

**SEMINOLE COUNTY GOVERNMENT
BOARD OF COUNTY COMMISSIONERS
AGENDA MEMORANDUM**

SUBJECT: Wilder Office/Retail Rezone from A-1 (Agriculture) to C-2 (Retail Commercial)

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Benjamin Dunn EXT 7440

Agenda Date <u>6/13/06</u>	Regular <input type="checkbox"/>	Consent <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:

1. **APPROVE** and enact an ordinance to authorize a rezone of 0.92 ± acres, located on the northeast corner of SR 426 and Wrights Road, from A-1 (Agriculture) to C-2 (Retail Commercial), based on staff findings (Mary & Jack Wilder, applicants); or
2. **DENY** a request to rezone 0.92 ± acres, located on the northeast corner of SR 426 and Wrights Road, from A-1 (Agriculture) to C-2 (Retail Commercial) (Mary & Jack Wilder, applicant); or
3. **CONTINUE** the item to a time and date certain.

District 1 – Comm. Dallari

Benjamin Dunn, Sr. Planner

BACKGROUND:

The applicant is requesting to rezone 0.92 ± acres from A-1 (Agriculture) to C-2 (Retail Commercial), in order to develop an office/retail center. The property is located on the northeast corner of SR 426 and Wrights Road. The Future Land Use Designation on the subject property is Commercial, which is consistent with the requested zoning district.

Reviewed by: Co Atty: <u>KFT</u> DFS: _____ OTHER: _____ DCM: _____ CM: <u>CD</u> File No. <u>ph130pdp01</u>

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 0.92 ± acres, located on the northeast corner of SR 426 and Wrights Road, from A-1 (Agriculture) to C-2 (Retail Commercial).

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on May 3, 2006 and voted 7-0 to recommend APPROVAL of the request to rezone 0.92 ± acres, located on the northeast corner of SR 426 and Wrights Road, from A-1 (Agriculture) to C-2 (Retail Commercial), based on staff findings.

Attachments:

Staff Report
Location Map
Zoning & Future Land Use Map
Aerial Map
Rezone Ordinance
5-3-06 Planning & Zoning Board Minutes

Wilder Office/Retail Rezone

Rezone from A-1 to C-2

APPLICANT	Mary & Jack Wilder	
PROPERTY OWNER	Mary & Jack Wilder	
REQUEST	Rezone from A-1 (Agriculture) to C-2 (Retail Commercial)	
PROPERTY SIZE	0.92 ± acres	
HEARING DATE (S)	P&Z: May 3, 2006	BCC: June 13, 2006
PARCEL ID	31-21-31-300-008A, 008B, 008C, 008D-0000	
LOCATION	NE corner of the intersection of SR 426 and Wrights Road.	
FUTURE LAND USE	COM (Commercial)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2006-15	
COMMISSION DISTRICT	#1 – Dallari	

Proposed Development:

The applicant is proposing to build an office/retail center.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Mary & Jack Wilder, is requesting to rezone 0.92 ± acres from the A-1 (Agriculture) zoning district to the C-2 (Retail Commercial) zoning district in order to build an office/retail center. The subject property is located on the northeast corner of SR 426 and Wrights Road. The Future Land Use designation of the subject property is COM (Commercial), which permits a variety of commercial and office uses. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of C-2 (Retail Commercial):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (C-2)
Minimum Lot Size	43,560 square feet	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	100 feet
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

* UNLESS A SIDE LOT LINE AND REAR LOT LINE ARE ABUTTING PROPERTY ASSIGNED WITH RESIDENTIAL ZONING. PLEASE REFER TO SECTION 30.1228

PERMITTED & SPECIAL EXCEPTION USES

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

Uses	A-1 (existing)	C-2 (proposed)
Permitted Uses	Single-family detached, 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-1 District, amusement and recreational facilities, building and plumbing supplies, car wash, furniture warehouse with retail sales, hotels and motels, marine sales and service, mobile home and recreation vehicle sales, outdoor advertising signs, parking garages, printing and book binding shops, automobile sales with no repair facilities, veterinary hospitals and kennels, and multi-family housing (condominiums, apartments and townhouses of medium to high density, per R-3 Zoning density and design criteria).
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.	Alcoholic beverage establishments, contractors establishments wit no outside storage, Drive-In restaurants, Drive-In theaters, living quarters in conjunction with a commercial use, lumber yards, mechanical garages, paint and body shops, public utility structures, service stations and gas pumps as an accessory use, hospitals and nursing homes, communication towers that are not permitted uses, parking of semi-tractor trailers and cargo trailer boxes in rural areas for the sale of feed.
Minimum Lot Size	1-Acre	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The subject site and the adjacent properties to the east are located within the Commercial Future Land Use Designation. To the north and west is an approved PCD (Aloma Business Center). Therefore, the proposed rezone request is consistent with the surrounding area.

The Future Land Use designation, zoning district and existing use for the subject and abutting properties are as follows:

(North)

	PD Commercial/Office <i>PCD</i>	PD Commercial/Office <i>PCD</i>	COM Vacant <i>A-1</i>	
(West)	PD Gas Station/Office <i>PCD</i>	COM Vacant <i>A-1</i>	COM Single-Family Home <i>A-1</i> (43,560 sq. ft lots)	(East)
	LDR SR 426/ Single-Family <i>A-1</i> (43,560 sq. ft lots)	MDR SR 426/ Single-Family <i>R-1AA/R-1A</i> (11,700 sq. ft lots)	MDR SR 426/ Single-Family <i>R-1A</i> (9,000sq. ft lots)	

(South)

Example:

Future Land Use Existing Use <i>Existing Zoning</i> (Average Lot Size)
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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 FEMA Map Number 12117C0210E, the site is not located within the 100 year floodplain.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, no portion of the site appears to be located within a wetland.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there are no endangered and threatened wildlife on the subject property. A Threatened and Endangered (T&E) 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)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 (A-1)	Proposed Development*	Net Impact
Water (GPD)	350	800	450
Sewer (GPD)	300	800	500
Traffic (ADT)	10	79	69
Schools			
Elementary	1	0	-1
Middle	1	0	-1
High	1	0	-1

* Based on proposed development of 8,000 sq. ft. of retail/commercial space.

Utilities:

The site will have utilities furnished by Seminole County. There is currently a 12-inch gravity sewer main and a 16-inch water main on the north side of SR 426 (Aloma Ave). This project is located within the ten year master plan for reclaimed water, so a separate irrigation system will be required. Additionally, an alternative source for water, such as a shallow well, will be required until reclaimed water becomes available.

Transportation / Traffic:

The property accesses SR 426 (Aloma Ave.), which is classified as an arterial roadway. SR 426 is currently operating at a level-of-service "A". An FDOT access permit will be required for access to the site. SR 426 (Aloma Ave.) is not currently programmed to be improved according to the County 5-year Capital Improvement Program. Wrights Road is a private roadway and the applicant up to this date has not been successful in obtaining access rights from it.

School Impacts:

The proposed development will not generate any school impacts.

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is a 5 minute average response time. 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.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin, which is an open basin that eventually flows to Lake Jesup then into the St Johns River. A detailed drainage analysis is required at final engineering, which will outline all retention requirements.

Parks, Recreation and Open Space:

The applicant shall provide a minimum of 25 percent open space on the property, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Land Development Code.

Buffer and Sidewalks:

The subject site is adjacent to properties with non-residential Future Land Use Designations, so the applicant will not be required to provide any buffering to adjacent properties. However, if the applicant's parking lot is adjacent to SR 426 a landscape buffer will be required.

Per Appendix A of the Seminole County LDC, the applicant will be required to provide internal pedestrian connection to SR 426.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is not located within any special district area.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy FLU 2.5: Transitional Land Uses
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 because the site is not directly adjacent to any municipalities and does not impact any public 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 0.92 ± acres, located on the northeast corner of SR 426 and Wrights Road, from A-1 (Agriculture) to C-2 (Retail Commercial).

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on May 3, 2006 and voted 7-0 to recommend APPROVAL of the request to rezone 0.92 ± acres, located on the northeast corner of SR 426 and Wrights Road, from A-1 (Agriculture) to C-2 (Retail Commercial), based on staff findings.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE C-2 (RETAIL COMMERCIAL) ZONING CLASSIFICATION; 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 "Wilder Office/Retail 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-2 (Retail Commercial):

SEE ATTACHED EXHIBIT A

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 upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 13th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

PARCEL A: THE SOUTH 175 FEET OF THE EAST 100 FEET OF THE SOUTH 1/2 OF THE WEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 31, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE ROAD ON THE SOUTH.

PARCEL B: THE WEST 50 FEET OF THE EAST 150 FEET OF THE WEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 31, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE ROAD ON THE SOUTH.

PARCEL C: THE SOUTH 175 FEET OF THE WEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 31, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, LESS EAST 200 FEET OF THE WEST 25 FEET AND ALSO LESS THE ROAD ON THE SOUTH.

PARCEL D: THE WEST 50 FEET OF THE EAST 200 FEET OF THE SOUTH 175 FEET OF THE WEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 31, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE ROAD ON THE SOUTH.

**MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY
PLANNING AND ZONING COMMISSION
MAY 3, 2006**

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

Also present: Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Jeffrey Hopper, Senior Planner; Benjamin Dunn, Senior Planner; Tony Walter, Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Brian Walker, Planner; Cynthia Sweet, Planner; Denny Gibbs, Senior Planner; Dan Matthys, Director of Planning and Development; and Candace Lindlaw-Hudson, Senior Staff Assistant.

Wilder Office Building Rezone; Mary Wilder and Jack Wilder, applicants; 1.43 ± acres; Rezone from A-1 (Agriculture) to C-2 (Retail Commercial); located on the northeast corner of the intersection of SR 426 and Wrights Road. (Z2006-15)

Commissioner Dallari – District 1
Benjamin Dunn, Senior Planner

Mr. Dunn stated that the land use designation is PD to the west and north. The application is consistent with land uses in the area. Staff recommendation is for approval of the request.

Commissioner Wolf asked about the house to the east. It is under the trees, in A-1 zoning.

Mr. Dunn said that the owner of the nearby house had no objection to the request. Her property is commercial future land use as well.

Commissioner Tucker said that the owner of this property is trying to get access to Wright's Road, a private road.

Steve Helle, the civil engineer on the project, stated that the owners are trying to get access to Wright's Road. The DOT is in favor of a right-in, right out access to the property on the eastern end. That will be there no matter what happens with the Wright's Road access request.

Commissioner Eismann stated that the closest firehouse is seven minutes away according to his calculations.

Mr. Dunn said that the GIS calculations gave a 5 minute response time.

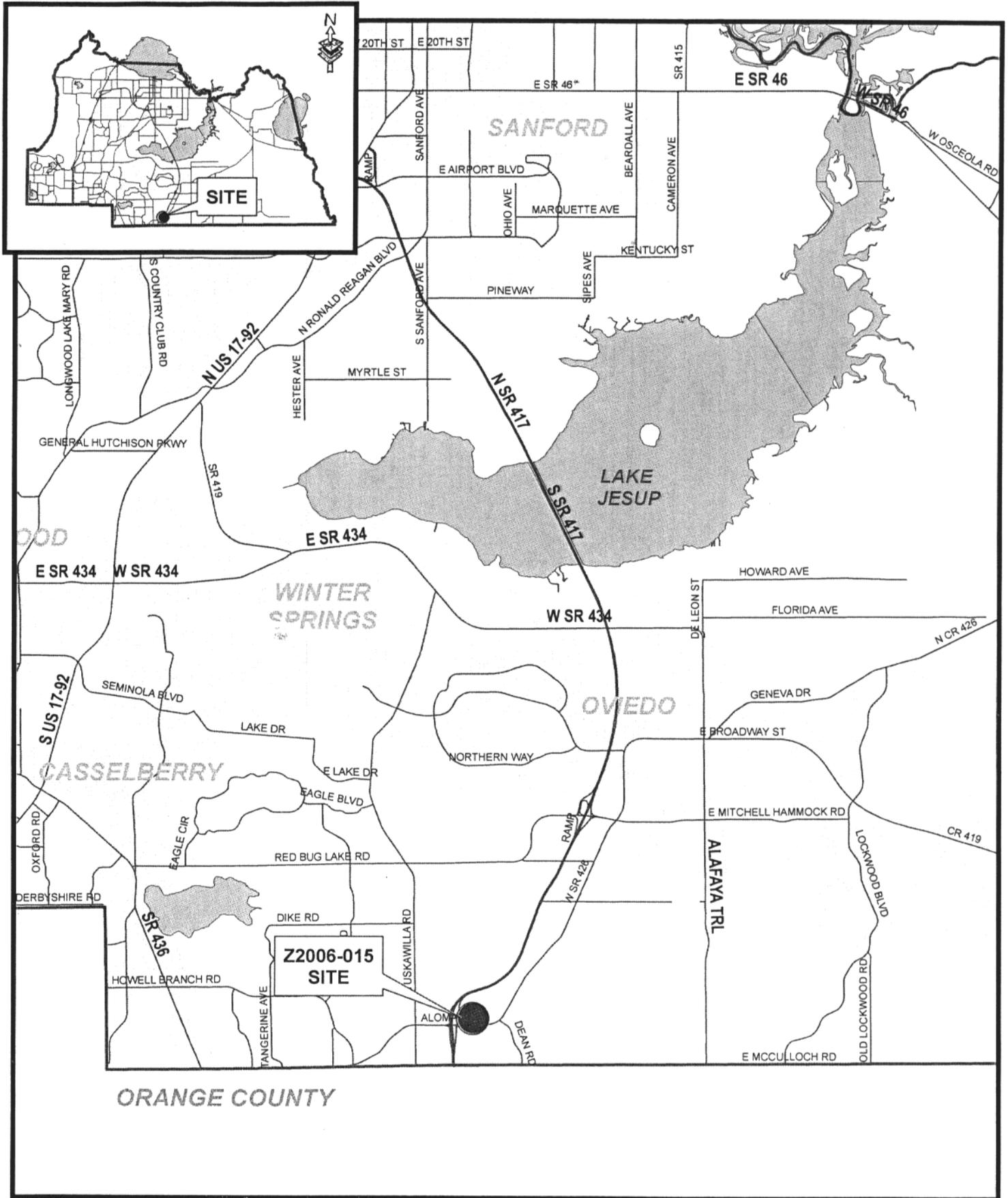
Commissioner Eismann said that it would not be a 5 minute response time.

Tina Williamson stated that a 5 minute average response time was required by the Comprehensive Plan. Our public safety officer has reviewed the request and has stated that this request is in compliance with the Comprehensive Plan.

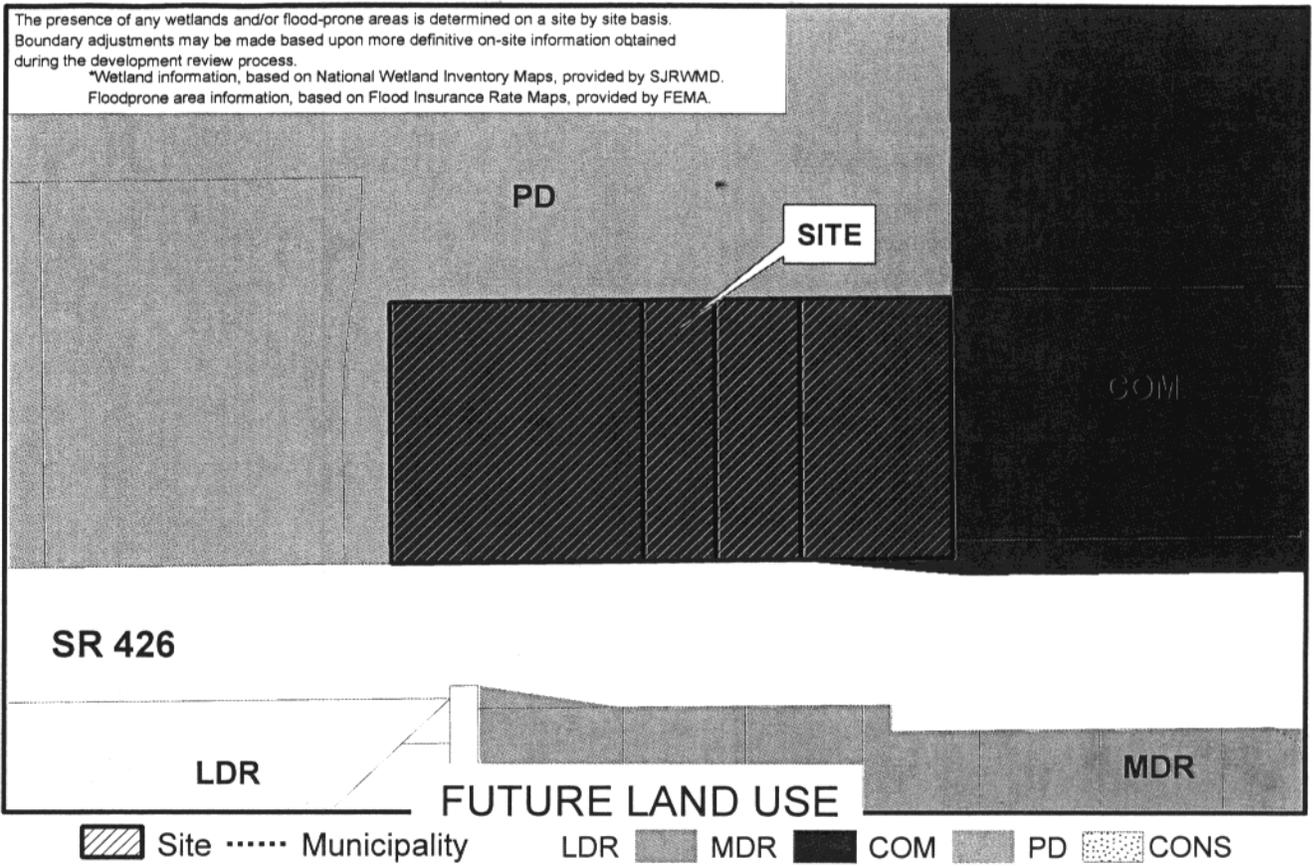
Commissioner Brodeur made a motion to recommend approval of the request.

Commissioner Brown seconded the motion.

The motion passed by a vote of 7 – 0.



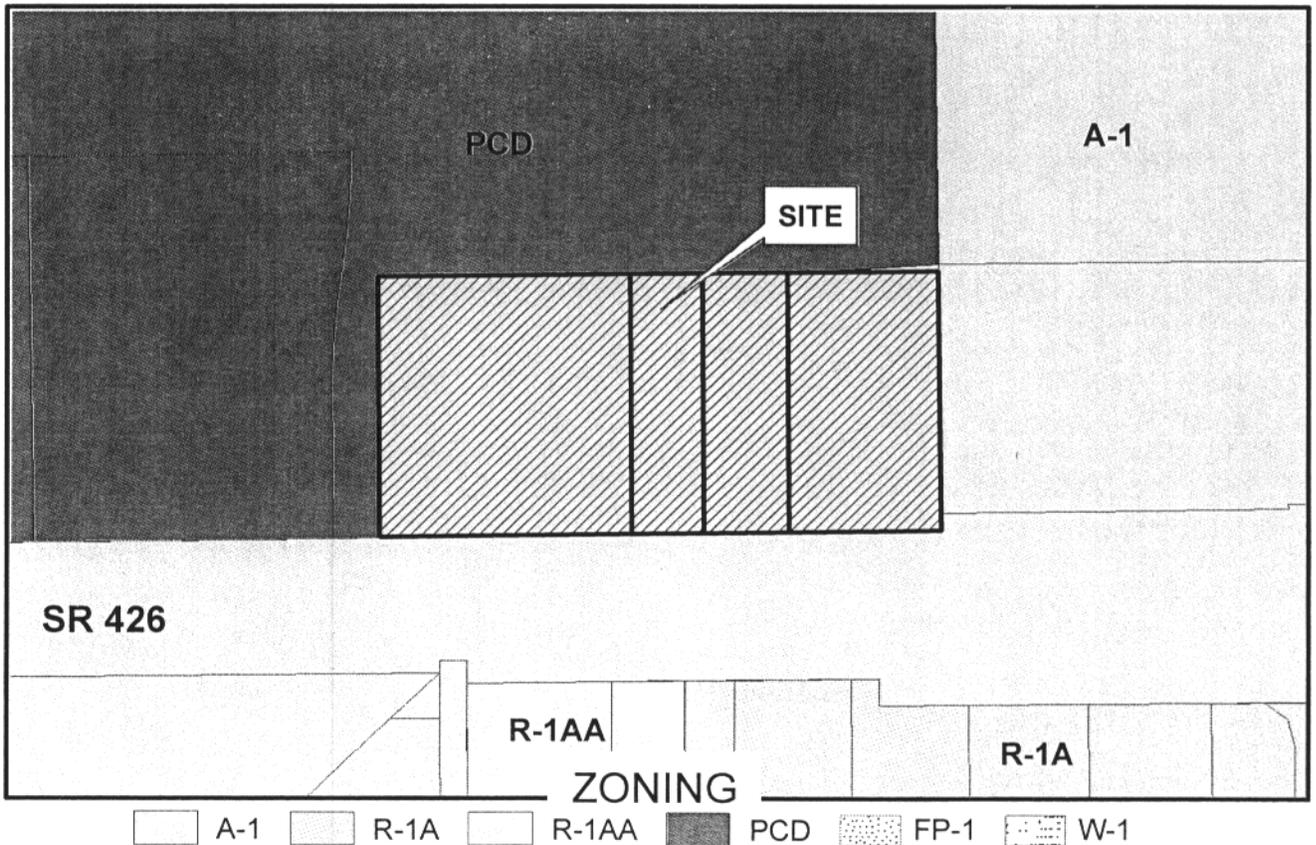
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



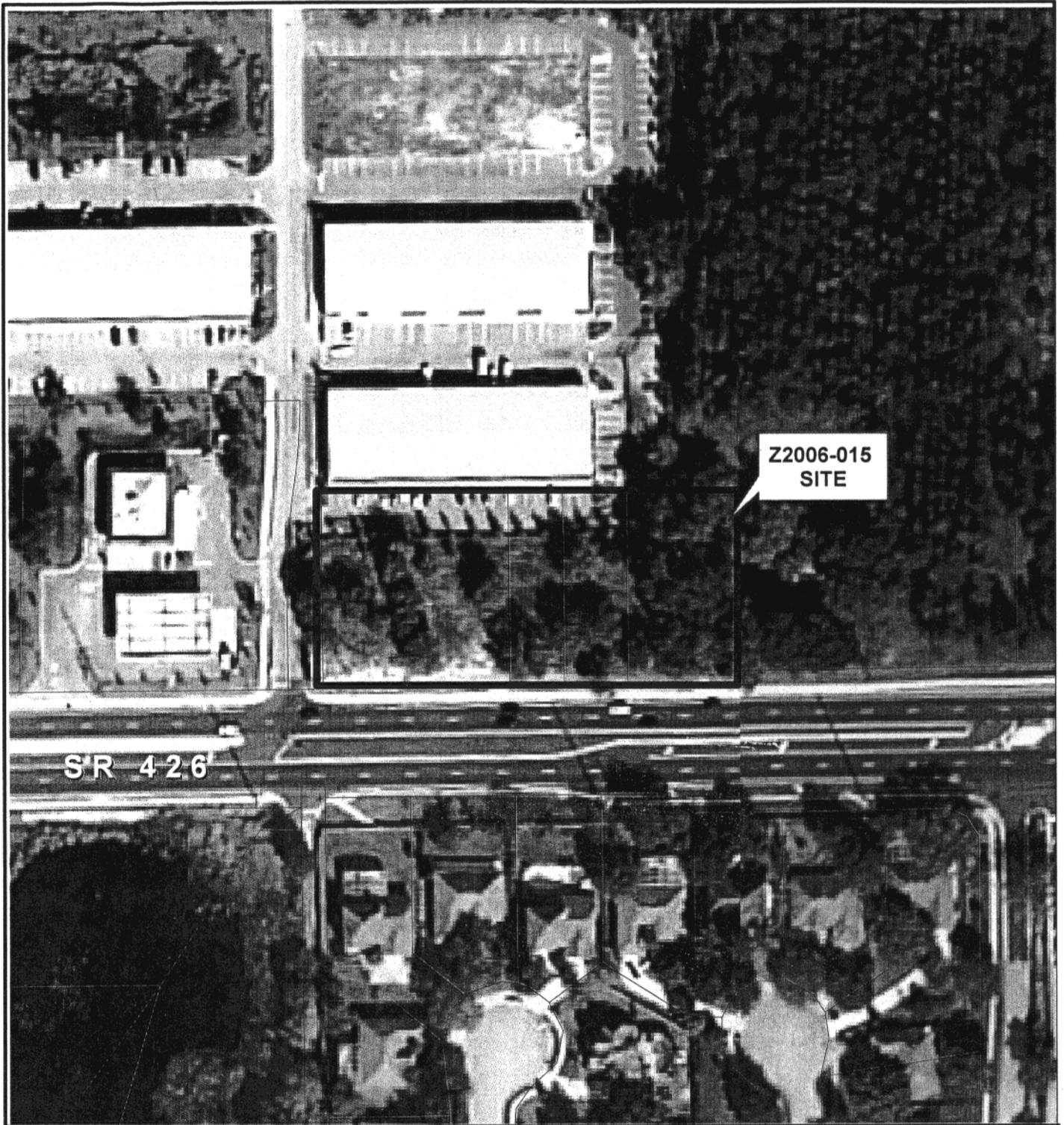
Site
 Municipality
 LDR MDR COM PD CONS

Applicant: Mary and Jack Wilder
 Physical STR: 31-21-31-300-008A & 008B & 008C & 008D-0000
 Gross Acres: 1.43 +/- BCC District: 1
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-015	A-1	C-2



A-1
 R-1A
 R-1AA
 PCD
 FP-1
 W-1



S'R 426

Z2006-015
SITE

Rezone No: Z2006-015
From: A-1 To: C-2

-  Parcel
-  Subject Property



January 2004 Color Aerials