

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Alafaya Trail (2880) Administrative Rezone

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

AUTHORIZED BY: Dori DeBord **CONTACT:** Ian Sikonia **EXT:** 7398

MOTION/RECOMMENDATION:

1. Approve a request and authorize the Chairman to execute an ordinance to rezone 0.09 + acres, from R-1AA (Single-Family Dwelling) to C-1 (Retail Commercial), located on the west side of Alafaya Trail approximately 200 feet south of Remington Drive, based on staff findings (Seminole County, applicant); or
2. Deny the request to rezone 0.09 + acres, from R-1AA (Single-Family Dwelling) to C-1 (Retail Commercial), located on the west side of Alafaya Trail approximately 200 feet south of Remington Drive, and authorize the Chairman to execute the Denial Development Order (Seminole County, applicant); or
3. Continue the item to a time and date certain.

District 1 Bob Dallari

Ian Sikonia

BACKGROUND:

At their meeting on September 25, 2007, the Seminole County Board of Commissioners directed staff to proceed with administratively rezoning 0.09 ± acres located on the west side of Alafaya Trail approximately 200 feet south of Remington Drive from R-1AA (Single-Family Residential) to C-1 (Retail Commercial). Currently, the property is zoned R-1AA (Single-Family Dwelling) and has a Future Land Use Designation of COM (Commercial). The subject property is surrounded by the PCD (Planned Commercial Development) zoning classification to the north and west. As per the Seminole County Comprehensive Growth Management Plan: Vision 2020, the R-1AA (Single-Family Dwelling) zoning classification is not allowed in the Future Land Use Designation of COM (Commercial). The Seminole County Board of County Commissioners is proposing the C-1 (Retail Commercial) zoning classification, which will bring the property into compliance with the Seminole County Comprehensive Growth Management Plan: Vision 2020.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a rezone from R-1AA (Single-Family Dwelling) to C-1 (Retail Commercial) for 0.09 ± acres, located on the west side of Alafaya Trail approximately 200 feet south of Remington Drive.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Planning and Zoning Commission met on December 5, 2007 and voted 6 to 0 to recommend approval of the request to rezone 0.09 ± acres, from R-1AA (Single-Family Dwelling) to C-1 (Retail Commercial), located on the west side of Alafaya Trail approximately 200 feet south of Remington Drive, based on staff findings.

ATTACHMENTS:

1. Staff Report
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. Rezone Ordinance
6. 12-5-07 Planning and Zoning Commission Minutes
7. Denial Development Order
8. Rezoning Ordinance

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

Alafaya Trail 2880 Rezone

Rezone from R-1AA to C-1

APPLICANT	Seminole County Board of County Commissioners	
PROPERTY OWNER	Wayne R. Harrod	
REQUEST	Rezone from R-1 (Single-Family Dwelling) to R-1BB (Single-Family Dwelling)	
PROPERTY SIZE	0.09 ± acres	
HEARING DATE (S)	P&Z: December 5, 2007	BCC: January 22, 2008
PARCEL ID	27-21-31-300-0330-0000	
LOCATION	The west side of Alafaya Trail; 200 feet south of Remington Drive	
FUTURE LAND USE	COM (Commercial)	
ZONING	R-1AA (Single-Family Dwelling)	
FILE NUMBER	Z2007-69	
COMMISSION DISTRICT	#1 –Dallari	

Proposed Development:

The Seminole County Board of County Commissioners is requesting to rezone 0.09 ± acres from R-1AA (Single-Family Dwelling) to C-1 (Retail Commercial) to justify the zoning classification with the Commercial Future Land Use Designation currently assigned.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of R-1AA (Single-Family Dwelling) and the requested zoning district of C-1 (Retail Commercial).

DISTRICT REGULATIONS	Existing Zoning (R-1AA)	Proposed Zoning (C-1)
Minimum Lot Size	11,700 sq. ft.	N/A
Minimum House Size	1,300 sq. ft.	N/A
Minimum Width at Building Line	90'	N/A
Front Yard Setback	25'	25'
Side Yard Setback	10'	0'
(Street) Side Yard Setback	25'	25'
Rear Yard Setback	30'	10'
Maximum Building Height	35'	35'

PERMITTED & SPECIAL EXCEPTION USES:

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	R-1AA (existing)	C-1 (proposed)
Permitted Uses	Single-family dwelling and their customary accessory uses, one (1) boat dock and one (1) boathouse per lot when accessory and incidental to the principal dwelling, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents, public and private elementary schools, home offices.	Any use permitted in the CS District, amusement and commercial recreation within an enclosed building, appliance stores, bakeries, where all goods are sold on premises at retail, banks, churches, day nurseries, kindergartens, employment agencies, funeral homes, furniture stores, hardware stores, laundrettes and Laundromats, pet stores, plant nurseries, private clubs and lodges. quick print shops, radio and television broadcasting studios, excluding towers, radio and television sales and service, restaurants, but not drive-in, theatres, but not drive-in, multifamily housing - such as condominiums, apartments and townhouses of medium to high density. Density and design criteria must conform to the standards for properties assigned the R-3 zoning classification, above-store or above-office flats, dry cleaners utilizing a Perman R308 dry cleaning machine or machine, found to be similar in nature by the Planning Manager, which provide dry cleaning services to only those customers bringing clothing and other materials to the site for service; provided, however, that this provision shall not apply to dry cleaning businesses with pick-up service or satellite facilities or to a dry cleaning plant, veterinary clinics with no overnight boarding except for animals being treated on the premises at the time of their boarding, communication towers when camouflage in design.
Special Exception Uses	Churches with their attendant educational, recreational buildings, and off-street parking, public and private middle schools and high schools, parks and recreational areas, publicly owned and operated, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, boathouses with roofs exceeding ten (10) feet above the mean-highwater line, off-street parking facilities, R-1A District only, assisted living facilities and community residential homes housing 7-14 permanent unrelated residents (including group homes and foster care facilities) provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area as defined in Section 419.001(3)(c), Florida Statutes (2001). In the event that the provisions of this section conflict with the provisions of Section 419.001(3)(c), Florida Statutes (2001), Section 419.001(3)(c) shall govern, communication towers, private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the Planning Manager.	Alcoholic beverage establishments, public utility structures, gasoline pumps as an accessory use, living quarters, in conjunction with a commercial use, to be occupied by the owner or operator of the business or an employee, hospitals and nursing homes, all communication towers which are not permitted uses, 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.
Minimum Lot Size	11,700 sq. ft.	5,000 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Future Land Use designation of the surrounding properties to the north and west is COM (Commercial), HDR (High Density Residential) to the south and MDR (Medium Density Residential) to the east across Alafaya Trail. The Future Land Use designation of the property is COM (Commercial) which allows the requested C-1 (Retail Commercial) zoning district. Staff finds the proposed rezone consistent and compatible with the surrounding development patterns.

SITE ANALYSIS:

Floodplain Impacts:

Based on FIRM maps with an effective date of April 17, 1995 there appears to be no flood plains 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 no endangered or threatened wildlife on the subject property.

Utilities:

This parcel is in the Seminole County water and sewer utility service area. Seminole County has a 16-inch water main in the median of Alafaya Trail, a 10-inch water main on the north side of Remington DR, a 12-inch force main in the median of Alafaya Trail, and a 6-inch force main on the south side of Remington Drive.

This parcel is 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 reclaim water when it becomes available. This reclaimed water system and future connection needs to be shown on the plans.

Transportation / Traffic:

The property is adjacent to SR 434 which is classified as an arterial road. State Road 434 is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

Drainage:

The site does not seem to have a defined drainage outfall. The site will have to hold the entire 25-year storm event onsite if it exceeds the impervious limits defined by SJRWMD, and unless a defined outfall can not be determined.

Buffers and Sidewalks:

There is an existing 5-foot sidewalk along Alafaya Trail.

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):

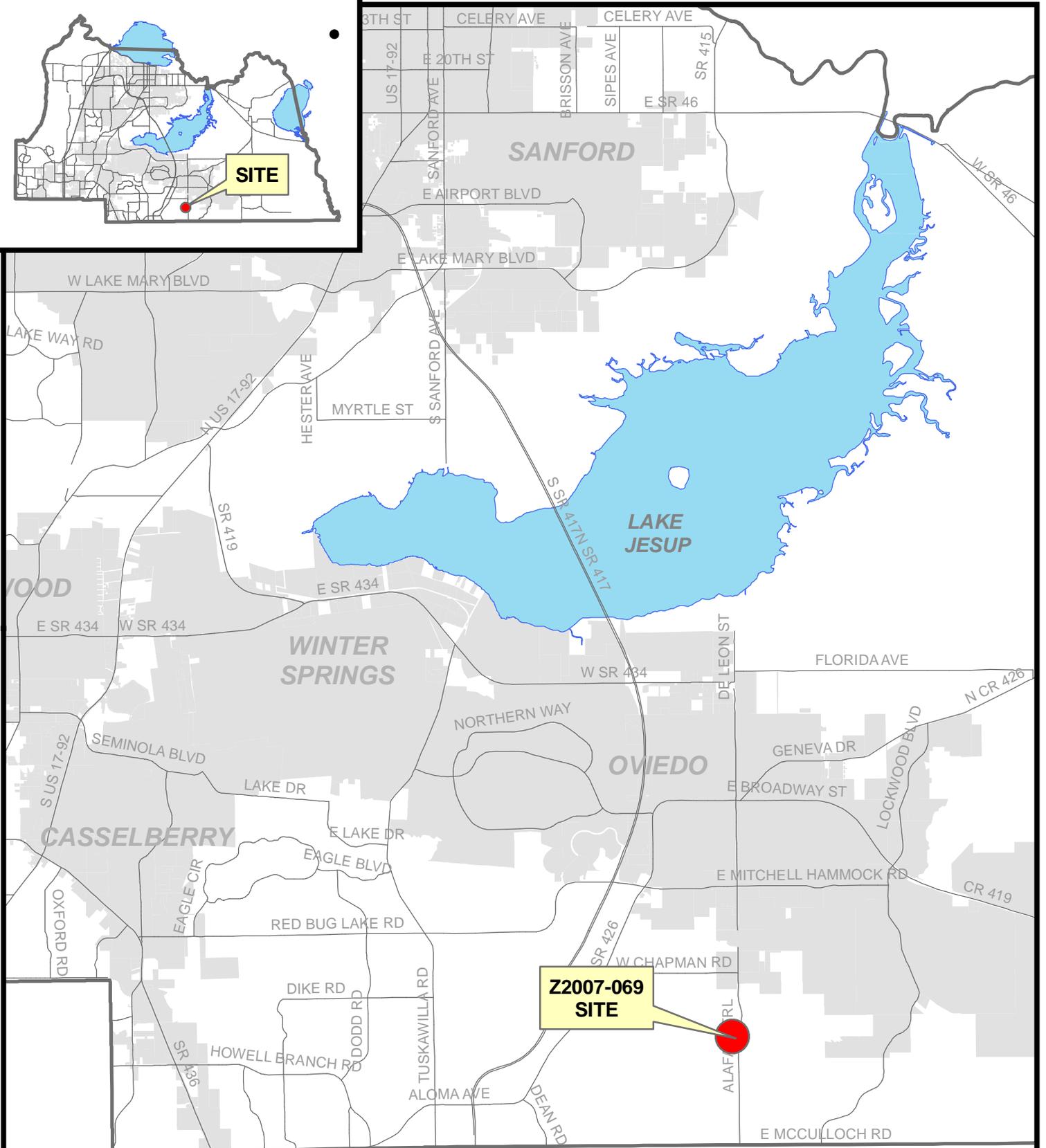
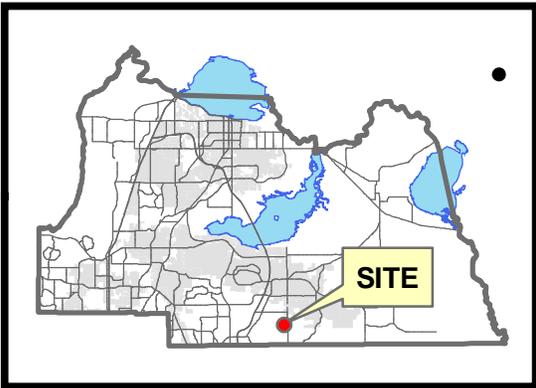
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notice is not required.

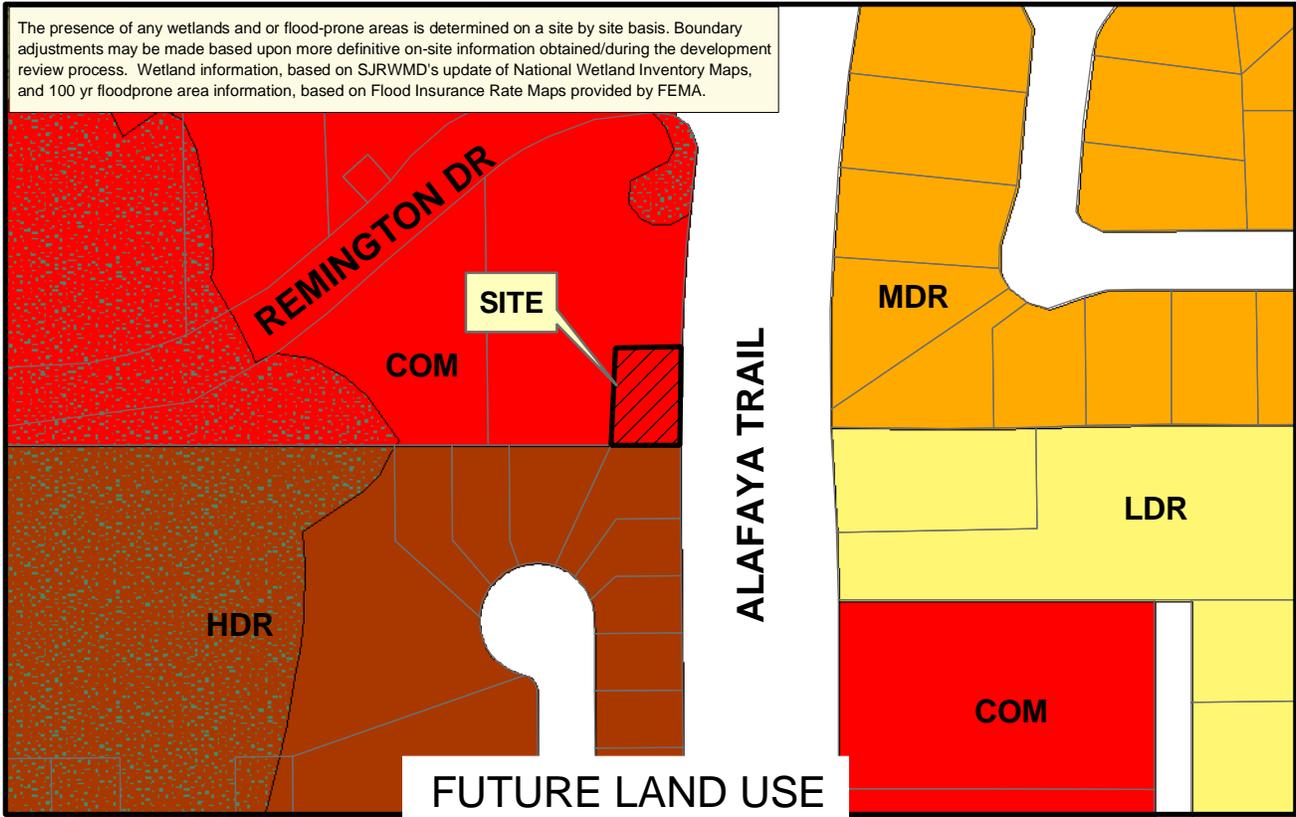
LETTERS OF SUPPORT OR OPPOSITION:

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



ORANGE COUNTY

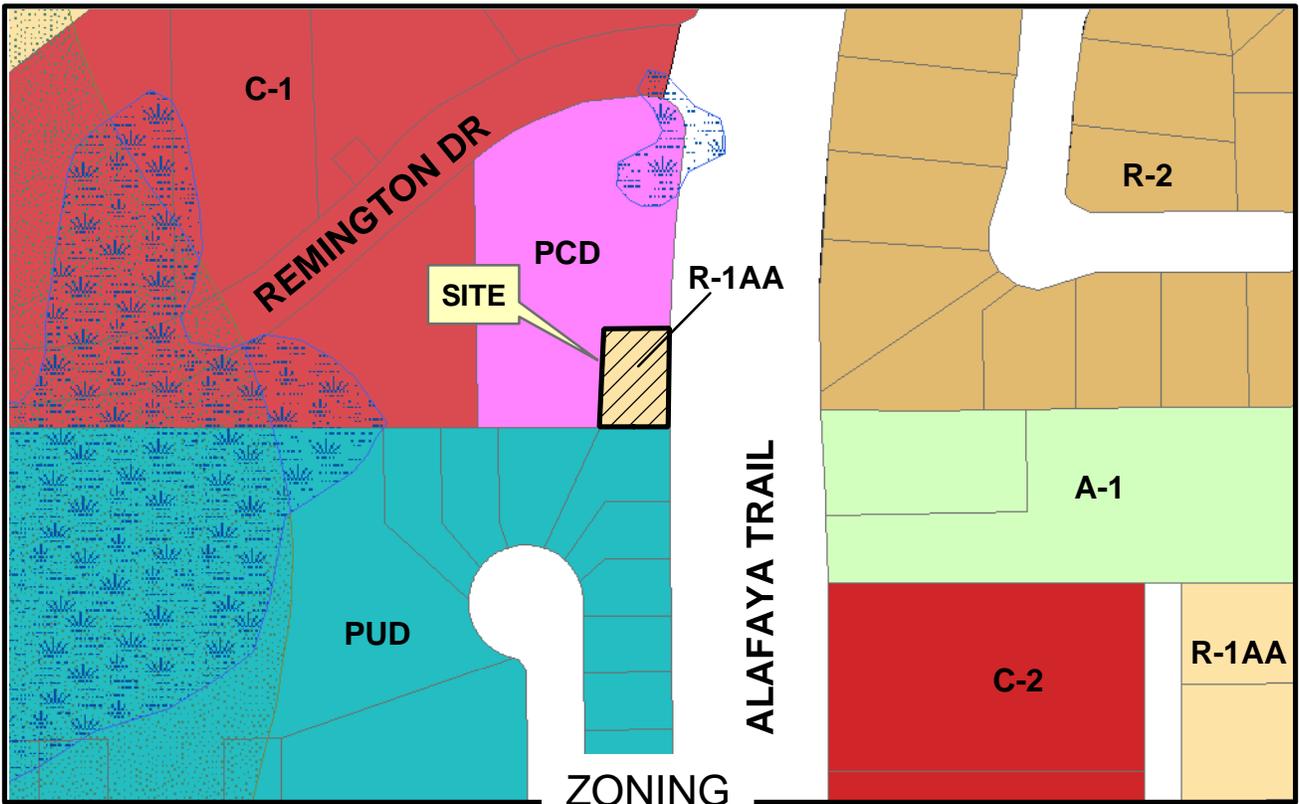
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR
 MDR
 HDR
 COM
 Site
 CONS
 Municipality

Applicant: Seminole County BCC
 Physical STR: 27-21-31-300-0330-0000
 Gross Acres: .12 +/- BCC District: 1
 Existing Use: vacant residential
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-069	R-1AA	C-1



A-1
 R-2
 R-1AA
 C-1
 C-2
 PUD
 PCD

FP-1
 W-1



Rezone No: Z2007-069
From: R-1AA To: C-1

 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; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1AA (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION THE C-1 (RETAIL COMMERCIAL) 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 “Alafaya Trail (2880) Administrative 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 R-1AA (Single-Family Dwelling) to C-1 (Retail Commercial):

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 22th day of January, 2008

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey
Chairman

Exhibit A

Legal Description

SEC 27 TWP 21S RGE 31E E 150 FT OF S 75 FT OF NW $\frac{1}{4}$ OF SW $\frac{1}{4}$ (LESS RD)

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
DECEMBER 5, 2007
7:00 P.M.**

Members present: Matthew Brown, Dudley Bates, Walt Eismann, Rob Wolf, Melanie Chase, and Ben Tucker

Member absent: Kim Day

Also present: Dori DeBord, Director of Planning and Development; Alison Stettner, Planning Manager; Tina Williamson, Asst. Planning Manager; Ian Sikonia, Senior Planner; Cynthia Sweet, Senior Planner; Austin Watkins, Senior Planner; James Potter, Senior Engineer; Kathy Furey-Tran, Assistant County Attorney; and Candace Lindlaw - Hudson, Clerk to the Commission.

Alafaya Trail (2880) Administrative Rezone; Seminole County, applicant; 0.09 ± acres; Administrative Rezone from R-1AA (Single Family Residential) to C-1 (Commercial); located on the west side of Alafaya Trail, 200 feet south of Remington Drive. (Z2007-69)

Commissioner Dallari - District 1
Ian Sikonia, Senior Planner

Ian Sikonia introduced the request for an administrative rezone from R-1AA (SFR Family Dwelling) to C-1 (Retail Commercial) for 0.09 acres, located on the west side of Alafaya Trail approximately 200 feet south of Remington Street. Mr. Sikonia stated that on September 25, 2007 the Seminole County Board of Commissioners directed staff to proceed with administratively rezoning 0.09 acres as described above. The subject property is surrounded by the PCD (Planned Commercial Development) zoning classification to the north and west. As per the Seminole County Comprehensive Growth Management Plan: Vision 2020, the R-1AA (SFR Family Swelling) zoning classification is not allowed in the Future Land Use Designation of COM (Commercial). The Seminole County Board of Commissioners is proposing the C-1 (Retail Commercial) zoning classification which will bring the property into compliance with the Seminole County Comprehensive Growth Management Plan: Vision 2020. Staff recommendation is for approval.

No one spoke from the audience on this item.

Commissioner Eismann made a motion to recommend approval of the rezone from R-1AA (SFR Family Dwelling) to C-1 (Retail Commercial) for 0.09 acres, located on the west side of Alafaya Trail approximately 200 feet south of Remington Street.

Commissioner Wolf seconded the motion.

The motion passed unanimously (6 – 0).

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 22, 2008, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): Wayne R. Harrod

Project Name: Alafaya Trail 2880 Administrative Rezone

Requested Development Approval: Rezone one (1) lot totaling 0.09 ± acres located on the west side of Alafaya Trail, 200 feet south of Remington Drive, from R-1AA (Single-Family Dwelling) to C-1 (Retail Commercial).

The Board of County Commissioners has determined that the rezone request from R-1AA (Single-Family Dwelling) to C-1 (Retail Commercial) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Alafaya Trail 2880 Rezone" and all evidence submitted at the public hearing on January 22, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from R-1AA (Single-Family Dwelling) to C-1 (Retail Commercial) 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

SEC 27 TWP 21S RGE 31E E 150 FT OF S 75 FT OF NW $\frac{1}{4}$ OF SW $\frac{1}{4}$ (LESS RD)

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SEMINOLE COUNTY, FLORIDA

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