

MINUTES OF THE SEMINOLE COUNTY
LPA/P&Z COMMISSION
JULY 23, 2003
6:00 P.M.

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

Absent: Richard Harris

Also present: Matt West, Planning Manager, Don Fisher, Manager of Planning and Development Division, Karen Consalo, Assistant County Attorney, Tony Matthews, Principal Planner, Dick Boyer, Senior Planner, and Candace Lindlaw-Hudson, Sr. Staff Assistant.

E. Florida Conference Association of Seventh-Day Adventists; Glatting, Jackson, et al / John H. Percy, applicant; 5.09 acres; Small Scale Land Use Amendment from PUB (Public) to Commercial; located on the northwest corner of West Lake Brantley Road and SR 436. (Z2003-020, 07.03SS.01)

Commissioner Van Der Weide – District 3
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant requests a Small Scale Land Use Amendment from Public to Commercial on a 5-acre site adjacent to the Forest Lake Academy property at the intersection of West Lake Brantley Road and SR 436. The existing zoning of C-2 is inconsistent with the future land use designation assigned by the Vision 2020 Plan. State law requires consistency between zoning and the Comprehensive Plan. Staff recommends approval of the request per the staff report.

John Percy stated that he agreed with the staff report and asked for a recommendation of approval.

There were no questions or comments on the item.

Commissioner Mahoney made a motion to recommend approval as per the conditions of the staff report.

Commissioner Peltz seconded the motion.

The motion passed by unanimous consent (6-0).

Seventh Day Adventist Small Scale Land Use Amendment Staff Report

Public (PUB) to Commercial		Amendment (Z2003-020 07.03SS01)
REQUEST		
APPLICANT	John Percy / Glatting Jackson	
PLAN AMENDMENT	Small Scale Land Use Amendment from Public (PUB) and Planned Development (PD) to Commercial	
REZONING	Existing zoning C-2; no change requested	
APPROXIMATE GROSS ACRES	5.09	
LOCATION	Northwest corner of SR 436 and W. Lake Brantley Road	
BCC DISTRICT	District 3 – Van Der Weide	
RECOMMENDATIONS AND ACTIONS		
LPA RECOMMENDATION 7/23/03	Recommendations of the Land Planning Agency (LPA) will be presented at the hearing.	
STAFF RECOMMENDATION	Staff recommends APPROVAL of the request.	

STAFF ANALYSIS

Public (PUB) to Commercial		Amendment (Z2003-020 07.03SS01)
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1. Property Owner: Florida Conference of 7th Day Adventists
2. Tax Parcel Number: 17-21-29-300-0050-0000

3. **Development Trends:** Development in the area is largely commercial in nature adjacent to SR 436, with large areas of single family development lying north and south of this major arterial road. The subject property is a part of the holdings of the 7th Day Adventist Conference, which includes Forest Lake Academy. A recently approved PUD for the academy and surrounding lands authorizes additional uses on church land, including an assisted living facility and retail uses fronting on SR 436. The existing C-2 zoning on the subject property, located in the extreme southeast portion of the 7th Day Adventist holdings, has been on County maps for many years, probably since the original adoption of zoning in Seminole County.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Public, currently assigned to the subject property, permits public and quasi-public uses, such as schools, fire stations and public utility sites. Existing C-2 zoning allows retail commercial uses. The subject property is vacant.

Location	Future Land Use*	Zoning*	Existing Use
North	PD	PUD	vacant
South	COM/PUB	R-2/C-2/C-3	commercial/County fire facility
East	LDR/COM	R-1/C-2	SF residential/commercial
West	PD	PUD	vacant

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

COMPREHENSIVE PLAN CONSISTENCY

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

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support

Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

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

Access to the subject property is via SR 436, an Arterial road, and West Lake Brantley Road, a local street. The existing Level of Service (LOS) on this portion of SR 436 is "F", with an adopted LOS standard of "D". However, adequate capacity to serve the site exists on West Lake Brantley Road, with an existing LOS of "A". Development(s) on the site will require a bi-directional turn lane on West Lake Brantley and right in/right out driveway(s) on SR 436. Final concurrency review may result in the need for additional roadway improvements. Additional traffic studies shall be required prior to final concurrency approval.

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County*

The subject property is within the Utilities Inc. water and sewer service area. Water and sewer service are currently available to the site

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 12.2.2).*

The property is served by the Seminole County EMS/Fire Station #13. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

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

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a*

determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).

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

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

The site contains approximately 20% wetlands or flood prone areas, and can be developed within requirements of the Vision 2020 Plan and Land Development Code.

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

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

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

A. Compatibility: When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation of compatibility, the proposed Commercial land use would be compatible with the Commercial future land use designation on adjoining properties to the east and south. It is also compatible with the proposed uses in the

Planned Development land use on the west and north, which include a school, church, assisted living, and retail commercial.

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

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

"Exhibit FLU: Appropriate Transitional Land Uses" indicates that Commercial can be an appropriate transitional use adjacent to Low Density Residential (LDR) properties, such as those located to the east of the site across West Lake Brantley Road.

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.

FLU 2.2: Regulation of Active Uses.

FLU 5.5: Water and Sewer Service Expansion

Commercial Future Land Use Definition

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

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

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request.

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 PUBLIC AND PLANNED DEVELOPMENT TO COMMERCIAL; 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 July 23, 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 August 12, 2003, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Seventh Day Adventist 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:

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 in attached Exhibit "A" as follows:

Public and Planned Development to Commercial, Amendment Number 07-03SS.01

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

ENACTED this 12th day of August, 2003.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain,
Chairman

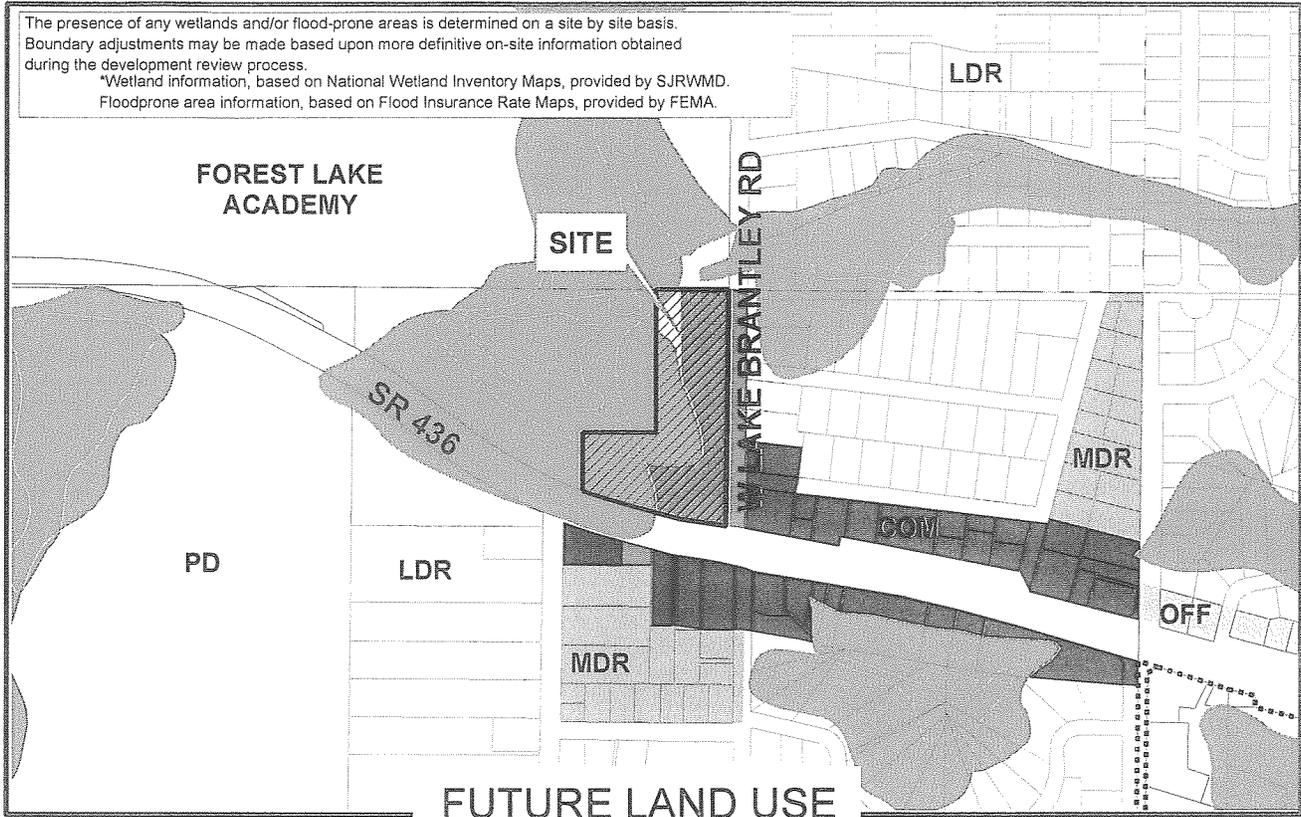
EXHIBIT A

LEGAL DESCRIPTION

Beginning at the junction of the north Right-of-way line of SR 436 and west Right-of-way line of West Lake Brantley Road thence northerly along the west Right-of-way line of West Lake Brantley Road approximately 800 feet to the north section line of S17, T21 South, R29 East, thence west along said section line 240 ft., thence due south 470 feet, thence due west 180 feet, thence due south to the north Right-of-way line of SR 436, thence easterly along said Right-of-way line to the point of beginning.

Containing 5.09 acres, more or less.

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.

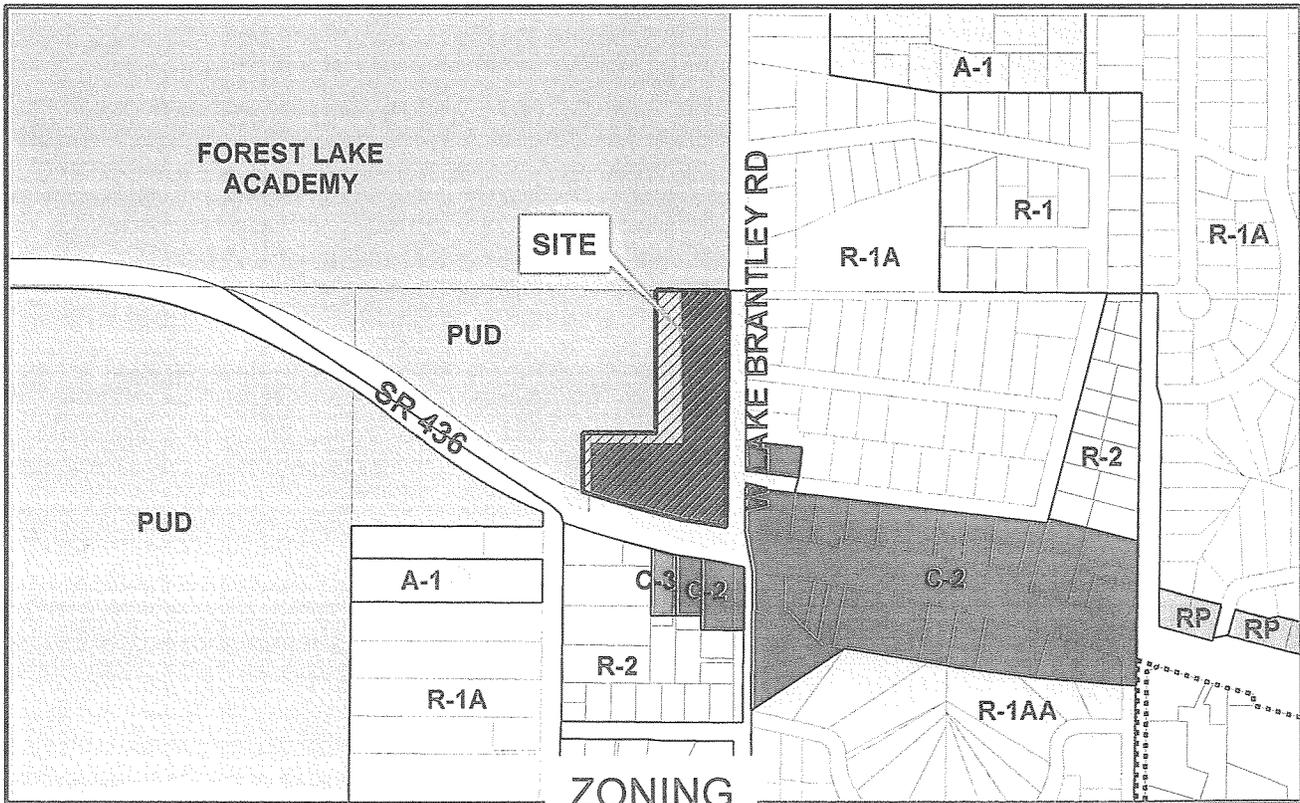


FUTURE LAND USE

Site
 Municipality
 COM
 LDR
 PUB
 MDR
 COM
 OFF
 CONS
 PD

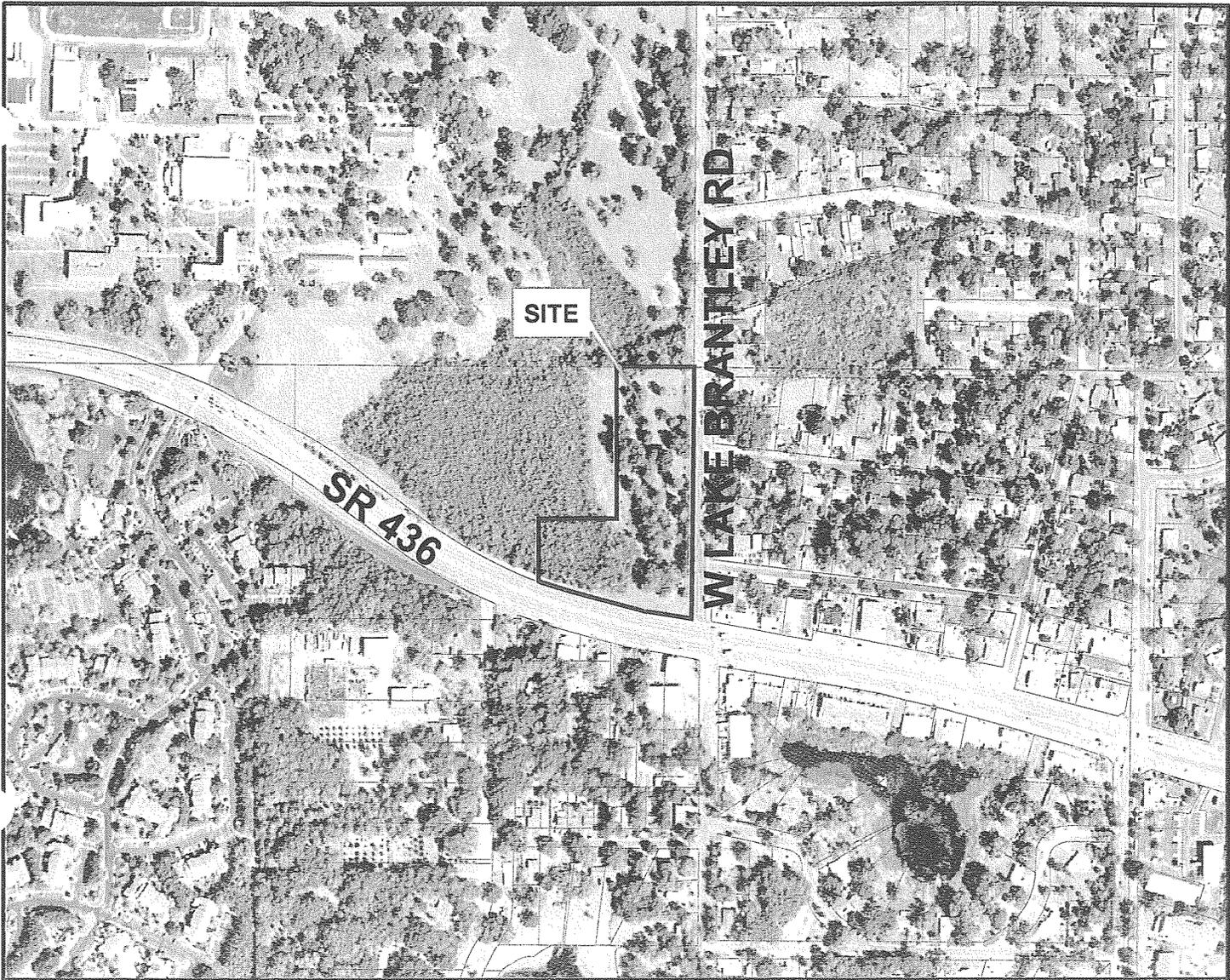
Applicant: John H. Percy, Glattig Jackson
 Physical STR: part of 17-21-29-300-0050-0000
 Gross Acres: +/- 5.09 BCC District: 3
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	07.03SS.01	PUB	COM
Zoning	--	--	--



ZONING

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



Amendment No: 07.03SS.01
From: PUB To: COM

-  Parcel
-  Subject Property



February 1999 Color Aerials