



OFFICIAL NOTICE

CITY OF CASSELBERRY PLANNING AND ZONING COMMISSION LOCAL PLANNING AGENCY

Wednesday, March 8, 2023
6:30 PM

City Commission Chambers
1st Floor, Casselberry City Hall
95 Triplet Lake Drive, Casselberry, Florida

TO THE PUBLIC: Persons are advised that if they decide to appeal any decisions made at these meetings/hearings they will need a record of the proceedings and for such purpose, they may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based per Section 286.0105, Florida Statutes.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City of Casselberry A.D.A. Coordinator, 48 hours in advance of the meeting at (407) 262-7700, ext. 1150.

This is a public meeting, and the public is invited to attend. This agenda is subject to change. Please be advised that one (1) or more members of the City Commission and/or one (1) or more members of any of the City's Advisory Boards may be in attendance and may participate in the discussion at the meeting.

Persons can obtain an electronic copy of the agenda packet for this meeting by making a public records request to the City Clerk's Office by calling (407) 262-7700, Ext. 1133 or emailing cityclerk@casselberry.org.

AGENDA

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Minutes**
 - A. **Minutes of February 8, 2023**
4. **Disclosure of Ex Parte Communications**
5. **Conditional Use Applications - None**
6. **Future Land Use Change and Rezoning Applications**
 - A. **ZB 22-08: Official Zoning Map Amendment for 5803 S US Hwy 17-92**
Official Zoning Map Amendment for 5803 S US Hwy 17-92
7. **Site Plan Applications - None**
8. **Public Comments**
9. **Other Business**
 - A. **Advisory Board Training**
10. **Adjournment**

Date

Donna G. Gardner, CMC
City Clerk



City of Casselberry

Community Development Department

95 Triplet Lake Drive, Casselberry, Florida 32707 • Telephone (407) 262-7751

To: Planning and Zoning Commission
From: Community Development Staff
Date: March 8, 2023
Subject: ZB 22-08: Official Zoning Map Amendment for 5803 S US Hwy 17-92

REQUEST: Official Zoning Map Amendment for 5803 S US Hwy 17-92

INTRODUCTION: The following report aims to provide the Planning and Zoning Commission (P&Z) with information regarding the request of the Applicant, Ryan Tufts of Kitson & Partners, to amend the City of Casselberry (City) Official Zoning Map from PMX-H (Planned Mixed-Use: High Intensity) to PMX-HIGH (Planned Mixed-Use: High Rise) for one (1) parcel located at 5803 S US Hwy 17-92.

Unified Land Development Regulations (ULDR) Section 1-2.9.C. authorizes the P&Z to review requests to amend the Official Zoning Map and make recommendations to the City Commission, utilizing specific criteria set forth in ULDR Chapter I, Article II, Section 1-2.9, "Amendments to Land Development Regulations," ULDR Chapter II, Article IV, "Comprehensive Plan Implementation," and Article V, "Zoning District Regulations."

GENERAL INFORMATION: The subject property is approximately 15.66 acres in size and is located at the northeast corner of the intersection of S US Hwy 17-92 and SR 436. The site is located within the Community Redevelopment District (CRD) and the Oxford Park Overlay District (OPOD). The property, also known as the Casselberry Exchange, was developed in phases between 1999 and 2002. There are three outparcels on-site, as well as a ±98,862 sq. ft. multi-tenant commercial building. The primary building on-site has been predominantly vacant since the departure of the two major tenants. As such, the Applicant is proposing to demolish the existing structure and redevelop the property with a ±103,111 sq. ft. large retail establishment. However, the current zoning of the subject property, PMX-H (Planned Mixed-Use: High Intensity), is not consistent with the existing Future Land Use Map (FLUM) designation of Major Thoroughfare Mixed-Use (MTMU). Therefore, the Applicant is requesting an amendment to the Official Zoning Map to rezone the property to PMX-HIGH (Planned Mixed-Use: High Rise) in order to correct the inconsistency so that the site can be redeveloped.

The proposed zoning district, PMX-HIGH, is classified as a PUD zoning district and must therefore adhere to the requirements of Article XX, Planned Unit Development. In addition to following the standard zoning map amendment procedures established in Section 66-58 and Section 1-2.9 of the ULDR, all PUD applications require the submission of a concept plan and the execution of a PUD Agreement as part of the rezoning process. The City's Development Review Committee (DRC) approved the concept plan for ZB 22-08 on January 19, 2023.

This public hearing was advertised in the *Orlando Sentinel* on February 23, 2023. Notices for the proposed amendment to the Official Zoning Map were posted on the subject property on February 22, 2023, and a notification letter was sent that same day to all property owners within 500 ft. of the subject property.

ANALYSIS: Consistency with Comprehensive Plan: The proposed amendment to the Official Zoning Map is consistent with the following Comprehensive Plan Objectives and Policies:

1. Objective FLU 1. Coordinate Future Land Use. The City shall establish land use categories and policies which will ensure the coordination of future land use with the appropriate topography, soil condition, availability of facilities and services, and contrasting land use. The City shall adopt zoning districts that correspond to specific land use categories and define allowable densities and intensities in each zoning district.

The subject property has a Major Thoroughfare Mixed-Use (MTMU) FLUM designation. As the PMX-HIGH zoning district is compatible with the existing MTMU FLUM designation, the proposed amendment to the Official Zoning Map is therefore consistent with this Objective of the Comprehensive Plan.

2. Objective FLU 2. Blighted Area Renewal and Redevelopment. The City shall encourage the redevelopment and renewal of economically underutilized or blighted areas. The subject property is within the Community Redevelopment District (CRD) and the Oxford Park Overlay District (OPOD). The site is located along S. U.S. Highway 17-92 and SR 436, the City's most prominent corridors to both residents and non-residents of Casselberry. There are existing businesses within the commercial outparcels and the multi-tenant building fronting SR 436. However, the primary structure on the site has been vacant and economically underutilized since the departure of the two anchor tenants, beginning in January 2021. Following the rezoning of the property, the Applicant is proposing to construct a large retail establishment that will be developed in accordance with current development and design standards. The proposed redevelopment will help to activate the entire property, which is prominently located at the corner of two major arterial roads.

3. Policy FLU 3.3. Incompatible Zoning. The City shall encourage the elimination of uses that are inconsistent with the proposed Future Land Use Map or character of surrounding area by prohibiting development/redevelopment of a property where the zoning designation and future land use are inconsistent, per Table FLU 1.

The requested amendment to the Official Zoning Map will provide consistency between the zoning designation and the future land use thereby eliminating the potential for any uses that are inconsistent with the MTMU FLUM designation.

4. Policy HC 2.1A. Casselberry shall accommodate pedestrian circulation through new mixed-use and commercial projects with sidewalks and internal pathways.

The Applicant is proposing to develop the site according to current regulations, including the City's Complete Streets Policy, that support improved pedestrian circulation. However, redevelopment that incorporates these design standards is not possible without rezoning the property.

Conformance with Ordinances: The proposed rezoning conforms to ULDR Section 2-4.3, "Official Zoning Map and District Boundaries," which states that "any changes or amendments to the official zoning map shall be consistent with the Comprehensive Plan Future Land Use Map." The rezoning request is also consistent with Section 2-5.2, which states that PMX-HIGH zoning "shall be located adjacent to a major arterial corridor."

Additionally, the proposed concept plan and PUD Agreement conform to the requirements of Article XX, Planned Unit Development, of the ULDR. Redevelopment of the property will require

site plan review and shall adhere to the requirements of the City's ULDR, the Code of Ordinances, and the CRD and OPOD overlay district standards.

Changed Condition: The FLUM designation of the subject property was amended by the City to MTMU in 2010 (Ordinance 10-1323). This resulted in an inconsistency between the zoning and FLUM designation of the subject property, as the only compatible zoning districts are PMX-MID and PMX-HIGH. The Applicant is requesting that the subject property be rezoned from PMX-H to PMX-HIGH to correct this inconsistency and support redevelopment of the site.

Land Use Compatibility: The adjacent properties to the north have a MTMU FLUM designation and PMX-HIGH zoning. One parcel is developed with a multi-family apartment complex, while the other is currently vacant but received site plan approval in November 2022 for a 26-townhome subdivision (SPR 21-21). The abutting property to the east is an existing motel with a MTMU FLUM designation and CG zoning. S US Hwy 17-92 adjoins the property to the west and SR 436 abuts the property to the south.

The proposed PMX-HIGH zoning designation is supported by the location of the subject property along S. U.S. Highway 17-92 and SR 436, which are both classified as major arterial roads. There are no low-density residential developments adjacent to the subject property that would be negatively impacted by higher intensity development on the site. Additionally, there will be a minimum 20 ft. wide landscape buffer along the northern perimeter of the property to mitigate any impacts of the proposed development on the adjacent multi-family residential uses. The wetlands on the subject property provide a natural buffer to the adjoining property to the east. The PUD Agreement further outlines the other bufferyard and landscaping requirements that will ensure compatibility with adjacent uses and wetlands protection, as well as ensuring the frontage of the development provides an attractive view from the right-of-way. Therefore, the proposed amendment to the Official Zoning Map is compatible with surrounding properties and adjacent land uses.

Adequate Public Facilities: Police services are provided to the site by the City of Casselberry, and fire services are currently provided by Seminole County. Vehicular and pedestrian access are provided by SR 436, S US Hwy 17-92, and Grandpine Way. Connections for City water and sanitary sewer services are available to the subject property. No residential land uses have been proposed at this time; therefore, a school impact analysis from Seminole County Public Schools is not required.

Natural Environment: The eastern portion of the property contains wetlands. As such, wetland delineation was completed to accurately establish the wetland line. To ensure protection of the wetlands, the proposed development must maintain a wetlands buffer in accordance with requirements from the St. Johns River Water Management District and the City's Code of Ordinances. Therefore, the proposed amendment to the Official Zoning Map is not anticipated to have any negative effect on the natural environment.

Economic Effects: As a new project, the development is designed to increase area property values and have a positive impact on economic development.

Orderly Development: In accordance with Section 4-20.3.C. of the ULDR, the Applicant submitted a concept plan for the proposed redevelopment of the subject property. The concept plan was reviewed and approved by the DRC on January 19, 2023. DRC's review of the concept plan informed the general terms of the PUD Agreement, which will govern future development of the site. The Applicant shall also submit a site plan review application for the redevelopment of the subject property and must obtain an engineering permit and building permits. All future plans to

develop the site will be reviewed and shall adhere to the requirements of the City's ULDR, Code of Ordinances, Complete Streets Policy, and the PUD Agreement.

STAFF RECOMMENDATION: Staff recommends that the Planning and Zoning Commission recommend approval of case number ZB 22-08 to the City Commission, based on the staff report and the testimony and evidence presented, that the request meets the applicable provisions of the Unified Land Development Regulations and is consistent with the Comprehensive Plan as per the written findings contained in the staff report.

ATTACHMENTS:

1. Ordinance 23-XXXX and Draft PUD Agreement
2. Concept Plan
3. Maps
4. Street View of Subject Property
5. Table of Adjacent Zonings and Land Uses
6. Permit Disclaimer