CITY OF WINTER PARK
PLANNING AND ZONING BOARD

Staff Report
July 2, 2013

REQUEST OF ROLLINS COLLEGE TO: AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION OF COMMERCIAL TO OPEN SPACE AND RECREATION ON THE PROPERTY AT 1111 WEST FAIRBANKS AVENUE.

REQUEST OF ROLLINS COLLEGE TO: AMEND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING COMMERCIAL (C-3) DISTRICT ZONING TO PARKS AND RECREATION (PR) DISTRICT ON THE PROPERTY AT 1111 WEST FAIRBANKS AVENUE.

Rollins College has purchased the Bowl America property at 1111 W. Fairbanks Avenue for which they seek Comp. Plan FLU Map and Zoning Map changes to:
   1. Change the existing Commercial (C-3) FLU and Zoning designations to Open Space and Recreation (PR) FLU and zoning in order to use this property for the relocated Rollins College women’s softball field.

Rollins College is working with the City on a plan to add a new lacrosse field for the college and other users at MLK Park which necessitates the relocation of the existing college women’s softball field. All of those details on the MLK park projects are in process of being reviewed by the Parks and Recreation Board and the City Commission. However, to move the softball field over to the Bowl America property requires rezoning from commercial to a park designation.

The existing commercial (C-3) zoning on the Bowl America property permits “permanent recreational facilities within enclosed soundproof buildings” but it does not permit outdoor recreational facilities. That presumably was done many years ago to restrict commercial properties for use as skateboard parks, miniature golf courses, driving ranges, etc. Thus, Rollins College needs a parks zoning designation which permits both “public and private recreational facilities” with such comparable private recreation facilities as the Winter Park Pines Golf Course, Winter Park Racquet Club and Harper Shepard Field (Rollins baseball field).

The Bowl America property at 1111 W. Fairbanks Avenue is 71,115 sq. ft. in size (1.63 acres). Attached is a preliminary plan of the layout of the new softball field.

The Planning Board is not charged with approving those plans. They are just provided for illustrative purposes. The parks and recreation zoning (PR) zoning provides that the City Commission approves the construction of park and recreation buildings, structures and facilities based on recommendations from the Planning
Director and/or Parks and Recreation Director. If the City Commission decides they want a recommendation on that decision from P&Z on the facilities then they must refer that request to P&Z. (The PR zoning code section is below)

So the limit of P&Z’s jurisdiction (unless asked further by the City Commission) is just the recommendation on the FLU and rezoning for subsequent review and approval of the facilities by the City Commission.

Parks and Recreation Zoning District (PR) Development Standards.

(1) Any buildings or structures erected within this district shall be approved by the city commission following a public hearing after receiving recommendations from the planning director and/or the parks and recreation director. The city commission may elect to refer such decisions to the planning and zoning commission or parks and recreation board for recommendations prior to their final deliberations. It shall be the goal of the city commission to encourage the use of the publicly and privately owned recreational facilities while minimizing to the maximum extent possible any adverse impacts on adjacent residential areas from overflow parking, traffic, noise and night lighting.

Traffic Comparison: The 71,115 square foot Bowl America property, zoned C-3 could be redeveloped with up to 32,000 sq. ft. of building space per the 45% FAR. It is difficult to predict the potential traffic generation without knowing the business uses in such a building. Just as general retail space that size building would generate 800 car trips per day. If a bank or restaurant were part of that mix (as is likely then the traffic generation could be in the 1,100-1,350 trips per day. By comparison, even on the days when there are softball games being played, the traffic generation would be far less that if the site were redeveloped commercially.

STAFF RECOMMENDATION IS FOR APPROVAL
ORDINANCE NO. ———

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO OPEN SPACE AND RECREATION ON THE PROPERTY AT 1111 WEST FAIRBANKS AVENUE, MORE PARTICULARLY DESCRIBED HERELN; 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, the owner of the property more particularly described herein has requested an amendment to the Comprehensive Plan for this property, and such amendment meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

WHEREAS, the Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on July 2, 2013, 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 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. 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 of commercial to open space and recreation on the property 1111 W. Fairbanks Avenue, said property being more particularly described as follows:

Lots 7 through 11 and Lots 13 through 18 plus the vacated alley lying between Lots 7-11 and Lots 14-18 and the North half of the vacated alley lying south of Lot 13, Block 1, Lake Island Estates as recorded in Plat Book "M", Page 95 of the Public Records of Orange County, Florida. Property Tax ID # 1-22-29-4512-01-070
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 may not become effective until 31 days after adoption. If challenged within 30 days after adoption, this Ordinance may not become effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that this Ordinance 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 ______________, 2013.

____________________________________________________________________ Mayor

Attest:

____________________________________________________________________

City Clerk
ORDINANCE NO.  

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF COMMERCIAL (C-3) DISTRICT TO PARKS AND RECREATION (PR) DISTRICT ON THE PROPERTY AT 1111 WEST FAIRBANKS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the owner of the property more particularly described herein has requested rezoning in compliance with the Comprehensive Plan, and the requested zoning will achieve conformance with the Comprehensive Plan future land use designation for this 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 and City Staff of the City of Winter Park have recommended approval of this Ordinance at their July 2, 2013 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 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. That Chapter 58 “Land Development Code”, Article III, "Zoning" and the Official Zoning Map are hereby amended so as to change the existing zoning designation of commercial (C-3) district to parks and recreation (PR) district zoning on the property at 1111 W. Fairbanks Avenue and said property being more particularly described as follows:
Lots 7 through 11 and Lots 13 through 18 plus the vacated alley lying between Lots 7-11 and Lots 14-18 and the North half of the vacated alley lying south of Lot 13, Block 1, Lake Island Estates as recorded in Plat Book "M", Page 95 of the Public Records of Orange County, Florida. Property Tax ID # 1-22-29-4512-01-070

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 upon the effective date of Ordinance __________. If Ordinance __________ or if either Section of that Ordinance does not become effective, then that Section or 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 _____________, 2013.

________________________________________________________________________ Mayor

Attest:

________________________________________________________________________
City Clerk
APPLICATION FOR COMPREHENSIVE PLAN
AMENDMENT AND/OR
APPLICATION FOR A CHANGE IN ZONING CLASSIFICATION

General Instructions: To request a change in land use category or zoning, complete this application and submit it to the Planning Department along with the fee of $1,000 for less than one (1) acre or $2,000 for more than one (1) acre and all additional information necessary for public hearing before the Planning and Zoning and the City Commission. All required documents must be submitted with the application.

I. APPLICANT

Name: Rollins College
Address: 1000 Holt Avenue
          Winter Park, FL 32789
Phone: 407-646-2117
Email Address: jeisenbarth@rollins.edu

II. PROPERTY

Street Address: 1111 W. Fairbanks Avenue

PARCEL # 01-22-29-4512-01-070 (same as tax ID number of Orange County property tax records)

Legal Description: Provide complete and accurate legal description below including Plat Book and Page Number OR attach a copy of the legal description to this application.

Lake Island Estates M/85 Lots 7 to 11 and 13 to 16 and 10 ft. vacated alley North of Lots 7 to 11 and South of Lots 14 to 18 and North 1/2 of vacated alley South of Lot 13 per 1760/381

III. ZONING MAP AMENDMENT/COMPREHENSIVE PLAN AMENDMENT

Current Future Land Use: commercial
Proposed Future Land Use: open space and recreation
Current Zoning: C-3
Proposed Zoning: PR

The applicant requests that the property be changed to a zoning land use (as specified above) for the following specific use or uses:

Expansion of MLK Park and construction of additional ballfields

IV. CERTIFICATION

I certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate, and that I am:

☐ the owner of the property described herein
☐ a party to an agreement for purchase or lease of this property
☐ an agent for the owner or purchaser/lessee of this property

If applicable, it is understood and agreed that approval of this application by the Planning and Zoning Commission is contingent upon the recording of restrictive covenants designating the terms and conditions of an approval. These restrictive covenants will be executed by the owner of the property and recorded by the City of Winter Park. Said owner will be responsible for all fees associated with the recording of this document.

SIGNATURE

DATE 6-5-13
CITY OF WINTER PARK
PLANNING AND ZONING BOARD

Staff Report
July 2, 2013


On September 25, 2006 the City Commission by a 4-1 vote approved the conditional use, for a six unit, four story, 23,500 square foot condominium project to replace the existing Ye Ole Brick condo building at 125 S. Interlachen Avenue. This project required a conditional use approval for buildings over 10,000 sq. ft. and this specific project included variances that were approved for additional lot coverage (50% vs. 40%) and additional height (four stories vs. three stories).

The property is zoned R-4 but with less than 20,000 square feet of land area it is to conform to the R-3 development standards. The City Commission compromised in the original 2006 approval between the R-3 and R-4 standards. Six units is the R-3 residential density. The 50% impervious coverage is less than the 55% permitted in R-4 but more than the 40% allowed in R-3. The building height of four stories and 45 feet is less than the five stories and 55 feet allowed in R-4 but more than the three stories and 35 feet of R-3.

Mr. Phil Keen now intends to develop this project based upon those 2006 approvals and entitlements. His plans however, involve a completely different architectural style from that originally approved. Under the Code there are certain changes which are deemed “significant changes” that require a subsequent review and recommendation from the Planning Board and approval by the City Commissioner. Those include “when there is a change in the architectural style of the building” which is the case with this request. In other words, don’t show the City something and then build something that looks completely different. Thus, this subsequent approval is required under our Code.

Also as background, on October 14, 2008 the City Commission granted to the original developer, Mr. Robert Vega, an extension to that original conditional use approval for another two years. That the conditional use approval was to expire on
October 14, 2010. However, in the interim Mr. James Moye recovered the property (in lieu of foreclosure) and obtained another two year extension of the conditional use approval on August 23, 2010. Since conditional uses expire after two years, that approval was to expire on October 14, 2012 however, the City Commission granted an additional extension until October 14, 2014. Thus, the project still maintains the entitlements and variances that were approved in 2006.

**Project Plan Request:** The Planning Board is not being asked to 'weigh' in on any of the particulars of this project except the change in architectural style. In this case we are changing from a more or less Mediterranean look to a Modern Contemporary look. There are many eclectic architectural styles throughout the City and unless something was proposed that was markedly incongruous with the character of the neighborhood then staff is not in the position to dictate one architectural style over another. So if this were to look like a rocket ship or a geodesic dome then it would be markedly incongruous but that is not the case in this circumstance.

**STAFF RECOMMENDATION IS FOR APPROVAL.**
Original Architectural Style - as approved in 2006
2006 Project Plans

Robert Vega's Project 125 S. Interlachen
Zoning: R-4

Six units: 23,500 sq ft
Property size: 16,200 sq ft
FAR: 1.47