

ITEM # _____

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

SUBJECT: E. SEMORAN BLVD REZONE FROM RP TO OP

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

AUTHORIZED BY: Tina Williamson **CONTACT:** Herman Wright **EXT.** 7353

Agenda Date: <u>08/01/2007</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 for a rezone from RP (Residential Professional) to OP (Office) on 0.47 ± acres located on the corner of State Road 436 and Avery Lane, based on staff findings (Mostafa Howeedy, applicant); or

2. **RECOMMEND DENIAL** of the request for a rezone from RP (Residential Professional) to OP (Office) on 0.47 ± acres located on the corner of State Road 436 and Avery Lane, (Mostafa Howeedy, applicant); or

3. **CONTINUE** the item to a time and date certain.

District # 3 Van Der Weide

Herman Wright, Principal Planner

BACKGROUND:

The applicant, Mostafa Howeedy, is requesting a rezone from RP to OP in order to modify the existing site to construct an additional building. The proposed use of the addition is a dental lab. The Future Land Use designation of the subject property is Office, which allows the requested zoning district.

Reviewed by: Co Atty: <u>JCP</u> DFS: _____ OTHER: _____ DCM: _____ CM: _____ File No. <u>Z2007-37</u>

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request for a rezone from RP to OP on 0.47+ acres, located on the corner of State Road 436 and Avery Lane.

Attachments:

Staff Report

Location Map

Zoning & Future Land Use Map

Aerial Map

Conceptual Site Plan (11' X 17') Exhibit B

Rezone Ordinance

Approval Development Order

Denial Development Order (Applicable if the request is denied)

E. Semoran Blvd / Snowball Dental Labss

Rezone from RP to OP

APPLICANT	Mostafa Howeedy	
PROPERTY OWNER	D & E Snowball LLC	
REQUEST	Rezone from RP (Residential Professional) to OP (Office Professional)	
PROPERTY SIZE	0.47 ± acres	
HEARING DATE (S)	P&Z: August 1, 2007	BCC: September 25, 2007
PARCEL ID	18-21-29-504-0000-0050 & 18-21-29-504-0000-0060	
LOCATION	Corner of SR 436 and Avery Lane	
FUTURE LAND USE	OFF (Officel)	
ZONING	OP (Office Professional)	
FILE NUMBER	Z2007-37	
COMMISSION DISTRICT	#3 – Van Der Weide	

Proposed Development:

The applicant is requesting to rezone 0.47 ± acres from RP (Residential Professional) to OP (Office Professional), in order to modify the existing use of the site to allow for a dental lab.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting a rezone from RP (Residential Professional) to OP (Office Professional), in order to change the existing use on the property. The applicant is modifying the site plan and rezoning is necessary to bring site into compliance with the Seminole County Land Development Code. The use is allowed within the OP zoning district. The Future Land Use Designation of the subject property is Office (OFF), which is consistent with the requested zoning district.

The following table depicts the minimum regulations for the current zoning district of RP (Residential Professional) and the requested zoning district of OP (Office Professional).

DISTRICT REGULATIONS	Existing Zoning (RP)	Proposed Zoning (OP)
Minimum Lot Size	N/A	N/A
Minimum House Size	1,600 square feet	N/A
Minimum Width at Building Line	N/A'	100'
Front Yard Setback	25'	25'
Side Yard Setback	10'	0'
(Street) Side Yard Setback	25'	25'
Rear Yard Setback	30'	10'
Maximum Building Height	35'	35'

PERMITTED & SPECIAL EXCEPTION USES:

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

Uses	RP (existing)	OP (proposed)
Permitted Uses	Single-family dwelling structures, including customary accessory uses.	Dental and medical clinics, dental and medical laboratories; general office buildings; insurance, real estate, architects, engineering, attorneys and other professional business services; accounting, auditing and bookkeeping services, finance offices; telephone business offices and exchanges, post offices, public parks, public, private and parochial schools, playgrounds, fire stations and administrative public buildings; churches and attendant educational buildings; day care facilities, kindergartens; nursing homes.
Special Exception Uses	General office uses, including insurance, real estate, architects, engineering, attorneys, medical, dental, accounting, auditing, bookkeeping services, and other similar office uses, if determined compatible by the Board of County Commissioners, Communication Towers if determined compatible by the Board of County Commissioners, 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, if determined compatible by the Board of County Commissioners consistent with generally accepted land use and planning principles.	Single family dwelling unit; accessory parking for passenger vehicles when intended for a permitted adjacent commercial use; public utility and service structures; banks, savings and loan and similar financial institutions, and drive-in teller facilities; private vocational, business, and professional schools which do not have an industrial character; hospitals and nursing homes; nonresidential, nonprofit clubs, lodges and fraternal organizations; funeral homes; communication towers
Minimum Lot Size	N/A	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Future Land Use designation of the surrounding properties is Office. Property to the east and west has a future land use designation of Office. The property to the south across Chadwick Road has a future land use designation of Low Density Residential. The future land use designation of the property is Office which allows the requested OP

zoning district. Staff finds the proposed rezone consistent and compatible with the surrounding development patterns.

SITE ANALYSIS:

Floodplain Impacts:

Based on FIRM map12117C0115E, with an effective date of 1995, 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 a preliminary analysis, there are not endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

Utilities:

The site is located in the Southwest Seminole County utility service area, and will be required to connect to public utilities. There is an 8-inch water main on the south side of SR 436, a 10-inch water main on the north side of Chadwick Rd., and an 8-inch force main on the south side of SR 436. The subject property is not in the ten year master plan for reclaimed water. An alternative source for irrigation water, such as a shallow well, will not be required.

Transportation / Traffic:

The property proposes access onto SR 436, which is classified as an arterial road. SR 436 is currently operating at a level-of-service "E" and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

Drainage:

The proposed project is located within the Little Wekiva Drainage Basin, and has limited downstream capacity. The site will have to be designed to hold the 100-year, 24-hour total retention unless a positive legal outfall is established.

Buffers and Sidewalks:

There is an existing 5-foot sidewalk along SR 436.

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 County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

- 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:

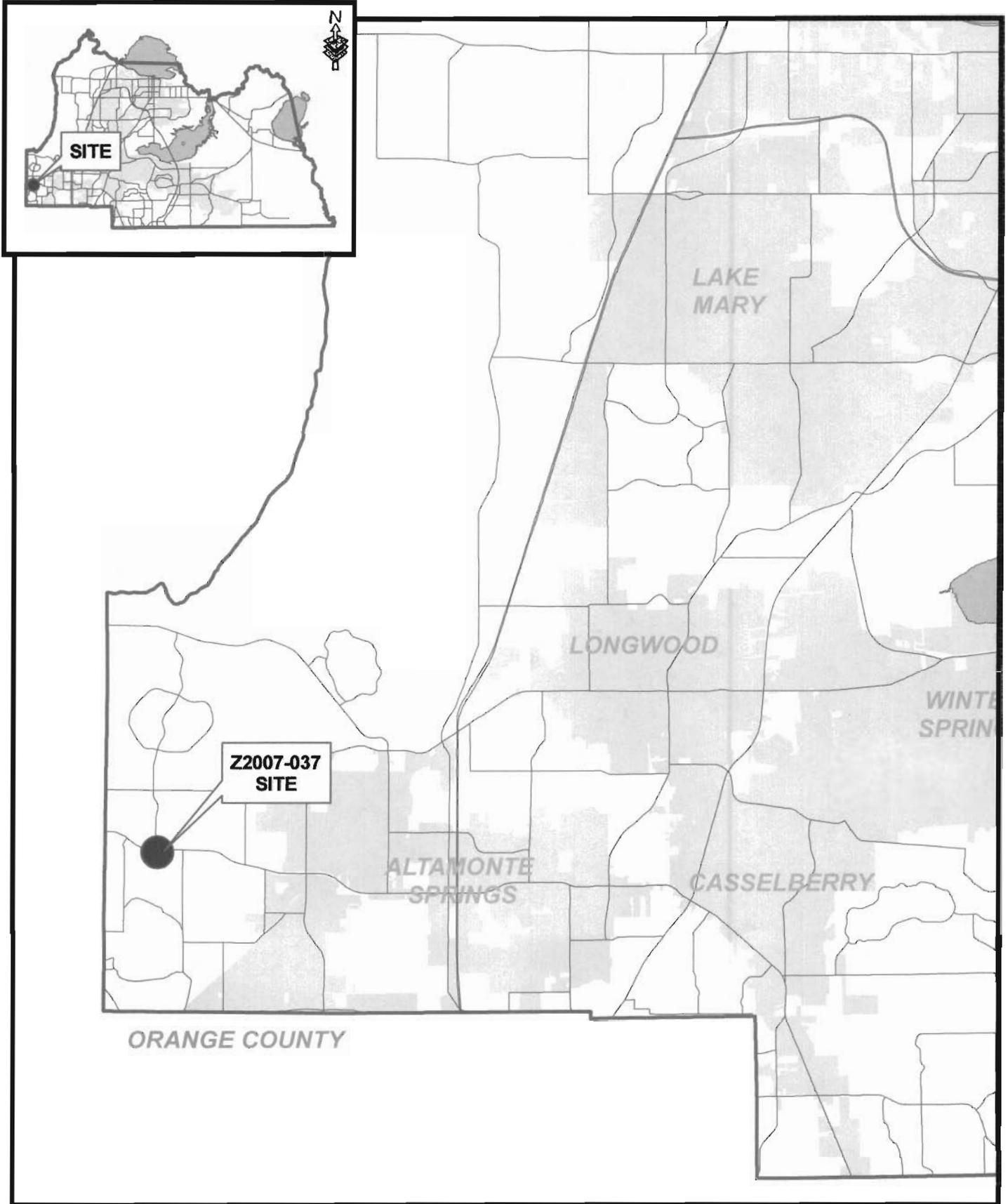
No intergovernmental notice was required to be sent; the subject property is not adjacent to another municipality.

LETTERS OF SUPPORT OR OPPOSITION:

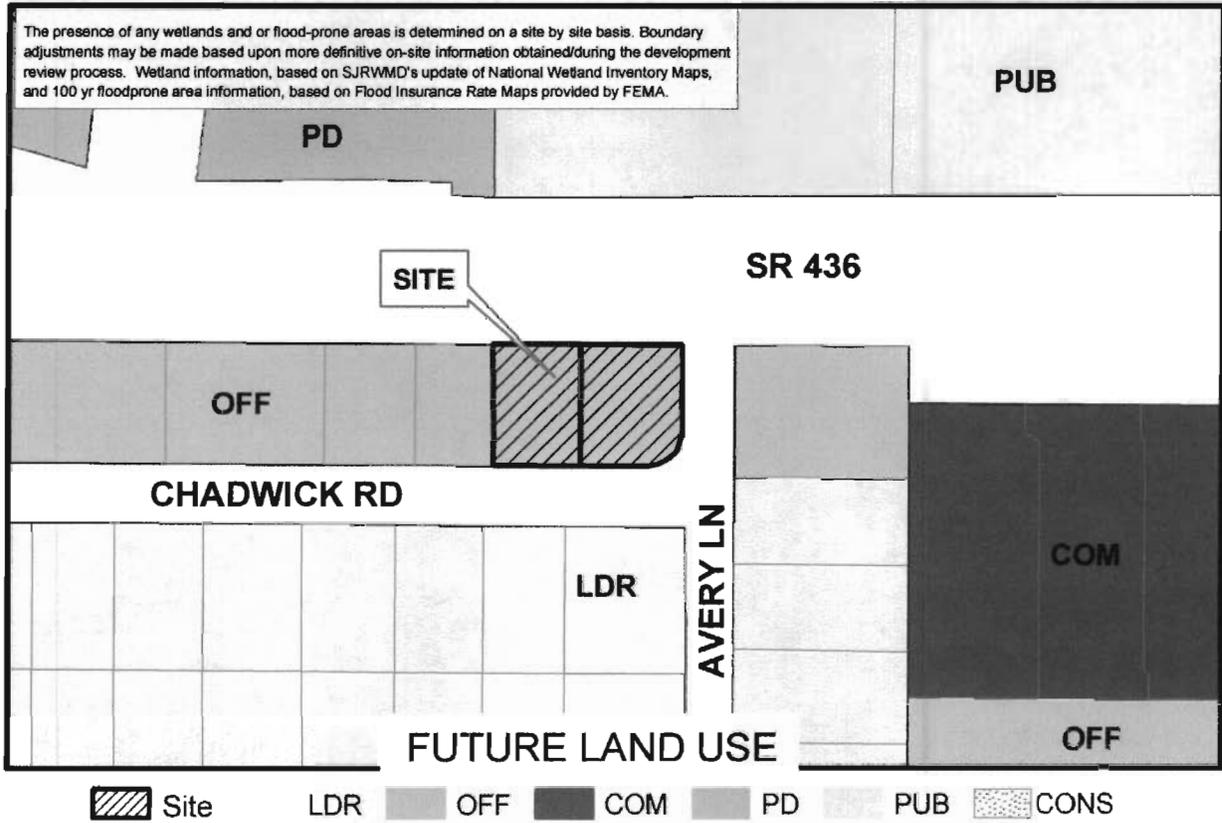
At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request for a rezone from RP (Residential Professional) to OP (Office Professional) on 0.47 ± acres, located on the corner of State Road 436 and Avery Lane.



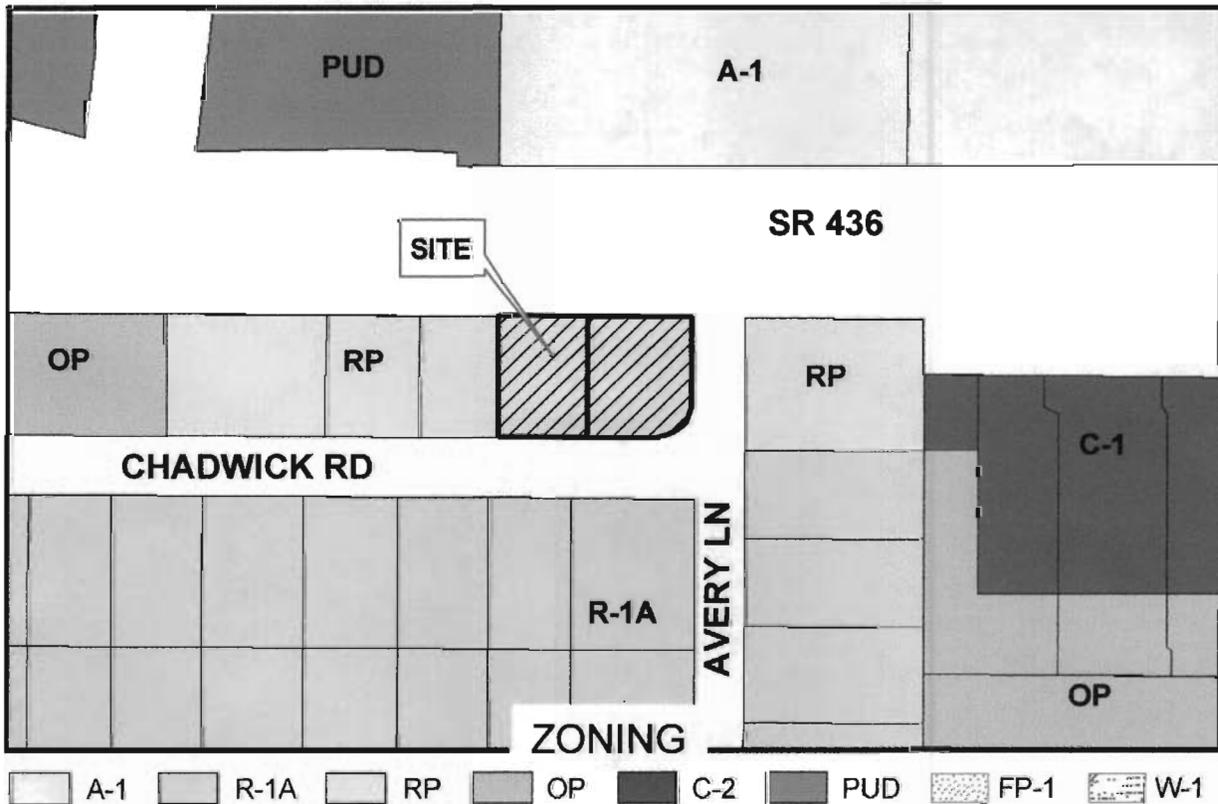
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



Site
 LDR
 OFF
 COM
 PD
 PUB
 CONS

Applicant: Daniel H. Ohsie
 Physical STR: 18-21-29-504-0000-0050 & 0060
 Gross Acres: .47 +/- BCC District: 3
 Existing Use: unoccupied office space
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	-	-	-
Zoning	Z2007-037	RP	OP



A-1
 R-1A
 RP
 OP
 C-2
 PUD
 FP-1
 W-1



Rezone No: Z2007-037
From: RP To: OP

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

Snowball Dental Lab

Adjacent Zoning: PUD
Adjacent Land Use: PUD

Adjacent Zoning: A-1
Adjacent Land Use: PUBG



Legal Description
LOTS 5 AND 6, (LESS ROAD RIGHT OF WAY), ILESDALE MANOR, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 89 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

Owner:
O&E Snowball, LLC
1851 Sweetwater West Cir
Apopka, Florida 32712

Engineer:
Darcy Unroe PE
Unroe Engineering, Inc
5728 Major Blvd Suite 265
Orlando, Florida 32819
PH (407) 354-0714
FX (407) 354-0715

Surveyor:
Lockyer & Associates, Inc.
1417 North Semoran Blvd Suite 115
Orlando, Florida 32807
Work (407) 273-0356
Fax (407) 282-7850

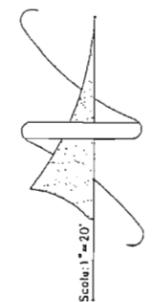
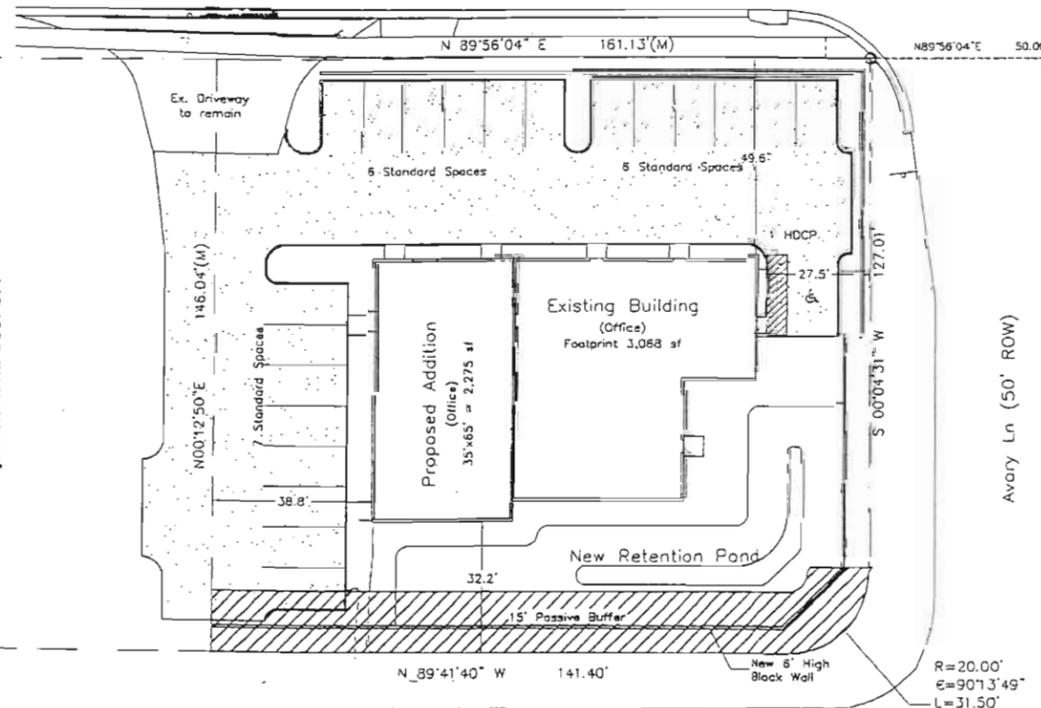
Description	Date

UNROE ENGINEERING, INC
Civil Engineering/Planning/Scientific Evaluation
5728 Major Blvd Suite 265, Orlando, FL 32819
Business Authorization Number: EB 00006579 ph (407) 354-0714

RE-ZONING SITE PLAN
Snowball Dental Lab
3320 Semoran Blvd, Apopka, Florida 32703

DP	Drawn
DP	Checked
1"=20'	Scale
05/30/07	Date
SNOCO	File

Dwg. No.
CO
1 of 1



Scale: 1"=20'

Adjacent Zoning: RP
Adjacent Land Use: OFF

Adjacent Zoning: RP
Adjacent Land Use: OFF

Adjacent Zoning: R1-A
Adjacent Land Use: LDR

Adjacent Zoning: R1-A
Adjacent Land Use: LDR

Adjacent Zoning: R1-A
Adjacent Land Use: LDR

Adjacent Zoning: R1-A
Adjacent Land Use: LDR ✓

Semoran Blvd (SR 436) - 145' ROW

Avary Ln (50' ROW)

Chadwick Rd (50' ROW)

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 RP (RESIDENTIAL PROFESSIONAL) THE OP (OFFICE PROFESSIONAL) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR 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 "E. Semoran Blvd. 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 RP (Residential Professional) to OP (Office Professional):

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 upon the date of filing with the Department and recording of Development Order #07-20000008.

ENACTED this 25th day of September 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

Legal Description

LOTS 5 AND 6, (LESS ROAD RIGHT OF WAY), ILESDALE MANOR, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 89 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

Z2007-37

DEVELOPMENT ORDER # 07-20000008

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On September 25, 2007, 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: D & E Snowball, LLC

Project Name: E. Semoran Blvd/Snowball Dental Lab Rezone

Requested Development Approval: Rezoning from RP (Residential Professional) to OP (Office Professional)

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: Herman L. Wright
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 building shall be limited to one (1) story in height.
- c. As per development order #91-0036 approved on February 26, 1991 the following conditions shall apply :
 - Access on Avery Lane to be closed and the access on SR 436 be moved to the western property line.
 - Dedication of a cross access/joint driveway easement.
 - Construction of an eight (8) foot, measured from the centerline elevation of Chadwick, high stucco block wall, with cap and landscaping, along Chadwick, prior to the occupancy of the building as an office.
- d. The development shall comply with Sec. 30.1232 Active/passive buffer setback design standards of the Seminole County Land Development Code on the south property line fronting Chadwick Road as follows:
 1. The buffer shall be a minimum of twenty-five (25) feet in width for active uses and a minimum of fifteen (15) feet in width for passive uses.
 2. Landscaping shall consist of eight (8) canopy trees a minimum of two and one (2 ½) inches in diameter, with an overall average of three (3) inches in diameter measured at one (1) foot above ground for every one hundred (100) linear feet of buffer.

(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

Legal Description

LOTS 5 AND 6, (LESS ROAD RIGHT OF WAY), ILESDALE MANOR, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 89 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

07-20000008

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On September 25, 2007, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): D & E Snowball LLC

Project Name: E. Semoran Blvd. Rezone

Requested Development Approval: The applicant is requesting to rezone 0.47 ± acres located on the corner of State Road 436 and Avery Lane, from RP (Residential Professional) to OP (Office Professional).

The Board of County Commissioners has determined that the rezone request from RP (Residential Professional) to OP (Office Professional) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "E. Semoran Blvd. Rezone" and all evidence submitted at the public hearing on August 1, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from RP (Residential Professional) to OP (Office Professional) should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS**

By: _____
Carlton D. Henley, Chairman

Legal Description

LOTS 5 AND 6, (LESS ROAD RIGHT OF WAY), ILESDALE MANOR, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 89 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.