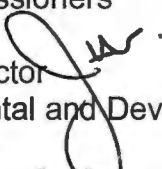




## Interoffice Memorandum

DATE January 4, 2019

TO: Mayor Jerry L. Demings  
-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

January 29, 2019 – Board Called Public Hearing  
Applicant/Appellant: Yvonne Lindsay  
BZA Case #SE-18-10-129, November 1, 2018; District #6

Board of Zoning Adjustment (BZA) Case # SE-18-10-129, located at 1101 N. Pine Hills Road, in District #6, is a board called public hearing to be heard on January 29, 2019. The applicant is requesting a special exception to allow a private school with up to 20 children.

The subject property is located on the northeast corner of N. Pine Hills Rd. and Dolores Dr., approximately .2 miles north of Balboa Dr.

At the November 1, 2018 BZA hearing, staff recommended approval of the special exception. The BZA agreed the change of use would reduce the amount of students, is not changing the footprint of the building, and would be compatible with the area. The BZA recommended approval of the special exception with a unanimous vote.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, 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.

**ACTION REQUESTED:** Approve the applicant's request; or approve the applicant's request with modifications and/or conditions; or deny the applicant's request. District 6.

JVW/CLK/pew  
Attachments

**COMMUNITY ENVIRONMENTAL DEVELOPMENT SERVICES DEPARTMENT  
ZONING DIVISION PUBLIC HEARING REPORT  
January 29, 2019**

The following is a public hearing on an appeal before the Board of County Commissioners on January 29, 2019 at 2:00 p.m.

**APPELLANT/APPLICANT:** YVONNE LINDSAY FOR FUTURE STARS ACADEMY

**REQUEST:** Special Exception in the P-O zoning district to allow a private school with up to 20 children from grades K through 6th in 1 classroom.  
This is not a charter school.  
Board-called 12/4/18

**LOCATION:** 1101 N. Pine Hills Road, Northeast corner of N. Pine Hills Rd. and Dolores Dr., approximately .2 miles north of Balboa Dr.

**TRACT SIZE:** 104 ft. x 132 ft. (AVG); 0.32 acres

**ZONING:** P-O

**DISTRICT:** #6

**PROPERTIES NOTIFIED:** 146

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

The applicant is proposing to convert the existing daycare center into a private school. The property is located in the Pine Hills area and the applicant has been operating the daycare since the year 2000.

Staff outlined the case, explained the request, went over the proposed plan, and submitted the traffic study provided by Transportation Planning.

The applicant explained that the private school was needed in the area and there is a high concentration of daycares in the area. The applicant stated that the current daycare center is allowed up to 37 students and the private school would have a maximum of 20 students.

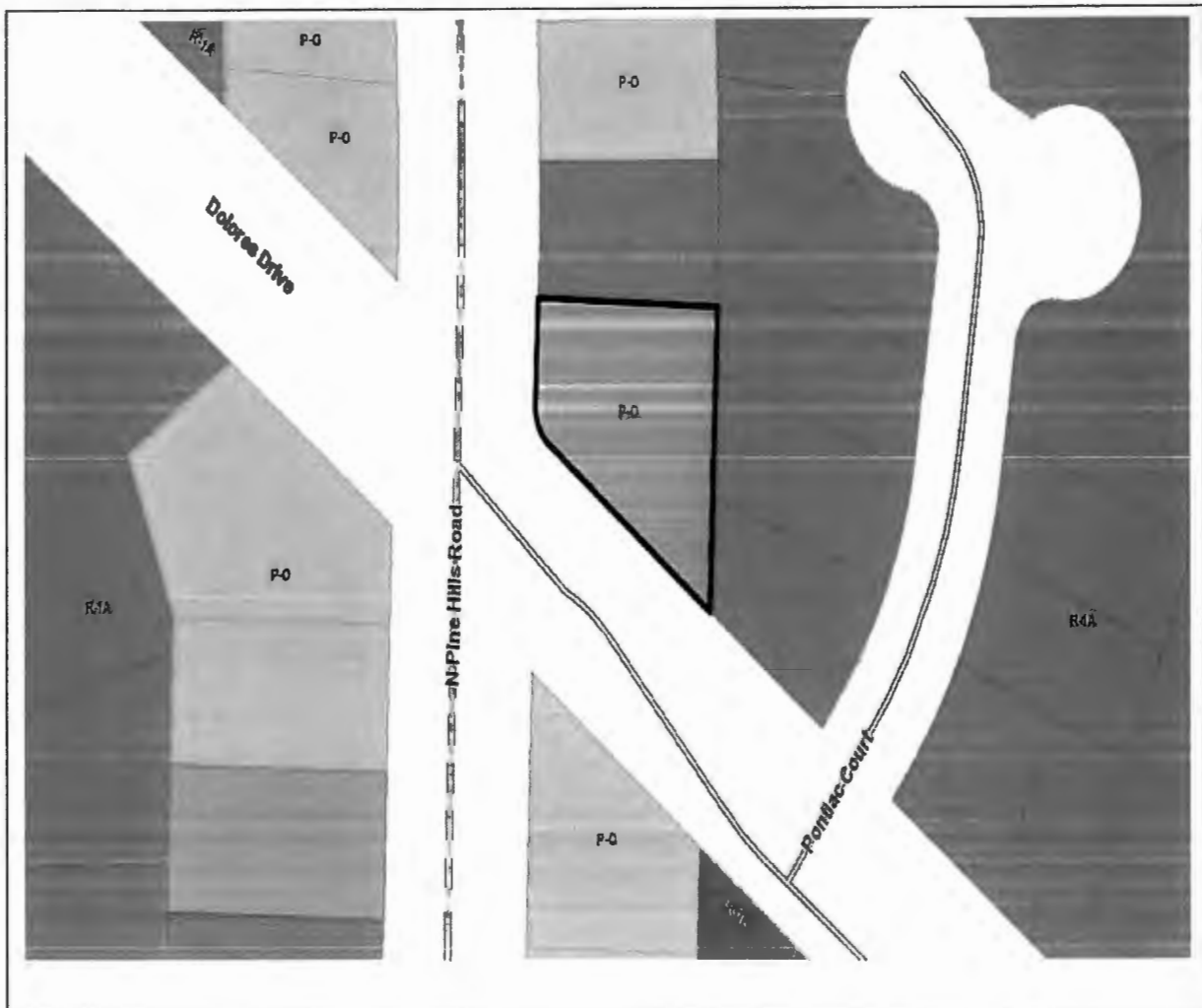
No one spoke at the hearing in favor or against the request, staff did receive (5) five responses in opposition.

The BZA agreed that the change of use would reduce the amount of students and would be compatible and approved the request.

**BZA HEARING DECISION:**

A motion was made by Eugene Roberson, seconded by Jessica Rivera 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; 6-0, 1 absent):

1. Development in accordance with the site plan dated October 2, 2019, 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. The applicant shall install a four (4) foot high vinyl fence at the southeast corner adjacent to the proposed parking spaces.
5. Hours of operation shall be limited to 8:00 A.M. to 6:00 P.M., Monday through Friday.
6. The applicant shall submit construction plans through the commercial site plan review process and/or obtain a business tax receipt within two (2) years of final approval or this approval is null and void.
7. If the school converts to a charter school then all requirements of the school siting ordinance (Sec. 38-1751-1762), shall be met.
8. No more than twenty (20) children shall be permitted without further approval by the BZA.
9. The applicant shall install a landscape buffer adjacent to Pine Hills Road which includes a continuous hedge and shade trees every forty (40) feet per section 24-4 (a)(1).



**Applicant:** YVONNE LINDSAY FOR FUTURE STARS ACADEMY

**BZA Number:** SE-18-10-129

**BZA Date:** 11/01/2018

**District:** 6

**Sec/Twn/Rge:** 19-22-29-NE-A

**Tract Size:** 104 ft. x 132 ft. (AVG); 0.32 acres

**Address:** 1101 N Pine Hills Road, Orlando FL 32808

**Location:** Northeast corner of N. Pine Hills Rd. and Dolores Dr., approximately .2 miles north of Balboa Dr.

Yvonne Lindsay  
7319 Ednitas Way  
Orlando, FL 32818  
August 15, 2018

ORANGE COUNTY ZONING DIVISION  
201 South Rosalind Ave 1<sup>st</sup> Floor  
Orlando, FL 32801

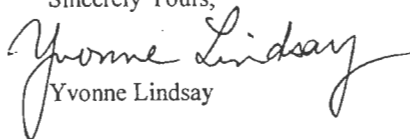
RE:1101 N. Pine Hills Rd  
Orlando , FL 32808  
Parcel Id:19-22-296380-04-060

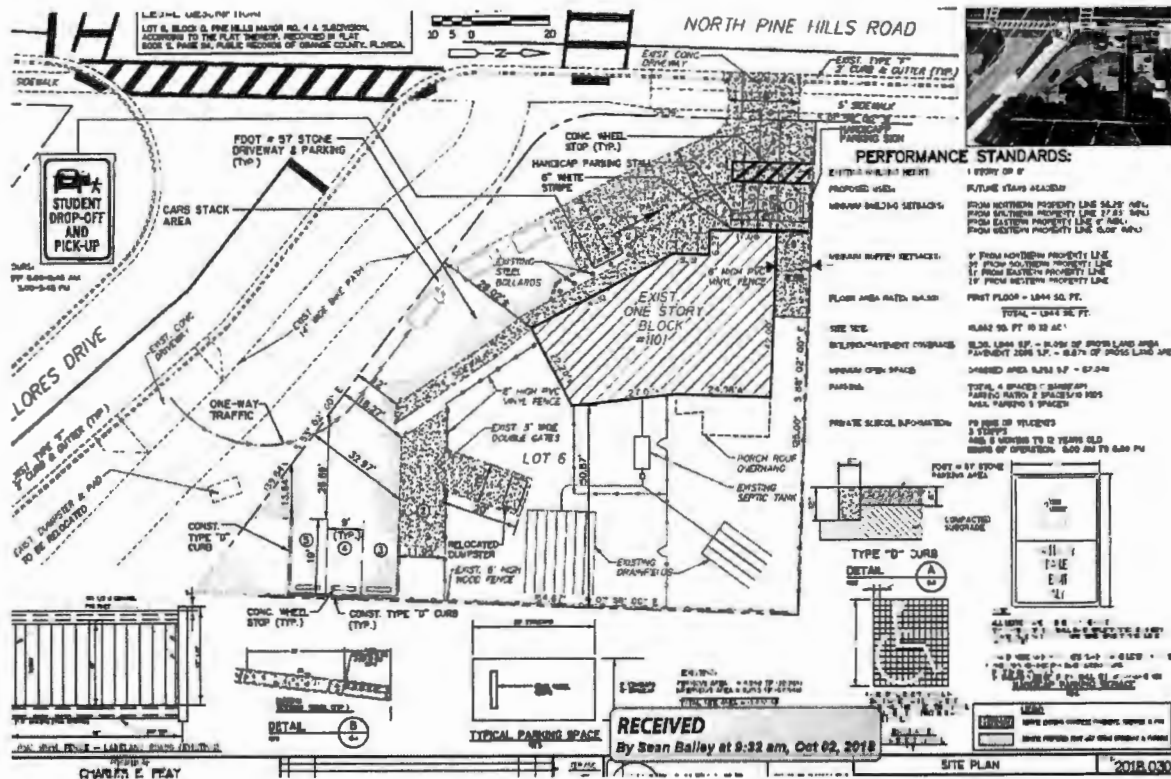
Dear Sir/Madam

I am a Day Care Owner/Provider for over 17 years at 1101 N. Pine Hills Rd. I have a passion for working with children and seen the impact for better education, in the community. We wish to extend this noble service to older children, by starting a private school, at the same location.

- We have room for about 20 children k5 to 6 and 2 instructors.
- The private school will open from 8:30am to 2:30pm. Monday through Friday and possible afterschool activities
- This is a one-story building with 1900+sq feet with adequate parking per survey
- The play ground can accommodate over 100 children
- The surrounding land is comparable with the proposed request

Thanking you in advance  
Sincerely Yours,

  
Yvonne Lindsay



Site Plan



**Yvonne Lindsay for Future Stars Academy (SE-18-10-129)**

**PID: 19-22-29-6980-04-060**

**Traffic Study**

The project is located on the northeast quadrant of the intersection of N Pine Hills Road and Dolores Drive. The proposed development is proposing converting the existing daycare to a private school with a maximum enrollment of 20 students. The site is currently occupied by a 1,935 SF day care building. Based on the 10<sup>th</sup> Edition of ITE's Trip Generation Manual, the proposed project is expected to decrease the number of trips on the roadways and no new trips will be added to the adjacent roadways. The trip generation summary is shown below.

| ITE Code      | Land Use             | Size*    | Daily |       | PM Peak Hour |       |    |     |
|---------------|----------------------|----------|-------|-------|--------------|-------|----|-----|
|               |                      |          | Rate  | Trips | Rate         | Total | In | Out |
| Existing      |                      |          |       |       |              |       |    |     |
| 565           | Daycare              | 1,935 SF | 47.62 | 93    | 11.12        | 22    | 10 | 12  |
| Proposed      |                      |          |       |       |              |       |    |     |
| 534           | Private School (K-8) | 1,935 SF | **    | **    | 6.53         | 13    | 6  | 7   |
| New Net Trips |                      |          |       | -     | -            | -9    | -4 | -5  |

\* SF = Square feet

\*\* Daily rate unavailable

The project is located within Orange County's Alternative Mobility Area (AMA) and is exempt from transportation concurrency. Based on LYNX's current bus schedule, transit service is available within a quarter-mile walk distance along N Pine Hills Road where LYNX #49 and #302 operate. There are 6 bus stops within the project 1/4-mile impact area. The area is well served by an interconnected network of public sidewalks along N Pine Hills Road, and the proposed development will connect to the existing sidewalk network serving mostly residential neighborhood. There is a signed bicycle route/lane adjacent to the site along N Pine Hills Road within the project impact area.



STAFF REPORT  
CASE #SE-18-10-129  
Orange County Zoning Division  
Planner: Sean Bailey  
Board of Zoning Adjustment  
November 1, 2018  
Commission District: 6

GENERAL INFORMATION:

APPLICANT: YVONNE LINDSAY FOR FUTURE STARS ACADEMY

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the P-O zoning district to allow a private school with up to 20 children from grades K through 6th in 1 classroom.  
This is not a charter school.

LOCATION: Northeast corner of N. Pine Hills Rd. and Dolores Dr., approximately .2 miles north of Balboa Dr.

PROPERTY ADDRESS: 1101 N Pine Hills Rd., Orlando, FL 32808

PARCEL ID: 19-22-29-6980-04-060

PUBLIC NOTIFICATION: 146

TRACT SIZE: 104 ft. x 132 ft. (AVG); 0.32 acres

DISTRICT #: 6

ZONING: P-O

EXISTING USE(S): Daycare Center

PROPOSED USE(S): K5 - 6th Grade Private School

SURROUNDING USES: N – Residential  
S – Professional office  
E - Residential  
W - Pine Hills Rd.

## STAFF FINDINGS AND ANALYSIS:

1. The property is zoned P-O, Professional Office Zoning District, which is a district designed to provide professional services to serve the local communities and permits uses such as daycares, barbershops, and medical offices. It also allows private schools and religious institutions as special exceptions.
2. The property is located in the Pine Hills Neighborhood Improvement District, which was created to promote and facilitate Pine Hills as a safe, business-friendly community. This use is permitted in this district and complies with the standards outlined in the ordinance.
3. The property is located on Pine Hills Road which is a professional office corridor and contains a few properties which are still zoned R-1A residential. The area is comprised of various uses such as daycares, churches, single-family homes, barbershops, and accounting offices.
4. This property was re-zoned from R-1A to P-O in 1996. The property was platted as part of the Pine Hills Manor subdivision in 1952. The current owner purchased the property in 1995 and the residence was converted to a daycare in 2000 (permit # B00900726).
5. The applicant is proposing a private school with 1 classroom and up to 20 students at this location.
6. The property has been used as a daycare since 2000 and the applicant has indicated that due to the concentration of daycares along Pine Hills Rd. a private school will better serve the surrounding community.
7. The existing structure is 1,944 sq. ft. and was constructed as a residence in 1953. The property has a large rear yard area, which contains a playground and an open play area.
8. The lot is located at the northeast corner of Dolores Dr. and Pine Hills Rd. and has vehicular ingress/egress to both rights-of-way. The lot contains a paved driveway along the front of the building which allows for stacking of up to approximately five (5) cars on site.
9. Code requires 4 parking spaces per classroom, the applicant is proposing 5 spaces including 1 handicapped space.
10. The site has existing privacy fences along the north and east which abut residential zoning districts.
11. Located in between Dolores Dr. and the southern property line is a 15 ft. wide bike/pedestrian path, which connects to Barnett Park.
12. The applicant is not proposing any new vertical construction with this application and will utilize the existing structure.
13. Orange County Transportation Planning has reviewed this request and determined that the change in use will decrease the number of trips on the roadways.
14. There was a private school approved in 2013 as a special exception at 1056 N. Pine Hills Rd. that is located across the street.
15. The immediate neighbor to the east has submitted a letter of objection to the proposed use.

**SPECIAL EXCEPTION CRITERIA**

**The use shall be consistent with the Comprehensive Policy Plan.**

The Future Land Use of the property is Office and approving the special exception will render the use consistent with Comprehensive Policy Plan.

**The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.**

The proposed use of a private school is similar to the previous use of the property as a daycare, and the other uses along Pine Hills Road. The hours of operation will be Monday through Friday from 8:00 AM to 6:00 PM.

**The use shall not act as a detrimental intrusion into a surrounding area.**

The use is located on a corner lot and should not be a detriment to the surrounding area. The configuration of the lot will allow for stacking on site during drop-off and pick-up times. The limited hours of operation will limit any disturbances to the neighbors during nights and weekends.

**The use shall meet the performance standards of the district in which the use is permitted.**

The proposed site plan meets parking requirements, setbacks, height, and open space requirements. As mentioned, there is no new construction proposed with this application.

**The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.**

The proposed use of a private school will not produce any vibrations, noise, odor or other characteristics not normally produced by other uses allowed in the P-O zoning district.

**Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.**

The applicant is proposing a hedge and canopy trees located along Pine Hills Road. There are existing trees on site and existing fences abutting the residential lots. In addition, the applicant will be adding a four (4) foot high vinyl fence along the southeast corner to provide a buffer from the proposed parking spaces

### STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated October 2, 2019 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. The applicant shall obtain a permit and install a 4 ft. high vinyl fence at the southeast corner adjacent to the proposed parking spaces.
5. Hours of operation shall be limited to 8:00 AM to 6:00 PM, Monday through Friday.
6. The applicant shall submit construction plans through the commercial site plan review process and/or obtain a business tax receipt within 2 years of final approval or this approval is null and void.
7. If the school converts to a charter school then all requirements of the school siting ordinance (Sec. 38-1751-1762) shall be met.
8. No more than 20 children shall be permitted without further approval by the BZA.
9. The applicant shall install a landscape buffer adjacent to Pine Hills Rd which includes a continuous hedge and shade trees every forty (40) feet per section 24-4 (a)(1).

c.c. YVONNE LINDSAY FOR FUTURE STARS ACADEMY