

Item # 51

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Wayside Drive (5680); Advanced Eye Care: Small Scale Land Use
Amendment from LDR (Low Density Residential) to Office and Rezone
from A-1 (Agriculture District) to OP (Office Professional District) (Ben
Larson, applicant)

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Tina Deater **EXT.** 7440

Agenda Date <u>4/26/05</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 a Small Scale Land Use Amendment from LDR (Low Density Residential) to Office and Rezone from A-1 (Agriculture District) to OP (Office Professional District) on approximately 1.85 acres, located on the northeast corner of Wayside Drive and Orange Boulevard, and authorize the Chairman to execute the attached documents (Ben Larson, applicant); or
2. DENY the request for a Small Scale Land Use Amendment from LDR (Low Density Residential) to Office and Rezone from A-1 (Agriculture District) to OP (Office Professional District) on approximately 1.85 acres, located on the northeast corner of Wayside Drive and Orange Boulevard (Ben Larson, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 5 – Commissioner Carey

Tina Deater, Senior Planner

BACKGROUND:

The applicant, Ben Larson, proposes to convert an existing daycare on the northeast corner of Wayside Drive and Orange Boulevard to an eye care clinic. The proposal includes a Small Scale Land Use Amendment from Low Density Residential to Office and a rezone from A-1 to OP.

Reviewed by: <u>KR</u> Co Atty: _____ DFS: _____ OTHER: <u>MM</u> DCM: _____ CM: <u>TS</u> File No. <u>ph130pdp02</u>
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STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment and rezone, subject to the attached development order.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on April 6, 2005 and voted 5 to 0 to recommend APPROVAL of the requested Small Scale Land Use Amendment and rezone from A-1 to OP, subject to the attached development order.

ATTACHMENTS:

**DEVELOPMENT ORDER
REZONE ORDINANCE
LUA ORDINANCE
P&Z MINUTES
ZONING AND FLU MAP
AERIAL MAP**

**Wayside Drive (5680)
Small Scale Land Use Amendment and
Rezone Staff Report**

Low Density Residential to Office		Amendment (Z2005-010, 02-05SS.01)
REQUEST		
APPLICANT	Ben Larson	
PLAN AMENDMENT	Low Density Residential to Office	
REZONING	A-1 (Agriculture District) to OP (Office Professional District)	
APPROXIMATE GROSS ACRES	1.85	
LOCATION	The northeast corner of Wayside Drive and Orange Boulevard	
BCC DISTRICT	District 5 – Commissioner Carey	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION	Staff recommends APPROVAL of the requested Small Scale Land Use Amendment and rezone, subject to the attached development order.	

STAFF ANALYSIS

1. **Property Owner:** Paola Woods Preschool, Inc.
2. **Tax Parcel Number:** 30-19-30-300-002E-0000

SITE DESCRIPTION

Existing Land Uses:

(North)

	Commercial Gas Station, Vacant <i>C-1</i>	Commercial Gas Station, Vacant <i>PCD</i>	Commercial and LDR Vacant <i>A-1</i>	
(West)	Commercial and LDR Veterinarian Clinic <i>C-1</i>	LDR (SUBJECT PROPERTY) Pre-school <i>A-1</i>	LDR Church <i>A-1</i>	(East)
	Commercial and SE Vacant <i>C-2</i>	LDR Church <i>A-1</i>	LDR Church and Bible College <i>A-1</i>	

(South)

***Bold** text depicts future land use designation, plain text depicts the existing use, and *italicized* text depicts zoning district. See enclosed future land use and zoning map for more details.

COMPREHENSIVE PLAN CONSISTENCY

1. 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 will use the existing access off Wayside Drive. Wayside Drive is classified as a Local Street and does not have an adopted level of service. Orange Boulevard is the nearest Collector roadway. The change in use from a daycare to an office will result in a decrease of 22 ADTs.

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:**

The existing daycare utilizes a well and septic system for water, sewer services and irrigation. Seminole County water and sewer services are available to the site, however the applicant will not be required to hook into the system until the existing building is expanded, or the septic tank requires replacement.

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 (Public Safety Policy 2.1).*

The property is served by Seminole County EMS/Fire Station #34. Response time is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

2. 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 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 does not contain any wetlands or floodplains. At this time there are no concerns with environmental constraints on the subject property.

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).*

At this time there are no concerns with threatened or endangered species on the subject property.

3. 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 Office land use, and OP zoning, will be compatible with the Commercial, LDR (Low Density Residential) and SE (Suburban Estates) Future land Use designations on surrounding properties. The trend of development along Orange Boulevard between SR 46 and Wayside Drive is towards non-residential uses. The subject property is currently being used as a daycare facility. There is a veterinary clinic

across Orange Boulevard from the subject property, a church to the south across Wayside Drive and a church on the adjacent property to the east. Additionally, the Sproul Bible College PUD was recently approved on Wayside Drive. The Office land use will function as a transitional land use between the more intense commercial development to the north and west and the residential uses to the south and east.

Other applicable plan policies include, but are not limited to:

FLU 2.1 Subdivision Standards.
FLU 5.5: Water and Sewer Service Expansion
Office 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.

4. SCHOOL IMPACTS – The proposed project will not have any school impacts.

Intergovernmental Notice

In 1997, Seminole County entered into an Intergovernmental Planning Coordination Agreement with the School Board and the Cities of Altamonte Springs, Casselberry, Lake Mary, Oviedo, Sanford and Winter Springs. The proposed rezone and land use amendment will not affect any of the agencies covered under this planning agreement.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment and rezone, subject to the attached development order.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on April 6, 2005 and voted 5 to 0 to recommend APPROVAL of the requested Small Scale Land Use Amendment and rezone from A-1 to OP, subject to the attached development order.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On April 26, 2005, 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: Paola Woods Preschool, Inc.

Project Name: Wayside Drive (5680) Advanced Eye Care

Requested Development Approval: Rezone from A-1 (Agriculture District) to OP (Office Professional District)

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: Tina Deater, Senior Planner
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. All development shall comply with the site plan attached as Exhibit B.
- b. The site shall be required to receive site plan approval following the rezoning, and County approval and permitting in compliance with the Seminole County Land Development Code will be required.

(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 Henley, Chairman
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Paola Woods Preschool, Inc., on behalf of itself and its heirs agents, 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

Dennis J. Buhring, Director of Paola Woods Preschool, Inc.

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, Dennis J. Buhring, the Director of Paola Woods Preschool, Inc. and who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2005.

Notary Public, in and for the County and State Aforementioned

My Commission Expires:

EXHIBIT A

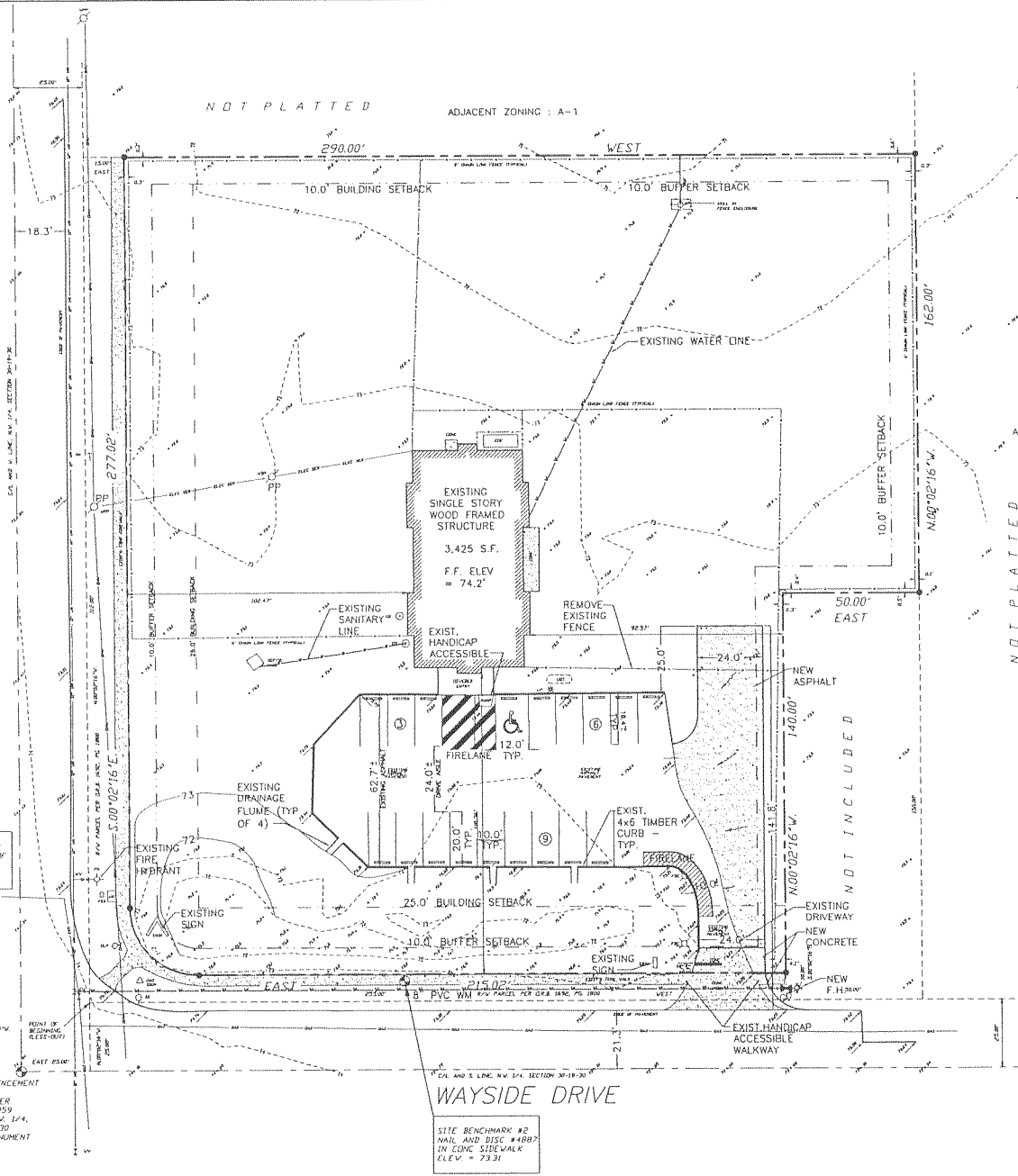
THE SOUTH 337 FEET OF THE WEST 330 FEET OF THE SOUTH $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE EAST 50 FEET OF THE SOUTH 175 FEET, AND ALSO LESS THE WEST 25.00 FEET FOR ROAD, ALSO LESS THE SOUTH 25.00 FEET FOR ROAD, AND ALSO LESS THE FOLLOWING DESCRIBED PARCEL DEED TO SEMINOLE COUNTY FOR RIGHT OF WAY PROPOSES:

A PARCEL OF LAND LYING IN THE SOUTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.W. CORNER OF THE N.W. $\frac{1}{4}$ OF SAID SECTION 30 AND RUN S.90D00'00"E. ALONG THE SOUTH LINE OF SAID N.W. $\frac{1}{4}$ 25.00 FEET; THENCE RUN N.00D02'16"W. 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00D02'16"W. 312.00 FEET; THENCE RUN S.90D00'00"E. 15.00 FEET; THENCE RUN S.00D02'16"E. 277.016 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NE'LY AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN SE'LY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89D57'44" AND ARC DISTANCE OF 39.253 FEET TO THE POINT OF TANGENCY; THENCE RUN S.90D00'00"E. 215.016 FEET; THENCE RUN S.00D02'16"E. 10.00 FEET; THENCE RUN N.90D00'00"W. 255.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

ORANGE BOULEVARD (C-431)



SITE BENCHMARK #1
NAIL IN S.E. FACE OF
30" OAK TREE
ELEV. = 74.99

Curve number 1
Radius = 250'
Delta = 89°52'41"
Arc = 322.5'
Tangent = 241.38'
Chord = 353.4'
Chord Bp. = 453.0187'

POINT OF COMMENCEMENT
LESS-0073
CERTIFIED CORNER
RECORD # 0025959
S.W. CORNER, N.W. 1/4,
SECTION 30-19-30
FOUND CONC. MEMENTO
IN WELL BOX

SITE BENCHMARK #2
NAIL AND DISC #4887
IN CONC SIDEWALK
ELEV. = 73.31

NOTE: ALL EXISTING TREES TO REMAIN.

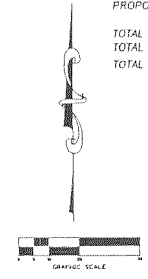
SITE DATA

SITE AREA :	80,444 SF (1.85 ACRES ±)
PROJECT AREA :	
PROPOSED USE :	MEDICAL OFFICE
FAR :	04
PROPOSED ZONING :	0P
EXISTING ZONING :	A1
CONSTRUCTION TYPE :	
EXIST. BUILDING AREA :	3,425 SF
PROPOSED BUILDING AREA :	0 SF
EXIST. PAVED AREA :	8,577 SF
PROPOSED PAVED AREA :	2,657 SF
EXIST. SIDEWALK :	623 SF
PROPOSED SIDEWALK :	60 SF
TOTAL EXIST. :	12,625 SF
TOTAL PROPOSED :	2,717 SF
TOTAL IMPERVIOUS :	15,342 SF (19.1% of Total)

OPEN SPACE :	68,286 SF (84.9%)
POND AREA :	38,060 SF (Ø DHWE)
BUILDING SETBACKS :	
FRONT :	25'
SIDE :	0'
REAR :	10'

ADJACENT ZONING :	A-1
PARKING REQUIRED :	(1 SPACE PER 200 SF)
	17 STANDARD
	1 HANDICAPPED
TOTAL :	18 TOTAL SPACES
PARKING PROVIDED :	17 STANDARD
	1 HANDICAPPED
TOTAL :	18 TOTAL SPACES

POND:	
CONTOUR AREAS:	
EXIST. 72.00:	2,356 SF
PROPOSED 72.00 :	533 SF
EXIST. 73.00:	7,228 SF
PROPOSED 73.00:	1,814 SF
TOTAL EXIST. POND:	9,583 SF
TOTAL PROPOSED POND:	2,347 SF
TOTAL POND AREA:	11,930 SF



Handwritten signature and date: 3/10/05

REVISIONS

HB ASSOCIATES, LLC
 377 HAVENLAND AVENUE, SUITE # 101A | AUSTIN, TEXAS 78701
 512.451.1111 | www.hbassoc.com

ADVANCED EYE CARE
 5680 WAYSIDE DRIVE
 SEMINOLE COUNTY, FLORIDA

Drawn: SP/HB
 Checked: HB
 Date: 2/4/05
 Plot Scale: Noted
 Job No.: HB 05-05

Sheet: 3 of 4
C3
 File: 10008-03.dwg

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 DISTRICT) TO OP (OFFICE PROFESSIONAL DISTRICT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; 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, "Wayside Drive (5680) Advanced Eye Care Rezone and SSLUA"

(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 A-1 to OP:

Lengthy Legal Description Attached As Exhibit A

Section 3. 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 4. 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 this order by the Department and recording of Development Order #05-22000005 in the official land records of Seminole County.

ENACTED this 26th day of April, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley, Chairman

EXHIBIT A

THE SOUTH 337 FEET OF THE WEST 330 FEET OF THE SOUTH $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE EAST 50 FEET OF THE SOUTH 175 FEET, AND ALSO LESS THE WEST 25.00 FEET FOR ROAD, ALSO LESS THE SOUTH 25.00 FEET FOR ROAD, AND ALSO LESS THE FOLLOWING DESCRIBED PARCEL DEED TO SEMINOLE COUNTY FOR RIGHT OF WAY PROPOSES:

A PARCEL OF LAND LYING IN THE SOUTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.W. CORNER OF THE N.W. $\frac{1}{4}$ OF SAID SECTION 30 AND RUN S.90D00'00"E. ALONG THE SOUTH LINE OF SAID N.W. $\frac{1}{4}$ 25.00 FEET; THENCE RUN N.00D02'16"W. 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00D02'16"W. 312.00 FEET; THENCE RUN S.90D00'00"E. 15.00 FEET; THENCE RUN S.00D02'16"E. 277.016 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NE'LY AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN SE'LY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89D57'44" AND ARC DISTANCE OF 39.253 FEET TO THE POINT OF TANGENCY; THENCE RUN S.90D00'00"E. 215.016 FEET; THENCE RUN S.00D02'16"E. 10.00 FEET; THENCE RUN N.90D00'00"W. 255.00 FEET TO THE POINT OF BEGINNING.

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 LOW DENSITY RESIDENTIAL TO OFFICE; 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 April 6, 2005, 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 26, 2005, 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 "Wayside Drive (5680) Advanced Eye Care Rezone and Small Scale 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>
02.05SS.10	Amendment Low Density Residential to Office

(b) The associated rezoning request was completed by means of Ordinance Number 2005-____.

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 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.

ENACTED this 26th day of April, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley, Chairman

EXHIBIT A

THE SOUTH 337 FEET OF THE WEST 330 FEET OF THE SOUTH $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 30 EASE, SEMINOLE COUNTY, FLORIDA, LESS THE EAST 50 FEET OF THE SOUTH 175 FEET, AND ALSO LESS THE WEST 25.00 FEET FOR ROAD, ALSO LESS THE SOUTH 25.00 FEET FOR ROAD, AND ALSO LESS THE FOLLOWING DESCRIBED PARCEL DEED TO SEMINOLE COUNTY FOR RIGHT OF WAY PROPOSES:

A PARCEL OF LAND LYING IN THE SOUTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.W. CORNER OF THE N.W. $\frac{1}{4}$ OF SAID SECTION 30 AND RUN S.90D00'00"E. ALONG THE SOUTH LINE OF SAID N.W. $\frac{1}{4}$ 25.00 FEET; THENCE RUN N.00D02'16"W. 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00D02'16"W. 312.00 FEET; THENCE RUN S.90D00'00"E. 15.00 FEET; THENCE RUN S.00D02'16"E. 277.016 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NE'LY AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN SE'LY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89D57'44" AND ARC DISTANCE OF 39.253 FEET TO THE POINT OF TANGENCY; THENCE RUN S.90D00'00"E. 215.016 FEET; THENCE RUN S.00D02'16"E. 10.00 FEET; THENCE RUN N.90D00'00"W. 255.00 FEET TO THE POINT OF BEGINNING.

**MINUTES FOR THE
REGULAR MEETING OF THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING
COMMISSION**

***WEDNESDAY, APRIL 6, 2005
7:00 P.M.***

Members present: Beth Hattaway, Chris Dorworth, Ben Tucker, Matt Brown, Walt Eismann, and Dudley Bates.

Member absent: Richard Harris

Also present: Dan Matthys, Director of Planning and Development; Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Kim Romano, Assistant County Attorney; Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Tom Radzai, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

Commissioner Brown was not present at the beginning of the meeting.

- A. Wayside Drive (5680); Advanced Eye Care; Ben Larson, applicant;** approximately 1.85 acres; rezone from A-1 (Agriculture District) to OP (Office Professional District) and Small Scale Land Use Amendment from LDR (Low Density Residential) to Office; located on the northeast corner of Wayside Drive and Orange Boulevard. (Z2005-010/02-05SS.01)

Commissioner Carey – District 5
Tina Deater, Senior Planner

Tina Deater introduced the Wayside Drive Advanced Eye Care Rezone from A-1 to Office Professional and Small Scale Land Use Amendment from Low Density Residential to Office. The subject property contains approximately 1.85 acres and is located on the northeast corner of Wayside Drive and Orange Boulevard.

The applicant proposes to convert the existing daycare on the subject property into an eye care clinic.

The trend of development along Orange Boulevard between SR 46 and Wayside Drive is toward non-residential uses. The subject property is currently being used

as a daycare facility. There is a veterinary clinic across Orange Boulevard from the subject property, a church to the south across Wayside Drive and a church on the adjacent property to the east. The Sproul Bible College PUD was recently approved on Wayside Drive also. The Office land use will function as a transitional land use between the more intense Commercial development to the north and west and the Low Density Residential/Suburban Estates uses to the south and east.

The proposed rezone and land use amendment will result in a decrease of 22 Average Daily Trips.

The existing daycare utilizes a well and septic system for water, sewer services and irrigation. Seminole County water and sewer services are available to the site, however the applicant will not be required to hook into the system until the existing building is expanded, or the septic tank requires replacement. The applicant will be required to undergo site plan review for any proposed improvements to the site, once the rezone is completed.

Staff recommends approval of the requested Small Scale Land Use Amendment and rezone, subject to the development order contained in the staff report.

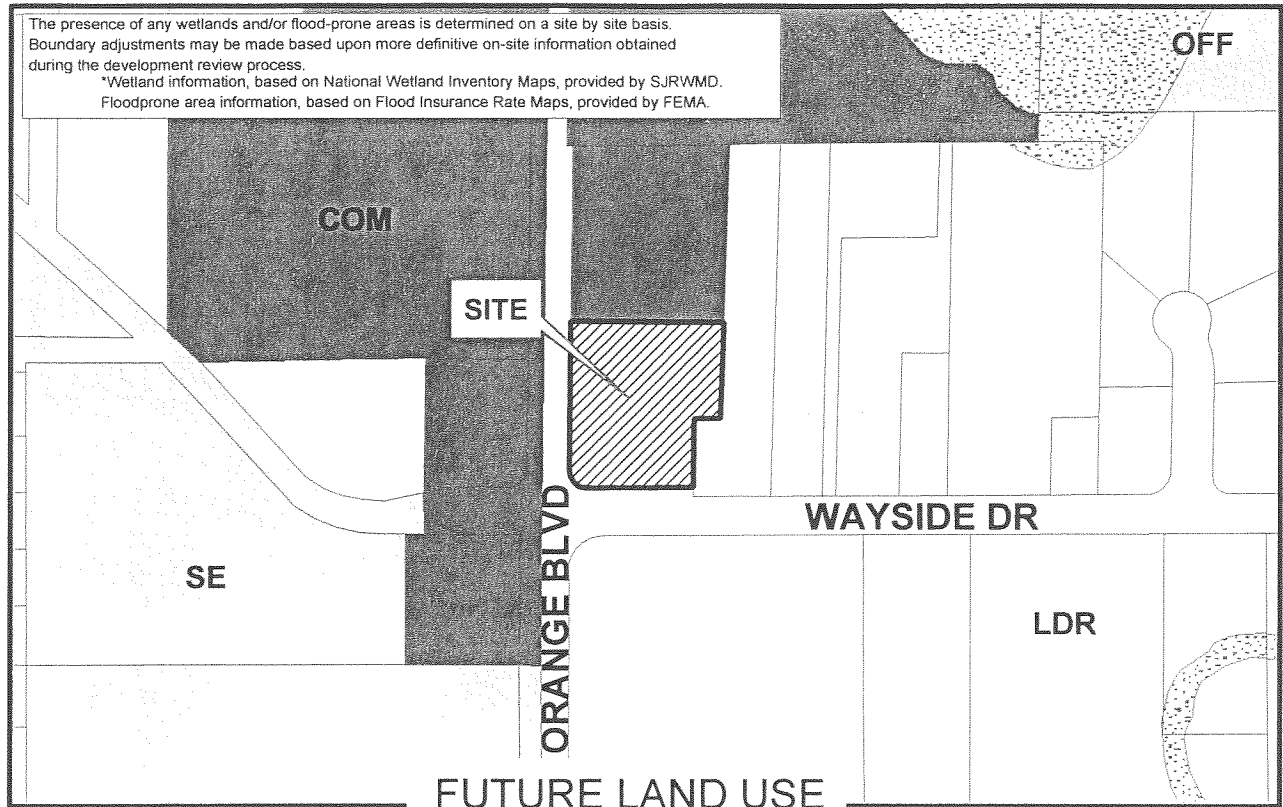
There were no questions from the Commissioners.

Commissioner Hattaway made a motion to recommend approval of the request, subject to the conditions listed in the staff report.

Commissioner Dorworth seconded the motion.

The motion passed by a vote of 5 – 0. (Commissioner Brown was not present for the 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.

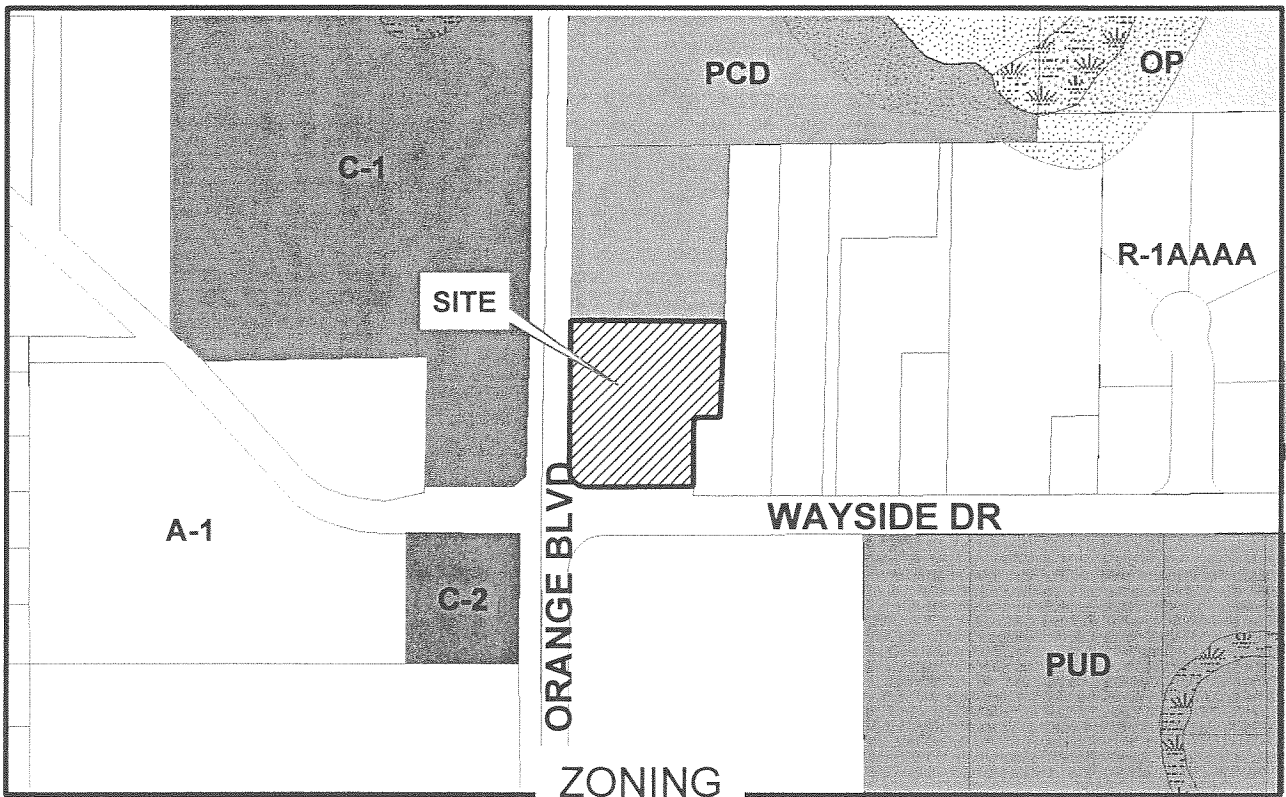


FUTURE LAND USE

- Site
- LDR
- COM
- SE
- OFF
- CONS

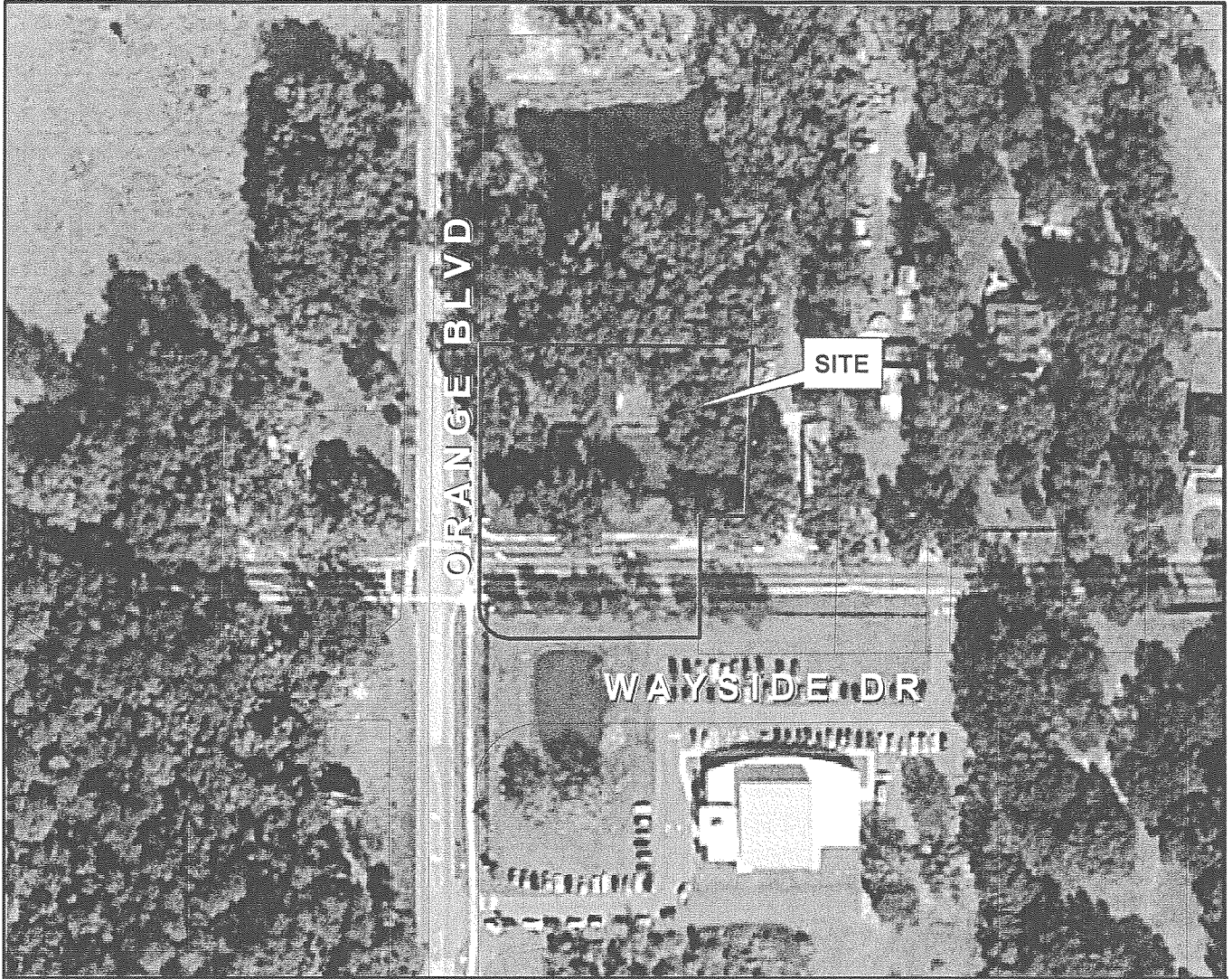
Applicant: Ben Larson
 Physical STR: 30-19-30-300-002E-0000
 Gross Acres: 1.85 BCC District: 5
 Existing Use: Day Care/Pre-School
 Special Notes: None

	Amend/Rezone#	From	To
FLU	02-05SS.01	LDR	OFF
Zoning	Z2005-010	A-1	OP



ZONING

- A-1
- RC-1
- C-1
- C-2
- PUD
- PCD
- R-1AAAA
- FP-1
- W-1



Amendment No: 02-05SS.01
 From: LDR To: COM
 Rezone No: Z2005-010
 From: A-1 To: OP

- Parcel
- Subject Property



January 2004 Color Aerials

