



OFFICIAL NOTICE

CITY OF CASSELBERRY PLANNING AND ZONING COMMISSION LOCAL PLANNING AGENCY

Wednesday, June 21, 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.

SPECIAL MEETING AGENDA

1. Call to Order/Roll Call

2. Pledge of Allegiance

3. Election of Officers

4. Approval of Minutes

A. Minutes of April 12, 2023

B. Minutes of May 10, 2023

5. Disclosure of Ex Parte Communications

6. Conditional Use Applications

A. CU 23-04: 1163 Carmel Circle - Conditional Use Request

Conditional Use Request for two (2) docks to be reconstructed on Lake Howell for non-commercial use at the Carmel by the Lake Condos

7. Site Plan Applications - None

8. Future Land Use and Rezoning Amendments - None

9. Public Hearings - None

10. Other Business - None

11. Adjournment

Date

Donna G. Gardner, CMC
City Clerk



City of Casselberry

Planning Division

95 Triplet Lake Drive, Casselberry, Florida 32707 • Telephone (407) 262-7700

To: Planning and Zoning Commission
From: Community Development Staff
Date: June 21, 2023
Subject: CU 23-04: 1163 Carmel Circle - Conditional Use Request

REQUEST: Conditional Use Request for two (2) docks to be reconstructed on Lake Howell for non-commercial use at the Carmel by the Lake Condos

INTRODUCTION: The Community Development Department, Planning Division, requests that the Planning and Zoning Commission (P&Z) hold a public hearing to consider a conditional use request to allow for two (2) docks to be reconstructed on Lake Howell for non-commercial use at Carmel by the Lake Condos. The applicant is Mr. William H. Worrell, President of the Carmel by the Lake Condominium Association, Inc. The subject property, 1163 Carmel Circle, has a Medium Density Residential (MDR) Future Land Use Map (FLUM) designation and is zoned PRD (Planned Residential District) (**Attachment 1 - Maps**). Table 2-5.3 "Land Use by District" of the City's *Unified Land Development Regulations* (ULDR) states that piers, boat slips, and docks (non-commercial) require conditional use review. Article II, Section 1-2.6 of the ULDR authorizes the P&Z to review and approve conditional use requests, and ULDR Article VI sets forth specific criteria for approving conditional use requests.

GENERAL INFORMATION: In January 2023, the applicant submitted a building permit application (#23-175) proposing improvements to two existing docks on the subject property. The docks are located on the shoreline of Lake Howell, owned by the State of Florida, situated towards the northern end of the subject property (**Attachment 7 – Aerial of Docks**). The docks were damaged during Hurricane Ian in 2022, and the improvements seek to repair these damages. Neither a previously approved building permit nor conditional use approval for the existing docks were found on file. As such, staff notified the applicant that conditional use review was required. Both docks are intended for private use by the residents of Carmel by the Lake Condominiums.

The first of the two existing docks is a small access pier approximately 4 ft x 50 ft (**Attachment 3 – Dock A, Existing**). This dock will be replaced exactly as is, with no changes to its size, shape, or orientation. The second dock is larger and located further south, consisting of a 5 ft wide access pier that extends approximately 75 ft from the shoreline to a series of boat slips (**Attachment 4 – Dock B, Existing**). This dock will be reduced in size, with plans to remove the two boat slips at the end of the dock, reducing the total number of slips to four (**Attachment 2 – Letter of Intent; Attachment 5 – Dock B, Proposed**).

ANALYSIS: ULDR Section 2-6.2.B provides criteria for reviewing conditional use requests, which are outlined below.

1. Land Use Compatibility.

The subject property is a multifamily residential community, Carmel by the Lake Condominiums, that abuts S.R. 436 to the east and Lake Howell to the west. Located to the south is multifamily housing, The Harbor at Lake Howell by Cortland, and to the north is Marbeya Club Condominiums and two single-family homes. Generally, docks are compatible

with adjacent residential uses. The proposed docks are similar in size and composition to those existing on Lake Howell and are not anticipated to adversely impact the neighboring areas.

2. Sufficient Site Size and Adequate Site Specifications to Accommodate the Proposed Use.

ULDR Section 2-7.7.C.9 does not consider docks as yard encroachments so long as they receive approval from the City Engineer. The Public Works & Utilities Department will also review the final design of the dock as part of the building permit approval process. The applicant shall ensure that all requirements from the City Engineer and the Public Works & Utilities Department are met.

3. Proper Use of Mitigative Techniques.

Per Section 94.5.b of the City's Code of Ordinances, if the dock is proposed to extend more than 10 ft from the shoreline, it must be adequately lit from sunset to sunrise for safety purposes. Both docks will be properly illuminated by an existing electrical panel near the shoreline (**Attachment 6 – Site Plan**). Engineering specifications for proposed lighting and the docks will be evaluated for compliance with local, state, and federal regulations during the building permit review.

Further, ULDR Section 3-11.5 indicates that development occurring adjacent to a lake shoreline or wetland area shall prepare a design and management plan for the vegetation along the shoreline. The applicant shall submit, for both docks, a shoreline protection plan as part of the building permit submittal to limit biodiversity loss and ensure minimal impacts on water quality and shore erosion.

4. Hazardous Waste.

No hazardous wastes or materials shall be stored on the dock.

5. Compliance with Applicable Laws and Ordinances.

If the conditional use request is approved, the applicant shall obtain a building permit from the City prior to construction. The applicant's permit submittal shall comply with all applicable local, state, and federal requirements.

STAFF RECOMMENDATION: Staff recommends that case number CU 23-04 be approved with staff's conditions, based upon the staff report and the testimony and evidence presented, that the request meets the applicable provisions of the City's *Code of Ordinances* and the *Unified Land Development Regulations* and is consistent with the Comprehensive Plan as per the written findings contained within the staff report. The conditions of approval are as follows:

1. Any conditions imposed by the Public Works & Utilities Department in conjunction with the proposed reconstruction of the docks shall be met.
2. A building permit is required and must be submitted within 180 days of conditional use approval.
3. No fill may be imported without compensating for storage as part of the dock's construction for the portion within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain.
4. Per Section 3-11.5 of the City's ULDR, Lakeshore Protection, the submittal should include a plan for permanent revegetation of the shoreline, for both docks, to bring it into compliance with City Code and State Law. At least 50% of the shoreline(s) should be vegetated with native species.
5. Per City Code Section 94-5, the dock must be properly lit from sunset to sunrise to show its overall length, as it is proposed to extend further than 10 ft. from the shoreline.
6. The dock must be kept in good condition in perpetuity. The conditional use shall become null and void if the dock sustains damage or falls into disrepair, is not repaired or replaced within 6 months, and is taken before the Special Magistrate for the code violation.

7. A new conditional use will be required if the size or dimensions of the dock is increased.
8. The site's numerical address must be clearly posted on the dock in an area visible from the waterbody.

ATTACHMENTS:

1. Attachment 1 - Maps
2. Attachment 2 - Letter of Intent
3. Attachment 3 - Dock A, Existing
4. Attachment 4 - Dock B, Existing
5. Attachment 5 - Dock B, Proposed
6. Attachment 6 - Site Plan
7. Attachment 7 - SCPA Property Record Card
8. Attachment 8 - Aerials of Docks