

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

SUBJECT: Anchor Road Rezone and Small Scale Land Use Amendment

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

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

Agenda Date <u>3/4/2009</u>	Regular <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Special Hearing – 6:00 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>	

MOTION/RECOMMENDATION:

- RECOMMEND APPROVAL** of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and Rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development) on 6.8± acres, located on the northwest corner of the intersection of Merritt Street and Anchor Road, and approve the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, based on staff findings; (William Kreuter, applicant); or
- RECOMMEND DENIAL** of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and Rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development) on 6.8± acres, located on the northwest corner of the intersection of Merritt Street and Anchor Road; (William Kreuter, applicant); or
- CONTINUE** until a time and date certain.

District #4 – Henley

Ian Sikonia, Senior Planner

BACKGROUND:

The applicant, William Kreuter is requesting a rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development) in order to develop a light industrial development. The proposed uses of the development are those permitted in the C-3 zoning district which allows for General Commercial and Wholesale uses.

The proposed Preliminary Master Plan indicates that the project will contain a maximum of 118,932 square feet of General Commercial and Wholesale space. The proposed Preliminary Master Plan is requesting two access points onto Anchor Road and one on Merritt Street. The applicant is also proposing to utilize a multi-disciplinary approach to

Reviewed by:
Co Atty: <u>KAT</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2008-17</u>

detering criminal behavior through environmental design called Crime Prevention Through Environmental Design Standards (CPTED).

STAFF RECOMMENDATION:

Staff recommends 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 6.8± acres, located on the northwest corner of the intersection of Merritt Street and Anchor Road, and approve the attached Preliminary Master Plan, subject to the conditions in the attached Development Order.

Attachments:

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

Anchor Road Rezone from R-1 to PUD SSLUA from LDR to PD	
APPLICANT	William Kreuter
PROPERTY OWNER	Ralph Yacobian & Edna Bishop
REQUEST	Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and Rezone from R-1 (Single-Family Residential) to PUD (Planned Unit Development).
PROPERTY SIZE	6.8 ± acres
HEARING DATE (S)	P&Z: March 4, 2009 BCC: May 26, 2009
PARCEL ID	07-21-30-514-0000-014D
LOCATION	Located at the northwest section of the intersection of Merritt Street and Anchor Road.
FUTURE LAND USE	Low Density Residential (LDR)
ZONING	R-1 (Single-Family Residential)
FILE NUMBER	Z2008-17
COMMISSION DISTRICT	#4 – Henley

PROPOSED DEVELOPMENT:

The applicant is proposing a maximum of 118,932 building square feet to construct a General Commercial and Wholesale development.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, William Kreuter is requesting a rezone in order to develop an 118,932 square feet of General Commercial and Wholesale development. The following table depicts the minimum regulations for the current zoning district of R-1 (Single-Family Residential) and the requested district of PUD (Planned Unit Development):

DISTRICT REGULATIONS	Existing Zoning (R-1)	Proposed Zoning (PUD)
Minimum Lot Size	8,400 sq. ft.	N/A
Minimum House Size	700 sq. ft.	N/A
Minimum Width at Building Line	70 feet	N/A
Front Yard Setback	25 feet	60 feet (East)
Side Yard Setback	2.5 feet	10 feet (North)
(Street) Side Yard Setback	25 feet	20 feet (South)
Rear Yard Setback	30 feet	60' (West)
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The proposed permitted uses are all allowable uses in the C-3 (General Commercial & Wholesale) zoning district.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The area of Anchor Road between 17-92 and CR 426 has been transitioning to an industrial area of Seminole County since the 1970's. A majority of the existing industrial developments along Anchor Road were constructed during the 1970's and early 1980's establishing this area as industrial for about thirty years. The existing industrial developments have the zoning district of M-1 (Industrial) which allows for more intense uses than the proposed C-3 (General Commercial & Wholesale). The C-3 zoning district is the least intense industrial zoning district which allows light industrial uses. The location of the subject property allows for industrial businesses to move goods more efficiently due to the proximity of several major thoroughfares nearby such as SR 436, US 17-92, and CR 426. The surrounding properties consist of existing industrial developments with industrial zoning to the east and north. The properties to the west and south are residential subdivisions.

The Seminole County Comprehensive Plan addresses compatibility for residential zoning next to industrial which the applicant is applying to the Preliminary Master Plan through increased buffering. The applicant is committed to applying Crime Prevention Through Environmental Design (CPTED) standards to his site. CPTED is a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts through natural surveillance, access control, and territorial enforcement. CPTED standards are site specific and more details of specific regulations used will be provided at the time of Final Master Plan when the site layout will be engineered.

The applicant is also proposing a 60-foot buffer and 60-foot building setback from the residential subdivision to the west. The 60-foot buffer exceeds the minimum requirements by 35 feet and will contain a dry storm water pond and CPTED landscaping. Staff finds that the requested rezone and land use amendment are compatible with the surrounding uses and existing development patterns of the area.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

This application is being reviewed under the Comprehensive Plan Vision 2020: A Guide to the Journey Ahead because it was advertised prior to the 2009 adopted version of the Comprehensive Plan which was found in compliance by the State of Florida. This project will be reviewed under the Comprehensive Plan Vision 2020: A Guide to the Journey Ahead for the entire public hearing process and has been grandfathered in.

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 area of Anchor Road between 17-92 and CR 426 has been transitioning to an industrial area of Seminole County since the 1970's. A majority of the existing industrial developments along Anchor Road were constructed during the 1970's and early 1980's establishing this area as industrial for about thirty 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 Seminole County Comprehensive Plan addresses compatibility for residential zoning next to light industrial which the applicant applying on the Preliminary Master Plan. The applicant has elected to apply Crime Prevention Through Environmental Design (CPTED) standards to his site, which addresses issues of public safety. The applicant is also proposing a 60-foot buffer from the Granada South subdivision to the west which is in excess of the minimum code requirement.

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 industrial development to the east across Anchor Road. The applicant is proposing a 60-foot buffer from the Granada South subdivision to the west which is in excess of the minimum Land Development Code requirements.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM # 12117C0165F, with an effective date of September 28, 2007, there are no floodplains on the subject property (Zone X).

Drainage:

The proposed project is located within the Gee Creek Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to hold the 25 year/24 hour pre-post event.

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 (PD) Calculated as Office**	Net Impact
Water (GPD)	9,450	28,543	+ 19,093
Sewer (GPD)	8,100	21,407	+ 13,307
Traffic (ADT)	258	746	+ 488

*LDR calculated as 27 single-family homes

**PD calculated as 118,932 sq. ft. General Light Industrial

Utilities:

The site is located in the City of Casselberry's water and sanitary sewer utility service area, and will be required to connect to public utilities. There is an 8-inch water main on the east side of Anchor Road and an 8-inch gravity sanitary sewer with manholes on Orange Lane.

Transportation / Traffic:

The property proposes access onto Anchor Road and Merritt Street which are classified as collector and local roads respectively and do not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

Buffers and Sidewalks:

There is an existing 5 foot sidewalk along Anchor Road and Merritt Street. The applicant is requesting a waiver from the standards of the Active/Passive Setback and Wall Design Standards per Section 30.1232 of the Land Development Code for the

western portion of the property. The required active setback is 100 feet for light industrial and the applicant is requesting a reduced setback of 60 feet for the western portion of the property. The applicant is proposing to mitigate the reduced setback by increasing the size of the landscape buffer to 60 feet. The applicant is also requesting a chain link fence instead of a masonry wall in accordance with CPTED standards and the memo supplied by the Seminole County Sherriff's Office. Staff believes the reduced requirements are acceptable since the landscape buffer on the western portion will be larger than what is required and the chain link fence is supported by the Sherriff's Office.

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 Vision 2020: A Guide to the Journey Ahead 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 Vision 2020: A Guide to the Journey Ahead that apply that are not included in this list).

Policy FLU	2.11: Determination of Compatibility in PUD Zoning Classifications
Policy POT	4.5: Potable Water Connection
Policy SAN	4.4: Sanitary Sewer Connection
Policy FLU	2.7: Location of Industrial Uses

INTERGOVERNMENTAL NOTIFICATION:

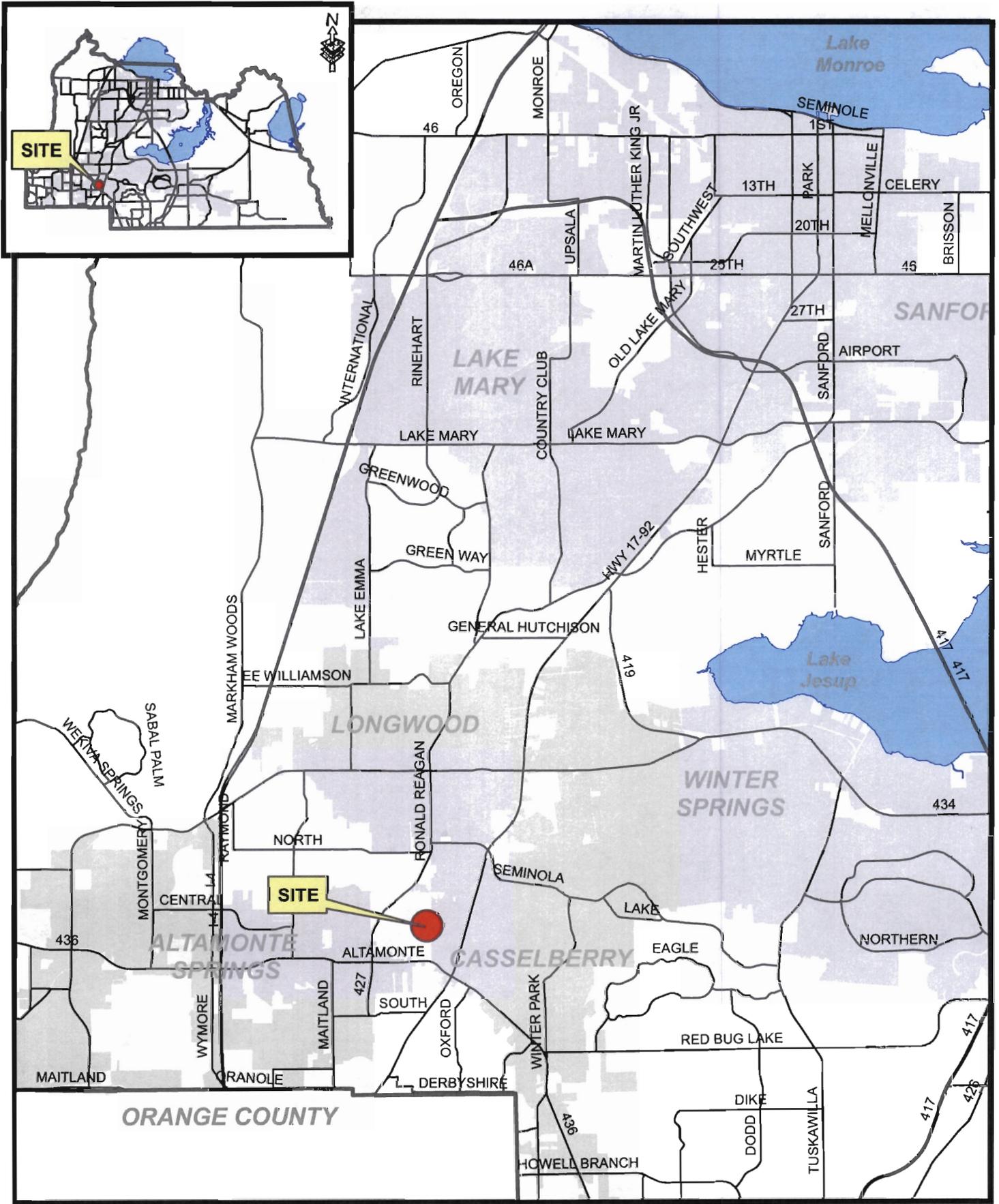
An intergovernmental notice was sent to the City of Casselberry on February 11, 2009.

LETTERS OF SUPPORT OR OPPOSITION:

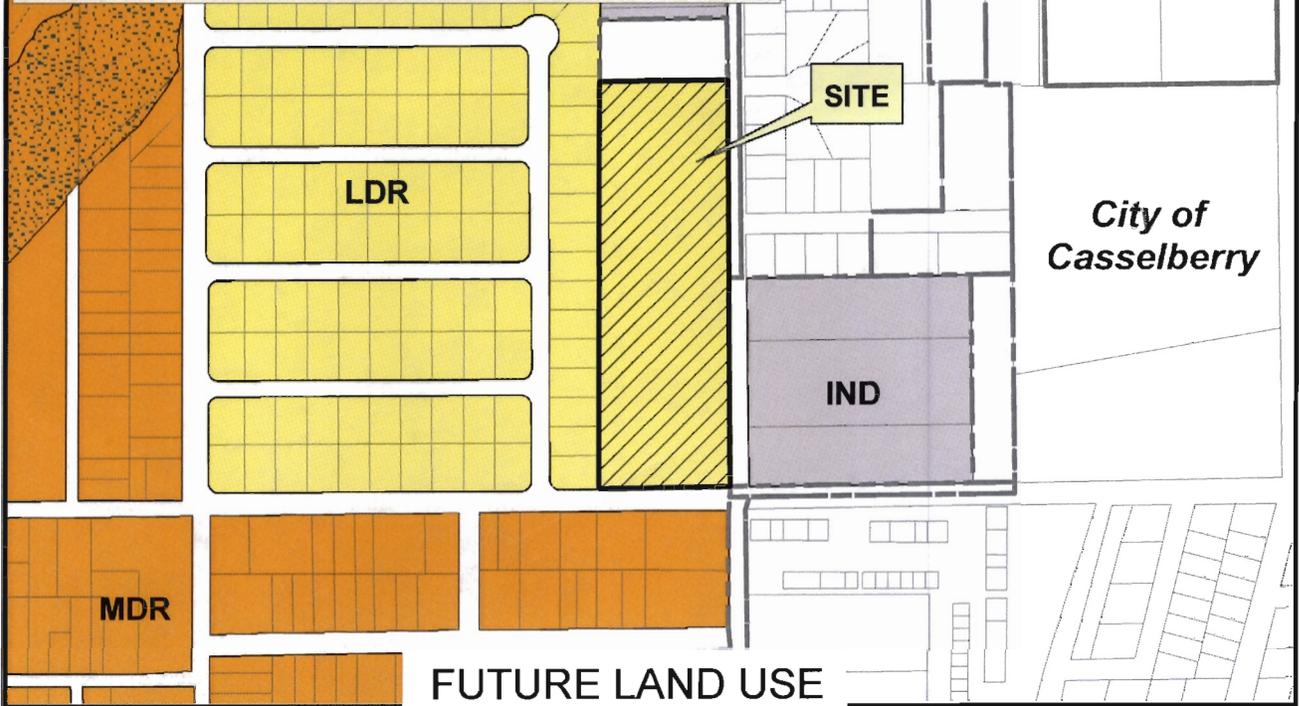
Staff has not received letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 6.8± acres, located on the northwest corner of the intersection of Merritt Street and Anchor Road, and approve the attached Preliminary Master Plan, subject to the conditions in the attached Development Order.



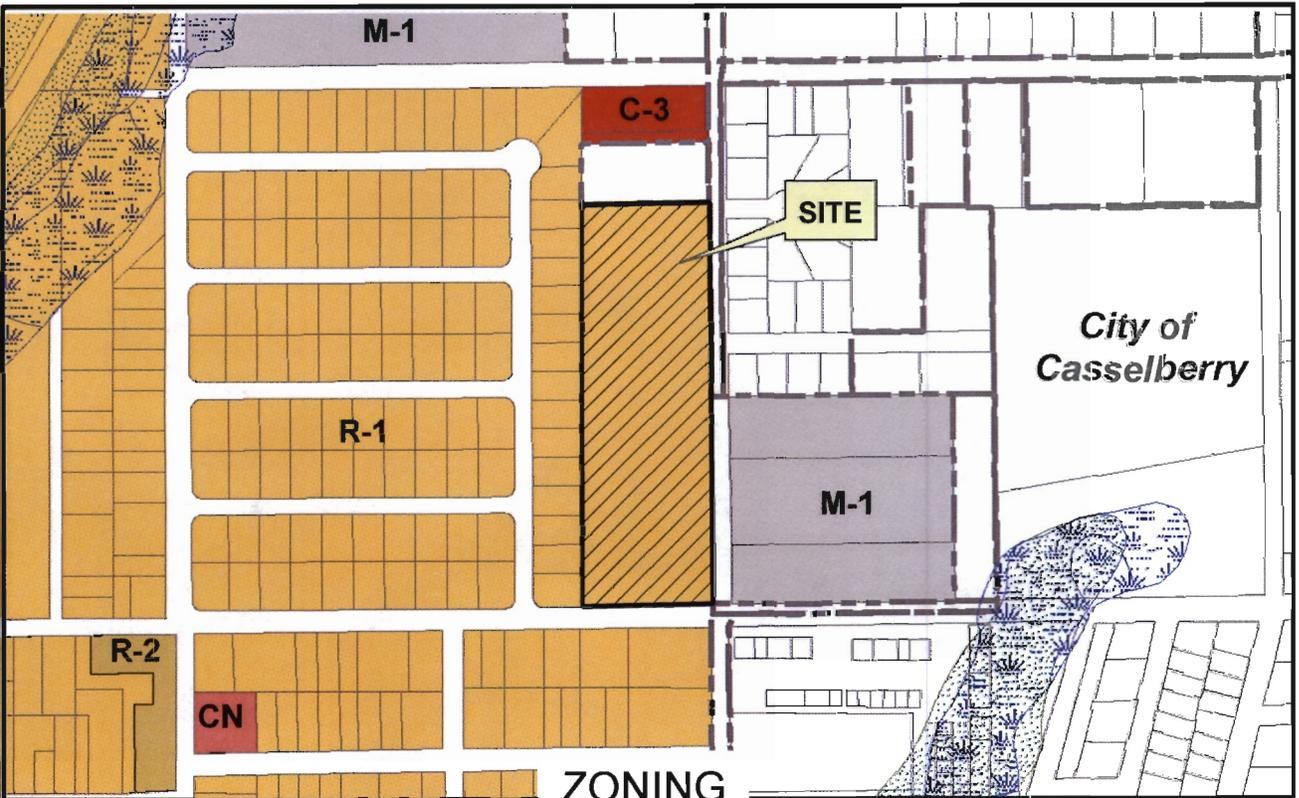
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR
 IND
 Site
 CONS
 Municipality

Applicant: William Kreuter
 Physical STR: 07-21-30-514-0000-014D
 Gross Acres: 6.8 +/- BCC District: 4
 Existing Use: vacant
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	06-08SS.01	LDR	PD
Zoning	Z2008-017	R-1	PUD



R-1
 R-2
 CN
 C-3
 M-1
 FP-1
 W-1



FLU No: 06-08SS.01
 From: LDR To: PD
 Rezone No: Z2008-17
 From: R-1 To: PUD

-  Parcel
-  Subject Property



Winter 2007 Color Aerials

**SEMINOLE COUNTY APPROVAL DEVELOPMENT
ORDER**

On May 26, 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: Edna Bishop
Ralph Yacobian
15 N. Thornton Avenue
Orlando, FL 32801

Project Name: Anchor Road

Requested Development Approval:

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

The Development Approval sought is consistent with the Seminole County Comprehensive Plan Vision 2020: A Guide to the Journey Ahead 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 the Land Development Code requirements 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 uses for this site shall be those permitted in the C-3 zoning district.
 - c. Maximum allowable building height shall be 35 feet.
 - d. The maximum allowable building square footage shall be limited to 118,932 square feet.
 - e. Building setbacks shall be as follows:

Front (East):	60'
Front (South):	20'
Side (North):	5'
Side (West):	60'
 - f. Landscape buffers shall be as follows.

Front (East):	10'
Front (South):	10'
Side (North):	10' / 0' between internal lots
Side (West):	60' / 6' Chain Link Fence
 - g. Landscaping content will be provided at time of Final Master Plan and will be in accordance with CPTED standards and acceptable to the Seminole County Sherriff's Office.
 - h. The applicant will provide CPTED standards specific to this site and acceptable by the Seminole County Sherriff's Office at time of Final Master Plan.
 - i. The development shall provide a minimum of 1.708 acres of open space.
 - j. 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**

SECTION 7, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY,
FLORIDA

THE EAST $\frac{1}{4}$ OF LOTS 14 (LESS N 300 FT.) AND THE EAST $\frac{1}{4}$ OF LOT 15 AND
EAST $\frac{1}{2}$ OF LOT 16 AS RECORDED IN A.E. GRIFFIN'S SUBDIVISION, PLAT BOOK
2 PAGE 43.

EXHIBIT B

Preliminary Master Plan

(See Attached Pages)

SMALL-SCALE FUTURE LAND USE AMENDMENT & REZONING AMENDMENT JUSTIFICATION STATEMENT

SEMINOLE COUNTY APPLICATION

ANCHOR ROAD BUSINESS PARK

Parcel ID No: 07-21-30-514-0000-014D

INTRODUCTION

This application is for a small-scale future land use map amendment (SSFLUA) and associated rezoning amendment to respectively change the Future Land Use (FLU) and zoning designations of the ±6.834 acre subject property from LDR (Low Density Residential) to PUD (Planned Unit Development).

PROPERTY AND SURROUNDING LAND USE DESCRIPTION

The property is located in Seminole County and contiguous to the city limits of Casselberry, Florida. More specifically the site is located on the west side of Anchor Road between SR436, south of the property, and Melody Lane, north of the property. As previously stated, the site has a current FLU designation of LDR, which allows up to and is compatibly zoned R-1, which allows single family residential.

Surrounding FLU & Zoning

Direction	Municipality	Future Land Use	Zoning	Existing Land Use
North	Casselberry	Commercial	CS	Industrial district
South	County	MDR	R-1	Vacant
East	County	M-1	M-1	Industrial district
	City	Commercial	OR	Improved multi family
West	County	LDR	R-1	Single-Family

County - MDR - Medium Density Residential; Maximum Units / Acre 13
 County – M-1; Industrial District; FAR 65%
 County – LDR; Low Density Residential
 City - CS – Commercial Service; FAR 25% to 35%, Maximum Units / Acre; N/A
 City - OR - Office, Residential; FAR 20%, Maximum Units / Acre; N/A

The current LDR designation is incompatible with the intended development program of the Armstrong Road Business Park, which proposes commercial uses. To achieve this program, the site's future land use and zoning must be amended to allow the establishment for a more intense development that will effectively assimilate into the surrounding community of established commercial and single-family uses.

The following text details the intent and purpose of the requested Commercial FLU and PUD zoning, as respectively described in the Seminole County Vision 2020 Comprehensive Plan and Land Development Code. Based on these policy and code definitions, it is our contention that the proposed development program would be

contention that the proposed development program would be consistent with the Vision 2020 Comprehensive Plan and ultimately comply with the Land Development Code.

RESIDENT MEETING

I went door-to-door and personally handed out invitations to residences within 500 feet of the subject property. The invitation was for an evening meeting to discuss the rezoning and construction on the 6.8 acres. Subdivision covered included Grove Terrace, Granada South, North Springs Estates and Merritt Park. I spoke personally with many of the residences and I did not receive any negative comments. All of the residences were friendly, informed and cordial. I had a long discussion with Alton Williams, a leader in the community. Mr. Williams said that he supported what I was developing and he suggested that I also contact Vernon Ford, President of the South Seminole Community Association for Progress. I visited Mr. Ford house on Merritt Street. Mr. Ford did not object to the change in zoning or for construction on the site.

Out of the 90 invitations given to residents, eleven local area residents attended the meeting. They asked questions about the design, access, size, water and sewer, annexation, zoning and other related items. The focal point was the discussion around the fact that they live in unincorporated Seminole County, their address is Altamonte Springs and the have City of Casselberry utilities. The only lasting concern was the school bus site on Anchor Road during construction. No one had a negative comment. The meeting concluded with an overall positive response for the development.

CRIME

The site is within Seminole County's Sheriffs Department jurisdiction. Crime statistics including service calls between January 1, 2007 and May 1, 2008 report 1,162 events in the area of Anchor road Merritt Lane. Following is a list of the highest call types.

Event Type	Total	Description	Prefix	Suffix
VEH	241	Vehicle stop, crash or stolen		
87IR	144	Patrol Request	In progress	Routine
13PIR	76	Susp Person	In progress	Routine
14IR	75	Information	In progress	Routine
13IR	46	Susp Vehicle	In progress	Routine
12IR	36	Reckless Driver	In progress	Routine
17IR	35	Attempt to Contact	In progress	Routine
22NIR	33	Disturbance - Noise	In progress	Routine
84IR	33	Sick Person	In progress	Routine
50OR	28	Code Violation	Over with	Routine
22IR	19	Disturbance	In progress	Routine
16IR	18	Road Obstruction	In progress	Routine
87TIR	18	Traffic Control	In progress	Routine
15IR	17	Special Detail	In progress	Routine
60IU	15	Shots fired	In progress	Urgent
99IP	14	9-1-1 Hang up	In progress	Routine
90IR	12	Assist other agency	In progress	Routine
30BIR	11	Alarm Business	In progress	Routine
25IR	10	Fire	In progress	Routine
04IR	8	Vehicle Crash	In progress	Routine

22IP	8	Disturbance - General	In progress	Routine
51IR	8	Child Prot Invest	In progress	Routine
14OR	7	Information	Over with	Routine
22CIR	5	Disturbance - Civil	In progress	Routine
04JR	4	Vehicle Crash	Juvenile	Routine
22FIR	4	Disturbance	In progress	Routine
35IU	4	Shooting/injury	In progress	Urgent
69IR	4	Animal Compl	In progress	Routine
85IR	4	Trepass / Unwanted Guest	In progress	Routine

Because of the crime statistics including service calls, Crime Prevention Through Environmental Design (CPTED) recommendations are necessary.

SITE DATA

GENERAL INFORMATION

Location: West side of Anchor Road between SR436, south of the property, and Melody Lane, north of the property.

Parcel ID No: 07-21-30-514-0000-014D

Future Land Use: LDR

Current Zoning: R-1

Proposed Future Land Use: Commercial

Proposed Zoning: PCD

Existing Use: Vacant

Proposed Commercial Use: Detached office/flex, commercial/flex, commercial uses

Proposed Net Density: Not to exceed a 35% FAR

Proposed # of Units: Six lots

Proposed Height: Not to exceed 35 feet

ACREAGE

Gross Acreage: ±6.834 Acres

Conceptual Wetlands: ±0 Acres

Existing Uplands: ±6.834 Acres

OPEN SPACE, LANDSCAPED BUFFERS, & GREENWAYS

Percentage of Open Space: 25%, including amenitized storm water easement

Environmental Areas: ±0 Acres

Building Setback: Front 60'
Side 0'
Rear 60'

Buffers/Greenways: North, South & East – 10-ft landscape buffer.
West 10-ft landscape buffer. In addition, 6-ft chain link fence or better as approved by Seminole County staff plus limited landscaping in accordance with CPTED recommendations.

Soils

Soil Series	Drainage and Permeability	Land Area
Asansville-Sparr fine sands	somewhat poorly drained	15.4%
Seffner fine sand	somewhat poorly drained	51.8%
Urban Land	not listed	32.9%

Source: <http://soils.usda.gov/>
<http://soilpedology.ifas.ufl.edu/>

FLOOD MAP

Flood Map Number 12117C0165F shows that the site has a Low Flood Risk. The elevation is 85 feet and the site is not subject to flooding.

PERMITTED USES

A commercial/flex service center for the trades and skilled small business would offer affordable space, serve as a business incubator and provide employment opportunities. This is a speculative building and the type and activity of the tenants will include light manufacturing, warehousing, wholesaling, storage, assembly, and distribution of goods.

The improvements would be built in phases. The ground level improvements would be a concrete block exterior wall with a pre-engineered metal roof. The development would have multiple building with individual bays ranging in size from 5,000 to 20,000+ square feet. The buildings would be single side loaded and double side loaded and the exterior signage will be uniform and aesthetically controlled. The zoning allows for a 35% FAR but the site plan will gravitate toward a 25% FAR in order to increase parking and create an open site.

Permitted uses are those approved in Part 26, PCD, Planned Commercial Development District as well as the following type of uses:

Office / Flex	
Profession	Description of use
File storage for a retired Doctor	Self storage unit, no tenant improvements
Restoration of old airplane engine parts	Repair, restoration and shipping
Drug store merchandise, fire damage	Clean up and shipping
Internet sales of cell phone accessories	200 +/- deliveries shipped out daily by UPS and FedEx
Sales of tea and tea equipment	Wholesale to restaurants
Commercial painter	Storage of products and equipment
QVC sales of painting by the numbers	Packaging, assembly and delivery
Restaurant installation of fire retardant systems	Office, flex space used to store supplies and equipment
Tile showroom and flex space	Storage, office and wholesale sales
Sign design and manufacturing	Plastic, wood and metal
Cell tower management	Electronic repair and installation
Electrical contractor	Office and material and equipment storage
Plumbing contractor	Office and material and equipment storage
Manufacture Rep	Storage of machinery and equipment
Pool contractor	Material and equipment storage
Fire extinguisher contractor	Certifying and replacement of fire extinguishers
Candy and coffee wholesale	HVAC controlled flex space for storage and delivery
Antique furniture	Refinishing and restoration
After market van and auto service	Installation of moon roofs, fenders and accessories
Exterior finishes contractor	Storage of machinery and equipment
Radio controlled race cars	Wholesale manufacturing and assembly
Upholstery, residential and commercial	Office, work area and storage of raw materials
Car audio installation	Office, work area and storage of materials
Temporary casket manufacturing	Office, saw and cut area and indoor assembly area
Football quarterback training	Office, class room and open flex space for practice
String sales, wholesale	Office and storage of inventory and product
Equipment distributor of trenchers and backhoes	Office and storage of inventory and product
Computer server wholesaler	Office and storage of inventory and product
General Contractor for stucco and drywall	Office, work area and storage of materials
Exotic car storage	Office and flex space
Furniture repair	Office, work area and storage of materials
After market auto installation	
Metal fabrication, less than 500 pounds	All fabrication, manufacturing and assemble indoors
Commercial / Office / Showroom / Flex	
Floor tile sales and installation	Display area for samples and office, storage in flex space
Cleaner supplies (plastic bags, hangers, soaps)	Display area for samples and office, storage in flex space
Commercial upholstery	Display area for samples and office, storage in flex space
Photography studio	

TRAFFIC HISTORY

From - To	Count Date	Station #	Count Location	Count Type	Road Class	2002 ADT
On Anchor Road north of Melody	1998					9,252
On Anchor Road north of 436	1998					7,938
On Anchor Road from Plumosa Avenue to Melody Lane	02/12/02	12	150' N of Melody Lane	1 Day	Collector	9,175 (1)
On Anchor Road from Melody Lane to SR 436	02/12/02	13	75' N of Commercial Street	1 Day	Collector	8,646
On Anchor Road from Plumosa Avenue to Melody Lane	02/11/03	12	150' N of Melody Lane	1 Day	Collector	8,830
On Anchor Road from Melody Lane to SR 436	02/12/03	13	75' N of Commercial Street	1 Day	Collector	8,284
On Anchor Road from Plumosa Avenue to Melody Lane	03/16/04	12	150' N of Melody Lane	1 Day	Collector	8,262
On Anchor Road from Melody Lane to SR 436	03/16/04	13	75' N of Commercial Street	1 Day	Collector	8,345
On Anchor Road from Plumosa Avenue to Melody Lane	2005	12	150' N of Melody Lane	1 Day	Collector	7,658
On Anchor Road from Melody Lane to SR 436	2005	13	75' N of Commercial Street	1 Day	Collector	8,978

(1) The count drops because SR 427 (Ronald Regan Blvd.) was completed. Therefore Anchor Road is not being used as a "cut through" as much as it has been in the past.

Source: <http://www.seminolecountyfl.gov/pw/traffic/counts.asp>

Florida Department of Transportation		
2006 Annual Average Daily Traffic (AADT) Report		
Site	Description	AADT Two-Way
0019	On Us 17-92, .623 Miles south of SR 436	49,000
0079	On SR 436, .046 miles west of SR 15/600 (17-92)	59,500
0152	On Us 17-92, .412 Miles north of SR 436	73,000
5078	On SR 436, .76 miles east of SR 15/600 (17-92)	56,500

Within one mile of the subject property is the intersection of SR 436 (Semoran Boulevard) and SR 17-92. This is one of the top ten intersections in the State of Florida. The AADT for this intersection is 119,000 vehicles per day.

Source: <http://www.dot.state.fl.us/Planning/statistics/trafficdata/AADT/aadt.htm>

AADT is the Annual Average Daily Traffic assessed as the total volume of traffic recorded at a specific road location (known as a traffic station) taken over a calendar year and divided by the number of days in that year.

SIGNAGE

Project signage shall conform to the standards listed in Part 65 (Sign Regulations) of the Seminole County Land Development Code.

UTILITIES & SERVICES

- Utility Installation: All utilities shall be installed underground. The developer shall provide landscaping to screen permitted aboveground utility facilities, if necessary.
- Domestic Potable Water: The City of Casselberry has an 8" water line along the west side of Anchor Road. The city says that they have more than adequate capacity to service the site.
- Sanitary Sewer Provision: Seminole County Utilities
- Sanitary Wastewater: Phyllis Wallace, with the Public Works Department in the City of Casselberry, via email, said the closest manhole is located on Orange Lane between the back of 269 Anchor Road and 395 Orange Lane. It is approximately 165 feet from the site on the west side of Anchor Road to the manhole on Orange Lane. The city's GIS system has no data (inverts) on this manhole. The city says that they have more than adequate capacity to service the site.
- Electric: Progress Energy services the area and Scott Conklin at (386) 943-3939 is the area engineer. Scott said that there is adequate power for this site.
- Solid Waste Collection: TBD
- Reclaimed Water: Reclaimed water is not available in the area or at the site. The city will require a connection when reclaimed water becomes available.

Florida Long-term Economic Forecast:

The Florida Long-term Economic Forecast demonstrates that Florida is growing at the rate of 817 permanent residents per day in 2007. The five county Central Florida MSA will grow at the rate of 145 permanent residents per day.

Florida Long-term Economic Forecast (000's)											
Per Diem Growth											
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
FLORIDA	1,065	905	793	792	863	886	856	817	786	768	770
Lake County	24	24	20	20	20	19	18	17	16	15	14
Orange County	108	84	61	61	67	68	67	65	64	63	63
Osceola County	24	18	12	13	16	19	18	17	16	15	15
Seminole County	29	31	19	21	27	25	23	22	21	20	20
Volusia County	25	22	16	19	23	23	24	23	23	22	23
Central Florida All five counties	211	181	128	134	152	155	150	145	140	135	134

SOURCE:

Florida Long-term Economic Forecast 2002, Volume 2, State & Counties
 University of Florida, Bureau of Economic and Business Research, July 1 demographics
<http://www.bebr.ufl.edu/system/files/Volume2-02.pdf>

2007 MARKET PROFILE

Population

	Radius: 1.0 mile	Radius: 3.0 mile	Radius: 5.0 mile
1990 Population	5,813	80,784	196,648
2000 Population	5,546	84,893	218,318
2007 Population	6,079	89,043	233,280
2012 Population	6,531	94,224	249,602

Population

In the identified market area, the current year population is 233,280. In 2000, the Census count in the market area was 218,318. The rate of change since 2000 was 1.07 percent annually. The five-year projection for the population in the market area is 249,602, representing a change of 1.36 percent annually from 2007 to 2012. Currently, the population is 48.6 percent male and 51.4 percent female.

Households

	Radius: 1.0 mile	Radius: 3.0 mile	Radius: 5.0 mile
1990 Households	2,015	32,100	76,527
2000 Households	1,983	35,113	87,850
2007 Households	2,217	37,437	95,257
2012 Households	2,403	39,898	102,613
1990-2000 Annual Rate	-0.16%	0.90%	1.39%

Households

The household count in this market area has changed from 87,850 in 2000 to 95,257 in the current year, a change of 1.3 percent annually. The five-year projection of households is 102,613, a change of 1.5 percent annually from the current year total. Average household size is currently 2.42, compared to 2.45 in the year 2000. The number of families in the current year is 60,018 in the market area.

Households by Income

Current median household income is \$58,471 in the market area, compared to \$53,154 for all U.S. households. Median household income is projected to be \$67,876 in five years. In 2000, median household income was \$46,914, compared to \$35,571 in 1990.

Current average household income is \$78,032 in this market area, compared to \$73,126 for all U.S. households. Average household income is projected to be \$93,146 in five years. In 2000, average household income was \$62,097, compared to \$44,596 in 1990.

Current per capita income is \$31,935 in the market area, compared to the U.S. per capita income of \$27,916. The per capita income is projected to be \$38,342 in five years. In 2000, the per capita income was \$25,102, compared to \$17,378 in 1990.

Source: http://www.stdbonline.com/site/page/pg4554-pn_Home_page.html

Area Activity

Super Wal-Mart

The City of Casselberry had approved plans for a small Super Wal-Mart to replace the freestanding Service Merchandise that is located within the Casselberry Exchange. The site is located on the northeast corner of SR 436 and US 17-92. The store will contain 149,000 square feet and employ 300 people. The addition to the general merchandise store will contain a grocery store, a pharmacy and small garden center. This store is less than a mile from the site.

Lowe's

Lowe's plans to open an 117,000+ square foot store January 2008. Presently the chain has 1,450 stores in 49 states that offer home improvement products at competitive prices. This store is less than a mile from the site.

436 & 17/92 Intersection

Within one mile of the subject property is the intersection of SR 436 (Semoran Boulevard) and SR 17-92. This is one of the top ten intersections in the State of Florida. The AADT for this intersection is 119,000 vehicles per day. This intersection is less than a mile from the site.

City Center

Less than a mile from the site is a vacant 15.3 acres site that fronts on 17-92. This site will soon be developed into a mixed use neighborhood destination containing 450,000 square feet of commercial and retail space and 100,000 square feet of residential space.

Anchor Road Commerce Center

Located across the street from the site is the new Anchor Road Commerce Center. The development is a 68,600 square foot office/flex condominium. Construction started in

April 2006 and absorption of the space has averaged 4,000 square feet per month and the cost for shell space is \$120 psf. The site is presently 76% sold.

APPLICABLE COMPREHENSIVE PLAN FLU POLICIES

Vision 20/20 – Future Land Use Element – Issue FLU 1 (page FLU 3)

CONCURRENCY MANAGEMENT

Rule 9J-5.006(3)(c)3, Florida Administrative Code (FAC), requires that facilities and services at established level of service standards are available concurrent with the impacts of development, or that development orders and development permits are conditioned on the availability of facilities and services.

The Seminole County Comprehensive Plan (the "Plan") future land use designations were developed after a review of long range facility and service plans. The County's Concurrency Management System (CMS) is intended to serve the long term interests of the citizens of Seminole County by implementing a managed growth perspective that monitors the capacity of important concurrency public facilities and services and maintains the high quality of life that the citizens of Seminole County now enjoy. The CMS includes specific procedures and criteria to ensure that level of service standards adopted in the Plan will be achieved or exceeded. The CMS evaluates final development orders to ensure that the adopted levels of service standards for

- transportation,
- potable water,
- sanitary sewer,
- solid waste, mass transit,
- stormwater drainage, and
- recreation are met.

Currently, impact fees are collected for roads, fire and rescue systems, libraries, and schools.

The adopted levels of service standards will not be adversely impacted because of the development of this site. The intended use of this urban infill site helps maintain the high quality of life that the citizens of Seminole County now enjoy.

Vision 20/20 – Future Land Use Element – Issue FLU 4 – Urban Sprawl (page FLU-4)

Rule 9J-5.006, FAC, requires that plans of local government's contain specific provisions to discourage urban sprawl. Urban sprawl can be defined as scattered, poorly planned development occurring at the urban fringe and rural areas, which frequently invades land important for natural resource protection. Types of urban sprawl land uses include leapfrog development, strip development along a roadway and large expanses of low density, single dimensional development.

Between Plan adoption in 1991 and completion of the County's Evaluation and Appraisal Report (EAR) in 1999, urban sprawl, as historically defined by the Florida Department of Community Affairs (Department) and repeated in the Plan, has not occurred in unincorporated Seminole County.

This absence of sprawl is due to extensive revisions to the County's Exhibit FLU: Future Land Use Map in 1987 to re-designate vacant, infill and urban fringe areas for urban development intensities. This major update, along with the long standing Conservation Land Use policies and regulations help to meet Department's sprawl tests. In 1991, the Plan was amended to establish the East Rural Area and adoption of an urban/rural boundary. Additional steps such as creation of the Higher Intensity Planned Development future land use series, (i.e., Target Industry, Core and Transitional and Airport areas), purchase of natural lands, limiting commercial development to major roadway intersections, and providing for mixed use developments, joined with land development regulations, have effectively served as tools to address urban sprawl. The County's EAR fully addressed the sprawl indicators cited in Rule 9J-5.006(5), FAC. For a list of these indicators and the County's response, please refer to the EAR document.

The proposed development program would counteract any existing or future urban sprawl by developing an urban infill site.

Vision 20/20 – Future Land Use Element – Issue FLU 10 – Trends in Comprehensive Planning (page FLU-7)

Since the 1991 Plan Update, two popular themes have emerged that have a direct relationship to comprehensive planning. The first of these, "sustainability", suggests the idea of the responsible use of resources to meet current needs without jeopardizing the needs of future residents. The second theme, "smart growth" involves the basic ideas of environmental protection, livable communities and efficient use of public funds. Both themes have in common the idea of community, economic opportunities and protection of the environment. In Seminole County "sustainability" and "smart growth" in land use are achieved through, but not limited to, application of the following planning techniques:

- Economic planning to create target industry areas;
- Acquisition of sensitive natural lands;
- Creation of an urban/rural boundary and Plan policies regarding protection of the Rural area;
- Restricting densities and intensities within the Wekiva River and Econlockhatchee River areas;
- Applying a tiered level of service to encourage infill development and discourage sprawl; and
- Joint planning agreements.

These two themes are clearly evident in the goal of the Future Land Use Element, which is to achieve an appropriate balance between public and private interests in the protection of the environment, creation of favorable economic conditions and maintenance of established residential neighborhoods. The County's Plan and land development regulations set forth policies and provisions to ensure that these areas

development in a manner to provide compatibility, accommodate necessary facilities and services and protect the natural environment.

The proposed development sustains resources and promotes smart growth by avoiding sprawl, providing compatibility, utilizing existing facilities and services and protecting the environment in the area.

Vision 20/20 – Future Land Use Element – Objective 2 – Protection of Residential Neighborhoods (page FLU-16)

The County shall ensure the long-term viability of residential neighborhoods by regulating future development to create compatibility with surrounding land uses.

The testimony of the residence to the west encourages the development of this site as proposed. The traffic generated by other developments similar to this proposed development indicates that the proposed development will have a minimal impact on local roadways. Adequate setbacks and landscape designs offer additional compatibility. The property to the north, east and southeast is also a commercial zoning and use.

Vision 20/20-Future Land Use Element – Objective 6: Public Facilities and Services (page FLU-33)

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:

The proposed development sustains resources and promotes smart growth by avoiding sprawl, providing compatibility, utilizing existing facilities and services and protecting the environment in the area.

Vision 20/20 – Future Land Use Element – Policy 6.1 Development Order, Permits and Agreements (page FLU-33)

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 PCD zoning.

Vision 20/20 – Future Land Use Element – Policy 6.2 Concurrency Requirements (page FLU 33)

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

There is sufficient infrastructure in place to adequately serve the proposed development.

Vision 20/20 – Future Land Use Element – Policy 6.4 Priority for Water and Sewer Services (page FLU 33)

The County shall evaluate the impact on delivering adequate service to residents within the established service area prior to the expansion of a 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.

Casselberry Public Works currently serves the general area and has sufficient capacity to support future development consistent with the proposed program.

JUSTIFICATION STATEMENT- FUTURE LAND USE CHANGE

The subject property is believed to be best suited for a commercial flex development. There is no market for the presently zoned Low Density Residential. The property provides a desirable transition to the single family residential to the west from the large industrial buildings to the east. The property to the north and south are compatible and adequate facilities and services exist for the proposed development. The change requested results in nominal municipal services compared to a residential use. We believe that amending the future land use from Low Density Residential to Commercial would be compatible and consistent with the aforementioned policies established by the Seminole County Vision 2020 Comprehensive Plan.

JUSTIFICATION STATEMENT- REZONING

As stated previously, the subject property has an existing R-1 zoning designation which needs to be changed to allow the use requested. The type and activity of the tenants will include light manufacturing, warehousing, wholesaling, storage, assembly, and distribution of goods. The request is consistent and compatible with the aforementioned policies of the Seminole County Vision 2020 Comprehensive Plan.

CONCLUSION

The requested SSFLUA and zoning amendment are well supported by the policies described within the Seminole County Vision 2020 Comprehensive Plan. This site does not support any demand for residential units after the recent increases in residential housing costs have made residential ownership more difficult and the inventory too large. A commercial/flex service center for the trades and skilled small business would offer affordable space, serve as a business incubator and provide employment opportunities.

The proposed development is consistent with applicable Seminole County planning policies and applicable regulations.

Memo

**Seminole County Sheriff's Office
Community Services Division
Crime Prevention Unit**



To: Mr. David A. McGregor, AmeriFirst Capital Group, Inc.
From: Vic Confessore
Date: March 18, 2008
Re: Business Survey request

David, thank you for stopping by my office to review the Conceptual Plot Plan for **ANCHOR ROAD BUSINESS CENTER**. The plan I reviewed does meet with the Crime Prevention Through Environmental Design (CPTED) concept. Thank you for taking the time and expense to incorporate these principals into your design. A CPTED design will do much to insure the safety of business owners, customers and the neighborhood.

The proposed six foot high chain link fence that would separate the rear of the business from the homeowners would meet with the CPTED concept. Plus this would provide the business owners and the homeowners with additional security and safety.

Please let me know if I can be of any further assistance with this project.

Best regards,

A handwritten signature in black ink, appearing to read 'Vic Confessore'.

Vic Confessore, FCPP

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 (LDR) TO PLANNED DEVELOPMENT (PD); 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 March 4, 2009, 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 May 26, 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	Anchor Road Small Scale Land Use Amendment & Rezone	06-08SS.01	Low Density Residential (LDR) to Planned Development (PD) containing a maximum of 118,932 square feet of Industrial use	3/4/09	5/26/09

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

Z2008-17

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 26th day of May, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari
Chairman

ORDINANCE NO.

SEMINOLE COUNTY, FLORIDA

Z2008-17

APPENDIX A

LEGAL DESCRIPTION

SECTION 7, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY,
FLORIDA

THE EAST $\frac{1}{4}$ OF LOTS 14 (LESS N 300 FT.) AND THE EAST $\frac{1}{4}$ OF LOT 15
AND EAST $\frac{1}{2}$ OF LOT 16 AS RECORDED IN A.E. GRIFFIN'S SUBDIVISION,
PLAT BOOK 2 PAGE 43.

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 R-1 (SINGLE-FAMILY RESIDENTIAL) 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 "Anchor 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 R-1 (Single-Family Residential) 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 08-22000003.

ENACTED this 26th day of May 2009.
BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari
Chairman

EXHIBIT A

LEGAL DESCRIPTION

SECTION 7, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA

THE EAST $\frac{1}{4}$ OF LOTS 14 (LESS N 300 FT.) AND THE EAST $\frac{1}{4}$ OF LOT 15 AND EAST $\frac{1}{2}$ OF LOT 16 AS RECORDED IN A.E. GRIFFIN'S SUBDIVISION, PLAT BOOK 2 PAGE 43.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On May 26, 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: Edna Bishop
Ralph Yacobian
15 N. Thornton Avenue
Orlando, FL 32801

Project Name: Anchor Road

Requested Development Approval:

Small Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezone from R-1 (Single-Family Residential) 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 R-1 (Single-Family Residential) 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 "Anchor Road" and all evidence submitted at the public hearing on May 26, 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 A

LEGAL DESCRIPTION

SECTION 7, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA

THE EAST $\frac{1}{4}$ OF LOTS 14 (LESS N 300 FT.) AND THE EAST $\frac{1}{4}$ OF LOT 15 AND EAST $\frac{1}{2}$ OF LOT 16 AS RECORDED IN A.E. GRIFFIN'S SUBDIVISION, PLAT BOOK 2 PAGE 43.

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: <u>Ralph M. Yacobian 1/2 fee</u>	Name: _____
Address: <u>15 N Thorton Ave, Orlando, FL 32801</u>	Address: _____
Phone #: <u>(407) 422-6207</u>	Phone #: _____
Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	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: _____	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	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: <u>Edna Y. Bishop Trust dated Jan. 4, 2001 1/2</u>	
Trustees: <u>Edna Y. Bishop</u>	Beneficiaries: <u>Edna Y. Bishop</u>
Address: <u>1215 Munster St.</u>	Address: <u>same</u>
<u>Orlando, FL 32803</u>	

(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: Name: <u>High Risk Investments, LLC</u>	Contract Vendee: Name: _____
Address: <u>449 Twisting Pine Circle</u> <u>Longwood, FL 32779</u>	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 rezoning, 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.

4/30/08
Date

[Signature]
Owner, Agent, Applicant Signature

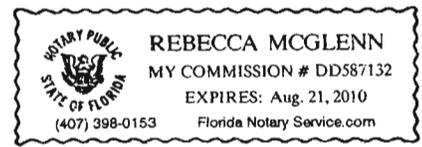
STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 30th day of April, 2008 by William E. Kreuter

[Signature]
Signature of Notary Public

Rebecca McGlenn
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: _____