

Legislation Text

File #: 2024-0674, Version: 1

Title:

Lake Emma Self-Storage Small-Scale Future Land Use Map Amendment and PD Rezone - Consider a Small Scale Future Land Use Map Amendment from Commercial to Planned Development, and a Rezone from C-2 (Retail Commercial) to PD (Planned Development) on approximately 1.26 acres, located on the east side of Lake Emma Road, approximately 250 feet south of Lake Mary Boulevard; (Huber Group, LLC., Applicant) District4 - Lockhart (**Joy Giles, Principal Planner**)

Division:

Development Services - Planning and Development

Authorized By:

Rebecca Hammock, Development Services Director

Contact/Phone Number:

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Background:

The Applicant is requesting a Small-Scale Future Land Use Map Amendment from Commercial to Planned Development, and a Rezone from C-2 (Retail Commercial) to PD (Planned Development) to redevelop the subject property from a multi-tenant commercial building to a self-storage facility with a Floor Area Ratio (F.A.R.) of 1.96, and a maximum building height of fifty (50) feet. The proposed hours of operation for the rental office are Monday through Saturday from 8:00 am to 7:00 pm, and the proposed hours of operation for storage access are twenty-four (24) hours per day, seven (7) days a week. All storage shall be within the enclosed building; outdoor storage is prohibited.

The Seminole County Land Development Code (SCLDC) classifies self-storage as an Industrial use which is not permitted under the existing Commercial Future Land Use designation. The Commercial Future Land Use has a maximum F.A.R. of 0.35. and the Industrial Future Land Use has a maximum F.A.R. of 0.65.; therefore, the Applicant is requesting a Future Land Use amendment to Planned Development which allows for

a variety of land use intensities and uses.

The subject site is located within the Lake Mary Boulevard Gateway Corridor Overlay. The purpose and intent of the overlay is to provide uniform design standards to establish high quality and well landscaped development, prevent visual pollution of building heights that may not be compatible with the surrounding character of development, and maximize traffic circulation functions from the standpoint of safety, roadway capacity, and vehicular and non-vehicular movements.

The overlay restricts the maximum building height of all structures to thirty-five (35) feet; requires a minimum fifteen (15) foot wide landscape buffer along the west perimeter adjacent to Lake Emma Road (which may be increased if a greater buffer is required by the SCLDC buffer ordinance); and requires a minimum fifty (50) foot building setback. The Applicant is requesting a variance from these requirements through the PD rezone to allow for a maximum building height of fifty (50) feet; a reduced landscape buffer along Lake Emma Road of five (5) feet (which will not accommodate the required landscape plantings and does not meet the minimum buffer requirement in Section 30.1071 for additional zoning variance criteria).

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

East: Future Land Use: Commercial - Maximum allowable F.A.R. of 0.35.
Zoning: C-1 (Retail Commercial) with a maximum building height of thirty-five (35) feet.

West: Future Land Use: Commercial - Maximum allowable F.A.R. of 0.35.
Zoning: C-2 (Retail Commercial) with a maximum building height of thirty-five (35) feet.

North: Future Land Use: Commercial - Maximum allowable F.A.R. of 0.35.
Zoning: C-2 (Retail Commercial) with a maximum building height of thirty-five (35) feet.

South: Future Land Use: Commercial - Maximum allowable F.A.R. of 0.35.
Zoning: C-2 (Retail Commercial) with a maximum building height of thirty-five (35) feet.

The Applicants justification statement references three existing commercial establishments for comparable building heights. The TopGolf entertainment establishment with a building height of fifty-two (52) feet and net poles with a height of 170 feet; the Academy Sports retail establishment with a building height of fifty (50) feet; and the Hyatt Place Lake Mary Hotel with a building height of forty-five (45) feet.

The TopGolf facility is within the City of Lake Mary and is not located within the Lake Mary Boulevard Gateway Corridor Overlay. The Academy Sports retail establishment has a maximum building height of thirty-five (35) feet; however, the SCLDC allows parapets to exceed the building height. The Hyatt Place Lake Mary Hotel was approved in 1993 with a building height of forty-five (45) feet.

Site Analysis

Floodplain Impacts:

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

Wetland Impacts:

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

Endangered and Threatened Wildlife:

- The site is currently fully developed; therefore, endangered and threatened wildlife do not inhabit the site.

Utilities:

- The site is located within the Seminole County utility service area and is connected to public utilities.

Transportation/Traffic:

- The property proposes access onto Lake Emma Road, which is classified as an Urban Major Collector. Lake Emma Road is currently operating at a level-of-service "C-F" depending on time of day and direction of travel. Lake Emma Road

does not have improvements programmed in the County five (5) year Capital Improvement Program.

- Public Works has concerns about the existing access in relation to large moving trucks and trailers successfully maneuvering in and out of the site. If the Future Land Use amendment and Rezone are approved therein, at time of Final Engineering plan review the access and median will be evaluated to determine if the left-turn median cut will need to be removed and redesigned to channelize traffic flow.

Sidewalks:

- There is an existing sidewalk along Lake Emma Road.

Drainage:

- The subject site is located within the Soldiers Creek Drainage Basin and has limited downstream capacity; therefore, the site will have to be designed to hold the twenty-five (25) year, twenty-four (24) hour pre-vs-post volume for any additional impervious and meet current water quality requirements for the entire site.

Buffers:

- The Applicant proposes a ten (10) foot wide landscape buffer along the north perimeter in compliance with Seminole County Land Development Code (SCLDC) Part 67 - Landscaping, Screening and Buffering; the south and east perimeter will not require a buffer.
- The Lake Mary Boulevard Gateway Corridor Overlay requires a minimum fifteen (15) foot wide landscape buffer adjacent to the west perimeter along Lake Emma Road. The Overlay requires that the buffer area be planted with live oaks, of four (4) inch diameter at breast height (dbh) at planting, along a line ten (10) feet back from the right-of-way line. The trees shall be planted every forty (40) feet and staggered to be midway between the live oaks planted in the adjacent right-of-way. A minimum of four (4) sub-canopy trees per one hundred (100) feet of road frontage shall be planted. Due to the overhead powerlines, the canopy trees must be replaced with sub-canopy trees at a rate of two (2) sub-canopy trees for each canopy required. The width of the parcel is 189 feet; therefore, requiring a total of eighteen (18) sub-canopy trees along Lake Emma Road.

- Due to site constraints of an existing retention pond and a cross-access easement to the property adjacent to the north, a fifteen (15) foot wide landscape buffer is not feasible as the site is currently developed; therefore, the applicant is requesting a variance from the Lake Mary Boulevard Overlay Standards and the SCLDC Part 67 - Landscaping, Screening and Buffering requirements and proposes a five (5) foot wide landscape buffer. The Applicant proposes to add landscaping to the parking area where feasible to mitigate for the reduced buffer area along Lake Emma Road.
- Sections 30.1071 and 30.1072 of the SCLDC requires a variance for a reduction in the landscape buffer width, however, the variance only allows for a reduction from fifteen (15) feet to a minimum width of ten (10) feet and is only permitted for lots less than two hundred (200) feet deep. The subject property exceeds 200 feet in depth.

Open Space:

- In compliance with the Seminole County Comprehensive Plan, the development will provide a minimum twenty-five percent (25%) of open space on the subject property.

Consistency with the Land Development Code

The requested PD zoning designation and the associated Master Development Plan have been evaluated for compatibility with the SCLDC in accordance with Chapter 30, Part 25.

SCLDC Section 30.443 sets forth review criteria for approving a planned development. As further discussed below, the proposed development must be consistent with the Comprehensive Plan and effectively implement the performance criteria contained therein. In addition, it must be determined that the proposed development cannot be reasonably implemented through existing provisions of the Land Development Code, and that the PD zoning would result in greater benefits to the County than development under a conventional zoning district.

While the proposed development meets the minimum required open space of twenty-five (25) percent for the PD zoning designation, the Master Development Plan has not demonstrated how the PD zoning results in greater benefits to the County than development under a conventional zoning district, as required per SCLDC Section

30.443.

The proposed five (5) foot wide landscape buffer along Lake Emma Road does not meet the minimum requirements of the Lake Mary Boulevard Gateway Corridor Overlay and does not provide adequate space for the required plantings. The Overlay requires that the buffer area be planted with live oaks, of four (4) inch diameter at breast height (dbh) at planting, along a line ten (10) feet back from the right-of-way line. The trees shall be planted every forty (40) feet and staggered to be midway between the live oaks planted in the adjacent right-of-way. A minimum of four (4) sub-canopy trees per one hundred (100) feet of road frontage shall be planted. Due to the overhead powerlines, the canopy trees must be replaced with sub-canopy trees at a rate of two (2) sub-canopy trees for each canopy required. The width of the parcel is 189 feet; therefore, requiring a total of eighteen (18) sub-canopy trees along Lake Emma Road. The Applicant proposes to provide additional landscaping in the parking area and pond berm where feasible; however, a landscape plan has not been provided.

The Applicant initially proposed a building height of sixty (60) feet. During Staff's review of the proposal the applicant was amenable to reducing the building height to fifty (50) feet; however, the proposed building height of fifty (50) feet still exceeds the maximum allowable height of thirty-five (35) feet per the Overlay.

The proposed F.A.R. of 1.96 is much more intense than, and not in character with what is currently established along the Lake Mary Boulevard and Lake Emma Road corridor which primarily consist of Commercial Future Land Use with a maximum F.A.R. of 0.35. The properties located on the west side of Lake Emma Road and the north side of Lake Mary Boulevard are within the City of Lake Mary, with a Commercial Future Land Use restricting development to a maximum impervious lot coverage of sixty-five (65) percent.

In compliance with Seminole County Comprehensive Plan Policy IGC 1.5 - Advance Notification of Land Use Actions and Changes in Land Use Regulations; Seminole County Staff notified the City of Lake Mary of the proposed Future Land Use Amendment and Rezone. The City of Lake Mary provided a response letter (that has been included in the agenda package) to Seminole County stating that the proposed development is not consistent with the Lake Mary Boulevard Gateway Corridor Overlay, as the building height exceeds the maximum building height of the overlay and is not consistent with the trend of development in the area for building height and for the use of "self-storage" which is considered an Industrial use; therefore, the City of Lake Mary is not in support of the proposed development.

Staff Findings:

Staff has determined that the request is not consistent with the surrounding trend of development in the area, would not result in a greater benefit to the County than the current conventional zoning, and is not consistent with the following SCLDC as follows:

Part 56 - Lake Mary Boulevard Gateway Corridor Overlay Standards Classification.

- Sec. 30.1065. - Building height
- Sec. 30.1066. - Required corridor buffer width
- Sec. 30.1066(b). - Required corridor buffer plantings and placement
- Sec. 30.1071. - Additional zoning variance criteria

Part 25 - PD Planned Development

- Sec. 30.443 - Review Criteria

Consistency with the Comprehensive Plan

Under Policy FLU 2.9 Determination of Compatibility in the Planned Development Zoning Classification, the County shall consider uses or structures proposed within the Planned Development zoning classification on a case-by-case basis evaluating the compatibility of the proposed use or structure with surrounding neighborhoods and uses. Compatibility may be achieved by application of performance standards such as, but not limited to, lot size, setbacks, buffering, landscaping, hours of operation, lighting, and building heights. Additionally, architectural details may be considered by the Board of County Commissioners on a site-specific basis when determining if a Planned Development is compatible with the character of the area. Such standards may include, but not be limited to, building style, design and scale, exterior building materials, roof design and construction, building size and placement, site furnishings, fences and entrance features, the size and location of service areas and other features specified by performance standards in the Land Development Code.

The Applicant is proposing to demolish the existing commercial building and redevelopment the site. During the review process Staff recommended that the Applicant relocate the existing retention pond from the west perimeter and adjust the existing cross access easement to provide adequate room for buffering along Lake Emma Road; however, the Applicant is not agreeable to relocating the retention pond and has stated that the property owner to the north is not agreeable to relocating the cross-access easement. Staff recommended that the windows have a reflective tint, so the storage units are not visible from the outside, and that the lower half of the building has a stone or brick façade to curtail the warehouse-like appearance. The Applicant is

agreeable to the tinted windows; however, is opposed to providing a stone or brick façade.

In compliance with Seminole County Comprehensive Plan Policy IGC 1.5 - Advance Notification of Land Use Actions and Changes in Land Use Regulations; Seminole County Staff notified the City of Lake Mary of the proposed Future Land Use Amendment and Rezone. The City of Lake Mary provided a response letter (that has been included in the agenda package) to Seminole County stating that the proposed development is not consistent with the Lake Mary Boulevard Gateway Corridor Overlay, as the building height exceeds the maximum building height of the overlay and is not consistent with the trend of development in the area for building height and for the use of “self-storage” which is considered an Industrial use; therefore, the City of Lake Mary is not in support of the proposed development.

Staff Findings:

Staff finds the requested Planned Development Future Land Use designation with a maximum F.A.R. of 1.96, maximum building height of fifty (50) feet, and proposed use equivalent to Industrial, incompatible with the surrounding trend of development in the area; and therefore, inconsistent with Seminole County Comprehensive Plan Policy FLU 2.9 - Determination of Compatibility in the Planned Development Zoning Classification.

In compliance with Seminole County Land Development Code Sec. 30.49 (a) - Community Meeting Procedure, the prior Planning & Development Division Manager waived the requirement of a Community Meeting since the site is surrounded by Commercial development; therefore, surrounding residents would not be directly affected.

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 Small Scale Future Land Use Map Amendment from Commercial to Planned Development, and a Rezone from C-2 (Retail Commercial) to PD (Planned Development) on approximately 1.26 acres, located on the east side of Lake Emma Road, approximately 250 feet south of Lake Mary Boulevard- and to include the resolution of the buffer issue per the Applicant’s recommendations and to work with Staff prior to the next BCC meeting.

Requested Action:

Staff requests that the Board of County Commissioners deny the requested Small Scale Future Land Use Map Amendment and concurrent Rezone as per the following:

- 1) Based on Staff's findings and the testimony and evidence received at the hearing, the Board finds the request does not meet the identified portions of the Comprehensive Plan and moves to deny the requested Small Scale Future Land Use Map Amendment from Commercial to Planned Development; and
- 2) Based on Staff's findings and the testimony and evidence received at the hearing, the Board finds the request does not meet the identified portions of the Seminole County Land Development Code and moves to deny the requested Rezone from C-2 (Retail Commercial) to PD (Planned Development), any associated Development Order and Master Development Plan.