

Item # 85

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: SPARTAN RETAIL/OFFICE - US 17-92 Rezone from C-2 to PUD

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

AUTHORIZED BY: Dori L. DeBord **CONTACT:** Michael Rumer **EXT.** 7431

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

MOTION/RECOMMENDATION:

1. **APPROVE** a request to rezone 1.03 ± acres, located on the northeast corner of US 17-92 and Spartan Drive, from C-2 (Retail Commercial) to PUD (Planned Unit Development), and approve the attached Preliminary Master Plan and Development Order, based on staff findings, and authorize the Chairman to execute the aforementioned documents (Spartan 17-92, LLC, applicant); or
2. **DENY** a request to rezone 1.03± acres, located on the northeast corner of US 17-92 and Spartan Drive, from C-2 (Retail Commercial) to PUD (Planned Unit Development), and authorize the Chairman to execute the Denial Development Order (Spartan 17-92, LLC, applicant); or
3. **CONTINUE** the public hearing until a time and date certain.

District – 4 Commissioner Henley

Michael Rumer, Senior Planner

BACKGROUND:

The applicant is requesting to rezone 1.03 ± acres from C-2 (Retail Commercial) to PUD (Planned Unit Development), located on the northeast corner of US 17-92 and Spartan Drive. The Future Land Use Designation of the subject property is Commercial (COM), which allows for the requested zoning. The applicant is also requesting Preliminary Master Plan approval for a retail and office project utilizing the first floor of the building as retail and the second and third floors as office. The proposed maximum building height is 52 feet.

Reviewed by: Co Atty: <u>KFT</u> DFS: _____ OTHER: _____ DCM: _____ CM: _____ File No. <u>ph130pdp09</u>

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 1.03 ± acres from C-2 (Retail Commercial) to PUD (Planned Unit Development), located on the northeast corner of US 17-92 and Spartan Drive, and approval of the attached Preliminary Master Plan and Development Order, based on staff findings.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on November 1, 2006 and voted 5-0 to recommend APPROVAL of the request to rezone 1.03 ± acres, located on the northeast corner of US 17-92 and Spartan Drive, from C-2 (Retail Commercial) to PUD (Planned Unit Development), and approval of the attached Preliminary Master Plan and Development Order, per staff findings.

Attachments:

Staff Report
Preliminary Master Plan
Location Map
Future Land Use and Zoning Map
Aerial Map
Approval Development Order
Rezone Ordinance
Denial Development Order (applicable if the request is denied)
Elevation
11/01/06 Planning & Zoning Commission Minutes

Spartan Retail/Office – US 17-92 Rezone

Rezone from C-2 to PUD

APPLICANT	Spartan 17-92, LLC	
PROPERTY OWNER	Spartan 17-92, LLC	
REQUEST	Rezone from C-2 (Commercial) to PUD (Planned Unit Development)	
PROPERTY SIZE	1.03 ± acres	
HEARING DATE (S)	P&Z: November 1, 2006	BCC: December 12, 2006
PARCEL ID	19-21-30-300-0630-0000	
LOCATION	Located on the northeast corner of US 17-92 and Spartan Drive.	
FUTURE LAND USE	COM (Commercial)	
ZONING	PUD (Planned Unit Development)	
FILE NUMBER	Z2006-64	
COMMISSION DISTRICT	#4 – Henley	

Proposed Development:

The applicant is proposing to construct a three (3) story (52 feet) retail /office building that will contain 5,980 square feet of retail and 9,145 square feet of office.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following are the minimum building setback regulations for the subject property:

- 0' side setback from the north property line (abutting existing Commercial)
- 0' side setback from the south property line (abutting Spartan Drive)
- 15' rear setback for the covered parking and 50' for the main building from the east property line (abutting Low Density Residential)
- 15' from the western property line (abutting US 17-92)

The applicant is requesting the following waivers (contained in the attached Development Order) from the requirements of the Seminole County Land Development Code:

1. Allowing the height of the building to be 52' instead of 35'.
2. Allowing a reduction of 5 parking spaces. (67 spaces required, 62 spaces provided)
3. Allowing the sidewalk requirement along Spartan Drive to be waived.
4. Allowing a parking space size reduction to 9x18.

Staff has reviewed the requested waivers and recommends approval of them based on the following findings:

1. The proposed project is classified as an Infill Development under the Vision 2020 Comprehensive Plan.
2. The US 17-92 Commercial Corridor is identified as a Target Area under Comprehensive Plan Policy ECM 4.1. The proposed project is consistent with Policy ECM 4.2, Promote Economic Developments in Target Areas Through Urban Infill and Redevelopment.
3. The proposed project is located within the US 17-92 Community Redevelopment Area and has applied for a CRA program grant that will fund items including increased landscaping above current Seminole County Land Development Code requirements.
4. The applicant will occupy the third floor with a professional architecture business that consists of eleven (11) employees. The remainder of the parking will be used by the second floor office and first floor retail.
5. The applicant is working with the City of Casselberry to locate a utility easement that will provide sewer service to the area. The easement will be located where the sidewalk would be located. Sidewalks do not exist on Spartan Drive adjacent to the subject site. Sidewalks are located across Spartan Drive with a cross walk at the intersection of Spartan Drive and US 17-92.
6. On November 7, 2006 the Seminole County Board of County Commissioners approved the "US 17-92 Community Redevelopment Area Target Zone height Alternative Standards" ordinance. The subject parcel of the rezone is not located in any of the selected areas of the ordinance, but does present a consistent finding that successful redevelopment along US 17-92 can require height alternatives above thirty-five (35) feet. Also, the floor area ratio (FAR) will be less than .35 which is the permitted FAR of the existing commercial land use designation.

PERMITTED USES

Permitted uses for the first floor retail shall be in accordance with the provisions of the C-1 District, special exception uses shall remain special exception uses, with the following prohibited uses:

Launderettes and Laundromats
Plant nurseries
Multi-family housing

The second and third floor shall be in accordance with the provisions of the OP Office District.

COMPATIBILITY WITH SURROUNDING PROPERTIES

To the east is a 60-foot access drive for an existing multi-family complex and single-family homes located in the R-1A (9,000 sq. ft. lot sizes) zoning district. To the south is an existing used car lot. To the north is an existing bank. To the west is US 17-92.

The site is located within the US 17-92 Community Redevelopment Corridor. The subject is in one of the three "target areas" for economic development as identified in

the Seminole County Economic Development Strategic Plan. The 17-92 Corridor contains a mixture of commercial, office and residential uses. The proposed development will replace two recently demolished structures on the site developed prior to 1979 and transform an under-performing property on US 17-92. The site is currently in the application process for receiving a US 17-92 CRA program grant that will fund items including increased landscaping above current Seminole County Land Development Code requirements.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on FIRM map 12117C040E, with an effective date of April 17, 1995, the site appears to be outside the 100 year floodplain. The site is also outside the 100 year floodplain per preliminary DFIRMs.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

PUBLIC FACILITY IMPACTS:

Rule 9J-5.0055(3)(c)1-2, 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 is required to undergo Concurrency Review prior to final engineering approval.

Utilities:

The site is located in the City of Casselberry's utility service area and will be required to connect to public utilities. There is a 10-inch water main that runs through the east side of the parcel and an 8-inch gravity sewer main approximately 340 ft south of the parcel and 200 ft west of Cherrywood Dr. The subject site is not in the ten year master plan for reclaimed water.

Transportation / Traffic:

The property proposes access onto US 17-92, which is classified as an Arterial. US 17-92 is currently operating at a LOS "E" and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

School Impacts:

The proposed development will not generate any school impacts.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin. Attenuation for the 25 year/24 hour storm event (pre-post rate) will be required. Additional retention may be required to satisfy aquifer recharge overlay criteria and outfall constraints.

Parks, Recreation and Open Space:

A minimum of 25% usable open space shall be provided. The amenities associated with the open space shall be determined at Final Master Plan.

Buffers and Sidewalks:

The applicant is requesting a waiver to not provide sidewalks along Spartan Drive. The applicant is working with the City of Casselberry to provide a utility easement for the installation of a gravity feed line on the south side of the property where a sidewalk would be located. Further, the north side of Spartan Drive does not contain sidewalks. Sidewalks are provided on the south side of Spartan Drive. A 17-foot buffer containing a walled pond with cascading split face block will be located in between the single-family lot to the east and a row of covered parking spaces. A sidewalk exists along US 17-92.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

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

SPECIAL DISTRICTS:

The subject property is located within the US 17-19 Community Redevelopment Area.

COMPREHENSIVE PLAN (VISION 2020):

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

Policy ECM 4.1: Target Areas

Policy ECM 4.2: Promote Economic Developments in Target Areas through Urban Infill and Redevelopment
Policy ERG 1.1: Discourage Urban Sprawl and Promote Infill Development
Policy ECM 8.5: Incentives to Promote Enhanced Site Design
Policy FLU 4.2: Infill Development
Policy FLU 4.3: Community Redevelopment Agency
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:

Intergovernmental notices were not sent; the subject property is not within or directly adjacent to any local municipality and will not impact schools

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has not received any letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 1.03 ± acres from C-2 (Retail Commercial) to PUD (Planned Unit Development), located on the northeast corner of US 17-92 and Spartan Drive, subject to the attached Preliminary Master Plan and Development Order, based on staff findings.

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PUD PRELIMINARY MASTER PLAN FOR SPARTAN RETAIL & OFFICE 9494 US HIGHWAY 17-92 SOUTH SEMINOLE COUNTY, FLORIDA

OWNER/ DEVELOPER:

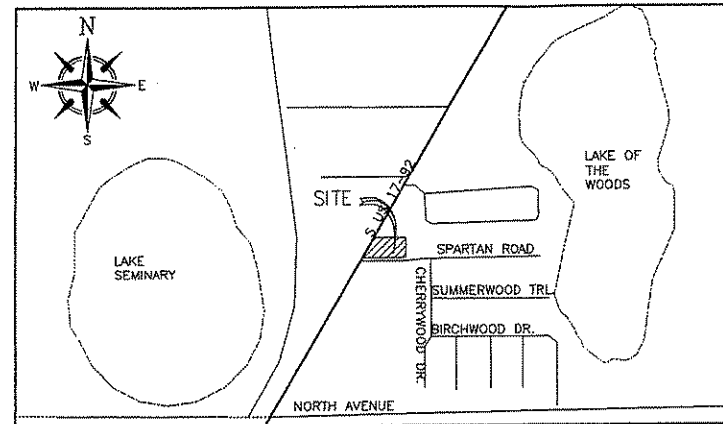
SPARTAN/17-92, LLC
P.O. Box 618063
ORLANDO, FLORIDA 32861
407-647-0938
CONTACT: MARK NABRALLAH

ENGINEER:

HB ASSOCIATES, LLC
377 MAITLAND AVENUE, SUITE 1014
ALTAMONTE SPRINGS, FLORIDA 32701-5442
(407) 740-5444
CONTACT: HARRY BRUMLEY, III, PE

SURVEYOR

SEDMARKS LAND SURVEYORS, INC.
2902 SMU BOULEVARD
ORLANDO, FLORIDA 32817
PHONE (407) 673-0710
CONTACT: JOHN S. BARNHILL, PLS



LOCATION MAP
(NOT TO SCALE)

SECTION 19 - TOWNSHIP 21S - RANGE 30E

LEGAL DESCRIPTIONS
(FURNISHED BY CLIENT)

THE NORTH 210 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, LYING EAST OF STATE ROAD, SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE SOUTH 50 FEET.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN SOUTH ALONG THE WEST LINE OF LOT 1, COOL-MORE, PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 84, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, FOR A DISTANCE OF 150.00 FEET; THENCE DEPARTING SAID LOT LINE N 89°34'40" W ALONG THE NORTH RIGHT OF WAY LINE OF SPARTAN DRIVE FOR A DISTANCE OF 327.84 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 17-92, SAID POINT BEING ON A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 5779.65 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND EASTERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 01°50'05" FOR A DISTANCE OF 185.08 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE S 89°34'40" E ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 19 FOR A DISTANCE OF 233.28 TO THE POINT OF BEGINNING.

SHEET INDEX

- C1 COVER SHEET
- C2 PRE-POST DEMOLITION SURVEYS
- C3 EROSION CONTROL PLAN
- C4 SITE PLAN
- C5 DRAINAGE PLAN
- C6 UTILITY PLAN
- C7 DETAILS
- C7.1 DETAILS
- C7.2 DETAILS

ZONING: C-2
PROPOSED USE: RETAIL/OFFICE/PROFESSIONAL
PROPERTY AREA: 1.03 ACRES +/-
PARCEL ID #: 19-21-30-300-0630-0000

GENERAL NOTES:

CONTRACTOR SHALL PAY FOR AND OBTAIN THE REQUIRED SEMINOLE COUNTY PERMITS AND HOLD A PRE-CONSTRUCTION CONFERENCE BEFORE STARTING WORK. CONTACT JIM ALLAN, DEVELOPMENT REVIEW DIVISION, (407) 665-7409 FOR INFORMATION ON SETTING YOUR PRE-CONSTRUCTION MEETING, ISSUANCE OF COUNTY PERMITS AND OTHER REQUIREMENTS.

GENERAL PROJECT DESCRIPTION:

THE OWNER PROPOSES TO BUILD A THREE STORY RETAIL AND PROFESSIONAL OFFICE BUILDING ON A PREVIOUSLY DEVELOPED LOT. THE SITE IS ZONED C-2.

PURPOSE AND SCOPE:

THIS SUBMITTAL IS BEING PROVIDED TO PRESENT THE SITE LOCATION OF THE BUILDING AND RELATED SITE IMPROVEMENTS TO SEMINOLE COUNTY DEVELOPMENT REVIEW DIVISION, RE-ZONING APPROVAL.

EXISTING CONDITIONS:

THE SITE WAS DEVELOPED PRIOR TO 1979 AND CONSISTED OF TWO INDIVIDUAL STRUCTURES, ONE OF WHICH WAS KNOWN AS THE CRAB SHACK. THE SITE WAS MOSTLY IMPERVIOUS. THE TWO STRUCTURES HAVE SINCE BEEN DEMOLISHED UNDER A SEPARATE PERMIT. THE STORMWATER SYSTEM CONSISTS OF DIRECT SHEET FLOW, WITHOUT PRETREATMENT, TO SPARTAN DRIVE AND US 17-92. THE SITE IS ACCESSIBLE FROM BOTH US 17-92 AND SPARTAN DRIVE. EACH ROADWAY CONTAINS A SINGLE 24 FOOT DRIVEWAY AND AN APPROXIMATELY 80 FOOT WIDE CURB CUT.

EXISTING PARKING: VACANT LOT
LANDSCAPING: VACANT LOT
SOILS: VARY AND CONSIST OF AREAS OF LAKELAND FINE SAND, BLANTON FINE SAND AND RUTLEDGE FINE SAND ACCORDING TO THE 1965 SCS MAP FOR SEMINOLE COUNTY
STORMWATER RECEIVING: BODY OF WATER.

PROPOSED CONDITIONS:
ACCESS: US 17-92 AND SPARTAN ROAD

UTILITIES: CITY OF CASSELBERRY

STORMWATER MANAGEMENT SYSTEM: ST. JOHN'S RIVER WATER MANAGEMENT



"CALL SUNSHINE STATE"
1-800-432-4770
TOLL FREE
FL STATUTE 553.81 (1979) REQUIRES
MIN. OF 2 DAYS AND MAX. OF 5 DAYS
NOTICE BEFORE YOU EXCAVATE.

Handwritten signature
HARRY BRUMLEY, III
FLORIDA PE # 0041037

Revisions	By	Date
6/14/06 Submit to Seminole County CRA	HB	
9/07/06 Submit to Seminole County Rezoning	LJ	
Rezoning Revision		10/12/06

HB ASSOCIATES, LLC
STRUCTURAL/CIVIL ENGINEERS
FLORIDA PE # 0007045

377 MAITLAND AVENUE, SUITE # 1014 (407) 740-5444
ALTAMONTE SPRINGS, FL 32701-5442 FAX (407) 740-7900

SPARTAN RETAIL & OFFICE
9494 US HIGHWAY 17-92 SOUTH
SEMINOLE COUNTY, FLORIDA

PUD PRELIMINARY MASTER PLAN

Drawn: HB
Checked: HB
Date: 6/1/06
Scale: FULL
Job No.: HB 06-94

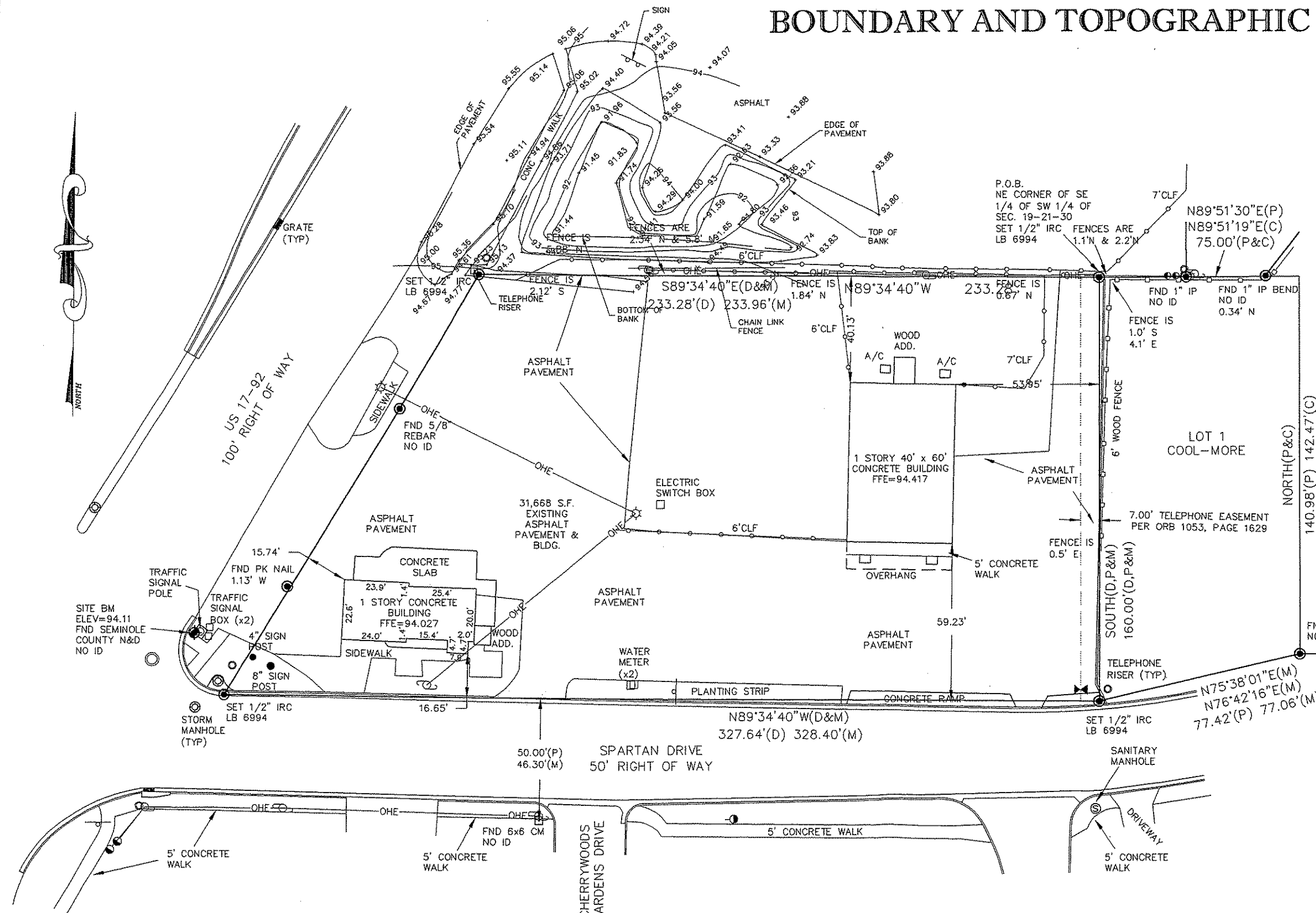
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BOUNDARY AND TOPOGRAPHIC SURV



LEGAL DESCRIPTION

THE 110 FEET OF THE SOUTHEAST 1/4 OF THE SOUTH LYING EAST OF STATE ROAD, SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE SOUTH 50 FEET.

BEING PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NE CORNER OF THE SOUTHEAST 1/4 OF THE SW 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN SOUTH THE WEST LINE OF LOT 1, COOL-MORE, PER THE PLAT OF AS RECORDED IN PLAT BOOK 10, PAGE 84, PUBRDS OF SEMINOLE COUNTY, FLORIDA, FOR A DISTANCE OF 60.00 FEET; THENCE DEPARTING SAID LOT LINE N^W ALONG THE NORTH RIGHT OF WAY LINE OF SPURVE FOR A DISTANCE OF 327.64 FEET TO A POINT EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY SAID POINT BEING ON A CURVE CONCAVE NORTLY AND HAVING A RADIUS OF 5779.65 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND EIGHT OF WAY LINE THROUGH A CENTRAL ANGLE^m FOR A DISTANCE OF 185.08 FEET; THENCE DEPART RIGHT OF WAY LINE S 89°34'40" E ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SECTION 19 FOR A DISTANCE OF 140.98' (P) 142.47' (C) TO THE POINT OF BEGINNING.

SURCONTAINS 1.03 ACRES OR 44,896.17 SQUARE FEET ACIS SURVEY.

SYMBBREVIATIONS:

- | | | | |
|-----------|---------------|--------|-----------------------|
| W | WAY | C | CENTERLINE |
| P | PROPERTY LINE | M | MONITORING WELL |
| B | BOLLARD | W | WATER METER |
| A | AIR/VAC | S | SIGN |
| L | LIGHT POLE | P | POWER POLE |
| G | GUY ANCHOR | CLF | CHAIN LINK FENCE |
| BLK | BLOCK | P.O.B. | POINT OF BEGINNING |
| D AND CAP | D AND CAP | P.O.C. | POINT OF COMMENCEMENT |
| EX | EXISTING | TYP | TYPICAL |

CERTIFY TO:
 Stewart Title Guaranty Co.
 ExxonMobil Oil Corporation
 Spartan 17-92, LLC
 Shutts and Bowen, LLP
 Riverside Bank of Central
 Florida

SURVEYOR'S NOTES:

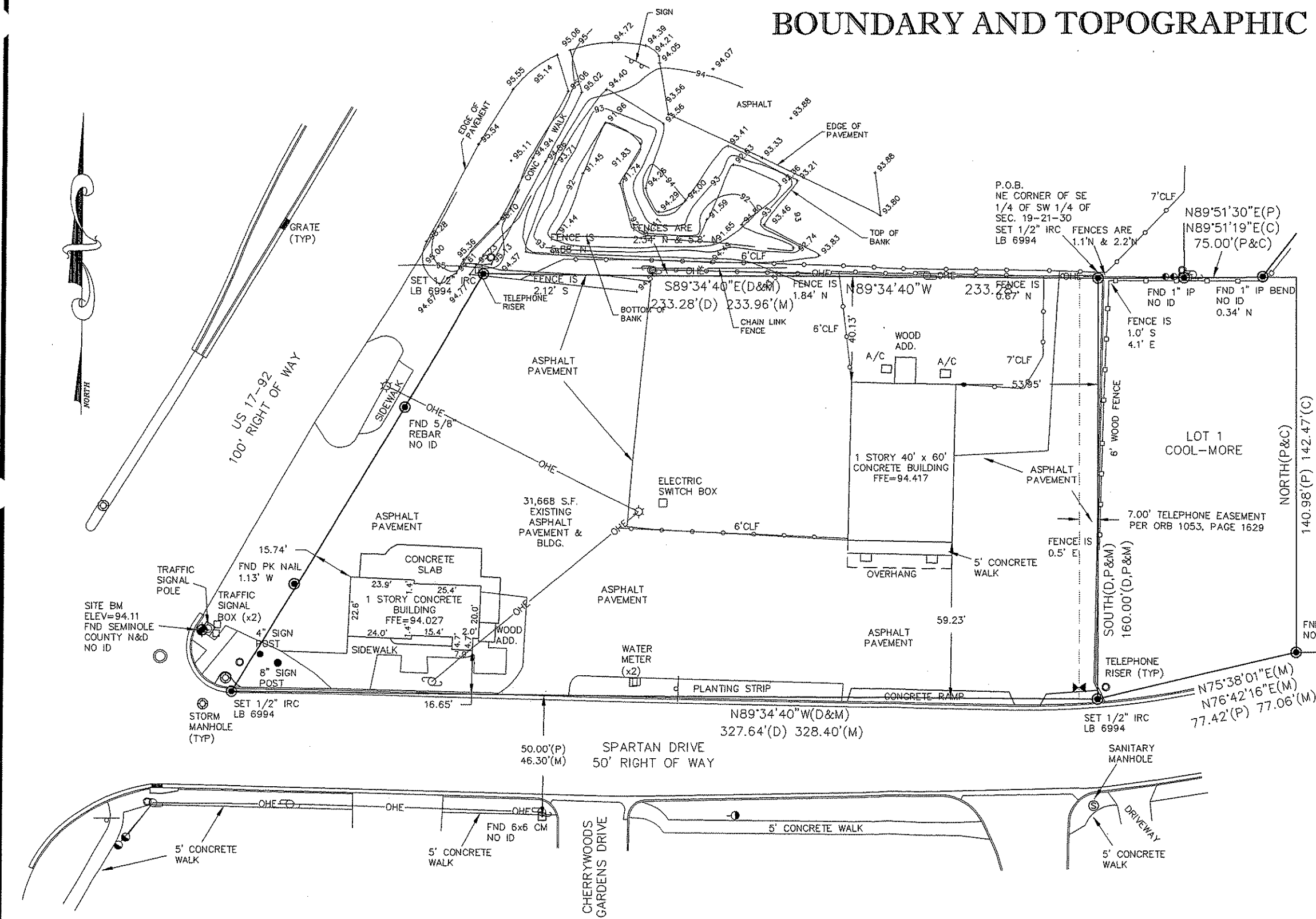
- ELEVATIONS BASED ON SEMINOLE COUNTY BM #2600902, ELEV=93.037
- BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON WEST PROPERTY LINE OF LOT 2, THAT BEARING BEING N 00° 00' 00" E, AND IS ASSUMED.
- THIS SURVEY IS PREPARED WITH TITLE COMMITMENT # 107138 FURNISHED BY STEWART TITLE GUARANTY COMPANY, DATED 10/09/2002
- ACCORDING TO FIRM PANEL NUMBER 12117 C 0140 E DATED, 04/17/1995 THE SUBJECT PROPERTY LIES IN ZONE "X", AN AREA OF MINIMUM FLOODING.

FIELD DATE: 10/22/2002
 SCALE: 1" = 50'
 DRAWN BY: SDS
 CHECKED BY: JSB
 JOB NUMBER: 9495US17-92

**GEOMARKS
 LAND SURVEYORS, INC.**
 FLORIDA LB # 6994
 2902 SMU BOULEVARD
 ORLANDO, FL 32817-2513
 PHONE: (407) 673-0808
 FAX: (407) 673-0710
 E-MAIL: GEOMARKS@AOL.COM

NOTE THE SIGNATURE AND ORIGINAL RAISED
 SEIDA LICENSED SURVEYOR AND MAPPER.
 JOHN S. BARNHILL, PSM #5449

BOUNDARY AND TOPOGRAPHIC SURVEY



LEGAL DESCRIPTION

THE NORTH 210 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, LYING EAST OF STATE ROAD, SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE SOUTH 50 FEET.

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SUBJECT PARCEL CONTAINS 1.03 ACRES OR 44,896.17 SQUARE FEET ACCORDING TO THIS SURVEY.

SYMBOLS & ABBREVIATIONS:

- | | |
|--------------------------------|--------------------------------|
| R/W - RIGHT OF WAY | C - CENTERLINE |
| IP - IRON PIPE | P - PROPERTY LINE |
| N - NORTH | M - MONITORING WELL |
| E - EAST | B - BOLLARD |
| S - SOUTH | W - WATER METER |
| W - WEST | V - AIR/VAC |
| CONC. - CONCRETE | S - SIGN |
| (C) - CALCULATED | L - LIGHT POLE |
| (P) - PLAT | PO - POWER POLE |
| (M) - MEASURED | GA - GUY ANCHOR |
| (D) - DEED | CLF - CHAIN LINK FENCE |
| O.R.B. - OFFICIAL RECORDS BOOK | BLK. - BLOCK |
| OHE - OVERHEAD ELECTRIC | P.O.B. - POINT OF BEGINNING |
| IRC - IRON ROD AND CAP | P.O.C. - POINT OF COMMENCEMENT |
| IR - IRON ROD | EX. - EXISTING |
| NO ID - NO IDENTIFICATION | TYP. - TYPICAL |
| A/C - AIR CONDITIONER | |
| FND. - FOUND | |
| P.B. - PLAT BOOK | |
| PG. - PAGE | |

CERTIFY TO:
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SURVEYOR'S NOTES:

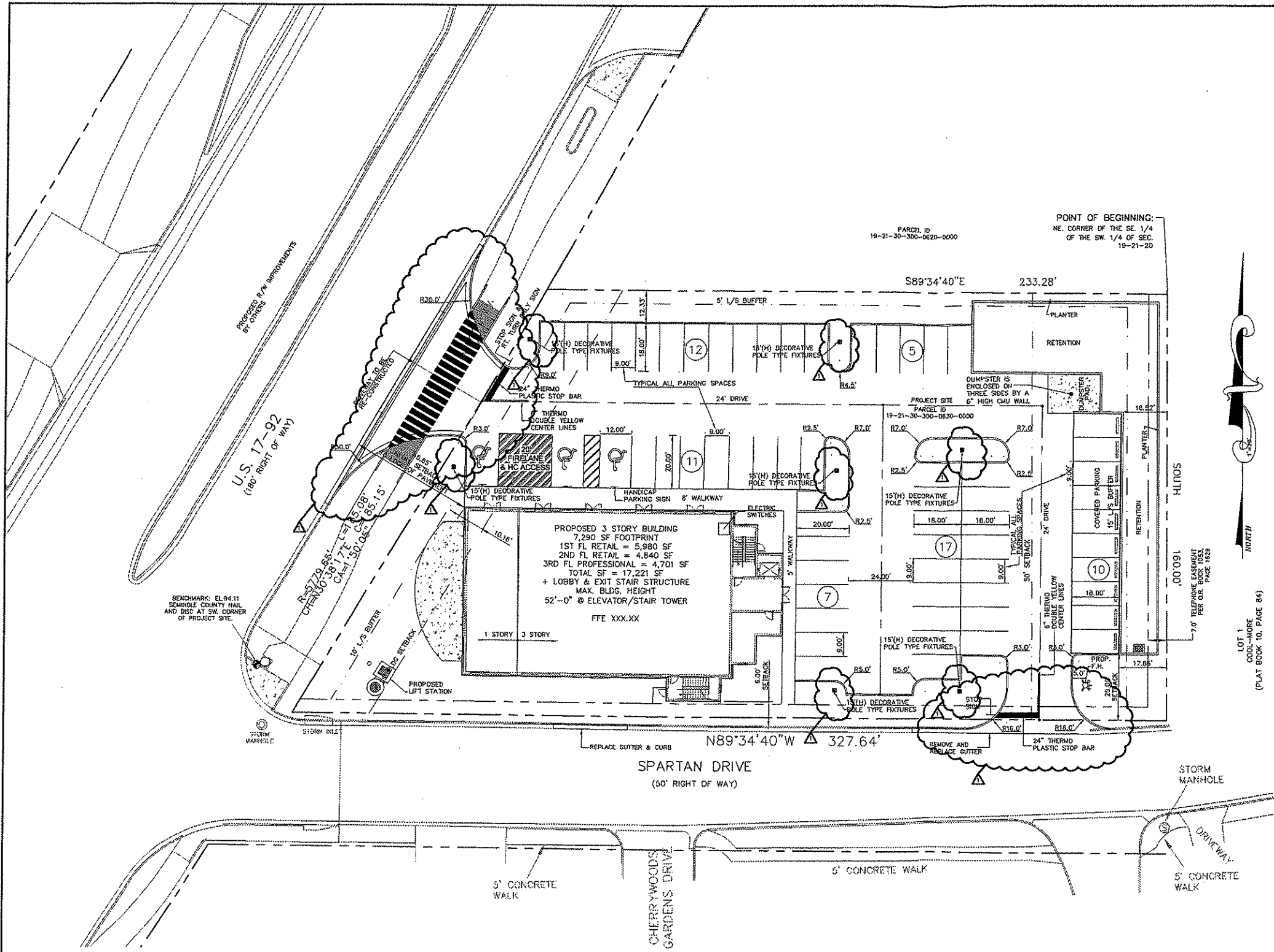
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- THIS SURVEY IS PREPARED WITH TITLE COMMITMENT # 107138 FURNISHED BY STEWART TITLE GUARANTY COMPANY, DATED 10/09/2002
- ACCORDING TO FIRM PANEL NUMBER 12117 C 0140 E DATED, 04/17/1995 THE SUBJECT PROPERTY LIES IN ZONE "X", AN AREA OF MINIMUM FLOODING.

FIELD DATE: 10/22/2002
 SCALE: 1" = 50'
 DRAWN BY: SDS
 CHECKED BY: JSB
 JOB NUMBER: 9495US17-92

GEDMARKS LAND SURVEYORS, INC.
 FLORIDA LB # 6994
 2902 SMU BOULEVARD
 ORLANDO, FL 32817-2513
 PHONE: (407) 673-0808
 FAX: (407) 673-0710
 E-MAIL: GEDMARKS@ADL.COM

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DATE _____ JOHN S. BARNHILL, PSM #5449



SITE DATA

SITE AREA : 44,781 SF (1.03 AC ±)
ZONING : C2
EXISTING USE : VACANT COMMERCIAL
PROPOSED USE : 1ST FLOOR RETAIL
 2ND/3RD FLOORS PROFESSIONAL OFFICE

BUILDING CONSTRUCTION TYPE: IV
PROPOSED HEIGHT: 20' / 50'
MAX BUILDING HEIGHT: 52' 0"
(ELEVATOR TOWER)
NUMBER OF STORIES: THREE (3) STORIES
GROSS SF OF BLDG: 18,542 SF
PROPOSED FAR: 0.41

DEMOLISHED BUILDING AREA: 4,015 SF
EXIST PAVEMENT AREA: 27,653 SF
DEMOLISHED PAVEMENT AREA: 31,668 SF (70.7%)
TOTAL DEMOLISHED IMP AREA: 31,668 SF (70.7%)

PROPOSED BUILDING FOOTPRINT: 7,290 SF
PROPOSED PAVEMENT AREA: 21,536 SF
PROPOSED SIDEWALK & PATIO AREA: 2,751 SF
TOTAL PROPOSED IMP AREA: 31,577 SF (70.5%)

BUILDING FLOOR AREA: GROSS AREA
 1ST FLOOR RETAIL: 5,980 SF
 2ND FLOOR RETAIL: 4,519 SF
 3RD FLOOR RETAIL: 4,626 SF
 15,125 SF

BUILDING SETBACKS:
 NORTH: 0.00 FT.
 SOUTH: 0.00 FT.
 WEST: 15.00 FT.
 EAST: 15.00 FT COVERED PARKING
 50.00 FT MAIN BUILDING

LANDSCAPE BUFFERS:
 NORTH: 5.00 FT
 SOUTH: 5.00 FT
 EAST: 10.00 FT
 WEST: 15.00 FT

PARKING REQUIRED:
 FIRST FLOOR RETAIL: 1/200 SQ.FT. OR 30 SPACES
 SECOND FLOOR OFFICE: 1/250 SQ.FT. OR 18 SPACES
 THIRD FLOOR OFFICE: 1/250 SQ.FT. OR 19 SPACES
 67 TOTAL SPACES

PARKING PROVIDED:
 44 SPACES 9'X18'
 15 SPACES 9'X20'
 3 HANDICAP SPACES
 62 TOTAL SPACES

GENERAL NOTES

- PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THAT ALL PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY ALL PERMITTING AUTHORITIES.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS AND THE REQUIREMENTS AND STANDARDS OF THE LOCAL GOVERNING AUTHORITY.
- ALL HANDICAP SPACE STRIPING AND PAVEMENT MARKINGS AND SIGNAGE TO COMPLY WITH THE FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS, THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND SEMINOLE COUNTY LAND DEVELOPMENT CODE. ALL STOP BARS SHALL BE THERMOPLASTIC.
- ALL WORK SHALL CONFORM TO SEMINOLE COUNTY SPECIFICATIONS AND REGULATIONS.
- THE SITE DIMENSIONS SHOWN ARE FOR CONSTRUCTION OF SITE IMPROVEMENTS ONLY. REFER TO ARCHITECTURAL PLANS FOR CONSTRUCTION OF BUILDING. ALL DIMENSIONS ARE TO EDGE OF PAVEMENT / FACE OF CURB UNLESS NOTED OTHERWISE.
- THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER PRIOR TO CONSTRUCTION OF ANY DISCREPANCIES FOUND BETWEEN THESE PLANS, THE ARCHITECTURAL PLANS AND / OR FIELD CONDITIONS.
- ALL PRIVATE AND PUBLIC PROPERTY DAMAGED BY CONSTRUCTION ACTIVITIES SHALL BE RESTORED TO A CONDITION EQUAL TO OR BETTER.
- SEE ARCHITECTURAL PLANS FOR CONTROL JOINTS IN SIDEWALKS.
- FIRE LANE AS SHOWN IN PLAN IS TO BE THERMOPLASTIC OK SPEC 3' IN WIDTH WITH YELLOW STRIPING AND "NO PARKING OR STANDING - FIRE LANE" LETTERING.
- AT A MINIMUM, A CLASS FIVE CONTRACTOR IS REQUIRED TO INSTALL FIRE LINES. FIRE LINES SHALL BEGIN AT THE POINT IN WHICH THE PIPING IS USED EXCLUSIVELY FOR FIRE PROTECTION AND END AT A POINT 1-FOOT ABOVE THE FINISHED FLOOR.
- THE FIRE LINE FOR SPRINKLED BUILDINGS STARTS AT THE DOUBLE DETECTOR CHECK VALVE.
- NO OTHER WATER CONNECTION SHALL BE OFF THE FIRE LINE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE RESTORATION OF ANY TRAFFIC SIGNAL EQUIPMENT INCLUDING BUT NOT LIMITED TO FIBER, LOOP SENSORS, PULL BOXES, CONDUIT, TRAFFIC SIGNALS, AND CABINETS. ANY ITEMS DAMAGED BY THE CONTRACTOR WILL BE RESTORED TO THEIR ORIGINAL CONDITIONS UNLESS OTHERWISE AGREED UPON BY THE COUNTY TRAFFIC ENGINEER.

Revisions	Date	By
6/14/06 Submit to Seminole County CRA		HB
9/07/06 Submit to Seminole County Rezoning		LJ
Rezoning Revision	10/12/06	

HB ASSOCIATES, LLC
 STRUCTURAL/CIVIL ENGINEERING
 FLORIDA CA # 0007045

377 HARTLAND AVENUE, SUITE # 1014 (407) 740-5444
 ALTAMONTE SPRINGS, FL 32701-5443 FAX 1407 740-7990

SPARTAN RETAIL & OFFICE
 9494 US HIGHWAY 17-92 SOUTH
 SEMINOLE COUNTY, FLORIDA

PUD PRELIMINARY MASTER PLAN

Drawn:	HB
Checked:	HB
Date:	6/1/06
Scale:	1" = 20'
Job No.:	HB 06-94

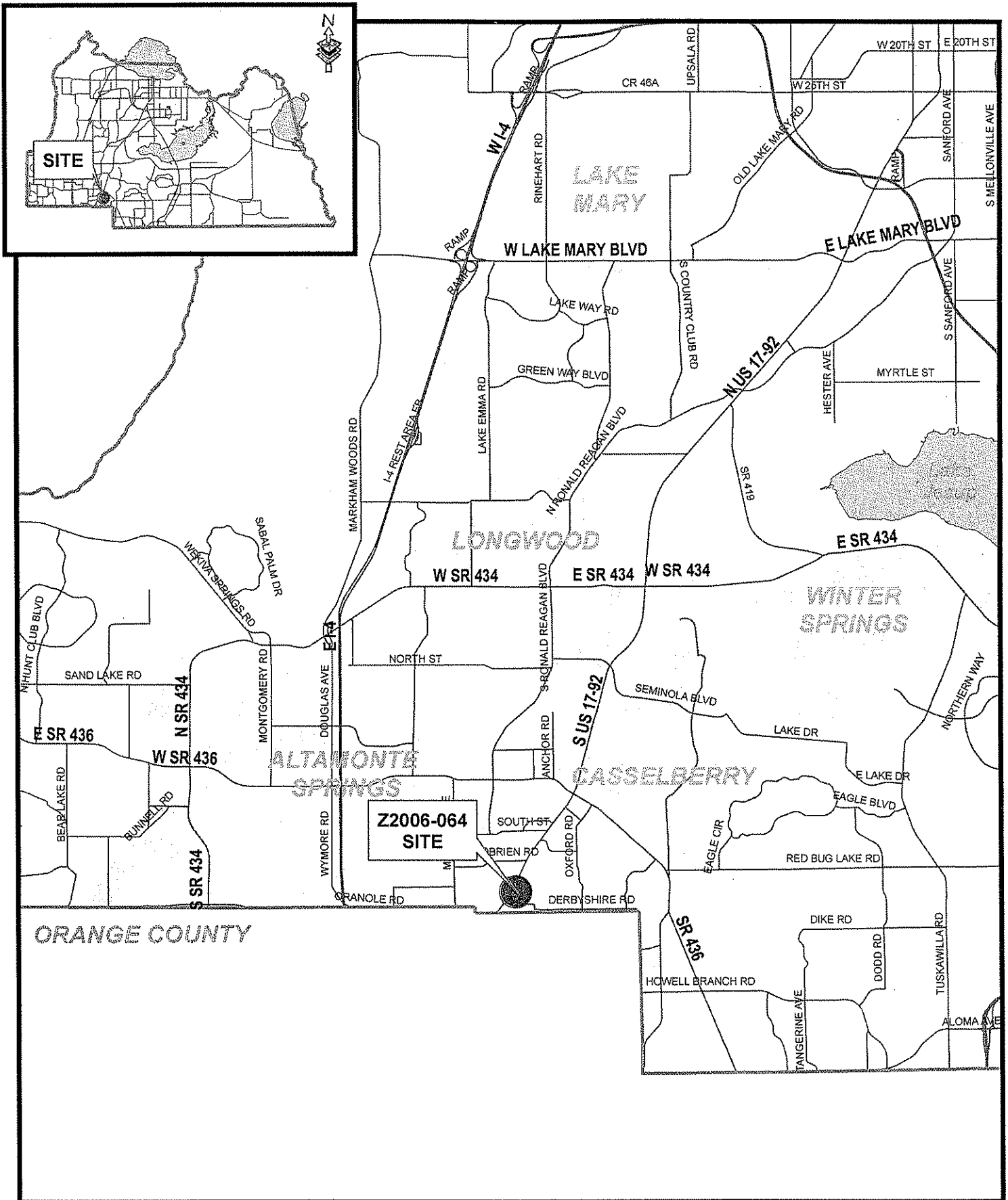
Sheet: 4 of 9

C4A

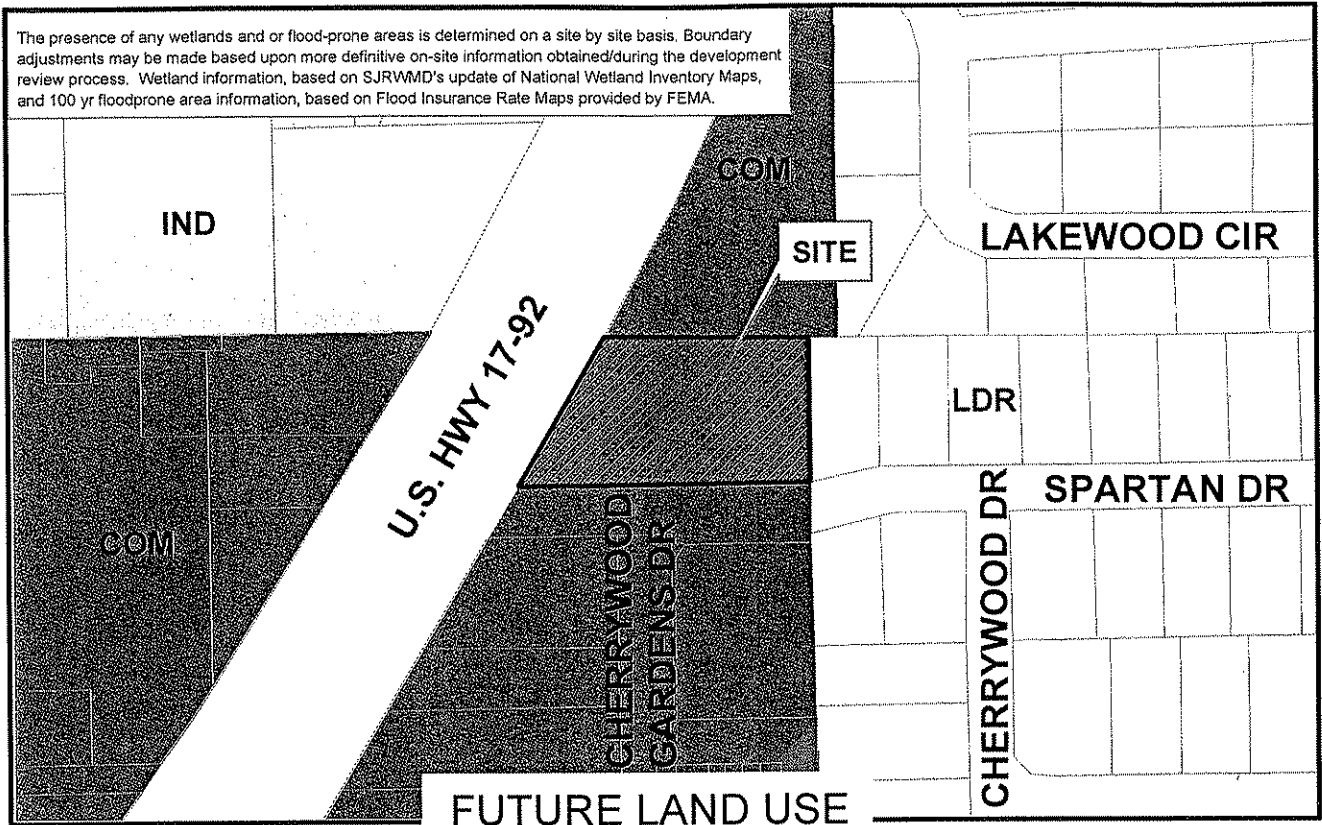
File: /0644-c3.dwg

HARRY BRUMLEY, III
 FLORIDA PE # 0041857

COPYRIGHT 2006, HB ASSOCIATES, LLC. ENGINEERS HEREBY EXPRESSLY RESERVE THEIR COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS AND DRAWINGS. THEY ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WITHOUT FIRST OBTAINING WRITTEN PERMISSION AND CONSENT OF HB ASSOCIATES, LLC.



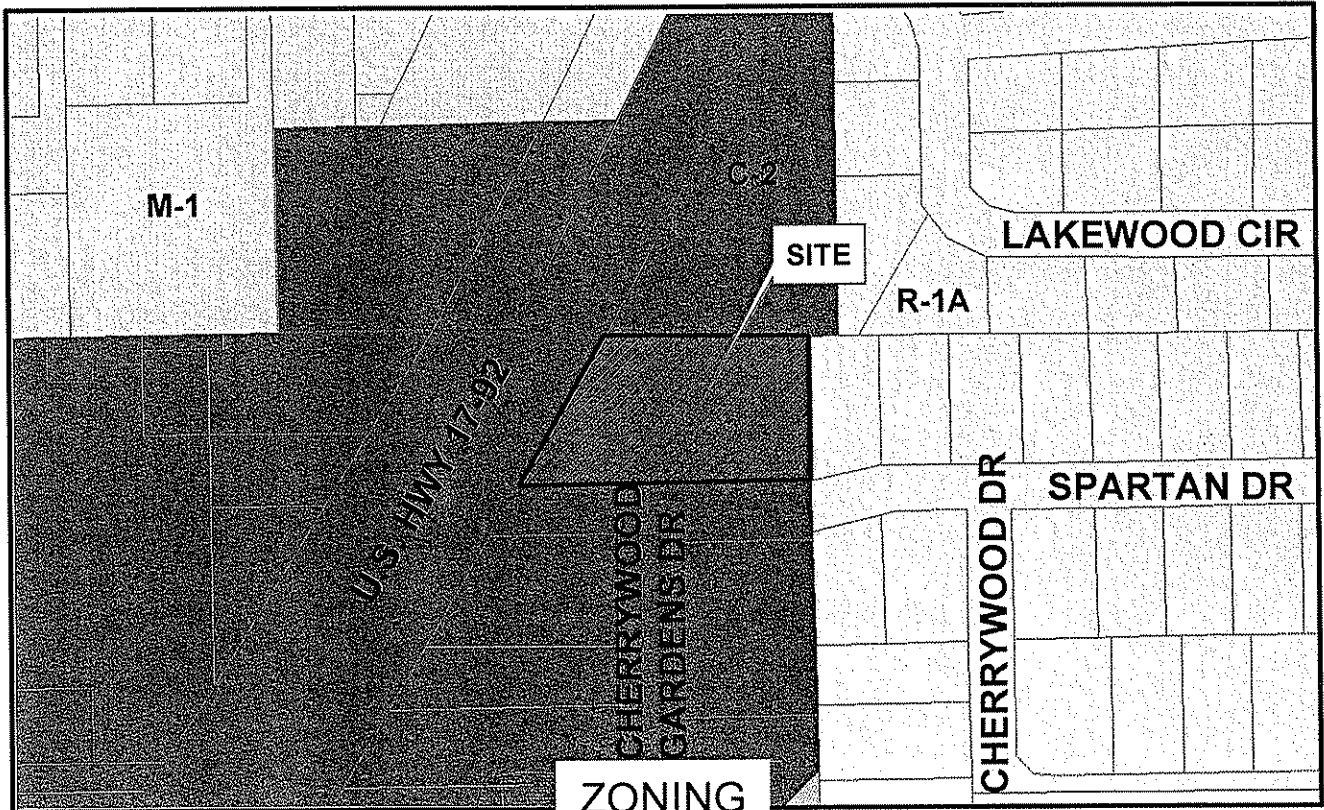
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



LDR [shaded] COM [stippled] IND [diagonal lines] Site [dotted] Municipality [dotted] CONS [stippled]

Applicant: Gary Jensen
 Physical STR: 19-21-30-300-0630-0000
 Gross Acres: 1.03 acres +/- BCC District: 4
 Existing Use: Vacant/Commercial
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-064	C-2	PUD



ZONING
 M-1 [stippled] C-2 [shaded] R-1A [white] FP-1 [stippled] W-1 [stippled]



Rezone No: Z2006-064
From: C-2 To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

Z2006-064

DEVELOPMENT ORDER #06-20500008

SEMINOLE COUNTY DEVELOPMENT ORDER

On December 12, 2006, Seminole County issued this Administrative Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

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

FINDINGS OF FACT

Property Owner(s): Spartan 17-92, LLC

Project Name: Spartan Office and Retail PUD Rezone

Requested Development Approval: Rezone from C-2 (Retail Commercial) and PUD (Planned Unit Development).

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: Michael Rumer
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 Preliminary Master Plan attached as Exhibit B and the building elevation attached as Exhibit C.
- B. The maximum building height shall be two stories, not to exceed 52'.
- C. The project shall consist of no more than 5,980 square feet of retail on the first floor, 4,519 square feet of office on the second floor and 4,626 square feet of office on the third floor.
- D. Minimum building setbacks from the property perimeter boundary shall be:
 - 1. 0' side setback from the north property line (abutting existing Commercial).
 - 2. 0' side setback from the south property line (abutting Spartan Drive).
 - 3. 15' rear setback from the covered parking and 50' for the main building from the east property line (abutting Low Density Residential).
 - 4. 15' from the western property line (abutting US 17-92).
- E. Permitted uses for the first floor retail shall be in accordance with the provisions of the C-1 district, special exception uses shall remain special exception uses, with the following prohibited uses:
 - Launderettes and Laundromats
 - Plant nurseries
 - Multi-family housing
- F. Permitted uses for the second and third floor shall be in accordance with the provisions of the OP Office District
- G. The walled retention pond will consist of cascading split faced block.
- H. A sidewalk is not required along Spartan Drive.
- I. A minimum of 25% usable open space shall be provided. The amenities associated with the open space shall be determined at Final Master Plan.
- J. 62 parking spaces are required.
- K. Parking spaces shall be a minimum of 9x18.
- L. All mechanical equipment, ground or roof-mounted, shall be screened from off-site view.

(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 D. Henley
Chairman, Board of County Commissioners

EXHIBIT A

THE NORTH 210 FEET OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, LYING EAST OF STATE ROAD 17-92, SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE SOUTH 50 FEET.

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 C-2 (RETAIL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "Spartan Office and Retail PUD Rezone".

(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. REZONING. The zoning classification assigned to the following described property is changed from the C-2 (Retail Commercial) to the PUD (Planned Unit Development District) zoning classification.

LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall take effect upon filing the Ordinance with the Department of State and recording Development Order #06-20500008 in the Public Records of Seminole County, Florida.

ENACTED this 12th day of December 2006

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley, Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

THE NORTH 210 FEET OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, LYING EAST OF STATE ROAD 17-92, SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE SOUTH 50 FEET.

FILE # Z2006-64

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 12, 2006, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s):

Spartan 17-92 LLC
507N NEW YORK AV
Orlando, FL 32861

Project Name: Spartan Office and Retail PUD Rezone

Requested Development Approval: The applicant is requesting a rezone from C-2 (Retail Commercial) to PUD (Planned Unit Development)

The Board of County Commissioners has determined that the requested rezoning from C-2 (Retail Commercial) to PUD (Planned Unit Development) and the associated Preliminary Master Plan is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Spartan Office and Retail PUD Rezone" and all evidence submitted at the public hearing on December 12, 2006, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezoning should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

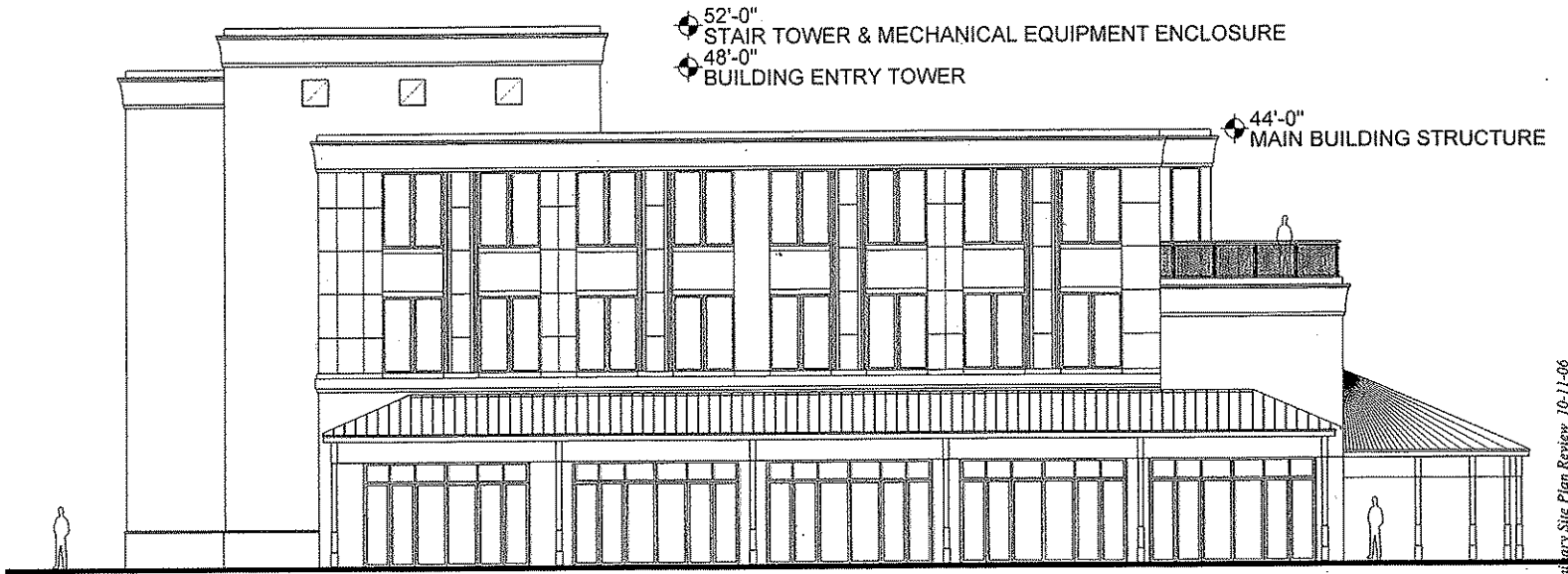
Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS**

By: _____
Carlton D. Henley, Chairman

EXHIBIT A

THE NORTH 210 FEET OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, LYING EAST OF STATE ROAD 17-92, SECTION 19, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE SOUTH 50 FEET.



52'-0"
STAIR TOWER & MECHANICAL EQUIPMENT ENCLOSURE

48'-0"
BUILDING ENTRY TOWER

44'-0"
MAIN BUILDING STRUCTURE

PRELIMINARY NORTH ELEVATION
VIEW FROM 1140131W-1140030E SCALE: 1/4" = 1'-0"

Preliminary Site Plan Review 10-11-06

NO.	DATE	REVISION

REVISIONS

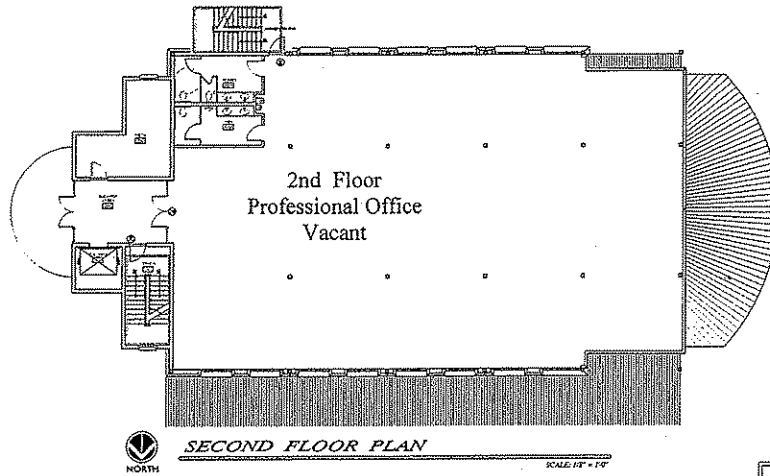
NASRALLAH
FINE ARCHITECTURAL DESIGN INC.
507 W. New York Ave., Suite 200
New York, NY 10014
Tel: 407-447-0024 Fax: 407-447-2489
www.nasrallah.com

PROJECT NAME: Commercial Retail & Professional Office Development
 3400 Lakeside Dr. S.W.
 Broward County, Florida

DATE: 10/11/06
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1/4" = 1'-0"

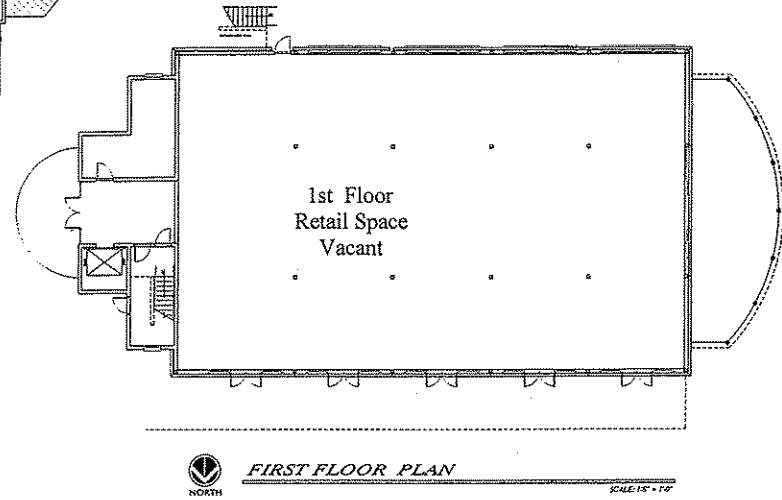
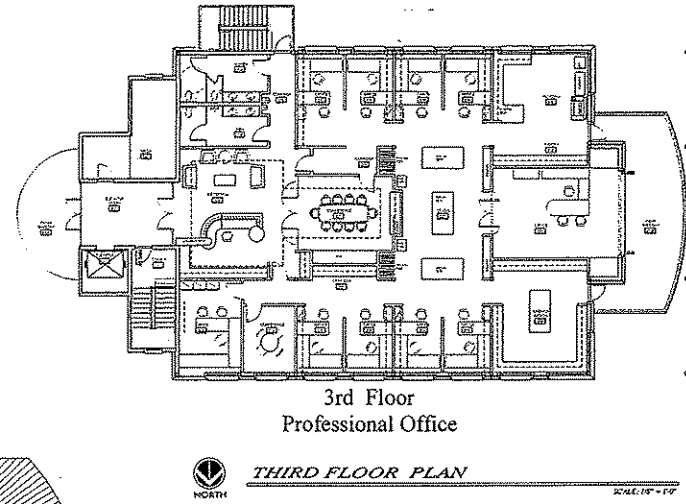
SHEET NO
A
 OF 1.0 SHEETS

NO. 10/11/06
 10/11/06



SQUARE FOOTAGE CALCULATIONS

	10/10/2006
FIRST FLOOR LEASEABLE AREA	5980 S.F.
SECOND FLOOR LEASEABLE AREA	4519 S.F.
THIRD FLOOR LEASEABLE AREA	4626 S.F.
TOTAL LEASEABLE AREA	15,125 S.F.
CORE AREA	
FIRST FLOOR CORE AREA	772 S.F.
SECOND FLOOR CORE AREA	1107 S.F.
THIRD FLOOR CORE AREA	1005 S.F.
TOTAL CORE AREA	2884 S.F.
TOTAL GROSS BUILDING AREA	18,019 S.F.



Preliminary Site Plan Review 10-11-06

PROJECT NAME: *Remainder of Site for Proposed Office Development*
Site Address: 1-92 S.E. 8th St.
Orange County, Florida

NO.	REVISION	DATE	BY	CHECKED

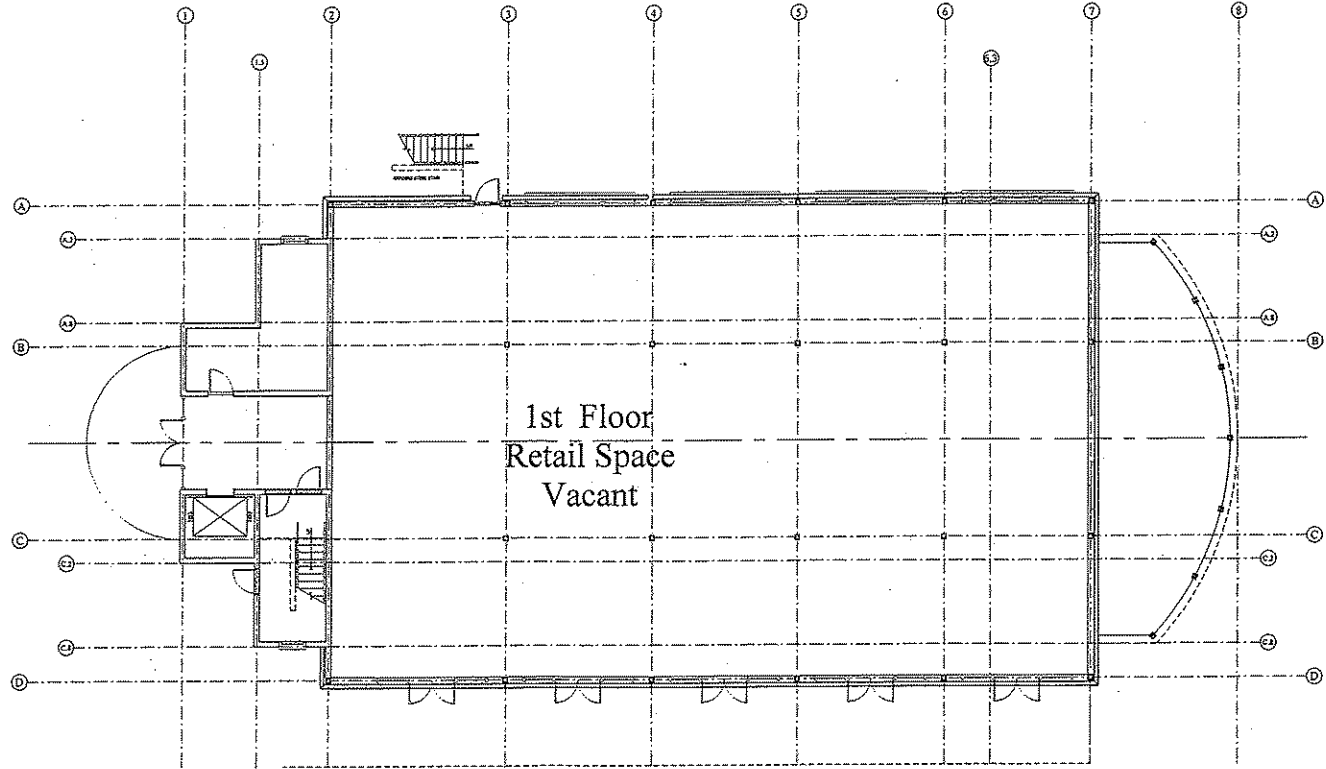
SHEET NO.	A
OF SHEETS	11
DATE	
PROJECT NO.	
SCALE	
DATE	

NASRALLAH
 PLANE ARCHITECTURAL DESIGN INC.
 507 N. Orange Ave., Suite 500
 Orlando, Florida 32801
 Phone: 407-241-2899
 Fax: 407-241-2899

NO.	REVISION	DATE	BY	CHECKED

MANUFACTURED AND ARCHITECTURAL, SPAIN

MANUFACTURED AND ARCHITECTURAL, SPAIN



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

Preliminary Site Plan Review 10-11-06

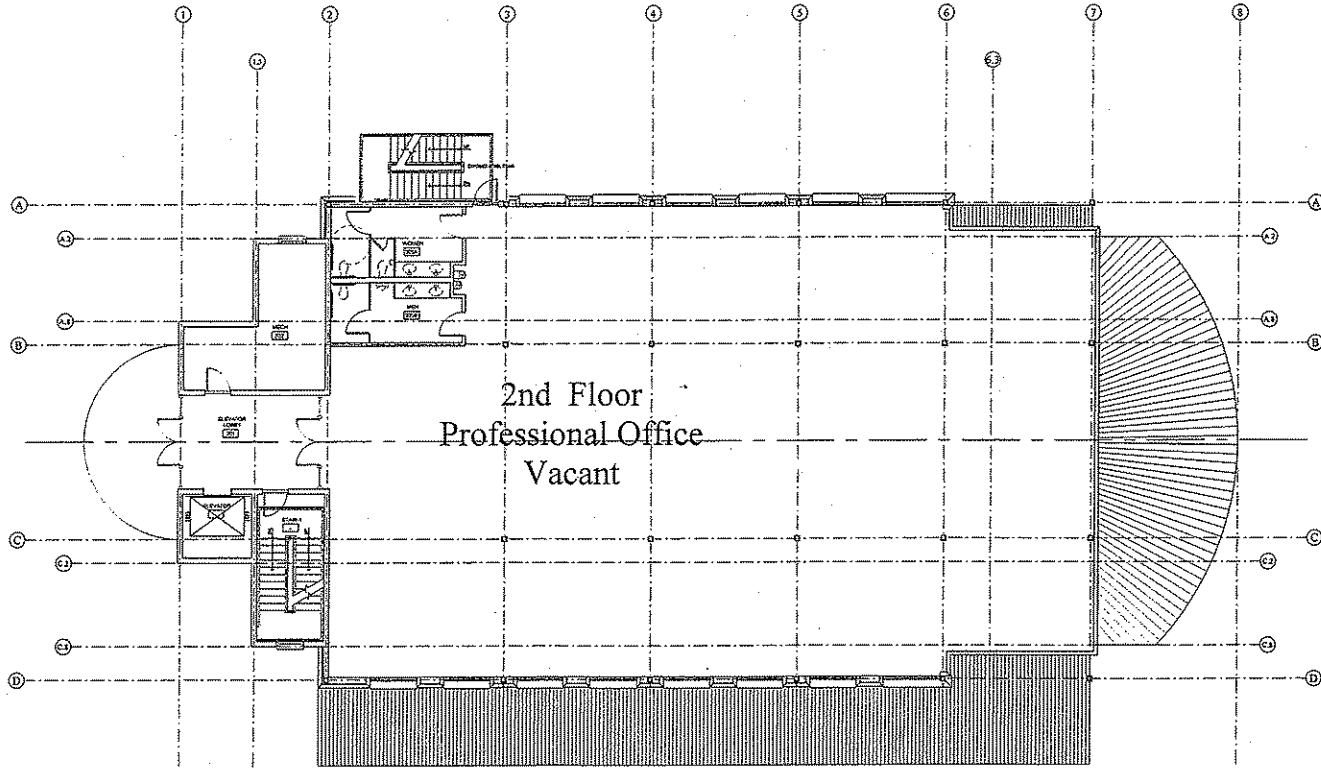
DATE: 10/11/06
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO. 10-11-06

SHEET NO. **A**
1.1
 OF 1 SHEETS

PROJECT NAME: *Removal of Barrier to Employment (RBE) Development*
Spokane 17-02, St. St. St.
Spokane County, Spokane

NO.	DATE	REVISIONS

NASRALLAH
 FINE ARCHITECTURAL DESIGN INC.
 207 N. New York Ave., Ste. 200
 Spokane, WA 99201
 Ph: 409-497-0639 Fax: 409-497-2499
 Email: info@nasrallah.com



2nd Floor
Professional Office
Vacant

SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



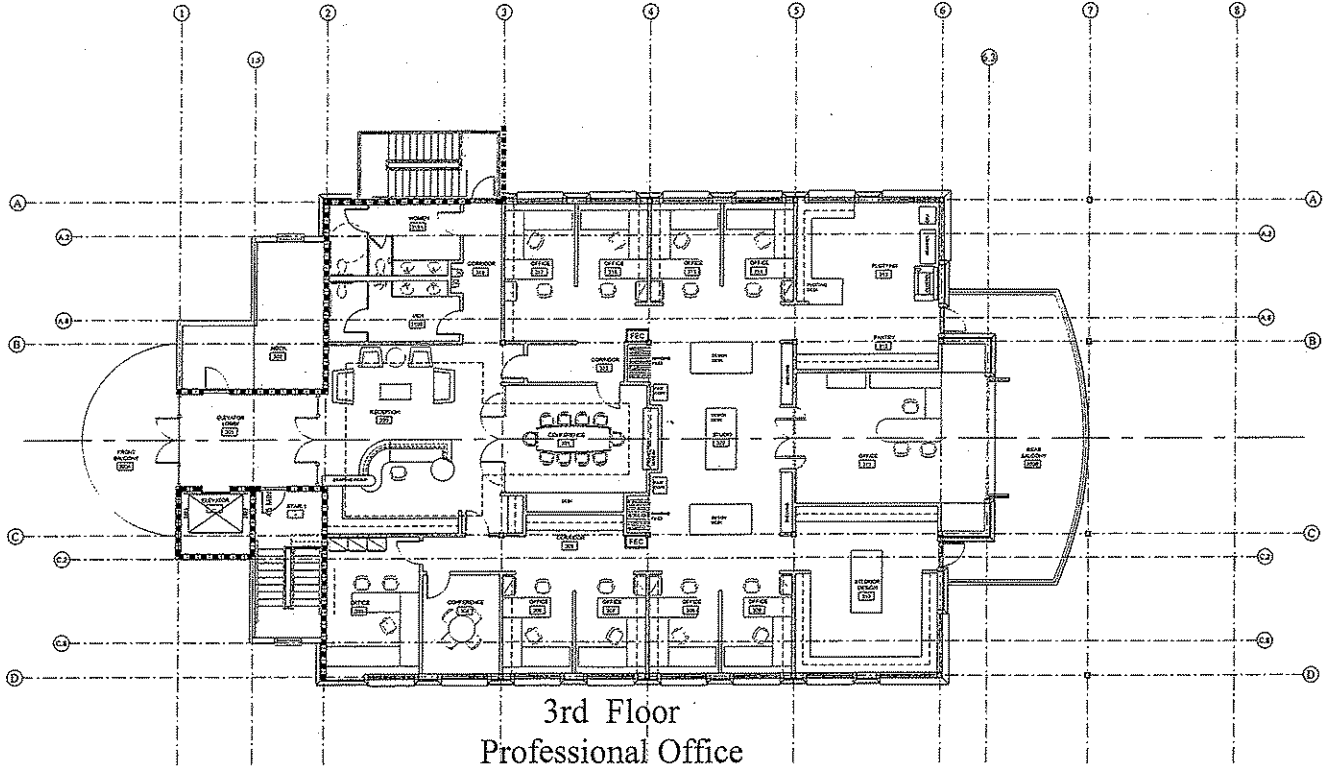
Preliminary Site Plan Review 10-11-06

PROJECT NAME	COMMUNITY CENTER & RECREATION CENTER DEVELOPMENT
PROJECT NO.	10-11-06
DATE	10-11-06
SCALE	1/8" = 1'-0"
PROJECT NO.	10-11-06
DATE	10-11-06
SCALE	1/8" = 1'-0"

PROJECT NO. 10-11-06
DATE 10-11-06
SCALE 1/8" = 1'-0"

NASRALLAH
FINE ARCHITECTURAL DESIGN INC.
607 N. Zeeb Ave. Suite 500
Tampa, FL 33609
PH: 813-241-2400
WWW.NASRALLAH.COM

NO.	DATE	BY	CHKD.
1			
2			
3			
4			



3rd Floor
Professional Office

THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

Preliminary Site Plan Review 10-11-06

NO.	DATE	BY	REVISION

SHEET NO
A
1.3
OF SHEETS

NO. FILE IN OFFICE

PROJECT NAME: *Government Medical Professional Office Development*
Phase 1 of 2, S.P.C.
Downtown, County, District

NASRALLAH
FINE ARCHITECTURAL DESIGN, LLC
500 N. Liberty Street, Suite 300
Ph: 404.487.4444
email: office@nasrallah.com

NO.	DATE	BY	REVISION

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
NOVEMBER 1, 2006**

Members present: Ben Tucker, Beth Hattaway, Matt Brown, Jason Brodeur, and Dudley Bates

Members absent: Rob Wolf and Walt Eismann

Also present: Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; Ian Sikonia, Senior Planner; Sheryl Stolzenberg, Principal Coordinator; Brett Blackadar, Principal Engineer; Dr. Kelly Brock, Senior Engineer; Austin Watkins, Planner; and Candace Lindlaw-Hudson, Clerk to the Commission.

Spartan Office & Retail PUD Rezone; Mark Nasrallah, applicant. 1.03 ± acres; Rezone from C-2 (Retail Commercial) to PUD (Planned Unit Development) and PUD Preliminary Master Plan Approval; located on the northeast corner of US 17-92 and Spartan Road. (Z2006-64)

Commissioner Henley - District 4
Michael Rumer, Senior Planner

Mr. Rumer explained that the project will be a mixed use PUD with retail on the first floor of the building and office space on the second and third floor. The proposed maximum building height is 52 feet. Mr. Rumer noted the elimination of one parking space from the original plan to allow access according to safety standards. Staff recommends approval of the request.

Lisa Johnson of HP Engineering was present to answer questions.

There were no questions from the audience.

Commissioner Hattaway asked if the applicant had originally asked for a PUD.

Mr. Rumer stated that the height requested would only be allowed with a PUD, not a PCD.

Commissioner Tucker asked if the height would be allowed under other circumstances.

Tina Williamson stated that they had to do a PUD in order to get the height.

Mr. Rumer stated that applicant came in with a certain height request, and a PUD allows for adjustments to height, setbacks and buffering, and the number of parking spaces in this infill project.

Commissioner Brown asked about the walled retention pond.

Mr. Rumer stated that this would be cascading, split-faced block.

Commissioner Brown stated that it was his understanding that more natural looking ponds were to be used.

Tina Williamson stated that this is allowed in infill projects. The split-faced block will be accompanied by planters as well.

Commissioner Brown made a motion to recommend approval.

Commissioner Brodeur seconded the motion.

The motion passed unanimously.