

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** Pacific Atlantic Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (Cayetano and Cristeta Cruzada, applicants)

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

**AUTHORIZED BY:** Donald Fisher **CONTACT:** Jeff Hopper EXT. 7431

Agenda Date <u>3/11/03</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>		Public Hearing – 7:00 <input checked="" type="checkbox"/>	

**MOTION/RECOMMENDATION:**

1. APPROVE the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office on 0.27 acres per findings presented in the attached Staff Report (Cayetano and Cristeta Cruzada, applicants); or
2. DENY the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office on 0.27 acres (Cayetano and Cristeta Cruzada, applicants); or
3. Continue the item to a time and date certain.

District 1 – Maloy

Jeff Hopper, Senior Planner

**BACKGROUND:**

The applicant purchased the subject property, originally developed as a single family home, and attempted to establish an office use on the property. However, the existing zoning is A-1, the future land use designation is Low Density Residential, and office uses are not currently permitted on the site. In order to be allowed a more intensive use of the property, the applicant is requesting a land use amendment to Office and rezone to RP (the rezone request and accompanying site plan will be presented at a future hearing).

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested land use amendment per the findings presented in the attached staff report.

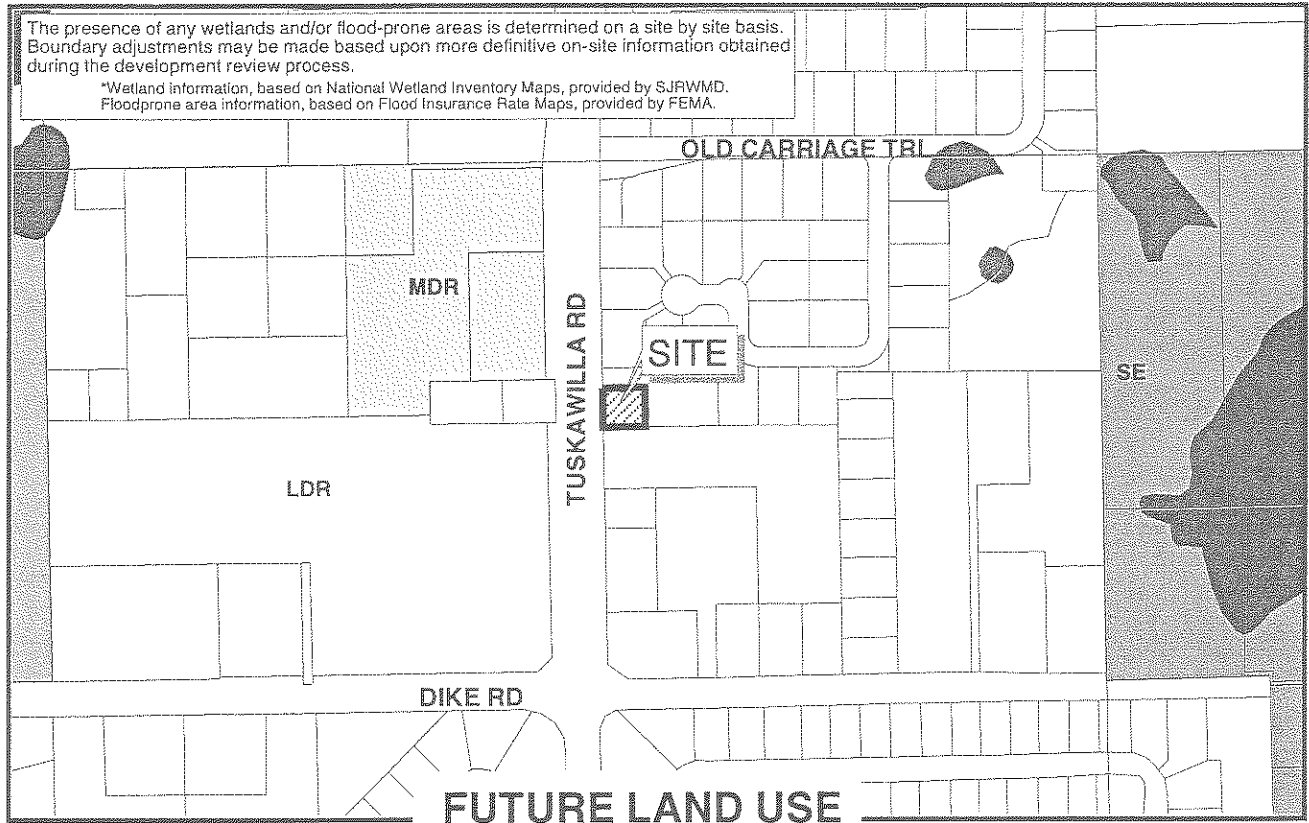
Reviewed by:	<u>SR</u>
Co Atty:	
DFS:	
OTHER:	<u>MM</u>
DCM:	<u>SS</u>
CM:	<u>JK</u>
File No.	ph700pdp06

**PLANNING & ZONING COMMISSION RECOMMENDATIONS:**

The Planning & Zoning Commission voted 7-0 to recommend DENIAL of the request.

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.

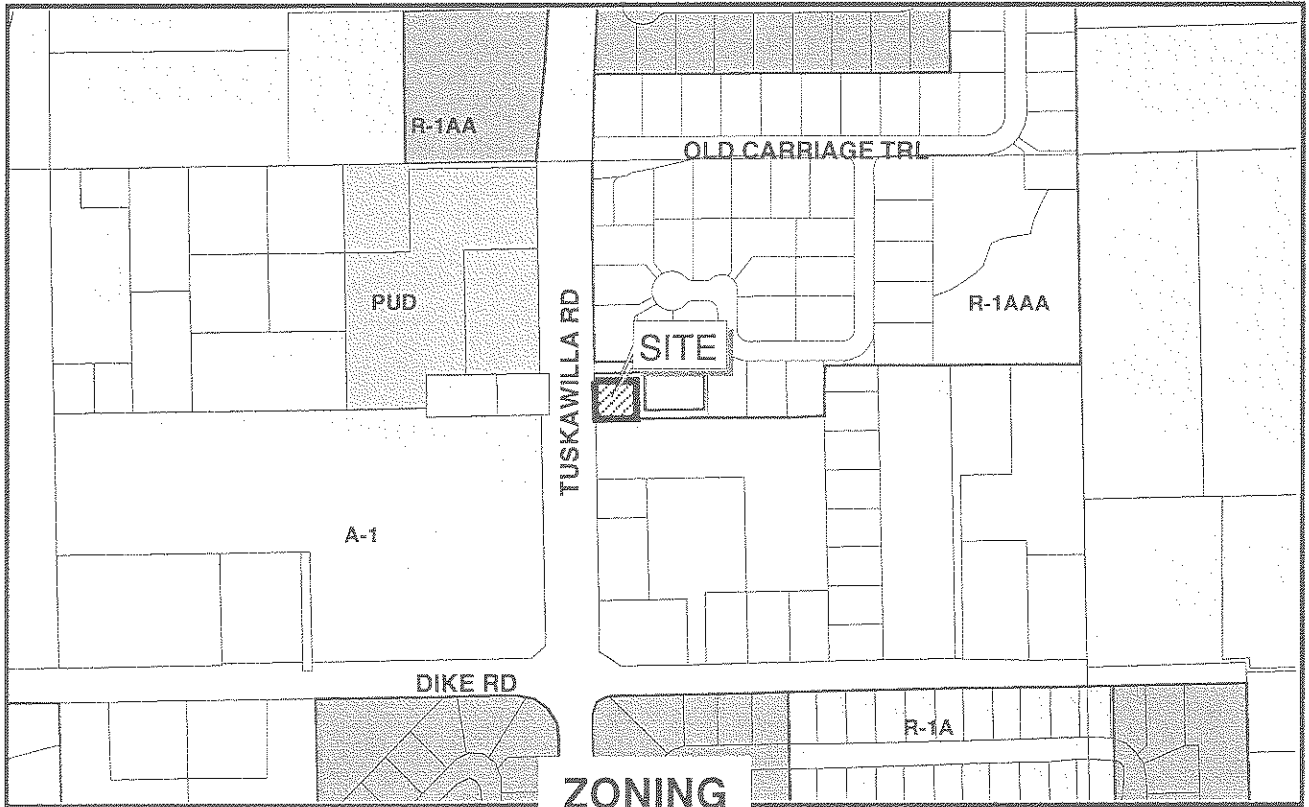
\*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site   
  Municipality   
  SE   
  LDR   
  CONS   
  PUB   
  MDR

Applicant: Cayetano R. and Cristeta M. Cruzada  
 Physical STR: 25-21-30-300-0040-0000  
 Gross Acres: 0.27 BCC District: 1  
 Existing Use: Single Family Residence  
 Special Notes: \_\_\_\_\_

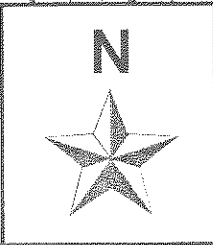
	Amend/ Rezone#	From	To
FLU	02-11SS.01	LDR	OFF
Zoning	Z2002-029	A-1	OP



A-1   
  R-1A   
  R-1AA   
  R-1AAA   
  PUD



Amendment No. 02-11SS.01  
From: LDR To: OFF  
Rezone No. Z2002-029  
From: A-1 To: OP  
□ Subject Property  
□ Parcelbase



February 1999 Color Aerials

## ***Pacific Atlantic Staff Report***

<b>Low Density Residential (LDR) to Office</b>		<b>Amendment (11-02SS.01 &amp; Z2002-029)</b>
<b>REQUEST</b>		
<b>APPLICANT</b>	Cayetano & Cristeta Cruzada	
<b>PLAN AMENDMENT</b>	Low Density Residential (LDR) to Office	
<b>REZONING</b>	NA	
<b>APPROXIMATE GROSS ACRES</b>	0.27	
<b>LOCATION</b>	East side of Tuskawilla Rd., 0.1 mile north of Dike Rd.	
<b>BCC DISTRICT</b>	District 1 – Maloy	
<b>RECOMMENDATIONS AND ACTIONS</b>		
<b>STAFF RECOMMENDATION</b>	Recommend adoption of the Office future land use designation, as proposed.	
<b>PLANNING &amp; ZONING COMMISSION RECOMMENDATION</b>	On February 19, 2003 the Planning & Zoning Commission voted 6-1 to recommend DENIAL of the request.	

## ***STAFF ANALYSIS***

<b>Low Density Residential (LDR) to Office</b>	<b>Amendment (11-02SS.01 &amp; Z2002- 029)</b>
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1. Property Owners: Cayetano & Cristeta Cruzada
2. Tax Parcel Number: 25-21-30-300-0040-0000

3. **Development Trends:** Development along this section of Tuskawilla Road is primarily low-density single family residential, with certain supporting nonresidential uses, such as churches and day care facilities, permitted by Special Exception. The designated future land use of most surrounding properties is LDR. However, Medium Density Residential was approved in November of 2002 on a 6.7 acre site opposite the subject property on the west side of Tuskawilla Road. (Also, there is a proposal by the Board of County Commissioners to assign Office land use to 4 parcels near the subject property on the east side of Tuskawilla Road.) Higher intensity commercial and residential uses in the vicinity of Red Bug Lake Road have been limited to areas north of Howell Creek.

**SITE DESCRIPTION**

1. **EXISTING AND PERMITTED USES:** The future land use designation of Low Density Residential, currently assigned to the subject property, permits single family residential development at a maximum density of 4 dwelling units per acre. Existing A-1 zoning allows agricultural and related low-intensity uses. (The applicant is currently operating a mortgage office from the existing single family home on the site. This violation is currently being pursued by Code Enforcement.)

Location	Future Land Use*	Zoning*	Existing Use
Site	Low Density Residential (LDR)	A-1	office
North	Low Density Residential (LDR)	A-1	single family residential
South	Low Density Residential (LDR)	A-1	day care facility
East	Low Density Residential (LDR)	A-1	single family residential
West	Low Density Residential (LDR) and Medium Density Residential (MDR)	A-1 and PUD	single family residential, townhouses (approved)

• See enclosed future land use and zoning maps for more details.

**COMPREHENSIVE PLAN CONSISTENCY**

2. **PLAN PROGRAMS** - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a

description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

**Summary of Program Impacts:** The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is via Tuskawilla Road, an Arterial road. The existing Level of Service (LOS) on this portion of Tuskawilla Road is "B", with an adopted LOS standard of "E".

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County*

The subject property is within the Seminole County water and sewer service area. Water and sewer service are currently available to the site

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Station #27 (Red Bug Station). Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

**3. REGULATIONS** - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a*

determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities.

**B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The site contains less than 5% wetlands or flood prone areas, and can be developed within requirements of the Vision 2020 Plan and Land Development Code.

**C. Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

**4. DEVELOPMENT POLICIES** - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

**A. Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation of compatibility, the proposed Planned Development land use would be consistent with Plan policies identified at this time and therefore is consistent with the Vision 2020 Plan.



Applicable Plan policies include, but are not limited to, the following:

**Transitional Land Uses:** *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

"Exhibit FLU: Appropriate Transitional Land Uses" indicates that Office use is an appropriate transitional use adjacent to Low Density Residential (LDR) with sensitive site design elements such as sufficient buffers, limited building heights, architectural controls, and limited hours of operation. These and other issues, including on-site parking, shall be addressed through site plan review in conjunction with the applicant's pending request for an RP zoning classification.

Other applicable plan policies include:

*FLU 2.1 Subdivision Standards.  
FLU 2.2: Regulation of Active Uses.  
FLU 5.5: Water and Sewer Service Expansion  
Office Future Land Use Definition*

**B. Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM LOW DENSITY RESIDENTIAL TO OFFICE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

**WHEREAS**, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

**WHEREAS**, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

**WHEREAS**, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on February 19, 2003, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

**WHEREAS**, the Board of County Commissioners held a Public Hearing on March 11, 2003, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

**WHEREAS**, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Tuskawilla Administrative Land Use Amendment Staff Report".

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners 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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by amending the

future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS APPENDIX "A"

<u>Amendment Number</u>	<u>Amendment</u>
01-03SS.02	Amendment from Low Density Residential to Office

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) 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 and 163.3187, Florida Statutes.

This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 11th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

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

EXHIBIT A

LEGAL DESCRIPTION:

LEG SEC 25 TWP 21S RGE 30E N 170 FT OF S 190 FT OF E 275 FT OF W 300 FT OF NE 1/4 OF NE 1/4 (LESS RDS)

LEG SEC 25 TWP 21S RGE 30E S 210 FT OF N 465 FT OF W 210 FT OF SW 1/4 OF NE 1/4 OF NE 1/4 (LESS RD)

LEG SEC 25 TWP 21S RGE 30E S 105 FT OF N 255 FT OF W 210 FT OF SW 1/4 OF NE 1/4 OF NE 1/4 (LESS RD)

SEC 25 TWP 21S RGE 30E BEG 515 FT S OF NW COR OF NE 1/4 OF NE 1/4 RUN S 45 FT E 185 FT S 100 FT E 173 FT N 145 FT W TO BEG

*Minutes for the Seminole County  
LPA/P&Z Board*

**WEDNESDAY, FEBRUARY 19, 2003  
7:00 P.M.**

**Members present:** Alan Peltz, Dick Harris, Chris Dorworth, Thomas Mahoney, Ben Tucker, Beth Hattaway, and Dudley Bates

**Also present:** Matt West, Planning Manager, Mahmoud Najda, Development Review Manager, Kent Cichon, Financial Manager, Jeff Hopper, Senior Planner, Rob Walsh, Principal Coordinator, Cynthia Sweet, Planner, and Candace Lindlaw-Hudson, Sr. Staff Assistant.

**F. Pacific Atlantic; Cayetano R. & Cristeta M. Cruzada, applicants;**  
approximately 0.27 acre; Small Scale Land Use Amendment from Low Density Residential to Office east side of Tuskawilla Road, 650 feet north of Dike Road; (Z2002-029)  
Commissioner Maloy - District 1  
Planner

Jeff Hopper, Senior Planner

Jeff Hopper stated that the applicant has filed an application for Residential-Professional (RP) zoning to be considered at a later date. Staff recommendation was for approval.

Cyril Crusada stated that he lives in the area. Tuskawilla Road has gone from 2 to 6 lanes. No one wants to move to this location. He will be meeting with his district Commissioner to discuss compatible uses here.

Tom Philips of Tuskawilla Learning Center said that this lot is too small to be an office. Cars must back out onto the road. There is no place to put cars on this lot. People passing on sidewalks are blocked from passage now. They must walk in the street.

Patrick Begley of 4528 Old Carriage Trail said that the owner has a business there now. There is a sign on the property.

Commissioner Bates asked if this site is currently residential.

Mr. Crusada said that it was.

Matt West stated that the owner is running a mortgage company there. This use is too intense. It is currently a code enforcement issue.

**Commissioner Harris made a motion to deny the request.**

**Commission Peltz seconded the motion.**

Commissioner Dorworth asked Mr. Crusada if he will keep the same use of the land in the future.

Mr. Crusada said that he will remove the swimming pool and use the back yard for parking. He wants the highest and best use of his land.

**The vote was 6 – 1 to deny the request. Commissioner Dorworth voted “no.”**