CITY OF WINTER PARK PLANNING AND ZONING BOARD

Staff Report January 7, 2014

REQUEST OF LAKESIDE WINTER PARK LLC TO: AMEND THE CONDITIONAL USE SITE PLAN APPROVAL FOR THE LAKESIDE WINTER PARK PROJECT AT 111 N. ORLANDO AVENUE, ZONED C-3, TO ELIMINATE THE 4,500 SQ. FT. RETAIL/OFFICE BUILDING FOR A 7,000 SQ. FT. RETAIL/OFFICE BUILDING AND REQUESTING A VARIANCE OF THE ADDITIONAL 15 PARKING SPACES REQUIRED.

Lakeside Winter Park LLC (Unicorp USA) is requesting to "amend" their conditional use approval for their Lakeside project on the property at 111 N. Orlando Avenue to revise the substituting a 7,000 sq. ft. building for the 4,500 sq. ft. building previously approved and requesting a parking variance of 15 spaces.

The City Commission approved the "preliminary" conditional use with a proposed 4,000 sq. ft. branch bank in the southeast portion of the development. When the "final" conditional use came back for approval, the building was slightly revised to a 4,500 sq. ft. retail/office building. At this time, the developer has a specific tenant for that building but they need 7,000 sq. ft. for their business. Thus, the request to amend the site plan and the parking variance associated with it.

Site Plan Change:

Just that southeast portion of the approved site plan is proposed to be modified. Everything else stays as originally approved.

There is a significant difference in access and circulation between the two plans. The original approved plan allows circulation around the building. The new plan contains two dead-end driveways. Both the Public Works Dept. traffic engineering and Police Dept. traffic staff have recommended against the creation of these dead-end parking lots areas. These dead-ends create traffic safety hazards as cars need to back up out of them when drivers discover that no spaces are open. This is especially hazardous for the one closest to Orlando Avenue where traffic is backing into the entrance/exit drive.

The city did approved one dead end parking lot component up adjacent to the Trader Joe's but the City did that with the understanding that those spaces would be employee parking and designated as such.

Staff has conveyed this issue to the applicant. They are working on a site plan revision to remedy this issue and that may further impact the parking variance.

Due to the Holidays, that revised site plan will come in after this packet goes out to P&Z. We can then decide whether to act on it at the P&Z meeting or table the request.

Parking Variance:

As presented now, the parking variance results from the combination that the parking yield on-site is reduced from 173 total spaces to 168 total spaces which is a loss of 5 spaces. Then the increase in square footage from 4,500 sq. ft. to 7,000 sq. ft. generates the need for parking for that 2,500 sq. ft. increase which at one space per each 250 sq. ft. is 10 spaces. The loss of 5 spaces and the increase in demand for 10 additional spaces adds up to the variance requested of 15 spaces. The 15 spaces are 9% of the total parking.

Development Agreement:

The Development Agreement executed for this project will need to be amended (pending approval by the City Commission and City Attorney) to incorporate the approvals granted and the variances permitted as well as any new conditions of approval. That work will result from the decision on this request.

Summary:

As presented now, the staff cannot recommend approval with the Public Works traffic engineering and Police Dept. traffic staff recommending against this revised site plan due to the traffic safety issues. We will have to see if the revised site plan fixes that issue.

In terms of the parking variance the staff is troubled by the request primarily because of the popularity and cult following of the Trader Joe's. Normally there would be enough float between the businesses to allow about a 10% reduction in the parking provided. But from everything we have heard about Trader Joe's popularity and regional draw, parking is likely to be at a premium. It is one thing for customers to complain and the response is that "Well they meet the Code" and another to know they were granted a 10% parking variance.

STAFF RECOMMENDATION IS TO TABLE OR DENY.



December 23, 2013

Mr. Jeff Briggs Planning Manager City of Winter Park 401 South Park Avenue Winter Park, FL 32789

Re: Lakeside - Request for Parking Variance

Dear Mr. Briggs,

We are submitting for consideration by the City of Winter Park a request for a parking variance at our Lakeside development located on 111-131 Orlando Avenue. We are proposing to increase the overall GLA of the property by 2,500sf to accommodate the construction on our remaining Pad E of a 7,000 sf, one story office building for the exclusive use by Blue Cross/Blue Shield. The original branch bank tenant we were in negotiations with was unable to move forward. Given the explosion in the number of branch banks in Winter Park, we believe use of this pad as medical office space is a much more desirable use for Lakeside and Winter Park. Blue Cross/Blue Shield has executed a Letter of Intent and we are excited about bringing in a quality tenant such as Blue Cross/Blue Shield to Lakeside and Winter Park.

As shown on the attached site plan, the configuration of the parking adjacent to the Pad E will be minimally reconfigured to accommodate an increase in the building size from the currently approved 4,500sf to 7,000sf. To accomplish this, the overall number of spaces provided decreases slightly from 173 to 168. Based on Winter Park parking ordinances, the 2,500sf increase of office space results in an overall site parking space requirement of 183 spaces. Therefore we are requesting a variance of 15 spaces.

We believe this variance is justifiable because, as currently approved, the Building E pad could ultimately be constructed as retail space or for a branch bank. While the ordinance parking requirement for office space is the same as for retail space (one space per 250sf), this use as office space by Blue Cross/Blue Shield will result in lower traffic and parking intensity that for the equivalent retail/branch bank space. As evidence of this, Blue Cross/Blue Shield has only requested 12 spaces designated as exclusive for their use.

Mr. Jeff Briggs December 23, 2013 Lakeside – Request for Parking Variance

We appreciate the support and service all branches of Winter Park government have given to our development of Lakeside. We are anxious to move forward quickly with this tenant on Pad E as it will finish the project's "front door" and allow the project to be fully built out in a single phase. We hope you agree that Lakeside will be a tremendous enhancement and asset to Winter Park when complete and we feel that granting this variance to allow construction of this Blue Cross/Blue Shield building will only benefit the project and the community.

Sincerely,

Chuck Whittall

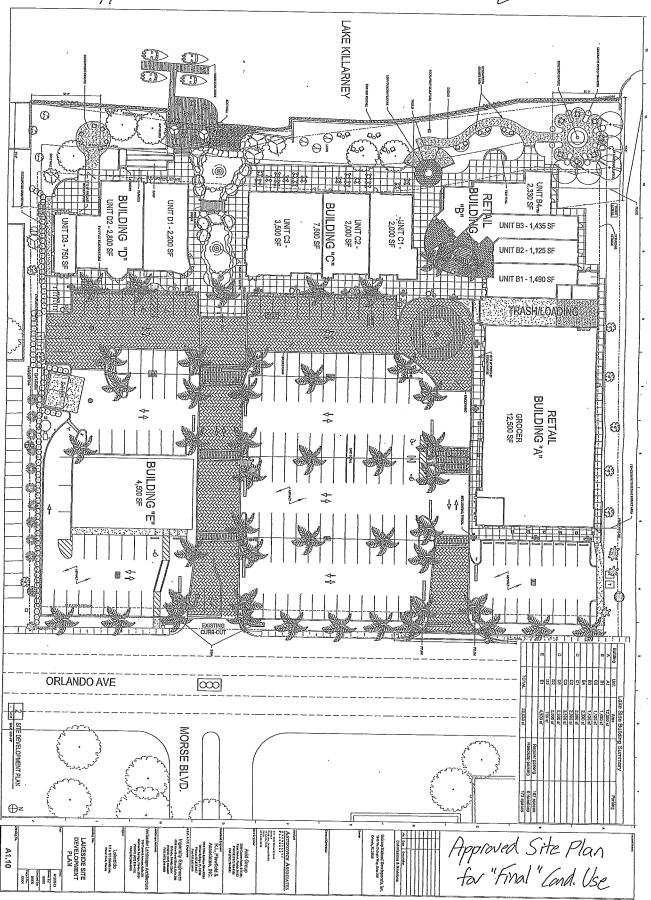
Manager, Lakeside Winter Park, LLC

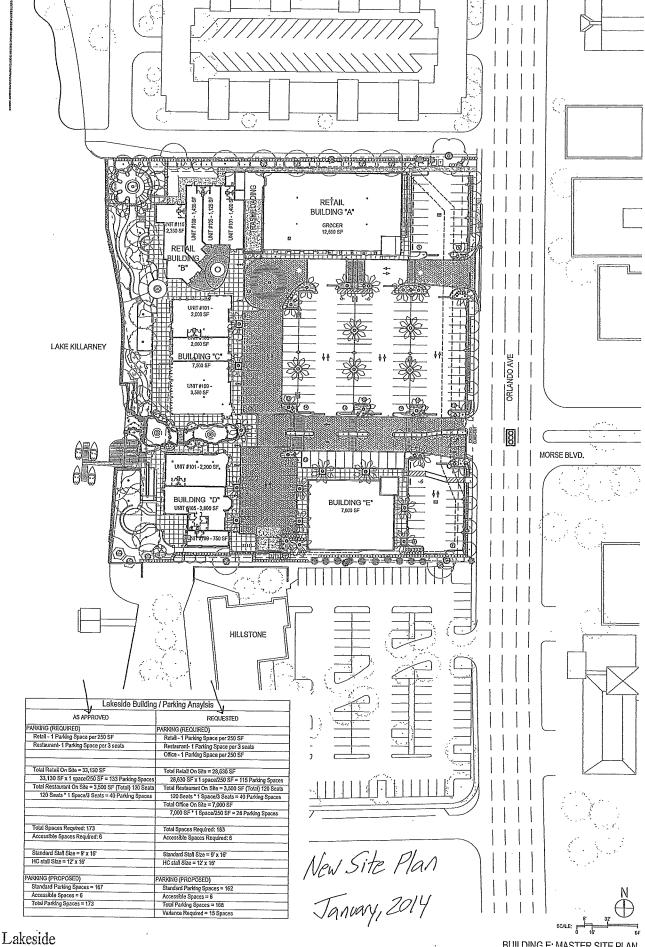
Attachment: Lakeside – Building E: Master Plan dated 12/10/13

LARIDPROXGRAPHICS

T 407.644.5366 ➤ F 407.644.7453 www.AmericanRepro.com

Approved Site Plan for "final "Conditional USC





Winter Park, Florida

Antunovich Associates - Architect 224 West Huron Street, Chicago, 8 60654 Phone: 312-266-1126 Fax: 312-266-7123

Unitary Halional Developments, Inc. - Developers

BUILDING E: MASTER SITE PLAN

12.10.2013
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WATON SHOWN, THE DEVISANY DIMENSIONS OR SQUARE

CITY OF WINTER PARK PLANNING AND ZONING BOARD

Staff Report January 7, 2014

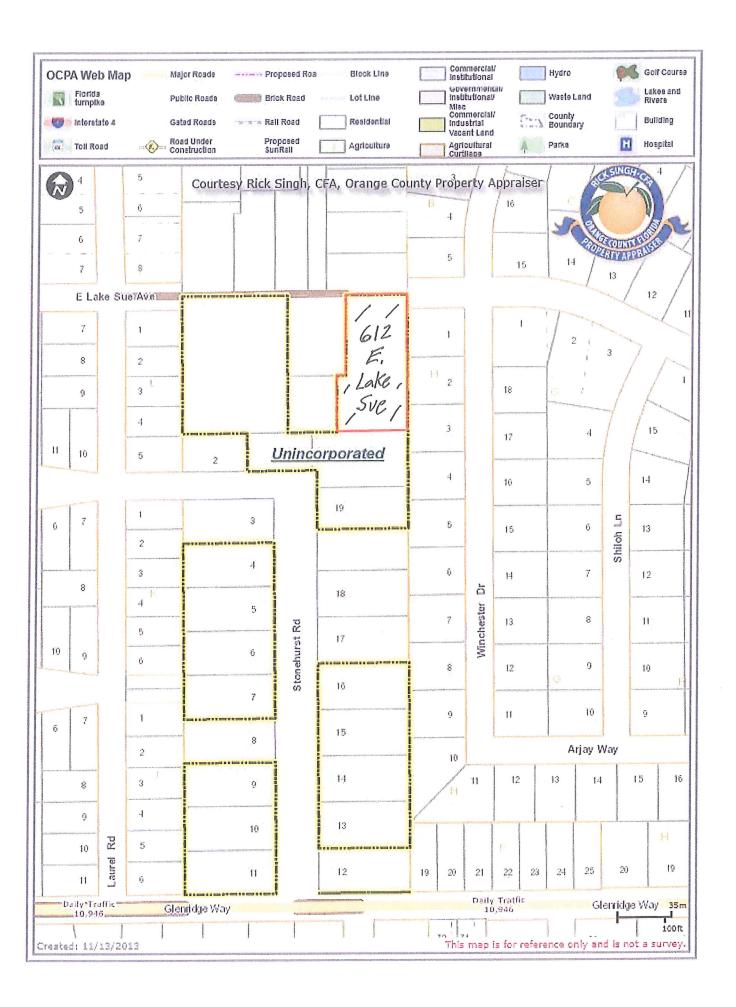
REQUEST OF MR./MRS. TRUBY TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH A SINGLE FAMILY FUTURE LAND USE DESIGNATION TO THE ANNEXED PROPERTY AT 612 E. LAKE SUE AVENUE.

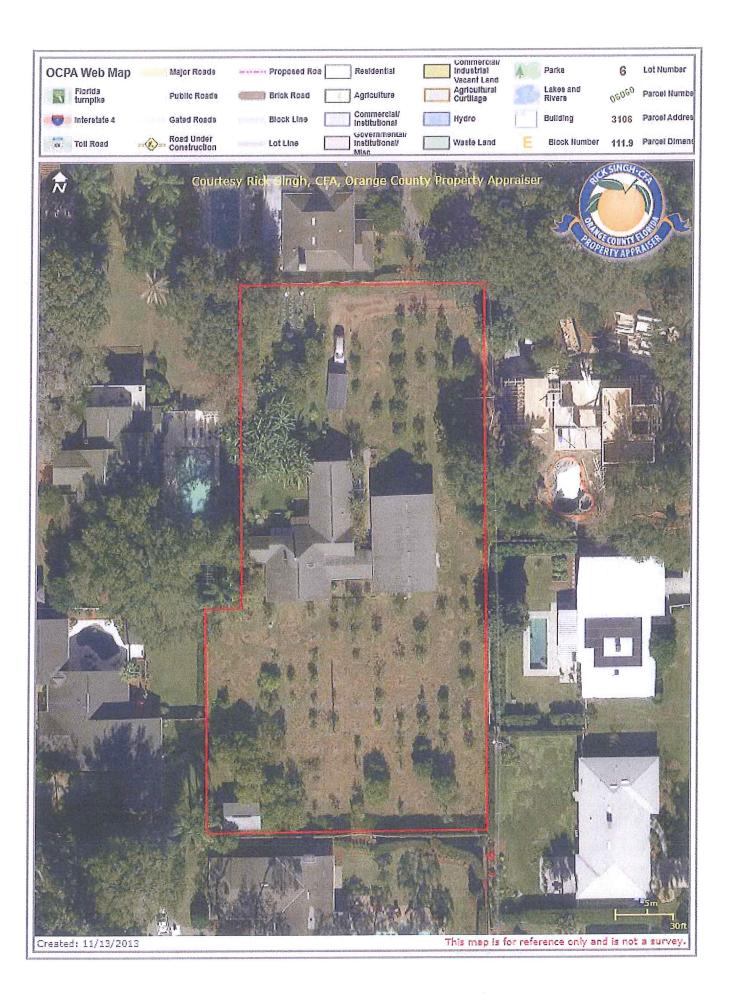
REQUEST OF MR./MRS. TRUBY TO: TO AMEND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH SINGLE FAMILY RESIDENTIAL (R-1AA) DISTRICT ZONING ON THE ANNEXED PROPERTY AT 612 E. LAKE SUE AVENUE.

Mr. and Mrs. Truby are the owners the property at 612 E. Lake Sue Avenue, where they reside. They have made a voluntary request for annexation and the City needs to establish a single family FLU designation on the Comprehensive Plan maps and single family (R-1AA) zoning on this property being annexed into the City. The property now has the same single family FLU and zoning in Orange County, so there is no change.

This property is part of the "Stonehurst Drive" enclave so the City is pleased to annex one more property.

STAFF RECOMMENDATION IS FOR APPROVAL





ORDINANCE NO. ——

AN ORDINANCE OF THE CITY OF WINTER PARK, AMENDING CHAPTER "LAND **FLORIDA** 58. DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH SINGLE FAMILY RESIDENTIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 612 EAST LAKE SUE AVENUE AND TO INDICATE THE ANNEXATION OF THIS PROPERTY ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE **PARTICULARLY** DESCRIBED HEREIN.

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

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

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

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

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to establish a Single Family Residential future land use designation on the annexed property at 612 E. Lake Sue Avenue and that all other maps in the Comprehensive Plan shall also be amended to reflect the addition and annexation of this property into the City of Winter Park, said property being more particularly described as follows:

612 East Lake Sue Avenue: PROPERTY TAX ID# 17-22-30-4788-00-015

BEGIN 361.00 FEET EAST OF THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 22 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 175.00 FEET; THENCE WEST 20.00 FEET; THENCE SOUTH 123.00 FEET; THENCE EAST 154.00 FEET; THENCE NORTH 298.00 FEET; THENCE WEST 134.00 FEET TO THE POINT OF BEGINNING, BEING A PART OF THE REPLAT OF LAKE VIRGINIA SHORES, AS RECORDED IN PLAT BOOK "Q", PAGE 53. OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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

ADOPTED at a regula	ar meeting of the Cit	ly Commission of th	ne City of Winter Park
Florida, held in City Hall, Wil	nter Park, on this	day of	, 2013.
•			
			Mayo
Attest:			
City Clerk			

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH SINGLE FAMILY (R-1AA) ZONING ON THE ANNEXED PROPERTY AT 612 EAST LAKE SUE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.

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

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

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

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

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to establish Single Family (R-1AA) district zoning on the annexed property at 612 East Lake Sue Avenue, more particularly described as follows:

612 East Lake Sue Avenue: PROPERTY TAX ID# 17-22-30-4788-00-015

BEGIN 361.00 FEET EAST OF THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 22 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 175.00 FEET; THENCE WEST 20.00 FEET; THENCE SOUTH 123.00 FEET; THENCE EAST 154.00 FEET; THENCE NORTH 298.00 FEET; THENCE WEST 134.00 FEET TO THE POINT OF BEGINNING, BEING A PART OF THE REPLAT OF LAKE VIRGINIA SHORES, AS RECORDED IN PLAT BOOK "Q", PAGE 53, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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

A	DOPTED at a req	jular meeting of t	he City Cor	nmission of t	he City of Winter Park,
Florida,	held in City Hall,	Winter Park, on t	his (day of	, 2013.
	•			-	
		_			Mayor
Attest:					,
City Cle	rk	-			

CITY OF WINTER PARK PLANNING AND ZONING BOARD

Staff Report January 7, 2014

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", SECTION 58-84, RELATING TO NON-RESIDENTIAL ZONING DISTRICTS AND THE CONDITIONS REQUIRED FOR A SPECIAL EVENT; PROVIDING FOR, SEVERABILITY, CODIFICATION,

CONFLICTS AND AN EFFECTIVE DATE.

This agenda item was tabled at last month's P&Z meeting. The Ordinance has been revised by the City Attorney per the comments of P&Z.

As background, this Ordinance is in response to an issue that developed last year when a private organization asked for a "special event permit" to hold an "arts festival" event at the same time as the City's annual Spring Arts Festival in March. The competing event was not held but they were soliciting approval from the Winter Park Village and other commercial property owners in the downtown to stage their event at the same time and thereby benefit from the attendance already in the City for the city sponsored event.

The City Commission has expressed interest in protecting the tradition of the Spring and Autumn Art Festival recognizing the vast number of hours that volunteers spend on preparations for and the hosting of these events. Thus, the City Attorney has drafted this proposed ordinance.

The revision creates a non-compete window of 30 days (was 45 days) on either side of these traditional city sponsored art festivals. It only applies to those two events (which was another change per P&Z) and it applies equally to owners and tenants (another P&Z change).

Since the rules for "special events" are in the Zoning Code, the P&Z Board needs to make a recommendation on this ordinance.

STAFF RECOMMENDATION IS FOR APPROVAL



BROWN, GARGANESE, WEISS & D'AGRESTA, P.A.

Attorneys at Law

111 N. Orange Ave., Suite 2000 P.O. Box 2873 Orlando, Florida 32802-2873 Phone (407) 425-9566 Fax (407) 425-9596

Usher L. Brown
Board Certified Civil Trial Law
Board Certified Education Law

ulbrown@orlandolaw.net

December 11, 2013

Via email & regular U.S. Mail

George Wiggins, Director of Building/Legislative Affairs Dori Stone, Director, CRA and Economic Development Jeff Briggs, manager, Planning & Community Development City of Winter Park 401 Park Avenue South Winter Park, FL 32789

Re: Ordinance designed to protect City event brands

Dear George, Dori and Jeff:

Responding to your email dated December 4, I resubmit the Ordinance that P&Z wanted to limit strictly to the Fall and Spring Art Festivals. As revised, the blackout is 30 days before, through 30 days after, the Fall Art Festival and the Spring Art Festival. The special circumstances and blackout do not apply to a business regularly engaged in displaying or offering for sale art, fine art and/or arts and crafts.

Do you believe there are any other changes that are appropriate so that I accomplish the objective that Mr. Wiggins originally set out?

December 11, 2013 Page 2

Let me know if there is anything further I can do to assist.

Sincerely,

Usher L. Brown

ULB:tla **Enclosure**

Randy Knight, City Manager CC:

Michelle del Valle, Assistant City Manager
G:\docs\Cities\Winter Park\Ordinances and Resolutions General\Art Shows - Special Event\ltr.city with revised ordinance amending 58-84.wpd

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 58-84, RELATING TO NON-RESIDENTIAL ZONING DISTRICTS AND THE CONDITIONS REQUIRED FOR A SPECIAL EVENT; PROVIDING FOR, SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

RECITALS AND LEGISLATIVE FINDINGS

WHEREAS, the City of Winter Park allows for special events to occur, but in the existing Code of Ordinances the City reserves the right to deny a special event permit if the proposed event will have a substantial negative impact for any of the reasons mentioned in Section 58-84(u)(4)a.1-14 of the Municipal Code; and

WHEREAS, the City Commission has determined that it has traditionally sponsored or co-sponsored art festivals that occur in October and March of each year; and

WHEREAS, the City Commission has determined that a special event that involves the sale of art where the promoter is not the owner of the art gallery or other business where the outdoor sale or display of art may properly and reasonably be viewed as an ancillary or accessory use of the business premises; and

WHEREAS, the City Commission has determined that in order to protect and preserve the substantial brand and significance of the Fall and Spring Art Festivals sponsored or co-sponsored by the City it is necessary to insure that a reasonable period of time is reserved both before and after the City sponsored events to protect the brand of the City's art festivals that are sponsored or co-sponsored by the City.

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

<u>Section 1.</u> <u>Recitals</u>. The foregoing recitals are hereby adopted and confirmed, and constitute the legislative findings of the City Commission of the City of Winter Park acting in its legislative capacity.

Section 2. Section 58-85. General Provisions For Nonresidential Zoning Districts shall be amended by creating a new subsection 58-85(u)(4)a(15), which new language is shown by underlining, as follows:

"Section 58-84. General provisions for nonresidential zoning districts."

- (u) Special event.
 - (4) Approval.

- a. *Criteria*. The city may approve or conditionally approve the issuance of a special event permit upon application, unless one of the following circumstances exist:
 - 1. . ..
 - 15. The proposed special event is substantially involved with display and/or sale of fine art, art, and arts and crafts (which shall include custom or specialty furniture including handmade furniture), and where such proposed special event occurs within a time period from thirty (30) days before extending to thirty (30) days after the Fall Art Festival and the Spring Art Festival, which take place approximately and typically in the second week of October and the third week of March each year. However, this special circumstance does not apply if art, fine art and arts and crafts are displayed or offered for sale at a business that is regularly engaged in the display or sale of such.
- Section 3. Codification and Incorporation Into the Code. This Ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations and omissions not affecting the construction or meaning of this Ordinance and the City Code may be freely made.
- Section 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid, unlawful or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, facial or other reasons, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.
- **Section 5. Conflicts.** All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

	Of Ordinance. This Ordinance shall become the City Commission of the City of Winter Park,
Adopted by the City Commission meeting assembled on the day of	on of the City of Winter Park, Florida in a regular, 2013.
	Mayor Kenneth W. Bradley
ATTEST:	
Cindy Bonham, City Clerk	_
First reading:	
Second reading:	