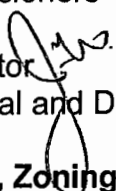




Interoffice Memorandum

DATE January 9, 2018

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development Services Department

CONTACT PERSON: Carol L. Knox, Manager, Zoning Division
407-836-5585

SUBJECT: January 23, 2017 – BCC Called Public Hearing
Applicant: Dream Big Academy and Daycare
BZA Case #SE-17-12-126, December 7, 2017; District #2

Dream Big Academy and Daycare, Case #SE-17-12-126, located at 6055 Clarcona Ocoee, in District #2, is a BCC-called public hearing to be heard on January 23, 2018. The subject property is located on the north side of Clarcona Ocoee Rd., west of Long Lake Drive. The applicant is requesting a special exception to construct and allow a private school/daycare at this location.

During the December 7, 2017 BZA public hearing, one neighbor spoke in opposition to this request. They brought up the possible privacy, traffic, and noise impacts of this project. The BZA amended the conditions of approval to address the neighbors' concerns to the greatest extent possible. The BZA recommended approval with conditions as amended. The vote was unanimous (7-0).

The application for this request is subject to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Carol Knox at 6-5585 or Sean Bailey at 6-5806.

ACTION REQUESTED: Uphold the BZA's recommendation of approval of December 7, 2017. District #2.

**COMMUNITY ENVIRONMENTAL DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT
January 23, 2018**

The following is a public hearing on an appeal before the Board of County Commissioners on January 23, 2018 at 2:00 p.m.

APPELLANT/APPLICANT: DREAM BIG ACADEMY AND DAYCARE

REQUEST: Special Exception in the A-1 zoning district to construct and allow a private school/daycare for up to 172 students grades Pre-K to 5th. THE BZA AMENDED THE REQUEST TO ALLOW UP TO 150 STUDENTS TOTAL.

LOCATION: North side of Clarcona Ocoee Rd., west of Long Lake Dr.

TRACT SIZE: 318 ft. x 261 ft.

ZONING: A-1

DISTRICT: #2

PROPERTIES NOTIFIED: 118

BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:

Staff gave a presentation on the case. It addressed the request, photos of the site, the zoning and a brief analysis.

The applicant stated they are certified educators and want to make a difference in the community. The applicant also stated that they reached out to the 2 HOAs in the area and offered to meet with them, and they will provide privacy with vegetation and will work to accommodate the neighbors.

One person spoke in opposition, stating they bought their house for the view, and they do not want to lose their privacy. They also stated that they work nights and want privacy and quiet during the day.

The BZA confirmed that an opaque wall or fence adjacent to residentially zoned properties is required by code and discussed amending the number of students to 150.

Staff received 3 commentaries in favor of the application and 2 in opposition.

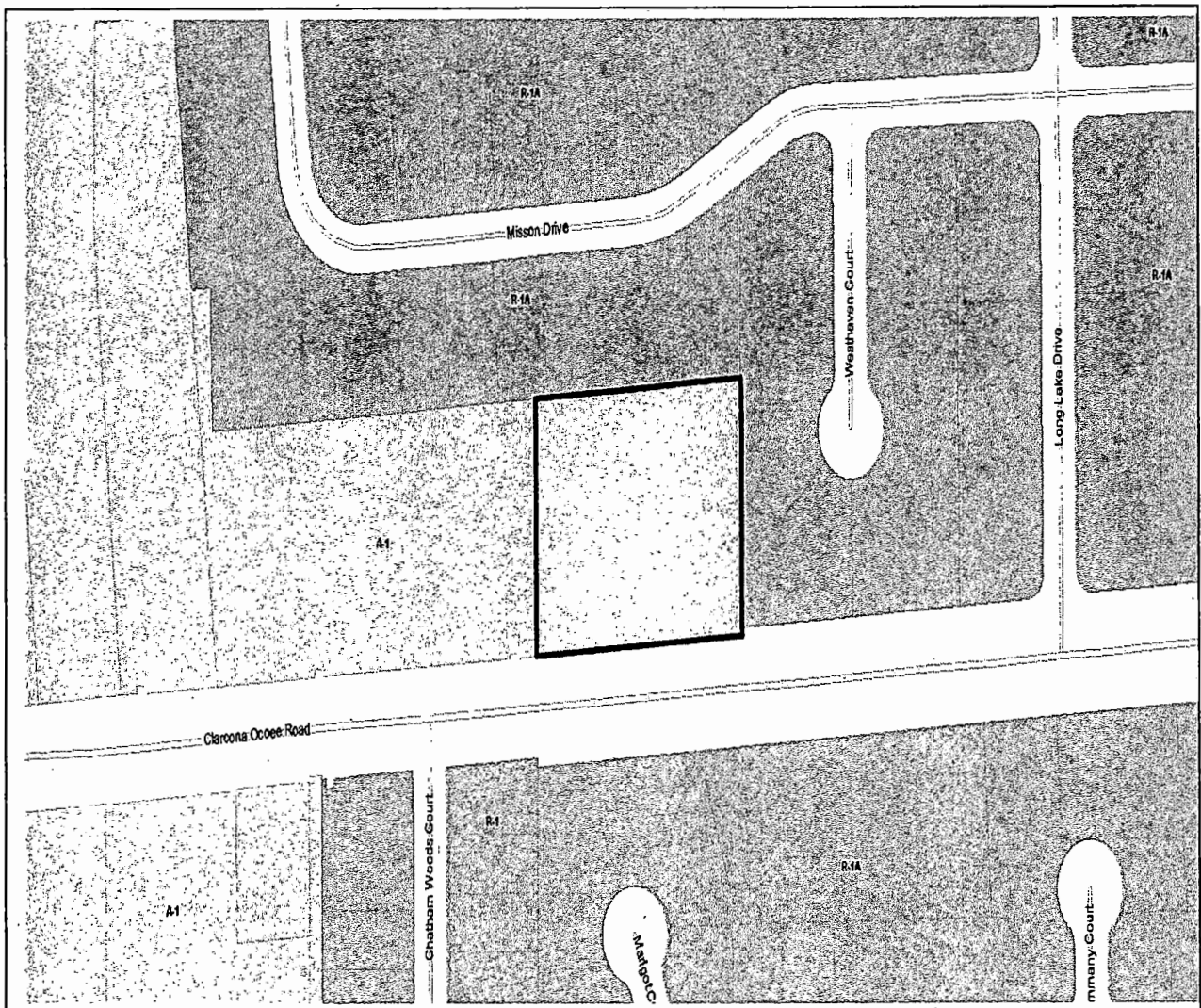
The BZA approved the Special Exception, amending the number of students to 150 and the addition of the requirement, "The applicant shall install a minimum 6 foot high opaque wall or fence along the north and east property lines that abut residential lots."

BZA HEARING DECISION:

A motion was made by Gregory A. Jackson, seconded by Carolyn Karraker and unanimously carried to APPROVE the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous):

1. Development in accordance with site plan dated October 6, 2017, 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. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Hours of operation shall be limited to Monday through Friday, 6:00 a.m. to 7:00 p.m.
5. Development shall comply with Chapter 24 (Landscaping). In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24, shall prevail. Existing trees and/or vegetation may be used to meet the landscaping requirements. The applicant shall install a minimum six (6) foot high opaque wall or fence along the north and east property lines that abut residential lots.
6. There shall be no more than four (4) outdoor special events per calendar year associated with the daycare center between the hours of 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.

7. If the school converts to a charter school, then all requirements of the new school siting ordinance (Ordinance No. 2017-06), shall be met.
8. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
9. Portable/Modular unit approval is valid for up to five (5) years. After that the applicant is required to submit a structural report to the Zoning Division for review and approval. If the report shows the modular unit is safe to occupy, the Zoning Manager may grant an extension of the modular unit approval. Otherwise, the applicant may apply to the BZA for an extension beyond the initial five (5) years.
10. No more than 150 children shall be enrolled at the school/daycare at any one time. Expansion of enrollment or use shall require additional approval by the BZA.



Applicant: Dream Big Academy and Daycare

BZA Number: SE-17-12-126

BZA Date: 12/07/2017

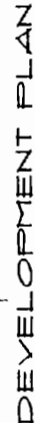
District: 2

Sec/Twn/Rge: 36-21-28-SE-D

Tract Size: 318 ft. x 261 ft.

Address: 6055 Clarcona Ocoee Road, Orlando FL 32810

Location: North side of Clarcona Ocoee Rd., west of Long Lake Dr.

[illegible]

GENERATION
RESIDENTIAL DESIGN
V. CLEMSON, FLORIDA
INFO@G10UDR2.COM
408.956.CFLR.COM

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REGISTRATION INFORMATION: Please see accompanying card for more information. This information is for your use only. Do not use for any other purpose. This information is for your use only. Do not use for any other purpose.

SCALE: 1/8"=1'-0"
DATE: 10/1/71
REVISED:
SHEET OF 1

OCT 06 2017

ORANGE COUNTY
ZONING DIVISION

DREAM BIG

DAYCARE AND PRESCHOOL

6055 CLARCONA-OCOE ROAD
ORLANDO FLORIDA 32810

OWNER OF RECORD

A
Z
C

GENERAL CONTRACTOR

N
A
C
LC

PROJECT DESCRIPTION

A DAYCARE AND SCHOOL LOCATED ON CLARCONA-OCOE ROAD CONSISTING OF DAYCARE ROOMS, CLASSROOMS AND OFFICES. TOTAL STUDENT AND DAYCARE CAPACITY - 125. TOTAL STAFFING (TTL - TIME) - 12. HOURS OF OPERATION 7:00 AM TO 5:00 PM.

SCOPE OF WORK

CONVERSION AND REHABILITATION OF AN EXISTING SINGLE-STORY RESIDENCE TO A DAYCARE, PRE-SCHOOL AND ELEMENTARY SCHOOL FACILITY. WORK SHALL CONSIST OF REMOVAL OF AN EXISTING CARPORT, POOL AND SCREEN ENCLOSURE. REMOVAL OF EXISTING DRIVEWAYS AND GARAGE AND REPLACEMENT WITH SUITABLE ACCESS DRIVES AND PARKING FOR THE INTENDED USE OF THE FACILITY. IN ADDITION EXPANSION OF THE EXISTING STRUCTURE TO PROVIDE CAPACITY FOR ACCOMMODATING STUDENTS CONTINUING EDUCATIONAL PROGRESSION TO MIDDLE-SCHOOL LEVEL.

INTENDED USE

DAYCARE AND EDUCATIONAL FACILITY IN ACCORDANCE WITH SECTION 505 GROUP 2 OF THE FLORIDA BUILDING CODE

BUILDING

MODEL CODE 04 - COMMERCIAL
TYPE CODE 1000 - OFFICE LOW-RISE
CEILING HEIGHT: 10'
BUILDING AREA - 0.34876 SQUARE FEET

SAFETY AND FIRE PROTECTION

FBC SECTION 444.3 - SMOKEALAR SYSTEMS - NOT REQUIRED. ALL EXITS ON GROUND LEVEL.
CEILING BREATHING 1/2" FIRE RESISTANT SHEETROCK
BUILDING FIRE CLASSIFICATION - TYPE 1
USAGE CLASSIFICATION PER FBC SECTION 505 - GROUP 2 EDUCATION/CHILD CARE
FBC SECTION 444.3.1 - FIRE ALARMS - A DETECTION AND ALARM SYSTEM SHALL BE INSTALLED
- ALL STRUCTURES AND CONNECTED TO A CENTRAL CONTROL SYSTEM
FIRE EXTINGUISHERS SHALL BE PER NFPA 10
NO SMOKE/NOISE PROTECTOR SHALL BE INSTALLED
FBC SECTION 444.3.1.4.4.4.5 - FIRE PROTECTION - ALL INTERIOR WALLS SHALL HAVE 1-HOUR FIRE RATING

AREA CALCULATIONS

SEE DEVELOPMENT P. 10 AND PAGE 11

PARKING

ONE SPACE PER 15 STUDENTS/CHILD (TTL TOTAL) - 11
ONE SPACE FOR EACH 100 SQ. FT. OF OFFICE SPACE (1200) - 1

OCCUPANCY

CHILD 1-3 YEARS (6)
CHILD 3-5 YEARS (15)
CHILD 5-6 YEARS (15)
PRE-K 4-5 YEARS (40)
STUDENT 6-12TH GRADE (120)
DAYCARE STAFF (15)
OFFICE ADMINISTRATION (15)
TOTAL OCCUPANCY - 125

COVER AND DECLARATIONS PAGE

GENERATION

DATE: 10/06/2017

BY: [Signature]

FOR: [Signature]

PROJECT: DREAM BIG

LOCATION: 6055 CLARCONA-OCOE ROAD, ORLANDO, FL 32810

SCALE: 1/8" = 1'-0"

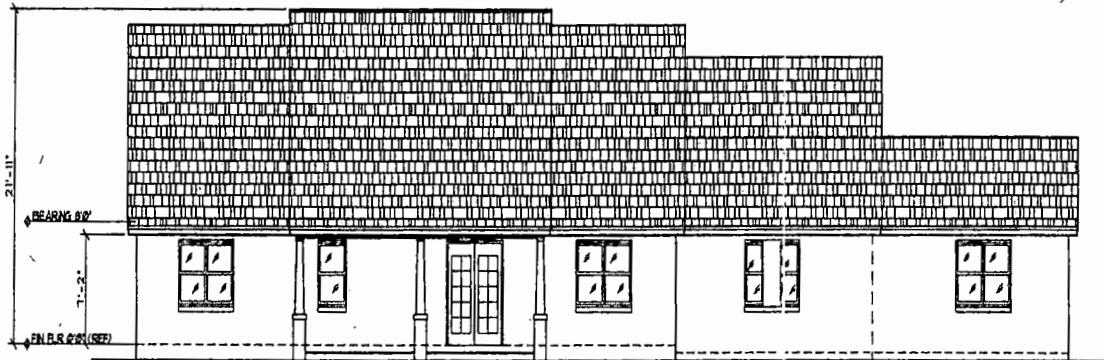
SHEET 1 OF 1

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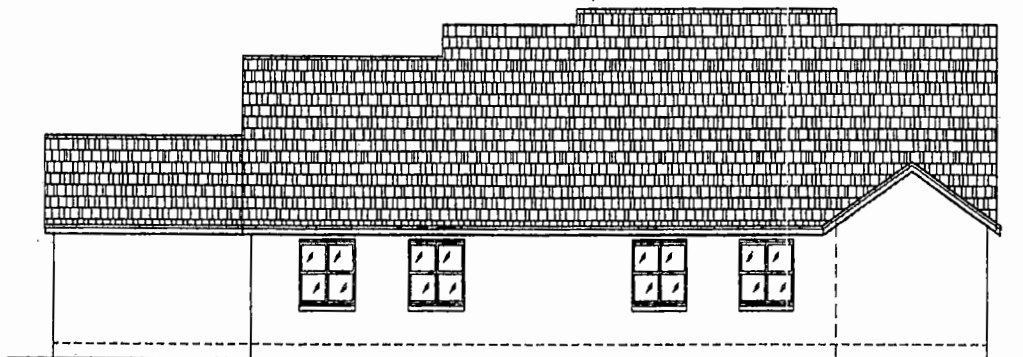
OCT 06 2017

ORANGE COUNTY

ZONING DIVISION



FRONT ELEVATION



REAR ELEVATION

RECEIVED

OCT 06 2017

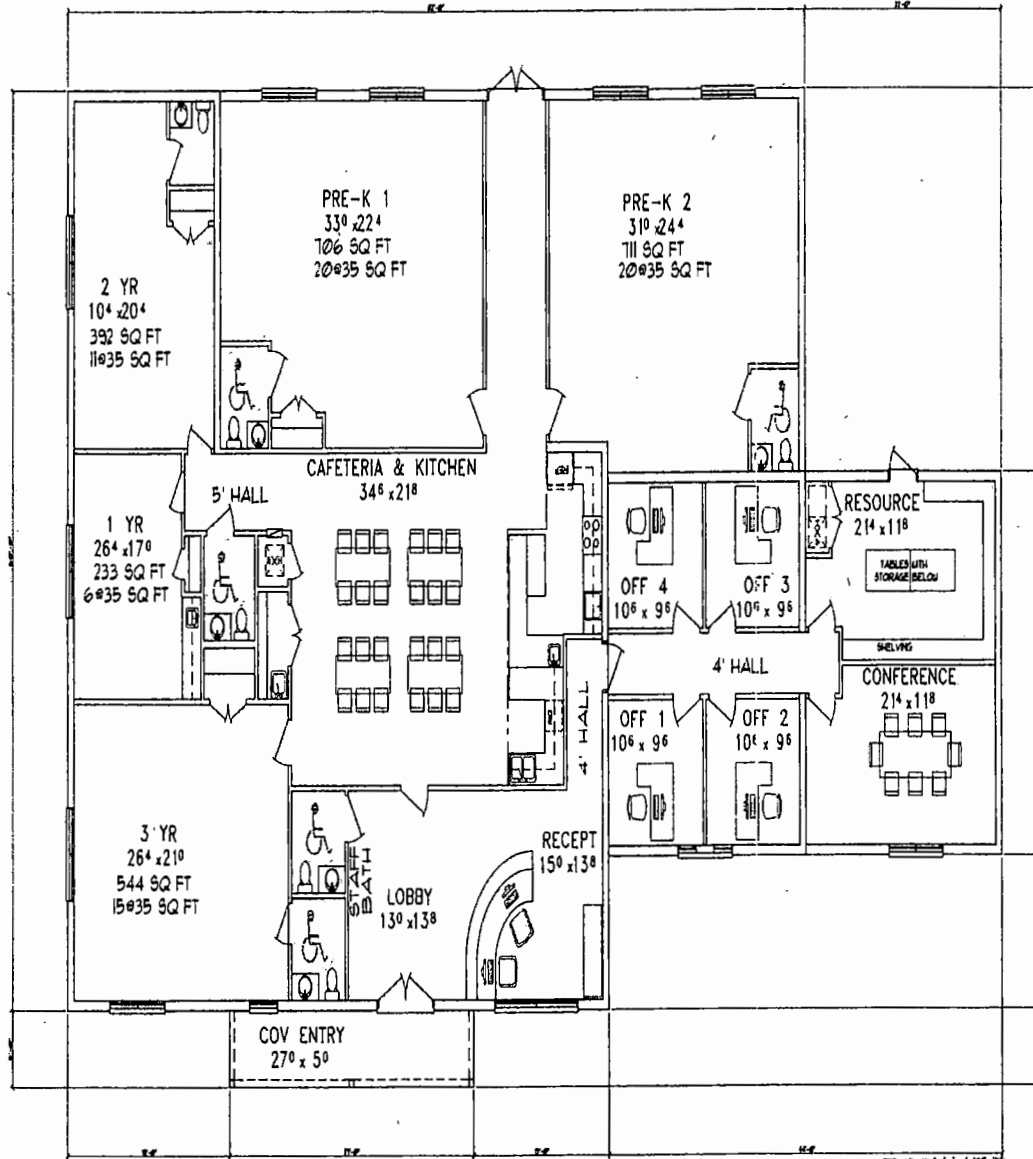
ORANGE COUNTY,
ZONING DIVISION



GENERATION
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305.555.1111
WWW.GENARCH.COM

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DATE: 10/06/17
BY: [Signature]
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GENERATION
 RESIDENTIAL DESIGN, INC.
 278 S. 1ST AVENUE, SUITE 200
 ANAHEIM, CA 92805
 (714) 938-1111
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 DATE: 08/17/17
 SHEET OF 2

RECEIVED
 OCT 06 2017
 ORANGE COUNTY
 ZONING DIVISION



STAFF REPORT
CASE #SE-17-12-126
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
December 7, 2017
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Dream Big Academy and Daycare

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-1 zoning district to construct and allow a private school/daycare for up to 172 students grades Pre-K to 5th.

LOCATION: North side of Clarcona Ocoee Rd., west of Long Lake Dr.

PROPERTY ADDRESS: 6055 Clarcona Ocoee Road

PARCEL ID: 36-21-28-0000-00-041

PUBLIC NOTIFICATION: 118

TRACT SIZE: 318 ft. x 261 ft.

DISTRICT #: 2

ZONING: A-1

EXISTING USE(S): Residence

PROPOSED USE(S): Private School

SURROUNDING USES: The property abuts vacant land to the west and single family residential uses in all other directions.

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting Special Exception approval to allow a private school/daycare.

2. The applicant proposes to convert the existing house into a preschool, with office and kitchen, and to add six (6) portables.
3. There is an existing daycare facility less than 1,000 feet to the west.
4. No variances are being requested for setbacks and parking.
5. The dumpster cannot be located within the landscape buffer. This will need to be revised on the plan.
6. This property abuts a residential subdivision and directly abuts seven (7) single-family homes to the north and east. Three (3) adjacent homeowners have signed letters of no objection to this proposal.
7. Staff has concerns about the compatibility of a non-residential use with an existing single-family residential subdivision to the north and east. However, staff is postponing a recommendation until the applicant meets with the surrounding homeowners at the Community Meeting on November 30, 2017.

STAFF RECOMMENDATION:

If the BZA approves this request, the following conditions should be imposed:

1. Development in accordance with site plan dated October 6, 2017, 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. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Hours of operation shall be limited to Monday through Friday, 6:00 a.m. to 7:00 p.m.
5. Development shall comply with Chapter 24 (Landscaping). In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24, shall prevail. Existing trees and/or vegetation may be used to meet the landscaping requirements.
6. There shall be no more than four (4) outdoor special events per calendar year associated with the daycare center between the hours of 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
7. If the school converts to a charter school, then all requirements of the new school siting ordinance (Ordinance No. 2017-06), shall be met.
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9. Portable/Modular unit approval is valid for up to five (5) years. After that the applicant is required to submit a structural report to the Zoning Division for review and approval. If the report shows the modular unit is safe to occupy, the Zoning Manager may grant an extension of the modular unit approval. Otherwise, the applicant may apply to the BZA for an extension beyond the initial five (5) years.
10. No more than 172 children shall be enrolled at the school/daycare at any one time. Expansion of enrollment or use shall require additional approval by the BZA.

cc: Darrell Nunnelley, Applicant's Representative
501 Main Street
Windermere, Florida 34786

ACADEMY AND DAYCARE

10:00 AM

...please return this entire document with your comments no later than the ...any commentary submitted to the Zoning Division is a public record and is ...by any member of the public, including the applicant.

☐ IN FAVOR

☒ OPPOSED

This exception, if granted, would negatively impact the residential-agricultural environment of this neighborhood. It would create a dangerous messiness at the property as the line is on the reverse side of a slope. Please remember there has already been a fatality at this property already - less than 2 years ago.

Roger Kopas

ADDRESS: *6115 Clarence Deane Rd.*

717-692-0397

gandessco@gmail.com

MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY ZONING DIVISION
P.O. BOX 2887
ORLANDO FLORIDA 32802-2887
Phone # (407) 836-8181 Fax # (407) 836-8611
E-Mail Address BZAnotices@ocfl.net

NOTICE TO ALL PERSONS WISHING TO SPEAK AT THIS PUBLIC HEARING

THIS INFORMATION IS INTENDED TO ASSIST YOU IN PREPARING YOUR PRESENTATION. PLEASE LIMIT YOUR PRESENTATION TO THREE (3) MINUTES AND KEEP IN MIND THE FOLLOWING GUIDELINES:

- (1) The Chairman of the Board of Zoning Adjustments (BZA) determines when and for how long an individual may speak.
- (2) Be concise and to the point. Do not repeat previous comments.
- (3) Evidence and documentation such as photographs, reports, and letters may be to your benefit. However, once submitted, they are part of the record and cannot be returned.
- (4) Your comments should focus on zoning-related issues. Questions, requests for information, and other issues are not zoning-related issues. However, the opinion and special exception criteria, development funds, and the Comprehensive Plan are zoning-related issues. However, drainage, traffic congestion, and other issues not addressed by the BZA.

FOR YOUR INFORMATION, ALL BZA MEETINGS ARE DIGITALLY RECORDED & TELEVIEWED ON ORANGE TV

CHANNEL 408 ON SPECTRUM
CHANNEL 6 ON COMCAST
CHANNEL 9 AT AT&T UVERSE

You may also watch the BZA meetings at www.OrangeOpenGovernmentOrangeTVVisionTV.aspx

Previous BZA public hearings are available at www.OrangeOpenGovernmentOrangeTVVisionTV/VideoArchive.asp

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should contact the Government Service Center at (407) 836-3111

Para más información referente a esta vista pública, favor comunicarse al Departamento de Zonificación al número (407) 836-5525

Para más información sobre esta vista pública, contáctese con el departamento de zonificación al número 407-836-3111

7

SPECIAL EXCEPTION - PUBLIC HEARING NOTICE

Applicant: DREAM BIG ACADEMY AND DAYCARE
Case #: SE-17-12-126
Staff Contact: Nick Balevich
Hearing Date: December 7, 2017 - 10:00 AM

Note: If you wish to make comments, please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Zoning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

☐

IN FAVOR

☒

OPPOSED

COMMENTS:

NAME: JEAN PAUL SYLVESTRE **ADDRESS:** 5514 WEST HAVEN CT
PHONE #: 917-618-5671 **ORLANDO FL 32810**

MAIL, FAX, OR EMAIL TO:

ORANGE COUNTY ZONING DIVISION
P.O. BOX 2687
ORLANDO, FLORIDA 32802-2687
Phone #: (407) 836-8181 Fax #: (407) 836-8611
E-Mail Address: BZAnotices@ocfl.net

NOTICE TO ALL PERSONS WISHING TO SPEAK AT THIS PUBLIC HEARING

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- (2) Be concise and to the point. Do not repeat previous comments.
- (3) Evidence and documentation such as photographs, reports, and letters, may be to your benefit. However, once submitted, they are part of the record and cannot be returned.
- (4) Your comments should focus on zoning-related issues. Aesthetics, impacts to surrounding properties, land use compatibility, the variance and special exception criteria, development trends, and the Comprehensive Plan are zoning-related issues. However, drainage, traffic congestion, and crime are issues not addressed by the BZA.

FOR YOUR INFORMATION, ALL BZA MEETINGS ARE DIGITALLY RECORDED & TELEVISED ON ORANGE TV

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Pou plis enfòmasyon sou odyans piblik la, kontakte zòn depatmental la nan : 407-836-3111



PROPERTY POSTING INSTRUCTIONS

In accordance with Section 30-44(6), Chapter 38, Zoning Orange County Code, a poster must be placed on the property involved in a public hearing at **least 10 days prior to the hearing.**

It is very important that you properly prepare your poster for mounting and that it be mounted in the proper location on your property. To assist you, please follow the specific posting instructions on the reverse side of this document.

NOTICE TO APPLICANTS

Sign your name and have your signature notarized. Prior to your public hearing, please mail this document to:
Case Planner in the Zoning Department, P.O. Box 2687, Orlando, FL 32802-2687.

(PLEASE FILL INFORMATION BELOW)

AFFIDAVIT OF COMPLIANCE

I, the undersigned property owner or authorized agent, do hereby affirm that the public hearing poster(s) for Public Hearing Case # SE-17-12-126 in the name of

DREAM BIG ACADEMY AND DAYCARE

(Applicants Name)

was placed on the property on the date of 11-27-2017 in accordance with
MOUNTED ON FENCE (Date poster (s) placed on property)
the instructions specified on the front and reverse side of this document.

Print Name: DARRELL NUNNELLEY

Signature: [Signature]

Address: 501 MAIN ST

WINDERMERE

City

FL

State

34786

ZIP

Failure to place the poster on your property will result in the need to reschedule your public hearing at your expense.

STATE OF FLORIDA, COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 27th

Day of NOVEMBER, 2017 by [Signature] DARRELL NUNNELLEY
(Property owner or authorized agent)

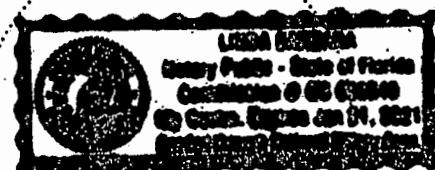
☒ Who is personally known by me.

☐ Has produced identification.

NOTARY

Linda Barlow
(Notary signature)

NOTARY SEAL



Revised 5/2017