

Item # 91

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Tuskawilla Road Small Scale Land Use Amendment from LDR (Low Density Residential) to Office; and Rezone from A-1 (Agriculture District) to OP (Office Professional District)

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tina Deater **EXT.** 7440

Agenda Date <u>12/14/04</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. Enact an ordinance to APPROVE the request for a Small Scale Land Use Amendment from LDR (Low Density Residential) to Office, and a Rezone from A-1 (Agriculture District) to OP (Office Professional District) on approximately 2.47 acres located on the west side of Tuskawilla Road, approximately 700 feet south of Willa Springs Drive, subject to the attached development order, site plan, and architectural rendering and authorize the Chairman to execute same (Michael Craig, applicant); or
2. DENY the request for a Small Scale Land Use Amendment from LDR (Low Density Residential) to Office, and a Rezone from A-1 (Agriculture District) to OP (Office Professional District) on approximately 2.47 acres located on the west side of Tuskawilla Road, approximately 700 feet south of Willa Springs Drive, subject to the attached development order, site plan, and architectural rendering (Michael Craig, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 1 – Commissioner Dallari

Tina Deater, Senior Planner

BACKGROUND:

The applicant, Michael Craig, is requesting approval of a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office, and a Rezone from A-1 (Agriculture District) to OP (Office Professional District) for a three-building office complex, with a total of 15,400 square feet of office space. The applicant is also requesting a reduction of the required active buffer and setback adjacent to the south side of Building "C" from a 50' landscape

Reviewed by:	<u>SD</u>
Co Atty:	<u>SD</u>
DFS:	<u>SD</u>
OTHER:	<u>MW</u>
DCM:	<u>SD</u>
CM:	<u>SD</u>
File No.	<u>ph130pdp02</u>

buffer to a 25' landscape buffer and from a 100' building setback to a 50' building setback.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment from LDR to Office, rezone from A-1 to OP, and the waiver, subject to the attached development order, site plan, and architectural rendering.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on November 3, 2004 and voted 5 to 1 to recommend approval of the requested Small Scale Land Use Amendment from LDR to Office, rezone from A-1 to OP, and the waiver, subject to the attached development order, site plan, and architectural rendering.

Attachments:

Development Order
Ordinances
Locator Map
Aerial Map

Tuskawilla Road Rezone and Small Scale Land Use Amendment

LDR (Low Density Residential) to Office and A-1 (Agricultural District) to OP (Office Professional District)		Amendment (05.04SS.02& Z2004-019)
REQUEST		
APPLICANT	Michael Craig, P.E.	
PLAN AMENDMENT	LDR (Low Density Residential) to Office	
REZONING	A-1 (Agriculture District) to OP (Office Professional District)	
APPROXIMATE GROSS ACRES	Approximately 2.47	
LOCATION	Located on the west side of Tuskawilla Road, approximately 700 feet south of Willa Springs Drive	
BCC DISTRICT	1 – Commissioner Dallari	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION	Staff recommends APPROVAL of the requested Small Scale Land Use Amendment from LDR to Office, rezone from A-1 to OP, and the waiver, subject to the attached development order, site plan, and architectural rendering	

STAFF ANALYSIS & FINDINGS

1. **Property Owner:** Richard Rubinstein
2. **Tax Parcel Number of the Property to be Rezoned:** 24-21-30-300-0190-0000
3. **Background:**

The applicant, Michael Craig, is requesting approval of a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office, and a Rezone from A-1 (Agriculture District) to OP (Office Professional District) for a three-building office complex, with a total of 15,400 square feet of office space. The applicant is also requesting a reduction of the required active buffer and setback adjacent to the south side of Building “C” from a 50’ landscape buffer to a 25’ landscape buffer, and from a 100’ building setback to a 50’ building setback. The Land Development Code requires

an active buffer for non-residential uses adjacent to properties that have a residential zoning or future land use designation. In this situation, the adjacent property to the south of Building “C” has a future land use designation of Low Density Residential. However, the property to the south adjacent to Building “C” is being operated as a veterinary clinic and has the same owner as the subject property. Therefore, staff supports the requested reduction in the active buffer and setback adjacent to Building “C”, subject to the attached development order, site plan, and architectural rendering.

SITE DESCRIPTION

1. EXISTING AND PERMITTED USES: The Future Land Use and zoning of surrounding properties are as follows:

Location	Future Land Use*	Zoning*	Current Use
Site	LDR (Low Density Residential)	A-1 (Agriculture District)	Vacant Building
North	HDR (High Density Residential)	R-3 (Multiple-family Dwelling District)	Apartments
South	LDR (Low Density Residential)	R-1A (Single-family Dwelling District) and A-1 (Agriculture District)	Veterinary Hospital
East	LDR (Low Density Residential)	R-1A (Single-family Dwelling District), R-1AA (Single-family Dwelling District) and A-1 (Agriculture District)	Single-family Residential
West	LDR (Low Density Residential)	R-1A (Single-family Dwelling District)	Single-family Residential

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

COMPREHENSIVE PLAN CONSISTENCY

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

Summary of Program Impacts: The proposed future land use and zoning amendments would not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Transportation Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

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

Access is available to the proposed office development from Tuskawilla Road, which is classified as a Minor Arterial. Tuskawilla Road has an adopted Level of Service (LOS) of "E". The existing LOS on this portion of the roadway is "C", based on daily traffic volume.

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:**

The subject property is located within the Seminole County water and sewer service areas. Water and sewer services are available to the site.

C. **Public Safety -- Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 2.1).*

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

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

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders, under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policies 2.3 and 2.4).*

A review of the availability of public facilities to serve this property indicates that adequate public facilities either exist or could be made available. By virtue of this determination, the proposed Plan amendment would create no adverse impacts to public facilities.

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

A wetlands mitigation plan shall be required prior to final engineering approval for any proposed development on the subject property.

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

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

4. DEVELOPMENT POLICIES – The comprehensive plan contains additional criteria and standards that describe when, where and how development should occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

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

Based upon an initial evaluation, the proposed Office future land use, with the attendant Office Professional zoning request, would be compatible with surrounding land uses and is consistent with Plan policies identified at this time and thereby consistent with the Vision 2020 Plan. Office land use can be an appropriate transitional

land use between High Density Residential and Low Density Residential land uses according to FLU Exhibit 2 Appropriate Transitional Land Uses.

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

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.

FLU 4.2 Infill Development

FLU 5.5: Water and Sewer Service Expansion

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

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

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment from LDR to Office and rezone from A-1 to OP, subject to the attached development order, site plan, and architectural rendering.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on November 3, 2004 and voted 5 to 1 to recommend approval of the requested Small Scale Land Use Amendment from LDR to Office and rezone from A-1 to OP, subject to the attached development order, site plan, and architectural rendering.

SEMINOLE COUNTY DEVELOPMENT ORDER

On December 14, 2004, 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: Richard Rubinstein.
212 Mortin Lane
Winter Springs, FL 32708

Project Name: Tuskawilla Road (1484) Rezone A-1 to OP and Small Scale Land Use
Amendment LDR to Office

Requested Development Approval: Rezoning from A-1 (Agriculture District) to OP (Office
Professional 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: Tina Deater, Senior Planner
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 conceptual site plan attached as Exhibit B.
- b. The exterior of the buildings shall be designed in accordance with the architectural drawings attached as Exhibit C.

(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: _____

Board of County Commissioners

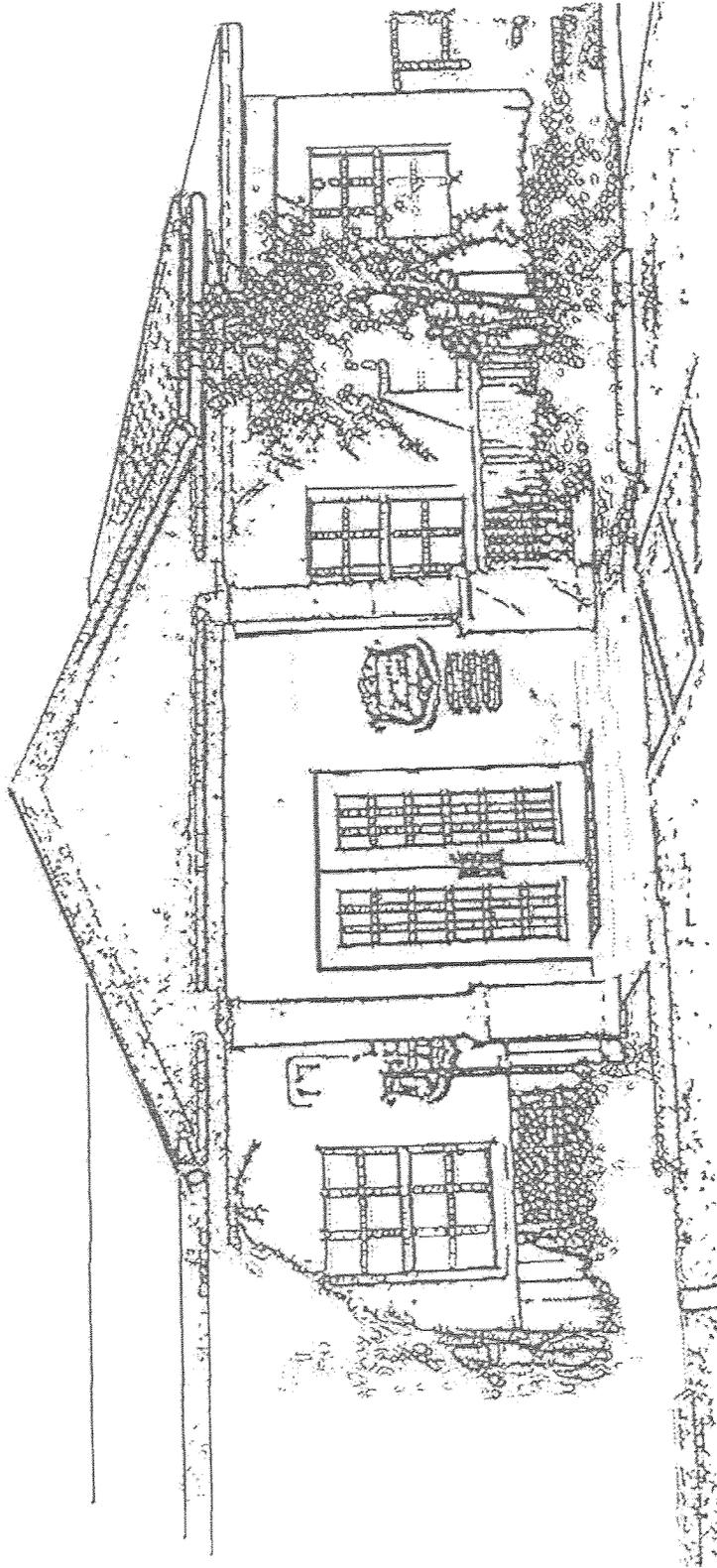
Legal Description

Beginning 710.0 feet North and 38.5 feet East of the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 30 East, said point being on the Westerly right-of-way of Tuskawilla Road; thence run Northerly along said Westerly right-of-way 250 feet to the center line of canal; thence Westerly along the center line of canal 522.7 feet; thence South to a point being 522.7 feet West of the Point of Beginning; thence East to the Point of Beginning, all lying and being situate in Seminole County, Florida.

LESS AND EXCEPT: Commence at the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 30 East, Seminole County, Florida; thence run North 00°20'23" East along the East line of said Southwest 1/4 of the Southeast 1/4 a distance of 710.01 feet to the North line of the South 710 feet of said Southwest 1/4 of the Southeast 1/4; thence run South 89°18'04" East parallel with the South line of the Southeast 1/4 of said Section 24 a distance of 25.85 feet to the Point of Beginning on the existing West right-of-way line of Tuskawilla Road as shown on the right-of-way Map of Seminole County Project No. PS-041, Tuskawilla Road; thence run North 89°18'04" West 48.98 feet to a point on a curve concave Westerly, having a radius of 7580.53 feet and a chord bearing of North 02°24'10" East; thence run Northerly along the arc of said curve 94.89 feet through a central angle of 00°43'02"; thence run North 01°56'58" East 25.03 feet; thence run South 89°43'36" West 80.00 feet; thence run North 00°16'24" West 150.0 feet to the center line of Howell Creek and also the North boundary of the Parcel of land described in the Warranty Deed recorded in O.R. Book 1321, Page 1442, Public Records of Seminole County, Florida; thence run the following three courses and distances along said center line and the North boundary of said Parcel; run North 64°56'31" East, 19.56 feet; thence run South 55°42'06" East 68.00 feet; thence run North 64°56'31" East 29.37 feet to the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 24 and said existing West right-of-way line of Tuskawilla Road; thence, departing the center line of Howell Creek and the North boundary of said Parcel run the following four courses and distances along said existing West right-of-way line; run North 00°20'23" East along said West line of the Southeast 1/4 of the Southeast 1/4 a distance of 26.45 feet to the South line of the North 1/2 of the North 1/2 of said Southeast 1/4 of the Southeast 1/4; thence run South 89°18'23" East along said South line of the North 1/2 of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 a distance of 26.54 feet; thence run South 00°16'24" East 182.93 feet to a point on a curve concave Westerly, having a radius of 1248.24 feet and a chord bearing of South 01°55'24" West; thence run Southerly along the arc of said curve 95.72 feet through a central angle of 04°23'37" to the Point of Beginning, containing therein 23,976 square feet more or less.

Revised Legal: 8/16/00 and 8/18/00

Revised Survey: 8/18/00



ARCHITECTURAL RENDERING
(TUSKAWILLA OAKS ANIMAL HOSPITAL)

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 ZONING CLASSIFICATION THE OP ZONING CLASSIFICATION; 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 documents titled, "Tuskawilla Road Rezone and Small Scale Land Use Amendment."

(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 A-1 to OP in accordance with the contents of the documents titled, "Tuskawilla Road Rezone and Small Scale Land Use Amendment" and Development Order # 04-20000005 :

SEE ATTACHED 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 be effective upon the date of filing with the Department and recording of Development Order # 04-20000005 in the Official Land Records of Seminole County.

ENACTED this 14th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____

Legal Description

Beginning 710.0 feet North and 38.5 feet East of the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 30 East, said point being on the Westerly right-of-way of Tuskawilla Road; thence run Northerly along said Westerly right-of-way 250 feet to the center line of canal; thence Westerly along the center line of canal 522.7 feet; thence South to a point being 522.7 feet West of the Point of Beginning; thence East to the Point of Beginning, all lying and being situate in Seminole County, Florida.

LESS AND EXCEPT: Commence at the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 30 East, Seminole County, Florida; thence run North $00^{\circ}20'23''$ East along the East line of said Southwest 1/4 of the Southeast 1/4 a distance of 710.01 feet to the North line of the South 710 feet of said Southwest 1/4 of the Southeast 1/4; thence run South $89^{\circ}18'04''$ East parallel with the South line of the Southeast 1/4 of said Section 24 a distance of 25.85 feet to the Point of Beginning on the existing West right-of-way line of Tuskawilla Road as shown on the right-of-way Map of Seminole County Project No. PS-041, Tuskawilla Road; thence run North $89^{\circ}18'04''$ West 48.98 feet to a point on a curve concave Westerly, having a radius of 7580.53 feet and a chord bearing of North $02^{\circ}24'10''$ East; thence run Northerly along the arc of said curve 94.89 feet through a central angle of $00^{\circ}43'02''$; thence run North $01^{\circ}56'58''$ East 25.03 feet; thence run South $89^{\circ}43'36''$ West 80.00 feet; thence run North $00^{\circ}16'24''$ West 150.0 feet to the center line of Howell Creek and also the North boundary of the Parcel of land described in the Warranty Deed recorded in O.R. Book 1321, Page 1442, Public Records of Seminole County, Florida; thence run the following three courses and distances along said center line and the North boundary of said Parcel; run North $64^{\circ}56'31''$ East, 19.56 feet; thence run South $55^{\circ}42'06''$ East 68.00 feet; thence run North $64^{\circ}56'31''$ East 29.37 feet to the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 24 and said existing West right-of-way line of Tuskawilla Road; thence, departing the center line of Howell Creek and the North boundary of said Parcel run the following four courses and distances along said existing West right-of-way line; run North $00^{\circ}20'23''$ East along said West line of the Southeast 1/4 of the Southeast 1/4 a distance of 26.45 feet to the South line of the North 1/2 of the North 1/2 of said Southeast 1/4 of the Southeast 1/4; thence run South $89^{\circ}18'23''$ East along said South line of the North 1/2 of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 a distance of 26.54 feet; thence run South $00^{\circ}16'24''$ East 182.93 feet to a point on a curve concave Westerly, having a radius of 1248.24 feet and a chord bearing of South $01^{\circ}55'24''$ West; thence run Southerly along the arc of said curve 95.72 feet through a central angle of $04^{\circ}23'37''$ to the Point of Beginning, containing therein 23,976 square feet more or less.

Revised Legal: 8/16/00 and 8/18/00

Revised Survey: 8/18/00

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 LOW DENSITY RESIDENTIAL TO OFFICE; 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 November 3, 2004, 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 December 14, 2004, 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 "Tuskawilla Road 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>
05.04SS.02	Amendment from Low Density Residential to Office

(b) The associated rezoning request was completed by means of Ordinance Number 2004-____.

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 14th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

Legal Description

Beginning 710.0 feet North and 38.5 feet East of the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 30 East, said point being on the Westerly right-of-way of Tuskawilla Road; thence run Northerly along said Westerly right-of-way 250 feet to the center line of canal; thence Westerly along the center line of canal 522.7 feet; thence South to a point being 522.7 feet West of the Point of Beginning; thence East to the Point of Beginning, all lying and being situate in Seminole County, Florida.

LESS AND EXCEPT: Commence at the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 30 East, Seminole County, Florida; thence run North $00^{\circ}20'23''$ East along the East line of said Southwest 1/4 of the Southeast 1/4 a distance of 710.01 feet to the North line of the South 710 feet of said Southwest 1/4 of the Southeast 1/4; thence run South $89^{\circ}18'04''$ East parallel with the South line of the Southeast 1/4 of said Section 24 a distance of 25.85 feet to the Point of Beginning on the existing West right-of-way line of Tuskawilla Road as shown on the right-of-way Map of Seminole County Project No. PS-041, Tuskawilla Road; thence run North $89^{\circ}18'04''$ West 48.98 feet to a point on a curve concave Westerly, having a radius of 7580.53 feet and a chord bearing of North $02^{\circ}24'10''$ East; thence run Northerly along the arc of said curve 94.89 feet through a central angle of $00^{\circ}43'02''$; thence run North $01^{\circ}56'58''$ East 25.03 feet; thence run South $89^{\circ}43'36''$ West 80.00 feet; thence run North $00^{\circ}16'24''$ West 150.0 feet to the center line of Howell Creek and also the North boundary of the Parcel of land described in the Warranty Deed recorded in O.R. Book 1321, Page 1442, Public Records of Seminole County, Florida; thence run the following three courses and distances along said center line and the North boundary of said Parcel; run North $64^{\circ}56'31''$ East, 19.56 feet; thence run South $55^{\circ}42'06''$ East 68.00 feet; thence run North $64^{\circ}56'31''$ East 29.37 feet to the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 24 and said existing West right-of-way line of Tuskawilla Road; thence, departing the center line of Howell Creek and the North boundary of said Parcel run the following four courses and distances along said existing West right-of-way line; run North $00^{\circ}20'23''$ East along said West line of the Southeast 1/4 of the Southeast 1/4 a distance of 26.45 feet to the South line of the North 1/2 of the North 1/2 of said Southeast 1/4 of the Southeast 1/4; thence run South $89^{\circ}18'23''$ East along said South line of the North 1/2 of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 a distance of 26.54 feet; thence run South $00^{\circ}16'24''$ East 182.93 feet to a point on a curve concave Westerly, having a radius of 1248.24 feet and a chord bearing of South $01^{\circ}55'24''$ West; thence run Southerly along the arc of said curve 95.72 feet through a central angle of $04^{\circ}23'37''$ to the Point of Beginning, containing therein 23,976 square feet more or less.

Revised Legal: 8/16/00 and 8/18/00

Revised Survey: 8/18/00

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY
PLANNING AND ZONING COMMISSION
NOVEMBER 3, 2004**

Members present: Alan Peltz, Ben Tucker, Beth Hattaway, Chris Dorworth, Dudley Bates and Richard Harris

Member absent: Walt Eismann

Also present: Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Matt West, Planning Manager; Kim Romano, Deputy County Attorney; Jim Potter, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant

Tuskawilla Road (1484) Rezone and Small Scale Land Use Amendment; Michael Craig, PE, applicant; approximately 2.47 acres; Small Scale Land Use Amendment from Low Density Residential to Office and rezone from A-1 (Agriculture District) to OP (Office Professional District); located on the west side of Tuskawilla Road, approximately 700 feet south of Willa Springs Drive. (Z2004-019 / 05-04SS.02)

Commissioner Maloy – District 1
Tina Deater, Senior Planner

Tina Deater introduced the Tuskawilla Road Small Scale Land Use Amendment from Low Density Residential to Office and Rezone from A-1 to OP. The subject property contains approximately 2.47 acres and is located on the west side of Tuskawilla Road, approximately 700 feet south of Willa Springs Drive.

The applicant is requesting approval of a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office, and a Rezone from A-1 (Agriculture District) to OP (Office Professional District) for a three-building office complex, with a total of 15,400 square feet of office space. The applicant is also requesting a reduction of the required active buffer and setback adjacent to the south side of Building "C" from a 50 foot landscape buffer to a 25 foot landscape buffer and from 100 foot building setback to a 50 foot building setback.

The Land Development Code requires an active buffer for non-residential uses adjacent to properties that have a residential zoning or future land use designation. In this situation, the adjacent property to the south of Building "C" has a future land use designation of Low Density Residential. However, the

property to the south adjacent to Building "C" is being operated as a veterinary clinic and has the same owner as the subject property. Therefore, staff supports the requested reduction in the active buffer and setback adjacent to Building "C", and is recommending approval of the rezone and small-scale land use amendment subject to the development order, site plan, and architectural rendering.

Michael Craig, representing the property owner, stated that the property is a former veterinary clinic. The agricultural zoning makes it difficult to use. Prospective owners would revamp the property in the future. He agrees with the staff recommendations.

Nadine Jackson of 1164 Cardinal Creek stated that she was concerned about a business going in there. She had been told that Howell Creek would remain a buffer from office and other non-residential uses.

Michael Craig stated that existing buildings have been used a veterinary clinic for 15 years. The access used by the new veterinary clinic on adjacent property will serve as the only access point to this property in the future.

Commissioner Dorworth made a motion to recommend approval according to the terms of the staff report.

Commissioner Peltz seconded the motion.

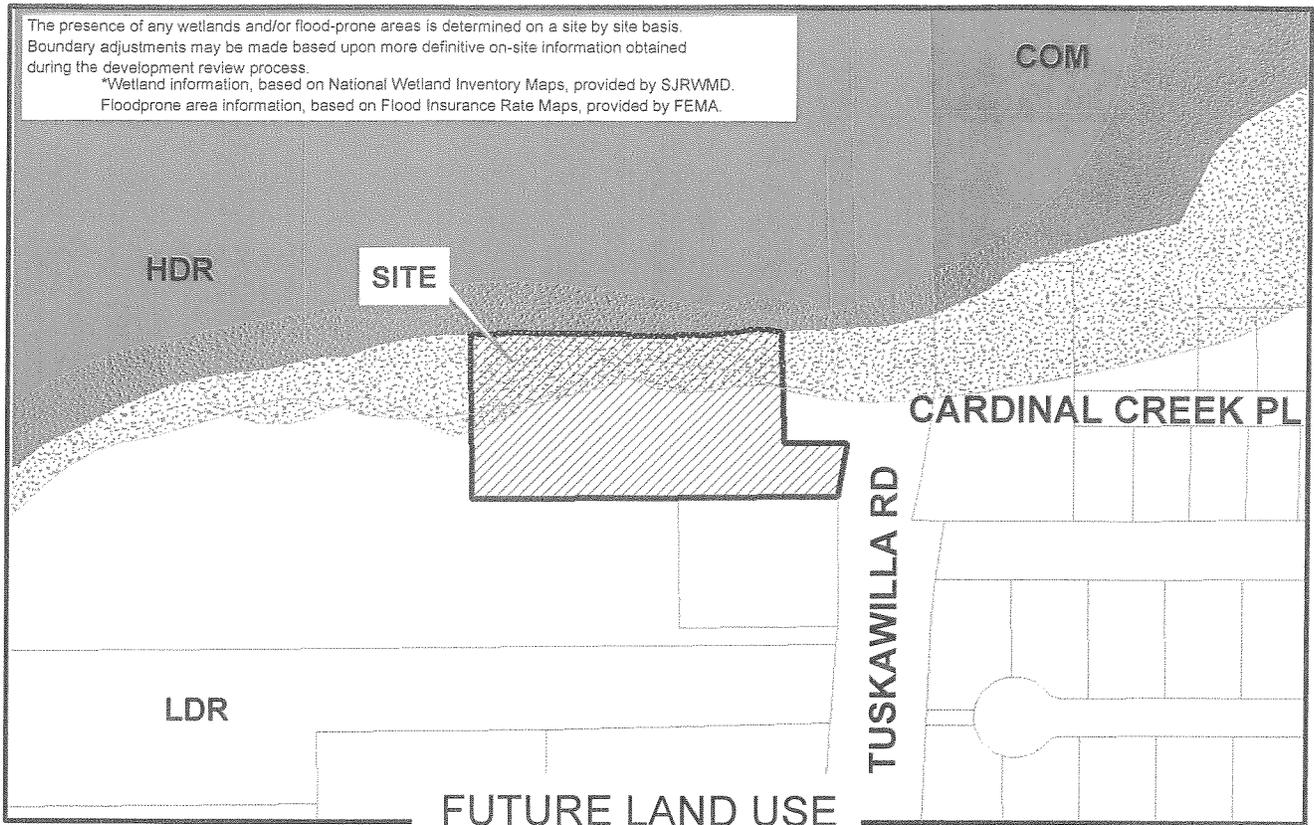
There was no discussion.

The vote was 5 to 1 in favor of the motion. Commissioner Hattaway voted "no."

Respectfully submitted,

Candace Lindlaw-Hudson
Secretary to the Commission

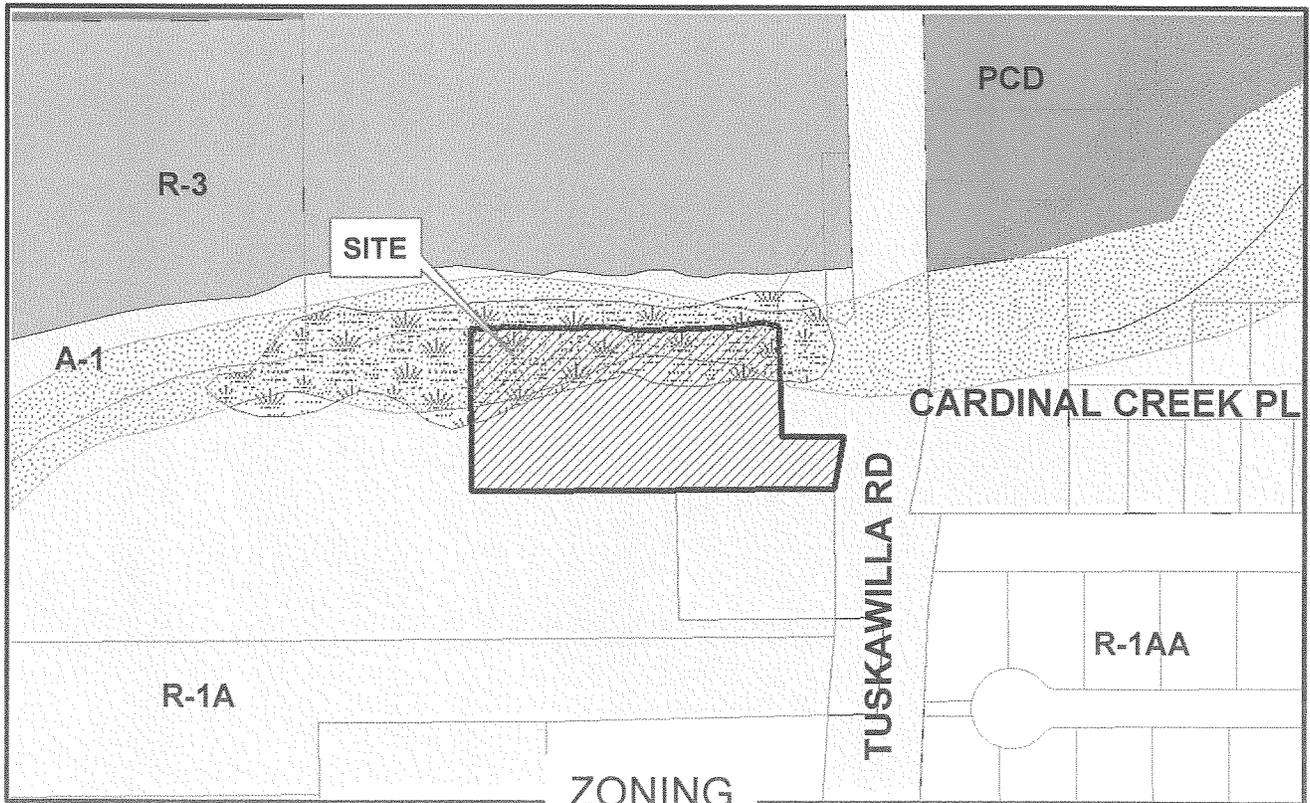
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 LDR
 HDR
 COM
 CONS

Applicant: Richard Rubinstein
 Physical STR: 24-21-30-300-0190-0000
 Gross Acres: +/- 2 BCC District: 1
 Existing Use: Professional Building
 Special Notes: None

	Amend/ Rezoning#	From	To
FLU	05-04SS.02	LDR	OFF
Zoning	Z2004-019	A-1	OP



A-1
 R-1AA
 R-1A
 R-3
 PCD
 FP-1
 W-1



Amendment No: 05-04SS.02
From: LDR To: OFF
Rezone No: Z2004-019
From: A-1 To: OP

- Parcel
- Subject Property



February 1999 Color Aerials