

Item # 54

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** E. Lake Brantley Drive / SR 434 Bank, Small Scale Land Use Amendment from Office to Planned Development (PD); and Rezone from RP (Residential Professional District) to PCD (Planned Commercial Development District); (Hugh Harling, applicant).

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

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Tony Walter **EXT.** 7375

<b>Agenda Date</b> <u>10/25/05</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. APPROVE the 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), per staff findings and subject to the attached development order, on approximately 0.9 acres located at the northwest intersection of E. Lake Brantley Drive and SR 434, and authorize the Chairman to execute the aforementioned documents (Hugh Harling, applicant); or
2. DENY the 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), per staff findings, on approximately 0.9 acres located at the northwest intersection of E. Lake Brantley Drive and SR 434 (Hugh Harling, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 3 – Comm. Van Der Weide)

(Tony Walter, Planning Manager)

**BACKGROUND:**

The applicant proposes a bank on approximately 0.9 acres located at the northwest intersection of E. Lake Brantley Drive and SR 434. The subject property currently has an RP (Residential Professional District) zoning classification and a future land use designation of Office. In order to accommodate a bank, the applicant is requesting a future land use amendment to Planned Development and a rezone to Planned Commercial Development.

<b>Reviewed by:</b> <b>Co Atty:</b> <u>KR</u> <b>DFS:</b> _____ <b>OTHER:</b> _____ <b>DCM:</b> _____ <b>CM:</b> _____ <b>File No.</b> <u>ph130pdp07</u>
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**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request for Small Scale Land Use Amendment from Office to Planned Development (PD), and rezone from RP (Residential Professional District) to PCD (Planned Commercial Development District), per staff findings and subject to the attached development order.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on September 7, 2005 and voted 5 to 0 recommend APPROVAL of the request for Small Scale Land Use Amendment from Office to Planned Development (PD), and rezone from RP (Residential Professional District) to PCD (Planned Commercial Development District), per staff findings and subject to the attached development order.

**Attachment:**

Staff Analysis  
September 7, 2005 LPA/P&Z Minutes  
Site Plan  
Location Map  
FLU & Zoning Map  
Aerial Map  
Development Order  
Land Use Amendment Ordinance  
Rezone Ordinance

**E. LAKE BRANTLEY DR. / SR434 BANK  
SSLUA from OP to PD  
Rezone from RP to PCD**

<b>APPLICANT</b>	Hugh Harling	
<b>PROPERTY OWNER</b>	Roy C. and Marilyn N. Raymond	
<b>REQUEST</b>	SSLUA from OP (Office to Planned Development) to PD (Planned Development) and Rezone from RP (Residential Professional District) to PCD (Planned Commercial Development District).	
<b>PROPERTY SIZE</b>	0.9 ± acres	
<b>HEARING DATE (S)</b>	P&Z: September 7, 2005	BCC: October 25, 2005
<b>PARCEL ID</b>	04-21-29-513-0C00-0070 and 0080	
<b>LOCATION</b>	Northwest corner of the intersection of E. Lake Brantley Drive and SR 434	
<b>FUTURE LAND USE</b>	OP (Office Professional District)	
<b>ZONING</b>	RP (Residential Professional District)	
<b>FILE NUMBER</b>	Z2005-006	
<b>COMMISSION DISTRICT</b>	#3 – Van Der Weide	

**Proposed Development:**

The applicant is proposing to develop a bank with drive through teller service.

**ANALYSIS OVERVIEW:**

**ZONING REQUEST**

The applicant, Hugh Harling, is requesting to change the Future Land Use designation from OP (Office Professional District) to PD (Planned Development) and to rezone 0.9 ± acres from RP (Residential Professional District) to PCD (Planned Commercial Development District). The subject property is located at the northwest intersection of E. Lake Brantley Drive and SR 434. The following table depicts the minimum regulations for the current zoning district of RP (Residential Professional District) and the requested district of PCD (Planned Commercial Development District):

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (RP)</b>	<b>Proposed Zoning (PCD)</b>
Minimum Lot Size	Site Plan Required	Site Plan Required
Front Yard Setback	25 feet	25 feet
Side Yard Setback	10 feet	15 feet
(Street) Side Yard Setback	25 feet	25 feet
Rear Yard Setback	30 feet	10 feet
Maximum Building Height	35 feet	35 feet

**PERMITTED & SPECIAL EXCEPTION USES**

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

Zoning District	Permitted and Prohibited Uses	Special Uses	Minimum Lot Size
<p>RP (existing)</p>	<p>Single-family dwelling structures, including customary accessory uses. Prohibited Uses – Shops and stores for the retailing or wholesaling of goods including the display, storage or handling of merchandise on the premises, facilities for the manufacture, processing, or distribution of goods, eating establishments, beauty shops, barber shops, banks or similar financial institutions and funeral homes</p>	<p>General office uses including insurance, real estate, architects, engineering, attorneys, medical, dental, accounting, auditing, bookkeeping services and other similar office uses if determined compatible by the Board of County Commissioners, communication towers if determined compatible by the Board of County Commissioners, private recreational facilities constructed as an accessory use to civic, fraternal or social organizations if the existing use is located in a predominantly residential area if determined compatible by the Board of County Commissioners consistent with generally accepted land use and planning principles</p>	<p>Site Plan Required</p>
<p>PCD (proposed)</p>	<p>Limited to a bank.</p>	<p>N/A</p>	<p>Site Plan Required</p>

**COMPATIBILITY WITH SURROUNDING PROPERTIES**

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

(North)

	<b>LDR</b> Single-Family <i>R-1AA</i> (12,500 sf lots)	<b>LDR &amp; Office</b> Single-Family/ Office <i>RP &amp; R-1AA</i> (13,500 sf lots)	<b>Office</b> Office <i>OP</i>
(West)	<b>Office</b> Office <i>RP</i>	<b>Office</b> Office <i>RP</i>	<b>Office</b> Office <i>OP</i>
	<b>Commercial</b> Commercial <i>City of Altamonte Springs</i>	<b>Commercial</b> Commercial <i>City of Altamonte Springs</i>	<b>Commercial</b> Commercial <i>C-1</i>

(South)

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

**SITE ANALYSIS:**

**ENVIRONMENTAL IMPACTS**

*Floodplain Impacts:*

Based on FIRM map number Forest City 563, the site does not appear to contain flood prone area. Compliance with the Land Development Code regarding floodprone areas is required prior to the issuance of any building permits.

*Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, the site does not appear to contain wetland areas. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

*Endangered and Threatened Wildlife:*

A Threatened and Endangered species and Species of Special Concern survey will be required prior to final engineering approval.

## PUBLIC FACILITY IMPACTS

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

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

Public Facility	Existing Zoning RP (Office)	Proposed Development PCD (Bank)	Net Impact
Water (GPD)	350	350	0
Sewer (GPD)	350	350	0
Traffic (ADT)	135	135	0
Schools			
Elementary	0	0	0
Middle	0	0	0
High	0	0	0

### *Utilities:*

The site is located in the Seminole County water service area and will be required to connect to the 6" water line on the east side of East Lake Brantley Drive. Central wastewater service is not available. The parcel will utilize a septic system for sewer service. Concurrency review and approval of the proposed water service utility plan is required prior to the approval of final engineering approval.

### *Transportation / Traffic:*

Primary access to the subject property is via E. Lake Brantley Drive and SR 434. E. Lake Brantley Drive is classified as a local road and SR 434 is classified as a Principal Arterial. Traffic count data from 2004 indicate an operating level of service "D" on this segment of SR 434. The adopted level of service standard is "D". The applicant has elected to defer concurrency review at this time and the site will have to demonstrate concurrency compliance at the time of final engineering approval.

### *School Impacts:*

There are no school impacts as a result of this development.

### *Public Safety:*

The nearest response unit to the subject property is Station # 41, which is located at 1198 Sand Lake Road. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 4 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

*Drainage:*

The proposed project is located within the county Aquifer Recharge Overlay Area and is required to comply with those regulations including reducing impervious by using smaller parking spaces and increased open space prior to final engineering approval.

*Parks, Recreation and Open Space:*

There is no park and recreation impact as a result of this development. The applicant is proposing to provide 35% open space (0.28 acres).

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

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

**SPECIAL DISTRICTS**

The subject property is not located within a special district.

**COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

Policy FLU 2.5: Transitional Land Uses

Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications

Policy POT 4.5 Potable Water Connection

Policy SAN 4.4: Sanitary Sewer Connection

Policy PUB 2.1 Public Safety Level-of-Service

**INTERGOVERNMENTAL NOTIFICATION:**

An intergovernmental notice was sent to the City of Altamonte Springs on September 26, 2005. To date, no comments have been received.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

At its meeting of September 7, 2005, the Planning & Zoning Commission unanimously (5 to 0) recommended approval of the 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), per staff findings and subject to the attached development order.

## **LETTERS OF SUPPORT OR OPPOSITION:**

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

## **STAFF RECOMMENDATION:**

Staff recommends approval of the 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), per staff findings and subject to the following conditions:

1. All development shall comply with the Site Plan attached as Exhibit B.
2. 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.
3. 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.
4. 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.
5. The retention pond must meet the landscaping requirements of SCLDC Sec. 1232, in order to encroach into the active buffer.
6. 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.
7. 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.
8. The maximum building height is 35'.
9. The following building setbacks shall apply:
  - a. Front: 25'
  - b. Rear: 10'
  - c. Side: 15'
  - d. Side Street: 25'
  - e. Adjacent Residential Lot: 50' building setback and 25' landscape buffer in compliance with Active Buffer standard in the SCLDC.
10. The dumpster shall be set back 15' from the north boundary.

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/  
PLANNING AND ZONING COMMISSION**

**WEDNESDAY, SEPTEMBER 7, 2005  
7:00 P.M.**

**Members present:** Ben Tucker, Rob Wolf, Matt Brown, Walt Eismann, Jason Brodeur

**Members absent:** Beth Hattaway, Dudley Bates

**Also present:** Dan Matthys, Director of Planning and Development; Tony Walter, Planning Manager; Rebecca Hammock, Principal Coordinator, Development Review; Jeffrey Hopper, Senior Planner; Brian Nelson, Principal Coordinator; Denny Gibbs, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

**J. E. Lake Brantley / 434 Bank; Hugh W. Harling, Jr., applicant;** approximately 37,140 square feet; Small Scale Land Use Amendment from Office and Low Density Residential to PD (Planned Development District); Rezone from RP (Residential Professional District) and R-1AA (Single Family Residential District) to PCD (Planned Commercial Development District); located on the northwest corner of SR 434 and East Lake Brantley Road. (Z2005-006 / 01-05SS03)

Commissioner Van Der Weide – District 3  
Tony Walter, Planning Manager

Mr. Walter introduced the application for the change in zoning from RP (Residential Professional) and Office to PCD (Planned Commercial Development) for a bank. The future land use change requested is PD, to permit the change in zoning. The property will be accessed from East Lake Brantley Road. SR 434 is a principal arterial road at level of service “B”. This site will have a septic tank. It will be serviced by Fire Station 16, with adequate response time. Staff recommendation is for approval.

Hugh Harling represented the contract purchaser. He stated that he had met with the owners of the property to the rear. They have agreed on the landscaping. Lights on the building in the rear will be located under the eaves of the roof. The ATM will be located in the front. He has also spoken to Fred Streetman from the local homeowner’s association.

There were no speakers or questions from the floor.

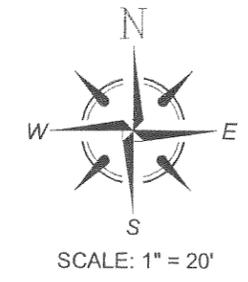
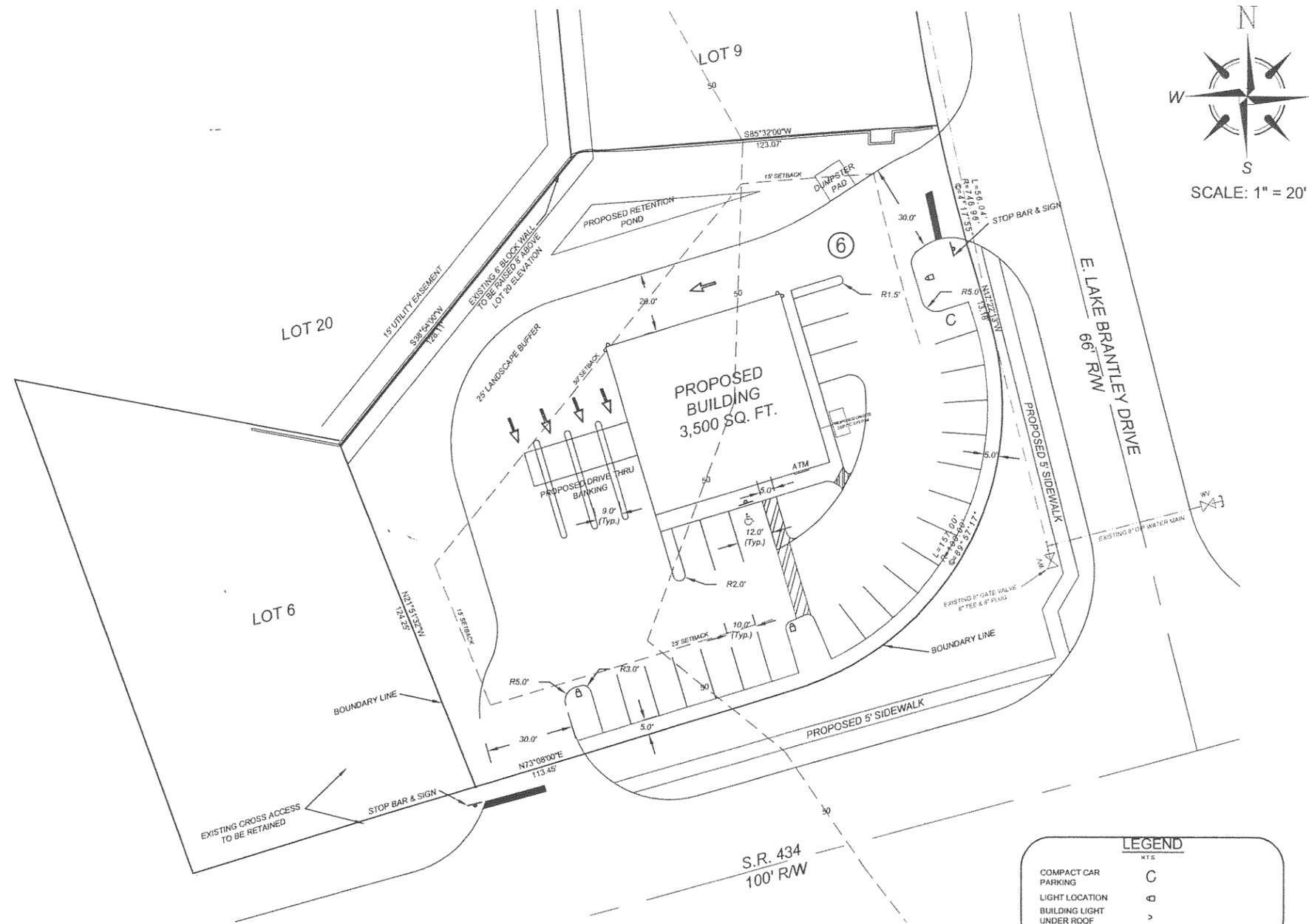
Commissioner Tucker asked about access to SR 434.

Mr. Harling stated that there was to be use of a cross-access easement with the adjacent property for SR 434 access.

**Commissioner Eismann made a motion to recommend approval of the request with staff recommendations and development order conditions.**

**Commissioner Brodeur seconded the motion.**

**The motion passed 5 -0.**



**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.

**SITE NOTES:**  
**PROJECT DATA:**  
 Total area: .81 ac.  
 Current zoning: RP  
 Proposed zoning: PCD  
**SETBACKS:**  
 Front: 25'  
 Rear: 10'  
 Side: 15'  
 Side St: 25'  
 Adj. Residential Lot: 50'  
 Maximum Building Height: 35'

**SOILS DATA:**  
 (6) Astatula-Apopka fine sands, 0 to 5% slopes

**DEVELOPMENT PROGRAM:**  
 Maximum Floor Area Ratio: .30 FAR

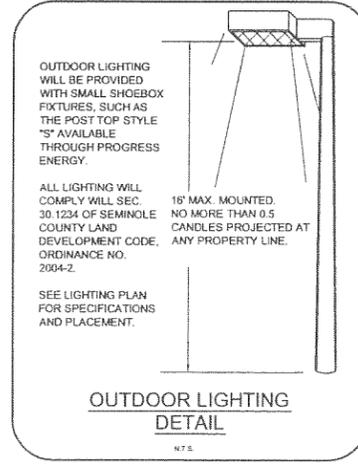
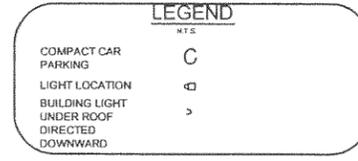
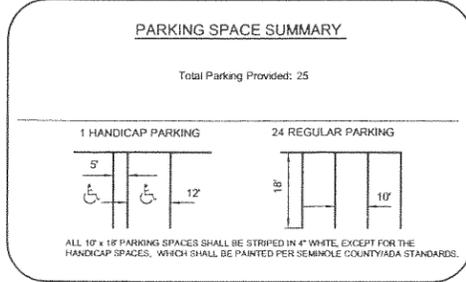
**TOTAL SQUARE FOOTAGE OF COMMERCIAL DEVELOPMENT:**  
 3,500 sf of Building Area  
 22,827 sf of impervious area (65% of total site)

**REQUIRED PARKING FOR PROPOSED USES:**  
**RETAIL**  
 General Business Establishment = 1 space per 200 SF  
 3,500 SF @ 1 spaces / 200 SF = 18 required spaces

**OPEN SPACE / IMPERVIOUS AREA:**  
 Open space required:  
 8,780 25% of total site  
 Open space provided:  
 12,291 35% of total site

**SERVICE PROVIDERS:**  
 Water: Seminole County  
 Sanitary Sewer: On Site Septic Systems

**GENERAL NOTES:**  
 The entire site consists of and Astatula-Apopka Fine Sands (6) based upon the Soil Conservation Service Classification System.  
 The pedestrian walkways through the parking lots shall be designated with not only painted stripes, but also other material or treatment to clearly designate or identify them as such. Material to be determined with construction plans.  
 Fire protection will be provided by Seminole County.  
 Fire flow will be a minimum of 600 G.P.M. with 20 P.S.I.



**DEVELOPER:**  
 Unicorn National Developments, Inc.  
 7505 W. Sand Lake Rd.  
 Orlando, Florida 32819  
 Phone: 407-999-9985

**ENGINEER/PLANNER:**  
 Harling, Locklin & Associates, Inc.  
 850 Courtland Street  
 Orlando, Florida 32804  
 Phone: 407-629-1061

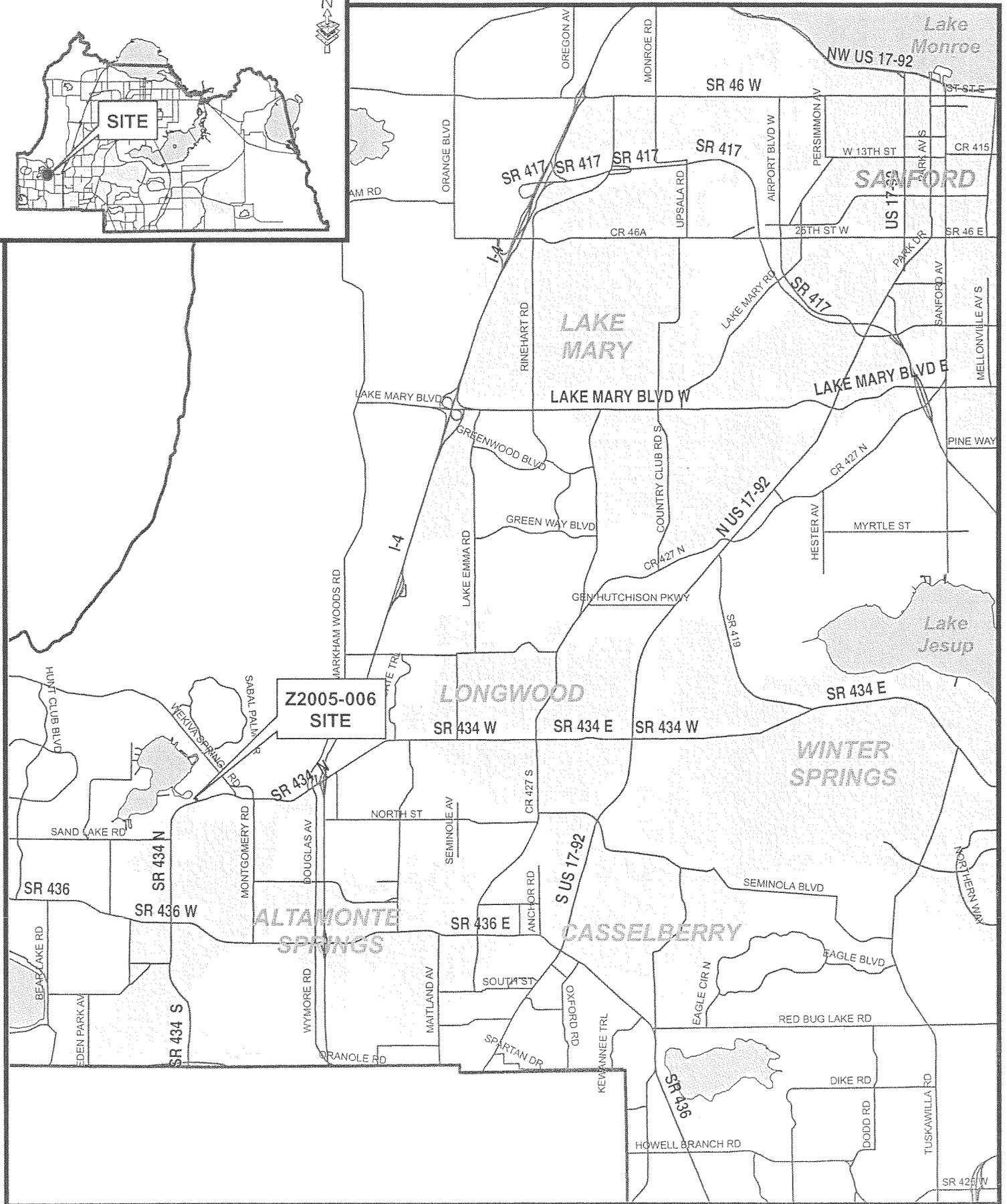
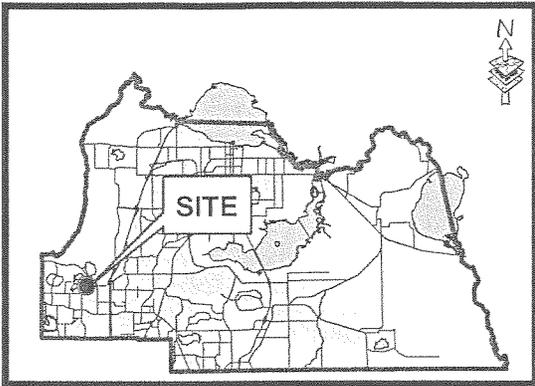
**COMMERCIAL SITE PLAN**

Consulting Engineers - Planners  
**HARLING LOCKLIN & ASSOCIATES, INC.**  
 850 Courtland Street Orlando, Florida 32804  
 Phone: 407-629-1061  
 Fax: 407-629-2855  
 E-mail: hlocklin@harlinglocklin.com  
 E.R.# 2910

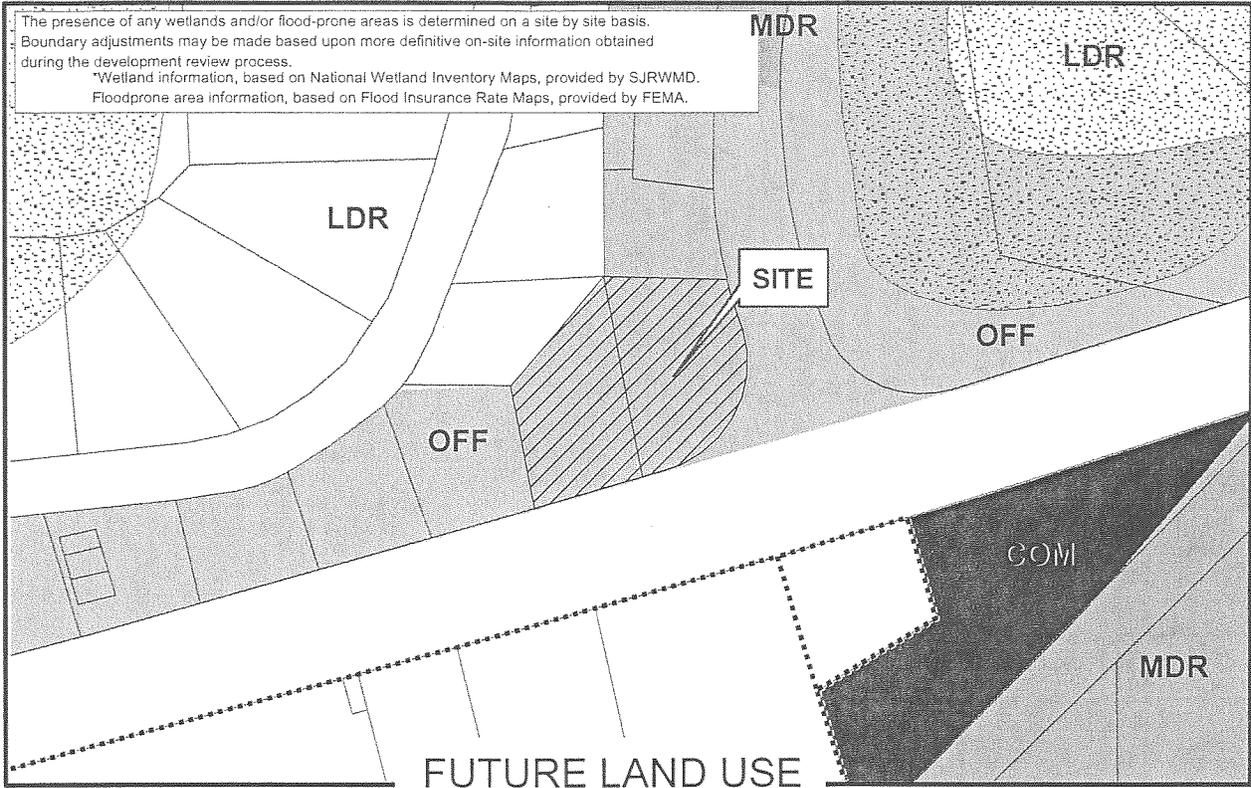
Planned Commercial Development  
 Rezoned  
**E. Lake Brantley & S.R. 434**  
 Seminole County, Florida

Drawn by: LA	Designed by: LA	Filename: 05/07/BANK	Scale: as'd's
Engineer: Hugh W. Harling, Jr. Reg. No. 111229	Job Number: 0507	Scale: 1" = 20'	Date: July 14, 2004

Sheet 1 of 1



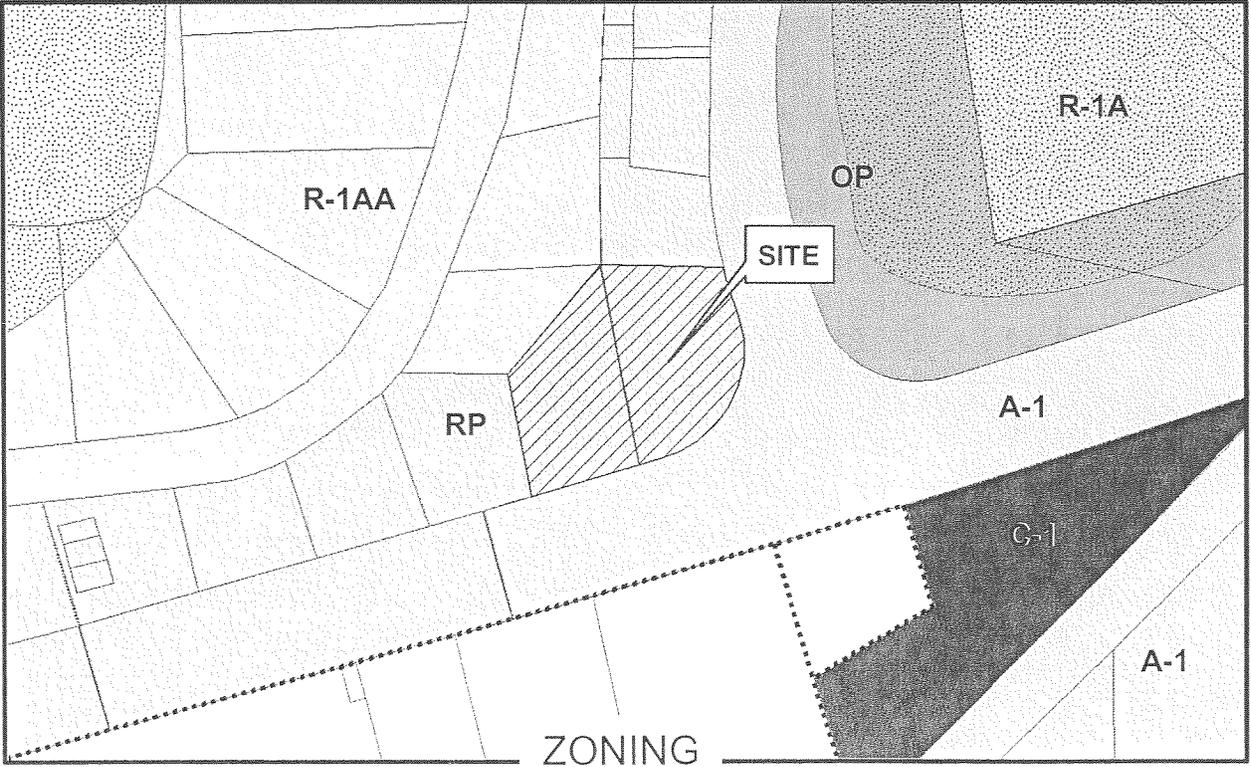
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.  
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site  
  LDR  
  MDR  
  OFF  
  COM  
 ..... Municipality  
  CONS

Applicant: Hugh W. Harling, Jr, PE  
 Physical STR: 04-21-29-513-0C00-0070 & 0080  
 Gross Acres: .853 +/- BCC District: 3  
 Existing Use: Vacant General Commercial  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	01-05-SS-03	OFF	PD
Zoning	Z2005-006	RP	PCD



Site  
  RP  
  R-1A  
  R-1AA  
  OP  
  A-1  
  C-1  
 ..... Municipality  
 FP-1  
 W-1



Rezone No: Z2005-006

From: RP To: PCD

 Parcel

 Subject Property



January 2004 Color Aerials

**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: Roy C. and Marilyn N. Raymond

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

**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 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, Chairman  
Chairman, Board of County Commissioners





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.

**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 OFFICE TO PLANNED DEVELOPMENT; 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 September 7, 2005, 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 October 25, 2005, 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 "E. Lake Brantley Drive/SR 434 Bank Small Scale Land Use Amendment and Rezone 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:

- (a) 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 below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

<u>Amendment Number</u>	<u>Amendment</u>
01.05SS.03	Amendment from Office to Planned Development

(b) The associated rezoning request was completed by means of Ordinance Number 2005-\_\_\_\_.

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 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 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.

ENACTED this 25<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton Henley, Chairman

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.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM RP (RESIDENTIAL PROFESSIONAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT DISTRICT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "E. Lake Brantley Drive/SR 434 Bank SSLUA 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 RP to PCD:

Legal Description Attached As Exhibit A

**Section 3. 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 4. 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. This Ordinance shall become effective upon filing this order by the Department and recording of Development Order #05-22000004 in the official land records of Seminole County and also 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 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. Any development orders, development permits, or land use dependent on an amendment shall take effect on the same date that the amendment becomes 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.

ENACTED this 25th day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton Henley, Chairman

EXHIBIT "A"

Legal Description

Lot 7, of A REPLAT OF BLOCK "C" NOB HILL SECTION,  
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