

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** W. Chapman Road Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale)

**DEPARTMENT:** Planning and Development      **DIVISION:** Planning

**AUTHORIZED BY:** Dori DeBord                      **CONTACT:** Tina Williamson                      **EXT:**

**MOTION/RECOMMENDATION:**

1. Approve the request for a rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) for 11.26 + acres, located south of W. Chapman Road and east of State Road 417, approximately 220 feet west of Tatra Street and authorize the Chairman to execute the rezone ordinance, based on staff findings (Terra Engineering/Rashad H. Jamalabad); or
2. Deny the request for a rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) for 11.26 + acres, located south of W. Chapman Road and east of State Road 417, approximately 220 feet west of Tatra Street and authorize the Chairman to execute the Denial Development Order (Terra Engineering/Rashad H. Jamalabad); or
3. Continue the item to a time and date certain.

District 1 Bob Dallari

Tina Williamson

**BACKGROUND:**

The applicant is requesting a rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale), in order to operate a boat/truck/RV rental facility, a warehouse and a truck repair/storage facility. These uses are allowed within the C-3 (General Commercial & Wholesale) zoning district. The Future Land Use Designation of the subject property is Industrial (IND) which allows the requested zoning district.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on November 07, 2007 and voted 4-0 to recommend denial of the request for a rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) on 11.26 + acres, located south of W. Chapman Road and east of State Road 417, 220 feet west of Tatra Street.

**STAFF RECOMMENDATION:**

Staff recommends the Board approve the request for a rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) on 11.26 ± acres, located south of W. Chapman Road and east of State Road 417, approximately 220 feet west of Tatra Street, and authorize the Chairman to execute the rezone ordinance, based on staff findings .

**ATTACHMENTS:**

1. Staff Analysis
2. Location Map
3. Zoning and FLU Map
4. Aerial Photo
5. Ordinance
6. Denial Development Order
7. LPA P and Z Meeting Minutes

**Additionally Reviewed By:**

County Attorney Review ( Kathleen Furey-Tran )

## W. Chapman Road

### Rezone from A-1 to C-3

<b>APPLICANT</b>	Terra Engineering / Rashad H. Jamalabad	
<b>PROPERTY OWNER</b>	Chuck Blankenship	
<b>REQUEST</b>	Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale)	
<b>PROPERTY SIZE</b>	11.26 ± acres	
<b>HEARING DATE (S)</b>	P&Z: November 07, 2007	BCC: December 13, 2007
<b>PARCEL ID</b>	16-21-31-5CA-000-0510 and 16-21-31-5CA-000-0540	
<b>LOCATION</b>	South of W. Chapman Road and east of State Road 417, 220 feet west of Tatra Street.	
<b>FUTURE LAND USE</b>	IND (Industrial)	
<b>ZONING</b>	A-1 (Agriculture)	
<b>FILE NUMBER</b>	Z2007-48	
<b>COMMISSION DISTRICT</b>	#1 – Dallari	

#### Proposed Development:

The applicant is proposing to develop two parcels. The uses proposed are a boat/truck/RV rental facility, a warehouse and a truck repair/storage facility.

#### 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)
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'
Side Yard Setback	10'	0' *
(Street) Side Yard Setback	50'	25'
Rear Yard Setback	30'	10' *
Maximum Building Height	35'	35'

\* UNLESS A SIDE LOT LINE AND REAR LOT LINE ARE ABUTTING PROPERTY ASSIGNED RESIDENTIAL ZONING. PLEASE REFER TO SC LDC SECTION 30.1228

**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 uses permitted 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 foodlockers, contractors' equipment-storage yards, feed stores, greenhouses-wholesale, industrial trade schools, laundry and dry-cleaning plants, lithography and publishing plants, lumber yards, machinery sales and storage, mechanical garages, bus, cab and truck repair, and storage, paint and body shops, plumbing shops, trade shops, such as, upholstery, metal, cabinet, warehouses, wholesale meat and produce distribution with meat cutting, but not butchering, communication towers when camouflage in design, communication towers when monopole in design if the tower is under one hundred forty (140) feet in height.
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 lattice or guyed in design, 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, west and south of the subject parcels is Industrial (IND). Property to the north of Chapman Road has a Medium Density Residential (MDR) Future Land Use designation. The properties to the north, south, east and west of the subject

property are currently zoned A-1 (Agriculture). The Future Land Use designation of the subject property is Industrial (IND) which allows the requested C-3 (General Commercial & Wholesale) zoning district. Staff finds the proposed rezone is consistent and compatible with the surrounding development patterns.

**SITE ANALYSIS:**

**ENVIRONMENTAL IMPACTS:**

*Floodplain Impacts:*

Based on the FIRM map, with an effective date of 1995, the subject property appears to be outside the 100-year flood plain.

*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 preliminary analysis, there may be threatened and endangered species on the site. A threatened and endangered 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 Southeast Seminole County service area. Capacity availability for this project will be determined during the Concurrency process. Seminole County has a 30-inch water main on West Chapman Road and a 16-inch force main on the east side of West State Road 426. The subject properties are in the ten-year master plan for reclaimed water. A separate reclaimed water utility system is required. This system will be charged by a temporary jumper from the potable water main and must be connected to reclaimed water when it becomes available.

*Transportation / Traffic:*

The parcels are adjacent to Chapman Road which is classified as a local road. Chapman Road is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

*Drainage:*

The proposed project is located within the Howell Creek Drainage Basin, and has limited or no downstream capacity. The site will have to be designed to hold the 25-year, 24-hour storm event onsite at the time of Final Engineering.

*Parks, Recreation and Open Space:*

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

*Buffers and Sidewalks:*

A 5' ft. sidewalk will be required along Chapman Road. The subject property is not adjacent to residential zoning or Future Land Use, therefore, Active/Passive buffers will not apply.

**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 POT 4.5: Potable Water Connection  
Policy SAN 4.4: Sanitary Sewer Connection  
Policy PUB 2.1: Public Safety Level-of-Service

**INTERGOVERNMENTAL NOTIFICATION:**

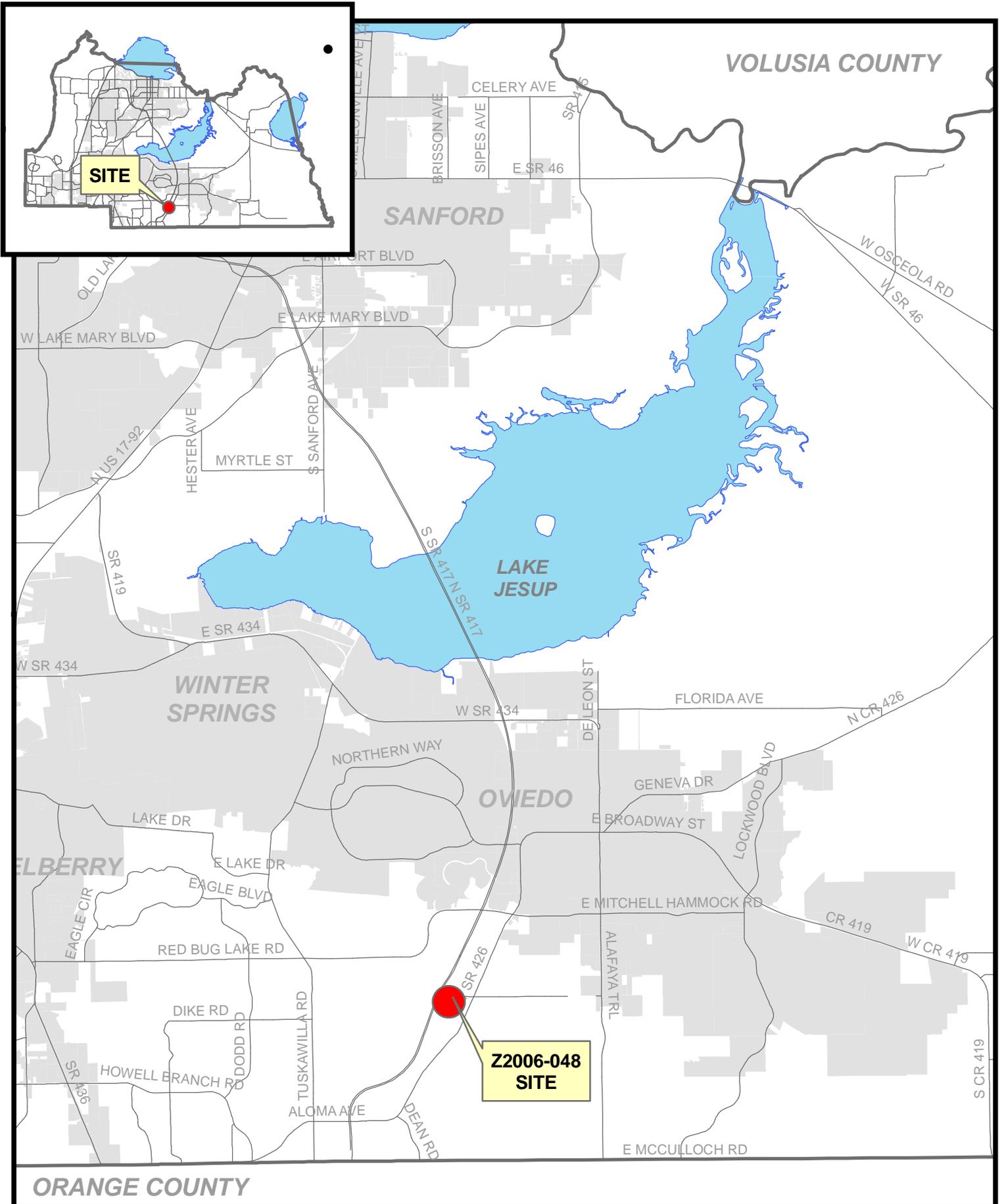
An intergovernmental notice is not required for this development, it is not adjacent to any other municipality and will not impact schools.

**LETTERS OF SUPPORT OR OPPOSITION:**

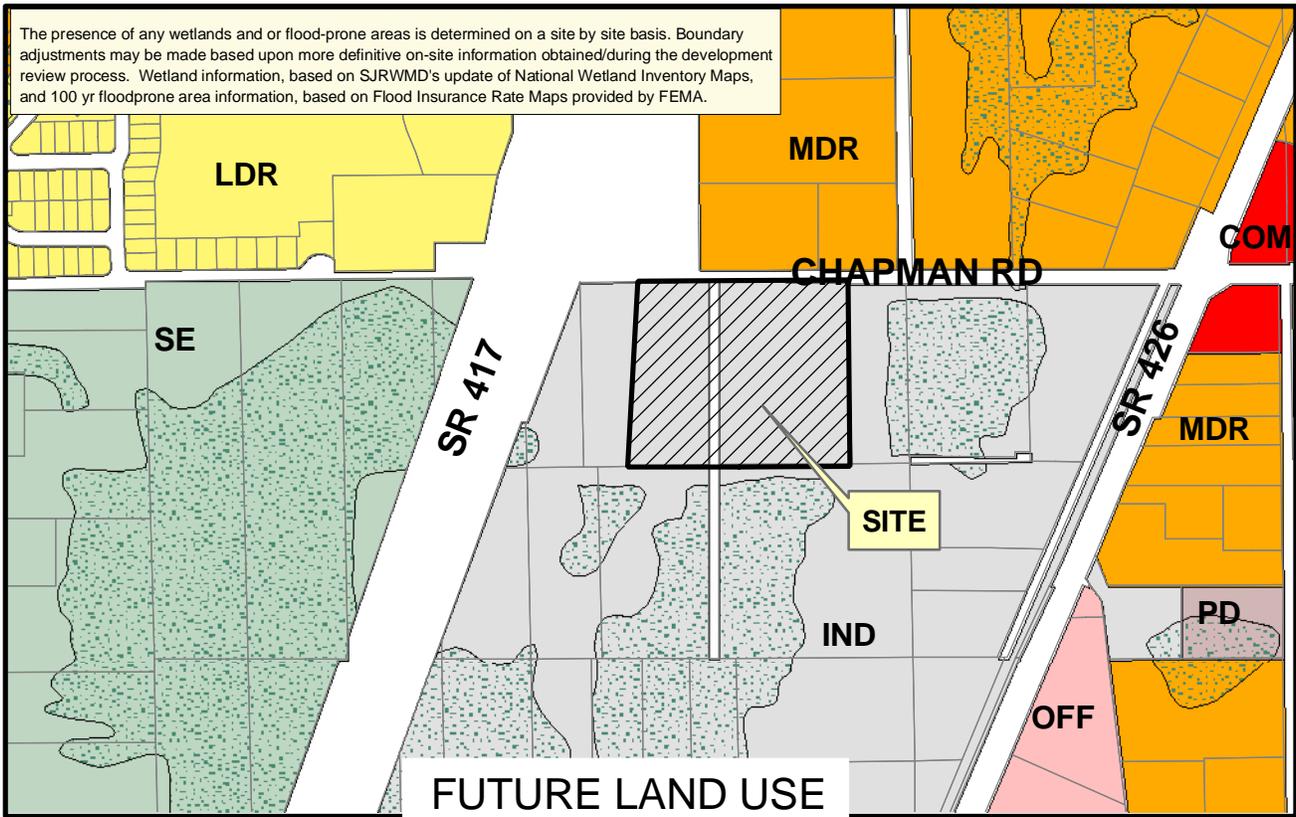
At this time, Staff has received no letters of support or opposition.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request for a rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) for 11.26 ± acres, located south of W. Chapman Road and east of State Road 417, 220 feet west of Tatra Street, based on staff findings.

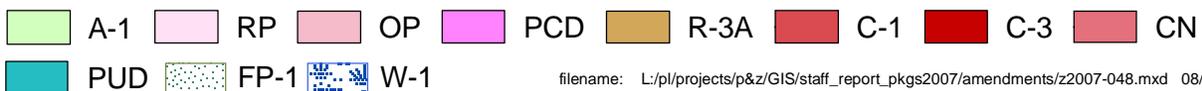
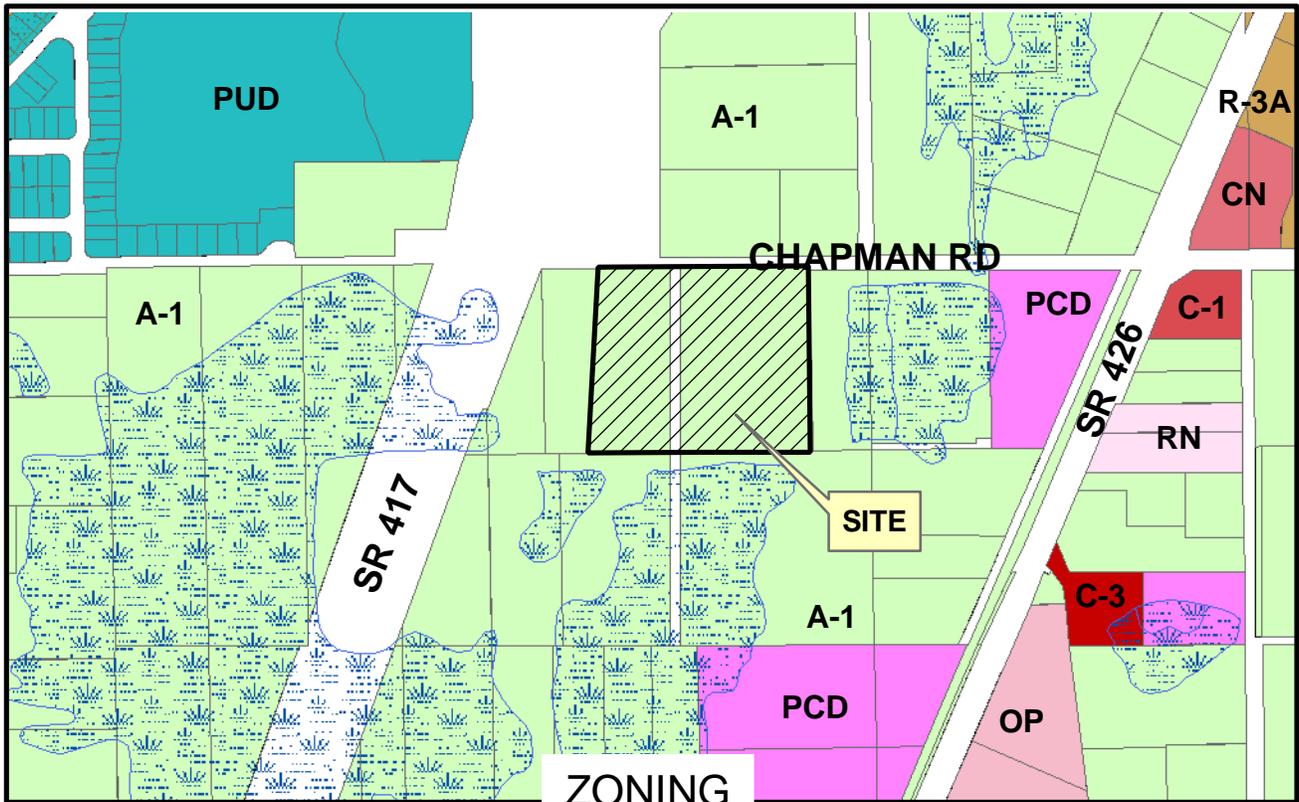


The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



Applicant: Rashid Jamalabad  
 Physical STR: 16-21-31-5CA-0000-0510, 051A, 0540  
 Gross Acres: 11.26 +/- BCC District: 1  
 Existing Use: Residential, Vacant  
 Special Notes:

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-048	A-1	C-3





Rezone No: Z2007-048  
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 THE C-3 (GENERAL COMMERCIAL & WHOLESALE) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR 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 "West Chapman Road 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. 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 upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 11th day of December 2007.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Brenda Carey, Chairman

**EXHIBIT A  
LEGAL DESCRIPTION**

**PARCEL B:**

COMMENCE AT THE SOUTHWEST CORNER OF LOT 51, SLAVIA COLONY CO.S, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE RUN N89°D44'37"E ALONG THE SOUTH LINE OF SAID LOT 51 A DISTANCE OF 350.98 FEET TO THE POINT OF BEGINNING; THENCE RUN THENCE RUN N03°D06'02"E A DISTANCE OF 649.99 FEET TO A POINT ALONG THE NORTH LINE OF SAID LOT 51; THENCE RUN N89°D41'39"E ALONG THE NORTH LINE OF SAID LOT 51 A DISTANCE OF 183.51 FEET; THENCE DEPARTING THE SAID NORTH LINE RUN S00°D44'08"E A DISTANCE OF 649.05 FEET TO A POINT ALONG THE SOUTH LINE OF SAID LOT 51; THENCE RUN S89°D44'37"W ALONG THE SOUTH LINE OF SAID LOT 51 A DISTANCE OF 227.00 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 133,197 SQ. FT. OR 3.058 ACRES MORE OR LESS.

**PARCEL C:**

COMMENCE AT THE SOUTHWEST CORNER OF LOT 51, SLAVIA COLONY CO.S, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE RUN N89°D44'37"E ALONG THE SOUTH LINE OF SAID LOT 51 A DISTANCE OF 577.98 FEET TO THE POINT OF BEGINNING; THENCE RUN THENCE RUN N00°D44'08"W A DISTANCE OF 649.05 FEET TO A POINT ALONG THE NORTH LINE OF SAID LOT 51; THENCE RUN N89°D41'39"E ALONG THE NORTH LINE OF LOT 51 AND THE NORTH LINE OF LOT 54 OF AFORESAID PLAT OF SLAVIA COLONY CO.S A DISTANCE OF 275.00 FEET; THENCE DEPARTING THE SAID NORTH LINE RUN S00°D44'07"E A DISTANCE OF 649.29 FEET TO A POINT ALONG THE SOUTH LINE OF SAID LOT 54; THENCE RUN S89°D44'37"W ALONG THE SOUTH LINE OF SAID LOT 54 AND SAID LOT 51 A DISTANCE OF 275.00 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 178,516 SQ. FT. OR 4.098 ACRES MORE OR LESS.

**PARCEL D:**

COMMENCE AT THE SOUTHWEST CORNER OF LOT 51, SLAVIA COLONY CO.S, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE RUN N89°D44'37"E ALONG THE SOUTH LINE OF SAID LOT 51 AND THE NORTH LINE OF LOT 54 OF AFORESAID PLAT OF SLAVIA COLONY CO.S A DISTANCE OF 852.97 FEET TO THE POINT OF BEGINNING; THENCE RUN THENCE RUN N00°D44'07"W A DISTANCE OF 649.29 FEET TO A POINT ALONG THE NORTH LINE OF SAID LOT 54; THENCE RUN N89°D41'39"E ALONG THE NORTH LINE OF SAID LOT 54 A DISTANCE OF 275.00 FEET; THENCE DEPARTING THE SAID NORTH LINE RUN S00°D44'07"E ALONG A LINE 201.19 FEET WEST AND PARALLEL TO THE EAST LINE OF SAID LOT 54 A DISTANCE OF 649.53 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 54; THENCE RUN S89°D44'37"W ALONG THE SOUTH LINE OF SAID LOT 54 A DISTANCE OF 275.00 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 178,582 SQ. FT. OR 4.100 ACRES MORE OR LESS.

Z2007-048

DEVELOPMENT ORDER #07-20000009

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On December 11, 2007, 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):** Chuck Blankenship

**Project Name:** West Chapman Road Rezone

**Requested Development Approval:** The applicant is requesting a rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) for parcel IDs 16-21-31-5CA-0000-0510 and a portion of 16-21-31-5CA-0000-0540.

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 and could not be supported.

After fully considering staff analysis titled "West Chapman Road Rezone" and all evidence submitted at the public hearing on December 11, 2007, 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"

### LEGAL DESCRIPTION

#### PARCEL B:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 51, SLAVIA COLONY CO.S, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE RUN N89% $\text{D}44^{\circ}37'$ E ALONG THE SOUTH LINE OF SAID LOT 51 A DISTANCE OF 350.98 FEET TO THE POINT OF BEGINNING; THENCE RUN THENCE RUN N03% $\text{D}06^{\circ}02'$ E A DISTANCE OF 649.99 FEET TO A POINT ALONG THE NORTH LINE OF SAID LOT 51; THENCE RUN N89% $\text{D}41^{\circ}39'$ E ALONG THE NORTH LINE OF SAID LOT 51 A DISTANCE OF 183.51 FEET; THENCE DEPARTING THE SAID NORTH LINE RUN S00% $\text{D}44^{\circ}08'$ E A DISTANCE OF 649.05 FEET TO A POINT ALONG THE SOUTH LINE OF SAID LOT 51; THENCE RUN S89% $\text{D}44^{\circ}37'$ W ALONG THE SOUTH LINE OF SAID LOT 51 A DISTANCE OF 227.00 FEET TO THE POINT OF BEGINNING.  
AREA CONTAINS 133,197 SQ. FT. OR 3.058 ACRES MORE OR LESS.

#### PARCEL C:

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AREA CONTAINS 178,516 SQ. FT. OR 4.098 ACRES MORE OR LESS.

#### PARCEL D:

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AREA CONTAINS 178,582 SQ. FT. OR 4.100 ACRES MORE OR LESS.

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
NOVEMBER 7, 2007**

**Members present:** Melanie Chase, Ben Tucker, Matthew Brown, and Kim Day

**Members absent:** Walt Eismann, Rob Wolf, and Dudley Bates

**Also present:** Tina Williamson, Acting Planning Manager; Dori DeBord, Director of Planning and Development; Herman Wright, Principal Planner; Ian Sikonia, Senior Planner; Tony Walter, Principal Planner; Tony Nelson, Senior Engineer; Kathy Furey-Tran, Assistant County Attorney; Candace Lindlaw-Hudson, Clerk to the Commission

**W Chapman Rd (2155) Rezone; Terra Engineering / Rashid H Jamalabad, P.E., applicant;** 15.51± acres; Rezone from A-1 (Agriculture) to C-3 (Commercial); located on the south side of W Chapman Rd, east of SR 417, 220 feet west of Tatra Street. (Z2007-48)

Commissioner Dallari - District 1  
Herman Wright, Principal Planner

Mr. Wright stated that the request contains 2 parcels containing 11.26 acres. The applicant would like to have a boat, truck, RV rental facility with a warehouse and truck repair and storage facility. The future land use of the property is Industrial. Future land use designations to the east, south and west are Industrial, with MDR (Medium Density Residential) across West Chapman Road. The surrounding zoning districts to the north, east, south and west are A-1 (Agriculture). The request is compatible with the character of the surrounding properties. Staff recommends approval of the request.

Rashid Jamalabad stated that he agreed with staff's recommendations and was present to answer questions.  
No one spoke in favor of the application.

Catherine Eisman-Rodenburg of 2200 W. Chapman Road said that she had lived there for 15 years. She wanted to know who owns the property. The property is a swamp. There are two drainage ponds from the 417 and Aloma Avenue there. The road to the property is unpaved and in poor condition. Water leaches onto the road. The County does not maintain the swales and dust is a problem on the road. She is concerned that the applicant will use Eagle Pass Road as well as Chapman. The area is definitely wetlands, with water sitting on the property every day. Oak Trees in the area have already died from area flooding. The 417 is to be expanded. This project will only make the flooding worse.

Mark Bay of 2210 Eagle Pass Road owns property adjacent to the application site. He is concerned with traffic coming to the area. He said that water is around everywhere. There would be an enormous amount of fill needed to cover the swamp. He had to raise his home 3 feet in order to keep it out of the water. The water from the site will have to go somewhere. Mr. Bay said that he and a neighbor have been keeping Eagle Pass Road. The non-resident owned trucks are tearing up the road.

Commissioner Tucker asked if Mr. Bay's house was on sewer or septic.

Mr. Bay said that he was on septic and that he had no problems at the present.

Charles J. Laursen of 2235 Eagle Pass Road said that the property is low. He lives at the end of Eagle Pass Road. If the property is filled in, it will cause his property to flood. Cows get stuck in the muck in the area. Mr. Larson showed pictures of the property, taken after rainless weather. Pictures showed standing water and a cypress tree. There is a drainage ditch crossing the property which carries water from adjacent properties to retention area.

Arnt Vagle spoke in rebuttal. He said that the property will only have access from Chapman Road. Eagle Pass Road is a private road. The State has a 30-foot right-of-way where the creek runs. No one will change the creek. We might enlarge the creek for better flow. The neighbor was concerned about the creek along the road. The current owner tried to give the creek by the road to the County. The County did not want to do that. The creek comes from the other side of 426 and carries quite a bit of water.

Rashid H. Jamalabad stated that the final engineering will take care of all of the county and state water regulations.

Ms. Rodenberg said that the road to her house is an unmaintained road.

Commissioner Brown asked for clarification on trees being removed without a permit on A-1 property.

Ms. Williamson said that they can be for agricultural purposes. Also, the owner of record for the property is Chuck Blankenship. The applicant has a lease which gives him permission to apply for the rezoning.

Commissioner Brown said that this is a straight rezone. How is water addressed on the property?

Ms. Williamson said that if the rezone were approved, they would just get a site plan approval.

Commissioner Brown asked if the applicant could put a fence around the property and store things without putting a structure on the property.

Ms. Williamson said that they would still have to go through site plan approval to do that. They would have to do road and drainage improvements.

Commissioner Brown said that they would be required to store the water on site.

Ms. Williamson said that all of the Land Development Code requirements would have to be met.

At this time the meeting adjourned for 5 minutes and was promptly reconvened.

Commissioner Tucker stated that the use on paper looked like a good plan. In reality, this is an infill use in an area of agriculture/residential use. If it were surrounded by vacant land, that would be one thing. It is low there.

Commissioner Brown asked Ms. Williamson if the land showed as low on the flood plane maps.

Ms. Williamson said that the property did not show as being low on the FEMA maps.

Tony Nelson said the property did not show as jurisdictional wetlands. It is low-lying land.

Commissioner Tucker said that he was concerned about going in with no parameters in this straight rezone. When it is an infill situation, straight zonings have less compatibility than planned projects.

Commissioner Brown said that PUDs can tie the hands of the developers.

Commissioner Tucker said that there are adjacent residential uses. We have an obligation to the adjacent home owners for the interim. Maybe in 20 years things will be right. He is not in favor of the request.

Commissioner Chase said that it is in the middle of a lot of agricultural area. This is a lot to put in the middle.

**Commissioner Chase made a motion to recommend denial.**

**Commissioner Day seconded the motion.**

Commissioner Brown said that in 20 years the proposed project may be compatible, but not now.

**The motion passed 4 – 0.** The recommendation was for denial of the request.

Respectfully submitted,

Candace Lindlaw-Hudson  
Clerk to the Commission