

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Wekiva Springs Road Rezone OP (Office District) To OP (Office District)

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

AUTHORIZED BY: Dan Matthys **CONTACT:** ⁷³⁸⁷Michael Rumer EXT. 7387

Agenda Date 05/23/06 **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 an ordinance to rezone 0.98 ± acres from OP (Office District) to OP (Office District), located at 357 Wekiva Springs Road, on the west side of Wekiva Springs Road and north of Springs Plaza, based on staff's findings, (Frank Ricci, applicant); or
2. **DENY** a request to rezone 0.98 ± acres from OP (Office District) to OP (Office District), located at 357 Wekiva Springs Road, on the west side of Wekiva Springs Road and north of Springs Plaza, based on staff's findings, (Frank Ricci, applicant);
or
3. **CONTINUE** the item to a time and date certain.

District 3 – Commissioner Van Der Weide

Michael Rumer, Senior Planner

BACKGROUND:

The applicant, Frank Ricci, is proposing a substantial change to a site plan for a 0.98 acre property designated OP (Office District). Specifically, the applicant is redesigning the building and increasing its height from one to two stories.

The Land Development Code provides that OP property be zoned to a specific site plan. The Code further requires that any substantial change to that plan must be reviewed by the Planning and Zoning Commission and be approved by the Board of County Commissioners. Because the zoning and site plan go hand-in-hand

Reviewed by:	
Co Atty:	<u>KFI</u>
DFS:	
OTHER:	
DCM:	<u>[Signature]</u>
CM:	
File	
No.	<u>ph130pdp07</u>

(similar to a Planned Commercial Development zoning and Final Master Plan) the substantial change process is handled as a rezoning from OP allowing single-story uses to OP allowing two-story uses.

The Future Land Use designation of the subject site is OFF (Office), which is consistent with the requested zoning district.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 0.98 ± acres from OP (Office District) to OP (Office District).

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on April 5, 2006 and voted 7-0 to recommend APPROVAL of a request to rezone 0.98 ± acres from OP (Office District) to OP (Office District), located at 357 Wekiva Springs Road, on the west side of Wekiva Springs Road and north of Springs Plaza, based on staff's findings.

ATTACHMENTS:

Staff Analysis
Location Map
FLU/Zoning Map
Aerial Photo
Site Plan
Development Order
Ordinance
04/05/2006 Planning and Zoning Board Minutes

Wekiva Springs Road (357) - OP Master Plan

Rezone from OP to OP

APPLICANT	Frank Ricci	
PROPERTY OWNER	Joseph Cannizzaro	
REQUEST	Rezone from OP (Office District) to OP (Office District)	
PROPERTY SIZE	0.98 ± acres	
HEARING DATE (S)	P&Z: April 5, 2006	BCC: May 23, 2006
PARCEL ID	03-21-29-300-008C-0000	
LOCATION	357 Wekiva Springs Road, West Side of Wekiva Springs Road, North of Springs Plaza	
FUTURE LAND USE	OFF (Office)	
ZONING	OP (Office District)	
FILE NUMBER	Z2005-074	
COMMISSION DISTRICT	#3 – Van Der Weide	

Proposed Development:

The applicant is proposing to replace a single-story office building with a two-story office building.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Frank Ricci, is requesting to rezone 0.98 ± acres from OP (Office District) to OP (Office District). The subject property is located at 357 Wekiva Springs Road, on the west side of Wekiva Springs Road and north of Springs Plaza. 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 OP (Office District) and the requested district of OP (Office District):

DISTRICT REGULATIONS	Existing Zoning (OP)	Proposed Zoning (OP)
Minimum Lot Size	15,000 square feet	15,000 square feet
Minimum House Size	N/A	N/A
Minimum Width at Building Line	100 feet	100 feet
Front Yard Setback	25 feet	25 feet
Side Yard Setback	0 feet	0 feet
(Street) Side Yard Setback	25 feet	25 feet
Rear Yard Setback	10 feet	10 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	OP (existing)	OP (proposed)
Permitted Uses	Dental and medical clinics, dental and medical laboratories. General office buildings. Insurance, real estate, architects, engineering, attorneys, and other professional business services. Accounting, auditing and bookkeeping services, finance offices. Telephone business offices and exchanges, post offices, public parks, public, private and parochial schools, playgrounds, fire stations, and administrative public buildings. Churches and attendant educational buildings. Day care facilities, kindergartens. Public and private elementary schools, middle schools and high schools. Adult living facilities and community residential homes (group homes and foster care facilities) housing more than six (6) permanent unrelated residents.	Doctor's office.
Special Exception Uses	Single-family dwelling unit in connection with a permitted use provided said use is occupied only by the owner or operator of the business. When permitted, the residence shall be either above the office or attached to the rear; no detached residence shall be permitted and no residence shall occupy ground-floor frontage. Accessory parking for passenger vehicles when intended for a permitted adjacent commercial use. A parking lot operated as a commercial enterprise shall not be permitted. Public utility and service structures. Banks, savings and loan and similar financial institutions, and drive-in teller facilities, when located on a roadway having a right-of-way width of not less than eighty (80) feet. Private vocational, business, and professional schools which do not have an industrial character. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required. Hospitals and nursing homes. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required. Nonresidential, nonprofit clubs, lodges and fraternal organizations when located on a roadway having a right-of-way width of not less than eighty (80) feet. Funeral homes when located on a roadway having a right-of-way width of not less than eighty (80) feet. Communication towers.	Same
Minimum Lot Size	Site Plan Specific	Site Plan Specific

Drainage:

The proposed project is located within the Little Wekiva Drainage Basin. The development will be required to retain the pre-post volume difference for the 25 year/24 hour storm event. Additional retention may be required based on determination of outfall condition, which will need to be determined by an engineer and reviewed at final engineering.

Buffers and Sidewalks:

Active/passive buffer requirements per Seminole County code are not required due to the existing land uses and zonings adjacent to the site. However, at final site plan approval, the developer will provide a landscaping plan that will provide additional plantings as necessary to ensure opacity and prevent the parking areas from being viewed by the neighboring single-family residential to the south; as determined by the Planning Manager. A five-foot sidewalk exists along Wekiva Springs Road.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is not within a special district.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

- 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 within or directly adjacent to any local municipality and will not impact schools.

LETTERS OF SUPPORT OR OPPOSITION:

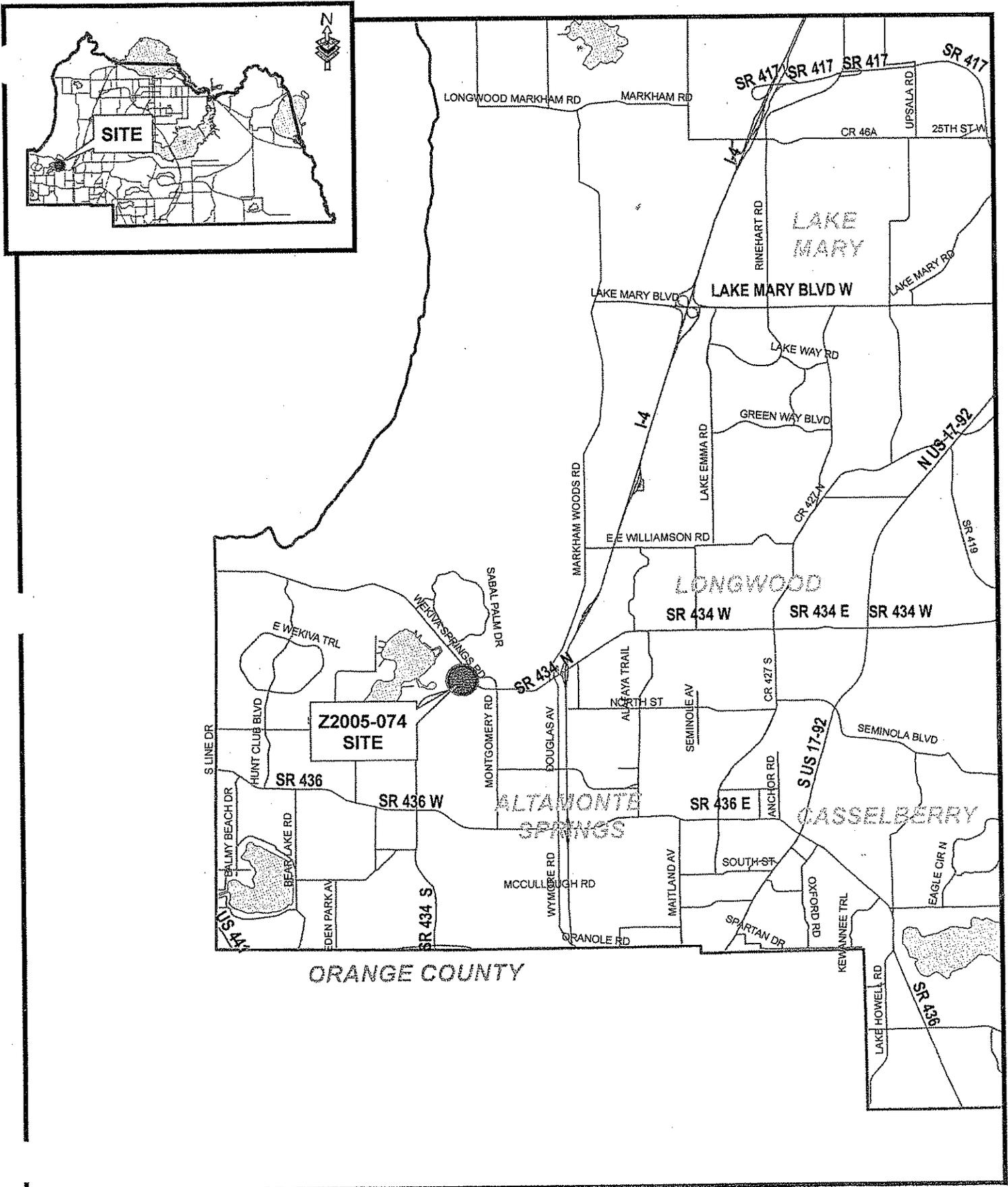
At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

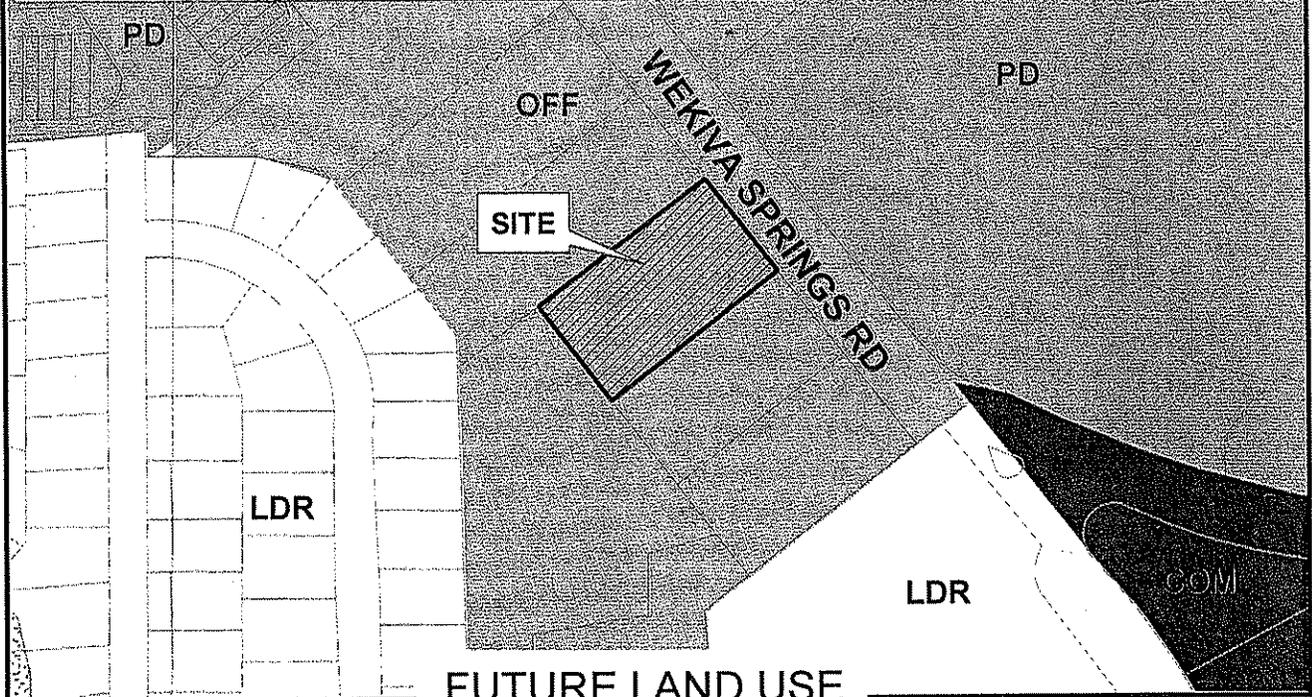
Staff recommends APPROVAL of the request to rezone 0.98 ± acres from OP (Office District) to OP (Office District). The subject property is located at 357 Wekiva Springs Road, on the west side of Wekiva Springs Road and north of Springs Plaza.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on April 5, 2006 and voted 7-0 to recommend APPROVAL of a request to rezone 0.98 ± acres from OP (Office District) to OP (Office District), located at 357 Wekiva Springs Road, on the west side of Wekiva Springs Road and north of Springs Plaza, based on staff's 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.

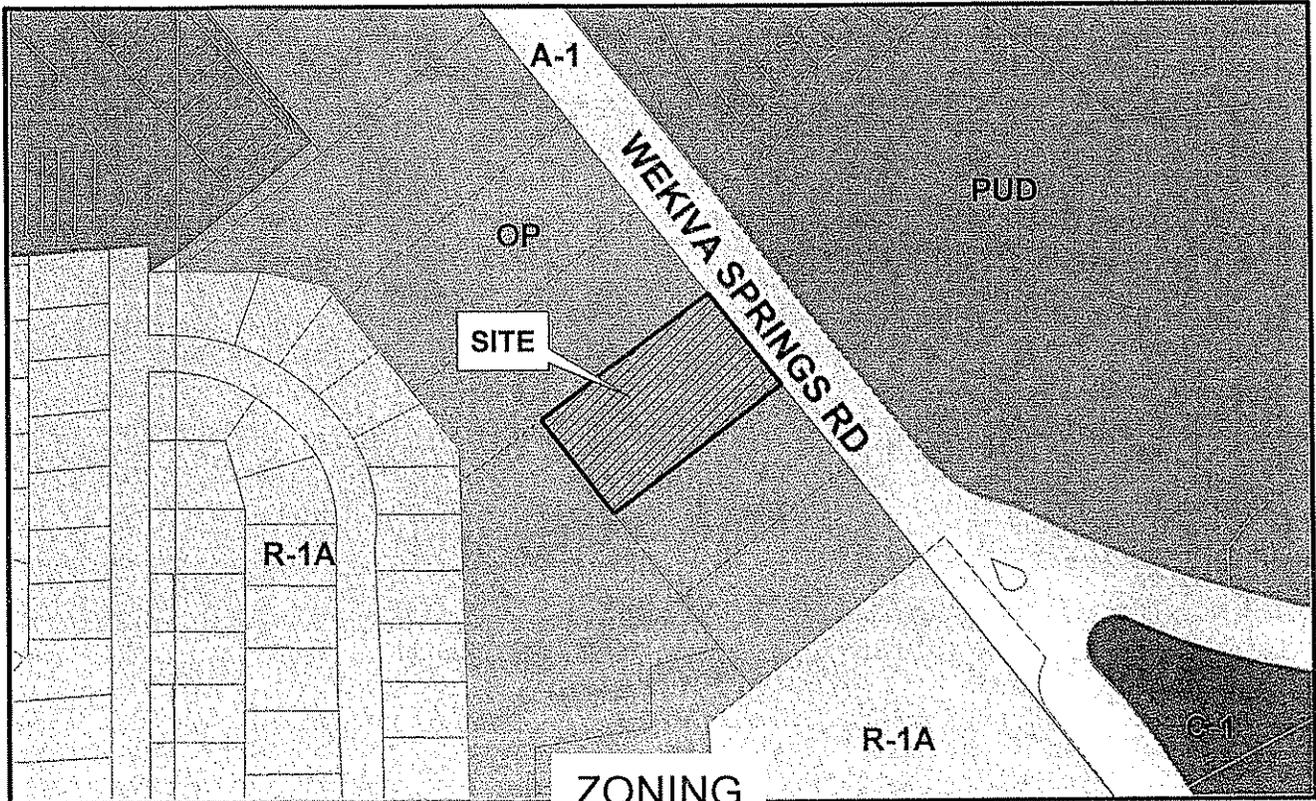


FUTURE LAND USE

Site
 Municipality
 LDR
 OFF
 COM
 PD
 CONS

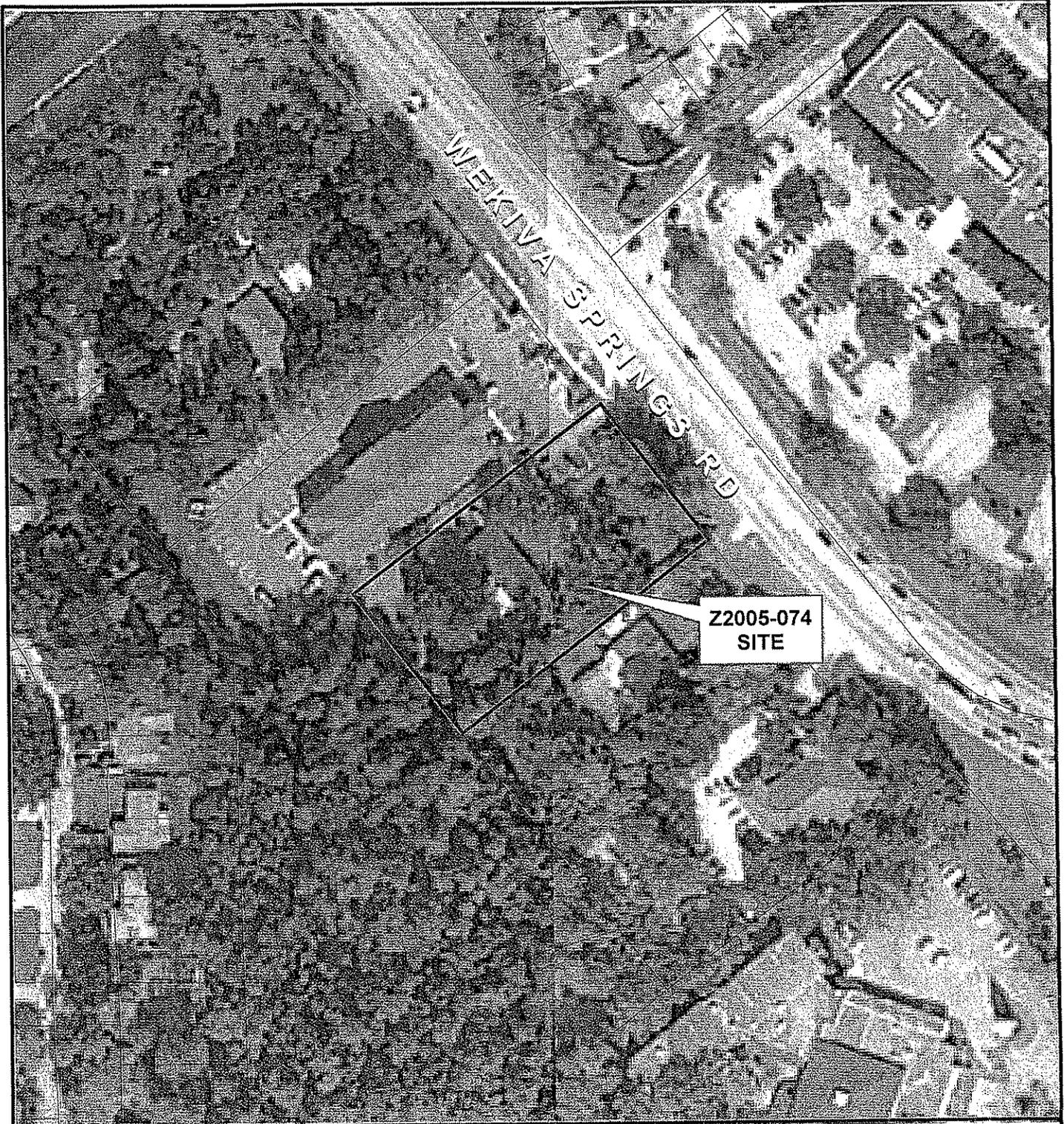
Applicant: Frank Ricci
 Physical STR: 03-21-29-300-008C-0000
 Gross Acres: .98 +/- BCC District: 3
 Existing Use: Office Professional
 Special Notes: Master Plan Final Approval

	Amend/ Rezoning#	From	To
FLU	--	--	--
Zoning	Z2005-074	OP	OP



ZONING

A-1
 OP
 R-1A
 C-1
 PUD
 FP-1
 W-1



Rezone No: Z2005-074
From: OP To: OP

-  Parcel
-  Subject Property



January 2004 Color Aerials

COMPATIBILITY WITH SURROUNDING PROPERTIES

The proposed site plan and rezone is compatible with the existing properties in the area because the site has operated as an approved doctor's office since 1983, and the surrounding properties along wekiva Springs Road consist of office land uses. This subject site

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

(North)

	OFF Office Building <i>OP</i>	OFF Office Building <i>OP</i>	PD Condominium <i>PUD</i>	
(West)	OFF Vacant Church Owned <i>OP</i>	OFF Office Building <i>OP</i>	PD Wekiva Springs Road / Three-Story Office <i>PUD</i>	(East)
	OFF Vacant Church Owned <i>OP</i>	OFF Single-Family Homestead <i>OP</i>	PD Wekiva Springs Road / Three-Story Office <i>PUD</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 12117C0110E, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, the subject property contains no wetlands.

Endangered and Threatened Wildlife:

Based on the site's current use as an office, there are no endangered and threatened wildlife on the subject property.

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 applied for concurrency review and the application is under review.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (OP)	Proposed Development*	Net Impact
Water (GPD)	223	1020	797
Sewer (GPD)	223	1020	797
Traffic (ADT)	22	101	79
Schools			
Elementary	0	0	0
Middle	0	0	0
High	0	0	0

* Proposed development of a 10,200 square foot doctors office

Utilities:

The site is located in the service area of Seminole County. There is a 4-inch water main on the west side of Wekiva Springs Road. There is an 8-inch force main in the middle of Wekiva Springs Road. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property accesses Wekiva Springs Road, which is classified as a four lane undivided major collector road. Wekiva Springs Road is currently operating at a level of service "D". Wekiva Springs Road is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

Public Safety:

The nearest response unit to the subject property is Station # 16, which is located at 930 Wekiva Springs Road. 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.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On May 23, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

COMMENCE AT THE EAST 1/4 CORNER OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN THENCE NORTH 89°48'34" WEST ALONG THE 1/4 SECTION LINE, 506.4 FEET TO THE EAST RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE, RUN THENCE NORTH 00°02'34" EAST 1508.25 FEET MORE OR LESS TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE AND THE SOUTHERLY RIGHT OF WAY LINE OF WEKIVA SPRINGS ROAD, ACCORDING TO THE PLAT OF SAID ROADWAY RECORDED IN PLAT BOOK 6, PAGE 25, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, RUN THENCE SOUTH 39°11'05" EAST 2023.20 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT OF BEGINNING; THENCE RUN SOUTH 39°11'05" EAST 150 FEET; THENCE SOUTH 50°48'55" WEST 300 FEET, THENCE NORTH 39°11'05" WEST 150 FEET, THENCE NORTH 50°48'55" EAST 300 FEET TO THE POINT OF BEGINNING: LESS A RIGHT OF WAY 15 FEET IN WIDTH TO RIGHT ANGLES TO AND PARALLEL WITH ADJACENT TO THE WESTERLY RIGHT OF WAY LINE OF WEKIVA SPRINGS ROAD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 25, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

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

FINDINGS OF FACT

Property Owner: Joseph & Carol Cannizzaro

Project Name: Wekiva Springs Road (357)

Requested Development Approval: Rezone from OP (Office District) to OP (Office, 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. All development shall comply with the site plan attached as Exhibit A.
- b. All outdoor lighting is subject to the Seminole County Land Development Code Section 30.1234.
- c. The applicant will make every effort with the site plan to save the 15" diameter oak tree located at the rear of the property and the 34" diameter oak tree located within the front boundary of the property.
- d. At final site plan approval, the developer will provide a landscaping plan that will provide additional plantings as necessary to ensure opacity and prevent the parking areas from being viewed by the neighboring single-family residential to the south, as determined by the Planning Manager.
- e. Maximum building area for office use is 18,175 square feet. Any increase in building area over 18,175 square feet shall require review by the Planning and Zoning Commission and approval by the Board of County Commissioners.

(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

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Joseph & Carol Cannizzaro, on behalf of themselves and their heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Joseph Cannizzaro
Property Owner

Print Name

Witness

Carol Cannizzaro
Property Owner

Print Name

**STATE OF FLORIDA
COUNTY OF SEMINOLE**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared, Joseph & Carol Cannizzaro is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

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 OP (OFFICE DISTRICT) ZONING DISTRICT THE OP (OFFICE DISTRICT) ZONING DISTRICT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR EXCLUSION FROM CODIFICATION; 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 "Wekiva Springs Road (357)".

(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 OP (Office District) to OP (Office District):

COMMENCE AT THE EAST 1/4 CORNER OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN THENCE NORTH 89°48'34" WEST ALONG THE 1/4 SECTION LINE, 506.4 FEET TO THE EAST RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE, RUN THENCE NORTH 00°02'34" EAST 1508.25 FEET MORE OR LESS TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE AND THE SOUTHERLY RIGHT OF WAY LINE OF WEKIVA SPRINGS ROAD, ACCORDING TO THE PLAT OF SAID ROADWAY RECORDED IN PLAT BOOK 6, PAGE 25, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, RUN THENCE SOUTH 39°11'05" EAST 2023.20 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT OF BEGINNING; THENCE RUN SOUTH 39°11'05" EAST 150 FEET; THENCE SOUTH 50°48'55" WEST 300 FEET, THENCE NORTH 39°11'05" WEST 150 FEET, THENCE NORTH 50°48'55" EAST 300 FEET TO THE POINT OF BEGINNING; LESS A RIGHT OF WAY 15 FEET IN WIDTH TO RIGHT ANGLES TO AND PARALLEL WITH ADJACENT TO THE WESTERLY RIGHT OF WAY LINE OF WEKIVA SPRINGS ROAD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 25, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

Section 3. EXCLUSION FROM 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 on the recording date of the Development Order #2005-074 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

**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.

Wekiva Springs Road (357) OP Rezone; Frank Ricci, applicant; approximately .98 acres; Rezone OP (Office Professional) to OP (Office Professional) for a Medical Office; located on the west side of Wekiva Springs Road, north of Springs Plaza. (Z2005-074)

Commissioner Van Der Weide – District 3
Michael Rumer, Senior Planner

Michael Rumer presented the application for the 10,200 square foot doctor's office complex which will be replacing the current building of approximately 2,200 square feet. The proposed building will be 2 stories tall. The property was rezoned to OP (Office Professional District) in 1983. The Land Development Code requires that any substantial change in the design should be brought back to the Board of County Commissioners for approval. Staff recommendation was for approval.

Frank Ricci stated that Dr. Cannizzaro current building is old and is approximately 4,300 square feet.

Kurt Elsburger of 337 Wekiva Springs Road was concerned about his privacy. The other 2 story buildings in the area have landscaping buffers. The north side of his property has only a 3 foot tall hedge.

Mr. Ricci stated that the lot will have adequate landscaping buffering.

Michael Rumer said that no active passive buffers were required with Commercial future land use and OP zoning. He referred to condition "D" of the development order which requires at the time of final site plan approval for the developer to provide sufficient plantings and landscape buffers to provide opacity and to keep the parking area to be viewed by the single family residence to the south. The Planning Manager will see the landscape plan.

Commissioner Tucker said that this will be enforced.

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

Commissioner Eismann seconded the motion.

The motion passed 7 – 0.