CITY OF WINTER PARK
PLANNING AND ZONING BOARD

Staff Report
March 4, 2014

REQUEST OF DAVID WEEKLY HOMES FOR: APPROVAL OF TWO
NEW SINGLE FAMILY HOMES AT 331 AND 341 EAST KINGS WAY.

In August, 2001, the City of Winter Park granted approval for a lot split to
allow the property at 341 East Kings Way to be subdivided or split into two
single family lots (331 & 341 E. Kings Way). There were two conditions of
approval. One was that the new homes not have front facing garages. The
second condition was that the preliminary plans for the two new homes be
approved by the Planning and Zoning Board and the City Commission. (see
the recorded development agreement attached)

David Weekly Homes has purchased the property and has submitted the
attached plans for approval by the City. Notices have been sent to the
surrounding neighbors, including these plans, to let them know of this public
hearing.

From the staff’s perspective, these two homes have been designed to be in
keeping with the character of the street. They also are respectful to the
adjacent neighbors by placing the two story components of the homes
ward the interior of the lots and thus setback further away from the
adjacent neighbors both on the sides and the rear than the code would
otherwise permit.

STAFF RECOMMENDATION IS FOR APPROVAL
NOTICE is hereby given that a public hearing will be held by the Planning and Zoning Board of the City of Winter Park, Florida on Tuesday, March 4, 2014 at 6:00 p.m., and by the City Commission on Monday, March 24, 2014 at 3:30 p.m., in the Commission Chambers of City Hall at 401 S. Park Avenue, Winter Park, Florida, 32789 to consider the following PUBLIC HEARING:

In August, 2001, the City of Winter Park granted approval for a lot split to allow the property at 341 East Kings Way to be subdivided or split into two single family lots (331 & 341 E. Kings Way). There were two conditions of approval. One was that the new homes not have front facing garages. The second condition was that the preliminary plans for the two new homes be approved by the Planning and Zoning Board and the City Commission. David Weekly Homes has purchased the property and has submitted the attached plans for approval by the City and has made the following request:

REQUEST OF DAVID WEEKLY HOMES FOR: APPROVAL OF TWO NEW SINGLE FAMILY HOMES AT 331 AND 341 EAST KINGS WAY.

There will be a public hearing at the above dates and times to review this request. If you have any questions, please call Jeff Briggs, Planning Manager at (407) 599-3440.

All interested parties are invited to attend and be heard. Additional information is available in the Planning Department so that citizens may acquaint themselves with each issue and receive answers to any questions they may have prior to the meeting.

NOTE: If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105). Persons with disabilities needing assistance to participate in any of these proceedings should contact the Planning Department at 407-599-3453 at least 48 hours in advance of the meeting.

/s/ Cindy S. Bonham, CMC
City Clerk
CITY OF WINTER PARK
DEVELOPMENT AGREEMENT

On August 28, 2001 the City Commission of the City of Winter Park approved this Development Agreement relating to and concerning the following described property:


FINDINGS OF FACT

Property Owner: Matthew T. & Sandra E. McKeever, 1815 Stonehurst Road Winter Park, Florida 32789

Requested Development Approval: Subdivision or Lot Split to enable Lot 13 and Lot 14 to be individual building lots, for single family homes on each lot.

The owner requested and received this subdivision or lot split approval from the City of Winter Park, City Commission on August 28, 2001. That approval was granted with conditions imposed by the City Commission and accepted by the property owner.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforesaid property.

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

1. The aforementioned application for subdivision or lot split approval by the City Commission has been approved subject to the conditions contained herein.

2. The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

   A. The construction of single family homes on these respective lots shall not have front entry garages where the garage doors face the street on the front elevation of the house, and

   B. The site and building plans for new single family houses on these lots or significant changes to the houses, once built on these lots (as defined by the zoning code) shall require the prior approval of the Planning & Zoning Commission and City Commission prior to issuance of building permits for such construction.
3. This Development Order touches and concerns the aforesaid property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of the City of Winter Park by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

4. The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal, then the entire order shall be null and void.

Done and Ordered on this day of September, 2001.

By: ________________________________
    Donald S. Martin, A.I.C.P.
    Director of Planning and Community Development

______________________________
OWNERS CONSENT AND COVENANT

COMES NOW, Matthew T. & Sandra E. McKeever, the owner of the aforesaid property in this Development Order, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witnesses:

LISA C. GIBBONS
(print name)

BIFA MERHI
(print name)

By:

______________________________

Witnesses:

LISA GIBBONS
(print name)

BIFA MERHI
(print name)

By:

______________________________
STATE OF FLORIDA  
COUNTY OF ORANGE  

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared **Matthew & Sandra McKeever** who is personally known to me or who has produced ______________________ as identification and who did take an oath.

WITNESS my hand and official seal in the County and the State last aforesaid this **27** day of

March, 2002.

Notary Public in and for the Co. and State aforesaid

My Commission Expires:

CAROLYN D. GIDUSKO  
MY COMMISSION # CC 932821  
EXPIRES: July 20, 2002  
Bonded thru Notary Public Underwriters

STATE OF FLORIDA  
COUNTY OF ORANGE  

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REQUEST OF LAKESIDE WINTER PARK LLC TO: AMEND THE CONDITIONAL USE SITE PLAN APPROVAL AND DEVELOPMENT AGREEMENT FOR THE LAKESIDE WINTER PARK PROJECT AT 111 N. ORLANDO AVENUE, ZONED C-3, TO SUBSTITUTE THE 4,500 SQ. FT. RETAIL/OFFICE BUILDING APPROVED IN THE SOUTHEAST PORTION OF THE SITE FOR A 7,000 SQ. FT. MEDICAL OFFICE BUILDING AND REQUESTING A VARIANCE TO LOCATE THE ADDITIONAL NEEDED PARKING OFFSITE AT 271 SOUTH ORLANDO AVENUE WHICH IS 487 FEET FROM THE SUBJECT PROPERTY IN LIEU OF THE REQUIRED 300 FEET.

On the January 7th agenda for the P&Z Board, was the request of Lakeside Winter Park LLC (Unicorp USA) to “amend” their conditional use approval for the Lakeside project at 111 N. Orlando Avenue to revise the site plan substituting a 7,000 sq. ft. medical office building for the 4,500 sq. ft. general retail/office building previously approved and requesting a parking variance of 18 spaces.

The Planning Board recommended for denial and on January 27th, the City Commission was on the verge of denial when the applicant withdrew their request. In both public hearings, the applicant understood from the discussion, that if off-site parking could be found for employees, then there may be some opportunity for the request to be approved if it were submitted without a parking variance attached. There are two components to this request, the site plan change and the alternative off-site parking arrangement.

Site Plan Change:

The southeast portion of the approved site plan is proposed to be modified. Everything else stays as originally approved. The two site plans (the first one as approved for the final conditional use) and the proposed change are attached.

The change from the 4,500 sq. ft. building to the 7,000 sq. ft. building results in the loss of five parking spaces but the circulation around the building is maintained for traffic flow. Public Works/Traffic Engineering has reviewed the revised site plan and it is acceptable to them.
Parking Variance:

The two changes to the parking requirements are the switch in uses from general office (one space for each 250 sq. ft.) to the proposed medical use (one space for each 200 sq. ft.) and the increase in the building size from 4,500 sq. ft. to 7,000 sq. ft. Then we need to factor in the loss of five spaces from the site plan change. That results in the need for 22 more parking spaces.

To solve this shortfall, the applicant has under contract, the small motel property at 271 S. Orlando Avenue. The applicant would propose to tear down the motel building and convert the property to an off-site employee parking lot. Per the site plan provided, this property can hold 20-21 parking spaces. (21 shown and 20 labeled). Probably one more space could be added.

The variance issue is that our Zoning Code requires off-site parking to be within 300 feet of the main property. This off-site parking lot is 487 feet away. In staff’s opinion this is still close enough to be readily used by employees.

Development Agreement:

The Development Agreement executed for this project will need to be amended (pending approval by the City Attorney) to incorporate the approvals granted and the variance as well as any new conditions of approval such as a binding lot agreement so this off-site property may not be subsequently conveyed without the approval of the City. That work will result from the decision on this request.

Summary:

The staff, neighbors and P&Z members were justifiably concerned about the previous parking variance. The direction that was verbalized during those meetings was to go and find some off-site parking which the applicant has done. The staff welcomes the demolition of the motel building at 271 S. Orlando and replacement by this parking lot. The property immediately to the north is now being used as an off-site parking lot for employees of the Hillstone restaurant.

There is still the distance variance (487 feet versus 300 feet) but staff believes this location is close enough to be usable by employees.

STAFF RECOMMENDATION IS FOR APPROVAL
February 19, 2013

Mr. Jeff Briggs
Planning Manager
City of Winter Park
401 South Park Avenue
Winter Park, FL 32789

Re: Lakeside – Off Site Parking

Dear Mr. Briggs,

We are submitting for consideration by the City of Winter Park a request to approve providing off-site parking in lieu of a parking variance at our Lakeside development located on 111-131 Orlando Avenue. As previously submitted, we are proposing to increase the overall GLA of the property by 2,500sf to accommodate the construction on our remaining Pad E of a 7,000 sf, one story office building for the exclusive use by Blue Cross/Blue Shield

Based the previously submitted site plan, it was determined that we had a parking variance of 19 spaces. As this was not acceptable to the Planning & Zoning Commission, we endeavored to identify an off-site parcel within a 500ft radius of our property to provide permanently vested off-site parking which could accommodate, at a minimum, the on-site parking variance of 19 spaces.

As shown on Exhibit I, the parcel we are in negotiations to acquire is 271 South Orlando Avenue, which is within a 500ft radius of Lakeside Winter Park, LLC. As shown on Exhibit II, this parcel can accommodate more than the 19 space variance, subject to final engineering and traffic analysis.

As always, we appreciate the support and service all branches of Winter Park government have given to our development of Lakeside.

Sincerely,

Chuck Whitall
Manager, Lakeside Winter Park, LLC
Lakeside Winter Park, LLC
Proposed Off-Site Parking at 271 South Orlando Avenue
This map is for reference only and is not a survey.