

ITEM # \_\_\_\_\_

**SEMINOLE COUNTY GOVERNMENT  
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Rezone from RP (Residential-Professional) and A-1 (Agriculture) to OP (Office-Professional). (Gifford Anglim, applicant.)

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

**AUTHORIZED BY:** Matthew West **CONTACT:** Jeff Hopper EXT. 7431

**Agenda Date** 11/06/02 **Regular** ☐ **Work Session** ☐ **Briefing** ☐  
**Special Hearing – 6:00** ☐ **Public Hearing – 7:00** ☒

**MOTION/RECOMMENDATION:**

1. APPROVE the request for rezoning from RP and A-1 to OP on 0.38 acre at the southeast corner of Lake Howell Lane and Ruby Court, based on staff findings and the attached site plan (Gifford Anglim, applicant); or
2. DENY the request for rezoning from RP and A-1 to OP on 0.38 acre at the southeast corner of Lake Howell Lane and Ruby Court, (Gifford Anglim, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 4– Comm. Henley)

(Jeff Hopper, Senior Planner)

**BACKGROUND:**

The applicant requests approval of a change in zoning from RP and A-1 to OP for the purpose of constructing a 5,000 square foot office building per the attached site plan. Due to the small size of the development site, waivers of buffer widths, parking and other elements of site design are requested by the applicant.

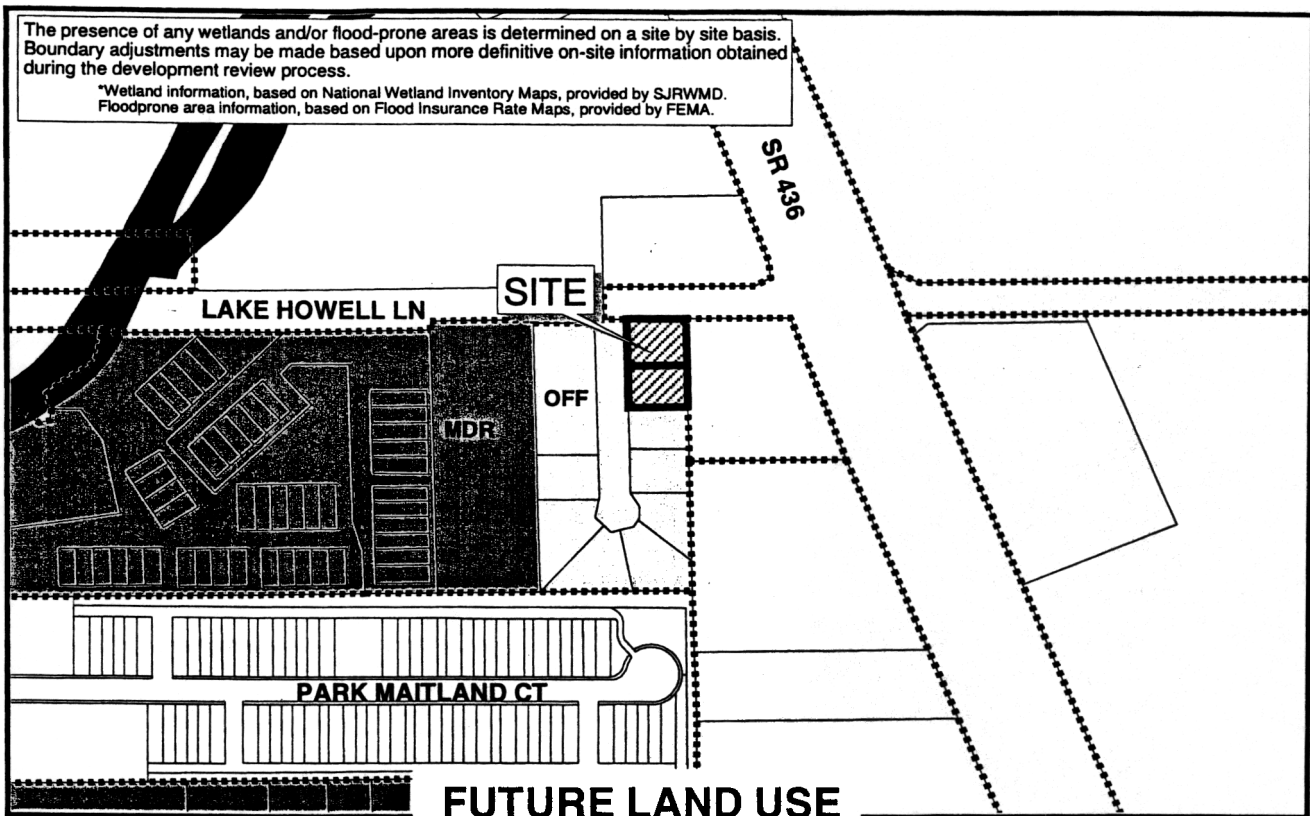
**STAFF RECOMMENDATION:**

In order to facilitate use of the property in accordance with the future land use designated by the Vision 2020 Plan, staff recommends approval of the request per the attached development order.

**Reviewed by:**  
**Co Atty:** \_\_\_\_\_  
**DFS:** \_\_\_\_\_  
**OTHER:** \_\_\_\_\_  
**DCM:** \_\_\_\_\_  
**CM:** \_\_\_\_\_  
**File No.** Z2002-020

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.



Applicant: Gifford Anglim of Environmental Planning Design & Development, Inc.

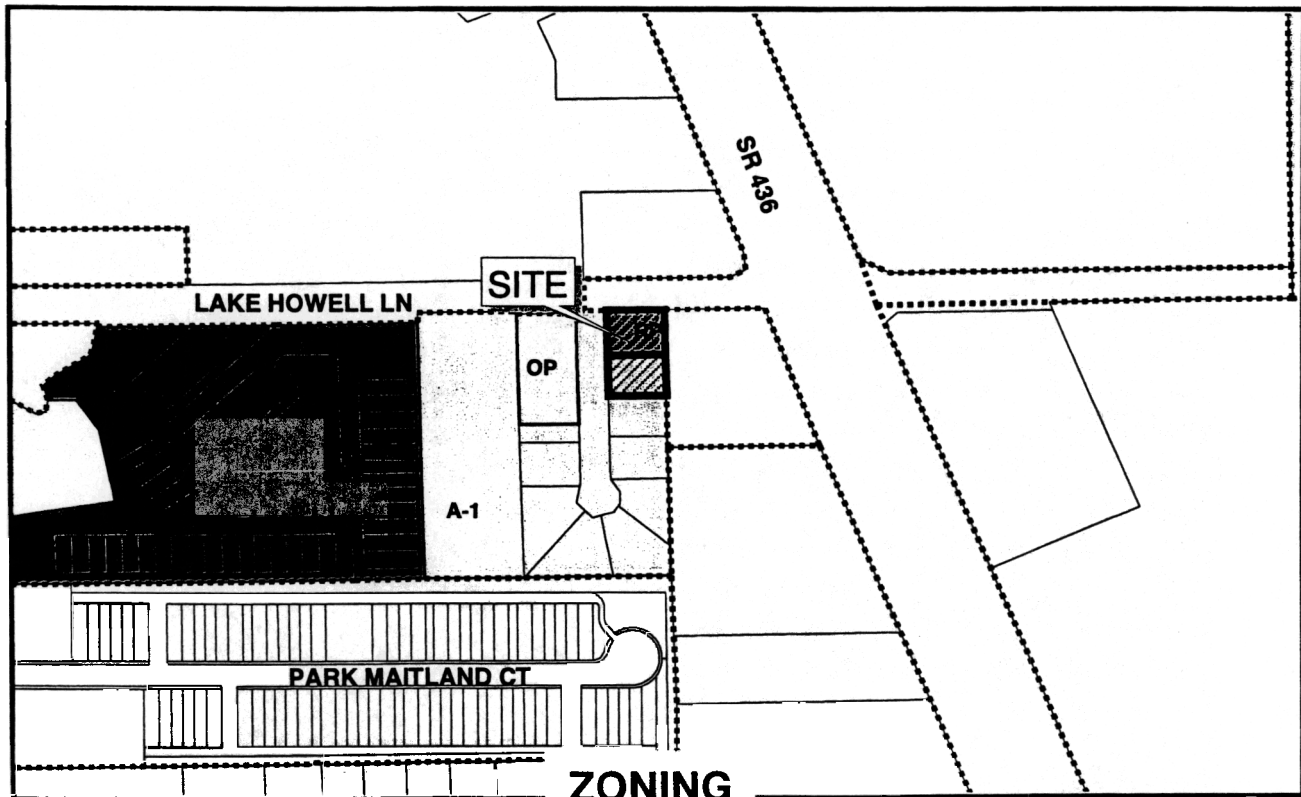
Physical STR: 28-21-30-501-0000-0130 & 0140

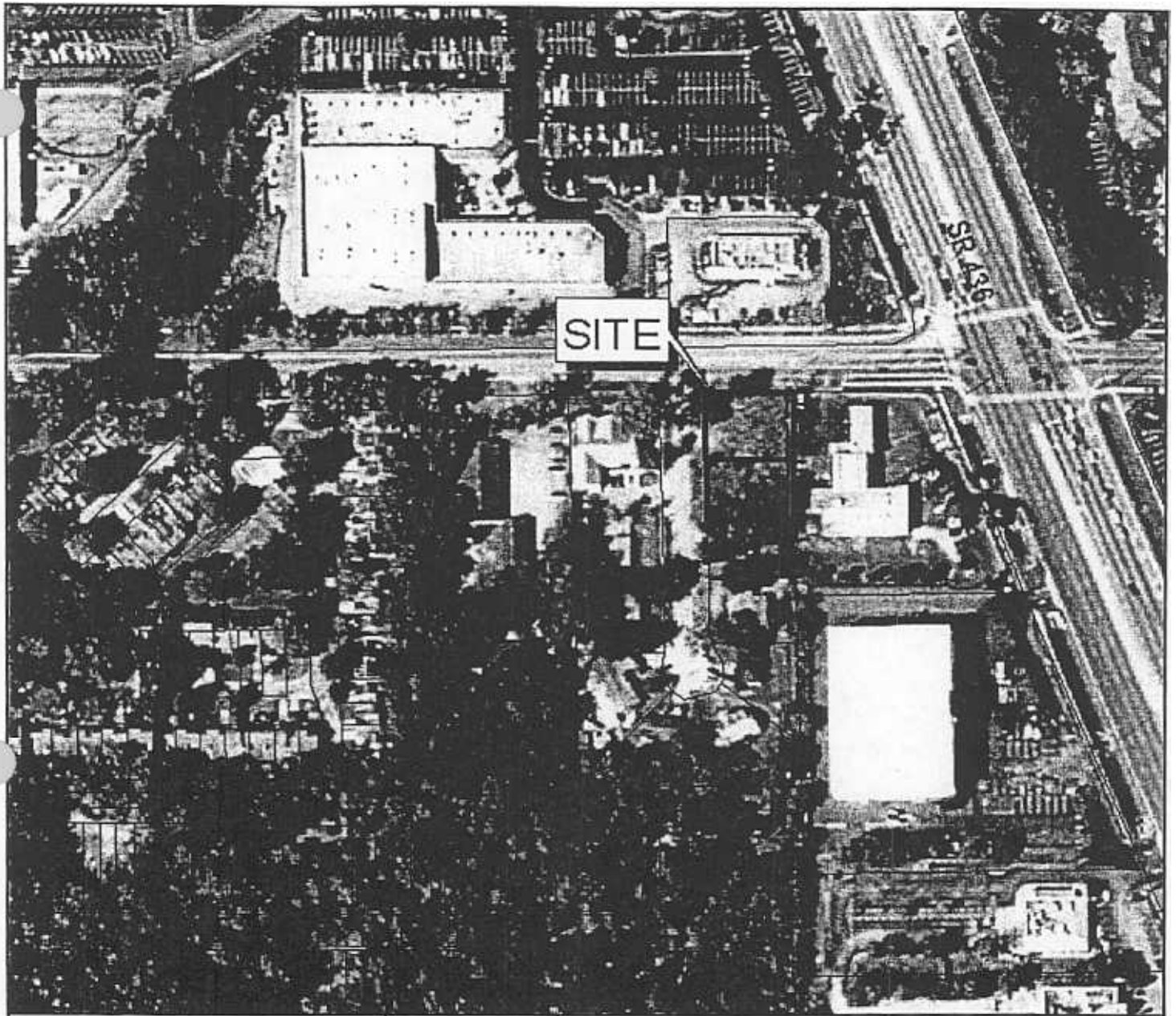
Gross Acres: +/-0.38 BCC District: 4

Existing Use: Vacant



Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2002-020	RP/A-1	OP





Rezone No. Z2002-020  
From: A-1/RP To: OP

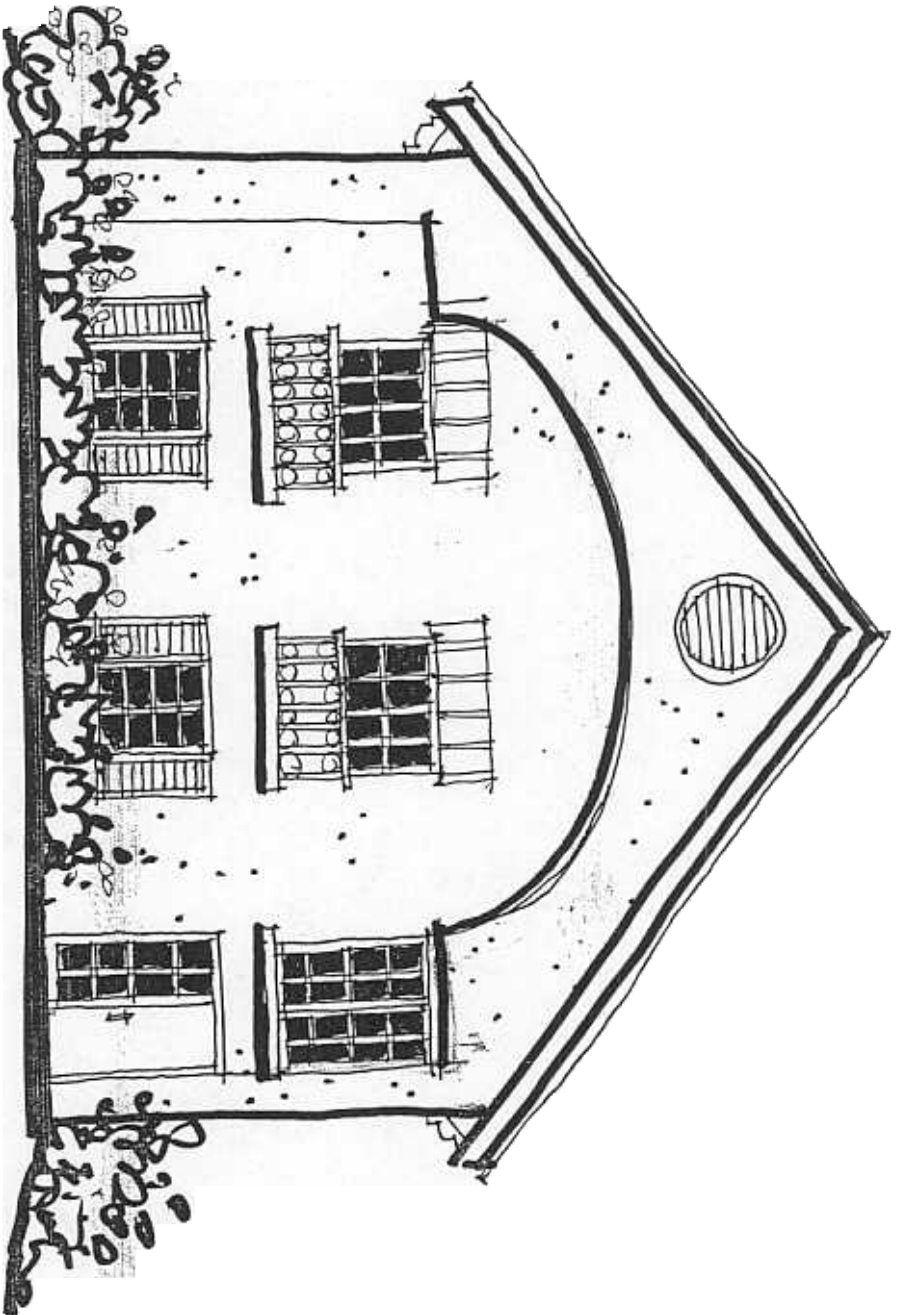
 Subject Property  
 Parcelbase



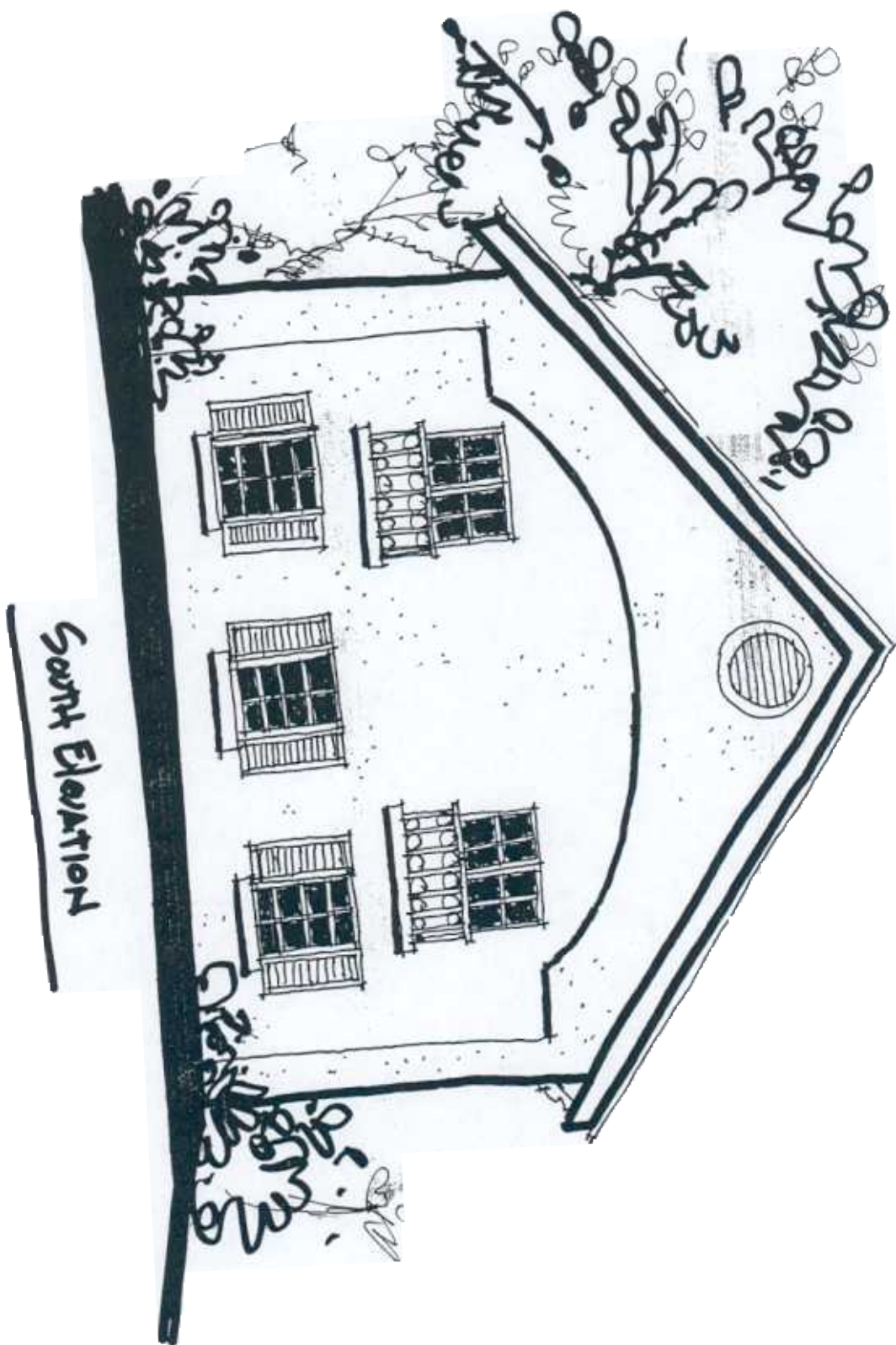
February 1999 Color Aerials

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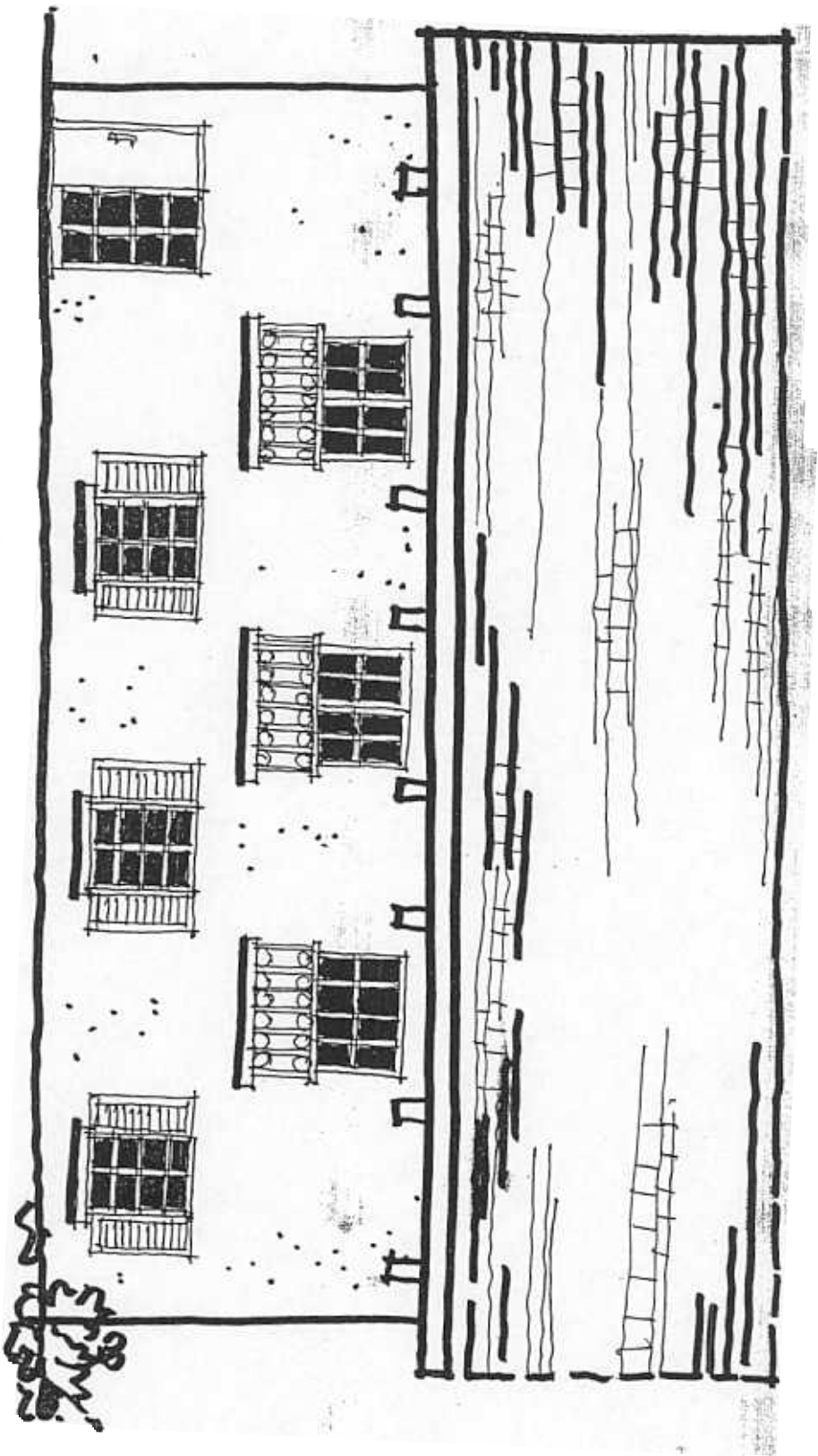
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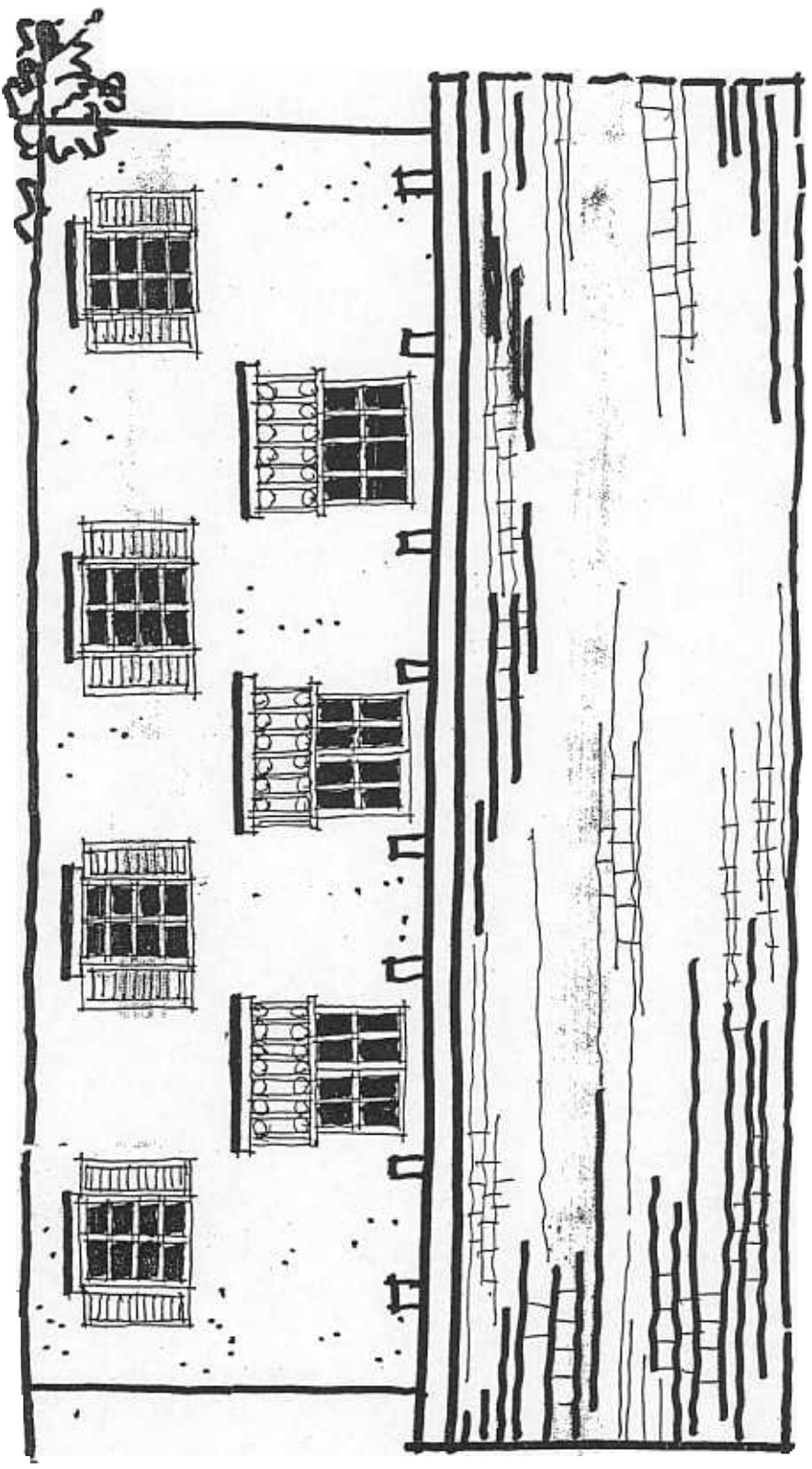


NORTH ELEVATION



EAST ELEVATION





West Elevation

## RUBY OFFICE BUILDING

REQUEST INFORMATION		
APPLICANT	Gifford Anglim	
PROPERTY OWNER	Fairview Associates Inc.	
REQUEST	Residential-Professional (RP) and Agriculture (A-1) to Office Professional (OP)	
HEARING DATE (S)	P&Z: Nov. 6, 2002	BCC: Dec. 10, 2002
SEC/TWP/RNG	28-21-30-501-0000-0130 & 28-21-30-501-0000-0140	
LOCATION	Southeast corner of Ruby Court and Lake Howell Lane	
FUTURE LAND USE	Office	
FILE NUMBER	Z2002-020	
COMMISSION DISTRICT	District 4 (Henley)	

### OVERVIEW

**Zoning Request:** The applicant is requesting a change in zoning from RP and A-1 to OP on a 16,736 square foot site at the southeast corner of Lake Howell Lane and Ruby Court. The site plan submitted by the applicant shows a 5,000 square foot, 2-story office building with associated parking, retention and buffers. Sole access to the site would be from Ruby Court.

Under the Vision 2020 plan, any OP zoning proposal must be accompanied by a site plan showing compatibility with surrounding land uses. Such plans must address buffering, setbacks, lighting, and building heights. Additionally, architectural details may be considered in determining whether an office development is compatible with the character of an area.

The subject property adjoins the City of Casselberry on two sides, and is largely surrounded by commercial and/or office development (annexation will eventually be required in order to receive water and sewer service). A residential use to the south exists as a nonconformity within the Office future land use designation. Compatibility with neighboring uses is not a major issue, but the applicant has provided elevations indicating a residential-style architectural appearance for the proposed building.

With dimensions of 157 feet by 106 feet, the size of the lot represents a significant constraint to nonresidential development on the site. In order to make the project feasible, the applicant is requesting the following waivers:

1. Reduction of required parking from 25 to 24 spaces.
2. Reduction of parking dimensions from 10' x 20' to 9' x 18'
3. Reduction of required buffer width along Ruby Court and Lake Howell Lane from 10 feet to 5 feet.
4. Reduction of the required landscape buffer between the building and parking areas from 10 feet to 3 feet.

5. Elimination of a required fire lane adjacent to the building.

These waivers, if found to be appropriate, could be granted in conjunction with the approved site plan. Staff supports the proposed waivers with the following conditions and exceptions:

- Normal landscape planting requirements should be met within all buffers.
- For all parking spaces adjacent to Ruby Court and Lake Howell Lane, tire stops or raised curbing should be provided to prevent vehicles from overhanging the 5-foot buffer.
- Any parallel parking spaces provided on the site should have minimum dimensions of 10' x 22.'
- No reduction should be allowed in dimensions of handicapped parking spaces.

Rather than seek a waiver of the required fire lane, the applicant should reduce the size of the proposed building enough to eliminate the need for several parking spaces, leaving room to provide the fire lane. Under the Code requirement of 1 space per 200 square feet, a reduction in building size from 5,000 to 4,200 square feet would accommodate the 21 parking spaces the site can comfortably provide.

The site plan shows 9' by 18' parking spaces based on the applicant's assertion that the site lies within the Aquifer Recharge Overlay Zoning Classification. If this status is confirmed by a geotechnical engineer, a waiver relating to parking dimensions will not be necessary.

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

	<b>Zoning</b>	<b>Future Land Use</b>	<b>Existing Land Use</b>
<b>North</b>	City of Casselberry	City of Casselberry	Commercial
<b>South</b>	A-1	Office	Single Family Residence
<b>East</b>	City of Casselberry	City of Casselberry	Commercial
<b>West</b>	OP	Office	Office

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 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 City of Casselberry will provide water and sewer service to the site. Prior to final site plan approval, a letter from the City will be required approving any utility plans.
4. Information on stormwater outfall will have to be provided prior to final site plan approval.

**Compliance with Environmental Regulations:** There are no concerns regarding compliance with environmental regulations.

**Compatibility with surrounding development:** The proposed OP zoning classification is compatible with the Office land use designation.

### **STAFF RECOMMENDATION**

Staff recommends Approval of the requested OP zoning classification per the Development Order. If approved, the development should be subject to the following conditions:

1. Permitted use(s) of the property shall be limited to general office use and shall not include medical/dental offices.
2. Outdoor lighting shall consist of cutoff-shoebox style fixtures and shall be limited to 16 feet in height and 0.5 foot-candles in intensity at the property lines.
3. Retaining wall in south buffer area shall not damage or destroy existing oak trees.
4. A fire lane shall be provided adjacent to the building per the Land Development Code.
5. All buffers shall meet normal Code requirements for landscape plantings.
6. Mechanical units shall not be located in the south 25 feet of the site and shall not be visible from adjoining residential property.
7. The following waivers from Land Development Code requirements shall be granted:
  - a. Reduction of parking dimension requirements (excluding handicapped spaces) from 10' x 20' to 9' x 18'.
  - b. Reduction of required buffer width along Ruby Court and Lake Howell Lane from 10 feet to 5 feet.
  - c. Reduction of the required landscape buffer between the building and parking areas from 10 feet to 3 feet.
8. For all parking spaces adjacent to Ruby Court and Lake Howell Lane, tire stops or raised curbing shall be provided to prevent vehicles from overhanging the 5-foot buffer.

9. Applicant shall provide documentation from the City of Casselberry indicating curbside pickup of solid waste is available at the site for this type of development.

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On December 10, 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 Owners:** Fairview Associates Inc.  
P.O. Box 1803  
Winter Park FL 32790

**Project Name:** Ruby Office Building

**Requested Development Approval:** Rezone from RP (Residential-Professional) and A-1 (Agriculture) to OP (Office)

After fully considering staff analysis and all evidence submitted at the public hearing on December 10, 2002, to this matter, the Board of County Commissioners (the "Board") has found, determined and concluded that the rezoning request, as proposed, would be compatible with the adjacent neighborhoods, is consistent with development trends in the area, and would serve as an appropriate transitional use. The Board further finds that the development approval sought is consistent with the Vision 2020 Plan, the County's land development regulations and all other applicable laws

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. Permitted use(s) of the property shall be limited to general office use and shall not include medical/dental offices.
- B. Outdoor lighting shall consist of cutoff-shoebox style fixtures and shall be limited to 16 feet in height and 0.5 foot-candles in intensity at the property lines.
- C. Retaining wall in south buffer area shall not damage or destroy existing oak trees.
- D. A fire lane shall be provided adjacent to the building per the Land Development Code.
- E. All buffers shall meet normal Code requirements for landscape plantings.
- F. Mechanical units shall not be located in the south 25 feet of the site and shall not be visible from adjoining residential property.
- G. The following waivers from Land Development Code requirements shall be granted:
  - a. Reduction of parking dimension requirements (excluding handicapped spaces) from 10' x 20' to 9' x 18'.
  - b. Reduction of required buffer width along Ruby Court and Lake Howell Lane from 10 feet to 5 feet.
  - c. Reduction of the required landscape buffer between the building and parking areas from 10 feet to 3 feet.
- H. For all parking spaces adjacent to Ruby Court and Lake Howell Lane, tire stops or raised curbing shall be provided to prevent vehicles from overhanging the 5-foot buffer.  
Applicant shall provide documentation from the City of Casselberry indicating curbside pickup of solid waste is available at the site for this type of development.

- (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.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
MARYANNE MORSE  
Clerk to the Board of County  
Commissioners of Seminole  
County, Florida

By: \_\_\_\_\_  
DARYL G. Mc LAIN, Chairman

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Fairview Associates 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

\_\_\_\_\_  
FAIRVIEW ASSOCIATES INC.

By: Craig Starkey  
President of Fairview Associates Inc.

\_\_\_\_\_  
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 CRAIG STARKEY, who is President of Fairview Associates Inc., 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 \_\_\_\_\_, 2002.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**EXHIBIT "A"**

**Legal Description Of Subject Property:**

LOT 14 OPAL TERRACE PB 13 PG 38  
and  
LOT 13 + N 11 FT OF LOT 12 OPAL TERRACE PB 13 PG 38

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM RP (RESIDENTIAL-PROFESSIONAL) AND A-1 (AGRICULTURE) TO OP (OFFICE) DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; 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 document titled "Ruby Office Building Staff Report."

(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 RP (Residential-Professional) and A-1 (Agriculture) to OP (Office):

Legal Description Attached as 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 NO. 2002-**

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 recording of Development Order #2-22000010 in the official land records of Seminole County.

ENACTED this 10th day of December, 2002.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

**FILE # Z2002-020**

**EXHIBIT "A"**

**Legal Description Of Subject Property:**

LOT 14 OPAL TERRACE PB 13 PG 38  
and  
LOT 13 + N 11 FT OF LOT 12 OPAL TERRACE PB 13 PG 38