

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

[CONTINUED FROM 12/14/04]
[CONTINUED FROM 2/22/05]

SUBJECT: Mikler Shoppes PCD, Large Scale Land Use Amendment from
Low Density Residential (LDR) to Planned Development (PD) and
Rezone from A-1 to PCD (Javier E. Omana, applicant)

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Dan Matthys **CONTACT:** Jeff Hopper **EXT** 7431

Agenda Date <u>03/22/05</u>	Regular <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>	

MOTION/RECOMMENDATION:

1. CONTINUE the requested Large Scale Land Use Amendment from LDR to PD and rezone from A-1 to PCD on approximately 44 acres, located east of Mikler Road and south of Red Bug Lake Road at Slavia Road intersection⁽¹⁾, to the Fall 2005 Amendment Cycle (Javier E. Omana, applicant); or
2. CONTINUE the requested Large Scale Land Use Amendment to May 10, 2005 and direct the applicant to apply for PUD zoning (Javier E. Omana, applicant); or
3. ADOPT an ordinance that includes the proposed map amendment from LDR to PD, and ADOPT an ordinance rezoning the property from A-1 to PCD, and APPROVE and AUTHORIZE the Chairman to execute a development order on approximately 44 acres, located east of Mikler Road and south of Red Bug Lake Road at Slavia Road intersection, based on the plan presented for consideration on December 14, 2004⁽¹⁾ (Javier E. Omana, applicant); or
4. DENY the requested rezone and land use amendment.

⁽¹⁾ For the record: A motion to adopt a Comprehensive Plan amendment by ordinance will be enacted through a single ordinance presented to the Board as a separate agenda item following the conclusion of the Spring 2005 large scale amendment cycle. The ordinance will contain a listing of all the amendments adopted by the Board as part of the cycle.

(District 1 – Comm. Dallari) (Jeff Hopper, Senior Planner)

BACKGROUND:

This item was presented to the Board on December 14, 2004 as part of the Fall 2004 Large Scale Land Use Amendment cycle. At that time, the Board voted to CONTINUE the request to the Spring 2005 amendment cycle for further discussion. Prior to the new

Reviewed by:	<u>KR</u>
Co Atty:	<u> </u>
DFS:	<u> </u>
OTHER:	<u>AW</u>
DCM:	<u> </u>
CM:	<u> </u>
File No.	<u>ph700pdp03</u>

hearing, which was scheduled for February 22, 2005, the applicant requested a continuance to the March 22, 2005 Board meeting. The purpose of the most recent continuance was to permit Planning staff to review and comment upon the newest version of the site plan, which presents a substantial change in the type of development being proposed on the site.

The original proposal was primarily a commercial/office development with a small number of residential units. As transmitted to the State for review, the project consisted of 140,000 s.f. of C-1 commercial uses, 54,000 s.f. of office use, and 50 residences configured as multi-family flats. The plan showed 6 buildings, of which 3 were to be commercial and the remainder would be mixed use, including 1st floor commercial and 2nd floor offices and/or living units.

On September 19, 2004 the Board voted to transmit the request to the State for review. Recommendations and comments by the Florida Department of Community Affairs (DCA) and the St. Johns River Water Management District were adequately addressed by staff, and DCA had no objections to the final adoption. However, on December 14, 2004 the Board determined that additional discussion was needed regarding allowable densities and intensities on the site, and the item was delayed to the Spring 2005 cycle.

In responding to the Board's concerns over the basic concepts of the development, the applicant revised the proposal. The following table summarizes some of the major differences:

	Transmitted Plan	New Plan
Commercial	140,000 s.f.	124,600 s.f.
Max. No. of Buildings	6	none specified
Max. Building Size	40,000 s.f.	none specified
Office	54,000 s.f.	N/A
Residential	50 units	225 units

Commercial use is reduced by approximately 10 percent on the new plan, while office use appears to be eliminated. In addition, the residential component of the development has increased from 50 to 225 units at a gross density of 16.3 units per acre (Net density would be higher, as determined by the ultimate layout of the residential portion of the site).

Another important difference lies in the conceptual nature of the new proposal. The transmitted plan showed positions and orientations of buildings, internal roads, and parking areas. The revised "bubble plan" submitted by the applicant contains substantially less information and there is insufficient detail to qualify for Planned Commercial Development (PCD) zoning as required by the LDC. In addition, the increased residential component exceeds the limit of 10 percent of a PCD which may be devoted to residential uses. Therefore, staff has determined that the new proposal can not be processed as a PCD under the Land Development Code. Given the proposed mix of uses and the level of detail now being presented, a Planned Unit Development (PUD) zoning classification would be appropriate.

The previous submittal of Mikler Shoppes was evaluated by the Development Review Committee (DRC) in order to resolve the many technical issues that present themselves in any development of this size. The plan underwent public hearings before the Land Planning Agency (LPA) and Board of County Commissioners, thereby affording interested citizens the opportunity to ask questions and voice any concerns over the project as presented. The plan was transmitted to the State in the form of a principally non-residential development and all evaluation and analysis was based on that scenario. Planning staff contacted representatives of DCA to obtain their recommendations regarding the best approach to evaluating the new proposal, and whether the Large Scale Land Use Amendment process might allow for a change of this magnitude without a new application. DCA responded that the County would be proceeding at its own risk and that the revised development may not be found in compliance by the State.

While the new proposal may ultimately be found compatible and appropriate to the site, insufficient information is available at this time to make that determination. The new concept of the development could raise issues that were not considered in earlier discussions, such as potable water use and school capacities. Staff's previous recommendation for approval specified conditions addressing a wide range of development criteria, including use restrictions, building sizes and setbacks, signage and landscaping. At this point, there has not been an opportunity to evaluate which conditions, as transmitted, are still appropriate and any new conditions that might be necessary.

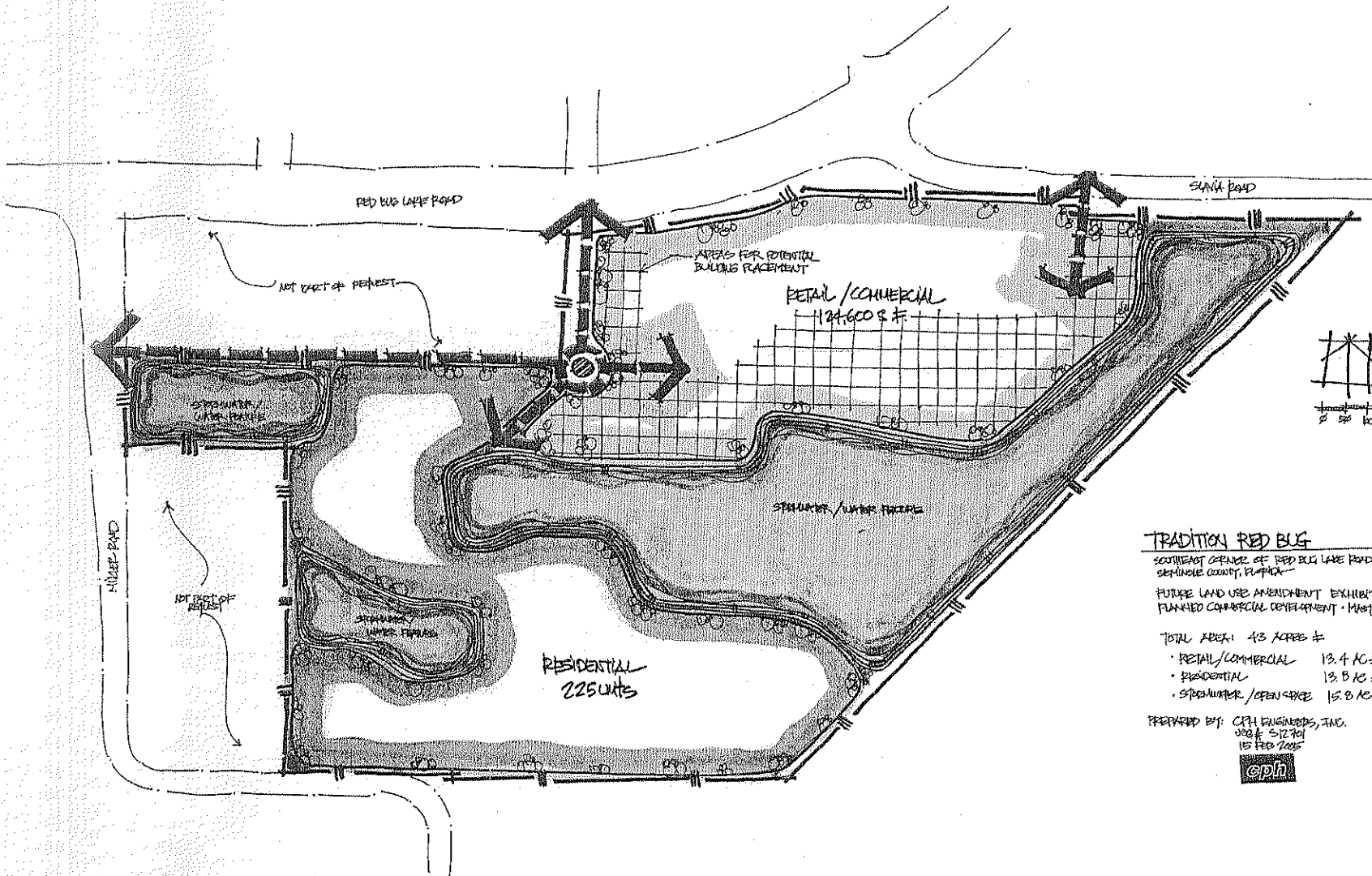
Furthermore, it should be noted that the project was advertised and presented to the public, the Board, and the State as a PCD. In its current form, the proposal does not meet the requirements for a PCD zoning classification, and must be re-advertised for PUD zoning.

STAFF RECOMMENDATION:

Staff has not yet taken a position on the merits of the new development proposal. In order that all parties involved may have an adequate opportunity for review and comment, staff recommends the applicant begin the Large Scale Amendment process over, submitting the new plan for review by DRC, the LPA, the Board, and the State, and submitting a new zoning application for a PUD classification; or,

If the Board wishes to proceed with adoption of the revised plan without starting the Large Scale Amendment process again, staff recommends that the adoption hearing for the Large Scale Amendment request be continued to May 10, 2005 at 7:00 p.m. The applicant should immediately apply for PUD zoning so that the request may be heard by the Land Planning Agency on April 6, 2005 and by the BCC on May 10, 2005; or,

As another alternative, the Board may adopt the previous PCD plan as transmitted on September 14, 2004 and recommended by staff for adoption on December 14, 2004. A copy of the agenda report for that plan is attached. Staff recommends ADOPTION of ordinances that amend the future land use map from LDR to PD and rezone the property from A-1 to PCD, and that the Board APPROVE and authorize the Chairman to execute a development order on the original request.




TRADITION RED BUG
 SOUTHEAST CORNER OF RED BUG LAKE ROAD AND MILLER ROAD
 SEMINOLE COUNTY, FLORIDA
 FUTURE LAND USE AMENDMENT EXHIBIT AND
 PLANNED COMMERCIAL DEVELOPMENT - MASTER PLAN CONCEPT/BUBBLE-TOWN

TOTAL AREA: 43 ACRES ±

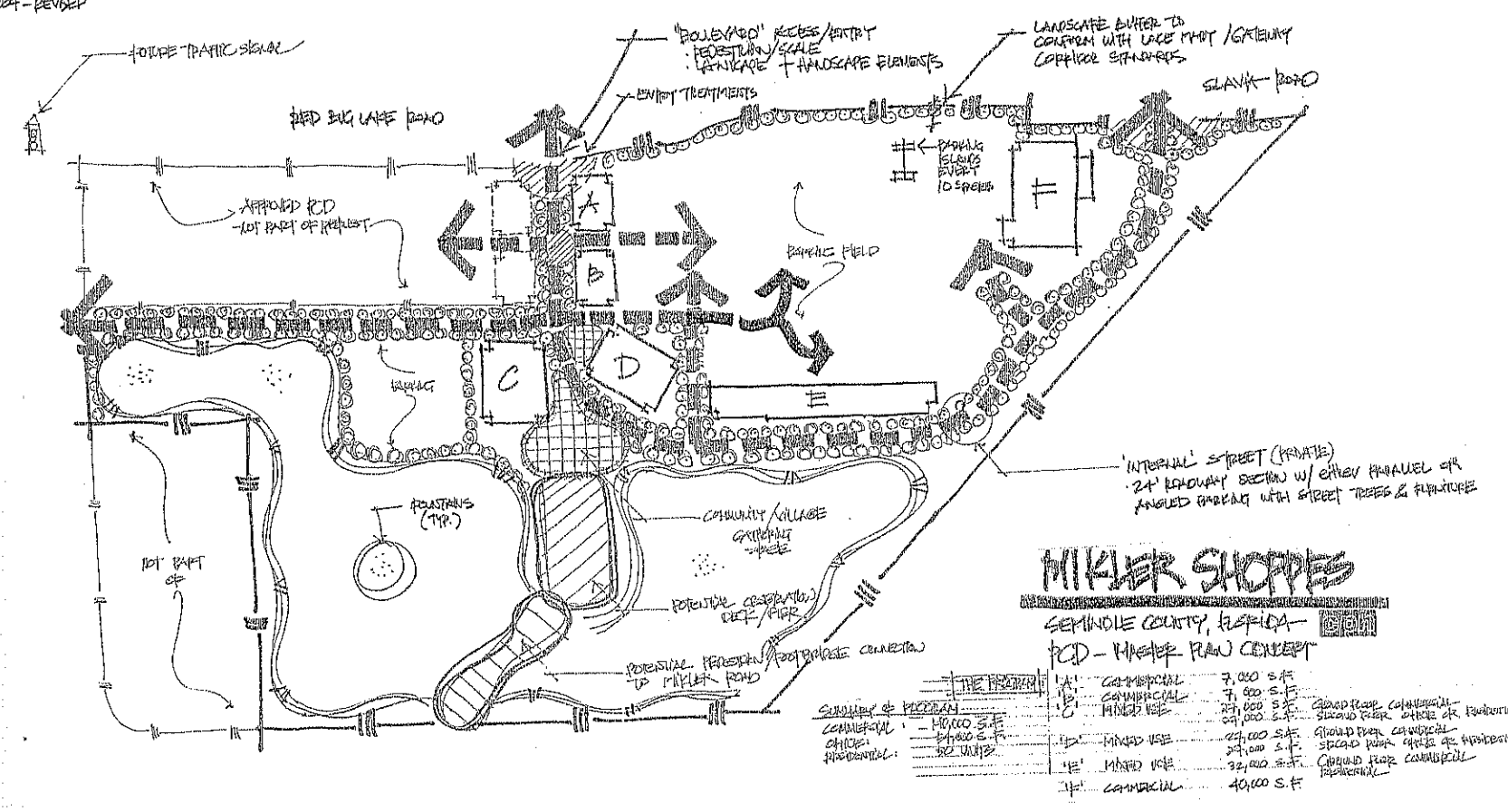
• RETAIL/COMMERCIAL	13.4 AC ±	124,600 S.F.
• RESIDENTIAL	13.8 AC ±	225 UNITS
• SPRAWLER / OPEN SPACE	15.8 AC ±	

PREPARED BY: CPH ENGINEERS, INC.
 JOB # S12701
 15 FEB 2005



REVISED PLAN

6 FEBRUARY 2004 - REVISED
 14 SEPTEMBER 2004 - REVISED
 23 AUGUST 2004 - REVISED



Mikler Shoppes

SEMINOLE COUNTY, FLORIDA
 PCD - MASTER PLAN CONCEPT

THE PROPOSED	AREA	COMMERCIAL	7,000 S.F.
	1A	COMMERCIAL	7,000 S.F.
	1B	COMMERCIAL	27,000 S.F.
	1C	MIXED USE	27,000 S.F.
	1D	MIXED USE	27,000 S.F.
	1E	MIXED USE	32,000 S.F.
	1F	COMMERCIAL	40,000 S.F.

SUMMARY OF PROPOSED COMMERCIAL OFFICE/RESIDENTIAL: 140,000 S.F.

Ground floor commercial - second floor office or residential
 Ground floor commercial - second floor office or residential
 Ground floor commercial - second floor office or residential
 Ground floor commercial - second floor residential

PLAN PRESENTED 12/14/04

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Mikler Shoppes PCD, Large Scale Land Use Amendment from
Low Density Residential (LDR) to Planned Development (PD) and
Rezone from A-1 to PCD (Javier E. Omana, applicant)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Don Fisher CONTACT: Jeff Hopper EXT 7431

Agenda Date 12/14/04 Regular Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. ADOPT an ordinance that includes the proposed map amendment from LDR to PD, ADOPT an ordinance rezoning the property from A-1 to PCD, and APPROVE and authorize the Chairman to execute a development order on approximately 44 acres, located east of Mikler Road and south of Red Bug Lake Road at Slavia Road intersection, based on staff findings ⁽¹⁾ (Javier E. Omana, applicant); or
2. DENY the request for Large Scale Land Use Amendment from LDR to PD and rezone from A-1 to PCD on approximately 44 acres, located east of Mikler Road and south of Red Bug Lake Road at Slavia Road intersection (Javier E. Omana, applicant); or
3. CONTINUE the public hearing until a time and date certain.

⁽¹⁾ For the record: A motion to adopt a Comprehensive Plan amendment by ordinance will be enacted through a single ordinance presented to the Board as a separate agenda item following the conclusion of this large scale amendment cycle. The ordinance will contain a listing of all the amendments adopted by the Board as part of the cycle.

(District 1 – Comm. Dallari)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant proposes a mixed commercial, office, and residential development on a 44-acre site currently in the Low Density Residential (LDR) future land use designation and agricultural zoning. Based on the most recent version of the site plan, the project would include 140,000 s.f. of C-1 commercial uses, 54,000 s.f. of office use, and 50 residences configured as multi-family flats. The site plan shows 6 buildings, of which 3 would be commercial and the

Reviewed by: _____
Co Atty: JR
DFS: _____
OTHER: MM
DCM: _____
CM: JS
File No. ph700pd01

remainder would be mixed use, including 1st floor commercial and 2nd floor offices and/or living units. On September 19 the Board voted to transmit the request to the State of Florida for review. The purpose of today's hearing is possible final adoption of the proposed rezone and land use amendment.

STAFF RECOMMENDATION:

Staff recommends ADOPTION of the request for Large Scale Land Use Amendment from LDR to PD and rezone from A-1 to PCD on approximately 44 acres, subject to the attached Development Order, located east of Mikler Road and south of Red Bug Lake Road at the Slavia Road intersection, per the attached staff report to the Florida Department of Community Affairs (Javier E. Omana, applicant).

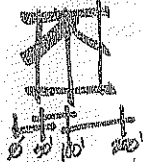
NOTE: At the time this agenda memorandum was prepared, the Objections, Recommendations, and Comments (ORC) report had not been received from the Florida Dept. of Community Affairs. The ORC report will be provided to the Board on or before the hearing date.

LAND PLANNING AGENCY (LPA) RECOMMENDATION:

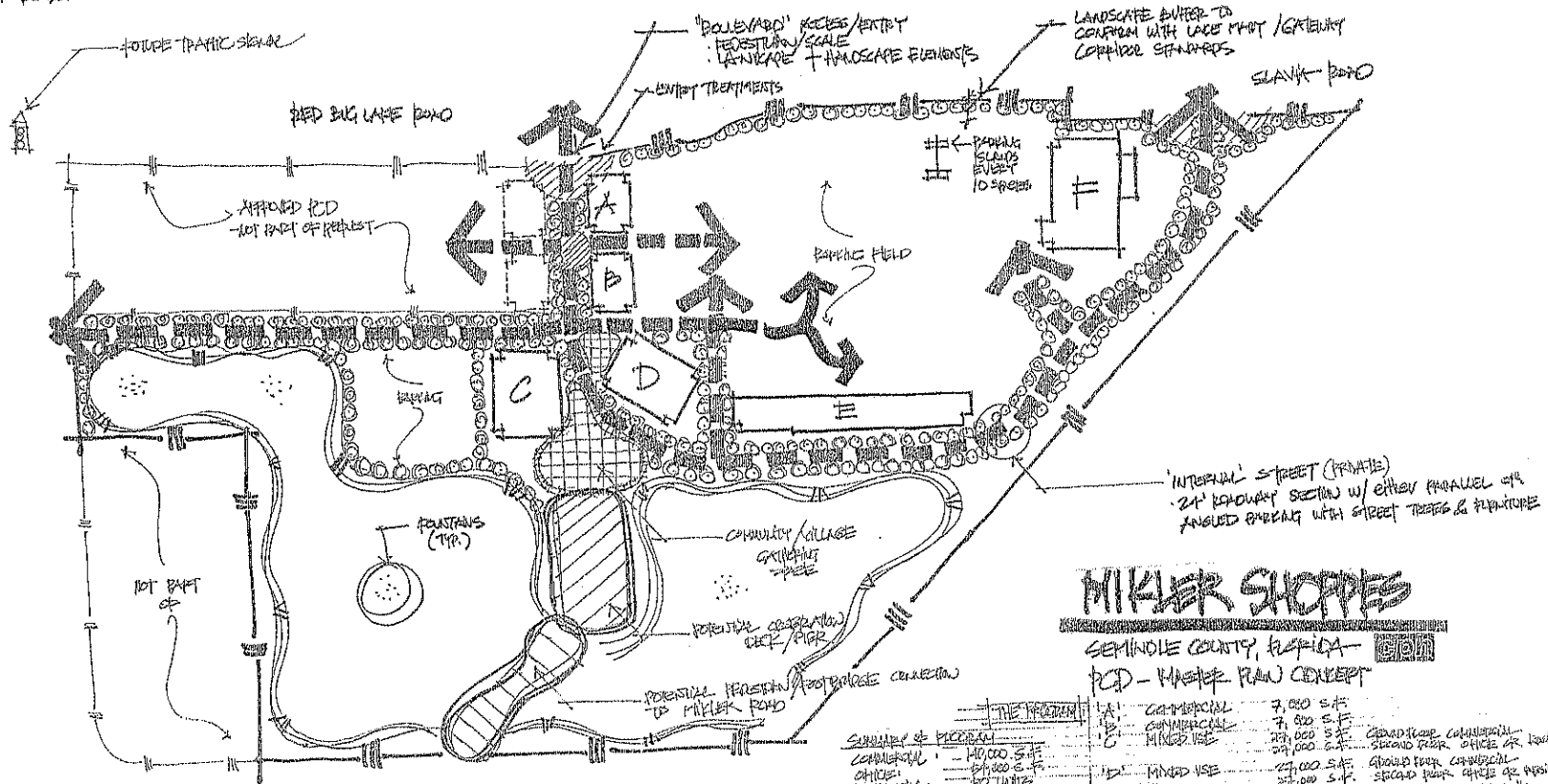
On June 2, 2004, the Land Planning Agency voted 4-0 to recommend TRANSMITTAL and APPROVAL of the request per staff recommendations, subject to the added condition of prohibiting drive-through businesses in the development.

BOARD OF COUNTY COMMISSIONERS ACTION:

On September 14, 2004 the Board of County Commissioners voted 5-0 to TRANSMIT the request to the State of Florida Department of Community Affairs, subject to approval conditions as stated in the attached Staff Report.



04 AUGUST 2004 - REVISED
 14 SEPTEMBER 2004 - REVISED
 23 AUGUST 2004 - REVISED



MIKLER SHOPPES

SEMINOLE COUNTY, FLORIDA
 PCD - MASTER PLAN CONCEPT

SUMMARY OF PROGRAM		THE PROGRAM			
COMMERCIAL	140,000 S.F.	1A	COMMERCIAL	7,000 S.F.	GROUND FLOOR COMMERCIAL
OFFICE	60,000 S.F.	1B	COMMERCIAL	7,000 S.F.	SECOND FLOOR OFFICE OR
RESIDENTIAL	80,000 S.F.	1C	MIXED USE	24,000 S.F.	GROUND FLOOR COMMERCIAL
		1D	MIXED USE	27,000 S.F.	SECOND FLOOR OFFICE OR RESIDENTIAL
		1E	MIXED USE	24,000 S.F.	GROUND FLOOR COMMERCIAL
		1F	COMMERCIAL	40,000 S.F.	RESIDENTIAL

Mikler Shoppes PCD
Large Scale Land Use Amendment
Staff Report

LDR to Planned Development (PD)		Amendment (Z2004-013, 04F.FLU02)
REQUEST		
APPLICANT	Javier E. Omana	
PLAN AMENDMENT	Low Density Residential to Planned Development	
REZONING	A-1 (Agriculture) to Planned Commercial Development (PCD)	
APPROXIMATE GROSS ACRES	44	
LOCATION	Located east of Mikler Road and south of Red Bug Lake Road at Slavia Road intersection	
BCC DISTRICT	1, Dallari	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION June 2, 2004	Staff recommends TRANSMITTAL of the requested Large Scale Land Use Amendment, and approval of a rezone subject to the proposed site plan and staff recommendations presented in this report.	
LAND PLANNING AGENCY (LPA) RECOMMENDATION June 2, 2004	The Land Planning Agency voted 4-0 to recommend TRANSMITTAL and APPROVAL of the request per staff recommendations, subject to the added condition of prohibiting drive-through businesses in the development.	
BOARD OF COUNTY COMMISSIONERS ACTION Sept. 14, 2004	The Board of County Commissioners voted 5-0 to TRANSMIT the request to the State of Florida Department of Community Affairs, subject to approval conditions as listed at the end of this Staff Report.	

LDR to Planned Development (PD)	Amendment (Z2004-013, 04F.FLU02)
--	--

1. **Property Owners:** Janet L. Stone, Trustee
Robert T. & Becky Navidomskis
Joseph I. & Sheri T. Denberg

2. **Tax Parcel Number:** 16-21-31-5CA-0000-0800
16-21-31-5CA-0000-0670
16-21-31-5CA-0000-0680
16-21-31-5CA-0000-0830

3. **Development Trends:** The subject property lies in a transitional area between high intensity commercial and residential uses to the east and lower density residential uses to the west. The Oviedo Marketplace and associated "big box" retailers have formed a major node of commercial use at the intersection of Red Bug Lake Road and SR 417. Commercial uses are moving westward from there along Red Bug Lake Road, filling in parcels approved for commercial use through the Oviedo Crossings PUD, toward Slavia Road. Beyond that lie two PCD parcels at the intersection of Mikler Road, an assisted living facility and a golf driving range (now abandoned). Existing and approved development to the west of Mikler is exclusively single family in R-1A, R-1AA, R-1AAA and PUD zoning.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Low Density Residential (LDR), currently assigned to the subject property, permits single family residential use to a maximum of 4 dwelling units per net buildable acre.

Location	Future Land Use*	Zoning*	Existing Use
North	PD	PUD, A-1, PCD	Commercial
South	LDR	A-1, PUD	Vacant, single family (approved)
East	HDR	R-4	Multi-Family
West	LDR, PD	A-1, PUD	ALF, golf range

* See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. **PLAN PROGRAMS** - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Primary access to the subject property is from Red Bug Lake Road, a 4-lane road classified as a Minor Arterial. Traffic count data from 2003 indicate an operating level of service "C" on this segment of the road. The adopted Level of Service standard is "E".

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Exhibits POT-1 and SAN-1 are the water and sewer service area maps for Seminole County*

The subject property is within the Seminole County water and sewer service areas.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Policy PUB 2.1).*

The property is served by the Seminole County EMS/Fire Station #27. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

3. **REGULATIONS** - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Policy IMP 2.4).

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, or that such facilities could be made available, and that the proposed Plan amendment would create no adverse impacts to public facilities.

B. **Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).

The site contains a significant amount wetlands or flood prone areas, but can be developed within the requirements of the Vision 2020 Plan and Land Development Code.

C. **Protection of Endangered and Threatened Wildlife:** The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards

that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation, the proposed PD land use, with the attendant PCD Preliminary Master Plan, would be compatible with the LDR land use designation on adjoining properties to the west and south. With a mixture of retail and office uses, and a small number of multi-family units, the proposal represents a transition of land use intensity between the LDR properties to the west and large areas of commercial and other nonresidential development along Red Bug Lake Road near the SR 417 interchange. With appropriate approval conditions, such as landscaping, buffering and architectural designs compatible with residential development, this mixture of uses could be suitable as a transition toward lower intensities to the west.

Applicable Plan policies include, but are not limited to, the following:

Transitional Land Uses: *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

Although the applicant has requested a Planned Development (PD) land use designation, the proposed development corresponds generally to the Commercial and Office future land use designations. "Exhibit FLU: Appropriate Transitional Land Uses" indicates that Office is an appropriate transitional use adjacent to Low Density Residential (LDR), with sensitive site design features, such as buffers, limited building heights, and architectural controls. The same is true of the Commercial land use designation, but only where the proposed development is categorized as neighborhood commercial. While the applicant proposes C-1 rather than neighborhood commercial uses, these would be located at a substantial distance from any single family development. Proposed retail and office uses would be separated and extensively buffered from LDR lands to the west and south by a major water feature and landscape buffer as shown on the proposed site plan

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.

FLU 2.11 Determination of Compatibility in the PCD Zoning Classification

FLU 5.5: Water and Sewer Service Expansion

PD Future Land Use Definition

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order. The applicant has elected to defer concurrency review and the site will have to demonstrate concurrency compliance at the time of final engineering.

STAFF RECOMMENDATION:

Staff recommends ADOPTION of the requested Large Scale Land Use Amendment, and approval of a rezone subject to the proposed site plan and staff recommendations presented below.

Recommended conditions of approval are as follows:

- a. No structures or parking shall be permitted within 500 feet of Mikler Road.
- b. No structures shall be permitted within 50 feet of any public right-of-way. Other building setbacks shall be in accordance with the active/passive buffer standards of the Land Development Code.
- c. Allowable uses shall be those listed as permitted or conditional uses in C-1, except for gasoline pumps, hospitals and nursing homes, and residential uses except as provided in item (d) below. Alcoholic beverage establishments shall be allowed by special exception.
- d. There are to be 50 multifamily dwelling units. Commercial uses shall not exceed 140,000 s.f. and office uses shall not exceed 54,000 s.f. Home occupations and home offices shall be permitted in the dwelling units.
- e. Mechanical units shall be located and/or screened so as not to be visible from Red Bug Lake Road or adjoining single family development.
- f. A minimum of 25 percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the PCD final site plan that the open space requirements have been met, with final landscaping and amenities to be approved by the Board of County Commissioners as part of the final site plan.
- g. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside

the development, including a connection to Mikler Road on the south side of property. (Note that amenities indicated on the final site plan shall not be shown as "potential").

- h. Building heights shall be limited to 40 feet for structures within 300 feet of Red Bug Lake and Slavia Roads, 35 feet for all others. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
- i. Drive-thru businesses shall be prohibited, with the exception of banks, pharmacies and dry cleaners.
- j. No motorized water craft shall be permitted in the water feature.
- k. Internal streets shall be private platted rights-of-way.
- l. All architectural and landscape/hardscape designs shall be submitted to and approved by the Board of County Commissioners as part of the final site plan. These designs shall have a village theme.
- m. Hours of operation shall be 7:00 a.m. – 11:00 p.m. Sunday through Thursday, and 7:00 a.m. – 12:00 a.m. Friday and Saturday.
- n. Signage will comply with the Lake Mary Boulevard Gateway Corridor Overlay standards.
- o. Service equipment and service areas shall be screened from adjacent properties.
- p. Main boulevards shall be designed in accordance with the Land Development Code; including installation of sidewalks.
- q. The developer shall provide a drainage easement to Seminole County across the water feature and associated retention facilities.

FILE # Z2004-013

DEVELOPMENT ORDER #4-23000001

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On December 14, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: JANET L. STONE, TRUSTEE
JOSEPH I. & SHERI T. DENBERG
ROBERT T. & BECKY A. NAVIDOMSKIS

Project Name: SE MIKLER ROAD/RED BUG LAKE ROAD PCD (aka "MIKLER SHOPPES")

Requested Development Approval: Large Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezoning from A-1 (Agriculture) to PCD (Planned Commercial Development)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. No structures or parking shall be permitted within 500 feet of Mikler Road.
 - b. No structures shall be permitted within 50 feet of any public right-of-way. Other building setbacks shall be in accordance with the active/passive buffer standards of the Land Development Code.
 - c. Allowable uses shall be those listed as permitted or conditional uses in C-1, except for gasoline pumps, hospitals and nursing homes, and residential uses except as provided in item (d) below. Alcoholic beverage establishments shall be allowed by special exception.
 - d. There are to be 50 multifamily dwelling units. Commercial uses shall not exceed 140,000 s.f. and office uses shall not exceed 54,000 s.f. Home occupations and home offices shall be permitted in the dwelling units.
 - e. Mechanical units shall be located and/or screened so as not to be visible from Red Bug Lake Road or adjoining single family development.
 - f. A minimum of 25 percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the PCD final site plan that the open space requirements have been met, with final landscaping and amenities to be approved by the Board of County Commissioners as part of the final site plan.
 - g. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development, including a connection to Mikler Road on the south side of property. (Note that amenities indicated on the final site plan shall not be shown as "potential").
 - h. Building heights shall be limited to 40 feet for structures within 300 feet of Red Bug Lake and Slavia Roads, 35 feet for all others. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
 - i. Drive-thru businesses shall be prohibited, with the exception of banks, pharmacies and dry cleaners.
 - j. No motorized water craft shall be permitted in the water feature.
 - k. Internal streets shall be private platted rights-of-way.

- l. All architectural and landscape/hardscape designs shall be submitted to and approved by the Board of County Commissioners as part of the final site plan. These designs shall have a village theme.
- m. Hours of operation shall be 7:00 a.m. – 11:00 p.m. Sunday through Thursday, and 7:00 a.m. – 12:00 a.m. Friday and Saturday.
- n. Signage will comply with the Lake Mary Boulevard Gateway Corridor Overlay standards.
- o. Service equipment and service areas shall be screened from adjacent properties.
- p. Main boulevards shall be designed in accordance with the Land Development Code; including installation of sidewalks.
- q. The developer shall provide a drainage easement to Seminole County across the water feature and associated retention facilities.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Carlton D. Henley, Chairman
Board of County Commissioners

FILE # Z2004-013

DEVELOPMENT ORDER #4-23000001

OWNER'S CONSENT AND COVENANT

COMES NOW, Joseph I. Denberg, on behalf of himself and his successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Joseph I. Denberg

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JOSEPH I. DENBERG, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: _____

OWNER'S CONSENT AND COVENANT

COMES NOW, Sheri T. Denberg, on behalf of herself and her successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Sheri T. Denberg

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared SHERI T. DENBERG, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned
My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, Robert T. Navidomskis, on behalf of himself and his successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Robert T. Navidomskis

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared ROBERT T. NAVIDOMSKIS, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned
My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, Becky A. Navidomskis, on behalf of herself and her successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Becky A. Navidomskis

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared BECKY A. NAVIDOMSKIS, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned
My Commission Expires:

EXHIBIT A**Project Legal Description:****Parcel B**

Lots 47, 48, 67, 69, 70 and the East ½ of Lot 68 of Slavia Colony Co.'s Subdivision in Section 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida

LESS THE FOLLOWING DESCRIBED PARCEL: begin at the Southeast corner of said Lot 48 run North 01 degrees 00'31" West along the East line of said Lots 48 and 47 for a distance of 1251.76 feet to the South right-of-way line of Slavia Road (formerly Red Bug Lake Road); thence run South 89 degrees 46'33" West along said right-of-way line for a distance of 234.55 feet; thence run South 00 degrees 41'27" East along said right-of-way line for a distance of 5.66 feet; thence run South 89 degrees 18'33" West along said right-of-way line for a distance of 553.47 feet; thence run South 42 degrees 15'04" West for a distance of 1697.94 feet to the South line of said Lot 69; thence run North 89 degrees 27'24" East along the South line of said Lots 69, 70 and 48 for a distance of 1951.72 feet to the Point of Beginning.

LESS A PORTION OF LOT 68, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the Northwest corner of said Southwest Quarter, for a point of reference; thence run South 00 degrees 56'47" East along the West line of said Southwest Quarter, 25.00 feet; thence North 89 degrees 46'33" East, a distance of 15.00 feet to the intersection of the Southerly right-of-way line of Old Red Bug Lake Road, with the Westerly line of aforesaid Lot 68, thence continue North 89 degrees 46'33" East, along said Southerly right-of-way line, 329.59 feet to a point lying on the West line of the East half of said Lot 68, said point being the Point of Beginning; thence continue North 89 degrees 46'33" East along the Southerly right-of-way line 127.62 feet; thence run South 83 degrees 17'04" West 85.42 feet; thence run North 81 degrees 47'28" West, 43.17 feet to the aforesaid West lot line; thence run North 00 degrees 56'07" West, along said West line, 3.33 feet to the Point of Beginning.

FURTHER LESS:

That portion of Lot 47 lying within 50 feet of the East-West Quarter Section line of Section 20, Township 21 South, Range 31 East, according to the Plat of Slavia Colony Company's Subdivision, recorded in Plat Book 2, Page 71, Public Records of Seminole County, Florida.

FURTHER LESS: The North 10 feet of Lots 47, 67 and 68.

AND LESS: that part of Lots 47 and 67 of SLAVIA COLONY COMPANY'S SUBDIVISION in Section 20, Township 21 South, Range 31 East, according to the Plat recorded in Plat Book 2, Page 71, Public Records of Seminole County, (except the North 10 feet of said Lots 47 and 67 previously conveyed to Seminole County by deed recorded in Deed Book 198, page 293, Seminole County Records) Lying within 70 feet of the survey line of State Road S-426-A, Section 77501, East of Station 14+00 and West of Station 25+00 of said survey line; said survey line and said Stations being described as follows: Begin at the Southwest corner of the NW ¼ of Section 20, Township 21 South, Range 31 East, and run North 88 degrees 02'50" East 660.45 feet to Station 14+00; Thence continue North 88 degrees 02'50" East 1100 feet to Station 25+00 and the end of this survey line description.

PARCEL TWO

Lot 80 (Less the North 30 feet of the East ½ of Lot 80), the East ½ of Lot 81, the West ½ of Lot 83 and Lot 82 of Slavia Colony Co.'s Subdivision in Section 20, Township 21 South, Range 31 East, according to the plat thereof as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida.

AND LESS A PORTION OF LOTS 82 AND 83, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the intersection of the Easterly right-of-way line of Mikler Road, according to the plat thereof, as

recorded in Plat Book 6, page 14, of the Public record of Seminole County, Florida, with the Southerly Right-of-Way line of Red Bug Lake Road, for a Point of Beginning; thence run North 88 degrees 28'11" East along said Southerly right-of-way line, 987.25 feet to the East line of the West one-half aforesaid Lot 83; thence run South 01 degrees 02'35" East, along said East line, 96.50 feet to a point lying a non-tangent curve concave Northerly; thence run Westerly, along the arc of said right-of-way curve, having a radius length of 1377.26 feet, a central angle of 07 degrees 33'28", an arc length of 181.67 feet, a chord length of 181.54 feet, and a chord bearing of South 87 degrees 05'31" West to the point of tangency thereof; thence run North 89 degrees 07'45" West, 805.88 feet to the aforesaid Easterly right-of-way line of Mikler Road; thence run North 01 degrees 30'03" West, along the said Easterly right-of-way line, 66.53 feet to the Point of Beginning.

AND

The 30 foot unnamed right-of-way lying West of and adjacent to Lot 69 and East of and adjacent to Lot 80, Slavia Colony Co.'s Subdivision according to Plat Book 2, Page 71, of the Public Records of Seminole County, Florida, LESS AND EXCEPT that portion lying with 25 feet of the South lot lines of aforesaid lot 69 and 80.

AND LESS: The North 10 feet of Lots 82 and 83.

AND FURTHER LESS:

That part of Lots 82 and 83, THE SLAVIA COLONY COMPANY'S SUBDIVISION, according to the plat thereof recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida described as follows:

COMMENCE at the Southeast corner of the West 1/2 of Lot 83 of THE SLAVIA COLONY CO. S, according to the plat thereof, as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida: thence run N 01°02'35" W along the East line of said West 1/2 of Lot 83 for a distance of 214.65 feet to the POINT OF BEGINNING: thence run N 89°07'45" W for a distance of 985.96 feet to the East right-of-way line of Mikler Road, as recorded in Plat Book 6, Page 14, of said Public Records: thence run N 01°20'04" W along said right-of-way line for a distance of 300.22 feet to the Southerly right-of-way line of Red Bug Lake Road: thence run S 89°07'45" E along said right-of-way line for a distance of 805.88 feet to the point of curvature of a curve concave Northerly having a radius of 1377.26 feet: thence run Easterly along said curve and said right-of-way line through a central angle of 07°33'38" for a distance of 181.74 feet to a point of non-tangency: thence run S 01°02'35" E along said East line of the West 1/2 of Lot 83 for a distance of 312.15 feet to the POINT OF BEGINNING.

Containing 6.812 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

PARCEL C

The East ½ of lot 83 and the North 30 feet of the East ½ of Lot 80, Slavia Colony Company's Subdivision, according to the plat thereof as recorded in Plat Book 2, page 71, of the Public Records of Seminole County, Florida.

LESS A PORTION OF LOT 83, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the Northeast corner of said Southeast Quarter, for a point of reference; thence run South 00 degrees 56'47" East, along the East line of said Southeast Quarter, 32.00 feet; thence run South 88 degrees 26'11" West, a distance of 15.00 feet to a point lying on the Southerly right-of-way line of Red Bug Lake Road and a Point of Beginning; thence run South 00 degrees 56'47" East, along the East line said Lot 83, a distance of 36.19 feet; thence run South 78 degrees 43'52" West, 231.95 feet to a point of curvature of a curve concave Northerly; thence run Westerly, along the arc of said curve, having a radius length of 1377.26 feet, a central angle of 04 degrees 34'56", an arc length of 110.14 feet, a chord length of 110.11 feet, and a chord bearing of South 81 degrees 01'20" West to the Westerly line of the East One-Half of the aforesaid Lot 83; thence run North 01 degrees 02'35" West, along the Westerly lot line 89.50 feet to the aforesaid Southerly right-of-way line of Red Bug Lake Road; thence North 88 degrees 26'11" East, along said Southerly right-of-way line 337.41 feet to the Point of Beginning.

AND FURTHER LESS: The North 10 feet of Lot 83.

AND LESS A PORTION OF LOTS 82 AND 83, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the intersection of the Easterly right-of-way line of Mikler Road, according to the plat thereof, as recorded in Plat Book 6, page 14, of the Public Records of Seminole County, Florida, with the Southerly Right-of-Way line of Red Bug Lake Road, for a Point of Beginning; thence run North 88 degrees 28'11" East along said Southerly right-of-way line, 987.25 feet to the East line of the West one-half aforesaid Lot 83; thence run South 01 degrees 02'35" East, along said East line, 96.50 feet to a point lying a non-tangent curve, concave Northerly; thence run Westerly, along the arc of said right-of-way curve, having a radius length of 1377.26 feet, a central angle of 07 degrees 33'28", an arc length of 181.67 feet, a chord length of 181.54 feet, and a chord bearing of South 87 degrees 05'31" West to the point of tangency thereof, thence run North 89 degrees 07'45" West, 805.88 feet to the aforesaid Easterly right-of-way line of Mikler Road; thence run North 01 degrees 30'03" West, along the said Easterly right-of-way line, 66.53 feet to the Point of Beginning.

PARCEL D

The West ½ of Lot 68, Slavia Colony Company's Subdivision, according to Plat Book 2, page 71, of the Public Records of Seminole County, Florida, LESS the North 10 feet thereof, FURTHER LESS the following described property:

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE WEST HALF OF LOT 68, " THE SLAVIA COLONY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, FOR A POINT OF REFERENCE: THENCE RUN SOUTH 00 DEGREES 56'47" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 25.00 FEET; THENCE NORTH 89 DEGREES 46'33" EAST, A DISTANCE OF 15.00 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF RED BUG LAKE ROAD, WITH THE WESTERLY LINE OF AFORESAID LOT 68, FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 46'33" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 60.00 FEET; THENCE RUN SOUTH 63 DEGREES 49'30" WEST TO THE AFORESAID WESTERLY LINE OF LOT 68, A DISTANCE OF 66.32 FEET; THENCE RUN NORTH 00 DEGREES 56'47" WEST, ALONG SAID WEST LINE, 29.02 FEET, TO THE POINT OF BEGINNING.

NOTICE OF AMENDMENT ORDINANCE

Adoption of the 2004 Fall Cycle Large Scale Amendment Ordinance

Should the Board of County Commissioners ("the Board") move to adopt an amendment ordinance for this hearing item, a single ordinance will be presented to the Board for enactment following the last large scale amendment hearing of this cycle. The ordinance presented to the Board for enactment will include all the previously approved hearing items, if any, for this large scale amendment cycle. The proposed ordinance title is:

AN ORDINANCE AMENDING THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP DESIGNATIONS OF CERTAIN PROPERTIES BY VIRTUE OF LARGE SCALE DEVELOPMENT AMENDMENTS; AMENDING THE TEXT OF THE CAPITAL IMPROVEMENTS, CONSERVATION, FUTURE LAND USE AND POTABLE WATER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM A-1 (AGRICULTURE) TO PCD (PLANNED COMMERCIAL DEVELOPMENT DISTRICT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR 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 document titled "Mikler Shoppes PCD Large Scale Land Use Amendment Staff Report."

(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. REZONING.

The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PCD (Planned Commercial Development):

Legal Description Attached as Exhibit A

Section 3. 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. This Ordinance shall become effective upon filing by the Department and of recording of Development Order #4-23000001 in the official land records of Seminole County.

ENACTED this 14th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT "A"

Project Legal Description:

PARCEL B

Lots 47, 48, 67, 69, 70 and the East ½ of Lot 68 of Slavia Colony Co.'s Subdivision in Section 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida

LESS THE FOLLOWING DESCRIBED PARCEL: begin at the Southeast corner of said Lot 48 run North 01 degrees 00'31" West along the East line of said Lots 48 and 47 for a distance of 1251.76 feet to the South right-of-way line of Slavia Road (formerly Red Bug Lake Road); thence run South 89 degrees 46'33" West along said right-of-way line for a distance of 234.55 feet; thence run South 00 degrees 41'27" East along said right-of-way line for a distance of 5.66 feet; thence run South 89 degrees 18'33" West along said right-of-way line for a distance of 553.47 feet; thence run South 42 degrees 15'04" West for a distance of 1697.94 feet to the South line of said Lot 69; thence run North 89 degrees 27'24" East along the South line of said Lots 69, 70 and 48 for a distance of 1951.72 feet to the Point of Beginning.

LESS A PORTION OF LOT 68, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the Northwest corner of said Southwest Quarter, for a point of reference; thence run South 00 degrees 56'47" East along the West line of said Southwest Quarter, 25.00 feet; thence North 89 degrees 46'33" East, a distance of 15.00 feet to the intersection of the Southerly right-of-way line of Old Red Bug Lake Road, with the Westerly line of aforesaid Lot 68, thence continue North 89 degrees 46'33" East, along said Southerly right-of-way line, 329.59 feet to a point lying on the West line of the East half of said Lot 68, said point being the Point of Beginning; thence continue North 89 degrees 46'33" East along the Southerly right-of-way line 127.62 feet; thence run South 83 degrees 17'04" West 85.42 feet; thence run North 81 degrees 47'28" West, 43.17 feet to the aforesaid West lot line; thence run North 00 degrees 56'07" West, along said West line, 3.33 feet to the Point of Beginning.

FURTHER LESS:

That portion of Lot 47 lying within 50 feet of the East-West Quarter Section line of Section 20, Township 21 South, Range 31 East, according to the Plat of Slavia Colony Company's Subdivision, recorded in Plat Book 2, Page 71, Public Records of Seminole County, Florida.

FURTHER LESS: The North 10 feet of Lots 47, 67 and 68.

AND LESS: that part of Lots 47 and 67 of SLAVIA COLONY COMPANY'S SUBDIVISION in Section 20, Township 21 South, Range 31 East, according to the Plat recorded in Plat Book 2, Page 71, Public Records of Seminole County, (except the North 10 feet of said Lots 47 and 67 previously conveyed to Seminole County by deed recorded in Deed Book 198, page 293, Seminole County Records) Lying within 70 feet of the survey line of State Road S-426-A, Section 77501, East of Station 14+00 and West of Station 25+00 of said survey line; said survey line and said Stations being described as follows: Begin at the Southwest corner of the NW ¼ of Section 20, Township 21 South, Range 31 East, and run North 88 degrees 02'50" East 660.45 feet to Station 14+00; Thence continue North 88 degrees 02'50" East 1100 feet to Station 25+00 and the end of this survey line description.

PARCEL TWO

Lot 80 (Less the North 30 feet of the East ½ of Lot 80), the East ½ of Lot 81, the West ½ of Lot 83 and Lot 82 of Slavia Colony Co.'s Subdivision in Section 20, Township 21 South, Range 31 East, according to the plat thereof as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida.

AND LESS A PORTION OF LOTS 82 AND 83, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the intersection of the Easterly right-of-way line of Mikler Road, according to the plat thereof, as recorded in Plat Book 6, page 14, of the Public record of Seminole County, Florida, with the Southerly Right-of-Way line of Red Bug Lake Road, for a Point of Beginning; thence run North 88 degrees 28'11" East along said Southerly right-of-way line, 987.25 feet to the East line of the West one-half aforesaid Lot 83; thence run South 01 degrees 02'35" East, along said East line, 96.50 feet to a point lying a non-tangent curve concave Northerly; thence run Westerly, along the arc of said right-of-way curve, having a radius length of 1377.26 feet, a central angle of 07 degrees 33'28", an arc length of 181.67 feet, a chord length of 181.54 feet, and a chord bearing of South 87 degrees 05'31" West to the point of tangency thereof; thence run North 89 degrees 07'45" West, 805.88 feet to the aforesaid Easterly right-of-way line of Mikler Road; thence run North 01 degrees 30'03" West, along the said Easterly right-of-way line, 66.53 feet to the Point of Beginning.

AND

The 30 foot unnamed right-of-way lying West of and adjacent to Lot 69 and East of and adjacent to Lot 80, Slavia Colony Co.'s Subdivision according to Plat Book 2, Page 71, of the Public Records of Seminole County, Florida, LESS AND EXCEPT that portion lying with 25 feet of the South lot lines of aforesaid lot 69 and 80.

AND LESS: The North 10 feet of Lots 82 and 83.

AND FURTHER LESS:

That part of Lots 82 and 83, THE SLAVIA COLONY COMPANY'S SUBDIVISION, according to the plat thereof recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida described as follows:

COMMENCE at the Southeast corner of the West 1/2 of Lot 83 of THE SLAVIA COLONY CO. S, according to the plat thereof, as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida: thence run N 01°02'35" W along the East line of said West 1/2 of Lot 83 for a distance of 214.65 feet to the POINT OF BEGINNING: thence run N 89°07'45" W for a distance of 985.96 feet to the East right-of-way line of Mikler Road, as recorded in Plat Book 6, Page 14, of said Public Records: thence run N 01°20'04" W along said right-of-way line for a distance of 300.22 feet to the Southerly right-of-way line of Red Bug Lake Road: thence run S 89°07'45" E along said right-of-way line for a distance of 805.88 feet to the point of curvature of a curve concave Northerly having a radius of 1377.26 feet: thence run Easterly along said curve and said right-of-way line through a central angle of 07°33'38" for a distance of 181.74 feet to a point of non-tangency: thence run S 01°02'35" E along said East line of the West 1/2 of Lot 83 for a distance of 312.15 feet to the POINT OF BEGINNING.

Containing 6.812 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

PARCEL C

The East ½ of lot 83 and the North 30 feet of the East ½ of Lot 80, Slavia Colony Company's Subdivision, according to the plat thereof as recorded in Plat Book 2, page 71, of the Public Records of Seminole County, Florida.

LESS A PORTION OF LOT 83, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the Northeast corner of said Southeast Quarter, for a point of reference; thence run South 00 degrees 56'47" East, along the East line of said Southeast Quarter, 32.00 feet; thence run South 88 degrees 26'11" West, a distance of 15.00 feet to a point lying on the Southerly right-of-way line of Red Bug Lake Road and a Point of Beginning; thence run South 00 degrees 56'47" East, along the East line said Lot 83, a distance of 36.19 feet; thence run South 78 degrees 43'52" West, 231.95 feet to a point of curvature of a curve concave Northerly; thence run Westerly, along the arc of said curve, having a radius length of 1377.26 feet, a central angle of 04

degrees 34'56", an arc length of 110.14 feet, a chord length of 110.11 feet, and a chord bearing of South 81 degrees 01'20" West to the Westerly line of the East One-Half of the aforesaid Lot 83; thence run North 01 degrees 02'35" West, along the Westerly lot line 89.50 feet to the aforesaid Southerly right-of-way line of Red Bug Lake Road; thence North 88 degrees 26'11" East, along said Southerly right-of-way line 337.41 feet to the Point of Beginning.

AND FURTHER LESS: The North 10 feet of Lot 83.

AND LESS A PORTION OF LOTS 82 AND 83, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the intersection of the Easterly right-of-way line of Mikler Road, according to the plat thereof, as recorded in Plat Book 6, page 14, of the Public Records of Seminole County, Florida, with the Southerly Right-of-Way line of Red Bug Lake Road, for a Point of Beginning; thence run North 88 degrees 28'11" East along said Southerly right-of-way line, 987.25 feet to the East line of the West one-half aforesaid Lot 83; thence run South 01 degrees 02'35" East, along said East line, 96.50 feet to a point lying a non-tangent curve, concave Northerly; thence run Westerly, along the arc of said right-of-way curve, having a radius length of 1377.26 feet, a central angle of 07 degrees 33'28", an arc length of 181.67 feet, a chord length of 181.54 feet, and a chord bearing of South 87 degrees 05'31" West to the point of tangency thereof, thence run North 89 degrees 07'45" West, 805.88 feet to the aforesaid Easterly right-of-way line of Mikler Road; thence run North 01 degrees 30'03" West, along the said Easterly right-of-way line, 66.53 feet to the Point of Beginning.

PARCEL D

The West ½ of Lot 68, Slavia Colony Company's Subdivision, according to Plat Book 2, page 71, of the Public Records of Seminole County, Florida, LESS the North 10 feet thereof, FURTHER LESS the following described property:

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE WEST HALF OF LOT 68, " THE SLAVIA COLONY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, FOR A POINT OF REFERENCE: THENCE RUN SOUTH 00 DEGREES 56'47" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 25.00 FEET; THENCE NORTH 89 DEGREES 46'33" EAST, A DISTANCE OF 15.00 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF RED BUG LAKE ROAD, WITH THE WESTERLY LINE OF AFORESAID LOT 68, FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 46'33" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 60.00 FEET; THENCE RUN SOUTH 63 DEGREES 49'30" WEST TO THE AFORESAID WESTERLY LINE OF LOT 68, A DISTANCE OF 66.32 FEET; THENCE RUN NORTH 00 DEGREES 56'47" WEST, ALONG SAID WEST LINE, 29.02 FEET, TO THE POINT OF BEGINNING.

D. SE Mikler Road/Red Bug Lake Road Rezone; CPH Engineers, Inc. / Javier E. Omana, applicants; approximately 44 acres; rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) and Large Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development); located east of Mikler Road and south of Red Bug Lake Road at Slavia Road intersection. (Z2004-013)

District 1 - Commissioner Maloy
Jeffrey Hopper, Senior Planner

Mr. Hopper stated that the applicant, Javier Omana, is requesting a Large Scale Land Use Amendment from Low Density Residential to Planned Development and a rezone from A-1 (Agriculture District) to Planned Development. The site consists of approximately 44 acres located south of Red Bug Lake Road, east of Mikler Road at the Slavia Road intersection. The applicant is proposing a combination commercial and office development on the site, to be known as Mikler Shoppes, consisting of 151,000 square feet of retail and 17,500 square feet of office floor area.

Mr. Hopper stated that four of the seven buildings shown on the proposed site plan would be entirely commercial, while the 3 remaining buildings would have 1st floor retail with 2nd floor office uses. In these 3 buildings, an optional use would be multi-family dwelling units on the 2nd floor, to a maximum of 10 units on the site. Access to the site would be from Red Bug Lake Rd. on the north, Mikler Rd. on the west, and Slavia Rd. on the east. Buildings and parking would be limited approximately to the north ½ to 2/3 of the property, with the remainder on the south to be used as stormwater retention and a water feature.

Mr. Hopper noted that a previous application on this property proposed a Super-Wal Mart facility. While the new request is still primarily commercial, there are a few important differences that should be noted:

- Total floor area would be approximately 168,000 square feet as compared with 205,000 square feet in the previous request.
- Commercial uses would be broken up among a number of buildings, the largest of which would be approximately 40,000 square feet in size, while Wal Mart would have placed more than 200,000 square feet in one building. No single use would necessarily dominate the development.
- Parking and structures would be kept 500-600 feet from the residential land to the south, while the Wal-Mart building would have been built within 350 feet of the south property line.

Staff recommendation on the new proposal is based partly on the water feature, which would serve both as a visual amenity and a buffer area 500 - 600 feet wide to serve as a transition between commercial uses along Red Bug Lake Road and low density residential uses associated with Mikler Rd. to the south.

Mr. Hopper said that the recommendation is also based on the existing commercial zoning along Red Bug Lake Rd. to the east and west of the site. The Oviedo Crossings PUD lies directly across Slavia Road and includes a number of planned and existing commercial sites

going eastward along Red Bug to the SR 417 interchange area. To the west of the site is a 6.8 acre PCD, extending to the Mikler Road intersection, where low intensity commercial uses have already been approved. To the west of Mikler Rd. are 2 assisted living facilities which effectively form the west end of nonresidential uses associated with the Red Bug / SR 417 interchange.

Therefore, with some limits on development intensity, and an effective buffer on the south, the proposed PCD would provide an appropriate transitional use between higher intensities to the east and lower intensities to the west.

Staff recommends transmittal of the large scale land use amendment and approval of the requested rezone subject to the conditions listed in the development order and your staff report. These conditions include the following:

- No structures or parking shall be permitted within 500 feet of Mikler Road.
- Allowable uses shall be those listed as permitted or conditional uses in C-1, but prohibiting gasoline pumps and hospitals.
- Building heights shall be limited to 40 feet for structures within 300 feet of Red Bug Lake and Slavia Roads, 35 feet for all others.

Mr. Omana said that he was representing three of the property owners. They have listened to the comments made pertaining to the Wal Mart application. The property owners want to propose a transitional use here. No "big boxes." These are land owners who have been in the area for 30 to 40 years. They want to leave a positive legacy.

As for the geotechnical aspects of the site, Mr. Omana stated that he faxed information to staff today. The site has been used for grazing and farming. A substantial part of the site is muck. This means higher development costs. For Low Density Residential – four units per acre- it would be financially unfeasible. Development costs normally range from \$10,000 – 15,000. This site will cost \$400,000 per acre or \$100,000 per lot. Land costs added in bring costs to a half million dollars per acre. Mr. Omana stated that five builders have examined the property and have walked away from doing single family home development on the site

Mr. Omana stated that the owners concur that this is a transitional site. Adjacent property to the west, at the southeast corner of Mikler Road and Red Bug Lake Road is a PCD. That would make this site a transitional infill site. Plans will provide generous buffers and a 16 acre pond. This is a plan he is proud of. Possible façade options may be included in the approval.

Commissioner Eismann asked what concerns the neighborhood group meetings had expressed to the applicants.

Mr. Omana indicated that they did not want "big box" projects. The area residents also wanted walkway hook ups, no intense development, but they did want restaurants and a mixed use concept.

Commissioner Hattaway stated that this transitional area must "step down" to residential uses. She questioned the 40 foot height as being too great.

Mr. Omana said that they could limit building heights to 2 stories, but that roof units should be shielded from residences. This can be done at the time of Final Master Plan approval.

Commissioner Bates questioned the placement of the parking lots near the road.

Mr. Omana stated that the buildings were being located near the water feature as a positive benefit. Red Bug Lake Road is super-elevated in this area and therefore the parking lot will not be visible from the roadway. Plans are not finalized at this point as to the drop from the roadway or other fine points.

Commissioner Tucker asked about use of the 4-way light at the intersection to the north.

Matt West said that the light is part of the Oviedo Crossing Planned Development.

Commissioner Tucker inquired about single family lot development costs.

Mr. Omana used a map to indicate a large portion of the site as having muck pockets of more than 10 feet in depth. This is very costly to work with.

Bob Navidomskis of 1999 Slavia Road, Oviedo said that this is a nice project. He built the Church Street project. He has lived in the area for 24 years. This is a project that needs support.

Cecil Stone, another property owner, stated that this project is being done without corporate funding as the previous application was.

Mike Kraus of 3173 Bothwell Court, Oviedo is the Vice Chairman of the Red Bug Coalition, representing 18 subdivisions comprising 7,500 residents in the area. He stated that he is opposed to this application. Intensity is an issue. Mr. Kraus has had a career in land development. He said that the applicant has not listened to the people. The entire parcel will not have to be remediated in order for it to be made residential. This abuts 200 acres of residential subdivisions. The applicant should consider partial development of the parcel.

Greg Pryor of 1478 Thornhill Circle is Chair of the Red Bug Residential Coalition. He said that trends in the area are residential. Slavia Road has been the dividing line; it decreased density and ended at the 7-11. Part of Mr. Stone's property is commercial. We do not oppose this. The Wal Mart was 230,000 square feet. This project could be up to 261,500 square feet. Intensity is a problem. The applicant is maximizing the commercial value of the land. Mr. Pryor concluded by quoting from the Wal Mart application's staff report saying it was incompatible.

In rebuttal, Mr. Omana restated that 5 residential builders had walked away from the prospect of developing the site. This site and its surroundings have changed. The trend is not residential. There is a PCD on the northwest quadrant. The line for commercial has moved to Mikler Road. The Assisted Living Facility in the area is quasi-commercial, not residential use. The math does not add up for residential here. Commercial development is half the cost.

Commissioner Hattaway asked Mr. Kraus what his credentials were.

Mr. Kraus stated that he was an independent registered professional engineer.

Commissioner Tucker inquired about the outparcel.

Matt West said that it is the "C.A. Stone PCD." This has restrictions on it. It could become a bank, for example. He said that the Low Density Residential piece on the southwest portion of the site was left out of this request. The bulk of that parcel is buildable. It is not recommended for commercial use at this time. New projects have been indicated for major intersections. The County Engineer has indicated that Slavia Road is operating as a collector road and should be classified as such. The previous application put the Wal Mart building a lot closer to the residential uses than is proposed here. Looking to the future, the proposed buildings could be revamped or redeveloped in the future by portions.

Commissioner Tucker asked Mr. West to address the Land Use Amendment.

Mr. West stated that staff had received Mr. Omana's report today. Location of buildings, buffers, light pollution, noise reduction will all have to be considered. There is a PCD and a 7-11 nearby.

Commissioner Tucker asked about the high tension lines in the area.

Mr. West could not comment since he had no information on this.

Commissioner Tucker asked if the light on the Slavia intersection will be a 4-way light.

Mr. West said that the signal will be at Mikler Road. Access at Palomino may be controlled.

Commissioner Bates reiterated that this should not become a "big box" project.

Mr. West agreed and stated that drive-through businesses were prohibited. This request is to be heard by the Board of County Commissioners on July 13. The State then takes 90 days to make comments. October 26 is the tentative adoption hearing. The State usually comments 3 weeks before.

LARGE SCALE LAND USE AMENDMENT**AND REZONE/OMANA**

Continuation of a public hearing from August 24, 2004, to consider approval of transmitting a Large Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD), and Rezone from A-1 to PCD on approximately 44 acres located east of Mikler Road and south of Red Bug Lake Road at the Slavia Road intersection; as described in the proof of publication, Javier E. Omana.

Jeff Hopper, Senior Planner, addressed the Board to present the request, stating staff recommends transmittal and approval to rezone. Since the staff report was prepared, the applicant and the Red Bug Coalition have reached an agreement, submitted tonight as Conditions A-P (copy received and filed).

District Commissioner Maloy stated several meetings were held and he spent a lot of time talking to the applicant and the Coalition. There were a lot of good ideas expressed. The conditions were discussed by both parties and they agreed. He said the architectural and landscape details would be for the Board to approve in December. The Board will get more details back before that occurs.

Javier Omana, applicant's representative, addressed the Board to state they concur and acknowledge the recommendation to transmit.

Greg Pryor, Red Bug Coalition, 1478 Thornhill Circle, addressed the Board to state they agree with the conditions. He thanked the Commissioners who took the time out of their schedule to meet with them and give candid input.

No one else spoke in support or in opposition.

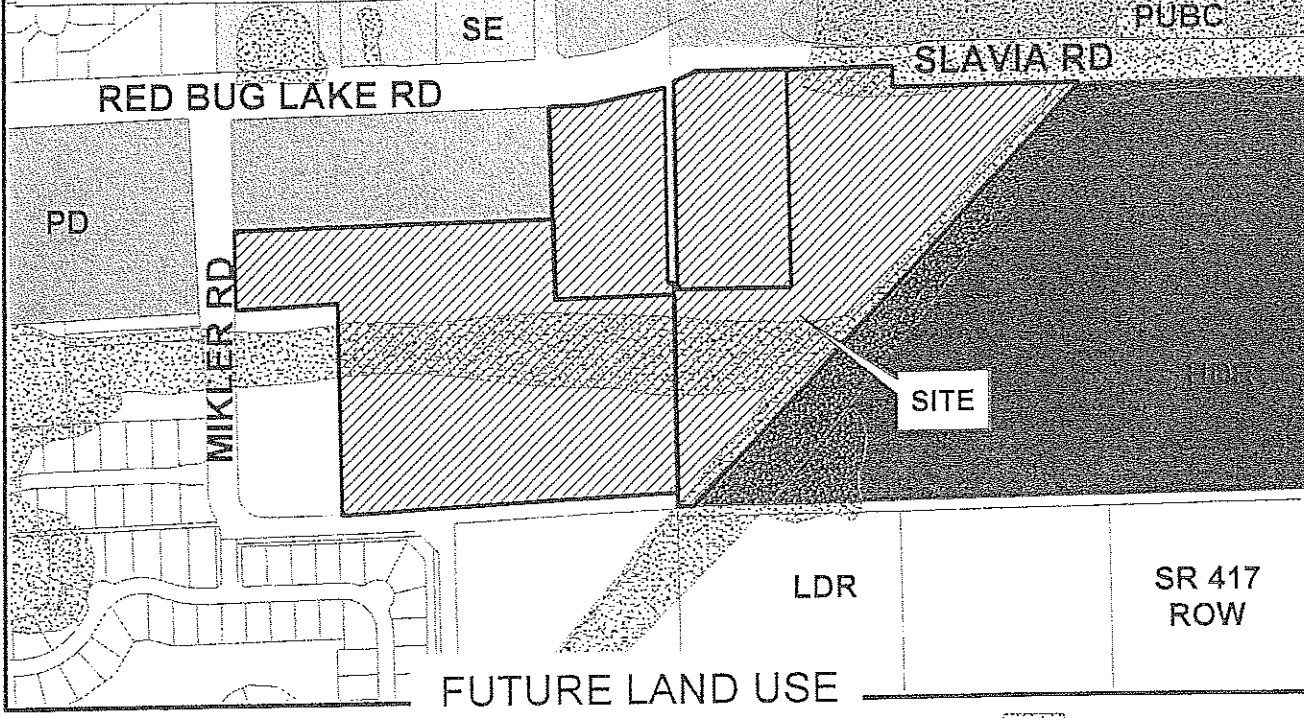
Speaker Request Form for Mr. Pryor was received and filed.

Numerous fax letters and emails in opposition were received and filed.

Motion by Commissioner Maloy, seconded by Commissioner Van Der Weide, to transmit the request for a Large Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD), and Rezone from A-1 to PCD on approximately 44 acres, located east of Mikler Road and south of Red Bug Lake Road at the Slavia Road intersection; as described in the proof of publication, Javier E. Omana, with new Conditions A-P as agreed upon and distributed.

Districts 1, 2, 3, 4 and 5 voted AYE.

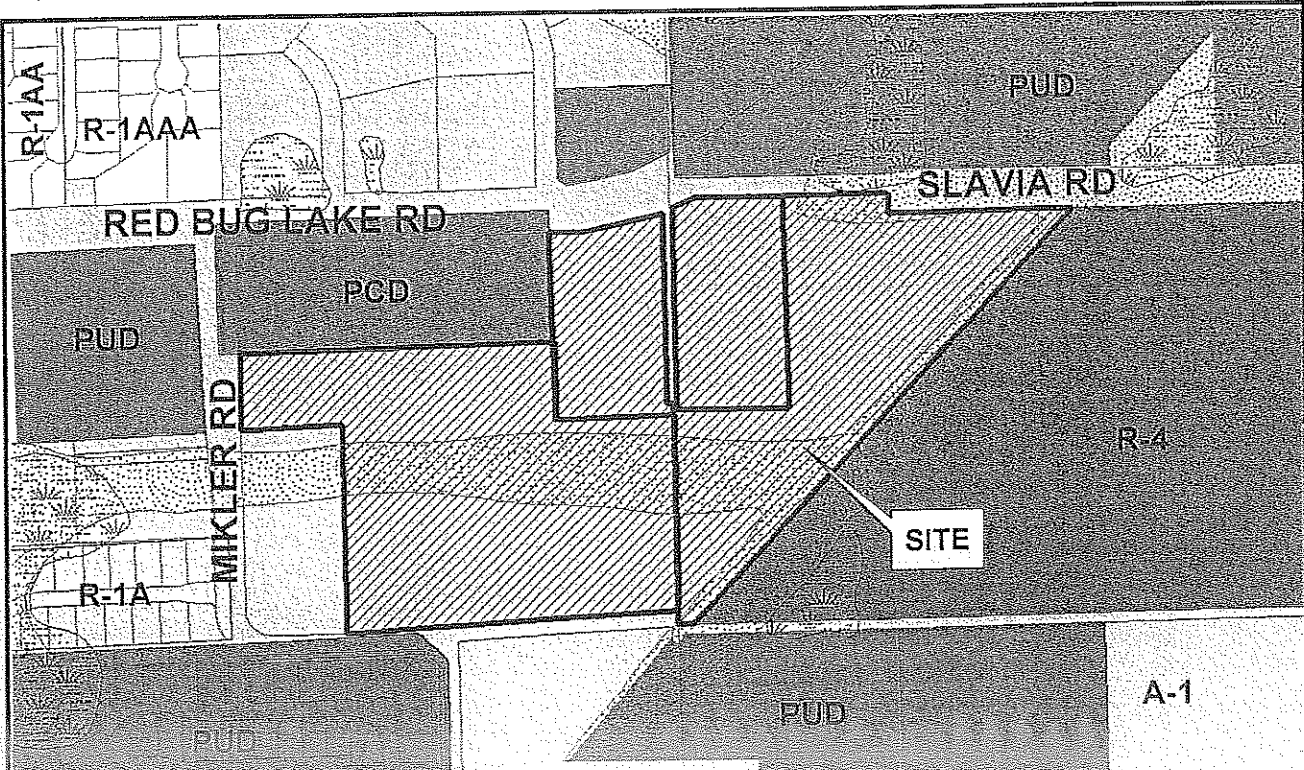
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



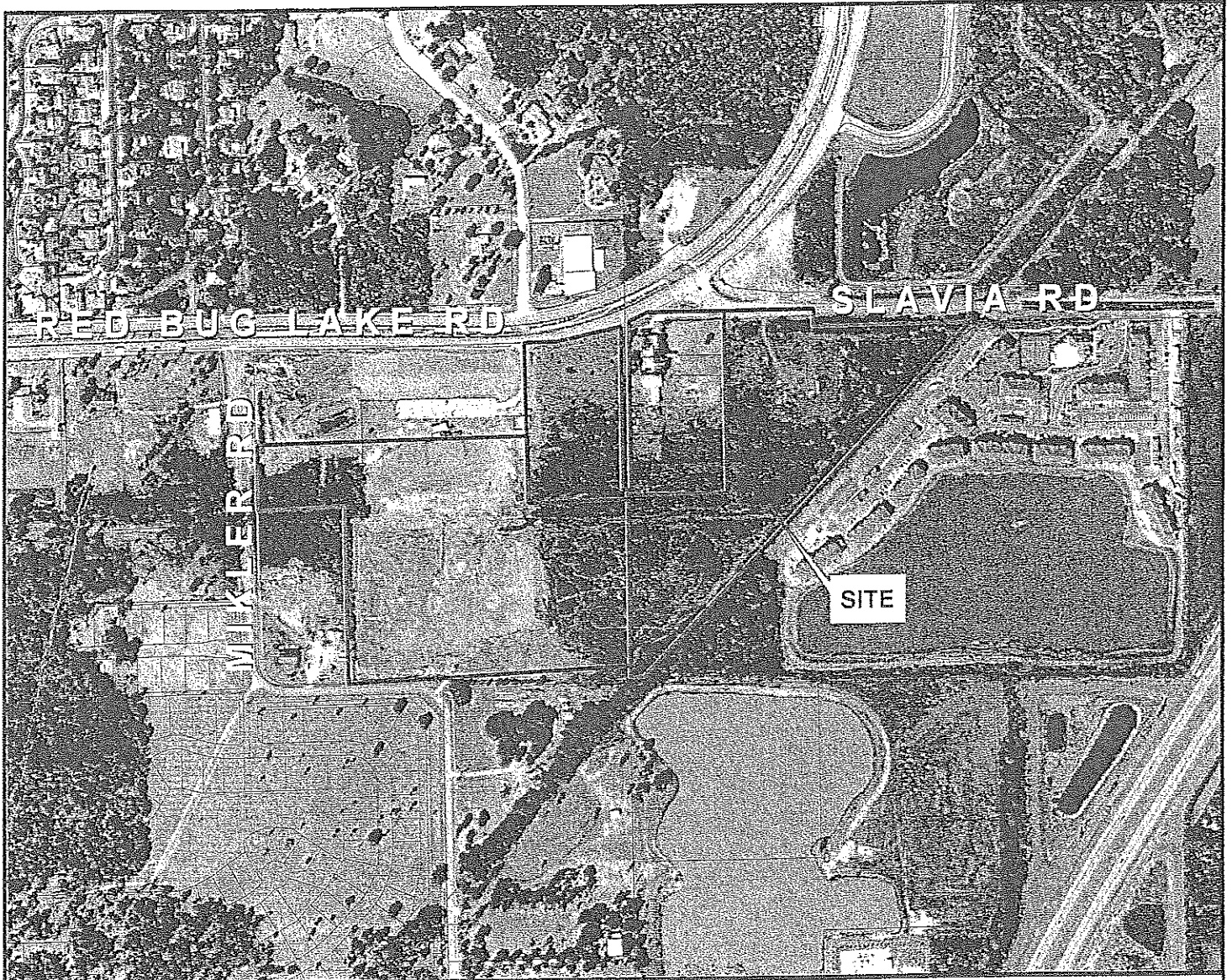
Site
 SE
 LDR
 HDR
 PD
 PUBC
 CONS

Applicant: CPH Engineers, Inc.
 Physical STR: 16-21-31-5CA-0000-0670, 0680, 0800 & 0830
 Gross Acres: 43.67 BCC District: 1
 Existing Use: Single Family Residential and Vacant
 Special Notes: None

	Amend/ Rezoned#	From	To
FLU	04F.FLU02	LDR	PD
Zoning	Z2004-013	A-1	PCD



Site
 A-1
 R-1AAA
 R-1AA
 R-1A
 R-4
 PUD
 PCD



Amendment No: 04F.FLU02
From: LDR To: PD
Rezone No: Z2004-013
From: A-1 To: PCD

- Parcel
- Subject Property



February 1999 Color Aerials