

ITEM # _____

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

SUBJECT: ORANGE COMMONS/5701 W SR 46 CN TO C-1

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

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

Agenda Date: <u>11/07/2007</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 CN (Restricted Neighborhood Commercial) to C-1 (Retail Commercial) on 0.41 ± acres, located on the southwest corner West State Road 46 and Orange Boulevard, based on staff findings (Louis R. Fabrizio, applicant); or
2. **RECOMMEND DENIAL** of the request for a rezone from CN (Restricted Neighborhood Commercial) to C-1 (Retail Commercial) on 0.41 ± acres, located on the southwest corner West State Road 46 and Orange Boulevard (Louis R. Fabrizio, applicant); or
3. **CONTINUE** the item to a time and date certain.

District # 5 Carey

Herman Wright, Principal Planner

BACKGROUND:

The applicant, Louis R. Fabrizio, is requesting a rezone from CN to C-1 in order to remove the existing one story brick masonry commercial building and combine the out parcel with the adjacent parcel to construct a twelve (12) unit, 18,200 square foot retail center. The Future Land Use designation of the subject property is COM (Commercial), which allows the requested zoning district.

Reviewed by: Co Atty: <u>KFT</u> DFS: _____ OTHER: _____ DCM: _____ CM: _____ File No. Z2007-55

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request for a rezone from CN (Restricted Neighborhood Commercial) to C-1 (Retail Commercial) on 0.41 ± acres, located on the southwest corner West State Road 46 and Orange Boulevard, based on staff findings.

Attachments:

Staff Report

Location Map

Zoning & Future Land Use Map

Aerial Map

Rezone Ordinance

Denial Development Order (Applicable if the request is denied)

ORANGE COMMONS/5701 W SR 46

Rezone from CN to C-1

APPLICANT	Louis R. Fabrizio	
PROPERTY OWNER	Orange Commons, LLC	
REQUEST	Rezone from CN (Restricted Neighborhood Commercial) to C-1 (Retail Commercial)	
PROPERTY SIZE	0.41 ± acres	
HEARING DATE (S)	P&Z: November 07, 2007	BCC: December 11, 2007
PARCEL ID	25-19-29-300-006A-0000	
LOCATION	Southwest Corner of West State Road 46 and Orange Boulevard	
FUTURE LAND USE	COM (Commercial)	
ZONING	CN (Restricted Neighborhood Commercial)	
FILE NUMBER	Z2007-55	
COMMISSION DISTRICT	#5 –Carey	

Proposed Development:

The applicant is requesting to rezone 0.41 ± acres from CN (Restricted Neighborhood Commercial) to C-1 (Retail Commercial), in order to remove a one story brick masonry commercial building and add the out parcel to the adjacent parcel in order to construct a twelve (12) unit, 18,200 square foot retail center.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of CN (Restricted Neighborhood Commercial) and the requested zoning district of C-1 (Retail Commercial).

DISTRICT REGULATIONS	Existing Zoning (CN)	Proposed Zoning (C-1)
Minimum Lot Size	N/A	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	N/A	N/A
Front Yard Setback	25'	25'
Side Yard Setback	0	0*
(Street) Side Yard Setback	25'	25'
Rear Yard Setback	10'	10'*
Maximum Building Height	35'	35'

* UNLESS A SIDE LOT LINE AND REAR LOT LINE ARE ABUTTING PROPERTY ASSIGNED RESIDENTIAL ZONING. PLEASE REFER TO SC LDC SECTION 30.1228

PERMITTED & SPECIAL EXCEPTION USES:

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

Uses	CN (existing)	C-1 (proposed)
Permitted Uses	<p>Art studios, barber and beauty shops, book, stationery, and newsstands, clinics, except animal, confectionery and ice cream stores, dance and music studios, drug and sundry stores, fire stations, florist and gift shops, hobby and craft shops, interior decorating and draperies, jewelry stores, laundry and cleaning pick-up stations, libraries, locksmiths, luggage shops, office, business, and professional, photographic studios, physical fitness studio, retail paints and wallpaper stores, post offices, retail sporting goods, public and private schools, shoe repair shops, tailoring shops, tobacco shops, toy stores, watch and clock repair, wearing apparel stores.</p>	<p>Any uses 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 services, 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 utilizing a Perman R308 dry cleaning machine or machine, found to be similar in nature by the Planning Manager, which provide dry cleaning services to only those customers bringing clothing and other materials to the site for service; provided, however, that this provision shall not apply to dry cleaning businesses with pick-up service or satellite facilities or to a dry cleaning plant, 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.</p>
Special Exception Uses	<p>Communication towers, parking of semi-tractor trailers and cargo trailer boxes in rural areas for the sale of feed, hay, or other agricultural products when such products are offered for retail sale from said trailer and when the trailer is located outside of the urban/rural boundary. Trailers must be mobile and used on an interim basis until exchanged for a like trailer.</p>	<p>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 when such products are offered for retail sale from said trailer and when the trailer is located outside of the urban/rural boundary. Trailers must be mobile and used on an interim basis until exchanged for a like trailer.</p>
Minimum Lot Size	N/A	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The subject property is an outparcel that is surrounded by land assigned the Future Land Use designation of COM (Commercial) and the C-1 (Retail Commercial) zoning district. The Future Land Use designation of the surrounding property to the south and to the east across Orange Boulevard is COM (Commercial). The Future Land Use designation of the property to the west is LDR (Low Density Residential). Property located east across Orange Boulevard is zoned PCD (Planned Commercial Development). Property to the south is zoned C-1 (Retail Commercial) and the property located to the west of the subject out parcel is zoned A-1 (Agriculture). Staff finds the proposed rezone consistent and compatible with the surrounding development patterns.

SITE ANALYSIS:

Floodplain Impacts:

Based on FIRM map 12117C0040E, 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 wetlands south of this parcel. Buffers from this wetland may affect the site layout.

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 Northwest Seminole County Service Area and may have limited water capacity for new development. Seminole County has a 12-inch water main on the south side of West State Road 46 and a 16-inch force main on the west side of Orange Boulevard. Seminole County has a 20-inch reclaimed water main on the south side of West State Road 46.

Transportation / Traffic:

The property is adjacent to Orange Boulevard which is classified as a collector road. Orange Boulevard is not currently programmed to be improved according

to the County 5-year Capital Improvement Program. Cross/joint access shall be provided for a possible future shared access with the parcel to the south. A 40' ft. right of way on Orange Boulevard shall be dedicated. A right turn lane shall be required on Orange Boulevard and the minimum driveway throat length shall be 50' feet.

Drainage:

The site is in a land locked basin and will be required to hold the entire 100-year storm onsite.

Buffers and Sidewalks:

Property to the west of the subject parcel is assigned the LDR (Low Density Residential) Future Land Use designation. Buffers may be required at the time of site plan submittal. At this time there are no sidewalks proposed, however; if the adjacent properties develop, they will be required to build sidewalks to connect to any newly proposed sidewalks.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

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

SPECIAL DISTRICTS:

The subject property is located within the Wekiva River Protection Area (WRPA) and the Wekiva River Study Area. The Commercial Future Land Use designation assigned to the property was in place prior to the 1988 Wekiva River Protection Act. The Wekiva River Protection Act and the Vision 2020 Comprehensive Plan policies 14.1 through 14.9 relating to protection of the rural character and natural resources of the Wekiva River Protection Area do not allow for an increase in density and/or intensity on properties within the WRPA. The Commercial Future Land use designation allows a maximum FAR of 0.35, regardless of the commercial zoning district assigned, therefore, the proposed rezone to C-1 will not result in an increase in development intensity on the subject property, which is consistent with the Comprehensive Plan and the Wekiva River Protection Act. At the time of Site Plan approval, the subject property will have to comply with all the regulations of the WRPA and the Study Area.

The subject property is also located within the Aquifer Recharge (Part 54; Chapter 30 of the Seminole County Land Development Code); and the State Road 46 Gateway Corridor (Part 55; Chapter 30 of the Seminole County Land Development Code) and will have to comply with those regulations at the time of Final Site Plan approval.

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 objectives and 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 FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions
- Objective FLU 14: Wekiva River Protection Area
- Objective FLU 15: Wekiva Study Area

INTERGOVERNMENTAL NOTIFICATION:

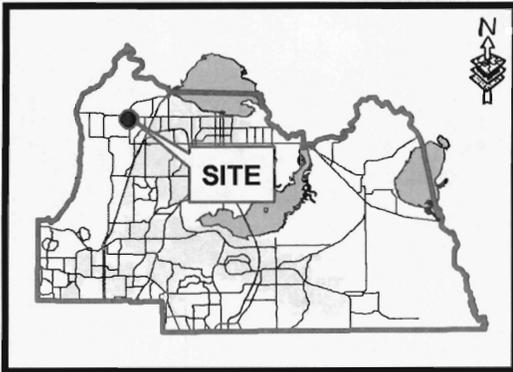
No intergovernmental notice is required for this development.

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 CN (Restricted Neighborhood Commercial) to C-1 (Retail Commercial) on 0.41 ± acres, located on the southwest corner West State Road 46 and Orange Boulevard, based on staff findings.



VOLUSIA COUNTY

Lake Monroe

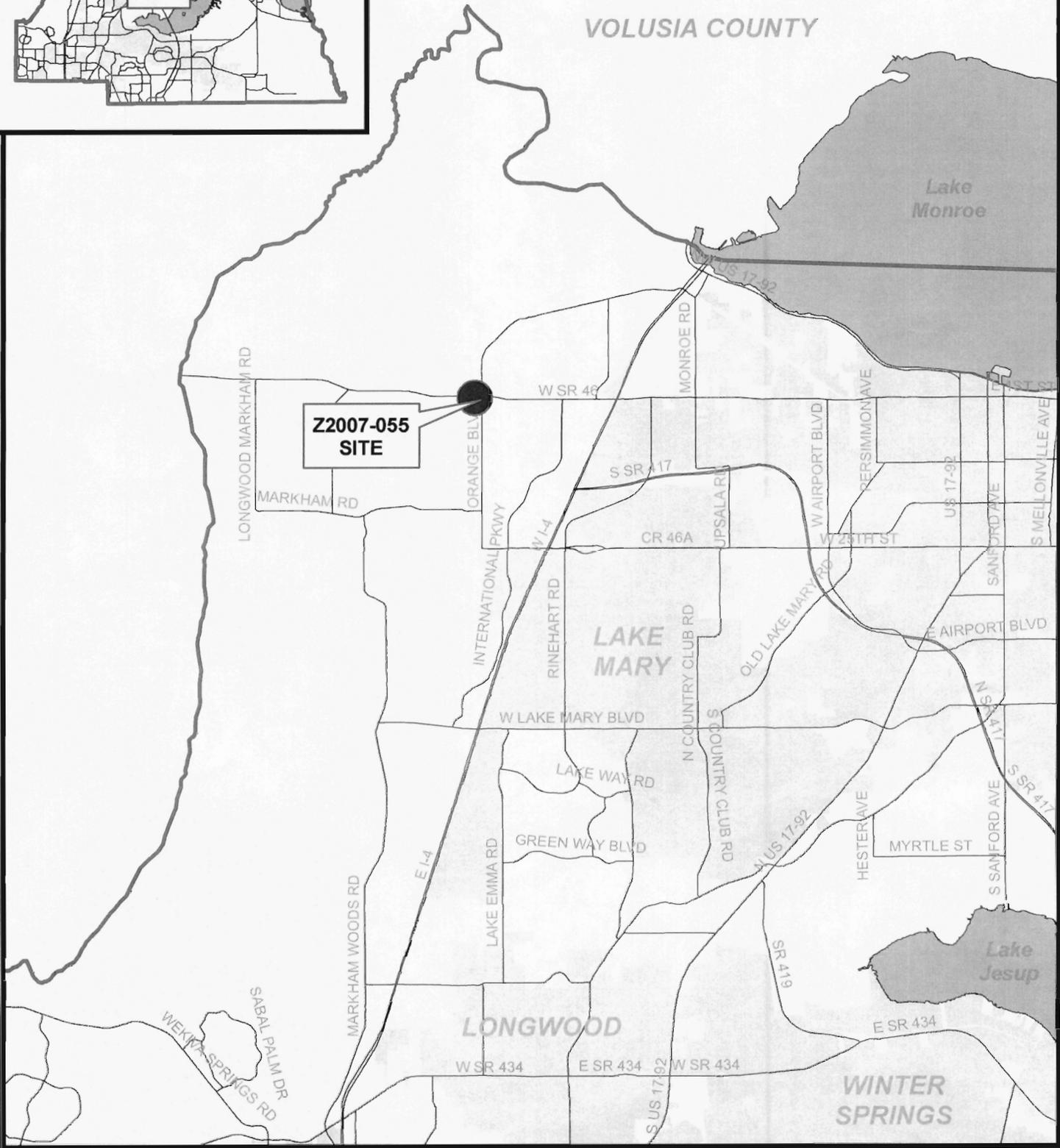
**Z2007-055
SITE**

LAKE MARY

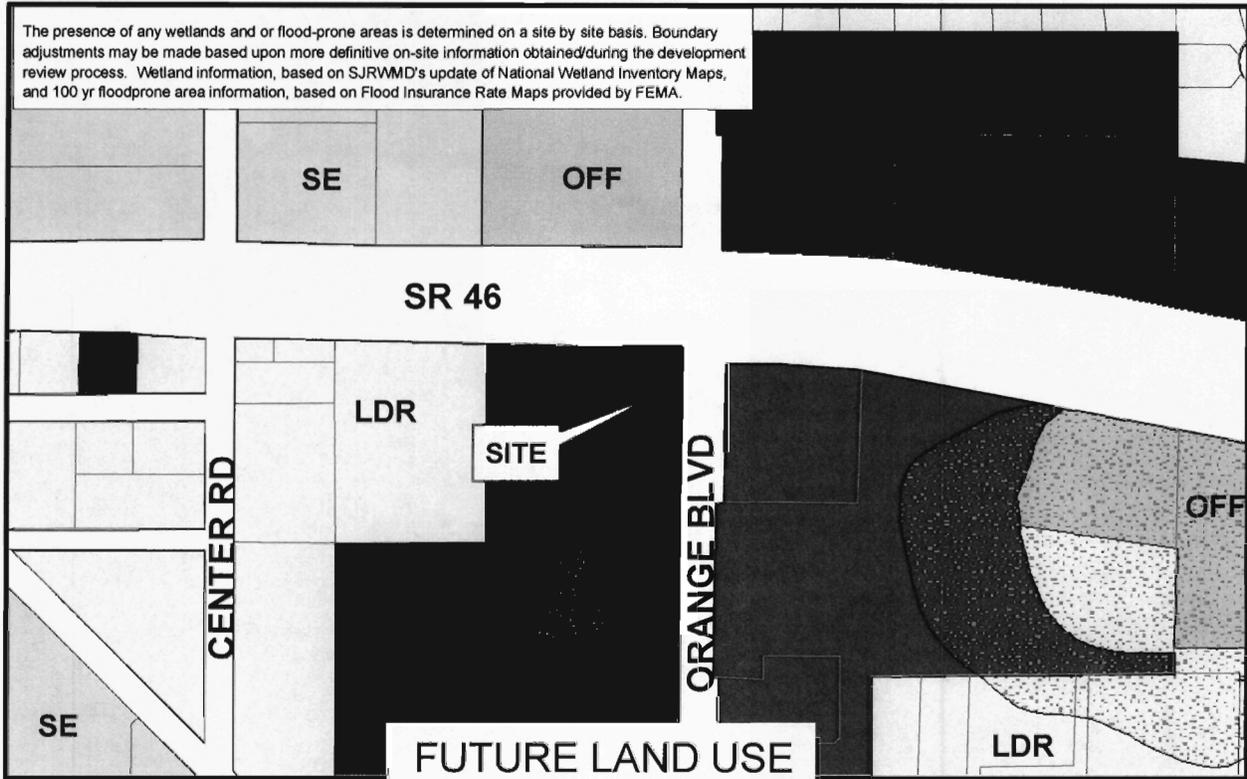
LONGWOOD

WINTER SPRINGS

Lake Jesup



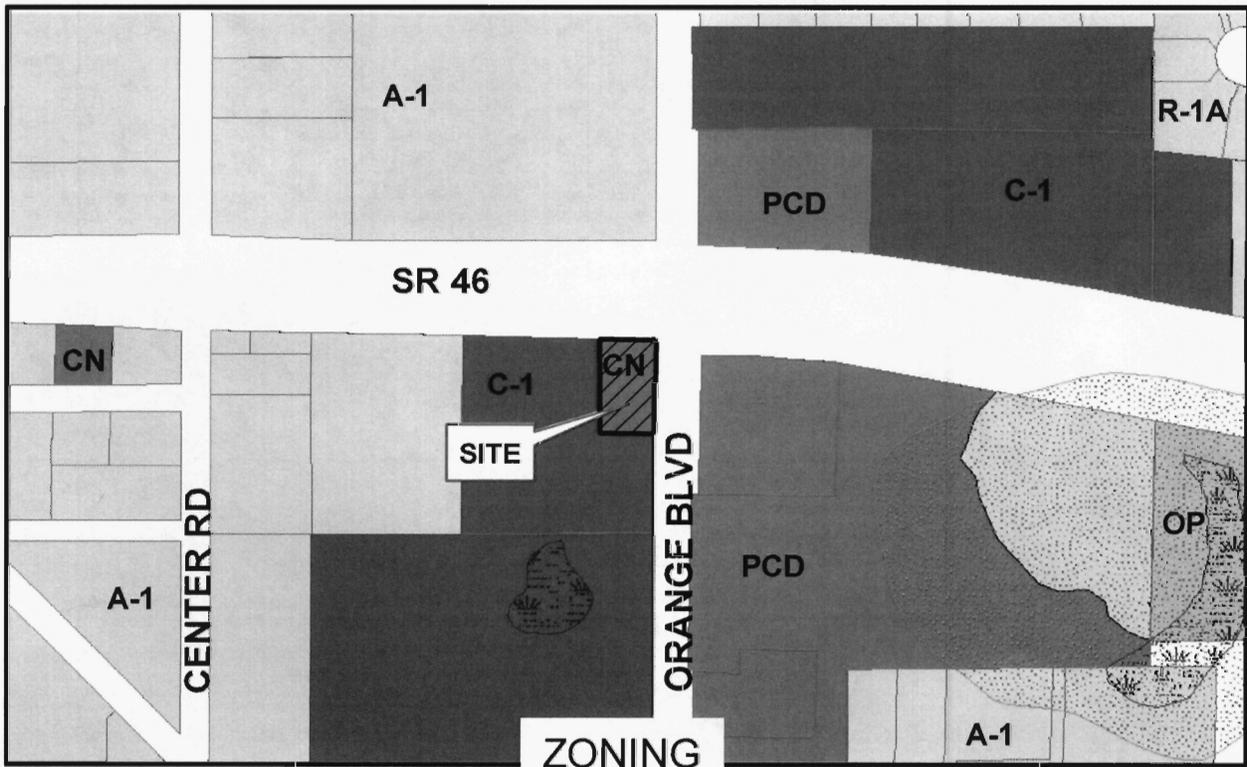
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR OFF COM SE Site CONS

Applicant: Louis Fabrizio, manager
 Physical STR: 25-19-29-300-006A-0000
 Gross Acres: .41 +/- BCC District: 5
 Existing Use: commercial
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-055	CN	C-1



A-1 R-1A CN C-1 OP PCD FP-1 W-1



Rezone No: Z2007-055
From: CN To: C-1

- Parcel
- Subject Property



Winter 2006 Color Aerials

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 CN (RESTRICTED NEIGHBORHOOD COMMERCIAL) ZONING CLASSIFICATION THE C-1 (RETAIL COMMERCIAL) 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 "Orange Commons/5701 W SR 46".

(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 CN (Restricted Neighborhood Commercial) to C-1 (Retail Commercial):

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 filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 11th day of December 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A
LEGAL DESCRIPTION

Beginning at a point 1,157 feet South of the Northeast corner of Government Lot 1, in Section 25, Township 19 South, Range 29 East, Seminole County, Florida. Run thence West a distance of 25 feet, more or less, to the Westerly right-of-way line of Orange Boulevard; run thence North along the Westerly right-of-way line of Orange Boulevard 25 feet, more or less, to the Southerly right-of-way line of State Road 46 as the point of beginning. Run thence South along the Westerly right-of-way line of Orange Boulevard a distance of 175 feet; run thence West a distance of 100 feet; run thence North a distance of 175 feet, more or less, to the Southerly right-of-way line of State Road 46; run thence East along the Southerly right-of-way line of State Road 46 a distance of 100 feet to the point of beginning

Z2007-055

DEVELOPMENT ORDER #07-20000012

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 11, 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): Orange Commons, LLC

Project Name: Orange Commons/5701 W SR 46

Requested Development Approval: The applicant is requesting a rezone from CN (Restricted Neighborhood Commercial) to C-1 (Retail Commercial) in order to remove the existing one story brick masonry commercial building and combine the out parcel with the adjacent parcel to construct a twelve (12) unit, 18,200 square foot retail center.

The Board of County Commissioners has determined that the rezone request from CN (Restricted Neighborhood Commercial) to C-1 (Retail Commercial) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Orange Commons/5701 W SR 46" and all evidence submitted at the public hearing on December 11, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from CN (Restricted Neighborhood Commercial) to C-1 (Retail Commercial) 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"

LEGAL DESCRIPTION

Beginning at a point 1,157 feet South of the Northeast corner of Government Lot 1, in Section 25, Township 19 South, Range 29 East, Seminole County, Florida. Run thence West a distance of 25 feet, more or less, to the Westerly right-of-way line of Orange Boulevard; run thence North along the Westerly right-of-way line of Orange Boulevard 25 feet, more or less, to the Southerly right-of-way line of State Road 46 as the point of beginning. Run thence South along the Westerly right-of-way line of Orange Boulevard a distance of 175 feet; run thence West a distance of 100 feet; run thence North a distance of 175 feet, more or less, to the Southerly right-of-way line of State Road 46; run thence East along the Southerly right-of-way line of State Road 46 a distance of 100 feet to the point of beginning