

Item # 54

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** SR 426/Chapman Road Walgreens - Preston Bolt - applicant; Major Amendment to a PCD; Located on the southwest corner of State Road 426 and Chapman Road. (Z2003-023)

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

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Cathleen Consoli **EXT.** 7377

<b>Agenda Date:</b> <u>8/26/03</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"/>

**MOTION/RECOMMENDATION:**

1. Enact an ordinance to APPROVE a request for a major amendment to a PCD; located on the southwest corner of State Road 426 and Chapman Road, Preston Bolt – applicant; based on staff findings and the attached Development Order; or
2. DENY a request for a major amendment to a PCD; located on the southwest corner of State Road 426 and Chapman Road, Preston Bolt – applicant;
3. CONTINUE the request to a date and time certain.

BCC District 1 – Commissioner Maloy

Cathleen Consoli, Senior Planner

**BACKGROUND:**

The applicant, Preston Bolt of Chapman 426 Development, LLC, is requesting to amend the Planned Commercial Development (PCD) formally known as Polystar Industries to include commercial uses for a proposed pharmacy. The property was rezoned in 1998 to PCD with industrial uses, permitted through the Preliminary Master Plan and Development Order. A Final Master Plan and Developer's Commitment Agreement (DCA) have not been submitted for this development as previously approved. At this time, the applicant is proposing to revise the approved preliminary master plan and change the uses permitted on the site to uses found in the C-2 (Commercial Retail District) rather than the M-1A (Very Light Industrial District) uses as depicted on the 1998 preliminary master plan.

**LPA/P&Z RECOMMENDATION:**

The LPA/P&Z voted 5-0 to recommend approval of the request with staff conditions plus the condition to provide opaque screening adjacent to the north property line to protect the existing home from light intrusion.

<b>Reviewed by:</b> _____ <b>Co Atty:</b> <u>KCC</u> <b>DFS:</b> _____ <b>OTHER:</b> <u>AW</u> <b>DCM:</b> <u>SS</u> <b>CM:</b> <u>VB</u> <b>File No.</b> <u>php130pdp01</u>
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**STAFF RECOMMENDATION:**

Staff recommends approval of the request based on staff findings and conditions placed on development, included in this report.

**MINUTES FOR THE SEMINOLE COUNTY  
LPA / P&Z COMMISSION  
AUGUST 6, 2003**

**Members present:** Alan Peltz, Dick Harris, Ben Tucker, Beth Hattaway, and Dudley Bates

**Members absent:** Thomas Mahoney, Chris Dorworth

**Also present:** Jeff Hopper, Senior Planner, Matt West, Planning Manager, Cathleen Consoli, Senior Planner, J.V. Torregrosa, Planner, Jim Potter, Development Review, Mahmoud Najda, Development Review Manager, Karen Consalo, Assistant County Attorney, J.R. Ball, Development Review, Don Fisher, Director of Planning and Development, Gary Rudolph, Utilities Manager and Candace Lindlaw-Hudson, Sr. Staff Assistant.

- G. SR 426/Chapman Road Walgreens;** Preston Bolt, applicant; approximately 5.1 acres, Major Amendment to a PCD (Planned Commercial Development); located on the southwest corner of State Road 426 and Chapman Road. (Z2003-023)

Commissioner Maloy – District 1  
Cathleen Consoli, Senior Planner

Ms. Consoli stated that the applicant, Preston Bolt, of Chapman 426 Development, LLC, is requesting to amend the Planned Commercial Development (PCD) formally known as Polystar Industries to include commercial uses for a proposed Walgreens Pharmacy. The property was rezoned in 1998 to PCD with industrial uses, permitted through the Preliminary Master Plan and Development Order. A Final Master Plan and Developers Commitment Agreement (DCA) have not been submitted for this development as previously approved. At this time, the applicant is proposing to revise the approved preliminary master plan and change the uses permitted on the site to uses found in the C-2 (Commercial Retail District) rather than the M-1A (Very Light Industrial District) uses as depicted on the 1998 preliminary master plan. An amendment to the Development Order is to replace the word "Walgreens" with "pharmacy."

Staff recommendation is for approval of the request based on staff findings and conditions placed on development included in the staff report. Staff recommends approval of the requested PCD Major Amendment subject to the following conditions:

1. Building setbacks shall be
  - a. Front (SR 426 and Chapman Road) – 25 feet
  - b. West property line – 10 feet
  - c. South property line – 10 feet

- d. Internal lots – 5 feet
- 2. Landscape buffers shall be:
  - a. Front (SR 426 and Chapman Road) – 10 feet
  - b. West property line – 5 feet
  - c. South property line – 5 feet
  - d. Internal lots – 5 feet
- 3. Permitted uses are those permitted and conditional uses found in the C-2 zoning district plus self service gasoline pumps as an accessory use, restaurants and drive in banks. However, the following uses are prohibited: adult entertainment establishments and alcoholic beverage establishments including bars and cocktail lounges, new and used car lots, hotels and motels, flea markets, self service laundries, veterinary kennels or clinics, dry cleaning plants, bottling and distribution plants and boat sales or boat service facilities;
- 4. Alcoholic beverage sales may only be incidental in nature such as convenience stores or bona fide restaurant uses;
- 5. Restaurants may only operate between the hours 7a.m. until 11p.m. Sunday through Thursday, and 7a.m. until 1 a.m. on Fridays and Saturdays;
- 6. Deliveries may only be received between the hours of 7a.m. and 9p.m.;
- 7. The Walgreens site may be open 24 hours a day, seven days a week;
- 8. The site shall provide 30 percent open space;
- 9. A 5 foot sidewalk shall be constructed along Chapman Road the entire length of the parcel;
- 10. Only one access point to the subject property is permitted to cross the Cross Seminole Trail. Said access point shall be located at the pre-existing trail crossing location;
- 11. A 10 foot buffer is required adjacent to the trail corridor on the east property line with 4 canopy trees and 4 under story trees per every 100 linear feet;
- 12. Gas canopies shall have recessed lighting so that lighting fixtures shall not be visible below the horizontal plane of the canopy;
- 13. Final Master Plan shall adhere to all applicable requirements of the Land Development Code and Vision 2020.

Meredith Pickens of Shutts and Bowen stated that a prior owner had made a zoning change that showed industrial uses. This PCD will have retail commercial uses. The one consideration was the middle access point. Others use the access road shown on the diagram to the right of the site. The applicant can “live with” the one access point as indicated by Staff. The next step is a final site plan and developer’s commitment agreement.

There were no questions from the Board at this time.

Ms. Jo Goodman lives on the corner of Chapman Road and SR 426. She stated that in the widening of 426 her driveway was moved and that such action caused a funneling effect in which the water from the road runs onto her property. She wants the drainage in the area to be fixed. Also, light from headlights on the proposed site should be buffered adjacent to the north property line.

Ms. Pickens said that the applicants will have to meet all St. John's River Water Management District standards and that lighting will be addressed at the time of final master plan approval.

Commissioner Tucker asked if Ms. Pickens would change the road.

Ms. Pickens stated that the applicants will meet all criteria of the Land Development Code.

Bill Tipton III of Tipton & Associates stated that they will construct an urban road which will meet all of St. John's River Water Management criteria.

**Commissioner Harris made a motion to recommend approval of the application with the conditions listed in the staff report, including the condition to provide an opaque landscape buffer along the northern property line to limit headlight intrusion to existing buildings.**

**Commissioner Peltz seconded the motion.**

**The motion passed by a vote of 5 – 0.**

**SR 426 and Chapman Road Walgreens PCD  
(Formally Polystar Industries, Inc.)**

REQUEST INFORMATION	
<b>APPLICANT</b>	Preston Bolt
<b>PROPERTY OWNER</b>	426 Chapman Development, LLC
<b>REQUEST</b>	Major Amendment to PCD Preliminary Master Plan
<b>HEARING DATE(S)</b>	LPA: August 6, 2003      BCC: August 26, 2003
<b>SEC/TWP/RNG</b>	20-21-31-5CB-0000-0050
<b>LOCATION</b>	Southwest corner of Chapman Road and SR 426
<b>FUTURE LAND USE</b>	Industrial
<b>FILE NUMBER</b>	Z2003-023
<b>COMMISSION DISTRICT</b>	District 1 (Maloy)

**OVERVIEW**

**Zoning Request:** The applicant, Preston Bolt of Chapman 426 Development, LLC, is requesting to amend the Planned Commercial Development (PCD) formally known as Polystar, Industries to include commercial uses for a proposed Walgreens Pharmacy.

The subject property lies on the south west corner of SR 426 (Aloma Avenue) and Chapman Road. The eastern property line abuts the Cross Seminole Trail. It is approximately 5.12 acres in size.

The property was rezoned in 1998 to PCD with industrial uses permitted. A final Master Plan and Developers Commitment Agreement (DCA) were not submitted, under this concept. At this time, the applicant is proposing to revise the approved preliminary master plan and change the uses permitted on the site to uses found in the C-2 (Commercial Retail District) rather than the M-1A (Very Light Industrial District) uses as depicted on the 1998 preliminary Master Plan.

The subject parcel contains two out parcels in addition to the proposed Walgreens parcel. The uses on the entire site are to include all uses in the C-2 zoning district excluding the following: alcoholic beverage establishments, adult entertainment establishments and sexually oriented businesses. A final Master Plan and a Developers Commitment Agreement (DCA) shall be submitted within 60 months of approval for this request.

Staff believes that the proposed change, by itself, will not have a measurable impact on neighboring properties. Staff has no objection to the request except for the additional crossing of the Cross Seminole Trail onto SR 426.

**Existing Land Uses:** The existing zoning designations and land uses are as follows:

	<b>Zoning</b>	<b>Future Land Use</b>	<b>Existing Land Use</b>
<b>North</b>	A-1	MDR	Single and Multi-Family
<b>South</b>	A-1	Industrial	Vacant
<b>East</b>	A-1	MDR	Cross Seminole Trail, Single Family
<b>West</b>	A-1	Industrial	Vacant

For more detailed information regarding zoning and land use, please refer to the attached map.

## **SITE ANALYSIS**

### **Facilities and Services:**

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed PCD amendment is consistent with the adopted future land use designation assigned to the property, and 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.

**Compliance with Environmental Regulations:** Upland buffers averaging 25 feet and not less than 15 feet will be required from all post-development wetlands. Conservation Easements dedicated to Seminole County are required over post development wetlands and required buffers.

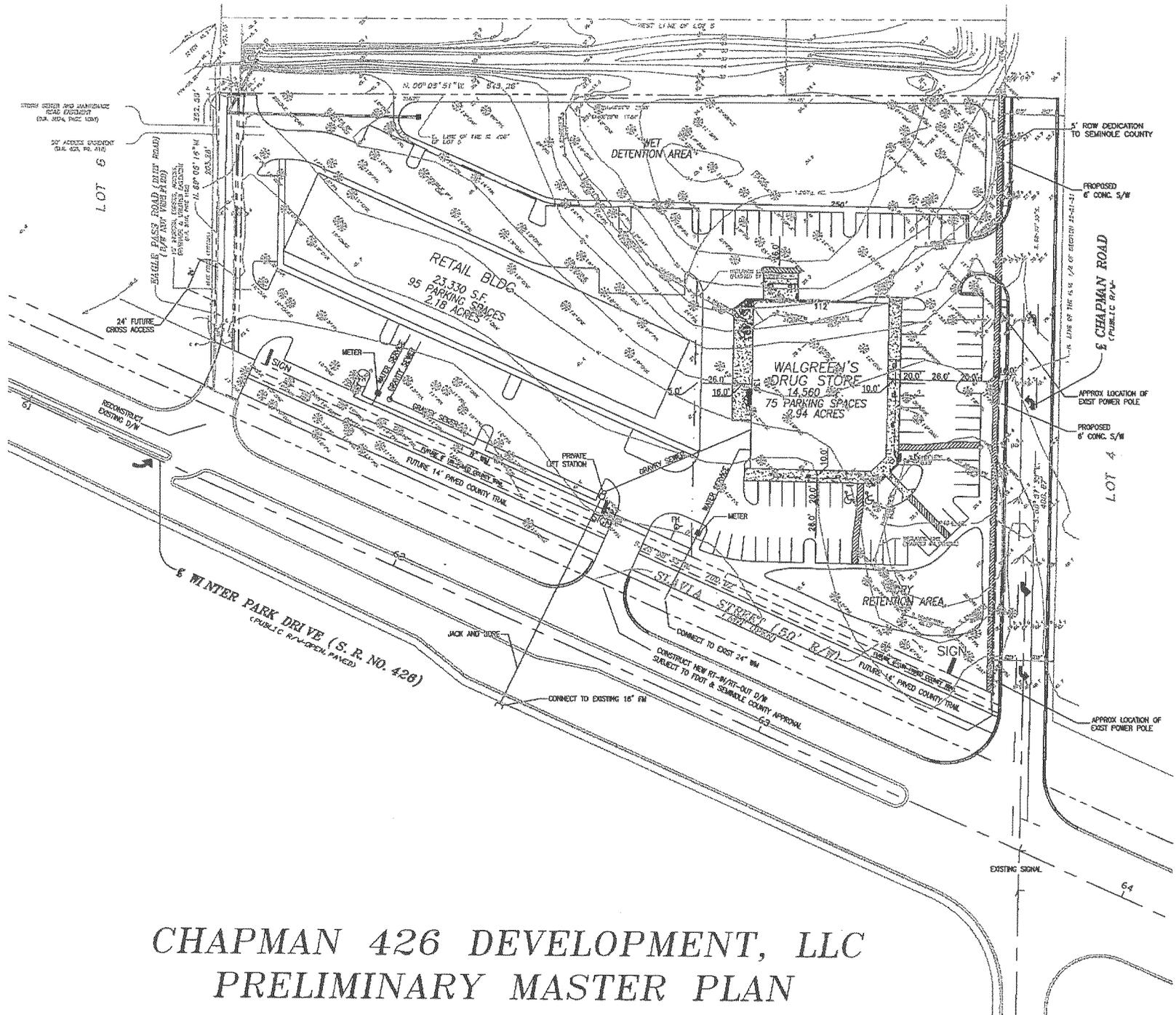
**Compatibility with surrounding development:** The proposed PCD amendment is compatible with surrounding residential and commercial development. The proposed use supports the adjacent residential uses.

### **STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the requested PCD Major Amendment subject to the following conditions:

1. Building setbacks shall be
  - a. Front (SR 426 and Chapman Road) – 25 feet
  - b. West property line – 10 feet
  - c. South property line – 10 feet
  - d. Internal lots – 5 feet
2. Landscape buffers shall be:
  - a. Front (SR 426 and Chapman Road) – 10 feet
  - b. West property line – 5 feet
  - c. South property line – 5 feet
  - d. Internal lots – 5 feet

3. Permitted uses are those permitted and conditional uses found in the C-2 zoning district plus self service gasoline pumps as an accessory use, restaurants and drive in banks. However, the following uses are prohibited: adult entertainment establishments and alcoholic beverage establishments including bars and cocktail lounges, new and used car lots, hotels and motels, flea markets, self service laundries, veterinary kennels or clinics, dry cleaning plants, bottling and distribution plants and boat sales or boat service facilities;
4. Alcoholic beverage sales may only be incidental in nature such as convenience stores or bona fide restaurant uses;
5. Restaurants may only operate between the hours 7a.m. until 11p.m. Sunday through Thursday, and 7a.m. until 1 a.m. on Fridays and Saturdays;
6. Deliveries may only be received between the hours of 7a.m. and 9p.m.;
7. The pharmacy site may be open 24 hours a day, seven days a week;
8. The site shall provide 30 percent open space;
9. A 5 foot sidewalk shall be constructed along Chapman Road the entire length of the parcel;
10. Only one access point to the subject property is permitted to cross the Cross Seminole Trail. Said access point shall be located at the pre-existing trail crossing location;
11. A 10 foot buffer is required adjacent to the trail corridor on the east property line with 4 canopy trees and 4 under story trees per every 100 linear feet;
12. Gas canopies shall have recessed lighting so that lighting fixtures shall not be visible below the horizontal plane of the canopy;
13. Provide opaque landscaping buffer adjacent to the northern property line to limit light intrusion into existing homes;
14. Final Master Plan shall adhere to all applicable requirements of the Land Development Code and Vision 2020.



CHAPMAN 426 DEVELOPMENT, LLC  
 PRELIMINARY MASTER PLAN



## SEMINOLE COUNTY DEVELOPMENT ORDER

On August 2, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

### See Exhibit A

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

### FINDINGS OF FACT

**Property Owner:**

CHAPMAN 426 DEVELOPERS, LLC  
PO BOX 941330  
MAITLAND FL 32794

**Project Name:** SR426 & CHAPMAN ROAD (WALGREENS)

**Requested Development Approval:** Revision to PCD Preliminary Master Plan to include commercial uses with conditions stated in this Development Order.

**FINDINGS:** 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: CATHLEEN CONSOLI  
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:
  1. Building setbacks shall be
    - a. Front (SR 426 and Chapman Road) – 25 feet
    - b. West property line – 10 feet
    - c. South property line – 10 feet
    - d. Internal lots – 5 feet
  2. Landscape buffers shall be:
    - a. Front (SR 426 and Chapman Road) – 10 feet
    - b. West property line – 5 feet
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  3. Permitted uses are those permitted and conditional uses found in the C-2 zoning district plus self service gasoline pumps as an accessory use, restaurants and drive in banks. However, the following uses are prohibited: adult entertainment establishments and alcoholic beverage establishments including bars and cocktail lounges, new and used car lots, hotels and motels, flea markets, self service laundries, veterinary kennels or clinics, dry cleaning plants, bottling and distribution plants and boat sales or boat service facilities;
  4. Alcoholic beverage sales may only be incidental in nature such as convenience stores or bona fide restaurant uses;
  5. Restaurants may only operate between the hours 7a.m. until 11p.m. Sunday through Thursday, and 7a.m. until 1 a.m. on Fridays and Saturdays;
  6. Deliveries may only be received between the hours of 7a.m. and 9p.m.;
  7. The pharmacy may be open 24 hours a day, seven days a week;
  8. The site shall provide 30 percent open space;
  9. A 5 foot sidewalk shall be constructed along Chapman Road the entire length of the parcel;
  10. Only one access point to the subject property is permitted to cross the Cross Seminole Trail. Said access point shall be located at the pre-existing trail crossing location;
  11. A 10 foot buffer is required adjacent to the trail corridor on the east property line with 4 canopy trees and 4 under story trees per every 100 linear feet;

- 12. Gas canopies shall have recessed lighting so that lighting fixtures shall not be visible below the horizontal plane of the canopy;
- 13. Provide opaque landscaping buffer adjacent to the northern property line to limit light intrusion into existing homes ;
- 14. Final Master Plan shall adhere to all applicable requirements of the Land Development Code and Vision 2020.

(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.

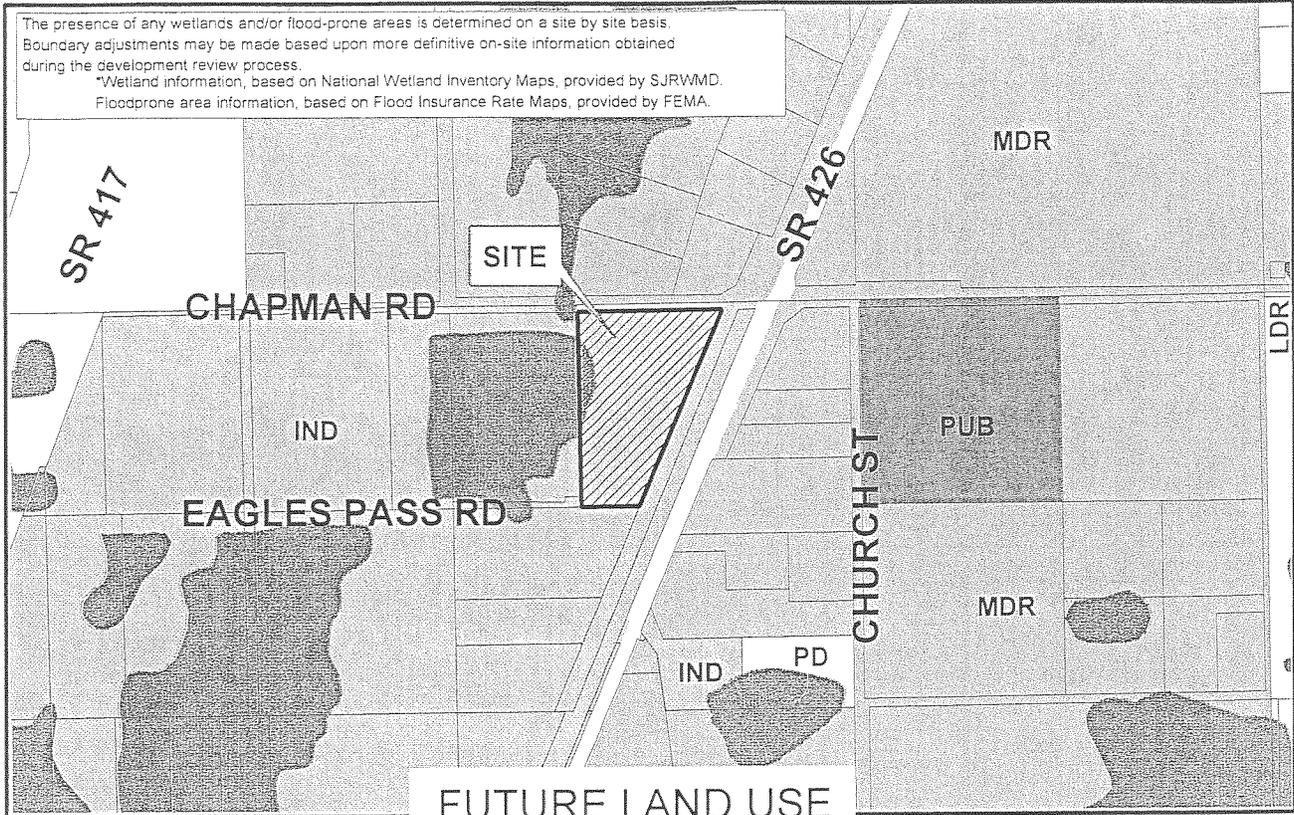
(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first above.**

By: \_\_\_\_\_  
**Daryl McLain**  
**Chairman**



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.

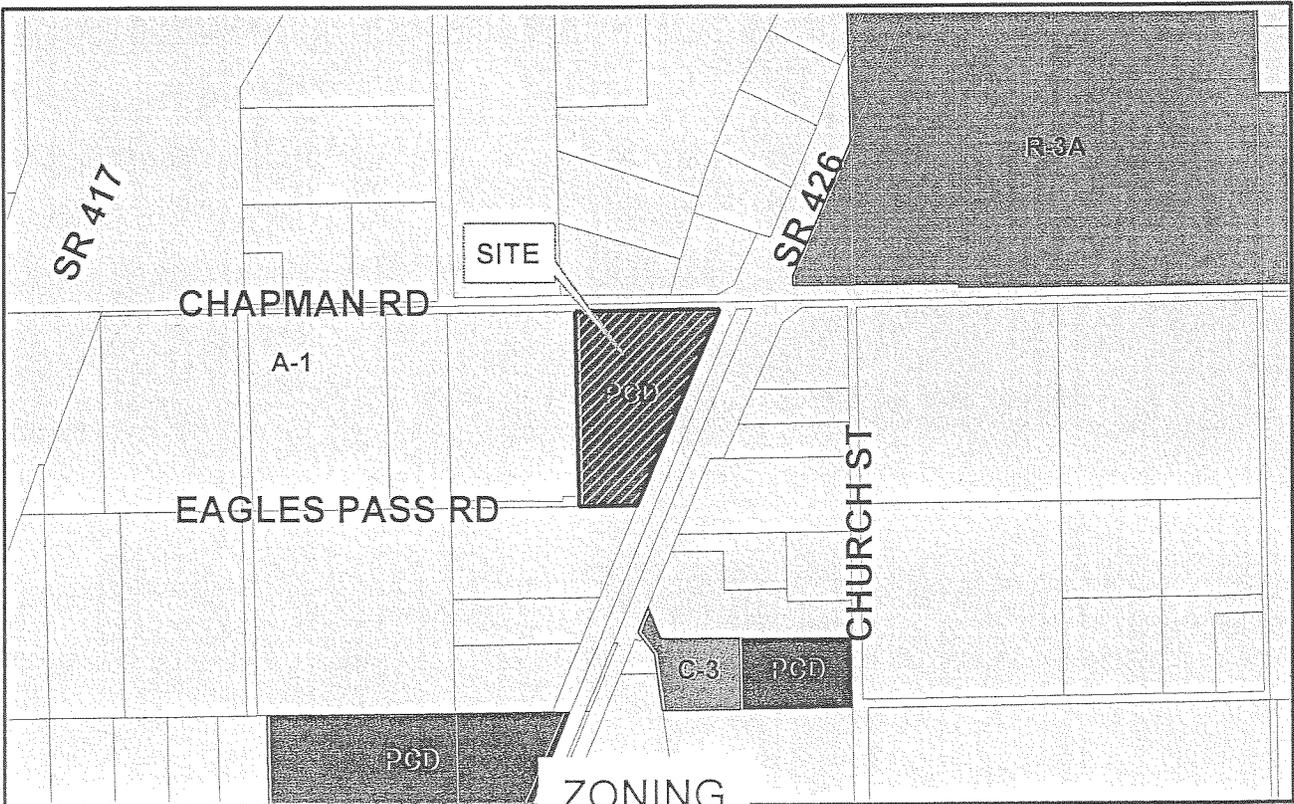


**FUTURE LAND USE**

- Site
- IND
- LDR
- CONS
- PUB
- MDR
- PD

Applicant: Chapman 426 Development, LLC  
 Physical STR: 20-21-31-5CB-0000-0050  
 Gross Acres: 5.122 BCC District: 1  
 Existing Use: Vacant Commercial  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2003-023	PCD	PCD



**ZONING**

- A-1
- C-3
- PCD
- R-3A



Rezone No: Z2003-023  
From: PCD To: PCD

-  Parcel
-  Subject Property



February 1999 Color Aerials