

ITEM #

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

SUBJECT: Wilshire Boulevard Small Scale Land Use Amendment from HDR (High Density Residential) to PUBU (Public) and Rezone from R-3 (Multiple Family Dwelling) to PLI (Public Lands and Institutions).

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

AUTHORIZED BY: Alison Stettner **CONTACT:** Ian Sikonia EXT. 7398

Agenda Date <u>10/7/09</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 small scale land use amendment from HDR (High Density Residential) to PUBU (Public) and rezoning from R-3 (Multiple-Family Dwelling) to PLI (Public Lands and Institutions), on 1.3 acres, located 500 feet west of the intersection of Coach Light Drive and Wilshire Boulevard, based on staff findings, (Seminole County, applicant); or
- RECOMMEND DENIAL** of the request for a small scale land use amendment from HDR (High Density Residential) to PUBU (Public) and rezoning from R-3 (Multiple-Family Dwelling) to PLI (Public Lands and Institutions), on 1.3 acres, located 500 feet west of the intersection of Coach Light Drive and Wilshire Boulevard, (Seminole County, applicant); or
- CONTINUE** the item to a time and date certain.

District 4 – Henley

Ian Sikonia, Senior Planner

BACKGROUND:

The applicant is requesting a small scale land use amendment from HDR (High Density Residential) to PUBU (Public) and rezone from R-3 (Multiple-Family Dwelling) to PLI (Public Lands and Institutions), on 1.3 acres, located 500 feet west of the intersection of Coach Light Drive and Wilshire Boulevard. This property is currently being used by Seminole County as the Indian Hills Water Treatment Plant, which

Reviewed by: <u>KPT</u>
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2009-17</u>

serves the surrounding community. This plant has been in existence since 1966 and the R-3 zoning on the property had been established prior to 1974. This plant was originally used as a private package plant for the surrounding subdivisions until the county took it over in the mid 1970's. The existing zoning on the property is R-3, which doesn't allow for public utility structures as a permitted use. The proposed PLI zoning district allows for public lands and major public and quasi-public institutional uses on lands only owned by the public.

The existing Future Land Use on the treatment plant property is PUBU (Public) which only allows for the A-1 (Agriculture) and PLI (Public Lands and Institutions) zoning districts. As it currently exists, the R-3 (Multiple-Family Dwelling) zoning district is not in conformance with the existing PUBU Future Land Use designation on the property. The well site property has a HDR (High Density Residential) future land use designation and the R-3 (Multiple-Family Dwelling) zoning district, which doesn't allow for public utility structures as a permitted use. This application will bring the zoning and future land use into conformance with the existing use of the property as a water treatment plant and well site.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a small scale land use amendment from HDR (High Density Residential) to PUBU (Public) and rezoning from R-3 (Multiple-Family Dwelling) to PLI (Public Lands and Institutions), on 1.3 acres, located 500 feet west of the intersection of Coach Light Drive and Wilshire Boulevard.

Attachments:

Staff Analysis
Location Map
Future Land Use & Zoning Map
Aerial Map
Rezone Ordinance
Land Use Ordinance
Denial Development Order (applicable only if denied)
Ownership Disclosure Form

Wilshire Boulevard Rezone		
APPLICANT	Seminole County	
PROPERTY OWNER	Seminole County	
REQUEST	Small Scale Land Use Amendment from HDR (High Density Residential) to PUBU (Public) and Rezone from R-3 (Multiple-Family Dwelling) to PLI (Public Land and Institutions).	
PROPERTY SIZE	1.3 acres	
HEARING DATE (S)	P&Z: October 7, 2009	BCC: November 10, 2009
PARCEL ID	20-21-30-300-001M-0000 & 20-21-30-300-001Y-0000	
LOCATION	Located 500 feet west of the intersection of Coach Light Drive and Wilshire Boulevard.	
FUTURE LAND USE	PUBU (Public) & HDR (High Density Residential)	
ZONING	R-3 (Multiple-Family Dwelling)	
FILE NUMBER	Z2009-17 / 09SS.02	
COMMISSION DISTRICT	#4 – Henley	

ANALYSIS OVERVIEW:

The following tables depict the minimum regulations for the current zoning districts of R-3 (Multiple-Family Dwelling) and the requested district of PLI (Public Lands and Institutions):

DISTRICT REGULATIONS	Existing Zoning (R-3)	Proposed Zoning (PLI)
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 feet	25 feet
Side Yard Setback	25 feet	25 feet
Side Street Setback	25 feet	25 feet
Rear Yard Setback	25 feet	25 feet
Maximum Building Height	35 feet	35 feet

COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding area has the Low Density Residential and High Density Residential Future Land Use designations. The properties surrounding this application consist of the PUD, R-1A, and R-1AA zoning classifications. The adjacent development to the east is the Wilshire Boulevard Townhome PUD and to the south is the Indian Hills subdivision. The Indian Hills Water Treatment Plant has been in existence since 1966 and has been serving the community as a utility structure since then. The proposed PLI zoning district will not adversely affect the adjacent property owners and will bring the property into conformance with the existing Future Land Use designation.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on the 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), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

Utilities:

The site is located in the Seminole County utility service area, and currently has water and sewer to the site.

Drainage:

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

Transportation / Traffic:

The property proposes access to the site via Wilshire Blvd, which is classified as local road and does not have improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The proposed rezone will not have any effect on the Seminole County Public School District.

Buffers and Sidewalks:

No additional buffers or sidewalks are proposed as part of the upgrade to the water treatment plant.

APPLICABLE POLICIES:

SPECIAL DISTRICTS

The subject property is not located within any special district or overlay.

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.

Policy FLU 17.4: Relationship of Land Use to Zoning Classifications

Policy FLU 17.5: Evaluation Criteria of Property Rights Assertions

INTERGOVERNMENTAL NOTIFICATION:

No intergovernmental notices were required for this project.

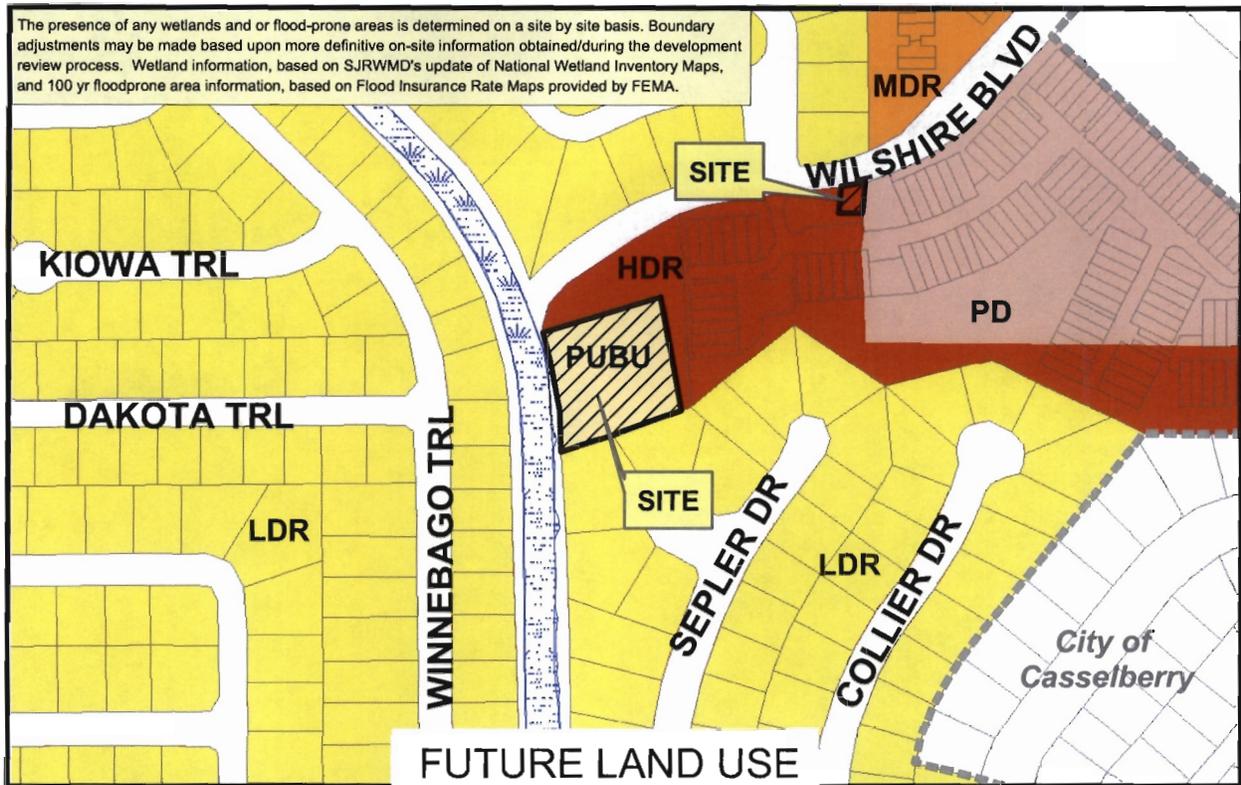
LETTERS OF SUPPORT OR OPPOSITION:

No letters of support or opposition have been received.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a small scale land use amendment from HDR (High Density Residential) to PUBU (Public) and rezoning from R-3 (Multiple-Family Dwelling) to PLI (Public Lands and Institutions), on 1.3 acres, located 500 feet west of the intersection of Coach Light Drive and Wilshire Boulevard.

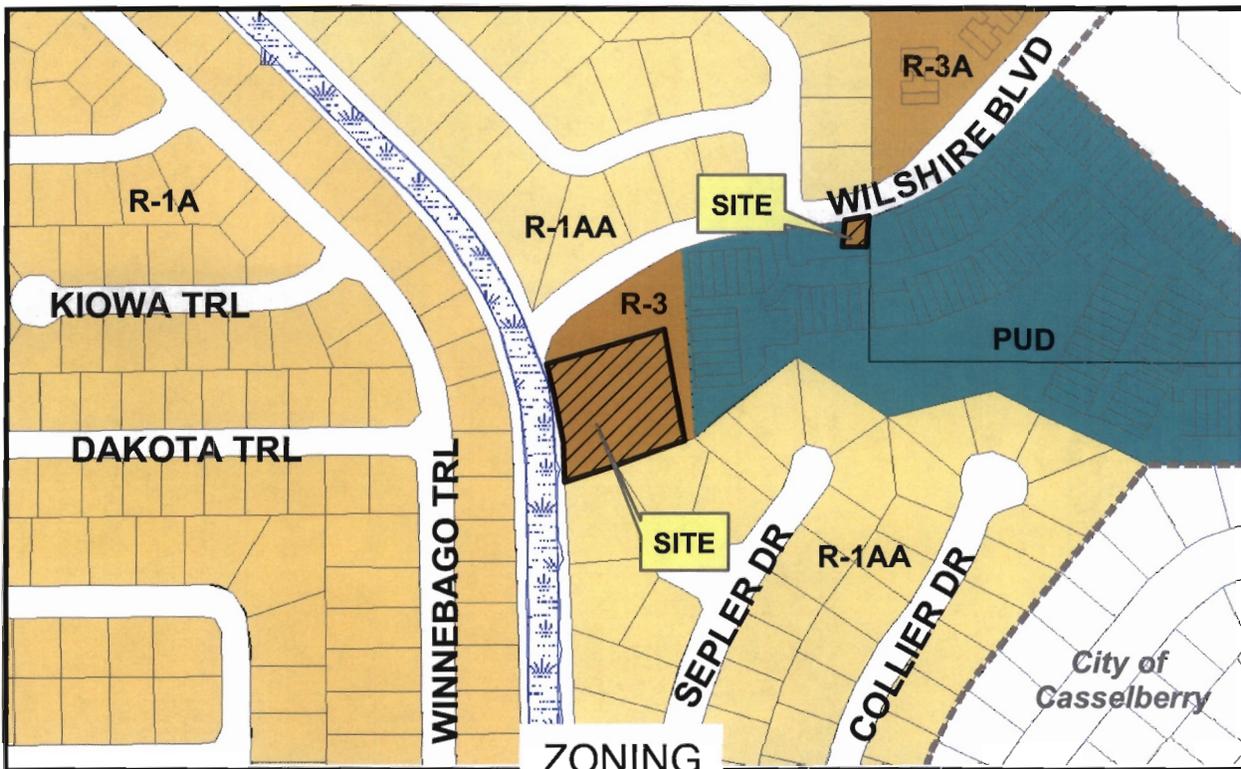
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR
 MDR
 HDR
 PD
 PUBU
 Site
 ESLO
 City Bnd

Applicant: Seminole County
 Physical STR: 20-21-30-300-001M-0000 & 001Y-0000
 Gross Acres: 1.3 +/- BCC District: 4
 Existing Use: _____
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	09SS.02	HDR	PUBU
Zoning	Z2009-017	R-3	PLI



R-1A
 R-1AA
 R-3A
 R-3
 PUD
 ESLO



Rezone No: Z2009-017
 From: R-3 To: PLI
 FLU 09SS.02
 From: HDR To: PUBU

- Parcel
- Subject Property



Winter 2009 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 R-3 (MULTIPLE-FAMILY DWELLING) ZONING CLASSIFICATION THE PLI (PUBLIC LANDS AND INSTITUTIONS) 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 Wilshire Boulevard, dated November 10, 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-3 (Multiple-Family Dwelling) to PLI (Public Lands and Institutions):

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 10th day of November 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari, Chairman

EXHIBIT A

LEGAL DESCRIPTION

BEGIN AT THE NORTHERN MOST OF LOT 2, BLOCK "10", INDIAN HILLS UNIT TWO; RUN THENCE ALONG THE NORTHERLY BOUNDARY OF SAID INDIAN HILLS UNIT TOW S70°23'43W, 225.08 FT.; RUN THENCE N00°04'26"E, 1.24 FT. TO THE PC OF A CURVE, CONCAVE WESTERLY HAVING A RADIUS OF 846.17 FT, AND A CENTRAL ANGLE OF 16°50'38"; RUN THENCE NORTHERLY ALONG THE AT OF SAID CURVE 248.76 FT.; THENCE N70°23'43"E, 240 FT.; THENCE S04°55'30"E, 252.41 FT. TO THE POINT OF BEGINNING.

CONTAINING 1.269 ACRES, MORE OR LESS.

AND

LEG SEC 20 TWP 21S RGE 30E FR NW COR OF SW 1/4 OF NE 1/4 RUN E 1227.93 FT S 47 DEG 12 MIN 42 SEC E 255.54 FT S 8 DEG E 629.93 FT E 114.3 FT TO POB RUN E 43.2 FT S 5 DEG W 47 FT W 43.2 FT N 5 DEG E 49.35 FT TO BEG.

ORDINANCE NO.

**SEMINOLE COUNTY, FLORIDA
Z2009-17**

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 08-44, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM HDR (HIGH DENSITY RESIDENTIAL) TO PUBU (PUBLIC); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 08-44 which adopted the Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on October 7, 2009, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on November 10, 2009, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive

Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IN ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 08-44, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:
- (b) The associated rezoning request was completed by means of Ordinance Number 09-_____.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 10th day of November, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

Bob Dallari, Chairman

APPENDIX A

LEGAL DESCRIPTION

LEG SEC 20 TWP 21S RGE 30E FR NW COR OF SW 1/4 OF NE 1/4 RUN E 1227.93 FT S
47 DEG 12 MIN 42 SEC E 255.54 FT S 8 DEG E 629.93 FT E 114.3 FT TO POB RUN E 43.2
FT S 5 DEG W 47 FT W 43.2 FT N 5 DEG E 49.35 FT TO BEG

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On November 10, 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): Seminole County
1101 E. 1st St.
Sanford, FL 32771

Project Name: Wilshire Boulevard Rezone

Requested Development Approval: request for a rezoning from R-3 (Multiple-Family Dwelling) to PLI (Public Lands and Institutions), on 1.26 acres, located 500 feet west of the intersection of Coach Light Drive and Wilshire Boulevard.

The Board of County Commissioners has determined that the rezone request from R-3 (Multiple-Dwelling District) to PLI (Public Lands and Institutions) district is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Wilshire Boulevard Rezone" and all evidence submitted at the public hearing on November 10, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from R-3 (Multiple-Family Dwelling) to PLI (Public Lands and Institutions) 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"

LEGAL DESCRIPTION

BEGIN AT THE NORTHERN MOST OF LOT 2, BLOCK "10", INDIAN HILLS UNIT TWO; RUN THENCE ALONG THE NORTHERLY BOUNDARY OF SAID INDIAN HILLS UNIT TOW S70°23'43W, 225.08 FT.; RUN THENCE N00°04'26"E, 1.24 FT. TO THE PC OF A CURVE, CONCAVE WESTERLY HAVING A RADIUS OF 846.17 FT, AND A CENTRAL ANGLE OF 16°50'38"; RUN THENCE NORTHERLY ALONG THE AT OF SAID CURVE 248.76 FT.; THENCE N70°23'43"E, 240 FT.; THENCE S04°55'30"E, 252.41 FT. TO THE POINT OF BEGINNING.

CONTAINING 1.269 ACRES, MORE OR LESS.

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

- Individual Corporation Land Trust
 Limited Liability Company Partnership
 Other (describe): _____

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	ADDRESS	PHONE NUMBER

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST
Seminole County, FL		1101 E. 1st St., Sanford, FL 32771	100%

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

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.

7/9/09
Date

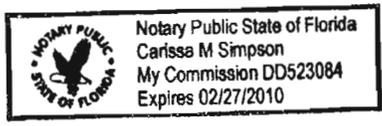
Dennis Westrick 7/9/09
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 9th day of July, 2009 by Dennis Westrick

Carissa M. Simpson
Signature of Notary Public

Carissa M. Simpson
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: _____