

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** North County Road 427 / North State Road 417 Rezone from A-1 to C-2

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

**AUTHORIZED BY:** Dori DeBord                      **CONTACT:** Herman Wright                      **EXT:** 7353

**MOTION/RECOMMENDATION:**

1. APPROVE the request to rezone 0.37+ acres located on the southeast corner of North County Road 427 and North State Road 417 from A-1 (Agriculture) to C-2 (Retail Commercial), based on staff findings, and authorize the Chairman to execute the rezone ordinance (CPH Engineers, applicant); or
  
2. DENY the request for a rezone on 0.37+ acres, located on the southeast corner of North County Road 427 and North State Road 417 from A-1 (Agriculture) to C-2 (Retail Commercial), based on staff findings, and authorize the Chairman to execute the Denial Development Order (CPH Engineers, applicant); or
  
3. CONTINUE the item to a time and date certain.

District 5 Brenda Carey

Herman Wright

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**BACKGROUND:**

The applicant is requesting a rezone from A-1 (Agriculture) to C-2 (Retail Commercial), in order to combine the subject property with an abutting parcel currently zoned C-2. The proposed development of the two parcels will be a 100-room hotel, which is an allowable use permitted within the C-2 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 July 11, 2007 and voted 7-0 to recommend APPROVAL of the rezone from A-1 (Agriculture) to C-2 (Retail Commercial) on 0.37 ± acres located on the east side of North County Road 427 approximately 215 ft north of the intersection at North County Road 427 and North State Road 417, based on staff findings.

**STAFF RECOMMENDATION:**

Staff recommends the Board approve the request to rezone 0.37 + acres located on the southeast corner of North County Road 427 and North State Road 417 from A-1 (Agriculture) to C-2 (Retail Commercial), based on staff findings, and authorize the Chairman to execute the rezone ordinance (CPH Engineers, applicant).

**ATTACHMENTS:**

1. Staff Report
2. Location Map
3. Land Use and Zoning Map
4. Aerial Map
5. Rezoning Ordinance
6. Denial Development Order
7. 7-11-07 P&Z Minutes

**Additionally Reviewed By:**

County Attorney Review ( Kathleen Furey-Tran )

<b>CR 427</b>	
<b>Rezone from A-1 to C-2</b>	
<b>APPLICANT</b>	CPH Engineers
<b>PROPERTY OWNER</b>	Innovative Properties LLC
<b>REQUEST</b>	Rezone from A-1 (Agriculture) to C-2 (Retail Commercial)
<b>PROPERTY SIZE</b>	0.37 ± acres
<b>HEARING DATE (S)</b>	P&Z: July 11, 2007   BCC: August 28, 2007
<b>PARCEL ID</b>	12-20-30-300-020A-0000
<b>LOCATION</b>	Southeast corner of North CR 427 and North SR 417
<b>FUTURE LAND USE</b>	IND (Industrial)
<b>ZONING</b>	C-2 (Retail Commercial)
<b>FILE NUMBER</b>	Z2007-26
<b>COMMISSION DISTRICT</b>	#5 – Carey

**Proposed Development:**

The applicant is requesting to rezone 0.37 ± acres from A-1 (Agriculture) to C-2 (Retail Commercial), in order to develop a 100-room hotel.

**ANALYSIS OVERVIEW:**

**ZONING REQUEST**

The applicant is requesting a rezone from A-1 (Agriculture) to C-2 (Retail Commercial), in order to develop a 100 room hotel on 0.37 ± acres. The use is allowed within the C-2 zoning district. The Future Land Use Designation of the subject property is Industrial (IND), which is consistent with the requested zoning district.

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of C-2 (Retail Commercial).

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Zoning (C-2)</b>
Minimum Lot Size	43,560 sq. ft.	8,400 sq. ft.
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150'	100'
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-2 (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.	Amusement and recreational facilities, building and plumbing supplies, car wash, furniture warehouse with retail sales, hotels and motels, marine sales and service, mobile home and recreational vehicle sales, outdoor advertising signs, parking garages, printing and book binding shops, automobile sales with no repair facilities, veterinary hospitals and kennels, 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, and communication towers when camouflaged in design.
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.	Alcoholic beverage establishments, contractors establishments with no outside storage, drive-in restaurants, drive-in theaters, living quarters in conjunction with a commercial use, to be occupied by owner or operator of the business or an employee, lumber yards, mechanical garages, paint and body shops, public utility structures, service stations and gas pumps as an accessory use, 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 the interim basis until exchanged for a like trailer.
Minimum Lot Size	1-Acre	N/A

**COMPATIBILITY WITH SURROUNDING PROPERTIES:**

The Future Land Use designation of the surrounding properties is Industrial. To the east is an industrial park and to the north is a gasoline station located within the City of Sanford. Both have an Industrial Future Land Use designation and a comparable commercial zoning district. The property to the south is zoned C-2 and will be incorporated in the proposed development. The future land use designation of the property is Industrial which allows the requested C-2 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 Seminole County water utility service area and the City of Sanford's sewer utility service area, and will be required to connect to public utilities. Seminole County has a 12-inch water main approximately 1500 ft. southwest, on the southeast side of Ronald Reagan Blvd. The City of Sanford has a 12-inch water main, approximately 400 ft. to the northeast, on the northwest side of Ronald Reagan Blvd. and a 12-inch force main, approximately 750 ft. northeast, on the northwest side of Ronald Reagan Blvd. 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 proposes access onto North County Road 427, which is classified as an arterial roadway. County Road 427 is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

*Drainage:*

The proposed project is located within the Lake Jesup Drainage Basin, and has limited or no downstream capacity. The site will have to be designed to hold the 100-year, 24-hour storm event onsite at the time of Final Engineering.

*Parks, Recreation and Open Space:*

A minimum of 25% open space is required by the Seminole County Land Development Code Section 30.1344

*Buffers and Sidewalks:*

There is an existing five-foot sidewalk along North County Road 427.

**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):

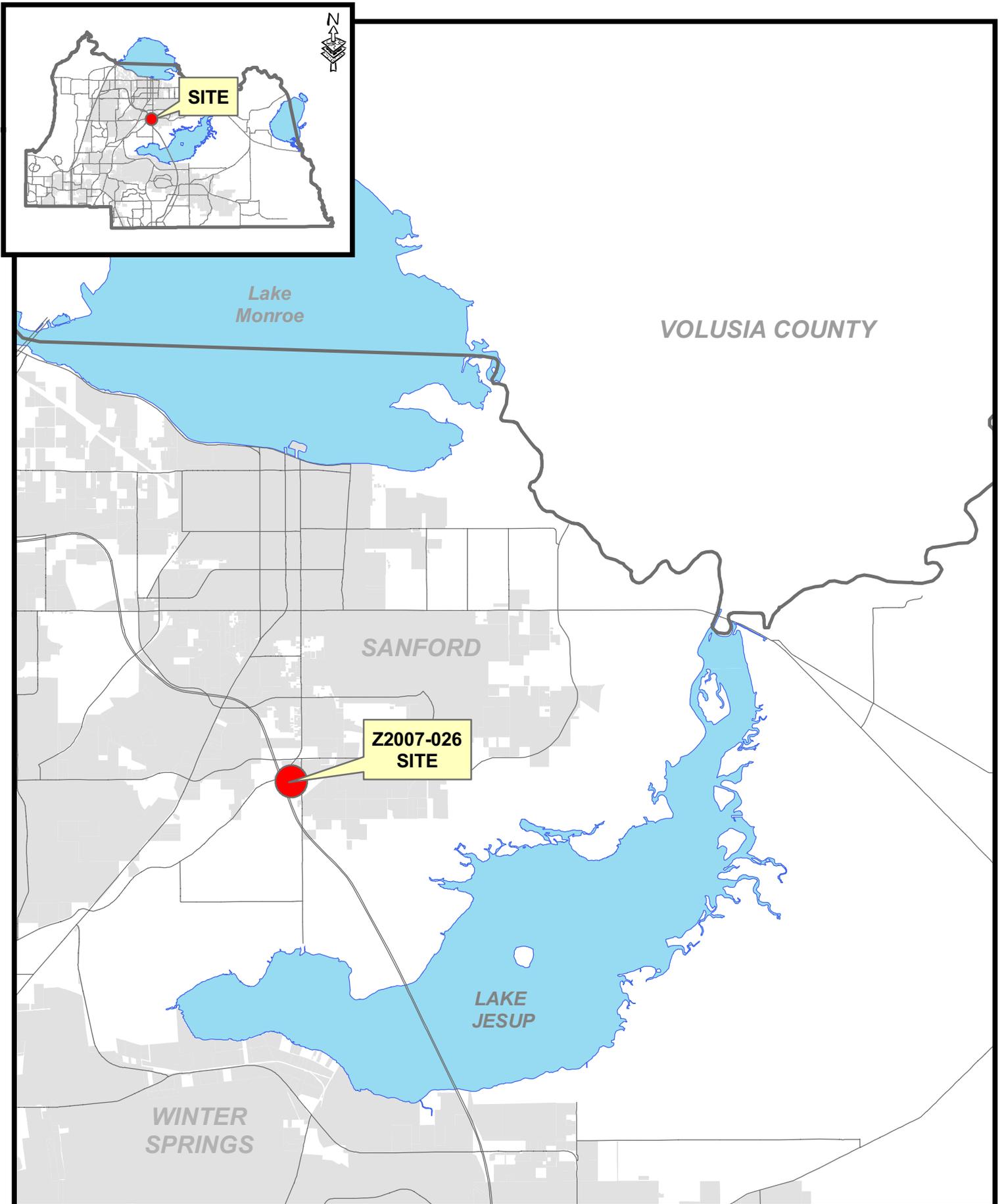
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

**INTERGOVERNMENTAL NOTIFICATION:**

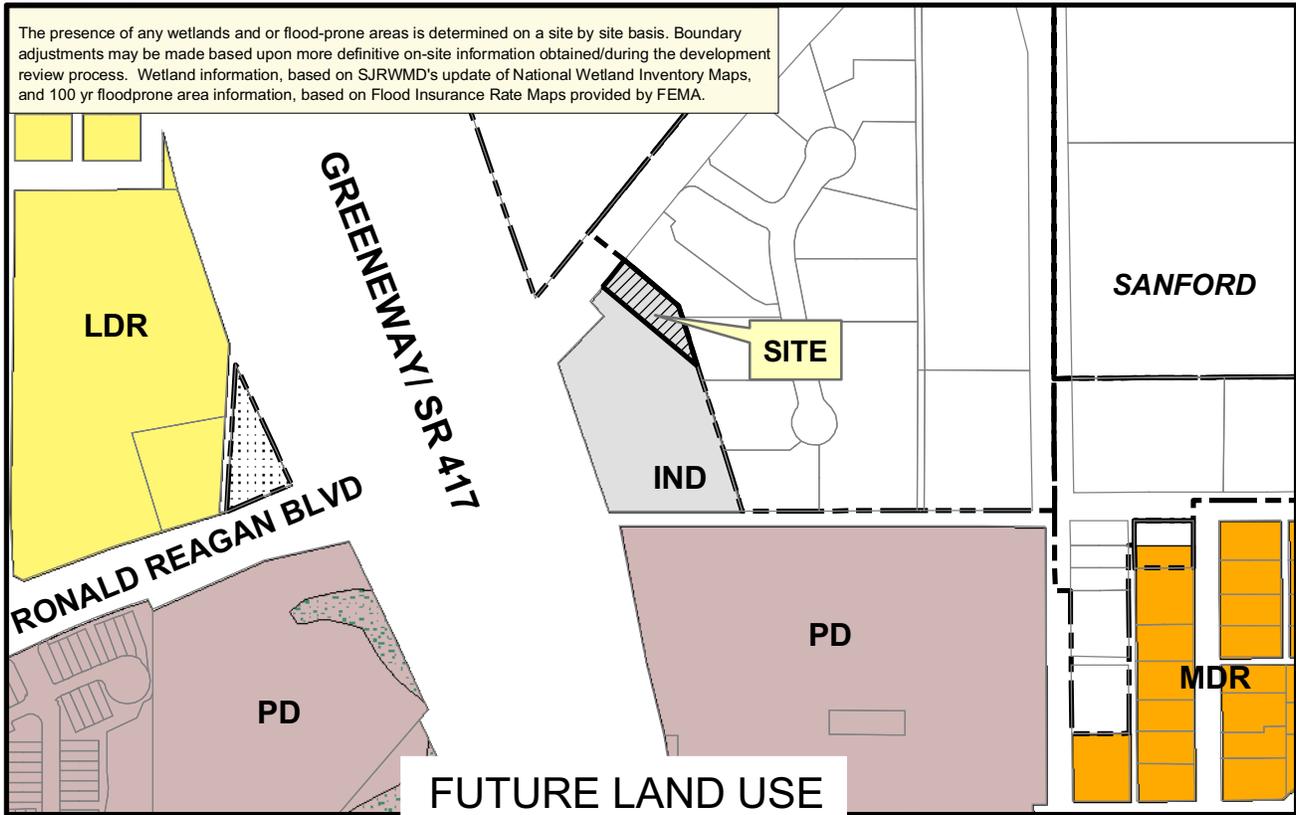
An intergovernmental notice was sent to the City of Sanford on June 18, 2007.

**LETTERS OF SUPPORT OR OPPOSITION:**

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



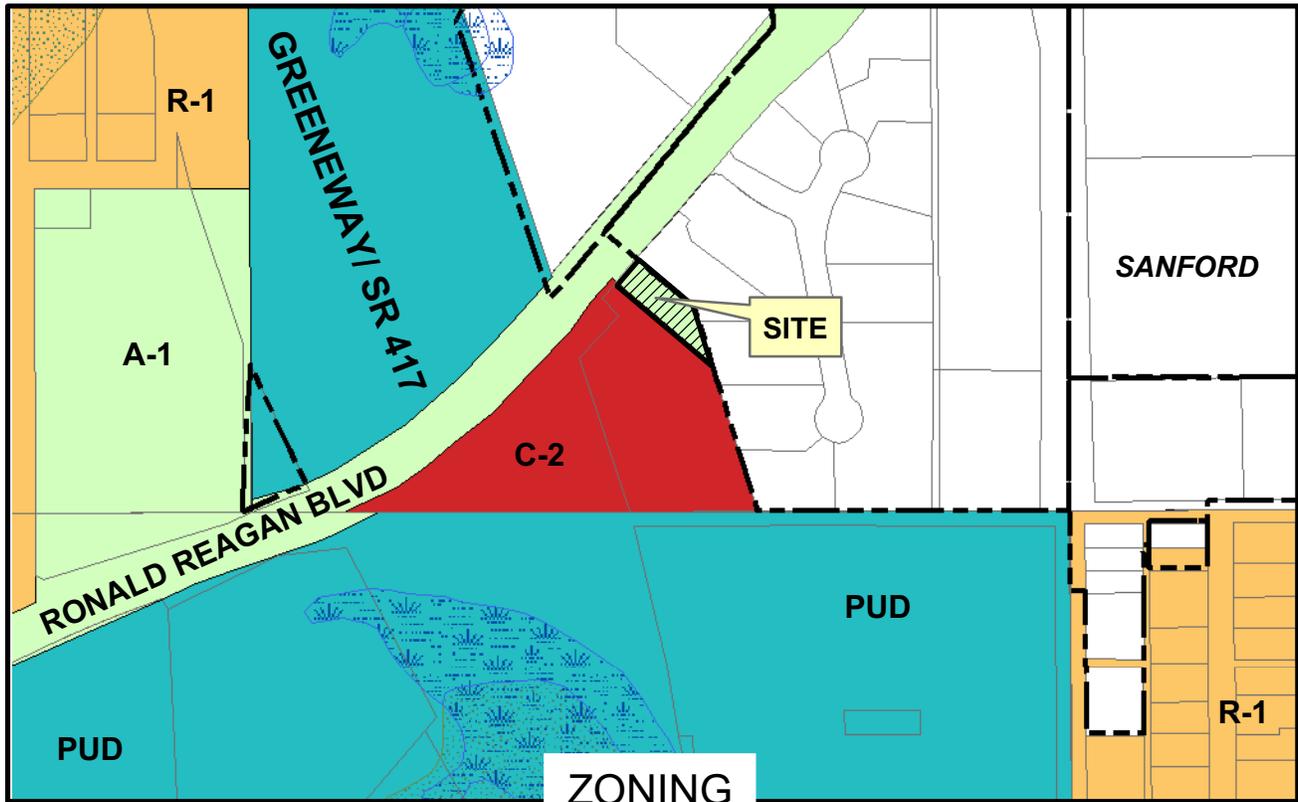
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR
  MDR
  PD
  Site
  Municipality
  CONS

Applicant: CPH Engineering  
 Physical STR: 12-20-30-300-020A-0000  
 Gross Acres: .37 +/- BCC District: 5  
 Existing Use: Abandoned Residential  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-026	A-1	C-2



A-1
  R-1
  C-2
  PUD
  FP-1
  W-1



GREENERWAY | S.R. 417

RONALD REAGAN BLVD

SITE

Rezone No: Z2007-026

From: A-1 To: C-2

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 (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE C-2 (RETAIL COMMERCIAL) 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 CR 427 / SR 417 Rezone, dated August 28, 2007.

(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-2 (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.

ENACTED this 28th day of AUGUST 2007.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

**EXHIBIT A**  
**LEGAL DESCRIPTION**

SEC 12 TWP 20S RGE 30E BEG SW COR TR B KEYES SEMINOLE INDUSTRIAL PK REPLAT PB 33 PG 40 RUN NW  
ALONG W LI OF SUBDIVISION 396.20 FT TO POB N 56 DEG 18 MIN 57 SEC W 207.60 FT TO SE R/W LI SR 427 NE  
ALONG R/W 75 FT S 48 DEG 51 MIN 16 SEC E 161.05 FT TO W LI KEYES SEMINOLE INDUSTRIAL PK REPLAT SE  
ALONG W LI OF SAID SUBDIVISION 75 FT TO POB

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On August 28, 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):** Innovative Properties

**Project Name:** North County Road 427 / North State Road 417 Rezone from A-1 to C-2

**Requested Development Approval:** The applicant is requesting to rezone 0.37 ± acres, located on the southeast corner of North County Road 427 and North State Road 417.

The Board of County Commissioners has determined the requested rezone to C-2 is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "North County Road / North State Road 417 Rezone from A-1 to C-2" and all evidence submitted at the public hearing on August 28, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded the requested C-2 rezone 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:** \_\_\_\_\_  
Carlton D. Henley, Chairman

**EXHIBIT A  
LEGAL DESCRIPTION**

SEC 12 TWP 20S RGE 30E BEG SW COR TR B KEYES SEMINOLE INDUSTRIAL PK REPLAT PB 33 PG 40 RUN  
NW ALONG W LI OF SUBDIVISION 396.20 FT TO POB N 56 DEG 18 MIN 57 SEC W 207.60 FT TO SE R/W LI SR  
427 NE ALONG R/W 75 FT S 48 DEG 51 MIN 16 SEC E 161.05 FT TO W LI KEYES SEMINOLE INDUSTRIAL PK  
REPLAT SE ALONG W LI OF SAID SUBDIVISION 75 FT TO POB

**MINUTES FOR  
THE SEMINOLE COUNTY LAND PLANNING AGENCY  
PLANNING AND ZONING COMMISSION  
JULY 11, 2007**

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

**Also present:** Tina Williamson, Acting Planning Manager; Dori DeBord, Director of Planning and Development; Herman Wright, Principal Coordinator; Austin Watkins, Planner; Amy Stevenson, Planner; Brian Walker, Senior Planner; Kathleen Furey Tran, Assistant County Attorney; Jim Potter, Senior Engineer; and Candace Lindlaw-Hudson, Clerk to the Commission.

**CR 427 / SR 417 Rezone; CPH Engineers, applicant;** 0.37± acres; Rezone from A-1 (Agriculture) to C-2 (Retail Commercial); located on the east side of CR 427 approximately 215 ft north of the intersection at N CR 427 and N SR 417. (Z2007-26)

Commissioner Carey – District 5  
Amy Stevenson, Planner

Ms. Stevenson explained that the requested zoning change will allow the owner to combine this parcel with an abutting piece of property already zoned C-2 in order to build a 100 room hotel. The subject site has an Industrial future land use designation that allows C-2 (Commercial) zoning district. Staff recommendation is for approval of the request.

Larry Poliner (CPH Engineers, applicant) was present to answer questions. He stated that following Board approval this project will be annexed into the City of Sanford due to utility service requirements.

**Commissioner Bates made a motion to recommend approval of the request for a rezone from A-1 (Agriculture) to C-2 (Retail Commercial) on 0.37 ± acres, located on the southeast corner of North County Road 427 and North State Road 417 , based on staff findings.**

**Commissioner Wolf seconded the motion.**

**The motion passed unanimously (7 – 0).**