

ITEM # 51

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: W. SR 46/C&C Plaza – Lot 1 Rezone

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

AUTHORIZED BY: Dan Matthys **CONTACT:** April Boswell EXT. 7440

Agenda Date <u>02/28/06</u> Regular <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"/>

MOTION/RECOMMENDATION:

1. APPROVE the request and enact an ordinance to rezone 1.0 ± acre from A-1 (Agriculture District) to C-1 (Retail Commercial District), located on the north side of West SR 46, approximately 830 feet east of Orange Boulevard, based on staff findings, (Young Bok Kim, applicant); or
2. DENY of a request to rezone 1.0 ± acre from A-1 (Agriculture District) to C-1 (Retail Commercial District), located on the north side of West SR 46, approximately 830 feet east of Orange Boulevard, based on staff findings, (Young Bok Kim, applicant); or
3. CONTINUE the item to a time and date certain.

District 5 – Commissioner Carey April Boswell, Assistant Planning Manager

BACKGROUND:

The applicant is requesting to rezone 1.0 ± acre from A-1 (Agriculture District) to C-1 (Retail Commercial District). The requested zoning permits retail commercial uses. Under the current A-1 zoning designation, a minimum of 1 dwelling unit per net buildable acre is permitted. Retail commercial however, would not be permitted under the zoning designation.

Reviewed by: <u>[Signature]</u> Co Atty: <u>[Signature]</u> DFS: _____ OTHER: _____ DCM: <u>[Signature]</u> CM: <u>[Signature]</u> File# <u>ph130pdp05</u>

The Future Land Use designation of the subject site is COM (Commercial), which is consistent with the requested zoning district. The applicant intends to rezone the property and develop the site with C-1 commercial uses.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On January 11, 2006, the Planning and Zoning Commission voted (7-0) with a recommendation of APPROVAL of the request to rezone approximately 1.0 ± acre from A-1 (Agriculture District) to C-1 (Retail Commercial District), located on the north side of West SR 46, approximately 830 feet east of Orange Boulevard.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to rezone approximately 1.0 ± acre from A-1 (Agriculture District) to C-1 (Retail Commercial District), located on the north side of West SR 46, approximately 830 feet east of Orange Boulevard, based on staff findings.

Attachments:

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

W SR46 / C7C Plaza - Lot Rezone / Z2005-070

Rezone from A-1 to C-1

APPLICANT	Young Bok Kim	
PROPERTY OWNER	Orange 46 Plaza LLC	
REQUEST	Rezone from A-1 (Agriculture District) to C-1 (Retail Commercial District)	
PROPERTY SIZE	1.0 ± acres	
HEARING DATE (S)	P&Z: January 11, 2006	BCC: February 28, 2006
PARCEL ID	30-19-30-514-0000-0010	
LOCATION	North side of West SR 46, approximately 830 feet east of Orange Boulevard	
FUTURE LAND USE	COM (Commercial)	
ZONING	A-1 (Agriculture District)	
FILE NUMBER	Z2005-032	
COMMISSION DISTRICT	#5 – CAREY	

Proposed Development:

The applicant is proposing to develop the site with C-1 commercial uses.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Young Bok Kim, is requesting to rezone 1.0 ± acre from A-1 (Agriculture District) to C-1 (Retail Commercial District). The subject property is located on the north side of West SR 46, approximately 830 feet east of Orange Boulevard. The Future Land Use designation of the subject property is COM (Commercial), which permits a maximum 0.35 FAR. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of C-1 (Retail Commercial District):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (C-1)
Minimum Lot Size	43,560 square feet	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	N/A
Front Yard Setback	50 feet	*50 feet
Side Yard Setback	10 feet	0 feet
(Street) Side Yard Setback	50 feet	25 feet
Rear Yard Setback	30 feet	10 feet
Maximum Building Height	35 feet	35 feet

*SR 46 Gateway Corridor requirement

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
<p>A-1 (existing)</p>	<p>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.</p>	<p>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.</p>	<p>1 acre</p>

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
C-1 (proposed)	Any use permitted in the CS District. Amusement and commercial recreation within an enclosed building. Appliance stores. Bakeries, where all goods are sold on premises at retail. Banks. Churches. Day nurseries, kindergartens. Employment agencies. Funeral homes. Furniture stores. Hardware stores. Laundrettes and laundromats. Pet stores. Plant nurseries. Private clubs and lodges. Quick print shops. Radio and television broadcasting studios, excluding towers. Radio and television sales and service. Restaurants, but not drive-in. Theatres, but not drive-in. Multifamily housing - such as condominiums, apartments and townhouses of medium to high density. Density and design criteria must conform to the standards for properties assigned the R-3 zoning classification. Above-store or above-office flats. Dry cleaners utilizing a dry cleaning machine, found to be similar in nature by the Planning Manager, which provide dry cleaning services to only those customers bringing clothing and other materials to the site for service; provided, however, that this provision shall not apply to dry cleaning businesses with pick-up service or satellite facilities or to a dry cleaning plant. Veterinary clinics with no overnight boarding except for animals being treated on the premises at the time of their boarding. Communication towers when camouflage in design.	Alcoholic beverage establishments. Public utility structures. Gasoline pumps as an accessory use. Living quarters, in conjunction with a commercial use, to be occupied by the owner or operator of the business or an employee. Hospitals and nursing homes. All communication towers which are not permitted uses. Parking of semi-tractor trailers and cargo trailer boxes in rural areas for the sale of feed, hay, or other agricultural products when such products are offered for retail sale from said trailer and when the trailer is located outside of the urban/rural boundary. Trailers must be mobile and used on an interim basis until exchanged for a like trailer.	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)

	COM Vacant <i>C-1</i>	LDR Single-Family <i>R-1A</i> (9,000 sq. ft. lots) (2,200 sq. ft. residence)	LDR Single-Family <i>R-1A</i> (9,000 sq. ft. lots) (2,100 sq. ft. residence)	
(West)	COM Vacant <i>C-1</i>	COM Vacant <i>A-1</i>	COM Vacant <i>A-1</i>	(East)
	OFF Vacant <i>A-1</i>	OFF Roadway/Church <i>OP</i>	OFF Roadway/Church <i>OP</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 #539 Florida Quadrangle Map, there appears to be no floodplains located on the subject property.

Wetland Impacts:

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

Endangered and Threatened Wildlife:

Based on preliminary analysis, there are no endangered and threatened wildlife on the subject property. 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 has on public facilities:

Public Facility	Existing Zoning (A-1)	Proposed Development*	Net Impact
Water (GPD)	700	4,269	3,569
Sewer (GPD)	700	3,202	2,502
Traffic (ADT)	10	492	482
Schools			
Elementary	1	0	-1
Middle	1	0	-1
High	1	0	-1

* Proposed development on straight zoning is based on the permitted FAR of 0.35 using gross acreage.

Utilities:

The site is located in the Seminole County service area and will be required to connect to public utilities. There is a 12-inch water main on the north side of SR 46 and a 12-inch water main on the east side of Orange Blvd. There is a 12-inch force main on the north side of SR 46. The applicant will be required to connect to the 20-inch reclaim water main on the south side of SR 46. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property accesses SR 46, which is classified as a 4-lane divided major arterial road. SR 46 is currently operating at a level of service "C". State Road 46 is not currently programmed to be improved according to the County 5-year Capital Improvement Program; however SR 46 is one of the potential alignments of the Western Beltway extension. Staff has determined the access to the site from SR 46 will be right in/right out only.

School Impacts:

The proposed project will consist of C-1 (Retail Commercial District) uses and will not generate any school age children.

Public Safety:

The nearest response unit to the subject property is Station # 34, which is located at 4905 West SR 46. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 2.4 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 Lake Monroe Drainage Basin. If the proposed development is unable to secure legal positive outfall for discharge, the site shall retain all runoff resulting from the 100- year design storm as computed for the developed condition.

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.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is within the SR 46 Gateway Corridor District. The applicant will be required to comply with all policies applicable to the SR 46 Gateway Corridor District including, but not limited to, increased setbacks.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

- Policy FLU 14.7 SR 46 Roadway Corridor Overlay
- Policy CON 1.8: Conservation Overlay District
- 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, 2006, the Planning and Zoning Commission voted (7-0) with a recommendation of APPROVAL of the request to rezone 1.0 ± acre from A-1 (Agriculture District) to C-1 (Retail Commercial District), located on the north side of West SR 46, approximately 830 feet east of Orange Boulevard.

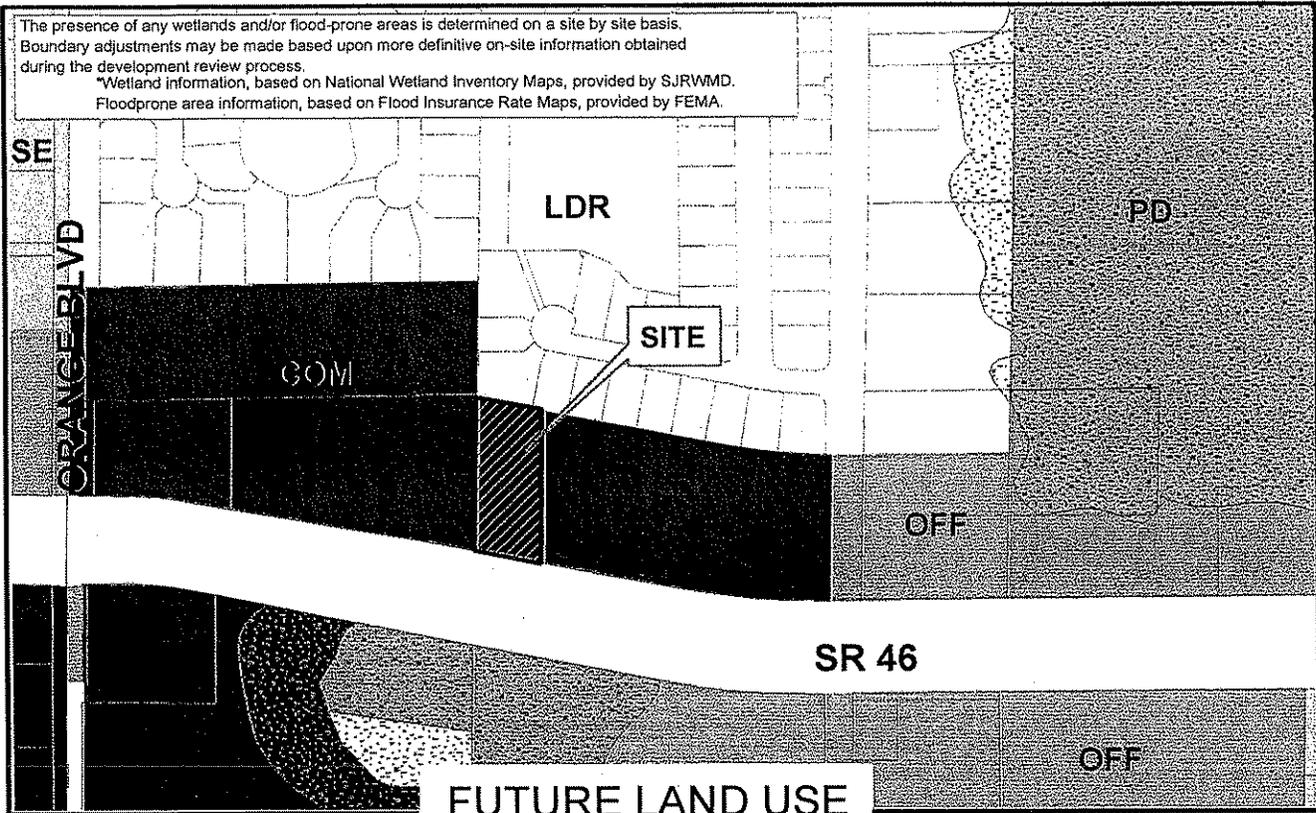
LETTERS OF SUPPORT OR OPPOSITION:

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

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 1.0 ± acre from A-1 (Agriculture District) to C-1 (Retail Commercial District), located on the north side of West SR 46, approximately 830 feet east of Orange Boulevard.

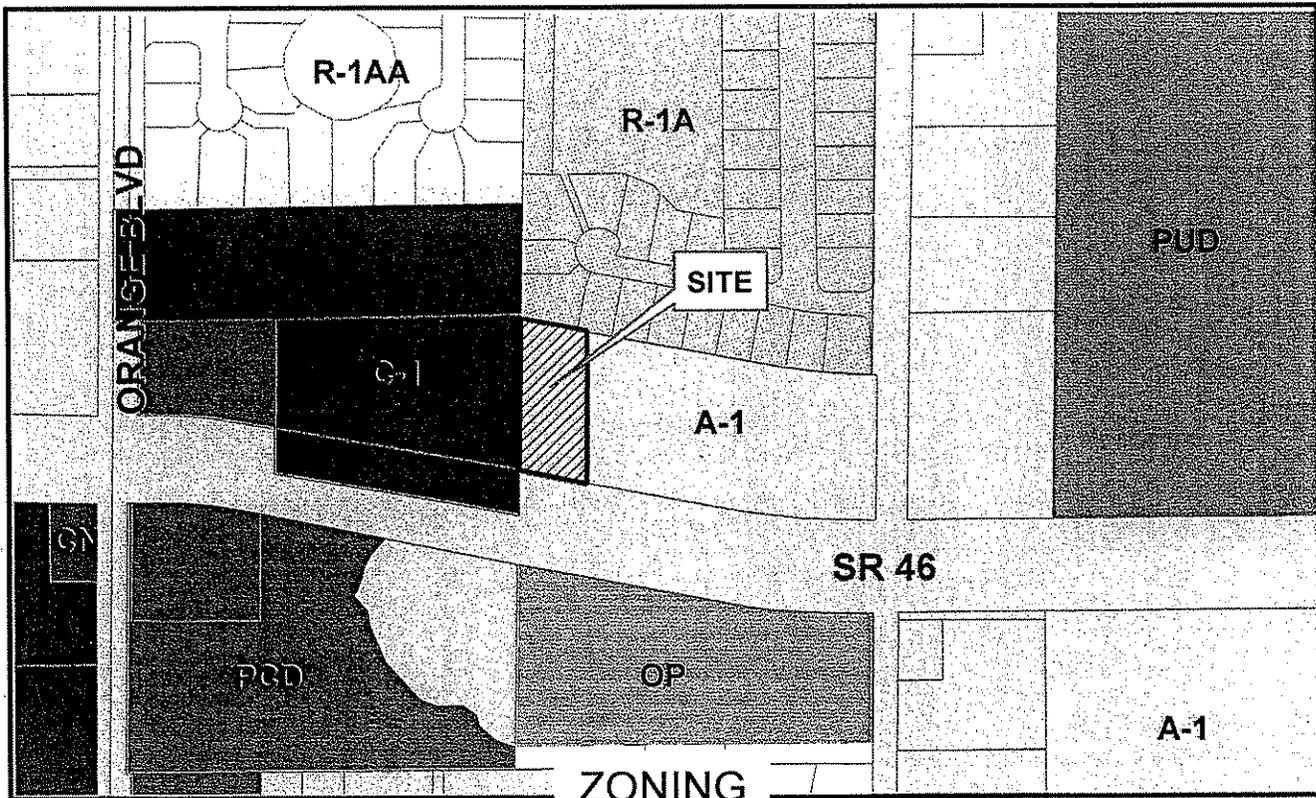
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



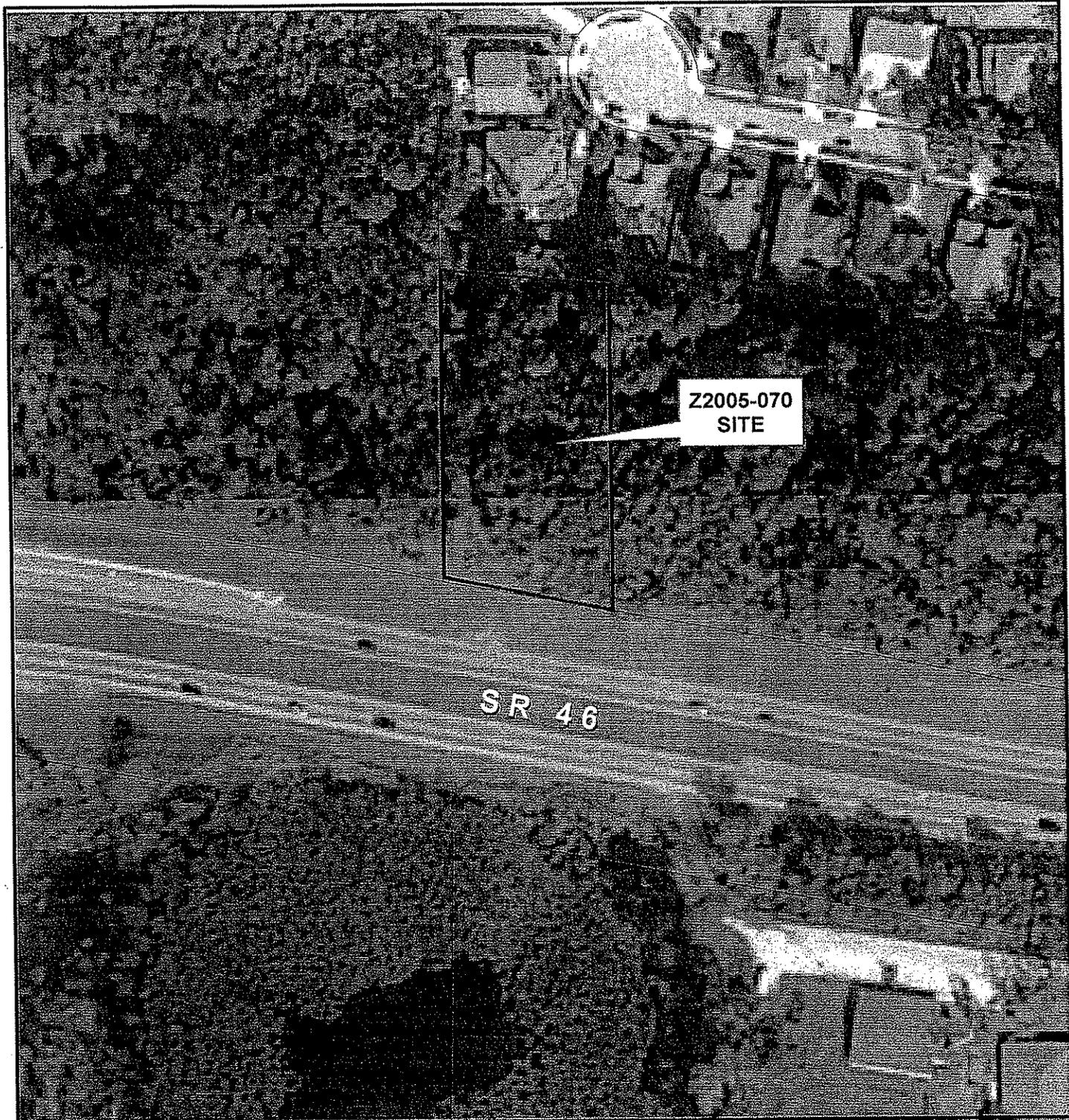
Site
 Municipality
 LDR
 OFF
 COM
 SE
 PD
 CONS

Applicant: Young Bok Klm
 Physical STR: 30-19-30-514-0000-0010
 Gross Acres: 1 acre +/- BCC District: 5
 Existing Use: Vacant Office Professional
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	—	—	—
Zoning	Z2005-070	A-1	C-1



A-1
 R-1A
 R-1AA
 CN
 C-1
 PCD
 OP
 PUD
 FP-1
 W-1



Rezone No: Z2005-070
From: A-1 To: C-1

-  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 C-1 (RETAIL COMMERCIAL 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 "W SR46 / C&C Plaza – Lot 1 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 C-1 (Retail Commercial District):

Lot 1, C & C Plaza, According to the plat thereof as recorded in Plat Book 68, Pages 28 and 29, Public Records of Seminole County, Florida.

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 Radzaj, Senior Engineer; Tyrone K. Smith, Senior Planner; Chris Schmidt, Senior Planner; Kim Laucella, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant.

F. W SR 46/C&C Plaza Rezone; Young Bok Kim, applicant; approximately 1 acre; Rezone from A-1 (Agriculture District) to C-1 (Commercial District); located on the north side of W SR 46, approximately 830 feet east of Orange Blvd. (Z2005-070)

Commissioner Carey - District 5
Chris Schmidt, Senior Planner

Chris Schmidt stated that the applicant is requesting to rezone 1.0 acres from A-1 (Agriculture District) to C-1 (Retail Commercial District). The Future Land Use designation of the subject site is COM (Commercial). Staff recommends approval of a request to rezone based on staff findings.

Commissioner Brown asked for the name of the subdivision located behind the subject property.

Mr. Schmidt stated that it was Forest Glen.

Greg Wilson represented the owners of the property. He stated that he concurred with the conditions presented by the staff.

Margaret Anthony of the Forest Glen Homeowners' Association asked what kind of retail office would be in the site.

Commissioner Tucker said that the zoning requested would allow a variety of uses. Tonight only the zoning was being considered.

Loretta Talley of 5495 Glen Oak Place asked about the type of commercial business that could be set up on only one acre. She also wanted to know the buffers and setbacks that pertained to the property.

Commissioner Tucker stated that such things are considered at the time of site plan approval. This is not a site plan approval tonight.

Dan Matthys stated that the public can attend the Development Review Committee meeting for the site plan.

Greg Frey of 5474 Glen Oak Place was concerned with flooding from the site.

Commissioner Tucker pointed out that any development of the site would have to conform to the engineering codes of Seminole County.

Doreena Doro of 5489 Forest Glen was concerned about the wild life and the disturbance of the forest. She also was concerned with this business going in and the future expansion of SR 46.

There were no further speakers from the floor.

Greg Wilson stated that he would comply with the code and where a buffer is required, a natural buffer will be there. This may become a dry cleaners, with the other half of the building leased out.
The public hearing was now closed.

Commissioner Brown asked about the lighting code and if boxed lighting would be used.

Dan Matthys stated that there is a lighting ordinance requiring boxed lighting.

Commissioner Wolf asked about buffers.

Chris Schmidt stated that 15 to 25 foot active/passive buffers were required.

Dan Matthys said that he would meet with citizens about the uses on the property.

Commissioner Brodeur made a motion to recommend approval with staff conditions.

Commissioner Bates seconded the motion.

The motion passed 7 – 0.