



KEVIN McCANN
OFFICE OF THE MAYOR

CITY OF WINTER SPRINGS, FLORIDA

1126 EAST STATE ROAD 434
WINTER SPRINGS, FLORIDA 32708-2799
Telephone (407) 327-5956

RECEIVED

JUL 02 2025

CITY OF WINTER SPRINGS
OFFICE OF THE CITY CLERK

MAYOR'S NOTICE OF SPECIAL MEETING

Mr. Christian Gowan
Winter Springs City Clerk

In accordance with the authority granted to the Mayor under the City Charter Article IV, Section 4.03 (a), I hereby call a Special Meeting of the Winter Springs City Commission to be held:

Date: Monday, July 7, 2025

Time: 6:30 PM

Location: Winter Springs City Hall Commission Chambers
1126 East State Road 434, Winter Springs, FL 32708

Explanation:

This Special Meeting is being convened to address and reconsider the Commission's decision made on June 23, 2025, to remove \$227,400 in tree mitigation fees associated with Arbor Application (ARBOR-2025-0210). The actions taken by the Commission during said hearing did not comply with the requirements of the City Arbor Ordinance. Furthermore, the Commission's action effectively amended or repealed the Code of Ordinances, Chapter 5-Tree Protection & Preservation ("Arbor Ordinance") in violation of City Charter Article IV, Section 4.14(8) which requires the Commission to use the ordinance process if amending or repealing a previously adopted ordinance.

In the alternative to a Special Meeting, in accordance with Winter Springs Charter 4.05, I hereby veto the Commission's action on June 23, 2025 for the reasons set forth above.

Supporting Documentation and Discussion:

Tab-A: ARBOR APPLICATION, Tuskawilla Retail Partners II.

Tuskawilla Retail Partners seeks to develop 8.11 acres, requiring the removal of 306 trees. The February 14th, 2025, tree removal plan submitted itemizes the size of the trees to be removed and calculates the number of credits required.

Tab-B: CITY STAFF REPORT. Agenda item #404 Commission meeting June 23, 2025.

The City Staff conducted a detailed analysis and made the following recommendations relevant to this matter:

#2 Mitigation of specimen and non- specimen tree removal per the Arbor Permit Application, ARBOR-2025-0210. The applicant shall be required to pay \$227,400 for the removal of the

trees, including 3 specimen trees, prior to the issuance of the tree removal and land clearing permit.

7 Preservation of the 52" specimen oak tree at the corner of SR 434 and Micheal Blake Blvd.

Tab-C: MISREPRESENTATION OF FACTS.

During the June 23rd, 2025, City Commission meeting the attorney for Tuskawilla Retail Partners II LLC presented a document which "cherry picked" certain provisions from the First Modification of Development agreement between the City and Winter Springs Holdings Inc. The applicant misrepresented that the adjusted City Arbor Fee contained in January 9, 2017, First Modification Of Development Agreement included the arbor fee now due and payable by Tuskawilla Retail Partners II, LLC under Arbor Permit ARBOR-2025-0210 filed eight years later. It should be noted that the site plans and engineering for the Tuskawilla Retail Partners II, LLC commercial **8.11-acre project which is located on the EAST side of Michael Blake Blvd** were not in existence eight years prior. Furthermore, the **Tree Removal Plan attached to Tab-A is a survey dated February 14, 2025.** Thus, the itemization of trees and the determination of tree credits required under the Winter Springs Tree Ordinance was not even in existence some eight years earlier when the prior Arbor Fees were paid. As demonstrated by the below documents, the prior Arbor Fees paid in 2017 was for the Blake Apartments formerly known as Winter Springs Apartments and formerly known as Pollack Shores Apartments. The apartment project changed ownership and names multiple times.

Tab-D: FIRST MODIFICATION OF AGREEMENT DATED JANUARY 9TH, 2017.

I have attached a **complete** copy of the First Modification of Development Agreement which is a total of 10 pages. At the Commission Hearing the Attorney for Applicant did not provide the Commission with this entire recorded instrument nor did City staff. The Attorney for the Developer conveniently omitted the second, third and fourth Whereas paragraphs which was essential for the Commission's consideration during the Hearing. The second Whereas clause specifically refers to the December 14, 2015, City Commission approval of final engineering plans submitted by the Developer for the Project. Those final engineering plans approved were for the Apartment Complex (Blake Apartments formerly Winter Springs Apartments and formerly Pollack Shores Apartments). The Fourth Whereas paragraph clearly ties the final engineering plans approved to the First Modification of Development Agreement. They go hand in glove and that IS the Project referenced in the First Modification of Development Agreement. Thus the Adjusted City Arbor Fee referenced in Paragraph 3(b) of the First Modification of Development Agreement refers to the project final engineering site plans approved by the City Commission on December 14, 2015 referenced in the second Whereas paragraph. NOT the current project under consideration in 2025 some 10 years later!

TAB-E: AGENDA ITEM 505, DECEMBER 14TH, 2015.

Commission hearing to approve Preliminary/Final Engineering Plan for the 279-unit apartment complex located on the WEST side of Micheal Blake Blvd, now know as the "Blake Apartments" and formerly known as "Winter Springs Apartments" and "Pollack Shores Apartments". As you can see from the attached site plan, the project was located WEST not east of Michael Blake Blvd.

TAB-F: AN EMAIL DESCRIBING THE ARBOR FEES CALCULATIONS:

This December 4, 2015, an email from the Community Development Director to the City Attorney sets forth the calculations and adjustments made to the Arbor Fees for the Apartment Complex Project (now Blake, formerly Winter Springs Apartments and formerly Pollack Shores Apartments). As you can see, the size of the parcel on which the trees were being removed was 6.45 acres NOT the 8.11 acres referenced in the 2025 Arbor Permit Application of Tuskawilla Retail Partners II, LLC which is under consideration. This is the apartment complex project approved by the City Commission on December 14, 2015, which is referenced in the First Modification of Development Agreement dated January 9, 2017.

TAB-G: DREAM FINDERS LLC /WINTER SPRINGS TOWNHOMES, Site Plan, Tree Survey

There has been only one development constructed EAST of Michael Blake Blvd following the January 9, 2017, First Modification of Development Agreement. That is the Dream Finders LLC/Winter Springs Town Homes. The site plan and tree removal plan are attached hereto. The developer did comply with the City Arbor Ordinance by surveying the trees and determining the tree credits required for removal.

Conclusion:

For decades the Winter Springs Tree Ordinance has required applicants to survey the land to be developed, determine the trees thereon that need to be removed, complete an evaluation of the size and quality of the trees in order to determine what trees need to be replaced and/or what fees need to be paid into the City Arbor Fund. It all begins with the survey and the tree removal plan. That is why Tuskawilla Retail Partners II, LLC conducted the survey and developed the Tree Removal Plan on February 14, 2025. It would have been impossible for Arbor Fees to have been calculated nor paid in 2017 for the current commercial project of Tuskawilla Retail Partners II, LLC which is located EAST of Michael Blake Blvd, and which is nothing like the previously approved apartment project.

Respectfully,

Kevin McCann
Mayor, City of Winter Springs
July 2, 2025

ARBOR APPLICATION

PRINT FORM

1126 EAST STATE ROAD 434
WINTER SPRINGS, FLORIDA 32708



PERMIT MUST BE POSTED ON THE JOBSITE

Property Owner: Tuskawilla Retail Partners II, LLC Phone: 407-539-4776
Address: E Florida 434 & Michael Blake Blvd, Email: james.herbert@nv5.com
Winter Springs, FL 32708

To be completed when a contractor is hired to perform tree removal(s). The contractor will be responsible for the arbor permit and compliance with all codes and requirements of the City.

Licensed Arbor Contractor: _____ Phone: _____
Email: _____ Fax: _____
Address: _____ Gen. Liability Expiration Date: _____
City Arbor License #: _____ Workman's Comp. Expiration Date: _____

Single-Family NO Development 8.11 (acres) # of Trees to Be Cut 306
Land Clearing 4.29 (acres) Arbor Waiver (check mark then go to Section 2) _____

SECTION 1 (ARBOR PERMIT)

WH (initial) I certify the trees to be cut fit into one of the following categories as checked:

- ☒ 1. Trees located on building and construction sites and to be replaced
- ☐ 2. Trees located within ten feet of a structure*
- ☐ 3. Trees that are approved by City Forester to be replaced elsewhere on the property
- ☐ 4. Trees that are exotic invasive species (FLEPPC # 1)
- ☐ 5. Trees severely diseased, severely injured, or dead
- ☐ 6. Trees that interfere with provision of public utility installations
- ☐ 7. Sec. 5-4 (b) 6. As relates to governmental projects

*Replacement requirements to be determined by the City Arborist

- Applicant must provide a separate drawing showing the trees to be removed in relation to the site.

WH (initial) I hereby acknowledge that the above information is correct and agree to conform to City of Winter Springs zoning regulations and building codes. I agree if any public property is damaged, I will restore it to the original condition. I agree that this application allows the City Arborist to enter my property for the purposes of inspection.

_____ (initial) I certify that any replacement plants will be installed within 60 days from the date of tree removal(s) and I will be responsible for arranging reinspections, if required.

NOTE: All lot addresses must be marked so as to be easily identified. For undeveloped lots, the lot lines and construction pad must be clearly staked. For land clearing or undeveloped lots, a survey of all trees 4" diameter at breast height and above must be submitted. Indicate preventive measures used to protect existing trees during construction. If an appointment must be scheduled for inspection due to limited access (fence, dogs, etc.), please call 407-327-6584.

TAB-A ARBOR APP

SECTION 2 (ARBOR WAIVER)

____ (Initial) I certify that **no trees need to be removed** and the proposed alterations will not cause damage to the trees. If any damage occurs, I will be held responsible for replacement and/or tree replanting. If it becomes evident later that there might be damage, or if it becomes necessary to remove a tree, I will, at that time, obtain the proper arbor permit. I also agree that if any public property is damaged, I will restore the property to the condition that existed before the work activity detailed in this application was undertaken.

Measures to protect existing trees during the execution of the permitted activity:

The 52" live oak located directly adjacent to the Michael Blake Blvd / SR 434 intersection will be protected by: 1. Erecting a barrier around the tree that encompasses the tree's entire dripline. 2. Barrier shall remain in place until all paving, construction, and heavy equipment is out of area.

Applicant: Mark Mechlowitz
(please print)

Signature: 
(must be signed for Section 1 or 2)

- All trees, whether for replacement or installation, **MUST** be at least a Florida Grades and Standards #1. Tree species designated by the Exotic Pest Plant Council as exotic and invasive may not be used as replacement plantings. Acceptable replacement plants are listed in the Arbor Ordinance 2011-16. All planted trees **MUST** survive for at least **one full year** or be replanted.
- Winter Springs is designated "TREE CITY USA" by the National Arbor Day Foundation.

City Code

5.4 (e) Contactor License Required; Contractor Obtaining Permits. Any person or entity engaged in the business of tree removal or pruning shall be licensed by the City on an annual basis. Licenses may be obtained from the City by completing an application prepared by the City and paying the required license fee. The license application shall contain at a minimum the name, address, and telephone number of the contractor and a copy of the contractor's occupational license and proof of liability and workers' compensation insurance. It shall be unlawful for any person or entity to engage in the business of tree removal or pruning within the City of Winter Springs without a license required under this subsection. It shall also be unlawful for any such person or entity to fail to obtain a permit on behalf of a property owner pursuant to Section 5-4(a) of this Chapter.

Please call (407) 327-6584 with any questions.

THIS SECTION FOR OFFICIAL USE ONLY

APPROVED WITH THE FOLLOWING CONDITIONS:

CITY ARBORIST

DATE

ARBOR PERMIT NUMBER _____

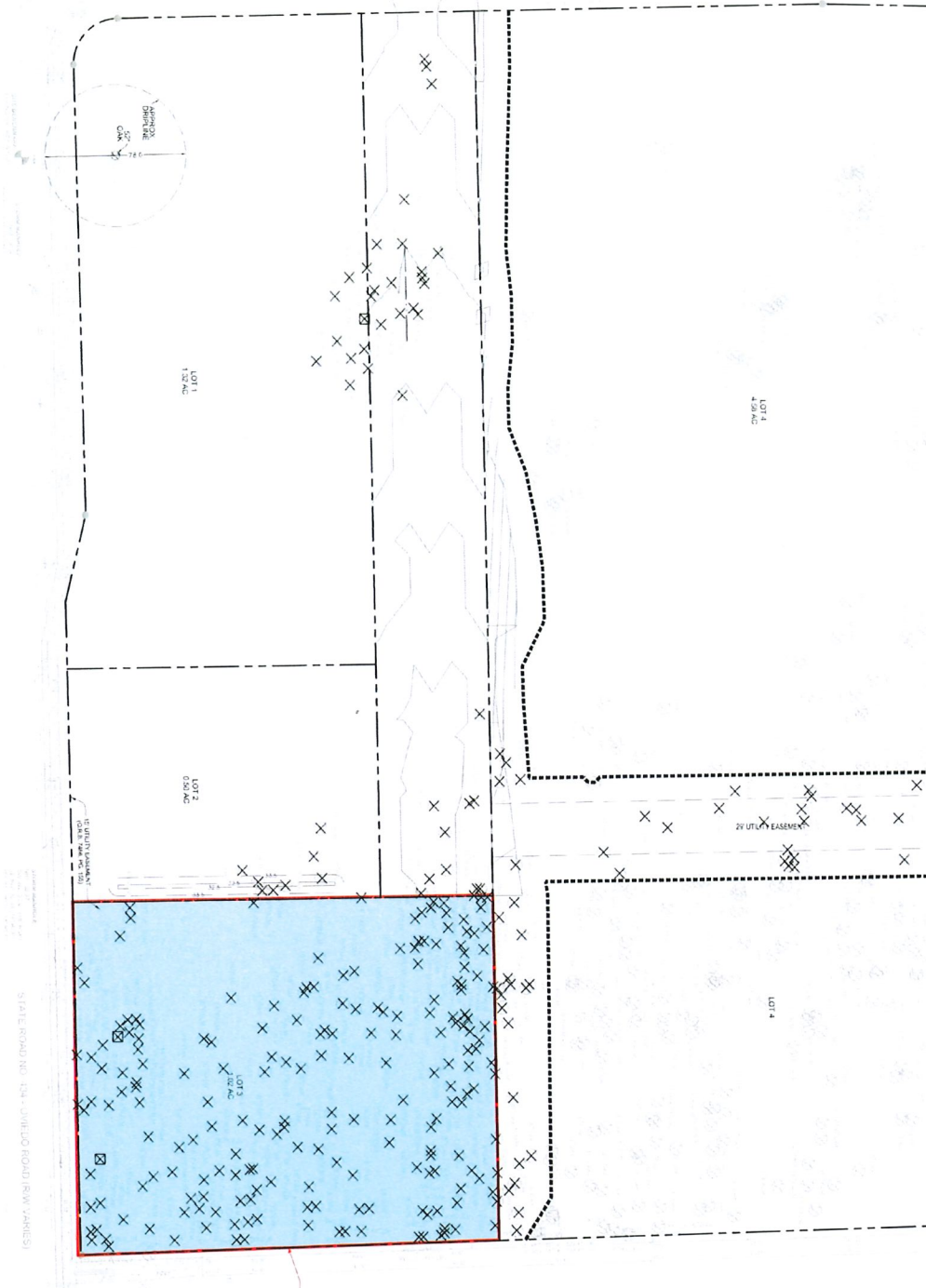
PERMIT FEE \$ _____

REPLACEMENT CREDITS DUE: _____

REINSPECTION REQUIRED: YES ____ (within 60 days) NO ____

Rev. 3/14/12

THIS PLAN SHEET IS CURRENTLY UNDER REVIEW BY THE CITY UNDER A SEPARATE PLAN NUMBER, FEDP-2024-0009.



TREE LIST

TREE REMOVAL				TOTAL
SIZE	TREES REMOVED	CUBIC / TREE		CREDITS
4" TO 6"	100	1		100
6" TO 11"	37	2		74
12" TO 15"	63	3		189
16" TO 24"	97	4		388
26" AND ABOVE	3	6		18
TOTAL TREES	306		TOTAL CUBITS	779

NOTE: A WAIVER FOR THESE THREE (3) SPECIMEN TREES IS CURRENTLY UNDER REVIEW BY THE CITY UNDER PERMIT NUMBER ARBOR-2025-0203.

LIMITS OF THE LEARNING
EXPERIENCE LOT, PROJECT
NUMBER: FEDP-2024-0010

NOTE:
REFER TO LANDSCAPE PLAN SHEET L-1 FOR PROPOSED TREE LOCATIONS.
ANY DEFICIT IN TREE CREDITS WILL BE MITIGATED PER CITY OF WINTER
SPRINGS LAND DEVELOPMENT CODE.

SITE LEGEND

 EXISTING TREE

 TREE REMOVED

 SPECIMEN TREE REMOVED

OAK = OAK TREE

PALM = PALM TREE

PINE = PINE TREE

PROPOSED LIMIT
OF DISTURBANCE

N|V|5 6200 LEE VISTA BLVD.
SUITE 400
ORLANDO, FL
(407) 896-3317
WWW.NV5.COM

CERTIFICATE OF AUTHORIZATION # 2906

**TREE REMOVAL
PLAN**

SEA HAWK COVE EXTENSION
AT
SR 434 & MICHAEL BLAKE BLVD
WINTER SPRINGS, FLORIDA

△		
△		
△		
△		
△		
NO	DATE	REVISIONS

ENGINEER
RANKIN A. PORTER, P.E.
FL. LIC. #05002

DATE: Feb. 14, 2025

JOB # 23012.20
PRJ MGR FAP
DESIGNER SOK
CHECKED JPM

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PUBLIC HEARINGS AGENDA ITEM

CITY COMMISSION
MONDAY JUNE 23, 2025
REGULAR MEETING

TITLE

Sea Hawk Cove Extension, SR 434/419 and Michael Blake Boulevard – Final Engineering and Site Plan, Final Plat, Waivers, Removal of Three (3) Specimen Trees, and Development Agreement

SUMMARY

The Community Development Department requests that the City Commission hold a Public Hearing to consider Site/Final Engineering, Final Plat, Waivers, Removal of three (3) Specimen Trees, and Development Agreement regarding the applicant's request to extend Sea Hawk Cove in the Town Center District, T5 Transect, and to construct all supporting infrastructure for three commercial frontage lots. The applicant is also subdividing the lot to add three new commercial parcels and one future residential parcel which is part of SUBD-2024-0422.

General Information			
Applicant	James Herbert, E.I. \ NV5		
Property Owner(s)	Tuskawilla Retail Partners II, LLC		
Location	East/Northeast of the intersection of State Road 434 and Michael Blake Blvd		
Tract Size	±8.11 Acres		
Parcel ID Number	26-20-30-5AR-0A00-007L		
Zoning Designation	Town Center District, T-5 Transect		
FLUM Designation	Town Center District		
Adjacent Land Use	North: Seminole Crossing Townhomes East: Cross Seminole Trail		South: State Road 434 West: Vacant
Height	Not applicable		
Setbacks	Front: 25 ft, minimum, 50 ft. maximum	Rear: 15 ft. minimum	Side: 5 ft. minimum, 100 ft. maximum
Development Standards	Lot Coverage 100%		
Development Permits	Not applicable		

TAB-B STAFF REPORT

Development Agreement	Pending; prior Development Agreements were with predecessor in interest, Winter Springs Holdings, Inc., recorded at ORB 8446, Page 1131, and First Modification at ORB 8852, Page 1719.
Code Enforcement	Not applicable
City Liens	Not applicable

Background Data:

The development site consists of one lot, Lot 7.L, totaling 8.11 acres. The development site is located at the northeast corner of S.R. 434 and Michael Blake Boulevard. The applicant is proposing an extension of Sea Hawk Cove that further subdivides the property into what will eventually include a coffee restaurant as well as an early-childhood day care center. Restaurants are a permitted use in the Town Center District, Transect 5 (T5); however, a day care is a conditional use. Both proposed projects have separate site plans that will be presented to the Planning and Zoning Board and City Commission at a later date. The current site plan/final engineering application includes clearing and grading as well as the installation of all common infrastructure for the three commercial frontage lots, to be called "Blake Commons". Tree removal is also proposed to occur in the 29-foot utility and drainage easement area extending north from the proposed Sea Hawk Cove extensions toward the Seminole Crossing Townhomes connections. A Landscape plan for the Sea Hawk Cove Extension has been included.

Public Notices:

A Community Workshop was not required for this site plan as only supporting common infrastructure is proposed at this time. Community workshops will be required for individual site plans proposed for the commercial lot developments in the future.

Analysis of Final Engineering Plans (Sec. 20-33.1) Criteria:

The criteria for Final Engineering Plans are provided and analyzed below:

(a) Site and final engineering plans and the subdivision of land shall also be subject to the technical requirements set forth in Chapter 9 of the City Code. It is the intent of this section to apply to applications for site and final engineering plans and to any subdivision of land requiring a plat, if applicable, and does not include review and approval of a lot split application.

Please see the discussion below regarding technical requirements of Chapter 9. The Final Engineering Plans have been reviewed by the City's contract engineer, who concluded that the Plans satisfy the technical requirements, provided the conditions of approval set forth below are met.

(b) Except in situations involving one (1) single-family home, the Planning and Zoning Board shall be required to review all site and final engineering plan and subdivision of land applications and make a written recommendation to the city commission. Such recommendation shall include the reasons for the board's recommendation and show the board has considered the applicable criteria set forth in this section.

(c) Upon receipt of the planning and zoning board's recommendation, the city commission shall make a final decision on the application. If the city commission determines that the planning and zoning board has not made a recommendation on an application within a reasonable period of time, the city commission may, at its discretion, consider an application without the planning and zoning board's recommendation.

Except in situations involving one (1) single-family home, all site and final engineering plan and subdivision recommendations and final decisions shall be based on whether the site and final engineering plan and subdivision of land comply with all the technical requirements set forth in chapter 9 of the City Code and the following criteria to the extent applicable:

(1) Whether the applicant has demonstrated the site and final engineering plan and subdivision of land, including its proposed density, height, scale and intensity, hours of operation, building and lighting design, setbacks, buffers, noise, refuse, odor, particulates, smoke, fumes and other emissions, parking and traffic-generating characteristics, number of persons anticipated using, residing or working under the plan, and other off-site impacts, is compatible and harmonious with adjacent land uses, and will not adversely impact land use activities in the immediate vicinity.

Analysis: Subject to the Conditions of Approval, Staff finds that the proposed Development is compatible and harmonious with adjacent land uses and will not adversely impact land use activities in the immediate vicinity. Density, height, and other building factors will be determined with each individual site plan for the proposed commercial frontage and future residential lots as they are submitted.

(2) Whether the applicant has demonstrated the size and shape of the site, the proposed access and internal circulation, and the design enhancements to be adequate to accommodate the proposed density, scale and intensity of the site and final engineering plan requested. The site shall be of sufficient size to accommodate design amenities such as screening, buffers, landscaping, open space, off-street parking, safe and convenient automobile, bicycle, and pedestrian mobility at the site, and other similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

Analysis: Staff finds that the Applicant has demonstrated that the size and shape of the site, the proposed access and internal circulation, and the design enhancements to be adequate to accommodate the proposed density, scale, and

intensity of the site and final engineering plan requested. No structures are being constructed as part of this site plan, but a waiver is requested to increase the allowable lot sizes.

(3) Whether the proposed site and final engineering plan and subdivision of land will have an adverse impact on the local economy, including governmental fiscal impact, employment, and property values.

Analysis: Staff finds that the proposed site and final engineering plan and subdivision of land will not have an adverse impact on the local economy, including governmental fiscal impact, employment, and property values. Rather, the extension of Sea Hawk Cove will enable access to a new coffee shop and day care that will add employment opportunities and provide increased tax revenues for the City.

(4) Whether the proposed site and final engineering plan and subdivision of land will have an adverse impact on the natural environment, including air, water, and noise pollution, vegetation and wildlife, open space, noxious and desirable vegetation, and flood hazards.

Analysis: Staff finds that the proposed site and final engineering plan will not have an adverse impact on the natural environment, including air, water, and noise pollution, vegetation and wildlife, open space, noxious and desirable vegetation, and flood hazards. The project is located outside of the special flood hazard area. The applicant has submitted a permit for tree removal that includes non-specimen and specimen trees. The applicant is expected to pay roughly \$220,200 for non-specimen trees and an additional \$7,200 for specimen tree removal. The applicant is also preserving a 52" live oak near the corner of Michael Blake Blvd and State Road 434/419.

(5) Whether the proposed site and final engineering plan and subdivision of land will have an adverse impact on historic, scenic, and cultural resources, including views and vistas, and loss or degradation of cultural and historic resources.

Analysis: The proposed site and final engineering plan will have no impact on historical resources. No additional scenic or cultural resources. Including scenic views or vistas, will be impacted by this site and final engineering plan.

(6) Whether the proposed site and final engineering plan and subdivision of land will have an adverse impact on public services, including water, sewer, stormwater and surface water management, police, fire, parks and recreation, streets, public transportation, marina and waterways, and bicycle and pedestrian facilities.

Analysis: City Staff have reviewed this project from a planning and engineering perspective. Staff did not find any adverse impact on any of the public services listed above. The City Public Works Department has confirmed available water and sewer capacity.

(7) Whether the site and final engineering plan and subdivision of land, and related traffic report and plan provided by the applicant, details safe and efficient means of ingress and egress into and out of the neighborhood and adequately addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, and traffic flow through immediate intersections and arterials.

Analysis: A traffic study was not required for this project, but will be required for future development on the site.

(8) Whether the proposed site and final engineering plan and subdivision of land will have an adverse impact on housing and social conditions, including variety of housing unit types and prices, and neighborhood quality.

Analysis: As a commercial project, the proposed site and final engineering plan will not have an adverse impact on the variety of housing unit types and prices. As for neighborhood quality, subject to the Conditions of Approval, the proposed site and final engineering plan development will not have an adverse impact on neighborhood quality.

(9) Whether the proposed site and final engineering plan and subdivision of land avoids significant adverse odor, emission, noise, glare, and vibration impacts on adjacent and surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements.

Analysis: Staff finds that proposed site and final engineering plan avoids significant adverse odor, emissions, noise, glare and vibration impacts on adjacent and surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements.

(10) Whether the applicant has provided an acceptable security plan for the proposed establishment to be located on the site and final engineering plan and subdivision of land that addresses the safety and security needs of the establishment and its users and employees and minimizes impacts on the neighborhood, if applicable.

Analysis: The safety and security of the site was not relevant to this site and final engineering plan as no structures are being built. These elements will be analyzed for all individual site plans submitted for the commercial frontage parcels and the future residential development.

(11) Whether the applicant has provided on the site and final engineering plan and subdivision of land an acceptable plan for the mass delivery of merchandise for new large footprint buildings (greater than twenty thousand (20,000) square feet) including the hours of operation for delivery trucks to come into and exit the property and surrounding neighborhood, if applicable.

Analysis: Not applicable. The project does not involve a large footprint building.

(12) Whether the applicant has demonstrated that the site and final engineering plan and subdivision of land have been designed to incorporate mitigative techniques and plans needed to prevent adverse impacts addressed in the criteria stated herein or to adjacent and surrounding uses and properties.

Analysis: Staff finds that subject to the Conditions of Approval, the site and final engineering plans have been designed to incorporate mitigative techniques and plans needed to prevent the adverse impacts mentioned in the criteria on adjacent and surrounding uses and properties.

(13) If the proposed conditional use is a residential use, whether the elementary, middle and high schools (K—12) that will be initially assigned to the residential project by the school district at the time the city commission considers final approval of the conditional use have both sufficient capacity, are in close proximity to the project so as to make each of the assigned schools accessible and convenient (e.g., walking distance, travel time, private and public transportation, and quality of route environment) to the majority of the school population that will be drawn from the project, and promote and support the integration of future residents of the project into the existing city of Winter Springs community in a sustainable manner.

Analysis: Not applicable. This is not a residential development.

(14) Whether the applicant has agreed to execute a binding development agreement required by city to incorporate the terms and conditions of approval deemed necessary by the city commission including, but not limited to, any mitigative techniques and plans required by City Code.

Analysis: The applicant has agreed to and is working on a binding development agreement with the City addressing terms and conditions deemed necessary by the City Commission. Please see Figure "6", Draft/Final Development Agreement.

Water and Sewer: Public Works & Utilities Department Staff have confirmed that sufficient water and sewer capacity exists for this project.

Stormwater:

Not applicable for this project as no drainage was proposed for this project. The infrastructure included for the development will tie into the existing stormwater pond. That stormwater system will be private and subject to the Declaration of Conditions, Covenants, Easements, and Restrictions as recorded in the Official Records of Seminole County (ORSC), Book 8871, Page 98, as amended by the First Amendment to the same, as recorded in ORSC, Book 8964, Page 1579. These documents govern the maintenance and cost allocations among properties in the Town Center.

Transportation:

Not applicable for this project as a traffic study was not required.

Parking:

Not applicable for this project as no parking is being provided with the street extension.

Aesthetic Review:

An Aesthetic Review was not applicable for this project as no buildings are part of the site plan.

Reports:

The Final Engineering submittal is required to include the following reports or updates of previously prepared reports for the same property.

Reports	
August 2, 2024	Environmental Report (Ex. "2")

Procedural History:	
June 11, 2024	Pre-Application Meeting
Not Required	Community Meeting
March 11, 2025	Arbor Application for Specimen Trees Removal
June 5, 2025	Planning & Zoning Board Recommendation on Final Engineering Site Plan, Waivers, Tree Removal Permit, and Development Agreement
June 23, 2025	City Commission Hearing on Final Engineering Site Plan, Waivers, Tree Removal Permit, and Development Agreement

Waiver Review: Pursuant to Section 20-34, Any real property owner may file a waiver application requesting a waiver(s) for their real property from any term and condition of this chapter (except from the list of permitted, conditional and prohibited uses set forth in any zoning district category). The Planning and Zoning Board shall be required to review all waiver applications and make a written recommendation to the City Commission. Such recommendation shall include the reasons for the board's recommendation and show the board has considered the applicable waiver criteria set forth and analyzed below. Upon receipt of the Planning and Zoning board's recommendation, the city commission shall make a final decision on the application. If the city commission determines that the planning and zoning board has not made a

recommendation on an application within a reasonable period, the city commission may, at its discretion, consider an application without the planning and zoning board's recommendation.

Waiver I: A waiver to the right-of-way width of Sec. 20-325(c)(4) to allow Sea Hawk Cove's extension to have a 62' right-of-way in lieu of a 60' right-of-way, which is the standard right-of-way distance for streets designated as a Town Center Street.

Waiver Review	
1.	<p>The applicant clearly demonstrates that the applicable term or condition clearly creates an illogical, impossible, impractical, or patently unreasonable result related to the proposed property and development.</p> <p>Analysis: Staff find that the applicant has demonstrated that the 62' width of the prior existing right-of-way on the west side of Michael Blake Boulevard necessitates a need for the extension to be consistent.</p>
2.	<p>The proposed development plan is in substantial compliance with this chapter and in compliance with the comprehensive plan.</p> <p>Analysis: Staff find that the proposed right-of-way width is substantially compliant with the Town Center right-of-way standard as a continuation of the existing right-of-way and is in compliance with the comprehensive plan.</p>
3.	<p>The proposed development plan will significantly enhance real property.</p> <p>Analysis: Staff find that the proposed site plan and extension will significantly enhance the real property by allowing access to the proposed coffee shop, day care, and future residences proposed in this development.</p>
4.	<p>The proposed development plan serves the public health, safety, and welfare.</p> <p>Analysis: Staff find that the extension of Sea Hawk Cove will serve the public health, safety, and welfare of area residents.</p>
5.	<p>The waiver will not diminish property values in or alter the essential character of the surrounding neighborhood.</p> <p>Analysis: Staff find that the waiver will not diminish property values or the essential character of the surrounding neighborhood. The Town Center is meant to be a mixed-use of commercial and residential to serve residents and visitors. The extension of Sea Hawk Cove will help to further this goal as the property is developed.</p>
6.	<p>The waiver granted is the minimum waiver that will eliminate or reduce the illogical, impossible, impractical, or patently unreasonable result caused by the applicable term or condition under this chapter.</p> <p>Analysis: Staff find that the waiver is the minimum waiver that will eliminate or reduce the illogical, impossible, impractical, or patently unreasonable result caused by the applicable term or condition under this</p>

	chapter. The design best suits traffic flow to the proposed commercial and residential uses to provide access.
7.	<p>The proposed development plan is compatible and harmonious with the surrounding neighborhood.</p> <p>Analysis: Staff find that the site plan is compatible with the surrounding Sea Hawk Cove development and with the Town Center.</p>
8.	<p>Whether the applicant has agreed to execute a binding development agreement required by the city to incorporate the terms and conditions of approval deemed necessary by the city commission including, but not limited to, any mitigative techniques and plans required by City Code.</p> <p>Analysis: The Applicant is working on and has agreed to a binding Development Agreement to incorporate terms and conditions deemed necessary by the City Commission.</p>

Waiver II: A waiver to the maximum lot dimensions requirement of Sec. 20-325(b)(2), T5 dimensional requirements to allow for lots to have widths and depths greater than what T5 permits, specifically:

1. Proposed Lot 1 to have a depth of 170.67 ft in lieu of 160 ft max.
2. Proposed Lot 1 to have a width of 356.65 ft in lieu of 180 ft max.
3. Proposed Lot 2 to have a depth of 170.67 ft in lieu of 160 ft max.
4. Proposed Lot 3 to have a depth of 232.12 ft instead of 160 ft max.
5. Proposed Lot 3 to have a width of 193.14 ft in lieu of 180 ft max.

Waiver Review	
1.	<p>The applicant clearly demonstrates that the applicable term or condition clearly creates an illogical, impossible, impractical, or patently unreasonable result related to the proposed property and development.</p> <p>Analysis: Staff find that the applicant clearly demonstrates that the applicable conditions create an illogical, impossible, impractical, or patently unreasonable result related to the proposed extension of Sea Hawk Cove and the proposed uses. The proposed uses necessitate a change in lot size to accommodate the commercial and residential characteristics.</p>
2.	<p>The proposed development plan is in substantial compliance with this chapter and in compliance with the comprehensive plan.</p> <p>Analysis: Staff find that the proposed lot sizes are substantially compliant with the Code requirements and the desired goals for the Town Center as described in the comprehensive plan. A proposed mixture of commercial and residential is what the Town Center was developed to provide and the proposed uses on the lots include townhomes, restaurants, and a day care that will cater to the needs of residents.</p>

3.	<p>The proposed development plan will significantly enhance the real property.</p> <p>Analysis: Staff find that the proposed uses on the lots will significantly enhance the real property by providing residential and commercial uses that will benefit the Town Center.</p>
4.	<p>The proposed development plan serves the public health, safety, and welfare.</p> <p>Analysis: Staff find that the plan services the public health, safety, and welfare. The proposed lots will permit the proposed uses that will increase the quality of life for residents and visitors.</p>
5.	<p>The waiver will not diminish property values in or alter the essential character of the surrounding neighborhood.</p> <p>Analysis: Staff find that the waiver will not diminish property values in or alter the essential character of the surrounding neighborhood. Instead, it will greatly enhance the development of the Town Center and add to the housing options and commercial services available to residents and visitors.</p>
6.	<p>The waiver granted is the minimum waiver that will eliminate or reduce the illogical, impossible, impractical, or patently unreasonable result caused by the applicable term or condition under this chapter.</p> <p>Analysis: Staff find that this waiver eliminate or reduce the illogical, impossible, impractical, or patently unreasonable result caused by the applicable conditions by allowing for the maximum lot sizes necessary to accommodate residential and commercial uses that will benefit the Town Center. Additionally, should Lot 1 be split again in the future, this will further bring the proposed lots into compliance with the size requirements of the Code.</p>
7.	<p>The proposed development plan is compatible and harmonious with the surrounding neighborhood.</p> <p>Analysis: Staff find that the proposed development plan is compatible and harmonious with the surrounding neighborhood. While proposed lots have dimensions larger than normal for the Town Center, they will accommodate uses that are desirable for the Town Center.</p>
8.	<p>Whether the applicant has agreed to execute a binding development agreement required by the city to incorporate the terms and conditions of approval deemed necessary by the city commission including, but not limited to, any mitigative techniques and plans required by City Code.</p> <p>Analysis: The Applicant is working on and has agreed to a binding Development Agreement to incorporate terms and conditions deemed necessary by the City Commission.</p>

FINAL PLAT CRITERIA, PER SEC. 9-10 OF THE CITY CODE:

- (a) The application is in compliance with the provisions of this chapter and applicable law.

Analysis: Staff believes the plat meets this criteria. The Final Plat is being requested in furtherance of the final engineering plans, which were reviewed for consistency with the City Code, and the proposed final plat is substantially in conformance with such plans. The City's surveyor has additionally performed a review of the proposed plat and found the plat to be in conformance with the requirements of Chapter 177, Florida Statutes.

- (b) The application is consistent with the City's comprehensive plan and applicable City master plans.

Analysis: The proposed plat would allow the subdivision of the subject property consistent with the City's Comprehensive Plan. The intent of the Town Center future land use category is to establish a vibrant "downtown" area in the heart of the City, based upon traditional neighborhood development (TND) standards which include mixed use development built on a pedestrian scale interconnected grid of streets and blocks. Typical uses that are encouraged include shops, personal and business services, grocery stores, restaurants, cinemas, hotels, offices, civic facilities, day care, and residential in various forms. Uses on site are in alignment with the City's comprehensive plan. The use of townhomes and a day care are permitted in the Town Center T-5 Transect as a conditional use. The Future Land Use Map (FLUM) depicts this site as Town Center and therefore the site is compliant with the FLUM.

- (c) The application is compatible and in harmony with the surrounding neighborhood including with respect to the size of existing surrounding lots and development trends in the neighborhood which have been previously approved by the City Commission.

Analysis: The site is located in the T-5 Transect of the Town Center District – the area of most intensive use in the city. The site is compatible with surrounding development in terms of intensity of uses.

- (d) The application does not create any lots, tracts of land, or developments that do not conform to the City Code.

Analysis: Staff believes the plat meets this criteria. The lot dimensions in the proposed final plat are part of a waiver being recommended for approval as part of the final engineering site plan.

- (e) The application does not create burdensome congestion on the streets and highways.

Analysis: The site does not create burdensome congestion on streets or highways, as adequate internal circulation has been provided to reduce possible congestion on SR 434 and Michael Blake Blvd. A traffic analysis will be performed to assess the impact of the proposed development in conjunction with the final engineering plans for the individual lots.

(f) The application promotes the orderly layout and use of land.

Analysis: The site promotes the orderly layout and use of land. There is appropriate separation between structures, landscaping to define sections of the larger site, and adequate internal circulation.

(g) The application provides for adequate light and air.

Analysis: The spacing of buildings ensures that there is adequate light and air both within the site and with respect to adjacent sites.

(h) The application does not create overcrowding of land.

Analysis: There is enough space on the lots to provide appropriate separation between buildings that prevents overcrowding of land.

(i) The application does not pose any significant harm to the adequate and economical provision of water, sewer, and other public services.

Analysis: This site does not pose any significant harm to the adequate and economical provision of water, sewer, and other public services. Adequate utility easements for public water lines are provided as referenced on the plat. In addition, utility easements are provided and dedicated to the public as referenced in the Declaration of Cross-Easements, as well as emergency inspection and maintenance easements over the private stormwater facilities in the development.

(j) The application provides for proper ingress and egress through a public or approved private street or perpetual cross access easements.

Analysis: There is appropriate and proper ingress and egress through access to . There is appropriate internal circulation through a series of internal streets.

Applicable Law, Public Policy, and Events:

[Florida Statutes 163.2511-163.3246: Growth Policy, County and Municipal Planning; Land Development Regulation](#) (Provides that land development regulations for municipal planning be consistent with the Comprehensive Plan).

Home Rule Powers

[Code of Ordinances City of Winter Springs.](#)

Section 20-1. Definitions.

Fiscal Impact:

The Fiscal Impact Report shall be reviewed and approved prior to the project being heard before the City Commission.

Development Agreement:

The Applicant is currently working with the City Attorney on the Development Agreement for the project. The Development Agreement shall be executed prior to any work on the project covered within this document.

STAFF RECOMMENDATION

On June 5, the Planning and Zoning Board held a public hearing and recommends that the City Commission approve the Site/Final Engineering, Final Plat, Waivers, Removal of Three (3) Specimen Trees, and Development Agreement, subject to the following conditions of approval:

1. Execution of the Development Agreement.
2. Mitigation of specimen and non-specimen tree removal per the Arbor Permit Application, ARBOR-2025-0210. The applicant shall be required to pay \$227,400 for the removal of the trees, including 3 specimen trees, prior to the issuance of the tree removal and land clearing permit.
3. Filing of a subdivision performance bond in a form acceptable to the City Attorney.
4. There shall be no retail sales, manufacturing, or compounding of any products derived from the hemp plant or cannabis plant, including CBD (cannabidiol).
5. All grass on the Property shall be Bahia grass. No St. Augustine grass or grass types with low drought tolerance shall be permitted.
6. Address all comments in the Surveyor's report within 30 days of City Commission approval.
7. Preservation of the 52" specimen oak tree at the corner of SR 434 and Michael Blake Blvd.

Attachments:

Figure "1" - Sea Hawk Cove Extension Plan Set
Figure "2" - Environmental and Wildlife Report
Exhibit "3" - Final Plat for Sea Hawk Cove
Exhibit "4"- Sea Hawk Cove Landscape Plan
Exhibit "5"- Sea Hawk Cove Tree Removal Plan
Exhibit "6"- Sea Hawk Cove Development Agreement
Exhibit "7"- Application for Final Engineering and Development Plan
Exhibit "8"- Application for Tree Removal

Exhibit "9"- Application for Final Plat
Exhibit "10"-Surveyor's Comments

06 24 2025 - Additional information provided and referenced by the legal rep for Tuskawilla Retail Partners II, LLC during Public Hearing Item 404 at the June 23, 2025 City Commission Regular Meeting

TAB - C
MISREPRESENTATIONS

Original Development Agreement terms:

DEVELOPMENT AGREEMENT

(Multi-family/Mixed Use Apartment Project – S.R. 434)

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and executed this 10th day of March, 2015 ("Effective Date"), by and between the **CITY OF WINTER SPRINGS**, a Florida municipal corporation (the "City"), whose address is 1126 East S.R. 434, Winter Springs, Florida 32708, and **WINTER SPRINGS HOLDINGS, INC.**, a Delaware corporation, ("Developer"), whose address is 900 Seventh Street NW, Washington, D.C. 20001.

WITNESSETH:

WHEREAS, Developer is the fee simple owner of certain real property currently located in the City of Winter Springs, Florida and within the Town Center, more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Property is subject to the City's specific Town Center Comprehensive Plan policies and land development codes ("Town Center Policies"); and

WHEREAS, Developer desires to construct a phased development project on the Property which is generally located on, and fronting, the north side of S.R. 434 and both sides of Michael Blake Boulevard that is keeping in the character of the Town Center Policies ("Project"); and

WHEREAS, the initial phase of the Project located west of Michael Blake Boulevard will consist of two or more residential apartment buildings and mixed use buildings ("Initial Phase"); and

First Modification terms:

**FIRST MODIFICATION
OF DEVELOPMENT AGREEMENT**

**(Multi-family/Mixed Use Apartment Project –
S.R. 434)**

THIS FIRST MODIFICATION OF DEVELOPMENT AGREEMENT (the "First Modification") is made and executed this 9th day of January, 2017 ("Effective Date"), by and between the **CITY OF WINTER SPRINGS**, a Florida municipal corporation (the "City"), whose address is 1126 East S.R. 434, Winter Springs, Florida 32708, and **WINTER SPRINGS HOLDINGS, INC.**, a Delaware corporation, ("Developer"), whose address is 900 Seventh Street NW, Washington, D.C. 20001.

WITNESSETH:

WHEREAS, Developer is the fee simple owner of certain real property currently located in the City of Winter Springs, Florida and within the Town Center, more particularly described in that certain Development Agreement, dated March 10, 2015, and recorded in the Official Records of Seminole County, Florida at Official Record Book 8446, Pages 1131-1144 ("Original Development Agreement"); and

WHEREAS, the City and Developer desire to set forth the following terms and conditions with respect to the development of the Property; and

(b) **Adjusted City Arbor Fee.** The City hereby agrees that the final adjusted City arbor fee for the Project shall be One Hundred Forty-Nine Thousand Six Hundred Sixty and No/100 Dollars (\$149,660.00) ("Arbor Fee"). The Arbor Fee is comprised of the following components:

Tree mitigation credits:	\$133,500
Specimen tree removal:	\$ 5,000
Arbor Permit:	\$ 11,160

Developer agrees to pay the Arbor Fee components to the City at such time said payment of each component is required by the City Code.

Developer Contributions via the Town Center project:

1. In 2017, Developer spent nearly \$2 million installing infrastructure for the entire Town Center:

- Roads
- Stormwater ponds
- Lift Station
- Utilities (installation and oversizing to allow future development)

The recorded Development Agreement makes clear that this work, including the arbor fee already paid, was intended to cover all current and future phases. Developer would not have undertaken that level of improvement otherwise.

2. Also in 2017, Developer paid the final arbor fee of \$149,660 as set out in the First Modification to the recorded Town Center Development Agreement.
3. The original Development Agreement has governed on previous requests to the city for this phase – including requests to develop more multi-family product which were denied.
4. The new tree mitigation fee of \$227,000 appeared after Developer had:
 - A staff approved site plan,
 - Secured financing, and
 - Executed contracts with end-users.
5. Adding a six-figure cost at this stage creates a significant hardship.

Public Benefit:

- This project represents \$50+ million of new development and will result in millions of dollars in incremental property and sales taxes for the City.
- Additionally, the community will benefit from additional neighborhood retail, services, and for-sale housing.
- Construction of Sea Hawk Cove at a cost of appx. \$1M

Requested Commission Motion

1. Primary request: Acknowledge the duplicative nature of the arbor fee and waive the additional \$227,000 tree-mitigation fee
2. Alternative request: If a full waiver is not feasible, reduce the fee by at least 50 % to match the original discount given to Developer and keep the project financially viable.
3. Given our contractual obligations to end users and project timing constraints, we need to move approval of the Development Agreement forward this evening.



GRANT MALOY, SEMINOLE COUNTY
CLERK OF CIRCUIT COURT & COMPTROLLER
BK 8852 Pgs 1719-1728 (10Pgs)
CLERK'S # 2017010582
RECORDED 01/31/2017 08:05:35 AM
RECORDING FEES \$86.50
RECORDED BY hdavore

**THIS INSTRUMENT WAS
PREPARED BY AND SHOULD BE
RETURNED TO:**

Anthony Garganese
City Attorney of Winter Springs
Garganese, Weiss &
D'Agresta, P.A. 111 N. Orange
Avenue, Suite 2000
Orlando, FL 32802
(407) 425-9566

FOR RECORDING DEPARTMENT USE
ONLY

**FIRST MODIFICATION
OF DEVELOPMENT AGREEMENT**

**(Multi-family/Mixed Use Apartment Project –
S.R. 434)**

THIS FIRST MODIFICATION OF DEVELOPMENT AGREEMENT (the "First Modification") is made and executed this 9th day of January, 2017 ("Effective Date"), by and between the **CITY OF WINTER SPRINGS**, a Florida municipal corporation (the "City"), whose address is 1126 East S.R. 434, Winter Springs, Florida 32708, and **WINTER SPRINGS HOLDINGS, INC.**, a Delaware corporation, ("Developer"), whose address is 900 Seventh Street NW, Washington, D.C. 20001.

WITNESSETH:

WHEREAS, Developer is the fee simple owner of certain real property currently located in the City of Winter Springs, Florida and within the Town Center, more particularly described in that certain Development Agreement, dated March 10, 2015, and recorded in the Official Records of Seminole County, Florida at Official Record Book 8446, Pages 1131-1144 ("Original Development Agreement"); and

WHEREAS, on December 14, 2015, the City Commission approved the final engineering plans submitted by the Developer for the Project, subject to a First Modification of Development Agreement which was approved by the City Commission ("Original First Modification"). A copy of said final engineering plans are on file at the City of Winter Springs

First Modification
Developer's Agreement
City of Winter Springs and Winter Springs Holdings, Inc.
Page 1 of 7

TAB-D 1st MOD P.A.

City Hall ("Final Engineering Plans"); and

WHEREAS, subsequent to the City Commission's approval of the Final Engineering Plans and the Original First Modification, Developer did not execute the Original First Modification and deliver it to the City; and

WHEREAS, the Parties now desire to amend the Original First Modification approved by the City Commission, and approve and execute this new version of the First Modification as a condition to the Final Engineering Plans and Aesthetic Review approved by the City Commission on December 14, 2015, as if this new First Modification was approved simultaneously with the Final Engineering Plans; and

WHEREAS, the City and Developer desire to set forth the following terms and conditions with respect to the development of the Property; and

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties mutually agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and are hereby incorporated herein by this reference including, but not limited to, the new definitions created in the parentheticals for the terms "First Modification," "Final Engineering Plans," and "Original Development Agreement." This First Modification shall be deemed a material part and condition of the Final Engineering Plans.

2. **Authority.** This Agreement is entered into pursuant to the Florida Municipal Home Rule Powers Act and pursuant to Section 20-321(b) (2) of the Town Center District Code.

3. **Project Obligations and Commitments.** In consideration of the City and Developer entering into this First Modification, the Developer and the City hereby agree as follows:

(a) **Improvements to the City Collector Road System.** The Final Engineering Plans depict improvements to Michael Blake Boulevard from S.R. 434 to the Cross-Seminole Trail, and Tree Swallow Drive from Tuskawilla Road to Michael Blake Boulevard. Both Michael Blake Boulevard and Tree Swallow Drive are City Collector Roads and are therefore eligible for Transportation Impact Fee Credits. Developer hereby agrees to construct Michael Blake Boulevard and Tree Swallow Drive, at its expense and as depicted on the approved Final Engineering Plans, which plans are described in further detail on Attachment "1" attached hereto, and which improvements include construction of roadway, stormwater, landscape and hardscape improvements (collectively, the "Roadway Improvements"), in exchange for an award from the City of Winter Springs transportation impact fee credits in a maximum amount of Six Hundred Twenty Thousand Four Hundred Thirty Seven and 41/100 Dollars (\$620,437.41) (the "Approved Transportation Impact Fee Credit"). The costs eligible for the Transportation Impact Fee Credit shall consist solely of the Developer's actual construction costs for the Roadway Improvements, plus construction of the S.R. 434 westbound right-turn deceleration lane at Michael Blake Boulevard. All construction expenditures eligible for

transportation impact fee credits shall be subject to approval by the City Engineer in advance of construction, with such approval not being unreasonably withheld or delayed. Any construction costs over the Approved Transportation Impact Fee Credit shall be the Developer's sole responsibility. Developer agrees to complete construction of the Roadway Improvements and the City shall accept construction thereof through its applicable site acceptance procedures, prior to the first certificate of occupancy being issued by the City for any apartment building. Prior to final acceptance, Developer shall provide the City with copies of all applicable invoices, receipts, proof of payments, lien releases, warranties, maintenance letters of credit, and all documentation necessary for the City Engineer's approval of the final amount of the Transportation Impact Fee Credit. The City shall not be responsible or liable for providing any transportation impact fee credit which cannot be properly and reasonably documented in writing. The Approved Transportation Impact Fee Credits are eligible to be applied first to the 283 multi-family units in the Initial Phase of the development project and thereafter, any remaining Approved Transportation Impact Fee Credits will be applied to any non-residential land uses first on the portion of the Property on which the Initial Phase will be constructed and then second to any non-residential land uses on the portion of the Property labeled as "Future Development" or "Commercial" on the Concept Plan east of Michael Blake Boulevard until said Credits are exhausted. Notwithstanding any of the foregoing, the Approved Transportation Impact Fee Credits shall expire five (5) years from the City Engineer's approval of the final amount of Approved Transportation Impact Fee Credit.

(b) **Adjusted City Arbor Fee.** The City hereby agrees that the final adjusted City arbor fee for the Project shall be One Hundred Forty-Nine Thousand Six Hundred Sixty and No/100 Dollars (\$149,660.00) ("Arbor Fee"). The Arbor Fee is comprised of the following components:

Tree mitigation credits:	\$133,500
Specimen tree removal:	\$ 5,000
Arbor Permit:	\$ 11,160

Developer agrees to pay the Arbor Fee components to the City at such time said payment of each component is required by the City Code.

(c) **Finished Floor Elevations.** The average finished floor elevations as depicted on the Final Engineering Plans are hereby deemed acceptable to the City and in compliance with the Town Center Code. The City acknowledges that the elevations vary depending on the building length and location and that some of the elevations are below and above the 24" requirement set forth in the Town Center Code. However, the City agrees that the overall average of the elevations complies with the intent and purpose of the Town Center Code requirement.

(d) **Balcony Restrictions.** The following covenant shall apply to all apartment balconies:

Balconies shall be kept clean and tidy at all times by occupants of the units in order to avoid visual clutter and nuisances. No noxious or offensive activities shall be carried on upon any balcony. Draping towels, clothing and other items over

balcony rails; storing junk or other non-patio type items upon balconies; storing flammable and combustible liquids; and the use of heat producing appliances including outdoor cooking devices shall be prohibited. Outdoor patio tables and chairs, plants, and small household decorative patio items shall be permissible.

The aforesaid shall be considered a minimum covenant and nothing herein shall prohibit the Developer and any on-site management company or Owner's Association required by Paragraph 3 (g) of the Original Development Agreement from adopting a more stringent balcony covenant. Further, nothing herein is intended to restrict or limit the enforcement of any applicable City Code. The developer or any on-site management company or Owner's Association shall be required to notify all occupants of units of this and any other applicable balcony covenant in writing at the commencement of each unit occupancy and as often as necessary to ensure compliance. In addition, the Developer or any on-site management company or Owner's Association shall strictly enforce the aforementioned balcony covenant and shall be liable to the City for failure to adequately enforce the covenant.

(e) **Conveyance of Real Property.** In consideration for the City agreeing to the terms and conditions stated herein, the sufficiency of which are hereby acknowledged by the Developer, the Developer agrees to convey, free and clear of all encumbrances, liens and mortgages, approximately 2.2 acres, more or less, of real property generally depicted as "civic/public area" on Attachment "2", which is attached hereto and fully incorporated herein by this reference (Conveyance Property) to be used for municipal purposes pursuant to the Town Center Code. Within sixty (60) days from the effective date of this First Modification, the Developer shall provide the City with an acceptable legal description of the Conveyance Property. The Developer recognizes and agrees that the southern boundary of the Conveyance Property, which shall be surveyed and legally described, shall also serve as the northern boundary of the future Tree Swallow Road depicted on the Final Engineering Plans. As such, the Developer shall ensure that the southern boundary of the Conveyance Property allows a sufficient amount of real property for the future Tree Swallow Road in accordance with the requirements of the City Code. Said conveyance shall occur by warranty deed within ninety (90) days from the date that the City receives the surveyed legal description required by this First Modification unless the closing time period is extended by mutual consent. The City Attorney will prepare the ordinary and customary closing documents required for the conveyance and the City will be responsible for all closing costs, except that the Developer shall be responsible for any costs related to clearing or remedying any defects of title or encumbrances deemed not reasonably acceptable to the City.

(f) **Decorative Regulatory Signage and Lighting.** Prior to the issuance of a certificate of completion and acceptance of the infrastructure, the Developer and the City shall enter into a separate Use and Maintenance Agreement outlining responsibilities related to the decorative street lights and signage required by the Final Engineering Plans, including, but not limited to, the cost differential between maintaining standard street lights and signs and the decorative street lighting and design requirements of the Town Center Plan. Said agreement shall substantially conform to the standard decorative street light and signage form agreement that was previously approved by the City Commission to be utilized on a citywide basis which shall be assignable and run with the land. The Developer acknowledges that if the subject Property is ever conveyed to a third party including, but not limited to, a condominium association, the Developer will assign the

Use and Maintenance Agreement to the third party for continuation of obligations related thereto which shall run with the land.

(g) **Number of Dwelling Units.** The approved Final Engineering Plans show 279 multi-family units. An additional four (4) multi-family units shall be permitted as part of the Initial Phase of development, subject to City staff review and approval, bringing the total number of multi-family units in the Initial Phase to 283. No additional multi-family units shall be permitted on the Property, and the terms "Commercial/Residential Mixed-Use" and "Residential/Multi-Use/Mixed-Use" are hereby deleted from the Concept Plan and replaced with "Commercial." A revised Concept Plan as set forth in Attachment "3" is hereby adopted and incorporated by reference herein.

(h) **Performance and Maintenance Security for Public Improvements.** The Developer will deliver to the City an original irrevocable Letter of Credit or cash escrow deposit ("Infrastructure LOC") in a dollar amount reasonably determined by the City, based on an estimate by a duly qualified engineer, to be financially sufficient to cover the cost of completion of all public infrastructure improvement within the Michael Blake Boulevard right-of-way, as required by the Final Engineering Plans, including, but not limited to, reconstructing portions of Michael Blake Boulevard, drainage facilities, sidewalks, water and sewer facilities and landscaping. The purpose of the Infrastructure LOC shall be to ensure that the Developer completes the construction and installation of the infrastructure in accordance with the requirements of the Final Engineering Plans. The Infrastructure LOC shall be delivered no later than the Developer commencing construction of the aforementioned public improvements. In addition, the Infrastructure LOC shall be maintained in good standing for the benefit of the City until the infrastructure is accepted by the City. Upon acceptance of the infrastructure by the City, the City shall promptly return the Infrastructure LOC to the Developer.

In addition, at such time the City accepts any and all of the public streets and infrastructure improvement associated with the Final Engineering Plans including, but not limited to, the improvements related to Michael Blake Boulevard, the Developer will deliver to the City an original irrevocable Letter of Credit or cash escrow deposit ("Maintenance LOC") in a dollar amount reasonably determined by the City, based on an estimate by a duly qualified engineer to be financially sufficient to cover the cost of maintenance of the required and installed public streets and improvements for two (2) years after the date of the completion and acceptance by the City. In addition, the Maintenance LOC shall be maintained in good standing for the benefit of the City until it is released by the City, less any applicable deductions related to maintenance costs incurred by the City, promptly at such time the two year period expires. The City reserves the right to require separate Maintenance LOCs if the public infrastructure is completed and accepted by the City in phases, and, if so required, each acceptance shall be subject to its own two year maintenance term.

4. All other terms of the Original Development Agreement not modified by the provisions of this First Modification shall remain in full force and effect.

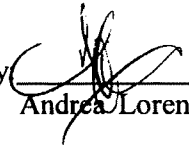
IN WITNESS WHEREOF, the parties have hereunto set their hands and seal on the

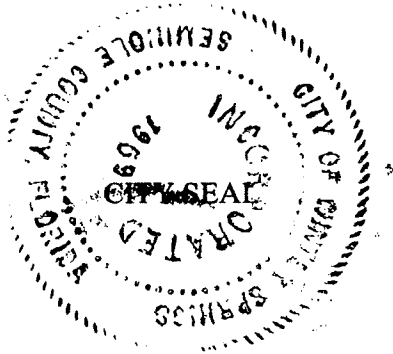
date first above written.

CITY OF WINTER SPRINGS

By: 
Charles Lacey, Mayor


ATTEST:

By: 
Andrea Lorenzo Luaces, City Clerk



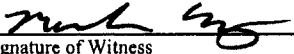
APPROVED AS TO FORM AND LEGALITY
For the use and reliance of the City of Winter
Springs, Florida, only.


Dated: 1/27/17

By: 
Anthony Garganese, City Attorney for
the City of Winter Springs, Florida

[Signature blocks continued on following page.]

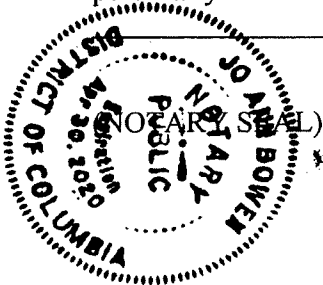
Signed, sealed and delivered in the presence of the following witnesses:


Signature of Witness
MICHAEL ELAZAR
Printed Name of Witness

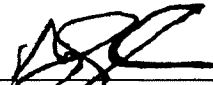

Signature of Witness
Joseph E. Bender
Printed Name of Witness


DISTRICT OF COLUMBIA

The foregoing instrument was acknowledged before me this 23rd day of December, 2016, by Paul Saylor of CS Capital Management, Inc., an authorized signatory for Winter Springs Holdings, Inc., a Delaware Corporation, on behalf of said corporation. He is personally known to me or produced _____ as identification.



**WINTER SPRINGS HOLDINGS, INC., a
Delaware corporation
By: CS Capital Management, Inc., its authorized
signatory**

By: 
Print Name: Paul H. Saylor
Title: CEO

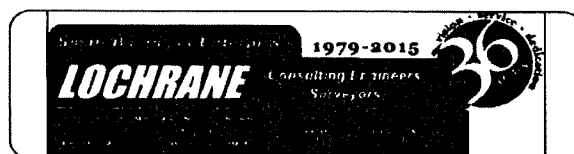
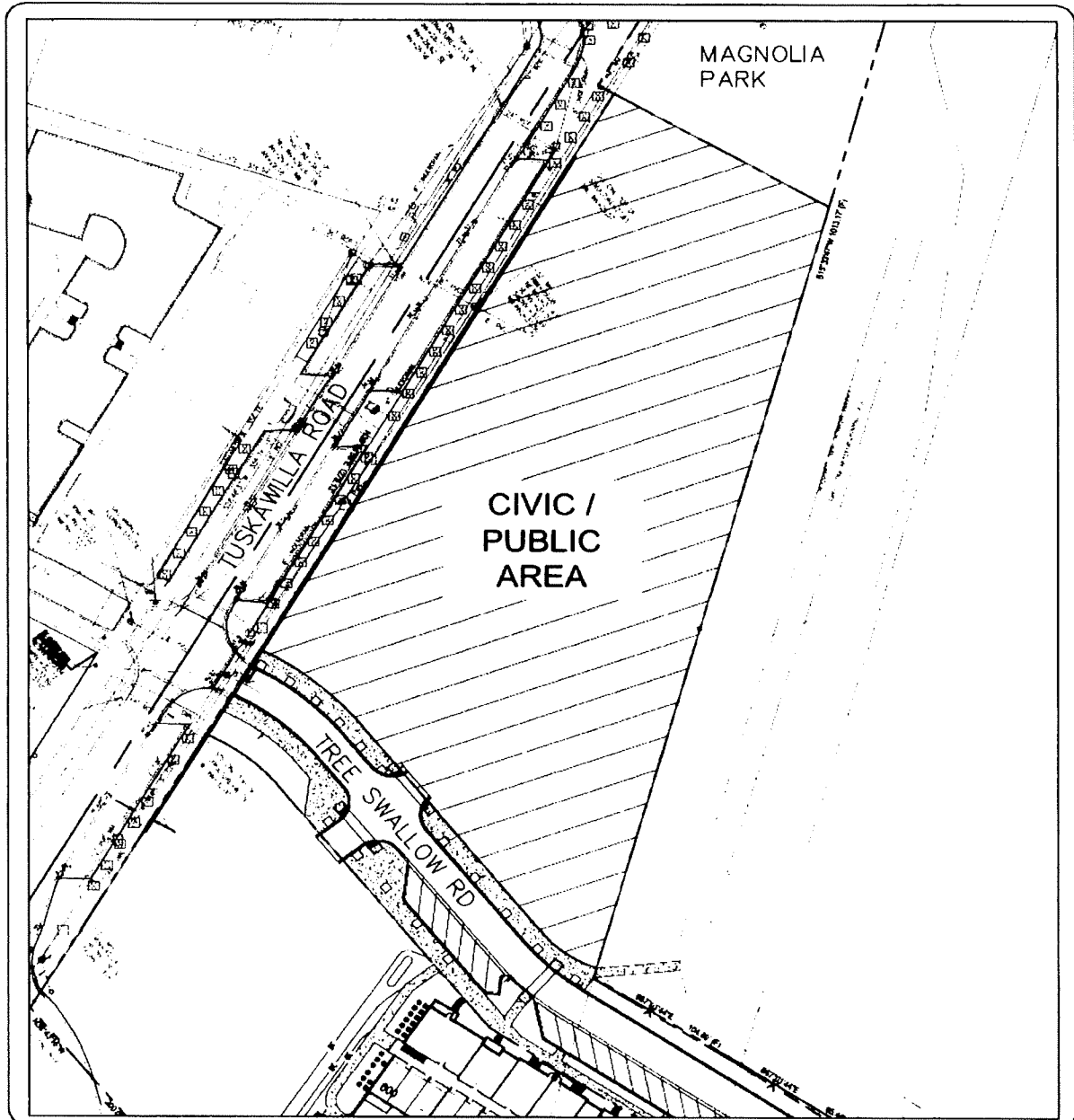

(Notary Public Signature)

(Print Name) **Jo Ann Bowen**
Notary Public, District of Columbia
My Commission Expires 4/30/2020
Notary Public, State of _____
Commission No.: _____
My Commission Expires: _____

ATTACHMENT "1":
Final Engineering Plan Sheets

Winter Springs Apartments Plan Sheet No.	Revision Date	S/S Date
C1.0 COVER SHEET	11/19/15	11/19/15
C2.0 DEMOLITION PLAN	11/19/15	11/19/15
C3.0 SWPPP PHASE 1 PLAN	10/13/15	11/19/15
C4.0 SWPPP PHASE 2 PLAN	11/19/15	11/19/15
C5.0 SWPPP DETAILS & NOTES	10/13/15	11/19/15
C6.0 MASTER SITE LAYOUT PLAN	11/19/15	11/19/15
C6.1 ROUNDABOUT SIGNAGE AND DETAILS	10/13/15	11/19/15
C6.2 TRUCK ACCESS PLAN	11/19/15	11/19/15
C7.0 SITE PLAN – WEST	11/19/15	11/19/15
C8.0 SITE PLAN – EAST	11/19/15	11/19/15
C9.0 SITE PLAN – NORTH	11/19/15	11/19/15
C10.0 GRADING PLAN – WEST	11/19/15	11/19/15
C11.0 GRADING PLAN – EAST	11/19/15	11/19/15
C12.0 GRADING PLAN – NORTH	11/19/15	11/19/15
C13.0 MASTER UTILITY PLAN	10/13/15	11/19/15
C13.1 WATER SERVICES DETAIL PLAN	11/19/15	11/19/15
C14.0 UTILITY PLAN – WEST	11/19/15	11/19/15
C15.0 UTILITY PLAN – EAST	11/19/15	11/19/15
C16.0 UTILITY PLAN – NORTH	10/13/15	11/19/15
C17.0 PLAN AND PROFILE SHEET 1 – TREE SWALLOW ROAD	11/19/15	11/19/15
C18.0 PLAN AND PROFILE SHEET 2 – TREE SWALLOW ROAD	11/19/15	11/19/15
C19.0 PLAN AND PROFILE SHEET 3 – TREE SWALLOW ROAD	11/19/15	11/19/15
C20.0 PLAN AND PROFILE SHEET 1 – MICHAEL BLAKE BLVD.	11/19/15	11/19/15
C21.0 PLAN AND PROFILE SHEET 2 – MICHAEL BLAKE BLVD.	11/19/15	11/19/15
C22.0 PLAN AND PROFILE SHEET 1 – PERIMETER ROAD	11/19/15	11/19/15
C23.0 PLAN AND PROFILE SHEET 2 – PERIMETER ROAD	11/19/15	11/19/15
C24.0 PLAN AND PROFILE SHEET 3 – PERIMETER ROAD	11/19/15	11/19/15
C25.0 SWALE PLAN	11/19/15	11/19/15
C26.0 STORMWATER POND SHEET	11/19/15	11/19/15
C27.0 LIFT STATION DETAIL	10/13/15	11/19/15
C28.0 WATER DETAILS	11/19/15	11/19/15
C29.0 SANITARY SEWER DETAILS	10/13/15	11/19/15
C30.0 GENERAL SHEET DETAIL SHEET 1	11/19/15	11/19/15
C31.0 GENERAL SHEET DETAIL SHEET 2	10/13/15	11/19/15
C32.0 PERIMETER ROAD CONSTRUCTION MOT PLAN	11/19/15	11/19/15

ATTACHMENT "2":
Legal Description

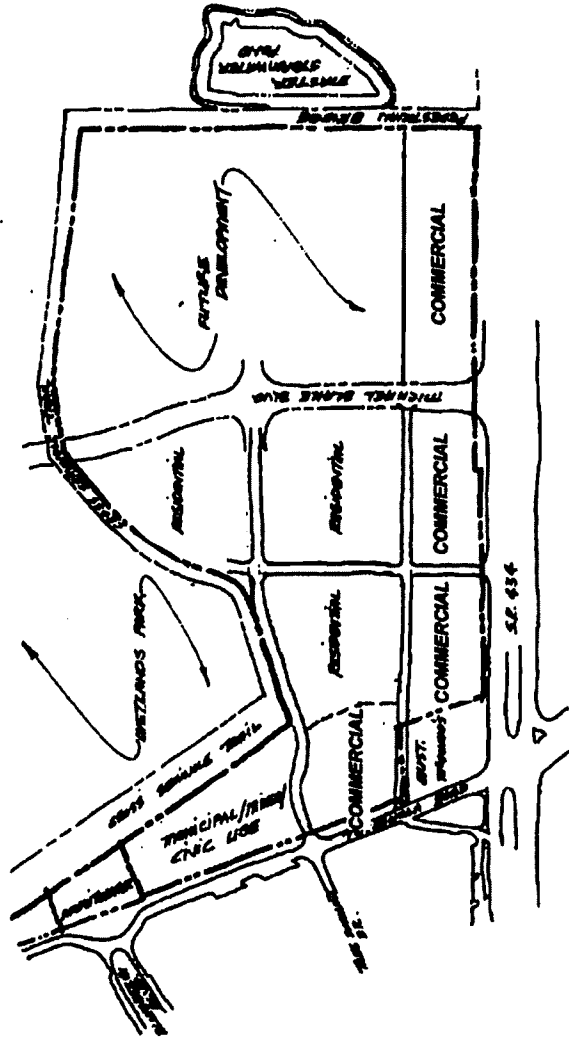


WSTC PHASE II
CIVIC / PUBLIC AREA
WINTER SPRINGS APARTMENTS
WINTER SPRINGS HOLDINGS, INC
WINTER SPRINGS, FL

JOB NO: 13034
DATE: 12/09/15
BY: FAP
SCALE: NTS

Attachment "3": Revised Pollack Shores Concept Plan

1. THE CITY DEPARTMENT OF
FOR CONSIDERING



APPROX. SCALE: 1" = 100'

↑ NORTH

NOTE: "EXISTING" AS SHOWN ON THE CHART
PLAN SHOWS EXISTING - SEE
SECTION 2(4) OF THE ATTACHMENT

POLLACK SHORES CONCEPT PLAN

COMMISSION AGENDA

ITEM 505

Informational	
Consent	
Public Hearings	X
Regular	

December 14, 2015

KL

RS

Regular Meeting

City Manager

Department

REQUEST:

The Community Development Department – Planning Division requests the City Commission consider approval of: 1) Preliminary/Final Engineering Plan, 2) Aesthetic Review, and 3) the First Modification of the Development Agreement for a total of 279 multi-family units located on the east side of Tusawilla Road, north of SR 434 and west of Michael Blake Boulevard.

SYNOPSIS:

The applicant is requesting approval of a Preliminary/Final Engineering Plan and Aesthetic Review for an apartment community containing 279 units. The subject property is located in the T5 zone (Urban Center Zone) of the Town Center. Multifamily uses such as apartments are a permitted use in the T5 zone of the Town Center. A Concept Plan and Development Agreement was approved by the City Commission on February 9, 2015 which permits a maximum of 300 apartment units on the property. The Preliminary/Final Engineering Plan has been designed in accordance with the approved Concept Plan and Development Agreement.

CONSIDERATIONS:

APPLICANT AND PROPERTY INFORMATION:

- Applicant name and address and authorized representative: CS Capital Management, Inc./ Whitaker Capital, LLC. 3525 Piedmont Road, 7 Piedmont Center, Suite 300, Atlanta, GA 30305. Brian Love, authorized representative

TAB-E ITEM 505
POLLACK SHORES APTS

- Property owner's name(s): Winter Springs Holdings, LLC.
- Property addresses: No address issued
- Property Parcel ID number: 26-20-30-5AR-0A00-0070
- Current FLUM Designations: Town Center
- Current Zoning Designations: Town Center T5 (Urban Center Zone)
- Previously Approved Development permits such as conditional use, waiver, or variance (if any): None
- Development Agreements (if any): Development Agreement between the City of Winter Springs and Winter Springs Holdings, Inc. Book 8446/Page 1131-1144, approved February 9, 2015, executed March 10, 2015.
- Pending Code Enforcement Actions (if any): No known pending Code Enforcement actions
- City Liens (if any): No known liens

APPLICABLE LAW, PUBLIC POLICY, AND EVENTS

Home Rule Powers

Florida Statutes

City of Winter Springs Comprehensive Plan - Future Land Use Element

GOAL 2: *Town Center*. The City seeks to create a Town Center based upon traditional design standards for development that will become the identifying focus of the City's downtown and contribute to an increased and diversified tax base for the City. The primary purpose of the Town Center shall be to create an economically successful, vibrant, aesthetic, compact, multimodal, diverse, mixed use (including horizontal and vertical integration of uses) neo-traditional urban environment, designed on a pedestrian scale and with a pedestrian orientation. The Town Center is to be a place where people can reside in a mix of single and multiple family dwellings, work, gather to shop, relax, recreate, be entertained, attend community events, and enjoy the natural beauty of lands located in the Town Center. The Town Center should be created through public and private investment and development.

Policy 2.2.4: *Mixed Uses*. Permit a variety of mixed uses consistent, compatible, and in harmony with the Town Center Goal and the Town Center District Code, including single family residential, multiple family residential, commercial retail and services, public services and buildings, parks, and schools, through the enactment of creative and flexible land development regulations. (Ord. 2012-05)

Policy 2.2.6: *Residential Density*. Support the desired commercial activity and urban character desired for the Town Center by encouraging high density residential development consistent with the Town Center Goal and Town Center District Code and encourage a minimum average residential density of seven (7) units per acre, unless the type of unit would warrant a lesser density while still meeting the intent of the Town Center District Code. (Ord. 2012-05)

Policy 2.2.8: *Intensity.* Encourage higher intensity development in the Town Center subject to the Town Center District Code. (Ord. 2012-05)

Policy 2.3.3: *Fiscal Impacts of Development.* Ensure that City policies, regulations, and decision making processes not only consider Town Center design planning impacts, but also consider whether proposed new development will have a positive and acceptable economic and fiscal impact on the City. In furtherance of this policy, the City Commission shall require (unless otherwise exempted by land development regulation), as a condition of considering the approval or denial of a development project, that developers provide a written economic and fiscal impact report, prepared by a duly qualified expert, that details the associated economic and fiscal impacts of any proposed new development project on the City and the School District. Although the City recognizes that some projects will have a regional economic and fiscal impact as well, said report shall predominantly address the economic and fiscal impacts on the Town Center and the City of Winter Springs as its own economic system. The economic impact analysis portion of the report shall address the impacts of the proposed project on jobs, economic output, and wages. The fiscal impact analysis portion shall pertain to the net fiscal impact of the project over a period of years which is the sum of those revenues (such as ad valorem taxes, public service taxes, sales taxes, and charges for service) directly received by the City minus the sum of expenditures incurred by the City (such as general government expenses, law enforcement, roads, and parks and recreation). (Ord. 2012-05)

Policy 2.3.4: Compatibility and Optimization of Tax Base. For purpose of determining whether a project has a positive and acceptable economic and fiscal impact on the City pursuant to Policy 2.3.3, the developer shall be required to demonstrate through its written economic and fiscal impact report that the project is in compliance with the following objective criteria:

(1) The proposed project and associated land use is not only a permitted use within the applicable zoning transect, but is also compatible under existing conditions (existing, permitted, or master-planned development) at the proposed location with other adjacent or nearby land uses within the Town Center and any established surrounding neighborhoods.

(2) The market demand for the proposed project is at least minimally feasible based on current market data including, but not limited to, data set forth in any economic development study conducted by the City.

(3) Provided said project is first deemed compatible from a land use perspective under criteria (1) and market demand is deemed minimally feasible under criteria (2), the proposed project optimally increases and diversifies the City's tax base and economic well-being. With respect to the phrase "optimally increases," the proposed project's economic and fiscal impact shall be required to be the best result obtainable for the City under current economic and land use conditions. In furtherance of determining consistency with this provision, the developer's written economic and fiscal impact report shall analyze and compare the proposed project to either the City's preferred project or projects for the subject location as may be expressly set forth in the City's Town Center Master Plan or economic development study conducted pursuant to Policy 2.3.2, or if the plan or study does not so expressly provide, to a reasonable array of other potential alternative compatible projects authorized in the applicable zoning transect for the subject project location. Furthermore, the term "diversifies" means the extent that the proposed project reduces the City's reliance upon a residential tax base to fund the City's fiscal budget. Additionally, if the proposed project is a commercial project, the extent that the proposed project also provides different and needed services and jobs to the Town Center and the City.

(4) Such other criteria set forth in the City's land development regulations. (Ord. 2012-05)

Policy 2.3.7: *Quality of Life*. Strive to improve the quality of life of Winter Springs' residents by encouraging an increased number and variety of thriving commercial businesses that are supported and complimented by high-end residential projects located in the Town Center.

City of Winter Springs Comprehensive Plan - Housing Element

Policy 1.1.15: Support the desired commercial activity and urban character desired for the Town Center by encouraging high density residential development subject to the Town Center District Code. (Cross Reference: Future Land Use Element, Policy 2.2.6); (Ord. 2012-05)

Winter Springs Town Center District Code

DISCUSSION:

Preliminary/Final Engineering Plan

Prior to the approval of the Concept Plan and Development Agreement at the February 9, 2015 City Commission meeting, the applicant proposed a Concept Plan for a thirteen building apartment complex that would be developed into a total of 338 units on 13.9 acres at the northeast corner of the intersection of Michael Blake Boulevard and SR 434. On August 21, 2014 and December 2, 2014, the applicant held meetings with concerned citizens to solicit their input on the proposed design. As a result of these meetings two site layouts were proposed but no consensus could be reached between the applicant and the citizens on the proposed design of the project. With this impasse in mind and taking certain comments from the citizens group into consideration, City Staff and the applicant proposed a new layout and relocation of the project to a portion of the property under the applicants ownership that is west of the intersection of Michael Blake Boulevard and SR 434, specifically on the east side of Tuskawilla Road behind the McDonalds restaurant. On February 9, 2015, the City Commission approved a Concept Plan and Development Agreement for the subject property based upon the above proposal which consists of commercial, mixed use buildings and apartment buildings located in the T5 zone (Urban Center Zone) of the Town Center. Multifamily uses such as apartments are a permitted use in the T5 zone of the Town Center.

The design configuration depicted on the Preliminary/Final Engineering Plan is consistent with the approved Concept Plan and Development Agreement. Vehicular access to the site is proposed via Michael Blake Boulevard, two proposed "Town Center Streets", and Tuskawilla Road. The property will be divided into six blocks. As noted on the approved Concept Plan and in the approved Development Agreement, the developer has agreed to reserve blocks 4, 5, and 6 for mixed use and/or commercial development. One of the "Town Center Streets" that will be created will be the extension of Tree Swallow Boulevard that will be constructed across the middle portion of the property. Per the terms of the approved Development Agreement, this project is the only standalone multi-family residential project permitted to be developed on the entire property located north of S.R. 434, south of the Cross Seminole Trail, east of Tuskawilla Road, and west of the pedestrian trail bridge. In the event other multi-family projects are proposed on the remaining portions of the property, the units shall be incorporated into a mixed use development.

A roundabout will be constructed at the proposed intersection of Michael Blake Boulevard

and Tree Swallow Drive that is proposed to run in an east/west direction across the property. The roundabout at this location was previously approved by the City Commission as part of the Michael Blake Boulevard project; however, construction of the roundabout was deferred until development of the surrounding land. The eastern end of the roundabout will be appropriately stubbed out to allow for the future continuation of Tree Swallow Drive to the east. Parking will be provided in accordance with Town Center design standards behind the proposed buildings and on each of the streets that are proposed for construction. Additionally, tandem parking will be provided within garages that will be constructed on the first floor of several of the building types. The buildings will be setback from property lines consistent with the setbacks that are required in the T5 (Urban Center Zone) of the Town Center, which range between zero and eight feet along front property lines, and will be oriented toward the street frontages. This setback range and design configuration is reflective of historic downtown layouts throughout the United States.

As noted on the approved Concept Plan and in the approved Development Agreement, a wet detention pond is proposed on the east side of the Cross Seminole Trail pedestrian bridge that will serve the development. This wet detention pond was previously designed and permitted as a master wet detention pond to serve the Town Center Phase II project. The pond is sized to handle stormwater runoff from the entire undeveloped portion of the Town Center Phase II property.

The Preliminary/Final Engineering Plan is consistent with the approved Concept Plan and Development Agreement, and is in compliance with all applicable policies of the Comprehensive Plan and all applicable requirements of the City Code of Ordinances and the Town Center District Code.

Aesthetic Review

The attached Aesthetic Review package includes all of the submittal requirements for aesthetic review as set forth in Section 9-600 through 9-607 and include the following: (a) a site plan; (b) elevations illustrating all sides of structures facing public streets or spaces; (c) illustrations of all walls, fences, and other accessory structures and the indication of height and their associated materials; (d) elevation of proposed exterior permanent signs or other constructed elements other than habitable space, if any; (e) illustrations of materials, texture, and colors to be used on all buildings, accessory structures, exterior signs; and (f) other architectural and engineering data as may be required. The procedures for review and approval are set forth in Section 9-603.

The City Commission may approve, approve with conditions, or disapprove the application only after consideration of whether the following criteria have been satisfied:

(1) The plans and specifications of the proposed project indicate that the setting, landscaping, proportions, materials, colors, textures, scale, unity, balance, rhythm, contrast, and simplicity are coordinated in a harmonious manner relevant to the particular proposal, surrounding area and cultural character of the community.

The project is located in the T5 (Urban Center Zone) of the Town Center. The design of the proposed units are consistent with the architectural design guidelines noted in the Town Center District Code and with the architectural elevations that were included as an exhibit to the approved Development Agreement. Architectural design elements such as cementitious lap siding, cementitious batten board, vinyl windows, and aluminum coping are provided. Expression lines are provided to

demonstrate a separation from the first and second floors and to help break up blank expanses on the façades. The architecture is complementary to the diverse styles of architecture that have been provided in the City and in the Town Center.

(2) The plans for the proposed project are in harmony with any future development which has been formally approved by the City within the surrounding area.

The design of the proposed units are characteristic of the architecture that is provided citywide and is in harmony with the surrounding residential and commercial developments in the Town Center. Additionally, the elevations are consistent with the elevations that were included as an exhibit to the approved Development Agreement.

(3) The plans for the proposed project are not excessively similar or dissimilar to any other building, structure or sign which is either fully constructed, permitted but not fully constructed, or included on the same permit application, and facing upon the same or intersecting street within five hundred (500) feet of the proposed site, with respect to one or more of the following features of exterior design and appearance:

- A. Front or side elevations,
- B. Size and arrangement of elevation facing the street, including reverse arrangement,
- C. Other significant features of design such as, but not limited to: materials, roof line, hardscape improvements, and height or design elements.

The proposed units are designed to contribute to the quality architectural styles that are typical of the Town Center and the City of Winter Springs. This project represents a positive addition to the Town Center and to the City of Winter Springs. Significant design features includes architectural design elements such as cementitious lap siding, cementitious batten board, vinyl windows, and aluminum coping. Expression lines are provided to demonstrate a separation from the first and second floors and to help break up blank expanses on the façades. The architecture is consistent with the architectural elevations that were included as an exhibit to the approved Development Agreement.

(4) The plans for the proposed project are in harmony with, or significantly enhance, the established character of other buildings, structures or signs in the surrounding area with respect to architectural specifications and design features deemed significant based upon commonly accepted architectural principles of the local community.

The proposed project enhances the character and overall aesthetics of the Town Center and the surrounding area. The Town Center and the City of Winter Springs are comprised of diverse architectural styles and, therefore, the proposed project represents a positive addition to the City.

(5) The proposed project is consistent and compatible with the intent and purpose of this Article, the Comprehensive Plan for Winter Springs, design criteria adopted by the city (e.g. Town Center guidelines, SR 434 design specifications) and other applicable federal state or local laws.

The proposed project is consistent and compatible with the Comprehensive Plan and the design specifications and architectural styles that are noted in the Town Center District Code and with the architectural elevations that were included as an exhibit to the approved Development Agreement. The final architectural plans will be reviewed

for compliance with all building code criteria.

(6) The proposed project has incorporated significant architectural enhancements such as concrete masonry units with stucco, marble, termite-resistant wood, wrought iron, brick, columns and piers, porches, arches, fountains, planting areas, display windows, and other distinctive design detailing and promoting the character of the community.

The project has incorporated a number of features such as cementitious lap siding, cementitious batten board, vinyl windows, and aluminum coping. Expression lines are provided to demonstrate a separation from the first and second floors and to help break up blank expanses on the façades. The architecture is consistent with the architectural elevations that were included as an exhibit to the approved Development Agreement. The project provides distinctive design details that promote the character of the Town Center and the City of Winter Springs.

FISCAL IMPACT:

Development of the property will provide an increase in taxable value to the City, and will provide additional population in the Town Center which will increase the Town Center's demographic base and strengthen the support for business and future commercial development within the Town Center. Per Policy 2.3.3 of the Future Land Use Element of the Comprehensive Plan, a fiscal impact analysis is provided.

COMMUNICATION EFFORTS:

This Agenda Item has been electronically forwarded to the Mayor and City Commission, City Manager, City Attorney/Staff, and is available on the City's Website, LaserFiche, and the City's Server. Additionally, portions of this Agenda Item are typed verbatim on the respective Meeting Agenda which has also been electronically forwarded to the individuals noted above, and which is also available on the City's Website, LaserFiche, and the City's Server; has been sent to applicable City Staff, Media/Press Representatives who have requested Agendas/Agenda Item information, Homeowner's Associations/Representatives on file with the City, and all individuals who have requested such information. This information has also been posted outside City Hall, posted inside City Hall with additional copies available for the General Public, and posted at five (5) different locations around the City. Furthermore, this information is also available to any individual requestors. City Staff is always willing to discuss this Agenda Item or any Agenda Item with any interested individuals.

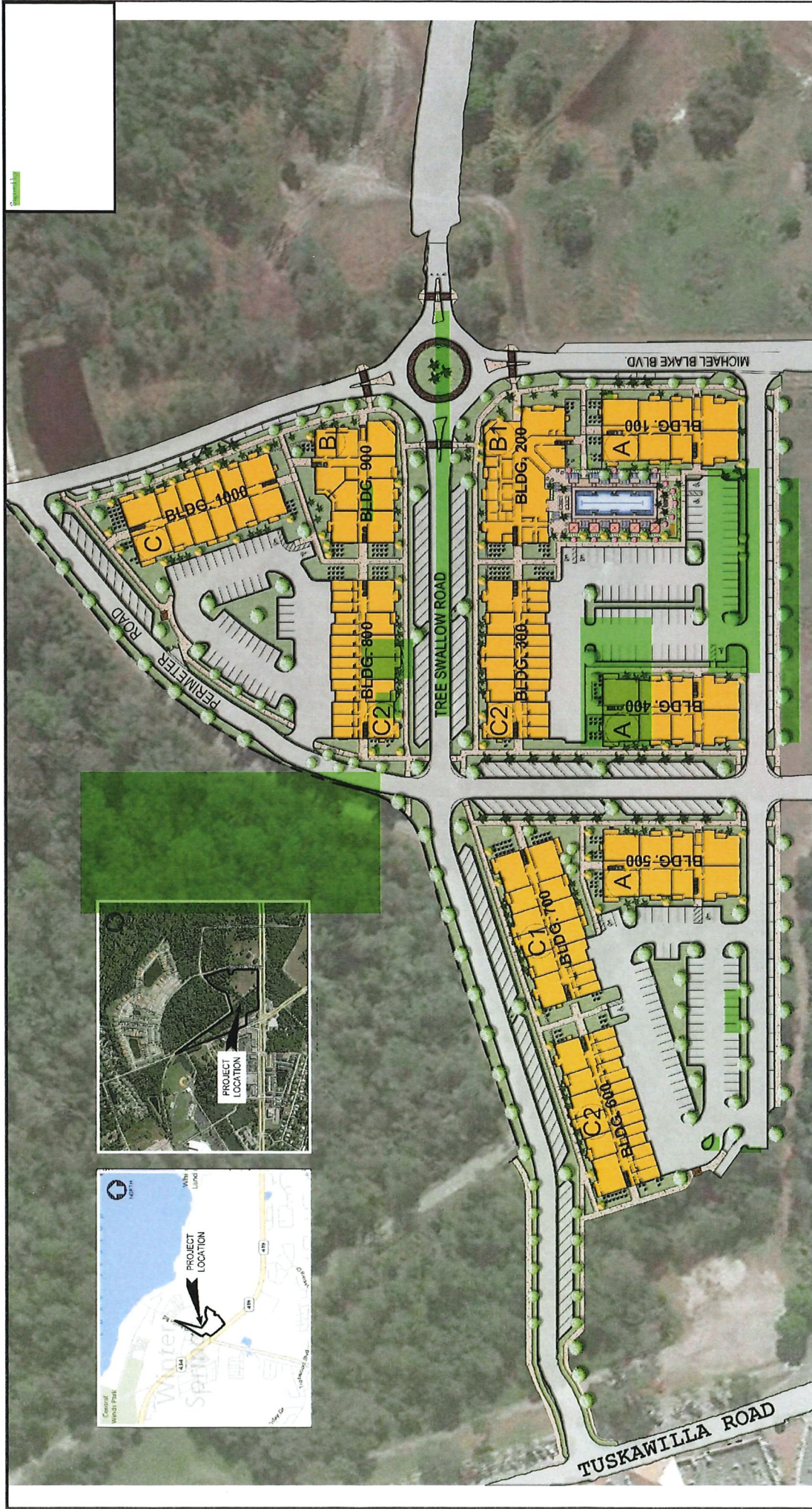
RECOMMENDATION:

Staff and the Planning & Zoning Board recommend approval of: 1) Preliminary/Final Engineering Plan, 2) Aesthetic Review, and 3) the First Modification of the Development Agreement for a total of 279 multi-family units located on the east side of Tuskawilla Road, north of SR 434 and west of Michael Blake Boulevard.

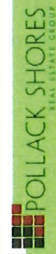
ATTACHMENTS:

- A. Preliminary/Final Engineering Plan
- B. Aesthetic Review

- C. Fiscal impact analysis
- D. Development Agreement - February 9, 2015
- E. First Modification of Development Agreement
- F. Minutes - December 2, 2015 Planning & Zoning Board meeting
- G. Comments, Engineering Department



IBEW PENSION BENEFIT FUND /
WINTERS SPRINGS HOLDINGS, INC.



SITE PLAN
SCALE 1" = 100'-0"

WINTER SPRINGS APARTMENTS

WINTER SPRINGS, FL



THE PRESTON
PARTNERSHIP, LLC

Kevin McCann

From: Randy Stevenson <rstenenson@winterspringsfl.org>
Sent: Friday, December 4, 2015 4:29 PM
To: Anthony A. Garganese
Cc: Shawn Boyle; Amanda Webb; Bobby Howell; Brian Fields; Kip Lockcuff
Subject: Pollack Shores arbor details

Anthony,

As we discussed this morning, the following summarizes the City's current position on the arbor fees for the Pollack Shores project. Brian Fields will respond via a separate email on the transportation impact fees.

Arbor fees:

Original estimate of arbor fees based on the tree survey provided by the applicant: 170 trees/acre X 6.45 acres = 1,097 trees in the project area (average tree size on site equates to 2 replacement credits for each tree) or 2,194 replacement credits

Replacement credits from the ACOE work on the east side of MB Blvd.: 213 replacement credits

Total replacement credits and arbor fees due: $2,194 + 213 = 2407$ (\$250) = **\$601,750**

Adjustment #1

The tree list from the survey was reviewed and all camphor trees, laurel oaks, and dead trees were removed from the list, resulting in a new total of 160 trees/acre

160 trees/acre X 6.45 acres = 1032 trees (times 2 = 2,064 replacement credits)

$2,064 + 213$ (from the ACOE work) = 2,277 replacement credits (\$250) = **\$569,250**

Adjustment #2

Utilizing an aerial photograph, the area of the site covered in tree canopy was estimated to be 79% of the total 6.45 acre property

$$6.45 \text{ acres} (.79) = 5.1 \text{ acres}$$

$$5.1 \text{ acres} \times 160 \text{ trees/acre} = 815 \text{ replacement credits (time 2} = 1,630 \text{ replacement credits)}$$

$$1,630 + 213 \text{ (from ACOE work)} = 1,843 \text{ replacement credits (\$250)} = \text{\$460,750}$$

Adjustment #3

Credits for trees to be planted on site as part of the project landscape plan: 740 tree replacement credits

$$1,843 - 740 = 1,103 \text{ replacement credits (\$250)} = \text{\$275,750 final number}$$

Anthony,

This is different than the \$222,500 final number we discussed this morning because I forgot to add the 213 replacement credits for the ACOE work back into the final number.

Also, we need to add language to the DA that addresses the average finished floor elevation of the buildings. Much like the RiZE, the longer buildings contained in Pollack Shores meet the 24 " above grade for the finished floor based upon an average and staff has determined that the final engineering plans contain the finished floor elevations to meet this requirement. We need to add the following language to the Pollack Shores DA to memorialize this methodology. I would suggest the following language:

The finished floor elevations as depicted on the final engineering plans vary depending on the building length and location but are considered to be in compliance with the Town Center Code requirement that residential finished floor elevations be 24" above the surrounding grade. While some finished floor elevations are below the 24" requirement, others are well above this requirement and the average of these elevations meets the 24" requirement.

Randy Stevenson, ASLA, AICP

Community Development Director

City of Winter Springs

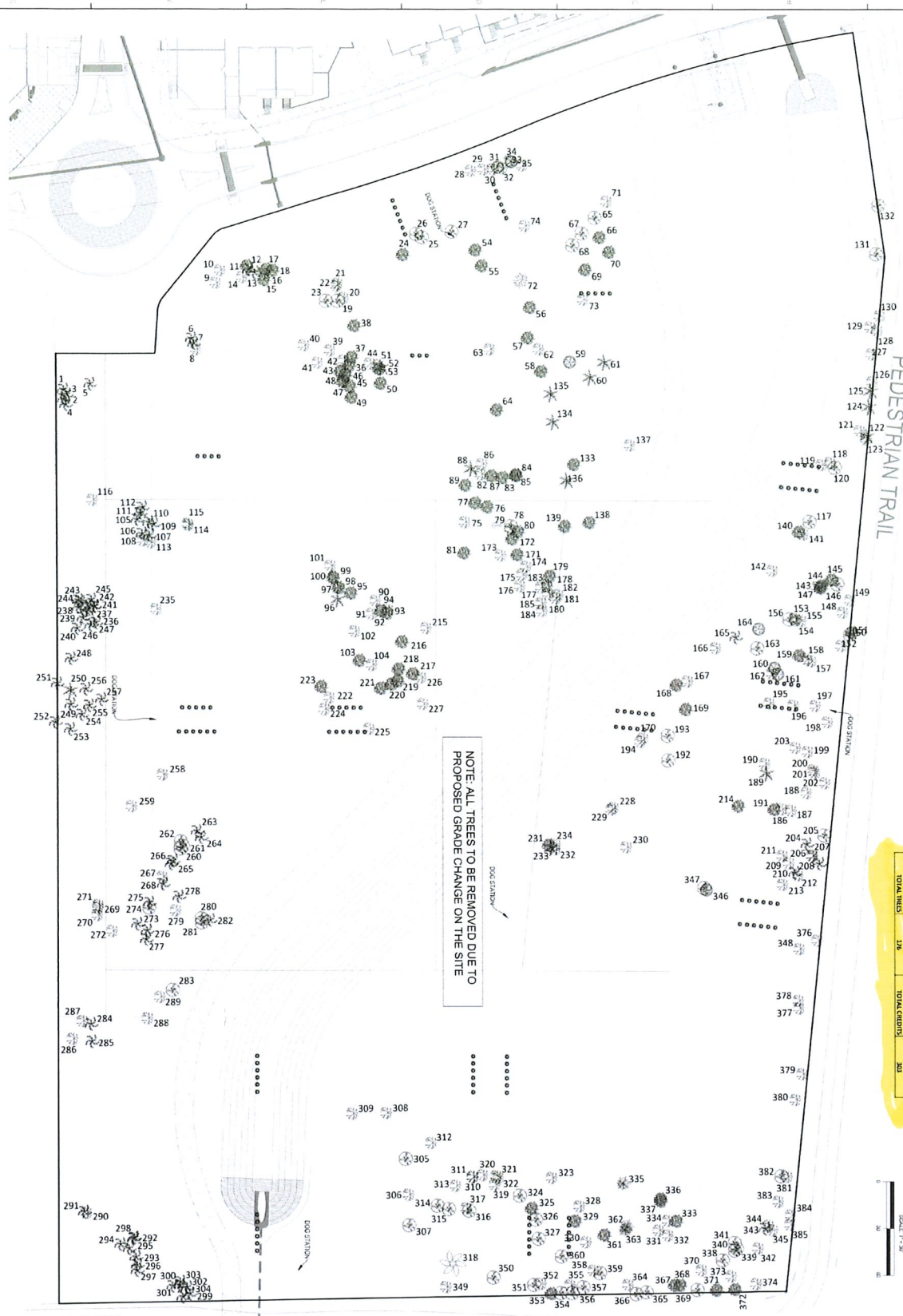
1126 East SR 434

Winter Springs, FL 32708

(407) 327-5970

Cell (321) 698-6568

Confidentiality Note: This e-mail, and any attachment to it, contains information intended only for the use of the individual(s) or entity named on the e-mail. If the reader of this e-mail is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that reading it is strictly prohibited. If you have received this e-mail in error, please immediately return it to the sender and delete it from your system. Thank you.



EXISTING TREES TO BE REMOVED			
SIZE	TREES REMOVED	CREDIT/TREE	TOTAL CREDITS
4'-6'	212	1	212
6'-13'	64	2	128
12'-15'	61	3	183
16'-24'	23	4	92
25'+	0	5	0
TOTAL TREES	360	TOTAL CREDITS	615

PRODUCED TREES			
SPECIES	PRODUCED TREES	CHESTNUT	TOTAL CHESTS
ELM	26	1	30
LIVY OAK	70		52
CAROLINA PALM	17	2	54
SHAGBARK PALM	7	2	14
CHERRY HEMLOCK	27	2	54
MAGNOLIA	19		19
HICKORY	40	2	80
TOTAL TREES	126	TOTAL CHESTS	201

NOTE: ALL TREES TO BE REMOVED DUE TO PROPOSED GRADE CHANGE ON THE SITE

C02.1

NV5 201 S. BUMBY AVE.
ORLANDO, FL
(407) 806-3317
WWW.NV5.COM
CERTIFICATE OF AUTHORIZATION # 29002

TREE PLAN

WINTER SPRINGS TOWNHOMES
MICHAEL BLAKE BLVD.
WINTER SPRINGS, FLORIDA
DREAM FINDERS HOMES LLC

RECORD DRAWING

RECORD DRAWING IS BASED ON THE RESULTS OF LIMITED FIELD OBSERVATIONS DURING CONSTRUCTION. A SET OF CONTRACTOR SUBMITTED RECORD DRAWINGS, LISTING CHANGES INCORPORATED DURING CONSTRUCTION, REFINISHED UTILITIES, THE TYPE OF DRAINAGE MATTER AND "REPAIRS" MADE. IN THIS SET THE ACCURACY CANNOT BE GUARANTEED. THE ENGINEER RELEASES THIS RECORDING IS CONSIDERED TO BE THE BEST OF AVAILABLE KNOWLEDGE.

ENGINEER

[illegible]

ENGINEER FRANK A. PORTER, P.E. FL LIC. #09062	JOB # 1706320
	PLT MOR FAP
	DESIGNER RFD
DATE: Dec. 31, 2019	CHANGED: 000

JCB # 1706320