

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

**Staff Report
May 7, 2013**

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 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.

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.

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.

Site and Context: The Jewett Clinic desires to expand their medical facilities on the campus at 1285 Orange Avenue. The site plan (attached) shows a prospective new two story medical office building to include an ambulatory surgery center on the corner of Oak Place. The companion Comp. Plan future land use map and rezoning request is to provide the parking spaces needed for that new medical building project.

Project Plans and Parking: The site plan and conceptual architectural elevation plan shows the new two story building at the corner meeting the 10 foot front building setback which is exactly in line with the current Jewett Clinic building. To the rear is a new parking lot area along Kelly Place and Oak Place for part of the new required parking.

You will recall on last month's agenda, the approval granted by the City Commission for the zoning change from R-3 to Parking Lot (PL) zoning on the properties at 930, 950 and 960 Minnesota Avenues in order to use these properties for an expanded off-site parking lot for these prospective building expansions on the Jewett Clinic campus.

The final design of that off-site parking lot is now complete and the yield is 67 spaces. Together with the 29 new parking spaces created on-site and the 4 on-street parallel parking spaces created on Oak Place yields a total of 100 new parking spaces.

Parking Needs: The parking requirements for a surgery center are much different than for typical medical office space. That is due to the size of the operating rooms, hallway sizes for gurneys, recovery rooms, etc. In 1988, the Planning Board and City Commission looked at this parking issue, in depth when the Winter Park Ambulatory Surgery Center was built at 1000 S. Orlando Avenue (just north of McDonald's). It was determined at that time that a parking requirement of one space for each 350 sq. ft. of building was adequate and that facility did function very well with that amount of parking provided. In this case, we have some ancillary use of this building for more traditional medical (pain management) office space and waiting room area (one space per 200 sq. ft.) but the vast majority of the space is the surgery center including recovery area (one space per 350). So the staff has suggested that they aim for a one space for 250 square feet allotment or 100 spaces which they are achieving. It should be more than sufficient.

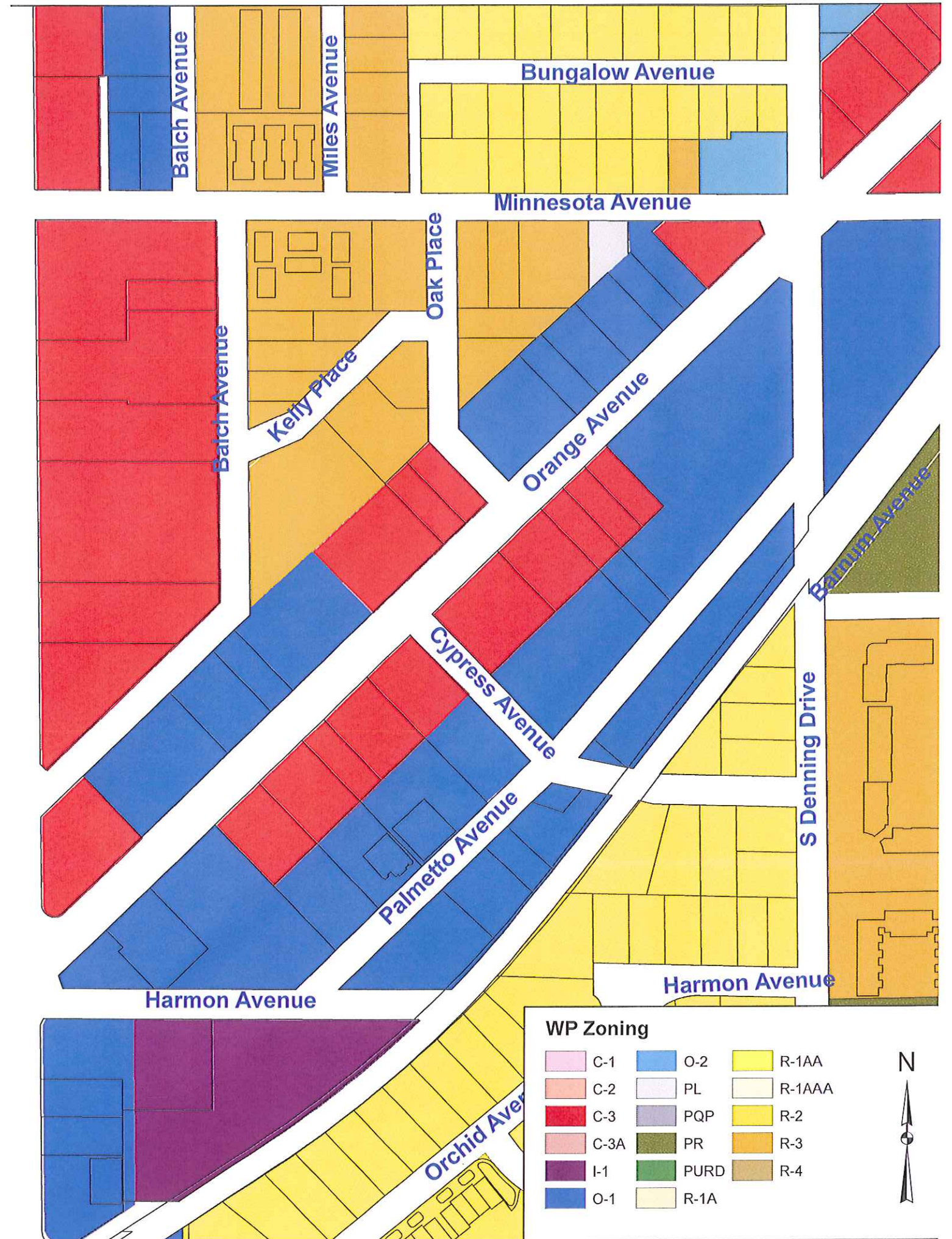
Parking Lot design; landscape and wall plan: At the previous P&Z meeting there was considerable discussion about night lighting in the new parking lot and the effect on the neighbors. The neighbors have expressed that night lighting is something they desire for security and safety. The Police Dept. similarly also recommends night security lighting so they can see into the parking lot and the public can see when driving by. Thus, the design of the new parking lot at Minnesota/Kelly Place has night lighting with box type fixtures controlling light spillage. The existing parking lot on the opposite corner has night lighting via street light (cobra head) type fixtures.

The neighbors have also expressed some concern to staff about the proposed buffer wall along Minnesota Avenue. Again it is a security concern that the wall provides a hiding place. The neighbors have asked the City staff if the wall can be removed from the plans. Of course, the staff thinks the YMCA wall template has worked out to be a great buffer for a parking lot. But staff admits it will look unusual to have a wall for the new parking lot but none for the existing parking lot on the opposite corner of Minnesota and Kelly Place from each other. The applicant will do whatever the City decides. However, they have offered to upgrade the landscape standard for the existing lot (new hedges plus the podocarpus trees) if the wall requirement is removed. The staff has come around to that position as well.


















The parking lot plans do save some of the nicest trees on the two redeveloped properties. All of the trees to be removed are older laurel oaks in poor condition and one pine tree. There are four nice live oak trees, one nice laurel oak and a pine tree being saved that are on the boundaries of the development. New trees will be added as part of the landscape package as well within the interior of the new parking lots. Staff is also requesting two new oaks in street tree locations where they are needed.

Summary: It is very good to see the commitment of the Jewett Clinic to grow in place versus relocation. There will be ample parking for the building uses as proposed and the new parking lots are designed to meet code and be sensitive to the landscaping and tree preservation desires of the City.

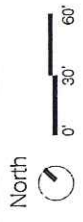
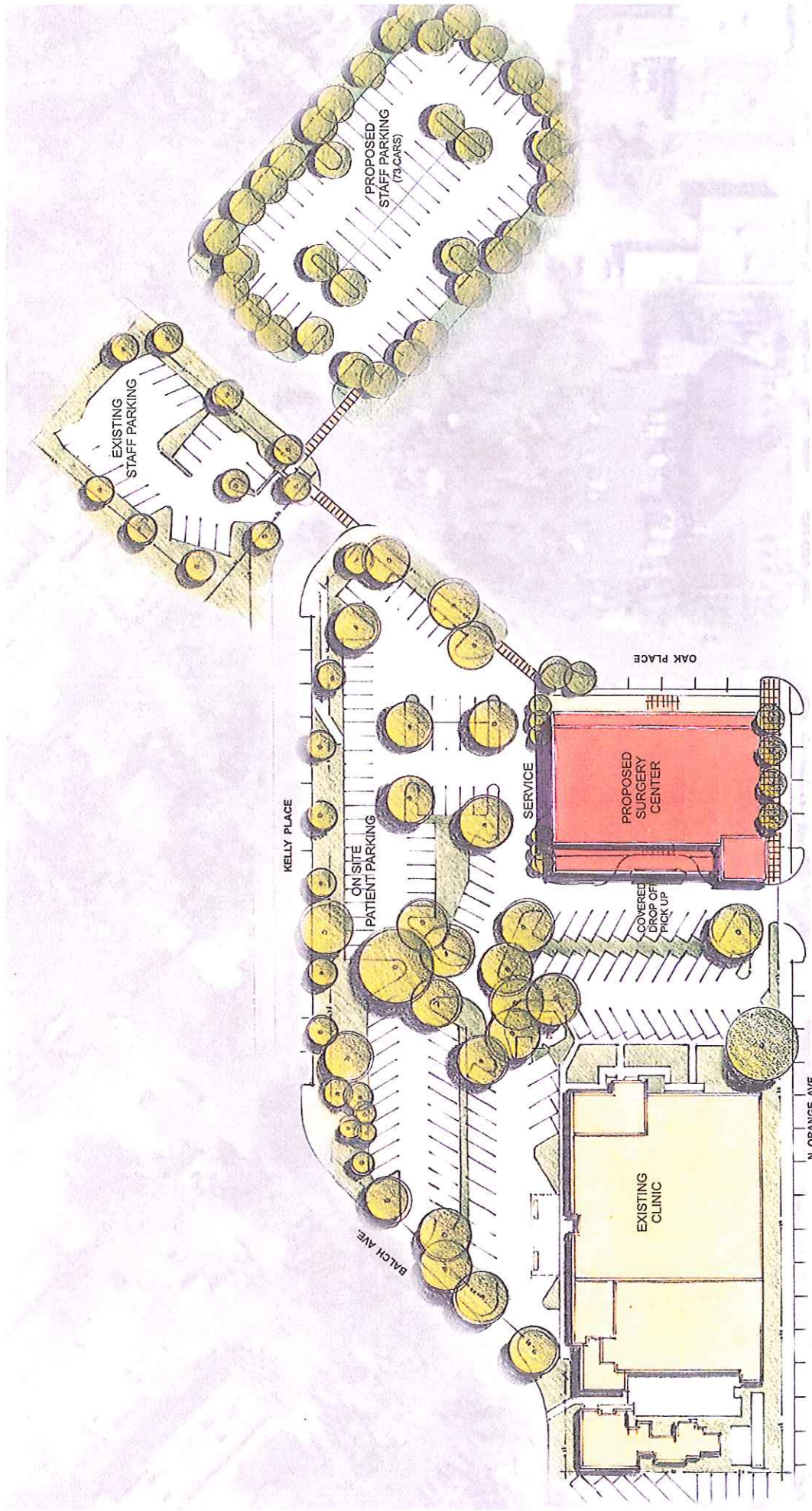
STAFF RECOMMENDATION IS FOR APPROVAL with the provision that the off-site parking lot buffer wall be eliminated along Minnesota Avenue in lieu of upgraded landscaping and trees, as determined by staff, for both the new and existing off-site parking lots.



WP Zoning

	C-1		O-2		R-1AA
	C-2		PL		R-1AAA
	C-3		PQP		R-2
	C-3A		PR		R-3
	I-1		PURD		R-4
	O-1		R-1A		





SUS SURGERY CENTER

Winter Park, Florida
 March 5, 2013

SUS SURGERY CENTER
FOR
SUS PROPERTIES
LANDSCAPE PLAN

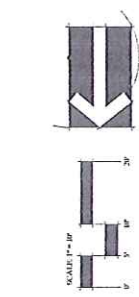
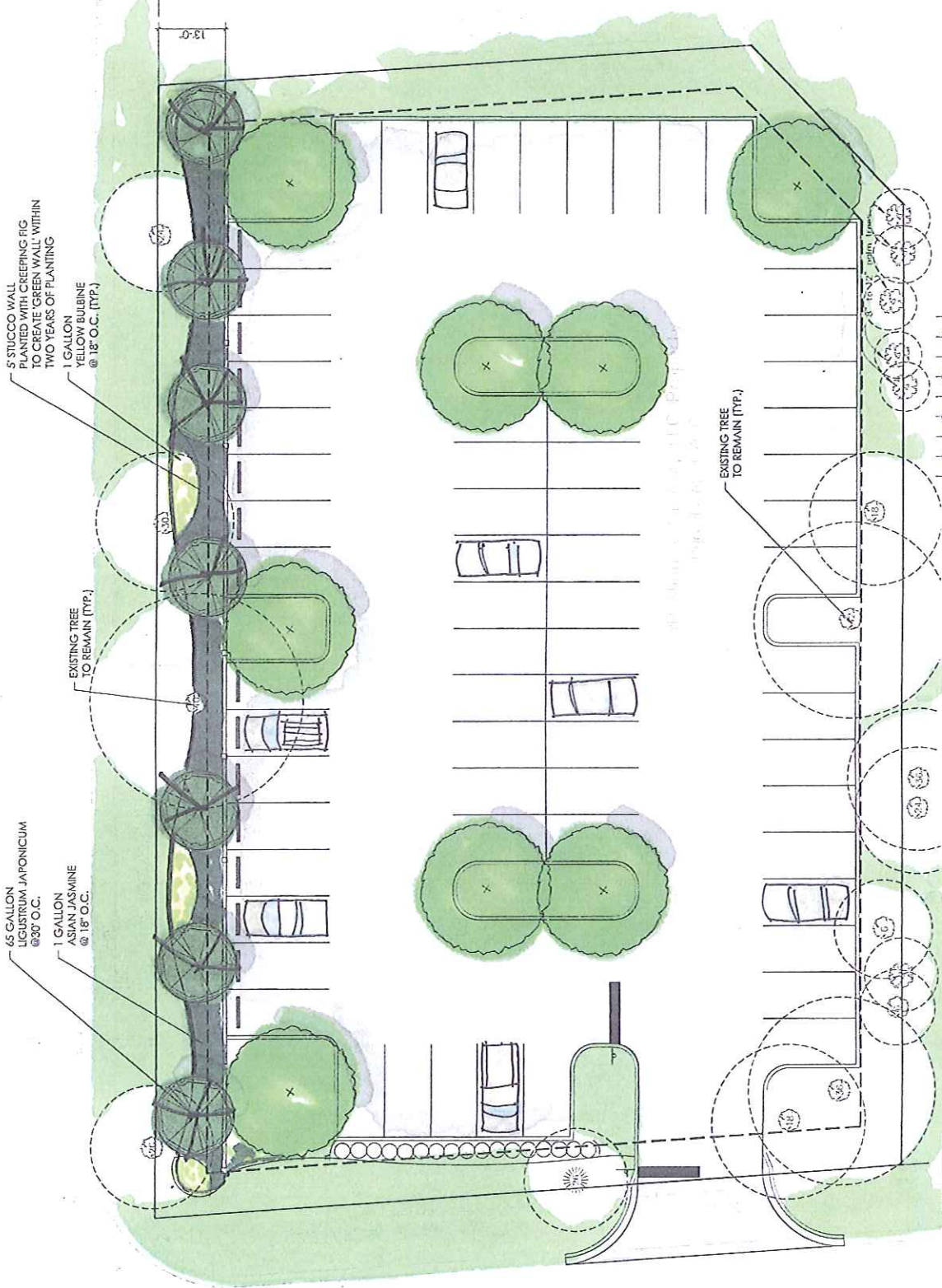
revision	description	date
A		
A		
A		
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A		

drawn by: TWH
checked by: TWH
date: 04/02/13
plot scale: AS SHOWN
project number: 100111/100111

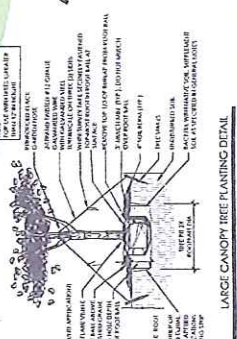
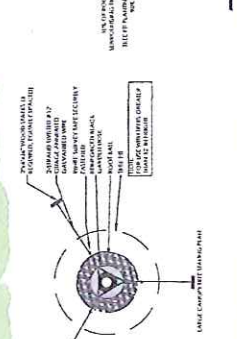
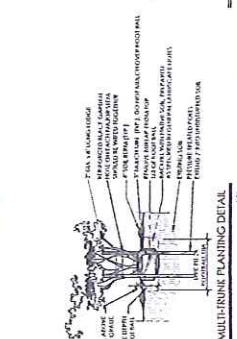
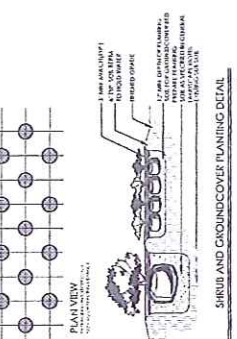
L 100



Bd
Landscape Architecture
1115 10th St.
Albany, NY 12202
402.252.1200
402.252.1201



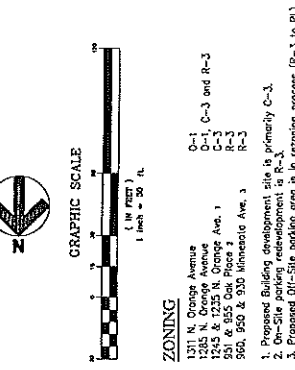
CONDITIONAL USE SUBMITTAL



SHRUB AND GROUNDCOVER PLANTING DETAIL

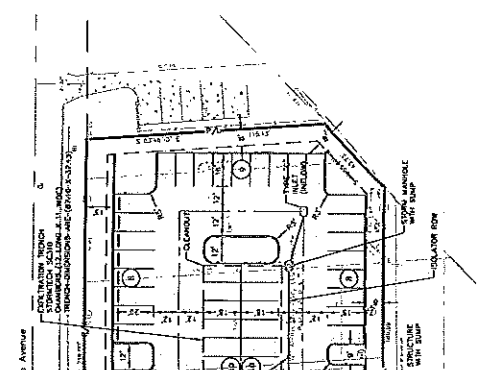
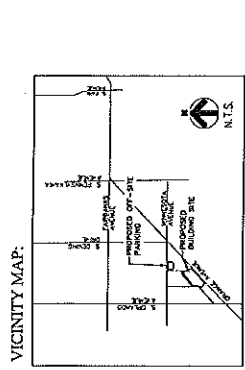
MULTI-TRUNK TREE PLANTING DETAIL

LARGE CANOPY TREE PLANTING DETAIL



ZONING
1311 N. Orange Avenue
1305 N. Orange Avenue
165 N. Orange Avenue
531 & 655 Oak Springs Ave. 1
531 & 655 Oak Springs Ave. 2
560, 950 & 930 Minnesota Ave. 3
0-1
0-1, C-3 and R-3
C-3
C-3
R-3

1. Proposed Building placement site is primarily C-3.
2. Conditional Use Submittal is R-3.
3. Proposed Off-Site parking area is in retaining process (R-3 to PL)



DATA:
TOTAL LAND AREA: 134,165 SF (3.08 AC)
BUILDING SITE - 134,165 SF (3.08 AC)
PROPOSED OFF-SITE PARKING - 31,175 SF (0.72 AC)
BUILDING GROSS AREA:
EXISTING: 25,000 SF
PROPOSED: 25,000 SF

Total Building Area: 59,771 SF

BUILDING HEIGHT:
PROPOSED BUILDING HEIGHT: TWO STORY, TOP OF BUILDING - 31'-0"
TOP OF PARAPET - 24'-0"
TOP OF CORNER FEATURE - 40'-0"

BUILDING PURPOSE/USE:
SURGERY CENTER

PARKING LOT:
SEC. 39-31, OFF-STREET PARKING AND LOADING REGULATIONS.
R. CEILING PROFESSIONAL OR PUBLIC BUILDINGS.
ONE PARKING SPACE FOR EACH 200 SQUARE FEET OF GROSS FLOOR AREA.
PROPOSED PARKING FOR SURGERY CENTER:
ONE PARKING SPACE FOR EACH 250 SQUARE FEET OF GROSS FLOOR SPACE.

THESE ARE:
PARKING PROVIDED:
Existing Parking to Remain: 105 Parking Spaces
New On-Site Parking: 29 Parking Spaces
New Off-Site Parking: 30 Parking Spaces
Existing Off-Site Parking: 24 Parking Spaces

Total Parking Provided: 258 Parking Spaces

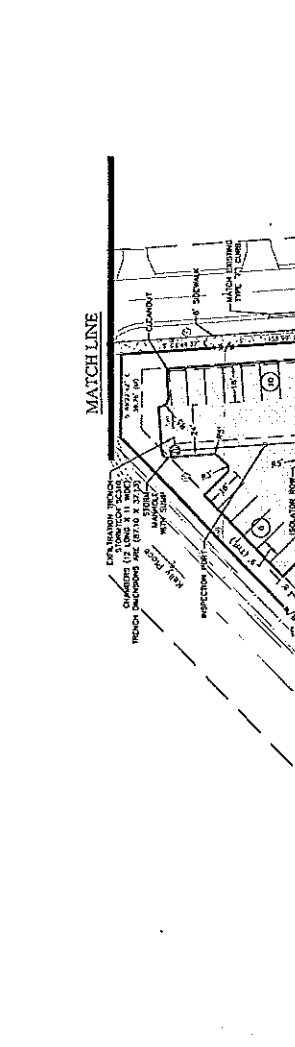
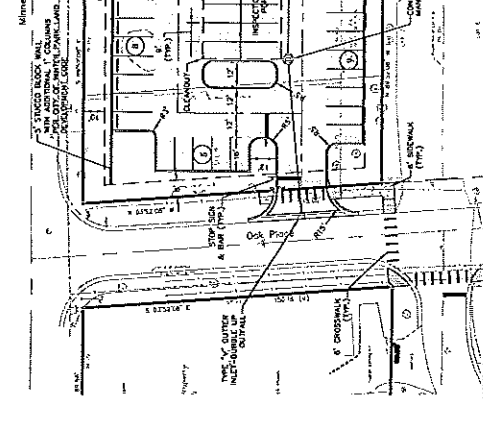
Therefore, 19 SPACE PARKING DEFICIT

(FAR) = 0.45 OR 45% ALLOWABLE
59,771 / 134,165 SF = 0.45 OR 45% PROPOSED

50% = 0.35 OR 35% ALLOWABLE (C-3 AND PL DISTRICTS)
BUILDING SITE = 59,771 / 134,165 SF = 0.45 OR 45% PROPOSED
OFF-SITE PARKING = 21,155 / 31,175 SF = 0.71 OR 71% PROPOSED

ON-STREET PARKING ADJACENT TO SITE:
EXISTING (ORANGE AVE. AND KELLY PLACE) - 37
PROPOSED (OAK PLACE) - 4
TOTAL ON-STREET PARKING - 41 SPACES
THEREFORE, 46% OF ON-STREET PARKING REQUIRED

FEMA FLOOD DATA:
THIS SITE IS LOCATED IN ZONE X FOR FEMA MAP No. 170950025S F, SEPTEMBER 25, 2009.



PROPOSED 2-STORY SURGERY CENTER (65,000 GSF)

EXISTING BUILDING M.O.B. (34,771 GSF)

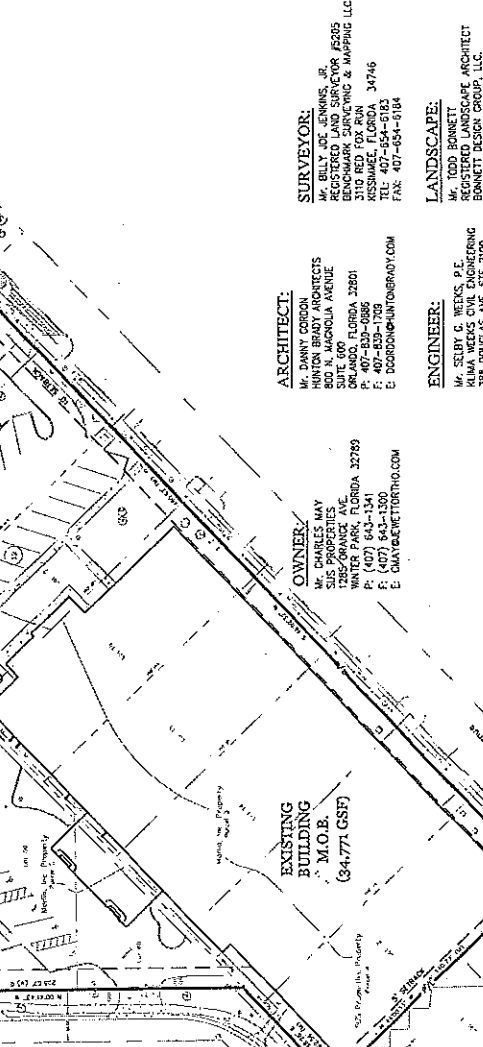
ARCHITECT:
MR. TIMOTHY BROWN
HUNTON BRADY ARCHITECTS
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F: 407-839-1703
E: TBROWN@HUNTONBRADY.COM

ENGINEER:
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KLIMA WEEKS CIVIL ENGINEERING
385 DOUGLAS AVE. STE. 2100
ALTAMONTE SPRINGS, FL 32714
TEL: 407-478-8278
FAX: 407-478-8278
E: SWEECS@KLIMAWEEKS.COM

LANDSCAPE:
MR. TODD BONNETT
REGISTERED LANDSCAPE ARCHITECT
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151 CIRCLE DRIVE
MARTLAND, FL 32753
TEL: 407-522-1588
E: TBONNETT@TODDANDTODDGROUP.COM

OWNER:
MR. CHARLES W. MAY
SUS PROPERTIES
1285 ORANGE AVE.
WINTER PARK, FLORIDA 32789
P: (407) 643-1341
F: (407) 643-1341
E: CHARLES@SUSPROPERTIES.COM

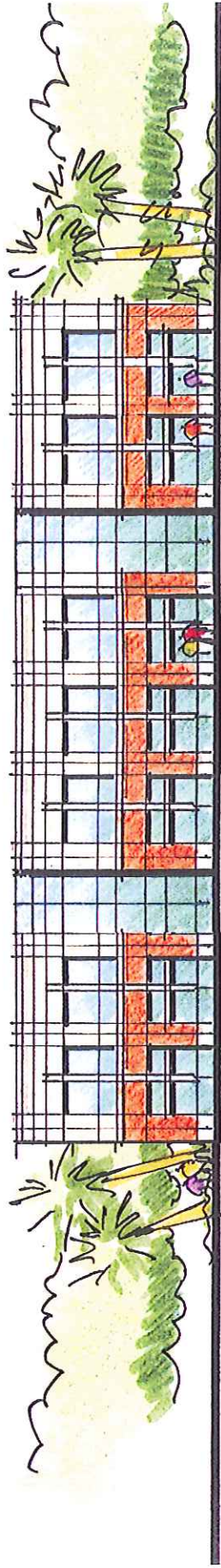
SURVEYOR:
MR. BILLY J. LEWIS, JR.
REGISTERED SURVEYOR
GENCHAMARK SURVEYING & MAPPING LLC
3110 RED FOX RUN
KEESWEE, FLORIDA 34746
TEL: 407-354-5183
FAX: 407-354-9184





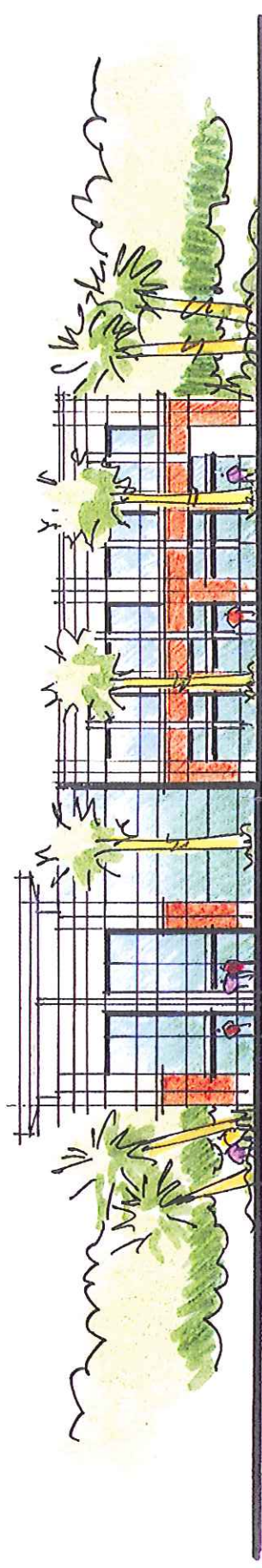
SOUTH ELEVATION

0' 10' 20'



OAK STREET ELEVATION

0' 10' 20'



ORANGE AVENUE ELEVATION

0' 10' 20'

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

**Staff Report
May 7, 2013**

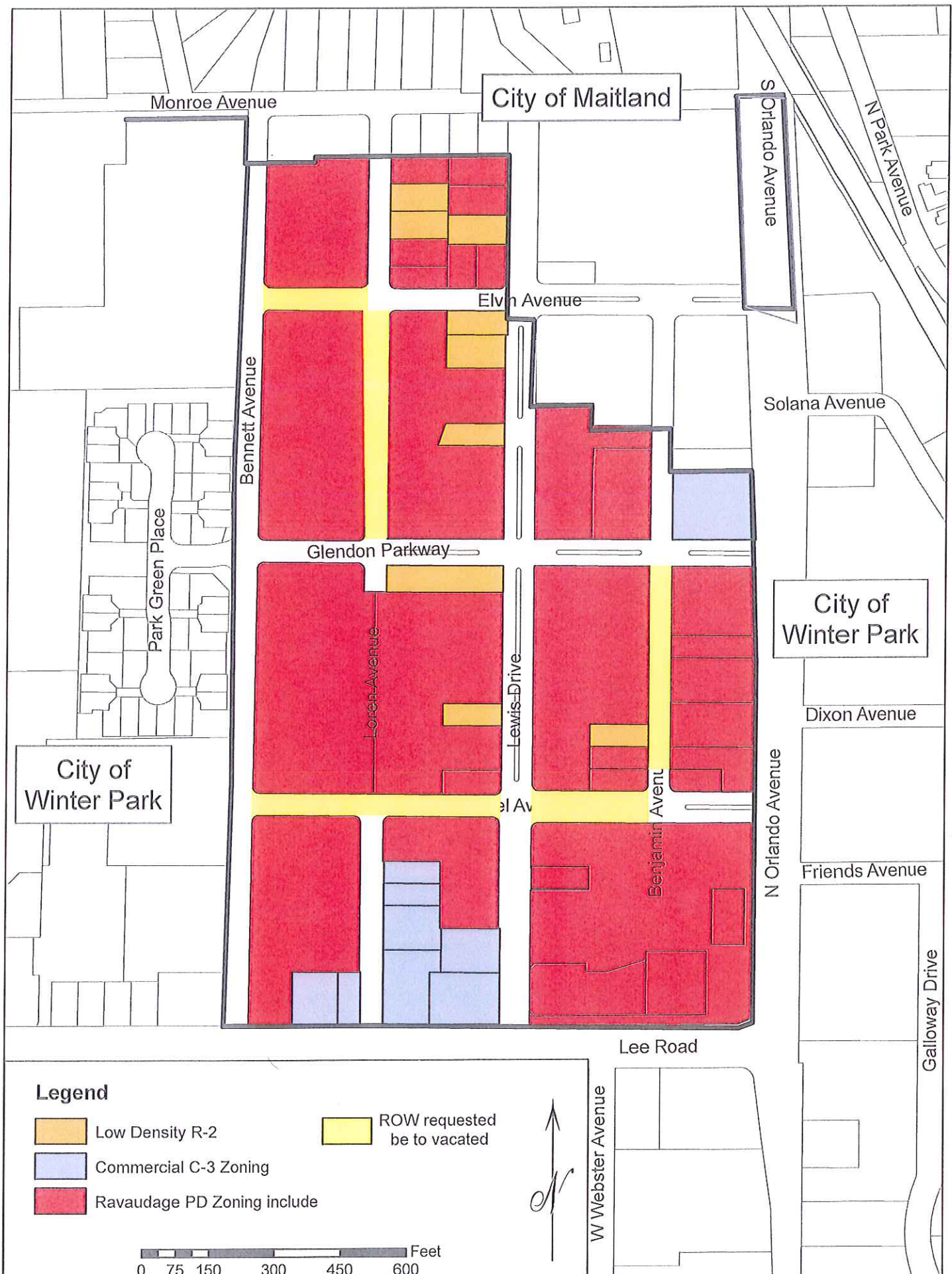
AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH LOW DENSITY RESIDENTIAL AND COMMERCIAL FUTURE LAND USE DESIGNATIONS TO THE RECENTLY ANNEXED PROPERTIES AT 970, 1000, 1008, 1306 AND 1308 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.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING 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.

On November 12, 2012 the City of Winter Park annexed the 51+ acres of the Ravaudage /Home Acres area. These two ordinances establish the 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 to match what these properties were designated in Orange County. These properties now have the same FLU and zoning in Orange County so 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 it's 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 RECOMMENDATION IS FOR APPROVAL



City of Maitland

S Orlando Avenue

N Park Avenue

Monroe Avenue

Elvin Avenue

Solana Avenue

Bennett Avenue

Park Green Place

Glendon Parkway

City of Winter Park

Dixon Avenue

City of Winter Park

Loren Avenue

Lewis Drive

N Orlando Avenue

Benjamin Avenue

Friends Avenue

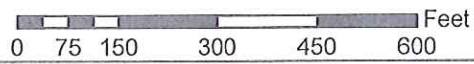
Lee Road

Galloway Drive

W Webster Avenue

Legend

- Low Density R-2
- Commercial C-3 Zoning
- Ravaudage PD Zoning include
- ROW requested to be vacated



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "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; MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the aforementioned properties have been annexed into the City of Winter Park, and

WHEREAS, the City Commission intends to amend its Comprehensive Plan to establish a municipal Comprehensive Plan future land use map designation identical to the future land use designations that exist on these properties when they were part of unincorporated Orange County, as a small scale amendment to the Comprehensive Plan, and

WHEREAS, the amendment of the Comprehensive Plan maps and the establishment of a future land use designation meets the criteria established by Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to establish a Commercial future land use designation on the annexed properties at 970, 1000, 1008 Loren Avenue; 933 Lewis Drive; at 1175 N. Orlando Avenue; and at 600, 1449, 1471, 1501, 1531 Lee Road and that all other maps in the Comprehensive Plan shall also be amended to reflect the addition and annexation of this property into the City of Winter Park, said properties being more particularly described as follows:

- | | |
|------------------------|---------------------------------------|
| 970 Loren Avenue | Property Tax ID# 01-22-29-3712-03-170 |
| 1000 Loren Avenue | Property Tax ID# 01-22-29-3712-03-160 |
| 1008 Loren Avenue | Property Tax ID# 01-22-29-3712-03-150 |
| 933 Lewis Drive | Property Tax ID# 01-22-29-3712-03-060 |
| 1175 N. Orlando Avenue | Property Tax ID# 01-22-29-3712-10-011 |

600 Lee Road	Property Tax ID# 02-22-29-0000-00-042
1449 Lee Road	Property Tax ID# 01-22-29-3712-03-030
1471 Lee Road	Property Tax ID# 01-22-29-3712-03-010
1501 Lee Road	Property Tax ID# 01-22-29-3712-04-050
1531 Lee Road	Property Tax ID# 01-22-29-3712-04-030

SECTION 2. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to establish a Low Density Residential future land use designation on the annexed properties at 1306 and 1308 Loren Avenue, at 1101, 1123, 1211, 1253, 1313 Lewis Drive;; and at 1141 Benjamin Avenue and that all other maps in the Comprehensive Plan shall also be amended to reflect the addition and annexation of this property into the City of Winter Park, said properties being more particularly described as follows:

1306 Loren Avenue	Property Tax ID# 01-22-29-3712-16-041
1308 Loren Avenue	Property Tax ID# 01-22-29-3712-16-051
1101 Lewis Drive	Property Tax ID# 01-22-29-3712-06-170
1123 Lewis Drive	Property Tax ID# 01-22-29-3712-06-100
1211 Lewis Drive	Property Tax ID# 01-22-29-3712-12-160
1253 Lewis Drive	Property Tax ID# 01-22-29-3712-12-110
1313 Lewis Drive	Property Tax ID# 01-22-29-3712-16-131
1141 Benjamin Ave.	Property Tax ID# 01-22-29-3712-07-180

SECTION 3. This ordinance shall become effective 31 days after adoption but shall not become effective if this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. In that case it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2013.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING 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, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the properties more particularly described herein have in compliance with Chapter 171, Florida Statutes, been annexed into the City of Winter Park, and

WHEREAS, the City Commission intends to establish a municipal zoning designation on this property in compliance to correspond with the establishment of a similar Comprehensive Plan future land use designation for said property, and

WHEREAS, the establishment of municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to establish Commercial (C-3) district zoning on the annexed properties at 970, 1000, 1008 Loren Avenue; at 933 Lewis Drive at 1175 N. Orlando Avenue; and at 600, 1449, 1471, 1501, 1531 Lee Road, more particularly described as follows:

970 Loren Avenue	Property Tax ID# 01-22-29-3712-03-170
1000 Loren Avenue	Property Tax ID# 01-22-29-3712-03-160
1008 Loren Avenue	Property Tax ID# 01-22-29-3712-03-150
933 Lewis Drive	Property Tax ID# 01-22-29-3712-03-060
1175 N. Orlando Avenue	Property Tax ID# 01-22-29-3712-10-011
600 Lee Road	Property Tax ID# 02-22-29-0000-00-042
1449 Lee Road	Property Tax ID# 01-22-29-3712-03-030
1471 Lee Road	Property Tax ID# 01-22-29-3712-03-010
1501 Lee Road	Property Tax ID# 01-22-29-3712-04-050
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1306 Loren Avenue	Property Tax ID# 01-22-29-3712-16-041
1308 Loren Avenue	Property Tax ID# 01-22-29-3712-16-051
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1123 Lewis Drive	Property Tax ID# 01-22-29-3712-06-100
1211 Lewis Drive	Property Tax ID# 01-22-29-3712-12-160
1253 Lewis Drive	Property Tax ID# 01-22-29-3712-12-110
1313 Lewis Drive	Property Tax ID# 01-22-29-3712-16-131
1141 Benjamin Ave.	Property Tax ID# 01-22-29-3712-07-180

SECTION 3. This Ordinance shall become effective upon the effective date of Ordinance _____. If Ordinance _____ does not become effective, then this Ordinance shall be null and void.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2013.

Mayor

Attest:

City Clerk

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

**Staff Report
May 7, 2013**

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 LICENSE MASSAGE THERAPY BUSINESSES AND TO PROHIBIT RESIDENTIAL USE OF COMMERCIAL AND OFFICE TENANT SPACE, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

This agenda item requests P&Z Board recommendation on the issue of amending the commercial and office zoning rules to establish hours of operation for state license 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.

STAFF RECOMMENDATION IS FOR APPROVAL.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTION 58-84 "GENERAL PROVISIONS FOR NON-RESIDENTIAL ZONING DISTRICTS" SO AS TO ESTABLISH HOURS OF OPERATION FOR STATE LICENSE MASSAGE THERAPY BUSINESSES AND TO PROHIBIT RESIDENTIAL USE OF SUCH COMMERCIAL AND OFFICE SPACE, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City Commission desires to provide further standards for the operation of massage therapy businesses; and

WHEREAS, this zoning text amendment is consistent with the Comprehensive Plan, and the requested zoning text change will promote and protect property values and such municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the City Staff recommends this Ordinance, and the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their May 7, 2013 meeting; and

WHEREAS, the City Commission of the City of Winter Park held a duly noticed public hearing on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-84 "General Provisions for Non-residential Zoning Districts, is hereby amended and modified by adding a new subsection (dd) to read as follows:

Sec. 58-84. General Provisions for Non-residential Zoning Districts.

(dd) *Massage therapy businesses.* Any state licensed massage therapy business shall be limited and restricted to hours of operation only between the times of 7:00 am through 10:00 pm. This limitation and restriction shall not apply if such massage therapy is provided within a licensed hotel or motel. In addition, no residential occupancy of the premises may be permitted in conjunction with any massage therapy business and no separate sleeping, cooking or bathroom facilities may be provided outside of the area used for the massage therapy.

SECTION 2. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

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

SECTION 4. Effective Date. This Ordinance shall become immediately effective upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2013.

Mayor

Attest:

City Clerk

The Miami Herald

Posted on Thu, Mar. 28, 2013

Bill seeks to limit hours for massage parlors

By BRUCE SCHREINER
Associated Press

Florida's massage parlors would close at midnight and face more scrutiny under a bill that breezed through a state House panel on Thursday.

The bill's sponsor said his proposal is a response to requests from law enforcement to clamp down on an unsavory side of an industry dotting some urban centers in the Sunshine State.

The measure targets massage parlors that "are really just a cover-up for human trafficking, where young women are brought over to this country unlawfully," said state Rep. Dave Kerner, D-Lake Worth.

The measure (HB 7005) easily cleared the House Justice Appropriations Subcommittee.

It would require the parlors to be closed from midnight to 5 a.m., though local governments would have the option to allow parlors to operate for longer hours to coincide with big events in the area.

"If you're getting a massage at 3 in the morning, that's probably not a legitimate massage establishment," Kerner said after the committee hearing.

Law enforcement report that some women employees are confined to live in squalid conditions at the parlors, he said. Parlor owners would face criminal charges if their employees are forced to live in the parlors.

Violations of the bill's provisions would strengthen the hand of law enforcement in seeking to close the establishments, he said.

The bill is being tracked closely by Florida Attorney General Pam Bondi.

"Attorney General Bondi is dedicated to making Florida a zero-tolerance state for human trafficking, and we look forward to following this bill as it moves through the legislative process," Bondi spokeswoman Jenn Meale said in a statement.

The bill also would ban parlors from advertising sexual acts and would require parlor owners to have government IDs.

Kerner said the parlors operate "on the periphery of society" but have proliferated in areas like his district in South Florida.

"When you drive through the district, you'll see neon signs, you'll see tinted out windows, you'll see massage parlors operating at all hours of the night," he said.



April 18, 2013

TO: Caixia Yoe
2018 W. Fairbanks Avenue, Winter Park, Fl. 32789

RE: Asian Massage of CX

SUBJECT: Notification of the Proposed Ordinance to Establish Hours of Operation for Massage Therapy businesses within the City of Winter Park.

NOTICE is hereby given that a public hearing will be held by the Planning and Zoning Commission on May 7, 2013 at 7:00 pm and by the City Commission on May 13, 2013 and on June 10, 2013 at 3:30 p.m., in the Commission Chambers at City Hall, 401 Park Avenue South, Winter Park, Florida, to consider an Ordinance to provide for the establishment of Hours of operation for massage therapy businesses within the City of Winter Park. The proposal would limit the hours of operation to 7:00 am to 10:00 pm unless such business is conducted within a motel/hotel.

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This Ordinance have been advertised in the Orlando Sentinel for consideration by the City Commission on May 13, 2013 and June 10, 2013. The ordinances can be inspected at the Planning Department office at Winter Park City Hall between 8:00 am and 5:00 p.m. weekdays and the staff can help answer any questions you may have by calling Jeff Briggs, Planning Director at (407) 599-3440 or via email at jbriggs@cityofwinterpark.org.

All interested parties are invited to attend the meetings and be heard. Additional information is available in the Planning Department so that citizens may acquaint themselves with each issue and receive answers to any questions they may have prior to the meeting.

Note: If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) Persons with disabilities needing assistance to participate in any of these proceedings should contact the Planning Department at 407-599-3463 at least 48 hours in advance of the meeting.



April 18, 2013

TO: Walter and Anita Gilmore
216 Live Oak Lane, Altamonte Springs, Fl. 32714

RE: 2018 W. Fairbanks Avenue - Asian Massage of CX

SUBJECT: Notification of the Proposed Ordinance to Establish Hours of Operation for Massage Therapy businesses within the City of Winter Park.

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April 18, 2013

TO: Alfred Sumanas & Elle Hammermann
941 Gloriosa Avenue, Winter Park, Fl. 32789

RE: 2301 Lee Road, Winter Park

SUBJECT: Notification of the Proposed Ordinance to Establish Hours of Operation for Massage Therapy businesses within the City of Winter Park.

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April 18, 2013

TO: Amanda Yamauchi
2301 Lee Road, Winter Park, Fl. 32789

RE: Spa 33 at 2301 Lee Road, Winter Park

SUBJECT: Notification of the Proposed Ordinance to Establish Hours of Operation for Massage Therapy businesses within the City of Winter Park.

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Jeffrey Briggs

From: Jeffrey Briggs
Sent: Friday, April 19, 2013 8:29 AM
To: Jeffrey Briggs
Subject: FW: lee rd

From: Lee Road [<mailto:leeroad1@yahoo.com>]
Sent: Thursday, April 18, 2013 6:40 PM
To: Jeffrey Briggs
Subject: Re: lee rd

can anyone tell me how many arrests need to be made before these massage parlors can be shut down on lee rd