

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** 1700 MAITLAND AVENUE REZONING FROM RP (RESIDENTIAL PROFESSIONAL DISTRICT) TO OP (OFFICE PROFESSIONAL DISTRICT)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Tina Deater **EXT.** 7440

Agenda Date 2/10/04 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

**MOTION/RECOMMENDATION:**

1. APPROVE the attached ordinance and development order rezoning approximately .58 acres located on the southeast corner of the intersection of Florida Haven Drive and Maitland Avenue from RP (Residential Professional District) to OP (Office Professional District); Mike Dipasqua, applicant; or
2. DENY the attached ordinance and development order rezoning approximately .58 acres located on the southeast corner of the intersection of Florida Haven Drive and Maitland Avenue from RP (Residential Professional District) to OP (Office Professional District); Mike Dipasqua, applicant; or
3. CONTINUE the public hearing until a time and date certain.

(District 4 – Comm. Henley)

(Tina Deater, Senior Planner)

**BACKGROUND:**

The applicant, Mike Dipasqua, requests OP District zoning to build an office addition on approximately 0.58 acres, located on the southeast corner of the intersection of Florida Haven Drive and Maitland Avenue. The subject property currently has RP District zoning. The future land use designation for the property is Office, which allows the proposed OP District zoning classification.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board met on January 7, 2004 and recommended APPROVAL of the requested OP zoning classification with the following condition:

1. A geotechnical evaluation must be submitted that demonstrates that the site has Type A soils, a very deep

Reviewed by: \_\_\_\_\_  
Co Atty: DFS  
DFS: \_\_\_\_\_  
OTHER: \_\_\_\_\_  
DCM: \_\_\_\_\_  
CM: \_\_\_\_\_  
File No. ph130pdp02

water table, and exceptional infiltration rates, to permit an exfiltration drainage system.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the requested OP zoning classification with the following condition:

1. A geotechnical evaluation must be submitted that demonstrates that the site has Type A soils, a very deep water table, and exceptional infiltration rates, to permit an exfiltration drainage system.

## MAITLAND AVENUE (1700) REZONE RP TO OP

APPLICANT:	Mike Dipasqua			
PROPERTY OWNER:	Mike Dipasqua			
REQUEST:	Rezone from RP to OP			
HEARING DATES(S):	P&Z:	1/7/04	BCC:	2/10/04
PARCEL ID NO.:	24-21-29-300-037B-0000 and 24-21-29-300-037C-0000			
PROJECT LOCATION:	Southeast corner of the intersection of Florida Haven Drive and Maitland Avenue			
FUTURE LAND USE:	Office			
FILE NUMBER:	Z2003-045			
COMMISSION DISTRICT:	#4-Henley			

### OVERVIEW

#### **Zoning Request:**

The applicant, Mike Dipasqua, requests OP District zoning to build an office addition on approximately 0.58 acres, located on the southeast corner of the intersection of Florida Haven Drive and Maitland Avenue. The subject property currently has RP District zoning. The future land use designation for the property is Office, which allows the proposed OP District zoning classification.

The existing zoning and future land use designations surrounding the subject property are as follows:

<b>DIRECTION</b>	<b>EXISTING ZONING</b>	<b>FUTURE LAND USE</b>
<b>Subject Property -</b>	RP	Office
<b>North -</b>	City Of Altamonte Springs MOR-1 (Mixed Office Residential)	PUD-Mixed Other
<b>South -</b>	R-1AA, RP, OP	Office
<b>East -</b>	R-1AA	Low Density Residential
<b>West -</b>	RP, and City of Altamonte Springs PUD	Office, Integrated Office Residential-Low Intensity

For more detailed information regarding zoning and land use, please refer to the attached map.

The applicant proposes a second story addition to an existing one-story office building, as shown on the attached site plan and elevation. This requires OP zoning. The Development Review Committee's major concern is the preservation of the 42" oak on the east side of the existing building; and the proposed site plan would allow that to happen. To allow the proposed second story addition, the applicant requests waivers from compliance with several of the OP District standards, which are summarized in the table below:

OP Zoning District Requirement	Requested Waiver
Rear yard building setback of 100 feet (east side)	Reduce rear yard building setback to 52 feet (existing condition on east side)
Rear yard active buffer of 50 feet (east side)	Reduce rear yard active buffer to 10 feet
Drainage can encroach into a required buffer by no more than 50%	Allow a 6 foot drainage swale in the 10 foot rear yard buffer provided that it is dry within 24 hours after a rainfall event (swale is existing on east side)
Side yard setback of 100 feet (south side)	Reduce side yard setback to 85 feet (existing condition on south side)
Side yard active buffer of 50 feet (south side)	Reduce side yard active buffer to 5 feet (existing condition on south side)

The original site plan the applicant submitted showed a proposed one-story addition on the south side of the existing structure. This site configuration eliminated several of the existing parking spaces and to meet the parking requirement of the Land Development Code, the 42" oak tree was proposed for removal to allow more parking on the east side of the building. The Development Review Committee met with the applicant on November 12, 2003 and proposed the idea of a second-story addition, in order to keep the parking where it exists now and to preserve the oak tree. Staff reviewed the trend of development in the area and there are several two-story and one three-story office buildings in the vicinity, as well as two-story multi-family structures immediately across the street. Therefore staff is recommending approval of the waivers to preserve the 42" oak tree.

## **SITE ANALYSIS**

### **Facilities and Services:**

The proposed zoning is consistent with the adopted future land use designation assigned to the property and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan.

There is water already available to the site and the existing septic system will be enlarged to accommodate the additional square footage of the building.

The proposed site plan utilizes an exfiltration stormwater management system. This type of system will only work if a geotechnical evaluation demonstrates that the site has Type A soils, a very deep water table, and exceptional infiltration rates.

#### **Transportation / Traffic:**

Access is available to the site from an existing signalized driveway on Maitland Avenue and a driveway on Florida Haven Drive. Should the requested rezone be approved, the project must pass a concurrency review at final engineering.

#### **Compliance with Environmental Regulations:**

There are no identified flood prone areas associated with this property.

#### **Compatibility with Surrounding Development:**

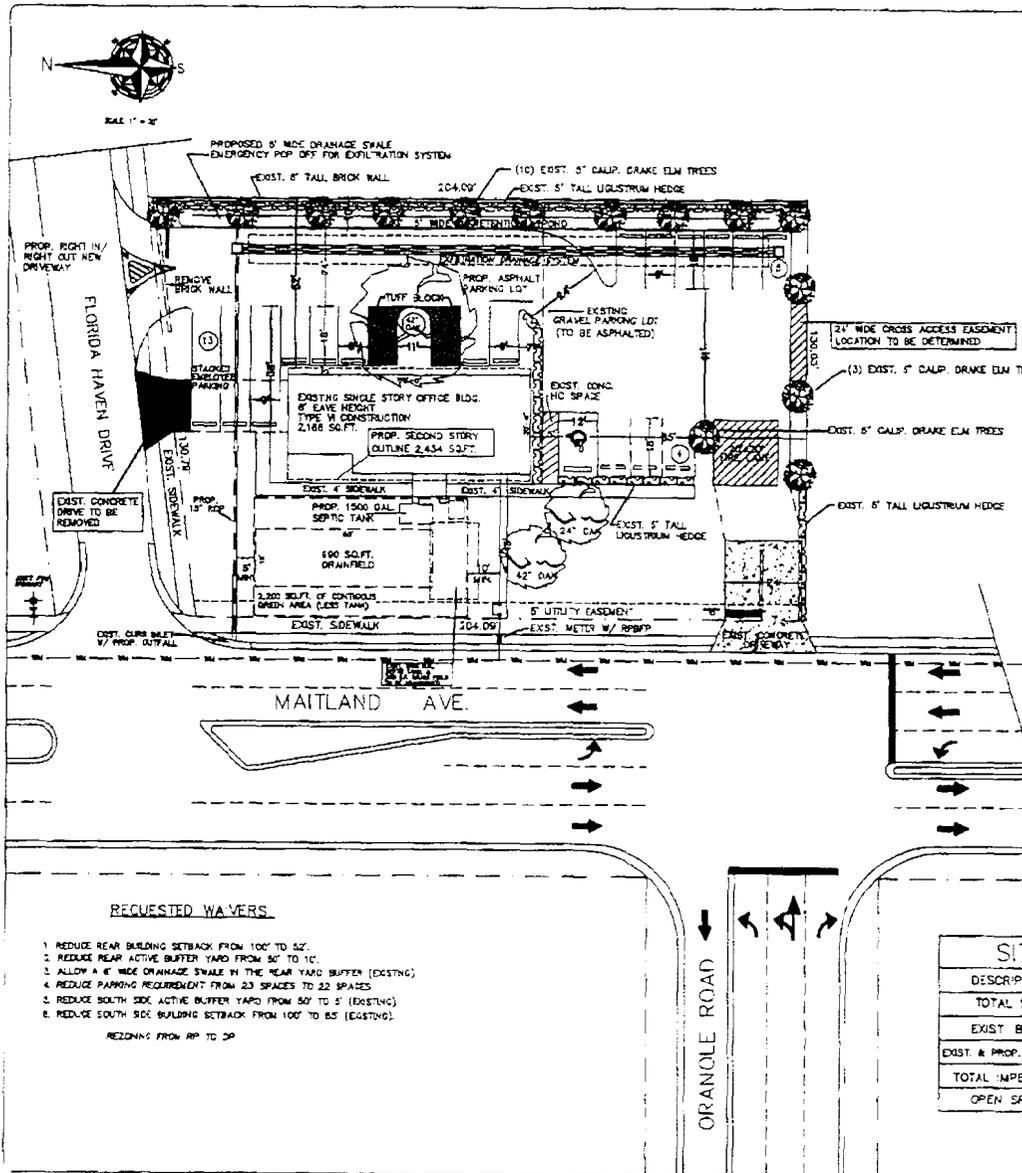
The property has an Office future land use designation, and the proposed OP zoning classification is allowed in that future land use category. The property is surrounded by Office future land use on the north, west, and south sides and Low Density Residential to the east.

There are several two-story office buildings on Maitland Avenue to the north and south of the subject property. There is also a three-story office building to the north. Across Maitland Avenue to the west, there is a multi-family development with some two-story buildings. Based upon these findings, staff believes the proposed rezoning is compatible with the surrounding development trends.

#### **STAFF RECOMMENDATION**

Staff recommends APPROVAL of the requested OP zoning classification with the following condition:

1. A geotechnical evaluation must be submitted that demonstrates that the site has Type A soils, a very deep water table, and exceptional infiltration rates, to permit an exfiltration drainage system.



**GENERAL NOTES**

1. ALL LANDSCAPE AREAS TO BE SOODED.
2. FIRE LANE STRIPING SHALL BE F.O.G.T. YELLOW TRAFFIC RATED PAINT.
3. 30" STOP SIGN SHALL BE OF HIGH INTENSITY REFLECTORIZED AS SPECIFIED IN THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND LOCATED AS SHOWN ON SITE PLAN.
4. STOP BAR SHALL BE 24" WIDE WHITE THERMOPLASTIC AND LOCATED AS SHOWN ON SITE PLAN.
5. ALL ADDRESS NUMBERS SHALL BE VISIBLE AND READABLE FROM STREET.
6. INSTALL TWO TRESPASSING, CONSTRUCTION SITE SIGN AS SPECIFIED IN FLORIDA STATUTE §10.04, PARAGRAPH (D).
7. POST THE EMERGENCY NIGHT PHONE NUMBER ON THE BOTTOM OF THE BUILDING PERMIT.
8. ALL MARKINGS TO COMPLY W/ THE F.O.G.T. ROADWAY AND TRAFFIC DESIGN STANDARDS MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, THE ALTIMONTE SPRINGS LOC. AND THE NEW FLA.M.V.A. "OLDER ROAD USER STANDARDS" 6" EDGE LINE, LANE LINES AND SINGLE CENTER LINE PATTERNS. ALL DOUBLE PATTERNS SHALL BE 4" RPM'S AT 20' CENTERS W/ 200' OF INTERSECTIONS 40' SPACING OTHERWISE. THE PEDESTRIAN CROSSING MARKINGS ARE TO BE A MIN. OF 6" WIDE.
9. SOIL SURVEY - LAKELAND FINE SANDS AND ST. LUCIE FINE SAND.
10. ALL WORK IN THE RIGHT OF WAY WILL BE REPAIRED OR REPLACED IF DAMAGED DURING CONSTRUCTION.
11. LOW INTENSITY, INDIRECT LIGHTING SHALL BE UTILIZED TO PREVENT GLARE.
12. SINGLE TENANT BUILDING.
13. CONTRACTOR TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION.
14. POTABLE WATER IS SUPPLIED BY ALTIMONTE SPRINGS PUBLIC UTILITIES.

**PARKING CALCS**

1. PARKING SPACE FOR 200 SQ.FT. OFFICE (4500/200) = 23  
 23 PARKING SPACES (REQUIRED)  
 18 PARKING SPACES (PROVIDED)

**TABLE 500 & 600**

SEE ALL SETBACK LINES FROM STRUCTURE  
 ALL SETBACKS EXCEED 30' TO PROPERTY LINES  
 NO RESTRICTIONS (TABLE 500)

BUSINESS  
 2 STORY, TYPE V CONST., UNPROT., UNSPR., 55' HGT. MAX  
 21,000 SQ.FT. ALLOWABLE (TABLE 500)

**SANITARY FLOW CALCS (MIN. HEALTH DEPT. REQUIREMENT)**

4500 SQ.FT. OFFICE 46(15) 630 GPD  
 TOTAL 630 GPD

690 GPD REQUIRES 1500 GAL. SEPTIC TANK  
 690/.70 = 686 SQ. FT. DRAINFIELD REQUIRED

**SANITARY SYSTEM GENERAL NOTES**

- 1) NO TOXIC, INDUSTRIAL OR HAZARDOUS WASTES WILL BE DISCHARGED INTO THE ONSITE SEWAGE SYSTEM.
- 2) THERE IS 2,200 SQ.FT. OF CONTIGUOUS GREEN AREA

**REQUESTED WAIVERS**

1. REDUCE REAR BUILDING SETBACK FROM 100' TO 52'
  2. REDUCE REAR ACTIVE BUFFER YARD FROM 50' TO 10'
  3. ALLOW A 6" WIDE DRAINAGE SWALE IN THE REAR YARD BUFFER (EXISTING)
  4. REDUCE PARKING REQUIREMENT FROM 23 SPACES TO 22 SPACES
  5. REDUCE SOUTH SIDE ACTIVE BUFFER YARD FROM 50' TO 5' (EXISTING)
  6. REDUCE SOUTH SIDE BUILDING SETBACK FROM 100' TO 65' (EXISTING)
- REZONING FROM RP TO DP

**SITE STATISTICAL DATA**

DESCRIPTION	SQ. FT.	ACRES	% OF SITE
TOTAL SITE	25,255	0.58	100.00%
EXIST. BLDG.	2,166	0.05	8.57%
EXIST. & PROP. PAVEMENT	11,000	0.25	43.54%
TOTAL IMPERVIOUS	13,166	0.30	52.11%
OPEN SPACE	12,069	0.28	47.89%

AMERICAN CIVIL ENGINEERING CO.  
 1700 MAITLAND AVE.  
 ALTIMONTE SPRINGS, FLORIDA

CONCEPT SITE PLAN  
 DIPASQUA OFFICE BUILDING

DATE: 12/18/03  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 SCALE: 1" = 20'

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE RP ZONING CLASSIFICATION THE OP ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "Maitland Avenue (1700) Rezone RP to OP."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from RP to OP:

**SEE ATTACHED EXHIBIT A**

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance<sup>2</sup> is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing by the Department and the recording of fully executed Development Order # 04-\_\_\_\_.

ENACTED this 10th day of February, 2004.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

**EXHIBIT A**  
**LEGAL DESCRIPTION**

LEG SEC 24 TWP 21S RGE 29E BEG AT SE INT OF MAITLAND AVE + FLORIDAHAVEN  
DR RUN SLY 103.6 FT E 130.35 FT N 119.9 FT S 83 DEG 48 MIN W 130.75 FT TO BEG  
(LESS RD)

LEG SEC 24 TWP 21S RGE 29E BEG 1280 FT N OF S LI ON E R/W ST RD 427 RUN E  
130.03 FT N 85 FT W 130.35 FT S 85 FT TO BEG

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On February 10, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

Property Owner: Mike Dipasqua  
1700 Maitland Avenue  
Altamonte Springs, FL 32751

Project Name: Maitland Avenue Rezone RP to OP

Requested Development Approval: Rezoning from RP (Residential Professional) to OP (Office)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Tina Deater, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is GRANTED.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. A geotechnical evaluation must be submitted that demonstrates that the site has Type A soils, a high water table at least ten (10) feet deep from the existing grade, and a percolation rate of at least thirty (30) feet per day, to permit an exfiltration drainage system. After reviewing the geotechnical report, the requirements may be waived by the Development Review Manager. Other infrastructure may be required for the installation of the exfiltration system.
- b. The 6-foot drainage swale in the 10-foot rear buffer must be designed so that it is dry within 24 hours after a 10-year rainfall event.
- c. The developer may provide a full access driveway off of Florida Haven Drive.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman, Board of County Commissioners



**EXHIBIT A**  
**LEGAL DESCRIPTION**

LEG SEC 24 TWP 21S RGE 29E BEG AT SE INT OF MAITLAND AVE + FLORIDAHAVEN  
DR RUN SLY 103.6 FT E 130.35 FT N 119.9 FT S 83 DEG 48 MIN W 130.75 FT TO BEG  
(LESS RD)

LEG SEC 24 TWP 21S RGE 29E BEG 1280 FT N OF S LI ON E R/W ST RD 427 RUN E  
130.03 FT N 85 FT W 130.35 FT S 85 FT TO BEG

**Minutes for the Seminole County  
LPA / P & Z Commission  
January 7, 2004**

**Members present:** Richard Harris, Chris Dorworth, Ben Tucker, Thomas Mahoney, Walt Eismann, Dudley Bates

**Member absent:** Alan Peltz

**Also present:** Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Karen Consalo, Assistant County Attorney; Jim Potter, Engineer, Development Review; Dick Boyer, Senior Planner; Tina Deater, Senior Planner; Candace Lindlaw-Hudson, Senior Staff Assistant.

**1700 Maitland Avenue; Mike Dipasqua, applicant;** 0.58 acres; rezone from RP (Residential Professional) to OP for an office; located on the southeast corner of the intersection of Maitland Avenue and Florida Haven Drive. (Z2003-045)

Commissioner Henley – District 4  
Tina Deater, Senior Planner

Tina Deater stated that the property is currently zoned RP (Residential Professional) and that the applicant is proposing an addition of approximately 2,430 square foot second story addition to the existing office building which requires a change in zoning to OP (Office Professional). The future land use designation for the site is Office. The original site plan had a one story building addition and the removal of several trees for the expanded parking lot. The Development Review Committee suggested the addition be made in the form of a second story, thus saving trees on the south side of the property. In order to accommodate this proposal, several waivers are being proposed:

<b>OP Zoning District Requirement</b>	<b>Requested Waiver</b>
<b>Rear yard building setback of 100 feet (east side)</b>	<b>Reduce rear yard building setback to 52 feet (existing condition on east side)</b>
<b>Rear yard active buffer of 50 feet (east side)</b>	<b>Reduce rear yard active buffer to 10 feet</b>
<b>Drainage can encroach into a required buffer by no more than 50%</b>	<b>Allow a 6 foot drainage swale in the 10 foot rear yard buffer provided that it is dry within 24 hours after a rainfall event (swale is existing on east side)</b>
<b>Side yard setback of 100 feet (south side)</b>	<b>Reduce side yard setback to 85 feet (existing condition on south side)</b>

Side yard active buffer of 50 feet (south side)	Reduce side yard active buffer to 5 feet (existing condition on south side)
---	---

Staff recommends approval of the requested OP zoning classification with the following condition: a geotechnical evaluation must be submitted that demonstrates that the site has Type A soils, a very deep water table, and exceptional infiltration rates, to permit an exfiltration drainage system.

Commissioner Tucker asked for verification of the address for advertising purposes.

Ms. Deater stated that the address was correct.

Commissioner Mahoney asked if the waivers to code were entirely necessary. He was particularly concerned about the tree being checked to see if it were worthy of preservation.

Ms. Deater stated that an arborist had checked the tree and that it was worth preserving.

John Reynolds of American Civil Engineering Company representing the applicant stated that the address was correct.

Matt West also verified to Commissioner Tucker that the building address was correct.

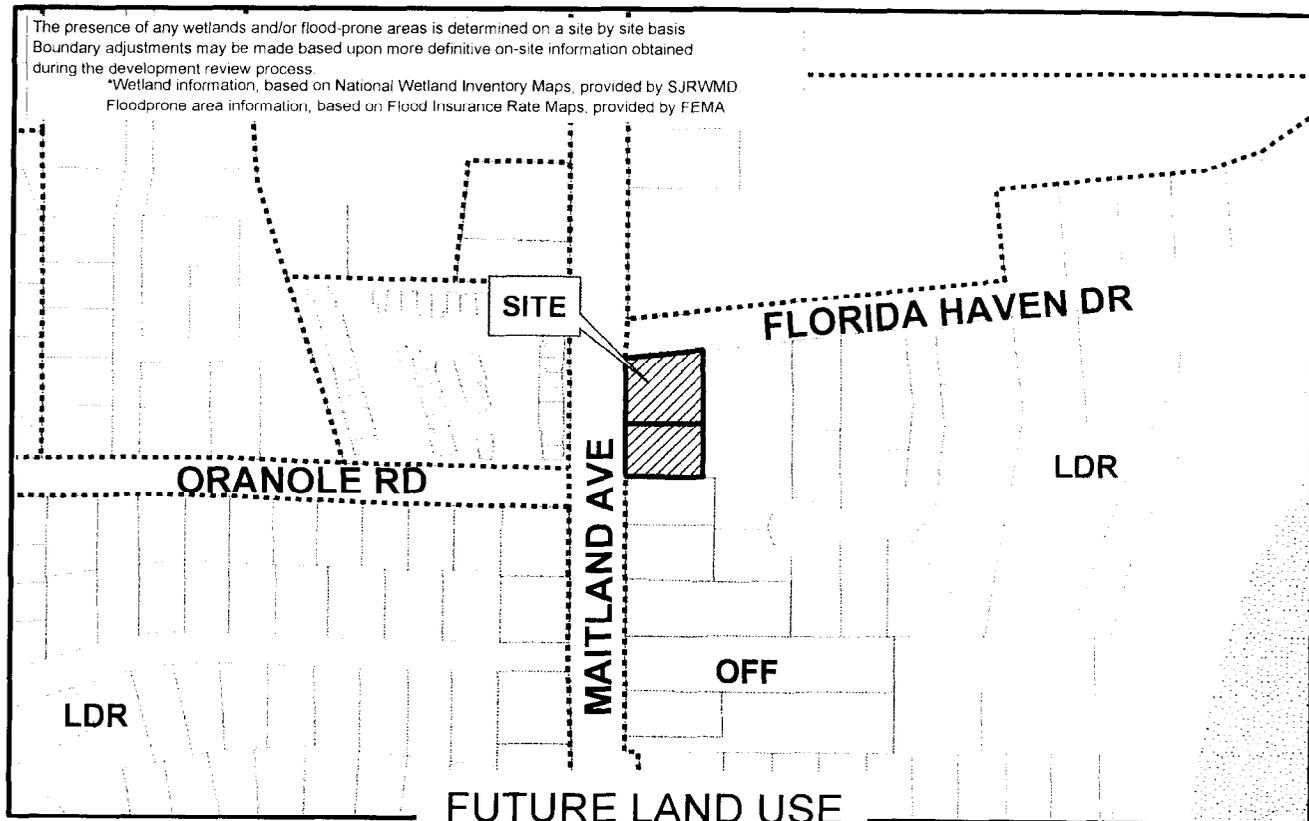
Mr. Reynolds stated that the site is residential in character. No sign is needed. The applicant has been in the current location for the past 12 years. If the tree is to be preserved, the project must build up, not out. The OP zoning is necessary for the second story addition. These waivers were given to the original building also. No one is opposed to this project. The applicant is keeping a 6-foot brick wall in the rear.

No one spoke from the audience on this item.

**Commissioner Harris made a motion to recommend approval of the requested zoning according to the conditions and waivers in the staff report.**

**Commissioner Mahoney seconded the motion.**

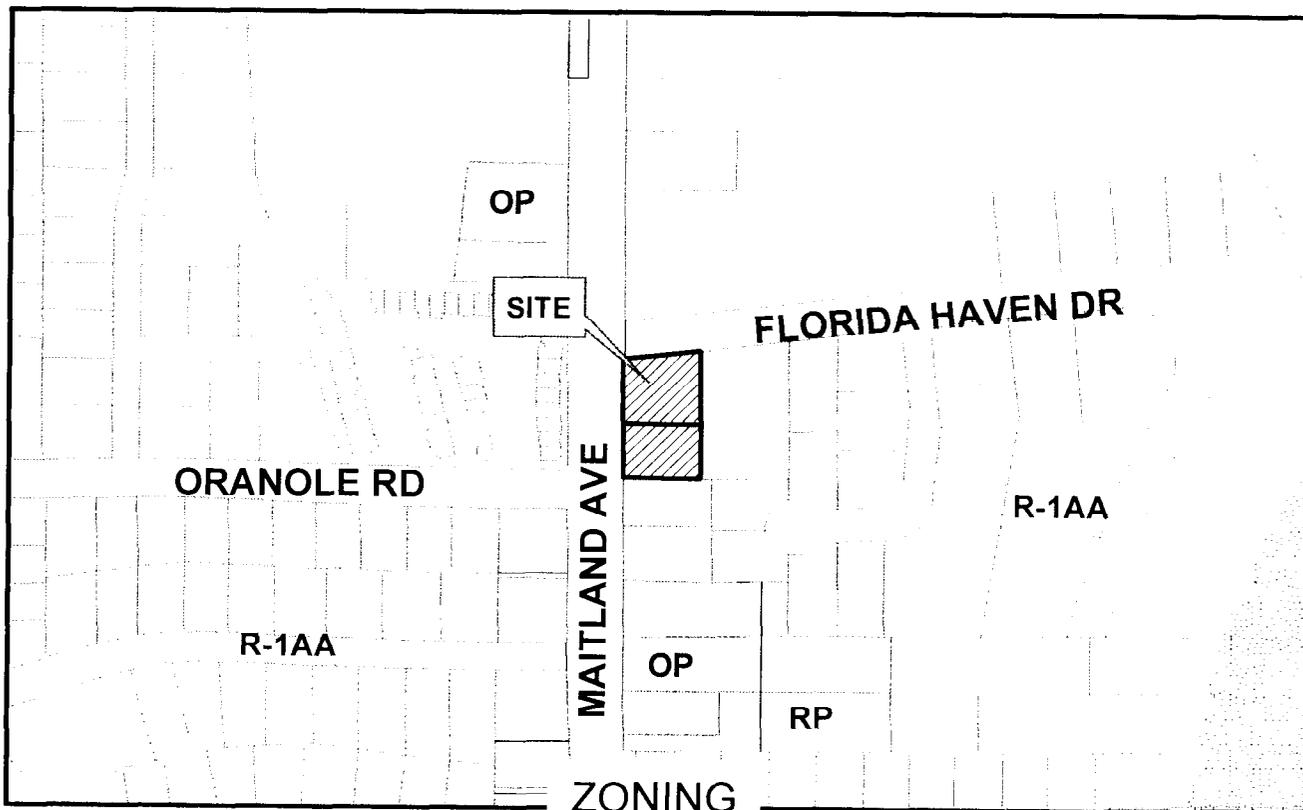
**The motion passed by a vote of 6 – 0.**



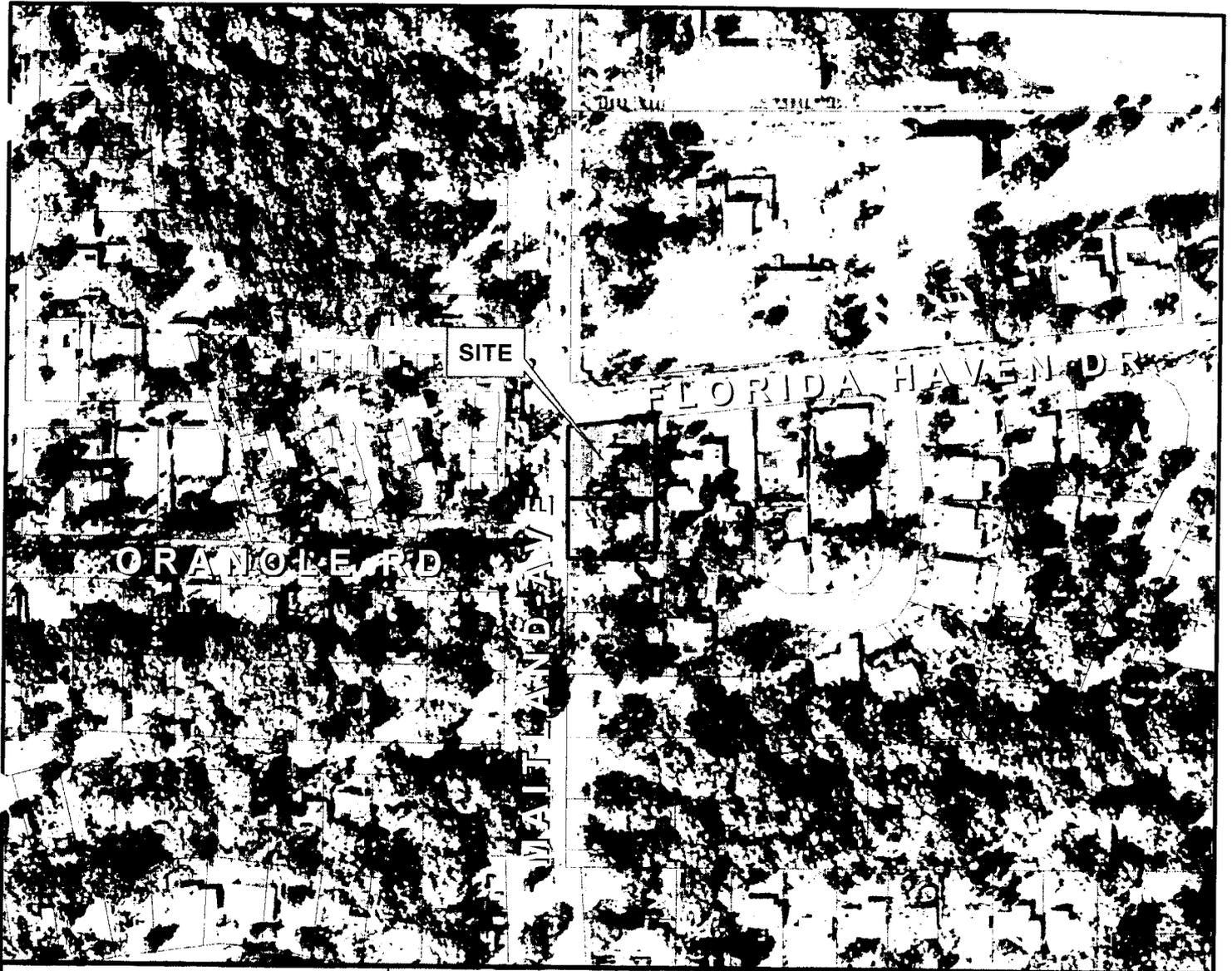
Site   
 ..... Municipality   
 LDR   
 OFF   
 CONS

Applicant: Mike Dipasqua  
 Physical STR: 24-21-29-300-037B & 037C-0000  
 Gross Acres: 0.58                      BCC District: 3  
 Existing Use: Single Family Residential  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2003-045	RP	OP



R-1AA   
 RP   
 OP   
 FP-1



Rezone No: Z2003-045  
From: RP To: OP

Parcel  
Subject Property



February 1999 Color Aerials