

*Orange County Zoning Division*

**SE-18-10-129**  
**APPLICANT:**  
**YVONNE LINDSAY FOR**  
**FUTURE STARS ACADEMY**

**JANUARY 29, 2019**



# Background

<b>CASE:</b>	<b>SE-18-10-129</b>
<b>APPLICANT:</b>	<b>Yvonne Lindsay for Future Stars Academy</b>
<b>ZONING:</b>	<b>P-O, Professional Office</b>
<b>FUTURE LAND USE:</b>	<b>O, Office</b>
<b>ADDRESS:</b>	<b>1101 N. Pine Hills Rd., Orlando, FL 32808</b>
<b>LOCATION:</b>	<b>Northeast corner of N. Pine Hills Rd. and Dolores Dr.</b>
<b>TRACT SIZE:</b>	<b>104 ft. x 132 ft. (AVG)/.32 ac.</b>
<b>DISTRICT:</b>	<b>6</b>

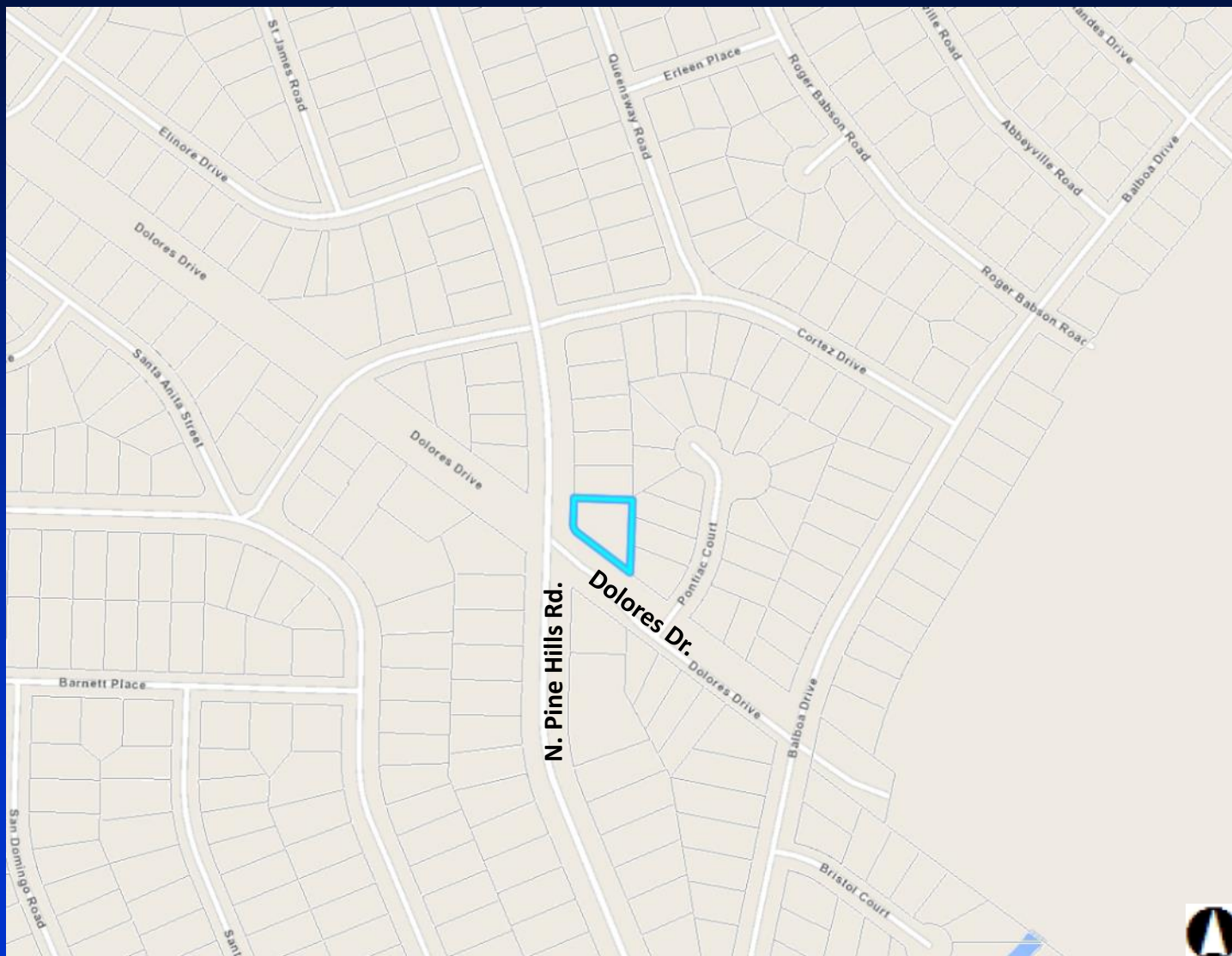


# Background

**REQUEST:** Special Exception in the P-O zoning district to allow a private school with up to 20 children from grades K through 6<sup>th</sup> in 1 classroom.

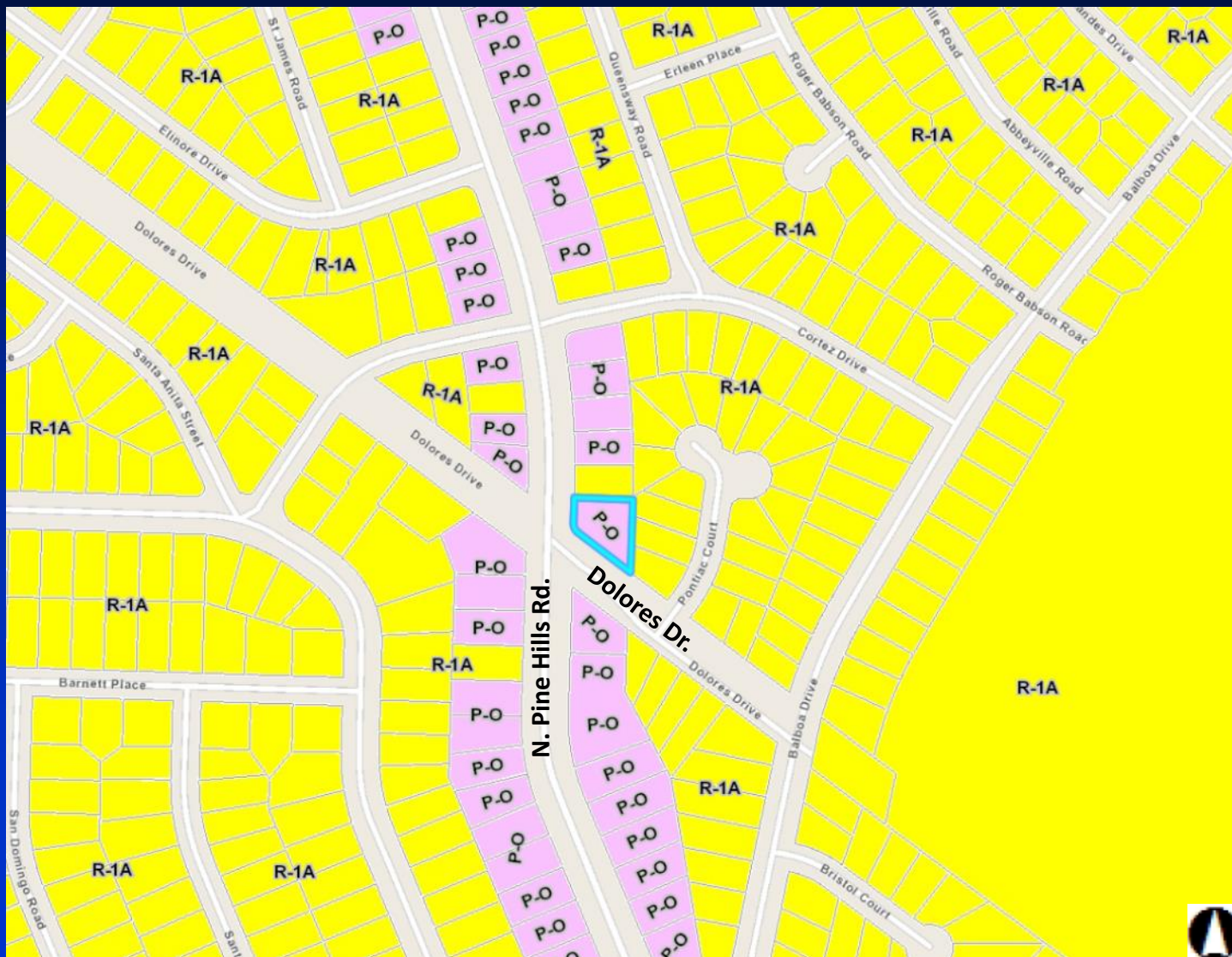


# Location Map



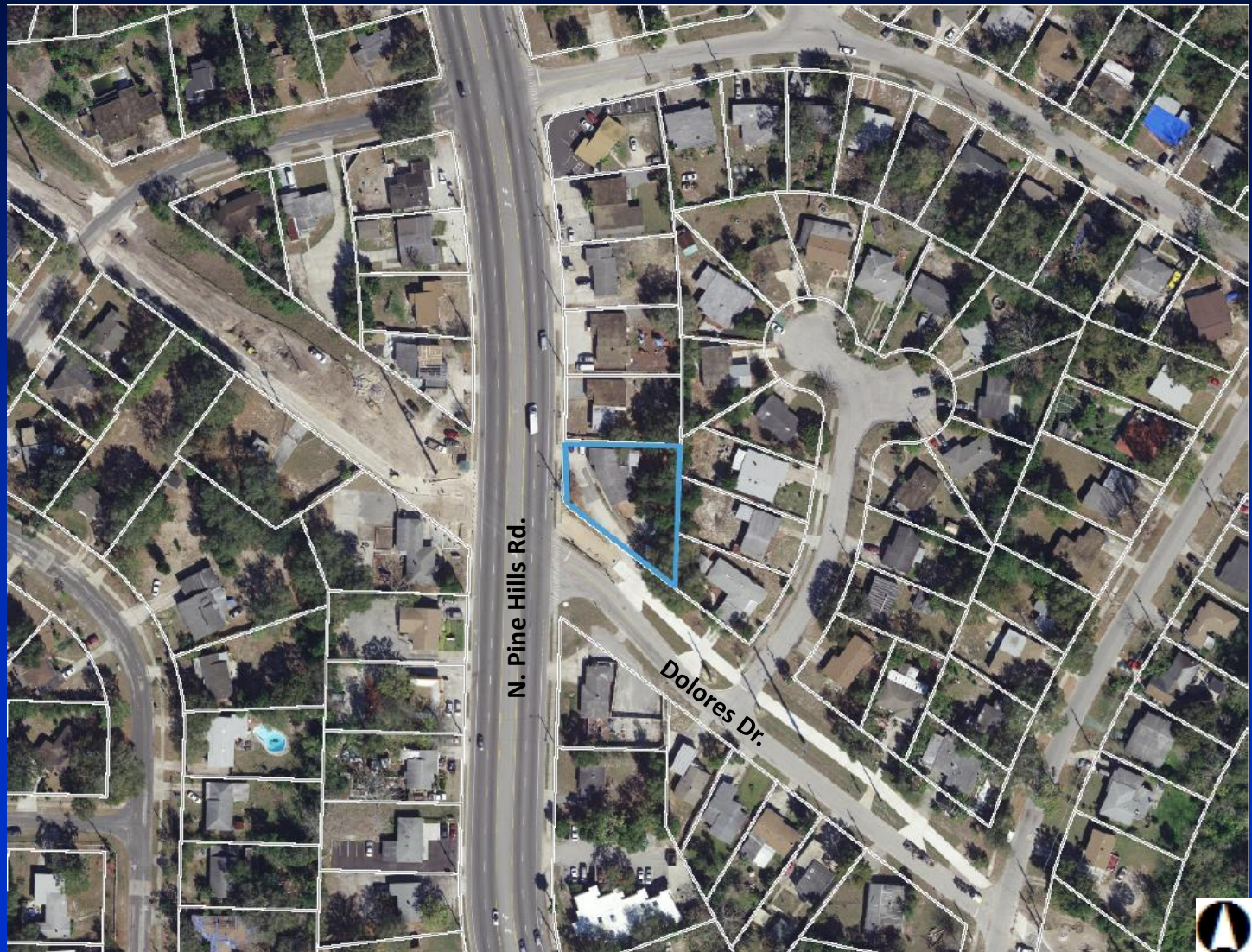


# Zoning Map





# Aerial Map





# Close-Up Aerial Map





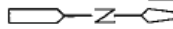
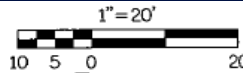
# History

- **September 1995 – The applicant purchased the property as a single family home.**
- **December 1996 – The property was re-zoned from R-1A to P-O.**
- **January 2001 – Permit issued to convert a residence to a daycare.**
- **The property has been used as a daycare since 2001.**

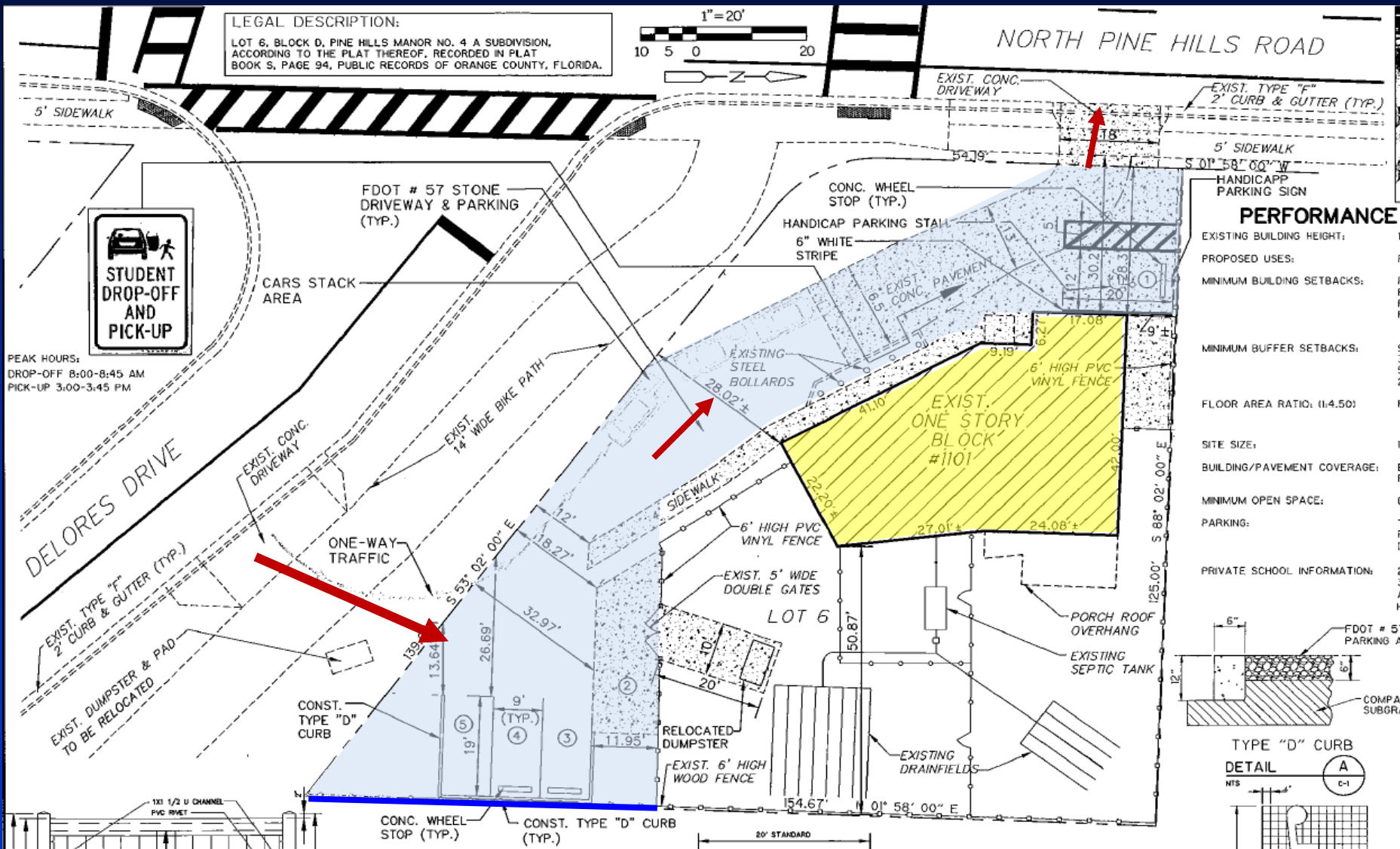
# Proposed Site Plan

## LEGAL DESCRIPTION:

LOT 6, BLOCK D, PINE HILLS MANOR NO. 4 A SUBDIVISION,  
ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT  
BOOK 5, PAGE 94, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



NORTH PINE HILLS ROAD





# Site Photograph





# Site Photograph

Existing southern curb cut





# Site Photograph

Looking north along eastern property line





# Site Photograph

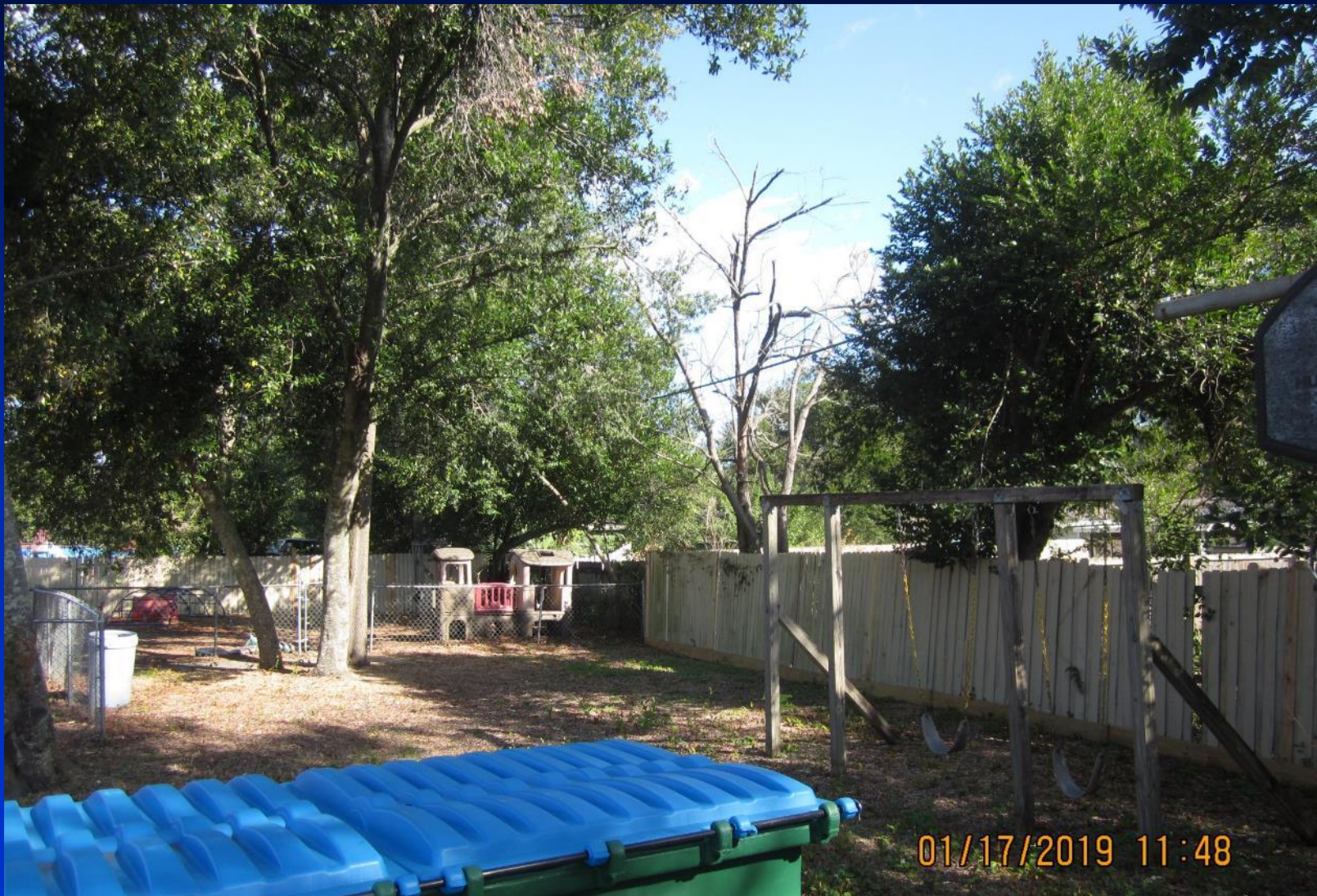
Looking east along northern property line





# Site Photograph

Looking northeast into the play area





# Staff Analysis

1. The area is comprised of various uses such as daycares, churches, single-family homes, barbershops, and accounting offices.
2. Due to the concentration of daycares along Pine Hills Road, the applicant is proposing to convert the daycare into a private school with 1 classroom and up to 20 students at this location.
3. The property has a large rear yard area, which contains a playground and an open play area.
4. The lot contains a driveway along the front of the building which allows for stacking of up to approximately 5 cars on site.



# Staff Analysis

5. Code requires 4 parking spaces per classroom, the applicant is proposing 5 spaces including 1 handicapped space.
6. The site has existing privacy fences along the north and east which abut residential zoning districts. A 4 ft. vinyl fence is required in between the proposed parking and the residential to the east.
7. The applicant is not proposing any new vertical construction with this application and will utilize the existing structure.
8. The proposed limited hours of operation from 8 am – 6pm M-F will minimize any disturbances to the neighbors during nights and weekends.



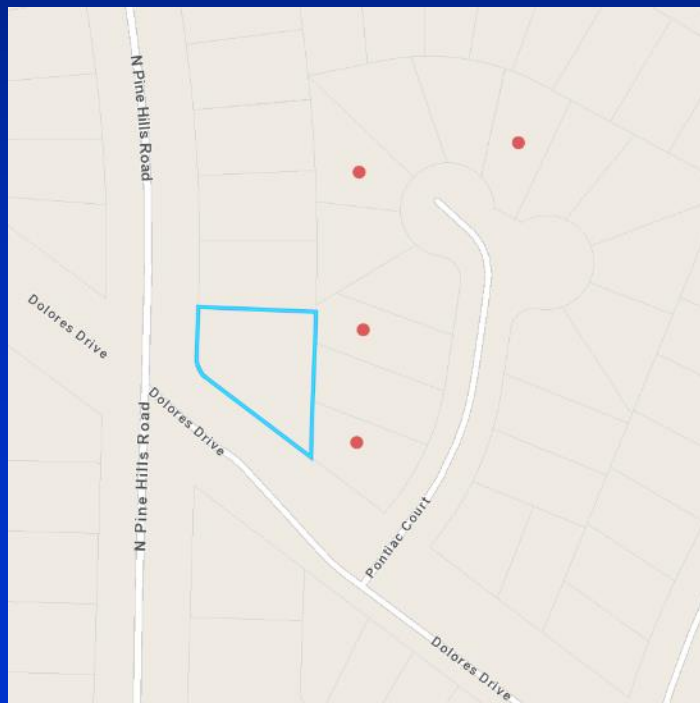
# Staff Analysis

9. Orange County Transportation Planning has reviewed this request and determined that the change in use will decrease the number of trips on the roadways.
10. A special exception for a private school across the street was approved in 2013.
11. Staff recommended approval of the special exception in finding that the use was consistent with the comprehensive plan, similar and compatible with the surrounding development pattern, would not act as a detrimental intrusion into the surrounding area, and would 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 site plan meets parking requirements, setbacks, height, and open space requirements.



# Public Feedback

- Mailed 146 notices to property owners within 500 ft. radius of the property:
- Staff received 0 letters in support of the request.
- Staff received 6 letters in opposition to the request.





# **Special Exception Criteria**

## **Section 38-78, Orange County Code**

- 1. The use shall be consistent with the Comprehensive Plan.**
- 2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.**
- 3. The use shall not act as a detrimental intrusion into a surrounding area.**
- 4. The use shall meet the performance standards of the district in which the use is permitted.**
- 5. 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.**
- 6. Landscape buffer yards shall be in accordance with Section 24-5, Orange County Code. Buffer yard types shall track the district in which the use is permitted.**



## **BZA Findings**

- **The use is compatible with the area and the number of students is decreasing.**
- **There is no vertical construction proposed with the application and the change in use should not be injurious to the surrounding community.**



## BZA Recommendation

- The BZA made the finding that the standards of special exception criteria were met and recommended approval of the special exception subject to the following conditions:



# Conditions of Approval

1. Development in accordance with the site plan dated October 2, 2018, 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.



# Conditions of Approval

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 (Ordinance No. 2017-06) 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).



# Requested Action

- Approve the applicant's request; or
- Approve the applicant's request with modifications and/or conditions; or
- Deny the applicant's request.

**\*Any approval is subject to standard conditions of approval.**



# Site Photograph

Looking north along bike path





# Site Photograph

Looking north at the northern curb cut





# Site Photograph

Looking south along N. Pine Hills Road





# Site Photograph

Looking southeast towards proposed parking area



01/17/2019 11:44



# Site Photograph

Looking southeast along eastern property line



01/17/2019 11:46



# Future Land Use Map

