

ITEM # _____

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

SUBJECT: Nissan Rezone, approximately 4.5 acres, Small Scale Land Use Amendment from Recreation to Industrial and Rezone from A-1 (Agriculture District) to C-3 (General Commercial and Wholesale District) for Car Dealership Expansion; R & R Investments, LLC, William D. Ray Jr. – applicant

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

AUTHORIZED BY: Matthew West **CONTACT:** Cathleen Consoli EXT. 7377

Agenda Date: <u>8/06/03</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"/>
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MOTION/RECOMMENDATION:

1. Recommend APPROVAL of request for a Small Scale Land Use Amendment from Recreation to Industrial and rezone from A-1 (Agriculture District) to C-3 (General Commercial and Wholesale District) for Car Dealership Expansion, for approximately 4.5 acres; R & R Investments, LLC, William D. Ray Jr. – applicant, based on staff findings; or
2. Recommend DENIAL of request for a Small Scale Land Use Amendment from Recreation to Industrial and rezone from A-1 (Agriculture District) to C-3 (General Commercial and Wholesale District) for Car Dealership Expansion, for approximately 4.5 acres; R & R Investments, LLC, William D. Ray Jr. – applicant; or
3. CONTINUE to a date and time certain.

District 2 – Commissioner Morris

Cathleen Consoli, Senior Planner

BACKGROUND:

The applicant, William Ray, Jr. requests a Small Scale Land Use Amendment from Recreation to Commercial and a rezone from A-1 (Agriculture District) to C-3 (General Commercial and Wholesale District) for car dealership expansion. The applicant wants to develop this 4.5 acre site to allow for additional parking and expansion of his facilities, Bill Ray Nissan, on North US 17-92. This application is a result of a proposed land exchange between the applicant and the County. On June 24, 2003, the Board of County Commissioners directed staff to proceed with this land exchange. (See attached Agenda Memorandum.)

Reviewed by: _____ Co Atty: <u>KZC</u> DFS: _____ OTHER: <u>MW</u> DCM: _____ CM: _____ File No. <u>Z2003-026 and 08-03SS.07</u>
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The C-3 zoning classification is needed to permit car repair on this portion of property. The Industrial land use allows for this zoning classification. The proposed land exchange will result in an increase of county owned land within the Spring Hammock Preserve. Approximately two thirds of the subject property are uplands which will allow Bill Ray Nissan to utilize it for additional parking and facilities. The applicant states that the expansion of his site is needed for the business to remain competitive in this location along the US 17-92 corridor. Buffers are required adjacent to the wetlands to protect the adjacent Spring Hammock Preserve.

This rezone and small scale land use amendment request is the first step in the process. The proposed parcel of land that will be part of the exchange is located along CR 419 in the Spring Hammock Preserve as indicated on the aerial photograph attached to this report.

STAFF RECOMMENDATION

Staff recommends approval of this request based on the analysis in this report.

***Nissan Rezone and
 Land Use Amendment
 Staff Report***

Recreation to Industrial		Amendment (Z2003-026, 08-03SS.07)
<i>REQUEST</i>		
APPLICANT	R & R Investments, LLC William Ray, Jr.	
PLAN AMENDMENT	Recreation (REC) to Industrial (IND)	
REZONING	A-1 to C-3	
APPROXIMATE GROSS ACRES	4.5	
LOCATION	Approximately 550 feet west of North US 17-92, approximately 1,100 feet north of General Hutchison Parkway	
BCC DISTRICT	District 4 – Henley	
<i>RECOMMENDATIONS AND ACTIONS</i>		
STAFF RECOMMENDATION August 6, 2003	Recommend APPROVAL of the Industrial future land use designation and rezoning from A-1 to C-3.	

STAFF ANALYSIS

Recreation to Industrial	Amendment (Z2003-026 08-03SS.07)
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1. **Property Owners:** William D. Ray, Jr.
2. **Tax Parcel Number:** Part of 21-20-30-5AP-0000-0190
3. **Development Trends:** Development in this area is characterized by commercial and other higher intensity uses to the north and east. This parcel is located on North US 17-92 and within the Redevelopment District for US 17-92.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Recreation currently assigned to the subject property, allows public or private recreational facilities, park lands and open space preservation areas. Existing A-1 zoning implements the permitted uses allowed under the Vision 2020 Plan. The subject property is vacant.

Location	Future Land Use*	Zoning*	Existing Use
Site	Recreation	A-1	Vacant
North	Planned Development	PUD	Car dealership
South	Recreation	A-1	Vacant, Spring Hammock Preserve
East	Commercial	C-2	Car dealership
West	Recreation	A-1	Vacant, Spring Hammock Preserve

• 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 will be through the adjacent property that fronts US 17-92, a Principal Arterial. The existing Level of Service (LOS) on this portion of US 17-92 is "D", with an adopted LOS standard of "D". This request will not negatively impact traffic patterns in the area.

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).*

Approximately one third of this site is wetlands. A 25-foot average, 15-foot minimum undisturbed buffer from the jurisdictional wetland line will need to be provided. A conservation easement will be required to be placed over the wetlands and required buffers dedicated to Seminole County.

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 be compatible with adjacent commercial car sales uses to the north and east. The site will be an extension of the existing car dealership, Bill Ray Nissan. This additional acreage will handle additional parking required by the applicant. Buffers will be provided adjacent to the jurisdictional wetlands protecting the REC land use designations to the south and west of the site.

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 an appropriate transitional use adjacent to Recreation/Public with sensitive site design elements such as sufficient buffers and setbacks, controlled impervious areas, and lighting controls.

Other applicable plan policies include:

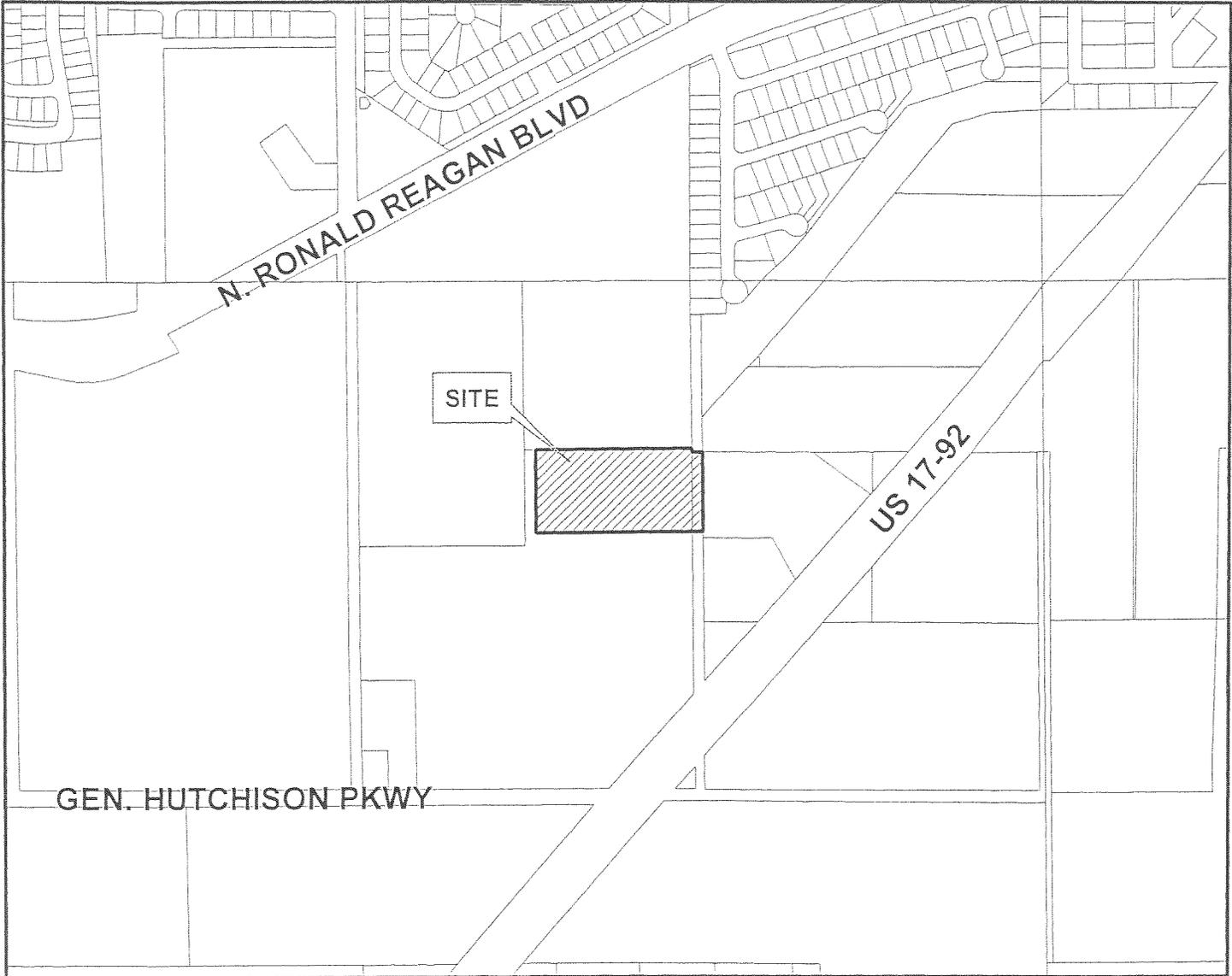
FLU 4.2: Infill Development
FLU 4.3: Community Redevelopment Agency
FLU 2.2: Regulation of Active Uses.

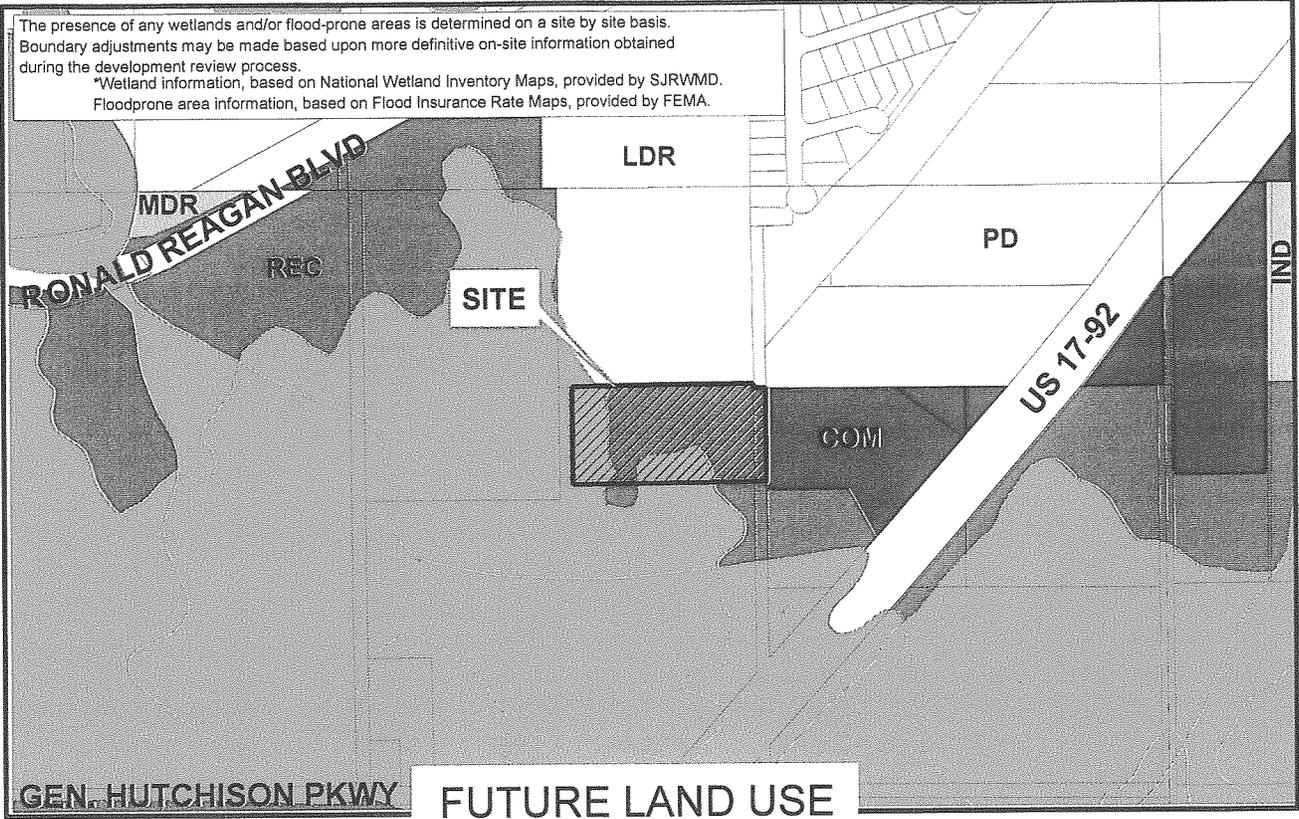
B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies 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, or 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 APPROVAL of the request.

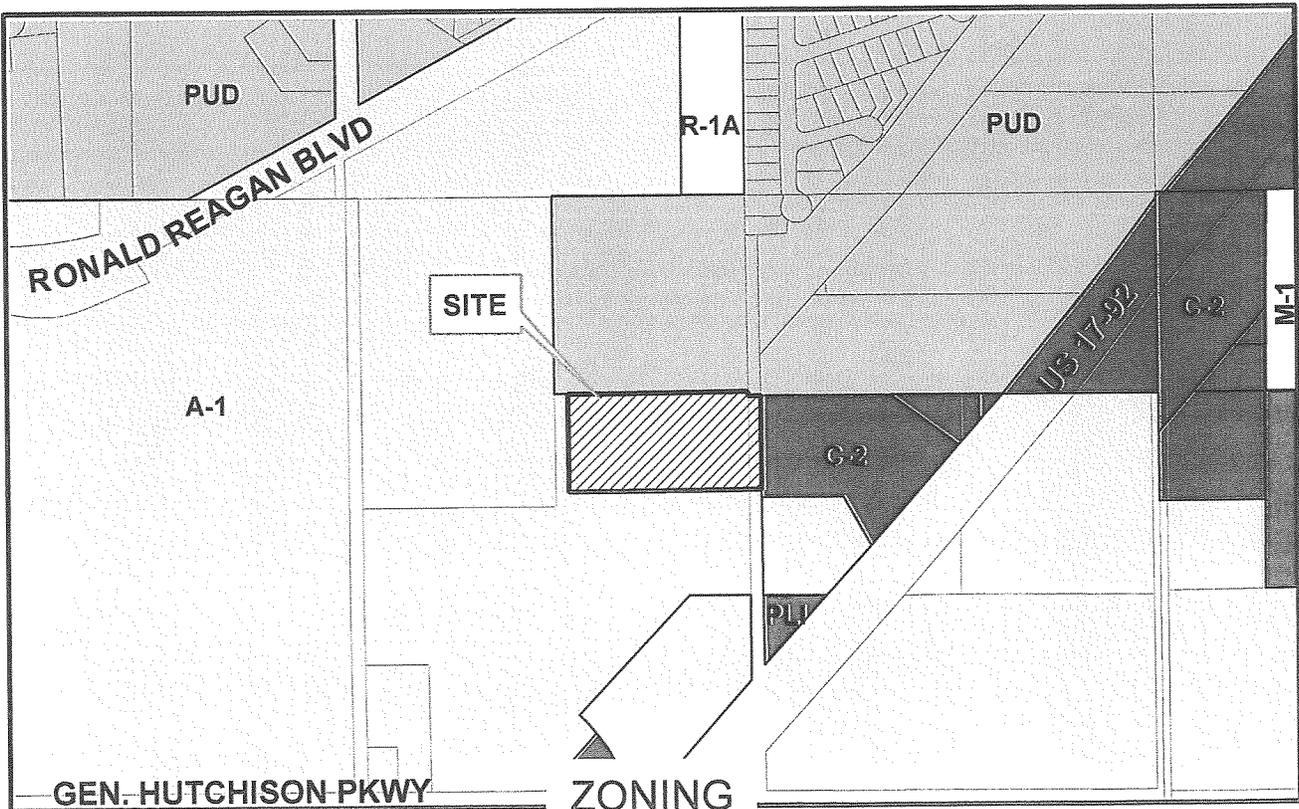




Site
 COM
 LDR
 CONS
 IND
 PD
 MDR

Applicant: R & R Investments, LLC
 Physical STR: part of 21-20-30-5AP-0000-0190
 Gross Acres: +/- 4.4 BCC District: 2
 Existing Use: County
 Special Notes: None

	Amend/ Rezoning#	From	To
FLU	08-03SS.07	REC	COM
Zoning	Z2003-026	A-1	C-2



A-1
 M-1
 C-2
 R-1A
 PLI
 PUD



Amendment No. 08-03SS.07

From: REC To: COM

Rezone No: Z2003-026

From: A-1 To: C-2

 Parcel

 Subject Property



February 1999 Color Aerials

FLU = REC
ZON = A-1

US 17-92

FLU = REC
ZON = A-1

SR A-19

Item # 61

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Proposed Property Exchange: Bill Ray Nissan / Spring Hammock Preserve

DEPARTMENT: Planning & Development DIVISION: Community Resources

AUTHORIZED BY: Donald S. Fisher CONTACT: Colleen Rotella EXT. 7351

Agenda Date: <u>06/24/2003</u> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing - 1:30 <input type="checkbox"/> Public Hearing - 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

Request Board direction regarding proposed property exchange.
(Bill Ray Nissan, Applicant).

Commissioner Morris – District 2

BACKGROUND:

Bill Ray Nissan has approached the County regarding a need to expand the dealership which is located on US 17-92. In order to remain competitive it is necessary for the dealership to expand in its present location or be forced to re-locate. Given the County's efforts to revitalize and expand the US 17-92 corridor, the applicant has asked the County consider an exchange of an estimated 4.5 acres directly behind the dealership which is within Spring Hammock Preserve. In exchange, the applicant will provide the County with similar property also located within the Spring Hammock Preserve on CR 419 boundary but currently under private ownership. The property is estimated between 5-15 acres with half interests shared between the County and a private owner.

The County Attorney's Office has determined that a swap of property could be considered by the Board. Planning staff has discussed the proposed exchange with the County's Bond Counsel who has no objection to the swap assuming the size and/or value of property being exchanged is comparable. Should the Board consider the request, the applicant requests any exchange not be finalized until the property is evaluated for a plan amendment and rezoning which would be required in order for the dealership to expand.

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: <u>[Signature]</u>
CM: <u>[Signature]</u>
File No. - <u>rpdc01</u>

Should the Board conceptually approve the request, staff will proceed with appropriate due diligence of the exchange, preparation of an agreement including terms of an exchange and direct Bill Ray Nissan to submit a Plan Amendment / Rezone application for consideration.

Attachment(s); site map



Spring Hammock Preserve

0 250 500 1,000 Feet

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH IN THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM RECREATION TO INDUSTRIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on August 6, 2003, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on August 26, 2003, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Nissan Rezone and Land Use Amendment Staff Report."

NOW, THEREFORE, BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described as:

East 595 feet of the North 1/2 of Lot 20 of Spring Hammock as recorded in PB 2, Page 3 according to Public Records of Seminole County, Florida AND the 40' right-of-way that is contiguous to the aforescribed parcel, containing 4.4 acres plus or minus, from Suburban Estates to Industrial Amendment Number 03-08SS.07.

The associated rezoning request was completed by means of Ordinance Number 2003-_____.

(c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community

Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida
32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 26 day of August, 2003.

**BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA**

By: _____

**Daryl McLain,
Chairman**

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 HEREIN); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE C-3 (GENERAL COMMERCIAL AND WHOLESALE DISTRICT) 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 Nissan Rezone and Land Use Amendment 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. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District):

The East 595 feet of the North 1/2 of Lot 20 of Spring Hammock as recorded in PB 2, Page 3 according to Public Records of Seminole County, Florida
AND the 40' right-of-way that is contiguous to the afore described parcel. Containing 4.4 acres plus or minus.

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 be effective upon the date of filing by the Department of State.

ENACTED this 26th day of AUGUST 2003

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman