

Item # 88

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** WEST LAKE BRANTLEY DRIVE (1) Small scale future land use amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) and (2) Rezoning from R-1A (Single-Family Dwelling District) to RP (Residential Professional District).

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

**AUTHORIZED BY:** Donald Fisher **CONTACT:** Earnest McDonald EXT. 7430

<b>Agenda Date</b> <u>07-22-03</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/> <b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/> <b>Public Hearing – 7:00</b> <input type="checkbox"/>
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**MOTION/RECOMMENDATION:**

1. Enact an ordinance to (1) amend the Future Land Use Map from LDR (Low Density Residential) to MDR (Medium Density Residential) and (2) rezone from R-1A (Single-Family Dwelling District) to RP (Residential Professional District) two lots totaling 0.70 acres located at the southeast corner of West Lake Brantley Road and Magnolia Road; or
2. Deny the request to (1) amend the Future Land Use Map from LDR (Low Density Residential) to MDR (Medium Density Residential) and (2) rezone from R-1A (Single-Family Dwelling District) to RP (Residential Professional District) two lots totaling 0.70 acres located at the southeast corner of West Lake Brantley Road and Magnolia Road; or
3. Continue the public hearing until a time and date certain.

(District 3 – Commissioner Van Der Weide) (Earnest McDonald, Principal Coordinator)

**BACKGROUND:**

The applicant proposes to convert two (2) existing single-family homes into offices. Both properties have FLU designations of Low Density Residential (LDR) and are zoned R-1A (Single-Family Dwelling District).

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

At its July 9, 2003 special meeting, the Planning & Zoning Commission recommended approval of the request to (1) amend the Future Land Use Map from LDR (Low Density Residential) to

<b>Reviewed by:</b> <u>SR</u> <b>Co Atty:</b> _____ <b>DFS:</b> _____ <b>OTHER:</b> <u>MMW</u> <b>DCM:</b> <u>SS</u> <b>CM:</b> _____  <b>File Nos.</b> <u>ph130pdp01</u>
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MDR (Medium Density Residential) and (2) rezone from R-1A (Single-Family Dwelling District) to RP (Residential Professional District). The Planning & Zoning Commission conditioned this recommendation upon a directive to staff to determine if a wall, other than masonry, would be appropriate as a component of the required (northern) active buffer. Staff will present its findings to the Board of County Commissioners at the public hearing.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request to (1) amend the Future Land Use Map from LDR (Low Density Residential) to MDR (Medium Density Residential) and (2) rezone from R-1A (Single-Family Dwelling District) to RP (Residential Professional District) two lots totaling 0.70 acres located at the southeast corner of West Lake Brantley Road and Magnolia Road, based on the findings stated in this report and subject to the conditions enumerated in the attached development order.

WEST LAKE BRANTLEY SSFLUA & REZONE			
<b>APPLICANT:</b>	J. David Free		
<b>OWNERS:</b>	Lot 1 Sandra M. Howard Lot 2 Homer B. & Diane L. Stonaker		
<b>REQUEST:</b>	(1) Amend the FLU Map from LDR (Low Density Residential) to MDR (Medium Density Residential) and (2) Rezone from R-1A (Single Family Dwelling District) to RP (Residential Professional District)		
<b>HEARING DATES:</b>	<b>P&amp;Z:</b>	July 9, 2003	<b>BCC:</b> July 22, 2003
<b>PARCEL ID NUMBER:</b>	Lot 1 17-21-29-501-0B00-0010 Lot 2 17-21-29-501-0B00-0030		
<b>PROJECT LOCATION:</b>	Located at the southeast corner of West Lake Brantley Road and Magnolia Road		
<b>APPROXIMATE SIZE:</b>	Lot 1 0.35 acres Lot 2 0.35 acres Total 0.70 acres		
<b>FUTURE LAND USE:</b>	LDR (Low Density Residential)		
<b>ZONING:</b>	R-1A (Single-Family Dwelling District)		
<b>FILE NUMBER:</b>	Z2003-015 & 04-03SS.05		
<b>COMMISSION DISTRICT:</b>	District 3 – Commissioner Van Der Weide		

**OVERVIEW:**

The applicant, J. David Free, proposes to convert two (2) existing single-family residences into offices, which would accommodate the range of uses permitted in the RP (Residential Professional District). The subject properties are currently zoned R-1A (Single-Family Dwelling District) and have a Future Land Use (FLU) designation of LDR (Low Density Residential). They are located at the southeast corner of West Lake Brantley Road and Magnolia Road. For the sake of reference, the properties will be described henceforth as Lot 1 and Lot 2 as depicted on the proposed site plan. To develop the existing homes as offices, the applicant proposes to change the FLU and zoning to MDR (Medium Density Residential) and RP (Residential Professional District), respectively. The MDR FLU is defined as a land use which allows for the conversion of existing residential units to residential professional offices. The proposed RP District would be compatible under the MDR FLU designation.

The properties are located on West Lake Brantley Drive, which is classified as a minor collector from Sand Lake Road to State Road 436. The purpose of the RP District is to provide a location for the conversion of single-family residences to offices along collector roadways or major roads, where there is an emerging trend of office and commercial development.

Each site consists of a single-family dwelling. The applicant proposes to convert the interior configuration of each dwelling to offices and provide shared access and parking, as depicted on the site plan. No additional improvements are planned for the building exteriors. Separate retention areas would also be provided on each site. The existing

LDR FLU and R-1A District does not allow the conversion of residences to residential offices, which explains the reason for the request.

**Existing Land Uses: Existing Zoning and FLU designations for the subject property and abutting properties are as follows:**

DIRECTION	EXISTING ZONING	FUTURE LAND USE	USE OF PROPERTY
Site	R-1A	Low Density Residential	Single-Family
North	R-1A	Low Density Residential	Single-Family
South	C-2	Commercial	Radio Station
East	R-1A	Low Density Residential	Single-Family
West	C-2	Public (Commercial Pending)	Vacant

Planning staff has reviewed this request for consistency with the comprehensive plan and applicable zoning regulations. There is an emerging trend of commercial development along this sector of West Lake Brantley Road, from State Road 436. With the location of the subject properties along a collector road, the emerging trend of commercial development in the immediate vicinity, and the proposed FLU amendment from Public to Commercial for the tract west of the subject properties, staff believes the proposed FLU and zoning would be consistent with Policy FLU 2.6 (Conversion of Residential Structures) of the Seminole County Vision 2020 Comprehensive Plan.

Staff has further identified a number of issues associated with the site that will be addressed in the form of conditions imposed in the attached development order.

**SITE ANALYSIS:**

**Facilities and services:** Adequate public facilities and services must be available concurrent with the impacts of development. The applicant has submitted an Affidavit of Concurrency Review Deferral. Prior to the issuance of final development permits, the applicant will be required to submit an application for full concurrency review.

**Water, Sewer & Stormwater:**

Lot 1 is currently served by a 2-inch water line, maintained by Florida Water Services, on the east side of West Lake Brantley Road. Lot 2 is served by an on-site well; the applicant would be required to connect to the same 2-inch water line along West Lake Brantley Road, following conversion of the existing home to office use. No sewer service is available to the properties, and each lot is served by an on-site septic system that may require an upgrade to service the uses that would be permitted in the RP District.

Prior to final site plan approval, the properties would be required to retain the 100-year storm event on site or obtain an FDOT drainage connection permit for drainage to State Road 436.

### Transportation / Traffic:

Both sites have individual access to West Lake Brantley Road through private driveways. The site plan proposes to close and replace those driveways with a single access driveway from West Lake Brantley Road, which would be shared between the two properties.

### Parking

Section 30.1221(2) (Off-Street Parking Requirements) of the Land Development Code would typically require a total of fifteen (15) parking spaces, at the standard of one (1) space per two hundred (200) SF of gross building area for office buildings.

Within the RP District, the Board of County Commissioners shall determine the off-street parking and landscaping requirements based on the anticipated traffic generation of the proposed residential office use and the landscaping required to protect the residential character of the properties to the north and east. As stated elsewhere in the report, staff believes the proposed parking would be adequate for the uses proposed.

The properties are both located in the Aquifer Recharge Overlay Zoning Classification, which requires no less than ten (10) percent but no more than twenty-five (25) percent of required parking spaces to be unpaved.

### Signage

The proposed site plan does not depict any signage associated with the sites. Each of the subject properties may be permitted one (1) identification sign up to sixteen (16) SF in sign area, fifteen (15) FT in height, and no closer than ten (10) FT to the property lines abutting West Lake Brantley Road.

### Compliance with Environmental Regulations

There are no identified flood prone areas or wetlands on these properties.

### Compliance with Surrounding Development:

Staff has applied Policy FLU 2.5 (Conversion of Residential Structures) of the Seminole County Vision 2020 Comprehensive Plan to determine how compatible the proposed residential offices would be with surrounding land use. The policy allows the conversion of existing residential structures to professional offices, where:

- A. *The character of the area has undergone a significant change, due to roadway improvements or development trends.* Staff has determined surrounding land uses to be primarily commercial to the south and west and single-family residential to the north and east. Staff believes the

emerging trend of commercial development along West Lake Brantley Road from State Road 436, proposed Commercial FLU amendments to adjoining property, and the location of both properties along a collector road has reduced the desirability and practicality of the subject properties as single-family residences. Therefore, the proposed residential offices would be more consistent with the emerging trend of development along this sector of West Lake Brantley Road than the existing single-family homes.

- B. *Adequate access and parking to redeveloped parcels can be maintained.* The proposed site plan depicts shared access and vehicle use areas between the two parcels. The two existing single-family structures have the following features:

Property	Size of Existing Home (SF)		Difference
	Gross	Net (Heated)	
Lot 1	2,111 SF	1,510 SF	601 SF
Lot 2	2,427 SF	1,534 SF	893 SF
TOTAL	4,538 SF	3,044 SF	1,494 SF

The existing homes comprise a total of 3,044 SF (net), which would require one (1) parking space per two-hundred (200) SF of gross floor area or a total of fifteen (15) parking spaces for office land use. A total of sixteen (16) parking spaces are proposed. Staff believes this number would be adequate to serve the range of office uses permitted in the RP District, excluding high-traffic generators such as medical offices.

- C. *Land Development Code standards for buffers can be provided to effectively maintain the viability of adjacent residential uses.* Section 30.1232 (Active/Passive Buffer Setback Design Standards) typically requires a minimum setback and buffer width of 50 FT and 25 FT, respectively, along the northern edge of Lot 1 and the eastern edges of Lots 1 and 2 with the following components:

1. A brick or masonry wall six (6) FT in height; and
2. Sixteen (16) canopy trees, based on the standard of eight (8) canopy trees at least two and one-half (2 ½) inches in diameter every per one hundred (100) linear FT.

The Board of County Commissioners shall make the final determination of setbacks and buffers necessary to ensure compatibility with adjacent low density residential character.

Staff does not believe the proposed development would cause an adverse impact on nearby and adjacent residential properties, if adequate landscaping and buffer requirements are met in accordance with Section

30.1232 (Active/Passive Buffer Setback Design Standards) of the Land Development Code as stated above. The proposed MDR FLU would ensure the compatibility of the proposed uses with surrounding single-family by limiting intensity to that which is consistent with residential development.

**STAFF RECOMMENDATION:**

In addition to applying Policy FLU 2.5, staff has analyzed the FLU amendment and rezoning requests with respect to Section 30.624 (Special Uses for the RP District) of the Land Development Code, which defines the general office uses (e.g., insurance, real estate, professional offices, etc.) appropriate for the RP District. Based on the standards for the approval of allowable uses in the RP District, staff has reached the following findings:

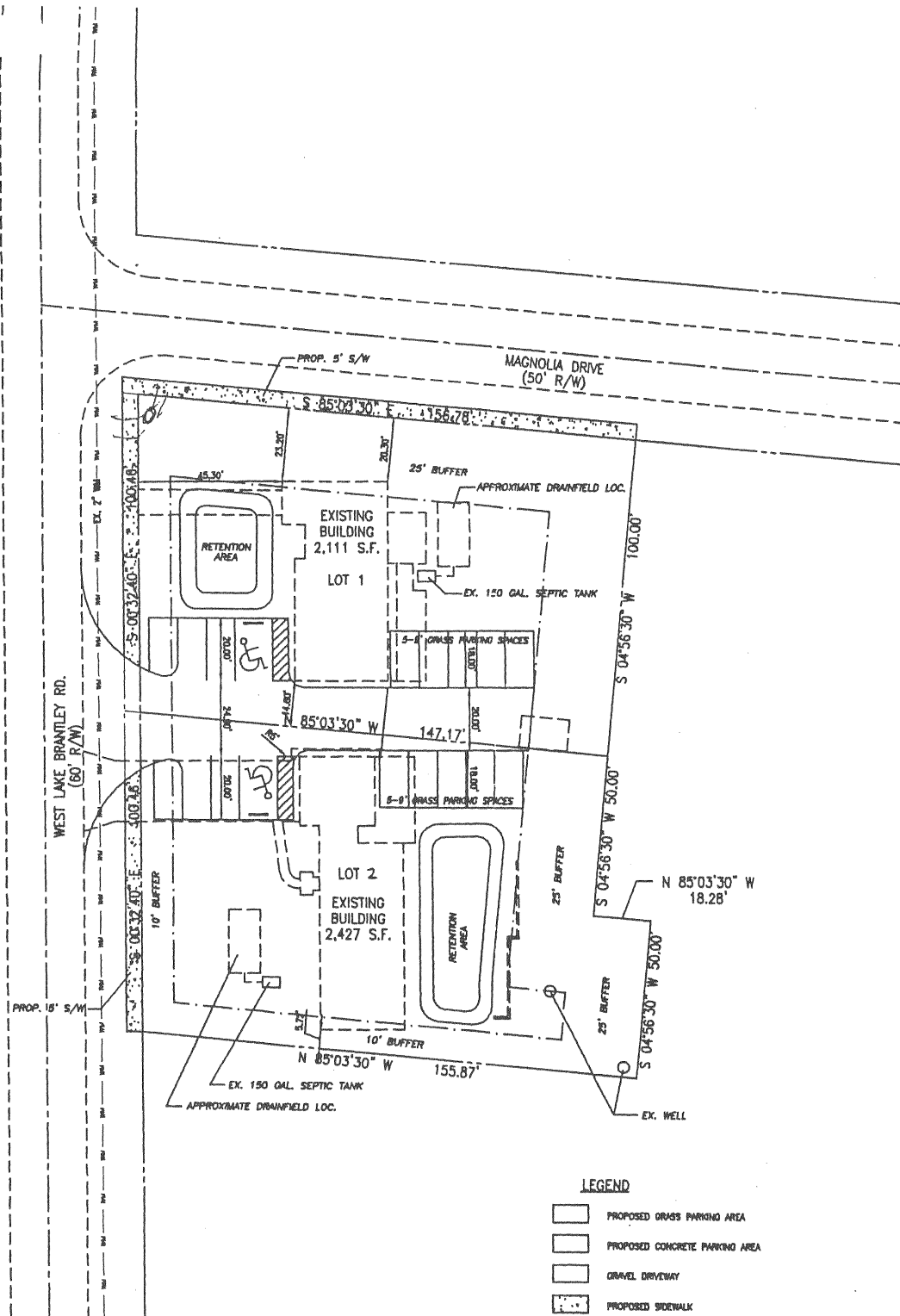
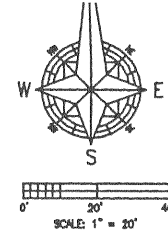
1. The proposed uses would not be detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area.
2. The proposed uses would be compatible with the concept of low density land use and site coverage.
3. The proposed uses would not have an unduly adverse effect on existing traffic patterns, movements and intensity.
4. The proposed FLU amendment and corresponding rezoning would not adversely impact adjacent low density residential uses.

Therefore, staff recommends approval of the request to (1) amend the Future Land Use Map from LDR (Low Density Residential) to MDR (Medium Density Residential) and (2) rezone from R-1A (Single-Family Dwelling District) to RP (Residential Professional District) two lots totaling 0.70 acres located at the southeast corner of West Lake Brantley Road and Magnolia Road, based on the findings stated in this report and subject to the conditions enumerated in the attached development order.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

At its July 9, 2003 special meeting, the Planning & Zoning Commission recommended approval of the request to (1) amend the Future Land Use Map from LDR (Low Density Residential) to MDR (Medium Density Residential) and (2) rezone from R-1A (Single-Family Dwelling District) to RP (Residential Professional District). The Planning & Zoning Commission conditioned this recommendation upon a directive to staff to determine if a wall, other than masonry, would be appropriate as a component of the required (northern) active buffer. Staff will present its findings to the Board of County Commissioners at the public hearing.

**ATTACHMENTS:** Zoning & Future Land Use Maps, Proposed Site Plan, Proposed Development Order, Proposed Ordinances



**FIRE NOTE**

- OPTION 1) INSTALL FIRE HYDRANT WITH IN THE REQUIRED 300 FEET FROM THE FURTHEST BUILDING.
- OPTION 2) INSTALL FIRE SERVICE STORAGE TANKS IN REAR YARD FOR FIRE PROTECTION IF THE WANNER IS APPROVED BY THE FIRE OFFICIAL.
- OPTION 2) FIRE SPRINKLE THE BUILDING IN ACCORDANCE WITH THE SEA, CO. LDC AND IF THE WANNER IS APPROVED BY THE FIRE OFFICIAL.





**LOT 1 SITE DATA**

EXISTING ZONING:	R-1A
FUTURE ZONING:	RP
CHANGE FUTURE LAND USE TO:	MEDIUM DENSITY RESIDENTIAL
TOTAL AREA:	15,198 SF (0.35 ACRES)
IMPERVIOUS AREA:	4,343 SF (28.5%)
EXISTING BUILDING:	2,111 SF (13.9%)
EXISTING CONCRETE:	512 SF (3.4%)
PROPOSED CONCRETE:	1,720 SF (11.3%)
OPEN SPACE:	10,855 SF (71.5%)
PARKING REQUIRED:	1 SP/200 SF = 2,111 SF/200 SF = 11 SP
PARKING PROVIDED:	9 PARKING SPACES
REQUIRED BUFFERS:	
NORTH P/L:	25 FEET
EAST P/L:	25 FEET
SOUTH P/L:	10 FEET
WEST P/L:	10 FEET

**LOT 2 SITE DATA**

EXISTING ZONING:	R-1A
FUTURE ZONING:	RP
CHANGE FUTURE LAND USE TO:	MEDIUM DENSITY RESIDENTIAL
TOTAL AREA:	15,153 SF (0.35 ACRES)
IMPERVIOUS AREA:	4,001 SF (26.4%)
EXISTING BUILDING:	2,427 SF (16.0%)
EXISTING CONCRETE:	103 SF (0.7%)
PROPOSED CONCRETE:	1,471 SF (9.7%)
OPEN SPACE:	11,152 SF (73.6%)
PARKING REQUIRED:	1 SP/200 SF = 2,427 SF/200 SF = 12 SP
PARKING PROVIDED:	9 PARKING SPACES
REQUIRED BUFFERS:	
NORTH P/L:	10 FEET
EAST P/L:	25 FEET
SOUTH P/L:	10 FEET
WEST P/L:	10 FEET

**LEGEND**

-  PROPOSED GRASS PARKING AREA
-  PROPOSED CONCRETE PARKING AREA
-  GRAVEL DRIVEWAY
-  PROPOSED SIDEWALK



**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On July 22, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

(SEE ATTACHED EXHIBIT A)

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

**FINDINGS OF FACT**

**Property Owners:** Sandra M. Howard  
421 W. Lake Brantley Road  
Altamonte Springs, FL 32714  
Lots 1 and 2, Blk B (less road) Pearl Lake Heights 1<sup>st</sup> Addition, PB  
8, PG 60  
(17-21-29-501-0B00-0010)

Homer B. Stonaker & Diane L. Stonaker  
411 W. Lake Brantley Road  
Altamonte Springs, FL 32714  
Lots 3 and 37, Blk B Pearl Lake Heights 1<sup>st</sup> Addition, PB 8, PG 60  
(17-21-29-501-0B00-0030)

**Project Name:** West Lake Brantley Small Scale Land Use Amendment & Rezone

**Requested Development Approval:**

1. Amend the Future Land Use Map from LDR (Low Density Residential) to MDR (Medium Density Residential).
2. Rezone from R-1A (Single-Family Dwelling District) to RP (Residential 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: EARNEST MCDONALD  
1101 East First Street  
Sanford, Florida 32771

## Order

**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 uses will include only general office uses allowed in the RP (Residential Professional District) to include insurance, real estate and professional offices; medical offices shall be excluded.
- b. The existing buildings shall not be expanded beyond the existing dimensions shown on the proposed site plan.
- c. Each parcel shall be permitted one (1) identification sign, subject to the provisions for permitted signage in the RP (Residential Professional District).
- d. The existing driveways shall be closed and access to the properties shall be provided by a single access drive, as depicted on the proposed site plan.
- e. Easements for shared parking and joint-access shall be recorded prior to final site plan approval.
- f. The number of required parking spaces shall be determined by the Board of County Commissioners upon advisement by the Planning and Zoning Commission; Maximum impervious surface area shall not exceed 65 percent.
- g. A fire suppression storage tank with a 5,000 gallon capacity shall be provided on each lot.
- h. Lot 2 shall be required to connect to a 2" water line on the east side of West Lake Brantley Road; the existing well shall be abandoned.
- i. Prior to final site plan approval, each site shall acquire an FDOT drainage connection permit or hold 100 percent of the 100-year storm event.
- j. Each lot shall be required to upgrade its existing septic system to a standard deemed appropriate by the Seminole County Health Department based on recommended uses.
- k. Active setbacks and buffers shall be observed along the northern edge of Lot 1 and the eastern edges of Lots 1 and 2.
- l. Each site shall otherwise meet the requirements of the Seminole County Land Development Code and Comprehensive Plan.

(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 above.**

By: \_\_\_\_\_

**Daryl G. McLain**

Chairman, Board of County Commissioners

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, Sandra M. Howard, the owner of the aforescribed property in this Development Order, on behalf of herself and her 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 Sandra M. Howard \_\_\_\_\_

\_\_\_\_\_ 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 \_\_\_\_\_ 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 \_\_\_\_\_, 2003.

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

OWNER'S CONSENT AND COVENANT

**COMES NOW**, Homer B. Stonaker , the owner of the aforescribed property in this Development Order, 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                      Homer B. Stonaker

\_\_\_\_\_  
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 \_\_\_\_\_ 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 \_\_\_\_\_, 2003.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, Diane L. Stonaker , the owner of the aforescribed property in this Development Order, on behalf of herself and her 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 Diane L. Stonaker

\_\_\_\_\_  
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 \_\_\_\_\_ 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 \_\_\_\_\_, 2003.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

EXHIBIT A

Sandra M. Howard  
421 W. Lake Brantley Road  
Altamonte Springs, FL 32714  
Lots 1 and 2, Blk B (less road) Pearl Lake Heights 1<sup>st</sup> Addition, PB  
8, PG 60  
(17-21-29-501-0B00-0010)

Homer B. Stonaker & Diane L. Stonaker  
411 W. Lake Brantley Road  
Altamonte Springs, FL 32714  
Lots 3 and 37, Blk B Pearl Lake Heights 1<sup>st</sup> Addition, PB 8, PG 60  
(17-21-29-501-0B00-0030)

**AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS APPENDIX "A" TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM LDR (LOW DENSITY RESIDENTIAL) TO MDR (MEDIUM DENSITY RESIDENTIAL); 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 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; 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 Local Planning Agency held a Public Hearing, with all required public notice, on July 9, 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 July 22, 2003, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local 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 Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

**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 and form and include legislative findings which are a material part of this Ordinance.
- (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. 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 91-13, 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 in the attached Appendix “A” to this Ordinance as follows:

“Low Density Residential to Medium Density Residential”

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

(c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

**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 and the Florida Department of Community Affairs 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 adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, 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 Boulevard, Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 22<sup>nd</sup> day of JULY 2003

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_

Daryl G. McLain, Chairman

## APPENDIX "A"

Sandra M. Howard  
421 W. Lake Brantley Road  
Altamonte Springs, FL 32714  
Lots 1 and 2, Blk B (less road) Pearl Lake Heights 1<sup>st</sup> Addition, PB  
8, PG 60  
(17-21-29-501-0B00-0010)

Homer B. Stonaker & Diane L. Stonaker  
411 W. Lake Brantley Road  
Altamonte Springs, FL 32714  
Lots 3 and 37, Blk B Pearl Lake Heights 1<sup>st</sup> Addition, PB 8, PG 60  
(17-21-29-501-0B00-0030)

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1A (SINGLE-FAMILY DWELLING DISTRICT) ZONING CLASSIFICATION THE RP (RESIDENTIAL PROFESSIONAL DISTRICT) 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 "West Lake Brantley Small Scale Future Land Use Amendment and Rezone."

(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 R-1A (Single-Family Dwelling District) to RP (Residential Professional District).

**SEE 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 # 03-22000003 in the Official Land Records of Seminole County and filing of the Ordinance with the Florida Department of State.

ENACTED this 22<sup>nd</sup> day of JULY 2003

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

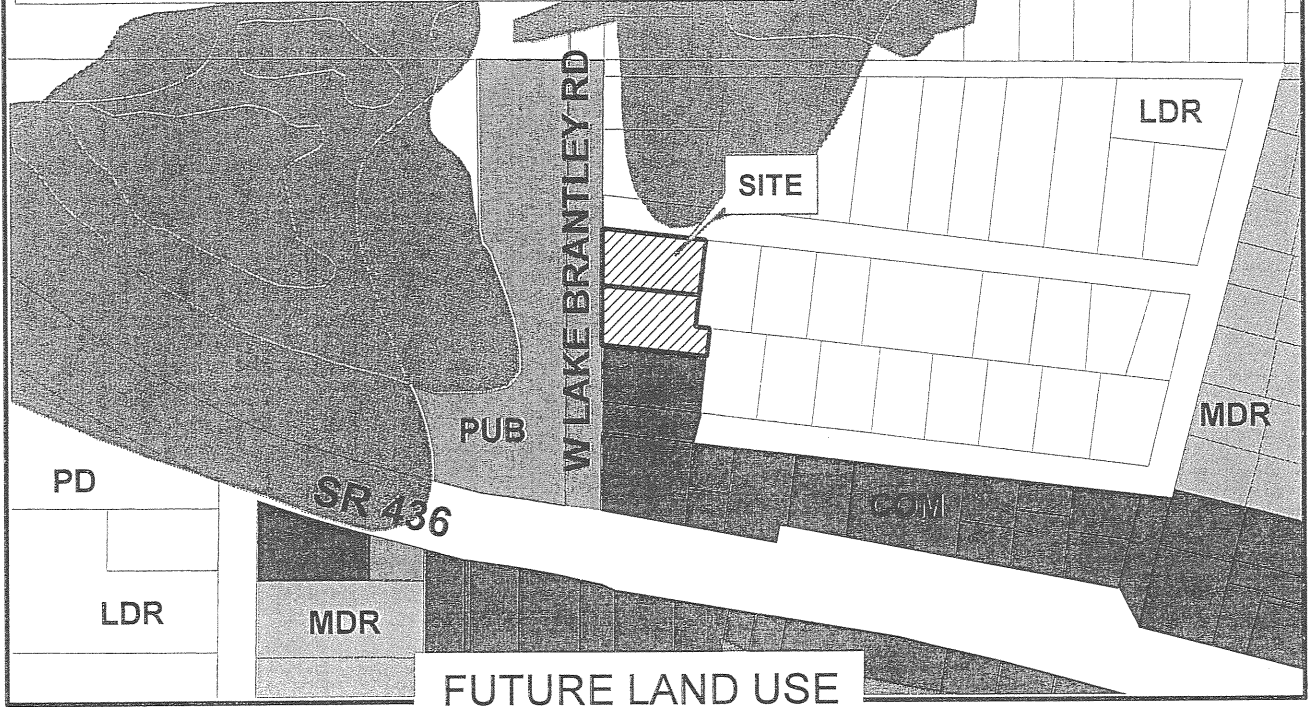
## EXHIBIT A

Sandra M. Howard  
421 W. Lake Brantley Road  
Altamonte Springs, FL 32714  
Lots 1 and 2, Blk B (less road) Pearl Lake Heights 1<sup>st</sup> Addition, PB 8, PG  
60  
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(17-21-29-501-0B00-0030)



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.

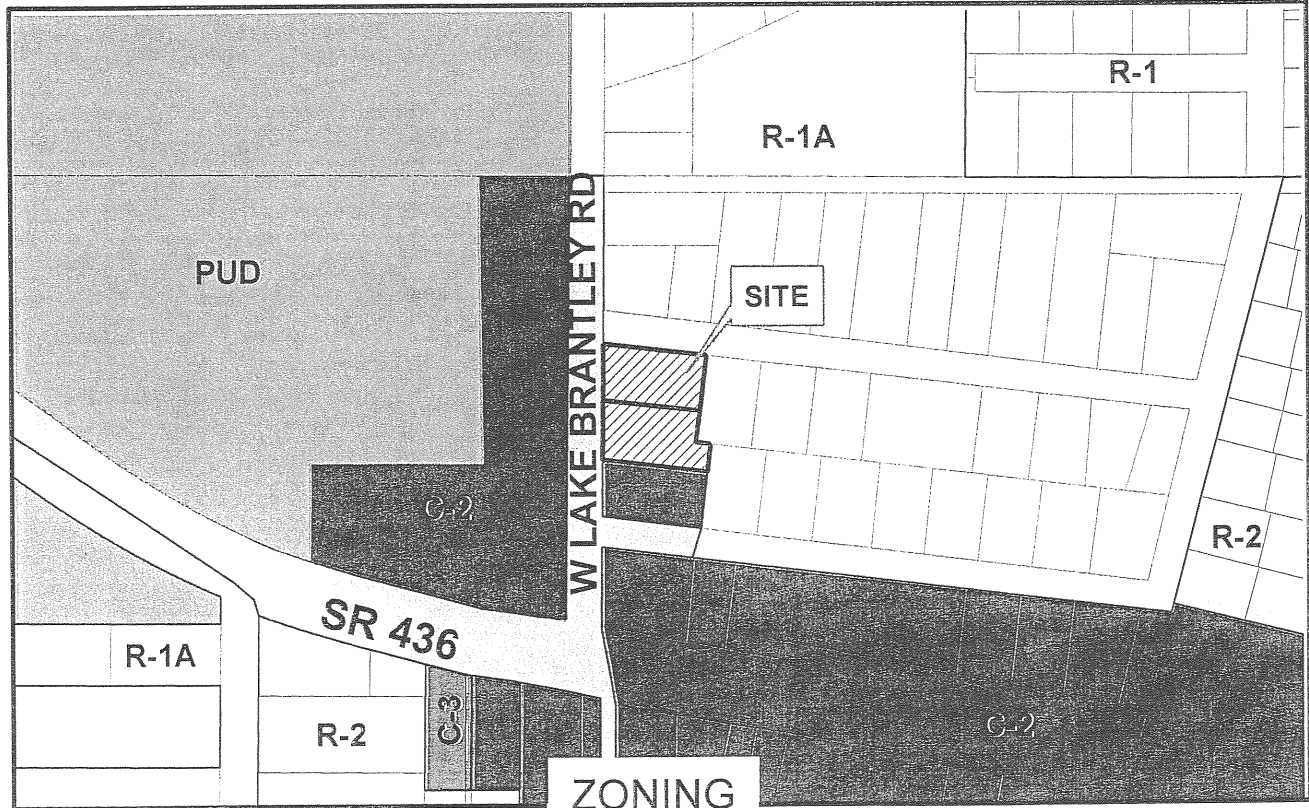


**FUTURE LAND USE**

Site
  Municipality
  COM
  LDR
  PUB
  MDR
  PD
  CONS

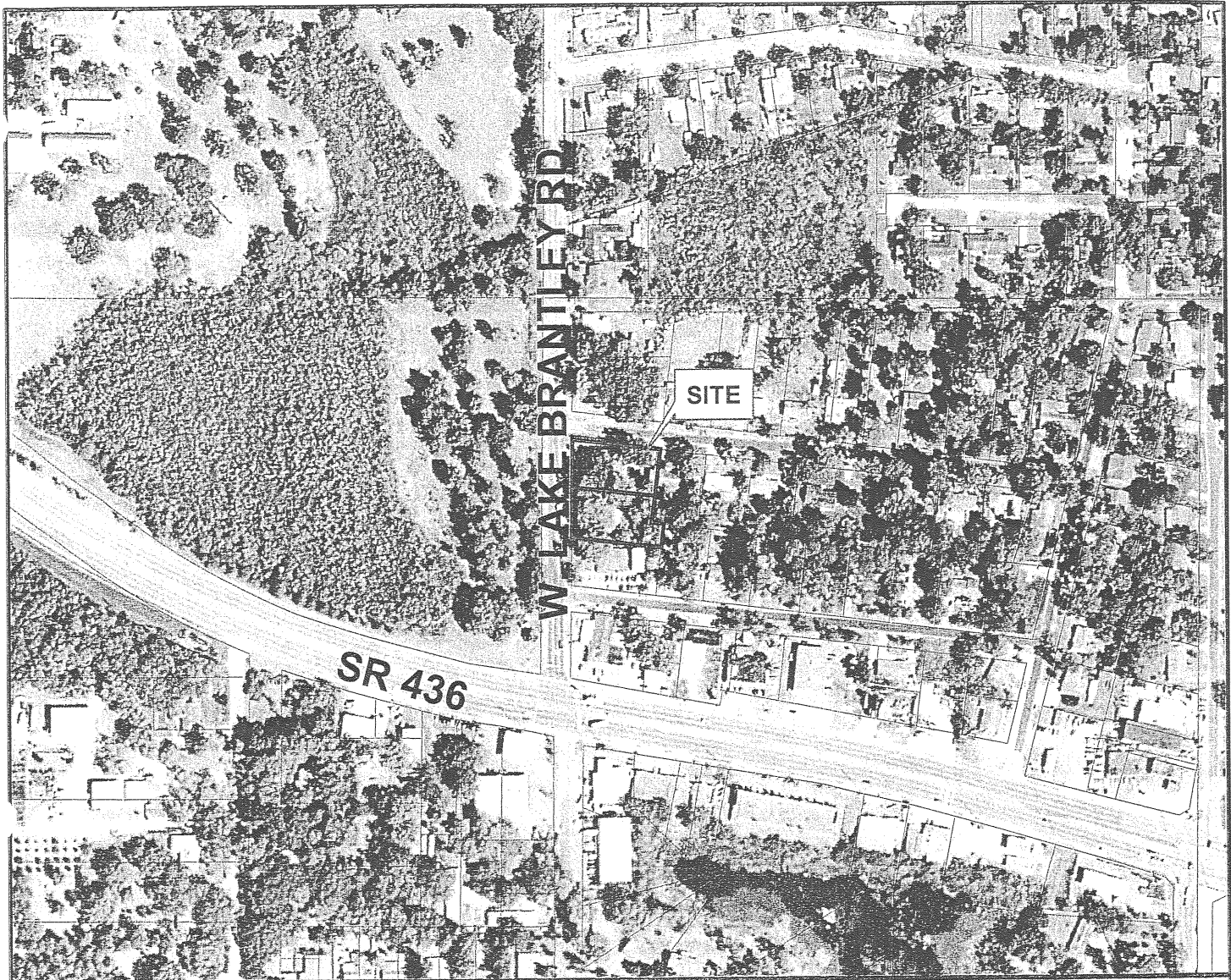
Applicant: J. David Free  
 Physical STR: 17-21-29-501-0B00-0010 & 0030  
 Gross Acres: 0.75 BCC District: 3  
 Existing Use: Single Family Residential  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	04-03SS.05	LDR	OFF
Zoning	Z2003-015	R-1A	RP



**ZONING**

A-1
  C-2
  C-3
  PUD
  R-1
  R-1A
  R-2



Amendment No: 04-03SS.05

From: LDR To: OFF

Rezone No: Z2003-015

From: R-1A To: RP

 Parcel

 Subject Property



NOT TO SCALE

February 1999 Color Aerials

