

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: O'Brien Road (190)-Protect Your Teeth, Change in Use in the RP (Residential Professional) Zoning District (Raymond and Nancy Schieber, Applicant)

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

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

Agenda Date <u>6/14/05</u> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

1. APPROVE the change in use for the Protect Your Teeth Dental Lab on approximately 0.21 acres located on the northeast corner of O'Brien Road and Jaffa Drive, subject to the attached development order, and authorize the Chairman to execute same (Raymond and Nancy Schieber, Applicant); or
2. DENY the change in use for the Protect Your Teeth Dental Lab on approximately 0.21 acres located on the northeast corner of O'Brien Road and Jaffa Drive (Raymond and Nancy Schieber, Applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 4 – Commissioner Henley

Earnest McDonald, Principal Planner

BACKGROUND:

The Board of County Commissioners rezoned the subject property to RP (Residential Professional District) on October 13, 1981. During the meeting, the Board stipulated that prior to using the property for any office use, it was necessary to obtain approval from the Board for the specific use. Please see the attached minutes and results letter from the 1981 meeting. At this time, the applicant proposes to convert the existing building on the subject property into a dental laboratory. The property was a real estate agency and a home schooling bookstore prior to the applicant acquiring ownership of it. Currently it is vacant. The proposed dental laboratory is not a retail establishment and will not have customers coming to the site. If the change in use is approved, the applicant will be required to submit a site plan, in order to bring the site up to current standards.

Reviewed by:	<u>ER</u>
Co Atty:	<u> </u>
DFS:	<u> </u>
Other:	<u> </u>
DCM:	<u> </u>
CM:	<u> </u>
File No.	<u>rpdp01</u>

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the change in use for the Protect Your Teeth Dental Lab on approximately 0.21 acres located on the northeast corner of O'Brien Road and Jaffa Drive, subject to the attached development order, and authorize the Chairman to execute same.

Attachments:

Minutes from October 13, 1981 BCC meeting
Results Letter from 1981 Meeting
Applicant Statement
Development Order
Zoning and FLU Map
Aerial Map
Locator Map

SR 46 on the west side of Oregon Avenue, approximately three miles west of Sanford City Limits, as described in the proof of publication, Andrew Kutz, Architect, be continued until October 20, 1981, at 10:00 a.m., or as soon thereafter as possible, in order to ascertain the date of the Department of Environmental Regulation public meeting regarding the expansion of sewer capacity at the Lake Monroe Utility Plant.

Under discussion, Mr. Kutz stated he doesn't believe it is fair to hold up the development plans because of a sewer problem.

Districts 1, 2, 4 and 5 voted AYE.

Commissioner Feather voted NAY, stating he does not believe a lack of sewer is a reason for not granting a rezoning request.

SPECIFIC AMENDMENT & REZONING
FROM R-1 to RP, Robert L. Suss

Proof of publication, as shown on page 230-102, calling for a public hearing to consider a request for a Specific Amendment from Low Density Residential to Medium Density Residential for the purpose of rezoning from R-1 Single Family Dwelling District to Residential Professional District, for property described as at the corner of O'Brien and Jaffa Drive, approximately 1/4 mile west of Highway 17-92, Robert L. Suss, received and filed.

The Manager exhibited a map of the area in question, advising the Board of existing land uses, facilities and applicable Comp Plan Policies.

Attorney Kirby Moncrief, representing the applicant, addressed the Board to speak in support, stating the single family home that is on the property cannot be used as a residence because of the commercial encroachment surrounding it. He submitted photographs of the surrounding area for the Record. He advised that they are still working on the site plan and the parking area.

No one else spoke in support or in opposition.

The Manager advised that the site is not flood prone and the soils are well drained. He stated O'Brien Road is currently operating over design capacity and future needs indicate a requirement for a 25 foot one-half right-of-way on same. The site plan, as submitted, does not have adequate parking or storm water retention and fire flow is not presently available to the site. He further advised the Staff feels this request will lead to future pressures for zoning changes and would, therefore, recommend denial. However, if this property is zoned RP, it should be for a specific low density use with minimum parking requirements.

Upon inquiry, the Manager advised the Staff feels that the current site plan is poorly designed.

District Commissioner Glenn stated she disagrees with Staff that this request would cause future commercial encroachment, as this house is basically the last house on

O'Brien and, in her opinion, by rezoning this to RP, it would be a good opportunity to stop commercial encroachment.

Motion by Commissioner Glenn, seconded by Commissioner Christensen and carried, to adopt Ordinance Number 81-65, as shown on page 230-104, granting Specific Amendment from Low Density Residential to Medium Density Residential for the purpose of rezoning from R-1 Single Family Dwelling District to Residential Professional District, for property described as at the corner of O'Brien and Jaffa Drive, approximately $\frac{1}{4}$ mile west of Highway 17-92, as described in the proof of publication, Robert L. Suss.

Districts 1, 2, 3, 4 and 5 voted AYE.

Motion by Commissioner Glenn, seconded by Commissioner Kirchhoff and carried, that request for change of zone from R-1 Single Family Dwelling District to Residential Professional District, for property described as at the corner of O'Brien and Jaffa Drive, approximately $\frac{1}{4}$ mile west of Highway 17-92, as described in the proof of publication, Robert L. Suss, be and the same is hereby rezoned RP, to be used as professional only after a site plan, with proper parking, has been approved by this Board for a specific use.

Under discussion, Commissioner Glenn stated the house can be used as a residence until the site plan has been approved.

Districts 1, 2, 3, 4 and 5 voted AYE.

SPECIFIC AMENDMENT & REZONING
FROM R-2 & R-3 to C-2, Don Bajgler

Proof of publication, as shown on page 230-103, calling for a public hearing to consider a Specific Amendment for the purpose of rezoning from R-2 One and Two Family District to C-2 Retail Commercial, for property described as on the south side of Woodson, off 17-92, Don Bajgler, received and filed.

The Manager exhibited a map of the area in question, advising the Board of existing land uses, facilities and applicable Comp Plan Policies.

Kenneth Bean, representing the applicant, addressed the Board to speak in support, advising there is no proposed use at this time.

Upon inquiry, the Manager advised that notices were sent out to area property owners; however, his office has received no replies.

No one else spoke in support or in opposition.

The Manager advised the property is not flood prone, however, the soils are poorly drained. Woodson Avenue is heavily impacted and should be paved from 17-92 to Sunland Estates. He stated the Staff feels that rezoning the entire parcel would lead to pressures for additional commercial zoning. However, the Staff has no opposition to granting

COUNTY OF SEMINOLE



FLORIDA

LAND MANAGEMENT DIVISION
PHONE (305) 323-4330 - EXT. 167

October 21, 1981

COURTHOUSE N. PARK AVE.
SANFORD, FLORIDA 32771

Mr. Robert L. Suss
510 Dew Drop Cove
Casselberry, Florida 32707

Re: File PZ(9-2-81)-78

Dear Mr. Suss:

During their public hearing on October 13, 1981, the Seminole County Board of Commissioners amended the Comprehensive Land Use Plan from Low Density Residential to Medium Density Residential and rezoned the following described property from R-1 Single Family Residential to RP Residential Professional.

Lot 19, Block A, Fern Terrace,
Recorded in Plat Book 11, Page 28,
Records of Seminole County, Florida.

Prior to utilizing the property for any office use, it is necessary that you obtain approval from the Board of County Commissioners for the specific use requested. Please submit your request through this office and we will present it to the board.

Very truly yours,

Herb Hardin
Land Management Manager

hh/ch

c: S. Moncrief

April 11, 2005

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS
RE: REQUEST USE CHANGE 190 OBRIEN ROAD FERN PARK, FL
TAX ID # 19-21-30-507-0A00-0190

DEAR BOARD MEMBERS

WE ARE REQUESTING A SPECIAL USE BE ALLOWED FOR THE ABOVE PROPERTY. WE RECENTLY AQUIRED THIS PROPERTY SO WE COULD MOVE OUR DENTAL LAB INTO IT.

THE CURRENT USE OF THE PROPERTY IS A REAL ESTATE COMPANY AND A HOME SCHOOL COMPANY AND BOOKSTORE.

ONE OF THE APPROVED SPECIAL USES IN THE RP DISTRICT IS MEDICAL AND DENTAL.

WE CURRENTLY HAVE 6 EMPLOYEES, SO THE TRAFFIC INPACT WILL BE GREATLY REDUCED. THE REAL ESTATE COMPANY WAS OPEN 7 DAYS A WEEK WITH BUYERS AND SELLERS COMING AND GOING. THE HOME SCHOOL HAD UP TO 25 PARENTS COMING AT NIGHT TO LEARN HOW TO TEACH THEIR CHILDREN.

WE HAVE NO TRAFFIC. OUR EMPLOYEES COME IN AT 8:00AM AND LEAVE AT 5:00 PM MONDAY THRU FRIDAY. WE DON'T HAVE ANY NOISE OR ODERS. THERE IS ALREADY A FENCE SEPERATING US FROM OUR NEIGHBORS. THE PROPERTY ADJECENT TO THE EAST IS ZONED C-2.

WE DO NOT PLAN TO DO ANY EXTERIOR RENOVATIONS, EXCEPT ADD SOME PLANTS TO IMPROVE THE LOOKS. ANY INTERIOR IMPROVEMENTS WILL NOT AFFECT ANY STRUCTAL COMPONENTS AND WILL BE DONE ACCORDING TO THE CODE BY A LICENSED CONTRACTOR WITH PERMITS. WE BELIEVE THAT THIS REQUEST IS NOT DETRIMENTAL TO THE AREA OR NEIGHBORHOOD. THAT IT IS COMPATIBLE WITH LOW INTENSITY LAND USEAGE AND SITE COVERAGE, WILL HAVE A LESSER TRAFFIC IMPACT AND IS LOCATED ON A MAIN ROAD.

WE THEREFOR SEEK YOUR APPROVAL FOR OUR SPECIAL USE.

RESPECTFULLY YOURS,

RAYMOND AND NANCY SCHIEBER

CC: TINA DEATER, SENIOR PLANNER

**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: Raymond and Nancy Schieber

Project Name: O'Brien Road (190) Protect Your Teeth Dental Laboratory

Requested Development Approval: Change in use in the RP (Residential Professional)
Zoning 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

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, Raymond Schieber, on behalf of himself and his 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

Raymond Schieber

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, Raymond Schieber 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:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Nancy Schieber, on behalf of herself and her 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

 Nancy Schieber

 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, Nancy Schieber 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.

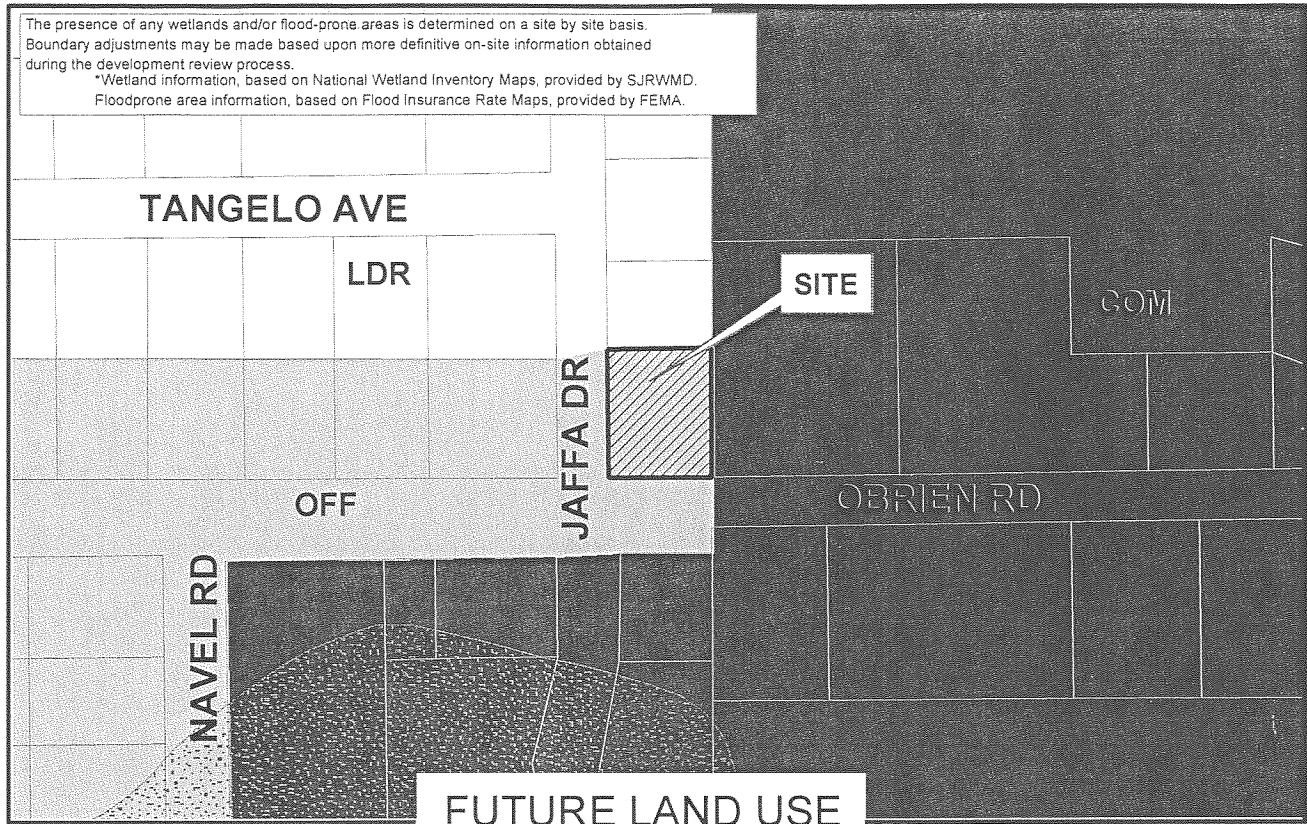
 Notary Public, in and for the County and State
 Aforementioned

My Commission Expires:

EXHIBIT A

LEG LOT 19 BLK A (LESS SLY 7 FT FOR RD) FERN TERRACE PB 11 PG 28

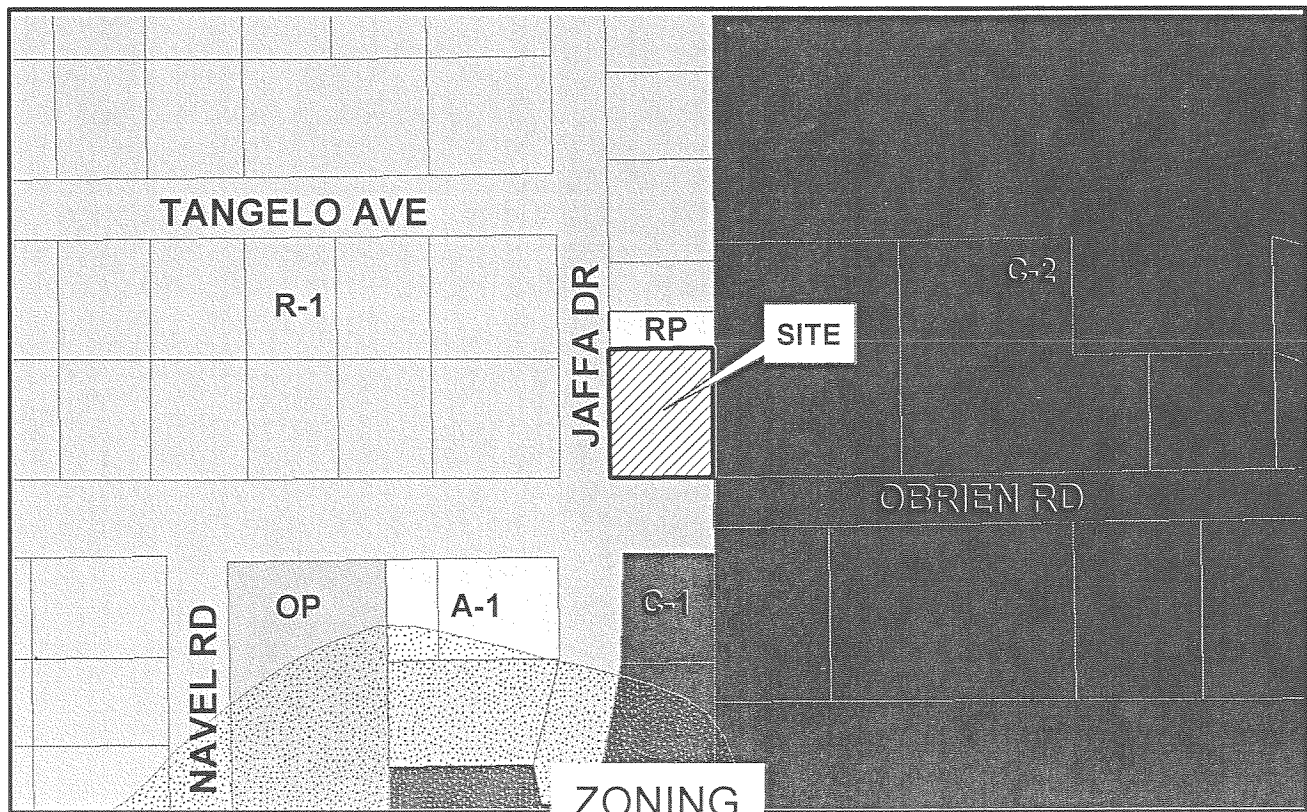
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 Municipality
 LDR
 OFF
 COM
 CONS

Applicant: Raymond and Nancy Schieber
 Physical STR: 19-21-30-507-0A00-0190
 Gross Acres: .21 BCC District: 4
 Existing Use: Office
 Special Notes: None



	Amend/Rezoning#	From	To
FLU	--	--	--
Zoning	Z2005-020	RP	RP



R-1
 RP
 OP
 C-1
 C-2
 FP-1
 W-1

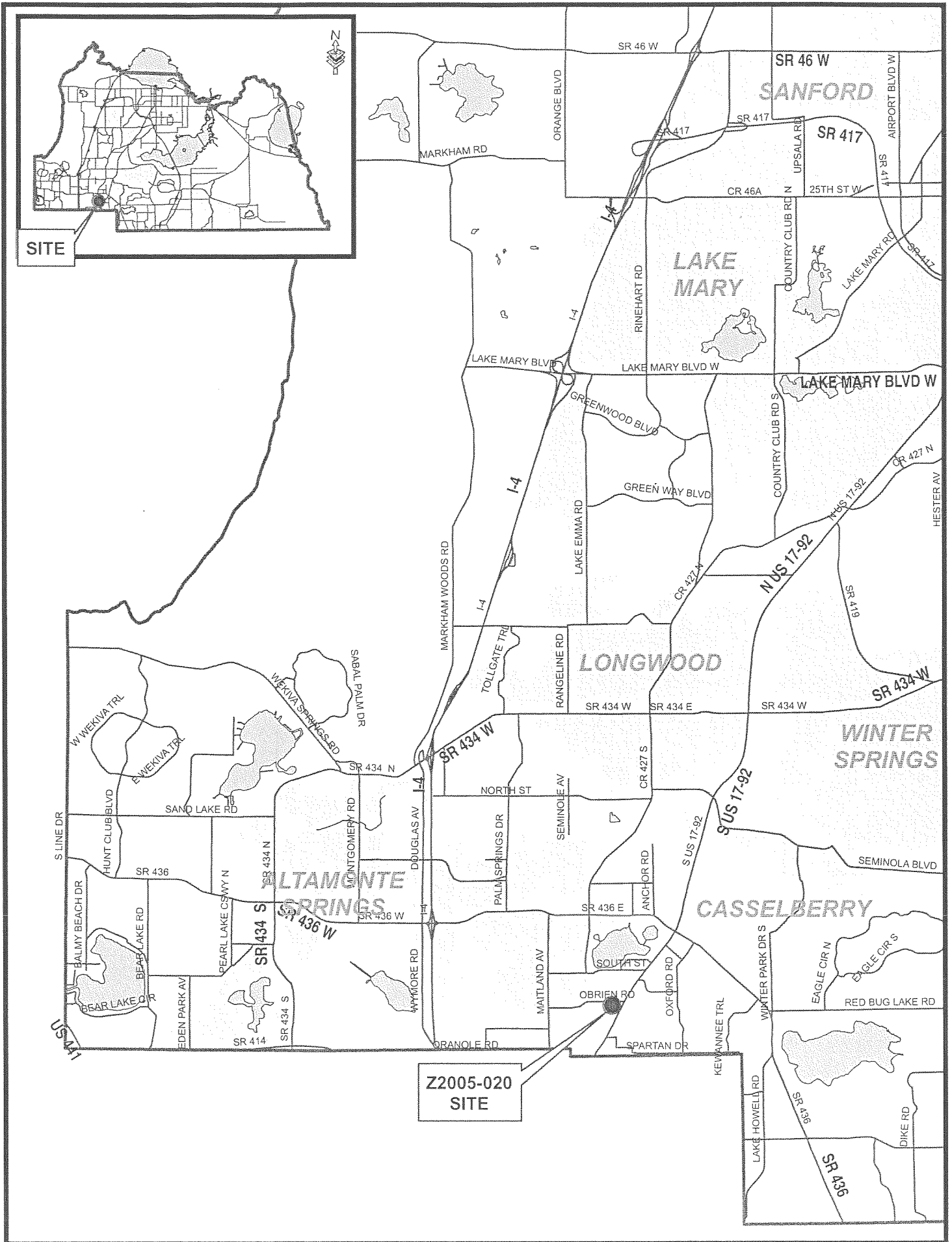


Rezone No: Z2005-020
From: RP To: RP

-  Parcel
-  Subject Property



January 2004 Color Aerials



Z2005-020
SITE