

2. The encroachment into the required 25 foot active buffer along the west side of the property should be eliminated.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on November 3, 2004 and voted 4 to 2 to recommend approval of the rezone from RP to RP and the requested waivers, subject to the attached site plan.

Attachments:

Proposed Site Plan
Ordinance
Color Maps

SR 434/Lake Rena Rezone from RP to RP

Rezone from RP (Residential Professional District) to RP (Residential Professional District)	Z2004-042
<i>REQUEST</i>	
APPLICANT	Jack Reynolds
REZONING	RP (Residential Professional District) to RP (Residential Professional District)
FUTURE LAND USE	Office
APPROXIMATE GROSS ACRES	1.39
LOCATION	Located on the northwest corner of the intersection of SR 434 and Lake Rena Drive
BCC DISTRICT	District 3 – Commissioner Van Der Weide
<i>RECOMMENDATIONS AND ACTIONS</i>	
STAFF RECOMMENDATION	Staff recommends DENIAL of the rezone from RP to RP.

STAFF ANALYSIS & FINDINGS

OVERVIEW

Zoning Request:

The applicant, Jack Reynolds, requests a rezone from RP to RP to build an approximately 10,175 square foot dental/medical office. The rezone is required because although the property was originally rezoned in 1981, an office was never built, and the original approval expired. The future land use designation of the subject property is Office, which allows the proposed RP zoning classification.

The applicant had originally submitted a site plan showing a “right-out” egress point only to Lake Rena Drive. At the Planning and Zoning Commission meeting, many of the residents of Lake Rena Drive expressed concern about the proposed access, and the applicant agreed to revise the plan to eliminate the access prior to the Board of County Commissioners’ consideration of the request; the revised plan is attached to this report.

The applicant proposes to deviate from the minimum standards of the Seminole County Land Development Code in the following manner:

1. Allow the stormwater retention area to encroach 20 feet into the required 25 foot active buffer along the north side of the property. Under the Land Development Code, the Planning Manager could allow it to encroach by 12.5 feet.
2. Allow the retention area that proposes to encroach into the required buffer to be fenced. Because the pond is designed with such steep side slopes, the retention area must be fenced for safety reasons. The Land Development Code requires that retention areas that encroach into required buffers must be designed so that they do not require fencing.
3. Reduce the required 25 foot active buffer along the west side of the property to 19 feet for a length of approximately 30 feet.

Staff has reviewed the proposed deviations and determined there is an opportunity for the proposed development to comply with the code. Although the proposed development would save more than 25 percent of the trees onsite and is well under the maximum impervious area allowed on the site (65 percent allowed and 51 percent proposed), there are seven (7) parking spaces above and beyond what is required. The size of the building could also be reduced, which would further reduce the number of parking spaces that result in the proposed buffer encroachments and reduction.

The existing zoning and future land use designations surrounding the subject property are as follows:

Location	Future Land Use*	Zoning*	Current Use
Site	Office	RP (Residential Professional District)	Vacant
North	LDR (Low Density Residential)	R-1AA (Single-family Dwelling District)	Single-family Residential
South	City of Altamonte Springs Commercial	City of Altamonte Springs Commercial	Mini Warehouses, Shopping Center
East	Office	R-1A (Single-family Dwelling District), R-1AA (Single-family Dwelling District) and A-1 (Agriculture District)	Office
West	Office	R-1A (Single-family Dwelling District)	Office

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

SITE ANALYSIS & STAFF FINDINGS:

After review of the application and a public hearing, Section 30.624 of the Land Development Code requires the Board of County Commissioners to make the following findings, prior to approving the request:

There is existing road capacity to serve the proposed development, which staff believes would not have an unduly adverse effect on existing traffic patterns, movements and intensity:

Access is available to the site from SR 434, which is classified as an Arterial with an adopted Level of Service of "E". It is currently operating at a Level of service of "B" in this area.

The proposed use would neither be detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area:

The property has an Office future land use designation, and the proposed RP zoning classification is allowed in that future land use category. The property is surrounded by Low Density Residential future land use on the north and Office future land uses to the east and west. To the south of the subject property is Commercial future land use in the City of Altamonte Springs.

Water service is available to the site and supplied by Seminole County. Sewer service would be provided by an onsite septic system. Furthermore, there are no concerns for compliance with environmental regulations.

The proposed use would not be incompatible with the concept of low intensity land use and site coverage:

While staff believes the proposed use would be compatible with the surrounding area, staff does not support the associated deviations as explained elsewhere in this report. The recommended buffer yard and retention encroachment standards are those enumerated in Section 30.1232 of the Land Development Code that would ordinarily be applied in other office and commercial districts to further compatibility. Since the RP district imposes no specific standards for buffer yards or retention encroachment, the Board may impose lesser standards consistent with those of the proposed development if it believes the character of the surrounding area would be protected.

STAFF RECOMMENDATION:

Staff recommends denial of the rezone from RP to RP, until a site plan is submitted which meets the following standards:

1. The retention pond should be moved to encroach no more than 12.5 feet into the required 25 foot active buffer on the north side of the site, and the pond should be designed so that it does not require fencing; and
2. The encroachment into the required 25 foot active buffer along the west side of the property should be eliminated.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on November 3, 2004 and voted 4 to 2 to recommend approval of the rezone from RP to RP and the requested waivers, subject to the attached site plan.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE RP ZONING CLASSIFICATION THE RP 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, "SR 434 Lake Rena Rezone RP to RP."

(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 RP to RP in accordance with the contents of the documents titled, "SR 434 Lake Rena Rezone RP to RP Staff Report."

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 the date of filing with the Department.

ENACTED this 14th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____

Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

LOT 1 + N 25 FT OF ST ON S BLK A MEREDITH MANOR NOB HILL SECTION - LOT 2
BLK A + N 25 FT OF ST ADJ ON S AND E 1/2 VACD ST ADJ ON W MEREDITH MANOR
NOB HILL SECTION - ALL BLK D (LESS ELY 6 SQ FT FOR RD) + S 25 FT OF VACD ST
ADJ ON N AND E 25 OF S 109.08 FT OF VACD ST ADJ ON W MEREDITH MANOR NOB
HILL SECTION - LEG SEC 04 TWP 21 S RGE 29 E BEG SW COR LOT 2 BLK A
MEREDITH MANOR NOB HILL SECTION RUN N 170 FT W 25 FT S 170 FT E 25 FT TO
BEGINNING.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY
PLANNING AND ZONING COMMISSION
NOVEMBER 3, 2004**

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

Member absent: Walt Eismann

Also present: Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Matt West, Planning Manager; Kim Romano, Deputy County Attorney; Jim Potter, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant

SR 434 / Lake Rena Drive Rezone; John H. Reynolds, applicant; approximately 1.39 acres; Rezone from RP (Residential Professional District) to RP (Residential Professional District); located on the northwest corner of the intersection of SR 434 and Lake Rena Drive. (Z2004-042)

Commissioner Van Der Weide – District 3
Tina Deater, Senior Planner

Tina Deater introduced the SR 434/Lake Rena Drive Rezone from RP to RP. The subject property contains approximately 1.39 acres and is located on the northwest corner of the intersection of SR 434 and Lake Rena Drive.

The applicant is requesting a rezone from RP to RP, in order to build an approximately 10,175 square foot dental/medical office. The rezone is required because although the property was originally rezoned in 1981, an office was never built, and the approval expired. The future land use designation of the subject property is Office, which allows the proposed RP zoning classification.

The applicant is proposing a right-out only exit onto Lake Rena Drive. A joint access easement with the adjacent property owner already exists on the west side of the property, which allows the subject property full access onto SR 434. The applicant has not demonstrated that the additional right-out is necessary and that it has a minimum impact to adjacent residential neighborhoods as required by Transportation Policy 10.10 of the Vision 2020 Comprehensive Plan.

Ms. Deater stated that the applicant is also requesting three waivers from the requirements of the Seminole County Land Development Code. Under Section 30.123, the Planning Division Manager may allow storm water retention/detention facilities to encroach into designated landscape buffers to a maximum of fifty (50) percent upon making a finding that all planting and structural requirements of the

landscaping provisions of this Code are met and the visual screen provided by the bufferyard will be fully achieved and maintained. Retention areas shall be designed to be dry within twenty-four (24) hours of a twenty-five (25) year storm event and not to require fencing around such areas. The first waiver that the applicant is requesting is to allow the stormwater retention area to encroach 20' into the required 25' active buffer along the north side of the property. Under the code, the Planning Manager could allow it to encroach 12.5 feet. The second waiver request is to allow the retention area that encroaches into the required buffer to be fenced. Due to the fact that the applicant is utilizing a 4 foot retaining wall, the retention area must be fenced. The Land Development Code requires that retention areas that encroach into required buffers must be designed so that they do not require fencing. The third waiver requested is to reduce the required 25 foot active buffer along the west side of the property to 19 feet for a distance of approximately 30 feet.

Staff has reviewed the requested waivers and determined that there is no hardship relating to the configuration of the property that would necessitate these waivers. Although the applicant is proposing to save more than 25% of the trees onsite and is well under the maximum impervious area allowed on the site, the applicant is providing seven parking spaces above and beyond what is required. The applicant could reduce the size of the building and/or remove parking spaces in order to eliminate the encroachments into the buffer and to allow a retention pond design that does not require fencing. Staff, therefore, does not support the requested waivers.

In conclusion, staff recommends denial of the rezone from RP to RP, until a site plan is submitted which meets the following conditions:

1. The retention pond is moved so that it only encroaches 12.5 foot into the required 25 foot active buffer on the north side of the site, and the pond is designed so that it does not require fencing; and
2. The encroachment into the required 25 foot active buffer along the west side of the property is eliminated; and

The applicant demonstrates compliance with Transportation Policy 10.10, which requires that access to a local residential street may only be permitted where improved traffic control has minimal impact on the residential neighborhood.

Commissioner Dorworth asked if the applicant had been advised of this recommendation.

Ms. Deater said that he had been advised.

Matt West stated that the applicant has revised the plans several times, trying to improve the site plan. This is the plan that was the latest submission.

John Reynolds of American Civil Engineering stated that the site meets tree and drainage requirements. If the property can exit onto SR 434, that would eliminate the back up on the property. 50 percent of the property is impervious. There will be 6 foot block walls. The placement of the retention pond will not encroach on the privacy of the neighbors. The intended use of the site is a dental clinic with hours of operation 7 A.M. to 5 P.M., Monday through Friday. This will have limited impact on the neighborhood.

He thanked the East Lake Brantley Shores Association for meeting with him.

Fred Streetman of 125 Lake Rena Drive spoke next. He stated that the applicants want a curb cut on Lake Rena Drive. This is the part of the application he objects to. He was a resident there in the 1970's when this property was rezoned to RP originally. At that time it was stipulated that there would not be access to Lake Rena Drive. Making a one way out there creates a traffic problem and dangers to drivers and the neighborhood. The paved area of Lake Rena drive is 21 to 24 feet wide. It is a neighborhood road. Curb cuts there would be dangerous. It will also impact the aesthetics of the neighborhood as well. There is hedge and an entrance wall. He agrees with the staff recommendation.

Commissioner Peltz asked if he would object to the application if the curb cut was eliminated.

Mr. Streetman stated the curb cut was his only objection. He welcomed the doctors into the neighborhood.

Mr. Reynolds stated that if the curb cut is not allowed, there is a 24 foot wide access easement. He can put in a 36 foot throat and make a shared access with the adjacent parcel. This was just worked out during the meeting tonight.

Commissioner Tucker asked if the property next door is owned by an adjacent neighbor.

Ms. Deater said that it was not.

Commissioner Hattaway made a motion to recommend approval, according to Plan B, eliminating the access to Lake Rena Drive.

Commissioner Peltz seconded the motion.

Commissioner Dorworth agreed, but asked if this could be tabled in order to work out buffers and other issues.

Commissioner Harris stated that there were concerns with the deep retention pond. There will be 48 parking spaces on a 1.4 acre tract. This is trying to over-use the site. This is the problem with some infill projects. This would be better on a 2 acre site. If not, reduce what you have.

John Reynolds said that the pond is in a high recharge area. The parking spaces are 9 feet by 18 feet in size. 48 spaces is a hardship. The Board of County Commissioners wants the trees saved. The 10,000 square foot building is only 10 percent of the site. We are not overdeveloping the site.

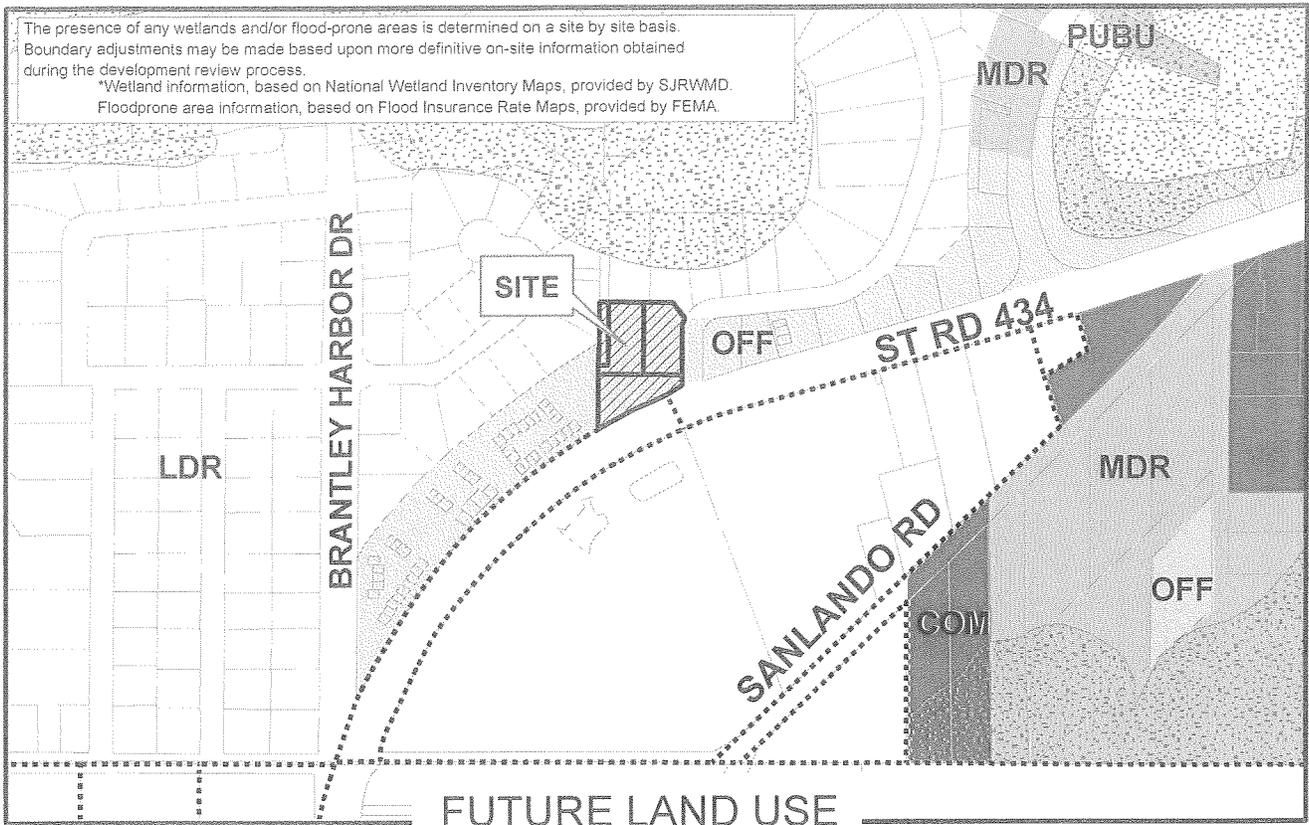
Commissioner Hattaway stated that this was not overdevelopment.

The vote was 4 to 2 in favor of the motion. Commissioners Dorworth and Harris voted “no.”

Respectfully submitted

Candace Lindlaw-Hudson,
Secretary to the Commission

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.

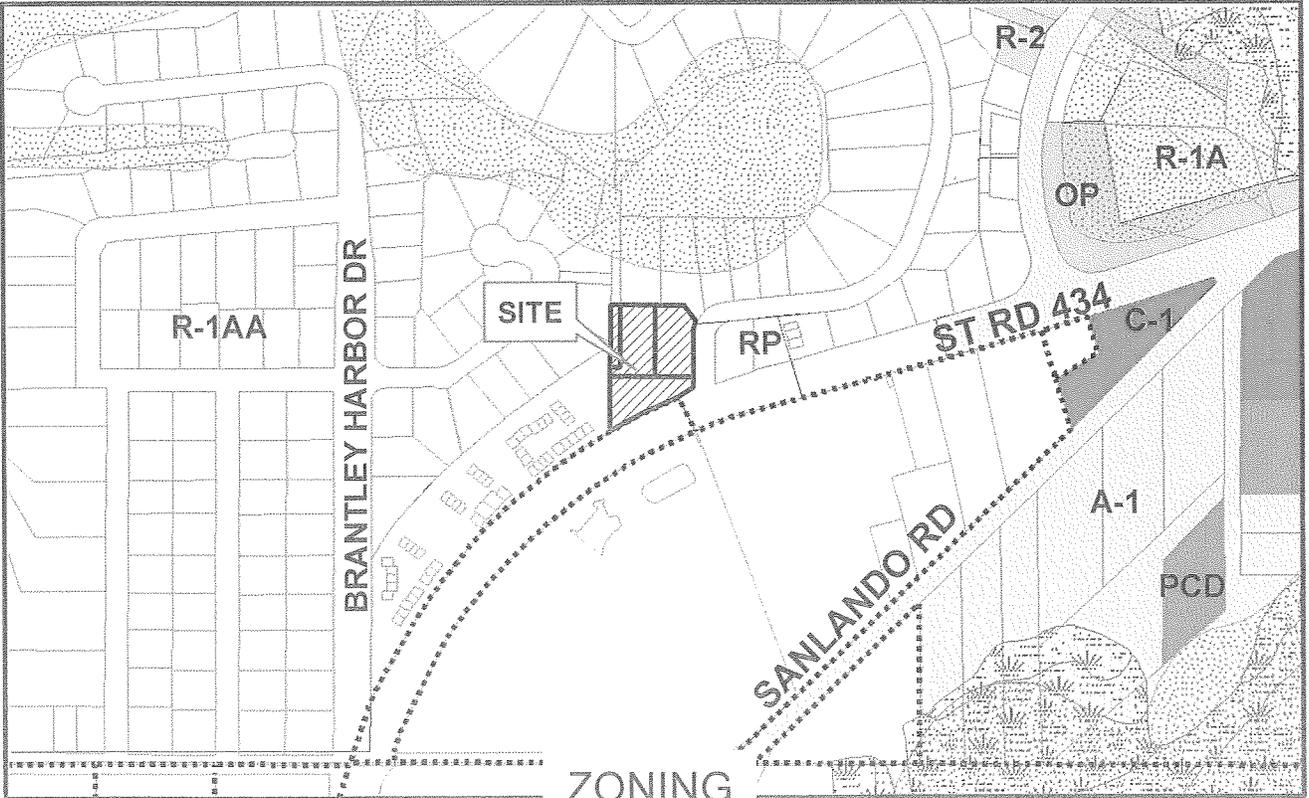


FUTURE LAND USE

Site
 Municipality
 LDR
 MDR
 OFF
 COM
 PUB
 CONS

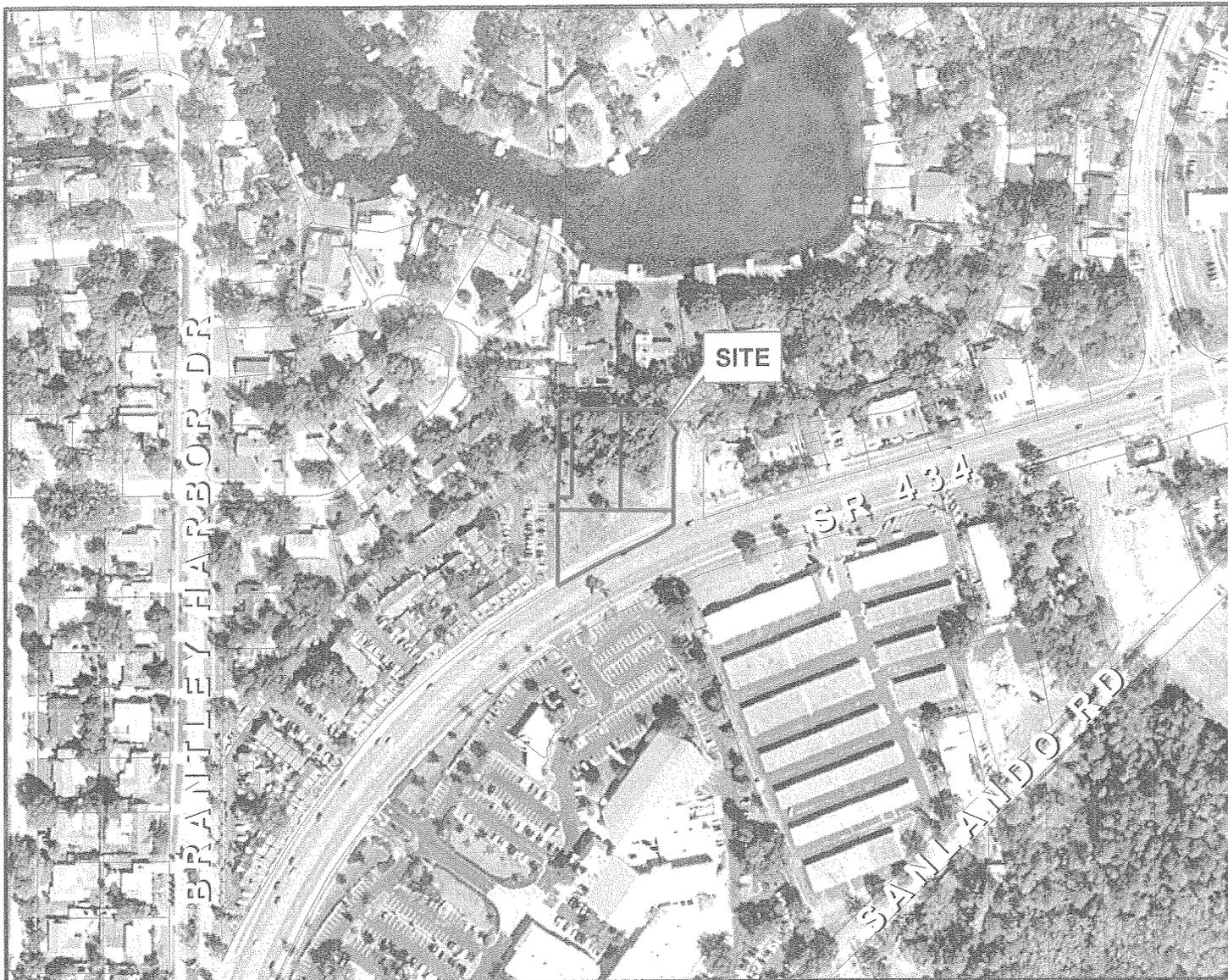
Applicant: Roy C. Raymond
 Physical STR: all parcels 042129: 514-A-1,A-2, D-0, & 300-023A
 Gross Acres: 1.39 BCC District: 3
 Existing Use: Vacant Commercial
 Special Notes: None

	Amend/Rezone#	From	To
FLU	n/a	n/a	n/a
Zoning	z2004-042	RP	RP



ZONING

A-1
 R-1AA
 R-1A
 R-2
 RP
 OP
 C-1
 PCD
 FP-1
 W-1



Rezone No: Z2004-042

From: RP To: RP

 Parcel

 Subject Property



February 1999 Color Aerials