



THE CITY OF DAYTONA BEACH

REDEVELOPMENT DIVISION

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MEMORANDUM

DATE: March 7, 2014
TO: Main Street / South Atlantic Redevelopment Area Board
FROM: Reed Berger, Redevelopment Director
SUBJECT: Redevelopment Updates

- 1. Board Appointments** – On February 5, 2014 the City Commission appointed Jeff Hurt as the Planning Board representative for the Board. Consequently Mr. Hurt requested to resign from the Redevelopment Board and based on the Planning Board's recommendation the City Commission appointed Tim Davis to the Redevelopment Board on March 5th.
- 2. Hotel Projects** – Bayshore Capital and Protogroup recently reaffirmed to staff their continued commitment to begin construction this year and open their hotels in 2016. The Hard Rock Hotel project has reservations for more than 70 of their 120 condominium units and Bayshore Capital recently opened a storefront sales office on Beach Street as part of their continued efforts to promote their residential opportunities.
- 3. Drive-Thru Restaurants** – Several articles and examples of regulations are attached as requested at the Board's last meeting in advance of discussing the merits of permitting drive-thru facilities throughout the beachside redevelopment areas at the Board's next meeting in April.
- 4. Veteran's Memorial Bridge** – Attached is information about Volusia County's public meeting on March 11th to provide an update on the construction of the Veteran's Memorial Bridge connecting Orange Avenue to Silver Beach Avenue.
- 5. Bandshell Roof** – The Volusia County Council voted last month to approve a \$350,000 ECHO grant to replace the tile roof on one of Florida's most historic and architecturally significant buildings.

The Death of the Drive-Thru?

Cities across the U.S. and Canada are considering roadblocks in fast food's fast lane.

By Jamie Hartford – a Quick Service Restaurants publication

A speedy drive-thru is essential for quick-serves but nowhere more so than in Toronto, where a long wait in line could get customers slapped with a \$125 fine.

The city's anti-idling bylaw, on the books since 1998, prohibits vehicles from remaining stationary with engines running for more than three minutes in any 60 minute period. With average wait times for drive-thrus clocking in at just more than three minutes, according to the 2007 Quick-Service Drive-Thru Performance Study, that could render a morning stop for coffee a punishable offense.

Toronto's bylaw isn't the only one of its kind. Cities across the continent have passed or are discussing measures that could affect how business is done in fast food's fast lane. At least 23 municipalities in Canada have adopted, proposed, or are considering anti-idling laws or other restrictions that could affect drive-thrus, and cities across the U.S. are also jumping on board.

The reasons behind such measures vary among municipalities, but many cite a growing body of evidence alleging that drive-thrus are bad for the environment. A recent study conducted by students at Canada's University of Alberta predicted that the cars idling in drive-thrus at 135 restaurants in the city of Edmonton, Alberta, produced almost 25 tons of greenhouse-gas emissions per day. Over the course of a year, that could amount to more than 9,000 tons of greenhouse gases released into the atmosphere. While the study says that number amounts to only about 0.05 percent of the city's total yearly greenhouse-gas emissions, Peter Boxall, the University of Alberta environmental economics professor whose class conducted the study, says it adds up.

"It's fairly significant," Boxall says of the emissions from cars in drive-thru lanes. "And we're not factoring in the cost of congestion or other traffic-related issues that come about as a result."

There are other concerns, too. Toronto's anti-idling bylaw was proposed by the city's Board of Health in hopes of cutting down on health problems caused by air pollution. In 2007, Toronto Public Health estimated that traffic-related air pollution was responsible for 440 premature deaths and 1,700 hospitalizations—to the tune of \$2.2 billion per year. Recently, the board of health recommended an even stricter regulation that would prohibit cars from idling more than 10 seconds an hour.

Vince Loffredi, a supervisor with Toronto Transportation Services, says there have been no recorded complaints made against cars waiting in drive-thru lanes under the three-minute idling limit, but that would likely change if the 10 second rule is adopted.

“What it might mean is that if you’re in a drive-thru, you’re going to have to shut your car off,” Loffredi says. “People might have to change the way they queue at the drive-thru.”

Other measures being discussed, however, would not be so lax. As concern grows about the environmental impact of drive-thrus, some cities are trying to make it harder to get permits to build the lanes, while others are talking about prohibiting the building of new ones entirely.

One such city was London, Ontario, where a group of citizens, led mostly by local high-school students, was pushing the city’s planning commission to pass a moratorium on construction of new drive-thru projects.

The thinking, says David Heap, a London resident who got involved in the movement as a parent, was for the city to stop the building of new drive-thrus until a carbon-dioxide emissions plan could be established for the city.

“The idea was that we should err on the side of caution before we approve more,” Heap says.

The Ontario Restaurant Hotel & Motel Association (ORHMA) countered with the signatures of 60,000 people who supported the association’s position that drive-thrus have a place in the community. Ultimately, the commission chose to impose tougher regulations rather than a moratorium.

Michelle Saunders, director of government affairs for the ORHMA, says the association opposes any attempt to limit drive-thrus but not reasonable attempts to regulate them. She also casts doubt on claims that drive-thrus are bad for the environment.

“I think part of it is that there is a genuine desire to make policy changes that improve the environment,” she says. “There’s also an assumption that because cars are idling in drive-thrus that drive-thrus must be bad. That assumption is false.”

A study released in May and conducted by wind engineering consulting services firm RWDI on behalf of Tim Hortons parent company TDL Group Corp. supports that claim. The study concluded that a Tim Hortons restaurant with no drive-thru actually produces higher emissions per vehicle than one with a drive-thru, because of emissions from starting up vehicles, traveling

to and from parking spaces, and congestion that occurs in the parking lot. To provide perspective, the study says the greenhouse-gas emissions from a vehicle using a Tim Hortons drive-thru are less than 5 percent of those from a typical 30-minute commute.

But Amanda Dacyk, a graduate student studying natural resource economics at the University of Alberta who also was involved with the drive-thru emissions study conducted there, says there's an important difference to be taken into account.

"Drive-thrus are an unnecessary service for many people," she says. "They're comparing it with services that are necessary."

Even so, there are other implications to consider.

"If we didn't have the drive-thrus, we would end up with the same amount of customers, but they would be congested in the parking lot," Saunders says. "We would still have cars idling and shutting off and turning back on their engines, which creates more emissions. We'd have a greater [parking] lot size, more asphalt, more water runoff, more environmental consequences."

Joyce Reynolds, executive vice president of government affairs for the Canadian Restaurant and Foodservices Association (CRFA), also downplays allegations that cars idling in drive-thru lanes cause significant amounts of pollution.

"When you look at idling, it contributes less than 0.2 percent of all greenhouse-gas emission in Canada, and drive-thrus are a very small percentage of that," Reynolds says. "Restricting drive-thrus just results in emissions moving from the drive-thru to the parking lot."

Reynolds says the CRFA has been monitoring attempts to restrict drive-thrus in Canada. She says the association's members are willing to work with planning committees to design drive-thrus appropriately and are always working to increase speed of service to reduce wait times.

"There's no scientific evidence to say that restricting these businesses is justified," she says, adding that no municipalities in Canada have, as yet, imposed a moratorium on new drive-thrus.

But a moratorium is in place in at least one city in the U.S. San Luis Obispo, a city of about 45,000 people on California's central coast, has banned construction of new drive-thrus since the early 1980s. While a few of the lanes in place before the ordinance have been allowed to remain, no new drive-thrus have come to town in more than two decades.

Doug Davidson, deputy director of the San Luis Obispo community development department, doesn't recall the exact impetus for the passing of the ordinance but says it has a lot of upsides—lessening noise pollution, easing traffic, and possibly reducing air pollution among them. Moreover, the citizenry seems to embrace it, for the most part. He says there have been a few attempts over the years, mostly by local restaurants, to repeal the ordinance, but nothing has garnered enough momentum to have it overturned.

“There hasn't been a lot of opposition to it,” Davidson says. “We're kind of used to it, and some people are proud of it.”

Not everyone, though, is so fond of the ordinance. Keith Handley, owner of seven McDonald's restaurants in San Luis Obispo County (two without drive-thrus in the city of San Luis Obispo itself), is one opponent. He says it creates difficulty for the elderly, families with small children, and others who have a hard time getting in and out of a car.

“It's a terrible inconvenience,” he says.

It's also bad for business. Handley says customers complain about the lack of a drive-thru and that it's possible his restaurant loses out on business that goes to the grand-fathered-in restaurants with drive-thrus.

“It's more advantageous to have a drive-thru than not,” he says.

Mark Godward, president of Miami-based operations engineering consulting firm SRE, agrees. He says upward of 70 percent of a quick-serve's business can be done through the drive-thru during the breakfast daypart, and depending on the chain, it can play a significant part at lunch and dinner times as well.

Not having a drive-thru would put a restaurant at a huge disadvantage, he says. “If you're McDonald's going into [a market that has a moratorium on new drive-thrus] and Dunkin' Donuts has a drive-thru, then you know Dunkin' Donuts will have a huge advantage over you or vice versa.”

Earlier this year Handley led a charge to have San Luis Obispo's drive-thru ordinance repealed, but the city council voted down the proposal 3 to 2. He says it's possible that he will try again when a new council is in place, but for now there's little he can do.

Godward says that doesn't have to mean the death of prosperity and convenience in quick-serves. The industry is always evolving to meet a variety of challenges (think abolishing trans fats), and stepping up to face this one shouldn't be any different.

"There are some options that could be explored—none of them as effective as a drive-thru—but they could dilute the disadvantage of not having drive-thru to some extent," Godward says.

Already companies are starting to experiment with takeout.

"There are several things that we're investigating that are already seeking to address this issue," says Daren Haas, director of marketing for HM Electronics (HME), a drive-thru solutions provider.

One of those solutions is cell phone ordering, whereby customers can send in orders via a mobile Web browser or text message before reaching the restaurant. When they arrive on location, they'll be prompted by signage to park in dedicated spaces, where employee runners can deliver the food from inside.

HME, Haas says, is working to design a system that could detect when a specific car is in the designated spot—via video, magnetic, or ultrasonic means—so employees inside would know when to deliver that car's particular food order.

"That's where things are headed in the future," he says, adding that market tests could begin within the next two years.

Vetting The Drive-Thru: Facts from both sides of the argument.

For

- Drive-thrus can account for:
 - 70 percent or more of business during breakfast hours
 - More than 50 percent at lunch
 - 25–30 percent at dinner
- Eliminating a drive-thru could cost a restaurant 20 percent of its business.

Source: Mark Godward, president SRE

Against

- Idling a car for more than 10 seconds produces more carbon dioxide than restarting the engine.
- If every Canadian motorist avoided idling his vehicle for just three minutes a day, every day of the year, more than 1.5 million tons of carbon dioxide would be kept from entering the atmosphere.

Source: Natural Resources Canada

Section 16.50.150 – Drive-Through Facility or Use with Drive-Through Service

Sections:

16.50.150.1	Applicability
16.50.150.2	Purpose and Intent
16.50.150.3	Establishment
16.50.150.4	Special Use Standards
16.50.150.4.1	Minimum Stacking Requirements
16.50.150.4.2	Pedestrian Connections
16.50.150.4.3	Speaker Box
16.50.150.4.4	Hours of Operation
16.50.150.4.5	Location
16.50.150.4.6	Lighting

16.50.150.1 Applicability

This Section applies to an accessory use to a principal use such as a bank or fast food restaurant, designed to enable customers in parked vehicles to transact business with persons inside of the principal building.

16.50.150.2 Purpose and Intent

Products of the automobile age, drive-through facilities have become a common amenity for a specific range of uses, including banks, freestanding drug stores, and fast-food restaurants. A well designed drive-through on a parcel with adequate area can be convenient for motorists and have minimal impact upon the streetscape and pedestrians. Conversely, a poorly designed drive-through on a parcel of inadequate size can cause problems with traffic circulation and create areas that are hostile to the pedestrian. Moreover, drive-throughs have the potential to generate undesirable impacts for adjacent properties such as odors from vehicle exhaust and noise from engines, car stereos, and menu board speakers. The purpose and intent of this Section is to establish appropriate standards which allow for the typical range of activities while ensuring public safety and mitigating the associated impacts.

16.50.150.3 Establishment

Drive-through Facility or Use with Drive-through Service uses shall be allowed as provided in the Matrix: Use Permissions and Parking Requirements and shall comply with the development standards of the zoning district, the General Development Standards and this section.

16.50.150.4 Special Use Standards

16.50.150.4.1 Minimum Stacking Requirements

- A. Restaurants and retail establishments, such as drug stores, pharmacies, or beverage stores, shall provide not less than five (5) stacking spaces at or behind the menu board.
- B. Financial institutions shall provide not less than three (3) stacking spaces at or behind the pneumatic tube for the drive thru.
- C. Drive-through stacking lanes shall be delineated from other vehicular use areas by means of a landscaped divider median. Stacking lanes may include part of the drive aisles in a parking area.

Drive-Through Facility or Use With Drive-Through Service

City of St. Petersburg City Code – Chapter 16, Land Development Regulations

16.50.150.4.2 Pedestrian Connections

- A. Drive-through lanes that obstruct the pathway between parking areas and entries into the building shall be designed with a pedestrian crossing that is delineated by landscaping, curbing, raised or decorative pavement, and signage.
- B. Where a drive-through lane intersects a public or private sidewalk, the sidewalk pavement shall be continued through the driveway to clearly delineate the pedestrian network. The maximum width of a driveway shall be 24 feet at the intersection of a public sidewalk

16.50.150.4.3 Speaker Box

No drive-through speaker shall be oriented to face a single-family residential use or 'Neighborhood' zoning district.

16.50.150.4.4 Hours of Operation

When the drive-through facility abuts a residential use or 'Neighborhood' zoning district, drive-through services shall be prohibited between the hours of 12:00 a.m. and 6:00 a.m. weekdays and between 1:00 a.m. and 6:00 a.m. on Saturday and Sunday. This prohibition shall apply to any drive-through facility operating after September 10, 2007 except those facilities that were on that date, and continue to be, operating during the prohibited hours. Any drive-through facility that was legally operating during the prohibited hours on September 10, 2007 and ceases such operation for any period of time shall, thereafter, comply with this requirement that drive-through services are prohibited during certain hours.

16.50.150.4.5 Location

Drive-through facilities shall be located to take advantage of the first available alternative in the following prioritized list:

1. Interior side or rear yard when either yard abuts a non-residential use;
2. Street side yard when the interior side and rear yard abut an existing residential use or a "Neighborhood" zoning district, or when abutting a non-residential use, the interior side and rear yard are impractical due to the lot's physical constraints or concerns regarding vehicle and pedestrian safety.

16.50.150.4.6 Lighting

Lighting shall be shielded in accordance with the General Development Standards for lighting.

**CHAPTER 33.224
DRIVE-THROUGH FACILITIES**

(Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175966, effective 10/26/01; Ord. No. 177028, effective 12/14/02.)

Sections:

- 33.224.010 Purpose
- 33.224.020 When These Regulations Apply
- 33.224.030 Setbacks and Landscaping
- 33.224.040 Vehicular Access
- 33.224.050 Stacking Lane Standards
- 33.224.060 Off-Site Impacts

33.224.010 Purpose

The regulations of this chapter are intended to allow for drive-through facilities by reducing the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this chapter are to:

- Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
- Promote safer and more efficient on-site vehicular and pedestrian circulation;
- Reduce conflicts between queued vehicles and traffic on adjacent streets.

33.224.020 When These Regulations Apply

A. Uses. The regulations of this chapter apply to all uses that have drive-through facilities.

B. Site development.

1. Except as specified in Paragraph B.2, below, the regulations of this chapter apply only to the portions of the site development that comprise the drive-through facility. The regulations apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility. Drive-through facilities are not a right; the size of the site or the size and location of existing structures may make it impossible to meet the regulations of this chapter. Chapter 33.266 contains additional requirements regarding vehicle areas.
2. The site development standards of Sections 33.224.030 through 33.224.050 do not apply to drive-through facilities that do not involve any interactive service or communication with the customer.

C. Parts of a drive-through facility. A drive-through facility is composed of two parts – the **stacking lanes** and the **service area**. The stacking lanes are the space occupied by vehicles queuing for the service to be provided. The service area is where the service occurs. In uses with service windows, the service area starts at the service window. In uses where the service occurs indoors, the service area is the area within the building where the service occurs. For other development, such as gas pumps, air compressors, vacuum cleaning stations, the service area is the area where the vehicles are parked during the service.

33.224.030 Setbacks and Landscaping

All drive-through facilities must provide the setbacks and landscaping stated below.

- A. Abutting an R zone.** Service areas and stacking lanes must be set back 5 feet from all lot lines which abut R zones. The setback must be landscaped to at least the L3 standard.
- B. Abutting a C, E, or I zone.** Service areas and stacking lanes must be set back 5 feet from all lot lines which abut C, E, or I zones. The setback must be landscaped to at least the L2 standard.
- C. Abutting a street.** Where allowed by Chapter 33.266, Parking and Loading, service areas and stacking lanes must be setback 5 feet from all street lot lines. The setback must be landscaped to at least the L2 standard.

33.224.040 Vehicular Access

All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance.

33.224.050 Stacking Lane Standards

These regulations ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lands.

- A. Gasoline pumps.** A minimum of 30 feet of stacking lane is required between a curb cut and the nearest gasoline pump.
- B. Other drive-through facilities.**
 - 1. Primary facilities. A minimum of 150 feet for a single stacking lane or 80 feet per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured from the curb cut to the service area. Stacking lanes do not have to be linear.
 - 2. Accessory facilities. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.
- C. Stacking lane design and layout.** Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation.
- D. Stacking lanes identified.** All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, and signs.

33.224.060 Off-Site Impacts

Drive-through facilities must meet the off-site impact standards of Chapter 33.262, Off-Site Impacts. When abutting R zoned land, drive-through facilities with noise generating equipment must document in advance that the facility will meet the off-site impact noise standards. Noise generating equipment includes items such as speakers, mechanical car washes, vacuum cleaners, and exterior air compressors.

ORDINANCE NO. 2013-05

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, RELATING TO THE ZONING CODE OF THE TOWN OF MELBOURNE BEACH AND DRIVE-IN, DRIVE-UP, OR DRIVE-THROUGH FACILITIES AS A NON-CONFORMING USE AND STRUCTURE; MAKING FINDINGS; AMENDING SECTIONS 1A-3 AND 7A-84, APPENDIX A, TOWN CODE OF THE TOWN OF MELBOURNE BEACH, FLORIDA; REVISING DEFINITIONS; REVISING PROVISIONS RELATING TO NONCONFORMING DRIVE-IN, DRIVE-UP, OR DRIVE-THROUGH FACILITIES; PROVIDING FOR SEVERABILITY AND INTERPRETATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, drive-through, drive-in, and drive-up facilities, which generally serve commercial facilities, as a use were designated as prohibited uses in the 6-B, 7-C, and 8-B zoning districts;

WHEREAS, one of the reasons for prohibiting drive-through, drive-in, and drive-up facilities is that they are high motor vehicle traffic generators;

WHEREAS, another reason for prohibiting drive-through, drive-in, and drive-up facilities is that because they are high traffic generators, these uses tend to disrupt a pedestrian friendly small town atmosphere of a community such as Melbourne Beach;

WHEREAS, notwithstanding the prohibition of drive-through, drive-in, and drive-up facilities, as of January 1, 2013, there remain two such facilities in the Town;

WHEREAS, both drive-through, drive-in, and drive-up facilities are actually drive-through type facilities and serve banks/financial institutions;

WHEREAS, one of the drive-through facilities, serves an existing Bank of America in the 7-C zoning district;

WHEREAS, the other drive-through facility serves the BB&T Bank, which is located in the 8-B zoning district;

WHEREAS, both drive-through facilities are accessory uses, and the principal use which they serve are banks and financial institutions;

WHEREAS, both drive-through facilities are non-conforming uses;

WHEREAS, both drive-through facilities should continue as non-conforming uses so long as the principal use to which they are an accessory use continues and is unchanged;

WHEREAS, if the principal use (banks and financial institutions) changes, then the drive-through use should be declared to be discontinued or abandoned;

WHEREAS, the Planning and Zoning Board, also sitting as the Local Planning Agency, finds that this Ordinance is actually a clarification of existing law;

WHEREAS, the Town's adopted Comprehensive Plan includes in its Future Land Use Element, including the following objectives and policies which are supportive of this Ordinance, including:

Objective 1.0: Ensure that new construction, new development, expansion, *and/or redevelopment*, within existing neighborhoods maintains the scale and character of existing structures.

Policy 1.1: Continually review and analyze development and redevelopment trends in Melbourne Beach and elsewhere. Adopt ordinance amendments, if existing regulations are found insufficient to maintain the scale and character of existing structures in neighborhoods throughout the Town.

Objective 6.0: Improve [the] existing Code of Ordinances.

Policy 6.1: Periodically review existing development regulations to ensure that they are consistent with changes within the community and that they reflect, to the extent possible, improvements in methods and practices in the regulation of land-uses.

WHEREAS, provisions in this Ordinance accomplishing the foregoing are found to be consistent with Future Land Use Element Objectives 1.0 and 6.0 and Policies 1.1 and 6.1; and

WHEREAS, the Town Planning & Zoning Board, sitting as the Local Planning Agency, finds that based on the foregoing Objective and Policies in the Comprehensive Plan, among others, this Ordinance is consistent with the Town's Comprehensive Plan.

BE IT ENACTED BY THE TOWN OF MELBOURNE BEACH, FLORIDA:

SECTION 1. That Section 1A-3, Appendix A of the Town Code of the Town of Melbourne Beach, Florida, is hereby amended to read as follows:

§ 1A-3. DEFINITIONS.

For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

DRAINAGE. The removal or conveyance of water from an area.

* * *

DRIVE-IN, DRIVE-UP, OR DRIVE-THROUGH. Any use which by design, physical facilities, service or procedure encourages or permits customers, consumers, or other persons, to receive services, obtain goods, food, money, or information, or be entertained, while remaining in their motor vehicles. This term includes "drive-in", "drive-up", and "drive-through or similar types of facilities.

* * *

DUNE. A mound or ridge of loose sediments, usually sand-sized, lying landward of the beach, and deposited by natural or artificial means.

* * *

SECTION 2. That Section 7A-84, Appendix A of the Town Code of the Town of Melbourne Beach, Florida, is hereby amended to read as follows:

7A-84. USES OF STRUCTURES AND PREMISES IN COMBINATION.

(a) If a lawful use involving individual structures, or of a structure and premises in combination, exists on September 26, 1972, or on the effective date of an amendment to the Land Development Code making said structure or structure and premises nonconforming, that would not be allowed in the district under the terms of this Land Development Code, the lawful use may be

continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No existing structure devoted to a use not permitted by this code Article in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(2) Any nonconforming use may be extended through any parts of a building which were manifestly arranged or designed for such use existing on September 26, 1972, or on the effective date of an amendment making same nonconforming, but no such use shall be extended to occupy any land outside such building.

(3) Any structure, or structure and land in use if superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;

(4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in

combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this chapter is defined as damage to an extent of more than 50% of the replacement cost at time of destruction.

(6) Nonconformities not involving the use of a principal structure (for example, open storage, building supplies, vehicles, mobile homes, implement and machinery storage, junkyards, commercial animal yards, and the like), shall be discontinued within two years of the effective date of this Land Development Code.

(7) The casual, intermittent or temporary use of land or structures shall not be sufficient to establish the existence of a nonconforming use. Such use shall not be validated by the adoption of this Land Development Code, unless it complies with the terms of this Land Development Code.

(b) Drive-in, drive-up, or drive through facility. The use of a structure and premises as a drive-in, drive-up, or drive through use is specifically prohibited in the 6-B, 7-C, and 8-B zoning districts. As of January 1, 2013, two drive-in,

drive-up, or drive-through uses and structures existed in the town, one in the 7-C zoning district and one in the 8-B zoning district. Those uses constitute a non-conforming use of the premises and structure and also constitute an accessory use to a principal use and structure bank and financial institution. Notwithstanding any other provision of this code, if at any time the use of the bank and financial institution to which the drive-in, drive-up, or drive-through facility is an accessory use is changed to any other use, either in whole or in part and regardless of whether the new principal use is permitted, the accessory use will be deemed to be discontinued or abandoned, and the structure, or structure and use of the premises in combination, shall not thereafter be used as a drive-through.

SECTION 5. Severability/Interpretation Clause.

(a) In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) In interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

(1) Words underlined are additions to existing text.

(2) Words ~~stricken through~~ are deletions from existing text.

(3) Asterisks (* * *) indicates a deletion from the Ordinance of text existing in the Code of Ordinances. It is intended that the text in the Code of Ordinance denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

(c) Section 4. of this Ordinance shall not be codified.

SECTION 6. Effective Date. This Ordinance shall become effective upon adoption.

PASSED by the Town Commission of the Town of Melbourne Beach on first reading on the 21st day of August, 2013, and ADOPTED by the Town Commission of the Town of Melbourne Beach, Florida, on final reading on the 18th day of September, 2013.

TOWN OF MELBOURNE BEACH,
FLORIDA

ATTEST:

Marie Fox, Interim
Town Clerk

By: _____
Rocco Maglio, Mayor

(TOWN SEAL)



OLD FLORIDA NATIONAL BANK 1901 EDGEWATER DR.



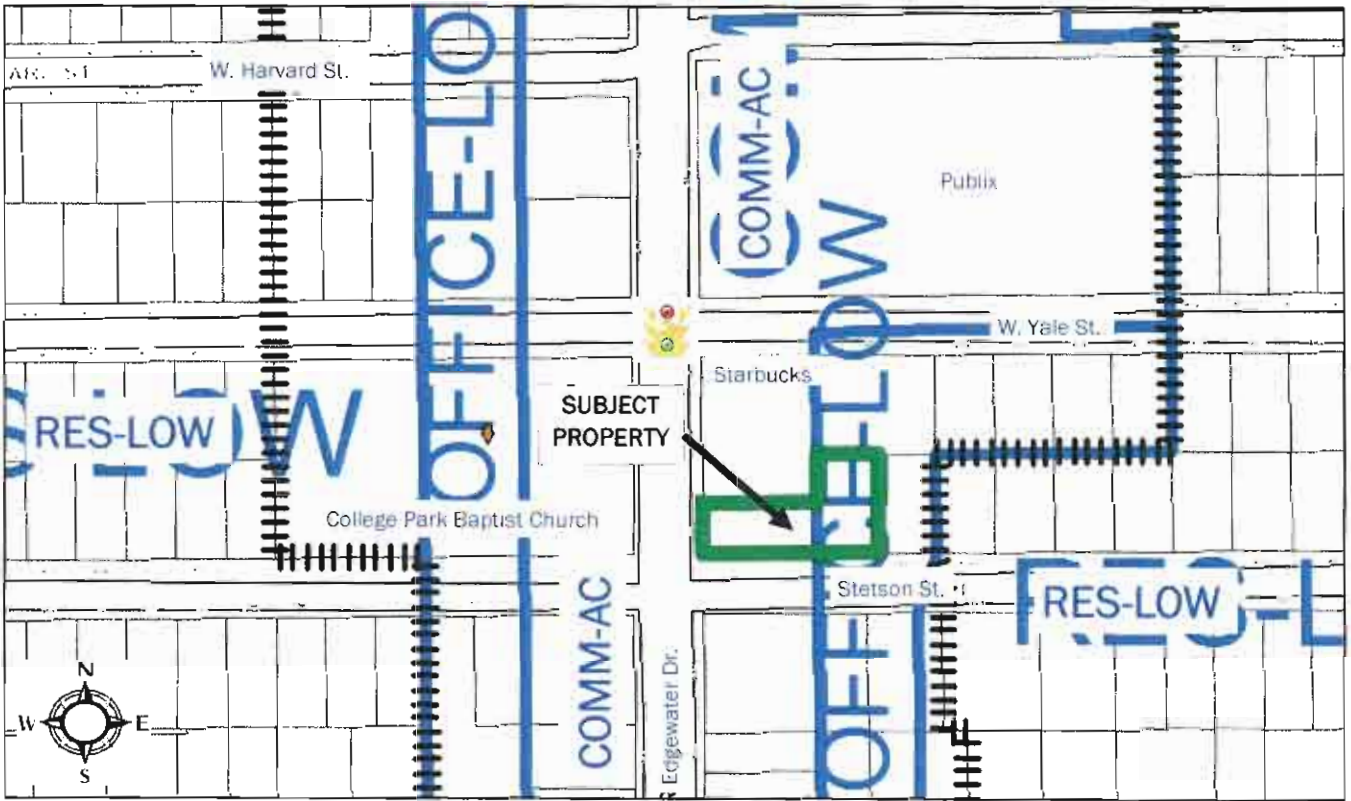
Location Map

 Subject Site

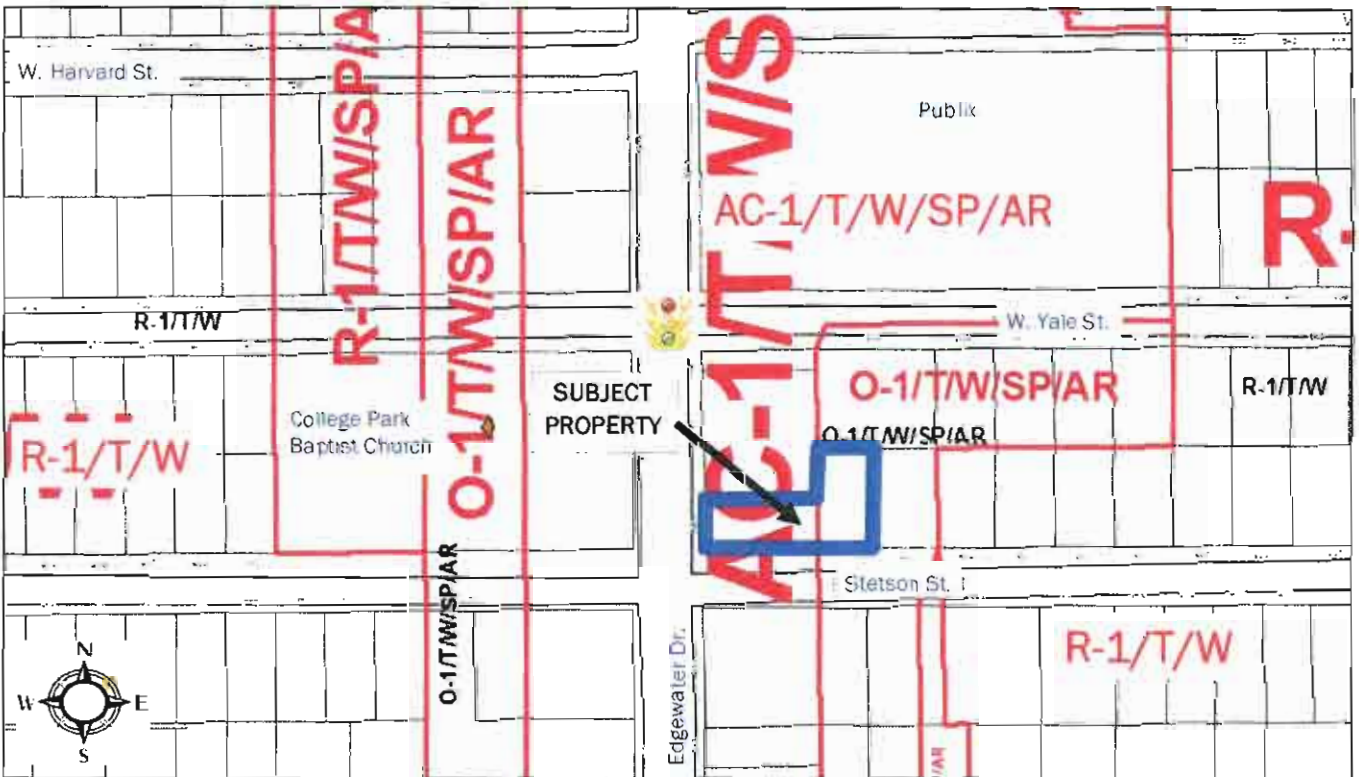
SUMMARY

<p>Applicant Michael Beale, CEO Bishop Beale Realty, LLC</p> <p>Owner Suzanne Grantham Trust</p> <p>Project Planner Jim Burnett, AICP</p> <p><i>Updated: September 6, 2013</i></p>	<p>Property Location: 1901 Edgewater Dr. (northeast corner of Edgewater Dr. and Stetson St.) (Parcel ID #14-22-29-1478-00-070, ±0.27 acres, District 3)</p> <p>Applicant's Request: The applicant is requesting a Conditional Use Permit (CUP) to allow a drive-through for a proposed bank.</p> <p>The property is designated as Community Activity Center and Office Low Intensity on the City's Future Land Use Map. The property is zoned AC-1/T/W/SP/AR (Community Activity Center, Traditional City Overlay, Wekiva Overlay, Edgewater Dr. Special Plan Overlay/Appearance Review District) and O-1/T/W/SP/AR (Low Intensity Office - Resi-</p>	<p>dential, (with same overlays as previous zoning).</p> <p>Staff Recommendation: Approval of the CUP, subject to conditions in this staff report.</p> <p>Public Comment: Courtesy notices were mailed to property owners within 300 ft. of the subject property the week of September 2, 2013. As of the mail-out of the staff report, staff has received no comments from the public relative to the CUP request.</p>
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FUTURE LAND USE MAP



ZONING MAP



PROJECT ANALYSIS

Project Description

The applicant is requesting a Conditional Use Permit (CUP) to re-establish a drive-through on a new retail bank in the AC-1/T/W/SP/AR and O-1/T/W/SP/AR zoning districts. The property was originally constructed as a bank with a single drive-through window in 1976 but has been operating as an art studio since 2004, with the drive-through window closed off. A Conditional Use Permit is required for any use with a drive-through lane when located in the AC-1/T/W/SP/AR zoning district.

Previous Actions

1925: Property platted as part of College Park Subdivision.

1976: 1,636 (gross) sq. ft. Winter Park Federal Savings & Loan constructed on the property (later converted to Pioneer Bank).

1993: Building converted to general office.

2004: Property acquired by current owner, building converted to non-public art studio (Metalworks Gallery).

Project Context

The subject site is located at the northeast corner of Edgewater Dr. and Stetson St. in the College Park neighborhood. The bank will occupy an existing 1,636 sq. ft. single-story building with a previously existing 9-ft. wide drive-through lane and eight (8) paved parking spaces. Full ingress and egress to the site is from Stetson St., with additional “right-turn only” egress from the drive-through lane onto northbound Edgewater Dr. (see Table 1 below for additional details on adjoining properties).

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Existing Uses</i>
North	Community Activity Center (COMM-AC) & Office Low Intensity (OFFICE-LOW)	AC-1/T/W/SR/AR (Community Activity Center, Traditional City Overlay, Wekiva Overlay, Edgewater Dr. Special Plan Overlay/Appearance Review District) & O-1/T/W/SP/AR (Low Intensity Office - Residential, (same overlays as previous)	Parking Lot & Offices
South	(Across Stetson St.) COMM-AC & OFFICE-LOW	AC-1/T/W/SR/AR & O-1/T/W/SP/AR	Offices
East	OFFICE-LOW	O-1/T/W/SP/AR	Single-Family Home
West	(Across Edgewater Dr.) COMM-AC	AC-1/T/W/SP/AR	College Park Baptist Church

Conditional Use Permit Criteria (LDC Section 65.285)

The Municipal Planning Board and City Council shall consider the following factors in their review of Conditional Use Permit applications:

1. **Purpose and Intent.** The purpose and intent of the use and all other requirements of the LDC.
2. **Growth Management Plan (GMP).** The consistency of the proposal with all applicable policies of the City's adopted GMP.
3. **Compatibility.** The compatibility of the proposal with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, drainage, dust, lighting, appearance, etc.
4. **Public Facilities and Services.** Will necessary public facilities (both on- and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. be adequate to serve the proposed use.
5. **Residential Displacement.** Determine the extent to which the proposed use, location and building site design would displace existing residential uses on the site or would encourage displacement of residential uses adjacent to the site, and consider alter native uses, locations and/or site designs which could minimize residential displacement.
6. **Other Matters.** Any other matter which the Board/Council may deem appropriate and relevant to the specific proposal.

Purpose and Intent

The purpose of the request is to re-establish a retail bank with a single drive-through on the property. Within the AC-1/T/W/SP/AR zoning district, drive-through facilities require a Conditional Use Permit.

Conformance with the GMP and Zoning

The property is in the Community Activity Center and Office Low Intensity future land use designations and is zoned AC-

1/T/W/SP/AR (Community Activity Center, Traditional City Overlay, Wekiva Overlay, Edgewater Dr. Special Plan Overlay, Appearance Review Overlay) and O-1 (same overlays as previous AC zoning). The existing building was originally constructed as a bank in 1976. There is no minimum lot size in the AC-1/T/W/SP/AR zoning district but there is a minimum 5,500 sq. ft. lot size requirement in O-1/T/W/SP/AR zoning. The 11,761.2 sq. ft. lot (0.27 ac.) is consistent with the AC-1/T/W/SP/AR & O-1/T/W/SP/AR lot requirements.

Compatibility. The property is abutted by other office uses to the north and south. The bank will have similar hours as an office use and less parking usage than adjacent office and single-family uses.

Public Facilities and Service. Public facilities already exist to serve the proposed bank with drive-through. Any on-site lighting for the bank must be shielded away from nearby residential uses and be shut off (except for security lighting) when the bank is closed.

Residential Displacement. No residential uses will be displaced via the proposed bank with drive-through use.

Additional Analysis

Table 2 (below) depicts applicable development standards for the subject property. Any new buildings, paved parking areas, permanent landscaping, fences and signs must be permitted prior to construction, and must meet all applicable City Codes with regard to setbacks, size and height per the development standards.

<i>Proposed Use</i>	<i>Front Setback (EdgewaterDr) (AC-1/T) (Min./Existing)</i>	<i>Street Side Setback (Stetson St.) (AC-1/T et al) (Min./Existing)</i>	<i>Side Setback (north) (AC-1/T et al) (Min./Existing)</i>	<i>Rear Setback (east) (O-1/T et al) (Min./Existing)</i>	<i>Non-Res. FAR (AC-1/T et al & O-1/T et al) (Min./Existing)</i>	<i>ISR (AC-1/T et al & O-1/T et al) Max./Existing</i>
Bank w. Drive-Through	0 ft./ ±36 ft.	0 ft./ ±11.9 ft.	0 or 3 ft./ ±9.8 ft.	20 ft./ +87.5 ft.	0.35/ ±0.09	85% & 70%/ 74% (overall)

Overlay Districts

The property is located in several overlay districts: Traditional City (LDC Section 62 Part 6), Wekiva (LDC Section 58.2AH), and Edgewater Special Plan/Appearance Review (LDC Section 62.309). The building predates the adoption and implementation of the Traditional City Overlay district, but the change of use from an art gallery/office back to a bank with a drive-through requires several Traditional City and Edgewater Dr. site upgrades (see conditions beginning on page 9 of this report).

Transportation Planning

Parking. Parking for the proposed bank with drive-through is based on LDC Section 61.322, Figure 27, as shown in Table 3 below. Paved parking for the new bank with drive-through already exists behind the existing gallery/office (see Site Plan on page 6 of this report).

Traffic. Sole access to the site is from Stetson St., a 60-ft. R-O-W with a 25-ft. wide paved surface. Stetson St. intersects Edgewater Dr. at the southwest corner of the site; the intersection is not signalized. The intersection

<i>Use</i>	<i>Minimum Ratio</i>	<i>Min. Required</i>	<i>Maximum Ratio</i>	<i>Max. Allowed</i>
Bank w. Drive-Through (1,118 sq. ft.)	2.5 spaces/1,000 sq. ft. gross floor area (GFA)	3 spaces	7 spaces/1,000 sq. ft. GFA	8 spaces
Total Provided	8 spaces (including 1 handicapped space)			

of W. Yale St. and Edgewater Dr. (to the north) is signalized.

Bank traffic will ingress and egress onto Stetson St. Drive-through traffic will be afforded a “right-out only” onto northbound Edgewater Dr. Since there is no room for a required vehicular bypass lane, staff is requiring a cross-access easement along the adjacent Publix overflow lot to provide an additional egress point onto Edgewater Dr. or W. Yale St. Recording and eventual use of this cross-access easement should promote safety, while minimizing negative impacts to the City’s roadway network.

Pedestrianism. The proposed bank with drive-through is not currently served by LYNX transit. Staff is requesting that a bicycle rack/station be located on the bank property.

There are sidewalks on both sides of Stetson St. and Edgewater Dr. An internal sidewalk already connects the gallery/office to the existing sidewalk on Edgewater Dr.

Architecture/Urban Design

The existing structure was built as a bank, so very few exterior changes are being made to the building.

Buffers & Landscaping. Per LDC Section 60.262, Figures 6 & 7, a bufferyard “B”, with a minimum 10-ft. deep buffer with a 5-ft. tall wall or durable landscape screen at least 4 ft. tall at planting and grown to 5 ft. in height one year after planting, is required on the east side of the property where the bank will abut a single-family residence. Existing landscaping and buffers shall be augmented with additional plantings to bring the site up to Code.

Signage. Sign allowances are based on the requirements of LDC Section 64.201 (see Table 4 at right). Any new on-site signage will need permits prior to sign fabrication and placement. Digital reader/message board signs are prohibited.

School Impacts

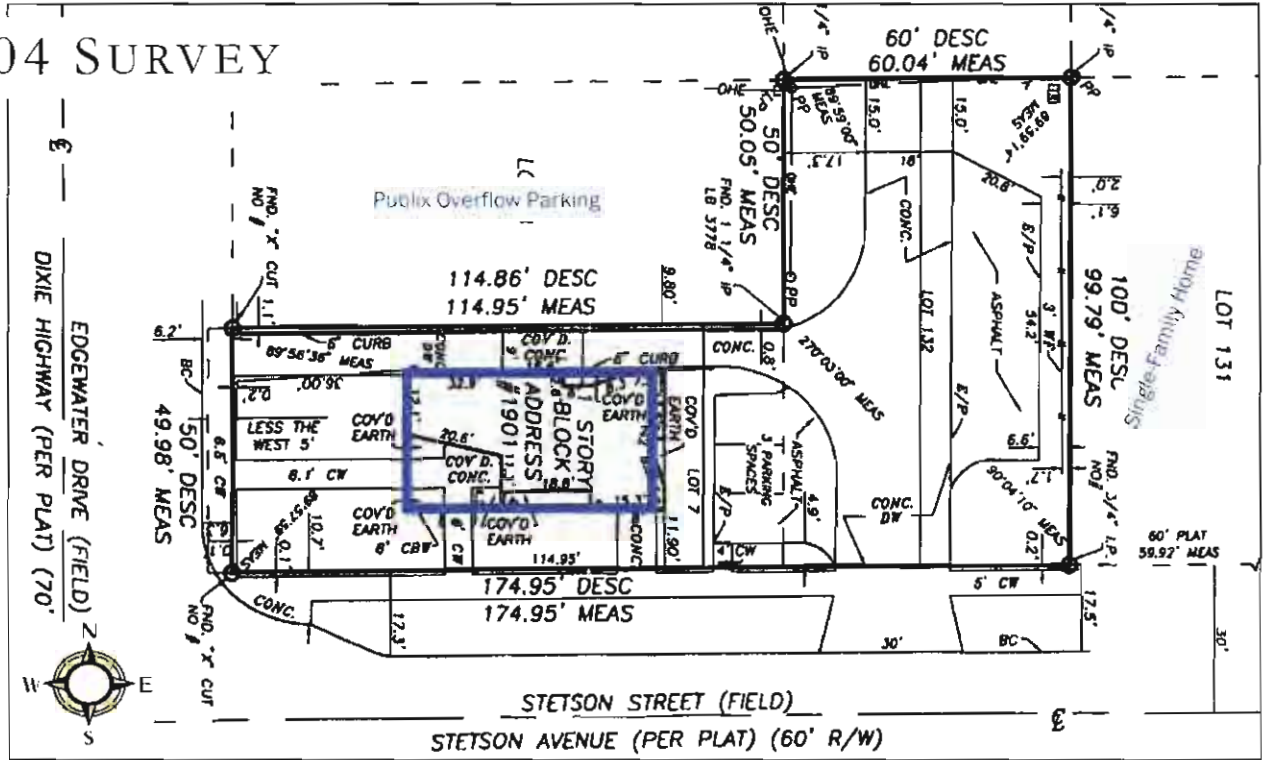
(Not applicable, as the use will be a non-residential bank with drive-through.)

Building Frontages	Sign Allowance	Maximum Area (square feet)
28.5 ft. (on Edgewater)	2 sq. ft./1 linear ft. of building frontage	57
52 ft. (on Stetson)	1 sq. ft./1 linear ft. of building frontage	52
	Total	109

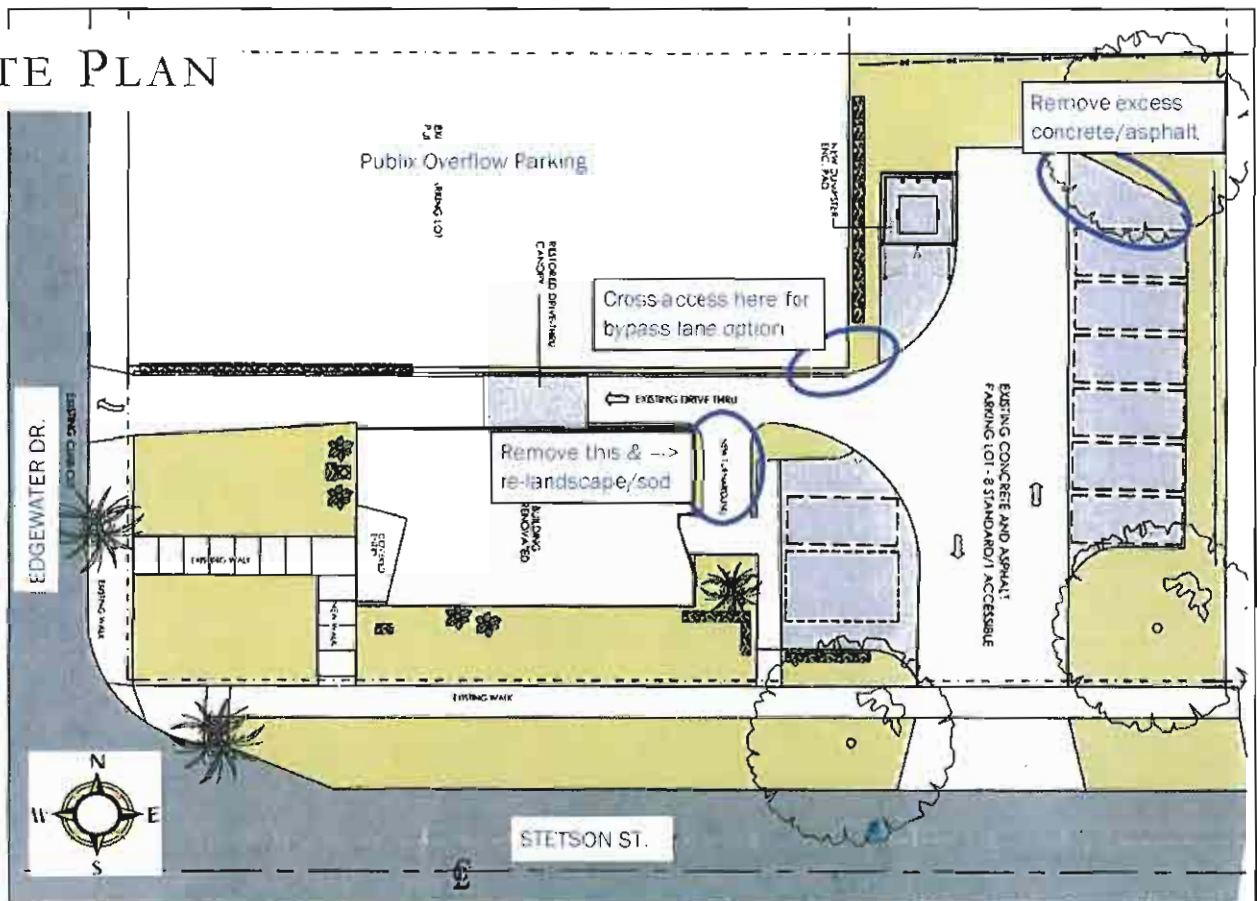
2012 AERIAL PHOTO



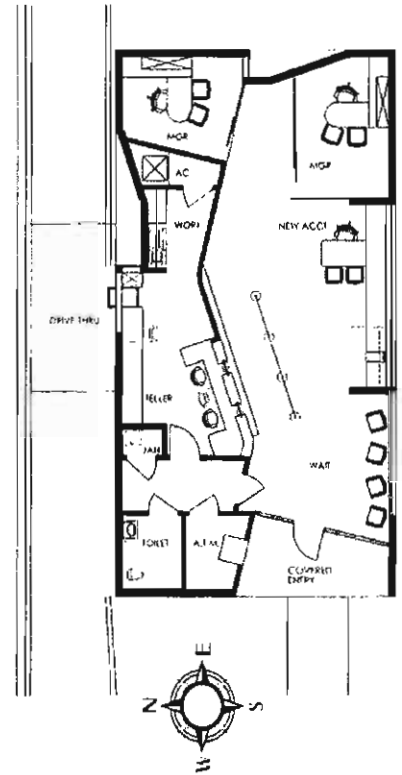
2004 SURVEY



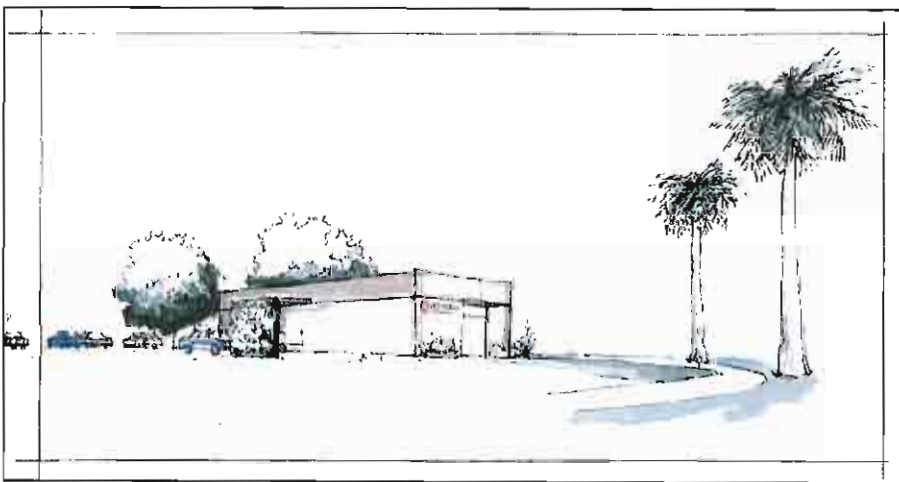
SITE PLAN



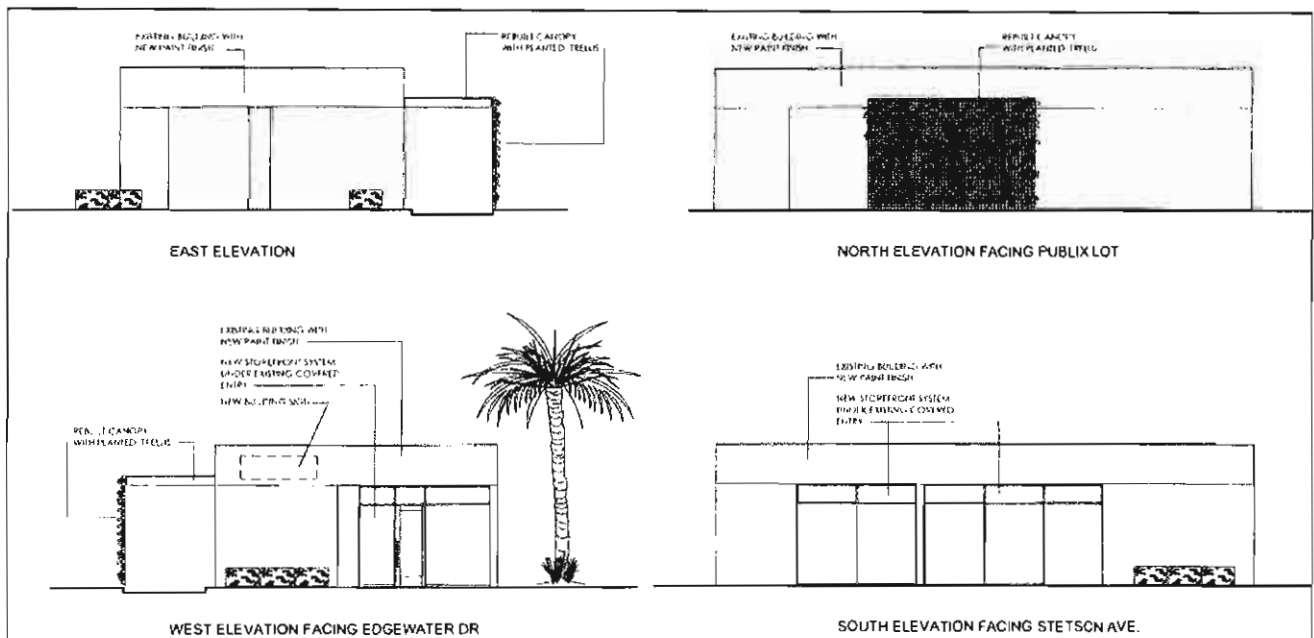
FLOORPLAN



PERSPECTIVE FROM SOUTHBOUND EDGEWATER



BUILDING ELEVATIONS



SITE PHOTOS



Front elevation, facing Edgewater Dr., with drive-through on left.



Stetson St. elevation.



Ingress/egress from Stetson St., with parking to left and right.



Rear view of bank building and drive-through lane.

FINDINGS

Staff finds that the proposed Old Florida National Bank Drive-Through CUP is consistent with the requirements for approval of Conditional Use Permit applications contained in Section 65.285 of the Land Development Code (LDC):

1. The CUP request is consistent with the City's Growth Management Plan.
2. The CUP request is consistent with the City's Land Development Code.
3. The proposed development meets the standards for development in the AC-1/T/W/SP/AR and O-1/T/W/SP/AR zoning districts.

Staff Recommendation

Based on the information provided in the staff report and the findings noted above, staff recommends approval of the Old Florida National Bank Drive-Through CUP, subject to the conditions in this staff report.

CONDITIONS OF APPROVAL (REQUIRED)

Land Development

1. Impervious Surface Ratio (ISR) - ISR is limited to 85% for that portion of the property zoned AC-1/T/W/SP/AR, and 70% for that portion of the property zoned O-1/T/W/SP/AR.
2. Approved Site Plan - The Conditional Use Permit is valid only for the site plan shown on page 6 of this staff report and any changes necessary as a condition of this staff report. The CUP is not transferable to another property.
3. Parking - Per LDC Section 61.322, Figure 27, a minimum of 3 and a maximum of 8 parking spaces are required for the bank.
4. Floor-Area-Ratio (FAR) - The existing building has a non-residential FAR of 0.09, which is less than the required minimum 0.35 FAR for AC-1/T/W/SP/AR zoning (building is considered existing non-conforming and is not being increased or decreased in size).
5. Signage - Not more than 109 sq. ft. of signage is allowed for the bank. All signs shall be permitted prior to fabrication and placement.
6. Excess Pavement/Concrete - Excess pavement and concrete on the grounds and in the parking lot shall be removed and replanted with either sod or landscaping.
7. Cross-Access/Drive-Through Bypass - A cross-access easement shall be provided/constructed to allow vehicles to bypass the drive-through lane through the Publix Overflow lot to the northwest. The proposed turnaround (to be located south of the two parking spaces north of the bank building) shall be converted back to sod and/or appropriate landscaping.
8. East Buffer - A bufferyard "B", with a minimum 10-ft. deep buffer with a 5-ft. tall wall or durable landscape screen at least 4 ft. tall at planting and grown to 5 ft. in height one year after planting, is required on the east side of the property where the bank abuts an existing single-family residence.

Urban Design

1. An Appearance Review shall be required prior to submitting for permitting, and prior to building permits being issued. If a review meeting is not possible, all applicable drawings may be emailed for review to the Urban Design reviewer.
2. Lighting - A signed and sealed lighting plan consistent with Orange County's lighting ordinance (Ord. No.2003-08, §1,6-3-03) or a Photometric Plan subject to approval by the Planning Official shall be submitted with permitting drawings. You can access the OC lighting ordinance online at: <http://www.orangecountyfl.net/cms/DEPT/growth/planning/urban/default.htm>.
 - a. Due to the possibility of mixed uses in areas that allow both residential and commercial uses, all lighting fixtures utilized in the Edgewater Dr. Special Plan shall be cut-off or fully shielded to reduce glare, mitigate light pollution and reduce spill over lighting into surrounding properties.
 - b. Parking areas: Light fixtures shall be a maximum of 30-ft. in height and shall not be located in the landscape island. To keep light rays and glare from encroaching onto adjacent properties, illumination shall be installed with houseside shields and reflectors to confine the light rays to the premises. Wattage shall not exceed 400 watts per bulb.
 - c. Security Lighting: Security lighting shall not extend beyond the fascia or roofline of any building. Shields for security lighting shall be similar in color with the surface to which the fixture is attached.
 - d. Pedestrian Areas/ Street Lights: All street-level pedestrian areas shall be adequately-lighted. Lighting fixtures shall be decorative in appearance, style and finish and shall not exceed 15' in height. Lighting under awnings, canopies, porte-cocheres, and the like, should be recessed. If not recessed, the box type or other lighting fixture shall be opaque on all sides and be full -cutoff (no light shall emanate from any side of the fixture) Backlit awnings and canopies are prohibited.
3. Fences/Walls - A fence is shown on the site plan along the eastern edge of the property abutting a single-family home. Any fencing on the site shall be an open, CPTED-approved fence, such as aluminum or wrought-iron picket fencing. Chain link fences are prohibited. Fences along the east side of the property shall be no taller than 6 feet.

CONDITIONS OF APPROVAL (REQUIRED)

4. Utilities and Mechanical Equipment - All ground-level, wall and roof-mounted mechanical equipment (i.e. water meters, valves, pipes and pressure systems, transformer pads, backflow preventers etc.) shall be screened from view from the public right-of-way. The current survey and site plan do not show locations of AC units; ground level utilities and mechanical equipment, including all AC units, shall be screened by a wall to match the materials of the building, and/or shrub hedging, a minimum of 3 ft. tall at time of planting. All rooftop mechanical equipment shall be integrated into the overall mass of the building by screening the equipment behind parapets or by recessing equipment into the roof system.
If any street light poles are being proposed, these shall be kept out of the pedestrian path.
5. Dumpster - The dumpster enclosure shall be constructed of durable opaque materials, such as concrete masonry or poured concrete (wood fencing is **not** acceptable). The exterior finishes of the enclosure shall match those of the principal building. The base of the enclosure shall be landscaped with evergreen groundcovers or small shrubs. The enclosure shall have opaque, locking doors.
6. Building Design - Façade Articulation/Treatments
 - a. Architectural proportions, materials and details should be authentic to the architectural style of the building.
 - b. Architectural details and articulation, such as projections and recesses, transparency, material changes, or similar should be utilized at intervals of no more than 25-60 linear feet to prevent blank walls and inactive building facades at ground level.
 - c. Pedestrian-friendly elements such as awnings, canopies, colonnades, overhangs and other such treatments should be incorporated along pedestrian paths and streets.
 - d. Building shall have a clearly defined, highly visible customer entrance. The proposed covered entry may incorporate a distinctive architectural treatment/feature to emphasize this location.
 - e. Rear elevation that face parking area may contain a lesser degree of architectural details but shall include appearance and complexity similar to the front of the building, including window trim.
 - f. Any architectural treatments on the front façade shall be continued around the side of the building (Streetside frontage). This will also be reviewed at the time of building permit submittal.
7. Signs - All signage shall meet the requirements of Chapter 64, including specific requirements within the Edgewater Drive Special Plan. Signage plan documents will be reviewed at the time of permit submittal. All signs on the Property must conform to a unified design aesthetic and shall be of high quality materials. Cabinet signs are not approved unless they have indented lettering or reflect a high quality treatment; Channel lettering is preferred.
8. Landscaping

General

 - a. Trees placed underneath overhead electric lines (any plantings along Edgewater Dr) shall be of a type that will not naturally exceed 20 feet in height at maturity. Canopy trees shall not be planted closer than 15' from overhead electric lines.
 - b. Landscaping beds must be mulched to a depth of at least 2.5". All mulch must be organic and cypress mulch is prohibited. Approved mulch varieties include pine bark nuggets, pine straw, shredded oak pallets, melaleuca, and eucalyptus.
 - c. Plants listed by the Florida Exotic Pest Plant Council as a Category I or II invasive exotic may not be installed on the property.
 - d. Hedges should be a minimum of 30-inches in height at installation and be maintained to a minimum height of 36-inches after the first year. Individual shrubs in hedge should be installed at a minimum spacing of 30-inches between plants along the entire length of the fence line. Existing shrubs along south edges of parking lot shall be augmented or replaced with new shrubs to soften the view from residences to the east and southeast.
 - e. Irrigation systems must be designed and maintained with industry standard water efficiency measures or equipment, such as 1) a weather-based evapotranspiration controller, 2) zoned soil-moisture sensors, or 3) a low volume system using drip emitters for shrubs and groundcover and flood bubblers for trees. Impact sprinklers are prohibited.
At least half of all installed shrub and groundcover and at least 70% of all installed trees must be drought tolerant species native to Central Florida.

ROW/Street trees

 - a. A new street tree shall be installed in the parkway, between the existing Stetson St. driveway and Edgewater Dr. The tree shall be a native canopy, with a minimum caliper of 3 in. and a minimum overall height of 12-ft. The applicant shall coordinate placement with the City Parks Division, with any changes as required by Parks Division.
 - b. At least one understory tree, palm, or canopy tree shall be planted between the principal building and the Edgewater Dr. sidewalk. Understory or canopy trees shall be at least 3 in. caliper and 10-12 ft. height; palms shall have a clear minimum of at least 7 ft.
9. Pedestrian Connections - A five (5) ft. wide City Services easement shall be provided on the front face of the property (along Edgewater Dr) for purposes of sidewalk expansion. The easement shall be measured from the front property line.

REQUIRED CONDITIONS (CONTINUED)

Crosswalks at driveways and curb-cuts shall be raised to be at same grade as sidewalk adjacent to the driveway in order to clearly define the pedestrian area. The crosswalk surface shall be treated with the same streetscape treatment materials as the sidewalk surface, or a contrasting material color or texture from the vehicular path (stamped concrete). Reflective paint alone is not acceptable, however may be used in conjunction with pavers or other surface to outline the pedestrian path for night time safety.

10. Bike Facilities - A bike rack shall be provided in an area that allows for natural surveillance from inside the building, or from an active part of the building. Consider placing it near the front door or on the rear side on the parking lot.
11. Drive-Through - Per the Edgewater Drive Special Plan, drive-through facilities shall be fully enclosed. Plans suggest a re-stored drive-through canopy with a green screen/planted trellis. Plant material selection (as provided on a landscape plan) shall include species appropriate for this function and approved during the Appearance Review process.

Transportation Planning

1. Driveway Sight Distance - At all project entrances, clear sight distances for drivers and pedestrians shall not be blocked by signs, buildings, building columns, landscaping, or other visual impediments. No structure, fence, wall, or other visual impediment shall obstruct vision between 3 feet and 8 feet in height above street level. The street corner / driveway visibility area shall be shown and noted on construction plans and any future site plan submittals. The applicant shall design the site plan as necessary to comply with the street corner visibility requirements (LDC Sections 60.141-143) and the driveways and curb cuts requirements (Sections 61.101 -107). Sidewalk in front of the pedestrian access along Edgewater Drive shall be at least 5 feet wide, clear of obstacles.
2. Drive-Through - All drive-in facilities shall provide an on-site waiting area for vehicles awaiting drive-through service, in accordance with LDC Chapter 58, Part 4E, including but not limited to the following:
 - a. The waiting areas shall provide convenient or continuous access to the drive-in facility, and shall be located at or before any speaker box or the like, if included.
 - b. A by-pass aisle or an equivalent solution shall be required.
 - c. All waiting spaces, aisles and other related vehicular use areas shall be designed in accordance with applicable off-street parking design requirements of Chapter 61, Part 3.
 - d. The minimum number of waiting spaces shall be six (6) spaces for the proposed use.
3. Vehicle Turning Restriction - The proposed drive-through driveway reopening shall be constructed to restrict access to Right-Turn OUT ONLY. The traffic control signs/median /curb line shall be designed to support this restriction. All drive-through lane facilities shall be so located and designed that they will not create a traffic hazard or nuisance because of their location in relation to similar uses, buildings or proposed buildings on or adjacent to the building site and the traffic patterns from such uses or buildings. In addition, drive-through facilities shall be so located and designed as to minimize turning movements in relation to their driveway access to streets and intersections, and to minimize turning movements across bikeways, sidewalks and pedestrian access which may disrupt bicycles and pedestrian circulation within activity centers.

Transportation Impact Fees

1. Fees - Any new construction, change in use, addition, or redevelopment of a site or structure shall be subject to a review for Transportation Impact Fees. An estimated Transportation Impact Fee in the amount of \$11,847, based on the conversion of an ±1,118 sq. ft. art studio to a retail bank, will be due at the time of building permit issuance, subject to change upon final permit plan review. Credit will be granted based on the existing studio/office use.

For a copy of the complete ordinance or impact fee rate chart, you may reference our website at: <http://www.cityoforlando.net/planning/Transportation/ifees.htm>.

Any exemptions or credits against the Transportation Impact Fee must be reviewed prior to permit issuance. All Transportation Impact Fee Credits shall be initiated and processed by the Transportation Impact Fee Coordinator. Credit shall be available for the previous use located on the subject site.

2. Concurrency - All new construction, changes in use, additions or redevelopments are required to submit a Concurrency Management application as a part of the building plan review process. A Concurrency Management application is available on the City's website: <http://www.cityoforlando.net/permits/forms/concurrency.htm>. The applicant shall comply with all applicable requirements of Chapter 59, the Concurrency Management Ordinance, to ensure that all public facilities and services are available concurrent with the proposed development. Approval of this application shall not be deemed to provide any vested rights.

Engineering/Zoning

Sidewalk/Services Easement - Based on the location and insufficient width of sidewalk on Edgewater Drive, the City is request-

REQUIRED CONDITIONS (CONTINUED)

ing a 5 ft. wide City services easement along the property line parallel to Edgewater Drive. At the time of permitting, a request for the preparation of a legal document will be required. This document will be sent to the City Legal Department for review as to form and legality. When it is in the approvable state, signed and sealed, it must be recorded at Orange County Public Records by the Owner/Applicant. Upon receiving a copy of the Recorded Document(s), the condition will be made "MET". Alternatively, if the Applicant wishes, the permit may be issued with a hold placed on the final inspection until the required easement document(s) is approved & recorded.

INFORMATIONAL COMMENTS

Land Development

1. Permit Compliance - All plans submitted with the applicant's building permit application(s) must comply with the conditions of approval provided in the Municipal Planning Board staff report and any amendments to those conditions approved by the Municipal Planning Board or City Council. No building permit will be issued for this project until **ALL** conditions of approval are complied with and reflected in the plans submitted with your building permit application.
2. Regulations Subject to Code - Except as provided herein, the proposed project is subject to the conditions of this report and all codes and ordinances of the State of Florida, City of Orlando and all other applicable regulatory agencies. All other applicable state or federal permits must also be obtained before commencing development.
3. CUP Expiration - Approval of the Conditional Use Permit amendment by City Council shall grant the applicant authority to submit an application for site plan review & permits. The permit must be issued within 2 years of approval of the CUP amendment or the Conditional Use Permit amendment shall expire. However, upon written application filed 30 days prior to the expiration date, the Planning Official may extend the Conditional Use Permit for one period of up to 1 year, providing good cause is shown.

Police

The Orlando Police Department has reviewed the plans for the Old Florida Bank, located at 1901 Edgewater Dr., utilizing **CPTED (Crime Prevention Through Environmental Design)** principles. CPTED emphasizes the proper *design* and effective *use* of the built environment to reduce crime and enhance the quality of life. There are four overlapping strategies in CPTED that apply to any development: Natural Surveillance, Natural Access Control, Territorial Reinforcement and Target Hardening.

1. Natural Surveillance: Design the sites to keep intruders easily observable. This is promoted by features that maximize visibility of people, parking areas and building entrances; doors and windows that look out onto streets and parking areas; pedestrian-friendly sidewalks and street; and adequate nighttime lighting.
 - A. Lighting - *A lighting plan was not available at the time of this review.* All lighting for this project shall meet the guidelines of Orange County Ordinance No. 2003-08 and the Orlando Land Development Code.
 - Good lighting provides visual guidance and orientation to visitors and improves the perception of their safety especially in areas not easily observed from main walkways.
 - Pedestrian scale exterior lighting should not be screened out by landscaping or building structures such as overhangs or awnings.
 - Appropriate lighting should be included in any areas anticipated to be utilized after-dark. Uniformity of light is crucial to avoid 'dark' spots, especially in the parking areas.
 - Any illumination shall not cause a glare or excessive brightness that adversely affects the vision of pedestrians or motor vehicle operators on public or private property.
 - We recommend full cut-off light fixtures to help direct the light to the area you wish to illuminate. Pedestrian walkways, back lanes and access routes open to public spaces should be lit so that a person with normal vision is able to identify a face from a distance of about 20 feet.
 - B. Landscaping: Low-growing shrubs are an excellent means for defining an area that requires visual surveillance.
 - All shrubs should be kept trimmed to no higher than 2 ½ feet and should not block windows.
 - Tree branches should be kept trimmed to a minimum of 6 feet from the ground; branches should be kept away from roofs; trees should not prevent building occupants from viewing entrances or sidewalks.
 - A maintenance plan is essential in landscaping.
 - C. Other
 - Exterior doors should be made of a solid material and have 180° viewers/peep holes or small windows.

INFORMATIONAL COMMENTS (CONTINUED)

- Since there is typically no natural surveillance between buildings and dumpsters, be sure this area is well-lit and that lighting is well maintained.
 - The teller and 'New Accounts' areas should have unobstructed views of approaching clients and employees.
 - Main lobby should encourage resting and visiting while discourage loitering.
 - A security camera system (CCTV) capable of recording and retrieving an image to assist in offender identification and apprehension should be installed in areas without natural surveillance especially in the parking lot.
 - Where possible, offices should have exterior windows and furniture oriented to improve surveillance on public areas.
 - All sides of the building should have windows to observe the sidewalks, parking lot and drive-up lanes.
 - Bicycle parking pads (if installed) should be observable from building entrances, securely fastened and not hidden behind landscaping.
 - The ATM area should be well-lit, well marked, and easily visible for legitimate users.
 - Ensure that any canopies do not interfere with lighting, especially pedestrian scale, if these locations are to be used during nighttime hours.
2. Natural Access Control: Design the site to decrease crime opportunity by denying access to crime targets and creating in offenders, a perception of risk. This can be accomplished by designing street, sidewalks, building and parking lot entrances to clearly indicate public routes and discourage access to private areas with structural and landscape elements.
- Public entrances should be clearly defined by walkways, signs, and landscaping. Landscaping used around building and parking lot entrances should create clear way-finding, be well lit and not block entrances or create ambush points.
 - There should be no easy access to the roof of the building.
 - Signs located in the parking lot should remind employees and customers to lock their vehicles and keep valuables out of sight.
 - Way-finding located on the property should help guide legitimate users to authorized areas while discouraging potential offenders.
 - Signage with hours of operation should be clearly visible at any public entrance.
 - Traffic calming techniques as well as surface and gateway treatments should be used to encourage safe vehicle speeds, reduce collision frequency and increase the safety and the perception of safety for non-motorized users.
 - Walkways should be a minimum 5' in width to enhance pedestrian flow.
3. Territorial Reinforcement: Design can create or extend a sphere of influence, where users develop a sense of territorial control, while potential offenders are discouraged. This is promoted by features that define property lines and distinguish private spaces from public spaces using landscape plantings, pavement designs, gateway treatments and CPTED post and pillar fences.
- Low growing landscaping should be used to establish property boundaries.
 - The business address should be clearly visible from the parking lot and street with numbers a minimum of five-inches high made of non-reflective material.
 - Maintenance is an important aspect of territorial reinforcement. A well-maintained area sends the message that people notice and care about what happens in an area. This in turn discourages vandalism and other crimes.
 - Fences may be used to add security, delineate property lines, allow transparency for surveillance, be unobtrusive, and create a sense of community. CPTED style post and pillar fencing, at least 6-foot in height, or landscape buffers which include hostile vegetation, should be installed where appropriate.
4. Target Hardening: This is accomplished by incorporating features that prohibit entry or access such as window locks, single-cylinder dead bolts for doors and interior door hinges.
- Door locks should be located a minimum of 40 inches from adjacent windows.
 - An access control system should be utilized to keep private areas private such as employee break areas, teller and work areas not open to the public, storage rooms, bathrooms and employee only entrances to businesses.
 - A security camera system capable of recording and retrieving an image to assist in offender identification and apprehension should be installed in each building. Interior security cameras should be mounted at an optimal height to capture offender identification ("aiming" down from the ceiling often results in images of the offender's hat). CCTVs should also be placed in several locations throughout the parking areas, especially areas with limited or no natural surveillance.

SITE PHOTOS

- The business should have a commercial alarm system that is regularly maintained. During working hours, alarm systems should be programmed so that a short beep is sounded if a door opens.
- OPD's Crime Prevention Unit recommends that large glass doors and windows be made of impact resistant glass or a security film (such as Lexan™) to reduce the opportunity for burglaries, i.e. "smash and grabs". If security film is utilized, ensure that the light transmittance of the security film is greater than or equal to the light transmittance of the window's glass.
- Back or side doors should be kept locked from the outside at all times. Internal business policy should prohibit the "propping open" of exterior doors.
- The developer should strongly consider including bullet-resistant barriers for the bank tellers.
- The premise should contain a drop safe or cash management device.

Additional precautions, such as silent alarms and retail training (what to do during a robbery) should be discussed with OPD's Crime Prevention Unit Officer Kevlon Kirkpatrick at 407.246.2196.

5. **Construction Site Crime Prevention:** Due to the continued trend of theft of building materials and equipment from construction sites, Orlando Police Department's Crime Prevention Unit strongly recommends that the developer institute the following crime prevention/security measures at this project site:
- Post signs at the site that theft from the site or trespassing on a construction site is a felony under Florida Law and that the developer will prosecute.
 - To improve visibility of potential offenders by OPD patrol officers, perimeter lighting should be installed at a minimum of 150 foot intervals and at a height not less than fifteen (15') from the ground. The light source used should have a minimum light output of 2,000 lumens, shall be protected by a vandal resistant cover, and shall be lighted during the hours of darkness.
 - In addition to lighting, one of the following physical security measures should be installed:
 - Fencing, not less than six (6') feet in height, which is designed to preclude human intrusion, should be installed along the perimeter boundaries of the site and should be secured with chain and fire department padlocks for emergency vehicle access; post in a clear area, an emergency contact person and phones numbers for after hours, in case of an emergency; or
 - A uniformed security guard should be hired to continually patrol the construction site during the hours when construction work has ceased.
 - Valuable construction materials and tools should be protected in a secondary fenced, locked cage.
 - Post in a clean, open area, the name and numbers of an emergency contact person for OPD in case of a night-time emergency.

6. OPD Public Safety Communications System

A. Distributed Antenna Systems (DAS):

All buildings shall provide an adequate level of indoor coverage for public-safety radio service for the City of Orlando radio communications system, including but not limited to police, firefighters, and other emergency responders. A DAS system will also improve commercial cellular service for building occupants. The system will enable all first responders to communicate with dispatch and other field units. Inadequate coverage not only puts first responders at risk but also the citizens they are protecting.

Adequate indoor radio coverage shall include the following standards:

- Inbound into the building: A minimum average in-building field strength of 10 dbm above the noise floor throughout ninety-five (95%) of the area on each floor of the building when transmitted from the city's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection service to the building.
- Outbound from the building: A minimum average outbound field strength of 10 dbm above the noise floor throughout ninety-five percent (95%) of the area on each floor of the building when transmitted from the field units portable radio to the appropriate emergency service dispatch centers which are providing fire and emergency medical protection service to the building.
- The City's Communications Unit with consideration of the appropriate police, fire and emergency medical department services shall determine the frequency range or ranges that must be supported. For the purpose of this section, adequate

INFORMATIONAL COMMENTS (CONTINUED)

radio coverage shall constitute a successful communications test between the equipment in the building and the Communications Centers for all appropriate emergency service providers for the building.

- If any part of the installed system or systems contains an electrically powered component, the system shall be capable of an independent battery or generator system for a period of at least twelve hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.
- FCC authorization: All amplification equipment must be FCC Type Accepted.

If you have any questions regarding the requirements as listed above, it is suggested that you contact the OPD Radio Systems Administrator, Norm Poe at 321.235.5314.

B. Innovative Response to Improve Safety (I.R.I.S.) Camera System:

OPD recommends that the developer contact OPD in an effort to coordinate camera system technology. OPD has the ability to monitor specified external camera systems from private facilities at the will of the developer or building owner. OPD monitoring will be in addition to self-monitoring and will not replace building camera monitoring. OPD will not have the ability to interfere with or manipulate building camera systems, only view. The additional monitoring is beneficial to both the developer/owner and OPD as a crime prevention and overall public safety solution.

IRIS questions should be directed to the Orlando Police Department, Sgt. Andy Brennan, at andrew.brennan@cityoforlando.net.

CONTACT INFORMATION

Land Development

For questions regarding Land Development review, contact Jim Burnett at 407-246-3609 or at james.burnett@cityoforlando.net.

Urban Design/Community Development

For questions regarding Urban Design plan review, contact Fabian De La Espriella at 407.246.3292 or at fabian.delaespriella@cityoforlando.net

Transportation Planning

For questions regarding Transportation Planning review, contact Gus Castro at 407-246-3835 or at gustavo.castro@cityoforlando.net.

Transportation Impact Fees

For questions regarding Transportation Impact Fees, contact Nancy Jurus-Ottini at 407-246-3529 or at nancy.jurus-ottini@cityoforlando.net.

Permitting/Transportation Engineering

For questions regarding Permitting Services/Transportation Engineering review, contact Lauren Torres at 407-246-3322 or at lauren.torres@cityoforlando.net.

Police

For questions regarding Police/CPTED review, contact Audra Nordaby at 407-246- or at audra.nordaby@cityoforlando.net.

Parks

For questions regarding tree removal or encroachment issues, contact Justin Garber at (407) 246-4047 or at justin.garber@cityoforlando.net.

REVIEW/APPROVAL PROCESS - NEXT STEPS

1. Minutes from the September 17, 2013 MPB meeting are scheduled for review and approval by City Council on Mon. October 21, 2013.
2. Permits may be submitted following the MPB meeting but cannot be issued until the City Council approves said MPB meeting minutes.



February 24th, 2014

RE: Veterans Memorial Bridge
Volusia County
FDOT FPID: 242172-1-58-01
County Project #: P-5351-1

Greetings:

On behalf of Volusia County, I invite you to attend a public information meeting regarding the replacement of the Tom Staed Veterans Memorial Bridge over the Halifax River. This project begins west of City Island Parkway and continues east along E. Orange Ave/Silver beach Ave to S. Peninsula Drive.

This project includes bicycle and pedestrian accommodations, fishing piers, veteran memorials, a riverside memorial area, lighting and landscaping. Federal funding has been secured for construction of this project, which is expected to begin in early 2015.

The meeting is scheduled for Tuesday, March 11th, 2014 from 5:30 p.m. to 7:00 p.m. with a presentation at 5:45 p.m. in the City Island Recreation Hall located at 108 East Orange Avenue in Daytona Beach. This meeting is the first of two public meetings planned as part of a community-based evaluation to communicate with the public and gain ideas from the local community. The second meeting will be tentatively held in summer 2014. **Please see the attached notice for a map showing the location of the meeting.**

This meeting is open to the public. Staff members will be available at the meeting to discuss the project and answer questions. Participants may also provide public comment at any time during the meeting. Written comments can be submitted at this meeting or by mail no later than March 25th, 2014 to Mrs. Rebecca Zawadski of Ghyabi & Associates, Inc. at 1459 North US Highway 1, Suite 3, Ormond Beach, Florida 32174.

Public participation is solicited without regard to race, color, national origin, age, sex, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services should contact Mrs. Rebecca Zawadski at the address above or by telephone at 386-677-5499 ext. 246, or via email at rzawadski@ghyabi.com, before the meeting.

If you have any questions, please feel free to contact me at 386-736-5967 ext. 12511 or via email at jwhite@volusia.org.

Sincerely,

Jim White, Project Manager
Volusia County Engineering & Construction
Attachment- Public Information Meeting Notice

www.volusia.org

VOLUSIA COUNTY COUNCIL

JASON P. DAVIS COUNTY CHAIR	JOYCE M. CUSACK AT-LARGE, VICE CHAIR	PAT PATTERSON DISTRICT 1	JOSHUA WAGNER DISTRICT 2	DEBORAH DENYS DISTRICT 3	DOUG DANIELS DISTRICT 4	PATRICIA NORTHEY DISTRICT 5
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Tom Staed Veterans Memorial Bridge

FDOT FPID: 242172-1-58-01

County Project #: P-5351-1

Study Description

Volusia County is holding a public information meeting to discuss the bridge replacement for the Tom Staed Veterans Memorial Bridge. The Volusia County Council selected the high-level fixed bridge option from the Project Development and Environmental (PD&E) study on January 6, 2011. Federal funding has been secured, and construction is expected to run from early 2015 to early 2017. For more information on the study, please visit www.Veteransmemorialbridge.com.

This meeting is the first of two public meetings planned as part of a community-based evaluation to communicate with the public and gain ideas from the local community. The second public meeting will be tentatively held in summer 2014.

Meeting Information

A public meeting to discuss the bridge replacement of the Tom Staed Veterans Memorial Bridge will be held on Tuesday, March 11th, 2014 at the City Island Recreation Hall located at 108 E. Orange Ave. in Daytona Beach, FL 32114. The meeting will be from 5:30 PM to 7:00 PM, with a presentation at 5:45 PM.

A Project Advisory Committee (PAC) has been created for this project to help with the development of the design elements. The meetings are tentatively scheduled to be at the beginning of each month, beginning in May 2013. A summary from each committee meeting is posted on the project website (www.veteransmemorialbridge.com) within a few weeks following each meeting. The committee has discussed which bridge types they prefer, which aided the design team in creating three (3) different bridge alternatives. Utilizing what was discussed in the PAC meetings, the design team completed a bridge development report (BDR), which analyzed and compared all three alternatives by a number of factors and criteria including cost, maintenance, aesthetics, constructability, construction schedule, hydraulics, viewshed, and environmental impacts. Each of these categories were weighted and each bridge was scored based on their performance. Based on this criteria, it was determined that the Open Spandrel Design was the best alternative to move forward with in design. Below is a rendering of the Open Spandrel Bridge design selected. The memorial plaza layout and fishing piers have also been selected in the PAC meetings for County Council approval. However, the aesthetic elements of the fishing piers, bridge piers, lighting, and veteran memorials are still in discussion.

Open Spandrel



Public participation is solicited without regard to race, color, national origin, age, sex, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services should contact Mrs. Rebecca Zawadski by telephone at 386-677-5499 ext. 246, or via email at rzawadski@ghyabi.com, before the meeting.



Tom Staed Veterans Memorial Bridge



PUBLIC INFORMATION MEETING

Bridge Replacement

East Orange Ave /Silver Beach Ave over the Halifax River

FDOT FPID: 242172-1-58-01
County Project #: P-5351-1

Volusia County is holding a public information meeting to discuss the bridge replacement for the Tom Staed Veterans Memorial Bridge along E. Orange Ave/Silver Beach Ave from west of City Island Parkway to S. Peninsula Drive. In addition to a high-rise bridge, the project includes bicycle and pedestrian accommodations, fishing piers, veteran memorials, a riverside memorial plaza, lighting and landscaping.

MEETING DATE & TIME:

Tuesday, March 11th, 2014
5:30 PM to 7:00 PM
Presentation at 5:45 PM

LOCATION:

City Island Recreation Hall
108 E. Orange Ave.
Daytona Beach, FL 32114



Project Contact:

Jim White, Project Manager
Volusia County Engineering
& Construction
Thomas C. Kelly Administration Center
123 W. Indiana Ave., DeLand, FL 32720
Phone: 386-736-5967 ext 12511
Email: jwhite@volusia.org