

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Pacific Atlantic Rezone from A-1 (Agriculture) to RP (Residential Professional). (Cayetano and Cristeta Cruzada, applicants)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald Fisher CONTACT: Jeff Hopper EXT. 7431

Agenda Date 10/28/03 Regular Consent Work Session Briefing
Public Hearing - 1:30 Public Hearing - 7:00

MOTION/RECOMMENDATION:

- 1. Enact an ordinance to APPROVE the request for a Rezone from A-1 to RP on 0.27 acres per the attached Development Order, and authorize the Chairman to execute same, on property located on the east side of Tuskawilla Road, 650 feet north of Dike Road (Cayetano and Cristeta Cruzada, applicants); or
- 2. DENY the request for a Rezone from A-1 to RP on 0.27 acres, based on findings made by the Commissioners, on property located on the east side of Tuskawilla Road, 650 feet north of Dike Road (Cayetano and Cristeta Cruzada, applicants); or
- 3. Continue the item to a time and date certain.

District 1 - Maloy

Jeff Hopper, Senior Planner

BACKGROUND:

The applicant has established an office use on the property, originally developed as a single family home. Responding to Code Enforcement action, the applicant requested a change in future land use designation from Low Density Residential (LDR) to Office, and a rezone from A-1 to RP. The necessary small scale amendment was approved by the Board of County Commissioners on March 11, 2003. The attendant zoning change allowing actual use of the property for office purposes is now under consideration.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On October 1, 2003 the Planning & Zoning Commission voted 3-2 to recommend APPROVAL of the request per staff recommendations, but excluding staff's condition to limit employees on the site to a maximum of 5.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested rezone per the attached development order.

Reviewed by: KJC
Co Atty: _____
DFS: _____
OTHER: MW
DCM: _____
CM: _____
File No. ph130pdp03

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
WEDNESDAY, OCTOBER 1, 2003**

Members present: Alan Peltz, Chris Dorworth, Ben Tucker, Beth Hattaway, Dudley Bates

Members absent: Thomas Mahoney, Richard Harris

Also present: Tony Matthews, Principal Planner; Mike Rumer, Planner; Cynthia Sweet, Planner; Jeff Hopper, Senior Planner; Tony Walter, Principal Planner; Matthew West, Planning Manager; Candace Lindlaw-Hudson, Senior Staff Assistant; and Karen Consalo, Assistant County Attorney; Jim Potter, Development Review Division.

A. Pacific Atlantic; Cayetano R. & Cristeta M. Cruzada, applicants; approximately 0.27 acre; Rezone from A-1 (Agriculture) to RP (Residential-Professional); east side of Tuskawilla Road, 650 feet north of Dike Road; (Z2002-029).

Commissioner Maloy - District 1
Jeff Hopper, Senior Planner

Jeff Hopper introduced the Pacific Atlantic application by reviewing the staff report and findings. Mr. Hopper stated that parking and traffic circulation have been key focuses of this item. The proposed layout will allow for turn-arounds on the property so that patrons will not have to back out onto Tuskawilla Road, which had been a major concern of Development Review. There will be four stacked parking spaces on the east side of the site to allow for maneuvering of cars. There will be ten parking spaces, rather than the Code required 12 spaces. Mr. Hopper explained that the RP zoning is intended to allow conversion of homes to office uses, and some criteria may not be met. The application may be approved if compatibility, safety, and other concerns are satisfied. Staff is recommending approval of the application with the following conditions: the site is limited to general office use, with dental or medical offices not permitted; stacked parking spaces will be limited to 4 and limited to employee use; and no more than 5 employees be present on the site at any time.

The applicant had no comments for the Board.

No one spoke from the audience.

The public hearing was now closed.

Chairman Tucker asked Mr. Hopper to review the previous vote on this property and why it was appearing before the Board again.

Mr. Hopper stated that the item had begun last fall as a land use amendment and rezone. The site plan was delayed, so the land use amendment went through alone, without the rezone. The Board of County Commissioners at the same time administratively designated 3 nearby parcels as Office also. Tonight the applicant is submitting a zoning request with a site plan that allows the office use.

Commissioner Tucker stated that previously neighbors had objected to the proposed use because of ingress and egress problems and issues with the parking on the site. He asked Mr. Hopper if the stacked parking was effective and was it being used elsewhere in Seminole County.

Mr. Hopper stated that his knowledge of this type of use was limited and he did not have any knowledge of it being used elsewhere in the County.

Commissioner Tucker then asked Matt West if he knew of any such parking uses in the County.

Mr. West stated that there was some "tandem" parking allowed in front of garages in an apartment complex on CR17-92 and at a Porsche dealership as well. This request is providing additional opportunities for parking. In other cases, the parking requirements could not be met, as with the Zelman application, in which case the requirements were waived. This is better than nothing. The possibility of removing the garage and using the space for turn-arounds was considered, but traffic engineering did not want 2 means of accessing the road from the site by using the adjacent road.

Commissioner Hattaway asked how the capping of the employees present to five at any given time was to be monitored.

Mr. West stated that the only way would be on a complaint basis, if someone asked the County to go out and look.

Commissioner Hattaway asked about adjacent uses.

Mr. Hopper identified Madison Place, a Baptist church and some private residences in the area across from the site.

Commissioner Dorworth asked about current parking problems.

The applicant stated that there were no problems now.

Commissioner Bates asked what had removed the neighborhood objections.

Mr. Cayetano gave several examples of how his business had helped area residents recently.

Commissioner Dorworth made a motion to recommend approval of the application with all of the staff recommendations with the exclusion of B.

[Staff recommendation "B" states that double-loaded parking spaces shall be limited to a total of 4 and shall be for employee use only.]

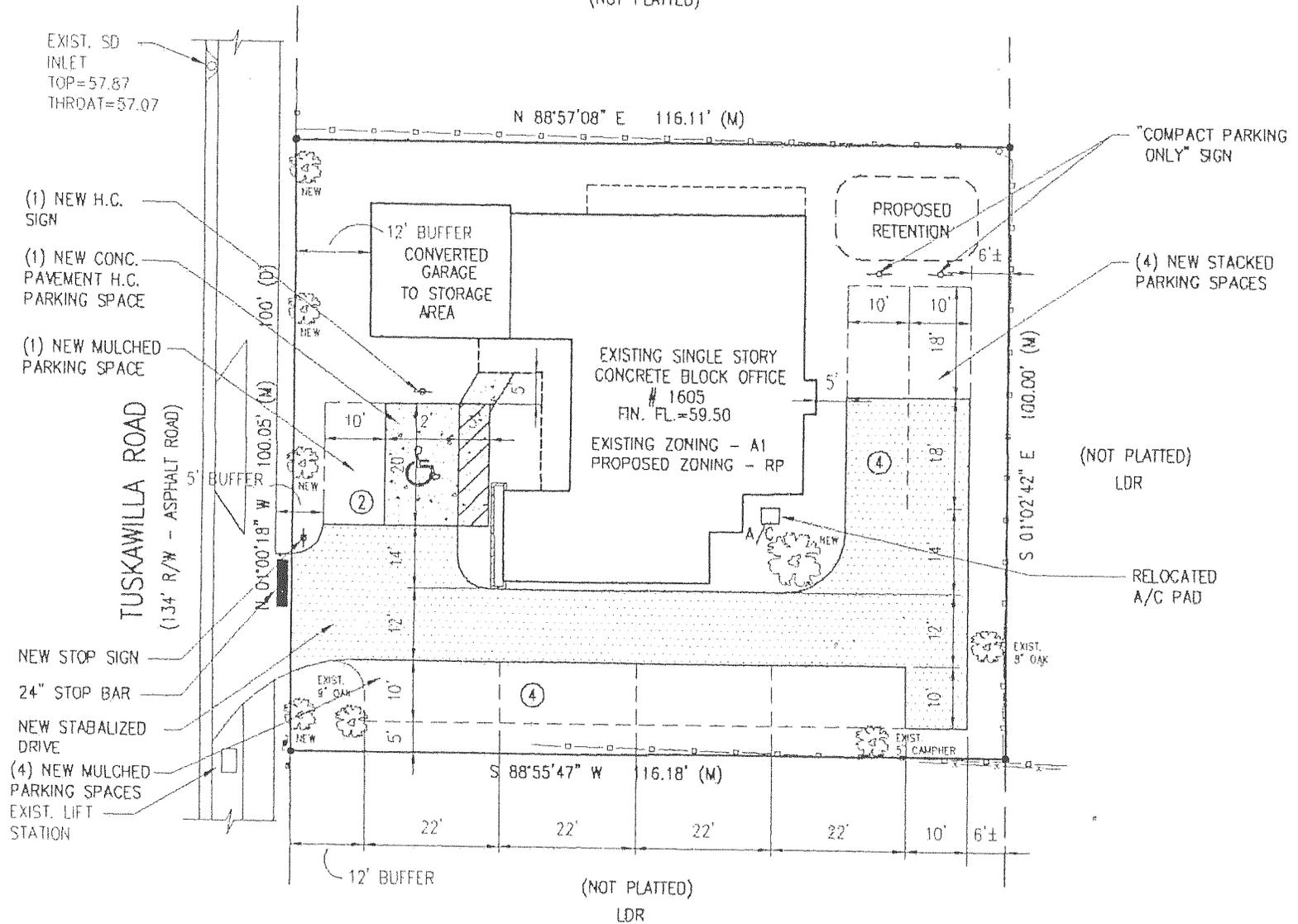
Commissioner Peltz seconded the motion.

There was no discussion.

The vote was 3 – 2 in favor of the motion. Commissioner Tucker and Commissioner Hattaway voted "no."

PACIFIC ATLANTIC

(NOT PLATTED)



SITE LAYOUT AND DEVELOPMENT PLAN

SCALE: 1" = 20'

PACIFIC ATLANTIC REZONE

REQUEST INFORMATION	
APPLICANT	Cayetano & Cristeta Cruzada
PROPERTY OWNERS	Cayetano & Cristeta Cruzada
REQUEST	Rezone from A-1 (Agriculture) to RP (Residential-Professional)
HEARING DATE(S)	P&Z: October 1, 2003 BCC: October 28, 2003
SEC/TWP/RNG	25-21-30-300-0040-0000
LOCATION	East side of Tuskawilla Rd., 0.1 mile north of Dike Rd.
FUTURE LAND USE	Office
FILE NUMBER	Z2003-029
COMMISSION DISTRICT	District 1 (Maloy)

OVERVIEW

Zoning Request: The applicant has established an office use on the property, originally developed as a single family home. Responding to Code Enforcement action, the applicant requested a change in future land use designation from Low Density Residential (LDR) to Office, and a rezone from A-1 to RP. The necessary small scale amendment was approved by the Board of County Commissioners on March 11, 2003. The attendant zoning change allowing actual use of the property for office purposes is now under consideration.

At the same time as the applicant's land use amendment, the Board approved an additional amendment, brought by the BCC itself, to change the land use designation on four other properties adjacent to or near the subject site. As a result, there is a significant quantity of Office land use in the vicinity on the east side of Tuskawilla Road, covering the distance from Stonehurst Subdivision to Dike Road, a distance of nearly 800 feet. (The exception is the Montessori School property, which remains in the LDR land use designation and A-1 zoning.) All of these properties now are eligible for consideration of office development under the OP or RP districts.

As the proposed office use is now consistent with the Vision 2020 Plan, major issues center on the intensity of the use and appropriate site design to ensure compatibility with surrounding land uses. The current business operation, which has been allowed to continue pending the outcome of the rezoning application, consists of a mortgage business running 8-hour shifts, 7 days per week. Up to 6 employees per shift are present on the site.

The existing building consists of 2,370 square feet of office area and a garage, converted to storage use, 497 square feet in size. Required parking per the Land Development Code is 12 spaces, while the applicant's site plan shows 10. It should be noted that two of these spaces, located to the east of the building, are double-loaded, meaning that they can be blocked by vehicles using other designated spaces. This arrangement can be

approved by the Board through the RP site plan approval and development order under appropriate conditions, such as limitation to use as employee parking. The four spaces on the east side of the building are shown as 18 feet in depth rather than the standard 20; this is to provide additional turn-around room at the end of the driveway for vehicles preparing to exit the site.

To compensate for the amount of parking proposed, which does not meet Code requirements, the number of employees should be reduced to 5. This would allow 4 regular employees conducting the mortgage business, an equal number of clients, and a secretary to park on the site simultaneously. (The remaining space would be for handicapped use.)

The proposed layout provides space for buffers as required by Code. While the adjoining property to the north and east contains a single family residence, the zoning of this parcel is primarily A-1 and the future land use designation is Office; in this situation, active/passive buffer requirements do not apply. The south buffer, adjacent to the Montessori site, should include a 6-foot opaque fence for visual separation between the two uses.

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

	Zoning	Future Land Use	Existing Land Use
North	R-1AAA* / A-1	Office	SF residential
South	A-1	LDR	school/child care facility
East	R-1AAA* / A-1	Office	SF residential
West	A-1	LDR	SF residential
* 20-foot strip only			

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. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed zoning is consistent with the Office future land use designation, 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. Seminole County will provide water and sewer service to the site.

4. Information on stormwater capacity and outfall will have to be provided prior to Final Site Plan approval.

Compliance with Environmental Regulations: At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with surrounding development: The proposed RP zoning classification is consistent with the Office future land use designation of the Vision 2020 Plan.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On October 1, 2003 the Planning & Zoning Commission voted 3-2 to recommend APPROVAL of the request per staff recommendations, but excluding staff's proposal to limit employees on the site to 5.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request subject to the following conditions:

- a. The site shall be limited to general office use, with no medical or dental offices permitted.
- b. Double-loaded parking spaces shall be limited to a total of 4 and shall be for employee use only.
- c. Hours of operation shall be limited to 7 a. m. – 7 p.m. Monday-Friday.
- d. No more than 5 employees shall be present on the site at any time.
- e. Buffers on the north, east and south shall be at least 5 feet in width and provide one (1) canopy tree per 25 linear feet.
- f. The west buffer shall be a 5-foot minimum and 10-foot average width, and provide one (1) canopy tree per 25 linear feet.
- g. The south buffer shall include a 6-foot opaque fence.
- h. Outdoor lighting shall be limited to cutoff-shoebox style fixtures at a maximum height of 16'. Building-mounted lighting shall direct light toward the building, and shall not create glare visible from off the site.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On October 28, 2003, 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 Owners: CAYETANO AND CRISTETA CRUZADA

Project Name: PACIFIC ATLANTIC

Requested Development Approval: Rezoning from A-1 to RP (Residential Professional)

The Development Approval sought is consistent with the Seminole County Vision 2020 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: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

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. The site shall be limited to general office use, with no medical or dental offices permitted.
- b. Double-loaded parking spaces shall be limited to a total of 4 and shall be for employee use only.
- c. Hours of operation shall be limited to 7 a. m. – 7 p.m. Monday-Friday.
- d. No more than 5 employees shall be present on the site at any time.
- e. Buffers on the north, east and south shall be at least 5 feet in width and provide one (1) canopy tree per 25 linear feet.
- f. The west buffer shall be a 5-foot minimum and 10-foot average width, and provide one (1) canopy tree per 25 linear feet.
- g. The south buffer shall include a 6-foot opaque fence.
- h. Outdoor lighting shall be limited to cutoff-shoebox style fixtures at a maximum height of 16'. Building-mounted lighting shall direct light toward the building, and shall not create glare visible from off the site.

(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.

By: _____
Daryl G. McLain
Chairman
Board of County Commissioners

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, CAYETANO CRUZADA, on behalf of himself and his 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

_____ By: _____
Print Name CAYETANO CRUZADA

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 CAYETANO CRUZADA, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, CRISTETA CRUZADA, on behalf of herself and her 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

_____ By: _____
Print Name CRISTETA CRUZADA

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 CRISTETA CRUZADA, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

The West 185 feet of the South 100 feet of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 25, Township 21 South, Range 30 East, Seminole County, Florida, LESS Road Right-of-Way.

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); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE RP (RESIDENTIAL-PROFESSIONAL) 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 "Pacific Atlantic 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. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to RP (Residential-Professional):

LEGAL DESCRIPTION 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. This Ordinance shall become effective upon the date of filing by the Department of State and recording of Development Order #2-22000007 in the official land records of Seminole County.

ENACTED this 28th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

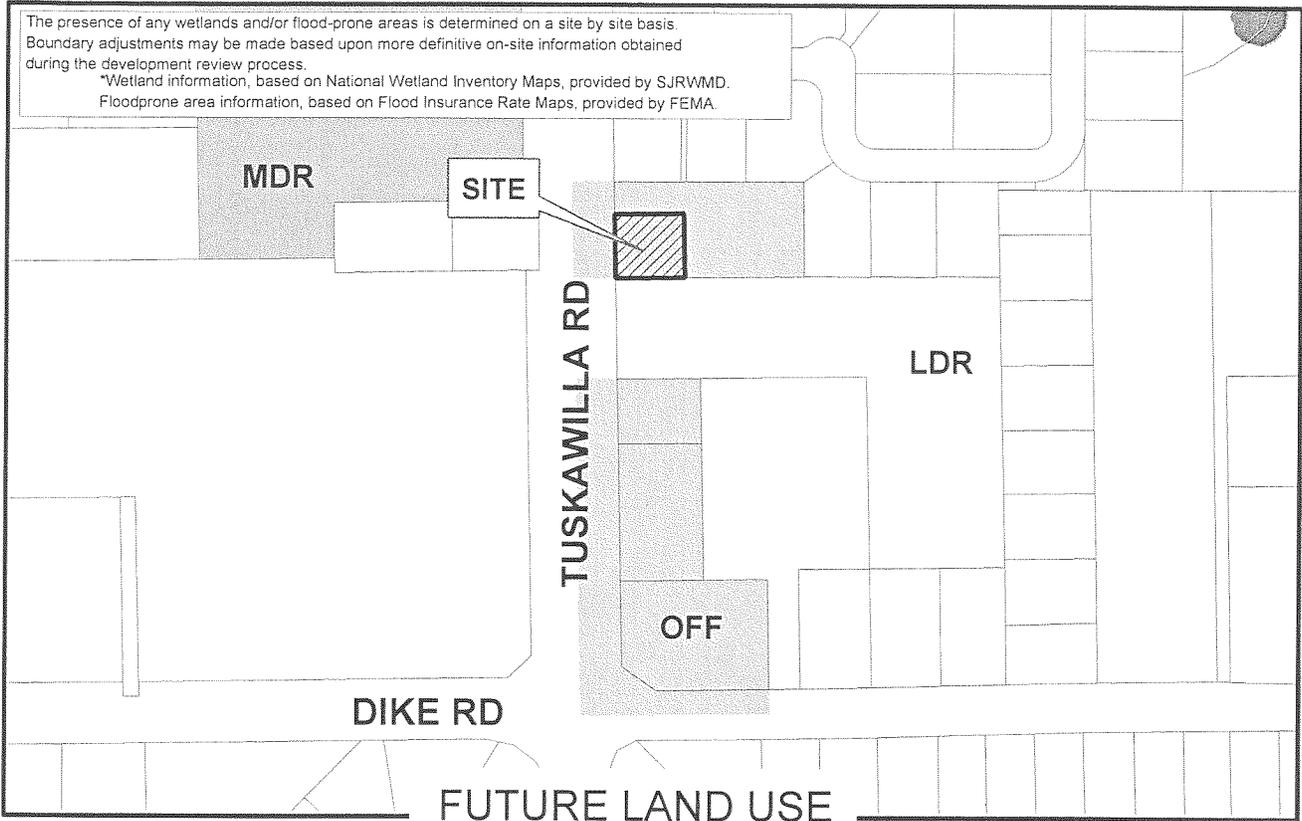
By: _____
Daryl G. McLain
Chairman

EXHIBIT A

LEGAL DESCRIPTION

The West 185 feet of the South 100 feet of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 25, Township 21 South, Range 30 East, Seminole County, Florida, LESS Road Right-of-Way.

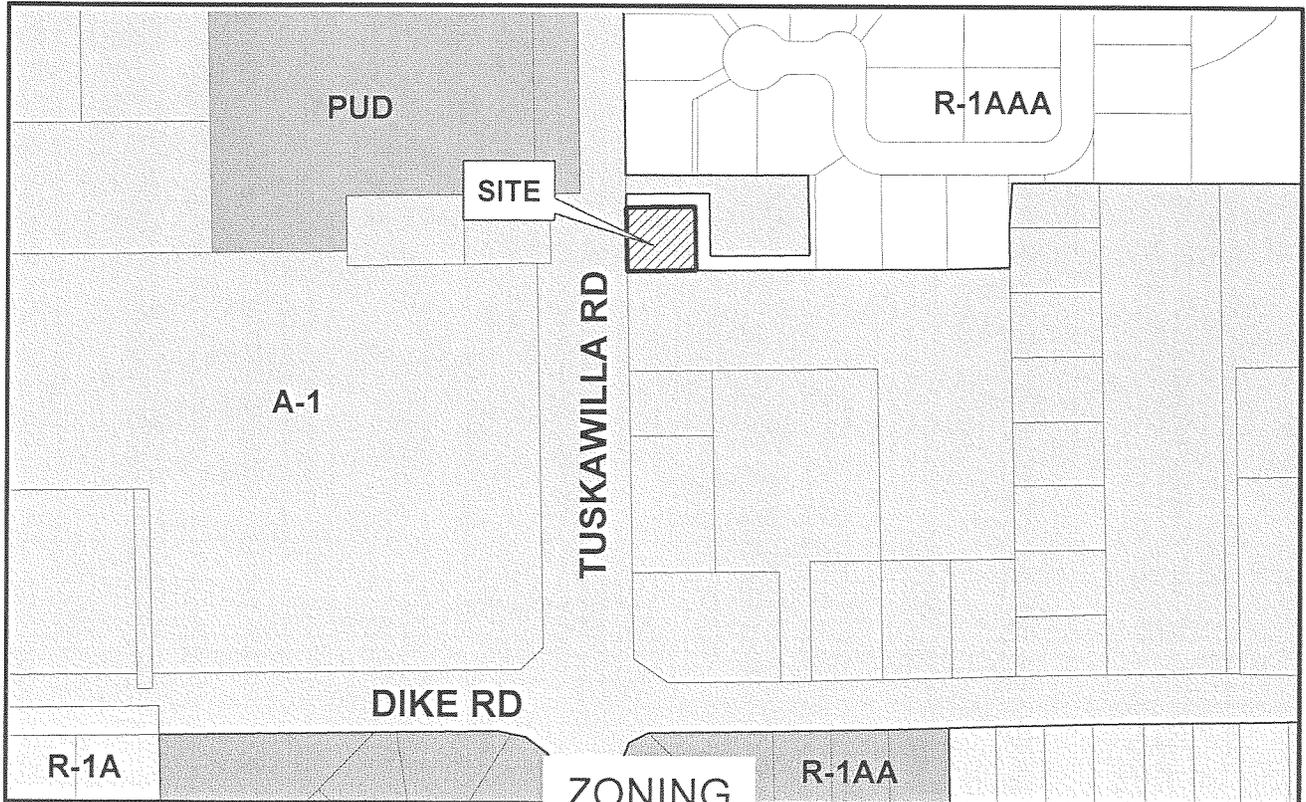
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



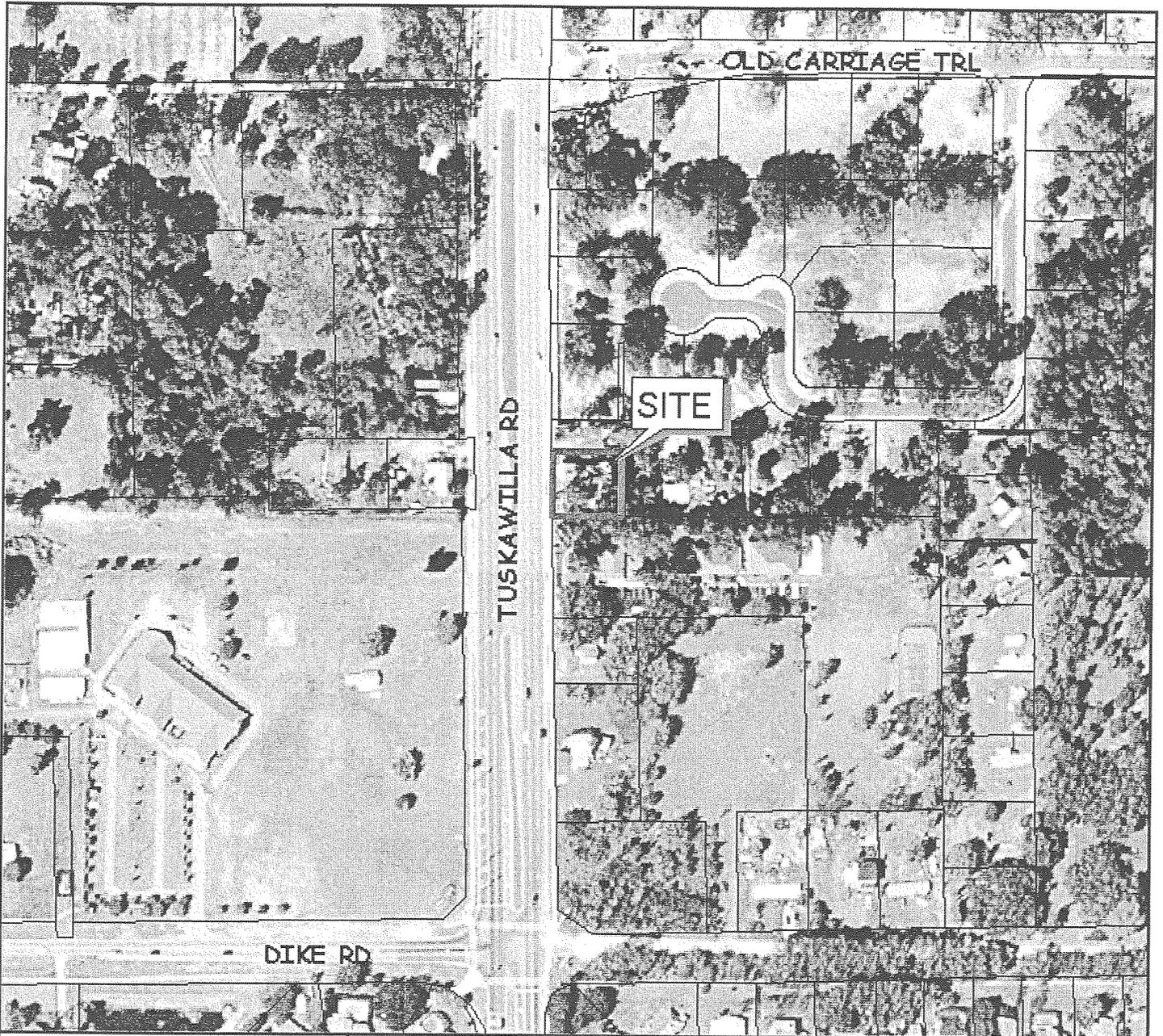
Site
 Municipality
 LDR
 OFF
 MDR
 CONS

Applicant: Cayetano R. and Cristeta M. Cruzada
 Physical STR: 25-21-30-300-0040-0000
 Gross Acres: 0.27 BCC District: 1
 Existing Use: Single Family Residence
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2002-029	A-1	RP



PUD
 R-1A
 R-1AA
 A-1
 R-1AAA



Amendment No. 02-11SS.01

From: LDR To: OFF

Rezone No. Z2002-029

From: A-1 To: OP

-  Subject Property
-  Parcelbase



February 1999 Color Aerials