



OFFICIAL NOTICE

CITY OF CASSELBERRY PLANNING AND ZONING COMMISSION LOCAL PLANNING AGENCY

Wednesday, October 11, 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. **Meeting Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Minutes - None**
5. **Disclosure of Ex Parte Communications**
6. **Conditional Use Applications - None**
7. **Site Plan Applications**
 - A. **SPR 23-01: Major Site Plan Approval for Family Dental Home located at 945 S.R. 436**
Major Site Plan approval for improvements to an existing dental clinic, Family Dental Home, located at 945 S.R. 436, including the enclosure of a drive-through and addition of two (2) retail suites, is requested. (SPR 23-01)
 - B. **SPR 23-19: Major Site Plan Approval for the Panda Express located at 1393 S.R. 436 and Adjacent 1391 S.R. 436**
Major Site Plan approval for the expansion of the existing drive-through at Panda Express, located at 1393 S.R. 436, and the construction of an accessory parking lot on the adjacent property, 1391 S.R. 436, is requested. (SPR 23-19)
8. **Future Land Use and Rezoning Amendments - None**
9. **Public Hearings**
 - A. **LPA 23-02: An Ordinance to Amend the City's Unified Land Development Regulations to Provide Standards for Multifamily Developments and Address the 2023 Live Local Act**

Recommendation of approval of an Ordinance to amend the City's Unified Land Development Regulations to provide standards for multifamily developments and address the 2023 Live Local Act is requested.

10. Citizens' Comments

11. Other Business

12. 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: October 11, 2023
Subject: SPR 23-01: Major Site Plan Approval for Family Dental Home located at 945 S.R. 436

REQUEST: Major Site Plan approval for improvements to an existing dental clinic, Family Dental Home, located at 945 S.R. 436, including the enclosure of a drive-through and addition of two (2) retail suites, is requested. (SPR 23-01)

INTRODUCTION: The Community Development Department, Planning Division, requests that the Planning and Zoning Commission/Local Planning Agency (P&Z) consider a request for approval of a Major Site Plan from the applicant, Rashid H. Jamalabad, P.E, CGC, with RJ Engineering, LLC, who intends to modify the subject property, 945 S.R. 436 by enclosing an existing drive-through and thereby expanding the existing building.

GENERAL INFORMATION: The subject property totals ± 1.24 acres and is currently developed with a dental office (Attachment 1 - Street View of Subject Property). The subject property has a Commercial (COMM) Future Land Use Map (FLUM) designation and CG (Commercial General) zoning (Attachment 2 - Maps). Additionally, the subject property is not located within any overlay districts.

The applicant intends to expand the existing dental office, formerly a bank with a drive-through, to provide two (2) additional suites. By enclosing the existing drive-through, the dental office gains an additional $\pm 1,792$ sq. ft., and the remaining $\pm 2,696$ sq. ft. is divided into two suites, generating space for commercial and retail uses (Attachment 3 - Site Plan).

According to the City's *Unified Land Development Regulations* (ULDR) Section 4-18.2, the proposed project is classified as a Major Site Plan, which requires approval from the City's Development Review Committee (DRC) and P&Z. Further, the City's DRC is responsible for ensuring that any proposed development satisfies all required performance standards and other applicable regulations. This considered, DRC voted to approve SPR 23-01 on September 28, 2023 (Attachment 4 - 09.21.2023 DRC Comment Report).

ANALYSIS: The site plan review process aims to ensure that any proposed development projects adhere to all applicable regulations and standards, that project approvals depend on the availability of public facilities and services, and are compatible with existing and future development in the City. As such, the project was evaluated based on the following criteria:

- ULDR Article IV, Comprehensive Plan Implementation
- ULDR Article V, Zoning District Regulations
- ULDR Article VII, General Regulations
- ULDR Article X, Appearance, Design, & Compatibility
- ULDR Article XII, Stormwater Management
- ULDR Article XIII, Landscaping
- ULDR Article XIV, Tree Protection

- ULDR Article XV, Off-Street Parking and Loading Requirements
- ULDR Article XVI, Signs
- ULDR Article XVIII, Site Plan Review

Comprehensive Plan Implementation (ULDR Article IV)

The subject property has a Commercial FLUM designation and is zoned CG, which are consistent with one another according to the City's Comprehensive Plan.

Zoning District Regulations (ULDR Article V)

Land Use by District (ULDR Section 2-5.3) – The proposed building expansion will house the existing dental office, which is a permitted use per ULDR Sec. 2-5.3. Uses occupying the two tenant spaces shall comply with ULDR Section 2-5.3. which allows uses such as general retail sales, restaurants, personal services, etc., in the CG zoning district.

The subject property appropriately sits between two existing commercial sites. A vegetated retention pond combined with proposed enhanced landscaping preserves and improves the existing buffer to the southwest residential properties. Overall, the proposed development is compatible with the surrounding land uses and is not anticipated to affect neighboring properties adversely.

Size and Dimension Criteria (ULDR Section 2-5.4) – The applicant's proposal meets all the relevant setback, size, and dimension requirements for the CG zoning district provided in Table 2-5.4 of the ULDR. The proposed expansion of the one-story building has a maximum height of 20 ft. 8 in., staying well below the maximum allowable height of 35 ft. in the CG zoning district.

Further, the maximum Impervious Surface Ratio (ISR) allowed for the I zoning district is 75% impervious area with at least 25% open space; the applicant proposes 72.41% impervious area and 27.59% open space. The proposed site modifications will decrease the existing impervious area by ±868 sq. ft. Additionally, the project offers a 0.14 Floor Area Ratio (FAR), for which the maximum allowed in the CG zoning district is 0.25 FAR.

Commercial Design Standards for Commercial Uses (ULDR Section 2-7.35) – The proposed façade complies with applicable appearance standards and is harmonious and compatible with surrounding commercial uses (Attachment 5 - Building Elevations).

Appearance, Design, and Compatibility (ULDR Article X)

Screening (ULDR Section 3-10.2.2 & ULDR Section 3-10.2.3) – The subject property complies with applicable criteria for general site design, including an enclosed area for solid waste. Further, the proposed use is compatible with the surrounding uses and did not require additional screening beyond the minimum landscaping requirements along the north, south, east, and west property boundaries.

Lighting & Photometric (ULDR Section 3-10.2.6) – No new lighting is proposed in the project.

Stormwater Management (ULDR Article XII)

The site and proposed addition are served by a dry retention pond designed to accommodate the minimum required stormwater attenuation. Any outstanding items determined by the Public Works and Utilities Department must be resolved before any site permits or building permits are issued.

Landscaping (Article XIII) & Tree Protection & Replacement (Article XIV)

The applicant has submitted a detailed landscape plan for the proposed development (Attachment

6 - Landscape Plan). The proposed landscape plan satisfies the right-of-way, perimeter, and buffer landscaping requirements. The site plan proposes no removal of trees from the subject property. The plan does propose additional landscaping to comply with buffer requirements, which screens the front of the property by enhancing the landscaping island with four canopy trees (Live Oaks) and 83 shrubs. The rear of the property is also landscaped with additional shrubs surrounding existing large oaks.

Off-Street Parking and Loading Requirements (Article XV)

The minimum parking requirement for retail use is three spaces for every 1,000 sq. ft. of net building area, and for the use of a medical office, the minimum parking requirement is one space per 150 sq. ft. Based on the building area being used for medical office being $\pm 4,352$ sq. ft. and the building area being used for retail is $\pm 1,830$ sq. ft., the project requires 35 parking spaces (rounded up from 34.5).

The applicant's proposal meets the minimum parking standards with a request for 31% (11 parking spaces) to be undersized at 9 ft. by 18 ft. The remaining parking stalls are at least 10 ft. by 20 ft., and all ADA-accessible parking stalls are at least 12 ft. by 20 ft. with the required 5 ft. access strip. Wheel stops for stalls adjacent to landscaped strips shall be located at least 2½ ft from the front end of the stall to prevent encroachment into required landscaped areas. Per ULDR Section 3-15.6.A.3.a, the applicant has opted to keep the front 2 ft. of the stall as a maintained vegetative ground cover area to avoid encroaching into a landscape buffer. However, please note that no credit can be extended towards the open space requirements.

Additionally, the City's DRC, which includes the Casselberry Police Department, and the Seminole County Fire Department, have reviewed and approved the proposed site plan for traffic and safety. The applicant also proposes enhancing pedestrian connectivity in the area by providing a 6 ft. wide sidewalk connection to the existing sidewalk on S.R. 436.

Signage (ULDR Article XVI)

No new signage is proposed on the property. Future signage will require a separate building permit and shall adhere to the applicable standards within the ULDR.

STAFF RECOMMENDATION: Staff recommends that the Planning and Zoning Commission approve case number SPR 23-01, 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 in the staff report. The conditions of approval are as follows:

Conditions of Approval:

1. The site plan approval shall be valid for one (1) year. An extension request may be submitted prior to the expiration of this approval.
2. Additional on-site lighting shall not be installed without review and approval of a proposed photometric plan by the City's Planning Division.
3. The applicant shall ensure that the landscaping along S.R. 436 is maintained in perpetuity for screening purposes.
4. Provide copies of all local, regional, state, and federal permits for the project to the City prior to commencement of development.
5. All of the above conditions shall be fully and faithfully executed, or the site plan shall become null and void.

ATTACHMENTS:

1. Street View of Subject Property
2. Maps
3. Site Plan
4. 09.21.2023 DRC Comment Report
5. Building Elevations
6. Landscape Plan



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: October 11, 2023

Subject: SPR 23-19: Major Site Plan Approval for the Panda Express located at 1393 S.R. 436 and Adjacent 1391 S.R. 436

REQUEST: Major Site Plan approval for the expansion of the existing drive-through at Panda Express, located at 1393 S.R. 436, and the construction of an accessory parking lot on the adjacent property, 1391 S.R. 436, is requested. (SPR 23-19)

INTRODUCTION: The Community Development Department, Planning Division, requests that the Planning and Zoning Commission/Local Planning Agency (P&Z) consider a request for approval of a Major Site Plan from the applicant, Aaron Moore, with CPH Inc., who intends to modify the subject properties, 1391 State Road 436 and 1393 State Road 436. Proposed improvements include increasing the length of an existing drive-through lane and expanding the existing parking lot.

GENERAL INFORMATION: The subject properties have a Major Thoroughfare Mixed-Use (MTMU) Future Land Use Map (FLUM) designation and are zoned PMX-MID (Planned Mixed-Use: Medium Rise) (Attachment 1 – Maps). Further, 1391 S.R. 436 is approximately ± 0.59 acres, and 1393 S.R. is approximately ± 0.69 acres, for a combined total area of ± 1.28 acres (Attachment 2 – Street View of Subject Properties). SPR 23-19 is a modification to the Casselberry Center Planned Unit Development (PUD) established in 2021 via Ordinance 21-1552 (Attachment 3 – Ordinance 21-1552).

The proposed improvements provide additional parking for Panda Express patrons and increase the length of the drive-through lane (Attachment 4 – Site Plan). Casselberry Center PUD's associated Concept Plan initially contemplated a commercial use operating on 1391 S.R. 436. However, the proposed improvements do not exceed the intensity of uses and size and dimension criteria outlined in the Casselberry Center PUD Agreement and do not require an amendment.

According to the City's *Unified Land Development Regulations* (ULDR) Section 4-18.2, the proposed project is classified as a Major Site Plan, which requires approval from the City's Development Review Committee (DRC) and P&Z. Further, the City's DRC is responsible for ensuring that any proposed development satisfies all required performance standards and other applicable regulations. This considered, DRC voted to approve SPR 23-19 on August 17, 2023 (Attachment 5 - 08.16.2023 DRC Comment Report).

ANALYSIS: During the site plan review process, efforts are made to ensure that the proposed development is consistent with all applicable performance standards, that the approval of such a development will be based on the provision and availability of adequate public facilities and services, and that the proposed development is compatible and coordinated with existing and anticipated growth. As such, the project was evaluated based on the following criteria:

- ULDR Article IV, Comprehensive Plan Implementation
- ULDR Article V, Zoning District Regulations

- ULDR Article VII, General Regulations
- ULDR Article X, Appearance, Design, & Compatibility
- ULDR Article XII, Stormwater Management
- ULDR Article XIII, Landscaping
- ULDR Article XIV, Tree Protection
- ULDR Article XV, Off-Street Parking and Loading Requirements
- ULDR Article XVI, Signs
- ULDR Article XVIII, Site Plan Review

Comprehensive Plan Implementation (ULDR Article IV)

The subject property has a Major Thoroughfare Mixed-Use (MTMU) Future Land Use Map (FLUM) designation and is in the PMX-MID (Planned Mixed-Use: Medium Rise), which are consistent with one another according to the City's Comprehensive Plan.

Zoning District Regulations (ULDR Article V)

Land Use by District (ULDR Section 2-5.3) – The proposed site improvements, including the extension of both the existing drive-through lane and existing parking, are allowed. Developed as part of Casselberry Center, to the north of the subject property is a Chipotle, and to the south sits Chase Bank and a retail shopping plaza anchored by Publix. S.R. 436 runs along the eastern side of the subject properties with a retention area to the west. Overall, the proposed development is compatible with the surrounding land uses and is not anticipated to affect neighboring properties adversely.

Size and Dimension Criteria (ULDR Section 2-5.4) – The applicant's proposal meets all the setback, size, and dimension requirements for the PMX-MID zoning district and the adopted PUD Agreement. Further, the maximum Impervious Surface Ratio (ISR) specified within the adopted PUD Agreement is 80% impervious area with at least 20% open space; the applicant proposes a 72% impervious area and 28% open space. Additionally, since no building area is being proposed or removed, there is no change to the Floor Area Ratio (FAR).

Commercial Design Standards for Commercial Uses (ULDR Section 2-7.35) – The existing and proposed parking areas are located to the side of the principal building(s) on-site and will be screened by landscaping running adjacent to S.R. 436.

Appearance, Design, and Compatibility (ULDR Article X)

Screening (ULDR Section 3-10.2.2 & ULDR Section 3-10.2.3) – The proposed accessory use of a parking lot is screened from the right-of-way by landscaping adjacent to S.R. 436 and is compatible with the surrounding uses. This considered, the project did not require additional screening beyond the minimum landscaping requirements along the north, south, east, and west property boundaries.

Lighting & Photometric (ULDR Section 3-10.2.6) – The City's DRC approved a minor modification to site lighting in February 2023. No new lighting is proposed in the project.

Stormwater Management (ULDR Article XII)

A retention area west of the subject properties was designed to accommodate the minimum required attenuation for Casselberry Center. Any outstanding items determined by the Public Works and Utilities Department must be resolved before any site permits or building permits are issued.

Landscaping (Article XIII) & Tree Protection & Replacement (Article XIV)

Detailed landscape plans for Phase I (Chipotle) of the Casselberry Center PUD, the development's perimeter, and Phase III (Panda Express) were approved in 2021 (Attachment 6 – Phase I & Perimeter Landscape Plan; Attachment 7 – Phase III Landscape Plan). The required plantings in the proposed landscape islands shall consist of canopy trees, palms, and other decorative plant material (Attachment 8 – Phase II Landscape Plan).

Off-Street Parking and Loading Requirements (Article XV)

The minimum parking requirement for restaurants is one space for every 100 sq. ft. of building area, for which Panda Express has met the minimum requirement for off-street parking. Additionally, the extended drive-through still satisfies the stacking requirements for drive-through establishments in ULDR Section 3-15.2.

Signage (ULDR Article XVI)

One (1) directional sign and one (1) stop sign are proposed as part of the project. All signs require a separate building permit and shall adhere to the applicable standards within the ULDR.

STAFF RECOMMENDATION: Staff recommends that the Planning and Zoning Commission approve case number SPR 23-19, 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 in the staff report. The conditions of approval are as follows:

1. The site plan approval shall be valid for one (1) year. An extension request may be submitted prior to the expiration of this approval.
2. The applicant shall ensure that the landscaping along S.R. 436 is maintained in perpetuity for screening purposes.
3. Additional on-site lighting shall not be installed without review and approval of a proposed photometric plan by the City's Planning Division.
4. Provide copies of all local, regional, state, and federal permits for the project to the City prior to commencement of development.
5. All of the above conditions shall be fully and faithfully executed, or the site plan shall become null and void.

ATTACHMENTS:

1. Maps
2. Street View of Subject Properties
3. Ordinance 21-1552 (Casselberry Center PUD Agreement & Concept)
4. Site Plan
5. 08.16.2023 DRC Comment Report
6. Phase I & Perimeter Landscape Plan
7. Phase III Landscape Plan
8. Phase II Landscape Plan



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: October 11, 2023

Subject: LPA 23-02: An Ordinance to Amend the City's Unified Land Development Regulations to Provide Standards for Multifamily Developments and Address the 2023 Live Local Act

REQUEST: Recommendation of approval of an Ordinance to amend the City's Unified Land Development Regulations to provide standards for multifamily developments and address the 2023 Live Local Act is requested.

INTRODUCTION: The Community Development Department, Planning Division, requests that the Planning and Zoning Commission/Local Planning Agency (P&Z) consider a request to recommend approval of an ordinance (LPA 23-02) to the City Commission. The proposed ordinance amends the City's *Unified Land Development Regulations* (ULDR) of the City's Code of Ordinances to address the Live Local Act (Act) adopted in the 2023 Legislative Session, amending Fla. Stat. 166.04151.

GENERAL INFORMATION: The City of Casselberry continuously monitors upcoming and pending legislative changes and evaluates their potential impact. After careful consideration, the City may revise its ULDR as necessary to provide appropriate regulations for development and zoning within the City. While the City recognizes the need for affordable housing, the ULDR currently does not contemplate or address the recently adopted Act.

Taking effect July 1, 2023, the Act intends to streamline and incentivize affordable housing developments within the State of Florida. This goal is accomplished by preempting certain use, density, and height regulations for such qualifying developments in commercial, industrial, or mixed-use zoning districts. The Act also provides that, if a municipality has designated less than 20% of the land area within its jurisdiction for commercial or industrial use, any proposed qualifying affordable housing development authorized by Fla. Stat. 166.04151 must be mixed-use.

The proposed amendment provides equitable and thoughtful regulations for affordable housing developments related to the Act. Additionally, the proposed amendment establishes criteria for multifamily developments and provides definitions consistent with Fla. Stat. 166.04151. This public hearing was advertised in the *Orlando Sentinel* on September 30, 2023.

ANALYSIS: The proposed ordinance contains three distinct amendments to the City's ULDR:

1. Amending ULDR Article V to *add* Section 2-5.5, Affordable Housing under the Live Local Act, including:
 - Applicability of regulations, including zoning districts and affordability commitment
 - Development standards per Fla. Stat. 166.04151
 - Eligibility for administrative site plan review and approval
2. Amending ULDR Article X to *add* Section 3-10.14, Multifamily Development Design Standards, including:

- Conformance with off-street parking, lighting, and landscape requirements
- Minimum living areas, setbacks, and other standards
- Architectural controls

3. Amending ULDR Article XII to *modify* Section 5-21.2, Definition of Terms, including:
 - Providing consistent definitions with Fla. Stat. 166.04151

Additionally, the proposed amendments to the City's ULDR are consistent with specific goals, objectives, and policies outlined in the City's Comprehensive Plan, including the following:

Policy HOE 1.1 Lawful Housing Development.

All housing development within the corporate limits of the City of Casselberry shall meet or exceed all applicable city, regional, state, and federal building code standards.

Policy HOE 1.2 Adequate Housing for the Existing and Future Population.

The City shall continue to monitor the quality, adequacy, and affordability of its existing housing stock (based on current data and analysis) to ensure that the City's existing and future housing needs are being met.

Policy HOE 1.4 Wide Range of Sites and Alternative Housing Types.

The City shall continue to encourage a wide range of alternative housing types in a wide range of densities in order to maintain housing alternatives within the City. Very low, low, and moderate-income housing shall be permitted within all residential Future Land Use designations.

Policy HOE 5.1 Regulatory and Permitting Processes Improvement.

The City will annually review its ULDRs to ensure that they support the Goals, Objectives, and Priorities of the Housing Element.

Policy HOE 5.5 Urban Design Standards.

The City shall enforce Urban Design Standards within its Land Development Regulations to promote:

1. Energy and resource conservation, Florida-Friendly landscaping, low impact developments, green building techniques to protect minerals, soils and vegetation;
2. The use of CPTED standards, Complete Streets principles and landscaping to create safe and walkable neighborhoods.

Policy HC 1.1B

Casselberry shall promote the development of neighborhood districts with a mix of incomes, ages, and housing types.

STAFF RECOMMENDATION: Staff recommends that the Planning and Zoning Commission provide a favorable recommendation to the City Commission for LPA 23-02, which adds Section 2-5.5, Affordable Housing under the Live Local Act, and Section 3-10.14, Multifamily Development Design Standards, and modifies Section 5-21.2, Definition of Terms, of the City's ULDR.

ATTACHMENTS:

1. Ordinance 23-XXXX (LPA 23-02)
2. Legal Ad Published 09.30.2023