

ITEM # 84

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Mikler Shoppes PCD, Large Scale Land Use Amendment from
Low Density Residential (LDR) to Planned Development (PD) and
Rezone from A-1 to PCD (Javier E. Omana, applicant)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Don Fisher CONTACT: Jeff Hopper EXT 7431

Agenda Date 07/13/04 Regular Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

- 1. TRANSMIT the request for Large Scale Land Use Amendment from LDR to PD and rezone from A-1 to PCD on approximately 44 acres, located east of Mikler Road and south of Red Bug Lake Road at Slavia Road intersection, per the attached staff report (Javier E. Omana, applicant); or
- 2. DENY the request for Large Scale Land Use Amendment from LDR to PD and rezone from A-1 to PCD on approximately 44 acres, located east of Mikler Road and south of Red Bug Lake Road at Slavia Road intersection (Javier E. Omana, applicant); or
- 3. CONTINUE the public hearing until a time and date certain.

(District 1 – Comm. Maloy) (Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant proposes a mixed commercial, office and residential development on a 44-acre site currently in the Low Density Residential (LDR) future land use designation and agricultural zoning. The project would include 151,000 s.f. of C-1 commercial uses, 17,500 s.f. of office use, and a maximum of 10 residences configured as multi-family flats. The site plan submitted by the applicant shows 6 buildings, of which 3 would be entirely commercial. The remaining buildings would house 1st floor commercial uses and 2nd floor offices and/or living units. Access to the site would be provided from Red Bug Lake Road on the north, Mikler Road on the west, and Slavia Road at the east end of the site.

A second public hearing before the BCC, for possible adoption of the request, is tentatively scheduled for Oct. 26, 2004.

Reviewed by: KZC
Co Atty: _____
DFS: _____
OTHER: MW
DCM: SS
CM: JH
File No. ph700pdp04

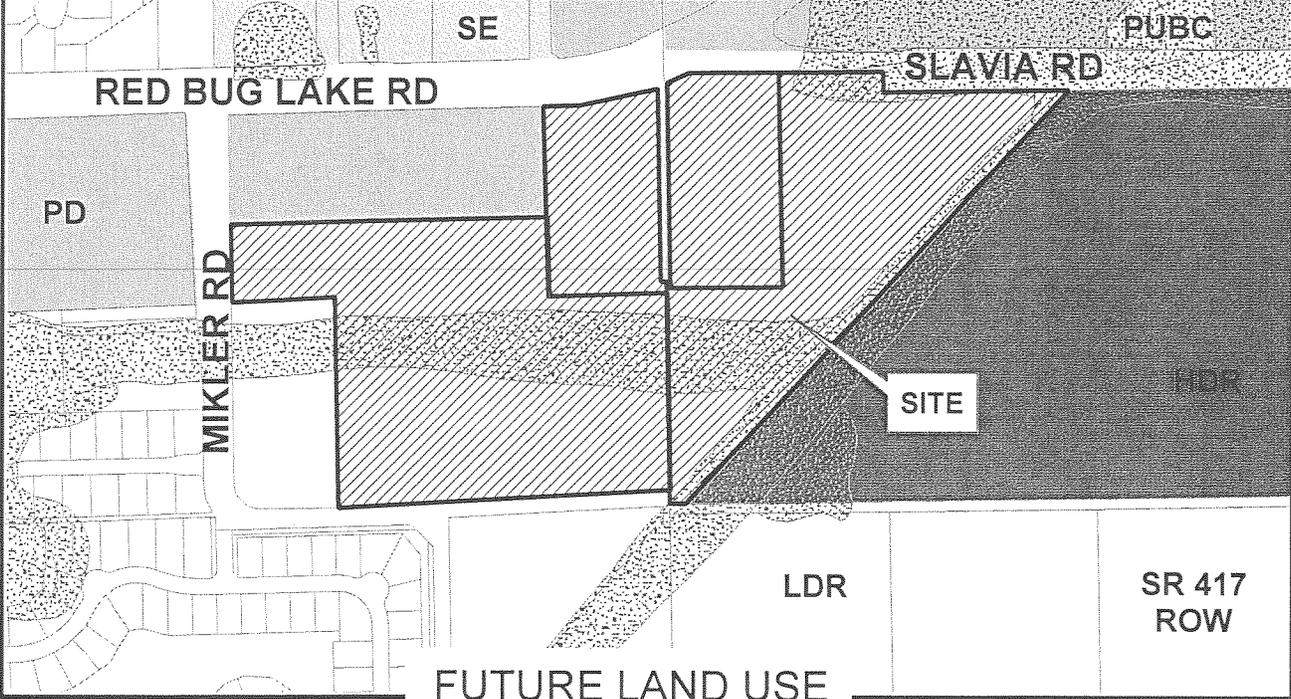
LAND PLANNING AGENCY (LPA) RECOMMENDATION:

On June 2, 2004, the Land Planning Agency voted 4-0 to recommend TRANSMITTAL and APPROVAL of the request per staff recommendations, subject to the added condition of prohibiting drive-through businesses in the development.

STAFF RECOMMENDATION:

Staff recommends TRANSMITTAL of the request for Large Scale Land Use Amendment from LDR to PD and rezone from A-1 to PCD on approximately 44 acres, located east of Mikler Road and south of Red Bug Lake Road at Slavia Road intersection, per the attached staff report to the Florida Department of Community Affairs (Javier E. Omana, applicant); or

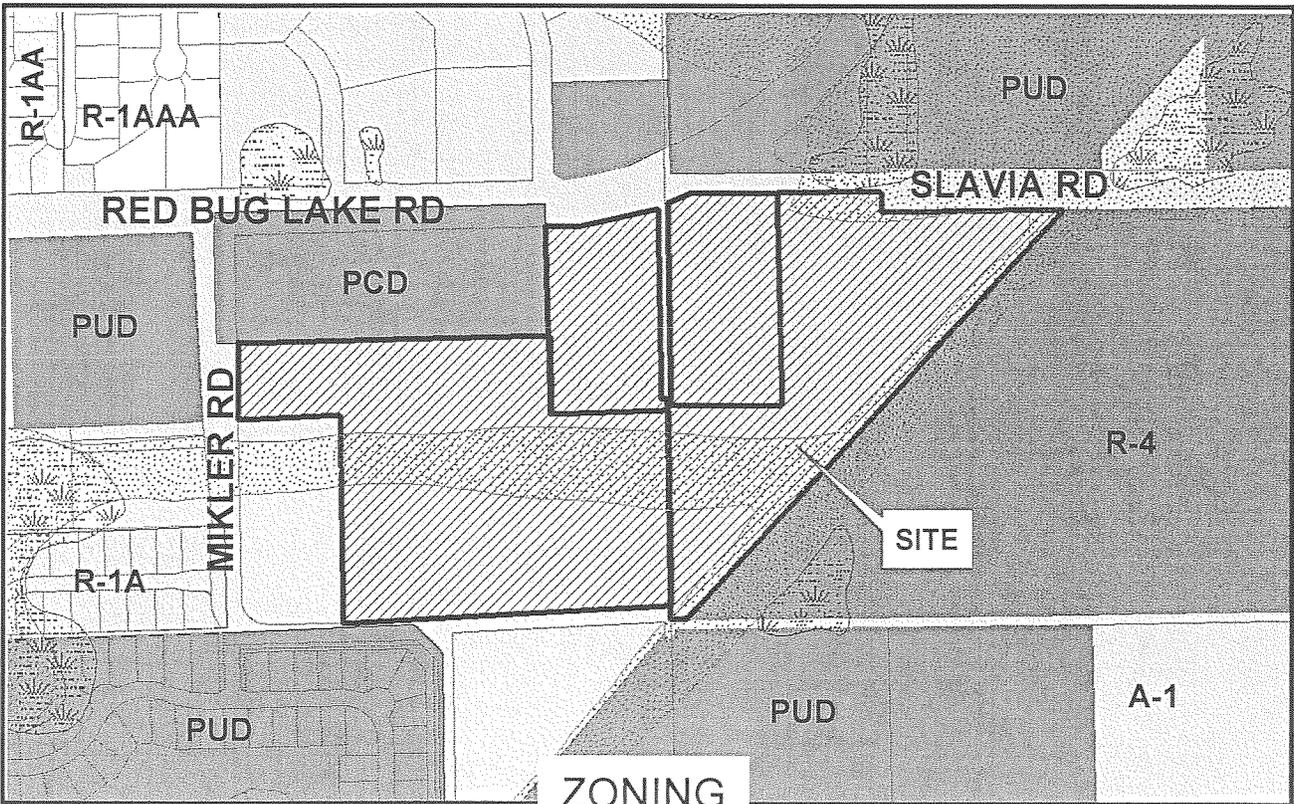
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 SE
 LDR
 HDR
 PD
 PUBC
 CONS

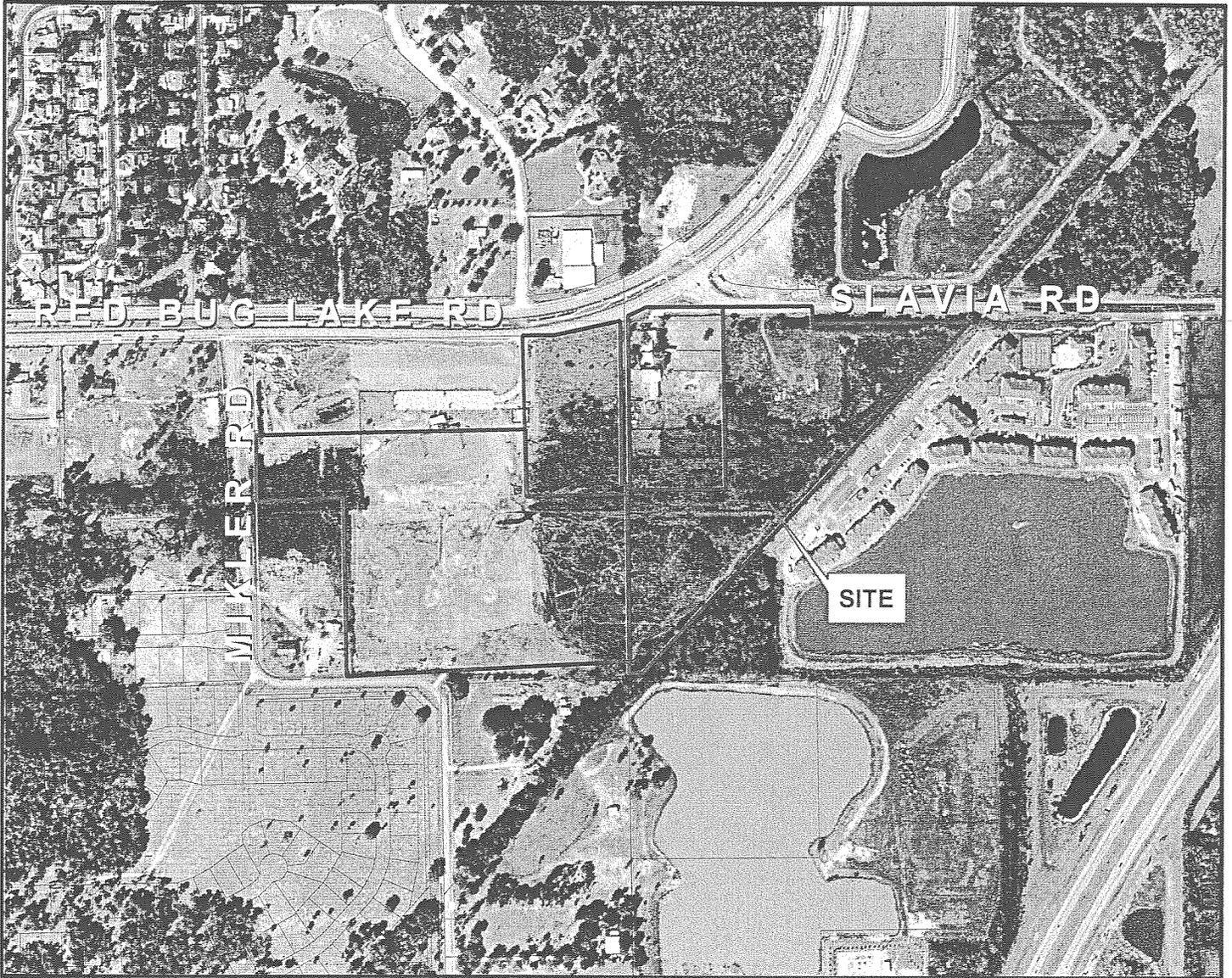
Applicant: CPH Engineers, Inc.
 Physical STR: 16-21-31-5CA-0000-0670, 0680, 0800 & 0830
 Gross Acres: 43.67 BCC District: 1
 Existing Use: Single Family Residential and Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	04F.FLU02	LDR	PD
Zoning	Z2004-013	A-1	PCD



Site
 A-1
 R-1AAA
 R-1AA
 R-1A
 R-4
 PUD
 PCD

FP-1
 W-1

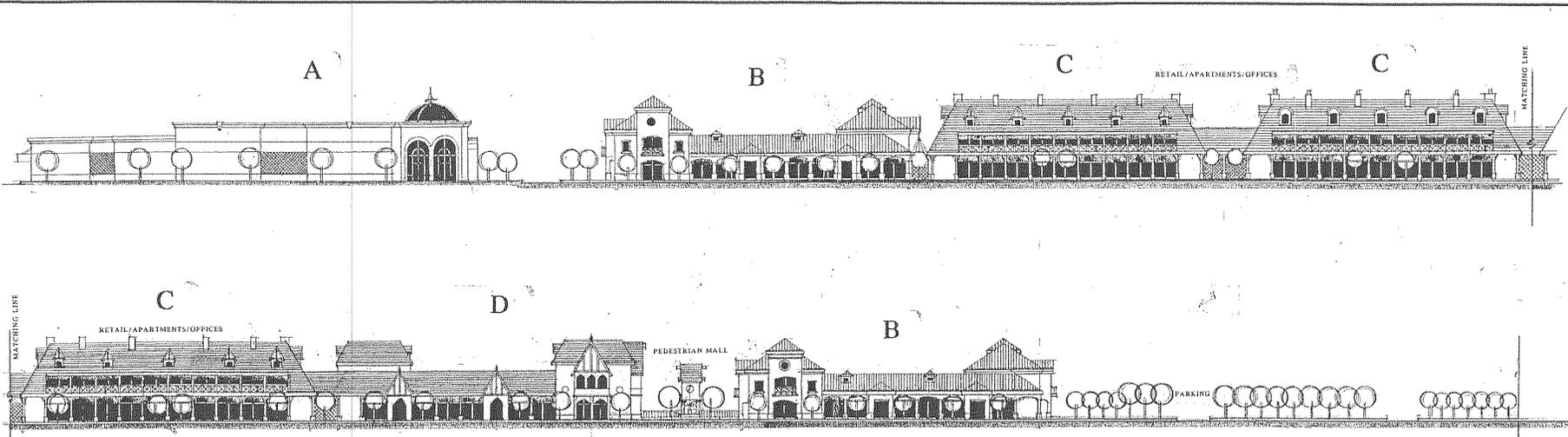


Amendment No: 04F.FLU02
From: LDR To: PD
Rezone No: Z2004-013
From: A-1 To: PCD

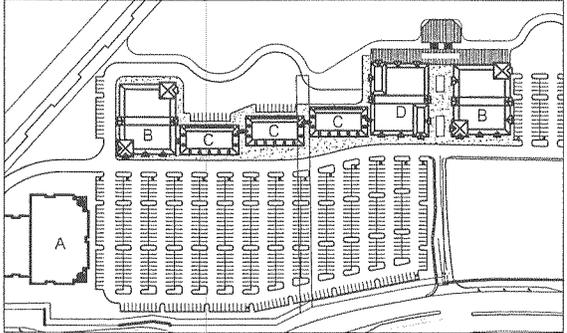
-  Parcel
-  Subject Property



February 1999 Color Aerials



NORTH ELEVATION



KEY MAP

PROJECT DESCRIPTION

THIS PRELIMINARY DESIGN CONCEPT CONSISTS OF SEVEN INTERCONNECTED STRUCTURES. BUILDING TYPE A, B AND D ARE ONE-STORY RETAIL/COMMERCIAL BUILDINGS. BUILDING TYPE C IS A TWO-STORY STRUCTURE WITH RETAIL/COMMERCIAL ON THE FIRST FLOOR AND RESIDENTIAL AND/OR OFFICE ON THE SECOND FLOOR. THE CONCEPT PROPOSED UTILIZES AN EXTENSIVE STORMWATER POND / WATER FEATURE AS ITS FOCAL POINT.

THE OVERALL PROPOSED BUILDING PROGRAM INCLUDES 151,00 SF MAXIMUM OF RETAIL/COMMERCIAL, 17,500 SF MAXIMUM OF OFFICE, AND 10 RESIDENTIAL DWELLING UNITS. THE RESIDENTIAL DWELLING UNITS MAY INCLUDE EITHER CONDOMINIUMS AND/OR APARTMENTS. OVERALL BUILDING HEIGHT WILL NOT EXCEED 40 FT.

LANDSCAPE BUFFERS ADJACENT TO RED BUG LAKE ROAD AND SLAVIA ROAD WILL BE CONSISTENT WITH THE LAKE MARY BOULEVARD GATEWAY CORRIDOR OVERLAY BUFFER STANDARDS. THE REMAINING PROPERTY BOUNDARIES WILL BE BUFFERED IN ACCORDANCE WITH SEMINOLE COUNTY ACTIVE/PASSIVE BUFFER STANDARDS.

© 2004 FIGURE
CONCEPTUAL BUILDING ELEVATIONS
MIKLER SHOPPES SEMINOLE COUNTY, FLORIDA
Scale: NTS Date: MAY 7, 2004 Job No.: S12701 Certificate of Authorization No. 3215
 Engineers Planners Landscape Architects Construction Management G.P.H. E.N.G.I.N.E.E.R.S., P.C. 1117 East Robinson Street, Orlando, FL 32809 Phone: 407.251.2121 Fax: 407.244.1028

***Mikler Shoppes PCD
Large Scale Land Use Amendment
Staff Report***

LDR to Planned Development (PD)		Amendment (Z2004-013, 04F.FLU02)
REQUEST		
APPLICANT	Javier E. Omana	
PLAN AMENDMENT	Low Density Residential to Planned Development	
REZONING	A-1 (Agriculture) to Planned Commercial Development (PCD)	
APPROXIMATE GROSS ACRES	44	
LOCATION	Located east of Mikler Road and south of Red Bug Lake Road at Slavia Road intersection	
BCC DISTRICT	1, Maloy	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION June 2, 2004	Staff recommends TRANSMITTAL of the requested Large Scale Land Use Amendment, and approval of a rezone subject to the proposed site plan and staff recommendations presented in this report.	
LAND PLANNING AGENCY (LPA) RECOMMENDATION June 2, 2004	The Land Planning Agency voted 4-0 to recommend TRANSMITTAL and APPROVAL of the request per staff recommendations, subject to the added condition of prohibiting drive-through businesses in the development.	

LDR to Planned Development (PD)

Amendment
(Z2004-013,
04F.FLU02)

1. **Property Owners:** Janet L. Stone, Trustee
Robert T. & Becky Navidomskis
Joseph I. & Sheri T. Denberg

2. **Tax Parcel Number:** 16-21-31-5CA-0000-0800
16-21-31-5CA-0000-0670
16-21-31-5CA-0000-0680
16-21-31-5CA-0000-0830

3. **Development Trends:** The subject property lies in a transitional area between high intensity commercial and residential uses to the east and lower density residential uses to the west. The Oviedo Marketplace and associated "big box" retailers have formed a major node of commercial use at the intersection of Red Bug Lake Road and SR 417. Commercial uses are moving westward from there along Red Bug Lake Road, filling in parcels approved for commercial use through the Oviedo Crossings PUD, toward Slavia Road. Beyond that lie two PCD parcels at the intersection of Mikler Road, an assisted living facility and a golf driving range (now abandoned). Existing and approved development to the west of Mikler is exclusively single family in R-1A, R-1AA, R-1AAA and PUD zoning.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Low Density Residential (LDR), currently assigned to the subject property, permits single family residential use to a maximum of 4 dwelling units per net buildable acre.

Location	Future Land Use*	Zoning*	Existing Use
North	PD	PUD, A-1, PCD	Commercial
South	LDR	A-1, PUD	Vacant, single family (approved)
East	HDR	R-4	Multi-Family
West	LDR, PD	A-1, PUD	ALF, golf range

* See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. 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).*

Primary access to the subject property is from Red Bug Lake Road, a 4-lane road classified as a Minor Arterial. Traffic count data from 2003 indicate an operating level of service "C" on this segment of the road. The adopted Level of Service standard is "E".

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Exhibits POT-1 and SAN-1 are the water and sewer service area maps for Seminole County*

The subject property is within the Seminole County water and sewer service areas.

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 (Policy PUB 2.1).*

The property is served by the Seminole County EMS/Fire Station #27. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

3. 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 (Policy IMP 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).*

The site contains a significant amount wetlands or flood prone areas, but can be developed within the requirements of the Vision 2020 Plan and Land Development Code.

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).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

4. 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 PD land use, with the attendant PCD Preliminary Master Plan, would be compatible with the LDR land use designation on adjoining properties to the west and south. With a mixture of retail and office uses, and a small number of multi-family units, the proposal represents a transition of land use intensity between the LDR properties to the west and large areas of commercial and other nonresidential development along Red Bug Lake Road near the SR 417 interchange. With appropriate approval conditions, such as landscaping, buffering and architectural designs compatible with residential development, this mixture of uses could be suitable as a transition toward lower intensities to the west.

Applicable Plan policies include, but are not limited to, the following:

Transitional Land Uses: *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

Although the applicant has requested a Planned Development (PD) land use designation, the proposed development corresponds generally to the Commercial and Office future land use designations. "Exhibit FLU: Appropriate Transitional Land Uses" indicates that Office is an appropriate transitional use adjacent to Low Density Residential (LDR), with sensitive site design features, such as buffers, limited building heights, and architectural controls. The same is true of the Commercial land use designation, but only where the proposed development is categorized as neighborhood commercial. While the applicant proposes C-2 rather than neighborhood commercial uses, these would be located at a substantial distance from any single family development. Proposed retail and office uses would be separated and extensively buffered from LDR lands to the west and south by a major water feature and landscape buffer as shown on the proposed site plan

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.

FLU 2.11 Determination of Compatibility in the PCD Zoning Classification

FLU 5.5: Water and Sewer Service Expansion

PD 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 will have to demonstrate concurrency compliance at the time of final engineering.

LAND PLANNING AGENCY (LPA) RECOMMENDATION:

On June 2, 2004, the Land Planning Agency voted 4-0 to recommend TRANSMITTAL and APPROVAL of the request per staff recommendations, subject to the added condition of prohibiting drive-through businesses in the development.

STAFF RECOMMENDATION:

Although compatibility is a significant concern regarding properties to the south and southwest, it is less of a concern relative to Red Bug Lake Road. The extreme edge of nonresidential uses associated with Oviedo Marketplace and the SR 417 interchange is actually west of the subject property. That point is the site of an assisted living facility at the southwest corner of Mikler and Red Bug Lake Roads. Across Mikler to the east is a PCD parcel where a golf driving range facility, now abandoned, was approved some years ago. While the ALF and the golf range are relatively low intensity uses, they are commercial or quasi-commercial in nature, and have already brought significant change to their residential surroundings. The site of the current proposal fills an intervening space where the low intensity uses now permitted may no longer be viable. An additional consideration is that wetlands and stormwater facilities would occupy approximately the south half of the 44-acre site, effectively keeping structures and parking to the north half of the property and away from residential neighbors.

In proposing nonresidential uses, the applicant appears to be suggesting that the LDR uses currently assigned to the property are not feasible. An analysis supporting this position should be provided prior to final adoption of this application. This analysis could assist the Board in making a final decision. Staff recommends TRANSMITTAL of the requested Large Scale Land Use Amendment, and approval of a rezone subject to the proposed site plan and staff recommendations presented below.

Recommended conditions of approval are as follows:

- a. No structures or parking shall be permitted within 500 feet of Mikler Road.
- b. No structures shall be permitted within 50 feet of any public right-of-way. Other building setbacks shall be in accordance with the active/passive buffer standards of the Land Development Code.
- c. Allowable uses shall be those listed as permitted or conditional uses in C-1, except for gasoline pumps, hospitals and nursing homes, and residential uses except as provided in item (d) below. Alcoholic beverage establishments shall be allowed by special exception.
- d. A maximum of 10 second-floor multi-family dwelling units. Home occupations and home offices shall be permitted in these dwelling units.
- e. Mechanical units shall be located and/or screened so as not to be visible from Red Bug Lake Road or adjoining single family development.
- f. A minimum of 25 percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the PCD Final Site Plan that the open space requirements have been met.
- g. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- h. Building heights shall be limited to 40 feet for structures within 300 feet of Red Bug Lake and Slavia Roads, 35 feet for all others. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
- i. Drive-thru businesses shall be prohibited.
- j. No motorized water craft shall be permitted in the water feature.

NOTE: These recommended conditions will be incorporated into a Development Order to be presented to the Board at the adoption hearing, scheduled for Oct. 26, 2004.