

ITEM # _____

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

SUBJECT: East Lake Brantley Drive (157) Rezone from RP to RP

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

AUTHORIZED BY: Tina Williamson **CONTACT:** Austin Watkins EXT. 7440

Agenda Date 10/03/2007 **Regular** **Work Session** **Briefing**
Special Hearing – 6:00 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. **RECOMMEND APPROVAL** of the request to rezone 0.27 ± acres, located on the west side of East Lake Brantley Drive approximately 400 feet north of SR 434, from RP (Residential Professional) to RP (Residential Professional), and approval of the associated Site Plan and Revised and Restated Development Order, based on staff findings (Paul Hoffman, applicant); or
2. **RECOMMEND DENIAL** of the request to rezone 0.26 ± acres, located on the west side of East Lake Brantley Drive approximately 400 feet north of SR 434, from RP (Residential Professional) to RP (Residential Professional), and the associated Site Plan and Development Order (Paul Hoffman, applicant); or
3. **CONTINUE** the item to a time and date certain.

District #3 – Van Der Weide

Austin Watkins, Senior Planner

BACKGROUND:

On October 14, 1994 the Board of County Commissioners rezoned the subject property from R-2 (One and Two Family Dwelling) to RP (Residential Professional) to allow for a management office with a maximum of three (3) employees. The Development Order required any other office use to be approved by the Board of County Commissioners (BCC) after a determination that sufficient parking is available.

Reviewed by:
Co Atty: KFT
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. Z2007-54

The applicant, Paul Hoffman, is requesting to rezone the property from RP to RP to allow for a wider variety of office uses. The applicant is requesting general office as the permissible use on the property. The attached site plan depicts seven (7) parking spaces and one (1) handicap space. Additionally, the applicant is requesting to increase the number of employees. All other conditions of the Development Order will remain the same.

The Seminole County Land Development Code (LDC) requires uses other than single-family residential to be reviewed by the Planning and Zoning Commission and approved by the BCC. Staff recommends that during this rezone, the site be approved for Professional and General Office uses listed as Special Uses in the RP zoning classification, with the following prohibited uses: Medical and Dental Offices, Dental and Medical Clinics and Medical and Dental Laboratories. Further, Staff recommends that no more than six (6) employees be allowed on the property at a given time. The BCC may allow any of the special uses upon making the following findings of fact pursuant to Section 30.624 of the LDC:

1. Is not detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area; and
2. Is not incompatible with the concept of low intensity of land usage and site coverage; and
3. Does not have an unduly adverse effect on existing traffic patterns, movements, and intensity.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 0.27 ± acres, located on the west side of East Lake Brantley Drive approximately 400 feet north of SR 434, from RP (Residential Professional) to RP (Residential Professional), and recommends approval of the associated Site Plan and Revised and Restated Development Order.

Attachments:

Location Map

Zoning and Future Land Use Map

Aerial Map

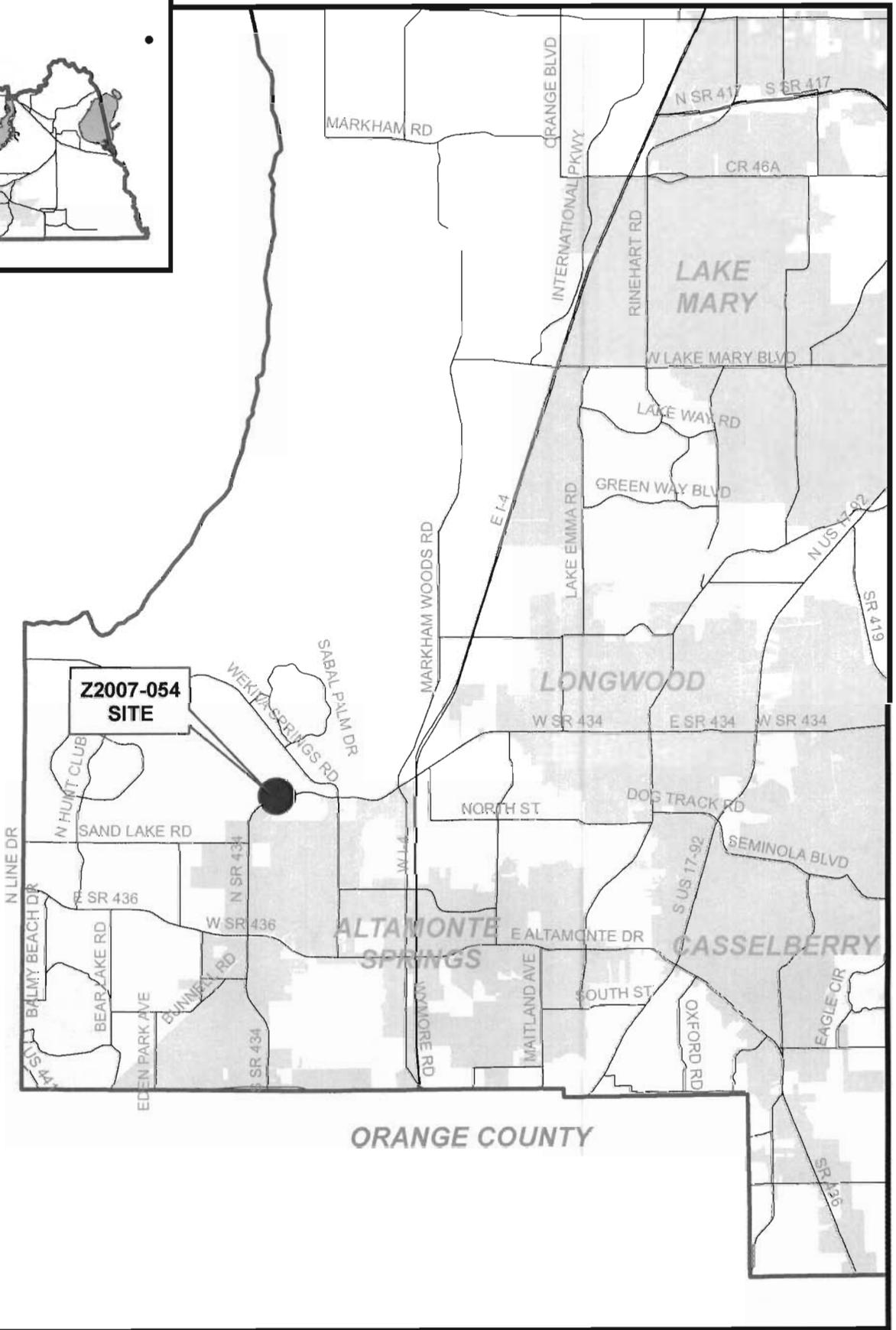
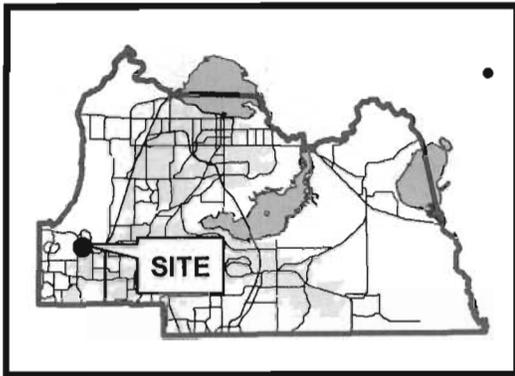
Site Plan

Revised and Restated Development Order

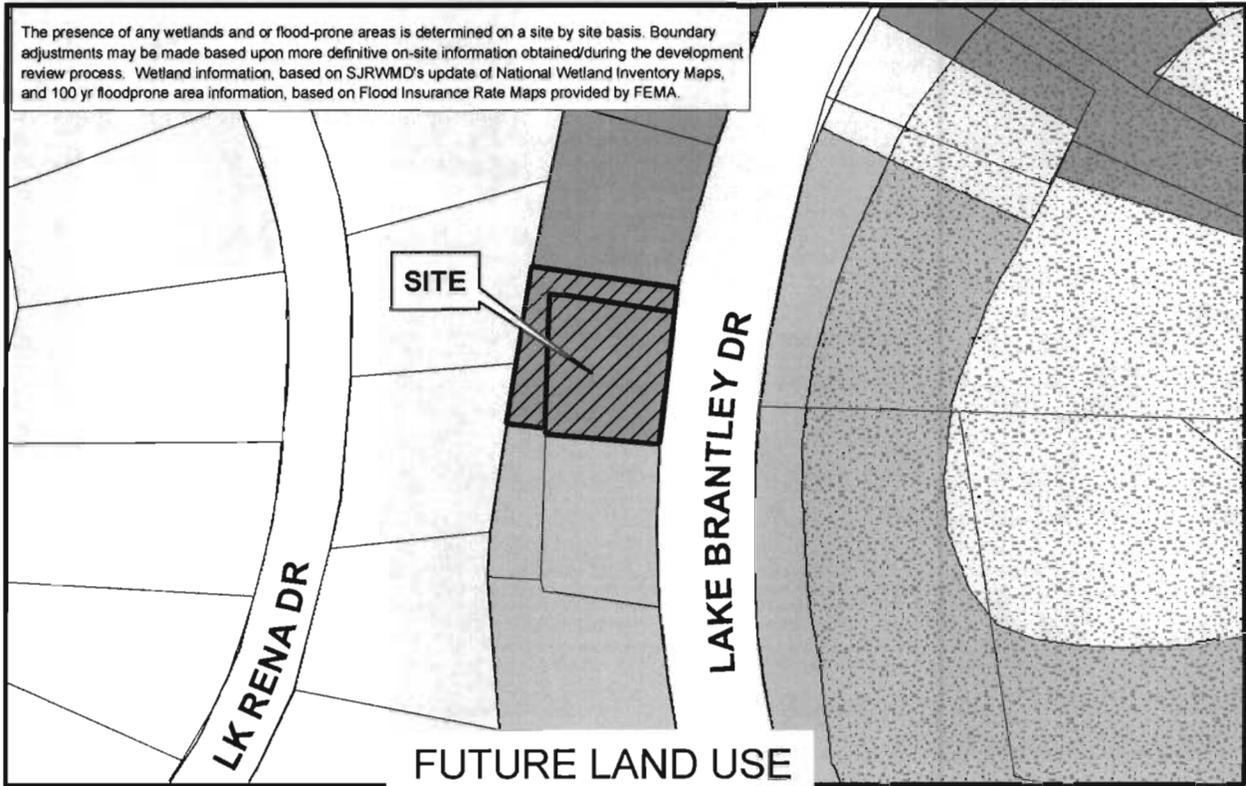
Rezone Ordinance

Denial Development Order (applicable only if the request is denied)

October 14, 1994 Development Order



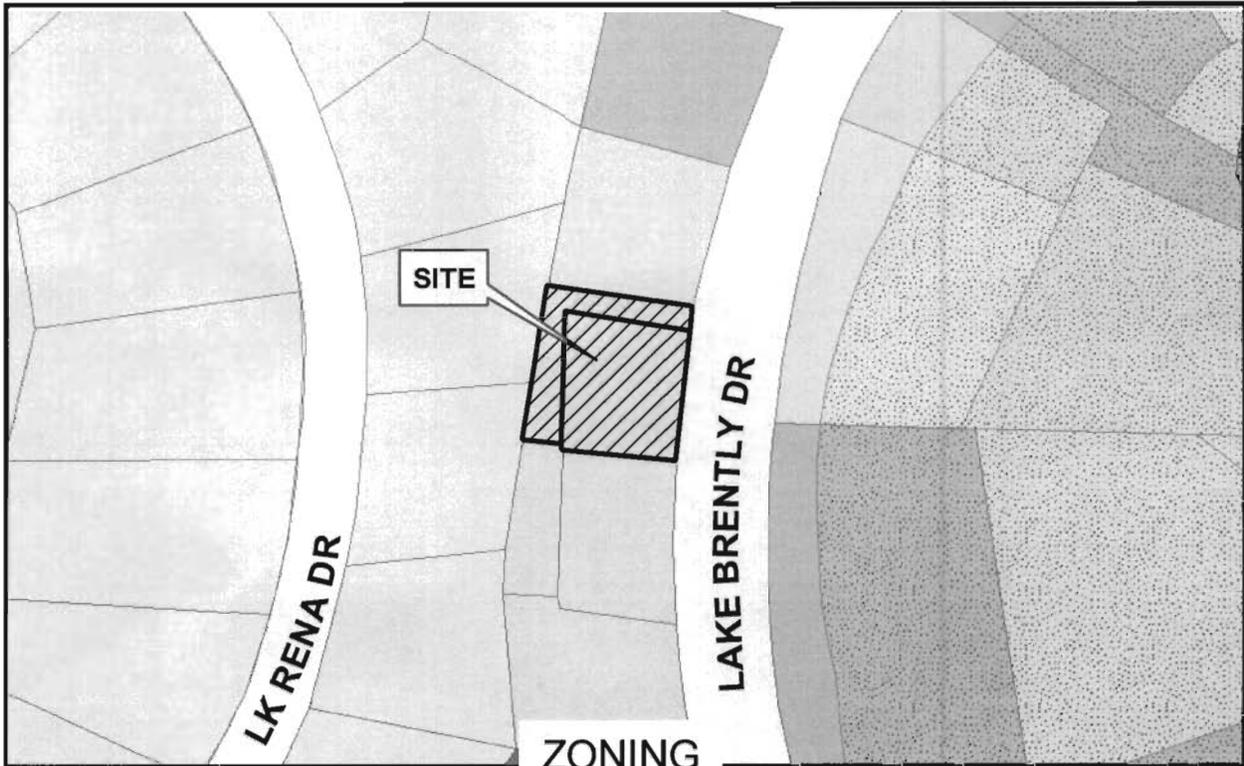
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR ■ MDR ■ OFF ■ PUBU ■ Site ■ CONS Municipality

Applicant: Paul Hoffman
 Physical STR: 04-21-29
 Gross Acres: .26 +/- BCC District: 3
 Existing Use: office
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-054	RP	RP



□ R-1AA ■ R-1A ■ R-2 □ RP ■ OP ■ FP-1 ■ W-1



Rezone No: Z2007-054
From: RP To: RP

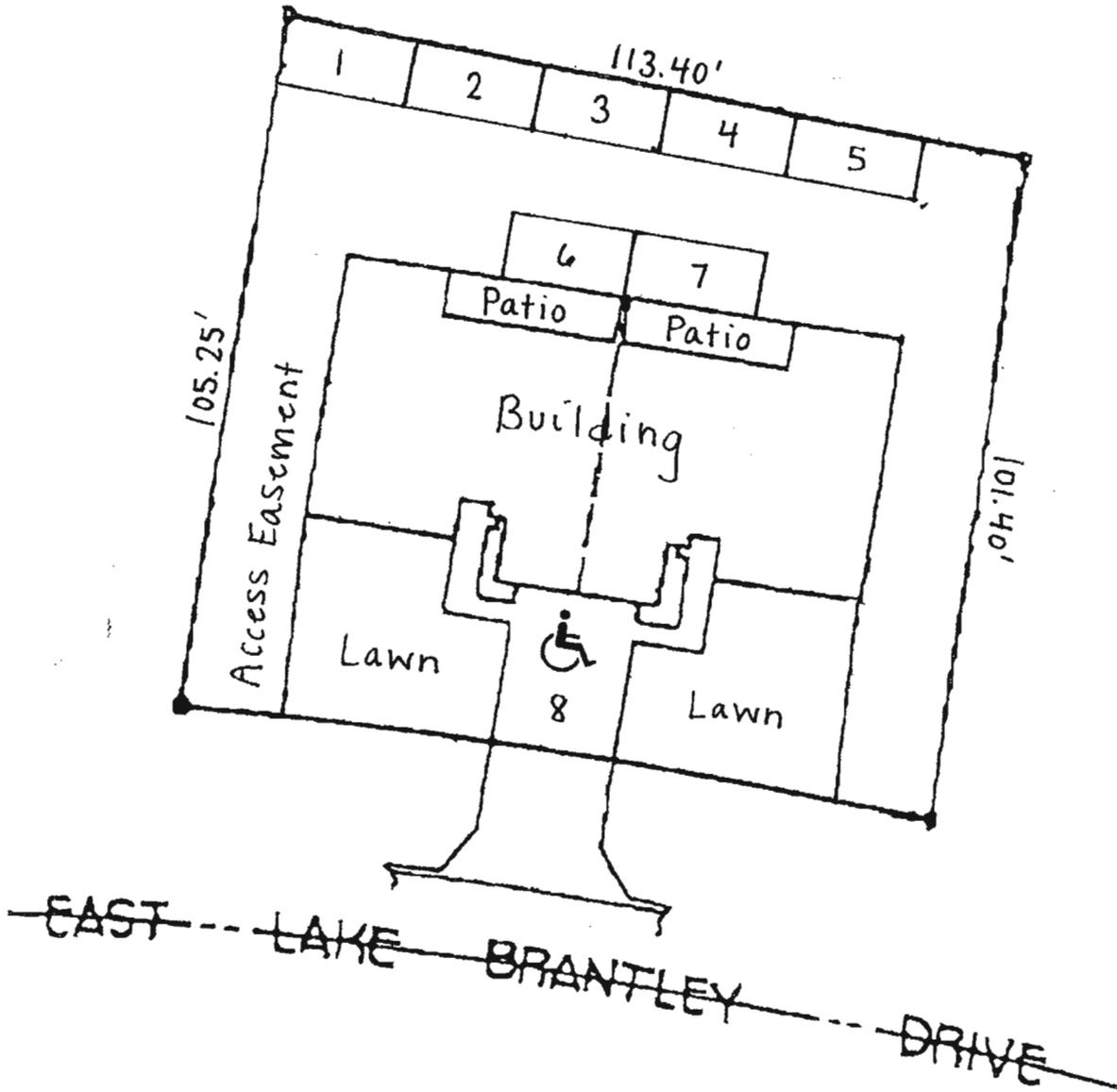
- Parcel
- Subject Property



Winter 2006 Color Aerials

SITE PLAN: 157 E LAKE BRANTLEY DRIVE

1" = 26'



**REVISED AND RESTATED
DEVELOPMENT ORDER**

The Development Order dated October 14, 1994 is hereby further revised on November 13, 2007 to read as follows:

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(s): Golden Apple Enterprises, LLC

Project Name: East Lake Brantley Drive (157) Rezone from RP to RP

Requested Development Approval: The applicant is requesting a rezone from RP to RP.

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, 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 (plain text is provided for reference, underlines are additions, strikethroughs are deletions):

- A. A dedication of a cross access easement and utilization of a joint driveway along the southern property line.
- B. Installation of a 6' high masonry wall along the western property line and installation of all parking and landscaping as required by the Land Development Code.
- ~~C. Property to be used as a management office with a maximum of three employees. Any other office use must be approved by the Board of County Commissioners after determination that sufficient parking is available.~~
- C. Permitted Uses: General and Professional Offices. The following uses are Prohibited: Medical and Dental Offices, Dental and Medical Clinics, Dental and Medical Laboratories.
- D. No more than six (6) employees may be on property at a given time.
- E. Development shall comply with the Site Plan attached as Exhibit "B".

(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

OWNERS' CONSENT AND COVENANT

COMES NOW, the owner, the Golden Apple Enterprises, LLC., on behalf of itself and its heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:

OWNERS:

Witness

Scott D. Appleton
Manager Golden Apple Enterprise, LLC

Witness

Acknowledgement

STATE OF FLORIDA }
COUNTY OF SEMINOLE }

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

Notary Public
Print Name:
My Commission expires:

EXHIBIT "A"
LEGAL DESCRIPTION:

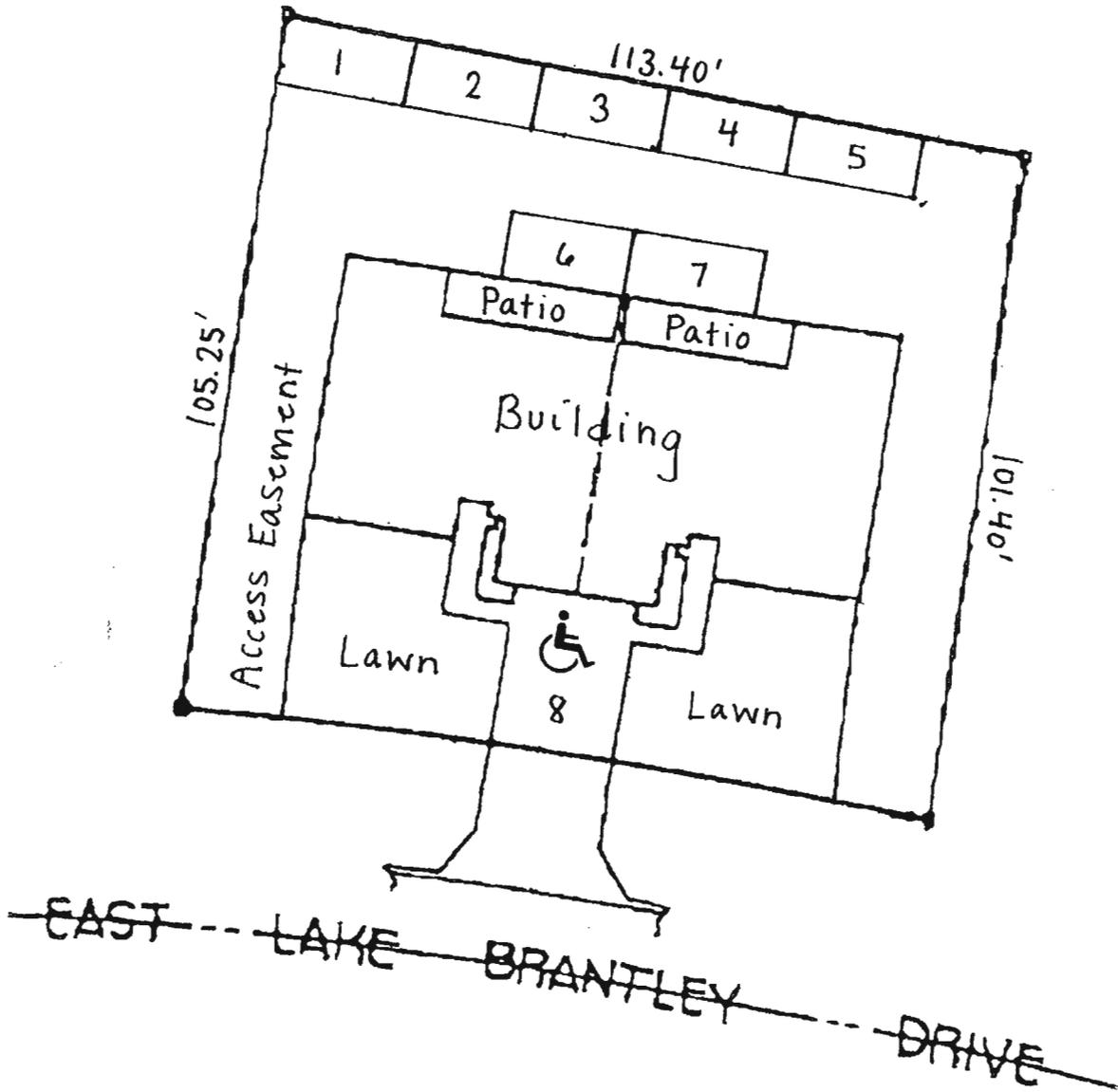
LEG NLY 95.89 FT OF LOT 11 (LESS LK BRANTLEY DR) BLK C MEREDITH MANOR
NOB HILL SEC

PB 9 PG 55 & 04-21-29-513-0C00-00A1 NLY 113.29 FT OF LOT A REPLAT OF BLK C
NOB HILL SECTION MEREDITH MANOR PB 14 PG 21

EXHIBIT "B"
Site Plan

SITE PLAN: 157 E LAKE BRANTLEY DRIVE

1" = 26'



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 RP (RESIDENTIAL PROFESSIONAL) ZONING CLASSIFICATION THE RP (RESIDENTIAL PROFESSIONAL) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM 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 East Lake Brantley Drive (157) Rezone from RP to RP, dated November 13, 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 RP (Residential Professional) to RP (Residential Professional):

SEE ATTACHED EXHIBIT "A"

Section 3. EXCLSUION 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 on the recording date of the Development Order # 07-20000011 in the Official Land Records of Seminole County.

ENACTED this 13th day of November 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT "A"
LEGAL DESCRIPTION

LEG NLY 95.89 FT OF LOT 11 (LESS LK BRANTLEY DR) BLK C MEREDITH MANOR NOB
HILL SEC

PB 9 PG 55 & 04-21-29-513-0C00-00A1 NLY 113.29 FT OF LOT A REPLAT OF BLK C
NOB HILL SECTION MEREDITH MANOR PB 14 PG 21

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On November 13, 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): Golden Apple Enterprises, LLC

Project Name: East Lake Brantley Drive (157) Rezone from RP to RP

Requested Development Approval: The applicant is requesting a rezone from RP to RP.

The Board of County Commissioners has determined that the request for rezone from RP to RP is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "East Lake Brantley Drive (157) Rezone from RP to RP" and all evidence submitted at the public hearing on November 13, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from RP to RP 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

EXHIBIT "A"
LEGAL DESCRIPTION:

LEG NLY 95.89 FT OF LOT 11 (LESS LK BRANTLEY DR) BLK C MEREDITH MANOR
NOB HILL SEC

PB 9 PG 55 & 04-21-29-513-0C00-00A1 NLY 113.29 FT OF LOT A REPLAT OF BLK C
NOB HILL SECTION MEREDITH MANOR PB 14 PG 21

SEMINOLE COUNTY DEVELOPMENT ORDER

On Oct. 14, 1994, Seminole County issued this Development Order relating to and touching and concerning the following described property:

SEE ATTACHED EXHIBIT "A"

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

FINDINGS OF FACT

Property Owner: JAMES T. AND DOLORES KATSUR
Project Name: KATSUR REZONING
Requested Development Approval: REZONE FROM R-2 TO RP

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.

Order

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.

Prepared By: Melissa Tulp
1101 East First Street
Sanford, Florida 32771

@SandyWall

OFFICIAL RECORDS
BOOK PAGE
2838 0267
SEMINOLE CO. FL.

CLERK OF CIRCUIT COURT
633970

SEMINOLE COUNTY, FL.
RECORDED & VERIFIED
94 OCT 19 PM 2:21

(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. A dedication of a cross access easement and utilization of a joint driveway along the southern property line.
- B. Installation of a 6' high masonry wall along the western property line and installation of all parking and landscaping as required by the Land Development Code.
- C. Property to be used as a management office with maximum of three employees. Any other office use must be approved by the Board of County Commissioners after determination that sufficient parking is available.

(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 above.

As approved and authorized for execution by the Board of County Commissioners at their meeting of September 27, 1994

By: *Ron H. Rabun*
Ron H. Rabun
County Manager

OFFICIAL RECORDS
PAGE

2838 0268

SEMINOLE COUNTY

.o. OR941339
.o. 94-0073

LEGAL DESCRIPTION

The North 113.29 feet (Measured at right angles) of the following described parcel: Tract "A" - A Replat of Block "C", Nob Hill Section Meredith Manor, as recorded in Plat Book 14, Page 21 of the Public Records of Seminole County, Florida, together with that portion of Lot 11, Block "C", Meredith Manor, Nob Hill Section, as recorded in Plat Book 9, Pages 54 and 55 of the Public Records of Seminole County, Florida, lying Westerly of East Lake Brantley Drive as shown on said "A Replat of block "C", Nob Hill Section, Meredith Manor." More particularly described as follows:

Being at the N. W. corner of Tract "A", A replat of Block "C", Nob Hill Section Meredith Manor, as recorded in Plat Book 14, Page 21 of the Public Records of Seminole County, Florida, and run S. 84 degrees 38' E, along the Northerly line of said Tract "A" to the Westerly right-of-way line of East Lake Brantley Drive, said point also being the NE corner of said Tract "A", thence run Southerly along said Westerly right-of-way line and along the arc of a curve concave Easterly having a radius of 746.96 for an arc distance of 113.41' to a point, said point lying 113.29' Southerly (when measured at right angles) from the North line of the aforementioned Tract "A", thence run N 84 degrees 38' W. parallel with said North line, a distance of 105.25' to a point on the Westerly line of said Tract "A", thence N. 07 degrees 51' E., along said Westerly line, a distance of 113.40' to the point of beginning. All being a portion of the aforementioned Tract "A" and a portion of Lot 11, Block "C", Meredith Manor, Nob Hill Section, as recorded in Plat Book 9, Pages 54 and 55 of the Public Records of Seminole County, Florida.

END OF LEGAL DESCRIPTION

EXHIBIT "A"

BK 206 PG 2354

OFFICIAL RECORDS
BOOK PAGE

2838 0270
SEMINOLE CO. FL.

OFFICIAL RECORDS
BOOK PAGE
2804 1615
SEMINOLE CO. FL.