

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Mirror Lake Planned Commercial Development (PCD) Major
Amendment (John Percy, applicant)

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

AUTHORIZED BY: Tony Walter **CONTACT:** Jeff Hopper **EXT.** 7431

Agenda Date 9/07/05 **Regular** **Work Session** **Briefing**
Special Hearing – 6:00 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the requested PCD major amendment, per the attached Addendum to the Developer's Commitment Agreement, for a 1.7-acre site located on the southeast corner of SR 436 and Bear Lake Road (John Percy, applicant); or
2. Recommend DENIAL of the requested PCD major amendment, for a 1.7-acre site located on the southeast corner of SR 436 and Bear Lake Road (John Percy, applicant); or
3. CONTINUE the item to a time and date certain.

District 3 – Van Der Weide

Jeffrey Hopper, Senior Planner

BACKGROUND:

The applicant requests a PCD Major Amendment to permit 24-hour deliveries on Lot 1 of the Mirror Lake Commercial Center PCD. First approved in 2002, the PCD established C-1 uses on a tier of lots lying south of SR 436, east of Bear Lake Road, and adjacent to the north side of Mirror Lake Manor Subdivision. (Lot 4 of Mirror Lake PCD, approximately 425 feet east of the subject property, is soon to be developed as Seminole County Fire Station #13.) Due to concerns over potential disturbances to residents of that subdivision, the Developer's Commitment Agreement limited delivery times for restaurants and other commercial establishments from 7 a.m. to 9 p.m. The current request applies only to the subject property, a 1.7 acre lot at the southeast corner of SR 436 and Bear Lake Road, and would not affect delivery times for other lots within the PCD.

In the case of Lot 1 (subject site) the prospective developer will not provide a driving aisle at the rear or south side of the building adjacent to the single-family residences addressing the concerns stated above.

Reviewed by: _____
Co Atty: JR
DFS: _____
OTHER: _____
DCM: _____
CM: _____

File No. Z2005-047

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested PCD major amendment, per the attached Addendum to the Developer's Commitment Agreement, for a 1.7-acre site located on the southeast corner of SR 436 and Bear Lake Road.

ATTACHMENTS:

Staff report
Location Map
Future Land Use/Zoning Map
Aerial Photograph
Site Plan
Addendum 2 to the Developer's Commitment Agreement
Addendum 1 to the Developer's Commitment Agreement
Developer's Commitment Agreement
Applicant's Statement of Justification

MIRROR LAKE PCD MAJOR AMENDMENT

REQUEST INFORMATION	
APPLICANT	John H. Percy / Glattig Jackson
PROPERTY OWNER	Florida Conference of Seventh-Day Adventists
REQUEST	Major Amendment to a PCD (Planned Commercial Development)
HEARING DATE (S)	P&Z: September 7, 2005 BCC: October 25, 2005
PARCEL NUMBER	17-21-29-534-0000-0010
LOCATION	Southeast corner of SR 436 and Bear Lake Road
FUTURE LAND USE	Planned Development (PD)
FILE NUMBER	Z2005-047
COMMISSION DISTRICT	3 – Van Der Weide

OVERVIEW

The applicant requests a PCD Major Amendment to permit 24-hour deliveries on Lot 1 of the Mirror Lake Commercial Center PCD. First approved in 2002, the PCD established C-1 uses on a tier of lots lying south of SR 436, east of Bear Lake Road, and adjacent to the north side of the Mirror Lake Manor Subdivision. (Lot 4 of Mirror Lake PCD, approximately 425 feet east of the subject property, is soon to be developed as Seminole County Fire Station #13.) Due to concerns over potential disturbances to residents of that subdivision, the Developer's Commitment Agreement limited delivery times for restaurants and other commercial establishments from 7 a.m. to 9 p.m. The current request applies only to the subject property, a 1.7 acre lot at the southeast corner of SR 436 and Bear Lake Road, and would not affect delivery times for other lots within the PCD.

In a written statement of justification, the applicant notes that the hour limitation was imposed due to concerns that large trucks would use loading areas at the rear of commercial buildings in close proximity to homes on the north side of Palm Avenue. However, in the case of Lot 1 (subject site) the prospective developer of a convenience store would not provide a driving aisle at the rear or south side of the building adjacent to the single-family residences. All deliveries would be made through the front door, and delivery trucks would not exceed 25 feet in size. Therefore, delivery activity would be farther away from neighboring houses. The 24-hour time frame is necessary to make this approach practical, the applicant contends.

All other development conditions would remain in place, including the required 8-foot wall and 50-foot buffer along the south property line, building setbacks of 100 feet from the south property line and dumpster pickup hours limited between the hours of 8 a.m. and 6p.m.

Existing Land Uses:

(North)

	OFFICE Office <i>OP</i>	PLANNED DEVELOPMENT Vacant <i>PUD</i>	PLANNED DEVELOPMENT Vacant <i>PUD</i>	
(WEST)	COMMERCIAL/MDR Commercial/Single family <i>C-2/C-1/RP</i>	PLANNED DEVELOPMENT (SUBJECT PROPERTY) Vacant <i>PCD</i>	PLANNED DEVELOPMENT Vacant <i>PCD</i>	(EAST)
	LDR Single family <i>R-1AA</i>	LDR Single family <i>R-1AA</i>	LDR Single family <i>R-1AA</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.

SITE ANALYSIS

Facilities and Services:

1. The impacts of development shall not occur until adequate facilities and services are available.
2. The proposed PCD amendment is consistent with the Planned Development (PD) future land use designation assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.
3. The site is in Seminole County's water and sewer service area.

Compliance with Environmental Regulations: At this time there are no concerns regarding compliance with environmental regulations.

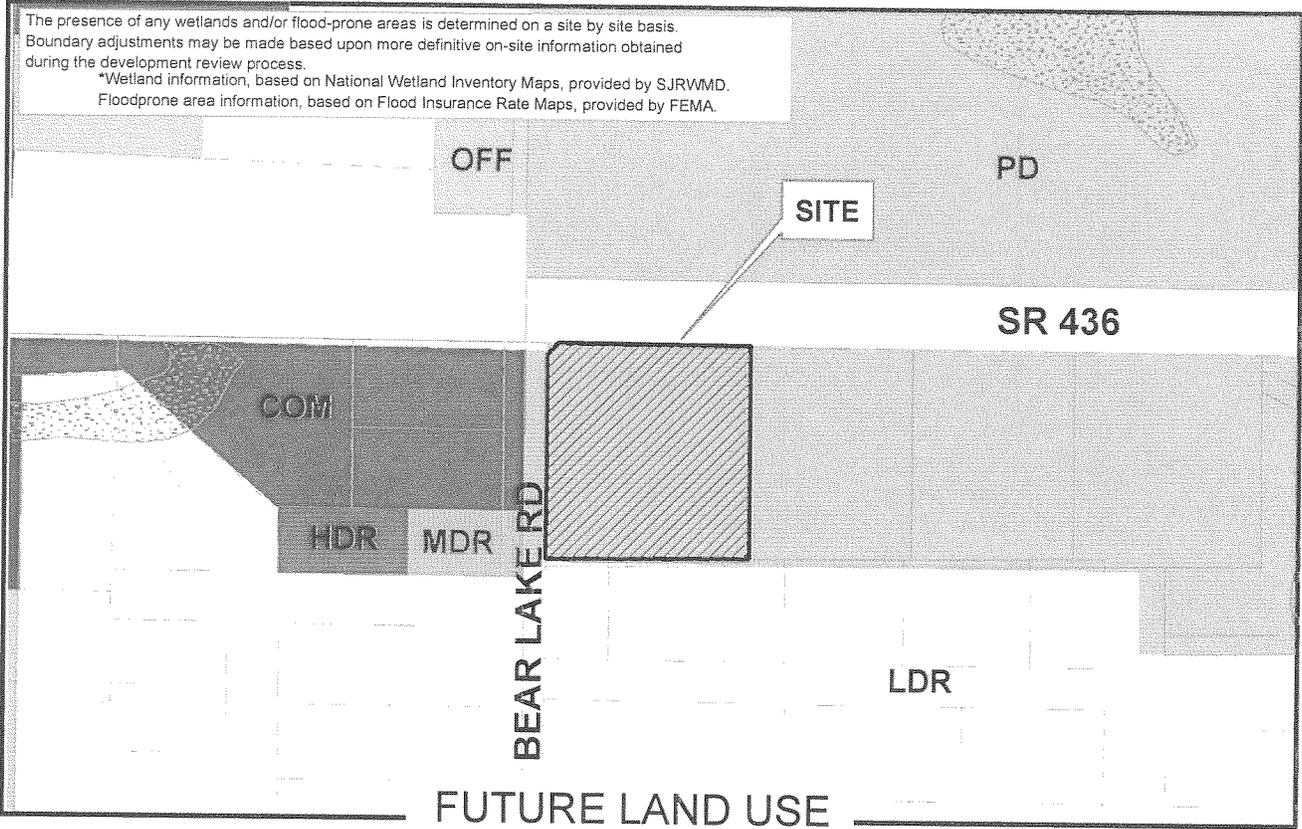
Compatibility with Surrounding Development: The proposed PCD amendment is compatible with the PD future land use designation.

Intergovernmental Notice Process: Intergovernmental notice is not required since no other entities are affected.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested PCD major amendment, per the attached Addendum to the Developer's Commitment Agreement, for a 1.7-acre site located on the southeast corner of SR 436 and Bear Lake Road.

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.

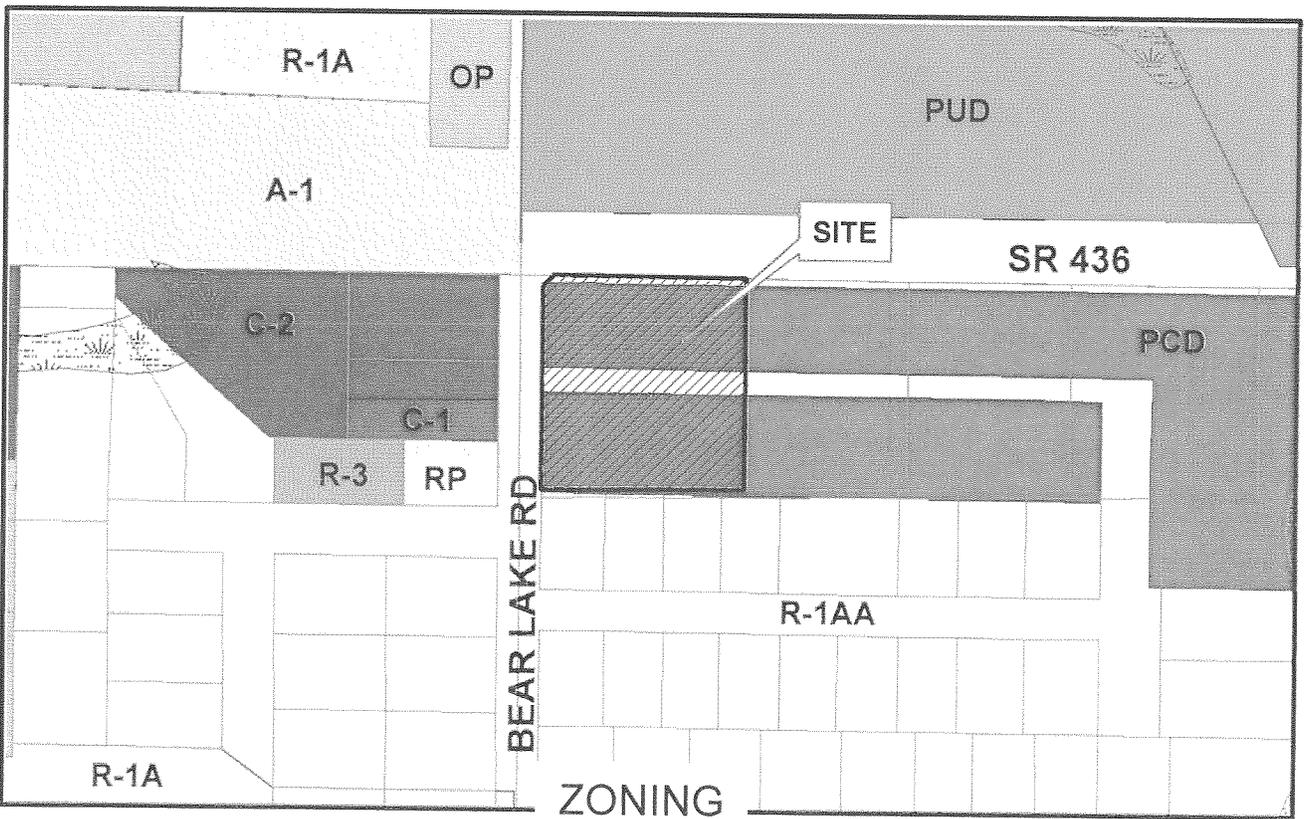


FUTURE LAND USE

Site
 LDR
 MDR
 HDR
 PD
 COM
 OFF
 CONS

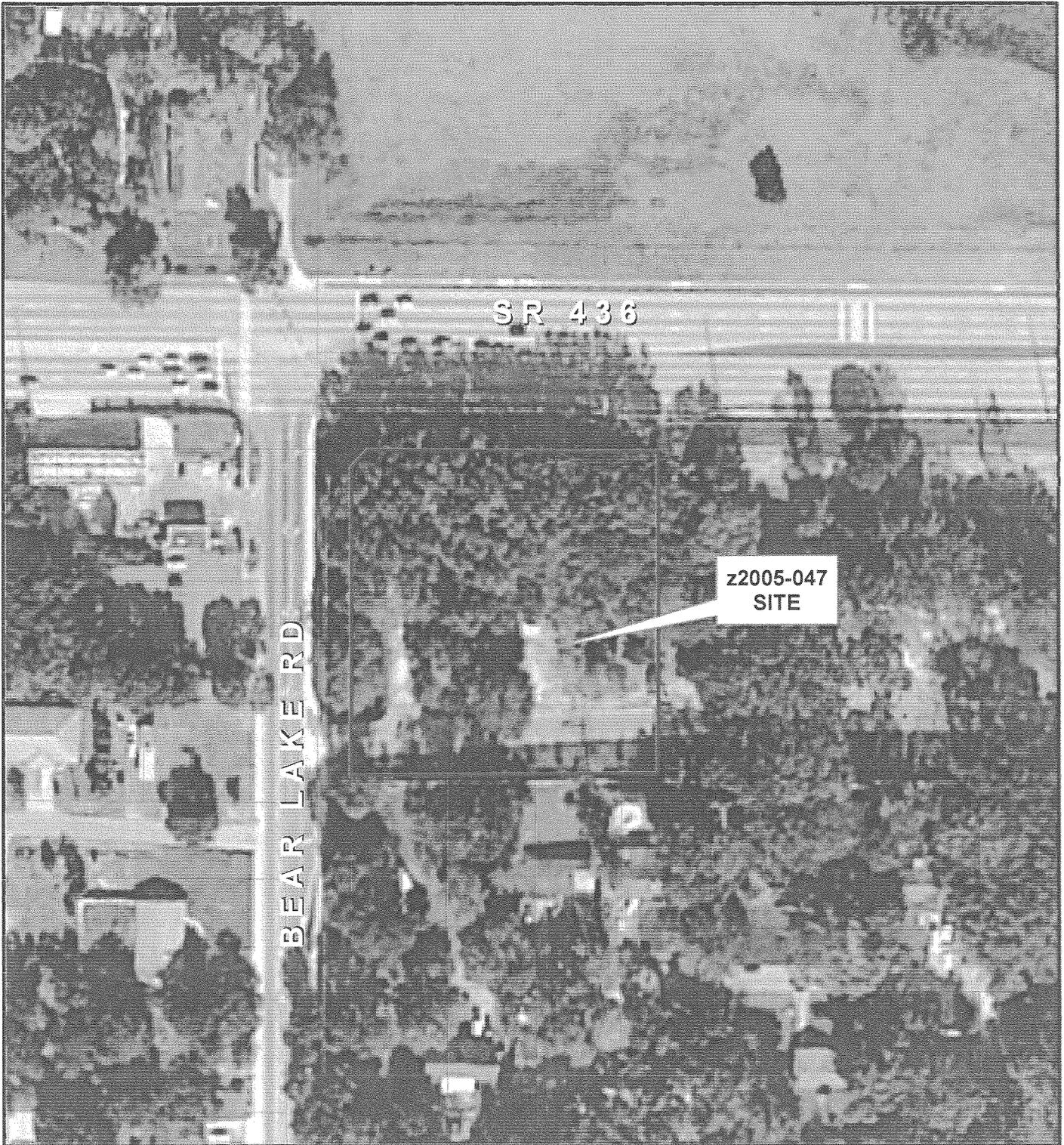
Applicant: John Percy
 Physical STR: 17-21-29-534-0000-0010
 Gross Acres: 1.7 +/- BCC District: 3
 Existing Use: Vacant
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-47	PCD	PCD



ZONING

A-1
 R-1A
 R-1AA
 R-3
 C-1
 C-2
 RP
 OP
 PUD
 PCD
 FP-1
 W-1

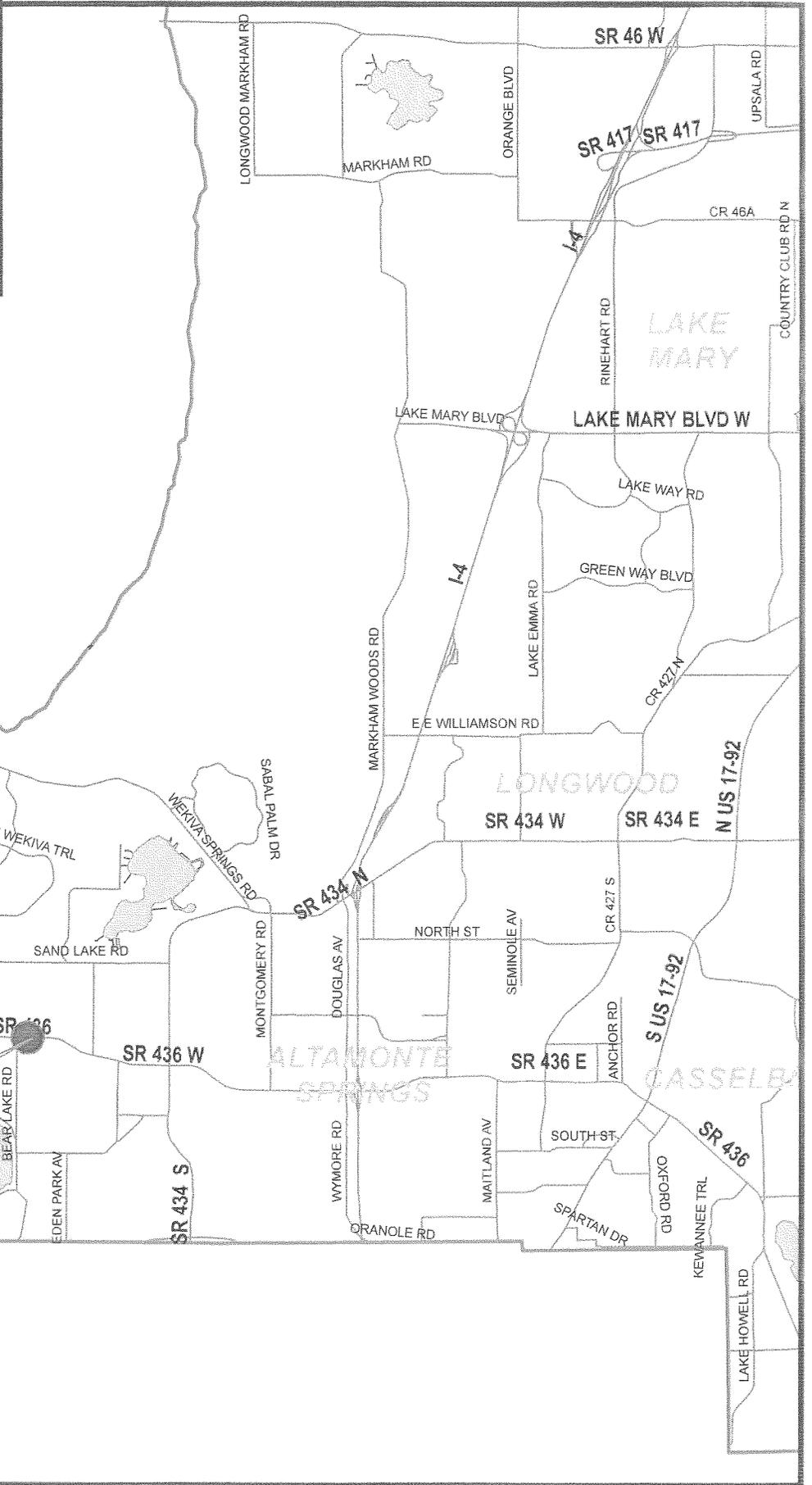
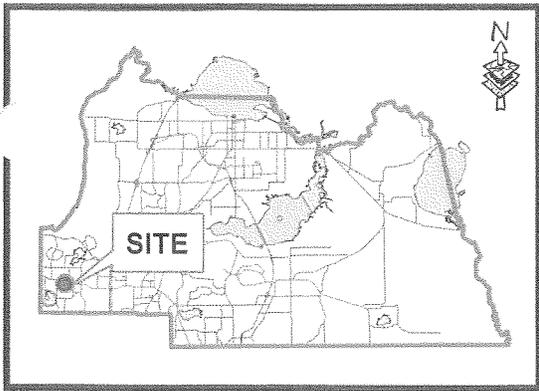


Rezone No: Z2005-047
From: PCD To: PCD

- Parcel
- Subject Property



January 2004 Color Aerials



ADDENDUM 2
To The
Mirror Lake Commercial Center PCD
Final PCD Master Plan
Developer's Commitment Agreement
Commitments, Classifications and District Description
(Amended by the Board of County Commissioners on October 25, 2005)

ADDENDUM #2

On October 25, 2005, the Board of County Commissioners of Seminole County issued this Addendum 2 to the Mirror Lake Commercial Center PCD Final PCD Master Plan Developer's Commitment Agreement Commitments, Classifications and District Description ("DCA"), amending such DCA to the extent provided herein. Any provision of the DCA not specifically amended herein, or by Addendum 1, shall remain in effect.

10. DEVELOPMENT COMMITMENTS

(10) Delivery times to the restaurant and commercial establishments shall be limited from 7 a.m. to 9 p.m. However, on Lot 1 of Mirror Lake Commercial Subdivision (PB 10 PG 46), 24-hour delivery shall be permitted subject to such deliveries being made through primary building entrances on the north, east, or west sides of the building, and no access from the south. No delivery trucks shall access Lot 1 from Bear Lake Road. All ingress and egress of delivery trucks for Lot 1 shall be from Semoran Blvd.

Done and Ordered this 25th day of October, 2005.

By: _____
Carlton D. Henley
Chairman
Seminole County Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Florida Conference Association of Seventh Day Adventists, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

GLENN CARTER, Vice-President
FLA CONFERENCE ASSOCIATION
OF SEVENTH DAY ADVENTISTS
Property Owner

Witness

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared GLENN CARTER, who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

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

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

RETURN TO SANDY MCC

14th May 2002
13th Feb 2001

MIRROR LAKE COMMERCIAL CENTER PCD
(f/k/a Bear Lake Road PCD)

FINAL PCD MASTER PLAN
DEVELOPER'S COMMITMENT AGREEMENT
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION

On the 14th day of May, 2002, the Board of County Commissioners of Seminole County issued this Agreement relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION

That portion of the SW ¼ of the SW ¼ of Section 8, Township 21 South, Range 29 East, Seminole County, Florida lying Southerly of State Road No. 436.

TOGETHER WITH:

The West ½ of the NW ¼ of Section 17, Township 21 South, Range 29 East, Seminole County, Florida less the South 2,508 feet; also less the East 25 feet and less the right-of-way for Bear Lake Road; subject to a 25 foot right-of-way easement over the South 25 feet of the above described property, and Lots 1-12, inclusive, Mirror Lake Manor, according to Plat recorded in PB 10, Page 46 of the Public Records of Seminole County, Florida, together with the vacated roads.

Less Mirror Lake; for a total of approximately 9.3 +/- acres.

2. PROPERTY OWNER

Florida Conference Association of Seventh Day Adventists

3. REQUESTED DEVELOPMENT APPROVAL

Approval of a Final PCD site plan attached hereto as Exhibit "A" and incorporated herein by reference.

4. STATEMENT OF BASIC FACTS

- A. Total Area: 9.3 acres
- B. Zoning: Planned Commercial Development
- C. Allowable Uses: C-1 uses plus auto parts sales and service; gasoline pumps as an accessory use to a convenience store, and restaurants with drive-thru service.

D. 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.

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY Eve Beach

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY, CFN 2002923039 BK 04489 PG 0819 RECD 08/12/2002 09:18:37 AM RECD BY S. Coarney

E. 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.

5. LAND USE BREAKDOWN

USE	AREA (Acres)	% OF SITE
COMMERCIAL BUILDINGS	.92 MAX	9.89
HOME SITES	0.00	0.00
ROADS AND PARKING	4.59 MAX	49.36
STORMWATER MANAGEMENT AREA	2.15	23.12
CONSERVATION (WETLANDS)*	0.00	0.00
ADDITIONAL OPEN SPACE/BUFFERS/LANDSCAPE AREAS	1.64 MIN	17.63
TOTAL	9.3	100.00

*None included within the PCD zoned land.

6. OPEN SPACE

Maintenance of the open space common areas shall be funded by the Owner or its assigns.

Total Land Area: 9.3 acres

Required Space: 30% = 9.3 acres x 0.30 = 2.79 acres open space

Open Space Provided: 3.79 acres (40.75%)

7. BUILDING SETBACKS

Front 25'
 Side 0'
 Rear
 - 1 Story 75'
 - 2 Story 115'
 Maximum Building Height 30'

9. LANDSCAPE & BUFFER CRITERIA

A. Landscaping shall be in conformance with the Seminole County Land Development Code unless otherwise stated in this Agreement.

B. Adjacent to Lots 22, 23 and 24 to the south, the Owner shall install 4 understory trees per 100 lineal feet within the required landscape buffer.

10. DEVELOPMENT COMMITMENTS

The following conditions shall be met by the Owner prior to a certificate of occupancy (C.O.) Being issued:

- (1) Access on Bear Lake Road shall be right in/right out only.
- (2) The Owner to dedicate 20' of right-of-way on Bear Lake Road for future intersection improvements.
- (3) A right turn lane is required on Bear Lake Road.
- (4) A masonry wall with a minimum 8' height be provided between the site and the residential properties to the south.
- (5) The south landscape buffer be a minimum of 50' in width.
- (6) Only one gas station and convenience store combination and one restaurant may be constructed on the site, with the restaurant hours restricted to close at midnight. The gas station operation, based on the location on the site at the corner of Bear Lake Road and SR 436 will be allowed 24 hours of operation.
- (7) The gas station and convenience store are to be located on the western most part of the lot.
- (8) Increase setback from the south property line to 100 feet, except for the car wash will be 150 feet. The car wash hours are limited to 7 a.m. to 9 p.m.
- (9) The dumpster pickup hours shall be limited to 8 a.m. to 6 p.m.
- (10) Delivery times to the restaurant and commercial establishments shall be limited from 7 a.m. to 9 p.m.
- (11) Dumpsters shall be a minimum 100 feet from the south property line.
- (12) The hours of operation shall be as requested by the applicant, except as noted above.
- (13) The Owner is to retain existing trees along the south property line, where feasible.
- (14) The development is also subject to all development conditions in the attached documents: "Forest Lake South – SR 436 Commercial: Supplemental Conditions for Approval" and "Development Notes" which are incorporated as part of this Development Order and, further, shall be included in the Developer's Commitment Agreement at time of Final PCD plan application.

11. 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 and pump stations shall conform to all Seminole County and Department of Environmental Protection standards.

Stormwater: -Stormwater drainage and stormwater management shall be provided on-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 and 20 p.s.i. Fire hydrants shall be located according to Seminole County regulations.

12. **PHASING**

The project is proposed to be developed in a single phase for infrastructure for all lots. Actual lot development will occur on a lot-by-lot basis as lots are sold. The Owners agree that each lot shall either be supported by existing infrastructure or the Owners shall provide the infrastructure necessary to support the development of each lot.

13. **SITE PLAN APPROVAL**

The development of each lot is required to undergo PCD Final Master Plan/site plan approval.

14. **REPLACEMENT TREES**

Replacement trees, as required for the development of individual lots, will be provided at the time of development of each lot.

15. **STANDARD COMMITMENTS**

(1) Unless specifically addressed otherwise therein, 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 this 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 this Agreement.

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

ATTEST

MaryAnne Morse
Clerk to the Board of County
Commissioners, Seminole
County, Florida

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA



Daryl G. McLain
Chairman

Approved for legal
Sufficiency:

Karen Causala
County Attorney

As authorized for execution by the Board
of County Commissioners at their
May 14, 2002, regular meeting.

Develyn Compton
Murphy Lake Comm. Ctr

OWNERS' CONSENT AND COVENANT

The undersigned parties hereby agree to the terms and conditions set forth herein this
22nd day of July, 2002:

WITNESSES:

Anita F. Perez

Printed Name Anita F. Perez

[Signature]

Printed Name Frank McMillan

STATE OF FLORIDA
COUNTY OF SEMINOLE Orange

The foregoing instrument was acknowledged before me this 22nd day of July, 2002, by Randee R. Reynolds, an individual, *who is personally known to me or who produced _____ as identification.

*as Vice President of Florida Conference Association of Seventh-day Adventists, on behalf of the corporation

[Signature]
Signature of Notary Public

Frank McMillan

(Print Notary Name)
My Commission Expires:
Commission No.:

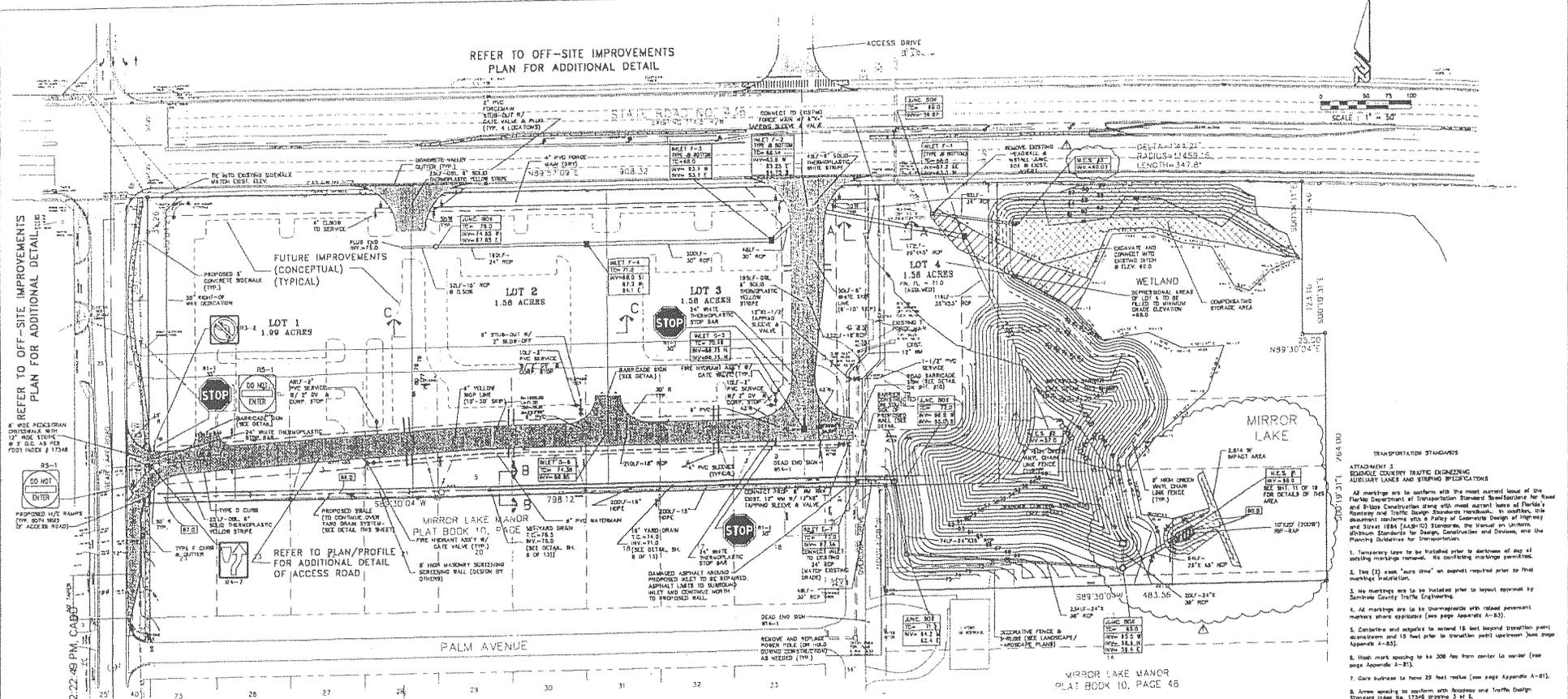
Personally known or
Produced Identification
Type of Identification Produced



Frank McMillan
MY COMMISSION # CC859317 EXPIRES
August 28, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

EXHIBIT A

REFER TO OFF-SITE IMPROVEMENTS
PLAN FOR ADDITIONAL DETAIL



REFER TO OFF-SITE IMPROVEMENTS
PLAN FOR ADDITIONAL DETAIL

REFER TO PLAN/PROFILE
FOR ADDITIONAL DETAIL
OF ACCESS ROAD

LEGEND:

- OVERLAND FLOW DIRECTION
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED PAVEMENT
- DITCH TO BE REPAIRED
- COMPENSATORY STORAGE AREA
- WETLAND IMPACT

- TRANSPORTATION STANDARDS
ATTACHMENT 3
SEMI-DESIGN COUNTY TRAFFIC ENGINEERING
AUXILIARY LAKES AND STORM REGULATIONS
1. Temporary signs to be installed prior to disturbance of any of existing markings removed. No conflicting markings permitted.
 2. Two (2) inch "four inch" sign required prior to first construction operation.
 3. No markings are to be installed prior to layout approval by Seminole County Traffic Engineering.
 4. All markings are to be semi-permanent with raised pavement markers where applicable (see page Appendix A-8).
 5. Centerline and outside to nearest 16 feet beyond transition point approximately 15 feet prior to transition point upstream (see page Appendix A-8).
 6. Mark most closely to be 300 feet from center to center (see page Appendix A-8).
 7. Curve radii to have 25 foot radius (see page Appendix A-8).
 8. Areas requiring no overlap with roadway and Traffic Design Standards Index No. 175-6 drawing 3 of 4.
 9. All signs to be 12 inch high.
 10. All stop signs shall be the standard of the Traffic Engineer.
 11. During existing lane construction and installation of markings the east side shall be signed in accordance with the "Manual on Uniform Traffic Control Devices Chapter 4".

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PROPERTY APPROXIMATE NUMBER 17-21-29-350-000-0000
SEMI-DESIGN COUNTY
APPROVED FOR CONSTRUCTION

MIRROR LAKE COMMERCIAL
SITE PLAN
OVERALL DEVELOPMENT PLAN

SEMI-DESIGN COUNTY FLORIDA

ZEV COHEN & ASSOCIATES, INC.
16000 Lake Orange Road, Palm Bay, FL 32909
(888) 877-1448 FAX 877-1004

ENGINEERS PLANNERS LANDSCAPE ARCHITECTS

DATE: 02/20/02

REV	DATE	DESCRIPTION	BY	PROJECT NO.	DATE PREPARED	DATE CHECKED	SCALE	SHEET	OF
1	02/20/02	REVISED PER SURVEY COMMENTS	BT	00041	02/20/02	02/20/02	1"=50'	3	OF 18

RETURN TO SANDY McCANN

ADDENDUM 1
To The
Mirror Lake Commercial Center PCD
Final PCD Master Plan
Developer's Commitment Agreement
Commitments, Classifications and District Descriptions
(Amended by the Board of County Commissioners on October 22, 2002)

It is hereby ordered that the Site Plan for Lot One, The Hess Station at Bear Lake Road, as indicated on the attached site plan, landscape plan and further described by architectural elevations is hereby incorporated into the Mirror Lake Commercial Center PCD, Final PCD Master Plan Developer's Commitment Agreement, Commitments, Classifications and District Descriptions.

Approved and Accepted

By: 
 Daryl G. McLain
 Chairman
 Seminole County Board of County Commissioners



MARYANNE MORSE, CLERK OF CIRCUIT COURT
 CLERK OF SEMINOLE COUNTY
 BK 04599 PG 0621
 FILE NUM 2002977020
 RECORDED 11/18/2002 11:39:32 AM
 RECORDING FEES 64.50
 RECORDED BY J Eckenroth

CERTIFIED COPY
 MARYANNE MORSE
 CLERK OF CIRCUIT COURT
 SEMINOLE COUNTY, FLORIDA
 BY: 
 DEPUTY CLERK



Description of Proposal
Mirror Lake PCD
8.16.05

A request has been filed to amend the Development Order for the Mirror Lake PCD to allow 24 hour deliveries on one parcel subject to certain conditions.

The Development Order currently allows a convenience store on Lot 1 (SE corner of SR436 and Bear Lake Road) only and allows it to be open 24 hours a day, but limits the delivery hours for all the commercial establishments within the PCD to 7AM to 9PM. This condition was imposed due to concerns at the time about potential impacts to the neighbors to the south that might be caused by large semi trucks delivering goods to the rear of the commercial buildings.

The proposed convenience store user of Lot 1 requires the ability to have deliveries 24 hours a day. However, the deliveries will be conducted only through the front door and will not involve semi-trucks. Cargo trucks or similar size trucks with a maximum length of 25 feet will be used for deliveries. The potential for impacts to the neighbors to the south is greatly reduced by the limitation of front door deliveries only and the smaller truck size.

It should be noted that several other conditions regarding dumpster pickup hours, increased building setbacks, and wall/ buffer requirements were also included in the Development Order to further protect the neighbors. The 8' high wall and the 50' wide buffer are in place and are very effective. These conditions, in concert with the new proposed condition of limiting the deliveries to the front door of the convenience store/gas station, will allow the original intent to be met.