

ITEM # _____

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

SUBJECT: 1700 MAITLAND AVENUE REZONING FROM RP (RESIDENTIAL PROFESSIONAL DISTRICT) TO OP (OFFICE PROFESSIONAL DISTRICT)

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

AUTHORIZED BY: Matthew West **CONTACT:** Tina Deater EXT. 7440

Agenda Date <u>1/07/04</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 request to rezone approximately .58 acres located on the southeast corner of the intersection of Florida Haven Drive and Maitland Avenue from RP (Residential Professional District) to OP (Office Professional District); Mike Dipasqua, applicant; or
2. Recommend DENIAL of the request to rezone approximately .58 acres located on the southeast corner of the intersection of Florida Haven Drive and Maitland Avenue from RP (Residential Professional District) to OP (Office Professional District); Mike Dipasqua, applicant; or
3. CONTINUE the public hearing until a time and date certain.

(District 4 – Comm. Henley)

(Tina Deater, Senior Planner)

BACKGROUND:

The applicant, Mike Dipasqua, requests OP District zoning to build an office addition on approximately 0.58 acres, located on the southeast corner of the intersection of Florida Haven Drive and Maitland Avenue. The subject property currently has RP District zoning. The future land use designation for the property is Office, which allows the proposed OP District zoning classification.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested OP zoning classification with the following condition:

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2003-045</u>

1. A geotechnical evaluation must be submitted that demonstrates that the site has Type A soils, a very deep water table, and exceptional infiltration rates, to permit an exfiltration drainage system.

Note: At the time the agenda was packaged, the County Attorney has not reviewed this report. Additional comments may be forthcoming.

**MAITLAND AVENUE (1700) REZONE
 REZONE RP TO OP**

APPLICANT:	Mike Dipasqua				
PROPERTY OWNER:	Mike Dipasqua				
REQUEST:	Rezone from RP to OP				
HEARING DATES(S):	P&Z:	1/7/04	BCC:	2/10/04	
PARCEL ID NO.:	24-21-29-300-037B-0000 and 24-21-29-300-037C-0000				
PROJECT LOCATION:	Southeast corner of the intersection of Florida Haven Drive and Maitland Avenue				
FUTURE LAND USE:	Office				
FILE NUMBER:	Z2003-045				
COMMISSION DISTRICT:	#4-Henley				

OVERVIEW

Zoning Request:

The applicant, Mike Dipasqua, requests OP District zoning to build an office addition on approximately 0.58 acres, located on the southeast corner of the intersection of Florida Haven Drive and Maitland Avenue. The subject property currently has RP District zoning. The future land use designation for the property is Office, which allows the proposed OP District zoning classification.

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

DIRECTION	EXISTING ZONING	FUTURE LAND USE
Subject Property -	RP	Office
North -	City Of Altamonte Springs MOR-1 (Mixed Office Residential)	PUD-Mixed Other
South -	R-1AA, RP, OP	Office
East -	R-1AA	Low Density Residential
West -	RP, and City of Altamonte Springs PUD	Office, Integrated Office Residential-Low Intensity

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

The applicant proposes a second story addition to an existing one-story office building, as shown on the attached site plan and elevation. This requires OP zoning. The Development Review Committee's major concern is the preservation of the 42" oak on the east side of the existing building; and the proposed site plan would allow that to happen. To allow the proposed second story addition, the applicant requests waivers from compliance with several of the OP District standards, which are summarized in the table below:

OP Zoning District Requirement	Requested Waiver
Rear yard building setback of 100 feet (east side)	Reduce rear yard building setback to 52 feet (existing condition on east side)
Rear yard active buffer of 50 feet (east side)	Reduce rear yard active buffer to 10 feet
Drainage can encroach into a required buffer by no more than 50%	Allow a 6 foot drainage swale in the 10 foot rear yard buffer provided that it is dry within 24 hours after a rainfall event (swale is existing on east side)
Side yard setback of 100 feet (south side)	Reduce side yard setback to 85 feet (existing condition on south side)
Side yard active buffer of 50 feet (south side)	Reduce side yard active buffer to 5 feet (existing condition on south side)

The original site plan the applicant submitted showed a proposed one-story addition on the south side of the existing structure. This site configuration eliminated several of the existing parking spaces and to meet the parking requirement of the Land Development Code, the 42" oak tree was proposed for removal to allow more parking on the east side of the building. The Development Review Committee met with the applicant on November 12, 2003 and proposed the idea of a second-story addition, in order to keep the parking where it exists now and to preserve the oak tree. Staff reviewed the trend of development in the area and there are several two-story and one three-story office buildings in the vicinity, as well as two-story multi-family structures immediately across the street. Therefore staff is recommending approval of the waivers to preserve the 42" oak tree.

SITE ANALYSIS

Facilities and Services:

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 Seminole County Comprehensive Plan.

There is water already available to the site and the existing septic system will be enlarged to accommodate the additional square footage of the building.

The proposed site plan utilizes an exfiltration stormwater management system. This type of system will only work if a geotechnical evaluation demonstrates that the site has Type A soils, a very deep water table, and exceptional infiltration rates.

Transportation / Traffic:

Access is available to the site from an existing signalized driveway on Maitland Avenue and a driveway on Florida Haven Drive. Should the requested rezone be approved, the project must pass a concurrency review at final engineering.

Compliance with Environmental Regulations:

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

Compatibility with Surrounding Development:

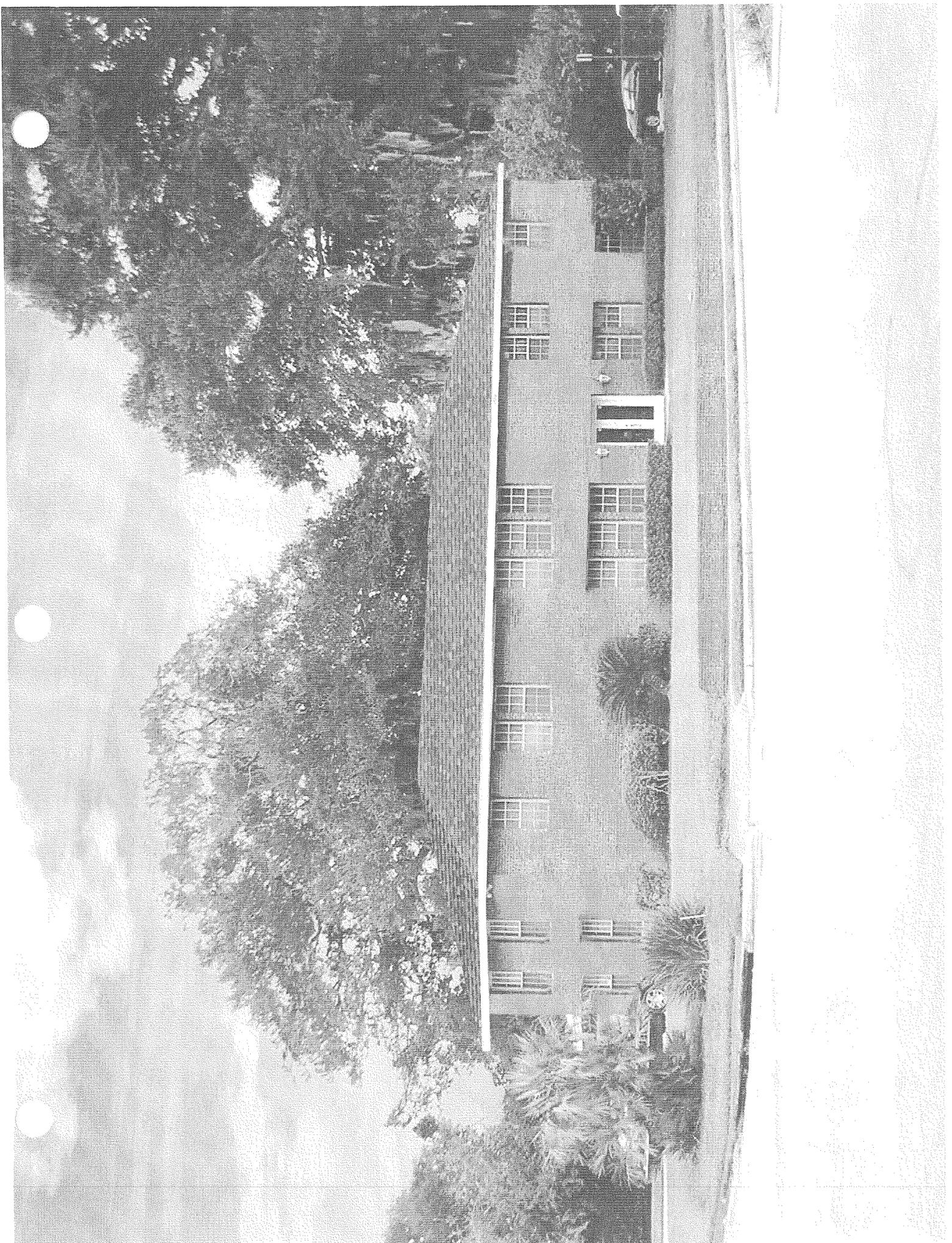
The property has an Office future land use designation, and the proposed OP zoning classification is allowed in that future land use category. The property is surrounded by Office future land use on the north, west, and south sides and Low Density Residential to the east.

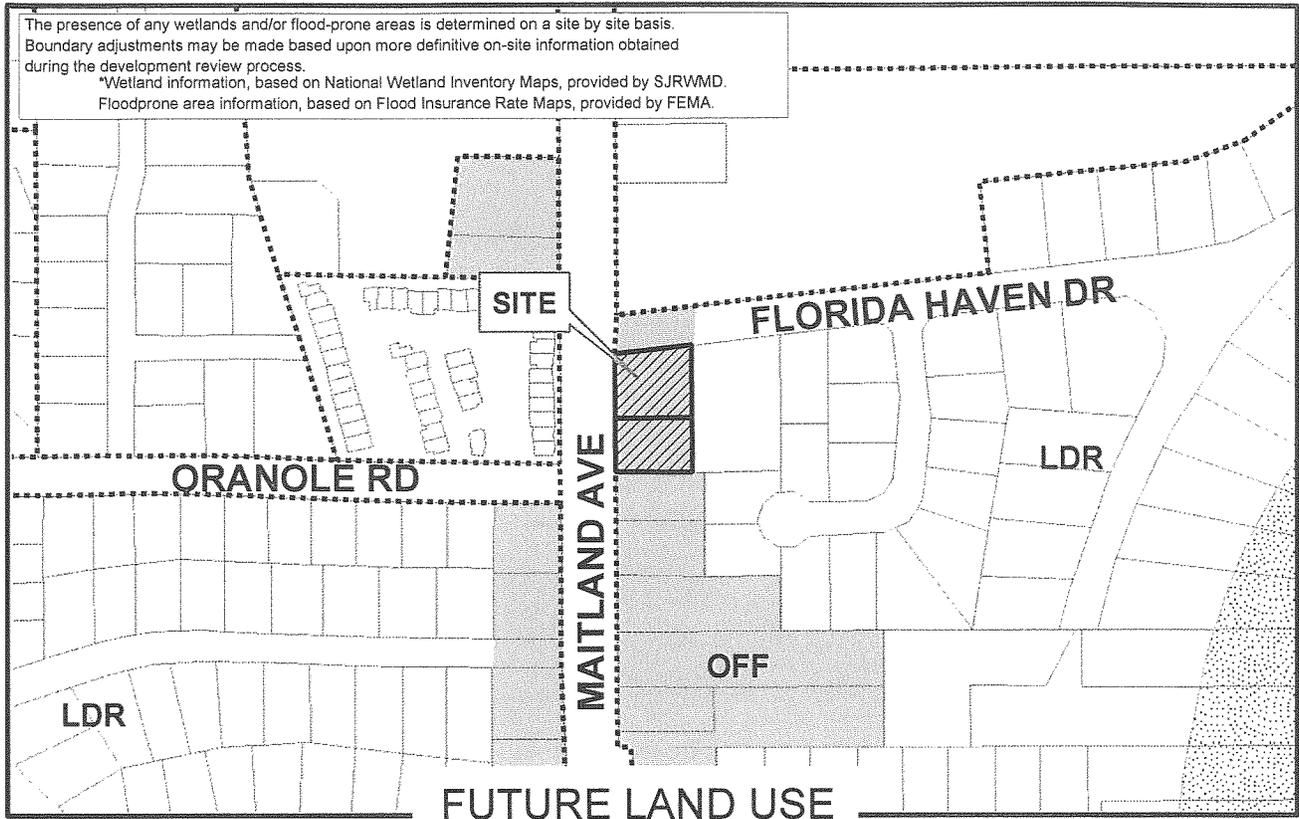
There are several two-story office buildings on Maitland Avenue to the north and south of the subject property. There is also a three-story office building to the north. Across Maitland Avenue to the west, there is a multi-family development with some two-story buildings. Based upon these findings, staff believes the proposed rezoning is compatible with the surrounding development trends.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the requested OP zoning classification with the following condition:

1. A geotechnical evaluation must be submitted that demonstrates that the site has Type A soils, a very deep water table, and exceptional infiltration rates, to permit an exfiltration drainage system.

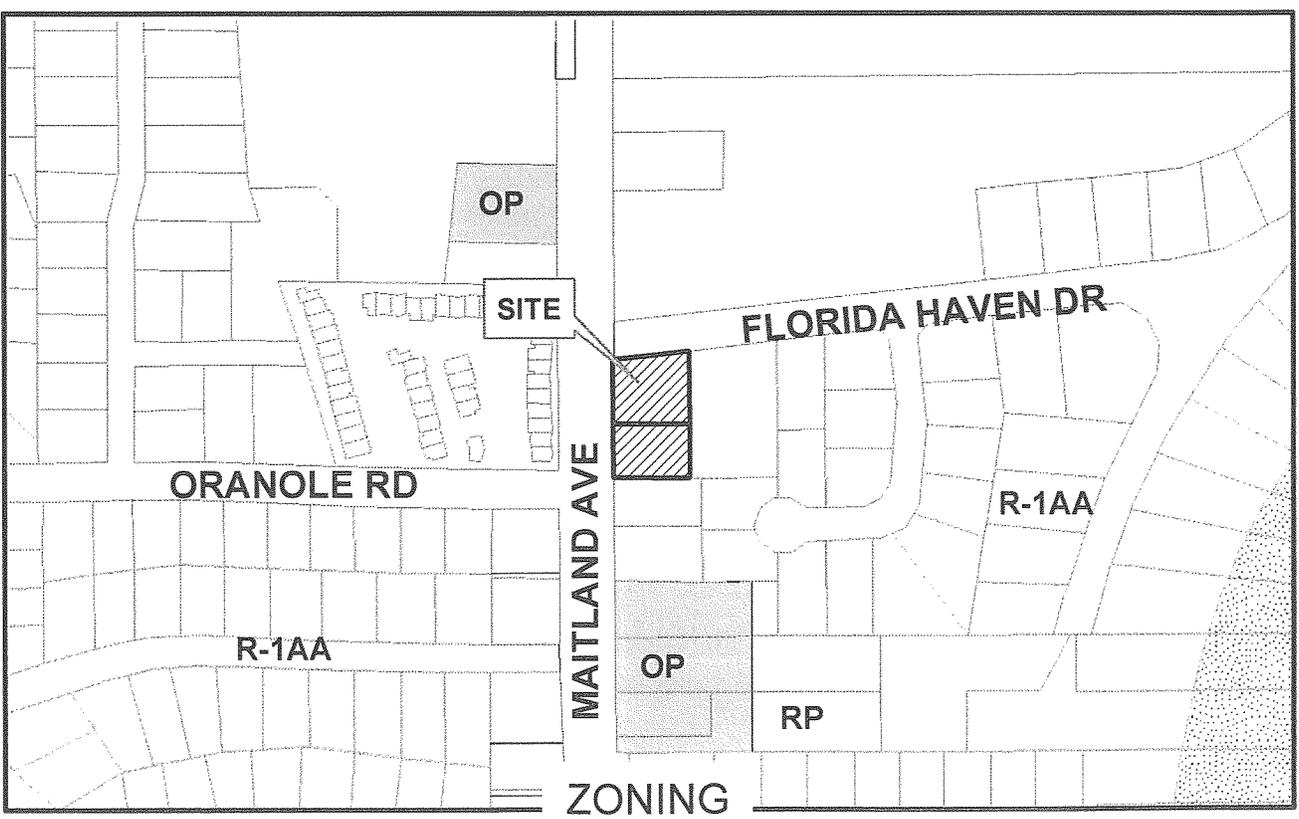




Site
 Municipality
 LDR
 OFF
 CONS

Applicant: Mike Dipasqua
 Physical STR: 24-21-29-300-037B & 037C-0000
 Gross Acres: 0.58 BCC District: 3
 Existing Use: Single Family Residential
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2003-045	RP	OP



R-1AA
 RP
 OP
 FP-1



Rezone No: Z2003-045
From: RP To: OP

-  Parcel
-  Subject Property



February 1999 Color Aerials

SEMINOLE COUNTY DEVELOPMENT ORDER

On February 10, 2004, 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 Owner: Mike Dipasqua
1700 Maitland Avenue
Altamonte Springs, FL 32751

Project Name: Maitland Avenue Rezone RP to OP

Requested Development Approval: Rezoning from RP (Residential Professional) to OP
(Office)

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: Tina Deater, Senior Planner
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. A geotechnical evaluation must be submitted that demonstrates that the site has Type A soils, a very deep water table, and exceptional infiltration rates, to permit an exfiltration drainage system.
- b. The 6-foot drainage swale in the 10-foot rear buffer must be dry within 24 hours after a rainfall event.
- c. The developer has the option of providing a full access driveway off of Florida Haven Drive.

(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

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Mike Dipasqua, on behalf of itself and its agents, 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

Mike Dipasqua, Owner

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 Mike Dipasqua, who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

**EXHIBIT A
LEGAL DESCRIPTION**

LEG SEC 24 TWP 21S RGE 29E BEG AT SE INT OF MAITLAND AVE + FLORIDAHAVEN
DR RUN SLY 103.6 FT E 130.35 FT N 119.9 FT S 83 DEG 48 MIN W 130.75 FT TO BEG
(LESS RD)

LEG SEC 24 TWP 21S RGE 29E BEG 1280 FT N OF S LI ON E R/W ST RD 427 RUN E
130.03 FT N 85 FT W 130.35 FT S 85 FT TO BEG

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE RP ZONING CLASSIFICATION THE OP 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, "Maitland Avenue (1700) Rezone RP to OP."

(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 OP:

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 filing by the Department.

ENACTED this 10th day of February, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

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