

ITEM # \_\_\_\_\_

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

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

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

**AUTHORIZED BY:** Tony Walter <sup>TW</sup> **CONTACT:** Tina Williamson **EXT** 7440

<b>Agenda Date</b> <u>9/07/05</u>	<b>Regular</b> <input type="checkbox"/>	<b>Work Session</b> <input type="checkbox"/>	<b>Briefing</b> <input type="checkbox"/>
	<b>Special Hearing – 6:00</b> <input type="checkbox"/>	<b>Public Hearing – 7:00</b> <input checked="" type="checkbox"/>	

**MOTION/RECOMMENDATION:**

1. Recommend APPROVAL of the request for a Small Scale Land Use Amendment from Office to Planned Development (PD), and rezone from RP (Residential Professional District) to PCD (Planned Commercial Development District), per staff findings and subject to the attached development order, on approximately 0.9 acres located on the northwest corner of the intersection of E. Lake Brantley Drive and SR 434 (Hugh Harling, applicant); or
2. Recommend DENIAL of the request for a Small Scale Land Use Amendment from Office to Planned Development (PD), and rezone from RP (Residential Professional District) to PCD (Planned Commercial Development District), per staff findings, on approximately 0.9 acres located on the northwest corner of the intersection of E. Lake Brantley Drive and SR 434 (Hugh Harling, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 3 – Comm. Van Der Weide)

(Tina Williamson, Senior Planner)

**BACKGROUND:**

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

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request for Small Scale Land Use Amendment from Office to Planned Development

<b>Reviewed by:</b>	<u>NR</u>
<b>Co Atty:</b>	_____
<b>DFS:</b>	_____
<b>OTHER:</b>	_____
<b>DCM:</b>	_____
<b>CM:</b>	_____
<b>File No.</b>	<u>Z2005-006</u>

(PD), and rezone from RP (Residential Professional District) to PCD (Planned Commercial Development District), per staff findings and subject to the attached development order.

**INSERT:**

**LOCATOR MAP**

**COLOR MAPS**

**AERIAL MAP**

**DEVELOPMENT ORDER**

**LAND USE AMENDMENT ORDINANCE**

**REZONE ORDINANCE**

**E. Lake Brantley DR./SR 434 Bank**  
**Small Scale Land Use Amendment and Rezone**  
**Staff Report**

**Office to Planned Development (PD)**

**Amendment  
(Z2005-006,  
01-05SS.03)**

**REQUEST**

<b>APPLICANT</b>	Hugh Harling
<b>PLAN AMENDMENT</b>	Office to Planned Development
<b>REZONING</b>	RP to PCD
<b>APPROXIMATE GROSS ACRES</b>	0.9
<b>LOCATION</b>	Northwest corner of the intersection of E. Lake Brantley Drive and SR 434
<b>BCC DISTRICT</b>	3, Van Der Weide

**RECOMMENDATIONS AND ACTIONS**

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

**Office to Planned Development**

**Amendment  
(Z2005-006,  
01-05SS.03)**

- Property Owner:** Roy C. and Marilyn N. Raymond
- Tax Parcel Numbers:** 04-21-29-513-0C00-0070 and -0080
- Development Trends:** The subject property lies in an area consisting of a mixture of uses. The lots on the north side of SR 434 and along E. Lake Brantley Drive are a mixture of offices and single-

family residential. The lots along the south side of SR 434 are primarily commercial within the City of Altamonte Springs.

# SITE DESCRIPTION

**1. EXISTING AND PERMITTED USES:**

(North)

<b>LDR</b> SF Residential <i>R-1AA</i>	<b>LDR &amp; Office</b> SF Residential & Office <i>RP and R-1AA</i>	<b>Office</b> Office <i>OP</i>
<b>Office</b> Office <i>RP</i>	<b>Office</b> Office <i>RP</i>	<b>Office</b> Office <i>OP</i>
<b>Commercial</b> Commercial <i>City of Altamonte Springs</i>	<b>Commercial</b> Commercial <i>City of Altamonte Springs</i>	<b>Commercial</b> Commercial <i>C-1</i>

(West)

(East)

(South)

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

\***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

**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 amendment 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. The amendment request would not be in conflict with the Metroplan Orlando 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).*

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

**B. Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Exhibits POT-1 and SAN-1 are the water and sewer service area maps for Seminole County.*

The subject property is within the Seminole County water service area. Water service availability will be determined at the time of Concurrency review. This parcel will utilize a septic system for sewer service.

**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 (Policy PUB 2.1).*

The property is served by the Seminole County EMS/Fire Station #16. Response time to the site 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 (Policy IMP 2.4).*

A preliminary review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, or that such facilities could be made available, and that the proposed Plan amendment would create no adverse impacts to public facilities. However, the applicant has elected to defer concurrency at this time, and final development rights shall be dependent upon the future availability of public facilities at the time 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...(FLU Policies 1.2 and 1.3).*

The site contains no significant wetlands or flood prone areas, and can be developed within the requirements of the Vision 2020 Plan and Land Development Code.

**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 analysis is required prior to final engineering approval for any proposed development on the subject property.

**3. DEVELOPMENT POLICIES** - Additional criteria and standards are also included in the Plan that describes when, where and how development is to 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.).

Applicable Plan policies include, but are not limited to, the following:

**Transitional Land Uses:** *The County shall evaluate plan amendments to insure 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. (FLU Policies 2.5)*

The subject property is located within an area that has a mix of residential and non-residential uses. It is adjacent to SR 434, which is classified as a Principal Arterial. The proposed bank use would be a compatible and appropriate transitional land use between

the residential uses to the northwest and the office and the commercial uses to the south, if subject to the buffers and design standards contained in the attached development order.

Other applicable plan policies include:

*FLU 2.1 Subdivision Standards.*

*FLU 5.5: Water and Sewer Service Expansion*

*MDR Future Land Use Definition*

**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).*

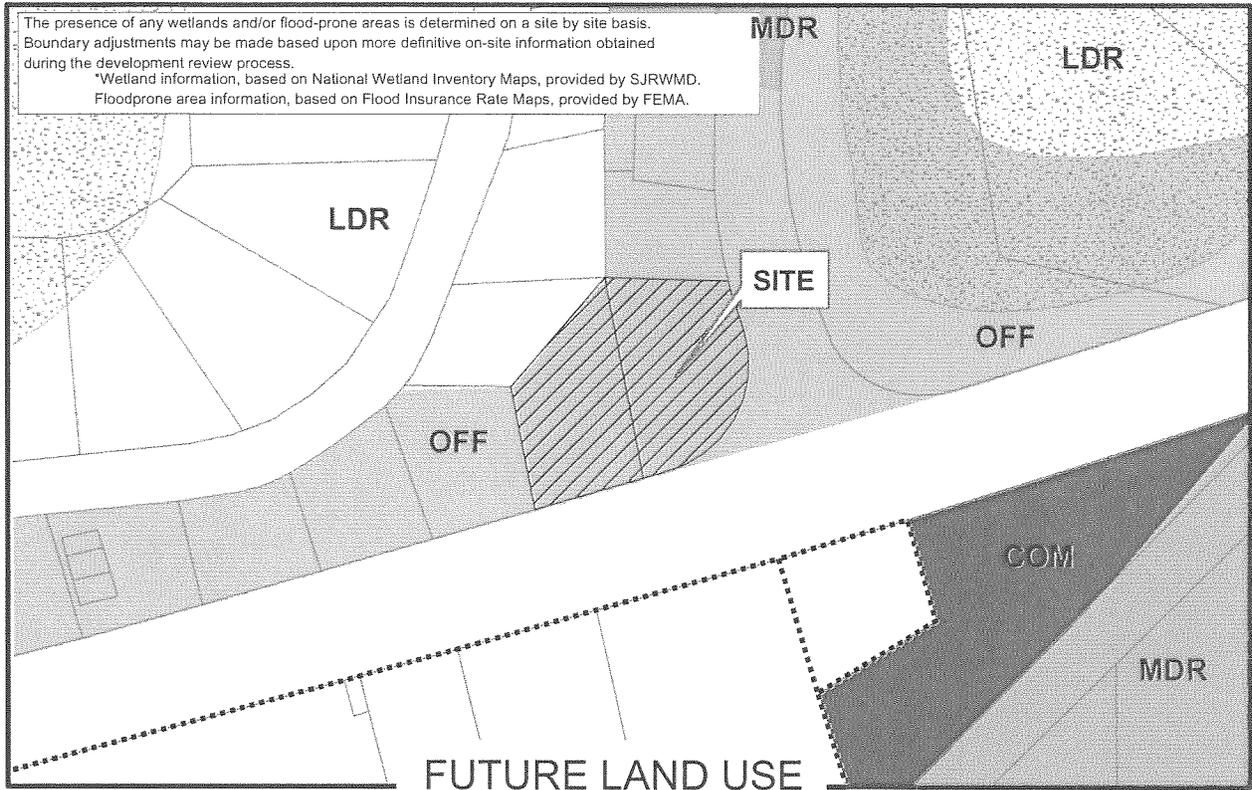
This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, or any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order. The applicant has elected to defer concurrency review and the site will have to demonstrate concurrency compliance at the time of final engineering.

**STAFF RECOMMENDATION:**

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



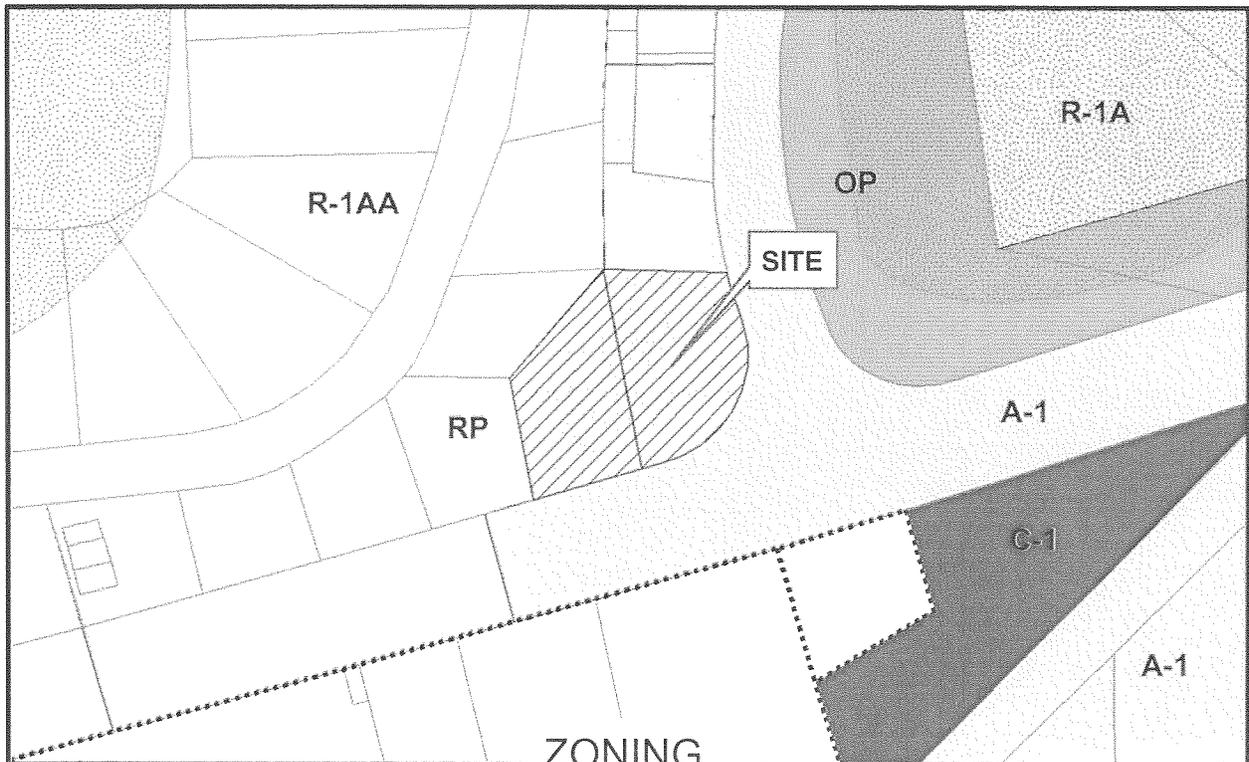
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.  
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided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



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

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

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



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



Rezone No: Z2005-006  
From: RP To: PCD

- Parcel
- Subject Property



January 2004 Color Aerials

## SEMINOLE COUNTY DEVELOPMENT ORDER

On October 25, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

### FINDINGS OF FACT

Property Owner: Roy C. and Marilyn N. Raymond

Project Name: E. Lake Brantley Drive/ SR 434 Bank

Requested Development Approval: Rezone from RP (Residential Professional District)  
to PCD (Planned Commercial Development District)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

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

Prepared by: Tina Williamson, 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 Preliminary Site Plan attached as Exhibit B.
- b. The use of the subject property is limited to a bank. Any change in the use of the property must be approved by the Seminole County Board of Commissioners.
- c. The access onto E. Lake Brantley Drive is limited to a right-in/right-out, unless this requirement is waived by the Development Review Manager at the time of PCD Final Site Plan approval.
- d. The 5' landscape buffer adjacent to E. Lake Brantley Drive and SR 434 must contain the following at a minimum: four (4) canopy trees per 100 linear feet and a hedge that shall reach a minimum height of three (3) feet tall after one (1) year.
- e. The retention pond must meet the landscaping requirements of SCLDC Sec. 1232, in order to encroach into the active buffer.
- f. The existing 6' block wall on the north side of the property shall be raised to 8' adjacent to Lot 20, as shown on the attached site plan.
- g. All lighting shall comply with Section 30.1234 of the SCLDC. Lights in the rear of the buildings will be mounted under the roof and directed downwards.
- h. The maximum building height is 35'.
- i. The following building setbacks shall apply:
  - Front: 25'
  - Rear: 10'
  - Side: 15'
  - Side Street: 25'
  - Adjacent Residential Lot: 50' building setback and 25' landscape buffer in compliance with Active Buffer standard in the SCLDC.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a

document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

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

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Carlton Henley, Chairman  
Chairman, Board of County Commissioners



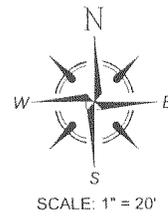
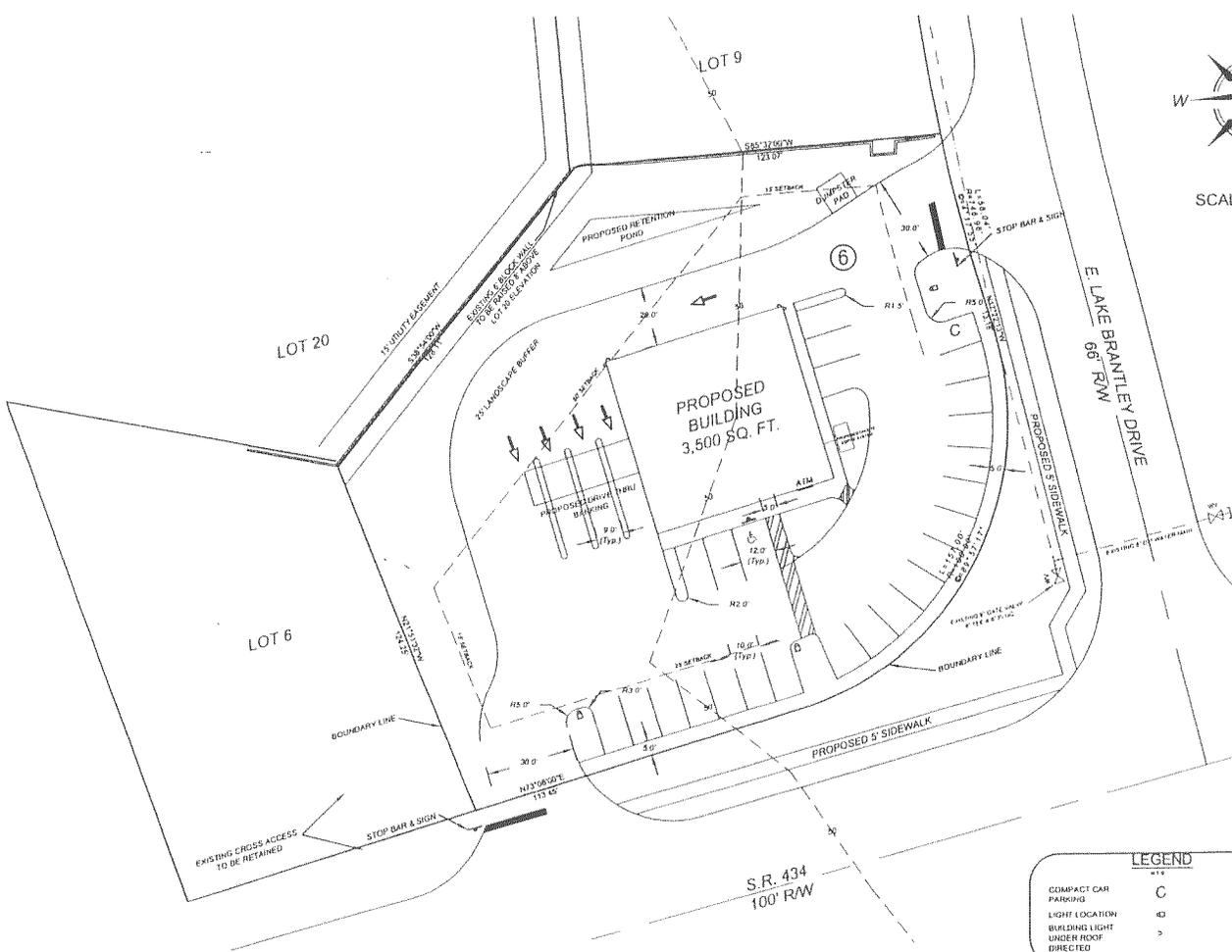


EXHIBIT "A"

Legal Description

Lot 7, of A REPLAT OF BLOCK "C" NOB HILL SECTION,  
MEREDITH MANOR, according to the plat thereof as recorded in  
Plat Book 14, Page 21, of the Public Records of Seminole County,  
Florida; and

Lot 8, of A REPLAT OF BLOCK "C" NOB HILL SECTION,  
MEREDITH MANOR, according to the plat thereof as recorded in  
Plat Book 14, Page 21, of the Public Records of Seminole County,  
Florida.

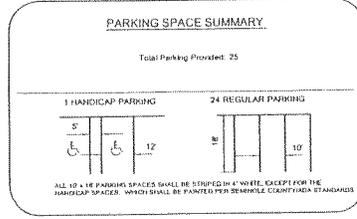
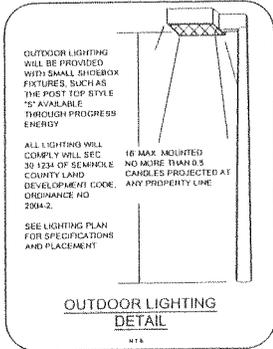
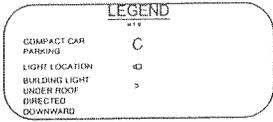


**LEGAL DESCRIPTION:**  
 Lot 7, of a REPLAT OF BLOCK "C" HSB HILL SECTION, MEREDITH MANOR, according to the plat thereof as recorded in Plat Book 14, Page 21, of the Public Records of Seminole County, Florida, and  
 Lot 8, of a REPLAT OF BLOCK "C" HSB HILL SECTION, MEREDITH MANOR, according to the plat thereof as recorded in Plat Book 14, Page 21 of the Public Records of Seminole County, Florida.

**SITE NOTES:**  
**PROJECT DATA:**  
 Total area: 81 ac  
 Current zoning: RP  
 Proposed zoning: PCD  
**SETBACKS:**  
 Front: 25'  
 Rear: 10'  
 Side: 15'  
 Side Set: 25'  
 A/C: Residential Lot: 50'  
 Maximum Building Height: 35'  
**SOILS DATA:**  
 (6) Astatula-Appoche fine sands 0 to 5% slopes

**DEVELOPMENT PROGRAM:**  
 Maximum Floor Area Ratio: 30 FAR  
**TOTAL SQUARE FOOTAGE OF COMMERCIAL DEVELOPMENT:**  
 3,500 sq. ft. of Building Area  
 22,827 sq. ft. of impervious area (65% of total site)  
**REQUIRED PARKING FOR PROPOSED USES:**  
**RETAIL:**  
 General Business Establishment = 1 space per 200 SF  
 3,500 SF @ 1 space / 200 SF = 18 required spaces  
**OPEN SPACE / IMPERVIOUS AREA:**  
 Open space required: 8,780 25% of total site  
 Open space provided: 12,281 35% of total site  
**SERVICE PROVIDERS:**  
 Water: Seminole County  
 Sanitary Sewer: On Site Septic System

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



**DEVELOPER:**  
 University National Developments, Inc.  
 7505 W. Sand Lake Rd.  
 Orlando, Florida 32819  
 Phone: 407-999-9965

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

**COMMERCIAL SITE PLAN**

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

Sheet 1 of 1

Drawn by: LA  
 Checked by: LA  
 Designer by: LA  
 Engineer: HARRING, LOCKLIN & ASSOCIATES, INC.  
 Date: 7-2-20  
 Date: June 14, 2024

Author: HARRING, LOCKLIN & ASSOCIATES, INC.  
 Title: ENGINEER/PLANNER  
 Date: 7-2-20

Calculating Engineer: Planner  
 600 Courtland Street, Orlando, Florida 32804  
 Phone: 407-629-1061  
 Fax: 407-629-8535  
 E-mail: harring@harringlocklin.com  
 E. L. # 2016

**HARRING LOCKLIN & ASSOCIATES, INC.**

**AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM OFFICE TO PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

**WHEREAS**, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

**WHEREAS**, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

**WHEREAS**, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on September 7, 2005, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

**WHEREAS**, the Board of County Commissioners held a Public Hearing on October 25, 2005, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

**WHEREAS**, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "E. Lake Brantley Drive/SR 434 Bank Small Scale Land Use Amendment and Rezone Staff Report."

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

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

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

Section 3. SEVERABILITY:

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

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

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

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

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

EXHIBIT "A"

Legal Description

Lot 7, of A REPLAT OF BLOCK "C" NOB HILL SECTION,  
MEREDITH MANOR, according to the plat thereof as recorded in  
Plat Book 14, Page 21, of the Public Records of Seminole County,  
Florida; and

Lot 8, of A REPLAT OF BLOCK "C" NOB HILL SECTION,  
MEREDITH MANOR, according to the plat thereof as recorded in  
Plat Book 14, Page 21, of the Public Records of Seminole County,  
Florida.

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

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

**Section 1. LEGISLATIVE FINDINGS.**

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

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from RP to PCD:

Legal Description Attached As Exhibit A

**Section 3. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 4. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon filing this order by the Department and recording of Development Order #05-22000004 in the official land records of Seminole County and also upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. Any development orders, development permits, or land use dependent on an amendment shall take effect on the same date that the amendment becomes effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local

Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 25th day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

EXHIBIT "A"

Legal Description

Lot 7, of A REPLAT OF BLOCK "C" NOB HILL SECTION,  
MEREDITH MANOR, according to the plat thereof as recorded in  
Plat Book 14, Page 21, of the Public Records of Seminole County,  
Florida; and

Lot 8, of A REPLAT OF BLOCK "C" NOB HILL SECTION,  
MEREDITH MANOR, according to the plat thereof as recorded in  
Plat Book 14, Page 21, of the Public Records of Seminole County,  
Florida.