ITEM #_____

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

SUBJECT: Maitland-Bear Lake Plaza Small Scale Future Land Use Amendment from LDR (Low Density Residential) to COM (Commercial) and rezone from A-1 (Agriculture) to PCD (Planned Commercial Development)

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

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

Agenda Date 12/10/2008 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. **RECOMMEND APPROVAL** of a Small Scale Land Use Amendment from LDR (Low Density Residential) to COM (Commercial) and a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development), for 0.94 ± acres, located at the northwest corner of Bear Lake Road and Maitland Boulevard, and recommend approval of the attached Preliminary Site Plan and Development Order, based on staff findings (Bryan Potts, applicant); or

2. **RECOMMEND DENIAL** of a Small Scale Land Use Amendment from LDR (Low Density Residential) to COM (Commercial) and a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development), for 0.94 ± acres, located at the northwest corner of Bear Lake Road and Maitland Boulevard (Bryan Potts, applicant); or

3. **CONTINUE** the public hearing until a time and date certain.

District 3 – Commissioner Van Der Weide

Austin Watkins, Senior Planner

BACKGROUND:

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____

File No. Z2008-47

The applicant is requesting a Small Scale Future Land Use Amendment (SSLUA) from LDR (Low Density Residential) to COM (Commercial) and a rezone from A-1 (Agriculture) to PCD (Planned

Commercial Development). The applicant is proposing an 8,550 square foot retail/office building. The proposed uses are those uses allowed within the C-1 (Retail Commercial) zoning classification with the following exclusions: churches, funeral homes, multifamily housing, communication towers, drive-thrus and daycares.

The proposed development is located within the jurisdictions of Seminole and Orange Counties. Portions of the building, parking, open space and buffering is located within both jurisdictions. If this Small Scale Land Use Amendment and rezone application is approved by the Seminole County Board of County Commissioners and the Orange County portion is approved by the Orange County Board of County Commissioners. Then a Memorandum of Understanding (MOU) between the Seminole and Orange Board of County Commissioners may be entered into. The MOU will provide for the cooperative and coordinated handling of the proposed land development. The MOU addresses site plan review, building inspections, impact fees, concurrency, fire services, utilities, permitting, and other issues.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a Small Scale Land Use Amendment from LDR (Low Density Residential) to COM (Commercial) and a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development), for 0.94 ± acres, located at the northwest corner of Bear Lake Road and Maitland Boulevard, and recommend approval of the attached Preliminary Site Plan and Development Order.

Attachments:

Staff Analysis
Location Map
Zoning and Future Land Use Map
Aerial Map
Preliminary Site Plan
Approval Development Order
SSLUA Ordinance
Rezone Ordinance
Denial Development Order
Applicant's Justification Statement
Waiver Request to Section 30.1232 of the SCLDC (Active/Passive Buffer)
Ownership Disclosure Form

Maitland-Bear Lake Plaza SSLUA and Rezone SSLUA from LDR to COM and Rezone from A-1 to PCD		
APPLICANT	Bryan Potts	
PROPERTY OWNER	Mary Isaacson and James Johnston	
REQUEST	Small Scale Land Use Amendment from LDR (Low Density Residential) to COM (Commercial) and a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development)	
PROPERTY SIZE	0.94 ± acres	
HEARING DATE (S)	P&Z: December 10, 2008	BCC: January 27, 2009
PARCEL ID (S)	19-21-29-300-0110-0000 & 20-21-29-300-0080-0000	
LOCATION	Northwest corner of Bear Lake Road and Maitland Boulevard	
FUTURE LAND USE	LDR (Low Density Residential)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2008-47	
COMMISSION DISTRICT	#3 – Van Der Weide	

CONSISTENCY WITH THE SEMINOLE COUNTY 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

The subject property is located at the intersection of Maitland Boulevard and Bear Lake Road. Bear Lake Road is assigned the Collector and Maitland Boulevard is assigned the Urban Principal Arterial roadway classification. This segment of Maitland Boulevard is a newly constructed roadway and the intersection of Maitland Boulevard and Bear Lake Road has been constructed within the past eight years. Further, there is an existing gas station/convenience store at the southwest corner of the intersection and a Walgreens drug-store at the northeast corner of the intersection. With the construction of Maitland Boulevard and the existing commercial uses, Staff finds that the character of the area has changed enough to warrant a more intensive land use designation on the subject property.

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

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

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

Staff Evaluation

The development will have to undergo Concurrency Review 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. However, there appears to be no wetlands or flood prone areas on the subject property.

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

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

Staff Evaluation

The subject property is adjacent to Low Density Residential FLU to the west. However, Staff finds that the proposed Preliminary Site Plan demonstrates a compatible transition between Low Density Residential FLU and the proposed uses. The applicant is proposing a 20' building setback and a 10' landscaped buffer containing 6 understory trees per 100' feet and a 30" continuous hedge for the western property line, due to the height restrictions of the existing power line easement. Additionally, the west property line is adjacent to a 50' County Trail right-of-way. Moreover, the uses proposed by the applicant are consistent with the Neighborhood Commercial definition in the Seminole County Comprehensive Plan, which allows for less intensive uses and impacts.

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, nor mass transit. The applicant is proposing to install bike racks and design the site in a manner that would promote multi-modal transit.

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

The following are other applicable Comprehensive Plan Policies and Exhibits and staff's evaluation:

Policy FLU 2.5: Transitional Land Uses in Urban Areas Not Approved for Mixed Development

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, within urban areas where mixed development is not permitted. *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 COM (Commercial). The applicant proposes a development that adheres to the definition of

Neighborhood Commercial, as defined by the Seminole County Comprehensive Plan. Neighborhood Commercial may be a compatible FLU designation adjacent to Low Density Residential FLU if sensitive site design standards are utilized, per *Exhibit FLU: Appropriate Transitional Lands Uses*.

Staff finds that the applicant's proposal provides adequate buffering, limited uses and other restrictions 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 PCD (Planned Commercial Development):

DISTRICT REGULATIONS	Existing Zoning (A-1)
Minimum Lot Size	43,560 square feet
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 (PCD)
Minimum Lot Size	N/A
Minimum House Size	N/A
Minimum Width at Building Line	N/A
North Setback	N/A
South Setback	0 feet (the building is located in Orange and Seminole Counties on this property line)
East Setback	25 feet
West Setback	20 feet
Maximum Building Height	35 feet

COMPATIBILITY WITH SURROUNDING PROPERTIES

The proposed Future Land Use designation on the subject property is COM (Commercial). The applicant proposes a development that adheres to the definition of Neighborhood Commercial, as defined by the Seminole County Comprehensive Plan. Neighborhood Commercial may be a compatible FLU designation adjacent to Low Density Residential FLU if sensitive site design standards are utilized, per *Exhibit FLU: Appropriate Transitional Lands Uses*.

The applicant is proposing the following uses: C-1 uses with the following exclusions: churches, funeral homes, multifamily housing, communication towers, drive-thrus and daycares. These uses, buffers and setbacks as outlined in this report ensure compatibility with the surrounding properties.

Staff has reviewed the proposed Small Scale Land Use Amendment and rezone and determined that the buffers and uses proposed are consistent with the trend of development and compatible with surrounding properties.

SITE ANALYSIS:

Floodplain Impacts:

Based on FIRM map with an effective date of 2007, 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 Future Land Use (LDR)*	Proposed Land Use (COM) Calculated as general retail	Net Impact
Water (GPD)	350	2,992	+2,642
Sewer (GPD)	300	2,244	+1,944
Traffic (ADT)	10	242	+232

** Calculated as one single-family home (A-1 zoning)*

Utilities:

The site is located in the Seminole County utility service area. This project will be required to hook-up to public utilities. There is a 10-inch water main with a stub-out approximately 750 feet northeast of the parcel on the east side of Bear Lake Rd. and a 4-inch force main on the east side of Bear Lake Rd.

Transportation / Traffic:

The property proposes access onto Bear Lake Road, which is classified as major collector roadway and does not have improvements programmed in the County 5-year Capital Improvement Program.

Drainage:

The proposed project is located within the Little Wekiva Drainage Basin and the outfall is unknown. The project will have to show downstream capacity or hold the entire 25-year, 24-hour storm event onsite.

Buffers and Sidewalks:

There is an existing 5-foot wide sidewalk along Bear Lake Road. The subject property is adjacent to the Low Density Residential FLU to the west. Therefore, the Active/Passive buffers are required, per Section 30.1232 of the Seminole County Land Development Code. The applicant is requesting a waiver from the Active/Passive buffering standards. The table below describes the required and proposed buffers

Western Property Line

	Seminole County Land Development Code Section 30.1232 "Active/Passive Buffering Standards"	**Proposed Buffering Standards**
Buffer Width	25'	10' (reduced to 3' at the closest point to the access road)
Setback	50'	20'
Wall/Fence	6' Masonry Wall	No Wall or Fence
# of Trees	8 Canopy Trees per 100' Linear Feet	6 Understory Trees per 100' Linear Feet
Shrubs	None Required	30" Continuous Hedge

Staff has reviewed the waiver request and its impact on the surrounding residents 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 western property line is adjacent to a power line easement and a 50' County Trail right-of-way. Moreover, the adjacent Low Density Residential property is undeveloped.

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

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	2.4:	Neighborhood Commercial Uses
Policy FLU	2.5:	Transitional Land Uses in Urban Areas Not Approved For Mixed Development
Policy FLU	7.1:	Joint Planning Agreements
Policy FLU	7.9	Coordination of Levels of Service

INTERGOVERNMENTAL NOTIFICATION:

Seminole and Orange Counties have been jointly reviewing this project.

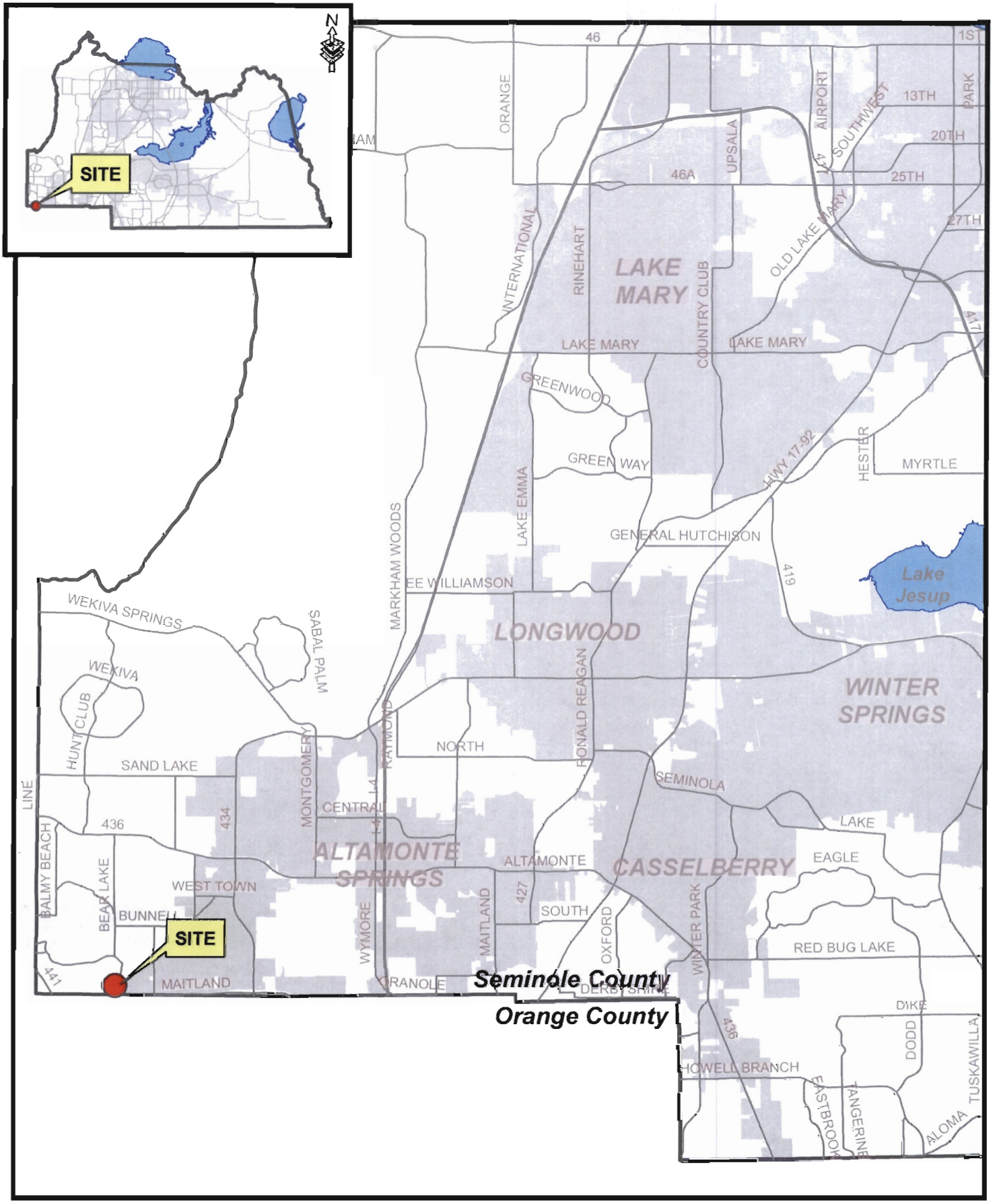
LETTERS OF SUPPORT OR OPPOSITION:

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

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a Small Scale Land Use Amendment from LDR (Low Density Residential) to COM (Commercial) and a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development), for 0.94 ± acres, located at the northwest corner

of Bear Lake Road and Maitland Boulevard, and recommend approval of the attached Preliminary Site Plan and Development Order.



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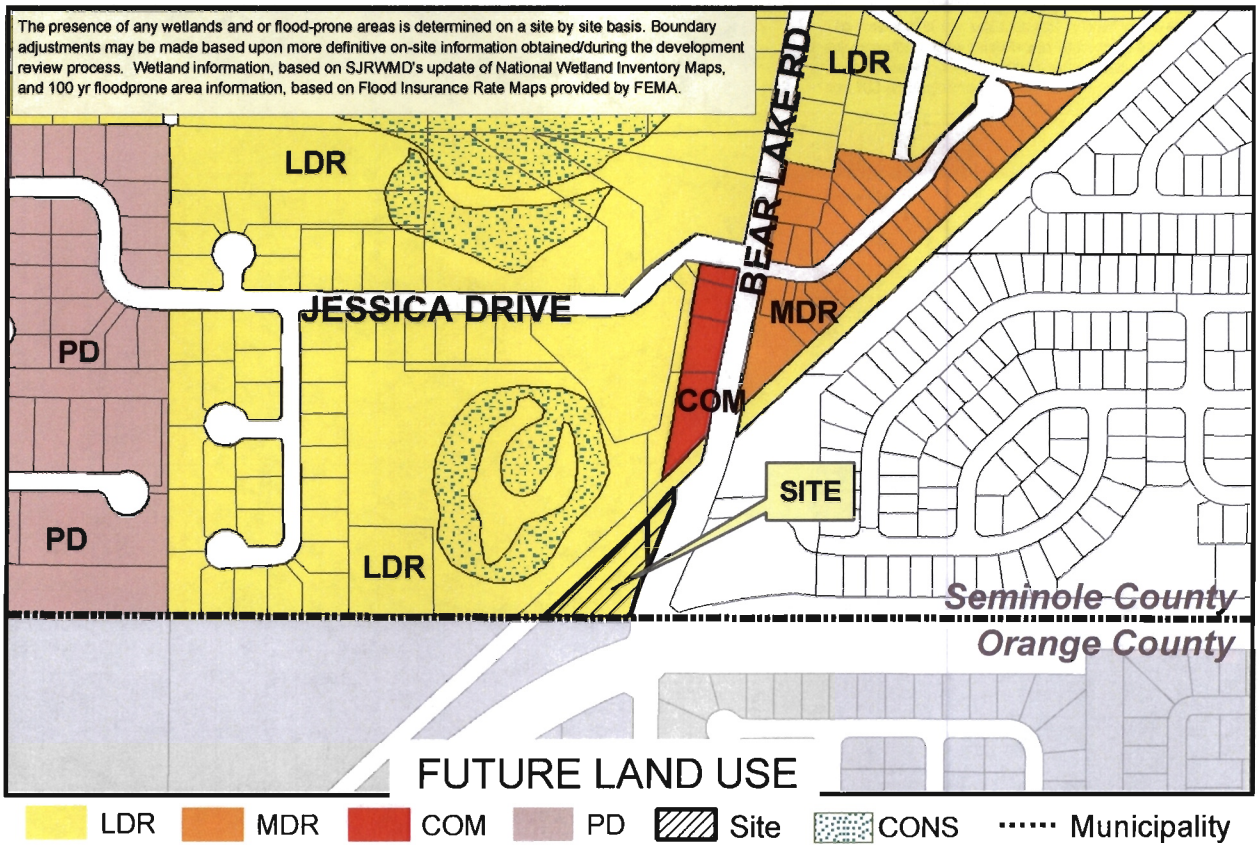
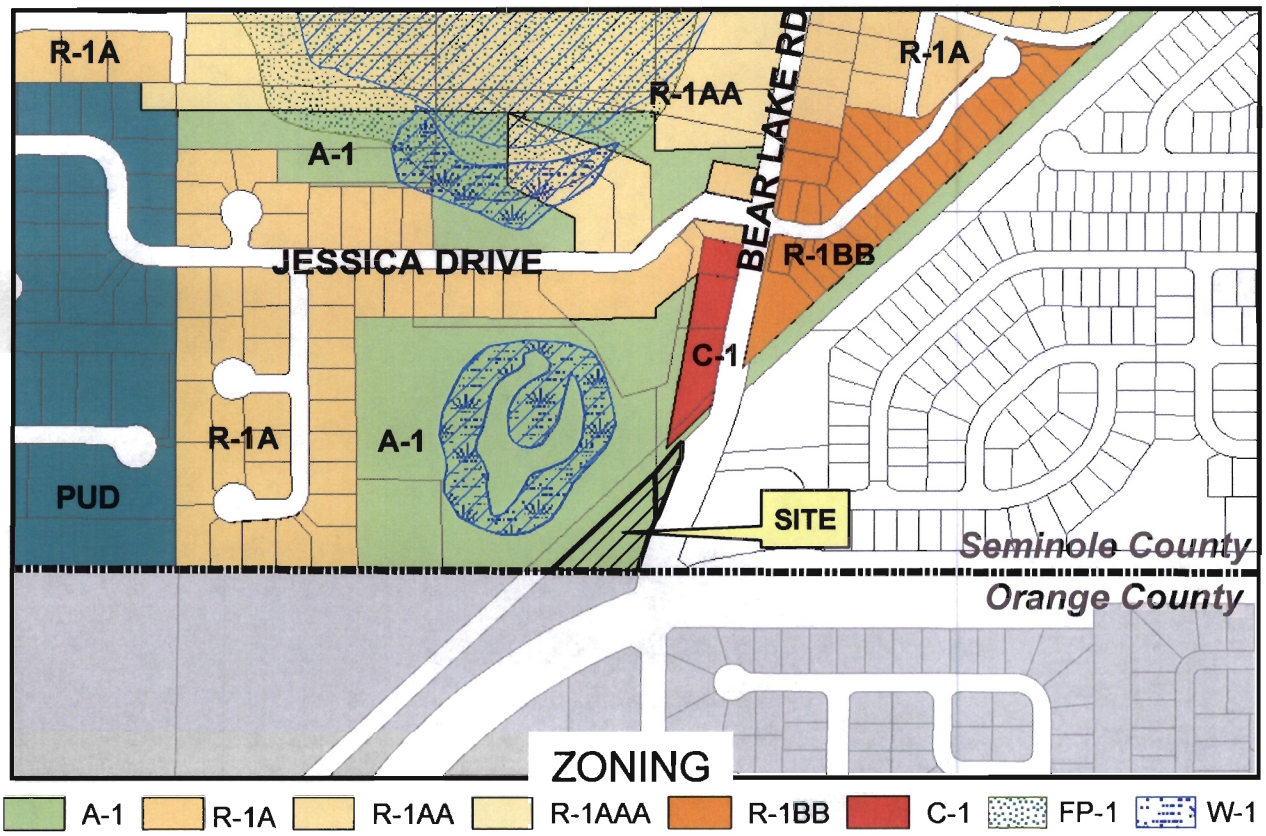


Applicant: Bryan Potts
Physical STR: 20-21-29 and 19-21-29
Gross Acres: 126+/- BCC District: 3
Existing Use: Vacant
Special Notes:

	Amend/ Rezone#	From	To
FLU	08-SS.06	LDR	COM
Zoning	Z2008-047	A-1	PCD

N



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FLU No: 08SS.06
From: LDR To: COM
Rezone No: Z2008-47
From: A-1 To: PCD

Parcel
Subject Property

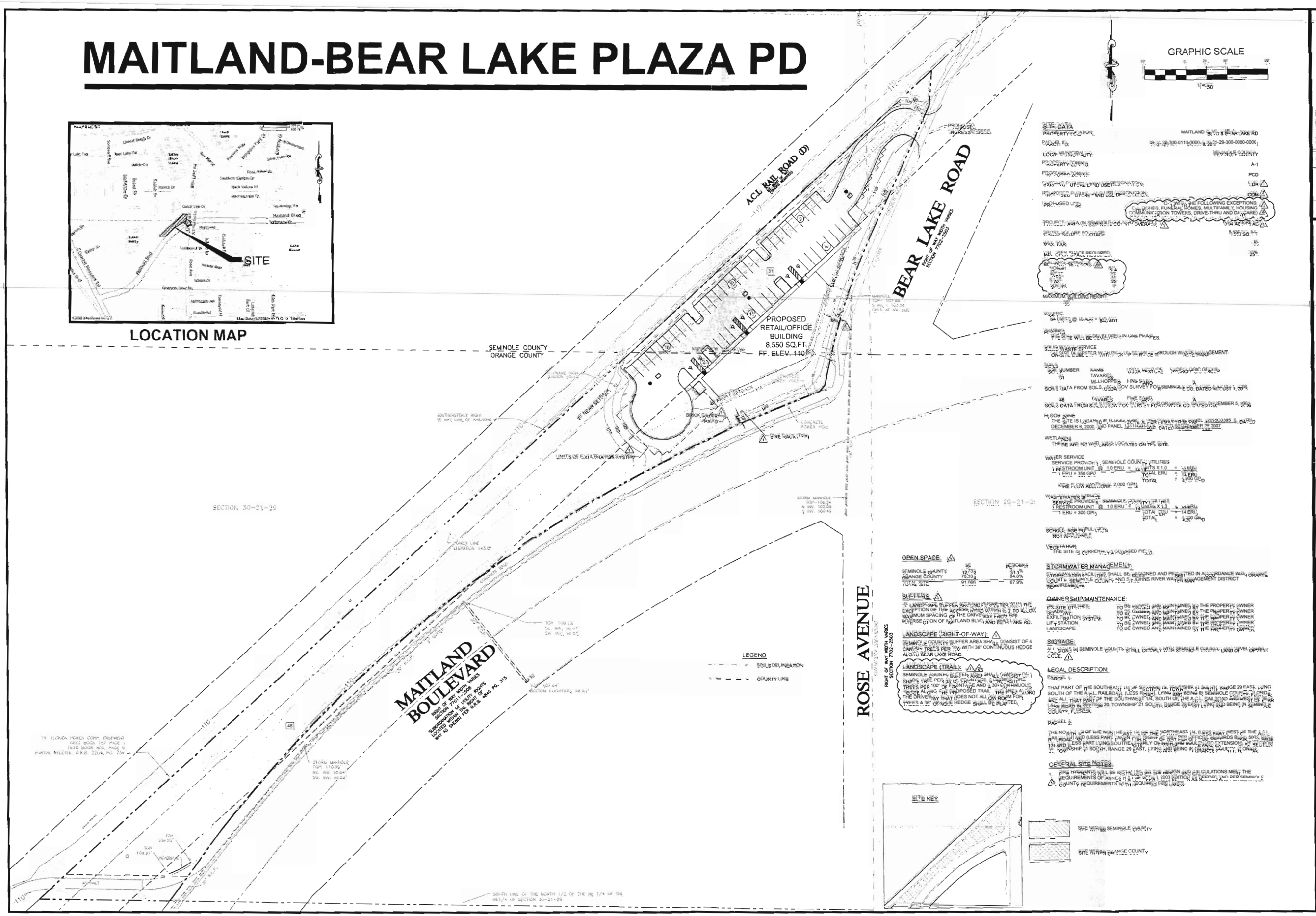
N

Winter 2007 Color Aerials

filename: L:/pl/projects/p&z/GIS/staff_report_pkgs2008/site_aerials/Z2008-047 adaer 11/12/08

MAITLAND-BEAR LAKE PLAZA PD

LOCATION MAP



REV.	DATE	BY	COMMENTS
0	07/10/08	BRP	ISSUED FOR PERMITTING
1	10/10/08	BRP	REVISIONS PER COUNTY COMMENTS
2	11/2/08	BRP	REVISIONS PER COUNTY COMMENTS
3			
4			
5			
6			

LAND USE PLAN

MAITLAND - BEAR LAKE PLAZA
MAITLAND BLVD & BEAR LAKE RD
ORANGE/SEMINOLE COUNTY, FLORIDA

TANNATH DESIGN, INC.
2494 ROSE SPRING DRIVE
ORLANDO, FLORIDA 32825
(407) 982-9878
(407) 208-1425 fax
www.tannathdesign.com
FL. CERT. OF AUTH. #27199

BRYAN R. POTTS, P.E.
FL. REG. #59461
12-2-08
DATE

PROJECT #:	022-002
DATE:	07/10/08
SCALE:	1" = 50'
DRAWN:	SCP
APPROVED:	BRP

SHEET NAME:

LUP

SHEET: 1 OF 1

SEMINOLE COUNTY DEVELOPMENT ORDER

On January 27, 2009, 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): Mary Isaacson and James Johnston

Project Name: Maitland – Bear Lake Plaza SSLUA and Rezone

Requested Development Approval: Small Scale Future Land Use amendment from LDR (Low Density Residential) to COM (Commercial) and a rezone from A-1 (Agriculture) to PCD (Planned Commercial 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 aforedescribed property.

Prepared by: Austin Watkins
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED.**

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

A. The project shall have a maximum allowable building square footage of 8,550 square feet.
B. Permitted Uses: C-1 Retail Commercial with the following excluded uses:
    1. Churches
    2. Funeral homes
    3. Multi-family housing - such as condominiums, apartments and townhouses of medium to high density
    4. Communication Towers
    5. Drive-Thrus
    6. Daycare/kindergartens
C. The setbacks shall be as follows:
    North: N/A
    South: 0'
    East: 25'
    West: 20'
D. The buffers shall be as follows:
The buffers shall meet the following criteria:
    South: No buffer required.
    East: 10 foot landscaped buffer containing 4 canopy trees every 100' and a 36" continuous hedge.
    West: 10 foot landscaped buffer containing 6 understory trees per 100' linear feet and a 30" continuous hedge. The buffer may be reduced down to 3 foot at the closest point to the access road; within this area the buffer shall contain a 36" continuous solid opaque hedge. The trees used in this buffer shall be consistent with Progress Energy planting standards.
E. The project shall provide bicycle racks.
F. The hours of operation for all uses within the property shall only be permitted between the hours of 7 AM until 11 PM.
G. All outdoor seating and associated uses shall only be permitted on the east side of the building (Bear Lake Road and Maitland Boulevard).
H. 25% usable open space shall be provided on the subject property.
I. The maximum allowable building height is 35'.

J. Development shall comply with the Preliminary Site Plan attached as Exhibit "B".

(4) This Development Order touches and concerns the aforedescribed 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:_____
Bob Dallari, Chairman

OWNER'S CONSENT AND COVENANT

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

_____ _____
Witness Mary Isaacson

_____
Printed Name

_____
Witness

_____
Printed Name

STATE OF FLORIDA)
)
COUNTY OF)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Mary Isaacson, who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

_____
Notary Public, in and for the County and State Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

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

_____ _____
Witness James Johnston

_____
Printed Name

_____
Witness

_____
Printed Name

STATE OF FLORIDA)
)
COUNTY OF)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared James Johnston, who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

_____
Notary Public, in and for the County and State Aforementioned

My Commission Expires:

EXHIBIT "A"

Legal Description

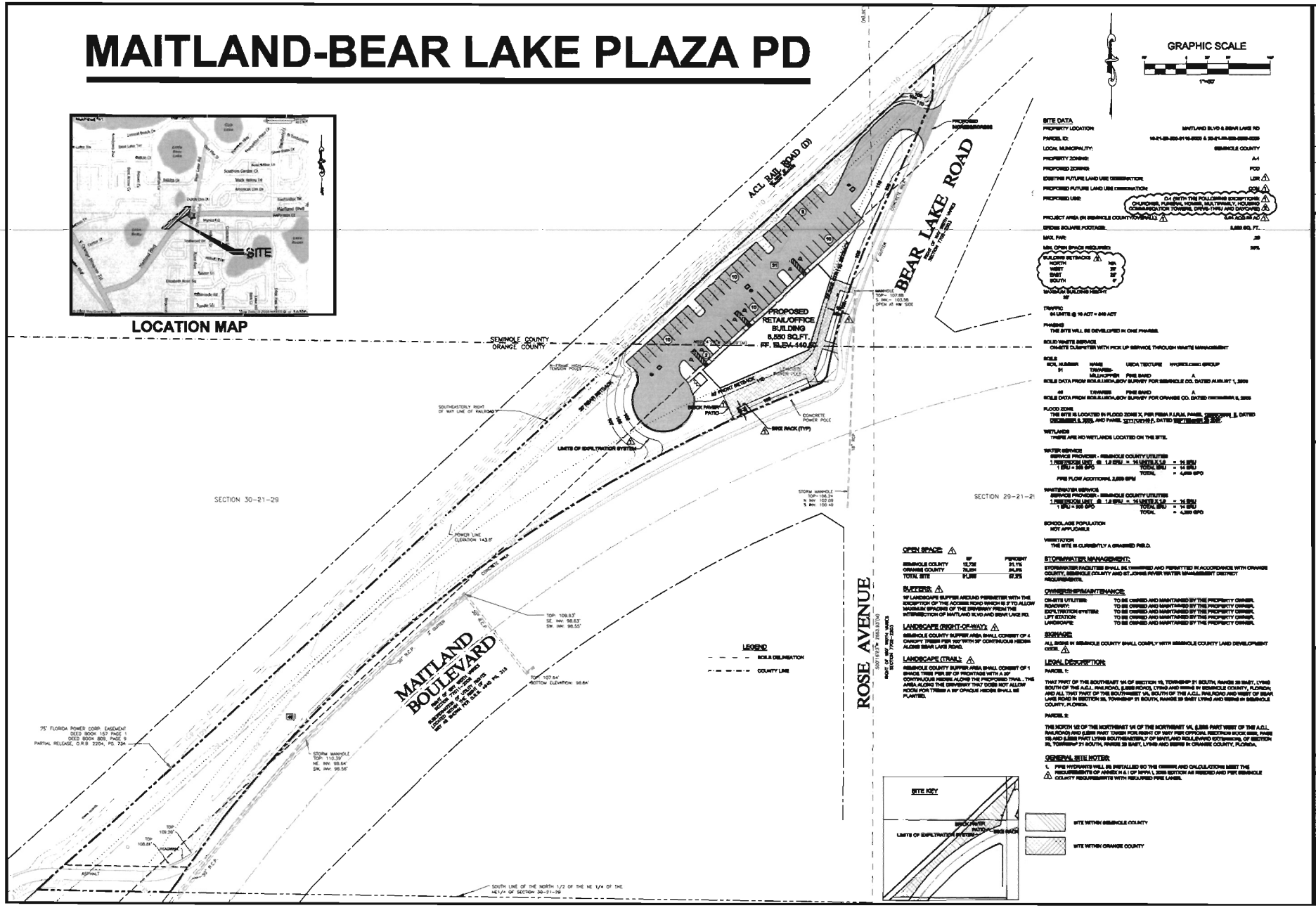
THAT PART OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 29 EAST, LYING SOUTH OF THE A.C.L. RAILROAD, (LESS ROAD), LYING AND BEING IN SEMINOLE COUNTY, FLORIDA; AND ALL THAT PART OF THE SOUTHWEST 1/4, SOUTH OF THE A.C.L. RAILROAD AND WEST OF BEAR LAKE ROAD IN SECTION 20, TOWNSHIP 21 SOUTH, RANGE 29 EAST LYING AND BEING IN SEMINOLE COUNTY, FLORIDA.

EXHIBIT "B"

Preliminary Site Plan

MAITLAND-BEAR LAKE PLAZA PD

LOCATION MAP



REV.	DATE	BY	COMMENTS
0	07/10/06	BRP	ISSUED FOR PERMITTING
1	10/31/06	BRP	REVISIONS PER COUNTY COMMENTS
2	11/21/06	BRP	REVISIONS PER COUNTY COMMENTS
3			
4			
5			
6			

LAND USE PLAN

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FL CERT. OF AUTH. #27190

BRYAN R. POTTS, P.E.
FL REG. #59481

DATE

PROJECT #:	022-002
DATE:	07/10/06
SCALE:	1" = 50'
DRAWN:	SCP
APPROVED:	BRP

SHEET NAME:

LUP

SHEET: 1 OF 1

ORDINANCE NO. 2009-

SEMINOLE COUNTY, FLORIDA
Z2008-47

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 COMMERCIAL; 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 ____ which adopted the 2008 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 December 10, 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 January 27, 2009, 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_____, 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 09-_____.

(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 27th day of January, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By:_____
Bob Dallari, Chairman

APPENDIX A

LEGAL DESCRIPTION

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 29 EAST, LYING SOUTH OF THE A.C.L. RAILROAD, (LESS ROAD), LYING AND BEING IN SEMINOLE COUNTY, FLORIDA; AND ALL THAT PART OF THE SOUTHWEST 1/4, SOUTH OF THE A.C.L. RAILROAD AND WEST OF BEAR LAKE ROAD IN SECTION 20, TOWNSHIP 21 SOUTH, RANGE 29 EAST LYING AND BEING IN SEMINOLE COUNTY, FLORIDA.

ORDINANCE NO. 2009- **SEMINOLE COUNTY, FLORIDA**
Z2008-47

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 A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) 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 Maitland-Bear Lake Plaza SSLUA and Rezone, dated January 27, 2009.

(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 PCD (Planned Commercial Development):

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 # 08-20500008 in the Official Land Records of Seminole County.

ENACTED this 27th day of January 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By:_____
Bob Dallari, Chairman

EXHIBIT "A"
LEGAL DESCRIPTION

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 29 EAST, LYING SOUTH OF THE A.C.L. RAILROAD, (LESS ROAD), LYING AND BEING IN SEMINOLE COUNTY, FLORIDA; AND ALL THAT PART OF THE SOUTHWEST 1/4, SOUTH OF THE A.C.L. RAILROAD AND WEST OF BEAR LAKE ROAD IN SECTION 20, TOWNSHIP 21 SOUTH, RANGE 29 EAST LYING AND BEING IN SEMINOLE COUNTY, FLORIDA.

FILE # Z2008-47 **DEVELOPMENT ORDER # 08-20500008**

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 27, 2009, Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

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

Property Owner(s): Mary Isaacson and James Johnston

Project Name: Maitland – Bear Lake Plaza SSLUA and Rezone

Requested Development Approval: Small Scale Future Land Use amendment from LDR (Low Density Residential) to COM (Commercial) and a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development).

The Board of County Commissioners has determined that the Small Scale Land Use Amendment from LDR (Low Density Residential) to COM (Commercial) and rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Maitland – Bear Lake Plaza SSLUA and Rezone" and all evidence submitted at the public hearing on January 27, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested Small Scale Land Use Amendment from LDR (Low Density Residential) to COM (Commercial) and rezone from A-1 (Agriculture) to PCD (Planned Commercial Development)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:_____
Bob Dallari, Chairman

EXHIBIT "A"

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 29 EAST, LYING SOUTH OF THE A.C.L. RAILROAD, (LESS ROAD), LYING AND BEING IN SEMINOLE COUNTY, FLORIDA; AND ALL THAT PART OF THE SOUTHWEST 1/4, SOUTH OF THE A.C.L. RAILROAD AND WEST OF BEAR LAKE ROAD IN SECTION 20, TOWNSHIP 21 SOUTH, RANGE 29 EAST LYING AND BEING IN SEMINOLE COUNTY, FLORIDA.

Maitland – Bear Lake Plaza

Small Scale Future Land Use Map Amendment

Seminole County, Florida

October 23, 2008

Prepared by:
Tannath Design, Inc.
2494 Rose Spring Drive
Orlando, Florida
P: (407) 982-9878
F: (407) 208-1425

Justification Statement – Maitland – Bear Lake Plaza

Project Request

On behalf of Mary Isaacson & James Johnston, Tannath Design, Inc. (to be known as the "agent") submits this Small Scale Future Land Use Map Amendment? We are requesting that the LDR Future Land Use designation illustrated on Seminole County's Future Land Use Map be amended to Planned Commercial Development. (PCD)

Project Outline

The subject property is located in south-west Seminole County at the northwest corner of Bear Lake Road & W. Maitland Boulevard. There are a 7-11 and a CVS Drugstore on two other corners of this intersection. Amending the subject property's Future Land Use designation will promote quality development along the major thoroughfare of Maitland Boulevard. The specific uses proposed on the 1.74± acre site are most of those uses allowed in the C-1 zoning district. The restricted uses from C-1 are: Churches, Funeral Homes, Multifamily Housing, and Communication Towers. There are no wetlands or floodplains on the subject property.

This area is an underserved market for this type of commercial product. There are currently no other developments of this type on Maitland Boulevard heading to the east all the way to 17-92. There is also limited commercial development in the westerly direction as well. FDOT has designated Maitland Boulevard as a limited access road; therefore future commercial opportunities along this road will remain limited. The proposed commercial uses on the subject property, in association with the existing commercial and residential uses in the surrounding area, will foster a better mix of uses along Maitland Boulevard, which will encourage the use of alternative modes of transportation such as transit, walking and biking.

The site is currently entitled to Low Density Residential Development. The applicant proposes to eliminate the potential to development any residential on the 0.94-acre site in Seminole County, in exchange for allowing a retail plaza. The elimination of residential development potential from the site will be accomplished through the PCD Future Land Use amendment and rezoning process and all potential impacts to schools will be eliminated. The maximum development intensity requested for the proposed PD is an FAR of 0.1, for the entire project.

The site will need to request a waiver from the Active/Passive buffering requirements of the County. The development backs to a Trail ROW and intends to have complimentary retail uses to trail. The applicant wishes to enlarge the sidewalk on Bear Lake Road in front of the Plaza and have bike racks to foster a complimentary relationship between the trail and the Plaza. We will also provide landscaping to enhance the appearance of the site from the trail.

There is also a directly connected parcel to the south under the same ownership. This parcel falls within the jurisdiction of Orange County, but is intended, through this Land Use amendment and rezone, process to be combined with the subject property to provide a better mix of uses in the area. The access will be off of Bear Lake Road in Seminole County. Seminole County and Orange County have agreed to prepare a memorandum of understanding for the project to coordinate any potential conflicting issues. Both County staffs have been very cooperative in helping work through the many issues involved in such a project.

Parcel Description

Project Site Information
Owner: Mary Isaacson & James Johnston
Acres: 0.94±
Parcel ID's: 19-21-29-300-0110-0000
20-21-29-300-0080-0000

General Location
The parcel is located in south-west Seminole County, at the northwest corner of Maitland Boulevard and Bear Lake Road.

Frontage
The parcel has approximately 315 feet of frontage on Bear Lake Road in Seminole County. It also has approximately 912 feet of frontage on Maitland Boulevard in Orange County.

Access
Access to the proposed development will be provided from Bear Lake Road, in Seminole County.

Street Address
Yet to be Assigned, Bear Lake Road.

Land Use Information
The property currently has a Low Density Residential Future Land Use Designation. The applicant is requesting that the Future Land Use Designation for the subject property be amended to PCD. Proposed uses are some of those uses in the C-1 zoning district.

Zoning
The property is currently zoned A-1.

The applicant is proposing to rezone entire parcel to Planned Commercial Development.

Built Features
The site is currently undeveloped.

Utilities and services
Utilities are to be provided by Seminole County Utilities.

A water main is approximately 600' north of the site on Bear Lake Road
.
For sanitary sewer service, an eight inch PVC gravity line is located on the opposite side of Bear Lake Road.

Comprehensive Plan Consistency Analysis

Amending the County's Future Land Use Map is necessary to facilitate the development of the parcels in a manner consistent with surrounding development patterns in urbanized Seminole County. This request is in accord with the following Future Land Use Element policies:

Policies FLU1.1 & 1.2
This request is consistent with policies 1.1 and 1.2 in that there are no wetland or Floodplains on the subject parcel.

Policy FLU 1.10
The proposed commercial is consistent with Policy 1.10 in that the site will retain and recover the 100yr storm event onsite, with no discharge. This will prevent any adjacent flooding due to this development and Water quality will be maintained.

Policy FLU 2.3
The proposed commercial is consistent with Policy 2.3 in that the site sits at the intersection of a major state road and a Seminole county minor collector road. The site will provide access to the County trial system and provide bike racks for public use.

Policy FLU 2.4
The proposed commercial is consistent with Policy 2.4 in that FDOT has designated Maitland Boulevard a limited access road. Therefore, there are a very small number of potential commercial sites along this corridor.

Policy FLU 5.3
The proposed commercial is consistent with Policy 5.3 in that the site is located on the corner of a collector and an Arterial Road, also, there is commercial development on 2 other corners of this intersection.

Policy FLU 7
The proposed commercial is consistent with the Policies of FLU Objective 7 in that Orange and Seminole County are working on a Memorandum of Understanding to Coordinate any conflicting issues.

Conditions related to the approval of this PCD request are as follows:

1. Permitted uses shall be consistent with C-1 zoning. With the exception of Churches, Funeral Homes, Multifamily Housing, and Communication Towers.

Concurrency

1. Schools shall not be affected since residential development will be eliminated by this application through the change of land use and through the PCD zoning process over the 3.08-acre parent parcel.

Tannath Design, Inc.
2494 Rose Spring Drive
Orlando, Florida 32825
(407) 982-9878
(407) 208-1425 fax
www.tannathdesign.com

022-002 Maitland – Bear Lake Plaza

November 3, 2008

Austin Watkins, Senior Planner
Seminole County Planning Division
1101 East First Street
Sanford, Florida 32771

RE: Active/Passive Buffer Waiver Request Letter
Seminole County, Florida

Dear Mr. Watkins:

I am requesting a waiver to the Active/Passive buffer requirements of the Seminole County Land Development Code. The site has some unique geometric challenges, as it is a long narrow property fronting Maitland Boulevard, with trail corridor to its rear and a 100' Progress Energy Transmission Easement running down the rear of the site adjacent to the trail corridor. Due to the site geometry, setbacks and Progress energy easement, there is only approximately a 12,400 square foot triangular area across Orange and Seminole County that a building could be placed in. We proposed a 10 Landscape buffer to the County trail ROW with 1 tree every 33 feet and a 30" continuous hedge. There is a short stretch of the access road that for safety in spacing from the Bear Lake Road and Maitland Boulevard intersection comes only 3' from the trail ROW. I propose a solid opaque hedge in this area. The plaza will only have parking and access facing the trail and residential Land Use. All outdoor patio activities and bike racks will be on the front along Maitland Boulevard and Bear Lake Road. Hours of operation will be limited. Thank you for your consideration of this request.

Sincerely,

Bryan Potts, P.E.
Vice-President
Tannath Design, Inc.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: Mary E. Isaacson
Address: 8050 Eden Park Road, Orlando FL 32810
Phone #: (407) 293-3056

Name: James W. Johnston
Address: 823 Alston, Gulfport MS 39501
Phone #: (228) 547-0770

Name:
Address:
Phone #:

Name:
Address:
Phone #:

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation:
Officers:
Address:
Directors:
Address:
Shareholders:
Address:

Name of Corporation:
Officers:
Address:
Directors:
Address:
Shareholders:
Address:

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust:
Trustees:
Address:

Beneficiaries:
Address:

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership:_____ Name of Partnership:_____

Principal:_____ Principal:_____

Address:_____ Address:_____

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: Contract Vendee:

Name:_____ Name:_____

Address:_____ Address:_____

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

9/23/08
Date

xJames W. Johnston
Owner, Agent, Applicant Signature
By Mary E. Isaacson
Attorney in fact

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 23rd day of September, 2008 by MARY E. Isaacson

MILDRED MERCED
MY COMMISSION # DD685951
EXPIRES: September 21, 2011
1-800-3-NOTARY Fl. Notary Discount Assoc. Co.

Mildred Merced
Signature of Notary Public

Print, Type or Stamp Name of Notary Public

Personally Known ✓ OR Produced Identification _____

Type of Identification Produced _____

For Use by Planning & Development Staff

Date:_____ Application Number:_____