

ITEM # _____

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

SUBJECT: Faith Terrace (500) Rezone from RP (Residential Professional) to RP.

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

AUTHORIZED BY: Alison Stettner **CONTACT:** Austin Watkins EXT. 7440

Agenda Date 12/05/2007 **Regular** **Work Session** **Briefing**
Special Hearing – 6:00 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. **RECOMMEND APPROVAL** of the request to rezone 0.227 ± acres, located on the southwest corner of Faith Terrace and Maitland Avenue, from RP (Residential Professional) to RP (Residential Professional), and recommend approval of the associated Site Plan and Revised and Restated Development Order, based on staff findings (Rolly Reel, applicant); or
2. **RECOMMEND DENIAL** of the request to rezone 0.227 ± acres located on the southwest corner of Faith Terrace and Maitland Avenue, from RP (Residential Professional) to RP (Residential Professional), and recommend denial of the associated Site Plan and Development Order (Rolly Reel, applicant); or
3. **CONTINUE** the item to a time and date certain.

District #4 – Henley

Austin Watkins, Senior Planner

BACKGROUND:

On September 12, 2006 the Board of County Commissioners rezoned the subject property from R-1AA (Single-family Dwelling) to RP (Residential Professional) to allow for an audiology office.

The applicant, Rolly Reel, is requesting to rezone the property from RP to RP to allow for a wider variety of office uses. The applicant is requesting general office as the permissible use on the property. The attached site plan depicts eight (8) parking spaces and one (1) handicap space. The

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2007-75</u>

site plan has four (4) stacked parking spaces. The applicant is not proposing any modifications to the site plan approved by the Board on September 12, 2006.

The Seminole County Land Development Code (LDC) requires uses other than single-family residential to be reviewed by the Planning and Zoning Commission and approved by the BCC. Staff recommends that during this rezone, the site be approved for Professional and General Office uses listed as Special Uses in the RP zoning classification, with the following prohibited uses: Medical and Dental Offices, Dental and Medical Clinics and Medical and Dental Laboratories. Further, Staff recommends that no more than six (6) employees be allowed on the property at a given time. 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.

All other conditions of the original approval will remain the same.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 0.227 ± acres, located on the southwest corner of Faith Terrace and Maitland Avenue, from RP (Residential Professional) to RP (Residential Professional), and recommends APPROVAL of the associated Site Plan and Revised and Restated Development Order.

Attachments:

Location Map

Zoning and Future Land Use Map

Aerial Map

Site Plan

Revised and Restated Development Order

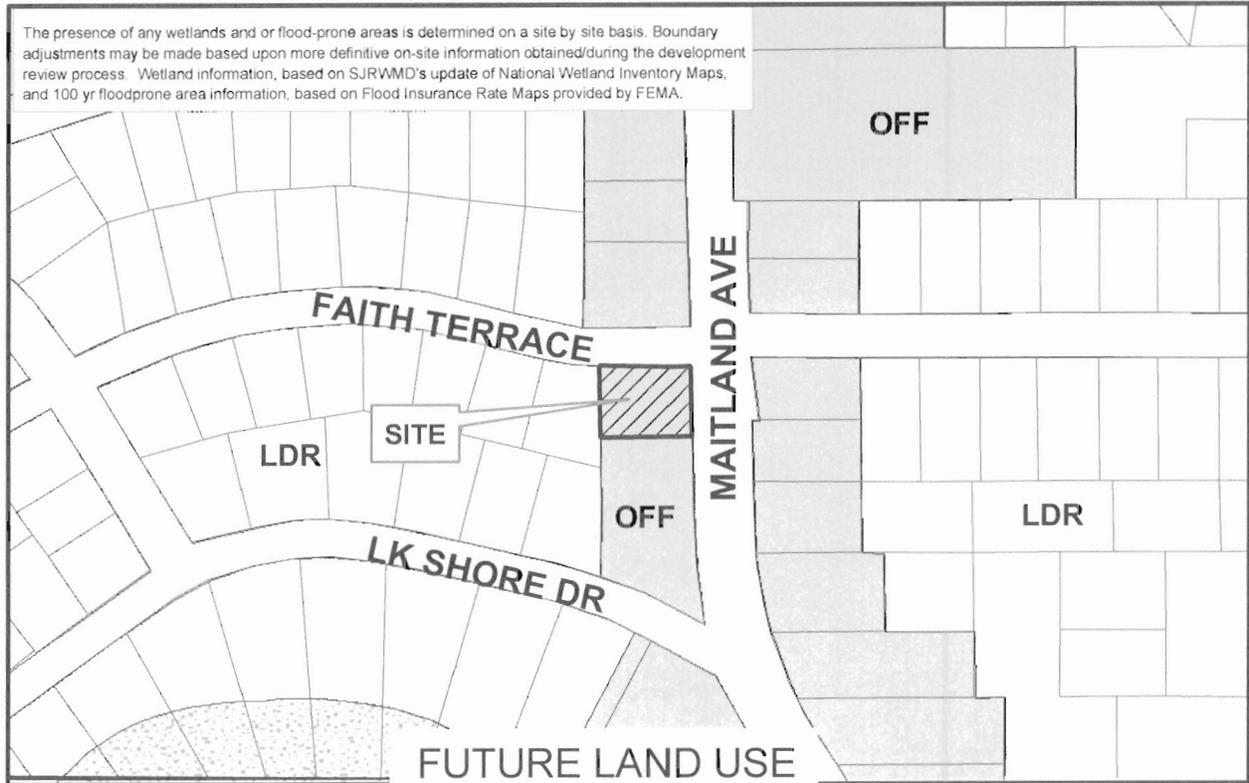
Rezone Ordinance

Denial Development Order (applicable only if the request is denied)

September 12, 2006 Development Order

Ownership Disclosure Form

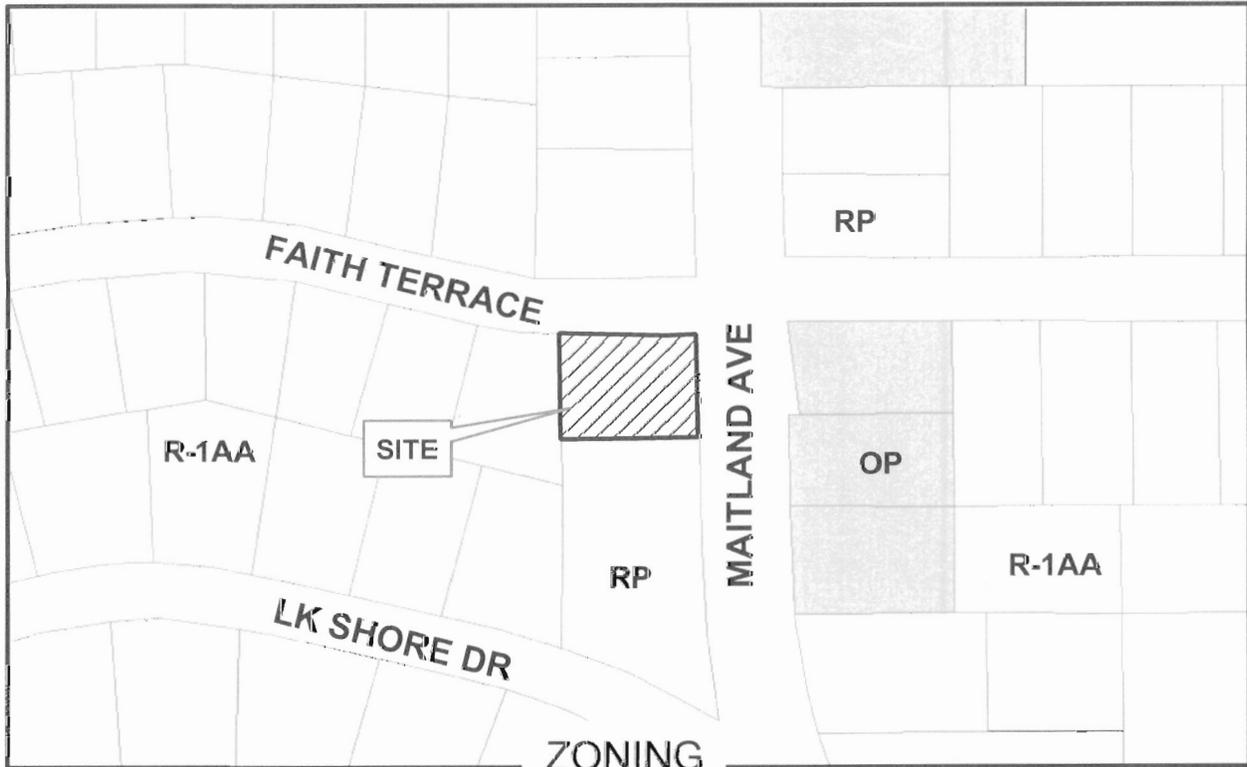
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR OFF Site CONS Municipality

Applicant: Rolly Ron Reel
 Physical STR: 24-21-29-509-0000-0100
 Gross Acres: .227 +/- BCC District: 4
 Existing Use: Residential - RP
 Special Notes:

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-075	RP	RP



R-1AA RP OP FP-1 W-1

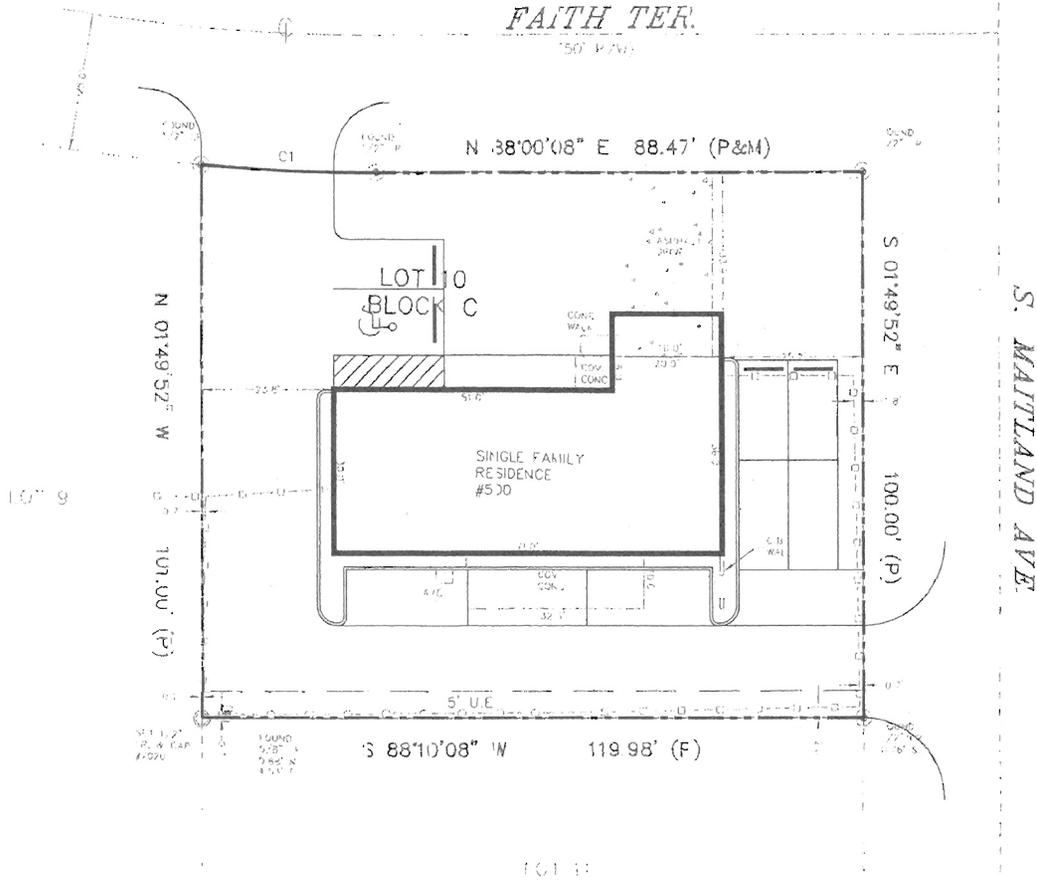


Rezone No: Z2007-075
From: RP To: RP

- Parcel
- Subject Property



Winter 2006 Color Aerials



CEG
 Civil Engineering Group, Inc.
 10000 South Loop West, Suite 1000
 Houston, Texas 77042
 Tel: (832) 428-8800 Fax: (832) 428-8229

APP	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		

MAITLAND AUDIOLOGY, PA

GROTTI OFFICE BUILDING
 SEMINOLE COUNTY, FLORIDA
 MASTER SITE PLAN

SCALE:	1" = 10'
DATE:	03/15/09
DESIGN:	RFW
DRAWN:	RFW
CHECKED:	EA
CADD:	C-1.dwg
NO. OF SHEETS:	1
SHEET NO.:	1
PROJECT NO.:	06539.01
DATE:	C-1

THIS DOCUMENT IS THE PROPERTY OF CEG. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CEG. INDEMNIFICATION: THE ENGINEER SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING REAL PROPERTY, CAUSED BY ANY NEGLIGENCE OR MALPRACTICE OF ANY CONSULTANT OR SUBCONSULTANT. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING REAL PROPERTY, CAUSED BY ANY NEGLIGENCE OR MALPRACTICE OF ANY CONSULTANT OR SUBCONSULTANT.

**REVISED AND RESTATED
DEVELOPMENT ORDER**

The Development Order dated September 12, 2006 is hereby further revised on January 22, 2008 to read as follows:

Legal description attached as Exhibit "A".

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

FINDINGS OF FACT

Property Owner: Rolly Ray Reel and Susan L. Reel

Project Name: Faith Terrace (500) RP Rezone

Requested Development Approval: Rezoning from RP (Residential Professional) zoning classification to RP (Residential Professional).

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: Austin Watkins, 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.~~ Permitted Uses: General and Professional Offices. The following uses are Prohibited: Medical and Dental Offices, Medical and Dental Clinics, Medical and Dental Laboratories.
- b. The subject site shall have a right out only onto Maitland Blvd.
- c. A minimum 20 foot unobstructed clearance will be required for the internal drive aisles.
- d. The applicant shall install a five-foot wide 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 existing residential.
- f. All development shall comply with the site plan attached labeled Exhibit A "B".
- 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.
- h. No more than six (6) employees may be on property at a given time.
- i. The four stacked parking spaces, as depicted on the site plan shall be reserved for employee only parking.

(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: _____

Brenda C. Carey, Chairman
Board of County Commissioners

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owners, Rolly Ray Reel and Susan L. Reel, on behalf of themselves and their heirs, successors, assigns and 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.

WITNESSES:

OWNERS:

Witness (Sign and print name)

Rolly Ray Reel

Witness (Sign and print name)

Witness (Sign and print name)

Susan L. Reel

Witness (Sign and print name)

Acknowledgement

STATE OF FLORIDA
COUNTY OF SEMINOLE

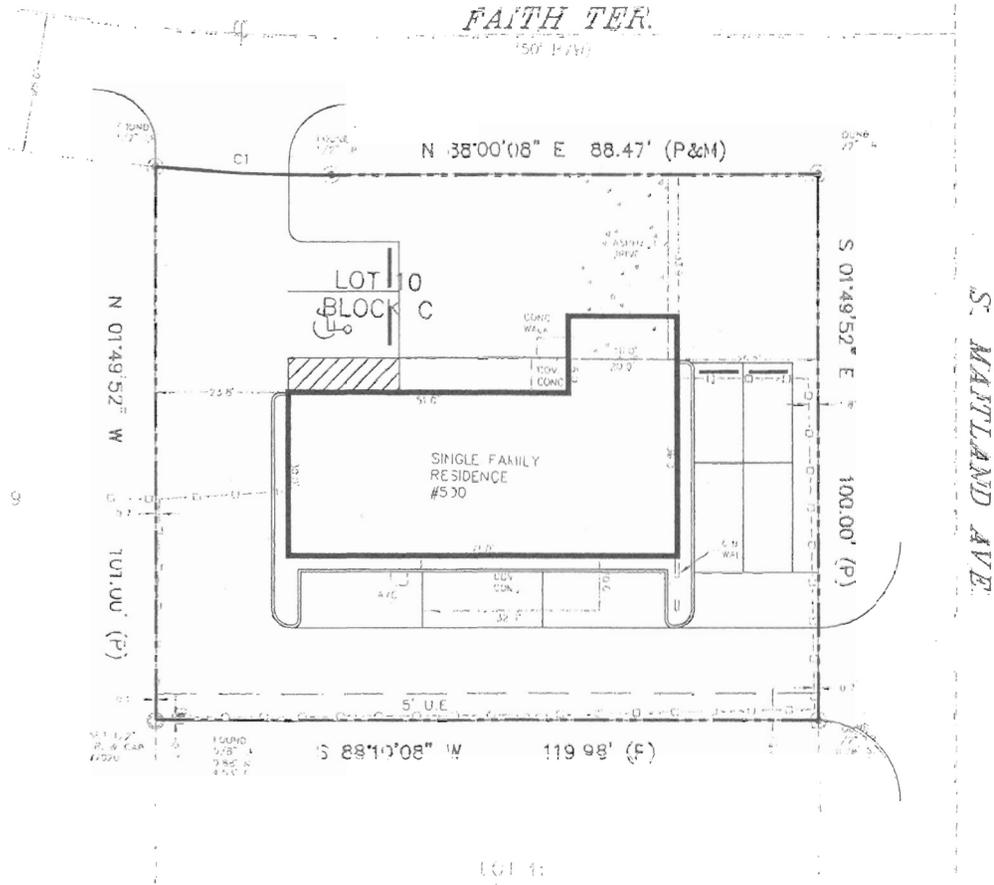
The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by Rolly Ray Reel and Susan L. Reel who is personally known to me or who has produced _____ as identification.

Notary Public
Print Name:
My Commission expires: _____

Exhibit "A"
Legal Description

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

Exhibit "B"
Site Plan



APP:	
DESCRIPTION:	
DATE:	
MAITLAND AUDIOLOGY, PA MASTER SITE PLAN	
SCALE: 1"=10' DATE: 03/15/2025 DESIGN: RM DRAWN: RM CHECKED: EA CADD: C-1.dwg SHEET NO. 1 OF 1 SHEET 06530.01 C-1	

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE RP (RESIDENTIAL PROFESSIONAL) ZONING CLASSIFICATION 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 (500) RP Rezone, dated January 22, 2008.

(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 on the recording date of the Development Order # 07-20000016 in the Official Land Records of Seminole County.

ENACTED this 22nd day of January 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda C. Carey, Chairman

EXHIBIT "A"
LEGAL DESCRIPTION

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

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 22, 2008, 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): Rolly Ray Reel and Susan L. Reel

Project Name: Faith Terrace (500) RP Rezone

Requested Development Approval: The applicant is requesting a rezone from RP to RP.

The Board of County Commissioners has determined that the request for rezone from RP to RP is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Faith Terrace (500) RP Rezone" and all evidence submitted at the public hearing on November 13, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from RP to RP 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: _____
Brenda C. Carey, Chairman

EXHIBIT "A"
LEGAL DESCRIPTION:

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

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: Polly Ray Reel and Susan L. Reel

Project Name: Faith Terrace RP Rezone

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

RETURN TO SANDY MCCANN

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: Tina Williamson, Principal Coordinator
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 06461 Pgs 0571 - 576; (6pgs)
FILE NUM 2006171575
RECORDED 10/27/2006 02:10:11 PM
RECORDING FEES 52.50
RECORDED BY B Harford



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.

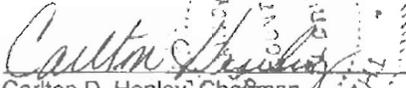
(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

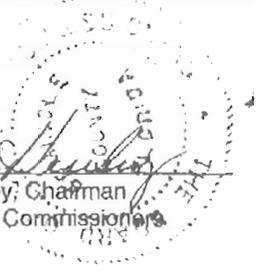
- a. Allowable uses shall be limited to the Audiology Office only.
- b. The subject site shall have a right out only onto Maitland Blvd.
- c. A minimum 20 foot unobstructed clearance will be required for the internal drive aisles.
- d. The applicant shall install a five-foot wide sidewalk along the frontage 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 existing residential.
- f. All development shall comply with the site plan attached labeled 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



This is not a certified copy

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owners, Rolly Ray Reel and Susan L. Reel, on behalf of themselves and their heirs, successors, assigns and 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.

WITNESSES:

Patricia Johnson
Witness (Sign and print name)

Patricia Johnson
Witness (Sign and print name)

Valleta T. Ginnard-Fossitt
Witness (Sign and print name)

Valleta T. Ginnard-Fossitt
Witness (Sign and print name)

OWNERS:

Rolly Ray Reel
Rolly Ray Reel

Susan L. Reel
Susan L. Reel

Acknowledgement

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 17 day of October, 2006, by Rolly Ray Reel and Susan L. Reel who is personally known to me or who has produced FL Drivers License as identification.

Karen Mathews
Notary Public

Print Name:

My Commission expires:



EXHIBIT A

SITE PLAN

This is not a certified copy



FAITH TER.

N 38°00'018" E 85.47' (P.&M)

(d) 20.101' W 20.84' 10 N

LOT BLOCK C

SIRRAE FAMILY RESIDENCE 25.30

S 01°49'59" E 100.00' (P)

S WILKINS AVE.

119.98' (F)

This is not a certified copy

CHOTTY OFFICE BUILDING JENNIFER COURT, NORTH MANTON, WYOMING		MANTON, WYOMING
1. PROJECT NO. 2. SHEET NO. 3. DATE	4. SCALE 5. DRAWN BY 6. CHECKED BY	7. TITLE 8. CLIENT
MAITLAND AUDIOLOGY, PA		CEB

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: ROLLY RAY REEL

Address: 102 Oakwood Drive

Phone #: Maitland, FL 32751
(407) 834-1457

Name: _____

Address: _____

Phone #: _____

Name: SUSAN L. REEL

Address: 102 Oakwood Drive

Phone #: Maitland, FL 32751
(407) 834-1457

Name: _____

Address: _____

Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____

Officers: _____

Address: _____

Directors: _____

Address: _____

Shareholders: _____

Address: _____

Name of Corporation: _____

Officers: _____

Address: _____

Directors: _____

Address: _____

Shareholders: _____

Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____

Trustees: _____

Address: _____

Beneficiaries: _____

Address: _____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: _____ Name: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

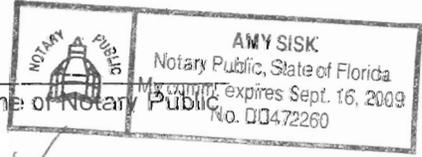
NOV. 6, 2007
Date

Rolly Ray Reel
Owner, Agent, Applicant Signature
Rolly Ray Reel

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 6 day of November, 2007 by Rolly Ray Reel

Amy Sisk
Signature of Notary Public

Print, Type or Stamp Name of Notary Public AMY SISK


Personally Known _____ OR Produced Identification ✓
Type of Identification Produced FIDL

For Use by Planning & Development Staff

Date: _____ Application Number: _____