

ITEM # _____

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

SUBJECT: SEC SR 426/Chapman Road Small Scale Land Use Amendment from MDR to COM and Rezone from A-1 to C-1.

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

AUTHORIZED BY: Tony Walter **CONTACT:** ^{*MR*} Michael Rumer EXT. 7431

Agenda Date <u>04/05/2006</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 a request for a Small Scale Land Use amendment from MDR (Medium Density Residential) to COM (Commercial), and rezone from A-1 (Agriculture) to C-1 (Retail Commercial), located on the southeast 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 A-1 (Agriculture) to C-1 (Retail Commercial), located on the southeast corner of SR 426 and Chapman Road, based on staff findings, (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 1.56 ± acre parcel from MDR (Medium Density Residential) to COM (Commercial), and a rezone from A-1 (Agriculture) to C-1 (Retail Commercial). The subject property is

Reviewed by: Co Atty: _____ DFS: _____ OTHER: <u>TDW</u> DCM: _____ CM: _____ File No. Z 2005-059
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located on the southeast 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 Future Land Use designation of COM (Commercial) permits a Floor Area Ratio (FAR) of 0.35. The proposed zoning classification of C-1 (Retail 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 a rezone from A-1 (Agriculture) to C-1 (Retail Commercial) for the parcel located on the southeast corner of SR 426 and Chapman Road.

ATTACHMENTS:

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

SEC SR 426 & Chapman Road Rezone

SSLUA from MDR to COM
Rezone from A-1 to C-1

APPLICANT	Larry Poliner, CPH Engineers	
PROPERTY OWNER	Lutheran Haven	
REQUEST	Small Scale Land Use Amendment for MDR to COM and rezone from A-1 to C-1	
PROPERTY SIZE	1.56 ± acres	
HEARING DATE (S)	P&Z: April 05, 2006	BCC: May 09, 2006
PARCEL ID	20-21-31-5CB-0000-00A0	
LOCATION	Southeast corner of SR 426 and Chapman Road	
FUTURE LAND USE	MDR (Medium Density Residential)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2005-059 / FLUA 12-05SS.01	
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 1.56 ± acre parcel from MDR (Medium Density Residential) to COM (Commercial), and rezone from A-1 (Agriculture) to C-1 (Retail Commercial). The subject property is located on the southeast 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 C-1 (Retail Commercial) permits uses that are compatible with the existing surrounding uses. The following table depicts the allowable zoning classifications for the existing Future Land Use designation 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 A-1 (Agriculture) and the requested district of C-1 (Retail Commercial):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (C-1)
Minimum Lot Size	43,560 sf	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150	N/A
Front Yard Setback	50 feet	25 feet
Side Yard Setback	10 feet	0 feet
(Street) Side Yard Setback	50 feet	25 feet
Rear Yard Setback	30 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
<p style="text-align: center;">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 style="text-align: center;">1 acre</p>

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
C-1 (proposed)	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, 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.	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. 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 SR 426 / Single-family Residence <i>A-1</i> (55,321 sq. ft. lot)	MDR Chapman Rd / Vacant <i>R-3A</i>	CHAPMAN RD / MDR Retirement Homes <i>R-3A</i> (9,000 sq. ft. lots)	
(West)	IND SR 426 / Vacant <i>PCD</i>	MDR Vacant <i>A-1</i> (43,560 sq. ft. lots)	PUBG Cemetery <i>A-1</i>	(East)
	IND SR 426 / Vacant <i>PCD</i>	MDR Vacant <i>A-1</i> (43,560 sq. ft. lots)	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 (A-1)	Proposed Development*	Net Impact
Water (GPD)	350	12,166	11,816
Sewer (GPD)	300	9,124	8,824
Traffic (ADT)	10	671	661
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. 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:

Access will be provided from Church Street. Church Street will be required to be improved and paved to County standards from the west property frontage to Chapman Road. The property is adjacent to Chapman Road which is classified as 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 approximately 210 ± feet of frontage on Chapman Road which doesn't meet driveway separation standards for the intersection of Chapman Road and SR 426.

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 retain a 100-year 24-hour stormwater event.

Parks, Recreation and Open Space:

The development will be required to meet 25% common open space, or 16,988 square feet. This requirement will be verified during the site plan approval process.

Buffers and Sidewalks:

At the time of development an active/passive setback and buffer per Seminole County code will be applied to any property boundary that is adjacent to residential Land Use designations. At time of development, a 5-foot sidewalk is required to be installed along the property frontage on Chapman Road and Church Street.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant the running of 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 A-1 (Agriculture) to C-1 (Retail Commercial) for the parcel located on the southeast 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

LOTS "A" AND "B", SLAVIA FARMS AS RECORDED IN PLAT BOOK 6, PAGE 97,
PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, (LESS ROAD RIGHT OF
WAY ALONG S.R. No. 426(ALOMA AVE.)

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 A-1 (AGRICULTURE) ZONING CLASSIFICATION THE C-1 (RETAIL 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 SEC 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 A-1 (Agriculture) to C-1 (Retail 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.

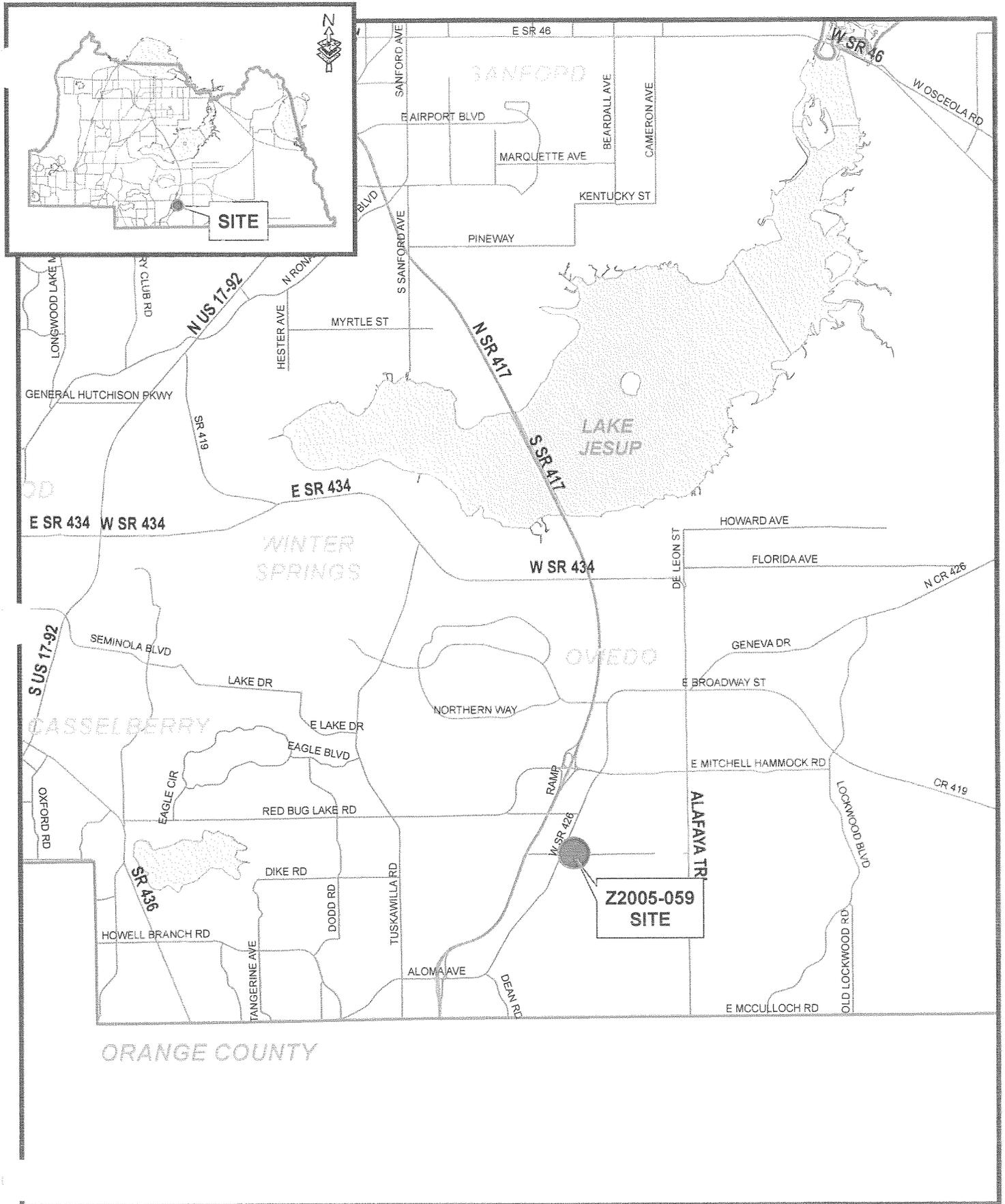
ENACTED this 5th day of MAY 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

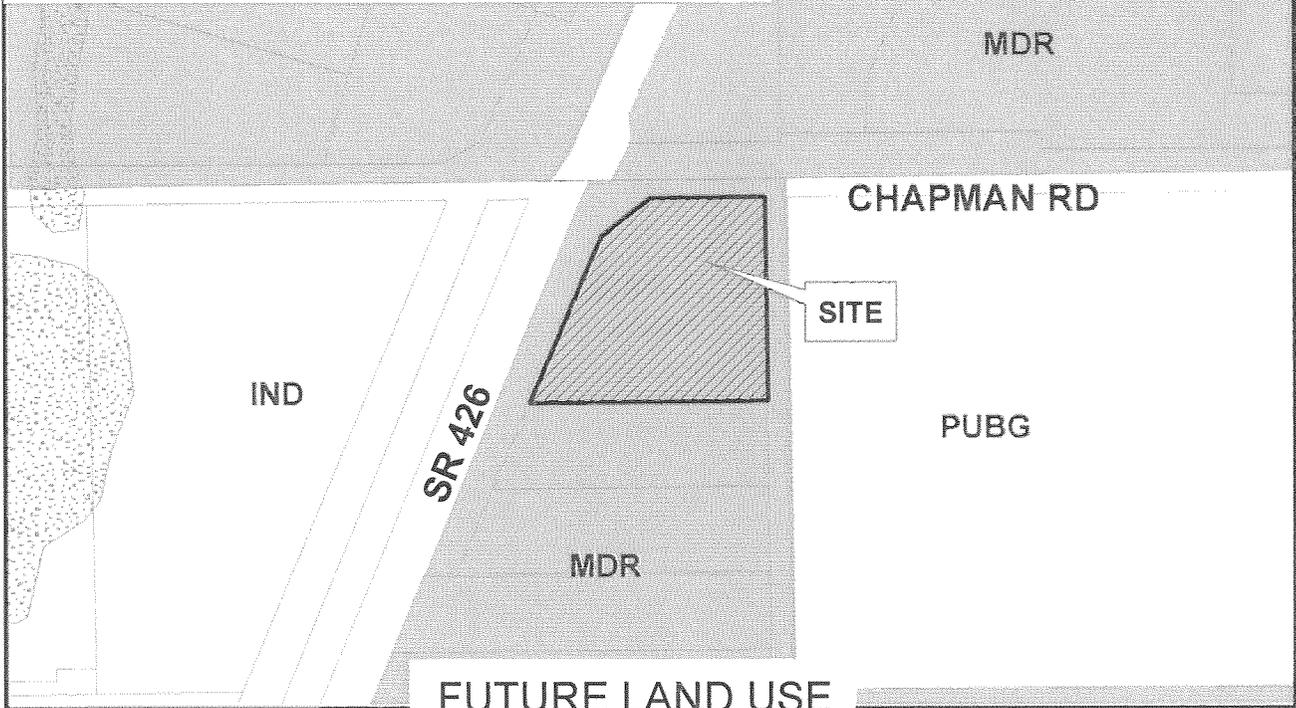
By: _____
Carlton D. Henley
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

LOTS "A" AND "B", SLAVIA FARMS AS RECORDED IN PLAT BOOK 6, PAGE 97, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, (LESS ROAD RIGHT OF WAY ALONG S.R. No. 426(ALOMA AVE.)



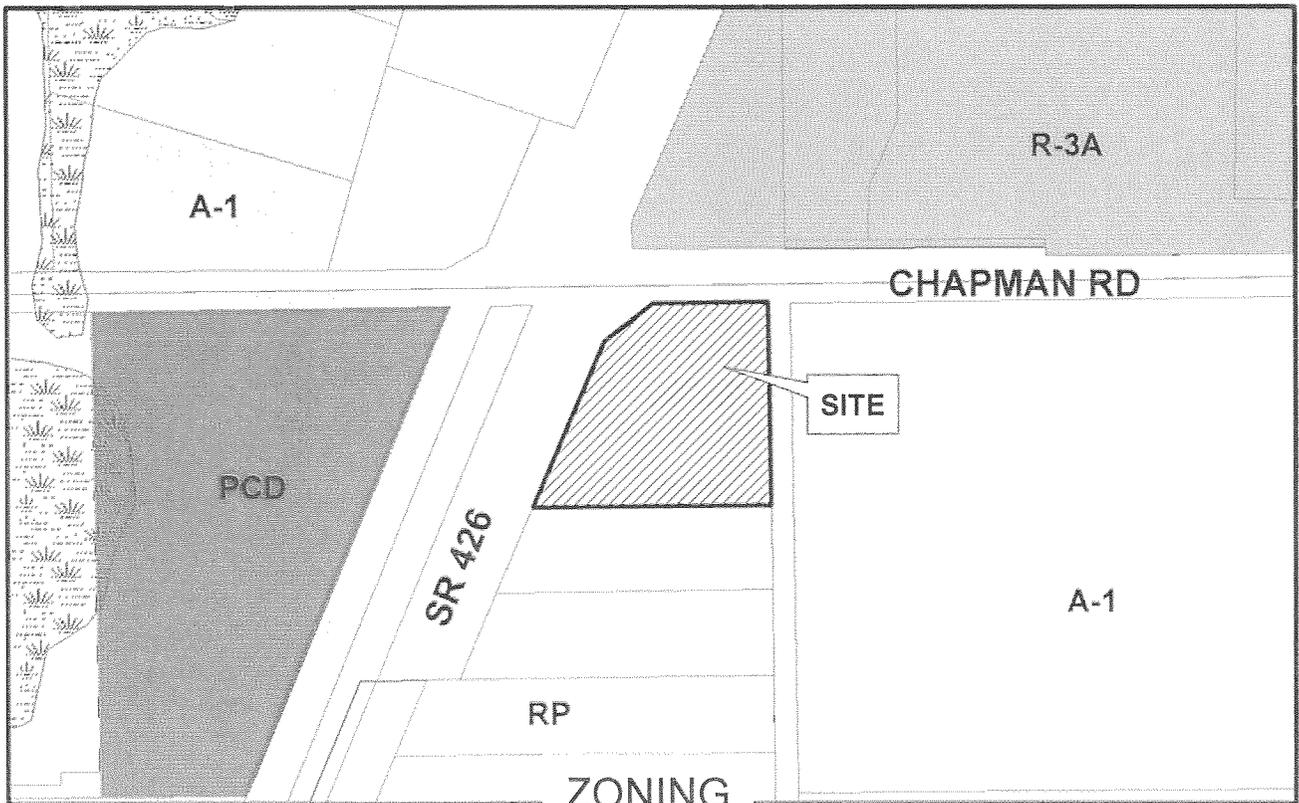
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



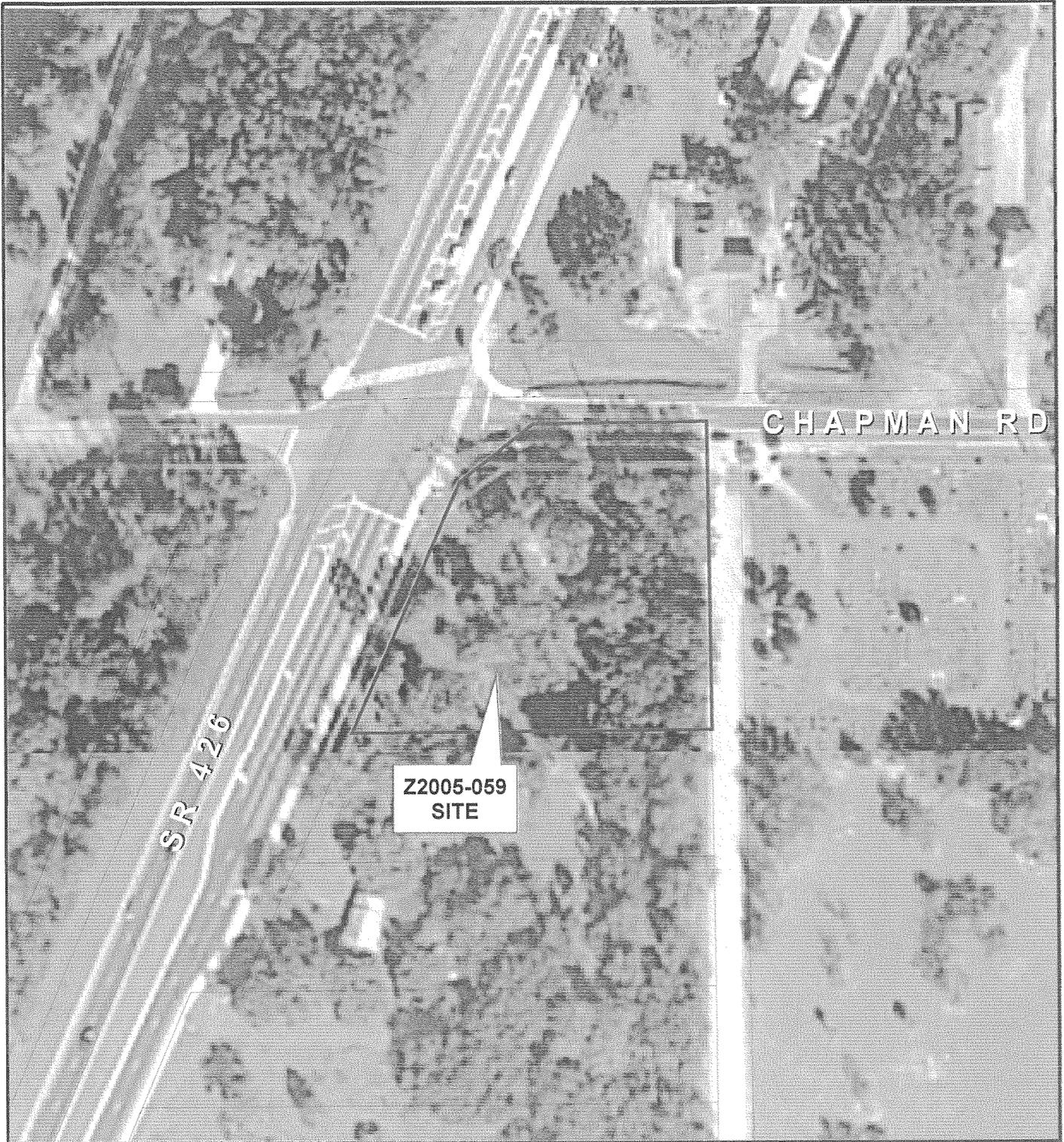
Site
 Municipality
 MDR
 IND
 PUBG
 CONS

Applicant: Larry Poliner
 Physical STR: 20-21-31-5CB-0000-00A0
 Gross Acres: 1.52 +/- BCC District: 1
 Existing Use: Vacant Residential
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	12-05SS.01	MDR	COM
Zoning	Z2005-059	A-1	C-1



A-1
 R-3A
 RP
 PCD
 FP-1
 W-1



FLU No: Z2005-059
 From: MDR To: COM
 Rezone No: Z2005-059
 From: A-1 To: C-1

Parcel
 Subject Property



January 2004 Color Aerials