

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

SUBJECT: Isola Retail Center, Rezone from M-1 (Industrial) to PCD (Planned Commercial Development). (Robert Isola, applicant.)

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

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

Agenda Date 01/05/05 **Regular** **Work Session** **Briefing**
Special Hearing – 6:00 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request for rezoning from M-1 (Industrial) to PCD (Planned Commercial District) on 3.25 acres on the west side of Longwood-Lake Mary Road 300' north of CR 427, based on staff findings and the attached development order (Robert Isola, applicant); or
2. Recommend DENIAL of the request for rezoning from M-1 (Industrial) to PCD (Planned Commercial District) on 3.25 acres on the west side of Longwood-Lake Mary Road 300' north of CR 427, (Robert Isola, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 4 – Comm. Henley)

(Jeff Hopper, Senior Planner)

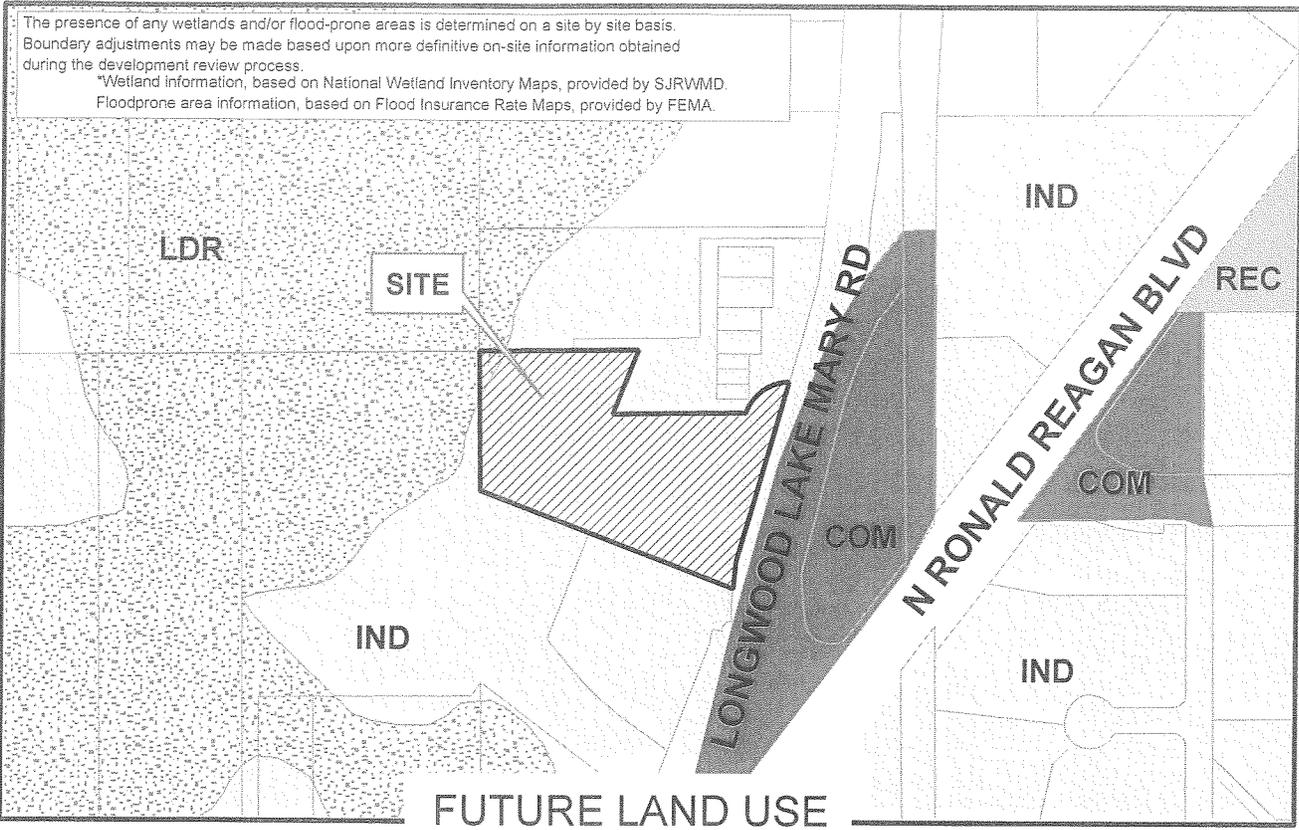
BACKGROUND:

The applicant requests PCD approval for 14,000 square feet of commercial floor space on property in an Industrial Future Land Use designation. The 3.25-acre development is proposed for predominantly C-3 uses. The M-1 zoning now assigned to the property permits a wide range of commercial activities, but excludes certain low-intensity uses, such as barber shops, which may be desirable to serve the other tenants of the development or the surrounding neighborhood.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the conditions listed in the attached Development Order, which includes limitations on permitted uses.

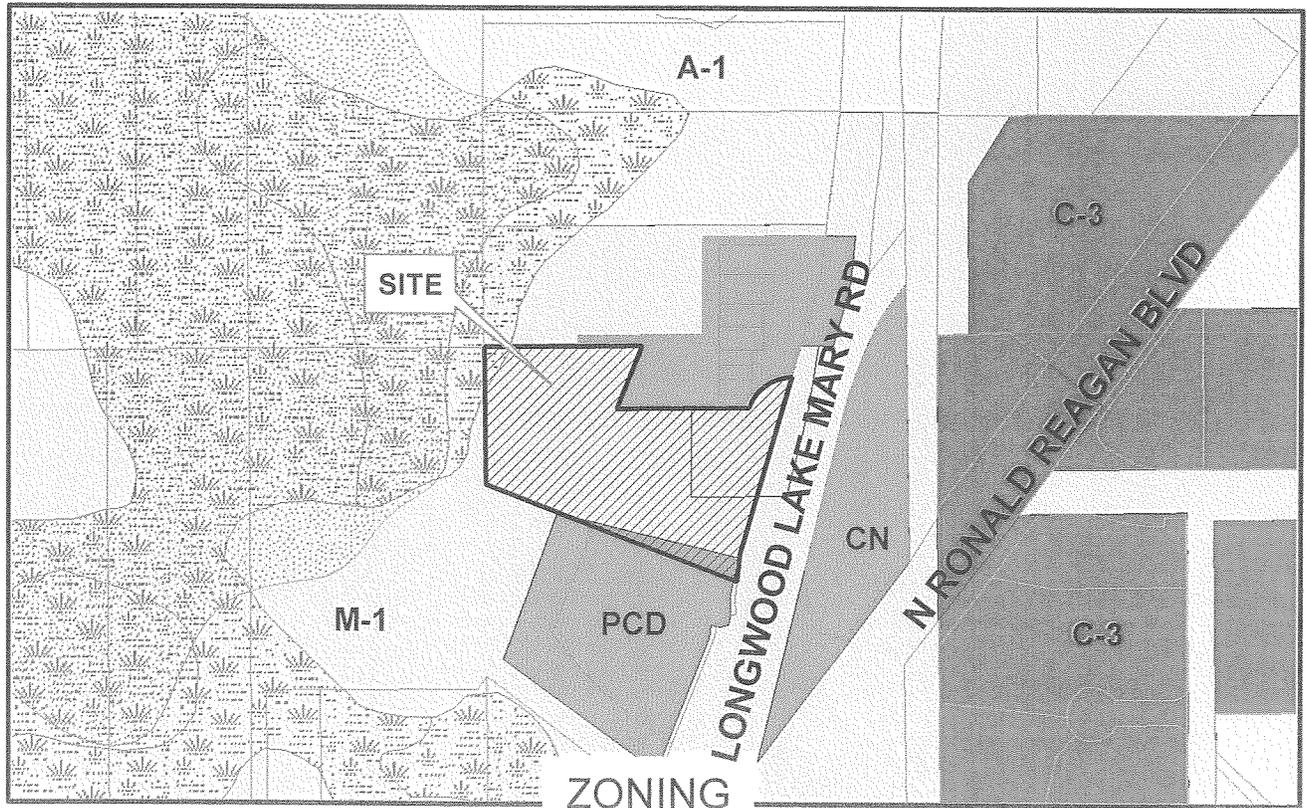
<p>Reviewed by: Co Atty: _____ DFS: _____ OTHER: _____ DCM: _____ CM: _____</p> <p>File No. <u>Z2004-060</u></p>
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Site
 LDR
 COM
 IND
 REC
 CONS

Applicant: Robert E. Isola
 Physical STR: 29-20-30-521-0000-0020
 Gross Acres: +/- 3.25 BCC District: 4
 Existing Use: Vacant Commercial
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-060	M-1	PCD



Site
 CN
 C-3
 M-1
 A-1
 PCD
 FP-1
 W-1



Rezone No: Z2004-060
From: M-1 To: PCD

-  Parcel
-  Subject Property



February 1999 Color Aerials

**ISOLA RETAIL CENTER
REQUEST INFORMATION**

APPLICANT	Robert Isola	
PROPERTY OWNER	Merrill P. and Donna G. Scrimsher	
REQUEST	Industrial (M-1) to Planned Commercial Development (PCD)	
HEARING DATE(S)	P&Z: Jan. 5, 2005	BCC: Feb. 8, 2005
SEC/TWP/RNG	29-20-30-521-0000-0020	
LOCATION	300 feet north of intersection of CR 427 & Longwood-Lake Mary Road, west side of Longwood-Lake Mary Road	
FUTURE LAND USE	Industrial	
FILE NUMBER	Z2004-060	
COMMISSION DISTRICT	District 4 (Henley)	

OVERVIEW

Zoning Request: The applicant requests PCD approval for 14,000 square feet of commercial floor space on property in an Industrial Future Land Use designation. The 3.25-acre development is proposed for predominantly C-3 uses. The M-1 zoning now assigned to the property permits a wide range of commercial activities, but excludes certain low-intensity uses, such as barber shops, which may be desirable to serve the other tenants of the development or the surrounding neighborhood.

The applicant is proposing an office-warehouse facility providing for heavy commercial uses such as storage, upholstery shops, and contractors' offices, but with a component of small retail and service uses on a neighborhood scale. Examples of this are ice cream shops, shoe repair and delicatessens. The resulting development would offer a wide range of services to the wider community, but could also appeal to customers coming on foot or by bicycle from nearby residential neighborhoods.

Specific uses currently anticipated by the applicant include a paint store and sales of lawn care products and equipment. Prohibited uses proposed by the applicant include adult entertainment establishments, automobile sales, and convenience stores. Additional prohibitions may be considered, such as communications towers, tattoo parlors and outdoor advertising (off-site) signs.

Existing Land Uses: The existing zoning designations and land uses are as follows:

	Zoning	Future Land Use	Existing Land Use
North	PCD / M-1	Industrial	office-warehouse
South	PCD / M-1	Industrial	convenience store
East	CN	Commercial	convenience store
West	M-1	Industrial	vacant

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

SITE ANALYSIS

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. 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 Vision 2020 Plan.
3. Seminole County will provide water and sewer service to the site.
4. Information on stormwater capacity and outfall will have to be provided prior to Final Master Plan approval.

Compliance with Environmental Regulations: At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with Surrounding Development: The proposed PCD zoning classification is compatible with the Industrial land use designation.

STAFF RECOMMENDATION

Staff recommends approval of the requested PCD zoning classification per the Development Order. If approved, the development should be subject to the following conditions:

- a. Allowable uses shall be those listed as permitted or special exception uses in the C-3 district.
- b. The following uses shall be prohibited:
 - adult entertainment establishments
 - alcoholic beverage establishments
 - automobile sales
 - automobile paint and body shops
 - communication towers
 - drive-in theatres
 - marine sales and service
 - mechanical garages
 - multifamily housing
 - outdoor advertising (off-site) signs
 - service stations and/or convenience stores with gas pumps
 - tattoo parlors
- c. Maximum building height shall be 35 feet.

- d. All retention ponds shall be configured as site amenities per Section 30.1344. This shall be evaluated at Final Site Plan approval.
- e. Pedestrian connections shall be provided between interior walkways and public sidewalks along Longwood-Lake Mary Road.
- f. In order to place parking in the cross-access easement recorded in ORB 4507, Page 358, the applicant shall obtain written consent of all property owners holding an interest in the easement. This shall be completed prior to Final Site Plan approval.
- g. Outdoor storage on the site shall require a major PCD amendment designating a specific area on the site plan for such use. This area shall be located, screened, and/or landscaped so as not to be visible from Longwood-Lake Mary Road or neighboring properties. Further, it shall not impede safe, efficient traffic circulation or occupy required parking. Outdoor storage shall be used only by tenants of the development.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On February 8, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 2 LONGWOOD-LAKE MARY CENTER PB 64 PGS 9 & 10

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: MERRILL P. AND DONNA G. SCRIMSCHER

Project Name: ISOLA RETAIL CENTER

Requested Development Approval: Rezone from M-1 (Industrial) to PCD (Planned Commercial Development)

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: JEFF HOPPER
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. Allowable uses shall be those listed as permitted or special exception uses in the C-3 district.
- b. The following uses shall be prohibited:
 - adult entertainment establishments
 - alcoholic beverage establishments
 - automobile sales
 - automobile paint and body shops
 - communication towers
 - drive-in theatres
 - marine sales and service
 - mechanical garages
 - multifamily housing
 - outdoor advertising (off-site) signs
 - service stations and/or convenience stores with gas pumps
 - tattoo parlors
- c. Maximum building height shall be 35 feet.
- d. All retention ponds shall be configured as site amenities per Section 30.1344. This shall be evaluated at Final Site Plan approval.
- e. Pedestrian connections shall be provided between interior walkways and public sidewalks along Longwood-Lake Mary Road.
- f. In order to place parking in the cross-access easement recorded in ORB 4507, Page 358, the applicant shall obtain written consent of all property owners holding an interest in the easement. This shall be completed prior to Final Site Plan approval.
- g. Outdoor storage on the site shall require a major PCD amendment designating a specific area on the site plan for such use. This area shall be located, screened, and/or landscaped so as not to be visible from Longwood-Lake Mary Road or neighboring properties. Further, it shall not impede safe, efficient traffic circulation or occupy required parking. Outdoor storage shall be used only by tenants of the development.

(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: _____
Carlton D. Henley
Chairman
Board of County Commissioners

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Merrill P. Scrimsher, on behalf of himself and his heirs, 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

MERRILL P. SCRIMSCHER

Print Name

Witness

Print Name

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 MERRILL P. SCRIMSCHER, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Donna G. Scrimsher, on behalf of herself and her heirs, 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

DONNA G. SCRIMSCHER

Print Name

Witness

Print Name

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 DONNA G. SCRIMSCHER, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

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 M-1 (INDUSTRIAL) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) 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 "Isola Retail Center".

(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 M-1 (Industrial) to PCD (Planned Commercial Development):

LOT 2 LONGWOOD-LAKE MARY CENTER PB 64 PGS 9 & 10

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 on the recording date of the Development Order # 4-20500006 in the Official Land Records of Seminole County.

ENACTED this 8th day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman