

ITEM # _____

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

SUBJECT: Seminole Business Center II Rezone from A-1 (Agriculture) District to PCD (Planned Commercial Development) District

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

AUTHORIZED BY: Tony Walter **CONTACT:** Tina Williamson ^{TW} **EXT.** 7353

Agenda Date <u>5/3/06</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 to rezone 7.77 ± acres, located between SR 46 Narcissus Avenue, 0.16 ± miles east of Monroe Road, from A-1 (Agriculture) to PCD (Planned Commercial Development), subject to the attached Preliminary Site Plan and Development Order, based on staff findings (William E. Burkett/Burkett Engineering Inc., applicant); or
2. **RECOMMEND DENIAL** of a request to rezone 7.77 ± acres, located between SR 46 and Narcissus Avenue, 0.16 ± miles east of Monroe Road, from A-1 (Agriculture) to PCD (Planned Commercial Development), (William E. Burkett/Burkett Engineering Inc., applicant); or
3. **CONTINUE** the item to a time and date certain.

District #5 – Comm. Carey

Tina Williamson, Principal Coordinator

BACKGROUND:

The applicant is requesting a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development), in order to develop a mixture of office, warehouse and retail uses on the subject property. The Future Land Use designation on the subject property is HIP-TI, which is consistent with the requested zoning district.

Reviewed by:
Co Atty: <u>RPT</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z 2005-027</u>

The proposed Preliminary Site Plan indicates that the project will be built in three phases, as shown in the table below:

	Phase I	Phase II	Phase III	Total Square Feet
Warehouse Square Feet	32,252	16,126	N/A	48,378
Office Square Feet	19,000	6,750	N/A	25,750
Office/Retail Square Feet	N/A	N/A	12,200	12,200
Total Square Feet	51,252	22,876	12,200	86,328

Allowable uses within the PCD will be those permitted uses described in the M1-A (Very Light Industrial) district and OP (Office) district. The 1.10 acre outparcel along SR 46 will also allow C-1 (Retail Commercial) district uses. All special exception uses in the M1-A, C-1 and OP districts will remain special exception uses.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to rezone 7.77 ± acres, located between SR 46 and Narcissus Avenue, 0.16 ± miles east of Monroe Road, from A-1 (Agriculture) to PCD (Planned Commercial Development), subject to the attached Preliminary Site Plan and Development Order.

Attachments:

- Location Map
- FLU/Zoning Map
- Aerial Photo
- Preliminary Site Plan
- Development Order
- Rezone Ordinance

Seminole Business Center II

Rezone from A-1 to PCD

APPLICANT	William E. Burkett/Burkett Engineering Inc.	
PROPERTY OWNER	Seminole Warehouse Partners II	
REQUEST	Rezone from A-1 (Agriculture) district to PCD (Planned Commercial Development) district	
PROPERTY SIZE	7.77 ± acres	
HEARING DATE (S)	P&Z: May 3, 2006	BCC: May 23, 2006
PARCEL ID	16-19-30-5AC-0000-087A, 16-19-30-5AC-0000-087B	
LOCATION	North side of SR 46, 0.16 ± miles east of Monroe Road and abutting Narcissus Avenue	
FUTURE LAND USE	HIP-TI	
ZONING	A-1 (Agriculture) district	
FILE NUMBER	Z2005-027	
COMMISSION DISTRICT	#5 – Carey	

PROPOSED DEVELOPMENT:

The applicant is proposing to develop a mixture of office/warehouse uses on the subject property.

The proposed Preliminary Site Plan indicates that the project will be built in three phases, as shown in the table below:

	Phase I	Phase II	Phase III	Total Square Feet
Warehouse Square Feet	32,252	16,126	N/A	48,378
Office Square Feet	19,000	6,750	N/A	25,750
Office/Retail Square Feet (Outparcel)	N/A	N/A	12,200	12,200
Total Square Feet	51,252	22,876	12,200	86,328

Allowable uses within the PCD will be those permitted uses described in the M1-A (Very Light Industrial) district, and OP (Office) district. The 1.10 acre outparcel will also allow C-1 (Retail Commercial) district uses. All special exception uses in the M1-A, C-1 and OP districts will remain special exception uses.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested PCD (Planned Commercial Development) district:

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PCD)
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	10 feet	10 feet
(Street) Side Yard Setback	50 feet	N/A
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:

Uses	A-1 (existing)	PCD (proposed)
Permitted Uses	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.	Allowable uses within the PCD will be those permitted uses described in the M1-A (Very Light Industrial) district, and OP (Office) district. The 1.10 acre outparcel will also allow C-1 (Retail Commercial) district uses. Examples: M-1A: Light manufacturing, warehouses and storage inside an enclosed structure. OP: General office. C-1: General retail, banks, restaurants, but not drive-in.
Special Exception Uses	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.	All special exception uses in the M1-A, C-1 and OP districts will remain special exception uses.
Minimum Lot Size	1-Acre	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)

	HIP-TI Vacant <i>A-1</i>	City of Sanford- WIC Vacant <i>PD</i>	City of Sanford- WIC Vacant <i>AG</i>	
(West)	City of Sanford- WIC Vacant/Commercial <i>PD</i>	HIP-TI Vacant <i>A-1</i>	HIP-TI Agriculture <i>A-1</i>	(East)
	City of Sanford- WIC SR 46/Vacant Commercial <i>PD</i>	City of Sanford- WIC SR 46/Vacant Commercial <i>PD</i>	City of Sanford- WIC SR 46/Commercial <i>PD</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 Sanford, there appear to be no floodplains on the subject property.

Wetland Impacts:

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

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there appear to be no endangered and threatened wildlife on the subject property. A listed species 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 applied for Concurrency Review and the results are pending at this time.

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

Public Facility	Existing Zoning (A-1)	Proposed Development*	Net Impact
Water (GPD)	2,100	18,455	16,355
Sewer (GPD)	1,800	14,485	12,685
Traffic (ADT)	60	850	790
Schools			
Elementary	1	N/A	(1)
Middle	1	N/A	(1)
High	1	N/A	(1)

* Proposed Development is based on the proposed project consisting of 86,328 square feet of office, warehouse and retail uses.

Utilities:

The site is located in the City of Sanford utility service area. The developer must provide a letter from the City of Sanford stating that they approve the utility design and have the capacity to serve the project prior to final engineering approval.

Transportation / Traffic:

The property proposes access onto SR 46, which is classified as a Principal Arterial. SR 46 is currently operating at a Level-Of-Service "C" in this area. SR 46 is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

School Impacts:

The proposed project will not generate any school impacts.

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #38, which is located at 1300 Central Park Drive and meets the Level-Of-Service standard.

Drainage:

The proposed project is located within the Lake Monroe Drainage Basin, and has limited downstream capacity. The stormwater system 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. The location of and the amenities associated with the open space will be determined at the time of Final Site Plan Approval.

Buffers and Sidewalks:

The following buffering standards contained in the attached Development Order will apply:

- a. Front (South): 25' landscape buffer (must comply with SR 46 Gateway Corridor Overlay Standards)
- b. Side (East and West): 5' landscape buffer
- c. Rear (North): 5' landscape buffer

The developer will also be required to install a 5' sidewalk along SR 46.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

A portion of the subject property is located within the SR 46 Gateway Corridor Overlay Zoning District and is required to comply with the standards of the District, which include a 50' building setback from the SR 46 right-of-way line and a minimum 25' buffer.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

- Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
- Policy FLU 5.9: HIP-TI Permitted Uses and Locational Standards
- Policy CIE 3.2: Application to New Development
- 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:

An Intergovernmental notice was sent to the City of Sanford on March 21, 2006.

LETTERS OF SUPPORT OR OPPOSITION:

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

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to rezone 7.77 ± acres, located between SR 46 and Narcissus Avenue, 0.16 ± miles east of Monroe Road, from A-1 (Agriculture) district to PCD (Planned Commercial Development) district, subject to the attached Preliminary Site Plan and Development Order.

FILE # Z2005-027

DEVELOPMENT ORDER # 05-20500005

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On May 23, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Exhibit A

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

FINDINGS OF FACT

Property Owner: Seminole Warehouse Partners II, Ltd., Richard Cardamone,
Registered Agent

Project Name: Seminole Business Center II

Requested Development Approval: Rezoning from A-1 (Agriculture) district to PCD
(Planned Commercial Development) district

The Development Approval sought is consistent with the Seminole County Vision 2020 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: Tina Williamson, Principal Coordinator
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. The development shall comply with the site plan attached as Exhibit B.
- b. The development shall comply with the SR 46 Gateway Corridor Overlay standards of the Seminole County Land Development Code.
- c. Allowable uses within the PCD will be those permitted uses described in the M1-A (Very Light Industrial) district, and OP (Office) district. The 1.10 acre outparcel will also allow C-1 (Retail Commercial) district uses. All special exception uses in the M1-A, C-1 and OP districts will remain special exception uses.
- d. Changes in uses or changes in the allocation of square footage among uses that affect the minimum parking requirements may require additional parking or require an amendment to this PCD.
- e. Total floor area shall comply with the following table:

	Phase I	Phase II	Phase III	Total Square Feet
Warehouse Square Feet	32,252	16,126	N/A	48,378
Office Square Feet	19,000	6,750	N/A	25,750
Office/Retail Square Feet	N/A	N/A	12,200	12,200
Total Square Feet	51,252	22,876	12,200	86,328

- f. The following building setbacks and buffering standards shall apply:
 Front (South): 50' building setback and 25' landscape buffer
 Side (East and West): 10' building setback and 5' landscape buffer
 Rear (North): 10' building setback and 5' landscape buffer
- g. All outdoor lighting is subject to the Seminole County Land Development Code Section 30.1234.
- h. The developer shall amenitize retention areas to be counted toward open space requirements per Section 30.1344 of the Land Development Code.

FILE # Z2005-027

DEVELOPMENT ORDER # 05-20500005

(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.

(6) This Development Order shall control in the event of any conflict between the terms and conditions of the development order and the terms, conditions, or notes of any site plan or master site plan.

Done and Ordered on the date first written above.

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

EXHIBIT A

LEGAL DESCRIPTION

THE EAST 206.00 FEET OF THE WEST 1/2 OF LOTS 87 AND 96, LESS AND EXCEPT THE NORTH 330.00 FEET THEREOF AND ALSO LESS AND EXCEPT ROAD RIGHT OF WAY FOR WEST STATE ROAD 46 ON SOUTH, FLORIDA LAND AND COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPH'S, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 114, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN 124.00 FEET EAST OF THE SOUTHWEST CORNER OF LOT 96, FLORIDA LAND AND COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPH'S, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 114, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, THENCE RUN EAST 206.00 FEET; THENCE RUN NORTH 1,494.00 FEET TO THE NORTH LINE OF LOT 87 OF SAID PLAT; THENCE RUN WEST 206.00 FEET; THENCE RUN SOUTH 1,494.00 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT THE NORTH 330.00 FEET THEREOF AND ALSO LESS AND EXCEPT ROAD RIGHT OF WAY FOR WEST STATE ROAD 46 ON SOUTH.

AND

THE NORTH 535.00 FEET OF THE WEST 124.00 FEET OF LOT 87, FLORIDA LAND & COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPH'S, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 114, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, LESS THE WEST 4.0 FEET THEREOF.

AND

THE NORTH 330.0 FEET OF THE EAST 206.0 FEET OF THE WEST 1/2 OF LOT 87, OF W. BEARDALL'S MAP OF ST. JOSEPH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 114, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. (LESS THE NORTH 20.0 FEET FOR ROAD)

ALL THE ABOVE DESCRIBED CONTAINING 7.767 ACRES MORE OR LESS.

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 PCD (PLANNED COMMERCIAL DEVELOPMENT) DISTRICT ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR EXCLUSION FROM CODIFICATION; 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 "Seminole Business Center Rezone to PCD."

(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 PCD (Planned Commercial Development) district:

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM 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 # 05-20500005 in the Official Land Records of Seminole County.

ENACTED this 23rd day of May 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A

LEGAL DESCRIPTION

THE EAST 206.00 FEET OF THE WEST 1/2 OF LOTS 87 AND 96, LESS AND EXCEPT THE NORTH 330.00 FEET THEREOF AND ALSO LESS AND EXCEPT ROAD RIGHT OF WAY FOR WEST STATE ROAD 46 ON SOUTH, FLORIDA LAND AND COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPH'S, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 114, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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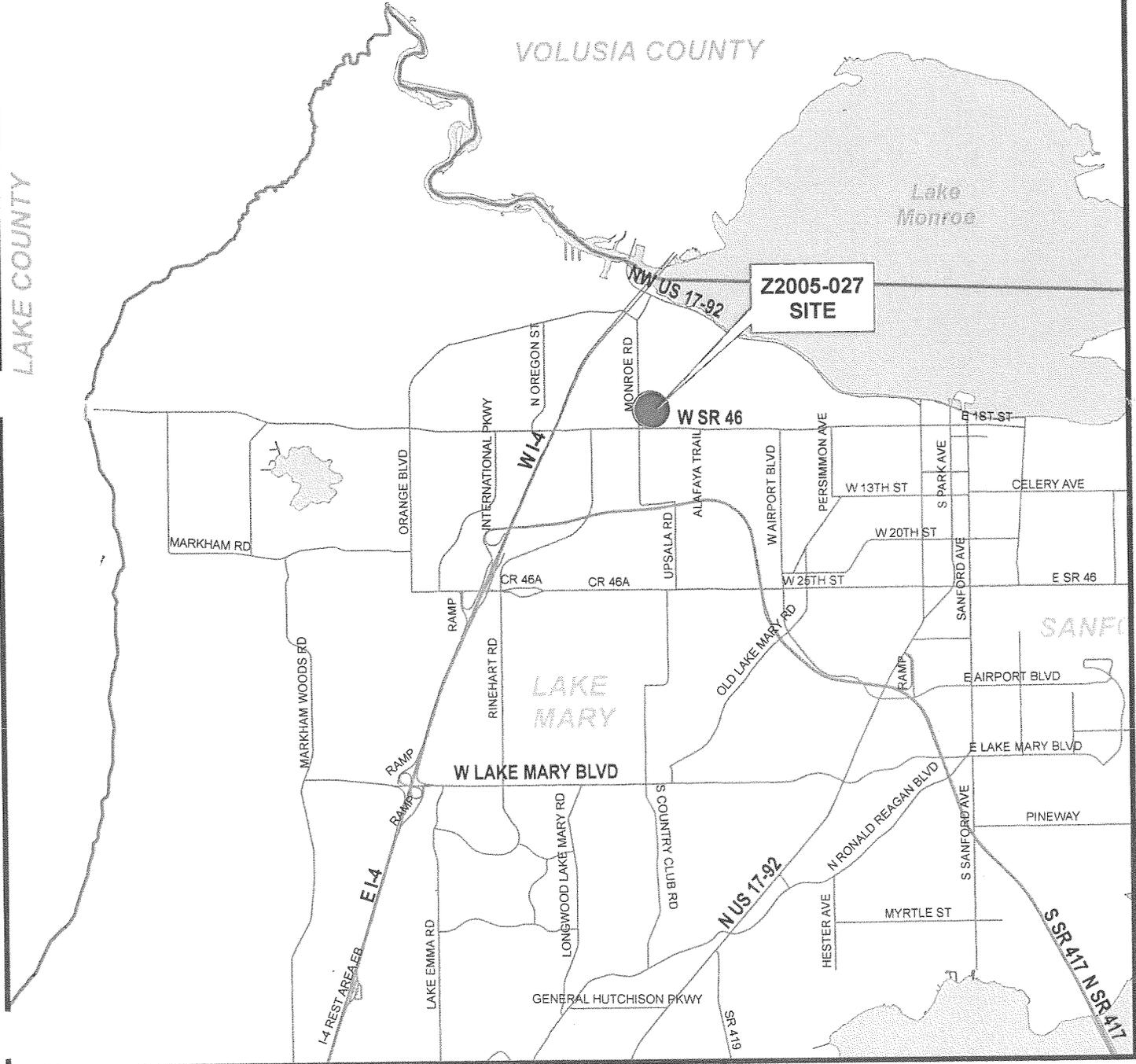
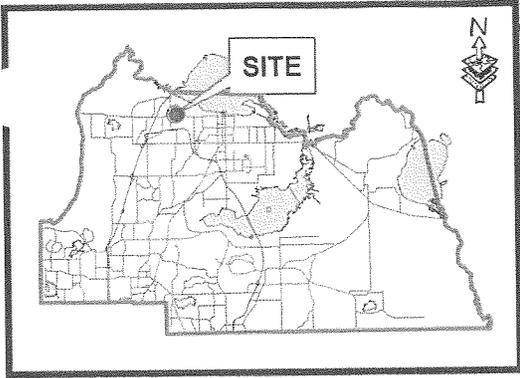
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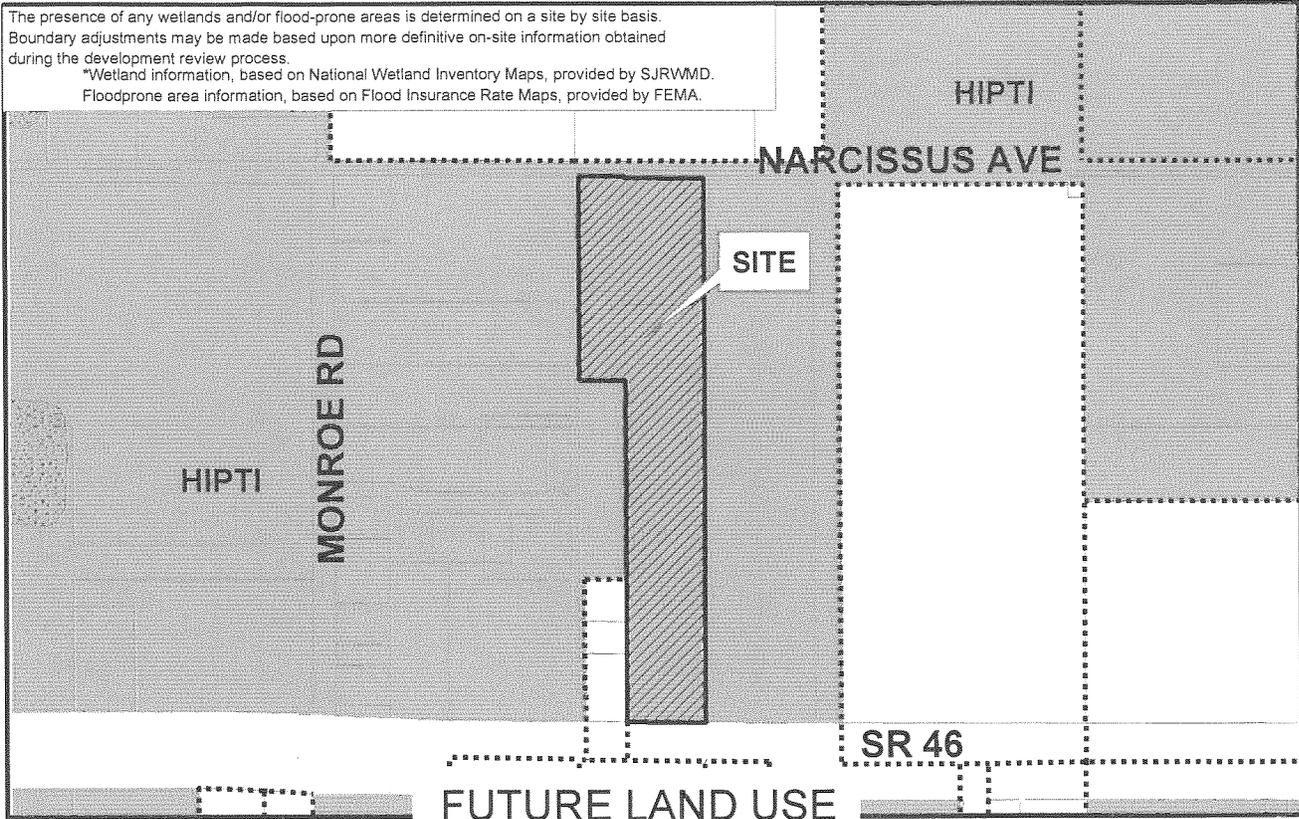
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ALL THE ABOVE DESCRIBED CONTAINING 7.767 ACRES MORE OR LESS.



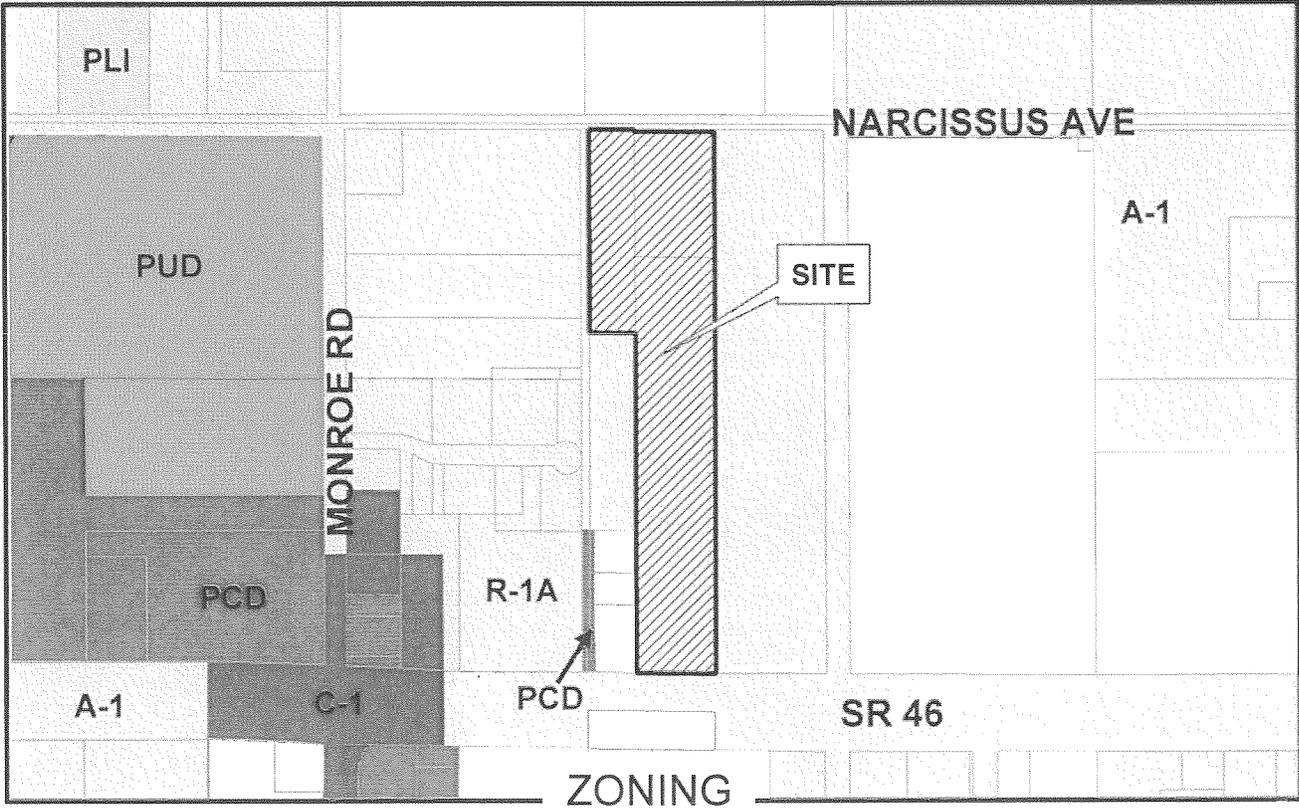
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 Municipality
 HIPTI
 CONS

Applicant: William E. Burkett
 Physical STR: 16-19-30-5AC-0000-087A&B
 Gross Acres: 6.60 BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-027	A-1	PCD



A-1
 R-1A
 PUD
 PCD
 C-1
 PLI
 FP-1
 W-1



Rezone No: Z2005-027
From: A-1 To: PCD

-  Parcel
-  Subject Property



January 2004 Color Aerials