

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** 1711 TIMOCUAN WAY REZONE

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

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Chris Schmidt **EXT.** 7440

<b>Agenda Date</b> <u>02/28/06</u> <b>Regular</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/>
<b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/> <b>Public Hearing – 7:00</b> <input type="checkbox"/>

**MOTION/RECOMMENDATION:**

1. APPROVE a request to rezone 1.03 ± acres from A-1 (Agriculture District) to M-1A (Very Light Industrial District), located at 1711 Timocuan Way, based on staff findings, (George Kosmac, applicant); or
2. DENY a request to rezone 1.03 ± acres from A-1 (Agriculture District) to M-1A (Very Light Industrial District), located at 1711 Timocuan Way, based on staff findings, (George Kosmac, applicant); or
3. CONTINUE the item to a time and date certain.

District 4 – Commissioner Henley

Chris Schmidt, Senior Planner

**BACKGROUND:**

The applicant, George Kosmac representing the Seminole County School Board, is requesting to rezone 1.03 ± acres from A-1 (Agriculture District) to M-1A (Very Light Industrial District). The requested zoning would allow light manufacturing on the subject site. Under the current A-1 zoning designation, 1 dwelling unit per net buildable acre is permitted. Manufacturing however, would not be permitted under the A-1 zoning designation.

<b>Reviewed by:</b> <b>Co Atty:</b> <u>[Signature]</u> <b>DFS:</b> _____ <b>OTHER:</b> _____ <b>DCM:</b> _____ <b>CM:</b> <u>[Signature]</u> <b>File#</b> <u>ph130pdp04</u>
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The Future Land Use designation of the subject site is IND (Industrial), which is consistent with the requested zoning district. The applicant intends to rezone the property to M-1A and market the site.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

On January 11, 2005, the Planning and Zoning Commission voted (7-0) with a recommendation of APPROVAL to a request to rezone 1.03 ± acres from A-1 (Agriculture District) to M-1A (Very Light Industrial District), located at 1711 Timocuan Way.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of a request to rezone 1.03 ± acres from A-1 (Agriculture District) to M-1A (Very Light Industrial District), located at 1711 Timocuan Way, based on staff findings.

Attachments:

Staff Analysis  
Location Map  
FLU/Zoning Map  
Aerial Photo  
Ordinance  
LPA/P&Z January Meeting Minutes

## Timocuan Way (1711) / Z2005-062

Rezone from A-1 to M-1A

<b>APPLICANT</b>	George Kosmac, Deputy Superintendent	
<b>PROPERTY OWNER</b>	Seminole County School Board	
<b>REQUEST</b>	Rezone from A-1 (Agriculture District) to M-1A (Very Light Industrial District)	
<b>PROPERTY SIZE</b>	1.03 ± acres	
<b>HEARING DATE (S)</b>	P&Z: January 11, 2006	BCC: February 28, 2006
<b>PARCEL ID</b>	21-20-30-5AP-0000-064R	
<b>LOCATION</b>	1711 Timocuan Way	
<b>FUTURE LAND USE</b>	IND (Industrial)	
<b>ZONING</b>	A-1 (Agriculture District)	
<b>FILE NUMBER</b>	Z2005-062	
<b>COMMISSION DISTRICT</b>	#4 - Henley	

### Proposed Development:

The applicant is proposing to rezone the site for resale.

### ANALYSIS OVERVIEW:

#### ZONING REQUEST

The applicant, George Kosmac representing the Seminole County School Board, is requesting to rezone 1.03 ± acres from A-1 (Agriculture District) to M-1A (Very Light Industrial District). The subject site is located at 1711 Timocuan Way. The Future Land Use designation of the subject site is IND (Industrial), which permits a maximum 0.65 FAR. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture District) and the requested district of M-1A (Very Light Industrial District):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (M-1A)
Minimum Lot Size	43,560 square feet	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	None
Front Yard Setback	50 feet	50 feet
Side Yard Setback	10 feet	10 feet
(Street) Side Yard Setback	50 feet	50 feet
Rear Yard Setback	30 feet	10 feet
Maximum Building Height	35 feet	35 feet

**PERMITTED & SPECIAL EXCEPTION USES**

The following tables depict the permitted and special exception uses within the existing and proposed zoning districts:

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
A-1 (existing)	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	1 acre

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
M-1A (proposed)	<p>Manufacturing of the following: Garments; Photographic equipment and supplies; Bakery products; Boats; Ceramics, pottery, using electrically fired kilns; chemical products and processing; Dairy products; Electrical machinery /equipment; Furniture; Glass/glass products; Pharmaceutical products; Shoes/leather goods; Candy and confectionery products; Cosmetics and toiletries; Candles; Jewelry; Optical equipment; Perfume; Precision instruments and machinery; Plastic products; Silverware; Spices/spice packing; Stationery; Toys; Electronic equipment/assembling. Beverage bottling/distribution. Cold storage/frozen-food lockers. Data proceeding services. Laundry/dry cleaning, only nonflammable solvents. Living quarters for guards, custodians, and caretakers when such facilities are accessory uses of the premises. Machine shops using only electrically fired forges. Assembling of metal, plastic, or cardboard containers. Post offices. Printing, lithographic /platemaking, engraving, and publishing plants. General business/professional offices. Radio/television studios and offices. Restaurants. Technical/trade schools. Testing of materials, equipment, and products. Truck terminals. Warehouses /storage buildings, providing no storage is done outside. Manufacturing of water-based and/or epoxy-based coatings, adhesives, sealants, and paints. Medical/Out-patient service only. Public/private utility plants, stations /distribution office; restrictions. Cabinetry/woodworking shops. Communication towers, camouflage in design or monopole in design with the tower under 140 feet height.</p>	<p>Heliports and airports; recreational facilities provided by an employer within the district for the exclusive use of employees, their families, and guests; Public and private elementary schools, middle schools, and high schools; Communication towers when lattice or guyed in design; Communication towers when monopole in design if the tower is one hundred forty (140) feet or over in height.</p>	N/A

**COMPATIBILITY WITH SURROUNDING PROPERTIES**

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)

	<b>IND</b> General Commercial <i>C-3 (Warehouse)</i>	<b>IND</b> Single-Family <i>A-1</i> <i>(1 acre lots)</i> <i>(816 sq. ft. residence)</i>	<b>IND</b> Single-Family <i>A-1</i> <i>(1 acre lots)</i> <i>(1,530 sq. ft. residence)</i>	
(West)	<b>IND</b> General Commercial <i>C-3 (Warehouse)</i>	<b>IND</b> Single-Family <i>A-1</i> <i>(1 acre lots)</i>	<b>IND</b> Single-Family <i>A-1</i> <i>(1 acre lots)</i> <i>(1,056 sq. ft. residence)</i>	(East)
	<b>IND</b> General Commercial <i>C-3 (Warehouse)</i>	<b>IND</b> Very Light Industrial <i>M-1A</i>	<b>REC</b> Vacant <i>A-1</i>	

(South)

- **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

**SITE ANALYSIS:**

**ENVIRONMENTAL IMPACTS**

*Floodplain Impacts:*

Based on FEMA map #564 Florida Quadrangle Map, there appear to be no floodplains located on the subject site.

*Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject site.

*Endangered and Threatened Wildlife:*

Based on preliminary analysis, there are no endangered and threatened wildlife on the subject site. A threatened and endangered study along with a species of special concern survey will be required prior to final engineering approval.

**PUBLIC FACILITY IMPACTS**

Rule 9J-5.0055(3)(c), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant is required to undergo Concurrency Review prior to final engineering approval.

The following table depicts the impacts the proposed development will have on public facilities:

Public Facility	Existing Zoning (A-1)	Proposed Development*	Net Impact
Water (GPD)	700	5800	5100
Sewer (GPD)	700	4600	3900
Traffic (ADT)	19	52	33
Schools			
Elementary	1	0	-1
Middle	1	0	-1
High	1	0	-1

\* Proposed development is based on the permitted FAR of 0.65 using gross acreage (Industrial Future Land Use).

*Utilities:*

The site is located in the service area of Seminole County and will be required to connect to public utilities. There is an 8-inch water main on the east side of Timocuan Way and a 12-inch force main on the west side of Timocuan Way. This parcel is in the ten-year master plan for reclaimed water and will require dry lining for reclaimed water. An alternative source for water, such as a shallow well, will be required until reclaimed water becomes available. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

*Transportation / Traffic:*

The site accesses Timocuan Way, which is classified as a 2-lane local road. Staff has determined that no off-site improvements are required. Timocuan Way is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

*School Impacts:*

The proposed project will consist of M-1A (Very Light Industrial District) uses and will not generate any school age children.

*Public Safety:*

The nearest response unit to the subject site is Station # 17, which is located at 400 Wayman Street. Based on a response time of 2 minutes per mile, the estimated response time to the subject site is 4.2 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

*Drainage:*

The proposed project is located within the Soldiers Creek Drainage Basin. Compliance with drainage on retention requirements will be evaluated in more detail prior to final engineering approval.

*Parks, Recreation and Open Space:*

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in common open space. Per Section 30.1344 (e), the common open space may include landscape buffers, as well as the preservation of floodplain areas, wetlands and other natural resources. The proposed request is for straight zoning, which does not require a site plan. Compliance with open space requirements will be verified during the site plan review process.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

This project does not warrant running the County Fiscal Impact Analysis Model.

**SPECIAL DISTRICTS**

The subject site is not within any Special Districts.

**COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

- |                |                                |
|----------------|--------------------------------|
| Policy FLU 2.5 | Transitional Land Uses         |
| Policy POT 4.5 | Potable Water Connection       |
| Policy SAN 4.4 | Sanitary Sewer Connection      |
| Policy PUB 2.1 | Public Safety Level-of-Service |

**INTERGOVERNMENTAL NOTIFICATION:**

Intergovernmental notices were not required; the subject site is not within or directly adjacent to any local municipality and will not impact schools.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

On January 11, 2005, the Planning and Zoning Commission voted (7-0) with a recommendation of APPROVAL to a request to rezone 1.03 ± acres from A-1 (Agriculture District) to M-1A (Very Light Industrial District), located at 1711 Timocuan Way.

**LETTERS OF SUPPORT OR OPPOSITION:**

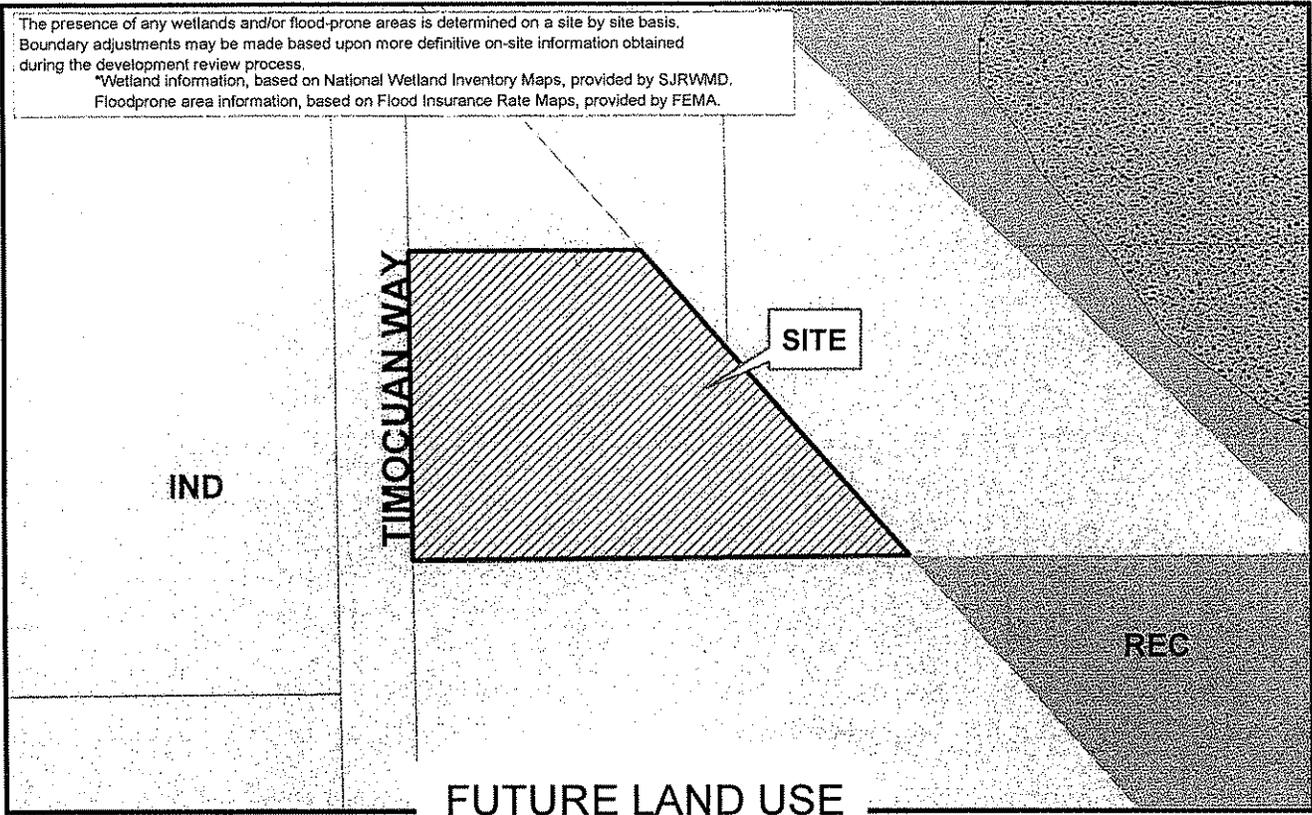
At this time, Staff has received no letters of support or opposition.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request to rezone 1.03 ± acres from A-1 (Agriculture District) to M-1A (Very Light Industrial District), located at 1711 Timocuan Way.



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.

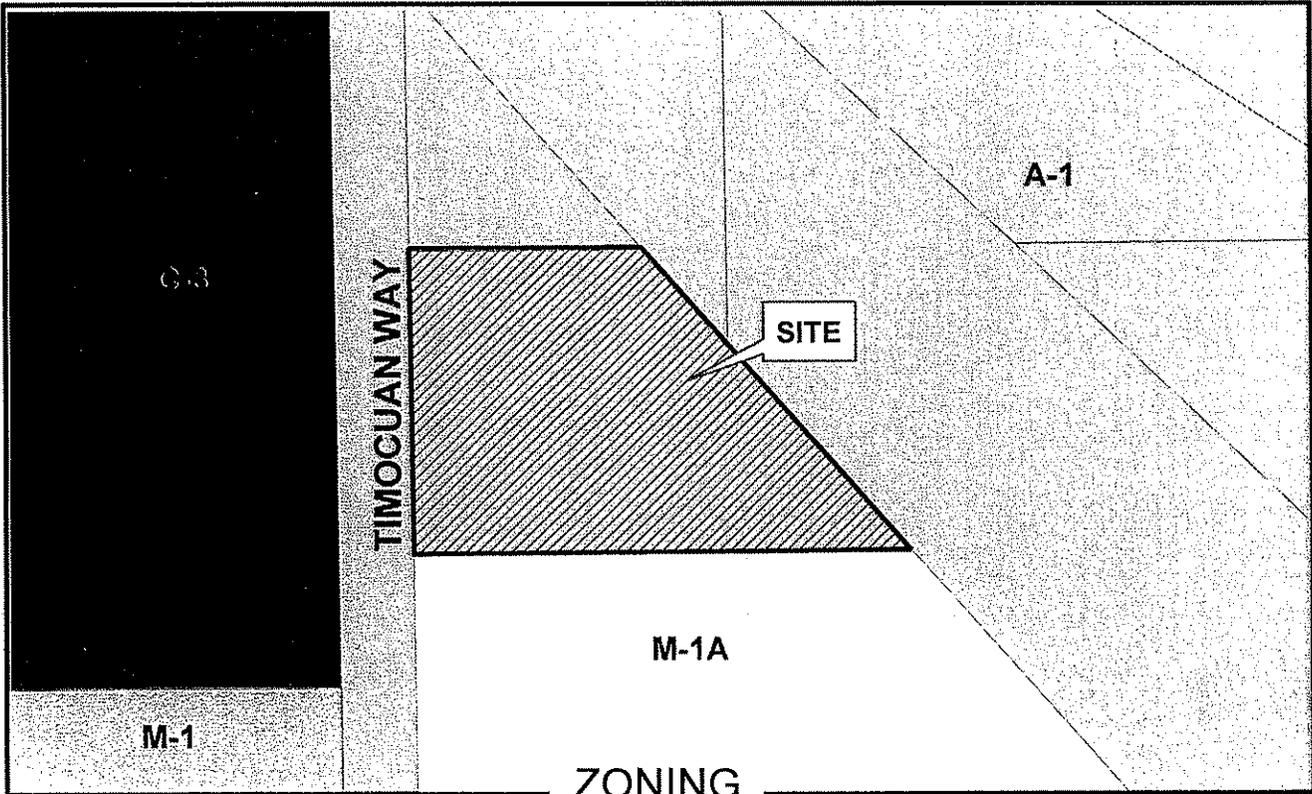


**FUTURE LAND USE**

Site  
  Municipality  
 IND  
  REC  
  CONS

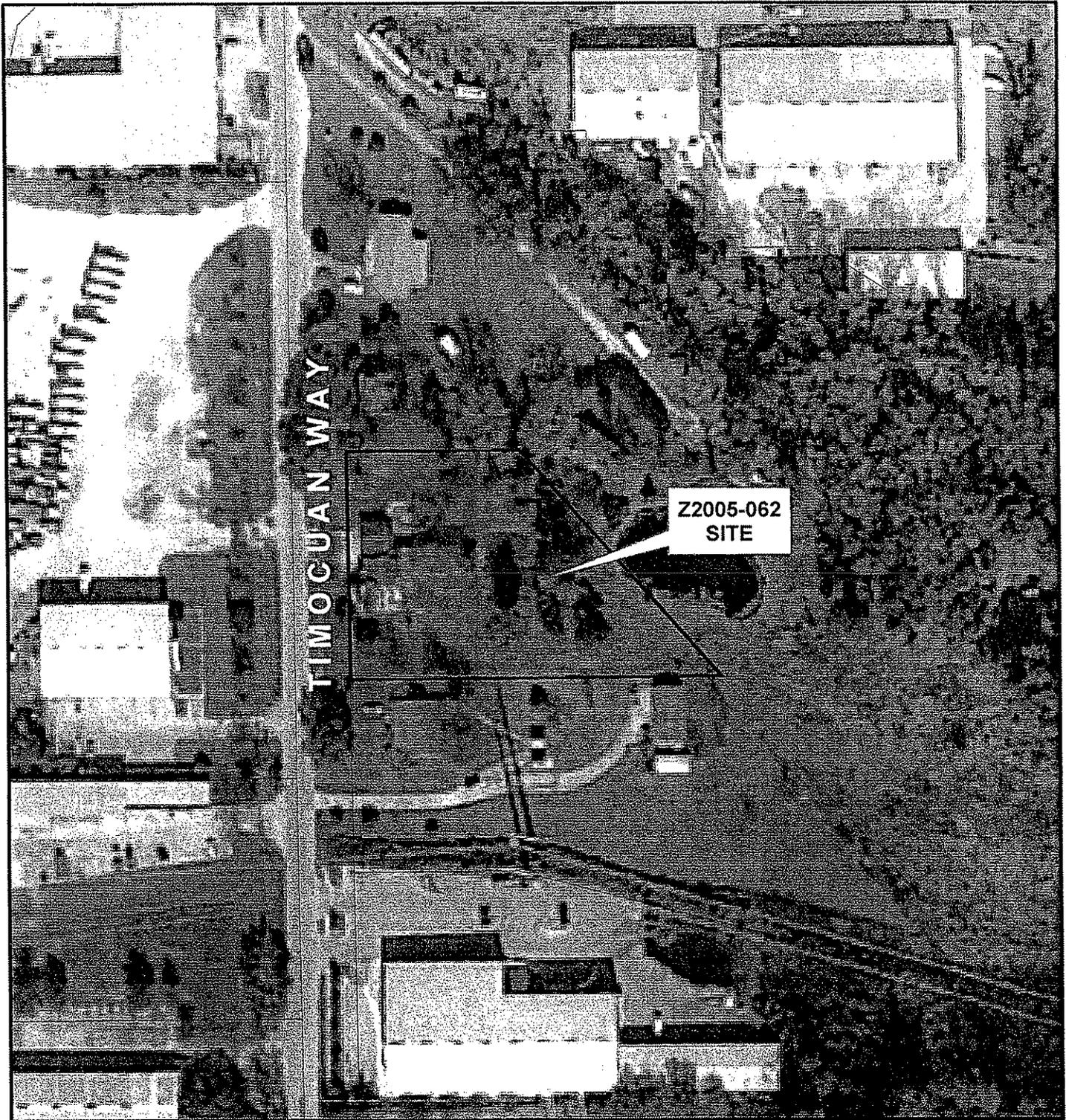
Applicant: George Kosmack, Deputy Sup.  
 Physical STR: 21-20-30-5AP-0000-064R  
 Gross Acres: 1.99 BCC District: 4  
 Existing Use: Vacant Wasteland  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-062	A-1	M-1A



**ZONING**

A-1  
  C-3  
  M-1A  
  M-1  
  FP-1  
  W-1



Rezone No: Z2005-062  
From: A-1 To: M-1A

-  Parcel
-  Subject Property



January 2004 Color Aerials

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE DISTRICT) ZONING CLASSIFICATION THE M-1A (VERY LIGHT INDUSTRIAL DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; 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 "Timocuan Way (1711) Rezone".

(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 A-1 (Agriculture District) to M-1A (Very Light Industrial District):

Beginning 985.56 feet W of SE corner of Lot 66 Run N 40 Degrees 31 Min 21 Sec W 868.08 feet S 550.56 ft E 198.01 ft S 73 degrees 42 Minutes 1 Second E 395.43 feet to beginning (\*Less N 180 feet + S 170.38 feet measured along W Line) Spring Hammock PB2, Pg 2

**Section 3. 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 4. 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 #    in the Official Land Records of Seminole County.

ENACTED this 28th day of FEBRUARY 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION  
JANUARY 11, 2006**

**Members present:** Rob Wolf, Beth Hattaway, Matt Brown, Ben Tucker, Dudley Bates, Walt Eismann, and Jason Brodeur.

**Also present:** Dan Matthys, Director of Planning & Development; Tony Walter, Planning Manager; Tom Radzai, Senior Engineer; Tyrone K. Smith, Senior Planner; Chris Schmidt, Senior Planner; Kim Laucella, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant.

**E. 1711 Timocuan Way Rezone; Seminole County School Board / George Kosmac, Deputy Superintendent, applicant;** approximately 1.03 acres; Rezone from A-1 (Agriculture District) to M-1A (Light Industrial District); located at 1711 Timocuan Way, approximately .15 miles south of General Hutchinson Parkway. (Z2005-062)

Commissioner Carey – District 5  
Chris Schmidt, Senior Planner

Chris Schmidt stated that the applicant is requesting to rezone 1.03 ± acres from A-1 (Agriculture District) to M-1A (Very Light Industrial District). The Future Land Use designation of the subject site is IND (Industrial). Staff recommends approval of a request based on staff findings.

No one from the audience asked any questions.

Commissioner Tucker asked Mr. Kosmac for the status of the contamination on the site.

Scott Stegall, Director of Capital Outlay, spoke on behalf of the School Board, stating that environmental concerns stem from the time when this was a school transportation site. The school district acquired the site to remediate the issues that had arisen while they used the site. All contamination on the site has been remediated. There is a “no further action” on the site. We would like to rezone this property to its best and highest use so that it can be sold.

Chairman Tucker asked how the contamination was remediated.

Mr. Stegall said that it basically dissipated. The plume of gasoline that went into the ground from the site has gone away. Following two successful, clear monitoring tests, the site is declared clean, following a DEP review.

Commissioner Tucker asked about the status of the other parcels adjacent to this one, zoned for residential purposes.

Mr. Stegall said that they were clear of contamination.

Commissioner Tucker asked if a shallow well would be required for irrigation.

Mr. Matthys said that it would be required.

Commissioner Tucker said that he wanted to be sure that all of the contamination had been removed, so that the County would not have to buy the property back from the next owner.

**Commissioner Brown made a motion to recommend approval with staff conditions.**

**Commissioner Hattaway seconded the motion.**

**The motion passed 7 – 0.**