

ITEM # _____

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

SUBJECT: Hickman Circle (Lots 5, 6, 12, 13, & 14) Rezone from M-1A to M-1

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

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

Agenda Date <u>02/04/09</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:

- RECOMMEND APPROVAL** of the request for a rezone from M-1A (Very Light Industrial) to M-1 (Industrial) for 7.55 ± acres, located approximately 1 mile north from the intersection of W SR 46 and Hickman Drive, based on staff findings (Renzulli Properties LLC / David Rodd, McKee Construction); or
- RECOMMEND DENIAL** of the request for a rezone from M-1A (Very Light Industrial) to M-1 (Industrial) for 7.55 ± acres, located approximately 1 mile north from the intersection of W SR 46 and Hickman Drive, (Renzulli Properties LLC / David Rodd, McKee Construction); or
- CONTINUE** the item to a time and date certain

District 5 – Commissioner Carey

Joy Williams, Planner

BACKGROUND:

The applicant is requesting a rezone from M-1A (Very Light Industrial) to M-1 (Industrial) for 7.55 ± acres, for the purpose of future development that is consistent with the permitted uses under the M-1 zoning district. Upon approval of the requested rezone; the applicant intends to apply for a special exception that must be approved by the Board of Adjustment to allow for the storage of fuel. Approval of the rezone request would allow for all the permitted

Reviewed by:
Co Atty: <u>KPT</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2008-62</u>

uses under the M-1A (Very Light Industrial) district as well as those permitted uses under the C-3 (General Commercial and Wholesale) district.

STAFF RECOMMENDATION:

Staff recommends approval of the request to rezone from M-1A (Very Light Industrial) to M-1 (Industrial) for 7.55 ± acres, located approximately 1 mile north from the intersection of W SR 46 and Hickman Drive.

Attachments:

Staff Report

Location Map

Zoning & Future Land Use Map

Aerial Map

Rezone Ordinance

Denial Development Order (applicable if the request is denied)

HICKMAN CIRCLE

Rezone from M-1A to M-1

APPLICANT	Renzulli Properties LLC / David Rodd, McKee Construction	
PROPERTY OWNERS	Renzulli Properties LLC	
REQUEST	Rezone from M-1A (Very Light Industrial) to M-1 (Industrial)	
PROPERTY SIZE	7.55 + acres	
HEARING DATE (S)	P&Z: February 4, 2009	BCC: March 24, 2009
PARCEL ID	20-19-30-5FL-0B00-0050, 0060, 0120, 0130, 0140	
LOCATION	Located approximately 1 mile north from the intersection of W SR 46 and Hickman Drive	
FUTURE LAND USE	IND (Industrial)	
ZONING	M-1A (Very Light industrial)	
FILE NUMBER	Z2008-62	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant proposes future construction that is consistent with the permitted uses under the M-1 zoning classification, along with proposed storage of fuel that would require a Special Exception approved by the Board of Adjustment.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of M-1A (Very Light Industrial) and the requested zoning district of M-1 (Industrial).

<i>DISTRICT REGULATIONS</i>	<i>Existing Zoning (M-1A)</i>	<i>Proposed Zoning (M-1)</i>
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	10'	10'
(Street) Side Yard Setback	25'	25'
Rear Yard Setback	10'	10'
Maximum Building Height	35'	35'

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Future Land Use Designations of the properties to the north, south, east, and west of the subject parcel are Industrial (IND). The properties to the north, south, and east are zoned M-1A (Very Light Industrial), the property to the west has an M-1(Industrial) zoning classification.

The Future Land Use Designation of the subject property is Industrial (IND) which allows the requested M-1 (Industrial) zoning district. Staff finds the proposed rezoning request consistent and compatible with the surrounding development patterns of the area.

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.

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:

Water and sewer utilities are provided by Seminole County and are available to the site.

Transportation / Traffic:

The property is adjacent to Hickman Circle and Hickman Drive which are classified as local roads. Hickman Circle and Hickman Drive are not currently programmed to be improved according to the County 5-year Capital Improvement Program.

Parks, Recreation and Open Space:

The minimum 25% open space will be required by the Seminole County Land Development Code Section 30.1344.

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.

SEMINOLE COUNTY COMPREHENSIVE PLAN:

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 FLU 6.2: Concurrency Requirements
- Policy FLU17.4: Relationship of Land Use to Zoning Classifications

INTERGOVERNMENTAL NOTIFICATION:

The subject property is not adjacent to or near any municipality and will not impact schools. Therefore, an intergovernmental notice was not required.

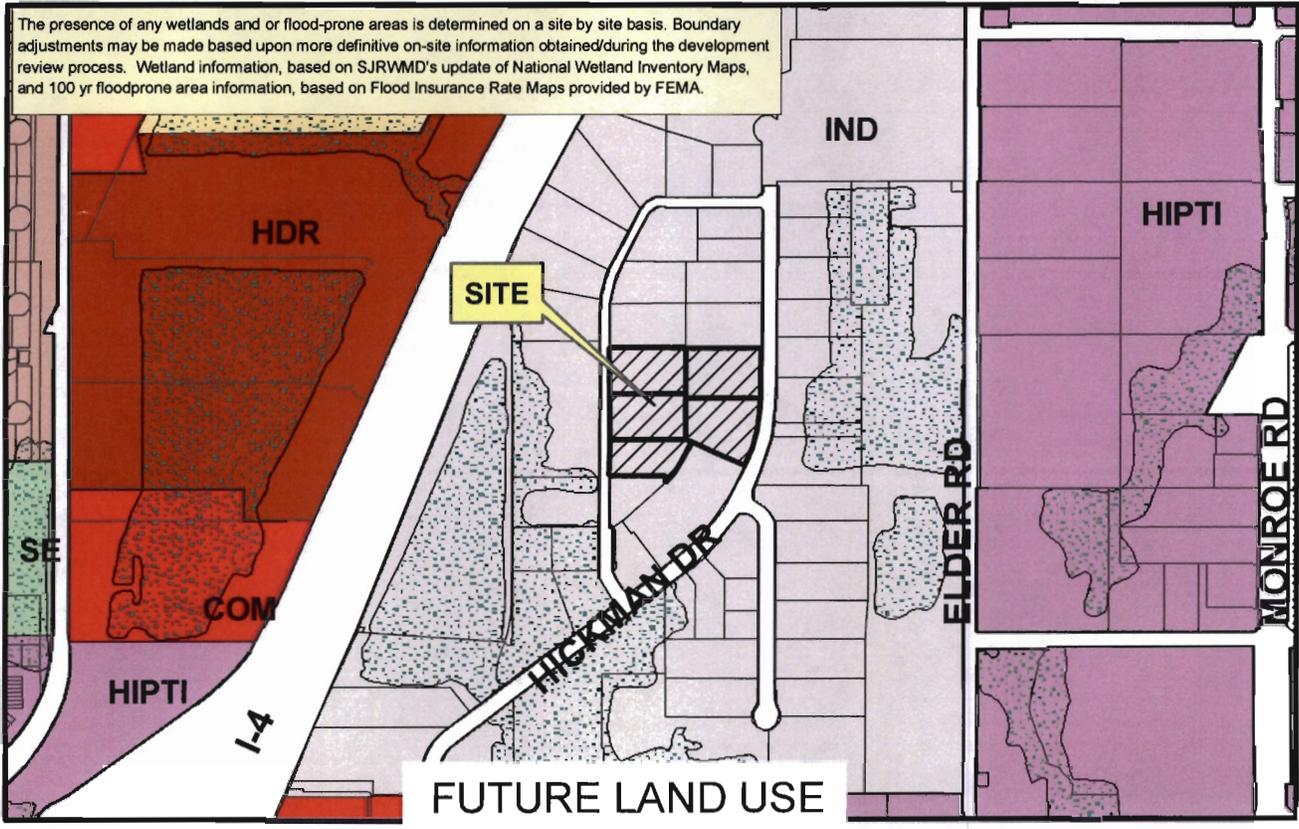
LETTERS OF SUPPORT OR OPPOSITION:

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

STAFF RECOMMENDATION:

Staff recommends approval of the request to rezone from M-1A (Very Light Industrial) to M-1 (Industrial) for 7.55 ± acres, located approximately 1 mile north from the intersection of W SR 46 and Hickman Drive.

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.

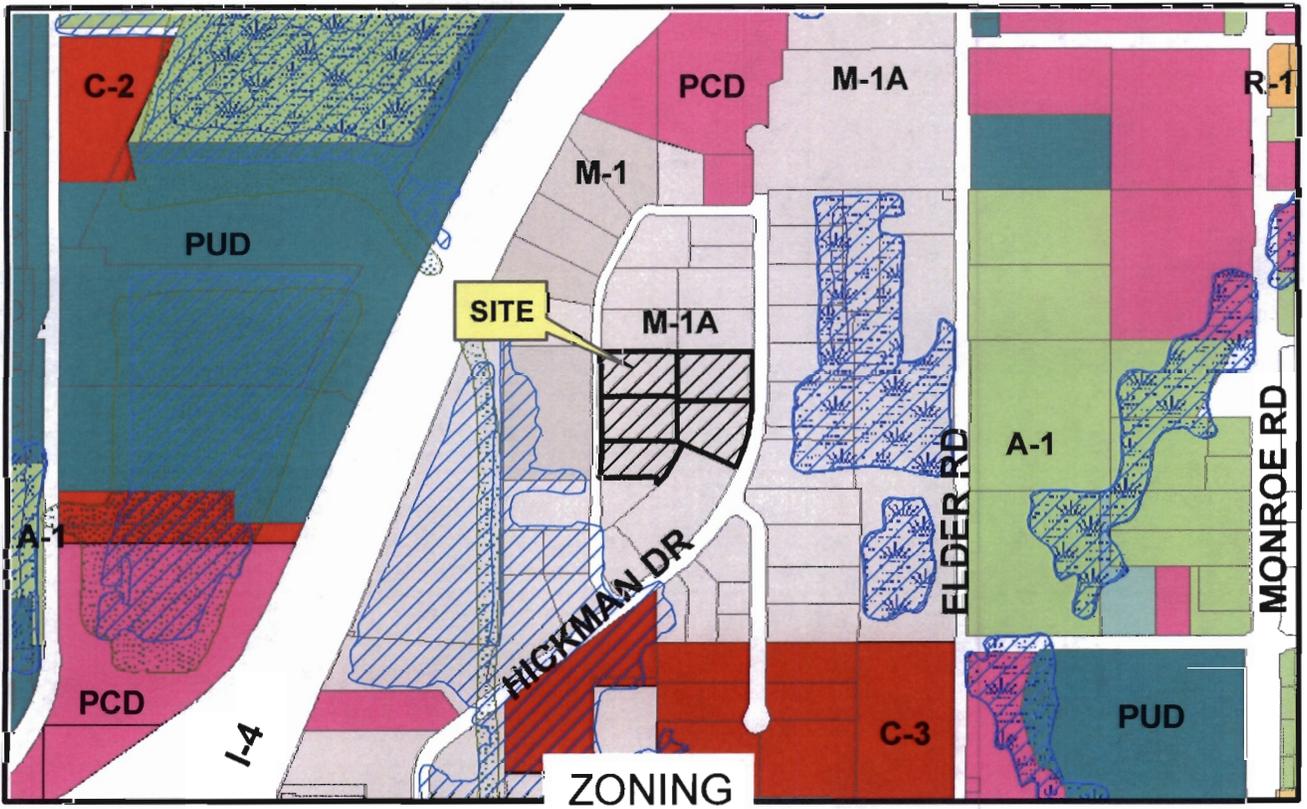


FUTURE LAND USE

- Site
- IND
- SE
- HDR
- COM
- HIPTI
- CONS
- Municipality

Applicant: David Rodd
 Physical STR: 20-19-30-5FL-0B00-0050, 0060, 120, 130, 140
 Gross Acres: 7.5 +/- BCC District: 5
 Existing Use: Industrial and undeveloped
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2008-062	M-1A	M-1



ZONING

- A-1
- C-2
- C-3
- M-1
- M-1A
- PCD
- PUD
- FP-1
- W-1



Rezone No: Z2008-62
From: M-1A To: M-1

-  Parcel
-  Subject Property



Winter 2007 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 (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE M-1A (VERY LIGHT INDUSTRIAL) ZONING CLASSIFICATION THE M-1 (INDUSTRIAL) 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 Hickman Circle (Lots 5, 6, 12, 13, & 14) Rezone dated March 24, 2009.

(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 M-1A (Very Light Industrial) to M-1 (Industrial):

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, and this Ordinance shall be effective on the recording date in the Official Land Records of Seminole County.

ENACTED this 24th day of MARCH 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari, Chairman

EXHIBIT A
LEGAL DESCRIPTION

LOTS 5, 6, 12, 13, & 14 BLOCK B, I-4 INDUSTRIAL PARK – 3RD SECTION AS RECORDED
IN PLAT BOOK 25, PAGES 23 & 24, PUBLIC RECORDS OF SEMINOLE COUNTY,
FLORIDA

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On March 24, 2009, Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

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

Property Owner(s): Renzulli Properties LLC

Project Name: Hickman Circle (Lots 5, 6, 12, 13, & 14) Rezone

Requested Development Approval: Rezone from M-1A (Very Light Industrial) to M-1 (Industrial).

The Board of County Commissioners has determined that the rezone request from M-1A (Very Light Industrial) to M-1 (Industrial) district is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Hickman Circle (Lots 5, 6, 12, 13, & 14) Rezone" and all evidence submitted at the public hearing on March 24, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from M-1A (Very Light Industrial) to M-1 (Industrial) 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: _____
Bob Dallari, Chairman

EXHIBIT "A"

LOTS 5, 6, 12, 13, & 14 BLOCK B, I-4 INDUSTRIAL PARK – 3RD SECTION AS RECORDED
IN PLAT BOOK 25, PAGES 23 & 24, PUBLIC RECORDS OF SEMINOLE COUNTY,
FLORIDA

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.

Renzulli Properties, LLC	
Name of Corporation: _____	Name of Corporation: _____
Officers: <u>Rodger & Lance Renzulli</u>	Officers: _____
Address: <u>30 Richmond Dr. New Smyrna Bch</u>	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	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: _____	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.

12/16/08
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF SEMINOLE

Sworn to (or affirmed) and subscribed before me this 16 day of December, 2008 by Lance

[Signature]
Signature of Notary Public

Sheila McInnis
Print, Type or Stamp Name of Notary Public

NOTARY PUBLIC-STATE OF FLORIDA
Sheila McInnis
Commission # DD705633
Expires: OCT. 06, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

Personally Known OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____

**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).

I, Lance Renzulli, MGRM, the fee simple owner of the following
(Owner's Name)
described property (Provide Legal Description or Tax Parcel ID Number(s)) _____
20-19-30-5FL-0B00-0050, 0060, 0120, 0130, 0140

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map (circle one or more) from M-1A to M-1 and affirm that David Rodd

_____ 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.

Lance Renzulli, MGRM
Owner's Name _____ Owner's Name _____
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 16 day of December, 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 _____, 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 16 day of December, 2008.

Notary Public in and for the County and State
Aforementioned [Signature]
My Commission Expires: 10/06/11

