REQUEST OF WINTER PARK INVESTORS LLC ON BEHALF OF WAWA, INC. FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT A CONVENIENCE STORE AND DRIVE-IN GAS/FUEL SALES ON THE PROPERTY AT 901 AND 911 NORTH ORLANDO AVENUE, ZONED C-3.

This item is a request for conditional use approval for a Wawa convenience store and gas station on the property at 901/911 N. Orlando Avenue, zoned C-3. This was the old Quality Inn property that is now vacant.

Site and Context: The proposed layout will be for the gas station canopy operations on the Orlando Avenue frontage of the site and then to the rear/west a 6,119 square foot Wawa convenience store. The site has access both to Orlando Avenue as well as to Webster Avenue to the rear/west. Additionally, the site is being interconnected with the adjacent property to the north (Flemings steakhouse).

This is the northwest quadrant of the City where the Comprehensive Plan indicates that car sales and car related businesses are permitted versus some other commercial areas like Orange Avenue where the City would not permit a new gas station redevelopment. In this area, the City has tried to follow up on the success of the Winter Park Village by getting aesthetic upgrades every time the opportunity for redevelopment occurs. Probably the biggest disappointment was the redevelopment of the CVS pharmacy project at the Webster and Orlando Avenue corner. We thought that anything would be an improvement on the old run down Villa Nova building but the new CVS is the basic cheap stucco prototype with nothing special in architecture or landscaping. It was a major disappointment. So the City resolved to do better with the Flemings project on the Lee Road and Orlando Avenue corner and we insisted upon the architectural detail and interest (front and back) which is not typical of a strip commercial building. The conversion to the Fifth Third Bank at Webster and Orlando was all cosmetic but has some real nice landscaping upgrades.

This area has tremendous potential for redevelopment. There was to be a BP gas station on the opposite vacant Webster and Orlando Avenue corner but that conditional use has expired and we hear Chase bank is not chasing that site. The Corporate Square office property is positioning itself with leases expiring for a complete redevelopment. The former Holler/Luke Potter Dodge property is prime for redevelopment.
All of this potential and it seems like any brand of gas station convenience store redevelopment will be a step backwards. No one likes gas stations of course until they need one. So, the issue is how do we make something that is inherently not attractive at least marginally attractive. That is the challenge for the staff and the planning board with this request.

**Urban Form:**  The site plan arrangement is the typical ‘suburban’ layout that we are all familiar with that has the gas pumps/canopy up on the street frontage and the convenience store building in the rear. The ‘urban’ form would require the project to reverse the site plan layout. An ‘urban’ form would have the more attractive convenience store building on the principle street frontage of Orlando Avenue with customer access to the store both internally from the inside parking lot and from the out-street side with pedestrian access to the street. Then the gas pumps/canopy would be in the rear where they are less visible.

Staff is told that the applicant (Wawa) will not agree to the urban form. Our codes do not compel design to the ‘urban’ form. This conditional use process becomes the venue for the City to impose such a requirement. These are the “poker games” that we play sometimes. Will they really walk? Have we really lost anything if they do? The compromise with the Walgreens project at Orlando/Fairbanks was to allow the ‘suburban’ form but offset with major architectural and landscaping upgrades. We said to Walgreens, if the City approves the site plan layout the way Walgreens wants it (suburban) then it is going to be one of the best looking Walgreens ever. Today, it is viewed by many as one of the best looking Walgreens projects in the nation. This is really the same type of situation. The planning board will need to assess whether there are compensating architectural and landscaping upgrades on this project that offset the otherwise unattractive image of a typical ‘suburban’ gas station/convenience store.

**Parking:**  The required parking for this 6,119 sq. ft. building based on one space for each 250 square feet is 25 spaces. The proposal shows 59 spaces including the three handicap spaces required by code.

**Traffic Circulation and Stacking:**  The access from Orlando Avenue is right turn in/right turn out only as the median on Orlando Avenue prohibits left turns. Access also exists in the rear/west to Webster Avenue where traffic can then get to the traffic light at Webster and Orlando for the full range of turning movements. This almost two acres site (1.95 acres) is really larger than they need (thus the excess parking) so there is ample room for stacking and queing for any lines of cars waiting at a peak period at the gas pumps.

**Tree Preservation and Landscaping:**  There are a small cluster of nice trees at the western corner where this property meets the Flemings property which are being preserved. No other trees exist on site. Per direction from staff, the site plan shows a significant 30-40 foot wide landscape island area at the frontage of this site on Orlando Avenue. If we are going to have to look at a somewhat unattractive gas pump island canopy on the main street frontage then necessity is to insure that significant specimen
landscaping is provided in this landscape buffer. The landscape plan presented is going in the right direction. Staff is trying to screen the gas pump canopy structure with palm trees and will suggest a condition of approval to further refine that plan, if recommended for approval. In addition, staff will request two 30 foot wide driveways with 25 foot radii. That gets six more feet of front landscape area due to the reduction in radii.

Architecture: The preliminary architectural elevations are provided. Staff believes that improvements can be made to the designs presented and has asked for a more "understated" color scheme than the canary yellow and red colors presented. We provided examples of the Wawa corporate look that is prevalent in the mid-Atlantic States as the template for them to follow. (See pictures attached) Wawa is not interested in altering the color patterns or look of their Florida prototype. So the opportunity to mimic the architectural design direction as the City accomplished with the Walgreens at Fairbanks and 17-92 does not appear to be possible.

Summary: Staff understands that in these difficult economic times the mantra can be any redevelopment is good redevelopment. But the City can do so much better on this prime property. We can do so much better. If we lose a Wawa and it becomes a Panera Bread or a Chase Bank, have we really lost anything?

Staff has an applicant (Wawa) that is unwilling to compromise on the site plan layout to an 'urban' form that would be a significant redevelopment enhancement for this area. The developers of the Flemings project did not want to face their restaurant inward but they were willing to work with the City and put the building on the Orlando Avenue street frontage. In that way the 50,000 cars a day on Orlando Avenue are looking at an attractive building and not a parking lot.

In terms of architectural image, staff has an applicant (Wawa) that is unwilling to compromise on the attention grabbing canary yellow and bright red colors for the project. Even McDonalds has transitioned away from their red and yellow color schemes but there is no room for compromise on architecture or even on color by Wawa. As compensation we have an applicant (Wawa) that offers eight palm trees up front to screen the project. As a result, staff believes they have really no choice except:

**STAFF RECOMMENDATION FOR DENIAL** of the conditional use with the direction to revise and resubmit based on an 'urban' site plan form with the building on the Orlando Avenue street frontage and the gas pump canopy in the rear (west). However, if the Planning Commission decides to recommend approval then staff suggests the following conditions:

1. That the preliminary conditional use approval does not include approval of the architectural elevations. The architectural designs shall be approved by the City coincident with the final conditional use approval.

2. That the preliminary conditional use approval does not include the landscape plan or sign plans. The landscape and sign plans shall be approved by the City coincident with the final conditional use approval.
Parcel ID: 292201522400030 (Rng-Twn-Sec format)

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


(8) Animal hospitals, pet stores and other animal care businesses provided that there shall be no outside kennels, pens or runs, and there shall be no overnight boarding of animals unless the structure is located more than 250 feet from a residentially zoned parcel of land;

(9) Churches, non-profit organizations’ halls/lodges, uses and schools less than 5,000 square feet in size (see parking requirements for limitations).

(10) Uses customarily incidental and accessory to the permitted uses, including the repair of goods of the types sold in stores are permitted. Such repair must be carried on within a completely enclosed building, may not be carried on as a separate business, and provided further that there shall be no manufacturing, assembling, compounding, processing or treatment of products, other than that which is clearly incidental and essential to the permitted uses.

(c) Conditional uses. The following uses may also be permitted as conditional uses following review by the planning and zoning commission and approval by the city commission in accordance with the provisions of this Article. See Sec. 58-90 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.

(2) Cemetery monument sales but excluding outdoor display.

(3) Public utility substations or sub-installations.

(4) Convenience stores or service station operations selling retail gasoline/diesel and other petroleum products along a variety of retail products with or without the service/repair of vehicles;

(5) Businesses involving the repair and servicing of motor vehicles or boats.

(6) Automatic car washes, paint and body shops.

(7) Retail and/or wholesale automobile part sales.

(8) Office/showroom/warehouse use.

(9) Drive-in components of any business.

(10) Restaurants, bars, taverns, cocktail lounges providing alcoholic beverages for consumption on the premises and liquor stores when located within 300 feet of residential properties.

(11) Buildings over 10,000 square feet, or any addition over 250 square feet to an existing building over 10,000 square feet, or additions to existing buildings that result in a building over 10,000 square feet in size.

(12) Any conditional use provided in the R-3 or R-4 districts, however said use is limited to the site and improvement regulations of this district.

(13) Any building with residential units as a component of the building. However, time shares are not permitted.
Example of urban form for gas/convenience store
**Site Plans**

**Property Owners**

Wawa, Inc.

901 N. Orlando Avenue

Winter Park, Florida

**Lot Area: 1.95 Ac.**

Phone (407) 620-0717, Fax (407) 342-0377

Winter Park, FL 32789

425 W. New Hampshire Avenue, Suite 300

**Application:**

Phone (407) 647-8252

Orlando, FL 32801

135 W. Central Bivd.

**Sheets:**

- E-1
- E-2
- E-3

**Legend:**

- **Exhibit A:**
  - A-1
  - A-2

**Issued:**

For W/IU Zoning Use Application

Issued date: September 20, 2011

**Last Issue:**

Written by D. C. Morgan, July 2011

**Drawing Title:**

Sheet Index
Streamlining the Zoning Approval Process

At the August 2nd Planning Board meeting several initiatives were reviewed outlining ways to streamline the zoning approval process for new development. The goal is to look for ways to shorten the process for applicants needing a zoning approval, such as a conditional use from the planning board and/or city commission.

As part of this effort, the Planning Board in August approved ordinances to increase the threshold for small additions needing P&Z reviews, revamped the lakefront review process to allow for staff approval of swimming pool additions and eliminated the wait for the twice a year cycle for comprehensive plan amendments. This ordinance revises the threshold for the city-wide notice requirements which translates into a 30 day time savings for applicants that do not need the city-wide notice.

Summary of the Code Changes and the Applicable Ordinances:

**Modifying the Threshold for the City-Wide Notice:**

These ordinances increase the threshold for a city-wide notice for conditional uses from 25,000 sq. ft. to 35,000 sq. ft. and for FLU/Rezonings from one acre to 80,000 square feet land. There are two ordinances to accomplish this since one changes the Zoning Code notice requirements and the second one amends the Comp. Plan notice requirements.

The 80,000 sq. ft. was chosen because that is the threshold for a rezoning to the Planned Development zoning districts which would include parking garages. The typical maximum FAR of 45% on an 80,000 sq. ft. parcel would permit 35,000 sq. ft. of building so that number then correlates to the land area threshold number.

Another minor change is also to eliminate the requirement for a city-wide notice to extend or re-establish an expired (already approved) conditional use and rely instead upon a quarter page advertisement notice.

**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" SO AS TO REVISE THE PUBLIC NOTICE REQUIREMENTS FOR ZONING AMENDMENTS AND CONDITIONAL USES AND THE EXTENSION OR RE-ESTABLISHMENT OF CONDITIONAL USES, PROVIDING FOR SEVERABILITY, CONFLICTS, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Winter Park has recommended approval of this Ordinance at its October 4, 2011 meeting; and

WHEREAS, the City Commission of the City of Winter Park held duly noticed public hearings on the proposed zoning text 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 CITY OF WINTER PARK:

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning" Section 58-89 "Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses", within subsection within 58-89 (c) "Requirements for public notification and hearings", subsection (c) (2) "Public notice requirements" paragraphs (a) (b) and (c) are amended to read as follows:

Sec. 58-89. Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses.

(c) Requirements for public notification and hearings.

(2) Public notice requirements.

a. In addition to notice required by state law, for any proposed conditional uses involving drive-in business components, two-story buildings in the O-2 district of less than 10,000 gross square feet above grade, residential projects of three units or less, conditional use for restaurant or liquor licenses, new or used car sales, vehicle repair or service, parking lots or recreational facilities, said notice of the hearing shall be published in a newspaper
of general circulation within the city at least fifteen (15) days in advance of the hearing; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property and mailed to all owners of record of property within 500 feet of the property requested for rezoning at least fifteen (15) days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant.

b. In addition to notice required by state law, for any amendment to the official zoning map for land of less than one acre and for conditional uses involving church expansions, residential projects of four to twenty-five units, buildings over 10,000 gross square feet and less than 35,000 25,000 gross square feet above grade, day care, nursing homes and assisted living complexes said notice of the hearing shall be published in a newspaper of general circulation within the city at least fifteen (15) days in advance of the hearing; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property and mailed to all owners of property of record within 1,500 feet of the property requested for rezoning at least fifteen (15) days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant.

c. In addition to notice required by state law, for any proposed amendment to the official zoning map for land of more than 80,000 square feet one acre and for conditional uses involving residential projects with over twenty-five units, buildings over 50,000 25,000 gross square feet above grade and third floor projects in the central business district, said notice of the hearing shall be published in a newspaper of general circulation within the city at least thirty (30) days in advance of the hearing; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property and mailed to all owners of record of property within 1,500 feet of the property, and mailed to all households as determined from the listing of utility billing addresses within the entire city limits at least thirty (30) days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant. Said postings of properties shall remain in place through the public hearing process. The city shall monitor this posting and provide replacements for any postings lost due to weather, vandalism, etc. However, the absence of a posting due to these conditions beyond the control of the city or the applicant shall not constitute a breach of this requirement provided a good faith effort is made to comply.

SECTION 2. That Chapter 58 "Land Development Code", Article III "Zoning" Section 58-90 "Conditional uses", within subsection within 58-90 (d) "Expiration and re-establishment of conditional uses", subsection (d) (2) is amended to read as follows:

Sec. 58-90. Conditional uses.

(d) Expiration and re-establishment of conditional uses.

(2) The city commission may extend conditional uses or re-establish conditional use approvals that have expired at the discretion of the city commission. The advertisement and notification requirements shall not apply to the re-establishment of expired conditional uses except that for conditional uses approvals involving buildings over 10,000 square feet or involving three story
buildings within the central business district geographic area as defined in this code, the advertisement and notification requirements shall apply the same as for the initial approval of the conditional use in order for the city commission to extend or re-establish such conditional use approvals that have expired. For projects requiring city-wide notice, the city commission may, at their discretion, consent to the alternative use of a quarter page display advertisement in a newspaper of general circulation shall substitute.

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 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 ________________, 2011.

__________________________
Mayor

ATTEST:

__________________________
City Clerk
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT NEW PUBLIC NOTICE AND ADOPTION PROCEDURES FOR AMENDMENTS TO THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, SUBSTITUTING FOR THE CURRENT AMENDMENT PROCEDURES, PROVIDING FOR SEVERABILITY, CONFLICTS, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Statutes require all local communities to adopt Comprehensive Plans pursuant to Chapter 163, Florida Statutes and Florida Administrative Rules in order to provide appropriate policy guidance for growth and development: and

WHEREAS, the Winter Park City Commission has adopted the Comprehensive Plan on February 23, 2009 via Ordinance 2762-09 and desires to revise the public notice and amendment procedures.

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

SECTION 1. That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" of the Code of Ordinances is hereby amended within Section 58-6 "Amendments to the comprehensive plan" subsection (a) (3) to read as follows:

Sec. 58-6. Amendments to the comprehensive plan.

(a) Amendments to the comprehensive plan shall at a minimum conform to the requirements as specified within Florida Statutes Chapter 163, Part II and Rules 9-J5/9-J11 Florida Administrative Code.

(3) No recommendation for transmittal or adoption of any amendment to the comprehensive plan shall be made by the planning and zoning commission until and unless a public hearing has been held. In addition to the public notice requirements of Florida Statutes Chapter 163, Part II and Rules 9-J5/9-J11 Florida Administrative Code, the city shall also conform to the following notice requirements. Notice shall be provided based upon the type and size of the request as detailed below. In cases where requests are not specifically indicated in this section, the planning director shall determine the most appropriate level of public notice.

a. For any proposed map amendment to the comprehensive plan involving land of less than 80,000 square feet or one acre, notice of the public hearings for transmittal in the case of large scale amendments or for adoption in the case of small scale amendments shall be published in a newspaper of general circulation within the city at least 15 days in advance of the public hearing; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property and mailed to all owners of record of property within
1,500 feet of the property requested for map amendment at least 15 days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant.

b. For any proposed map amendment to the comprehensive plan involving land of 80,000 square feet or more or for any comprehensive plan text amendment to the goals, objectives and policies of the comprehensive plan affecting more than 80,000 square feet of land shall require notice of the public hearings for transmittal in the case of large scale amendments or for adoption in the case of small scale amendments, to be published in a newspaper of general circulation within the city at least 30 days in advance of the public hearings; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property affected by the map amendment and mailed to all owners of record of property within 1,500 feet of the property requested for map amendment as well as mailed to all households as determined from the listing of utility billing addresses within the entire city limits at least 30 days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant. Any public notice required after the initial public hearing for which a city-wide notice has already been mailed by the planning and zoning or city commission due to tabling, continuance, postponement or any other action by the planning commission shall revert to the 15 day notice so as to allow for requests to be heard at the next regular or special meeting of the planning and zoning or city commission. This city-wide notice mailing requirement shall not apply to any comprehensive plan text amendment that changes the City’s five year capital improvements plan or narrative thereto or other portions of the capital improvements element required to be adopted annually in order to coincide with the annual adoption of the city’s budget and capital improvements program and shall also not apply to any comprehensive plan map amendment related to annexations that have been previously approved pursuant to Chapter 171, Florida Statutes, as may be necessary to update the city boundaries or to establish existing or future land use designations for annexed properties as long as there is no change to the existing and future land use designations in the Orange County Comprehensive Plan.

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. 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 ________________, 2011.

__________________________
Mayor

__________________________
City Clerk