

Item # 55

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Zelman Tract rezoning from RP (Residential Professional District) to RP (Residential Professional District)

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date <u>02/25/03</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>
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MOTION/RECOMMENDATION:

1. Enact an ordinance to rezone a 0.24 acre tract, located on the southwest corner of Roy Boulevard and Maitland Avenue, from RP (Residential Professional District) to RP (Residential Professional District); or
2. Deny a request to rezone a 0.24 acre tract, located on the southwest corner of Roy Boulevard and Maitland Avenue, from RP (Residential Professional District) to RP (Residential Professional District); or
3. Continue the proposed rezoning until a time and date certain.

Commissioner Henley – District 4

Kathy Fall, Senior Planner

BACKGROUND:

The applicant is requesting to rezone the subject property, located on the southwest corner of Roy Boulevard and Maitland Avenue, from RP (Residential Professional District) to RP (Residential Professional District), for the development of a law office.

STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed rezoning request, subject to the provisions enumerated in the proposed development order.

LPA/P&Z RECOMMENDATION:

This item is scheduled for the consideration of the LPA/P&Z on February 19, 2003. Planning staff will present the LPA/P&Z's findings and recommendation at the Board of County Commissioners (BCC) public hearing.

Reviewed by: <u>JSA</u> Co Atty: _____ Other: <u>AAW</u> DCM: _____ CM: <u>ikt</u> File No <u>ph130pdp01</u>

REQUEST INFORMATION	
APPLICANT/PROPERTY OWNER	Andrew Zelman
REQUEST	Rezone 0.24 acres from RP (Residential Professional District) to RP (Residential Professional District)
HEARING DATE (S)	P&Z: February 19, 2003 BCC: February 25, 2003
SEC/TWP/RNG	24-21-29-511-0B00-0010
LOCATION	Southwest corner of Roy Boulevard and Maitland Avenue
FUTURE LAND USE	Office
FILE NUMBER	Z2002-023
COMMISSION DISTRICT	# 4, Henley

OVERVIEW:

Zoning Request: The applicant is requesting to rezone a 0.24 acre tract, located on the southwest corner of Roy Boulevard and Maitland Avenue, from RP (Residential Professional District) to RP (Residential Professional District) for the development of a law office.

In 1988, a portion of the subject property was rezoned from R-1A (Single Family Dwelling District) to RP (Residential Professional District) to allow the conversion of a two-story dwelling unit to a general office building, excluding medical or dental office uses. The property was rezoned with the conditions that a cross access easement would be provided for the property to the south and a brick or masonry wall would be provided along the western property line. Also, access to the site was restricted to Maitland Avenue.

Although the property was rezoned to RP, the use has remained as single-family residential. Since neither a building permit nor an occupational license was obtained within a year of the rezoning approval, the RP zoning must be re-approved by the BCC upon recommendation by the LPAP&Z.

Subsequent to the rezoning of the property in 1988, the applicant purchased 10.1 feet of property from the adjoining parcel to the west in order to construct an access drive on the site and accommodate the required active buffer along the west property line. The 10.1 feet was not included in the 1988 rezoning request and is not included in this request, since it would serve only as a buffer.

Most of the development along Maitland Avenue consists of single-family residential dwellings that have been converted into professional office buildings. The proposed request would be consistent with this trend of development in the area. Therefore, staff does not object to the proposed request.

Due to site limitations and the placement of the existing structure on the property, the applicant is requesting reduced-size parking spaces and a one-way driveway that would allow for ingress from Maitland Avenue and egress onto Roy Boulevard, a residential

street. Additionally, the applicant is requesting the following deviations from the minimum standards of the Land Development Code, in order to accommodate the proposed development:

1. Reduced driveway width, from the minimum 16 feet to 12 feet;
2. A total of ten (10) reduced sized parking spaces, not less than 9'x18' in size;
3. Reduction of the landscaping buffers along the southern property line from 5 feet wide minimum to 3 feet wide minimum and 6 feet wide average;
4. Reduction of minimum active setback and landscaping buffers along the western property line from 50 feet and 25 feet, respectively; and
5. A vinyl fence, instead of the required brick or masonry wall, along the western property line.

With the exception of the proposed vinyl fence, planning staff does not object to the proposed deviations. Staff does not believe a vinyl fence would provide for adequate buffering and minimize potential adverse impacts to the single-family development to the west. Therefore, staff believes a brick or masonry wall should be provided as required by code and the 1988 development order.

Existing Land Uses: Existing zoning designations and land uses for the site and abutting properties are as follows:

Direction	Existing Zoning	Future Land Use	Existing Use
North	R-1A (Single Family Dwelling)	Office	Single family dwelling
South	City of Altamonte Springs	City of Altamonte Springs	Vacant lot
East	Maitland Avenue and the City of Altamonte Springs	City of Altamonte Springs	Church and its associated parking lots
West	R-1A (Single Family Dwelling)	Low Density Residential	Single family dwelling
Subject Property	R-1A (Single Family Dwelling) and RP (Residential Professional)	Office	Single family dwelling

SITE ANALYSIS:

Facilities and Services. Adequate public facilities and services would be made available concurrent with the impacts of development. The applicant has submitted an Affidavit of Concurrency Review Deferral. At the time of site plan review, the applicant will be required to submit an application for full concurrency review.

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 Vision 2020 Plan.

The City of Altamonte Spring provides water and sewer services to the site. Currently, the site is serviced by city water and a septic tank. The subject property may be required to connect to central sewer, if it is available. A letter from the City of Altamonte Springs confirming utility capacity would be required at the time of site plan review, and the City's approval of proposed engineering designs would be required prior to the approval of final engineering plans.

Compatibility with surrounding development. The development trends along Maitland Avenue, both within the City of Altamonte Springs and the unincorporated area of Seminole County, encompass both non-residential and residential uses. Therefore, the proposed use would be compatible with the character of the area. However, in order to ensure compatibility between the proposed use and the existing single family developments to the west and north, staff recommends approval of the rezoning request subject to the following conditions enumerated in the proposed development order.

STAFF FINDINGS:

Staff finds that the requested RP zoning classification is:

1. Compatible with adjacent residential and non-residential developments; and
2. Consistent with the Seminole County Vision 2020 Plan policies related to Office land use; and
3. Consistent with the intent of the RP (Residential Professional) zoning classification of the Seminole County Land Development Code.

STAFF RECOMMENDATION:

Staff recommends approval of the requested rezoning from RP (Residential Professional District) to RP (Residential Professional District), subject to the provisions enumerated in the proposed development order.

LPA/P&Z RECOMMENDATION:

Planning staff will present the LPA/P&Z's findings and recommendation at the Board of County Commissioners (BCC) public hearing.

Attachments: FLU, Zoning & Site Maps

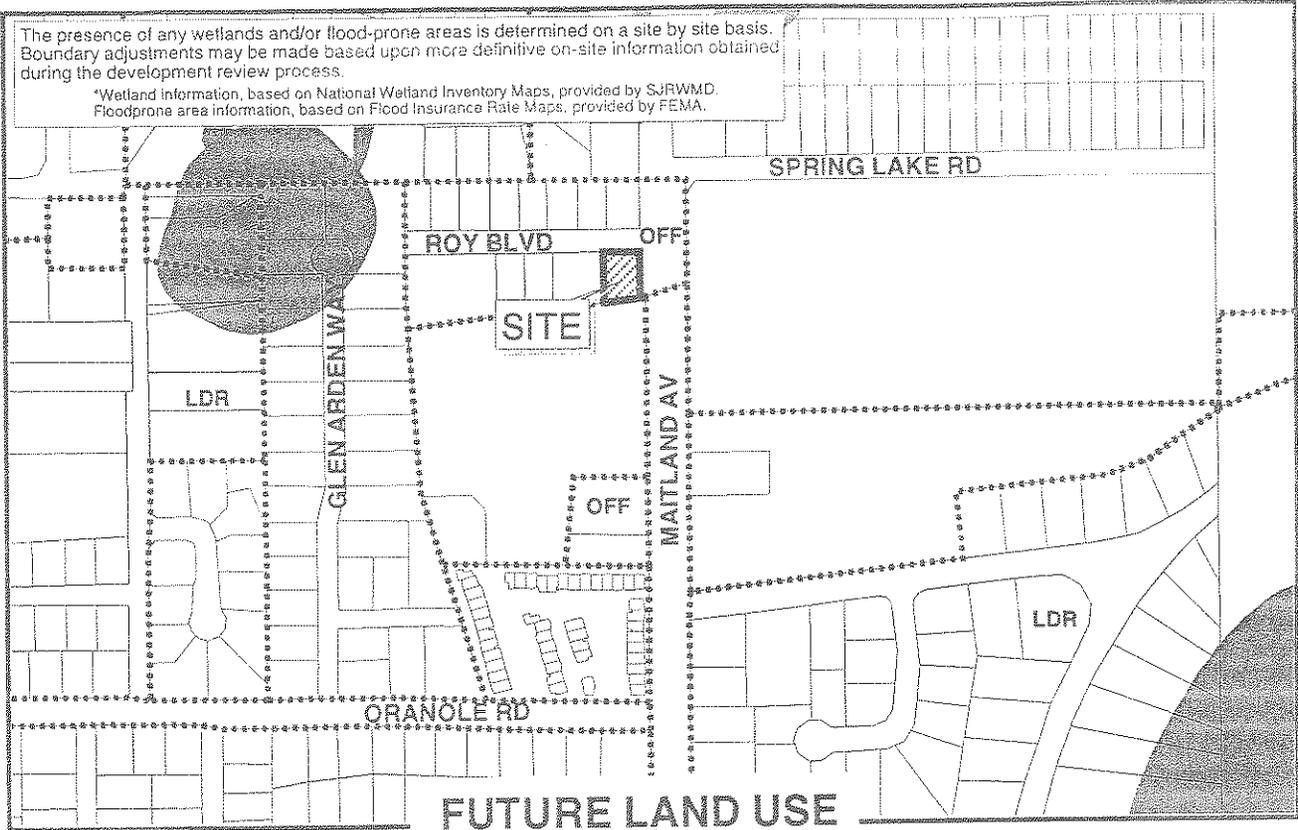
Proposed Site Plan

Proposed Ordinance

Proposed Development Order

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.

*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



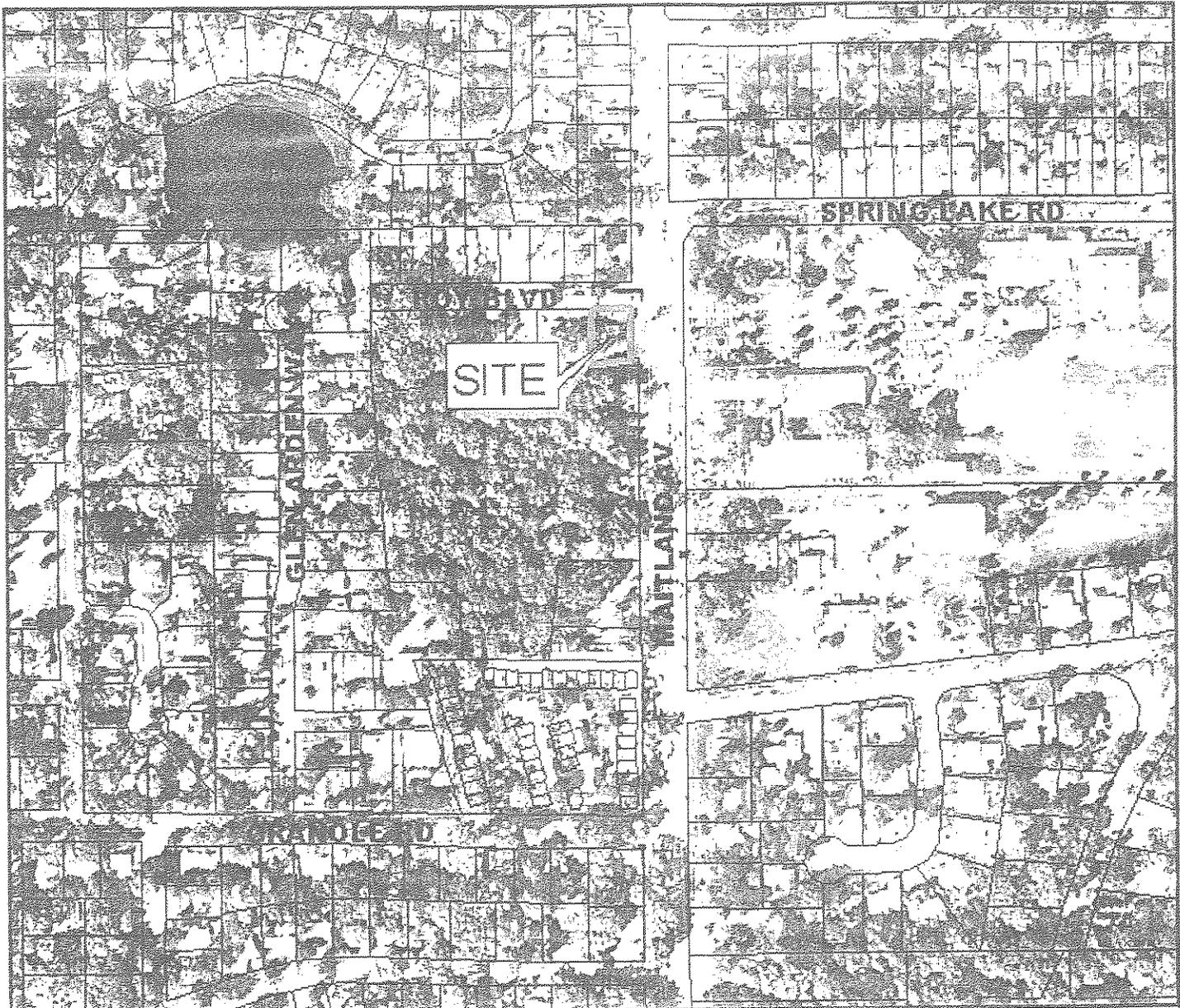
Site
 Municipality OFF LDR CONS

Applicant: Andrew Zelman
 Physical STR: 24-21-29-511-0B00-0010
 Gross Acres: +/- 0.24 BCC District: 4
 Existing Use: Single Family Residential
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2002-023	RP	RP



OP
 RP
 R-1A
 R-1AA



Rezone No. Z2002-023
From: RP To: RP

-  Subject Property
-  Parcelbase



February 1999 Color Aerials



AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATION ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE RP (RESIDENTIAL PROFESSIONAL DISTRICT) ZONING CLASSIFICATION THE RP (RESIDENTIAL PROFESSIONAL DISTRICT) 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 Zelman Tract, dated January 28, 2003.

(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 (Residential Professional District) to RP (Residential Professional District):

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 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 on the recording date of the Development Order # 00-0060074 in the Official Land Records of Seminole County.

ENACTED this 25th day of February 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

LOT 1 AND THE EAST 29.1 FEET OF LOT 2, BLOCK B, KEEZEK SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 24, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On February 25, 2003, 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: Lee Road Building Partnership
Attn: Andrew Zelman
2431 Lee Road
Winter Park, Florida 32789

Project Name: Zelman Tract Rezone

Requested Development Approval: Rezoning from RP (Residential Professional District) zoning classification to RP (Residential Professional District) zoning classification.

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: Kathy Fall
1101 East First Street
Sanford, Florida 32771

Order

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 6 foot high brick or masonry wall shall be erected along the western property line;
 - b. Access to Roy Boulevard shall be exit only;
 - c. Ingress to the site shall be from Maitland Avenue only;
 - d. Prior to site plan approval, a cross access easement shall be dedicated to the property to the south within the proposed driveway and vehicle use areas along the western property line;
 - e. No medical or dental office uses shall be permitted;
 - f. Signage shall be consistent with the provisions of the Lake Mary Boulevard Overlay; and
 - g. The landscaping buffer along the western and southern property lines shall be a minimum of 3 feet width, with either wax myrtles, bald cypress or Italian cypress at least four feet in height at the time of planting and located every 15 feet on center.
- (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.

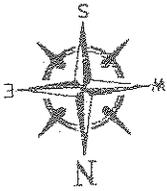
EXHIBIT "A"

LEGAL DESCRIPTION

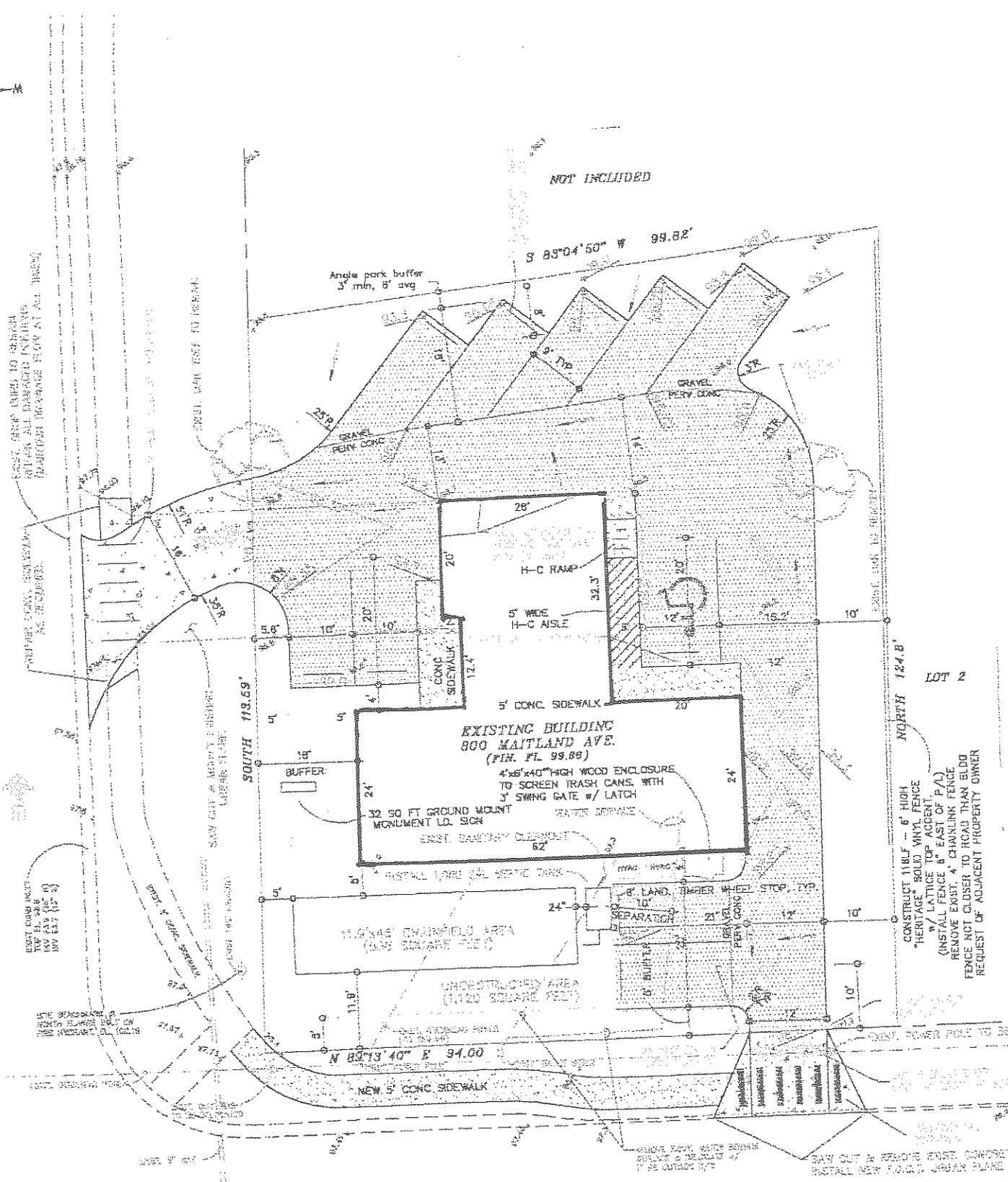
LOT 1 AND THE EAST 29.1 FEET OF LOT 2, BLOCK B, KEEZEK SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 24, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

EXHIBIT "B"

SITE PLAN



MAITLAND AVENUE (83' R/W)



NOT INCLUDED

LOT 2

ROY BOULEVARD (50' R/W)

EXIST. TREE UNDE TO REMAIN
REMOVE ALL DAMAGED TREES
REPLANT INCREASE FLOW AT ALL THRESH

REMOVE EXIST. SIGNAGE
AS REQUIRED

SMALL PARK TREE TO REMAIN

EXIST. CURB W/OUT
TOP FL. 24.8
NO. 143 (15' 5")
BY 8/17/15

5'6" SIDEWALK
NORTH FLANGE PART OF
2005 HOUSING PROJECT

EXIST. SIDEWALK

EXIST. 5' 6"

REMOVE EXIST. SIGNAGE
AS REQUIRED

CONSTRUCT 18" HLF - 6" HIGH
"HERITAGE" SOLID W/M. FENCE
w/ LATTICE TOP W/ WOOD
(INSTALL FENCE 8" EAST OF P/O)
REMOVE EXIST. 4" CHAINLINK FENCE
FENCE NOT CLOSER TO ROAD THAN BLDG
REQUEST OF ADJACENT PROPERTY OWNER