
**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Hickman Circle (Lots 5, 6, 12, 13, & 14) Rezone from M-1A to M-1

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

AUTHORIZED BY: Dori DeBord

CONTACT: Joy Williams

EXT: 7399

MOTION/RECOMMENDATION:

1. Approve the request and enact an ordinance for a rezone from M-1A (Very Light Industrial) to M-1 (Industrial) for 7.55 ± acres, located approximately 1 mile north from the intersection of W SR 46 and Hickman Drive, and authorize the Chairman to execute the aforementioned document, based on staff findings (Renzulli Properties LLC / David Rodd, McKee Construction); or

2. Deny the request for a rezone from M-1A (Very Light Industrial) to M-1 (Industrial) for 7.55 ± acres, located approximately 1 mile north from the intersection of W SR 46 and Hickman Drive, and authorize the Chairman to execute the Denial Development Order (Renzulli Properties LLC / David Rodd, McKee Construction); or

3. Continue the item to a time and date certain

District 5 Brenda Carey

Joy Williams

BACKGROUND:

The applicant is requesting a rezone from M-1A (Very Light Industrial) to M-1 (Industrial) for 7.55 ± acres, for the purpose of future development that is consistent with the permitted uses under the M-1 zoning district. Upon approval of the requested rezone; the applicant intends to apply for a special exception that must be approved by the Board of Adjustment to allow for the storage of fuel. Approval of the rezone request would allow for those uses under the M-1A (Very Light Industrial) district as well as those uses under the C-3 (General Commercial and Wholesale) district.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on February 4, 2009 and voted unanimously to recommend approval of the request to rezone from M-1A (Very Light Industrial) to M-1 (Industrial) for 7.55 ± acres, located approximately 1 mile north from the intersection of W SR 46 and Hickman Drive.

STAFF RECOMMENDATION:

ATTACHMENTS:

1. Staff Report
2. Location Map
3. Future Land Use Zoning Map
4. Aerial Map
5. Rezoning Ordinance
6. Denial Development Order
7. LPA P and Z Meeting Minutes

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

HICKMAN CIRCLE

Rezone from M-1A to M-1

APPLICANT	Renzulli Properties LLC / David Rodd, McKee Construction	
PROPERTY OWNERS	Renzulli Properties LLC	
REQUEST	Rezone from M-1A (Very Light Industrial) to M-1 (Industrial)	
PROPERTY SIZE	7.55 ± acres	
HEARING DATE (S)	P&Z: February 4, 2009	BCC: March 24, 2009
PARCEL ID	20-19-30-5FL-0B00-0050, 0060, 0120, 0130, 0140	
LOCATION	Located approximately 1 mile north from the intersection of W SR 46 and Hickman Drive	
FUTURE LAND USE	IND (Industrial)	
ZONING	M-1A (Very Light industrial)	
FILE NUMBER	Z2008-62	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant proposes future construction that is consistent with the permitted uses under the M-1 zoning classification, along with proposed storage of fuel that would require a Special Exception approved by the Board of Adjustment.

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 M-1 (Industrial).

<i>DISTRICT REGULATIONS</i>	<i>Existing Zoning (M-1A)</i>	<i>Proposed Zoning (M-1)</i>
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'	25'
Side Yard Setback	10'	10'
(Street) Side Yard Setback	25'	25'
Rear Yard Setback	10'	10'
Maximum Building Height	35'	35'

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, south, and east are zoned M-1A (Very Light Industrial), the property to the west has an M-1(Industrial) zoning classification.

The Future Land Use Designation of the subject property is Industrial (IND) which allows the requested M-1 (Industrial) 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.

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:

Water and sewer utilities are provided by Seminole County and are available to the site.

Transportation / Traffic:

The property is adjacent to Hickman Circle and Hickman Drive which are classified as local roads. Hickman Circle and Hickman Drive are not currently programmed to be improved according to the County 5-year Capital Improvement Program.

Parks, Recreation and Open Space:

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

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS:

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

SEMINOLE COUNTY COMPREHENSIVE PLAN:

The 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 FLU 6.2: Concurrency Requirements
- Policy FLU17.4: Relationship of Land Use to Zoning Classifications

INTERGOVERNMENTAL NOTIFICATION:

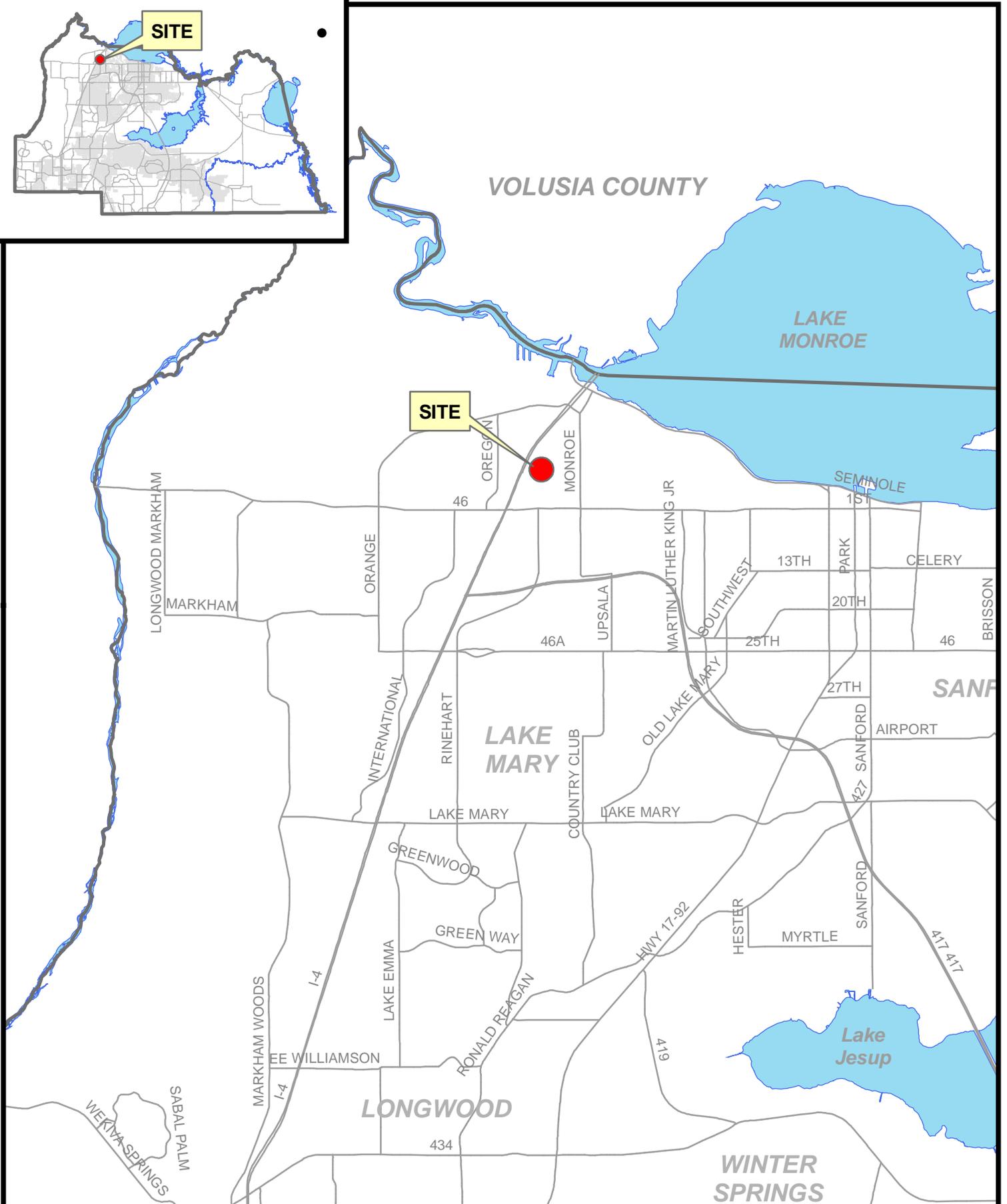
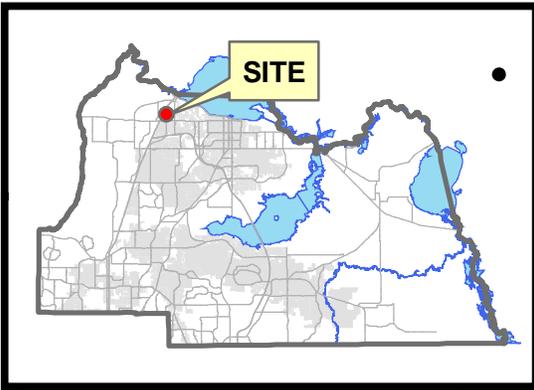
The subject property is not adjacent to or near any municipality and will not impact schools. Therefore, an intergovernmental notice was not required.

LETTERS OF SUPPORT OR OPPOSITION:

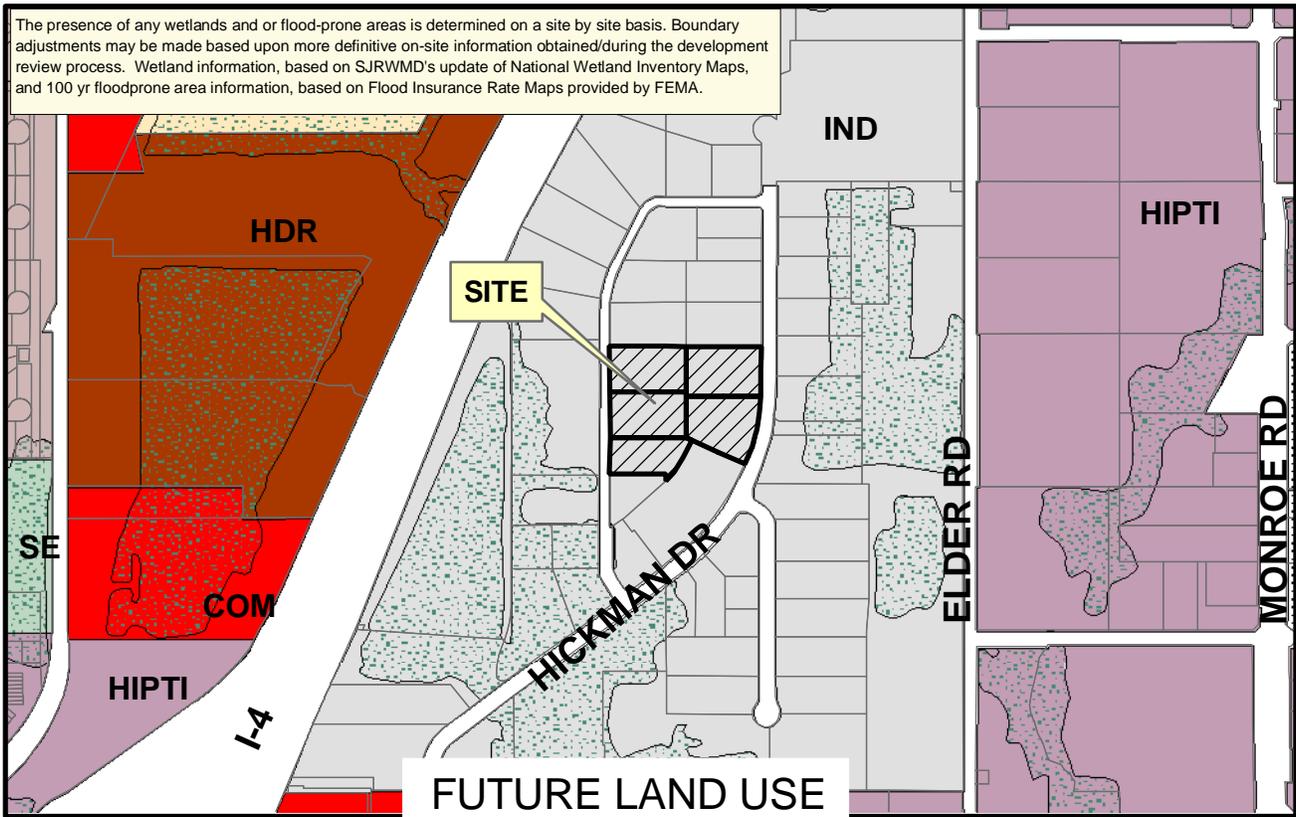
At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends approval of the request to rezone from M-1A (Very Light Industrial) to M-1 (Industrial) for 7.55 ± acres, located approximately 1 mile north from the intersection of W SR 46 and Hickman Drive.



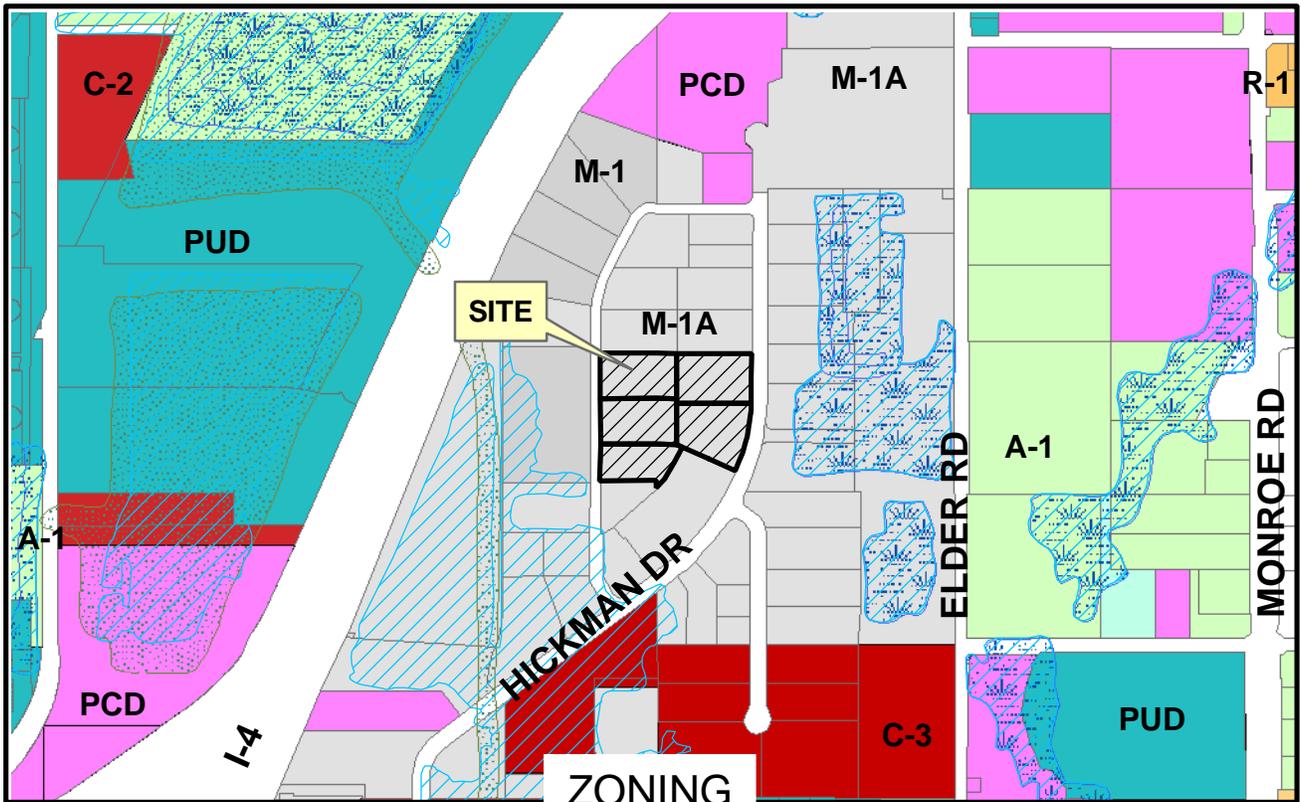
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



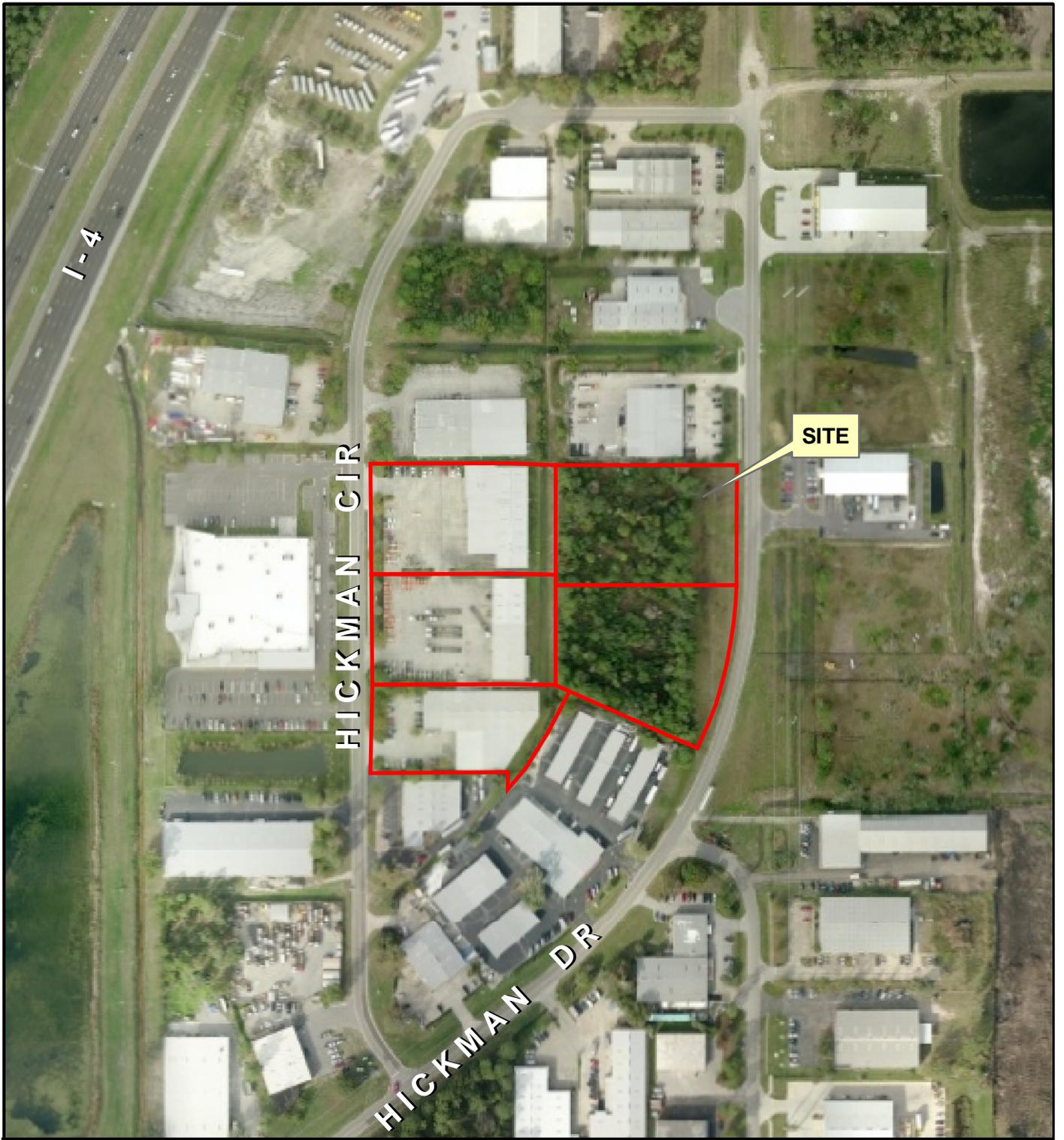
Site
 IND
 SE
 HDR
 COM
 HIPTI
 CONS
 Municipality

Applicant: David Rodd
 Physical STR: 20-19-30-5FL-0B00-0050, 0060, 120, 130, 140
 Gross Acres: 7.5 +/- BCC District: 5
 Existing Use: Industrial and undeveloped
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2008-062	M-1A	M-1



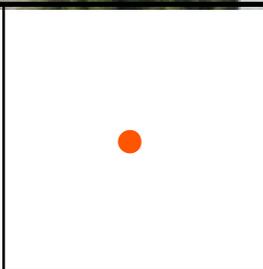
A-1
 C-2
 C-3
 M-1
 M-1A
 PCD
 PUD
 FP-1
 W-1



Rezone No: Z2008-62

From: M-1A To: M-1

- Parcel
- Subject Property



Winter 2007 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 M-1A (VERY LIGHT INDUSTRIAL) ZONING CLASSIFICATION THE M-1 (INDUSTRIAL) 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 Hickman Circle (Lots 5, 6, 12, 13, & 14) Rezone dated March 24, 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 M-1A (Very Light Industrial) to M-1 (Industrial):

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 24th day of MARCH 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari, Chairman

ORDINANCE NO. 2009-

SEMINOLE COUNTY, FLORIDA
Z2008-62

EXHIBIT A
LEGAL DESCRIPTION

LOTS 5, 6, 12, 13, & 14 BLOCK B, I-4 INDUSTRIAL PARK – 3RD SECTION AS RECORDED
IN PLAT BOOK 25, PAGES 23 & 24, PUBLIC RECORDS OF SEMINOLE COUNTY,
FLORIDA

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On March 24, 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): Renzulli Properties LLC

Project Name: Hickman Circle (Lots 5, 6, 12, 13, & 14) Rezone

Requested Development Approval: Rezone from M-1A (Very Light Industrial) to M-1 (Industrial).

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

After fully considering staff analysis titled "Hickman Circle (Lots 5, 6, 12, 13, & 14) Rezone" and all evidence submitted at the public hearing on March 24, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from M-1A (Very Light Industrial) to M-1 (Industrial) should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Bob Dallari, Chairman

FILE # Z2008-62

DEVELOPMENT ORDER # 08-20000012

EXHIBIT "A"

LOTS 5, 6, 12, 13, & 14 BLOCK B, I-4 INDUSTRIAL PARK – 3RD SECTION AS RECORDED
IN PLAT BOOK 25, PAGES 23 & 24, PUBLIC RECORDS OF SEMINOLE COUNTY,
FLORIDA

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
FEBRUARY 4, 2009**

Members present: Matthew Brown, Walt Eismann, Rob Wolf, Dudley Bates, Ben Tucker and Kimberly Day.

Members absent: Melanie Chase.

Also present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Austin Watkins, Senior Planner; Ian Sikonia, Senior Planner; Joy Williams, Planner; Jim Potter, Senior Engineer, Development Review Division; Cynthia Sweet, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; and Connie R. DeVasto, Clerk to the Commission.

Public Hearing Items:

B. Hickman Circle (Lots 5, 6, 12, 13, & 14) Rezone; Renzulli Properties LLC / David Rodd, applicant; 7.55 ± acres; rezone from M-1A (Very Light Industrial) to M-1 (Industrial) district; located approximately 1 mile north from the intersection of W SR 46 and Hickman Drive. (Z2008-62)

District 5 - Carey
Joy Williams, Planner

Joy Williams, Planning Division – presented this item and advised that the Applicant is requesting to rezone from M-1A to M-1 to allow for future development of an office and maintenance shop which are both permitted uses under the M-1 zoning district.

The Applicant also proposes the storage of fuel which will require a Special Exception approval by the Board of Adjustment.

The subject property has a FLU designation of Industrial and is located within the Industrial Park. The adjacent parcels to the north, south and east have an M-1A zoning classification and the parcel to the west was rezoned to M-1 in 2004.

Staff finds that the request is compatible with the surrounding zoning and land use patterns and therefore recommends approval of this request.

The Applicant was present and stated he would be happy to answer any questions.

No one spoke in favor or opposition of this item from the audience.

Commissioner Wolf made a motion to recommend approval of this request.

Commissioner Bates seconded the motion.

The motion passed unanimously 6 – 0.

Commissioner Brown stated that he believed this would be a good fit for this area.