

Item # 46

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: South Bank PCD Final Site Plan

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tina Williamson **EXT.** 7353

| |
|--|
| Agenda Date <u>9/12/06</u> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> |
| Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/> |

MOTION/RECOMMENDATION:

1. **APPROVE** the Final Site Plan and the Developer's Commitment Agreement for the South Bank PCD, consisting of 0.83 ± acres and located on the northwest corner of the intersection of E. Lake Brantley Drive and SR 434, subject to waivers as specified in the staff report recommendations, and authorize the Chairman to execute the aforementioned documents, based on staff findings (Hugh Harling/Harling Locklin & Associates, applicant); or
2. **DENY** the Final Site Plan and the Developer's Commitment Agreement for the South Bank PCD, consisting of 0.83 ± acres and located on the northwest corner of the intersection of E. Lake Brantley Drive and SR 434 (Hugh Harling/Harling Locklin & Associates, applicant); or
3. **CONTINUE** the request until a time and date certain.

District #3 – Van Der Weide

Tina Williamson, Principal Coordinator

BACKGROUND:

The applicant is seeking Final Site Plan approval for the South Bank Planned Commercial Development (PCD). On October 25, 2005, the Board adopted a Small Scale Future Land Use Amendment from Office to Planned Development (PD) and rezone from RP (Residential Professional District) to PCD (Planned Commercial Development District) on the subject property. As a part of the Final Site Plan and Developer's Commitment Agreement approval, the applicant is requesting two waivers from Section 30.1232 of the Seminole County Land Development Code. The Board can grant these waivers, if the waivers are found to not be contrary to the public interest and if they further the intent and

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|---|
| Reviewed by: <u>KFT</u> Co Atty: _____ DFS: _____ Other: _____ DCM: _____ CM: <u>ca</u> File No. <u>rpdp02</u> |
|---|

purposes of the landscaping chapter of the Land Development Code. Section 30.1232 Part (d) (2) (d) of the Seminole County Land Development Code states:

Stormwater retention/detention facilities in landscape buffers. The Planning Division Manager may allow stormwater retention/detention facilities to encroach into designated landscape buffers to a maximum of fifty (50) percent upon finding that all planting and structural requirements of the landscaping provisions of this Code are met and the visual screen provided by the bufferyard will be fully achieved and maintained. Retention areas shall be designed to be dry within twenty-four (24) hours of a twenty-five (25) year storm event and not to require fencing around such areas.

The South Bank PCD Final Site Plan has the retention pond encroaching 20' into the required 25' active buffer on the north side of the site. The Land Development Code only allows the Planning Division Manager to permit an encroachment of 12.5'. Also, the pond is fenced. Staff has reviewed the requested waivers and finds that the requested waivers are not contrary to the public interest and do not negatively affect the integrity and intent of the Active/Passive Buffer for the following reasons:

1. The approved Development Order and proposed Developer's Commitment Agreement require the developer to raise the existing 6' block wall on the north side of the property to 8', as shown on the attached Final Site Plan, which will provide additional screening mitigation for the adjacent properties.
2. The proposed Developer's Commitment Agreement also requires the fence to be decorative and comply with the rendering in Exhibit B; and landscaping and a bench must be provided adjacent to the pond area to serve as amenities, as shown on the attached Final Site Plan.

The requested waivers are incorporated into the attached Developer's Commitment Agreement in Section 6, Building Setbacks and Buffers. Staff also finds that the proposed Final Master Plan and Developer's Commitment Agreement provided by the applicant comply with all of the conditions contained in the approved Development Order.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Final Site Plan and the Developer's Commitment Agreement for the South Bank PCD, consisting of 0.83 ± acres and located on the northwest corner of the intersection of E. Lake Brantley Drive and SR 434, subject to the following waivers from Section 30.1232 Part (d) (2) (d) of the Seminole County Land Development Code :

1. The retention pond on the north side of the site shall be required to encroach 20' into the required Active Buffer; and
2. The pond is allowed to be fenced provided that the fencing complies with the rendering in Exhibit B of the attached Developer's Commitment Agreement and landscaping and a bench are provided as amenities.

ATTACHMENTS:

Location Map

Final Site Plan

Developer's Commitment Agreement

Approved Development Order

October 25, 2005 BCC meeting minutes

ACCESS GATE TO POND & WELL
12' MIN. CLEAR OPENING

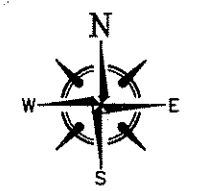


STOP SIGN &
24" WHITE
STOP BAR

PROVIDE HANDICAPPED
RAMPS THROUGH ISLAND

TYPE "D" CURB
AT SIDEWALK
MOUNTABLE
CURB

SEE BELOW
FOR RIGHT IN
RIGHT OUT
DETAIL



RECEIVED JUL 26 2006

ADD TWO FEET TO TOP OF EXISTING
WALL. MATCH COLOR AND STYLE.
NOTIFY RESIDENTS 48 HOURS BEFORE
BEGINNING WORK.

THE BUILDING DIVISION AND FIRE
DIVISION REQUIRE A SEPARATE PERMIT
FOR THE WALL PRIOR TO
CONSTRUCTION.

AC PADS
TRANSFORMER POLE
SEPTIC TANK
DOSING TANK
DUMPSTER ENCLOSURE
DRAINFIELD

SILT FENCE LOCATION
ALONG PERIMETER
EXCEPT AT WALL

RELOCATE POWER POLE
OUTSIDE 3' CONTROL ZONE

CURB CUT RAMPS
PER FDOT INDEX
304 DETAIL CR21
TYP BOTH SIDES

INLET
SEE SHEET 6

ADD TWO 12" WHITE STRIPES
FOR CROSSWALK

3' VALLEY GUTTER
PER INDEX 300



REMOVE
EXISTING DRIVEWAY
& SIDEWALK

RADIUS RETURNS
TYPE F CURB PER
FDOT INDEX 300
(TYP)



SEE SHT. 9 FOR H/O SIGNAGE

TYPE "D" CURB

W. S.R. 434

E. LAKE BRANTLEY RD.

SITE DATA:
Current Zoning: PCD
Site Area: 0.85 acres
Proposed Land Use: BANC
Adopted Future Land Use: Office
Existing Land Use: Vacant

Setbacks:
Front: 25 Feet
Side: 15 Feet
Rear: 15 and 80 Feet
Maximum Building Height: 30 FT
Water Service Provider: Seminole County
Sanitary Sewer Disposal Provider: Septic Tank
Solid Waste Disposal Provider: Land Practices

FLOOD MAP:
Property is in Flood Zone "X" (outside 100-Year floodplain), per FEMA Flood Insurance Map #12117C0110 E, and #12117C0120 E, dated 4-17-05.

SOILS:
SLOTTED SAND
SLOTTED SAND-CLAY
SLOTTED SAND-CLAY

UTILITIES:
Water Service to be provided by Seminole County.

WATER:
Design shall comply with all Seminole County Land Development Code requirements.

SEWER:
A septic tank will be utilized.

STORM DRAINAGE:
Stormwater drainage treatment and storage is to be provided on-site according to Seminole County and SWMD stormwater regulations.

SITE NOTES:

FIRE PROTECTION:
Fire protection will be provided by Seminole County. Fire flow will be a minimum of 800 G.P.M. with 20 P.S.I. Fire hydrants shall be located according to Seminole County regulations.

LANDSCAPE & OPEN SPACE:
Landscaping will meet all requirements of Part 64, Chapter 30 and Section 30.1228 of Seminole County Land Development Code. Minimum open space of 30% per Part 20, Chapter 30 Seminole County L.D.C.

LANDSCAPING CONCEPT:
The overall landscaping concept will emulate the natural vegetation and utilize native plant materials as much as possible.

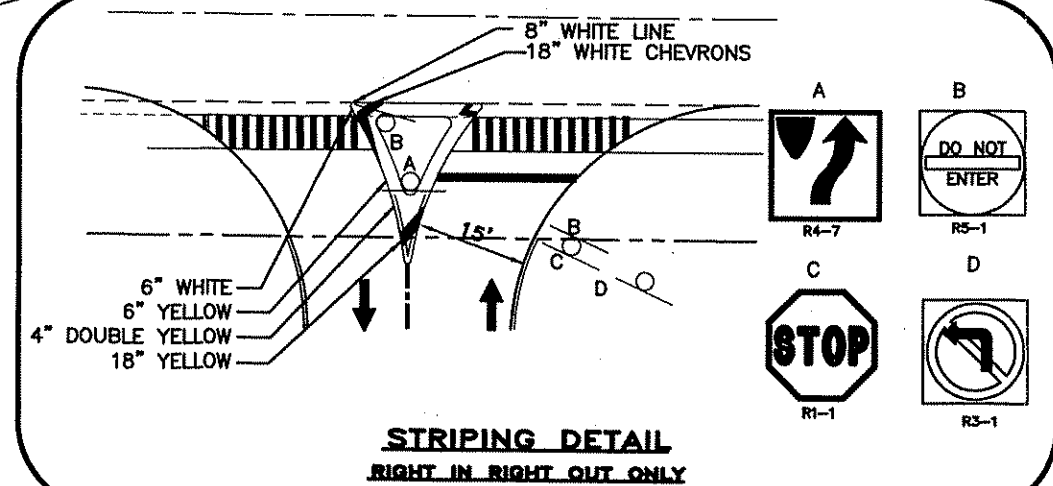
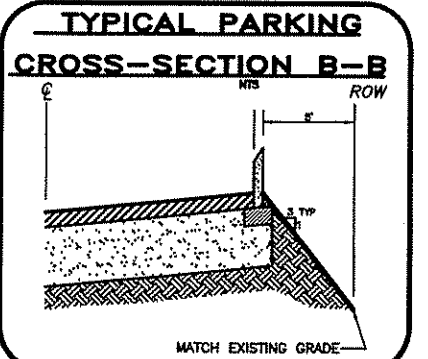
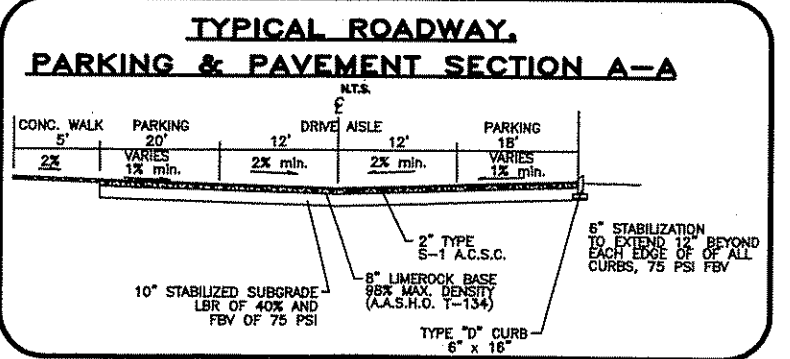
PHASING:
Development will be constructed in a single phase.

TOTAL SQUARE FOOTAGE OF COMMERCIAL DEVELOPMENT:
3,045 sq ft of Building Area
21,345 sq ft of Impervious Area (70% of total site)

REQUIRED PARKING FOR PROPOSED USES:

RETAIL:
General Business Establishment = 1 space per 200 SF
3,045 SF @ 1 space / 200 SF = 15 Spaces

OPEN SPACE / IMPERVIOUS AREA:
Open space required:
0.21 acres, 23% of total site
Open space provided:
0.34 acres, 41% of total site



| No. | Date | Revisions |
|-----|---------|--|
| 1 | 1-11-06 | PER SEMINOLE COUNTY COMMENTS OF 1-11-06 |
| 2 | 6-1-06 | PER SEMINOLE COUNTY COMMENTS OF 6-1-06 |
| 3 | 3-24-06 | PER SEMINOLE COUNTY COMMENTS OF 3-24-06 |
| 4 | 3-24-06 | PER FDOT COMMENTS OF 3-24-06 |
| 5 | 3-24-06 | PER SPANCO TELEPHONE COMMENTS OF 3-24-06 |

Consulting Engineers - Planners
880 Courtland Street Orlando, Florida 32804
Phone: 407-629-1661
Fax: 407-629-2655
E-mail: hharling@hharlinglocklin.com
E.B. 2710

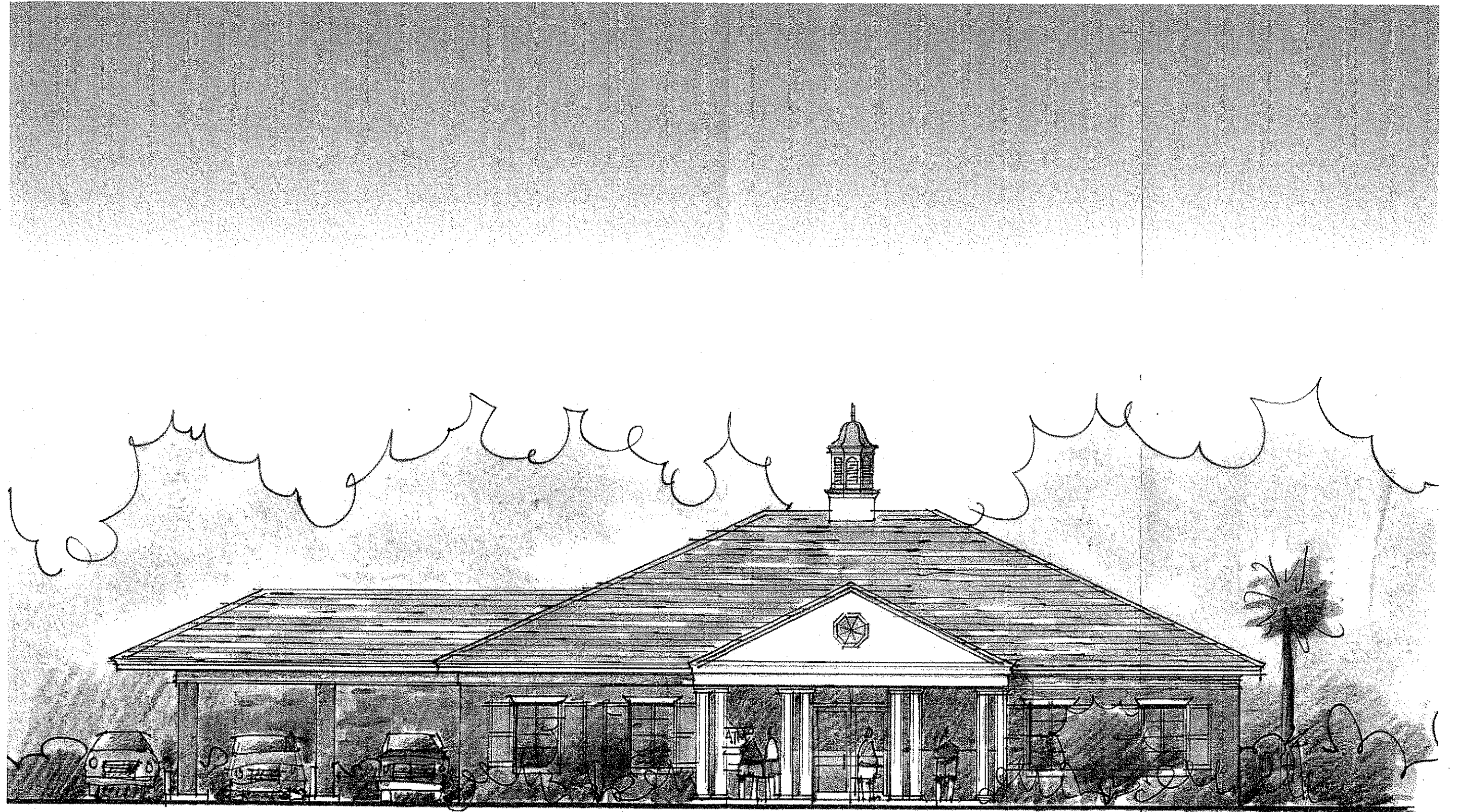
**HARLING
LOCKLIN
& ASSOCIATES, INC.**

Site Plan
Commercial Development
South Bank
Seminole County, Florida

Drawn by: jsp
Designed by: ks
Filename: os10014
Job Number: 0551
Scale: 1"=20'
Date: February, 2006

PROPERTY APPRAISER ID NUMBER 04-21-29-513-0C00-0070
SEMINOLE COUNTY
APPROVED FOR CONSTRUCTION
THIS APPROVAL IS SUBJECT TO SPECIFIC CONFORMANCE TO THE SEMINOLE COUNTY LAND DEVELOPMENT CODE AND ANY SPECIAL REQUIREMENTS OF THE BOARD OF COUNTY COMMISSIONERS. IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO CORRECT ANY DEFECTS IN THE PLANS OR THE FACILITY AS CONSTRUCTED WHICH RESULT IN A FAILURE TO MEET APPLICABLE CODE REQUIREMENTS. ADMINISTRATIVE ACCEPTANCE OF THE DEVELOPER'S PLANS DOES NOT CONSTITUTE A WAIVER OF ANY CODE REQUIREMENTS NOR DOES IT RELIEVE THE DEVELOPER OF RESPONSIBILITY TO MEET THOSE REQUIREMENTS. THIS SPECIFIC APPROVAL IS VALID FOR A PERIOD OF ONE YEAR FROM THE DATE BELOW.
APPROVED:

SEMINOLE COUNTY DEVELOPMENT REVIEW DEPARTMENT
DATE



HEILMAN 2006

SouthBank of Florida
Longwood, Florida

April 2006



HEILMAN ARCHITECTURE

**SOUTH BANK OF FLORIDA
DEVELOPER'S COMMITMENTS, CLASSIFICATIONS AND DISTRICT
DESCRIPTION**

On September 12, 2006, the Board of County Commissioners of Seminole County, Florida issued this Developer's Commitment Agreement relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION

See attached Exhibit A (the Property).

(The aforementioned legal description has been provided to Seminole County by the Owner of the Property.)

The Final Site Plan, a reduced copy of which is attached hereto as Exhibit B (the Final Site Plan) has been approved by the Board of County Commissioners of Seminole County concurrently with the approval of this Developer's Commitment Agreement.

2. PROPERTY OWNERS

The Property owner is: South Bank of Florida

3. STATEMENT OF BASIC FACTS

1. Total Acreage: 0.83 ± acres
2. Zoning: P.C.D.

4. LAND USE BREAKDOWN

0.83 Acres – Commercial Site (Bank)

5. OPEN SPACE CALCULATIONS

Open Space shall be provided at a minimum of 25% per Part 26, Chapter 30, Seminole County Land Development Code.

| | |
|----------------------|------------------|
| Total Land Area: | 0.83 acres |
| Open Space Required: | 0.21 acres = 25% |
| Open Space Provided: | 0.34 acres = 41% |

6. BUILDING SETBACKS AND BUFFERS

The following building setbacks and buffer standards shall apply:

Front: 25' building setback and the 5' landscape buffer adjacent to E. Lake Brantley Drive and SR 434 must contain the following at a minimum: four canopy trees per 100 linear feet and a hedge that shall reach a minimum height of three feet tall after one year.

Rear: 10' building setback

Side: 15' building setback

Side Street: 25' building setback

Adjacent to Residential Lot 20: 50' building setback and 25' landscape buffer in compliance with Active Buffer standard in the SCLDC, except that the retention pond shall be allowed to encroach 20' into the buffer and the pond may be fenced. The fencing must comply with the rendering in Exhibit B and landscaping and a bench must be provided as amenities.

7. PERMITTED USES

A commercial bank with drive-through teller service.

8. DEVELOPMENT COMMITMENTS

The following conditions shall apply to the development of the Property:

- a. All development shall comply with the Final Site Plan and architectural renderings attached as Exhibit B.
- b. The use of the subject property is limited to a bank with drive through teller service. Any change in the use of the property must be approved by the Seminole County Board of Commissioners.
- c. The existing 6' block wall on the north side of the property shall be raised to 8' adjacent to Lot 20, as shown on the attached site plan.
- d. Lights in the rear of the buildings will be mounted under the roof and directed downwards.
- e. The maximum building height is 35'.
- f. The dumpster shall be setback 15' from the north property boundary.

9. STANDARD COMMITMENTS

- a. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including the impact fee ordinance, in effect in Seminole County at the time of permit issuance.
- b. The conditions upon which the Developer's Commitment Agreement and related commitments are made are accepted by and agreed to by the Owner of the Property.

- c. This Agreement touches and concerns the Property, and the conditions, commitments and provisions of the Agreement 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 property has expressly covenanted and agreed to this provision and all other terms and provisions of the Agreement.
- d. The terms and provisions of this Agreement are not severable, and in the event any portion of this Agreement shall be found to be invalid or illegal, then the entire Agreement shall be null and void.
- e. The development approval sought is consistent with the Seminole County Vision 2020 Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.
- f. The Owner of the Property has expressly agreed to be bound by and subject to the development conditions and commitments stated above and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the Property.

10. INTERPRETATION; RELATIONSHIP TO FINAL MASTER PLAN AND DEVELOPMENT ORDER

This Developer's Commitment Agreement is intended to summarize material provisions of the Final Site Plan of the Property approved concurrently herewith by the Board of County Commissioners of Seminole County. In the event of an inconsistency between this Developer's Commitment Agreement and the Final Master Plan, the terms and conditions of the Developer's Commitment Agreement shall control. Furthermore, in the event of a conflict between the terms of the Developer's Commitment Agreement and Development Order Number 05-22000004, the terms of the Developer's Commitment Agreement shall control.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

ATTEST:

MARYANNE MORSE
 Clerk to the Board of
 County Commissioners of
 Seminole County, Florida.

**BOARD OF COUNTY COMMISSIONERS
 SEMINOLE COUNTY, FLORIDA**

By: _____
CARLTON D. HENLEY, Chairman

Date: _____

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, South Bank of Florida, on behalf of itself and its heirs, successors, assigns and transferees of any nature whatsoever and consent to, agree with and covenant to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Agreement.

WITNESSES:

By: _____
Mike McClanahan, President of South
Bank of Florida

Print Name: _____

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 Mike McClanahan, 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"

Lot 7 and 8, of A REPLAT of BLOCK 'C' NOB HILL SECTION, MEREDITH MANOR, according to the plat thereof as recorded in Plat Book 14, Page 21, of the Public Records of Seminole County, Florida

EXHIBIT "B"

FINAL SITE PLAN AND ARCHITECTURAL RENDERINGS

ACCESS GATE TO POND & WELL
12' MIN. CLEAR OPENING



STOP SIGN &
24" WHITE
STOP BAR

ADD TWO FEET TO TOP OF EXISTING
WALL. MATCH COLOR AND STYLE.
NOTIFY RESIDENTS 48 HOURS BEFORE
BEGINNING WORK.

THE BUILDING DIVISION AND FIRE
DIVISION REQUIRE A SEPARATE PERMIT
FOR THE WALL PRIOR TO
CONSTRUCTION.

PROVIDE HANDICAPPED
RAMPS THROUGH ISLAND

TYPE "D" CURB
AT SIDEWALK
MOUNTABLE
CURB

SEE BELOW
FOR RIGHT IN
RIGHT OUT
DETAIL



RECEIVED JUL 26 2006

0 20 40 60
1"=20'

AC PADS
TRANSFORMER POLE
SEPTIC TANK
DOSING TANK
DUMPSTER ENCLOSURE
DRAINFIELD
SILT FENCE LOCATION
ALONG PERIMETER
EXCEPT AT WALL

RELOCATE POWER POLE
OUTSIDE 3' CONTROL ZONE

CONCRETE
PAVEMENT

STOP AND
RIGHT TURN
ONLY SIGNS

DO NOT
ENTER

REMOVE
EXISTING DRIVEWAY
& SIDEWALK

RADIUS RETURNS
TYPE F CURB PER
FDOT INDEX 300
(TYP)

ADD TWO 12"
WHITE STRIPES
FOR CROSSWALK

3" VALLEY GUTTER
PER INDEX 300

Y INLET
SEE SHEET 6

CONCRETE
PAVEMENT

STOP AND
RIGHT TURN
ONLY SIGNS

DO NOT
ENTER

REMOVE
EXISTING DRIVEWAY
& SIDEWALK

RADIUS RETURNS
TYPE F CURB PER
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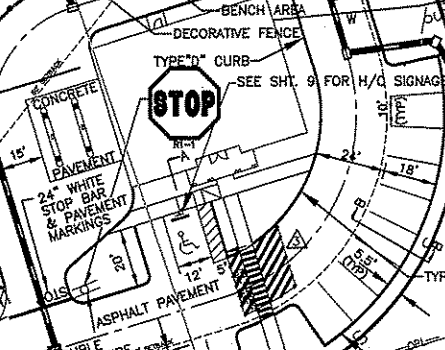
REMOVE
EXISTING DRIVEWAY
& SIDEWALK

RADIUS RETURNS
TYPE F CURB PER
FDOT INDEX 300
(TYP)

ADD TWO 12"
WHITE STRIPES
FOR CROSSWALK

3" VALLEY GUTTER
PER INDEX 300

Y INLET
SEE SHEET 6



SITE NOTES:

SITE DATA:
Current Zoning: PG
Site Area: 0.83 acres
Proposed Land Use: Office
Adopted Future Land Use: Office
District Land Use: Office

FIRE PROTECTION:
Fire protection will be provided by Seminole County. Fire flow will be a minimum of 800 G.P.M. with 20 P.S.I. fire hydrants and be located according to Seminole County regulations.

LANDSCAPE & OPEN SPACE:
Landscaping will meet all requirements of Part 64, Chapter 20 and Section 20.1553 of Seminole County Land Development Code. Minimum open space of 20% per Part 64, Chapter 20 Seminole County LDC.

LANDSCAPE & CONCRET:
The overall landscaping concept will support the natural landscape and utilize native plant materials as much as possible.

FLOODING:
Development will be constructed in a flood plain.

FLOOD MAP:
Property is in Flood Zone "X" (Special Flood Hazard) per F.E.M.A. Flood Insurance Map #1517700110 E, and #1517700130 E, dated 4-17-92.

SOILS:
Soils: See attached site notes.
Water Service to be provided by Seminole County.

UTILITIES:
Water Service to be provided by Seminole County.
Land Development Code requirements.

WATER:
Design shall comply with all Seminole County Land Development Code requirements.

SETBACKS:
A setback wall will be utilized.

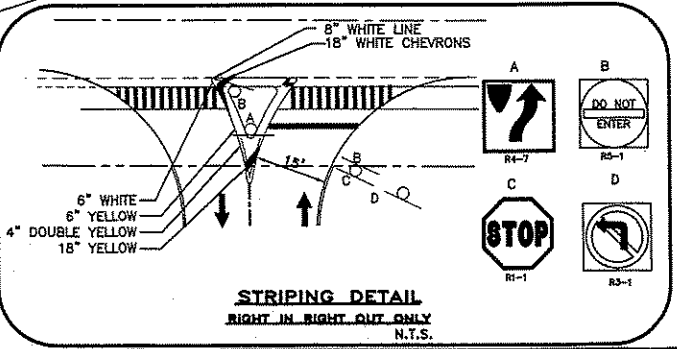
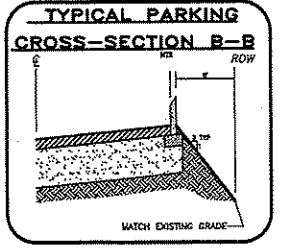
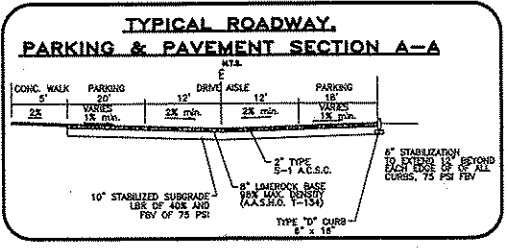
STORM DRAINAGE:
Stormwater runoff treatment and storage to be provided in accordance with Seminole County and S.W.F.D. stormwater regulations.

PERMITS:
Development will be constructed in a flood plain.

TOTAL SQUARE FOOTAGE OF COMMERCIAL DEVELOPMENT:
3240 sq ft on existing area
12,240 sq ft of impervious area (20% of total site)

REQUIRED PARKING FOR PROPOSED USES:

DETAIL:
Ground Surface Elevation - 1 space per 200 SF
3240 SF @ 1 space / 200 SF = 16 spaces
OPEN SPACE / IMPERVIOUS AREA:
Open space required:
0.21 acres, 5% of total site
Open space provided:
0.26 acres, 4.1% of total site

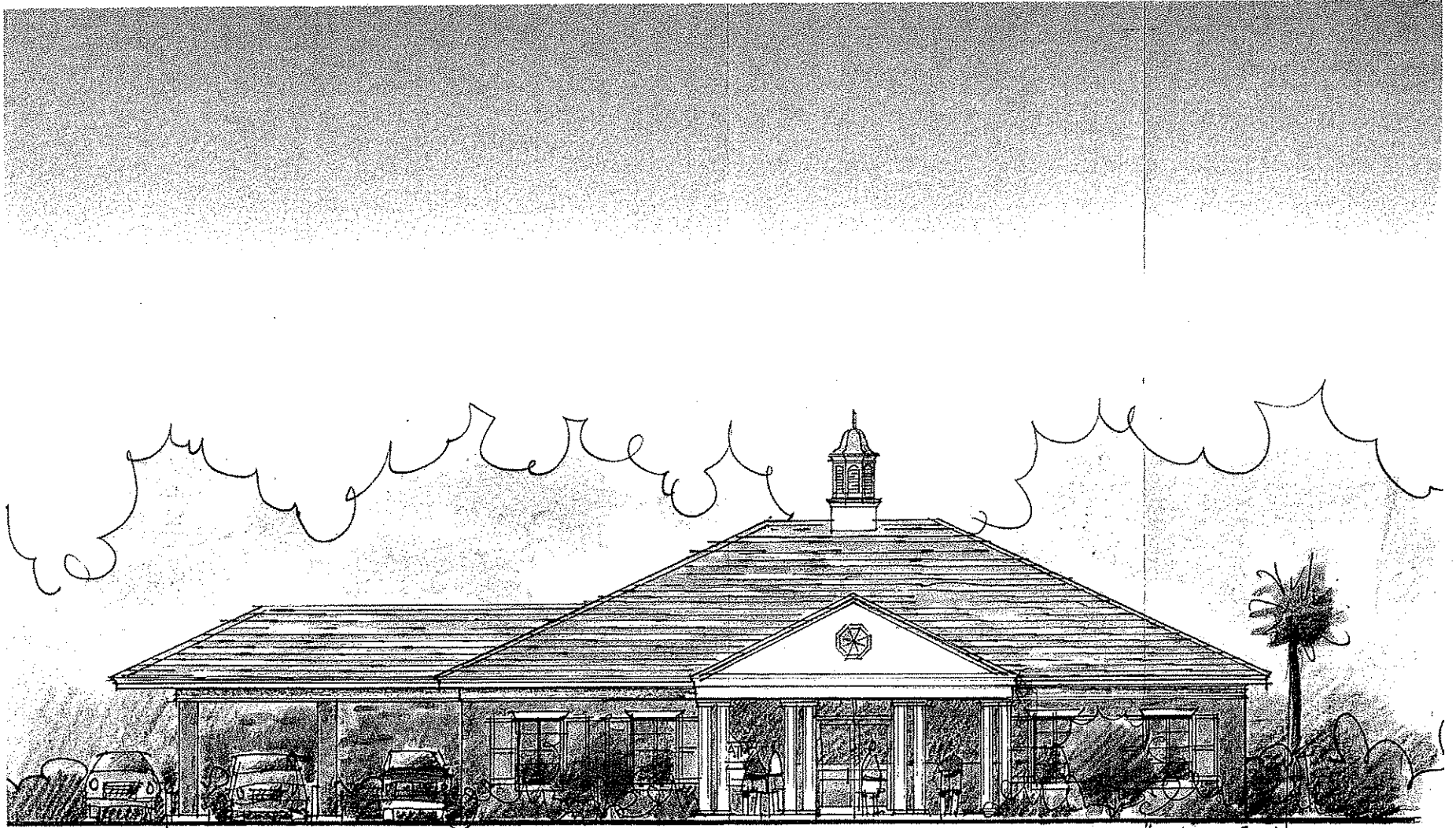


PROPERTY APPRAISER ID NUMBER 04-21-25-913-000-0070
SEMINOLE COUNTY
APPROVED FOR CONSTRUCTION
THIS APPROVAL IS SUBJECT TO SPECIFIC CONFORMANCE TO THE SEMINOLE COUNTY LAND DEVELOPMENT CODE AND ANY SPECIAL REQUIREMENTS OF THE BOARD OF COUNTY COMMISSIONERS. IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO CORRECT ANY DEFECTS IN THE PLANS OR THE FACILITY AS CONSTRUCTED WHICH RESULT IN A FAILURE TO MEET APPLICABLE CODE REQUIREMENTS. ADMINISTRATIVE ACCEPTANCE OF THE DEVELOPER'S PLANS DOES NOT CONSTITUTE A WAIVER OF ANY CODE REQUIREMENTS NOR DOES IT RELIEVE THE DEVELOPER OF RESPONSIBILITY TO MEET THOSE REQUIREMENTS. THIS SPECIFIC APPROVAL IS VALID FOR A PERIOD OF ONE YEAR FROM THE DATE BELOW.
APPROVED:

SEMINOLE COUNTY DEVELOPMENT REVIEW DEPARTMENT

DATE: _____

| | |
|-----------------------------------|--|
| Project No. | 055 |
| Sheet No. | 4 of 10 |
| Date | February, 2006 |
| Drawn by | RS |
| Designed by | RS |
| Finance | RS |
| Permit | RS |
| Scale | 1"=20' |
| Job Number | 055 |
| Scale | 1"=20' |
| Date | February, 2006 |
| Project Name | Commercial Development South Bank Seminole County, Florida |
| Client | South Bank |
| Address | 1400 Commercial Street, Orlando, Florida 32804 |
| Phone | 407-225-8888 |
| Fax | 407-225-8888 |
| Website | http://www.harlinglocklin.com |
| Professional Engineer | Harling Locklin & Associates, Inc. |
| Professional Engineer No. | 12345 |
| Professional Engineer State | FL |
| Professional Engineer License No. | 12345 |
| Professional Engineer Title | Professional Engineer |
| Professional Engineer Name | Harling Locklin & Associates, Inc. |
| Professional Engineer Address | 1400 Commercial Street, Orlando, Florida 32804 |
| Professional Engineer Phone | 407-225-8888 |
| Professional Engineer Fax | 407-225-8888 |
| Professional Engineer Website | http://www.harlinglocklin.com |

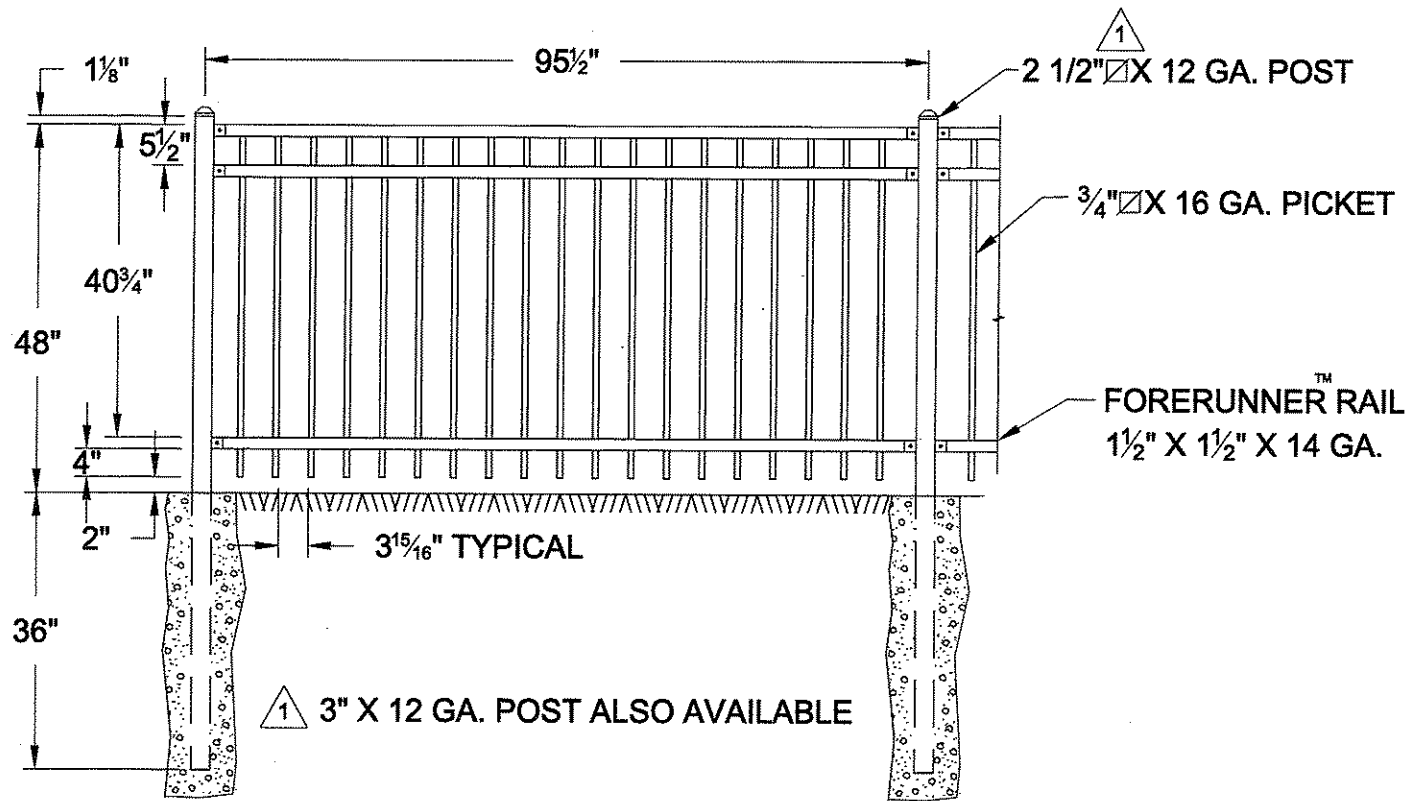


HEILMAN 2006

SouthBank of Florida
Longwood, Florida

April 2006





AEGIS PLUS MAJESTIC 4' TALL 3-RAIL X 8' NOMINAL LENGTH PANEL

ARC

DR LZN Pg 1 of 1 SCALE: 1/2" = 1'

CK GV Date 10-17-03 REV 1



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Z2005-006

DEVELOPMENT ORDER # 05-22000004

SEMINOLE COUNTY DEVELOPMENT ORDER

On October 25, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: Lake Brantley Commons, LLC

Project Name: E. Lake Brantley Drive/ SR 434 Bank

Requested Development Approval: Rezone from RP (Residential Professional District) to PCD (Planned Commercial Development 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: Tony Walter, Planning Manager
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 06043 PGS 0331-0337
FILE NUM 2005217331
RECORDED 12/16/2005 11:17:38 AM
RECORDING FEES 61.00
RECORDED BY G Harford

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY *Cheryl Cole*
DEPUTY CLERK

RETURN TO SANDY McCANN

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is GRANTED.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

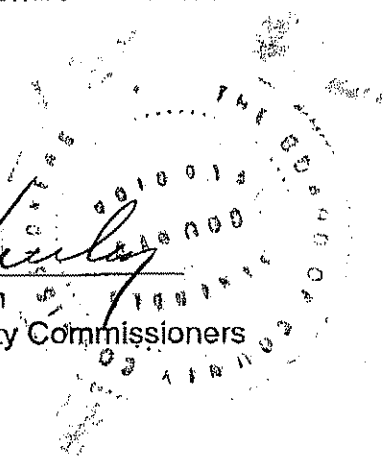
- a. All development shall comply with the Site Plan attached as Exhibit B.
- b. The use of the subject property is limited to a bank with drive through teller service. Any change in the use of the property must be approved by the Seminole County Board of Commissioners.
- c. The access onto E. Lake Brantley Drive is limited to a right-in/right-out, unless this requirement is waived by the Development Review Manager at the time of PCD Final Site Plan approval.
- d. The 5' landscape buffer adjacent to E. Lake Brantley Drive and SR 434 must contain the following at a minimum: four (4) canopy trees per 100 linear feet and a hedge that shall reach a minimum height of three (3) feet tall after one (1) year.
- e. The retention pond must meet the landscaping requirements of SCLDC Sec. 1232, in order to encroach into the active buffer.
- f. The existing 6' block wall on the north side of the property shall be raised to 8' adjacent to Lot 20, as shown on the attached site plan.
- g. All lighting shall comply with Section 30.1233 of the SCLDC. Lights in the rear of the buildings will be mounted under the roof and directed downwards.
- h. The maximum building height is 35'.
- i. The roof line and general architecture of the building shall be residential in nature and a rendering shall be included in the Final Site Plan approval.
- j. The following building setbacks shall apply:
 - Front: 25'
 - Rear: 10'
 - Side: 15'
 - Side Street: 25'
 - Adjacent Residential Lot: 50' building setback and 25' landscape buffer in compliance with Active Buffer standard in the SCLDC.
- j. The dumpster shall be set back 15' from the north boundary.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

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

Done and Ordered on the date first written above.

By: Carlton Henley
 Carlton Henley, Chairman
 Chairman, Board of County Commissioners



OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Lake Brantley Commons, LLC, on behalf of himself and his heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Shelley D'Alessandro
Witness
Shelley D'Alessandro

Tim W. Keene
Lake Brantley Commons, LLC

Print Name

Sara J. Barron
Witness

Sara S. Barron
Print Name

STATE OF FLORIDA)
Osceola)
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, Roy C. Tim Keene ~~Raymond~~ and who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 29 day of November, 2005.

Shelley D'Alessandro
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



SHELLEY D'ALESSANDRO
MY COMMISSION # DD 102087
EXPIRES: April 14, 2006
Bonded Thru Budget Notary Services

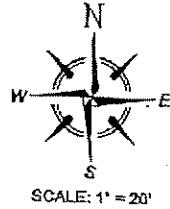
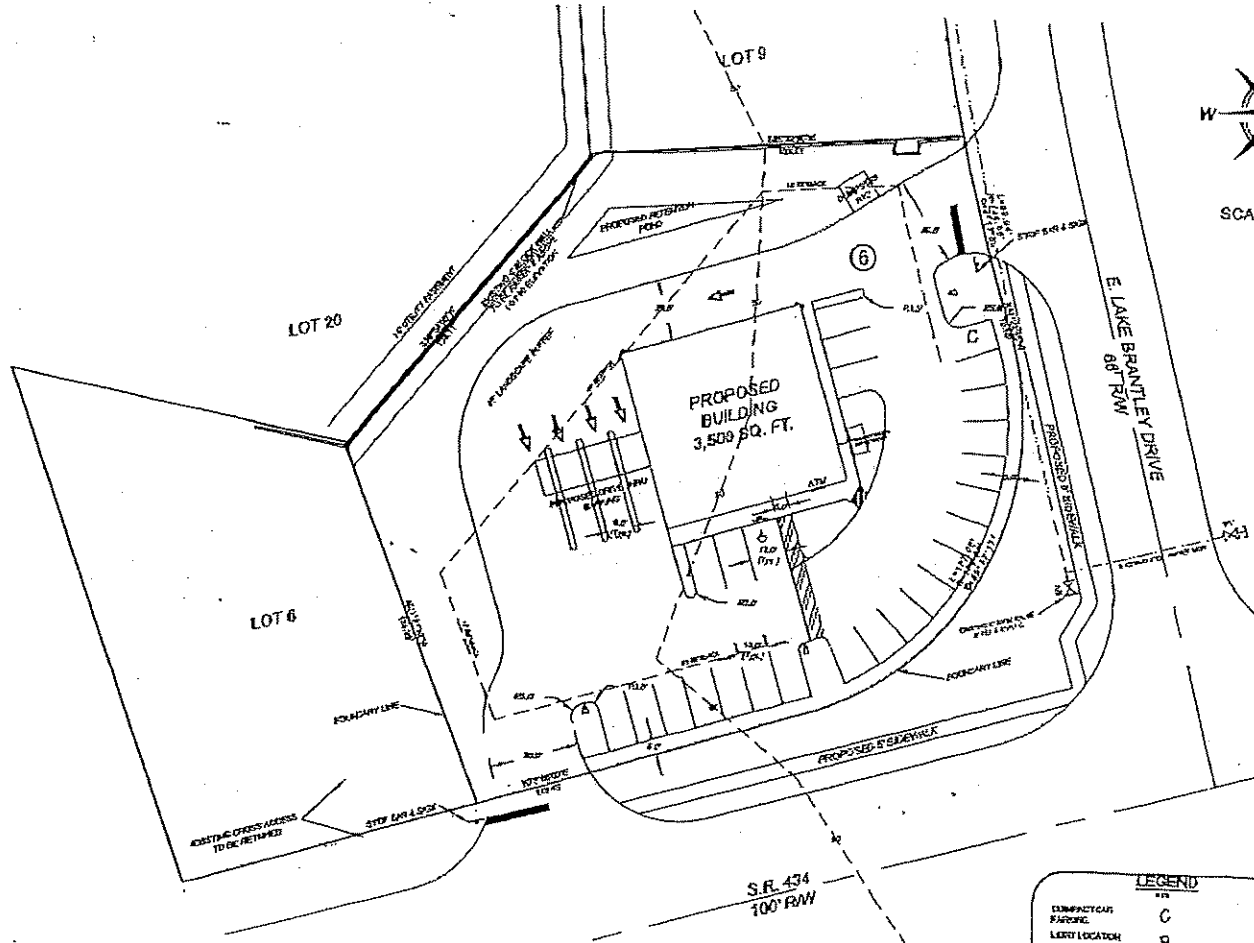
EXHIBIT A

Legal Description:

Lot 7, of a Replat of Block C Nob Hill Section, Meredith Manor, according to the plat thereof as recorded in Plat Book 14, Page 21, of the Public Records of Seminole County, Florida and

Lot 8, of a replat of Block C Nob Hill Section, Meredith Manor, according to the plat thereof as recorded in Plat Book 14, Page 21, of the Public Records of Seminole County, Florida.

EXHIBIT B



LEGAL DESCRIPTIONS:
 Lot 2, of a REPLAT OF BLOCK "C" ACROSS THE SECTION, MOREPART
 LAMONA, according to the plat thereof as recorded in Plat Book 14, Page 31,
 of the Public Records of Broward County, Florida; and
 Lot 4, of a REPLAT OF BLOCK "V" HONG HILL, DEERBORN LINDSEY TR
 BRONCO, according to the plat thereof as recorded in Plat Book 14, Page 21
 of the Public Records of Broward County, Florida.

SITE NOTES:

PROJECT DATA:
 TOWN: AT 02
 ZONING: COMMERCIAL
 EXISTING: COMMERCIAL
SETBACKS:
 Front: 20'
 Rear: 10'
 Side: 10'
 20' R/W 20'
 Adj. Front: 10'
 Maximum Building Height: 12'

SCALE:
 1" = 20'

DEVELOPMENT PROGRAM:
 Maximum Floor Area Ratio: 20 FPA

LOCAL ZONING CODES OF COMMERCIAL DEVELOPMENT:
 1. MINIMUM SETBACKS:
 2. MINIMUM SETBACKS:
 3. MINIMUM SETBACKS:

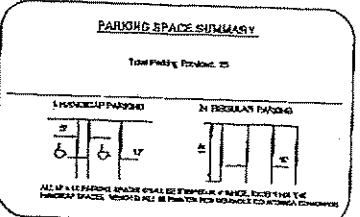
EXISTING UTILITIES:
 1. WATER MAINS:
 2. SEWER MAINS:
 3. GAS MAINS:
 4. TELEPHONE MAINS:
 5. CABLE TV MAINS:

EXISTING UTILITIES:
 1. WATER MAINS:
 2. SEWER MAINS:
 3. GAS MAINS:
 4. TELEPHONE MAINS:
 5. CABLE TV MAINS:

EXISTING UTILITIES:
 1. WATER MAINS:
 2. SEWER MAINS:
 3. GAS MAINS:
 4. TELEPHONE MAINS:
 5. CABLE TV MAINS:

GENERAL NOTES:

The owner who receives this plan shall be responsible for obtaining all necessary permits from the appropriate authorities. The owner shall be responsible for obtaining all necessary permits from the appropriate authorities. The owner shall be responsible for obtaining all necessary permits from the appropriate authorities.



LEGEND

1. IMPACTS: C

2. LIMIT LOCATION: D

3. BUILDING FOOTPRINT: A

4. EXISTING UTILITIES: B

5. PROPOSED UTILITIES: E



DEVELOPER:
 Harling Locklin Development, Inc.
 7000 W. Sand Lake Rd.
 Orlando, Florida 32811
 Phone: 407-220-0902

ENGINEER/PLANNER:
 Harling Locklin & Associates, Inc.
 800 Cleveland Street
 Orlando, Florida 32804
 Phone: 407-620-1301

COMMERCIAL SITE PLAN

Counting Department
 Harling Locklin
 800 Cleveland Street
 Orlando, Florida 32804
 Phone: 407-620-1301
 Fax: 407-620-1302

Planned Commercial Development
 Rezone
 E. Lake Brantley & S.R. 434
 Commercial - Community

Drawn by: LA
 Checked by: LA
 Date: 11/10/05
 Scale: 1" = 20'
 Date: 11/10/05

OCTOBER 25, 2005

Districts 1, 2, 3, 4 and 5 voted AYE.

LAND USE AMENDMENT/Hugh Harling

Proof of publication, as shown on page 1629, calling for a public hearing to consider request for a Small Scale Land Use Amendment from Office to Planned Development (PD); and Rezone from RP (Residential Professional District) to PCD (Planned Commercial Development District) on approximately 0.9 acres located at the northwest intersection of E. Lake Brantley Drive and SR 434, Hugh Harling, received and filed.

Mr. Walter stated the applicant is proposing a bank on approximately 0.9 acres. The subject property currently has an RP zoning classification and a future land use designation of Office. The applicant is requesting the land use amendment to Planned Development and a rezone to Planned Commercial Development to accommodate a bank. The P&Z Commission recommended approval of the request. He noted that any change from the site plan included with the development order would require another public hearing. Staff is recommending approval as well.

Hugh Harling, representing the developer, stated he has met with the homeowner's association on two occasions and he has provided a raised wall system for them and additional landscaping. He stated he spoke with Fred Streetman and he believes they have complied with everything. He said a question came up relating to a domino effect and Mr. Walter indicated that any change would require them to go through the entire same process. He requested the Board approve this so they can move forward with the project.

Chris Peck, 114 Lake Rena Dr., addressed the Board to state he is the immediate resident behind the proposed zoning.

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He stated there have been discussions relating to a domino effect and continuity because it is all backing up to a neighborhood. He said he is concerned that if there is a threshold in the future to try to do commercial work, it will be easier for the next owner of this property to access a different type of zoning.

Thomas Pentz, 116 Lake Rena Dr., addressed the Board to state his property abuts to the proposed site. He stated he feels that a bank would create more traffic coming through with headlights and possible criminal activity. Therefore, the neighborhood would change drastically. He said he feels leaving it as is would be the best for their neighborhood.

Commissioner Morris stated he feels that professional office use can extend in the evening hours and bank hours would be very restrictive. He asked if a 6 ft. masonry wall is going to be installed on Lot 9 and Lot 20.

Mr. Harling stated a 6 ft. brick wall is on his side of the property, and on their side of the property the elevation of their back yard is raised and they can look over it. That is the reason why they committed to raising the wall. It will be 6 ft. on their side, but it will be about 8 ft. on his side.

Upon inquiry by Commissioner Morris, Mr. Harling advised he has not seen the architectural design, but if the Board desires a pitched roof blending in with the roof line, he would agree to that.

Mr. Harling stated he has agreed to low level lighting and shoe box lighting in the front.

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District Commissioner Van Der Weide stated he would like a commitment from the applicant for a residential-style construction.

Mr. Harling stated he will commit to that.

No one else spoke in support or in opposition.

Speaker Request Forms were received and filed.

Motion by Commissioner Van Der Weide, seconded by Commissioner Carey to adopt Ordinance #2005-46, as shown on page 1652, approving Small Scale Land Use Amendment from Office to Planned Development (PD); and Ordinance #2005-47, as shown on page 1659, approving rezoning from RP (Residential Professional District) to PCD (Planned Commercial Development District) on approximately 0.9 acres located at the northwest intersection of E. Lake Brantley Drive and SR 434, as described in the proof of publication, Hugh Harling, with staff findings, and approval of the Development Order, as shown on page 1694.

Under discussion, Commissioner Van Der Weide stated he would like to include the commitments of the developer in the motion.

Districts 1, 2, 3, 4 and 5 voted AYE.

REZONE/Robert Hattaway

Proof of publication, as shown on page 1629, calling for a public hearing to consider request to Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) on a 42.55 acre tract, located on the north side of SR 46, across from International Parkway, Robert Hattaway, received and filed.

Tony Walter stated the proposed development includes up to 286 townhouses at a maximum density of 10.0 dwelling units