

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Big Boys Storage Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale),

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

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Ian Sikonia <sup>12/21/05</sup> EXT. 7398

Agenda Date <u>5/23/06</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:**

- APPROVE** a request and authorize the Chairman to enact an ordinance to rezone 2.25 ± acres from A-1 (Agriculture) to C-3 (General Commercial & Wholesale), located on the north side of Mikler Road, 850 feet west of SR 426, based on staff findings, (Yvonne Calder & Randy Thompson, applicants); or
- DENY** the request to rezone 2.25 ± acres from A-1 (Agriculture) to C-3 (General Commercial & Wholesale), located on the north side of Mikler Road, 850 feet west of SR 426, based on staff findings, (Yvonne Calder & Randy Thompson, applicants); or
- CONTINUE** the item to a time and date certain.

District 1 – Commissioner Dallari

Ian Sikonia, Planner

**BACKGROUND:**

The applicant's are requesting to rezone 2.25 ± acres from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) in order to develop an outdoor storage facility. The Future Land Use designation of the subject site is IND (Industrial), which is consistent with the requested zoning district.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of a request to rezone 2.25 ± acres from A-1 (Agriculture) to C-3 (General Commercial & Wholesale), located on the north side of Mikler Road, 850 feet west of SR 426, based on staff findings.

Reviewed by:	<u>RFT</u>
Co Atty:	<u>RFT</u>
DFS:	_____
OTHER:	<u>DJ</u>
DCM:	_____
CM:	_____
File #	<u>ph130pdp05</u>

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

On April 5, 2006, the Planning and Zoning Commission voted (5-2) to recommend APPROVAL of a request to rezone 2.25 ± acres from A-1 (Agriculture) to C-3 (General Commercial & Wholesale), located on the north side of Mikler Road, 850 feet west of SR 426.

Attachments:

Staff Analysis  
Location Map  
FLU/Zoning Map  
Aerial Photo  
Ordinance  
LPA/P&Z April 5, Meeting Minutes

## Big Boys Storage I Rezone

Rezone from A-1 to C-3

<b>APPLICANTS</b>	Yvonne Calder & Randy Thompson	
<b>PROPERTY OWNER</b>	Stephen Ratcliff	
<b>REQUEST</b>	Rezone from A-1 (Agriculture) District to C-3 (General Commercial & Wholesale) District	
<b>PROPERTY SIZE</b>	2.25 ± acres	
<b>HEARING DATE (S)</b>	P&Z: April 5, 2006	BCC: May 23, 2006
<b>PARCEL ID</b>	29-21-31-300-0060-0000	
<b>LOCATION</b>	North side of Mikler Road, 850 feet west of SR 426	
<b>FUTURE LAND USE</b>	IND (Industrial)	
<b>ZONING</b>	A-1 (Agriculture)	
<b>FILE NUMBER</b>	Z2006-10	
<b>COMMISSION DISTRICT</b>	#1 – Dallari	

**Proposed Development:**

The applicants are proposing to develop an outdoor storage facility on 2.25 ± acres.

**ANALYSIS OVERVIEW:**

**ZONING REQUEST**

The applicants, Yvonne Calder & Randy Thompson, are requesting to rezone 2.25 ± acres from A-1 (Agriculture) to C-3 (General Commercial & Wholesale). The subject property is located on the north side of Mikler Road, 850 feet west of SR 426. The Future Land Use designation of the subject property is IND (Industrial), which permits a maximum FAR of 0.65. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of C-3 (General Commercial & Wholesale):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (C-3)
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	25 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

**PERMITTED & SPECIAL EXCEPTION USES**

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

Uses	A-1 (existing)	C-3 (proposed)
Permitted Uses	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.	Any use permitted in the C-2 District excluding public or private elementary schools, middle schools, and high schools. Uses that are also permitted are Bakeries, bottling and distribution plants, cold storage and frozen foodlockers, contractors' equipment-storage yards, feed stores, greenhouses – wholesale, industrial trade schools, laundry and dry-cleaning plants, lithography and publishing plants, lumber yards, machinery sales and storage, mechanical garages, bus, cab and truck repair, and storage, paint and body shops, plumbing shops, trade shops, such as, upholstery, metal, cabinet, warehouses, wholesale meat and produce distribution with meat cutting, but not butchering, communication towers when camouflage in design, communication towers when monopole in design if the tower is under one hundred forty (140) feet in height, office showroom.
Special Exception Uses	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.	Living quarters in conjunction with a commercial use to be occupied by the owner or operator of the business or an employee, public utility structures, service stations and gas pumps as an accessory use, hospitals and nursing homes, public and private schools, communication towers when lattice or guyed in design, communication towers when monopole in design if the tower is over one hundred forty (140) feet in height, 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), and flea markets.
Minimum Lot Size	43,560 sq. ft.	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> Single-Family <i>A-1</i> <i>(43,560 sq. ft.)</i>	<b>IND</b> Single-Family <i>A-1</i> <i>(43,560 sq. ft.)</i>	<b>IND</b> Single-Family <i>A-1</i> <i>(43,560 sq. ft.)</i>	
(West)	<b>IND</b> Single-Family <i>A-1</i> <i>(43,560 sq. ft.)</i>	<b>IND</b> Single-Family <i>A-1</i> <i>(43,560 sq. ft.)</i>	<b>IND</b> Single-Family <i>A-1</i> <i>(43,560 sq. ft.)</i>	(East)
	<b>IND</b> Vacant <i>C-2</i> <i>(N/A)</i>	<b>IND</b> Commercial <i>C-3</i> <i>(N/A)</i>	<b>IND</b> Single-Family <i>R-1</i> <i>(8,400 sq. ft. lots)</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.

Example:

<b>Future Land Use</b>
Existing Use
<i>Current Zoning</i>
<i>(Zoning Districts</i>
<i>Minimum Lot Size)</i>

**SITE ANALYSIS:**

**ENVIRONMENTAL IMPACTS**

*Floodplain Impacts:*

Based on FIRM map #12117C0165 E, there appears to be no floodplains on the subject property.

*Wetland Impacts:*

Based on preliminary aerial photos and County wetland map analysis, there appears to be some wetlands on the northern portion of the subject site. Compliance with the Land Development Code regarding development within and around wetland areas is required at the time of final engineering approval.

*Endangered and Threatened Wildlife:*

Based on preliminary analysis, there appears to be 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:

<b>Public Facility</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Development*</b>	<b>Net Impact</b>
Water (GPD)	350	21,385	21,035
Sewer (GPD)	300	16,038	15,738
Traffic (ADT)	10	124	114
Schools			
Elementary	1	0	-1
Middle	1	0	-1
High	1	0	-1

\* The proposed development is calculated on 20% of the property being dedicated for roads and retention and the maximum 0.65 FAR allowed in the IND Future Land Use designation.

*Utilities:*

The site is located in the service area of Seminole County and will have to meet the requirements of policy POT 4.5 of the Vision 2020 Comprehensive Plan. There is a 16-inch water main 900 ± feet to the east at SR 426. Available capacity for this project will be determined during the Concurrency process.

*Transportation / Traffic:*

The property is adjacent to Mikler Road, which is classified as a local road, not up to county standards. Mikler Road is not currently programmed to be improved according to the County 5-year Capital Improvement Program. The applicant will be required to improve Mikler Road in accordance with requirements set forth in the Land Development Code prior to site plan approval.

*School Impacts:*

The proposed project will consist of C-3 uses and will not generate any school age children.

*Public Safety:*

The nearest response unit to the subject property is Station # 27, which is located at 5280 Red Bug Lake Road and meets the Level-Of-Service Standard. The County Level-Of-Service standard for fire protection and rescue is 5 minutes average response time, per Policy PUB 2.1 of the Vision 2020 Comprehensive Plan.

*Drainage:*

The proposed project is located within the Howell Creek Drainage Basin. Based on preliminary analysis the site is required to hold the 25-year pre-post volume onsite. Preliminary analysis of FEMA maps and drainage studies done in this region, show that this site does not appear to be in a land locked basin. The storm water requirements will be further 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.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

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

**SPECIAL DISTRICTS**

No special districts are applicable to this site.

**COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

Policy POT 4.5	Potable Water Connection
Policy PUB 2.1	Public Safety Level-of-Service

**INTERGOVERNMENTAL NOTIFICATION:**

No intergovernmental notices were necessary for this rezone application since the property is not adjacent to any municipalities.

**LETTERS OF SUPPORT OR OPPOSITION:**

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

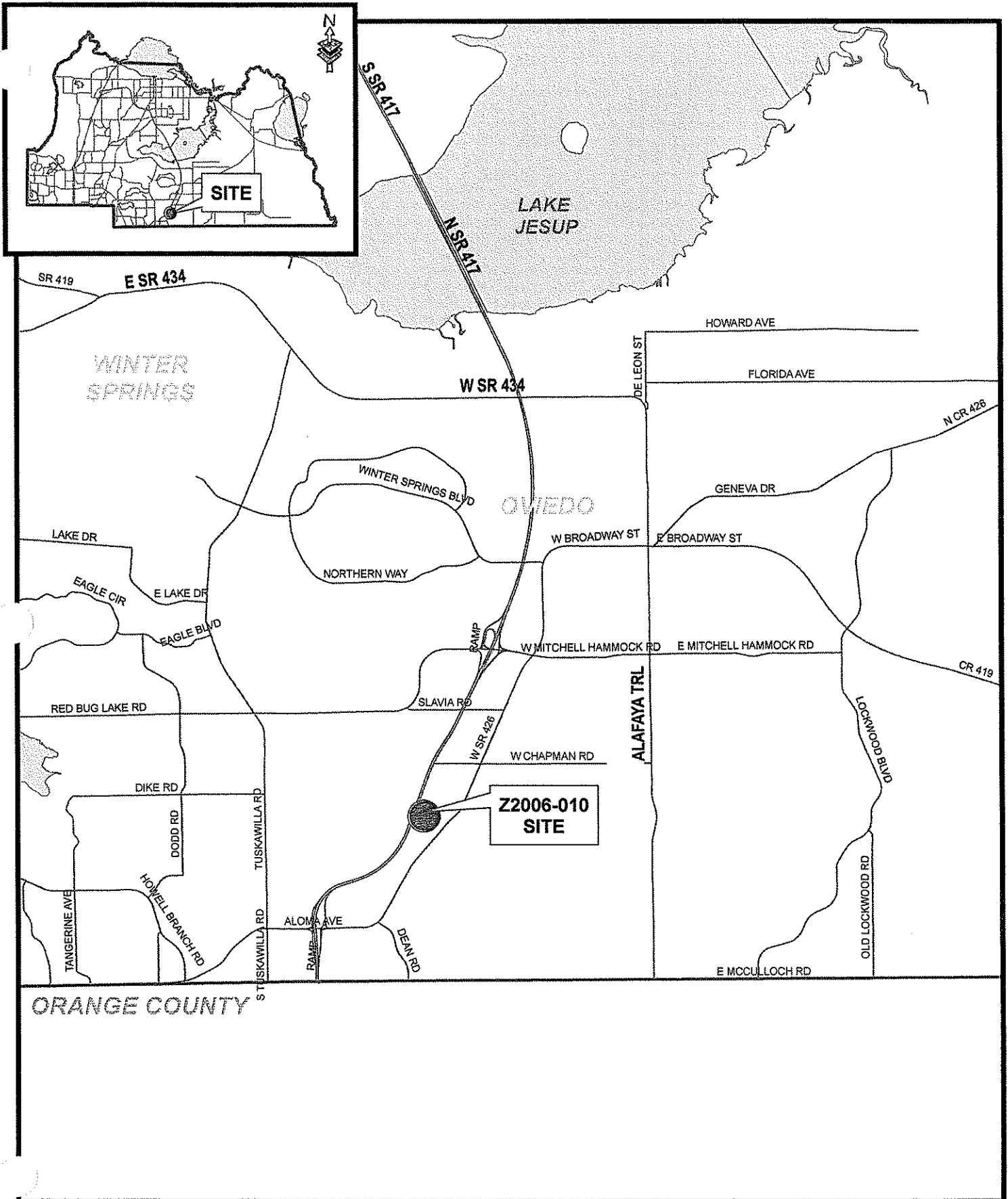
**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of a request to rezone 2.25 ± acres from A-1 (Agriculture) to C-3 (General Commercial & Wholesale), located on the north side of Mikler Road, 850 feet west of SR 426, based on staff findings.

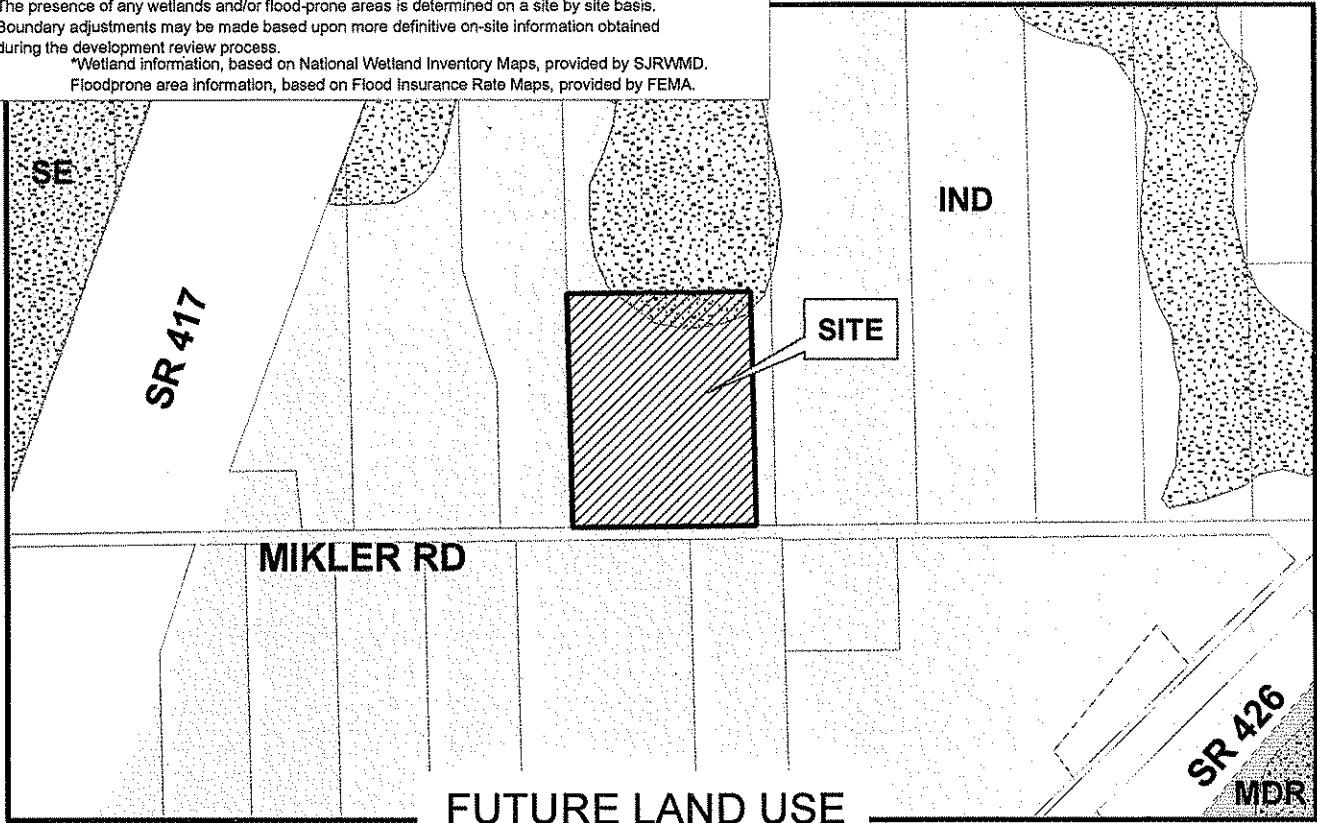
**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

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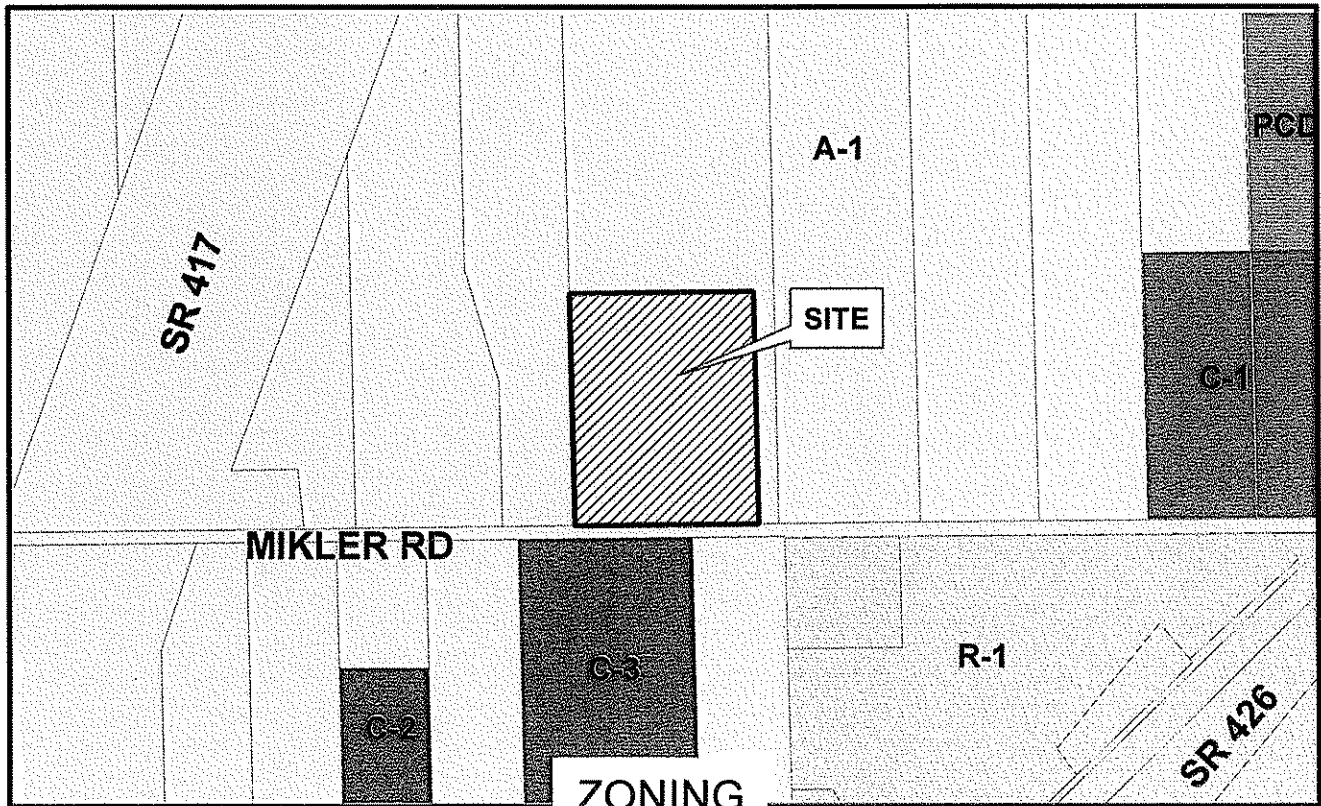
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by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



Site  
  Municipality  
  SE  
  MDR  
  IND  
  CONS

Applicant: Yvonne Calder  
 Physical STR: 29-21-31-300-0060-0000  
 Gross Acres: 2.25 +/- BCC District: 1  
 Existing Use: Residential  
 Special Notes: None



	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-010	A-1	C-3



A-1  
  R-1  
  C-1  
  C-2  
  C-3  
  FP-1  
  W-1



Rezoning No: Z2006-010  
From: A-1 To: C-3

-  Parcel
-  Subject Property



January 2004 Color Aerials

**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 A-1 (AGRICULTURE) DISTRICT TO C-3 (GENERAL COMMERCIAL & WHOLESALE) DISTRICT; 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, "Mikler Road (2563) Rezone to C-3"

(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 & Wholesale):

The South 347.7 feet of the West 270.0 feet of the East 300 feet of the Southwest ¼ of the Northwest ¼ of Section 29, Township 21 South, Range 31 East, Seminole County, Florida, LESS Road Right-of-Way.

**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. This Ordinance shall become effective upon filing this order by the Department and recording of Development Order #06 20000004 in the official land records of Seminole County.

ENACTED this 23rd day of May 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

**Exhibit A**

The South 347.7 feet of the West 270.0 feet of the East 300 feet of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 29, Township 21 South, Range 31 East, Seminole County, Florida,  
LESS Road Right-of-Way.

**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; Ian Sikonia, Planner; Denny Gibbs, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

**K. Big Boys Storage/2563 Mikler Road Rezone; Yvonne Cader & Randy Thompson, applicants; 2.25± acres; Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale); Located on the north side of Mikler Road approximately 850 feet west of the intersection of Mikler Road and SR 426. (Z2006-10)**

Commissioner Dallari – District 1

Ian Sikonia, Planner

Ian Sikonia stated that this is a request for a change from A-1 (Agriculture District) zoning to C-3 (General Commercial and Wholesale District) for outdoor storage. The request is in line with the Industrial future land use designation of the site. Staff recommendation is for approval.

Ed and Margaret Pula stated that they are in favor of the request. They are adjacent property owners.

Steve Ratcliff owns land across the street. He is concerned with the status of Mikler Road and its being improved.

Henry Burroughs lives next door. He said that Mikler Road is a dead end there. He does not want commercial uses next to his land. This will bring traffic. He is opposed to the request.

Eric Ludington lives next door. He said that the area is heavily treed. With commercial uses there, that would be directly next to his single family residence. He is opposed.

Randy Thompson stated that there are 8 homes on the road. What is happening on the road will impact him more. Trees on this parcel have been felled by the hurricane. Traffic is minimal there now. Thompson Electric is at the end of the road.

Commissioner Tucker asked how many spaces there would be.

Mr. Thompson said that there would be 110 spaces. There will be an electric gate with 24 hours access for boats, trailers, and RVs. He could limit hours.

Commissioner Tucker asked about other development in the area.

Michael Rumer said that there is an autobody shop on the south side and another rezone on the corner coming in June.

Commissioner Wolf said that the satellite picture makes the area look rural. How did it get the Industrial future land use?

Commissioner Brown said that the two highways – 417 and 426 – brought in an industrial corridor there.



Commissioner Tucker said that this request will be the first of several in the area.

Ian Sikonia stated that the existing homes in the area were built in the 1970s.

Commissioner Brown said that a voluntary condition could be placed in the rezone for a limitation of operating hours, which could be lifted after the residential use ceases next door.

Commissioner Wolf said that he would support the stipulation of restricted hours.

Dan Matthys said that such a stipulation cannot be mandatory.

Randy Thompson said that he had no objection to closing at 10 P.M.

Commissioner Brown said that the operating hours could be from 10 P.M. to 6 A.M.

Commissioner Brodeur said that the restrictions could be lifted when the adjoining properties are rezoned commercial or industrial.

Kathleen Furey-Tran urged the board not to make such statements. The board cannot condition a zoning.

Commissioner Tucker said that he could not vote for this.

**Commissioner Brown made a motion to recommend approval.**

**Commissioner Brodeur seconded the motion.**

Commissioner Brown stated that he did not think that this would be a problem.

Commissioner Wolf said that it is up to the board to protect the rights of the citizens.

Commissioner Eismann asked how that could be done.

Commissioner Brown said that the applicant will continue to own this parcel and will address his neighbor's concerns.

Commissioner Brodeur said that the future land use of "Industrial" will bring changes all around this parcel.

Commissioner Hattaway said that she has tenants who are asked to restrict their operations.

Commissioner Brodeur stated that the County has noise ordinances.

Commissioner Hattaway said that she cannot "not" vote for this.

**The vote was 5 – 2 in favor of the motion. Commissioners Wolf and Tucker voted "no."**