

ITEM # _____

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

SUBJECT: Timocuan Way Rezone from A-1 to C-3

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

AUTHORIZED BY: Alison C. Stettner **CONTACT:** Joy Williams EXT. 7399

Agenda Date <u>5/7/08</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 A-1 (Agriculture) to C-3 (General Commercial & Wholesale) for 3.09± acres, located approximately 2 miles south from the intersection of General Hutchison Parkway and Timocuan Way, based on staff findings (Sunshine Building & Development Corp / Mike Hattaway/Albert Land); or
2. **RECOMMEND DENIAL** of the request for a rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) for 3.09± acres, located approximately 2 miles south from the intersection of General Hutchison Parkway and Timocuan Way (Sunshine Building & Development Corp / Mike Hattaway/Albert Land); or
3. **CONTINUE** the item to a time and date certain.

District 4 – Commissioner Henley

Joy Williams, Planner

BACKGROUND:

The applicant is requesting to rezone 3.09± acres from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) zoning for the purpose of future development that is consistent with the permitted uses under the C-3 zoning district.

Reviewed by:
Co Atty: <u> </u>
DFS: <u> </u>
OTHER: <u> </u>
DCM: <u> </u>
CM: <u> </u>
File No. <u>Z2008-07</u>

STAFF RECOMMENDATION:

Staff recommends approval of the request for a rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) zoning district for 3.09± acres located approximately 2 miles south from the intersection of General Hutchison Parkway and Timocuan Way.

Attachments:

Staff Report

Location Map

Zoning & Future Land Use Map

Aerial Map

Rezoning Ordinance

Denial Development Order (applicable if the request is denied)

Timocuan Way Rezone from A-1 to C-3	
APPLICANT	Mike Hattaway/Albert Land
PROPERTY OWNER	Sunshine Building & Development Corp
REQUEST	Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale)
PROPERTY SIZE	3.09± acres
HEARING DATE (S)	P&Z: May 7, 2008 BCC: June 24, 2008
PARCEL ID	21-20-30-5AP-0000-064B
LOCATION	Approximately 2 miles south from the intersection of General Hutchison Parkway and Timocuan Way
FUTURE LAND USE	IND (Industrial)
ZONING	A-1 (Agriculture)
FILE NUMBER	Z2008-07
COMMISSION DISTRICT	#4 – Henley

Proposed Development:

The applicant is requesting a rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) for future development that is consistent with the permitted uses under the C-3 zoning district.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of C-3 (General Commercial & Wholesale).

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (C-3) (Setbacks from Property Boundaries)
Minimum Lot Size	43,560 sq. ft.	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150'	N/A
Front Yard Setback	50'	25' (south)
Side Yard Setback	10'	0'/50'-100'(west/east)
(Street) Side Yard Setback	50'	N/A
Rear Yard Setback	30'	10' (north)
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	A-1 (existing)	C-3 (proposed)
Permitted Uses	Single-family detached, agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Any permitted uses in the C-2 District excluding public or private elementary schools, middle schools, and high schools. Bakeries, bottling and distribution plants, cold storage and frozen food lockers, contractors equipment-storage yards, feed stores, greenhouses-wholesale, industrial trade schools, laundry and dry-cleaning plants, lumber yards, machinery sales and storage, mechanical garages, paint and body shops, plumbing shops, trade shops, such as upholstery, metal and cabinet, warehouses, wholesale meat and produce distribution with meat cutting, but not butchering, communication towers when monopole in design if the tower is under one hundred forty feet in height and office showrooms.
Special Exception Uses	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	Living quarters in conjunction with a commercial use to be occupied by the owner or operator of the business or an employee, public utility structures, service stations and gas pumps as an accessory use, hospitals and nursing homes, public and private schools, communication towers when monopole in design if the tower is over one hundred forty (140) feet in height, 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, flea markets.
Minimum Lot Size	1-Acre	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Future Land Use designation of the surrounding properties to the east and south side of the subject parcel is Low Density Residential (LDR) with a residential zoning classification and A-1 (Agriculture) zoning classification. The property on the north side of the subject parcel has a Future Land Use designation of Recreation (REC) with an A-1 (Agriculture) zoning classification. The property to the west has the Industrial (IND) Future Land Use designation with a C-3 (General Commercial & Wholesale) zoning classification. Active/passive buffer setback design standards will apply to the east and south side of the subject parcel in order to eliminate or minimize adverse impacts to adjacent residential uses. Staff finds the proposed rezone to the C-3 (General Commercial & Wholesale) zoning classification is consistent and compatible with the surrounding development patterns.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on FIRM map with an effective date of 2007, 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.

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 subject property will be required to undergo Concurrency Review prior to Final Engineering approval.

Utilities:

The site is located in the Central Seminole County utility service area, and will be required to connect to public utilities. There is an 8-inch water main on Timocuan Way and a 12-inch force main, approximately 600 feet west of the parcel, on the east side of Timocuan Way. 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, may be required until reclaimed water becomes available.

Transportation / Traffic:

Timocuan Way is classified as a local road and is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program. The site does not have direct frontage onto Timocuan Way, it is accessed by way of a private easement; therefore, the applicant will be required to build a County standard roadway at the time of site plan.

Drainage:

The proposed project is located within the Soldiers Creek Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to not exceed the pre-development rate of discharge for the 25-year, 24-hour storm event.

Parks, Recreation and Open Space:

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in common open space. Per Section 30.1344 (e), the common open space may include landscape buffers, as well as the preservation of floodplain areas, wetlands and other natural resources.

Buffers:

In accordance with Section 30.1232 of the Land Development Code, the Active/passive buffer setback design standards will apply to the east and south side of the subject site in order to minimize impacts on the adjacent residential uses.

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 FLU 2.5 Transitional Land Uses
- Policy POT 4.5 Potable Water Connection
- Policy SAN 4.4 Sanitary Sewer Connection
- Policy PUB 2.1 Public Safety Level-of-Service

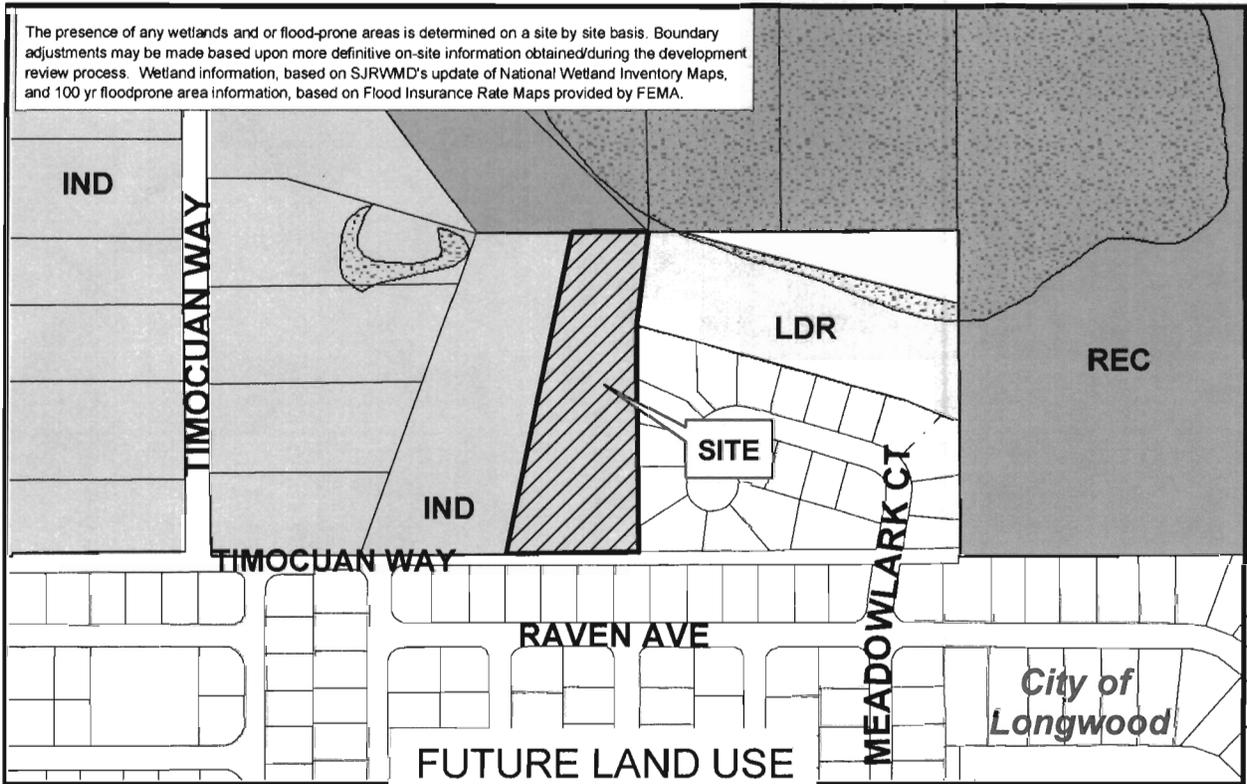
INTERGOVERNMENTAL NOTIFICATION:

An intergovernmental notice was sent to the City of Longwood. The subject site will not impact schools.

LETTERS OF SUPPORT OR OPPOSITION:

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

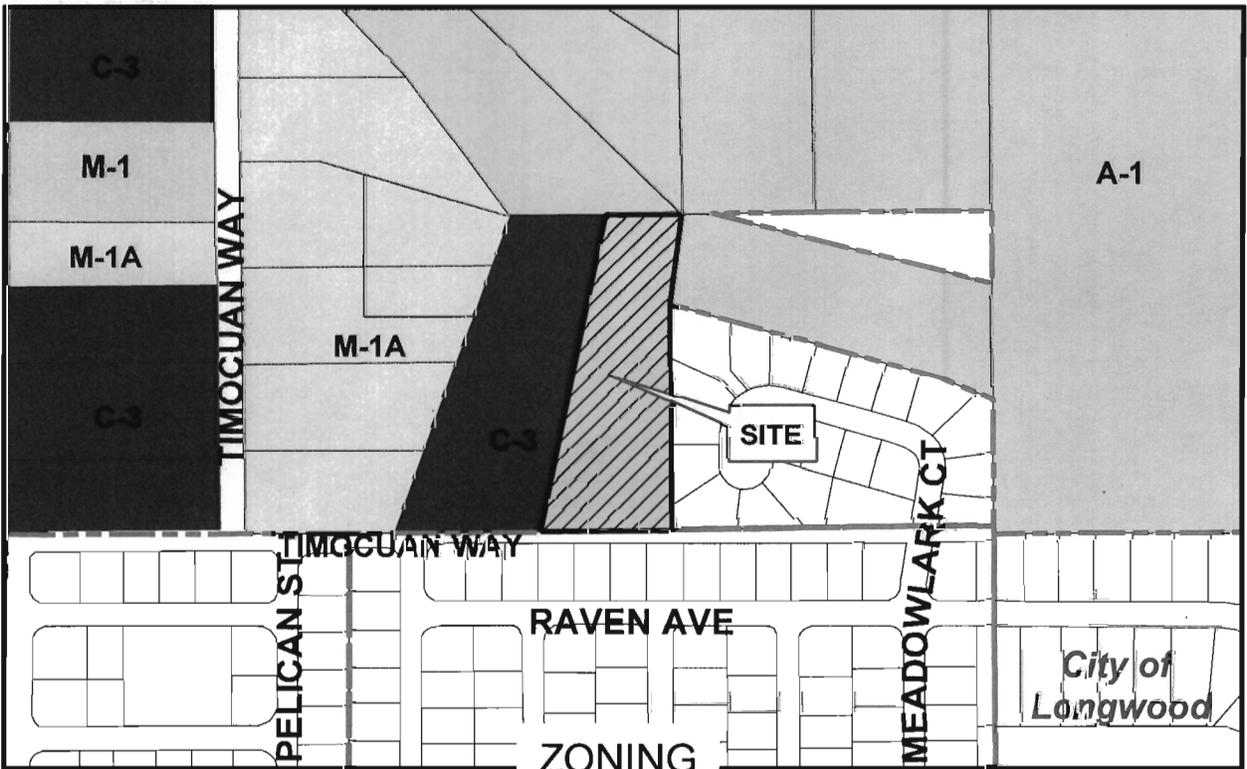
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR ■ REC ■ IND ■ Site ■ CONS Municipality

Applicant: Albert Land / Mike Hattaway
 Physical STR: 21-20-30-5AP-0000-064B
 Gross Acres: 3.09 +/- BCC District: 4
 Existing Use: _____
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2008-07	A-1	C-3



■ A-1 ■ C-3 ■ M-1 ■ M-1A ■ FP-1 ■ W-1



TIMOCUAN WAY

MEADOWLARK CT

RAVEN AVE

SITE

Rezone No: Z2008-07
From: A-1 To: C-3

-  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 A-1 (AGRICULTURE) ZONING CLASSIFICATION TO THE C-3 (GENERAL COMMERCIAL & WHOLESALE) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR 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 "Timocuan Way 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 A-1 (Agriculture) to C-3 (General Commercial & Wholesale):

SEE ATTACHED EXHIBIT A

Section 3. 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.

ENACTED this 24th day of JUNE 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

EXHIBIT A
LEGAL DESCRIPTION

BEGIN AT THE SOUTHWEST CORNER OF THE EAST 10 CHAINS OF LOT 64 PLAT OF SPRING HAMMOCK, ACCODING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 2,3,4, AND 5 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN NORTH 0°43'16" WEST OF 668.5 FEET TO THE NORTHWEST CORNER OF THE EAST 10 CHAINS OF LOT 65 OF SAID PLAT OF SPRING HAMMOCK, RUN THENCE SOUTH 89°59'31" WEST ALONG NORTH LINE OF SAID LOT 65, 162.78 FEET; THENCE SOUTH 10°52'36" WEST, 682.56 FEET TO THE SOUTH LINE OF SAID LOT 64; THENCE RUN NORTH 89°38'29" EAST, 300 FEET TO THE POINT OF BEGINNING.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On June 24, 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): John T. Bush/Sunshine Building and Development Corp.

Project Name: Timocuan Way Rezone

Requested Development Approval: The applicant is requesting a rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale); located approximately 2 miles south from the intersection of General Hutchison Parkway and Timocuan Way.

The Board of County Commissioners has determined that the rezone request from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) is not compatible with the surrounding area to the south and could not be supported.

After fully considering staff analysis titled "Timocuan Way Rezone" and all evidence submitted at the public hearing on June 24, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) 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 Carey, Chairman

EXHIBIT "A"

BEGIN AT THE SOUTHWEST CORNER OF THE EAST 10 CHAINS OF LOT 64 PLAT OF SPRING HAMMOCK, ACCODING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 2,3,4, AND 5 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN NORTH 0°43'16" WEST OF 668.5 FEET TO THE NORTHWEST CORNER OF THE EAST 10 CHAINS OF LOT 65 OF SAID PLAT OF SPRING HAMMOCK, RUN THENCE SOUTH 89°59'31" WEST ALONG NORTH LINE OF SAID LOT 65, 162.78 FEET; THENCE SOUTH 10°52'36" WEST, 682.56 FEET TO THE SOUTH LINE OF SAID LOT 64; THENCE RUN NORTH 89°38'29" EAST, 300 FEET TO THE POINT OF BEGINNING.

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: _____ Name: _____
Address: _____ Address: _____
Phone #: _____ Phone #: _____

Name: _____ Name: _____
Address: _____ Address: _____
Phone #: _____ 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: SUNSHINE BLOB & DBL LOAD Name of Corporation: _____
Officers: JOAN T. BUSH-PRES-REBELLA BUSH-V.P. Officers: _____
Address: 273 NE TRIPLAT DR. CASSELBERRY FL. 32707 Address: _____
Directors: JOHN & REBELLA BUSH & SUE LAROSA Directors: _____
Address: _____ Address: _____
Shareholders: JOHN & REBELLA BUSH Shareholders: _____
Address: 273 NE TRIPLAT DR. CASSELBERRY FL. 32707 Address: _____

(Use additional sheets for more space.)

SEE ATTACHED SHEET

- 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: _____ Beneficiaries: _____
Address: _____ 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.

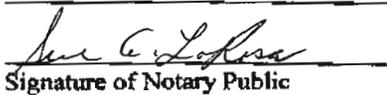
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this 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.

February 14, 2008
Date


Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF SEMINOLE

Sworn to (or affirmed) and subscribed before me this 14th day of February, 2008 by John T. Bush


Signature of Notary Public

Print, Type or Stamp Name of Notary Public



Personally Known OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff
Date: _____ Application Number: _____

PROPERTY OWNER / AUTHORIZED AGENT INFORMATION

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	SUNSHINE BLDG. + DEV. CORP	ALBERT L. LAND
	JOHN T. BUSH	OR MIKE HATTAWAY
IF THE OWNER IS A CORPORATION OR TRUST, GIVE THE <u>NAME AND TITLE</u> OF THE PERSON WHO CAN LEGALLY SIGN ON BEHALF OF THE CORPORATION AND PROVIDE DOCUMENTATION THAT THEY HAVE LEGAL AUTHORITY :		
ADDRESS		
	P.O. Box 180958 CASSELBERRY FL. 32718-0958	
PHONE 1	(407) 339-6721	
PHONE 2	321-377-0575	
FAX	(407) 331-7542	
E-MAIL		

If you have a consultant that is not listed on the application and you would like us to contact them directly and give them the DRC comments, provide their contact information on a separate sheet, otherwise any questions and/or comments will be directed to the property owner or authorized agent listed above.

* Proof of property owner's authorization is required with submittal if signed by authorized agent.

PROJECT INFORMATION

PROJECT NAME	
SITE ADDRESS	1471, 1481 + 1491 TIMOCUAN WAY
BCC DISTRICT	
CURRENT ZONING/ FUTURE LAND USE	
EXISTING USE(S)	
PROPOSED USE(S)	
PROPERTY ID NUMBER(S)	21-20-30 SAP-0000-0648
SIZE OF PROPERTY	3.55 Ac. acres
GENERAL LOCATION	SOUTH OF GENERAL HULMINSON PKWY. ON TIMOCUAN WAY TO END OF TIMOCUAN WAY, THEN EAST APPROX. 600'
SOURCE OF WATER	SEMINOLE CO.
SOURCE OF SEWER	SEPTIC TANK
RECLAIM PROVIDER	

Who will Post Placard for Hearing? AL Land - 407-339-6721

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

SUNSHINE BLDG. + DEV. CORP.

I JOHN T. BUSH - PRES., the fee simple owner of the following
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s) 21-20-30 5AP-0000-064B

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map (circle one or more) from A-1 to C-3 and affirm that ALBERT L. LAND OR

MIKE HATTIWA is hereby designated to act as my / our authorized agent and to file the attached application for the stated amendment and make binding statements and commitments regarding the amendment request.

Owner's Name

JOHN T. BUSH - PRES.
Owner's Name SUNSHINE BLDG. + DEV. CORP.

Owner's Signature

[Signature]
Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 12th day of March, 2008.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared John T. Bush, who is personally known to me or who has produced _____ has 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 12th day of March, 2008.

[Signature]
Notary Public in and for the County and State
Aforementioned

My Commission Expires: _____

