

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

SUBJECT: West SR 426 Oviedo Rezone from A-1(Agriculture) to C-3 (General Commercial & Wholesale)

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:

- APPROVE** a request and authorize the Chairman to enact an ordinance to rezone 0.80 ± acres, located on the west side of SR 426 north of Dean Road, from A-1 (Agriculture) to C-3 (General Commercial & Wholesale), based on staff findings, (Victor Triana, applicant); or
- DENY** a request to rezone 0.80 ± acres, located on the west side of SR 426 north of Dean Road, from A-1 (Agriculture) to C-3 (General Commercial & Wholesale), (Victor Triana, applicant); or
- CONTINUE** the item to a time and date certain.

District #1 – Comm. Dallari

Benjamin Dunn, Sr. Planner

BACKGROUND:

The applicant is requesting to rezone 0.80 ± acres located on the west side of SR 426 north of Dean Road, from A-1 (Agriculture) to C-3 (General Commercial & Wholesale), to convert an existing two-story home into a bakery. The Future Land Use Designation of the subject property is Industrial (IND), which is consistent with the requested zoning district.

Reviewed by: Co Atty: <u>KFT</u> DFS: _____ OTHER: <u>AB</u> DCM: <u>[Signature]</u> CM: <u>[Signature]</u> File No. <u>ph130pdp03</u>

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 0.80 ± acres, located on the west side of SR 426 north of Dean Road, from A-1 (Agriculture) to C-3 (General Commercial & Wholesale).

However, the Board of County Commissioners may want to consider a rezone to Planned Commercial Development (PCD), based on the recent discussions concerning the character of the area. There is an existing PCD abutting the subject site to the west and northwest. At the May 23, 2006 BCC meeting regarding the Big Boy's Storage rezone application, located on the north side of Mikler Road, the applicant submitted for a rezone to C-3 and the BCC continued the case to a later date to give the applicant time to develop a site plan and resubmit as a PCD.

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 0.80 ± acres, located on the west side of SR 426 north of Dean Road, from A-1 (Agriculture) to C-3 (General Commercial & Wholesale), 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

W. SR 426 Oviedo Rezone

Rezone from A-1 to C-3

APPLICANT	Victor Triana	
PROPERTY OWNER	Victor Triana	
REQUEST	Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale)	
PROPERTY SIZE	0.80 ± acres	
HEARING DATE (S)	P&Z: May 3, 2006	BCC: June 13, 2006
PARCEL ID	29-21-31-300-005A-0000	
LOCATION	Located on the west side of SR 426 north of Dean Road	
FUTURE LAND USE	IND (Industrial)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2006-08	
COMMISSION DISTRICT	#1 – Dallari	

Proposed Development:

The applicant plans to convert an existing two-story home into a bakery.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to rezone 0.80 ± acres located on the west side of SR 426 north of Dean Road, from A-1 (Agriculture) to C-3 (General Commercial & Wholesale), to convert an existing two-story home into a bakery. The Future Land Use Designation of the subject property is Industrial (IND), which is consistent with the requested zoning district.

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning 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 table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	A-1 (existing)	C-3 (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 permitted uses in the C-2 District excluding public or private elementary schools, middle schools, and high schools. Bakeries, bottling and distribution plants, cold storage and frozen food lockers, contractors equipment-storage yards, feed stores, greenhouses-wholesale, industrial trade schools, laundry and dry-cleaning plants, lumber yards, machinery sales and storage, mechanical garages, paint and body shops, plumbing shops, trade shops, such as upholstery, metal and 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 feet in height and office showrooms.
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 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, flea markets.
Minimum Lot Size	1-Acre	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The subject site and adjacent properties that are located on the west side of SR 426 fall within the Industrial (IND) Future Land Use (FLU) Designation. Therefore, the proposed request to rezone the subject site to C-3 is consistent with the future plans for the area.

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

	(North)			
	IND Warehousing <i>PCD</i>	IND Single-Family <i>A-1</i> <i>Vacant</i>	OFF Aloma Self Storage <i>OP</i>	
(West)	IND Warehousing <i>PCD</i>	IND Single-Family <i>A-1</i>	MDR SR 426/ Single-Family <i>R-1AA</i> <i>(11,700 sq. ft. lots)</i>	(East)
	IND <i>Vacant</i> <i>C-1</i>	IND <i>Vacant</i> <i>C-1</i>	MDR SR 426/ Single-Family <i>R-1AA</i> <i>(11,700 sq. ft. lots)</i>	

Example:

Future Land Use Existing Use <i>Existing Zoning</i> (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 FIRM map number 12117C0165 E, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo, it does not appear that any portion of the site is located within a wetland area.

Endangered and Threatened Wildlife:

Based on preliminary analysis, there are no threatened or endangered species 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 (C-3)*	Net Impact
Water (GPD)	350	855	505
Sewer (GPD)	300	641	341
Traffic (ADT)	10	100	90

* Proposed development is based on a 2,440 sq. ft. bakery.

Utilities:

The site is located in the Seminole County Southeast Utility Service Area and will be required to connect to all available public utilities. There is currently a 16-inch water main on the west side of SR 426 and a 16-inch force main located on the east side of SR 426. This parcel is in the ten year master plan for reclaimed water. A separate irrigation system will be required. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

There is currently a 16-inch water main on the west side of SR 426 and a 16-inch force main located on the east side of SR 426. At this time there are some limitations on water capacity for new development in the Southeast Service Area, so water capacity will be determined at the concurrency review. 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 will be required until reclaimed water becomes available.

Transportation / Traffic:

The property access is from SR 426, which is classified as a principal arterial roadway. SR 426 currently operates at a Level-Of-Service "B". The subject site access will be limited to a right in/right out. There are no scheduled improvements within the FDOT 5 year work program.

School Impacts:

The proposed rezone 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 5 minutes average response time. The nearest response unit to the subject property is Station #44, which is located 400 Alexandria Blvd. 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. Should any new impervious surfaces be added, a detailed drainage analysis will be required at site plan approval, which will outline all retention requirements.

Parks, Recreation and Open Space:

The applicant is required to provide 25% of the site as open space, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Seminole County LDC. These requirements will be verified during the site plan review process.

Buffers and Sidewalks:

The subject site is adjacent to properties with commercial and agricultural zoning designations with an industrial land use, so the applicant will not have to provide Active/Passive buffers.

The continuation of the Cross Seminole Trail will run along the frontage of this project on SR 426, so sidewalks will not be required by the applicant.

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 or overlay.

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:

An intergovernmental notice was sent to the City of Oviedo on April 24, 2006. The property is located within the County/City Joint Planning Area.

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 0.80 ± acres, located on the west side of SR 426 north of Dean Road, from A-1 (Agriculture) to C-3 (General Commercial & Wholesale).

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 0.80 ± acres, located on the west side of SR 426 north of Dean Road, from A-1 (Agriculture) to C-3 (General Commercial & Wholesale), 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 (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE C-3 (GENERAL COMMERCIAL & WHOLESALE) 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 W SR 426 Oviedo Rezone, dated June 13, 2006.

(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).

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

Legal Description for 2476 426 SR W OVIEDO, FLORIDA 32765

The North 100 feet of the South 495 feet of the West 400 feet of the East 425 feet of the Northwest 1/4 of Section 29, Township 21 South, Range 31 East, Seminole County, Florida, excepting any right of way of the Seaboard Coast Line Railroad which may touch this property, and excepting that part of the Seaboard Coast Line Railroad right of way that traverses this property.

**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.

West SR 426 Oviedo Rezone; Victor Triana, applicant; .80 ± acres; Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale); located on the west side of West SR 426, approximately 2,300 feet southwest of West Chapman Road. (Z2006-08)

Commissioner Dallari - District 1
Benjamin Dunn, Senior Planner

Benjamin Dunn stated that the applicant would put a bakery on the site. The future land use on the site and all along this side of the road is Industrial. Staff recommendation is for approval of the request.

Stephen Ratcliff stated that the family will install 2 buildings on the site for a retail/wholesale bakery on the site.

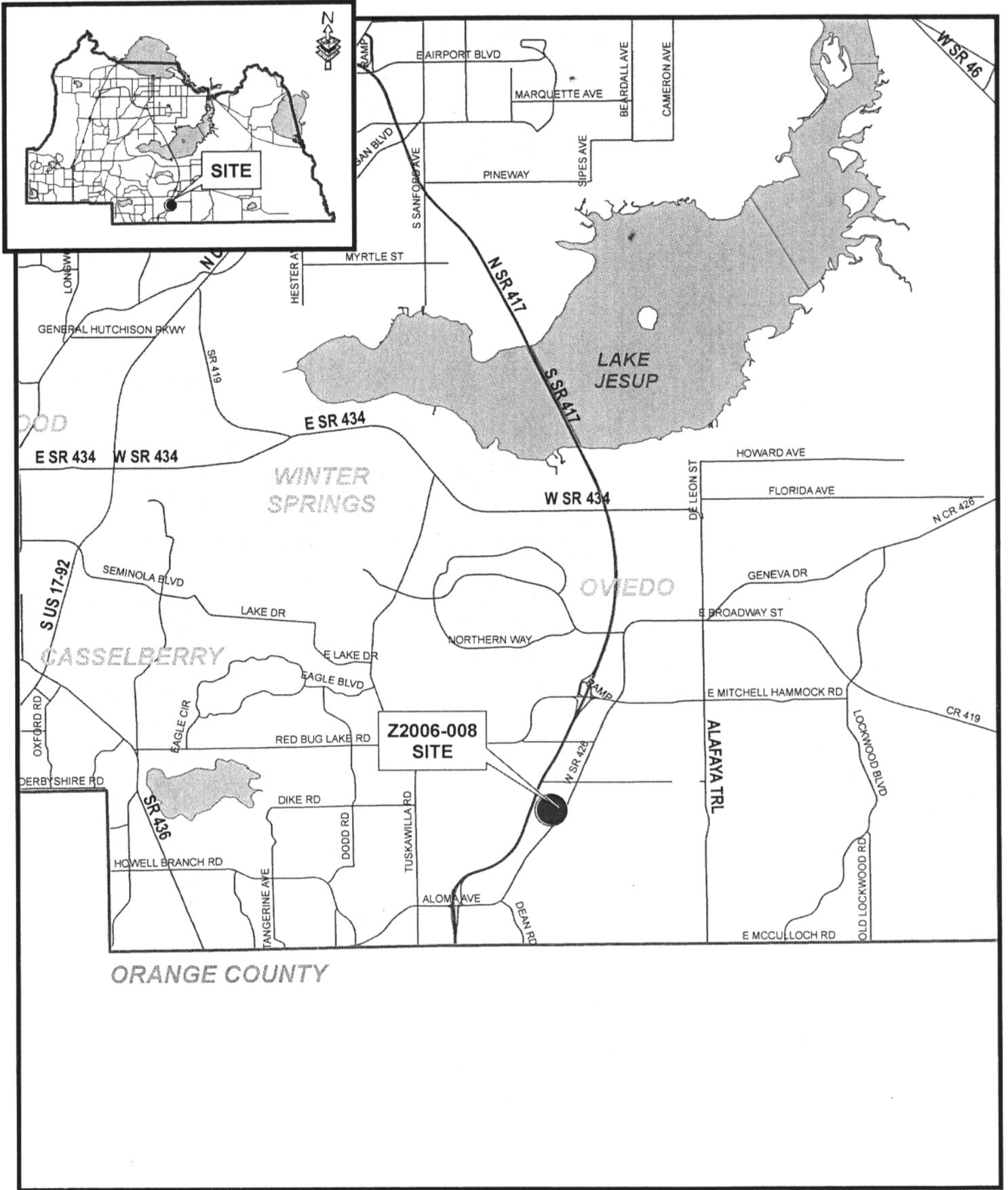
Commissioner Brown said that this is compatible with the area. What is the use of the "vacant" parcel to the north?

Mr. Dunn said it was A-1.

Commissioner Hattaway made a motion to recommend approval.

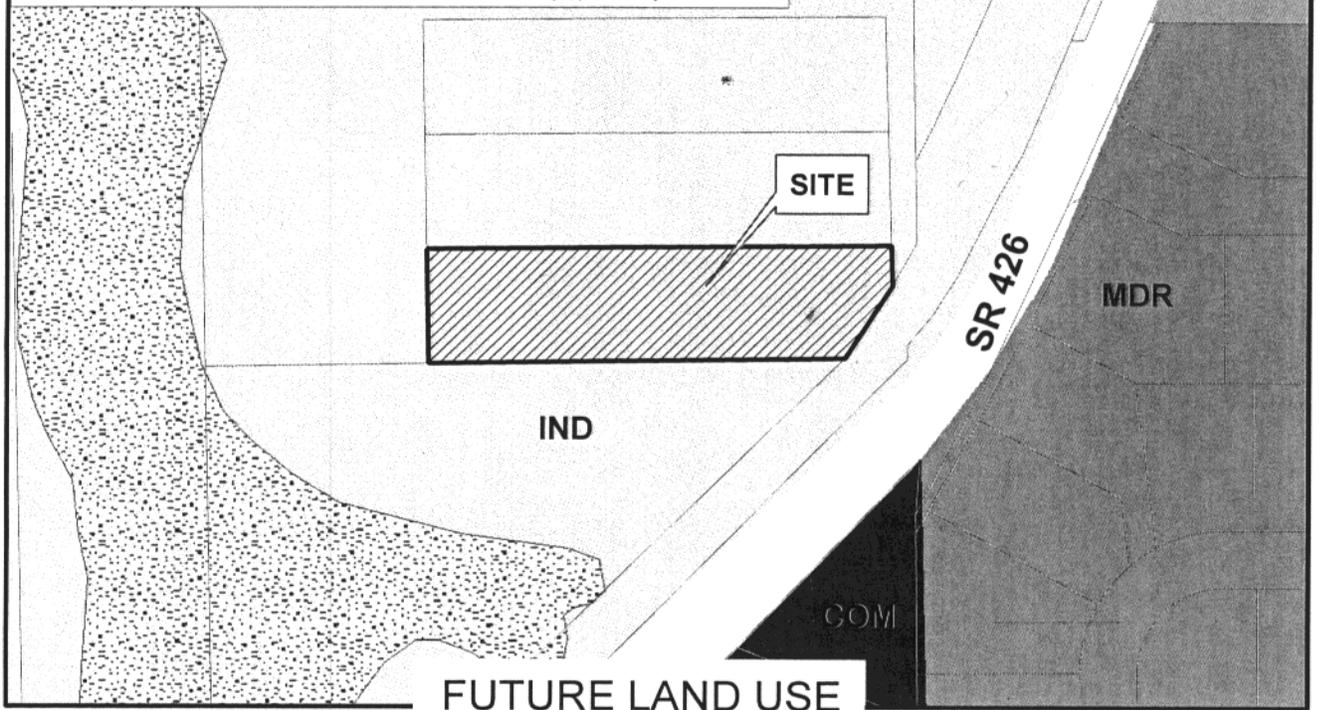
Commissioner Eismann seconded the motion.

The motion passed 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.

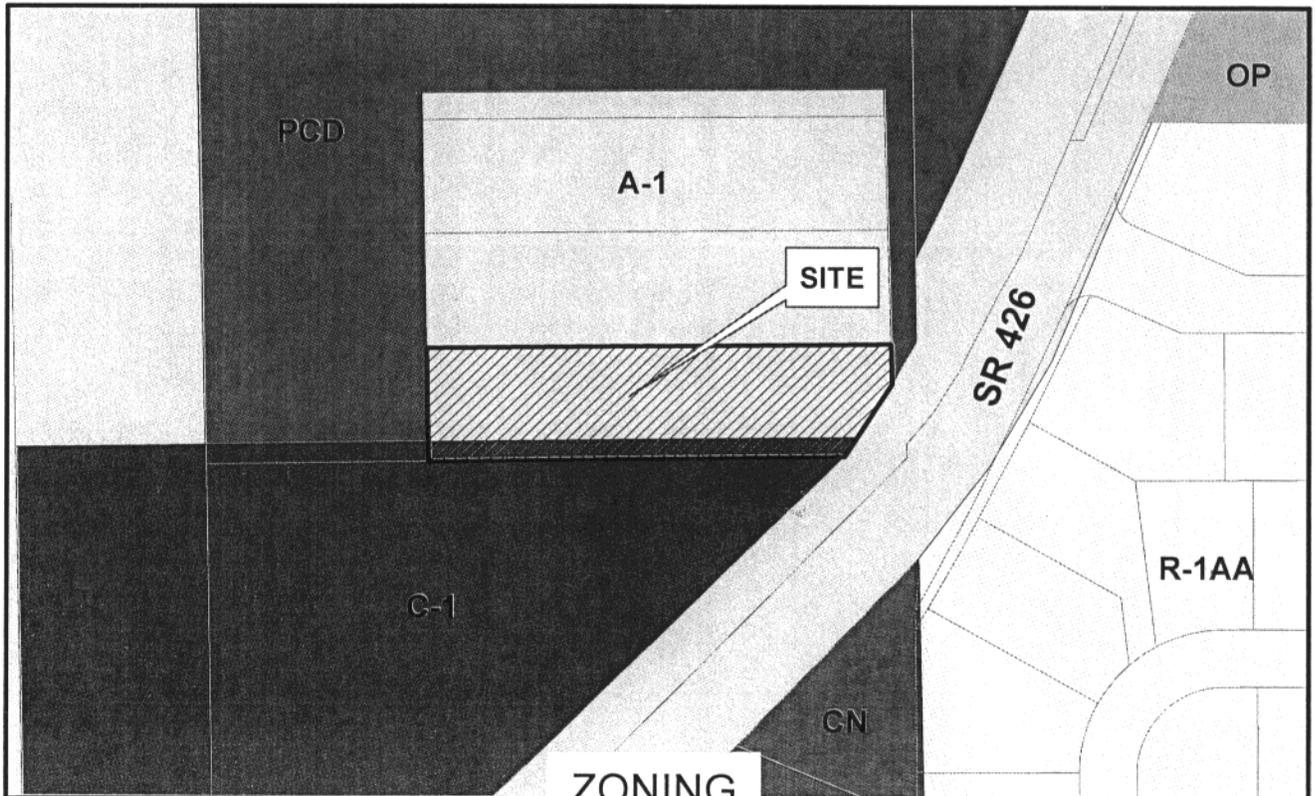


FUTURE LAND USE

Site
 Municipality
 MDR
 OFF
 COM
 IND
 CONS

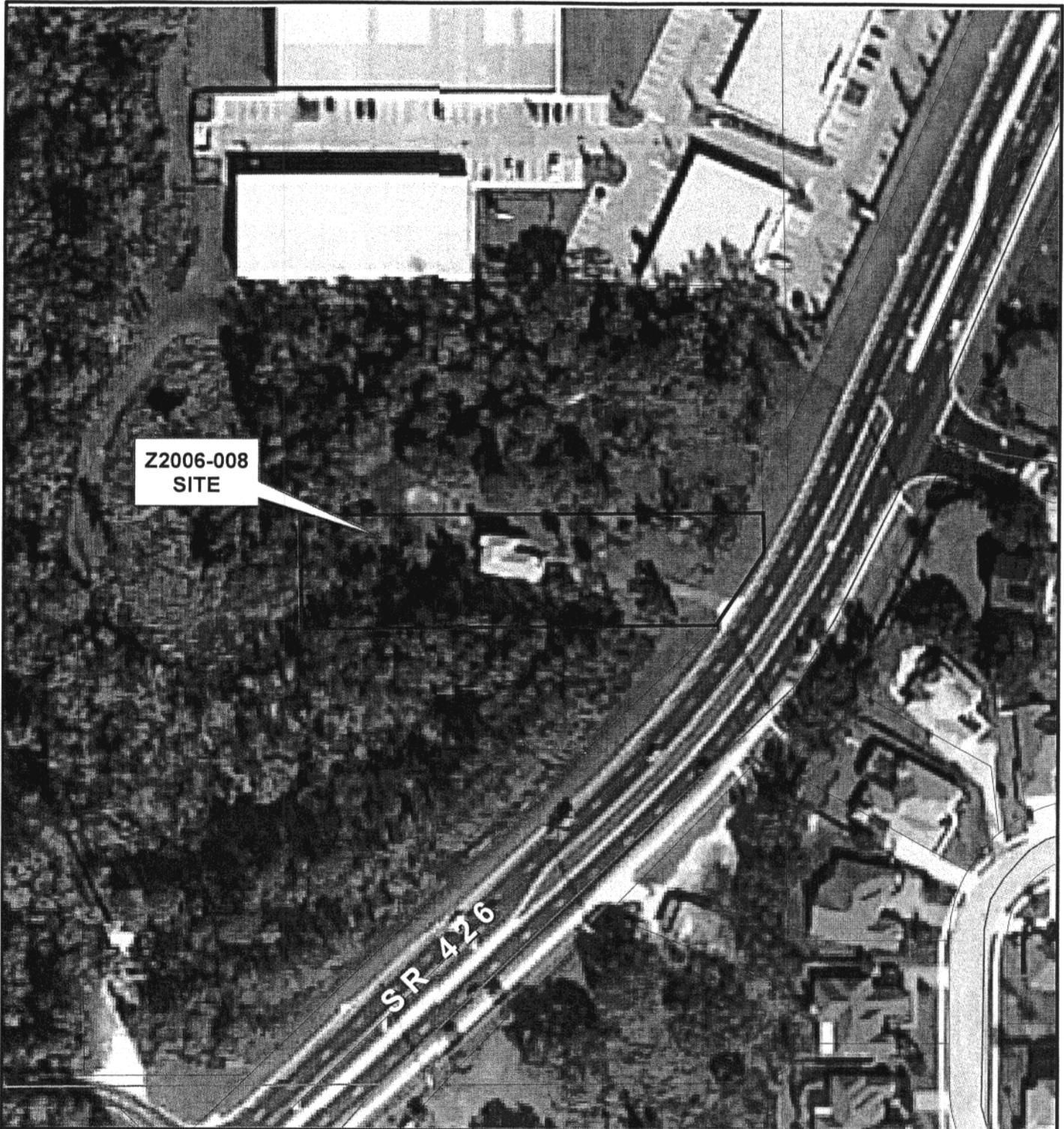
Applicant: Victor Triana
 Physical STR: 29-21-31-300-005A-0000
 Gross Acres: .80 BCC District: 1
 Existing Use: Residential
 Special Notes: None

	Amend/ Rezoning#	From	To
FLU	--	--	--
Zoning	Z2006-008	A-1	C-3



ZONING

A-1
 R-1AA
 OP
 C-1
 CN
 PCD
 FP-1
 W-1



Z2006-008
SITE

SR 426

Rezone No: Z2006-008
From: A-1 To: C-3

-  Parcel
-  Subject Property



January 2004 Color Aerials