Agenda Items

1. Call to Order

2. Approval of November 2, 2020 meeting minutes

3. Public Hearings
   - SPR #20-15 Request of Norma Desmond Properties LLC for approval to construct a new two-story single-family home at 315 Virginia Drive on Lake Virginia.
   - SPR #20-17 Request of Mr./Mrs. Abernethy for approval to construct a new two-story home at 405 Virginia Drive on Lake Virginia.
   - CPA #20-5; RZ #20-05; CU #20-06 Request of Goodlives, LLC to amend the Comprehensive Plan Future Land Use Map and Official Zoning Map to change from Commercial (C-3) to Central Business District (C-2); to amend the Future Land Use Maximum Height Map to enable a three-story maximum height; and for Conditional Use approval to construct an 11,245-square-foot, three-story building on the property at 301 N New York Avenue.
   - THIS ITEM HAS BEEN CONTINUED TO THE TUESDAY, JANUARY 5TH, 2021 PLANNING & ZONING BOARD MEETING AT 6PM - CPA #20-6; RZ #20-06; CU #20-07 Request of Winter Park Historic Hotels Group to vacate portions of Killarney Drive and Fairview Avenue, and in return, creating open space/park areas, amend the Comprehensive Plan Future Land Use policy text to add a new policy for this specific property, amend the Zoning Code Commercial (C-3) and Open Space Recreational (PR) text to provide for the allowances above for only this specific property, amend the Future Land Use/Zoning Map from Single Family (R-1A) and Office on 2.09 acres of this site to Commercial (C-3) and 0.88 acres to Open Space Recreational (PR), and Conditional Use approval for the specific hotel project of a 5-story, 132-room hotel with associated restaurant, ballroom/meeting space, and 235-space parking garage with one floor of underground parking.
   - APP #20-01 Request to appeal Building Official determination for issuance of roof permit at 975 Greentree Drive relating to boathouse to allow increase in roof height to 11 feet above the existing deck of the boathouse.
   - ZTA #20-09; CU #20-08 Request of McLaren Orlando LLC for an Ordinance to amend the Commercial (C-3) Zoning Code Text to establish a new Conditional Use for “Specialty Transportation Business” and for Conditional Use approval for such business at 1111 S. Orlando Avenue.

4. New Business

5. Planning Director’s Report

6. Board Updates & Comments
Agenda Items

7. Upcoming Meeting Schedule

   Next P&Z Work Session: Monday, December 14, 2020 at 12:00 p.m.
   Next P&Z Regular Meeting: Tuesday, January 5, 2021 at 6:00 p.m.

appeals & assistance

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

“Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk’s Office (407-599-3277) at least 48 hours in advance of the meeting.”
**Planning & Zoning Board**
**Staff Report for December 1, 2020 Meeting**

**SPR #20-15. Request of Norma Desmond Properties LLC for:** Approval to construct a new, two-story, 7,216 sq. ft., single-family home located at 315 Virginia Drive on Lake Virginia, zoned R-1AAA.

**Background**

Norma Desmond Properties LLC is requesting approval to construct a new, two-story, 7,216 square-foot, single-family home at 315 Virginia Drive, on Lake Virginia, zoned R-1AAA. This property is 28,348 square feet in size and is adjacent to neighboring homes at 310 and 375 Virginia Drive. Below is a table summarizing this request in comparison to the R-1AAA zoning/lakefront lot requirements.

<table>
<thead>
<tr>
<th>Table 1:</th>
<th>R-1AAA/Lakefront Lot Requirements</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Floor Area Ratio</strong></td>
<td>Max 33%</td>
<td>7,216 square feet/31%*</td>
</tr>
<tr>
<td><strong>Impervious Lot Coverage</strong></td>
<td>Max 50%</td>
<td>11,369 sq. ft./41%</td>
</tr>
<tr>
<td><strong>Lakefront Setback</strong></td>
<td>113 avg./50 ft. min.</td>
<td>140 feet</td>
</tr>
</tbody>
</table>

*Total size is 13,344 sq. ft. but the FAR excludes the 3,048 sq. ft. basement, lanai and porch areas.

**Lakefront Lot Review Criteria:**

**Tree Preservation**

The purpose and intent of the lakefront lots section of the code states that existing trees shall be preserved to the degree reasonably possible. There are two specimen live oak trees on the front of this property, that are being preserved. The four existing cypress trees along the lakefront are also being preserved.

**View from the Lake**

This lot has a fairly steep grade from the street and the designers are taking advantage of that topographic condition by building a basement level. Where one will see a two-story home on the street-side, on the lakeside there is an additional partial walk-out basement level. In the original design, the swimming pool level was 14 feet above the existing grade. The P&Z Board does have the authority to approve pool decks higher than 3 feet above existing grade “when there are lots with grade drops of more than 7 feet”.

---

*Total size is 13,344 sq. ft. but the FAR excludes the 3,048 sq. ft. basement, lanai and porch areas.
However, 14 feet was not respective of neighbor’s privacy, so the Planning staff’s direction was only to recommend approval to P&Z of 5.5 feet given that it is the same height as the application at 405 Virginia Drive and given the major landscape screening that exists on the property lines of the two adjacent neighbors at 310 and 375 Virginia Drive. See pictures below.

**View of Neighbors**

Another purpose of this review is to ensure that the views of the lake from adjoining properties will not be unduly impaired. The average lakefront setback of the two adjoining homes is 113 feet with the home to the west at 310 Virginia Drive setback at 116 feet and the home to the east at 375 Virginia Drive setback at 110 feet. This proposed home will have a setback to the house of 140 feet and a setback to the swimming pool cabana at 104 feet and to the swimming pool deck at 94 feet. The extensive existing landscape screen that exists along the side property lines will mitigate any visual impact but generally these improvements are consistent with the neighboring homes.

**Stormwater Retention**

The code requires retention of stormwater. The amount of impervious surface on the lot determines the depth/size of the retention needed. The applicant is proposing a swale retention area along the lakefront (as they have ample land to accomplish this) and there is also ample space in the side setbacks to convey the rainfall down the lot to this retention area. They will meet the stormwater retention criteria.

**Summary**

Staff stressed the importance of preserving the two live oak trees in the front yard and modifying the pool deck heights, which have been accomplished. Given the major landscape screening that exists on the property lines of the two adjacent neighbors at 310 and 375 Virginia Drive, the pool deck height of 5.5 feet is acceptable recognizing the steep grade drop on this lot.

*Staff recommendation is for approval with the requirement to maintain and enhance where feasible the landscape privacy buffer along the side property lines.*
Landscape screening in place on the two sides of the lakefront at 315 Virginia Drive.
DESCRIPTION:

LOT 3, SHADOW HILL, BLOCK "A", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 65, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CURVE TABLE

<table>
<thead>
<tr>
<th>Curve</th>
<th>Status</th>
<th>Delta</th>
<th>Length</th>
<th>Chord</th>
<th>Chord Bearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>CT</td>
<td>94.55'</td>
<td>2'58&quot;37'</td>
<td>16.47'</td>
<td>16.45'</td>
<td>SS040'32'E</td>
</tr>
</tbody>
</table>

LEGEND:

- CENTERLINE
- CALIBRATION
- C&G: CURB AND GUTTER
- CBW: CONCRETE BLOCK WALL
- CM: CONCRETE MONUMENT
- CONC: CONCRETE
- COND: CONDUCED
- EB: ELECTRIC JUNCTION BOX
- EL: ELEVATION
- EW: EDGE OF WATER
- EP: EDGE OF PAVEMENT
- ID: IDENTIFICATION
- IP: IRON PIPE
- IR: IRON ROD
- RE: IRON ROD AND CAP
- LB: LICENSED BUSINESS
- LPT: LIGHT POLE
- M: MEASURED
- MF: METAL FENCE
- MFC: METAL FENCE CORNER
- N/D: NAIL AND DISK
- P: POINT OF CURVATURE
- P.O.C: POINT OF COMMENCEMENT
- PVC: POLYVINYL CHLORIDE PIPE
- REC: RECOVERED
- R/W: RIGHT-OF-WAY
- WM: WATER METER
- SM: SANITARY MANHOLE

SURVEYOR'S NOTES:

1. The lands as shown herein lie within Section 7, Township 22 S., Range 30 E., Orange County, Florida.
2. This survey represents a survey made on the ground under the supervision of the signing surveyor, unless otherwise noted.
3. Underground improvements or underground foundations have not been located except as noted.
4. This survey does not reflect or determine ownership.
5. All easements of which the surveyor has knowledge of, or has been furnished, have been noted on this map.
6. No title data has been provided to this surveyor unless otherwise noted.
7. Bearings shown herein are assumed relative to the south property line of lot 3; Said bearing being N68°42'38"W
9. Elevations shown herein are based on Orange County benchmarks relative to NAVO 88.
10. Elevations shown herein are for informational purposes only. This is not a topographic survey.

REVISIONS

<table>
<thead>
<tr>
<th>Rev.</th>
<th>Date</th>
<th>Signed By</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rev.</td>
<td>Date</td>
<td></td>
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</tr>
<tr>
<td>Rev.</td>
<td>Date</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rev.</td>
<td>Date</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

HLSM, PLLC
Heidi, Lake-Sumter-Howard
Professional Surveyors & Mappers
Licensed Business No. 7276
301 Live Oak Boulevard
Clermont, Florida 34711
P. (407) 847-7346
SurveyHLSM,US

Job No: K-882
Field Date: 10/01/20
Field By: DM
Scale: 1"=40'
NOTE: THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED THE WIND LOAD REQUIREMENTS OF THE 2014 FLORIDA BUILDING CODE RESIDENTIAL FIFTH EDITION, SECTION R301 DESIGN CRITERIA AND INCLUDING ASCE 7-10.

1. WIND SPEED = 139 MPH ULTIMATE WIND SPEED (Vult) AND 108 MPH (Vasd)
2. RISK CATEGORY 2
3. CONSTRUCTION TYPE = SINGLE FAMILY RESIDENCE (V)
4. WIND EXPOSURE = CATEGORY C
5. INTERNAL PRESSURE COEFFICIENT FOR ENCLOSED BUILDINGS IS .18 AND HEIGHT & EXPOSURE ADJUSTMENT COEFFICIENT IS 1.40

FLORIDA BUILDING CODE, 2017 6TH EDITION. NFPA 70A-02 AND NATIONAL ELECTRICAL CODES BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE (ACI 318-11) SPECIFICATIONS FOR STRUCTURAL CONCRETE BUILDINGS (ACI 301-02) BUILDING CODE REQUIREMENTS FOR MASONRY STRUCTURES (ACI 530-02) NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION, 2005 EDITION WOOD FRAMED CONSTRUCTION MANUAL, 2005 EDITION APA PLYWOOD DESIGN SPECIFICATION MINIMUM DESIGN LOADS FOR BUILDINGS ASCE 7-16
Planning & Zoning Board
Staff Report for December 1, 2020 Meeting

SPR #20-17. Request of Mr./Mrs. Abernethy for: Approval to construct a new, two-story, 7,315 sq. ft., single-family home located at 405 Virginia Drive on Lake Virginia, zoned R-1AAA.

Background

Mr./Mrs. Abernethy are requesting approval to construct a new, two-story, 7,315 square-foot, single-family home at 405 Virginia Drive, on Lake Virginia, zoned R-1AAA. This property is 26,752 square feet in size and is adjacent to the unimproved right-of-way of Laurel Road on the west side, and a neighboring home at 459 Virginia Drive on the east side. Below is a table summarizing this request in comparison to the R-1AAA zoning/lakefront lot requirements.

<table>
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<tr>
<th>Table 1:</th>
<th>R-1AAA/Lakefront Lot Requirements</th>
<th>Proposed</th>
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</thead>
<tbody>
<tr>
<td>Floor Area Ratio</td>
<td>Max 33%</td>
<td>7,315 square feet/29.3%*</td>
</tr>
<tr>
<td>Impervious Lot Coverage</td>
<td>Max 50%</td>
<td>9,443 sq. ft./35.3%</td>
</tr>
<tr>
<td>Lakefront Setback</td>
<td>65 ft avg./50 ft. min.</td>
<td>98 feet</td>
</tr>
</tbody>
</table>

*Total size is 9,013 sq. ft. but the FAR excludes basement, lanai and porch areas.

Lakefront Lot Review Criteria:

Tree Preservation

The purpose and intent of the lakefront lots section of the code states that existing trees shall be preserved to the degree reasonably possible. There are three specimen live oak trees on this property. The two live oaks (36” and 48” caliper) along the eastern portion of the property are being saved. The other 45” caliper live oak tree is proposed to be removed as the site plan shows the tree to conflict with the footprint of the home planned for the property. Otherwise, the five existing cypress trees and one oak tree on the lakefront are being preserved.

The City’s Urban Forestry staff did an on-site assessment of the 45” live oak tree proposed to be removed for the current owners before they bought this property in August 2019. The owners wanted to know if this live oak could be removed in order to build. Per Urban Forestry “This is a beautiful tree but it has significant issues. There is visible decay, cambium dieback, cubicle rot and recent limb failures. I believe one reason it does not look worse is that the previous owners clearly took care of it and had deadwood removed on a regular basis over the years. The tree absolutely cannot handle the stress of grading or pruning of healthy limbs in order to try and force it into any imaginable building scheme. The required replanting would be two 4” caliper shade trees.”
The reason why removal of this tree was a decision point for the purchase was that while this lot appears to be of good size, it is constrained by a sanitary sewer easement across the lakefront. That makes the lakeside portion of the lot unusable for the home or swimming pool back to a 98-foot setback. The City’s front setback of 50 feet and the 20-foot side setbacks further constrain the buildable area of the lot.

View from the Lake

This lot has a fairly steep grade from the street and the designers are taking advantage of that topographic condition by building a basement level. Where one will see a two-story home on the street-side, on the lakeside there is an additional partial walk-out basement level. In the original design, the swimming pool level was 10 feet above the existing grade. The P&Z Board does have the authority to approve pool decks higher than 3 feet above existing grade “when there are lots with grade drops of more than 7 feet”. The Planning staff was willing to recommend approval to P&Z of 5.5 feet given that is the same height as the adjacent neighbor’s pool deck is above grade (as confirmed by survey) and that same neighbor at 369 Virginia Drive has provided a letter of approval for these plans. The applicants tried for a variance for the pool deck height of 7.5 feet at the Board of Adjustment on October 20th but were denied. Without knowledge of staff’s position, the Board of Adjustment similarly recommended that the pool be reduced to the 5.5-foot standard set by the neighboring property.

View of Neighbors

Another purpose of this review is to ensure that the views of the lake from adjoining properties will not be unduly impaired. This property does not have a neighbor on the westside as that area is the unimproved right-of-way of Laurel Road. On the eastside is the home at 359 Virginia Drive which is screened by substantial landscaping. This home and swimming pool are setback 98 feet due to a sanitary sewer easement across the lakefront that limits the buildable area of the lot. As a result, there is no impairment of views by this home.

Stormwater Retention

The code requires retention of stormwater. The amount of impervious surface on the lot determines the depth/size of the retention needed. The applicant is proposing a swale retention area along the lakefront (as they have ample land to accomplish this) and there is also ample space in the 20-foot side setbacks to convey the rainfall down the lot to this retention area. The applicant will meet all stormwater retention criteria.

Summary

The applicant undertook their due diligence prior to purchase with Urban Forestry regarding the 45” live oak tree. They have further re-designed the home to meet the swimming pool grade of the adjacent neighbor. Overall, the plans meet the intent of the lakefront review criteria defined in the code and no variances are requested.

Staff recommendation is for approval subject to the requirement for replanting of two 4-inch live oaks.
Landscape screening in place on the two sides of the lakefront at 405 Virginia Drive.
Existing Trees
highlighted in yellow
CERTIFIED TO: STEPHEN ABERNETHY AND AMY ABERNETHY;
WINDEWEREEDE, HANES, WARD & WOODMAN, P.A.;
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Boundary Survey

Legal Description:

PARCEL 1:
LOTS 1 AND 3, LESE THE SOUTH 30 FEET THEREOF, BLOCK K, CHAMBER SUBDIVISION, ACCORDING TO THE MAP OF SAME AS RECORDED IN MAP BOOK 3466, PAGE 555 AND INSTRUMENT NUMBER 20180129024, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; AND SOUTH OF THE ORDINARY HIGH WATER MARK OF LAKE VIRGINIA.

PARCEL 3:
THOSE PORTIONS OF LAUREL ROAD F/K/A VIRGINIA DRIVE, AS VACATED BY ORDINANCE NO. 1449, RECORDED IN O.R.B. 2110, PAGE 105, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL 2:
THE EAST 1/10 OF THE EAST 1/10 OF THE SOUTH 1/10 OF THE SOUTHEAST 1/10 OF SECTION 7, TOWNSHIP 22 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, LYING EAST OF THE NORTHEASTLY PROJECTION OF THE EAST RIGHT OF WAY OF LAUREL ROAD AS DEFINED ON THE PLAT OF CHAMBER SUBDIVISION, RECORDED IN PLAT BOOK L, PAGE 93, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, NORTH OF VACATED LAUREL ROAD F/K/A VIRGINIA DRIVE, AS DESCRIBED IN O.R.B. 791, PAGE 20, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND SOUTH OF THE ORDINARY HIGH WATER MARK OF LAKE VIRGINIA.

Date Completed: 08-16-19

Redacted by performing a search with the local governing municipality or www.fema.gov. The property appears to be located in zone X & AE. This Property was found in City of Winter Park, community number 16118, 09/20/2016.
UPPER LEVEL FLOOR PLAN

UPPER LEVEL

- Two Story Area: 2100 sq ft
- Lanai: 304 sq ft
- Covered Balcony: 560 sq ft
- Total Under Roof: 9013 sq ft
- Storage: 43 sq ft
- Master Bedrm: 124 sq ft
- Morning Bath: 10'-0" CLG. HGT.
- Walkway: 10'-0" CLG. HGT.
- Master Bedrm 02: 10'-0" CLG. HGT.
- Lanai: 668 sq ft
- Garages: A/C: 6741 sq ft
- Total A/C: 560 sq ft
- Total Garages: 560 sq ft
- Total Covered Balcony: 358 sq ft
- Total Lanai: 2895 sq ft
- Total Main Level: 2300 sq ft
- Total 2-Story Area: 2300 sq ft
- Total Basemen: 43 sq ft
- Total Entry: 1028 sq ft
- Total Total: 560 sq ft

WALL LEGEND
- 11/8" Block Wall
- 1" 1/2" Block Wall
- 2X Interior Wall
- 2X Interior Bearing Wall
- 2X Stud Wall

AREA TABULATION

NOTE:
- CONTRACTOR TO VERIFY ALL WINDOW SIZES AND STYLES.
- THESE DOCUMENTS AND THEIR CONTENTS ARE THE PROPERTY OF PHIL KEAN DESIGN GROUP AND ARE ISSUED ONLY FOR THE SPECIFIC PROJECT AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE.
- THE DATA CONTAINED HEREIN IS FOR THE PURPOSE OF ESTIMATING AND IS NOT INTENDED TO BE USED FOR BID TENDERING OR CONTRACT RELATING TO THE PROJECT.
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- THE DATA CONTAINED HEREIN IS FOR THE PURPOSE OF ESTIMATING AND IS NOT INTENDED TO BE USED FOR BID TENDERING OR CONTRACT RELATING TO THE PROJECT.
NO ATTIC VENTS ARE REQUIRED, ENTIRE HOUSE TO BE SPRAY FOAM INSULATION
DESCRIPTION:

1. SMOOTH STUCCO FINISH
2. STONE VENEER FINISH
3. STAND & SEAM METAL, OVER APPROVED WATER BARRIER OVER ROOF SHEATHING
4. WOOD PLANK STYLE
5. ALUMINUM POWDER COATED RAILING WITH GLASS PANELS

ELEVATION NOTES:

- SCALE: 1/4" = 1'-0"
- FRONT ELEVATION
- REAR ELEVATION
- PEAK OF ROOF
- TOP OF WINDOW
- MAIN LEVEL FIN. FLR.
- UPPER LEVEL FIN. FLOOR
- BASEMENT FIN. FLR.
- TOP OF BLOCK
- UPPER LEVEL FIN. FLR.
- MAIN LEVEL FIN. FLR.
- TRUSS BRG. HGT.

LAKEFRONT REVIEW

THESE DOCUMENTS AND THEIR CONTENTS ARE THE PROPERTY OF PHIL KEAN DESIGN GROUP AND ARE ISSUED ONLY FOR THE SPECIFIC PROJECT.

PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE FIRE SAFETY STANDARDS.

DRAWN BY:

THE FOLLOWING SHEET NUMBER

DRAWN BY: PHIL KEAN DESIGN GROUP

WWW.PHILKEANDESIGNS.COM
(See Landscape Architecture Drawings for Final Planter Wall Heights & Grading)

ELEVATION NOTES:

1. Smooth Stucco Finish
2. Stone Veneer Finish
3. Stucco & Stand Seam Metal Over Approved Water Barrier Over Roof Sheathing
4. Wood Plank Style
5. Aluminum Powder Coated Rails with Glazed Panels

DESCRIPTION:

1. Smooth Stucco Finish
2. Stone Veneer Finish
3. Stucco & Stand Seam Metal Over Approved Water Barrier Over Roof Sheathing
4. Wood Plank Style
5. Aluminum Powder Coated Rails with Glazed Panels

(Scale: 1/4" = 1'-0"
Left and Right Elevations Sheet Number)

Drawn by:

These Documents and Their Contents are the Property of Phil Kean Design Group and Are Issued Only for the Specific Purpose of Use by the Parties Legally Entitled to Construct for Which These Plans and Specifications Comply with the Applicable Minimum Building Codes and the Applicable Fire Safety Standards.

Plan Revisions:

Sheet Description:

Data:

Designer:

Project:

Issue Date: _________________

Architect:

405 Virginia Drive
Winter Park, Florida 32789

Plan Revisions:

Sheet Description:

Data:

Designer:

Project:

Issue Date: _________________

Architect:

912 W. Fairbanks Avenue
Winter Park, Florida 32789

Ph 407-599-3922
Fax 407-599-3923

www.philkean Designs.com

Architecture
Construction
Interiors

11/09/2020

Lakefront Review
City of Winter Park Site Plan Review Board

10/12/2020

To Whom It May Concern,

I, Shipley Hall, Resident of, 460 Virginia Drive, Winter Park, FL 32789-5806, have reviewed the proposed plans for a residence opposite, and to the west of my property - that is to be constructed on Lake Virginia at 405 Virginia Drive, as presented to me by the homeowners, Stephen and Amy Abernethy.

As a part of this construction, I understand that they have a rear elevation design they are requesting for approval that will provide a construction elevation of their pool deck and retaining wall that is above the current height allowable to existing grade.

Provided all other city's building ordinances are followed with setbacks, heights, and other physical attributes of the new home, I have no objection to the scope of this change being approved as submitted for this new construction on their property - and believe it will be an enhancement to the city and the street that we live on.

Signature:

[Signature]
City of Winter Park Site Plan Review Board

October 12, 2020

To Whom It May Concern,

We, Mark and Mary Roh, residents of, 1540 Laurel Road, Winter Park, FL 32789-5806, have reviewed the proposed plans for a residence, across the street and to the north of my property - that is to be constructed on Lake Virginia at 405 Virginia Drive, as presented to me by the homeowners, Stephen and Amy Abernethy.

As a part of this construction, I understand that they have a rear elevation design they are requesting for approval that will provide a construction elevation of their pool deck and retaining wall that is above the current height allowable to existing grade.

Provided all other city's building ordinances are followed with setbacks, heights, and other physical attributes of the new home, I have no objection to the scope of this change being approved as submitted for this new construction on their property - and believe it will be an enhancement to the city and the street that we live on.

Mark Roh

Mary Roh
City of Winter Park Site Plan Review Board

01/16/2020

To Whom It May Concern,

I, Todd Skousen, Resident of, 459 Virginia Drive, Winter Park, FL 32789-5806, have reviewed the proposed plans for a residence contiguous to the west side of my property that is to be constructed on Lake Virginia at 405 Virginia Drive, as presented to me by the homeowners, Stephen and Amy Abernethy.

As a part of this construction, I understand that they have a rear elevation design they are requesting for approval that will provide a construction elevation of their pool deck and retaining wall that is above the current height allowable to existing grade.

Provided all other city’s building ordinances are followed with setbacks, heights, and other physical attributes of the new home, I have no objection to the scope of this change being approved as submitted for this new construction on their property - and believe it will be an enhancement to the city, the street and the lake that we live on.

Signature: [Signature]
To Whom It May Concern,

I, Hal George, resident of, 468 Virginia Drive, Winter Park, FL 32789-5806, have reviewed the proposed plans for a residence, across the street and to the West of my property - that is to be constructed on Lake Virginia at 405 Virginia Drive, as presented to me by the homeowners, Stephen and Amy Abernethy.

As a part of this construction, I understand that they have a rear elevation design they are requesting for approval that will provide a construction elevation of their pool deck and retaining wall that is above the current height allowable to existing grade.

Provided all other city's building ordinances are followed with setbacks, heights, and other physical attributes of the new home, I have no objection to the scope of this change being approved as submitted for this new construction on their property - and believe it will be an enhancement to the city and the street that we live on.

Signature:

[Signature]

468 Virginia Dr.
Planning & Zoning Board
Staff Report for December 1, 2020 Meeting

CPA #20-05; RZ #20-05 & CU #20-06 Request of Goodlives: To amend the Comprehensive Plan Future Land Use Map and Official Zoning Map to change from Commercial (C-3) to Central Business District (C-2); to amend the Future Land Use Maximum Height Map to enable a three-story maximum height; and for Conditional Use approval to construct an 11,245-square-foot, three-story building on the property at 301 N New York Avenue.

Background

The subject property at 301 N New York Avenue is currently occupied by a one-story, 4,600 square foot building that was built in 1967, and is occupied by a laundromat and was formerly occupied by the Kwik Stop convenience store. This property is across the street from Central Park West Meadow and the US Post Office facility. While the laundromat provides an existing service to the surrounding area, redevelopment of this property would be a welcomed improvement to New York Avenue corridor, as the current condition of the property detracts from the aesthetic appeal of the street.

The applicant desires to redevelop this property with an 11,245-square-foot (14,069 gross square feet including covered parking/front porch/balcony), three-story building with 22 surface parking spaces and four new public parking spaces on New York Avenue.

The applicant has the following requests for 301 N New York Avenue:

1. To change the Comprehensive Plan Future Land Use Map from Commercial to Central Business District;
2. To amend the Future Land Use Maximum Height map to allow a three-story building; and
3. To change the Zoning Map from Commercial (C-3) to Commercial (C-2);
4. Conditional Use approval to build 11,245-square-foot (14,069 gross square feet including covered parking/front porch/balcony), three-story building with 22 surface parking spaces and four new public parking spaces on New York Avenue.

Comprehensive Plan Future Land Use Map and Zoning Map Amendments

The subject property at 301 N New York Avenue is located adjacent to the United States Post Office property to the east, and office properties to the north, south and west. This property is also located within the Central Business District (CBD) boundaries, and within the area defined in the Comprehensive Plan as a potential candidate for the CBD Future Land Use and is appropriate for a C-2 Zoning designation.
In terms of permitted uses as part of this Future Land Use/Zoning amendment, the existing C-3 zoning that the property currently has would permit the proposed use of this property, the only benefit received as part of this requested change is a larger Floor Area Ratio (FAR) maximum. It should also be noted that the current C-3 Zoning allows certain uses that would not contribute to the charm and scale of the Central Business District, such as: Automotive Repair, Convenience Stores, Car Rental, etc. The redevelopment of this property as proposed would be consistent and compatible with the surrounding properties and provide a welcomed aesthetic upgrade, consistent with the scale and charm of the Central Business District.

**Comprehensive Plan Maximum Height Map Amendment**

The Comprehensive Plan Maximum Height Map currently limits 301 N New York Avenue to a two-story height maximum. This property and the property to the south (231 N New York Avenue) are the only properties limited to two-stories on the west side of New York Avenue. All of the other properties on the west side of New York Avenue have a three-story height maximum. Immediately adjacent to the site is the three-story Synovus Bank building at 369 N New York Avenue, and 150 feet to the south is another three-story office building at 201 N New York Avenue. Staff feels that with nearby properties currently developed with three story heights, allowing this property to redevelop with the same height maximum would not be inconsistent with the New York Avenue streetscape. This amendment then only gives this property the same allowances as the neighboring properties.

It is also important to note that the proposed third story of this building is only a penthouse of 1,885 square feet, or 13% of the gross building size, and is stepped back an additional 18 feet from New York Avenue and 38 feet from Garfield Avenue.

**Project Description**

This property measures 13,397 square feet in size. The proposed three-story building is 14,069 gross square feet (FAR of 105%). The gross square footage is larger than the actual building due to the method the city uses to calculate FAR. Specifically, the code includes the 2,624 square feet of “floor area” that is ground-level parking spaces, which are under the building footprint. The code also includes in the FAR calculation, stairwells/elevator shafts, storage and mechanical space. Thus, the actual usable floor area within the building walls is 8,094 square feet. The building will include a first floor that is open to the public for wellness retail and nutritious food and beverages. The second and third floors will be available for use by members of the Goodlives platform for wellness components.

Stormwater retention will be provided via on-site exfiltration where none exists today, which is a welcomed improvement. The building meets all applicable height, rear and side setbacks, and coverage requirements. The front setback requirements for street frontages in C-2 are zero or the average, whichever is greater. This property has two street frontages (Garfield and New York Avenues). The proposed 12-foot New York Avenue setback meets the average setback requirement. However, the Garfield Avenue average setback is harder to determine because it is mostly developed with parking lots. The building itself along Garfield is within a few feet of the property line, but it located just over 17 feet from the Garfield right-of-way. Due to the existing conditions of Garfield, staff feels that the setback as proposed is acceptable for this street.

**Parking Analysis**

The code in the Central Business District requires parking for the “net” increases in building floor space. There are many factors that come into play when considering the “net” increase, including the programming of the building as outlined above.
A property owner can rebuild the existing square footage with the existing parking that exists, and just provide for the “net” increase. Thus, the applicant can rebuild the existing 4,600 square feet, maintaining the existing 12 parking spaces that now exist. Therefore, the “net” square footage increase (subtracting the existing square footage, covered parking areas, stairwells/elevator shafts, storage and mechanical rooms) is 3,494 square feet, which requires 10 parking spaces based on 1 per 333 square feet. When accounting back in the 12 spaces needed for the square footage that is being demolished, the total parking requirement is 22 spaces, as the applicant is provided.

The applicant is also proposing to construct four new public parallel parking spaces on New York Avenue that are not to be counted towards the minimum parking requirements of this project, but to help with peak-hour operations if needed. The impact on parking of this new use will actually be less than what occurred when the convenience store and laundromat were at peak demands.

**Goodlives Vision for this Project**

The applicant will explain in more detail at the public hearing, but this project is intended to bring opportunities for Winter Park residents to improve their physical and mental health and wellbeing. Their idea is to create through the learning and deployment of actionable ideas, they will improve patron’s physical and mental well-being by illuminating healthy living components surrounding nutrition, exercise, relaxation, and overall wellness.

The City Commission is currently under negotiations with the Post Office to move their operations to another location in order to expand Central Park. Staff feels that this project is a welcomed upgrade to the CBD and the healthy living component of the building would fit seamlessly with the expansion of Central Park across the street in the future.

*Staff Recommendation is for approval.*
EXISTING FLU
301 N New York Ave
City of Winter Park
Florida

Legend
- Pink: Central Business District
- Red: Commercial
- Blue: Office Professional
- Gray: Institutional
- Brown: High Density Residential
- Green: Open Space Recreation
EXISTING ZONING
301 N New York Ave
City of Winter Park
Florida

Legend
- C-2
- C-3
- O-1
- POP
- PR
- R-4

City of Winter Park
Florida
301 N New York Ave
LOCATION MAP

EXISTING CONDITIONS

1. LOOKING NORTH FROM NEW YORK AVE

2. LOOKING EAST OF ALLEY

3. LOOKING NORTH

4. LOOKING WEST OF ALLEY

5. LOOKING NORTH GARFIELD AVE

6. LOOKING SOUTH NEW YORK AVE

DISCLAIMER
Drawings are conceptual in nature based upon preliminary data provided by the Owner. This drawing is a conceptual plan and may change to reflect the requirements of site survey. It is the accuracy of the presented drawings that is paramount, without a updated certified site survey.

ACI Architects
988 N Pennsylvania Ave
Winter Park, FL 32789
P: 407.708.8405
www.acistudios.com

Goodlives LLC
100 S. Orange Ave.
Suite 700
Orlando, FL 32801
P: 407.270.7800
www.landdesign.com
ZONING MAP

City of Winter Park, Florida

Zoning

Legend

- R-1
- C-1
- C-2
- C-3
- C-3A
- PD-1
- R-1A
- R-1A
- R-2
- R-2A
- R-2A
- R-3
- R-3
- R-4

County Boundary
Winter Park
Other Cities
City Map Sheets
Water
Streets
Pencil Ownership

This is to certify that this official Zoning Map was adopted April 12, 2010 as part of the Land Development Code of the City of Winter Park, Florida.

Mayor: Honorable Dever Leavitt

Attested by City Clerk: Cindy Borden

Zoning Map updated for ordinances adopted through 6/26/2019 by the City of Winter Park.

Printed Date: 6/26/2019
Sources: City of Winter Park, Orange County Government

Scale 1:3,000

DISCLAIMER

Drawings are conceptual in nature based upon preliminary data provided by the Owner. The Owner of this property assumes all responsibility for the accuracy of the prepared drawings. This drawing is the property of ACi Architects and an instrument of service to be used by the Owner for this project.

ACi Architects
955 N Pennsylvania Ave.
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P: 407.740.8405
www.acistudios.com

FL Reg. AA0002940

ACI ARCHITECTS COPYRIGHT 2020. ALL RIGHTS RESERVED.

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GOODLIVES WELLNESS STUDIO - CONDITIONAL USE PERMIT APPLICATION

GOODLIVES WELLNESS STUDIO

10.05.20
LEVEL 3 GENERAL PLANTING AREA

TREES
ELAEOCARPUS GANITRUS
ELAEOCARPUS
PRUNUS ANGUSTIFOLIA
CHICKSAW PLUM
VITEX AGNUS-CASTUS
VITA

SHRUBS
AGAVE PEDUNCULIFERA
SOFT TIP AGAVE
DRACAENA TREASURICA
MOTHER IN LAW'S TONGUE
VITEX AGNUS-CASTUS
VITEX
ELAEOCARPUS GANITRUS
ELAEOCARPUS

NOTE:
1. PLANTS IN BOLD ARE FLORIDA NATIVE
GOODLIVES WELLNESS STUDIO
- CONDITIONAL USE PERMIT APPLICATION

ACI ARCHITECTS COPYRIGHT 2020. ALL RIGHTS RESERVED.

This drawing is the property of ACi Architects and an instrument of service to be used by the Owner for this project.

DISCLAIMER

Drawings are conceptual in nature based upon preliminary data provided by the Owner. This project is not intended for construction. Any work or development on this site must be in accordance with all applicable laws, regulations, and permits. The accuracy of the presented drawings without a updated certified site survey is not guaranteed. ACi Architects provides no warranty to the accurateness of the presented drawings without a updated certified site survey.

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P: 407.270.7800
www.landdesign.com

Goodlives LLC.
N New York Ave.
Winter Park, FL 32789

CONCEPT SECTION
CONCEPT SOUTH ELEVATION ALONG GARFIELD AVE & NORTH ELEVATION ALONG ALLEY
PER CWP MUNICODE 58.124:
- C-2 DISTRICTS ARE PERMITTED A MAXIMUM OF TWO SIGNS INDICATING THE BUSINESS. WHERE ONE OCCUPANCY HAS TWO SIGNS, ONLY THE FOLLOWING COMBINATIONS OF SIGN TYPES SHALL BE PERMITTED: ONE PROJECTING SIGN AND ONE WALL OR CANOPY SIGN

PER CWP MUNICODE 58.125 WALL SIGNS:
- SIGNABLE AREA DETERMINATION: THE OCCUPANCY DISPLAYING A WALL SIGN SHALL DETERMINE THE SIGNABLE AREA BY CHOOSING ONE SUCH AREA ON THE BUILDING FACADE AND THEN CALCULATING THE NUMBER OF SQUARE FEET WHICH ARE ENCLOSED BY AN IMAGINARY RECTANGLE OR SQUARE WHICH IS DRAWN AROUND THIS AREA.
- AREA LIMITS: IN ALL CASES, WALL SIGN AREAS REFER TO THE AREA OF COPY RATHER THAN THE AREA OF THE BACKGROUND, ITEM 1) STATES, WHERE AN OCCUPANCY HAS NO GROUND, ROOF OR PROJECTING SIGN ON THE SAME PREMISES, 45 PERCENT OF THE SIGNABLE AREA MAY BE USED FOR COPY.

PER CWP MUNICODE 58.24, ITEM 6: BACK-LIT HALO SIGN LETTERING IS PERMITTED, HOWEVER, THE LIGHT COLOR MUST BE WHITE OR SUBDUE AND Muted SUCH AS A PASTEL SHADE.

PER CWP MUNICODE 58-131. - SPECIAL SITUATIONS.
(B) MULTIPLE FRONTAGES. IF A BUILDING HAS FRONTAGES ON TWO OR MORE STREETS, EACH FRONTAGE SHALL BE SEPARATELY CONSIDERED FOR THE PURPOSES OF DETERMINING COMPLIANCE WITH THE PROVISIONS OF THESE REGULATIONS. HOWEVER, THE PERMITTED SIGN AREA FOR ONE FRONTAGE SHALL NOT BE COMBINED WITH ANOTHER FRONTAGE TO PLACE THE COMBINED SIGN AREA ON ONE FRONTAGE. NEITHER SHALL THIS SECTION BE CONSTRUED TO SUPERSEDE THE PROVISIONS LIMITING AND RESTRICTING THE USE OF TEMPORARY SIGNS FOR BUILDINGS WITH MULTIPLE FRONTAGES AFTER SEPTEMBER 1, 1984.
Planning & Zoning Board
Staff Report for December 1, 2020 Meeting

APP #20-01. Request to Appeal Building Official Determination for:

Issuance of a roof permit at 975 Greentree Drive relating to a boathouse to allow an increase in roof height to 11 feet above the existing deck of the boathouse.

Whereas after review of applicable provisions of the Winter Park Zoning Code Section 58-64(C)(2) “Nonconforming lots, nonconforming uses and nonconforming structures” 58-87 “Lakefront lot, ..., boathouses and docks” and applicable provisions of the Florida Building Code, a building permit was issued to increase the height of the existing boathouse at 975 Greentree Drive from approximately 8 feet above the existing deck to 11 feet above the existing deck based upon the Zoning Code allowance to increase the roof height to 11 feet. An appeal was filed by Attorney representing M/M Jeff Smith at 935 Greentree Drive to contest this interpretation allowance of the Zoning Code based upon the contention that the existing boathouse is nonconforming by area at 1,068 square feet.

Property Parcel ID# 05-22-30-0000-00-005 in the Public Records of Orange County, Fl.

Located at 975 Greentree Drive

Zoned: R-1AAA

Background: The City has received an appeal pursuant to Section 58-94 of the Zoning Code contesting the City’s interpretation and determination that allowed the issuance of a building permit to increase the height of the roof of an existing boathouse to a height permitted by Section 58-87 (c)(5) “Docks and boathouses“:

The highest point of a boathouse or gazebo roof or any railing shall not exceed 11 feet and the roof must be pitched so as to eliminate flat roofs and use of such areas as sundecks. The height shall be measured from the surface of the dock or floor to the highest point of the roof or railing. In addition, the surface of any dock, sundeck or floor of any boathouse, gazebo, etc., shall not be more than two feet above the elevations specified in this subsection.

The opinion of the City is that although the existing boathouse exceeds the current area limit of 600 square feet, the grandfathered nonconforming boathouse has a deteriorating roof, is only 8 feet in height above the deck, is a nearly flat roof and replacing a deteriorating roof with a higher sloped conforming roof meets the intent of the Zoning Code while providing a safely constructed new roof structure with higher roof that is also permitted for all other boathouses on Winter Park’s lakes. In addition, due to this boathouse having a deck at a level one foot below the level permitted in the Zoning Code, the new 11-foot-high pitched roof will actually be lower than what is permitted for roofs of all other boathouses permitted in the city. With regard to the code purpose to insure “that views of water from adjoining properties will not be unduly impaired”, it must be noted that the location of this boathouse is at the closest point is 31 feet at one corner from the nearest side.
lot of the neighboring property which is a large side setback for a boathouse. A new boathouse can be built with a total height from the ordinary high water line to a height of 13 feet and be located only 10 feet from the adjacent property line and project out 30 feet into the lake. By demolishing the existing nonconforming lower height boathouse, the construction of a new boathouse with a pitched roof parallel to the side lot line will, in fact, would create a much greater lake view obstruction than what is proposed for this larger but shorter boathouse that is located an average distance of over 31 feet from the side lot line.

In addition, the ability to replace the existing roof of this boathouse with a roof which has a code complying height of 11 feet above the deck of the boathouse, is a modification which does not increase its non-conformity and which also results in replacing a deteriorated roof requiring replacement, and may, therefore, be approved under the City’s Zoning Code. In addition, the existing boathouse is not a nonconforming use as referenced in a previous message in opposition to this approval, however, this structure does remain a non-conforming structure due to its size and distance out into the lake.

The Zoning Code reference below permits alteration of any structure that will decrease its nonconformity:

Section 58-64  
(c) Nonconforming structures.  
(1) No nonconforming structure or portion thereof may be enlarged or altered in a way which increases its nonconformity, including enlargement of a structure or building into a required setback at any floor level (irrespective of the gross building area), but any structure or portion thereof may be altered to decrease its nonconformity.

Another issue raised by the appealing party is whether this construction permit to raise the roof to 11’ above the deck requires going before the Lakes and Waterways Board for review. In response, the following code section limits those reviews to cases where variances are requested, or where a new boathouse is being built or where the location of the boathouse is being changed by more than five feet.

Section 58-87(b)(4) The lakes and waterways board shall review and approve construction of boathouses, docks, gazebos over the lakes or other water bodies. However, review and approval by the lakes and waterways board of boathouses, docks and gazebos shall not be required if the structure is replacing an existing boathouse, dock or gazebo and is in the same location and is meeting the code requirements set forth in this section. The review and approval by the lakes and waterways board is only required when variances are requested or when there is not an existing boathouse, dock or gazebo on the property/water or when the location of the boathouse, dock or gazebo is being changed by more than five feet from the current location.

Other facts related to this matter: In early 2019, certain limited remodeling and repair work was performed on the subject boathouse after obtaining a permit. Work was completed and final inspection approval was given on July 8, 2019.
Early in 2020, the Curtis’s filed a request for a boathouse roof height variance which was scheduled to be heard on February 18, 2020 by the Board of Adjustments. This request included building a new roof up to a height of 15.75 feet above the deck level in order to blend in with the roof of the main residence. Due to opposition from the neighbors, the Curtis’s requested that this matter be tabled in order to further modify the roof height and to obtain no objection from the neighboring property owners. Eventually, this led to the request which is the subject of the appeal here, concerning allowing the conforming roof height of 11 feet.

After further consultation with our Assistant City Attorney, Dan Langley, the City continues to hold the position that the Curtis’s should be permitted to continue with the construction of the new 11 feet high pitched roof on the subject boathouse for the reasons stated here.

**Appeal Process:** Based on the outcome of the P&Z Board’s decision, either party may further appeal the decision to the City Commission. That action is not mandatory. It is at the discretion of either party whether to pursue a further appeal to the City Commission. If either party chooses to do that, then there is separate public notice process required.

*Staff recommendation is to support the city’s interpretation.*
Zoning Code process for appeals:

Sec. 58-94. - Appeals from interpretations and enforcement decisions of the building and zoning official.

(a) Appeals concerning interpretation or enforcement of this article may be taken to the planning and zoning commission [board] by any person aggrieved by any decision of the building and zoning official enforcing or interpreting this article. Such appeals shall be taken within 30 days of rendition in writing of that decision by the building and zoning official. Upon written request of a person aggrieved, the building and zoning official shall forthwith render in writing any previously unwritten decision. Appeals shall be commenced by filing with the building and zoning official a notice of appeal specifying the ground thereof. The building and zoning official shall within seven days of such an appeal being filed transmit to the planning and zoning commission all papers constituting the record upon which the decision appealed from was made by him.

(b) The planning and zoning commission [board] shall hear the appeal at their first regular meeting next scheduled 20 days after the filing of the appeal providing sufficient time for notice of such hearing to be distributed in the same manner as for variances to this article. Such notice shall reflect that the decision of the planning and zoning commission [board] is subject to appeal by the city commission. The appellant shall pay to the city a fee prescribed by the city commission to cover the administrative costs of such an appeal. At the hearing the aggrieved person and parties in interest may appear in person or by agent or attorney. The building and zoning official may be represented by the city attorney or by such city official as he may designate.

(c) Review of the decision of the planning and zoning commission [board] may be taken in the manner described below to the city commission.

(d) On written application by the person aggrieved, the building and zoning official, the city manager or any member of the city commission, the city commission shall schedule a public hearing to review in such manner as the city commission may choose the decision of the planning and zoning commission [board] on such an appeal.

(e) Such application shall be filed in writing with the building and zoning official within 15 days of the rendition of the planning and zoning commission’s [board’s] decision on the original appeal. Notice of the hearing shall be mailed to the person aggrieved and to all owners of property within 200 feet of the property affected.

(f) At the conclusion of the public hearing, the city commission may affirm the decision of the planning and zoning commission [board] or override that decision and either reinstate the original decision of the building and zoning official or substitute its own decision for that of both the planning and zoning commission and the building and zoning official.

(g) An appeal to the planning and zoning commission [board] and an application for review before the city commission shall stay all proceedings in furtherance of the decision appealed from or from which review is sought, unless the building and zoning official certifies to the city manager after the notice of appeal or application for review is filed with him, that by reason of
facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.
September 16, 2020

Re: 975 Greentree Drive – Notice of Appeal of Building Official Decision

Dear Mr. Wiggins:

As you know, this firm represents Jeff and Cathy Smith residing at 935 Greentree Drive. Pursuant to Section 58-94 of the City’s Code, this letter will serve as their appeal of your September 14 decision to issue permit #20-1042 (the “Permit”). The Permit unlawfully allows Dean and Carrie Curtis to increase the size of the nonconforming boathouse (the “Boathouse”) on their residence at 975 Greentree Drive. Under the Permit, the Curtises would increase the height of the roof from 8 feet 2 inches from the surface of the deck to eleven (11) feet—the maximum allowed under Winter Park’s Code and a height increase of nearly 35%. The Smiths’ view of Lake Osceola from their property (directly to the west of the Curtis’ property) is already impaired by the nonconforming Boathouse, which is many times larger than is permitted under Winter Park’s Code. (The total area of the Boathouse is 1068 sq. ft., nearly twice the maximum area allowed under the Code of 600 sq. ft.)

As a procedural matter, the issuance of the Permit was in violation of the City’s Code. The City’s Code provides the following with respect to construction or renovation of docks and boathouses: “Before a building permit is issued, the plans for docks and boathouses shall be approved by the lakes and waterways board after review of comments from city staff and notification of the adjacent lakefront property owners.” (Emphasis added). Thus, in order for the Permit to be issued for the Curtises’ proposed renovation, the lakes and waterways board should have reviewed and approved the application. As the lakes and waterways board did not approve the application, issuance of the Permit was improper.

Because the Boathouse is already much larger than is permitted under Code, the total area of the proposed roof would be much larger than is allowed, even if the height of the roof is otherwise permissible. Through the Permit, the City would allow the Curtises to expand the existing nonconformity. Moreover, the new roof would not cure an existing nonconformity, as the existing roof is not flat, as shown by:
The applicant’s statement from the original application that “[t]he existing boathouse roof matches the style and pitch of the main house”; and

A side elevation from the original application showing that the existing Boathouse roof is pitched.

Copies of the application statement and the side elevation are attached hereto as Composite Exhibit “A.” As the shape of the existing Boathouse roof is not nonconforming, the higher roof allowed by the Permit would not cure any nonconformity. In fact, the new roof would only serve to enlarge the existing nonconforming Boathouse, with one oversized pitched roof being replaced by an even larger oversized pitched roof.

According to the lakefront district portion of Winter Park’s Code “[l]imitations on the maximum allowable height of structures are established . . . [t]o prevent the inequitable loss of private views.” Allowing the Curtises to increase the height of the Boathouse’s roof from 8 ft. 2 in. to 11 ft. (a 35% increase) would result in the inequitable loss of the Smiths’ view of Lake Osceola. In addition, the plans submitted by the Curtises show that the Boathouse contains an enclosed room over water in excess of 80 square feet. Such a use is prohibited by the City’s Code\(^1\) and further impacts our clients’ quiet enjoyment of the lake.

This letter constitutes formal notice of our clients’ appeal of the Permit under Section 58-94 of the City’s Code. As such, we request that you transmit this appeal to the City’s Planning and Zoning Commission to be placed on the Agenda for the Commission’s meeting on October 6, 2020. Further, we request that all work under the Permit be suspended until all appeal periods have expired.

Very truly yours,

M. Rebecca Wilson

MYF/MTL
cc: Kurt Ardaman, Esq. (via email ardaman@fishbacklaw.com)
    Daniel W. Langley, Esq. (via email dlangley@fishbacklaw.com)
    Bronce Stephenson (via email bstephenson@cityofwinterpark.org)
    Jeff & Cathy Smith (via email jsmith1125@aol.com)

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\(^1\) “There also shall not be any enclosed rooms over water except for storage rooms limited in size to a maximum of 80 square feet.” Sec. 58-87(c)(6).
Legal Description:
FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 22 SOUTH, RANGE 30 EAST, RUN SOUTH 00°59' WEST ALONG THE EAST LINE THEREOF A DISTANCE OF 651 FEET TO AN IRON PIPE MARKING THE SOUTH RIGHT-OF-WAY LINE OF PALMER AVENUE; THENCE RUN NORTH 89°59' WEST A DISTANCE OF 347.3 FEET, MORE OR LESS ALONG THE SAID SOUTH RIGHT-OF-WAY LINE OF PALMER AVENUE TO AN IRON PIPE MARKING THE EASTERY RIGHT-OF-WAY LINE OF GREENTREE DRIVE AS SHOWN ON THE PLAT OF PALMER AVENUE—LAKESIDE—PROPERTIES—ADDITION, AS RECORDED IN DEED BOOK 943, PAGE 77 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°13'50" EAST A DISTANCE OF 300.1 FEET ALONG SAID EASTERY RIGHT-OF-WAY LINE OF GREENTREE DRIVE TO A CONCRETE POST; THENCE RUN SOUTH 25°48' WEST A DISTANCE OF 45.9 FEET TO AN IRON PIPE AND CONCRETE POST; THENCE CONTINUING ALONG THE SAID EASTERY RIGHT-OF-WAY OF GREENTREE DRIVE, SOUTH A DISTANCE OF 553.1 FEET TO A CONCRETE POST; THENCE SOUTH 17°35' WEST, 125.88 FEET TO AN IRON PIPE AND THE POINT OF BEGINNING; THENCE EAST, 101.35 FEET; THENCE SOUTH 00°09'10" EAST 356.64 FEET TO A POINT IN LAKE OSCOELA; THENCE WEST 215.31 FEET TO A POINT 374.12 FEET, SOUTH 17°35' WEST OF BEGINNING; THENCE NORTH 17°35' EAST TO THE POINT OF BEGINNING.

SITE PLAN
for
CURTIS DOCK ROOF REPLACEMENT
at
975 GREENTREE DR
WINTER PARK, FL

JENNIFER L. TELIGA, P.E.
P.E. # 64621
16162 ST. CLAIR ST.
CLERMONT, FL  34714
(321)662-7503

SCC131150916

FENDERMARINE CONSTRUCTION
1201 W. JACKSON ST.
ORLANDO, FL  32805
(407)481-2750
WWW.FENDERMARINE.COM

30.8 ft
117.4 ft
53.9 ft
30.8 ft
117.4 ft
CURTIS DOCK ROOF REPLACEMENT
at
975 GREENTREE DR
WINTER PARK, FL

NORTH ELEVATION

EXISTING WALL TO REMAIN

5:12 PITCH HIP ROOF ON THE NORTH AND SOUTH SIDE ABOVE DECKED 2.25:12 ROOF. 2"X8" P.T. SYP HIP AND RIDGE BEAM. 2"X6" RAFTERS @ 2' O.C. w/ 5/8" CDX PLYWOOD ROOF DECK. FASTENED WITH 8D NAILS @ 4" SPACING ON THE EDGES AND 6" SPACING IN THE FIELD. (BELOW)

40-YEAR ARCHITECTURAL SHINGLES TO MATCH COLOR OF HOUSE

NOTE: NO WORK ON DECK OR BELOW DECK SHOULD BE REQUIRED OR PERFORMED

LAKE OSCEOLA OHWE 65.7 NAVD '88

FENDER MARINE CONSTRUCTION
1201 W. JACKSON ST.
ORLANDO, FL  32805
(407)481-2750
WWW.FENDERMARINE.COM
NOTE: NO WORK ON DECK OR BELOW DECK SHOULD BE REQUIRED OR PERFORMED

5/12 PITCH HIP ROOF ON THE NORTH AND SOUTH SIDE ABOVE DECKED 6/12 ROOF. 2"x8" P.T. SYP HIP AND RIDGE BEAM. 2"x6" RAFTERS @ 2' O.C. w/ 5/8" CDX PLYWOOD ROOF DECK. FASTENED WITH 8D NAILS @ 4" SPACING ON THE EDGES AND 6" SPACING IN THE FIELD.

2"x6" CYPRESS TONGUE AND GROOVE ROOF DECKING ON 2.25:12 PITCH ROOF (BELOW SHINGLES). SCREWED TO BEAMS AND RAFTERS w/ (2) 12d NAILS PER CONNECTION. (BELOW SHINGLES)

40-YEAR ARCHITECTURAL SHINGLES TO MATCH COLOR OF HOUSE AS CLOSELY AS POSSIBLE

EXISTING BOAT SLIP
EXISTING ACTIVITY DECK ROLL UP DOOR TO REMAIN
EXISTING WALL TO REMAIN

LAKE OSCEOLA OHWE 65.7 NAVD '88

JENNIFER L. TELIGA, P.E.
P.E. # 64621
16162 ST. CLAIR ST.
CLERMONT, FL  34714
(321)662-7503

WWW.FENDERMARINE.COM

FENDER MARINE CONSTRUCTION
1201 W. JACKSON ST.
ORLANDO, FL  32805
(407)481-2750
WWW.FENDERMARINE.COM

SCC131150916
EAST ELEVATION
for
DEAN CURTIS PROPOSED ROOF
at
975 GREENTREE DR
WINTER PARK, FL

NOTE: NO WORK ON DECK OR BELOW
DECK SHOULD BE REQUIRED OR
PERFORMED

3"X6" CYPRESS RAKERS AT 6:12
PITCH. ATTACHED TO
HEADER BEAM
W/SIMPSON H2.5A
ZMAX HURRICANE
STRAPS

RAFTER TAILS
SCROLL CUT TO
MATCH HOUSE

RAFTER TAILS
SCROLL CUT TO
MATCH HOUSE

LAKER OCEOLA CHWE
65.7 NAVD '98

EXISTING EXTERIOR
WALL TO REMAIN

40-YEAR
ARCHITECTURAL
SHINGLES TO MATCH
COLOR OF HOUSE AS
CLOSELY AS POSSIBLE

JENNIFER L. TELIGA, P.E.
P.E. # 64621
16162 ST. CLAIR ST.
CLERMONT, FL  34714
(321)662-7503

FENDER MARINE CONSTRUCTION
1201 W. JACKSON ST.
ORLANDO, FL  32805
(407)481-2750
WWW.FENDERMARINE.COM

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SCC131150916
FENDER MARINE CONSTRUCTION

33'

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SCC131150916
FENDER MARINE CONSTRUCTION

33'
EXTERIOR EAST WALL FRAMING
for CURTIS DOCK ROOF REPLACEMENT at 975 GREENTREE DR WINTER PARK, FL

NEW 2"x4" P.T. SYP FRAMED EXTERIOR WALL EXTENSION. STUDS @ 16" O.C.

EXISTING WALL TO REMAIN

EXISTING SLIDING BARN DOORS TO REMAIN

LAKE OSCEOLA OHWE 65.7 NAVD '88

5'

30'

7'-0"
NEW INTERIOR WALL
2"x4" P.T. SYP FRAMED WALL EXTENSION. STUDS @ 16" O.C.

EXISTING INTERIOR WALL TO REMAIN
EXISTING INTERIOR SLIDING BARN DOOR BOAT ACCESS TO REMAIN

LAKE OSCEOLA OHWE 65.7 NAVD '88

FENDER MARINE CONSTRUCTION
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ORLANDO, FL  32805
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SCC131150916

JENNIFER L. TELIGA, P.E.
P.E. # 64621
16162 ST. CLAIR ST.
CLERMONT, FL  34714
(321)662-7503
3"x6" CYPRESS RAFTER AT 2.25:12 PITCH @ 4' O.C. SPACING ATTACHED TO HEADER BEAM W/SIMPSON H2.5A ZMAX HURRICANE STRAPS

3"x8" CYPRESS HIP BEAM AT 2.25:12 PITCH ATTACHED TO HEADER BEAM W/SIMPSON HURRICANE STRAPS

EXISTING BOAT SLIP ROLLUP DOOR TO REMAIN

EXISTING ACTIVITY DECK ROLLUP DOOR TO REMAIN

INTERIOR WALL BELOW - TO REMAIN

EXTERIOR WALL BELOW - TO REMAIN

EXISTING DECK OUTLINE TO REMAIN

5:12 PITCH HIP ROOF ABOVE DECKED 2.25:12 ROOF. 2"X8" P.T. SYP HIP AND RIDGE BEAM. 2"X6" RAFTERS @ 2'-O.C. w/ 5/8" CDX PLYWOOD ROOF DECK

2"x12" SYP SLEEPER ON TOP OF DECKING FASTENED TO 2.25:12 RAFTERS w/ (2) 1/2" x 5" HDG LAG SCREW PER CONNECTION (DECKING NOT SHOWN FOR CLARITY) TYP. FOR BOTH EAST AND WEST SIDES.
ROOF FRAME SECTION
for
CURTIS DOCK ROOF REPLACEMENT
at
975 GREENTREE DR
WINTER PARK, FL

NOTE: NO WORK ON DECK OR BELOW DECK SHOULD BE REQUIRED OR PERFORMED
2"x6" JACK RAFTER (6:12 PITCH)

3"x8" CYPRESS HIP RAFTER (6:12 PITCH)

2"x12" SLEEPER FASTENED w/ (2) 1/2"x5" HDG LAG SCREW PER CONNECTION

2"x6" TONGUE & GROOVE CYPRESS ROOF DECKING FASTENED w/ (2) 12d NAILS PER CONNECTION

3"x6" CYPRESS JACK RAFTER 6:10 PITCH LAGGED TO HIP RAFTER

2"X6" T&G - V-JOINT CYPRESS SHEATING w/(2)-10D NAILS

SIMPSON H2.5A ZMAX HURRICANE CLIP - EACH RAFTER TO SLEEPER

2"X8" OR 3"X6" CYPRESS HIP AND RIDGE BEAMS AND RAFTERS (TYPICAL)

6"x6" P.T. PINE ROOF SUPPORT PILES 12' MAX O.C.

3"X6" 40 YEAR ARCHITECTURAL SHINGLE

2"X6" T&G - V-JOINT CYPRESS SHEATING w/(2)-10D NAILS

SIMPSON H2.5Z (typ) w/4 8D NAILS TO BEAM & (4) 8D NAILS TO RAFTERS

(2) 1/2" HDG CARRIAGE BOLT

(2) 16D NAILS PER RAFTER

SCROLL CUT RAFTER TAILS - NO FASCIA

(2) 1/2" HDG CARRIAGE BOLT

6"x6" P.T. PINE ROOF SUPPORT PILES 12' MAX O.C.

HEADER (BEYOND)
GENERAL NOTES

1. DETAILS SHOWN ON PLANS MAY BE FOR TYPICAL CONDITIONS. FOR CONDITIONS NOT SHOWN, PROVIDE DETAILS OF A SIMILAR NATURE.
2. DIMENSIONS SHOWN ON THESE PLANS SHALL BE VERIFIED BY THE CONTRACTOR OR BUILDER PRIOR TO CONSTRUCTION. THESE PLANS MAY NOT BE DRAWN TO SCALE. SCALE OF DRAWINGS IS STRONGLY DISCOURAGED. DIMENSIONED DRAWINGS TAKE PRIORITY OVER SCALE. IF CONFLICTS EXIST IN THE DRAWINGS, THE MORE STRINGENT SHALL PREVAIL.
3. THE CONTRACTOR SHALL COORDINATE ALL NEW WORK WITH THE EXISTING CONDITION AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER AND OWNER.
4. OBTAIN APPROVAL FROM THE ENGINEER PRIOR TO ALL STRUCTURAL CHANGES.
5. CONTRACTOR IS RESPONSIBLE FOR ALL CONSTRUCTION PRACTICES, INCLUDING TECHNIQUES, PROCEDURES, SHOPPING AND THE SEQUENCE OF CONSTRUCTION. CONTRACTOR SHOULD NOTIFY ENGINEER IF A CONFLICT ARISES DUE TO VARIATIONS OR OTHER PROBLEMS WITH THE CONSTRUCTION DOCUMENTS.
6. SURVEY AND WETLAND INFORMATION IS PROVIDED TO ENGINEER AND IS PORTrayED FOR CONCEPTUAL LOCATION ONLY. DISPLAY DOES NOT CONSTITUTE REVIEW ACCEPTANCE OR ENDORSEMENT OF INFORMATION CONTAINED THEREIN. (BASED ON PROPERTY SURVEY BY OTHERS)

APPLICABLE CODES AND STANDARDS

CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF THESE STRUCTURAL SPECIFICATIONS AND THE REQUIREMENTS CONTAINED IN THE FOLLOWING CODES AND STANDARDS. WHEN A DIFFERENCE EXISTS BETWEEN THESE SPECIFICATIONS AND ANY OTHER GOVERNING CODE, THE MORE STRINGENT SHALL CONTROL. ANY OTHER ITEMS NOT COVERED THEREIN SHALL BE COMMISSURATE WITH SOUND ENGINEERING AND STANDARD CONSTRUCTION PRACTICES.

2017 FLORIDA BUILDING CODE
ASC MANUAl OF STEEL CONSTRUCTION
THE ALUMINUM ASSOCIATION LATEST EDITION ASCE 7-10
AMERICAN CONCRETE INSTITUTE (ACI) 318-02
AMERICAN WOOD COUNCIL - NATIONAL DESIGN SPECIFICATIONS FOR WOOD CONSTRUCTION 1997 EDITION
AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE 7-02) MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES

DESIGN LOADEs
PURSUANT TO CHAPTER 1609 LL. I TABLE 1607. W. W. SECTION 1609.
ULTIMATE WIND: 142 MPH AT 3 SECOND GUST (30 PSF MINIMUM)
RISK CATEGORY II (TABLE 1604-5)
EXPOSURE CATEGORY "D" (IBC 1609.4.3 AND ASCE 7-10, SECTION 26.7.2)
COMPONENTS AND CLADDING DESIGN WIND PRESSURES: +38 PSF-33PSF

MATERIALS
1. ALL STRUCTURAL LUMBER SHALL BE SOUTHERN YELLOW PINE NO. 2 OR BETTER AS NOTED
2. ALL LUMBER EXPOSED TO THE WEATHER OR GROUND SHALL BE PRESSURE TREATED.
3. ALL HURRICANE LOAD CONNECTORS SHALL BE AS NOTED ON PLANS
4. BOLTS: NOT DIPPED GALVANIZED
5. SIMPSON STRAPS SHALL BE ZIRAX

T trads
DESIGN IN ACCORDANCE WITH THE NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION, WITH LOADING IN ACCORDANCE WITH THE FLORIDA BUILDING CODE. ALL GRADED STRUCTURAL LUMBER SHALL BE PRESSURE TREATED AND MEET THE FOLLOWING MINIMUM REQUIREMENTS:

MINIMUM BENDING STRESS = 1250 PSI (NO. 1 DENSE SOUTHERN PINE)
YOUNG'S MODULUS = 1600 ksi
MAXIMUM OF 15% MOISTURE CONTENT
CONTRACTOR MAY USE SOUTHERN YELLOW PINE OR U.O.N.

LUMBER SIZES SHOWN ARE NOMINAL SIZES. LUMBER SHALL BE FURNISHED IN FINISHED SIZES MEETING THE REQUIREMENTS OF THE AMERICAN SOFTWOOD LUMBER STANDARD.

ROOFING NAILING SCHEDULE
1. 2"x6" TONGUE AND GROOVE DECKING - (2) 12D NAILS PER CONNECTION.
2. 5/8" CDX PLYWOOD - 8D NAILS @ 4" SPACING ON THE EDGES
3. 5/8" CDX PLYWOOD - 8D NAILS @ 6" SPACING IN THE FIELD

AWPA RETENTION REQUIREMENTS

<table>
<thead>
<tr>
<th>APPLICATION USE CATEGORY</th>
<th>ACQ (PCF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABOVE GROUND</td>
<td>0.25</td>
</tr>
<tr>
<td>GROUND/FRESHWATER CONTACT</td>
<td>0.40</td>
</tr>
<tr>
<td>PERMANENT WOOD FOUNDATION</td>
<td>2.50 CCA</td>
</tr>
<tr>
<td>LUMBER, TIMBERS, AND PLYWOOD</td>
<td></td>
</tr>
<tr>
<td>STRUCTURAL POLES</td>
<td>2.50 CCA</td>
</tr>
<tr>
<td>FOUNDATIONS / FRESHWATER</td>
<td>0.80</td>
</tr>
</tbody>
</table>
3"x8" cypress hip beam at 6:12 pitch
attached to header beam w/ Simpson H2.5A ZMAX hurricane straps (below)

3"x6" cypress rafter at 6:12 pitch
attached to header beam w/ Simpson H2.5A ZMAX hurricane straps (below)

10:12 pitch hip roof on the north and south side
above decked 6:12 roof
2"x8" p.t. syp hip and ridge beam.
2"x6" rafters @ 2'
O.C. w/ 5/8" CDX plywood roof deck. fastened with
8d nails @ 4" spacing on the edges and 6" spacing
in the field. (below)

18" x 12'

existing wall to remain

existing wall to remain

double 2"x10" p.t. syp beam

40-year architectural shingles to match
color of house

33'

note: no work on deck or below
deck should be required or
performed
BOARD OF ADJUSTMENTS

February 20, 2020

Sheila Cichra
2154 Oak Beach Blvd
Sebring, FL 33875

Dear Ms. Cichra,

Your request on behalf of Dean Curtis, for a variance to allow the construction of a new roof on an existing boathouse with a deck to top of roof height of 15.75 feet, in lieu of the maximum permitted height of 11 feet, and with the existing deck height at one foot above the Ordinary High Water Line, was tabled by the Board of Adjustments on February 18, 2020 for up to 90 days.

The subject property described as Parcel ID # 05-22-30-0000-00-005 as recorded in the Public Records of Orange County, Florida.

Located at 975 Greentree Drive Zoned R-1AAA

Provide a revised application and revised plans, with Winter Park’s Lakes Departmental approval letter, by the following dates:

- February 25, for the March 17 meeting
- March 27, for the April 21 meeting
- April 24, for the May 22 meeting

If I can be of further assistance, please feel free to contact me.

Respectfully,

[Signature]

George J. Wiggins, CBO
Director of Building/Legislative Affairs
407-599-3426
Planning & Zoning Board
Staff Report for December 1, 2020 Meeting

ZTA #20-07 and CU #20-06 Request of McLaren Orlando LLC: An Ordinance amending Article III “Zoning” of Chapter 58 “Land Development Code” to establish in the Commercial (C-3) District, a new Conditional Use and Definition for Specialty Transportation Business and for a Conditional Use to establish such business at 1111 S. Orlando Avenue.

Update on the Application:

This request for a Zoning Code text change and Conditional Use to for McLaren to remodel and use the former Orchard Supply store at 1111 S. Orlando Avenue was tabled at the November 2nd P&Z meeting, providing time for the applicant to meet with neighboring property owners to address concerns and to consider changes to the design based on input provided at the meeting. Since that time, there has been no new information provided by the applicant or outreach to the neighborhood, to the knowledge of staff. The only new information is a letter (attached) from the Orwin Manor Neighborhood Assoc. in opposition to the request. Staff has continued to receive a great deal of opposition from property owners in the area.

The staff recommendation continues to be for denial. Staff will not provide an additional presentation, given that no changes have been made to the plans and that no public outreach appears to have occurred, that may had led to changes in the site plan or design. The staff report below is a repeat from November.

Description of the Requests:

This public hearing is to consider two requests by McLaren Orlando LLC for 1) an ordinance to amend the Zoning Code to establish a new Conditional Use for a “Specialty Transportation Business” in C-3 zoning and 2) for such Conditional Use to be approved at the former Orchard Supply property at 1111 S. Orlando Avenue, zoned C-3.

Background:

In July 2016, the City approved the Conditional Use to allow the 2.4 acres at 1111 S. Orlando Avenues, between Miller and Indiana Avenues to be redeveloped for an Orchard Supply hardware store. At that time, a parking variance was granted of 23 spaces given the characteristics of this particular business use from the required 119 spaces to 96 spaces.

By late 2018 the Orchard Supply store closed along with the rest of those stores nationwide. The property has been on the market since that time, but it is disadvantaged due to the parking variance that was granted. Without adequate parking, both per code and to meet the practical needs of tenants, the existing building cannot be converted to retail store space or offices. The owner has been seeking a lower intensity user that can function with the
limited parking but certain types of those uses, such as self-storage, have been at odds with the Code and discouraged by staff.

**Request of McLaren Orlando LLC**

McLaren Orlando LLC now has a contract to purchase this property to use for the sales and service of their products. The applicant believes that they have little in common with typical car dealerships given their individual characteristics of the transportation products and service. There is no outside display of their products, and the price point ($250,000 and up) puts them in a category where customers are typically seen by appointment. The staff and traffic generated are inconsequential and not comparable to a typical car dealership. Given this low intensity use, a large portion of their parking lot is surplus and not needed. As a result, they are willing to convert 22,000 square feet of the Orlando Avenue frontage of this property from parking lot to an open green landscape space for as long as their business occupies this building.

**Comprehensive Plan/Zoning Code Conformance**

The Comprehensive Plan contains the general policy below and the specific policy for this planning area that relate to vehicle sales. This is implemented in the Zoning Code with the text below that prohibits the location of any new or used car/vehicle dealership/business except in two geographic areas due to characteristics of those businesses.

**Comprehensive Plan Policies:**

**Policy 1-5.4.8:** Enhance the Appeal & Improve the Property Values of Certain Gateway Corridor Entrances into the City of Winter Park. In order to establish, maintain and enhance the character and aesthetic appeal of certain important gateway corridor entrances into the City of Winter Park, and to increase the property values along such gateway corridor entrances to the City, in order to distinguish those gateways as attractive entrances into the City, the City shall, prohibit certain business types along the frontage of those roadway corridors to exclude any new or used car sales businesses, auto repair businesses, resale stores or pawn shops, vapor lounges or smoke shops, adult oriented businesses, gas/service stations and convenience stores.

**Policy 1-J-6:** Concentrate Vehicle Dealerships North of Webster Avenue or Lee Road The policies of this Comprehensive Plan restrict car sales businesses to two geographic areas where such businesses are permitted. One such area where vehicle sales business are potentially allowed as conditional uses is in this planning area north of Webster Avenue or north of Lee Road.

**Zoning Code excerpt:**

(c) **Conditional uses.** The following uses may also be permitted as conditional uses following review by the planning and zoning board and approval by the city commission in accordance with the provisions of this Article. See Sec. 58-90 Conditional Uses.

(1) New and used motor vehicle, boat or trailer sales but per the policies of the Comprehensive Plan restricted and limited to locations north of Webster Avenue, west of Denning Drive and east of Bennett Avenue and locations on the west side of Wymore Road, north of Lee Road.

The applicant is requesting that the City treat their definition of a vehicle differently, so that
McLaren or other similar products like them, such as Rolls Royce, Bentley, Lamborghini, Ferrari could request a Conditional Use approval based upon specific criteria.

The applicant will point out that the other similar products already have existing locations in the Orlando area. These products are “new and used car sales” but the burden on the applicant is to demonstrate that these products are such a niche market of the 17 million cars sold in the United States each year that they qualify for a zoning code distinction. However, staff is concerned about the unintended consequences of redefining vehicles as not being vehicles, if they are over a certain value.

The Zoning Code Text Amendment

The applicant’s request is to establish a new conditional use for a “specialty transportation business” which mandates conformance to specific criteria. Those criteria are that all product and inventory must be housed within a fully enclosed building, that all repair and service must be conducted within a fully enclosed building with no outside storage permitted, that the hours of retail operation are limited to 8 am to 6 pm Monday-Friday and 9 am to 5 pm on Saturday and that 30% of subject property, exclusive of stormwater retention, shall be devoted to green open space visible from an arterial roadway. The proposed ordinance would also establish a definition for a “specialty transportation business” as well incorporating the conditional use and criteria in the Zoning Code.

McLaren Conditional Use Request

The specific request by McLaren at 1111 S. Orlando Avenue would maintain the same layout of building and parking lot but would convert the 22,000 sq. ft. at the corner of Orlando and Miller Avenues into an urban green open space. The applicant has provided a landscape plan of their commitment to transform that corner into open space. It is intended as a passive urban green space primarily for the aesthetic benefit of green open space. It would be open to the public but not set up for active recreation.

The existing Orchard Supply building would undergo an exterior image transformation that would open up the building for viewing by replacing many solid wall areas with glass walls toward Orlando Avenue to enhance the appearance of the building and to allow visibility of their products. Inside the building the existing mezzanine would be expanded to add additional second floor space all within the existing roof height and dimensions of the current building.

The location of the base of the previous Orchard Supply monument sign at the Orlando/Miller Avenue corner would be re-used as well as wall signage within Code on the building.

Summary and Recommendation

This site is challenged by the parking variance granted in 2016 that prohibits reuse of the building for stores, offices or restaurants. However, being on a main gateway entrance to the City, staff has concerns about the prominence of the vehicle display and the method of approval for such a business and the unintended consequences of creating a pathway (just amend the Zoning Code) that may allow others to ask for equitable treatment in the sale and service associated with their “transportation business”.

The City could alternatively amend the policies regarding vehicle sales in the Comprehensive Plan to designate this particular property as a permitted location in addition to the other permitted locations specified in the Comprehensive Plan and Zoning Code. To amend the Comprehensive Plan is unfortunately a 5 to 6-month process that does not work for the applicant, as the seller must remove the property from the market for that time period.
Given the criteria established for this conditional use, this Code Change is unlikely to set any precedent for others (as written) but staff cannot be absolutely certain that others would not seek to amend the criteria to fit their circumstances and ask “why not me, if they can do it”. The inherent problem is that we are creating a definition for car/vehicle sales/service that says these are not really cars/vehicles.

The creation of the urban green space at a gateway entrance to the City is a very appealing aspect of the applicant’s proposal. It would give the City an urban green space such as the sort sought by the Winter Park Land Trust. Plus, the unique nature of the product would add to the reputation of the City for excellence. However due to concerns about the inconsistency of the treatment of vehicle sales and the precedent leads staff to be extra cautious.

Staff recommendation is for denial due to those precedent concerns.
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE III ZONING REGULATIONS OF CHAPTER 58 OF THE LAND DEVELOPMENT CODE TO AMEND SUBSECTION 58-76 COMMERCIAL (C-3) DISTRICT TO ESTABLISH A NEW CONDITIONAL USE FOR SPECIALTY TRANSPORTATION BUSINESS AND TO AMEND SUBSECTION 58-95 DEFINITIONS TO ESTABLISH A DEFINITION FOR SPECIALTY TRANSPORTATION BUSINESS. PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that certain types of business are unique to their product lines which requires special consideration and clarification of the intent of the Zoning Code; and

WHEREAS, the City recognizes that the Planning and Zoning Board and/or the City Commission desires that other factors such as the voluntary provision of green open space in commercial areas is important for the character and environment of the City; and

WHEREAS, the City recognizes that the Planning and Zoning Board and/or the City Commission recognizes that such factors are only one part of the consideration for the approval of conditional uses but, agrees that those types of applications may be heard; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, and section 58-372 of the City Code of Ordinances, the City’s local planning agency, which is the designated planning and zoning board, has reviewed and made recommendations as to the amendments set forth herein; and

WHEREAS, this Ordinance is being adopted in the best interests of the health, safety and welfare of the citizens of Winter Park.

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

SECTION I: RECITALS. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION II: EDITS. Portions of Chapter 58, Land Development Code, Article III, Zoning Regulations, are hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text. Provisions not included are not being amended.

SECTION III: AMENDMENT. Chapter 58, Land Development Code, Article III, Zoning Regulations, Section 58-76 "Commercial (C-3) District" is hereby amended in subsection (c) (1) to establish a new conditional use as shown below and that Section 58-95 "Definitions" is hereby amended to add a new definition for specialty transportation business, to read as follows:
Sec. 58-76. Commercial (C-3) district.

(c) Conditional uses.

***

(p) Specialty transportation business, provided the following criteria are met that all product and inventory must be housed within a fully enclosed building, that all repair and service must be conducted within a fully enclosed building with no outside storage permitted, that the hours of retail operation are limited to 8 am to 6 pm Monday-Friday and 9 am to 5 pm on Saturday and that 30% of subject property, exclusive of stormwater retention, shall be devoted to green open space visible from an arterial roadway.

Sec. 58-95. Definitions.

***

Specialty transportation business means the retail sale and service of exotic high-performance automotive brands that are manufactured outside of the United States and that have annual sales volumes in the United States of less than 7,500 units.

SECTION IV: INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION V: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION VI: CODIFICATION. Section III of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word “Ordinance” may be changed to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener’s errors.

SECTION VII: This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this______ day of _________, 2020.

City of Winter Park

______________________________
Steven M. Leary, Mayor

Attest: __________________________
November 22, 2020

Re: Reuse of the Orchard Supply site

Dear Mayor and Commissioners,

The Orwin Manor Westminster Association has successfully dedicated much effort to the traffic safety issues on Orange Avenue and now finds itself battling an inappropriate reuse of the former Orchard Supply site.

The board has unanimously voted to NOT support reuse as a car dealership. That use of the property is inappropriate and the developer’s request for a special conditional use must be rejected.

There are numerous negatives to this proposed re-development of the Orchard Supply building:

1. The exception to the zoning in this area may lead to more auto dealerships or other inappropriate uses.
2. Pedestrian safety is a serious issue in this area. The test driving of high-performance vehicles in this area increases risk. Encourage pedestrians and bicyclists - do not discourage them.
3. This use could be allowed in the Orange Ave corridor overlay or other nearby areas.
4. Hundreds of residents live within earshot of this site and some are just a few feet away. These neighborhoods are already subjected to noise from 17/92, Orange Avenue, Interstate 4, and Florida hospital helicopters. Do not add to this pollution.
5. The McLaren Orlando group hosts huge events. We have no faith that any agreement to control such events would be followed. Are the neighbors expected to constantly police and report infractions? Do not place us in that untenable position.
6. Large tractor trailer transport trucks are totally inappropriate in this area of high traffic congestion. How do they intend to get them in and out of the traffic congestion on 17/92 and not impact residential streets?
7. On a site that does not have adequate parking, overflow parking will flow onto our neighborhood streets.

This proposed reuse must be rejected. Send a clear message that our quality of life will not be further degraded. Allow an appropriate use we will want to walk and bike to. Strengthen neighborhoods, do not weaken them.

Regards,

[Signature]

Stephen Pategas
Orwin Manor Westminster Board Member since 1987