

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

SUBJECT: Slavia Road Rezone and Small Scale Land Use Amendment

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

AUTHORIZED BY: Alison Stettner **CONTACT:** Ian Sikonia EXT. 7398

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

MOTION/RECOMMENDATION:

1. **RECOMMEND DENIAL** of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 4.7± acres, located on the south side of the intersection of Slavia Road and Red Bug Lake Road, based on staff findings; (Judy Stewart, applicant); or
2. **RECOMMEND APPROVAL** of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 4.7± acres, located on the south side of the intersection of Slavia Road and Red Bug Lake Road, and approve the attached Preliminary Master Plan, subject to the conditions in the attached Development Order; (Judy Stewart, applicant); or
3. **CONTINUE** until a time and date certain.

District #1 – Dallari

Ian Sikonia, Senior Planner

BACKGROUND:

The applicant, Judy Stewart is requesting a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) in order to develop a commercial/office development. The proposed uses of the development are similar to those permitted in the C-1 and C-2 zoning districts. The Future Land Use designation on the subject property is Low Density Residential (LDR).

The proposed Preliminary Master Plan indicates that the project will contain a total of 60,000 square feet of Commercial/Office space. The

Reviewed by:	_____
Co Atty:	<u>JS</u>
DFS:	_____
OTHER:	<u>JS</u>
DCM:	_____
CM:	_____

File No. Z2008-38

proposed Preliminary Master Plan calls out access points for the development which do not meet the minimum requirements of the Seminole County Land Development Code. Staff has analyzed the proposed access points and recommends denial of the ingress/egress as proposed on the plan. Staff feels that the appropriate access points for this development would be a right-in only on Red Bug Lake Road and a right-in/right-out on Slavia Road.

STAFF RECOMMENDATION:

Staff recommends denial of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 4.7± acres, located on the south side of the intersection of Slavia Road and Red Bug Lake Road.

Attachments:

- Location Map
- Zoning and Future Land Use Map
- Aerial Map
- Preliminary Site Plan
- Denial Development Order (applicable if the request is denied)
- Development Order
- Justification Statement provided by Applicant
- Land Use Ordinance
- Rezone Ordinance
- Ownership Disclosure Form

Slavia Road Rezone from A-1 to PUD	
APPLICANT	Judy Stewart
PROPERTY OWNER	Robert & Becky Navidomskis
REQUEST	Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development).
PROPERTY SIZE	4.7 ± acres
HEARING DATE (S)	P&Z: December 10, 2008 BCC: January 27, 2009
PARCEL ID	16-21-31-5CA-0000-0680
LOCATION	Located on the south side of the intersection of Slavia Road and Red Bug Lake Road.
FUTURE LAND USE	Low Density Residential (LDR)
ZONING	A-1 (Agriculture)
FILE NUMBER	Z2008-38
COMMISSION DISTRICT	#1 – Dallari

PROPOSED DEVELOPMENT:

The applicant is proposing a 60,000 square foot commercial/office development.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Judy Stewart is requesting a rezone in order to develop a 60,000 square foot commercial/office development. The Future Land Use designation of the subject property is Low Density Residential (LDR). The following table depicts 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)	Proposed Zoning (PUD)
Minimum Lot Size	43,560 sq. ft.	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	N/A
Front Yard Setback	50 feet	25 feet
Side Yard Setback	10 feet	5 feet
(Street) Side Yard Setback	50 feet	N/A
Rear Yard Setback	30 feet	10 feet
Maximum Building Height	35 feet	55 feet

PERMITTED & SPECIAL EXCEPTION USES

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

PERMITTED USES

APPLIANCE STORES
ARTIST STUDIOS
BAKERIES
BANKS WITH DRIVE-THRU
BARBER AND BEAUTY SHOPS
BOOK, STATIONERY, AND NEWSSTANDS
CHURCHES
CLINICS, EXCEPT ANIMAL
CONFECTIONERY AND ICE CREAM STORES
CONVENIENCE MARKETS
DANCE AND MUSIC STUDIOS
DAY NURSERIES, KINDERGARTENS
DELICATESSENS
DRUG AND SUNDRY STORES WITH DRIVE-THRU
EMPLOYMENT AGENCIES
FIRE STATIONS
FLORIST AND GIFT SHOPS
FUNERAL HOMES
FURNITURE STORES
GROCERY STORES
HARDWARE STORES
HOTELS AND MOTELS
HOBBY AND CRAFT SHOPS

INTERIOR DECORATING AND DRAPERIES
JEWELRY STORES
LAUNDRY AND CLEANING PICK-UP STATIONS
LIBRARIES
LOCKSMITHS
LUGGAGE SHOPS
OFFICE, BUSINESS, AND PROFESSIONAL
PET STORES
PHOTOGRAPHIC STUDIOS
PHYSICAL FITNESS STUDIO
POST OFFICE
PUBLIC AND PRIVATE SCHOOLS
QUICK PRINT SHOPS
RETAIL PAINTS AND WALLPAPER STORES
RESTAURANTS, NO DRIVE-IN OR DRIVE-THRU
RETAIL SPORTING GOODS
TAILORING SHOPS
TOY STORES
VETERINARY HOSPITALS AND KENNELS
WATCH AND CLOCK REPAIR
WEARING APPAREL STORES

PROHIBITED USES

ALCOHOLIC BEVERAGE ESTABLISHMENTS
AUTOMOBILE SALES
CAR WASH
COMMUNICATION TOWERS
CONTRACTORS ESTABLISHMENTS
FURNITURE WAREHOUSE WITH RETAIL SALES
HOSPITALS AND NURSING HOMES
LUMBER YARDS
MARINE SALES AND SERVICE
MECHANICAL GARAGES
MOBILE HOME AND RECREATIONAL VEHICLE SALES
OUTDOOR ADVERTISING SIGNS
PAINT AND BODY SHOPS
PARKING GARAGES
PARKING OF SEMI-TRACTOR TRAILERS AND CARGO BOXES
PUBLIC UTILITY STRUCTURES
SERVICE STATIONS AND GAS PUMPS

COMPATIBILITY WITH SURROUNDING PROPERTIES

The area of Red Bug Lake Road and Slavia Road has in the past ten years been transitioning to one of the major commercial and office corridors in Seminole County. Over the past few years there have been several approved Planned Commercial and Planned Unit developments in the area. For the past several years the trend of development in the area is the conversion of larger vacant tracts of land into commercial and office developments due to the proximity of SR 417 and the Oviedo Marketplace. The other approved PUD/PCD's in the area which reflect these trends are the CA Stone West PUD, CA Stone East PUD, and the CA Stone PCD. The previously stated PUD/PCD developments have all allowed similar uses (OP & C-1) as the proposed Slavia Road PUD.

The subject property is adjacent to PUD zoning and PD Future Land Use on three sides. The property to the west contains the A-1 (Agriculture) zoning district and the Low Density Residential Future Land Use designation. As of November 12, 2008 all the surrounding properties are vacant except for the parcel to the northeast which is gas station. As stated before the surrounding properties with the PUD zoning district contain entitlements for office and commercial uses.

Staff finds the requested uses are compatible however, the proposed access points do not meet the minimum requirements of the Land Development Code. Staff would support the Land Use Amendment and Rezone if the access points would be a right-in on Red Bug Lake Road and a right-in/right-out onto Slavia Road.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

FLU Element Plan Amendment Review Criteria:

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

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

Staff Evaluation

The subject property is located within a corridor which is mainly comprised of commercial and office developments. This area has been rapidly transitioning to commercial and office developments over the past ten years. Some examples of adjacent commercial/office developments are the CA Stone West PUD, CA Stone East PUD, and the CA Stone PCD which have all been approved in the past three years. Staff finds that the character of the area has changed enough to warrant a land use change from Low Density Residential to Planned Development.

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 overlay 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 proposed PUD would be compatible with the surrounding commercial/office developments and be an appropriate transition between the less intensive Low Density Residential FLU designation to the west of the property. This development is not providing design standards at this stage and Seminole County has not adopted urban design guidelines for this corridor.

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's development plan is not proposing or considering any of the above stated elements which would further the public interest.

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, 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, 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 2: Appropriate Transitional Land Uses in the Future Land Use Element is used as a guide in evaluating compatibility between proposed and adjacent land uses. The subject property is a transitional parcel between lower density residential Future Land Use to the west and higher intensity office development to the east.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map with an effective date of 2007, there appears to be approximately 1 acre of floodplains on the subject property.

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 not exceed the pre-development rate of discharge for the 25-year, 24-hour storm event.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be 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 (PD) Calculated as Office**	Net Impact
Water (GPD)	6,300	6,000	- 300
Sewer (GPD)	5,400	6,000	+ 600
Traffic (ADT)	172	4,872	+ 4,700

*LDR calculated as 18 single-family homes

**PD calculated as 60,000 sq. ft. office

Utilities:

The site is located in the Southeast Seminole County utility service area, and will be required to connect to public utilities. There is a 12-inch water main on the north side of Slavia Road and an 8-inch force main on the north side of Slavia Road. The subject property is in the ten year master plan for reclaimed water. A separate reclaimed water utility system is required. This system will be charged by a temporary jumper from the potable water main and must be connected to reclaimed water when it becomes available.

Transportation / Traffic:

The property proposes access onto Red Bug Lake & Slavia Roads which are classified as arterial & collector roads respectively and do not have improvements programmed in the County 5-year Capital Improvement Program.

The access points proposed by the applicant do not meet the minimum requirements of the Seminole County Land Development Code. In Appendix A under section 2.6 of the Land Development Code, it states that the minimum requirements for separation are 330 feet for arterial and major collector roadways. The two roadways that front the property Red Bug Lake and Slavia are considered arterial and major collector roadways. The proposed access points are approximately 250 feet and 150 feet from the intersection of Red Bug Lake Road and Slavia Road.

Staff has analyzed the proposed access and recommends denial of the ingress/egress as proposed on the plan. The access as proposed is unsafe and would potentially cause unfavorable and conflicting traffic movements. The access proposed is not allowable by the Land Development Code. However, since no safe access for commercial is proposed as a concession staff recommends the access be a right-in only on Red Bug Lake Road and a right-in/right-out on Slavia Road. The applicant rejects staff's proposal for access.

Buffers and Sidewalks:

The proposed development would be required to construct a sidewalk along Slavia Road and Red Bug Lake Road. The landscaping concepts, buffer dimension, and vehicular and pedestrian linkage plan will be provided at time of Final Master Plan.

APPLICABLE POLICIES:

Fiscal Impact Analysis

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

Special Districts

The subject property is not located within any special 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). These policies are proposed to be adopted at the December 9, 2008 Board of County Commissioners Meeting.

Policy FLU 2.10: Determination of Compatibility in PUD Zoning Classifications
Policy POT 4.5: Potable Water Connection
Policy SAN 4.4: Sanitary Sewer Connection

INTERGOVERNMENTAL NOTIFICATION:

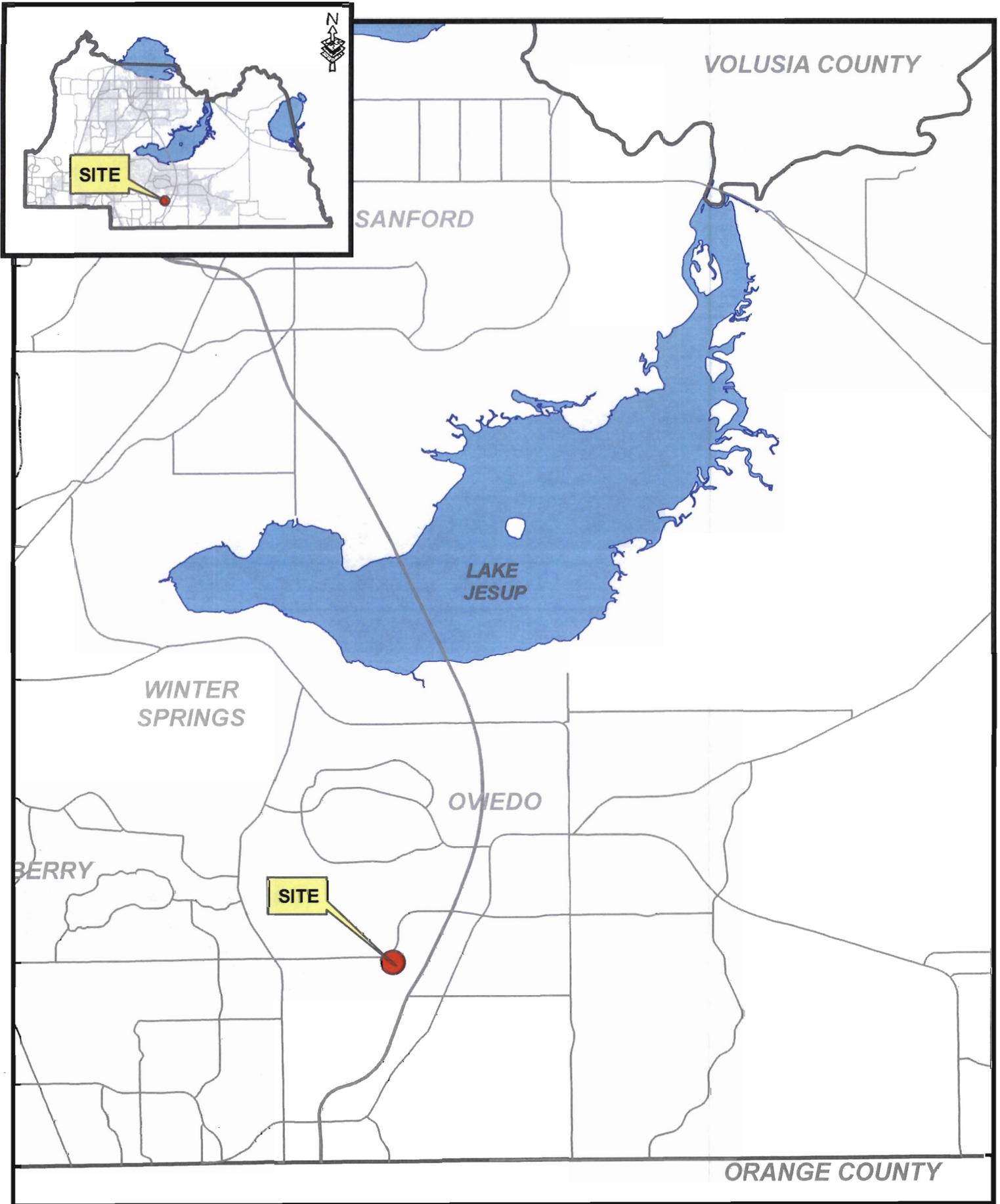
Intergovernmental notices were not required due to this property not being located near or adjacent to any municipality.

LETTERS OF SUPPORT OR OPPOSITION:

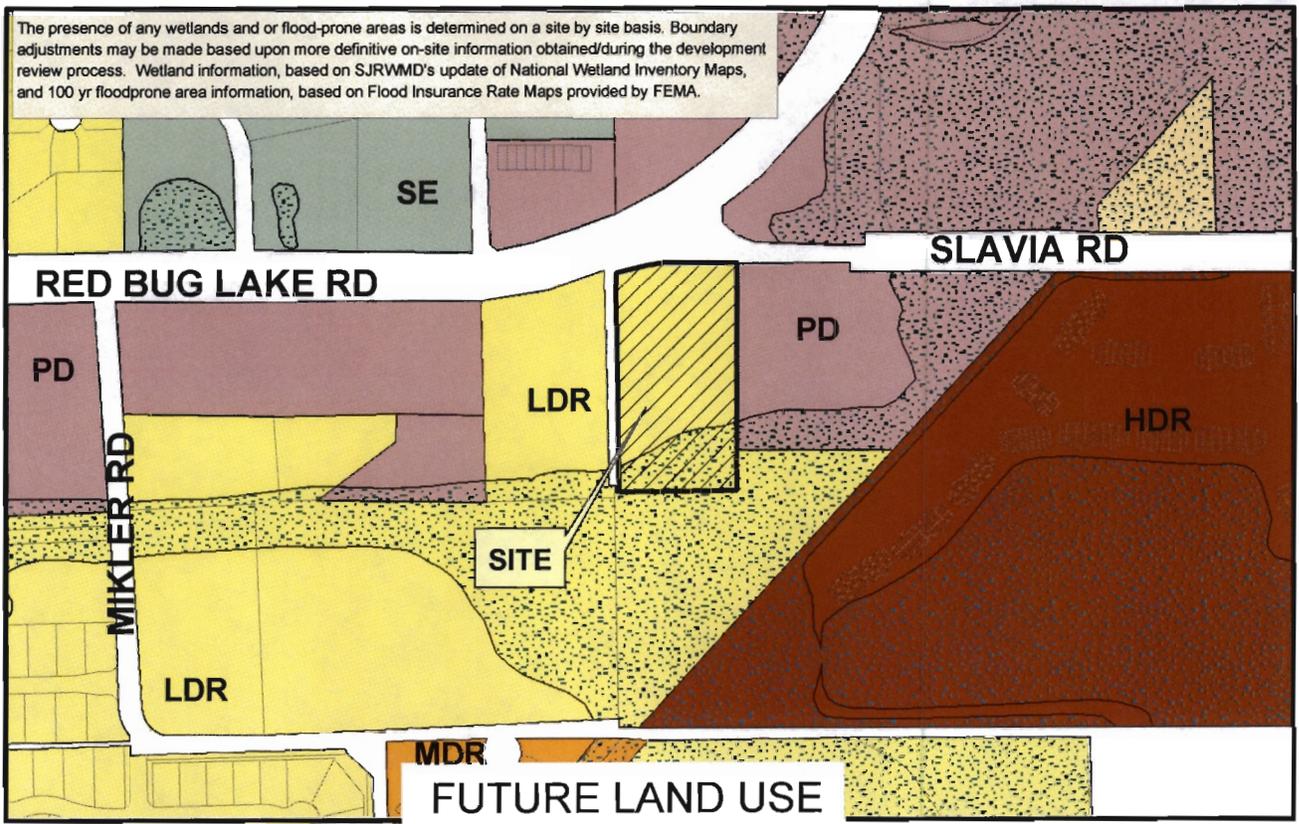
Staff has not received letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends denial of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 4.7± acres, located on the south side of the intersection of Slavia Road and Red Bug Lake Road.



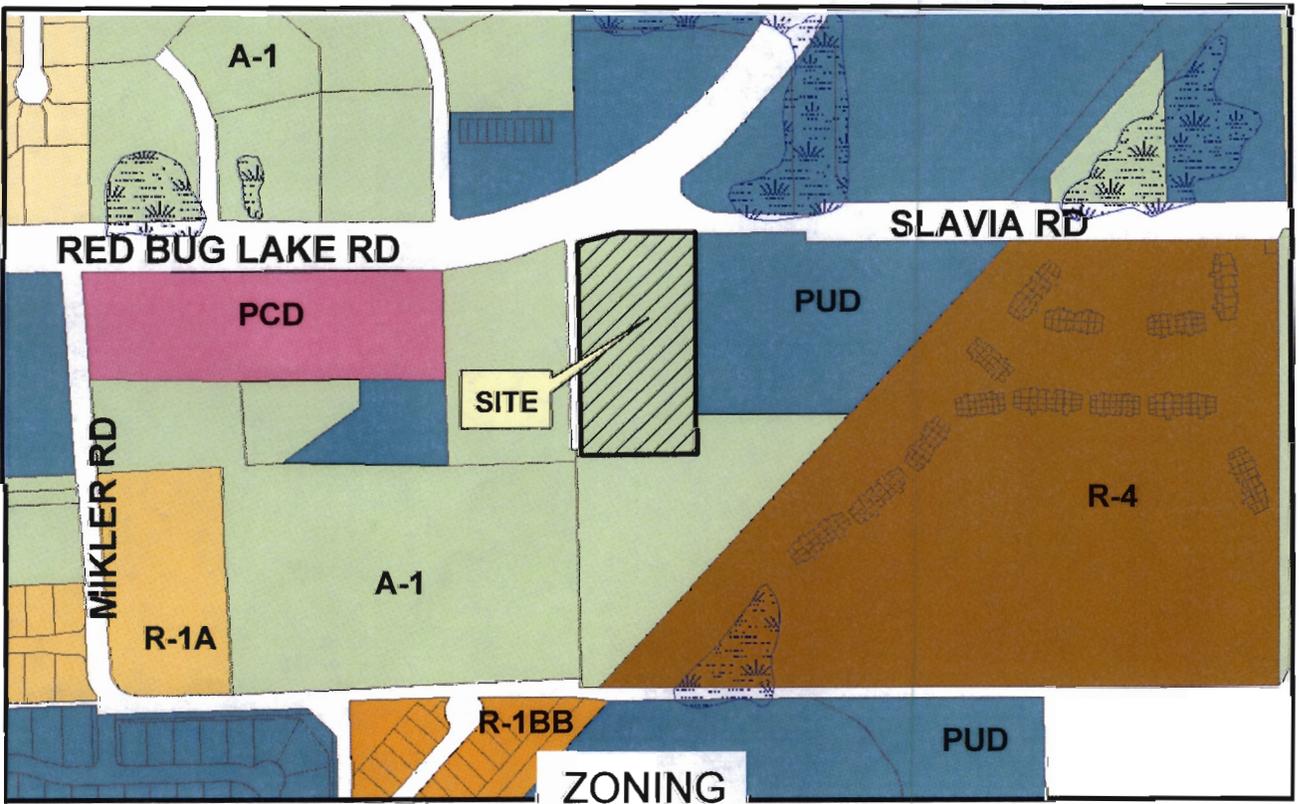
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



Site
 LDR
 MDR
 SE
 PD
 HDR
 CONS
 Municipality

Applicant: Judy Stewart
 Physical STR: 16-21-31-5CA-0000-0680
 Gross Acres: 4.7 +/- BCC District: 1
 Existing Use: residential
 Special Notes:

	Amend/ Rezone#	From	To
FLU	08SS.05	LDR	PD
Zoning	Z2008-038	A-1	PUD



A-1
 R-1A
 R-1BB
 R-4
 PCD
 PUD
 FP-1
 W-1



RED BUG LK RD

SLAVIA RD

SITE

Rezone No: Z2008-38
From: A-1 To: PUD
FLU No: 08SS.05
From: LDR To: PD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

PRELIMINARY MASTER PLAN SEMINOLE COUNTY, FLORIDA

NAVIDOMSKIS PARCEL

PARCEL I.D. 16-21-31-5CA-0000-0680

DESCRIPTION

WEST 1/2 OF PARCEL 68, SLAVIA COLONY COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK WEST 1/2 OF PARCEL 68, SLAVIA COLONY COMPANY'S SUBDIVISION, SEMINOLE COUNTY, FLORIDA, AND LESS, A PARCEL OF LAND Lying IN THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEING A PORTION OF LOT 68, SLAVIA COLONY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK WEST 1/2 OF PARCEL 68, SLAVIA COLONY COMPANY'S SUBDIVISION, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER FOR A POINT OF BEGINNING, THENCE N89°54'17" WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 2500 FEET, THENCE NORTH 89°54'17" EAST A DISTANCE OF 600 FEET TO THE INTERSECTION OF THE SAID NORTH 89°54'17" EAST LINE OF SAID SOUTHWEST QUARTER WITH THE WESTERLY LINE OF THE SAID RIGHT-OF-WAY LINE OF RED BUG LAKE ROAD, WITH THE SAID WESTERLY LINE OF SAID RIGHT-OF-WAY LINE OF RED BUG LAKE ROAD CONTINUE NORTH 89°54'17" EAST A DISTANCE OF 600 FEET TO THE POINT OF BEGINNING, THENCE RUN SOUTH 89°54'17" EAST A DISTANCE OF 600 FEET TO THE POINT OF BEGINNING, THENCE RUN NORTH 0°29'47" WEST ALONG SAID WEST LINE, 2842 FEET, TO THE POINT OF BEGINNING.

CONTAINS 204,506 SQUARE FEET OR 4.7 ACRES MORE OR LESS.

PREPARED FOR:
CLASSIC CONSTRUCTION, INC.

REVISIONS

DATE	BY	DESCRIPTION
11-5-08	GG	REV. PER DRG COMMENTS
10-01-08	TM	REV. PER DRG COMMENTS 09-24-08

DEVELOPER/OWNER:
CLASSIC CONSTRUCTION, INC.
1999 SLAVIA ROAD
OVIDO, FL 32765
321-296-5082
MR. ROBERT NAVIDOMSKIS

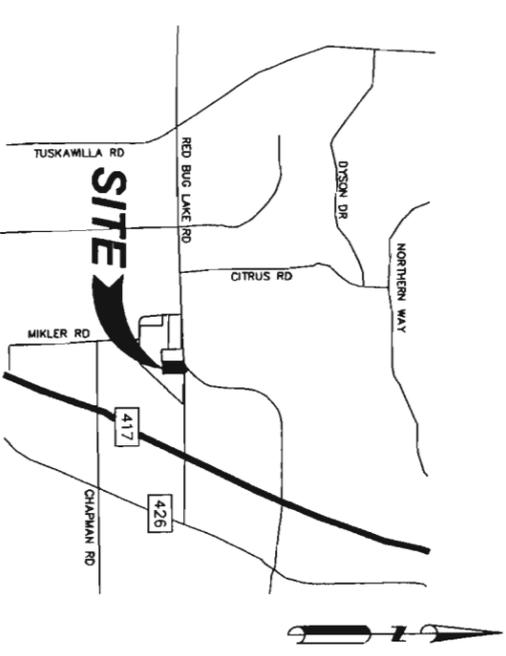
ENGINEER/PLANNER:
DAVE SCHMITT ENGINEERING, INC.
13013 FOUNDERS SQUARE DR.
ORLANDO, FL 32828
407-207-9088
FAX: 407-207-9089
MS. JUDY STEWART

SURVEYOR:
ARCADIS U.S., INC.
4307 VINELAND ROAD SUITE H-20
ORLANDO, FL 32811
407-236-5700
FAX: 407-835-0267
MR. RONALD SMITH

THIS IS TO CERTIFY THAT THE ROADWAY CONSTRUCTION PLANS AND SPECIFICATIONS AS CONTAINED HEREIN WERE DESIGNED TO APPLICABLE STANDARDS AS SET FORTH IN THE "MANUAL OF UNIFORM MINIMUM STANDARDS FOR DESIGN, CONSTRUCTION AND MAINTENANCE FOR STREETS AND HIGHWAYS" AS PREPARED BY FLORIDA DEPARTMENT OF TRANSPORTATION

TABLE OF CONTENTS

- 1 COVER SHEET
- 2 SURVEY
- 3 PRELIMINARY MASTER PLAN



SITE LOCATION



**DAVE SCHMITT
ENGINEERING, INC.**
13013 FOUNDERS SQUARE DR.
ORLANDO, FL 32828
407-207-9088
FAX: 407-207-9089



DAVE SCHMITT
ENGINEERING, INC.
 13013 FOUNDERS SQUARE DR.
 ORLANDO, FL 32828
 407-207-9088
 FAX 407-207-9089

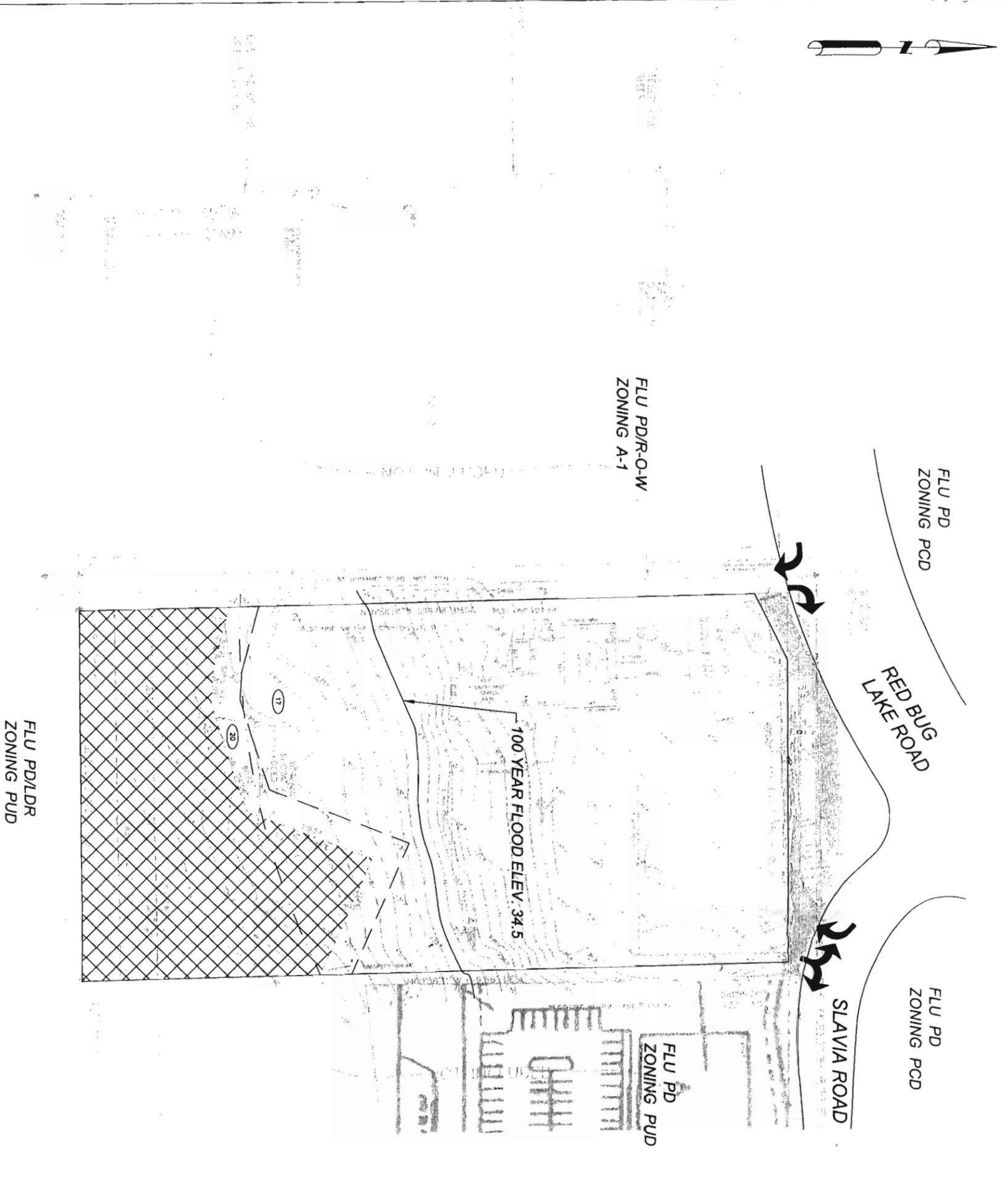
CONTRACTOR: M&B, INC.
 I hereby state that these "As-Built" were furnished to me by the contractor listed below. I, or an employee under my direct supervision, have reviewed these "As-Built" and believe them to be in compliance with my knowledge of what was actually constructed. This statement is based upon site observations of the construction.
 Contractor: _____ Engineer: _____
 Not valid without the signature and the original master seal of a Florida Registered Engineer.

DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
11-5-08	GG	REV. PER DRC COMMENTS			
10-01-08	TM	REV. PER DRC COMMENTS 09-24-08			

DAVE M. SCHMITT
 FLORIDA REG. NUMBER
 48274

PRELIMINARY MASTER PLAN
 NAVDOMSKIS PARCEL
 SEMINOLE COUNTY, FLORIDA

DATE: OCT. 2008
 PROJECT NO.: NP-1
 DRAWN BY: TM
 CHECKED BY: JS
 SCALE: 1"=100'
 SHEET: 3 OF 3



SITE DATA
 TOTAL GROSS ACRES: 4.7 AC
 NET LAND ACRES: 1.28 AC
 NET DEVELOPABLE ACREAGE: 3.42 AC
 EXISTING ZONING: A-1
 CURRENT FUTURE LAND USE DESIGNATION: LBP
 PROPOSED FUTURE LAND USE DESIGNATION: PD

PUBLIC FACILITY IMPACTS
 WATER: 80,000 SQ. FT. @ 1.0 GALLONS/FT. = 8,000 GPD
 SANITARY: 80,000 SQ. FT. @ 1.0 GALLONS/FT. = 8,000 GPD

OPEN SPACE SUMMARY
 A MINIMUM OF 25% OPEN SPACE SHALL BE MAINTAINED TO INCLUDE ALL OPEN SPACE.
 TOTAL REQUIRED OPEN SPACE = 4.7 x 0.25 = 1.18 ACRES

SOILS LEGEND

SOIL SYMBOL	DESCRIPTION
17	Beyton, Samaha, and Sander mucks
20	Mysak and Escalante fine sands

NOTES:

- BUILDING SETBACKS: FRONT 25', SIDE 5', REAR 10'
- PROPOSED DEVELOPMENT WILL HAVE NO EFFECT UPON SCHOOLS.
- PUBLIC UTILITIES ARE AVAILABLE FOR THIS DEVELOPMENT FROM SEMINOLE COUNTY. CAPACITY AVAILABILITY WILL BE DETERMINED DURING THE CONCEPT REVIEW.
- BASED ON THE FINAL MAP, THERE APPEARS TO BE APPROXIMATELY 8.77 ACRES OF FLOOD PLAIN IMPACT LOCATED ON THIS SITE.
- EXISTING GROUND CONTOUR LINES ARE FROM A SURVEY PREPARED BY ANGLAIS U.S., INC.
- LANDSCAPE BUFFERS AND LANDSCAPING CONCEPT PLAN TO BE DETERMINED AT FINAL MASTER PLAN.
- MAXIMUM BUILDING SIZE IS 80,000 SQ. FT. BUILDING CONFIGURATION SHALL BE DETERMINED AT FINAL MASTER PLAN.
- FIRE PROTECTION PROVIDED BY SEMINOLE COUNTY.
- PROPOSED ACCESS POINTS ARE SUBJECT TO MOVE DURING FINAL MASTER PLAN PROCESS.
- AT THE TIME OF FINAL MASTER PLAN, THE ACTIVE/PASSIVE BUFFER REQUIREMENTS WILL COMPLY WITH THE SEMINOLE COUNTY LAND DEVELOPMENT CODE.
- ALLOWABLE MAXIMUM BUILDING HEIGHT: 55 FEET.
- STORM WATER RETENTION WILL BE ON SITE.
- THE NECESSARY LEGAL INSTRUMENTS WILL BE CREATED AND/OR RECORDED PROVIDING FOR THE MANAGEMENT OF COMMON AREAS.
- PRESTRICTION AND VEHICULAR LANEWAY PLAN WILL BE PROVIDED AT THE TIME OF FINAL MASTER PLAN.

PERMITTED USES

- APPLIANCE STORES
- ARTIST STUDIOS
- BAKERY
- BARBER/HAIR DRIVE-THRU
- BARBER AND BEAUTY SHOPS
- BOOK STATIONERY AND NEWSSTANDS
- CHURCHES
- CONVENIENCE STORES
- DANCE AND MUSIC STUDIOS
- DELICATESSENS
- DRIVE-THRU RESTAURANTS
- DRUG AND SUNDRY STORES WITH DRIVE THRU
- FLOWER AND GIFT SHOPS
- FURNITURE STORES
- GROCERY STORES
- HOMEWARE STORES
- HOTELS AND MOTELS
- HOBBY AND CRAFT SHOPS
- INTERIOR RECYCLING AND DRAPERIES
- LAUNDRY AND CLEANING PICK-UP STATIONS
- LIBRARIES
- LOCKSMITHS
- OFFICE BUSINESS, AND PROFESSIONAL
- PET STORES
- PHOTOGRAPHY STUDIOS
- PHYSICAL FITNESS STUDIO
- PUBLIC AND PRIVATE SCHOOLS
- QUICK PRINT SHOPS
- RETAIL PLANTS AND WALLPAPER STORES
- RETAIL SPORTING GOODS
- RETAIL SPORTING GOODS
- SHOE REPAIR SHOPS
- TAILORING SHOPS
- TOY STORES
- VETERINARY HOSPITALS AND KENNELS
- WATCH AND CLOCK REPAIR
- WEARING APPAREL STORES

PROHIBITED USES

- ALCOHOLIC BEVERAGE ESTABLISHMENTS
- AUTOMOBILE SALES WITH NO REPAIR FACILITIES
- CAR WASH
- COMMUNICATION TOWERS
- CONTRACTORS ESTABLISHMENTS WITH NO OUTSIDE STORAGE
- FURNITURE WAREHOUSE WITH RETAIL SALES
- HOSPITALS AND NURSING HOMES
- MARINE SALES AND SERVICE
- MECHANICAL GARAGES
- MOBILE HOME AND RECREATIONAL VEHICLE SALES
- MOTOR VEHICLE REPAIR
- PAINT AND BODY SHOPS
- PARKING OF SEMI TRACTOR TRAILERS AND CHARG TRAILER BOXES
- SERVICE STATIONS AND GAS PUMPS

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

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

Legal description attached as Exhibit A.

FINDINGS OF FACT

Property Owner: Robert & Becky Navidomskis
1999 Slavia Road
Oviedo, FL 32765

Project Name: Slavia Road

Requested Development Approval:

Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development).

The Board of County Commissioners has determined that the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) allows for access points which do not meet the minimum requirements of the Land Development Code.

After fully considering staff analysis titled "Slavia Road" 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 development approval should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:
The aforementioned application for development approval is DENIED.
Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Bob Dallari, Chairman

EXHIBIT ALEGAL DESCRIPTION

WEST 1/2 OF PARCEL 68, SLAVIA COLONY COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND LESS: A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE WEST HALF OF LOT 68, SLAVIA COLONY COMPANY 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:

COMMENCE AT THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, FOR A POINT OF REFERENCE; THENCE RUN SOUTH 00°56'47" EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 25.00 FEET; THENCE NORTH 89°46'33" EAST, A DISTANCE OF 15.00 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF RED BUG LAKE ROAD, WITH THE WESTERLY LINE OF AFORESAID LOT 68, FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°46'33" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 60.00 FEET; THENCE RUN SOUTH 63°49'30" WEST TO THE AFORESAID WESTERLY LINE OF LOT 68, A DISTANCE OF 66.32 FEET; THENCE RUN NORTH 00°56'47" WEST, ALONG SAID WEST LINE, 29.02 FEET, TO THE POINT OF BEGINNING.

CONTAINS 204,556 SQUARE FEET OR 4.7 ACRES MORE OR LESS.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

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

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: Robert & Becky Navidomskis
1999 Slavia Road
Oviedo, FL 32765

Project Name: Slavia Road

Requested Development Approval:

Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and 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:
Ian Sikonia, Senior Planner
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

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

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

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

a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.

b. The allowable permitted and prohibited uses for this site are listed below:

PERMITTED USES

APPLIANCE STORES
 ARTIST STUDIOS
 BAKERIES
 BANKS WITH DRIVE-THRU
 BARBER AND BEAUTY SHOPS
 BOOK, STATIONERY, AND NEWSSTANDS
 CHURCHES
 CLINICS, EXCEPT ANIMAL
 CONFECTIONERY AND ICE CREAM STORES
 CONVENIENCE MARKETS
 DANCE AND MUSIC STUDIOS
 DAY NURSERIES, KINDERGARTENS
 DELICATESSENS
 DRUG AND SUNDRY STORES WITH DRIVE-THRU
 EMPLOYMENT AGENCIES
 FIRE STATIONS
 FLORIST AND GIFT SHOPS
 FUNERAL HOMES
 FURNITURE STORES
 GROCERY STORES
 HARDWARE STORES
 HOTELS AND MOTELS
 HOBBY AND CRAFT SHOPS

INTERIOR DECORATING AND DRAPERIES
 JEWELRY STORES
 LAUNDRY AND CLEANING PICK-UP STATIONS
 LIBRARIES
 LOCKSMITHS
 LUGGAGE SHOPS
 OFFICE, BUSINESS, AND PROFESSIONAL
 PET STORES
 PHOTOGRAPHIC STUDIOS
 PHYSICAL FITNESS STUDIO
 POST OFFICE
 PUBLIC AND PRIVATE SCHOOLS
 QUICK PRINT SHOPS
 RETAIL PAINTS AND WALLPAPER STORES
 RESTAURANTS, NO DRIVE-IN OR DRIVE-THRU
 RETAIL SPORTING GOODS
 TAILORING SHOPS
 TOY STORES
 VETERINARY HOSPITALS AND KENNELS
 WATCH AND CLOCK REPAIR
 WEARING APPAREL STORES

PROHIBITED USES

ALCOHOLIC BEVERAGE ESTABLISHMENTS
 AUTOMOBILE SALES
 CAR WASH
 COMMUNICATION TOWERS
 CONTRACTORS ESTABLISHMENTS
 FURNITURE WAREHOUSE WITH RETAIL SALES
 HOSPITALS AND NURSING HOMES
 LUMBER YARDS
 MARINE SALES AND SERVICE
 MECHANICAL GARAGES
 MOBILE HOME AND RECREATIONAL VEHICLE SALES
 OUTDOOR ADVERTISING SIGNS
 PAINT AND BODY SHOPS
 PARKING GARAGES
 PARKING OF SEMI-TRACTOR TRAILERS AND CARGO BOXES
 PUBLIC UTILITY STRUCTURES
 SERVICE STATIONS AND GAS PUMPS

d. Maximum allowable building height shall be 55 feet.

e. The maximum allowable building square footage shall be limited to 60,000 square feet.

f. Building setbacks shall be as follows:

North (Front):	25'
South (Rear):	10'
East (Side):	5'
West (Side):	5'

g. Landscape buffers shall be determined at time of Final Master Plan.

h. Access points shall be limited to a right-in only on Red Bug Lake Road and a right-in/right-out onto Slavia Road.

i. Pedestrian and Vehicular Linkage Plan will be provided at time of Final Master Plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Bob Dallari
Chairman, Board of County Commissioners

EXHIBIT A**LEGAL DESCRIPTION**

WEST 1/2 OF PARCEL 68, SLAVIA COLONY COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND LESS: A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE WEST HALF OF LOT 68, SLAVIA COLONY COMPANY 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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CONTAINS 204,556 SQUARE FEET OR 4.7 ACRES MORE OR LESS.

EXHIBIT B

Preliminary Master Plan

(See Attached Pages)

2007 ARCADIS U.S. INC.

DATE	
BY	
CHKD BY	
APP'D BY	

PLAT OF SURVEY
OF
WEST 1/2 OF PARCEL 88, SLAVIA COLONY
COMPANY'S SUBDIVISION
SEMINOLE COUNTY, FLORIDA

ARCADIS U.S. INC.
4307 WINDHILL PALM BLVD. SUITE 11-201, DUNEDIN, FL 33511
(407) 328-8700 FAX: (407) 328-8707 WWW.ARCADIS-USA.COM
ES 7817 / LB 7082

EMPLOYMENT NUMBER	ARJ017JONES
PROJECT NUMBER	1001000000
DATE	08/11/2011
DESIGNED BY	ARJ017JONES
CHECKED BY	ARJ017JONES
DATE	08/11/2011
SCALE	AS SHOWN
TITLE	PLAT OF SURVEY
PROJECT NUMBER	1001000000
DATE	08/11/2011
BY	ARJ017JONES
CHKD BY	ARJ017JONES
APP'D BY	

NOTES:

1. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF ARCADIS U.S. INC. AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ARCADIS U.S. INC.
2. THIS SURVEY WAS MADE FOR THE PURPOSE OF SUBDIVIDING THE WEST 1/2 OF PARCEL 88, SLAVIA COLONY, COMPANY'S SUBDIVISION, SEMINOLE COUNTY, FLORIDA, INTO SEVEN (7) LOTS, AS SHOWN ON THIS SURVEY MAP.
3. THE SURVEY WAS MADE BY THE SURVEYOR, ARCADIS U.S. INC., ON THE DATE OF 08/11/2011.
4. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 401, F.S., AND THE RULES OF THE BOARD OF SURVEYING AND MAPPING, SEMINOLE COUNTY, FLORIDA.
5. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 401, F.S., AND THE RULES OF THE BOARD OF SURVEYING AND MAPPING, SEMINOLE COUNTY, FLORIDA.
6. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 401, F.S., AND THE RULES OF THE BOARD OF SURVEYING AND MAPPING, SEMINOLE COUNTY, FLORIDA.
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10. THE SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 401, F.S., AND THE RULES OF THE BOARD OF SURVEYING AND MAPPING, SEMINOLE COUNTY, FLORIDA.

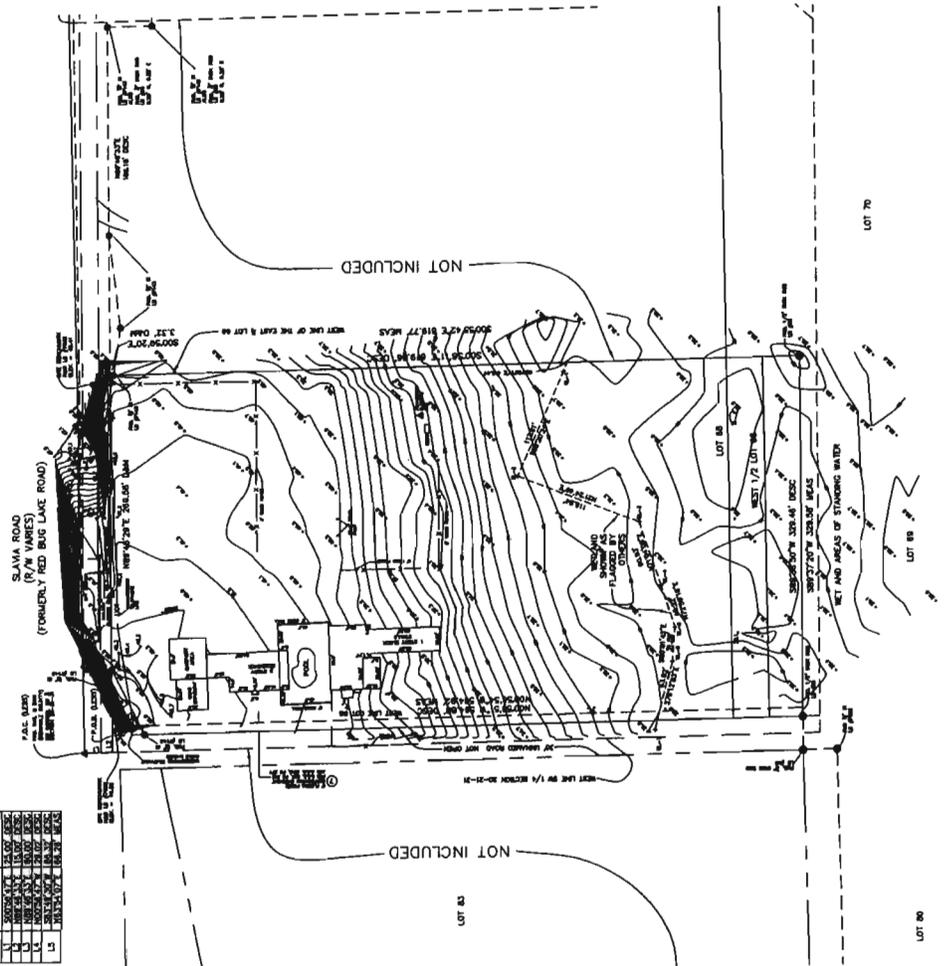
CERTIFIED TO:
COMMERCIAL LAND TITLE INSURANCE COMPANY
WEST, A. HARRINGTON

SURVEY PROVIDED FOR
INFORMATIONAL USE ONLY
DSE SHEET 2 OF 3

NOT VALID WITHOUT THE SIGNATURE AND BANNED SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
RONALD E. SMITH
DATE
FLORIDA REGISTRATION NO. 23717

LINE TABLE

LINE	BEARING	DISTANCE
1	S 89° 58' 00" W	100.00
2	S 89° 58' 00" W	100.00
3	S 89° 58' 00" W	100.00
4	S 89° 58' 00" W	100.00
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LEGEND

- 1. BOUNDARY CONTROL POINT
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- 99. BOUNDARY CONTROL POINT
- 100. BOUNDARY CONTROL POINT

DESCRIPTION

THIS SURVEY WAS MADE FOR THE PURPOSE OF SUBDIVIDING THE WEST 1/2 OF PARCEL 88, SLAVIA COLONY, COMPANY'S SUBDIVISION, SEMINOLE COUNTY, FLORIDA, INTO SEVEN (7) LOTS, AS SHOWN ON THIS SURVEY MAP.

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

JUSTIFICATION STATEMENT FOR LAND USE AMENDMENT
1999 SLAVIA ROAD OVIEDO, FL

SMALL SCALE COMPREHENSIVE LAND USE AMENDMENT AND REZONING
FOR PARCEL
16-21-31-5CA-0000-0680

The land use amendment request is for Planned Development with a concurrent rezoning for a Planned Unit Development for 4.7+/- acres at Red Bug Lake and Slavia Roads. The PD land use and PUD rezoning will allow for the regulations in the Plan relating to compatibility to be met with reasonable setbacks, buffers and a redesign of the intersection at Red Bug Lake and Slavia Roads. With the following justification narrative, we submit the request is compatible with the Seminole County Comprehensive Plan and with surrounding development patterns.

Surrounding FLU and Zoning

<u>Direction</u>	<u>FLU</u>	<u>Zoning</u>
North	PD	PCD
South	PD/LDR	PUD
East	PD	PUD
West	PD/R-O-W	A-1

RECEIVED OCT 0 8 2008

Current Use

The property is currently utilized for single family development. A single residence is constructed on the property.

Development Trends

The property is surrounded by Planned Development FLU. These developments are of a mixed use nature to include higher residential, office and commercial developments. The non-residential character of this area is quite evident and therefore, our request is conducive with existing development trends.

Proposed Use

Our client's intentions are not to develop this property himself but rather to have the preliminary approvals in place prior to the sale of this site to a prospective developer. The goal is to have approvals for C-1/C-2 uses to be developed on this side.

APPLICABLE FUTURE LAND USE ELEMENT GOALS, OBJECTIVES AND POLICIES

There are two goals of the FLU element that are most applicable as follows:

- Maintenance of established residential neighborhoods
- Creation of favorable economic conditions

The purpose of the proposed small scale amendment and rezone is to provide for the continued growth of a successful Seminole County based business and provide the resultant employment opportunities to the citizens of Seminole County. The application also complies with the specific FLU Policies outlined herein.

OBJECTIVE FLU 2 PROTECTION OF RESIDENTIAL NEIGHBORHOODS

Policy FLU 2.1 Subdivision Standards

The County shall maintain the viability of established and future residential neighborhoods by continuing to enforce Land Development Code provisions relating to:

- Development within flood prone areas;
- Building setbacks and heights;
- Roadway buffers;
- Landscaping;
- Tree preservation;
- Signage;
- On-site traffic circulation and parking;
- Drainage and storm water management;
- Fences, walls and entrance features; and
- Maintenance and use of common open space areas through homeowners associations.

The proposed preliminary master plan will comply with all aspects of the Seminole County Land Development Code, including the above stated provisions, as permitted by the Planned Unit Development zoning designation. This will ensure compatibility to the surrounding residential and non residential developments.

POLICY FLU 2.2 Regulation of Active Uses

The County shall continue to enforce Land Development Code standards relating to active uses such as parking, loading, refuse containers, signs, lights, balconies, and storage areas to minimize impacts upon and intrusion into residential areas.

The Master PUD plan complies with Sec. 30.1232. Active/passive buffer setback design standards of the Seminole County Land Development Code.

POLICY FLU 2.5 Transitional Land Uses

The County shall evaluate Plan amendments to ensure transitional land uses are provided as a buffer between residential and nonresidential land uses, between varying intensities of residential uses and in managing redevelopment of areas no longer appropriate as viable residential areas.

The Appropriate Transitional Land Uses table does not specifically have Planned Development Land Use but the accompanying text is specific:

This table is to be used as a general guide in evaluation compatibility between proposed and adjacent uses. A transitional land use which functions as: (1) a transition through space by a gradual increase in development intensity between land uses:

Due to the lack of existing residential development and the intrusion of non-residential developments, the subject property is no longer economically viable for residential use. The proposed PUD is less intensive than the existing or proposed PUD/PCD developments.

POLICY FLU 2.11 Determination of Compatibility in the Planned Unit Development and Planned Commercial Development Zoning Classifications

The County shall consider uses or structures proposed within the Planned Unit Development (PUD) and Planned Commercial Development (PCD) zoning classifications on a case-by-case basis evaluating the compatibility of the proposed use or structure with surrounding neighborhoods and uses. Compatibility may be achieved by application of development standards such as, but not limited to, lot size, setbacks, buffering, landscaping, hours of operation, lighting, and building heights. The Board of County Commissioners shall have discretion as to the uses and structures approved with a PUD or PCD zoning classification.

The Preliminary Master Plan is included in this concurrent small scale amendment and rezoning request to demonstrate buffering, setbacks, density, and ensure compatibility with adjacent uses. Specific development standards will be established in the Final Master Plan to achieve compatibility with surrounding development.

OBJECTIVE FLU 6 PUBLIC FACILITIES AND SERVICES

The County shall require that all development be consistent with the approved Capital Improvements Element or facility and service plans in order to discourage urban sprawl, meet adopted level of service standards and thereby minimize attendant public costs through the implementation of the following policies:

Policy FLU 6.1 Development Orders, Permits and Agreements

The County shall ensure that all development orders, permits and agreements are consistent with the adopted level of service standards and provisions of the Capital Improvements Element and the appropriate facility element as well as all other provisions of this Plan.

A Development Order that outlines the future development parameters of the site and developer obligations will be drafted between the property owner and Seminole County to implement the proposed PUD zoning.

Policy FLU 6.2 Concurrency Requirements

The County shall ensure that all development orders, permits and agreements are subject to the adopted Concurrency Management System standards and provisions to ensure that facilities and services needed to serve the development are available at the adopted level of service consistent with the Implementation Element of this Plan.

A Concurrency Deferral Affidavit was filed with the small scale amendment and rezone application. Any impact issues will be addressed in the Development Order.

Policy FLU 6.3 Infrastructure and Phasing Requirements

The County shall require that all development provide services and facilities or phase the development as a condition of approval if development needs precede adopted service and facility plans and Capital Improvements Program and adopted levels of service can be maintained.

Policy FLU 6.4 Priority for Water and Sewer Services

The County shall evaluate the impact on delivering adequate service to residents within the established service area prior to the expansion of potable water or sewer service area outside the adopted service area boundaries. The County will not expand a service area if the adopted level of service cannot be maintained.

Development of the site will comply with the services and facilities requirements.

DEFINITIONS OF FUTURE LAND USE DESIGNATIONS

PLANNED DEVELOPMENT LAND USE AND PURPOSE

This land use provides for a variety of land uses and intensities within a development site to preserve conservation areas above and beyond land development code requirements reduce public investment in provision of services, to encourage flexible and creative site design and provide sites for schools, recreation and other public facilities which provide benefit to the community.

PUD (Planned Unit Development) and PCD (Planned Commercial Development) zonings within the Planned Development Land use designation must be accompanied by a site/master plan as set forth in the Land Development Code. Such plans shall address, at a minimum, buffering, setbacks, lighting and building heights, to ensure compatibility with adjacent uses.

A PUD rezoning application and a Preliminary Master Plan are being submitted concurrent with this small scale amendment application. The Master Plan addresses the aforementioned concerns and, therefore, complies with the Seminole County Land Development Code.

APPLICABLE ECONOMIC ELEMENT GOALS, OBJECTIVES AND POLICIES

OBJECTIVE ECM 3 Continue to shift Property Tax Dependence from Residential to Non-Residential Properties

POLICY ECM 3.1 Tax Base Shift

The County shall continue to take actions to increase the non residential tax base and reduce dependency on homeowners for local revenues by implementing economic strategies.

and

POLICY ECM 3.2 Balance of Residential and Employment Opportunities

The County shall continue to monitor the balance of residential and employment opportunities in order to maintain equilibrium between the tax bases.

This small scale amendment will add 60,000 square feet of commercial +/- or office space in an area that has remained residential.

JUSTIFICATION STATEMENT – Small Scale Amendment and Rezoning

The subject property is best suited for commercial development due to its location and surrounding land use patterns. Amending the future land use designation from low density residential to planned development with a rezoning to planned unit development will permit diversification of the tax base and expansion of employment opportunities while providing an improved transition of land uses with sufficient protections to surrounding residential uses.

CONCLUSION

The requested small scale amendment and zoning amendments are well supported by the policies described within the Seminole County Vision 2020 Comprehensive Plan. The County has a desire to “promote the formation and expansion of small businesses” and at the same time “provide for the maintenance of the residential neighborhood.” The market area surrounding the subject property has a demonstrated demand for the commercial uses of the type proposed. As stated elsewhere in this report, the subject property is believed to be best suited for commercial use.

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 _____ 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 internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE

LAND USE DESIGNATION:

(a) The Future Land Use Element’s Future Land Use Map as set forth in Ordinance Number _____, 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.

(d) Future Land Use Amendment:

Ord. Exh.	Name	Amendment Number	Land Use Change From – To	LPA Hearing Date	BCC Hearing Dates
A	Slavia Road Small Scale Land Use Amendment & Rezone	08SS.05	Low Density Residential (LDR) to Planned Development (PD) containing a maximum of 60,000 square feet of commercial use	12/10/08	1/27/09

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

ORDINANCE NO.

SEMINOLE COUNTY, FLORIDA

Z2008-38

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

WEST 1/2 OF PARCEL 68, SLAVIA COLONY COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND LESS: A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE WEST HALF OF LOT 68, SLAVIA COLONY COMPANY 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:

COMMENCE AT THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, FOR A POINT OF REFERENCE; THENCE RUN SOUTH 00°56'47" EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 25.00 FEET; THENCE NORTH 89°46'33" EAST, A DISTANCE OF 15.00 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF RED BUG LAKE ROAD, WITH THE WESTERLY LINE OF AFORESAID LOT 68, FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°46'33" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 60.00 FEET; THENCE RUN SOUTH 63°49'30" WEST TO THE AFORESAID WESTERLY LINE OF LOT 68, A DISTANCE OF 66.32 FEET; THENCE RUN NORTH 00°56'47" WEST, ALONG SAID WEST LINE, 29.02 FEET, TO THE POINT OF BEGINNING.

CONTAINS 204,556 SQUARE FEET OR 4.7 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) 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 "Slavia Road."

(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 filing a copy of this Ordinance with the Department and recording of Development Order 08-22000005.

ENACTED this 27th day of January 2009.
BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari
Chairman

EXHIBIT A

LEGAL DESCRIPTION

WEST 1/2 OF PARCEL 68, SLAVIA COLONY COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 71, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND LESS: A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE WEST HALF OF LOT 68, SLAVIA COLONY COMPANY 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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CONTAINS 204,556 SQUARE FEET OR 4.7 ACRES MORE OR LESS.

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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: Robert T. Navidomskis
Address: 1999 Slavia Rd. Oviedo FL
Phone #: 321-296-5082

Name: Becky A. Navidomskis
Address: 1999 Slavia Rd. Oviedo FL
Phone #: 321-296-5082

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.

8-20-08
Date

Judy Stewart
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 20th day of August, 2008 by Judy Stewart

[Signature]
Signature of Notary Public

OLGA I. FLORES
Notary Public, State of Florida
My comm. exp. Nov. 13, 2010
Print, Type or Stamp Notary Public
Comm. No. 000009460

Personally Known OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff	
Date: _____	Application Number: _____