

ITEM # _____

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

SUBJECT: Plumosa Avenue (525) Rezone from R-2 (One & Two Family Dwelling) to RP (Residential Professional).

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

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

Agenda Date <u>03/04/09</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 R-2 (One & Two Family Dwelling) to RP (Residential Professional) district for 0.20 ± acres, located approximately 100 feet east from the intersection of S. Ronald Regan Boulevard and Plumosa Avenue, and recommend approval of the associated Site Plan and Development Order, based on staff findings (Nathaniel Weaver/ Thomas McKeon); or
- RECOMMEND DENIAL** of the request for a rezone from R-2 (One & Two Family Dwelling) to RP (Residential Professional) district for 0.20 ± acres, located approximately 100 feet east from the intersection of S. Ronald Regan Boulevard and Plumosa Avenue, (Nathaniel Weaver/ Thomas McKeon); or
- CONTINUE** the item to a time and date certain

District 4 – Commissioner Henley

Joy Williams, Planner

BACKGROUND:

The applicant is requesting a rezone from R-2 (One & Two Family Dwelling) district to RP (Residential Professional) district for 0.20 ± acres, to convert an existing 920 square foot single-family dwelling into an accounting office. The subject property has a Medium Density

Reviewed by:	<u>KPT</u>
Co Atty:	_____
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No.	Z2008-58

Residential Future Land Use which allows for the requested zoning district. The accounting office will have two employees; the proposed hours of operation will be from 9 A.M. – 5 P.M. Monday thru Friday and closed on the weekends. Due to the nature of the business, the applicant does not anticipate any additional increase in traffic to the site than would otherwise be generated by a single family dwelling.

The Seminole County Land Development Code (LDC) requires certain special uses other than single-family residential to be reviewed by the Planning and Zoning Commission and approved by the Board of County Commissioners (BCC). 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.
4. Per Sec. 30.624. (c), the BCC may place restrictions and conditions on property being assigned the RP zoning classification when the Board may deem necessary to protect the character of the area or neighborhood, the public investments in streets and roads or other public facilities, and the public health, safety, and welfare. Restrictions or conditions imposed during approval may include, but not be limited to, operating hours, control of outdoor lighting, and buffer and landscaping requirements.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a rezone from R-2 (One & Two Family Dwelling) to RP (Residential Professional) District for 0.20 ± acres, located approximately 100 feet east from the intersection of S. Ronald Regan Boulevard and Plumosa Avenue, and recommend approval of the associated Site Plan and Development Order.

Attachments:

Staff Report
Location Map
Zoning & Future Land Use Map
Aerial Map
Site Plan
Rezone Ordinance
Development Order
Ownership Disclosure Form

Plumosa Avenue (525) Rezone

Rezone from R-2 to RP

APPLICANT	Nathaniel Weaver / Thomas McKeon	
PROPERTY OWNER	Nathaniel & Nadine Weaver	
REQUEST	Rezone from R-2 (One & Two Family Dwelling) to RP (Residential Professional) district.	
PROPERTY SIZE	0.20 + acres	
HEARING DATE (S)	P&Z: March 4, 2009	BCC: April 28, 2009
PARCEL ID	07-21-30-510-0A00-0270	
LOCATION	Approximately 100 feet east from the intersection of S. Ronald Regan Boulevard and Plumosa Avenue	
FUTURE LAND USE	MDR (Medium Density Residential)	
ZONING	R-2 (One & Two Family Dwelling)	
FILE NUMBER	Z2008-58	
COMMISSION DISTRICT	#4 – Henley	

Proposed Development:

The applicant proposes to convert an existing 920 square foot single family dwelling into a professional accounting office. This will be a low intensity use with a total of two employees; the applicant has stated that over 90% of the business will be conducted offsite in order to provide convenient scheduling to their clients.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of R-2 (One & Two Family Dwelling) and the requested zoning district of RP (Residential Professional).

DISTRICT REGULATIONS	Existing Zoning (R-2)	Proposed Zoning (RP)
Minimum Lot Size	9,000 sq. ft.	* None
Minimum House Size	700 sq ft – 1400 sq ft.	* None
Minimum Width at Building Line	75 ft.	* None
Front Yard Setback	25 feet	25 feet
Side Yard Setback	10 feet	10 feet
(Street) Side Yard Setback	25 feet	25 feet
Rear Yard Setback	30 feet	30 feet
Maximum Building Height	35 feet	**1 story

* No minimum lot size or width for special uses as long as the necessary parking requirements can be met.

** NEW CONSTRUCTION ONLY, PER SEC. 30.628.

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The property to the north has an Industrial Future Land Use designation with an M-1 (Industrial) zoning classification. The properties to the west and east have a Medium Density Residential (MDR) Future Land Use with an R-2 zoning classification, and the property to the south has a Medium Density Residential (MDR) Future Land Use with an R-1 zoning classification.

The Future Land Use Designation of the subject property is Medium Density Residential (MDR) which allows the requested RP (Residential Professional) 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.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there are not endangered and threatened wildlife 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.

Utilities:

The site is located in the City of Altamonte Springs utility service area, and is currently connected to public utilities. There is a 6-inch water main and an 8-inch gravity sewer main on Lake Mobile Dr.

Transportation / Traffic:

The property access is from Plumosa Avenue which is classified as a local road and does not have improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The proposed change in use will not generate any school impacts.

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 for any new impervious.

Parks, Recreation and Open Space:

The site is currently a single-family dwelling that is proposed to be used as an office. No additional open space is required.

Buffers and Landscaping:

The applicant proposes a 5-foot landscaped buffer along the perimeter of the property in addition to a 6-foot high wood privacy fence. The landscaping will consist of 17 Japanese Blueberry trees, 53 Sweet Viburnum hedges, and 42 Giant Border Grass plants within the buffer and parking areas.

The Board of County Commissioners may place additional restrictions on buffer and landscaping requirements per Sec. 30.624 (c).

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 following policies are applicable with the proposed project:

Policy FLU 2.6: Conversion of Residential Structures

Policy FLU17.4: Relationship of Land Use to Zoning Classifications

INTERGOVERNMENTAL NOTIFICATION:

An Intergovernmental notice was sent to the City of Casselberry on February 4, 2009.

LETTERS OF SUPPORT OR OPPOSITION:

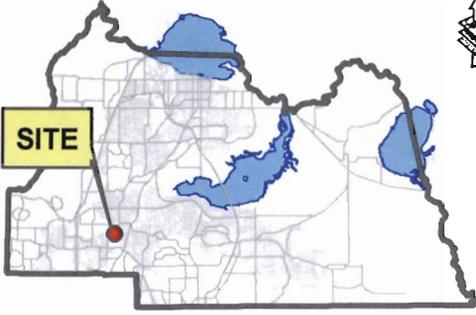
At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a rezone from R-2 (One & Two Family Dwelling) to RP (Residential Professional) district for 0.20 ± acres, located approximately 100 feet east from the intersection of S. Ronald Regan Boulevard and Plumosa Avenue, and recommend approval of the associated Site Plan and Development Order.



SITE



LAKE MARY

Lake Jesup

LONGWOOD

SITE

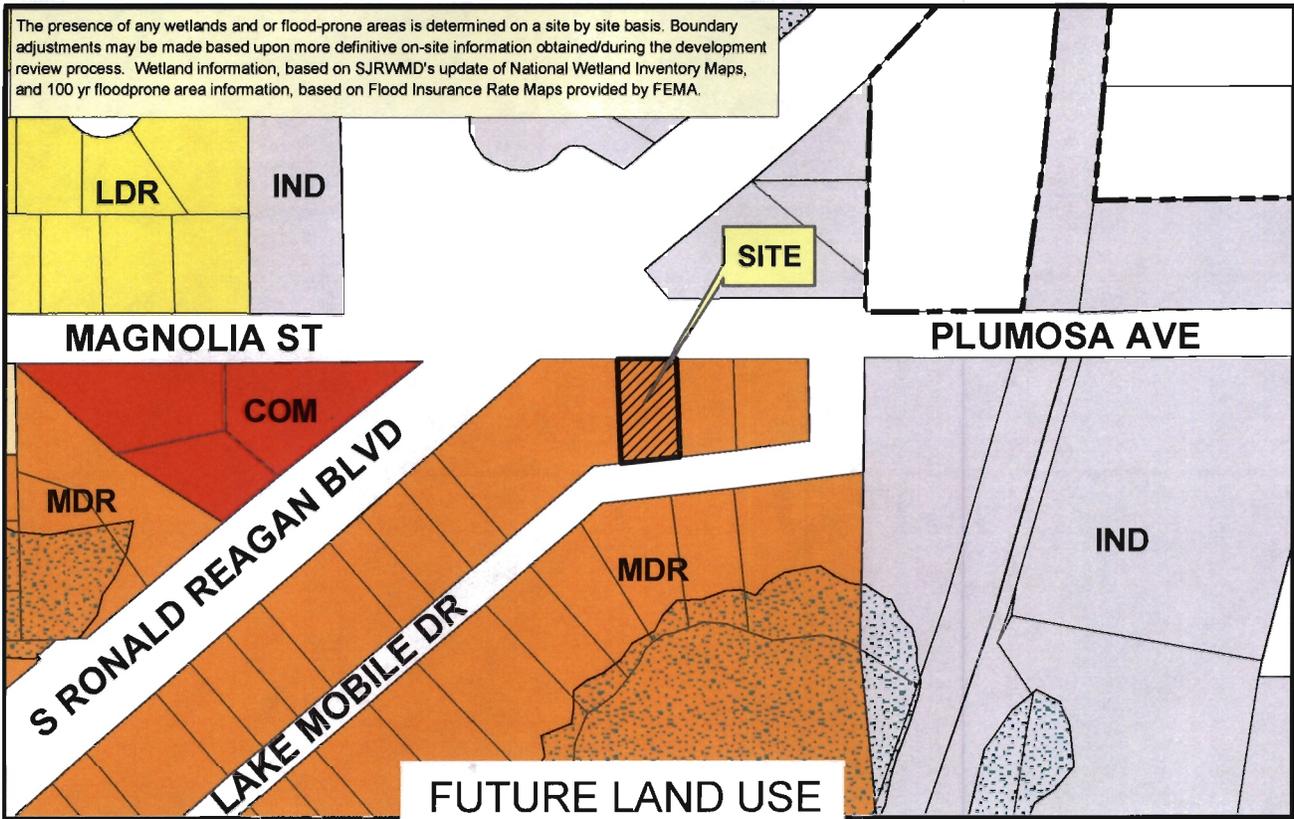
WINTER SPRINGS

ALTAMONTE SPRINGS

CASSELBERRY

Seminole County
Orange County

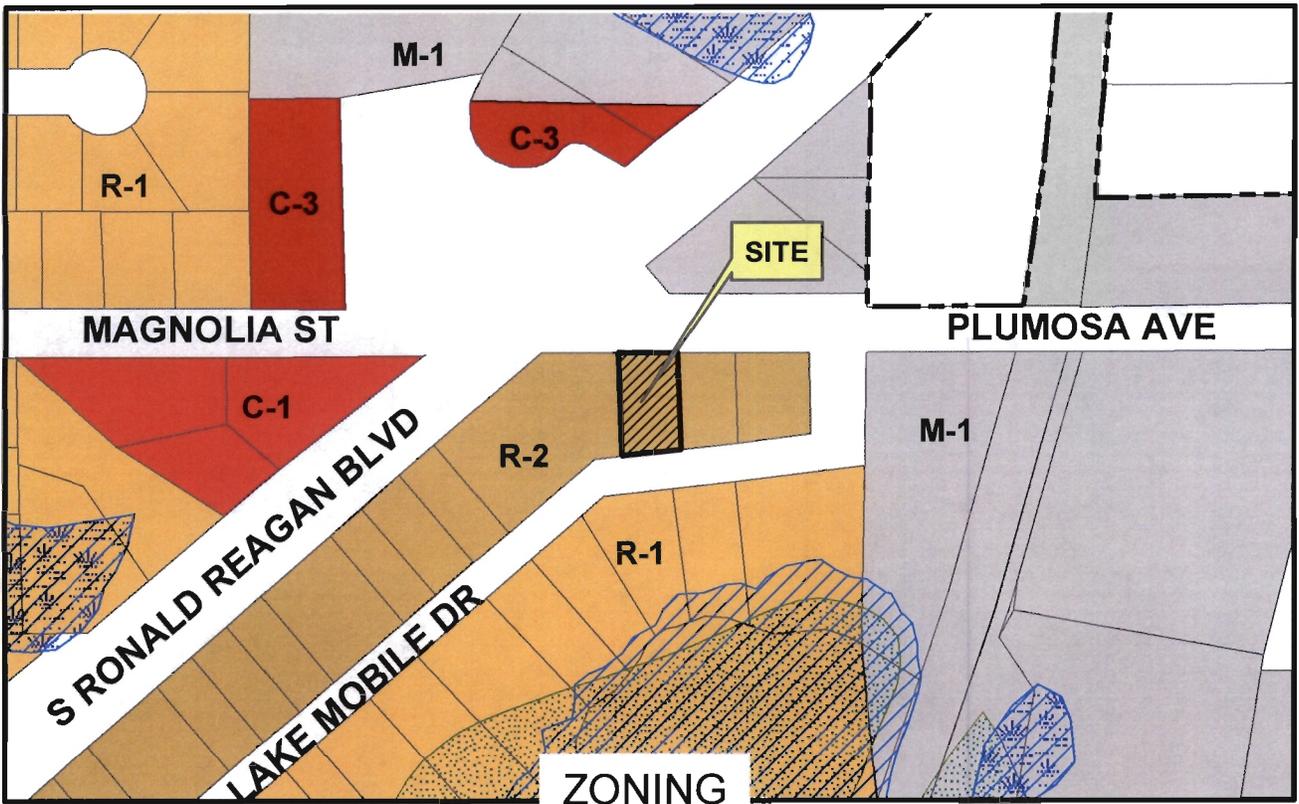
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR
 MDR
 COM
 IND
 Site
 CONS
 Municipality

Applicant: Nathaniel & Nadine Weaver
 Physical STR: 07-21-30-510-0A00-0270
 Gross Acres: 0.16 +/- BCC District: 4
 Existing Use: _____
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2008-058	R-2	RP



R-1
 R-2
 C-1
 C-3
 M-1
 FP-1
 W-1
 Municipality



MAGNOLIA DR

PLUMOSA AVE

S RONALD REGAN BLVD
LAKE MOBILE DR

SITE

Rezone No: Z2008-058
From R-2 to RP

-  Parcel
-  Subject Property



Winter 2007 Color Aerials

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On April 28, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

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: Nathaniel & Nadine Weaver
525 Plumosa Avenue
Altamonte Springs, FL 32701

Project Name: Plumosa Avenue (525)

Requested Development Approval: Request for a rezone from R-2 (One & Two Family Dwelling) to RP (Residential Professional) district for 0.20 ± acres, located approximately 100 feet east from the intersection of S. Ronald Regan Boulevard and Plumosa Avenue.

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: Joy Williams, Planner
1101 East First Street
Sanford, Florida 32771

Order

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. Permitted uses shall be limited to Professional Offices only.
- b. Hours of operation shall be from 9 A.M. – 5 P.M. Monday – Friday and closed on Saturday and Sunday.
- c. No more than two (2) employees may be on property at a given time.
- d. The applicant shall install a six-foot tall opaque fence along the perimeter property line to provide a buffer from existing residential.
- e. There will be a 5-foot landscaped buffer along the perimeter of the property consisting of 17 understory trees and a hedge that shall be maintained at no less than 36 inches in height.
- f. All development shall comply with the site plan attached labeled Exhibit B.
- g. Per Sec. 30.631. of the Land Development Code; Any substantial change to the approved site plan, or any substantial change of use shall be 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: _____
Bob Dallari
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Nathaniel & Nadine Weaver, on behalf of itself and its heirs, 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

Nathaniel Weaver

Witness

Nadine Weaver

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 Nathaniel & Nadine Weaver who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A
LEGAL DESCRIPTION

LOT 27 + W 20 FT OF LOT 28 BLK A REPLAT OF LAKE MOBILE SHORES PB 8 PG 55,
PUBLIC RECORDS OF 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 (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-2 (ONE & TWO FAMILY DWELLING) 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 Plumosa Avenue (525) Rezone dated April 28, 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 R-2 (One & Two Family Residential) to RP (Residential Professional):

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 of the Development Order #08-20000010 in the Official Land Records of Seminole County.

ENACTED this 28th day of APRIL 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari, Chairman

EXHIBIT A
LEGAL DESCRIPTION

LOT 27 + W 20 FT OF LOT 28 BLK A REPLAT OF LAKE MOBILE SHORES PB 8 PG 55,
PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On April 28, 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): Nathaniel & Nadine Weaver
525 Plumosa Avenue
Altamonte Springs, FL 32701

Project Name: Plumosa Avenue (525) Rezone

Requested Development Approval: Request for a rezone from R-2 (One & Two Family Dwelling) to RP (Residential Professional) district for 0.20 ± acres, located approximately 100 feet east from the intersection of S Ronald Regan Boulevard and Plumosa Avenue.

The Board of County Commissioners has determined that the rezone request from R-2 (One & Two Family Dwelling) to RP (Residential Professional) district is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Plumosa Avenue (525) Rezone" and all evidence submitted at the public hearing on April 28, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from R-2 (One & Two Family Dwelling) 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: _____
Bob Dallari, Chairman

FILE # Z2008-58

DEVELOPMENT ORDER # 08-20000010

EXHIBIT "A"

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: Nathaniel Weaver
Address: 107 S. Hamlin Ct, Longwood, FL 32750
Phone #: 407-493-2654, 407-830-5968

Name: Nadine Turnbull Weaver
Address: 107 S Hamlin Ct, Longwood, FL 32750
Phone #: 407-493-2654, 407-830-5968

Name: _____
Address: _____
Phone #: _____

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.

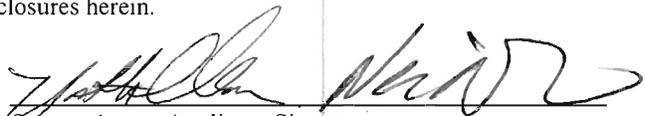
Contract Vendee: _____ Contract Vendee: _____
Name: _____ Name: _____
Address: _____ Address: _____

(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.

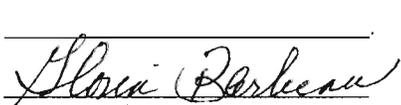
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this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

12/4/08
Date


Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 4th day of Dec, 2008 by _____


Signature of Notary Public

 **Gloria Barbeau**
Commission # DD493998
Expires: DEC. 08, 2009
Bonder Thru Atlantic Bonding Co., Inc.
Print, Type or Stamp Name of Notary Public

NOTARY PUBLIC-STATE OF FLORIDA
 **Gloria Barbeau**
Commission # DD493998
Expires: DEC. 08, 2009
Bonder Thru Atlantic Bonding Co., Inc.

Personally Known X OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____