



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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: June 27, 2016

Subject: First Reading of Ordinance 16-1447 - Amendments to the City Code Regarding Group Homes

Introduction: Ordinance 16-1447 provides for amending language relative to Group Homes within the City of Casselberry Code of Ordinances and Unified Land Development Regulations (ULDR).

Background: Presently, ULDR Section 2-7.19, Group Homes and Foster Care Facilities, identifies governing agencies which regulate group homes and foster care facilities as well as provides distance separations from these facilities to one another and from single family residential homes. In addition, assisted living facilities, group homes, and community residential homes are regulated by Florida State Statute Section 419.

During the 2016 legislative session, Senate Bill 1174 was adopted, which amended Florida Statute Section 419 to include additional distance separations for community residential homes between new and existing community residential homes. Upon review, staff has determined that ULDR Section 2-7.19 needs to be amended to meet the requirements in FSS Section 419.01

On May 11, 2016, the City of Casselberry Planning and Zoning Commission (P&Z) unanimously voted to recommend approval of Ordinance 16-1447 to the City Commission, subject to the findings of fact and conclusions of the information provided in the staff report and exhibits dated May 11, 2016 (Attachment A) and as stated in the minutes (Attachment B).

Discussion: The current City ULDR Section 2-7.19 is outdated and as such requires many changes to be applicable per Florida Statute Section 419. Due to the numerous changes, the proposed ordinance deletes the entire section and replaces the section with text found to be in compliance with current Florida Statute 419, including correct terminology and governing agency references. These changes include:

- Separate requirements for community residential homes of 1-6 residents and those for 7-14 residents.

- Includes zoning districts for each type of community residential home, designating those that are permitted and those conditionally allowed.
- Includes distance separations for both types of community residential homes per Florida Statute 419.
- Includes method of measurements for all distance separations.
- Includes summary table for classification.

In addition to the changes required in Section 2-7.19, changes in the terminology for group homes, now called Community Residential Homes, are necessary in Section 2-5.3, Land Use by District and in Section 5-21.2, the Glossary.

Budget Impact: There is no impact to the City Budget

Recommendation: The City Manager and Community Development Director recommend approval of Ordinance 16-1447 on first reading.

Prepared by: Randy Woodruff, AICP, Development Services Manager

Reviewed by: Sandra J. Smith, AICP, Community Development Director

Attachments: Ordinance 16-1447
Attachment A – Planning and Zoning Staff Report, May 11, 2016
Attachment B – Planning and Zoning Minutes, May 11, 2016
Attachment C – Senate Bill 1174

ORDINANCE 16-1447

AN ORDINANCE OF THE CITY OF CASSELBERRY, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES, PART III, UNIFIED LAND DEVELOPMENT REGULATIONS SECTION 2-5.3, LAND USE BY DISTRICT; AMENDING SECTION 2-7.19, GROUP HOMES AND FOSTER CARE FACILITIES; AND AMENDING SECTION 5-21.2 GLOSSARY, PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, assisted living facilities, group homes and community residential homes are regulated by Florida Statutes; and

WHEREAS, the 2016 Legislature produced an amendment to Florida State Statute Section 419.001 specifying applicability of siting requirements for community residential homes; and

WHEREAS, the City Commission finds that language in the Unified Land Development Regulations (ULDR) needs to be updated to meet the requirements in FSS Section 419.001; and

WHEREAS, words with double underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF CASSELBERRY, FLORIDA, AS FOLLOWS:

SECTION 1. Part III – Unified Land Development Regulations, Chapter II – District and General Regulations, Article V, Zoning District Regulations, Section 2-5.3, Size and Dimension Regulations, Table 2-5.3, Size and Dimension Regulations, of the Code of Ordinances of the City of Casselberry, Florida, is hereby amended as provided in Exhibit “A” attached and incorporated herein.

SECTION 2. Part III – Unified Land Development Regulations, Chapter II – District and General Regulations, Article VII, General Regulations, Section 2-7.19, Group homes and foster care facilities, is hereby deleted in its entirety and replaced with the following text:

Section 2-7.19. Community Residential Homes. The criteria provided for community residential homes in Table 2-7.19 summarizes that provided in Florida Statute 419, Site selection of community residential homes. Refer to FS 419 for all criteria relative to this issue.

<u>TABLE 2-7.19 - COMMUNITY RESIDENTIAL HOMES - GENERAL REGULATIONS</u>		
	<u>COMMUNITY RESIDENTIAL HOMES (CRH)</u>	
	<u>1-6 residents</u>	<u>7-14 residents</u>
<u>Zoning Districts</u>		
<u>Permitted</u>	<u>R-8, R-9, R-12.5, R-2F, RMF-13, RMF-20, OR, PMX-L, PMX-H, PMX-MID and PMX-HIGH</u>	<u>RMF-13, RMF-20, PMX-L, PMX-H, PMX-MID and PMX-HIGH</u>
<u>Conditional Use</u>	<u>CL</u>	<u>OR, CL</u>
<u>Distance Separation</u>		
<u>Between CRH 1 - 6</u>	<u>1,000 feet</u>	<u>1,000 feet</u>
<u>Between CRH 7-14</u>	<u>1,200 feet</u>	<u>1,200 feet</u>
<u>From Single Family zoning</u>		<u>500 feet</u>
<u>Within PRD</u>	<u>None</u>	<u>None</u>
<u>Method of Measurement</u>		
<u>Between CRH</u>	<u>Structure to Structure</u>	<u>Structure to Structure</u>
<u>From Single Family zoning</u>		<u>Structure to Property Line</u>

SECTION 3. Part III – Unified Land Development Regulations, Chapter V – Glossary, Article XXI – Language and Definitions, Section 5-21.2, Definition of terms, of the Code of Ordinances of the City of Casselberry, Florida, is hereby amended as follows:

~~Group care facility A community residential home licensed through the state Department of Housing and Rehabilitative Services (F HRS) and housing no more than six residents in a residential structure may be sited in single family residential district. The residents of such a facility shall live together as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.~~

~~Community residential units licensed through F HRS and housing seven to 14 residents, as defined in F.S. ch. 419, shall be considered multiple family units and shall be accommodated in any multiple family residential land use designation or any other land use designation which accommodates multiple family units, providing the community residential units satisfy the criteria of the City's land development regulations.~~

Community Residential Home. A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for one (1) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

SECTION 4 – CODIFICATION. It is the intention of the City Commission of the City of Casselberry, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Casselberry, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, “Ordinance” may be changed to “Section,” “Article,” or other appropriate word.

SECTION 5 - CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are repealed.

SECTION 6 -SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 7 - EFFECTIVE DATE. This Ordinance will be effective ten (10) days after its passage and adoption.

FIRST READING this ____ day of _____, A.D. 2016.

SECOND READING AND ADOPTION this ____ day of _____, A.D. 2016.

ATTEST:

Donna G. Gardner, City Clerk

Charlene Glancy, Mayor/Commissioner

Exhibit A:
Section 2-5.3 Land Use By District
Table 2-5.3 Land Use By District

1/11/2016	R-8(2)	R-9(2)	R-12.5(2)	PRD (2)	R-2F	RMF-13	RMF-20	RMH-8	RMHP (3)	OR(4)	CL	CG	CS	I(5)	I-M(12)	PMX-L	PMX-H	PMX-MID	PMX-HIGH	PS	ROS

Foster home/group home less than or equal to 6 residents <u>Community Residential Homes (one (1) to six (6) residents)</u>	P	P	P		P	P	P			P	C					P	P	P	P		
Group homes <u>Community Residential Homes (7 to 14 residents)</u>				C <u>P</u>		P	P			C	C					C <u>P</u>	P	P <u>P</u>	P <u>P</u>		



City of Casselberry

Community Development Department – Planning and Zoning

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DATE: May 11, 2016

TO: Members of the Planning and Zoning Commission

FROM: Emily Hanna, Planner II

SUBJECT: LPA 16-07: Amendments to the City of Casselberry Unified Land Development Regulations, including Section 2-5.3, Land Use by District, Section 2-7.19, Group Homes and Foster Care Facilities and Section 5-21.2 Glossary– to amend requirements and definitions for group homes and foster care facilities to reflect amendments to Florida State Statute 419.01.

The purpose of this staff report is to provide you with information regarding a proposed ordinance to amend the City of Casselberry Code of Ordinances and the Unified Land Development Regulation (ULDRs) sections associated with Group Homes and Foster Care Facilities. Chapter I, Article II, Section 1-2.6 of the Unified Land Development Regulations (ULDRs) authorizes the Planning and Zoning Commission to review proposed ordinances amending land development issues and to make a recommendation to the City Commission.

DISCUSSION:

Presently, ULDR Section 2-7.19, Group Homes and Foster Care Facilities, identifies governing agencies which regulate group homes and foster care facilities as well as provides distance separations from these facilities to one another and from single family residential homes. In addition, assisted living facilities, group homes and community residential homes are regulated by the Florida State Statutes.

During the 2016 Legislative session, Senate Bill 1174 was adopted, which amended Florida Statute Section 419 to include additional distance separations for community residential homes between new and existing community residential homes. Upon review, staff has determined that ULDR Section 2-7.19 needs to be amended to meet the requirements in FSS Section 419.01

The current City ULDR Section 2-7.19 is outdated and as such requires many changes to be applicable per Florida Statute Section 419. Due to the numerous changes, the proposed ordinance deletes the entire section and replaces the section with text found to be in compliance with current Florida Statute 419 and has correct terminology and governing agencies within. These changes include:

- Separating requirements for community residential homes of 1-6 residents and those of 7-14 residents.
- Includes zoning districts for each type of community residential home, including those that are permitted and those conditionally allowed.
- Includes distance separations for both types of community residential homes per Florida Statute 419.
- Includes method of measurements for all distance separations
- Included every change in an easy to read table format

In addition to the changes required in Section 2-7.19, changes in the terminology for group homes, now called Community Residential Homes, are necessary in Section 2-5.3, Land Use by District and in Section 5-21.2, the Glossary.

STAFF RECOMMENDATIONS:

Staff requests that the Planning and Zoning Commission recommend approval of LPA 16-07 and hereby amend the City of Casselberry Unified Land Development Regulations, Section 2-5.3, Land Use by District, Section 2-7.19, Group Homes and Foster Care Facilities and Section 5-21.2 Glossary

LIST OF ATTACHMENTS

	Ordinance 16-XXXX
Exhibit A	Senate Bill 1174

CITY OF CASSELBERRY
PLANNING AND ZONING COMMISSION/
LOCAL PLANNING AGENCY

The City of Casselberry Planning and Zoning Commission/Local Planning Agency held a meeting on Wednesday, May 11 2016, at 6:30 P.M. in the Casselberry City Hall, Commission Chambers, 95 Triplet Lake Drive, Casselberry, Florida.

Members present:

David Henson, Chairman
Ron Bryan, Vice-Chairman
Nathan Van Meter
Edmund Bakalla
Shannon Campbell, Alternate

Members absent:

Robert Phillips
Stanley Weinroth
Victor Lutz

Staff members present:

Randy Woodruff, Development Services Manager
Emily Hanna, Planner II
Dean Fathelbab, Planner I
Joni Dixon, Secretary

First Item of Business: Call to Order.

The meeting was called to order by Mr. Henson at 6:30 p.m.

Second Item of Business: Pledge of Allegiance.

Mr. Henson led the Pledge of Allegiance.

Third Item of Business: Approval of Minutes for the meeting held on April 13, 2016.

Mr. Henson stated the Chair was open for a motion on the approval of minutes for the meeting held on Wednesday, April 13, 2016. Mr. Bryan moved to accept the April 13, 2016 minutes. Mr. Van Meter seconded the motion. The motion passed unanimously by voice vote.

Fourth Item of Business: Disclosure of Ex Parte Communications.

No disclosure of Ex Parte Communications was made by the Commissioners.

Fifth Item of Business: CU 16-08: Conditional Use for Vehicular Sales at 1830 State Road 436 (34-21-30-300-014F-0000). Conditional use request to operate an auto sales business located at 1830 State Road 436.

Mr. Dean Fathelbab, Planner I, reviewed the information provided in staff's memorandum dated May 11, 2016, and a PowerPoint Presentation to the City of Casselberry Planning and Zoning Commission (a copy of the PowerPoint Presentation is attached and made a part of the minutes). Mr. Fathelbab said staff recommends the Planning and Zoning Commission approve CU 16-08 to allow vehicular sales at the property located at 1830 State Road 436. He said staff's approval is based on the findings of fact and conclusions of the staff report dated May 11, 2016, and the following conditions:

1. The conditional use shall be limited to the location of 1830 State Road 436.
2. The applicant must provide and designate a minimum of nine (9) striped parking spaces for employees and customers, one (1) space will be ADA compliant.
3. There shall be no leasing or service of vehicles on-site.
4. No on-site exterior storage is allowed except for operable vehicles.
5. All traffic lanes are to be kept open.
6. The employee parking area, customer parking area, and handicapped stall will be striped.
7. All signs are to be permitted separately.
8. Temporary signs are allowed as permitted by ULDR Article XVI, Signs. All other temporary signs are prohibited, including but not limited to signs placed on vehicles for sale.
9. Applicant has 90 days to bring landscaping up to approved levels.
10. The business shall remain in compliance with all City, County and State requirements.
11. The conditional use shall commence within 120 days of the approval.
12. The conditional use shall expire if the use is discontinued for more than 90 days.
13. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

In response to the Commission's question, Mr. Fathelbab said that mechanical services would not be allowed on site. He said detailing of vehicles would be allowed on site. The Commission suggested amending the conditions of approval for condition number 3 to read: "There shall be no leasing or *mechanical* service of vehicles on-site".

After a brief discussion ensued regarding the traffic flow on the site, Mr. Henson asked the applicant to come forward. Mr. Walid Mardine, 1830 State Road 436, Winter Park, Florida came forward. In response to the Commission's question, Mr. Mardine said that he agrees with the conditions of approval including the change to condition number 3.

Mr. Henson asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, the request. No one came forward.

Mr. Henson asked for a motion to address CU 16-08. Mr. Bryan made a motion that the Planning and Zoning Commission approve CU 16-08 to allow vehicular sales at the property located at 1830 State Road 436 and the approval is based on the findings of fact and conclusions of the staff report dated May 11, 2016, and the thirteen conditions of approval outlined in the staff report with a modification to condition number 3 to read: "There shall be no leasing or *mechanical* service of vehicles on-site. Ms. Campbell seconded the motion. The motion passed unanimously by voice vote.

Sixth Item of Business: CU 16-09: Conditional Use for Secondary Drive-Thru at 1415 East Altamonte Drive (17-21-30-300-002D-0000). Conditional use request from McDonalds to add a second drive-thru located at 1415 East Altamonte Drive.

Mr. Dean Fathelbab, Planner I, reviewed the information provided in staff's memorandum dated May 11, 2016, and a PowerPoint Presentation to the City of Casselberry Planning and Zoning Commission (a copy of the PowerPoint Presentation is attached and made a part of the minutes). Mr. Dean Fathelbab said staff recommends the Planning and Zoning Commission approve CU 16-09, a conditional use for a drive-thru, for property located at 1415 East Altamonte Drive. He said the approval is based on the findings of fact and conclusions of the staff report dated May 11, 2016, and the following conditions of approval:

1. The parking and drive-thru lane design shall be revisited by the City of Casselberry if City staff determines that traffic problems are occurring on the site that may be alleviated by re-design.
2. All applicable licenses and permits shall be obtained prior to the commencement of any business activities at the site.
3. All signage require a separate permit and must comply with the City's ULDR.
4. There shall be no outside sales, storage, or display of goods, materials or services.
5. A new conditional use application shall be required if the use of the drive-up window should cease for more than ninety (90) days.
6. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

A discussion ensued regarding modifying condition number 2 to read: "All applicable licenses and permits shall be obtained prior to the commencement of any ~~business~~ *construction* activities at the site".

Mr. Henson asked the applicant to come forward. Ryan McCullough, CPH, 500 West Fulton Street, Sanford, Florida came forward. Mr. McCullough said he was in agreement with the modification to condition number 2. He said the project would be phased and the restaurant would remain open for the majority of the construction.

Mr. Henson asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, the request. No one came forward.

Mr. Henson asked for a motion to address CU 16-09. Mr. Bakalla made a motion that the Planning and Zoning Commission approve CU 16-09, conditional use for a drive-thru, for property located at 1415 East Altamonte Drive and the approval is based on the findings of fact and conclusions of the staff report dated May 11, 2016, including the six conditions outlined in the staff report with a modification to condition number 2 to read: "All applicable licenses and permits shall be obtained prior to the commencement of any *construction* activities at the site". Mr. Bryan seconded the motion. The motion passed unanimously by voice vote.

Seventh Item of Business: ZB 16-01: Official Zoning Map Amendment at 1385 State Road 436 (28-21-30-300-052C-0000). A rezoning of property at 1385 State Road 436 from CG (Commercial General) to PMX-MID (Planned Mixed Use: Medium Rise).

Mr. Dean Fathelbab, Planner I, reviewed the information provided in staff's memorandum dated May 11, 2016, and a PowerPoint Presentation to the City of Casselberry Planning and Zoning Commission (a copy of the PowerPoint Presentation is attached and made a part of the minutes). Mr. Fathelbab said staff recommends that the Planning and Zoning Commission provide a favorable recommendation to the City Commission for ZB 16-01 to amend the Official Zoning Map from City of Casselberry Commercial General (CG) to City of Casselberry Planned Mixed Use Medium Rise (PMX-MID) for the subject property, based on the findings of fact and conclusions, the staff report dated May 11, 2016, and the following findings regarding the rezoning:

1. The requested zoning amendment is consistent with the City of Casselberry Comprehensive Plan and the existing Major Thoroughfare Mixed-Use Future Land Use Designation;
2. The requested zoning amendment is compatible with the surrounding mix of land uses and zoning districts.
3. City services are available at the subject properties and will not be negatively impacted.

Mr. Henson asked the applicant to come forward. Mr. Jeffrey Parke, 822 Lakeside Terrace, Palm Harbor, Florida, Ms. Janet Spaulding, 4371 Silversmith Lane, Independence, Kentucky and Mr. Eric Draskowski, 100 Camelot Drive, Fond Du Lac, Wisconsin came forward. There were no questions for the applicants.

Mr. Henson asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, the request. Mr. Harold Stewart, 2294 Park Maitland Court, Maitland, Florida came forward. Mr. Stewart explained

that his home backs up to this property. He said in the past the businesses located on this site have caused major disturbances to his neighborhood. Mr. Stewart was concerned with the buffering to his neighborhood. Mr. Henson explained that his concerns would be better addressed during the next agenda item which addresses the site plan.

Mr. Henson asked for a motion to address ZB 16-01. Mr. Bryan made a motion that the Planning and Zoning Commission provide a favorable recommendation to the City Commission for ZB 16-01 to amend the Official Zoning Map from City of Casselberry Commercial General (CG) to City of Casselberry Planned Mixed Use Medium Rise (PMX-MID) for the subject property, based on the findings of fact and conclusions, the staff report dated May 11, 2016, the three conditions and Exhibit A. Mr. Van Meter seconded the motion. The motion passed unanimously by voice vote.

Eighth Item of Business: SPR 16-03: Biolife Plasma Services (28-21-30-300-052C-0000). Development of Community Impact site plan review for the redevelopment of a commercial site located at 1385 State Road 436.

Ms. Emily Hanna, Planner II, reviewed the information provided in staff's memorandum dated May 11, 2016, and a PowerPoint Presentation to the City of Casselberry Planning and Zoning Commission (a copy of the PowerPoint Presentation is attached and made a part of the minutes). She said staff requests the Planning and Zoning Commission review the Development of Community Impact site plan application for Biolife Plasma Services (SPR 16-03) and provide a recommendation to the City Commission. Ms. Hanna said the recommendation is based on the site plan dated April 26, 2016, the findings of fact and conclusions of the information provided in the staff report dated May 11, 2016, and subject to the two waivers and the nine conditions of approval outlined in the staff report.

A brief discussion ensued regarding the parking waiver calculations and the height waiver for the monument sign. Mr. Larry Powalysz, property owner, 4421 Gabrielle Lane, Winter Park, Florida came forward. Mr. Powalysz explained that the sign was constructed about 6 - 8 years ago and a sign permit was issued by the City. He said the additional 9 inches is the decorative trim on the sign.

After a brief discussion ensued regarding the screening of the HVAC equipment, Mr. Henson asked the applicant to come forward. Mr. Jeffrey Parke, 822 Lakeside Terrace, Palm Harbor, Florida, Ms. Janet Spaulding, 4371 Silversmith Lane, Independence, Kentucky and Mr. Eric Drazkowski, 100 Camelot Drive, Fond Du Lac,

Wisconsin came forward. Ms. Spaulding explained that the proposed development is a plasma collection facility. She said they currently have 83 facilities across the United States.

In response to the Commission's question, Ms. Spaulding said that it is an appointment based business and it takes approximately an hour to complete the donation. In response to the Commission's question, Ms. Spaulding said there are no overnight stays at the site and the hours of operation are Monday – Saturday from 8:00 a.m. to 6:00 p.m.

A brief discussion ensued regarding the screening of the site from the residential neighborhood, screening of the mechanical equipment, and the reduction in parking spaces from the previous use.

In response to the Commission's question, the applicant stated that it is a one story building with the exception of the donor area that uses elevated glass to provide natural light for that area of the building.

Mr. Henson asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, the request. Mr. Harold Stewart, 2294 Park Maitland Court, Maitland, Florida came forward. Mr. Stewart expressed concerns with light intrusion, noise pollution and hazardous materials. Mr. Henson explained that the City has ordinances that address light and noise issues and the state regulates the disposal of hazardous waste.

A brief discussion ensued regarding the location of the dumpster area and the landscaping buffering.

Mr. Mr. Larry Powalisz, property owner, 4421 Gabrielle Lane, Winter Park, Florida came forward. Mr. Powalisz said that the site has been vacant for over two years. He said he has had multiple offers for the property and he felt that this was the best business for the City of Casselberry.

Mr. Henson asked for a motion to address SPR 16-03. Mr. Bakalla made a motion that the Planning and Zoning Commission provide a favorable recommendation to the City Commission for Biolife Plasma Services (SPR 16-03). He said this recommendation is based on the site plan dated April 26, 2016, the findings of fact and conclusions of the information provided in the staff report dated May 11, 2016, including the nine conditions of approval, approval of waiver request number 2 and modifying waiver request number 1 to read: "Staff would support a modification for 9'x18' stalls for up to forty percent of total spaces provided (63 spaces total). The remaining 89 spaces shall be 10' x 20' and the six ADA compliant spaces would be at least 12' x 20'. Mr. Van Meter seconded the motion. The motion passed unanimously by voice vote.

Ninth Item of Business: SPR 16-04: Walmart Liquor Box (28-21-30-535-0000-0010). Major Site Plan review for the addition of 3,920 square feet liquor box addition to the existing Walmart Supercenter located at 1239 State Road 436.

Ms. Emily Hanna, Planner II, reviewed the information provided in staff's memorandum dated May 11, 2016, and a PowerPoint Presentation to the City of Casselberry Planning and Zoning Commission (a copy of the PowerPoint Presentation is attached and made a part of the minutes). Ms. Hanna explained that this project was reviewed in 2014 by the Planning and Zoning Commission in the past; however, that site plan approval has since expired.

Ms. Hanna made a correction to page 3 of the staff report to read: "DRC unanimously approved the proposed ~~donation center~~ liquor box subject to the conditions as defined within the DRC letter dated April 20, 2016".

She said staff requests the Planning and Zoning Commission approve the major site plan application for Walmart Liquor Box (SPR 16-04). Ms. Hanna said this recommendation is based on the site plan dated May 2, 2016, the findings of fact and conclusions of the information provided in the staff report dated May 11, 2016, and subject to the ten conditions of approval outlined in the staff report.

A brief discussion ensued regarding the rezoning occurring after the site plan approval process. Ms. Hanna said it was discussed at the Development Review Committee meeting that the site did not meet the impervious surface requirements and staff requested the applicant voluntarily rezone the property to meet the impervious surface requirement and to become compatible with their future land use designation. Ms. Hanna said that the rezoning is tentatively scheduled for the June Planning and Zoning Commission meeting.

Mr. Henson asked the applicant to come forward. Ms. Tara Tedrew, Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola Drive, Orlando, Florida and Mr. Matt Femal, Kimley-Horn and Associates, Inc., 655 North Franklin Street, Suite 150, Tampa, Florida came forward. Ms. Tedrew said they agree with staff's conditions of approval and their recommendation of approval; however, she wanted to make a clarification to number 2. She said that they have walked the site to determine the cost for the pedestrian connection and the tree improvements. Ms. Tedrew requested that an audit occur within 180 days but have that actual replacement be done prior to issuance of the certificate of occupancy. She said the construction will conflict with the landscaping improvements.

Ms. Hanna suggested modifying condition number 2 to read: "The applicant must complete the landscaping audit ~~with city staff and replace dead or diseased trees~~ within 180 days of site plan approval, or the approval becomes null and void". She said the modification to condition number 2 would allow condition number 7 to remain accurate.

Mr. Henson asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, the request. No one came forward.

Mr. Henson asked for a motion to address SPR 16-04. Mr. Bryan made a motion that the Planning and Zoning Commission approve the major site plan application for Walmart Liquor Box (SPR 16-04) the recommendation is based on the site plan dated May 2, 2016, the findings of fact and conclusions of the information provided in the staff report dated May 11, 2016, and subject to the ten conditions of approval outlined in the staff report with a modification to condition number 2 to read: "The applicant must complete the landscaping audit with city staff within 180 days of site plan approval or the approval becomes null and void". The motion includes A – D. Mr. Bakalla seconded the motion. The motion passed unanimously by voice vote.

A brief recess was taken at 7:51 p.m. and the meeting reconvened at 7:55 p.m.

Tenth Item of Business: LPA 16-02: Prepared Parking Area in Residential Districts. An ordinance to amend Section 3-10.9 to include design criteria for parking of vehicles in residential districts.

Ms. Emily Hanna, Planner II reviewed the information provided in staff's memorandum dated May 11, 2016, and a PowerPoint Presentation to the City of Casselberry Planning and Zoning Commission (a copy of the PowerPoint Presentation is attached and made a part of the minutes).

Ms. Hanna said staff requests that the Planning and Zoning Commission recommend approval of LPA 16-02 and hereby amend the City of Casselberry Unified Land Development Regulations, Chapter III – Performance Criteria, Article X- Appearance, Design and Compatibility; Section 3-10.9, Parking of Vehicles in Residential Districts, and amendments to Article XXI – Language and Definitions; Section 5-21.2, Definitions of Terms.

Ms. Hanna reviewed Amendment 1 that was distributed to the Planning and Zoning Commission (a copy is attached and made a part of the minutes).

A lengthy discussion ensued regarding restricting the use of mulch and straw, the enforcement time frame, possible option to waive the building permit fee, and types of pervious/impervious materials allowed. The Commission decided to eliminate pervious surface materials from the prepared parking area ordinance.

In response to the Commission's question, Ms. Hanna said that currently Universal Engineering Sciences conducts the driveway inspections. Mr. Bakalla suggested that the Code Compliance staff or city staff conduct the prepared parking area inspections. Ms. Hanna explained that some of the inspections require technical review and the Code Compliance staff would not be qualified to conduct those inspections. Mr. Henson suggested using city staff to conduct aesthetics inspections. Ms. Hanna said that she would do some additional research to determine what qualifications would be required to conduct the inspections.

Mr. Bakalla distributed and reviewed a handout showing photographs of possible code violations in his neighborhood (a copy is attached and made a part of the minutes). Ms. Hanna provided possible options to correct the code violations.

After a brief discussion, it was decided that the Commission would like to have this item brought back to them at the next meeting with the changes discussed at tonight's meeting and incorporated in the ordinance.

Mr. Henson asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, the request. No one came forward.

Mr. Henson asked for a motion to address LPA 16-02. Mr. Van Meter made a motion to continue LPA 16-02 to the next Planning and Zoning Commission meeting to allow staff time to make the changes discussed at tonight's meeting. Mr. Bryan seconded the motion. The motion passed unanimously by voice vote.

Eleventh Item of Business: LPA 16-05: Body Art Establishments. An ordinance to amend Section 2-7.30 to remove Body Art Establishments from the non-traditional use category.

Ms. Emily Hanna, Planner II, reviewed the information provided in staff's memorandum dated May 11, 2016, and a PowerPoint Presentation to the City of Casselberry Planning and Zoning Commission (a copy of the PowerPoint Presentation is attached and made a part of the minutes).

After a brief discussion, Mr. Henson asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, the request. No one came forward.

Mr. Henson asked for a motion to address LPA 16-05. Mr. Bryan made a motion that the Planning and Zoning Commission recommend approval of LPA 16-05 and hereby amend the City of Casselberry Unified Land Development Regulations, Section 2-5.3, Land Use By District, Section 2-7.26, Seminola Boulevard Overlay District Design Guidelines, Section 2-7.30, Non-traditional uses, Section 3-10.13, Community Redevelopment District Urban Design Standards and Section 5-21.2, Glossary including attachment A. Ms. Campbell seconded the motion. The motion passed unanimously by voice vote.

Twelfth Item of Business: LPA 16-06: PMX-HIGH and PMX-MID Updates. An ordinance to amend Section 2-5.2 to reduce the minimum living area and parking area for PMX-High and PMX-Mid zoning districts.

Ms. Emily Hanna, Planner II, reviewed the information provided in staff's memorandum dated May 11, 2016, and a PowerPoint Presentation to the City of Casselberry Planning and Zoning Commission (a copy of the PowerPoint Presentation is attached and made a part of the minutes).

After a brief discussion regarding the parking requirements, Mr. Henson asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, the request. No one came forward.

Mr. Henson asked for a motion to address LPA 16-06. Mr. Van Meter made a motion that the Planning and Zoning Commission recommend approval of LPA 16-06 and hereby amend the City of Casselberry Unified Land Development Regulations, Section 2-5.2, Purpose and Intent of Zoning Districts, Section 2-5.4, Size and Dimension Regulations, Section 3-15.2, Parking Spaces Required by Use, and Section 4-18.2, Applicability and Filing Procedure and the two exhibits included in the staff report. Ms. Campbell seconded the motion. The motion passed unanimously by voice vote.

Thirteenth Item of Business: LPA 16-07: Group Homes. An ordinance to amend Section 2-7.19 to include recent Florida statute changes to include language on distance separation of group homes.

Ms. Emily Hanna, Planner II, reviewed the information provided in staff's memorandum dated May 11, 2016, and a PowerPoint Presentation to the City of Casselberry Planning and Zoning Commission (a copy of the PowerPoint Presentation is attached and made a part of the minutes).

Mr. Henson asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, the request. No one came forward.

Mr. Henson asked for a motion to address LPA 16-07. Mr. Bryan made a motion that the Planning and Zoning Commission recommend approval of LPA 16-07 and hereby amend the City of Casselberry Unified Land Development Regulations, Section 2-5.3, Land Use by District, Section 2-7.19, Group Homes and Foster Care Facilities and Section 5-21.2 Glossary and the attachments to the staff report. Mr. Bakalla seconded the motion. The motion passed unanimously by voice vote.

Fourteenth Item of Business: Other Business.

Mr. Randy Woodruff, Development Services Manager, requested a change to June's Planning and Zoning Commission meeting from June 8, 2016 to June 15, 2016.

Mr. Woodruff explained that the subscription is due for the American Planning Association and asked which members were interested in continuing to receive the publication.

Fifteenth Item of Business: Adjournment.

There being no further business to come before the Board, Mr. Henson adjourned the meeting at 9:05 p.m.

Date Minutes Approved by Planning and Zoning Commission: _____

Joni Dixon, Secretary

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1
2 An act relating to residential facilities; amending s.
3 419.001, F.S.; specifying applicability of siting
4 requirements for community residential homes;
5 providing applicability with respect to local land use
6 and zoning; providing an effective date.
7

8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Subsection (2) of section 419.001, Florida
11 Statutes, is amended to read:

12 419.001 Site selection of community residential homes.—

13 (2) Homes of six or fewer residents which otherwise meet
14 the definition of a community residential home shall be deemed a
15 single-family unit and a noncommercial, residential use for the
16 purpose of local laws and ordinances. Homes of six or fewer
17 residents which otherwise meet the definition of a community
18 residential home shall be allowed in single-family or
19 multifamily zoning without approval by the local government,
20 provided that such homes are ~~shall~~ not ~~be~~ located within a
21 radius of 1,000 feet of another existing such home with six or
22 fewer residents or within a radius of 1,200 feet of another
23 existing community residential home. Such homes with six or
24 fewer residents are ~~shall~~ not ~~be~~ required to comply with the
25 notification provisions of this section; provided that, before
26 ~~prior to~~ licensure, the sponsoring agency provides the local
27 government with the most recently published data compiled from
28 the licensing entities that identifies all community residential
29 homes within the jurisdictional limits of the local government

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30 in which the proposed site is to be located in order to show
31 that there is not a home of six or fewer residents which
32 otherwise meets the definition of a ~~no other~~ community
33 residential home ~~is~~ within a radius of 1,000 feet and not a
34 community residential home within a radius of 1,200 feet of the
35 proposed home ~~with six or fewer residents~~. At the time of home
36 occupancy, the sponsoring agency must notify the local
37 government that the home is licensed by the licensing entity.
38 For purposes of local land use and zoning determinations, this
39 subsection does not affect the legal nonconforming use status of
40 any community residential home lawfully permitted and operating
41 as of July 1, 2016.

42 Section 2. This act shall take effect July 1, 2016.