

ITEM # _____

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

SUBJECT: SR 434/Lake Rena Rezone from RP (Residential Professional District) to RP (Residential Professional District)

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

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

Agenda Date 11/03/04 **Regular** **Work Session** **Briefing**
Special Hearing – 6:00 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request for a rezone from RP (Residential Professional District) to RP (Residential Professional District), subject to staff conditions, on approximately 1.39 acres, located on the northwest corner of the intersection of SR 434 and Lake Rena Drive (Jack Reynolds, applicant); or
2. Recommend DENIAL of the request for a rezone from RP (Residential Professional District) to RP (Residential Professional District) on approximately 1.39 acres, located on the northwest corner of the intersection of SR 434 and Lake Rena Drive (Jack Reynolds, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 3 – Commissioner Van Der Weide Tina Deater, Senior Planner

BACKGROUND:

The applicant, Jack Reynolds, is requesting a rezone from RP to RP, in order to build an approximately 10,175 square foot dental/medical office. The future land use designation of the subject property is Office, which allows the proposed RP zoning classification.

STAFF RECOMMENDATION:

Staff recommends denial of the rezone from RP to RP, until a site plan is submitted which meets the following conditions:

1. The retention pond is moved so that it only encroaches 12.5' into the required 25' active buffer on the north side of the

Reviewed by:	<i>CR</i>
Co Atty:	_____
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No.	<u>Z2004-042</u>

- site, and the pond is designed so that it does not require fencing; and
2. The encroachment into the required 25' active buffer along the west side of the property is eliminated; and
 3. The applicant demonstrates compliance with Transportation Policy 10.10, which requires that access to a local residential street may only be permitted where improved traffic control has minimal impact on the residential neighborhood.

Attachments:

Proposed Site Plan
Ordinance
Color Maps

SR 434/Lake Rena Rezone from RP to RP

Rezone from RP (Residential Professional District) to RP (Residential Professional District)	Z2004-042
REQUEST	
APPLICANT	Jack Reynolds
REZONING	RP (Residential Professional District) to RP (Residential Professional District)
FUTURE LAND USE	Office
APPROXIMATE GROSS ACRES	1.39
LOCATION	Located on the northwest corner of the intersection of SR 434 and Lake Rena Drive
BCC DISTRICT	District 3 – Commissioner Van Der Weide
RECOMMENDATIONS AND ACTIONS	
STAFF RECOMMENDATION	Staff recommends DENIAL of the rezone from RP to RP.

STAFF ANALYSIS & FINDINGS

OVERVIEW

Zoning Request:

The applicant, Jack Reynolds, is requesting a rezone from RP to RP, in order to build an approximately 10,175 square foot dental/medical office. The rezone is required because although the property was originally rezoned in 1981, an office was never built, and the approval expired. The future land use designation of the subject property is Office, which allows the proposed RP zoning classification.

The applicant is proposing a right-out only exit onto Lake Rena Drive. A joint access easement with the adjacent property owner already exists on the west side of the property, which allows the subject property full access onto SR 434. The applicant has not demonstrated that the additional right-out is necessary and that it has a minimum impact to adjacent residential neighborhoods as required by Transportation Policy 10.10 of the Vision 2020 Comprehensive Plan. Staff, therefore, recommends denial of the rezone from RP to RP until such time that the applicant demonstrates that they are meeting this policy.

The applicant is also requesting three waivers from the requirements of the Seminole County Land Development Code. Under Section 30.123, the Planning Division Manager may allow stormwater retention/detention facilities to encroach into designated landscape buffers to a maximum of fifty (50) percent upon making a finding that all planting and structural requirements of the landscaping provisions of this Code are met and the visual screen provided by the bufferyard will be fully achieved and maintained. Retention areas shall be designed to be dry within twenty-four (24) hours of a twenty-five (25) year storm event and not to require fencing around such areas. The first waiver that the applicant is requesting is to allow the stormwater retention area to encroach 20' into the required 25' active buffer along the north side of the property. Under the code, the Planning Manager could allow it to encroach 12.5'. The second waiver request is to allow the retention area that encroaches into the required buffer to be fenced. Due to the fact that the applicant is utilizing a 4' retaining wall, the retention area must be fenced. The Land Development Code requires that retention areas that encroach into required buffers must be designed so that they do not require fencing. The third waiver requested is to reduce the required 25' active buffer along the west side of the property to 19' for a distance of approximately 30'.

Staff has reviewed the requested waivers and determined that there is no hardship relating to the configuration of the property that would necessitate these waivers. Although the applicant is proposing to save 25% of the trees onsite and is well under the maximum impervious area allowed on the site (65% allowed and 51% proposed), the applicant is providing seven parking spaces above and beyond what is required. The applicant could reduce the size of the building and/or remove parking spaces in order to eliminate the encroachments into the buffer and to allow a retention pond design that does not require fencing. Staff, therefore, does not support the requested waivers.

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

Location	Future Land Use*	Zoning*	Current Use
Site	Office	RP (Residential Professional District)	Vacant
North	LDR (Low Density Residential)	R-1AA (Single-family Dwelling District)	Single-family Residential
South	City of Altamonte Springs Commercial	City of Altamonte Springs Commercial	Mini Warehouses, Shopping Center
East	Office	R-1A (Single-family Dwelling District), R-1AA (Single-family Dwelling District) and A-1 (Agriculture District)	Office
West	Office	R-1A (Single-family Dwelling District)	Office

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 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.

Water service is available to the site and supplied by Seminole County. Sewer service would be provided by an onsite septic system.

Transportation / Traffic:

Access is available to the site from SR 434. SR 434 is classified as an Arterial and has an adopted Level of Service of "E". It is currently operating at a Level of service of "B" in this area.

Compliance with Environmental Regulations:

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

Compatibility with Surrounding Development:

The property has an Office future land use designation, and the proposed RP zoning classification is allowed in that future land use category. The property is surrounded by Low Density Residential future land use on the north and Office future land uses to the east and west. To the south of the subject property is Commercial future land use in the City of Altamonte Springs.

STAFF RECOMMENDATION

Staff recommends denial of the rezone from RP to RP, until a site plan is submitted which meets the following conditions:

1. The retention pond is moved so that it only encroaches 12.5' into the required 25' active buffer on the north side of the site, and the pond is designed so that it does not require fencing; and
2. The encroachment into the required 25' active buffer along the west side of the property is eliminated; and

3. The applicant demonstrates compliance with Transportation Policy 10.10, which requires that access to a local residential street may only be permitted where improved traffic control has minimal impact on the residential neighborhood.

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 RP ZONING CLASSIFICATION THE RP 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, "SR 434 Lake Rena Rezone RP to RP."

(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 RP in accordance with the contents of the documents titled, "SR 434 Lake Rena Rezone RP to RP Staff Report."

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 the date of filing with the Department.

ENACTED this 14th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____

Chairman

EXHIBIT A
LEGAL DESCRIPTION

LOT 1 + N 25 FT OF ST ON S BLK A MEREDITH MANOR NOB HILL SECTION - LOT 2
BLK A + N 25 FT OF ST ADJ ON S AND E 1/2 VACD ST ADJ ON W MEREDITH MANOR
NOB HILL SECTION - ALL BLK D (LESS ELY 6 SQ FT FOR RD) + S 25 FT OF VACD ST
ADJ ON N AND E 25 OF S 109.08 FT OF VACD ST ADJ ON W MEREDITH MANOR NOB
HILL SECTION - LEG SEC 04 TWP 21 S RGE 29 E BEG SW COR LOT 2 BLK A
MEREDITH MANOR NOB HILL SECTION RUN N 170 FT W 25 FT S 170 FT E 25 FT TO
BEGINNING.

EAST LAKE BRANTLEY SHORES CIVIC ASSOCIATION



Mary Bell Streetman, Secretary
125 Lake Rena Drive
Longwood, FL 32779
(407) 862-1273 Fax (407) 788-7523

October 19, 2004

Ms. Tina Deater, Senior Planner
Seminole County Planning & Development Department
Planning Division
1101 East First Street
Sanford, FL 32771-1468

Dear Ms. Deater:

At the Annual Membership Meeting of the East Lake Brantley Shores Civic Association held October 5, 2004, there was discussion relative to the rezoning of 1.39 acres on the northwest corner of the intersection of SR434 and Lake Rena Drive (Z2004-042). The Association voted to vigorously oppose any access to this property from Lake Rena Drive and appointed one of our members, Fred Streetman, to represent us in this matter.

All of the property rezoned RP along S.R. 434 between East Lake Brantley Road and Lake Rena Drive was required to be developed with a wall to its rear guaranteeing no access on to Lake Rena Drive. Our Association believes that a curb cut on Lake Rena Drive to accommodate this proposed project is an unacceptable intrusion into our neighborhood that would create extreme safety hazards and destroy the esthetics of the attractive entry to our neighborhood that we have expended time and money to create and maintain for many years.

Please include this objection in the official records for all County reviews and public hearings regarding this project (Z2004-042).

Sincerely yours,
EAST LAKE BRANTLEY SHORES CIVIC ASSOCIATION

A handwritten signature in black ink that reads "Mary Bell Streetman". The signature is written in a cursive style.

Mary Bell Streetman, Secretary

Copy: ELBSCA Board of Directors

Fred W. Streetman, Jr.

*125 Lake Rena Drive
Longwood, FL 32779
(407) 862-1273 Cell: (407)256-7296
Fax: (407) 788-7523*

FAX TRANSMISSION COVER SHEET

Date: *October 19, 2004*
To: *Tina Deater, Senior Planner*
Fax: *407-665-7385*
Subject: *Homeowners' Objection to Lake Rena Drive curb cut (Z2004-042)*
Sender: *Fred Streetman*

*YOU SHOULD RECEIVE 2 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT
RECEIVE ALL THE PAGES, PLEASE CALL (407) 862-1273.*

Dear Tina:

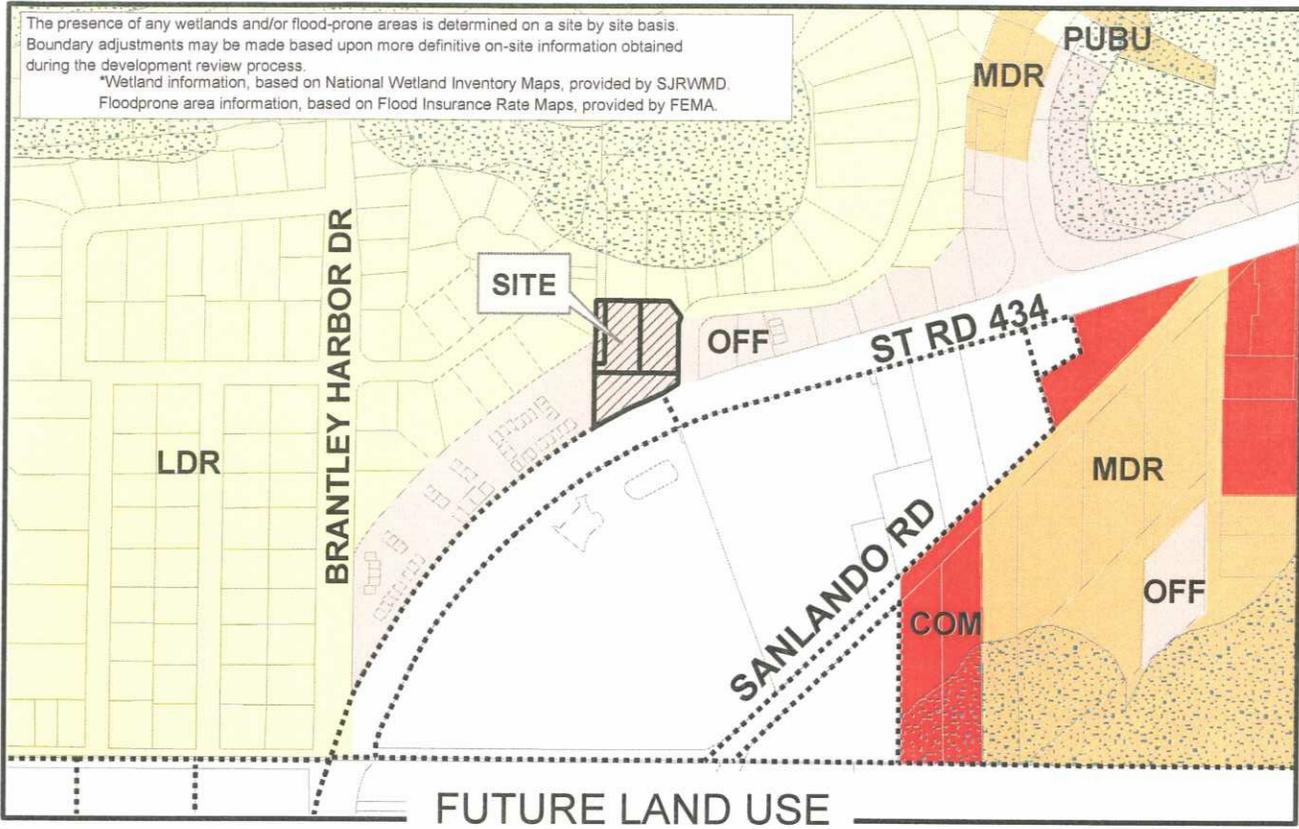
Thank you for meeting with me this morning and for clarifying the County's position on the Lake Rena curb cut shown on the plans for the property on the northwest corner of the intersection of SR 434 and Lake Rena Drive (Z2004-042). I'm relieved to know that the County would not allow this curb cut without the agreement of the East Lake Brantley Shores Homeowners.

The following letter confirms that the homeowners are in strong opposition to any access to this property from Lake Rena Drive. I will also mail you the original of this letter.

Thanks again for your help. It was nice to meet you.

Fred Streetman

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.

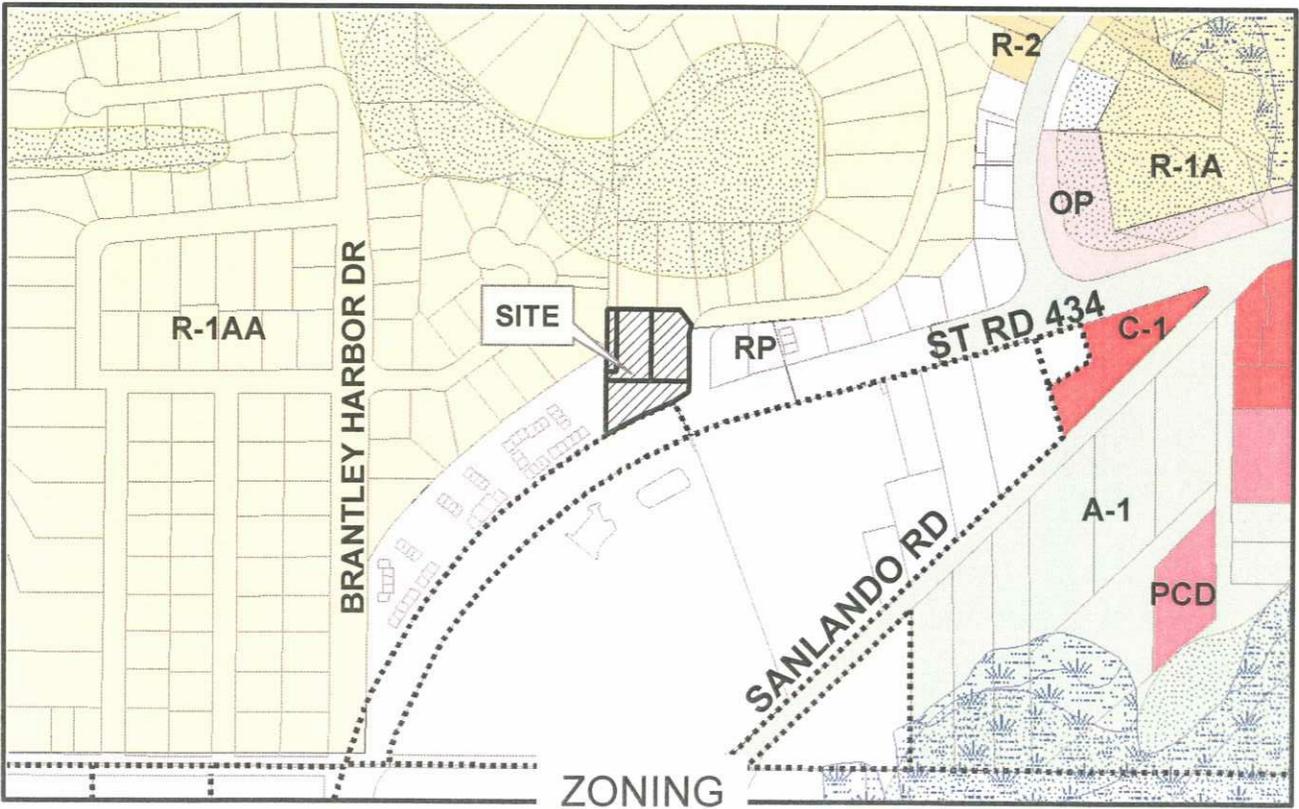


FUTURE LAND USE

Site
 Municipality
 LDR
 MDR
 OFF
 COM
 PUB
 CONS

Applicant: Roy C. Raymond
 Physical STR: all parcels 042129: 514-A-1,A-2, D-0, & 300-023A
 Gross Acres: 1.39 BCC District: 3
 Existing Use: Vacant Commercial
 Special Notes: None

	Amend/Rezoning#	From	To
FLU	n/a	n/a	n/a
Zoning	z2004-042	RP	RP



ZONING

A-1
 R-1AA
 R-1A
 R-2
 RP
 OP
 C-1
 PCD
 FP-1
 W-1



Rezone No: Z2004-042
From: RP To: RP

-  Parcel
-  Subject Property



February 1999 Color Aerials