

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

**Staff Report
October 6, 2015**

REQUEST OF ROLLINS COLLEGE FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO INSTITUTIONAL ON THE COLLEGE ARMS PROPERTY AT 315 HOLT AVENUE.

REQUEST OF ROLLINS COLLEGE FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING OF LOW DENSITY RESIDENTIAL (R-2) DISTRICT TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ON THE COLLEGE ARMS PROPERTY AT 315 HOLT AVENUE.

This public hearing by Rollins College involves the College Arms property at 315 Holt Avenue. This property at the northwest corner of Holt and New York Avenues is 270 feet along Holt Avenue; 109 feet deep along New York Avenue and is 29,430-square feet (0.68 acres) in size. The existing two-story College Arms building and parking lot is to be removed for the redevelopment of this land.

There are two combined requests to the City:

1. Change to the Comprehensive Plan future land use map from Low Density Residential to Institutional; and
2. Change to the Zoning Map from Low Density Residential (R-2) to Public, Quasi-Public (PQP).

Property Zoning/Background/History:

College Arms was built in 1935. The multi-family building included two two-bedroom apartments and two one-bedroom units (each with a living room, kitchen, bathroom and sunroom). Rollins College has owned the College Arms property since 1969.

Rollins College Requests:

Rollins College desires to redevelop the College Arms property and is seeking the Comprehensive Plan designation (Institutional) and Zoning (PQP) that is used for the rest of the college campus. Specifically, Rollins College desires to move their Child Development Center from the current on-campus location in a renovated house to a new 5,050-square foot, one story building as shown in the attached plans.

Architecturally, the new Child Development Center will continue the Mediterranean architectural theme of the college campus. There will be a fenced playground area to the west of the building for outdoor child play and observation. However, there will be no outdoor lighting for evening use. The new building will observe a 25 foot setback (versus the permitted 10 foot setback in PQP zoning) in order to maintain continuity with the existing R-2 setback of 25 feet and the prevailing setbacks of the other homes along Holt Avenue. The proposed floor area ratio (FAR) is 17.2%.

Currently, the Child Development Center provides day care opportunities for members of the Rollins College community. In the new facility the plan is also to offer child care for students within the Hamilton Holt evening program which has classes up until 9:00 pm. The anticipated capacity for child care is 25 students at night and 40 students during the day.

Traffic/Mobility Impacts:

The access to the Child Development Center will only be from New York Avenue. This has been purposefully arranged so that no traffic enters/exits directly from Holt Avenue. The parking spaces on the south side of the drive aisle will be reserved for Child Development Center use such as drop-off and pick-up. The parking spaces on the north side of the drive aisle will be available but those are also used by that adjacent commercial building.

Comprehensive Plan Policies:

There is a related policy in the Comprehensive Plan that may or may not relate to the request (see below). It speaks to the development of Rollins College in accordance with a Master Plan. However, the City does not have provisions in our Comp. Plan or Zoning Code for "master Plans" in terms of their legal authority, approval process, etc. Rollins College also has not submitted a Master plan for approval. So the affect of this Policy is unclear.

Policy 1.2.5.1: Institutional. This land use designation includes lands used by governments, hospitals, churches, community centers, schools, utilities and social service agencies serving the public. This designation is compatible with the P.Q.P. zoning and any future hospital or medical arts district. However, these types of uses are also permitted as conditional uses within other designations. The intensity of use in the designation is up to a maximum 45% floor area ratio outside of the Central Business District and up to a maximum 200% floor area ratio inside the same as the Central Business District future land use designation inside the C.B.D. Public parking garages (not private) may be excluded from the floor area ratio by the City Commission.

- 3. Redevelopment of Rollins College.** The City shall strive to accommodate the enhancement and redevelopment of the Rollins College campus to the extent that such redevelopment is compatible with the height and density of surrounding properties and is in compliance with our Land Use Development Codes. Development of the Rollins College campus and ancillary facilities shall be in accordance with an adopted Master Plan to be presented for approval within one year of adoption of this Comprehensive Plan.

Zoning Entitlements:

The PQP zoning that is requested potentially allows much greater building development than the one-story, 5,050-square foot building proposed. Under the PQP zoning this site could potentially be used for building(s) of 13,243-square feet and up to three stories, 42 ½ feet in height. It is staffs' understanding that the applicant is acceptable to restrictions on the zoning ordinance to limit the building yield to that proposed in the attached plans. The proposed Zoning Ordinance in the P&Z materials contains those development restrictions and limitations. That will be the Staff's recommendation. If a later time, further development or redevelopment of this property is proposed, then Rollins College would have to ask the City for those restrictions to be modified.

Staff Analysis of the Applicant's Requests:

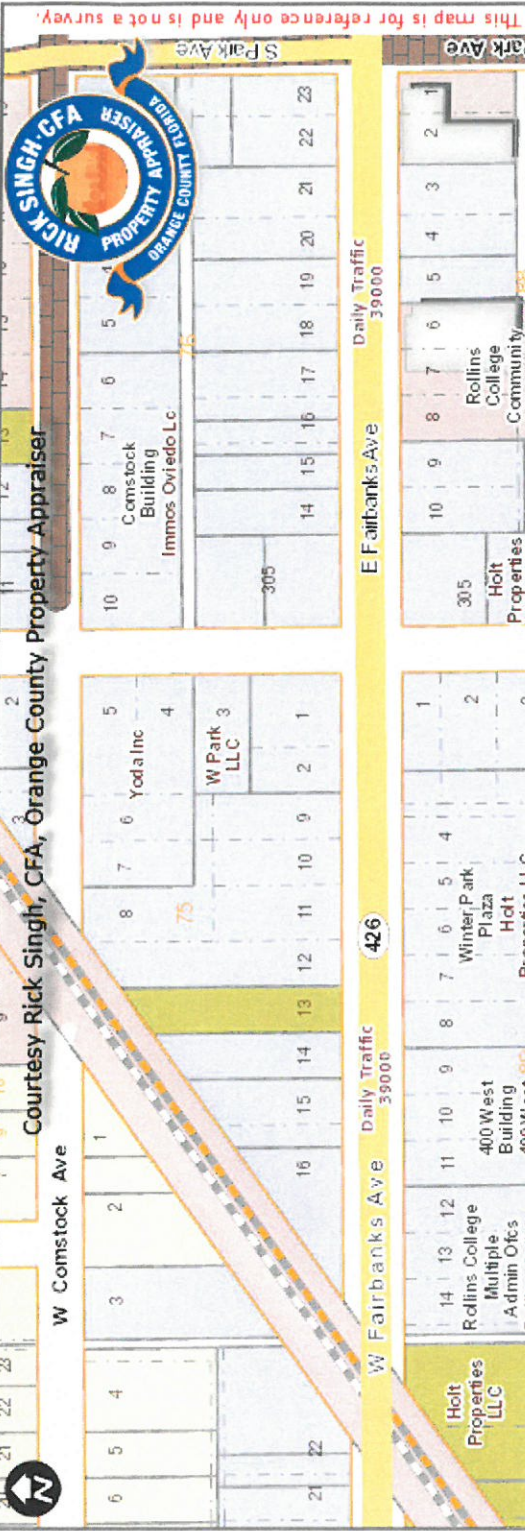
The current R-2 zoning limits Rollins College to residential use of this property for no more than seven units. Denial of the request would limit Rollins College to the choices of leaving the existing building/uses intact or redeveloping/selling the property for seven residential units. Given the intention to make the property a part of the Rollins College campus, the PQP zoning is the only zoning alternative.

The project that is proposed provides both an educational purpose and a societal amenity. The scale of the proposed building (one story) and the size of 5,050-square feet (FAR of 17.2%) is significantly smaller than the amount of building that would be allowed under a single family zoning FAR of 38% or the R-2 FAR of 55%. The architectural style and traffic circulation all work to make the proposal compatible with the surrounding neighborhood. Together with the restrictions and limitations agreed to by the applicant proposed to be included in the Zoning ordinance, the neighborhood will be assured of compatible redevelopment.

STAFF RECOMMENDATION IS FOR APPROVAL of the request for Institutional FLU and PQP Zoning for 315 Holt Avenue with the following condition:

1. That the Zoning Ordinance includes the restrictions and limitations matching the proposed project parameters.

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- Toll Ramp
- Interstate Ramp
- One Way
- Brick Road
- Rail Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Institutional/Misc
- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural/Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Building



Created: 9/14/2015

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

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- One Way
- Brick Road
- Proposed SunRail
- Block Line
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- Commercial/Institutional
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- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Block Number
- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimension



Created: 9/14/2015

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



Courtesy Rick Singh, CFA, Orange County Property Appraiser

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO INSTITUTIONAL FUTURE LAND USE ON THE PROPERTY AT 315 HOLT AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

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

WHEREAS, Section 163.3184, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments amending the future land use designation of property; and

WHEREAS, the owner of this property is desirous of amending the future land use designation from Institutional to Office and Professional; and

WHEREAS, this Comprehensive Plan amendment meets the criteria established by Chapter 163 and 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; and

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 October 6, 2015, 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 on October 26, 2015 and November 9, 2015 and 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. Future Land Use Map Amendment. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation from Low Density Residential to Institutional on the property at 315 Holt Avenue, more particularly described as follows:

Lots 1 through 5 and the South Half of the vacated alley lying to the north within the Mrs. L. A. Dennis subdivision as recorded in Plat Book "J", Page 140 of the Public Records of Orange County, Florida.

Parcel ID# 07-22-29-2044-00-011

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. An amendment adopted under this paragraph does not become effective until 31 days after adoption. If timely challenged, an amendment may not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance.

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 _____, 2015.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ZONING ON THE PROPERTY AT 315 HOLT AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owner of a property at 315 Holt Avenue has requested a Zoning Map amendment consistent with the amended Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such 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; and

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their October 6, 2015 meeting; and

WHEREAS, the City Commission of the City of Winter Park held a duly noticed public hearing on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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

SECTION 1. Official Zoning Map Amendment. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation from Low Density Residential (R-2) to Public, Quasi-Public (PQP) District on the properties at 315 Holt Avenue, more particularly described as follows:

Lots 1 through 5 and the South Half of the vacated alley lying to the north within the Mrs. L. A. Dennis subdivision as recorded in Plat Book "J", Page 140 of the Public Records of Orange County, Florida.

Parcel ID# 07-22-29-2044-00-011

SECTION 2. Voluntary Consent to Development Agreement Limitations.

Notwithstanding the general development standards of the Public, Quasi-Public (PQP) zoning district, the City hereby establishes, with the consent of the property owner, development limitations to include a maximum height building limit of one story, a maximum building size of 5,000-6,000 square feet, a minimum front building setback of 25 feet from Holt Avenue and no freestanding light/light poles for the playground area in accordance with the plans presented to the City for the Rollins College Child Development Center and such restrictions and limitations may not be exceeded or utilized on this property without the further consent of the City Commission. No other development standard of the Zoning Code shall be restricted or limited in any fashion.

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

SECTION 5. Effective Date. This Ordinance shall become effective upon the effective date of Ordinance _____. If Ordinance _____ does not become effective, then this Ordinance shall be null and void.

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 _____, 2015.

Mayor

Attest:

City Clerk

August 31, 2015

Jeff Briggs
Winter Park Planning Dept.
401 Park Avenue South
Winter Park, FL 32789

Re: 315 Holt Ave.

Dear Jeff,

As you know this firm has the pleasure of representing Rollins College (the "College") with respect to the relocation of its Child Development Center to 315 Holt Avenue. Enclosed please find our request for a comprehensive plan future land use map amendment/rezoning along with the associated fee and 12 sets of proposed plans.

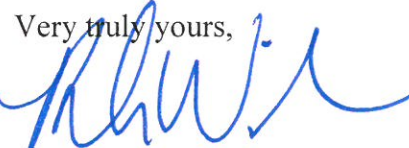
The proposed Child Development Center is comprised of approximately 5,050 sq. ft. along with outdoor play area and 15 new parking spaces. The building is one-story and set back from Holt Ave. 25 ft. in order to be consistent with the residential setback on Hold Ave. to the west. The play area is enclosed with a decorative steel picket fence (Holt Ave.) and a wooden fence. The play area will not be used in the evenings, therefore there are no light poles proposed.

There are approximately 8 staff members and 2 faculty members working 8 a.m. to 5 p.m. There will be up to 40 children (an estimate of 32 families) dropping off children between 8:30 a.m. and 9:30 a.m. The pickup is staggered by age and program at noon and 3:30 p.m. The students will be dropped off (parking in rear) or walked to the Child Development Center by his or her parent.

There is a Hamilton Holt Educare Evening Program with drop off between 3:30 p.m. and 4:30 p.m. while Hamilton Holt Students attend evening classes. This program is estimated to have up to 25 students.

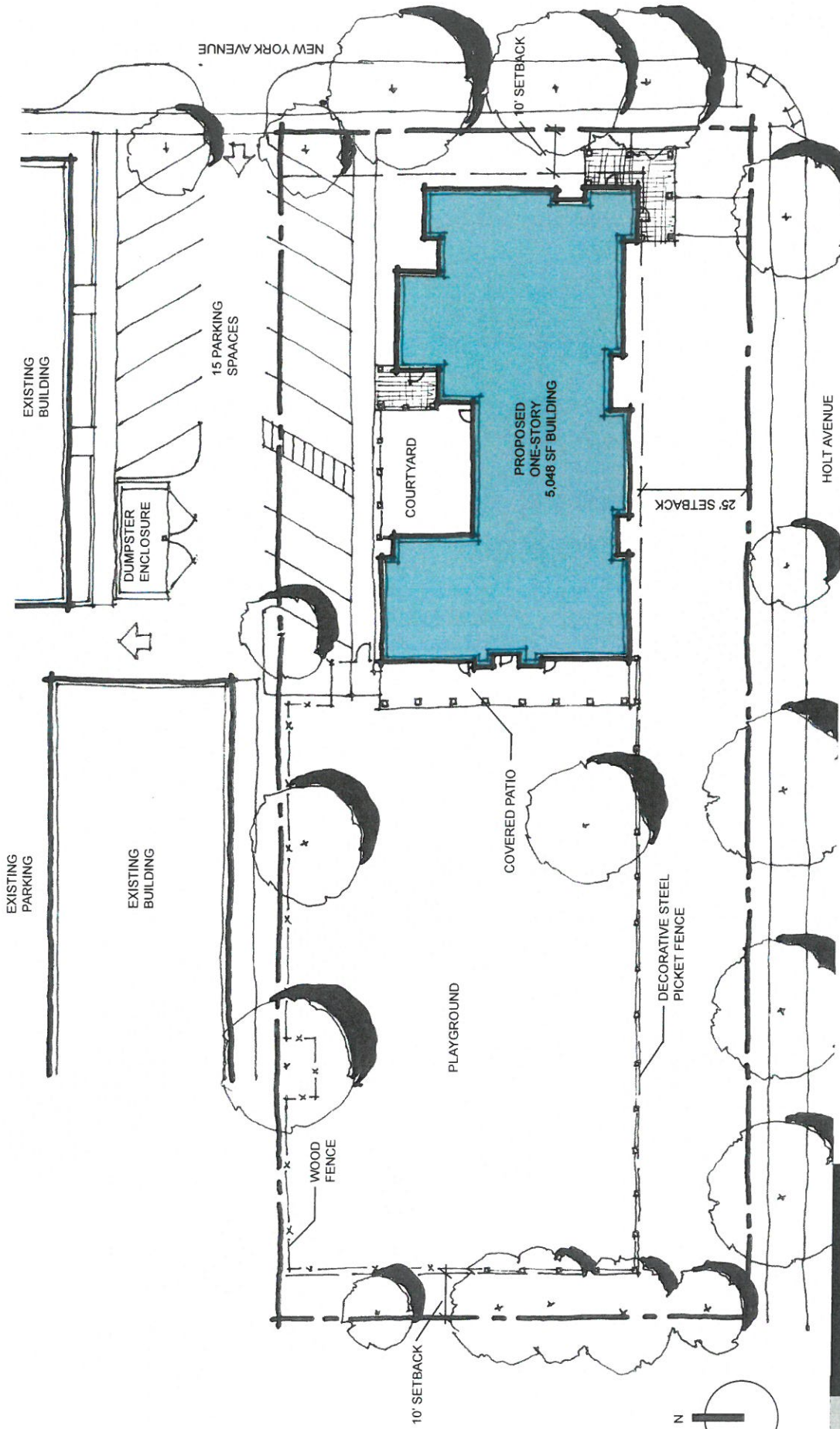
August 31, 2015
Page 2

A new, innovative Child Development Center has been a desire for the College in order to provide excellent childcare for our faculty and to serve as a state-of-the-art learning lab for our students. The College has received generous donations in order to make this Child Development Center a reality. We look forward to presenting this to the City.

Very truly yours,

M. Rebecca Wilson

MRW/sjg

cc: Jeff Eisenbarth



site plan

ROLLINS COLLEGE
 HUME HOUSE CHILD DEVELOPMENT CENTER
 design review

08.21.15

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view from corner of holt & new york

ROLLINS COLLEGE
HUME HOUSE CHILD DEVELOPMENT CENTER
design review 08.21.15



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view from new york avenue

ROLLINS COLLEGE
HUME HOUSE CHILD DEVELOPMENT CENTER
design review 08.21.15



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view of entrance & courtyard

ROLLINS COLLEGE
HUME HOUSE CHILD DEVELOPMENT CENTER
design review 08.21.15



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holt avenue elevation

ROLLINS COLLEGE
HUME HOUSE CHILD DEVELOPMENT CENTER
design review 08.21.15



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view from playground

ROLLINS COLLEGE
HUME HOUSE CHILD DEVELOPMENT CENTER
design review 08.21.15



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AA26002580

view from holt avenue

ROLLINS COLLEGE
HUME HOUSE CHILD DEVELOPMENT CENTER
design review
08.21.15

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

**Staff Report
October 6, 2015**

REQUEST OF HWP PARTNERS LLLP FOR: CONDITIONAL USE APPROVAL TO EXPAND THE HOLLER HYUNDAI DEALERSHIP AT 1150 N. ORLANDO AVENUE TO INCORPORATE THE FORMER SELF STORAGE PROPERTY TO THE REAR FRONTING ON SOLANA AND DIXON AVENUES FOR EXPANDED VEHICLE SALES, DISPLAY AND PARKING, ZONED I-1.

This public hearing is a request from the Holler Hyundai dealership at 1150 North Orlando Avenue to amend their Conditional Use Approval to expand the dealership to incorporate the former self-storage property at the rear fronting on Solana and Dixon Avenues to provide for expanded vehicle sales, display and parking. Vehicle sales are a conditional use in the I-1 and C-3 zoning districts, and thus the expansion of a vehicle sales/service business requires this approval.

The City of Winter Park has strict limits on the locations in the City where vehicle sales are permitted. The Holler Hyundai dealership is located within one of the two sectors in which vehicle sales are permitted under the Comprehensive Plan and Zoning Code. That Comprehensive Plan policy and Zoning Code provisions are shown below:

Comprehensive Plan Policy:

Policy 1-3.8.10: Restrict Vehicle, Boat Sales, and Recreational Vehicle Sales and Operations. The City shall concentrate and restrict vehicle, boat, and recreational vehicle sales businesses to the northwest section of the City and shall only permit vehicle sales businesses within the geographic areas specified in Planning Areas J and K. The location and site planning of all vehicle and repair and sales operations as well as boat sales operations shall be reviewed and evaluated based on conditional use procedures established in the Land Development Code.

I-1 and C-3 Zoning Code excerpts:

(c) *Conditional uses.*

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

When the self-storage units were built in 1981, the property was designed for the total impervious surface of the buildings and surrounding drives and parking.

Therefore, filling in the former building pads with pavement will not increase the impervious areas, and the existing storm system is adequate for this change in usage.

Similarly, the existing perimeter fence and columns were approved at that time and will remain in place. Over the years, the original street perimeter landscape buffer area of hedges and trees that were planted just inside the fence has died out, and has been removed. This location which currently has limited visibility, will be getting increased visibility when the Whole Foods shopping center opens next door, which in return will result in a significant increase in traffic utilizing that development. As such, it is important for this property's appearance to return to the code compliant landscape buffer. In the City's Code there is not a requirement for internal landscape islands within car dealerships, only for the street frontage perimeter landscape screening.




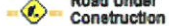
In summary, the use of this property for expanded vehicle sales, display and parking is compatible with the surrounding area and is in conformance with the policies of the Comprehensive Plan and Zoning Code provisions. With the condition to replace and upgrade the landscape buffer, the applicant can pave over the former dirt building pad locations and use this property in conjunction with the Hyundai dealership.

STAFF RECOMMENDATION IS FOR APPROVAL with one condition:



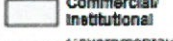
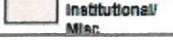
- 1. That the perimeter street frontage landscape buffer be re-established with irrigation, and contain the hedges and trees required per Code.**





OCPA Web Map

-  Florida Turnpike
-  Interstate 4
-  Toll Road

-  Major Roads
-  Public Roads
-  Gated Roads
-  Road Under Construction

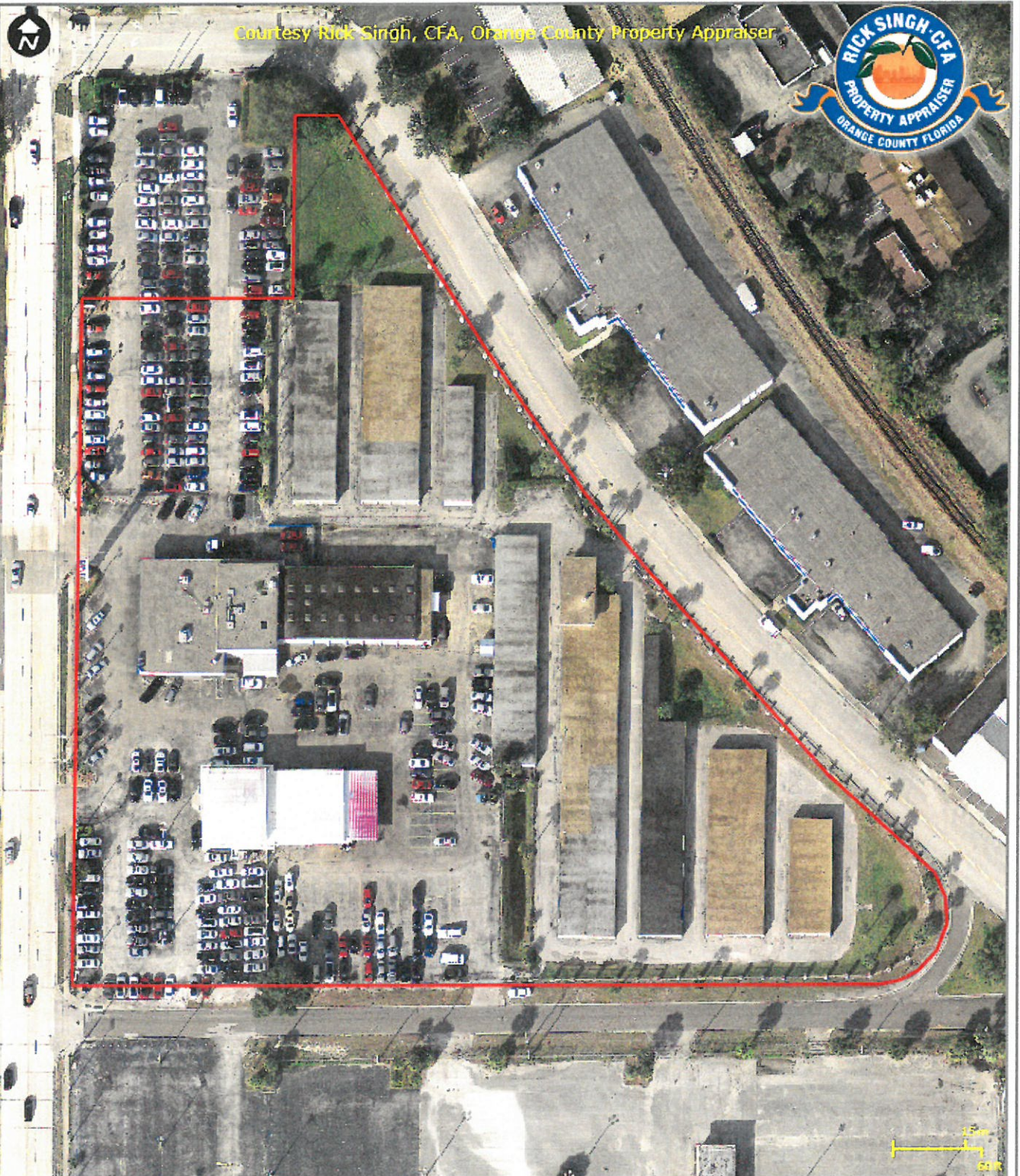
-  Proposed Road
-  Brick Road
-  Block Line
-  Lot Line

-  Residential
-  Agriculture
-  Commercial/Institutional
-  Governmental/Institutional/Misc

-  Commercial/Industrial/Vacant Land
-  Agricultural Curtilage
-  Hydro
-  Waste Land

-  Parks
-  Lakes and Rivers
-  Building

-  **6** Lot Number
-  **06060** Parcel Number
-  **3106** Parcel Address
-  **111.9** Parcel Dimension



Courtesy Rick Singh, CFA, Orange County Property Appraiser

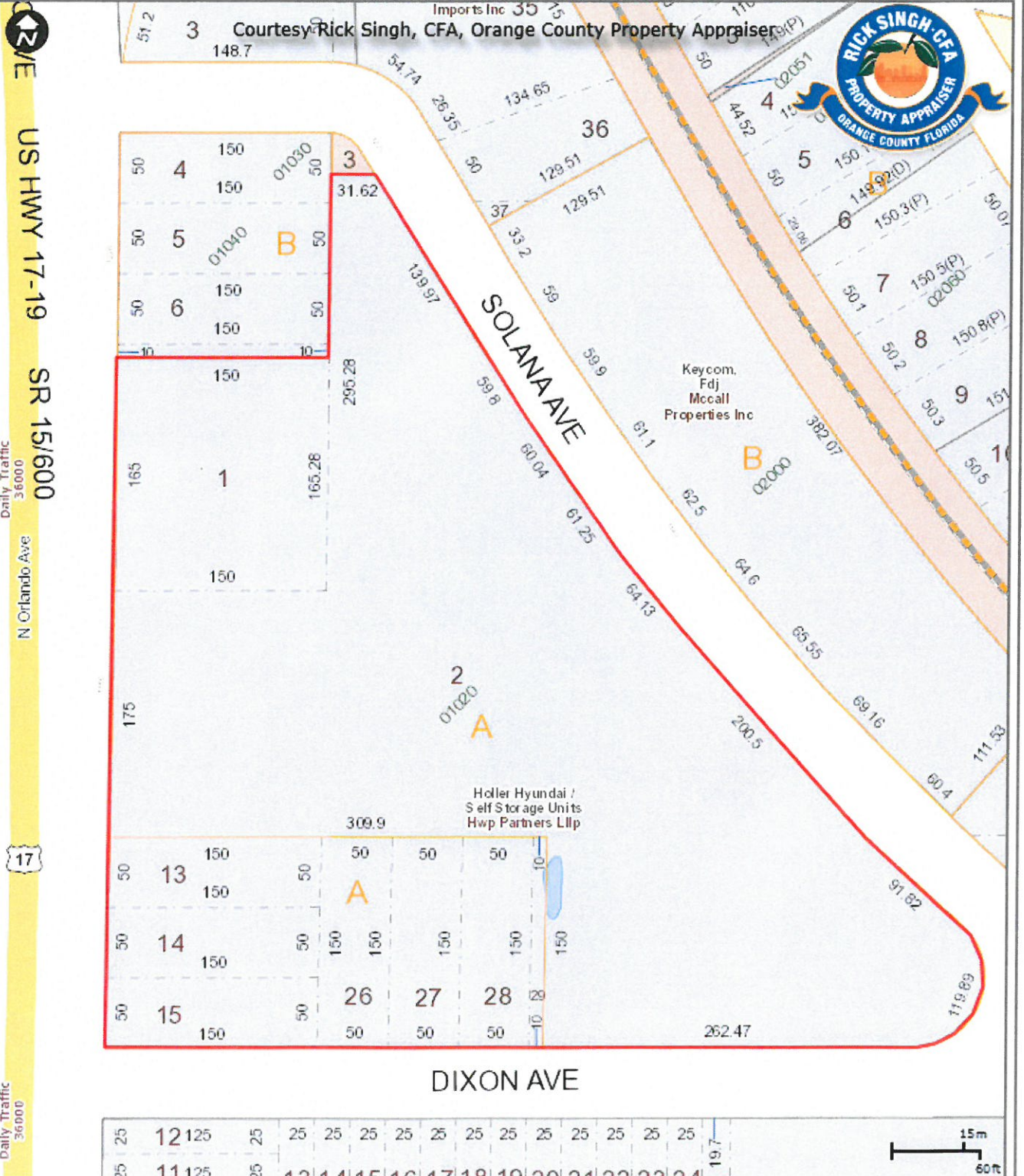


Created: 9/9/2015

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OCA Web Map

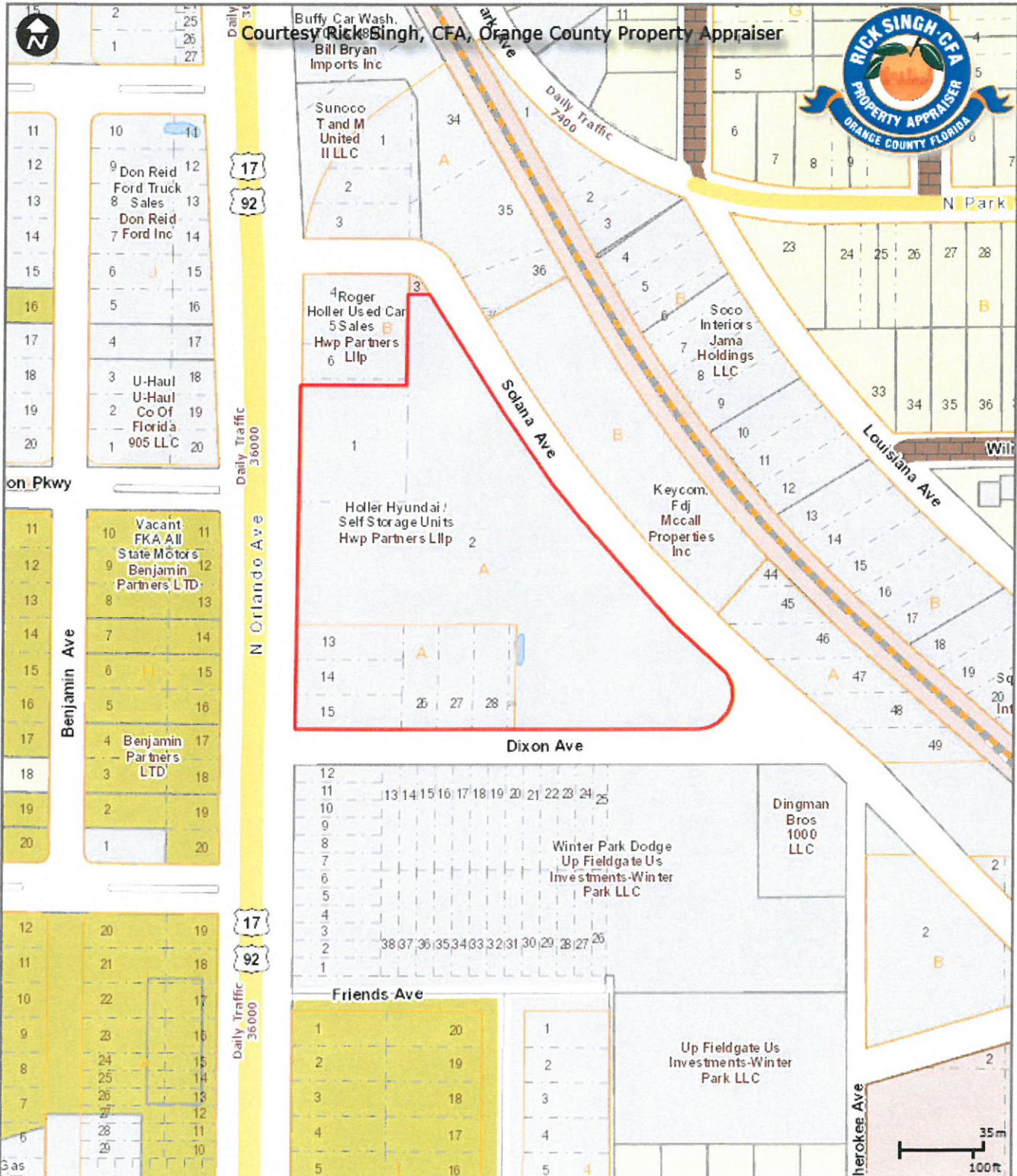
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|-------------------------|--------------|---------------------------------|--------------------------|-----------------------------------|------------------|----------------|
| Florida Turnpike | Major Roads | Proposed Road | Residential | Commercial/Industrial/Vacant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



OCA Web Map

- | | | | | | | |
|-------------------------|------------------|---------------|------------------------|--|-----------------|------------------|
| Florida Turnpike | Major Roads | Proposed Road | Block Line | Commercial/Institutional | Hydro | Golf Course |
| Interstate 4 | Public Roads | Brick Road | Lot Line | Governmental/Institutional/Misc | Waste Land | Lakes and Rivers |
| Toll Road | Gated Roads | Rail Road | Residential | Misc Commercial/Industrial/Vacant Land | County Boundary | Building |
| Road Under Construction | Proposed SunRail | Agriculture | Agricultural Curtilage | Park | Hospital | |

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 9/9/2015

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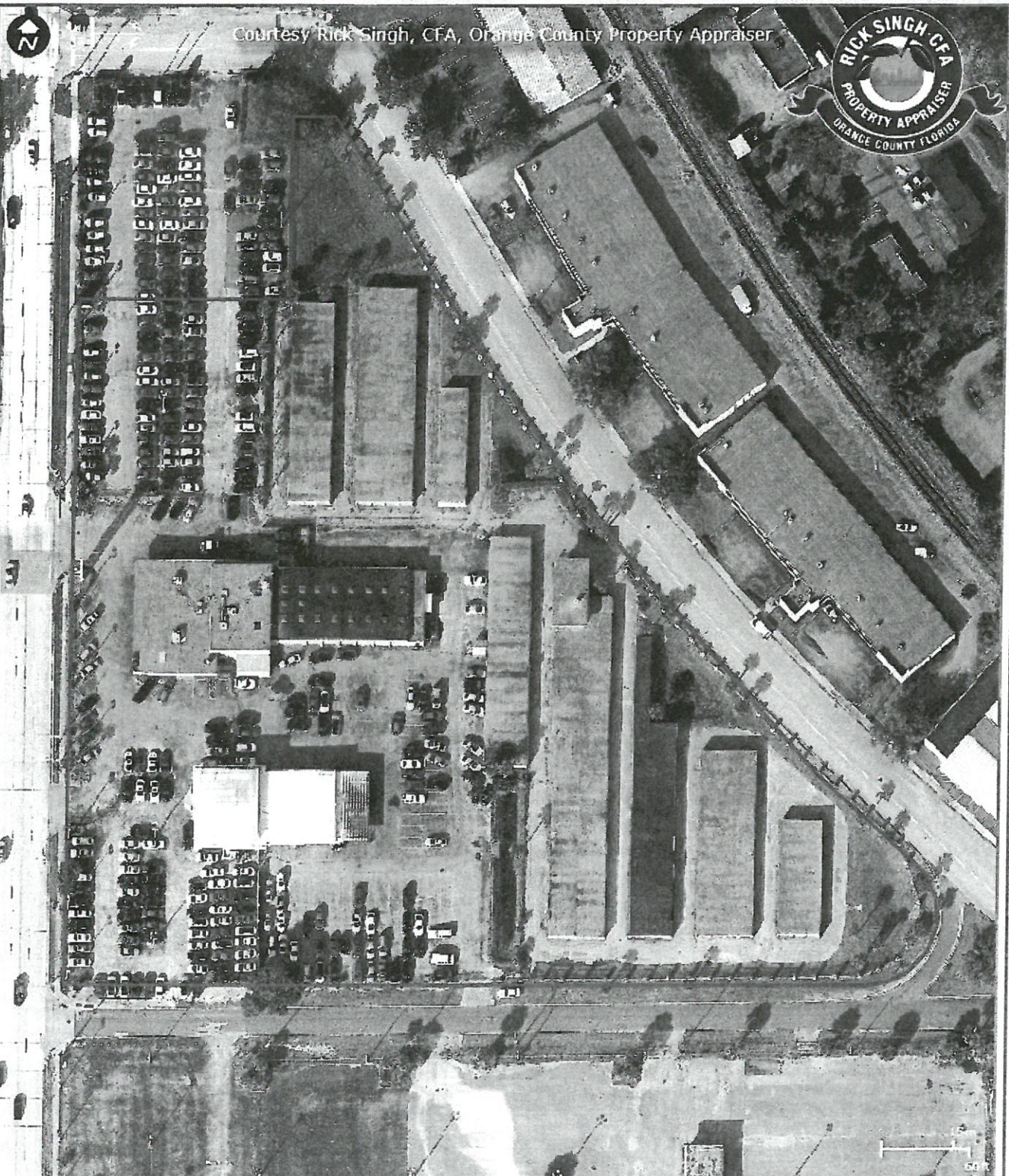
1150 N. Orlando

OCPA Web Map

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



Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 9/9/2015

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

**Staff Report
October 6, 2015**

REQUEST OF ERLING FALK FOR: SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE VACANT PROPERTY AT 1295 N. PARK AVENUE ZONED R-1A, INTO TWO SINGLE FAMILY BUILDING LOTS. THE LOT DIMENSIONS ARE 116 AND 101 FEET OF LOT WIDTH AND 13,025 AND 10,078 SQUARE FEET OF LOT AREA. THESE DIMENSIONS MEET THE MINIMUM LOT DIMENSION REQUIREMENTS OF THE R-1A ZONING AND NO VARIANCES ARE REQUESTED.

Erling Falk is requesting subdivision or lot split approval to divide the property at 1295 North Park Avenue into two single family lots. The zoning is R-1A. The property now holds one single family home, which is to be demolished.

When the City reviews small subdivisions or lot split requests there are two criteria. One is the 'Zoning Test' as to conformance with the zoning criteria. The other is the 'Comprehensive Plan Test' which is conformance to the neighborhood character.

ZONING TEST: The proposed corner lot is 116 feet wide and 13,025-square feet in size. The proposed interior lot is 101 feet wide and 10,078-square feet in size. The R-1A zoning requires a minimum of 75 feet of lot width and a minimum of 8,500-square feet of land area. In addition, any corner lot must be 10 feet wider to compensate for the greater corner lot setbacks. Thus, this request meets or exceeds the R-1A lot dimension standards and no variances are requested.

COMPREHENSIVE PLAN TEST: There are many neighborhoods in the City that are zoned R-1AA or R-1A but the existing character may be significantly different than the zoning code minimums. In some cases the typical lots are smaller or the typical lots are larger. The Comprehensive Plan test or comparison is a door that swings both ways. In some cases, it can substantiate a relaxation of the minimum lot dimensions and in other cases it can require larger lot sizes than the minimums.

As a result, the practice outlined in the Comprehensive Plan and the Subdivision Code (attached) is to look at the surrounding neighborhood to see what standard is for typical lot sizes. The Code dictates that the review area is within a 500 foot radius of the subject property and limited to those in the same zoning.

There are 35 homes within this neighborhood on Park North Place, Rain Tree and Park North Courts, and Valencia, New York and Stovin Avenues with the R-1A zoning. The average lot width is 90 feet and the average lot area is 11,679-square feet. The median lot width is 89 feet. Thus, these lots do compare favorably to the average and the median lot size.

Development Plans: The applicant has provided a generalized front elevation for the types of home that their company builds. They have not developed site plans or more formalized plans at this time. They will comply with the normal single family development standards, setbacks, etc. Since the request conforms to the zoning requirements and comprehensive plan lot standards, the staff has not requested further plans. However, per our Subdivision Code, the City can condition any approval upon the subsequent submission, review and approval of house plans, as well as place conditions upon this approval.

Applicable Codes: The applicable Comprehensive Plan policy and Subdivision Code section governing lot splits are on the following page.

Summary: The application meets all of the requirements of the Zoning Code, Subdivision Code and Comprehensive Plan.

Staff Recommendation is for Approval

RELEVANT COMPREHENSIVE PLAN POLICY:

Policy 1-3.6.8: Subdivision of Land and Lot Splits for Non-Lakefront Single Family and Low Density Multi-Family Property. The City shall consider approving subdivision and lot split applications, which are not lakefront properties and which are not estate lots in areas designated single family, low density or multi-family residential, when the proposed new lots are designed at size and density consistent with the existing conditions in the surrounding neighborhood within a radius of five hundred (500) feet.

ARTICLE VI. - SUBDIVISION AND LOT CONSOLIDATION REGULATIONS

Sec. 58-377. - Conformance to the comprehensive plan.

(a) In the City of Winter Park, as a substantially developed community, the review of lot splits, lot consolidations, plats, replats or subdivisions within developed areas of the city shall insure conformance with the adopted policies of the comprehensive plan as a precedent to the conformance with other technical standards or code requirements.

(b) In existing developed areas and neighborhoods, all proposed lots shall conform to the existing area of neighborhood density and layout. The proposed lot sizes, widths, depths, shape, access arrangement, buildable areas and orientation shall conform to the neighborhood standards and existing conditions. This provision is specifically intended to allow the denial or revision by the city of proposed lot splits, lot consolidations, plats, replats or subdivisions when those are not in conformance with the existing neighborhood density or standards, even if the proposed lots meet the minimum technical requirements of the zoning regulations.

(c) In determining the existing area or neighborhood density and standards, for the consideration of lot splits, plats, replats or subdivision of other than estate lots or lakefront lots, the planning and zoning commission and city commission shall consider the frontage and square foot area of home sites and vacant properties with comparable zoning within an area of 500-foot radius from the proposed subdivision.

(d) In order to implement the policies of the comprehensive plan, the city commission may also impose restrictions on the size, scale, and style of proposed building, structures, or other improvements. This provision shall enable the city commission to impose restrictions on the size, height, setback, lot coverage, impervious area or right-of-way access such that proposed building and other improvements match the dimension and character of the surrounding area or neighborhood.

OCPA Web Map

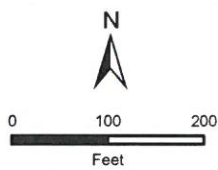
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|------------------|-------------------------|----------------------------------|-----------------------------------|-----------------------|-------------------------------|
| Major Road | Proposed Road | Residential | Commercial/Industrial/Vacant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

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 9/2/2015

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



*Properties within the
500 foot radius*

1295 North Park Avenue

Frontage of Surrounding R-1A Properties (feet)	Lot Size of Surrounding R-1A Properties (sq. ft.)		
100	16847.47104		
100	12808.65357		
102.15	17756.85986		
58.34	16782.90165		
103.24	15970.64175		
80	14312.39893		
95	6874.689186		
66.93	15970.76731		
88	16778.43732		
100	175.417111		
66.13	5370.570757		
108.5	13848.35634		
100	12490.68704		
110	14556.01687		
90	7435.527915		
111.43	7537.061429		
130	6158.757103		
125	16505.4379		
75	7440.934036		
73	12998.14036		
101.14	9125.588014		
75.86	12701.40213		
115	15599.33717		
100	11080.22187		
75	11080.22187		
75	7414.884476		
60	11701.66577		
65	13000		
60	10704.46912		
75	17511.04373		
75	8769.391315		
75	13000		
65	10090.09408		
200	11408.73163		
100	16534.22905		
37	12520.77056		
89.90888889	Average	1268.005473	
89	Median	11679.18334	Average
		12520.77056	Median

OCPA Web Map

- | | | | | | | |
|-------------------------|------------------|---------------|------------------------|--|-----------------|------------------|
| Florida Turnpike | Major Roads | Proposed Road | Block Line | Commercial/Institutional | Hydro | Golf Course |
| Interstate 4 | Public Roads | Brick Road | Lot Line | Governmental/Institutional/Misc | Waste Land | Lakes and Rivers |
| Toll Road | Gated Roads | Rail Road | Residential | Misc Commercial/Industrial/Vacant Land | County Boundary | Building |
| Road Under Construction | Proposed SunRail | Agriculture | Agricultural Curtilage | Parke | Hospital | |

Courtesy Rick Singh, CFA, Orange County Property Appraiser




Created: 9/2/2015

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

REVISIONS	BY	DATE

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WINTER PARK
FALK RESIDENCE
 SITE PLAN
 FLORIDA

DESIGNED BY	DATE
CAD	10/15/08
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REVISIONS:	BT
DATE:	
BY:	
CHKD:	
APPD:	

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WINTER PARK, FLORIDA
 SLOCUM PLATTS ARCHITECTS

EXTERIOR ELEVATIONS
FALK RESIDENCE


DRAWN: CAD
 CHECKED: UNP
 DATE: 10/15/10
 SCALE: AS SHOWN
 AS NOTED
 JOB NO.:
 SHEET: **A6.1**

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1 FRONT ELEVATION - LOT 2
 SCALE: 1/4" = 1'-0"

REVISIONS	BY
PERMIT SET	00-00-00



SLOCUM PLATTS ARCHITECTS, P.A.

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SLOCUM PLATTS ARCHITECTS, P.A.

 FLORIDA

EXTERIOR ELEVATIONS

FALK RESIDENCE

 WINTER PARK

DRAWN: CAD

 CHECKED: JWP

 DATE: 08-11-15

 SCALE: AS SHOWN

 SHEET: A6.0



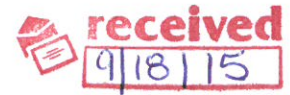
1 FRONT ELEVATION - LOT #1

 SCALE: 1/4" = 1'-0"

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Erling "Thor" Falk

1295 North Park Avenue | Winter Park, Florida 32789 | Thor@FalkResearch.com | 407-629-5208



September 15, 2015

Dear Neighbor,

I am the owner of the property located at the corner of Park Avenue and New York Avenue. As you probably know, I had the property listed for sale over the summer. I learned while marketing the property that interest in my home is minimal. Buyers in this neighborhood are not interested in a 1960's home with very little updating. There has, however, been significant interest in my property – mostly builders who felt the lot should be divided into two parcels. Given that I am very motivated to sell the property, I decided to petition the City of Winter Park to approve a lot split.

I asked my neighbor, Randall Slocum, to study the lot and make recommendations regarding how it could be split. We presented the drawings to the City and received permission to take the next step in the approval process given that Randall was able to satisfy all of the City's criteria. Attached please find the drawings Randall Slocum developed to demonstrate how the property could be divided and used to build spectacular homes that will be more consistent with the overall aesthetic and quality of the Valencia Terrace neighborhood.

You will receive a notice from the City and there will be a public hearing regarding this plan to divide my property. I hope I can count on your support. If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Erling Falk", with a long horizontal flourish extending to the right.

Erling "Thor" Falk

Enc.

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

**Staff Report
October 6, 2015**

REQUEST OF BETHEL BAPTIST CHURCH TO: AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 347 WEST NEW ENGLAND AVENUE.

REQUEST OF BETHEL BAPTIST CHURCH TO: AMEND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING OF MEDIUM DENSITY MULTIFAMILY RESIDENTIAL (R-3) DISTRICT TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTY AT 347 WEST NEW ENGLAND AVENUE.

This is a request by Bethel Baptist Church seeking approval to change the existing Commercial Future Land Use (FLU) designation in the Comprehensive Plan and Multi-Family (R-3) zoning to Central Business District (CBD) FLU and to Commercial (C-2) zoning on the property at 347 West New England Avenue.

Bethel Baptist Church at 425 West Welbourne Avenue has been the owner this property since 1986. It was originally purchased by the Church to be used as overflow parking. However, the Church has rarely used the property for that purpose. As a result, the Church has made the decision to sell the property and is seeking a change in zoning in order to be able to market the property for commercial development. The property is a vacant lot at the northeast corner of Virginia and New England Avenues. The lot measures 50 feet by 130 feet, and equals a total of 6,500-square feet.

Background to Zoning on New England: When the Community Redevelopment Area (CRA) was established in 1994, one of the primary goals was to encourage the redevelopment of that portion of West New England Avenue from Pennsylvania to New York Avenue. To that end, the City administratively changed the Comprehensive Plan FLU Map in 1995 for all the properties affected to a Commercial FLU. In that way, anyone buying a property would know they were guaranteed to be able to get that property rezoned from residential to commercial. By "commercial" at that time, it that meant being rezoned to the commercial C-3 or C-3A district.

However, when the redevelopment of New England Avenue began in earnest shortly thereafter, with the redevelopment of the Dexters building, the zoning needed for that density and building setback, up close to the street, was the Commercial, C-2 designation. The major difference between commercial C-3 zoning and C-2 zoning, is that C-3 has a 45% Floor Area Ratio (FAR) and 10 foot street setbacks, and the C-2 zoning has a 200% FAR and allows buildings with zero front setbacks right at the sidewalk. C-2 is the zoning used along Park Avenue, and in most of the CBD.

In turn, all of the successive redevelopment from 1995 to 2007 along New England Avenue between Pennsylvania and Virginia Avenues has been undertaken utilizing C-2 district zoning. This has been consistent with the original goal to emulate on West New England Avenue, the style, density and character of Park Avenue. The goal has also been to someday have the redevelopment continue down to New York Avenue, so the Park Avenue shopping district is physically connected to the Hannibal Square business district. In that way, one's shopping trip would be up and down Park Avenue, and up and down West New England Avenue.

In this block from Virginia to New York Avenue several properties have also been changed to CBD FLU, and rezoned to C-2, although redevelopment has not yet occurred. In 2003, the City rezoned the former Grant Chapel property at 301 West New England Avenue to C-2. In June 2014 the City also changed the future land use to CBD and rezoned the properties at 298 and 313 West New England Avenue to C-2. Thus, this action would be consistent with those previous actions.

Staff Analysis of the Applicant's Request:

In all these previous instances the staff recommendation was in favor of the CBD FLU and C-2 zoning. This was based on continuing the redevelopment pattern that had already occurred along New England Avenue. It also was based on the recognition that the City still has the review and approval control over all redevelopment since the Code requires Planning and Zoning (P&Z)/City Commission approval of any building/building addition over 500-square feet.

STAFF RECOMMENDATION IS FOR APPROVAL of the change to Central Business District Future Land Use and C-2 Zoning for the property at 347 West New England Avenue.

Relevant Comprehensive Plan policies:

Policy 1-3.8.11: Restriction on the Use of CBD Future Land Use and (C-2) Zoning.

The City shall only permit the use of CBD future land use designations or C-2 zoning on property in the area depicted in the Map located on page D-4 within the definitions sections of this Comprehensive Plan. **CBD future land use and C-2 zoning may also be permitted on properties** abutting Morse Blvd between Capen and Virginia Avenues, **abutting New England Avenue between Pennsylvania and New York Avenues**, abutting Pennsylvania Avenue between Garfield and Lyman Avenues, or abutting Hannibal Square, East. Central Business District future land use designations or C-2 zoning shall not be permitted by the City for any property outside these designated areas. Properties within the designated areas are not deemed entitled to Central Business District future land use or to C-2 zoning nor should any property owner have any reasonable expectation that CBD FLU/C-2 zoning will be allowed. These are simply the area locations where properties may be candidates for C-2 which may or may not be granted by the City Commission on a case by case basis. *Policy amended to reflect changes as adopted on October 11, 2010 per Ordinance 2825-10.*

Policy 1-3.2.3: Hannibal Square Neighborhood Commercial District.

Comprehensive Plan land use policies shall foster redevelopment of the Hannibal Square Neighborhood Commercial District with its own distinct individual scale and character but sharing some of the characteristics of the Central Business District. Commercial, office and residential development policies shall permit buildings footprints that have minimal setbacks from the street in order to foster a pedestrian friendly environment and design standards shall require streetscape amenities and foster architectural features that promote a human scale. **These policies shall be implemented within the Hannibal Square Neighborhood Commercial District, limited to:**

- 1) Properties abutting Morse Boulevard between Capen Avenue and Virginia Avenue;
- 2) **Properties abutting New England Avenue between Pennsylvania and New York Avenues;**
- 3) Properties abutting Pennsylvania Avenue between Lyman and Garfield Avenues, including those existing commercial properties just north of Garfield Avenue; and
- 4) Properties abutting Hannibal Square East.

The C-2 zoning district delineation shall only be applied to properties designated CBD on the Future Land Use Map. Pursuant to CRA policy direction, mixed use buildings are encouraged. Two story maximum building heights shall be the maximum permitted, except the City may permit third stories when limited to residential use and deed restricted for residential usage only. Building heights on the north end of Pennsylvania Avenue shall be two stories maximum when transitioning to residential. Shared parking shall be encouraged and enforced whenever parking management plan approvals are granted. The implementing land development regulations must ensure that compatible land use relationships occur, particularly between land uses within perimeter areas of the Hannibal Square Neighborhood Commercial District and areas 500 feet outside this area so as to protect the surrounding residential areas and local churches.

Relevant C-2 Zoning Excerpts:

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

(a) *Purpose and intent.*

(1) This commercial zoning district is limited to the commercial portion of the geographic downtown area known as the Central Business District and the similar commercial area of the city within the Hannibal Square Neighborhood Commercial District (HSNCD) of the City's Community Redevelopment Area (CRA). As detailed in the Comprehensive Plan, Commercial (C-2) district zoning is not permitted on any property except if it is within the Central Business District "potential C-2 zoning" area depicted in the CBD Map (D-2) in the definitions section, generally described as west of Knowles Avenue, south of Swoope Avenue, north of Comstock Avenue and east of and including the New York Avenue Corridor or it is on properties abutting Morse Blvd between Capen and Virginia Avenues, abutting New England Avenue between Pennsylvania and New York Avenues, abutting Pennsylvania Avenue between Garfield and Lyman Avenues, or abutting Hannibal Square, East. No applications for C-2 zoning shall be accepted for any property outside these designated areas. Moreover, even properties within these designated areas shall have no vested right to C-2 zoning. This district has different requirements than other commercial areas especially pertaining to setbacks, parking requirements, height limitations and permitted land uses. This district is established to encourage the continuation of the present unique Park Avenue business district of the city and to provide for its use within certain other defined geographical areas as specified in the Comprehensive Plan.

(j) *Hannibal Square Neighborhood Commercial District.*

(1) The Hannibal Square Neighborhood Commercial District (HSNCD) area shall be restricted to the following areas:

- a. Properties abutting Morse Boulevard between Capen Avenue and Virginia Avenue;
- b. Properties abutting New England Avenue between Pennsylvania and New York Avenues;
- c. Properties abutting Pennsylvania Avenue between Lyman and Garfield Avenues, including those existing commercial properties just north of Garfield Avenue; and
- d. Properties abutting Hannibal Square East.

(2) In order to implement the comprehensive plan and the community redevelopment area (CRA) plan, there are established special provisions for the development of buildings and other improvements in this area which shall take precedence over other provisions of this article.

(6) In the HSNCD area, all new buildings and building additions over 500 square feet shall require site and building plan approval by the city commission at a public hearing. Prior to that hearing, the planning and zoning commission shall also review such site and building plans at a public hearing and shall provide their recommendation.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT FUTURE LAND USE ON THE PROPERTY AT 347 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

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

WHEREAS, Section 163.3184, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments amending the future land use designation of property; and

WHEREAS, the owner of this property is desirous of amending the future land use designation from Commercial to Central Business District; and

WHEREAS, this Comprehensive Plan amendment meets the criteria established by Chapter 163 and 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; and

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 October 6, 2015, 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 on October 26, 2015 and November 9, 2015 and 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. Future Land Use Map Amendment. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation from Commercial to Central Business District on the property at 347 West New England Avenue, identified with the

Parcel ID# of 05-22-30-9400-40-130 and as more particularly described as follows:

LOT 13, BLOCK 40 AND THE SOUTH HALF OF THE VACATED ALLEY PER THE REVISED MAP OF THE TOWN OF WINTER PARK, AS RECORDED IN PLAT BOOK "A", Pages 67-72 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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. An amendment adopted under this paragraph does not become effective until 31 days after adoption. If timely challenged, an amendment may not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance.

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 _____, 2015.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE FROM MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 347 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owner of a property at 347 West New England Avenue has requested a Zoning Map amendment consistent with the amended Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such 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; and

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their October 6, 2015 meeting; and

WHEREAS, the City Commission of the City of Winter Park held a duly noticed public hearing on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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

SECTION 1. Official Zoning Map Amendment. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation from Medium Density Multi-Family Residential (R-3) District to Commercial (C-2) District on the property at 347 West New England Avenue, identified with the Parcel ID# of 05-22-30-9400-40-130 and as more particularly described as follows:

LOT 13, BLOCK 40 AND THE SOUTH HALF OF THE VACATED ALLEY PER THE REVISED MAP OF THE TOWN OF WINTER PARK, AS RECORDED IN PLAT BOOK "A", Pages 67-72 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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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. This Ordinance shall become effective upon the effective date of Ordinance _____. If Ordinance _____ does not become effective, then this Ordinance shall be null and void.

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 _____, 2015.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT FUTURE LAND USE ON THE PROPERTY AT 347 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

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

WHEREAS, Section 163.3184, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments amending the future land use designation of property; and

WHEREAS, the owner of this property is desirous of amending the future land use designation from Commercial to Central Business District; and

WHEREAS, this Comprehensive Plan amendment meets the criteria established by Chapter 163 and 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; and

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 October 6, 2015, 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 on October 26, 2015 and November 9, 2015 and 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:

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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. An amendment adopted under this paragraph does not become effective until 31 days after adoption. If timely challenged, an amendment may not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance.

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 _____, 2015.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE FROM MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 347 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owner of a property at 347 West New England Avenue has requested a Zoning Map amendment consistent with the amended Comprehensive Plan, and the requested zoning text change will achieve conformance with the Comprehensive Plan for the property and such 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; and

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their October 6, 2015 meeting; and

WHEREAS, the City Commission of the City of Winter Park held a duly noticed public hearing on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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

SECTION 1. Official Zoning Map Amendment. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation from Medium Density Multi-Family Residential (R-3) District to Commercial (C-2) District on the property at 347 West New England Avenue, identified with the Parcel ID# of 05-22-30-9400-40-130 and as more particularly described as follows:

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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. This Ordinance shall become effective upon the effective date of Ordinance _____. If Ordinance _____ does not become effective, then this Ordinance shall be null and void.

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 _____, 2015.

Mayor

Attest:

City Clerk

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

**Staff Report
October 6, 2015**

REQUEST OF NEW HOPE BAPTIST CHURCH TO: AMEND THEIR CONDITIONAL USE APPROVAL TO USE THE PORTABLE BUILDINGS ON THEIR CHURCH PROPERTY FOR SUNDAY SCHOOL CLASSROOM SPACE AND FELLOWSHIP HALL ACTIVITIES AT 274 N. CAPEN AVENUE, ZONED (R-2).

This public hearing is a request from the New Hope Baptist Church to amend their Conditional Use Approval to convert the use of two portable buildings on their property from a proposed children's day care facility (as originally approved) to Sunday School classroom and Fellowship Hall use at 274 North Capen Avenue.

In August 2012, the City granted Conditional Use Approval to New Hope Baptist Church to move two portable classroom buildings onto the Church property with the intention at that time, to use the buildings for children's day care. Conditional Use approval is required for any new buildings built on Church property and it also says that "churches may not operate day nurseries, kindergartens or schools without first receiving conditional use approval for this use."

It has been a three-year process for New Hope Baptist Church to finish their renovations to the portables and to complete the driveway paving, parking spaces, storm water retention, landscaping and irrigation. As the attached letter from Pastor Phillips explains, the use of these buildings for child day care is no longer a viable option. The Church members who originally planned to volunteer to run the program have left the Church. There also are sufficient existing day care facilities in the neighborhood at the Church of God by Faith – 14 children (just to the south at 800 Symonds) and at the Welbourne Day Nursery – 28 children (450 West Welbourne). Neighborhood residents also use the Winter Park Day Nursery – 70 children (741 South Pennsylvania). The latter two have very competitive pricing as they receive support from United Way for those in economic need.

As a result, New Hope Baptist Church now desires to use the buildings for Sunday School classroom space and Fellowship Hall activities. The Church itself is limited to only sanctuary space so these uses as Sunday School classrooms for children and adults as well as other Fellowship Hall functions will be complimentary to the Church. There is no added parking or traffic as the buildings only serve the existing congregation.

STAFF RECOMMENDATION IS FOR APPROVAL

CITY COMMISSIONERS
CITY OF WINTER PARK, FLORIDA

August 13, 2015

Re: Request for Change of Use for the portables from Child Care/Preschool to Church Sunday School classrooms, Church members nursery, and Church trainings.

Members of the City Commission:

On behalf of the members of New Hope Missionary Baptist Church; 274 Capen Avenue, I again extend our heartfelt thanks and appreciation to you for the permission given to us to locate two (2) Orange County portables on our site for the purpose of starting a day nursery and pre-school facility to help meet growing needs in our church and community.

To date, we are on the verge of acquiring what is necessary for approval of occupancy. We have:

1. Completed city requirements and upgrades in the areas of engineering, plumbing, electrical, concrete paving, parking, striping, and ramping;
2. We have upgraded and remodeled all restroom facilities (including outfitting for the handicap and special needs) according updated city code requirements;
3. We have done extensive landscape work so that our property enhances and beautifies the surrounding community area.
4. We have met each and every request of compliance to the city of Winter Park request to meet code requirements.
5. There are no pending liens against us, as all of our bills have been timely paid.

Our original plans for getting state approval for our pre-school and nursery/child care are indefinitely placed on hold. The reason is that we have funding issues in hiring staff, we have lost the key trained child care staff that originally planned to volunteer during the start-up phase and also because we have realized that there are many other child care options within the neighborhood. With diminishing area population growth, another child care/pre-school may not be feasible. However, our dilemma is that the City Commission was so gracious to give the Church our original approval for the pre-school and child care and helping us by providing three (3) years for us to get the Buildings completed as part of the Conditional Use approval.

However, the Church does have needs for these buildings. Our Church building is comprised solely of the sanctuary. We now have to have a "one room" mass teaching in the Main Sanctuary. Our Church building has no space for Sunday School classrooms for our youth. The Church also needs the opportunity for child care on Sunday while Church services are being conducted. Also the Church has no space for small meetings of members for bible study, etc. Accordingly, because of these conditions, we respectfully request a change of use for the portables to Church Sunday School classrooms, Church members' nursery, and Church training areas.

We are thanking you in advance for your consideration of this request.

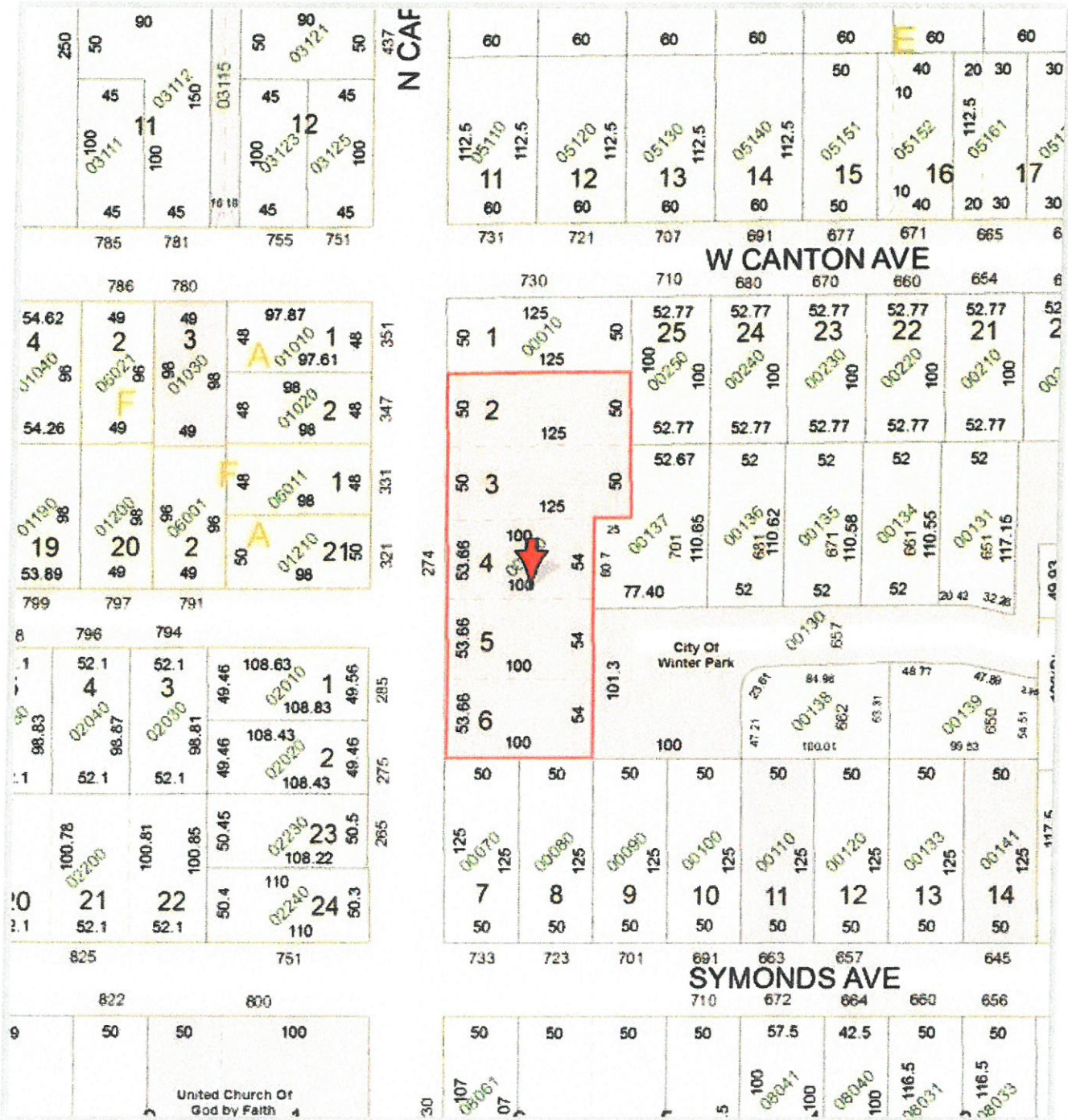
Respectfully,

John P. Phillips, Pastor (NHBC of WP)



OCA Web MAP

PRINT CONTACT



Parcel ID: 302206372400040 (Rng-Twn-Sec format)

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

0 50 ft

Created on 7/17/2012, Copyright 2007. Orange County Property Appraiser.

STATE OF FLORIDA
 DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PROJECT NO. 10-0000-0000-0000-0000
 CONTRACT NO. 10-0000-0000-0000-0000
 DRAWING NO. 10-0000-0000-0000-0000
 SHEET NO. 1 OF 1



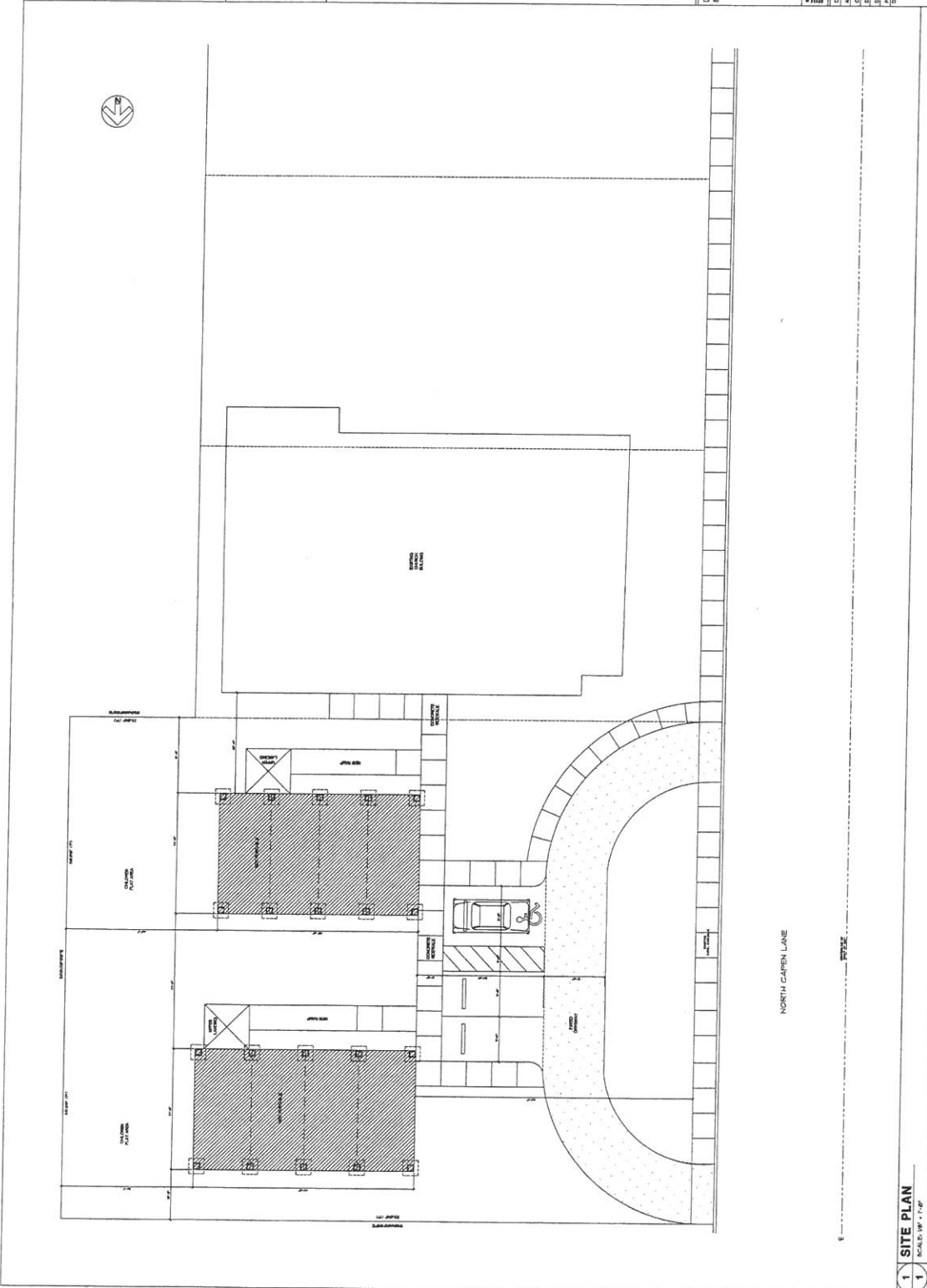
WAYNE DANKY
 P.E. No. 10000

CONSTRUCTION DOCUMENTS FOR
 PORTABLE CLASSROOMS
 274 NORTH COPEN LANE
 WINTER PARK, FLORIDA 32789

DRAWING TITLE:
 SITE PLAN

DATE ISSUED	10/11/10
DATE REVISION	
REVISION NO.	
REVISION DESCRIPTION	

1
 SHEET 1 OF 1



1 SITE PLAN
 SCALE: 1/8" = 1'-0"



← 342 N Capen Ave
Winter Park, Florida

N Capen Ave



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

**Staff Report
October 6, 2015**

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT REGULATIONS”, ARTICLE III, "ZONING" SECTIONS 58-87 SO AS TO UPDATE THE ORDINARY HIGH WATER ELEVATIONS OF THE LAKES WITHIN THE CITY AND PROVIDE FOR CLARIFICATIONS OF THE WATERFRONT REVIEW PROCEDURES AND DEVELOPMENT STANDARDS.

This public hearing is primarily to consider an Ordinance to revise the ordinary high water elevations in the zoning code that establish the point at which the lakefront or other waterfront setbacks are measured. The elevation information used by FEMA to establish flood plain regulations and also used by surveyors has been the National Geodetic Vertical Datum of 1929 (NGVD 1929) based on a series of measurements from that time. Due to geographic differences across the nation, the base measurements were updated into the North American Vertical Datum of 1988 (NAVD 88). In 2009 FEMA converted all the flood plain maps across the nation to the NAVD 88 datum. From that time forward, surveyors have transitioned to the new elevations. There is a conversion formula and in summary the new elevations are about 0.8 feet lower.

As a result, the City needs to update our ordinary high water elevations referenced in the zoning code from the 1929 datum to the 1988 datum as current surveys reflect those numbers. The table below shows the changes between the two.

**City of Winter Park
Ordinary High Water Elevations
NGVD (1929) to NAVD (1988) Conversions**

Lake Name	OHW NGVD (1929)	OHW NAVD (1988)
Baldwin	91.5	90.7
Bell	89.4	88.6
Berry	70.0	69.4
Chelton	80.0	79.2
Forest	100.8	100.0
Grace	101.6	100.8
Killarney	82.8	82.0
Knowles	76.7	75.9
Maitland	66.5	65.7
Midget	85.1	84.3
Mizell	66.5	65.7

Osceola	66.5	65.7
Rose	88.6	87.8
Spier	90.5	89.7
Sue	71.5	70.7
Sylvan	72.0	71.2
Temple	68.0	66.6
Tuscany	69.9	69.1
Virginia	66.5	65.7
Wilbar	88.5	87.7

This Ordinance also addresses some other situations with respect to the water front reviews conducted by the P&Z Board to match current practice or for clarifications as follows:

1. With respect to storm water retention on water front lots, the zoning code now has a prescriptive retention requirement for the first inch of runoff. Typically there is ample land area to meet that design volume because the 50 foot minimum lakefront setback sets aside ample land to accommodate that amount of retention. However, this first inch volume has been a hardship on properties with many large oak and/or cypress trees along the lakefront. Digging a retention swale deep enough or big enough for that volume can cause serious damage to the root systems of those trees jeopardizing their survival. In practice, what staff has recommended and what the P&Z Board has approved, is an alternative a retention berm system in these situations, versus digging a swale. The retention berm accomplishes the goal of providing retention in a qualitative rather than quantitative manner. This Ordinance includes the code amendment to clarify that established process.
2. Similarly, the Ordinance also addresses the situations where setback relief is needed in order to encourage tree preservation. The P&Z Board already has that authority and has exercised it judiciously to ease the impact on lake views and this would extend to tree preservation.
3. Lastly, the current Ordinance is not easily understood with respect to the regulations on walls and fences on water front lots. These text revisions will make those rules more understandable without changing any of the content. The ordinance also establishes how much of the lake frontage (10% maximum) can be covered by at grade patios, decks, fire pits, etc.

Staff Recommendation is for Approval.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTIONS 58-87 SO AS TO UPDATE THE ORDINARY HIGH WATER ELEVATIONS OF THE LAKES WITHIN THE CITY AND PROVIDE FOR CLARIFICATIONS OF THE WATERFRONT REVIEW PROCEDURES AND DEVELOPMENT STANDARDS; PROVIDING FOR CODIFICATION, FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to clarify the development standards on water front properties within the City and to update the ordinary high water elevations for the most current data; and

WHEREAS, this Ordinance promotes the health, safety and welfare of the City residents; and

WHEREAS, words with double underline shall constitute additions to the original text and strike through text shall constitute deletions to the original text.

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

Section 1. Chapter 58, Land Development Code, Section 58-87, Lakefront lots, canalfront lots, streamfront lots, wetlands, boathouses and docks, Subsections (d) (1), (3), (5), (6) (7) and (8) are hereby amended to read as follows:

* * *

Sec. 58-87. Lakefront lots, canalfront lots, streamfront lots, wetlands, boathouses and docks.

(d) *Other structures on lakefront, canalfront or streamfront lots.* The following standards shall apply to all construction on lakefront, canalfront or streamfront lots:

(1) Lakefront, canalfront and streamfront lots shall be developed to maximize the amount of natural rainfall which is percolated into the soil and to minimize direct overland runoff into the water. With the exception of boathouses, docks or other over-water construction, storm water runoff from structures and other impervious surfaces shall be directed into swales or terraces on the lot or restrained by berms so as to provide for the on-site retention and percolation of the first one inch of runoff. Properties being developed or redeveloped shall eliminate any direct piped discharges of storm water into the water, so that this runoff is directed to the onsite retention and percolation areas. The planning and zoning ~~commission~~ board may require, as

conditions necessitate, the submission of soil and water table information, topographic detail, drainage calculations and professionally designed plans so as to insure these requirements are met. All storm water retention compliance shall prioritize the preservation of existing trees and the impacts of fill or excavation on tree root systems shall be minimized and the planning and zoning board shall have to authority to require berm or alternative retention methods and volumes where necessary to protect the root systems and survivability of existing oak and cypress trees.

(3) Structures on lakefront, canalfront or streamfront lots shall, to the extent reasonably possible, be designed and located to minimize their obstruction or degradation of traditional views to and through the property to the water. Structures in this context shall also include fences and walls. Structures shall also be located so that existing trees shall be preserved to the degree reasonable possible. The planning and zoning ~~commission~~ board, may as conditions necessitate, reduce the height of structures, alter their location, size and design so as to accomplish ~~this~~ these objectives. The planning and zoning ~~commission~~ board shall also have limited authority to grant ~~variances~~ exceptions to the front and side setback standards when deemed necessary to accomplish ~~this~~ these objectives.

(5) Structures on lakefront lots require the approval of the planning and zoning ~~commission~~ board prior to the issuance of a building permit. As conditions necessitate the planning and zoning ~~commission~~ board or city commission may impose increased setbacks in concert with their waterfront review or conditional use authority as necessary to accomplish the objectives in this section. Structures in this context shall also include swimming pools, cabanas, gazebos, screen enclosures, tennis courts and other accessory buildings.

(a) Setbacks - Single family/duplex. The setback from the lake's water's ordinary high water elevation for single family and duplex buildings and any other accessory structures on those properties (other than boathouses, docks, over the water gazebos or retaining walls) shall be the average established by the adjacent lake water front properties within 200 feet of the subject property, or 50 feet, whichever is greater. The planning and zoning ~~commission~~ board shall have the authority to approve lake water front ~~and canal front~~ setbacks less than the average determined above to a minimum of 50 feet in accordance with their lake water front review authority.

(b) Setbacks - Multi-family/non-residential/mixed use. The lake water front setback from the lake's ordinary high water elevation for multi-family (3 or more units) or non-residential or mixed use buildings and any other accessory structures on those properties (other than boathouses, docks, over the water gazebos or retaining walls) shall correspond to the height of the proposed structure. For buildings and structures 35 feet in height or less, the lake water front setback shall be a minimum of 75 feet. As the height of the building or structure increases, for each one foot increase in height over 35 feet in height, the lake water front setback shall increase by two and a half (2.5) feet.

(c) Ordinary High Water Elevations. For convenience, the ordinary high water elevations of the city's principal lakes are listed below. These elevations have been determined by the Florida Department of Environmental Protection (FDEP) Bureau of Survey and Mapping. All elevations reference ~~NGVD ('29 datum)~~ NGVD (88 datum). For the canal and stream

front locations, the ordinary high water elevations are to be provided by the public works department.

1. Lake Berry	<u>69.4 feet</u>	70.0 feet
2. Lake Killarney....	<u>82.0 feet</u>	82.8 feet
3. Lake Maitland....	<u>65.7 feet</u>	66.5 feet
4. Lake Mizell....	<u>65.7 feet</u>	66.5 feet
5. Lake Osceola....	<u>65.7 feet</u>	66.5 feet
6. Lake Sue....	<u>70.7 feet</u>	72.5 feet
7. Lake Sylvan....	<u>71.2 feet</u>	72.0 feet
8. Lake Virginia....	<u>65.7 feet</u>	66.5 feet
9. Lake Bell....	<u>88.6 feet</u>	89.4 feet
10. Lake Spier....	<u>89.7 feet</u>	90.5 feet
11. Lake Forrest....	<u>100.0 feet</u>	88.9 feet
12. Lake Grace....	<u>100.8 feet</u>	101.6 feet
13. Lake Rose....	<u>87.8 feet</u>	88.6 feet
14. Lake Tuscany....	<u>69.1 feet</u>	69.9 feet
15. Lake Baldwin....	<u>90.7 feet</u>	91.5 feet
16. Lake Temple....	<u>66.6 feet</u>	

(6) Structures on canalfront or streamfront lots require the approval of the planning and zoning commission board prior to the issuance of a building permit. Other than boathouses, the waterfront setback shall be at least 50 feet from the canal bulkhead or stream. Structures in this context shall also include swimming pools and pool decks, screen enclosures, tennis courts, cabanas and other accessory buildings. Swimming pools and decks on canalfront or streamfront lots may be permitted a minimum of 25 feet from the canal bulkhead or stream ordinary high water elevation, provided the swimming pool has an elevation of no more than two feet above the existing grade on the side closest to the canal or stream. The planning and zoning commission board may require, as conditions necessitate, the imposition of increased setbacks to accomplish the objectives in this section.

(7) Fences or walls on lakefront, canalfront, or streamfront lots shall not be permitted to extend into the water beyond the ordinary high water elevation or into a canal beyond the bulkhead. Fences and walls shall not be permitted which run parallel to or across the lakefront, canalfront or streamfront anywhere within the 50-foot setback from the ordinary high water elevation. Fences but not walls may be permitted which run parallel to or across the lakefront, canalfront or streamfront on that portion of the land between the rear of the main structure and the 50-foot setback provided such fence does not exceed four (4) feet in height above existing grade. The 50-foot setback shall also apply to any Retaining walls, terrace walls, decks, railings or other structures higher than three feet above existing the lowest grade shall not be permitted within the 50-foot setback. Other accessory structures or improvements that do not exceed three (3) feet in height within the 50 foot setback such as walkways, railings, patios, decks, fire pits, etc. shall not cover more than ten (10%) percent of the land area within that 50 foot setback. Fences running down the sides of properties within the 50-foot setback or parallel to or across the waterfront shall be substantially open fences limited to the materials such as of aluminum picket, wrought iron, or green or black clad vinyl chain link which allow visibility across property lines and to the lake water. Wood shadow box fences shall not qualify as open fencing. The planning and zoning commission board may permit fences closer than the 50 feet but only on canalfront or streamfront lots as necessary to enclose swimming pools.

(8) Swimming pool and spa decks, patios and terraces shall not be constructed more than three feet in height above the average existing grade elevation on the lakeside edge of that deck, patio or terrace. In addition, the facade of these retaining walls facing the lake shall be screened with landscape plantings across the length of the retaining wall except for any sections involving stairs down to the lakefront. On lots with severe grade drops of over seven feet throughout the length of the house, the planning and zoning ~~commission~~ board may approve swimming pool and spa decks, patios and terraces higher than three feet above existing grade on the lake water side if approved by four members of the planning ~~commission~~ board.

Section 3. Incorporation Into Code. This ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, held at City Hall, Winter Park, Florida, on the ____ day of _____, 2015.

Mayor Steve Leary

Attest:

Cynthia Bonham, City Clerk

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

**Staff Report
October 6, 2015**

SPR 4:15 Request for approval of a new two-story, single-family home at 850 Via Lugano.

Chase & Jovanna Heavener (property owners), are requesting approval to build a new two-story, single-family home at 850 Via Lugano on Lake Maitland. This 41,053-square foot lot is currently vacant. It was part of the Galloway Estate that was approved for subdivision by the City into three lots approximately six years ago. This is the third and last of those lots to be developed. Unique to this lot/property, one of the terms and conditions voluntarily offered by the Galloway Trust, at the time of the subdivision, was the dedication to the City of an easement to protect a strand of very nice live oak trees in the western portion of the lot. This circular easement is shown on the attached plans.

Faced with this "no-build" tree protection easement zone, the applicant's designers have been creative in their arrangement of spaces. The other design challenge is the slope of the lot which is both from the street to the lake, but also downhill from the east side to the west side of the lot, diagonally across the lot. With less "buildable land" per the tree easement and the slope issue, the designers have located a portion of the front of the home built into the slope, and into the front setback under the ground as a basement element. The open air "garden" area on the east side of the home then becomes a below grade garden courtyard enclosed by the home and retaining walls.

The new proposed two-story home will be 10,073-square feet exclusive of porches, terraces, balconies and the basement, which on this lot is a Floor to Area Ratio (FAR) of 24.5% within the allotted base 33% FAR. Adding in the basement area brings the total house size to 12,369 square feet and a FAR of 30.1%.

There are four criteria for review by Planning and Zoning Board (P&Z) for these water front plan reviews:

TREE PRESERVATION: The Code direction on water front lots is "to preserve existing trees to the degree reasonably possible." Two existing trees are to be removed, but in addition to the "protected easement" live oak strand there are six other major trees on-site being saved.

VIEW FROM THE LAKE: While this lot has the significant grade issues described above, from the lakefront this home is roughly at the existing grade. So there are no issues as we have dealt with before of large retaining walls or swimming pool deck walls. Also, the major portion of the home along the lakefront is one-story in design.

VIEW OF NEIGHBORS: The Code direction on water front lots is "that views of the water will not be unduly impaired." The locations of the two adjacent homes are shown on the attached plans. There is no visual impact on the home to the west, as it is situated at a similar lakefront setback. The home to the east (under construction) will view some of this new home. However as indicated above, the constraints of this lot require the use of almost all of the buildable area of the lot and the home is designed as one-story along the lake frontage so that home which is much higher will actually look out over this home. Notices and copies of the plans have been mailed to the adjacent neighbors, per Code.

STORM WATER RETENTION: The Code direction on water front lots is "that storm water runoff will be minimized" into the creek. The plans depict the storm water retention areas to be created on the lake front portion of these lots to meet the criteria. There is sufficient room in the side setbacks for conveyance swales but due to the potential volume of runoff, a pipe and inlet system is also contemplated.

OTHER CONSIDERATIONS:

Front Setback Variance: You will note the location of a one-story, flat roof accessory building in the street-front western portion of the property. The applicants are asking for a front setback variance from the P&Z Board for that structure to be located at 23½ feet in lieu of the required 51½ foot established front setback. The Planning staff does not believe that this qualifies for a variance under the Code provision below. P&Z has some limited authority to grant front setback variances, and has done so in the past. It has worked well when a home is proposed to be located closer to the lake than the neighboring homes and moving the new home back toward the street and further away from the lake lessens the impact on the lake views of the neighbor(s). However, in this instance the applicants are not moving the home further away from the lake to improve the views of the neighbor(s). The new home is proposed to be located as close to the lake as is permitted, at about two feet behind the minimum 50 foot lakefront setback. To the planning staff this appears to be a classic "hardship" criteria for a variance by the Board of Adjustment, in that the tree easement area severely limits the buildable area of the lot which is the reason that accessory building is within the front setback.

Sec. 58-87. Lakefront lots, canalfront lots, streamfront lots, wetlands, boathouses and docks.

(3) Structures on lakefront, canalfront or streamfront lots shall, to the extent reasonably possible, be designed and located to minimize their obstruction or degradation of traditional views to and through the property to the water. Structures in this context shall also include fences and walls. The planning and zoning board, may as conditions necessitate, reduce the height of structures, alter their location, size and design so as to accomplish this objective. The planning and zoning board shall also have limited authority to grant variances to the front setback standards when deemed necessary to accomplish this objective.

The applicant's perspective on "minimizing of the obstruction or degradation of traditional views to and through the property to the water" from the Code is from a different viewpoint. Their position is that by designing a low profile flat roofed contemporary design with a small second floor, the design opens up a view shed to homes across the street by keeping the floor space more spread out across the site and thus in concert with the purpose of the variance in the Code. The applicants' email explanation in more detail is attached.

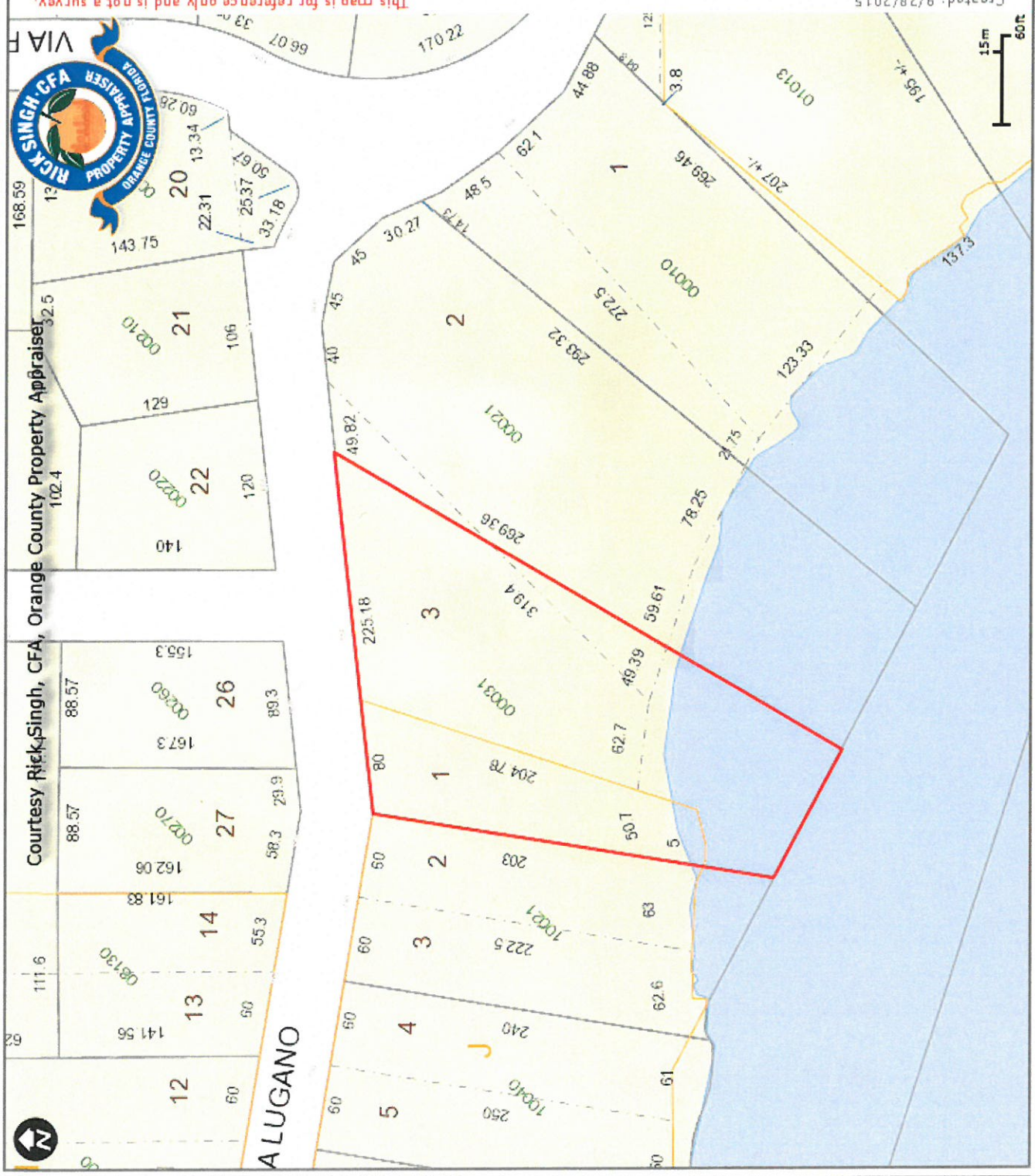
Encroachment in the Tree Easement: You will note a portion of an accessory building on the front of the lot that encroaches into the tree easement. That rear portion of the building is to be cantilevered over the ground so that there is minimal impact on the trees root systems, and being one story below the canopy is such that the City has determined that there is not impact on the live oaks.

STAFF RECOMMENDATION IS FOR APPROVAL with the front setback relief to be considered as a variance from the Board of Adjustment.

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- One Way
- Brick Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Institutional/Misc
- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Block Number
- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimension



ALUGANO



Courtesy Rick Singh, CFA, Orange County Property Appraiser

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

Created: 9/28/2015

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- U.S. Road
- State Road
- County Road
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Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 9/28/2015

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

Jeffrey Briggs

From: Jeffrey Briggs
Sent: Monday, September 28, 2015 9:36 AM
To: Jeffrey Briggs
Subject: 850 Via Lugano

Jeff: I would suggest the following explanation for the front setback variance requested:

FRONT SETBACK VARIANCE: The City Code gives P&Z the authority to grant front setback variances which have the purpose of minimizing of the obstruction or degradation of traditional views to and through the property to the water. The proposed home has been designed to have a flat roof and low profile in order to continue to protect the views of not just the adjacent neighbors but also the neighbors across Via Lugano and those traveling on the roadway. The lot is sloped from east to west along Via Lugano from 88ft elevation (east) to 72ft elevation (west) at curb. The average elevation, per code, is 80ft elevation. The highest portion of the entire building is only 92'-6" in elevation with in only 12'-6" in height per Code. The portion of the building which encroaches into the front setback is 82' in elevation and only 2 ft in height per Code. This can be contrasted with the R-1AAA height limit of 35'. The proposed home is almost 1/3 the height that is allowed and by choosing this design it allows views to the lake.

The 51.5 ft front setback was created from the average of the adjacent two homes. Note that these homes are much closer to the 35' in height. The default front setback is 25 ft. The request is to allow approximately 15 ft in width (out of a lot frontage that is over 255 ft) to be set back 23.5 ft. As mentioned above this encroachment is only 2ft in height above the 80 ft. elevation. The remainder of the home site meets or exceeds the 51.5 ft setback. We believe that this minor encroachment into the front setback (in lieu of adding an additional story on the home to accommodate the sq. ft. within the Code) should be approved in order to minimize the obstruction and degradation of the traditional views to the Lake.

M. Rebecca Wilson

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
215 North Eola Drive
Orlando, FL 32801
Phone: 407-843-4600 x250
Direct Dial: 407-418-6250
Fax: 407-843-4444
email: rebecca.wilson@lowndes-law.com
website: www.lowndes-law.com

9/27/15

Planning & Zoning
City of Winter Park
401 South Park Ave
Winter Park, FL 32789

P&Z Members:

As the western-side property owner and neighbor to the Heavener's property at 850 Via Lugano, we express our support of their development plans and front setback variance request. We have met with the Heavener's to review the design plans in great detail, and appreciate their care with constructing a home that maintains the integrity of the almost 100 year-old oak tree that sits on the property. The low-profile home will allow the tree to still be visible to passerbys and retain lake views for our other neighbors.

Regards,

A handwritten signature in cursive script, appearing to read "Neil & Tina Finkler".

Dr. Neil & Tina Finkler

Owner/Resident

790 Via Lugano, Winter Park, FL 32789

September 24, 2015

Planning & Zoning
City of Winter Park
401 South Park Ave
Winter Park, FL 32789

RE: 850 Via Lugano Residence

Planning & Zoning Board Members,

As the northern-side property owner of both 811 Via Lugano & 765 Via Lugano, and neighbor to the Heavener's property at 850 Via Lugano, Gabe and I express support of their residential development plans. I have reviewed the proposed plans in detail and especially appreciate the preservation of lake views from our properties.

Sincerely,



Tiffani F. Miller

Owner

811 Via Lugano & 765 Via Lugano, Winter Park, FL 32789

To Whom It May Concern:

Greg Knight and I own the lot at 860 Via Lugano and think that the modern style of house the Heavensers plan to build would be a nice addition to the diversity of homes in the neighborhood.

Thank you,

A handwritten signature in black ink, appearing to read "Kristen & Gregory Knight", with a long horizontal flourish extending to the right.

Kristen & Gregory Knight
Currently at:
1940 Via Contessa
Winter Park, FL 32789

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

**Staff Report
October 6, 2015**

SPR 5:15 Request for approval of a new two-story, single-family home at 472 Henkel Circle.

F. G. Schaub Custom Homes is requesting approval to build a new two-story, single-family home at 472 Henkel Circle on Lake Mizell. This 16,437 square foot lot will be redeveloped with a new home.

The new proposed two-story home will be 5,424 square feet exclusive of porches, terraces and balconies, which on this lot is a Floor to Area Ratio (FAR) of 33.0% at the allotted maximum base 33% FAR.

There are four criteria for review by Planning and Zoning Board (P&Z) for these water front plan reviews:

TREE PRESERVATION: The Code direction on water front lots is "to preserve existing trees to the degree reasonably possible." Two existing shade trees are to be removed and two other trees are to be preserved within the proposed front swale area so staff will inquire how that can be done.

VIEW FROM THE LAKE: This lot does not have any significant grade issues as there is only about three feet of grade change throughout the length of the home. The swimming pool deck is 2½ feet above existing grade which complies with the 3 foot limit. Otherwise, there are no issues as we have dealt with before of large retaining walls or swimming pool deck walls.

VIEW OF NEIGHBORS: The Code direction on water front lots is "that views of the water will not be unduly impaired." The locations of the two adjacent homes are shown on the attached plans. The angle of the lakefront present challenges in that it is not possible to construct a home on this property without being out in front (closer to the lake) than the home to the west. The existing home (to be demolished is currently out in front (closer to the lake) as shown in the attached aerial map. The home is generally in the same location as the existing home. Both neighbors have signed letters with their approval of these plans.

STORM WATER RETENTION: The Code direction on water front lots is "that storm water runoff will be minimized" into the creek. The plans depict three storm water retention areas to be created in the front yard, side yard and on the lake front portion of these lots to meet the criteria. There will be an issue with drainage conveyance on the other side of the house that we have asked the applicant to address.

OTHER CONSIDERATIONS:

Pool Deck Setback Variance: You will note the location of a portion of the swimming pool deck that is within the 50 foot lake front setback. The applicants have applied to the Board of Adjustment for a variance for that pool deck setback. If denied, they are prepared to reshape the pool deck to comply with the Code minimum 500 foot setback.

STAFF RECOMMENDATION IS FOR APPROVAL with the swimming pool deck setback relief to be considered as a variance from the Board of Adjustment.

OCA Web Map

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

Courtesy Rick Singh, CFA, Orange County Property Appraiser

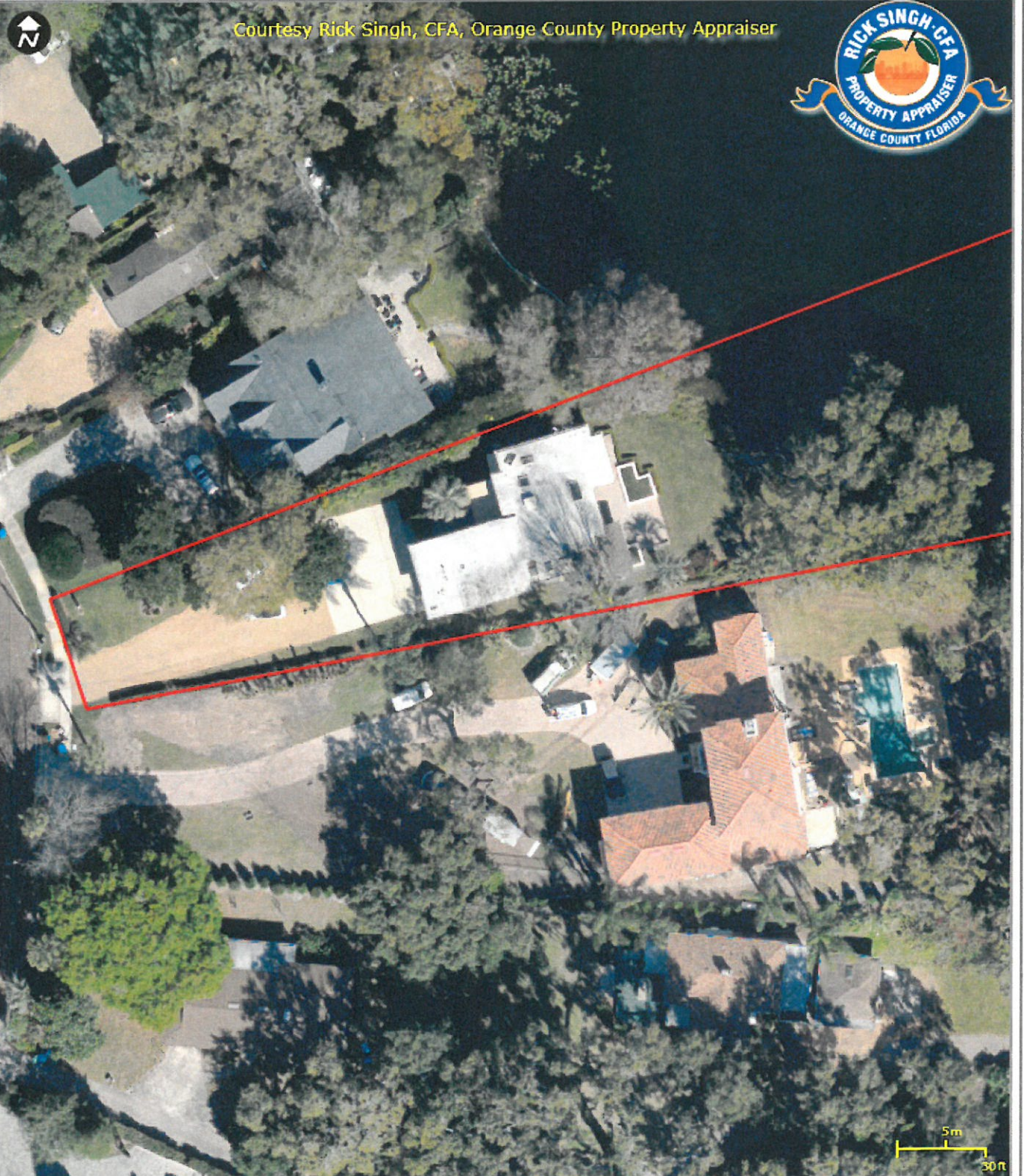


Created: 9/25/2015

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	Brick Road	Agriculture	Agricultural/Curlage	Lakes and Rivers	06060 Parcel Number
Interstate 4	Gated Roads	Commercial/Institutional	Hydro	Building	3106 Parcel Address
Toll Road	Road Under Construction	Governmental/Institutional/Misc.	Waste Land	Block Number	111.9 Parcel Dimension
	Lot Line				



Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 9/25/2015

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





Scott & Rhonda Larabee
490 Henkel Circle
Winter Park, FL 32789

July 29, 2015

City of Winter Park Planning and Development Board;

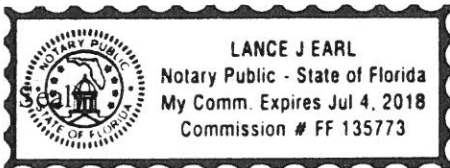
I have reviewed both of the proposed site plans (labeled site plan "A" and "B") and preliminary floor plans/elevations of the new home to be constructed at 472 Henkel Circle Winter Park, FL 32789 with the builder, Frederic G Schaub. Please accept this letter as my support of site plan "A" for the construction of this new home.

	8.10.15
Owner	Date
	8.10.15
Owner	Date

STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was acknowledged before me this August 10 day of 2015, by (name of person acknowledging.) Scott & Rhonda Larabee




Signature of Notary Public Print, Type/Stamp

Name of Notary Personally known: _____

OR Produced Identification: Scott DL# L610 781 69-011-0 / Rhonda DL# L610-732-73-594

Type of Identification Produced: Driver License



Greg S Detardo
466 Henkel Circle
Winter Park, FL 32789

July 29, 2015

City of Winter Park Planning and Development Board;

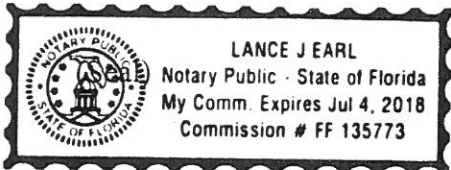
I have reviewed both of the proposed site plans (labeled site plan "A" and "B") and preliminary floor plans/elevations of the new home to be constructed at 472 Henkel Circle Winter Park, FL 32789 with the builder, Frederic G Schaub. Please accept this letter as my support of site plan "A" for the construction of this new home.

[Signature]
Owner _____ Date 8/12/15

STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 8/11 day of 2015, by (name of person acknowledging.) Greg S Detardo



[Signature] Lance Earl
Signature of Notary Public Print, Type/Stamp

Name of Notary Personally known: _____
OR Produced Identification: _____
Type of Identification Produced: _____

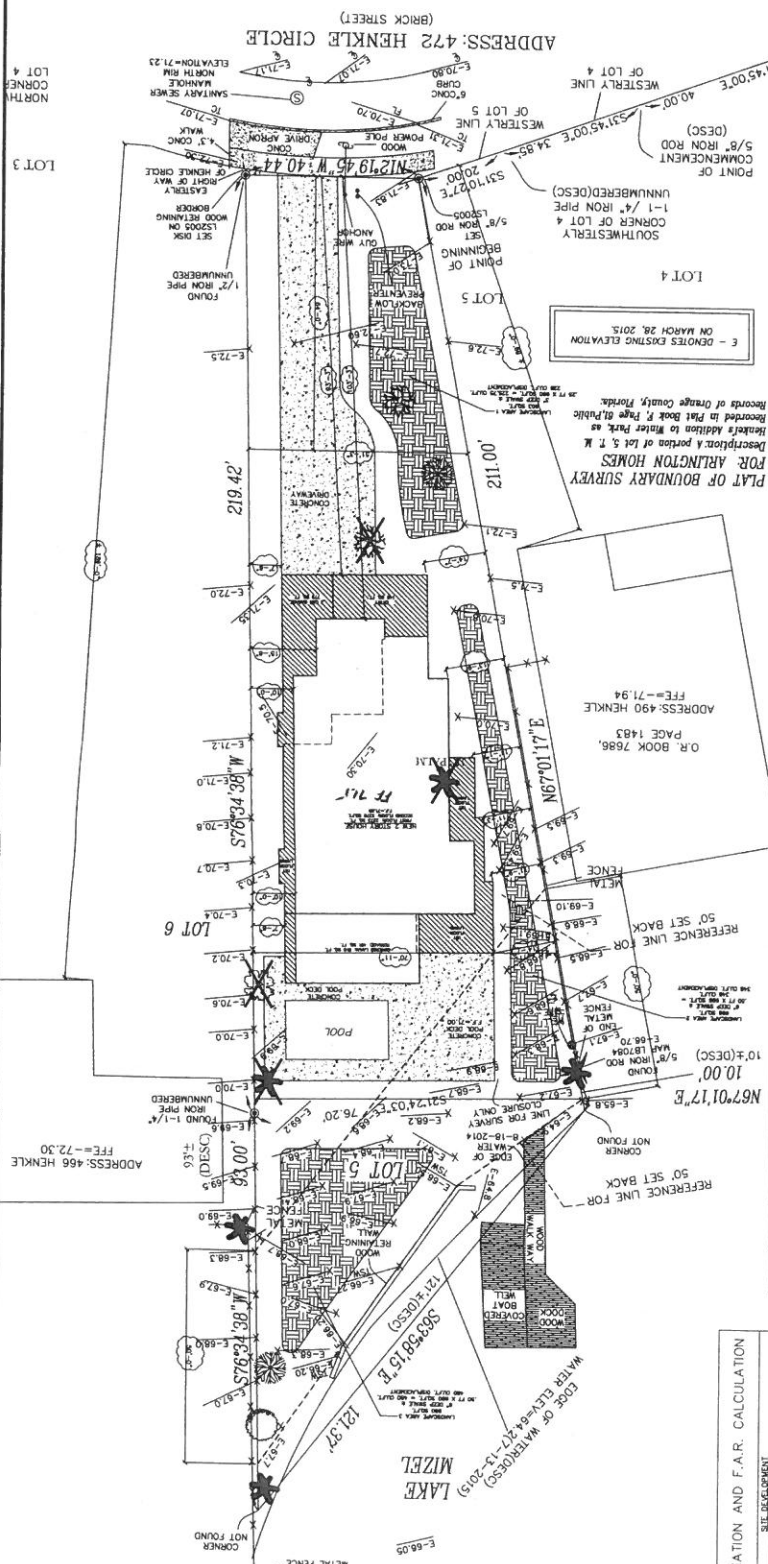
Exhibit A

ARLINGTON HOMES
 472 HENKEL CIRCLE

TF DESIGN, INC.
 8195 W. WILKINSON RD
 SUITE 215
 MARIETTA, GA 30067
 TEL: (770) 288-6274
 EMAIL: info@tf-design.com

PROJECT NO: 15
 SHEET NO: 8

AS1



NOTE:
 CONTRACTOR TO VERIFY LOCATION AND PROVIDE PROTECTION FOR ALL EXISTING UTILITIES IN FIELD PRIOR TO AND DURING CONSTRUCTION.
 ALL EXISTING SITE INFORMATION TAKEN FROM EXISTING CONDITIONS PLAN PREPARED BY DOMINICK F. CAYONE, FLORIDA SURVEYOR AND LICENSE NUMBER 2005
 ALL GRADES TO SLOPE TOWARDS WATER RETENTION AREAS DRAWING WITH DRAINAGE PROVIDED BY CAYONE, INC. FOR FURTHER SITE DEVELOPMENT INFORMATION.

NOTE:
 THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED THE WIND LOAD REQUIREMENTS OF THE 2010 FLORIDA BUILDING CODE. THE DESIGN CRITERIA INCLUDING SECTION 6301 DESIGN CRITERIA INCLUDING ASCE 7-10
 1. WIND SPEEDS: 139 MPH IS (WAVE WIND SPEED) (VULT) AND 108 MPH (VAD3)
 2. RISK CATEGORY 2
 3. WIND EXPOSURE=CATEGORY C
 4. INTERNAL PRESSURE COEFFICIENT FOR ENCLOSED BUILDING IS 0.18 AND HEIGHT AND EXPOSURE COEFFICIENT IS 1.40

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PLAT OF BOUNDARY SURVEY FOR ARLINGTON HOMES
 ON MARCH 28, 2015.
 E - DENOTES EXISTING ELEVATION

FLOOR AREA (F.A.)

FIRST FLOOR AREA	2222 SQ. FT.
SECOND FLOOR AREA	2379 SQ. FT.
POOL AREA	779 SQ. FT.
DRIVEWAY AREA	140 SQ. FT. (ENCLOSED)
REAR LAKE AREA	542 SQ. FT. (ENCLOSED)
TOTAL AREA	5422 SQ. FT.
ACTUAL FLOOR AREA PROVIDED 2424 SQ. FT.	

NOTE: *** S.F.F. WATER RETENTION CALCULATION

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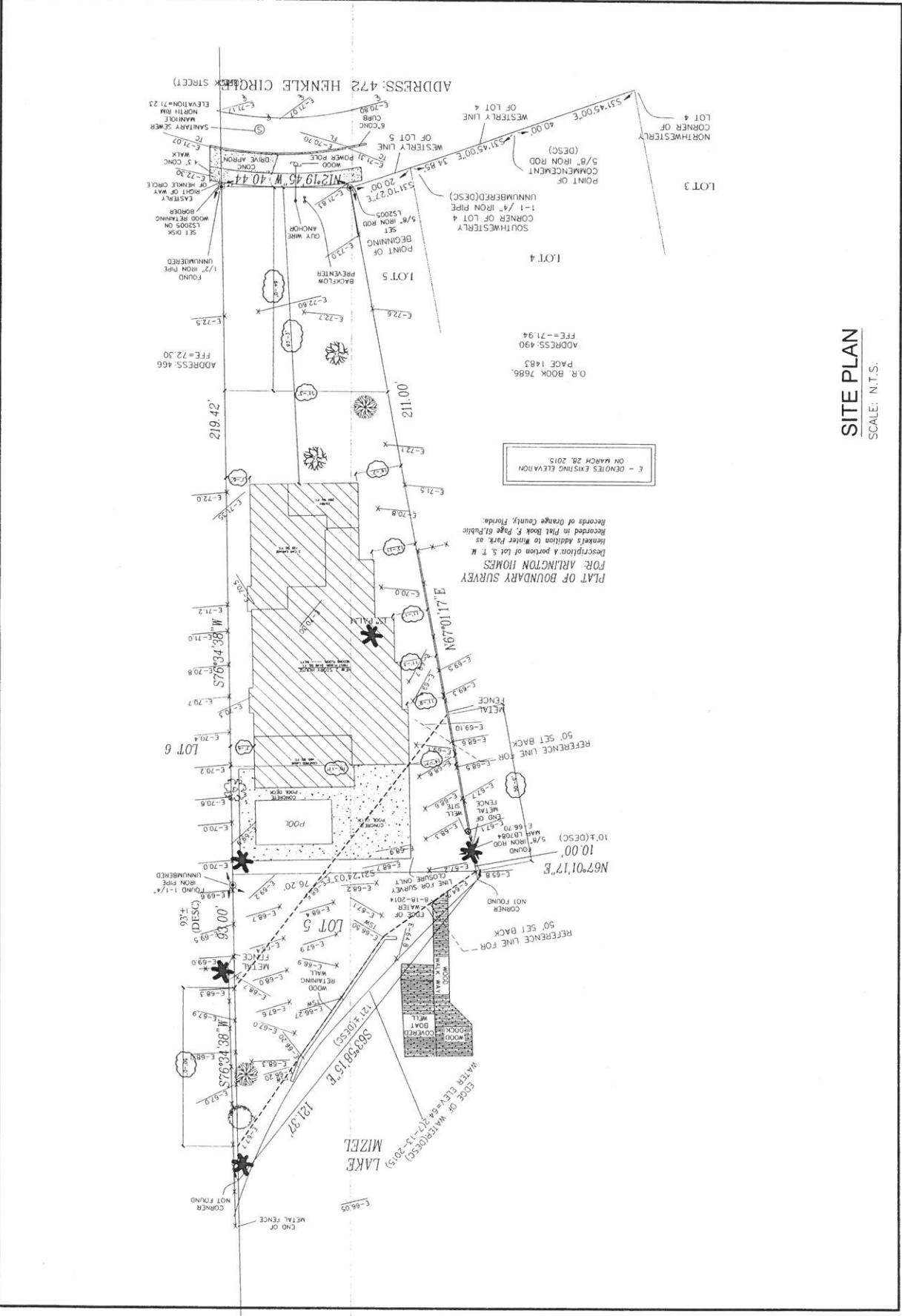
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SITE PLAN
 SCALE: N.T.S.

SITE INFORMATION AND F.A.R. CALCULATION

ZONING DISTRICT	R-1A
LOT AREA	16,127 SQUARE FEET
HOUSE SETBACKS	
FRONT SETBACK (MINIMUM PERMITTED)	15.00'
FRONT SETBACK (2ND FLOOR WALL)	10.00'
FRONT SETBACK (3RD FLOOR WALL)	10.00'
LEFT SIDE SETBACK (1ST FLOOR WALL)	11.00'
LEFT SIDE SETBACK (2ND FLOOR WALL)	7.50'
RIGHT SIDE SETBACK (1ST FLOOR WALL)	10.00'
RIGHT SIDE SETBACK (2ND FLOOR WALL)	10.00'
REAR SETBACK (1ST FLOOR WALL)	10.00'
REAR SETBACK (2ND FLOOR WALL)	10.00'
IMPERVIOUS LOT COVERAGE	2424 SQ. FT.
HOUSE FOOTPRINT (HOUSE/GARAGE)	140 SQ. FT.
POOL	779 SQ. FT.
DRIVEWAY	140 SQ. FT.
REAR LAKE	542 SQ. FT.
POOL DECK	140 SQ. FT.
AIR CONDITIONING COMPRESSOR PAD	6144 SQ. FT.
TOTAL IMPERVIOUS AREA SHOWN	2209 SQ. FT.
TOTAL IMPERVIOUS AREA PERMITTED - 50% OF LOT AREA = 8059 SQ. FT.	
PERMISSIBLE LOT COVERAGE	985 SQ. FT.
LANDSCAPE AREA - 1	985 SQ. FT.
LANDSCAPE AREA - 2	985 SQ. FT.
LANDSCAPE AREA - 3	2209 SQ. FT.
TOTAL PERMISSIBLE AREA SHOWN	2209 SQ. FT.
TOTAL PERMISSIBLE AREA REQUIRED - 50% OF LOT AREA = 8059 SQ. FT.	



E - DENOTES EXISTING ELEVATION
 ON MARCH 28, 2015

PLAT OF BOUNDARY SURVEY
 FOR ARLINGTON HOMES
 Description a portion of lot 5, T M
 Henkel's Addition to Winter Park as
 Recorded in Plat Book F, Page 61, Public
 Records of Orange County, Florida.

SITE PLAN
 SCALE: N.T.S.

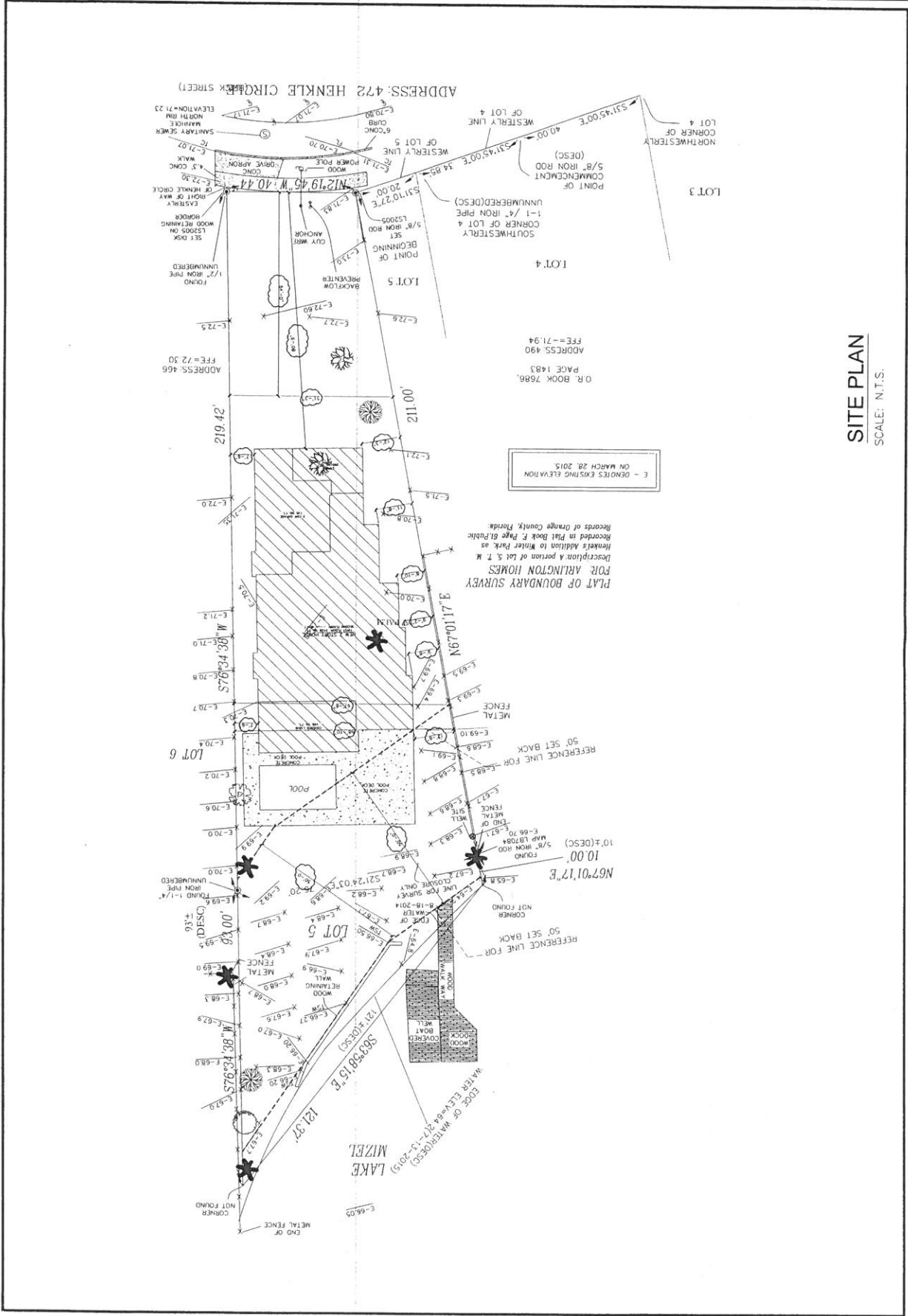
E-4.5.6.12 "B"

ARLINGTON HOMES
 472 HENKLE CIRCLE

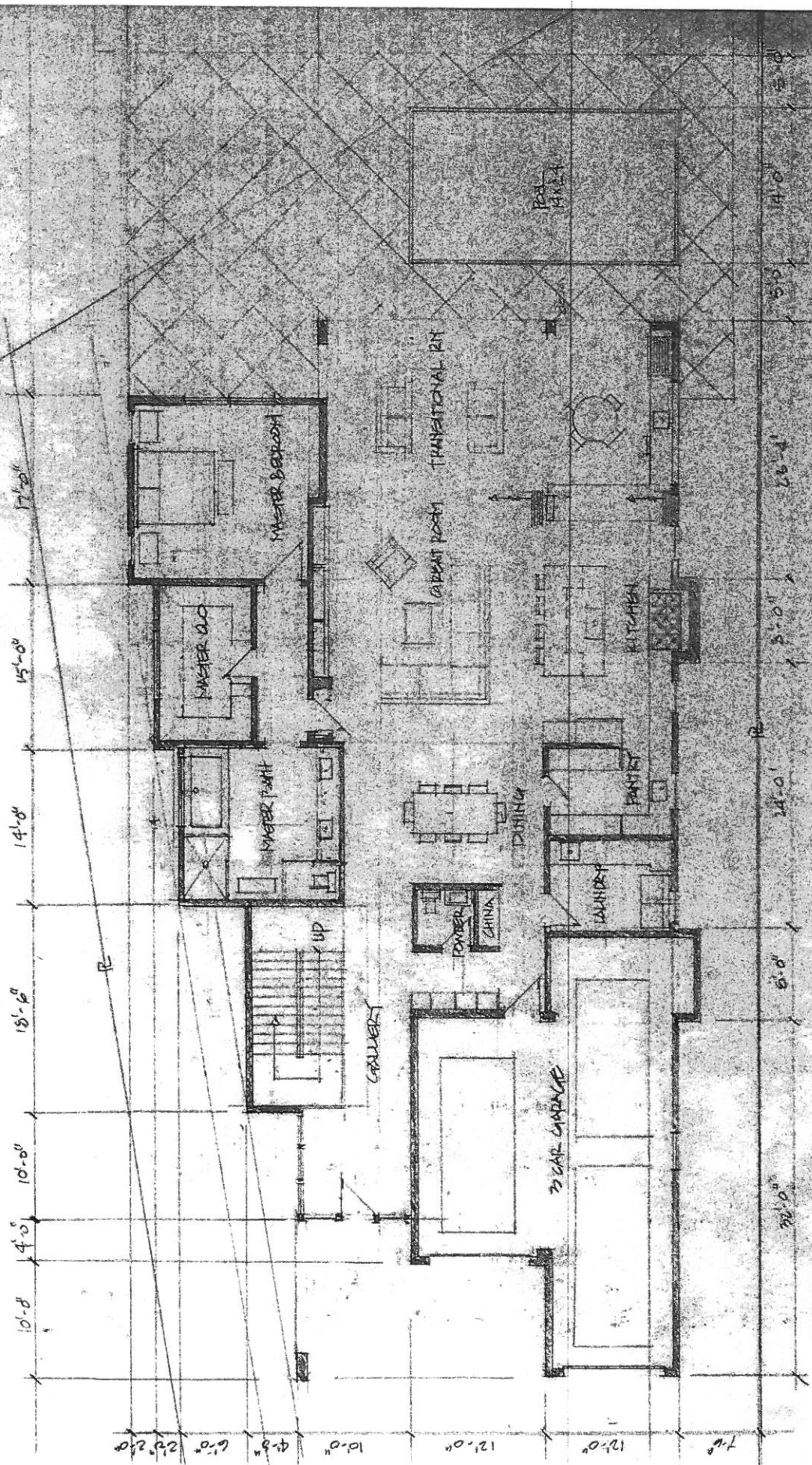
TF DESIGN, INC.
 1815 N. WICKHAM RD.
 MARIETTA, FL 32940
 TEL: (215) 288-8274
 EMAIL: info@tf-design.com

PROJECT NO: [unintelligible]
 SHEET NO: [unintelligible]

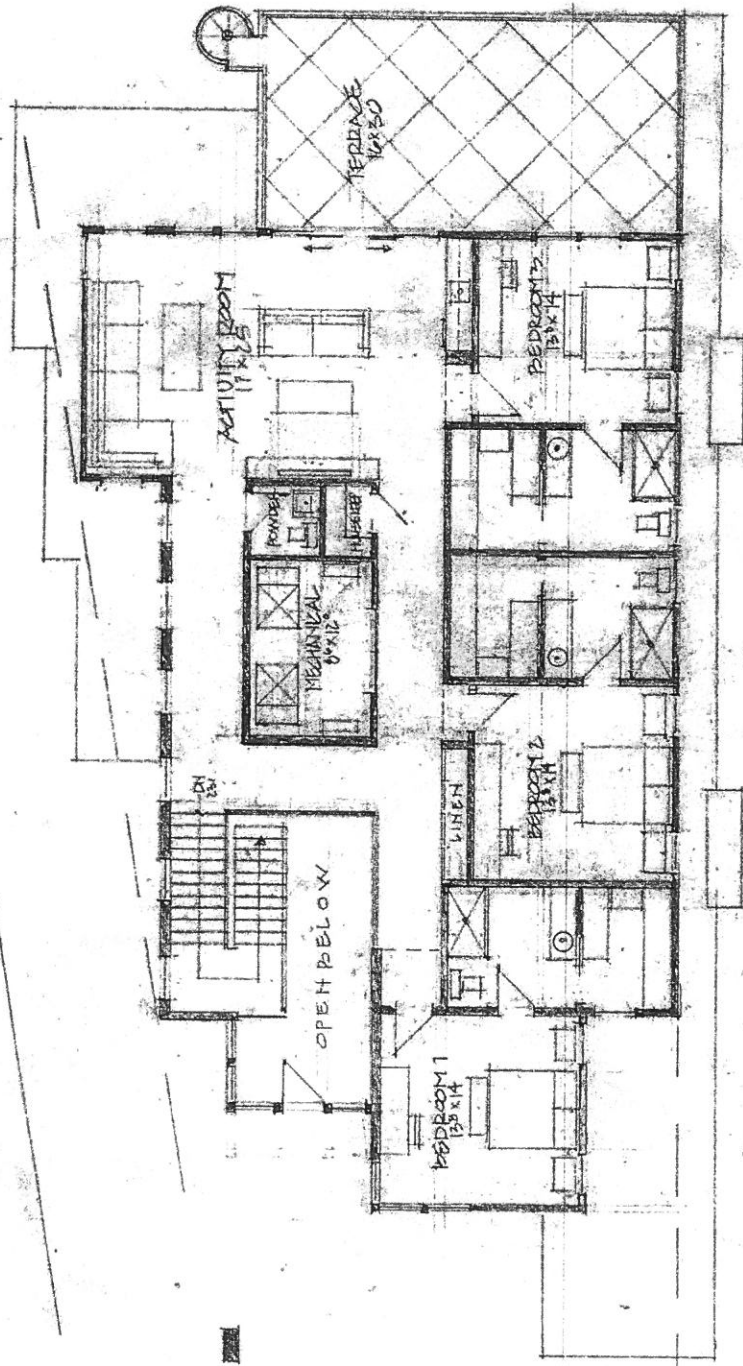
SCALE: N.T.S.
 1/8" = 1'-0"



SITE PLAN
 SCALE: N.T.S.

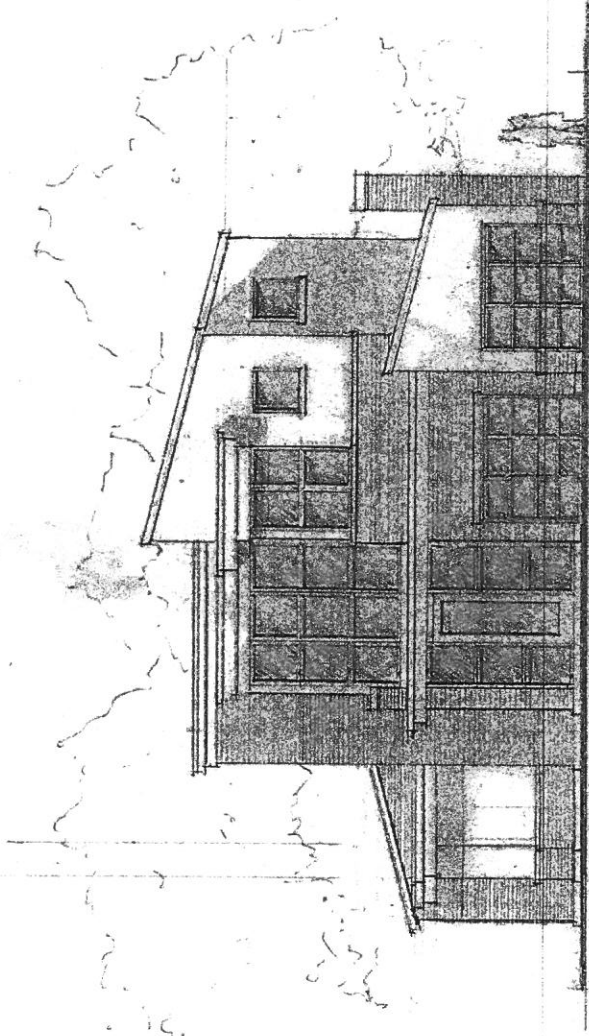


FIRST FLOOR PLAN 310
 472 HENKEL CIRCLE
 JULY 10 2015
 (PBD)

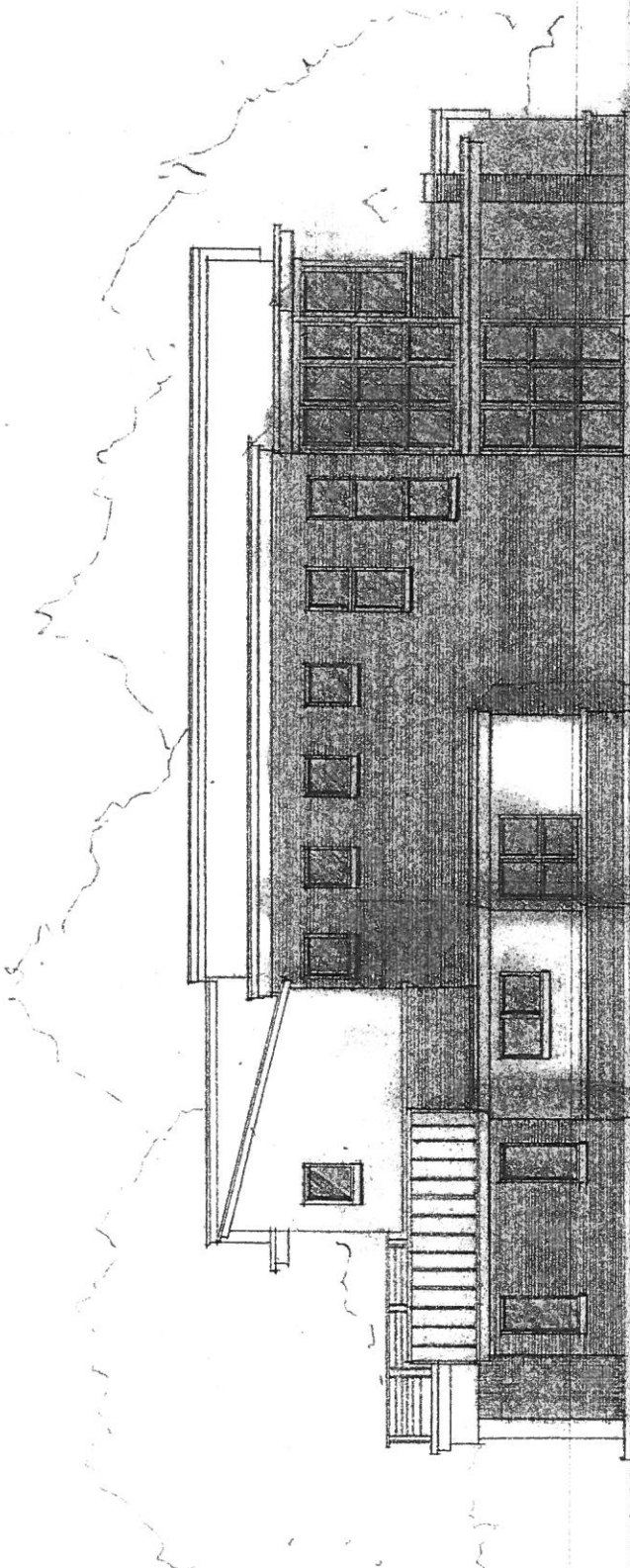


AV. AREA = 2379 SF
 TERRACE = 480 SF

SECOND FLOOR PLAN
 472 HENKEL CIRCLE
 JULY 14, 2015
 (DB)

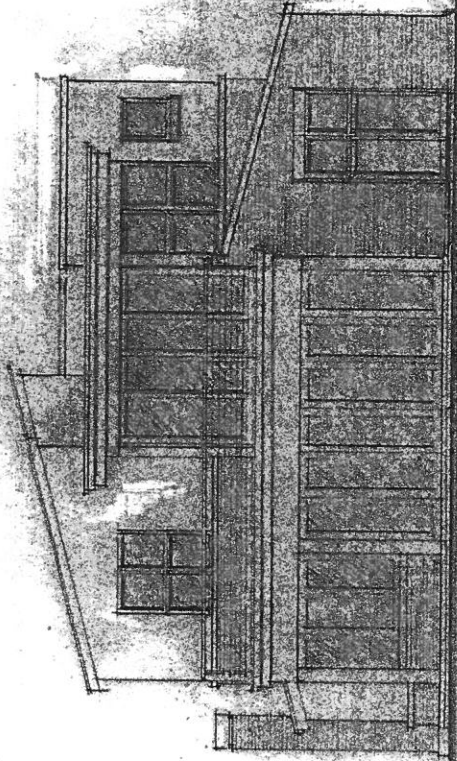


972 HENKEL CIRCLE

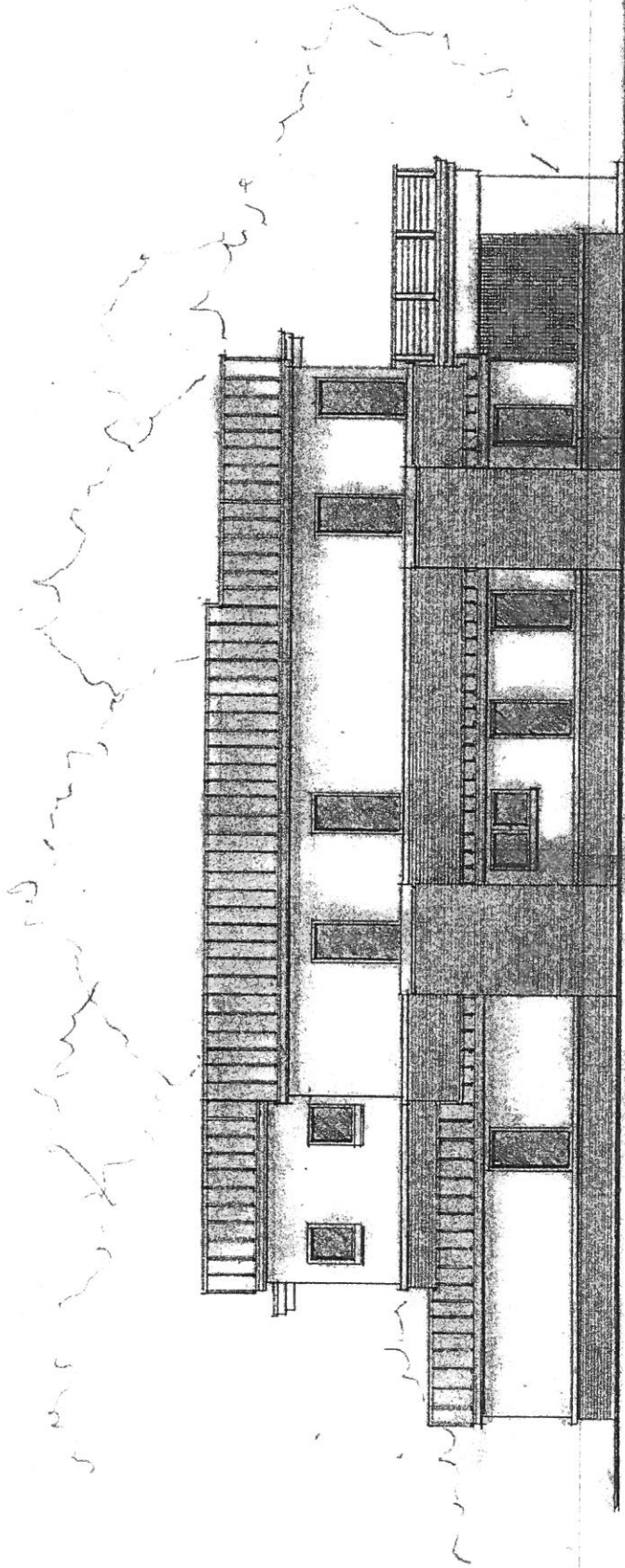


NORTH ELEVATION

2-13-2015



LAKE ELEVATION



SOUTH ELEVATION

8-12-2018