

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

**Staff Report
June 7, 2016**

**REQUEST TO APPEAL THE INTERPRETATION AND
DETERMINATION OF THE BUILDING AND ZONING OFFICIAL:**
REGARDING THE INTERPRETATION AND DETERMINATION THAT
BOATHOUSES ARE A PERMITTED USE WITHIN OFFICE ZONING
DISTRICTS AND AS SPECIFICALLY APPROVED AT 2682 WEST
FAIRBANKS AVENUE.

The City has received an appeal pursuant to Section 58-94 of the Zoning Code contesting the Building and Zoning Official's (George Wiggins) interpretation and determination that a boathouse and dock is a permitted use of the property at 2682 West Fairbanks Avenue, which is zoned office (O-1).

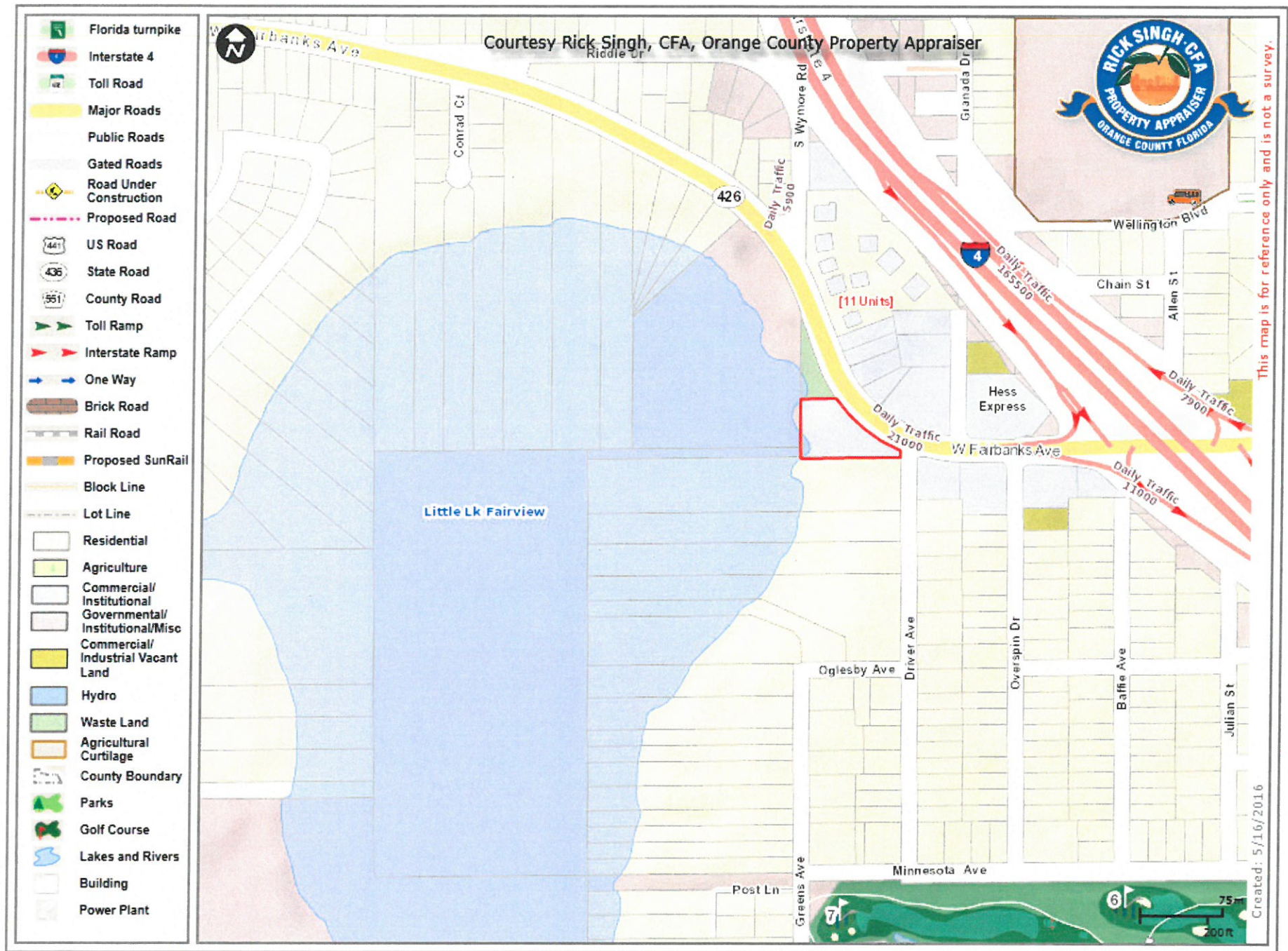
On March 16, 2016, the City Lakes and Waterways Board approved an application for the construction of a boathouse and dock at the property at 2682 W. Fairbanks Avenue, zoned O-1, Office District within the City of Winter Park.


































Section 58-87, "Lakefront lots, canalfront lots, streamfront lots, boathouses and docks" subsection (b)(4) states that "the lakes and waterways board shall review and approve construction of boathouses, docks, gazebos over the lakes or other water bodies." This section of the Zoning Code specifically regulates boathouses and docks and delineates the height, area and setback criteria regardless of the Zoning District where the structure is proposed to be located.

In the past the City has approved several boathouse or dock structures non-residential commercial (C-3) or public quasi-public (PQP) zoning districts. For example, the Hillstone Restaurant and Lakeside Center are zoned General Commercial (C-3) and have a boathouse and dock on their lakefronts. Rollins College (PQP) has a large boathouse on Lake Virginia. Also with respect to multi-family zoning, the Winter Park Towers Retirement Home property has several docks and boathouses, the Alabama Condominiums, Whispering Waters, The Cloisters and Lake Killarney Condominiums, and several others throughout the City have docks and or boathouses. In looking at the wording of the zoning districts in which these structures are located, there is no indication stating that the boathouses or docks are a "specific" permitted use because the general Section 58-87 addresses all regulation related to those boathouse and dock structures.

Section 58-71 "General provisions for residential zoning districts" and Section 58-84 "General provisions for non-residential zoning districts." contains references to many structures that are not listed within the various specific uses in the residential and non-residential zoning districts. Uses or structures, such as pergolas, residential decks, towers, spires, architectural appendages, satellite dishes, swimming pools, solid waste containers and others are all regulated with regard to building parameters and are thereby commonly permitted even though not specifically mentioned as permitted structures within the zoning districts.

Based on the pattern established in the Zoning Code and based on many years of practice as seen by the examples stated herein, the Building and Zoning Official with the advice and consent of the City Attorney has concluded that a boathouse and dock can be constructed within an office zoning district in the City of Winter Park.

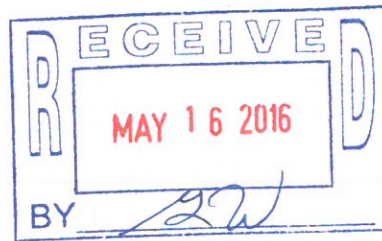


-  Florida turnpike
-  Interstate 4
-  Toll Road
-  Major Roads
-  Public Roads
-  Gated Roads
-  Road Under Construction
-  Proposed Road
-  US Road
-  State Road
-  County Road
-  One Way
-  Brick Road
-  Proposed SunRail
-  Block Line
-  Lot Line
-  Residential
-  Agriculture
-  Commercial/Institutional
-  Governmental/Institutional/Misc
-  Commercial/Industrial Vacant Land
-  Hydro
-  Waste Land
-  Agricultural Curtilage
-  County Boundary
-  Parks
-  Golf Course
-  Lakes and Rivers
-  Block Number
-  Lot Number
-  Parcel Number
-  Parcel Address
-  Parcel Dimension



This map is for reference only and is not a survey.

BakerHostetler



Baker&Hostetler LLP

SunTrust Center, Suite 2300
200 South Orange Avenue
Orlando, FL 32801-3432

T 407.649.4000
F 407.841.0168
www.bakerlaw.com

Gregory D. Lee
direct dial: 407.649.4096
glee@bakerlaw.com

May 12, 2016

**VIA EMAIL (GWIGGINS@CITYOFWINTERPARK.ORG) AND FIRST
CLASS MAIL**

Mr. George Wiggins
Direct of Building & Legislative Affairs
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

*Re: Notice of Appeal from that certain Zoning Determination Letter Dated April 28, 2016
Concerning Approval of Boathouse at 2682 West Fairbanks Avenue to the Planning &
Zoning Board*

Dear George:

I hope this correspondence finds you well. As we have discussed, I am writing on behalf of my clients, Mr. Scott Greer and Mrs. Holly Greer who own land on Little Lake Fairview in unincorporated Orange County, Florida.

As we indicated in our correspondence to you on April 15, 2016, we are concerned with the boathouse and dock that were approved at 2682 West Fairbanks Avenue, Winter Park, Florida (the "Subject Property") by the Winter Park Lakes & Waterways Advisory Board ("WPLWAB") during the March 16, 2016 meeting, specifically involving application number SAP 16-04 (the "Application"). We requested a letter of determination from the City of Winter Park regarding the issue of whether a boathouse and dock were permitted uses under the O-1 Zoning District set forth in the City of Winter Park Code of Ordinances (the "Code").

In your Letter of Determination dated April 28, 2016, the City of Winter Park affirmed that the interpretation that the WPLWAB's approval of the Application was consistent with the Code (the "Letter of Determination"). We respectfully disagree with the WPLWAB's approval of the Application and the City's subsequent interpretation of the Code set forth in the Letter of Determination, which aggrieved my clients' much in their safe enjoyment of their property, Little Lake Fairview, and the surrounding area. The purpose of this correspondence is to formally appeal the Letter of Determination pursuant to Section 58-94(a) of the Code.

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC

Mr. George Wiggins
May 12, 2016
Page 2

Specific grounds for the appeal, include, without limitation: (i) the use of a boathouse and dock is not permitted in the O-1 Zoning District; (ii) there is no precedent for a boathouse and dock in the O-1 Zoning District (notwithstanding your comparison to commercial uses, which are different from O-1 uses); (iii) there is no precedent for the permitted use of a pontoon boat to be used as a "party barge" by tenants and invitees in the O-1 Zoning District or other commercial districts; and (iv) the City of Winter Park's jurisdictional boundary only covers a small portion of real property on Little Lake Fairview and other jurisdictions with much more jurisdictional control have expressed concerns over Winter Park's actions involving the Application.

We have enclosed a check to the City of Winter Park in the amount of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) together with this letter of appeal. Thank you very much for your attention to this matter and please feel free to contact me in the event that you should have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory D. Lee', with a stylized flourish at the end.

Gregory D. Lee

GDL/kmp

cc: Scott Greer
Holly Greer, Esq.
Kyle Shepard, Esq. (Assistant City Attorney, City of Orlando)
David Ausherman (Orange County Planning Department)
Jeff Briggs (City of Winter Park Planning and Community Development)
Arthur J. R. Baker, Esq. (Baker & Hostetler LLP)



Gregory D. Lee
Baker & Hostetler, LLP
Sun Trust Center, Suite 2300
200 South Orange Avenue
Orlando, Florida 32801-3432

April 28, 2016

CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

Re: Request for Zoning Determination for approval of boathouse at 2682 West Fairbanks Avenue by Lakes and Waterways Board on March 16, 2016 as a permitted use

Dear Mr. Lee:

At the above referenced date, the City Lakes and Waterways Board received and approved an application for the construction of a boathouse at property zoned O-1, Office District within the City of Winter Park. You have asked if this type of use is permissible within the O-1, Office District.

In response, I cite Section 58-87, "Lakefront lots, canal front lots, stream front lots, boathouses and docks" subsection (b)(4) which states that "the lakes and waterways board shall review and approve construction of boathouses, docks, gazebos over the lakes or other water bodies." This section of the Zoning Code specifically regulates boathouses and delineates height, area and setback criteria regardless of the Zoning District where the structure is proposed to be located.

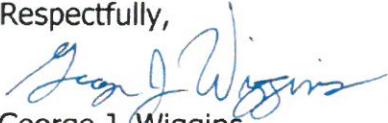
In the City, several boathouse or dock structures have been built in non-residential, planned development, multi-family, parks and recreation or public quasi-public zoning districts over the course of many years. For example, the Hillstone Restaurant, the Lakeside Center are zoned General Commercial (C-3), and Lake Killarney Condominiums (zoned multi-family) all have a boathouse or dock on Lake Killarney; Rollins College has a large boathouse on Lake Virginia, the Winter Park Towers Retirement Home property has several docks and boathouses on Lake Berry; the Alabama Condominiums, Rollins College, and the Winter Park Racquet Club have boathouses or docks on Lake Maitland, the City of Winter Park, the Morse Foundation, Whispering Waters Condominiums, The Cloisters Condominiums have boathouses or docks on Lake Osceola and several others are located throughout the City. In looking at the zoning districts in which these structures are built,

there is no separate Zoning Code text language indicating that the boathouses or docks are a "specific" permitted use because the general Section 58-87 addresses all regulation related to those structures.

An example of this is found in viewing Section 58-71 "General provisions for residential zoning districts" and Section 58-84 "General provisions for non-residential zoning districts." Within those code sections are references to many structures that are not listed within the various specific uses in the residential and non-residential zoning districts. However, uses or structures, such as pergolas, residential decks, towers, spires, architectural appendages, satellite dishes, swimming pools and enclosures (in non-residential districts), solid waste containers and others are all regulated with regard to building parameters and are thereby commonly permitted even though not delineated within the zoning districts.

Based on the pattern established in the Zoning Code and based on many years of practice as seen by the examples stated herein, I conclude that a boathouse can be constructed within an office zoning district when that district is located on a lake in the City of Winter Park.

Respectfully,



George J. Wiggins
Director of Building/Legislative Affairs

C: Randy Knight, City Manager
Dori Stone, Director of Planning & Community Development
Jeff Briggs, Planning Manager
Troy Attaway, Director of Public Works
Kurt Ardaman, City Attorney
Dan Langley, Assistant City Attorney

ATTN: VEBBIE WILKERSON
AND
TIM EGAN



CITY OF WINTER PARK
SHORELINE ALTERATION PERMIT APPLICATION

Amt: \$ 75
Check#: 6652
Date: 2-26-16

General Instructions: To request approval of a Shoreline Alteration Permit Application complete this application and submit to Public Works Department (500 N. Virginia Ave., Winter Park, FL 32789) along with the applicable fee and all additional information necessary for public hearing before the Lakes & Waterways Advisory Board. All required must be submitted with application. Ten (10) complete sets of the application and plans are required. (Signed and sealed plans are NOT required for the Shoreline Alteration Permit)

DEADLINE IS THE FOURTH WEDNESDAY OF EACH MONTH FOR HEARING IN THE FOLLOWING MONTH.

SAP 16 : 04

Water Body: Lake
(Lake, Canal, etc.)

☐ \$50.00 Fee for Docks Only

☒ \$75. Fee for Boathouse & Dock

APPLICANT/CONTRACTOR BHM ARCHITECTURE **OWNER**

JERRY W. MILLS

James Schwede

701 W. 3RD ST

554 W. 9037 Saylorville Rd

SANFORD, FL 32771

Waukesha, WI 53189

Phone: 407 921 8795

Phone: 262 568 5193

Email: j.mills@bhm-us.com

Email: james@vanatus.com

Is the property under contract for purchase or lease?

☒ Yes ☐ No

If the applicant is NOT the owner, attach a copy of the purchase or lease contract or option on the property, or a letter signed by the owner of record authorizing the applicant to act as agent for the owner. This information is requested to establish the legal status of the applicant and will be held in confidence, except as the information pertains to the zoning application

Is the contract for purchase or lease contingent upon approval of this application? ☐ Yes ☐ No

PROPERTY

Street Address :(if different):

2682 W. Fairbanks Ave.

Name of lake, canal or stream

Little Lake Fairview

DESCRIPTION

1. BEARING STRUCTURE BASED ON N/A/N LINE OF ORDER ABOVE BEING:
5 021728' E.

2. THIS SURVEY REFLECTS ONLY MATTERS OF RECORD AS PROVIDED BY THE CLIENT
CLIENTS REPRESENTATIVE.

3. THIS SITE IS IN A FLOOD PRONE AREA, IT IS IN ZONE A, AN AREA OF 100 YEAR
FLOODING BASED ON A FLOOD INSURANCE RATE MAP, PANEL NO. 10179 0235 C, ORANGE
COUNTY, FLORIDA.

4. ACCORDING TO FLORIDA STATUTES, CHAPTER 472.05, A LAND SURVEYOR SHALL NOT
AFFIX HIS SEAL OR NAME TO ANY PLAN OR DRAWING WHICH DEPICTS WORK WHICH HE
IS NOT LICENSED TO PERFORM OR WHICH IS BEYOND HIS PROFESSION OR SPECIALTY.
WE ARE THEREFORE, WE ARE UNABLE TO CERTIFY AS TO MINORAL ZONING
COMPLIANCE, INTERPRETATION OF ZONING CODES OR THE DETERMINATION OF VIOLATIONS
THEREOF.

5. THIS SURVEY MADE WITHOUT BENEFIT OF COMMITMENT FEE TITLE.

P.O.C.
N.E. CORNER, N.E. 1/4
SECTION 11-22-29

S 02°16'37" E 1170.74' DESC

P.O. 2

LITTLE LAKE FARMVIEW

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STOKES SUBMISSION
PLAY ROOM 1 PAGE 2

[illegible][illegible]

SAID LANDS LYING IN ORANGE COUNTY, FLORIDA AND CONTAINING 0.807 ACRES, MORE OR LESS.

CURVE DATA:
A = 30°08'37"
R = 477.74'
L = 250.80'
CHORD:
S 32°43'24" E
247.92' DESC
S 52°41'34" E
247.88' MEAS

VACATED
GREENS AVENUE 50' R/W

A map of the Little Lake Farmstead site. The site is a shaded rectangular area. To its north is a larger area labeled 'ARROWHEAD AC'. To its east are several roads: 'CHANDLER DRIVE', 'W. PARLIANCE AVE.', 'OCELEBY AVE.', and 'BRANDENBURG AVE.'. To its south is 'DANFORTH AVE.'. A north arrow is located in the upper left corner.

[illegible]

0' 10' 20' 40' 60'

$$1^{\circ} = 20'$$

Current BOUNDARY SURVEY DATE: _____
per Florida Statutes 61G17-6.003 2d

DATE:	REVISION	BY:
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[illegible]

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AS BUILT SHEET

AS-BUILT SURVEY

SCALE: 1" = 20'	DATE: 10-21-03	APPROVED BY: 7
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DATE: 10-31-80	OF: PCW-LOIS1874	DRAWN BY: TRKH
PREPARED FOR:		

KENNEDY FAIRVIEW LIMITED PARTNERSHIP

LOCATION:	2682 W. FAIRBANKS AVE WINTER PARK, COLORADO	FILE NUMBER
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WINTER PARK, FLORIDA	FAIRVIEW HEIGHTS
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ACCURIGHT SURVEYS
of Orlando Inc., LB 4475
2012 E. Robinson St.
Orlando, Florida 32803
(407) 894-6314

THIS SURVEY MEETS THE "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 81011-8, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

Frank A. Baywood

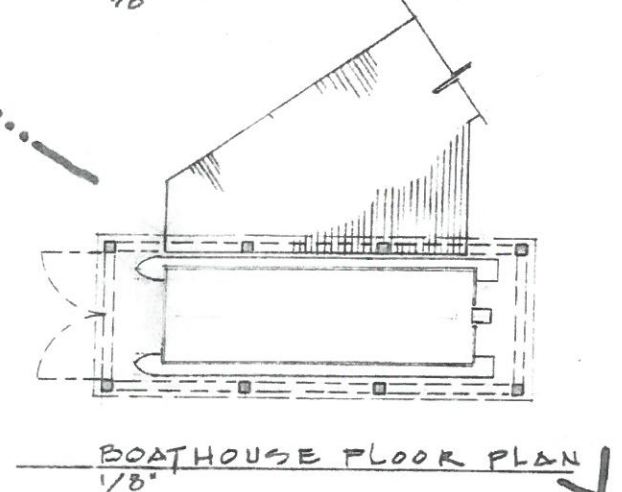
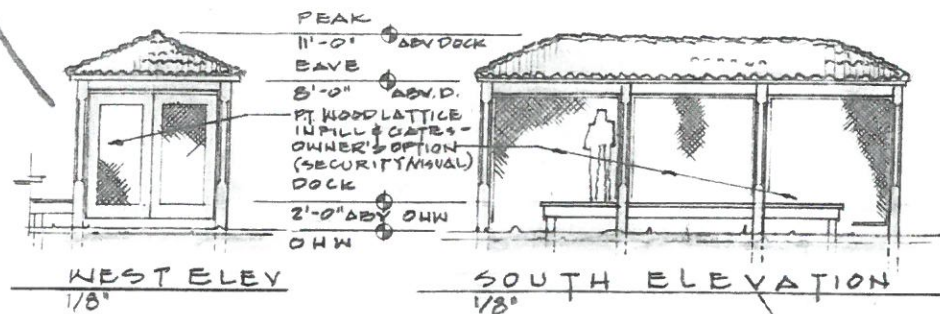
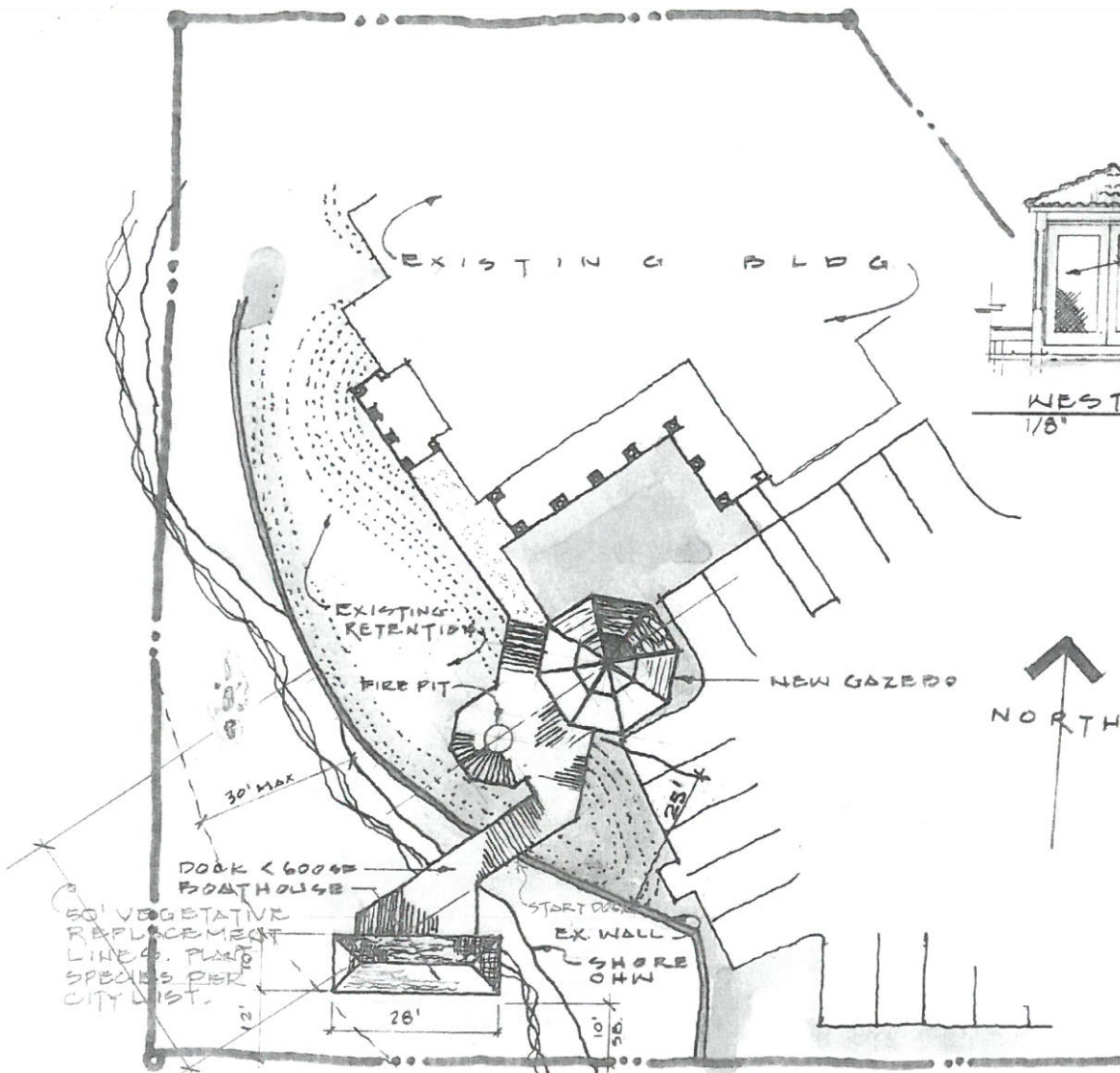
FRANK A. BAYWOOD PLS 4007

*NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL GASED SEAL OF THIS BOARD. COUNTY



W Fairbanks Ave

2682 W Fairbanks Ave



GAZEBO & DOCK - EX 2

1"=20' JWM @ BHM for JIM SCHROEDER 2.25.16

**CITY OF WINTER PARK
LAKES AND WATERWAYS ADVISORY BOARD**

**Regular Meeting
500 N. Virginia Ave
Beary Community Center**

**March 16, 2016
12:00 pm**

MINUTES

Present: Todd Weaver (Chair) Geoff Bedine (Vice-Chm), Nora Miller, Amy Byrd, Steven DiClemente, David Moorhead, and Doug Marks

Absent: Jim Barnes

City of Winter Park Staff: Troy Attaway, Public Works Director; Don Marcotte, Asst. Public Works Director; Tim Egan, Environmental Resource Mgr.; Amy Giannotti, Asst. Environmental Resource Mgr.; Stan Locke, WP Police; Abby Gulden, Sustainability & Permitting Coordinator; Debbie Wilkerson, Recording Secretary

Guests: Peter Godfrey, P&Z Board

CALL TO ORDER. Chm. Weaver called the Lakes and Waterways Advisory Board to order at 12:00 pm.

Citizen comments: None

administration

Approval of Minutes

Chm. Weaver asked for approval of the minutes from the February 17, 2016. Motion made by Mr. Bedine to approve the February 17 2016, meeting minutes as presented; seconded by Mr. DiClemente. Motion carried unanimously, 7-0.

Action items

Shoreline Permit Applications:

SAP 16-02, request of Virgil Schenck to build a revetment/seawall at 260 Trismen Terr. on Lake Osceola.

Mr. Egan provided details of this request, stating that the site plan is within code, except for the drawing showing an incorrect slope. Contractor has indicated that he will provide revised sections showing 3:1 slope and no exposed wall/cap. Staff is recommending approval. Mr. Egan responded to questions. Motion made by Mr. Moorhead to approve the application, seconded by Mr. Bedine, motion carried unanimously 7-0.

SAP 16-03, request of Mark Blake to build a boathouse/dock at 914 Poinciana Ln. on the Venetian Lagoon.

Mr. Egan provided details of this request, stating that the contractor provided a revised site plan which is within code and staff is recommending approval. Mr. Egan responded to questions. Motion made by Mr. Bedine to approve the application, seconded by Mr. Moorhead, motion carried unanimously 7-0.

SAP 16-04, request of James Schroeder to build a boathouse/dock at 2682 W. Fairbanks Ave. on Little Lake Fairview.

Mr. Egan provided details of this request. He explained that the application is for an office building on a lake that the City does not manage. The property was annexed around 2004 and is the only City of Winter Park property on Little Lake Fairview. Mr. Egan commented that Orange County and adjacent property owners were notified. The site plan is within code except that the elevation sketch shows an option for lattice siding which is not allowed under city or state rules. Staff is recommending approval with a specific condition: the lattice siding is not authorized under this permit and must be removed from the building permit sketches. Building Dept. is directed to hold issuance of building permit until this condition is met. Mr. Egan responded to questions.

Mr. Jerry Mills, BHM Architects, owner representative, spoke in favor of allowing the lattice due to appearance and security. He also requested information on the variance process. Mr. Egan explained that he spoke to the City Planner who interpreted the City Code to include lattice, however there is a City variance procedure through the City's Board of Adjustment, Planning and Zoning Board with a similar application process and public hearing as the shoreline application. The dock without the lattice meets the state exemption and no further action is necessary unless something is added at a later date that takes it out of the exemption status. The State may then request a permit application and submerged lands lease.

Motion made by Mr. Moorhead to approve the application with the removal of the lattice, seconded by Mr. Bedine, motion carried unanimously 7-0.

New Business

ICON - Lee Road Townhouses

Mr. Egan introduced for discussion ICON Residential approval from the Planning and Zoning Board for plans for lakefront dock, gazebo and privacy wall at the townhomes located at 1800 Lee Rd. The Planning and Zoning Board granted approval for two docks and gave them a variance on the size of the docks increasing it to 920 sf per dock instead of approving 3 docks. Mr. Egan explained that the current process that requires Lakes Board approve even though P&Z has approved the variance. Mr. Godfrey, P&Z Board, reviewed the P&Z Board thoughts behind the two docks approval. Mr. Egan requested a motion indicating approval of P&Z actions or requiring the contractor to submit an application to the Lakes Board. Motion made by Mr. Moorhead to accept P&Z recommendation, motion withdrawn. After additional discussion, motion made by Mr. Weaver to request formal plans submittal with all pertinent information to the Lakes and Waterways Board, seconded by Mr. Moorhead, motion carried unanimously, 6-0.

reports

Mead Botanical Garden - No report

Stormwater Management

Mr. Marcotte

- Demolition of structure on Nicole complete and preparing for the pond
- Preparing Bid package for liquid solid separator on Lk Killarney
- Howell Branch Pond construction to begin soon

- Working on the Stirling Bridge Design
- Following up on drainage study on east border of Winter Park with Seminole County

Sustainability Report – Abby Gulden

No report

Lakes Manager Report

Mr. Egan provided copies of the water quality update and announced that the report is posted on the website.

Lakes Patrol – WP Police

Sgt. Locke reported that he discussed documenting inspections with his staff. Regular patrols will begin in April which will include routine patrols of Dog Island.

City of Maitland – Paul Ritter

No Report

adjourn

Meeting adjourned at 1:01 p.m. Next meeting date April 20, 2016.

Respectfully submitted,

Debbie Wilkerson

Debbie Wilkerson
Recording Secretary
Approved 4/20/16

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

**Staff Report
June 7, 2016**

REQUEST OF THE MORNEY PARTNERSHIP LTD. TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM THE CURRENT MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO A CENTRAL BUSINESS DISTRICT, FUTURE LAND USE DESIGNATION ON THE PROPERTY AT 226 HANNIBAL SQUARE, EAST.

REQUEST OF THE MORNEY PARTNERSHIP LTD. TO: AMEND THE OFFICIAL ZONING MAP TO CHANGE FROM MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 226 HANNIBAL SQUARE, EAST.

REQUEST OF THE MORNEY PARTNERSHIP LTD. FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THE EXISTING PARKING LOT PROPERTY AT 226 HANNIBAL SQUARE, EAST WITH A SINGLE UNIT RESIDENTIAL PROJECT OF THREE STORIES IN HEIGHT, PROVIDING FOR CERTAIN EXCEPTIONS AND FOR A DEVELOPMENT AGREEMENT, IF REQUIRED.

The Morney Partnership Ltd. (property owner) is requesting the following:

1. Changing the Comprehensive Plan future land use designation of Medium-Density Multi-Family Residential on the property at 226 Hannibal Square, East;
2. Changing the Zoning on the same property from Parking Lot (PL) to Commercial (C-2); and
3. Conditional Use for a three-story building holding one single residential unit, as shown, on the plans submitted.

Property Future Land Use and Zoning Characteristics: The entire site is 4,875 square feet in size with 65 feet of frontage on the Hannibal Square, East and 75 feet of lot depth. It currently holds 14 parking spaces. It sits north of Armando's restaurant and south of an unimproved parking lot used by Ward Chapel. The property was rezoned from R-3 to PL in order to permit the construction of the existing parking lot in October, 2000. At that time, the bulk of the property was zoned R-3 and the Future Land Use designation in the Comprehensive Plan was Medium-Density Multi-Family Residential. The City purposefully maintained that Multi-Family Residential future land use so that if the property were further developed in the future (as something other than a parking lot), that such future development would be residential and not office or commercial.

Request to Change the Future Land Use and Zoning: Based upon the proposed plans for a single residential unit within a three story building, there is no need for the proposed change to Central Business District Future Land Use or C-2 Zoning. The property can be rezoned back to Multi-Family (R-3) in conformance with the Comprehensive Plan future land use designation that currently exists on the property. The planning staff is concerned that a change to Commercial in the Comprehensive Plan future land use and Zoning would imply and assert that this proposed 4,016 square foot building, could be used in the future for office or commercial purposes. That is not the case, as this proposed building would be far short of the required parking for any other usage than as a residential building. Thus, the staff is concerned with the rationale for commercial zoning if the building cannot be used commercially, especially when the R-3 zoning works for the project proposed.

The proposed building conforms to the unit density of Medium-Density Multi-Family Residential future land use and R-3 zoning. It conforms to the potential building height in R-3 (3 stories is permitted via Conditional Use), the Floor Area Ratio in R-3 (82.3% versus the permitted 110%); and the Building Lot Coverage in R-3 (30% versus the permitted 40%). There would be variances for some setbacks, but the C-2 request also has setbacks variances, and in both cases these are handled via the Conditional Use approval.

Request for Conditional Use Approval:

The predominant factor in all Conditional Use requests is first and foremost, compatibility with the surrounding area. Just as with the request for three story residential buildings, that was recently heard on West Lyman Avenue, the staff's consideration is based on the site orientation. If one looks to the south toward New England Avenue, there is commercial development and other three story buildings. If one looks north there is Ward Chapel, the Welbourne Day Nursery and other one or two story buildings, zoned residential. This property is on the transitional edge of a business district as it transitions into a residential area. The applicant believes that a three story, 40 foot tall building, to be constructed three feet away from residential property is an acceptable transitional use.

The planning staff understands the applicant's motivations in the project and site design. It maximizes the development potential of the site (3 stories) and it places the building in the front most prominent and visible location.

To the planning staff, it would be more compatible to simply build a two-story building in the rear of this property. The two-story height is much more compatible in this location adjacent to residential zoning. The building is then not twice as tall as the adjacent Armando's restaurant building. It maintains the same number of existing parking spaces. All that is lost is 840 square feet of storage space and it is important to mention that off-site storage is not a permitted use in either the C-2 or R-3 zoning. The storage space is only permitted to be used by the residence.

To the planning staff it seems unusual to build three stories, just to gain 840 feet of storage area. This is the equivalent of building a four car garage of storage space for a 2,600 square foot house.

It is difficult to assess the building's height and compatibility based on two dimensional elevations, as submitted, that are three inches in size. As a result, the staff has put together photographs of the adjacent properties with the applicants elevations superimposed in order to get a better perspective on the relative heights and compatibility. Again to the planning staff the three stories at this location is incompatible at the edge of residential zoning. That is consistent with the staff's recommendation in last month's agenda with the proposed three story, West Lyman townhouses that were also on the transitional edge of commercial to residential.

Planning Staff Summary and Recommendation: Staff recommends DENIAL of the request to change the Comprehensive Plan future land use map to Central Business District and the Zoning Map change to Commercial (C-2). As outlined previously, everything that the applicant desires to accomplish in their proposed plan submittals, can be accomplished by simply changing the Zoning from Parking Lot (PL) back to the Multi-Family (R-3) zoning that was in place prior to the change to PL in October, 2000. The R-3 Zoning then conforms to the current Comprehensive Plan designation and the City doesn't need to amend the Comprehensive Plan. Thus, staff recommends APPROVAL of the rezoning to R-3.

As per the Conditional Use request, the staff is challenged by the transitional nature of this block and site location. The site and location is on the transitional edge of a business district adjacent to residential. That location does not seem to be the appropriate place to build the largest building possible (42 feet in total height) within 3 feet of the property lines. Under the current Parking Lot (PL) zoning, the applicant cannot build anything, because the only permitted use is for a surface parking lot. The value gained by to the applicant from the rezoning to R-3 is the ability to now build a 2,600 square foot residence. It would seem to be a reasonable compromise by the applicant to gain the ability from the City to build a 2,600 square foot, two-story residence and only have to compromise with a two-story building versus three stories.

Staff Recommendation is as follows:

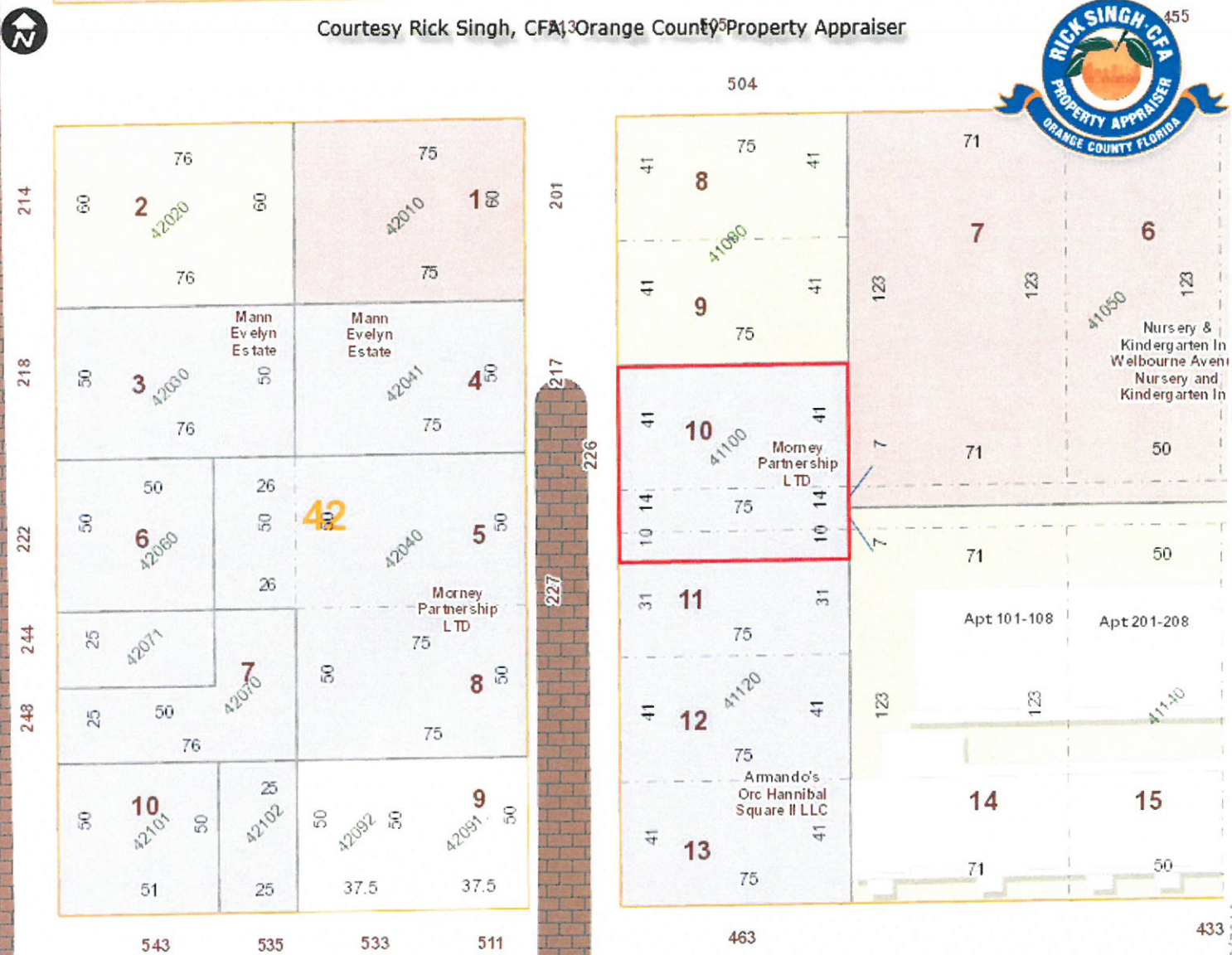
- 1. DENIAL of the request to change the Comprehensive Plan future land use designation of Medium-Density Multi-Family Residential on the property at 226 Hannibal Square, East;**
- 2. APPROVAL of the change of Zoning on the same property from Parking Lot (PL) to Multi-Family Residential (R-3); and**
- 3. APPROVAL of the Conditional Use together with the setback variances required, pursuant to a two-story residential building located in the rear of the property.**



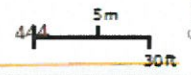


- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- One Way
- Brick Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Institutional/Misc
- Commercial/Industrial Vacant Land
- Hydro
- Waste Land
- Agricultural Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- E Block Number
- 6 Lot Number
- 06060 Parcel Number
- 3106 Parcel Address
- 111.9 Parcel Dimension

Courtesy Rick Singh, CFA, Orange County Property Appraiser



W NEW EN

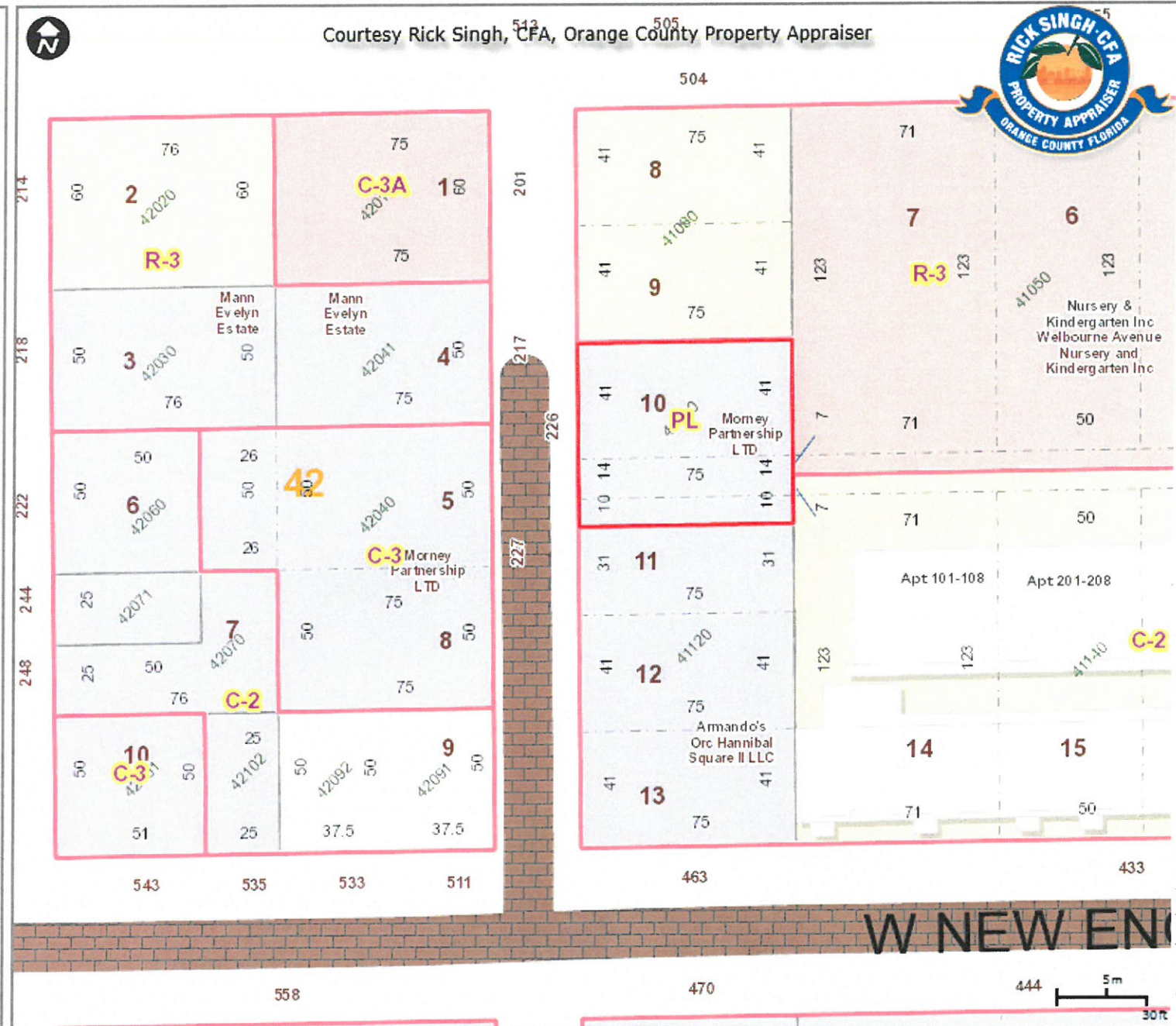


This map is for reference only and is not a survey.

Created: 5/19/2016

































- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
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- County Boundary
- Golf Course
- Lakes and Rivers
- Zoning
- Block Number
- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimension

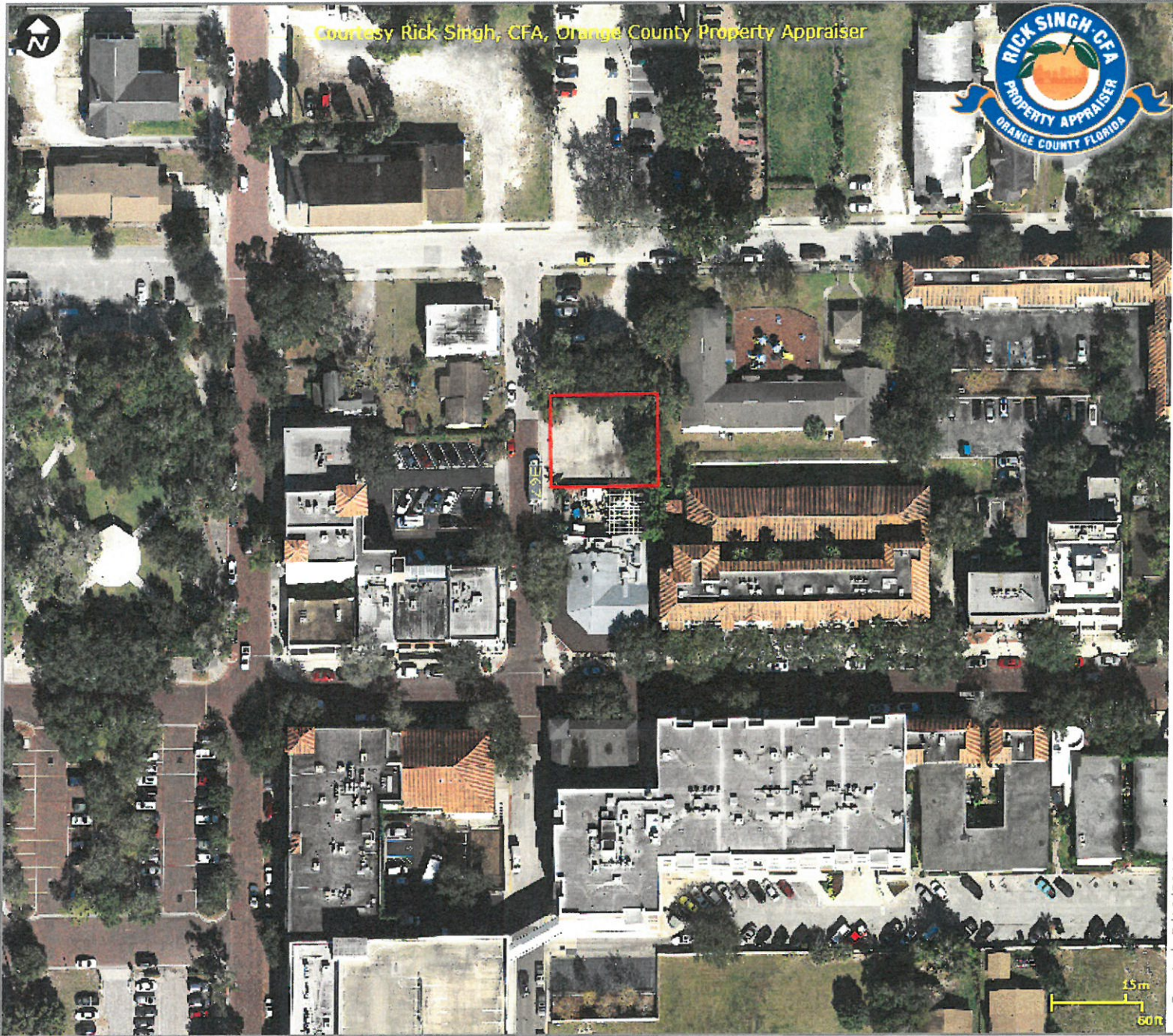
Courtesy Rick Singh, CFA, Orange County Property Appraiser



This map is for reference only and is not a survey.

Created: 5/19/2016

-  Florida turnpike
-  Interstate 4
-  Toll Road
-  Major Roads
-  Public Roads
-  Gated Roads
-  Road Under Construction
-  Proposed Road
-  US Road
-  State Road
-  County Road
-  One Way
-  Brick Road
-  Proposed SunRail
-  Block Line
-  Lot Line
-  Residential
-  Agriculture
-  Commercial/Institutional/Governmental/Institutional/Misc
-  Commercial/Industrial Vacant Land
-  Hydro
-  Waste Land
-  Agricultural Curtilage
-  County Boundary
-  Parks
-  Golf Course
-  Lakes and Rivers
-  Block Number
-  Lot Number
-  Parcel Number
-  Parcel Address
-  Parcel Dimension



































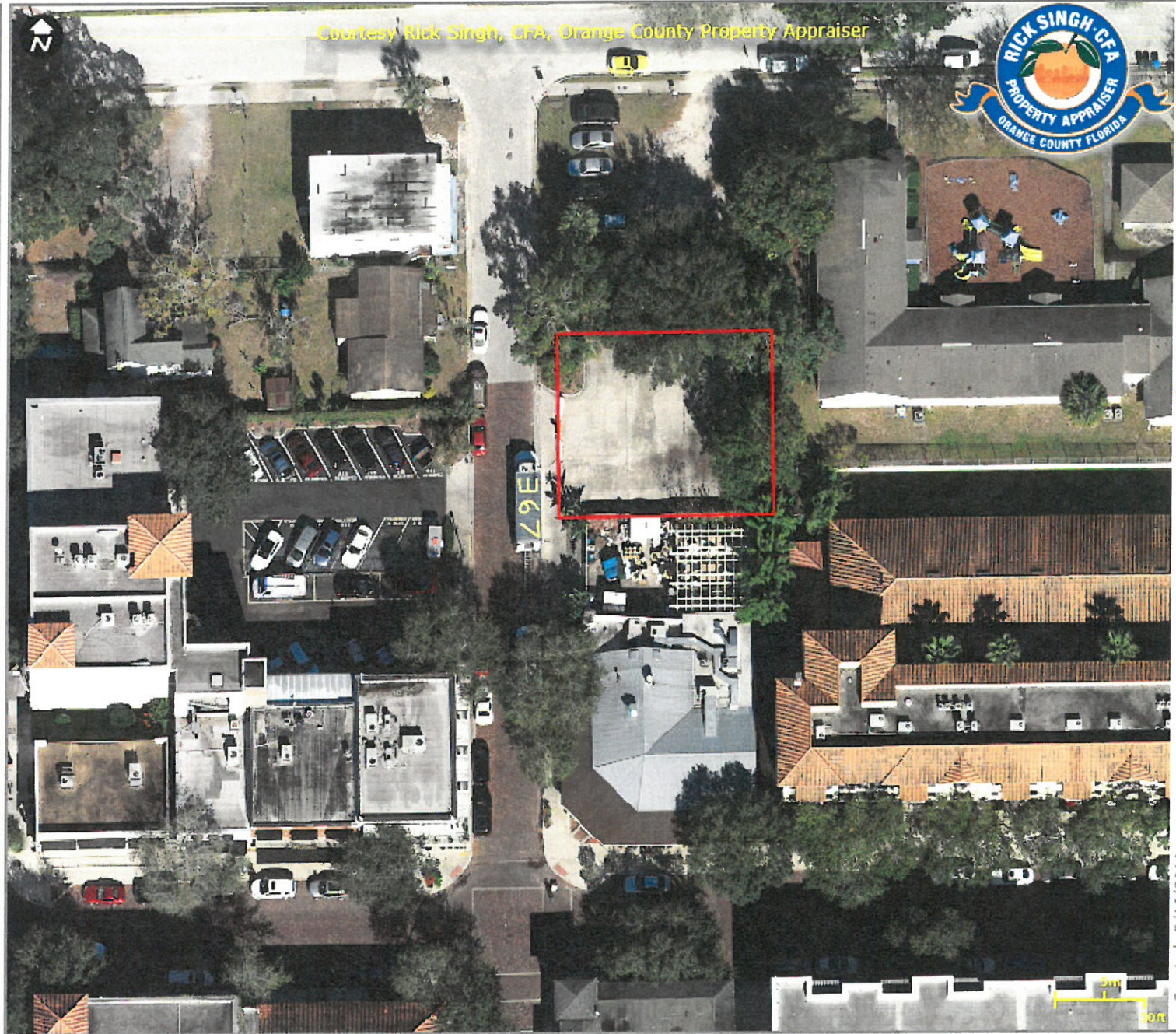
Courtesy Rick Singh, CFA, Orange County Property Appraiser



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Created: 5/19/2016

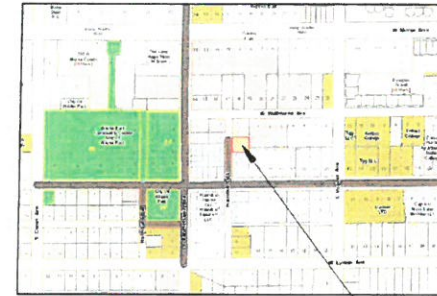
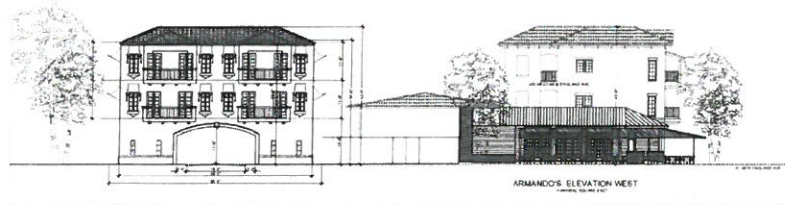
-  Florida turnpike
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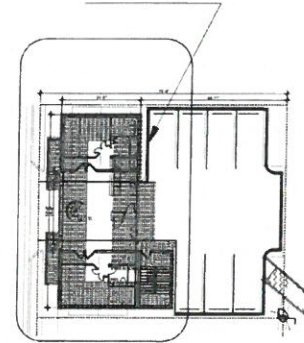
This map is for reference only and is not a survey.

Created: 5/19/2016

MORNEY PARTNERSHIP, LTD.
226 HANNIBAL SQUARE EAST
 WINTER PARK, FL 32789



PROPERTY DESCRIPTION
 TOWN OF WINTER PARK A/67 & B/86 & MISC BOOK 3/220
 LOT 10 & THE N 10 FT OF LOT 11 BLK 41 & THE VACATED
 ALLEY BETWEEN SAID LOTS PER 3466/554
 226 HANNIBAL SQ E < 05-22-30-9400-41-100 >
 AREA OF WORK



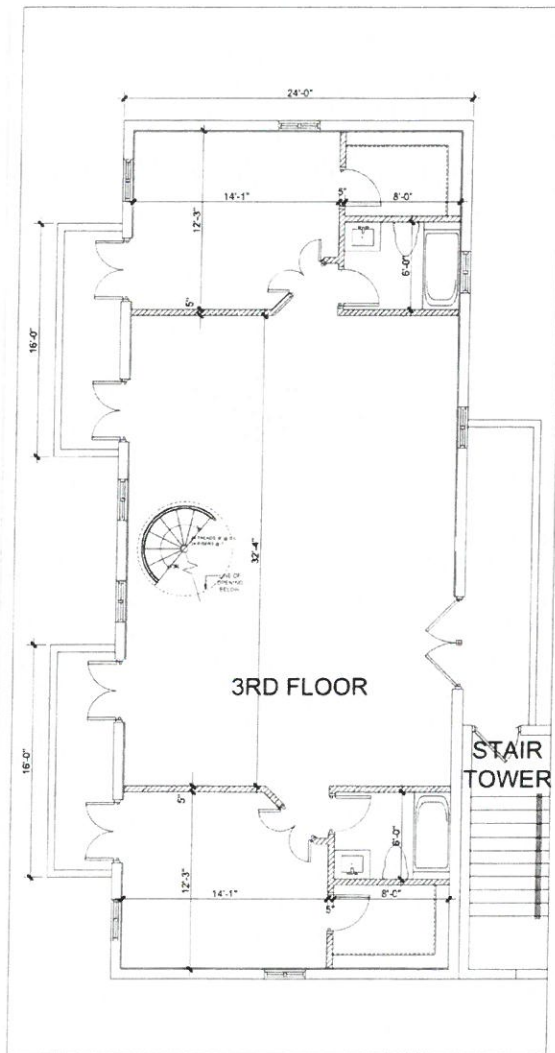
1 AREA OF WORK - PLAN SCALE: 1/16" = 1'-0"

226 HANNIBAL SQUARE EAST
 WINTER PARK, FL 32789

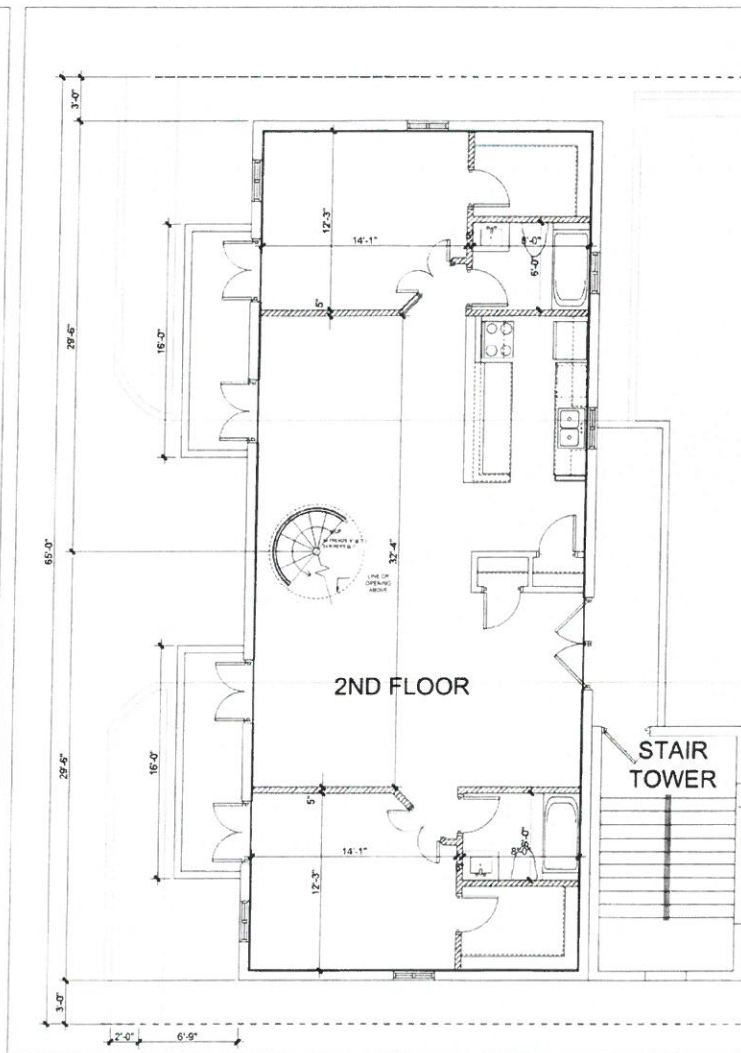
SYDGAN CORP.
 PO BOX 350
 WINTER PARK, FL 32790
 407-644-3151

MARGARET H. O'ROURKE DESIGN, INC.
 PO BOX 2071 WINTER PARK, FLORIDA 32790
 T/ 407/405585 MO@MODinc.US

DWG NO.	SCALE	DATE	NO.	REVISIONS
CS		5-4-16		



3RD FLOOR
SCALE 1/8" = 1'-0"



2ND FLOOR
SCALE 1/8" = 1'-0"

BUILDING AREA - SINGLE FAMILY

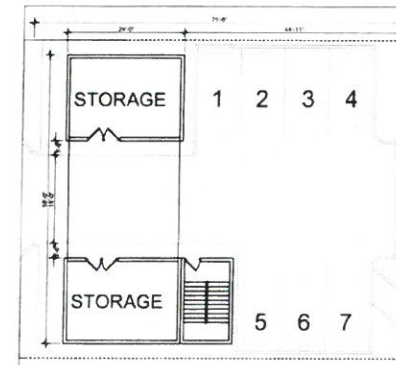
	3 STORY BUILDING	
	MAIN	STAIR
storage	840	187
LEVEL 2	1307	187
LEVEL 3	1307	187
	3454	581
TOTAL SQ FT	4015	

SETBACKS

	PROPOSED
FRONT	81"
SIDE NORTH	36"
SIDE SOUTH	36"
REAR NORTH	44'11"
REAR SOUTH	34'3"

HEIGHT	42'
--------	-----

4 BDRW 4 BA	1
PARKING REQUIRED	2
PARKING SHOWN	7



SITE PLAN / PARKING
N.T.S.

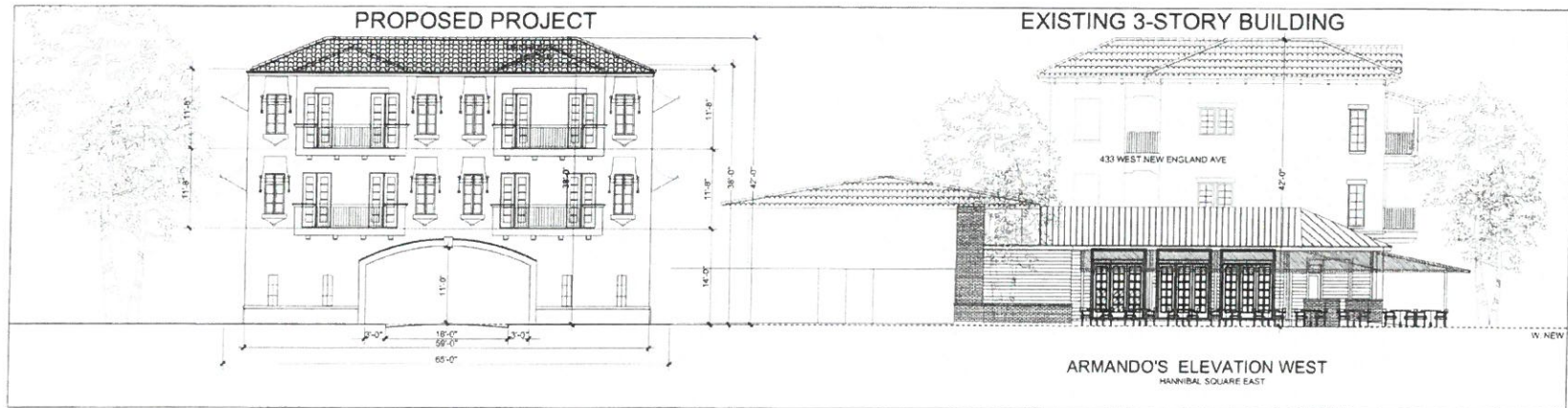
MORNEY PARTNERSHIP, LTD.
226 HANNIBAL SQUARE EAST
WINTER PARK, FL 32789

PRELIMINARY NOTE FOR
CONTRACTOR

CONTRACTOR/
DEVELOPER
SYNGAN CORP.
P.O. BOX 350
WINTER PARK, FL
32790

MARGARET H. O'ROURKE DESIGNS, INC.
PO BOX 2071 WINTER PARK, FLORIDA 32790
MargO'Rourke@aol.com
TEL: 407.740.5585

SCALE	AS NOTED
DWG NO	1
DATE	3-4-16
SITE PLAN	



HEIGHT STUDY ELEVATIONS
N.T.S.

MORNEY PARTNERSHIP, LTD.
226 HANNIBAL SQUARE EAST
WINTER PARK, FL 32789

PRELIMINARY NOT FOR
CONSTRUCTION

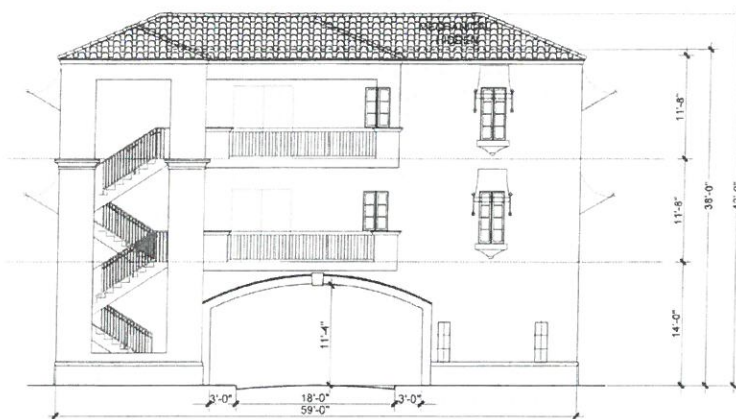
CONTRACTOR/
DEVELOPER
STYKAN CORP.
P.O. BOX 350
WINTER PARK, FL
32790

MARGARET H. O'ROURKE DESIGNS, INC.
PO BOX 2071 WINTER PARK, FLORIDA 32790
MargOrouke@aol.com
TEL/ 407 740 5585

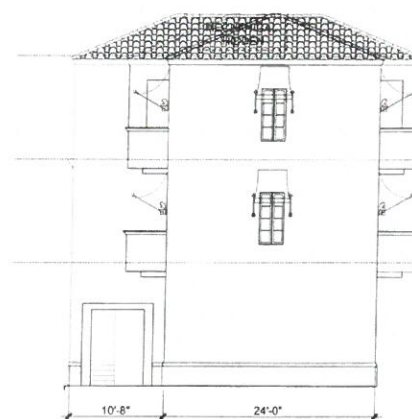
SCALE
AS NOTED
DATE 5-4-16

DWG NO 3

HEIGHT STUDY ELEVATIONS



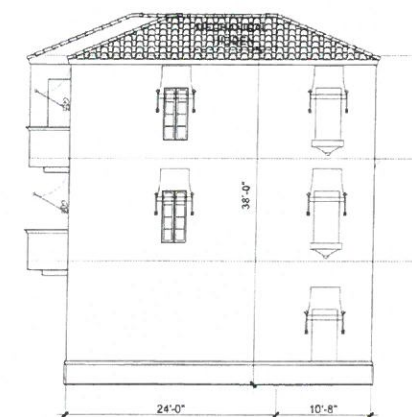
REAR ELEVATION EAST



SIDE ELEVATION NORTH



FRONT ELEVATION WEST



SIDE ELEVATION SOUTH

226 HANNIBAL SQUARE EAST

ELEVATIONS
N.T.S.

MORNEY PARTNERSHIP, LTD.
226 HANNIBAL SQUARE EAST
WINTER PARK, FL 32789

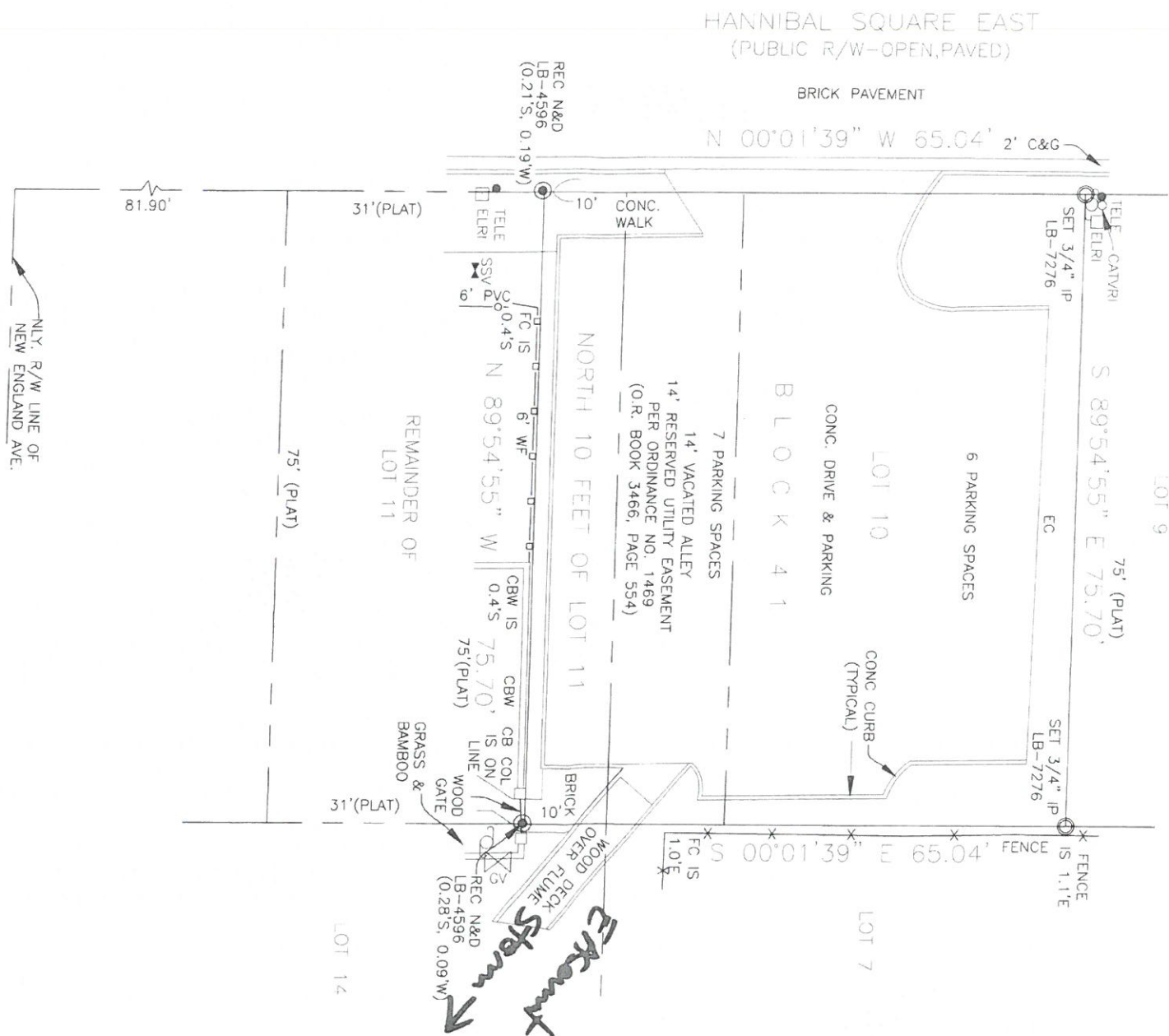
PRELIMINARY SET FOR
SOURCE: CDDC
CONTRACTOR/
DEVELOPER
SYDGEAN CORP.
P.O. BOX 350
WINTER PARK, FL
32790

MARGARET H. O'ROURKE DESIGNS, INC.
PO BOX 7071 WINTER PARK, FLORIDA 32790
MargO'Rourke@aol.com
TEL/ 407 740 5585

DWG NO.	SCALE:	AS NOTED
	DATE:	5-4-16
2		

ELEVATIONS

Plan # 4
Stormwater



Development Program

216 Hannibal Square East -

Lot 65' x 75.7' = 4,881.5 sq. ft.

X 200% = FAR = 9, 763 sq. ft.

Proposed FAR = 1st Floor: 0

2nd Floor: 24' x 65' = 1560

3rd Floor: 24' x 65' = 1560

3, 120 Total FAR = .64

Unit Type: 4 Bedroom Apartment

Number of Units: One (1)

Required Parking: Three (3)

Provided Parking: Seven (7)

May 4, 2016

Ms. Dori Stone, Director
City of Winter Park
401 Park Avenue South
Winter Park, FLA 32789

RE: 226 Hannibal Square East

Dear Dori,

In response to your March 8th, 2016 email regarding the proposed project at 226 Hannibal Square East my comments are as follows:

1. Termination of Retained Utility Easement –

Public works has executed the authorization to terminate the retained utility easement in the middle of Block 41 Town of Winter Park.

The city commission has had the first reading to terminate the easement.

2. North/ South Elevations –

Site plan has been adjusted with 3' side setbacks.

3. Parking –

Since the staff report from June 2, 1998 with regard to the 22 space surface parking lot at Block 42 behind Chez Vincent's and Hannibal's, this lot has been 100% acquired by Morney Partnership, Ltd. a Sydgan Corporation controlled entity and is actually a 24 space marked parking lot.

Further, since the June 2, 1998 staff write up the applicant entered into the August 18, 2006 Developers Agreement with the city, which was recorded September 8, 2006 providing for 248, 244 & 222 S. Pennsylvania Ave. to utilize the parking garage at 444 W. New England Ave and 362 S. Pennsylvania Ave., to meet the parking requirements for all three (3) buildings. (See paragraph 1, D of the attached Developers Agreement).

Per the attached Hannibal Square parking matrix dated 12/12/2015 of the 24 parking spaces in the Block 42 parking lot 15 are allocated to 511/ 533 W. New England Ave., with the remaining 9 available for future development as well as all 14 spaces on the 226 Hannibal Square East proposed project site.

4. Storm water –

The proposed project site is currently 100% impervious and the storm water run-off is collected in the block 41 master storm pond behind 433 W. New England Ave. with a pop off to the city system per code. There will be no change to this system.

5. Front Setback Variance –

The proposed project is being influenced by a prior project built by the applicant at 402 W. Welbourne Ave. The articulation of the front balconies and façade details gives a desirable aesthetic value. The proposed balcony and balcony roof projections over the 6.75' setback area will enhance the ambiance of the Armando's and Hannibal's establishments.

Further, per the plan sheet labeled 4, the main building façade lines up with the structural steel columns of the Armando's outdoor seating area. The front setback variance request is for 6.75' in lieu of 10' required by code for the third floor only.

Should you have any further questions or concerns please advise as I wish to be placed on the next available Planning and Zoning Agenda.

Sincerely,



Daniel B. Bellows
President

Subj: **226 Hanibal Square**
Date: 3/8/2016 12:51:00 P.M. Eastern Daylight Time
From: dstone@cityofwinterpark.org
To: W1454@aol.com
CC: jbriggs@cityofwinterpark.org

Dan,

We need to have sign off from all the utilities regarding the easement before we can process the plans to P&Z. Debbie from Public Works is emailing the form to you. You need to have any applicable utilities (maybe just city Water/Wastewater – you may want to talk to Phil Daniels instead of David Zusi) sign off and return it to Public Works. Once they get it back, Troy can schedule this for a Commission meeting and then we can get you to P&Z and City Commission.

We talked about animating the two north and south building faces so that it was not just a blank wall. You agreed to add windows, etc. The plans show the windows but the building is still on both the north and south the property lines. The Building Code doesn't permit windows, unless there is a minimum 3 foot setback. The site plan shows a setback from the south property line but the building width is the full 65 foot width of the property. Am I missing something ?

The staff report/agenda materials that Jeff provided to you for the approval of the 222 N. Pennsylvania Avenue building indicated that 4 of the required parking spaces were to be on this property. He asked you to let him know if that was your understanding once you had a chance to review those materials. You need 10 parking spaces for these 4 units and 4 spaces for the 222 N. Penn. Building which is 15 spaces. You have 11 spaces. Are you asking for a variance? If so, we'll need some justification in writing as part of the application.

We need you to provide some narrative explanation for the method of providing storm water retention, as a note on the plans.

We need some narrative explanation or rationale provided for the variance for the 10 foot setback required for the third floor on the street side.

Those are the things that we need you to do in order to move forward on this for P&Z.



City of Winter Park
401 Park Ave. South
Winter Park, FL 32789
cityofwinterpark.org

Dori Stone AICP
Director
Planning and Community
Development

407.599.3665



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

Wednesday, March 23, 2016 AOL: W1454

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

**Staff Report
June 7, 2016**

REQUEST OF LADYBIRD ACADEMY FOR: CONDITIONAL USE APPROVAL TO DEVELOP AND OPERATE A DAYCARE AND PRE-SCHOOL WITHIN A NEW ONE-STORY, 13,000-SQUARE FOOT BUILDING TO BE CONSTRUCTED ON THE PROPERTIES LOCATED AT 1421 AND 1419 TROVILLION AVENUE AND 1424 AND 1428 GAY ROAD ON PROPERTIES ZONED O-2 AND R-3.

This public hearing involves a Conditional Use approval request by Ladybird Academy to develop a one-story, 13,000-square foot daycare and pre-school on the properties located at 1421 and 1419 Trovillion Avenue (zoned R-3) and 1424 and 1428 Gay Road (zoned O-2). Both R-3 and O-2 zoning districts allow for a daycare with a Conditional Use. The existing buildings located on these properties are to be demolished for redevelopment of this land.

Site and Context: The site has street frontages along Gay Road and along Trovillion Avenue. The site is surrounded by office, commercial and medium density residential properties. To the immediate west are the Chateaux Du Lac condominiums, to the south is Trovillion Avenue and the Killarney Bay condominiums, to the east are various office and commercial properties, and to the north is Gay Road and the former K-Mart shopping plaza.

Project Proposal: The project site measures 1.7 acres (74,037-square feet) in size. The proposed Ladybird Academy daycare/pre-school building is a one-story building that extends just less than 30' in height at 13,000-square feet, which is a Floor Area Ratio (FAR) of 17.6%. The proposed impervious area is 35,960-square feet (48.6%). These percentages are both well below the maximum allowed in R-3 and O-2. The front, side and rear setbacks also exceed the minimum code requirements.

The anticipated capacity for this facility is 144 students and 17 employees. The hours of operation for the daycare will be 6:30 a.m. to 6:30 p.m., Monday through Friday. The project is proposing a seven foot wide and three foot tall landscaped hedge buffer with Magnolia trees along the perimeter of the property, as well as a wall around the playground and most of the building. This wall is proposed to be six feet in height which will provide safety for the children using the playground as well as a noise buffer for the surrounding residences. The applicant is requesting a variance for the wall portion that extends along Trovillion Avenue. A variance is necessary because this portion of the site is also a street frontage, and therefore the location of this fence line along Trovillion Avenue is within the required 25' setback and exceeds the maximum four foot height restriction along street frontages. Staff understands the necessity for this wall and feels that it will provide a sufficient noise barrier for the residences surrounding the outdoor playground.

As there are not firm design details of the wall at this time, Staff feels that a condition of approval requiring a subsequent review and approval by the Planning and Zoning (P&Z) Board for actual design and configuration of the wall is necessary.

Traffic/Mobility Impacts: As required by the Land Development Code, the applicant has provided a traffic impact study to outline the traffic impacts of this project. As previously mentioned, the anticipated capacity for the daycare is 144 students, and the density allowed without a conditional use on this property would yield 22 residential units and 7,840-square feet of office space. The study quantified the traffic generation that could be produced by the existing zoning without the conditional use at 362 daily trips, versus the traffic generation to be produced by the proposed daycare at 631 daily trips, which is a net increase of 269 daily trips. Furthermore, the proposed daycare would produce 75 additional trips in the A.M. peak hour and 13 additional trips in the P.M. peak hour more than the office/residential use. The study also stated that there would be a 3.3 second increase in delay for cars traveling thru the Gay Road traffic light intersection at Orlando Avenue with the proposed daycare.

The applicant's site plan was also analyzed within the traffic study. The City's parking code requires that there is one parking spot for every employee plus sufficient off-street space for the safe and convenient loading and unloading of students. The traffic study summarized a need for 17 parking spaces based on a comparable Ladybird Academy with 190 students in Winter Garden. With the only access to the property from Gay Road, the site plan layout has adequate circulation and stacking length for easy loading and unloading of the students. They are also providing 35 parking spots, which is over double the code requirement and the need of parking spots at the comparable facility.

Staff also compared the total daily traffic currently on Gay Road, which is approximately 1,589 cars a day, to what the new total daily traffic would be on Gay Road with the daycare, which would be a total of 2,220 cars a day. Since visualizing this number is difficult, the Staff then compared streets throughout the City that have this volume of traffic. A comparable street with approximately 2,987 cars a day is Via Tuscany. Therefore, Gay Road, with the additional traffic caused by the daycare would function similarly to Via Tuscany with approximately 767 less cars. Staff feels that the increase in traffic along Gay Road from the proposed daycare use is not significantly more impactful than the traffic generation of what could be built by-right on the property today.

Tree Preservation/Landscaping: The applicant has not provided a finalized landscape plan, or a survey of the existing trees on the property. Therefore, Staff is recommending that the final landscape plan be reviewed and approved by the P&Z Board.

Stormwater Retention: The proposed plans indicate a stormwater swale which is to be located in the northwest portion of the site along Gay Road. The swale volume provided is adequate to meet the City's code for stormwater retention.

Summary: The scale of the proposed building (one story) and the size of 13,000-square feet (FAR of 17.6%) is significantly smaller than allowable building area. The architectural style and traffic circulation all work to make the proposal compatible with the surrounding

neighborhood. The applicant has also provided adequate buffering of the outdoor playground from the surrounding residences.

This application package is intended to provide the detail needed both for the "preliminary" and "final" conditional use approvals. Aside from the two items previously mentioned, (landscaping and wall design) which can be conditions of approval, everything else appears to have been provided.

STAFF RECOMMENDATION IS FOR APPROVAL for Conditional Use Approval subject to the following conditions:

- 1. The final design of the wall surrounding the playground and building shall be reviewed and approved by the P&Z Board.**
- 2. The final landscape design including trees to be removed onsite be reviewed and approved by the P&Z Board.**

SITE DEVELOPMENT PLAN

LADYBIRD - ACADEMY

1524-1528 GAY ROAD & 1419-1421 TROVILLION AVE
WINTER PARK, FLORIDA 32789

SITE DATA

OWNER:

DEREK SAKALA

FLOOD ZONE:

THIS SITE IS NOT IN A 100 YEAR FLOOD PLAIN ELEVATION ZONE AREA

EXISTING ZONING:

O-2 AND R-3

EXISTING LAND USE

RESIDENTIAL AND COMMERCIAL

TOTAL LAND AREA:

PARCEL #1= 6,810.00 SF ---0.2 ACRES
PARCEL #2= 6,869.82 SF ---0.2 ACRES
PARCEL #3= 37,369.0 SF ---0.86 ACRES
PARCEL #4= 16,969.0 SF ---0.44 ACRES
TOTAL LAND AREA = 74,052 SF (1.7 ACRES)

FUTURE LAND USE:

DAY CARE

SET BACKS

FRONT = 50 FT
SIDE = 10 FT
REAR = 10 FT

PROPOSED FLOOR AREA RATIO (FAR) : 0.175

PARKING CALCULATIONS SEE SHEET C-2

LEGAL DESCRIPTION

PARCEL #1 : KILLARNEY SHORES INC Q/135 LOT 5 BLK B

PARCEL #2 : KILLARNEY SHORES INC Q/135 LOT 6 BLK B & THAT PORTION OF VAC SOUTH BLVD LYING ON N THEREOF EXTENDING TO THE S E/W LINE OF GAY RD

PARCEL #3 : KILLARNEY SHORES INC Q/135 LOTS 7 & 10 & 11 BLK B & LAND LYING ON N OF LOTS 7 & 8 EXTENDING TO THE S E/W LINE OF GAY RD BEING A PORTION OF VAC SOUTH BLVD

PARCEL #4 : KILLARNEY SHORES INC Q/135 LOT 9 & E 30 FT OF VAC ST W OF LOT 9 BLK B & E 30 FT OF VAC ST W OF LOT 8 BLK B & LAND LYING ON N THEREOF EXTENDING TO S R/W LINE OF GAY RD BEING A PT OF VAC SOUTH BLVD

TAX PARCELS ID:

PARCEL #1 : 01-22-29-4184-02-050
PARCEL #2 : 01-22-29-4184-02-060
PARCEL #3 : 01-22-29-4184-02-070
PARCEL #4 : 01-22-29-4184-02-080

PROJECT DIRECTORY

OWNER:

BOND KATHLEEN A MCKIENNA
105 HARBOR GATE LN
THOMASVILLE, GA 31792
(229) 221-8247

APPLICANT:

DEREK SAKALA
118 OSPREY HAMMOCK TRAIL
SANDFORD, FL 32771
TEL(407)398-5388

CIVIL ENGINEER:

DAO CONSULTANTS, INC.
1110 E MARKS ST
ORLANDO, FL 32803
TEL: (407) 898-8872

PLAN SHEET INDEX

C-0 COVER SHEET
C-1 SITE & LANDSCAPE PLAN
A4.0 RENDERED EXTERIOR ELEVATIONS
A4.1 EXTERIOR ELEVATIONS



PROJECT SITE

VICINITY MAP N.T.S.

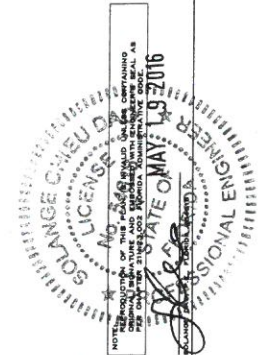
REVISIONS

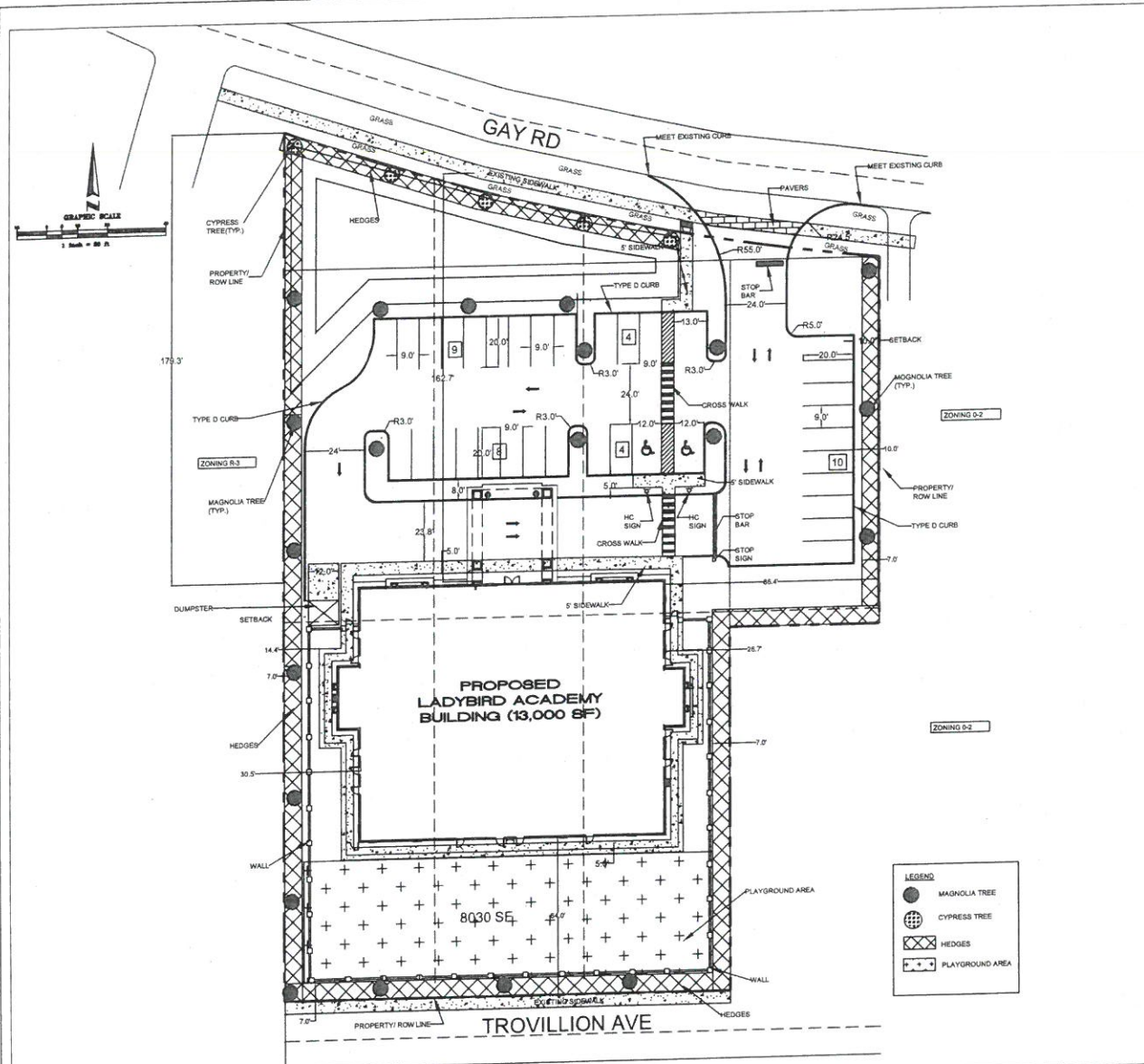


DAO CONSULTANTS, INC.
CERTIFICATE OF AUTHORIZATION NO. FL #482
1110 EAST MARKS STREET
ORLANDO, FLORIDA 32803-4018
PHONE: (407) 898-8872
FAX: (407) 898-3778

LADY BIRD ACADEMY
ORANGE COUNTY
COVER SHEET

DRAWN BY: ML
CHECKED BY: SCD
APPROVED BY: SAKS
ISSUE DATE: 05/19/2016
PROJECT NO:
SHEET C-1 OF 2





PARCEL I.D. NUMBER 01-22-29-4184-02-050
 01-22-29-4184-02-060
 01-22-29-4184-02-070
 01-22-29-4184-02-080

EXISTING PROPERTY AREA 74,052.0 SF (1.70 AC)

PROPERTY ZONING R-3 AND D-2

EXISTING PROPERTY LAND USE : RESIDENTIAL & COMMERCIAL

FUTURE LAND USE : DAY CARE

BUILDING AND PARKING

PARKING SUMMARY

REQUIREMENT:
 ONE SPACE FOR EACH EMPLOYEE PLUS ONE SPACE FOR EACH TEN STUDENTS

NUMBER OF EMPLOYEES: 17
 PARKING SPACES REQUIRED: 17
 NUMBER OF STUDENTS: 144
 PARKING SPACES REQUIRED: 15
 TOTAL PARKING SPACES REQUIRED: 32

17+15=32 SPACES

PROVIDED = 33 REGULAR SPACES AND 2 ADA = 35 SPACES TOTAL

SITE DATA:

TOTAL SITE AREA = 74,052.0 SF (1.70 AC)
 BUILDING AREA = 13,000 SF (0.3 AC)
 IMPERVIOUS AREA = 35,929.92 SF (0.825 AC)

SWALE VOLUME CALCULATIONS:

SWALE AREA:
 AREA1+AREA2 / 2
 = 7227.37+3003.26 / 2 = 5215.3 SF
 VOLUME = 5215.3 SF * 1.5' = 7822.97 CF

IMPERVIOUS AREA:

PARKING AND DRIVEWAY = 18,904.72 SF
 DUMPSTER = 207.5 SF
 BUILDING = 13,000.0 SF
 SIDEWALK = 2637.89 SF
 TOTAL = 35,929.92 SF

POND VOLUME REQUIRED:
 1-INCH OVER THE IMPERVIOUS AREA
 VOLUME REQUIRED: 35,929.92 x 1/12 = 2994.16 CF (0.0687 AC-FT)

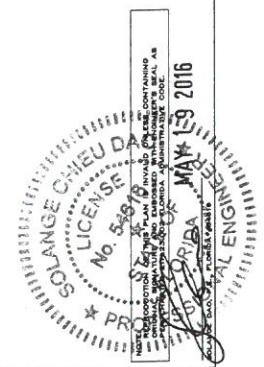
POND STORAGE VOLUME PROVIDED:
 VOLUME PROVIDED = 7822.97 CF (0.18 AC-FT)

REVISIONS	
▲	
▲	
▲	
▲	

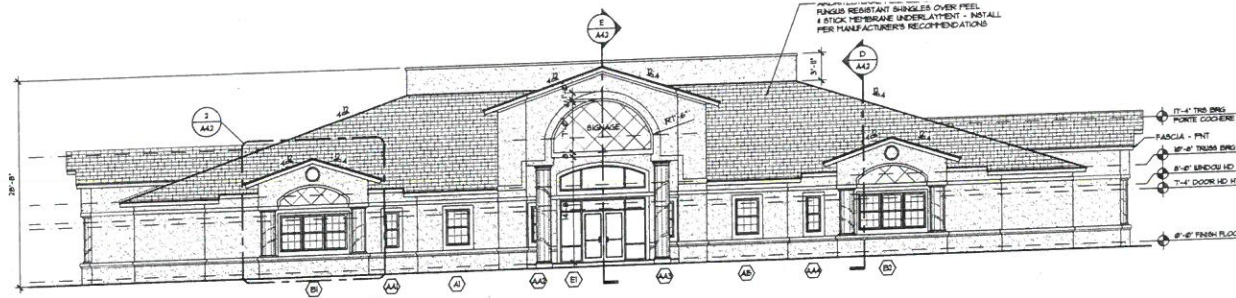
DAO CONSULTANTS, INC.
 CERTIFICATE OF AUTHORIZATION NO.: FL 95482
 1110 EAST MARKS STREET
 ORLANDO, FLORIDA 32803-4018
 PHONE: (407) 898-8872
 FAX: (407) 898-3778

LADY BIRD ACADEMY ORANGE COUNTY CONCEPTUAL SITE PLAN

DRAWN BY: ML
 CHECKED BY: SCD
 APPROVED BY: SCD
 ISSUE DATE: 8/4/16
 PROJECT NO.:
 SHEET C-2 OF 2



ROCKY ATTENTION ARCHITECTURE ARCHITECTS INC. 10000 N. 10TH AVENUE, SUITE 100, DENVER, CO 80231 (303) 751-1000 FAX (303) 751-1001 WWW.ROCKYATTENTIONARCHITECTS.COM

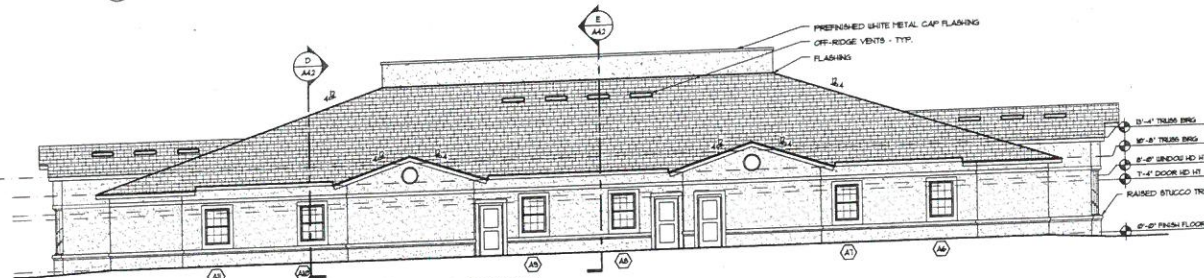


A FRONT ELEVATION (NORTH)
SCALE: 1/8" = 1'-0"

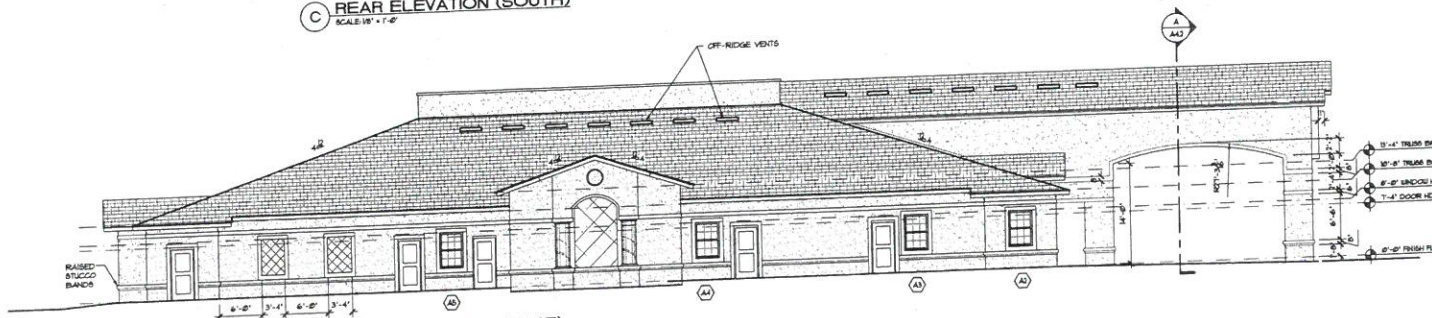
NOTE: ALL NOTES REFERRING TO STUCCO TO BE BASE COAT W/ REINFORCED FIBERGLASS MESH W/ SYNTHETIC FINISH THAT HAS INTEGRAL COLOR FINISH ('STO' FINISH).



B RIGHT ELEVATION (WEST)
SCALE: 1/8" = 1'-0"



C REAR ELEVATION (SOUTH)
SCALE: 1/8" = 1'-0"



D LEFT ELEVATION (EAST)
SCALE: 1/8" = 1'-0"

1. ARCHITECTURAL FINISH FLOOR ELEVATION 0'-0" = 1'-0" ON.
2. ROOF T-EDE, FLASHING, GUTTER, DOWNSPOUTS, AND MISCELLANEOUS TRIM SHALL BE WHITE. SUBMIT SAMPLES FOR APPROVAL.
3. ROOFING TO BE ARCHITECTURAL, FIBERGLASS ASPHALT FIBERGLASS RESISTANT SHINGLES - LANDMARK 'WEATHER BLEND'.
4. ALL NOTES REFERRING TO STUCCO TO BE BASE COAT W/ REINFORCED FIBERGLASS MESH W/ SYNTHETIC FINISH THAT HAS INTEGRAL COLOR FINISH ('STO' FINISH). SYNTHETIC EXTERIOR FINISH SYSTEMS TO BE 'STO' OR TARMAT FINE-TEXTURED WITH INTEGRATED COLOR TO MATCH WHITE. INSTALL IN COMPLIANCE WITH MANUFACTURER'S RECOMMENDATIONS. SUBMIT COLOR SAMPLE FOR APPROVAL.
5. SEE ELECTRICAL FOR COORDINATION OF LIGHTING AND POWER REQUIREMENTS. COORDINATE W/OWNER / ELECTRICAL LOCATIONS OF EXTERIOR OUTLETS & FANS.
6. STORE FRONT TO BE PRE-FINISHED ALUMINUM - WHITE.
7. SIGNAGE BY OWNER. G.C. TO COORDINATE INSTALLATION OF SIGNAGE WITH OWNER.



Ladybird Daycare
DAYCARE

EXTERIOR ELEVATIONS



Job No. 10000
drawn by: R/J
date: 10/11/18
revision: 02/22/19

sheet number
A4.1

cadd filename
R/J-03-01-A4.1
ROCKY ATTENTION ARCHITECT
02/22/19

TRAFFIC IMPACT STUDY

LADYBIRD ACADEMY
WINTER PARK, FLORIDA



Prepared for:

Dao Consultants, Incorporated
1110 E Marks Street
Orlando, Florida 32803

Prepared by:

Traffic Planning and Design, Inc.
535 Versailles Drive
Maitland, Florida 32751
407-628-9955

June 2016

TPD № 4783

PROFESSIONAL ENGINEERING CERTIFICATION

I hereby certify that I am a Professional Engineer properly registered in the State of Florida practicing with Traffic Planning & Design, Inc., a corporation authorized to operate as an engineering business, EB-3702, by the State of Florida Department of Professional Regulation, Board of Professional Engineers, and that I have prepared or approved the evaluations, findings, opinions, conclusions, or technical advice attached hereto for:

PROJECT: Ladybird Daycare
LOCATION: Winter Park, Florida
CLIENT: Dao Consultants, Incorporated

I hereby acknowledge that the procedures and references used to develop the results contained in these computations are standard to the professional practice of Transportation Engineering as applied through professional judgment and experience.


NAME: Turgut Dervish, P.E.
P.E. No.: 20400
DATE: June 2, 2016
SIGNATURE: 

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INTRODUCTION

This analysis was undertaken in order to assess the traffic impact of the proposed Ladybird Academy to be located between Gay Street and Trovillion Avenue in Winter Park, Florida. The proposed development will consist of a day care center that can serve up to 144 students. The site is zoned R-3 (Medium Density Multiple Family Residential) and O-2 (Office) and a day care is an allowable conditional use under both categories. The 1.3 acre R-3 portion of the site can be developed at 17 dwelling units (DU) to the acre which would net 22 units. The 0.4 acre O-2 portion of the site can be developed with an FAR up to 0.45, which yields 7,840 square feet of office space. **Figure 1** depicts the site location and **Figure 2** depicts its site plan and its access configuration.

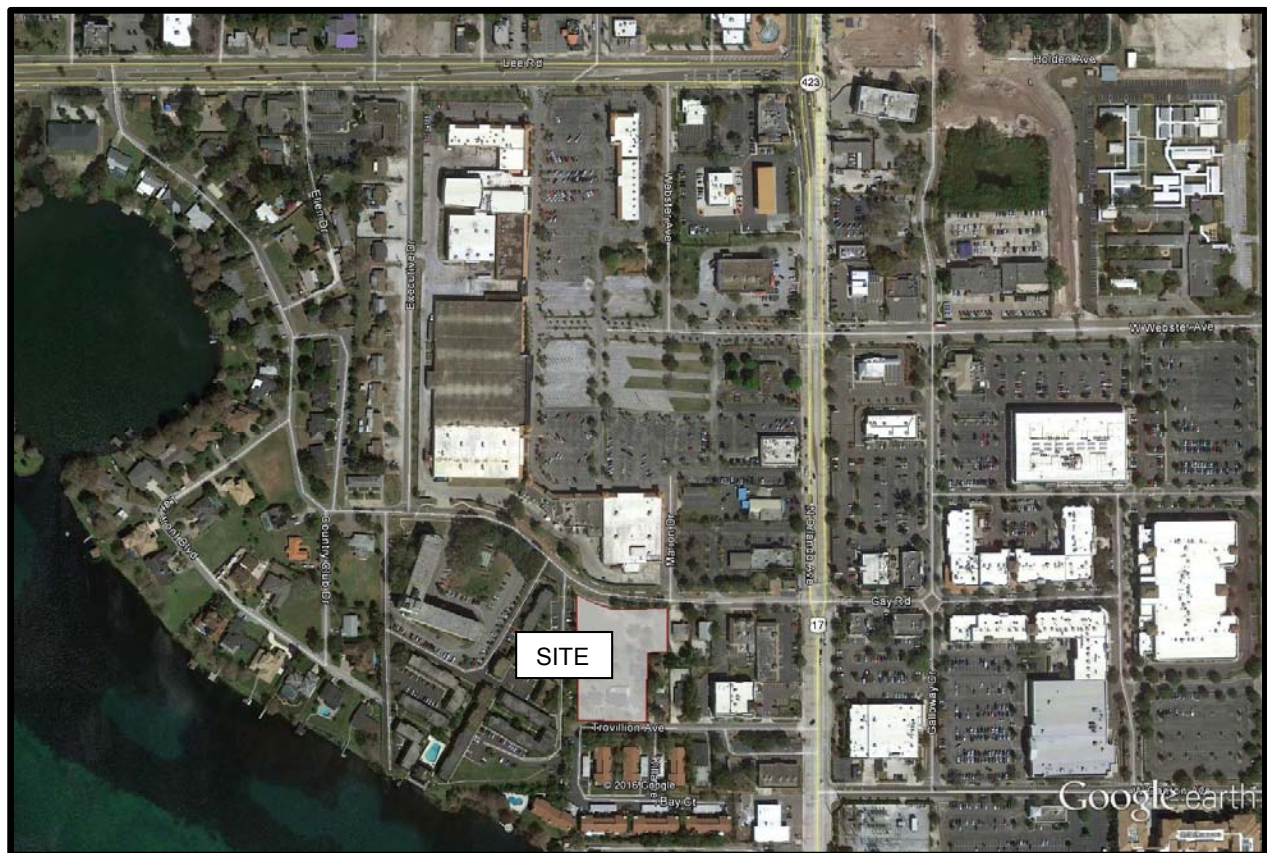


Figure 1
Site Location



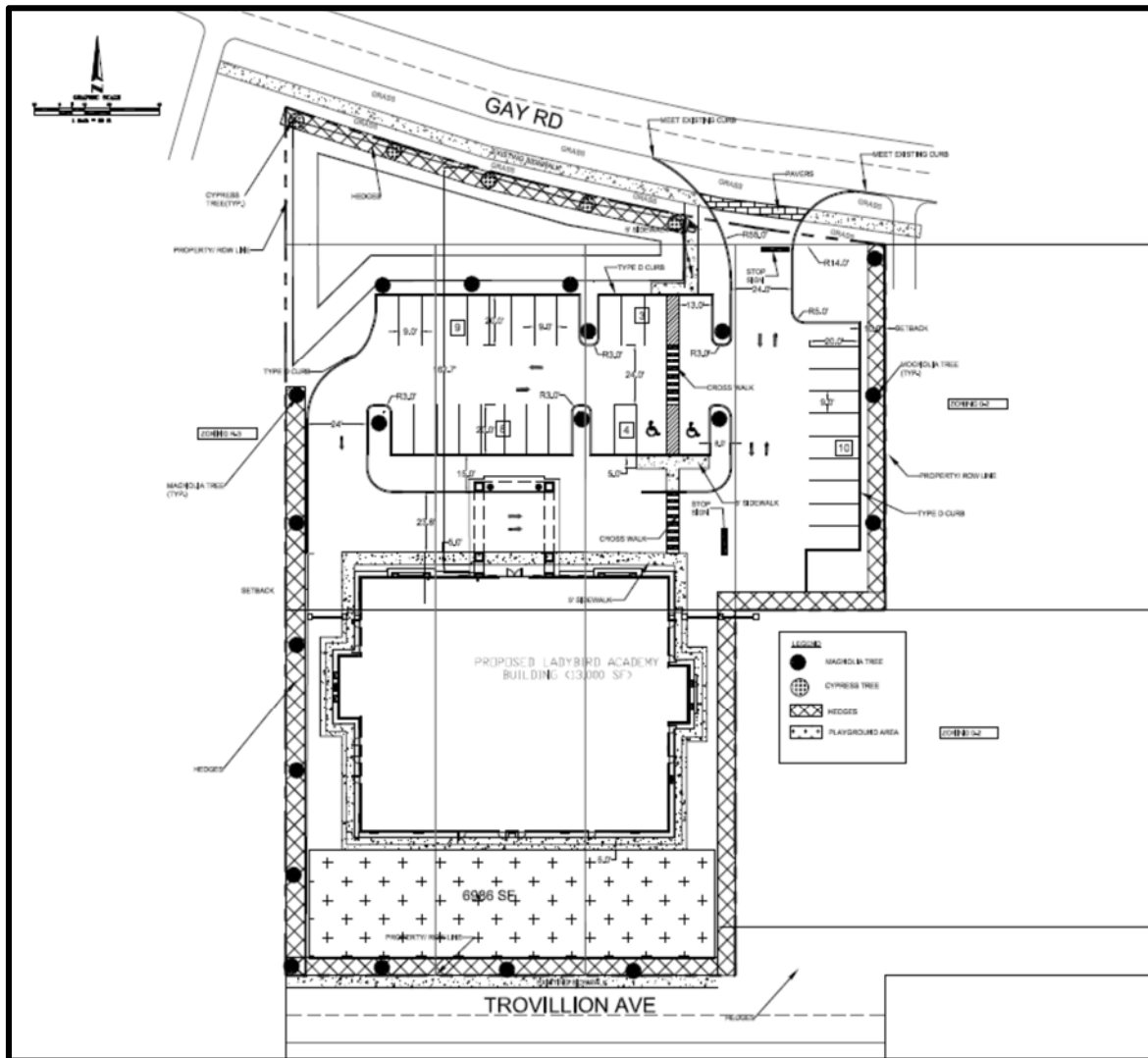


Figure 2
Site Plan and Access Configuration

The analysis compares the project traffic for the allowable uses on the site under the current zoning to the proposed day care use, which is a conditional use. It also assesses the impact of the proposed land use on the intersection of Gay Road and US 17/92. The site plan will also be reviewed to determine whether the proposed stacking and parking will meet the needs of the proposed development.

The data used in this analysis consists of site plan/development information provided by the Project Engineers, the applicant and the City of Winter Park, and A.M/P.M. peak hour traffic counts obtained by Traffic Planning and Design, Inc. The P.M. peak hour intersections counts are included in **Appendix A**.



PROPOSED DEVELOPMENT AND TRIP GENERATION

The proposed development will consist a day care that can serve up to 144 students, while the existing zoning allows up to 22 multifamily condo units and 7,840 square feet of office space. The ITE Trip Generation Report provides information on the anticipated trip generation for these land uses which is summarized in **Table 1**. The ITE trip generation sheets are included in **Appendix B**.

Table 1
Trip Generation Summary

ITE Code	Land Use	Quantity	Unit	A.M. Peak Hour				P.M. Peak Hour			
				Rate	Enter	Exit	Trips	Rate	Enter	Exit	Total
Existing Zoning											
230	Multifamily Condo	22	DU	0.68	3	12	15	0.77	11	6	17
710	Office	7.84	KSF	3.19	22	3	25	11.09	15	72	87
Total					25	15	40	--	26	78	104
Proposed Day Care (Conditional Use)											
565	Day Care	144	Stu	0.799	61	54	115	0.813	55	62	117
Total					61	54	115	--	55	62	117
Difference					36	39	75		29	-16	13

As can be seen from the table, the proposed day care is anticipated to generate a slight increase in the critical PM peak hour period and a measurable increase in the AM peak hour period.



OPERATIONAL CONDITIONS

Capacity analyses were performed for the intersection of Gay Road and US 17/92 to assess the operational conditions. This analysis was performed for both the land uses allowed under the existing zoning and the requested conditional use. Detailed printouts of the intersection capacity analysis are included in **Appendix C**.

Trip Distribution / Trip Assignment

The distribution of the project trips in the area was determined from review of the counts at the study intersection and the access conditions surrounding the site. This distribution is illustrated in **Figure 3**.

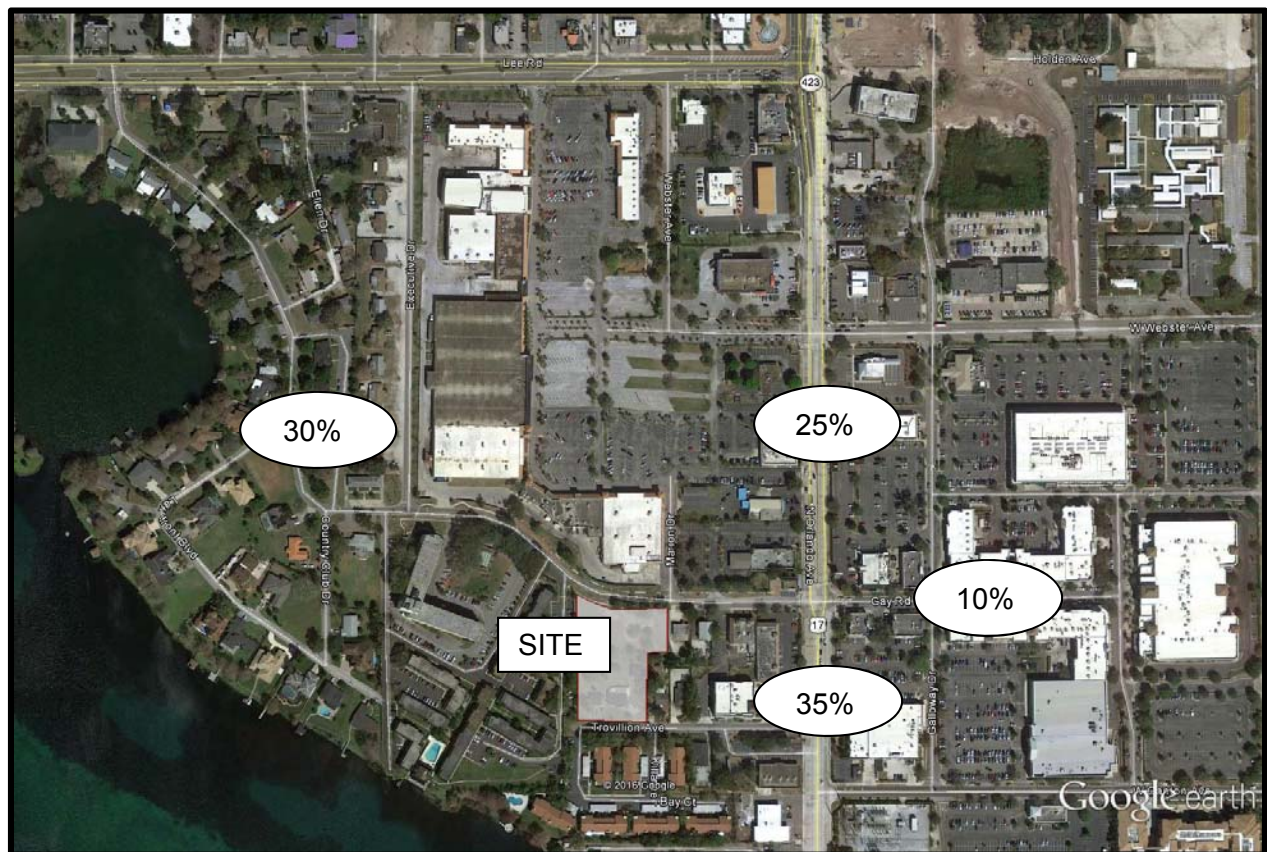


Figure 3
Project Trip Distribution

This distribution was used to assign the traffic from the proposed development to the intersection of US 17/92 and Gay Road for the trips generated by both the “by-right” zoning and the proposed conditional use during the A.M. and P.M. peak hours. This project traffic was combined with the existing traffic volumes as shown in **Figure 4 and 5**.

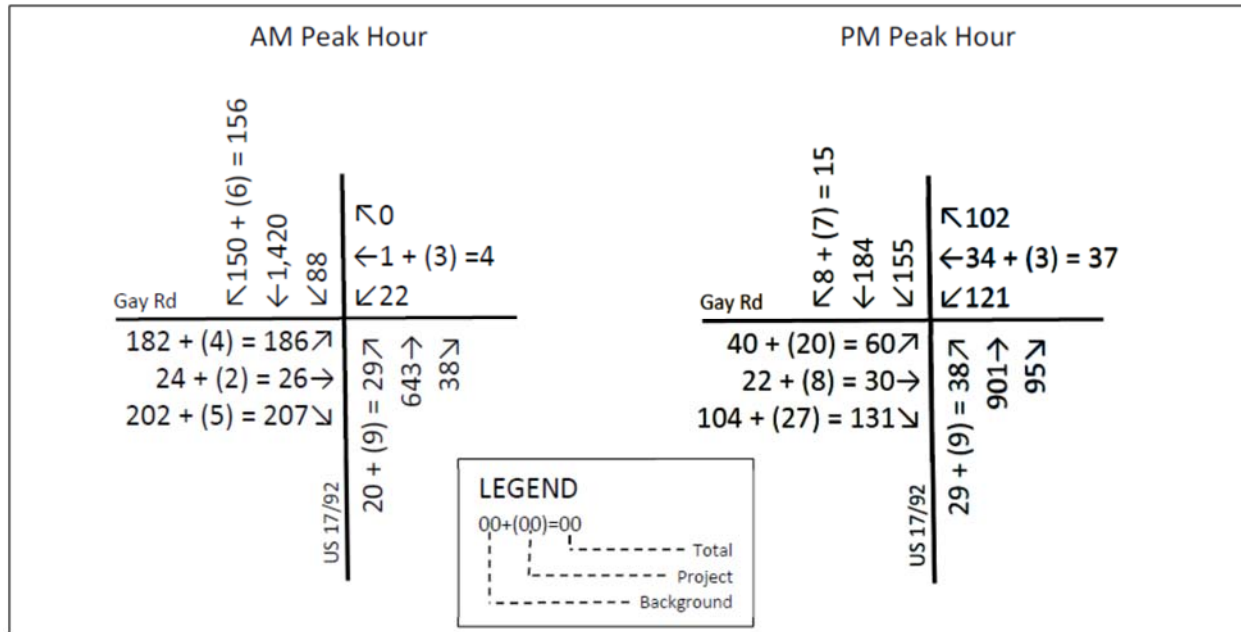


Figure 4
Projected Traffic Volumes, “By-right” Zoning

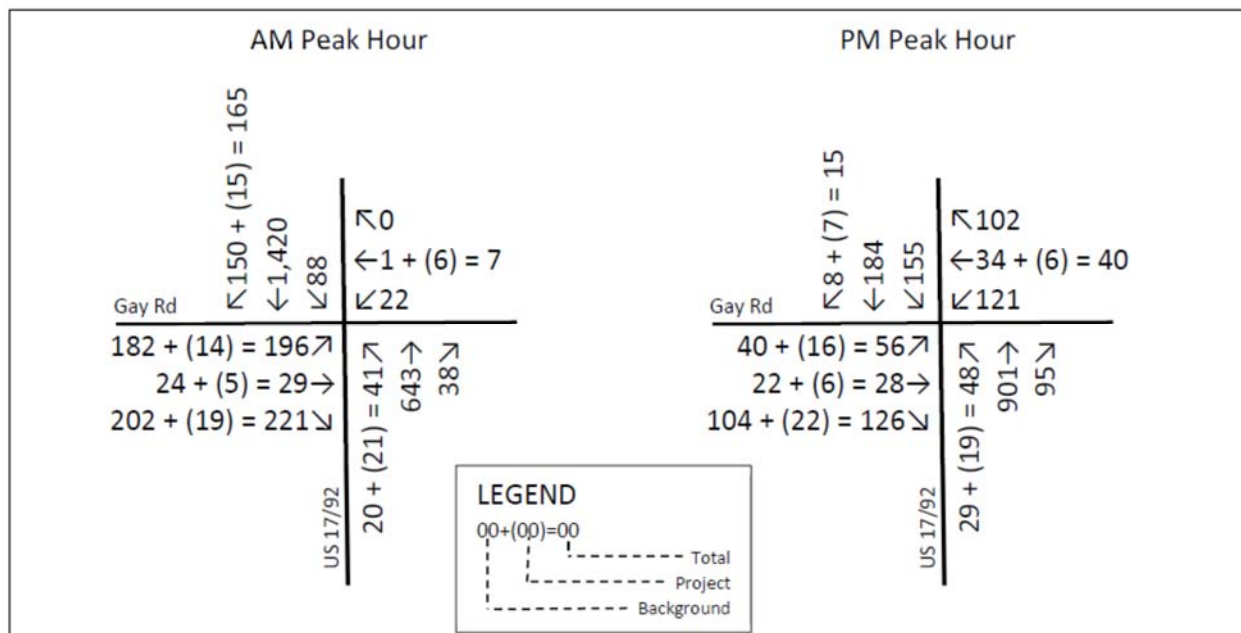


Figure 5
Projected Traffic Volumes, Conditional Use

Intersection Analysis

To assess the projected operating conditions at the study intersection, intersection capacity analyses were conducted using existing timings and the projected traffic volumes as shown above in **Figures 5 and 6**. The intersection was analyzed using the procedures of the *2010 Highway Capacity Manual* and the results are summarized in **Table 2**. Printouts of the capacity analysis are included in Appendix C.

Table2
Projected Intersection Capacity Analysis

Intersection	Control	EB		WB		NB		SB		Overall	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
By-right Zoning, A.M. Peak	Signal	109.5	F	91.2	F	14.2	B	23.6	C	34.6	C
By-right Zoning, P.M. Peak	Signal	111.9	F	90.3	F	19.0	B	13.8	B	38.9	D
Conditional Use, A.M. Peak	Signal	117.1	F	88.7	F	15.2	B	25.7	C	37.9	D
Conditional Use, P.M. Peak	Signal	114.2	F	90.6	F	18.4	B	13.5	B	38.3	D

The study intersections are projected to operate with failing conditions in the east/west direction and more than adequate conditions in the north/south direction. The overall LOS for the intersection is acceptable under all evaluated conditions and reflects the high level of activity in the corridor. The overall delay does not vary more than 3.3 seconds per vehicle between the by-right and conditional uses. In the critical PM peak hour time period, the delay is less under the conditional use than the by-right use.



ONSITE PARKING AND STAKING

As requested by City staff, the proposed site plan for the Day Care was evaluated to determine if the parking and onsite circulation will be adequate for the intended use. To evaluate the onsite operational conditions, a similar site was observed in Winter Garden, Florida from 7 A.M. to 8 A.M. and from 5 P.M. to 6 P.M. According to staff at this location, the day care is permitted to serve up to 190 students. **Figure 6** shows the aerial photograph of the study site. This site is in a suburban setting in contrast to the more urban Winter Park site, but should provide a conservative estimate of the project's operational needs.

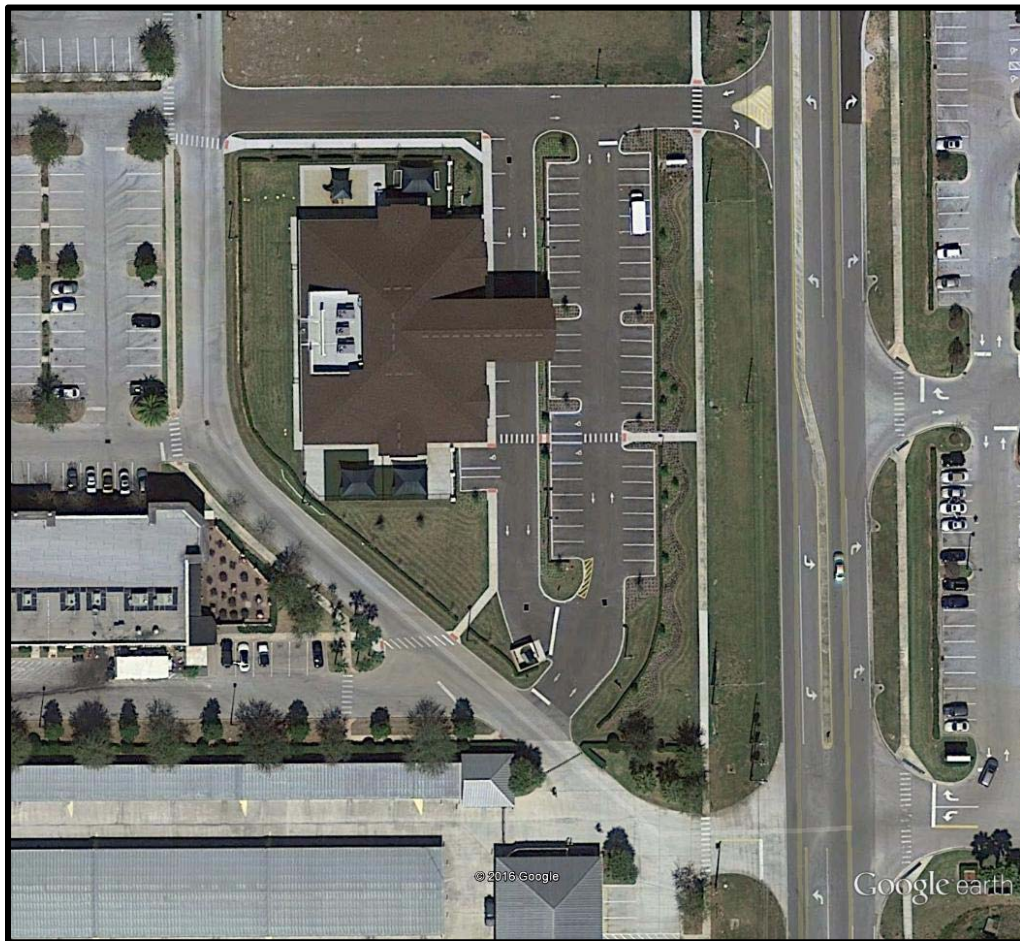


Figure 6
Ladybird Academy, Winter Garden



Parking and loading counts at the study site showed a maximum of 15 passenger vehicles and one school van parked at any one time during the A.M. peak and a maximum of 21 passenger vehicles and one school van during the P.M. peak. Based on the allowable student population at the proposed site, the projected demand is estimated to be 17 vehicles, including a school van, if necessary. The ITE Parking Generation Manual indicates a maximum typical parking demand of 0.24 spaces per student, which corresponds to 34 needed spaces. The site plan includes 35 spaces.

Transit accessibility to the site is exceptional, with the Winter Park Village transit super-stop located a ½ mile (5 minute) walk through the Winter Park Village. This stop serves 9 bus lines and provides a 6-minute bus trip to the Winter Park SunRail Station three times an hour Monday through Friday during peak periods. The pathways for the walk trip to this station are shaded and engaging, providing an outstanding pedestrian environment. The intersection of Gay Road and US 17/92 is busy and the crossing is wide, but the signal includes high visibility pedestrian crosswalks and pedestrian signals. All four corners include access ramps that can accommodate strollers.



STUDY CONDITIONS

This analysis was undertaken in order to assess the traffic impact of the proposed Ladybird Academy in Winter Park, Florida. Located between Gay Road and Trovillion Road, west of US 17/92, the proposed development will consist of a day care center that can serve 144 students. The site is currently zoned for R-3 and O-2 uses and a day care is an allowable conditional use under both zoning categories. Under these zoning categories, the site can be developed with 22 condo units and 7,840 square feet of office space. The results of the study as documented herein are summarized below:

- By-right, the condo/office land uses are projected to generate 40 AM peak hour trips and 104 PM peak hour trips. The day care is projected to generate 115 AM peak hour and 117 PM peak hour trips. This is a net increase of 75 AM peak hour trips and 13 PM peak hour trips. This is a small increase in comparison to the traffic volumes on Gay Road and US 17/92. The difference reflects 11 AM peak hour directional trips added to US 17/92 and Gay Road which is less than 2% of the capacity of Gay Road and less than 1% of the capacity of US 17/92.
- The intersection of US 17/92 and Gay Road shows a slight decrease in delay during the PM Peak Hour under the conditional use when compared to the by-right use. During the AM peak hour there is a 3.3 second increase in delay in the AM peak hour for the conditional use in comparison to the by-right use.
- The ITE parking generation manual indicates the day care will need 34 parking spaces and the site provides 35 spaces. A review of a similar site in Winter Garden showed a projected demand of 17 spaces.
- The transit accessibility for this site is exceptional. A LYNX superstop is located in Winter Garden Village less than ½ mile from this site.



APPENDICES

APPENDIX A

P.M. Peak Hour Intersection Counts

Date: 31-May-2016		City: Winter Park	
E/W Street Name: Gay Rd		County: Orange	
N/S Street Name: US 17-92		Study Period: AM	
US 17-92			
1% 150		1% 1420	
1% 88		1% 88	
1% 150		1% 1420	
1% 88		1% 88	
1% 150		1% 1420	
1% 88		1% 88	
1% 150		1% 1420	
1% 88		1% 88	
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Date:	31-May-2016	City:	Winter Park
E/W Street Name:	Gay Rd	County:	Orange
N/S Street Name:	US 17-92	Study Period:	AM

Total Vehicle Traffic

Interval Starts	Southbound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
7:00:00 AM	4	222	24	3	0	1	0	100	3	22	0	35	414
7:15:00 AM	11	283	24	7	0	0	1	123	7	36	3	42	537
7:30:00 AM	15	308	32	9	2	2	3	111	4	39	4	49	578
7:45:00 AM	17	329	35	5	1	0	7	182	11	41	5	57	690
8:00:00 AM	27	378	47	8	0	0	3	189	12	53	8	46	771
8:15:00 AM	20	389	38	5	0	0	7	139	8	52	5	60	723
8:30:00 AM	24	324	30	4	0	0	3	133	7	36	6	39	606
8:45:00 AM	5	260	29	17	0	0	12	122	18	48	8	70	589

Car Traffic

Interval Starts	Southbound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
7:00:00 AM	4	220	23	3	0	1	0	100	3	21	0	35	410
7:15:00 AM	11	281	24	5	0	0	1	120	7	36	2	42	529
7:30:00 AM	15	305	32	7	2	0	2	107	4	39	4	49	566
7:45:00 AM	17	325	34	5	1	0	7	178	11	40	5	57	680
8:00:00 AM	26	375	46	8	0	0	3	179	12	53	8	46	756
8:15:00 AM	20	382	38	5	0	0	7	132	8	52	4	60	708
8:30:00 AM	24	322	30	4	0	0	2	133	7	36	6	39	603
8:45:00 AM	5	258	29	16	0	0	12	121	18	47	8	70	584

Truck Traffic

Interval Starts	Southbound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
7:00:00 AM	0	2	1	0	0	0	0	0	0	1	0	0	4
7:15:00 AM	0	2	0	2	0	0	0	3	0	0	1	0	8
7:30:00 AM	0	3	0	2	0	2	1	4	0	0	0	0	12
7:45:00 AM	0	4	1	0	0	0	0	4	0	1	0	0	10
8:00:00 AM	1	3	1	0	0	0	0	10	0	0	0	0	15
8:15:00 AM	0	7	0	0	0	0	0	7	0	0	1	0	15
8:30:00 AM	0	2	0	0	0	0	1	0	0	0	0	0	3
8:45:00 AM	0	2	0	1	0	0	0	1	0	1	0	0	5

[illegible]

Date:		31-May-2016		City:		Winter Park							
E/W Street Name:		Gay Rd		County:		Orange							
N/S Street Name:		US 17-92		Study Period:		PM							
Total Vehicle Traffic													
Interval Starts	Southbound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
4:00:00 PM	32	230	5	26	10	17	10	257	19	8	8	17	639
4:15:00 PM	28	191	2	22	2	16	12	233	17	2	3	23	551
4:30:00 PM	27	190	0	23	4	26	7	222	13	14	3	15	544
4:45:00 PM	29	180	3	14	7	26	11	253	16	10	2	21	572
5:00:00 PM	24	179	1	27	7	20	1	203	26	7	3	35	533
5:15:00 PM	47	198	3	26	12	35	9	270	17	13	10	24	664
5:30:00 PM	40	234	3	29	11	22	11	204	17	11	4	19	605
5:45:00 PM	44	173	1	39	4	25	8	224	35	9	5	26	593
Car Traffic													
Interval Starts	Southbound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
4:00:00 PM	32	228	5	26	9	17	10	256	19	8	8	17	635
4:15:00 PM	28	188	2	22	2	15	12	231	17	2	3	22	544
4:30:00 PM	27	190	0	23	4	25	7	220	13	14	3	15	541
4:45:00 PM	29	180	3	14	7	26	11	252	16	10	2	21	571
5:00:00 PM	24	176	1	27	7	20	1	201	26	7	3	34	527
5:15:00 PM	47	197	3	26	12	35	9	268	17	13	10	24	661
5:30:00 PM	40	234	3	29	11	22	11	202	17	11	4	19	603
5:45:00 PM	44	170	1	38	4	25	8	224	35	8	5	25	587
Truck Traffic													
Interval Starts	Southbound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
4:00:00 PM	0	2	0	0	1	0	0	1	0	0	0	0	4
4:15:00 PM	0	3	0	0	0	1	0	2	0	0	0	1	7
4:30:00 PM	0	0	0	0	0	1	0	2	0	0	0	0	3
4:45:00 PM	0	0	0	0	0	0	0	1	0	0	0	0	1
5:00:00 PM	0	3	0	0	0	0	0	2	0	0	0	1	6
5:15:00 PM	0	1	0	0	0	0	0	2	0	0	0	0	3
5:30:00 PM	0	0	0	0	0	0	0	2	0	0	0	0	2
5:45:00 PM	0	3	0	1	0	0	0	0	0	1	0	1	6

N ↑

Mathnasium

35 mph

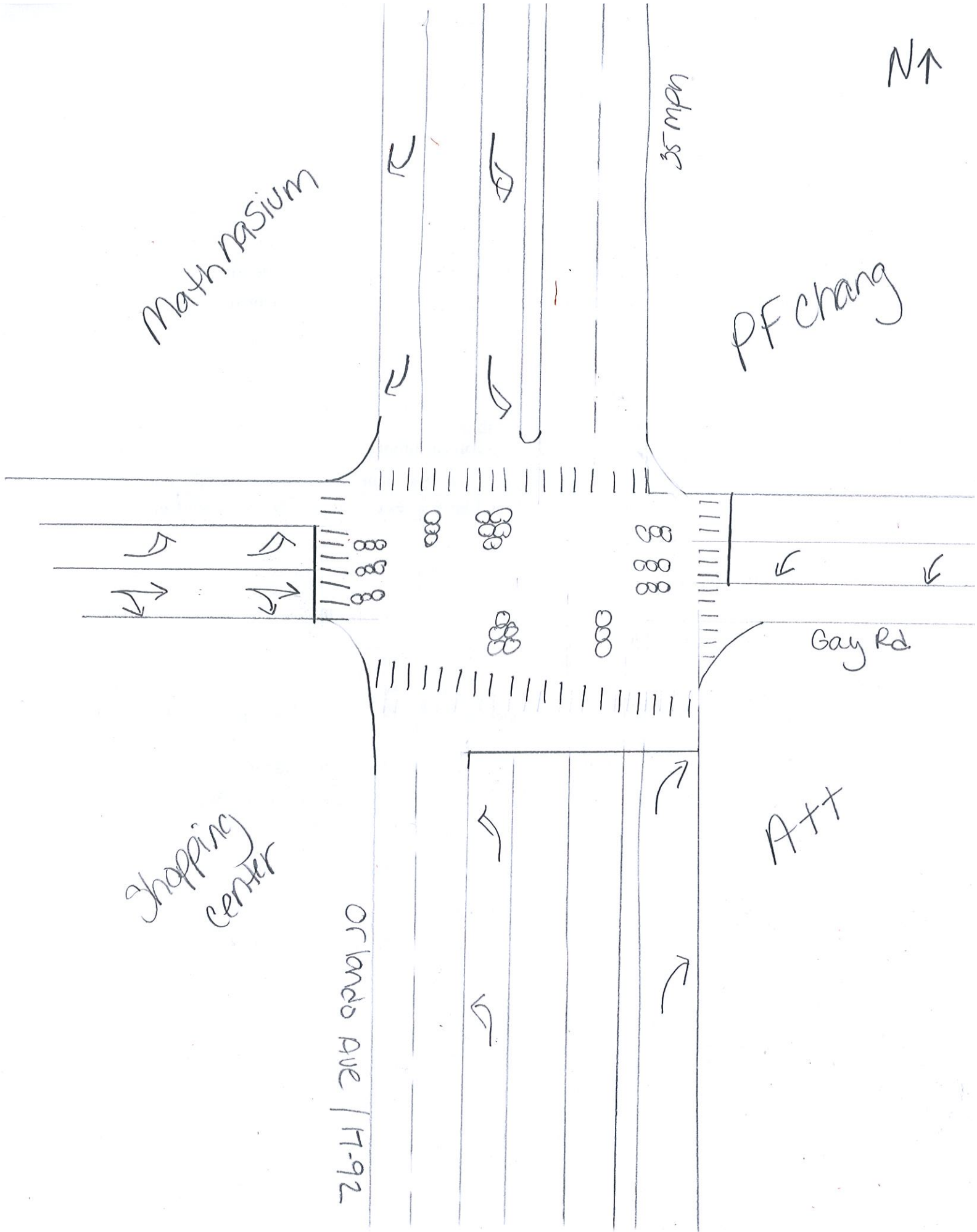
PF Chang

Gay Rd

Shopping center

Orlando Ave / 17-92

AT+



APPENDIX B

ITE Trip Generation Sheets

Residential Condominium/Townhouse (230)

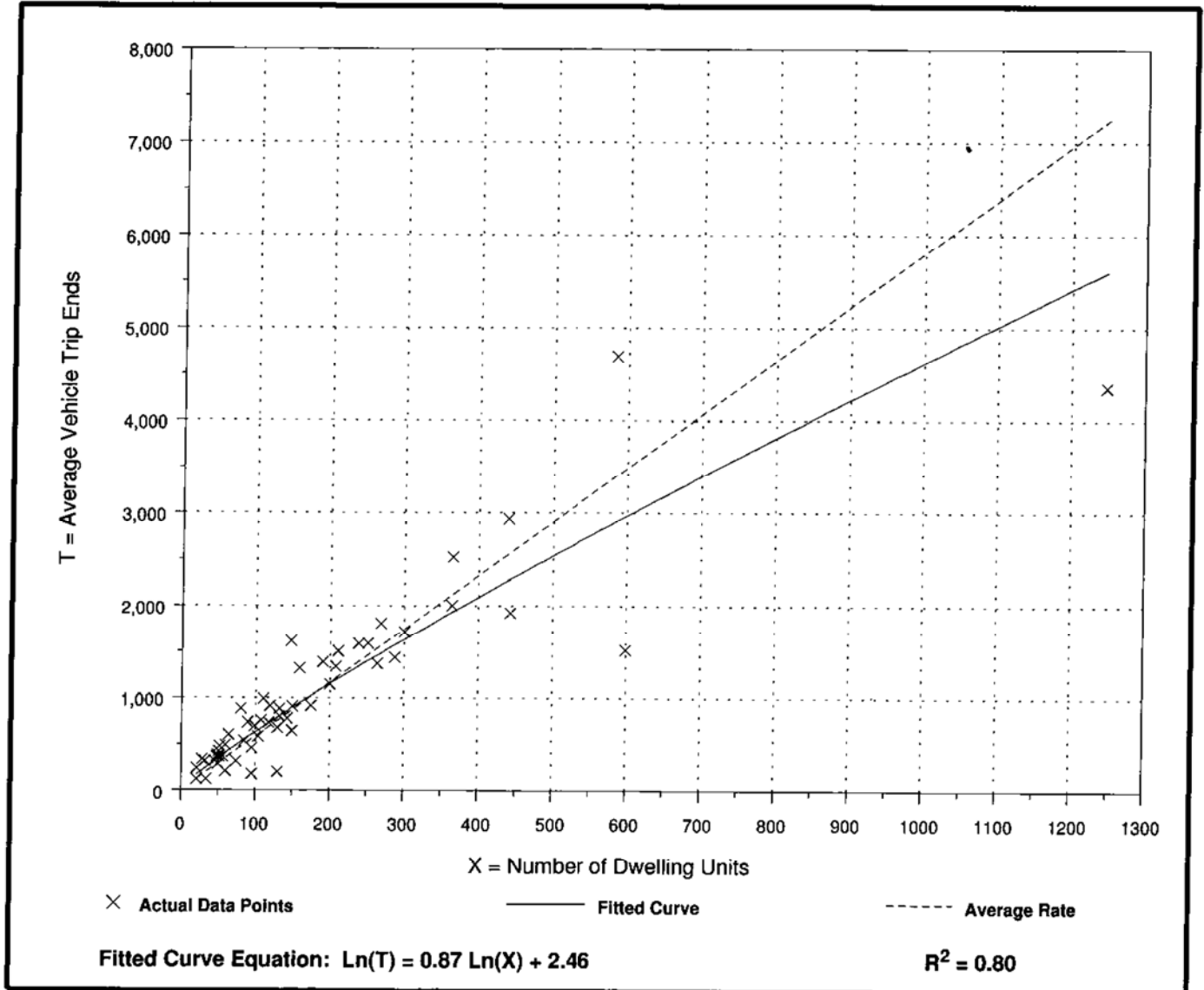
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Number of Studies: 56
Avg. Number of Dwelling Units: 179
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
5.81	1.53 - 11.79	3.11

Data Plot and Equation



Residential Condominium/Townhouse (230)

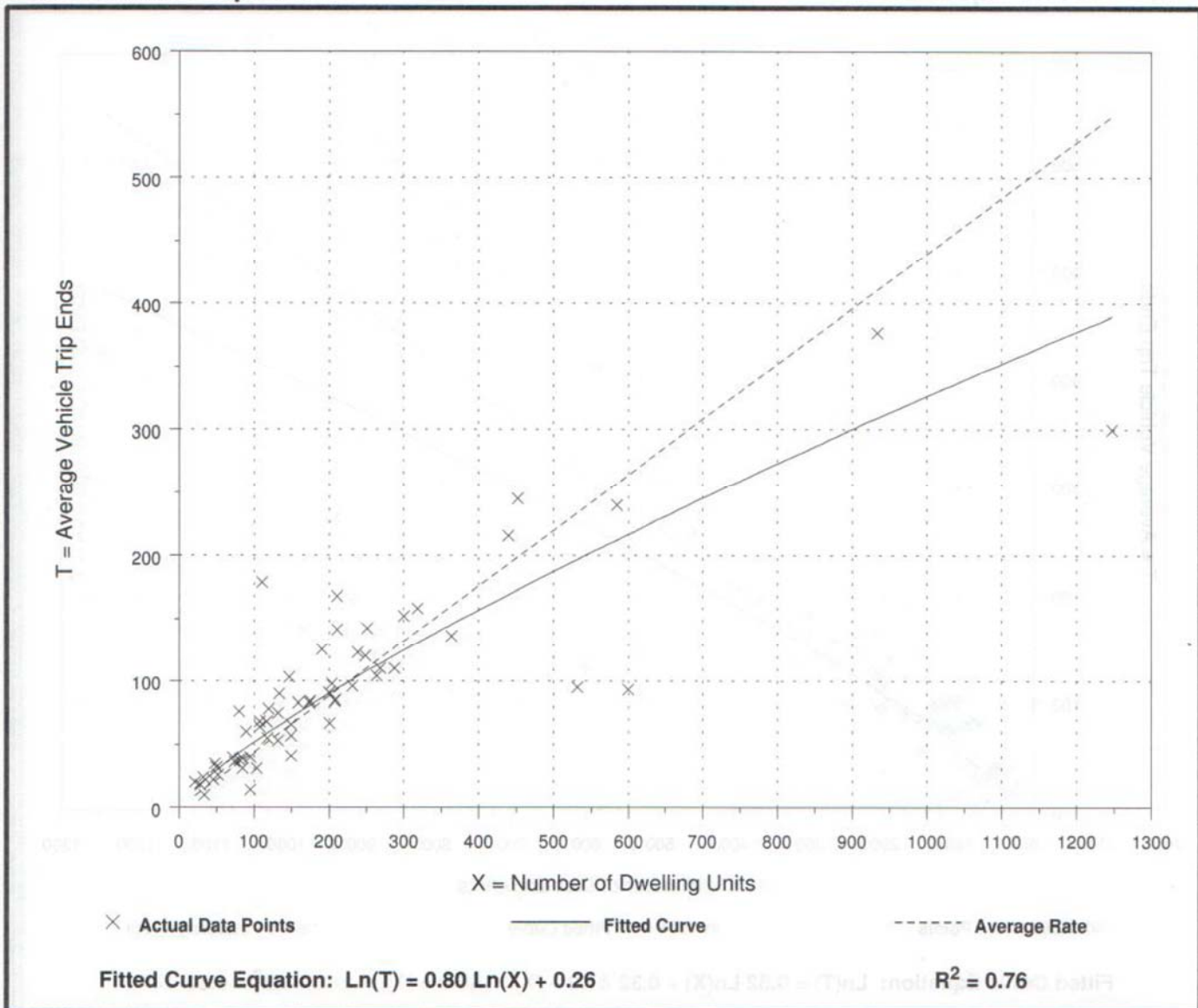
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 59
 Avg. Number of Dwelling Units: 213
 Directional Distribution: 17% entering, 83% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.44	0.15 - 1.61	0.69

Data Plot and Equation



Residential Condominium/Townhouse (230)

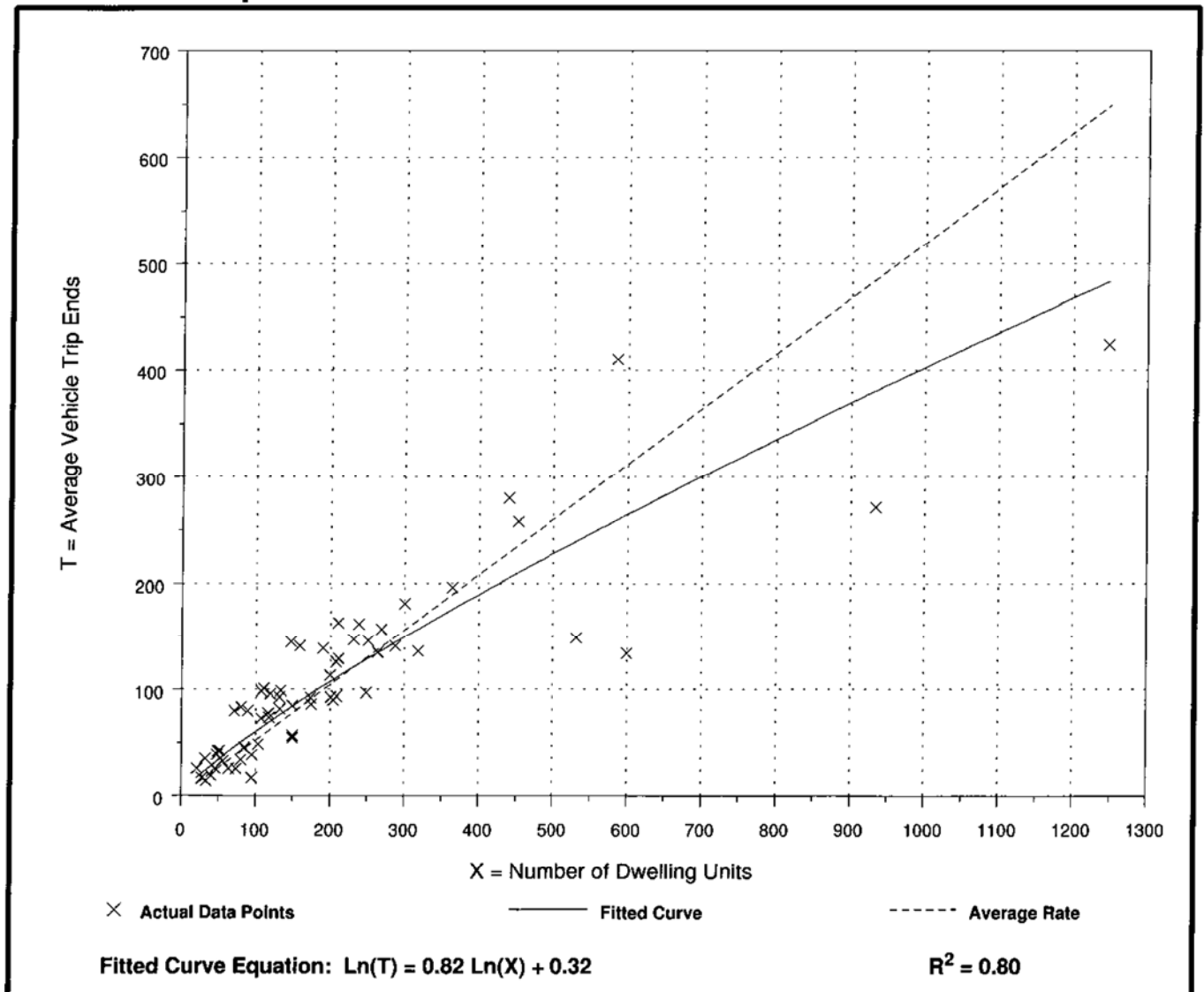
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 62
 Avg. Number of Dwelling Units: 205
 Directional Distribution: 67% entering, 33% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.52	0.18 - 1.24	0.75

Data Plot and Equation



General Office Building (710)

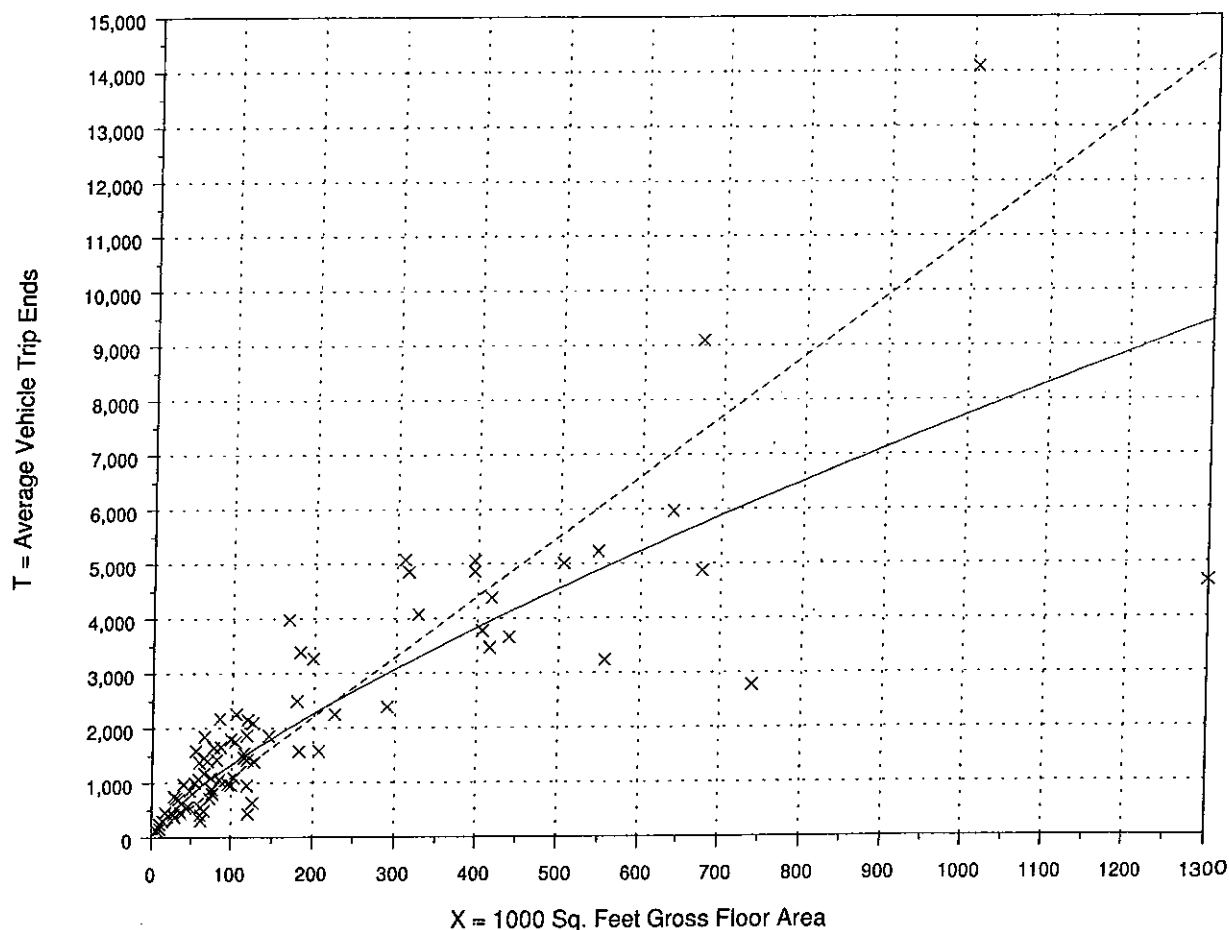
**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday**

Number of Studies: 79
Average 1000 Sq. Feet GFA: 197
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
11.03	3.58 - 28.80	6.15

Data Plot and Equation



× Actual Data Points

— Fitted Curve

--- Average Rate

Fitted Curve Equation: $\ln(T) = 0.76 \ln(X) + 3.68$

$R^2 = 0.81$

General Office Building (710)

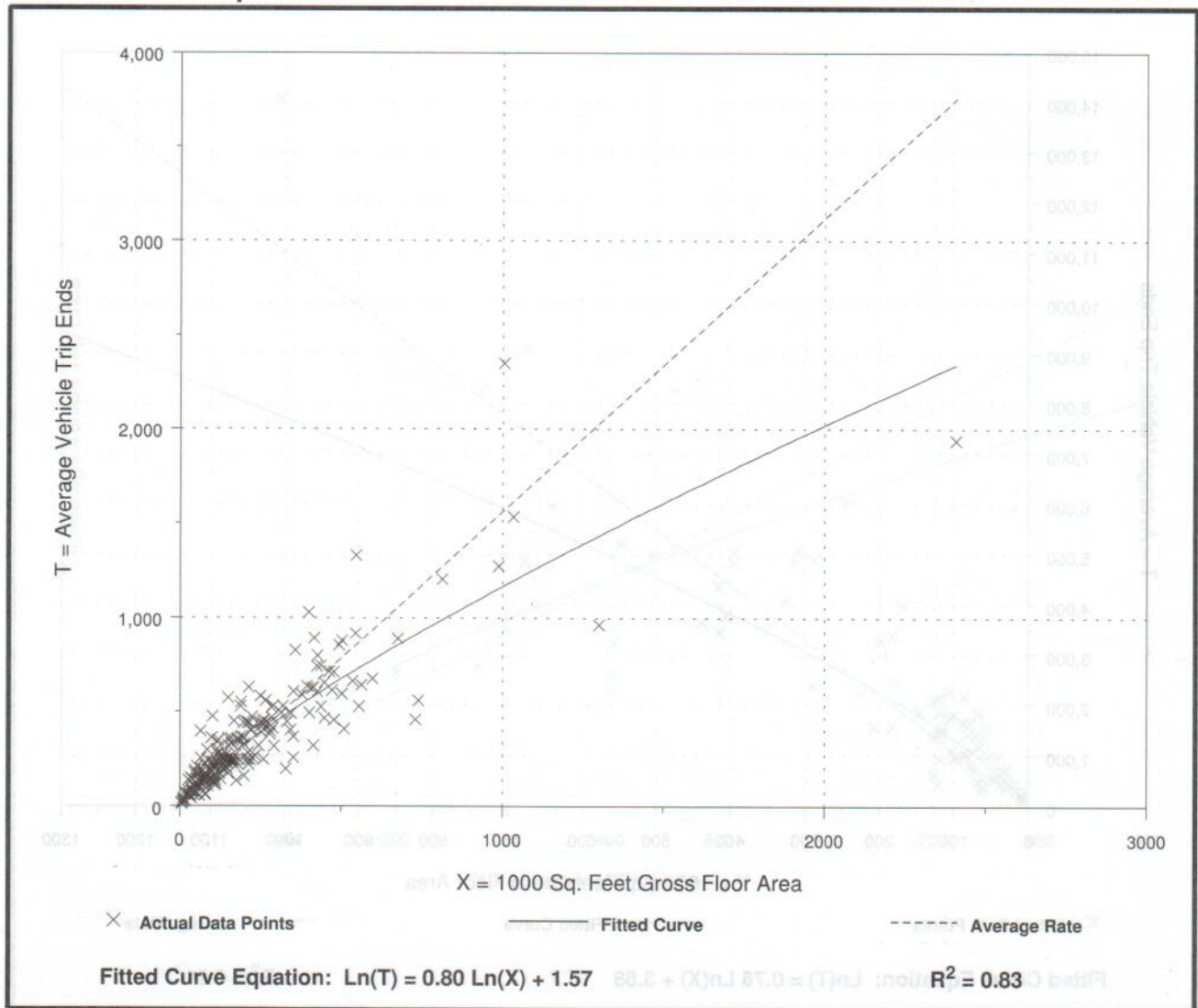
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
A.M. Peak Hour

Number of Studies: 218
Average 1000 Sq. Feet GFA: 222
Directional Distribution: 88% entering, 12% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
1.56	0.60 - 5.98	1.40

Data Plot and Equation



General Office Building (710)

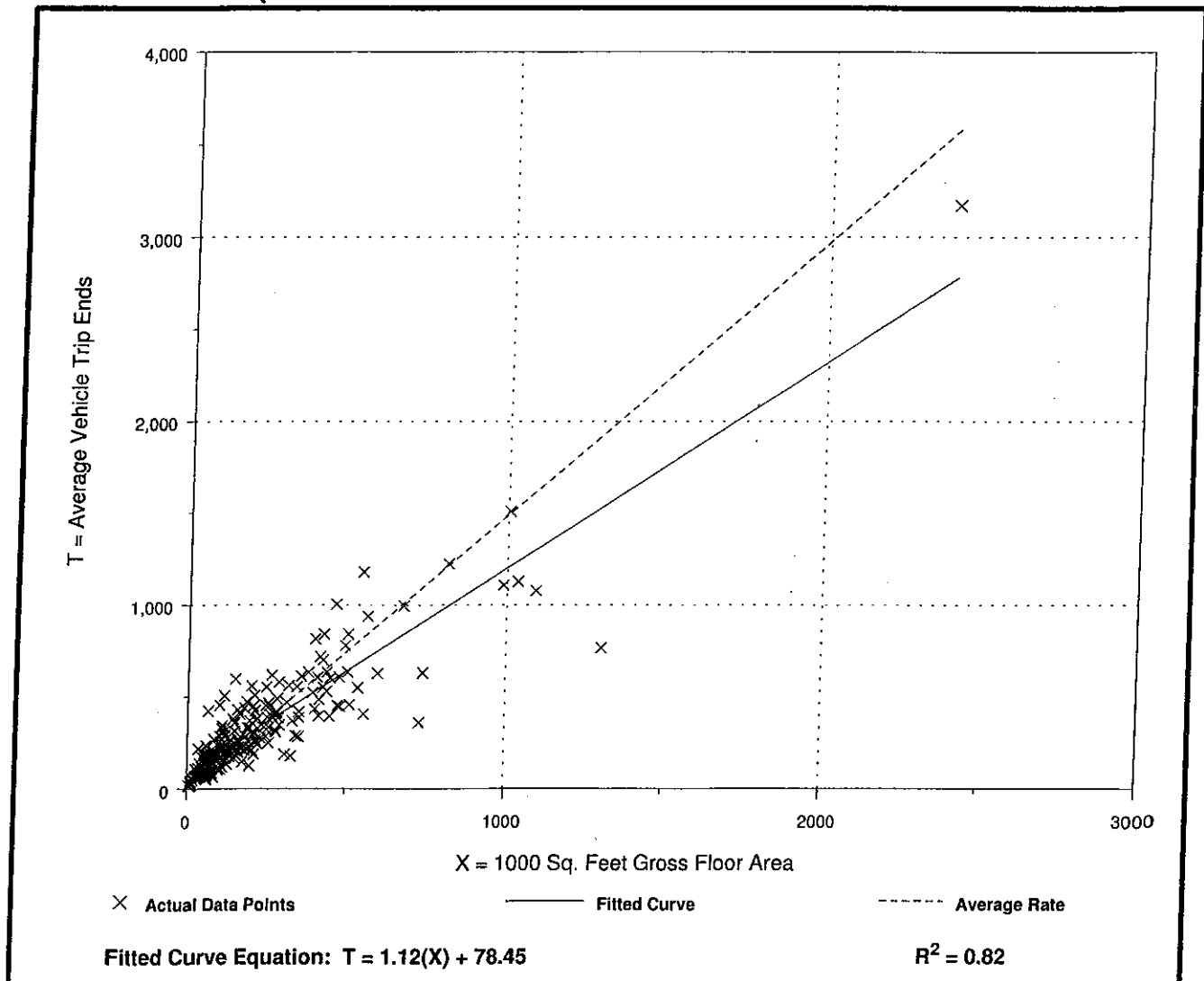
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour

Number of Studies: 236
Average 1000 Sq. Feet GFA: 215
Directional Distribution: 17% entering, 83% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
1.49	0.49 - 6.39	1.37

Data Plot and Equation



Day Care Center (565)

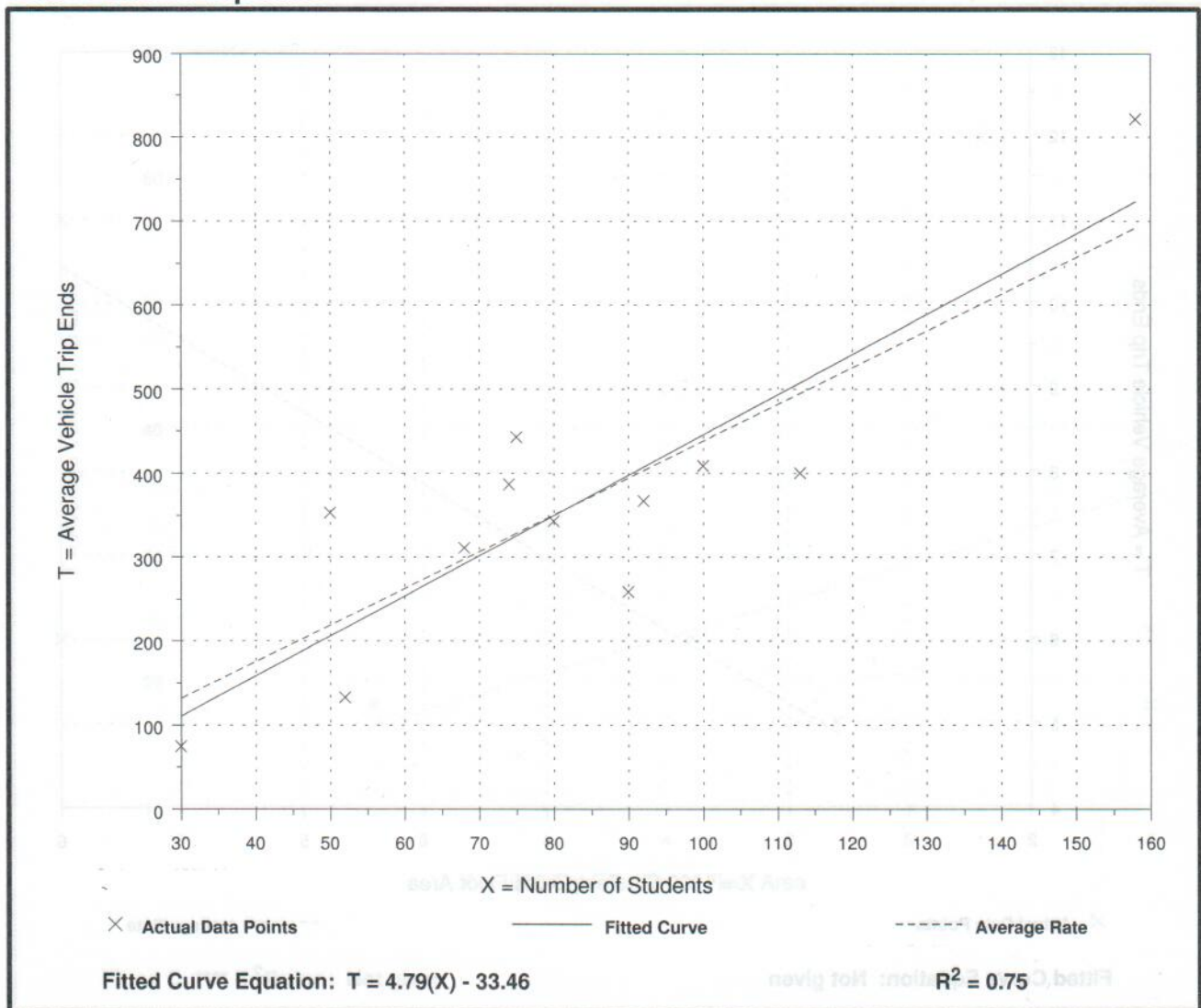
Average Vehicle Trip Ends vs: Students
On a: Weekday

Number of Studies: 12
Average Number of Students: 82
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
4.38	2.50 - 7.06	2.37

Data Plot and Equation



Day Care Center (565)

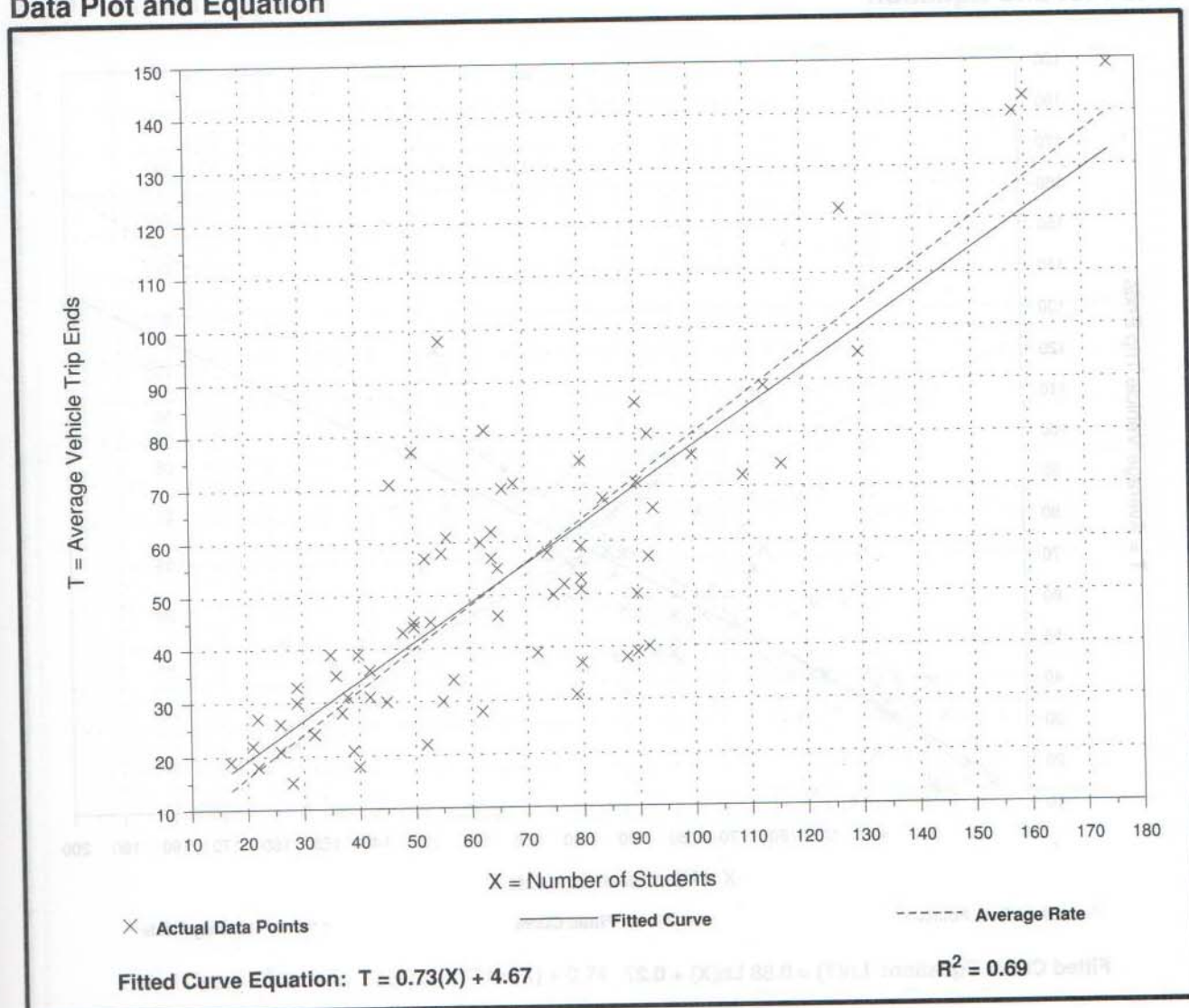
Average Vehicle Trip Ends vs: Students
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 71
 Average Number of Students: 67
 Directional Distribution: 53% entering, 47% exiting

Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.80	0.39 - 1.78	0.92

Data Plot and Equation



Day Care Center (565)

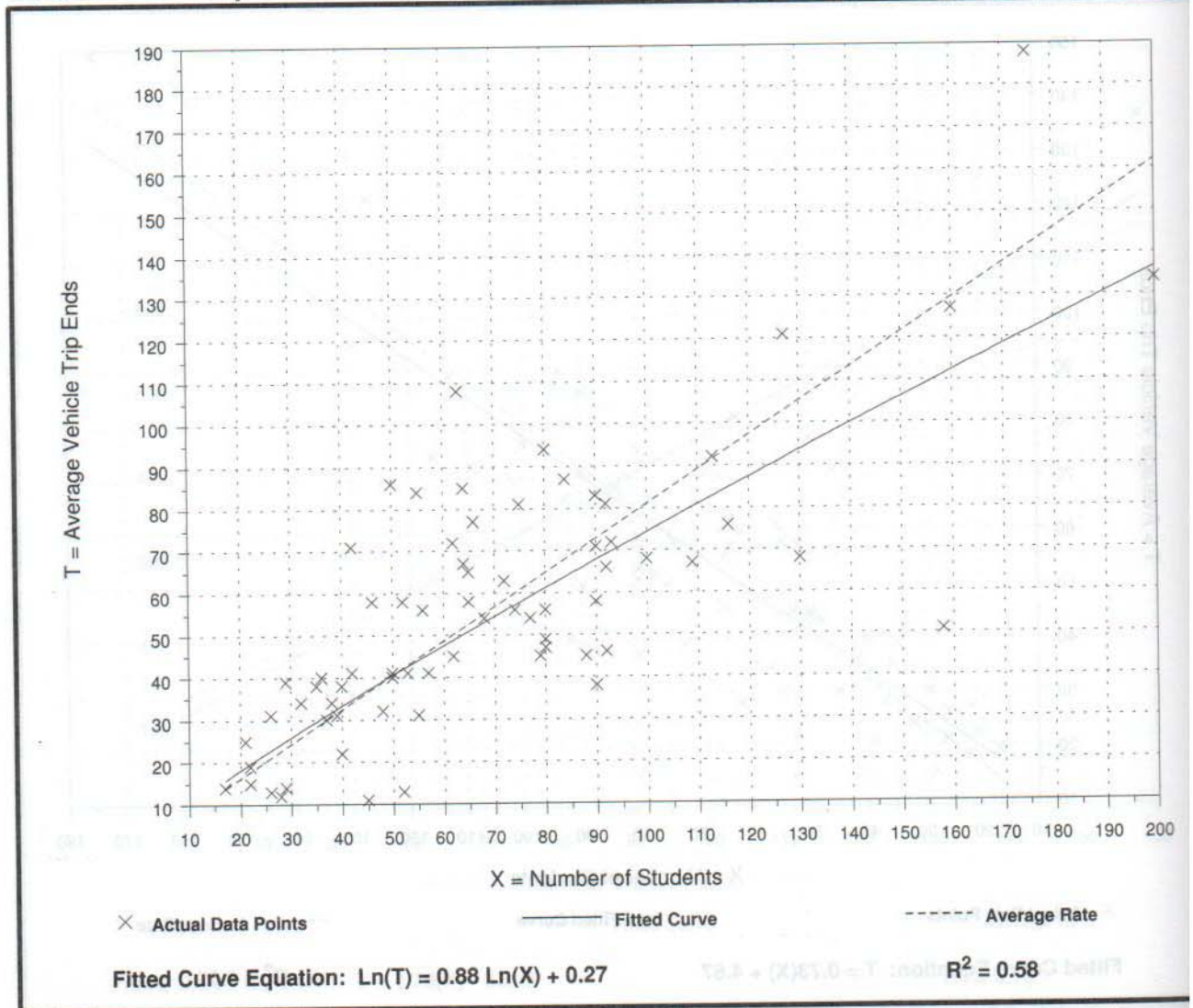
Average Vehicle Trip Ends vs: Students
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 72
Average Number of Students: 69
Directional Distribution: 47% entering, 53% exiting

Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.81	0.24 - 1.72	0.94

Data Plot and Equation



APPENDIX C























HCS Capacity Worksheets

HCM 2010 Signalized Intersection Summary

AM Peak, By-right Use

3:

6/2/2016























												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	186	26	207	22	4	0	29	643	38	88	1420	156
Future Volume (veh/h)	186	26	207	22	4	0	29	643	38	88	1420	156
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	196	27	218	23	4	0	31	677	40	93	1495	164
Adj No. of Lanes	1	1	0	1	1	0	1	2	1	1	2	0
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	198	29	237	29	132	0	171	2220	993	484	2040	222
Arrive On Green	0.11	0.17	0.17	0.02	0.07	0.00	0.02	0.63	0.63	0.03	0.63	0.63
Sat Flow, veh/h	1774	177	1433	1774	1863	0	1774	3539	1583	1774	3220	350
Grp Volume(v), veh/h	196	0	245	23	4	0	31	677	40	93	815	844
Grp Sat Flow(s),veh/h/ln	1774	0	1610	1774	1863	0	1774	1770	1583	1774	1770	1801
Q Serve(g_s), s	17.6	0.0	24.0	2.1	0.3	0.0	1.0	14.1	1.5	3.1	50.1	51.7
Cycle Q Clear(g_c), s	17.6	0.0	24.0	2.1	0.3	0.0	1.0	14.1	1.5	3.1	50.1	51.7
Prop In Lane	1.00		0.89	1.00		0.00	1.00		1.00	1.00		0.19
Lane Grp Cap(c), veh/h	198	0	266	29	132	0	171	2220	993	484	1121	1141
V/C Ratio(X)	0.99	0.00	0.92	0.80	0.03	0.00	0.18	0.30	0.04	0.19	0.73	0.74
Avail Cap(c_a), veh/h	198	0	315	49	210	0	182	2220	993	484	1121	1141
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	70.9	0.0	65.8	78.4	69.2	0.0	19.2	13.7	11.4	10.9	19.9	20.2
Incr Delay (d2), s/veh	60.0	0.0	26.6	16.6	0.0	0.0	0.2	0.4	0.1	0.1	4.1	4.3
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	12.0	0.0	12.7	1.1	0.2	0.0	0.5	7.0	0.7	1.5	25.5	26.9
LnGrp Delay(d),s/veh	131.0	0.0	92.4	95.0	69.2	0.0	19.3	14.1	11.5	11.0	24.1	24.5
LnGrp LOS	F		F	F	E		B	B	B	B	C	C
Approach Vol, veh/h		441			27			748			1752	
Approach Delay, s/veh		109.5			91.2			14.2			23.6	
Approach LOS		F			F			B			C	
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	10.2	106.9	9.3	33.6	9.2	107.9	24.4	18.5				
Change Period (Y+Rc), s	6.2	6.5	*6.7	*7.2	6.2	6.5	6.5	*7.2				
Max Green Setting (Gmax), s	4.0	93.7	*4.4	*31	4.0	93.7	17.9	*18				
Max Q Clear Time (g_c+I1), s	5.1	16.1	4.1	26.0	3.0	53.7	19.6	2.3				
Green Ext Time (p_c), s	0.0	39.7	0.0	0.5	0.0	27.2	0.0	0.9				
Intersection Summary												
HCM 2010 Ctrl Delay			34.6									
HCM 2010 LOS			C									
Notes												

HCM 2010 Signalized Intersection Summary

PM Peak--By-right Use

3:

6/2/2016























												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	60	30	131	121	37	102	38	901	95	155	184	15
Future Volume (veh/h)	60	30	131	121	37	102	38	901	95	155	184	15
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	63	32	138	127	39	107	40	948	100	163	194	16
Adj No. of Lanes	1	1	0	1	1	0	1	2	1	1	2	0
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	78	36	153	144	68	187	798	2216	991	376	2160	177
Arrive On Green	0.04	0.12	0.12	0.08	0.15	0.15	0.02	0.63	0.63	0.04	0.65	0.65
Sat Flow, veh/h	1774	307	1323	1774	441	1209	1774	3539	1583	1774	3314	271
Grp Volume(v), veh/h	63	0	170	127	0	146	40	948	100	163	103	107
Grp Sat Flow(s),veh/h/ln	1774	0	1629	1774	0	1649	1774	1770	1583	1774	1770	1815
Q Serve(g_s), s	7.0	0.0	20.6	14.2	0.0	16.4	1.6	27.4	5.0	6.6	4.3	4.4
Cycle Q Clear(g_c), s	7.0	0.0	20.6	14.2	0.0	16.4	1.6	27.4	5.0	6.6	4.3	4.4
Prop In Lane	1.00		0.81	1.00		0.73	1.00		1.00	1.00		0.15
Lane Grp Cap(c), veh/h	78	0	189	144	0	255	798	2216	991	376	1154	1183
V/C Ratio(X)	0.81	0.00	0.90	0.88	0.00	0.57	0.05	0.43	0.10	0.43	0.09	0.09
Avail Cap(c_a), veh/h	146	0	226	233	0	312	809	2216	991	447	1154	1183
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	94.8	0.0	87.3	90.9	0.0	78.5	13.0	19.1	14.9	14.5	12.9	12.9
Incr Delay (d2), s/veh	7.2	0.0	28.4	12.1	0.0	0.8	0.0	0.6	0.2	0.3	0.2	0.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	3.6	0.0	10.8	7.4	0.0	7.6	0.8	13.5	2.2	3.2	2.1	2.3
LnGrp Delay(d),s/veh	101.9	0.0	115.6	103.1	0.0	79.2	13.0	19.7	15.1	14.8	13.0	13.0
LnGrp LOS	F		F	F		E	B	B	B	B	B	B
Approach Vol, veh/h	233				273			1088			373	
Approach Delay, s/veh	111.9				90.3			19.0			13.8	
Approach LOS	F				F			B			B	
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	14.9	131.7	23.0	30.4	9.8	136.9	15.3	38.1				
Change Period (Y+Rc), s	6.2	6.5	* 6.7	* 7.2	6.2	6.5	6.5	* 7.2				
Max Green Setting (Gmax), s	16.8	102.5	* 26	* 28	4.8	114.5	16.5	* 38				
Max Q Clear Time (g_c+I1), s	8.6	29.4	16.2	22.6	3.6	6.4	9.0	18.4				
Green Ext Time (p_c), s	0.1	11.7	0.1	0.6	0.0	11.8	0.0	1.2				
Intersection Summary												
HCM 2010 Ctrl Delay	38.9											
HCM 2010 LOS	D											
Notes												

HCM 2010 Signalized Intersection Summary

AM Peak, Conditional Use

3:

6/2/2016























												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	196	29	221	22	7	0	41	643	38	88	1420	165
Future Volume (veh/h)	196	29	221	22	7	0	41	643	38	88	1420	165
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	206	31	233	23	7	0	43	677	40	93	1495	174
Adj No. of Lanes	1	1	0	1	1	0	1	2	1	1	2	0
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	198	33	251	29	152	0	166	2181	976	474	1983	229
Arrive On Green	0.11	0.18	0.18	0.02	0.08	0.00	0.02	0.62	0.62	0.03	0.62	0.62
Sat Flow, veh/h	1774	189	1422	1774	1863	0	1774	3539	1583	1774	3199	369
Grp Volume(v), veh/h	206	0	264	23	7	0	43	677	40	93	820	849
Grp Sat Flow(s),veh/h/ln	1774	0	1612	1774	1863	0	1774	1770	1583	1774	1770	1798
Q Serve(g_s), s	17.9	0.0	25.8	2.1	0.6	0.0	1.4	14.5	1.6	3.2	52.6	54.4
Cycle Q Clear(g_c), s	17.9	0.0	25.8	2.1	0.6	0.0	1.4	14.5	1.6	3.2	52.6	54.4
Prop In Lane	1.00		0.88	1.00		0.00	1.00		1.00	1.00		0.21
Lane Grp Cap(c), veh/h	198	0	284	29	152	0	166	2181	976	474	1097	1115
V/C Ratio(X)	1.04	0.00	0.93	0.80	0.05	0.00	0.26	0.31	0.04	0.20	0.75	0.76
Avail Cap(c_a), veh/h	198	0	315	49	210	0	172	2181	976	474	1097	1115
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	71.1	0.0	64.9	78.4	67.7	0.0	21.3	14.6	12.1	11.6	21.5	21.9
Incr Delay (d2), s/veh	74.2	0.0	30.1	16.6	0.0	0.0	0.3	0.4	0.1	0.1	4.7	4.9
Initial Q Delay(d3),s/veh	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	12.9	0.0	13.9	1.1	0.3	0.0	0.8	7.2	0.7	1.6	26.9	28.4
LnGrp Delay(d),s/veh	145.3	0.0	95.0	95.0	67.7	0.0	21.6	14.9	12.2	11.7	26.2	26.8
LnGrp LOS	F		F	F	E		C	B	B	B	C	C
Approach Vol, veh/h		470			30			760			1762	
Approach Delay, s/veh		117.1			88.7			15.2			25.7	
Approach LOS		F			F			B			C	
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	10.2	105.1	9.3	35.4	9.6	105.7	24.4	20.3				
Change Period (Y+Rc), s	6.2	6.5	* 6.7	* 7.2	6.2	6.5	6.5	* 7.2				
Max Green Setting (Gmax), s	4.0	93.7	* 4.4	* 31	4.0	93.7	17.9	* 18				
Max Q Clear Time (g_c+I1), s	5.2	16.5	4.1	27.8	3.4	56.4	19.9	2.6				
Green Ext Time (p_c), s	0.0	40.0	0.0	0.4	0.0	26.1	0.0	1.0				
Intersection Summary												
HCM 2010 Ctrl Delay			37.9									
HCM 2010 LOS			D									
Notes												

HCM 2010 Signalized Intersection Summary

PM Peak--Conditional Use

6/2/2016

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Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	56	28	126	121	40	102	48	901	95	155	184	15
Future Volume (veh/h)	56	28	126	121	40	102	48	901	95	155	184	15
Number	7	4	14	3	8	18	5	2	12	1	6	16
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1863	1863	1900	1863	1863	1900	1863	1863	1863	1863	1863	1900
Adj Flow Rate, veh/h	59	29	133	127	42	107	51	948	100	163	194	16
Adj No. of Lanes	1	1	0	1	1	0	1	2	1	1	2	0
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	74	32	148	144	71	180	807	2235	1000	379	2173	178
Arrive On Green	0.04	0.11	0.11	0.08	0.15	0.15	0.02	0.63	0.63	0.04	0.66	0.66
Sat Flow, veh/h	1774	291	1336	1774	466	1187	1774	3539	1583	1774	3314	271
Grp Volume(v), veh/h	59	0	162	127	0	149	51	948	100	163	103	107
Grp Sat Flow(s),veh/h/ln	1774	0	1627	1774	0	1653	1774	1770	1583	1774	1770	1815
Q Serve(g_s), s	6.6	0.0	19.7	14.2	0.0	16.8	2.1	27.0	5.0	6.5	4.2	4.3
Cycle Q Clear(g_c), s	6.6	0.0	19.7	14.2	0.0	16.8	2.1	27.0	5.0	6.5	4.2	4.3
Prop In Lane	1.00		0.82	1.00		0.72	1.00		1.00	1.00		0.15
Lane Grp Cap(c), veh/h	74	0	180	144	0	251	807	2235	1000	379	1160	1190
V/C Ratio(X)	0.80	0.00	0.90	0.88	0.00	0.59	0.06	0.42	0.10	0.43	0.09	0.09
Avail Cap(c_a), veh/h	129	0	210	233	0	312	816	2235	1000	460	1160	1190
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	95.0	0.0	87.8	90.9	0.0	79.1	12.6	18.5	14.5	14.1	12.6	12.6
Incr Delay (d2), s/veh	7.4	0.0	30.7	12.1	0.0	0.8	0.0	0.6	0.2	0.3	0.2	0.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	3.4	0.0	10.4	7.4	0.0	7.8	1.0	13.4	2.2	3.2	2.1	2.2
LnGrp Delay(d),s/veh	102.4	0.0	118.5	103.1	0.0	79.9	12.6	19.1	14.7	14.4	12.7	12.7
LnGrp LOS	F		F	F		E	B	B	B	B	B	B
Approach Vol, veh/h		221			276			1099			373	
Approach Delay, s/veh		114.2			90.6			18.4			13.5	
Approach LOS		F			F			B			B	
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	14.9	132.8	23.0	29.4	10.0	137.7	14.8	37.5				
Change Period (Y+Rc), s	6.2	6.5	* 6.7	* 7.2	6.2	6.5	6.5	* 7.2				
Max Green Setting (Gmax), s	17.8	103.5	* 26	* 26	4.8	116.5	14.5	* 38				
Max Q Clear Time (g_c+l1), s	8.5	29.0	16.2	21.7	4.1	6.3	8.6	18.8				
Green Ext Time (p_c), s	0.1	11.7	0.1	0.5	0.0	11.8	0.0	1.2				
Intersection Summary												
HCM 2010 Ctrl Delay			38.3									
HCM 2010 LOS			D									
Notes												

Trip Generation Summary

Alternative: Alternative 1

Phase:

Open Date: 5/30/2016

Project: Gay Rd Daycare

Analysis Date: 5/30/2016

ITE	Land Use	Weekday Average Daily Trips				Weekday AM Peak Hour of Adjacent Street Traffic				Weekday PM Peak Hour of Adjacent Street Traffic			
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
565	DAYCARE 1		316	315	631		61	54	115		55	62	117
	144 Students												
Unadjusted Volume			316	315	631		61	54	115		55	62	117
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			316	315	631		61	54	115		55	62	117

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 9th Edition, 2012

TRIP GENERATION 2014, TRAFFICWARE, LLC

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Trip Generation Summary

Alternative: Alternative 1

Phase:

Open Date: 5/30/2016

Project: WP Day Care, Gay Rd

Analysis Date: 5/30/2016

ITE	Land Use	Weekday Average Daily Trips				Weekday AM Peak Hour of Adjacent Street Traffic				Weekday PM Peak Hour of Adjacent Street Traffic			
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
230	CONDO 1		86	86	172		3	12	15		11	6	17
	22 Dwelling Units												
710	OFFICEGENERAL 1		95	95	190		22	3	25		15	72	87
	7.84 Gross Floor Area 1000 SF												
Unadjusted Volume			181	181	362		25	15	40		26	78	104
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			181	181	362		25	15	40		26	78	104

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 9th Edition, 2012

TRIP GENERATION 2014, TRAFFICWARE, LLC

P. 1

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

**Staff Report
June 7, 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 AND AMEND POLICIES IN THE TEXT OF THE FUTURE LAND USE ELEMENT AND ALSO WITHIN THE WEST FAIRBANKS CORRIDOR STUDY AREA "L" SO AS TO REVISE AND ADOPT NEW POLICIES CONCERNING BUSINESS TYPES TO BE PROHIBITED WITHIN SPECIFIED GATEWAY CORRIDOR ENTRANCES INTO THE CITY OF WINTER PARK IN ORDER TO ENHANCE THEIR AESTHETIC APPEAL AND IMPROVE PROPERTY VALUES ALONG SUCH GATEWAY CORRIDORS.

The Planning and Zoning Board has discussed at the January 5th meeting, at the February 17th work session, and at the April 5th meeting, the issue involving the Comprehensive Plan regulations for certain business types along the West Fairbanks gateway corridor. The City had previously determined that given the significant \$20+ million dollar investment in infrastructure improvements along the West Fairbanks Avenue corridor, and in order to guide the future redevelopment along that corridor, that certain business types that would not be conducive to upgrading this gateway corridor should be excluded, which is implemented by the Comprehensive Plan policy below.

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.

Due to the issues regarding the prohibition applying to both "fast casual" and the typical "fast food" restaurants with drive-in's, the Planning Board's recommendation at the April 5th meeting was to modify the Comprehensive Plan 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. Thus, fast food with drive-in components 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.

The informal comments that staff received after the April 5th P&Z meeting was that this Policy direction was a good idea but that it should also be applied to other important gateway entrances into the City, such as South Orlando Avenue and Aloma Avenue.

As a result, the public hearing was continued until the Comprehensive Plan policy could be broadened to apply to those gateway entrances as well. That new Policy is as follows:

Policy 1-3.8.14: Enhance the Appeal and Improve the Property Values of Certain Gateway Corridor Entrances into the City of Winter Park. In order to establish, maintain and enhance the character and aesthetic appeal of certain important gateway corridor entrances into the City of Winter Park, and to increase the property values along such gateway corridor entrances to the City in order to distinguish those gateways as attractive entrances into the City, the City shall, along the roadway corridors identified below, prohibit certain business types along the frontage of those roadway corridors to exclude any new or used car sales businesses, auto repair businesses, resale stores or pawn shops, vapor lounges or smoke shops, adult oriented businesses, gas/service stations and convenience stores. This policy shall apply to the following gateway corridor entrances into the City:

1. West Fairbanks Avenue from I-4 east to Orlando Avenue;
2. South Orlando Avenue from the city limits north to Orange Avenue;
3. Aloma Avenue from the city limits west to Lakemont Avenue.

The only business use in this listing that has caused some comment is the inclusion of gas/service stations. If you need gas, you want a place as close as possible but otherwise they are not a desirable business to define the character of a City at a gateway entrance. There are currently eight gas stations in the City and another just outside at Clay & Par Avenues, so the City is adequately served.

Staff Analysis:

This Comprehensive Plan amendment solves the issue of the fast food/fast casual restaurants by deleting that Policy and relying upon the new city-wide Policy above. It was never the intent to shut out fast casual restaurants from developing along the West Fairbanks corridor and treating fast food with or drive-in components the same as is done through-out the rest of the City is logical. There are other existing situations in the City where drive-in'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. The other business types on the exclusion list have ample other locations along other commercial corridors to conduct business.

Staff Recommendation is for APPROVAL.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADD AND AMEND POLICIES IN THE TEXT OF THE FUTURE LAND USE ELEMENT AND ALSO WITHIN THE WEST FAIRBANKS CORRIDOR STUDY AREA "L" SO AS TO REVISE AND ADOPT NEW POLICIES CONCERNING BUSINESS TYPES TO BE PROHIBITED WITHIN SPECIFIED GATEWAY CORRIDOR ENTRANCES INTO THE CITY OF WINTER PARK IN ORDER TO ENHANCE THEIR AESTHETIC APPEAL AND IMPROVE PROPERTY VALUES ALONG SUCH GATEWAY CORRIDORS.

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, in order to enhance and improve the aesthetic appeal and property values of certain gateway corridor entrances into the City of Winter Park, 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 June 7, 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 1-3.8.14 on Page 1-25 within the Goals, Objectives and Policies to read as follows:

Policy 1-3.8.14: Enhance the Appeal and Improve the Property Values of Certain Gateway Corridor Entrances into the City of Winter Park. In order to establish, maintain and enhance the character and aesthetic appeal of certain important gateway corridor entrances into the City of Winter Park, and to increase the property values along such gateway corridor entrances to the City, in order to distinguish those gateways as attractive entrances into the City, the City shall, along the roadway corridors identified below, prohibit certain business types along the frontage of those roadway corridors to exclude any new or used car sales businesses, auto repair businesses, resale stores or pawn shops, vapor lounges or smoke shops, adult oriented businesses, gas/service stations and convenience stores. This policy shall apply to the following gateway corridor entrances into the City:

1. West Fairbanks Avenue from I-4 east to Orlando Avenue;
2. South Orlando Avenue from the city limits north to Orange Avenue;
3. Aloma Avenue from the city limits west to Lakemont Avenue.

SECTION 2. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan", is hereby amended by rescinding and deleting the 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 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 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.

SECTION 3. 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 4. 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 5. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 6. 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