

ITEM # _____

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

SUBJECT: Hattaway Rezone & Land Use Amendment, Request for Small Scale Land Use Amendment from LDR (Low Density Residential) and PUB (Public) to Industrial, and Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale District) (James Hattaway, applicant)

DEPARTMENT: Planning & Development DIVISION: Planning

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

Agenda Date	<u>3/05/03</u>	Regular	<input type="checkbox"/>	Work Session	<input type="checkbox"/>	Briefing	<input type="checkbox"/>
		Special Hearing – 6:00	<input type="checkbox"/>	Public Hearing – 7:00	<input checked="" type="checkbox"/>		

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the requested Small Scale Land Use Amendment from LDR (Low Density Residential) and PUB (Public) to Industrial, and Rezone from A-1 to C-3 on 1.12 acres located on the east side of CR 427, 0.2 mile south of Longwood-Lake Mary Road (James Hattaway, applicant); or
2. Recommend DENIAL of the requested Small Scale Land Use Amendment from LDR (Low Density Residential) and PUB (Public) to Industrial, and Rezone from A-1 to C-3 on 1.12 acres located on the east side of CR 427, 0.2 mile south of Longwood-Lake Mary Road (James Hattaway, applicant); or
3. Continue the item to a time and date certain.

(District 4 – Comm. Henley)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant requests a change in future land use designation from LDR and PUB to Industrial and a rezone from A-1 to C-3. Development plans for the site have not been specified, but the requested change in land use would permit general industrial uses including manufacturing and warehousing on the 1.12 acre site. The requested C-3 zoning permits wholesale distribution, storage and light manufacturing.

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2003-003 01-03SS.03</u>

The subject property is adjacent to an electric substation on the east and CR 427 on the west. The site is located in a highly visible location adjacent to an arterial road, and is probably suitable for some type of nonresidential use. However, it abuts LDR property on the south and southeast wherein development is limited to single family residential and supporting uses. While Office or Commercial could be considered compatible under certain circumstances, Vision 2020 does not classify Industrial as an appropriate transitional use adjacent to LDR.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the request per the attached staff report.

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.

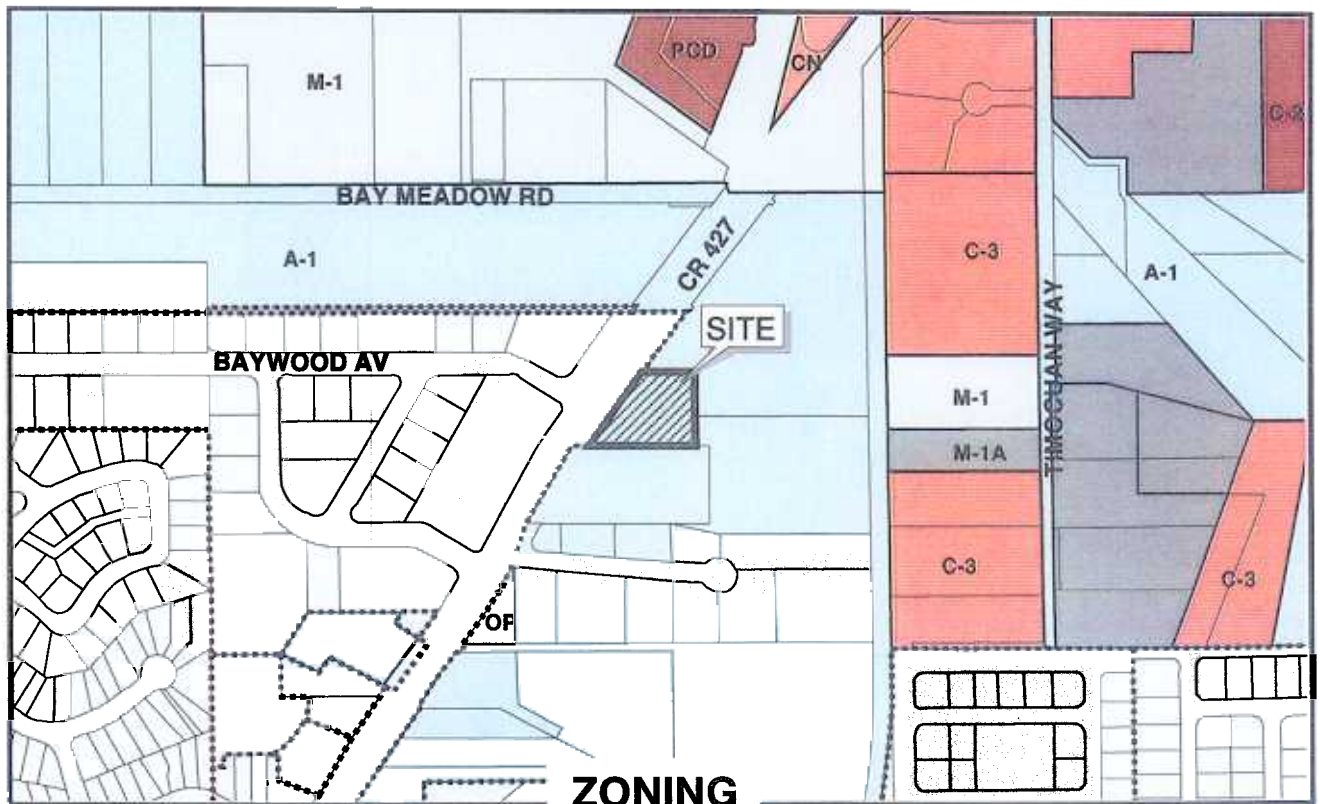
*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD. Flood-prone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site
 Municipality
 COM
 LDR
 OFF
 IND
 PUBU
 REC
 CONS

Applicant: James Hattaway
 Physical STR: 29-20-30-300-0010-0000
 Gross Acres: 1.12 BCC District: 4
 Existing Use: State/Other
 Special Notes: _____

	Amend/Rezone#	From	To
FLU	01-03SS.03	LDR/PUB	IND
Zoning	Z2003-003	A-1	C-3



A-1
 M-1
 M-1A
 OP
 PCD
 CN
 C-3
 C-2




Amendment No. 01-03SS.03

From: LDR To: IND

Rezone No. Z2003-003

From: A-1 To: C-3

 Subject Property

 Parcelbase

N



February 1999 Color Aerials

Hattaway Rezone and Land Use Amendment Staff Report

Low Density Residential (LDR) and Public (PUB) to Industrial		Amendment (Z2003-003 01-03SS.03)
REQUEST		
APPLICANT	James Hattaway	
PLAN AMENDMENT	Low Density Residential (LDR) and Public (PUB) to Industrial	
REZONING	A-1 to C-3	
APPROXIMATE GROSS ACRES	1.12	
LOCATION	East side of CR 427, 0.2 mile south of Longwood-Lake Mary Road	
BCC DISTRICT	District 4 – Henley	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION March 5, 2003	Recommend DENIAL of the Industrial future land use designation and rezoning from A-1 to C-3, as proposed, on subject property on the east side of CR 427, 0.2 mile south of Longwood-Lake Mary Road.	

STAFF ANALYSIS

Low Density Residential (LDR) and Public (PUB) to Industrial		Amendment (Z2003-003 01-03SS.03)
---	--	---

1. Property Owners: Florida Department of Agriculture/Division of Forestry
2. Tax Parcel Number: 29-20-30-300-0100-0000

3. **Development Trends:** Development along this section of CR 427 is largely commercial in nature, with retail uses opposite the subject property in the City of Longwood. Abutting the site to the east is an electric power substation. Aside from the power facility, there are existing industrial and heavy commercial uses in the vicinity, but they lie some distance away, north of Bay Meadow Road and east of a CSX railroad right-of-way 500 feet from the site.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designations of Low Density Residential and Public, currently assigned to the subject property, permit single family residential development at a maximum density of 4 dwelling units per acre, and public utility sites. Existing A-1 zoning allows agricultural and related low-intensity uses. The subject property contains a single family home.

Location	Future Land Use*	Zoning*	Existing Use
Site	LDR, PUB	A-1	single family residential
North	LDR, PUB	A-1	vacant
South	LDR	A-1	vacant
East	LDR, PUB	A-1	electric substation
West	CR 427, City of Longwood	--	retail commercial

- See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. **PLAN PROGRAMS** - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment 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. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation’s 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use*

Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).

Access to the subject property is via CR 427, an Arterial road. The existing Level of Service (LOS) on this portion of CR 427 is "C", with an adopted LOS standard of "E".

B. Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps: *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County*

The subject property is within the Seminole County water and sewer service area. Water and sewer service are currently available to the site

C. Public Safety – Adopted Level of Service: *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Station #35. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. Preliminary Development Orders: Capacity Determination: *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities.

B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection: *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*



The site contains less than 5% wetlands or flood prone areas, and can be developed within requirements of the Vision 2020 Plan and Land Development Code.

C. **Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation of compatibility, the proposed Industrial land use would not be compatible with future land use designations on adjoining properties to the east and south. Approval of Industrial on this site would establish a presence of heavy commercial or industrial uses in a location where they do not currently exist. While the Public land use to the east is similar in nature to heavy commercial, public utilities serve residential development and can be considered compatible under the provisions of Vision 2020. This is not true of the requested Industrial land use.

Applicable Plan policies include, but are not limited to, the following:

Transitional Land Uses: *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

“Exhibit FLU: Appropriate Transitional Land Uses” indicates that Industrial is not an appropriate transitional use adjacent to Low Density Residential (LDR).

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.

FLU 2.2: Regulation of Active Uses.

FLU 5.5: Water and Sewer Service Expansion

Industrial Future Land Use Definition

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County’s approval of the preliminary development order.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the request.