



Legislation Details (With Text)

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File created: 5/8/2024 In control: Board of County Commissioners
On agenda: 6/11/2024 Final action: 6/11/2024
Title: Rivas Commercial Rezone - Consider a Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) on approximately 0.78 acres, located on the west side of W S.R. 426, approximately 500 feet north of Connection Point; (Z2024-02) (PMJS Development Solutions, LLC., Applicant) District1 - Dallari (Joy Giles, Principal Planner)

Sponsors:

Indexes:

Code sections:

Attachments: 1. LOCATION MAP, 2. AERIAL MAP, 3. FLU ZONING MAP, 4. SURVEY, 5. REZONE ORDINANCE, 6. COMMUNITY MEETING DETAILS, 7. P&Z MINUTES, 8. DENIAL DEVELOPMENT ORDER, 9. 6-11-24 BCC Meeting Rivas Commercial Rezone.pdf

Table with 5 columns: Date, Ver., Action By, Action, Result. Row 1: 6/11/2024, 1, Board of County Commissioners, adopt, Pass

Title:

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Division:

Development Services - Planning and Development

Authorized By:

Rebecca Hammock, Development Services Director

Contact/Phone Number:

Joy Giles/407-665-7399

Background:

The Applicant is requesting a Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) to redevelop the subject property from a single-family residence to an undetermined commercial development in compliance with the C-3 (General Commercial and Wholesale) zoning regulations. Currently, the Applicant does

not have a specific end use for the property. The subject property has an Industrial Future Land Use designation, which permits a maximum Floor Area Ratio (F.A.R.) of 0.65.

The Future Land Use and Zoning designations of the surrounding area are as follows:

East: W S.R. 426  
Future Land Use: Medium Density Residential  
Zoning: R-1AA (Single Family Dwelling)

West: Future Land Use: Industrial  
Zoning: PD (Oviedo Commerce Center) permitting C-3 (General Commercial & Wholesale) and M-1A (Very Light Industrial) uses.

North: Future Land Use: Industrial  
Zoning: A-1 (Agriculture)

South: Future Land Use: Industrial  
Zoning: C-1 (Retail Commercial)

### Site Analysis

#### Floodplain Impacts:

- Based on the Flood Insurance Rate Map (FIRM) with an effective date of 2007, the developed site does not appear to contain a floodplain.

#### Wetland Impacts:

- Based on preliminary aerial photo and County wetland map analysis, the developed site does not appear to contain wetlands.

#### Endangered and Threatened Wildlife:

- Based on a preliminary analysis, the developed site does not appear to be favorable for endangered and threatened wildlife; however, further analysis will be made at the time of the Engineered Site Plan review, at which time a listed species survey may be required.

#### Utilities:

- The site is located within the Seminole County utility service area. A sixteen (16) inch water main is on the west side of W SR 426. The development will be required to connect to public utilities for water, and wastewater may be provided by an onsite septic system.

#### Transportation/Traffic:

- The property proposes access to W S.R. 426, which is classified as an Urban Principal Arterial. W S.R. 426 is currently operating at a level-of-service “A and B” and does not have improvements programmed in the FDOT five (5) year Work Program.

#### Sidewalks:

- There is an existing fourteen (14) foot wide paved trail, known as the Cross Seminole Trail, located along the west side of W SR 426; therefore, the Developer will not be required to construct a sidewalk for the public right-of-way.

#### Drainage:

- The proposed site is located within the Howell Creek Drainage Basin and has limited downstream capacity. The site may be required to hold the entire twenty-five (25) year, twenty-four (24) hours storm event onsite. A detailed drainage analysis will be required and evaluated at time of Final Engineering plan review.

#### Buffers:

- Buffer requirements will be evaluated at the time of the Engineered Site Plan review.

#### Open Space:

- A minimum of twenty-five (25) percent open space shall be provided on the subject property.

#### Consistency with the Comprehensive Plan

The purpose and intent of the existing Industrial Future Land Use is to identify locations for various heavy commercial and industrial land uses oriented toward wholesale distribution, storage, manufacturing, and other industrial uses. This land use should be located with direct access to rail systems, collector and arterial roadways, and as infill development where this use is established. As stated previously, S.R. 426 is an Urban Principal Arterial and, as such, meets the intent. The maximum intensity permitted in this designation is an F.A.R. of 0.65.

Under Policy FLU 17.5 Evaluation Criteria of Property Rights Assertions, the reasonable use of the property is a use that does not adversely affect the public health, safety, morals, or welfare, is compatible with abutting or proximate properties, and is otherwise consistent with generally accepted land use planning principles.

The request is consistent with the Seminole County Comprehensive Plan and compatible with the surrounding area. All the properties on the west side of W S.R. 426, lying south of W Chapman Road and north of Aloma Woods, have an Industrial future land use which allows for Industrial, Commercial, and Office uses and permits the requested C-3 (General Commercial & Wholesale) zoning district. Further, the properties to the west and south are zoned to permit C-1 (Retail Commercial), C-3 (General Commercial & Wholesale), and M-1A (Very Light Industrial) uses.

### Consistency with the Land Development Code

The proposed C-3 (General Commercial & Wholesale) zoning district has been evaluated in accordance with Chapter 30, Part 42, for compatibility with the Land Development Code of Seminole County.

The request is consistent with the Land Development Code of Seminole County and compatible with the area's surrounding development trend. Commercial and Industrial uses have been established along the west side of S.R. 426, south of Chapman Road to Connection Point.

At the time of the Engineered Site Plan review, the development must meet all requirements for parking, access, maximum building height, minimum open space requirements, permitted uses, and maximum F.A.R., in accordance with the Land Development Code Seminole County.

In compliance with Seminole County Land Development Code Sec. 30.49-Community Meeting Procedures, the Applicant conducted a community meeting on February 3, 2024. Details of the meeting are provided in the agenda package.

### Planning & Zoning Commission

The Planning and Zoning Commission met on May 1, 2024, and voted unanimously to recommend the Board of County Commissioners adopt the Ordinance enacting a Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) on approximately 0.78 acres, located on the west side of W S.R. 426, approximately 500 feet north of Connection Point.

### **Requested Action:**

Staff requests that the Board adopt the Ordinance enacting a Rezone from A-1 (Agriculture) to C-3 (General Commercial & Wholesale) on approximately 0.78 acres, located on the west side of W S.R. 426, approximately 500 feet north of Connection Point.

