CITY OF WINTER PARK
PLANNING AND ZONING COMMISSION

Staff Report
March 16, 2010

REQUEST OF TGG LTD FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 301 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.

This request is from TGG Ltd. (Dan Bellows) as the owner of the property at 301 W. New England Avenue to amend the Comprehensive Plan future land use map from Commerce to Central Business District on that one property. This is the property that currently holds the Grant Chapel building, now used for a photography business.

In 2003, the City adopted Ordinance No. 2508-03 (attached) which rezoned 301 W. New England Avenue to Central Business (C-2) District. Though an oversight, the Comprehensive Plan future land use designation remained commercial (not central business district that corresponds to the C-2 zoning). It remains that way on the current Comprehensive Plan future land use map.

As the City said repeatedly during the public hearings for the adoption of the Comprehensive Plan, the Comp. Plan was not intended to administratively rezone or downzone any property. Clearly, if that had been the case or the intention of the City, then the City would have been required to send notice of such action to the property owner. No notice was sent. This was simply a GIS mapping error. This request asks the City to correct that error.

This property is 14,700 square feet in size (0.38 acres) so being less than two acres in size, it is a "small scale" comprehensive plan amendment both per the city code and state regulations. Notices have been sent to all property owners within 1,500 feet per code.

STAFF RECOMMENDATION IS FOR APPROVAL. The City needs to correct this mapping error and remove any potential liability.
REQUEST OF WINTER PARK REDEVELOPMENT AGENCY LTD FOR:
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 CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-3A) DISTRICT TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTY AT 400 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.

This request is from the Winter Park Redevelopment Agency Ltd. (Dan Bellows) as the owner of the property at 400 W. New England Avenue to amend the Official Zoning Map from Commercial (C-3A) District to Central Business (C-2) District on that one property. This is the property that holds the Catherine Hall commercial and office building.

The City’s Comprehensive Plan future land use designation for this property is central business district that corresponds to the C-2 zoning and which does not conform to the existing C-3A zoning. The property owner is requesting this zoning change to be brought into conformance with the Comprehensive Plan. The zoning of any property is supposed to conform to the comprehensive plan future land use designation. As such, the property owner is entitled to this zoning change.

This property is 14,700 square feet in size (0.38 acres) so being less than one acre in size, it requires notices which have been sent to all property owners within 1,500 feet per code.

You will recall that any property in the CRA which has building construction or additions larger than 250 square feet must have those plans reviewed by the planning and zoning commission for a recommendation and approved by the city commission. So this C-2 zoning cannot be used for any additional building without review and approval by the city and conformance with all applicable codes.

STAFF RECOMMENDATION IS FOR APPROVAL. The City needs to conform the zoning to the comprehensive plan designation.
CITY OF WINTER PARK
PLANNING AND ZONING COMMISSION

Staff Report
March 16, 2010

REQUEST OF WINTER PARK REDEVELOPMENT
AGENCY LTD AND MORNEY PARTNERSHIP LTD FOR:
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 CHANGE THE EXISTING ZONING DESIGNATION OF
COMMERCIAL (C-3) DISTRICT TO COMMERCIAL (C-2)
DISTRICT ON THE PROPERTY AT 535 WEST NEW ENGLAND
AVENUE AND THE PARKING LOT BEHIND AT 227 HANNIBAL
SQUARE, EAST, MORE PARTICULARLY DESCRIBED HEREIN.

This request is from the Winter Park Redevelopment Agency Ltd. (Dan Bellows) and the Morney Partnership Ltd. (Dan Bellows and Bob Saltzusman) as the owner of the properties at 535 W. New England Avenue and 227 Hannibal Square, East, to amend the Official Zoning Map from Commercial (C-3) District to Central Business (C-2) District on those two properties. These are the properties that hold the bakery business and the parking lot behind.

The City’s Comprehensive Plan future land use designation for this property is central business district that corresponds to the C-2 zoning and which does not conform to the existing C-3 zoning. The property owner is requesting this zoning change to be brought into conformance with the Comprehensive Plan. The zoning of any property is supposed to conform to the comprehensive plan future land use designation. As such, the property owner is entitled to this zoning change.

This properties are 8,700 square feet in size (0.20 acres) so being less than one acre in size, it requires notices which have been sent to all property owners within 1,500 feet per code.

You will recall that any property in the CRA which has building construction or additions larger than 250 square feet must have those plans reviewed by the planning and zoning commission for a recommendation and approved by the city commission. So this C-2 zoning cannot be used for any additional building without review and approval by the city and conformance with all applicable codes.

STAFF RECOMMENDATION IS FOR APPROVAL. The City needs to conform the zoning to the comprehensive plan designation.
CITY OF WINTER PARK
PLANNING AND ZONING COMMISSION

Staff Report
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Request of the Winter Park YMCA at 1201 N. Lakemont Avenue for approval of the landscape and lighting plan pursuant to the Conditional Use granted for the 3,115 ft. expansion to the existing building for new locker rooms.

The conditional use application recommended for approval by the Planning Commission on September 1, 2009 and approved by the City Commission on October 12, 2009 for a 3,115 sq. ft. expansion to the existing building for new locker rooms carried with it a condition that “the final landscape plan and updated lighting plan come back to the Board for final approval”. Those materials are attached for your review and approval.

YMCA Landscape Plan Proposal

The Winter Park YMCA landscape plan, as designed by Stephen Pategas provides new landscaping for the expanded parking lot area as well as a complete landscape upgrade for the entire property. Chuck Trice, in the Parks Department has reviewed the plan and is very complimentary on the extent of plantings provided. It well exceeds the minimum standards of our landscape code. There are only three small issues.

The new storm water retention facility is a walled enclosure on the western edge of the property that provides storage for runoff from the existing parking lot plus the expansion. It is 2.5 feet deep and has three new cypress trees and two wax myrtals. This retention area is not visible from the adjacent property or from the street (Palmer Ave.) due to the perimeter screen wall. There is a 44 inch camphor tree in that area that must come out. The City’s tree ordinance labels “historic trees” as any tree which is 36 inches in dbh or greater and has such unique and intrinsic value to the general public because of its size, age, historic association or ecological value as to justify this classification. As you can see in the pictures it is no historic tree. Technically, then this camphor tree is a “specimen tree” (over 24 inches) and specimen trees require replacement at a 2:1 formula. The landscape plan indicates adding 15 new shade trees (live oak, cypress and magnolias totaling 58 inches) plus 28 understory trees (totaling 84 inches).

The second issue is that the plan shows a new live oak tree in the new relocated landscape island that is right on top of the storm water pipe. That is not a good idea long term. That tree needs to be swapped out for something different.
Third, the plan shows removal of the four existing East Palatka Holly trees in the existing parking lot at the north end of the property and replacing them with six Japanese blueberry trees. These holly trees are susceptible to disease and the experts say they show signs. To the general public, people will wonder why four nice 20 foot tall trees are coming out so that six new 9 foot tall trees can go in their place.

YMCA Lighting Plan Proposal

The lighting plan consists simply of relocating one of the existing light poles to the new relocated landscape island. Photo metrics and picture are attached.

STAFF RECOMMENDATION IS FOR APPROVAL

(As a matter of disclosure, the planning staff (Jeff Briggs and Stacey Scowden) are members of Winter Park YMCA)
CITY OF WINTER PARK
PLANNING AND ZONING COMMISSION

Staff Report
March 16, 2010

REQUEST OF CLEARWIRE COMMUNICATIONS FOR:
APPROVAL TO ADD THREE MICROWAVE ANTENNAS ON THE
ROOF OF THE MERCANTILE BANK BUILDING AT 1560
ORANGE AVENUE, ZONED O-1.

This is a request of Clearwire Communications to install three antennas for high
speed internet service on the roof of Mercantile Bank building at 1560 Orange
Avenue, zoned O-1.

Generally, the City’s regulations for communication towers and antennas
encourage the co-location on existing towers and the placement of antennas on
the roofs of existing building. For example, there are cell phone antennas on the
Bank of America building and the WP Towers buildings. The approval is “subject
to a site plan review by the planning and zoning commission”. Our goal has
been to approve these installations while minimizing the view of the antennas.

This request proposes three locations on the roof of the Mercantile Bank (former
Florida Gas) building for antennas that are 13 feet tall. They are generally on the
east, south and west sides of the roof. There are two existing antennas visible on
the roof now that are used by Florida Hospital and our Police Dept.

The original plan for these new antennas showed them at the building edges.
That was not going to accomplish the City’s goals of minimizing their visibility.
However, the further they are away from the roof edge the more interference they
get to the signal distribution. The planning staff met the applicants on site and
they positioned a thirteen foot tall survey stick at the locations they desired.
Then staff walked around the vicinity and they moved the stick back from the roof
edge until the antennas were no more visible than the current ones. On the
south side the existing trees screen the view. On the west side there also is
limited visibility until you get down by St. John Lutheran Church. So those two
locations work at 16 feet back from roof’s edge. The east side is much more
visible given the Orange Avenue exposure. In that case, it is shown as 24 feet
back from the edge. At that point they appear just as high/visible as the existing
antenna.

STAFF RECOMMENDATION IS FOR APPROVAL
(o) **Height limit.** In no event may a tower exceed 180 feet in height (including the height of a structure on which the tower is placed).

**Sec. 58-425. Permitted uses.**

(a) **Generally.** The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a conditional use permit.

(b) **Permitted uses.** The following uses are specifically permitted: Antennas or towers located on property owned, leased, or otherwise controlled by the city, provided a license or lease authorizing such antenna or tower has been approved by the city.

**Sec. 58-426. Administratively-approved uses.**

(a) **Generally.** The following provisions shall govern the issuance of administrative approvals for towers and antennas.

1. The city building official may administratively approve the uses listed in this section, subject to a site plan review by the planning and zoning commission for all uses except a site plan review shall not be required for uses on existing towers as set forth in subsection 58-426(b)(1)b.

2. Each applicant for administrative approval shall provide the information set forth in subsections 58-427(c)(1) and (c)(3) and a nonrefundable fee as established by the city commission.

3. The city building official shall review the application for administrative approval and determine if the proposed use complies with section 58-424 and subsections 58-427(c)(4)–(7) (except that subsections 58-427(c)(4)–(7) shall apply only to towers not located on buildings), and shall schedule a site plan review if applicable.

4. In connection with any such administrative approval, the city building official may, in order to encourage tower/antenna location on existing buildings, administratively waive any separation distances between towers in subsection 58-427(c)(5)b. by up to 50 percent, and may administratively waive separation distances from off-site uses in subsection 58-427(c)(5)a. by up to 100 percent.

5. In connection with any such administrative approval, the city building official may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction so long as the height of the new monopole tower does not exceed that of the existing tower.

6. If an administrative approval is denied, then prior to filing any appeal that may be available under the city's Code of Ordinances or other applicable law, the applicant must file an application for a conditional use permit, to be heard by (i) the planning and zoning commission (if no site plan review by the planning and zoning commission has occurred) and (ii) the city commission.

(b) **List of administratively-approved uses.** The following uses may be approved by the city building official after conducting an administrative review, and after a site plan review by the planning and zoning commission, if applicable:

1. Locating antennas on existing structures or towers consistent with the terms of subsections a. and b. below:
   a. **Towers/antennas on existing structures.** Any tower and/or antenna may be approved by the city building official as an accessory use to any commercial, industrial, professional, multifamily or institutional building, provided:
   1. The building is at least 45 feet in height;
   2. The building is not located in a single family residential zoning district;
   3. The tower or antenna does not extend more than 15 feet above the roof surface of the structure;
4. The tower and/or antenna(s) comply with all applicable FCC and FAA regulations; and

5. The tower and/or antenna(s) comply with all applicable building codes.

b. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the city building official. To minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:

1. A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the city building official allows reconstruction as monopole.

2. Height:
   i. An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height to accommodate the co-location of additional antennas, but subject to the overall height limit set forth in subsection 58-424(o).
   ii. The height change referenced in subsection 2.i., above, may only occur one time per communication tower.
   iii. The additional height referenced in subsection 2.i., above, shall not require an additional distance separation as set forth in subsection 58-427(c)(5). The tower's premodification height shall be used to calculate such distance separations.

3. Onsite location:
   i. A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within 50 feet of its existing location.
   ii. After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
   iii. A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to subsection 58-427(c)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of subsection 58-427(c)(5).
   iv. The onsite relocation of a tower which comes within the separation distances to residential units or residentially-zoned lands as established in subsection 58-427(c)(5) shall only be permitted when approved as a conditional use by the city commission.

(2) Locating any alternative tower structure in the C-1, C-3, I-1, or PQP zoning districts, that in the judgment of the city building official is in conformity with the goals set forth in section 58-121;

(3) Installing a cable microcell network through the use or multiple low-powered transmitters/receivers attached to existing wireline systems, such as conven-