



OFFICIAL NOTICE

CITY OF CASSELBERRY PLANNING AND ZONING COMMISSION LOCAL PLANNING AGENCY

Wednesday, November 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. **Roll Call**
3. **Pledge of Allegiance**
4. **Swearing In of New Member**
5. **Approval of Minutes**
 - A. **Minutes from the August 9, 2023 Meeting**
 - B. **Minutes from the October 11, 2023 Meeting**
 - C. **Minutes from the November 8, 2023 Meeting**
 - D. **Minutes from the December 13, 2023 Meeting**
 - E. **Minutes from the January 10, 2024 Meeting**
 - F. **Minutes from the February 14, 2024 Meeting**
6. **Disclosure of Ex Parte Communications**
7. **Conditional Use Applications - None**
8. **Site Plan Applications**

- A. **SPR 24-20: Major Site Plan Approval for Terracotta Terrace 55+ Apartments**
Approval of a Major Site Plan for Terracotta Terrace, an age-restricted (55+) apartment complex, located at 1398 S.R. 436, is requested.

9. Future Land Use Map and Zoning Map Amendments

- A. **PUD 24-02: Amending the City's Official Zoning Map and Approving a PUD Agreement and Concept Plan at Southwest Corner of S.R. 436 and Oxford Road**
Recommendation of approval of an ordinance amending the city's Official Zoning Map to PMX-MID (Planned Mixed Use: Medium Rise) for two (2) parcels generally located at the southeast corner of the intersection of S.R. 436 and Oxford Road, including an associated Planned Unit Development (PUD) Agreement and a Concept Plan, is requested.

10. Public Hearings

- A. **TA 24-04: Amending Part II of the Code of Ordinances, Chapter 14, Article II, Division 3, Section 14-54, "Seasonal Sales; Performance Criteria"**
Recommendation of approval of an Ordinance, amending Part II of the Code of Ordinances, Chapter 14, Article II, Division 3, Section 14-54, "Seasonal Sales; Performance Criteria" to refine related rules and regulations for seasonal sale permits, is requested.
- B. **TA 24-06: Amending Part III of the Code of Ordinances, Chapter III, Article IX, Environmental Protection, Appendix A; Article XIII, Landscaping, Section 3-13.4; and Article XIV, Tree Protection, Sections 3-14.3, 3-14.4, 3-14.6, and 3-14.7**
Recommendation for approval of an Ordinance, amending Part III of the Code of Ordinances, Chapter III, Article IX, Environmental Protection, Appendix A; Article XIII, Landscaping, Section 3-13.4; and Article XIV, Tree Protection, Sections 3-14.3, 3-14.4, 3-14.6, and 3-14.7, to update species references and recommendations, update permit requirements based on statutory changes, and repeal establishment of the City Tree Advisory Committee, is requested.
- C. **TA 24-07: Amending the City's Comprehensive Plan's Future Land Use Element to Provide for Floating Solar Facilities in Specific Land Use Designations**
Recommendation of approval of an Ordinance, amending the city's Comprehensive Plan's Future Land Use Element to permit the installation of floating solar facilities in the Public Service, Recreation and Open Space, Industrial, Industrial-Medium Future Land Use Map (FLUM) designations, is requested.

11. Citizens' Comments

12. Other Business

13. 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: November 13, 2024
Subject: SPR 24-20: Major Site Plan Approval for Terracotta Terrace 55+ Apartments

REQUEST: Approval of a Major Site Plan for Terracotta Terrace, an age-restricted (55+) apartment complex, located at 1398 S.R. 436, is requested.

INTRODUCTION: The Community Development Department's Planning Division requests that the Planning and Zoning Commission/Local Planning Agency (P&Z) consider a request from the applicant, Mr. Regan OLaughlin, with Kimley-Horn and Associates, Inc., for approval of a major site plan redeveloping 1398 S.R. 436 with an age-restricted (55+) apartment complex named Terracotta Terrace.

GENERAL INFORMATION: 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, its classification as a major site plan requires approval from P&Z, as indicated in ULDR Section 4-18.2. All outstanding comments from reviewers have been satisfied, and the proposed project is scheduled to go before DRC for approval on November 12, 2024.

In June 2024, as part of the rezoning process, per ULDR Article XX, the City Commission approved Ordinance 24-1601, which included a concept plan and Planned Unit Development (PUD) Agreement that outlined allowable uses, size and dimension criteria and other performance standards. The proposed site plan demonstrates the applicant's intent to develop the site according to the approved concept plan and PUD agreement.

Located on the east side of S.R. 436 across from Panda Express and Chipotle, the subject property is ±3.95 acres, has a Major Thoroughfare Mixed-Use (MTMU) Future Land Use Map (FLUM) designation, and is zoned PMX-HIGH (Planned Mixed Use: High Rise). Additionally, the proposed development is not located in any overlay districts. Terracotta Terrace is a five-story apartment building for 55+ residents and includes a dog park, pool, single-story garages for residents, and other amenities.

ANALYSIS: Throughout the site plan review process, efforts are made to ensure the intended development complies with all relevant performance criteria and the Comprehensive Plan per ULDR Article XVIII, Site Plan Review. 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:

- A. ULDR Article IV, Comprehensive Plan Implementation
- B. ULDR Article V, Zoning District Regulations
- C. ULDR Article X, Appearance, Design, & Compatibility
- D. ULDR Article XII, Stormwater Management

- E. ULDR Article XIII, Landscaping
- F. ULDR Article XIV, Tree Protection
- G. ULDR Article XV, Off-Street Parking and Loading Requirements
- H. ULDR Article XVI, Signs
- I. ULDR Article XVIII, Site Plan Review

A. Comprehensive Plan Implementation (ULDR Article IV)

The subject property has a Major Thoroughfare Mixed-Use FLUM designation and is zoned PMX-HIGH, which are consistent with one another according to the City's Comprehensive Plan and ULDR Article IV.

B. Zoning District Regulations (ULDR Article V)

According to ULDR Section 2-5.3, Land Use by District, the PMX-HIGH zoning district is meant to accommodate a wide range of general retail and commercial services along with dense residential uses. The PMX-MID zoning district supports the proposed use of age-restricted multifamily. Further, the associated PUD Agreement outlines allowable principal uses for the project, such as "Age Restricted Multifamily," and allowable accessory uses like "Home-Based Businesses" and "Ancillary Amenity Spaces." All uses not expressly listed as permitted or conditional uses within the adopted PUD Agreement are prohibited.

The proposed improvements meet all the relevant setback, size, and dimension requirements outlined in the adopted PUD Agreement. The plans for Terracotta Terrace propose $\pm 75\%$ impervious area with $\pm 25\%$ open space which does not exceed the requirement for PMX-MID of 80% impervious area and 20% open space. Further, the project offers a 1.20 Floor Area Ratio (FAR), for which the maximum allowed is 2.0 FAR.

C. Appearance, Design, and Compatibility (ULDR Article X)

While not required to adhere to commercial development design standards, the proposed project was designed to foster a pleasing and harmonious overall aesthetic. The building façade features warm neutral colors, stone accents, and tile roofs. Further, because the subject property fronts S.R. 436, the length of the building has been turned and oriented inward towards the pool and amenities area to allow better views for the residents. The proposed single-story garages were also situated towards the rear of the property so as not to dominate the streetscape. Also, the proposed photometric plan conforms to the lighting standards outlined in ULDR 3-10.2.6 to avoid light trespass onto neighboring properties. Finally, the site does not have a dumpster enclosure but has a serviceable internal trash collection area.

S.R. 436 is classified as a major arterial road for which multifamily and similar intense and dense uses are appropriate. The Major Thoroughfare Mixed Use FLUM designation and PMX-HIGH zoning classification of the property were assigned in accordance with the goals and policies of the Comprehensive Plan where intense development is desired. The subject property is bounded to the north and south by multifamily developments, Onyx Winter Park and Birchwood Landings respectively. To the east lies a wetland area belonging to Onyx Winter Park, and to the west is S.R. 436. Overall, the proposed development is compatible with the surrounding land uses and is not anticipated to adversely affect neighboring properties.

D. Stormwater Management (ULDR Article XII)

Underground exfiltration has been utilized for stormwater management on site. Further, all submitted site and construction plans must undergo further review by Public Works Department and Utilities Department to ensure applicable requirements are satisfied prior to the issuance of an Engineering Permit.

E. Landscaping (Article XIII)

Terracotta Terrace intends to be heavily landscaped. The proposed plan meets the intent of required right-of-way, perimeter, buffer, and off-street parking landscaping requirements. Further, no species account for more than 50% of all trees, and any invasive species shall be removed. The applicant also provided more than the required shrubs to further enhance the site and provide screening around amenities, like the dog park.

F. Tree Protection & Replacement (Article XIV)

Per ULDR Section 3-14.7, the size and number of additional trees to be replaced shall be determined based upon the caliper of the tree removed. The proposed site plan shows the removal of 850 caliper inches; 128 caliper inches were located under the building footprint and do not require mitigation per ULDR Section 3-14.3.A.2.e. This results in 301 caliper inches required for mitigation. An additional 63 caliper inches are required to satisfy NVOS but cannot be supported onsite.

Alternatively, the applicant can pay \$42,350.00 into the City's Tree Bank Fund (Fund). The Fund is a part of the City of Casselberry general fund but is reserved exclusively for the design, acquisition, installation and maintenance of trees on public property and, in certain circumstances, on private property per the Administrative Official.

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

The plan proposes 158 parking spaces, including eight ADA-accessible spaces and 55 (34.8%) undersized spaces. Per ULDR Section 3-15.2, multifamily developments require 1.75 spaces for every dwelling unit. However, there is not a specified standard for age-restricted multifamily development. Based on the memorandum from United Development Group shared with staff in February 2024 and the site's final design, staff considers the proposed ratio of 1.04 spaces per unit to be sufficient. This considered, the site meets the minimum parking requirements.

The entrance of the building faces south and is accompanied by a porte-cochere for dropping off residents. For safety and security, a gate restricts access to the east, north, and a portion of the west parking lot areas. The proposed 6 ft. sidewalk connects to S.R. 436 and bike racks are provided for pedestrian access. A public bus stop is also located at the development entrance adjacent to the pedestrian connection along S.R. 436.

H. Signage (ULDR Article XVI)

One new monument ground sign is proposed at this time. All signage is reviewed comprehensively through the building permit process, ensuring adherence to ULDR Article XVI's applicable standards.

STAFF RECOMMENDATION: Staff recommends that the P&Z approve Project SPR 24-20, 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 before the expiration of this approval.
2. Provide copies of all local, regional, state, and federal permits for the project to the City prior to the commencement of development.
3. All above conditions shall be fully and faithfully executed, or the site plan shall become null and void.

ATTACHMENTS:

1. Maps

2. Site Plan
3. Building Elevations
4. Landscape Plan
5. Photometric Plan
6. Parking Memorandum



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: November 13, 2024

Subject: PUD 24-02: Amending the City's Official Zoning Map and Approving a PUD Agreement and Concept Plan at Southwest Corner of S.R. 436 and Oxford Road

REQUEST: Recommendation of approval of an ordinance amending the city's Official Zoning Map to PMX-MID (Planned Mixed Use: Medium Rise) for two (2) parcels generally located at the southeast corner of the intersection of S.R. 436 and Oxford Road, including an associated Planned Unit Development (PUD) Agreement and a Concept Plan, is requested.

INTRODUCTION: The Community Development Department, Planning Division, requests that the Planning and Zoning Commission/Local Planning Agency (P&Z) hold a public hearing to consider a request from the applicant and property owner, Mr. Nicolas Jonas, to recommend approval of an ordinance (PUD 24-02) to the City Commission. The proposed ordinance amends the City's Official Zoning Map for two parcels (Parcel IDs 17-21-30-510-0000-001A and 17-21-30-510-0000-001B) totaling ±4.48 acres located at the southeast corner of the intersection of S.R. 436 and Oxford Road. The ordinance also includes a PUD agreement and concept plan for a multi-tenant retail/commercial plaza with a grocer and quick service restaurants.

GENERAL INFORMATION: According to the City of Casselberry's Unified Land Development Regulations (ULDR) Section 1-2.9, P&Z shall conduct an advertised and noticed public hearing when amendments to the city's Official Zoning Map are proposed. Further, during their deliberations, P&Z is responsible for ensuring that any proposal satisfies the specific criteria outlined in ULDR Section 1-2.9, which are further analyzed later in this report. Additionally, ULDR Section 4-20.3, which outlines PUD review and approval procedures, states that all planned unit developments shall be reviewed and processed as a zoning map amendment per the City's Code of Ordinances Section 66-58.

PMX-MID (Planned Mixed-Use: Medium Rise) is classified as a PUD zoning district and must adhere to the requirements outlined in ULDR Article XX, Planned Unit Development. Further, PMX zoning districts require approval of a PUD agreement and associated Concept Plan as part of the rezoning process. A public meeting is scheduled for Tuesday, November 12, 2024, at 1:00 PM, for the City's Development Review Committee (DRC) to review the proposed concept plan and decide on its approval. The concept plan illustrates the applicant's intent to develop the subject properties into a multi-tenant retail/commercial plaza with a grocer and quick-service restaurants.

Lastly, this public hearing was advertised in the Orlando Sentinel on November 1, 2024. Notices for the proposed amendment were posted on the subject properties on November 4, 2024, and letters were mailed to all property owners within 500 ft. of the subject properties.

ANALYSIS: The subject properties are ±4.48 acres and identified as Parcel ID 17-21-30-510-0000-001A (201 S.R. 436) and Parcel ID 17-21-30-510-0000-001B (205 S.R. 436), southeast of the intersection of Oxford Road and S.R. 436. The properties have a Major Thoroughfare Mixed-Use (MTMU) Future Land Use Map (FLUM) designation and are zoned CG (Commercial General).

The subject properties are also located within the Community Redevelopment District (CRD) and the Oxford Park Overlay District (OPOD).

City staff has provided the following assessment of the proposed amendment based on the established criteria outlined in ULDR Section 1-2.9.A. Criteria in ULDR Section 1-2.9.C also applies since a property owner initiated this request.

CRITERIA 1. Consistency with Comprehensive Plan

The subject properties are ±4.48 acres and located at 201 S.R. 436 and 205 S.R. 436, southeast of the intersection of Oxford Road and S.R. 436. The properties have a Major Thoroughfare Mixed-Use (MTMU) Future Land Use Map (FLUM) designation and are zoned CG (Commercial General). The subject properties are also located within the Community Redevelopment Agency (CRA) and the Oxford Park Overlay District (OPOD).

The proposed amendment is consistent with the following goals, objectives, and policies found in the city's Comprehensive Plan:

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 PMX-MID zoning district is compatible with the existing Major Thoroughfare Mixed-Use FLUM designation. Further, the proposed use of retail and general commercial uses does not conflict with the intent of the PMX-MID zoning district, which is to provide for general retail and commercial service activities.

Policy FLU 1.5, Major Thoroughfare Mixed-Use. The Major Thoroughfare Mixed-Use category is intended to provide opportunities for mid to high-density/intensity mixed-use development along major transportation corridors within the City.

The PMX-MID zoning district is a medium-density/medium-intensity zoning district that allows for a higher floor-to-area (FAR) ratio and impervious surface ratio (ISR). City staff find PMX-MID appropriate, given the surrounding uses, and that the subject properties are situated on S.R. 436, a major arterial roadway. Adjacent properties support commercial/retail uses in Seminole County or fall within Casselberry's jurisdiction with a Major Thoroughfare Mixed-Use FLUM designation.

Policy FLU 1.15, Concurrency Management System. A Concurrency Management System has been implemented to ensure that the public facilities and services and established levels of service are available concurrent with the impact of development.

The proposed development will utilize water and sanitary sewer services from Seminole County, and capacity has been verified. Further, given that the proposed use is non-residential, a school impact analysis from Seminole County Public Schools is not required. The PUD agreement provides for utility provision and dedication, stormwater management, and environmental impacts per ULDR Article IX, Concurrency Management.

Policy FLU 1.21 Traffic Impact Analysis. To ensure public roadways continue to operate in a safe and efficient manner, a traffic impact analysis shall be required prior to development of all

vacant lands as well as redevelopment parcels to determine potential public improvements that may be required due to the direct impact of said development/redevelopment.

According to ULDR Section 3-9.9, Methodology for Determining Demands on Concurrency Facilities, all new developments expected to generate 500 or more trips per day must submit a traffic analysis. However, upon further review, the city's Administrative Official may also require the submission of traffic analysis for developments that generate less than 500 trips per day if the site location, anticipated total trip generation and circulation patterns warrant a more extensive review of traffic impacts.

Objective FLU 2, Blighted Renewal and Redevelopment. The City shall encourage the redevelopment and renewal of economically underutilized or blighted areas.

The subject properties are made up of two parcels, one currently vacant, and the other, the larger of the two, has one abandoned building that previously served as an office space. The smaller vacant parcel most recently operated as a gas station, which was demolished in August 2023. The former office building will be demolished before development. The proposed amendment will allow the applicant to pursue redevelopment, thereby activating a site that has been blighted and economically underutilized for years since the previous business closed in 2018.

Objective FLU 3. Eliminate Inconsistencies. The City shall continue to encourage the elimination of uses inconsistent with the approved future land use.

The subject properties are zoned CG, which is inconsistent with the MTMU FLUM. The proposed amendment will eliminate this inconsistency.

Goal HC 2. Improve Built Environment to Promote Physical Activity. Promote site design that encourages pedestrian activity. Promote the joint use of public facilities and encourage development of parks and open spaces within residential areas to make it easier for all community members to engage in regular physical activity.

The applicant shall develop the site according to current regulations, including the City's Healthy Community Complete Streets Policy and Design Guidelines (Complete Streets Policy). The Complete Streets Policy supports improved pedestrian circulation, particularly to adjacent sites and S.R. 436, including sidewalk connections and bicycle parking. These connections contribute to Casselberry's sprawling sidewalk network.

Objective HC 3.3, Promote Easier Access for All Residents to Stores and Markets

The proposed amendment and resulting development will provide additional shopping opportunities for residents and visitors. The concept plan proposes two quick-service restaurants, a sit-down restaurant, and one grocery store.

Objective HC 5.2B, Promote Pedestrian and Cyclist Safety. Casselberry shall encourage Complete Streets designs to enhance the pedestrian and cyclist environment.

The site's design shall emphasize pedestrian and cyclist comfort and safety. Utilization of various traffic management techniques, such as adequate site lighting and cross-walk striping, will be provided.

CRITERIA 2. Conformance with Ordinances

The proposed amendment conforms to ULDR Section 2-4.3, which states that any changes or amendments to the Official Zoning Map shall be consistent with the Comprehensive Plan's FLUM. The PMX-MID zoning district is consistent with the Major Thoroughfare Mixed-Use FLUM designation. Additionally, the proposed Concept Plan and PUD Agreement conform to the requirements of ULDR Article XX, Planned Unit Development.

CRITERIA 3. Changed Conditions/Justification

In 2022, city staff were approached with a request to redevelop the subject properties, which would require combining the parcels into one unified tract. However, one parcel was included within the CRA boundary, and one was not. In October 2022, the City Commission approved Resolution 22-3336-A to modify the existing CRA boundary to include 201 S.R. 436 in preparation for redevelopment. The applicant is now ready to pursue development based on the provided concept plan.

CRITERIA 4. Land Use Compatibility

The subject properties sit adjacent to S.R. 436 on its north side and with Oxford Road on the west. To the south and east are commercial properties in unincorporated Seminole County, accommodating a range of retail and consumer service uses. The proposed PMX-MID zoning classification is supported by its proximity to S.R. 436, which is classified as a major arterial road. Overall, the proposed PUD amendment is compatible with surrounding properties and adjacent land uses.

CRITERIA 5. Adequate Public Facilities

The City of Casselberry provides police services for the subject properties, and the Seminole County Fire Department currently provides fire services. S.R. 436 and Oxford Road provide vehicular and pedestrian access. Seminole County will provide utility services (sewer and potable water). Further, since the development is non-residential, a school impact analysis from Seminole County Public Schools is not required.

CRITERIA 6. Natural Environment

The subject properties are not located in a wetland or floodplain, and as such, the proposed amendment is not anticipated to negatively affect the natural environment.

CRITERIA 7. Economic Effects

The proposed amendment will not result in any negative economic impacts.

CRITERIA 8. Orderly Development

Per ULDR Section 4-20.3.C., the applicant submitted a concept plan for the proposed development of the subject properties, which is scheduled to go before the City's DRC on Tuesday, November 12, 2024. The concept plan informed the general terms of the PUD agreement, which will govern the future development of the site. Following approval of the amendment to the PUD agreement and concept plan, the applicant will submit a site plan review application for the development of the subject properties. 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.

CRITERIA 9. Public Interest

The proposed amendment is in the public's interest as leaving commercial properties vacant for extended periods can significantly negatively affect a community. Urban blight can bring down property values. Additionally, vacant sites also reduce local tax revenue, miss opportunities for job creation, and can attract crime.

CRITERIA 10. Other Matters

P&Z is encouraged to consider additional factors, such as community feedback during public hearings, the subject properties' proximity to the S.R. 436 and S. U.S. Hwy 17-92 intersection, and the intent of the Major Thoroughfare Mixed-Use FLUM designation.

CRITERIA 11. Property Description.

The applicant provided a boundary survey with the appropriate property descriptions for the subject properties.

CRITERIA 12. Disclosure of Ownership.

The applicant, Mr. Nicolas Jonas, is the property owner and is the corporate officer of Alluvion Advisors LLC, which owns Alakai Capital LLC which owns Colonial Outparcel LLC.

CRITERIA H. Impact On Surrounding Properties And Infrastructure.

Redeveloping the subject properties will boost the appeal of the surrounding area by increasing the variety of available general retail and commercial services. Further, given since the project is subject to CRA, OPOD, and other urban design standards, the improved aesthetics will add to the overall character of the OPOD.

The development's location at a major intersection (S.R. 436 and Oxford Road) suggests the potential for increased traffic flow, typically at peak times or weekends. To avoid vehicles suddenly breaking on S.R. 436, two vehicle entrances are proposed on Oxford Road. Vehicular cross-access is also provided to the property to the southeast. There is also a Lynx bus stop on the opposite side of Oxford Road, providing an alternative method of transportation to the subject properties that may lighten traffic flow.

CRITERIA I. Undeveloped Land With Similar Zoning.

There are 5.57 acres of undeveloped land zoned PMX-MID throughout the city. However, within 1,000 ft., there are no undeveloped parcels with PMX-MID zoning.

STAFF RECOMMENDATION: Staff recommends that P&Z recommend approval of Ordinance 24-XXXX (PUD 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 ULDR and is consistent with the Comprehensive Plan as per the written findings in the staff report.

ATTACHMENTS:

1. Ordinance 24-XXXX - PUD Agreement
2. Concept Plan
3. Published Legal Ad



CITY MANAGER M E M O R A N D U M

10.A.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: November 13, 2024
Subject: TA 24-04: Amending Part II of the Code of Ordinances, Chapter 14, Article II, Division 3, Section 14-54, "Seasonal Sales; Performance Criteria"

Introduction:

Background: 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 (TA 24-04) to the City Commission. The proposed ordinance amends Part II, Chapter 14, Article II, Division 3, Section 14-54, "Seasonal Sales; Performance Criteria" of the City of Casselberry's Code of Ordinances (City Code) to refine related rules and regulations for seasonal sale permits.

Discussion: According to the City of Casselberry's Unified Land Development Regulations (ULDR) Section 1-2.9, P&Z shall conduct an advertised and noticed public hearing when amendments to land development regulations are proposed. Further, during their deliberations, P&Z is responsible for ensuring that any proposal satisfies the specific criteria outlined in ULDR Section 1-2.9.C, which are further analyzed later in this report.

The city is committed to protecting the safety and welfare of its citizens and businesses by providing appropriate and necessary police, fire, and support services for any mass gathering of groups or individuals, including various seasonal sales that occur throughout the year. As such, the city staff propose to amend the current seasonal sale performance criteria to better accommodate applicants' needs and correct recurring issues that arise during the permit application process for these sales.

Lastly, this public hearing was advertised in the Orlando Sentinel on October 31, 2024.

Budget Impact: Currently, City Code Section 14-54 provides performance criteria for seasonal sales, which is defined as "outdoor sales customarily associated with holidays including, but not limited to, Christmas trees, fireworks, pumpkins, and other seasonal items." The proposed ordinance contains seven distinct amendments to City Code Section 14-54:

- Expands allowable zoning districts for seasonal sales from CG (Commercial General) and CS (Commercial Service) to include PMX-H (Planned Mixed-Use: High Intensity), PMX-MID (Planned Mixed-Use: Medium Rise), and PMX-HIGH (Planned Mixed-Use: High Rise);

- Requires that seasonal sales take place on developed lots that are at least 2 acres, instead of 1.5 acres, to better accommodate traffic flow and increase pedestrian safety;
- Notes that signage associated with Seasonal Sales is to be regulated per the City's On-Premises Temporary Sign Regulations (ULDR Section 3-16.4) to avoid proliferation of signage;
- Increases the number of available holidays for Seasonal Sales and adds a two-day period before and/or after the sale for site preparation or breakdown;
- Stipulates that parking and traffic circulation cannot be adversely impacted, particularly on constrained developed sites, including unrestricted access for Seminole County Fire Department services;
- Increase the amount of the security deposit from \$100.00 to \$500.00 to better ensure compliance with cleaning the site after;
- Requires that the permit card be displayed in a conspicuous location for city or county staff that may need to inspect the site.

These improvements contribute to a more organized, safe, and accessible community environment. Additionally, City staff provides the following assessment of the proposed amendment against the established criteria in ULDR Section 1-2.9.C.

CRITERIA 1. Consistency with Comprehensive Plan

The proposed amendment is consistent with the following goals, objectives, and policies found in the city's Comprehensive Plan:

Policy HC 5.2A, Promote Pedestrian & Cyclist Safety. Casselberry shall promote pedestrian and cyclist-oriented design with an emphasis on comfort and safety in all new commercial and residential developments.

By expanding the allowable zoning districts, the proposed amendment encourages seasonal sales in areas more accessible to pedestrians and cyclists, promoting a vibrant streetscape that supports foot traffic typically found in PMX (Planned Mixed Use) zoned areas. Further, increasing the minimum lot size from 1.5 to 2 acres for developed sites will improve traffic flow, which is crucial for pedestrian and cyclist safety. Larger sites can better accommodate vehicles while ensuring that pedestrian pathways remain safe and unobstructed.

Regulating signage through the ULDR Section 3-16.4 helps to reduce visual clutter by not permitting additional signage for events. Further, allowing additional setup and breakdown time can lead to more organized events, reducing chaotic traffic conditions and enhancing safety for all road users.

Policy IG 1.1, Compatibility with Seminole County. The City of Casselberry shall continue to honor all interlocal agreements with Seminole County for police and fire aid, and any other agreements currently in effect. In addition, the City will continue to coordinate with Seminole County regarding county roads and other county facilities within the city.

Seminole County Fire Department provides fire safety reviews for many city permits and applications, including those for seasonal sales. The proposed amendment's focus on maintaining access for the Seminole County Fire Department supports the existing interlocal agreement and collaboration with county services, which are essential for safety and

emergency response.

Objective PRE 1, Recognition of Private Property Rights. The City shall continue to recognize that each property owner has constitutionally protected private property rights, and shall continue to consider these property rights in local decision-making by referring to a set of statement of rights identified in this element.

The proposed amendment upholds the rights of property owners by allowing them to utilize their properties for seasonal sales, which can be a significant source of income and community engagement. However, the revised standards will ensure these activities comply with enhanced safety and operational standards. Additionally, by introducing measures such as an increased security deposit and visible permit card requirements, the amendments respect property rights while also safeguarding public health, safety, and welfare, ensuring that property owners are accountable for their activities.

CRITERIA 2. Conformance with Ordinances

To eliminate alternative interpretations of the ULDR that may result in additional signage, the proposed amendment references existing city regulations, ULDR Section 3-16.4. The amendment aims to prevent misunderstanding and ensure that all seasonal sales comply with established standards.

CRITERIA 3. Changed Conditions

The amendment reflects changes in land use and development needs. Many newly approved site plans and modifications to existing sites account for pedestrian and multimodal traffic, requiring regulations to consider improved safety measures as the city evolves and develops. Additionally, including PMX-zoned sites provides additional opportunities for seasonal sales in areas that support pedestrian activity.

CRITERIA 4. Land Use Compatibility

The proposed amendment promotes a mix of uses that can coexist harmoniously by allowing seasonal sales on PMX-zoned properties. The added zoning districts are areas where intense development is expected, so adding seasonal sales enhances the vibrancy and usability of those spaces.

While the new requirement for a 2-acre minimum lot size means 19 parcels will no longer be eligible to host seasonal sales, the proposed amendment also opens up opportunities for new locations. Specifically, 17 properties zoned under the Planned Mixed-Use (PMX) categories—previously not eligible properties—would now qualify. These include:

- Three vacant properties that are each larger than 0.5 acres.
- Fourteen developed properties that are each larger than 2 acres.

This adjustment would offset the loss of 19 properties and potentially provide more suitable and safer locations for seasonal sales in the future.

CRITERIA 5. Adequate Public Facilities

The requirement for a minimum lot size of 2 acres is aimed at preventing overcrowding and ensuring that traffic and parking do not exceed the public infrastructure capacity, thus minimizing potential strain on services. The increase in acreage eliminated 19 properties zoned; 14 are zoned CG, and five are zoned CS. However, allowing seasonal sales on properties zoned PMX-H, PMX-MID, and PMX-HIGH provides additional opportunities for

applicants to find a site that suits their needs without impeding the functionality of a site.

CRITERIA 6. Natural Environment

The proposed amendment does not explicitly impact the natural environment. Still, it emphasizes compliance with regulations that maintain safe access for emergency services, indirectly supporting environmental safety through effective management of site conditions.

CRITERIA 7. Economic Effects

The proposed amendment supports property owners by providing opportunities for seasonal sales, which can increase foot traffic and local business revenue, potentially enhancing property values and the overall economic vitality of the area. Additionally, the introduction of PMX zoning districts allowing seasonal sales means property owners who could not host seasonal sales have the opportunity to do so now.

CRITERIA 8. Orderly Development

By establishing clear guidelines for seasonal sales, including traffic and safety measures, the proposed amendment promotes an organized approach to land use, ensuring that events do not disrupt the surrounding community or infrastructure.

CRITERIA 9. Public Interest

The proposed amendment enhances public interest in ensuring safety and accessibility during seasonal events, reflecting the city's commitment to community engagement and its residents' overall safety and welfare.

CRITERIA 10. Other Matters

P&Z is encouraged to consider additional factors, such as community feedback during public hearings, how the amendments foster community engagement and enhance local business opportunities, and even further support the overall well-being of the area. This comprehensive approach ensures that all relevant aspects are considered when assessing the proposed amendment.

In summary, the proposed ordinance is structured to improve safety, accessibility, and economic opportunity while maintaining consistency with the city's Comprehensive Plan and regulatory framework outlined in the ULDR.

Recommendation: Staff recommends that P&Z recommend approval of Ordinance 24-XXXX (TA 24-04) to the City Commission, 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.

Prepared by: Antonia DeJesus, Chief Planner

Attachments:

1. Ordinance 24-XXXX (TA 24-04)
2. Eligible Sites per TA 24-04
3. Published Legal Ad



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: November 13, 2024

Subject: TA 24-06: Amending Part III of the Code of Ordinances, Chapter III, Article IX, Environmental Protection, Appendix A; Article XIII, Landscaping, Section 3-13.4; and Article XIV, Tree Protection, Sections 3-14.3, 3-14.4, 3-14.6, and 3-14.7

REQUEST: Recommendation for approval of an Ordinance, amending Part III of the Code of Ordinances, Chapter III, Article IX, Environmental Protection, Appendix A; Article XIII, Landscaping, Section 3-13.4; and Article XIV, Tree Protection, Sections 3-14.3, 3-14.4, 3-14.6, and 3-14.7, to update species references and recommendations, update permit requirements based on statutory changes, and repeal establishment of the City Tree Advisory Committee, is requested.

INTRODUCTION: The Community Development Department and the Public Works Department request that the Planning and Zoning Commission/Local Planning Agency (P&Z) consider a request to recommend approval of an Ordinance (TA 24-06) to the City Commission. The proposed Ordinance amends Part III of the Code of Ordinances, Chapter III, Article IX, Environmental Protection, Appendix A; Article XIII, Landscaping, Section 3-13.4; and Article XIV, Tree Protection, Sections 3-14.3, 3-14.4, 3-14.6, and 3-14.7, to update species references and recommendations, update permit requirements based on statutory changes, and repeal establishment of the City Tree Advisory Committee.

GENERAL INFORMATION: Part III of the City Code of Ordinances, known as the Unified Land Development Regulations (ULDR), is maintained by the City and meant to assist in the implementation of the City's Comprehensive Plan by providing standards for the use and design of real property within Casselberry. The ULDR includes regulations related to Environmental Protection, Landscaping, and Tree Protection.

The proposed text amendment aims to:

- Amend Article IX, Environmental Protection, Appendix A to update the list of prohibited and recommended aquatic plants, update related State references, and provide planting location clarification.
- Amend Article XIII, Landscaping, Section 3-13.4 to encourage the use of native trees and provide reference to the Florida Native Plant Society for preferred native species.
- Amend Article XIV, Tree Protection, Section 3-14.3 to update tree removal permit requirements and exemptions, including definitions, to better align with current Florida Statutes.
- Repeal Article XIV, Tree Protection, Section 3-14.4 to repeal the establishment of the City Tree Advisory Committee (CTAC), the critical duties for which are intended to be transferred to the Parks and Recreation Advisory Board via separate ordinance.
- Amend Article XIV, Tree Protection, Section 3-14.6 and Section 3-14.7 to update the reference for undesirable trees to the Florida Invasive Species Council (FISC).

This public hearing was advertised in the Orlando Sentinel on October 31, 2024.

ANALYSIS: The proposed text amendment serves three general purposes: 1) to update various tree and plant references, 2) to align better the Code related to tree protection with Florida Statutes, and 3) to sunset the City Tree Advisory Committee.

Regarding the first item, prohibited and recommended aquatic plants in Appendix A were updated based on recommendations from the City's Natural Resources Officer. A cross-reference to Florida Administrative Code (F.A.C.) Rule 5B-64.011 regarding prohibited aquatic plants was also added. Section 3-13.4 was updated as part of the City's efforts to encourage the use of more native species, including a reference to the Florida Native Plant Society as a resource for determining preferred native trees. Sections 3-14.4 and 3-14.6 were updated regarding undesirable tree lists since the Florida Exotic Pest Plant Council (known as FEPPC or FLEPPC) is now the Florida Invasive Species Council (FISC).

Regarding the second item, language in Section 3-14.3 was updated to better align with changes in Florida Statutes that limit the City's ability to regulate tree protection and replacement in certain circumstances.

Regarding the third item, the City Tree Advisory Committee (CTAC) was previously established in the ULDR in Section 3-14.4 as part of the City's compliance efforts to maintain Tree City USA status with the Arbor Day Foundation while also having a transparent process related to certain tree expenditure decisions. (One of the requirements to be a Tree City USA is to have a designated tree board or department responsible for public trees, and the CTAC satisfied this requirement.) While the Code enumerates several powers and duties for the CTAC, in practice its principal duty has been to help carry out the City's Adopt A Tree program.

The CTAC's membership currently consists of a combination of City staff members and one Casselberry resident. Staff feels that the City's tree-related goals will be better served by transferring the key tree-related duties of the CTAC to the Parks and Recreation Advisory Board (PRAB). With this change, staff will continue to serve in a supporting role to carry out the City's tree-related projects and programs, but will not be part of an official Board. The PRAB is codified in Part II of the City Code of Ordinances, which is not part of the ULDR. Therefore, the transfer of tree-related duties to the PRAB will be addressed via a separate ordinance that will be considered by the City Commission concurrently with this Ordinance that sunsets the CTAC.

The proposed text amendments align with Policy FLU 13.2, Arbor Regulations, outlined in the City's Comprehensive Plan. This policy emphasizes the importance of preserving trees and maintaining the existing tree canopy. The refined regulations will further support the city's goal of prioritizing tree protection.

STAFF RECOMMENDATION: Staff recommends that the Planning and Zoning Commission recommend approval of case number TA 24-06 to the City Commission, 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 City's Comprehensive Plan as per the written findings in the staff report.

ATTACHMENTS:

1. Ordinance 24-XXXX (TA 24-06)
2. Published Legal Ad



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: November 13, 2024

Subject: TA 24-07: Amending the City's Comprehensive Plan's Future Land Use Element to Provide for Floating Solar Facilities in Specific Land Use Designations

REQUEST: Recommendation of approval of an Ordinance, amending the city's Comprehensive Plan's Future Land Use Element to permit the installation of floating solar facilities in the Public Service, Recreation and Open Space, Industrial, Industrial-Medium Future Land Use Map (FLUM) designations, is requested.

INTRODUCTION: The Community Development Department, Planning Division, requests that the Planning and Zoning Commission/Local Planning Agency (P&Z) hold a public hearing to consider a request to recommend approval of an ordinance (TA 24-07) to the City Commission. The proposed ordinance amends the city's Comprehensive Plan's Future Land Use Element to permit the installation of floating solar facilities in the Public Service, Recreation and Open Space, Industrial, Industrial-Medium Future Land Use Map (FLUM) designations.

GENERAL INFORMATION: According to Casselberry's Unified Land Development Regulations (ULDR) Section 1-2.9, P&Z shall conduct an advertised and noticed public hearing when amendments to land development regulations are proposed. Further, during their deliberations, P&Z is responsible for ensuring that any proposal satisfies the specific criteria outlined in ULDR Section 1-2.9.C, which are further analyzed later in this report.

The proposed amendment aligns with Florida Statutes § 163.32051, which aims to promote renewable energy initiatives across the state. The law defines the term "floating solar facility" (a/k/a "floatovoltaic") to mean a solar facility situated on wastewater treatment ponds, abandoned lime rock mine areas, stormwater treatment ponds, reclaimed water ponds, or other water storage reservoirs. It also mandates that such facilities must be allowed in appropriate FLUM designations within each local government's Comprehensive Plan. Additionally, local governments are required to amend their land development regulations to encourage the increased use of floating solar facilities.

Lastly, this public hearing was advertised in the Orlando Sentinel on October 31, 2024.

ANALYSIS: Currently, the city's Comprehensive Plan Conservation Element inherently encourages using solar and other clean alternative sources, thus generally satisfying the Florida Statutes § 163.32051 provision. However, the proposed amendment provides a definition and explicitly allows for and encourages installing floating solar facilities within the city, specifically in the Public Service, Recreation and Open Space, Industrial, and Industrial-Medium FLUM designations.

Related, city staff provides the following assessment of the proposed amendment against the established criteria in ULDR Section 1-2.9.C.

CRITERIA 1. Consistency with Comprehensive Plan

The proposed amendment is consistent with the city's Comprehensive Plan, particularly the Conservation Element, which generally encourages energy efficiency and using clean alternative energy sources. Further, the amendment aligns with existing policies outlined below by allowing floating solar facilities, ensuring that the proposed use meets the city's minimum infrastructure levels and concurrency management standards.

Objective FLU 13 – Reduction of Greenhouse Gas Emissions. The city shall promote the reduction of greenhouse gas emissions.

The proposed amendment specifically promotes the installation of floating solar facilities, which can significantly reduce greenhouse gas emissions by providing a clean energy source. This directly supports the city's objective to mitigate emissions.

Objective CO 5 - Energy Conservation. The city shall conserve and properly manage energy conservation for existing and future generations by supporting efforts to achieve energy conservation and sustainability and implementing energy conservation measures and practices.

The proposed amendment encourages energy conservation practices by facilitating the development of floating solar facilities. These facilities can enhance energy efficiency and sustainability, aligning with the city's objective of managing energy resources for future generations.

Policy CO 5.2 State and Federal Initiatives. The city shall support incentives by the state and federal governments to promote energy efficiency and conservation, including solar and other clean alternative energy sources.

The proposed amendment acknowledges and implements Florida Statutes § 163.32051, which mandates local governments to allow floating solar facilities. This demonstrates the city's commitment to supporting state initiatives to promote energy efficiency and clean energy sources.

Policy CO 5.4 Alternative Energy Sources. The city shall encourage the development of power-generating facilities that are more energy efficient and rely on clean alternative energy resources, such as natural gas, fuel cells, or solar power.

Floating solar facilities are a form of solar energy, representing an alternative energy source. The proposed amendment directly encourages their development, reinforcing the city's policy to promote energy-generating facilities that rely on clean and efficient resources.

CRITERIA 2. Conformance with Ordinances

The proposal complies with all applicable City of Casselberry Code of Ordinances requirements, specifically ULDR Section 1-2.9. The amendment process follows the established procedures for public hearings and community engagement, ensuring adherence to state regulations and transparency in the decision-making process.

CRITERIA 3. Changed Conditions

Since initially adopting existing regulations, there has been a notable shift towards renewable energy and sustainability initiatives at the state and federal levels in recent years. This ordinance responds to changing energy policy and technology conditions, promoting modern energy solutions necessary for responsible growth and development.

CRITERIA 4. Land Use Compatibility

Installing floating solar facilities is compatible with existing land uses, particularly in wastewater treatment ponds and stormwater management areas that are often designated Recreation and Open Space or Public Service. Further, parcels with Industrial and Industrial-Medium FLUM designations are also generally oriented away from residential areas. As such, these FLUM designations suit solar facilities, minimizing conflicts with residential or commercial developments and promoting efficient land use.

CRITERIA 5. Adequate Public Facilities

The proposed amendment does not impose excessive demands on public facilities. Floating solar installations are typically self-sufficient and will not significantly increase transportation, water, or wastewater service demand. They can also enhance the efficiency of existing facilities by generating renewable energy on-site.

CRITERIA 6. Natural Environment

The proposed amendment is designed to have minimal adverse impacts on the natural environment. Floating solar facilities can be located on existing water bodies or retention/detention areas, reducing land disturbance and preserving terrestrial habitats. Further, the proposed amendment includes provisions to ensure compliance with environmental protection standards and safeguarding wetlands and wildlife habitats.

CRITERIA 7. Economic Effects

The proposed amendment is expected to have generally positive economic effects, as implementing floating solar facilities could lead to lower energy costs and enhanced property values through sustainable development.

CRITERIA 8. Orderly Development

The proposed amendment supports orderly development by promoting underutilized water bodies for energy production rather than converting valuable land resources. This approach fosters a balanced land use pattern integrating renewable energy infrastructure with existing public services. Further, all proposed facilities are subject to ULDR Article XVIII, Site Plan Review.

CRITERIA 9. Public Interest

The proposed amendment aligns with the public interest in promoting clean energy solutions that benefit the community's health, safety, and welfare. It is consistent with the objectives of the enabling legislation, reinforcing the city's commitment to sustainability and energy conservation.

CRITERIA 10. Other Matters

P&Z is encouraged to consider additional factors, such as community feedback during public hearings, the known benefits of renewable energy, and potential partnerships with energy providers to enhance the city's sustainability goals. This comprehensive approach ensures that all relevant aspects are considered when assessing the ordinance.

Overall, the proposed amendment effectively addresses these criteria and promotes a sustainable and progressive energy policy that aligns with Casselberry's broader objectives and is consistent with Florida Statutes § 163.32051.

STAFF RECOMMENDATION: Staff recommends that P&Z recommend approval of Ordinance 24-XXXX (TA 24-04) to the City Commission, 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.

ATTACHMENTS:

1. Published Legal Ad

2. Ordinance 24-XXXX (TA 24-07) Floating Solar Facilities