

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

**Staff Report
April 5, 2016**

REQUEST OF WINTER PARK ELDERLY SERVICES, LLC FOR: CONDITIONAL USE APPROVAL TO BUILD A 48,650-SQUARE FOOT, THREE-STORY, 38-UNIT MEMORY CARE FACILITY AT 1298 HOWELL BRANCH ROAD, ZONED R-3.

This public hearing is at the request of Winter Park Elderly Services, LLC (contract purchaser) for Conditional Use approval to build a three-story, 48,650 square foot memory care/assisted living facility at 1298 Howell Branch Road, zoned R-3. This type of facility falls under the "adult congregate living facilities" or "assisted living facilities", conditional use provision in the R-3 zoning, as well as being a building over 10,000 square feet. Due to the size in excess of 35,000 sq. ft. a city-wide notice was sent to all 17,500 households in the City.

Project Site: Per the applicant's survey, the entire property is 3.39 acres in size. Of that total land area size, there is 2.23 acres (97,273 sq. ft.) that is land above the Ordinary High Water (OHW) elevation (66.6 feet – NAVD 88 datum) of the two water bodies. The larger one to the south is Lake Temple and the smaller one to the northeast is a remnant sinkhole with no name. The remaining 1.16 acres (50,508 sq. ft.) is then both water bodies either as actual water or shoreline below the Ordinary High Water elevation of 66.6 feet (NAVD 88 datum). The Orange County Property Appraiser via their GIS estimates has the total parcel size larger at 3.69 acres and the land area at 2.09 acres and the water at 1.55 acres. To the north and east are commercial properties and to the south and west are single family residential properties. The property is vacant and has been zoned R-3 for many decades including prior to the City's annexation of this area in the 1980.

Memory Care Project Proposal:

The proposed memory care/assisted living facility is three-stories and a total of 48,650 square feet, a floor area ratio (FAR) of 50%. (Using the OCPA numbers, the FAR is 53.4%) This is less than the maximum 110% FAR permitted in the R-3 zoning and more equivalent to the maximum 55% FAR allowed in R-2 zoning. R-2 zoning would also allow this project to be permitted via conditional use. The proposed building lot coverage (footprint) of 16.7% is within the maximum permitted of 40%. (Using the OCPA numbers, the building lot coverage is 17.8%) The impervious coverage is approximately 42% which is also within the maximum permitted coverage of 75%.

The project proposal includes an upgrade to the traffic signal at Howell Branch Road and Temple Trail to add a traffic light that will face their driveway so that traffic will come and go with the traffic light sequence of Temple Trail. The entrance/exit to the project has been set to line up with that traffic signal so that all traffic can safely enter and exit the site.

Parking and drives are shown on the plan accomodating 26 parking spaces, a front circular drop-off and access for service deliveries/dumpster pickup, etc. The project does not propose, at this time, any wall buffers but the staff expects that as part of the final conditional use approval, a perimeter wall along Howell Branch Road will be proposed to provide some buffer for privacy and traffic noise. The planning staff will be proposing a condition that will require a wall buffer for the parking that is visible to the residential properties to the south and west. The Zoning Code specifies that "to the extent practical, vehicles shall not be visible from the lake" While there will be many trees buffering the view of this project, a decorative five foot wall to the south and west sides will insure that the neighbors are not looking at cars in a parking lot or getting glare from windshield deflection. It also will serve as a buffer for headlights given the shift changes for the staff of this facility.

Storm water retention is required to meet the City Code and the regulations of the St. John River Water Management District. Those specific design details are presented as part of the final condional use approval process.

The project incorporates Mediterranean architecture in order to be residential in style both for compatibility with the surrounding neighborhoods but also for the residential context of their business.

Parking Requirements:

The City has a specific parking requirement for an assisted living facility but not one specifically for a memory care facility. The parking requirement if this were an assisted living facility would be one space for each three beds and one space for each staff person. However, many of the residents in assisted living have personal cars. In a memory care facility, none of the residents have cars. Thus, parking is needed only for on-site staff; visiting doctors and visitors of the residents.

The applicant has provided to the City, some examples of how other jurisdictions such as New Smyrna Beach, Osceola County and St. Johns County regulate these facilities via a 3-4 space per bed ratio. Based on one space for each 3 beds, this 62 bed facility would need 21 parking spaces. There are 26 parking spaces provided on-site. Because this facility is proposed to accommodate memory care residents only, all parking will be used only by the staff and visitors. A typical shift is estimated at 12 persons, leaving 14 spaces available for visitors and shift turnover.

Tree Preservation:

The applicant has submitted a landscape plan showing the trees to be removed and the trees proposed to be saved. The plan is based on a tree survey from 2004 so the sizes of the trees shown on the plans would be larger (with growth over 10 years) and also perhaps some others may have grown to the minimum nine inch protected category. This has been reviewed by Dru Dennison, the City's Urban Forestry Manager but she is unable to calculate the specific code implications until the tree survey is updated. The site has some larger older trees but otherwise the site is covered with 'pioneer' trees that have grown up over the last 30+ years.

On the whole, there are limited options to accommodate further preservation other than shown on the plan. The site layout covers the entire buildable area with either the building itself or the parking and drives. The plan shows removal of all the existing trees within that buildable area which total 65 protected trees (oaks, etc.) and 30 exempt trees (palm, rain, ear trees). The existing trees that are not within the buildable area of the property along the waterfront setbacks and such will be preserved and those account for 65 protected trees. Importantly, the trees to be saved along the waterfronts will help to buffer the view of this project from their residential neighbors.

At the final conditional review stage, the specific landscape plan calculations are required (based on an update tree survey) that will then document the number of trees and inches to be removed and the compensation in terms of on-site plantings or fee-in-lieu. In summary the tree preservation assessment is outlined below:

Total Trees on site: 137 Total Exempt trees on site: 30

Total protected trees proposed to be removed: 65

Total protected trees proposed to be preserved: 42

Traffic/Mobility Impacts:

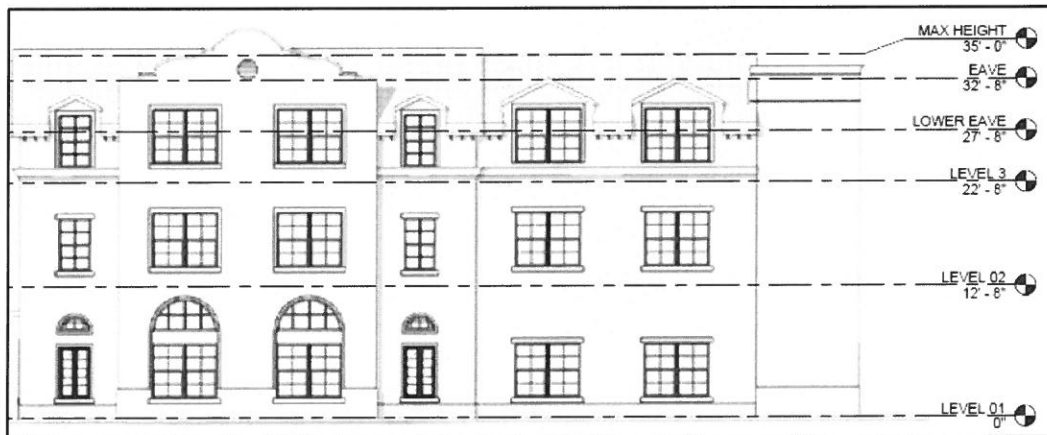
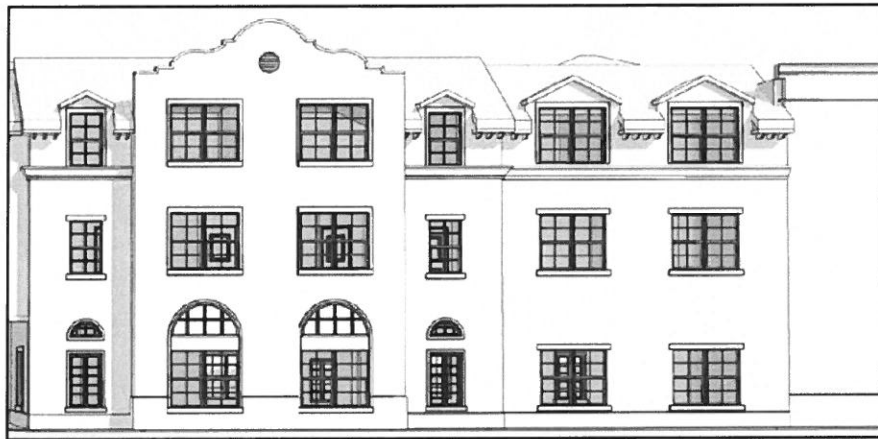
A memory care facility is not a large traffic generator as the residents do not drive so the traffic is staff turnover, deliveries and visitors. In terms of traffic impact for the proposed use, according to the Institute of Transportation Engineers (I.T.E.) data, the traffic generation/car trips per day for this project will be approximately 102 trips per day. That is 51 vehicles coming and going each day. If the site were alternatively developed as nine residential units that would generate comparable traffic numbers. All traffic enters and exits on Howell Branch Road via the signalized intersection onto a roadway with 30,600 cars a day.

Comprehensive Plan/Zoning Code Exceptions Requested:

The Conditional Use process allows the applicant to request certain exceptions regarding setbacks and other similar development standards.

The main exception requested is to the required third floor roof slope and thus setbacks of the third floor of this project. Policy 1-3.8.6 from the Comprehensive Plan and as also incorporated in the R-3 Zoning states that "within areas designated medium density residential (R-3) (the project) shall not exceed two stories in height unless approved via conditional use by the City Commission. In addition, such third floors must be entirely contained within a sloping roof having a maximum 12:12 roof slope". In essence this requirement provides the appearance of a 2½ story building with dormer windows for the 3rd floor tucked into the roof slope versus a three story vertical wall building appearance.

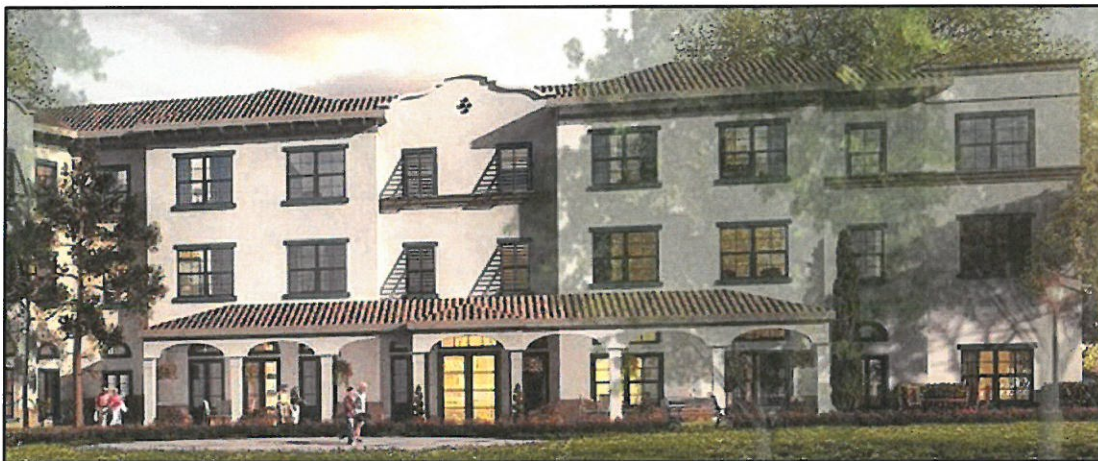
The applicant is asking for an exception to the roof slope requirement (or setbacks for the third floor) in order to have more vertical walls that allow the units/rooms on the third floor to more closely match the size and orientation of the units/rooms on the second floor. The applicant believes their location is an important consideration to this request given the distance that this building will be away from other residential homes and the location adjacent to Howell Branch Road.



On the north side of this facility, facing Howell Branch Road with 30,600 cars a day and commercial properties across the street, the purpose of mitigating the visual appearance of 35 feet of building height has little purpose. However, on the south side of this facility facing the single family residential properties, mitigating the visual impact to be compatible is important. The City does not allow three story

single family homes. So while someone can build a 35 foot single family home, that height is typically accomplished with two stores of vertical wall and then a sloping roof to the 35 foot tall roof peak. To be compatible with the residential neighbors to the south, the third floor of this facility on the south side facing the single family homes should mimic that design characteristics via compliance with the code requirement for the sloping roof and dormers.

The problem with the current architectural design is that the 2½ story façade image is the one that faces Howell Branch Road and the full 3 story vertical wall façade image is the one that faces the neighborhoods. The images above show the view from Howell Branch Road. Portions of that façade have a dormer window image and the roof begins to slope back 27 ft.-6 inches sloping up to the 35 feet. However, in the images below, that is the south facing side there are vertical walls up to the 35 foot roof even and then roof slope or the Spanish mission style architectural detail that rise to 40+ feet in height. Thus the visible height to the neighbors is 40+ feet whereas if the dormer style on the street side was used exclusively the visual height would be 35 feet maximum with the top 7 feet sloping away, as a typical single family roof would do. Thus the applicant should reconsider these facades based on the appearance to the road and the neighbors.



The other Code exception requested is the un-dimensioned height of the roof slope and the Spanish mission style architectural detail which rises above the code height limit of 35 feet up to 40+ feet. If these architectural elements were only on the Howell Branch Road façade side, the staff would not be concerned but again they are consistent across the south facing facades.

Compatibility Analysis:

As with other previous conditional use requests, one of the City's primary concerns is always based on compatibility with the surrounding area. The Conditional Use process requires the judgment as to whether the size and scale of the proposed project is comparable to the density and intensity of existing and potential development in this immediate area. One has to look both at what has been built and what could be built under the existing zoning regulations.

Statistically, this project is at a total building size or Floor Area Ratio (FAR) and Impervious Coverage of about half of what is permitted by the R-3 zoning that has been in place on this land for many decades. While multi-story buildings are permitted along Howell Branch Road, there are very few but are possible given the underlying zoning. The total square footage of 48,650 sq. ft. is significant and to the staff one similar situation might be the Winter Park YMCA on Lakemont Avenue (also with single family proximity) that is 35,291 sq. ft. in size. That is why the tree and landscape buffering and the residential scale and height is important on the façade sides facing the single family properties.

Summary and Conclusion:

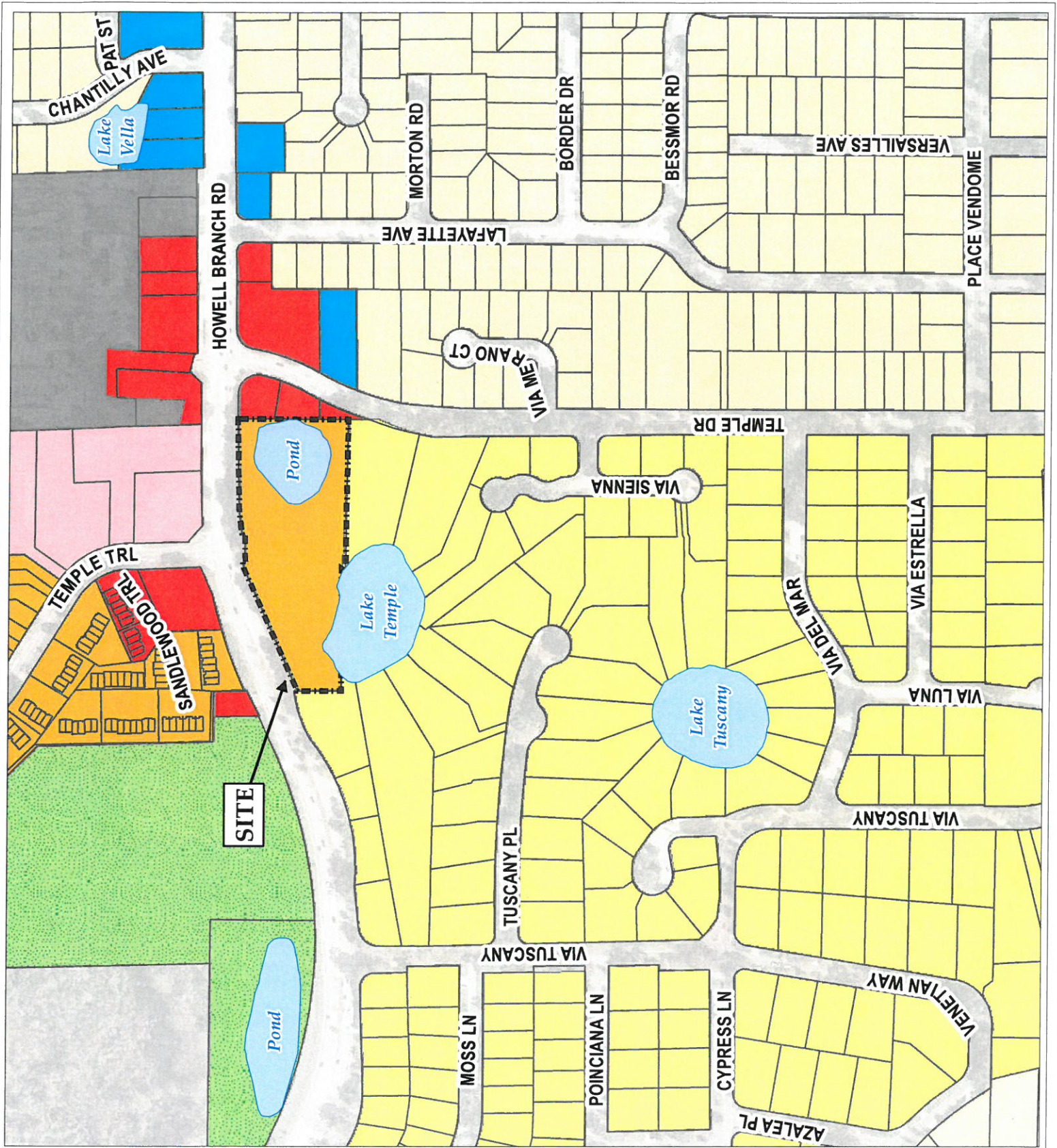
Memory care facilities are a profitable business but also a business that provides an important social function for the community. There is clearly a need for Winter Park residents and for their families to be served by a memory care facility especially given the aging baby boomer population. The alternative uses for this property are likely not much different than what is being proposed. With 2.09 acres per OCPA or 2.33 acres of land per the applicant, that potentially allows townhouse or condominium development that potentially could result in just as large a building as proposed.

To the planning staff, a critical element for any development scenario on this property is to make the scale and appearance of any development option (memory care or condominiums) as compatible as possible given that this parcel will have an R-3 sized building but in close proximity to single family homes. Thus, the previous commentary about the 2½ story scale in appearance of the building from the south and west sides that combine together with an existing and new tree buffer is critical.

Staff Recommendation is for APPROVAL of the Preliminary Conditional Use with the following conditions:

1. That the project alter the exterior façade elevations facing residential properties to the south and west to comply with the intent of the Comp. Plan Policy 1-3.8.6 and with the 35 foot height limit and that the modifications be approved as part of the final conditional use review following customary notice to surrounding property owners.

2. That the project adds a five foot buffer wall to the south and west sides of the parking lot areas, in order to buffer the views of vehicles from the residential neighbors, to be approved in design and materials as part of the final conditional use review.
3. That if any new electric transformers/switch gear, generators or backflow preventers are required that they be located where not visible from a public street and shall also be landscaped so as to be effectively screened from view.
4. That any AC compressors are located or screened such that they are not visible from the neighboring residential properties.



City of Winter Park
Florida

Legend

	C-1
	C-3
	O-2
	PQP
	PR
	R-1A
	R-1AA
	R-1AAA
	R-3



Date: 3/23/2016

Project Description

Villa Tuscany is a proposed 3 story, Mediterranean style Memory Care Facility, situated at the intersection of Howell Branch Road and Temple Trail in Winter Park, Florida. The project seeks conditional use to allow a Memory Care use in an R-3 zone, as well as additional height allowance to enhance the architectural quality of the roofline. The building will feature 38 dwelling units, as well as full service amenities, medical care, and services to support the residents. Nestled between two water bodies and Howell Branch Road, the facility will have a total of approximately 48,650 square feet. The architecture will draw from the classic Mediterranean typology that has been a mainstay of both Winter Park and Rollins College, featuring details such as barrel tile roofs, arched openings, and stucco finishes.

Site Data:

Size:	3.39 Acres (147,781.2 SF)
Zone:	R-3
Future Land Use:	Medium Density Residential
Max Density:	17 DU/AC
Max Height:	3 Stories, 35 ft
Min. Setbacks:	Front = 25ft.; Side = 20ft.; Rear = 25 ft.
Min. Wetland Buffers:	To Buildings = 50 ft.; To Parking = 25 ft.
Max. FAR:	110%

Project Statistics:

Style:	Mediterranean
Stories:	3
Height:	40' (increase from 35' to 40' requested to accommodate architectural rooflines)
Square Feet:	48,650 gross
Dwelling Units:	38
Parking:	26 Spaces
FAR:	33%

Villa Tuscany Parking Validation

Proposed Parking Ratio: 1 space / 2.5 beds, 26 spaces total (62 beds, 38 units)

Parking for assisted living and memory care facilities is typically based off a bed to parking space ratio. It is assumed that there is a level of care and number of visitors generated per bed, per day. For a memory care facility in particular it is discouraged that residents have a vehicle, in order to maintain the safety and welfare of the residents and public. Because this facility is proposed to accommodate memory care residents only, all parking will contribute towards the staff and visitors. A typical shift is estimated at 12 persons, leaving 14 spaces available for visitors and shift turnover.

Precedent Projects:

1. Silver Creek, Assisted Living & Memory Care, St. John's County, FL.
 - a. Parking Required: 1 space / 3 beds
2. Concordis ALF, Assisted Living & Memory Care, New Smyrna Beach, FL.
 - a. Parking Required: 1 space / 3 beds
3. Tuscan Isle Solivita, Assisted Living & Memory Care, Osceola County, FL.
 - a. Parking Required: 1 space / 4 beds

SITE ANALYSIS

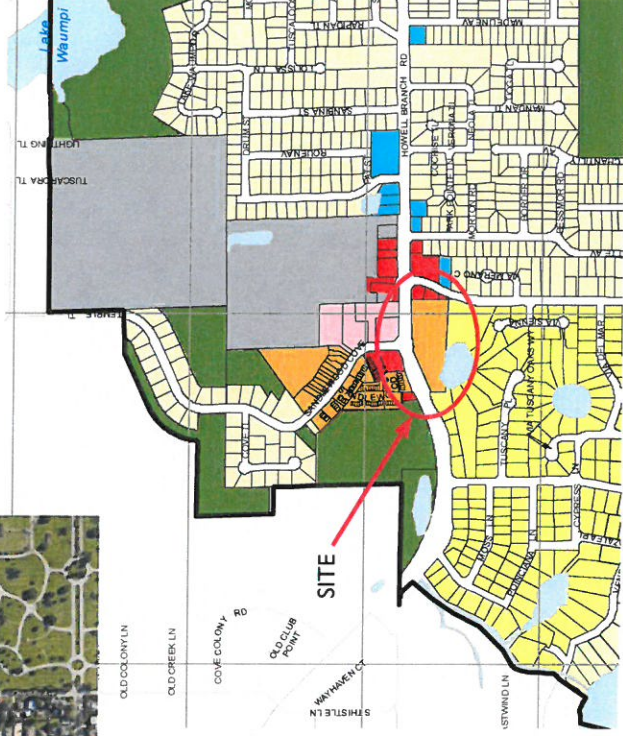
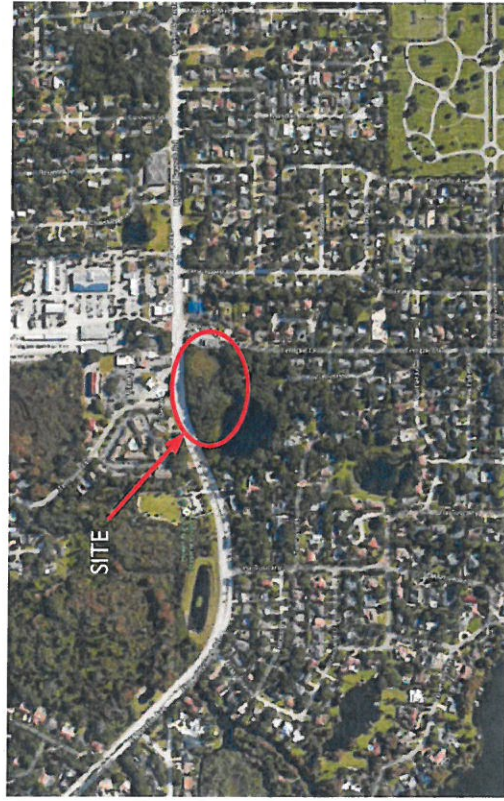
Address: 1298 Howell Branch Road
Parcel: 32-21-30-0000-00-029
Acres: 3.39
(147,781.2 SF)

Zoning: R-3
Max. Density: 17 DU/AC
(57 DU)
Max. Height: 35 ft.

Min Setbacks
Front: 25 ft.
Side: 20 ft.
Rear: 25 ft.

Max. FAR 110%
(3 Stories)

Wetlands Buffer: 50 ft. for buildings
25 ft. for parking
(from normal high water line)



FLOOR AREA RATIO CALCULATIONS

TOTAL SITE AREA: 147,781.2 SF

WATER BODY 1: 23,690.8 SF

WATER BODY 2: 26,817.6 SF

TOTAL WATER AREA: 50,508.4 SF

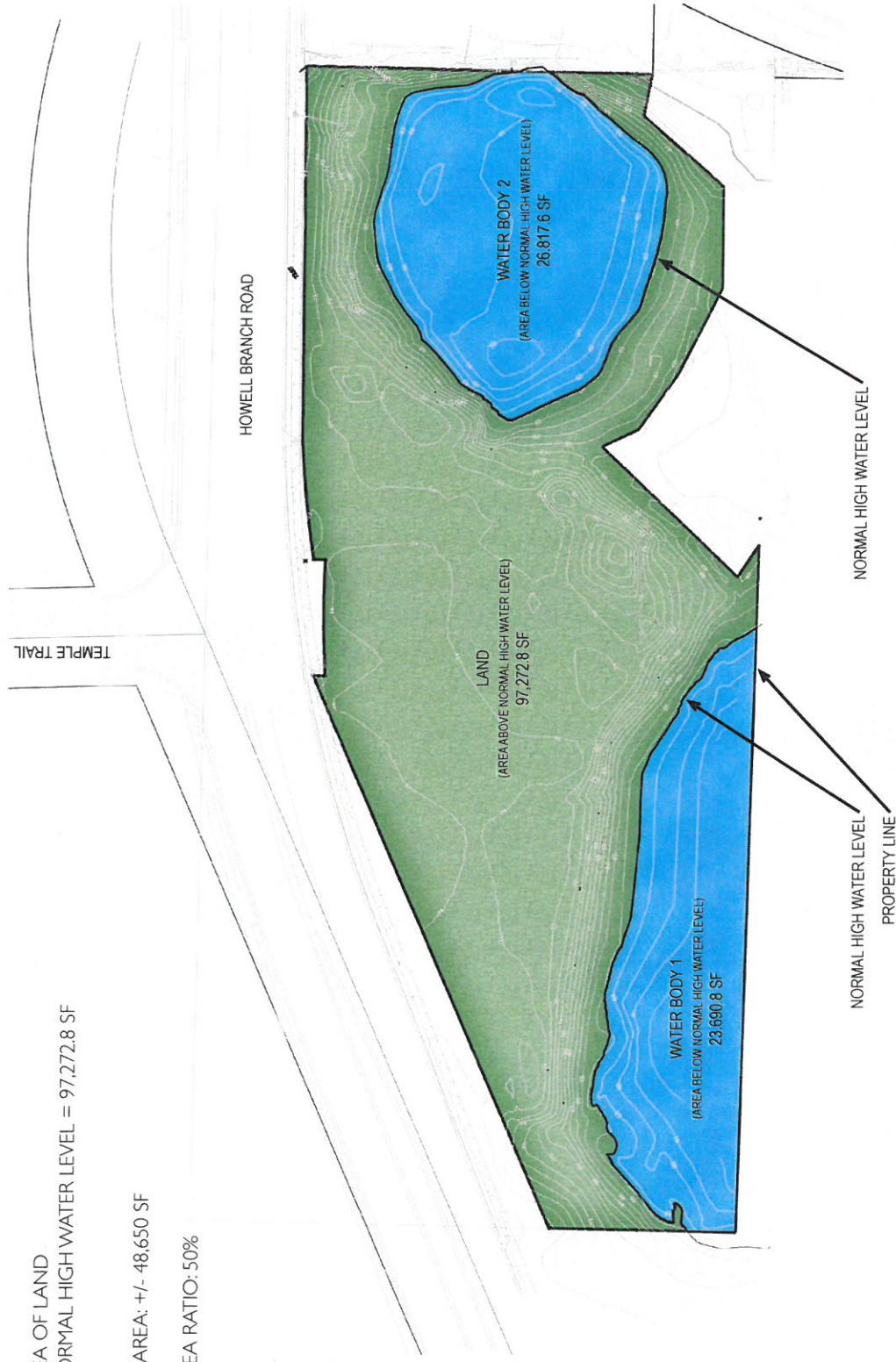
TOTAL AREA OF LAND

ABOVE NORMAL HIGH WATER LEVEL = 97,272.8 SF

BUILDING

Total Gross AREA: +/- 48,650 SF

FLOOR AREA RATIO: 50%



FLOOR-AREA RATIO CALCULATIONS

TOTAL SITE AREA: 147,781.2 SF

WATER BODY 1: 23,690.8 SF

WATER BODY 2: 26,817.6 SF

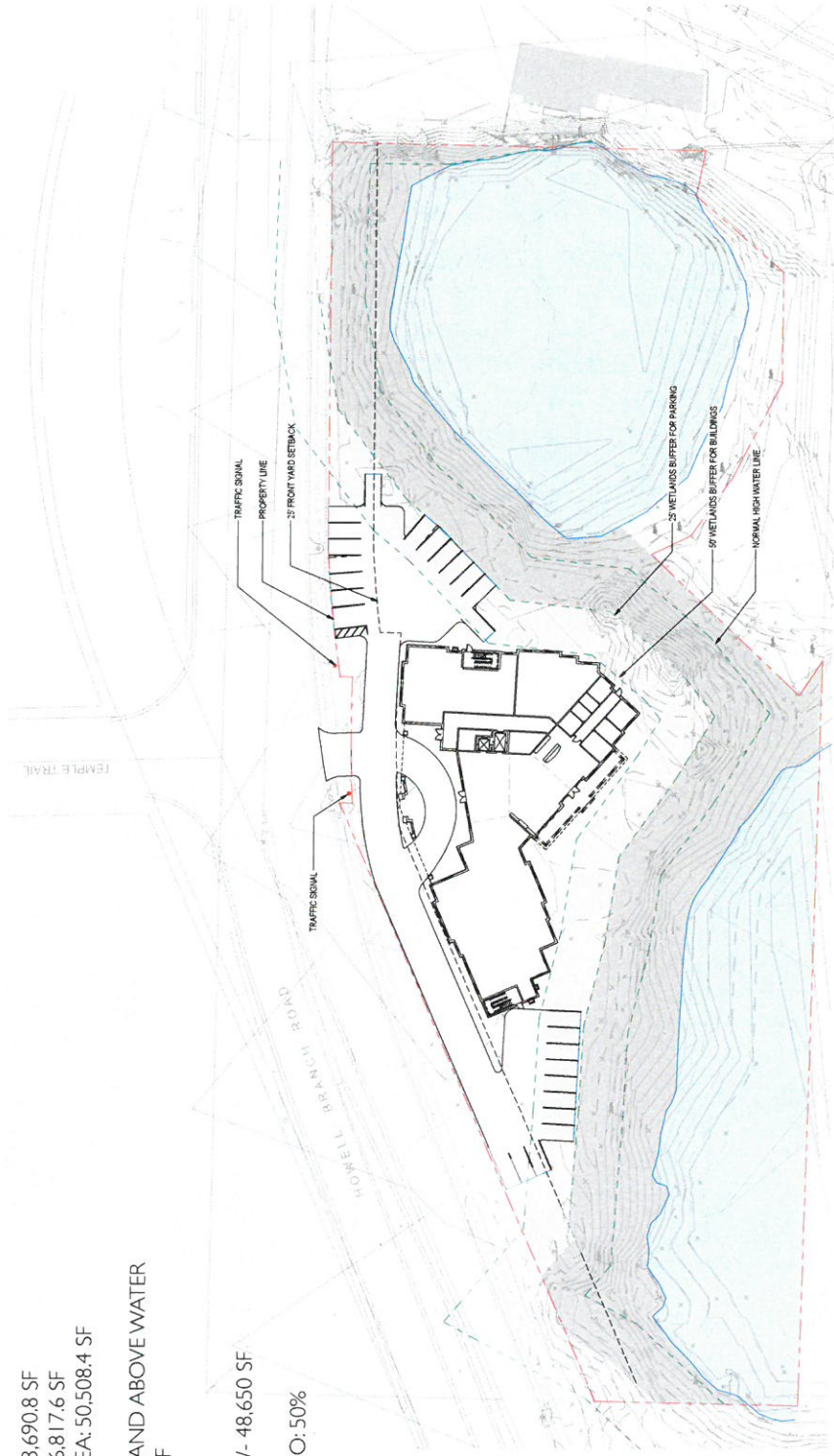
TOTAL WATER AREA: 50,508.4 SF

TOTAL AREA OF LAND ABOVE WATER
LEVEL = 97,272.8 SF

BUILDING

Total Gross AREA +/- 48,650 SF

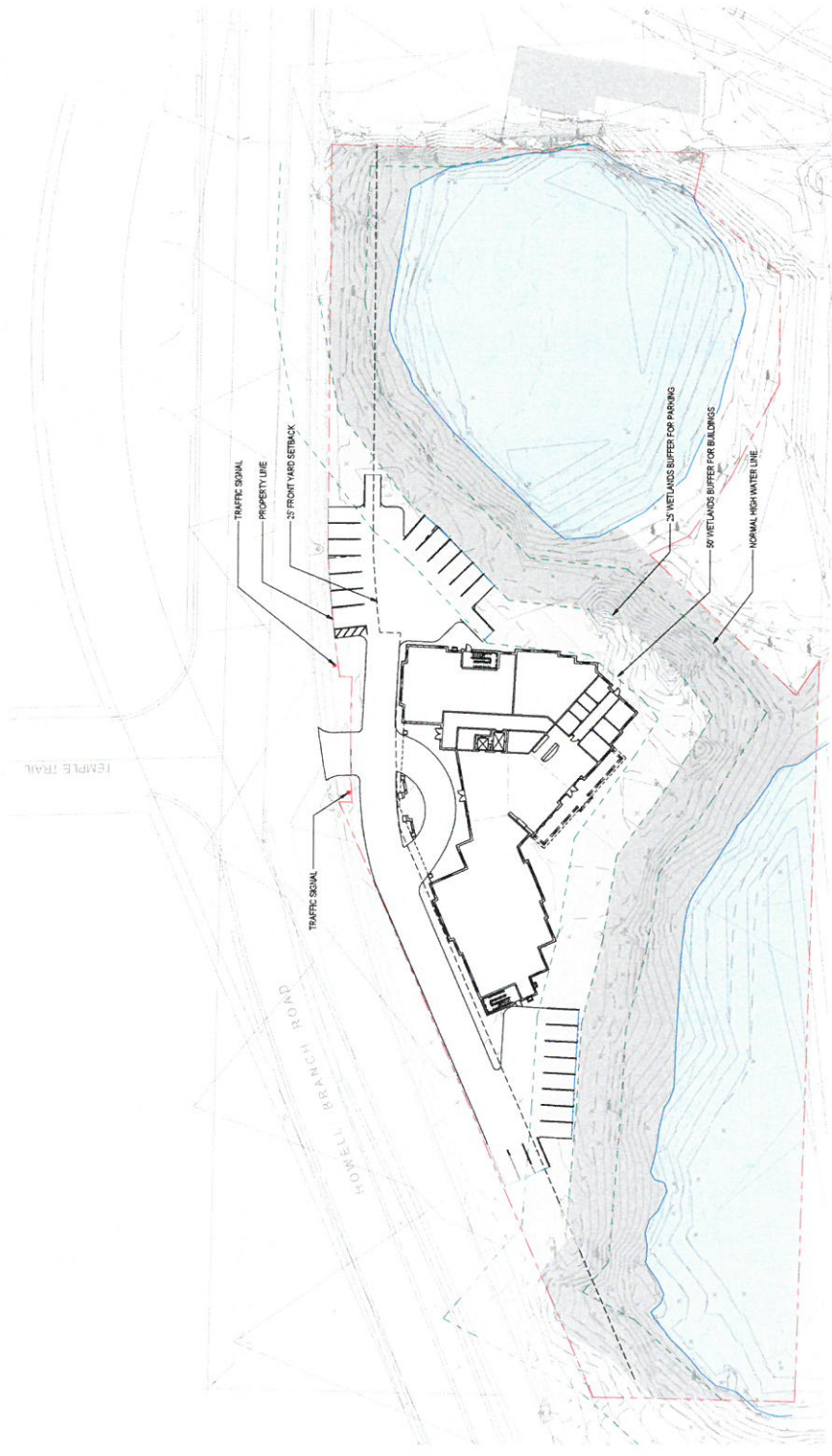
FLOOR-AREA RATIO: 50%



1 ARCHITECTURAL SITE PLAN







1 ARCHITECTURAL SITE PLAN



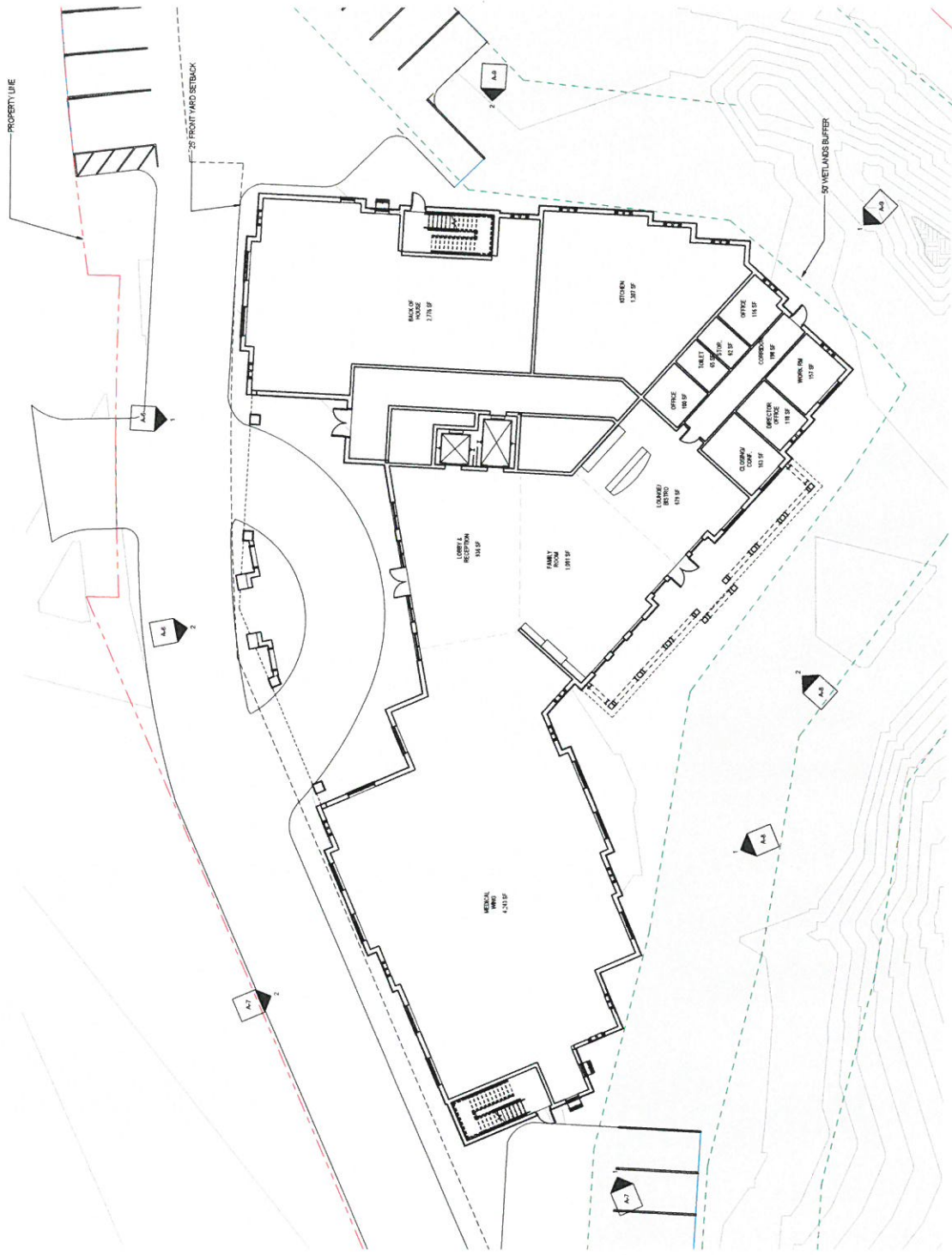
PROGRAM

- 3 Stories
- Total Gross Square Feet: +/- 48,650
- 38 Dwelling Units
- 26 Parking Spaces

150336.00

02.10.16 VILLA TUSCANY /Architectural Site Plan // A-3





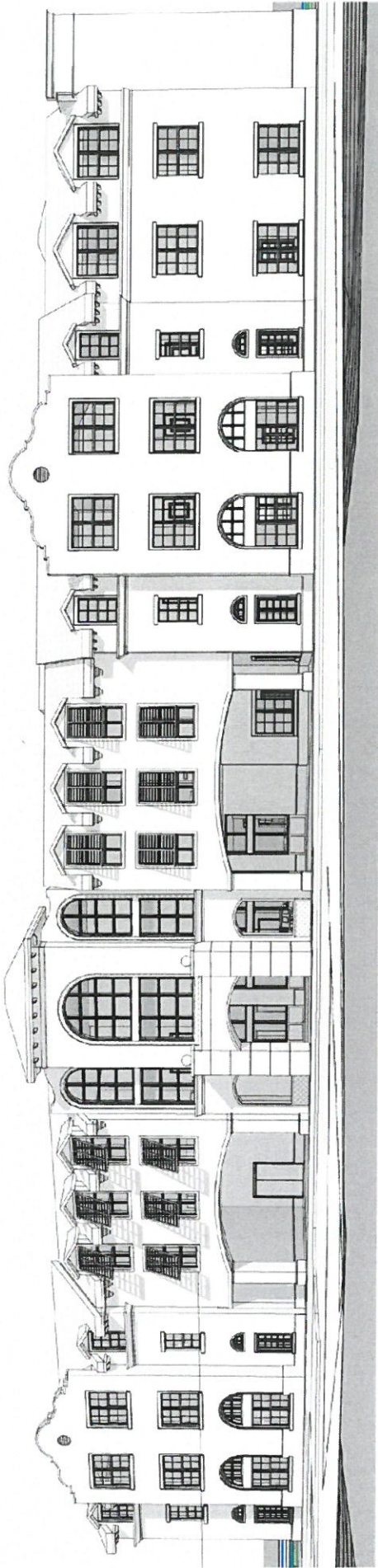
1 FLOOR PLAN LEVEL 1





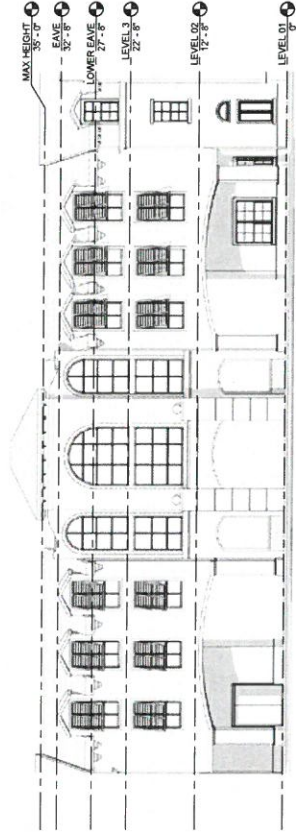
150336.00 02.10.16 VILLA TUSCANY /View from West // A-11



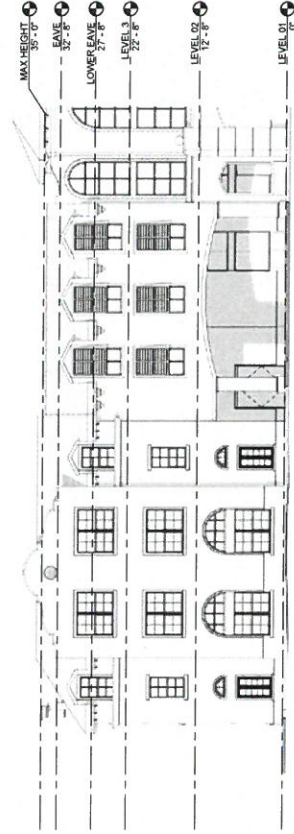


150336.00 02.10.16 VILLA TUSCANY /View from Howell Branch Road // A-10

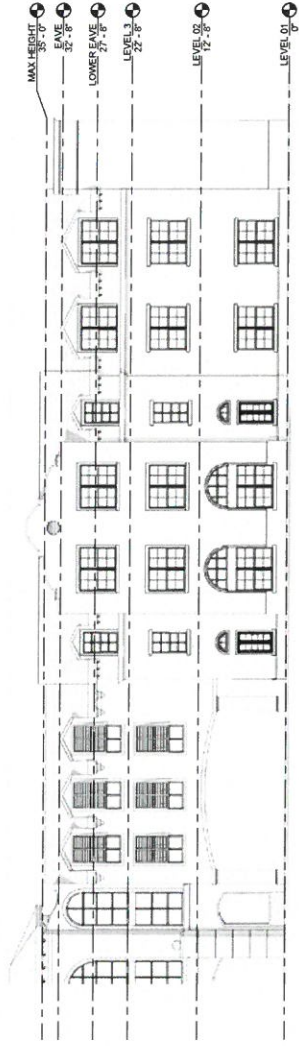




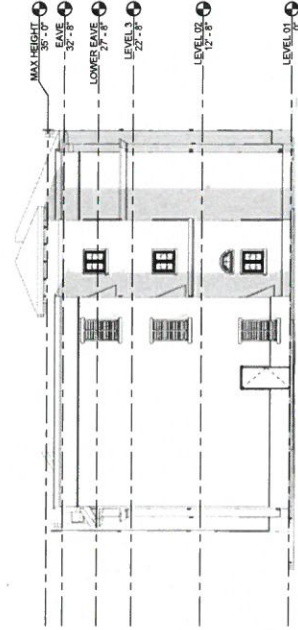
2 NORTH ELEVATION - CENTER



1 NORTH ELEVATION



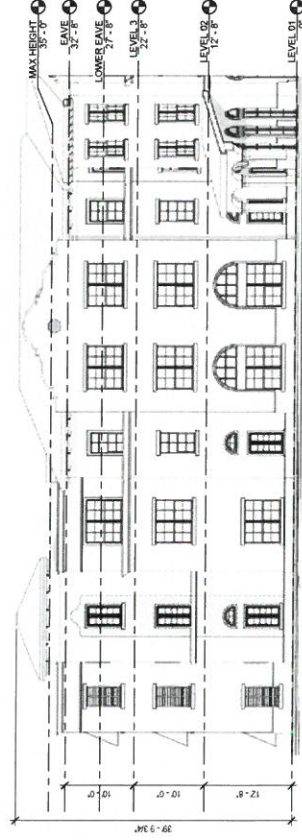
2 NORTHWEST ELEVATION



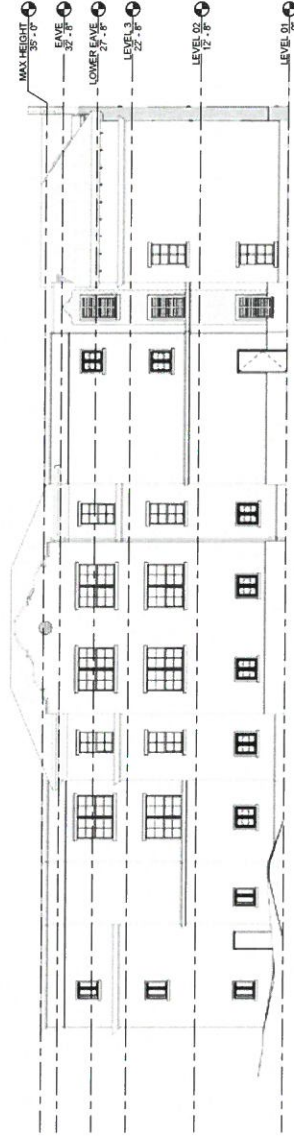
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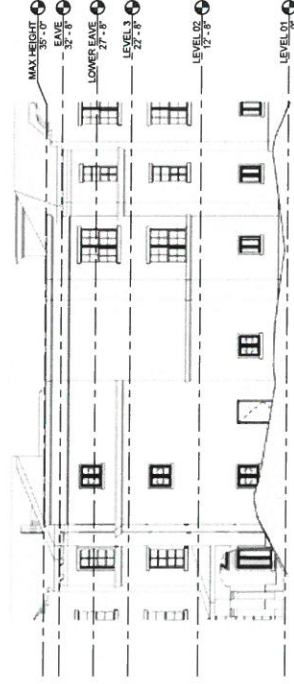
2 SOUTHWEST ELEVATION



1 SOUTH ELEVATION



2 EAST ELEVATION



1 SOUTH EAST ELEVATION





ORLANDO
181 E. ORANGE AVE. SUITE 1700
ORLANDO, FLORIDA 32801
407.741.3900
INFO@BAKERBARRIOS.COM
BAKERBARRIOS.COM
ARCHITECTS | LICENSE #071000289

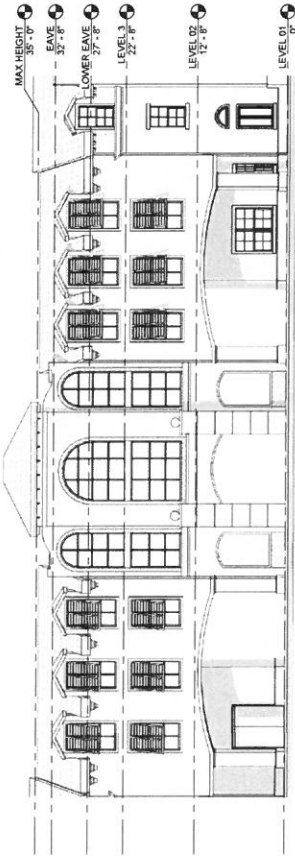
VILLA TUSCANY
BROOK ROSE DEVELOPMENT
WINTER PARK, FL
BUILDING ELEVATIONS

PROJECT NO.: 190338.00	DRAWN BY: Author	CHECKED BY: Checker
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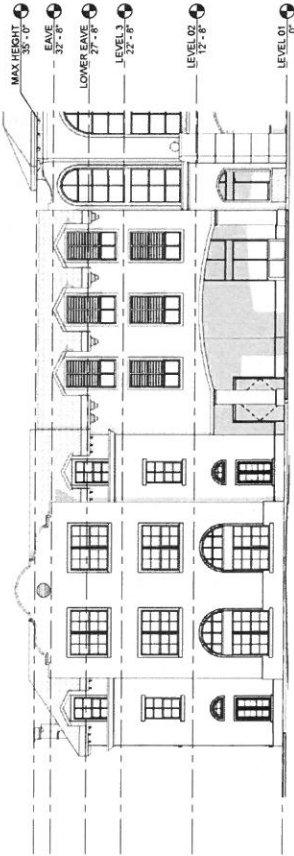
NO	DATE	REVISION / SUBMISSION

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NOT FOR CONSTRUCTION



② NORTH ELEVATION - CENTER
1/8" = 1'-0"



① NORTH ELEVATION
1/8" = 1'-0"

REVISION / SUBMISSION	
NO	DATE

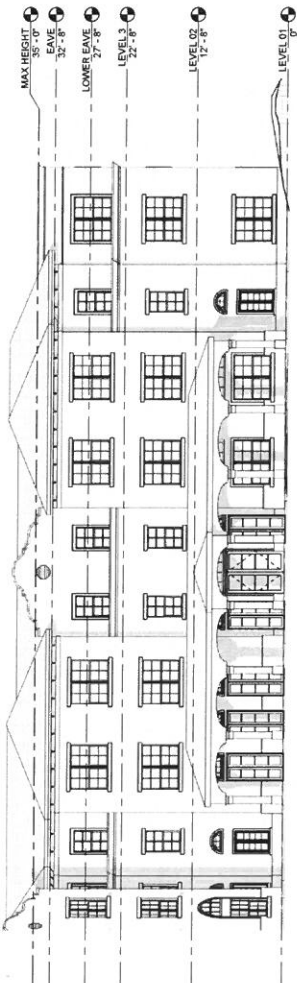
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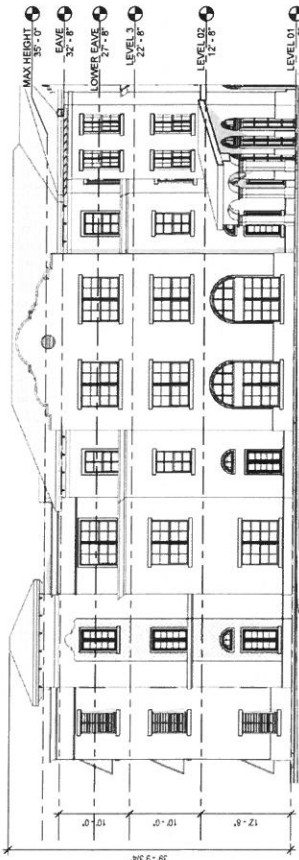
ORLANDO
119 LORANGE AVE, SUITE 1700
ORLANDO, FLORIDA 32801
407.724.3000
INFO@BAKERBARTIOS.COM
BAKERBARTIOS.COM
ARCHITECT | COMMUNITY | COACHING

VILLA TUSCANY			
BROOK ROSE DEVELOPMENT WINTER PARK, FL			
BUILDING ELEVATIONS			
PROJECT NO.: 150338.00	AUTHOR: 	CHECKED BY: 	A-8

NOT FOR CONSTRUCTION

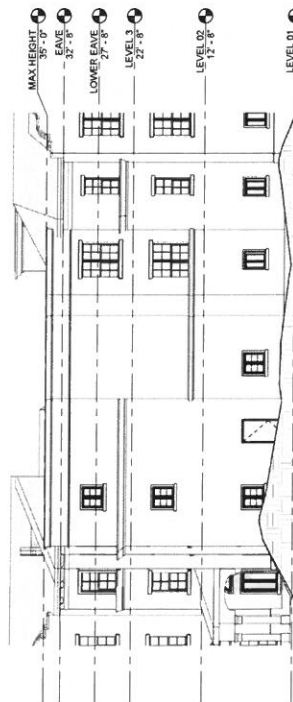


2 SW-112
SOUTHWEST ELEVATION

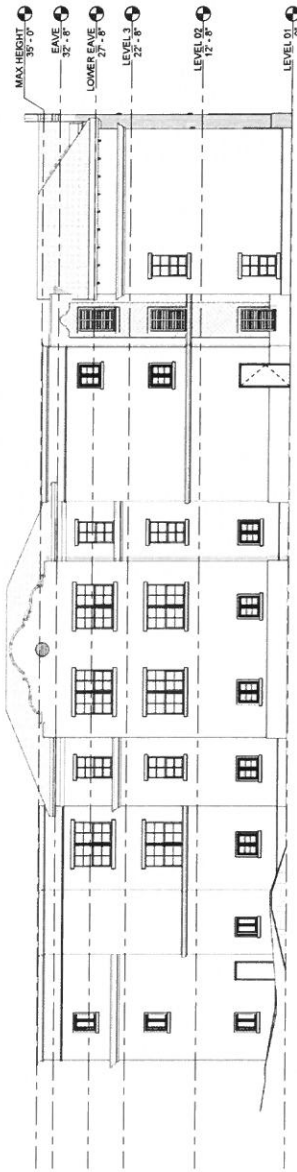


1 SW-113
SOUTH ELEVATION

NOT FOR CONSTRUCTION



1 SOUTH EAST ELEVATION
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"

ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.

NO DATE REVISION/SUBMISSION



Baker Barrios

ORLANDO
1815 ORANGE AVE. SUITE 1700
ORLANDO, FLORIDA 32801
407.724.3000
INFO@BAKERBARRIOS.COM
BAKERBARRIOS.COM
Architect | Contractor | Consultant

VILLA TUSCANY
BROOK ROSE DEVELOPMENT
WINTER PARK, FL
BUILDING ELEVATIONS

PROJECT NO.:
150336.00

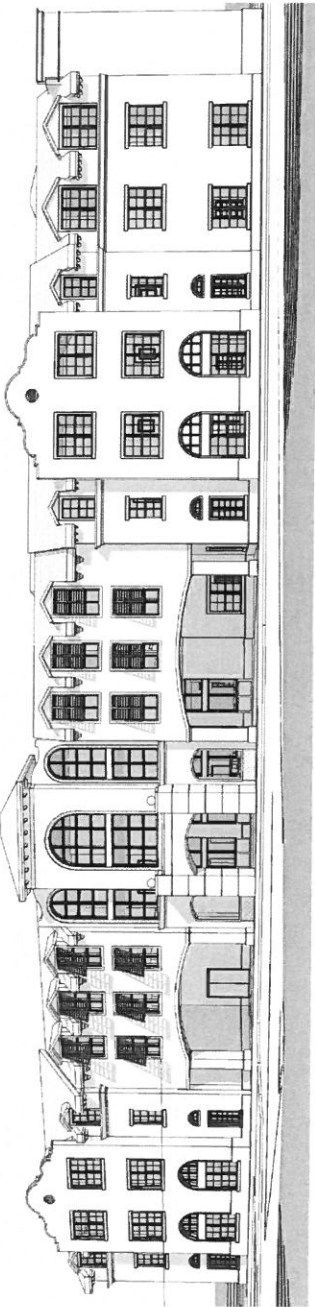
Author

Checker

A-9

NOT FOR CONSTRUCTION

1 VIEW FROM HOWELL BRANCH ROAD



NO	DATE	REVISION / SUBMISSION

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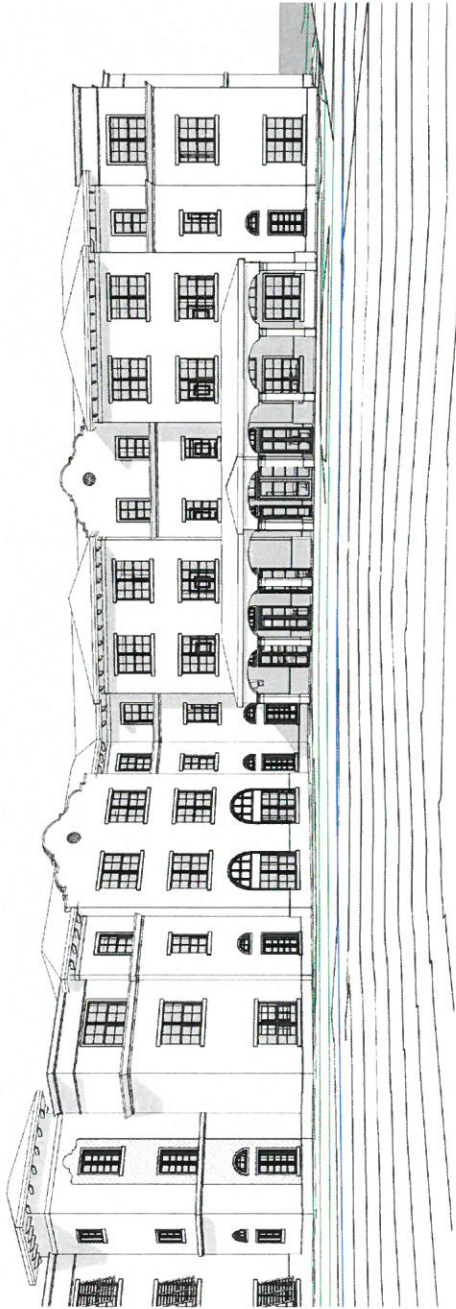
FOR ANY QUESTIONS, CONTACT: BAKER BATTIOS ARCHITECTS, 1815 E. ORANGE AVE., SUITE 1700, ORLANDO, FLORIDA 32811. TEL: (407) 774-3000. FAX: (407) 774-3001. WWW.BAKERBATTIOS.COM

Baker Battios
 ORLANDO
 1815 E. ORANGE AVE. SUITE 1700
 ORLANDO, FLORIDA 32811
 407.774.3000
 INFO@BAKERBATTIOS.COM
 BAKERBATTIOS.COM
 ARCHITECTS | LIC# 040627 | ORLANDO

VILLA TUSCANY
 BROOK ROSE DEVELOPMENT
 WINTER PARK, FL
 3D VIEWS

PROJECT NO.: 150536.00	DRAWN BY: MD	CHECKED BY: WD
A-10		

NOT FOR CONSTRUCTION



1 VIEW FROM WATER



Baker Bartios
ORLANDO
191 S ORANGE AVE SUITE 1700
ORLANDO, FLORIDA 32801
407.743.3000
INFO@BAKERBARTIOS.COM
BAKERBARTIOS.COM
ARCHITECTS | CONSTRUCTION MANAGERS

VILLA TUSCANY
BROOK ROSE DEVELOPMENT
WINTER PARK, FL
3D VIEWS

PROJECT NO.:
1503318.00

NO. OF SHEETS:
WD

A-11

NO.	DATE	REVISION / SUBMISSION

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TEMPLE TRAIL

HOWELL BRANCH ROAD

PROPERTY LINE

TRAFFIC SIGNAL

PROPOSED ENTRY

TRAFFIC SIGNAL

25' FRONT YARD SETBACK

MEMORY CARE FACILITY

PARKING

POND

POND

NORMAL HIGH WATER LEVEL

NORMAL HIGH WATER LEVEL

WETLAND DELINEATION LINE

PROPERTY LINE

25' WETLAND BUFFER FOR PARKING

50' WETLAND BUFFER FOR BUILDINGS

LEGEND

- EXISTING TREES WITH CALIPER SIZES TO REMAIN
- EXISTING TREES WITH CALIPER SIZES TO BE REMOVED

NOTE: SITE INFORMATION SHOWN IS BASED ON A TREE SURVEY DATED 07.27.2004. A NEW TREE SURVEY WILL BE NEEDED TO ACCURATELY DEPICT CURRENT EXISTING TREE SIZES.



Existing Tree Inventory for Entire Site

Protected Trees			
Species	DBH (Diameter at breast height) in Inches	QTY	Total Inches
Oak	9 **	32	288
Oak	10 *	11	110
Oak	12 *	15	180
Oak	14 *	5	70
Oak	15 *	3	45
Oak	16 *	4	64
Oak	18 *	5	90
Oak	20 *	3	60
Oak	22 *	6	132
Oak	24 *	9	216
Oak	26 *	1	26
Oak	30 *	2	60
Oak	34 *	3	102
Oak	36 *	3	108
Oak	40 *	3	120
Oak	46 *	1	46
Oak	48 *	1	48

Total Protected Tree Inches: 1765

Exempt Trees			
Species	DBH (Diameter at breast height) in Inches	QTY	Total Inches
Camphor	10	2	20
Camphor	12	3	36
Palm Tree	10	1	10
Palm Tree	12	4	48
Palm Tree	14	1	14
Palm Tree	20	1	20
Ear Tree	4	1	4
Ear Tree	6	1	6
Ear Tree	8	4	32
Ear Tree	10	2	20
Ear Tree	12	2	24
Ear Tree	14	3	42
Ear Tree	16	1	16
Ear Tree	24	2	48
Ear Tree	34	1	34
Ear Tree	40	1	40

Total Exempt Tree Inches: 414

* Tree DBH based on tree survey dated 07/27/2004. An updated tree survey is required to ascertain current DBH sizes. The number and size of Protected Trees will increase as a result.

**Indicates trees less than 9" diameter on tree survey dated 07/27/2004. For this Inventory we assume these trees are 9" currently and therefore protected trees. Please note that a new tree survey could identify additional trees greater than 9".

Per Winter Park Code of Ordinance - Division 6: Protected Trees

"Protected tree shall mean any self-supporting woody or fibrous perennial plant of a species that normally grows to a mature height of 25 feet or greater and has a tree trunk dbh of nine inches or greater and is not an exempt tree. The term "protected tree" shall also apply to any replacement tree, any non-exempt tree that is represented in a planning document for the purposes of securing an approved building or demolition permit and all trees on city property. "

Exempt Trees:

"Exempt trees. No permit shall be required to remove the following types of trees:

- Citrus
- Ear (Enterolobium species);
- Camphor (Cinnamomum camphora);
- Chinaberry (Melia azedarach);
- Mulberry (Morus species);
- Cajeput punk or Melaleuca trees (Melaleuca quinquinervia/leucadendra);
- Palm;
- Australian Pine (Casuarina species);
- Australian Silk Oak (Grevillea robusta);
- Chinese Tallow (Spaium sebiferum);
- Brazilian Pepper (Schinus terebinthifolius);
- Any tree with a dbh less than nine inches, as long as the tree was not planted as a replacement tree."

Existing Trees Proposed to Remain

Protected Trees			
Species	DBH (Diameter at breast height) in Inches	QTY	Total Inches
Oak	9 **	12	108
Oak	10 *	7	70
Oak	12 *	3	36
Oak	14 *	2	28
Oak	15 *	1	15
Oak	16 *	1	16
Oak	18 *	1	18
Oak	20 *	2	40
Oak	22 *	3	66
Oak	24 *	6	144
Oak	26 *	0	0
Oak	30 *	0	0
Oak	34 *	1	34
Oak	36 *	1	36
Oak	40 *	1	40
Oak	46 *	1	46
Oak	48 *	0	0

Total Protected Inches to Remain: 697

Exempt Trees			
Species	DBH (Diameter at breast height) in Inches	QTY	Total Inches
Camphor	10	0	0
Camphor	12	3	36
Palm Tree	10	0	0
Palm Tree	12	3	36
Palm Tree	14	0	0
Palm Tree	20	0	0
Ear Tree	4	1	4
Ear Tree	6	1	6
Ear Tree	8	2	16
Ear Tree	10	1	10
Ear Tree	12	1	12
Ear Tree	14	2	28
Ear Tree	16	0	0
Ear Tree	24	1	24
Ear Tree	34	0	0
Ear Tree	40	0	0

Total Exempt Tree Inches to Remain: 172

* Tree DBH based on tree survey dated 07/27/2004. An updated tree survey is required to ascertain current DBH sizes. The number and size of Protected Trees will increase as a result.

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- Brazilian Pepper (Schinus terebinthifolius);
- Any tree with a dbh less than nine inches, as long as the tree was not planted as a replacement tree."

Existing Trees Proposed to be Removed

Protected Trees			
Species	DBH (Diameter at breast height) in Inches	QTY	Total Inches
Oak	9**	20	180
Oak	10*	4	40
Oak	12*	12	144
Oak	14*	3	42
Oak	15*	2	30
Oak	16*	3	48
Oak	18*	4	72
Oak	20*	1	20
Oak	22*	3	66
Oak	24*	3	72
Oak	26*	1	26
Oak	30*	2	60
Oak	34*	2	68
Oak	36*	2	72
Oak	40*	2	80
Oak	46*	0	0
Oak	48*	1	48

Total Protected Inches to be Removed: 1068

Exempt Trees			
Species	DBH (Diameter at breast height) in Inches	QTY	Total Inches
Camphor	10	2	20
Camphor	12	0	0
Palm Tree	10	1	10
Palm Tree	12	1	12
Palm Tree	14	1	14
Palm Tree	20	1	20
Ear Tree	4	0	0
Ear Tree	6	0	0
Ear Tree	8	2	16
Ear Tree	10	1	10
Ear Tree	12	1	12
Ear Tree	14	1	14
Ear Tree	16	1	16
Ear Tree	24	1	24
Ear Tree	34	1	34
Ear Tree	40	1	40

Total Exempt Tree Inches to be Removed: 242

* Tree DBH based on tree survey dated 07/27/2004. An updated tree survey is required to ascertain current DBH sizes. The number and size of Protected Trees will increase as a result.

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 - Palm;
 - Australian Pine (Casuarina species);
 - Australian Silk Oak (Grevillea robusta);
 - Chinese Tallow (Spaium sebiferum);
 - Brazilian Pepper (Schinus terebinthifolius);
- Any tree with a dbh less than nine inches, as long as the tree was not planted as a replacement tree."

Jeffrey Briggs

From: Randy Knight
Sent: Wednesday, March 16, 2016 10:12 AM
To: Dori Stone; Jeffrey Briggs
Subject: Fwd: Villa Tuscany Memory Care Facility

FYI

Sent from my iPhone

Begin forwarded message:

From: William Young <wyoung@thefloridafirm.com>
Date: March 15, 2016 at 8:52:49 AM EDT
To: "mayorandcommissioners@cityofwinterpark.org" <mayorandcommissioners@cityofwinterpark.org>
Cc: William Young <wyoung@thefloridafirm.com>
Subject: Villa Tuscany Memory Care Facility

Mayor Leary and Commissioners –

Recently I received the Citywide Public Notice regarding the proposed “Villas Tuscany” Memory Care Facility on Howell Branch Road between Temple and Via Tuscany (also linked on the City’s home page). Like all of my neighbors, I am very much opposed to the this type of development and facility being built in our quiet, single family neighborhood.

The individual involved (after drilling down through several corporations and registered agents) is Brook Rose, the same individual who is trying to convert a single family home at 1385 Hibiscus Avenue into a “lock down” memory care facility for six residents or less. Not only does Mr. Rose have little regard for the character of our neighborhoods but also the city building codes and permitting process. He tried to build out that property, using contractors at night and on weekends, without proper permitting. His scheme was discovered and the house has been “red tagged.” Clearly he cannot be trusted.

Mr. Rose also has no consideration for the increased traffic these facility will bring with ambulances, transportation vans, doctors, therapists, families, state inspectors and the like. He wants dramatically change, for the worse, our streets and neighborhoods to a business for his own personal gain. Though he wants to profit from this project, he isn’t even a resident of Winter park or even Central Florida. He is a resident of Washington D.C. so this project won’t impact his standard of living while dramatically altering ours.

The installation of this facility is exactly the “density” issue that so many of our commissioners and Winter Park residents are against. Not only is it intrusive for the vehicles and pedestrians travelling these streets, but the fact that it will be backed up yet to another neighborhood in the “Vias” with very expensive homes as well as the nearby Winter Park Racquet Club. This commercial use and accompanying traffic increase is simple not incompatible with the existing community.

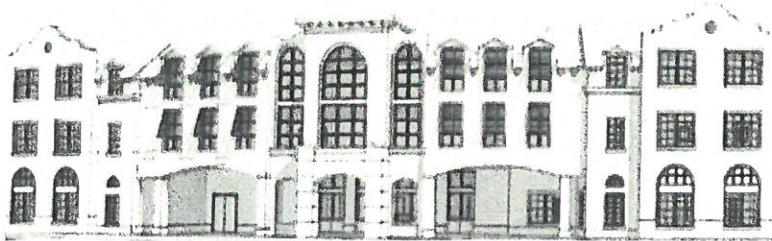
The residents of our neighborhood intend to be at the Public Hearings and Commission meetings to voice our strong opposition to this project. The character of our neighborhood should be maintained as well as our property values vs. the absurdity of bringing these commercial projects in the heart of long-time families residences and neighborhoods.

Thank you in advance for your attention to this very important matter.

Bill Young

You Are Cordially Invited To Attend An Intimate Presentation Of

Villa Tuscany



Howell Branch View. A 38 unit memory care community on Howell Branch Road.

*Tuesday March Twenty-Second
Six O'clock In The Evening*

*The Alford Inn
The Lounge (At The Entrance To Hamilton's Kitchen)
300 East New England Avenue
Winter Park, Florida 32789*

*Hors D'oeuvre & Drinks
Come As You Are*

*The Favor Of Reply Is Requested, But Not Necessary, By
The Fifteenth of March To
ELH@VillaTuscanyWP.com*



Rear View

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

**Staff Report
April 5, 2016**

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, “COMPREHENSIVE PLAN” SO AS TO ADD AMEND POLICIES IN THE TEXT OF THE FUTURE LAND USE ELEMENT WITHIN THE HIGHWAY 17-92 AND WEST FAIRBANKS CORRIDOR STUDY AREAS “J” AND “L” SO AS TO REVISE POLICIES CONCERNING FAST FOOD AND DRIVE-THROUGH BUSINESSES.

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, “ZONING” SO AS TO CHANGE WITHIN SECTION 58-76 COMMERCIAL (C-3) DISTRICT, THE CONDITIONAL USES FOR FAST FOOD AND DRIVE-THROUGH BUSINESSES ALONG THE WEST FAIRBANKS CORRIDOR, MORE PARTICULARLY DESCRIBED HEREIN.

As was discussed at the January 5th Planning Board meeting, and at the February 17th work session, the issue is that given the significant \$20+ million dollar investment in infrastructure improvements along the Fairbanks Avenue corridor, the City adopted a Comprehensive Plan Policy (below) in 2009 to guide the future redevelopment along Fairbanks by excluding certain business types that would not be conducive to upgrading this gateway corridor. Most of these are clearly understood, however, the policy and code question as to the intent of discouraging “fast food businesses” was not specifically defined.

Planning Area L: West Fairbanks Avenue

Policy 1-4.1.L.4: Support West Fairbanks Gateway Enhancements and Prohibit Certain Uses to Reinforce the Gateway Design and Land Use Principles. In order to establish the character of this corridor as a gateway entrance to Winter Park, the City shall prohibit certain business types along the frontage of the corridor including new or used car sales, auto repair businesses, resale stores or pawn shops, tattoo businesses, adult oriented businesses, fast food businesses and convenience stores.

However, in 2013, in response to issues about the types of restaurants permitted along Park Avenue, the City adopted, for the first time, a definition of a “fast food restaurant” as outlined below.

Fast food restaurant means any restaurant whose normal business model includes two or more of the following criteria or characteristics:

- (1) A predominance of locations offer drive-through service;
- (2) The menu consists of predominantly fast food or take-out food typically: consumed on site, or off the site as to-go food; pre-made and wrapped before customers place orders; served with disposable tableware or typically served in paper or plastic containers;
- (3) Food is typically ordered from a wall menu at a service counter;

- (4) Food consumed on the premises is typically ordered while customers are standing;*
- (5) Payment must typically be made by customers before food is consumed;*
- (6) Customers typically bus their own tables;*
- (7) The service counter is closer to an entry/exit than is the seating/dining area; or*
- (8) The business interior is brightly illuminated (greater than eight candle-foot power as measured in a horizontal plane three feet above the floor).*

While this definition has worked very well within the pedestrian oriented districts along Park Avenue and New England Avenue, on properties zoned C-2, to regulate restaurant types, the definition of "fast food restaurant" is not suitable when applied to the Comprehensive Plan Policy for the West Fairbanks Avenue corridor. This terminology would apply not just to the typical "fast food" establishments such as a McDonald's or Burger King but also to every "fast casual" restaurant where one orders from counter. For example, "fast casual" restaurants such as a Boston Market, Italo, Chipotle, or The Coop, would not be allowed on West Fairbanks Avenue. Also coffee/breakfast restaurants such as a Starbucks, Panera, Einstein's, or Dunkin Donuts would also not be allowed on West Fairbanks Avenue. All of these establishments have at least two or more of the criteria outlined in the "fast food restaurant" definition above, and thus would conflict with the Comprehensive Plan policy. Thus, the effect is to prohibit any restaurant from locating along the West Fairbanks corridor except for a sit down table service establishment

Options for a Comprehensive Plan Policy Text Change and Revised Definition for the C-3 Zoning Districts:

The Planning and Zoning Board has discussed the following options for modifying the existing regulatory provisions:

Option #1: Amend the Comprehensive Plan to remove the policy text regarding "fast food business". In that case, the City would rely upon the same Conditional Use process and protections for nearby residential properties as exists for the rest of the City. The positive side is that it treats "fast food businesses" the same along West Fairbanks Avenue as for the other commercial corridors of the City. The counterpoint which has been heard is that the nearby residents are concerned that the City will not effectively provide safeguards from noise, off-site parking and traffic impacts.

Option #2: Amend the definition of a "fast food business" to fit what is applicable for the commercial areas such as Fairbanks, Orange, Orlando and Aloma Avenues that are zoned C-3, which are outside of the downtown Central Business District (CBD) pedestrian core that is zoned C-2, subject to the following variations:

Option #2A: Adopt a revised definition of a "fast food business" that maintains the prohibition on the typical "fast food business" with drive-throughs but would allow the "fast casual" restaurants without a drive-through component. "Fast food business" would mean anything with a drive-through for the entire range from Burger King to Panera and Starbucks.

Option 2B: Adopt a revised definition of a "fast food business" that maintains the prohibition on the typical "fast food business" with drive-throughs but would allow the "fast casual" restaurants without a drive-through component and would allow for coffee and breakfast type establishments with a drive-through subject to Conditional Use approval. This separate category would then allow a Starbucks, Panera, Einstein's or Dunkin' Donuts to apply for conditional use approvals along the West Fairbanks Corridor within a C-3 zoned property.

Option 2C: Adopt a revised definition of a "fast food business" that allows "fast casual" restaurants everywhere without drive-throughs; allows fast food businesses with drive-throughs on the south side of Fairbanks, subject to Conditional Use approval but prohibits all drive-throughs on the north side of Fairbanks due to residential proximity.

Planning Board Direction:

At the February 17th work session the consensus of the Planning Board was to advertise for public hearing consideration a variant of Option 1. The P&Z proposal is to modify the Comprehensive Plan and Zoning Code regulation so that the West Fairbanks corridor from Orlando Avenue to Interstate Four was treated the same as all the other commercial corridors of the City such as East Fairbanks Avenue, Orlando Avenue, Orange Avenue and Aloma Avenue, in that fast food or drive-thru businesses could apply for conditional use approval for a future location. The City then determines if the business is compatible with the surrounding area, if the site and building plans are adequate to provide for such a business and meet applicable codes and that the nearby property owners are effectively safeguarded from noise, off-site parking and traffic impacts.

Given the smaller parcel sizes on the north side of West Fairbanks Avenue, it is envisioned that such approvals could potentially be for stand-alone businesses. However, on the south side of the West Fairbanks corridor, with much larger parcel sizes, such fast food or drive-thru businesses would have to be co-located in developments with other tenant space, at least equal in size to the proposed restaurant space.

Staff Analysis:

This is a situation where the current regulations must be modified as it was never the intent to shut out fast casual restaurants from developing along the West Fairbanks corridor. Treating fast food or drive-thru businesses the same as is done through-out the City makes sense. There are other existing situations in the City where drive-thru's exist compatibly with adjacent or nearby residential such as the McDonald's and Panera Bread on Aloma and the Krispy Kreme and Steak 'n Shake.

Staff Recommendation is for APPROVAL.

Exhibit "A"
Fast Casual and Drive-Through Restaurants in the City of Winter Park

Fast Casual Restaurants

Fairbanks Avenue

4Rivers
B&B Junction
Pita Pit

Orlando Avenue

Italo
Zona Fresca
Shake Shack
Black Bean Deli
Lime Fresh Mexican Grill
Moe's Southwest Grill
Chipotle
Crispers
Jersey Mike's Subs
Einstein Bros. Bagels
Subway
Café Noir
Boston Market

Orange Avenue

Edens Fresh Co
Jimmy John's

Lee Road

Bubbalous BBQ

Aloma Avenue

Jimmy Hula's
Toasted
Tijuana Flats
Panera Bread

Morse Boulevard

The Coop

Park Avenue

BurgerFi
Panera Bread
Barnie's Coffee Kitchen
Starbucks
Tropical Smoothie Café

Drive-Through Restaurants

Coffee/Breakfast/Lunch

Starbucks
Dunkin Donuts
Krispy Kreme

Breakfast/Lunch/Dinner

McDonalds
Burger King
Taco Bell
Popeye's
Chick-Fil-A
Steak 'n Shake
Panera Bread

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADD AMEND POLICIES IN THE TEXT OF THE FUTURE LAND USE ELEMENT WITHIN THE HIGHWAY 17-92 AND WEST FAIRBANKS CORRIDOR STUDY AREAS "J" AND "L" SO AS TO REVISE POLICIES CONCERNING FAST FOOD AND DRIVE-THROUGH BUSINESSES, 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 City Commission desires to amend the Comprehensive Plan, Future Land Use Element, within the Highway 17-92 and West Fairbanks Corridor Planning Areas "J" and "L" in order to provide policy guidance on the location of fast food and other restaurant businesses, and

WHEREAS, 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, and

WHEREAS, the Winter Park Planning and Zoning Board, 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 April 5, 2016, 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 at which the City Commission has 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; and

WHEREAS, words with double underline shall constitute additions to the original text and strike through text shall constitute deletions to the original text.

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", is hereby amended by adding a new Future Land Use Policy 1-4.1.J.16 within the Highway 17-92 Planning Area "J" on Page 1-64 of the Goals, Objectives and Policies to read as follows:

Policy 1-4.1.J.16: Support West Fairbanks Gateway Enhancements and Prohibit Certain Uses to Reinforce the Gateway Design and Land Use Principles. In order to establish the character of this corridor as a gateway entrance to Winter Park, the City shall along the West Fairbanks corridor from Orlando Avenue to Interstate 4, prohibit certain business types along the frontage of the corridor including new or used car sales, auto repair businesses, resale stores or pawn shops, tattoo businesses, adult oriented businesses, and convenience stores. Fast food and other drive-thru businesses may be permitted along the north side of the corridor via conditional use approvals if such businesses are not deemed to negatively impact nearby residential properties with traffic, over-flow parking or noise nuisances. Fast food and other drive-thru businesses may be permitted via conditional use approvals along the south side of the corridor provided that they are co-located within buildings which have other businesses on the same site in an least equal proportion to the floor area of the drive-thru restaurant business.

SECTION 2. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan", is hereby amended by adding a new Future Land Use Policy 1-4.1.L.4 within the West Fairbanks Corridor Planning Area "L" on Page 1-68 of the Goals, Objectives and Policies to read as follows:

Policy 1-4.1.L.4: Support West Fairbanks Gateway Enhancements and Prohibit Certain Uses to Reinforce the Gateway Design and Land Use Principles. In order to establish the character of this corridor as a gateway entrance to Winter Park, the City shall along the West Fairbanks corridor from Orlando Avenue to Interstate 4, prohibit certain business types along the frontage of the corridor including new or used car sales, auto repair businesses, resale stores or pawn shops, tattoo businesses, adult oriented businesses, ~~fast food businesses~~ and convenience stores. Fast food and other drive-thru businesses may be permitted via conditional use approval along the north side of the corridor if such businesses are not deemed to negatively impact nearby residential properties with traffic, over-flow parking or noise nuisances. Fast food and other drive-thru businesses may be permitted along the south side of the corridor via conditional use approval provided that they are co-located within buildings which have other businesses on the same site in an least equal proportion to the floor area of the drive-thru restaurant business.

SECTION 2. Codification. This ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 3. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 4. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 5. Effective Date of Ordinance. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by the adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

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 _____, 2016.

Mayor Steve Leary

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO CHANGE WITHIN SECTION 58-76 COMMERCIAL (C-3) DISTRICT, THE CONDITIONAL USES FOR FAST FOOD AND DRIVE-THROUGH BUSINESSES ALONG THE WEST FAIRBANKS CORRIDOR, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, AN SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has amended the Comprehensive Plan to provide for policy direction on the location of fast food and other drive-thru restaurant businesses along the West Fairbanks corridor; and

WHEREAS, this Land Development Code amendment is needed to implement the policy amendment within the Comprehensive Plan so that the two Codes are consistent and not in conflict; and

WHEREAS, the zoning text amendment is consistent with the Comprehensive Plan, the requested zoning text changes will achieve conformance with the Comprehensive Plan, 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 City Staff recommends this Ordinance, and the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their April 5, 2016 meeting; and

WHEREAS, the City Commission of the City of Winter Park held a duly noticed public hearing 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; and

WHEREAS, words with double underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text.

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", Section 58-76 "Commercial (C-3) district", subsection (c) (i) is hereby amended to read as follows:

Sec. 58-76. Commercial (C-3) District.

(c) *Conditional uses.*

(i) Drive-in components of any business. But for drive-in food or beverage service on the south side of the West Fairbanks corridor, from Orlando Avenue to Interstate Four, such drive-in restaurant must be a part of and incorporated into a larger building with other business uses of at least the same square footage as that of the drive-in restaurant business.

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 _____ does not become effective, then 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 _____, 2016.

Mayor Steve Leary

Attest:

City Clerk