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

#### Staff Report May 9, 2017

**REQUEST OF KIM NEITZEL TO:** AMEND THE OFFICE (O-1/O-2) ZONING CODES TO ALLOW VETERINARY CLINICS IN THE OFFICE ZONING DISTRICT SUBJECT TO LIMITATIONS ON A SINGLE TENANT BUILDING AND SEPARATION FROM RESIDENTIAL AS FOLLOWS: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" TO REVISE THE PERMITTED USES IN THE OFFICE ZONING DISTRICTS TO PERMIT VETERINARY CLINICS.

Kim and Jim Neitzel, owners of the Garden Veterinary Clinic at 308 E. Par Street desire to move their veterinary clinic to the property at 1479 Gene Street, which is a former medical doctor's office building. As such the building interior is perfect for their medical veterinary clinic needs and the site has plenty of parking. Their only problem is that the property is zoned Office which allow medical clinics for people but not for animals. Thus this request asks to change that zoning distinction.

**Summary:** This agenda item requests the P&Z Board recommendation on an Ordinance to amend the Office (O-1 and O-2) zoning codes to allow veterinary clinics as a permitted use, subject to limitations. The planning staff is considering this proposal is in agreement subject to certain restrictions. The amended O-1/O-2 zoning text under permitted uses would allow "Veterinary clinics (but not 24 hour veterinary hospitals) provided that they are located in single tenant buildings and located at least two hundred (200) feet from the nearest residential building measured building to building. In addition, there shall be no overnight or weekend boarding of animals and no outdoor kennels, runs or cages."

The specific property that is requesting this amendment, 1479 Gene Street, meets these restrictions, but this Ordinance would change the Office zoning regulations city-wide. The City cannot change the zoning permitted uses just for one property.

Staff feels that this amendment will not have a negative impact on the community, and the proposed limitations will provide a buffer to residences within close proximity and to other tenants by limiting it to single tenant office buildings.

#### STAFF RECOMMENDATION IS FOR APPROVAL.

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

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-72 "OFFICE (O-1) DISTRICT" AND SECTION 58-73 "OFFICE (O-2) DISTRICT" SO AS TO ALLOW VETERINARY CLINICS AS A PERMITTED USE SUBJECT TO LIMITATIONS ON A SINGLE TENANT BUILDING AND SEPARATION FROM RESIDENTIAL; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at its May 9, 2017 meeting; and

**WHEREAS,** the City Commission of the City of Winter Park held duly noticed public hearings on the proposed zoning change set forth hereunder and considered 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's Comprehensive Plan; and

**WHEREAS,** the City Commission hereby find 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 PEOPLE OF THE CITY OF WINTER PARK:

**SECTION 1.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by adding within Section 58-72 "Office (O-1) District", a new Permitted Use for veterinary clinics subject to certain limitations, as subsection 58-72 (b) (9) to read as follows:

#### Sec. 58-72. Office (0-1) district.

(b) *Permitted uses.* 

(9) Veterinary clinics (but not 24 hour veterinary hospitals) provided that they are located in single tenant buildings and located at least two hundred (200) feet from the nearest residential building measured building to building. In addition, there shall be no overnight or weekend boarding of animals and no outdoor kennels, runs or cages.

**SECTION 2.** That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by adding

within Section 58-73 "Office (O-2) District", a new Permitted Use for veterinary clinics subject to certain limitations, as subsection 58-72 (b) (8) to read as follows:

#### Sec. 58-73. Office (0-2) district.

(b) *Permitted uses.* 

(8) Veterinary clinics (but not 24 hour veterinary hospitals) provided that they are located in single tenant buildings and located at least two hundred (200) feet from the nearest residential building measured building to building. In addition, there shall be no overnight or weekend boarding of animals and no outdoor kennels, runs or cages.

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

**SECTION 6. EFFECTIVE DATE.** This ordinance shall become effective immediately upon its final passage and adoption.

**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 \_\_\_\_\_, 2017.

Attest:

Mayor Steve Leary

**City Clerk** 

## **GARDEN VETERINARY CLINIC**

March 28, 2017

To Whom It May Concern:

I would like to lease the building located at 1479 Gene Street, Winter Park, Fl, 32789, for use as a veterinary clinic. I understand that the zoning would need to be changed in order to use the building for this purpose. There will be very little change to the building's exterior. The interior will have three sinks installed and the carpeting will be removed and replaced with either tile or laminate flooring to make it easier to clean. I am planning on signing a five year lease with the intent to purchase the building during that time. There will be no overnight boarding or hospitalized animals.

I have been practicing veterinary medicine in Central Florida for the last 30 years. I opened my own practice, Garden Veterinary Clinic, in 2013. It has been very successful, and we have outgrown our current location at 308 East Par Street in Orlando, Florida. I would like to stay in the area to make it convenient for my clients. The building located at 1479 Gene Street seems perfect as it is less than one mile away, and has double the square footage of my current location. The interior will need very little work to convert it from the previous use as an orthopedic clinic to a veterinary clinic. I hope that you will allow this zoning change.

Sincerely,

M. MATD

Kim Neitzel, DVM



Carmen B Gomez

1479 Gene Street Winter Park, FI 32789

To Whom it May Concern City of Winter Park

I am the owner of the building located at 1479 Gene St in Winter Park FI which is within the City Limits. I am writing because a veterinarian, Kim Neltzel, DVM, has shown interest in leasing the building and I believe she would make a good tenant. I agree with her request to add the zoning of Veterinary Office Practice to the area where the building is located. She is planning on signing a five year lease and has shown interest in purchasing the building in the future. There will be no overnight boarding or hospitalized animals.

I further understand that if the building is not purchased or leased by veterinarian the ability to return it to a regular office building or a doctor's office is not lost by adding the designation of zoning for a Veterinary Office. This building was originally a business office then in the past twenty five years it has served as a Physician's Office and I understand we would keep the ability, if the Veterinarian decides to move, to return the building to its previous use which zoning presently allows.

Sincerely,

learmen Boudet Soma Carmen B Gomez

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

Staff Report May 9, 2017

**REQUEST OF FOCUSED STRATEGIES, INC. FOR:** APPROVAL TO COMBINE SIDE YARD SETBACKS ON THE PROPERTY AT 1019 WEST FAIRBANKS AVENUE, ZONED COMMERCIAL (C-3) IN ORDER TO PERMIT NEW BUILDING AND REMODELING AT A ZERO FOOT SETBACK ON THE WESTERN PROPERTY LINE.

Focused Strategies, Inc. is the owner of the property/building at 1019 West Fairbanks Avenue, zoned C-3. The applicant is proposing to demolish part of the building, construct additions to the building and renovate the interior for use as an office space, small 12 room hotel and one residential unit.

Since the existing building now sits on the western property line, they desire to construct the addition in line with the existing building with the same zero foot setback on the western property line. This agenda item requests the P&Z Board to grant an approval to combine the side yard setbacks at the property located at 1019 West Fairbanks Avenue, zoned commercial (C-3), per the Code section below.

While the existing building currently is setback zero feet from the property line, the new building must follow today's setback of five feet from the property. However, the C-3 zoning code states that if a person desires to combine the minimum side year setbacks and provide them only on one side of the lot, the P&Z Board has the authority to approve what is in essence a variance to allow the zero foot side setback.

#### Sec. 58-76. Commercial (C-3) District.

(e) Development standards.

(2) If a person constructing a building within this district desires to combine the minimum side yard setbacks and provide them on only one side of the lot, a site plan showing the locations of the proposed building as well as the location of existing adjacent building must be submitted to the planning and zoning commission for approval prior to the issuance to a building permit to ensure sufficient compatibility with adjacent properties. This reduction to the required side setback however, shall not be permitted if adjacent to a residentially zoned parcel.

#### Staff Analysis:

The planning staff has mixed feelings about this request. This property and building is and has been for many years, in poor condition and has had a run of unsuccessful businesses which detract from the positive redevelopment that has occurred in this area. Therefore, the planning staff is pleased to see this redevelopment and aesthetic improvement to this property. To the extent that the neighboring property does not object, providing assistance with the setback variance to help this positive redevelopment is recommended by staff.

However, the business model raises concerns with the planning staff as the building will have one office space, one residential unit and 12 hotel rooms with kitchenettes, which is in essence a rooming house for long term occupancy. It may be, as described, a boutique hotel, but in reality it will more likely be a 13 unit apartment building with 12 hotel room sized apartments. There isn't anything necessarily wrong with that scenario. But the owner is "branding" this project as a hotel which allows for more floor area ratio and fewer parking spaces. As such, the owner needs to understand that there is no "Plan B", if this business model does not succeed. There is not sufficient parking for the hotel rooms and residential unit to be used alternatively for mini-office suite businesses, and the City will not issue business licenses for the residents of these hotel rooms/apartments.

In the end, the positive redevelopment outweighs the staff's concerns about the business model and as such, the **STAFF RECOMMENDATION IS FOR APPROVAL.** 



City of Winter Park Planning & Community Development Department

April 6, 2016

FOR: PROJECT at 1019 W. FAIRBANKS AVENUE, WINTER PARK, FLORIDA 32789 WINTER PARK BUILDING DEPARTMENT PERMIT # 17-267

Attention: Allison McGillis

Attached documents 1 & 2 are submitted to Planning & Zoning for review in accordance with Winter Park Code Chapter 58, Article III Zoning, Section 76 C-3 Commercial C-3 District (e) Development Standards sub-paragraph (2)

(2) If a person constructing a building within this district desires to combine the minimum side yard setbacks and provide them on only one side of the lot, a site plan showing the locations of the proposed building as well as the location of existing adjacent building must be submitted to the planning and zoning commission for approval prior to the issuance to a building permit to ensure sufficient compatibility with adjacent properties. This reduction to the required side setback however, shall not be permitted if adjacent to a residentially zoned parcel.

Attached Documents 1, 2 & 3 are hereby submitted with a request to combine the 5' Side yard setbacks and continue the existing combined setbacks on the East Side of the Building for use as a driveway. As shown the property does not border any residential properties.

In addition, the new building footprint will match the building footprint shown on the Survey with the Exception of the Elevator Tower and the External Back Stairway will each extend 7' from the back of the current building footprint and will create a first floor parking lot entry area covered by second and third floor porch decks.

Attached documents 4 thru 6 are Elevation Drawings of the proposed project.

Thank you for your consideration of our request.

Richard Krampe President Focused Strategies, Inc. (407) 399-6911 (cell) rick@coinfree.com

#### ATTACHMENTS:

- 1. SITE PLAN for 1019 W. FAIRBANKS AVENUE, Winter Park, FL
- 2. SURVEY in 11 x 17 format
- 3. PROPOSED SITE PLAN
- 4. FAIRBANKS & COMSTOCK ELEVATION DRAWINGS
- 5. SIDE ELEVATION DRAWING (View From The Wine Barn)
- 6. SIDE ELEVATION DRAWING (View From Spatz)

1019 W. Fairbanks Avenue, Winter Park, Florida 32789

SITE PLAN for Winter Park Planning & Zoning Commission. In accordance with Winter Park Zoning Code Chapter 58, Article III Zoning, Section 58-76. Commercial (C-3) **District.** Sub-section (e) 2

If a person constructing a building within this district desires to combine the minimum side yard setbacks and provide them on only one side of the lot, a site plan showing the locations of the proposed building as well as the location of existing adjacent building must be submitted to the planning and zoning commission for approval prior to the issuance to a building permit to ensure sufficient compatibility with adjacent properties. This reduction to the required side setback however, shall not be permitted if adjacent to a residentially zoned parcel.



Revision:



Winter Park, Florida 32789

2017	Sheet: 1 of 1	





#### 255.00' PROPERTY LINE

### PROPOSED SITE PLAN

SCALE: 1" = 10'-0"



WINTER PARK Floor Area Ratio	(FAR)	SqFt
FAR LAND		12,750.00
FAR 45%	5,737.50	
FAR HOTEL 5%	637.50	
FAR RESIDENCE 10%	1,275.00	
FAR MAX FLOOR AREA		7,650.00
Building 1 - Floor Area Under HVAC	2,785.00	
Building 2 - Floor Area Under HVAC	4,823.75	
TOTAL FAR FLOOR AREA		7,608.75
UNDER Allowed FAR		41.25

MULTI-PURPOSE BUILDING FLOOR	AREA UTILIZAT	ION - SqFt
GENERAL OFFICE (1st Floor Building 1)		1,118.00
RESIDENTIAL (3rd Floor Building		
BOUTIQUE HOTEL (All Other 1st & 2n		
TOTAL BUILDING UTILIZATION		7,608.75
DECKS / PORCHES / STAIRWAYS	1,921.00	
TOTAL BUILDING PROJECT		9,529.75

PARKING REQUIR	REMENTS	Unit Count	Spaces
HOTEL ROOMS	1 per Room	12 rooms	12
HOTEL STAFF	1 per Staffer	1 per shift	1
OFFICE RENTAL	1 per 250 SqFt	1,118 SqFt	4
RESIDENTIAL	2 per Unit	1 unit	2
REQUIRED PAR	KING SPACES	-	19
BUILDING SITE S	SPACES		19
EXTRA CAR SPAC	ES per Plan	-	-
PLANNED	SPACES INCLU	JDE 1 ADA S	PACE

#### WINTER PAR

LAND Required Per Landscaping Parking In-Fil TOTAL pervise Current Pervise

### STORMWAT

LAND Less Perviou TOTAL NON Retention at Retention rec Holding Area LOCATED U

RK Pervious & Retention Calcs		- SqFt
		12,750.00
rvious Space 15%	15.00%	1,912.50
portion of pervious	13.01%	1,659.25
Il portion of pervious	3.40%	434.00
ious Post Construction	16.42%	2,093.25
ious Space	7.37%	940.00

TER RETENTION ARE	EA	
		12,750.00
JS		(2,093.25)
N PERVIOUS		10,656.75
1.00 inches of runnoff	in cubic in.	1,534,572
quirement in Gallons		6,643.0
two tanks totaling 890	0 Cubic Ft	6,657 us.l.g.
JNDER DUMPSTER A	REA / DRIV	VEWAY



FAIRBANKS AVE ELEVATION

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**COMSTOCK AVE ELEVATION** 

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SIDE ELEVATION View from the Wine Barn

