



OFFICIAL NOTICE

CITY OF CASSELBERRY PLANNING AND ZONING COMMISSION LOCAL PLANNING AGENCY

Wednesday, March 13, 2024
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 - None
8. Future Land Use Map and Zoning Map Amendments
 - A. **ZMA 24-01: An Ordinance to Amend the Official Zoning Map for Parcel ID 33-21-30-300-007B-0000 (1550 S.R. 436)**
Approval of an Ordinance to amend the City's *Official Zoning Map* from Seminole County C-1 (Commercial) to City of Casselberry PMX-MID (Planned Mixed Use: Medium-Rise) is requested.
 - B. **FLU 24-03: An Ordinance to Amend the Future Land Use Map Designation for Parcel ID 28-21-30-300-0280-0000 (2075 Howell Branch Rd)**
Approval of an Ordinance to amend the City's *Future Land Use Map* to change the designation of Parcel ID 28-21-30-300-0280-0000 (2075 Howell Branch Rd) from Seminole County Office (OFF) to City of Casselberry Commercial (C) is requested.
9. Public Hearings

A. **TA 24-02: An Ordinance to Amend, Repeal, and Replace Various Sections of City Code Relating to Noise and Nuisance Abatement**

Approval of an Ordinance to amend, repeal, and replace various sections the City's *Code of Ordinances* and *Unified Land Development Regulations* relating to noise and nuisance abatement is requested.

10. Other Business

11. Citizens' Comments

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: March 13, 2024
Subject: ZMA 24-01: An Ordinance to Amend the Official Zoning Map for Parcel ID 33-21-30-300-007B-0000 (1550 S.R. 436)

REQUEST: Approval of an Ordinance to amend the City's *Official Zoning Map* from Seminole County C-1 (Commercial) to City of Casselberry PMX-MID (Planned Mixed Use: Medium-Rise) is requested.

INTRODUCTION: The Community Development Department's Planning Division requests that the Planning and Zoning Commission/Local Planning Agency (P&Z) hold a public hearing to consider ZMA 24-01: an application to amend the City's *Official Zoning Map* from Seminole County C-1 (Commercial) to City of Casselberry PMX-MID (Planned Mixed Use: Medium-Rise) for one (1) parcel (Parcel ID 33-21-30-300-007B-0000) at 1550 S.R. 436.

Unified Land Development Regulations (ULDR) Section 1-2.9.C. authorizes the Planning and Zoning Commission (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 ±0.82 acres and is located at 1550 S.R. 436. The subject property was recently annexed into the City in 2023, as stipulated in an existing pre-annexation agreement. The applicant, Minesh Patel, representing Willow Partnership LLC, has applied to amend the existing *Future Land Use Map* (FLUM) designation to Major Thoroughfare Mixed Use (MTMU), which is consistent with the proposed PMX-MID zoning district.

On February 29, 2024, a notification letter was mailed via USPS to all property owners within 500 feet of the subject property, a written notice for the proposed amendment to the *Official Zoning Map* was posted on the subject property, and a notice of this public hearing was advertised in the *Orlando Sentinel*.

ANALYSIS: Consistency with Comprehensive Plan

The proposed amendment to the *Official Zoning Map* is consistent with the following objectives and policies from the City's *Comprehensive Plan*:

- Objective FLU 1. Coordinate Future Land Use. The City shall establish land use categories and policies that will ensure future land use coordination 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.
- Policy FLU 1.5 – Properties designated MTMU may provide a mix of commercial, office, residential, and/or hotel. The properties may provide at least two of the listed uses and are encouraged to include residential.

- Policy FLU 5.1 – The City shall continue to require mandatory utility hook up, subject to applicable State laws and City of Casselberry regulatory procedures, to ensure proper provision of necessary public facilities and services at the time of the impacts of development.

Land Use Compatibility

The subject property sits just south of the intersection of S.R. 436 and Howell Branch Road. To the north and east are commercial properties, which also share the MTMU FLUM designation. To the south is a multifamily development in Seminole County's jurisdiction that has a FLUM designation of High Density Residential (HDR). To the west of S.R. 436 is a commercial plaza with a Commercial (C) FLUM designation.

According to the City's Comprehensive Plan, areas with MTMU land use have been designated along the majority of S. U.S. 17-92 and S.R. 436. This future land use designation is intended to promote high-density, mixed-use development that will transform those corridors. Further, development within the PMX-MID zoning district shall provide for general retail and commercial service activities as well as attached residential units. This considered, the proposed zoning is compatible with adjacent land uses, and the proposed amendment to the *Official Zoning Map* is consistent with the *Comprehensive Plan*.

Adequate Public Facilities

Police services are provided to the subject property by the City of Casselberry, and fire services are currently provided by Seminole County. Vehicular and pedestrian access are provided via S.R. 436. Lastly, city water and sanitary sewer services are provided by the City of Casselberry.

Natural Environment

The proposed amendment to the *Official Zoning Map* is not anticipated to affect the natural environment negatively.

Economic Effects

The proposed amendment to the *Official Zoning Map* is not anticipated to affect the economy negatively.

Orderly Development

The amendment to the *Official Zoning Map* to rezone to PMX-MID is consistent with the MTMU FLUM designation. Further, no site modifications or changes of use are proposed to the subject property at this time. However, any future plans to redevelop the subject property will be reviewed accordingly and shall adhere to the requirements of the City's ULDR and *Code of Ordinances*. The PMX-MID zoning district also requires a Planned Unit Development (PUD) Agreement and Concept Plan per ULDR Article XX to provide for relevant development and performance standards.

STAFF RECOMMENDATION: Staff recommends that P&Z provide a favorable recommendation to the City Commission to approve project number ZMA 24-01, based on the staff report and the testimony and evidence presented, that the request meets the applicable provisions of the ULDR and is consistent with the *Comprehensive Plan* as per the written findings contained in the staff report.

ATTACHMENTS:

1. Ordinance 24-XXXX (ZMA 24-01)
2. Maps
3. Published Ad in Orlando Sentinel

4. Photo of Property Posting
5. Letter to Property Owners



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 13, 2024
Subject: FLU 24-03: An Ordinance to Amend the Future Land Use Map Designation for Parcel ID 28-21-30-300-0280-0000 (2075 Howell Branch Rd)

REQUEST: Approval of an Ordinance to amend the City's *Future Land Use Map* to change the designation of Parcel ID 28-21-30-300-0280-0000 (2075 Howell Branch Rd) from Seminole County Office (OFF) to City of Casselberry Commercial (C) is requested.

INTRODUCTION: The Community Development Department's Planning Division requests that the Planning and Zoning Commission/Local Planning Agency (P&Z) hold a public hearing to consider FLU 24-03: an application to amend the City's *Future Land Use Map* (FLUM) designation of the subject property, located at 2075 Howell Branch Road (Parcel ID 28-21-30-300-0280-0000), from Seminole County Office (OFF) to City of Casselberry Commercial (C).

Section 1-2.6. of the *Unified Land Development Regulations* (ULDR) authorizes the Planning and Zoning Commission, acting as the Local Planning Agency, to review requests to amend the FLUM and make recommendations to the City Commission. Amendments to the City's FLUM are considered in accordance with Sections 163.3177 and 163.3187 of the Florida Statutes, the City's Comprehensive Plan, ULDR Article IV, "Comprehensive Plan Implementation," and Article V, "Zoning District Regulations."

GENERAL INFORMATION: The subject property is ±1.79 acres and is generally located in the northwest corner of the intersection of Howell Branch Road and Banyon Tree Circle. The subject property was recently annexed into the City, and the applicant, Carlos Gregory of Winter Springs Moree LLC, intends to develop it with commercial retail spaces. To proceed with site development, a consistent FLUM designation and zoning district must first be established.

On February 29, 2024, written notice of this public hearing for the proposed FLUM amendment was posted on the subject property, and written notification of this public hearing was mailed to the surrounding property owners within 500 ft. of the subject property. On March 1, 2024, a notice was also advertised in the *Orlando Sentinel*.

ANALYSIS: Consistency with Comprehensive Plan

The proposed FLUM amendment is consistent with the following policies and objectives found in the City's Comprehensive Plan:

- Policy FLU 1.8 – Properties designated Commercial shall be developed at a Floor Area Ratio no greater than .25. On arterial roadways, a Floor Area Ratio of up to .35 may be allowed. Residential uses shall be developed at a gross density not exceeding 13 dwelling units per acre.
- Policy FLU 8.1 – Unless otherwise provided by law, the Comprehensive Plan of the City of Casselberry may be amended in accordance with Sections 163.3184 and 163.3187 Florida Statutes.

Land Use Compatibility

To the east of the subject property are condominiums, and to the north is a duplex community located in the City of Casselberry. South of the subject property is Howell Branch Road, which is considered a "Minor Arterial" roadway per the City's *Comprehensive Plan*. Further, on the south side of Howell Branch Road to the south are condominiums located in unincorporated Seminole County. Further, the parcel to the west is owned by the applicant, which will be aggregated with the subject property to accommodate the proposed commercial development.

According to the City's *Comprehensive Plan*, areas with the Commercial (C) FLUM designation may provide a range of general retail, commercial activities, mixed-use (retail, office, business, personal services, and attached residential), and office/residential uses. Prior to development, the site plan review will also assess landscape buffers, lighting, parking, and connectivity. Given that the parcels to the west have a FLUM designation of Commercial (C) and that those to the north, east, and south consist of multifamily residential developments, staff finds that the proposed FLUM amendment is compatible with adjacent land uses.

Adequate Public Facilities

Police services are provided to the subject property by the City of Casselberry, and fire services are currently provided by Seminole County. Vehicular and pedestrian access will be provided via a driveway on Howell Branch Road. Additionally, a school impact analysis from Seminole County Public Schools demonstrating school concurrency prior to rezoning the subject property is not necessary given that the proposed FLUM designation is non-residential. Lastly, city water and sanitary sewer services are available to the subject property.

Natural Environment

The site plan review processes will ensure that environmental impacts associated with developing the subject property are mitigated. Therefore, the proposed FLUM amendment is not anticipated to negatively affect the natural environment.

Orderly Development

The proposed FLUM amendment will require that the property be rezoned to a zoning designation that is consistent with Commercial FLUM. The applicant has expressed their intent to rezone to CG (Commercial General), which is consistent with the Commercial FLUM designation. All plans to develop the subject property will be reviewed and shall adhere to the requirements of the City's ULDR and *Code of Ordinances*.

STAFF RECOMMENDATION: Staff recommends that P&Z recommend approval of case number FLU 24-03 to the City Commission, based on the staff report and the testimony and evidence presented, that the request meets the applicable provision of the ULDR and is consistent with the City's *Comprehensive Plan* as per the written findings in the staff report.

ATTACHMENTS:

1. Ordinance 24-XXXX (FLU 24-03)
2. Maps
3. Published Ad in Orlando Sentinel
4. Photo of Property Posting
5. Letter to Property Owners



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 13, 2024
Subject: TA 24-02: An Ordinance to Amend, Repeal, and Replace Various Sections of City Code Relating to Noise and Nuisance Abatement

REQUEST: Approval of an Ordinance to amend, repeal, and replace various sections the City's *Code of Ordinances* and *Unified Land Development Regulations* relating to noise and nuisance abatement is requested.

INTRODUCTION: The Community Development Department's Planning Division requests that the Planning and Zoning Commission/Local Planning Agency (P&Z) hold a public hearing to consider TA 24-02: a request to amend, repeal, and replace various sections of the City's *Code of Ordinances* (City Code) and *Unified Land Development Regulations* (ULDR) relating to noise and nuisance abatement. ULDR Section 1-2.6 authorizes P&Z to review requests to amend land development regulations and make recommendations to the City Commission.

GENERAL INFORMATION: The City has regulations in place to control excessively loud and unusual noises that can negatively impact surrounding areas. However, the current Code needs to be updated to reflect the latest case law that provides additional guidance on the constitutionality of noise codes. The proposed amendment aims to further secure and promote the public health, comfort, welfare, and prosperity of the City and its residents.

On February 29, 2024, a notice of this public hearing was advertised in the *Orlando Sentinel*.

ANALYSIS: The proposed amendment makes three changes, which:

1. Repeal and replace City Code Section 58-56, "Unnecessary or Disturbing Noise," to update based on recent case law,
2. Amend City Code Section 2-210, "Schedule of Violations," and
3. Repeal and replace Paragraph G., "Noise," of ULDR Section 3-17.4, "Specific Standards for Nuisance Abatement."

Below is an updated table providing the proposed permissible sound levels based on the type of use at the subject property.

TABLE I. A-Weighted and C-Weighted
Sound Level Limits

<u>Type of Receptor Premises</u>	<u>Time of Day or Night*</u>	<u>Sound Level Limit</u>	
		<u>dB(A)</u>	<u>dB(C)</u>
<u>Residential</u>	<u>7:00 a.m. to 11:00 p.m.</u>	<u>60</u>	<u>65</u>
	<u>11:00 p.m. to 7:00 a.m.</u>	<u>55</u>	<u>60</u>
<u>Commercial</u>	<u>7:00 a.m. to 11:00 p.m.</u>	<u>65</u>	<u>75</u>
	<u>11:00 p.m. to 7:00 a.m.</u>	<u>60</u>	<u>70</u>
<u>Industrial, Manufacturing, and Public Use</u>	<u>All times</u>	<u>75</u>	<u>85</u>
<u>*All times are current local standard or daylight savings time in effect at the time of the measurement.</u>			

The terms dB(A) and dB(C) are used to measure sound levels with different weighting networks. dB(A) is an A-weighted sound level measured on a sound level meter; it provides a more accurate representation of human hearing at mild or lower volume levels. It does not measure loud, low-end frequencies and is commonly used for measuring environmental sounds. Alternatively, dB(C) is a C-weighted sound level and more accurately represents human hearing at higher volume levels. This is crucial for concerts and loud music as low-end frequencies are picked up much better at higher levels, such as 100 dB and above.

In summary, dB(A) and dB(C) are both used to measure sound levels, but they are more effective in different situations. While dB(A) is useful for measuring mild or lower volume levels, dB(C) is more accurate for measuring higher volume levels, especially in loud music and concert scenarios. The proposed amendment addresses both sound levels and provides performance standards for all possible instances while remaining consistent with Seminole County regulations.

The proposed amendment provides updated definitions, such as amplified sound, impulsive sound, noise control officer, and motor vehicle. The proposed amendment also considers exemptions, such as noise from permitted construction operations, emergency vehicle alarms, sanitation operations, and landscaping and yard maintenance. Additionally, "Noise Control" was added to the schedule of violations in City Code Section 2-210; Noise Control is considered a Class II violation for which the fine is \$100.00 for each day the violation continues.

STAFF RECOMMENDATION: Staff recommends that P&Z provide a favorable recommendation to the City Commission to approve project number TA 24-02, based on the staff report and the testimony and evidence presented, that the request meets the applicable provisions of the ULDR and is consistent with the *Comprehensive Plan* as per the written findings contained in the staff report.

ATTACHMENTS:

1. Ordinance 24-XXXX (TA 24-02)
2. Published Legal Ad