

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

**Staff Report  
January 8, 2013**

**REQUEST OF LAKESIDE WINTER PARK LLC FOR:** CONDITIONAL USE APPROVAL TO CONSTRUCT 35,500 SQUARE FEET OF RETAIL, RESTAURANT AND OFFICE BUILDING SPACE ON THE PROPERTIES AT 111 AND 131 N. ORLANDO AVENUE, ZONED C-3. THE CONDITIONAL USES INCLUDE THE PROJECT SIZE; DRIVE-IN TELLERS FOR A PROPOSED BRANCH BANK AND RESTAURANTS WITH ALCOHOLIC BEVERAGE CONSUMPTION WITHIN 300 FEET OF RESIDENTIAL PROPERTIES.

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This item is a request by the Lakeside Winter Park LLC (UniCorp USA) (contract purchasers) to redevelop the Adventist Health Systems properties at 111 & 131 N. Orlando Avenue on Lake Killarney. The project consists of 35,500 square feet of one-story retail, restaurant and office/bank buildings.

In order to accommodate this project there are three Conditional Use approvals required (1) Project over 10,000 square feet; (2) drive-in tellers for branch bank and (3) restaurants with alcoholic sales within 300 feet of residential. Due to the project size, a city-wide notice of these public hearings has been mailed to all 15,500 households in the City as well as notices mailed to the property owners within 1,500 feet.

**Site and Context:** The “development parcel” is the combination of the properties at 111 N. Orlando Avenue (existing four story office) and 131 N. Orlando Avenue (former motel site) that are now under contract to the applicant. The project would demolish all the buildings and improvements for a complete redevelopment of the combined 3.86 acre site, which is zoned C-3. The combined properties have 430 feet of frontage on Orlando Avenue and on Lake Killarney. To the north is the Lake Killarney Condominiums (123 units) and to the south is the Hillstone/Houston’s restaurant.

**Current Development Request:** The application package for “preliminary” conditional use approval includes the site plan, 3-D architectural perspective images of the building facades from the street and lakesides, conceptual landscape and storm water retention design and traffic impact report as required for the “preliminary” approval.

The project meets the requested C-3 development standards in terms of density and intensity but there are eight variance requests that will be discussed individually. Based on the 3.86 acres, the project has a 20.1% building lot coverage and FAR (well within the 45% maximum FAR).

**Building Heights:** The proposed buildings are one-story but given the interior floor to ceiling heights desired and the parapets the heights generally compare to two-story buildings. The north building will be 30' – 10" to the parapet and 34' – 6" to the roof peak. The south building will be 23' – 2" to the parapet and 31' -3" to the roof peaks. The architectural cupolas will be 39 feet in height. The height limit in the C-3 zoning is 55 feet which is the height of the existing office building on-site.

**Architectural Elevations:** The project elevations that have been provided to showcase the project which depict an attractive retail and restaurant complex that will be a compliment to the area. There is ample articulation of the building facades and the many undulations help immensely to break up the exterior façade of the building.

The residents in the Lake Killarney condominiums that face this property are concerned about the image (not provided) of the rear wall/parapet of the north building that will face their units. They are concerned that this building "rear" will contain all the unattractive elements for the mechanical and service elements for the building and that looking at these service elements will be detrimental to the property values of their units. The staff has a similar concern from the city's perspective with the loading dock element for the 'grocery store' at the front door to this project as viewed from Orlando Avenue. While the City tries not to micro-manage projects, the final architectural design of these two building facades will be very important at the "final" conditional use stage.

**Tree Preservation:** There are 61 existing trees on the site. The site plan indicates that the nine cypress trees along the lakefront (which are outside of the buildable area) will be preserved. The rest of the 52 trees on site are proposed to be removed. All of the structures, paving, trees and landscaping in the buildable area of the property are proposed to be removed.

There is the possibility to preserve some of the mature oak trees (3-4) up front on the site in the area near the main entrance. Staff has explained to the applicant that the Code automatically provides for a parking space variance for any loss of parking due to efforts to save significant trees. The plans presented do not show any interest in making that design effort. There also is the possibility to preserve the existing mature oak trees (7) along the north boundary with the Lake Killarney condominiums in order to for those oak trees to serve as a visual and noise buffer. The plans presented do not show any interest in making that design effort.

This project is creating a 3.86 acre shopping center. The parking lot will look like a shopping center parking lot. The variances requested to downsize the landscape islands will not create landscape islands large enough to support the growth of mature shade trees. So the landscape package internally will be understory trees or palm trees or stunted oaks. As long as everyone's expectations are for the look of a shopping center parking lot, then no one will be disappointed with the tree replacements. A specific detailed landscape plan with types, sizes, quantities, etc. is reviewed at the "final" conditional use step.

**Variance Requests:** The attached page details the eight variances requested. Primarily the variances relate to the relaxation of the landscape standards within the new parking lot. The desire for the variances is to increase the yield of parking spaces which increases the yield of leasable building area. Again, as long as everyone's expectations are for the look of a shopping center parking lot those variances are acceptable. There are two of the variances that the staff will recommend for denial:

1. **Lakefront Setback Variance:** The city code requires a 75 foot lakefront setback. Single family homes can be located at a 50 foot setback but multi-family of commercial building (because they are much larger) must adhere to a 75 foot setback. The rationale presented by the applicant is that the closer proximity allows a greater pedestrian boardwalk amenity. The staff believes that one can design a pedestrian friendly lakefront environment in 75 feet of setback or in 50 feet of setback. However, if the buildings can be closer to the water at a 50 foot setback then the parking lot can be larger. If the variance is denied the site plan (based on the current design) loses 27 parking spaces and thus 6,750 sq. ft. of building area. The staff's concerns for this lakefront variance are based in part upon the existing setbacks of the Lake Killarney Condominiums (85 feet) and the Hillstone/Houston's restaurant (100 feet). The proposed 50 foot lakefront setback variance will impair more of the traditional lake views from the Lake Killarney Condominiums. It also creates a view scenario on the lakefront patio at Hillstone/Houston's where you will be looking at the unattractive end wall of this project. Together with the design challenges faced with the all the storm water retention fitting in the 50 feet and needing to preserve the lakefront cypress trees this project should meet the 75 foot lakefront setback per code.
2. **Parking Variance:** Restaurant parking is based on one space for each three seats. This is similar to that used by other cities. It in fact does not provide the 'real world' parking that successful restaurants need but is based on a 60-70% occupancy factor.

This project with one restaurant of (3,500 sq. ft. & 150 seats) needs a variance of 20 parking spaces. This project with two restaurants (6,000 sq. ft. and 270 seats) needs a variance of 50 parking spaces. Staff agrees with the applicant that there is some small amount of parking "float" between the various tenants. However, if the "specialty" grocer is as popular as we expect then the parking lot will have no "float". It is the second restaurant that creates the need for the parking variance and will create problems for the users. The variance request in simple terms is to have a second restaurant with no parking provided for it. The Winter Park Village has been the most celebrated redevelopment project in the City and the most criticized, only because of the lack of parking. Staff does not want to make the same mistake again. The number one concern of the residents of the lake Killarney Condominiums is noise from the second restaurant near door to their units. The solution is to eliminate the second (northern) restaurant and to provide a lesser parking variance of 20 spaces to allow the primary (3,500 sq. ft. - 150 seat) restaurant only.

**Storm Water Retention:** The site currently has storm water retention for the office building site that was developed in the 1980's but no retention for the old motel site where the rainfall runoff goes directly into Lake Killarney. The redevelopment of this property will retrofit the site to conform to the storm water retention requirements of the City and St. Johns River Water Management District. At this "preliminary" conditional use stage, the storm water design is conceptual via the narrative provided. At the "final" conditional use stage the design is complete. The area between the buildings and the lake is anticipated to be used for the storm water retention system. Staff is concerned that there is sufficient space horizontally and vertically for the proposed storm water design to function unless significant fill is added to build up the lakefront elevation. The design challenges are that storm water retention system has to accommodate runoff from about 3.5 acres of buildings and parking. There is three feet (vertically) between the ordinary high water elevation of the lake (82 ft.) and the existing grade (85 ft.). There is 50 feet (horizontally) if the variance is approved. There is the need to preserve the existing cypress trees on the lakefront at the same time there is urban streetscape being built to the lake's edge. While the detailed design and calculations are submitted at the "final" conditional use stage, the applicant needs to be aware that the City Code prohibits and increase in the existing grades above 2 feet.

**Landscaping:** Overall the impervious coverage of the site will be within the code maximum of 85%. A specific detailed landscape plan with types, sizes, quantities, etc. is reviewed at the "final" conditional use step.

**Traffic Impact:** The traffic generation from this project will increase daily traffic by 606 trips as compared to the previous uses. The project is using the existing traffic light entrance/exit and one additional entrance /exit to the north. The added traffic will then be utilizing Orlando Avenue, a four lane arterial road and not impacting any residential streets with additional traffic.

**Neighbor Concerns:** The "committee" appointed by the Lake Killarney Condominiums has sent to the City (via the attached email from Carol Lotspeitch) their list of concerns and conditions they desire. Their concerns are about providing a wall and tree buffer on the northern property that preserves the existing oak trees. They are concerned about the proposed 50 foot lakefront building setback blocking their views of the lake. They also they are concerned about the nuisances of noise (at night from the construction and dumpsters) and from the northern-most restaurant patio dining and live music.

As staff indicated earlier, denial of the parking variance for the northern-most restaurant solves the problems of outdoor patio dining noise disturbing to the Lake Killarney Condo residents. Most of the outdoor patio dining noise for the southern-most restaurant will be blocked by the northern building. Coincidentally, eliminating the northern-most restaurant space entirely cures the parking variance and the lakefront setback issue for the Lake Killarney Condos.

**Staff Summary:** This project can be a quality redevelopment and enhancement for this unique commercially zoned 3.86 acre lakefront location. If there were commercial properties on both sides of this location then the staff would be more lenient concerning some of the variances requested. However, it is a commercial project located next to 123 condominiums and about 200 -250 residents. As such, a large part of the staff's analysis has been how to insure this project does not undermine the peaceful enjoyment that the residents have within their homes and that the project does not harm their property values. As a result, many of the staff's recommendations echo those from the Killarney Condominium HOA committee. (attached)

Normally the "final" conditional use is perfunctory when just the final landscape, architectural and other engineering details are reviewed. However, in this case there are many "devils in the detail" matters that will be very important to review for the "final" conditional use. Amongst those are the potential location of a sanitary sewer lift station and how that will be screened and maintained. The grading plan including any fill to raise the site so that the storm water retention system functions, etc. will be important. Architectural plan details on the rear of the northern building and the street front facing loading dock and service yard will be very important. There also is the interface with the Lakes and Waterways Board that has jurisdiction on the "final" plans for the seawalls, docks, boardwalks, hardscape, filling of the lake and excavation of the "stream" amenity.

The primary focus of this "preliminary" conditional use review is to determine the entitlements and variances. The outcome of the lakefront setback variance (50 feet in lieu of 75 feet); the parking variance (50 spaces) and the landscape island variances will determine the parking yield and thus the ultimate scale or entitlements for the project.

**STAFF RECOMMENDATION IS FOR APPROVAL OF THE "PRELIMINARY" CONDITIONAL USE subject to the following conditions:**

- 1. That the project is limited to one restaurant located in the southern building with a maximum of 150 seats and thus limiting the parking variance to 20 spaces and that no indoor or outdoor amplified musical entertainment is permitted after 10:00 pm**
- 2. That the northern building conform to the code required 75 foot lakefront setback and that the southern building also comply unless consent is granted by the Hillstone restaurant.**
- 3. That the shoreline alterations and improvements including any seawalls, docks, boardwalks, hardscape, filling of the lake and excavation of the "stream" amenity be approved by the Lakes and Waterways Board, as required by Code.**
- 4. That the "final" conditional use submittal and building setbacks be revised to preserve the existing oak tree buffer along the north property line and attempt to preserve some of the existing oaks adjacent to the main entrance and to include a wall/fence buffer along the northern property line.**

## VARIANCES FOR LAKESIDE WINTER PARK

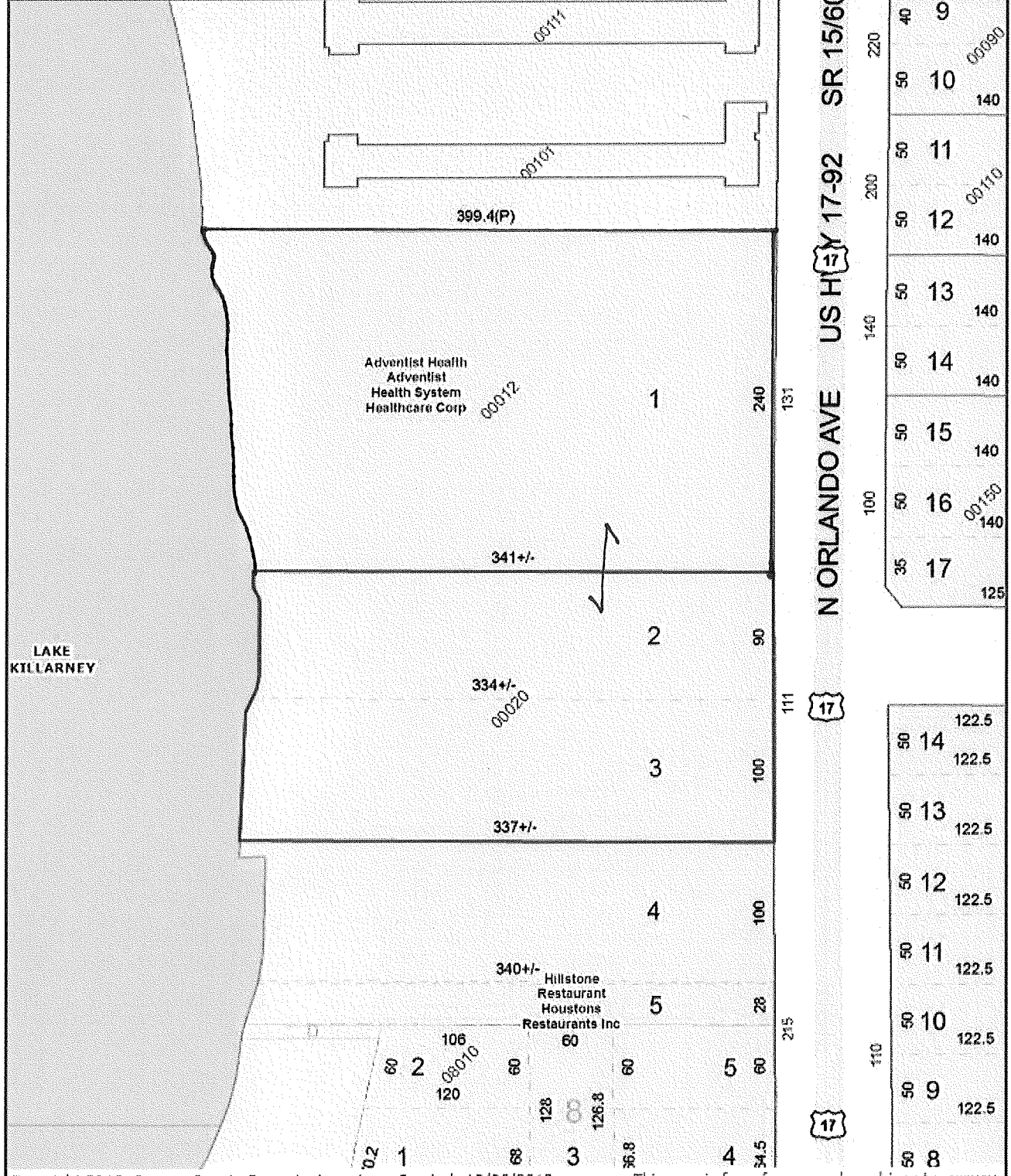
- **REDUCE THE LAKE SETBACK FROM 75' TO 50'**
  - This project will be an upscale retail/mixed-use development with heavy landscaping. The development will take advantage of the lake as an amenity allowing patrons to enjoy access to retail and restaurants from a proposed walk able boardwalk along the lake frontage. The proposed buildings need to abut the boardwalk to take advantage of the design amenity.
  - The 50' buffer width is in agreement with the code for residential uses.
- **MODIFY THE 30' LAKE BUFFER TO ALLOW BOARDWALK, HARDSCAPE & OUTDOOR PATIO**
  - The Lake edge is currently a retaining wall/sea wall. The developer proposes a walkable amenity along the Lake edge consisting of boardwalk, brick pavers, street furniture and hardscape.
- **MODIFY THE REQUIRED NUMBER OF PARKING SPACES FOR RESTAURANT USE FROM 1 SPACE / 3 SEATS TO 1 SPACE / 4.35 SEATS**
  - The total amount of restaurant space proposed is 6,000 s.f. Code parking for restaurants is based upon the number of seats. If the restaurants are evaluated on a per square foot basis, this ratio would be 19 spaces/1,000 s.f. This ratio greatly exceeds the typical parking ratio for restaurants in other adjacent municipalities.
  - The mixed-use nature of the project allows for a shared parking arrangement in that the retail and restaurant uses tend to peak at different times.
- **REDUCE THE WIDTH OF LANDSCAPE ISLANDS FROM 12' WIDE TO 7.5' WIDE AND ALLOW "DIAMOND" ISLANDS**
  - This project will be an upscale retail/mixed-use development with heavy landscaping. Other areas of the parking lot have been designed with islands and landscaping exceeding the landscape code.
- **ALLOW UP TO 13 PARKING SPACES IN A ROW WITHOUT AN ISLAND**
  - Code requires no more than 10 parking spaces in a row without an island.
  - This project will be an upscale retail/mixed-use development with heavy landscaping. Other areas of the parking lot which have been designed with islands and landscaping exceeding the landscape code.
- **MODIFY BUILDING FAÇADE LANDSCAPING TO ALLOW LANDSCAPING TO BE MOVED TO THE PERIMETER**
  - Code requires 100% of the visible façade from a public ROW, exclusive of direct access or special architectural features, to have a landscape area of at least 6', no more than 20' from the façade or 8' if adjacent to the façade.
  - This project will be an upscale retail/mixed-use development with heavy landscaping.
- **REDUCE THE VUA LANDSCAPING FROM 7.5% to 7%**
  - We are currently at 7.06% (Excluding the Bank/ Retail building but including the diamonds in the parking lot). To reach the 7.5% interior landscaping, we need approximately 775 sq ft of additional landscaping (about 5 parking spots)
  - This project will be an upscale retail/mixed-use development with heavy landscaping.
- **INCREASE THE ALLOWABLE DOCK/BOARDWALK FROM 600 SF TO 2,300 SF**
  - This project will be an upscale retail/mixed-use development with heavy landscaping.

OCPA Web Map



15m  
60ft

- Major Roads
- Road Under Construction
- Proposed Road
- Brick Road
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Institutional/Misc
- Commercial/Industrial Vacant Land
- Agricultural Curtilage
- Hydro
- Waste Land
- Parks
- Lakes and River
- Building
- Fire Station
- Hospital
- Block Number
- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimensions

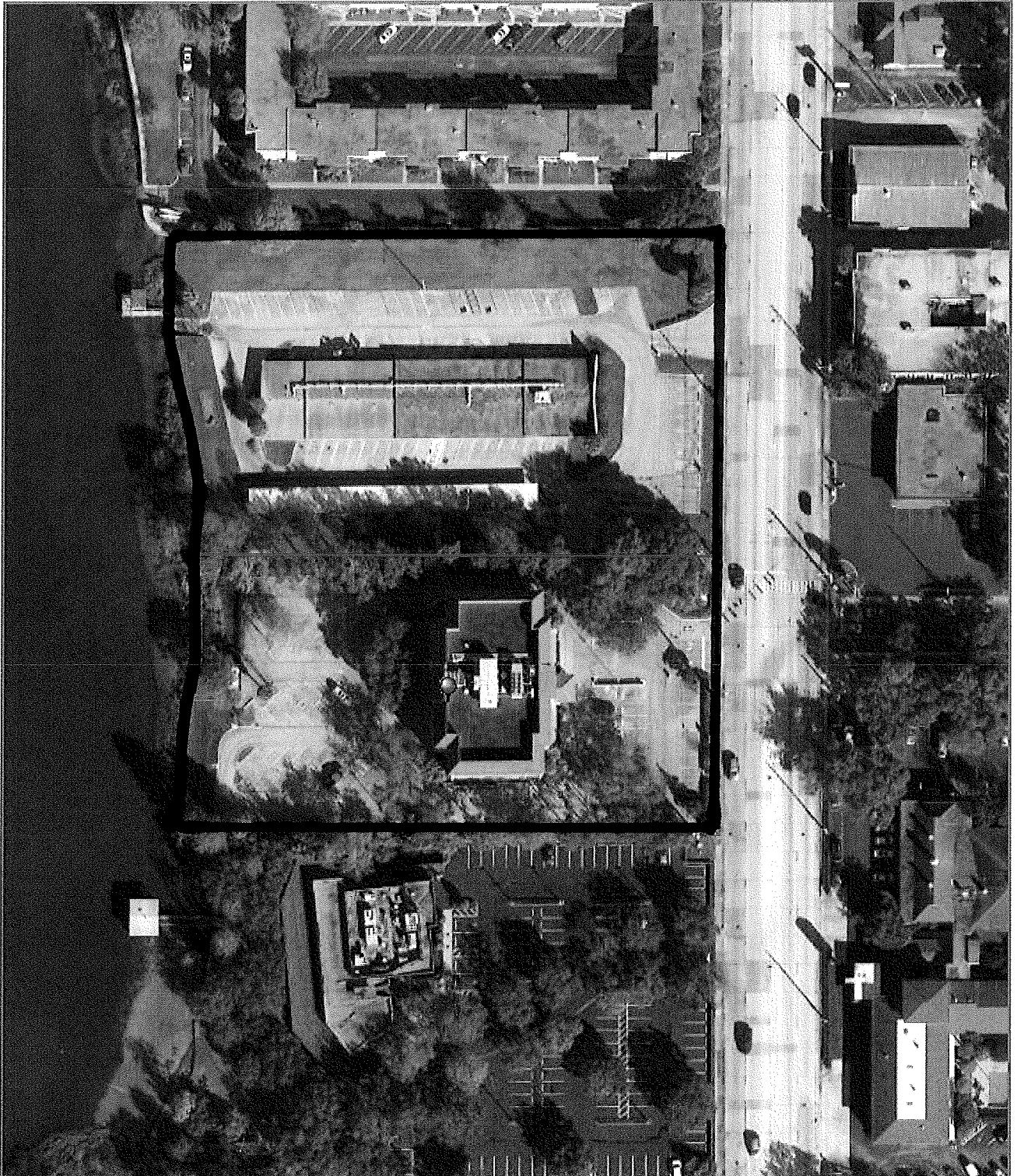


# 111 & 131 N. Orlando Avenue

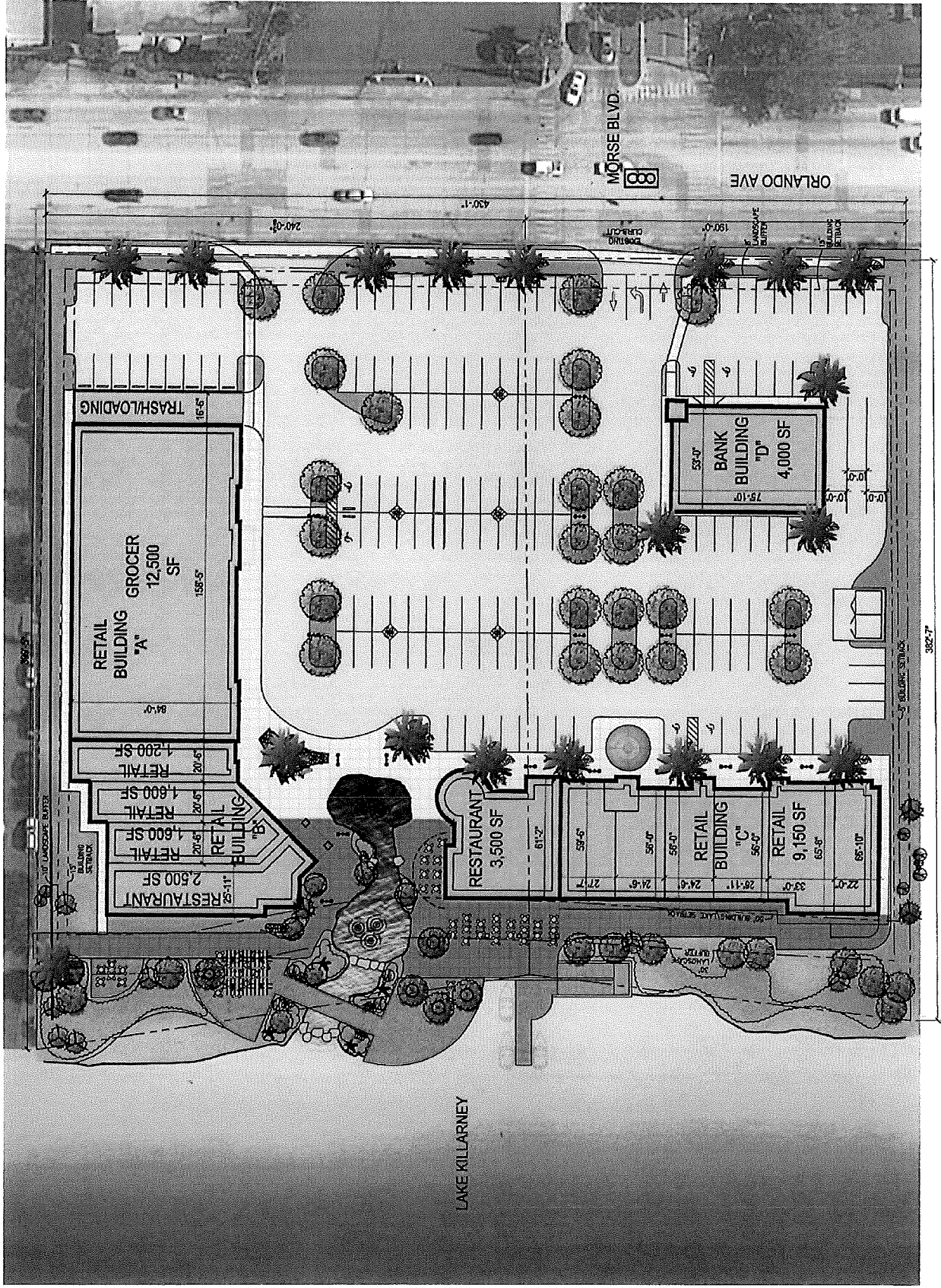
**OCPA Web Map**

	Major Roads		Block Line		Commercial/Institutional		Hydro		Building	6	Lot Number
	Road Under Construction		Lot Line		Governmental/Institutions/Misc		Waste Land		Fire Station	08050	Parcel Number
	Proposed Road		Residential		Commercial/Industrial Vacant Land		Parks		Hospital	3106	Parcel Address
	Brick Road		Agriculture		Agricultural Curtilage		Lakes and River		Block Number	111.9	Parcel Dimensions

15 m  
60 ft







Site Area  
Retail  
Restaurant  
Total Area  
Parking

SCALE

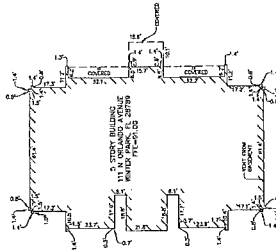


A L D II, INC.  
1507 S. HIWASSEE RD. STE 211  
ORLANDO, FLORIDA 32835 (407)352-7181

**BOUNDARY, TOPOGRAPHIC  
& TREE SURVEY**

111 & 131 N Orlando Ave.  
Winter Park, FL 32789  
DATE 10-23-12 | REVISED  
DRAWN BY CAM | CHECKED BY GAB

PROJECT NO.  
DATE: 04/11/2013  
FLORIDA REGISTRATION NO. 3591 LB 6233



BUILDING DIMENSIONS, DETAIL "A"  
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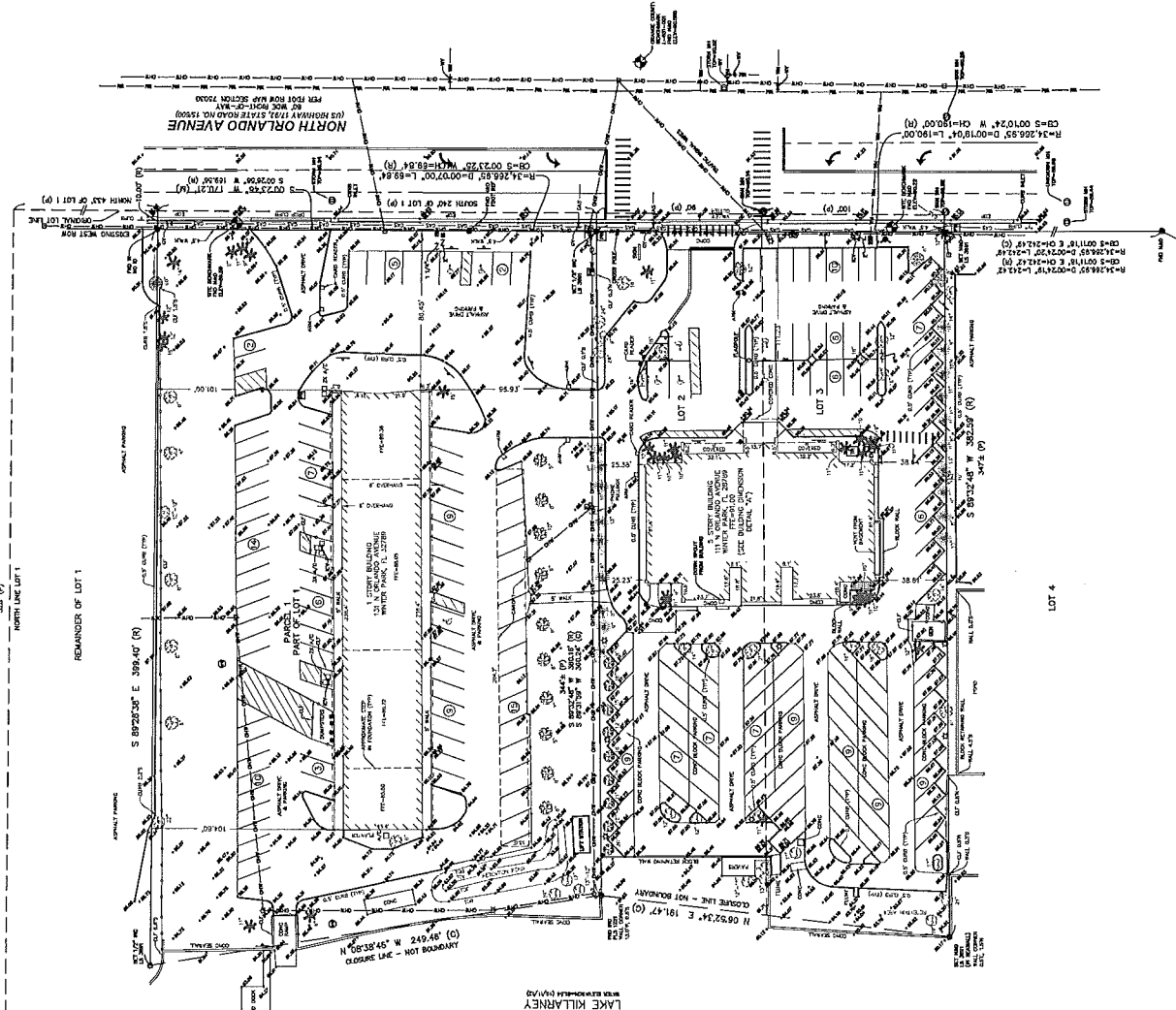
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**LEGAL DESCRIPTION:**

PARCEL 1: THE SHOWN PROPERTY (AND PART OF LOT 1, U.S. ACRES 1.3000000000) ACCORDING TO THE PLAT RECORDS AS ACCURATELY SHOWN ON PLAT BOOK 17, PAGE 146 PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND ALL THE PARTS THEREOF, TOGETHER WITH THE INTERESTS OF BREVARD COUNTY, FLORIDA, IN SAID PROPERTY, IS HEREBY ASSIGNED TO THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

PARCEL 2: THE SHOWN PROPERTY (AND PART OF LOT 1, U.S. ACRES 1.3000000000) ACCORDING TO THE PLAT RECORDS AS ACCURATELY SHOWN ON PLAT BOOK 17, PAGE 146 PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND ALL THE PARTS THEREOF, TOGETHER WITH THE INTERESTS OF BREVARD COUNTY, FLORIDA, IN SAID PROPERTY, IS HEREBY ASSIGNED TO THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

**CERTIFICATE:**  
I, the undersigned, being a duly qualified and licensed professional engineer and a member in good standing of the Florida Board of Professional Engineers, have prepared the foregoing plat and map for the purpose and to the effect herein stated, and I certify that the same are true and correct in all particulars, and that I am a duly qualified and licensed professional engineer and a member in good standing of the Florida Board of Professional Engineers.



DATE: 04/11/2013  
FLORIDA REGISTRATION NO. 3591 LB 6233

**LAKESIDE WINTER PARK**  
**Conditional Use Application**  
**Stormwater Retention and Drainage Plan**

Please note the following from the survey just completed on the subject property:

- *The normal high water elevation of the Lake is at 81.786 (NAVD88) – according to City Code*
- *The top of the existing seawall varies and the spot grades east of the seawall have an elevation of at least 84 (excluding the retention areas)*
- *The 100-year flood elevation per FEMA is elevation 84.4 (NAVD88)*
- *The existing parking lot elevations range from 84.31 to 91.10 (NAVD88)*

We plan on designing an underground storm water treatment system along the Lake under the proposed boardwalk/pedestrian/outdoor patio areas and/or under the proposed parking lot.

The system would use chambers that could be constructed over. These chambers are low profile (usually 16" tall arch culverts with gravel surrounding them and they need 18" of cover). As you can see from the elevations dictated above, the existing site topography lends itself appropriately to this design as the proposed parking lot grades will be well above the water table and sea wall.

The system would be designed to meet SJRWMD and City storm water standards.



Lakeside Winter Park  
273-077

TABLE 1  
DAILY TRIP GENERATION ESTIMATES (8th Edition ITE)

DESCRIPTION	ITE Land-Use (Code)	Independent Variable	Rate or Equation	Size	Daily 2-Way Trips (vpd)
<b>EXISTING DEVELOPMENT</b>					
Office Building	715	KSF	11.57	39,191	453
Motel	320	Rooms	5.63	41	231
<b>FUTURE DEVELOPMENT</b>					
Shopping Center	820	KSF	42.94	30	1,290
<b>Net Increase in Trips</b>					<b>606</b>

## Jeffrey Briggs

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**From:** Jeffrey Briggs  
**Sent:** Wednesday, December 26, 2012 11:55 AM  
**To:** Jeffrey Briggs  
**Subject:** LAKESIDE WINTER PARK LLC

**From:** Carol Sawyer Lotspeich [<mailto:clotspeich@aol.com>]  
**Sent:** Friday, December 21, 2012 10:46 AM  
**To:** Jeffrey Briggs  
**Subject:** LAKESIDE WINTER PARK LLC

The Lake Killarney Condominiums are home to approximately 246 people. Since our home is our refuge and we deserve privacy and peaceful use of our residences, it is essential that conditions of approval be placed upon the restaurant(s) and shopping center that is proposed to be built next to our homes. The greatest concerns are noise, security, and the continuance of our current environment.

That being said we (owners and residents) would request the following conditions upon the Lakeside Winter Park proposed shopping center development:

**NOISE: The owners and residents of the Lake Killarney Condominiums request that there be:**

1. No noise generating construction before 7 AM or after 7 PM.
2. No deliveries or waste pick up before 7 AM or after 10 PM.
3. No restaurants or outdoor dining within 300 feet of the project north boundary.
4. No outdoor amplified music from the restaurant(s) or stores. (We don't want to listen to the music during the day and need quiet enjoyment of our homes at night so we can sleep)
5. No indoor amplified music after 10 PM. (Every time the doors open and close, late at night, the restaurant music will be heard inside our units)

**SECURITY: The owners and residents of the Lake Killarney Condominiums request that there be:**

1. A 6-foot masonry wall constructed adjacent to the north property line to continuously extend from the 17-92 (Orlando Ave.) setback to the seawall.
2. A barrier placed at the lakefront prohibiting any access between the Lake Killarney Condominiums property and Lake Side Winter Park.

**ENVIRONMENT: The owners and residents of the Lake Killarney Condominiums request that:**

1. The cupola on the north building be removed from the design as that structure will obstruct existing lake views of residents.
2. The applicant provide a cross section of the setback between the north property boundary. This 15 foot setback needs to include the masonry wall, 10 feet of densely vegetated buffer, and the proposed 5 foot sidewalk next to the building.
3. Assurance from the developer be required that the existing oak trees along the north property boundary will be preserved.

**VARIANCES: The owners and residents of the Lake Killarney Condominiums request that the variances be denied for:**

1. The Lakefront Setback. The City Code requires a 75 foot setback from the lake and the Lake Killarney Condominium building at the closest point is 85 feet from the lake. There is no hardship or necessity for a 50 foot lakefront setback. This variance will impact our lake views and devalue our property values !
2. The Parking Code. The parking variance requested, we understand primarily is to allow the second restaurant location which is within 300 feet of our homes. We are opposed to that northern-most restaurant location due to noise and security concerns. There is no hardship or necessity for a parking variance for the second restaurant.

## Jeffrey Briggs

---

**From:** Jeffrey Briggs  
**Sent:** Monday, December 10, 2012 10:38 AM  
**To:** Jeffrey Briggs  
**Subject:** FW: Lakeside Winter Park

**From:** Jeff york [<mailto: jyork@yorkpropertycompany.com>]  
**Sent:** Monday, December 10, 2012 9:16 AM  
**To:** Jeffrey Briggs  
**Subject:** Lakeside Winter Park

Hi, Jeff. I am supportive of Unicorp's request for a Conditional Use approval to redevelop the Adventist Health Properties.....but PLEASE make sure that the project has adequate parking.

Just north of the proposed site there is a small strip center with a Starbucks, Yogurtland, etc. which is owned by the same company (Unicorp.) Parking for that project is a nightmare.

So, even though the developer isn't going to like it, please make sure that the new proposed shopping center is adequately parked.

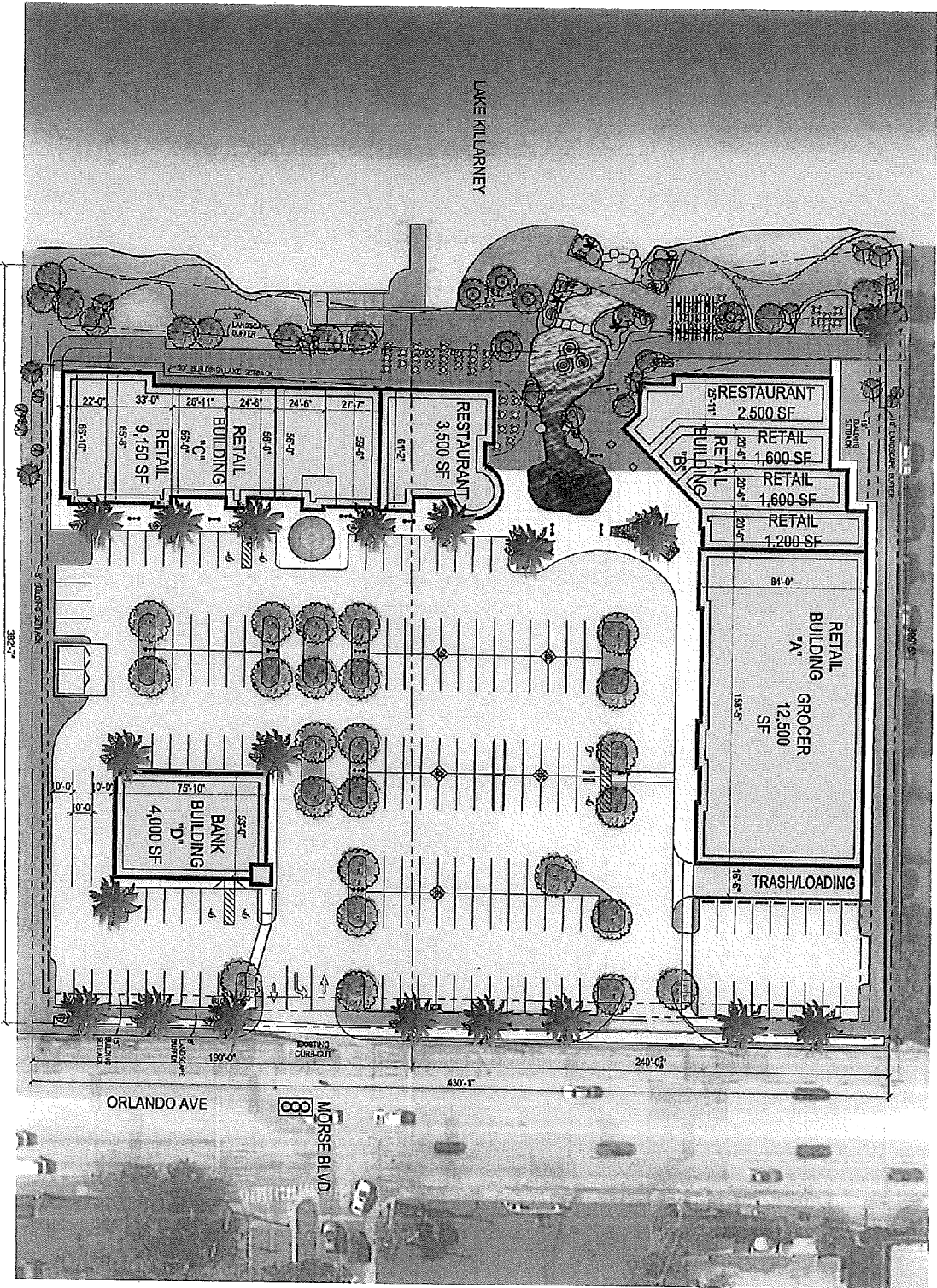
Thank you.

**JEFF YORK**  
**YORK PROPERTY COMPANY**  
**2180 N. PARK AVE., SUITE 220**  
**WINTER PARK, FL 32789**  
**OFFICE 407-622-2558**  
**CELL 321-663-4535**

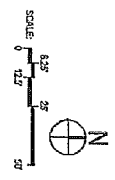
**[WWW.YORKPROPERTYCOMPANY.COM](http://WWW.YORKPROPERTYCOMPANY.COM)**

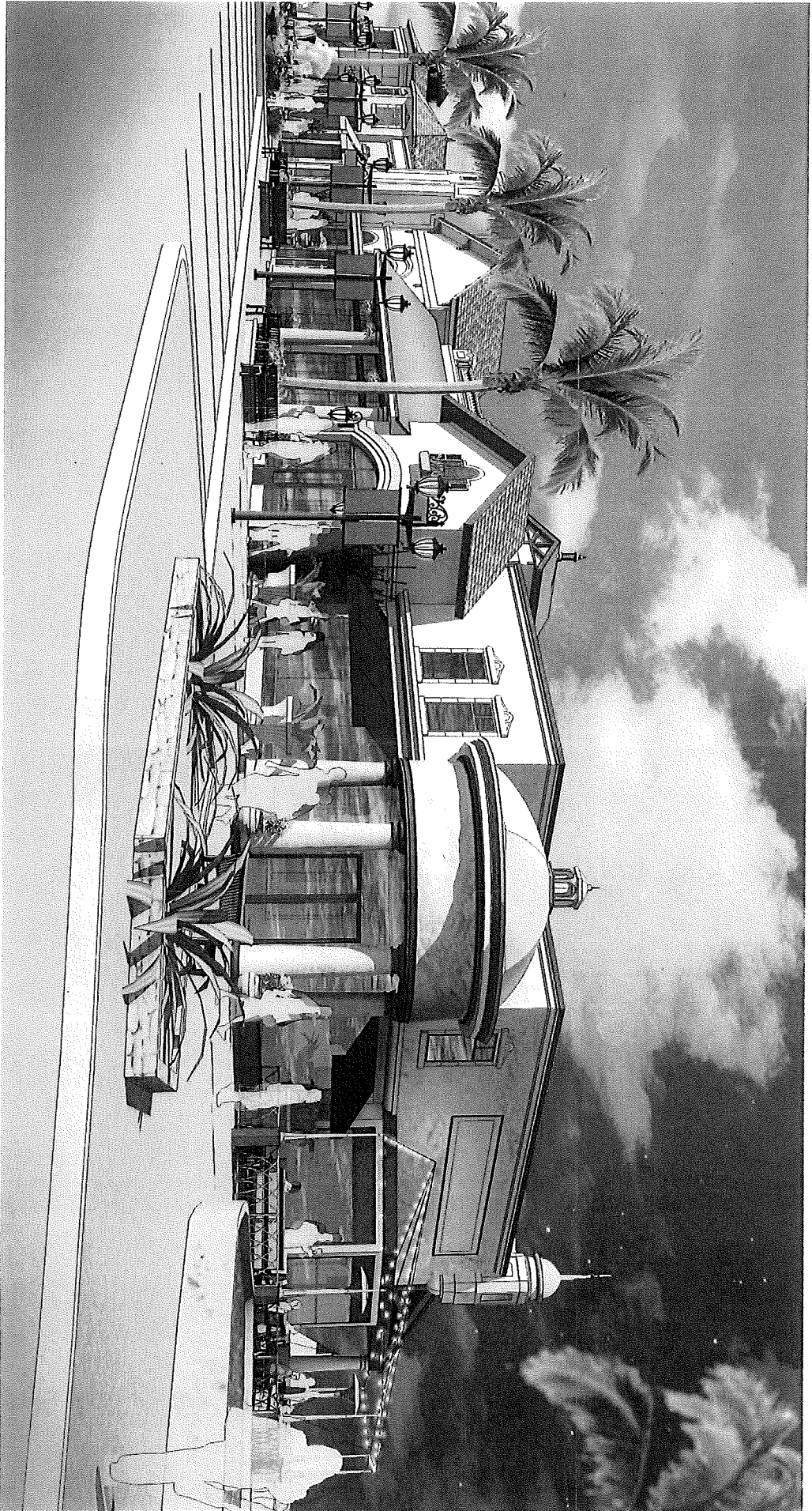
**CORPORATE REAL ESTATE SERVICES**  
**TENANT REPRESENTATION**





Site Area	: 3.86 Acres
Retail	: 30,050 SF
Restaurant	: 6,000 SF
Total Area	: 36,050 SF
Parking	: 160 Cars
	: 4,444/1,000





*Seaside Winter Park*

Unicorp National Developments, Inc. Developer | Antinovich Associates Architects, Planners

Conceptual Rendering

Orlando, Florida | November 8, 2012



*Seaside Winter Park*

Unicorp National Developments, Inc. Developer | Antunovich Associates Architects, Planners

Conceptual Rendering

Orlando, Florida | November 8, 2012



*Seaside Winter Park*

Unicorp National Developments, Inc. Developer | Antunovich Associates Architects, Planners

Conceptual Rendering

Orlando, Florida | November 8, 2012

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

**Staff Report  
January 8, 2013**

**REQUEST OF TD BANK FOR: CONDITIONAL USE APPROVAL TO  
CONSTRUCT A BRANCH BANK WITH DRIVE-IN TELLERS ON THE  
PROPERTY AT 810 N. ORLANDO AVENUE, ZONED C-3.**

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This item is a conditional use request from TD Bank to establish a branch bank facility with drive-in tellers on the property at 810 N. Orlando Avenue (northeast corner of Orlando and Webster Avenues). It is a conditional use because of the drive-in tellers.

**Site and Context:** This property at 810 N. Orlando Avenue is zoned C-3. It is now vacant and was the previous site of a BP gas station.

**Project Plans:** The plans show a one-story, 2,964 square foot branch bank with three drive-thru teller lanes and a bypass lane. There is a very large (49 inch) beautiful live oak tree in the northeast corner of the site which is preserved and unaffected by this new construction. Access is from both Orlando and Webster Avenue and the new driveways are significantly reduced in size/width from the previous gas station layout.

**Parking:** The 2,964 square foot building requires 12 parking spaces and the plans show 20 spaces including the required handicapped space.

**Traffic Circulation and Stacking:** The traffic impact and stacking needs for drive-in tellers vary greatly from 'national' banks to 'community' banks. Staff would categorize TD Bank as a 'national bank'. In our previous surveys, the analysis of the stacking requirements for a 'national' branch bank (based on actual counts on the peak day and time of Friday at the noon hour) are the need to stack in the range of 12-14 cars. The proposed configuration with three teller lanes depicts 12 cars but there is easily space for 16 cars. Also with surplus parking, customers can easily park and go inside for their banking business. The primary reason for these conditional uses is to insure that the stacking for drive-thru's does not cause any traffic hazards of lines of cars backing into the streets, blocking driveways or making the internal circulation unsafe. In this case there is ample land and the design will not create any problems even in the peak case.

**Storm Water Retention:** The City code requires retrofit for storm water retention for major redevelopment projects such as this. In this case, the retrofit will have to be done via an underground ex-filtration system and perhaps some small amount of surface retention swales in the landscape island areas.

**Landscape Plan:** There is a final landscape plan provided with the full program of new landscaping and new trees (7) to be added to the site. The landscape plan meets the new landscape code including the wider landscape buffer areas adjacent to the street which allow the combination of hedge buffer and crape myrtles/trees.

**Other Minor Issues:** The dumpster location shown is right up front some 20 feet back from Webster Avenue. Most times banks do not have dumpsters at all due to the need to shred every paper document and then the cleaning crew just takes away the other minor trash. If they do plan a dumpster, staff is suggesting a condition of approval for an attractive walled enclosure (architecturally compatible to the bank building) and a more complete landscape screen on the two sides visible to the street.

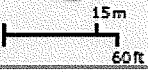
The existing concrete fence on the eastern property line is in disrepair. No one is sure who has 'ownership' of this property line fence but the Dingman's (who own the adjacent property to the east) say the fence is not theirs. From the front of the Dingman's building out to Webster Avenue, the concrete fence either needs to be repaired or removed. If removed, then there needs to be some property line landscaping added. The Dingman's have agreed to either option.

**Summary:** The site is adequately sized and the overall site plan design well suited for this type of project. Traffic generation will be lower for this TD Bank than for the previous BP gas station operation. The project meets all the code requirements, there are no variances requested and the drive-in components are designed to meet the peak stacking needs for the 'national' bank intended as the occupant.

**STAFF RECOMMENDATION IS FOR APPROVAL with the following conditions:**

1. That the proposed dumpster is enclosed with an architecturally compatible wall and that the landscape plan is modified to screen the two sides of the dumpster enclosure visible to the street.
2. That the eastern property line concrete fence (from the adjacent building out to the street) either be repaired or removed and if removed that landscaping be added to that eastern landscape buffer area.

OCA Web Map



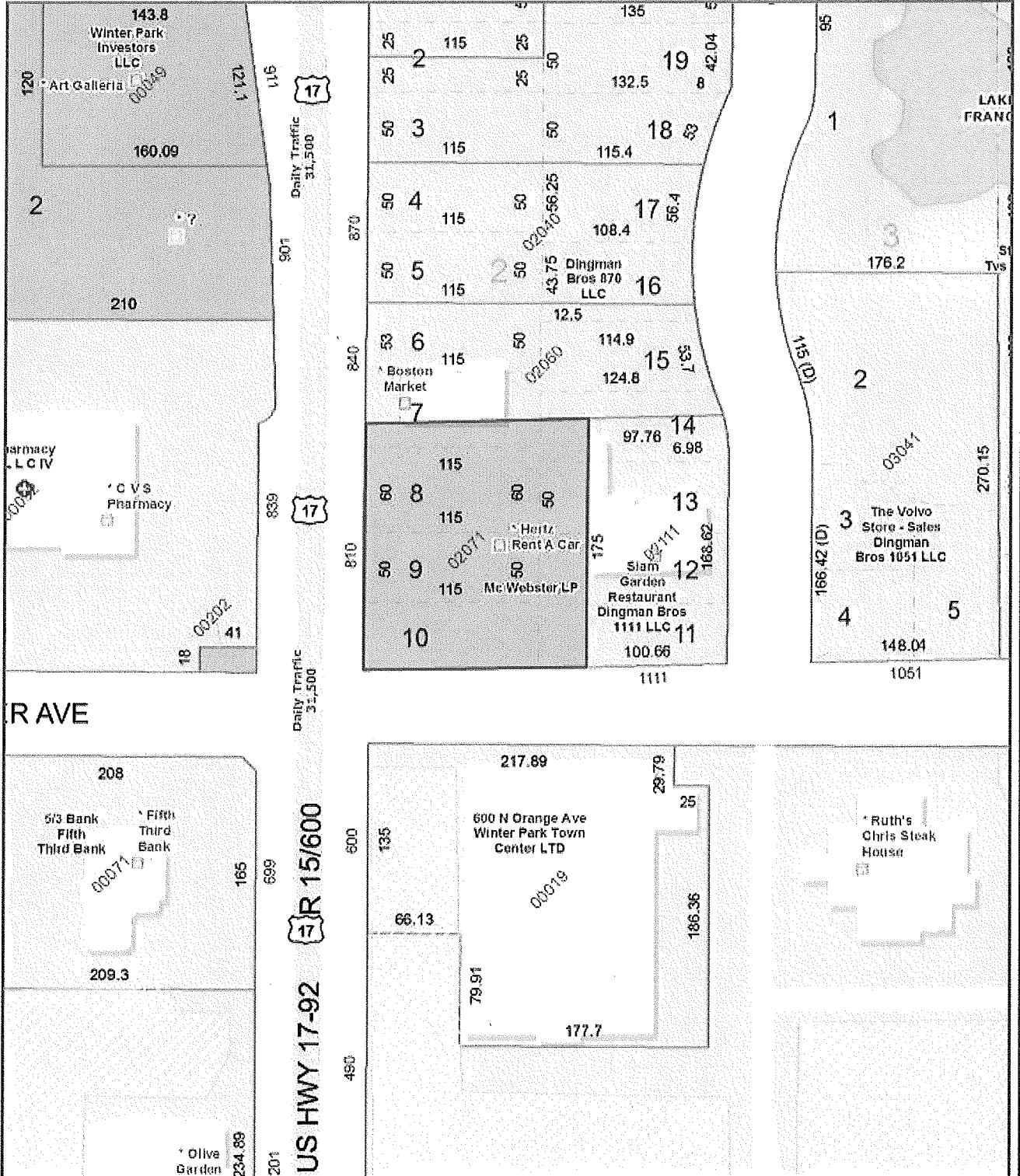
Major Roads  
Road Under Construction  
Proposed Road  
Brick Road

Block Line  
Lot Line  
Residential  
Agriculture

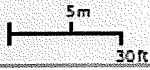
Commercial/Institutional  
Governmental/Institutional/Misc  
Commercial/Industrial/Vacant Land  
Agricultural Curtilage

Hydro  
Waste Land  
Parks  
Lakes and River

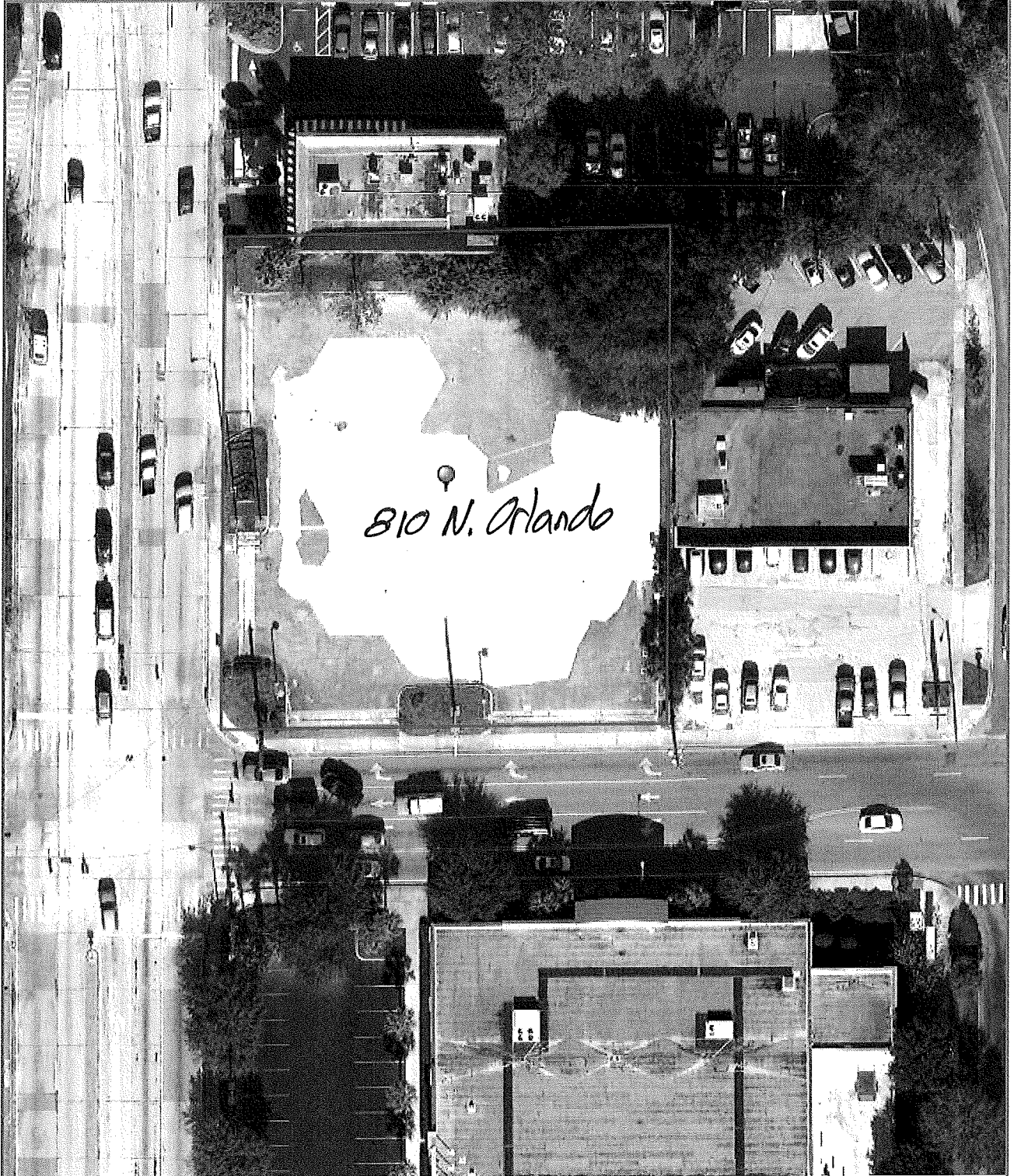
Building  
Fire Station  
Hospital  
Block Number  
Lot Number  
Parcel Number  
Parcel Address  
Parcel Dimensions



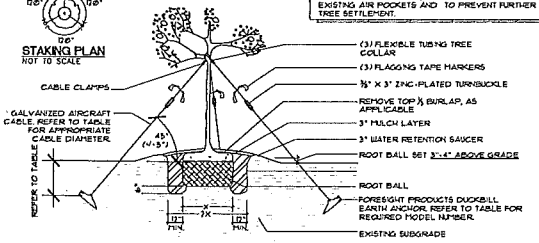
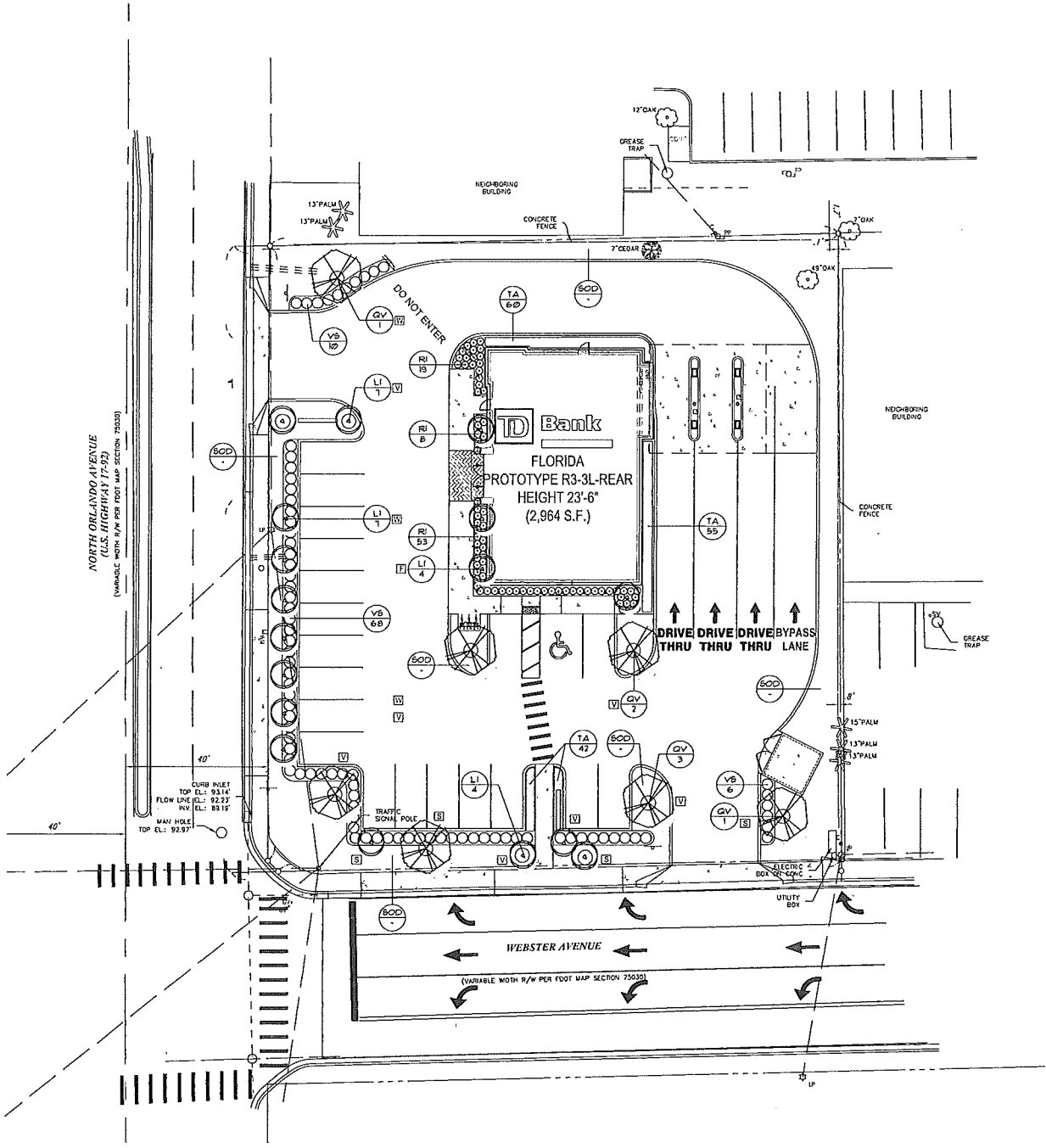
OCPA Web Map



Major Roads	Block Line	Commercial/Institutional	Hydro	Building	6	Lot Number
Road Under Construction	Lot Line	Governmental/Institutional/Misc	Waste Land	Fire Station	06050	Parcel Number
Proposed Road	Residential	Commercial/Industrial/Vacant Land	Parks	Hospital	3106	Parcel Address
Brick Road	Agriculture	Agricultural/Curtilage	Lakes and River	Block Number	111.9	Parcel Dimension







TYPICAL TREE PLANTING AT GRADE  
NOT TO SCALE

NOTE: ALL TREES SHALL BE WATERED THOROUGHLY WITH A HIGH PRESSURE WATER NOZZLE LIGHTLY TAMP SOIL AROUND ROOT BALL TO REMOVE EXISTING AIR POCKETS AND TO PREVENT FURTHER TREE SETTLEMENT.

NOTE: THIS DUCKBILL ANCHORING SYSTEM IS DESIGNED TO BE USED WITH MANUFACTURER-SUPPLIED COMPONENTS. INSTALL ANCHORS AS PER MANUFACTURERS SPECIFICATIONS.

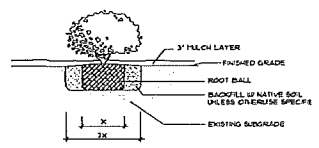
DUCKBILL EARTH ANCHOR TABLE

TREE CALIPER	MODEL NUMBER	RATED CAPACITY	MINIMUM DEPTH OF INSTALLATION
UP TO 3"	40-DTS	300 LBS. EA.	20"
UP TO 6"	68-DTS	1,100 LBS. EA.	30"
UP TO 11"	88-DTS	3,000 LBS. EA.	42"
NOT RATED	138-DTS	5,000 LBS. EA.	60"

NOTE: RATED FOR WINDS UP TO 50 MPH

NOTE: ALL TREE ANCHORING SYSTEM SHALL BE REMOVED AFTER ONE GROWING SEASON.

- NOTES:
- SPACING VARIER SEE PLANSCHEDULE
  - PLANT SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS IT BORE IN THE CONTAINER.
  - PLANTING HOLE SHALL HAVE VERTICAL SIDES



SHRUB/GROUND COVER PLANTING DETAIL  
NOT TO SCALE



TRUCKIN TRAFFIC, LLC  
721 Gulf Boulevard, Suite 200  
Indian Rocks Beach, Florida 33785  
(727) 647-8196

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## TRIP GENERATION MEMORANDUM

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**TO:** City of Winter Park  
**FROM:** Jane A. Caldera, P.E.  
**COPY TO:** Richard Tommell, P.E. - Bohler Engineering  
**DATE:** November 19, 2012  
**SUBJECT:** TD Bank Redevelopment  
Orlando Avenue at Webster Road - Northeast Corner

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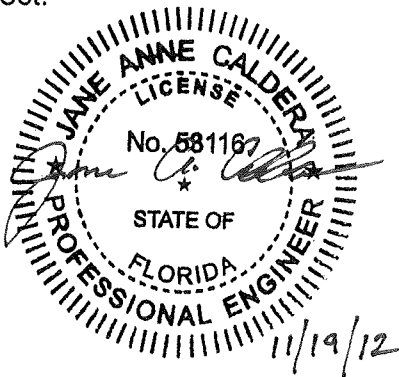
The TD redevelopment project is located in the northeast corner of Orlando Avenue and Webster Road in the City of Winter Park. The site was previously occupied with a BP Convenience Store and Gas Station (w/8 fueling positions) with a Car wash.

The proposed redevelopment project consists of a new 2,964 square foot Drive In Bank.

Based on the trip rates contained in the 8<sup>th</sup> Edition of the Institute of Transportation of Engineers (ITE) Trip Generation Manual, the proposed redevelopment will decrease the net-new, two-way, daily and PM peak-hours trips by 1,234 vehicles per day and 11 vehicles per hour, respectively.

**Attachment A** contains the detailed trip generation calculations.

Please contact me if you have any questions or need additional information to approve this project.



Jane A. Caldera, P.E.  
Florida P.E. # 53116

ATTACHMENT A

**WEBSTER ROAD AT ORLANDO AVENUE (NEC)  
TD BANK REDEVELOPMENT**

**DAILY TRIP GENERATION ESTIMATES**

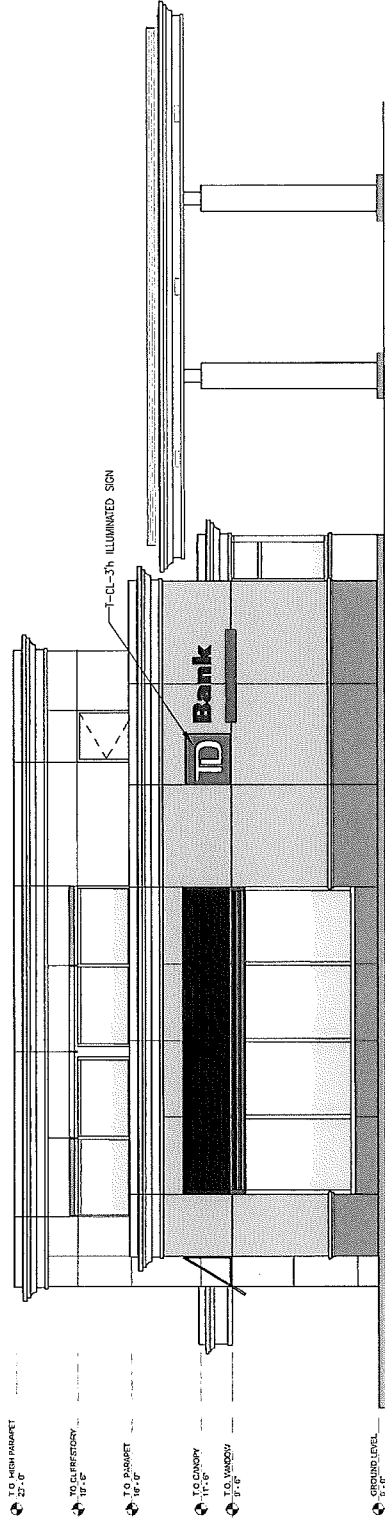
ITE Land-Use Category	ITE Land-Use (Code)	Independent Variable	ITE Rate or Equation (1)	Size	Gross/Total Trips	Pass-By Capture Rate (2)	Pass-By Trips	Net-New Trips
<b>Previously Existing</b>								
C-Store w/Gasoline	853 ITE /R	FUELING POSITIONS	542.6	8	4,341	66%	2,865	1,476
<b>Proposed Redevelopment</b>								
Drive In Bank	912 ITE /R	SQUARE FEET	148.15	2,964	439	47%	206	233
<b>Net Change (Proposed - Existing)</b>					<b>-3,902</b>		<b>-2,659</b>	<b>-1,243</b>

**PM PEAK HOUR TRIP GENERATION ESTIMATES**

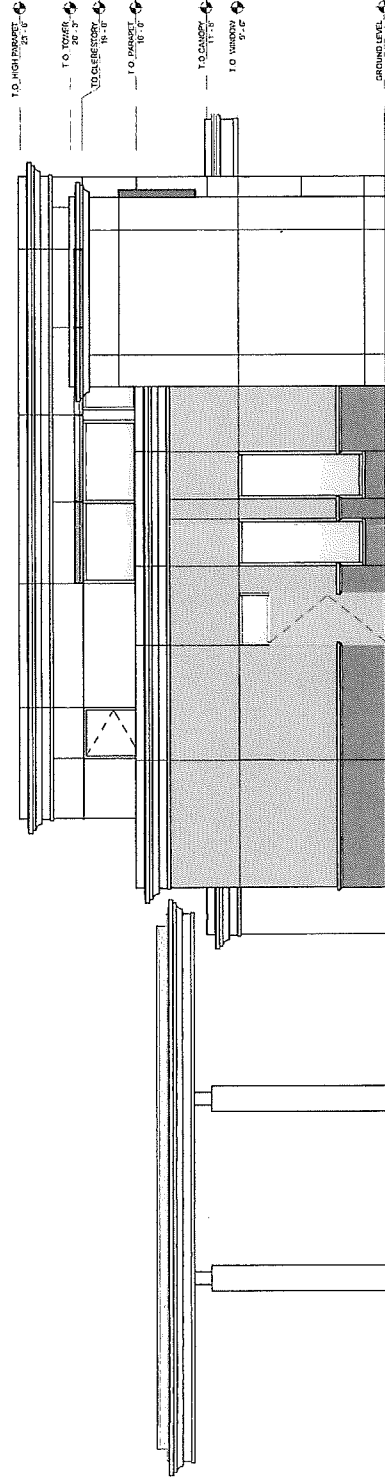
ITE Land-Use Category	ITE Land-Use (Code)	Independent Variable	ITE Rate or Equation (1)	Size	Gross/Total Trips	Pass-By Capture Rate (2)	Pass-By Trips	Net-New Trips
<b>Previously Existing</b>								
C-Store w/Gasoline	853 ITE /R	FUELING POSITIONS	19.07	8	153	66%	101	52
<b>Proposed Redevelopment</b>								
Drive In Bank	912 ITE /R	SQUARE FEET	25.82	2,964	77	47%	36	41
<b>Net Change (Proposed - Existing)</b>					<b>-76</b>		<b>-65</b>	<b>-11</b>

(1) The Trip Generation Rates were obtained from ITE Trip Generation Manual, 8th Edition.

(2) The Pass-By Capture Rate was based on the recommended rates from the ITE Trip Generation Handbook, 2nd Edition.

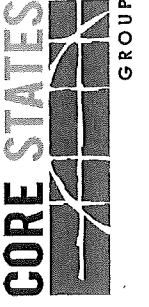


1 RIGHT ELEVATION - SOUTH  
SCALE: 1/8"=1'-0"



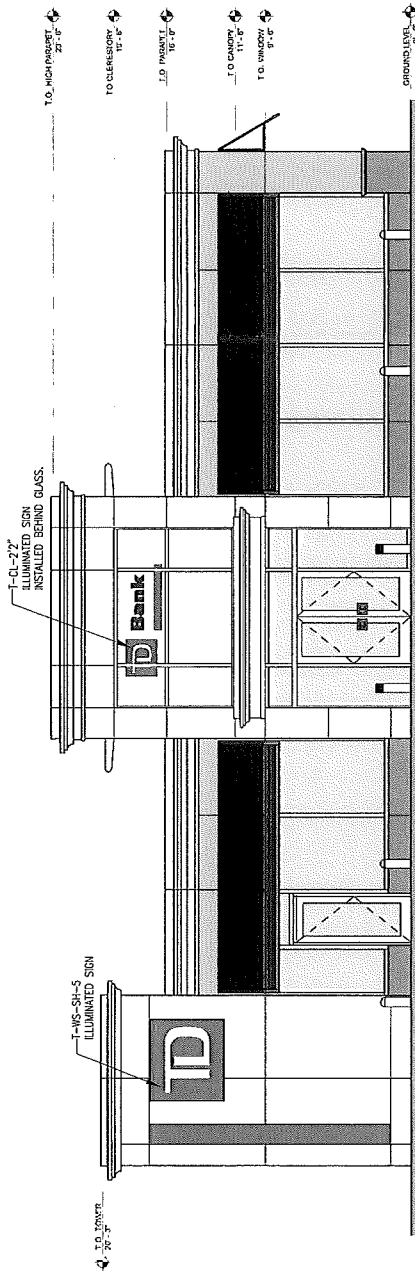
2 LEFT ELEVATION - NORTH  
SCALE: 1/8"=1'-0"

ISSUED 1-4-2012

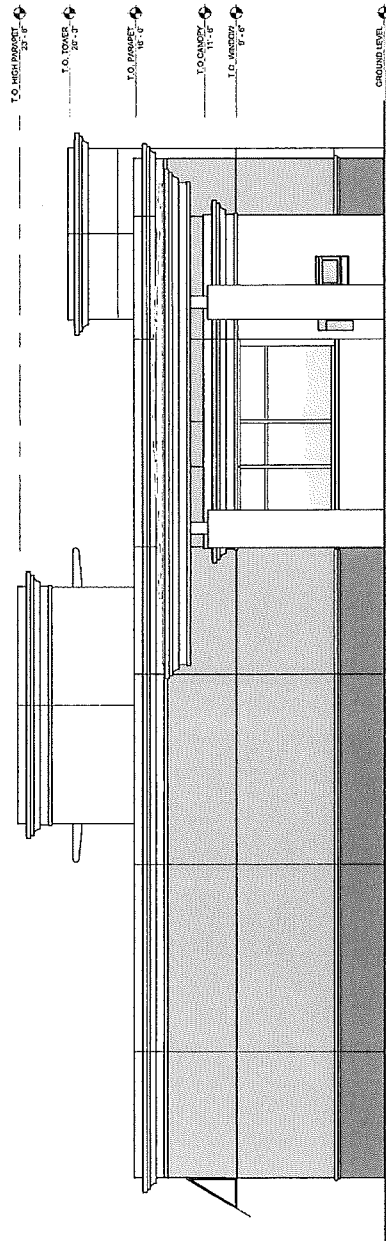


**WINTER PARK, FL**  
 810 N. ORLANDO AVENUE  
 N. ORLANDO AVE. & WEBSTER AVE.  
 WINTER PARK, FL





1 FRONT ELEVATION - WEST - N. ORLANDO AVENUE  
SCALE: 1/8"=1'-0"



2 REAR ELEVATION - EAST  
SCALE: 1/8"=1'-0"

**SIGNAGE COMPLIANCE**

THE FOLLOWING INFORMATION IS BASED ON A REVIEW OF THE LOCAL ZONING CODE REGARDING SIGNAGE REGULATIONS. ALL RECOMMENDATIONS ARE SUBJECT TO LANDLORD AND GOVERNING JURISDICTION REVIEW AND APPROVAL.

SITE ZONING:

C-3 COMMERCIAL

SIGNAGE ORDINANCE:

CITY OF WINTER PARK

PROPOSED BUILDING SIGNAGE:

EACH OCCUPANT MAY HAVE ONE WALL SIGN. WHEN AN OCCUPANT HAS A GROUND SIGN BUT NO ROOF SIGN ON THE PREMISES, 30% OF THE SIGNABLE AREA MAY BE USED. IF A BUILDING HAS MULTIPLE FRONTAGES, EACH FRONTAGE SHALL BE SEPARATELY CONSIDERED FOR THE PURPOSES OF DETERMINING COMPLIANCE.

LOCATION	PROPOSED SIGNAGE MODEL	SIGNAGE NUMBER	SIGNAGE ILLUM.	SIGNAGE ILLUM. ALLOWED	VARIANCE REQUIRED
ORLANDO AVE (FRONT)	T-WS-SH-5	29.37	Y	120.90	Y N
RIGHT ELEV. (WEBSTER)	T-CL-3Y	31.85	Y	114.3	Y N
ORLANDO AVE. (INTERIOR WINDOW SIGN)	T-CL-2-6Y	17.6	Y	105.25	Y N

NOTES:

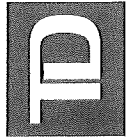
FRONT ELEV. = 30% OF SIGNABLE AREA  
(SIGNABLE AREA = AREA OF THE FACADE OF BUILDING TO ROOF LINE WHICH IS FREE OF WINDOWS, DOORS, OR MAJOR ARCH. DETAILS)  
ALLOWABLE: 120.90SF = 30% OF 403SF. (SIGNABLE AREA)  
RIGHT ELEV. = 30% OF SIGNABLE AREA  
ALLOWABLE: 114.3SF = 30% OF 381SF. (SIGNABLE AREA)  
WINDOW SIGN: A SIGN WHICH IS APPLIED TO OR LOCATED WITHIN 3 FEET OF INTERIOR OF WINDOW. THE TOTAL AREA OF ALL WINDOW SIGNS ON ANY SIDE OF A BUILDING SHALL NOT COVER MORE THAN 25% OF THE WINDOW AREA.  
ALLOWABLE: 421SF (TOTAL WINDOW AREA) X 25% = 105.25SF

SITE I.D. SIGN: N

TOTAL PROPOSED BUILDING SIGNAGE:

WALL: 78.82 SF

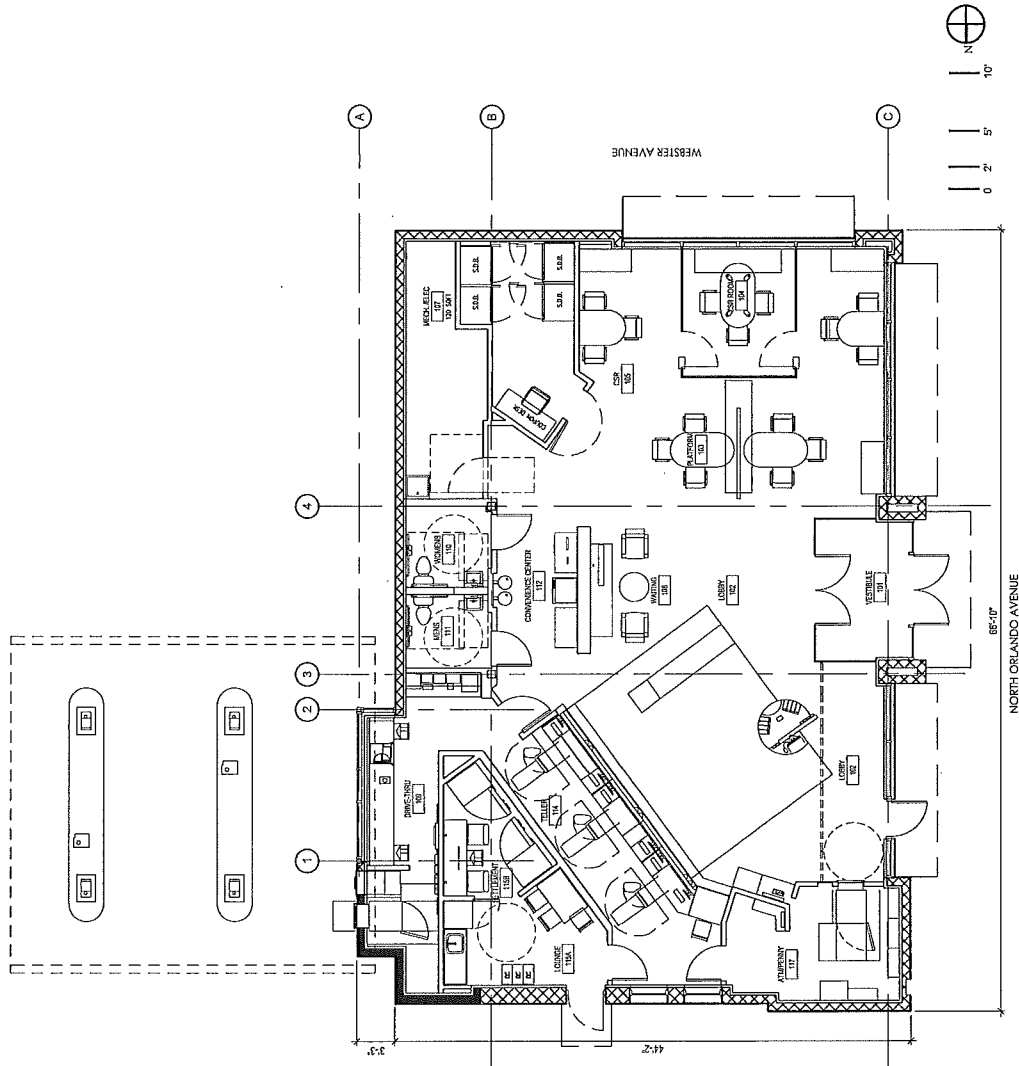
ATTORNEY APPROVAL RATING:



**WINTER PARK, FL**  
810 N. ORLANDO AVENUE  
N. ORLANDO AVE. & WEBSTER AVE.  
WINTER PARK, FL

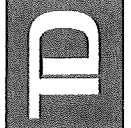
PROGRAM REQUIREMENTS	
DESCRIPTION	QTY.
BUILDING S.F.	2,964
TELLERS	5
A.D.A. TELLERS	1
CSR DESKS	4
STANDING CSR DESKS	0
OFFICES	1
ATM-INTERIOR - FRONT	1
ATM-INTERIOR - REAR	0
ATM - WALK-UP	0
ATM - DRIVE UP	1
SAFE DEPOSIT BOXES	560
LEED PROJECTION POINTS (LEVEL)	GOLD
DRIVE-THRU LANES	3
ATTACHED DRIVE-THRU	Y
PENNY ARCADE	1
KIDS ZONE	1

NOTES:



1 PLAN  
SCALE: 3/32" = 1'-0"

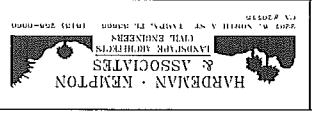
**WINTER PARK, FL**  
 810 N. ORLANDO AVENUE  
 N. ORLANDO AVE. & WEBSTER AVE.  
 WINTER PARK, FL











PROJECT NAME: TD Bank  
 810 N Orlando Avenue  
 Landscape Plan

PREPARED FOR: Bohler Engineering  
 ADDRESS: 2202 N. Westshore Blvd., Suite 140  
 Tampa, FL 33607

DATE: 11/11/14	BY: JLD
DATE: 11/11/14	BY: JLD
DATE: 11/11/14	BY: JLD
DATE: 11/11/14	BY: JLD

**LANDSCAPE MATERIALS LIST**

CITY KEY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
17	Ligustrum lucidum 'Natchez'	Cornus Maple	9/8", min. 1" cal. @ 4' sec. 2" cal. 1st.
7	Oxalis violacea	Ulex Oak	9/8", min. 1" cal. @ 4' sec. 2" cal. 1st.
80	Rapanea indica 'Aloha'	Dwarf Indian Hawthorn	min. 3 pks. @ 30" o.c.
84	Viburnum suspensum	Stamandean Viburnum	min. 7 plants, 30" above finish grade, 30" o.c.
182	Tropaeolum andinum	Milano Marigold	1 pk. @ 18" o.c.
	Physalis peruviana	Bahia Sod	Sod all disturbed areas.
	MULCH	Pine Bark 'Mill Nuggard'	cubic yards

**LANDSCAPE REQUIREMENTS**  
 per City of Winter Park Landscape Code (Section 204, Division 8)

**FOUNDATION LANDSCAPING:**  
 FOUNDATION LANDSCAPING shall be required for all visible areas from any public right-of-way.  
 A min. 8' wide landscape area adjacent to the building facade.  
 50% of the plants shall be min. height of 12" H.  
 A min. of (3) underrun trees shall be required for each 100 lf of facade area.  
 88 S.F. / 100 lf = .088 A.S. = (4) underrun trees required and provided.

**ADDITIONAL NOTES:**  
 Contractor shall install new irrigation system to provide 100% coverage to all landscape areas. Refer to irrigation plan.

**VIA INTERIOR LANDSCAPE REQUIREMENT -**  
 min. 25% of area shall be landscaping.  
 15,698 sf x .25 = 3,924.5 sq. ft. of required and provided landscape plants.  
 (1) shade trees and (2) underrun trees provided.  
 (1) shade tree and (2) underrun trees were used in substitution for (2) shade trees.

**GENERAL LANDSCAPE NOTES**

- All landscape material shall be as specified or better, as specified to provide and obtained for nursery plants, each 1" by Division of Plant Industry, Florida Department of Agriculture and Consumer Services, and shall conform to current American Association of Nurserymen Standards for Nursery Stock. Landscape material shall be planted according to Sound Nursery Practices.
- All shrubs shall be a minimum of 30" high at the time of planting and spaced no greater than 36" on center. Shrubs shall not adversely impact existing tree root systems and shall be fully irrigated if necessary.
- All required trees shall be a minimum of 8' overall height with a min. 2" trunk dbh at time of planting. Adjacent tree locations as necessary to avoid utilities, obstructions, etc. tree materials list for exact specifications.
- All required trees shall be located a minimum of 6' feet from impervious surfaces, all shrubs 2 feet.
- An automatic underground irrigation system shall be installed to maintain the landscape area in a healthy manner and provide 100% coverage.
- The contractor shall sod all disturbed areas. All planting shall be matched to a 2" minimum depth.
- The contractor shall be responsible for the clean up of premises and removal of all discarded dirt surplus materials, and rubbish.
- Verify the location of existing trees, lawns, and shrubs. Remove extensive materials such as rocks, branches, building materials or unacceptable sites prior to planting soil, trees, and shrubs, where encountered.
- Contractor shall remove accumulated with the rotted paving, stop grading, and all utilities (including water, sewer, and electrical supply) to provide any microclimate and ensure a healthy tree habitat.
- The exact location of all existing structures, underground utilities, and pipes may not be as indicated on drawings; the contractor shall verify the location of all existing structures, underground utilities, and pipes prior to planting. The contractor shall protect existing structures and utility services which must remain operational and shall be responsible for their replacement if damaged by him.
- Contractor shall call Suncoast State One-Call at least 48 hours prior to digging. (1-800-432-4770).
- Quantities on plan take precedence over materials list. Quantities on materials list are provided as a courtesy only.
- All landscape materials shall be maintained in proximity to provide as required EOT and bear safe clearance distances for vehicles.

**LANDSCAPE DATA CALCULATIONS:**

**MINIMUM UNPAVED SCREENING REQUIREMENT -**  
 2' x 8' wide landscape area along right-of-way  
 (1) shade tree and (1) underrun tree for each 50 lf  
 Webster Ave. - (2) shade trees and (2) underrun trees required,  
 (2) shade trees and (2) underrun trees provided.

North Orlando Ave. - (2) shade trees and (2) underrun trees required,  
 (2) shade trees and (2) underrun trees provided.  
 Dade Ave. - (1) shade tree and (1) underrun tree provided,  
 (1) shade tree and (1) underrun tree were used in substitution for (2) shade trees.

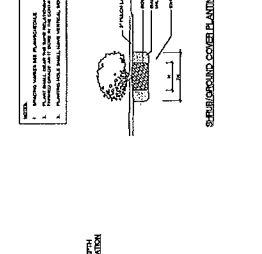
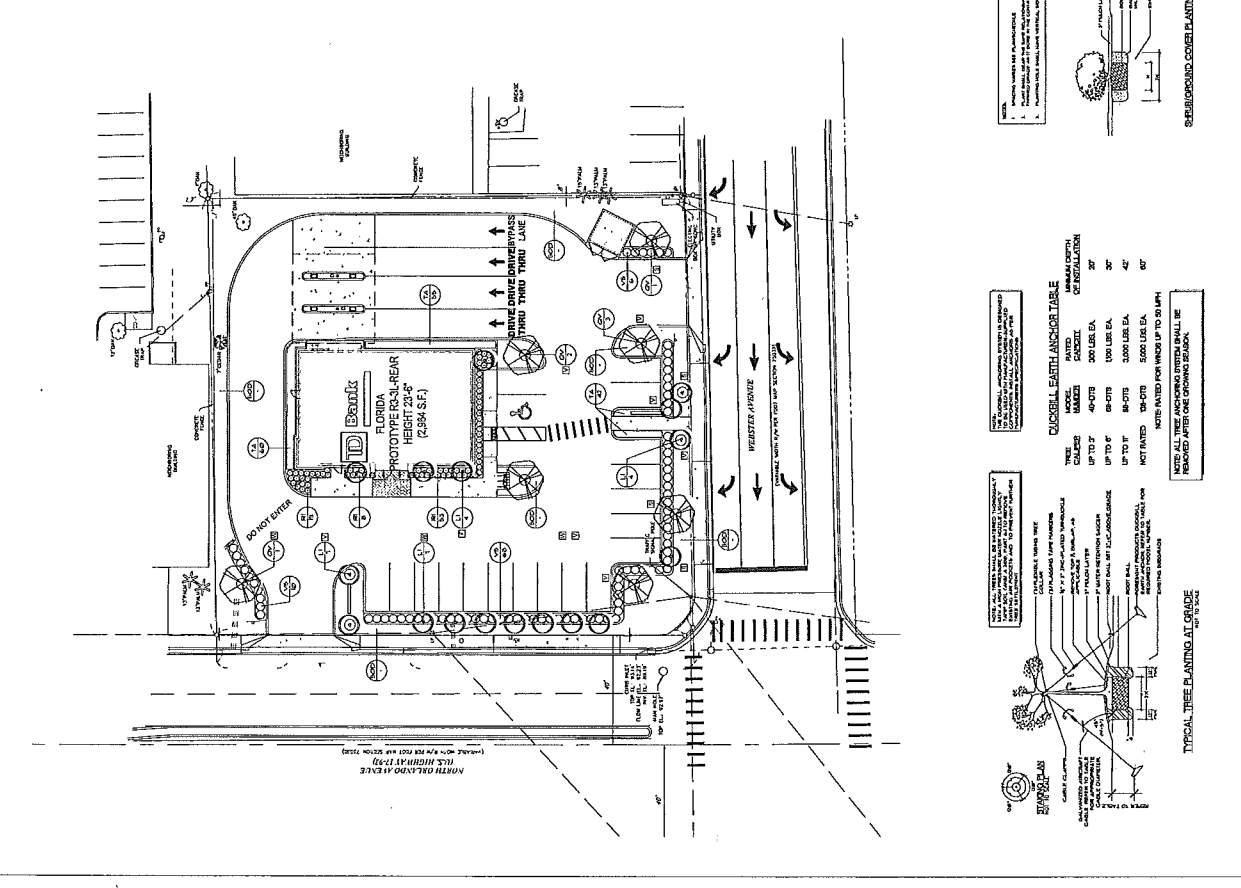
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 (1) shade trees and (2) underrun trees provided.  
 (1) shade tree and (2) underrun trees were used in substitution for (2) shade trees.

**REQUIRED TREE LEGEND**  
 (shaded indicates how each tree satisfies the code requirements)

S	(Webster Ave.) south c.o.w. buffer trees (City-4)
W	(N. Orlando Ave) west c.o.w. buffer trees (City-9)
V	V.I.A. Interior landscape tree requirement (City-8)
F	Foundation landscape tree requirement (City-4)

**REVISIONS:**

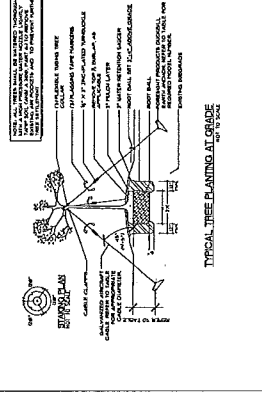
No.	Date	Description



**ANCHOR BOLT ANCHOR TABLE**

TYPE	CALLOUT	ANCHOR DIA.	DEPTH OF INSTALLATION
UP TO 2'	48-C75	3/8" DIA.	30"
UP TO 6'	68-C75	1/2" DIA.	30"
UP TO 8'	88-C75	5/8" DIA.	42"
NOT RATED	108-C75	3/4" DIA.	60"

NOTE: ALL TREE ANCHOR BOLT SHALL BE REMOVED AFTER ONE GROWING SEASON.





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

**Staff Report  
January 8, 2013**

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**REQUEST OF ATLANTIC HOUSING LLLC TO:** AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE REAR PORTION OF THE PROPERTY AT 835 W. CANTON AVENUE.

**REQUEST OF ATLANTIC HOUSING LLLC TO:** AMEND THE OFFICIAL ZONING MAP TO CHANGE THE EXISTING ZONING DESIGNATION OF SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE REAR PORTION OF THE PROPERTY AT 835 W. CANTON AVENUE.

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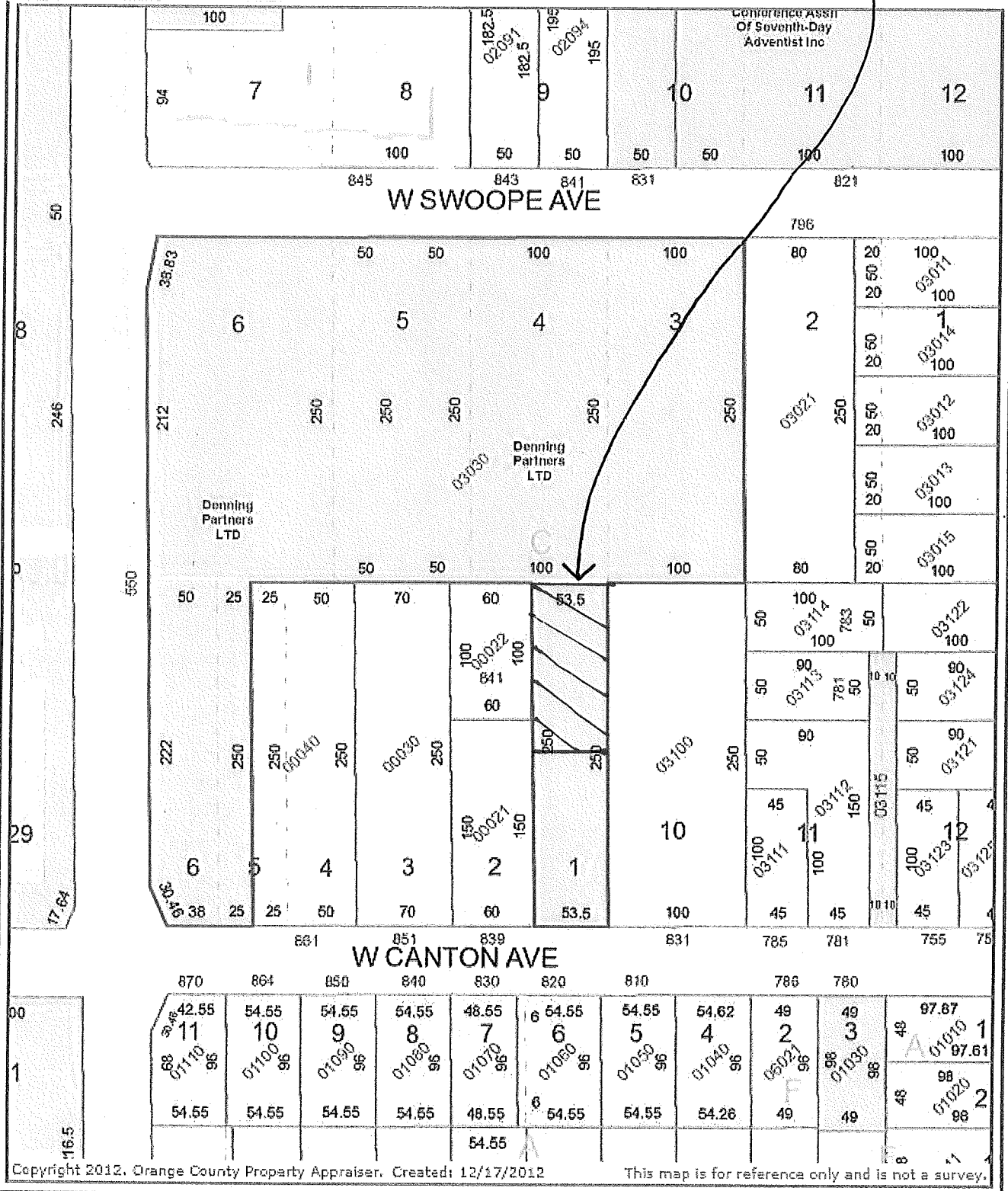
Last month, the City Commission approved the Conditional Use and Development Agreement for the Atlantic Housing development of 105 affordable senior housing units on the properties at 550 N. Denning and 861 W. Canton.

Unfortunately, what was over-looked was the FLU and Zoning for the small piece of the project that will be used as the storm water retention area. During the City Commission public hearing it came to our attention that this small portion of the property (approximately 6,900 sq. ft.) is still zoned single family on the Official Zoning Map. This small parcel is a remnant of the property at 835 W. Canton Avenue that was consolidated into the 550 N. Denning Drive property. Atlantic Housing, the city staff and the seller believed that the zoning of this entire property (as indicted on the Orange County Property Appraiser's maps) was R-4. However, it is R-1A.

Both the 2006 Development Agreement and the newly approved 2012 Development Agreement grant the density from this small remnant parcel based on the R-4 entitlements. While Atlantic Housing LLLP may rely upon the approved CUP and 2012 Development Agreement, they are concerned that potential lenders and their attorneys may have concerns about this remnant R-1A zoning. So in order to remedy any confusion or concerns, the City volunteered to process a FLU amendment and rezoning to bring this into conformance with the parameters of the approved project. Thus, this agenda item to change the FLU and Zoning of this small parcel to R-4 to match the rest of the project's zoning.

**STAFF RECOMMENDATION IS FOR APPROVAL**

Rear Portion of  
835 W. Canton (North 127 feet)



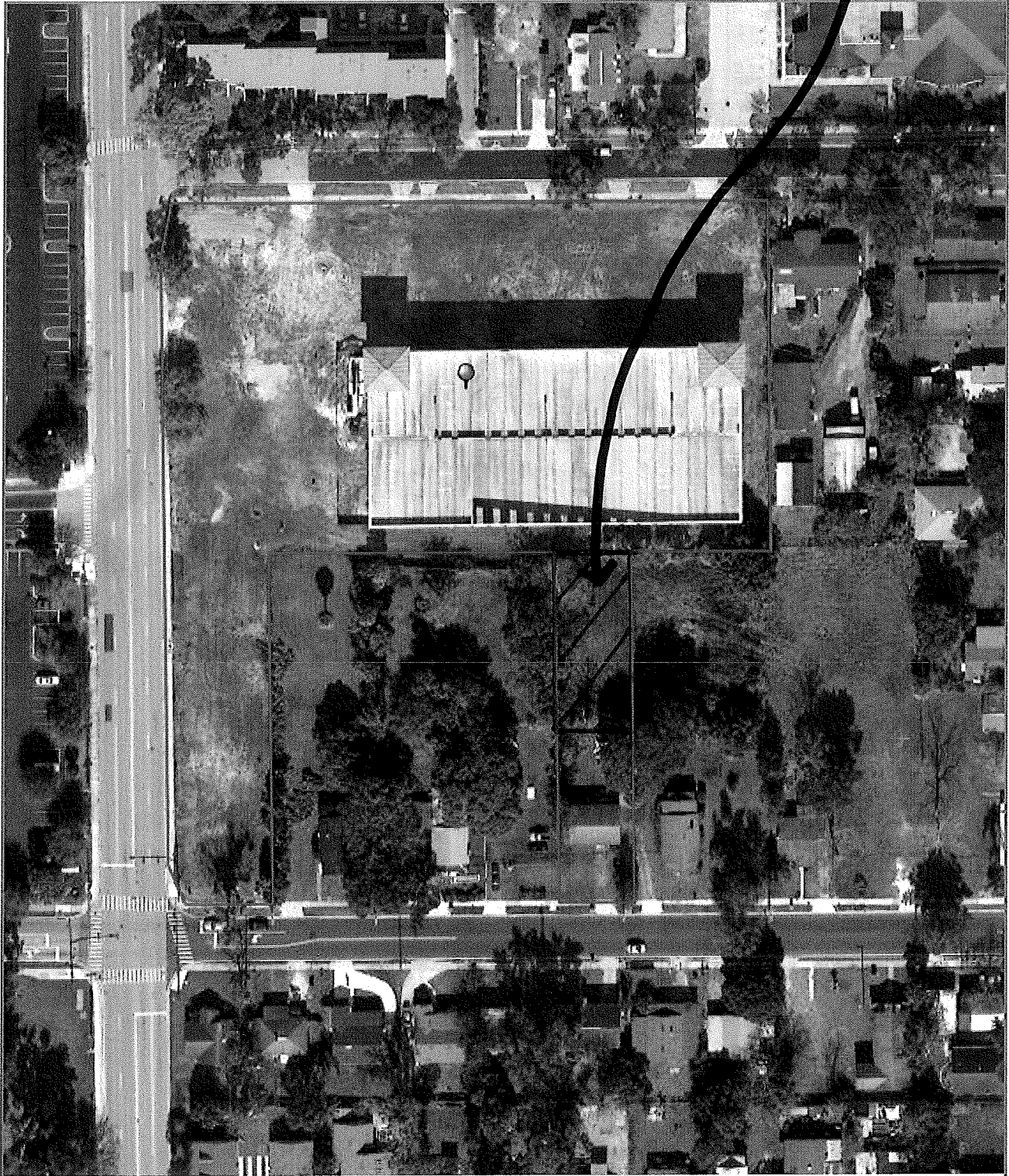
# Rear Portion of 835 W. Canton Avenue



**OCPA Web Map**

	<b>Major Roads</b> — Major Road - - - Road Under Construction - - - - Proposed Road - - - - - Brick Road	<b>Block Line</b> — Lot Line	<b>Commercial/Institutional</b> □ Commercial/Institutional/Misc □ Commercial/Industrial Vacant Land □ Agricultural Curtilage	<b>Hydro</b> □ Hydro □ Waste Land ▲ Parks □ Lakes and River	<b>Building</b> □ Building 🚒 Fire Station 🏥 Hospital E Block Number	<b>6</b> Lot Number 06060 Parcel Number 3106 Parcel Address 111.9 Parcel Dimensions
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15m  
60ft



Lowndes  
Drosdick  
Doster &  
Kantor  
Reed, P.A.

A T T O R N E Y S  
A T L A W

M. REBECCA WILSON  
DIRECT DIAL: 407-418-6250  
North Eola Drive Office  
POST OFFICE BOX 2809  
ORLANDO, FLORIDA 32802-2809  
rebecca.wilson@lowndes-law.com

 MERITAS LAW FIRMS WORLDWIDE

December 14, 2012

Mr. Jeff Briggs  
Planning & Community Development Director  
Winter Park Planning Dept.  
401 Park Avenue South  
Winter Park, FL 32789

**Re: 550 N. Denning Avenue**

Dear Jeff:

As you know this firm represents Atlantic Housing LLLP. As you also know the City has approved a CUP and Development Agreement for the development of 105 affordable senior housing units on the properties at 550 N. Denning and 861 W. Canton.

It came to our attention during the City Commission public hearing that a small portion of our property (approximately 6,900 sq. ft.) is still zoned single family on the Official Zoning Map. This small parcel is a remnant of the property at 835 W. Canton Avenue that was consolidated into the 550 N. Denning Drive property. Atlantic Housing, the city staff and the seller believed that the zoning of this entire property (as indicted on the Orange County Property Appraiser's maps) was R-4.

Both the 2006 Development Agreement and the newly approved 2012 Development Agreement grant the density from this small remnant parcel based on the R-4 entitlements. While Atlantic Housing LLLP may rely upon the approved CUP and 2012 Development Agreement, we are concerned that potential lenders and their attorneys may have concerns about this remnant zoning. We request that, accordingly, the City process an amendment and rezoning to bring this into conformance.

Very truly yours,



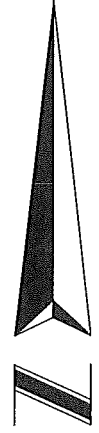
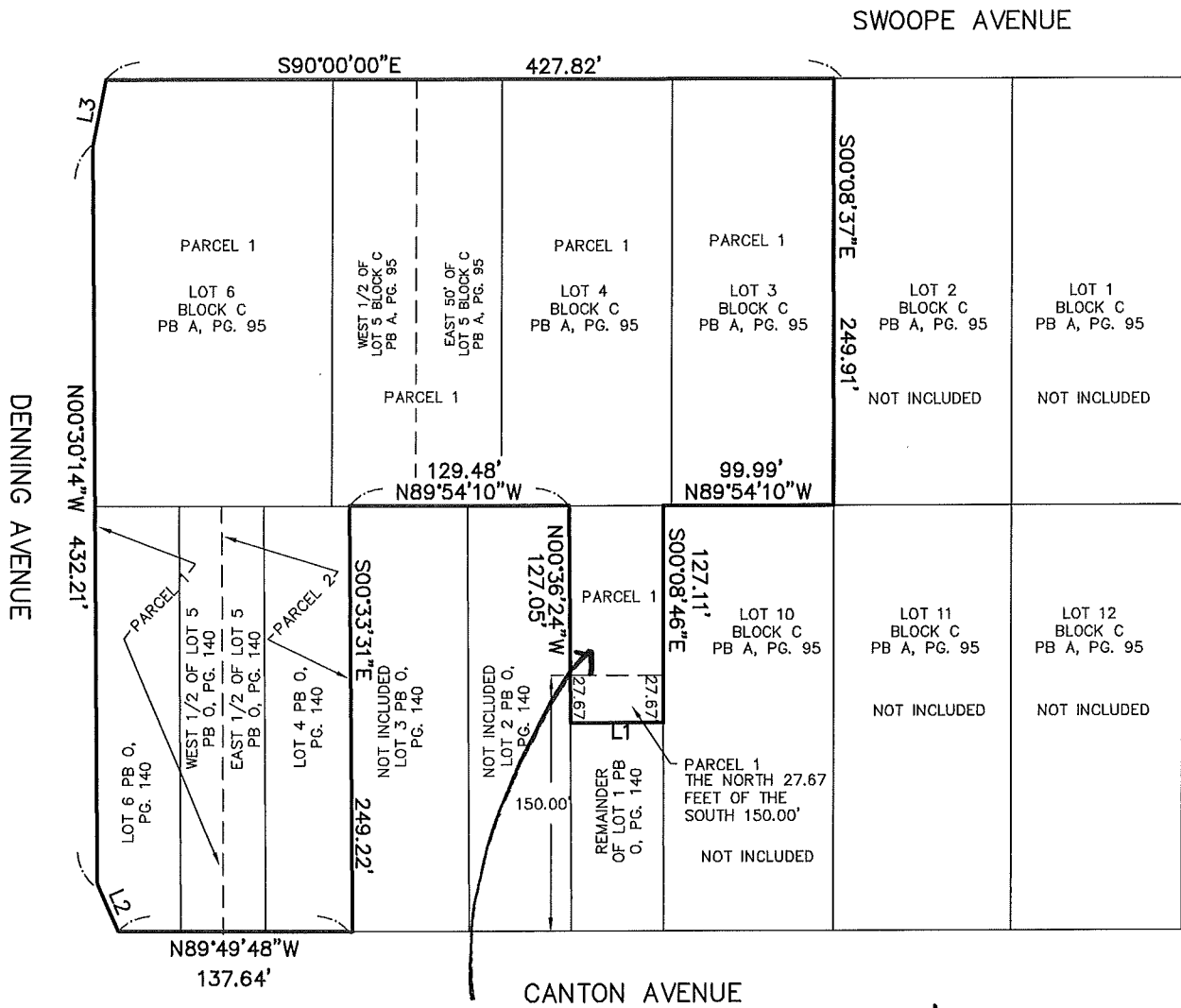
M. Rebecca Wilson

MRW/nle

*Atlantic Housing  
Senior Apts.*

SKETCH OF DESCRIPTION

LINE TABLE		
LINE	LENGTH	BEARING
L1	54.36'	N89°49'48"W
L2	30.59'	N23°35'49"W
L3	38.76'	N11°24'20"E



*Rear Portion of 835 W. Canton*



213 S. Dillard Street, Suite 210  
Winter Garden, Florida 34787 \* (407) 654-5355

**SURVEYOR'S NOTES:**

1. THIS IS NOT A SURVEY.
2. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. BEARINGS SHOWN HEREON ARE BASED ON WESTERLY RIGHT OF WAY LINE OF DENNING AVENUE AS HAVING AN ASSUMED BEARING OF NORTH 00°22'41" WEST.

JOB NO. _____	20120177	CALCULATED BY: _____	EGT
DATE: _____	NOV. 15, 2012	DRAWN BY: _____	EGT
SCALE: _____	1 INCH = 100 FEET	CHECKED BY: _____	JLR
FIELD BY: _____	N/A		

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 SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE REAR PORTION OF THE PROPERTY AT 835 WEST CANTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; 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 January December 4, 2012, 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 on January 14, 2013 and January 28, 2013 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 single family residential to high density residential on the rear portion of the property at 835 W. Canton Avenue, said property being more particularly described as follows:



The North 127 feet of Lot 1, Capens Addition Replat as recorded in Plat Book "O", Page 140 of the Public Records of Orange County, Florida.

**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 SINGLE FAMILY (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE REAR PORTION OF THE PROPERTY AT 835 WEST CANTON 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 January 8, 2013 meeting; and

**WHEREAS**, the City Commission of the City of Winter Park held a 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 single family (R-1A) district to multi-family (high-density R-4) district zoning on the rear portion of the property at 835 W. Canton Avenue, more particularly described as follows:

The North 127 feet of Lot 1, Capens Addition Replat as recorded in Plat Book "O", Page 140 of the Public Records of Orange County, Florida.

**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 \_\_\_\_\_ .

**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

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

**Staff Report  
January 8, 2013**

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**REQUEST OF JEFF FAINE TO:** AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH A SINGLE FAMILY FUTURE LAND USE DESIGNATION TO THE ANNEXED PROPERTY AT 500 E. LAKE SUE AVENUE.

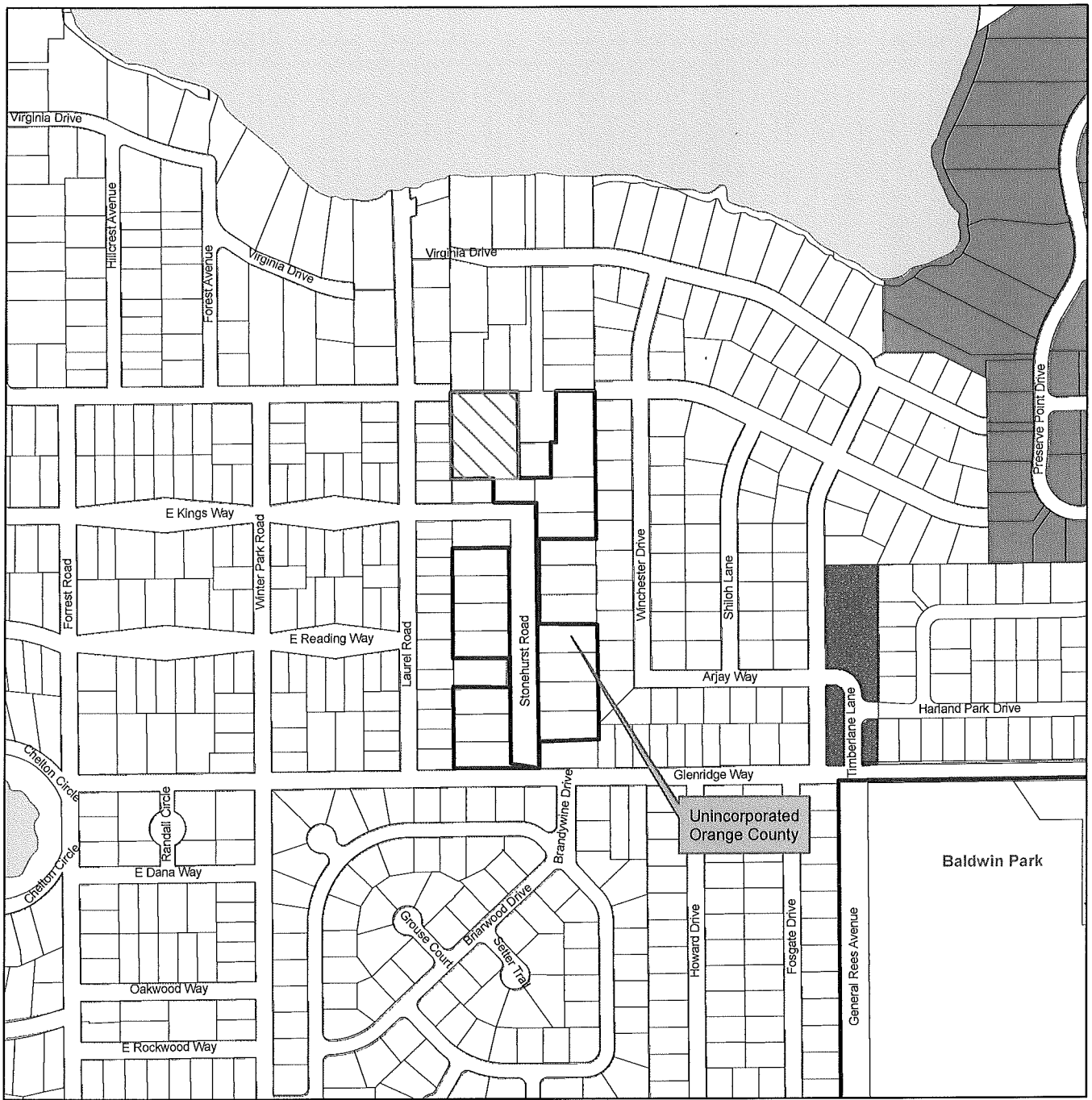
**REQUEST OF JEFF FAINE TO:** TO AMEND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH SINGLE FAMILY RESIDENTIAL (R-1AA) DISTRICT ZONING ON THE ANNEXED PROPERTY AT 500 E. LAKE SUE AVENUE.

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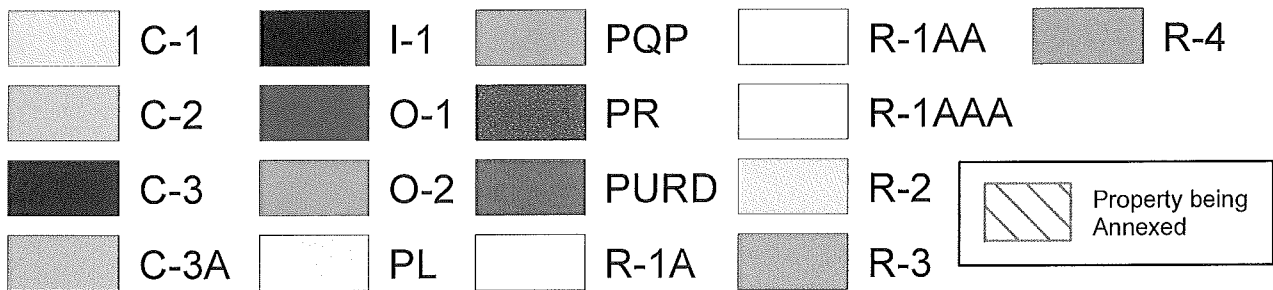
Mr. Jeff Faine is the recent purchaser of the vacant property at 500 E. Lake Sue Avenue. He has made a voluntary request for annexation and the City needs to establish a single family FLU designation on the Comprehensive Plan maps and single family (R-1AA) zoning on this property being annexed into the City. The property now has the same single family FLU and zoning in Orange County so there is no change.

This property is part of the "Stonehurst Drive" enclave so the City is pleased to annex one more property. The owners will soon start a new single family home on this vacant lot. They will be hooking up to the city sewer and the annexation saves them some money by being able to pay the "in-city" impact fee rates.

**STAFF RECOMMENDATION IS FOR APPROVAL**



# WP Zoning



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 ESTABLISH SINGLE FAMILY RESIDENTIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 500 EAST LAKE SUE AVENUE AND TO INDICATE THE ANNEXATION OF THIS PROPERTY ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.**

**WHEREAS**, the owner of the property more particularly described herein has voluntarily requested annexation into the City of Winter Park and in compliance with Chapter 171, Florida Statutes, said property has been annexed into the City of Winter Park, and

**WHEREAS**, the City Commission intends to amend its Comprehensive Plan to establish a municipal Comprehensive Plan future land use map designation as a small scale amendment to the Comprehensive Plan, and

**WHEREAS**, the amendment of the Comprehensive Plan maps and the establishment of a future land use designation meets the criteria established by Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code 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.

**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 establish a Single Family Residential future land use designation on the annexed property at 500 Lake Sue Avenue and that all other maps in the Comprehensive Plan shall also be amended to reflect the addition and annexation of this property into the City of Winter Park, said property being more particularly described as follows:

500 East Lake Sue Avenue: PROPERTY TAX ID# 17-22-30-4788-00-007

Per the REPLAT OF PART OF LAKE VIRGINIA SHORES as recorded in Plat Book "Q", Page 53 of the Public Records of Orange County, Florida: BEGIN AT THE NW COR SEC 17 22 30 THEN RUN SOUTH 298 FT; THEN EAST 231 FT; THEN NORTH 298 FT; THEN WEST 231 FT TO POB.

**SECTION 2.** This ordinance shall become effective 31 days after adoption but shall not become effective if this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. In that case it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

**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 ESTABLISH SINGLE FAMILY (R-1AA) ZONING ON THE ANNEXED PROPERTY AT 500 LAKE SUE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.**

**WHEREAS**, the owner of the property more particularly described herein has voluntarily requested annexation into the City of Winter Park and in compliance with Chapter 171, Florida Statutes, said property has been annexed into the City of Winter Park, and

**WHEREAS**, the City Commission intends to establish a municipal zoning designation on this property in compliance with the establishment of a similar Comprehensive Plan future land use designation for said property, and

**WHEREAS**, the establishment of 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.

**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 is hereby amended so as to establish Single Family (R-1AA) district zoning on the annexed property at 500 Lake Sue Avenue, more particularly described as follows:

500 East Lake Sue Avenue:      PROPERTY TAX ID# 17-22-30-4788-00-007

Per the REPLAT OF PART OF LAKE VIRGINIA SHORES as recorded in Plat Book "Q", Page 53 of the Public Records of Orange County, Florida: BEGIN AT THE NW COR SEC 17 22 30 THEN RUN SOUTH 298 FT; THEN EAST 231 FT; THEN NORTH 298 FT; THEN WEST 231 FT TO POB.

**SECTION 2.** This ordinance shall become effective 31 days after adoption. If this Ordinance or the related companion Ordinance amending the Comprehensive Plan for this property is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.



**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