BCC APPEAL HEARING ON BZA #SE-12-04-017, April 5, 2012

APPLICANT/APPELLANT: TONY RAHBANY

JUNE 19, 2012

SPECIAL EXCEPTION STANDARDS UNDER FLORIDA LAW

- (1) The applicant for the special exception request has the initial burden of demonstrating that his/her request is consistent with the comprehensive policy plan and meets the criteria for granting the special exception; and
- (2) If the applicant carries that initial burden, the burden shifts to those opposing the special exception to show by competent substantial evidence that the request is not consistent with the comprehensive policy plan and does not meet those criteria.

BACKGROUND

- CASE #: SE-12-04-017
- **APPLICANT:** Tony Rahbany
- **REQUEST:**Special Exception in R-1A zone to construct a
14,000 sq. ft. children's day care center and a
45,000 sq. ft. indoor/outdoor recreation center.
- ZONING: R-1A
- **TRACT SIZE: 7.42 acres (two contiguous parcels)**
- LOCATION: Southeast corner of N. Dean Road and Buck Road, east of SR-417, ¹/₂ mile south of University Blvd.
- **DISTRICT:** #5

ZONING MAP



ZONING MAP



AERIAL







ORIGINAL SITE PLAN



MODIFIED SITE PLAN

Central Florida Family Center



14000 sq. ft. **250 kids**



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Mr. Tony Rahod 10014 Pertale Oriando, Fiorida Ph. (407) 823-

Special Exception Site Plan Floor Plans & Elevations C0 -

Deloy Uniter PE Uniter Engineering, Inc. PO Ben 600842 Driphdo, Fierde 32869 Ph (407) 299-0650 Fa (407) 429-7639

Successon Georgine Surveyore inc S408 E Colonial Drive Onando, FL 32817 Work (407) 736-1697 Fue (407) 275-5275



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> 37 Drawn

28 Charles 1"+90" Scale

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Engineering, Inc

Revisions.

PROPOSED ELEVATION PLANS



· NORTH ELEVATION ·

02-20-12

PROPOSED ELEVATION PLANS



· SOUTH ELEVATION ·

a.e.c. 05-09-12



SITE PHOTOGRAPH



Subject Site: SE corner Dean Rd. and Buck Rd.



SITE PHOTOGRAPH







SITE PHOTOGRAPH



Subject Site

On Buck Rd. looking west towards Dean Rd.



On Buck Rd. looking west towards Dean Rd.

Single Family Homes in Arbor Ridge Subdivision





Single Family Homes in Arbor Ridge Subdivision









PROJECT SUMMARY

- Children's Day Care Center for a maximum 250 children
- Children's Day Care Center = 14000 sq. ft.
- Recreation Center no longer proposed
- Retention pond/area located on east side adjacent to homes
- Parking located on north and west side facing Buck Rd. and Dean Rd.
- No impacts to Conservation Area on south side

BZA FINDINGS

- Proposed uses are not compatible with adjacent single family uses
- Development trend of this section of Dean Road is primarily single family residential

COMMUNITY FEEDBACK

- BZA Public Hearing
 - 3 citizens spoke in favor
 - 7 citizens spoke in opposition
 - Signed petitions submitted by both parties in favor and opposed
- Community Meeting on June 6, 2012 on modified plan:
 - 19 attendees
 - All opposed to any commercial development on the parcel
 - They prefer single family homes on subject parcel
 - They had the following additional concerns:
 - Opposed to any access on Buck Rd.
 - Too much traffic on Dean Rd.
 - Inappropriate location for day care center
 - Stacking of cars on Dean Rd.

BZA RECOMMENDATION

• Denied the Special Exception request in that the BZA found it did not meet the requirements governing Special **Exceptions as spelled out in Orange County Code Section 38-78 and that the** granting of the Special exception does adversely affect the general public **interest** (Unanimous)



BCC ACTION REQUESTED

ACTION REQUESTED:

Deny the request consistent with the Board of Zoning Adjustment's recommendation

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CONDITIONS

- 1. Development in accordance with site and elevation plans submitted by the applicant and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
- 2. Prior to the issuance of any permits, the applicant shall complete a Conservation Area Determination consistent with Chapter 15, Orange County Code.
- 3. Prior to any vertical construction at the site, a 6 foot block wall with stucco shall be constructed along the east property line. Said wall shall be owned and maintained by the property owner. A landscape hedge supplemented with trees shall be installed along the wall. Mature trees along the east property lines shall remain intact where possible to serve as a natural buffer.
- 4. Prior to any construction, the applicant shall obtain a flood plain permit.
- 5. On-site parking shall be provided at a rate of 1 space for each 5 children. This may result in a decrease in building size and/or maximum number of children.
- 6. All drive aisles and parking areas shall be paved as shown on site plan submitted by the applicant.
- 7. All outdoor lighting shall be in accordance with Chapter 9, Orange County Code.

CONDITIONS

- 8. Landscaping shall comply with Chapter 24, Orange County Code.
- 9. Access, drainage, roadway improvements and concurrency management shall be determined by the Public Works Department.
- 10. Signage shall be in accordance with Chapter 31.5 Orange County Code.
- 11. This approval is for a day care center for maximum 250 children. Outdoor recreational use shall be restricted to the day care center playground only.
- 12. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
- 13. Hours of operation for the child day care shall be 6:00 am to 7:00 pm.
- 14. The architectural design for both the day care and recreation building shall be consistent with a residential design.