

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Rezoning from A-I to PCD / Sanford Auto Mall Rezone

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

AUTHORIZED BY: Donald Fisher **CONTACT:** Kathy Fall ^{KF} **EXT.** 7389

Agenda Date: 10/22/2002 ☒ **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☐ **Public Hearing – 7:00** ☐

MOTION/RECOMMENDATION:

1. ADOPT the attached Ordinance thereby approving the rezoning request from A-I to PCD for a 3.37 acre parcel located on the west side of Rinehart Road approximately ½ mile north of Town Center Boulevard, subject to staff recommendations contained in the attached Development Order (MCQ Autos, applicant); or
2. DENY the rezoning request from A-I to PCD for a 3.37 acre parcel located on the west side of Rinehart Road approximately ½ mile north of Town Center Boulevard (MCQ Autos, applicant); or
3. Continue the public hearing until a date certain.

(District 5 – Commissioner McLain)

(Kathy Fall, Senior Planner)

BACKGROUND:

The applicant, MCQ Autos, is requesting to rezone 3.37 acres that is currently zoned A-I (Agriculture) to PCD (Planned Commercial Development District). The property is located on the west side of Rinehart Road approximately ½ mile north of Town Center Boulevard. The proposed use of the property is for a car dealership and repair shop and other C-3 uses.

**LOCAL PLANNING AGENCY/PLANNING AND ZONING COMMISSION
RECOMMENDATION:**

LPA/P&Z voted 6-0 to recommend approval of the rezoning request.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance rezoning the property from A-I to PCD, for a 3.37 acre parcel located on the west side of Rinehart Road approximately ½ mile north of Town Center Boulevard, based on staff findings.

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

SANFORD AUTO MALL REZONE				
APPLICANT:	MCQ Autos/Mark Stehli of Land Design Innovations			
REQUEST:	Rezone from A-I (Agriculture) to PCD (Planned Commercial Development District)			
HEARING DATES(S):	P&Z:	October 2, 2002	BCC:	October 22, 2002
PARCEL ID NO.:	32-I 9-30-501-0000-0050			
PROJECT LOCATION:	Located on the west side of Rinehart Road approximately ½ mile north of Town Center Boulevard.			
FUTURE LAND USE:	Higher Intensity Planned Development – Target Industry			
FILE NUMBER:	I 22002-019			
COMMISSION DISTRICT:	District 5 – Commissioner McLain			

OVERVIEW

The subject property is zoned A-I and is within the Higher Intensity Planned Development – Target Industry (HIP-TI) future land use. The HIP-TI land use requires commercial development to be located on higher capacity roadways that can accommodate increased traffic due to short trip distances to major freeways. This proposed commercial development is located on Rinehart Road which is a four-lane collector roadway. The intersection of the Greenway (417) is less than ¼ mile from the south entrance of the site. The property owner is proposing to have uses allowed in the C-3 zoning district consisting of a car dealership (5,000 square feet), body and paint shop (5,100 square feet) and a maintenance and repair building (6,000 square feet) which will have a combined square footage of 16,100 square feet.

The City of Sanford currently has approved three automotive dealerships on Rinehart Road and are currently processing an application for a dealership on the southwest corner of Seminole Town Center Boulevard and Rinehart Road.

Existing Land Uses: The existing zoning designations and land uses are as follows:

DIRECTION	EXISTING ZONING	FUTURE LAND USE	USE OF PROPERTY
Site	A-1	High Intensity Planned Development – Target Industry	Vacant/proposed Retail Commercial
North	S.R. 417/Greenway		
South	A-I	High Intensity Planned Development – Target Industry	Single-Family Dwelling

East	c-2	High Intensity Planned Development – Target Industry
West	M/Off-ramp to S.R. 417	

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

SITE ANALYSIS

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. The applicant has submitted an affidavit for deferral of concurrency testing. Prior to final development permits being issued, the applicant must submit for concurrency review.
2. The proposed rezoning is consistent with the adopted Future Land Use designation assigned to the property and 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.
3. The subject site is served by City of Sanford water and sewer.

Compliance with Environmental Regulations: Site development must comply with all applicable environmental regulations.

Compatibility with surrounding development: The request, as proposed, would be compatible with surrounding development and surrounding future land use designation of High Intensity Planned Development – Target Industry.

STAFF FINDINGS

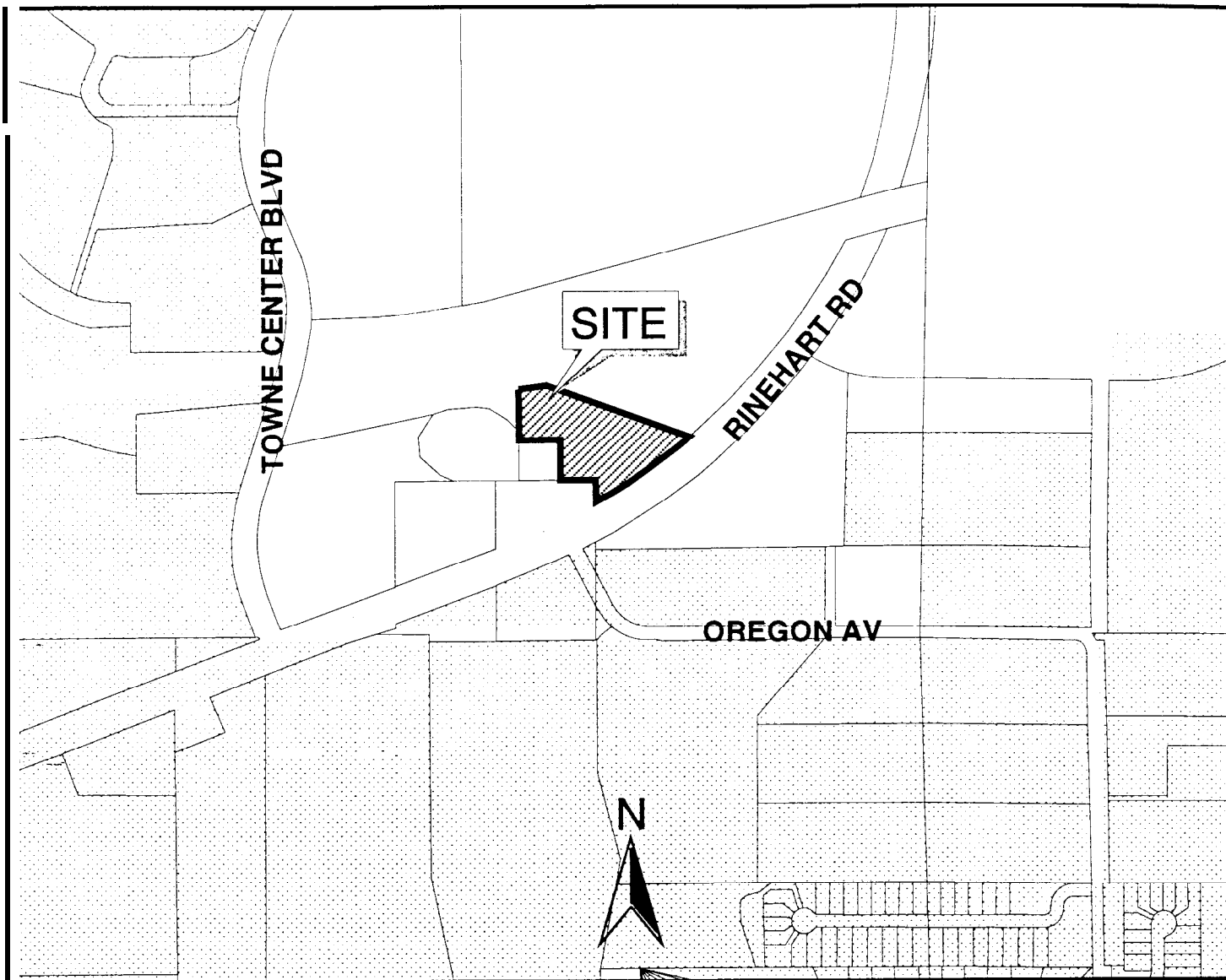
1. The proposed rezoning is consistent with the Vision 2020 Plan policies related to the Higher Intensity Planned Development-Target Industry land use designation.
2. The proposed rezoning is compatible with adjacent commercial and retail uses and the development trend along the Rinehart Road corridor.

STAFF RECOMMENDATION

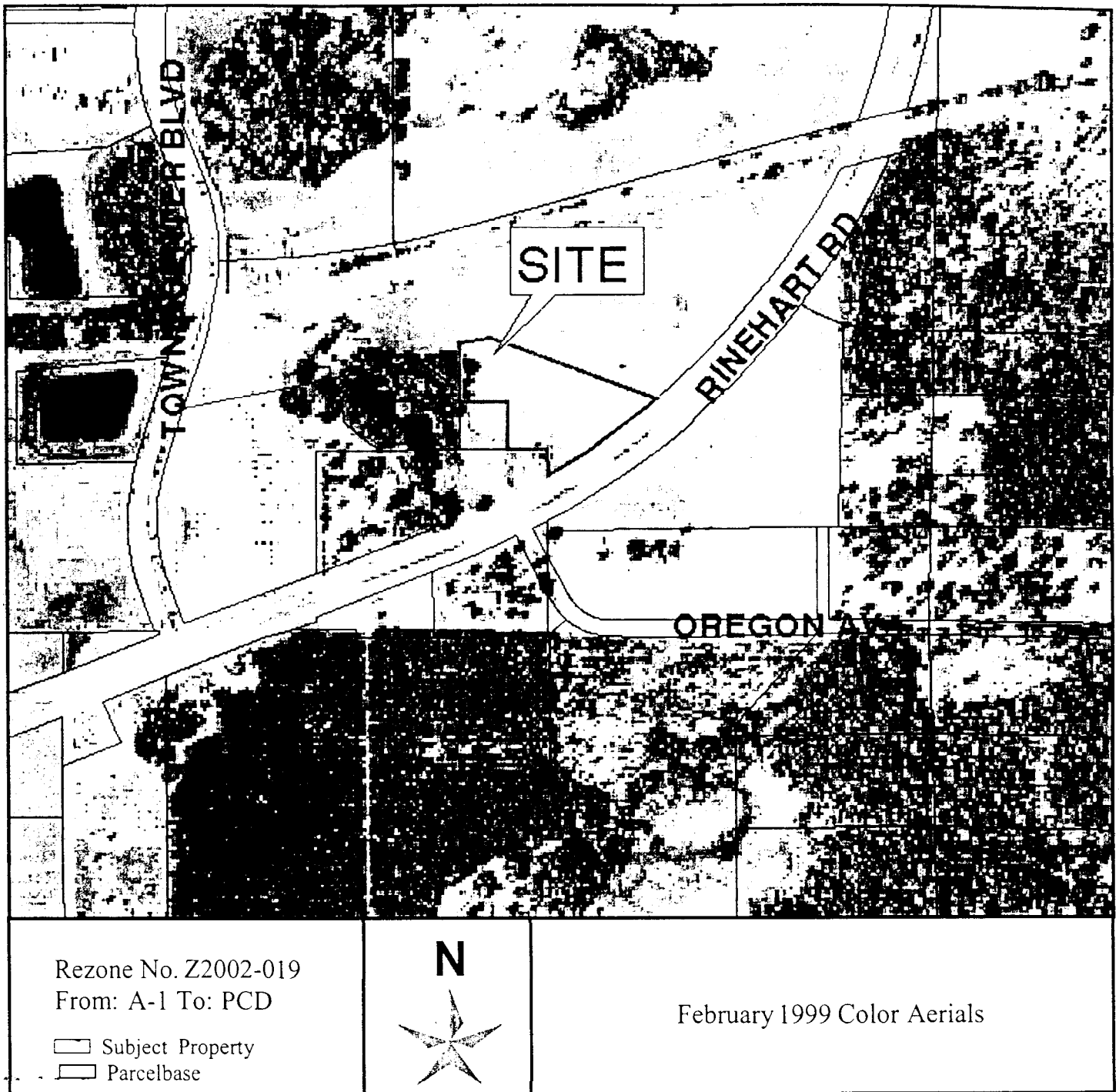
Staff recommends approval of the requested PCD zoning classification, based on the following conditions:

1. 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.
2. Lighting on site shall be a maximum of 20 feet high with shoe-box cut off fixtures.

3. Owner shall provide a left turn for south bound traffic and right turn lane for deceleration for north bound traffic off of Rinehart Road.
4. Access to the site shall be right-in/right-outs on both entrances given that there are no median cuts to allow for left turns from the site.
5. No overhead doors will be located on the back of the maintenance and repair buildings.
6. Owner shall provide amenities to the retention pond for it to count toward the required open space requirement.
7. Mechanical units shall not be visible from Rinehart Road. Screening shall be determined at Final PCD Master Plan approval.
8. Screening of the automotive repair uses from adjacent west side properties to be provided at Final Master Plan.
9. Elevations of buildings to be provided at Final Master Plan consisting of muted neutral colors.
10. Pedestrian connection shall be provided from sidewalk in Rinehart right-of-way to the main dealership building. Location and design to be provided at Final PCD Master Plan.



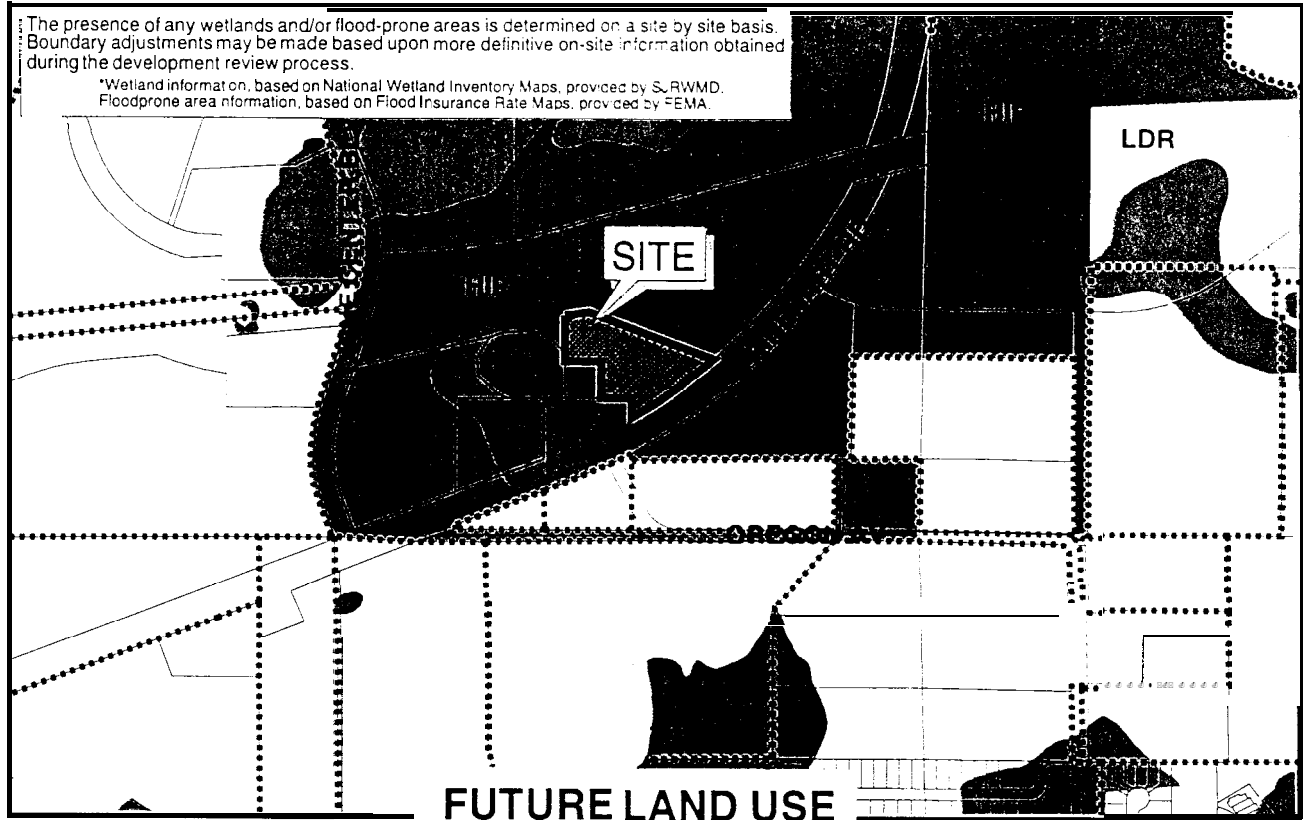
filename: /plan/cpcr02/amend/z2002-019.apr/z2002-019ad 09/06/02



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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.

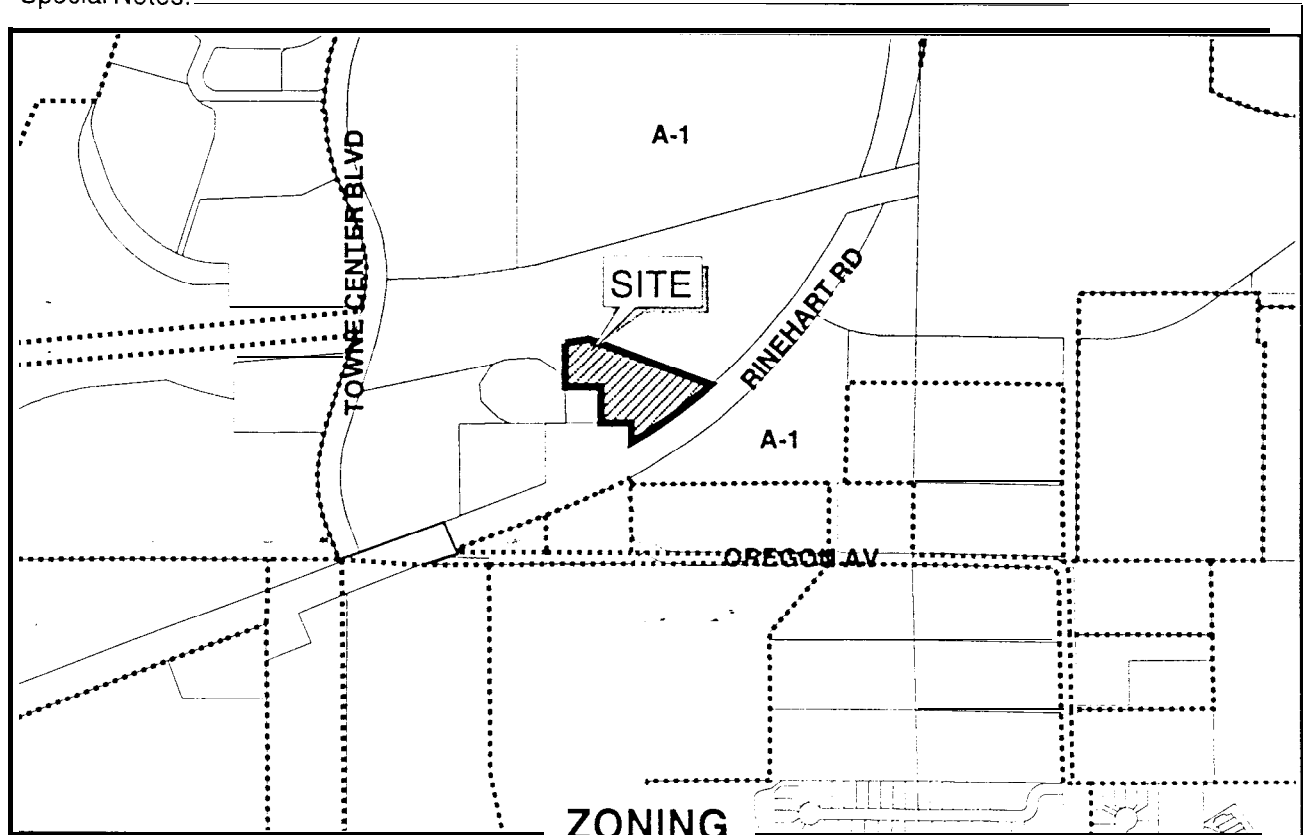
*Wetland information, based on National Wetland Inventory Maps, provided by S.R.WMD.
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site
 Municipality
 HIP
 LDR
 CONS

Applicant: MCQ Autos
 Physical STR: 32-19-30-501-0000-0050
 Gross Acres: 3.37 BCC District: 5
 Existing Use: Vacant - Grazing Land
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2002-019	A-1	PCD



ZONING

A-1

PROPOSED COMMERCIAL DEVELOPMENT PLANS FOR SUNFORD AUTO MALL

SEMINOLE COUNTY, FLORIDA
SEPTEMBER 2002

APPLICANT:

DAVID L. BROWN
DAVID L. BROWN & ASSOCIATES
10000 BAYVIEW BLVD.
SUITE 100
DAVIDSON, NC 28026

CIVIL ENGINEER:

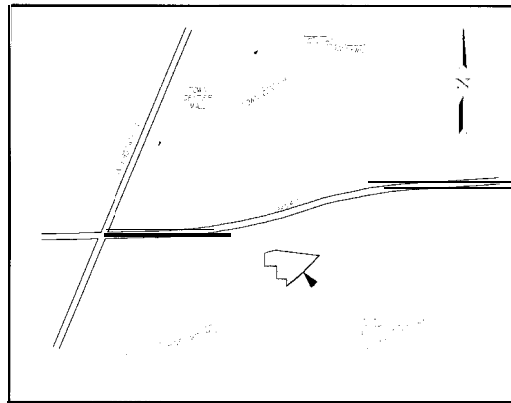
DAVID L. BROWN
DAVID L. BROWN & ASSOCIATES
10000 BAYVIEW BLVD.
SUITE 100
DAVIDSON, NC 28026

LAND PLANNER:

DAVID L. BROWN
DAVID L. BROWN & ASSOCIATES
10000 BAYVIEW BLVD.
SUITE 100
DAVIDSON, NC 28026

SURVEYOR:

DAVID L. BROWN
DAVID L. BROWN & ASSOCIATES
10000 BAYVIEW BLVD.
SUITE 100
DAVIDSON, NC 28026



LOCATION MAP
10/02

DRAWING INDEX

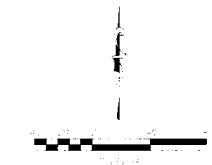
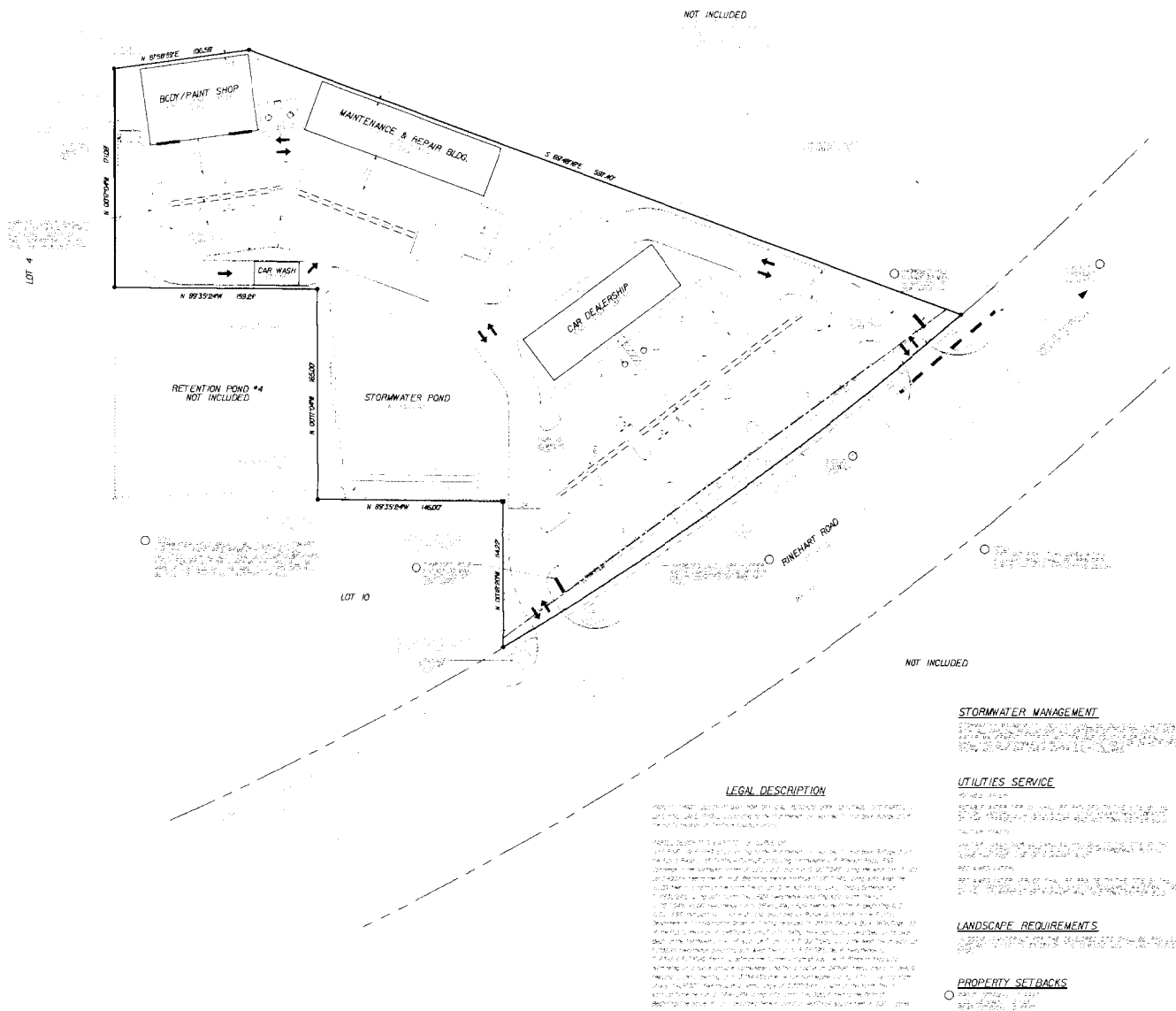
1. SITE PLAN
2. MASTER SITE PLAN



LAND DESIGN INNOVATIONS
P.L.L.C.

4000 W. WINDY HILL ROAD
SUITE 100
DALLAS, TEXAS 75241

PROJECT NO. 02014.01
REVISED 09/05/02



EXISTING SITE DATA

EXISTING TOTAL AREA: 100,000 SQ. FT.
 TOTAL LOT AREA: 100,000 SQ. FT.
 TOTAL SITE AREA: 100,000 SQ. FT.

PROPOSED SITE DATA

PROPOSED TOTAL AREA: 100,000 SQ. FT.
 PROPOSED LOT AREA: 100,000 SQ. FT.
 PROPOSED SITE AREA: 100,000 SQ. FT.

PARKING CALCULATIONS

PROPOSED TOTAL PARKING: 100,000 SQ. FT.
 PROPOSED LOT PARKING: 100,000 SQ. FT.
 PROPOSED SITE PARKING: 100,000 SQ. FT.

TRIP GENERATION CALCULATIONS

PROPOSED TOTAL TRIPS: 100,000 SQ. FT.
 PROPOSED LOT TRIPS: 100,000 SQ. FT.
 PROPOSED SITE TRIPS: 100,000 SQ. FT.

SOILS INFORMATION

PROPOSED TOTAL SOILS: 100,000 SQ. FT.
 PROPOSED LOT SOILS: 100,000 SQ. FT.
 PROPOSED SITE SOILS: 100,000 SQ. FT.

STORMWATER MANAGEMENT

PROPOSED TOTAL STORMWATER: 100,000 SQ. FT.
 PROPOSED LOT STORMWATER: 100,000 SQ. FT.
 PROPOSED SITE STORMWATER: 100,000 SQ. FT.

UTILITIES SERVICE

PROPOSED TOTAL UTILITIES: 100,000 SQ. FT.
 PROPOSED LOT UTILITIES: 100,000 SQ. FT.
 PROPOSED SITE UTILITIES: 100,000 SQ. FT.

LANDSCAPE REQUIREMENTS

PROPOSED TOTAL LANDSCAPE: 100,000 SQ. FT.
 PROPOSED LOT LANDSCAPE: 100,000 SQ. FT.
 PROPOSED SITE LANDSCAPE: 100,000 SQ. FT.

PROPERTY SETBACKS

PROPOSED TOTAL SETBACKS: 100,000 SQ. FT.
 PROPOSED LOT SETBACKS: 100,000 SQ. FT.
 PROPOSED SITE SETBACKS: 100,000 SQ. FT.

LEGAL DESCRIPTION

LEGAL DESCRIPTION: LOT 4 AND LOT 10, SANFORD AUTO MALL, PINEHWY ROAD, SANFORD, NC. THE TOTAL AREA OF THE SITE IS 100,000 SQ. FT. THE SITE IS BOUND BY PINEHWY ROAD TO THE SOUTH, LOT 4 TO THE WEST, AND LOT 10 TO THE EAST. THE SITE IS ZONED FOR COMMERCIAL USE. THE SITE IS OWNED BY MCQ AUTOS, INC. THE SITE IS BEING DEVELOPED FOR A CAR DEALERSHIP. THE SITE IS BEING DEVELOPED FOR A CAR DEALERSHIP. THE SITE IS BEING DEVELOPED FOR A CAR DEALERSHIP.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On October 22, 2002, 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: WPB Properties, Inc.
35929 Osprey Lane
Eustis, FL 32736

Project Name: Sanford Auto Mall Rezone

Requested Development Approval: Rezone of 3.37 acres from Agriculture (A-1) to Planned Commercial Development District (PCD) to allow for a car dealership and repair shop and other C-3 uses.

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: Kathy Fall
1101 East First Street
Sanford, Florida 32771

Order

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. Uses permitted and conditional shall be according to the C-3 (general commercial and wholesale) zoning district.
- b. 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.
- c. Lighting on site shall be a maximum of 20 feet high with shoe-box cut off fixtures.
- d. Owner shall provide a left turn for south bound traffic and right turn lane for deceleration for north bound traffic off of Rinehart Road.
- e. Access to the site shall be right-in/right-outs on both entrances given that there are no median cuts to allow for left turns from the site.
- f. No overhead doors will be located on the back of the maintenance and repair buildings.
- g. Owner shall provide amenities to the retention pond for it to count toward the required open space requirement.
- h. Mechanical units shall not be visible from Rinehart Road. Screening shall be determined at Final PCD Master Plan approval.
- i. Screening of the automotive repair uses from adjacent west side properties to be provided at Final Master Plan.
- j. Elevations of buildings to be provided at Final Master Plan consisting of muted neutral colors.
- k. Pedestrian connection shall be provided from sidewalk in Rinehart right-of-way to the main dealership building. Location and design to be provided at Final PCD Master Plan,

(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.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, WPB Properties, Inc., on behalf of itself and its heirs, 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

WPB Properties, Inc.
Clara Ball, President

(corporate seal)

Witness

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 Clara Ball, who is personally known to me or who has produced _____ as identification and is President of WPB Properties, Inc. and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A LEGAL DESCRIPTION

PARENT TRACT DESCRIPTION: (FROM OFFICIAL RECORDS BOOK 1265, PAGE 1570, PARCEL 1) Lot 5, PINE LAKE GROVES, according to the Plat thereof as recorded in Plat Book 9, page 27, of the public records of Seminole, County, Florida.

PARCEL DESCRIPTION: (WRITTEN BY SURVEYOR)

Lot 5, PINE LAKE GROVES, according to the Plat thereof as recorded in Plat Book 9, Page 27, of the Public Records of Seminole County, Florida, lying Northwesterly of Rinehart Road, LESS Commence at the Northwest corner of said Lot 5 and run S 00°17'04"E along the West line of said Lot 5, 403.56 feet to the Point of Beginning; thence continue S 00°17'04"E along said West line, 165.00 feet to a point on the North line of Lot 10 of said PINE LAKE GROVES; thence run S 89°35'24"E along said North line, 159.24 feet; thence departing said North line run N 00°17'04"W, 165.00 feet; thence run N 89°48'24"W, 159.24 feet to the Point of Beginning; AND ALSO LESS that particular parcel of land described as Parcel 320, Part B in the Florida Department of Transportation Order of Taking recorded in Official Records Book 3676, Page 1189 of the Public Records of Seminole County, Florida being more particularly described as follows: Begin at the Northwest corner of said Lot 5 and run S 00°17'04"E along West line of said Lot 5, 232.48 feet; thence departing said West line run N 81°58'59"E, 106.56 feet; thence run S 69°48'16"E, 597.40 feet to a point on the Northerly right-of-way line of Rinehart Road, said point being on a curve concave Northwesterly having a radius of 2476.48 feet, a chord of 964.56 feet, and a chord bearing of N 37°34'43"E; thence run Northeasterly along said curve and right-of-way line, 970.75 feet through a central angle of 22°27'34" to a point on the North line of a said Lot 5; thence run S 74°49'26"W along said North line, 1300.95 feet to a Point of Beginning: The parcel of land described hereon contains 146878.54 square feet or 3.3719 acres.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; THE ZONING CLASSIFICATION ASSIGNED TO THE FOLLOWING DESCRIBED PROPERTY IS CHANGED FROM AGRICULTURE (A-I) TO PLANNED COMMERCIAL DEVELOPMENT DISTRICT (PCD); 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 "Sanford Auto Mall 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. REZONING. The zoning classification assigned to the following described property is changed from Agriculture (A-I) to Planned Commercial Development District (PCD):

See 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 on the recording date of the Development Order #2-22000006 in the Official Land Records of Seminole County.

ENACTED this 22th day of October 2002.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

Attest:

Maryanne Morse
Clerk to the Seminole County Board
of County Commissioners

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