

ITEM # _____

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

SUBJECT: C.A. Stone West Small Scale Future Land Use Amendment from LDR (low Density Residential) to PD (Planned Development) and rezone from A-1 to PUD (Planned Unit Development).

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

AUTHORIZED BY: Alison Stettner **CONTACT:** Austin Watkins **EXT.** 7440

Agenda Date <u>5/7/2008</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 requested Small Scale Future Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development) and a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) and recommend approval of the attached Preliminary Master Plan and Development Order for 1.55 ± acres, located on the south side of Red Bug Lake Road, approximately 250 west of Red Bug Lake Road and Slavia Road, based upon staff findings (CPH Engineers, applicant); or
2. **RECOMMEND DENIAL** of the requested Small Scale Future Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 1.55 ± acres, located on the south side of Red Bug Lake Road, approximately 250 west of Red Bug Lake Road and Slavia Road, (CPH Engineers, applicant); or
3. **CONTINUE** the item to a time and date certain.

District 1 – Commissioner Dallari Austin Watkins, Senior Planner

BACKGROUND:

The applicant is requesting a Small Scale Future Land Use Amendment (SSLUA) from LDR (Low Density Residential) to PD (Planned Development) and a rezone from A-1 (Agriculture) to PUD (Planned Unit Development). The requested PD (Planned Development) Future Land Use designation (FLU) will allow for the

Reviewed by: _____
Co Atty: <u>NTO</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2007-51</u>

requested PUD (Planned Unit Development) zoning classification. The applicant is proposing a maximum of 26,200 square feet of office or a 290 seat sit-down restaurant. The proposed PUD will allow for the permitted uses in the OP (Office) zoning district as well as the use of a restaurant. The restaurant must be sit down only (no drive thru or fast food). There shall be no outdoor amplification of sound permitted, and the operating hours will be limited between 7:00 A.M. to 11:00 P.M. for the restaurant use only.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Future Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 1.55 ± acres; located on the south side of Red Bug Lake Road, approximately 250 west of Red Bug Lake Road and Slavia Road.

Attachments:

Location Map
Zoning and Future Land Use Map
Aerial Map
Preliminary Master Plan
Approval Development Order
SSLUA Ordinance
Rezone Ordinance
Denial Development Order (applicable only if denied)
Applicant's Justification Statement
Applicant's Active/Passive Waiver Request

C.A. Stone West SSLUA from LDR to PD and Rezone from A-1 to PUD	
APPLICANT	CPH Engineers, Inc.
PROPERTY OWNER	Janet L Stone, Trustee
REQUEST	Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development) and a rezone from A-1 (Agriculture) to PUD (Planned Unit Development)
PROPERTY SIZE	1.55 + acres
HEARING DATE (S)	P&Z: May 7, 2008 BCC: June 24, 2008
PARCEL ID	16-21-31-5CA-0000-0800
LOCATION	South side of Red Bug Lake Road, approximately 250 west of Red Bug Lake Road and Slavia Road
FUTURE LAND USE	LDR(Low Density Residential)
ZONING	A-1 (Agriculture)
FILE NUMBER	Z2007-51
COMMISSION DISTRICT	#1 – Dallari

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 scale 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

Red Bug Lake Road has transitioned to a commercial corridor. This is evident by the Oviedo Marketplace Development of Regional Impact / Planned Unit Development and the C.A. Stone Planned Commercial Development. The C.A. Stone PCD is directly north of the subject property. The Oviedo Marketplace PUD is northwest of the subject property. Both Planned Developments allow for a variety of commercial uses. Additionally, other commercial developments have been approved near or adjacent to SR 417.

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.

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 adjacent to Low Density Residential FLU to the south, east and west; however, staff finds that the proposed Preliminary Master Plan demonstrates a compatible transition between the Low Density Residential FLU and the proposed uses due to the sensitive site design standards implemented. The applicant is currently working with the SJRWMD to place the land immediately south of the subject site in a perpetual conservation easement. As a part of the SJRWMD application, the stream historically located on-site will be restored and enhanced with wetland vegetation. Staff finds that the proposed 15' landscaped buffer in conjunction with the proposed conservation easement/stream restoration are more than adequate in size and opacity to buffer residential properties to the south. In addition, 4 canopy and 4 sub-canopy facultative wetland trees and 20 facultative wetland shrubs will be provided within the 15' buffer. To further maintain compatibility, limitations have been placed on the restaurant use; operating hours will be between 7:00 AM and 11:00 PM and there will be no outdoor amplification of sound permitted. Any additional uses other than a full service sit down restaurant, and those permitted uses in the OP district will require a Small Scale Land Use Amendment, Major Amendment to the PUD and rezone from PUD to PUD.

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 applicant is not proposing any additional facility improvements above and beyond requirements of the Seminole County Land Development Code. 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.

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 proposed Future Land Use designation on the subject property is PD (Planned Development). Planned Development FLU limits the subject property to the uses approved at the time of approval; any additional uses require a land use amendment from PD to PD. The applicant proposes a development that adheres to the definition of Office, as defined by the Seminole County Comprehensive Plan. Office may be a compatible FLU designation adjacent to Low Density Residential FLU when sensitive site design standards are utilized, per *Exhibit FLU: Appropriate Transitional Lands Uses*. Staff finds that the applicant's proposal provides buffering and uses that create a sensitive site design.

ANALYSIS OVERVIEW:

ZONING REQUEST

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	10 feet
South Setback from property boundary	133 feet
East Setback from property boundary	64 feet
West Setback from property boundary	15 feet
Maximum Building Height	45 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	Single-family detached, 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 and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Uses permitted in the OP zoning district, such as, 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 and Restaurants; sit down only, full service (no drive thru or fast food).
Special Exception Uses	Special Exception such as 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.	A Small Scale Land Use Amendment will be required for any additional uses not permitted in the OP zoning district, with the exception of a full service, sit down restaurant.
Minimum Lot Size	1-Acre	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES

The proposed Future Land Use designation on the subject property is PD (Planned Development) and the proposed zoning classification is PUD (Planned Unit Development). The subject property is located adjacent to the Low Density Residential FLU. Additionally, the subject property is located in an area that has the PUD or PCD zoning classification as the final form of development. The PUD zoning classification allows for sensitive site design standards, such as sufficient buffers, limited building heights, architectural controls, limited hours of operation, and limiting adjacent uses to passive and unobtrusive uses. Staff finds that the applicant's proposal provides buffering and uses that create a sensitive site design.

Staff has reviewed the proposed Small Scale Land Use Amendment and rezone and determined that the proposed FLU and zoning is consistent with the trend of development and is compatible with surrounding properties.

SITE ANALYSIS:

Floodplain Impacts:

Based on FIRM map with an effective date of 2007, there appears to be floodplains adjacent to the 1.55 acre portion of the property. No impacts to the floodplains are proposed for this project.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property. However, there appears to be off-site wetlands south of the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there are not endangered and threatened wildlife on the subject property.

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 (LDR)*	Proposed Land Use (PD) Calculated as General Office**	Net Impact
Water (GPD)	2100	2520	+420
Sewer (GPD)	1,800	2520	+720
Traffic (ADT)	57	250	+193

* LDR calculated as 6 single family detached homes.

**PD calculated as 25,200 sq ft of General Office

Utilities:

The site is located in the Southeast Seminole County water and wastewater utility service area, and will be required to connect to public utilities. There is a 16-inch water main on the east side of Mikler Rd. and an 8-inch force main on the east side of Mikler Rd. just south of Quarry Stone Ct. Also, there is an 8-inch gravity sewer on Winding Lane Cir. The subject property is in the ten year master plan for reclaimed water. An alternative source for irrigation water, such as a shallow well, may be required until reclaimed water becomes available.

Transportation / Traffic:

The property proposes access onto Red Bug Lake Road, which is classified as an Arterial roadway. Red Bug Lake Road is currently operating at a level-of-service "B" and does not have improvements programmed in the County 5-year Capital Improvement Program.

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 25-year, 24-hour pre-development peak rate of discharge.

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 #27, which is located at 5280 Red Bug Lake Road. Based on an average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

Buffers and Sidewalks:

The subject property will be required to connect to the existing 5-foot sidewalk along Goldeneye Point.

The subject property is adjacent to the Low Density Residential FLU to the west, east and south. Therefore, the Active/Passive buffers are required, per Section 30.1232 of the Seminole County Land Development Code. At this point, the applicant is requesting a waiver from the Active/Passive buffering standards. The table below describes the required and proposed buffers:

Southern Property Line

	Seminole County Land Development Code Section 30.1232 "Active/Passive Buffering Standards"	Proposed Buffering Standards
Buffer Width	50'	15'
Setback	100'	1 story building = 133' 2 story building = 149'
Wall/Fence	6' Masonry Wall	None proposed
# of Trees	8 Canopy Trees every 100' Linear Feet	4 canopy and 4 subcanopy facultative wetlands trees every 100 linear feet
Shrubs	None Required	20 facultative shrubs for every 100'

Eastern Property Line

	Seminole County Land Development Code Section 30.1232 "Active/Passive Buffering Standards"	Proposed Buffering Standards
Buffer Width	50'	15'
Setback	100'	64'
Wall/Fence	6' Masonry Wall	None proposed
# of Trees	8 Canopy Trees every 100' Linear Feet	8 canopy trees every 100' linear Feet
Shrubs	None Required	None proposed

Western Property Line

	Seminole County Land Development Code Section 30.1232 "Active/Passive Buffering Standards"	Proposed Buffering Standards
Buffer Width	50'	15'
Setback	100'	15'
Wall/Fence	6' Masonry Wall	None proposed
# of Trees	8 Canopy Trees every 100' Linear Feet	Canopy facultative wetland trees planted 30' on center
Shrubs	None Required	None proposed

Staff has reviewed the Waiver request and its impact on the surrounding properties and recommends approval of the Active Buffer reduction as outlined in the table above. Staff has determined the site conditions warrant a less intensive buffer for the following reasons:

- The existing canopy trees and vegetation in the wetland areas provide natural screening.
- The setbacks provided by the applicant are in excess of the Active/Passive Buffering Standards for the southern property line.
- The plantings adjacent to the wetlands should facilitate the wetland versus a masonry wall and non-wetland facultative trees being placed adjacent to wetlands.
- The Bear Gully Creek Canal runs along the southern property line and the applicant will be dedicating a conservation easement to SJRWMD. Further, the applicant will be proposing a wetland restoration plan, as a part of a SJRWMD permit.
- The property east of the subject property is located near the intersection of a collector and arterial road and the property may change to a non-residential use in the future. Further, an application for the Commercial FLU and C-1 zoning is currently under review for the property east of the subject property.

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 2.5: Transitional Land Uses
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions
- 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:

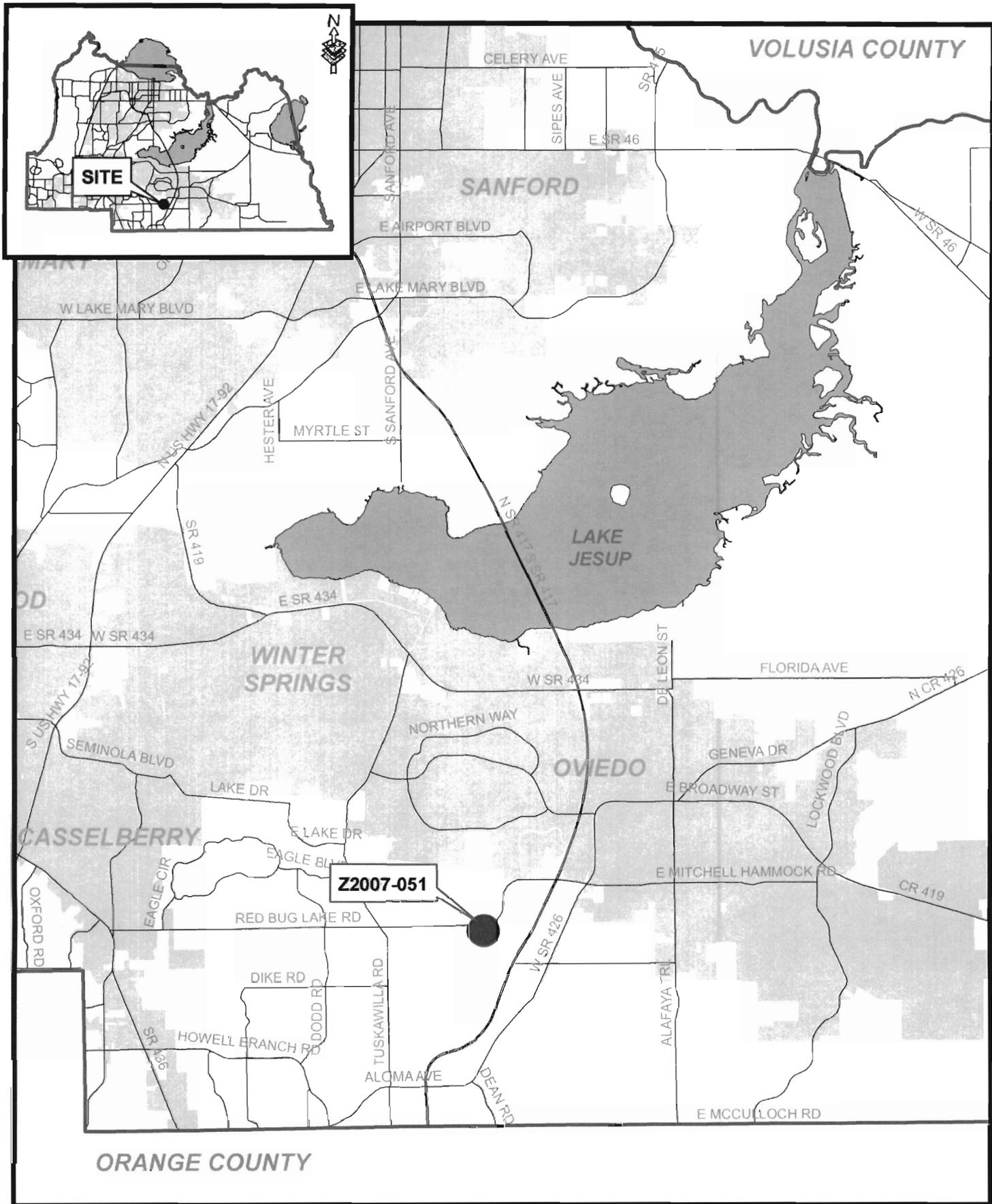
No intergovernmental notices were required.

LETTERS OF SUPPORT OR OPPOSITION:

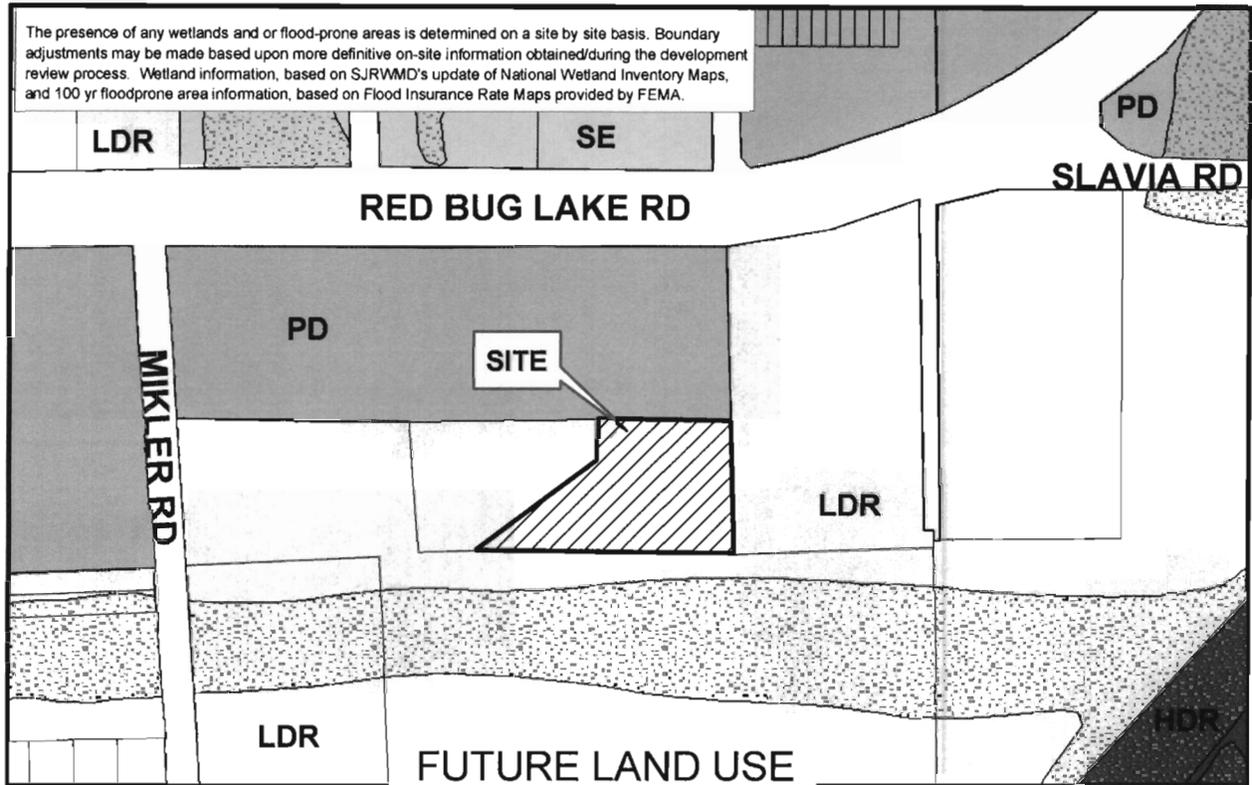
At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Future Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 1.55 ± acres; located on the south side of Red Bug Lake Road, approximately 250 west of Red Bug Lake Road and Slavia Road.



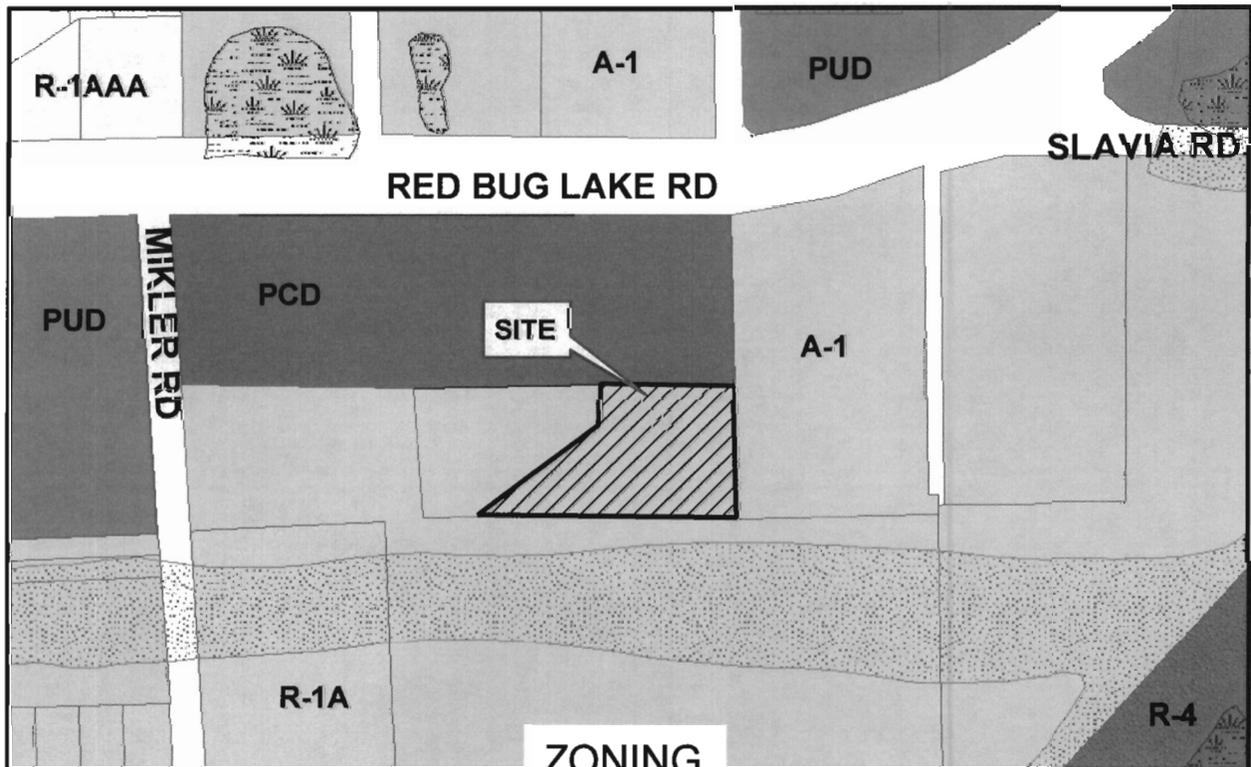
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR HDR SE PD Site CONS Municipality

Applicant: Javier Omana
 Physical STR: 6-21-31-5CA-0000-0800
 Gross Acres: 1.559 +/- BCC District: 1
 Existing Use: vacant
 Special Notes: _____

	Amend/ Rezoning#	From	To
FLU	0-07SS.03	LDR	PD
Zoning	Z2007-051	A-1	PUD



ZONING
 A-1 R-1AAA R-1A R-4 PUD PCD FP-1 W-1



FLU No: 0-07SS.03
From: LDR To: PD
Rezone No: Z2007-051
From: A-1 To: PCD

- Parcel
- Subject Property



Winter 2006 Color Aerials

PROPOSED BUILDING PROGRAM

MAXIMUM BUILDING AREA: 26,200 SF
 MAXIMUM BUILDING HEIGHT: 45' - 4 STORY

BUILDING SETBACKS

NORTH PROPERTY LINE: 10'
 SOUTH PROPERTY LINE: 133'
 EAST PROPERTY LINE: 65'
 WEST PROPERTY LINE: 15'

WATER DEMAND

SEWER DEMAND IS 85% OF WATER DEMAND
 3,830 GALLONS / DAY X 1.1785
 4,624 GALLONS / DAY

SEWER DEMAND (D.O.H. 64E-6)

15 GALLONS / DAY / 100 SF FLOOR AREA
 (26,200 SF / 100 SF) X 15 GALLONS PER DAY
 3,830 GALLONS PER DAY

TRIP GENERATION

18.32 ADT / 1000 SF (ITE 710)
 (26,200 SF / 1000 SF) X 18.32
 480 ADT

LAND USE SUMMARY

PARCEL ID: 16-22-31-SCA-000-0800
 PARCEL AREA: 1.88 ACRES ±
 EXISTING USE: VACANT / UNDEVELOPED
 PROPOSED USE: PERMITTED USES IN THE OP OFFICE DISTRICT AND SIT DOWN RESTAURANT (280 SEATS)
 FUTURE LAND USE: LOW DENSITY RESIDENTIAL
 PROPOSED FUTURE LAND USE: PLANNED DEVELOPMENT (PD)
 EXISTING ZONING: A-1 (AGRICULTURE)
 PROPOSED ZONING: PLANNED UNIT DEVELOPMENT (PUD)
 PHASING: ONE - PHASE
 WATER SERVICE: SEMINOLE COUNTY
 SANITARY SEWER SERVICE: SEMINOLE COUNTY
 FLOOD INFORMATION: PORTION OF SITE FALLS WITHIN ZONE A (33.86' APPROXIMATE ELEVATION)
 FLOOR AREA RATIO: .18
 OPEN SPACE: REQUIRED (25%): 1.88 AC. X 25% = 0.47 ACES
 PROVIDED (33%): 0.63 ACRES
 INTERNAL PRIVATE ROADWAYS/ DRIVEWAYS: 24' WIDE
 STORMWATER: PROJECT HAS OBTAINED A STORMWATER PERMIT THROUGH ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, PERMIT NO. 40-117-22481-2, ISSUED ON MARCH 18, 2007

LANDSCAPE BUFFERS

NORTH BUFFER - 10' WIDE WITH LIVE OAKS (2.5" DIA. MEASURED 1' ABOVE GROUND) PLANTED 40' ON CENTER.

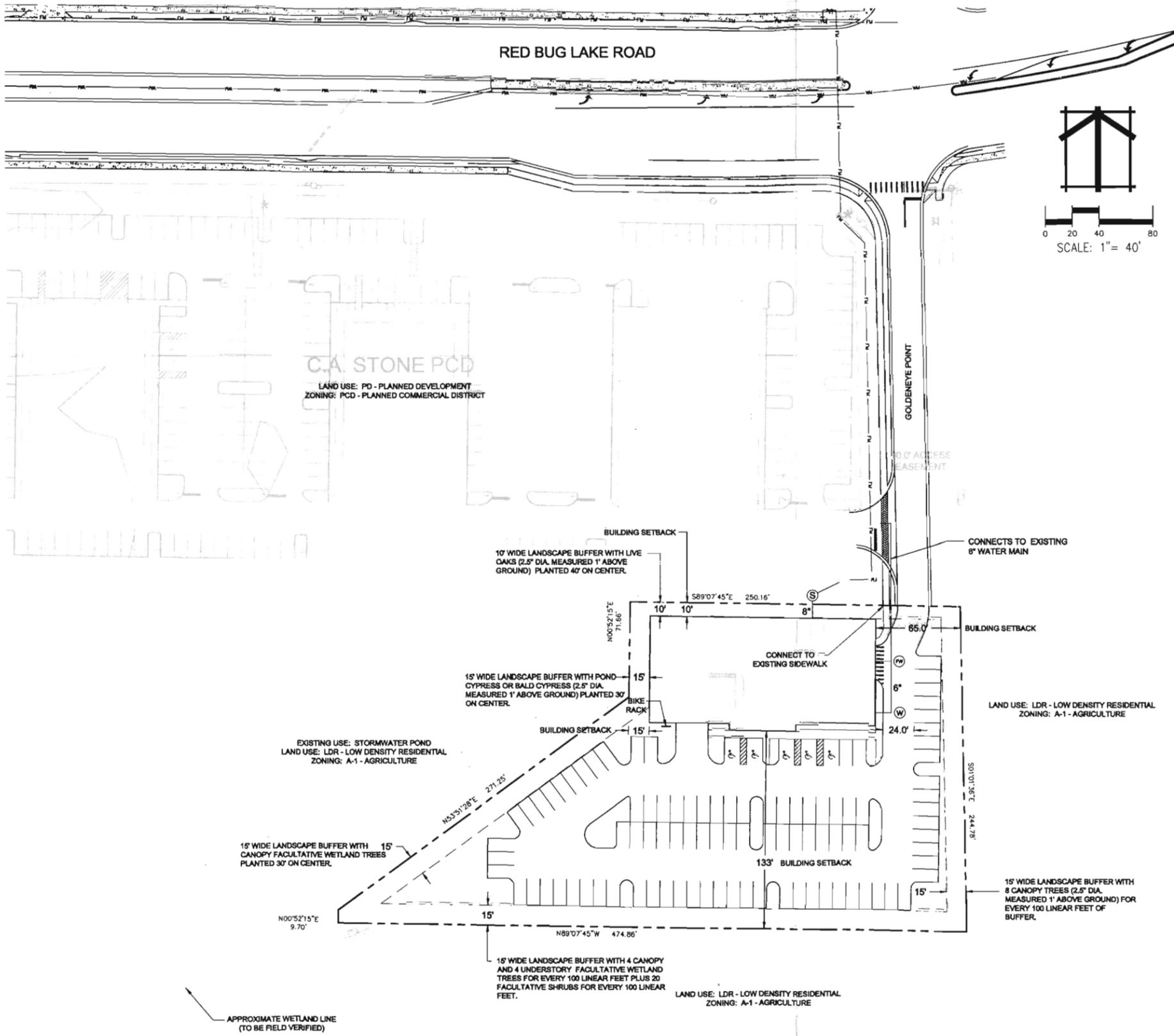
EAST PROPERTY LINE - 15' WIDE WITH 8 CANOPY TREES (2.5" DIA. MEASURED 1' ABOVE GROUND) FOR EVERY 100 LINEAR FEET OF BUFFER.

SOUTH PROPERTY LINE - 15' WIDE WITH 4 CANOPY AND 4 UNDERSTORY FACULTATIVE WETLAND TREES FOR EVERY 100 LINEAR FEET PLUS 20 FACULTATIVE SHRUBS FOR EVERY 100 LINEAR FEET.

WEST PROPERTY LINE - 15' WIDE WITH CANOPY FACULTATIVE WETLAND TREES PLANTED 30' ON CENTER.

ACREAGE SUMMARY

TOTAL SITE AREA	1.88 AC.	81,978 SF.
BUILDING FOOTPRINT	0.31 AC.	13,850 SF.
PAVEMENT AREA	0.91 AC.	40,054 SF.
SIDEWALKS	0.03 AC.	1,478 SF.
OPEN SPACE	0.63 AC.	26,598 SF.



DEVELOPMENT CONDITIONS

- A. FOR RESTAURANT USES: NO OUTSIDE AMPLIFICATION OF SOUND, AND USE MUST BE SIT-DOWN ONLY (NO DRIVE-THRU OR FAST FOOD ESTABLISHMENTS).
- B. OUTDOOR DINING IS PERMITTED (RESTAURANT USE ONLY)
- C. NO BAR FACILITIES SHALL BE PERMITTED IN OUTDOOR DINING AREAS.
- D. SIGNAGE AND INTERNAL LIGHTING SHALL BE IN ACCORDANCE WITH THE SIGNAGE STANDARDS OF THE LAKE MARY BOULEVARD OVERLAY ORDINANCE.
- E. OPERATING HOURS SHALL BE LIMITED TO THE HOURS BETWEEN 7 A.M. AND 11 P.M. (RESTAURANT USE ONLY).
- F. VEGETATION IS ENCOURAGED WHERE NO NATURAL PLANT COMMUNITIES EXIST. LANDSCAPING SHALL RELY ON THE USE OF NATIVE PLANT MATERIALS. PLANT MATERIALS AND TYPES SHALL BE DETERMINED AT THE OF FINAL SITE PLAN APPROVAL.
- G. DECORATIVE CROSSWALKS ARE TO BE UTILIZED WHERE SIDEWALKS CROSS DRIVEWAYS OR PARKING AREAS. MUTED OR NATURAL COLORS SHALL BE USED.
- H. EXTENSIVE MONOTONOUS SECTIONS OF FENCES SHALL BE AVOIDED BY HAVING BREAKS, INCORPORATING LANDSCAPING AND OTHER NATURAL FEATURES, AND SHALL INCORPORATE MUTED OR NATURAL COLORS.
- I. ALL SERVICE AREAS AND MECHANICAL EQUIPMENT (GROUND OR ROOF), INCLUDING, BUT NOT LIMITED TO, AIR CONDITIONING CONDENSERS, HEATING UNITS, ELECTRIC METERS, SATELLITE DISHES, IRRIGATION PUMPS, ICE MACHINES AND DISPENSERS, OUTDOOR VENDING MACHINES, PROPANE TANKS, DISPLAYS AND REFILLING AREAS SHALL BE SCREENED SO THAT THEY SHALL NOT BE VISIBLE FROM ANY ROADWAY OR PROPERTIES THAT ARE RESIDENTIALLY ZONED OR HAVE A RESIDENTIAL LAND USE. THE SCREEN SHALL CONSIST OF A SOLID WALL, FACADE, PARAPET OR OTHER SIMILAR SCREENING MATERIAL WHICH IS ARCHITECTURALLY COMPATIBLE AND CONSISTENT WITH THE ASSOCIATED BUILDING. IF LANDSCAPING IS UTILIZED, THEN THE PLANTING MUST BE HIGH ENOUGH WITHIN ONE YEAR OF PLANTING TO PROVIDE THE REQUIRED SCREENING.
- J. BUILDINGS OVER 20,000 SQUARE FEET SHALL PROVIDE VARIATIONS IN THE ROOFLINE AND WALL PLANES WHICH MAY INCLUDE ARCHITECTURAL ENHANCEMENTS.
- K. PITCHED ROOFS SHALL BE REQUIRED ON ALL BUILDING SIDES, AND NO ROOF SHALL BE FLAT. AWNINGS, IF PROVIDED, SHALL BE SENSITIVE TO THE BUILDING HEIGHT, SIZE, MATERIALS AND COLOR. AWNING COLOR SHOULD BE MUTED OR NATURAL.
- L. LEGAL INSTRUMENTS SHALL BE CREATED FOR THE MAINTENANCE OF COMMON AREAS.

No.	Date	Revision	Approved	No.	Date	Revision	Approved
4-2-08		Per Seminole County comments received 3-7-08		4-17-08		Per Seminole County comments received 4-16-08	
4-17-08		Per Seminole County comments received 4-16-08		4-22-08		Per Seminole County comments received 4-21-08	
4-22-08		Per Seminole County comments received 4-21-08					

CA STONE CENTER WEST
 SEMINOLE COUNTY
 FLORIDA

gph
 Geotechnical
 Planning/ Landscape Architects
 Environmental Scientists
 Construction Management
 207 East Lake Street, Orlando, FL 32801
 Phone: 407.251.1000
 Fax: 407.251.1001

PLANNED UNIT DEVELOPMENT DEVELOPMENT PLAN

SEMINOLE COUNTY DEVELOPMENT ORDER

On June 24, 2008, 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): Janet L. Stone, Trustee

Project Name: CA Stone West PUD SSLUA/Rezone

Requested Development Approval: Small Scale Future Land Use amendment from LDR (Low Density Residential) to PD (Planned Development) and a 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, 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. The project shall not exceed 26,200 square feet.
- B. Permitted Uses: OP zoning district and a sit-down restaurant (no drive-thru or drive-in restaurants). Restaurants may serve alcohol in accordance with Section 30.1353 of the Seminole County Land Development Code.
- C. The operating hours for a restaurant shall be between 7 A.M. and 11 P.M.
- D. Outdoor amplification of sound is prohibited.
- E. No bar facilities shall be allowed in outdoor dining areas.
- F. Maximum allowable building height is 45'.
- G. The setbacks shall be as follows:
 - North: 10'
 - South: 133'
 - East: 64'
 - West: 15'
- H. The buffers shall be as follows:
 - North: 10' landscaped buffer containing Live Oak canopy trees planted 40' on center
 - South: 15' landscaped buffer containing 4 canopy and 4 subcanopy facultative wetland trees and 20 facultative wetland shrubs every 100 linear feet.
 - East: 15' landscaped buffer containing 8 canopy trees every 100 linear feet.
 - West: 15' landscaped buffer containing facultative wetland trees 30' on center.

The Development Review Manager shall determine if the tree is a facultative wetland tree.
- I. Signage shall be in accordance with the Lake Mary Blvd Gateway Overlay standards.
- J. All service and mechanical equipment (ground or roof) shall not be visible from any residentially zoned property or any right-of-way. All service and mechanical equipment shall be screened.
- K. Buildings over 20,000 square feet shall provide variations on the roof line and wall planes which may include architectural enhancements.

- L. 25% usable open space shall be provided on the subject property.
- M. Development shall comply with the Preliminary Master Plan attached as Exhibit "B" and the Building Elevations attached as Exhibit "C".

(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.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Brenda Carey, Chairman

EXHIBIT "A"**Legal Description**

A tract of land being a portion of Lot 82, and Lot 83, THE SLAVIA COLONY COMPANY'S SUBDIVISION, according to the plat thereof, as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida, being more particularly described as follows:

BEGIN at the Southeast corner of the West 1/2 of said Lot 83; thence South 88°31'09" West, along the South line of Lot 83 and Lot 82, a distance of 450.12 feet; thence North 53°51'28" East, a distance of 257.16 feet; thence North 00°52'15" East, a distance of 78.16 feet; thence South 89°07'45" East, a distance of 237.23 feet to a point on the East line of the West 1/2 of said Lot 83; thence South 01°02'35" East, along said line a distance of 214.65 feet to the POINT OF BEGINNING.

Containing 1.559 acres, more or less

EXHIBIT "B"
Preliminary Master Plan

PROPOSED BUILDING PROGRAM

MAXIMUM BUILDING AREA: 28,200 SF
 MAXIMUM BUILDING HEIGHT: 4F - 4 STORY

BUILDING SETBACKS

NORTH PROPERTY LINE: 10'
 SOUTH PROPERTY LINE: 12'
 EAST PROPERTY LINE: 8'
 WEST PROPERTY LINE: 15'

WATER DEMAND

SEWER DEMAND IS 80% OF WATER DEMAND
 3,800 GALLONS / DAY X 1.75%
 4,654 GALLONS / DAY

SEWER DEMAND (EQUAL FLS-5)

15 GALLONS / DAY / 100 SF FLOOR AREA
 (28,200 SF / 100 SF) X 15 GALLONS PER DAY
 3,800 GALLONS PER DAY

TRIP GENERATION

18.38 ADT / 1000 SF (78.71%)
 (28,200 SF / 1000 SF) X 18.38
 480 ADT

LANDSCAPE BUFFERS

NORTH BUFFER - 10' WIDE WITH LIVE OAKS (2.5" DIA. MEASURED 1' ABOVE GROUND) PLANTED 40' ON CENTER.

EAST PROPERTY LINE - 15' WIDE WITH 8 CANOPY TREES (2.5" DIA. MEASURED 1' ABOVE GROUND) FOR EVERY 100 LINEAR FEET OF BUFFER.

SOUTH PROPERTY LINE - 15' WIDE WITH 4 CANOPY AND 4 UNDERSTORY FACULTATIVE WETLAND TREES FOR EVERY 100 LINEAR FEET PLUS 20 FACULTATIVE SHRUBS FOR EVERY 100 LINEAR FEET.

WEST PROPERTY LINE - 15' WIDE WITH CANOPY FACULTATIVE WETLAND TREES PLANTED 30' ON CENTER.

ACRESAGE SUMMARY

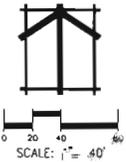
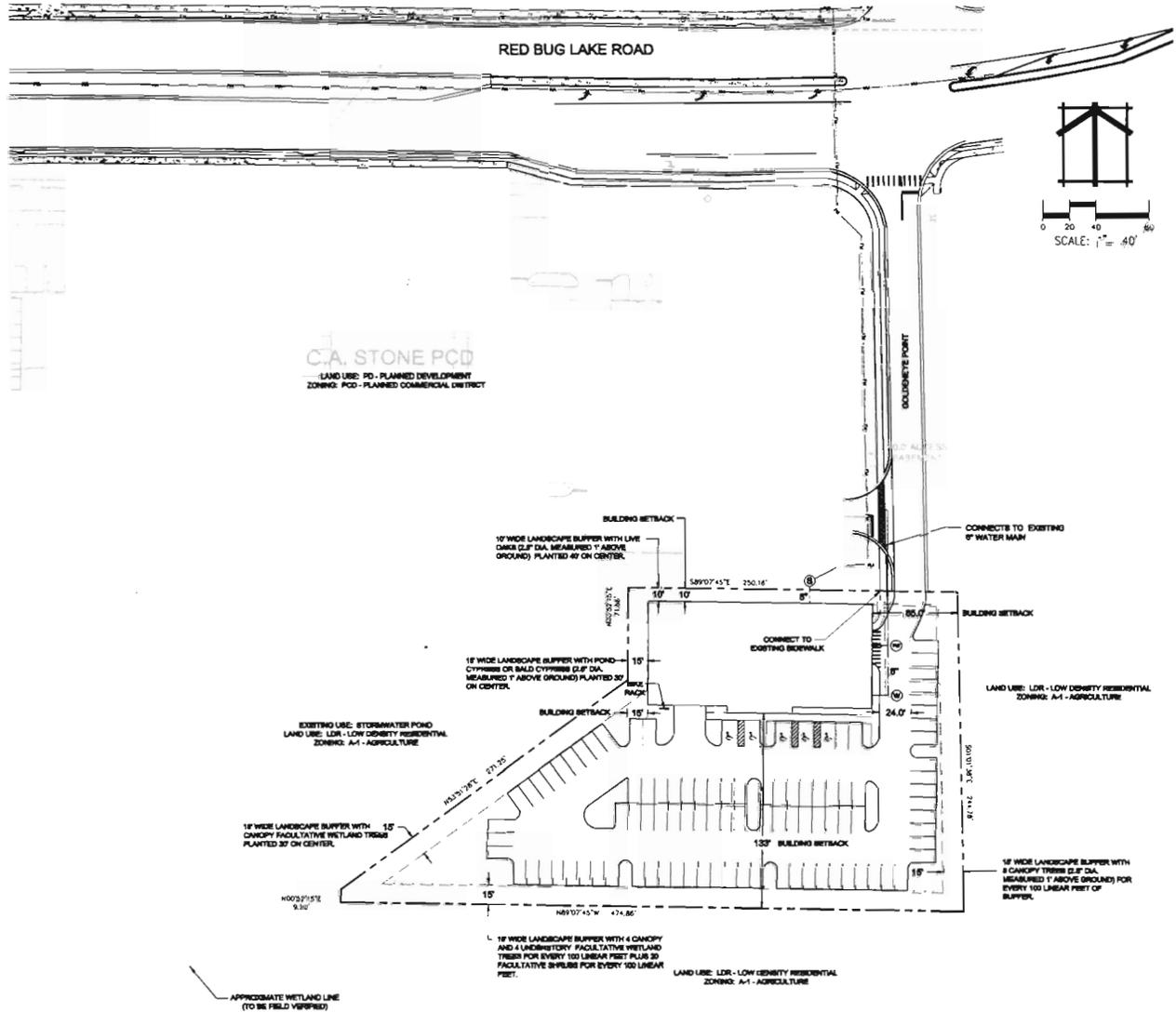
TOTAL SITE AREA	1.88 AC.	81,878 SF.
BUILDING FOOTPRINT	0.31 AC.	13,880 SF.
PARKING AREA	0.31 AC.	40,284 SF.
SIDEWALKS	0.03 AC.	1,476 SF.
OPEN SPACE	0.83 AC.	26,248 SF.

LAND USE SUMMARY

PARCEL ID: 16-25-31-80A-000-000
 PARCEL AREA: 1.88 ACRES
 EXISTING USE: VACANT / UNDEVELOPED
 PROPOSED USE: PERMITTED USES IN THE OP OFFICE DISTRICT AND 8TH DOWN RESTAURANT (2ND BEATS)
 FUTURE LAND USE: LOW DENSITY RESIDENTIAL
 PROPOSED FUTURE LAND USE: PLANNED DEVELOPMENT (PD)
 EXISTING ZONING: A-1 (AGRICULTURE)
 PROPOSED ZONING: PLANNED UNIT DEVELOPMENT (PUD)
 PHASING: ONE - PHASE
 WATER SERVICE: SEMINOLE COUNTY
 SANITARY SEWER SERVICE: SEMINOLE COUNTY
 FLOOD INFORMATION: PORTION OF SITE FALLS WITHIN ZONE A (33.6' APPROXIMATE ELEVATION)
 FLOOR AREA RATIO: .18
 OPEN SPACE: .18
 REQUIRED OPEN: 1.88 AC. X 25% = 0.47 ACES
 PROVIDED OPEN: 0.83 ACRES
 INTERNAL PRIVATE ROADWAYS/ DRIVEWAYS: 34' WIDE
 STORMWATER: PROJECT HAS OBTAINED A STORMWATER PERMIT THROUGH ST. JOHN'S POWER WATER MANAGEMENT DISTRICT. PERMIT NO. 40-117-22418-2, ISSUED ON MARCH 16, 2021

DEVELOPMENT CONDITIONS

- FOR RESTAURANT USES: NO OUTRINS AMPLIFICATION OF SOUND, AND USE MUST BE SIT-DOWN ONLY (NO DRIVE-THRU OR FAST FOOD ESTABLISHMENTS).
- OUTDOOR DINING IS PERMITTED (RESTAURANT USE ONLY).
- NO BAR FACILITIES SHALL BE PERMITTED IN OUTDOOR DINING AREAS.
- STORAGE AND INTERNAL LIGHTING SHALL BE IN ACCORDANCE WITH THE STORAGE STANDARDS OF THE LAKE HAWY BOULEVARD OVERLAY ORDINANCE.
- OPERATING HOURS SHALL BE LIMITED TO THE HOURS BETWEEN 7 A.M. AND 11 P.M. (RESTAURANT USE ONLY).
- VEGETATION IS ENCOURAGED WHERE NO NATURAL PLANT COMMUNITIES EXIST. LANDSCAPING SHALL RELY ON THE USE OF NATIVE PLANT MATERIALS. PLANT MATERIALS AND TYPES SHALL BE DETERMINED AT THE OF FINAL SITE PLAN APPROVAL.
- DECORATIVE CROSSWALKS ARE TO BE UTILIZED WHERE SIDEWALKS CROSS DRIVEWAYS OR PARKING AREAS. MUTED OR NATURAL COLORS SHALL BE USED.
- EXTENSIVE MONOTONOUS SECTIONS OF FENCES SHALL BE AVOIDED BY HAVING BREAKS, INCORPORATING LANDSCAPING AND OTHER NATURAL FEATURES, AND SHALL INCORPORATE MUTED OR NATURAL COLORS.
- ALL SERVICE AREAS AND MECHANICAL EQUIPMENT (GROUND OR ROOF), INCLUDING, BUT NOT LIMITED TO, AIR CONDITIONING CONDENSERS, HEATING UNITS, ELECTRIC METERS, SATELLITE DISHES, IRRIGATION PUMPS, ICE MACHINES AND DISPENSERS, OUTDOOR WELDING MACHINES, PROGRAM TANKS, DISPLAYS AND REPELLING AREAS SHALL BE SCREENED SO THAT THEY SHALL NOT BE VISIBLE FROM ANY ROADWAY OR PROPERTIES THAT ARE RESIDENTIALLY ZONED OR HAVE A RESIDENTIAL LAND USE. THE SCREEN SHALL CONSIST OF A SOLID WALL, FACADE, PARAPET OR OTHER SIMILAR SCREENING MATERIAL WHICH IS ARCHITECTURALLY COMPATIBLE AND COORDINATE WITH THE ASSOCIATED BUILDING. IF LANDSCAPING IS UTILIZED, THEN THE PLANTING MUST BE HIGH ENOUGH WITHIN ONE YEAR OF PLANTING TO PROVIDE THE REQUIRED SCREENING.
- BUILDINGS OVER 20,000 SQUARE FEET SHALL PROVIDE VARIATIONS IN THE ROOF LINE AND WALL PLACES, WHICH MAY INCLUDE ARCHITECTURAL ENHANCEMENTS.
- PITCHED ROOFS SHALL BE REQUIRED ON ALL BUILDING ROOFS, AND NO ROOF SHALL BE FLAT. AWNING, IF PROVIDED, SHALL BE SENSITIVE TO THE BUILDING HEIGHT, SIZE, MATERIALS AND COLOR. AWNING COLOR SHOULD BE MUTED OR NATURAL.
- LEGAL INSTRUMENTS SHALL BE CREATED FOR THE MAINTENANCE OF COMMON AREAS.



CA STONE PCD
 LAND USE: PD - PLANNED DEVELOPMENT
 ZONING: PUD - PLANNED COMMERCIAL DISTRICT

EXISTING USE: STORMWATER POND
 LAND USE: LDR - LOW DENSITY RESIDENTIAL
 ZONING: A-1 - AGRICULTURE

LAND USE: LDR - LOW DENSITY RESIDENTIAL
 ZONING: A-1 - AGRICULTURE

LAND USE: LDR - LOW DENSITY RESIDENTIAL
 ZONING: A-1 - AGRICULTURE

No.	Date	Revision	Approved	No.	Date	Revision	Approved	Designed by:	Checked by:	Drawn by:	Scale:	File No.:	Job No.:	PLS SITE PLAN
1	4-3-08	Per Seminole County comments received 3-7-08		2				JEO	467	SWR	1" = 40'		4229	
2	4-17-08	Per Seminole County comments received 4-16-08		3				JEO	467	JEO	JUNE 2007		4229	
3	4-23-08	Per Seminole County comments received 4-21-08		4				JEO	467	JEO			4229	

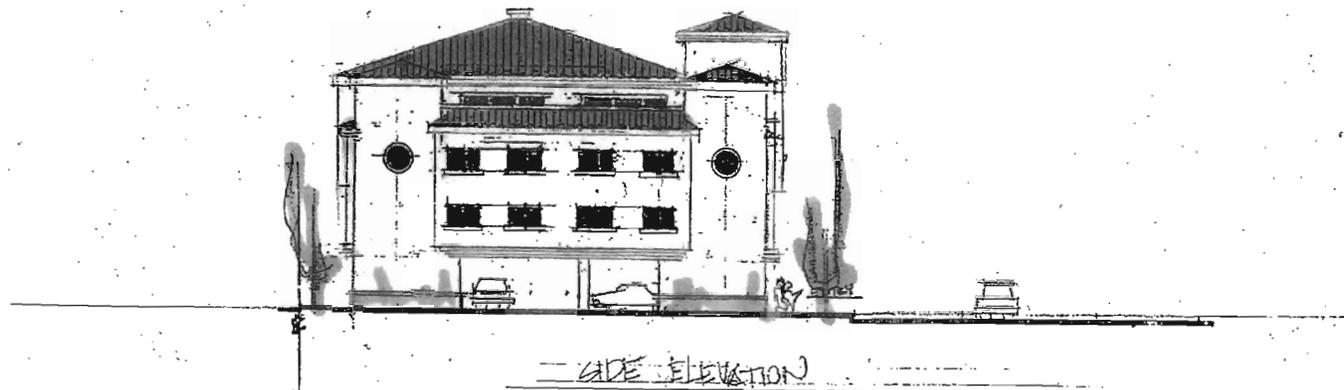
CA STONE CENTER WEST



PLANNED UNIT DEVELOPMENT DEVELOPMENT PLAN

Sheet No. **3**

EXHIBIT "C"
Building Elevations



NO	DATE	REVISION	DESIGNER	CHK	DATE	APPROVED	DATE	SCALE	PROJECT												
1																					
2																					
3																					
4																					

CA STONE CENTER WEST



CONCEPTUAL ARCHITECTURAL

Sheet No. 4

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 PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 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 May 7, 2008, 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 June 24, 2008, 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 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:

(b) The associated rezoning request was completed by means of Ordinance Number 08-_____.

(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 24th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

Brenda Carey, Chairman

APPENDIX A

LEGAL DESCRIPTION

A tract of land being a portion of Lot 82, and Lot 83, THE SLAVIA COLONY COMPANY'S SUBDIVISION, according to the plat thereof, as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida, being more particularly described as follows:

BEGIN at the Southeast corner of the West 1/2 of said Lot 83; thence South 88°31'09" West, along the South line of Lot 83 and Lot 82, a distance of 450.12 feet; thence North 53°51'28" East, a distance of 257.16 feet; thence North 00°52'15" East, a distance of 78.16 feet; thence South 89°07'45" East, a distance of 237.23 feet to a point on the East line of the West 1/2 of said Lot 83; thence South 01°02'35" East, along said line a distance of 214.65 feet to the POINT OF BEGINNING.

Containing 1.559 acres, more or less

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 "CA Stone West PUD SSLUA/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 #07-22000011.

ENACTED this 24th day of June 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

EXHIBIT "A"
LEGAL DESCRIPTION:

A tract of land being a portion of Lot 82, and Lot 83, THE SLAVIA COLONY COMPANY'S SUBDIVISION, according to the plat thereof, as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida, being more particularly described as follows:

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Containing 1.559 acres, more or less

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On June 24, 2008, 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): Janet L. Stone, Trustee

Project Name: CA Stone West PUD SSLUA/Rezone

Requested Development Approval: The applicant is requesting a Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development) and a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 1.55 ± acres, located on the south side of Red Bug Lake Road, approximately 250 west of Red Bug Lake Road and Slavia Road.

The Board of County Commissioners has determined that the requested Small Scale Land Use Amendment to PD (Planned Development) and associated rezone to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "CA Stone West PUD SSLUA/Rezone" and all evidence submitted at the public hearing on June 24, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested Small Scale Land Use Amendment to PD and rezone to PUD 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: _____
Brenda Carey, Chairman

EXHIBIT "A"**Legal Description**

A tract of land being a portion of Lot 82, and Lot 83, THE SLAVIA COLONY COMPANY'S SUBDIVISION, according to the plat thereof, as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida, being more particularly described as follows:

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Containing 1.559 acres, more or less

**CONSISTENCY OF SUBJECT SMALL SCALE AMENDMENT
AREAS/PARCELS WITH THE SEMINOLE COUNTY COMPREHENSIVE
PLAN**

The proposed large scale amendments to the Seminole County Comprehensive Plan are compatible with and implement the land use element's objectives and policies as follows:

Policy FLU 5.3 Strip Commercial Development

To discourage the proliferation of urban sprawl, the County shall not designate additional strip commercial development through Plan amendments instead, commercial and retail uses shall be:

- A. Located adjacent to collector and arterial roadway intersections to maintain road capacity and not set a precedent for further strip development; or**

The subject lands are located south and adjacent to an existing Planned Commercial Development with 1,700 feet of frontage along Red Bug Lake Road and located adjacent to the Red Bug Lake Road/Old Red Bug Lake Road/Slavia Road signalized intersection. The subject property will utilize common and cross access interconnectivity. The subject amendment is not promoting strip development.

- B. Located where commercial uses are the predominant existing use along the roadway in both directions from the site and, therefore, the proposed commercial development represents infill development; or**

The subject lands represent infill development given their unique location relative to the higher intensity planned development uses and planned developments north/northeast of the site, and the commercial uses west of the Tuskawilla Road/Red Bug Lake Road intersection.

- C. Located within a mixed use planned development to provide convenient retail services for residents and reduce residential traffic on area roadways; or**

The Planned Development directly adjacent includes a mixture of uses within a multiple parcel area and encourages flexible and creative design. The proposed amendment is located so that it will protect established and future residential neighborhoods from adverse impacts of non-residential development.

The office uses proposed will add to the utilization of the commercial uses within the adjacent Planned Development therefore eliminating the necessity for external trips during working hours.

D. Located adjacent to residential areas only where compatibility with the residential area can be maintained in order to preserve neighborhood viability and community character.

The proposed Planned Development designation will require flexible and creative design in order to protect established and future residential neighborhoods from adverse impacts of adjacent non-residential development.

A transitional area of open space and stormwater/lake features and substantial buffers and building setbacks shall be provided between the established residential uses and the new non-residential uses.

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.

The subject lands serve as an appropriate transitional land use as a direct result of established and emerging growth and development trends.

The subject lands are bounded to the east by a high-density residential land use with an underlying zoning of R- 4. To the north/northeast, the property is bounded by a Planned Development consisting of convenience store and office/retail uses.

Directly west of the subject area there is an adult congregate living facility and a small single family subdivision.

To the south of the subject area lies a residential neighborhood.

Given this change in character of the immediate surrounding area, a different land use designation is warranted. A change to Planned Development will provide the County and area residents (present and future) with the appropriate "transitional" land use designation that mandates flexible and creative design, provides for a variety of uses while ensuring the protection of existing and future residential uses from adverse impacts of intense non residential development.

According to the Exhibit Table of the Future Land Use Element entitled Appropriate Transitional Land Uses, office uses can be compatible as a transitional land use between commercial and Low Density Residential Uses provided measures such as sensitive site design, transitioning lot sizes, sufficient buffers, limited building

heights, architectural controls and limited hours of operation, limiting adjacent uses to passive, unobtrusive uses (.e.g., no dump sites, loading areas, lighting, noise, odor or hazardous materials). It is noted that it may require a PUD or PCD zoning to address these issues.

This use of the site as Office will not cause an impact on adjacent residential uses as there are none and most likely will be no future use of directly adjacent property for residential uses due to the constraints of developing the property to the south for any use other than passive open space.



April 22, 2008

1117 East Robinson Street
Orlando, Florida 32801
Phone: 407.425.0452
Fax: 407.648.1036
www.cphengineers.com

Mr. Austin Watkins, Planner
Planning Division – Seminole County
Seminole County Services Building
1101 East First Street
Sanford, FL 32771

RE: Active/Passive Buffer & Setback Waiver Request
CA Stone Center (West)
Parcel ID #16-21-31-5CA-0000-0800

Dear Mr. Watkins,

Enclosed, please find a check in the amount of \$100.00 to process a waiver request for the above referenced project. This request is submitted in conjunction with re-submittal of the PUD Development Plans, and specifically addresses staff comment C. 12.

Waiver Request 1 – Eastern Property Line:

County Active Buffer Width/ Content	Proposed Active Buffer Width/ Content	County Active Setback	Proposed Active Setback
1 story building = 25 ft. wide	15 ft. wide	1 story building = 50 ft. setback	1+ story building = 65 feet
2 story building + = 50 ft. wide	8 canopy trees (2.5” dia. Measured at 1 ft. above ground) for every 100 linear feet of buffer	2 story building + = 100 ft. setback	
Brick or masonry wall, 6 ft in height			
8 canopy trees (2.5” dia. Measured at 1 ft. above ground) for every 100 linear feet of buffer			

Justification – A rezone/land use amendment is currently being processed on the adjacent Denberg parcel. The applicant is seeking C-1 Commercial uses. Reduced buffers and setbacks are appropriate between the subject site and the Denberg site, as their proposed uses (CA Stone – office/restaurant, Denberg - C-1 Commercial) are compatible.

Waiver Request 2 – Southern Property Line:

County Active Buffer Width/ Content	Proposed Active Buffer Width/ Content	County Active Setback	Proposed Active Setback
1 story building = 25 ft. wide 2 story building + = 50 ft. wide Brick or masonry wall, 6 ft in height 8 canopy trees (2.5” dia. Measured at 1 ft. above ground) for every 100 linear feet of buffer.	15 ft. wide 4 canopy and 4 understory facultative wetland trees for every 100 linear feet, plus 20 facultative shrubs for every 100 linear feet.	1 story building = 50 ft. setback 2 story building + = 100 ft. setback	1+ story building = 133 ft.

Justification – Cecil Stone is currently working with the SJRWMD to place the land immediately south of the subject site in a perpetual conservation easement. As part of this easement an existing 42” RCP will be removed. The stream historically located on-site will be restored and enhanced with wetland vegetation. Please refer to the attached ‘Proposed Conservation Easement Area Location Map’. The proposed 15 ft. wide buffer in conjunction with the proposed conservation easement/stream restoration are more than adequate in size and opacity to buffer residential properties to the south.

Waiver Request 3 – Western Property Line:

County Active Buffer Width/ Content	Proposed Active Buffer Width/ Content	County Active Setback	Proposed Active Setback
1 story building = 25 ft. wide 2 story building + = 50 ft. wide Brick or masonry wall, 6 ft in height 8 canopy trees (2.5” dia. Measured at 1 ft. above ground) for every 100 linear feet of buffer.	15 ft. wide Canopy facultative wetland trees planted 30 ft. on center	1 story building = 50 ft. setback 2 story building + = 100 ft. setback	1+ story building = 15 ft.

Justification – The property immediately west of the subject site includes a stormwater pond that is designed to accommodate the proposed site as well as the CA Stone PCD. The reduced buffers and setbacks are appropriate in this location due to the fact that there will be no residential development immediately west of the subject site.

Please do not hesitate to contact me should you have any questions.

Sincerely,

CPH ENGINEERS, INC.

Javier E. Omana
Vice President/Associate
Land Planning Services



 Stream to be Restored
 Proposed Conservation Area Easement
 Potential Additional Conservation Easement Area



Scale: 1" = 300'
 Date: April 2008
 Photo Date: 2006
 Project No. S12706
 Biologist: GIS: DEM



PROPOSED CONSERVATION EASEMENT AREA LOCATION MAP
 STONE PROPERTY
 SECTIONS 19 & 20, TOWNSHIP 21 SOUTH, RANGE 31 EAST
 SEMINOLE COUNTY, FLORIDA

FIGURE
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