

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: O'BRIEN ROAD REZONE R-1 (SINGLE-FAMILY DWELLING) TO RP (RESIDENTIAL PROFESSIONAL)

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Michael Rumer EXT. 7431

Agenda Date 05/09/06 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. APPROVE a request and authorize the Chairman to enact ordinances to rezone 0.17 ± acres from R-1 (Single-Family Dwelling) to RP (Residential Professional), located at 204 O'Brien Road, subject to the attached site plan and Development Order, (John Herbert, American Civil Engineering Co., applicant); or
2. DENY a request to rezone 0.17 ± acres from R-1 (Single-Family Dwelling) to RP (Residential Professional), located at 204 O'Brien Road, subject to the attached site plan and Development Order, (John Herbert, American Civil Engineering Co., applicant); or
3. CONTINUE the item to a time and date certain.

District 4 – Commissioner Henley

Michael Rumer, Senior Planner

BACKGROUND:

The applicant, John Herbert, American Civil Engineering Co., is requesting to rezone 0.17 ± acres from R-1 (Single-Family Dwelling) to RP (Residential Professional). The subject property is located at 204 O'Brien Road. The Future Land Use designation of the subject site is OFF (Office), which is consistent with the requested zoning district. The applicant intends to rezone the property to RP in order to convert an existing 1,162 square-foot one-story single-family residence to a one-story office building.

| | |
|----------------------------|-----------------------------|
| Reviewed by: | <u>RPT</u> |
| Co Atty: | <u> </u> |
| DFS: | <u> </u> |
| OTHER: | <u> </u> |
| DCM: | <u> </u> |
| CM: | <u> </u> |
| File No. <u>ph130pdp03</u> | |

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to rezone 0.17 ± acres, located at 204 O'Brien Road, from R-1 (Single-Family Dwelling) to RP (Residential Professional) subject to the attached Site Plan and Development Order.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on April 5, 2006 and voted 5-0 to recommend APPROVAL of a request to rezone 0.17 ± acres, located at 204 O'Brien Road, from R-1 (Single-Family Dwelling) to RP (Residential Professional) subject to the attached Site Plan and Development Order, based on staff findings.

ATTACHMENTS:

Staff Analysis
Location Map
FLU/Zoning Map
Aerial Photo
Site Plan
Development Order
Ordinance

O'Brien Road Rezone

Rezone from R-1 to RP

| | | |
|----------------------------|---|------------------|
| APPLICANT | John Herbert, American Civil Engineering Co. | |
| PROPERTY OWNER | Orlando Development Enterprises Inc. | |
| REQUEST | Rezone from R-1 (Single-Family Dwelling) to RP (Residential Professional) | |
| PROPERTY SIZE | 0.17 ± acres | |
| HEARING DATE (S) | P&Z: April 5, 2006 | BCC: May 9, 2006 |
| PARCEL ID | 19-21-30-507-0C00-0120 | |
| LOCATION | 204 O'Brien Road | |
| FUTURE LAND USE | OFF (Office) | |
| ZONING | R-1 (Single-Family Dwelling) | |
| FILE NUMBER | Z2006-07 | |
| COMMISSION DISTRICT | #4 – Henley | |

Proposed Development:

The applicant is proposing to convert a 1,162 square-foot single-family residence into a general office. No other development is proposed. The requested rezone would permit all general office uses listed as special uses in the RP Residential Professional zoning district and would meet all parking requirements required by the Seminole County Land Development Code.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, John Herbert, is requesting to rezone 0.17 ± acres from R-1 (Single-Family Dwelling) to RP (Residential Professional). The subject property is located on the north side of O'Brien Road, approximately 850 feet west of the intersection of US 17-92 and O'Brien Road. The Future Land Use designation of the subject property is OFF (Office), which permits a maximum floor area ratio (FAR) of 0.35. The following table depicts the minimum regulations for the current zoning district of R-1 (Single-Family Dwelling) and the requested district of RP (Residential Professional):

| DISTRICT REGULATIONS | Existing Zoning (R-1) | Proposed Zoning (RP) |
|--------------------------------|------------------------------|-----------------------------|
| Minimum Lot Size | 8,400 square feet | NA |
| Minimum House Size | 700 square feet | 1,600 square feet |
| Minimum Width at Building Line | 150 feet | N/A |
| Front Yard Setback | 25 feet | 25 feet |
| Side Yard Setback | 7.5 feet | 10 feet |
| (Street) Side Yard Setback | 25/15 feet | 25 feet |
| Rear Yard Setback | 30 feet | 30 feet |
| Maximum Building Height | 35 feet | 35 feet |

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

| Uses | R-1 (existing) | RP (proposed) |
|------------------------|--|---|
| Permitted Uses | Any use permitted in the R-1A Single-Family Dwelling zoning classification, including the customary accessory uses, Home occupations and home offices, Community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents. | Single-family dwelling structures, including customary accessory uses. |
| Special Exception Uses | Any special exception permitted in the R-1A zoning classification, Day nurseries or kindergartens, Guest or tourist homes when located on state or federal highways, Off-street parking facilities, Assisted living facilities and community residential homes housing 7-14 permanent unrelated residents (including group homes and foster care facilities) provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area as defined in Section 419.001(3), Florida Statutes (2001). In the event that the provisions of this section conflict with the provisions of Section 419.001(3), Florida Statutes (2001), Section 419.001(3) shall govern, Communication towers. | General office uses, including insurance, real estate, architects, engineering, attorneys, medical, dental, accounting, auditing, bookkeeping services, and other similar office uses, if determined compatible by the Board of County Commissioners, Communication Towers if determined compatible by the Board of County Commissioners, Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area, if determined compatible by the Board of County Commissioners consistent with generally accepted land use and planning principles. |
| Minimum Lot Size | 8, 400 sq. ft. | N/A |

COMPATIBILITY WITH SURROUNDING PROPERTIES

The proposed rezone is compatible with adjacent development because the character of the area has undergone a significant change due to development trends along O'Brien Road.

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

(North)

| | | | | |
|--------|--|--|--|--------|
| | LDR Single-Family <i>R-1</i> (7,553 sq. ft. lot) | LDR Single-Family <i>R-1</i> (7,553 sq. ft. lot) | LDR Single-Family <i>R-1</i> (9,700 sq. ft. lot) | |
| (West) | OFF Single-Family <i>R-1</i> (7,553 sq. ft. lot) | OFF Single-Family <i>R-1</i> (7,553 sq. ft. lot) | OFF Single-Family <i>R-1</i> (9,700 sq. ft. lot) | (East) |
| | COMM One-Story Office <i>OP</i> | COMM Parking Lot <i>A-1</i> | COMM Parking Lot <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 FIRM map number 12117C0140E, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on county wetland maps, existing single-family residential use, and field verification, 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 site plan approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3)(c)1-2, 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 and therefore, has submitted an Affidavit of Concurrency Review Deferral. 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 (R-1) | Proposed Development* | Net Impact |
|------------------------|------------------------------|------------------------------|-------------------|
| Water (GPD) | 350 | 116 | -234 |
| Sewer (GPD) | 300 | 116 | -234 |
| Traffic (ADT) | 10 | 12 | 2 |
| Schools | | | |
| Elementary | 1 | 0 | -1 |
| Middle | 1 | 0 | -1 |
| High | 1 | 0 | -1 |

* Proposed development consist of a 1,162 square-foot office.

Utilities:

The site is located in the service area of Seminole County. There is an existing 2-inch water main servicing the existing residence. Sewer is provided by an existing septic tank and drain field. The nearest force main is 1,410 feet to the north on US 17-92. The applicant is not required to connect to sewer, since the proposed use will reduce wastewater generation. This parcel is in the ten year master plan for reclaimed water.

Transportation / Traffic:

The property accesses O'Brien Road, which is classified as a local road with no Level-Of -Service. O'Brien Road is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

School Impacts:

The proposed development will not generate any school impacts.

Public Safety:

The nearest response unit to the subject property is Station # 22, which is located at 504 US 17-92. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 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 not proposing any new on-site impervious surfaces. No additional stormwater requirements or modifications are required.

Parks, Recreation and Open Space:

The applicant is proposing to provide 2,040 square feet or 27% open space. The required open space is 25% or 1,888 square feet.

Buffers and Sidewalks:

Active/passive buffer requirements per Seminole County code will be applied to the north property boundary that is adjacent to residential zoning and Land Use designations. To comply with this, the applicant is proposing to construct a 6-foot masonry wall along the north property line and plant one canopy tree per every 25 feet along the north property line. The developer is required to construct a 5-foot sidewalk along the property frontage on O'Brien Road.

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 Aquifer Recharge Overlay Zoning Classification, which requires the site to contain 65% or less impervious surfaces. The applicant will not be increasing any impervious surfaces.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

- Policy FLU 2.6: Conversion of Residential Structures
- 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 sent; the subject property is not directly adjacent to any local municipality and will not impact schools.

LETTERS OF SUPPORT OR OPPOSITION:

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

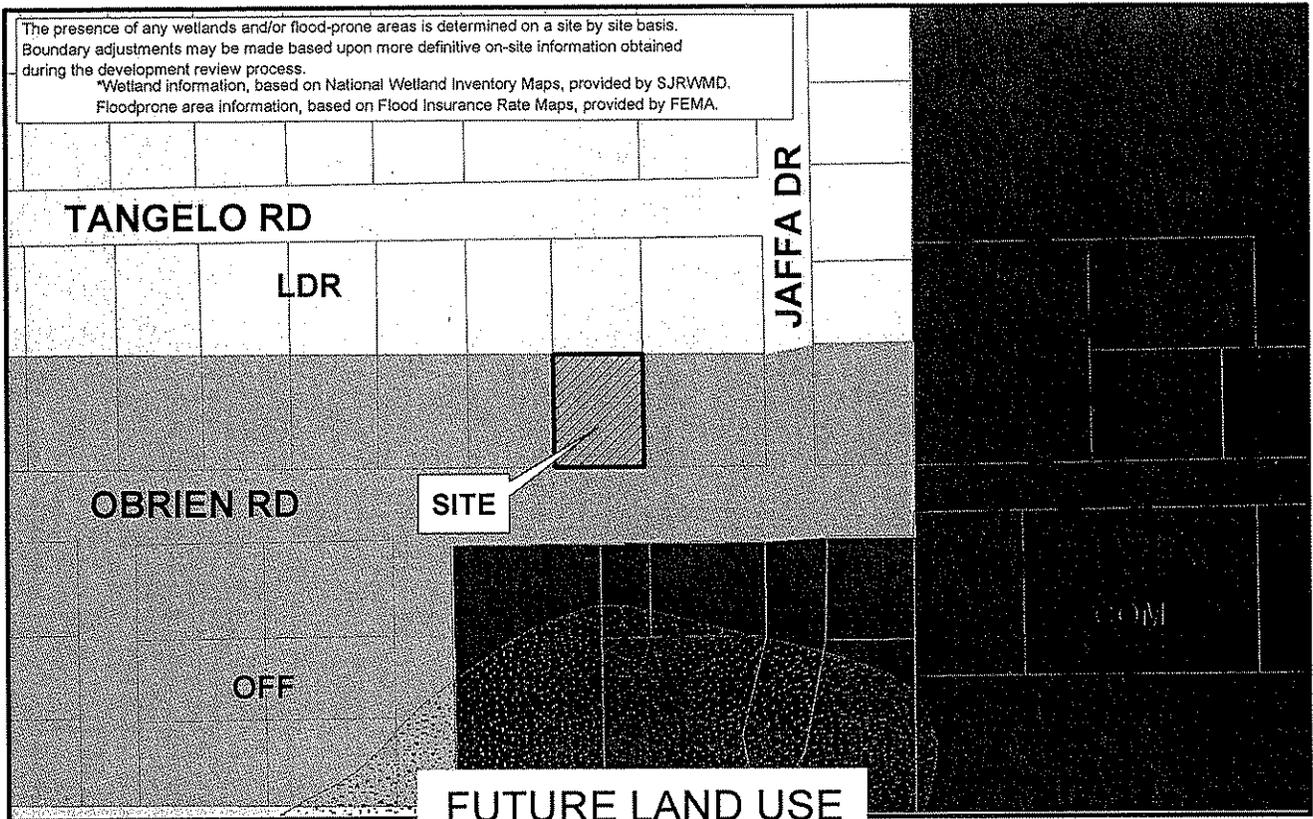
STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to rezone 0.17 ± acres from R-1 (Single-Family Dwelling) to RP (Residential Professional), located at 204 O'Brien Road, subject to the attached site plan and Development Order.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on April 5, 2006 and voted 5-0 to recommend APPROVAL of a request to rezone 0.17 ± acres, located at 204 O'Brien Road, from R-1 (Single-Family Dwelling) to RP (Residential Professional) and recommends APPROVAL of the attached Site Plan and Development Order, based on staff findings.

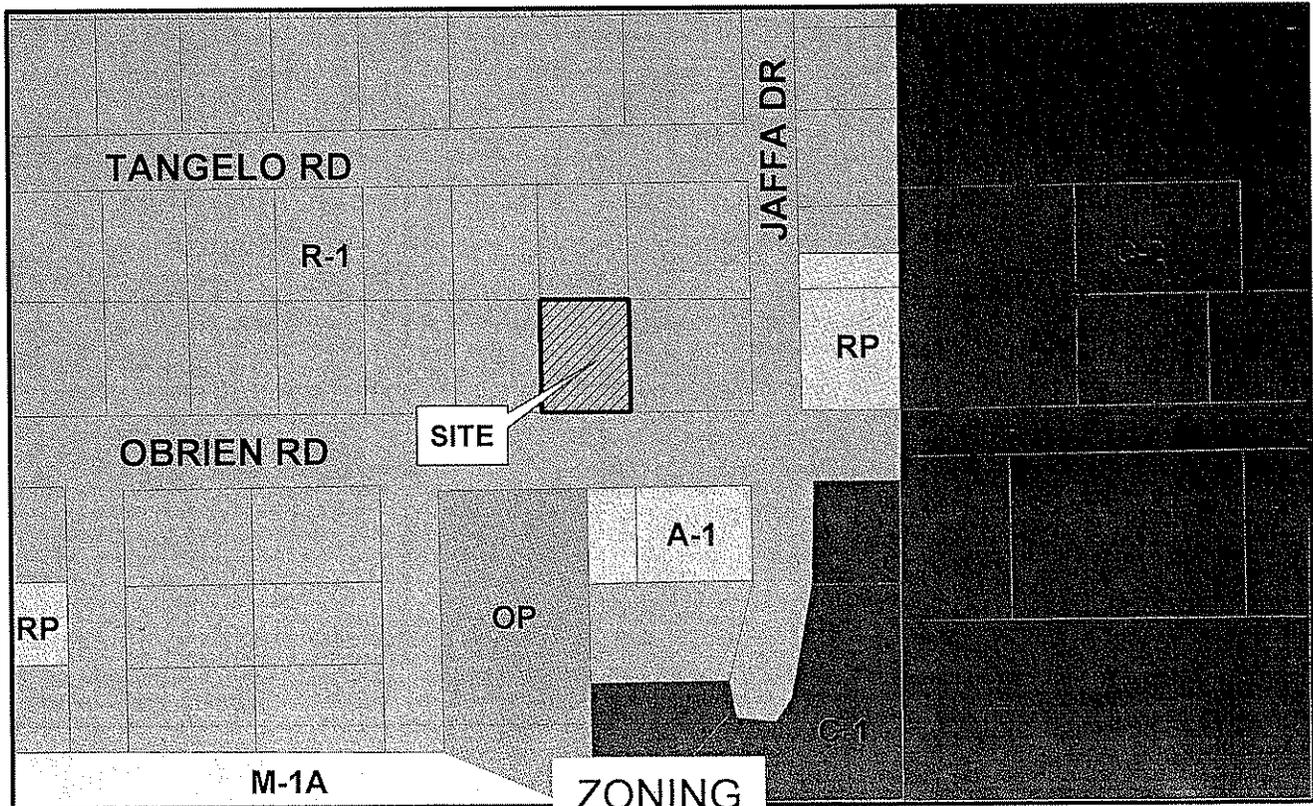
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 Municipality
 LDR
 OFF
 COM
 CONS

Applicant: John Herbert, P.E.
 Physical STR: 19-21-30-507-0C00-0120
 Gross Acres: .18 +/- BCC District: 4
 Existing Use: Single Family Res.
 Special Notes: None

| | Amend/ Rezoning# | From | To |
|--------|---------------------|------|----|
| FLU | -- | -- | -- |
| Zoning | Z2006-07 | R-1 | RP |



A-1
 R-1
 RP
 OP
 C-1
 C-2
 FP-1
 W-1



Z2006-007
SITE

OBRIEN RD

Rezone No: Z2006-007
From: R-1 To: RP

- Parcel
- Subject Property



January 2004 Color Aerials

SEMINOLE COUNTY DEVELOPMENT
ORDER

On May 9, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 12, Block C, Fern Terrace as Recorded in Plat Book 11, Page 28, Seminole Co., Florida

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

FINDINGS OF FACT

Property Owner: Orlando Development Enterprises, Inc.

Project Name: O'Brien Road Rezone

Requested Development Approval: Rezone from R-1 (Single Family Dwelling District)
to RP (Residential Professional District)

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: Michael Rumer, 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. Allowable uses shall be limited to the General office uses, including insurance, real estate, architects, engineering, attorneys, medical, dental, accounting, auditing, bookkeeping services, and other similar office uses.
- b. All development shall comply with the site plan attached as Exhibit A.
- c. To satisfy active/passive setback requirements, the applicant will construct a six-foot (6') high masonry wall along the rear property line (north) and plant required canopy trees to achieve one canopy tree for every 25 feet along the rear property line.
- d. The applicant will construct a five-foot (5') wide sidewalk along the property frontage.
- e. The applicant will provide a twelve-foot (12') wide joint access easement granted to lot 11.
- f. The applicant will provide a twelve-foot (12') joint access easement granted to lot 13.
- g. Medical offices will be prohibited.

(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: _____
Carlton D. Henley, Chairman
Board of County Commissioners

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM R-1 (SINGLE-FAMILY DWELLING DISTRICT) TO RP (RESIDENTIAL PROFESSIONAL DISTRICT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM 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, "O'Brien Road (204) Rezone to RP".

(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 R-1 (Single-Family Dwelling) to RP (Residential Professional):

Lot 12, Block C, Fern Terrace as Recorded in Plat Book 11, Page 28, Seminole Co., 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. EXCLUSION FROM CODIFICATION: 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.

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. This Ordinance shall become effective upon filing this order by the Department and recording of Development Order #06-20000002 in the official land records of Seminole County.

ENACTED this 9th day of May 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley, Chairman

Exhibit A

Lot 12, Block C, Fern Terrace as Recorded in Plat Book 11, Page 28, Seminole Co., Florida

**Minutes for the Seminole County Land Planning Agency
Planning and Zoning Commission
April 5, 2006**

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

Also Present: Michael Rumer, Senior Planner; Tina Williamson, Principal Coordinator; Dan Matthys, Director of Planning and Development; Tony Walter, Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Sheryl Stolzenberg, Principal Coordinator; Denny Gibbs, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

O'Brien Road (204) Rezone; John Herbert, American Civil Engineering, applicant; .17 ± acre; Rezone from R-1 (Single Family Residential District) to RP (Residential Professional District); located at 204 O'Brien Road. (Z2006-07)

Commissioner Henley - District 4
Michael Rumer, Senior Planner

Michael Rumer presented the application for a rezone from R-1 (Single Family Residential District) to RP (Residential Professional District) on approximately .17 acre. The site has a future land use of Office. The applicant will convert an 1162 square foot single family residence to an office. The proposed rezone would allow all general office uses outlined as special uses in the RP zoning district of the Land Development Code. The proposal meets the Code requirements for parking. Staff recommendation is for approval of the request along with the site plan and development order attached with the staff report.

John Reynolds of American Civil Engineering Company spoke on behalf of Rob McNary. He stated that the carport is being enclosed to bring the total square feet of the project to 1,200 square feet. Mr. McNary has approached all of the contiguous property owners. They all approved, with the request that the block wall be painted. Mr. Reynolds said that the wall will be painted.

Commissioner Brown asked if the carport was under the roof now. Is there enough room for the traffic to pass by to the right?

Mr. Reynolds said that the carport is under the main roof now. It is already part of the footprint of the building. There is an adequate traffic pattern.

Commissioner Hattaway made a motion to recommend approval of the application.

Commissioner Bates seconded the motion.

The motion passed 7 – 0.