

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Royal Plaza Rezone

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

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

MOTION/RECOMMENDATION:

1. Approve the request and authorize the Chairman to execute an ordinance for a rezone from M-1A (Very Light Industrial) to C-1 (Retail Commercial) on 1.8 ± acres, located on the north corner of the intersection of SR 426 and Camp Road, based on staff findings (Sophan Lay, applicant); or
2. Deny the request for a rezone from M-1A (Very Light Industrial) to C-1 (Retail Commercial) on 1.8 ± acres, located on the north corner of the intersection of SR 426 and Camp Road, and authorize the Chairman to execute the Denial Development Order (Sophan Lay, applicant); or
3. Continue the item to a time and date certain.

District 1 Bob Dallari

Ian Sikonia

BACKGROUND:

The applicant is requesting a rezone from M-1A (Very Light Industrial) to C-1 (Retail Commercial), in order to develop a commercial shopping center. The existing M-1A zoning district does not allow for retail sales except as an ancillary use. The proposed uses of retail, restaurants, and other support commercial uses are allowed within the C-1 (Retail Commercial) 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 January 9, 2008 and voted 5 to 0 to recommend approval of the request to rezone 1.8 ± acres, located on the north corner of the intersection of SR 426 and Camp Road, from M-1A (Very Light Industrial) to C-1 (Retail Commercial).

STAFF RECOMMENDATION:

Staff recommends the Board approve a request and authorize the Chairman to execute an ordinance for a rezone from M-1A (Very Light Industrial) to C-1 (Retail Commercial) on 1.8 ± acres, located on the north corner of the intersection of SR 426 and Camp Road.

ATTACHMENTS:

1. Staff Report
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. Rezone Ordinance
6. Denial Development Order
7. 1-9-08 Planning Commission Minutes

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

Royal Plaza Rezone from M-1A to C-1		
APPLICANT	Sophan Lay	
PROPERTY OWNERS	Sophan and Kim Lay	
REQUEST	Rezone from M-1A (Very Light Industrial) to C-1 (Retail Commercial)	
PROPERTY SIZE	1.8 ± acres	
HEARING DATE (S)	P&Z: January 9, 2008	BCC: February 26, 2008
PARCEL ID	29-21-31-300-0170-0000	
LOCATION	Located on the north corner of the intersection of SR 426 and Camp Road.	
FUTURE LAND USE	IND (Industrial)	
ZONING	M-1A (Very Light industrial)	
FILE NUMBER	Z2007-71	
COMMISSION DISTRICT	#1 – Dallari	

Proposed Development:

The applicant is proposing to develop a commercial shopping center.

ANALYSIS OVERVIEW:

ZONING REQUEST

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

DISTRICT REGULATIONS	Existing Zoning (M-1A)	Proposed Zoning (C-1)
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	50'	25'
Side Yard Setback	10'	0'
(Street) Side Yard Setback	50'	25'
Rear Yard Setback	10'	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	M-1A (existing)	C-1 (proposed)
Permitted Uses	<p>Manufacturing of the following garments, photographic equipment and supplies, bakery products, boats, ceramics, pottery, using electrically fired kilns, chemical products and processing, dairy products, electrical machinery and equipment, furniture, glass and glass products, using electrically fired kilns, pharmaceutical products, shoes and leather goods, except no leather processing, brooms and brushes, candy and confectionery products, cosmetics and toiletries, except soap, candles, jewelry, optical equipment, perfume, precision instruments and machinery, plastic products, except pyroxylin, silverware, spices and spice packing, stationery, toys, electronic equipment and assembling, beverage bottling and distribution, cold storage and frozen-food lockers, data proceeding services, laundry and dry cleaning, except only nonflammable solvents shall be used (Class IV National Fire Protective Association Code.), living quarters for guards, custodians, and caretakers when such facilities are accessory uses to the primary use of the premises, machine shops using only electrically fired forges, assembling of metal, plastic, or cardboard containers, post offices, printing, bookbinding, lithographic platemaking, engraving, and publishing plants, general business and professional offices, radio and television studios and offices, restaurants, signs, identification, directional, or which advertise products manufactured, processed, stored, or sold on the premises, technical and trade schools, testing of materials, equipment, and products, truck terminals, warehouses and storage buildings, providing no storage is done outside an enclosed structure, manufacturing of water-based and/or epoxy-based coatings, adhesives, sealants, and paints, medical clinics - out-patient service only, public and private utility plants, stations and distribution office; provided, however, no sewer plant shall be located closer than two hundred (200) feet to the perimeter of the district nor shall any other utility plant, station, or distribution office be located closer than one hundred (100) feet to the perimeter of the district, cabinetry and woodworking shops, communication towers when camouflage in design, communication towers when monopole in design if the tower is under one hundred forty (140) feet in height, retail sales if ancillary to a use permitted by this section. For purposes of this subsection, "ancillary" shall mean supplementary, or secondary, not of primary importance.</p>	<p>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, launderettes 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.</p>
Special Exception Uses	<p>Heliports and airports, recreational facilities provided by an employer within the district for the exclusive use of employees, their families, and guests, public and private elementary schools, middle schools, and high schools, communication towers when lattice or guyed in design, communication towers when monopole in design if the tower is one hundred forty (140) feet or over in height.</p>	<p>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.</p>
Minimum Lot Size	N/A	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Future Land Use Designations of the properties to the north, south, east, and west of the subject parcel are Industrial (IND). The properties to the north and east are zoned A-1 (Agriculture), to the south and west is the M-1A (Very Light Industrial) zoning district. The surrounding properties consist of vacant land and industrial uses on three to five acres. To the north of the subject property is a FDOT facility on three acres abutting the SR 417, to the east across SR 426 is a five acre Florida Power Corporation facility, to the west is ROL Manufacturing of America facility on three acres, and to the south is vacant land.

In the past several years there have been approvals in a half mile radius which demonstrate the trend of development in the area from large single-family home parcels to commercial developments. Such examples are the Magnolia Corporate Center, Oviedo Commerce Center, and Tesinsky RV Storage which allow for commercial uses similar to the requested C-1 zoning district. The transition of uses from the SR 417, to a manufacturing facility, to less intense commercial uses abutting SR 426 would allow for the more intense uses to be buffered by commercial developments preserving the view- shed and streetscape of SR 426.

The Future Land Use Designation of the subject property is Industrial (IND) which allows the requested C-1 (Retail Commercial) 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. A listed 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 utility service area, and will be required to connect to public utilities. There is a 8-inch water main on the north side of Camp Rd., a 16-inch water main on the west side of W. SR 426, and a 16-inch force main on the east side of W. SR 426. The subject property 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 reclaimed water when it becomes available.

Transportation / Traffic:

The property is adjacent to SR 426 which is classified as an arterial road. SR 426 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 does not seem to have a positive outfall. The site will have to be designed to hold the 100-year, 24-hour storm event onsite.

Parks, Recreation and Open Space:

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

Sidewalks:

There is an existing 5-foot sidewalk located on the west side of SR 426.

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):

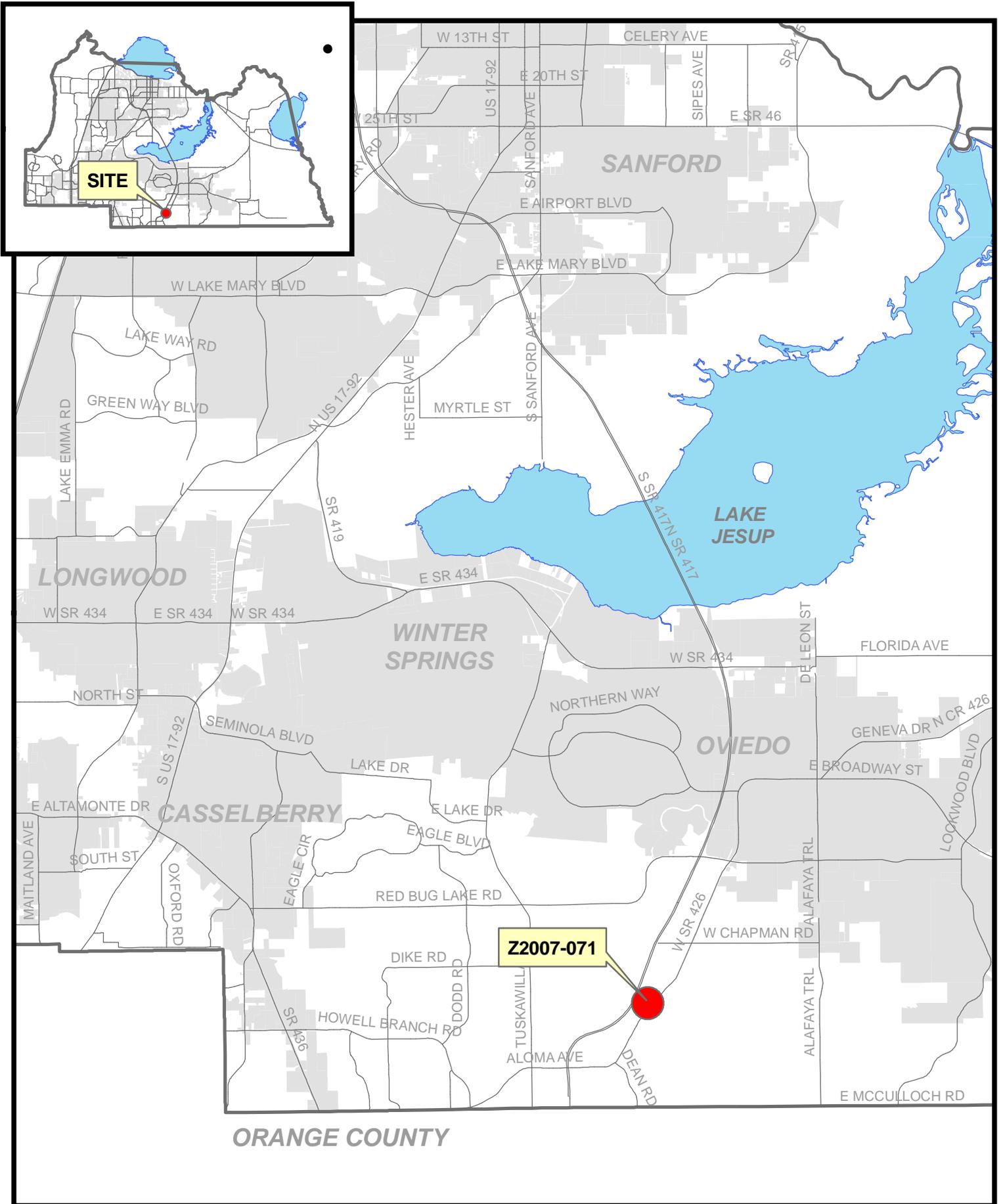
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications

INTERGOVERNMENTAL NOTIFICATION:

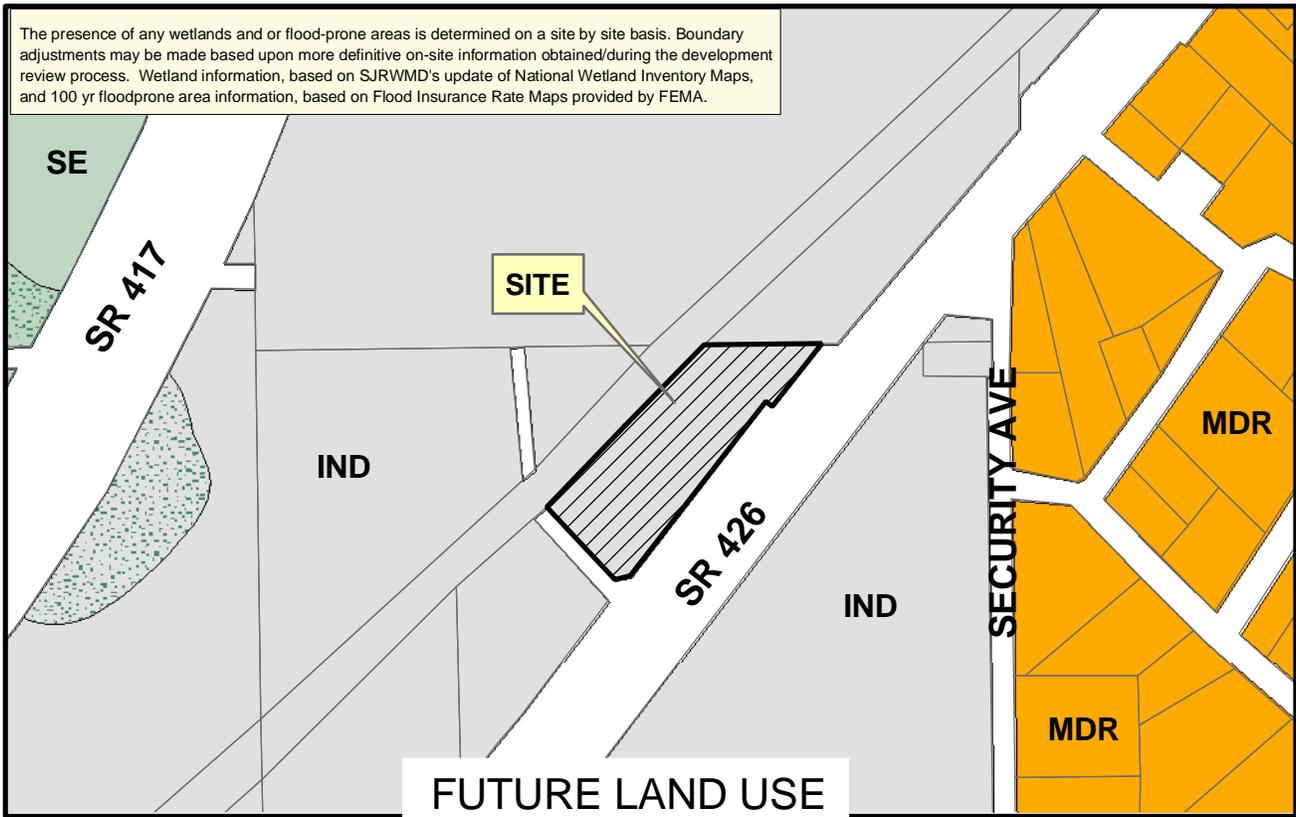
The subject property is not adjacent to or near any municipality and will not impact schools. Therefore, an intergovernmental notice was not required.

LETTERS OF SUPPORT OR OPPOSITION:

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



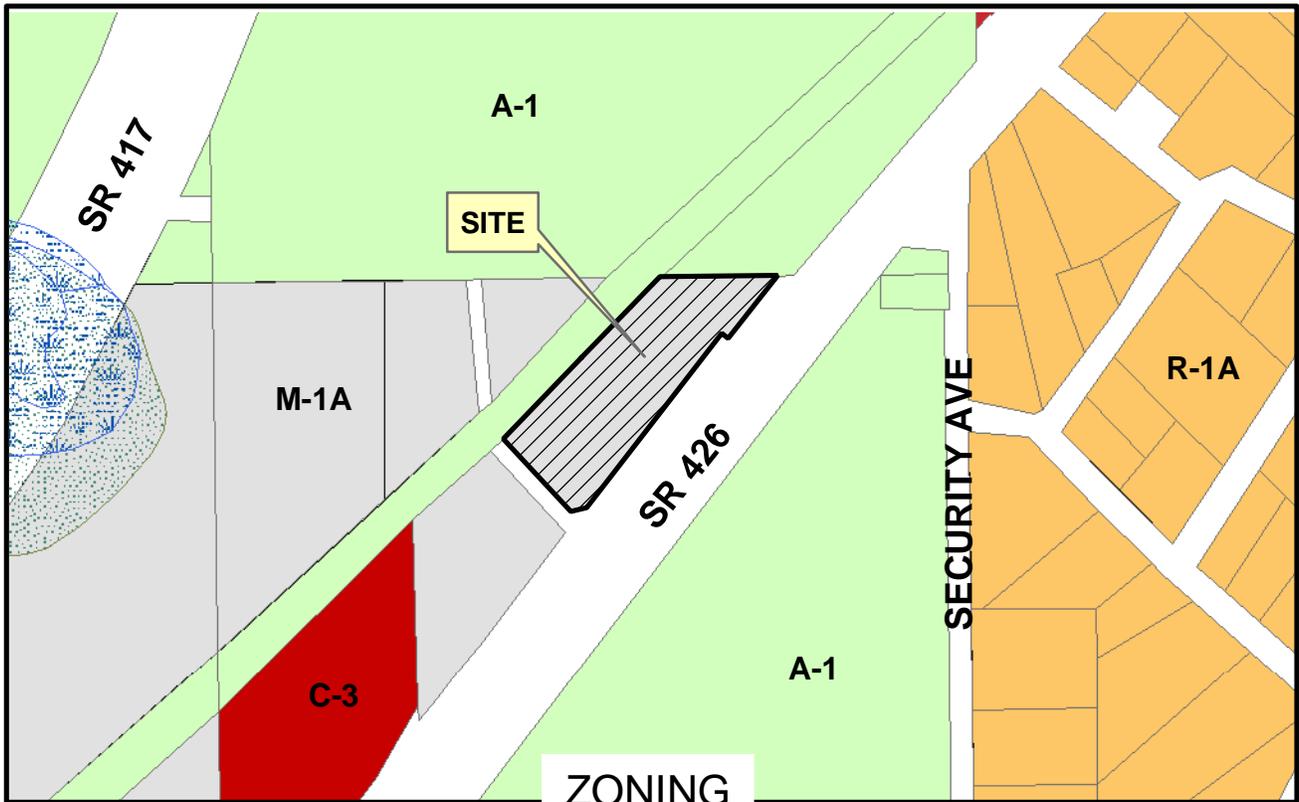
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



SE
 MDR
 IND
 Site
 CONS
 Municipality

Applicant: Sophan Lay
 Physical STR: 29-21-31-300-0170-0000
 Gross Acres: 1.80 +/- BCC District: 1
 Existing Use: Light Industrial
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-071	M-1A	C-1



A-1
 R-1
 M-1A
 C-3
 FP-1
 W-1



Rezone No: Z2007-071
From: M-1A 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 M-1A (VERY LIGHT INDUSTRIAL) 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 "Royal Plaza 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 M-1A (Very Light Industrial) 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 26th day of February, 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey
Chairman

ORDINANCE NO.

**SEMINOLE COUNTY, FLORIDA
Z2007-71**

Exhibit A

Legal Description

All of the East $\frac{3}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 29, Township 21 South, Range 31 East, lying between the Seaboard Air Line Railroad and the Oviedo-Goldenrod Road and lying Northerly of the State Road Department Prison Camp Road.

Z2007-

DEVELOPMENT ORDER #07-20000015
Z2007-71

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 26, 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): Sophan and Kim Lay

Project Name: Royal Plaza Rezone

Requested Development Approval: Rezone 1.8 + acres, located on the north corner of the intersection of SR 426 and Camp Road, from M-1A (Very Light Industrial) to C-1 (Retail Commercial).

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

After fully considering staff analysis titled "Royal Plaza Rezone" and all evidence submitted at the public hearing on February 26, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from M-1A (Very Light Industrial) 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

All of the East $\frac{3}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 29, Township 21 South, Range 31 East, lying between the Seaboard Air Line Railroad and the Oviedo-Goldenrod Road and lying Northerly of the State Road Department Prison Camp Road.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**

WEDNESDAY, JANUARY 9, 2008

Commission members present: Ben Tucker, Melanie Chase, Dudley Bates, Walt Eismann, and Kim Day.

Commission members absent: Rob Wolf, Matthew Brown

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

Royal Plaza Rezone; Sophan Lay, applicant; 1.8 ± acres; Rezone from M-1A (Light Industrial) to C-1 (Retail Commercial); located on the corner of SR 426 and Prison Camp Road. (Z2007-71)

Commissioner Dallari - District 1
Ian Sikonia, Senior Planner

Ian Sikonia introduced the application for a rezone to C-1 for a retail shopping center. The existing M-1A zoning does not allow for retail uses. The existing M-1A zoning district does not allow for retail sales except as an ancillary use. The proposed uses of retail, restaurants, and other support commercial uses are allowed within the C-1 (Retail Commercial) zoning district. The Future Land Use Designation of the subject property is Industrial (IND), which allows the requested zoning district. The properties to the north and east are zoned A-1 (Agriculture), to the south and west is the M-1A (Very Light Industrial) zoning district. The surrounding properties consist of vacant land and industrial uses on three to five acres. To the north of the subject property is a FDOT facility on three acres abutting the SR 417; to the east across SR 426 is a five-acre Florida Power Corporation facility; to the west is ROL Manufacturing of America facility on three acres; and to the south is vacant land.

In the past several years there have been approvals in a half mile radius which demonstrate the trend of development in the area from large single-family home parcels to commercial developments. Such examples are the Magnolia Corporate Center, Oviedo Commerce Center, and Tesinsky RV Storage which allow for commercial uses similar to the requested C-1 zoning district. The transition of uses from the SR 417, to a manufacturing facility, to less intense

commercial uses abutting SR 426 would allow for the more intense uses to be buffered by commercial developments.

Staff finds the proposed zoning consistent and compatible with the area and recommends approval of the request to rezone 1.8 + acres, located on the north corner of the intersection of SR 426 and Camp Road, from M-1A (Very Light Industrial) to C-1 (Retail Commercial).

Commissioner Eismann asked about the name of the road referred to as both "Prison Camp Road" and "Camp Road."

Mr. Sikonia said that he found the road referred to by both names in various document. He did not research the history of the road, but apparently something was there in the past.

Sophan Lay showed the site plan and elevations for the proposed shopping center.

There were no questions from the board.

Commissioner Eismann made a motion to recommend approval of the requested rezone of 1.8 + acres, located on the north corner of the intersection of SR 426 and Camp Road, from M-1A (Very Light Industrial) to C-1 (Retail Commercial), based on staff findings.

Commissioner Bates seconded the motion.

The motion passed unanimously (5 – 0).