extend more than five feet above the height limitation established in this section;

(4) Parks and recreational areas;

(5) Churches.

(c) **Development requirements and standards for approval.**

(1) The parcel for which a PURD is proposed must be compact in shape and be in a single ownership or control. The parcel must be a minimum of two acres in size.

(2) The overall density of development permitted on this tract shall not exceed five units per acre for properties designated as single-family in the comprehensive plan or ten units per acre for properties designated as low density or multi-family in the comprehensive plan. This calculation shall not include the land areas to be dedicated as road right-of-ways or stormwater retention areas necessary for those road right-of-ways. The residential units permitted in this district may be provided by a mixture of housing types provided that the number of multi-family units does not exceed 50 percent of the total residential units; the remaining units shall include cluster housing, attached and detached single family residences.

(3) Minimum land area per residential unit:

   Single family detached ..... 5,000 sq. ft.
Cluster housing/townhouse ..... 2,500 sq. ft.
Multiple-family unit ..... 1,500 sq. ft.

(4) Minimum land area per residential unit reserved in common open space:
Single family detached ..... 1,000 sq. ft.
Townhouse/cluster housing ..... 2,000 sq. ft.
Multiple-family unit ..... 2,500 sq. ft.

(Required stormwater retention areas shall not be counted toward meeting this requirement.)

(5) Minimum living area per residential unit:
Single family detached ..... 1,500 sq. ft.
Cluster house ..... 1,200 sq. ft.
Townhouse ..... 1,000 sq. ft.
Multiple-family unit ..... 750 sq. ft.

(6) There shall be no minimum setbacks, no minimum percentage of lot coverage and no minimum lot widths unless otherwise stated in this section. However, the location of proposed structures shall be shown on the development plan and the development of the PURD shall be subject to the minimum lot size, setback lines, lot coverage or floor area, specified in the approved plan. The proposed location arrangement of structures shall not be detrimental to existing or proposed adjacent dwellings or to the development of the neighborhood.

(7) When development standards are not proposed and adopted that are different than the applicable single family or low density building and accessory structure requirements, the regulations of this article shall apply.

(8) A minimum of two off-street parking spaces shall be provided for each residential unit in the planned unit residential development. For single family attached and detached houses, these spaces shall be provided on each residential lot; for the multiple-family units, parking may be provided in small parking areas adjacent to the units served.

(9) All streets within the PURD shall meet all the requirements outlined in the city’s subdivision regulations.

(10) The common open space and recreational areas may be deeded to the city for general public use. If the city does not accept this land or the developer elects not to offer the areas for general public use, the developer of the PURD shall provide a legally constituted homeowners association which owns and maintains this common open space property. The legal instruments of this association shall be reviewed and shall be acceptable to the city commission. If the property is owned by such an association, this property shall be subject to the city ad valorem taxes. The legal instrument creating this association shall be approved by the city commission.

(11) The perimeter of the planned unit residential development shall contain a buffer or setback strip of 50 feet to any adjacent private property, if the development includes any building over 30 feet in height. Otherwise a buffer or setback strip of 20 feet shall be provided. When a development contains buildings of differing heights, the buffer or setback strip shall be determined by the height of the building closest to the adjacent private property. No buildings, parking lots or other structures may be located within this area. However, swimming pools and pool decks may be permitted in these buffer areas subject to the normal residential setback requirements. The planning and zoning commission may recommend and the city commission may approve the erection of a fence or wall or the location of other buildings or structures within this buffer area if it is located adjacent to a public street and if those buildings or structures are
consistent with the character of the surrounding area or as deemed appropriate to protect the privacy and amenities of the adjacent existing uses. This buffer area may be included in the required open space, but is not required to be, if this land is open to common use and not fenced for the private use of the adjacent residential unit.

(12) After the completion of a planned unit residential development, the use of the land and the construction, modification or alteration of any buildings or structures within the area covered by the plan shall be regulated by the approved development plan which shall be retained in the office of the building and zoning department of the city.

(13) No changes may be made in the approved development plan except as provided below:

a. Minor extensions, alterations or modifications of existing buildings or structures may be permitted after review and approval by the building official provided they are substantially consistent with the purposes and intent of the development plan.

b. Substantial change in permitted uses, location of buildings or other specifications of the development plan may be permitted, but only after public hearing and approval by the city commission upon receipt of the recommendation of the planning and zoning commission.

(d) **Review and approval procedure.** An application for a PURD shall be considered administratively as a petition for rezoning and will be subject to those procedures established in this article. Because of the nature of this district, additional procedures and requirements must be required; these are outlined in the following paragraphs. The application and additional supportive data shall be submitted to the building official.

(1) **Pre-application conference.** The applicant for a PURD is encouraged to confer with the city's administrative staff prior to submitting a formal application to discuss the general concept of the plan and to obtain information regarding projected programs and other matters of the city which might affect the development.

(2) **Preliminary concept plan.**

a. Applications for PURD districts shall be accompanied by a preliminary concept plan and supporting documents that properly present necessary basic data such as the location and size of the entire proposed development, the existing and proposed land uses by type and density, the location of existing streets and highways, the location of streets proposed in the development, public uses, such as parks, playgrounds or other open spaces, and typical examples of various proposed buildings. The applicant shall also identify the present ownership of all land included in the development, indicate the expected sequence of development, and define the objectives and intent of the planned unit residential development.

b. An application for approval of the planned unit residential development (PURD) shall be reviewed by the planning and zoning commission and the city commission in public hearings with final approval being given by the city commission. In the review the following points will be considered:

1. Adherence to the city's comprehensive planning policies;

2. The proper relation between the proposed development and the surrounding uses, and the effect of the plan upon the city's comprehensive plan;

3. The adequacy of existing and proposed streets, utilities, and other public services to serve the development;

4. The character, design and appropriateness of the proposed land uses and their adequacy to encourage desirable living conditions, to provide separation and screening between uses where desirable to preserve the natural amenities of the land; and

5. The adequacy of open space areas and recreation facilities within the PURD. If a PURD district is approved, the building official shall change the zoning map to
designate the appropriate PURD district and the date of approval. Planned unit residential developments shall also be subject to approval by the city commission receiving upon the recommendation of the planning and zoning commission of a comprehensive development plan (which shall substantially comply with the approved concept plan) prior to issuance of permits or authorization of development.

(3) **Comprehensive development plan.** The application shall be supported by a development plan and a written summary of intent, and shall show the relation between the proposed development and the surrounding area, both existing and proposed. The following information shall also be presented for review:

a. A general location map;
b. Existing topographic conditions, including contour intervals of one foot based on field surveys or photogrammetric methods;
c. The existing and proposed land uses and the proposed location of all buildings or structures in the PURD;
d. The location of existing and proposed streets and major thoroughfares;
e. The location of all existing and proposed utilities, including a preliminary utility and drainage plan;
f. The present zoning of the surrounding area;
g. A legal description of the subject property;
h. The location and use of existing and proposed public, semipublic, or community facilities such as schools, parks and open spaces. This will include areas proposed to be dedicated or reserved for community or public use as required by this district;
i. Perspective drawings of representative building types except for detached single-family dwellings and their accessory buildings. These drawings should indicate general architectural type and appearance; and
j. If a proposed development creates special problems or involves unusual circumstances or if the planning and zoning commission desires additional information to more adequately evaluate the proposal, such data may be required. Examples include an off-street parking and loading plan, an economic feasibility report or market analysis, a traffic study and circulation plan for the area or any other information needed.

(4) **Development report.** The applicant shall submit a written statement with the plan that shall include the following information:

a. A state of the present ownership of all land within the proposed development;
b. An explanation of the character of the PURD, including a summary of acres for each use, the number of dwelling units and the gross density by type of land use. The statement shall include standards for floor area ratio, lot size, yard and spacing requirements for each type of dwelling unit. In the event any standards are not included in the development report, the applicable zoning standards for the single family, cluster housing or multi-family housing shall be utilized. This shall apply to the principal structure as well as any accessory structures such as swimming pools, fences, walls, etc.
c. A general statement of the proposed development schedule and progression of unit division or staging;
d. Statement giving the proposed ownership of the multiple-family units; and
e. Agreements, provisions and covenants which govern the use, maintenance, and protection of the development of common or open areas where public dedication is not contemplated.
(5) **Staff review.** After all required information has been received, the administrative staff of the city will have 30 days to review it. During this time, the staff may require the applicant to provide additional information which it deems necessary to adequately consider the comprehensive development plan.

(6) **Public hearings.** After this review period, the planning and zoning commission and city commission will hold public hearings. The administrative staff will present its recommendations to the commissions at these hearings. Approval of the comprehensive development plan will be contingent upon its conformance to the approved preliminary concept plan.

(7) **Subdivision plan.** The applicant may file a preliminary subdivision plan with the development plan in order that tentative approval of the subdivision may be granted by the planning and zoning commission. In no case, however, shall subdivision approval precede approval of the development plan. The building official shall issue building permits for structures in the area covered by the approved comprehensive development plan if they are in substantial conformity with the approved preliminary concept plan, the development schedule, and with all other applicable regulations. If the developer questions the building official, the matter will be resolved by the planning and zoning commission.

(8) **Revision of comprehensive development plan.** Any major or substantial changes in the approved comprehensive development plan which affects the intent and character of the development, the land use pattern and density, the location or dimensions of streets or structures, or similar substantial changes shall be reviewed and approved by the city commission subsequent to the receipt of the recommendation of the planning and zoning commission. A request for a revision of the comprehensive development plan shall be supported by a written statement of why the revisions are necessary or desirable. The planning and zoning commission or city commission may require any additional supportive data they deem necessary.

(9) **Duration of approval.** Approval by the city commission shall be for one year or the submitted development schedule. If no construction has begun within one year after approval of the development plan, or if the applicant fails to maintain the approved development schedule, the approval of the comprehensive development plan shall lapse and be of no further effect. If the approval of the comprehensive development plan lapses under this provision the comprehensive development plan shall automatically be removed from the official zoning map and the area shall automatically revert back to the zoning district which applied to the area prior to the approval of the comprehensive development plan. The city clerk shall also file a notice of revocation with the recorded comprehensive development plan.

(e) **Approved development plan standards for approved PURDs.** Except as shown below, the applicable zoning standards (based on the comprehensive plan) shall apply for all principal and accessory structures. See section 58-71 "general provisions for residential zoning districts" for applicable standards for corner lots, accessory structures, fences, and other miscellaneous criteria not included within the PURD development standards. In addition, for Waterbridge and Windsong subdivisions, the development standards of section 58-65 Lakefront (R-1AAA) district, subsection (f)(8) "side wall articulation" shall be applied and other development standards of subsection 58-65(f) may be utilized in lieu of the Waterbridge or Windsong development standards if used exclusively without mixing the two sets of development standards within one property. However, the Windsong subdivision standards shall apply for lot types "A," "B," and "C," exclusively. The building heights in subsection 58-65(f)(2) shall apply in all PURDs, and the impervious coverage criteria of subsection 58-65(f)(2) shall apply to single-family home lots in Waterbridge Subdivision.

(1) **Winter Park Oaks and Waterbridge as shown below:**

<table>
<thead>
<tr>
<th>Setbacks</th>
<th>Winter Park Oaks</th>
<th>Waterbridge</th>
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<tbody>
<tr>
<td>Front</td>
<td>20'</td>
<td>25' Single</td>
</tr>
<tr>
<td>Lot Type*</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>-----------</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Lot width</td>
<td>200'</td>
<td>150'</td>
</tr>
<tr>
<td>Lot depth</td>
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<td>300'</td>
</tr>
<tr>
<td>Max. density (DU/AC)</td>
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<td>.97</td>
</tr>
</tbody>
</table>

| Minimum Setbacks: |
|-------------------|-----|-----|-----|-----|-----|-----|-----|
| Front             | 50' | 35' | 25' | 25' | 25'(1)(2) | 20'(1) | 15'(3) |
| Side              | 30' | 25' | 15' | 15' | 10' | 10' | 5' |
| Rear              | 75' | 50' | 25' | 25' | 25' | 20' | 20' |
| Lake (4) (5)      | 75' | 75' | 75' | —  | —  | —  | —  |
| Min. living area  | 2,500 s.f. | 2,000 s.f. | 1,800 s.f. | 1,500 s.f. | 1,500 s.f. | 1,200 s.f. |
| Max. height       | 40' | 35' | 35' | 35' | 35' | 35' | 30' |
| Max F.A.R. (%)    | 20% | 25% | 30% | 33% | 33% | 38% | 45%(6) |
1. The front setback may be reduced to 20 feet if the house includes a front porch.
2. The front setback may be reduced to 20 feet if the lot fronts upon a common green/park.
3. Garages must be set back a minimum of ten feet behind the primary facade line. (please see Item 14 below for exceptions)
4. Setback is from normal high water elevation.
5. Minimum setback for all site improvements, (pools, patio, etc.).
6. The maximum FAR on all lots within Windsong-Elizabeth's Walk will be 45 percent, except for lots 2-6, 9-20, 49-50, and 61-62, for which the maximum FAR will be 55 percent; and lots 33-47, for which the maximum FAR will be 33 percent.
7. The maximum impervious surface on all lots within Windsong-Elizabeth's Walk will be 55 percent, except for lots 2-6, 9-20, 49-50, and 61-62, for which the maximum impervious surface will be 65 percent; and lots 33-47, for which the maximum impervious surface will be 50 percent. All other development standards for lots 33-47 Windsong-Elizabeth's Walk, shall conform to those listed as Type "E" lots referenced above.
8. The house constructed on Windsong-Elizabeth's Walk, lot 1 will be limited to single story in height.
9. Lots 13 and 32-34 in Windsong-North Shore are less than 18,750 sq. ft. and less than 125 feet in width, as approved by the city commission.
10. The minimum lot width for lots 6 and 7, Windsong-Lakeside Section One is 87.5 feet; for lots 8-10 Windsong-Lakeside Section One the minimum lot width is 90 feet; and the minimum lot width for lots 1-12 Windsong-North Shore is 95 feet, as approved by the city commission.
11. The rear yard setback for lots 39 and 40 Windsong-Lookout Landing shall be 35 feet, and the house on these two lots shall be limited to single story in height.
12. Lots are permitted 35 feet of building height, if side setbacks to that second story component over 30 feet in height are increased to 15 feet.
13. As per Windsong-Lakeside Section One, the front setback on Mizell Avenue for new construction after October 1, 2001 shall be 20 feet for lot 1, 25 feet for lot 2, 30 feet for lots 3, 4 and 5, 40 feet for lots 6 and 7 and 30 feet for lots 8, 9 and 10.
14. The waters edge for any pool on all of the lots within Windsong (lot types A—G) may be placed to the edge of the respective minimum side yard setback referenced above, and to within 10 feet of all rear property lines, within the respective rear yard setback. Pool decks may be placed within the side or rear yard setback, up to one-half of the distance within the respective side or rear setback for a particular lot type. Screen pool enclosures may be permitted at a ten-foot set back if limited to one-story in height, as per zoning regulations. Setbacks on lakefront lots may be permitted by the planning and zoning commission at a 60 feet setback in lieu of the required 75-foot setback and the side setbacks on lakefront lots may also be reduced to 12.5 feet in lieu of the required 25 feet by the planning and zoning commission if deemed advisable to preserve existing trees.
15. As to Elizabeth’s Walk, the following additional development standards shall apply:
(a) HVAC equipment may be placed within the side yard setback lines for lots 1-32 and 48-71 Elizabeth's Walk. To screen the equipment from the adjacent lot, a minimum four-foot high stucco-concrete block and/or brick screen wall, shall be constructed on the side yard property line. If visible from the front street, landscaping shall be used in front of said HVAC equipment, so as to screen the equipment from the front;

(b) The front and rear yard setbacks for lots 2-6, 9-20, 30-31, 48-51 and 60-63 Elizabeth's Walk may be reduced to ten feet provided the front and rear setback is ten feet only on houses with front side entry and rear side entry garages. In addition, the front yard setback may be further reduced by three feet on lots 1-32 and 48-71, in Elizabeth's Walk, in the event the additional three-foot setback relief is utilized for a deeper front open porch on the respective house. On any lot where the front and rear yard setback is reduced to ten feet, a corresponding increase in the side yard setback will be required, as follows:
   • On houses that are two-story with a front garage, the side setbacks will increase to 13 feet total (with five feet minimum on one side).
   • On houses that are one-story with a rear-entry garage, the side setbacks will increase to 15 feet total (with five feet minimum on one side).
   • On houses that are two-story with a rear-entry garage, the side setbacks will increase to 20 feet total (with seven feet six inches minimum on one side).
   • On houses that are one-story with a front garage, the side yard setbacks shall remain ten feet total (with five feet on each side).
   • On houses that have a front-entry garage (garage doors facing the street), the garage front facade shall be setback a minimum to ten feet behind the primary house facade line. If the front garage plan has a side-entry or courtyard-entry garage (no garage doors facing the street), the garage front facade may be placed at the respective front yard setback line.

(c) All corner lots shall be allowed to have rear-entry garage plans, with the driveway exiting the side street.

(d) Any lots with a rear-entry garage may be connected to the main house by an enclosed or unenclosed breeze way, which connection will be counted in the FAR for the house,

(e) All front garages on any lot with a reduced front yard setback must be one-story in height and function, and all rear-entry garages which back up to Glenridge Way must be one-story in height and function, however Lots 2-6 Elizabeth's Walk, which back up to Preserve Point Drive, may have a two-story function on the rear-entry garage, subject to additional tree plantings within the rear of said lot, or within the landscaping buffer outside the lot and the seven-foot Preserve Point wall, to screen any two-story function on said lot.

*See Plats of Windsong—Chart Attached

(5) Pennsylvania Place property as shown below:
   a. Lots 1 and 29:
15-foot side buffer on the outside of each lot (side facing adjoining property).

Ten-foot side setback on inside of each lot (side facing neighboring home within the property).

Front and rear setbacks 25 feet.

b. Lot 2:
20-foot street side setback.
Ten-foot interior side setback.
Front and rear setback 25 feet.

c. Lots 3—16:
Side setbacks of 5 feet, both sides.
Front setbacks of 25 feet.
Rear setbacks, 25 feet from centerline.

d. Lots 17—20:
Setback 15 feet from closest edge of access easement.
Setback 20 feet from closest edge of pavement.
Ten-foot side setbacks.

e. Lots 21—27:
Front setback 25 feet.
Rear setback 20 feet from closest edge of pavement.
Ten-foot side setbacks.

f. Lot 28:
Front and rear setback 25 feet.
Ten-foot side setbacks.

g. Corner lots 21, 24 and 25:
20-foot street side setback.

h. Maximum floor area ratio for all lots is 38 percent.

i. No additional setback for the second story up to 30 feet in height and on lots 90 feet or greater, 35 feet is permitted with a side setback of 15 feet to that second story component over 30 feet in height.

j. Impervious coverage up to 50 percent (excluding private alleys) and up to 55 percent for one-story houses without semi-circular driveways.

k. Lots with 25-foot street front setbacks may reduce front setback five feet for front porch.

(6) Within the single-family lots of Waterbridge Subdivision and on Lot types A through E in the Windsong Subdivision containing residences that are 5,000 square feet or larger in gross floor area, a second kitchen may be included in a dwelling or cabana subject to not having a
separate utility meter and not allowing this portion of the dwelling to be rented, let or hired out for occupancy whether compensations be paid directly or indirectly and subject to executing a deed restriction which outlines the above restrictions. That deed restriction shall be recorded prior to the issuance of the building permit and shall be removed only with the consent of the city.

(Ord. No. 2296, §§ 1, 2, 4-13-99; Ord. No. 2336, § 1, 12-14-99; Ord. No. 2344, §§ 1, 2, 5-9-00; Ord. No. 2443-01, § 3, 10-9-01; Ord. No. 2453-02, § 1, 1-8-02; Ord. No. 2510-03, § 3, 4-8-03; Ord. No. 2601-04, § 3, 9-13-04; Ord. No. 2795-10, § 3, 2-22-10; Ord. No. 2875-12, § 3, 6-11-12)
subject
Request of Ansaka, LLC for preliminary and comprehensive development plan and subdivision approval for a planned unit residential development of eighteen (18) two-story, fee-simple, townhouses to be developed collectively on the properties located at 1791, 1801, 1811, 1821 and 1835 Aloma Avenue.

motion / recommendation
Recommendation to approve the preliminary and comprehensive development plan and subdivision approval for a planned unit residential development of eighteen (18) two-story, fee-simple, townhouses to be developed collectively on the properties located at 1791, 1801, 1811, 1821 and 1835 Aloma Avenue subject to one condition: 1. That the Planning Department staff impose additional buffer requirements along the rear property line for the surrounding properties following a community meeting.

background
Planning & Zoning Board Meeting: The P&Z Board met on December 5, 2017 and recommended Approval of the Comprehensive Plan Future Land Use, rezoning requests and the Conditional Use with the condition: “that the Planning Department staff impose additional buffer requirements along the rear property line for the surrounding properties following a community meeting”. Since the P&Z meeting, the applicant has agreed to build a six-foot masonry stucco wall with landscaping as a buffer to the neighbors to the rear. Details of the wall are attached. Due to the need for the Community Meeting and to hopefully address concerns of the neighbors that were brought forth at the P&Z meeting, the applicant tabled the request until this March 26th City Commission meeting. New notices were mailed to the surrounding property owners notifying them of this meeting. In addition, the applicant held a community meeting on Thursday, March 1st at the Winter park Library to address concerns that have been raised.

Site and Zoning/Future Land Use Changes: The entire development site of 1791, 1801, 1811, 1821 and 1835 Aloma Avenue comprises 1.81 acres. The property has 325 feet of frontage on Aloma Avenue and a property depth of 250 feet. To the immediate east is a vacant Office property owned by Fifth Third Bank, (see
previous approved plan, attached) and to the rear/north and west side are single family homes. The property currently has split zoning with 1835 Aloma Avenue, zoned Office (O-2) and the 1791, 1801, 1811, 1821 Aloma Avenue properties zoned Single Family (R-1A). The Future Land Use designations are similar with 1835 Aloma Avenue, designated Office and 1791, 1801, 1811, 1821 Aloma Avenue designated Single Family Residential.

**Proposed Project:** The proposed 18 new two-story townhouse units will be developed in building clusters of two to four units. The unit sizes average 2,390 square feet with approximately 2,000 square feet of living area. Total building size of all 18 units is 43,030 square feet which is a floor area ratio (FAR) of 55%; that is equal to what would be permitted under R-2 zoning. The total building lot coverage (footprint) is 33%, which is equal to the permitted FAR in R-1A.

One interesting attribute of the proposed project is that there are different townhouse unit sizes resulting in some variation in sales price. The units range in size from 1,541 square feet to 2,252 square feet of living area, and from 1,541 square feet to 2,760 square feet in total size when the garage space is factored in. Twelve of the units have two car garages, two units have one car garages and four units have parking outside in a designated parking lot area. All totaled, there are 53 parking spaces provided on-site within garages or outside with 46 spaces required based on the code of two and a half spaces per unit.

The proposed 18 units of residential density are achieved by combining the permitted unit density of the R-3 and PURD components. The portion of the site to be zoned R-3 is 17,691 square feet (0.41 acres) and the R-3 zoning density of 17 units per acre allows seven units. Under the current O-2 zoning the density is also seven units, so there is no increase requested. The portion of the site to be zoned PURD is 61,152 square feet (1.40 acres) and the proposed PURD zoning density of eight units per acre allows 11 units, which is an increase of four units over the R-1A permitted density. Under the current existing land use designations of Office and Single Family, the combined site would be permitted up to 14 units. Thus, the proposed land use changes increase the residential density of this property by four units and the total floor area ratio by 7,500 square feet, which is about the equivalent of the four added units.

The proposed townhouse buildings range in height, with the tallest portion being just over 28 feet in height, which is under the 30 foot height permitted by the PURD zoning. The applicant has designed this entire project (on both the R-3 and PURD land) to meet and exceed the setback requirements of the PURD zoning for consistency. The buildings are located 30 feet back from Aloma Avenue, 30 feet from the eastern property line, 40 feet from the adjacent single family properties to the rear and 28 feet or greater from the adjacent single family home to the west. A 20 foot perimeter setback is required in the PURD zoning which is exceeded by the dimensions outline above.

In the center of the project is a 15,000 square foot common area courtyard tract that will be an open space and recreation area for all of the residents to use. Altogether, the building footprints and drives/parking are 75% of the site, leaving 25% of the overall site as open space landscape area or common areas.
Only one variance or exception is requested for this project. The PURD zoning has a two acre minimum size. This is a 1.81 acre project with 1.41 acres to be zoned PURD. The planning staff feels that the 8,275 square foot of total land shortfall is consistent with the intent of the PURD regulations.

**Applicable Comprehensive Plan Policy:** The applicable Comprehensive Plan policy that relates to this planning area, is shown below:

**Planning Area B: Osceola/Lakeview**

**Policy 1-B-1: Preserve Single-Family Homes.** The City shall preserve single-family residential land use in the Osceola/Lakeview planning area and shall deem land use changes from single family residential to low or medium density residential or to a non-residential designation to be in conflict with this Comprehensive Plan policy and shall not be permitted unless otherwise provided for in this Comprehensive Plan.

The policy above states that the City shall not change the Future Land Use from Single Family to any higher density permitted by Low Density or Multi-Family Future Land Use or zoning. This is a very good policy for 98% of this Planning Area. It does not apply as well in this context of a large 1.81 acre property fronting on the four lane arterial highway of State Road 426 (Aloma Avenue) with 43,000 cars a day travelling past.

Originally the applicant desired a conversion of the site to Low Density Residential Future Land Use and R-2 zoning. It would have been a down-zoning of the Office zoned property and an up-zoning of the Single Family property. The complication is the 6-month process that is required to amend the Comprehensive Plan policy text (above) and the $8,000 application fee to cover the city-wide notice.

As a result, this alternative method of implementation is proposed using an O-2 to R-3 zoning change and an R-1A to PURD zoning change. In that fashion the Single Family Future Land Use does not have to change in conflict with the Comprehensive Plan policy above. The end result is exactly the same. The density increase of four residential units is the same as a change to R-2. The other details of the project have been designed to match the PURD requirements on the total project and also match and not exceed what R-2 would allow.

**Traffic Impact:** The four new net residential units will generate 32 more car trips per day onto Aloma Avenue which currently has a traffic volume of 43,000 cars per day.

**Tree Preservation:** The project is attempting to save as many oak trees as possible throughout the project. The applicants have met with Urban Forestry and have concurrence on the tree removal. One very nice live oak will be removed but the other very nice live oak tree on the site has been saved in the area of the entrance surface parking lot.

**Storm Water Retention:** This project will have a combination of surface and
underground storm water system that will meet the requirements of the St. John River Water Management District as well as City Code.

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

**Development Options for the Property if the Requests are Denied:** The development potential of these properties requested for the Aloma Townhouses if no changes are made to the Zoning/FLU are as follows:

The 1835 Aloma Avenue portion of the site that is now zoned Office (O-2) is 17,691 sq. ft. in size per OCPA. An owner could build either a 7,960 square foot two story, 35 foot tall office building (45% FAR max for office) or a 10,615 square foot two story, 35 foot tall, mixed use building with office on the ground floor and up to 7 residential apartments/condo on the second floor (60% FAR max for mixed use and 17 units/acre max. density). O-2 zoning has a maximum two story, 35 foot height limit. There is sufficient land to park either option.

The development potential of the adjacent 4 residential properties, at 1791, 1801, 1811 and 1821 Aloma Avenue (also part of the ownership/application) have two options. Right now that combined 1.4 acres consists of 4 single family properties. However, with the property size and lot depth there are subdivision options. It is basically a 250 foot by 250 foot square. The Comp. Plan maximum density is 5 units per acre, which translates into 7 SF homes. This is where it is hard to say for sure.

They might be able to do a small cul-de-sac bulb in the middle and arrange 7 new lots around that bulb. Maybe, but it likely needs some lot width variances (not lot area tho). What they positively could do, is take the two properties at 1791 & 1801 that are each 75 feet wide and 250 feet deep and do a center common driveway to two lots in the back and have two lots up front. Each lot would be 75 by 125 feet and meet the R-1A code for 75 feet and with 9,375 sq. ft. exceed the 8,500 sf needed. Then they have the two existing grandfathered-in homes at 1811 & 1821. Gives them 6 SF lots meeting all Code requirements.

As a result, the permitted residential density is 6-7 SF homes and 7 apts./condos above the office. Combined residential density is 13-14 units. The application is asking for 18. Thus, the staff report says that the increase in residential density is 4 units based on the Comp. Plan allowance.

**Planning Staff Summary:** This 1.81 acre property with 250 feet of lot depth fronts a four-lane arterial State Highway with 43,000 cars a day. Directly adjacent on the NW corner of Lakemont and Aloma will eventually be a large office building (see previous plans approved for Fifth Third Bank). This project makes sense for the Planning staff to provide a transitional use from Office to Townhouses to Single Family, as one travel from East to West.

**Planning and Zoning Board Minutes – December 5, 2017:**
REQUEST OF ANSAKA LLC TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM AN OFFICE FUTURE LAND USE DESIGNATION TO A MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION ON THE PROPERTY AT 1835 ALOMA AVENUE.

REQUEST OF ANSAKA LLC TO: AMEND THE OFFICIAL ZONING MAP TO CHANGE FROM OFFICE (O-2) DISTRICT ZONING TO MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT 1835 ALOMA AVENUE AND FROM SINGLE FAMILY (R-1A) DISTRICT ZONING TO PLANNED UNIT RESIDENTIAL (PURD) DISTRICT ZONING ON THE PROPERTIES AT 1791, 1801, 1811 AND 1821 ALOMA AVENUE.

REQUEST OF ANSAKA LLC FOR: PRELIMINARY AND COMPREHENSIVE DEVELOPMENT PLAN AND SUBDIVISION APPROVAL FOR A PLANNED UNIT RESIDENTIAL DEVELOPMENT OF EIGHTEEN TWO-STORY FEE-SIMPLE OWNERSHIP TOWNHOUSES TO BE DEVELOPED COLLECTIVELY ON THE PROPERTIES LOCATED AT 1791, 1801, 1811, 1821 AND 1835 ALOMA AVENUE

Planning Manager, Jeff Briggs, presented the staff report. He explained that the entire development site of 1791, 1801, 1811, 1821 and 1835 Aloma Avenue comprises 1.81 acres. The property has 325 feet of frontage on Aloma Avenue and a property depth of 250 feet. To the immediate east is a vacant Office property owned by Fifth Third Bank, (see previous approved plan, attached) and to the rear/north and west side are single family homes. The property currently has split zoning with 1835 Aloma Avenue, zoned Office (O-2) and the 1791, 1801, 1811, 1821 Aloma Avenue properties zoned Single Family (R-1A). The Future Land Use designations are similar with 1835 Aloma Avenue, designated Office and 1791, 1801, 1811, 1821 Aloma Avenue designated Single Family Residential.

He stated that the proposed 18 new two-story townhouse units will be developed in building clusters of two to four units. The unit sizes average 2,390 square feet with approximately 2,000 square feet of living area. Total building size of all 18 units is 43,030 square feet which is a floor area ratio (FAR) of 55%; that is equal to what would be permitted under R-2 zoning. The total building lot coverage (footprint) is 33%, which is equal to the permitted FAR in R-1A.

Mr. Briggs explained one interesting attribute of the proposed project is that there are different townhouse unit sizes resulting in some variation in sales price. The units range in size from 1,541 square feet to 2,252 square feet of living area, and from 1,541 square feet to 2,760 square feet in total size when the garage space is factored in. Twelve of the units have two car garages, two units have one car garages and four units have parking outside in a designated parking lot area. All totaled, there are 53 parking spaces provided on-site within garages or outside with 46 spaces required based on the code of two and a half spaces per unit.

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acre allows 11 units, which is an increase of four units over the R-1A permitted density. Under the current existing land use designations of Office and Single Family, the combined site would be permitted up to 14 units. Thus, the proposed land use changes increase the residential density of this property by four units and the total floor area ratio by 7,500 square feet, which is about the equivalent of the four added units.

The proposed townhouse buildings range in height, with the tallest portion being just over 28 feet in height, which is under the 30 foot height permitted by the PURD zoning. The applicant has designed this entire project (on both the R-3 and PURD land) to meet and exceed the setback requirements of the PURD zoning for consistency. The buildings are located 30 feet back from Aloma Avenue, 30 feet from the eastern property line, 40 feet from the adjacent single family properties to the rear and 28 feet or greater from the adjacent single family home to the west. A 20 foot perimeter setback is required in the PURD zoning which is exceeded by the dimensions outlined above. In the center of the project is a 15,000 square foot common area courtyard tract that will be an open space and recreation area for all of the residents to use. Altogether, the building footprints and drives/parking are 75% of the site, leaving 25% of the overall site as open space landscape area or common areas.

He stated that only one variance or exception is requested for this project. The PURD zoning has a two acre minimum size. This is a 1.81 acre project with 1.41 acres to be zoned PURD. The planning staff felt that the 8,275 square foot of total land shortfall is consistent with the intent of the PURD regulations.

Mr. Briggs explained a Comprehensive Plan that states the City shall not change the Future Land Use from Single Family to any higher density permitted by Low Density or Multi-Family Future Land Use or zoning in this Planning Area. He stated that this is a very good policy for 98% of this Planning Area. It does not apply as well in this context of a large 1.81 acre property fronting on the four lane arterial highway of State Road 426 (Aloma Avenue) with 43,000 cars a day travelling past.

Originally the applicant desired a conversion of the site to Low Density Residential Future Land Use and R-2 zoning. It would have been a down-zoning of the Office zoned property and an up-zoning of the Single Family property. The complication is the 6-month process that is required to amend the Comprehensive Plan policy text (above) and the $8,000 application fee to cover the city-wide notice.

As a result, this alternative method of implementation is proposed using an O-2 to R-3 zoning change and an R-1A to PURD zoning change. In that fashion the Single Family Future Land Use does not have to change in conflict with the Comprehensive Plan policy above. The end result is exactly the same. The density increase of four residential units is the same as a change to R-2. The other details of the project have been designed to match the PURD requirements on the total project and also match and not exceed what R-2 would allow.

Mr. Briggs reviewed issues related to traffic impacts, parking, storm water retention, landscaping, tree preservation, and neighborhood compatibility. He stated that the four new net residential units will generate 32 more car trips per day onto Aloma
Avenue which currently has a traffic volume of 43,000 cars per day.

**STAFF RECOMMENDATION IS FOR APPROVAL of the Future Land Use Amendment, Rezoning, Subdivision re-plat for fee simple ownership, and Preliminary and Comprehensive Development Plan.**

Mr. Briggs answered questions from the Board related to parking, buffer requirements and traffic concerns. The P&Z Board indicated that they believed that there should be a larger buffer to the adjoining residences. They also discussed traffic along Aloma and Lakemont Avenues.

Andrew Ryan, applicant, presented the details of the project and responded to questions from the Board about internal circulation, traffic issues and his plans for buffering the surrounding residences from noise and light impacts.

The Board heard public comments from: Tim Caldwell, 1791 Windsor Drive; Ron Prodin, 1810 Windsor Drive; Sally Coil, 452 N Phelps Avenue; Rick Moore, Edwin Boulevard; Leanne Johnson, 201 N Phelps Avenue; Susan, Phelps Avenue; Laura Sanchez Edwin Boulevard; John Yellen 1664 Roundelay Lane; Craig and Kathy Cook Edwin Boulevard. Their comments centered on traffic impacts to Lakemont and Aloma Avenues, cut-through traffic onto the surrounding streets, density concerns, buffer concerns to the surrounding neighborhood, visitor parking, and the proximity of their parking spaces to the adjoining residences.

No one else wished to speak. The public hearing was closed.

The Board agreed generally with Staff’s recommendation. Chairman Johnston stated that he was very concerned with the buffer to the adjacent residences. Chairman Johnston and Ray Waugh also discussed that the traffic that will be generated from this project is not a big issue because of the 42,000 plus cars that are already on Aloma. In addition, Owen Beitsch stated that he recognizes that this was a difficult site to plan and commended their creativity, but did not feel as comfortable with the density proposed. Laura Walda was in support of the use of the site as townhouses, but felt that that project was too dense. She felt that the project did not provide enough visitor parking, and along with the busy Aloma Street, it proposed safety concerns. Overall, the Board felt that proposing a community meeting to hear from the adjoining residences about what they prefer for a buffer would be the best compromise.

**Motion made by Ray Waugh, seconded by Sheila De Ciccio, to amend the Future Land Use map to change from an Office to Medium Density Residential Future Land Use designation on property located at 1835 Aloma Avenue. Motion carried unanimously with a 7-0 vote.**

**Motion made by Ray Waugh, seconded by Sheila De Ciccio, to amend the office zoning map to change from Office (O-2) to Medium Density Residential zoning on property located at 1835 Aloma Avenue. Motion carried unanimously with a 7-0 vote.**

**Motion made by Ray Waugh, seconded by Sheila De Ciccio, to approve the**
preliminary and comprehensive development plan and subdivision approval for a planned unit residential development of eighteen two-story, fee-simple ownership townhouses to be developed collectively on the properties located at 1791, 1801, 1811, 1821 and 1835 Aloma Avenue subject to one condition:

1. That the Planning Department staff impose additional buffer requirements along the rear property line for the surrounding properties following a community meeting.

The final vote was 6-1, Laura Walda voted against the motion to approve due to the concerns expressed by the neighbors.

 alternatives / other considerations
N/A

 fiscal impact
N/A

ATTACHMENTS:

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Loring Chase
A Winter Park Micro-Community

Loring Chase is a tribute to Winter Park’s founding characteristics, reflecting Winter Park’s timeless charm while infusing modern floor plans, upscale finishes, and neo-traditional/Mediterranean architecture. Loring Chase is an urban sanctuary, offering central courtyard entries, front porches, and large common areas, designed to promote community via outdoor fellowship!

This townhome development consists of 18 fee simple residences, broken up into 6 buildings (1 quadplex, 1 duplex, and 4 triplexes). Located near the Northwest corner of Aloma and Lakemont, Loring Chase provides an ideal transition from the ‘commercial corners’ of Aloma/ Lakemont to the single-family residences of western Aloma. Loring Chase offers 3 and 4 bedroom residences, spanning from 1,500 square feet to around 2,400 square feet. In contrast to Winter Park’s typical ultra-high-end project, Loring Chase’s variety of models and layouts, allow the target market to include young professionals, families, and retirees too. Pertinent additional details:

- 10,000+ square feet of common area, parks, and greenspace
- 18 fee-simple, upscale townhomes ranging from 1500 to 2400 square feet
- Large buffer to neighboring single family lots (40’+ rear & 25’+ side building setbacks)
- Floor plans are designed to foster indoor possession storage (strict proposed covenants/HOA)
- Private front and/or rear fenced courtyard area attached to each unit
- ~4,300 square feet of land per unit (78.7k total parcel sq. footage (1.81 acres/18 units)
- 54 parking spaces (3 per unit)
- Healthy mature Live Oak preserved as the Aloma facing focal point
- Rebuilt front sidewalk (with easement) incorporating street trees
- Enhanced Aloma frontage
Supplemental Information to Conditional Use Submission:

- **Developer Disposition:** A Winter Park resident for almost 20 years, Loring Chase’s developer has a strong and sincere interest in partnering with the City of Winter Park to create a new community that provides value to the city, neighbors, passersbys/pedestrians, and future residents alike. Loring Chase will be a perfect fit and ideal transition from Winter Park’s commercial to R1 on Aloma, as it will improve the streetscape, increase the associated property value (15x increase in property tax basis), and provide a much-needed mid-ranged housing option for Winter Park. We are interested in working with the city to balance all interests.

- **Existing Tree Protection, Tree Removal, and Tree Mitigation Plan:**
  Significant attention has been placed on trees pre-existing on the parcel. Loring Chase will protect and then spotlight the only healthy live oak (48” caliper) as the focal point for the community and center of one of the two large green spaces. A 700 square-foot buffer zone, paired with a design that leaves the tree’s roots fully intact, will ensure that this hallmark oak remains healthy pre, during, and post construction.

  A primary community attribute, Loring Chase’s landscape design blends established trees with complimentary enhancements. With the public perspective in mind, Loring Chase will partner with the city of Winter Park to recast the Aloma streetscape by pulling the sidewalk away from the road, adding large canopy trees adjacent to the right of way. Additionally, six large specimen palm trees will tie in the Mediterranean architecture with a rich landscape design.

  The proposed preliminary landscaping plan calls for the removal of fifteen Oak trees, representing 393 caliper inches. These 15 protected trees will be replaced at least 4 to 1 by a variety of canopy (at least 12), specimen palms (6), accent, and understory trees. (please see survey, demolition plan, and landscape plan for additional reference)

- **Floor Area Ratio:**
  Loring Chase’s units average a modest ~2100 square feet per unit (under AC), yet the overall community FAR is 54.6%. The increased FAR request is, due in part, to the large amount of indoor storage/garage space designed for each unit. Providing indoor storage space trumps building size, so miscellaneous possessions and cars will be stored out of sight (enforced by Loring Chase’s covenants/HOA).

  Furthermore, the 54.6% FAR is in line with abutting new residential structures and special consideration has been placed on ensuring that the surrounding residents and landowners are not adversely affected by Loring Chase. In fact, it is expected that abutting parcels will see a substantial increase in property value due to the proposed improvements.

  Serving as a transition from the retail and office zoned areas to the East and the single family zoned areas to the North and West, Loring Chase is designed with moderately sized buildings, set back to the middle of the property. These structures will be visually obscured by large canopy trees already in existence on both residential borders. Furthermore, the side building setbacks are over 25 feet and the rear building setback is over 40 feet. Loring Chase’s buildings
are proportional in size to the new construction to the North (Edwin) and smaller than the commercial buildings to the East and South.

- **Lighting:**
  Loring Chase’s preliminary plan does not include any additional street or parking area lighting. It is expected that the final construction plans will utilize coach lighting (on structures), downlighting (on edge of access road), and landscape lighting (spotlight oaks/palms) that does not exceed the city lumens ordinances/restrictions.

- **Signage:**
  Loring Chase’s preliminary plan does not include any signage. It is expected that the final plans will include two small placards (1 for each entrance) that denote the community name but do not exceed 30” H x 72” W in size or 72” in height from the ground.

- **Parking Spaces:**
  Loring Chase’s preliminary plan shows parallel parking spaces 20’ in length. After a review of other Winter Park parallel spaces, it was determined that the 20’ length will be adequate, however, if necessary, the parking spaces can be extended to 22’ in length.

- **Building Setbacks:**
  Due to the plat design, understandably, certain lot line building setbacks will not be met.

- **Front Elevation and Wall:**
  Loring Chase’s large specimen palms and canopy trees, coupled with a winding sidewalk, rich mix of understory trees and shrubs will provide a great street facing landscape perspective. And, while the landscaping features may obscure the front wall/fence, the wall/fence will still be a central focal point for the project. The wall and column posts will feature tile inlays that tie in the other accent features found in Loring Chase’s buildings (roof tile/shutters), and the incorporation of aluminum fencing will break up the wall and allow the passerby to sneak a peek at some of the other Loring Chase features.

- **Ongoing Considerations/Timeline:**
  Certain, necessary infrastructure/utility components (water/ sewer) require significant investment to deliver adequate capacity to the associated parcels. It is expected that some of the associated effort/costs will be mitigated through a partnership with neighboring property owners and various city/utility providers. The extent of the infrastructure costs/efforts may affect the viability of the overall project, however, the timeline for the Loring Chase project should remain immediate and continual, pending P&Z/City Commission approval.
LEGAL DESCRIPTION:
LOT 12, AND THE WEST 25 FEET OF LOT 13, CAMPO BELLO, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK "L", PAGE 23, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

AND

LOT 14, AND THE EAST 25 FEET OF LOT 13, CAMPO BELLO, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK "L", PAGE 23, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

AND

LOT 15, CAMPO BELLO SUBDIVISION IN SECTION 5, TOWNSHIP 22 SOUTH, RANGE 30 EAST, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK "L", PAGE 23, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

AND

PARCEL 1:
LOT 16, CAMPO BELLO, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK "L", PAGE 23, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL 2:
LOT 17 AND THE WEST 1/2 OF LOT 18, CAMPO BELLO, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK "L", PAGE 23, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CONTAINS 78,707 SQUARE FEET OR 1.8069 ACRES MORE OR LESS.

SURVEYOR:
ACCURIGHT
2012 E. ROBINSON STREET,
ORLANDO, FLORIDA 32803
PH: 407-894-6314

PROJECT No.:
LORING CHASE TOWNHOMES
CITY OF WINTER PARK, FLORIDA
October 27, 2017

Prepared for:
ANSAKA, LLC
Mr. Andrew Ryan
525 Selkirk Drive
Winter Park, Florida 32792

LEGAL DESCRIPTION: 1. EXISTING ZONING CLASSIFICATION : R-1A/O-2. PROPOSED ZONING : R-2. 2. THIS PROPERTY DOES NOT FALL WITHIN THE 100 YEAR FLOOD PLAN ELEVATION.
Aloma street elevation
Tiered Buffer Planting

Loring, dwg

Feb 3, 2016

Loring Chase
A Winter Park Micro-Community
Community Meeting & Information Session

Dear Neighbors,

There has been impressive community interest in our townhome project to be constructed near the NW corner of Aloma and Lakemont. I want to share additional information with you, gather your feedback, and gain your input on certain design elements (including Northern separation buffer/barrier).

I hope you will be able to join me for a brief, interactive meeting on March 1st. We’ll pick up where the December 5th, Planning & Zoning meeting ended, with a goal to find solutions together. Link to P & Z minutes → https://cityofwinterpark.org/docs/government/boards/minutes/PZB-min-2017-12-05.pdf

**When:** March 1st, 2018 at 6-7 PM

**Where:** Winter Park Library, 3rd Floor Meeting Room

**Agenda:**

- Welcome/Introductions
- General Discussion/Your Feedback
- Project Overview/Options Available
- Q&A/Next Steps

To make sure that we have room for all participants, please RSVP if you plan to attend. Call me at 407-212-6671 or email me at andrew@ansakallc.com.
Dear City Commissioners and City Officials:

The townhomes proposed for the 350-foot-long stretch just west of Lakemont on Aloma Avenue are in conflict with Winter Park’s Comp Plan. The property, which is clearly designated R-1, should remain low-density single-family residential. Please do not approve any high-density land use which violates our City’s Comprehensive Plan policies.

Thank you. Sincerely, Kathryn and Bud Grammer
200 S. Interlachen Avenue
WP 32789
Dear Mayor and commissioners,

I wanted to take this opportunity to comment on the request of Ansaka, LLC, for rezoning to allow the construction of 18 townhouses on Aloma Avenue.

I object to the request, for all of the reasons that you have received from my neighbors in the area. I can understand the difficulty of the land owners along Aloma, as I drive it every day. It is the density of the plan that concerns me the most. I would have no objection to a project of 10 townhouses rather than the 18 proposed units.

Sincerely,

Erik Larsen
521 Shepherd Ave.
Winter Park, FL 32789
Dear Mayor and Commissioners,

We own and live in the house located at **537 N. Phelps Avenue, Winter Park, Florida 32789.** We are **opposed to the Loring Chase development of 18 townhomes proposed for Aloma Avenue and Lakemont,** to be voted on March 26, 2018. Our concerns are:

**Safety for children and families** as a result of increased traffic on Aloma and the side streets Edwin, Bryan, Sylvan, Shepherd and Phelps from cut through traffic created by adding 32 residents/cars for 1.81 acres. When traveling east on Aloma, making a left turn into the town homes will be difficult anytime of the day causing a “go around the block” using Sylvan, Shepherd, Edwin, and Bryan as a cut through to Lakemont (increasing traffic on Phelps) to make a right turn into the development.

**Home values.** This new development only partially covers the block, once built it establishes a precedent for future townhomes or apartments in our neighborhood which decreases the value of all homes within this area.

**Increased density.** There is increased density in our city and neighboring cities i.e. intersection of "Trader Joe's" (Morse and Orlando Avenue) and the apartments in Maitland on 17-92. We do not believe this is the Comprehensive Plan policy/Future Land Use that was recently adopted by Winter Park nor what the citizens of Winter Park want to see happen.

The City of Winter Park is known for its tree lined, brick streets with beautiful homes where you know your neighbors, can walk, ride bikes and feel safe doing so. We lived on Woodland Avenue in Winter Park and, unfortunately, was lured by all the hoopla of Baldwin Park and bought a house in 2007. It was a nice place to live...UNTIL the apartment/townhome builders convinced the HOA that it was good business to change the zoning and density. We moved back to Winter Park in 2016.

**We just can’t imagine the City Beautiful of Winter Park becoming “just another City”**. Please do not approve this or any other development that will change the character of Winter Park.

HARRY and LINDA JACKSON
537 N. Phelps Avenue
Winter Park, FL 32789
407-484-3729
Dear Jeff/Dori,

I also seek the answer to the question of what is the maximum height and FAR if the Applicant were to actually build an office/professional building on the 0-2 lot.

I realize he is seeking the maximum density residential which he can get past the commission, but if he were to build what it is zoned for what could he build on the 0-2 lot of .41 acres?

Thank you for any information you are able to provide. I would like to know ahead of the meeting at WPPL tomorrow.

Many thanks,

Beth Hall
thank you for asking for further proof about increased crime in high density housing areas.

To provide you scientific support from published studies, please see:


Excerpting the article:
“Land use matters when it comes to predicting violent crime rates, according to results of a study by two professors in the IU School of Public and Environmental Affairs at Indiana University-Purdue University Indianapolis.
Thomas Stucky and John Ottensmann show that rates of murder, rape, robbery and aggravated assault are generally higher in areas with high-density residential developments and commercial property, and generally lower in areas characterized by industry, parks and schools.”

“The study found higher rates of all types of violent crime in areas of high-density residential land use, even after controlling for overall population. The correlation was more
pronounced in disadvantaged areas but held true in other areas as well. "There seems to be something about (high-density residential) units that is associated with all types of serious violent crime, even controlling for the other factors in the model," the authors write. "Apparently, high-density housing units promote serious violent crime."

2. North Carolina researchers Davison and Smith conducted a similar academic study in Raleigh, North Carolina, and concluded, among other things, that "the type of residential land use also has an effect on property crime. The more housing units on a street segment, the greater the property crime risk. Additionally, street segments without a predominance of owner occupancy are more likely to be victimized."

http://www.ncsociology.org/sociationtoday/raleigh.html

3. In a publication titled "How to Win Land Development Issues" which purports to support developers in "Formulating & Implementing A Winning Strategy", I excerpt from Chapter 8 titled Crime, p 45, "...what does crime and development have to do with one another? Actually, quite a bit. As will be shown in the review of research below, if development substantially increases the volume of traffic on a residential street then crime rates may rise.” http://ceds.org/pdfdocs/Chapter8.pdf
I actually noticed this firsthand when we were searching for a home to purchase in Winter Park a few years ago. The real estate website Trulia showed comparative crime statistics in the area, and so we began to rule out homes for sale in Winter Park near condo developments or apartments since there was generally a significantly higher rate of crime. Trulia has since changed their system, but I saw both higher crime rates and lower home prices near the condos and apartments in Winter Park. We do not want our neighborhood to become like those areas.

We believe our home on Edwin Blvd would be negatively impacted because it would be in the same block as the new condos, the increased traffic, and the increased rate of crime.

Many of the same studies I cited above also say that office buildings or similar business use tends not to raise crime the way increased density housing does. We are not opposed to commercial development, simply to development which will negatively impact our home by increasing residential traffic and crime.

Thank you for your attention, and I hope, for your support.

Carrie Cox

On Feb 27, 2018, at 8:38 AM, Sarah Sprinkel <SSprinkel@cityofwinterpark.org> wrote:

It is Zoned commercial now not single family homes. I have not seen statistics about crime comparing single family homes to town homes, can you provide this. Thanks

Sent from my iPad

On Feb 26, 2018, at 4:38 PM, Carrie Cox <carrie.cox@mac.com> wrote:

3
Dear Mayor and Commissioners,

Please do NOT allow the Loring Chase Development to proceed at Aloma and Lakemont. This development would bring real damage to the surrounding community, where we own a home on Edwin Blvd. We strongly oppose this development because:

- the crime rate at condo complexes in Winter Park is substantially higher than in neighborhoods of single family homes. Please do not bring that crime into our lovely neighborhood. We have a great community of neighbors, and would hate to see theft, robberies, and break-ins increase as they do in areas surrounding other condo complexes in town.

- this condo complex would definitely adversely affect our property values! Please don’t do this to us as property owners and taxpayers, and to our beautiful neighborhood.

- traffic is already extremely congested in this area; a new condo complex will only make it much worse. Given the terrible rush hour traffic that already exists, we fear residents of this development would use our street on Edwin Blvd as a “cut-through” to avoid the traffic on Aloma, which is again a very negative impact on our currently lovely street.

- there are children in our neighborhood, and they would be endangered by both the increased crime and the increased traffic.

- Walkability scores are now an important part of how towns are viewed by others; our neighborhood has achieved a good walkability score, which would be diminished substantially due to more crime and more traffic.

Please think of the human cost and property damage that could be incurred by allowing this development to move ahead, and please vote AGAINST it on March 26. A few more tax dollars can’t be worth the damage to our neighborhood and the surrounding area.

Thank you for your help,

Carrie S. Cox
Dori Stone

From: Ann Saurman <annsaurman@yahoo.com>
Sent: Tuesday, February 27, 2018 4:22 PM
To: Mayor and Commissioners; Randy Knight
Subject: Winter Park Update

Dear Mayor and Commissioners,

In the Mayor's Message in the most recent Update, it says "the traffic generated by the increased population outside our geographic borders is affecting our quality of life. We continue to work with the state, county, neighboring municipalities and even private property owners to create solutions to minimize this impact".

The traffic problems in Winter Park are not caused exclusively by the growth outside Winter Park. It is necessary to recognize that if you are going to find solutions. There are several projects that are going to cause an increase in traffic. The large addition to Winter Park Memorial Hospital and the creation of a Medical Arts District will put many more cars on Aloma Ave. and Lakemont Ave. There is a Florida Hospital South "City" within ten miles of Winter Park. Why do we need a Medical Arts District? The oversized Wellness Center which is not for Winter Park residents but for the whole region will add even more cars to these same streets. The oversized Library and Events Center is not for Winter Park but will draw in more cars from the whole region. All of the properties that are being redeveloped into apartments and condos and townhouses have increased in size and will have more residential units than before which will mean more cars on the streets.

It would seem that all of these projects are more important than the adverse impact they will have on our residents. There is a difference between development and over-development. You cannot continue to allow increases in density without increases in traffic. The traffic problem in Winter Park is a major issue for many people. You need to be honest about all of the causes. The solution is not going to come from neighboring municipalities. It has to come from Winter Park government.

Ann Saurman
1041 Osceola Ave.
Winter Park
Dear City Commissioners and City Officials:

The townhomes proposed for the 350-foot-long stretch just west of Lakemont on Aloma Avenue are in conflict with Winter Park’s Comp Plan. The property, which is clearly designated R-1, should remain low-density single-family residential. Please do not approve any high-density land use which violates our City’s Comprehensive Plan policies.

Thank you. Sincerely, Kathryn and Bud Grammer

200 S. Interlachen Avenue
WP 32789
The Ericksons at 543 Shepherd Ave implore the W.P. Commissioners to reconsider the density of the new project planned called Loring Chase. Traffic is already an issue for Aloma and those of us living on the future impacted cut through streets. Our cut through traffic is already heavy and unsafe for homeowners and families living on these streets. To add more is ludicrous. These are neighborhood streets not commercial establishments so traffic needs to be safe for homeowners and families.

This project needs to go back to the drawing board to protect the safety and integrity of the homeowners in this area. Please reconsider.

Marsha Erickson
543 Shepherd Ave.

Sent from my iPad
Roger & Christine Thorpe

1840 Edwin Blvd, Winter Park, Fl 32789

February 26th, 2018

Dear Mayor and Commissioners,

We are opposed to the Loring Chase development of 18 townhouses proposed for Aloma Avenue and Lakemont, which will be voted on March 26, 2018. This property along with the corner lot owned by 5th Third Bank was rezoned from residential to commercial zoning a few years ago. We personally were OK with that, because it was always known that originally a dentist wanted to build an office there. With normal business hours and therefore would not impact our privacy.

Our main concerns are:

**Increased traffic causing potential danger for children and families.** Excessive noise potentially 24 hours a day. The traffic on Aloma is exceedingly heavy at peak times and increasing the volume would be foolhardy.

**Home Values.** Although this new development only partially covers the block, once this is built it will just be a matter of time before the rest of the block up to Phelps has condos or apartments. This will not be a positive effect on our home values.

**Increased density.** We already have a problem with traffic using Edwin Boulevard as a cut through or turnaround when they get it wrong at the lights. This is potentially a safety hazard too, and would probably increase with this development. We chose to live here for the quiet and quaint surroundings but we believe this development would hurt the ambience of this area.

**Privacy for the homes on Edwin directly behind the condos.** Two story condos will be 40 feet from the back side of the property and additionally a road around the property will be abutting a back fence. This road will be the main thoroughfare around the development and will also be used by garbage truck, UPS and mail carriers. This would be subjecting us to more noise and a total lack of privacy.

Yours faithfully,

Roger & Christine Thorpe
Dear Mayor and Commissioners,

Please do NOT allow the Loring Chase Development to proceed at Aloma and Lakemont. This development would bring real damage to the surrounding community, where we own a home on Edwin Blvd. We strongly oppose this development because:

- the crime rate at condo complexes in Winter Park is substantially higher than in neighborhoods of single family homes. Please do not bring that crime into our lovely neighborhood. We have a great community of neighbors, and would hate to see theft, robberies, and break-ins increase as they do in areas surrounding other condo complexes in town.

- this condo complex would definitely adversely affect our property values! Please don’t do this to us as property owners and taxpayers, and to our beautiful neighborhood.

- traffic is already extremely congested in this area; a new condo complex will only make it much worse. Given the terrible rush hour traffic that already exists, we fear residents of this development would use our street on Edwin Blvd as a “cut-through” to avoid the traffic on Aloma, which is again a very negative impact on our currently lovely street.

- there are children in our neighborhood, and they would be endangered by both the increased crime and the increased traffic.

- Walkability scores are now an important part of how towns are viewed by others; our neighborhood has achieved a good walkability score, which would be diminished substantially due to more crime and more traffic.

Please think of the human cost and property damage that could be incurred by allowing this development to move ahead, and please vote AGAINST it on March 26. A few more tax dollars can’t be worth the damage to our neighborhood and the surrounding area.

Thank you for your help,

Carrie S. Cox
To: Winter Park Mayor and City Commissioners

Re: Ansaka LLC Request for Approval of Changes to Allow 18 Townhouses on Aloma Avenue

*Agenda Item for January 8th City Commission Meeting*

The subject request is for authority to build 18 townhouses on Aloma Avenue in the block between Lakemont and Phelps Avenues. The P&Z committee approved Ansaka's request unanimously with little deliberation, no consideration of traffic burdens, and less notice to affected citizens (allegedly, a loophole in the public notice requirements was used, but that approach does not begin to cover those who, in actuality, will be negatively affected).

I respectfully request that the Ansaka proposal be rejected or, as a minimum, returned to P&Z for reconsideration after much broader notice to Winter Park citizens. I make this request for the following reasons:

1. **Traffic:** The intersections at Lakemont and Aloma and at Phelps and Aloma are already huge traffic bottlenecks. Aloma is the main route for traffic in the northeast part of the city, making travel in this area hazardous and unpleasant at any time of day, but especially during the morning and evening rush hours.

2. **Access:** Because the Ansaka footprint does not reach to either Phelps or Lakemont, there will be only one point of access or egress, in the middle of the single block between Phelps and Lakemont. There are stoplights at Aloma and Lakemont and at Aloma and Phelps. To get into the development coming from downtown Winter Park, a person would have to make a U-turn at Aloma and Lakemont, an accident waiting to happen at a high-traffic intersection. In order to leave the development and head away from downtown Winter Park, a person would have to turn right, then cross three lanes in a half block in order to make a U-turn at Phelps and Aloma (where Aloma traffic is often backed across Phelps at the light without consideration of the stoplight cycle). The alternative, creating a third stoplight in a one-block length, would only create pandemonium.

3. **Medical Arts District and Crosby Wellness Center:** There has been no consideration of the additional traffic in these intersections due to the approved Medical Arts District or the Crosby Wellness Center, both of which are—(a) less than a quarter of a mile away, (b) will add additional daily heavy traffic burdens, and (c) are already under construction.

Respectfully submitted,

Meredith Murphy
Citizen of Winter Park
Mayor and commissioners,
Please take a close look at these requested changes. Again fundamentally changing the comp plan and zoning:
Why do we even have them? Is this project a realistic use for this location?
As stated in the staff report, a loophole was used to avoid making a citywide notice of this request. I just found out about it today. All notices and meetings took place during the holiday season. Thus my belated response.
Please pay attention to the traffic problems this will create on Aloma so close to Lakemont. Has a study been done of ingress and egress, especially when cars are backed up at rush hour?
Please think carefully about all aspects of this project and ask these questions.
Thank you.
Kathy Kiely
1800 Oneco Ave.
Dear Dori and/or Jeff,

Was wondering if you could let me know how P & Z voted on Loring Chase proposal for 18 town homes at Aloma and Lakemont?

For a multitude of reasons, I oppose this project.

I would like to know how P & Z voted prior to writing in detail to the Commission ahead of their next meeting. I am aware that city staff recommended approval of the 18 town homes.

I have reservations about public notice which has been provided per Sec 58-89 of the Zoning Code. Five properties are the subject of the developer’s application, yet only a single sign has been mounted- and that on just one of the properties in play. This is so despite the fact that the requests for all 5 parcels is not identical. Wouldn’t the public be well served to see signs staked in all five parcels which are the subject of the comp plan and zoning changes and the subject matter of the public hearing for each?

If there is a provision that states that where multiple, contiguous parcels are in play with differing requests for rezoning and comp plan changes being made that a single sign will do, please let me know what the citation for that provision is. My reading suggests that where the zoning code references "the property", it is suggesting that a sign should be mounted in each property. I do not feel that this falls under the discretionary powers of the staff to decide.

How can the public know that such a large number of parcels is in play if all they see is a single sign staked on just one of the FIVE contiguous parcels? I do realize a city wide notice has been sent. But it’s holiday season and no one has time to look at such things right now...if indeed they ever would. Monument signs on all 5 sites could be most helpful in terms of notice. Nothing would alert citizens to the nature of the size and scope of the changes sought in quite the same way. Traffic considerations alone at this site dictate that the public must be made aware of what is being sought and that staff has recommended.

Please let me know about the P & Z vote as well as the citation to zoning code for permitting a single sign for five parcels when the requests for all five is not identical.

Thank you,
Mr. Mayor & Commissioners

On Tuesday December 5th I attended a Public Hearing to amend 3 requests from Ansaka LLC in order to build 18 townhouses right behind my house. First spoke the City Manager, Mr. Briggs, and presented the project to the City Commissioners. Mr. Briggs, even though he is the City Manager of Winter Park spoke like a lobbyist on behalf of the developer. Mr. Briggs could not find anything wrong with the project. The developer, Mr. Andrew Ryan, spoke second and presented his project in a ‘close up’ view and put as much lipstick to this pig as he could. At the end the attendees were invited to speak. There were only a hand full of us. Seven or eight of us spoke against it. Most of the ones against the project spoke up out of concerned for the increase of traffic this project will create.

At the present time and for the last 13 years my husband and I have lived at 1790 Edwin Blvd and all this time we have had one single backyard-neighbor.

Over the past 13 years we have enjoyed the privacy, tranquility, comfort and beauty thanks to the overgrown trees due to the depth of the lot that our backyard neighbor provided.

Another benefit we have enjoyed, due to the depth of the property of our neighbor, is that the heat that is produced by the summer sun is absorbed by the earth/land.

All of this privacy, tranquility, comfort and beauty will be gone once the Loring Chase Micro-Community is built. Instead of having trees and ‘virgin land’ providing us with shade, birds, squirrels, buffer from pollution and noise coming from Aloma, the developer/builder will put-down a brand-new-street in the back of the land directly behind our fences where the occupants of the townhouses will drive in order to get to and
from their houses, where the garbage truck will drive to pick up their garbage.....and all service trucks and delivery trucks will drive.

Additionally, these townhouses are 2 stories, so they may also impact backyard privacy of the existing homes on Edwin. Even the developer of the new houses going up in the middle of our street spoke and said this development would decrease the value of the homes he is now building!

To my surprise the amendments passed. All the commissioners approved the project even though I’m convinced 100% that NONE of them would had approved such a project right behind theirs fences.

**The Golden Rule:**
1. Don’t do to others what you don’t want others to do to you; or,
2. Do to others what you want others do to you.

Please, don’t allow to be done to us what you would not want anyone do to you.

God Bless

Nora I. Sanchez.
Thank you both for the consideration and your quick reply

Heather
Sent from my iPhone

On Dec 5, 2017, at 1:49 PM, Jeffrey Briggs <jbriggs@cityofwinterpark.org> wrote:

Heather:

We will make copies of your letter and provide it to the P&Z members at tonight’s P&Z meeting. Your letter will also be included in the materials provided to the City Commission, when they review this request/proposed project.
To the Planning and Zoning Committee,

Although I cannot be at this evening’s meeting in person I want to express my concerns regarding the request for Ansaka to change the zoning to medium density. This is first and foremost a safety issue. As a resident of this area my entire life I have seen a drastic increase to traffic and congestion at the intersection of Lakemont and Aloma. There are many times throughout the day that backups and delays occur and the volume of traffic through this intersection already elevates the possibility of wrecks and blockages. Any changes to the density of this area will only further exacerbate the congestion issue. The proposed location of this community is entirely too close to the intersection and traffic traveling west bound on Aloma will not flow continuously as residents would be slowing down for the community entrance.

Secondly, proposed residents of this neighborhood will only be traveling west out of the community, if they desire to go east on Aloma they would have to cut down Phelps avenue and then a side street to circle back to the Lakemont light. With Edwin being a bricked road, they would most likely cut down Bryan avenue to reach the light. This road is heavily populated with young children and does not include sidewalks. This is a great hazard to increase cut through traffic on these residential roads especially with young children and neighborhood kids that play outside. In recent years cut through traffic has taken little regard to the speed limits of our streets.

Recent communications from Andrew Ryan a developer for this community boasts of 40’ rear and 25’ side setbacks and yet makes not mention that this includes a drivable access road for community residents. So, homeowners of Edwin will now have a road abutting their backyards not the quiet setback that is implied by the notice. There is also a lot of foot traffic that walks this intersection and these pedestrians will now be walking in between Lakemont and this community road, an increased risk of being hit by a car. This developer communication also says this community is a complement to the shoppes of Aloma and the residential neighborhood of the northwest quadrant. With the other three corners being office and commercial space and the and northwest quadrant being entirely single-family homes this proposed project in no way complements this neighborhood.

I beg you to please take these safety and neighborhood conformity issues into consideration and please do not allow another developer to change our neighborhood because it benefits them. I greatly oppose the zoning and density changes that have been proposed by Ansaka LLC and ask that you take the existing neighborhood into consideration.

Sincerely,

Heather McCoy

Northwest quadrant resident
December 4, 2017

To: Members of the Planning and Zoning Board

RE: Ansaka LLC Request(s) to Amend the Comp Plan, Amend the Official Zoning Map and to Secure Subdivision Approval to Build 18 Townhouses on Aloma Ave.

Dear Planning and Zoning Board Members:

I am writing to you to state my opposition to the ANSAKA LLC requests enumerated above. Respectfully, I ask that you deny each of the requests.

Four of the five lots are currently zoned single family, R-1A. Only one is zoned otherwise and it is zoned 0-2. The sort of density and departure from the historical usage of these properties which the Applicant is seeking should be strongly discouraged- even along Aloma Avenue.

The Ansaka LLC requests are at odds with several policies in the Comp Plan:

Policy 1-5.4.5 states that single family detached homes are to be encouraged. The applicant wants to build 18 townhomes where 4 single family homes now stand. This constitutes a veritable multi-family complex, fee simple or not. Nothing like this exists nearby.

Policy 1-5.2.1 Instructs that we ought to maintain the scale and character of existing neighborhoods. A PURD here does not do this.

Policy 3-1.5.4 states that compatibility of new residential development with the surrounding area should be ensured. Building 18 homes here does not do this.

Policy 1-6.3.1 discusses the importance of preserving our trees.

Granting Ansaka’s requests would be in contravention of all of these policies. These properties and the ones directly adjacent to them on Aloma- as well as the ones directly behind them on Edwin- have always been single family homes. The most intensive past use in a couple decades in this area was a podiatry office housed in a converted single-family home. Dr. Bornstein’s office moved many years ago.
Also, eliminating these smaller, less expensive homes at 1791,1801,1811 and 1821 Aloma results in the loss of some of the more affordable homes in the 32789 zip code.

Other developers have had success in building or remodeling single family homes on the busy Aloma corridor while maintaining their single-family zoning designation. This is certainly just as possible on these single-family lots. It should not be the province of city boards to enhance the profitability of speculative land acquisition by developers when the proposed development is not in keeping with our land use codes and regulations, not to mention the surrounding neighborhood.

Thank you for your consideration. I urge you to deny Ansaka’s requests.

Sincerely,

Beth Hall, 516 Sylvan Drive, Winter Park
To the Planning and Zoning Committee,

Although I cannot be at this evening's meeting in person I want to express my concerns regarding the request for Ansaka to change the zoning to medium density. This is first and foremost a safety issue. As a resident of this area my entire life I have seen a drastic increase to traffic and congestion at the intersection of Lakemont and Aloma. There are many times throughout the day that backups and delays occur and the volume of traffic through this intersection already elevates the possibility of wrecks and blockages. Any changes to the density of this area will only further exacerbate the congestion issue. The proposed location of this community is entirely too close to the intersection and traffic traveling west bound on Aloma will not flow continuously as residents would be slowing down for the community entrance.

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I beg you to please take these safety and neighborhood conformity issues into consideration and please do not allow another developer to change our neighborhood because it benefits them. I greatly oppose the zoning and density changes that have been proposed by Ansaka LLC and ask that you take the existing neighborhood into consideration.

Sincerely,

Heather McCoy

Northwest quadrant resident
NOTICE is hereby given that a public hearing will be held by the City Commission on Monday, March 26, 2018 at 3:30 p.m. in the Commission Chambers of City Hall at 401 S. Park Avenue, Winter Park, Florida, 32789 to consider the following PUBLIC HEARINGS:

REQUEST OF ANSAKA LLC TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM AN OFFICE FUTURE LAND USE DESIGNATION TO A MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION ON THE PROPERTY AT 1835 ALOMA AVENUE.

REQUEST OF ANSAKA LLC TO: AMEND THE OFFICIAL ZONING MAP TO CHANGE FROM OFFICE (O-2) DISTRICT ZONING TO MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT 1835 ALOMA AVENUE AND FROM SINGLE FAMILY (R-1A) DISTRICT ZONING TO PLANNED UNIT RESIDENTIAL (PURD) DISTRICT ZONING ON THE PROPERTIES AT 1791, 1801, 1811 AND 1821 ALOMA AVENUE.

REQUEST OF ANSAKA LLC FOR: PRELIMINARY AND COMPREHENSIVE DEVELOPMENT PLAN AND SUBDIVISION APPROVAL FOR A PLANNED UNIT RESIDENTIAL DEVELOPMENT OF EIGHTEEN TWO-STORY FEE-SIMPLE OWNERSHIP TOWNHOUSES TO BE DEVELOPED COLLECTIVELY ON THE PROPERTIES LOCATED AT 1791, 1801, 1811, 1821 AND 1835 ALOMA AVENUE

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.

/s/ Cynthia S. Bonham, MMC, City Clerk

PUBLISH: Sunday, March 4, 2018 Orlando Sentinel

...this makes NO sense whatsoever within the 'master' plan for Winter Park's future! I've lived in this immediate area of Arola for 60 years (yes, I was at the 1st Art Shw in '54) and we're "choking" with the continuing TRAFFIC increase and services (waste, utility, emergency cloth, etc). Please use some common sense, by NOT approving multiple-family concept in an OVERBUILT AREA!! - Conrad "Ole" W.P.