

ITEM # \_\_\_\_\_

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

**SUBJECT:** W SR 46/ C&C PLAZA-Lot 1 Rezone from A-1 to C-1

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

**AUTHORIZED BY:** Tony Walter **CONTACT:** Chris Schmidt **EXT.** 7440

<b>Agenda Date</b> <u>01/11/06</u> <b>Regular</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/> <b>Special Hearing – 6:00</b> <input type="checkbox"/> <b>Public Hearing – 7:00</b> <input checked="" type="checkbox"/>
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**MOTION/RECOMMENDATION:**

1. Recommend APPROVAL of a request to rezone approximately 1.0 ± acres from A-1 (Agriculture District) to C-1 (Retail Commercial District), located on the north side of West SR 46, approximately 830 feet east of Orange Boulevard, based on staff findings, (Young Bok Kim, applicant); or
2. Recommend DENIAL of a request to rezone approximately 1.0 ± acres from A-1 (Agriculture District) to C-1 (Retail Commercial District), located on the north side of West SR 46, approximately 830 feet east of Orange Boulevard, based on staff findings, (Young Bok Kim, applicant); or
3. CONTINUE the item to a time and date certain.

District 5 – Commissioner Carey

Chris Schmidt, Senior Planner

**BACKGROUND:**

The applicant is requesting to rezone 1.0 ± acres from A-1 (Agriculture District) to C-1 (Retail Commercial District). The requested zoning would allow retail commercial on the subject site. Under the current A-1 zoning designation, a minimum of 1 dwelling unit per net buildable acre is permitted. Retail commercial however, would not be permitted under the zoning designation.

<b>Reviewed by:</b> <b>Co Atty:</b> <u>    <i>CS</i>    </u> <b>DFS:</b> _____ <b>OTHER:</b> _____ <b>DCM:</b> _____ <b>CM:</b> _____  <b>File No. Z 2005-070</b>
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The Future Land Use designation of the subject site is COM (Commercial), which allows CN, CS, C-1, C-2, A-1, PUD, PCD, PLI, OP, and RP zoning districts. The applicant intends to rezone the property to C-1 and develop the site with C-1 commercial uses.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of a request to rezone approximately 1.0 ± acres from A-1 (Agriculture District) to C-1 (Retail Commercial District), located on the north side of West SR 46, approximately 830 feet east of Orange Boulevard, based on staff findings.

Attachments:

Staff Analysis  
Location Map  
FLU/Zoning Map  
Aerial Photo  
Ordinance

## W SR46 / C7C Plaza - Lot Rezone / Z2005-070

### Rezone from A-1 to C-1

<b>APPLICANT</b>	Young Bok Kim	
<b>PROPERTY OWNER</b>	Orange 46 Plaza LLC	
<b>REQUEST</b>	Rezone from A-1 (Agriculture District) to C-1 (Retail Commercial District)	
<b>PROPERTY SIZE</b>	1.0 ± acres	
<b>HEARING DATE (S)</b>	P&Z: January 11, 2006	BCC: February 28, 2006
<b>PARCEL ID</b>	30-19-30-514-0000-0010	
<b>LOCATION</b>	North side of West SR 46, approximately 830 feet east of Orange Boulevard	
<b>FUTURE LAND USE</b>	COM (Commercial)	
<b>ZONING</b>	A-1 (Agriculture District)	
<b>FILE NUMBER</b>	Z2005-032	
<b>COMMISSION DISTRICT</b>	#5 – CAREY	

#### Proposed Development:

The applicant is proposing to develop the site with C-1 commercial uses.

#### ANALYSIS OVERVIEW:

##### ZONING REQUEST

The applicant, Young Bok Kim, is requesting to rezone 1.0 ± acres from A-1 (Agriculture District) to C-1 (Retail Commercial District). The subject property is located on the north side of West SR 46, approximately 830 feet east of Orange Boulevard. The Future Land Use designation of the subject property is COM (Commercial), which permits a maximum 0.35 FAR. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of C-1 (Retail Commercial District):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (C-1)
Minimum Lot Size	43,560 square feet	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	N/A
Front Yard Setback	50 feet	*50 feet
Side Yard Setback	30 feet	0 feet
(Street) Side Yard Setback	25 feet	25 feet
Rear Yard Setback	10 feet	10 feet
Maximum Building Height	35 feet	35 feet

\*SR 46 Gateway Corridor requirement

**PERMITTED & SPECIAL EXCEPTION USES**

The following tables depict the permitted and special exception uses within the existing and proposed zoning districts:

<b>Zoning District</b>	<b>Permitted Uses</b>	<b>Special Exception</b>	<b>Minimum Lot Size</b>
<p>A-1 (existing)</p>	<p>Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.</p>	<p>Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.</p>	<p>1 acre</p>

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
C-1 (proposed)	<p>Any use permitted in the CS District. Amusement and commercial recreation within an enclosed building. Appliance stores. Bakeries, where all goods are sold on premises at retail. Banks. Churches. Day nurseries, kindergartens. Employment agencies. Funeral homes. Furniture stores. Hardware stores. Laundrettes and laundromats. Pet stores. Plant nurseries. Private clubs and lodges. Quick print shops. Radio and television broadcasting studios, excluding towers. Radio and television sales and service. Restaurants, but not drive-in. Theatres, but not drive-in. Multifamily housing - such as condominiums, apartments and townhouses of medium to high density. Density and design criteria must conform to the standards for properties assigned the R-3 zoning classification. Above-store or above-office flats. Dry cleaners utilizing a dry cleaning machine, found to be similar in nature by the Planning Manager, which provide dry cleaning services to only those customers bringing clothing and other materials to the site for service; provided, however, that this provision shall not apply to dry cleaning businesses with pick-up service or satellite facilities or to a dry cleaning plant. Veterinary clinics with no overnight boarding except for animals being treated on the premises at the time of their boarding. Communication towers when camouflage in design.</p>	<p>Alcoholic beverage establishments. Public utility structures. Gasoline pumps as an accessory use. Living quarters, in conjunction with a commercial use, to be occupied by the owner or operator of the business or an employee. Hospitals and nursing homes. All communication towers which are not permitted uses. Parking of semi-tractor trailers and cargo trailer boxes in rural areas for the sale of feed, hay, or other agricultural products when such products are offered for retail sale from said trailer and when the trailer is located outside of the urban/rural boundary. Trailers must be mobile and used on an interim basis until exchanged for a like trailer.</p>	N/A

**COMPATIBILITY WITH SURROUNDING PROPERTIES**

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)

	<b>LDR</b> Single-Family <i>R-1A</i> <i>(9,000 sf lots)</i> <i>(2,200 sq. ft. residence)</i>	<b>LDR</b> Single-Family <i>R-1A</i> <i>( 9,000 sq. ft. lots)</i> <i>(2,100 sq. ft. residence)</i>		
(West)	<b>COM</b> Commercial <i>C-1</i>	<b>COM</b> Commercial <i>A-1</i>	<b>COM</b> Vacant <i>A-1</i> <i>(9,000 sq. ft. lots)</i>	(East)
	<b>OFF</b> Roadway/Vacant <i>A-1</i> <i>(9,000 sq. ft. lots)</i>	<b>OFF</b> Roadway/Church <i>OP</i> <i>(15,000 sq. ft. lots)</i>	<b>OFF</b> Roadway/Church <i>OP</i> <i>(15,000 sq. ft. lots)</i>	

(South)

\* **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

**SITE ANALYSIS:**

**ENVIRONMENTAL IMPACTS**

*Floodplain Impacts:*

Based on FEMA map #539 Florida Quadrangle Map, there appears to be no floodplains located on the subject property. Compliance with the Land Development Code regarding flood prone areas is required prior to the issuance of any building permits.

*Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

*Endangered and Threatened Wildlife:*

Based on preliminary analysis, there are no endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern survey will be required prior to final engineering approval.

**PUBLIC FACILITY IMPACTS**

Rule 9J-5.0055(3) (c), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant is required to undergo Concurrency review prior to final engineering approval.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1)	Proposed Development*	Net Impact
Water (GPD)	700	4,269	3569
Sewer (GPD)	700	3,202	2502
Traffic (ADT)	10	492	482
Schools			
Elementary	1	0	-1
Middle	1	0	-1
High	1	0	-1

\* Proposed development on straight zoning is based on the permitted FAR of 0.35 using gross acreage.

*Utilities:*

The site is located in the Seminole County service area and will be required to connect to public utilities. However, water capacity for new development is limited in the Northwest Service Area. There is a 12-inch water main on the north side of SR 46 and a 12-inch water main on the east side of Orange Blvd. There is a 12-inch force main on the north side of SR 46. The applicant will be required to connect to the 20-inch reclaim water main on the south side of SR 46. A letter of capacity and intent from Seminole County for water, wastewater and reclaimed water service is required at the time of Concurrency review, and approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

*Transportation / Traffic:*

The property accesses SR 46, which is classified as a 4-lane divided major arterial road. SR 46 is currently operating at a level of service "C". State Road 46 is not currently programmed to be improved according to the County 5-year Capital

Improvement Program. Staff has determined the access will be right in/right out at the site entrance. SR 46 may be part of the proposed Western Beltway.

*School Impacts:*

The proposed project will consist of C-1 (Retail Commercial District) uses and will not generate any school age children.

*Public Safety:*

The nearest response unit to the subject property is Station # 34, which is located at 4905 West SR 46. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 2.4 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

*Drainage:*

The proposed project is located within the Lake Monroe drainage basin. This will be further evaluated in more detail prior to final engineering approval.

*Parks, Recreation and Open Space:*

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in common open space. Per Section 30.1344 (e), the common open space may include landscape buffers, as well as the preservation of floodplain areas, wetlands and other natural resources.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

This project does not warrant running the County Fiscal Impact Analysis Model.

**SPECIAL DISTRICTS**

The subject property is within the SR 46 Gateway Corridor District. The applicant will be required to comply with all policies applicable to the SR 46 Gateway Corridor District including, but not limited to, increased setbacks.

**COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

- Policy CON 1.8: Conservation Overlay District
- Policy POT 4.5 Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection

Policy PUB 2.1 Public Safety Level-of-Service

**INTERGOVERNMENTAL NOTIFICATION:**

Intergovernmental notices were not sent; the subject site is not within or directly adjacent to any local municipality and will not impact schools.

**LETTERS OF SUPPORT OR OPPOSITION:**

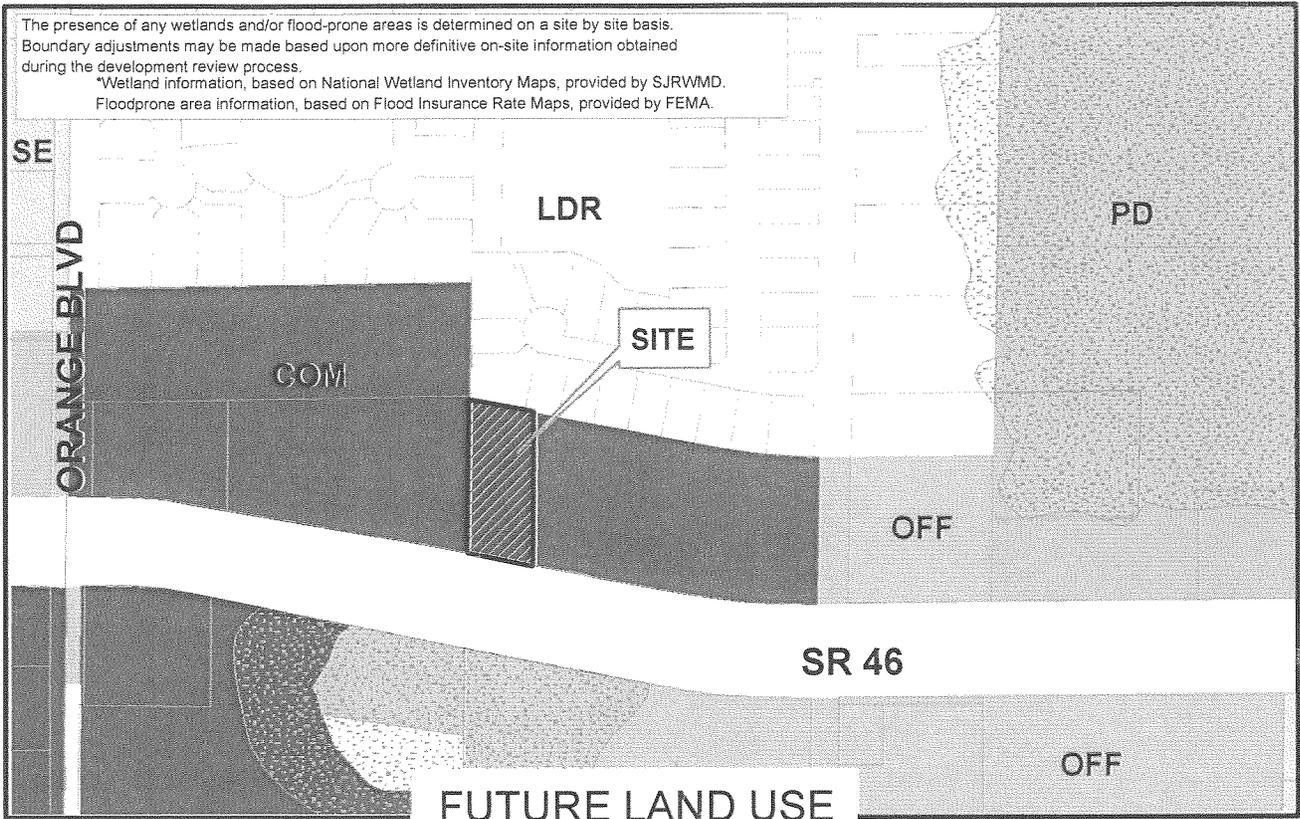
At this time, Staff has received no letters of support or opposition.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request to rezone 1.0 ± acres from A-1 (Agriculture District) to C-1 (Retail Commercial District), located on the north side of West SR 46, approximately 830 feet east of Orange Boulevard.



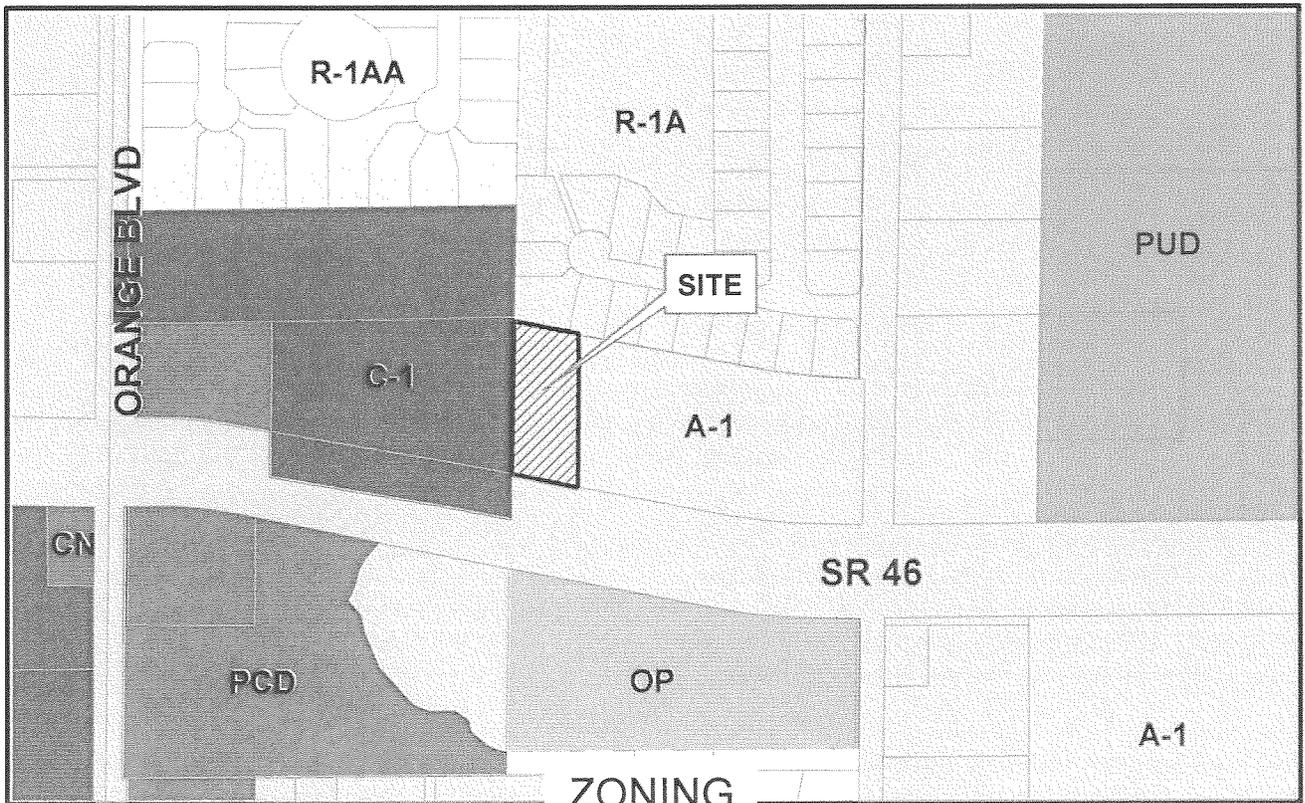
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.  
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site  
  Municipality  
 LDR  
  OFF  
  COM  
  SE  
  PD  
  CONS

Applicant: Young Bok Klm  
 Physical STR: 30-19-30-514-0000-0010  
 Gross Acres: 1 acre +/-      BCC District: 5  
 Existing Use: Vacant Office Professional  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-070	A-1	C-1



A-1  
  R-1A  
  R-1AA  
  CN  
  C-1  
  PGD  
  OP  
  PUD  
 FP-1  
 W-1



Z2005-070  
SITE

SR 46

Rezone No: Z2005-070  
From: A-1 To: C-1

-  Parcel
-  Subject Property



January 2004 Color Aerials

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE DISTRICT) ZONING CLASSIFICATION THE C-1 (RETAIL COMMERCIAL DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; 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 SR46 / C&C Plaza – Lot 1 Rezone".

(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 District) to C-1 (Retail Commercial District):

Lot 1, C & C Plaza, According to the plat thereof as recorded in Plat Book 68, Pages 28 and 29, Public Records of Seminole County, Florida.

**Section 3. 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 4. 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 #     in the Official Land Records of Seminole County.

ENACTED this 28th day of FEBRUARY 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman