

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Wekiva Springs Road Rezone OP (Office) to PCD (Planned Commercial Development)

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

AUTHORIZED BY: Dan Matthyse **CONTACT:** Michael Rumer EXT. 7431

Agenda Date <u>05/23/06</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:

- APPROVE** a request and authorize the Chairman to enact an ordinance to rezone 4.5± acres from OP (Office) to PCD (Planned Commercial Development), located on the west side of Wekiva Springs Road and the east side of E. Lake Brantley Drive, subject to the attached Preliminary Site Plan and Development Order, based on staff findings, (Associated Design & Construction, applicant); or
- DENY** a request to rezone 4.5± acres from OP (Office) to PCD (Planned Commercial Development), located on the west side of Wekiva Springs Road and the east side of E. Lake Brantley Drive, Associated Design & Construction, applicant; or
- CONTINUE** the item to a time and date certain.

District 3 – Commissioner Van Der Weide Michael Rumer, Senior Planner

BACKGROUND:

The applicant, Associated Design & Construction, is requesting to rezone 4.5± acres from OP (Office) to PCD (Planned Commercial Development). The subject property is located on the west side of Wekiva Springs Road and the east side of E. Lake Brantley Drive. The requested zoning would allow CN (Restricted Neighborhood Commercial) uses on the subject site. The Future Land Use designation of the subject site is COM (Commercial), which is consistent with the requested zoning district.

Reviewed by:
Co Atty: <u>KET</u>
DFS: _____
OTHER: _____
DCM: <u>[Signature]</u>
CM: _____
File
No. <u>ph130pdp06</u>

The proposed Preliminary Site Plan indicates that the site will contain a total of 18,175 square feet of CN (Restricted Neighborhood Commercial) uses. Building A will contain 6,925 square feet and Building B will consist of 11,250 square feet. Access will be off both E. Lake Brantley Drive and Wekiva Springs Road.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to rezone 4.5± acres from OP (Office) to PCD (Planned Commercial Development), located on the west side of Wekiva Springs Road and the east side of E. Lake Brantley Drive, subject to the attached Preliminary Site Plan and Development Order.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on April 5, 2006 and voted 7-0 to recommend APPROVAL of a request to rezone 4.5± acres from OP (Office) to PCD (Planned Commercial Development), located on the west side of Wekiva Springs Road and the east side of E. Lake Brantley Drive, subject to the attached Preliminary Site Plan and Development Order, based on staff findings.

ATTACHMENTS:

Staff Analysis
Location Map
FLU/Zoning Map
Aerial Photo
Site Plan
Development Order
Ordinance
04/05/2006 Planning and Zoning Board Minutes

Wekiva Springs Road Rezone - PCD
Rezone from OP to PCD (Z2005-066)

APPLICANT	Associated Design and Construction	
PROPERTY OWNER	S& B LLC	
REQUEST	Rezone from OP (Office) to PCD (Planned Commercial Development)	
PROPERTY SIZE	4.5± acres	
HEARING DATE (S)	P&Z: April 5, 2006	BCC: May 23, 2006
PARCEL ID	04-21-29-300-003A-0000, 04-21-29-300-0030-0000	
LOCATION	West side of Wekiva Springs Road and the east side of E. Lake Brantley Road	
FUTURE LAND USE	COM (Commercial)	
ZONING	OP (Office)	
FILE NUMBER	Z2005-066	
COMMISSION DISTRICT	#3 – Van Der Weide	

Proposed Development:

The applicant is proposing to develop the site into two office buildings totaling 18,175 square feet with CN (Restricted Neighborhood Commercial) uses.

ANALYSIS OVERVIEW:

HISTORICAL ANALYSIS

The subject property was rezoned to OP (Office) in 1983 with a condition that the building shown on the site plan was not to exceed one story in height. The applicant is proposing a one-story office building and two-story office building for this site. Staff supports the proposed two-story office building, because a 74 unit two-story townhome development was constructed on the adjacent parcel to the south in 2004.

ZONING REQUEST

The applicant, Associated Design and Construction, is requesting to rezone 4.5 ± acres from OP (Office) to PCD (Planned Commercial Development). The subject property is located on the west side of Wekiva Springs Road and the east side of E. Lake Brantley Drive. The Future Land Use designation of the subject property is COM (Commercial), which permits a maximum floor area ration (FAR) of 0.35. The following table depicts the minimum regulations for the current zoning district of OP (Office) and the requested district of PCD (Planned Commercial Development):

DISTRICT REGULATIONS	Existing Zoning (OP)	Proposed Zoning (PCD)
Minimum Lot Size	15,000 square feet	Site Plan Required
Minimum House Size	N/A	N/A
Minimum Width at Building Line	100 feet	N/A
Front Yard Setback	25 feet	25 feet
Side Yard Setback	0 feet	25 feet
(Street) Side Yard Setback	25 feet	25 feet
Rear Yard Setback	10 feet	N/A (Site has two front setbacks and two side setbacks)
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

USES	OP (existing)	PCD (CN proposed Uses)
Permitted Uses	Dental and medical clinics, dental and medical laboratories. General office buildings. Insurance, real estate, architects, engineering, attorneys, and other professional business services. Accounting, auditing and bookkeeping services, finance offices. Telephone business offices and exchanges, post offices, public parks, public, private and parochial schools, playgrounds, fire stations, and administrative public buildings. Churches and attendant educational buildings. Day care facilities, kindergartens. Public and private elementary schools, middle schools and high schools. Adult living facilities and community residential homes (group homes and foster care facilities) housing more than six (6) permanent unrelated residents.	Artist studios, Barber and beauty shops, Book, stationery, and newsstands, Clinics, except animal, Confectionery and ice cream stores, Dance and music studios, Drug and sundry stores, Fire stations, Florist and gift shops, Hobby and craft shops, Interior decorating and draperies, Jewelry stores, Laundry and cleaning pick-up stations, Libraries, Locksmiths, Luggage shops, Office, business, and professional, Photographic studios, Physical fitness studio, Retail paints and wallpaper stores, Post offices, Retail sporting goods, Public and private schools, Shoe repair shops, Tailoring shops, Tobacco shops, Toy stores, Watch and clock repair, Wearing apparel stores.
Special Exception Uses	Single-family dwelling unit in connection with a permitted use provided said use is occupied only by the owner or operator of the business. When permitted, the residence shall be either above the office or attached to the rear; no detached	Communication towers, Parking of semi-tractor trailers and cargo trailer boxes in rural areas for the sale of feed, hay, or other agricultural products when such products are offered for retail sale from said trailer and when the trailer is located outside of the

USES	OP (existing)	PCD (CN proposed Uses)
	<p>residence shall be permitted and no residence shall occupy ground-floor frontage. Accessory parking for passenger vehicles when intended for a permitted adjacent commercial use. A parking lot operated as a commercial enterprise shall not be permitted. Public utility and service structures. Banks, savings and loan and similar financial institutions, and drive-in teller facilities, when located on a roadway having a right-of-way width of not less than eighty (80) feet. Private vocational, business, and professional schools which do not have an industrial character. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required. Hospitals and nursing homes. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required. Nonresidential, nonprofit clubs, lodges and fraternal organizations when located on a roadway having a right-of-way width of not less than eighty (80) feet. Funeral homes when located on a roadway having a right-of-way width of not less than eighty (80) feet. Communication towers.</p>	<p>urban/rural boundary. Trailers must be mobile and used on an interim basis until exchanged for a like trailer.</p>
<p>Minimum Lot Size</p>	<p>15,000 sq. ft.</p>	<p>Site Plan Specific</p>

COMPATIBILITY WITH SURROUNDING PROPERTIES

The proposed rezone is compatible with adjacent development because the site is situated with frontage along Wekiva Springs Road, which is classified as a four-lane major collector road and East Lake Brantley Drive. The area surrounding, and in the general vicinity of the subject parcel consists of office, commercial, and multiple family land uses. The requested uses of office and dance school are permitted uses within the CN district. The uses within the CN district are defined as highly restrictive and designed to serve primarily the residents of the immediate neighborhood.

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)

	HDR E. Lake Brantley Dr. / Single-Family <i>R-3</i>	COM Office Condominium <i>OP</i>	PD Wekiva Springs Road / Three-Story Office <i>PUD</i>	
(West)	HDR E. Lake Brantley Dr. / Single-Family <i>R-3</i>	COM Vacant <i>OP</i>	PD Wekiva Springs Road / Three-Story Office <i>PUD</i>	(East)
	HDR E. Lake Brantley Dr. / Single-Family <i>R-3</i>	PD 2-Story Town Homes <i>PUD</i>	PD Wekiva Springs Road / Three-Story Office <i>PUD</i>	

(South)

* **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map number 12117C0110E, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on preliminary analysis, there are no endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern survey will be required prior to final site plan approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3) (c) 1-2, Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time and therefore, has submitted an Affidavit of Concurrency Review Deferral.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (OP)**	Proposed Development*	Net Impact
Water (GPD)	1900	1817.5	-82.5
Sewer (GPD)	1900	1817.5	-82.5
Traffic (ADT)	188	180	-8
Schools			
Elementary	0	0	0
Middle	0	0	0
High	0	0	0

* Proposed development of an 18,175 square-foot office space.

** Existing approved development of a 19,000 square-foot office space.

Utilities:

The site is located in the service area of Seminole County. There is an 8-inch water main on the east side of Lake Brantley Road, and an 8-inch force main in the middle of Wekiva Springs Road. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans. No reclaim water service is available to this parcel.

Transportation / Traffic:

The property accesses Wekiva Springs Road, which is classified as a four-lane undivided major collector road. Wekiva Springs Road is currently operating at a level-of-service "D". Wekiva Springs Road is not currently programmed to be improved according to the County 5-year Capital Improvement Program. A second access off of E. Lake Brantley Drive is proposed. The access meets the 200-foot separation requirement from the access to the north and the applicant will be dedicating an additional seven (7) feet of right-of-way along the property frontage on East Lake Brantley Drive. Lake Brantley Drive is currently operating at a level-of-service "A" and was recently improved under the County 5-year Capital Improvement Program.

School Impacts:

The proposed project will not generate any school impacts.

Public Safety:

The nearest response unit to the subject property is Station # 16, which is located at 930 Wekiva Springs Road. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 2 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

The proposed project is located within the Little Wekiva Drainage Basin. There is a drainage agreement with High Croft PUD to the south to share use of two existing stormwater ponds. Since there is positive outfall from the subject property, the drainage plan must meet the 25 year/24-hour storm event.

Parks, Recreation and Open Space:

The applicant is proposing to provide 65% of open space which results in 114,432 square feet. The required open space is 35%, or 60,984 square feet.

Buffers and Sidewalks:

The Preliminary Site Plan meets all Active/passive setback and buffer requirements. At the time of development, a 5-foot sidewalk is required to be installed along the property frontage on Wekiva Springs Road.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not within a special district.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were not sent; the subject property is not within or directly adjacent to any local municipality and will not impact schools.

LETTERS OF SUPPORT OR OPPOSITION:

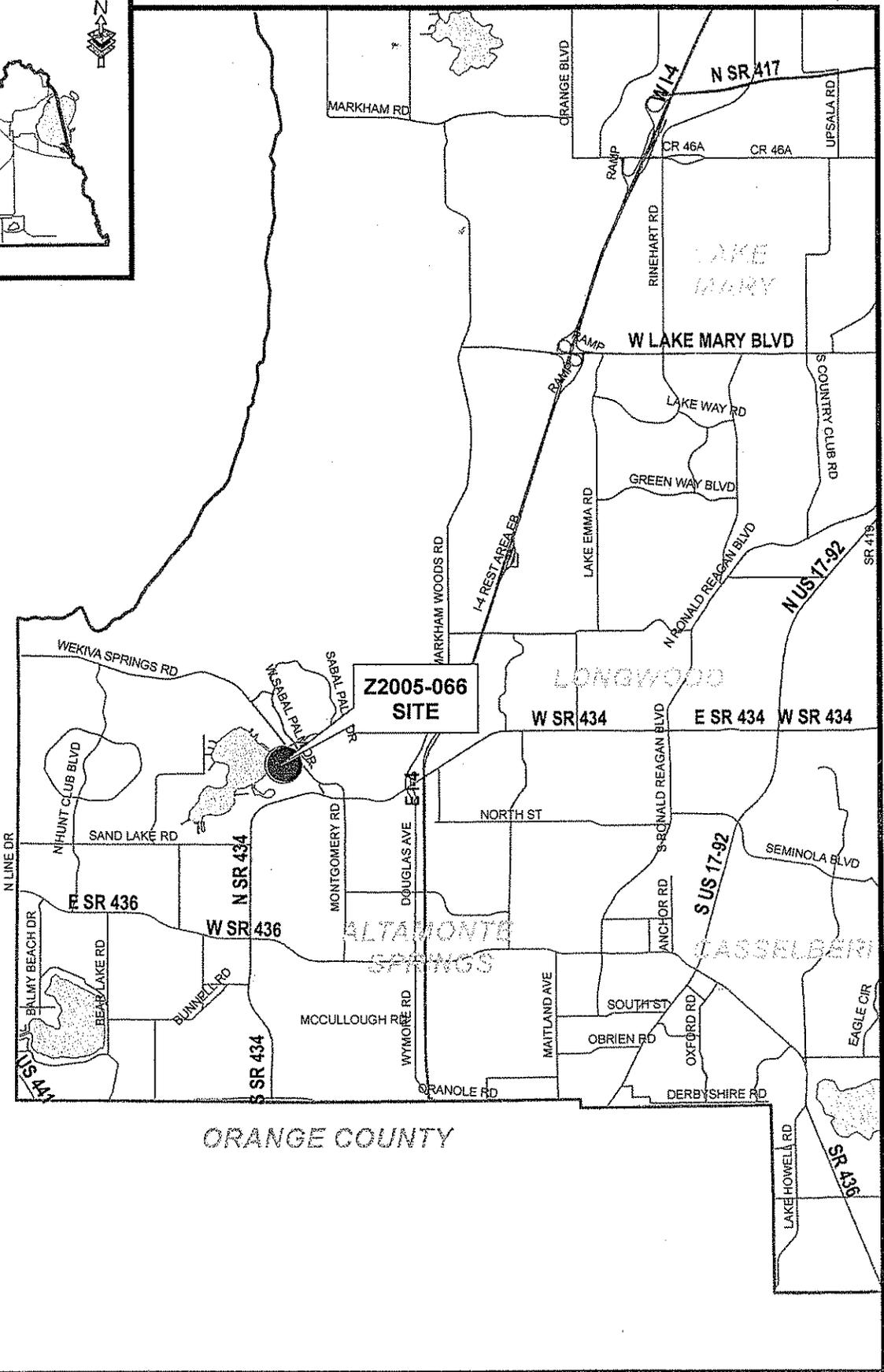
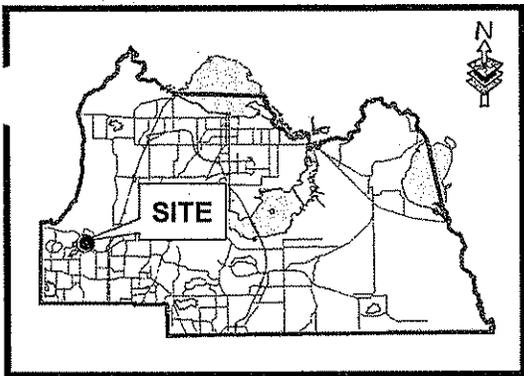
At this time, Staff has received no letters of support or opposition.

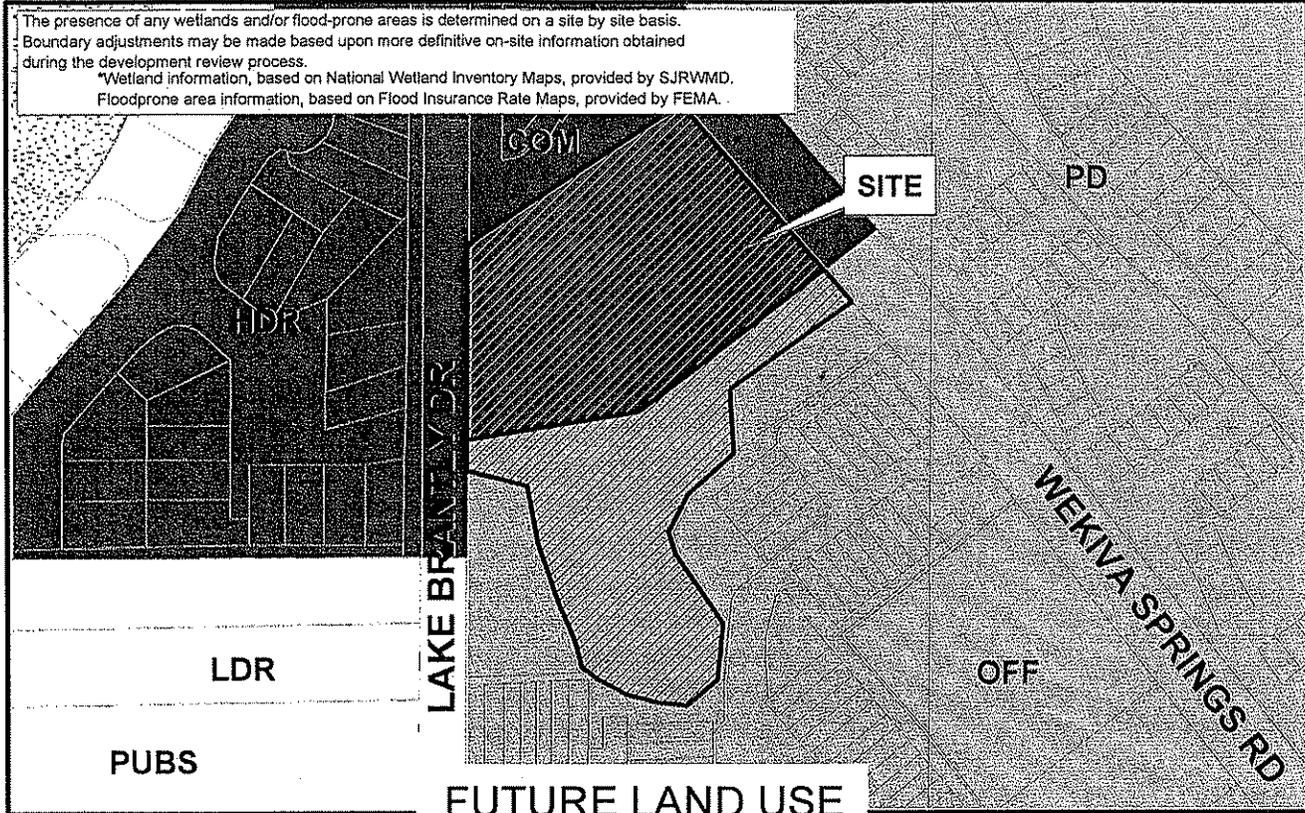
STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to rezone 4.5± acres from OP (Office) to PCD (Planned Commercial Development), located on the west side of Wekiva Springs Road and the east side of E. Lake Brantley Road, subject to the attached Preliminary Site Plan and Development Order.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on April 5, 2006 and voted 7-0 to recommend APPROVAL of a request to rezone 4.5± acres from OP (Office) to PCD (Planned Commercial Development), located on the west side of Wekiva Springs Road and the east side of E. Lake Brantley Road, subject to the attached Preliminary Site Plan and Development Order, based on staff findings.

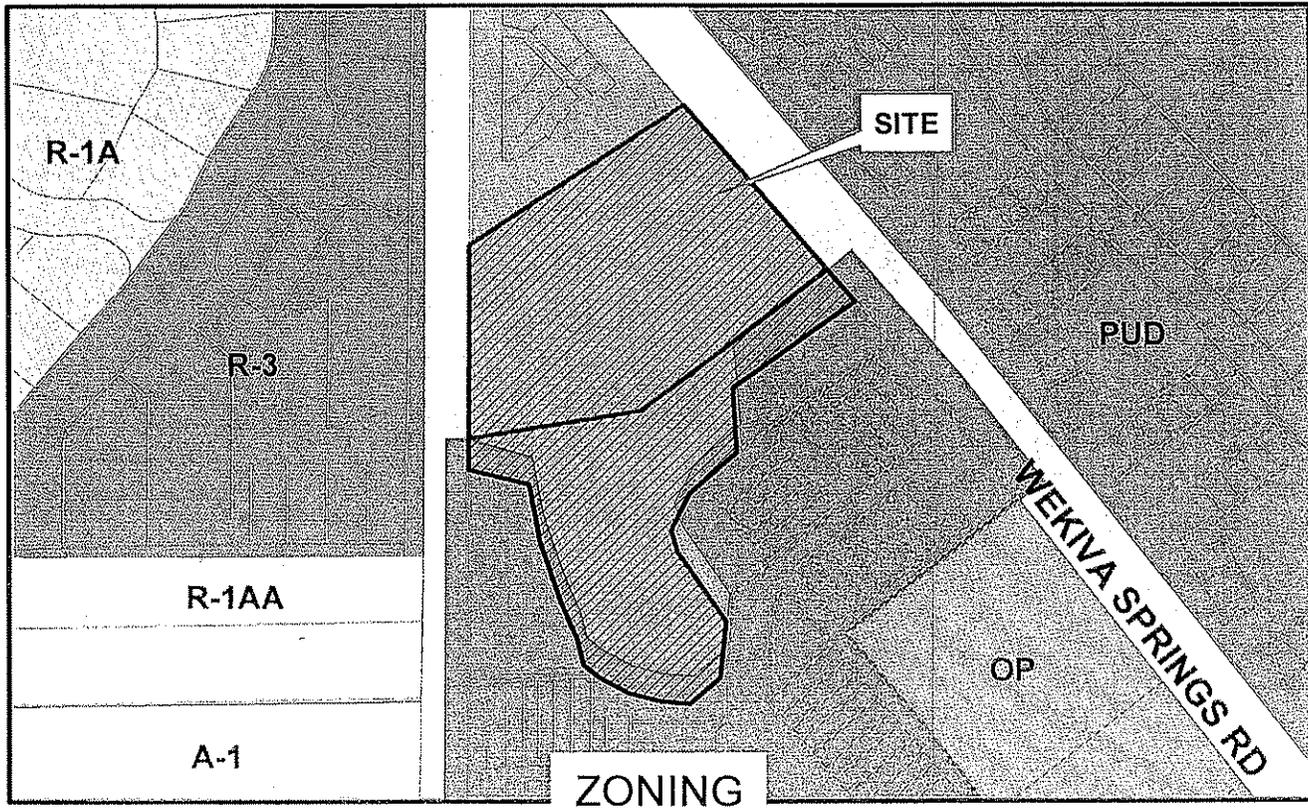




Site
 Municipality
 LDR
 HDR
 PD
 PUBS
 CONS

Applicant: Robert Rhouny, Assoc. Design and Const.
 Physical STR: 04-21-29-300-003A & 0030-0000
 Gross Acres: 4.89 +/- BCC District: 3
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-066	OP	PCD



A-1
 R-1A
 R-1AA
 R-3
 OP
 PUD
 FP-1
 W-1



LAKE BRANTLEY DR

WEKIVA SPRINGS RD

Z2005-066
SITE

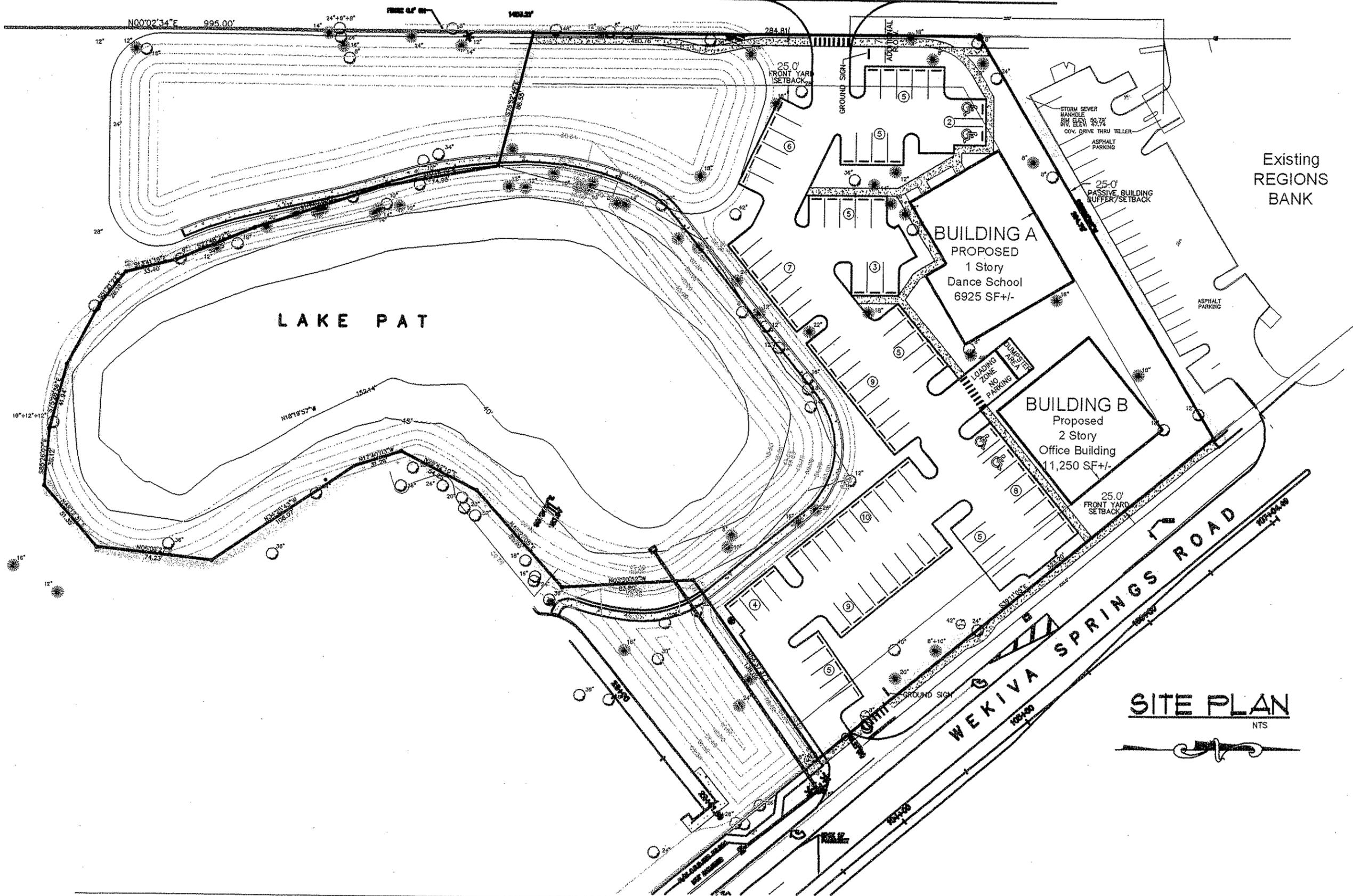
Rezone No: Z2005-066
From: OP To: PCD

-  Parcel
-  Subject Property



January 2004 Color Aerials

EAST LAKE BRANTLEY DRIVE



BONYADI ARCHITECT
 1300 S. W. 10th St.
 Ft. Lauderdale, FL 33304
 (954) 561-1888
 WWW.BONYADIARCHITECT.COM

DESIGNED BY BONYADI ARCHITECT
 ARCHITECTURAL DATE 05/14

A NEW SITE PLAN
WEKIVA SPRINGS ROAD, PCD
 Wekiva Springs Road
 Lakeland, FL 33774

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		

DATE: 05/14/2014
 SCALE: AS SHOWN
 DRAWN BY: GH
 PROJECT NO: 001261
 SHEET TITLE:

SHEET
C1
 OF

SITE PLAN
 NTS



**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On May 23, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

EXHIBIT A LEGAL DESCRIPTION

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

FINDINGS OF FACT

Property Owner: S & B LLC

Project Name: Wekiva Springs Road PCD

Requested Development Approval: Rezoning from OP (Office) zoning classification to PCD (Planned Commercial Development) 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: Michael Rumer, 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. Allowable uses shall be those described in the CN Zoning District.
- b. All development shall comply with the site plan attached as Exhibit B.
- c. The maximum building height shall be 35 feet.
- d. A 25' front yard building setback and 5' minimum, an average 10' wide landscape buffer shall apply adjacent to Wekiva Springs Road.
- e. A 70' front yard building setback and 5' minimum, an average 10' wide landscape buffer shall apply adjacent to E. Lake Brantley Drive.
- f. A 25' side yard (north) building setback shall apply.
- g. A minimum of thirty-five (35) percent open space shall be provided on site.
- h. The developer shall construct a 5' sidewalk along the property frontage on Wekiva Springs Road.
- i. Maximum building area for office use is 18,175 square feet and shall be limited as follows:

<i>Building</i>	<i>Office</i>
A	6,925 sq.ft.
B	11,250 sq.ft.

Any increase in building area over 18,175 square feet shall require review by the Planning and Zoning Commission and approval by the Board of County Commissioners.

(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

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, S&B LLC, on behalf of itself and its 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

Shea Madell
Registered Agent

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 Shameen Khoury who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A LEGAL DESCRIPTION

FROM THE EAST 1/4 CORNER OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN THENCE N89°48'34"W A DISTANCE OF 586.40 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE, RUN THENCE N00°02'34"E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 28.06 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF LOT 1, BLOCK "A", OF GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, ON PAGE 20, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; RUN THENCE N00°02'34"E ALONG THE EAST RIGHT OF WAY LINE OF SAID EAST LAKE BRANTLEY DRIVE A DISTANCE OF 710.19 FEET FOR A POINT OF BEGINNING; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN S75°52'46"E, 86.55 FEET; THENCE S10°16'10"E, 74.95 FEET; THENCE S18°40'50"E, 84.62 FEET; THENCE S22°48'22"E, 53.73 FEET; THENCE S13°41'19"E, 33.40 FEET; THENCE S51°21'22"E, 26.16 FEET; THENCE S61°53'24"E, 43.37 FEET; THENCE S75°28'56"E, 41.94 FEET; THENCE S85°26'07"E, 36.12 FEET; THENCE N49°12'31"E, 51.35 FEET; THENCE N06°08'27"E, 74.23 FEET; THENCE N34°25'43"W, 108.07 FEET; THENCE N17°40'03"W, 31.29 FEET; THENCE N26°42'19"E, 54.25 FEET; THENCE N48°21'05"E, 81.70 FEET; THENCE N03°30'52"W, 83.80 FEET; THENCE N54°37'37"E, 138.04 FEET MORE OR LESS TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE WEKIVA SPRINGS ROAD, THENCE N39°11'05"W ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID WEKIVA SPRINGS ROAD A DISTANCE OF 323.20 FEET TO THE SOUTHEAST CORNER OF WEKIVA POINT EXECUTIVE CENTER, A CONDOMINIUM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 58, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S59°08'58"W, ALONG SOUTH LINE OF SAID WEKIVA POINT EXECUTIVE CENTER, A DISTANCE OF 294.78 FEET TO THE SOUTHWEST CORNER OF SAID WEKIVA POINT EXECUTIVE CENTER, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE; THENCE RUN S00°02'34"W, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 284.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.451 ACRES, MORE OR LESS

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE OP (OFFICE) ZONING DISTRICT THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONING DISTRICT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR EXCLUSION FROM CODIFICATION; 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 "Wekiva Springs Road PCD".

(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 OP (Office) to PCD (Planned Commercial Development):

FROM THE EAST 1/4 CORNER OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN THENCE N89°48'34"W A DISTANCE OF 586.40 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE, RUN THENCE N00°02'34"E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 28.06 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF LOT 1, BLOCK "A", OF GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, ON PAGE 20, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; RUN THENCE N00°02'34"E ALONG THE EAST RIGHT OF WAY LINE OF SAID EAST LAKE BRANTLEY DRIVE A DISTANCE OF 710.19 FEET FOR A POINT OF BEGINNING; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN S75°52'46"E, 86.55 FEET; THENCE S10°16'10"E, 74.95 FEET; THENCE S18°40'50"E, 84.62 FEET; THENCE S22°48'22"E, 53.73 FEET; THENCE S13°41'19"E, 33.40 FEET; THENCE S51°21'22"E, 26.16 FEET; THENCE S61°53'24"E, 43.37 FEET; THENCE S75°28'56"E, 41.94 FEET; THENCE S85°26'07"E, 36.12 FEET; THENCE N49°12'31"E, 51.35 FEET; THENCE N06°08'27"E, 74.23 FEET; THENCE N34°25'43"W, 108.07 FEET; THENCE N17°40'03"W, 31.29 FEET; THENCE N26°42'19"E, 54.25 FEET; THENCE N48°21'05"E, 81.70 FEET; THENCE N03°30'52"W, 83.80 FEET; THENCE N54°37'37"E,

138.04 FEET MORE OR LESS TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE WEKIVA SPRINGS ROAD, THENCE N39°11'05"W ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID WEKIVA SPRINGS ROAD A DISTANCE OF 323.20 FEET TO THE SOUTHEAST CORNER OF WEKIVA POINT EXECUTIVE CENTER, A CONDOMINIUM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 58, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S59°08'58"W, ALONG SOUTH LINE OF SAID WEKIVA POINT EXECUTIVE CENTER, A DISTANCE OF 294.78 FEET TO THE SOUTHWEST CORNER OF SAID WEKIVA POINT EXECUTIVE CENTER, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE; THENCE RUN S00°02'34"W, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 284.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.451 ACRES, MORE OR LESS

Section 3. EXCLUSION FROM 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 #05-205000012 in the Official Land Records of Seminole County.

ENACTED this 23rd day of May, 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

**Minutes for the Seminole County Land Planning Agency
Planning and Zoning Commission
April 5, 2006**

Members Present: Matt Brown, Beth Hattaway, Rob Wolf, Ben Tucker, Dudley Bates, Walt Eismann, and Jason Brodeur.

Also Present: Michael Rumer, Senior Planner; Tina Williamson, Principal Coordinator; Dan Matthys, Director of Planning and Development; Tony Walter, Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Sheryl Stolzenberg, Principal Coordinator; Denny Gibbs, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

Wekiva Springs Road PCD Rezone; Associated Design & Construction, applicant; 4 ± acres; Rezone from OP (Office Professional District) to PCD (Planned Commercial Development); located at west side of Wekiva Springs Road and east side of E. Lake Brantley Road. (Z2005-066)

Commissioner Van Der Weide – District 3
Michael Rumer, Senior Planner

Michael Rumer said that applicant wants a PCD which will allow CN (Restricted Neighborhood Commercial) uses. The request is consistent with the future land use designation on the property. The PSP will have 2 buildings totaling 18,175 square feet; Building A will have 6,925 square feet and Building B will have 11,250 square feet. Access will be from East Lake Brantley Drive and Wekiva Springs Road. The property was previously rezoned to OP (Office Professional) in 1983 with the restriction that the buildings were not to exceed one story in height. The applicant is proposing a one story building and a two-story building

on Wekiva Springs Road. Staff is comfortable with this since a two-story townhome development is now platted immediately to the south of this request. The request to rezone to PCD is a result of the applicant's desire to have a dance school. Dance schools are not permitted in the OP zoning district. They would also like a 2-story office building. Staff recommends approval of the request subject to the site plan submitted and the development order. Mr. Rumer said that the residents of Highcroft do not want increased storm water into Lake Pat. Mr. Rumer stated that those residents did not know that Lake Pat actually belongs to the subject property. Other objections included noise, traffic congestion, and the potential of some of the CN uses because it allows some commercial uses.

Commissioner Tucker asked for an explanation of the Lake Pat issues.

Mr. Rumer said that the 74 townhome units of Highcroft are platted on the west side of Lake Pat. They use the area around the edge of Lake Pat with lights and a trail. They amenitized it. There is a joint drainage agreement and access easements between Highcroft and the subject parcel. The Highcroft development order shows Lake Pat as an off site water retention area.

Mr. Rumer said that the noise, traffic and access onto E. Lake Brantley Road are also concerns of the area residents.

Commissioner Tucker asked for the differences between what had been previously approved and what is requested now.

Mr. Rumer said that the original rezone was 8 lots. The pond was improved. The old plan had 3 buildings. This has 2.

Byron Bonyadi is an architect representing the applicant. He said that the dance school will be in accordance with the code. Storm water is part of the master

plan. He is allowed up to 80 percent impervious. He said that this project is 35 percent. This is not a major change, since office is already allowed. A dance school will not be much difference from a daycare center which is a permitted use in the office zoning district.

Commissioner Eismann asked about the maximum building height.

Mr. Rumer said that the maximum height is 35 feet.

Commissioner Wolf inquired about the hours of operation.

Mr. Bonyadi said that it would primarily operate during after school hours, being a dance school for children.

Commissioner Tucker said that there were 13 requests to speak.

Bill Fahey spoke on behalf of Sweetwater Oaks Homeowners Association, representing 1,400 homes. His concern is that a dance studio is mostly a nighttime use and on Saturdays. The traffic on Wekiva Springs Road has risen from 6,000 cars per day to over 27,000 cars per day. What assurances can we be given that this will not become a 7-11 or a liquor store?

Commissioner Tucker said that this is a PCD. It would have to go through the process again to change use.

Mr. Fahey stated that he was also representing the Regions Bank on the corner. They are concerned about the turn so close to the traffic light.

Commissioner Tucker asked the location of the dance school that is off of Wekiva Springs Road by the 7-11.

Mr. Fahey said that there was a dance school there on Fox Valley Drive.

Jean Swette represents Shadow Bay Homeowners Association, directly across from this project. She said that with the OP rezone in the 1980's there was an agreement to hold to one story here. We are concerned with the traffic in the area. Having access to E. Lake Brantley Road as well as Wekiva Springs Road is not good. Traffic in the area is intense. This should be kept as OP, one-story office. They are opposed to a two-story building and the dance school there.

Dale Bennett, President of the Highcroft HOA, represents the 74 townhomes there. He said that OP fits in with the community; PCD is not good. Please keep it OP zoning. He is concerned with the parking on the lake. People who live in Highcroft use the trail around the lake. They will have a view of the parking lot. Also parking should be moved to the other side of the development. Concerning security, a wall was not put all around Highcroft. There should be a fence to secure the property. This could be a security problem. Dance studios come and go. They have no objection to the office building. The dance studio is the issue. Also, there should be a study of the wetlands and the impact on the wildlife there. Robert Gibbs of Highcroft said that he is opposed to the dance school. This will bring in a bad element to the area. Lake Pat will be impacted. There is a security problem and a concern for wildlife.

Daniel Sherron, Vice-President of Highcroft Pointe said that he is concerned about the building being two stories and looking into the backyards of the townhomes. He is also concerned about noise and traffic. There is a pair of nesting falcons and some wood ducks on the property. The shared drainage was not made clear to the homeowners of Highcroft when they purchased their units. Several people were told that they owned the lake. Another concern is the dance studio going out of business and being replaced by other things. This is wetlands. The noise from this development will travel across the lake into the townhomes.

Gladys Bernstein said that she is opposed to the two story office building and the dance school. When Highcroft was designed, the gate to E. Lake Brantley Road is an emergency access only. E. Lake Brantley is too narrow to take the traffic and turning.

David Bolton from Highcroft Pointe said that he was opposed to this request. Currently the 9 – 5 timeline is what you see in the neighborhood. There is wildlife in the area, also.

Linda Demming lives in Shadow Bay. Her backyard will be exposed to the two story building. This will be an intrusion into her privacy. If this is rezoned it could turn into a Walgreen's in the future. There is a noise problem here already. Also, there is a drainage problem in the area. Her backyard is under water at times now. This will remove drainage potential from the area.

In rebuttal, Mr. Bonyetti said that the 2 driveways were to cut down on the traffic. The buildings are put the way they are to be near the bank. The parking is 600 feet from any residence. The project is within the threshold of impervious area. No endangered species have been reported.

Mr. Rumer said that the OP zoning allowed 35-foot buildings, and the corresponding development order from the original zoning limited the land to one- story buildings.

Commissioner Tucker asked how this will impact this request.

Michael Rumer said that the two-story building sits on the Wekiva Springs Road side, 70 feet back. The staff found that compatible.

Commission Tucker asked about traffic.

Mr. Rumer said that the 200 foot driveway separation was met. They are dedicating 7 feet of right of way for future improvement.

Dan Matthys said that there will be a concurrency study of this. It may go through further traffic analysis.

Commissioner Tucker asked about analysis done during the development of Highcroft and the back emergency gate. Wasn't this for emergency access only?

Mr. Rumer stated that the Highcroft Developer's Commitment Agreement does not mention "no access off of E. Lake Brantley Road" , but the approved site plan that was passed by the BCC shows the access as a "gated emergency access only."

Commissioner Tucker said that the recommendation to the keep the access to emergency use only came from the P&Z commissioners and partly because of the access for this land.

Tony Walter said that the plan from 1983 shows an access to E. Lake Brantley Road which is slightly different from the one shown tonight. Mr. Walter said that the plan showed only emergency access.

Commissioner Tucker asked about the drainage in the area.

Mr. Walter said that the drainage in the area exceeds the drainage criteria.

Commissioner Tucker asked about the Lake Pat issues.

Mr. Rumer stated that this rezoning will not change any of the pre-existing agreements or easements. The drainage plan will have to pass the regulations of the county and state.

Commissioner Tucker noted that the building will be 600 feet away from any homes. The wildlife in the area listed by state does not include any endangered species.

Mr. Rumer said that a wildlife office walks the site prior to the Development Review meeting and will give a wildlife study at the time of site plan review.

Commissioner Hattaway asked if the parking will be buffered from Lake Pat.

Mr. Rumer said that it is not explicitly required.

Commissioner Tucker asked about the landscaping on the plan that was submitted.

Mr. Bonyadi said that the plan showed existing trees only. The appearance of the two buildings will be similar and coordinated. There will be a drop-off pattern and parking on the site.

Commissioner Tucker asked if the one story building could be used as something else.

Mr. Rumer said that it could be used for any of the uses in the CN Neighborhood Commercial District uses from the Land Development Code. Prohibited uses are service stations, restaurants, banks, funeral homes, parking garages, hotels, day nurseries, animal clinics, self-service laundries, bars, cocktail lounges, bakeries, plumbing shops, appliance stores, outdoor advertising signs, flea markets, and parking of semi-trailers. Permitted uses include: artist studios, barber and

beauty shops, book, stationery, and news stands, clinics, ice cream store, drug and laundry store, fire station, florist and gift shop, interior decorating, hobby shop, jewelry store, luggage store, office and business professional, physical fitness center, retail paints, post office, and retail sporting goods shop.

Commissioner Tucker asked if a physical fitness studio would be close to a dance school for comparison.

Mr. Rumer said that it would be.

Commissioner Wolf asked about the trees around the lake. They are natural trees. There were comments from neighbors about being able to see across. Will the final plans show more trees to make more of an opaque barrier across the lake?

Mr. Bonyadi said that the Land Development Code requires a tree every 25-feet and shrubs also. The county standard is 3 inch wide, 10 foot high trees. A landscape architect will work on the design.

Commissioner Wolf asked if there were specific lights required for this project.

Mr. Rumer said that there was a light ordinance which deals with type and power of lights used.

Commissioner Brown asked if there was going to be hedges between the parking lot and the lake.

Mr. Bonyadi said that the Land Development Code required it.

Mr. Rumer said that any further changes, such as industrial uses, would require a land use change.

Commissioner Brodeur made a motion to approve the request.

Commissioner Brown seconded the motion.

Commissioner Brodeur asked the board members if there had been a land use change for the Highcroft development.

Tina Williamson said that the land use had been changed to Planned Development.

The motion passed 7 – 0.