



CITY OF WINTER PARK Planning & Zoning Board

Regular Meeting
City Hall, Commission Chambers

May 7, 2013
7:00 p.m.

MINUTES

Acting Chair Johnston called the meeting to order at 7:00 p.m. in the Commission Chambers of City Hall. Present: James Johnston, Randall Slocum, Tom Sacha, Peter Gottfried, and Peter Weldon. Absent: Sarah Whiting, Drew Krecicki, Robert Hahn. Staff: Planning Director Jeffrey Briggs and Recording Secretary Lisa Smith.

Approval of minutes – April 2, 2013

Motion made by Mr. Sacha and seconded by Mr. Weldon, to approve the April, 2013, meeting minutes. Motion carried unanimously with a 5-0 vote.

PUBLIC HEARINGS

REQUEST OF THE JEWETT ORTHOPAEDIC CLINIC FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT A TWO STORY, 25,000 SQUARE FOOT MEDICAL OFFICE BUILDING ON THE PROPERTIES AT 1235/1245 ORANGE AVENUE AND THE SOUTH 10 FEET OF 955 OAK PLACE.

REQUEST OF THE JEWETT ORTHOPAEDIC CLINIC TO: AMEND COMPREHENSIVE PLAN THE FUTURE LAND USE DESIGNATIONS OF MEDIUM DENSITY RESIDENTIAL TO PARKING LOT ON THE REAR OF THE PROPERTY AT 1285 ORANGE AVENUE AND ON 951 AND 955 OAK PLACE AND TO OFFICE FUTURE LAND USE ON THE SOUTH 10 FEET OF 955 OAK PLACE.

REQUEST OF THE JEWETT ORTHOPAEDIC CLINIC TO: AMEND THE OFFICIAL ZONING MAP SO AS TO CHANGE MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO PARKING LOT (PL) DISTRICT ON THE REAR OF THE PROPERTY AT 1285 ORANGE AVENUE AND ON 951 AND 955 OAK PLACE AND TO OFFICE (O-1) DISTRICT ON THE SOUTH 10 FEET OF 955 OAK PLACE.

Planning Director Jeffrey Briggs provided the staff report and explained that the Jewett Clinic is seeking approval to build a new two-story medical office and surgery center building and is requesting:

1. Conditional Use approval for that 25,000 square foot medical office and surgery center building at 1235/1245 Orange Avenue on the corner of Oak Place; and
2. Change from the existing Multi-Family Residential (R-3) designation to Parking Lot (PL) zoning for the properties along Balch Avenue and Oak Place that provide the required parking for the Jewett Clinic campus.

He reviewed the details of the project with regard to site and context, project plans, parking to meet the needs of the facility, parking lot design, landscaping and tree preservation. There was detailed discussion about parking lot lighting, the safety concerns of neighbors and the neighbor's advocacy for landscaping buffer instead of the wall buffer along Minnesota Avenue. He summarized by explaining that the City is pleased to see the commitment of the Jewett Clinic to grow in place versus relocation. There will be ample parking for the proposed building and the new parking lots are designed to meet code and be sensitive to the landscaping and tree preservation desires of the City. Staff recommended approval with the provision that the off-site parking lot buffer wall be eliminated along Minnesota Avenue in lieu of upgraded landscaping and trees, as determined by staff, for both the new and existing off-site parking lots. Mr. Briggs responded to Board member questions and concerns.

Danny Gordon, Hunton & Brady Architects, 800 North Magnolia Avenue, represented the applicant. He stated that the Jewett Clinic agrees with the comments and conditions detailed in the staff report. He responded to Board member questions and concerns.

John McCutchen, President, Jewett Clinic, 1285 Orange Avenue, addressed the Board with regard to what type of medical services will be provided in this new building. He responded to Board member questions and concerns.

Allan Trovillion, spoke in favor of the request.

No one else wished to speak in favor of or in opposition to the request. Public Hearing closed.

Consensus of the Board members was support for the project. There was concurrence amongst the Board members that the growth of the Jewett Clinic was good for this neighborhood and the city at large. They agreed that for consistency the buffer wall could be eliminated, provided that the Minnesota Avenue frontages would be heavily landscaped both for the new remote lot and the existing lot as well. Upon questioning about the types of medical services to be provided in the new building, that adequate parking is being provided.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the conditional use request to construct a two-story 25,000 square foot medical office building on the properties at 1235 and 1245 Orange and the south 10 feet of 955 Oak Place. Approval is with the provision that the off-site parking lot buffer wall be eliminated along Minnesota Avenue in lieu of upgraded landscaping and trees, as determined by staff, for both the new and existing off-site parking lots. Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to amend the comprehensive plan future land use designations of medium density residential to parking lot on the rear of the property at 1285 Orange Avenue and on 951 and 955 Oak Place and to office future land use on the South 10 feet of 955 Oak Place. Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to amend the official zoning map so as to change the medium density multi-family residential (R-3) district zoning to parking lot (PL) district on the rear of the property at 1285 Orange Avenue and on 951 and 955 Oak Place and to Office (O-1) district on the south 10 feet of 955 Oak Place. Motion carried unanimously with a 5-0 vote.

REQUEST OF THE CITY OF WINTER PARK TO: AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP SO AS TO ESTABLISH LOW DENSITY RESIDENTIAL AND COMMERCIAL FUTURE LAND USE DESIGNATIONS TO THE RECENTLY ANNEXED PROPERTIES AT 970, 1000, 1008, 1306 AND 1308 LOREN AVENUE; 933, 1101, 1123, 1211, 1253 AND 1313 LEWIS DRIVE; 1141 BENJAMIN AVENUE; 600, 1449, 1471, 1501 AND 1531 LEE ROAD AND AT 1175 N. ORLANDO AVENUE.

REQUEST OF THE CITY OF WINTER PARK TO: AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH COMMERCIAL (C-3) DISTRICT ZONING AND LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING ON THE RECENTLY ANNEXED PROPERTIES AT 970, 1000, 1008, 1306 AND 1308 LOREN AVENUE; 933, 1101, 1123, 1211, 1253 AND 1313 LEWIS DRIVE; 1141 BENJAMIN AVENUE; 600, 1449, 1471, 1501 AND 1531 LEE ROAD AND AT 1175 N. ORLANDO AVENUE; 600, 1449, 1471, 1501 AND 1531 LEE ROAD AND AT 1175 N. ORLANDO AVENUE.

Planning Director Jeffrey Briggs presented the staff report and explained that on November 12, 2012, the City of Winter Park annexed the 51+ acres of the Ravaudage /Home Acres area. These two ordinances establish the same low density residential or commercial FLU designations on the City's Comprehensive Plan maps and the low density residential (R-2) zoning and commercial (C-3) zoning on the City's official zoning map as now exists for these properties in Orange County. Thus, there is no change. The only change is that they will be under the terms of the Winter Park land development code versus Orange County's. This is customary for the City to establish its FLU and Zoning to match what was in place in Orange County. These ordinances do not include any of the properties that were part of the Ravaudage Planned Development approval of May 24, 2011. The annexation agreement approved by the City Commission on April 9, 2012 in Section 5 provides that the Ravaudage PD properties will be governed by the Orange County PD zoning and land development code. So those properties remain with their Orange County PD future land use and Orange County PD zoning. Staff recommended approval. Mr. Briggs responded to Board member questions and concerns. He indicated that notices were mailed to every property owner involved.

No one wished to speak concerning the request. Public Hearing closed.

The Board members concurred that this was largely a house keeping item to complete the transition of these properties into the City of Winter Park.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to amend the comprehensive plan future land use map so as to establish low density residential and commercial land use designations on the recently annexed properties at 970, 1000, 1008, 1306 and 1308 Loren Avenue; 933, 1101, 1123, 1211, 1253 and 1313 Lewis Drive; 1141 Benjamin Avenue; 600, 1449, 1471, 1501 and 1531 Lee Road and at 1175 N. Orlando Avenue. Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to amend chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map so as to establish Commercial (C-3) district zoning and Low Density Residential (R-2) district zoning on the recently annexed properties at 970, 1000, 1008, 1306 and 1308 Loren Avenue; 933, 1101, 1123, 1211, 1253 and 1313 Lewis Drive; 1141 Benjamin Avenue; 600, 1449, 1471, 1501 and 1531 Lee Road and at 1175 N. Orlando Avenue. Motion carried unanimously with a 5-0 vote.

REQUEST OF THE CITY OF WINTER PARK TO: AMEND CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SO AS TO ESTABLISH HOURS OF OPERATION FOR STATE LICENSED MASSAGE THERAPY BUSINESSES AND TO PROHIBIT RESIDENTIAL USE OF COMMERCIAL AND OFFICE TENANT SPACE.

Planning Director Jeffrey Briggs presented the staff report and explained that this agenda item requests the P&Z Board recommendation on the issue of amending the commercial and office zoning rules to establish hours of operation for state licensed massage therapy businesses. The planning staff is proposing to establish hours of operation for these massage therapy businesses from 7:00 am until 10:00 pm. The exception would be for massage therapy provided in hotels where you may have guests arriving late from flights or other late travel. This proposed ordinance would also prohibit using any massage therapy business as a residential occupancy which is in effect, how they can operate when they are open 24 hours a day.

Mr. Briggs indicated that similar legislation is on the Governor's desk for signature that prohibits operations during the Midnight to 5:00 am window. Staff expressed that the City does not believe the Dept. of Business regulation can have the enforcement ability that the City can render through the Code Enforcement Board when this is in the Zoning Code.

Mr. Briggs indicated that this ordinance is in part in response to complaints about all night activity and noise at 24 hour massage spas. One major purpose of zoning laws is to protect the peaceful enjoyment of

residential properties and also to protect property values. The ordinance also addresses property values in response to complaints from owners of other commercial properties that the character and property values along the major commercial roads in the City is diminished if characterized by all night/flashing "24 hour massage" signs. Mr. Briggs pointed out that most all of the commercial areas of the City are very close to residential properties. If you look at the Fairbanks, Orlando, Orange Avenues and Lee Road corridors, you see residential properties within 100-150 feet (typically behind) the commercial properties.

Winter Park was one of the first communities in Florida to prohibit internet cafes. Winter Park has also restricted via zoning any new car lots, pawn shops and tattoo/body art businesses. This ordinance is consistent with those other previous actions. Mr. Briggs responded to Board member questions and concerns.

Barbara Nelen, 2265 Lee Road, Suite 221, spoke concerning the request. She provided the Board members with an overview of her establishment as to the types of services she provides and clients that she serves. She noted that she has an established clientele, and that her services are medically oriented. She questioned how will this be enforced, requested further notification to all establishments and requested that the item be tabled until all questions have been answered. She responded to Board member questions and concerns.

Fire Chief, James White addressed the issue from the Code Enforcement aspect. He explained that since the office has been under Fire, schedules have been adjusted to provide more coverage. Enforcement of these establishments will be very proactive. He noted that a large part of the focus will be on what is the impact to the neighborhood versus the activity.

No one else wished to speak concerning this item. Public Hearing closed.

The Board members discussed the issue and indicated that their primary priority was this Ordinance as a zoning tool to help protect property values and the residents who live adjacent to such businesses. Mr. Weldon asked if it would be advantageous to use the same hours as the prospective State law. Mr. Johnston asked if there was a way to respond to Ms. Nelen's concerns.

Mr. Briggs replied that midnight was too late in his opinion to protect neighbors from late night noise and activity. Mr. Briggs suggested that the Ordinance could be amended to include a provision that 'unless provided and approved by the City as a medical necessity' then the hour restrictions would apply. In that way, the legitimate physician referral massage therapy businesses could know that they had the ability in those special circumstances to provide their services during those late night hours.

Mr. Gottfried indicated that his primary focus was on protection of the residential properties that are adjacent or close by and reiterated that this was a primary purpose of zoning rules in general. Mr. Sacha and Mr. Slocum agreed. Mr. Weldon expressed concern about whether appropriate notice had been provided. He also felt that consistency with the State law limitation on hours provides a sufficient code enforcement window, without the need for 'exemptions'.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to amend chapter 58 "Land Development Regulations", Article III, "Zoning" so as to establish hours of operation for state licensed massage therapy businesses and to prohibit residential use of commercial and office tenant space. Motion carried 4-1. Mr. Weldon voted in opposition to the motion.

NEW BUSINESS: None was discussed

Date of Next Work Session: Wednesday, May 29, 2013 at 12:00 Noon.

Date of Next Meeting: Tuesday, June 4, 2013 at 7:00 p.m.

There was no further business. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Lisa M. Smith
Recording Secretary