

ITEM # _____

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

SUBJECT: W SR 46/Orange Boulevard Rezone from A-1 to C-1

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

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

Agenda Date <u>07/07/04</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 for rezoning from A-1 (Agriculture District) to C-1 (Retail Commercial District) on approximately 7.92 acres, located northeast of the intersection of W SR 46 and Orange Boulevard (C&C Plaza LLC, applicant); or
2. Recommend DENIAL of the request for rezoning from A-1 (Agriculture District) to C-1 (Retail Commercial District) on approximately 7.92 acres, located northeast of the intersection of W SR 46 and Orange Boulevard (C&C Plaza LLC, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 5 – Commissioner McLain

Tina Deater, Senior Planner

BACKGROUND:

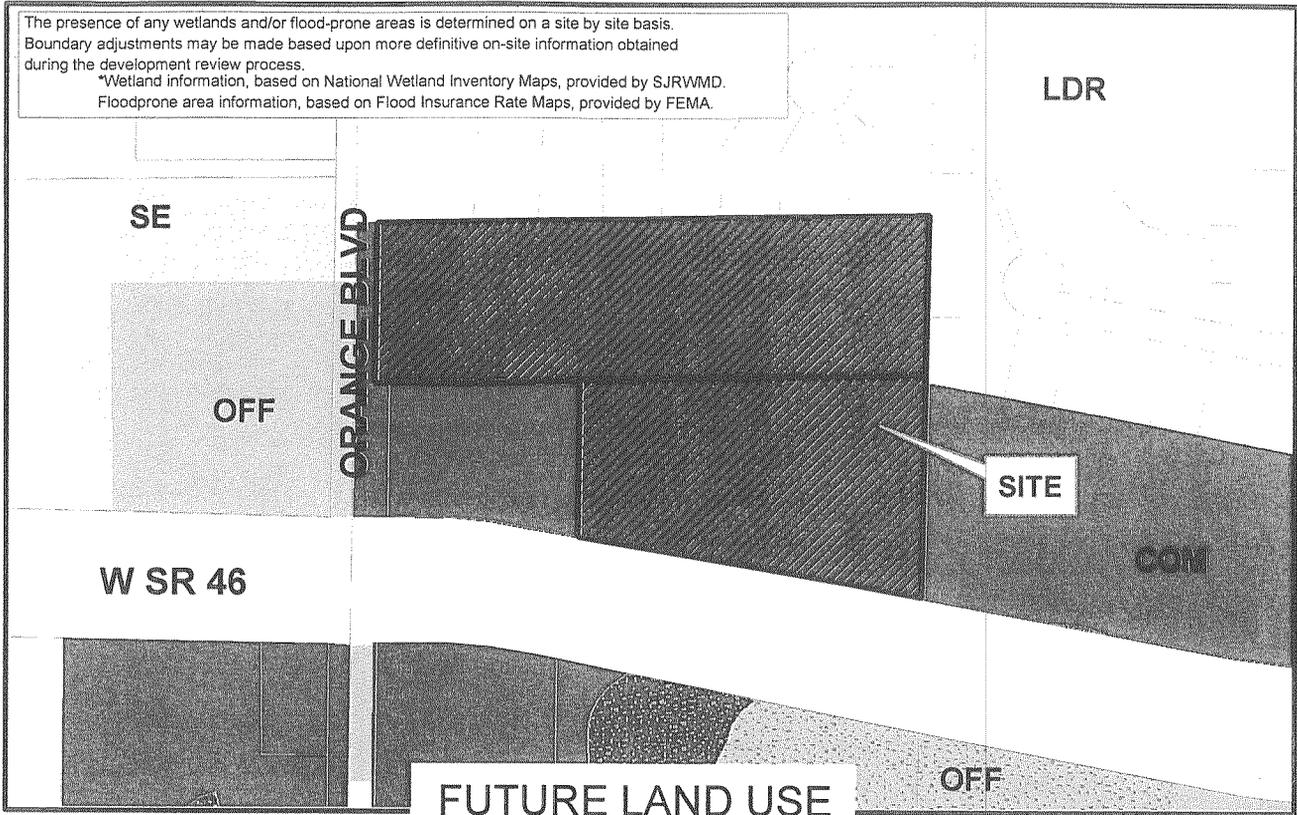
The applicant, C&C Plaza LLC, requests rezoning from A-1 to C-1 on approximately 7.92 acres, located northeast of the intersection of W SR 46 and Orange Boulevard. The future land use designation for the property is COM (Commercial) which allows the proposed C-1 zoning classification. The property is also under the SR 46 Gateway Corridor Overlay Standards.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested C-1 zoning classification.

Reviewed by:	_____
Co Atty:	<u>KZC</u>
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No.	<u>Z2004-005</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.

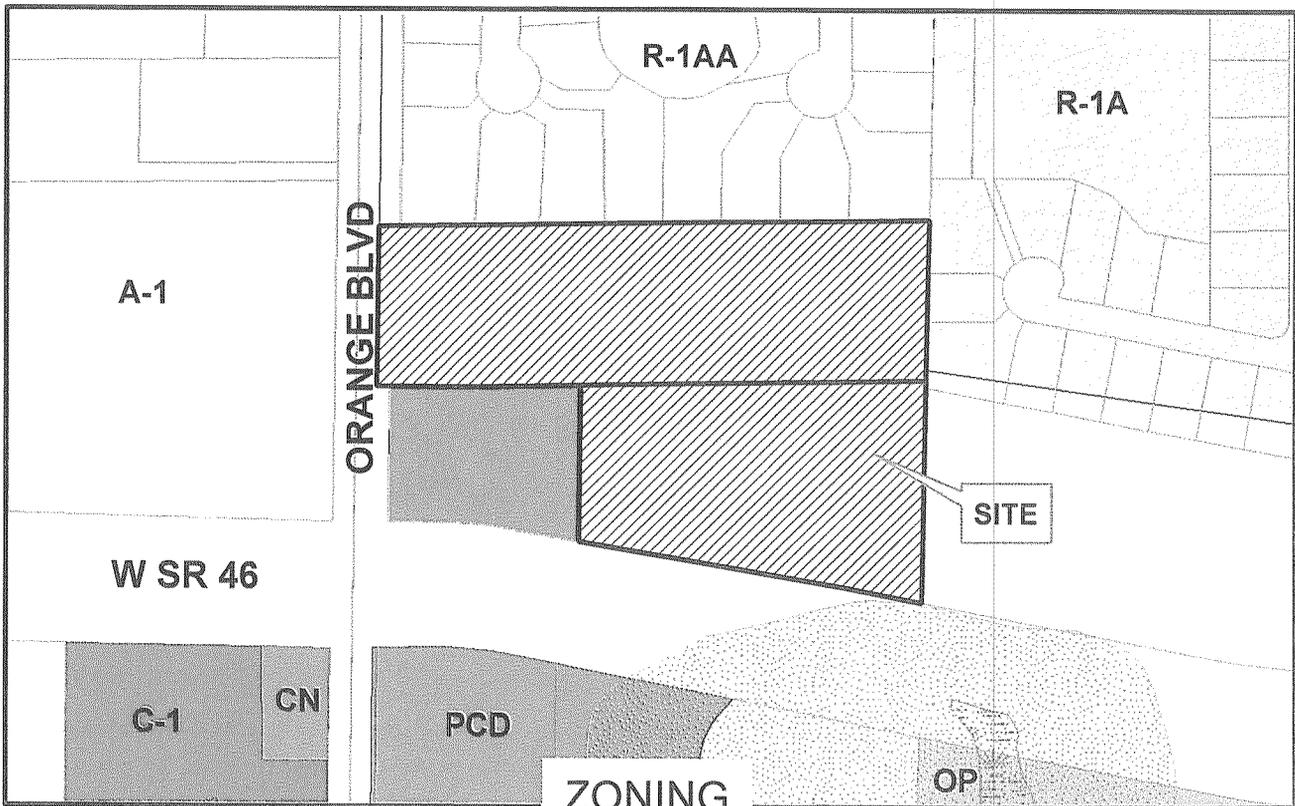


FUTURE LAND USE

Site
 SE
 LDR
 OFF
 COM
 CONS

Applicant: C & C Plaza LLC
 Physical STR: 30-19-30-300-0200 & 021C-0000
 Gross Acres: 7.92 BCC District: 1
 Existing Use: Single Family Residential
 Special Notes: None

	Amend/ Rezzone#	From	To
FLU	--	--	--
Zoning	Z2004-005	A-1	C-1



ZONING

Site
 R-1AA
 R-1A
 OP
 CN
 C-1
 A-1
 PCD
 FP-1
 W-1



Rezone No: Z2004-005
From: A-1 To: C-1

-  Parcel
-  Subject Property



February 1999 Color Aerials

W SR 46/ORANGE BOULEVARD REZONE A-1 TO C-1

REQUEST INFORMATION	
APPLICANT	C&C Plaza LLC
PROPERTY OWNER	C&C Plaza LLC, Ches Investment Corporation
REQUEST	Rezone property from A-1 (Agriculture District) to C-1 (Retail Commercial District)
HEARING DATE (S)	P&Z: 07/07/04 BCC: 08/10/04
PARCEL ID	30-19-30-300-0200-0000 and 30-19-30-300-021C-0000
LOCATION	Northeast of the intersection of W SR 46 and Orange Boulevard
FUTURE LAND USE	Commercial
FILE NUMBER	Z2004-005
COMMISSION DISTRICT	District 5 – Commissioner McLain

OVERVIEW

Zoning Request: The applicant, C&C Plaza LLC, requests rezoning from A-1 to C-1 on approximately 7.92 acres, located northeast of the intersection of W SR 46 and Orange Boulevard. The future land use designation for the property is COM (Commercial) which allows the proposed C-1 zoning classification.

Existing Land Uses:

	EXISTING ZONING	FUTURE LAND USE	CURRENT USE
SITE	A-1 (Agriculture District)	Commercial	Vacant
NORTH	R-1AA (Single-family Dwelling District)	Low Density Residential	Single-family Residential
SOUTH	PCD (Planned Commercial Development District)	Commercial, Office	Gas Station, Convenience Store
EAST	R-1A (Single-family Dwelling District)	Low Density Residential	Single-family Residential
WEST	A-1(Agriculture District)	Office, Suburban Estates	Plant Nursery

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

SITE ANALYSIS

Facilities and Services:

The proposed zoning is consistent with the adopted future land use designation assigned to the property and would 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.

Transportation / Traffic:

Access is available to the site from SR 46, which is classified as a Principal Arterial and has an adopted Level of Service of "D". SR 46 is currently operating at a Level of Service of "B" in this area.

Compliance with Environmental Regulations:

At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with Surrounding Development:

Currently, the surrounding area has Commercial and Low Density Residential future land use designations. The subject property has a Commercial future land use designation, and the proposed rezone to C-1 would make the zoning and future land use consistent. The property immediately adjacent to the subject property to the west is a gas station/convenience store. When the subject property goes through the site plan approval process, the applicants will be subject to the active/passive buffer standards contained within the Seminole County Land Development Code, in order to ensure compatibility with the residential properties to the north and east.

STAFF RECOMMENDATION

Staff recommends approval of the requested C-1 rezone based on the following findings:

1. The C-1 zoning district would not be detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area; and
2. The C-1 zoning district is compatible with the concepts of its future land use designation of Commercial land use; and
3. The uses within the proposed C-1 zoning district would not have an unduly adverse effect on existing traffic patterns, movements or intensity.

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 A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 ZONING CLASSIFICATION THE C-1 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, "W SR 46/Orange Boulevard Rezone A-1 to C-1."

(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 to C-1:

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 August, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

SEC 30 TWP 19S RGE 30E N 231.7 FT OF S 1881.7 FT OF W 880 FT OF NW 1/4 (LESS RD)

AND

SEC 30 TWP 19S RGE 30E THAT PT OF S 1650 FT OF W 880 FT OF NW 1/4 LYING N OF NEW ST RD 46 (LESS W 351 FT)