

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

**SUBJECT:** Faith Terrace Rezone from R-1AA (Single-Family) to RP (Residential Professional) to allow an audiology office.

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

**AUTHORIZED BY:** Tony Walter *TV* **CONTACT:** Benjamin Dunn EXT 7440

Agenda Date	<u>8/2/06</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 the request to rezone 0.275 ± acres, located on the southwest corner of Faith Terrace and Maitland Avenue, from R-1AA (Single-Family) to RP (Residential Professional) to convert an existing single-family dwelling into an audiology office, subject to the attached site plan and Development Order and based on staff findings (Rob Wassum, applicant); or
2. **RECOMMEND DENIAL** of the request to rezone 0.275 ± acres, located on the southwest corner of Faith Terrace and Maitland Avenue, from R-1AA (Single-Family) to RP (Residential Professional) to convert an existing single-family dwelling into an audiology office, subject to the attached site plan and Development Order (Rob Wassum, applicant); or
3. **CONTINUE** the item to a time and date certain.

District 4 – Comm. Henley

Benjamin Dunn, Sr. Planner

**BACKGROUND:**

The applicant is requesting to rezone 0.275 ± acres, located on the southwest corner of Faith Terrace and Maitland Avenue, from R-1AA (Single-Family) to RP (Residential Professional) to convert an existing single-family dwelling into an audiology office. The Future Land Use Designation on the subject property is Office, which allows the requested zoning district. The Seminole County Land Development Code (LDC) requires certain special uses other than single-family residential to be reviewed by the Planning and Zoning Commission

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2006-34</u>

and approved by the Board of County Commissioners (BCC). The BCC may allow any of the special uses upon making the following findings of fact pursuant to Section 30.624 of the LDC:

1. Is not detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area; and
2. Is not incompatible with the concept of low intensity of land usage and site coverage; and
3. Does not have an unduly adverse effect on existing traffic patterns, movements, and intensity.
4. Per Sec. 30.624. (c), the BCC may place restrictions and conditions on property being assigned the RP zoning classification when the Board may deem necessary to protect the character of the area or neighborhood, the public investments in streets and roads or other public facilities, and the public health, safety, and welfare. Restrictions or conditions imposed during approval may include, but not be limited to, operating hours, control of outdoor lighting, and buffer and landscaping requirements.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request to rezone 0.275 ± acres, located on the southwest corner of Faith Terrace and Maitland Avenue, from R-1AA (Single-Family) to RP (Residential Professional) specifically for an audiology office, subject to the attached site plan and Development Order.

**Attachments:**

Staff Report  
Location Map  
Zoning & Future Land Use Map  
Aerial Map  
Site Plan  
Rezone Ordinance  
Development Order

## Faith Terrace RP Rezone

### Rezone from R-1AA to RP

<b>APPLICANT</b>	Rob Wassum, P.E.	
<b>PROPERTY OWNER</b>	John and Barbara Crotty	
<b>REQUEST</b>	Rezone from R-1AA (Single-Family) to RP (Residential Professional) to allow an audiology office.	
<b>PROPERTY SIZE</b>	0.275 ± acres	
<b>HEARING DATE (S)</b>	P&Z: August 2, 2006	BCC: September 12, 2006
<b>PARCEL ID</b>	24-21-29-509-0C00-0100	
<b>LOCATION</b>	Southwest corner of Faith Terrace and Maitland Avenue	
<b>FUTURE LAND USE</b>	Office	
<b>ZONING</b>	R-1AA (Single-Family)	
<b>FILE NUMBER</b>	Z2006-34	
<b>COMMISSION DISTRICT</b>	#4 – Henley	

#### Proposed Development:

The applicant is requesting to rezone 0.275 ± acres, located on the southwest corner of Faith Terrace and Maitland Avenue, from R-1AA (Single-Family) to RP (Residential Professional) to convert an existing single-family dwelling into an audiology office.

#### ANALYSIS OVERVIEW:

##### ZONING REQUEST

The applicant is requesting to rezone 0.275 ± acres, located on the southwest corner of Faith Terrace and Maitland Avenue, from R-1AA (Single-Family) to RP (Residential Professional) to convert an existing single-family dwelling into an audiology office. Under the RP zoning criteria the proposed new use on the subject property is a special use and must be approved by the Board of County Commissioners (BCC), based on the following findings of fact pursuant to Section 30.624 of the LDC:

1. Is not detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area; and
2. Is not incompatible with the concept of low intensity of land usage and site coverage; and
3. Does not have an unduly adverse effect on existing traffic patterns, movements, and intensity.
4. Per Sec. 30.624. (c), the BCC may place restrictions and conditions on property being assigned the RP zoning classification when the Board may deem necessary to protect the character of the area or neighborhood, the public investments in streets and roads or other public facilities, and the public health, safety, and welfare. Restrictions or conditions imposed during approval may include, but not be limited to, operating hours, control of outdoor lighting, and buffer and landscaping requirements.

The Future Land Use Designation of the subject property is OFF (Office), which is consistent with the proposed special use. The following table depicts the minimum regulations for the current zoning district of RP (Residential Professional).

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (R-1AA)</b>	<b>Proposed Zoning (RP)</b>
Minimum Lot Size	11,700 sq. ft.	* None
Minimum House Size	1,300 sq. ft.	* None
Minimum Width at Building Line	90 ft.	* None
Front Yard Setback	25 feet	25 feet
Side Yard Setback	10 feet	10 feet
(Street) Side Yard Setback	25 feet	25 feet
Rear Yard Setback	30 feet	30 feet
Maximum Building Height	35 feet	**1 story

\* No minimum lot size or width for special uses as long as the necessary parking requirements can be met.

\*\* NEW CONSTRUCTION ONLY, PER SEC. 30.628.

**PERMITTED & SPECIAL EXCEPTION USES:**

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

<b>Uses</b>	<b>R-1AA (Single-Family)</b>	<b>RP (proposed)</b>
Permitted Uses	Single-Family dwelling units, Community residential homes (group homes and foster care facilities), public and private elementary schools, and home office.	Single-Family dwelling structures, including customary accessory uses.
Special Exception Uses	Churches with attendant educational and recreational buildings, public and private middle and high schools, parks, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, assisted living facilities, and communication towers.	None
Special Uses	None	General office uses, including insurance, real estate, architects, engineering, attorneys, medical, dental, accounting, auditing, bookkeeping services, and other similar office uses. Communication towers if determined compatible by the BCC. Private recreational facilities constructed as an accessory use, such as civic, fraternal, or social organization if determined compatible by the BCC.
Minimum Lot Size	11,700 sq. ft.	Per Sec. 30.627 (b), there is no minimum lot size or width for special uses. However, the Board of County Commissioners shall not rezone to RP, or approve any special use, for any lot or parcel that does not have adequate area to provide the necessary parking requirements for the use intended.

**COMPATIBILITY WITH SURROUNDING PROPERTIES:**

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

The subject property is located within an area along Maitland Avenue that has transitioned into an area that consists of professional office uses. The proposed use of an audiology office is a professional medical office that is consistent with the abutting properties zoned RP and OP.

	(North)			
	<b>LDR</b> Single-Family <i>R-1AA</i> (11,700 sq. ft. lots)	<b>OFFICE</b> Professional Office <i>RP</i>	<b>OFFICE</b> Professional Office <i>RP</i>	
(West)	<b>LDR</b> Single-Family <i>R-1AA</i> (11,700 sq. ft. lots)	<b>OFFICE</b> Single-Family <i>R-1AA</i> 0.275 acres	<b>OFFICE</b> Professional Office <i>OP</i>	(East)
	<b>LDR</b> Single-Family <i>R-1AA</i> (11,700 sq. ft. lots)	<b>OFFICE</b> Professional Office <i>RP</i>	<b>OFFICE</b> Professional Office <i>OP</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:*

According to FIRM Map # 12117C040E, with an effective date of April 17, 1995, there appears to be no floodplains areas 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 a preliminary analysis, there are not endangered and threatened wildlife on the subject property.

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

<b>Public Facility</b>	<b>Existing Zoning (R-1AA)</b>	<b>Proposed Development (RP)</b>	<b>Net Impact</b>
Water (GPD)	350	248	-102
Sewer (GPD)	300	248	-52
Traffic (ADT)	10	25	+15

*Utilities:*

The subject site is located within the Utility Inc. utility service area. There is a water main on the west side of Maitland Avenue and an existing septic tank on site. The subject site is not located within the ten year master plan for reclaimed water.

*Transportation / Traffic:*

The property access is from Maitland Blvd., which is classified as a collector roadway. Maitland Blvd. is currently operating at Level-of-Service "B" with no programmed improvements scheduled in the County's 5-year Capital Improvement Program (CIP).

*School Impacts:*

The proposed change in use will not generate any school impacts.

*Public Safety:*

The nearest response unit to the subject property is Station # 2, which is located at 7122 South Hwy 17-92. The County Level-Of-Service (LOS) standard for response times is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

*Drainage:*

The proposed project is located within the Howell Creek Drainage Basin, and does not appear to have limited downstream capacity. At a minimum, the site will have to be designed to hold the 25 year/24 hour pre-post volume difference and 3" over directly connected impervious area if most effective recharge criteria apply (to be determined by a geotechnical engineer).

*Parks, Recreation and Open Space:*

The site is currently a single-family dwelling that is proposed to be used as an office. No additional open space is required.

*Buffers and Sidewalks:*

The subject property currently has existing trees and landscaping on-site. However, the applicant will be required to install a six-foot tall opaque fence along the western property line to provide a buffer from the existing residential.

An existing sidewalk is located on Maitland Blvd. A sidewalk will be required along the frontage of the property along Faith Terrace.

The Board of County Commissioners may place additional restrictions on buffer and landscaping requirements per Sec. 30.624 (c).

**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 district or overlay.

**COMPREHENSIVE PLAN (VISION 2020):**

The following policies are applicable with the proposed project:

- Policy POT 4.5: Potable Water Connection
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy FLU 2.6: Conversion of Residential Structures

**INTERGOVERNMENTAL NOTIFICATION:**

Intergovernmental notices were not required; 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 0.275 ± acres, located on the southwest corner of Faith Terrace and Maitland Avenue, from R-1AA (Single-Family) to RP (Residential Professional), subject to the attached site plan and Development Order.

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 "A"); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1AA (SINGLE-FAMILY) ZONING CLASSIFICATION TO THE RP (RESIDENTIAL PROFESSIONAL) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM 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 Faith Terrace Rezone, dated September 12, 2006.

(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 Single-Family (R-1AA) to Residential Professional (RP):

**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 # 06-200000015 in the Official Land Records of Seminole County.

ENACTED this 12th day of September 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Board of County Commissioners

**EXHIBIT A  
LEGAL DESCRIPTION**

LEG LOT 10 BLK C OAKLAND SHORES PB 10 PGS 3 + 4.

Z2006-34

DEVELOPMENT ORDER # 06-200000015

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On September 12, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 10 BLK C OAKLAND SHORES PB 10 PGS 3 + 4.

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

**FINDINGS OF FACT**

**Property Owner:** John and Barbara Crotty

**Project Name:** Faith Terrace RP Rezone

**Requested Development Approval:** Rezoning from Single-Family (R-1AA) zoning classification to Residential Professional (RP) zoning.

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: Benjamin Dunn, Senior Planner

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 limited to the Audiology Office only.
- b. The access to Maitland Blvd shall be a right out only.
- c. A minimum 20 foot unobstructed clearance will be required for the internal drive aisles.
- d. The applicant shall install a five-foot sidewalk along the frontage of the property along Faith Terrace.
- e. The applicant shall install a six-foot tall opaque fence along the western property line to provide a buffer from the existing residential.
- f. All development shall comply with the site plan attached as Exhibit A.
- g. Any significant changes to the site plan in the future will result in the site plan being reviewed by the Seminole County Planning and Zoning Commission and approved by the Seminole County Board of Commissioners.

(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

