

ITEM # _____

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

SUBJECT: Bright Horizons Daycare Small Scale Land Use Amendment and Rezone

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

AUTHORIZED BY: Tina Williamson ^{AW} **CONTACT:** Austin Watkins EXT. 7440

Agenda Date <u>7/11/2007</u>	Regular <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Special Hearing – 6:00 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>	

MOTION/RECOMMENDATION:

1. **RECOMMEND APPROVAL** of a Small Scale Land Use Amendment from PUB (Public) and SE (Suburban Estates) to OFF (Office) and a Rezone from A-1 (Agriculture) to PUD (Planned Unit Development), for 1.61 ± acres located at the southeast corner of the intersection of Banana Lake Road and CR 46A, and recommend approval of the attached Preliminary Master Plan and Development Order, based on staff findings (Bright Horizons Daycare / Robert Rossi, applicant); or
2. **RECOMMEND DENIAL** of a Small Scale Land Use Amendment from PUB (Public) and SE (Suburban Estates) to OFF (Office) and a Rezone from A-1 (Agriculture) to PUD (Planned Unit Development), for 1.61 ± acres located at the southeast corner of the intersection of Banana Lake Road and CR 46A (Bright Horizons Daycare / Robert Rossi, applicant); or
3. **CONTINUE** the public hearing until a time and date certain.

District 5 – Commissioner Carey

Austin Watkins, Planner

BACKGROUND:

Bright Horizons Family Solutions is requesting a Small Scale Land Use Amendment from PUB (Public) and SE (Suburban Estates) to OFF (Office) and a rezone from A-1 (Agriculture) to PUD (Planned Unit Development). The applicant is proposing to construct a daycare facility consisting of a maximum allowable building square footage of

Reviewed by:	_____
Co Atty:	<u>KFT</u>
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No.	<u>Z2007-33</u>

24,570 square feet or 0.35 FAR. The subject property contains the Paola Historical Cemetery, which is located on the southeast portion of the subject property and encompasses vaults and headstones. The on-site cemetery was a part of a Presbyterian Church that burned down in the late 1800s. The applicant proposes to maintain the current boundaries of the Paola Historical Cemetery; however, the applicant will relocate any human remains or associated items to another location in accordance with all State Statutes, if permitted by the Florida Department of State, Historical Resources Division.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a Small Scale Land Use Amendment from PUB (Public) and SE (Suburban Estates) to OFF (Office) and a rezone from A-1 (Agriculture) to PUD (Planned Unit Development), for 1.61 ± acres located at the southeast corner of the intersection of Banana Lake Road and CR 46A, and recommends approval of the attached Preliminary Master Plan and Development Order, based on conditions contained in the Development Order.

Attachments:

Location Map
Zoning and Future Land Use Map
Aerial Map
Preliminary Master Plan
Development Order
Ordinance
Denial Development Order
Applicant's Small Scale LUA Justification Statement
Archaeological Review
Florida Department of State, Division of Historical Resources Recommendation

Bright Horizons Daycare SSLUA and Rezone SSLUA from PUB and SE to OFF and Rezone from A-1 to PUD

APPLICANT	Robert Rossi, Bright Horizons Daycare	
PROPERTY OWNER	Dana and James Froehlich	
REQUEST	Small Scale Land Use Amendment from PUB (Public) and SE (Suburban Estates) to OFF (Office) and a Rezone from A-1 (Agriculture) to PUD (Planned Unit Development)	
PROPERTY SIZE	1.61 ± acres	
HEARING DATE (S)	P&Z: July 11, 2007	BCC: August 14, 2007
PARCEL ID	06-20-30-300-0080-0000	
LOCATION	Southeast corner of the intersection of Banana Lake Road and CR 46A.	
FUTURE LAND USE	PUB (Public) and SE (Suburban Estates)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2007-33	
COMMISSION DISTRICT	#5 – Carey	

PROPOSED DEVELOPMENT:

The applicant is proposing a daycare facility with a maximum building square footage of 24,570 square feet. The Paola Historical Cemetery is located on the southeast portion of the subject property and the applicant is proposing to maintain the existing boundaries of the Paola Cemetery as a historical feature of the subject property.

CONSISTENCY WITH THE VISION 2020 COMPREHENSIVE PLAN:

FLU Element Plan Amendment Review Criteria:

The Future Land Use Element in the Comprehensive Plan lays out certain criteria that proposed Future Land Use amendments must be evaluated against. Because this is a small area Future Land Use amendment with localized impacts, an individual site compatibility analysis is required utilizing the following criteria:

A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.

Staff Evaluation

The subject property is located in between two large Planned Unit Developments, Heathrow PUD (west) and Colonial Center Heathrow (east). The subject property is an infill parcel. Once developed, the south 46A corridor will be fully built-out from Interstate 4 to the Heathrow PUD. North of the subject property is the Grande Oaks PUD, which consists of townhomes. The Heathrow PUD consists of single-family, patio homes,

multi-family, office and commercial uses while the Colonial Center Heathrow PUD has office, retail and multi-family as allowable uses.

Staff finds that the character of the area has changed enough to warrant a more intensive use of Office on the subject property.

B. Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service.

C. Whether the site will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.

D. Whether the proposal adheres to other special provisions of law (e.g., the Wekiva River Protection Act).

Staff Evaluation

The development will have to undergo Concurrency Review prior to Final Engineering approval and must meet all Concurrency standards in order to proceed.

The site will have to comply with all Land Development Regulations regarding development in and around wetland and floodplain areas at the time of Final Engineering. However, there appears to be no wetlands or flood prone areas on the subject property

The subject property is not located within any special or restrictive district.

E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code.

Staff Evaluation

The subject property is in an infill parcel. West of the subject property is the Heathrow PUD, which is a multi-use PUD consisting primarily of single-family residences. East of the subject property is the Colonial Center Heathrow PUD which is a multi-use PUD consisting of office and multi-family in the adjacent tract. However, south of the subject property is an existing single-family home with Suburban Estates FLU.

Staff finds that the proposed Preliminary Master Plan demonstrates a compatible transition between the existing land uses by providing stormwater retention on the southern portion of the property with a 10' landscape buffer consisting of 8 canopy trees every 100' and a 6' masonry wall. Additionally, on the southeast corner of the subject property is an existing cemetery. The boundaries of the Paola Cemetery will not change and will provide for an additional buffer between residential and non-residential uses.

F. Whether the proposed use furthers the public interest by providing:

- 1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site**
- 2. Dedications or contributions in excess of Land Development Code requirements**
- 3. Affordable housing**
- 4. Economic development**
- 5. Reduction in transportation impacts on area-wide roads**
- 6. Mass transit**

Staff Evaluation

The subject property is infill and in an urban area with adequate public facilities. Therefore, the applicant is not proposing any additional facility improvements. The applicant is proposing buffering standards that are in excess of the Seminole County Land Development Code requirements. The applicant's proposal does not consider affordable housing, economic development, mass transit, nor reduction in transportation impacts.

G. Whether the proposed land use designation is consistent with any other applicable Plan policies, the Strategic Regional Policy Plan and the State Comprehensive Plan.

The following are other applicable Vision 2020 Policies and Exhibits and staff's evaluation:

Policy FLU 2.5: Transitional Land Uses

The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and nonresidential uses, between varying intensities of residential uses and in managing 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.

Staff Evaluation

Exhibit FLU: Appropriate Transitional Land Uses in the Future Land Use Element is used as a guide in evaluating compatibility between proposed and adjacent land uses. The subject property is an infill parcel, with the Heathrow PUD to the west and Colonial Center Heathrow PUD to the east. The Heathrow and Colonial Center Heathrow PUDs

have the PD (Planned Development) Future Land Use Designation. The approved uses of single-family, multi-family and office in the Heathrow and Colonial Center Heathrow PUDs are a compatible transitional land use, per *Exhibit FLU: Appropriate Transitional Lands Uses*.

Exhibit FLU: Appropriate Transitional Land Uses states that Suburban Estates and Office are not an appropriate transitional land use. However, Staff finds that the proposed development order mitigates the impacts of the proposed development allowing for it to be considered a transitional land use.

ANALYSIS OVERVIEW:
ZONING REQUEST

The applicant is requesting a Small Scale Land Use Amendment from PUB (Public) and SE (Suburban Estates) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for a daycare development on 1.6 ± acres, located at the southeast corner of the intersection of Banana Lake Road and CR 46A. The requested zoning and land use will allow a maximum of 24,570 square feet or 0.35 FAR for daycare related uses.

The following tables depict the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of PUD (Planned Unit Development):

DISTRICT REGULATIONS	Existing Zoning (A-1)
Minimum Lot Size	1-acre
Minimum House Size	N/A
Minimum Width at Building Line	150 feet
Front Yard Setback	50 feet
Side Yard Setback	10 feet
(Street) Side Yard Setback	50 feet
Rear Yard Setback	30 feet
Maximum Building Height	35 feet

DISTRICT REGULATIONS	Proposed Zoning (PUD)
Minimum Lot Size	N/A
Minimum House Size	N/A
Minimum Width at Building Line	N/A
North Setback from property boundary	25 feet
South Setback from property boundary	10 feet
East Setback from property boundary	10 feet
West Setback from property boundary	10 feet
Maximum Building Height	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	A-1 (existing)	PUD (proposed)
Permitted Uses	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling including one (1) guesthouse or cottage, docks and boathouses, churches, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Daycare with a maximum allowable building square footage of 24,570 square feet.
Special Exception Uses	Cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	None
Minimum Lot Size	1-Acre	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES

Staff has reviewed the proposed Small Scale Land Use Amendment and has determined that it is compatible with surrounding properties because the subject property is infill development and consistent with the surrounding development patterns. The property is located between the Heathrow PUD (West) and the Colonial Center Heathrow PUD (East). North of the property is the Grande Oaks PUD which is approved for townhomes. East of the subject property is an existing lake and Tract P of Colonial Center Heathrow, which has Office and Multi-family as allowable uses. West of the property is an existing lake and the Heathrow PUD, which consists of single-family and patio homes. An existing single-family home is south of the property and the applicant is proposing to buffer the proposed use from the existing single-family residence.

The applicant is proposing a 10' landscaped buffer for the southern property boundary, including a pedestrian access easement to Banana Lake Road to allow for access to the Paola Cemetery, per Florida Statute Section 704.08. The southern landscaped buffer is 10' in width and will include a 6' masonry wall and 8 canopy trees per 100'. The western, eastern and northern property boundaries will have a 10' landscaped buffer including a fence and 4 canopy trees per 100'.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map 12117C0040E, with an effective date of 1995, there appears to be no floodplains on the subject property.

Wetland Impacts:

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

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there appear to be endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Future Land Use (PUB) (SE)	Proposed Land Use (OFF) Calculated as a daycare	Net Impact
Water (GPD)	0	2,250	2,250
Sewer (GPD)	0	2,250	2,250
Traffic (ADT)	0	504	504

Utilities:

The site is located in the Northwest Seminole County utility service area, and will be required to connect to public utilities. There is a 16-inch water main on the east side of Banana Lake Rd. and a 16-inch force main on the east side of Banana Lake Rd. There is a 10-inch reclaimed water main on the north side of C.R. 46A. The subject property will be required to connection to reclaimed water.

Transportation / Traffic:

The property proposes access onto Banana Lake Road, which is classified as a local road. Banana Lake Road is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program.

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #37, which is located at 911 Wallace Court. Based on an average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

Drainage:

The proposed project is located within the Yankee Lake Drainage Basin, and does not have a positive legal outfall. The site will have to be designed to hold 100-year, 24-hour total retention.

Buffers and Sidewalks:

The following buffering standards contained in the attached Development Order will apply:

- a. North: 10' buffer containing 4 canopy trees per 100'
- b. South: 10' buffer containing a 6' masonry wall and 8 canopy trees per 100'
- c. East: 10' buffer containing 4 canopy trees per 100'
- d. West: 10' buffer containing 4 canopy trees per 100'

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is not located within any Overlay Districts.

COMPREHENSIVE PLAN (VISION 2020)

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

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

- Policy FLU 1.9: Historic and Archaeological Resources and National Park Services
- Policy FLU 2.3: Roadway Compatibility
- Policy FLU 2.11: Determination of Compatibility in the Planned Unit Development Zoning Classification
- Policy FLU 2.12: On-Site Traffic Flow
- Policy FLU 4.2: Infill Development
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

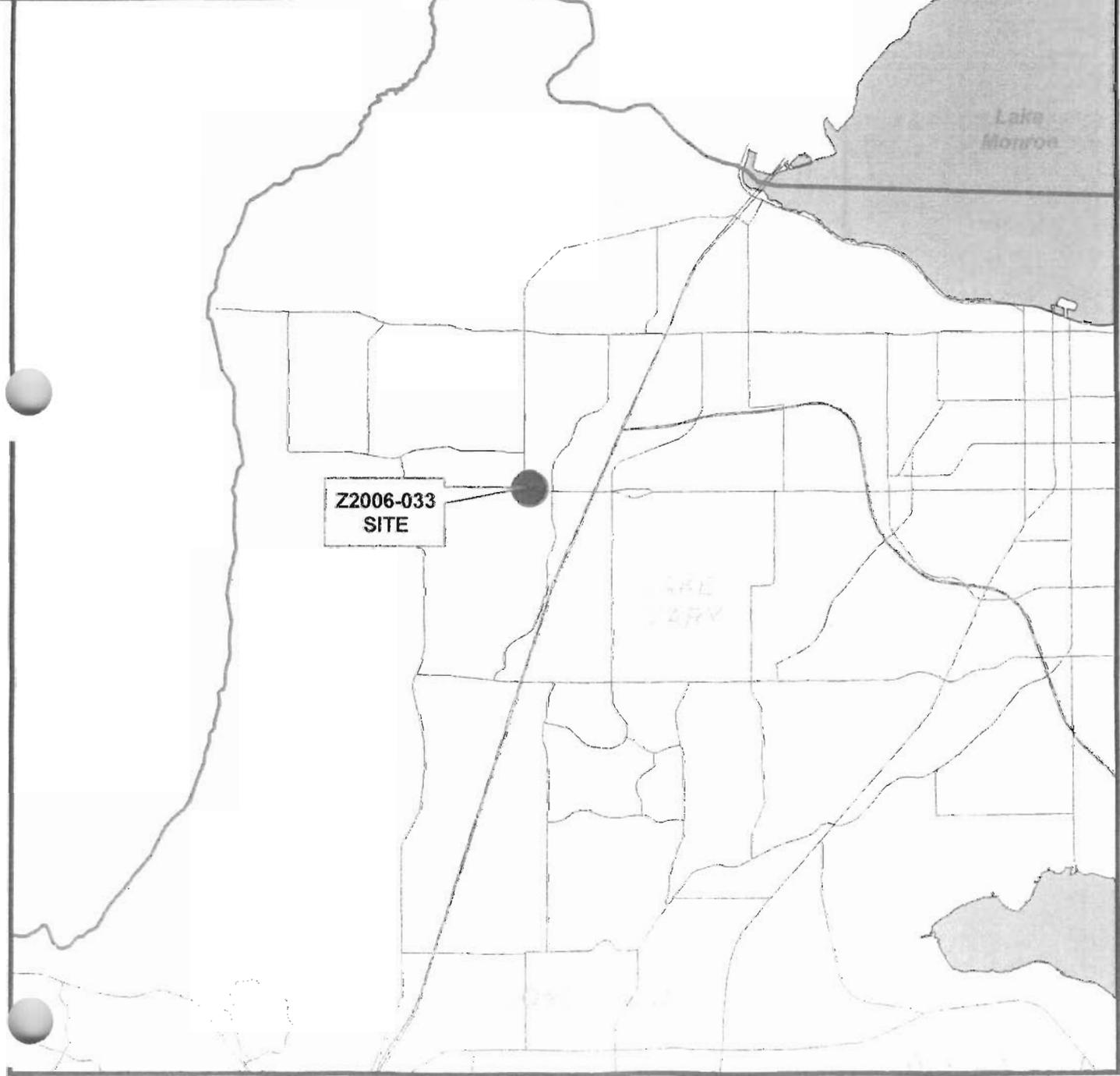
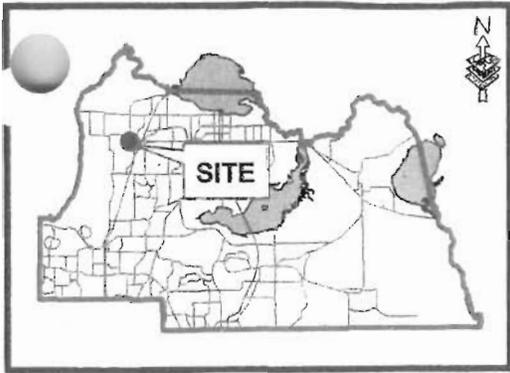
An Intergovernmental notice was sent to the City of Lake Mary on June 22, 2007.

LETTERS OF SUPPORT OR OPPOSITION:

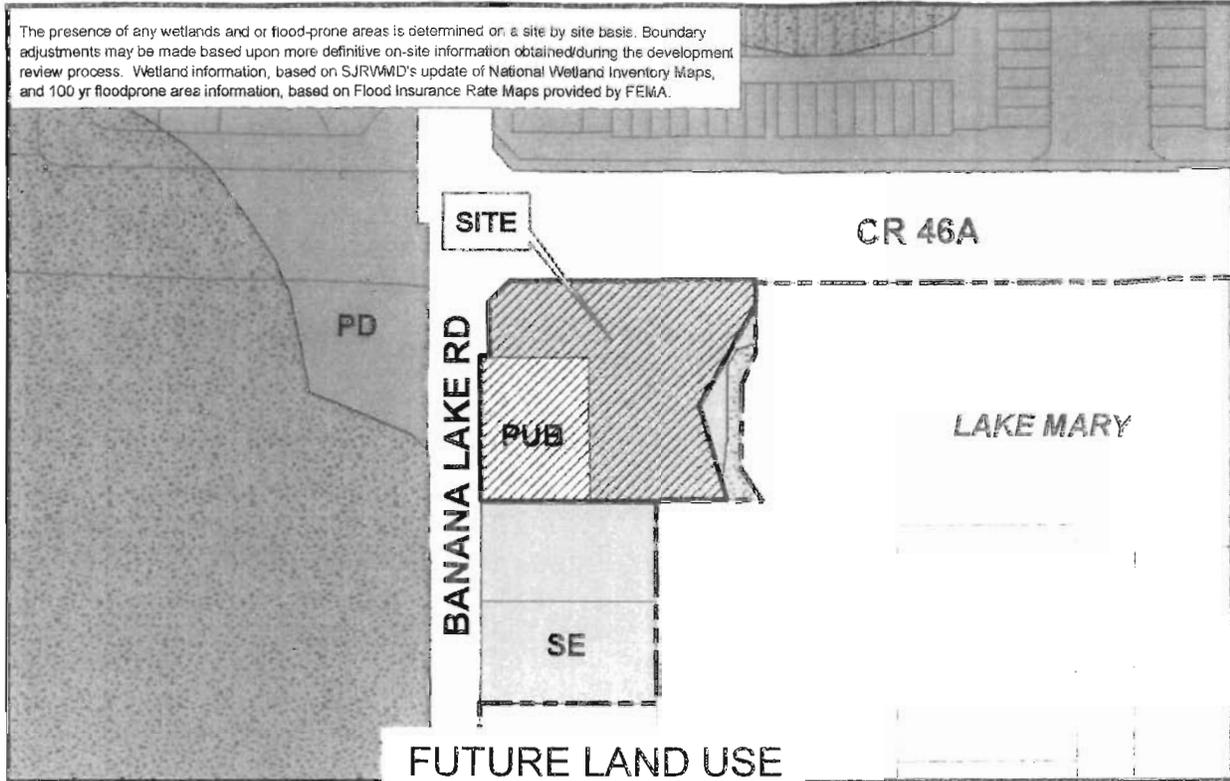
At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a Small Scale Land Use Amendment from PUB (Public) and SE (Suburban Estates) to OFF (Office) and a rezone from A-1 (Agriculture) to PUD (Planned Unit Development), for 1.61 ± acres located at the southeast corner of the intersection of Banana Lake Road and CR 46A, and recommends approval of the attached Preliminary Master Plan and Development Order, based on conditions contained in the Development Order.



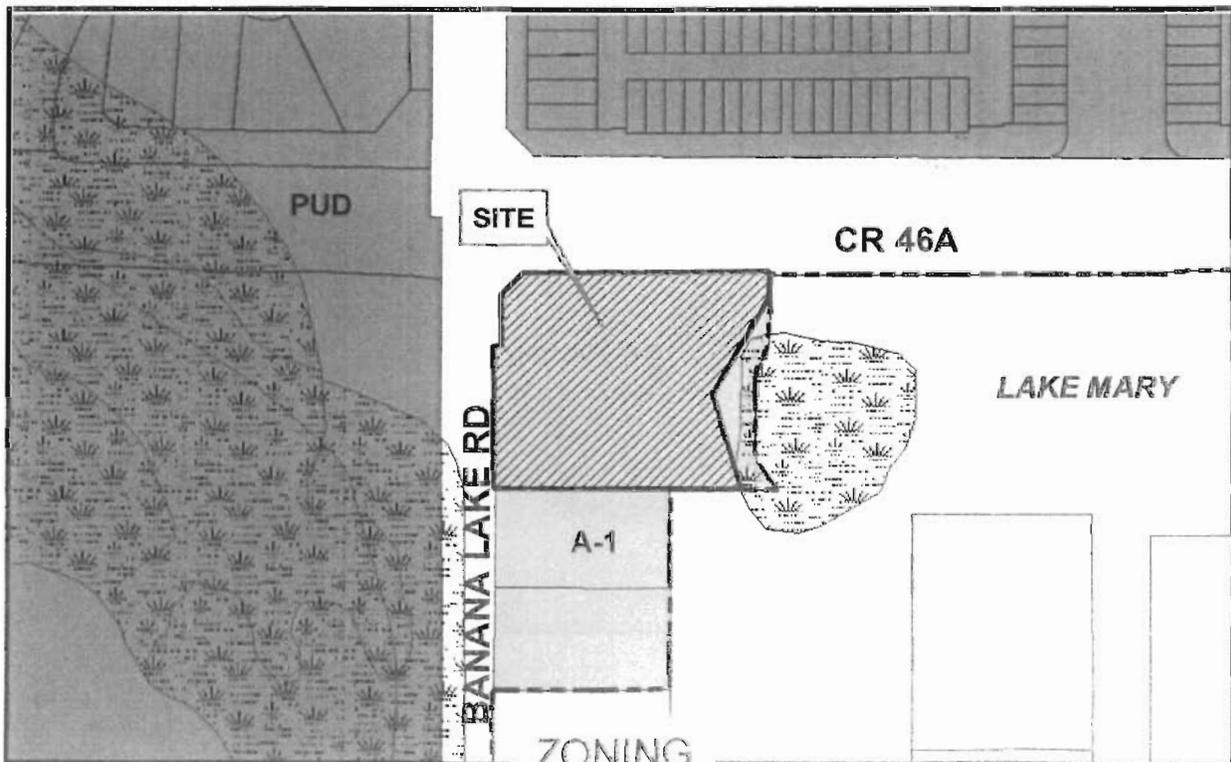
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



SE PD PUB Site Municipality CONS

Applicant: Bright Horizons Daycare
 Physical STR: 06-20-30-300-0080-0000
 Gross Acres: 1.61 +/- BCC District: 5
 Existing Use: vacant
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	08-07SS.01	PUB/SE	OFF
Zoning	Z2007-033	A-1	PUD



A-1 PUD FP-1 W-1



FLU No: 08-07SS.01
From: PUB/SE To: OFF
Rezoning No: Z2007-033
From: A-1 To: PUD

- Parcel
- Subject Property



Winter 2006 Color Aerials

Z2007-26

DEVELOPMENT ORDER #07-20500002

SEMINOLE COUNTY DEVELOPMENT ORDER

On August 14, 2007, Seminole County issued this Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

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

FINDINGS OF FACT

Property Owner(s): Dana and James Froehlich

Project Name: Bright Horizons PUD

Requested Development Approval: Rezone from A-1 (Agriculture) to PUD (Planned Unit Development).

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

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

Prepared by: Austin Watkins
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. The project shall have a maximum allowable building square footage of 24,570 square feet.
 - B. Daycare and professional offices shall be the only permitted uses.
 - C. All activities shall occur in accordance with Florida Statutes for the removal or relocation of human remains or associated items.
 - D. The applicant must complete a cultural resource assessment survey and ground-penetrating radar to determine if human remains are present within this property consistent with the Florida Department of State, Division of Historical Resources.
 - E. The existing Paola Cemetery shall not be reduced in size.
 - F. Pedestrian ingress-egress shall be provided from Banana Lake Road to the Paola Cemetery with a mulch path or sidewalk located within the buffer and a sidewalk or mulch path shall be provided connecting the parking area to the sidewalk or mulch path to the Paola Cemetery.
 - G. The applicant shall provide one parking space for every full-time employee and at least one parking space for every 20 children.
 - H. Lighting shall not exceed 16' in height and shall be in the shoe-box cut-off style with no more than 0.25 footcandles of spillage on adjacent properties.
 - I. The setbacks shall be as follows:
 - North: 25'
 - South: 25'
 - East: 10'
 - West: 10'
 - J. The buffers shall be as follows:
 - North: 10' landscaped buffer with 4 canopy trees every 100'.
 - South: 10' landscaped buffer with 8 canopy trees per 100' and a 6' masonry wall to the west edge of the Paola Cemetery then a 5' landscaped buffer with 4 canopy trees every 100' for the duration of Paola Cemetery and then a 10' landscaped buffer east of Paola Cemetery with 4 canopy trees every 100'.
 - East: 10' landscaped buffer with 4 canopy trees every 100'.

West: 10' landscaped buffer with 4 canopy trees every 100'.

- K. Parking areas shall comply with the Lake Mary Boulevard Gateway Corridor Overlay District standards.
- L. All mechanical equipment, ground or roof-mounted, shall be screened from off-site view.
- M. Development shall comply with the Preliminary Master Plan attached as Exhibit "B".
- N. 25% usable open space shall be provided.
- O. The maximum allowable building height is 35'.
- P. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.

**SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS**

By: _____
Carlton D. Henley, Chairman

OWNERS' CONSENT AND COVENANT

COMES NOW, the owner, Dana Froehlich, on behalf of itself and its heirs agents, 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 Commitment Agreement.

WITNESSES:

OWNER:

Print Name: _____

Dana Froehlich

Print Name: _____

Dana Froehlich

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by _____, as _____, who is personally known to me or who has produced _____ as identification.

Notary Public

(Name of Notary, typed, printed or stamped)
My Commission Expires:

OWNERS' CONSENT AND COVENANT

COMES NOW, the owner, James Froehlich, on behalf of itself and its heirs agents, 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 Commitment Agreement.

WITNESSES:

OWNER:

Print Name: _____

James Froehlich

Print Name: _____

James Froehlich

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by _____, as _____, who is personally known to me or who has produced _____ as identification.

Notary Public

(Name of Notary, typed, printed or stamped)
My Commission Expires:
My Commission Expires:

EXHIBIT "A"**Legal Description**

COMMENCING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 30 EAST; THENCE S89°52'10"E, ALONG THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 332.67 FEET; THENCE S00°07'50"W, A DISTANCE OF 103.28 FEET TO THE POINT OF BEGINNING; THENCE RUN S29°44'07"W, A DISTANCE OF 117.57 FEET; THENCE S16°45'53"E, A DISTANCE OF 114.24 FEET; THENCE N89°52'10"W, A DISTANCE OF 279.99 FEET TO THE EAST RIGHT OF WAY LINE OF BANANA LAKE ROAD; THENCE N00°27'04"W, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 229.82 FEET; THENCE N44°50'23" E, A DISTANCE OF 35.18 FEET TO A POINT OF THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 46A; THENCE S89°52'10"E, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 282.45 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN S00°07'50"W, A DISTANCE OF 43.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.61 ACRES (70,198 SQ. FT.), MORE OR LESS.

EXHIBIT "B"

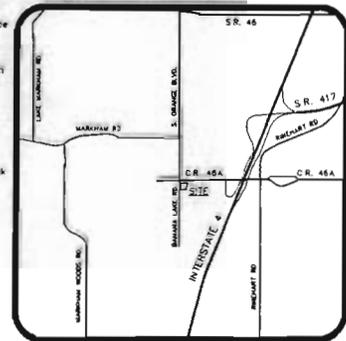
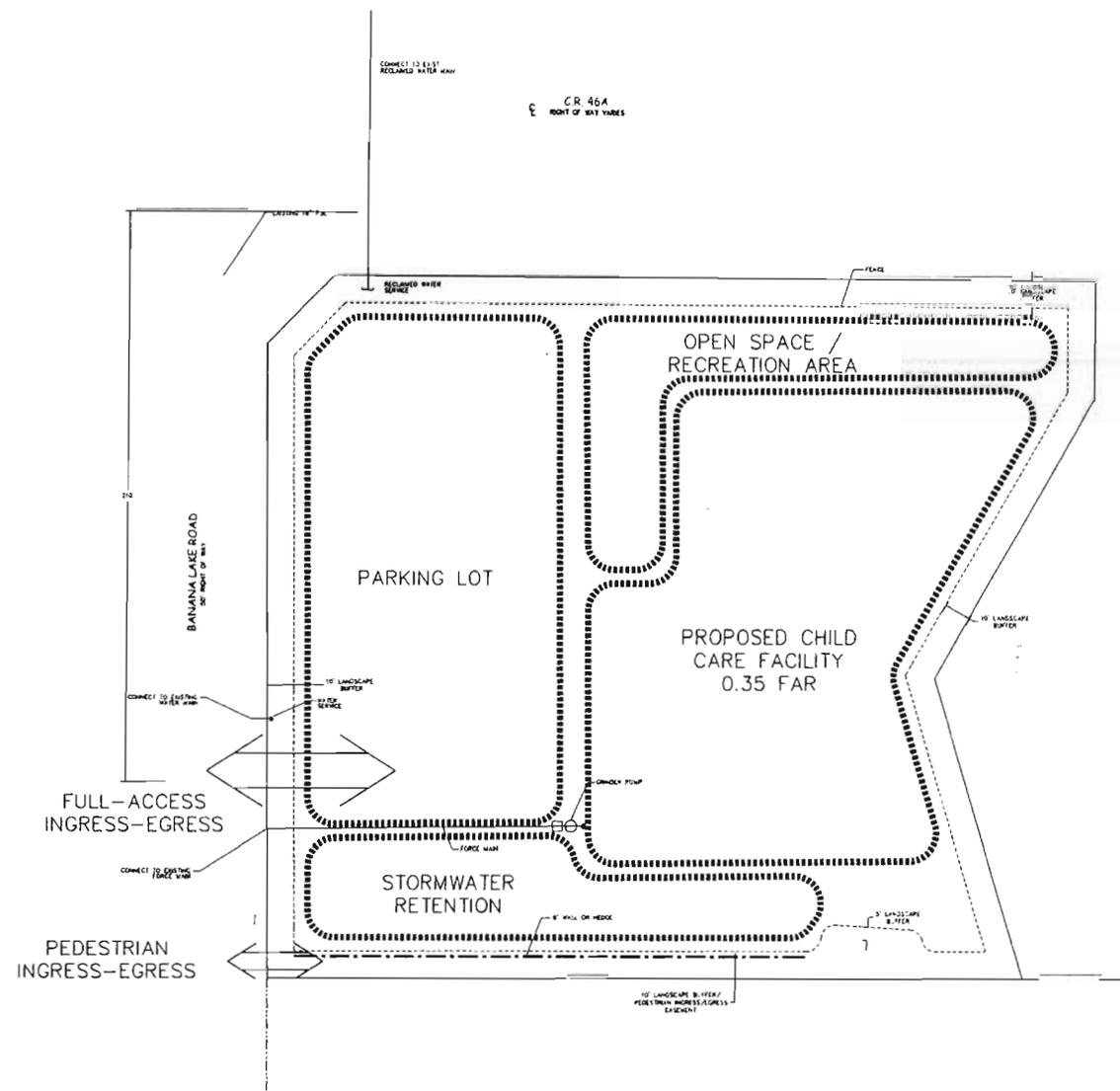
Preliminary Master Plan

- SITE DATA:**
- 1 Site is located in unincorporated Seminole County, Florida
 - 2 Parcel ID: 08-20-30-300-CDBU-C030
 - 3 Current Site Zoning: A-1 Proposed Zoning: PUD
 - 4 Site Contains 1.61 Acres (70,198 sq. ft.), more or less.
 - 5 Total Developable Area = 1.61 ac. Conservation = 1.61 ac.
 - 6 Existing F.U.: Public / Suburban Estates Proposed Use: Office
 - 7 Number of anticipated occupants:
 - Students: 150
 - Employees: 20
 - 8 Proposed density shall be limited to 0.35 FAR (24,570 sq. ft.)
 - 9 Impervious Area coverage shall not exceed 65% (Sec. 30-1027 LOC).
 - 10 Solid waste disposal services will be provided by Seminole County.
 - 11 Fire protection shall be provided in accordance with Seminole County LDC.
 - 12 Proposed parking shall include adequate off-street space for loading and unloading of children.
 - 13 Building Constraints:
 - Max. Building Height (ft.) 35 / 2 Story
 - 14 Building Setbacks from property lines
 - North: 25'
 - South: 10'
 - East: 10'
 - West: 10'
 - 15 Easements Provided (Proposed): As shown
 - 16 Open Space Area Required: 25% of developable area = 0.25 * 1.61 ac = 0.40 ac.

Open Space Category	Area Provided	Area Allowed
Category 'A'	0.40 ac	0.40 ac (100% of required)
Category 'B'	0.00 ac	0.00 ac (0% of required)
Category 'C'	0.00 ac	0.00 ac (0% of required)
Totals	0.40 ac	0.40 ac > Area Required
 - 17 Recreation Area Required: N/A
 - 18 No aircraft noise/visual use control zone is located on site.
 - 19 No wetland or surface water impacts are proposed with this project.
 - 20 Entire development is within Zone X (areas outside 500-year floodplain) as shown on FEMA FIRM Panel 2117C CDAGE, effective 4/17/95.
 - 21 Stormwater treatment and attenuation will be in accordance to SRRMD and Seminole County standards. Stormwater retention may be provided in underground retention system. Stormwater drainage patterns will be maintained through the use of a stormwater outfall to Banana Lake Road R/W and/or Parcel 113B.
 - 22 Water, Sewer, and Recycled Water services are provided by Seminole County. Site will connect to Water, Sewer, and Recycled Water mains located in Banana Lake or C.R. 46A right-of-way. Any portion of the site used by students may be irrigated with potable water.
 - 23 All traffic movements shall be in accordance with Seminole County and FDOT roadway specifications.
 - 24 5' Sidewalk will be constructed adjacent to property abutting Banana Lake Road R/W.
 - 25 Banana Lake Road pavement shall be widened to 24' along property.
 - 26 Site is buffered from Karst Area by Parcel 113B to the east. No additional buffer from the karst area will be provided onsite.
 - 27 Onsite Soils:

Soil Number	Soil Name	Soil Series	Use
17	Brighton, Samsula, and Schell	MOCKY	HS/D
31	Tourees-Wilpappen	solid	0 to 5 percent slopes A
 - 28 Buffer schedule:
 - South Property Line = 10' landscaped buffer containing:
 - 8 canopy trees per 100 feet of property line.
 - Plantings and other screening of amenity items located within the buffers shall be consistent with Seminole County LDC, Chapter 3D.
 - pedestrian access between Banana Lake Road and existing cemetery with pedestrian access easement.
 - 6' tall masonry wall or hedge with the pedestrian access easement separating the pedestrian access from the site.
 - North/West/East = 10' landscaped buffer containing:
 - 4 canopy trees per 100 feet of property line.
 - Plantings and other screening and amenity items located within the buffers shall be consistent with Seminole County LDC, Chapter 3D.
 - Other: Stormwater Retention Areas included in the Open Space calculations shall be amortized per Seminole County LDC Section 30-1344(e)(3)(a)(iv).
 - 29 Common open space and facilities will be maintained by a property owners' association.
 - 30 The removal or relocation of any historically significant artifacts or human remains/structures shall be completed pursuant to the Seminole County Comprehensive Fish and State Statutes Prior to breaking ground. Approval must be received from the Florida Department of State, Division of Historical Resources.
 - 31 Development Impacts:

Traffic Impact:	105 Trips during AM peak per ITE T-3 Generation Manual
Water Impact:	40 gpm PHF per AWWA M22
Sewer Impact:	40 gpm PHF
Stormwater Impact:	same as above
Recycled Water Impact:	10 gpm AADF



date	06/2007
drawn	ACA
file name	MSP
job	BRIGHT_HQR

No.	Date	Revisions
1	6-07	RESPONSE PER ECONOMIC COMMENTS DATED JUNE 6, 2007



community engineering services, inc.
 civil engineering - surveying - project management
 EB-0006613 LB-6572
 780 Florida Central Parkway, Suite 312
 Longwood, FL 32750
 Telephone (407) 834-4003 Fax (407) 856-5454

PRELIMINARY MASTER PLAN
 of
BRIGHT HORIZON CHILD CARE FACILITY
 FOR
 BRIGHT HORIZONS FAMILY SOLUTIONS
 250 PALM COTT AVENUE, SOUTH
 WINTERHAWK MANOR, SUITE 22472
 WINTERHAWK, FL 32789
 PHONE (817) 673-2035

scale	1" = 1/2" MILE
SHEET	1 of 1
date	

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR 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 "Bright Horizons Daycare Small Scale Land Use Amendment 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 A-1 (Agriculture) to PUD (Planned Unit Development):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM 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 #07-22000006.

ENACTED this 14th day of August 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT "A"
LEGAL DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 30 EAST; THENCE S89°52'10"E, ALONG THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 332.67 FEET; THENCE S00°07'50"W, A DISTANCE OF 103.28 FEET TO THE POINT OF BEGINNING; THENCE RUN S29°44'07"W, A DISTANCE OF 117.57 FEET; THENCE S16°45'53"E, A DISTANCE OF 114.24 FEET; THENCE N89°52'10"W, A DISTANCE OF 279.99 FEET TO THE EAST RIGHT OF WAY LINE OF BANANA LAKE ROAD; THENCE N00°27'04"W, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 229.82 FEET; THENCE N44°50'23" E, A DISTANCE OF 35.18 FEET TO A POINT OF THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 46A; THENCE S89°52'10"E, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 282.45 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN S00°07'50"W, A DISTANCE OF 43.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.61 ACRES (70,198 SQ. FT.), MORE OR LESS.

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM PUBLIC AND SUBURBAN ESTATES 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 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; 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 Local Planning Agency held a Public Hearing, with all required public notice, July 11, 2007 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 August 14, 2007, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local 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 Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

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 and form and include legislative findings which are a material part of this Ordinance.
- (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. 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 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

Amendment Appendix "A"

- (b) The associated rezoning request was completed by means of Ordinance Number 07-
_____.

(c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

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 and the Florida Department of Community Affairs 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 adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, 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 August, 2007.

**BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA**

By: _____

Carlton D. Henley, Chairman

APPENDIX A
Legal Description

COMMENCING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 30 EAST; THENCE S89°52'10"E, ALONG THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 332.67 FEET; THENCE S00°07'50"W, A DISTANCE OF 103.28 FEET TO THE POINT OF BEGINNING; THENCE RUN S29°44'07"W, A DISTANCE OF 117.57 FEET; THENCE S16°45'53"E, A DISTANCE OF 114.24 FEET; THENCE N89°52'10"W, A DISTANCE OF 279.99 FEET TO THE EAST RIGHT OF WAY LINE OF BANANA LAKE ROAD; THENCE N00°27'04"W, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 229.82 FEET; THENCE N44°50'23" E, A DISTANCE OF 35.18 FEET TO A POINT OF THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 46A; THENCE S89°52'10"E, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 282.45 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN S00°07'50"W, A DISTANCE OF 43.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.61 ACRES (70,198 SQ. FT.), MORE OR LESS.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On August 14, 2007, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): Dana and James Froehlich

Project Name: Bright Horizons PUD

Requested Development Approval: The applicant is requesting to rezone 1.61 ± acres, located at the southeast corner of the intersection of Banana Lake Road and CR 46A, from A-1 (Agriculture) to PUD (Planned Unit Development).

The Board of County Commissioners has determined that the requested rezone to PUD is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Bright Horizons Daycare Small Scale Land Use Amendment and Rezone" and all evidence submitted at the public hearing on August 14, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested PUD rezone should be denied.

ORDER**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

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

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS**

By: _____
Carlton D. Henley, Chairman

SMALL SCALE FUTURE LAND USE AMENDMENT AND REZONING APPLICATION – SUPPLEMENTAL INFORMATION

Proposed Bright Horizons Child Care Facility
Southeast Corner of Banana Lake Road
and County Road 46A
Parcel I.D. 06-20-30-300-0080-0000
Lake Mary, Seminole County, Florida

ASC Project No. 07L1502
ASC Document No. 070215L
7 JUNE 2007

Applicant:

Mr. Robert Rossi, P.E.
Director of Construction
Bright Horizons Family Solutions
200 Talcott Avenue, South
Watertown, Massachusetts 02472
phone: 617.673.8036

Prepared By:

Mr. Jay Saxena, P.E.
ASC geosciences, inc.
P.O. Box 3644
Lakeland, Florida 33802
phone: 863.644.8300

Submitted To:
Mr. Austin Watkins
Seminole County Planning and
Development Department
1101 East First Street, Suite 2201
Sanford, Florida 32771
phone: 407.665.7440

ASC GEOSCIENCES
ENGINEERING A BETTER WORLD™


Bright Horizons
FAMILY SOLUTIONS



SUPPLEMENTAL INFORMATION

Mr. Austin Watkins
Seminole County Planning & Development Department
1101 East First Street, Suite 2201
Sanford, Florida 32771

7 June 2007

Subject: Small Scale Future Land Use Amendment and Rezoning Application
Proposed Bright Horizons Child Care Facility
Southeast Corner of Banana Lake Road and County Road 46A
Parcel I.D. 06-20-30-300-0080-0000
Lake Mary, Seminole County, Florida

ASC Project No. 07L1502
ASC Document No. 070215L

Dear Mr. Watkins:

ASC geosciences, inc. is pleased to submit the enclosed Supplemental Information to the previously submitted Small Scale Future Land Use Amendment and Rezoning Application (ASC Document 070165L dated 24 May 2007) on behalf of Bright Horizons Family Solutions for the subject property referenced above.

Please contact us should you have any questions regarding this application or require additional information. Thank you.

Sincerely,

ASC geosciences, inc.

Jay Saxena, P.E.
Project Manager

■ **physical address:**

ASC geosciences, inc.
6702 Benjamin Road, Suite 100
Orlando, Florida 32834

■ **contacts:**

phone: 813.908.0630
fax: 813.908.0640

Mr. Austin Watkins
Seminole County Planning & Development Department
SUPPLEMENTAL INFORMATION Small Scale Future Land Use Amendment and Rezoning Application
Proposed Bright Horizons Child Care Facility
Southeast Corner of Banana Lake Road and County Road 46A
Parcel I.D. 06-20-30-300-0080-0000
Lake Mary, Seminole County, Florida
ASC Project No. 07L1502
ASC Document No. 070215L

ASC geosciences, inc.
7 June 2007

On 24 May 2007, ASC geosciences, inc. submitted a **Small Scale Future Land Use Amendment and Rezoning Application (ASC Document No. 070165L)** on behalf of Bright Horizons Family Solutions for the subject property reference above. Please find with this package Supplemental Information addressing the Future Land Use (FLU) Element Goals, Objectives and Policies.

Bright Horizons Family Solutions is requesting to amend the future land use of the subject property from Suburban Estates and Public Grave Site to Office. This land use amendment is consistent to the changing character along County Road 46A.

The Office designation will provide a low intensity land usage and the well landscaped character of the property (see site plan in **ASC Document No. 070165L Appendix B**) will blend with the nearby residential areas north and west of the subject property. The surrounding community will appreciate the proximity of this proposed child care facility to serve families needs.

The proposed use of the subject property as a child care facility is consistent with Seminole County's Vision 2020 Comprehensive Plan by providing adequate public service to enhance the community's public welfare and projected growth needs. As the residential communities in the area begin to grow so too must the facilities to serve these families. The Office designation complies with Seminole County's Vision 2020 Comprehensive Plan Policy FLU 5.2(B) regarding mixed commercial/residential use development by providing a transitional use between low density residential (west of the subject property) and nonresidential uses (east of the subject property).

The requested designation to Office is compatible with future land uses of surrounding areas as primarily residential planned development is located north and west of the subject property, and primarily commercial planned development is located east of the subject property. The Office designation will allow for an ease of transition between these areas. Please see below for responses to the various FLU Goals, Objectives and Policies:

Policy FLU 1.2-Flood Plain Protection:

- The proposed project site is not located in a Floor Prone or Flood Zone area.

Policy FLU 1.3-Wetland Protection:

- Morgan Environmental did not locate any wetlands on the subject property (**ASC Document 070165L Appendix I**).

Policy FLU 1.4-Conservation Easements:

- The proposed project site is not located within a conservation or environmentally protected area. Morgan Environmental was hired and did not locate any wetlands on the subject property (**ASC Document 070165L Appendix I**). In addition, Morgan Environmental did not locate any endangered or threatened species on the subject property, see **ASC Document 070165L Appendix I**.

Policy FLU 1.9-Historic and Archaeological Resources and National Park Services:

- The proposed site is not listed as a Florida Master Site or National Park. The Florida Division of Historical Resources was consulted as to the necessary steps to address the cemetery historically located on the subject property. A copy of the letter from the Florida Division of Historical Resources is contained in **ASC Document No. 070165L Appendix H** which indicates that the subject property must be ground-truthed by a qualified professional archaeologist to determine the presence/absence of any burials. Panamerican Consultants Inc. ground-truthed the subject property and a copy of their report is also contained in **ASC Document No. 070165L Appendix H**. No identifiable human remains were recovered but intact vaults were present and elements indicative of existing coffins (decorative metal fittings and coffin nails, screws, and tabs) were discovered on the subject property. Panamerican recommends additional work at the subject property consisting of ground-penetrating radar (GPR) to insure that all of the grave shafts have been located and a literature and records search at the Presbyterian Church Archives in Philadelphia for death and burial records, see Panamerican letter in **ASC Document No. 070165L Appendix H**. This plan was developed in consultation with the State Historic Preservation Office. This additional work will be completed prior to any construction activities at the subject property. Bright Horizons Family Solutions will take every step necessary to assure that the cemetery is handled with the utmost respect and will be completed in conjunction with the State Historic Preservation Office. Bright Horizons Family Solutions recommends that the archeological plan (GPR and literature/records search) be included as a special condition for the rezoning and future land use of the subject property.

Policy FLU 2.3-Roadway Compatibility:

- The proposed project site is located at the intersection of Banana Lake Road and County Road 46A. At this time the proposed site is an undeveloped parcel which has seen significant growth occur in the surround area. Thus, the project site would be developed in harmony with the current setback and buffer requirements allowing for future roadway improvements. The proposed development, as seen in the submitted site plan (**ASC Document 070165L Appendix B**), provides an appropriate transition between residential and non-residential communities. Traffic

that would be accessing the site already travels on County Road 46A and Banana Lake Road for access to I-4. Interstate I-4 is located approximately one-half mile east of the subject property and this day care facility will efficiently use the existing infrastructure and discourage urban sprawl.

Policy FLU 2.5-Transitional Land Use:

- The proposed use of the subject property, Family Solutions/Child Care, is an appropriate transitional land use to support the residential growth that has occurred in the area. Thus, keeping in place the harmony of the area and providing a much needed service to the surrounding community.

Policy FLU 5.5-Water and Sewer Service Expansion:

- Water and sewer service is provided by the Seminole County Environmental Services Department. A water and sewer provider letter indicating capacity to serve the proposed development on the subject property is contained in **ASC Document 070165L Appendix G**.

Policy FLU 5.18-Protection of Residential Neighborhoods, Viable Economic Corridors and Natural Resources:

- The addition of a family solutions/child care Facility would only enhance the residential neighborhood, providing a much needed service to the community and providing additional real estate value. Additionally, the location of the proposed project serves travelers already traveling on the surround roads.

Policy FLU 6.1-Development Orders, Permits and Agreements:

- The Site Developer will seek all appropriate permits for development of the family solutions/child care facility. Additionally, the Developer will work with the County to address any applicable development orders.

Policy FLU 12.4-Relationship of Land Use to Zoning Classifications:

- The proposed use of the subject property as a family solutions/child care facility is consistent with Seminole County's Vision 2020 Comprehensive Plan by providing adequate public service to enhance the community's public welfare and projected growth needs. As the residential communities in the area begin to grow so too must the facilities to serve these families. The Office designation complies with Seminole County's Vision 2020 Comprehensive Plan Policy FLU 5.2(B) regarding mixed commercial/residential use development by providing a transitional use between low density residential (west of the subject property) and nonresidential uses (east of the subject property).

Evaluation Criteria:

A. Weather the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property:

- The subject property is currently vacant, wooded land. The subject property historically contained a church and cemetery which burned down in 1894. The subject property contains broken and vandalized tombstones from this historic cemetery. See **Section 3.3** for a further archaeological discussion regarding the historic cemetery.

Bright Horizons Family Solutions is requesting amending the future land use of the subject property from Suburban Estates and Public Grave Site to Office. This land use amendment is consistent to the changing character along County Road 46A.

The Office designation will provide a low intensity land usage and the well landscaped character of the property (see site plan in **Appendix B**) will blend with the nearby residential areas north and west of the subject property. The surrounding community will appreciate the proximity of this proposed child care facility to serve families needs.

The proposed use of the subject property as a child care facility is consistent with Seminole County's Vision 2020 Comprehensive Plan by providing adequate public service to enhance the community's public welfare and projected growth needs. As the residential communities in the area begin to grow so too must the facilities to serve these families. The Office designation complies with Seminole County's Vision 2020 Comprehensive Plan Policy FLU 5.2(B) regarding mixed commercial/residential use development by providing a transitional use between low density residential (west of the subject property) and nonresidential uses (east of the subject property).

B. Whether public facilities and services will be available concurrent with the impacts of development at adopted level of service

- Development of the area has already occurred. The addition of this project would only provide much support of needed services by the way of family solutions.

C. Whether the site is suitable for the proposed use and will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations

- The project site is not located in a flood prone area. Morgan Environmental did not locate any wetlands on the subject property (Appendix I of ASC Document No. 070165L). Morgan Environmental did not locate any endangered or threatened species on the subject property (Appendix I of ASC Document No. 070165L).

D. Whether the proposal adheres to other special provisions of law (e.g. Wekiva River Protection Act).

- The project site does not fall within the Wekiva River Basin. Additionally, it is not immanently know of any other special provisions that exist in this area.

E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of Land Development Code.

- The proposed use of the subject property as a child care facility is consistent with Seminole County's Vision 2020 Comprehensive Plan by providing adequate public service to enhance the community's public welfare and projected growth needs. As the residential communities in the area begin to grow so too must the facilities to serve these families. The Office designation complies with Seminole County's Vision 2020 Comprehensive Plan Policy FLU 5.2(B) regarding mixed commercial/residential use development by providing a transitional use between low density residential (west of the subject property) and nonresidential uses (east of the subject property).

F. Whether the proposed use furthers the public interest by providing:

1. sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site.

- Site is already in a developed area and the proposed project provides a service needed by the surrounding community.

2. Dedications or contributions in excess of Land Development Code requirements.

- Not applicable

Mr. Austin Watkins
Seminole County Planning & Development Department
SUPPLEMENTAL INFORMATION Small Scale Future Land Use Amendment and Rezoning Application
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Southeast Corner of Banana Lake Road and County Road 46A
Parcel I.D. 06-20-30-300-0080-0000
Lake Mary, Seminole County, Florida
ASC Project No. 07L1502
ASC Document No. 070215L

ASC geosciences, inc.
7 June 2007

3. Affordable Housing

- Not applicable

4. Economic Development

- Not applicable

5. Reduction in Transportation impacts on area-wide roads;

- Proposed project will support already occurring traffic passing by site.

6. Mass transit

- Not applicable

7. Whether the proposed land use designation is consistent with any applicable Plan policies, the Strategic Regional Policy Plan and the State Comprehensive Plan.

- The proposed use of the subject property as a child care facility is consistent with Seminole County's Vision 2020 Comprehensive Plan by providing adequate public service to enhance the community's public welfare and projected growth needs. As the residential communities in the area begin to grow so too must the facilities to serve these families. The Office designation complies with Seminole County's Vision 2020 Comprehensive Plan Policy FLU 5.2(B) regarding mixed commercial/residential use development by providing a transitional use between low density residential (west of the subject property) and nonresidential uses (east of the subject property).



FLORIDA DEPARTMENT OF STATE

Kurt S. Browning

Secretary of State

DIVISION OF HISTORICAL RESOURCES

RECEIVED
MAR 30 2007
ASC geosciences, inc.
Lakeland, Florida

Ms. Andrea N. Golli
ASC geosciences, inc.
P. O. Box 3644
Lakeland, Florida 33802

Re: Proposed Future Land Use Amendment for 1.58 Parcel
ASC Project NO. 07L1502; ASC Document No. 070099L
Seminole County / DHR Project File No. 2007-1692

Dear Ms. Golli.

According to this agency's responsibilities under Sections 163.3177 and 163.3178, *Florida Statutes*, Chapter 9J-5, *Florida Administrative Code*, and any appropriate local ordinances, we reviewed the proposed comprehensive plan amendment consisting of 1.58 acres. This small tract reportedly formerly contained a church and cemetery which burned down in 1894. The burials were reportedly relocated at some point. In 2000, a thermal imaging survey of the property was conducted to determine presence/absence of burials. A very poor copy of this report was submitted to this agency with the project information.

Consultation with several other archaeologists about thermal imaging techniques being able to determine the location of older burials revealed concerns about this technique in situations such as this. Therefore, it is the opinion of this agency that the small project area must be ground truthed by a qualified professional archaeologist to determine presence/absence of any burials. As the requirements of Chapter 872, *Florida Statutes*, must be followed if unmarked human remains are encountered, it is much more efficient to determine presence/absence prior to the commencement of project activities. The resultant survey report must conform to the specifications set forth in Chapter 1A-46, *Florida Administrative Code*, and be forwarded to this agency for comment in order to complete the process of reviewing the impact of this proposed project on historic properties.

If you have any questions concerning our comments, please do not hesitate to contact Susan Harp at (850) 245-6333. Thank you for your interest in protecting Florida's historic resources.

Sincerely,

Frederick P. Gaske, Director

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
(850) 245-6300 • FAX: 245-6436

Archaeological Research
(850) 245-6444 • FAX: 245-6452

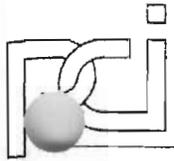
Historic Preservation
(850) 245-6333 • FAX: 245-6437

Historical Museums
(850) 245-6400 • FAX: 245-6433

Southeast Regional Office
(561) 416-2115 • FAX: 416-2149

Northeast Regional Office
(904) 825-5045 • FAX: 825-5044

Central Florida Regional Office
(813) 272-3843 • FAX: 272-2340



May 22, 2007

Andrea Golli
ASC Geosciences
c/o Bright Horizons
Robert Rossi
200 Falcott Avenue S
Watertown, MS 02472

Re: ASC Project No. 07L1502/DHR Project File 2007-1692
A 1.58-acre Parcel in Seminole County, Florida

Dear Andrea,

We have developed a plan, in consultation with the Florida State Archaeologist, and he has agreed on behalf of the SHPO (State Historic Preservation Officer) to support the following methodology for the completion of this undertaking. The plan we discussed for rezoning and the future land use amendment includes:

- Ground-penetrating radar (GPR) survey of the entire parcel and adjacent road right-of-way to insure all grave shafts have been located. This is a methodology accepted by the Florida SHPO.
- A literature and records search at the Presbyterian Church Archives in Philadelphia for death and burial records associated with this church cemetery.

Pursuant to our consultation it was recommended that the rezoning of this property include a special condition that these studies and the movement of any burials would be completed prior to development. The aforementioned plan must meet the state requirements (specifically the Division of Historical Resources) concerning this cemetery.

The initial survey of the above-referenced parcel was completed by Panamerican Consultants, Inc., under subcontract to ASC Geosciences, Inc., as requested by the Florida SHPO in a correspondence to Andrea Golli from Fredrick P. Gaske dated March 28, 2007. This survey led to the consultation and plan outlined above.

The plan also includes:

- Excavation and relocation of all existing burials and vaults.
- A letter to known relatives indicating that ground disturbances are planned for the site, and while it is our understanding that the graves have been moved, Bright

ALABAMA
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Tuscaloosa AL 35404
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panam@panamconsultants.com

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2390 Clinton Street
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Horizons will hire professionals to insure that if any remains are uncovered they will be respectfully placed in the new cemetery lot where the relocation has been approved.

- A funeral director being present during the moving or a portion of the moving of the burials.
- The complete excavation of all graves and any anomalies identified in the GPR survey.

The current relocation area should be sufficient for most of the burials, although some minimal additional space would be set aside for the vaults. The aforementioned plan will meet the state requirements and should be included as a special condition for the rezoning of this parcel and future land use amendment, which should be completed prior to development.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul L. Jones", with a long horizontal flourish extending to the right.

Paul L. Jones, RPA
Vice President and Senior Archaeologist



Panamerican Consultants, Inc.

Cultural Resource Management
Terrestrial Archaeology
Maritime Archaeology
Architectural History
Geographic Information Systems



May 14, 2007

Robert Rossi
Bright Horizons
200 Talcott Avenue S
Watertown, MS 02472

Re: ASC Project No. 07L1502/DHR Project File 2007-1692
A 1.58-acre Parcel in Seminole County, Florida

Dear Andrea,

The following represents an update concerning the ground-truthing completed by Panamerican Consultants, under subcontract to ASC Geosciences, Inc. This service was requested by the Florida State Historic Preservation Officer (SHPO) in correspondence to Andrea Golli from Fredrick P. Gaske dated March 28, 2007, regarding the 1.58-acre Parcel in Seminole County, Florida. Ground-truthing was performed in two separate testing episodes using two separate methodologies. The first was the use of a metal probe to determine the presence/absence of buried resources, especially additional buried or covered vaults not identified in the thermal imaging report of June 15, 2000. Following the result of the probing survey, shovel testing and coring was completed in those areas determined to be likely grave sites. The results of the testing indicated the presence of burials. This includes decorative metal fittings (See Figure 1), brick from additional vaults, iron braces, and wood screws with wood adhering consistent with coffin hardware, portions of a glass coffin viewing window, an iron thumbscrew and numerous coffin nails, screws, and metal tabs (Figure 2).

No identifiable human remains were recovered, but the acid soils of this area would make preservation of any remains minimal. Because intact vaults are present, and significant coffin remains are evident, it appears that the assertion that the bodies were relocated at some point in the past is problematic. It is our opinion that if this relocation took place, only some remains were relocated and that at least some burials may still be in their original location. Since the individual who claimed the burials had been relocated has since died himself, we have not been able to obtain first-hand information concerning this work. Even if the information were available, the field testing indicates that there are still extant unmoved graves.

Given the likelihood of extant burials we recommend the following work be completed prior to any ground-disturbing activities:

5910 Benjamin Center Drive, Suite 120 ♦ Tampa, Florida 33634
Phone (813) 884-6351 ♦ Fax (813) 884-5968 ♦ Toll Free (800) 642-1008

Alabama ♦ Florida ♦ Georgia ♦ Louisiana ♦ New York ♦ North Carolina ♦ Tennessee

www.panamconsultants.com

-
- Ground-penetrating radar (GPR) survey of the entire parcel and adjacent road right-of-way to insure all grave shafts have been located. This is a methodology accepted by the Florida SHPO.
 - A literature and records search at the Presbyterian Church Archives in Philadelphia for death and burial records associated with this church cemetery. A Philadelphia-area researcher can be contracted to complete this search.

Prior to construction, the relocation of the existing burials should be completed. The current relocation area should be sufficient for most of the burials, although some minimal additional space should be set aside for the vaults. Specifically we would recommend:

- Excavation and relocation of all existing burials and vaults.
- A letter to known relatives indicating that ground disturbances are planned for the site, and while it is your understanding that the graves have been moved, you have hired professionals to insure that if any remains are uncovered they will be respectfully placed in the new cemetery lot where the relocation has been approved.
- Consider having a funeral director present during the moving or a portion of the moving. This is not legally required since they are being relocated to the same cemetery, but is relatively inexpensive and precludes any appearance of impropriety.
- Completely excavate all graves and anomalies identified in the GPR survey.

PCI has held meetings with the Florida State Archaeologist (without specifying the project location) and he has agreed on behalf of the SHPO to support this methodology for the completion of this undertaking. We look forward to assisting you with this sensitive issue and will complete the work in a timely fashion.

Sincerely,

Paul L. Jones, RPA
Vice President

cc: Kelly Driscoll
Andrea Golli





Figure 1. F.S. 2.01-2.08 Metal decorative fittings

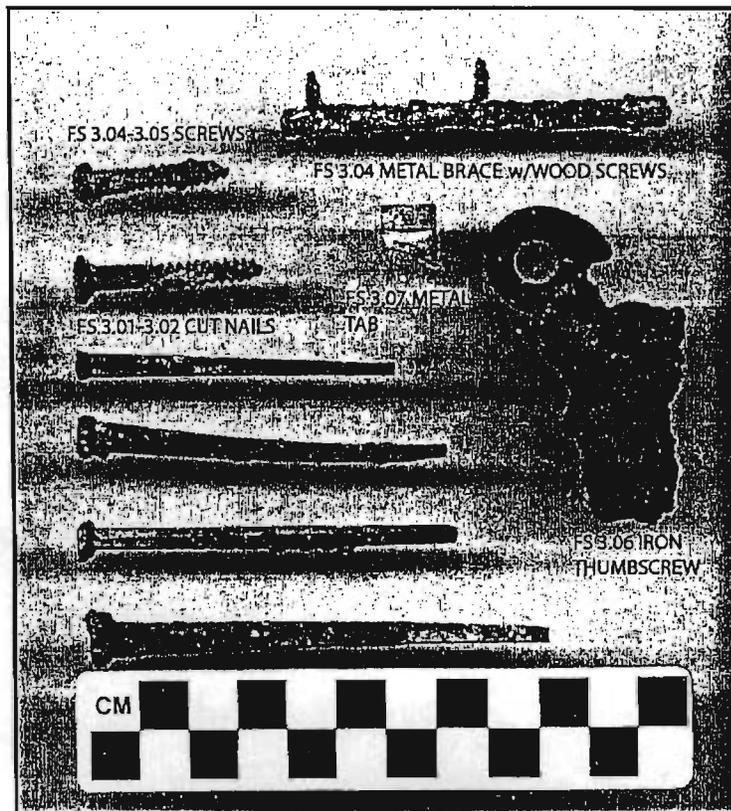


Figure 2. F.S. 3.02-3.07 Iron thumbscrew and numerous coffin nails, screws, and metal tabs



Watkins, Austin

From: Tomerlin, Tom
Sent: Monday, June 18, 2007 2:12 PM
To: Watkins, Austin
Subject: FW: Rezone, DHR File No. 1692
Attachments: HumanRemainsIssues.doc

Austin,

With the state saying there is no jurisdiction, I would use some adaptation of their attached stipulation and add additional conditions as discussed with Jay. I think most of the graveyard stipulations are outlined in the consultant report included in the application.

Tom Tomerlin, Principal Planner
 Seminole County Government
 Planning Division
 1101 East First Street
 Sanford, FL 32771
 PH 407.665.7430
 FX 407.665.7385

From: Harp, Susan [mailto:SHarp@dos.state.fl.us]
Sent: Friday, June 15, 2007 3:11 PM
To: Tomerlin, Tom
Subject: RE: Rezone, DHR File No. 1692

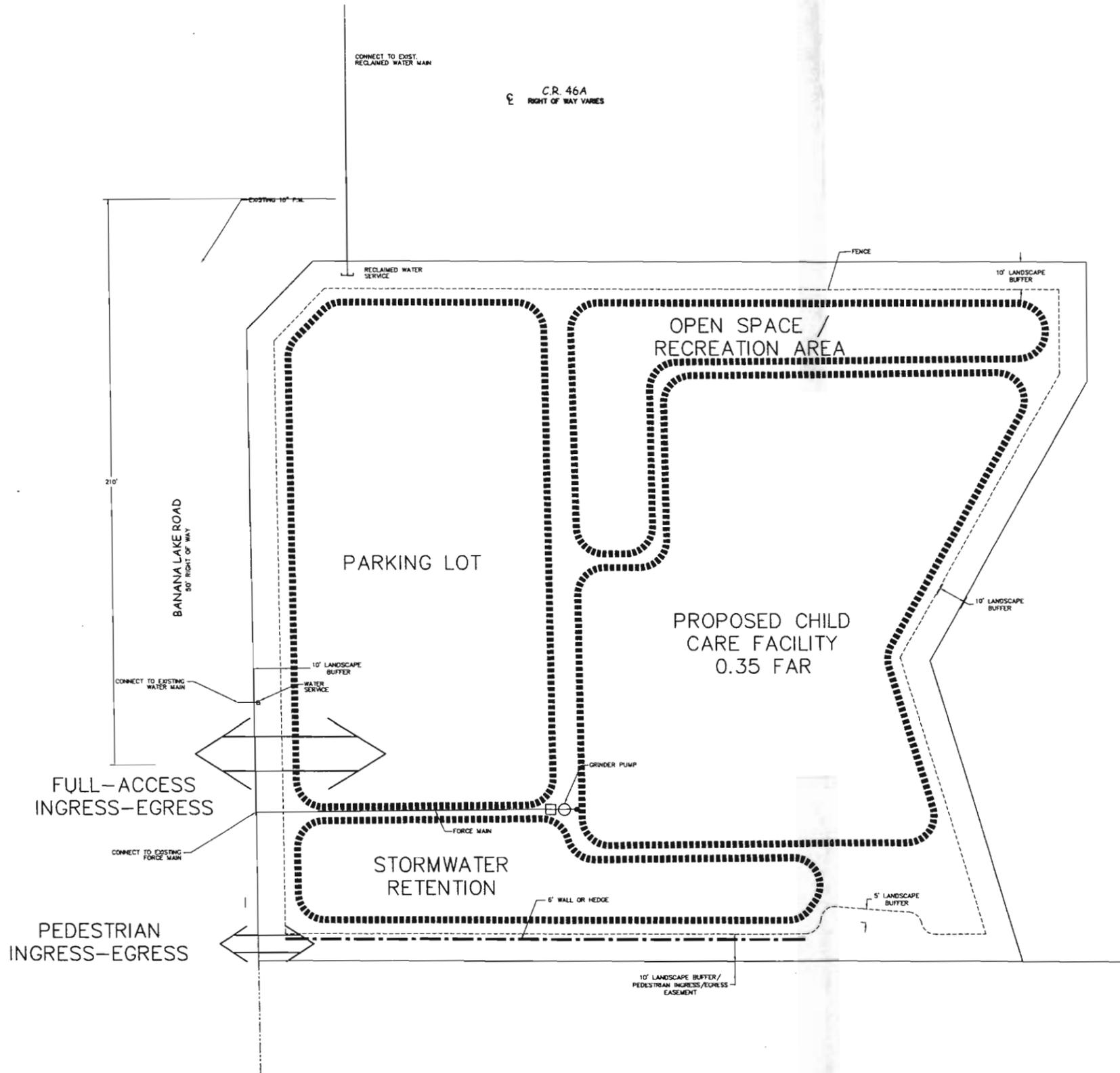
Tom - attached you will find some language which may be helpful in approving the land use amendment/zoning change. I spoke with the State Archaeologist about this situation, and he said that because it was a marked graveyard at one point, we do not take jurisdiction -- it is not treated as unmarked human remains. Nevertheless, should the need arise, we can assist in discussing alternatives in dealing with the human remains.

Please do not hesitate to contact us if you have any additional questions.

Susan M. Harp
 Historic Preservation Planner
 Division of Historical Resources
 R. A. Gray Building
 500 S. Bronough Street
 Tallahassee, FL 32399-0250

(850) 245-6333

It is the opinion of the Division of Historical Resources that should this proposed land use and rezoning project be given preliminary approval to proceed with planning and development, this approval should be conditioned upon a cultural resource assessment survey being conducted to determine if human remains are present within this property. This project area must be ground truthed by a qualified professional archaeologist to determine presence/absence of any burials. Once the field work has been conducted and the results known, a report, meeting the standards of Chapter 1A-46, *Florida Administrative Code*, should be submitted to this agency for review. Should human remains be encountered, further consultation with the agency should occur prior to any project related land clearing or ground disturbing activities in order to provide further recommendations.



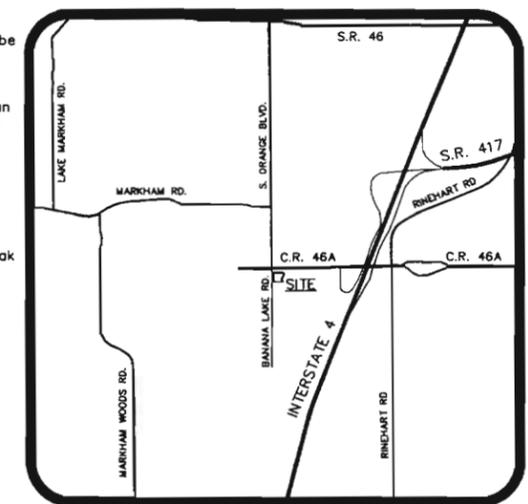
SITE DATA:

1. Site is located in unincorporated Seminole County, Florida.
 - a. Section 6; Township 20S; Range 30E
 - b. Parcel ID: 06-20-30-300-0080-0000.
2. Site is within the Aquifer Recharge Overlay District (Part 54 Chapter 30).
3. Current Site Zoning: A-1 Proposed Zoning: PUD
4. Site Contains 1.61 Acres (70,198 sq. ft.), more or less.
5. Total Developable Area = 1.61 ac. - 0.00 ac. Conservation = 1.61 ac.
6. Existing FLU: Public / Suburban Estates Proposed Use: Office
7. Number of anticipated occupants:
 - Students: 150
 - Employees: 20
8. Proposed density shall be limited to 0.35 FAR (24,570 sf).
9. Impervious Area coverage shall not exceed 65% (Sec. 30-1027 LDC).
10. Solid waste disposal services will be provided by Seminole County.
11. Fire protection shall be provided in accordance with Seminole County LDC.
12. Proposed parking shall provide adequate off-street space for loading and unloading of children.
13. Building Constraints:
 - Max Building Height (ft.) 35 / 2 Story
14. Building Setbacks from property lines
 - North: 25'
 - South: 10'
 - East: 10'
 - West: 10'
15. Easements Provided (Proposed): As shown.
16. Open Space Area Required: 25% of developable area = 0.25 * 1.61 ac = 0.40 ac.

Open Space Category	Area Provided	Area Allowed
Category 'A'	0.40 ac.	0.40 ac. (100% of required)
Category 'B'	0.00 ac.	0.00 ac. ('B'+ 'C' < 50% of required)
Category 'C'	0.00 ac.	0.00 ac. (25% of required)
Totals	0.40 ac.	0.40 ac. > Area Required
17. Recreation Area Required: N/A
18. No aircraft noise/land use control zone is located on site.
19. No wetland or surface water impacts are proposed with this project.
20. Entire development is within Zone X (areas outside 500-year floodplain) as shown on FEMA FIRM Panel 12117C 0040E, effective 4/17/95.
21. Stormwater treatment and attenuation will be in accordance to SJRWMD and Seminole County standards. Stormwater retention may be provided in underground retention system. Stormwater drainage patterns will be maintained through the use of a stormwater outfall to Banana Lake Road R/W and/or Parcel 113B.
22. Water, Sewer, and Reclaimed service is provided by Seminole County. Site will connect to Water, Sewer, and Reclaimed Water mains located in Banana Lake or C.R. 46A right-of-ways. Any portion of the site used by students may be irrigated with potable water.
23. All traffic markings shall be in accordance with Seminole County and FDOT roadway specifications
24. 5' Sidewalk will be constructed adjacent to property abutting Banana Lake Road R/W.
25. Banana Lake Road pavement shall be widened to 24' along property.
26. Site is buffered from Karst Area by Parcel 113B to the east. No additional buffer from the karst area will be provided onsite.
27. Onsite Soils:

Soil Number	Soil Name	HSG
17	Brighton, Samsula, and Sanibel mucks	B/D
31	Tavares-Millhopperfine sands, 0 to 5 percent slopes	A
28. Buffer schedule:
 - South Property Line - 10' landscaped buffer containing:
 - 8 canopy trees per 100 feet of property line.
 - Plantings and other screening and amenity items located within the buffers shall be consistent with Seminole County LDC, Chapter 30.
 - pedestrian access between Banana Lake Road and existing cemetery within pedestrian access easement
 - 6' tall masonry wall or hedge within the pedestrian access easement separating the pedestrian access from the site.
 - North/West/East - 10' landscaped buffer containing:
 - 4 canopy trees per 100 feet of property line.
 - Plantings and other screening and amenity items located within the buffers shall be consistent with Seminole County LDC, Chapter 30.

Other: Stormwater Retention Areas included in the Open Space calculations shall be amenitized per Seminole County LDC Section 30-1344(e)(3)(a)(iv).
29. Common open space and facilities will be maintained by a property owners' association.
30. The removal or relocation of any historically significant artifacts or human remains/headstones shall be completed pursuant to the Seminole County Comprehensive Plan and all State Statutes. Prior to breaking ground, approval must be received from the Florida Department of State, Division of Historical Resources.
31. Development Impacts:
 - Traffic Impact: 105 Trips during AM peak per ITE Trip Generation Manual
 - Water Impact: 40 gpm PHF per AWWA M22
 - Sewer Impact: 40 gpm PHF same as above
 - Reclaimed Impact: 10 gpm AADF



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date 06/2007	No. 6-07	Date	Revisions
drawn ACA			REVISIONS PER ZONING COMMENTS DATED JUNE 6, 2007
file name: MSP			
job BRIGHT_HOR			



community engineering services, inc.
civil engineering • surveying • project management

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Telephone (407) 834-4003 Fax (407) 896-5454

PRELIMINARY MASTER PLAN
OF
BRIGHT HORIZON CHILD CARE FACILITY

FOR
BRIGHT HORIZONS FAMILY SOLUTIONS
200 TALCOTT AVENUE, SOUTH
WATERTOWN MASSACHUSETTS, 02472
PHONE: (617) 673-6636

scale: 1"=20'

SHEET

1 OF 1

date _____