

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Country Club Road Rezone A-1 and C-2 to CN

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date <u>10/12/04</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:

1. APPROVE the request for rezoning from A-1 (Agriculture District) and C-2 (Retail Commercial District) to CN (Neighborhood Commercial District) on approximately 3.47 acres located on the north side of Country Club Road approximately 305 feet east of Airport Boulevard and authorize the Chairman to sign the attached ordinance (Ellen H. Franklin/Ruth Key, applicants); or
2. DENY the request for rezoning from A-1 (Agriculture District) and C-2 (Retail Commercial District) to CN (Neighborhood Commercial District) on approximately 3.47 acres located on the north side of Country Club Road approximately 305 feet east of Airport Boulevard. (Ellen H. Franklin/Ruth Key, applicants); or
3. CONTINUE the public hearing until a time and date certain.

District 5 – Commissioner McLain

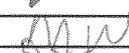
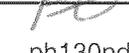
Tina Deater, Senior Planner

BACKGROUND:

The applicant requests rezoning from A-1 and C-2 to CN on approximately 3.47 acres, located on the north side of Country Club Road approximately 305 feet east of Airport Boulevard. The future land use designation for the property is COM (Commercial) which allows the proposed CN zoning classification.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested CN zoning classification.

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

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on September 15, 2004 and voted 5 to 0 to recommend APPROVAL of the rezone from A-1 and C-2 to CN.

Commissioner Dorworth made a motion to recommend approval of the request.

Commissioner Peltz seconded the motion.

Commissioner Harris stated that issues of tax assessment are not involved in our determination of the use of the land. With respect to the road improvements: the A-1 parcels have residential uses; there is plenty of room for horses.

Commissioner Dorworth stated that the applicant can divide the lot with R-1AAA zoning.

The motion passed 5 – 0.

F. Heathrow International Business Center; Shutts & Bowen LLP, applicant; approximately 436.7 acres; Major Amendment to the Heathrow International Business Center PUD Master Plan; approximately bounded by CR 46A, Interstate 4, Lake Mary Boulevard, and Banana Lake Road. (Z2004-029)

Commissioner McLain – District 5
Tina Deater, Senior Planner

This item was continued to the October 6, 2004 meeting.

G. Country Club Road Rezone; Ellen H. Franklin/Ruth Key, applicants; approximately 3.47 acres; rezone from A-1(Agriculture District) and C-2 (Retail Commercial District) to CN (Neighborhood Commercial District); located on the north side of Country Club Road approximately 305 feet east of Airport Boulevard. (Z2004-036)

Commissioner McLain – District 5
Tina Deater, Senior Planner

Ms. Deater stated that the land use designation is compatible with the surrounding uses. Staff recommendation is for approval.

The applicant was not present to comment.

Commissioner Dorworth made a motion to recommend approval as per the conditions of the staff report.

Commissioner Tucker stated that there is a derelict property on Country Club Road and Airport Boulevard. He asked if that property would be impacted.

Ms. Deater stated that the rezoning is being asked for to sell the property. No development plans were known at this time.

The motion passed 5 – 0.

H. Alafaya Trail/Lake Hayes Road Administrative Land Use Amendment; Seminole County, applicant; Approximately 3.7 acres; Administrative Small Scale Land Use Amendment from LDR (Low Density Residential) to Office; located on the east side of Alafaya Trail between Beasley Road and Lake Hayes Road. (Z2004-045)

Commissioner Maloy - District 1
Tina Deater, Senior Planner

Ms. Deater stated that this request covers 9 parcels on the east side of Alafaya Trail. Residential zoning may not be feasible here after the widening of Alafaya Trail.

Commissioner Tucker noted that the bottom parcel is a retention area owned by the Department of Transportation.

There were no public comments from the floor.

Commissioner Harris noted the e-mail from Elliot Mausner, owner of Lot 6, as being in favor.

Commissioner Peltz made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion passed by unanimous approval (5 – 0).

Stephen Lee informed the commissioners that all new subdivisions are required to have underground lines.

Feeder lines were litigated because the Public Service Commission has control of the rates, therefore the County has no say in putting underground feeder lines in – unless the County pays for it.

Matt West stated that Planning is developing a special presentation concerning the Charter Amendment.

The BCC passed the property change to PCD for the Mikler Road/Slavia Road project.

The Orange Boulevard/46A Florence Arbor project still has issues.

COUNTRY CLUB ROAD REZONE A-1 AND C-2 TO CN

REQUEST INFORMATION	
APPLICANT	Ellen H. Franklin/Ruth Key
PROPERTY OWNER	Ellen H. Franklin
REQUEST	Rezone property from A-1 (Agriculture District) and C-2 (Retail Commercial District) to CN (Neighborhood Commercial District)
HEARING DATE (S)	P&Z: 09/01/04 BCC:10/12/04
PARCEL ID	35-19-30-300-0140-0000
LOCATION	Located on the north side of Country Club Road approximately 305 feet east of Airport Boulevard.
FUTURE LAND USE	Commercial
FILE NUMBER	Z2004-036
COMMISSION DISTRICT	District 5 – Commissioner McLain

OVERVIEW

Zoning Request: The applicant requests rezoning from A-1 and C-2 to CN on approximately 3.47 acres, located on the north side of Country Club Road approximately 305 feet east of Airport Boulevard. The future land use designation for the property is COM (Commercial) which allows the proposed CN zoning classification.

Existing Land Uses:

	EXISTING ZONING	FUTURE LAND USE	CURRENT USE
SITE	A-1 (Agriculture District) and C-2 (Retail Commercial District)	Commercial	Vacant
NORTH	R-1 (Single-family Dwelling District)	Low Density Residential	Single-family Residential
SOUTH	C-2 (Retail Commercial District), City Of Sanford	Commercial, City of Sanford	School Board Facilities
EAST	R-1 (Single-family Dwelling District), A-1(Agriculture District), C-2 (Retail Commercial District)	Commercial	Single-family Residential, Vacant
WEST	A-1(Agriculture District)	Commercial	Single-family Residential, Vacant

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.

Utilities:

Water and sewer utilities are provided by the City of Sanford. Reclaim water service is available to the site.

Transportation / Traffic:

Access is available to the site from Country Club Road. At the time of site plan approval, the road will have to be improved to County standard from the site to Airport Boulevard.

Compliance with Environmental Regulations:

There is a wetland system located on the central portion of the property. At the time of site plan approval the following requirements must be met:

- a) A wetland delineation will be required and must be field verified by SJRWMD and Seminole County staff.
- b) Provide 15-foot minimum, 25-foot average undisturbed upland buffers from approved jurisdictional wetland boundaries.
- c) A conservation easement dedicated to Seminole County is required to be placed over all jurisdictional wetlands and required upland buffers.

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 CN would make the zoning and future land use consistent. 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 CN rezone based on the following findings:

1. The CN 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 CN zoning district is compatible with the concepts of its future land use designation of Commercial land use; and
3. The uses within the proposed CN zoning district would not have an unduly adverse effect on existing traffic patterns, movements or intensity.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on September 15, 2004 and voted 5 to 0 to recommend APPROVAL of the rezone from A-1 and C-2 to CN.

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 AND C-2 ZONING CLASSIFICATIONS THE CN 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, "Country Club Road Rezone A-1 and C-2 to CN."

(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 and C-2 to CN in accordance with the contents of the documents titled, "Country Club Road Rezone A-1 and C-2 to CN:

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 12th day of October, 2004.

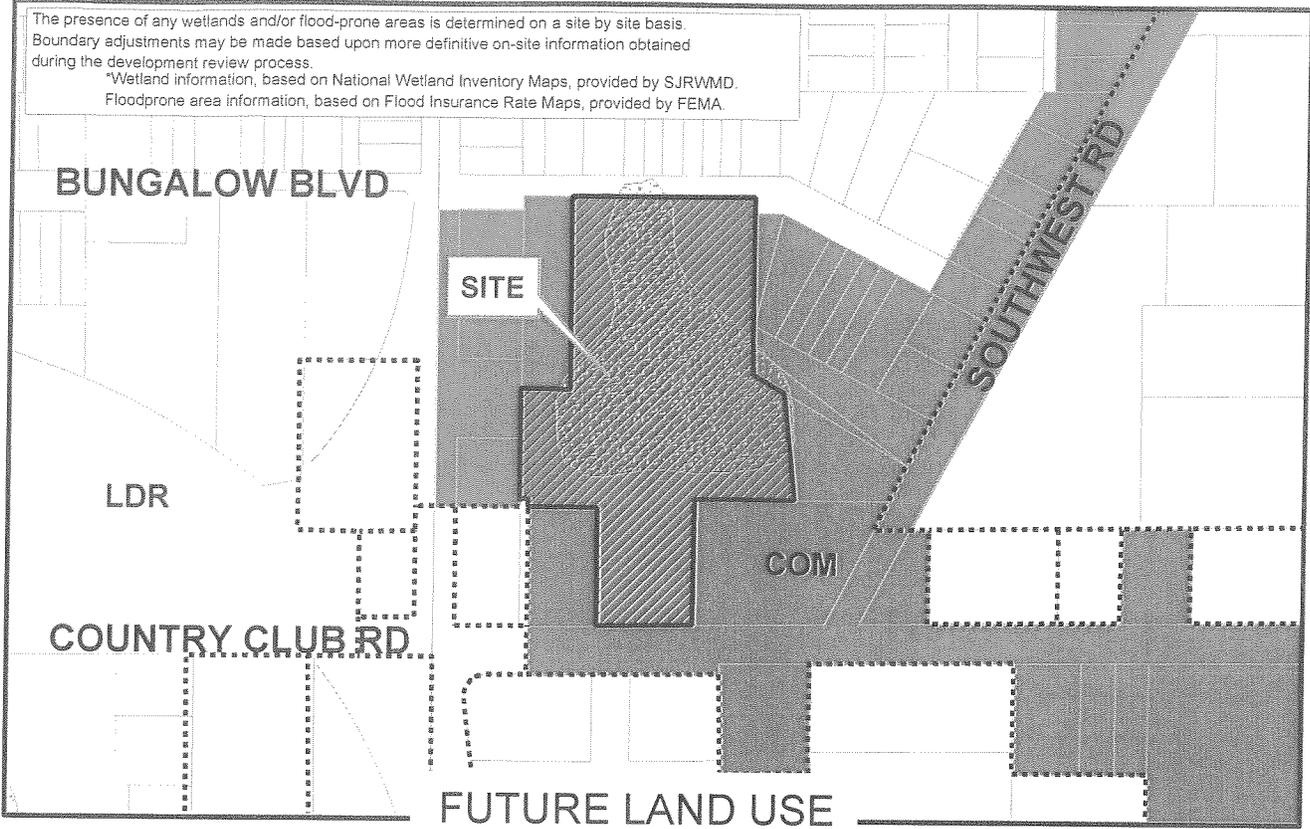
BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

LEG SEC 35 TWP 19S RGE 30E BEG 12.8 CH N + 2 CH E OF SW COR RUN E 266.4 FT N
189 1/4 FT E 168.7 FT N 13 1/2 DEG W 181.1 FT N 59 1/4 DEG W 58 1/2 FT N 267 FT W
330 FT S TO BEG (LESS S 174 FT OF W 121 FT + W 76.15 FT OF N 286 FT + W 8 FT OF
N 50 FT OF S 185 FT)

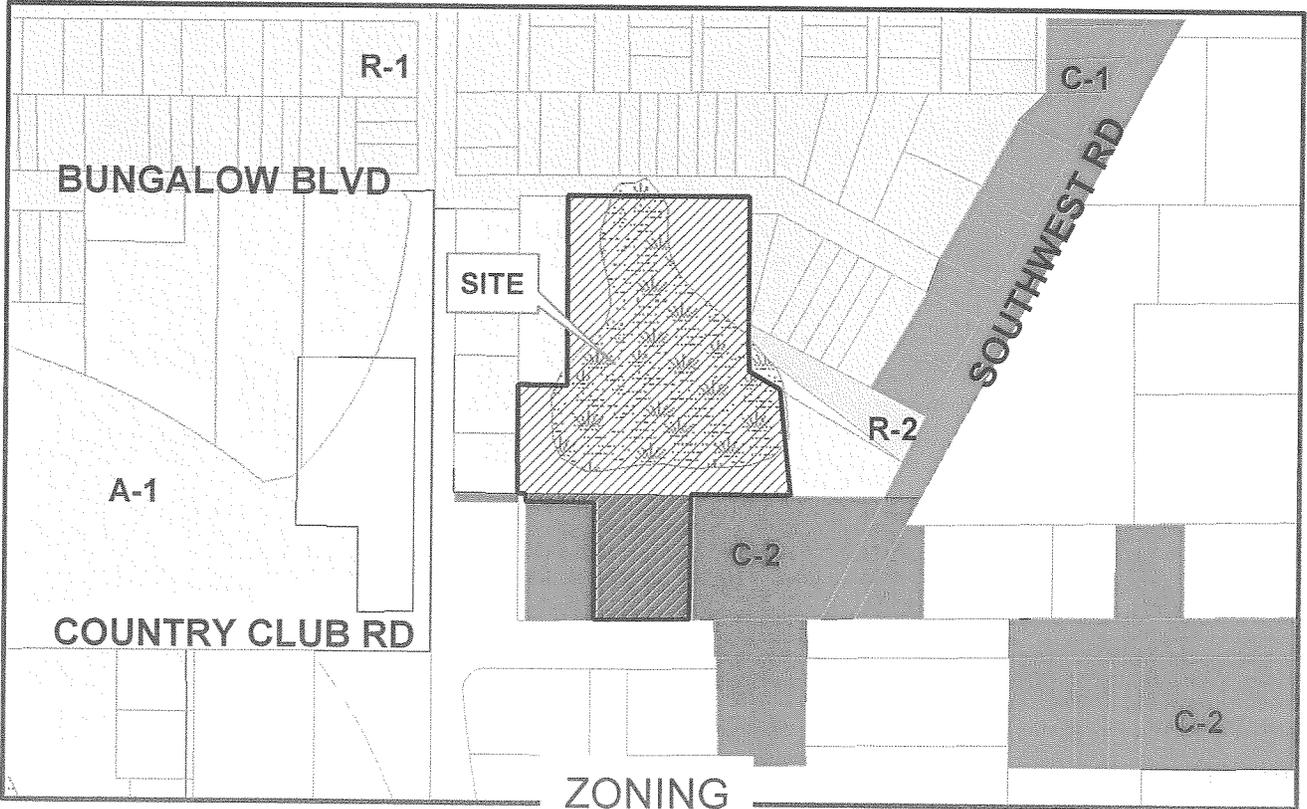
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 Municipality
 LDR
 COM
 CONS

Applicant: Ellen H. Franklin
 Physical STR: 35-19-30-300-0140-0000
 Gross Acres: +/- 3.47 BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-036	A-1/C-2	CN



Site
 Municipality
 A-1
 R-1
 R-2
 C-1
 C-2
 FP-1
 W-1



Rezone No: Z2004-036
From: A-1/C-2 To: CN

-  Parcel
-  Subject Property



February 1999 Color Aerials