

ITEM # _____

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

SUBJECT: BOUGAINVILLEA CLINIQUE, rezoning from OP (Office District) to OP (Office District).

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

AUTHORIZED BY: Matthew West **CONTACT:** Earnest McDonald EXT. 7430

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

MOTION/RECOMMENDATION:

1. Recommend approval of the rezoning request from OP (Office District) to OP (Office District) for a 2.46 acre parcel located on the northeast corner of Aloma Avenue (State Road 426) and Bear Gully Road; or
2. Recommend denial of the rezoning request from OP (Office District) to OP (Office District) for a 2.46 acre parcel located on the northeast corner of Aloma Avenue (State Road 426) and Bear Gully Road; or
3. Continue the public hearing until a date and time certain.

(District 1 – Commissioner Maloy) (Earnest McDonald, Principal Coordinator)

BACKGROUND:

The applicant requests to rezone a 2.46 acre parcel that is currently zoned OP (Office District) to OP (Office District). The property is designated Office on the Future Land Use Map and is located on the northeast corner of Aloma Avenue (State Road 426) and Bear Gully Road. The applicant intends to expand an existing medical office building from 4,245 square feet to 18,000 square feet as depicted on the attached site plan.

STAFF RECOMMENDATION:

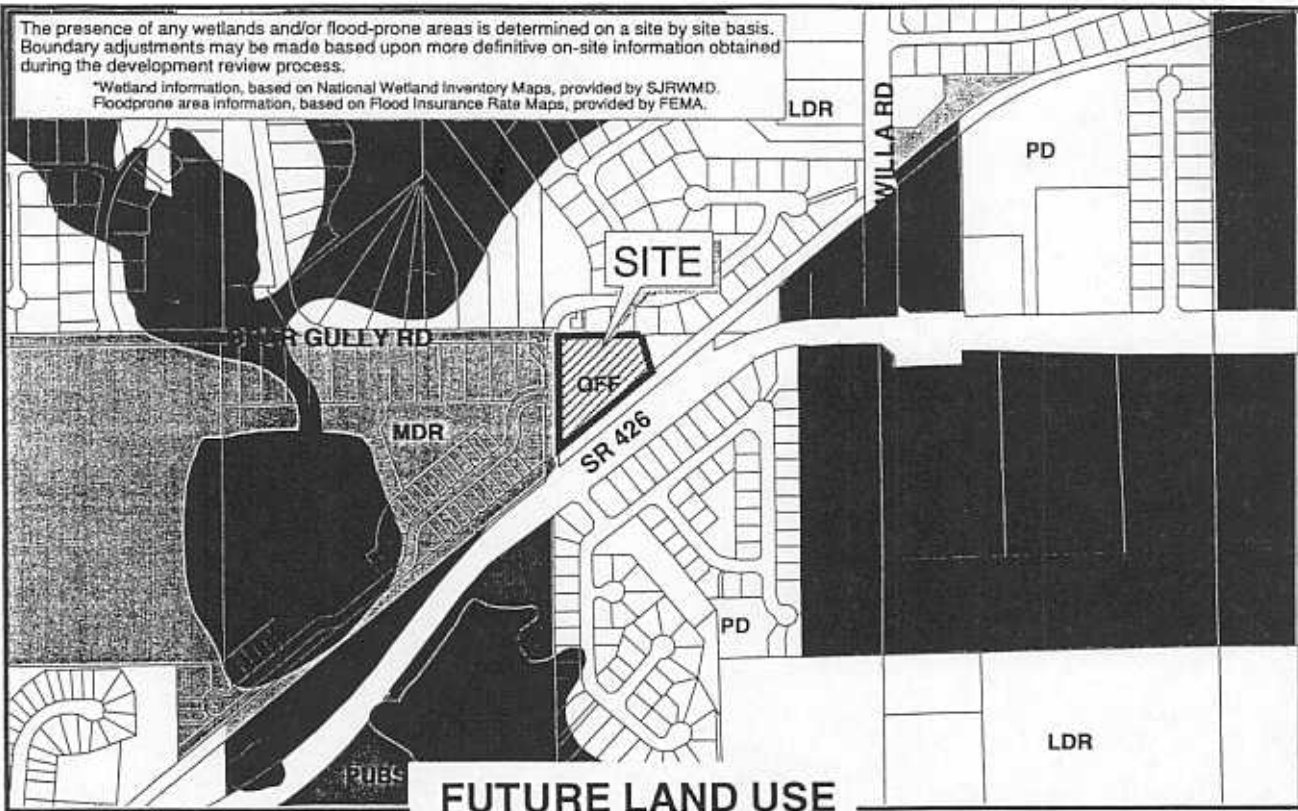
Staff recommends approval of the request to rezone the subject property from OP (Office District) to OP (Office District), based on the findings in this report.

Attachments: Approved and proposed site plans
 FLU, zoning and site maps

Reviewed by:
Co Atty: <u>KZC</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2002-021</u>

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.

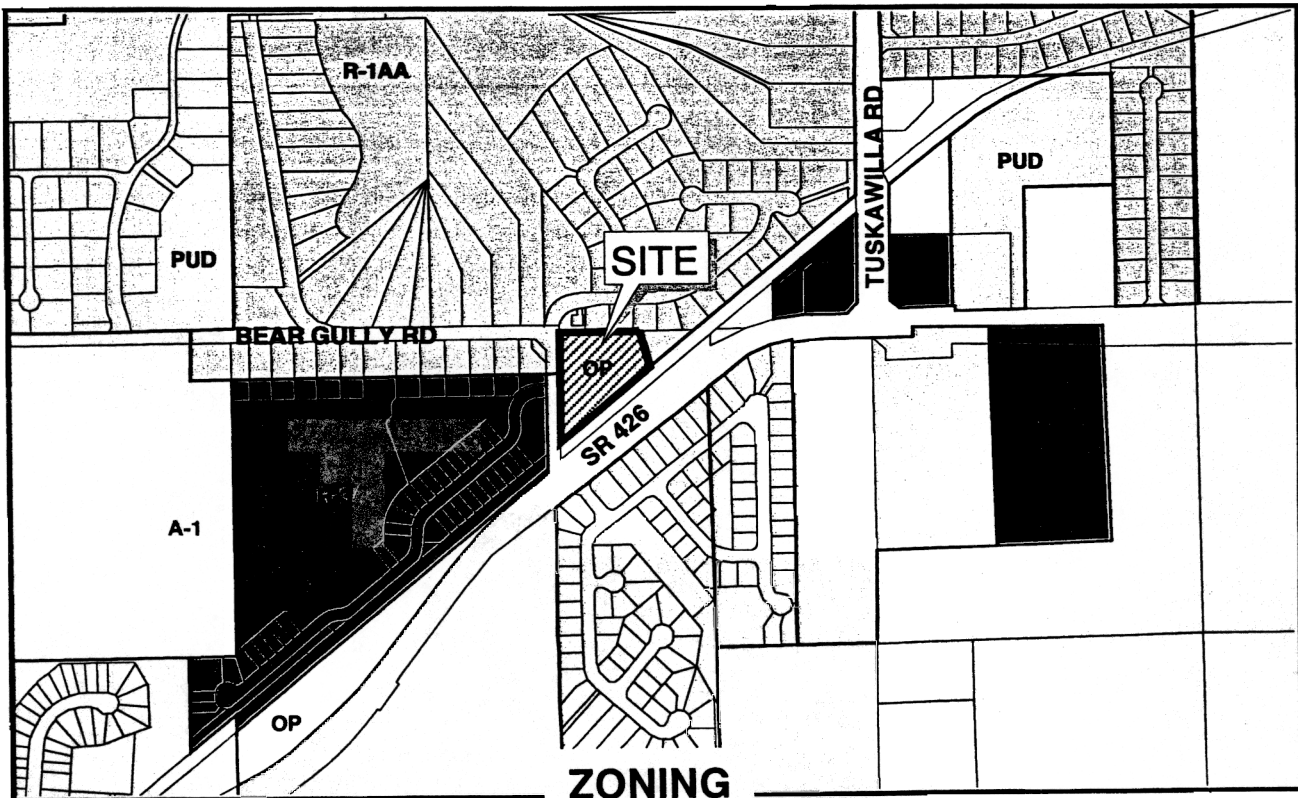
*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site
 Municipality
 COM
 LDR
 MDR
 OFF
 PUBS
 PD
 HIP

Applicant: Jeffrey M. Hartog, DMD, MD, P.A.
 Physical STR: 36-21-30-300-0100-0000
 Gross Acres: +/- 2.5 BCC District: 1
 Existing Use: Office
 Special Notes: _____



	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2002-021	OP	OP



A-1
 R-1AA
 PUD
 R-3A
 OP
 PCD



Rezone No. Z2002-021
From: OP To: OP

 Subject Property
 Parcelbase



February 1999 Color Aerials

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BOUGAINVILLEA CLINIQUE REZONING			
APPLICANT:	Jay R. Jackson, P.E. (Kimley-Horn and Associates, Inc.)		
OWNER:	J		
REQUEST:			
HEARING DATE(S):	P&Z:	November 6, 2002	BCC: December 10, 2002
PARCEL ID NO.:	36-21-30-300-0100-0000		
PROJECT LOCATION:	Located on the northeast corner of Aloma Avenue (State Road 426) and Bear Gully Road		
APPROXIMATE SIZE:	2.46 acres		
FUTURE LAND USE:	Office		
	OP (Office District)		
FILE NUMBER:	Z2002-021		
COMMISSION DISTRICT:	District 1 – Commissioner Maloy		

OVERVIEW:

The subject property is zoned OP (Office District) and has a Future Land Use (FLU) designation of Office. The applicant, Jay R. Jackson of Kimley-Horn and Associates, proposes a substantial revision to the existing site plan for the property, which was approved March 29, 1977 by the Board of County Commissioners. Any substantial change to an approved site plan is required by Section 30.672 of the Land Development Code to be reviewed by the Planning and Zoning Commission and approved by the Board of County Commissioners prior to the issuance of a building permit.

The site is currently occupied by a 4,245 square feet medical office that the applicant proposes to expand to approximately 18,000 square feet, as shown by the proposed site plan. The proposed building expansion constitutes a substantial change to the approved site plan for the property and is the reason for this rezoning request.

Existing Land Uses: Existing zoning and FLU designations for the subject and abutting properties are as follows:

DIRECTION	EXISTING ZONING	FUTURE LAND USE	USE OF PROPERTY
Site	OP	Office	Vacant/Proposed Medical Office
North	R-1AA	Low Density Residential	Single-Family
South	A-1 & PUD	Planned Development	CSX Railroad ROW
East	R-1AA	Low Density Residential	Single-Family
West	R-1AA & R-3A	Medium Density Residential	Bear Gully Road ROW

For more detailed information regarding zoning and land use, refer to the attached Zoning and FLU maps.

SITE ANALYSIS:

Facilities and Services: Adequate public facilities and services must be available concurrent with the impacts of development. The applicant has submitted an Affidavit of

Concurrency Review Deferral. Prior to the issuance of final development permits, the applicant will be required to submit an application for concurrency review.

The proposed rezoning request is consistent with the adopted FLU designation of Office for the subject property.

Transportation / Traffic:

The existing site has direct access to Bear Gully Road, which connects to Aloma Avenue (State Road 426), a four-lane principal arterial highway. No additional access points are requested in conjunction with the proposed building expansion and site modification. Additional traffic details will be required prior to the issuance of final development permits.

Water and Sewer:

The site is serviced by onsite water and septic facilities. The applicant has expressed a desire to connect to County water and sewer utilities to service the existing building and proposed addition. Prior to the issuance of final development permits, the applicant will be required to submit utility plans showing proposed connections to County water and sewer utilities, which are available from Bear Gully Road. After approval of those plans, existing onsite water and septic systems will be abandoned in accordance with Seminole County Health Department policy.

Compliance with Environmental Regulations

There are no identified flood prone areas or environmental issues associated with this property.

Compliance with Surrounding Development:

Staff has determined surrounding land uses to be a mixture of low to medium density residential. Staff does not believe the proposed expansion of the existing office use on the site would cause an adverse impact on adjoining residential properties, if adequate landscaping and buffer requirements are met in accordance with Section 30.1232 (Active/Passive Buffer Setback Design Standards) of the Land Development Code and architectural details are considered as allowed by the Comprehensive Plan.

A twenty-five (25) feet building setback in combination with a fifteen (15) feet wide passive buffer is required at the eastern and northern perimeters of the site. A fifty (50) feet building setback in combination with a twenty-five (25) feet wide active buffer is required at the western perimeter of the site to screen the proposed dumpster and chiller pad.

In accordance with the Future Land Use Element of the Comprehensive Plan, architectural details may be considered for office uses when determining compatibility

with the character of an area. Such standards shall include, but not be limited to, building style, design and scale; exterior building materials; roof design and construction; building size and placement; site furnishings; fences and entrance features; and the size and location of service areas. Building elevation drawings will be available for consideration at the public hearing.

Parking

The Land Development Code requires one (1) parking space for each two hundred (200) square feet of gross floor area for office buildings. Based on this requirement, the proposed office building will require a total of ninety (90) parking spaces. All other parking requirements have been satisfied as depicted by the proposed site plan.

Signage

The proposed site plan depicts the location of an existing sign, which encroaches into the public right-of-way. Prior to final site plan approval, the sign will require relocation to the required minimum setback. One (1) detached pole sign up to fifteen (15) feet in height is permitted on the site. The existing sign meets this allowance.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning request from OP (Office District) to OP (Office District) for substantial revision to the approved site plan as proposed, based on the provisions stated in this report and following findings:

1. The proposed rezoning is consistent with the adopted FLU of Office for the subject property.
2. The proposed rezoning is consistent with Seminole County Vision 2020 Comprehensive Plan policies related to the Office FLU.
3. The proposed rezoning is compatible with adjacent low to medium density residential uses.

DEVELOPMENT ORDER # 02-20000011
SEMINOLE COUNTY DEVELOPMENT
ORDER

On _____, Seminole County issued this Development Order relating to and touching and concerning the following described property:

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: JEFFREY M. HARTOG

Project Name: BOUGAINVILLEA CLINIQUE

Requested Development Approval:

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: EARNEST MCDONALD
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. The proposed building shall not exceed 18,000 square feet or 35 feet in height.
 - b. No additional access points shall be provided to Bear Gully Road.
 - c. Minimum building setbacks and buffers shall be as follows:
 - South: 50 feet front yard setback
 - East: 25 feet side yard setback / 15 feet wide passive buffer
 - West: 50 feet side yard setback / 25 feet wide active buffer
 - North: 25 feet rear yard setback / 15 feet wide passive buffer
 - d. Building size, design and scale; exterior building materials; roof design and construction; building size and placement; site furnishings; fences and entrance features; and the size and location of service areas shall be compatible with adjoining development.
 - e. A total of ninety (90) parking spaces shall be provided.
 - f. One (1) detached pole sign up to fifteen (15) feet in height shall be permitted.
 - g. Prior to the issuance of final development permits, utility plans showing proposed connections to County water and sewer utilities shall be submitted.
 - h. Prior to the issuance of final development permits, an application for concurrency review shall be submitted.

The proposed dumpster and chiller pad will be relocated to the west of the property and adequately screened with a 25 feet wide active buffer.
- (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

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 20____.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Order

OWNER'S CONSENT AND COVENANT

COMES NOW, _____, the owner of the aforescribed property in this Development Order, 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

Print Name

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 _____ who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 20____.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: