

ITEM # _____

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

SUBJECT: NEC SR 426 and Chapman Road Small Scale Land Use Amendment from MDR to COM and Rezone from R-3A to CN.

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

AUTHORIZED BY: Tony Walter **CONTACT:** Michael Rumer EXT. 7431

Agenda Date 04/05/2006 Regular Work Session Briefing
Special Hearing – 6:00 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of a request for a Small Scale Land Use amendment from MDR (Medium Density Residential) to COM (Commercial), and rezone from R-3A (Multiple-family Dwelling) to CN (Restricted Neighborhood Commercial), located on the northeast corner of SR 426 and Chapman Road, based on staff findings, (Larry Poliner, CPH Engineers, applicant); or
2. Recommend DENIAL of a request for a Small Scale Land Use amendment from MDR (Medium Density Residential) to COM (Commercial), and rezone from R-3A (Multiple-family Dwelling) to CN (Restricted Neighborhood Commercial), located on the northeast corner of SR 426 and Chapman Road, (Larry Poliner, CPH Engineers, applicant); or
3. CONTINUE the item to a time and date certain.

District 1 – Commissioner Dallari

Michael Rumer, Senior Planner

BACKGROUND:

The applicant is requesting to amend the Future Land Use designation of a 2.28 ± acre parcel from MDR (Medium Density Residential) to COM (Commercial), and a rezone from R-3A (Multiple-family Dwelling) to CN (Restricted Neighborhood Commercial). The subject property is located on the northeast corner of SR 426 and Chapman Road. The Future Land Use designation of the subject

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____

File No. Z 2005-061

property is MDR (Medium Density Residential), which permits a maximum density of ten (10) dwelling units per net buildable acre. The proposed Future Land Use designation of COM (Commercial) permits a Floor Area Ratio (FAR) of 0.35. The proposed zoning classification of CN (Restricted Neighborhood Commercial) permits uses that are compatible with the existing surrounding uses.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a Small Scale Land Use amendment from MDR (Medium Density Residential) to COM (Commercial) and rezone from R-3A (Multiple-family Dwelling) to CN (Restricted Neighborhood Commercial) for the parcel located on the northeast corner of SR 426 and Chapman Road.

ATTACHMENTS:

Location Map
Zoning & Future Land Use Map
Aerial Map
Land Use Amendment Ordinance
Rezone Ordinance

NEC SR 426 & Chapman Road Rezone
SSLUA from MDR to COM
Rezone from R-3A to CN

APPLICANT	Larry Poliner, CPH Engineers	
PROPERTY OWNER	Lutheran Haven	
REQUEST	Small Scale Land Use Amendment for MDR to COM and rezone from R-3A to CN	
PROPERTY SIZE	2.28 ± acres	
HEARING DATE (S)	P&Z: April 05, 2006	BCC: May 09, 2006
PARCEL ID	20-21-31-5CB-0000-00G0 / 20-21-31-300-011C-0000	
LOCATION	Northeast corner of SR 426 and Chapman Road	
FUTURE LAND USE	MDR (Medium Density Residential)	
ZONING	R-3A (Multiple-family Dwelling)	
FILE NUMBER	Z2005-061 / FLUA 12-05SS.02	
COMMISSION DISTRICT	#1 – Dallari	

Proposed Development:

The applicant is proposing to develop the site into a retail center.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to amend the Future Land Use designation of a 2.28 ± acre parcel from MDR (Medium Density Residential) to COM (Commercial), and rezone from R-3A (Multiple-Family Dwelling) to CN (Restricted Neighborhood Commercial). The subject property is located on the northeast corner of SR 426 and Chapman Road. The Future Land Use designation of the subject property is MDR (Medium Density Residential), which permits a maximum density of ten (10) dwelling units per net buildable acre. The proposed land use designation of COM (Commercial) permits a Floor Area Ratio (FAR) of 0.35. The proposed zoning classification of CN (Restricted Neighborhood Commercial) permits uses that are compatible with the existing surrounding uses. The following table depicts the allowable zoning classifications for the current Future Land Use of MDR (Medium Density Residential) and the requested designation of COM (Commercial):

Land Use Designation	Allowable Zoning Classifications	Density
MDR (Existing)	RM-1 Single-Family Mobile Home RM-2 Single-Family Mobile Home Park R-2 One and Two-Family Dwelling R3-A Multiple-Family Dwelling R-1B Single-Family Dwelling R-1BB Single-Family Dwelling RP Residential Professional (All Low Density Residential zonings)	10 du/ac
COM (Proposed)	CN Restricted Neighborhood Commercial CS Convenience Commercial C-1 Retail Commercial C-2 Retail Commercial A-1 Agriculture PUD Planned Unit Development PCD Planned Commercial Development PLI Public Lands and Institutions OP Office RP Residential Professional	0.35 FAR (Mixed Use – medium to high residential uses)

The following table depicts the minimum regulations for the current zoning district of R-3A (Multiple-Family Dwelling) and the requested district of CN (Restricted Neighborhood Commercial):

DISTRICT REGULATIONS	Existing Zoning (R-3A)	Proposed Zoning (CN)
Minimum Lot Size	N/A	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	N/A	100 feet
Front Yard Setback	35 feet	50 feet
Side Yard Setback	35 feet	0 feet
(Street) Side Yard Setback	35 feet	50 feet
Rear Yard Setback	35 feet	10 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
R-3A (existing)	One-, two-, or three-story apartment buildings, townhouses and condominiums and their customary accessory and personal service uses, Public and private elementary schools.	Public and private middle schools and high schools, Churches, Personal service uses, if not approved at time of zoning, Adult living facilities and group homes, Communication towers, Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the Planning Manager.	N/A
CN (proposed)	Artist studios, Barber and beauty shops, Book, stationery, and newsstands, Clinics, except animal, Confectionery and ice cream stores, Dance and music studios, Drug and sundry stores, Fire stations, Florist and gift shops, Hobby and craft shops, Interior decorating and draperies, Jewelry stores, Laundry and cleaning pick-up stations, Libraries, Locksmiths, Luggage shops, Office, business, and professional, Photographic studios, Physical fitness studio, Retail paints and wallpaper stores, Post offices, Retail sporting goods, Public and private schools, Shoe repair shops, Tailoring shops, Tobacco shops, Toy stores, Watch and clock repair, Wearing apparel stores.	Communication towers, 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.	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)

	MDR Vacant <i>A-1</i> (43,560 sq. ft. lots)	MDR Retirement Homes <i>R-3A</i> (9,000 sq. ft. lots)	MDR Retirement Homes <i>R-3A</i> (9,000 sq. ft. lots)	
(West)	MDR Single-Family <i>A-1</i> (6,000 sq. ft. lots)	MDR Single-Family <i>R-3A</i>	MDR Retirement Homes <i>R-3A</i> (3,000 sq. ft.)	(East)
	IND Vacant <i>PCD</i> (6,000 sq. ft. lots)	Site of the SEC Rezone from A-1 to C-1	PUBG Cemetery <i>A-1</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 FIRM map number 12117C0165E, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

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 site plan approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3)(c)1-2, 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 and therefore, has submitted an Affidavit of Concurrency Review Deferral. The applicant is required to undergo Concurrency review prior to subdivision approval.

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

Public Facility	Existing Zoning (R-3A)	Proposed Development*	Net Impact
Water (GPD)	5016	12,166	7150
Sewer (GPD)	4560	9,124	4564
Traffic (ADT)	63	985	922
Schools			
Elementary	1	0	-1
Middle	1	0	-1
High	1	0	-1

* Proposed development on straight zoning is based on a maximum 0.65 FAR minus 20% for roads and retention.

Utilities:

The site is located in the service area of Seminole County. There is a 16-inch water main on the south side of Chapman Road with an 8-inch stub-out. There is a 16-inch force main on the east side of SR 426. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

Access will be provided from SR 426. SR 426 currently operates at LOS "B". SR 426 is not programmed to be improved according to the County 5-year Capital Improvement Program. The property is adjacent to Chapman Road which is classified as a Collector roadway. Chapman Road is currently programmed to be improved according to the County 5-year Capital Improvement Program. Staff has determined that no access shall be allowed off of Chapman Road since the site only has 210 ± feet of frontage on Chapman Road which doesn't meet driveway separation standards.

School Impacts:

There are no school impacts from the subject property.

Public Safety:

The nearest response unit to the subject property is Station # 27, which is located at 5280 Red Bug Lake Road. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 5 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 Howell Creek Drainage Basin. There is no positive outfall for the subject property; therefore the applicant will be required to contain a 100-year, 24-hour stormwater event.

Parks, Recreation and Open Space:

The development will be required to meet 25% open space, or 19,863 square feet. This will be verified through the site plan approval process.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is not located within any special districts or overlays.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy FLU 2.5: Transitional Land Uses
Policy FLU 5.3: Strip Commercial Development
Policy FLU 12.4: Relationships of Land Use to Zoning Classification
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 property 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 a Small Scale Land Use amendment from MDR (Medium Density Residential) to COM (Commercial) and rezone from R-3A (Multiple-family Dwelling) to CN (Restricted Neighborhood Commercial) for the parcel located on the northeast corner of SR 426 and Chapman Road.

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO COMMERCIAL (COM) ; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on April 05, 2006, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on May 05, 2006, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

Appendix "A"

(b) The associated rezoning request was completed by means of Ordinance Number xxxxxx.

(c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or

as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community

Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida
32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 5th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

Carlton D. Henley
Chairman

APPENDIX A

COMMENCE AT A 5"x5" CONCRETE MONUMENT STAMPED No. 873 MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN S89°38'02"E ALONG THE SOUTH LINE OF THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 20 A DISTANCE OF 1136.32 FEET; THENCE N00°21'58"E A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE N20°03'20"W A DISTANCE OF 18.85 FEET; THENCE N23°20'55"E A DISTANCE OF 397.72 FEET; THENCE S66°39'05"E A DISTANCE OF 202.02 FEET; THENCE S00°30'33"E, A DISTANCE OF 162.32 FEET; THENCE S23°

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-3A (MULTIPLE-FAMILY DWELLING) ZONING CLASSIFICATION THE CN (RESTRICTED NEIGHBORHOOD COMMERCIAL) 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 NEC SR 426 and Chapman Road 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 R-3A (Multiple-Family Dwelling) to CN (Restricted Neighborhood Commercial):

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. 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 with the Department of State.

ENACTED this 5th day of MAY 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

COMMENCE AT A 5"x5" CONCRETE MONUMENT STAMPED No. 873 MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN S89°38'02"E ALONG THE SOUTH LINE OF THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 20 A DISTANCE OF 1136.32 FEET; THENCE N00°21'58"E A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE N20°03'20"W A DISTANCE OF 18.85 FEET; THENCE N23°20'55"E A DISTANCE OF 397.72 FEET; THENCE S66°39'05"E A DISTANCE OF 202.02 FEET; THENCE S00°30'33"E, A DISTANCE OF 162.32 FEET; THENCE S23°20'55"W A DISTANCE OF 94.33 FEET; THENCE S01°11'29"W A DISTANCE OF 68.48 FEET; THENCE N89°38'02"W A DISTANCE OF 209.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 95,651 SQUARE FEET OR 2.20 ACRES, MORE OR LESS

THE MAPS FOR THIS ITEM WILL
BE PROVIDED AT THE MEETING