

## Legislation Text

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**File #:** 2023-458, **Version:** 1

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**Title:**

**East SR 436 (3340) Rezone** - Consider a Rezone from OP (Office) to C-1 (Retail Commercial) for a portion of an existing commercial site on approximately 0.90 acre, located on the south side of E. SR 436, just east of Avery Lane; (Z2022-37) (Augusto Ubaldo, Applicant) District3 - Constantine (**Doug Robinson, Project Manager**).

**Agenda Category:**

Public Hearing Items

**Department/Division:**

Development Services - Planning and Development

**Authorized By:**

Mary Moskowitz

**Contact/Phone Number:**

Doug Robinson - 407-665-7308

**Motion/Recommendation:**

1. Recommend the Board of County Commissioners adopt the Ordinance enacting a Rezone from OP (Office) to C-1 (Retail Commercial) for 0.90 acre, located on the south side of SR 436, just east of Avery Lane; or
2. Recommend the Board of County Commissioners deny the Ordinance enacting a Rezone from OP (Office) to C-1 (Retail Commercial) for 0.90 acre, located on the south side of SR 436, just east of Avery Lane; or
3. Continue the request to a time and date certain.

**Background:**

The Applicant is requesting a rezone from OP (Office) to C-1 (Retail Commercial) for a portion of an existing commercial site, to continue the established restaurant use and reinstate a previously existing drive-thru service window.

The restaurant and drive-thru window were originally built around 1990. The drive-thru

window was closed around 2003, when the restaurant became a sit-down Japanese restaurant.

The subject property has split zoning of C-1 and OP. The rezone will create a uniform zoning designation for the entire parcel.

The subject property has a Commercial Future Land Use designation, which allows a maximum intensity of 0.35 Floor Area Ratio (F.A.R.). The intent of the Commercial Future Land Use designation is to provide appropriate locations for a variety of commercial uses including neighborhood and community shopping centers, convenience stores, retail sales, highway oriented commercial, and other commercial services.

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

East: Future Land Use: Commercial  
Zoning: C-1

West: Future Land Use: Office and Low Density Residential  
Zoning: Residential Professional (RP) and R-1A (Single Family Dwelling)

North: SR 436  
Future Land Use: Public/Quasi-Public - Grave Site (PUBG)  
Zoning: A-1 (Agriculture)

South: Future Land Use: Office  
Zoning: OP (Office)

### Site Analysis

#### Floodplain Impacts:

Based on FEMA's 2007 FIRM map, there appears to be no flood prone areas 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. If applicable, a topographic survey showing wetland and floodplain delineations will be required at Final Development Plan.

### Endangered and Threatened Wildlife:

Based on a preliminary analysis, there appears to be no endangered or threatened wildlife on the subject property. A listed species survey may be required prior to site plan or final engineering approval.

### Utilities:

The site is in the Seminole County utility service area and the existing on-site restaurant is already connected to public utilities.

### Transportation/Traffic:

The property proposes access onto East SR 436, which is classified as an Urban Principal Arterial roadway. SR 436 is currently operating at a level-of-service ranges from "A" to "E", depending on the time of day and direction. SR 436 does not have improvements programmed in the County's five-year Capital Improvement Program or FDOT's Five-Year Work Program.

### Transit:

LYNX bus route 436N and bus stops are located within 150 feet of the subject property.

### Sidewalks:

There is an existing five-foot sidewalk along SR 436. The developer will not be required to build a sidewalk along SR 436.

### Drainage:

The proposed project is located within the Little Wekiva Drainage Basin, and the site is part of an existing master drainage system. No additional requirements are anticipated.

### Buffers and Open Space:

Buffers and Open Space requirements will be determined at Final Site Plan approval and must be in compliance with the Seminole County Land Development Code.

### Consistency with the Land Development Code

The proposed C-1 (Retail Commercial) zoning designation has been evaluated for compatibility with the Land Development Code of Seminole County in accordance with Chapter 30, Part 40.

The request is consistent with the Seminole County Land Development Code and the surrounding area. The proposed development supports the objectives of the C-1 zoning designation through sufficient buffering and a proposed use that is compatible with the surrounding residential, office and commercial zoning classifications.

Staff finds the requested C-1 zoning classification to be consistent with the Land Development Code and compatible with the surrounding development in the area.

#### Consistency with the Comprehensive Plan

The purpose and intent of the Commercial Future Land Use is to identify locations for a variety of commercial uses including neighborhood and community shopping centers, convenience stores, retail sales, highway oriented commercial, and other commercial services. This land use should be located at the intersections of major roadways and along major roadways as infill development where this use is established. The maximum intensity permitted in this designation is 0.35 floor area ratio (F.A.R).

The proposed C-1 zoning classification is compatible with the surrounding development in the area and is consistent with both the allowable use and density provisions of the Commercial Future Land Use designation.

Staff finds the proposed C-1 zoning classification to be consistent with the Comprehensive Plan.

#### Planning and Zoning Commission

The Planning and Zoning Commission met on April 5, 2023, and voted unanimously to recommend the Board of County Commissioners adopt the proposed Ordinance enacting a Rezone from OP (Office) to C-1 (Retail Commercial) for a portion of an existing commercial site on approximately 0.90 acre, located on the south side of East SR 436, just east of Avery Lane.

#### **Staff Recommendation:**

Recommend the Board of County Commissioners adopt the Ordinance enacting a Rezone from OP (Office) to C-1 (Retail Commercial) for a portion of an existing commercial site on approximately 0.90 acre, located on the south side of East SR 436, just east of Avery Lane.