ITEM #_____

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

SUBJECT: E. SEMORAN BLVD REZONE FROM RP TO RP

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

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

Agenda Date: 10/03/2007 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. **RECOMMEND APPROVAL** of the request for a rezone from RP (Residential Professional) to RP (Residential Professional) on 0.47 ± acres located on the corner of State Road 436 and Avery Lane and recommend approval of the attached site plan and Development Order based on staff findings. (Mostafa Howeedy, applicant); or

2. **RECOMMEND DENIAL** of the request for a rezone from RP (Residential Professional) to RP (Residential Professional) 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 RP in order to modify the existing site to construct a 1,400 square foot building addition. The proposed use of the building is a dental lab that will total 4,468 square feet. The Future Land Use designation of the subject property is Office, which allows the requested zoning district.

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

File No. Z2007-37

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request for a rezone from RP to RP on 0.47± acres, located on the corner of State Road 436 and Avery Lane and approval of the attached site plan and Development Order.

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 Lab Rezone from RP to RP		
APPLICANT	Mostafa Howeedy	
PROPERTY OWNER	D & E Snowball LLC	
REQUEST	Rezone from RP (Residential Professional) to RP (Residential Professional)	
PROPERTY SIZE	0.47 ± acres	
HEARING DATE (S)	P&Z: October 3, 2007	BCC: October 9, 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 (Office)	
ZONING	RP (Residential 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 RP (Residential Professional), in order to modify the existing use of the site to allow for a dental lab.

ANALYSIS OVERVIEW:

ZONING REQUEST

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

DISTRICT REGULATIONS	Existing and Proposed Zoning (RP)
Minimum Lot Size	N/A
Minimum House Size	1,600 square feet
Minimum Width at Building Line	N/A
Front Yard Setback	25'
Side Yard Setback	10'
(Street) Side Yard Setback	25'
Rear Yard Setback	30'
Maximum Building Height	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 and proposed)
Permitted Uses	Single-family dwelling structures, including customary accessory uses.
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.
Minimum Lot Size	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 RP 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.

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:

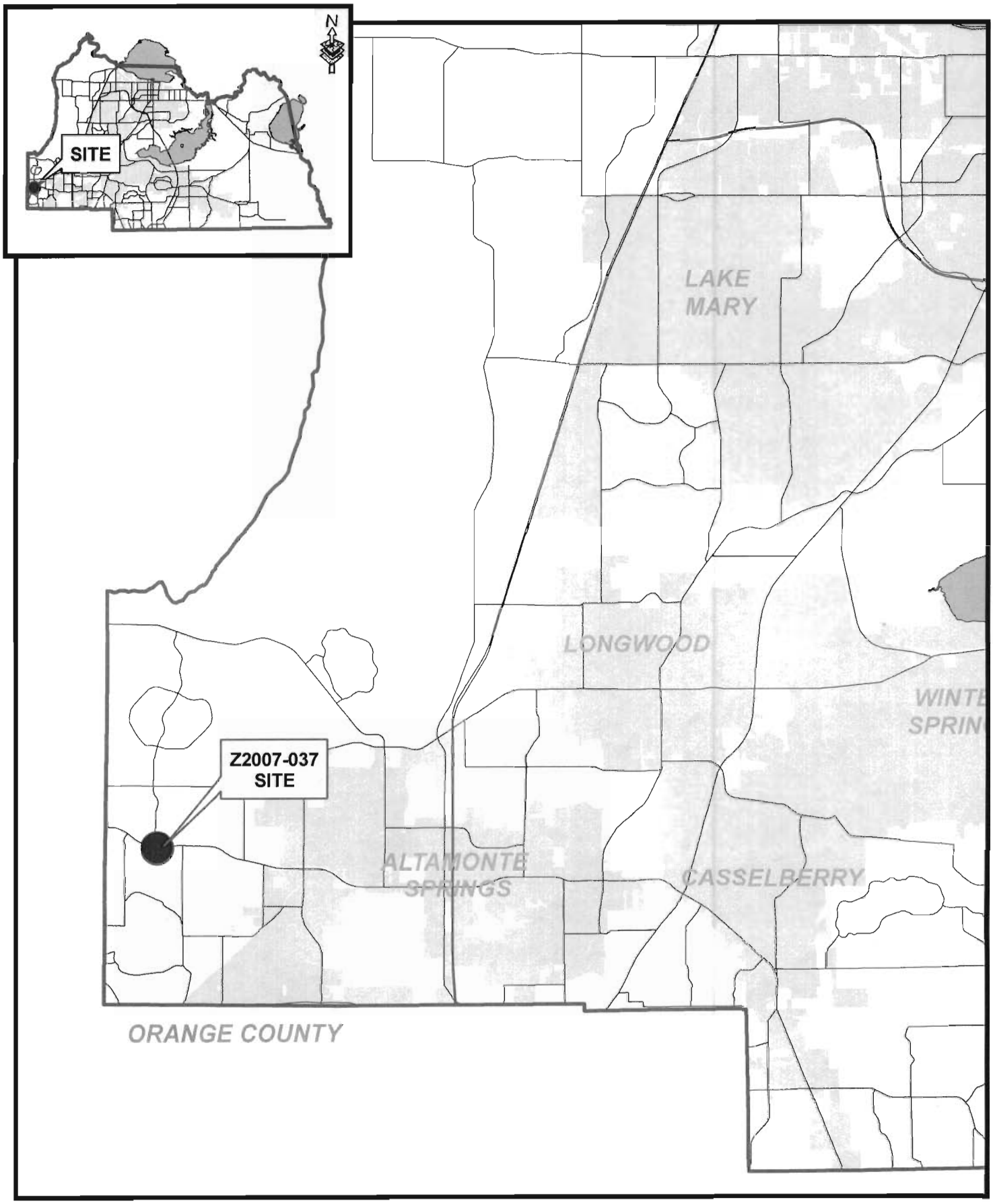
No intergovernmental notice was required to be sent; the subject property is not adjacent to another municipality.

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 RP (Residential Professional) on 0.47 ± acres, located on the corner of State Road 436 and Avery Lane and approval of the attached site plan and Development Order.



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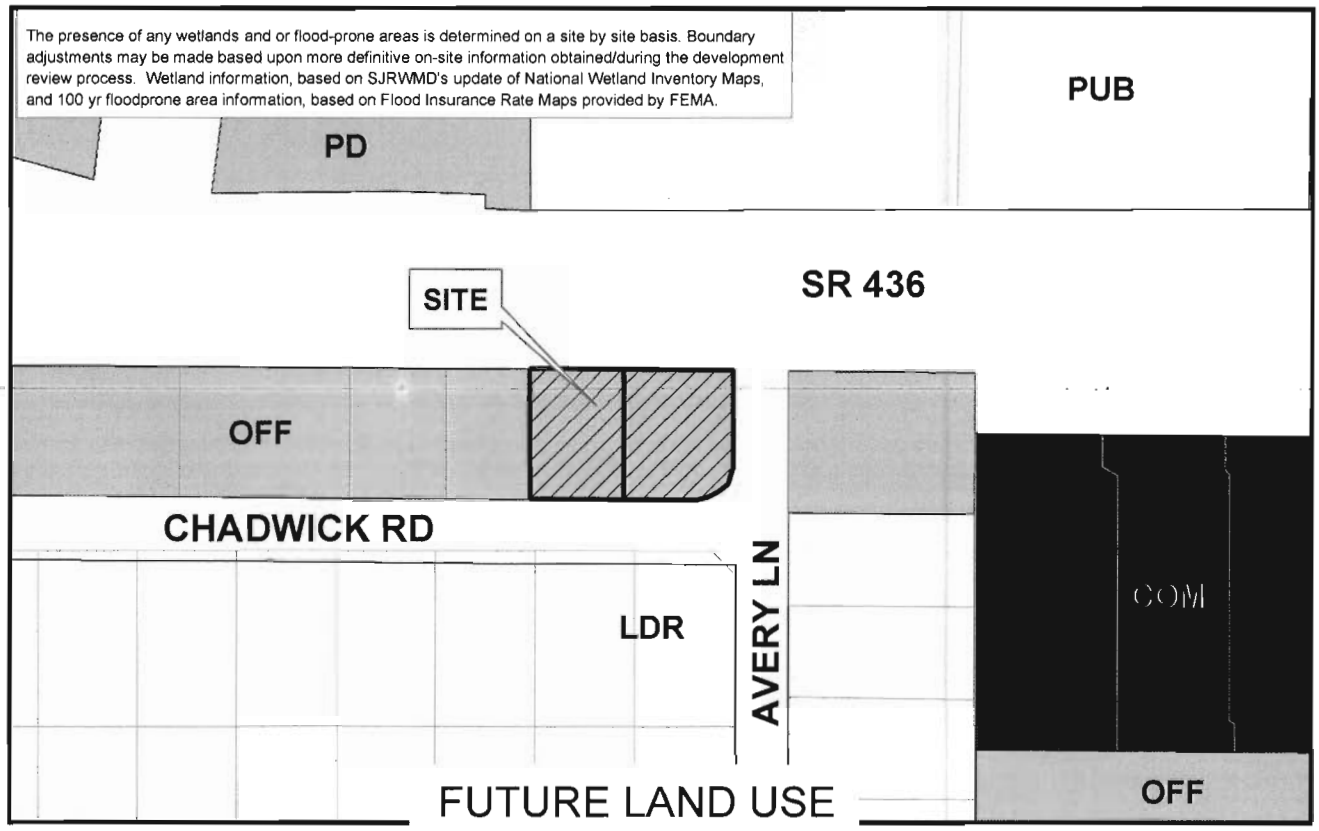
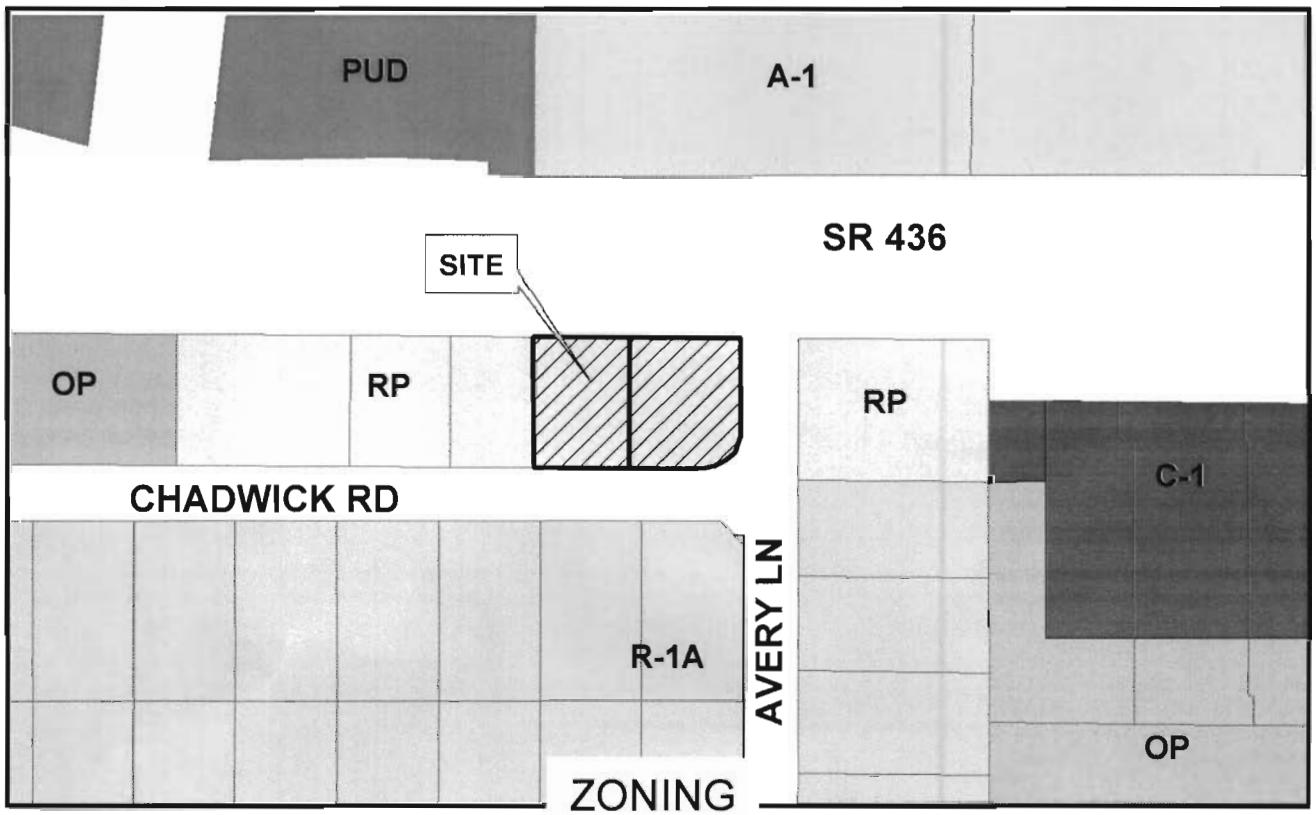


Site LDR OFF COM PD PUB CONS

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	RP

N



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

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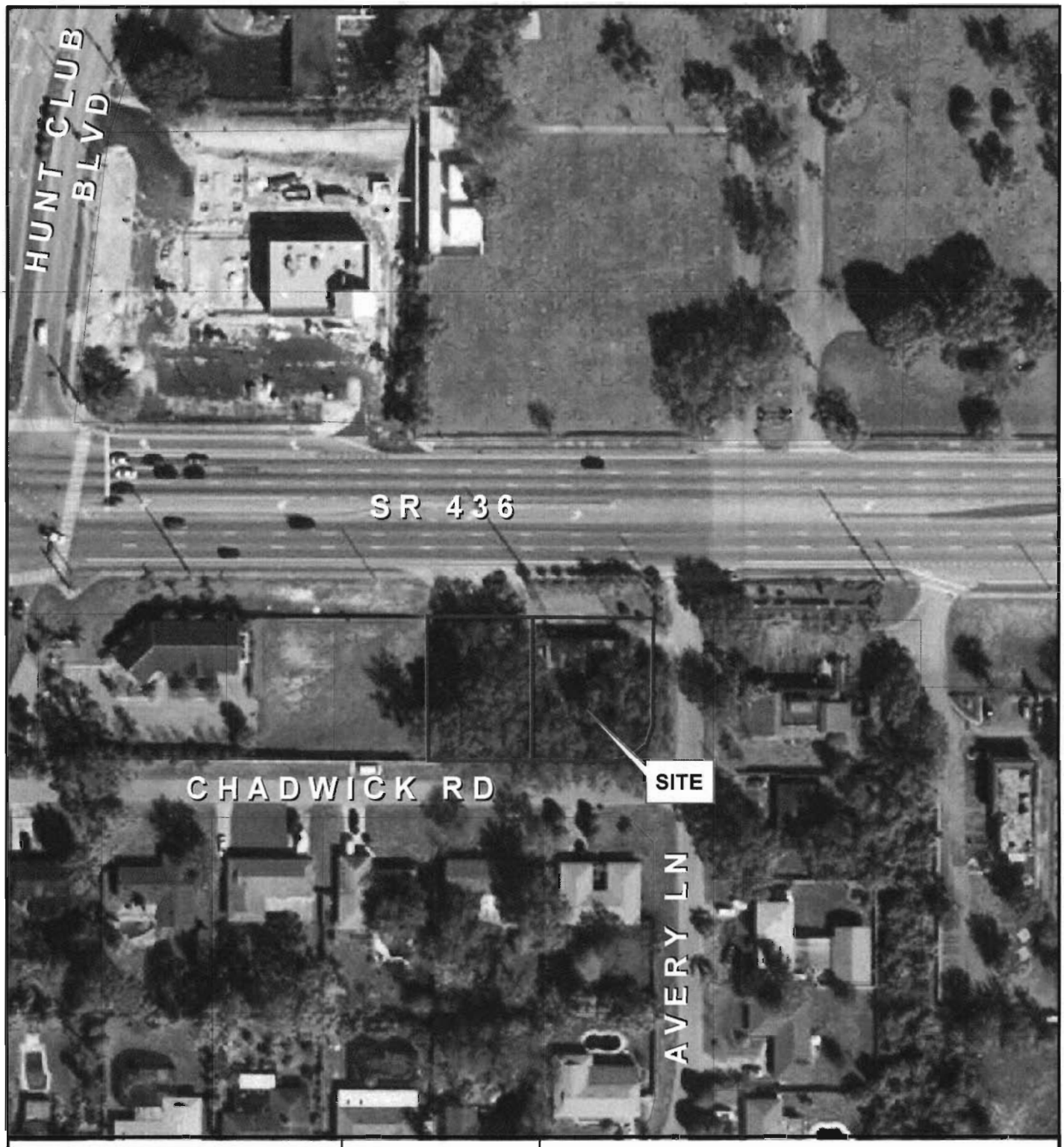


Rezone No: Z2007-037
From: RP To: RP

Parcel
Subject Property

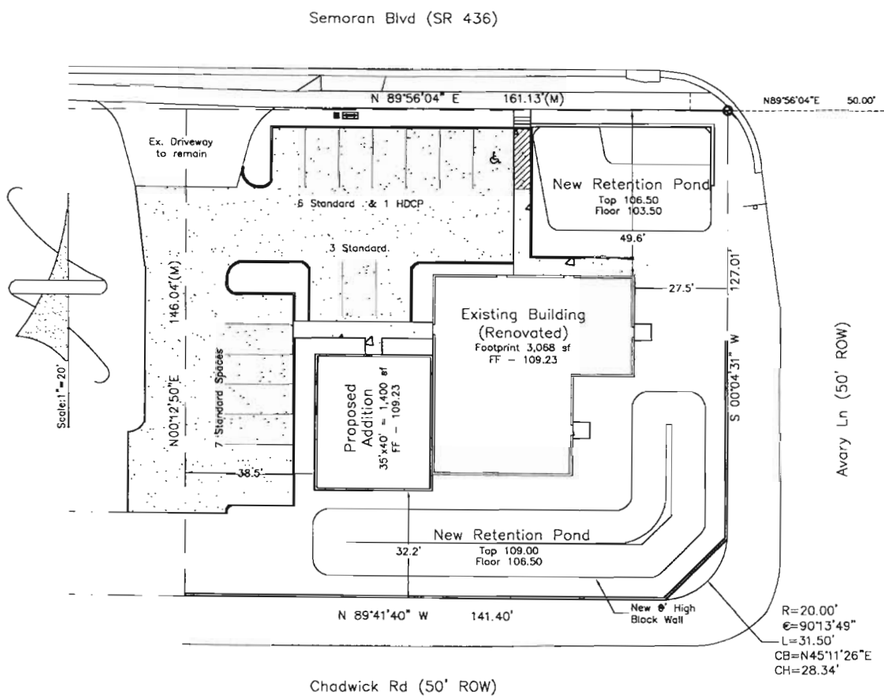
N

Winter 2006 Color Aerials

filename: L:/pl/projects/p&z/GIS/staff_report_pkgs2007/site_aerials/Z2007-037 adaer 07/11/07

Snowball Dental Lab

3320 Semoran Blvd, Apopka, Florida 32703



Notes:
1. Sanitary Lift Station connection and information is taken from the Final Engineering Plans for teh Medical Office for Dr. Steve Milos prepared by Hollis Engineering (Dated: Nov 18, 1999).
2. Joint use driveway is proposed per General Notes 33 & 34 of the above referenced plans.

Location Plan

Long: 81°26'56"	Lat: 28°40'09"
STR - 18/21/29	Scale: N.T.S
Parcel ID - 18-21-29-504-0000-0060	

Schedule of Drawings

C1 - Overall Site Plan
C2 - Layout & Grading Plan
C3 - Off-Site Utility Plan
C4 - Details & Specifications
C5 - Landscape & Irrigation Plan
C6 - Demolition Plan

Project Description

Construct new sitework for a remodeled office building on a 0.54 acre property in Seminole County, Florida.

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

Legend

- Catch Basin
- Mitered End Section
- Manhole
- Cleanout
- Hydrant
- New Pavement
- New Concrete
- Silt Fence
- Water — Waterline
- Storm — Storm Sewer
- Sanitary — Sanitary Sewer
- ×100.00 – Ex. Elevation
- 100.00 – New Elevation

Abbreviations

BFP	Back Flow Preventor	LA	Landscape area(s)
CJ	Construction Joint	LP	Low point
CL	Center Line	MES	Mitered end section
CO	Clean out	MH	Manhole
Conc	Concrete	Misc	Miscellaneous
CS	Control Structure	NTS	Not to scale
Dcva	Double Check Assembly	OC	On center
DI	Ductile Iron pipe	Pvmt	Pavement
Dwg	Drawing	PC	Point of curvature
EJ	Expansion Joint	PSI	Pounds per sq. inch
Ele	Elevation	PT	Point of tangency
EOP	Edge of pavement	PVC	Poly vinyl chloride
Ex	Existing	RPbfpd	Reduced pressure bfp
FW	Fire water pipeline	San	Sanitary
Ftg	Footing	SLS	Sewage lift station
Galv	Galvanized	SS	Stainless steel
G.V.	Gate Valve	Specs	Specifications
HDCP	Handicap	ST	Storm sewer
HP	High point	TC	Top of curb
ID	Inside diameter	TYP	Typical
INL	Inlet	WWW	Welded wire mesh
JB	Junction Box		

Site Statistics

General Information
Total Site Area 0.54 Ac (23,555 sf)

Future Land Use - Office
Zoning Classification - RP

Existing Building GFA - 3,068 sf
Proposed Addition - 1,400 sf
Total Buiding GFA - 4,468 sf
Ex. FAR - 0.19

Setbacks	Required	Provided
Front (N)	25.0'	49.6
Front (E)	25.0'	27.5'
Front (S)	25.0'	32.2'
Side (W)	10.0'	38.5'

Parking Required
Commercial, not Retail
1 space per 2 employee (18) = 9 spaces
1 space per comp. vehicle (1) = 1 spaces
Office Addition
1 space per 200 sf (addition) = 7 spaces
total spaces required = 17 spaces
Including HDCP (1-25 range) = 1 spaces

Parking Provided
Standard Spaces - 16 spaces
Handicapped Spaces - 1 spaces
Total spaces provided - 17 spaces

Impervious Areas	Pre(sf)	Post (sf)
Building Footprint	3,068	4,468
Parking and Access	3,377	6,616
Walks, Pads and Misc.	1,417	577
Total Impervious	7,950	11,661
Percent Impervious	33.8%	49.5%
Percent Oper. Space	66.2%	50.5%

Darcy Unroe PE 60929

Revisions		
#	Date	Description

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

OVERALL SITE PLAN
Snowball Dental Lab
3320 Semoran Blvd, Apopka, Florida 32703

DP	Drawn
DP	Checked
1"=20'	Scale
05/22/07	Date
SNOC1	File

Dwg. No.
C1
1 of 6

ORDINANCE NO. 2007-Z2007-37 **SEMINOLE COUNTY, FLORIDA**

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 RP (RESIDENTIAL 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 "Snowball Dental Lab 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 RP (Residential 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 9th day of October 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By:_____
Carlton D. Henley
Chairman

EXHIBIT A
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 October 9, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Exhibit A

(The aforedescribed legal description has been provided to Seminole County by the owner of the aforedescribed 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 RP (Residential 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 aforedescribed property.

Prepared by: Herman L. Wright
1101 East First treet
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. All uses will be in compliance with the OP (Office Professional) zoning classification.
b. The development shall comply with the site plan attached as Exhibit B.
c. The building shall be limited to one (1) story in height.
d. 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 aforedescribed 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

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, D & E Snowball LLC., on behalf of himself and his heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

_____ _____
Witness D & E Snowball LLC.

_____
Print Name

_____
Witness

_____
Print Name

STATE OF FLORIDA)
)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared, _____, and who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____day of _____, 2007.

_____
Notary Public, in and for the County and State Aforementioned

My Commission Expires:

EXHIBIT A
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.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On October 9, 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 RP (Residential Professional).

The Board of County Commissioners has determined that the rezone request from RP (Residential Professional) to RP (Residential 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 October 9, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from RP (Residential Professional) to RP (Residential 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

EXHIBIT A

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.