

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

SUBJECT: Bougainvillea Clinique Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and Rezone from R-1AA (Single Family Residential) to OP (Office).

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

AUTHORIZED BY: Tina Williamson **CONTACT:** Ian Sikonia **EXT.** 7398

Agenda Date <u>9/5/07</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 the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and a rezone from R-1AA (Single Family Residential) to OP (Office) on approximately 2.5± acres, located on the north east section of the intersection of SR 426 and Bear Gully Road, and recommend approval of the attached Development Order per staff findings; (Dr. Jeffrey Hartog, applicant); or

2. **RECOMMEND DENIAL** of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and a rezone from R-1AA (Single Family Residential) to OP (Office) on approximately 2.5± acres, located on the north east section of the intersection of SR 426 and Bear Gully Road; (Dr. Jeffrey Hartog, applicant); or

3. **CONTINUE** the item to a time and date certain.

District 1 – Dallari

Ian Sikonia, Senior Planner

BACKGROUND:

The applicant requests a Small Scale Land Use Amendment from LDR (Low Density Residential) to OFF (Office) and a rezone from R-1AA (Single Family Dwelling District) to OP (Office) on approximately 2.5± acres, located on the north east section of the intersection of SR 426 and Bear Gully Road. This site was previously approved in 2002 for a one story 18,000 square foot medical facility not to exceed 35 feet in height. The requested zoning and Land Use

Reviewed by:
Co Atty: <u>KFT</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2007-17</u>

would potentially allow for a 23,445 square foot medical/office building. There is an existing 9,320 square foot medical facility onsite which they propose to expand to the 23,445 square foot structure. The proposed FAR for the site is 0.19 which is under the maximum allowable of 0.35 for the Office Future Land Use.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and a rezone from R-1AA (Single Family Residential) to OP (Office) on approximately 2.5± acres, located on the north east section of the intersection of SR 426 and Bear Gully Road.

Attachments:

Staff Report
Location Map
Land Use & Zoning Map
Aerial Map
Site Plan
Approval Development Order
Small Scale Land Use Ordinance
Rezone Ordinance
Denial Development Order

BOUGAINVILLEA CLINIQUE SMALL SCALE LAND USE AMENDMENT AND REZONE	
APPLICANT	Dr. Jeffrey Hartog
PROPERTY OWNER	BVC Properties, LLC
REQUEST	Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and rezone from R-1AA (Single Family Residential) to OP (Office).
PROPERTY SIZE	2.5 ± acres
HEARING DATE (S)	P&Z: September 5, 2007 BCC: October 23, 2007
PARCEL ID	36-21-30-300-0100-0000, 36-21-30-300-010A-0000
LOCATION	Located on the north east section of the intersection of SR 426 and Bear Gully Road.
FUTURE LAND USE	LDR (Low Density Residential) & OFF (Office)
ZONING	R-1AA (Single-Family Residential) & OP (Office)
FILE NUMBER	Z2007-17
COMMISSION DISTRICT	#1 – Dallari

Proposed Development:

The applicant is proposing to expand the existing medical office to encompass an adjacent 0.4 acre parcel.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant requests a Small Scale Land Use Amendment to change the subject property from a Low Density Residential (LDR) land use designation to Office (OFF) under the Vision 2020 Plan in order to develop the expanded medical office. The parcels as they exist today have a single family home and a medical facility on site. The zoning designation of OP (Office) allows for the requested expansion of the medical facility as a permitted use. The following table depicts the minimum regulations for the current zoning district of R-1AA (Single Family Residential) and the OP (Office):

DISTRICT REGULATIONS	Existing Zoning (R-1AA)	Proposed Zoning (OP)
Minimum Lot Size	11,700 sq. ft.	15,000 sq.ft.
Minimum House Size	1300 sq. ft.	N/A
Minimum Width at Building Line	90 ft.	N/A
Front Yard Setback	25 feet	25 feet
Side Yard Setback	10 feet	0 feet
(Street) Side Yard Setback	25 feet	25 feet
Rear Yard Setback	30 feet	10 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

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

Uses	R-1AA (existing)	OP (proposed)
Permitted Uses	Single-family dwelling and their customary accessory uses, one (1) boat dock and one (1) boathouse per lot when accessory and incidental to the principal dwelling, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents, public and private elementary schools, home offices.	Dental and medical clinics, dental and medical laboratories, General office buildings, insurance, real estate, architects, engineering, attorneys, and other professional business services, accounting, auditing and bookkeeping services, finance offices, telephone business offices and exchanges, post offices, public parks, public, private and parochial schools, playgrounds, fire stations, and administrative public buildings, churches and attendant educational buildings, day care facilities, kindergartens, public and private elementary schools, middle schools and high schools, adult living facilities and community residential homes (group homes and foster care facilities) housing more than six (6) permanent unrelated residents.
Special Exception Uses	Churches with their attendant educational, recreational buildings, and off-street parking, public and private middle schools and high schools, parks and recreational areas, publicly owned and operated, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, boathouses with roofs exceeding ten (10) feet above the mean-highwater line, assisted living facilities and community residential homes housing 7-14 permanent unrelated residents (including group homes and foster care facilities) provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area as defined in Section 419.001(3)(c), Florida Statutes (2001). In the event that the provisions of this section conflict with the provisions of Section 419.001(3)(c), Florida Statutes (2001), Section 419.001(3)(c) shall govern, communication towers, private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the Planning Manager.	Single-family dwelling unit in connection with a permitted use provided said use is occupied only by the owner or operator of the business. When permitted, the residence shall be either above the office or attached to the rear; no detached residence shall be permitted and no residence shall occupy ground-floor frontage, accessory parking for passenger vehicles when intended for a permitted adjacent commercial use. A parking lot operated as a commercial enterprise shall not be permitted, public utility and service structures, banks, savings and loan and similar financial institutions, and drive-in teller facilities, when located on a roadway having a right-of-way width of not less than eighty (80) feet, private vocational, business, and professional schools which do not have an industrial character. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required, hospitals and nursing homes. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required, nonresidential, nonprofit clubs, lodges and fraternal organizations when located on a roadway having a right-of-way width of not less than eighty (80) feet, funeral homes when located on a roadway having a right-of-way width of not less than eighty (80) feet, communication towers.
Minimum Lot Size	11,700 sq. ft.	15,000 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on the FIRM map 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 are not 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 Zoning (A-1)*	Proposed Development (A-1) ¹	Net Impact
Water (GPD)	1,282	2,345	1,063
Sewer (GPD)	1,232	2,345	1,113
Traffic (ADT)	234	590	356

* Impacts based on SFR and existing 9,320 square foot medical facility utilizing water and sewer service.

¹ Impacts based on a 23,445 square foot medical facility utilizing water and sewer service.

Utilities:

The site is located in the Southeast Seminole County utility service area, and is currently connected to public utilities. The subject property is in the ten year master plan for reclaimed water. A separate reclaimed water utility system is required. This system will be charged by a temporary jumper from the potable water main and must be connected to reclaimed water when it becomes available.

Transportation / Traffic:

The property is adjacent to SR 426 which is classified as an arterial road. SR 426 is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

School Impacts:

The proposed development will not generate any school impacts.

Public Safety:

The nearest response unit to the subject property is Station # 23, which is located at 4810 Howell Branch Rd. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is less than 5 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to meet the pre-development rate of discharge.

Parks, Recreation and Open Space:

The applicant is required to provide at a minimum 25% of the site in open space, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Seminole County LDC.

Buffers and Sidewalks:

The subject site is adjacent to properties with a residential Future Land Use Designation, therefore all development is required meet the active/passive buffering requirements of Section 30.1232 of the Land Development Code.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

This site is not located within any special 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 2.5: Transitional Land Uses
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:

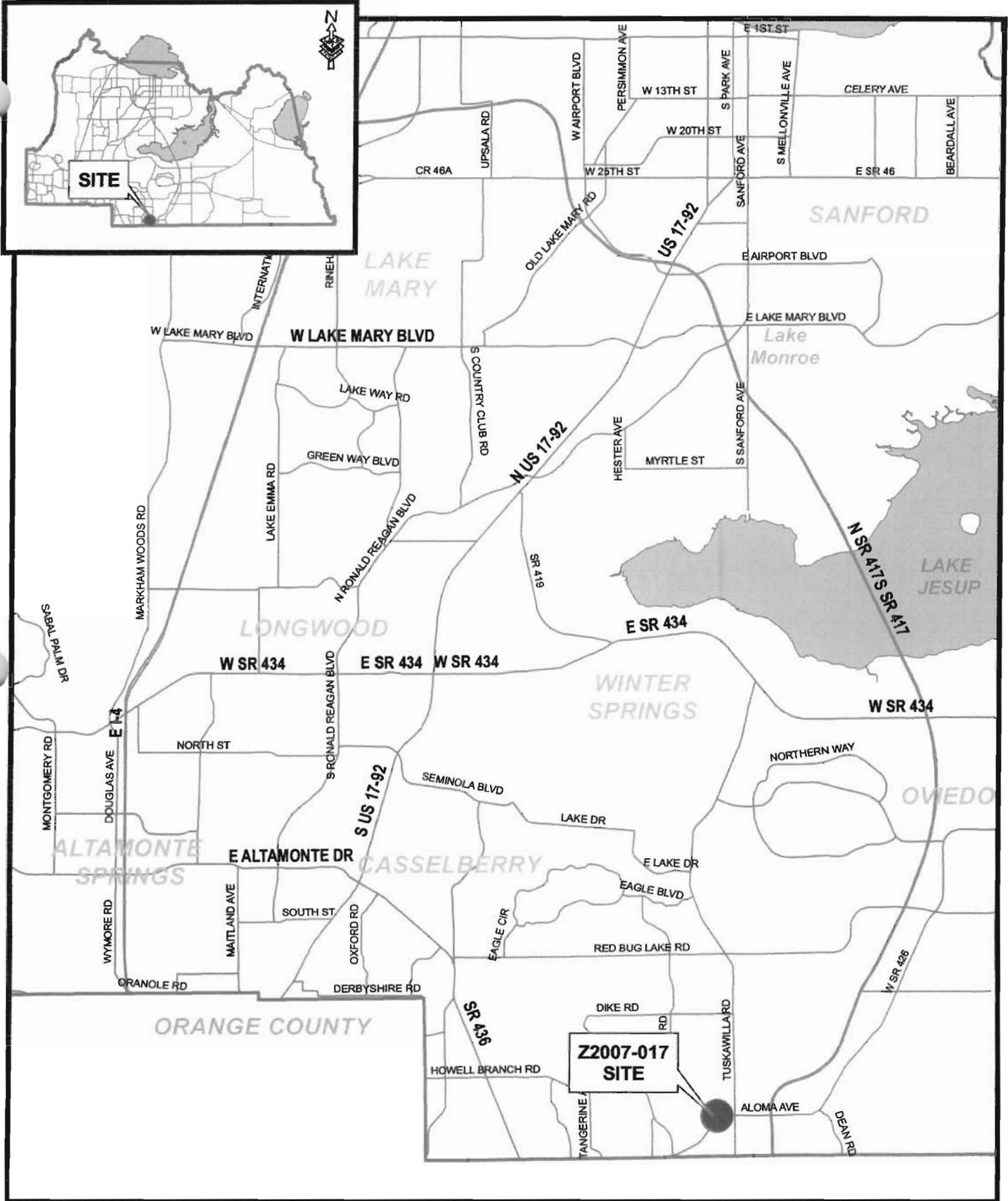
Intergovernmental notices were not sent; the subject property is not within or directly adjacent to any local municipality and will not impact schools.

LETTERS OF SUPPORT OR OPPOSITION:

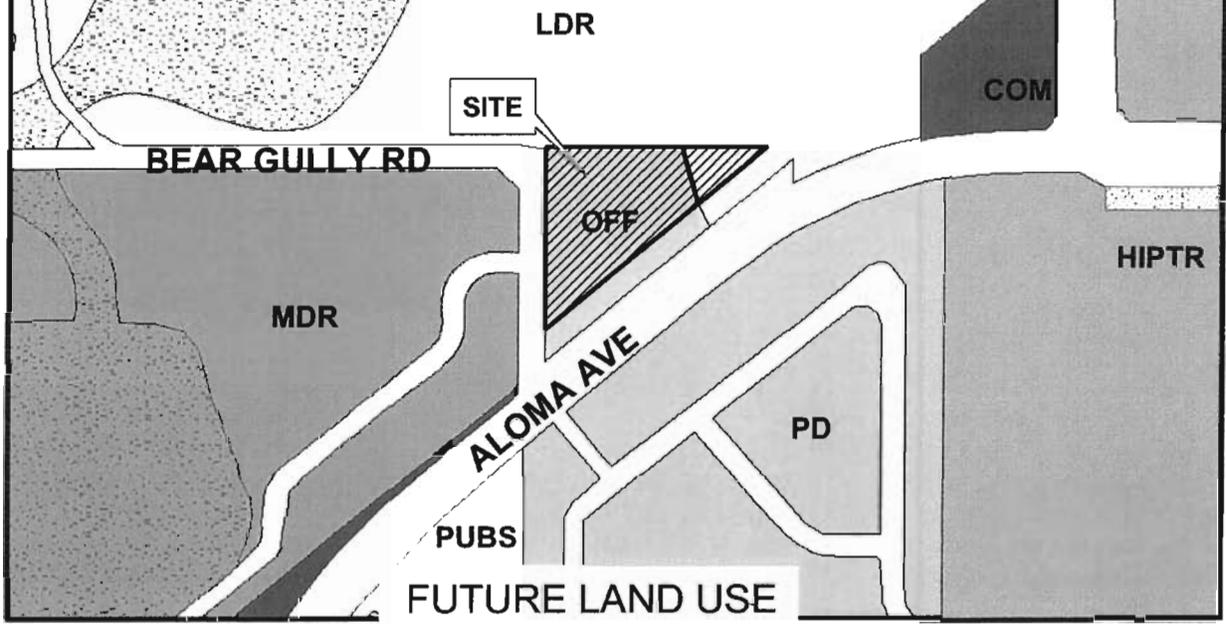
At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and a rezone from R-1AA (Single Family Residential) to OP (Office) on approximately 2.5± acres, located on the north east section of the intersection of SR 426 and Bear Gully Road.



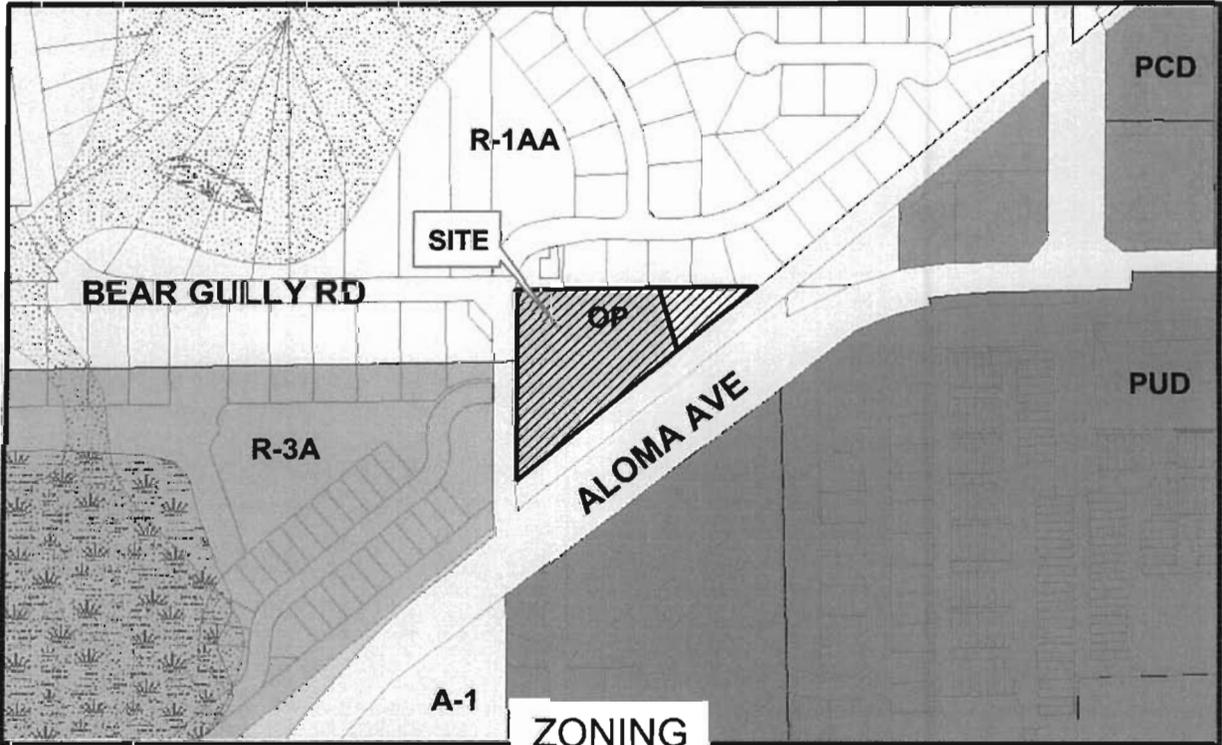
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



Site
 Municipality
 LDR
 MDR
 OFF
 COM
 CONS
 PD
 HIPTR

Applicant: Bougainvillea Clinique
 Physical STR: 36-21-30-300-0100 & 010A-0000
 Gross Acres: 2.53 +/- BCC District: 1
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	05-07SS.01	LDR/OFF	OFF
Zoning	Z2007-017	R-1AA/OP	OP



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

filename: L:\pi\projects\p&z\GIS\staff_report_pkgs2007\amendments\z2007-017.mxd 04/08/07

Note: The Future Land Use map reflects the realigned parcel base, whereas the Zoning Map still utilizes the non shifted parcels. On occasion, this will result in discrepancies between the two maps.



Rezone No: Z2007-017
From: R-1AA/OP To: OP

FLU No: 05-07SS.01
From: LDR/OFF To: OFF

- Parcel
- Subject Property



Winter 2006 Color Aerials

**SEMINOLE COUNTY APPROVAL DEVELOPMENT
ORDER**

On October 23, 2007, 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: BVC Properties, LLC
Dr. Jeffrey Hartog
4355 Bear Gully Rd.
Winter Park, FL 32792

Project Name: Bougainvillea Clinique Rezone and Land Use Amendment

Requested Development Approval:

Small Scale Future Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and rezone from R-1AA (Single Family Residential) to OP (Office)

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:
Ian Sikonia, 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 Site Plan attached as Exhibit B.
- b. The permitted and special exception uses shall be in accordance with the OP zoning district.
- c. The maximum allowable building square footage shall be no more than 23,445 square feet up to a maximum FAR of 0.19 on site.
- d. Maximum allowable building height shall be one story up to 35 feet.
- e. There shall be one allowable access onto Bear Gully Road as shown on the site plan.
- f. All landscape buffers will be provided per Seminole County Land Development Code requirements.

(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 D. Henley
Chairman, Board of County Commissioners

Z2007-17

Development Order # 07 22000004

EXHIBIT A

Legal Description

The Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 31, Township 21 South, Range 30 East, Seminole County, Florida, lying North of the Seaboard Coastline Railroad right or way, less the West 60 feet.

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 LOW DENSITY RESIDENTIAL TO OFFICE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 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, on September 5, 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 October 23, 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 IN 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:

(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

ORDINANCE NO. 2007-

SEMINOLE COUNTY, FLORIDA

Z2007-17

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 23rd day of October, 2007.

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

By: _____
Carlton Henley, Chairman

ORDINANCE NO. 2007-

SEMINOLE COUNTY, FLORIDA

Z2007-17

APPENDIX A

Legal Description

The Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 31, Township 21 South, Range 30 East, Seminole County, Florida, lying North of the Seaboard Coastline Railroad right of way, less the West 60 feet.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1AA (SINGLE FAMILY DWELLING DISTRICT) ZONING CLASSIFICATION THE OP (OFFICE) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Bougainvillea Clinique Rezone and Land Use Amendment", dated October 23, 2007.

(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 R-1AA (Single Family Dwelling District) to OP (Office):

SEE ATTACHED EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order #07-22000004 in the Official Land Records of Seminole County.

ENACTED this 23rd day of October July 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A

Legal Description

The Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 31, Township 21 South, Range 30 East, Seminole County, Florida, lying North of the Seaboard Coastline Railroad right of way, less the West 60 feet.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On October 23, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

FINDINGS OF FACT

Property Owner: BVC Properties, LLC
Dr. Jeffrey Hartog
4355 Bear Gully Rd.
Winter Park, FL 32792

Project Name: Bougainvillea Clinique Rezone and Land Use Amendment

Requested Development Approval:

Small Scale Future Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and rezone from R-1AA (Single Family Residential) to OP (Office)

The Board of County Commissioners has determined that the request for a Small Scale Future Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and rezone from R-1AA (Single Family Dwelling District) to OP (Office) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Bougainvillea Clinique Rezone and Land Use Amendment from Low Density Residential (LDR) to Office (OFF); and rezone from R-1AA (Single Family Dwelling District) to OP (Office)" and all evidence submitted at the public hearing on October 23, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval 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

Z2007-17

Development Order # 07 22000004

EXHIBIT A

Legal Description

The Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 31, Township 21 South, Range 30 East, Seminole County, Florida, lying North of the Seaboard Coastline Railroad right or way, less the West 60 feet.