

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District). (James A. Smith, applicant)

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

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

Agenda Date 05/11/04 Regular Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

- 1. ENACT an ordinance APPROVING the request for rezoning from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District) on 3.9 acres located on the south side of Mikler Road, approximately 0.2 mile west of SR 426, per the attached Staff Report, (James A. Smith, applicant); or
- 2. DENY the request for rezoning from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District) on 3.9 acres located on the south side of Mikler Road, approximately 0.2 mile west of SR 426, (James A. Smith, applicant); or
- 3. CONTINUE the public hearing until a time and date certain.

(District 1 – Comm. Maloy)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant intends to construct a 2,500 square foot workshop building for the purpose of conducting a metalworking business. The future land use designation of the site is Industrial per the Vision 2020 Plan, and staff has determined that the proposed use can be accommodated in the C-3 Commercial District.

STAFF RECOMMENDATION:

The requested rezone is consistent with the Industrial future land use designation as established by the Vision 2020 Plan. Staff recommends APPROVAL.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On April 7, 2004 the Planning & Zoning Commission voted 5-0 to recommend APPROVAL of the request.

Reviewed by:
Co Atty: [Signature]
DFS: _____
OTHER: [Signature]
DCM: [Signature]
CM: [Signature]
File No. ph130pdp02

MIKLER ROAD REZONE

REQUEST INFORMATION	
APPLICANT	James A. Smith
PROPERTY OWNERS	James A. and Deborah L. Smith
REQUEST	Rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale)
HEARING DATE(S)	P&Z: April 7, 2004 BCC: May 11, 2004
PARCEL ID #	29-21-31-300-0110-0000
LOCATION	South side of Mikler Road, approximately 0.2 mile west of SR 426
FUTURE LAND USE	Industrial
FILE NUMBER	Z2004-008
COMMISSION DISTRICT	District 1 (Maloy)

OVERVIEW

Zoning Request: The applicant intends to construct a 2,500 square foot workshop building for the purpose of conducting a metalworking business. Although the future land use designation of the site is Industrial per the Vision 2020 Plan, staff has determined that the proposed use can be accommodated in the C-3 Commercial District. Mr. Smith's business activity consists of welding relatively small objects, such as stairway railings, for use in construction. He is proposing an open-air shop building, which is allowed in C-3. Building code and site design issues, such as fire safety and vehicular access, will be addressed in the Site Plan Review process subsequent to the rezoning.

Existing Land Uses: The existing zoning designations and land uses are as follows:

	Zoning	Future Land Use	Existing Land Use
North	A-1	Industrial	Single Family
South	A-1	Industrial	FDOT Maintenance Facility
East	A-1	Industrial	Single Family
West	A-1	Industrial	Vacant

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.

2. 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 Vision 2020 Plan.
3. Seminole County will provide water service to the site.
4. Information on stormwater capacity and outfall will have to be provided prior to Final Site Plan approval.

Compliance with Environmental Regulations: At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with Surrounding Development: The proposed C-3 zoning classification is compatible with the surrounding existing zoning and land uses.

PLANNING & ZONING COMMISSION RECOMMENDATION

On April 7, 2004 the Planning & Zoning Commission voted 5-0 to recommend APPROVAL of the request.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the request.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE C-3 (COMMERCIAL) 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 "Mikler Road 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) to C-3 (General Commercial and Wholesale District):

LEGAL DESCRIPTION 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 upon filing with the Department of State.

ENACTED this 11th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A
LEGAL DESCRIPTION

LEG SEC 29 TWP 21S RGE 31E W 263.6 FT OF E 395.4 FT OF N 1/2 OF NW 1/4 OF SW
1/4

**MINUTES FOR THE REGULAR MEETING OF
THE SEMINOLE COUNTY LAND PLANNING AGENCY
/ PLANNING AND ZONING COMMISSION
APRIL 7, 2004
7:00 P.M.**

Members present: Alan Peltz, Ben Tucker, Chris Dorworth, Richard Harris, Dudley Bates

Members absent: Thomas Mahoney and Walt Eismann

Also present: Tony Walter, Assistant Planning Manager; Jeff Hopper, Senior Planner; Jim Potter, Engineer, Development Review Division; Karen Consalo, Deputy County Attorney; Rebecca Hammock, Senior Planner, Development Review Division; and Candace Lindlaw-Hudson, Senior Staff Assistant.

B. Mikler Road (2560) Rezone; James A. & Deborah Smith, applicants; approximately 3.9 acres; rezone from A-1 (Agriculture District) to C-3 (General Commercial and Wholesale District) to establish a welding shop; located on the south side of Mikler Road, approximately 0.2 mile west of SR 426. (Z2004-008)

District 1 - Maloy
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant intends to construct a 2,500 square foot workshop building for the purpose of conducting a metalworking business. The future land use designation of the site is Industrial per the Vision 2020 Plan, and staff has determined that the proposed use can be accommodated in the C-3 Commercial District. The site design will be examined later. No land use amendment is necessary. Staff recommendation is for approval.

James Smith stated that he is getting the final engineering drawings done now for final site plan approval.

There were no questions from the Commissioners.

The public hearing was now closed.

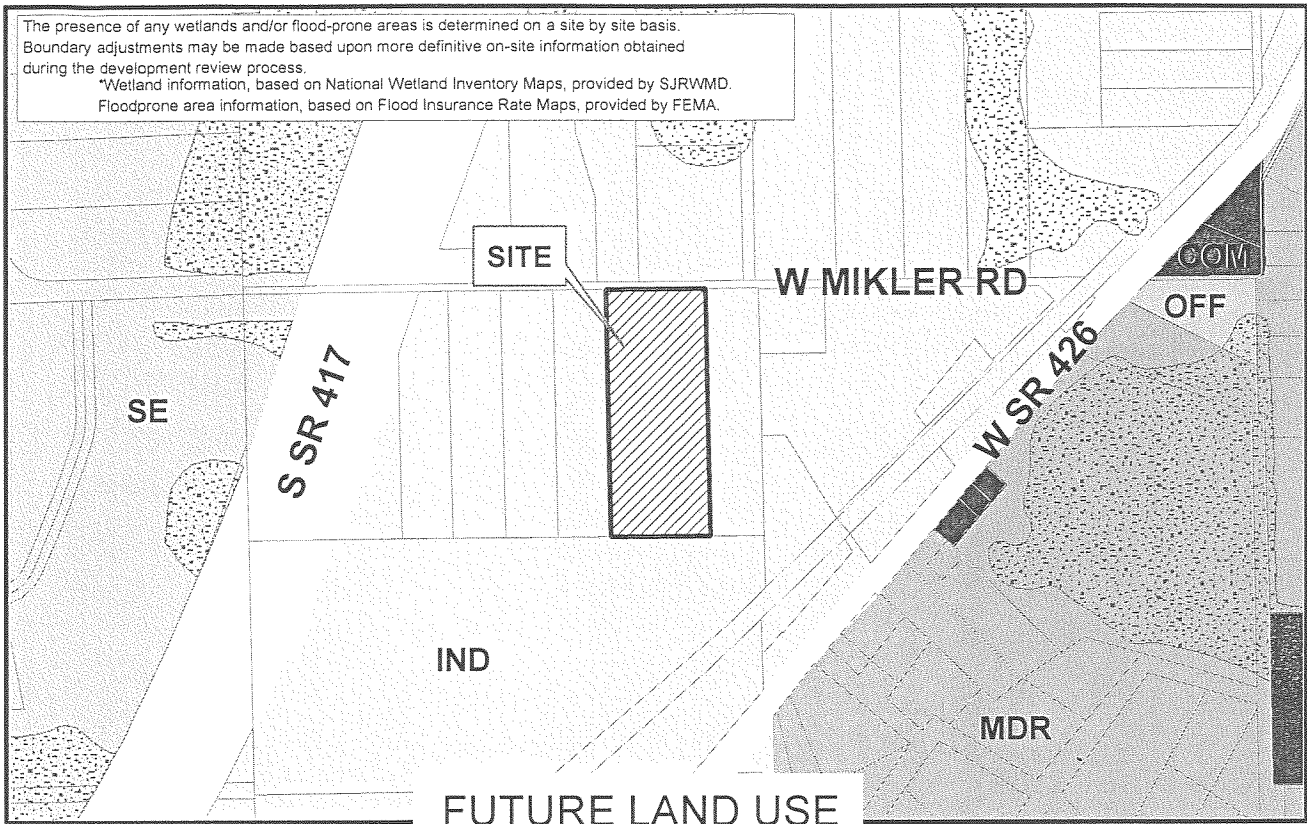
Commissioner Peltz made a motion to approve the request according to staff report recommendations.

Commissioner Dorworth seconded the motion.

There was no discussion.

The motion passed unanimously (5 – 0).

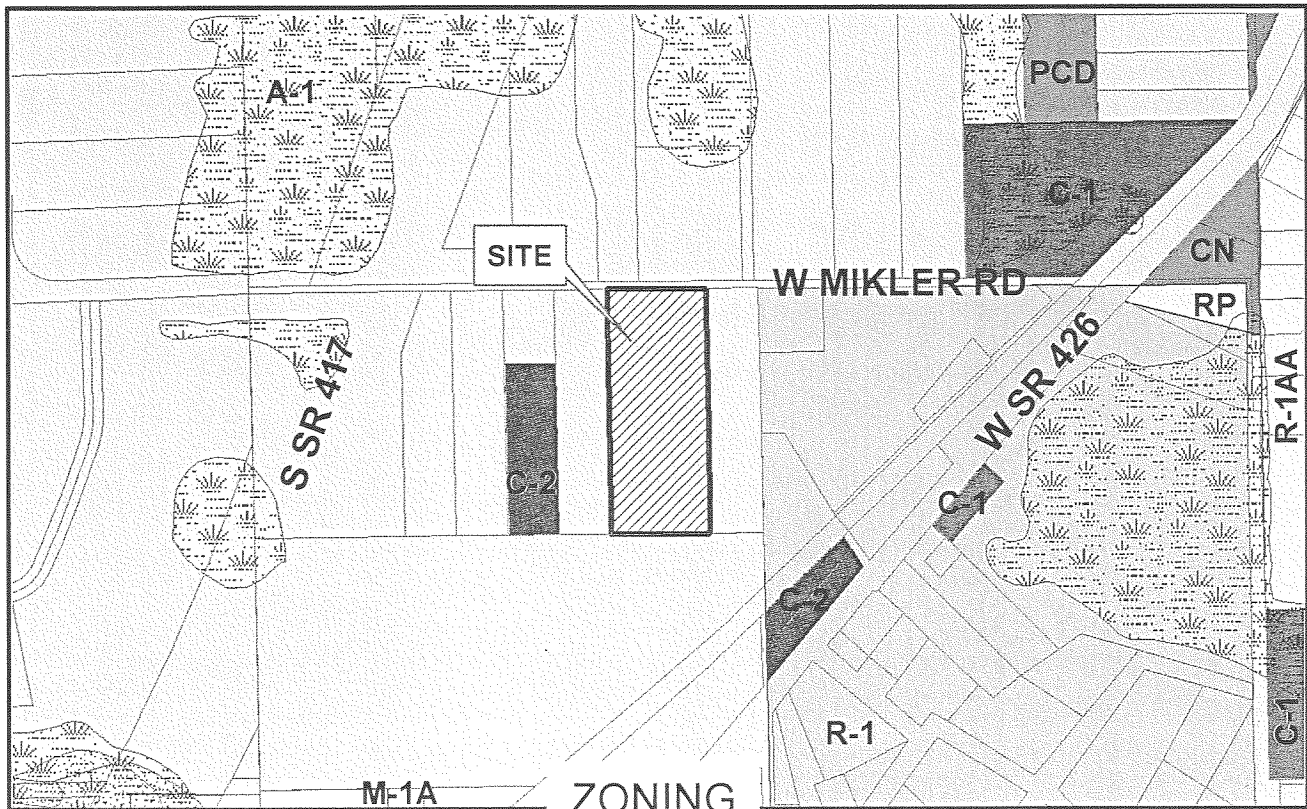
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 SE
 MDR
 OFF
 COM
 IND
 CONS

Applicant: James A. Smith
 Physical STR: 29-21-31-300-0110-0000
 Gross Acres: 3.9 BCC District: 1
 Existing Use: Single Family Residential
 Special Notes: None



	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-008	A-1	C-3



Site
 R-1
 R-1AA
 RP
 CN
 C-1
 C-2
 A-1
 PCD
 M-1A
 FP-1
 W-1



Rezone No: Z2004-008
From: A-1 To: C-3

-  Parcel
-  Subject Property



February 1999 Color Aerials