



OFFICIAL NOTICE

CITY OF CASSELBERRY PLANNING AND ZONING COMMISSION LOCAL PLANNING AGENCY

Wednesday, May 8, 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**
 - A. **COU 24-01: Cheddar's Scratch Kitchen**
Conditional Use Request for Beer, Wine, and Liquor Sales (4COP) for On-Site Consumption at the Subject Property (Parcel IDs 08-21-30-5BL-0B00-0010 and 08-21-30-5BL-IF00-0040)
7. **Site Plan Applications**
 - A. **SPR 24-09: Solar Canopy for JVD Construction**
Major Site Plan Approval for JVD Construction to Erect a Solar Canopy to Store Recreational Vehicles at 350 Anchor Road
 - B. **SPR 24-13: Dew Drop Park Improvements**
Site Plan Approval for a Development of Community Impact for Improvements at Dew Drop Park, Located at 1471 Canterbury Circle
8. **Future Land Use Map and Zoning Map Amendments - None**
9. **PUBLIC HEARINGS - None**
10. **Other Business**

11. Citizens' Comments

12. 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: May 8, 2024
Subject: COU 24-01: Cheddar's Scratch Kitchen

REQUEST: Conditional Use Request for Beer, Wine, and Liquor Sales (4COP) for On-Site Consumption at the Subject Property (Parcel IDs 08-21-30-5BL-0B00-0010 and 08-21-30-5BL-IF00-0040)

INTRODUCTION: The Community Development Department's Planning Division requests that the Planning and Zoning Commission/Local Planning Agency (P&Z) consider a conditional use request from the applicant, Nunnco Consulting Inc., to sell beer, wine, and liquor for on-site consumption (4COP) at a new restaurant, Cheddar's Scratch Kitchen, located at the subject properties that sit west of Lake Concord and whose parcel IDs are 08-21-30-5BL-0B00-0010 and 08-21-30-5BL-IF00-0040.

Article II, Section 1-2.6 of the City's *Unified Land Development Regulations* (ULDR) authorizes P&Z to review conditional use requests. ULDR Article VI sets forth specific criteria for approving the conditional use request. Furthermore, Chapter 10 of the City's *Code of Ordinances* (City Code) regulates the sale and consumption of alcoholic beverages.

GENERAL INFORMATION: The applicant intends to serve beer, wine, and liquor at a new restaurant located on the subject property, which is part of a recently approved site plan, SPR 24-04. The subject property has a *Future Land Use Map* (FLUM) designation of Major Thoroughfare Mixed-Use (MTMU) and has a compatible zoning designation of PMX-MID (Planned Mix Use: Medium Rise). ULDR Table 2-5.3, "Land Use by District," states that the sale of alcoholic beverages for on-site consumption requires conditional use approval in the PMX-MID zoning district. Additionally, per the Cheddar's Planned Unit Development (PUD) Agreement approved via Ordinance 23-1588, the sale of alcoholic beverages for on-site consumption is a conditionally allowed accessory use to a restaurant.

The serving of alcohol will be incidental to the site's primary use as a restaurant, which the applicant proposes to operate from 11:00 a.m. to 10:00 p.m. on Sunday to Thursday and 11:00 a.m. to 11:00 p.m. on Fridays and Saturdays. City Code Section 10-2 limits the sale and on-site consumption of alcoholic beverages to the hours between 7:00 a.m. and 2:00 a.m., seven days a week. The applicant's proposed schedule is consistent with the City's hours of sale and consumption regulations. Additionally, the applicant has presented future outdoor seating as indicated on the approved site plan, which is included in the applicant's conditional use request.

ANALYSIS: ULDR Article VI, Section 2-6.2 provides criteria for reviewing conditional use requests, which staff has evaluated, summarized, and outlined below.

1. Land use compatibility.

The subject property is located along S. U.S. Highway 17-92, a major arterial roadway. Adjacent to the subject property to the north is a Home Depot and, beyond it, a retail plaza with commercial

outparcels. To the south of the property is the former Casselberry Police Department building with similar land entitlements. Overall, the sale of alcohol will be ancillary to the site's primary use as a restaurant, which is compatible with adjacent uses and not anticipated to impact the surrounding area unfavorably.

2. Sufficient site size and adequate site specifications to accommodate the proposed use. The proposed restaurant approved in SPR 24-04 provides for specific performance, bulk, and dimension criteria as outlined in the PUD agreement for the subject property. There is sufficient site size and adequate site specifications to accommodate the proposed accessory use. The site is required to have at least 1 parking space per 100 sq. ft. of buildings, which equates to 62 parking spaces and 3 ADA spaces. The approved site plan includes 153 parking spaces, 5 ADA spaces, and 4 to-go spaces.

The applicant has also proposed a future outdoor seating area as approved in SPR 24-04 which consists of about 915 sq. ft. of seating area on the east side of the building facing Lake Concord. A seating arrangement has not been proposed as it is still planned for future construction that is yet to be determined. As such, this conditional use request includes future outdoor seating areas.

3. Proper use of mitigative techniques.

According to City Code Section 10-7(2), a restaurant not within 1,000 ft. of an educational institution, bar, lounge, bottle club, or educational institution may operate within the City of the zoning district that permits the use. Further, the proposed hours of operation comply with the applicable City Code. The proposed use is compatible with the surrounding area and is not required to employ additional mitigative techniques.

4. Hazardous waste.

A grease interceptor is required and subject to the City's Oil and Grease Management Program. Aside from this, any hazardous waste produced by the applicant shall be disposed of according to local, state, and federal laws.

5. Compliance with applicable laws and ordinances.

Possession of both City and County Business Tax Receipts, as well as any applicable permits, licenses, and inspections from other agencies, must be provided to the City prior to the sale of beer, wine, and liquor.

STAFF RECOMMENDATION: Staff recommends that case number COU 24-01 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 ULDR 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. The conditional use shall be limited to the subject parcels (Parcel Numbers: 08-21-30-5BL-0B00-0010 and 08-21-30-5BL-IF00-0040).
2. All sales and consumption of alcoholic beverages, except for approved package sales, shall be on-site and indoors or confined to outdoor seating areas as part of an approved site plan per ULDR Article XVIII, Site Plan Review.
3. Sale of alcoholic beverages is prohibited when food service is unavailable.
4. The hours of on-site alcohol consumption and sales shall comply with the hours outlined in City Code Section 10-2.
5. The business shall comply with all city, county, and state requirements.
6. The conditional use shall commence within 270 days of the approval.
7. The conditional use shall expire if the use is discontinued for more than 90 days.
8. All of the above conditions shall be fully and faithfully executed, or the conditional use shall become null and void.

ATTACHMENTS:

1. Maps
2. Business Letter
3. Site Plan
4. Menu
5. Seating Arrangement and Floorplan



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: May 8, 2024
Subject: SPR 24-09: Solar Canopy for JVD Construction

REQUEST: Major Site Plan Approval for JVD Construction to Erect a Solar Canopy to Store Recreational Vehicles at 350 Anchor Road

INTRODUCTION: The Community Development Department's Planning Division requests that the Planning and Zoning Commission/Local Planning Agency (P&Z) consider a request for major site plan approval for the applicant, JVD Construction, Inc., to erect a canopy to store recreational vehicles at the 350 Anchor Road.

GENERAL INFORMATION: Located on the western side of the City, the subject property is ± 16.83 acres. It is designated as Industrial (IND) on the City's *Future Land Use Map* (FLUM) and is zoned I (Industrial). Additionally, the subject property is not located within any overlay districts. Proposed improvements include a canopy for recreational vehicles with accompanying paved areas for parking and access. The addition of more than 500 sq. ft. of impervious area makes this a request for major site plan approval.

According to the City's *Unified Land Development Regulations* (ULDR) Section 1-2.5, the City's Development Review Committee (DRC) is responsible for ensuring that the proposed development satisfies all required performance standards and other applicable regulations. Further, because of its classification as a Major Site Plan, the proposed site plan requires approval from the Planning and Zoning Commission (P&Z), as indicated in ULDR Section 4-18.2.

ANALYSIS: Throughout the site plan review process, efforts are made to ensure the intended development complies with all relevant performance criteria. Development proposals are evaluated for compatibility with surrounding areas, potential impacts related to anticipated growth, and the availability of necessary public facilities and services. As such, the proposed site plan was evaluated by the DRC based on the following criteria:

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

After reviewing the proposed plans, DRC granted approval on March 21, 2024, after which all remaining comments were adequately addressed.

Comprehensive Plan Implementation (ULDR Article IV)

The subject property has an Industrial FLUM designation and is zoned I, which are consistent with one another according to the City's *Comprehensive Plan* and ULDR Article IV.

Zoning District Regulations (ULDR Article V)

Land Use by District (ULDR Section 2-5.3) – The I zoning district is intended to accommodate a wide range of clean, light industry uses, including trade and skilled services, light fabrication, warehousing, manufacturing, and supportive office activities. Current tenants on the subject property include general contractor, trade and skilled services, a church, and daycare. The proposed outdoor storage of recreational vehicles is limited to the area underneath the solar canopy. Overall, the proposed improvement is compatible with the surrounding land uses and is not anticipated to negatively affect neighboring properties.

Size and Dimension Criteria (ULDR Section 2-5.4) – The proposed improvements meet all the relevant setback, size, height, and dimension requirements outlined for the I zoning district provided in ULDR Table 2-5.4. The canopy is approximately 55 ft. x 221 ft. and approximately 18 ft. tall; the maximum height is 35 ft. in the I zoning district.

Appearance, Design, and Compatibility (ULDR Article X)

Appearance of Site and Structures (ULDR Section 3-10.2) – The subject property is fenced, and the proposed canopy is oriented to the side of the principal building. Additionally, the canopy serves a dual purpose as it will be fitted with solar panels.

Lighting & Photometric (ULDR Section 3-10.2.6) – The canopy will be lit for safety, and the proposed photometric plan complies with the required illumination levels. No other changes to site lighting were proposed.

Stormwater Management (ULDR Article XII)

Additional stormwater management was not required by the City Engineer for this project.

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

Landscape buffer requirements were applied to the eastern property lines. To satisfy the requirement, the applicant is proposing a combination of shrubs and canopy trees to screen the proposed canopy from the right-of-way. Further, no trees are proposed to be removed as a result of the project.

Off-Street Parking and Loading Requirements (ULDR Article XV)

The proposed plan offers 197 parking spaces; 175 standard parking spaces are sized 10 ft. by 20 ft., with another seven ADA-accessible parking spaces, sized 12 ft. by 20 ft, and an accompanying access strip. The canopy offers an additional 15 covered spaces sized approximately 14 ft. by 50 ft.

Signage (ULDR Article XVI)

No new ground signs were proposed at this time. Any future signage will require a separate building permit and shall adhere to the applicable standards within ULDR Article XVI.

STAFF RECOMMENDATION: Staff recommends that P&Z recommend approval of case number SPR 24-09 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 in the staff report. The proposed 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. All of the above conditions shall be fully and faithfully executed, or the site plan shall become null and void.

ATTACHMENTS:

1. Site Plan
2. Landscape Plan
3. Photometric 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: May 8, 2024
Subject: SPR 24-13: Dew Drop Park Improvements

REQUEST: Site Plan Approval for a Development of Community Impact for Improvements at Dew Drop Park, Located at 1471 Canterbury Circle

INTRODUCTION: The Community Development Department's Planning Division requests that the Planning and Zoning Commission/Local Planning Agency (P&Z) consider site plan approval of a Development of Community Impact (DCI) for significant improvements at an existing City Park, known as Dew Drop Park, located at 1471 Canterbury Circle.

GENERAL INFORMATION: Situated on the north shore of Dewdrop Pool, the subject property is ±6.77 acres and has a Recreation and Open Space (ROS) Future Land Use Map (FLUM) designation and is zoned ROS (Recreation and Open Space). Additionally, the proposed park is not located within any overlay districts. Proposed improvements include renovations to the basketball and beach volleyball courts, a new playground, tennis and pickleball courts, and a sensory garden, and an extended dock with an observation deck, complete with restroom facilities, benches, and a trail looping around the park.

According to the City's *Unified Land Development Regulations* (ULDR) Section 1-2.5, the City's Development Review Committee (DRC) is responsible for ensuring that the proposed development satisfies all required performance standards and other applicable regulations. Further, because of its classification as a Development of Community Impact, the proposed site plan also requires approval from the Planning and Zoning Commission (P&Z) and City Commission, as indicated in ULDR Section 4-18.2.

ANALYSIS: Throughout the site plan review process, efforts are made to ensure the intended development complies with all relevant performance criteria. Development proposals are evaluated for compatibility with surrounding areas, potential impacts related to anticipated growth, and the availability of necessary public facilities and services. As such, the proposed site plan was evaluated by the DRC based on the following criteria:

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

DRC has comprehensively reviewed the project at various design phases. After reviewing 100%

design plans, DRC granted approval on April 25, 2024.

Comprehensive Plan Implementation (ULDR Article IV)

The subject properties have a Recreation and Open Space FLUM designation and are zoned ROS, which are consistent with one another according to the City's *Comprehensive Plan* and ULDR Article IV.

Zoning District Regulations (ULDR Article V)

Land Use by District (ULDR Section 2-5.3) – The ROS zoning district is intended to accommodate existing and anticipated future needs for recreation and open space, including all land uses incorporated within the ROS zoning district within ULDR Table 2-5.3. Dew Drop Park is surrounded by single-family homes with Low Density Residential (LDR) FLUM and R-9 (Low Density Single-Family) zoning designations to the north, west, and east. Dewdrop Pool extends to a southern parcel with falls in Seminole County's jurisdiction. Overall, the proposed development is compatible with the surrounding land uses and is not anticipated to negatively affect neighboring properties.

Size and Dimension Criteria (ULDR Section 2-5.4) – The proposed improvements meet all the relevant setback, size, and dimension requirements outlined for the ROS zoning district provided in ULDR Table 2-5.4 except for the 30% maximum allowed impervious surface area (ISR). The plans for Dew Drop Park propose $\pm 55\%$ impervious area with $\pm 45\%$ open space, which requires conditional use approval. Further, the project offers a 0.007 Floor Area Ratio (FAR) for the impacted area, for which the maximum allowed in the ROS zoning district is 0.10 FAR.

However, per ULDR Table 2-5.4, Footnote Q states that impervious areas greater than 30% in the ROS zoning district shall require conditional use approval. Upon review, staff recommends the conditional use (COU 24-02) be granted based on the criteria outlined in ULDR Article VI:

1. Land Use Compatibility. Dew Drop Park is an existing use at the subject property. The site will continue to be a public park, be compatible and harmonious with adjacent land use, and will not adversely impact land use activities in the immediate vicinity. Further, minimum landscape buffer requirements have been met. Fencing is also along neighboring single-family homes.
2. Sufficient Site Size and Adequate Site Specifications To Accommodate The Proposed Use. The subject property is ± 6.77 , but Dewdrop Pond accounts for ± 2.35 acres. The City's ULDR indicates that waterbodies shall be considered impervious for the purposes of calculating ISR, which can skew the perception of impervious areas onsite. When only considering uplands, the proposed FAR is 0.31. There is sufficient site size and adequate site specifications to accommodate the proposed use at the subject property.
3. Proper Use of Mitigative Techniques. To help mitigate potential impacts, the stormwater area is proposed to be natively landscaped to emulate a natural wetland, and efforts will be made to maintain the shore of Dewdrop Pond in accordance with City and St. John's River Water Management District (SJRWMD) regulations.
4. Hazardous Waste. No hazardous waste will be stored onsite.
5. Compliance with Applicable Laws and Ordinances. The City shall remain compliant with all applicable federal, state, county, and City laws and ordinances.

Further, per ULDR Table 2-5.4, Footnote P, any buildings or structures erected within this district shall be for parks and recreation purposes or protective services and shall support said purposes. As such, the proposed buildings are restroom facilities to serve patrons of the park.

Appearance, Design, and Compatibility (ULDR Article X)

Opaque fencing exists along the north and east property lines to mitigate potential nuisance impacts. Otherwise, the proposed use is compatible with the surrounding uses and does not

require additional screening beyond the minimum landscaping requirements along the property boundaries. Further, the proposed dock and observation deck will be lit from sunset to sunrise per City Code 94-5.

Lighting & Photometric (ULDR Section 3-10.2.6) – Duke Energy shall provide a photometric plan that generally conforms to the lighting standards outlined in ULDR 3-10.6. Per ULDR 3-10.6.C.2.d.(1), Table 2: Fixture Height, a variance is required for mounted light fixtures over 20 ft. in height.

Stormwater Management (ULDR Article XII)

A wet detention pond is proposed to meet SJRWMD and City of Casselberry requirements. Further, all submitted site and construction plans must undergo further review by Public Works and Utilities Department staff to satisfy applicable requirements prior to the issuance of an Engineering Permit.

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

Dew Drop Park is anticipated to be extensively landscaped. The proposed landscape plan meets the intent of required right-of-way, perimeter, buffer, off-street parking, and non-vehicular open space landscaping requirements. Further, no species account for more than 50% of all trees, and any invasive species shall be removed.

Off-Street Parking and Loading Requirements (ULDR Article XV)

Per ULDR Section 3-15.2, no minimum parking requirement is identified for parks or recreational uses. However, the site plan proposes 14 parking spaces, including two ADA-accessible spaces sized 12 ft. by 20 ft with an accompanying 5-ft. access strip. While Dew Drop Park is open to all, it is expected to primarily serve those in the immediate area who can walk, ride, or bike, thereby minimizing the need for extensive parking infrastructure. Additionally, DRC evaluated traffic circulation and safety, including the Casselberry Police Department and Seminole County Fire Department. The proposed sidewalks also connect to Canterbury Circle and Avalon Boulevard, and bike racks will be provided.

Signage (ULDR Article XVI)

No new ground signs were proposed at this time. Any future signage will require a separate building permit and shall adhere to the applicable standards within ULDR Article XVI.

STAFF RECOMMENDATION: Staff recommends that P&Z recommend approval of case number SPR 24-13, which includes COU 24-02, 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 in the staff report. The proposed 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. Prior to construction, the proposed fire hydrant shall be installed and tested/flowed.
3. Lighting fixtures mounted higher than 20 ft. require approval of a variance by the Planning & Zoning Commission/Local Planning Agency.
4. Onsite lighting shall not be installed without the review and approval of a photometric plan by the City's Planning Division to ensure compliance with ULDR Section 3-10.6.
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. Site Plan
3. Landscape Plan