

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: E.E. Williamson Road (1665); Small Scale Land Use Amendment from Suburban Estates to Office and Rezone from A-1 (Agriculture District) to OP (Office Professional District) (Matt Arena, applicant)

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 6/14/05 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. ENACT an ordinance to approve a Small Scale Land Use Amendment from Suburban Estates to Office and enact an ordinance to approve a rezone from A-1 (Agriculture District) to OP (Office Professional District), subject to the attached development order, on approximately 1.67 acres, located on the south side of E.E. Williamson Road, across from Sunshine Tree Boulevard, and authorize the Chairman to execute the aforementioned documents (Matt Arena, applicant); or
2. DENY the request for a Small Scale Land Use Amendment from Suburban Estates to Office and Rezone from A-1 (Agriculture District) to OP (Office Professional District) on approximately 1.67 acres, located on the south side of E.E. Williamson Road, across from Sunshine Tree Boulevard (Matt Arena, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 3 – Commissioner Van Der Weide Earnest McDonald, Principal Planner

BACKGROUND:

The applicant, Matt Arena, proposes to convert the existing gym located on the south side of E.E. Williamson Road (1665), across from Sunshine Tree Boulevard into an office. The proposal includes a Small Scale Land Use Amendment from Suburban Estates to Office and a rezone from A-1 to OP.

Reviewed by:	<u>[Signature]</u>
Co Atty:	<u>[Signature]</u>
DFS:	<u>[Signature]</u>
OTHER:	<u>[Signature]</u>
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	<u>ph130pdp02</u>

STAFF RECOMMENDATION:

Staff recommends ENACTING an ordinance to approve a Small Scale Land Use Amendment from Suburban Estates to Office and enacting an ordinance to approve a rezone from A-1 (Agriculture District) to OP (Office Professional District), subject to the attached development order, on approximately 1.67 acres, located on the south side of E.E. Williamson Road, across from Sunshine Tree Boulevard, and authorize the Chairman to execute the aforementioned documents.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission met on May 4, 2005 and voted 4 to 0 to recommend APPROVAL of the request for a Small Scale Land Use Amendment from Suburban Estates to Office and Rezone from A-1 (Agriculture District) to OP (Office Professional District), subject to the attached development order, on approximately 1.67 acres, located on the south side of E.E. Williamson Road, across from Sunshine Tree Boulevard.

ATTACHMENTS:

- Development Order**
- LUA Ordinance**
- Rezone Ordinance**
- P&Z Meeting Minutes**
- Public Comments**
- Zoning and FLU Map**
- Aerial Map**
- Locator Map**

E.E. Williamson Road (1665) Small Scale Land Use Amendment and Rezone Staff Report

Suburban Estates to Office		Amendment (Z2005-04, 01- 05SS.01)
<i>REQUEST</i>		
APPLICANT	Matt Arena	
PLAN AMENDMENT	Suburban Estates to Office	
REZONING	A-1 (Agriculture District) to OP (Office Professional District)	
APPROXIMATE GROSS ACRES	1.67	
LOCATION	The south side of E.E. Williamson Road, across from Sunshine Tree Boulevard	
BCC DISTRICT	District 3 – Commissioner Van Der Weide	
<i>RECOMMENDATIONS AND ACTIONS</i>		
STAFF RECOMMENDATION	Staff recommends APPROVAL of the requested Small Scale Land Use Amendment and rezone, subject to the attached development order.	

STAFF ANALYSIS

1. **Property Owner:** Matt Arena Studios, Inc.
2. **Tax Parcel Number:** 35-20-29-501-0000003B

SITE DESCRIPTION

Existing Land Uses:

(North)

	Suburban Estates Single-family <i>A-1</i>	Suburban Estates Aquatic Club <i>A-1</i>	Suburban Estates Aquatic Club <i>A-1</i>	
(West)	Suburban Estates Seminole County Trail, Retail Store <i>M-1 and A-1</i>	Suburban Estates (SUBJECT PROPERTY) Gym <i>A-1</i>	Suburban Estates Aquatic Club <i>A-1</i>	(East)
	Suburban Estates Seminole County Trail <i>A-1</i>	Suburban Estates Vacant <i>A-1</i>	Suburban Estates Cell tower, Interstate 4 <i>A-1</i>	

(South)

***Bold** text depicts future land use designation, plain text depicts the existing use, and *italicized* text depicts zoning district. See enclosed future land use and zoning map for more details.

COMPREHENSIVE PLAN CONSISTENCY

1. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment 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. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

The subject property will use the existing access off E.E. Williamson Road. E.E. Williamson Road is classified as a Major Collector and has an adopted level of service of "E" and is currently operating at a level of service "C". The applicant has elected to defer concurrency review at this time, therefore concurrency compliance will be required at the time of final engineering review. Per the Institute of Traffic Engineers (ITE) manual, 7th Edition, the proposed office use will result in a decrease in traffic generation.

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:**

The proposed office will utilize an existing septic system for sewer services. Water services are provided by Utilities, Inc. Similar to traffic, office uses generate less water and wastewater demand than the existing gym use.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 2.1).*

The property is served by Seminole County EMS/Fire Station #15. Response time is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

2. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 2.4).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, or that such facilities could be made available, and that the proposed Plan amendment would create no adverse impacts to public facilities.

B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection: *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

Based on a preliminary analysis, staff has identified no concerns regarding environmental regulation compliance.

C. Protection of Endangered and Threatened Wildlife: *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

Based on a preliminary analysis, staff has identified no concerns regarding endangered and threatened wildlife.

3. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation, the proposed Office land use, with the attendant OP zoning, would be compatible with surrounding development. The Vision 2020 Comprehensive Plan states that Office land use should be located along collector and arterial roadways and can serve as an effective transitional use between higher intensity non-residential uses and residential uses. In this case, an aquatic center is located immediately to the north and east, a retail store to the west and residential uses to the south and southwest. The subject

property is currently being used as a recreational gym and the traffic impacts will decrease if the use is changed to office.

Other applicable plan policies include, but are not limited to:

FLU 2.1 Subdivision Standards.

FLU 5.5: Water and Sewer Service Expansion

Office Future Land Use Definition

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order. The applicant has elected to defer concurrency review and the site must demonstrate concurrency compliance at the time of final engineering.

4. SCHOOL IMPACTS – The proposed project will not impact the school system.

Intergovernmental Notice

In 1997, Seminole County entered into an Intergovernmental Planning Coordination Agreement with the School Board and the Cities of Altamonte Springs, Casselberry, Lake Mary, Oviedo, Sanford and Winter Springs. The proposed rezone and land use amendment will not affect any of the agencies covered under this planning agreement.

STAFF RECOMMENDATION:

Staff recommends ENACTING an ordinance to approve a Small Scale Land Use Amendment from Suburban Estates to Office and enacting an ordinance to approve a rezone from A-1 (Agriculture District) to OP (Office Professional District), subject to the attached development order, on approximately 1.67 acres, located on the south side of E.E. Williamson Road, across from Sunshine Tree Boulevard, and authorize the Chairman to execute the aforementioned documents.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission met on May 4, 2005 and voted 4 to 0 to recommend APPROVAL of the request for a Small Scale Land Use Amendment from

Suburban Estates to Office and Rezone from A-1 (Agriculture District) to OP (Office Professional District), subject to the attached development order, on approximately 1.67 acres, located on the south side of E.E. Williamson Road, across from Sunshine Tree Boulevard.

SEMINOLE COUNTY DEVELOPMENT ORDER

On June 14, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: Matt Arena Studios, Inc.

Project Name: E.E. Williamson Road (1665) Office

Requested Development Approval: Rezone from A-1 (Agriculture District) to OP (Office Professional 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: Earnest McDonald, Principal 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 B.
- b. Maximum building area for office use is 9,957 square feet. Any increase in building area over 9,957 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 Henley, Chairman
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Matt Arena Studios, Inc., on behalf of itself and its heirs agents, 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

Matt Arena, Matt Arena Studios, Inc.

Print Name

Witness

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, Matt Arena, the President of Matt Arena Studios, Inc. and who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEG E 208.71 FT OF W 258.71 FT OF S 108.71 FT OF LOT 3 & W 50 FT OF LOT 3 &
(LESS RD) N 100 FT OF 233.71 FT OF W 258.71 FT OF LOT 10 DES PINAR ACRES PB 12
PG 52

GRAPHIC SCALE

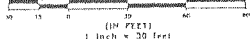
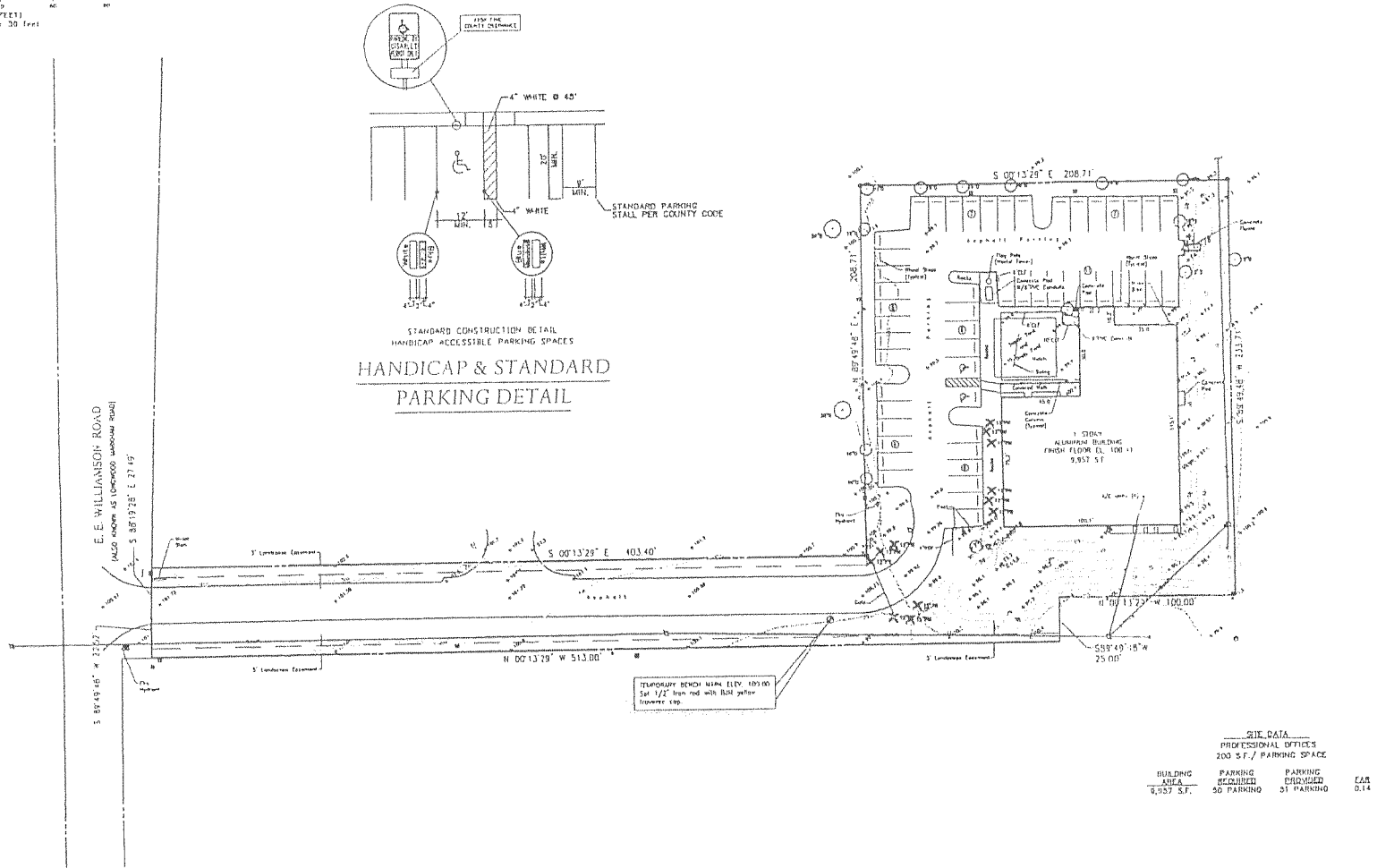


EXHIBIT B



ASSOCIATES, INC.
 1000 W. UNIVERSITY BLVD., SUITE 1000
 GAINESVILLE, FLORIDA 32609
 TEL: 352-336-1111 FAX: 352-336-1112

BIM

RECORDING SITE PLAN
 JERRY SCHUEDEL PROPERTY
 1000 W. UNIVERSITY BLVD., GAINESVILLE, FLORIDA 32609

PROJECT NUMBER: 05009
 DATE: 4.8.05
 SCALE: 1" = 30'
 SHT. 1
 OF 1

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM SUBURBAN ESTATES TO OFFICE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan (“the Plan”); and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on May 4, 2005, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on June 14, 2005, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "E.E. Williamson Road (1665) Small Scale Land Use Amendment and Rezone Staff Report."

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners 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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by

amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

<u>Amendment Number</u>	<u>Amendment</u>
01.05SS.01	Amendment Suburban Estates to Office

(b) The associated rezoning request was completed by means of Ordinance Number 2005-____.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

EXHIBIT A

LEG E 208.71 FT OF W 258.71 FT OF S 108.71 FT OF LOT 3 & W 50 FT OF LOT 3 &
(LESS RD) N 100 FT OF E 233.71 FT OF W 258.71 FT OF LOT 10 DES PINAR
ACRES PB 12 PG 52

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 OP (OFFICE PROFESSIONAL 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, "E.E. Williamson Road (1665) SSLUA and 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 to OP:

Lengthy Legal Description Attached As Exhibit A

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 #05-22000002 in the official land records of Seminole County and also upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. Any development orders, development permits, or land use dependent on an amendment shall take effect on the same date that the amendment becomes effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local

Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 14th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley, Chairman

EXHIBIT A

LEG E 208.71 FT OF W 258.71 FT OF S 108.71 FT OF LOT 3 & W 50 FT OF LOT 3 &
(LESS RD) N 100 FT OF E 233.71 FT OF W 258.71 FT OF LOT 10 DES PINAR ACRES PB
12 PG 52

**MINUTES FOR THE
SEMINOLE COUNTY LAND PLANNING AGENCY/
PLANNING & ZONING COMMISSION
May 5, 2005
7:00 P.M.**

Members present: Matt Brown, Ben Tucker, Beth Hattaway, and Chris Dorworth

Members absent: Dudley Bates, Walt Eismann, and Richard Harris

Also present: Tina Deater, Senior Planner; Jeffrey Hopper, Senior Planner; Tom Radzai, Senior Engineer; Ann Colby, Assistant County Attorney; Tony Walter, Assistant Planning Manager; Earnest McDonald, Principal Coordinator; Matt West, Planning Manager; Dan Matthys, Director of Planning and Development; and Candace Lindlaw-Hudson, Senior Staff Assistant

E. 1665 E. E. Williamson Road; Mathew P. Arena, applicant; approximately 1.67 acres; Small Scale Land Use Amendment from Suburban Estates to Office and Rezone from A-1 (Agriculture District) to OP (Office Professional District); located on the south side of E.E. Williamson Road, across from Sunshine Tree Blvd. (Z2005-004 / 01-05SS.01)

Commissioner Van Der Weide – District 3

Tina Deater, Senior Planner

Ms. Deater stated that the applicant proposes to covert the existing fitness center on the subject property into an office. He is not proposing to add additional square footage to the building, however if the rezone is approved, the site will have to undergo site plan approval to bring the landscaping, lighting, etc. up to current standards. Based upon staff's evaluation, the proposed Office land use, with the attendant OP zoning, would be compatible with surrounding development. The Vision 2020 Comprehensive Plan states that Office land use should be located along collector and arterial roadways and can serve as an effective transitional use between higher intensity non-residential uses and residential uses. In this case, E.E. Williamson Road is classified as a major collector and an aquatic center is located immediately to the north and east, a retail store to the west and residential uses to the south and southwest. As for traffic impacts, the change in use from a gym to an office will also result in a decrease from 220 to 106 Average Daily Trips.

Staff recommends approval of the request for a Small Scale Land Use Amendment from Suburban Estates to Office and Rezone from A-1 (Agriculture District) to OP (Office Professional District), subject to the development order contained in the staff report.

Matt Arena of 309 Heatherwood Court, Winter Springs spoke next. He stated that he has owned the facility for 8 years. There have been several fitness centers on the premises through the years. The proposed zoning will allow more types of uses. There will be less density in use. Professional use will be an improvement to the site.

Randy Parks of 1857 Alaqua Drive stated that he was a 17 year resident of the area and that this area needs improvement. This request is good for the area. He was in favor of the request being granted.

Mohamed Shariff owns the property next door. He was in favor of the request.

Jack Hannahs did not speak, but submitted comments in opposition to the request.

Kent Powers of 3 Old Post Road has lived in the area for 32 years. He is a member of the Markham Woods Home Owners Association Board. He was concerned that the area will become commercialized. There was a time years ago when the swimming pool was agreed upon as a positive addition to the neighborhood. He was concerned about what might evolve here. He did not want to see commercialization of the area.

Quentin "Bob" Beitel of 4 Quail Run represents 2800 homeowners in the area through the Markham Woods Association. He is in opposition to this request. He has tried to get various other types of development on this site, along with the 9 adjacent acres, to no success. He asked that this request be denied.

Matt Arena stated that he disagreed with the previous speaker. He is 100 yards back from E. E. Williamson Road. He will not be impacting traffic. He sees the change as a positive thing.

The public hearing was now closed.

Commissioner Tucker made the statement that Mr. Ditmer's pool, adjacent to the site, was the only pool in the area when the aquatic center was opened 35 years ago. This center had been a past success and an attribute to the community. Many residents had participated in the use of the facility and benefited from the center through the years.

Commissioner Brown noted the proximity of the garden center. He did not see the development of this site as residential.

Commissioner Brown made a motion to recommend approval of the request according to staff recommendations.

Commissioner Hattaway seconded the motion. She said that this would be a step down in intensity of use on the site.

Commissioner Tucker stated that the YMCA is not interested in this as of today. Mr. DeBartolo had spoken about a Pubix Supermarket here. Nothing has ever been well received. With the cell towers and vet clinic nearby, he cannot see residential use there.

The motion passed 4 – 0.

FAX COVER SHEET

DATE: APRIL - 29 - 2005
TO: TINA DEATER AND THE SEMINOLE COUNTY PLANNING AND ZONING COMMISSION.
COMPANY: _____
FAX #: 407-665-7385
FROM: WAYNE C. FLAMMIA
407-862-7135 (FAX #) HOME
407-941-0404 (VOICE MAIL PHONE #) (24 HR. 7 DAYS A WK.)

NUMBER OF PAGES SENT (INCLUDING THIS COVER SHEET) (2)

COMMENTS: Tina as per our phone conversation last week I am sending you this fax as a follow-up. As I stated I am strongly opposed to any change in zoning on this site. I am within 300 feet and this zoning would only add to the major problems we now have in the area.

The amount of traffic of cars and trucks in the area has increased so much we do not need any added problems.

I will not be able to attend the May 4- meeting due to a personal commitment and therefore wish this to be on record. There is a school bus stop near by just in side my development, a private school on the corner. The trail crosses e.e. Williamson and along this site, there has been a great deal of increase of traffic and people in the area.

I thank you all, and I will be keeping a close eye on this matter.

Thank you
Wayne Flammia

1200 HOMOSASSA CT.
LOWESSA, FLA.

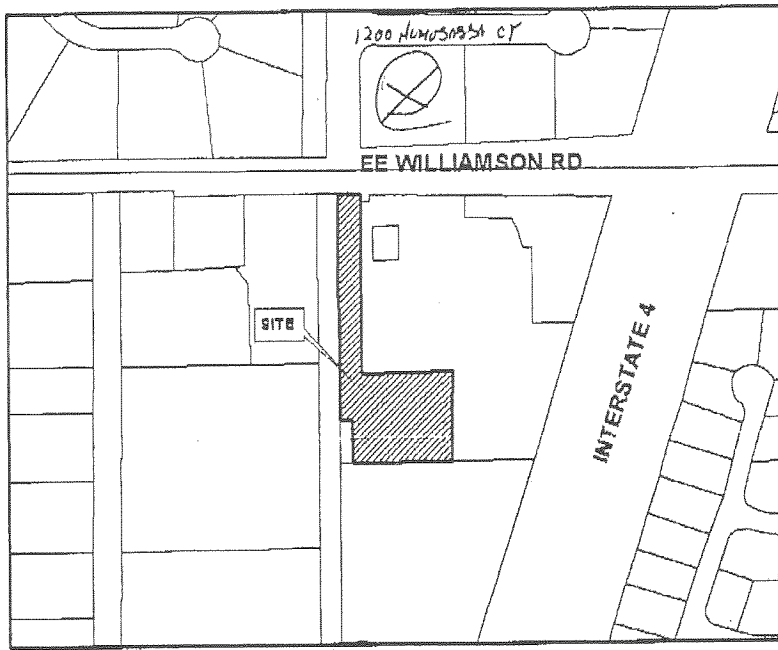
**NOTICE OF PUBLIC HEARING
SEMINOLE COUNTY LAND PLANNING AGENCY /
PLANNING AND ZONING COMMISSION (LPA/P&Z)**

This courtesy notice is being sent to you as a property owner within 300 feet (300') of the subject property depicted on the map below.

1665 E. E. Williamson Road; Mathew P. Arena, applicant; approximately 1.67 acres; Small Scale Land Use Amendment from Suburban Estates to Office and Rezone from A-1 (Agriculture District) to OP (Office Professional District); located on the south side of E.E. Williamson Road, across from Sunshine Tree Blvd. (Z2005-004 / 01-05SS.01)

Commissioner Van Der Welde – District 3

Tina Deater, Senior Planner

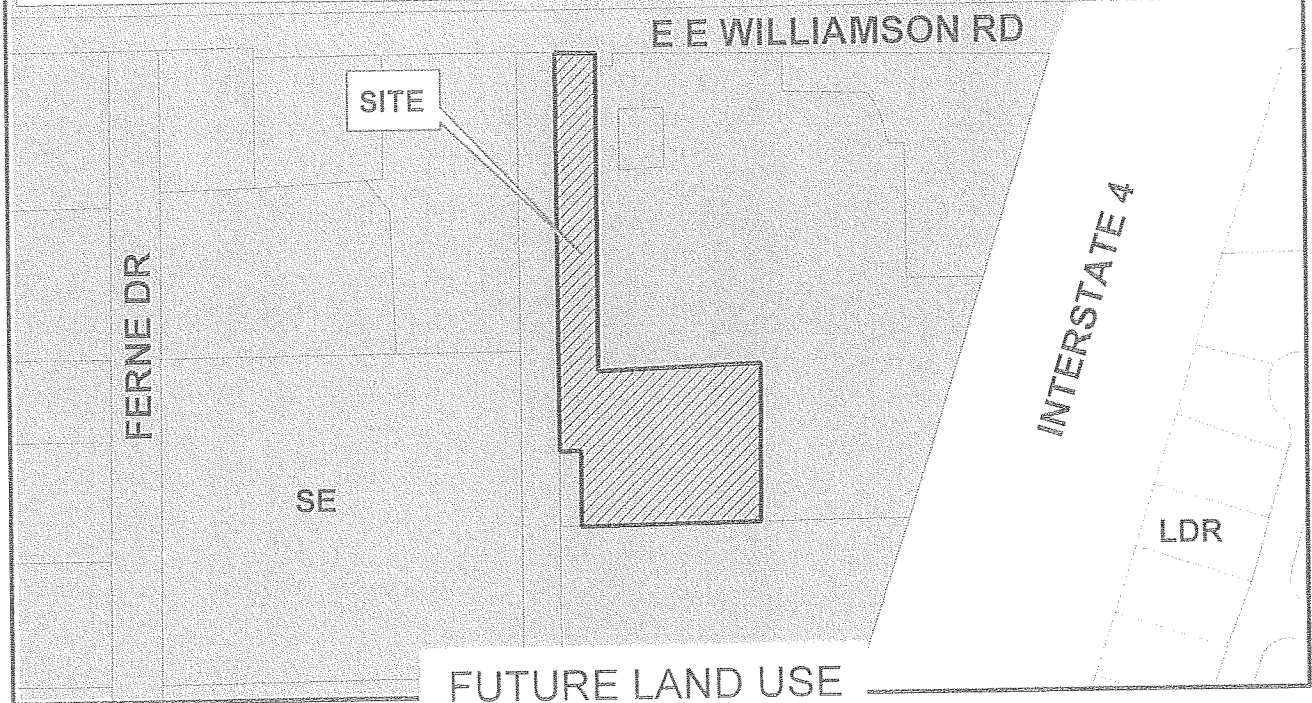


PUBLIC HEARING INFORMATION	
DATE:	May 4, 2005
TIME:	7:00 P.M., or soon thereafter as possible
LOCATION:	Seminole County Services Building, 1101 East First Street, Sanford, Florida, Board Chambers (Room 1028)

The purpose of this hearing is to receive public input and make recommendations to the Seminole County Board of County Commissioners on the proposed land use change and/or rezoning which will involve change(s) to the Future Land Use Map of the Seminole County Comprehensive Plan and/or to the zoning classification(s) assigned to the property described above.

Interested parties are encouraged to appear at this hearing and present written/oral input regarding these matters or submit written comments to: Seminole County Planning Division, 1101 East First Street, Sanford, FL 32771, Room 2201, telephone (407) 665-7440; FAX (407) 665-7385 or e-mail comments to tdeater@seminolecountyfl.gov. This hearing may be continued from time to time as found necessary. Additional information regarding these matters is available for public review at the address above between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. For more information, agendas for LPA/P&Z hearings are located on the County's website at www.seminolecountyfl.gov, prior to the scheduled hearing. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Human Resources Department ADA Coordinator 48 hours in advance of this hearing at 407-665-7941. Persons are advised that if they decide to appeal any decisions made at this hearing, they will need a record of the proceedings, and for such purpose they may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Florida Statutes, Section 286.0105).

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.

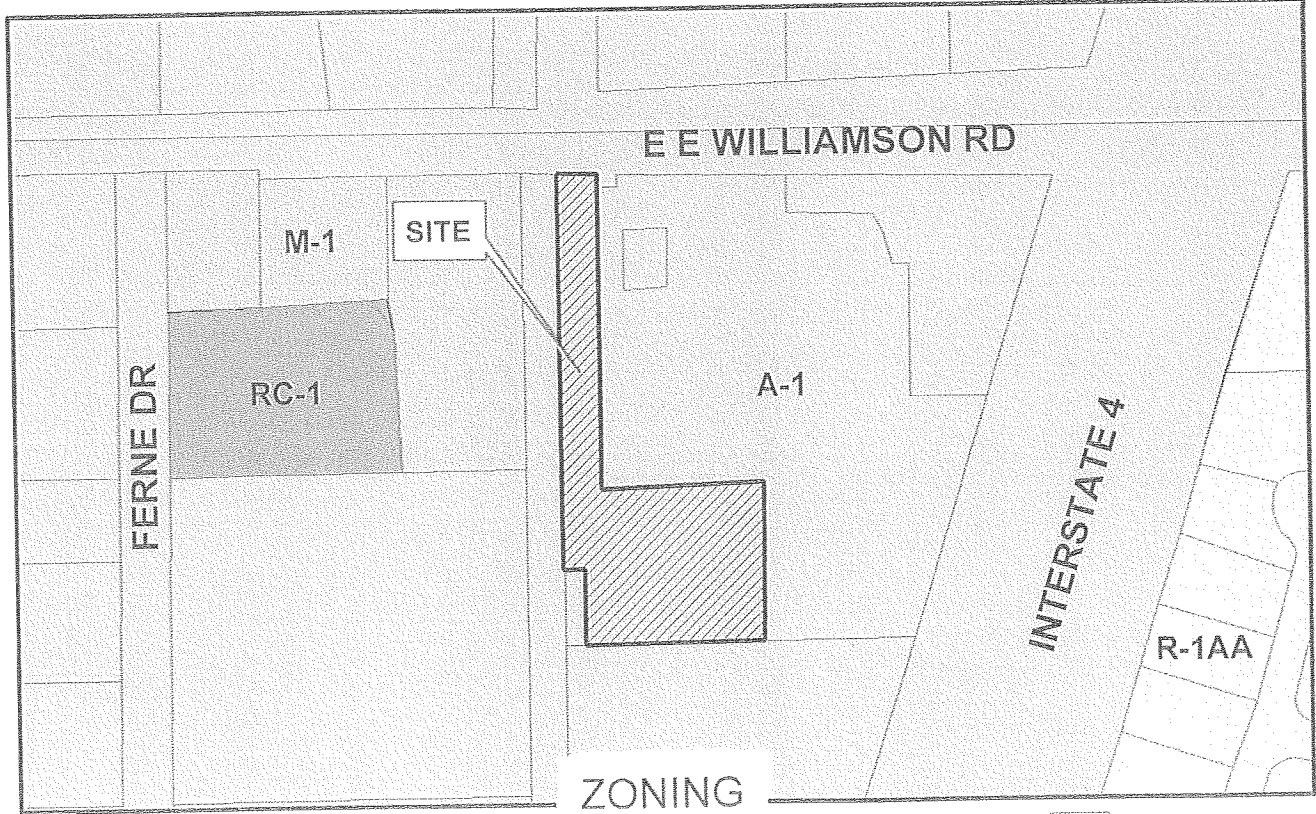


FUTURE LAND USE

Site
 Municipality
 SE
 LDR
 CONS

Applicant: Mathew P. Arena
 Physical STR: 35-20-29-501-0000-003B
 Gross Acres: 1.67 +/- BCC District: 3
 Existing Use: Tourist Attraction and Entertainment
 Special Notes: None

	Amend/Rezone#	From	To
FLU	01-05SS.01	SE	OFF
Zoning	Z2005-004	A-1	OP



ZONING



A-1
 RC-1
 R-1AA
 M-1
 FP-1
 W-1



Amendment No: 01-05SS.01
 From: SE To: OFF
 Rezone No: Z2005-004
 From: A-1 To: OP



January 2004 Color Aerials

-  Parcel
-  Subject Property

