REQUEST OF BANK FIRST REALTY, INC. ON BEHALF OF
MCDONALD’S CORP. FOR: CONDITIONAL USE APPROVAL TO
CONSTRUCT A MCDONALD’S RESTAURANT WITH A DRIVE-THRU
SERVICE ON THE PROPERTIES AT 1282/1288/1302 WEST FAIRBANKS
AVENUE AND 1281/1289/1301 GENE STREET, ZONED C-3.

This item is a request for conditional use approval for a McDonald’s restaurant with a drive-thru. It is proposed on the six vacant lots with addresses of 1282/1288/1302 West Fairbanks Avenue and 1281/1289/1301 Gene Street, which are all now, zoned C-3. The Planning Board will remember this project from our July 12th agenda when the issue was the rezoning of two lots on Gene Street from office to commercial in order to permit this subsequent conditional use request.

Site and Context: The proposed site is six vacant lots that run from Fairbanks Avenue back to Gene Street. The site is 150 feet wide by 287 feet in length for 43,050 sq. ft. or just under one acre in size. The site has access both on Fairbanks Avenue and onto Gene Street in the rear.

Parking: The required parking for this 4,147 sq. ft. restaurant building based on one space for each three seats, for this 90 seat restaurant is 30 spaces. The site plan layout provides 36 parking spaces including the two handicap spaces required by code.

The two adjacent property owners have voiced a concern to staff about patrons parking in the adjacent parking lots (for the funeral home and/or the bank since those parking lots are largely unused). There is a four foot high aluminum picket fence (same as around the retention area) shown on the plans in response to this concern that will provide the separation and discouragement for off-site parking.

Traffic Circulation and Stacking: A McDonald’s restaurant will attract a significant amount of traffic to this location where access and egress is challenging. This was the primary focus of the discussions during the initial public hearings in July that considered the zoning change. Now that the site has been zoned commercial, the focus shifts. The commercial zoning now permits a fast food restaurant at this location and the conditional use question is just whether the layout works and if there are any conditions of approval that will address traffic site issues or concerns.
The access from Fairbanks Avenue is right turn in/right turn out only. Given the traffic congestion and back-ups that routinely occur from the traffic light at Orlando Avenue, most of the exiting traffic will utilize Gene Street. The city staff and our traffic consultant have reviewed the revised traffic study, primarily with respect to insuring there is adequate on-site room for stacking and cueing for any lines of cars waiting at a peak period for drive-thru service (without backing into Fairbanks). With the addition (at the city’s request) of a by-pass lane in the front, there is stacking for 20 cars at any peak period which should be sufficient and also access throughout the site.

The other off-site traffic issue or concern is to prevent the ‘suicide’ left turns into or out of the site on Fairbanks Avenue. There is no median to prevent those left turns. There are serious visibility and traffic safety issues with those left turn movements. This was not an issue with the previous office buildings on this site that generated 100-200 trips per day (one trip entering the site and one trip exiting the site.) But with a fast food restaurant, one would expect about 4,000 trips per day and now the ‘suicide’ left turns become a real concern. As a result, the staff and our traffic consultant are recommending a condition of approval that the center concrete raised median be extended back to the western end of this site to preclude the left turns and remedy those dangerous scenarios. Actually, when this site was selected by McDonald’s and the initial traffic study was completed, the City was planning to extend the median, as a landscaped divider. So the construction now, of just a concrete median divider, is consistent with the applicant’s traffic study projections.

**Architecture and Landscaping:** The preliminary architectural elevations are provided along with materials and colors. Staff is very complimentary of the materials and design. Granted this is a McDonald’s restaurant, but the brick veneer and color pattern are understated and will be very attractive. It is a “step above” the typical McDonald’s in terms of architectural character. Staff recently visited the new McDonald’s at the Winter Garden Mall (Fowlers Grove) and that building is attractive. This building should be just as nice or better in visual appeal. The only other thing needed to be completely successful in the ‘front door’ image is some signature landscaping along the Fairbanks frontage. At the existing McDonald’s on Orlando Avenue there are palm trees that successfully buffer that building. The applicant has been agreeable in conversations about this landscaping upgrade but it is not included in the plans. Staff will suggest a condition of approval to implement this landscaping upgrade.

**STAFF RECOMMENDATION FOR APPROVAL** of the conditional use with the following conditions:

1. That the landscape plan be augmented along the Fairbanks frontage with the addition of two ligustrum trees (30 gallon – 8 ft. min.) at the corner islands and with four sable palm trees (10-12 ft. min.) across the center landscape island.
2. That conditioned upon acceptance by Fl. DOT, the concrete median divider be extended to the western boundary of this site.
TO: Jeff Briggs

FROM: Mark S. Hardgrove

DATE: October 24, 2011


The purpose of this memorandum is to provide a review of the revised Traffic Impact Study for the proposed McDonald’s fast food restaurant with drive-through window in Winter Park, Florida, dated originally dated December, 2010 and revised August 2011. As you recall, the City reviewed the Applicant’s October 8, 2010 Traffic Impact Study Methodology Letter on October 18, 2010.

The biggest issue is exiting traffic trying to weave across two lanes of traffic to make a u-turn or left turn movement. The eastbound left turn queue is over 800 feet long. This will make it very difficult to make these movements. In order to alleviate some of these potential safety concerns along Fairbanks, it is recommended that the Applicant extend the existing concrete divider median on Fairbanks to the west, past the site boundary to a location acceptable to the City and FDOT.

In summary, based on the transportation analysis submitted, while not ideal, the site will have improved ingress and egress beyond that which was originally proposed with the median extension recommendation above. The information provided by the Applicant did not demonstrate adequate internal circulation and queuing distances. The Applicant was requested to address this potential problem in the redesign of the site, which included the addition of a bypass lane on the north end of the site. While not ideal, this will improve the internal circulation to a level higher than what was previously submitted.
CITY OF WINTER PARK
PLANNING AND ZONING BOARD

Staff Report
November 1, 2011

REQUEST OF SURREY HOMES: TO MODIFY THE DEVELOPMENT AGREEMENT FOR WINDSONG TO PERMIT A 10 FOOT SIDE SETBACK IN LIEU OF THE 20 FOOT SIDE SETBACK REQUIRED ADJACENT TO THE PEDESTRIAN EASEMENT LEADING TO TIMBERLANE SHORES FOR LOT 39 (1211 PRESERVE POINT DRIVE).

This item is a request for a waiver or amendment from one specific condition of the Windsong Development Agreement that relates to Lot 39 of the Lookout Landing Section of Windsong, which is the property at 1211 Preserve Point Drive. The request is to modify the required 20 foot setback to a 10 foot side setback.

Site and Context: The property at 1211 Preserve Point is a vacant lot which sits just north of the pedestrian access easement that connects Windsong – Preserve Point Drive with Timberlane Shores – Virginia Drive.

At the time, in 1999, when this section of the subdivision plat was considered by the Planning Board and City Commission, there was considerable discussion of this site and context of this Lot 39 in relation to the adjacent home at 981 Virginia Drive. There is a very steep grade on this Lot 39, front to back sloping down to 981 Virginia Drive. The steep grade drop allows a walkout basement level in the rear and the proposed home for this lot is incorporating that feature.

The neighboring owners at 981 Virginia Drive did not want to look at a three story home which would have been two stories in height on the Preserve Point street front but three stories and maybe 40-42 feet tall when viewed from the rear and as viewed from the adjacent home at 981 Virginia Drive. So there were special conditions placed upon Lot 39 that the new home could only be one story and not more than 20 feet in height on the Preserve Point street front, so that the view from the rear (Virginia Drive) would be no more than two stories and 30 feet, which is typical.

Side Setback Waiver Request:

At the same time in 1999, there was a condition adopted that the side setback for Lot 39 adjacent to the pedestrian easement was to be 20 feet in lieu of the typical 10 foot side setback.

Staff does not have any memory of the rationale for that requirement. That is what the property owner is asking to be changed.
This special twenty foot setback does not have anything to do with the pedestrian easement. The side setback for Lot 38 (1227 Preserve Point) on the south side of the pedestrian easement has the typical ten foot side setback.

Perhaps the twenty foot setback had to do with limiting the width of the home as seen from 981 Virginia Drive. However, the question is what adverse impact exists from a home that is 75 feet in width versus a home that is 85 feet in width. Also the location of this extra 10 feet of home width is out past the front yard of 981 Virginia Drive (see map attached).

The staff understands the compelling reasons for the home height as limited to one story and 20 feet tall. The staff would not support any waiver to those conditions. However, staff does not see or remember the rationale for the additional 10 foot side setback.

**STAFF RECOMMENDATION IS FOR APPROVAL** of the waiver request for the standard 10 foot side setback.
Mr. Jeffrey Briggs  
Director of Planning and Zoning  
City of Winter of Park  
401 Park Avenue South  
Winter Park, Florida 32789-4386  

October 23, 2011  

RE: Windsong Lot 39; 1211 Preserve Point Drive  

Dear Mr. Briggs,  

We are writing to you with the hope of gaining your assistance with a matter related to a building lot we recently purchased in the Windsong community to have our new home built by Surrey Homes.  

We purchased Lot #39 on September 11, 2011 and concurrently entered into a Construction Agreement with Surrey Homes to build our home. Our purchase of the lot was contractually tied to our Construction Agreement for the specific home designed to be built on the lot.  

Both we and our builder, Surrey Homes relied upon the zoning code in determining the design of the home that we agreed upon. Based on the zoning code, we believed that we had a full 80 feet in width between the side building setbacks to work within.  

Subsequent to the purchase of the lot, we discovered that there is an additional 10 feet of side setback imposed on the lot that is not identified in the zoning code, due to the pedestrian walkway easement adjacent to the property on the south side. Instead of there being a 10 foot side setback from the pedestrian easement, there is a 20 foot side setback. This restriction is identified in the Development Agreement from April 27, 1999.  

We have learned that the original intent of the 30 foot wide easement and the additional 10 feet of side setback imposed on the lot we purchased was to allow for a vehicular roadway between Windsong and the existing community, Timberlane Shores, effectively extending Virginia Drive into the Windsong neighborhood.  

This issue has come to light and has caused a hardship for us as we are now not able to fit the home that was designed and contracted for our lot. We are inquiring about this matter to you to request that the appropriateness of the community connection easement be taken into consideration, now that the connection is a 5 foot wide pedestrian path only, and to allow the elimination of the additional 10 feet of side setback on the south side of our property.  

We greatly appreciate your time and understanding in this matter and we look forward to helping you gain any further clarification that you may need. Thank you.  

Sincerely,  

Property Owners:  
Alexis and Jason Bristol  

Surrey Homes:  

Jay C. Lewis
STRAIGHT ON EASEMENT VIEW FROM PRESERVE PT.
EASEMENT VIEW - LOT 38 WINDSONG SIDE