

**SEMINOLE COUNTY
LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
BOARD CHAMBERS, ROOM 1028
MINUTES**

**WEDNESDAY, APRIL 5, 2023
6:00 PM**

E SR 436 (3340) Rezone – Consider a Rezone from OP (Office) to C-1 (Retail Commercial) for a portion of an existing commercial development on approximately 0.9 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**).

Doug Robinson, Principal Planner, presented this item as stated in the Staff Report. He further stated the Applicant is requesting a rezone from OP (Office) to C-1 (Retail Commercial) for a portion of an existing commercial site, to continue as a 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 with the opening of the Japanese restaurant. The subject property has a Commercial Future Land Use designation. The intent of the Commercial Future Land Use designation is to provide appropriate locations for a variety of commercial uses including retail sales, restaurants, highway-oriented businesses, and other commercial services. The Commercial designation allows a maximum intensity 0.35 Floor Area Ratio (FAR). The property proposes access onto E SR 436, which is classified as an urban principal arterial roadway. The Level of Service (LOS) ranges from A to E, depending on time of day and direction of travel. There are no planned improvements in the Capital Improvement Program or FDOT's Five-year Work Program. The site is already connected to the Seminole County utilities for water and sewer. The site will be required to meet all Land Development Code requirements, including buffer and landscape requirements, which will be determined during Final Site Plan approval. Staff finds the proposed C-1 zoning classification compatible with the surrounding development in the area and is consistent with both the allowable use and intensity provisions of the Commercial Future Land Use designation. A virtual community meeting for this project was held on February 14, 2023, at 6:00 p.m. The Applicant reported that there were no attendees.

Staff recommends 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 E SR 436, just east of Avery Lane.

The Applicant, Mr. Augusto Ubaldo, was present and agreed with Staff as presented.

Mr. Jose Rola spoke in opposition of the rezone regarding traffic congestion and buffers.

Mr. Ubaldo rebutted stating the property was previously a restaurant and feels the rezone won't change the area. He stated the subject property has a large buffer zone.

A motion was made by Commissioner S. Smith seconded by Commissioner T. Smith to 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 E SR 436, just east of Avery Lane.

Ayes: (6) Chairman Lawhun, Vice Chairman Lopez, Commissioner Jerman, Commissioner Lorenz, Commissioner S. Smith and Commissioner T. Smith

Absent: (1) Commissioner Grundorf