REQUEST OF WINDERMERE WINTER PARK VENTURES LLC FOR: CONDITIONAL USE APPROVAL UNDER THE LARGE BUILDING ORDINANCE TO BUILD A NEW TWO STORY, 15 UNIT RESIDENTIAL TOWNHOUSE PROJECT AT 472 AND 510 W. SWOOPF AVENUE, ZONED (R-3) WITH VARIANCES FOR BUILDING AND IMPERVIOUS LOT COVERAGE AND A 10 FOOT SIDE SETBACK ON THE WEST SIDE IN LIEU OF THE REQUIRED 20 FEET.

Windermere Winter Park Ventures LLC is requesting Conditional Use approval for a new, two and a half story, 15 unit residential townhouse project. These properties are on the opposite side of the street from the Swoope Avenue Water Plant. The combined properties of 472 and 510 W. Swoope Avenue are 150 feet wide by 250 feet deep for a combined site area of 37,500 square feet.

Based on the existing R-3 zoning, when you have a property with more than 15,000 sq. ft., the maximum residential density is one unit for each 2,500 square feet of land. So this 37,500 sq. ft. of land in the two combined lots equates to the 15 units requested.

The Conditional Use Request:

The applicant is requesting conditional use approval per the attached plans. Those plans show 15 two and a half story townhouses. They are arranged in a nine unit building on the east side of the property and a six unit building on the west side of the property with a center common driveway.

The units range in size from 1,750 to 2,600 sq. ft. of living area and all units additionally have an enclosed two car garage. Parking is required at 2.5 spaces per unit (37.5 spaces) and the site plan shows 39 parking spaces. There is an enclosed two car garage for each unit and 9 outside common area spaces. The companion public hearing item for the 434/444 townhouse project describes in depth the issue of open carport parking versus enclosed garages.

Architecturally, the design is simple but in scale with the neighborhood. On the street front unit, there is a street front facing front porch to give the building visual street appeal. The project has 5v-crimp metal roof which is an upgrade financially and appearance wise over asphalt shingle.

The project generally meets the R-3 code provisions but there are three variances requested:
Two of the variances relate to the maximum building footprint or building lot coverage and the corresponding maximum impervious lot coverage. The R-3 code maximum is 40% building lot coverage (footprint) of the lot area and 70% impervious coverage. This design is at 42.4% building lot coverage and 73.2% impervious lot coverage. The design challenge for the developer is that the first floor needs to contain the two car garage area and the 'living' spaces of the kitchen and living room. Upstairs are the bedroom spaces. So the design challenge is providing enough usable 'living' space on the first floor and that results in the building (footprint) lot coverage variance which totals 900 sq. ft. (total over code) or 60 sq. ft. over per unit. The impervious lot coverage variance is the result of the same design challenge and the need for 2.5 parking spaces per unit. The 1,215 sq. ft. of impervious coverage over the code limit is again 900 sq. ft. from the building footprint, 175 sq. ft. from the two open front porches and 140 sq. ft. of added pavement which is one parking space.

The third variance is a request for a 10 foot side setback on the west side of the property in lieu of the required 20 foot side setback. The design purposefully puts the smaller, six unit building on the western side requesting the variance versus the larger nine unit building. On that west side is a 10 unit residential project owned by Chris Heidrich. In your packets is an email from Chris Heidrich consenting to the variance for the ten foot side setback subject to a condition requiring a bamboo hedge screen which staff will incorporate into the staff recommendation.

**Staff Appraisal:**

It is unfortunate that this 472/510 W. Swoope townhouse project and the companion one at 434/444 W. Swoope is surrounding the modest one story single family home in the middle at 446 W. Swoope Avenue. However, these properties have historically (since 1971) been zoned R-3 for multi-family development and the R-3 zoning was established in recognition of the 250 foot lot depths in this block. The location is across the street from the city's water plant and a half block from the Public Safety complex. As such, multi-family development is compatible with the area and what has been contemplated by the R-3 zoning for many decades.

The variances for the added lot and impervious coverage will be imperceptible. As long as the project provides the bamboo landscape screen requested by the neighbor who is impacted by the side setback variance and the project landscapes the front yard beyond the minimum code, then the visual impact of the added coverage will be mitigated.

**STAFF RECOMMENDATION IS FOR APPROVAL** of the Conditional Use with the condition that a landscape plan be approved by City that incorporates a bamboo screen along the western setback area and increased landscape buffer in the front yard.
Hi Jeff,

Let this email act as my agreement as the neighboring property owner to your putting the six unit building ten feet from my property line on W. Swoope Ave. in Winter Park. It is also agreed that a bamboo hedge will be planted just inside the property line on your side running the entire length of the building. You’ve agreed to allow me to pick the bamboo variety, the size plant container, spacing and planting method. Spacing typically is four feet and the planting method shall include the digging of a shallow ditch lined with a plastic material to contain the future growth pattern of the clumping bamboo. The variety will be primarily selected based on maximum growth height, density and low temperature tolerance.

All best,

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*Chris Heidrich*
321-277-6995
*cheidrich63@gmail.com*
ARCHITECTURAL SITE PLAN
REQUEST OF WINDERMERE WINTER PARK VENTURES LLC TO: AMEND THEIR CONDITIONAL USE APPROVAL TO REMOVE THE PROHIBITION ON ENCLOSED GARAGES VERSUS OPEN CARPORTS AT THE TWO STORY, 9 UNIT TOWNHOUSE PROJECT UNDER CONSTRUCTION AT 434/444 W. SWOOPE AVENUE, ZONED (R-3).

In February, 2012, Windermere Winter Park Ventures LLC received Conditional Use approval for a new, two story, ten unit residential townhouse project at 434/444 W. Swoope Avenue. (It is soon to be re-addressed as the 400 West Swoope Avenue)

This project was subsequently revised down to nine units by the developer and is now under construction. As they begin to market the units they are getting a negative response from buyers about having carports for each townhouse unit versus enclosed garage space. The developer is now asking to remove that original condition of approval so they may complete the project with enclosed garages.

The applicant has submitted a revised building perspective drawing showing the “look” with garages which they believe to be more attractive. The primary concern cited by the applicant for the change is the added security of an enclosed garage space versus the open carport.

Garages versus Carports: While it may seem unusual, that specific design feature of carports versus garages was originally requested by the planning staff. What the City has learned with townhouse projects is that the two car garages get filled up with “stuff”. Pretty soon you have one car or both cars parked out on the street because the garages are filled up with “stuff”. The same thing happens (garages filled with stuff) in single family neighborhoods but typically there is additional driveway area to park on which lessens the on-street parking. In areas of the City developed with a row of townhomes, there are sections of Indiana, Schultz, Kentucky and Aragon Avenues where we have a one way street at night with long lines of cars parked back to back on-street, so cars can pass only one way at a time. All of the congested street sections are in front of townhouse projects with two car garages. Garages that are filled with “stuff”. So originally to keep this project from angering the neighbors with cars parked up and down the street, the carport design was required and a specific condition of approval was part of the action by the City.
Staff Appraisal:

In these situations where the City experiences numerous cars parked on-street, the City Traffic Division, for traffic safety, designates and posts one side of the street to prohibit on-street parking. In fact, Public Works/Traffic Division had already determined that for this section of Swoope Avenue, in order to keep the optimum free flow of two way traffic on this street section, the north side of Swoope Avenue in this block is designated as 'no on-street parking'. Given the number of driveways that exist on the south side, there will only be about 6-7 on-street parking spaces available. Given that there is only be a finite number of on-street parking spaces for the residents to overflow into, the staff has moderated its' position. Residents are not likely to park around the corner on Pennsylvania or Virginia Avenues. This also is not a heavily traveled street so whatever inconvenience is caused by on-street parking will likely be felt largely by the residents of these two townhouse projects.

STAFF RECOMMENDATION IS FOR APPROVAL of removal of the prohibition on enclosed garages for this project.
City of Winter Park:
Planning and Zoning Board
401 South Park Avenue
Winter Park, FL 32789

Winter Park Planning and Zoning Board,

Our client has expressed concern regarding the covered parking areas for the Townhome Units at 434 W Swoope Ave, Winter Park, FL 32789. Our client believes that these townhome units would better serve the intended market by providing a secured garage rather than covered parking. We have prepared a proposal to add a garage door to the covered parking area for each unit in order to create a secured 2 car garage. We have recessed the garage doors in such a way that it creates depth and shadows for the elevation of the building, providing texture as opposed to the garage doors aligning in the same plane as the exterior wall of the building. Please review the proposal and consider the option to add a garage door to each unit as indicated. Each unit contains a storage area within the garage and enough space to park 2 cars.

Respectfully Submitted,

Mark Nasrallah
Nasrallah Architectural Group, Inc.
3920 Edgewater Drive
Orlando, FL 32804
407-647-0938
CITY OF WINTER PARK
PLANNING AND ZONING COMMISSION

Staff Report
October 1, 2013

REQUEST OF ALOMA AVENUE HOLDINGS LLC TO: AMEND CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE EXISTING ZONING OF MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTY AT 409 ST. ANDREWS BOULEVARD.

Aloma Avenue Holdings LLC (Dr. Shaw) has acquired the former Signature Pharmacy building at 2304 Aloma Avenue and also the property directly behind, to the south, at 409 St. Andrews Blvd. Their intention is to renovate the Signature Pharmacy building into medical office space and to expand the parking onto the 409 St. Andrews Blvd. property. That property is now zoned residential (R-3) and they are requesting rezoning to office (O-2).

The existing development on both of these properties is grandfathered-in from development in Orange County prior to annexation by the City in 1992. The Signature Pharmacy building is developed as medical space on the second floor and general office space on the first floor. The property at 409 St. Andrews Blvd. (while zoned R-3) has general office space downstairs and a residential unit upstairs in the existing building. That office business (in R-3 zoning) was likely approved as a special exception in Orange County. The intention is to demolish that building and redevelop 409 St. Andrews as additional parking which is needed to convert the entire former Signature Pharmacy building to medical use.

The construction plans show the detail of the exterior improvements. Retention is being added to these properties as none exists today. Landscaping is being added where none exists today. A new fence to buffer and screen the new parking lot from the adjacent duplexes will be added as no visual buffer exists today. So from the exterior view, this redevelopment of the site and renovation of the building will be a welcome upgrade. Staff is providing this explanation of the background for this request but the public hearing is just for the rezoning. The agenda item does not include approval of the specific plans which will still be required to meet the applicable zoning and other codes of the City.

Comprehensive Plan Designation:

Another feature inherited from Orange County and incorporated into the City’s Comprehensive Plan is “Office” future land use on the 409 St. Andrews Blvd. property. That means office zoning is both anticipated by the City and an entitlement to the owner.
This request is just for the zoning change from R-3 to O-2 (not any companion Comp. Plan future land use change). Given that the City's Comprehensive Plan has designated that this property can be zoned office, the City is obligated to follow our Comp. Plan and provide that requested zoning. It is also beneficial to see how that entire property will be improved via this project.

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” AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF MEDIUM DENSITY MULTI-FAMILY (R-3) DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTY AT 409 ST. ANDREWS BOULEVARD, 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 October 1, 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 medium density multi-family residential (R-3) district to office (O-2) district zoning on the property at 409 St Andrews Boulevard, property being more particularly described as follows:
Lot 1 (less the Northerly 20 feet thereof) and the Easterly 50 feet of Lot 2 (less the Northerly 20 feet thereof) AND the North 55 feet of Lot 25 and the North 31.5 feet and the East 15 feet of the South 20 feet of the North 51.5 feet of Lot 26 and the North 30 feet of Lot 24, Block 16, Aloma Section 1, as recorded in Plat Book “O”, Page 51 of the Public Records of Orange County, Florida.

Property Tax ID # 09-22-30-0120-16-250

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