



Staff Report to the
Municipal Planning Board
April 19, 2022

CUP2022-10001

CAPITAL PLAZA BANK DRIVE THRU



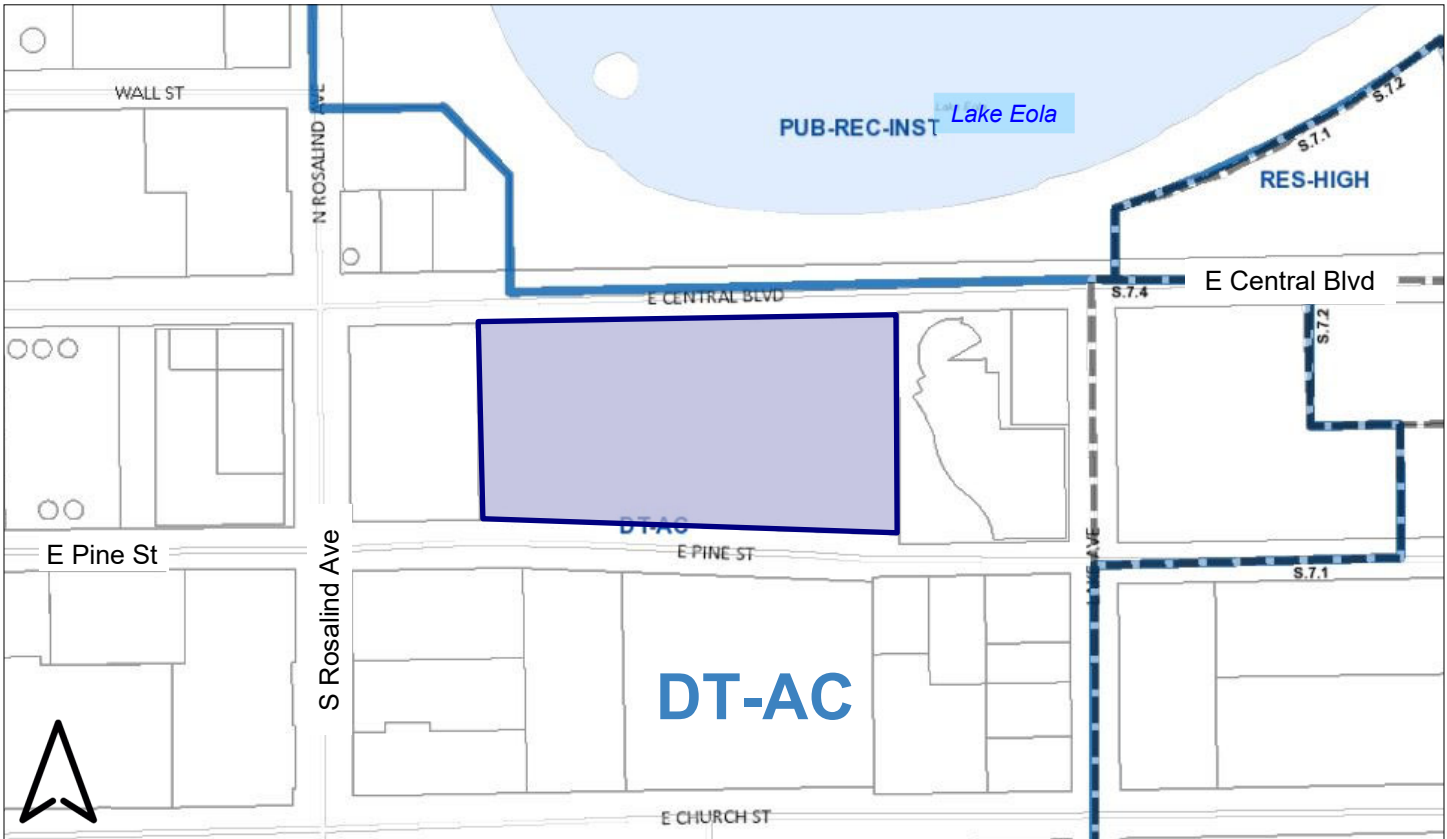
Location Map

 Subject Site

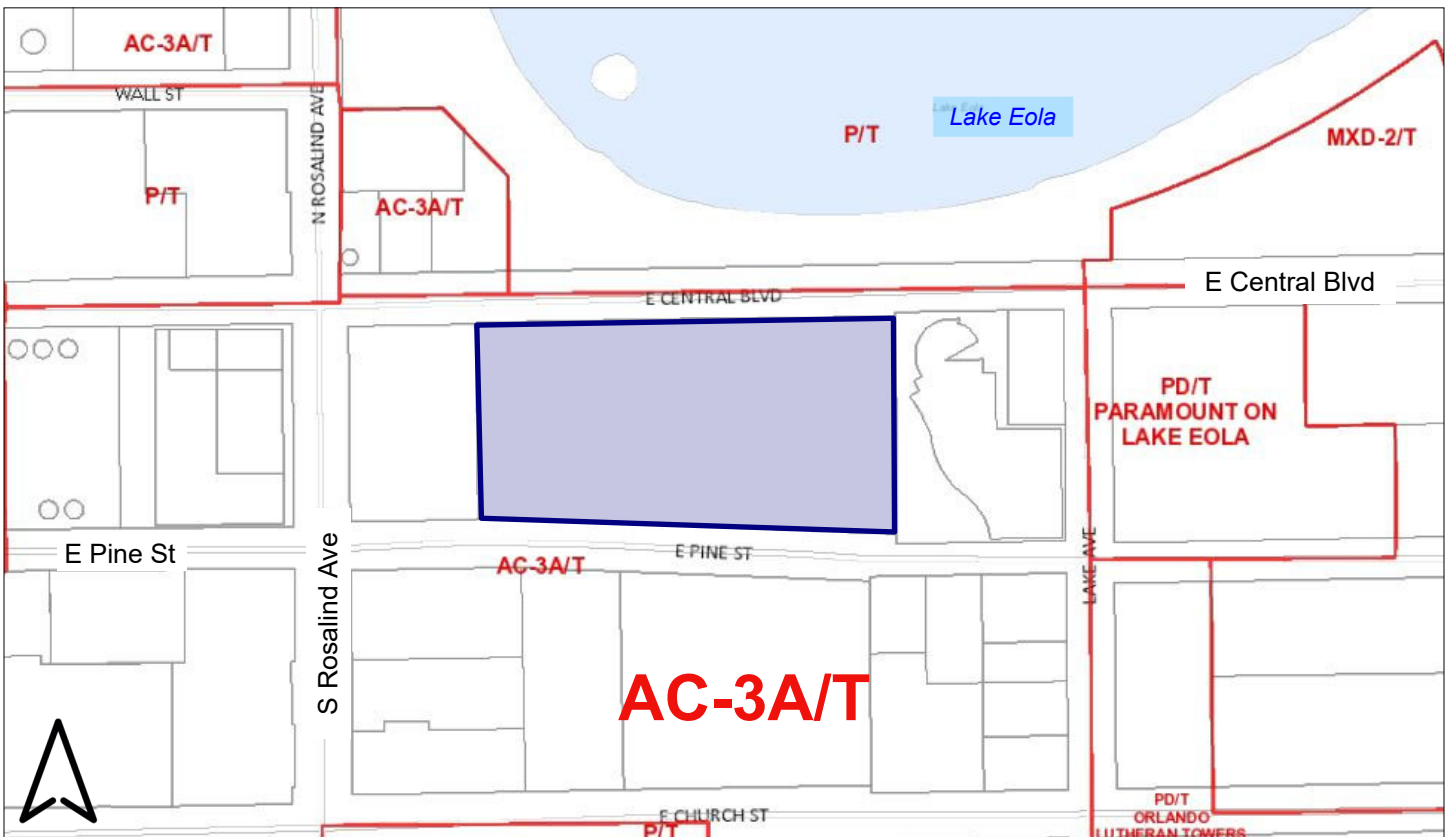
Summary

Applicant Aimee Shields GAI Consultants, Inc. Owners Highwoods Realty Limited Partnership Project Planner Manuel E. Ospina Updated: April 12, 2022	Property Location: 301 E Pine St. Generally located north of E. Pine St., south of E Central Blvd., East of S Rosalind Ave., west of Lake Ave. +/-3.05 acres, District 4. Applicant's Request: Conditional Use Permit for a bank drive through alongside the existing office building.	Staff's Recommendation: Approval of the request, subject to the conditions of the staff report. Public Comment Courtesy notices were mailed to property owners within 300 ft. of the subject property during the week of April 4, 2022. As of the published date of this report, staff has received no comments from the public concerning this request.
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Future Land Use Map



Zoning Map



PROJECT ANALYSIS

Project Description

The applicant is requesting a Conditional Use Permit (CUP) for the construction of a new remote drive-through ATM on a ±3.08 acre property located on the north side of E. Pine St., south of E Central Blvd., and east of S Rosalind Ave. Two existing office high rise buildings part of Capital Plaza occupy majority of the property. The proposed drive thru lane and ATM are to be located on a vacant strip of land on the easternmost side of the property, adjacent to a residential tower (Waverly on Lake Eola). The subject site received approval to develop a bank drive through in 1997 as part of the initial approvals to develop the site. This was never completed and in 2007 a letter of determination to allow drive through was processed since the CUP was expired. Drive through was never built and approvals expired. The property is zoned AC-3A/T (Downtown Metropolitan Activity Center with Traditional City overlay).

Previous Actions

- 1973: Property platted as lots 2 and 3 as part of the Southeast Financial Plaza subdivision.
- 1975: 15-story office building constructed on subject property.
- 1996: Property acquired by current owner.
- 1997: Master Plan and Conditional Use approved to develop a complex consisting of three office towers, a two-phased parking garage, a surface parking lot and drive-in facilities (Case #97-102).
- 1996: 15-story office building constructed on subject property.
- 2007: Planning Official Determination for a bank drive through for Capital Plaza II (LDC2007-00023).

Project Context

The subject property is approximately 3.05 acres and is located north of E. Pine St., south of E Central Blvd., east of S Rosalind Ave. and west of Lake Ave. Adjacent uses, zoning and future land use designations are shown on Table 1 below.

Table 1 - Project Context			
Direction	Future Land Use	Zoning	Land Use
North	PUB-REC-INST	P/T	Lake Eola
East	DT-AC	AC-3A/T	Waverly on Lake Eola
South	DT-AC	AC-3A/T	Parking garage
West	DT-AC	AC-3A/T	Hilton Embassy Suites

Conformance with the GMP and Zoning

The property has Downtown Activity Center future land use and AC-3A/T (Downtown Metropolitan Activity Center with Traditional City) zoning. The purpose of the CUP request is to allow for the construction of a new PNC Bank remote drive through ATM. The proposed CUP is consistent with the Community Activity Center future land use designation and the City's Growth Management Plan. The CUP requirement for drive through uses ensures that the proposed use complies with City Code. Unless noted elsewhere in this report, the proposed CUP to operate a bank with remote drive through ATM's will comply with all aspects of Land Development Code.

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 (CUP) applications and amendments:

1. Purpose and Intent. The purpose and intent of the use and all other requirements of LDC.
2. Growth Management Plan (GMP). The consistency of the proposal with all applicable policies of the City's adopted GMP.
3. Compatibility. The proposal must be compatible with surrounding land uses and the general character of the area including factors such 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 would potentially displace any existing residential uses.
6. Other pertinent matters/criteria as determined by the MPB or City Council.

Transportation

The site is accessed from both E Central Blvd. and E Pine St. Applicant proposes to build new curbcuts and driveway along the stretch of the vacant area. The drive-through will flow on a single direction south to north. The applicant will provide surface parking along the southern half of the project area. Property will have adequate circulation, per Land Development Code.

Urban Design

The proposed bank drive-through will be located on the northern half portion of the site. Surface parking is provided along the drive aisle adjacent to the existing office tower. New landscape comprised of trees, hedges, and palms will be provided by the applicant. Project received a Major certificate of Appearance Approval by the ARB on March 17, 2022 (ARB2022-10005). Any major modifications to the proposed project, or additional signage from existing will require additional ARB review.

Landscaping & Bufferyards

The proposed bank drive-through abuts a residential tower to the east and commercial properties to the west. Per LDC Section 60.219, Figures 6 & 7, the intensities of existing adjacent uses are less than or similar to the proposed use. A 7.5 ft lot line buffer along the property lines is required as prescribed by LDC Section 61.312(a7). Applicant proposes a 7 ft. grass area along the east property line, staff is requesting additional ground cover and plantings along the eastern property line where possible.

north

Signage

Proposed signage at the Pine St. driveway will require additional ARB staff review and approval. Digital reader boards and any wind operated devices are prohibited. All signs must be permitted prior to fabrication and installation.

School Impacts

The site is proposed to be developed as a bank drive-through, there will be no school impacts associated with the CUP request.

GOOGLE STREETVIEW PHOTO

GOOGLE STREETVIEW PHOTO

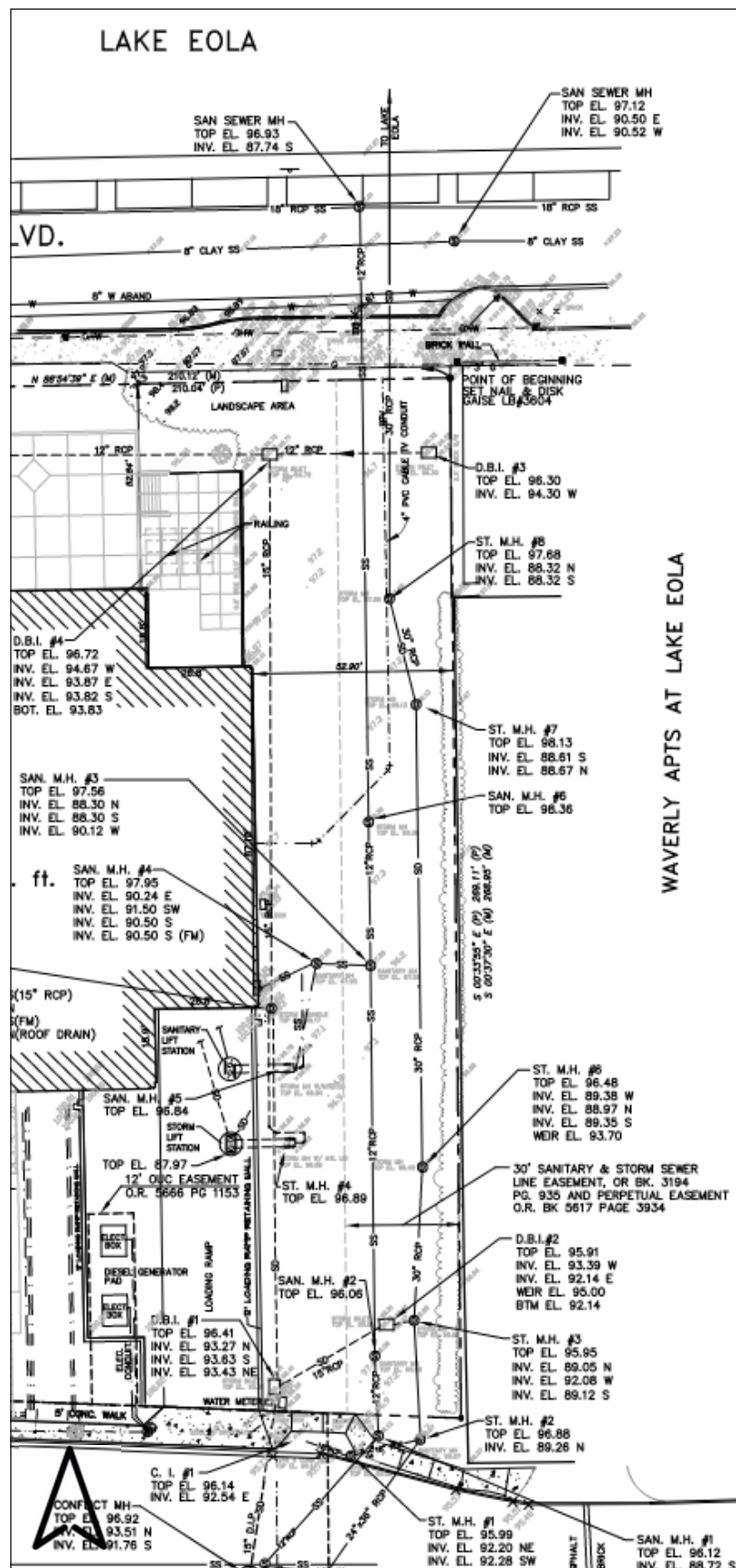


View of property looking north from E Pine St.

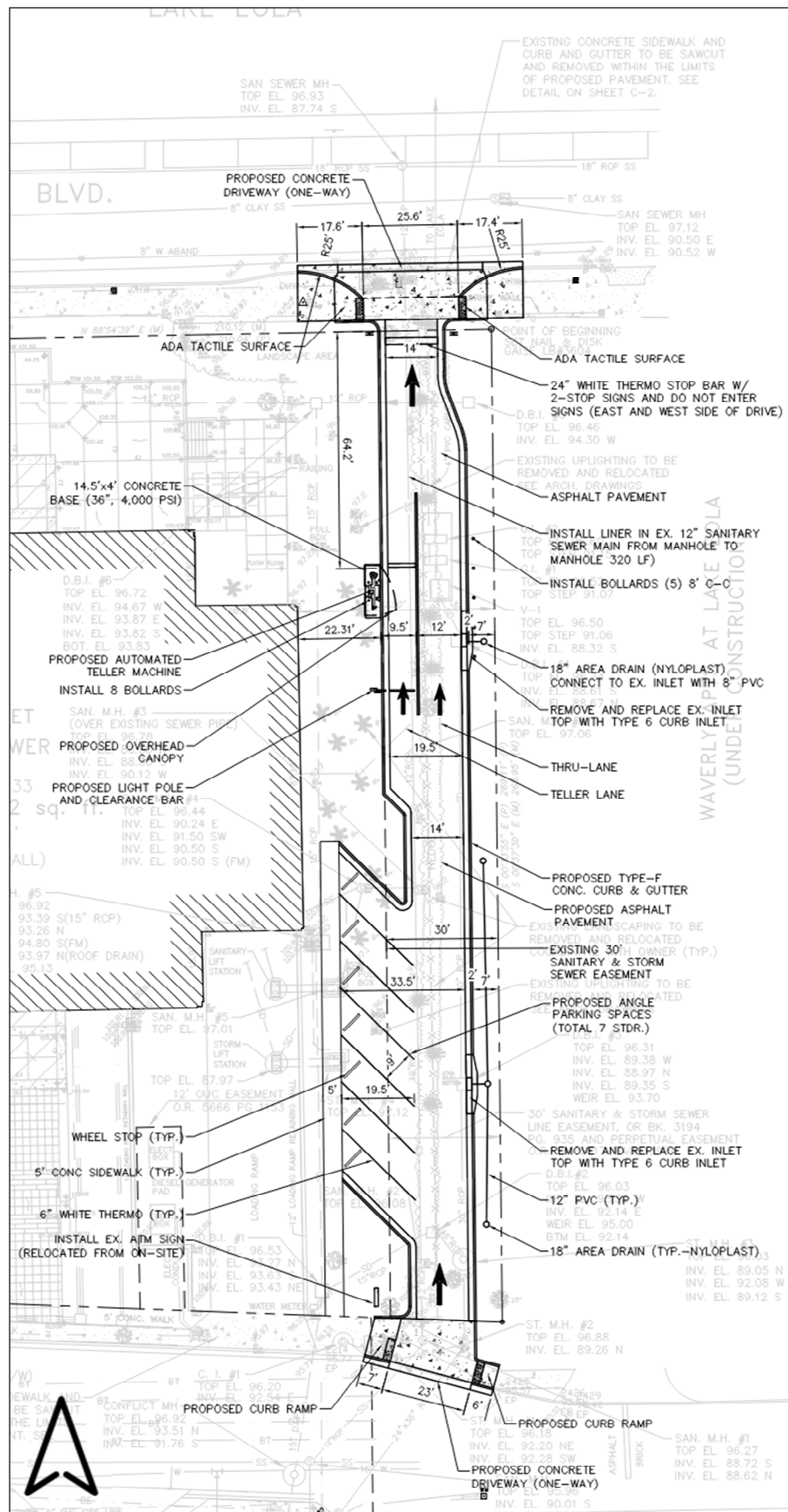
AERIAL VIEW



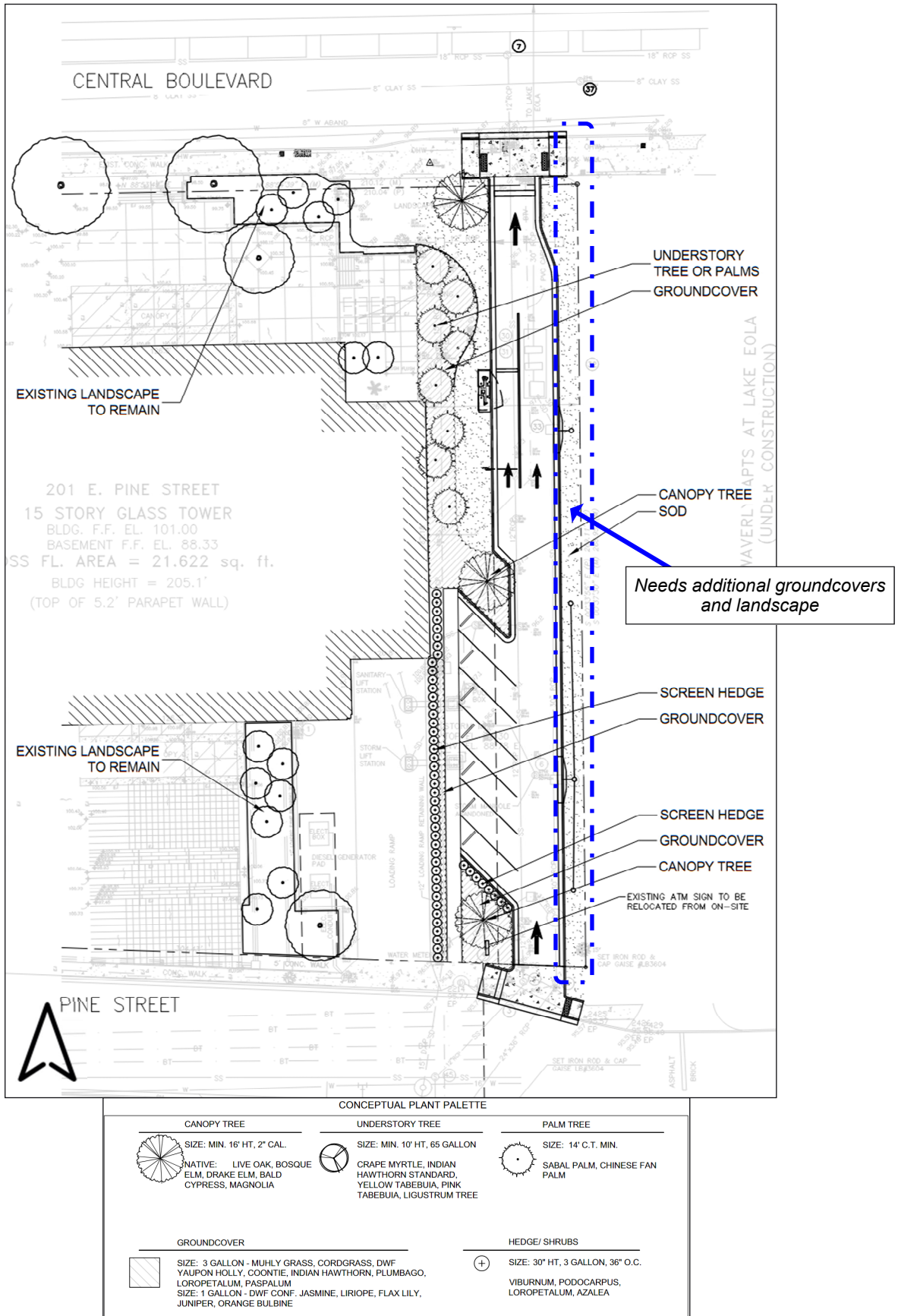
Existing Conditions



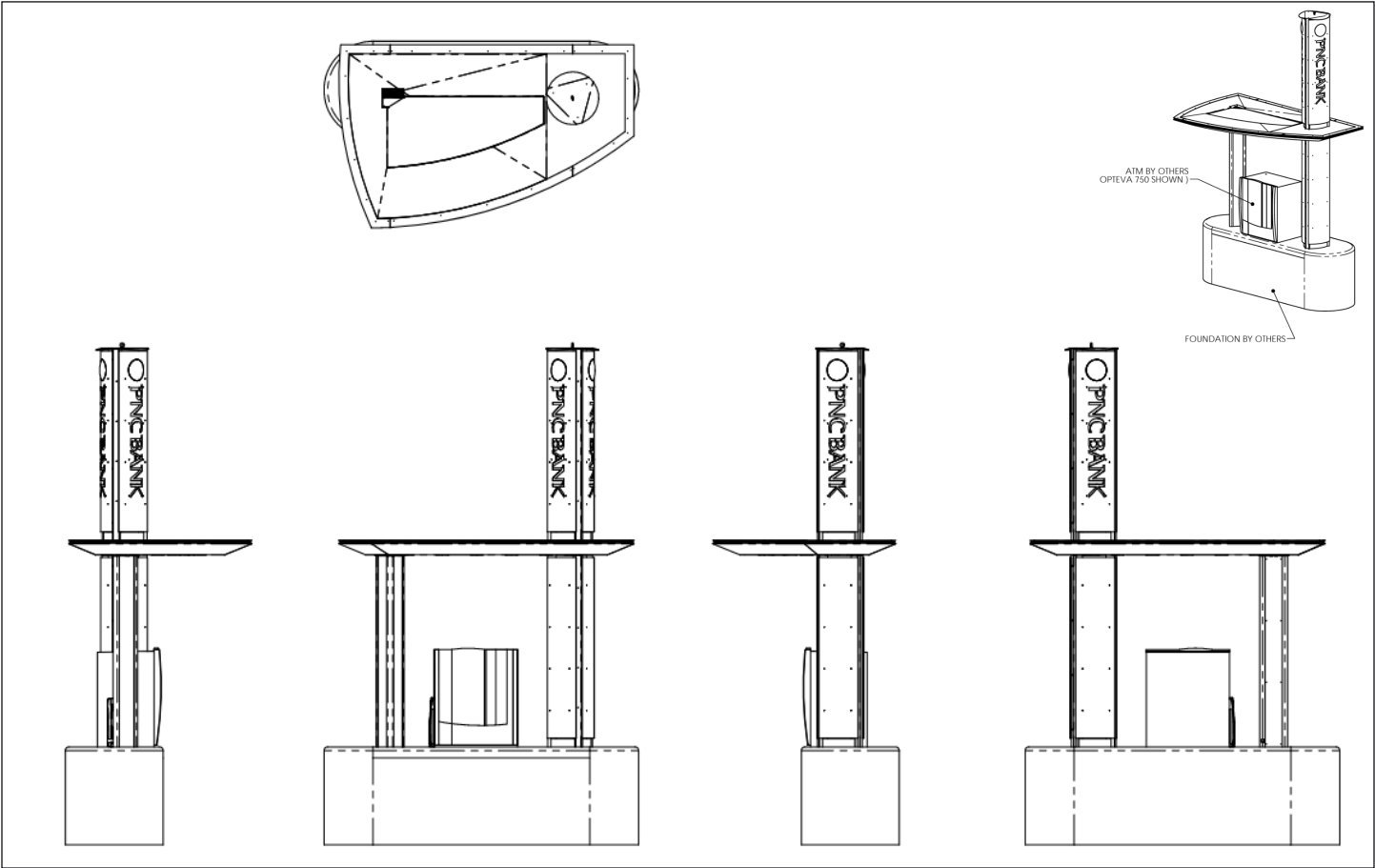
Site Plan



Landscape Plan



ATM Elevations



FINDINGS

Staff finds that the proposed Conditional Use Permit (CUP2022-10001) to allow a bank drive-through is consistent with the requirements for approval of CUP applications as contained in Section 65.285 of the Land Development Code LDC):

1. The proposed CUP is consistent with the City's Growth Management Plan
2. The proposed CUP is consistent with the City's Land Development Code.
3. The proposed development will meet standards for development in the AC-3A/T zoning district.
4. Existing public facilities and services are adequate to serve the proposed development.

Staff Recommendation

Based on the information provided in the staff report and the findings noted above, staff recommends approval of the Capital Plaza Bank drive-through Conditional Use Permit, subject to the conditions in this staff report.

CONDITIONS OF APPROVAL - REQUIRED

Land Development Studio

1. Impervious Surface Ratio (ISR) - Total ISR is limited to 95% under AC-3A/T zoning.
2. Phasing - Development of the proposed bank drive-through will be completed in a single phase.
3. Signs - Proposed signage at the Pine St. driveway will require additional ARB staff review and approval. Permits must be secured for all site signage prior to fabrication and installation. Digital signs, banners, tethered balloons and temporary "coming soon" and "grand opening" signs are not allowed.
4. Land Use and Zoning - Except as provided herein, development of the property shall be consistent with the development standards of the AC-3A/T district.
5. Subject To Codes - Except as provided herein, the development is subject to all codes and ordinances of the State of Florida, City of Orlando, and all other applicable regulatory agencies.
6. Development Requirements - Except as modified herein, the project shall be developed in accordance with the requirements of the Growth Management Plan, and any other pertinent provisions of the Conventional LDC.
7. CUP Expiration - Approval of the Conditional Use Permit by City Council shall grant the applicant authority to submit an application for tenant buildout review for a building permit. The permit application must be submitted and a permit issued within two (2) years of approval of City Council or the Conditional Use Permit shall expire. However, upon written application filed 30 days prior to the expiration date, the Planning Official may renew the Conditional Use Permit for a one period of up to 12 months providing good cause is shown.
8. Development Permits - As provided by subsection 166.033(5), Florida Statutes, issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a condition of this permit that all other applicable state or federal permits be obtained before commencement of the development.
9. Consistency - Unless amended by any conditions found herein or any modifications recommended by the MPB and approved by City Council, this project shall operate and be developed only as described and conditioned within this report and in accordance with the attached site plan and any other plans or commitments provided in the application package. Any changes in the use of the site, the operation of the project, or the site plan as provided herein may require an amendment to the project and review by the MPB and City Council (see "Minor Modifications" condition below.) This approval is not transferable to another property.
10. Compliance - Plans must be modified to show compliance with the conditions in this report/letter when submitting for building permits.

Urban Design

ARB Approval

- A. Minor modifications to this ARB approval will require ARB staff review and approval. Major modifications may require additional ARB board approvals.
- B. ARB approval does not grant permission to construct and/or install. All necessary permits must be obtained prior to commencement of installation activity.

Streetscape

- A. Streetscape shall match adjacent areas and all streetscape design and construction is required to comply with the design and construction requirements of the Downtown Orlando Streetscape Design Guidelines and the conditions in this staff report.

CONDITIONS OF APPROVAL - [CONT'D]

- B. Pedestrian crosswalks at the Pine Street and Central Boulevard 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. 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.
- C. Valve and Junction Boxes—All at grade junction, valve and control boxes in the streetscape zone must be vehicle bearing grade boxes and lids.

Landscape

- A. Use understory trees rather than palm trees in planter area to the west and north of the ATM to provide more effective screening.
- B. Provide additional ground cover and plantings along the eastern property line where possible.

Signage

- A. Proposed signage at the Pine Street driveway will require additional ARB staff review and approval.

Transportation

- 1. All aspects of the site plan are required to conform to all applicable minimum standards set forth in the editions of the City Code and the City Engineering Standards Manual that are in force at the time of any construction of this project.
- 2. Support of this submittal by the Transportation Dept. does not constitute final engineering approval of this concept for development. Materials and designs for transportation related elements of the project must meet or exceed standards in the versions of the City Code and Engineering Standards Manual in effect at the time of submittal to Permitting Services.
- 3. The proposed driveway on the east side of the building must be accompanied by a 7.5 foot landscaped buffer on the east side. The driveway width can be reduced to 13 feet in width to accommodate this.
- 4. The divider between the teller lane and the thru-lane is marked on the plans, but not described so it is not clear if it includes a raised curb or if it is just paint. Details on the type of divider must be provided at permitting. The teller lane width is marked on the plans as 9.5 feet in width, but this includes the gutter. Please widen the teller lane to at least 10 feet not including the gutter.
- 5. The provided AutoTurn exhibit shows how an emergency vehicle would enter and exit via the closest public street. This should also be included at the time of permitting.
- 6. Vehicle Parking. The proposed use does not require additional parking on the site.

Fire

To request a meeting with the Orlando Fire Department, call 407.246.3134.

- 1. FIRE PROTECTION WATER SUPPLY: An approved water supply, capable of supplying the required fire flow for fire protection, shall be provided prior to all premises, facilities, buildings, or portions of buildings that are constructed or moved into the jurisdiction. The approved water supply shall be in accordance with Section NFPA 1.18.3 of the most current Florida Fire Prevention Code, as adopted by the State of Florida and the City of Orlando Fire Prevention Code, chapter 24.30.
- 2. FIRE FLOW: For all subdivisions or commercial occupancies supplied by water systems, fire flow shall be supplied in accordance with the Insurance Services Office (National Board of Fire Underwriters) Fire Suppression Rating Schedule, "Needed Fire Flow" section. Needed fire flow is used to determine the number, location and water supply of fire hydrants for a risk (or the required alternate protection where no water lines are provided. For this agency it is the flow rate of water supply, measured at 20 psi residual pressure, that is available for firefighting. The fire flow for a building when sprinkler protected in accordance with NFPA 13 will be calculated at 50% of a non-sprinkler protected building but shall not be less than 1000 gpm. Calculations and a water supply analysis shall be provided to demonstrate delivering of fire flow.
- 3. FIRE HYDRANTS: Site plans shall indicate the locations of all existing and proposed fire protection appurtenances, including but not limited to all fire hydrants, fire department connections, backflow preventers, and post indicator valves, as well as any required mechanical impact protection such as bollards. A permanent fire protection water supply system shall be functional prior to combustibles being brought on-site. Other than dwellings, no building shall be hereafter constructed unless all parts of such building are within three hundred (300) feet of a fire hydrant; provided, however, that when the building is protected by an approved and supervised automatic fire sprinkler system, the distance may be increased to five hundred (500) feet. With respect to detached one- and two-family dwellings, the distance shall be increased to five hundred (500) feet. If necessary, additional hydrants will be provided within five

CONDITIONS OF APPROVAL - [CONT'D]

hundred (500) feet of the building of sufficient quantity to supply the required fire flow for the building. Fire hydrants shall be placed on fire mains six (6) inches or larger in diameter. Other than residential developments, fire mains shall be a minimum of eight (8) inches or larger in diameter. A fire hydrant shall be installed within 100 feet of a fire department connection that serves a standpipe system. New fire hydrant(s) shall be installed so that the 4 1/2-inch port is facing the roadway by which it is accessed. Hydrant(s) shall also be positioned not more than five (5) feet away from the curb or berm of the roadway. No hydrant meeting the requirements of the City of Orlando Fire Prevention Code shall be installed within fifty (50) feet of the building served thereby. A clear space of 60 inches shall be maintained in front of fire hydrants, and a clear space of 36 inches shall be maintained around the sides and the back of fire hydrants. [NFPA 1:18.5.7.2] Road pavement markers shall be installed per the Orlando Fire Department specifications to denote the location of all fire hydrants and fire department connections (blue for hydrants and red for fire department connections). No fire hydrant will be acceptable as meeting any requirement of this Code unless it will deliver at least 1,000 gpm. Exception: When the hydrant is serving detached one- and two-family dwellings.

4. FIRE DEPARTMENT APPARATUS AND ACCESS: Access to structures or Areas: Access Boxes shall be installed at fire command location and in areas that are difficult to access because of security. [NFPA 18.2.2.1] Aerial apparatus set-up sites: Set-up sites shall be provided at each building over 3 stories in height. Set-up sites shall be located at a minimum on two sides of the building at the approximate center of each side for firefighting and rescue operations. Depending upon the building configuration, additional set-up sites may be required by the AHJ. Set-up sites shall be no closer than 10 feet and no further than 30 feet from any building. Set-up sites shall be a minimum 22 feet wide and 47 feet long with a cross slope no greater than 5%. Set-up sites shall comply with the requirements of the emergency vehicle support capabilities above and shall withstand any point forces resulting from outriggers. Set-up sites shall be able to withstand live loads of fire apparatus at a minimum weight of 43 tons. Temporary or Permanent Access: Roads shall be capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.
5. Fire Aerial Apparatus Outriggers: Typically, OFD fire apparatus are between 9 feet and 11 feet in width. Therefore a 20-foot fire lane would generally allow apparatus to pass each other if needed. However, the Orlando Fire Department has apparatus that utilize aerial devices and requires apparatus stabilization when the aerial device is deployed. The apparatus stabilization comes in the form of outriggers that extend out from the apparatus which provide a wider overall base in which to operate the aerial device. These outriggers, when fully extended, range between 16 feet and 21.5 feet. Because of these fire apparatus features, the minimum width of fire lanes shall be 22 feet.
6. Fire Department Access Road: All fire department access roadways shall have an all-weather driving surface, capable of supporting the live load of a fire apparatus weighing 43 tons, a minimum 20 feet in width and a minimum vertical clearance of at least 13 feet-6 inches. [NFPA 1 18.2.3.4.1.1 and NFPA 1 18.2.3.4.1.2] City of Orlando apparatus requires a turning radius dimension of 30 feet inside and 50 feet outside. An auto-turn analysis is required for the radius turns indicated on the site plan. NFPA 1:18.2.3.4.3 Two Points of Access: Providing two points of fire apparatus access is required.
7. Manual Suppression: Any portion of the building or exterior wall of the first story shall be located not more than 150 feet from the fire department access road as measured by an approved route around the exterior of the building or facility. The distance can be increased to 450 feet if the building is protected by an automatic sprinkler system. [NFPA 1.18.2.3.2.2 and NFPA 1.18.2.3.2.2.1]

Public Works

City GIS shows an existing 30' drain/san easement in this location. Need to verify before issuing ENG/BLD permit.

Waste Water

The Water Reclamation Division has no objection with the proposed Conditional Use Permit (CUP) with respect to wastewater facilities and discharge. The following shall be incorporated into the preparation of construction plans for review by the Water Reclamation Division prior to permit issuance.

1. Pre- and post-construction video inspection of the 12" sanitary gravity main within the project limits shall be conducted and the results provided to the WRD prior to project closeout. Any damages to the existing sanitary sewer infrastructure during construction shall be communicated to the WRD and repaired at no cost to the City.
2. Proposed liner installation in the ex. 12" sanitary sewer shall be in accordance with Chapter 9 of the current Engineering Standards Manual (ESM) and applicable City specifications available on the City's website.
3. Please contact Julio Morais, P.E., at 407.246-3724 or julio.morais@cityoforlando.net or Dave Breitrick, P.E., at 407.246-3525 or david.breitrick@cityoforlando.net with any questions regarding Water Reclamation review.

CONDITIONS OF APPROVAL - [CONT'D]

Police

Natural Surveillance:

1. Shift the location of the ATM closer to the street to increase the visibility as seen from the street. The current location is screened by the building which can obstruct some visibility.
2. A photometric plan was not provided for review.
 - a. All lighting for this project will meet or exceed the guidelines in Orlando City Code.
 - b. Trees branches should be kept trimmed to no lower than 6 feet from the ground and shrubs should be kept trimmed to no higher than 30 inches. Avoid conflicts between landscaping and lighting, especially lighting adjacent to canopy trees.
 - c. Its strongly encouraged hostile landscaping is placed around the ATM. This form of landscaping is typically thorny, (ie roses, crown of thorn and some holly shrubs)
2. Trees branches should be kept trimmed to no lower than 6 feet from the ground and shrubs should be kept trimmed to no higher than 30 inches. Avoid conflicts between landscaping and lighting, especially lighting adjacent to canopy trees.

Maintenance and Management:

1. Requirements of City Code Chapters 60 and 61 must be met.
2. Maintenance is an important aspect of territorial reinforcement. Requirements of City Code Chapters 14 will be enforced.

Development Review

1. Contact the Bureau of Parks (407) 246-2283 for a tree removal permit before removing any 6" caliper or larger trees.
2. Contact the Bureau of Parks (407) 246-2283 for a tree encroachment permit prior to encroaching within the canopy of any 6" caliper or larger trees.
3. As per Section 61.225 of the Land Development Code, a 5 foot wide concrete sidewalk is required along all rights-of-way. Any existing sidewalk damaged or broken is to be repaired.
4. At the time of development, the owner/developer is required to pay an on-site inspection fee that is a percentage of the cost of the on-site improvements, excluding the building, in accordance with City Land Development Code, Section 65.604.
5. Construction activities including clearing, grading and excavating activities shall obtain an Environmental Protection Agency (EPA) National Pollution Discharge Elimination System (NPDES) permit, except: Operations that result in the disturbance of one acre total land area which are not part of a larger common plan of development or sale.
6. The City Council Adopted the Engineering Standards Manual (ESM), Fifth Edition on April 18, 2016. All plans must conform to the ESM and all construction must be accomplished in accordance to the ESM.
7. All future elevation shown on a boundary/topographic survey shall use the North American Vertical Datum of 1988 (NAVD 88).
8. All new construction, change in use, additions, or redevelopments are required to submit a Concurrency Management application as a part of the building plan review process.
9. This property is required to plat in accordance with Section 65.401 of the City's Land Development Code prior to the issuance of building permits.
10. Separate demo permits is required for each structure on the site.
11. The Office of Permitting Services recommends approval of the proposed Master Plan, subject to the above listed conditions and requirements.
12. For questions regarding Engineering or Zoning contact Keith Grayson at (407)246-3234 or keith.grayson@orlando.gov

Parks

Tree Removal: Prior to the removal of any tree whose caliper is (10) ten inches or greater, please contact Condredge Mallory, Parks Division, at condredge.mallory@cityoforlando.net to schedule a site review and/or obtain a tree removal permit. Design modifications or special construction techniques may be required by the arborist to protect trees.

Please note, a demolition (DEM) permit does not include tree removal; separate tree removal permits are also required.

CONDITIONS OF APPROVAL - [CONT'D]

INFORMATIONAL COMMENTS

1. Minor Modifications - Minor modifications and design changes including but not limited to fences, signs, landscaping, interior alterations, and other minor changes, that are required beyond those previously reviewed by the Municipal Planning Board, may be approved by the Planning Official without further review by the Municipal Planning Board. Major changes will require additional review by the Municipal Planning Board.

CONTACTS

Building

For questions regarding Building Plan Review issues contact Roy Eden at 407-246-3551 or roy.eden@orlando.gov

Development Review

For questions, contact Keith Grayson at 407-246-3234 or at keith.grayson@orlando.gov

Fire

For questions, contact Chip Howard at 407-246-3696 or at charles.howard@orlando.gov

Growth Management

For questions, contact Lucky Carson at 407-246-2120 or at lucky.carson@orlando.gov

Land Development

For questions, contact Manuel Ospina at 407-246-3235 or at manuel.ospina@orlando.gov

Parks

Contact Denise Riccio in the City Parks Division at denise.riccio@orlando.gov, or Kenneth Pelham at 407-246-4280 or at kenneth.pelham@orlando.gov to inquire about tree encroachment or removal permits.

Police

For questions regarding Orlando Police Department plan reviews or to obtain a copy of the brochure, contact Terrence Miller at 407-246-2454 or terrence.miller@orlando.gov

Public Works

For questions, contact Kyle Staats at 407-246-4326 or at kyle.staats@orlando.gov

Transportation

For questions, contact Evan Magley at 407-246-3227 or at evan.magley@orlando.gov

Urban Design

For questions, contact Richard Forbes at 407-246-3350 or at Richard.forbes@orlando.gov

Water Reclamation

For any questions about Water Reclamation Division review, please contact Julio Morais at 407-246-3724 or julio.morais@orlando.gov or Dave Breitrick, PE, Engineering and Mapping Manager 407-246-3525 or david.breitrick@orlando.gov

NEXT STEPS

1. MPB minutes scheduled for review and approval by City Council.
2. Building permits may be submitted following the MPB recommendation of approval but cannot be approved until the City Council minutes approving the action of the MPB are published.