

Item # 49

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: W SR 46/Orange Boulevard Rezone from A-1 to C-1

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tina Deater **EXT.** 7440

Agenda Date 08/10/04 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. APPROVE and authorize the Chairman to enact an ordinance rezoning approximately 7.92 acres, located northeast of the intersection of W SR 46 and Orange Boulevard, from A-1 (Agriculture District) to C-1 (Retail Commercial District) on (C&C Plaza LLC, applicant); or
2. DENY the request to rezone approximately 7.92 acres, located northeast of the intersection of W SR 46 and Orange Boulevard, from A-1 (Agriculture District) to C-1 (Retail Commercial District) on (C&C Plaza LLC, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 5 – Commissioner McLain

Tina Deater, Senior Planner

BACKGROUND:

The applicant, C&C Plaza LLC, requests rezoning from A-1 to C-1 on approximately 7.92 acres, located northeast of the intersection of W SR 46 and Orange Boulevard. The future land use designation for the property is COM (Commercial) which allows the proposed C-1 zoning classification. The property is also under the SR 46 Gateway Corridor Overlay Standards.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested C-1 zoning classification.

Reviewed by:	_____
Co Atty:	<u>KZC</u>
DFS:	_____
OTHER:	<u>TW</u>
DCM:	<u>AD</u>
CM:	<u>DE</u>
File No.	<u>ph130pdp01</u>

PLANNING AND ZONING COMMISSION RECOMMENDATION:

At their meeting on July 7, 2004, the Planning and Zoning Commission voted 7-0 to recommend APPROVAL of the rezone from A-1 to C-1, as recommended by staff.

There was concern expressed at the meeting by some of the surrounding residents, about the provision of walls and landscaping to screen the adjacent residential lots from the proposed commercial development. Staff reviewed the active/passive buffer standards that will apply adjacent to the residential properties when the applicants apply for site plan approval.

**W SR 46/ORANGE BOULEVARD REZONE
A-1 TO C-1**

REQUEST INFORMATION	
APPLICANT	C&C Plaza LLC
PROPERTY OWNER	C&C Plaza LLC, Ches Investment Corporation
REQUEST	Rezone property from A-1 (Agriculture District) to C-1 (Retail Commercial District)
HEARING DATE (S)	P&Z: 07/07/04 BCC: 08/10/04
PARCEL ID	30-19-30-300-0200-0000 and 30-19-30-300-021C-0000
LOCATION	Northeast of the intersection of W SR 46 and Orange Boulevard
FUTURE LAND USE	Commercial
FILE NUMBER	Z2004-005
COMMISSION DISTRICT	District 5 – Commissioner McLain

OVERVIEW

Zoning Request: The applicant, C&C Plaza LLC, requests rezoning from A-1 to C-1 on approximately 7.92 acres, located northeast of the intersection of W SR 46 and Orange Boulevard. The future land use designation for the property is COM (Commercial) which allows the proposed C-1 zoning classification.

Existing Land Uses:

	EXISTING ZONING	FUTURE LAND USE	CURRENT USE
SITE	A-1 (Agriculture District)	Commercial	Vacant
NORTH	R-1AA (Single-family Dwelling District)	Low Density Residential	Single-family Residential
SOUTH	PCD (Planned Commercial Development District)	Commercial, Office	Gas Station, Convenience Store
EAST	R-1A (Single-family Dwelling District)	Low Density Residential	Single-family Residential
WEST	A-1 (Agriculture District), PCD (Planned Commercial Development District)	Commercial, Office, Suburban Estates	Plant Nursery, Gas Station/Convenience Store

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

The proposed zoning is consistent with the adopted future land use designation assigned to the property and would not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan.

Transportation / Traffic:

Access is available to the site from SR 46, which is classified as a Principal Arterial and has an adopted Level of Service of "D". SR 46 is currently operating at a Level of Service of "B" in this area.

Compliance with Environmental Regulations:

At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with Surrounding Development:

Currently, the surrounding area has Commercial and Low Density Residential future land use designations. The subject property has a Commercial future land use designation, and the proposed rezone to C-1 would make the zoning and future land use consistent. The property immediately adjacent to the subject property to the west is a gas station/convenience store. When the subject property goes through the site plan approval process, the applicants will be subject to the active/passive buffer standards contained within the Seminole County Land Development Code, in order to ensure compatibility with the residential properties to the north and east.

STAFF RECOMMENDATION:

Staff recommends approval of the requested C-1 rezone based on the following findings:

1. The C-1 zoning district would not be detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area; and
2. The C-1 zoning district is compatible with the concepts of its future land use designation of Commercial land use; and
3. The uses within the proposed C-1 zoning district would not have an unduly adverse effect on existing traffic patterns, movements or intensity.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

At their meeting on July 7, 2004, the Planning and Zoning Commission voted 7-0 to recommend APPROVAL of the rezone from A-1 to C-1, as recommended by staff.

There was concern expressed at the meeting by some of the surrounding residents, about the provision of walls and landscaping to screen the adjacent residential lots from the proposed commercial development. Staff reviewed the active/passive buffer standards that will apply adjacent to the residential properties when the applicants apply for site plan approval.

**Minutes for the Seminole County
Land Planning Agency / Planning & Zoning Commission
July 7, 2004**

Members present: Alan Peltz, Ben Tucker, Chris Dorworth, Beth Hattaway, Richard Harris, Walt Eismann, and Dudley Bates.

Also present: Don Fisher, Director of Planning and Development; Tony Walter, Assistant Planning Manager; Tina Deater, Senior Planner; Karen Consalo, Assistant County Attorney; April Boswell, Senior Planner; Denny Gibbs, Planner; Jim Potter, Development Review Division and Candace Lindlaw - Hudson, Secretary.

W SR 46 / Orange Blvd. Rezone; C&C Plaza, LLC/Kim Young, applicant; approximately 7.92 acres; rezone from A-1 (Agriculture District) to C-1 (Retail Commercial District); located northeast of the intersection of SR 46 and Orange Boulevard. (Z2004-005)

Commissioner McLain – District 5
Tina Deater, Senior Planner

The subject property contains approximately 7.92 acres, and is located northeast of the intersection of W SR 46 and Orange Boulevard.

The applicant is requesting the rezoning from A-1 to C-1, in order to build a commercial development. Currently, the surrounding area has Commercial and Low Density Residential future land use designations. The subject property has a Commercial future land use designation, which allows the proposed C-1 zoning designation. The proposed rezone would make the zoning and future land use consistent. The property immediately adjacent to the subject property to the west is a gas station/convenience store. When the subject property goes through the site plan approval process, the applicants will be subject to the active/passive buffer standards contained within the Seminole County Land Development Code, in order to ensure compatibility with the residential properties to the north and east. Greg Wilson of R.H. Wilson Engineers was present to represent the applicant.

Larry Kelly of 149 Overoaks Place, Sanford, said that he had been told when he moved in to Terra Bella that a wall would go in with the development of this site. This site is only 100 feet wide. What kind of operation could fit there with all of the parking, drainage and buffering requirements necessary?

Commissioner Harris told Mr. Kelly that the future land use of the site is commercial. This request is compatible with the future land use designation.

Mr. Kelly said that the property is only 100 feet wide. With a 40 foot setback, there is only 60 feet of lot to develop.

Loretta Talley of 5495 Glen Oak Place, Sanford, lives in Forest Glen, immediately adjacent to the parcel. She stated that the property is heavily wooded, with a lot of wild life. The area is residential.

Donnina I. Toro of 5489 Glen Oak Place, Sanford, said that Forest Glen is a quiet community. She is opposed to the application. She does not want a shopping center in her back yard. She requests preservation of existing trees in a buffer and a wall.

Terry Raymond of 172 Overoaks Place is the Vice President of the Terra Bella Homeowners Association. He requested a wall be placed, matching the other perimeter walls of the Terra Bella subdivision.

Commissioner Dorworth stated that the future land use was decided on some time ago. We are not looking at a site plan here tonight. The details will be worked out later.

Greg Wilson stated that the applicant will be following the Land Development Code. There is a passive buffer which will save trees.

Commissioner Tucker asked where the rear and side of the site were.

Tina Deater said that the access would be determined at site plan review.

Commissioner Tucker stated that the rear yard for C-1 is 10 feet. The side yard is 0 feet. In approving this, could the Commission stipulate a 10 foot side yard setback?

Tony Walter stated that the Land Development Code requires a wall and buffering if the site abuts residential zoning.

Tina Deater said that the buffer for a one story building would be 15 feet, and for a 2 story building, 25 feet.

Commissioner Dorworth made a motion to recommend approval.

Commissioner Peltz seconded the motion.

The motion passed unanimously (7-0).

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 A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 ZONING CLASSIFICATION THE C-1 ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR 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 46/Orange Boulevard Rezone A-1 to C-1."

(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 C-1:

SEE ATTACHED EXHIBIT A

Section 3. 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 by the Department.

ENACTED this 10th day of August, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

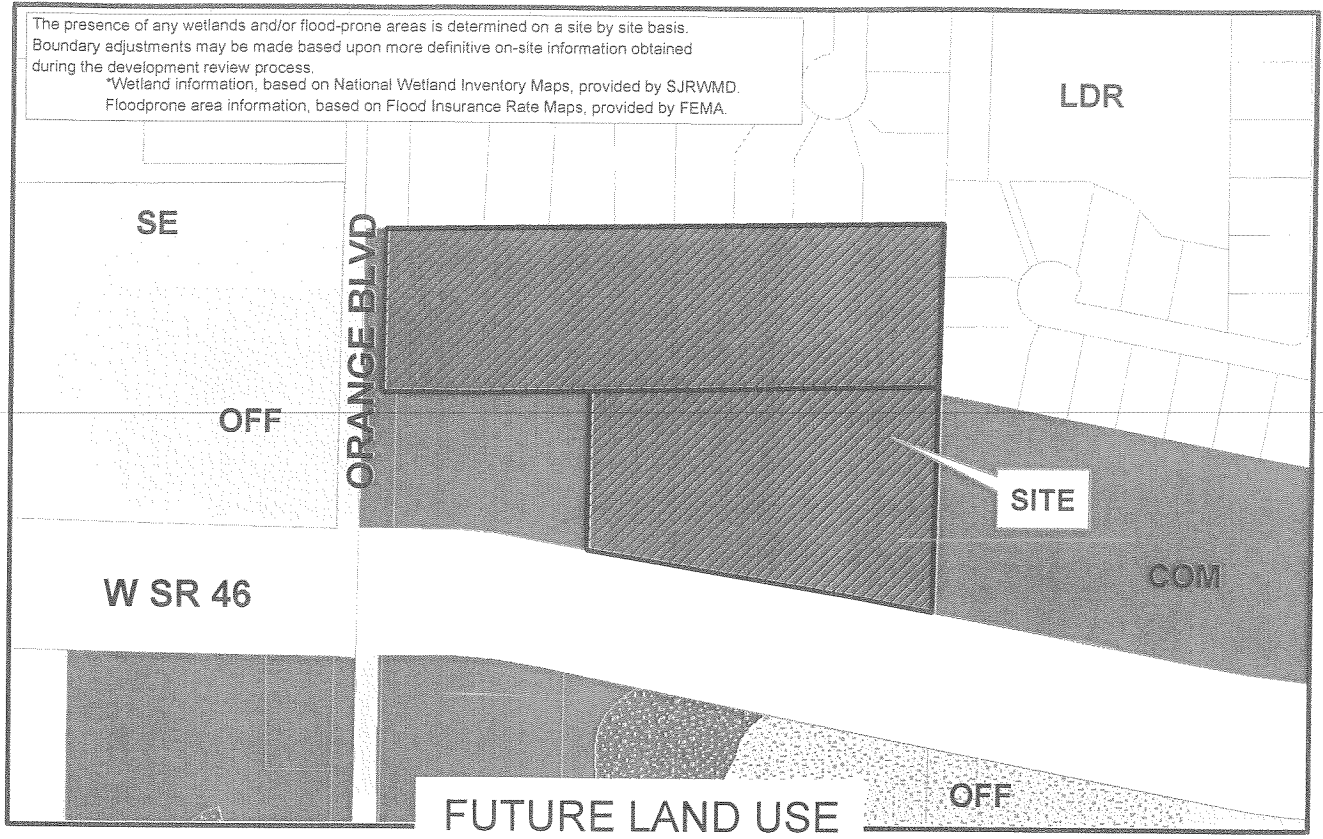
**EXHIBIT A
LEGAL DESCRIPTION**

SEC 30 TWP 19S RGE 30E N 231.7 FT OF S 1881.7 FT OF W 880 FT OF NW 1/4 (LESS RD)

AND

SEC 30 TWP 19S RGE 30E THAT PT OF S 1650 FT OF W 880 FT OF NW 1/4 LYING N OF NEW ST RD 46 (LESS W 351 FT)

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.

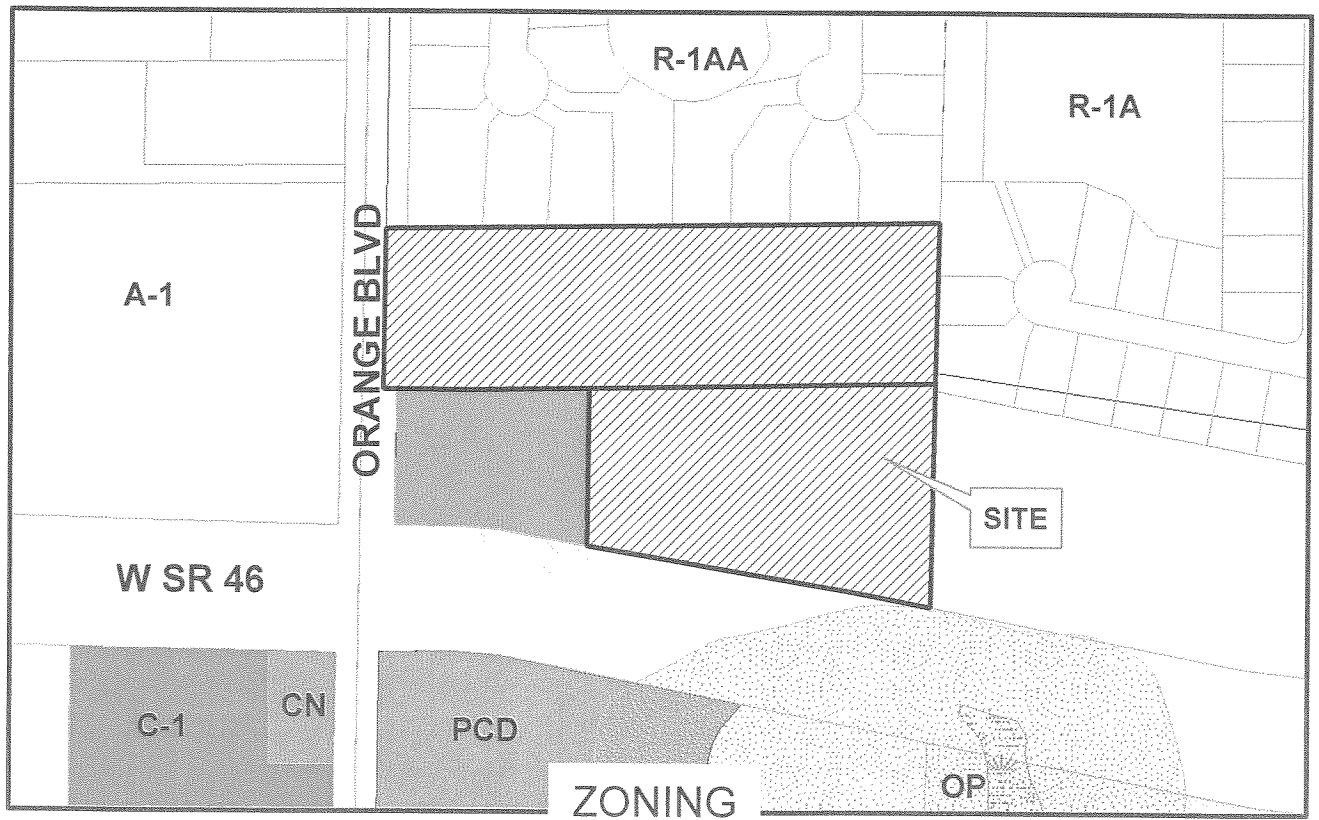


FUTURE LAND USE

Site
 SE
 LDR
 OFF
 COM
 CONS

Applicant: C & C Plaza LLC
 Physical STR: 30-19-30-300-0200 & 021C-0000
 Gross Acres: 7.92 BCC District: 1
 Existing Use: Single Family Residential
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-005	A-1	C-1



ZONING

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



Rezone No: Z2004-005

From: A-1 To: C-1

 Parcel

 Subject Property



February 1999 Color Aerials