

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request for a Small Scale Land Use Amendment from Office to PD (Planned Development) and Rezone from OP (Office Professional District) to PCD (Planned Commercial Development District), subject to the attached Developer's Commitment Agreement, and Final PCD Site Plan on approximately 0.54 acres located on the east side of Executive Park Court, between SR 436 and Glocca Morra Drive.

ATTACHMENTS:

**Development Order
Rezone Ordinance
LUA Ordinance
FLU and Zoning Maps
Aerial Map**

**Executive Park Court (645) Small Scale Land Use
 Amendment from Office to Planned Development and Rezone
 from OP (Office Professional District) to PCD (Planned
 Commercial Development District)**

| | | |
|--|--|--|
| Small Scale Land Use Amendment from Office to Planned Development, Rezone from OP (Office Professional District) to PCD (Planned Commercial Development District) and Final PCD Site Plan approval | | Amendment (01.05SS.02& Z2005-03) |
| REQUEST | | |
| APPLICANT | John C. Cassidy | |
| PLAN AMENDMENT | Office to PD (Planned Development) | |
| REZONING | OP (Office Professional District) to PCD (Planned Commercial Development District) with Final Site Plan Approval | |
| APPROXIMATE GROSS ACRES | 0.54 acres | |
| LOCATION | Located on the east side of Executive Park Court, between SR 436 and Glocca Morra Drive | |
| BCC DISTRICT | District 3 – Commissioner Van Der Weide | |
| RECOMMENDATIONS AND ACTIONS | | |
| STAFF RECOMMENDATION | Staff recommends APPROVAL of the request for a Small Scale Land Use Amendment from Office to PD (Planned Development) and Rezone from OP (Office Professional District) to PCD (Planned Commercial Development District), subject to the attached Developer’s Commitment Agreement, and Final PCD Site Plan on approximately 0.54 acres located on the east side of Executive Park Court, between SR 436 and Glocca Morra Drive. | |

STAFF ANALYSIS & FINDINGS

- Property Owners:** Complete Soccer academy Real Estate, LLC
- Tax Parcel Number:** 18-21-29-527-0000-0040

SITE DESCRIPTION

Existing Land Uses:

(North)

| | | | | |
|--------|--|--|--|--------|
| | Office Vacant <i>OP</i> | Office Daycare <i>OP</i> | Office Daycare <i>OP</i> | |
| (West) | Office Vacant <i>OP</i> | (SUBJECT PROPERTY) Vacant <i>OP</i> | Office Detention Area <i>OP</i> | (East) |
| | LDR Single-family <i>R-1A</i> | LDR Single-family <i>R-1A</i> | LDR Single-family <i>R-1A</i> | |

(South)

***Bold** text depicts future land use designation, plain text depicts the existing use, and *italicized* text depicts zoning district. See enclosed future land use and zoning map for more details.

COMPREHENSIVE PLAN CONSISTENCY AND ZONING ANALYSIS

1. **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).*

The subject property will have access off Executive Park Court, which is classified as a local street and does not have an adopted level of service. The nearest major roadway is SR 436, which is classified as a Principal Arterial and has an adopted level of service (LOS) "D". SR 436 is currently operating at a LOS "E" in that area. The proposed development has already been tested for concurrency and was approved based on the fact that it will generate an insignificant amount of traffic (less than 0.1% of the roadway capacity).

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. Both water and sewer services are available to the site, although the developer has not yet reserved capacity.

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 12.2.2).*

The property is served by Seminole County EMS/Fire Station #13. Response time is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

2. 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 Policy 1.2.3).

A review of the availability of public facilities to serve this property indicates that adequate public facilities either exist or could be made available concurrent with the impacts of development.

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...(Policy FLU 1.2 and 1.3).*

Based on a preliminary analysis, staff identified no concerns regarding environmental regulation compliance.

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).*

Prior to final site engineering approval, the applicants will have to submit an Endangered and Threatened Species Report.

3. 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 Planned Development future land use land use and PCD zoning would be compatible with the surrounding land uses in this area. The soccer academy is an indoor facility, similar to the office use that is already approved for the site and it is proposed in an existing office park adjacent to a daycare center. When the plat, of which the subject property is a part, was approved in 1987, a 35' landscape buffer was designated along the south property line. The proposed site plan included in the Developer's Commitment Agreement complies with this requirement, therefore the residential properties to the south will be sufficiently buffered.

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.

4. SCHOOL IMPACTS – The proposed project will not impact public schools.

Intergovernmental Notice

In 1997, Seminole County entered into an Intergovernmental Planning Coordination Agreement with the School Board and the Cities of Altamonte Springs, Casselberry, Lake Mary, Oviedo, Sanford and Winter Springs. The proposed rezone and land use amendment will not affect any of the agencies covered under this planning agreement.

STAFF RECOMMENDATION:

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COMPLETE SOCCER ACADEMY PLANNED COMMERCIAL DEVELOPMENT

COMPLETE SOCCER ACADEMY PCD FINAL SITE PLAN COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION

On the 14th day of June, 2005, the Board of County Commissioners of Seminole County issued this Developer's Commitment Agreement relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION

LOT 4, FOREST CITY EXECUTIVE CENTER, SECTION 18, TOWNSHIP 21 SOUTH, RANGE 29 EAST, AS RECORDED IN PLAT BOOK 36, PAGE 82 THRU 83, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, CONSISTING OF 0.54 ACRES.

2. PROPERTY OWNER

Complete Soccer Academy Real Estate. LLC
292 Bentley Dr
Longwood, FL 32779

3. REQUESTED DEVELOPMENT APPROVAL

Approval of a Final PCD site plan attached as Exhibit A.

4. STATEMENT OF BASIC FACTS

- A. Total Area: 0.54 acres
- B. Zoning: Planned Commercial Development
- C. Permitted Uses: All permitted and special exception uses within the OP (Office Professional) zoning district and an indoor soccer academy.
- D. All development shall comply with the site plan attached as Exhibit A.
- E. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance with all other applicable regulations and ordinances.

F. The Owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated herein and have covenanted and agreed to have such conditions and commitments run with, follow, and perpetually burden the aforescribed property.

5. LAND USE BREAKDOWN

SITE DATA

| | |
|----------------------------|----------------|
| ZONING | PCD |
| LOT AREA | 0.54 Ac |
| BUILDING AREA | 4,160 SQFT |
| ASPHALT | N/A |
| OPEN SPACE | 30.0% |
| PARKING SPACES REQUIRED | 20 |
| BUILDING SETBACKS | |
| NORTH (REAR) | 10' |
| EAST (SIDE) | 10' |
| SOUTH (FRONT) | 35.0' |
| WEST (SIDE) | 12.0' |
| MAX. BLDG. HEIGHT | 35'AND 1 STORY |

6. OPEN SPACE

Maintenance of the open space shall be the responsibility of the Owner, contract purchaser or its assigns.

Total Land Area: 0.54 acres

Required Open Space: 30%= 0.54 acres x 0.30 = 7,057 S.F. open space

Open Space Provided: 19,362 S.F. (82.3%)

7. LANDSCAPE & BUFFER CRITERIA

A 35' landscape buffer is required along the south property line.

8. LIGHTING

Site lighting shall be installed in compliance with Seminole County codes.

9. WATER, SEWER AND STORMWATER

Water: Water services shall be provided by the existing Seminole County water system. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection standards.

Sanitary Sewer: Sanitary sewer shall be provided by the existing Seminole County treatment facilities. Design of lines shall conform to all Seminole County and Department of Environmental Protection standards.

Stormwater: Stormwater drainage and Stormwater management is provided off-site according to Seminole County's and the St. Johns River Water Management District's Stormwater regulations.

Fire Protection: Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 p.s.i. Fire hydrants shall be located according to Seminole County regulations.

10. PHASING

The project is proposed to be developed in one (1) phase.

11. STANDARD COMMITMENTS

1. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.
2. The conditions upon this development approval and commitment made as to this development approval have been accepted by and agreed to by the Owners of the property.
3. This Agreement touches and concerns the aforescribed property, and the conditions, commitments, and provisions of the agreement shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of the agreement.

4. The terms and provisions of the agreement are not severable, and in the event any portion of this development shall be found to be invalid or illegal, then the entire agreement shall be null and void.

Board of County Commissioners

By: _____

Carlton Henley, Chairman

Attest:

Maryanne Morse

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 OP (OFFICE 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, "Executive Park Court (645) Complete Soccer Academy 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 OP 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 the Complete Soccer Academy PCD Final Site Plan Developer's Commitments, Classification and District Description 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 14th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley, Chairman

EXHIBIT A

LOT 4, FOREST CITY EXECUTIVE CENTER, SECTION 18, TOWNSHIP 21 SOUTH, RANGE 29 EAST, AS RECORDED IN PLAT BOOK 36, PAGE 82 THRU 83, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, CONSISTING OF 0.54 ACRES.

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 May 4, 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 June 14, 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 "Executive Park Court (645) Complete Soccer Academy 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.02 | 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 14th day of June, 2005.

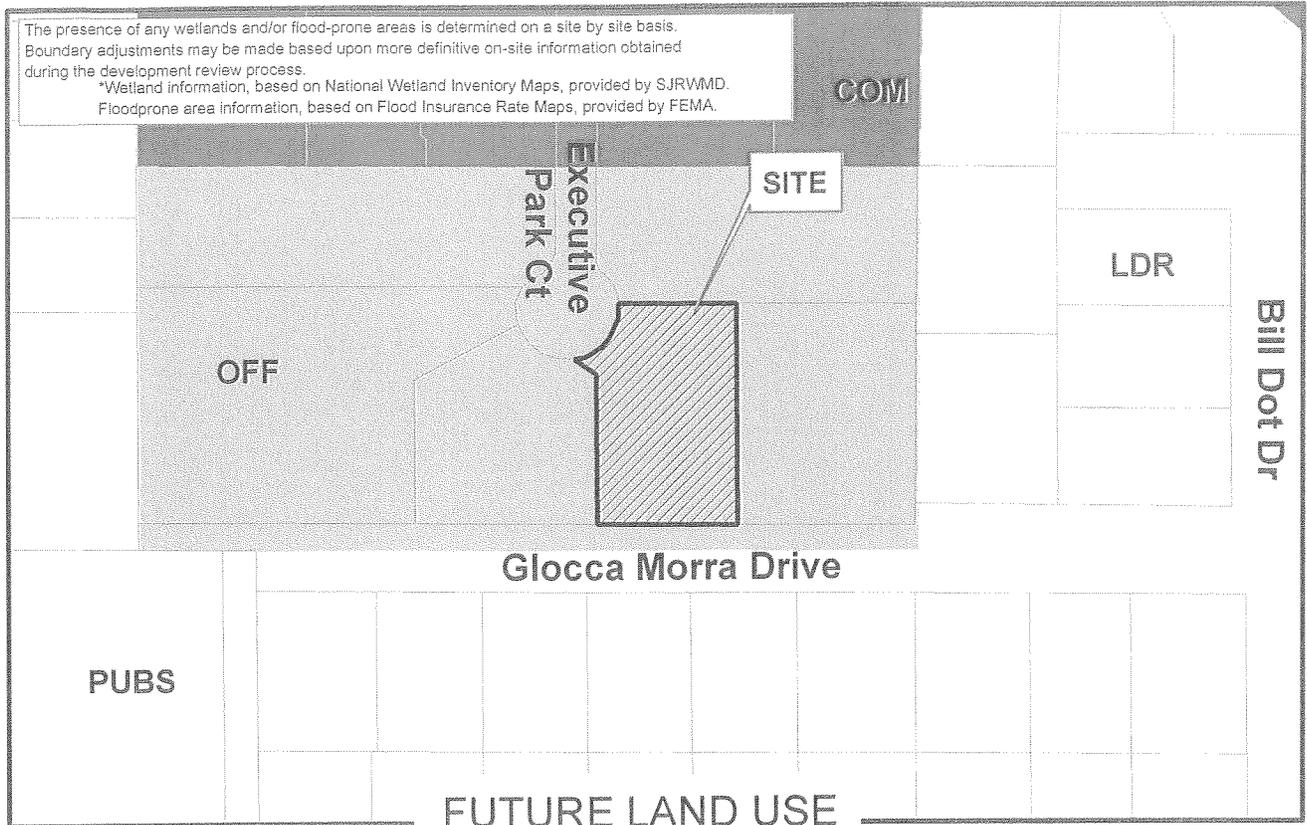
BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley, Chairman

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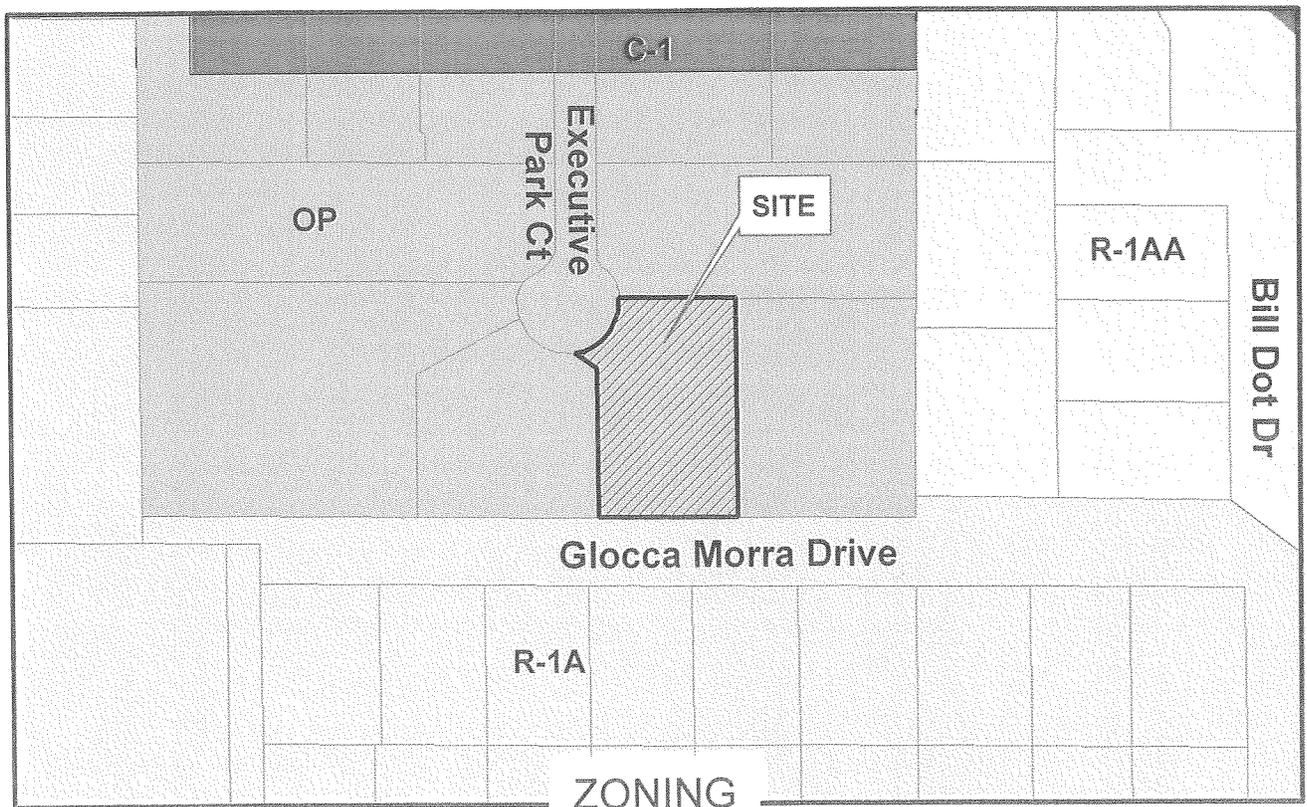
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 Municipality
 LDR
 OFF
 COM
 PUBS
 CONS

Applicant: Complete Soccer Academy Real Estate, LLC
 Physical STR: 18-21-29-527-0000-0040
 Gross Acres: .54 +/- BCC District: 3
 Existing Use: Vacant General Commercial
 Special Notes: None

| | Amend/ Rezoning# | From | To |
|--------|---------------------|------|-----|
| FLU | 01-055S.02 | OFF | PD |
| Zoning | Z2005-03 | OP | PCD |



R-1AA
 R-1A
 OP
 C-1
 FP-1
 W-1



FLU No: 01-055S.02
 From: OFF To: PD
 Rezone No: Z2005-003
 From: OP To: PCD

-  Parcel
-  Subject Property



January 2004 Color Aerials

