

**CITY OF WINTER PARK  
PLANNING AND ZONING BOARD**

**Staff Report  
March 4, 2014**

**REQUEST OF DAVID WEEKLY HOMES FOR: APPROVAL OF TWO  
NEW SINGLE FAMILY HOMES AT 331 AND 341 EAST KINGS WAY.**

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In August, 2001, the City of Winter Park granted approval for a lot split to allow the property at 341 East Kings Way to be subdivided or split into two single family lots (331 & 341 E. Kings Way). There were two conditions of approval. One was that the new homes not have front facing garages. The second condition was that the preliminary plans for the two new homes be approved by the Planning and Zoning Board and the City Commission. (see the recorded development agreement attached)

David Weekly Homes has purchased the property and has submitted the attached plans for approval by the City. Notices have been sent to the surrounding neighbors, including these plans, to let them know of this public hearing.

From the staff's perspective, these two homes have been designed to be in keeping with the character of the street. They also are respectful to the adjacent neighbors by placing the two story components of the homes toward the interior of the lots and thus setback further away from the adjacent neighbors both on the sides and the rear than the code would otherwise permit.

**STAFF RECOMMENDATION IS FOR APPROVAL**



## PUBLIC NOTICE

NOTICE is hereby given that a public hearing will be held by the **Planning and Zoning Board** of the City of Winter Park, Florida on **Tuesday, March 4, 2014 at 6:00 p.m.** and by the **City Commission on Monday, March 24, 2014 at 3:30 p.m.** in the Commission Chambers of City Hall at 401 S. Park Avenue, Winter Park, Florida, 32789 to consider the following **PUBLIC HEARING**:

In August, 2001, the City of Winter Park granted approval for a lot split to allow the property at 341 East Kings Way to be subdivided or split into two single family lots (331 & 341 E. Kings Way). There were two conditions of approval. One was that the new homes not have front facing garages. The second condition was that the preliminary plans for the two new homes be approved by the Planning and Zoning Board and the City Commission. David Weekly Homes has purchased the property and has submitted the attached plans for approval by the City and has made the following request:

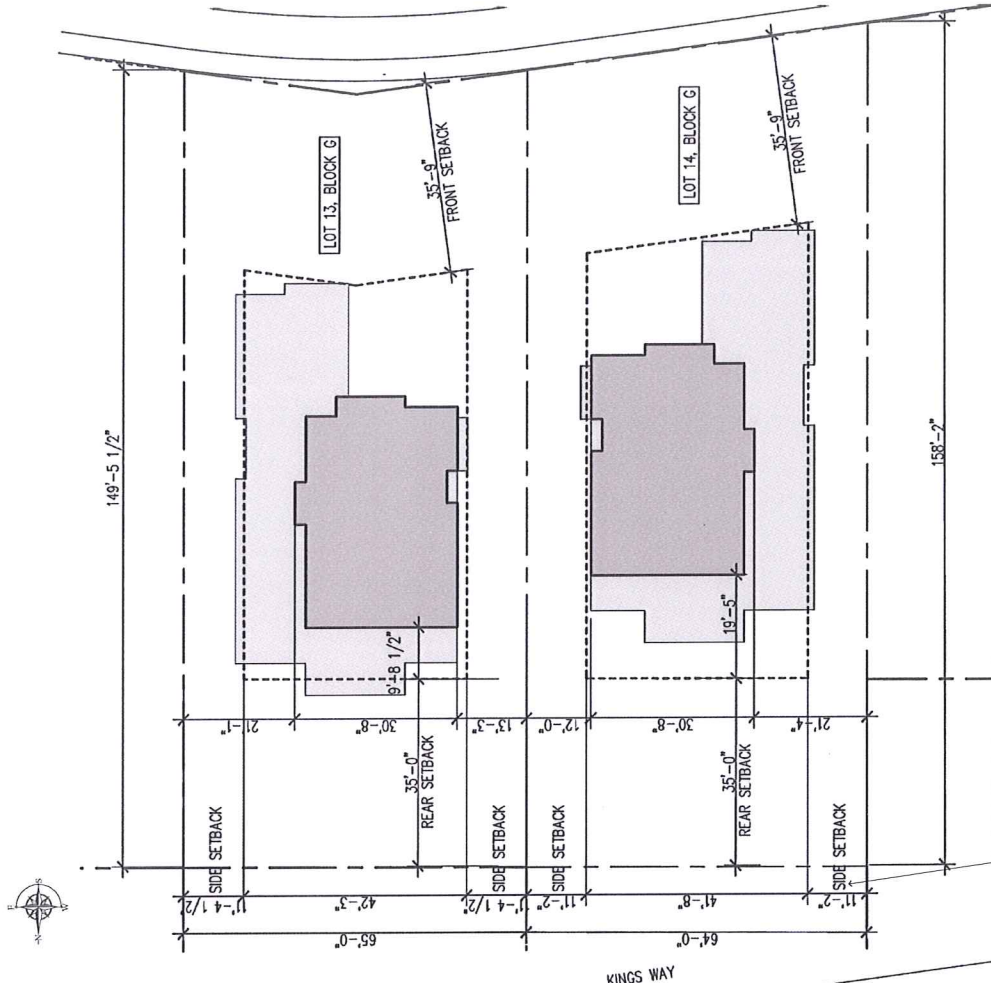
**REQUEST OF DAVID WEEKLY HOMES FOR:** APPROVAL OF TWO NEW SINGLE FAMILY HOMES AT 331 AND 341 EAST KINGS WAY.

There will be a public hearing at the above dates and times to review this request. If you have any questions, please call Jeff Briggs, Planning Manager at (407) 599-3440.

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

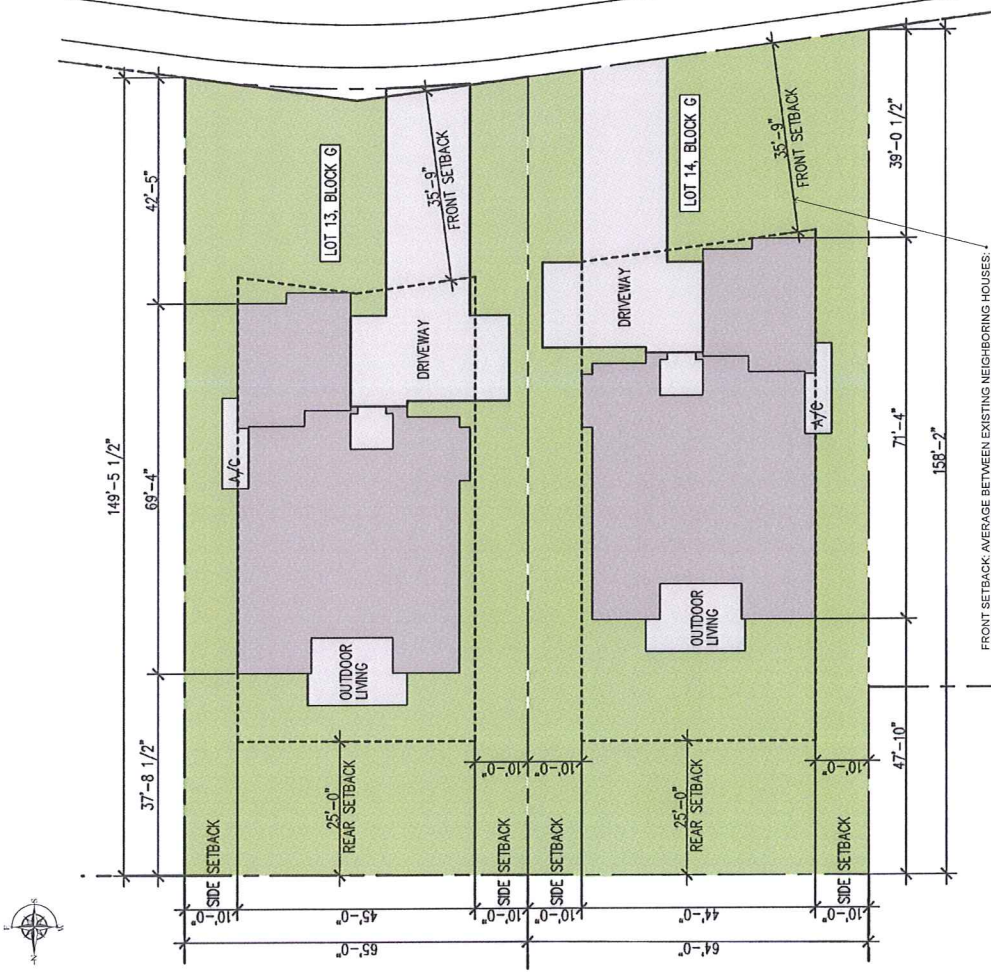
**NOTE:** If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105). Persons with disabilities needing assistance to participate in any of these proceedings should contact the Planning Department at 407-599-3453 at least 48 hours in advance of the meeting.

/s/ Cindy S. Bonham, CMC  
City Clerk



WINTER PARK - ZONING R-1  
 SCALE 3/32"=1'

BUILDING FOOTPRINT AND SETBACKS FIRST FLOOR  
 SCALE 3/32"=1'



WINTER PARK - ZONING R-1  
 SCALE 3/32"=1'

BUILDING FOOTPRINT AND SETBACKS SECOND FLOOR  
 SCALE 3/32"=1'

PROJECT:  
 WINTER PARK  
 KINGS WAY LOT 13 & 14



LOT 13 & 14 - SETBACKS  
 SCHEMATIC DESIGN 1

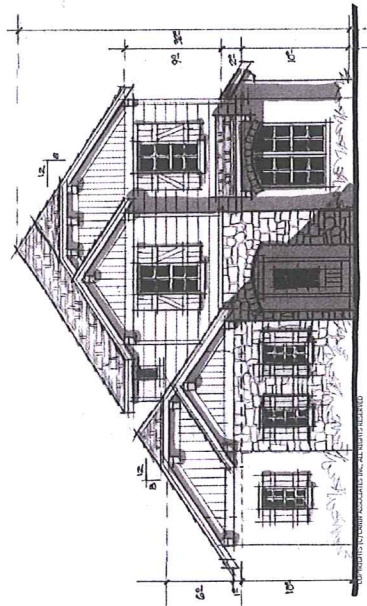
SK-1

COMIN ASSOCIATES  
 urban planning landscape architecture environmental design  
 570 ridge way - orlando, florida 32831 407.472.4040  
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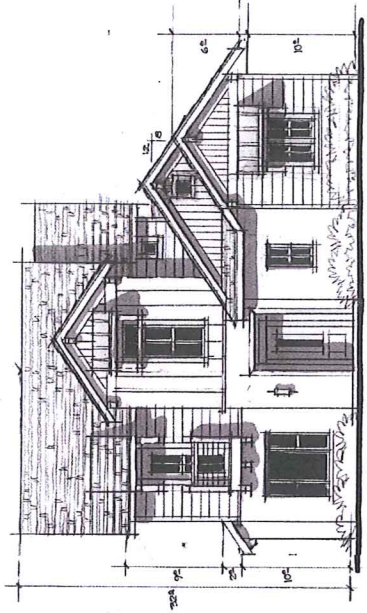
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DATE: 07.25.13

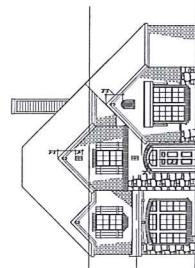
SHEET: 01/03



FRENCH ELEVATION  
SCALE 3/16"=1"



CONTEMPORARY COTTAGE ELEVATION  
SCALE 3/16"=1"



EXISTING FRENCH ELEVATION  
SCALE 3/32"=1"

PROJECT:  
WINTER PARK  
KINGS WAY LOT 13 & 14

David Weekley Homes

MODEL 4279 FRONT ELEVATIONS  
SCHEMATIC DESIGN 1

SK-1

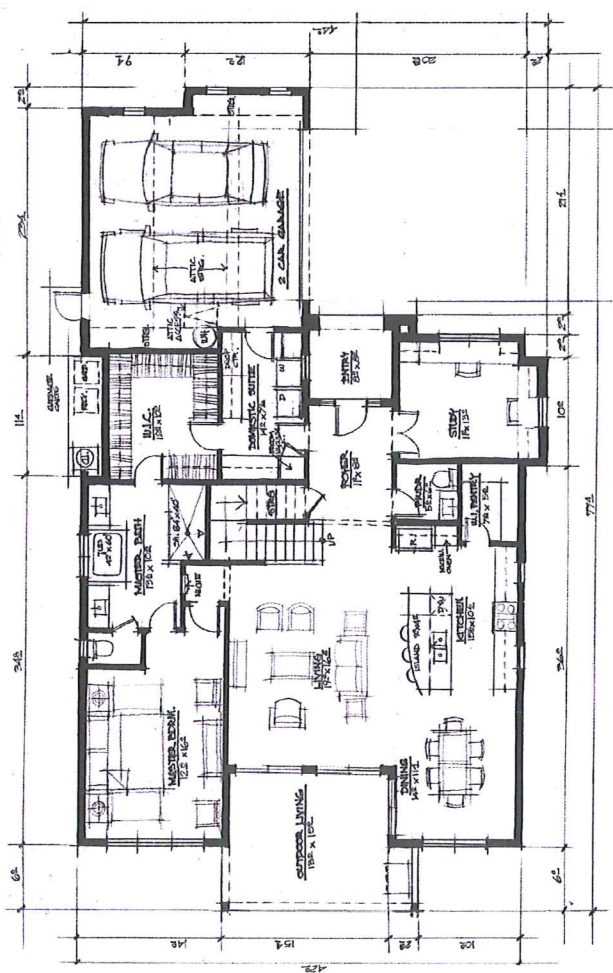
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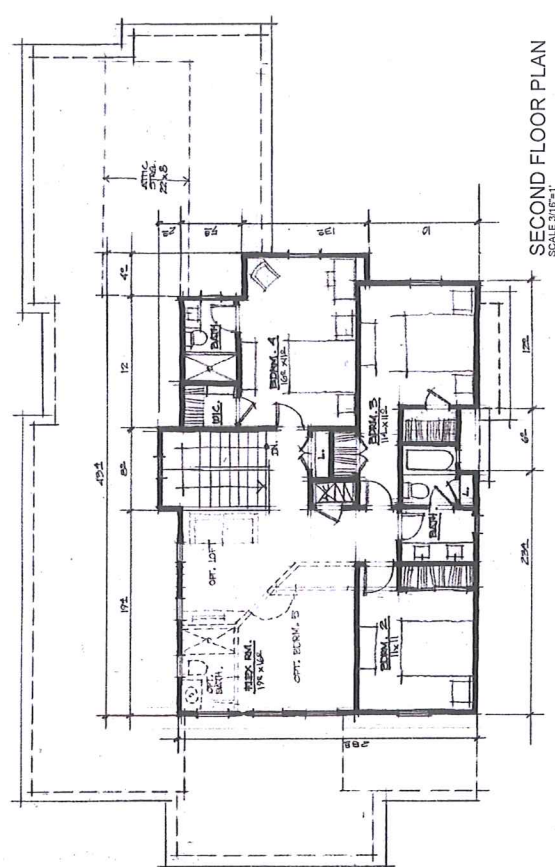
DATE: 07.25.13

SHEET: 03/03

**CMIN ASSOCIATES**  
ARCHITECTS  
500 Edinger Avenue Orlando, Florida 32803 407.232.4040  
www.cmin.com copyright (c) 2014 cmin associates, inc.

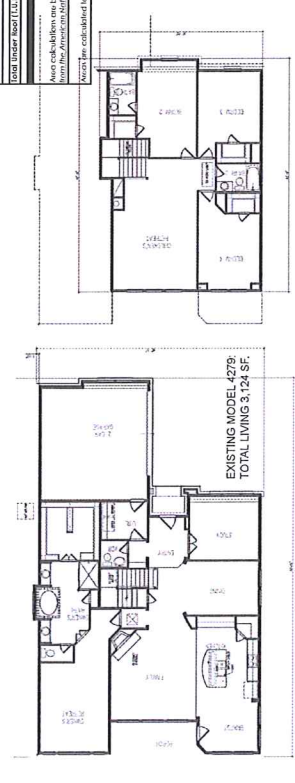


FIRST FLOOR PLAN  
SCALE 3/16"=1"

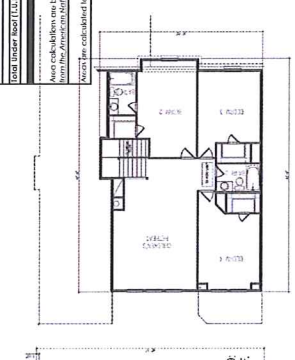


SECOND FLOOR PLAN  
SCALE 3/16"=1"

Lot Area Calculations	
Conditioned Area (AC)	3,570
Front Porch	1,842
Second Floor	2,624
Total AC Area	8,036
Non-Conditioned Area	470
Garage	215
Front Porch	61
Second Floor	174
Total Area (Total)	8,506



EXISTING FIRST FLOOR PLAN  
SCALE 3/32"=1"



EXISTING SECOND FLOOR PLAN  
SCALE 3/32"=1"

Lot Area Calculations	
Conditioned Area (AC)	3,570
Front Porch	1,842
Second Floor	2,624
Total AC Area	8,036
Non-Conditioned Area	470
Garage	215
Front Porch	61
Second Floor	174
Total Area (Total)	8,506

\* LOT AREA BASED ON SURVEY INFORMATION

PROJECT: WINTER PARK KINGS WAY LOT 13 & 14

MODEL 4279 FLOOR PLAN SCHEMATIC DESIGN 1

DATE: 07.25.13 SHEET: 02/03

SCALE: 3/32"=1"

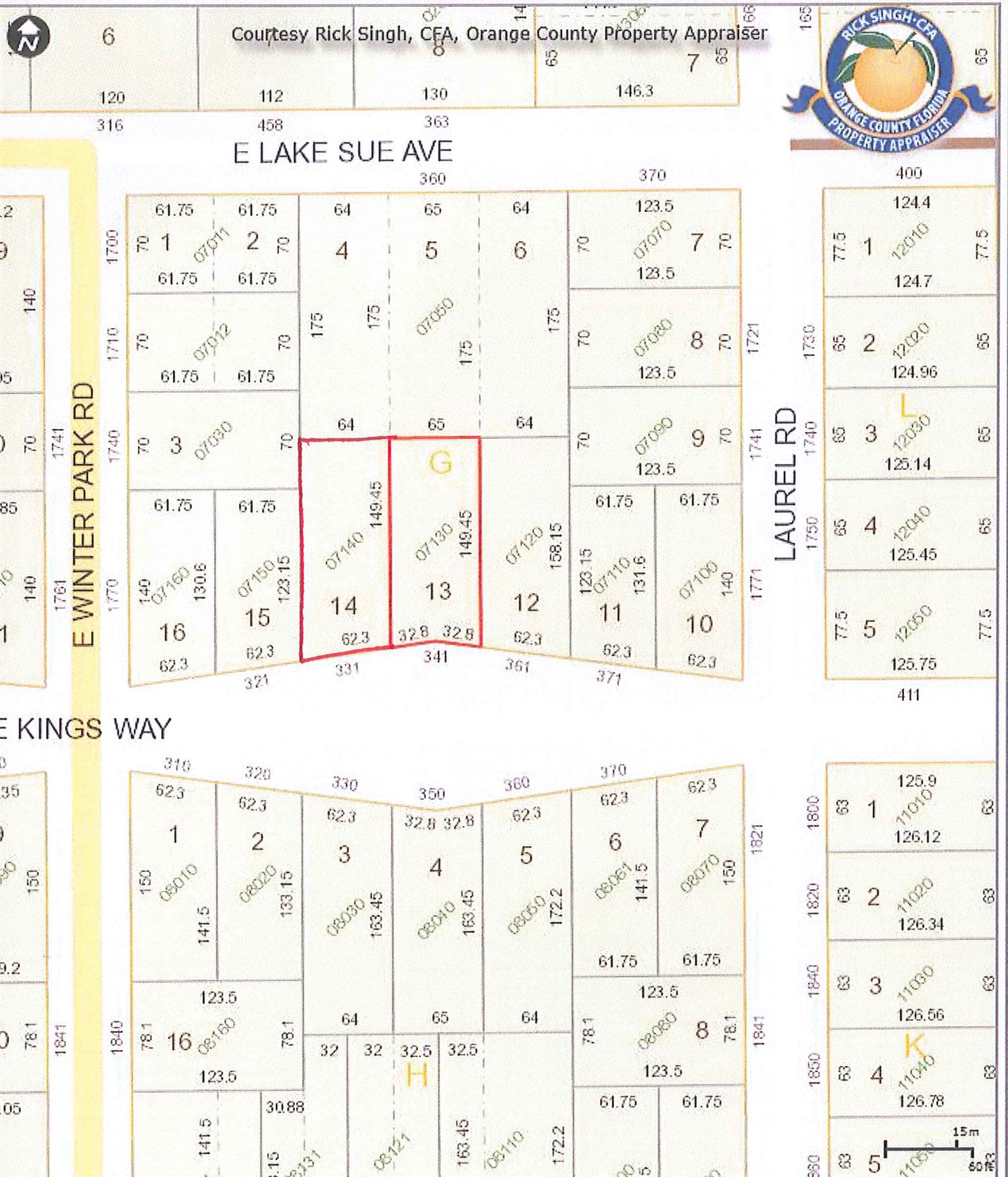
David Weekley Homes

SK-1


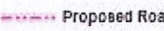
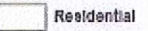
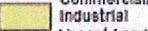


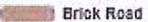
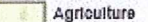

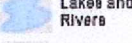
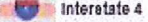
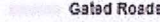
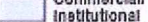
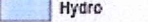
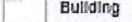


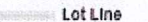
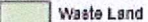

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**OCPA Web Map**

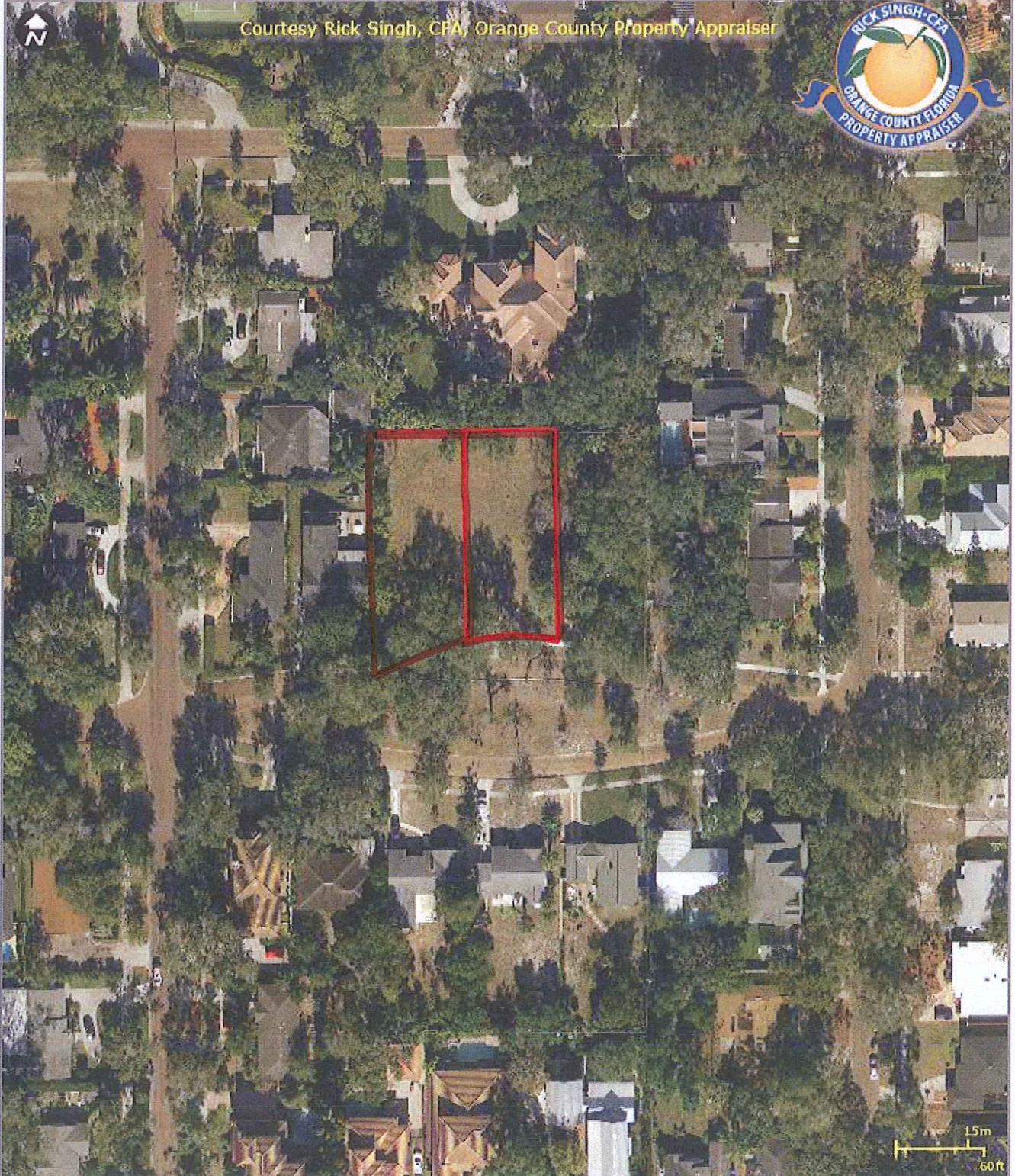
	Major Roads		Proposed Road		Residential		Commercial/Industrial Vacant Land		Parks	<b>6</b>	Lot Number
	Florida Turnpike		Public Roads		Agriculture		Agricultural Curtilage		Lakes and Rivers	<b>06060</b>	Parcel Number
	Interstate 4		Gated Roads		Commercial/Institutional		Hydro		Building	<b>3106</b>	Parcel Address
	Toll Road		Road Under Construction		Governmental/Institutional/Misc		Waste Land		Block Number	<b>111.9</b>	Parcel Dimension
	Brick Road		Block Line		Lot Line						



**OCPA Web Map**

 Major Roads	 Proposed Road	 Residential	 Commercial/Industrial Vacant Land	 Parks	<b>6</b> Lot Number
 Florida Turnpike	 Brick Road	 Agriculture	 Agricultural Curtilage	 Lakes and Rivers	<b>06060</b> Parcel Number
 Interstate 4	 Gated Roads	 Commercial/Institutional	 Hydro	 Building	<b>3106</b> Parcel Address
 Toll Road	 Road Under Construction	 Lot Line	 Waste Land	 Block Number	<b>111.9</b> Parcel Dimension

Courtesy Rick Singh, CPA, Orange County Property Appraiser



Created: 2/21/2014

This map is for reference only and is not a survey.



THIS INSTRUMENT PREPARED BY and RETURN TO:  
Department of Planning and Community Development  
City of Winter Park  
401 Park Avenue South  
Winter Park, FL 32789

OR BK 6504 Pg 2225  
Orange Co FL 2002-0185905  
04/17/2002 10:11:10am  
Rec 15.00

## CITY OF WINTER PARK DEVELOPMENT AGREEMENT

On August 28, 2001 the City Commission of the City of Winter Park approved this Development Agreement relating to and concerning the following described property:

Lot 13 & 14, Block "G", Charmont subdivision as recorded in Plat Book "L", Page 93, Public Records of Orange County, Florida (341 E. Kings Way) ID# 07-22-30-1252-07-130

### FINDINGS OF FACT

Property Owner: Matthew T. & Sandra E. McKeever, 1815 Stonehurst Road Winter Park, Florida 32789

Requested Development Approval: Subdivision or Lot Split to enable Lot 13 and Lot 14 to be individual building lots, for single family homes on each lot.

The owner requested and received this subdivision or lot split approval from the City of Winter Park, City Commission on August 28, 2001. That approval was granted with conditions imposed by the City Commission and accepted by the property owner.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

### NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

1. The aforementioned application for subdivision or lot split approval by the City Commission has been approved subject to the conditions contained herein.
2. The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
  - A. The construction of single family homes on these respective lots shall not have front entry garages where the garage doors face the street on the front elevation of the house, and
  - B. The site and building plans for new single family houses on these lots or significant changes to the houses, once built on these lots (as defined by the zoning code) shall require the prior approval of the Planning & Zoning Commission and City Commission prior to issuance of building permits for such construction.

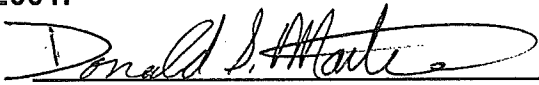




THIS INSTRUMENT PREPARED BY and RETURN TO:  
Department of Planning and Community Development  
City of Winter Park  
401 Park Avenue South  
Winter Park, FL 32789

- 3. This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of the City of Winter Park by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- 4. The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal, then the entire order shall be null and void.

Done and Ordered on this      day of September, 2001.

By:   
**Donald S. Martin, A.I.C.P.**  
**Director of Planning and Community Development**

**OWNER'S CONSENT AND COVENANT**

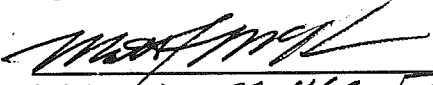
**COMES NOW**, Matthew T. & Sandra E. McKeever, the owner of the aforescribed property in this Development Order, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

**Witnesses:**

Lisa C Gibbons  
(print name) Lisa C. Gibbons

Bita Merhi  
(print name) Bita Merhi

**By:**

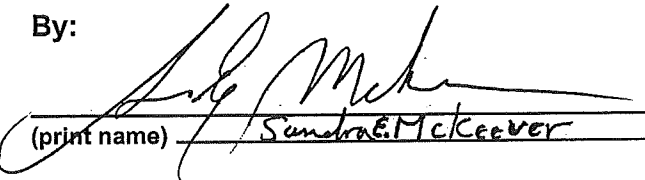
  
(print name) Matthew T. McKeever

**Witnesses:**

Lisa Gibbons  
(print name) Lisa Gibbons

Bita Merhi  
(print name) Bita Merhi

**By:**

  
(print name) Sandra E. McKeever

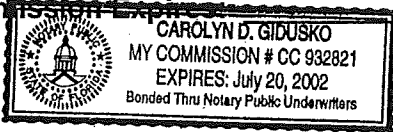
STATE OF FLORIDA }  
COUNTY OF ORANGE }

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Matthew + Sandra McKeever who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

WITNESS my hand and official seal in the County and the State last aforesaid this 27 day of March, 2002

Notary Public in and for the Co. and State aforesaid

My Commission Expires: \_\_\_\_\_



Carolyn Gidusko  
(print name) Carolyn Gidusko

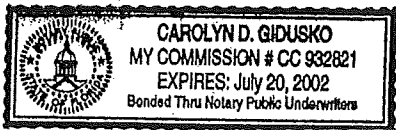
STATE OF FLORIDA }  
COUNTY OF ORANGE }

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Matthew + Sandra McKeever who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

WITNESS my hand and official seal in the County and the State last aforesaid this 27 day of March, 2002

Notary Public in and for the Co. and State aforesaid

My Commission Expires: \_\_\_\_\_



Carolyn Gidusko  
(print name) Carolyn Gidusko

**CITY OF WINTER PARK  
PLANNING AND ZONING BOARD**

**Staff Report  
March 4, 2014**

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**REQUEST OF LAKESIDE WINTER PARK LLC TO:** AMEND THE CONDITIONAL USE SITE PLAN APPROVAL AND DEVELOPMENT AGREEMENT FOR THE LAKESIDE WINTER PARK PROJECT AT 111 N. ORLANDO AVENUE, ZONED C-3, TO SUBSTITUTE THE 4,500 SQ. FT. RETAIL/OFFICE BUILDING APPROVED IN THE SOUTHEAST PORTION OF THE SITE FOR A 7,000 SQ. FT. MEDICAL OFFICE BUILDING AND REQUESTING A VARIANCE TO LOCATE THE ADDITIONAL NEEDED PARKING OFFSITE AT 271 SOUTH ORLANDO AVENUE WHICH IS 487 FEET FROM THE SUBJECT PROPERTY IN LIEU OF THE REQUIRED 300 FEET.

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On the January 7<sup>th</sup> agenda for the P&Z Board, was the request of Lakeside Winter Park LLC (Unicorp USA) to “amend” their conditional use approval for the Lakeside project at 111 N. Orlando Avenue to revise the site plan substituting a 7,000 sq. ft. medical office building for the 4,500 sq. ft. general retail/office building previously approved and requesting a parking variance of 18 spaces.

The Planning Board recommended for denial and on January 27<sup>th</sup>, the City Commission was on the verge of denial when the applicant withdrew their request. In both public hearings, the applicant understood from the discussion, that if off-site parking could be found for employees, then there may be some opportunity for the request to be approved if it were submitted without a parking variance attached. There are two components to this request, the site plan change and the alternative off-site parking arrangement.

**Site Plan Change:**

The southeast portion of the approved site plan is proposed to be modified. Everything else stays as originally approved. The two site plans (the first one as approved for the final conditional use) and the proposed change are attached.

The change from the 4,500 sq. ft. building to the 7,000 sq. ft. building results in the loss of five parking spaces but the circulation around the building is maintained for traffic flow. Public Works/Traffic Engineering has reviewed the revised site plan and it is acceptable to them.

### **Parking Variance:**

The two changes to the parking requirements are the switch in uses from general office (one space for each 250 sq. ft.) to the proposed medical use (one space for each 200 sq. ft.) and the increase in the building size from 4,500 sq. ft. to 7,000 sq. ft. Then we need to factor in the loss of five spaces from the site plan change. That results in the need for 22 more parking spaces.

To solve this shortfall, the applicant has under contract, the small motel property at 271 S. Orlando Avenue. The applicant would propose to tear down the motel building and convert the property to an off-site employee parking lot. Per the site plan provided, this property can hold 20-21 parking spaces. (21 shown and 20 labeled). Probably one more space could be added.

The variance issue is that our Zoning Code requires off-site parking to be within 300 feet of the main property. This off-site parking lot is 487 feet away. In staff's opinion this is still close enough to be readily used by employees.

### **Development Agreement:**

The Development Agreement executed for this project will need to be amended (pending approval by the City Attorney) to incorporate the approvals granted and the variance as well as any new conditions of approval such as a binding lot agreement so this off-site property may not be subsequently conveyed without the approval of the City. That work will result from the decision on this request.

### **Summary:**

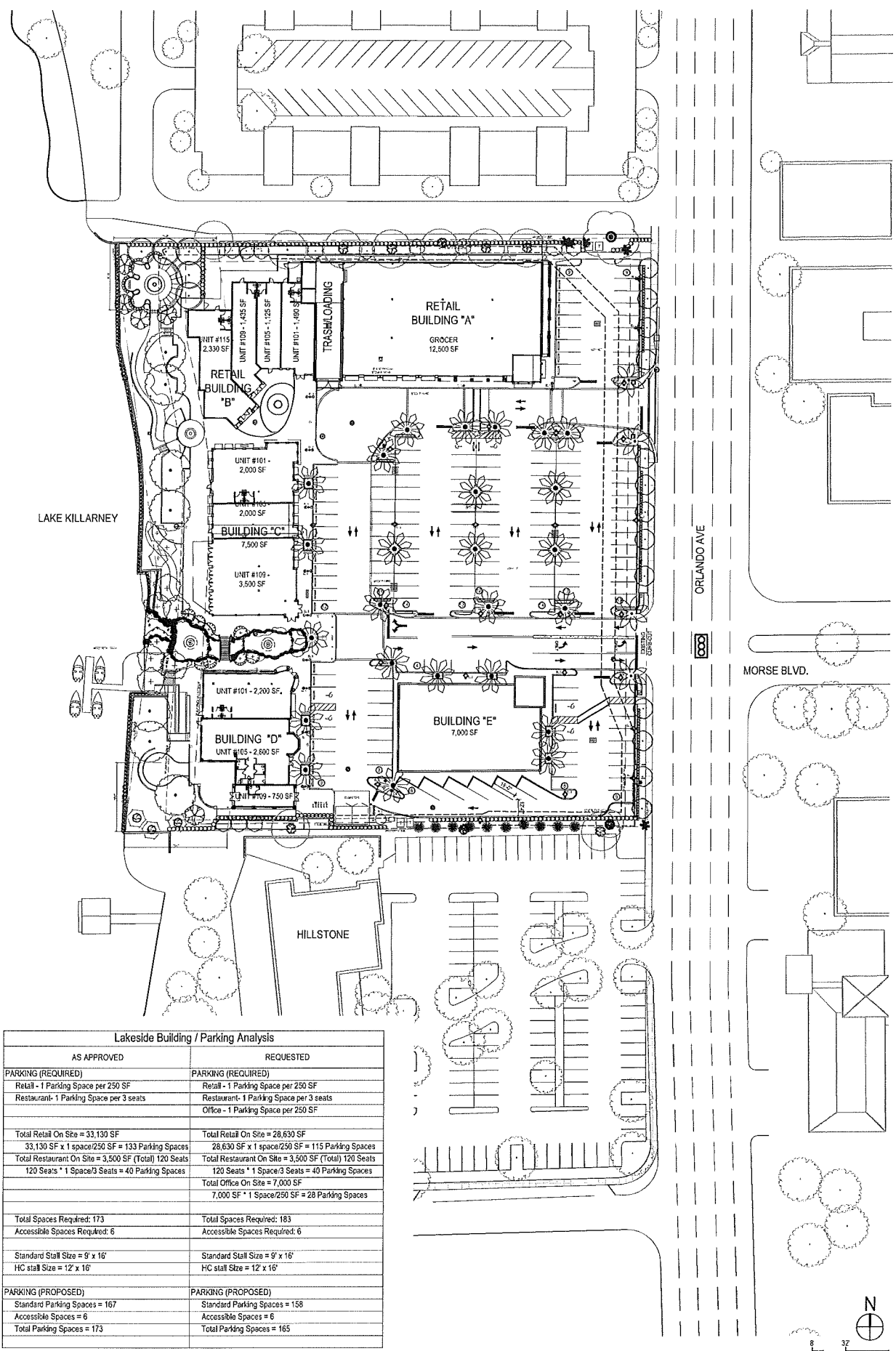
The staff, neighbors and P&Z members were justifiably concerned about the previous parking variance. The direction that was verbalized during those meetings was to go and find some off-site parking which the applicant has done. The staff welcomes the demolition of the motel building at 271 S. Orlando and replacement by this parking lot. The property immediately to the north is now being used as an off-site parking lot for employees of the Hillstone restaurant.

There is still the distance variance (487 feet versus 300 feet) but staff believes this location is close enough to be usable by employees.

**STAFF RECOMMENDATION IS FOR APPROVAL**



DATE: 08/14/2014 10:58:11 AM



Lakeside Building / Parking Analysis	
AS APPROVED	REQUESTED
<b>PARKING (REQUIRED)</b>	<b>PARKING (REQUIRED)</b>
Retail - 1 Parking Space per 250 SF	Retail - 1 Parking Space per 250 SF
Restaurant - 1 Parking Space per 3 seats	Restaurant - 1 Parking Space per 3 seats
Office - 1 Parking Space per 250 SF	Office - 1 Parking Space per 250 SF
<b>Total Retail On Site = 33,130 SF</b>	<b>Total Retail On Site = 28,630 SF</b>
33,130 SF x 1 space/250 SF = 133 Parking Spaces	28,630 SF x 1 space/250 SF = 115 Parking Spaces
<b>Total Restaurant On Site = 3,500 SF (Total) 120 Seats</b>	<b>Total Restaurant On Site = 3,500 SF (Total) 120 Seats</b>
120 Seats * 1 Space/3 Seats = 40 Parking Spaces	120 Seats * 1 Space/3 Seats = 40 Parking Spaces
<b>Total Office On Site = 7,000 SF</b>	<b>Total Office On Site = 7,000 SF</b>
	7,000 SF * 1 Space/250 SF = 28 Parking Spaces
<b>Total Spaces Required: 173</b>	<b>Total Spaces Required: 183</b>
Accessible Spaces Required: 6	Accessible Spaces Required: 6
Standard Stall Size = 9' x 16'	Standard Stall Size = 9' x 16'
HC stall Size = 12' x 16'	HC stall Size = 12' x 16'
<b>PARKING (PROPOSED)</b>	<b>PARKING (PROPOSED)</b>
Standard Parking Spaces = 167	Standard Parking Spaces = 158
Accessible Spaces = 6	Accessible Spaces = 6
<b>Total Parking Spaces = 173</b>	<b>Total Parking Spaces = 165</b>

**Lakeside**  
 Winter Park, Florida  
 Antunovich Associates - Architect  
 224 West Huron Street, Chicago, IL 60654  
 Phone: 312-266-1126 Fax: 312-266-7123

Uzcorp National Developments, Inc. - Developers

**LAKESIDE: MASTER SITE PLAN**

1.6.2014

THE INFORMATION PROVIDED ON THIS DRAWING IS FACIAL DOCUMENTATION AVAILABLE AND MAY NOT REFLECT ACTUAL FIELD CONDITIONS. SURFACE CHANGES AND UTILITIES PROVIDED BY THE LANDLORD FOR THE BASE BUILDING MAY EXIST WITHIN THE TENANT'S DEMAND PREMISES. IT SHALL BE THE RESPONSIBILITY OF THE TENANT TO FIELD VERIFY ALL INFORMATION SHOWN. THE DESIGNER AND ARCHITECT MAKE NO REPRESENTATIONS AS TO THE ACCURACY AND CORRECTNESS OF ANY DIMENSIONS OR SQUARE FOOTAGES. ALL DIMENSIONS AND SQUARE FOOTAGES SHALL BE FIELD VERIFIED BY THE TENANT IN THE FIELD.



February 19, 2013

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

Re: Lakeside – Off Site Parking

Dear Mr. Briggs,

We are submitting for consideration by the City of Winter Park a request to approve providing off-site parking in lieu of a parking variance at our Lakeside development located on 111-131 Orlando Avenue. As previously submitted, 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

Based the previously submitted site plan, it was determined that we had a parking variance of 19 spaces. As this was not acceptable to the Planning & Zoning Commission, we endeavored to identify an off-site parcel within a 500ft radius of our property to provide permanently vested off-site parking which could accommodate, at a minimum, the on-site parking variance of 19 spaces.

As shown on Exhibit I, the parcel we are in negotiations to acquire is 271 South Orlando Avenue, which is within a 500ft radius of Lakeside Winter Park, LLC. As shown on Exhibit II, this parcel can accommodate more than the 19 space variance, subject to final engineering and traffic analysis.

As always, we appreciate the support and service all branches of Winter Park government have given to our development of Lakeside.

Sincerely,

  
Chuck Whittall  
Manager, Lakeside Winter Park, LLC

# Lakeside Winter Park, LLC Off Site Parking Exhibit I - Radius from Property

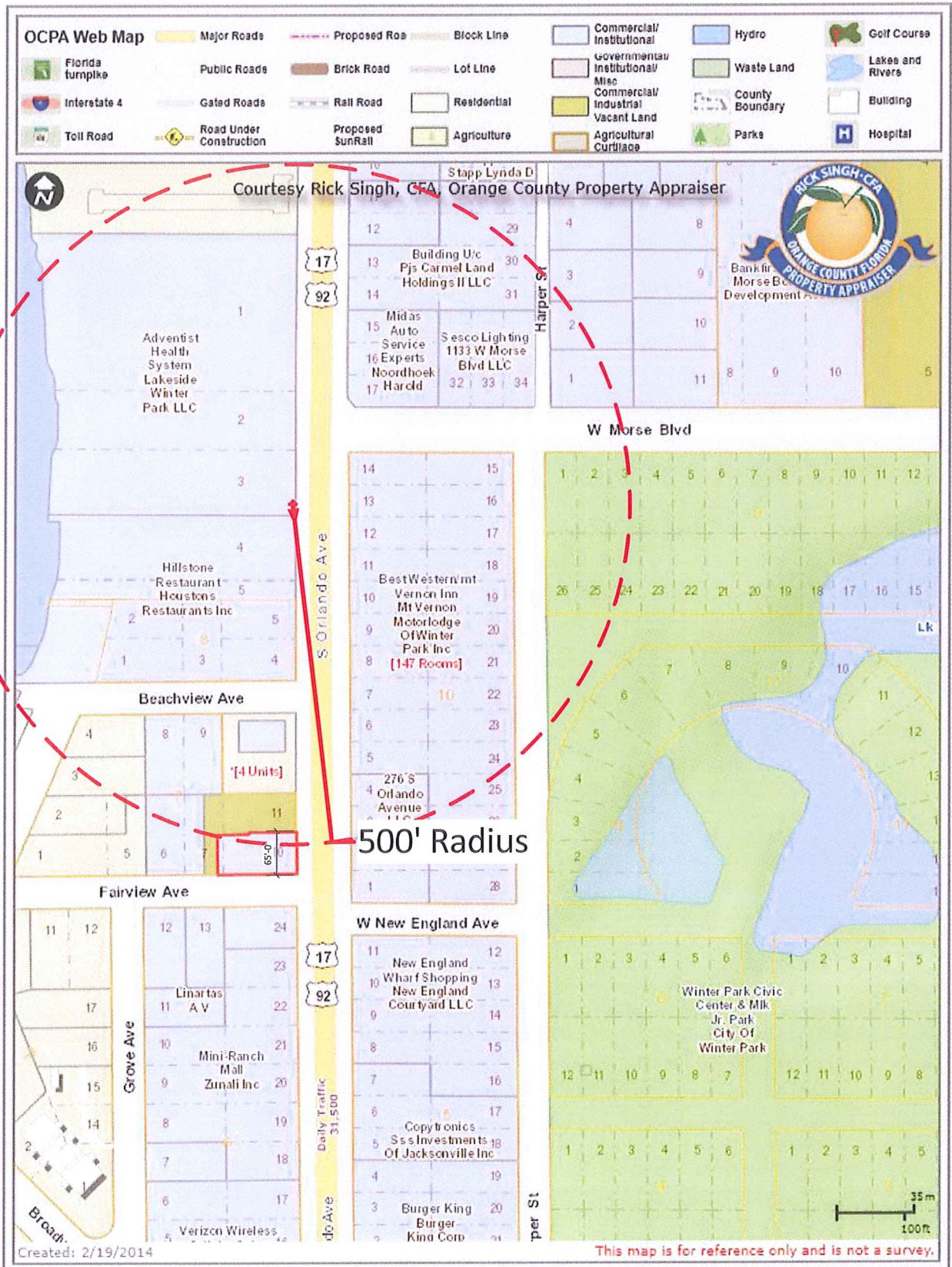




EXHIBIT II



Lakeside Winter Park, LLC  
Proposed Off-Site Parking at 271 South Orlando Avenue

**OCA Web Map**

- Major Roads
- Proposed Road
- Residential
- Commercial/Industrial/Vacant Land
- Parks
- Florida Turnpike
- Public Roads
- Brick Road
- Agriculture
- Agricultural Curtilage
- Lakes and Rivers
- Interstate 4
- Gated Roads
- Block Line
- Commercial/Institutional
- Hydro
- Building
- Toll Road
- Road Under Construction
- Lot Line
- Governmental/Institutional/Misc.
- Waste Land
- Block Number
- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimension



Courtesy Rick Singh, CFA, Orange County Property Appraiser



**OCPA Web Map**

	Major Roads		Proposed Road		Residential		Commercial/Industrial/Vacant Land		Parks	<b>6</b>	Lot Number
	Florida Turnpike		Public Roads		Brick Road		Agriculture		Lakes and Rivers	<b>06060</b>	Parcel Number
	Interstate 4		Gated Roads		Block Line		Commercial/Institutional		Building	<b>3106</b>	Parcel Address
	Toll Road		Road Under Construction		Lot Line		Governmental/Institutional/Misc		Waste Land	<b>E</b>	Block Number
										<b>111.9</b>	Parcel Dimension



Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 2/21/2014

This map is for reference only and is not a survey.

# Parcel Photos - 271 S Orlando Ave



Courtesy Rick Singh, Orange County Property Appraiser



292212417207101 02/09/2007



Address location:28.5958539118873,-  
81.3651802612348

