

Item # 47

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Sanlando Partners, Request for Small Scale Land Use Amendment from MDR (Medium Density Residential) to PD (Planned Development) and Rezone from RM-1 (Single Family Mobile Home District) to PCD; and Final Site Plan and Developer's Commitment Agreement (James L. Brockman, applicant).

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

AUTHORIZED BY: Donald Fisher **CONTACT:** Jeff Hopper **EXT.** 7431

Agenda Date <u>4/08/03</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

1. Enact an ordinance to APPROVE the request for Small Scale Land Use Amendment from MDR (Medium Density Residential) to PD (Planned Development) and Rezone from RM-1 to PCD, subject to conditions set forth in the Development Order; and APPROVE the Final Site Plan and Developer's Commitment Agreement on property located 300' south of SR 434 on the west side of Manor Avenue (James L. Brockman, applicant); or
2. DENY the request for Small Scale Land Use Amendment from MDR (Medium Density Residential) to PD (Planned Development) and Rezone from RM-1 to PCD; and DENY the Final Site Plan and Developer's Commitment Agreement (James L. Brockman, applicant); or
3. Continue the item to a time and date certain.

(District 3 – Comm. Van Der Weide)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant proposes to add property to an existing veterinary clinic site at 2500 West SR 434, fronting the south side of SR 434 between Lakeshore Drive and Manor Avenue. The structure and the majority of the site are located in a C-2 classification, with a recent parking lot addition on property in CN extending toward the south. The entire site is in the Commercial future land use designation.

Reviewed by: <u>RZC</u> Co Atty: _____ DFS: _____ OTHER: <u>MMW</u> DCM: _____ CM: <u>JS</u> File No. <u>ph130pdp06</u>
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Adjoining the property on the south side is Mobile Manor, a residential subdivision in RM-1. Having already extended the site southward into this development, the applicant now proposes to incorporate an additional lot (0.125 acres) for the purpose of providing more parking.

On this three-frontage development site, commercial zoning and land use now extends a distance of approximately 370 feet from SR 434 down Lakeshore Drive on the west, and 300 feet down Manor Avenue on the east. The request would extend commercial use an additional 54 feet south on Manor Avenue. The requested PCD zoning and Planned Development land use would limit use of the additional property to parking, providing for setbacks and buffering from adjoining residential property. The proposed additional parking would be an extension of an existing parking lot, and no new access points would be provided on Manor Avenue.

PLANNING & ZONING COMMISSION RECOMMENDATION:

At its March 5, 2003 meeting, the Planning & Zoning Commission voted 7-0 to recommend APPROVAL of the request.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment and Rezone per the attached Development Order and site plan. In addition, Staff finds that the proposed Final Site Plan and Developer's Commitment Agreement are consistent with the Preliminary Master Plan and development order, and the Vision 2020 Plan. Therefore, staff is recommending approval of the Final Site Plan and Developer's Commitment Agreement.

**MINUTES FOR THE SEMINOLE COUNTY
LPA/P&Z COMMISSION
MARCH 5, 2003**

Members present: Alan Peltz, Dick Harris, Chris Dorworth, Thomas Mahoney, Ben Tucker, Beth Hattaway, Dudley Bates

Also present: Matt West, Planning Manager, Rob Walsh, Principal Coordinator Planning Division, Jeff Hopper, Senior Planner, Cynthia Sweet, Planner, Tony Matthews, Principal Planner, Mahmoud Najda, Development Review Manager, Karen Consalo, Deputy County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant

D. Sanlando Springs Animal Hospital; Sanlando Partners / James L. Brockman, applicant; 0.125 acres; Small Scale Land Use Amendment from Medium Density Residential (MDR) to Planned Development (PD); and Rezone from RM1 to PCD; west side of Manor Avenue, 300 feet south of State Road 434 (12.02SS.01 and Z2002-111).

Commissioner Maloy - District 1

Jeff Hopper, Senior Planner

Mr. Hopper introduced the request and location of the application. The purpose of the application is to provide additional parking for the existing animal hospital. The lot is approximately 55 by 100 feet and would be incorporated into the existing site. No new structures would be placed on the site. Staff recommends approval of the request, subject to the eight (8) conditions stated in the staff report, the access to the lot will be from the existing entrances on Manor Avenue with no new curb cuts permitted, limitation on the site to landscape buffers and parking only, property shall be subject to the active buffer requirements of the Land Development including a 25 foot buffer and a 6 foot brick or masonry wall, and no outdoor lighting fixtures are to be installed on the subject property.

Commissioner Tucker asked about accessibility on pavement.

Mr. Hopper said the access was paved.

Commissioner Hattaway inquired about the width of the parking spaces on the site now.

Mr. Hopper stated that they were 10 feet by 20 feet.

Dr. Jim Brockman stated that he has been in practice there since 1982, and when he had the opportunity to expand the parking for the facility, he took it.

There were no questions from the Board and the public hearing was closed.

Commissioner Peltz made a motion to approve the request incorporating the terms of the staff report.

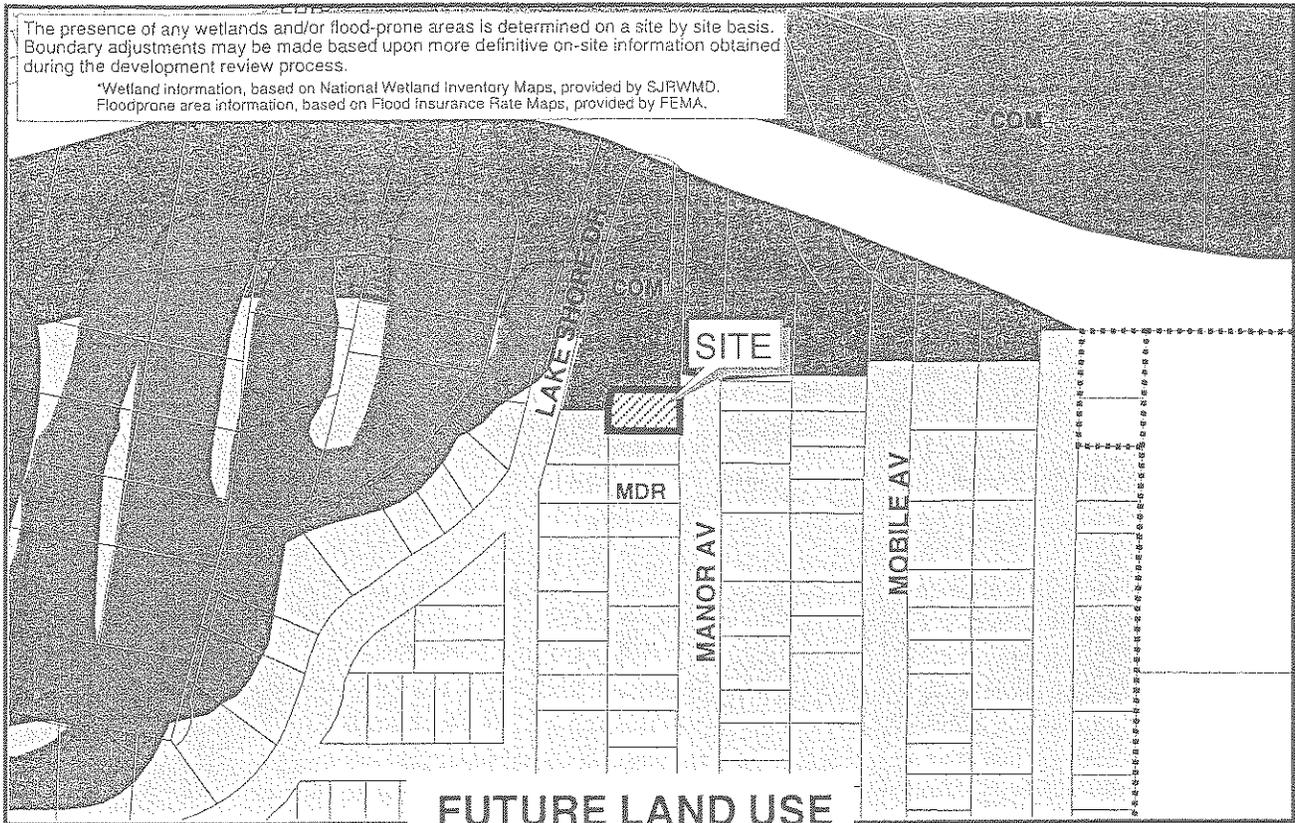
Commissioner Harris seconded the motion.

There was no discussion.

The motion passed by unanimous vote.

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.
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



FUTURE LAND USE

Site
 Municipality
 COM
 MDR

Applicant: Sanlando Partners (James L. Brockman)

Physical STR: 03-21-29-505-0G00-0050

Gross Acres: +/- .125 BCC District: 3

Existing Use: Mobile Home

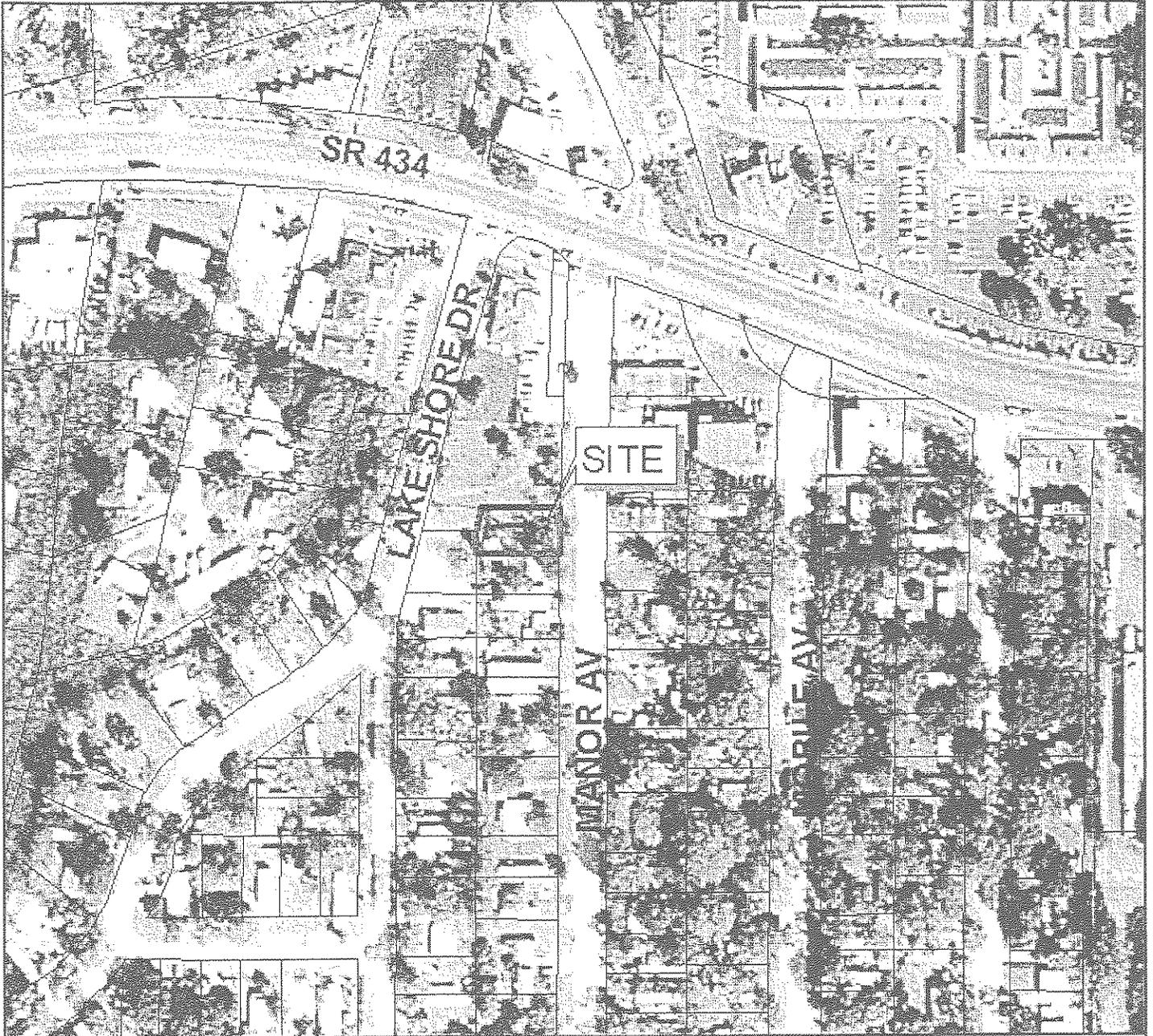
Special Notes:

	Amend/ Rezone#	From	To
FLU	12-02SS.01	MDR	PD
Zoning	Z2002-111	RM-1	PCD



ZONING

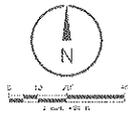
C-1
 C-2
 R-1A
 CN
 OP
 RM-1



Amendment No. 12-02SS.01
From: MDR To: PD
Rezone No. Z2002-111
From: RM-1 To: PCD
☐ Subject Property
☐ Parcelbase

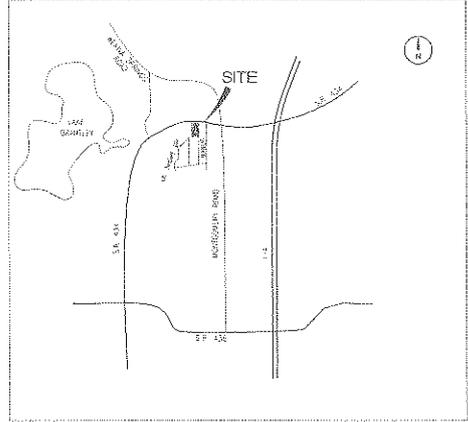


February 1999 Color Aerials

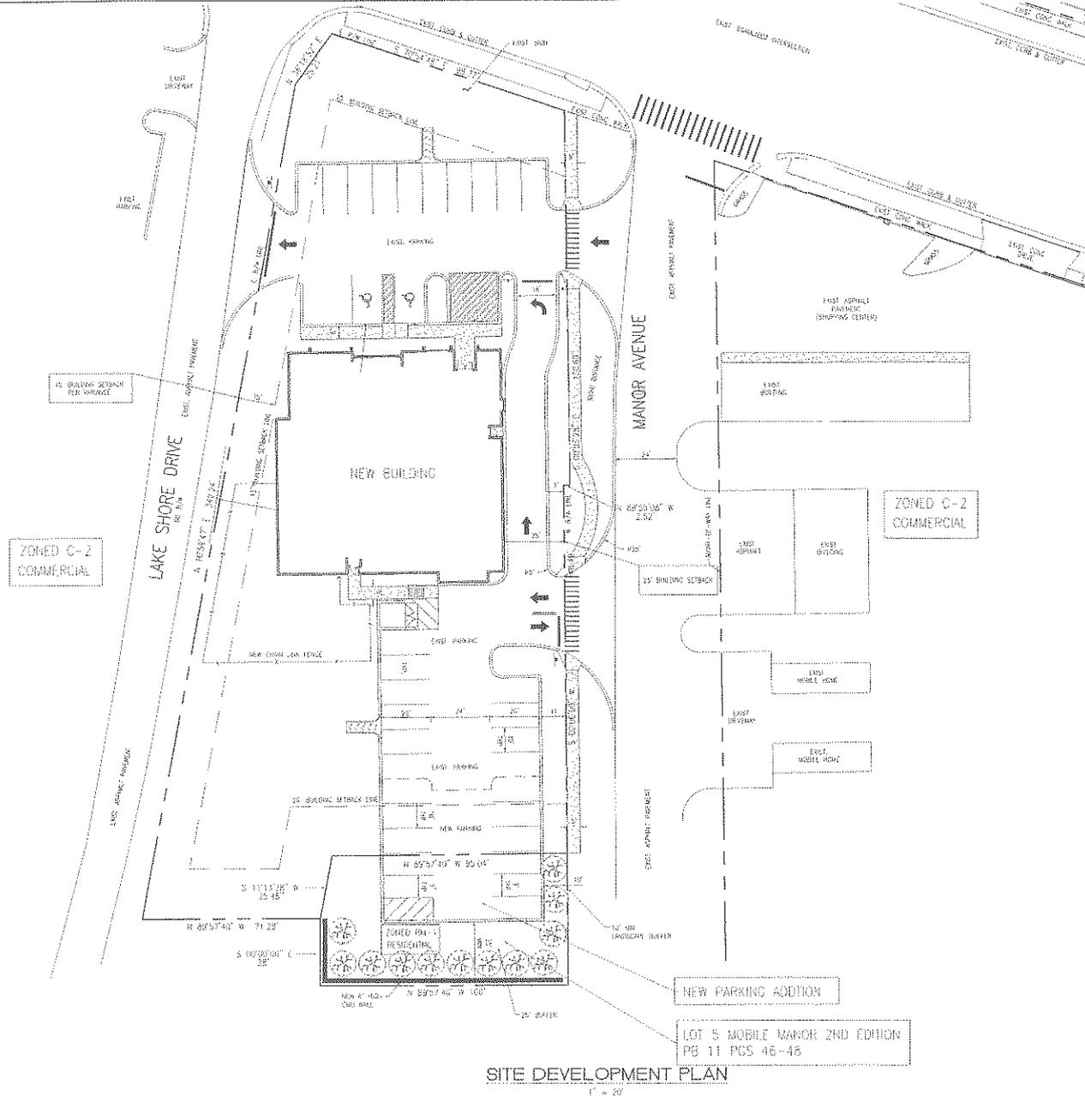


LEGAL DESCRIPTION

Lots 1, 2, 3, 4, 24, 25, 26, and 27, Block 10, MOBILE MANOR SECOND EDITION, according to the plat thereof as recorded in Plat Book 11, Pages 46, 47, and 48 of the Public Records of Seminole County, Florida; and Lots 16 and 26, MOBILE MANOR SECOND EDITION REPHAL, according to the plat thereof as recorded in Plat Book 14, Page 26, of the Public Records of Seminole County, Florida. LESS the following described land, a triangular parcel of land lying on Lot 21, Block 2, MOBILE MANOR SECOND EDITION, recorded in Plat Book 11, Pages 46, 47, and 48, Public Records of Seminole County, Florida, more particularly described as follows: BEGIN at the intersection of the South Right-of-Way Line of State Road 5-434, Section 77000 and the East Right-of-Way Line of Lake Shore Drive, thence run Southwesterly, along said East Right-of-Way Line of Lake Shore Drive, a distance of 24 feet, thence run Northwesterly, along a straight line, to a point on the said South Right-of-Way Line of State Road 5-434, said point being 10 feet Easely in the Plane of Beginning, thence run Westerly, along said South Right-of-Way Line of State Road 5-434, a distance of 10 feet to the Point of Beginning, containing 1.03 Acres, more or less.



LOCATION MAP
NOT TO SCALE



SITE DEVELOPMENT PLAN
1" = 20'

NEW PARKING ADDITION
LOT 5 MOBILE MANOR 2ND EDITION
PG 11 PGS 46-48

LEGEND:

REPAVED PAVEMENT	LINE	NEW
CONCRETE PAV.		
CONCRETE CURB		
FENCE		
LIGHT POLE	11'	
TRNG MIDSPAN	11'	
FLAMES POLE	11'	
NOE	11'	

PARKING EXPANSION PLAN
SANLANDO SPRINGS ANIMAL HOSPITAL
SEMINOLE COUNTY, FLORIDA

7/1/12 PRELIMINARY PLAN, LOT 5, MOBILE MANOR 2ND EDITION, PG 11, PGS 46-48

Plan No. **0005**

Scale **MP-1**

DESIGN • DESIGN • PLANNING • ENGINEERING
SKConsortium, Inc.
100 EASTERN AVENUE, SUITE 100 • WINTER PARK, FLORIDA 32789
TEL: 407-949-4444 • FAX: 407-949-1034

SEMINOLE COUNTY

Sanlando Partners Rezone and Land Use Amendment Staff Report

Medium Density Residential (MDR) to Planned Development (PD)		Amendment (Z2002-111 12-02SS.01)
REQUEST		
APPLICANT	James L. Brockman	
PLAN AMENDMENT	Medium Density Residential (MDR) to Planned Development (PD)	
REZONING	RM-1 to PCD	
APPROXIMATE GROSS ACRES	0.125	
LOCATION	West side of Manor Ave., 300' south of SR 434	
BCC DISTRICT	District 3 – Van Der Weide	
RECOMMENDATIONS AND ACTIONS		
PLANNING & ZONING COMMISSION RECOMMENDATION March 5, 2003	The Planning & Zoning Commission voted 7-0 to recommend Approval of the request	
STAFF RECOMMENDATION	Recommend adoption of the Planned Development future land use designation and rezoning to PCD, as proposed, on subject property on the west side of Manor Ave., 300' south of SR 434.	

STAFF ANALYSIS

Medium Density Residential (MDR) to Planned Development (PD)		Amendment (Z2002-111 12-02SS.01)
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1. Property Owners: Sanlando Partners

2. **Tax Parcel Number:** 03-21-29-505-0G00-0050

3. **Development Trends:** Development on the south side of SR 434 in this area is largely commercial, with numerous contact points between residential and commercial land use and zoning. Opportunities to provide transitional land use and zoning designations, such as Office and OP, are generally not present in the neighborhood. While this proposal represents a further progression of commercial use toward the south along Manor Avenue, it is not significantly out of line with existing commercial patterns in the area. The average depth of commercial use on properties immediately west of Lakeshore Drive is 300 feet. The current request exceeds that average, but is less than the applicant's 370- foot commercial frontage on Lakeshore Dr.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Medium Density Residential, currently assigned to the subject property, permits residential development at a maximum density of 10 dwelling units per acre in single- or multi-family configurations. The existing RM-1 zoning allows mobile home residential use. A mobile home is located on the property.

Location	Future Land Use*	Zoning*	Existing Use
Site	MDR	RM-1	mobile home
North	Commercial	CN	veterinary clinic (existing parking area)
South	MDR	RM-1	mobile home
East	MDR	RM-1	mobile home
West	MDR/Commercial	RM-1/CN	vacant/ veterinary clinic

• 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).*

The subject property would be incorporated into an existing commercial site located at the southwest corner of Manor Ave. and SR 434. Access to the subject property would be through an entrance on Manor Ave. approximately 300 feet south of that street's intersection with SR 434, an Arterial road. The existing Level of Service (LOS) on this portion of SR 434 is "E", with an adopted LOS standard of "E".

B. **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 (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Station #16. 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 (Implementation Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, 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 less than 5% wetlands or flood prone areas, and can be developed within 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 of compatibility, the recommended Planned Development (PD) land use, in conjunction with development limitations contained in the proposed PCD master plan and Development Order, would accommodate the applicant's proposed land use while assuring compatibility with surrounding neighborhoods. The PD land use is consistent with Plan policies identified at this time and therefore is consistent with the Vision 2020 Plan.

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)

The applicant proposes an extension of an existing parking area for a veterinary clinic facility which has been developed in a Commercial land use designation under C-2 and CN zoning. The proposal would provide for additional vehicle parking, but no expansion of the commercial use beyond existing boundaries of Commercial land use and zoning. The requested Planned Development land use and PCD zoning would afford greater protection than standard zoning for surrounding properties against adverse impacts.

Other applicable plan policies include:

FLU 2.11: Determination of Compatibility in the PCD Zoning Classification. Under this policy, the County shall evaluate the compatibility of proposed uses or structures with surrounding neighborhoods and uses. The heavy commercial nature of the proposal is potentially inconsistent with established development patterns in the area; however, special development standards can be implemented through the PCD approval process which can mitigate negative impacts on neighboring properties. These include fencing, landscaping, lighting limitations, and specified hours of operation. With such standards in place, compatibility can be achieved with existing single family development in the area and other potential residential development at higher densities.

FLU 2.1: Subdivision Standards.

FLU 2.2: Regulation of Active Uses.

Planned Development 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.

STAFF RECOMMENDATIONS:

As shown on the site plan submitted by the applicant, the proposed parking spaces would encroach slightly into the required active buffer on the south property line. These spaces

are optional and not needed to meet Code requirements. As a means of eliminating the encroachment, a minimum 9-foot width should be considered.

Staff recommends APPROVAL of the request subject to the following conditions:

1. Permitted use of the property shall be limited to parking of vehicles and associated landscaping and buffering for the existing animal hospital facility.
2. Parking spaces shall be a minimum of 9 feet in width. This shall apply to the PCD area only, and not to the CN or C-2 portions of the site.
3. Access to the property shall be through the existing parking facility and entrance to the site on Manor Ave. No new curb cuts shall be permitted.
4. Where it abuts residential zoning, the property shall be subject to active buffer requirements specified in the Land Development Code, including a 25-foot landscape buffer and 6-foot brick or masonry wall. The site plan shall be revised as necessary to show compliance with this requirement.
5. A landscape buffer having a minimum width of 10 feet shall be provided on the east side of the property, with a minimum of 8 canopy trees per 100 linear feet, per LDC requirements for an active buffer.
6. No outdoor lighting fixtures shall be installed within 50 feet of the south property line.
7. No inoperable, junked or abandoned vehicles shall be parked on the property.
8. Public access to the property shall be prohibited between 9 p.m. and 6 a.m.

FILE # Z2002-111

DEVELOPMENT ORDER # 2-20000025

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On April 8, 2003, 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 Owner: Lam H. Nguyen

Requested Development Approval: Rezoning from RM-1 (Single Family Mobile Home) zoning classification to Planned Commercial Development (PCD) zoning classification

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. Permitted use of the property shall be limited to parking of vehicles and associated landscaping and buffering for the existing animal hospital facility.
- b. Parking spaces shall be a minimum of 9 feet in width. This shall apply to the PCD area only, and not to the CN or C-2 portions of the site.
- c. Access to the property shall be through the existing parking facility and entrance to the site on Manor Ave. No new curb cuts shall be permitted.
- d. Where it abuts residential zoning, the property shall be subject to active buffer requirements specified in the Land Development Code, including a 25-foot landscape buffer and 6-foot brick or masonry wall. The site plan shall be revised as necessary to show compliance with this requirement.
- e. A landscape buffer having a minimum width of 10 feet shall be provided on the east side of the property, with a minimum of 8 canopy trees per 100 linear feet, per LDC requirements for an active buffer.
- f. No outdoor lighting fixtures shall be installed within 50 feet of the south property line.
- g. No inoperable, junked or abandoned vehicles shall be parked on the property.
- h. Public access to the property shall be prohibited between 9 p.m. and 6 a.m.

(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.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of County
Commissioners of Seminole
County, Florida

By: _____
DARYL G. Mc LAIN, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, LAM H. NGUYEN, on behalf of himself and his heirs, 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

LAM H. NGUYEN

Print Name

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 LAM H. NGUYEN, 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 _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION:

LOT 5 BLK G MOBILE MANOR 2ND SECTION PB 11 PG 48

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE RM-1 (SINGLE FAMILY MOBILE HOME) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONING CLASSIFICATION; 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 documents titled "Sanlando Partners Rezone and 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. REZONINGS. The zoning classification assigned to the following described property is changed from RM-1 (Single Family Mobile Home) to PCD (Planned Commercial Development):

LEGAL DESCRIPTION ATTACHED 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, and this Ordinance shall be effective on the recording date of the Development Order # 2-20000025 in the Official Land Records of Seminole County.

ENACTED this 8th day of April, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

LOT 5 BLK G MOBILE MANOR 2ND SECTION PB 11 PG 48

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM MEDIUM DENSITY RESIDENTIAL TO PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan (“the Plan”); and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on March 5, 2003, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on April 8, 2003, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Sanlando Partners Rezone and Land Use Amendment Staff Report".

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners 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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by

amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

<u>Amendment Number</u>	<u>Amendment</u>
12-02SS.01	Amendment from Medium Density Residential to Planned Development

(b) The associated rezoning request was completed by means of Ordinance Number 2003-____.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) 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 and 163.3187, Florida Statutes.

(b) This Ordinance shall take effect upon:

- (1) Filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners; and,

- (2) The recording date of Development Order #2-20000025 in the Official Land Records of Seminole County.

ENACTED this 8th day of April, 2003.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain,
Chairman

EXHIBIT A

LEGAL DESCRIPTION:

LOT 5 BLK G MOBILE MANOR 2ND SECTION PB 11 PG 48

SANLANDO SPRINGS ANIMAL HOSPITAL PCD

**FINAL PCD MASTER PLAN
DEVELOPER'S COMMITMENT AGREEMENT
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

On the 8th day of April, 2003, the Board of County Commissioners of Seminole County issued this Agreement relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION

LOT 5 BLK G MOBILE MANOR 2ND SECTION PB 11 PG 48

2. PROPERTY OWNER

Lam H. Nguyen

3. REQUESTED DEVELOPMENT APPROVAL

Approval of a Final PCD site plan attached hereto as Exhibit "A" and incorporated herein by reference.

4. STATEMENT OF BASIC FACTS

- A. Total Area: 0.125 acres
- B. Zoning: PCD (Planned Commercial Development)
- C. Allowable Uses: Parking for Sanlando Springs Animal Hospital, and associated landscaping and buffering
- D. The development approval sought is consistent with the Vision 2020 Plan and will be developed consistent with and in compliance with all other applicable regulations and ordinances.
- E. 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.

5. **LAND USE BREAKDOWN**

USE	AREA (sq. ft.)	% OF SITE
Paved Parking & Maneuvering Areas	1,848	35.29
Landscape/Buffer Areas	2,820	53.86
Other Open Space	568	10.85
TOTAL	5,236	100.00

6. **OPEN SPACE**

Maintenance of open space common areas shall be funded by the Owner or its assigns.

Total Land Area: 5,236 sq. ft.

Required Open Space: 25% = 5,236 sq. ft x 0.25 = 1,309 sq. ft. open space

Open Space Provided:

a) Landscape/Buffer Areas	2,820 sq. ft.	54 percent of site
b) Other Open Space	<u>568 sq. ft.</u>	1 percent of site
TOTAL	3,388 sq. ft.	

7. **LANDSCAPE & BUFFER CRITERIA**

- A. Developer shall install a 25-foot landscape buffer along the south property line, and a portion of the west property line adjacent to residential zoning, consisting of the following:
 - 1. Minimum of 8 canopy trees per 100' (excluding pine trees), at least 2.5 inches in diameter with an overall average of 3.0 inches in diameter as measured 1 foot above ground; and
 - 2. A brick or masonry wall 6 feet in height.
- B. Developer shall install a 10-foot landscape buffer along the east property line, consisting a minimum of 8 canopy trees per 100' (excluding pine trees), at least 2.5 inches in diameter with an overall average of 3.0 inches in diameter as measured 1 foot above ground.
- C. Existing vegetation may be counted toward landscape requirements, as appropriate. Landscape plantings shall be maintained in a healthy condition per Code requirements.

8. **PARKING AND PUBLIC ACCESS**

- A. Parking spaces shall be a minimum of 9 feet in width. This shall apply to the PCD area only, and not to the CN or C-2 portions of the site.
- B. Access to the property shall be through the existing parking facility and entrance to the site on Manor Ave. No new curb cuts shall be permitted.
- C. No inoperable, junked or abandoned vehicles shall be parked on the property.
- D. Public access to the property shall be prohibited between 9 p.m. and 6 a.m.

9. **DEVELOPMENT COMMITMENTS**

- A. Permitted use of the property shall be limited to parking of vehicles and associated landscaping and buffering for the existing animal hospital facility.
- B. No outdoor lighting fixtures shall be installed within 50 feet of the south property line.
- C. No inoperable, junked or abandoned vehicles shall be parked on the property.

10. **STORMWATER AND FIRE PROTECTION**

Stormwater: Stormwater drainage and stormwater management shall be provided on-site according to Seminole County's and the St. Johns River Water Management District's Stormwater regulations.

Fire Protection: Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm and 20 p.s.i. Fire hydrants shall be located according to Seminole County regulations.

11. **SITE PLAN APPROVAL**

Prior to issuance of permits for site alterations, the developer must obtain site plan approval through the Seminole County Development Review Division.

12. **STANDARD COMMITMENTS**

- A. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.
- B. The conditions upon this development approval and commitment made as to this development approval have been accepted by and agreed to by the Owners of the property.
- C. This Agreement touches and concerns the aforescribed property, and the conditions, commitments, and provisions of this Agreement 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 Owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of this Agreement.
- D. The terms and provisions of this Agreement are not severable, and in the event any portion of this Agreement shall be found to be invalid or illegal, then the entire Agreement shall be null and void.
- E. Any additional requirements imposed by a Development Order or other action by the Board of County Commissioners of Seminole County in regard to the subject property are incorporated herein.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MaryAnne Morse
Clerk to the Board of County
Commissioners, Seminole
County, Florida

Daryl G. McLain
Chairman

As authorized for execution by the Board
of County Commissioners at their April 8,
2003 regular meeting.

OWNERS' CONSENT AND COVENANT

The undersigned parties hereby agree to the terms and conditions set forth herein this _____ day of _____, 2003:

Witness

LAM H. NGUYEN

Print Name

Witness

Print Name

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this _____ day of _____, 2003, by Lam. H. Nguyen, an individual, who is personally known to me or who produced _____ as identification.

Signature of Notary Public

(Print Notary Name)

My Commission Expires:

Commission No.:

Personally known or

Produced Identification

Type of Identification Produced

EXHIBIT A

Site plan

