

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

**Staff Report  
April 8, 2014**

SPR 1:14 Request of Phil Kean Designs for approval of a new two-story single-family home located at 1215 Via Del Mar on Lake Tuscany.

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Phil Kean Designs, representing the owners, (Mr./Mrs. Frost) is requesting approval for a new two-story single-family home at 1215 Via Del Mar on Lake Tuscany. This 19,781 sq. ft. lot has a home to be removed for this new project.

The new proposed two-story home will be 6,252 sq. ft. which on this large lot is a FAR of 31.6% within the allotted base 33% FAR. This new home will have impervious lot coverage of 6,218 sq. ft. or 31.4% within the maximum 50%.

**TREE PRESERVATION:** There are two major live oak trees down on the lakefront of this lot including a 36 inch live oak and a big beautiful 56 inch live oak tree. The new home has been designed to save that large 56 inch live oak and to provide separation from its canopy to preserve the tree and its canopy. Tree preservation on lakefront lots (to the extent reasonably possible) is one of the purposes of these environmental lakefront reviews by P&Z. The Planning Board has the authority under the Code to provide for setback variances to accomplish the intent of this lakefront review so the staff and applicant/homeowner have agreed to move the home closer to the street at a 48 foot front setback (from curb) in lieu of the 59 foot front setback. That moves this home 11 feet further away from the lake and the live oak tree which also reduces the amount of the house structure in front of the adjacent homes toward the lake.

**VIEW FROM THE LAKE:** This lot has some grade drop which will likely require some step down to the swimming pool level. The swimming pool plan is conceptual for now. The applicant and homeowners are aware that per code, the swimming pool/pool deck cannot be higher than three feet above the existing grade on the lakeside of the pool deck. Also the swimming pool retaining wall must be screened by landscaping across the lakefront.

**VIEW OF NEIGHBORS:** As mentioned above, by moving the house forward by 11 feet into the front setback, this opens up more of the lakefront rear yard so the views of the two neighbors are less affected. Also the more lakefront setback we can have in this case, the better to accomplish our objective of trying to keep the lakefronts as natural as reasonably possible.

**STORM WATER RETENTION:** A storm water swale is shown on the plan in the area close to the lakeshore and also two small retention areas are planned at the top or street front of the lot to accommodate the driveway runoff. There is more than ample land provided and sized to meet the city's code requirement. Unlike some of the previous requests with lakefront cypress trees, in this case the typical swales will provide the one inch retention requirement.

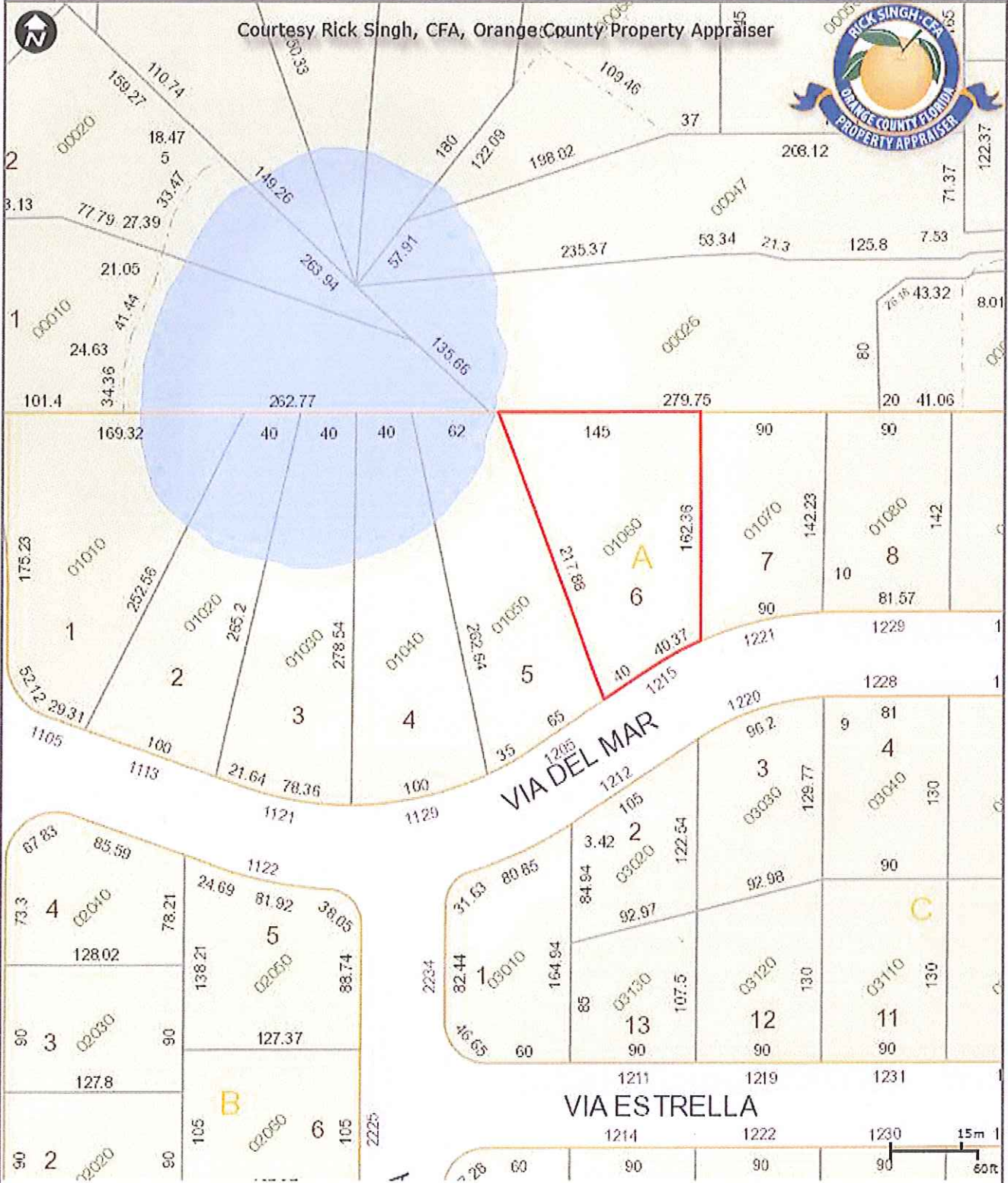
**SUMMARY:** Staff does not see any concerns with the new home as presented especially with the front setback at the 48 feet, as proposed. The plans meet the intent of the lakefront review criteria and the shift of the home benefits the neighbor's views as well as the preservation of the significant 56 inch live oak tree.

**STAFF RECOMMENDATION IS FOR APPROVAL**

**OCPA Web Map**

- |  |                  |  |                         |  |             |  |  |  |                  |              |                  |
|--|------------------|--|-------------------------|--|-------------|--|--|--|------------------|--------------|------------------|
|  | Major Roads      |  | Proposed Road           |  | Residential |  | Commercial/Industrial/Vacant Land                        |  | Park             | <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/Governmental/Institutional/Misc |  | Building         | <b>3106</b>  | Parcel Address   |
|  | Toll Road        |  | Road Under Construction |  | Lot Line    |  | Hydro  |  | Waste Land       | <b>E</b>     | Block Number     |
|  |                  |  |                         |  |             |  |  |  |                  | <b>111.9</b> | Parcel Dimension |

Courtesy Rick Singh, CFA, Orange County Property Appraiser

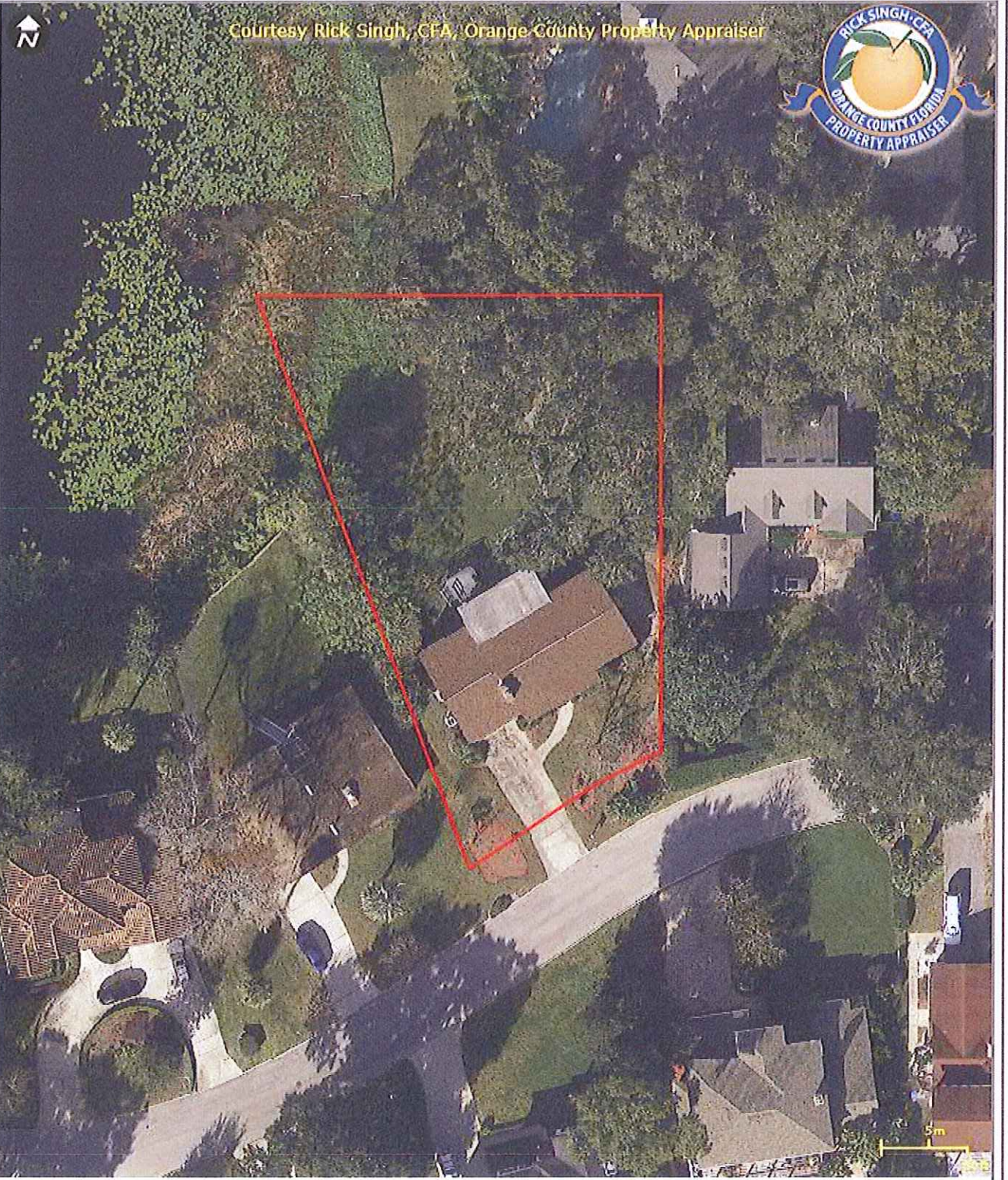


Created: 3/26/2014

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

OCPA Web Map

Major Roads	Proposed Road	Residential	Commercial/Industrial/Vacant Land	Parks	6 Lot Number
Florida Turnpike	Public Roads	Brick Road	Agricultural/Curtilage	Lakes and Rivers	05060 Parcel Number
Interstate 4	Gated Roads	Block Line	Hydro	Building	3106 Parcel Address
Toll Road	Road Under Construction	Lot Line	Waste Land	Block Number	111.9 Parcel Dimension
		Commercial/Institutional			
		Governmental/Institutional/Misc			



Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 3/26/2014

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

**DESIGNER:** PHIL KEAN DESIGN GROUP  
 ARCHITECTURE / CONSTRUCTION / INTERIOR  
 111 W. Campbell Avenue  
 Palm Beach Gardens, FL 33418  
 PHONE: 561.350.1200 FAX: 561.350.1205  
 WWW.PHILKEANDSIGN.COM

**ENGINEER:**

**PROJECT INFO:**

1215 VIA DEL MAR  
 WINTER PARK, FL

**PLAN HISTORY:**

**DATE / DESCRIPTION:**

02-08-14 | PRELIM DESIGN

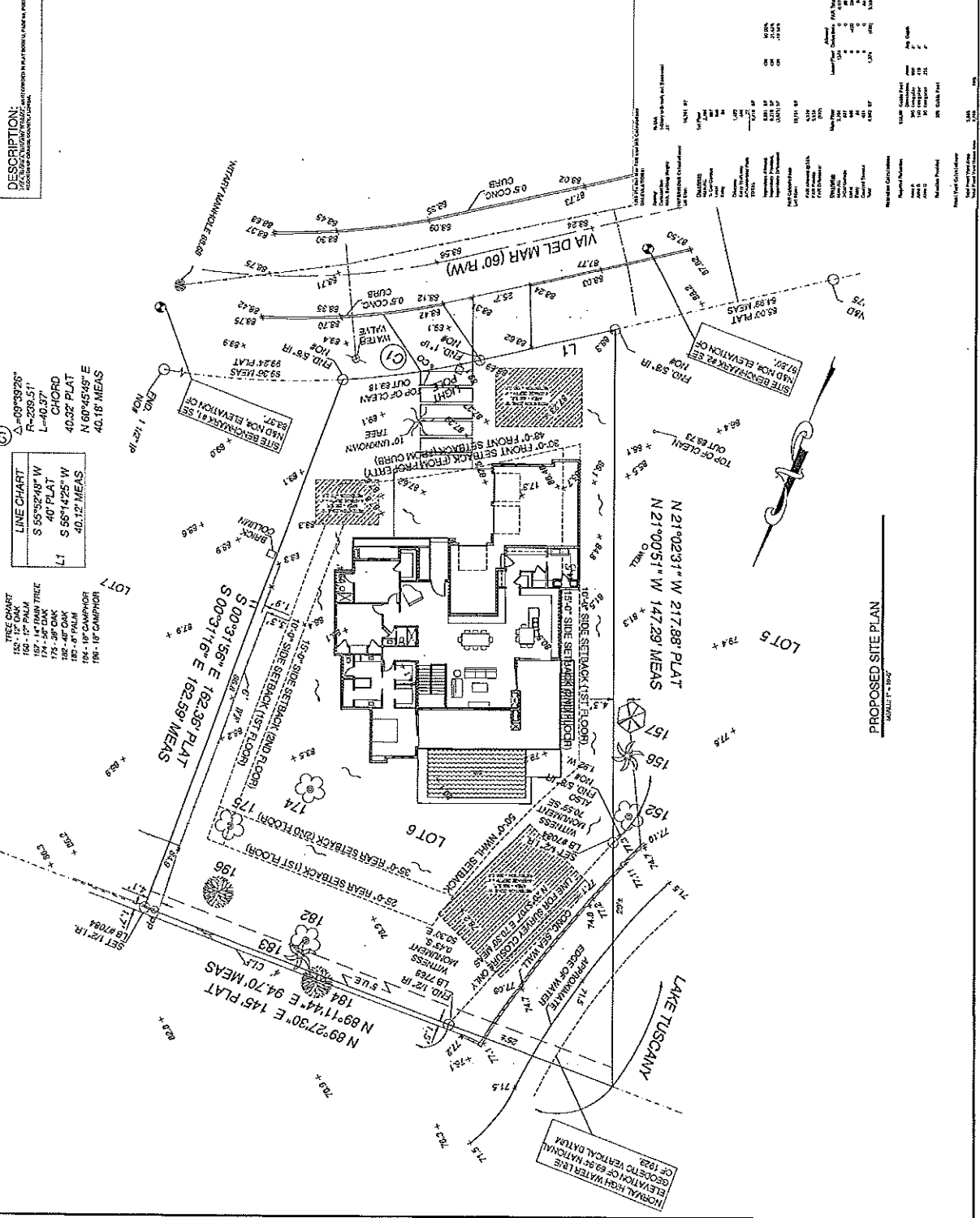
**SHEET DATA:**

DESIGNED BY: PHIL KEAN  
 DRAWN BY: MITCHEL BURGON

**SHEET DESCRIPTION:**

SITE PLAN

**SHEET:** AS



**DESCRIPTION:** DEVELOPMENT OF 1215 VIA DEL MAR IN PHASE 1A PER THE 2014 ZONING ORDINANCE OF WINTER PARK, FLORIDA.

**LINE CHART**

CHORD  
 40.32' PLAT  
 N 60°45'49\"/>

**TREE CHART**

156 - 12\"/>

PROPOSED SITE PLAN  
 10/15/14

NO.	DESCRIPTION	DATE	BY	CHKD.
1	PRELIM DESIGN	02/08/14	PHIL KEAN	MITCHEL BURGON

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1	PRELIM DESIGN	02/08/14	PHIL KEAN	MITCHEL BURGON

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

**Staff Report  
April 8, 2014**

**REQUEST OF THE SYDGAN CORP. FOR:** AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY TO MEDIUM DENSITY RESIDENTIAL AND HIGH DENSITY RESIDENTIAL FUTURE LAND USE ON THE PROPERTIES AT 755/781/783/831/835 WEST CANTON AVENUE AND AT 437/439/441 NORTH CAPEN AVENUE, AND TO REVISE POLICIES IN THE FUTURE LAND USE ELEMENT RELATING TO THREE STORY BUILDINGS WITHIN THESE FUTURE LAND USE DESIGNATIONS AND THE POLICY DIRECTION FOR SUCH FUTURE LAND USE AMENDMENTS.

**REQUEST OF THE SYDGAN CORP. FOR:** AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE FAMILY RESIDENTIAL (R-1A) ZONING TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT AND HIGH DENSITY MULTI-FAMILY RESIDENTIAL (R-4) ZONING ON THE PROPERTIES AT 755/781/783/831/835 WEST CANTON AVENUE AND AT 437/439/441 NORTH CAPEN AVENUE.

**REQUEST OF THE SYDGAN CORP. FOR:** A LOT CONSOLIDATION UNDER SECTION 58-392 OF CHAPTER 58 "LAND DEVELOPMENT CODE" SO AS TO COMBINE THE PROPERTIES AT 755/781/783/831/835 WEST CANTON AVENUE AND AT 437/439/441 NORTH CAPEN AVENUE INTO ONE CONSOLIDATED PARCEL FOR A UNIFIED RESIDENTIAL DEVELOPMENT, SUBJECT TO SITE PLAN APPROVAL BY THE CITY.

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The Sydgan Corp. seeks three approvals from the City as follows:

1. Change the existing Single Family Residential future land use designation in the Comp. Plan and Single Family (R-1A) zoning to High Density and Medium Density Multi-Family future land use and High Density (R-4) and Medium Density Multi-Family Residential (R-3) zoning on the properties at 755/781/783/831/835 West Canton Avenue and at 437/439/441 North Capen Avenue in order to use these properties for a multifamily residential project.
2. Change certain Policies within the Future Land Use element of the Comprehensive Plan which would prohibit or strongly discourage the intended project so that the City may subsequently approve such a residential development, and
3. Consolidate all of these individual properties into one unified development site.

**Site and Context:** There are eight properties involved in this request. They are all now designated Single Family Residential in the Comprehensive Plan and zoned R-1A). Altogether the eight properties encompass 72,545 square feet (1.67 acres). At present the maximum density on these eight properties is 8 single family homes. The requested changes would permit an increase to 32 units (300% increase).

The property, in staff's opinion, has two identities. One section is the portion that is south of and adjacent to the parking garage where the parcel depth is 250 feet from the front property line on Canton Avenue to the back. The other section is the three single family lots which front on Capen Avenue that are typical 50 by 100 foot lots. Capen Avenue is a single family residential street.

**Project Plans:** In order to apply for zoning changes, the code requires applicants to provide preliminary plans to show the City and neighbors how they might utilize the property if the changes are approved. The site and architectural plans in the packet are conceptual plans. They are not being approved as part of this application. If the applicant is successful with this request in whole or in part, the applicant would return via a conditional use request for the specific project.

**Lot Consolidation request:** The City adopted a lot consolidation approval requirement in 2009 in part in response to the home at 511 West Canton Avenue. In that case, an owner consolidated three lots and built at 17,000 sq. ft. single family home. The aggregation of lots and building of a very large houses or multi-family projects on certain streets changes the character of the street/neighborhood. As an example, if someone on Via Lombardy, Langholm, Carrollee or Wing Lane combined three lots together and built a 17,000 sq. ft. home, then the character of the street and the neighborhood character is changed by it. Thus, we have in the City Code, this requirement for approvals of lot consolidations in residential areas whenever the frontage would exceed 150% of the average frontage of the residential properties on that street.

In this circumstance, consolidating and combining the properties facing West Canton Avenue, as one multi-family development site seems appropriate to the planning staff based on the proximity to the parking garage and the large lot depths of 250 feet.

However, the planning staff objects to consolidating the properties or lots which front on Capen Avenue as part of a multi-family development site. Capen Avenue is a single family residential street with single family homes. Aside from churches, the character is single family residential. Introducing multi-family townhouses is not compatible and out of context with that location.

**FLU/Rezoning request:** Staff recommends approving a compromise request. Staff believes there is logic for some land use density increase due to the proximity to the parking garage and the deep 250 foot lots on Canton Avenue. However, staff is recommending a compromise to the original request in achieving a step down in density as one travels away from the parking garage toward the single family context of Capen Avenue.

Attached are three maps which show; 1) the existing zoning; 2) the applicant's request; and 3) the planning staff's recommendation.)

The staff's compromise recommendation is based on three planning principles. One is to visually screen the parking garage facility there enhancing the residential environment. Second is a logical step down in density and intensity as one travels west to east away from the four lane roadway and into the interior of the single family neighborhood. Third is to maintain the character of Capen Avenue as a single family residential neighborhood street.

Other than economic benefit to the applicant, the planning staff does not see the necessity for changing any portion of properties fronting on Canton Avenue to R-4 zoning. R-4 zoning is the highest density residential zoning district in the City. R-4 is also has the highest building intensity (floor area ratio) of any residential zoning district with a FAR of 200%. R-4 zoning permits 25 units per acre which is the greatest density in any land use category in the City. R-4 permits buildings that can be 5 stories and 55 feet in height and is not compatible with this area.

The City permitted R-4 zoning to be established logically adjacent to four lane Denning Drive for the Casto/Epoch apartments at the old DMV site and for Atlantic Housing. This recognized their location on a four lane road and across the street from the Winter Park Village. This is an entirely different location and context. This project location is on the eastern half of the block separated away from Denning Drive which is on a two lane street across from the south side of Canton Avenue which is entirely one story single family homes.

There is logic in permitting a multi-family project which will screen the view of the parking garage. However, you do not need R-4 zoning to accomplish that. The R-3 zoning allows for density/coverage and building height of 35 feet that can accomplish visual screening of the parking garage without an obligation to go to R-4 to accomplish that goal.

The planning staff's recommendation would allow an increase to R-3 zoning directly south of the parking garage. Then the it would allow an increase in density to R-2 zoning as one transitions eastward toward Capen Avenue. Finally it maintains the R-1A single family zoning along that single family residential street. Altogether these changes increase the density from 8 units to 20 units, which is a 150% increase.



## **Comprehensive Plan Policy Text changes:**

There are three Comprehensive Plan policy text changes in the Future Land Use Element that the applicant must also have the City amend in order to achieve the increases in density as requested and building design desired. The changes requested are shown below with strike-out and additions along with explanations.

### **CHAPTER 1: FUTURE LAND USE ELEMENT**

**Policy 1-3.8.6: Promote Appropriate Scale and Height for Medium Density Multi-Family Development.** Except within the Central Business District geographical area, multi-family residential development within areas designated medium density residential (R-3) shall not exceed two stories in height unless approved via conditional use by the City Commission. In addition, such third floors must be entirely contained within a sloping roof having a maximum 12:12 roof slope. This policy shall not require the third floor to be entirely within a sloping roof if the development site is abutting (“abutting shall include property separated by a right-of-way or alley) or within 100 feet of a parking garage or commercial building.

This Policy addresses the design issue of three story box like flat roof multi-family buildings allowable in the R-3 district due to 35 feet of allowable height. This Policy allows three stories buildings provided the third floor is within the roof slope of the third floor. It prevents box-like unattractive buildings. In this context adjacent to a parking garage, there is a countervailing reason to permit the full third story as it works to buffer and screen the view of the parking garage. Thus, the applicant with the staff’s support proposes to amend the policy to provide an exception is the building is located “within 100 feet of a parking garage or commercial building”.

**Policy 1-3.8.4: Encourage Single-Family Detached Homes.** The City shall encourage single family detached homes as opposed to apartments and condominiums by strongly discouraging Future Land Use Map amendments from Single-Family Residential or Low-Density Residential to Medium or High-Density Residential or unless such development is abutting (“abutting” shall include property separated by a right-of-way or alley) or within 100 feet of a parking garage or commercial building. The intent of this policy is to provide a smooth transition of density/intensity of land use. However, the sole exception to this policy shall be with respect to an existing residential elderly housing development that is larger than 10 acres, the parcel to be changed is internal to the development, being at least 200 feet from Low Density or Single Family in other ownership, and there is a step down in intensity towards the perimeter of the development.

## Planning Area H: Hannibal Square Neighborhood

**Policy 1-4.1.H.3: Restrictions on Multifamily Development.** The City shall strongly discourage Comprehensive Plan Amendments from Low-Density to Medium-Density or High-Density Residential Future Land Use Map designations or unless such development is abutting (“abutting” shall include property separated by a right-of-way or alley) or within 100 feet of a parking garage or commercial building.

These two Policies state that the exact type of FLU/Rezoning that is being requested of changing from Single Family to Multi-Family is to be “strongly discouraged”. Originally these policies, as adopted by the City Commission in 2009, said such changes were to be “prohibited”. However, the City Attorney later advised that property owners have a right to apply for rezonings and for due process, so while the City Commission could express their policy direction with “strongly discourage”, the City could not say “prohibit”. Thus the Policies were amended in 2010.

The applicant recognizes that the adopted Policy direction for their request is for the City to deny the request. So to provide some other option both for staff recommendation and city action, the applicant is asking for the City to amend these two Policies with an exception phrase to read “*unless such development is abutting (“abutting” shall include property separated by a right of way or alley) or within 100 feet of a parking garage or commercial building*”.

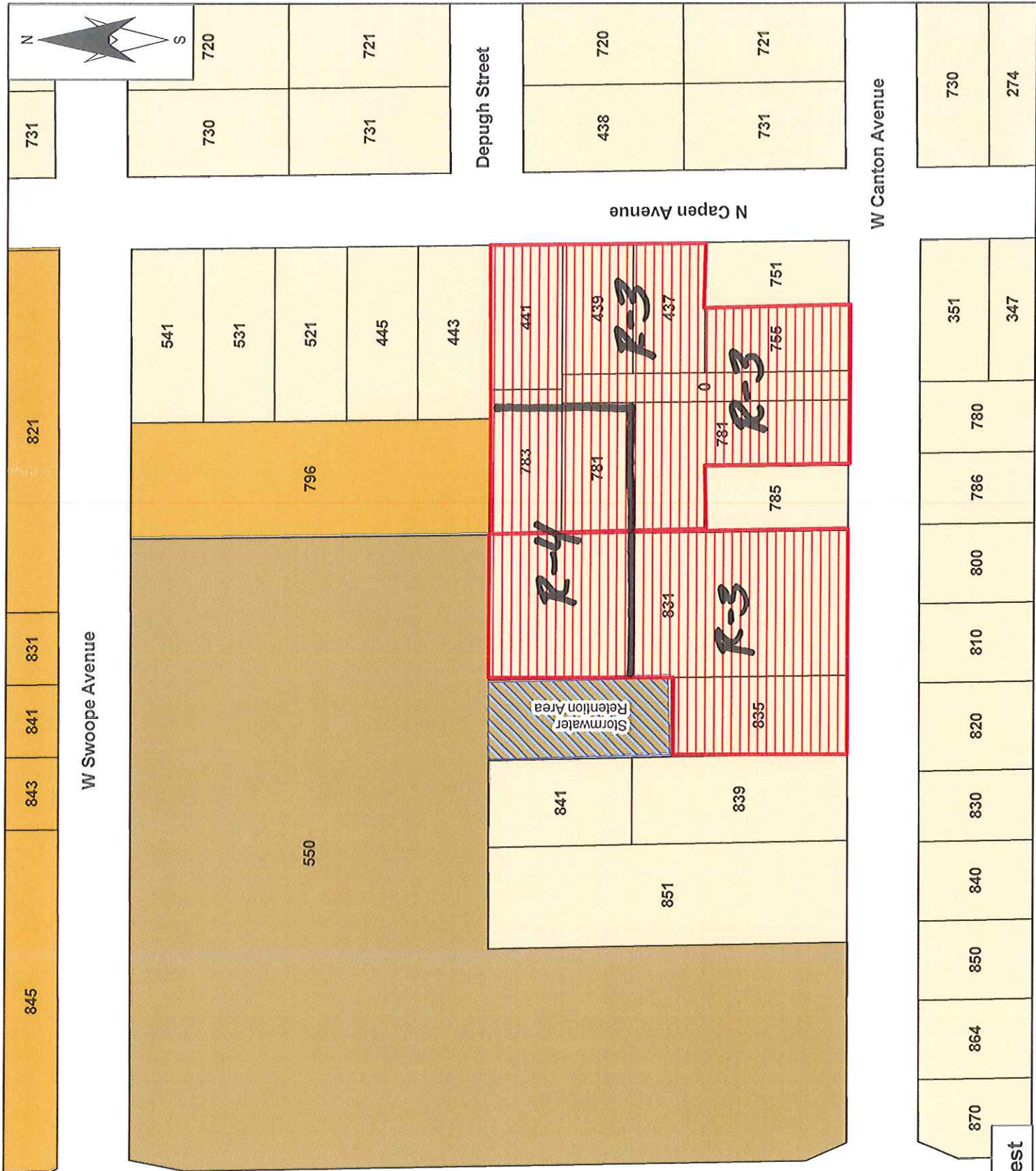
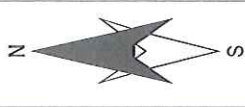
**Summary and Recommendation:** The planning staff receives this application with adopted City Commission policy direction that this type of FLU/rezoning should be “strongly discouraged” and thus denied. The applicant can ask to change that Policy but that is the adopted Policy of the City today. So it is difficult to entertain a positive recommendation for a 300% increase in residential density from 8 units to 32 units and an increase in zoning not just from R-1A to R-3 but also to R-4.

The staff does recognize that this site has an adjacent parking garage which makes it a unique type of context. But the context is also single family homes adjacent to the site on Canton and Capen Avenues. That is why the staff proposal is for a compromise that represents a 150% increase in residential density from 8 units to 20 units and limiting the project to the lots fronting on Canon Avenue.

**STAFF RECOMMENDATION IS FOR APPROVAL of the Comprehensive Plan policy amendments.**

**STAFF RECOMMENDATION IS FOR APPROVAL of the FLU/Rezoning and Lot Consolidation per the staff’s compromise which is 831/835 W. Canton to R-3; 781/783/785 to R-2 and Denial of the changes from R-1A for 437/439/441 North Capen Avenue.**





N Denning Drive

W Swoope Avenue

N Capen Avenue

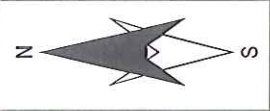
Depugh Street

W Canton Avenue

**Zoning**

- C-1
- C-2
- C-3
- C-3A
- I-1
- O-1
- O-2
- PL
- PQP
- PR
- PURD
- R-1A
- R-1AA
- R-1AAA
- R-2
- R-3
- R-4

**Re-Zoning Request**



731	720
730	721
731	721

Depugh Street	
438	720
731	721

W Canton Avenue	
730	274

845	843	841	831	821
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W Swoope Avenue

550	541	796	541
	531		541
	521		541
	445		541
	443		541

851	841	835	703	785	751
	839		701	751	

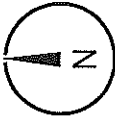


870	864	850	840	830	820	810	800	786	780	351	347
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N Denning Drive

Zoning
C-1
C-2
C-3
C-3A
I-1
O-1
O-2
PL
PQP
PR
PURD
R-1A
R-1AA
R-1AAA
R-2
R-3
R-4

Staff Recommendation

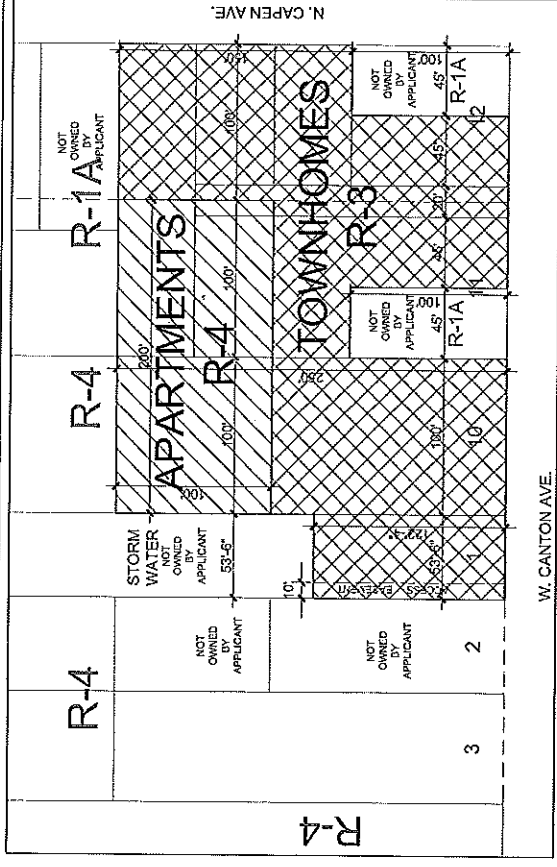


DENNING PARTNERS  
CANTON & CAPEN  
WINTER PARK, FL 32789

STDGAN CORP.  
PO BOX 350  
WINTER PARK, FL 32790  
407-644-3151

STEP PLAN - REZONING

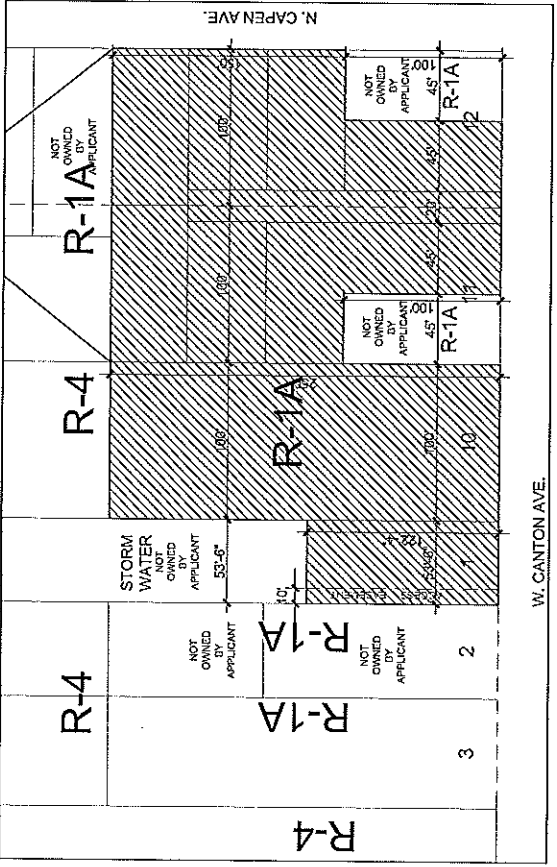
MARGARET H. O'ROURKE DESIGN, INC.  
PO BOX 2071 WINTER PARK, FLORIDA 32790  
MO@MODINC.US  
DATE NO. REVISIONS  
SCALE NTS  
DATE 01-31-14  
DWG NO. 0



REQUESTED ZONING

SITE DATA

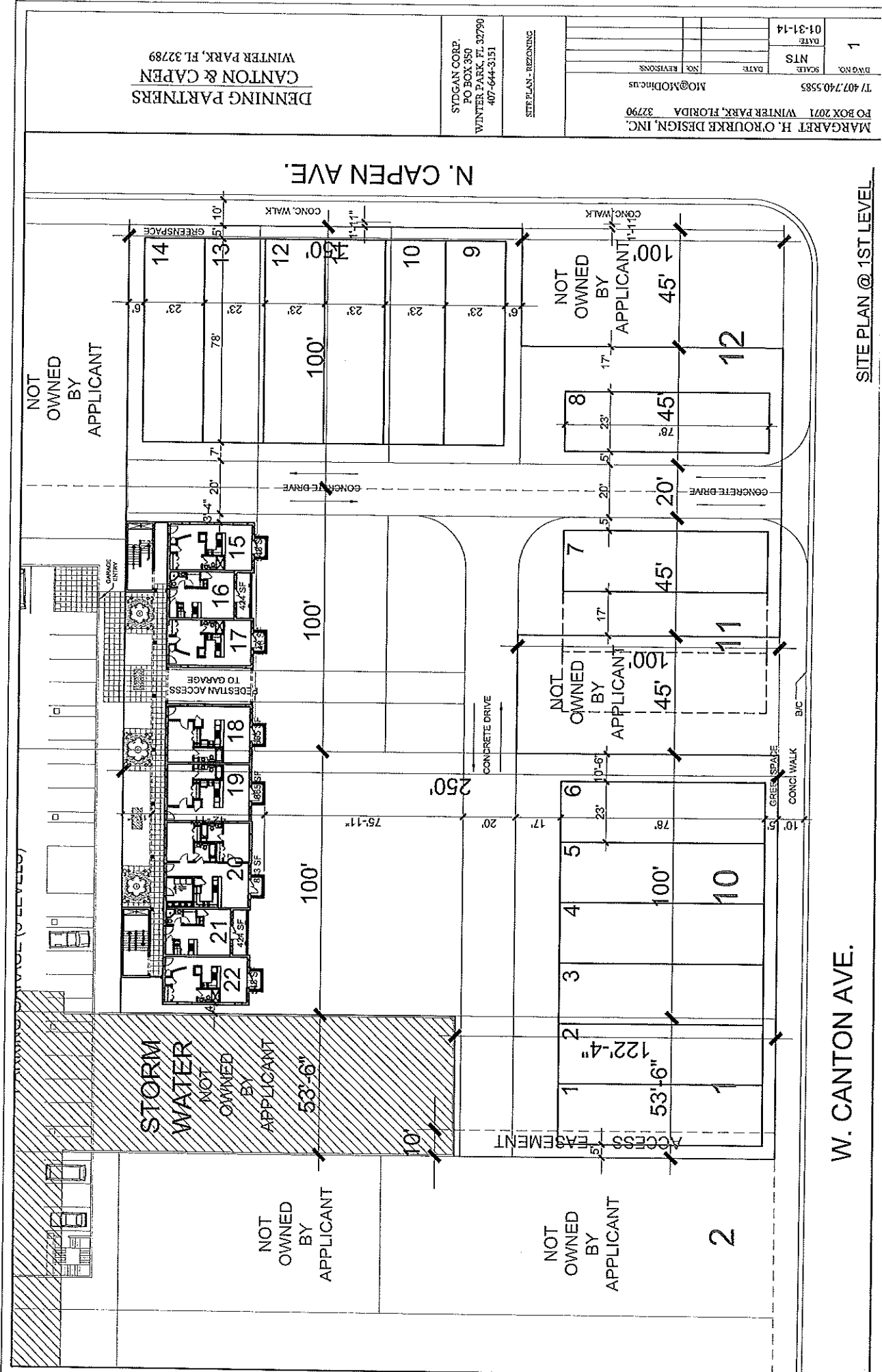
EXISTING ZONING: R-1A  
FUTURE LAND USE DESIGNATION: SINGLE FAMILY  
INTENDED USE: MULTI FAMILY, SINGLE FAMILY TOWNHOMES  
PROPOSED ZONING: R-3, R-4  
SURROUNDING LAND USE ZONING:  
NORTH: R-4  
EAST: SINGLE FAMILY R-1A  
SOUTH: SINGLE FAMILY R-1A  
WEST: SINGLE FAMILY R-1A



EXISTING ZONING

BUILDING DATA

USE	ZONING		LAND AREA		UNITS		BUILDING SQ. FT.		BLDG HEIGHT	FAR		PARKING	
	CURRENT	REQUESTED	SQ. FT.	ACRES	PROPOSED	REQUESTED	FT. PRINT	UNDER AIR		RQ'D	PROPOSED	FLOORS	RQ'D
MULTI-FAM	R-1A	R-4	20,000	0.46	24	7,455	15,049	42'		3	57	100	
SINGLE-FAM	R-1A	R-3	52,545	1.21	14	19,950	26,964	30'		2	28	28	
<b>TOTAL</b>			<b>72,545</b>	<b>1.67</b>	<b>38</b>	<b>27,405</b>	<b>42,013</b>			<b>2.3</b>	<b>85</b>	<b>128</b>	



DENNING PARTNERS  
 CANTON & CAPEN  
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SITE PLAN - REZONING

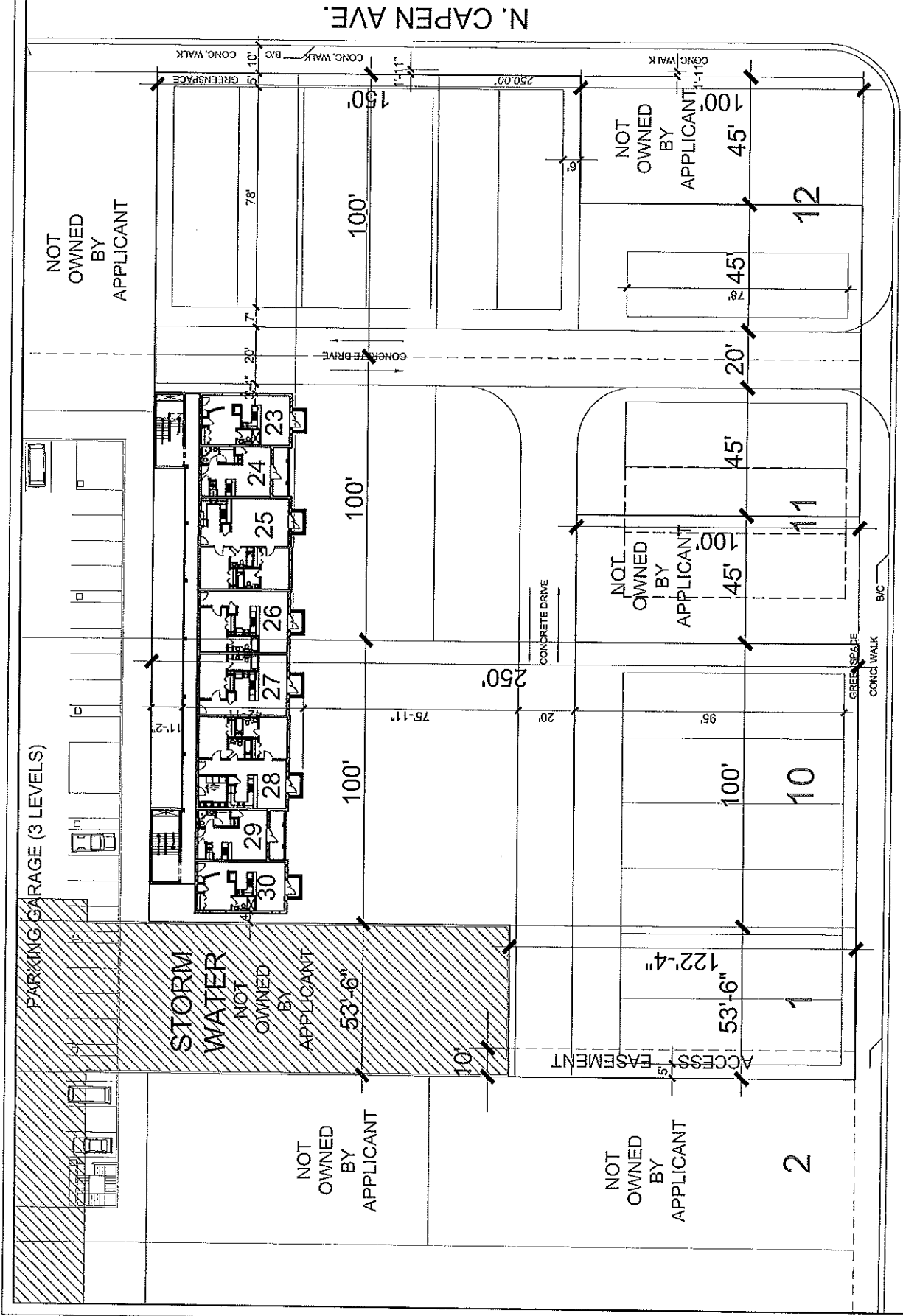
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SCALE	NTS
DATE	
NO.	
REVISIONS	

MARGARET H. O'ROURKE DESIGN, INC.  
 PO BOX 2071 WINTER PARK, FLORIDA 32790  
 T/ 407.740.5585  
 MO@MODINC.US

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DENNING PARTNERS  
 CANTON & CAPEN  
 WINTER PARK, FL 32789

SITE PLAN - REZONING



SITE PLAN @ 2ND LEVEL

W. CANTON AVE.

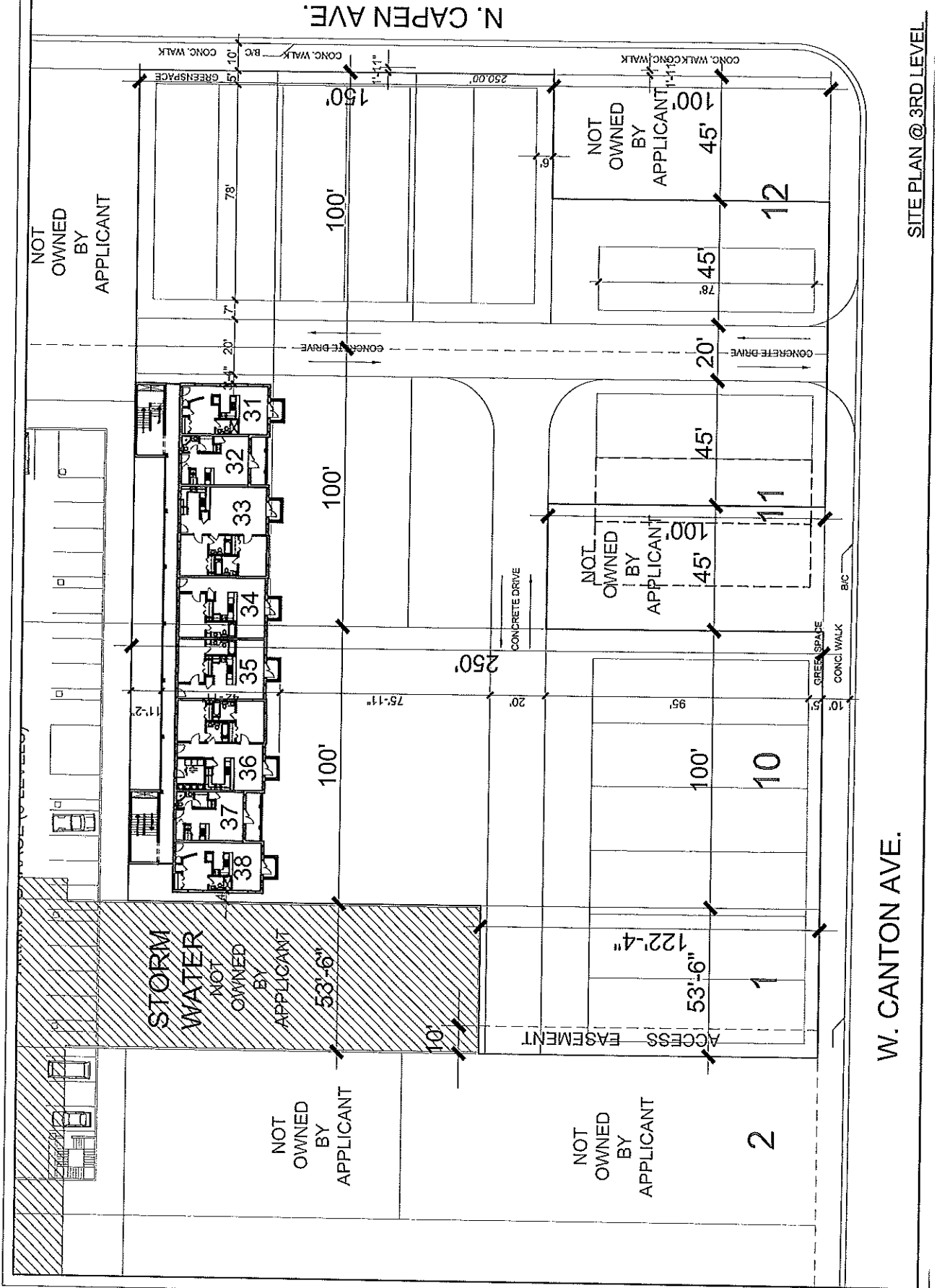


MARGARET H. O'ROURKE DESIGN, INC.  
PO BOX 2071 WINTER PARK, FLORIDA 32790  
M@MODINC.US  
NO REVISIONS

SITE PLAN - REZONING

SYDGAN CORP.  
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DENNING PARTNERS  
CANTON & CAPEN  
WINTER PARK, FL 32789



SITE PLAN @ 3RD LEVEL

W. CANTON AVE.

N. CAPEN AVE.

NOT OWNED BY APPLICANT

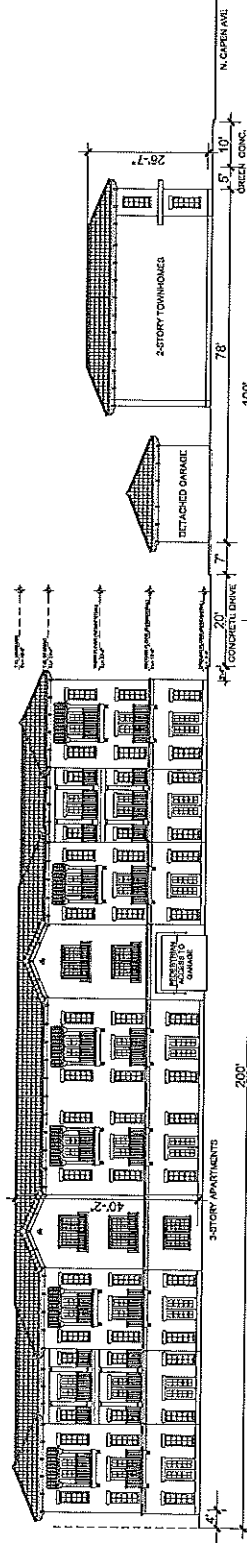
NOT OWNED BY APPLICANT

NOT OWNED BY APPLICANT

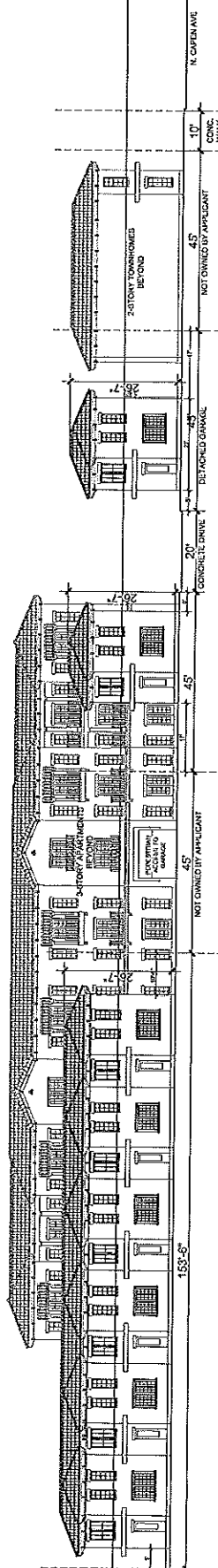
STORM WATER NOT OWNED BY APPLICANT

NOT OWNED BY APPLICANT

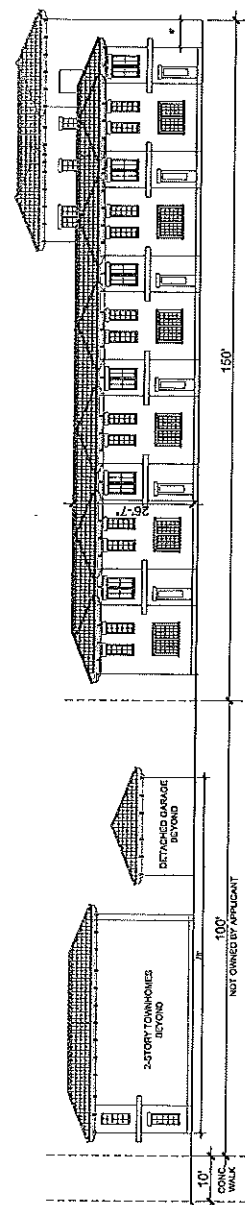
NOT OWNED BY APPLICANT



**SOUTH ELEVATION @ REAR OF LOTS 10, 11 & 12**



**SOUTH ELEVATION @ CANTON, LOTS 1, 10, 11 & 12  
W/ APARTMENTS & TOWNHOMES BEYOND**



**EAST ELEVATION @ CAPEN, LOT 12  
W/ APARTMENTS & TOWNHOMES BEYOND**

DENNING PARTNERS  
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WINTER PARK, FL 32789

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DATE: 01-31-14  
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MARGARET H. O'ROURKE DESIGN, INC.  
PO BOX 2071 WINTER PARK, FLORIDA 32790  
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DATE: 01-31-14  
SCALE: NTS  
NO. REVISIONS

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

**Staff Report  
April 8, 2014**

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**REQUEST OF BENJAMIN PARTNERS LTD TO:** AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE OFFICE AND LOW DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATIONS TO PLANNED DEVELOPMENT FUTURE LAND USE DESIGNATION TO THE PROPERTIES AT 970/1000/1008 LOREN AVENUE; 1141 BENJAMIN AVENUE AND 1313 LEWIS DRIVE.

**REQUEST OF BENJAMIN PARTNERS LTD TO:** TO AMEND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE OFFICE (O-2) AND LOW DENSITY RESIDENTIAL (R-2) ZONING DESIGNATIONS TO PLANNED DEVELOPMENT (PD-2) DISTRICT ZONING ON THE PROPERTIES AT 970/1000/1008 LOREN AVENUE; 1141 BENJAMIN AVENUE AND 1313 LEWIS DRIVE.

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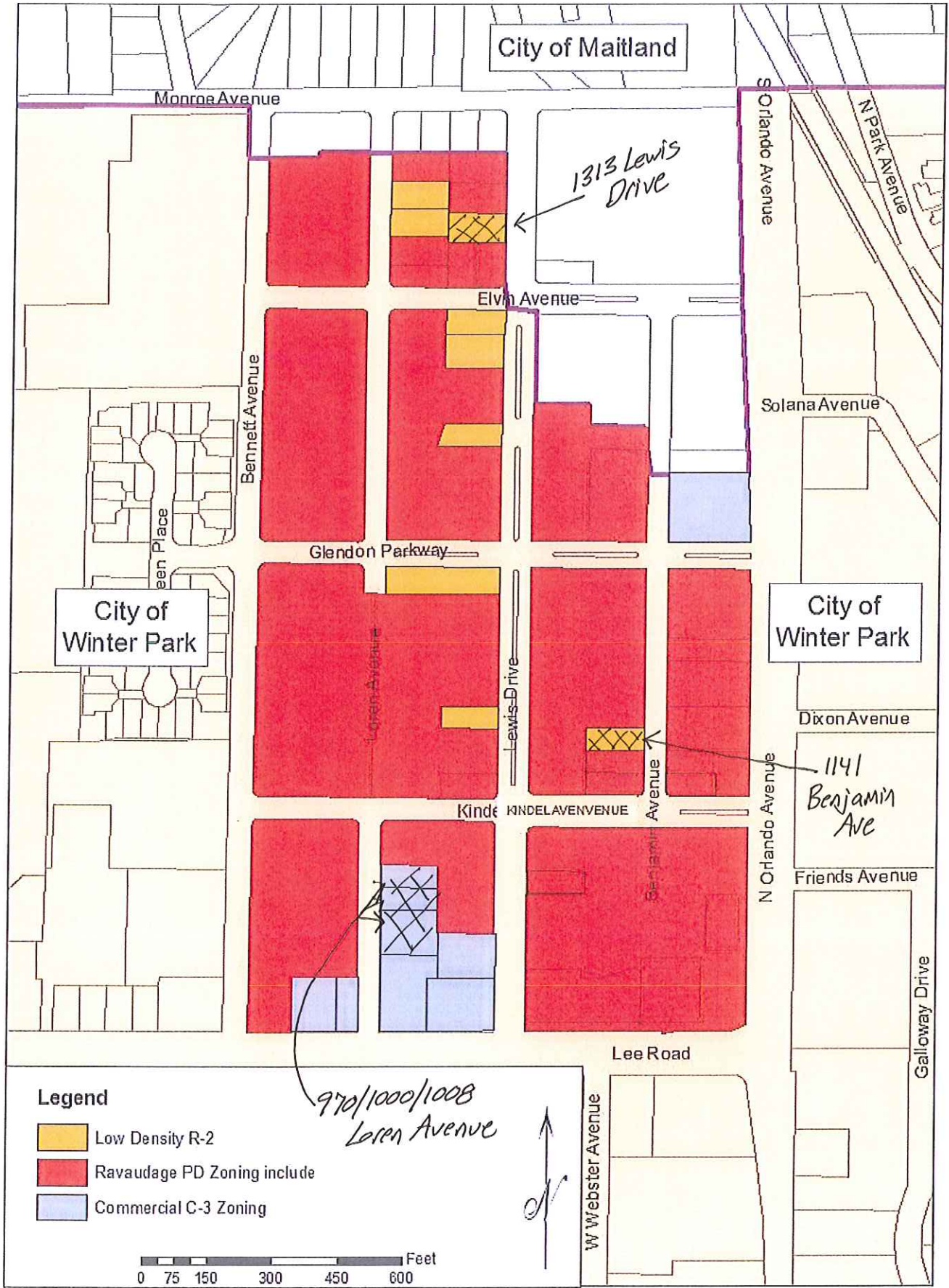
Benjamin Partners Ltd. is the owner the properties at 970/1000/1008 Loren Avenue; 1141 Benjamin Avenue and 1313 Lewis Drive. They desire to add these properties into the Ravaudage Planned Development (PD) and have applied for similar Planned Development FLU and PD-2 Zoning.

All the surrounding properties owned by Benjamin Partners have Planned Development FLU designations and Planned Development (PD) zoning based on the Orange County BCC approvals of May 24, 2011. The annexation agreement with Ravaudage commits the City to honor and abide by those Orange County FLU and Zoning regulations.

In this case, these subsequent acquisitions by Benjamin Partners cannot be granted Orange County PD designations, as they are not in Orange County anymore. The action closest to that is to establish Winter Park's Planned Development FLU and PD-2 zoning.

This action does not increase the entitlements for the Ravaudage PD but does allow more opportunity to fulfill those by adding more land and filling in the out-parcels.

**STAFF RECOMMENDATION IS FOR APPROVAL**



March 7, 2014

Ms. Dori Stone, Director  
Economic Development / CRA Dept.  
City of Winter Park  
401 Park Ave South  
Winter Park, FL 32789

RE: Ravaudage DRC Application  
March 25, 2014

Dear Ms. Stone,

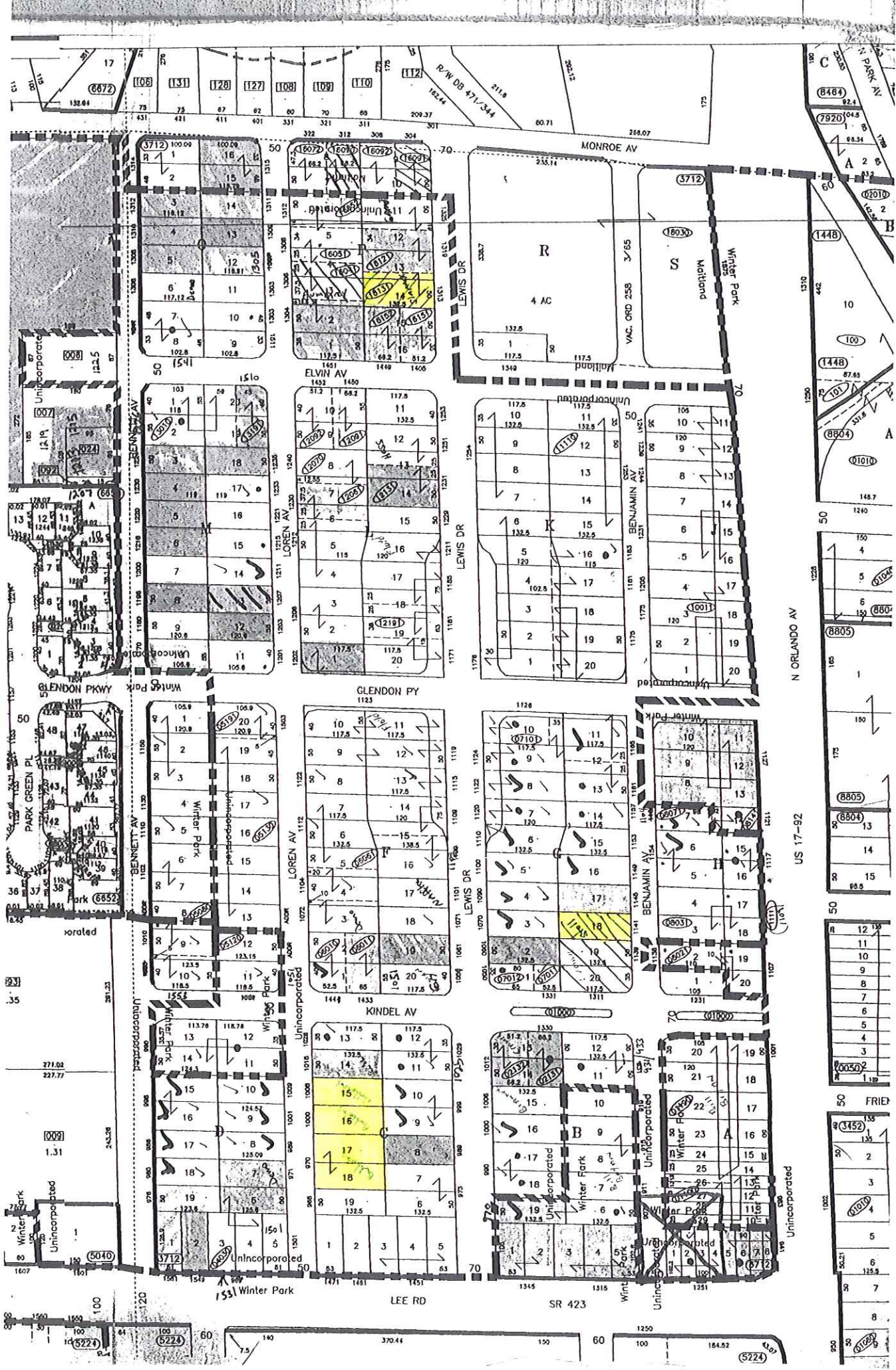
The enclosed information is being submitted to the City of Winter Park's Development Review committee for review and approval.

1. Proposed Development order modifications – with justifications.
2. Additional land parcels to be added to PD.
  - A. 970 Loren Ave. – Parcel ID: 01-22-29-3712-03-170
  - B. 1000 Loren Ave. – Parcel ID: 01-22-29-3712-03-160
  - C. 1008 Loren Ave. – Parcel ID: 01-22-29-3712-03-150
  - D. 1141 Benjamin Ave. – Parcel ID: 01-22-29-3712-07-180
  - E. 1313 Lewis Dr. – Parcel ID: 01-22-29-3712-16-131
3. Building height zone exhibits – 1, 2, & 3
4. Loren Ave. partial right of way vacation.

Sincerely,



Daniel B. Bellows  
President



US 17-92

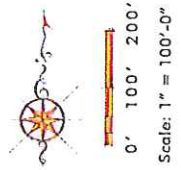
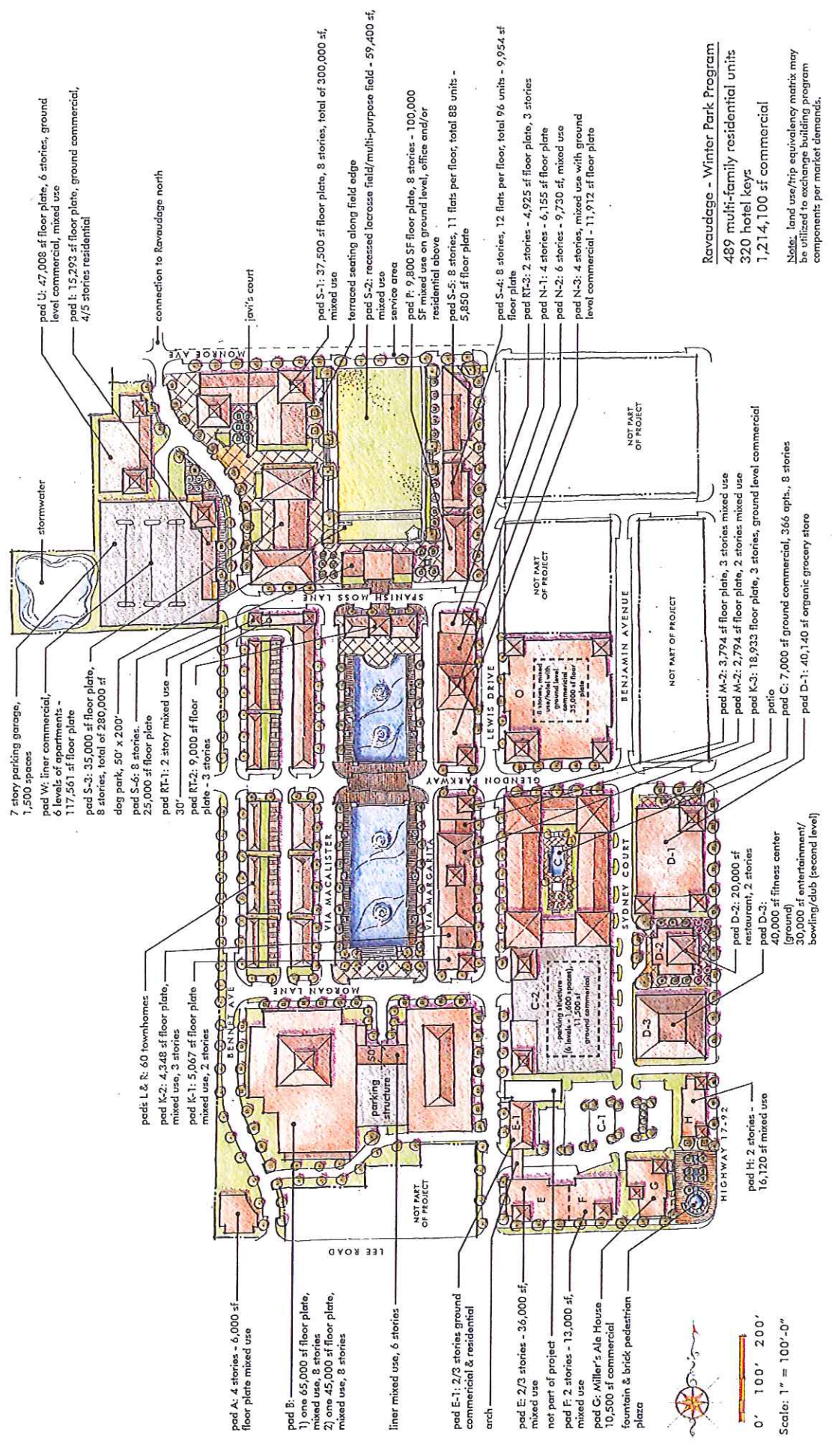
Unincorporated

(5224)

1531 Winter Park

LEE RD

SR 423



**Ravaudage - Winter Park Program**  
 489 multi-family residential units  
 320 hotel keys  
 1,214,100 sf commercial

*Note:* land use/trip equivalency matrix may be utilized to exchange building program components per market demands.

**SYDGAN CORPORATION**  
 May 2013

**RAVAUDAGE**  
 master plan  
 winter park, florida

**cph**  
 DIX LATHROP AND ASSOCIATES, INC.

m.p-1

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATIONS OF OFFICE AND LOW DENSITY RESIDENTIAL TO PLANNED DEVELOPMENT FUTURE LAND USE ON THE PROPERTIES AT 970/100/1008 LOREN AVENUE; 1141 BENJAMIN AVENUE AND 1313 LEWIS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN.

**WHEREAS**, the owner of the property more particularly described herein has requested changes in the future land use designations of certain parcels in order to add them into the Ravaudage PD in compliance with City Code and Florida Statutes, and

**WHEREAS**, the City Commission intends to amend its Comprehensive Plan future land use map to provide such Planned Development future land use designations 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 change the existing future land use designations of Office and Low Density Residential to a Planned Development future land use designation on the properties more particularly described as follows:

970 Loren Avenue:	Property Tax ID# 01-22-29-3712-03-170
1000 Loren Avenue:	Property Tax ID# 01-22-29-3712-03-160
1008 Loren Avenue:	Property Tax ID# 01-22-29-3712-03-150
1141 Benjamin Avenue:	Property Tax ID# 01-22-29-3712-07-180
1313 Lewis Drive:	Property Tax ID# 01-22-29-3712-16-131



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

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

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 CHANGE THE OFFICE (O-1) AND LOW DENSITY RESIDENTIAL (R-2) DISTRICT DESIGNATIONS TO PLANNED DEVELOPMENT (PD-2) DISTRICT ZONING ON THE PROPERTIES AT 970/1000/1008 LOREN AVENUE; 1141 BENJAMIN AVENUE AND 1313 LEWIS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN.

**WHEREAS**, the owner of the property more particularly described herein has requested changes in the zoning designations of certain parcels in order to add them into the Ravaudage PD in compliance with City Code and Florida Statutes, 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 properties, 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 change the existing zoning designations of Office (O-2) district and Low Density Residential (R-2) district to Planned Development (PD-2) district zoning on the properties, more particularly described as follows:

970 Loren Avenue:	Property Tax ID# 01-22-29-3712-03-170
1000 Loren Avenue:	Property Tax ID# 01-22-29-3712-03-160
1008 Loren Avenue:	Property Tax ID# 01-22-29-3712-03-150
1141 Benjamin Avenue:	Property Tax ID# 01-22-29-3712-07-180
1313 Lewis Drive:	Property Tax ID# 01-22-29-3712-16-131

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

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

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

**Staff Report  
April 8, 2014**

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**REQUEST OF THE CITY OF WINTER PARK FOR:** AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA; ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT RELATED TO REPEALING THE REQUIREMENT FOR A SUPERMAJORITY VOTE OF THE CITY COMMISSION TO APPROVE CERTAIN CONDITIONAL USES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

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This Comprehensive Plan amendment proposal from the planning staff seeks to achieve consistency in the approval of both Ordinances and Conditional Uses by removing three Policies in the Comprehensive Plan which impose the supermajority requirement for the approval of certain Conditional Uses.

**City Charter Conflict with the Supermajority Vote:**

The City Attorney, Larry Brown, has previously prepared a legal opinion indicating that the City Charter sets forth that all Ordinances are adopted by the affirmative vote of a majority of the City Commission. As such, the Code sections that required either four votes or a supermajority of the City Commission to adopt an "Ordinance" were in conflict with the City Charter.

As a result, in April, 2013 the City Commission adopted Ordinance 2909-13 which repealed the Policies in the Comprehensive Plan to remedy and remove those conflicts that required supermajority vote requirements needed for the adoption of Ordinances.

At that time it was made clear that this conflict with City Charter only related to the adoption of Ordinances. There are other Policies of our Comprehensive Plan that require a supermajority for the adoption of certain types of conditional uses. The intent of the planning staff at this time is to achieve consistency of majority rule by also changing the Policies of the Comprehensive Plan which require supermajorities for the approval of certain Conditional Uses.

**Repeal of the Comp. Plan policies:**

There are two types of Conditional Uses which require a supermajority vote for approval:

1. Construction within the stream floodways and floodplains of the City. This relates to the two stream floodplain areas between Lake Sue and Lake Virginia and the north of Lake Maitland. This was put into the Zoning Code originally in the late 1980's due to the environmental sensitivity of construction within these stream floodplain areas. So when the current Comprehensive Plan was put together, this Policy reflected what already existed within the Zoning Code.
2. Construction of three story buildings within the Central Business District. Again due to the sensitivity of these projects to the character and ambiance of the CBD-Park Avenue area, this Policy and the companion Zoning requirement came about with adoption of Comprehensive Plan in 2009.

**STAFF RECOMMENDATION IS FOR APPROVAL in order to achieve consistency in land development approvals.**

## COMP. PLAN – SUPERMAJORITY VOTES FOR CONDITIONAL USES

**Policy 1-2.6.2: Conservation (CON).** The FLUM shall designate lands that are natural and conservation resources as “CON.” It is the intent of the “CON” land use designation to provide for the long-term protection and preservation of environmentally sensitive natural resource systems. The Conservation Future Land Use Map designation is designed to indicate the specific areas, of wetland floodways and the 100-year flood plain, for the Howell Branch Creek areas between Lakes Sue and Virginia and north of Lake Maitland that shall be conserved in their natural condition so that the physical and biological functions of the land may be optimized. No development other than structures that benefit the general public, such as boardwalks or access way for maintenance, are permitted on this land and/or stream front wetland floodplain areas. Access is limited so that these areas may also serve as a safe haven area for wildlife. The City shall have the option of obtaining a conservation easement from the property owner(s) to protect sum lands. The only exception and intensity of use potentially permitted ~~(by conditional use requiring a supermajority vote of the City Commission)~~ is a boardwalk or gazebo for the passive enjoyment of this natural area provided the construction and use is non-intrusive and non-disruptive to the primary purpose as a natural conservation area.

**Policy 1-3.2.2: Maintain the Character and Scale of the Central Business District:** The City shall maintain the character and scale of the Central Business District (CBD), including the Park Avenue Corridor as one of the premier downtown retail shopping districts in Florida, by reinforcing attributes that underlie its ambiance and special character, including its pedestrian scale, the relationship of its buildings and their orientation to the street, the eclectic mix of architectural styles, the open space vistas of Central Park, and the predominance of small distinctive specialty shops. This Comprehensive Plan imposes a two story and 30’ height limit throughout the Central Business District as depicted on the Winter Park Central Business District Boundary Map located in the Definitions section of this Comprehensive Plan. These height restrictions may be increased to a maximum 3 stories and a 40’ height limit if the development is approved ~~by a supermajority vote (four votes)~~ by the City Commission as a Conditional Use and conforms to the Maximum Height Map. Third floors approved by conditional use in the CBD must be setback on street frontages equal to their height of a one foot setback for each one foot height of the third floor. Properties designated low density residential, and other properties identified as limited to two stories on the Maximum Height Map are not candidates for the 3 story and 40 foot height Conditional Use. The maximum floor area ratio within the CBD shall include private parking garages which are either at grade or elevated in calculations of floor area. Subterranean parking garages and public parking garages may be excluded from floor area calculations by the City Commission.

**Policy 1-3.8.9: Preserve the Pedestrian Scale and Orientation of the CBD and Restrict Building Height.** The City shall preserve the pedestrian scale and orientation of the Winter Park Central Business District Boundary Map, as defined in the Definitions section of this Comprehensive Plan, by limiting development for any property to two stories in height (30 feet) or three stories (40 feet) (including any mezzanine levels) on a case by case basis via conditional use ~~and by requiring an supermajority (four votes) of~~ approval by the City Commission for any third floor. The pedestrian orientation is also protected by prohibiting new drive-in businesses within the C-2 zoning locations east of Virginia Avenue. Approvals or other variances for more than three stories are prohibited. Third floors approved by conditional use must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor. Properties designated low density residential and properties limited to two stories on the Maximum Height Map are not candidates for the 3 story and 40’ height conditional use.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA; ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT RELATED TO REPEALING THE REQUIREMENT FOR A SUPERMAJORITY VOTE OF THE CITY COMMISSION TO APPROVE CERTAIN CONDITIONAL USES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 2.08(d) of the Charter of the City of Winter Park ("Charter") provides that a quorum of the City Commission shall exist when a majority of the Commissioners are present; and

**WHEREAS**, Section 2.01 of the Charter provides that the City Commission consists of five (5) members, and therefore, a majority of the City Commission consists of three (3) members; and

**WHEREAS**, Section 2.11 of the Charter provides that a proposed ordinance shall be adopted when it has received the affirmative vote of a majority of the City Commission physically present on at least two (2) separate days at either regular or special meetings of the Commission; and

**WHEREAS**, when only three (3) Commissioners are in attendance at a meeting of the City Commission, an ordinance may pass on two (2) votes of the Commissions that are physically present;

**WHEREAS**, the City Commission adopted its Comprehensive Plan on February 23, 2009 via Ordinance 2762-09 and desires to modify the Policies regarding the procedures for the approval of conditional uses specified in the Comprehensive Plan that were adopted by Ordinance 2793-10, and

**WHEREAS**, the City Commission via the adoption of Ordinance 2909-13 on April 22, 2013 resolved the conflict between the Charter and the Comprehensive Plan by removing Policies requiring a supermajority (four votes) needed for the adoption of Comprehensive Plan amendment ordinances; and

**WHEREAS**, the City Commission seeks to achieve conformity for the approval of conditional uses by removing policies in the Comprehensive Plan requiring a supermajority (four votes) needed for the approval of certain conditional uses; and

**WHEREAS**, the goal of the City Commission is to remove conflicts that exist between those provisions of the Charter and Comprehensive Plan which require an affirmative vote of a supermajority of the Commissioners in order to pass an ordinance or conditional uses, and Section 2.11 of the Charter, which requires only a majority of the Commissioners physically present in order to pass an ordinance; and

**WHEREAS**, the municipal charter is the paramount law of the municipality; and

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

**Section 1. Incorporation of Recitals as Legislative Findings.** The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Commission. The City Commission finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section.

**Section 2. Revisions to Comprehensive Plan Policy 1-1.1.3.** That the Comprehensive Plan is hereby amended so as to repeal and re-adopt Policy 1-2.6.2; Policy 1-3.2.2 and Policy 1-3.8.9 in the Future Land Use Element of the Goals, Objectives and Policies to read as follows and revising that subsection to read as follows:

**Policy 1-2.6.2: Conservation (CON).** The FLUM shall designate lands that are natural and conservation resources as "CON." It is the intent of the "CON" land use designation to provide for the long-term protection and preservation of environmentally sensitive natural resource systems. The Conservation Future Land Use Map designation is designed to indicate the specific areas, of wetland floodways and the 100-year flood plain, for the Howell Branch Creek areas between Lakes Sue and Virginia and north of Lake Maitland that shall be conserved in their natural condition so that the physical and biological functions of the land may be optimized. No development other than structures that benefit the general public, such as boardwalks or access way for maintenance, are permitted on this land and/or stream front wetland floodplain areas. Access is limited so that these areas may also serve as a safe haven area for wildlife. The City shall have the option of obtaining a conservation easement from the property owner(s) to protect sum lands. The only exception and intensity of use potentially permitted (~~by conditional use requiring a supermajority vote of the City Commission~~) is a boardwalk or gazebo for the passive enjoyment of this natural area provided the construction and use is non-intrusive and non-disruptive to the primary purpose as a natural conservation area.

**Policy 1-3.2.2: Maintain the Character and Scale of the Central Business District:** The City shall maintain the character and scale of the Central Business District (CBD), including the Park Avenue Corridor as one of the premier downtown retail shopping districts in Florida, by reinforcing attributes that underlie its ambiance and special character, including its pedestrian scale, the relationship of its buildings and their orientation to the street, the eclectic mix of architectural styles, the open space vistas of Central Park, and the predominance of small distinctive specialty shops. This Comprehensive Plan imposes a two story and 30' height limit throughout the Central Business District as depicted on the Winter Park Central Business District Boundary Map located in the Definitions section of this Comprehensive Plan. These height restrictions may be increased to a maximum 3 stories and a 40' height limit if the development is approved ~~by a supermajority vote (four votes)~~ by the City Commission as a



Conditional Use and conforms to the Maximum Height Map. Third floors approved by conditional use in the CBD must be setback on street frontages equal to their height of a one foot setback for each one foot height of the third floor. Properties designated low density residential, and other properties identified as limited to two stories on the Maximum Height Map are not candidates for the 3 story and 40 foot height Conditional Use. The maximum floor area ratio within the CBD shall include private parking garages which are either at grade or elevated in calculations of floor area. Subterranean parking garages and public parking garages may be excluded from floor area calculations by the City Commission.

**Policy 1-3.8.9: Preserve the Pedestrian Scale and Orientation of the CBD and Restrict Building Height.** The City shall preserve the pedestrian scale and orientation of the Winter Park Central Business District Boundary Map, as defined in the Definitions section of this Comprehensive Plan, by limiting development for any property to two stories in height (30 feet) or three stories (40 feet) (including any mezzanine levels) on a case by case basis via conditional use ~~and by requiring an supermajority (four votes) of~~ approval by the City Commission for any third floor. The pedestrian orientation is also protected by prohibiting new drive-in businesses within the C-2 zoning locations east of Virginia Avenue. Approvals or other variances for more than three stories are prohibited. Third floors approved by conditional use must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor. Properties designated low density residential and properties limited to two stories on the Maximum Height Map are not candidates for the 3 story and 40' height conditional use.

**Section 3. Severability.** If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

**Section 4. Codification.** It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

**Section 5. Conflicts.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**Section 6. Effective Date Of Ordinance.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by the adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor Kenneth W. Bradley

ATTEST:

\_\_\_\_\_  
Cindy Bonham, City Clerk

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

**Staff Report  
April 8, 2014**

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**REQUEST OF THE CITY OF WINTER PARK FOR:** AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA; ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT RELATED TO THE MAXIMUM BUILDING HEIGHT WITHIN THE CENTRAL BUSINESS DISTRICT FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

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One of the recommendations of the WRT study of the Comprehensive Plan was to eliminate internal conflicts between the Comprehensive Plan and the Land Development Code (Zoning Code) with respect to building heights. The one place that this conflict exists is within the Comp. Plan policies regarding building height within the Central Business District. The conflict is that the Comprehensive Plan establishes a fixed 30 foot maximum building height for two story buildings and a fixed 40 foot maximum building height for three story buildings within the CBD. The Comprehensive Plan does not provide within the definition of a "variance" any provision for approval of any additional height.

However, in the Zoning Code, while the same 30 and 40 foot dimensions are established for two and three story buildings in the CBD, the Land Development Code allows for an exception or variance by the City Commission to permit up to five additional feet in building height.

So the Land Development Code allows one to request a 35 foot tall, two story building or a 45 foot tall, three story building in the CBD, but the Comprehensive Plan prohibits it. The proposed Ordinance resolves those conflicts. It lets the Comprehensive Plan establish policy and the Land Development Code establish the maximum height standards.

The attached pages show the Comp. Plan policies affected; the definition of a variance from the Comp. Plan and the Land Development Code provisions.

**STAFF RECOMMENDATION IS FOR APPROVAL**

## COMPREHENSIVE PLAN – BUILDING HEIGHT INCONSISTENCIES

**Policy 1-3.2.2: Maintain the Character and Scale of the Central Business District:** The City shall maintain the character and scale of the Central Business District (CBD), including the Park Avenue Corridor as one of the premier downtown retail shopping districts in Florida, by reinforcing attributes that underlie its ambiance and special character, including its pedestrian scale, the relationship of its buildings and their orientation to the street, the eclectic mix of architectural styles, the open space vistas of Central Park, and the predominance of small distinctive specialty shops. This Comprehensive Plan imposes a two story ~~and 30'~~ height limit throughout the Central Business District as depicted on the Winter Park Central Business District Boundary Map located in the Definitions section of this Comprehensive Plan. These height restrictions may be increased to a maximum 3 stories ~~and a 40'~~ height limit if the development is approved by a supermajority vote (four votes) by the City Commission as a Conditional Use and conforms to the Maximum Height Map. Third floors approved by conditional use in the CBD must be setback on street frontages equal to their height of a one foot setback for each one foot height of the third floor. Properties designated low density residential, and other properties identified as limited to two stories on the Maximum Height Map are not candidates for the 3 story ~~and 40 foot~~ height Conditional Use. The maximum floor area ratio within the CBD shall include private parking garages which are either at grade or elevated in calculations of floor area. Subterranean parking garages and public parking garages may be excluded from floor area calculations by the City Commission.

**Policy 1-3.8.9: Preserve the Pedestrian Scale and Orientation of the CBD and Restrict Building Height.** The City shall preserve the pedestrian scale and orientation of the Winter Park Central Business District Boundary Map, as defined in the Definitions section of this Comprehensive Plan, by limiting development for any property to two stories in height ~~(30 feet)~~ or three stories ~~(40 feet)~~ (including any mezzanine levels) on a case by case basis via conditional use and by requiring an supermajority (four votes) of approval by the City Commission for any third floor. The pedestrian orientation is also protected by prohibiting new drive-in businesses within the C-2 zoning locations east of Virginia Avenue. Approvals or other variances for more than three stories are prohibited. Third floors approved by conditional use must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor. Properties designated low density residential and properties limited to two stories on the Maximum Height Map are not candidates for the 3 story ~~and 40'~~ height conditional use.

**Policy 1-3.8.13: Preservation of the Historic Character of Park Avenue and the Open Vista of Central Park:** All properties facing on Park Avenue or adjacent roads within 140 feet of Park Avenue shall be limited in height to two stories in height ~~(30 feet)~~. All properties that abut Central Park or are located across from the park where development would impact the open vista of Central Park shall also be limited to two stories in height ~~(30 feet)~~ as depicted on the Maximum Height Map. Variances or approvals of development in violation of this policy are prohibited.

## COMPREHENSIVE PLAN DEFINITION

**Variance** - means a relaxation of the terms of the Comprehensive Plan where such variance as may be approved by the Board of Zoning Adjustment, the Planning and Zoning Commission or City Commission, as may be applicable has been demonstrated not to be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this article would result in unnecessary and undue hardships. As used in this article, a variance is authorized from the provisions of this Comprehensive Plan only for impervious/pervious coverage, or size of yards and buffer spaces.

## LAND DEVELOPMENT CODE (ZONING CODE) PROVISIONS

### **Sec. 58-75. Commercial (C-2) District.**

(2) Building heights shall not exceed the height limits imposed by the Maximum Height Map. For those properties within the geographic areas shown with a two story maximum, the maximum building height shall be thirty (30) feet; for those properties shown with a three story maximum height, the maximum building height may be up to forty (40) feet if approved via conditional use. Variances for more than three stories in the Central Business District are prohibited. Parapet walls, mansard, gable or hip roof appendages or similar architectural elements or appendages on a one or two story building may be added to the building height but in no case shall extend more than five (5) feet above the building roof height limitations established in the section. Mechanical equipment, elevator towers and related non-occupied structures may be added to the building roof height but in no case shall exceed more than ten (10) feet above these building roof height limitations and shall be located to the maximum extent possible so that they are not visible from the street.

### **Sec. 58-90. Conditional uses.**

(c) *Approval of Conditional Uses.*

(1) A simple majority of the city commission may override any recommendation for denial or modify any conditions of approval in the recommendation of the planning and zoning commission except those involving conditional use approvals for three story buildings within the central business district geographic area as defined in this code, which shall require the affirmative vote of four city commissioners per the policies of the Comprehensive Plan.

(2) In order to streamline the development plan approval process, the city commission in the approval of conditional uses may also grant limited exceptions from the terms of this article. Those exceptions shall be limited to the size and height of accessory structures such as walls, fences and signs and shall also be limited to site and building design features involving the number of parking spaces, the location of storm water retention facilities, building setbacks, building lot coverage and building height, but for building height, said exception shall be limited to no more than five (5) feet above the height limits of this article.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA; ARTICLE I “COMPREHENSIVE PLAN” BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT RELATED TO THE MAXIMUM BUILDING HEIGHT WITHIN THE CENTRAL BUSINESS DISTRICT FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Winter Park City Commission adopted its Comprehensive Plan on February 23, 2009 via Ordinance 2762-09, and

**WHEREAS**, the City Commission desires an amendment to the Comprehensive Plan in order to provide clarification on the use of properties when limited to parking uses, and such amendment 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.

**WHEREAS**, the Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on April 8, 2014, provided for participation by the public in the process and rendered its recommendations to the City Commission; and

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

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

**SECTION 1.** That Chapter 58 “Land Development Code”, Article I, “Comprehensive Plan”, is hereby amended to revise Policy 1-3.2.2; Policy 1-3.8.9 and Policy 1.3.8.13 of the Future Land Use Element - Goals, Objectives and Policies to read as follows:

**Policy 1-3.2.2: Maintain the Character and Scale of the Central Business District:** The City shall maintain the character and scale of the Central Business District (CBD), including the Park Avenue Corridor as one of the premier downtown retail shopping districts in Florida, by reinforcing attributes that underlie its ambiance and special character, including its pedestrian scale, the relationship of its buildings and their orientation to the street, the eclectic mix of architectural styles, the open space vistas of

Central Park, and the predominance of small distinctive specialty shops. This Comprehensive Plan imposes a two story ~~and 30' height~~ limit throughout the Central Business District as depicted on the Winter Park Central Business District Boundary Map located in the Definitions section of this Comprehensive Plan. These height restrictions may be increased to a maximum 3 stories ~~and a 40' height limit~~ if the development is approved by a supermajority vote (four votes) by the City Commission as a Conditional Use and conforms to the Maximum Height Map. ~~Third floors approved by conditional use in the CBD must be setback on street frontages equal to their height of a one foot setback for each one foot height of the third floor.~~ Properties designated low density residential, and other properties identified as limited to two stories on the Maximum Height Map are not candidates for the 3 story ~~and 40-foot~~ height Conditional Use. The maximum floor area ratio within the CBD shall include private parking garages which are either at grade or elevated in calculations of floor area. Subterranean parking garages and public parking garages may be excluded from floor area calculations by the City Commission.

**Policy 1-3.8.9: Preserve the Pedestrian Scale and Orientation of the CBD and Restrict Building Height.** The City shall preserve the pedestrian scale and orientation of the Winter Park Central Business District Boundary Map, as defined in the Definitions section of this Comprehensive Plan, by limiting development for any property to two stories in height ~~(30 feet)~~ or three stories ~~(40 feet)~~ (including any mezzanine levels) on a case by case basis via conditional use and by requiring an supermajority (four votes) of approval by the City Commission for any third floor. The pedestrian orientation is also protected by prohibiting new drive-in businesses within the C-2 zoning locations east of Virginia Avenue. Approvals or other variances for more than three stories are prohibited. ~~Third floors approved by conditional use must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor.~~ Properties designated low density residential and properties limited to two stories on the Maximum Height Map are not candidates for the 3 story ~~and 40'~~ height conditional use.

**Policy 1-3.8.13: Preservation of the Historic Character of Park Avenue and the Open Vista of Central Park:** All properties facing on Park Avenue or adjacent roads within 140 feet of Park Avenue shall be limited in height to two stories in height ~~(30 feet)~~. All properties that abut Central Park or are located across from the park where development would impact the open vista of Central Park shall also be limited to two stories in height ~~(30 feet)~~ as depicted on the Maximum Height Map. Variances or approvals of development in violation of this policy are prohibited.

**SECTION 2. Severability.** If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

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

**SECTION 4. Effective Date Of Ordinance.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by the adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk



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

**Staff Report  
April 8, 2014**

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**REQUEST OF THE CITY OF WINTER PARK FOR:** AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT RELATED TO THE PLANNED DEVELOPMENT FUTURE LAND USE DESIGNATIONS; COMBINING THE PD-1 AND PD-2 FUTURE LAND USE DESIGNATIONS, DELETING THE MAPS INDICATING THE CANDIDATE AREAS FOR PLANNED DEVELOPMENT FUTURE LAND USE AND DELETING THE PARAMETERS FOR THE CREATION AND ESTABLISHMENT OF PLANNED DEVELOPMENT ZONING DISTRICTS AND OTHER POLICY TEXT RELATING TO PLANNED DEVELOPMENT FUTURE LAND USE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

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One of the recommendations of the WRT study of the Comprehensive Plan was to combine the two Planned Development land use designations and to remove the development standards and other limitations that restricted the use of Planned Development future land use within the City.

The policy changes are as follows:

1. Combines the PD-1 and PD-2 future land use designations into one PD future land use category.
2. Eliminates the four PD candidate area maps but maintains the geographic restriction to locations adjacent to four lane roadways such as Lee Road, Fairbanks Avenue, Orange Avenue, Denning Drive and Aloma Avenue and maintains that PD future land use is not intended or permitted for use within the Central Business District or the downtown core bounded by Fairbanks, Interlachen, Webster and Pennsylvania Avenues.
3. Removes parking garage FAR from the FAR calculations.
4. Eliminates the development standards text such as minimum and maximum parcel size, the lot coverage, setbacks, green space minimums, etc.
5. Eliminates the direction as to the establishment of PD Zoning districts as these have already been adopted.

The attached pages show the Comp. Plan policies affected which then have been incorporated into the Ordinance.

**STAFF RECOMMENDATION IS FOR APPROVAL**

## COMP. PLAN –PLANNED DEVELOPMENT (PD) POLICIES CHANGES

**Policy 1-2.3.4: ~~Medium-Density~~ Planned Development (PD-1).** This land use designation includes retail businesses, restaurants, offices and residential uses within building projects permitting higher density mixed and single use. ~~This land use designation is restricted to geographic areas of the City identified in the Future Land Use Map Series – Map 1-6a, and 1-6b.~~ The maximum floor area ratio shall not exceed the percentages listed in the Maximum Future Land Use Density/ Intensity Table and as governed by the maximum number of stories permitted in the Maximum Height Map within this Future Land Use Element.

~~**Policy 1-2.3.5: High Density Planned Development (PD-2).** This land use designation includes retail businesses, restaurants, offices and residential uses within building projects permitting higher density mixed and single use in designated areas. This land use designation is restricted to geographic areas of the City identified in the Future Land Use Map Series – Map 1-6c, and 1-6d. The maximum floor area ratio shall not exceed the percentages listed in the Maximum Future Land Use Density/ Intensity Table and as governed by the maximum number of stories permitted in the Maximum Height Map within this Future Land Use Element.~~

**Policy 1-2.3.6: Limitation on the Use of Planned Development Future Land Use.** ~~This element includes maps within the Map Series (1-6a-1-6d) which indicate the only geographic areas within the City where properties may be granted Medium-Density Planned Development and High-Density Planned Development Future Land Use designations and corresponding zoning. This element prohibits the use of the Planned Development designations, in areas of the City not identified on the Planned Development Candidate map series (1-6a – 1-6d).~~ Planned Development future land use may be considered for use only in locations adjacent to four lane roadways such as Lee Road, Fairbanks Avenue, Orange Avenue, Denning Drive and Aloma Avenue but is not intended or permitted for use within the Central Business District or the downtown core bounded by Fairbanks, Interlachen, Webster and Pennsylvania Avenues.

~~**Policy 1-2.3.7: Creation of a Planned Development Zoning District.** Within one year after adoption of this Comprehensive Plan, the City Commission shall adopt a new Planned Development Zoning District. Prior to adoption, the Planning and Zoning commission shall provide their recommendation for a Planned Development Zoning District which shall be accompanied by draft regulations to enable the recommendation. The regulations shall be proposed which address retail, office, and residential uses, appropriate open space in the district; appropriate height, scale, mass, setbacks, and density restrictions, long term maintenance of such facilities, parking, residential protection from noise, and consideration of inclusionary affordable/workforce housing. Planned Development zoning shall be limited to a maximum project size of three acres such that no monolithic out-of-scale projects may be~~

~~developed. There shall be at least seventy-five feet of separation between any two principal buildings on sites larger than three acres so as to insure separation between such building projects. This element prohibits the use of the High Density Planned Development (PD-2) future land use designation, east of and including along the Orlando Avenue corridor.~~

**Policy 1-3.2.6: Planned Development Land Use.** The City recognizes that Planned Developments, ~~on specific properties identified as Planned Development Candidates (Map 6a-6d),~~ may be appropriate if restricted to height, intensity and density compatible with the surrounding Commercial areas. The purpose of this Land Use Designation is to allow create zoning that will:

- ~~a. Increase the City's tax revenues by providing Class A Office, Commercial or Residential that satisfies demonstrated space needs within the City. The City encourages development of Class A Office.~~
- b. Enhance the City's gateways by providing incentive for redevelopment.
- ~~c. Substantially increase landscaping, trees and setbacks obtainable from existing Commercial/Office designations by providing not less than 25% natural pervious green space.~~
- d. Create inviting pedestrian oriented public spaces.
- e. Provide increased flexibility to the City in the consideration of unique development opportunities.

The City shall develop standards for the new Planned Development zoning code districts within the restraints of the maximum density, intensity of use and height limits specified in this Comprehensive Plan for the Planned Development Future Land Use Designations. ~~The total building lot coverage allowed for the sum of all buildings within a Planned Development is limited to 47% in Medium Density Planned Developments and 55% in High Density Planned Developments. Single tenant retail in excess of 65,000 square feet is prohibited. The objective of these development codes is to provide meaningful guidance for the introduction of limited increased density without adversely impacting the existing pedestrian scale and low density attributes of our historic core or nearby residential areas. Identification as Candidates for Planned Development does not create an entitlement to be approved for this Land Use Designation. All redesignations are subject to Public Hearings and Commission approval. This Planned Development Candidate designation is a test program and will be reassessed after 5 years. It is the prerogative of the City to reject a candidate or to remove a property from the list of properties to be considered, if changes in conditions warrant.~~

~~Policy 1-2.3.7: Creation of Two Planned Development Districts.~~ Within one year after adoption of this Comprehensive Plan, the City Commission shall adopt two new Planned Development Zoning Districts (PD1 and PD2). Prior to adoption, the Planning and Zoning Commission shall evaluate Planned Development Zoning Districts and provide draft detailed regulations to regulate the new zoning districts. Regulations shall be proposed which address at a minimum:

- ~~a. At least two levels of density/intensity for Planned Developments based on proximity to the historic core of Winter Park.~~
- ~~b. Retail, office, and residential use standards~~
- ~~c. Open space and permeable space requirements~~
- ~~d. Appropriate height, scale, mass, setbacks, lot coverage and density restrictions~~
- ~~e. Long term maintenance of such facilities~~
- ~~f. Parking~~
- ~~g. Residential protection from noise, exhaust and lighting~~
- ~~h. Landscaping~~
- ~~i. Public spaces (courtyards/gathering places)~~
- ~~j. Transportation connections to bus transit and bike trails~~
- ~~k. Egress/ingress requirements including on-site stacking~~
- ~~l. Consideration of inclusionary affordable housing~~
- ~~m. Sidewalk and streetscape enhancement~~
- ~~n. Proximity to residential zoning protections~~
- ~~o. Restrictions on use of Planned Development zoning for single tenant use~~
- ~~p. Minimum distance between Planned Developments~~
- ~~q. Transportation issues~~
- ~~r. Waste management and emergency vehicle access.~~
- ~~s. Tools for limiting mass of Planned Development individual buildings to ensure compatibility with the historic Village Character of Winter Park. At a minimum, consideration will be given to the following tools: Separation of large buildings into separate buildings, restricting wall heights at side yard setbacks, reducing heights along sensitive edges, establishing maximum wall plane lengths that reflect the traditional width of buildings along the street, and alignment of front setbacks.~~

~~The following minimum standards are hereby adopted to provide meaningful guidance to the future development of Land Use Development regulations governing Planned Development districts:~~

- ~~a. Minimum property size eligible for PD zoning is 80,000 sq. ft.~~
- ~~b. Maximum project size eligible for PD zoning is 3 acres. (Designated candidates in excess of 3 acres shall be eligible for approval as adjacent PD or adjacent Commercial or Office designations.)~~
- ~~c. Not less than seventy five feet of separation between any two principal PD buildings on sites larger than three acres~~
- ~~d. Not less than 25% natural pervious green space~~
- ~~e. Preference for Class A Office~~
- ~~f. Prohibition of single tenant retail in excess of 65,000 sq. ft.~~
- ~~g. Minimum setbacks to 20-30 feet from principal arterial road~~
- ~~h. Landscaping standards superior to Commercial/Office code requirements~~
- ~~i. Public spaces (including public courtyards) and 5-10 ft. wide sidewalks~~
- ~~j. Parking garages minimally visible from street or architecturally compatible with principal buildings~~

**Policy 1-3.2.8: Future Land Use Amendments to Planned Development.** The City may approve, at its discretion, amendments or changes to the planned development future land use designation when convinced that the location is compatible to be granted additional density and intensity given the character of surrounding properties. In granting or approving the planned development designation, the City may limit the intensity below the maximums permitted by this element for any reason determined advisable. The adoption of planned development intensity shall only occur in locations where redevelopment is to be encouraged, where the scale and character of the resultant project will be compatible with the commercial/office location where the parcel size is sufficient and where there are minimal impacts on nearby residential properties.

**NOTE: The four maps 1-6a through 1-6d in the future land use element (shown after the table below) that are the designated the candidate areas for PD future land use would be proposed for deletion.**

**Table 3 Future Land Use Map Designation Maximum Density/ Intensity Table**

	Office	Commercial	Medium-Density PD-1	Planned Dev. High Density PD-2	C.B.D.
Density (units/ acre)	17 units/ acre	17 units/ acre	<del>17 units/acre</del>	25 units/ acre	17 units/ acre
Intensity (FAR)					
Up to 2-3 story limit	45%*+ 60%**	45%*+ 60%**	<del>130%</del>	130%	200%
Up to 4 story limit	45%*+ 60%**	45%*+ 60%**	<del>175%</del>	200%	Not permitted
Up to 5-8 story limit	45%*+ 60%**	45%*+ 60%**	<del>N/A</del>	250%	Not permitted

Note: *All categories count private parking garage floor space toward FAR limits except in PD.*  
 Maximum number of stories is determined by the Maximum Height Map and may be further restricted by other policies of this Comprehensive Plan.

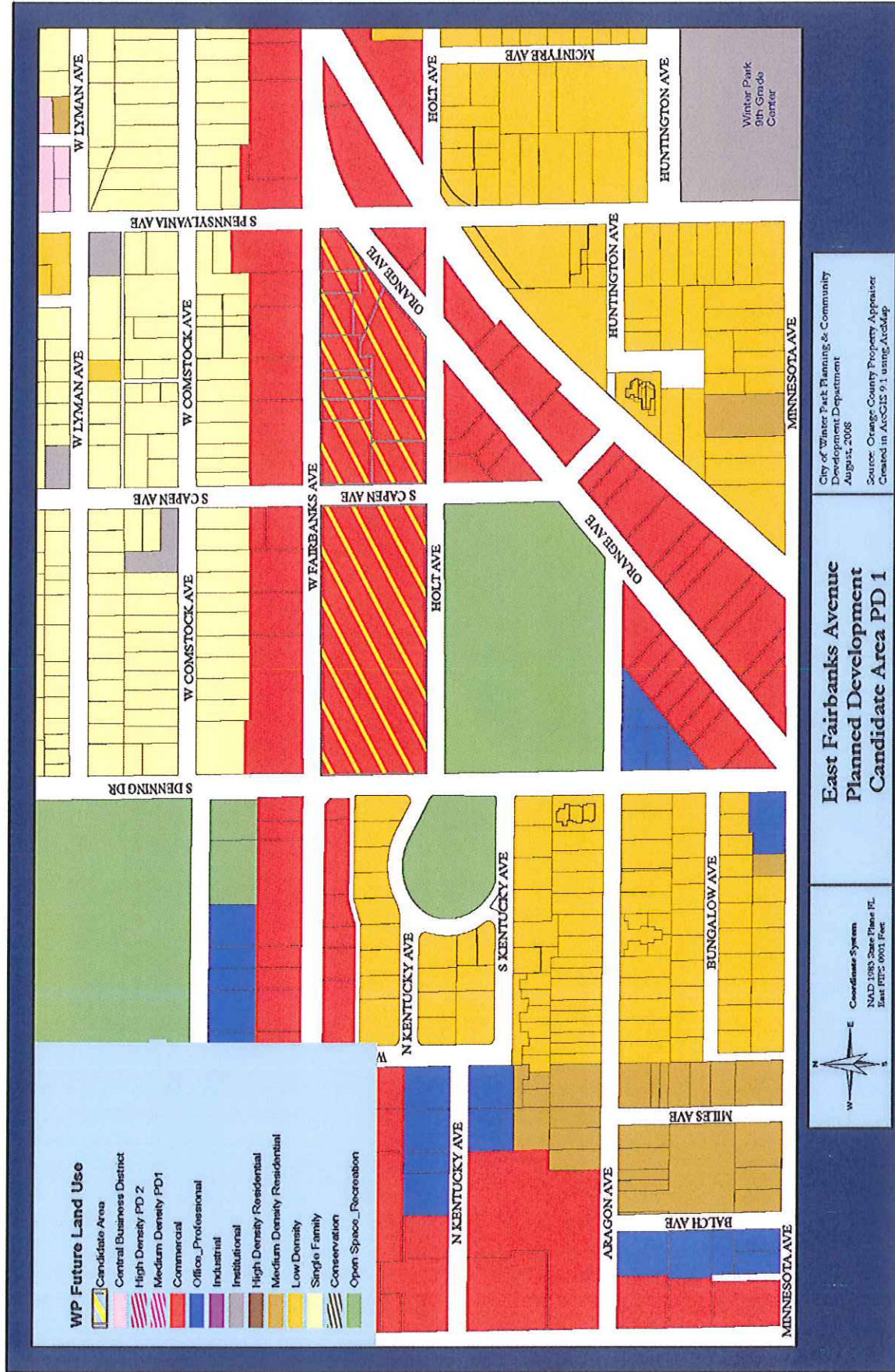
+ The 45% FAR may be increased up to 5% if parking for the increase is entirely underground beneath the foot print of the building or if the building's upper floor(s) cantilevered over such parking or for hotel buildings.

\* For any building project exclusively commercial or office; or any mix of commercial or office uses.

\*\* For any building project at least 85% commercial or office on the first floor with residential units on upper floors.

Note: This table reflects the maximum intensities that may be permitted in the underlying zoning district. The maximum intensity that will be approved on any specific site will be based on the applicable development regulations and the ability of the project to further promote the goals of the City, but is not an entitlement.

Map 1-6a, Planned Development Candidate Area PD1: East Fairbanks Avenue



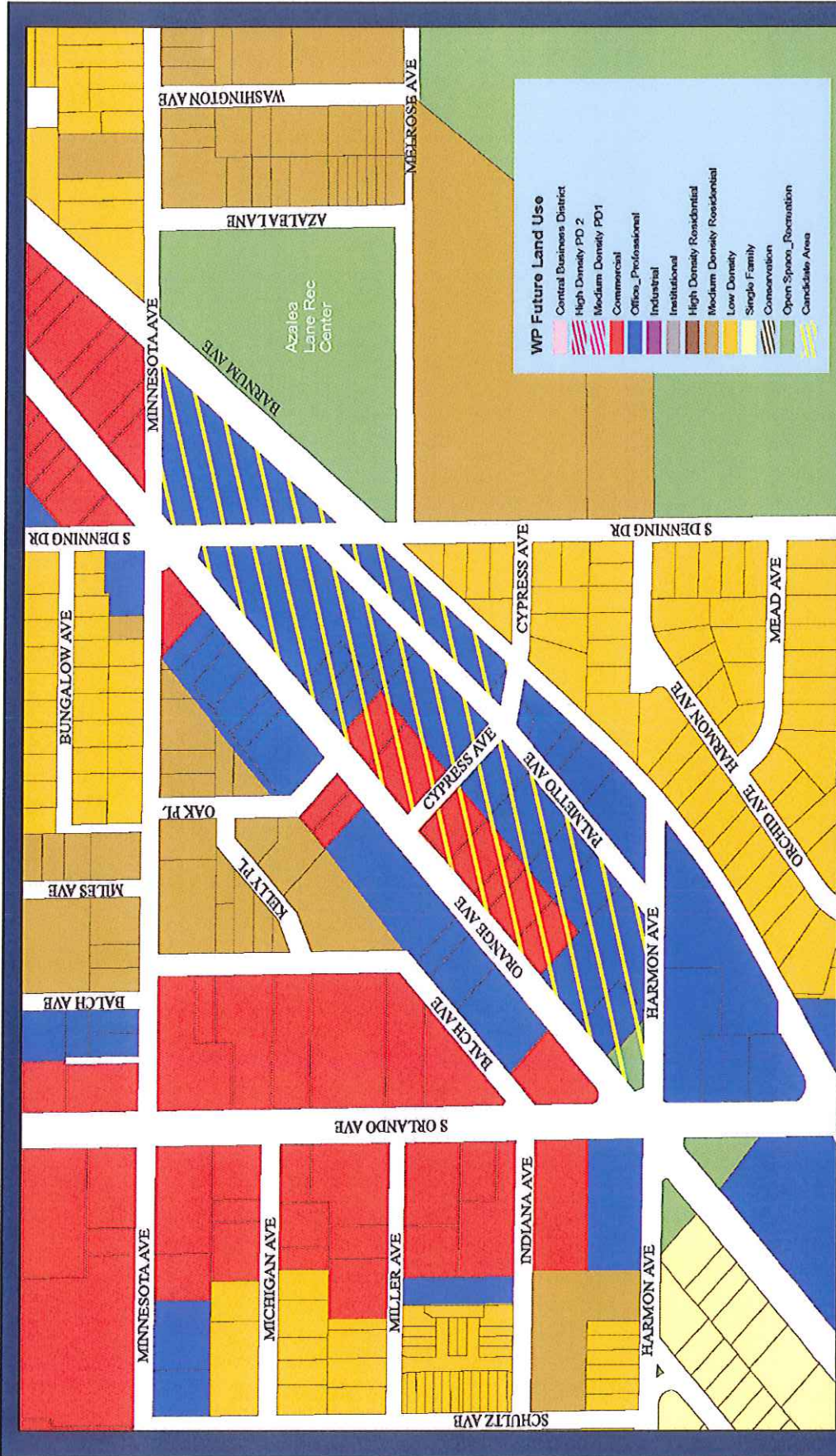
- WP Future Land Use**
- Candidate Area
  - Central Business District
  - High Density PD 2
  - Medium Density PD1
  - Commercial
  - Office/Professional
  - Industrial
  - Institutional
  - High Density Residential
  - Medium Density Residential
  - Low Density
  - Single Family
  - Conservation
  - Open Space/Recreation

Coordinate System  
 NAD 1983 State Plane FL  
 East FIPS 4901 Feet

City of Winter Park Planning & Community  
 Development Department  
 August, 2008  
 Source: Orange County Property Appraiser  
 Created in ArcGIS 9.1 using ArcMap

**East Fairbanks Avenue  
 Planned Development  
 Candidate Area PD 1**

Map 1-6b, Planned Development Candidate Area PD1: Orange Avenue



**WP Future Land Use**

- Central Business District
- High Density PD 2
- Medium Density PD 1
- Commercial
- Office, Professional
- Industrial
- Institutional
- High Density Residential
- Medium Density Residential
- Low Density
- Single Family
- Conservation
- Open Space/Recreation
- Candidate Area

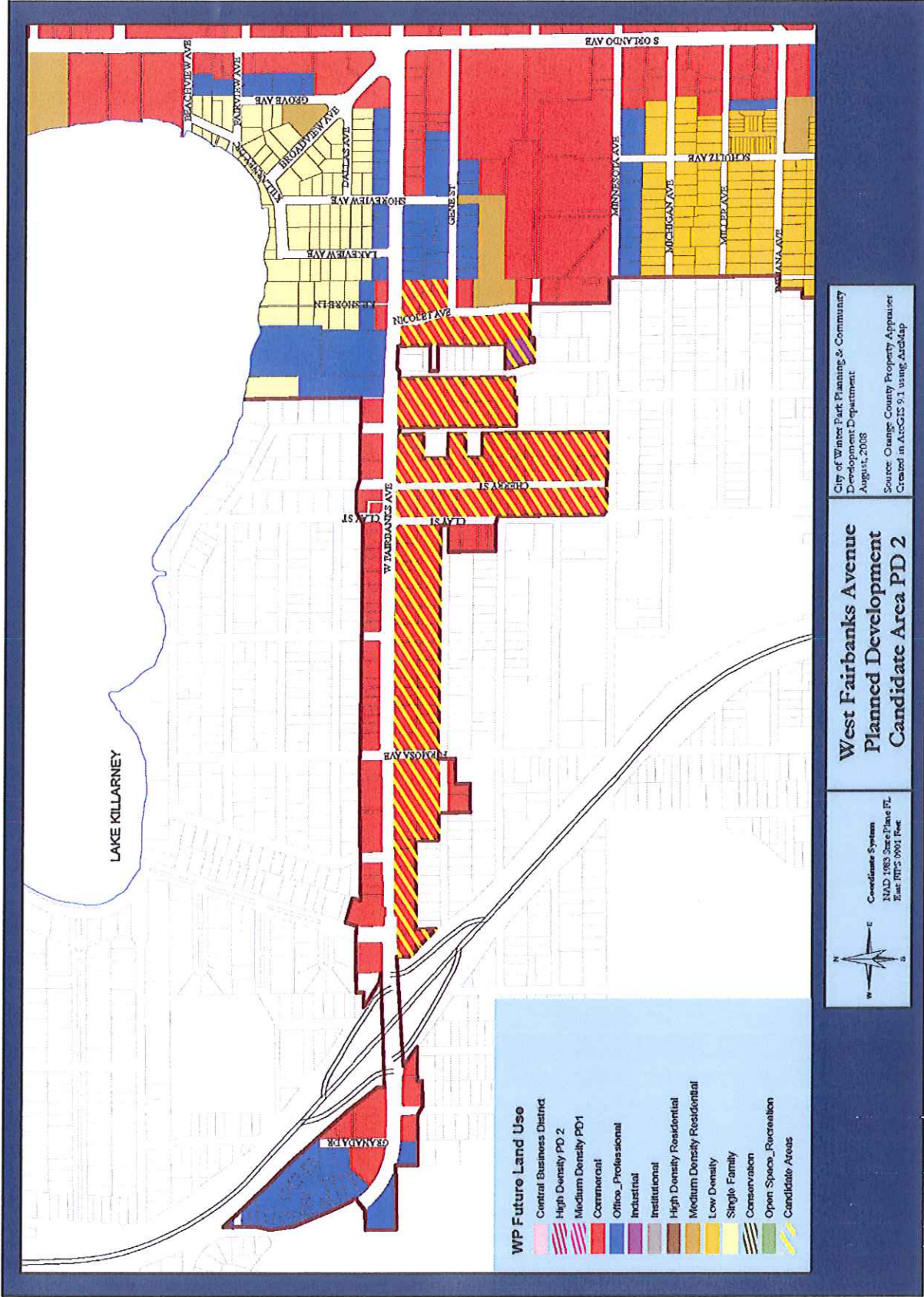
City of Winter Park Planning & Community Development Department  
August, 2008  
Source: Orange County Property Appraiser  
Created in ArcGIS 9.1 using ArcMap

**Orange Avenue  
Planned Development  
Candidate Area PD 1**

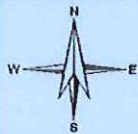
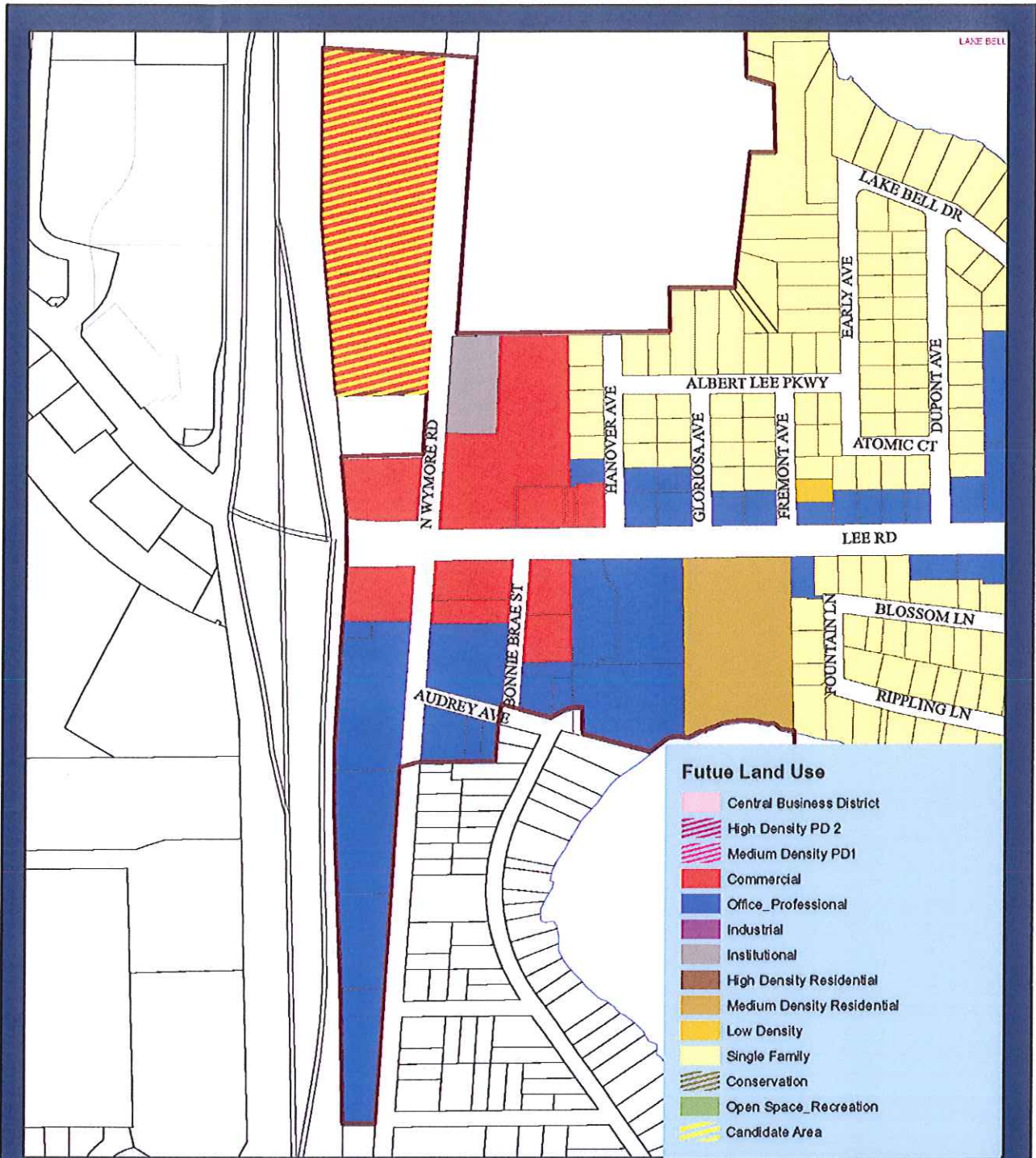
**Coordinate System**  
NAD 1983 StatePlane FL  
East FTCS 0901 Feet



Map 1-6c, Planned Development Candidate Area PD2: West Fairbanks Avenue



Map 1-6d, Planned Development Candidate Area PD2: Wymore



Coordinate System

NAD 1983 State Plane FL  
East FIPS 0901 Feet

**Wymore Road  
Planned Development  
Candidate Area PD 2**

City of Winter Park Planning & Community  
Development Department  
August, 2008

Source: Orange County Property Appraiser  
Created in ArcGIS 9.1 using ArcMap