

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

**SUBJECT:** SR 426 Rezone and Small Scale Land Use Amendment

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

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

**Agenda Date** 8/5/2009 **Regular**  **Work Session**  **Briefing**   
**Special Hearing – 6:00**  **Public Hearing – 7:00**

**MOTION/RECOMMENDATION:**

1. **RECOMMEND APPROVAL** of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on .97± acres, located on the northeast corner of the intersection of Red Bug Road and SR 426, and approve the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, based on staff findings; (Rashid Jamalabad, applicant); or
2. **RECOMMEND DENIAL** of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on .97± acres, located on the northeast corner of the intersection of Red Bug Road and SR 426; (Rashid Jamalabad, applicant); or
3. **CONTINUE** until a time and date certain.

District #1 – Dallari

Ian Sikonia, Senior Planner

**BACKGROUND:**

The applicant, Rashid Jamalabad, is requesting a rezone from A-1 (Agriculture) to PUD (Planned Unit Development), in order to develop a one-story office building. The proposed uses of the development are those permitted in the OP zoning district, which allows for general business and office uses.

Reviewed by: \_\_\_\_\_  
Co Atty: KFT  
DFS: \_\_\_\_\_  
OTHER: \_\_\_\_\_  
DCM: \_\_\_\_\_  
CM: \_\_\_\_\_

File No. Z2008-66

The proposed Preliminary Master Plan indicates that the project will contain a maximum of 5,382 square feet of general business and office uses and shows two access points onto Red Bug Road and SR 426. The applicant is also providing non motorized transportation amenities such as a pedestrian connection to the existing sidewalk along SR 426 and an onsite bicycle rack.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on .97± acres, located on the northeast corner of the intersection of Red Bug Road and SR 426, 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
- Waiver Justification Letter provided by Applicant
- Land Use Ordinance
- Rezone Ordinance
- Denial Development Order (applicable if the request is denied)
- Ownership Disclosure Form

<b>SR 426 Rezone from A-1 to PUD SSLUA from LDR to OFF</b>	
<b>APPLICANT</b>	Rashid Jamalabad
<b>PROPERTY OWNER</b>	Vasilios & Prodromos Hatzimarkos
<b>REQUEST</b>	Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development).
<b>PROPERTY SIZE</b>	.97 ± acres
<b>HEARING DATE (S)</b>	P&Z: August 5, 2009   BCC: September 22, 2009
<b>PARCEL ID</b>	20-21-31-501-0000-0010 / 0020 / 0030 / 0040
<b>LOCATION</b>	Located at the northeast corner of the intersection of Red Bug Road and SR 426.
<b>FUTURE LAND USE</b>	Low Density Residential (LDR)
<b>ZONING</b>	A-1 (Agriculture)
<b>FILE NUMBER</b>	Z2008-66
<b>COMMISSION DISTRICT</b>	#1 – Dallari

**PROPOSED DEVELOPMENT:**

The applicant is proposing a maximum of 5,382 building square feet to construct a one-story office building.

**ANALYSIS OVERVIEW:**

**ZONING REQUEST**

The applicant, Rashid Jamalabad is requesting a rezone in order to develop a 5,382 square feet of general business and office uses. 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):

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Zoning (PUD)</b>
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 (West)
Side Yard Setback	10 feet	25 feet (East)
(Street) Side Yard Setback	50 feet	25 feet (South)
Rear Yard Setback	30 feet	50' (North)
Maximum Building Height	35 feet	35 feet

## **PERMITTED & SPECIAL EXCEPTION USES**

The proposed permitted uses are all allowable uses in the OP (Office) zoning district.

## **COMPATIBILITY WITH SURROUNDING PROPERTIES**

The area of SR 426 between Mikler Road and Mitchell Hammock Road has been transitioning to an industrial and commercial area of Seminole County over the past twenty years. There are several developments in close proximity to this application which are approved for similar office uses such as the Oviedo Crossroad PCD, Magnolia Corporate Center PCD, and the Obeda PUD. The existing Future Land Use designations in the area are comprised of Commercial, Industrial, Low Density Residential, and Medium Density Residential. The designation of this property as a Future Land Use of Office will provide for a transition from the more intense Commercial Land Use to the west, to the Low Density Residential Land Use to the east.

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

## **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 area of SR 426 between Mikler Road and Mitchell Hammock Road has been transitioning to an industrial and commercial area of Seminole County over the past twenty years. There are several developments in close proximity to this application which are approved for similar uses such as the Oviedo Crossroad PCD, Magnolia Corporate Center PCD, and the Obeda PUD. The existing Future Land Use designations in the area are comprised of Commercial, Industrial, Low Density Residential, and Medium Density Residential. The growth of development of this area has centered around the intersection of Mitchell Hammock Road and SR 426. The trend of development of the area has begun moving south of that intersection along SR 426 through various PUD and PCD developments. Staff finds that the character of the area has changed enough to warrant a land use change from Low Density Residential to Office.

**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 use of a one-story office building is in conformance with the trend of development of the area. The property has been designed to mitigate the impacts to the surrounding low density residential properties through the use of alternative buffering techniques and lower intensity site design. The applicant is also proposing non-motorized transportation access through the use of a pedestrian connection to SR 426 and bicycle parking on site. Staff feels the property will help reduce trip lengths for the residents of this area and is compatible with the surrounding development.

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

### **Policy FLU 2.5: 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: 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 higher intensity commercial Future Land Use to the west and lower intensity residential Future Land Use to the east of the subject property. The applicant is also proposing a 6' wall to help buffer the adjacent lower intensity residential properties to the east of the subject property.

### **SITE ANALYSIS:**

#### **ENVIRONMENTAL IMPACTS**

#### *Floodplain Impacts:*

Based on FIRM map with an effective date of 2007, there appears to be no floodplains on the subject property.

*Drainage:*

The proposed project is located within the Howell Creek Drainage Basin, and has limited downstream capacity. The site will have to be designed to hold 100-year, 24-hour total retention unless an FDOT drainage connection permit is obtained or unless other viable outfall is proven.

*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:

<b>Public Facility</b>	<b>Existing Future Land Use (LDR)*</b>	<b>Proposed Land Use (OFF) Calculated as Office**</b>	<b>Net Impact</b>
Water (GPD)	1,400	807	- 593
Sewer (GPD)	1,200	807	- 393
Traffic (ADT)	38	141	+103

*\*LDR calculated as 4 single-family homes*

*\*\*OFF calculated as 5,382 sq. ft. General Office*

*Utilities:*

The site is located in the Seminole County water and sewer utility service areas, and will be required to connect to public utilities. There is a 12-inch water main on the west side of W. SR 426 with an 8-inch water main to a fire hydrant on the north side of E. Red Bug Rd. and an 8-inch stub-out with a blow-off to the northern end of the property. There is a 12-inch force main on the east side of W. SR 426. This parcel is in the ten year master plan for reclaimed water. A separate reclaimed water utility system is required.

### *Transportation / Traffic:*

The property proposes access onto S.R 426, which is classified as a Collector roadway and has improvements programmed in the County 5-year Capital Improvement Program.

The Public Works-Engineering division and FDOT are conducting preliminary feasibility studies for safety improvements, which include, but are not limited to, shoulder pavement widening and right-of-way acquisition. S.R 426 is scheduled to be improved sometime in the year 2011.

### *Buffers and Sidewalks:*

There is an existing 5-foot sidewalk along SR 426 which the applicant is proposing to connect to. The applicant is proposing waivers to the Active/Passive standards for the eastern and northern property lines. The required active setback is 50 feet for an office use and the applicant is requesting a reduced setback of 25 feet for the eastern and northern portion of the property. The applicant is also requesting waivers for the buffer requirements from 25 feet to 15 feet for the eastern and northern portion of the property. The applicant is requesting a waiver from the planting requirements for the northern property line from 8 canopy trees per 100 linear feet to 6 canopy trees per 100 linear feet. This request is due to the proposed cross access to the north which reduces the area to plant and provide the appropriate spacing for the two extra trees. The requested waivers are due to the triangular shape of the property and the difficulty of the applicant to design the site to accommodate what is required per the Land Development Code. Even though the applicant is not meeting all of the standards of the Active/Passive requirements they are still providing a 6-foot block wall along the eastern property line and are proposing for future cross access to the north. Staff believes the reduced requirements are acceptable due to the irregular shape of the property and the additional amenities proposed for this property such as cross access and pedestrian connections.

### **SPECIAL DISTRICTS:**

The subject property is not located within any special districts.

### **INTERGOVERNMENTAL NOTIFICATION:**

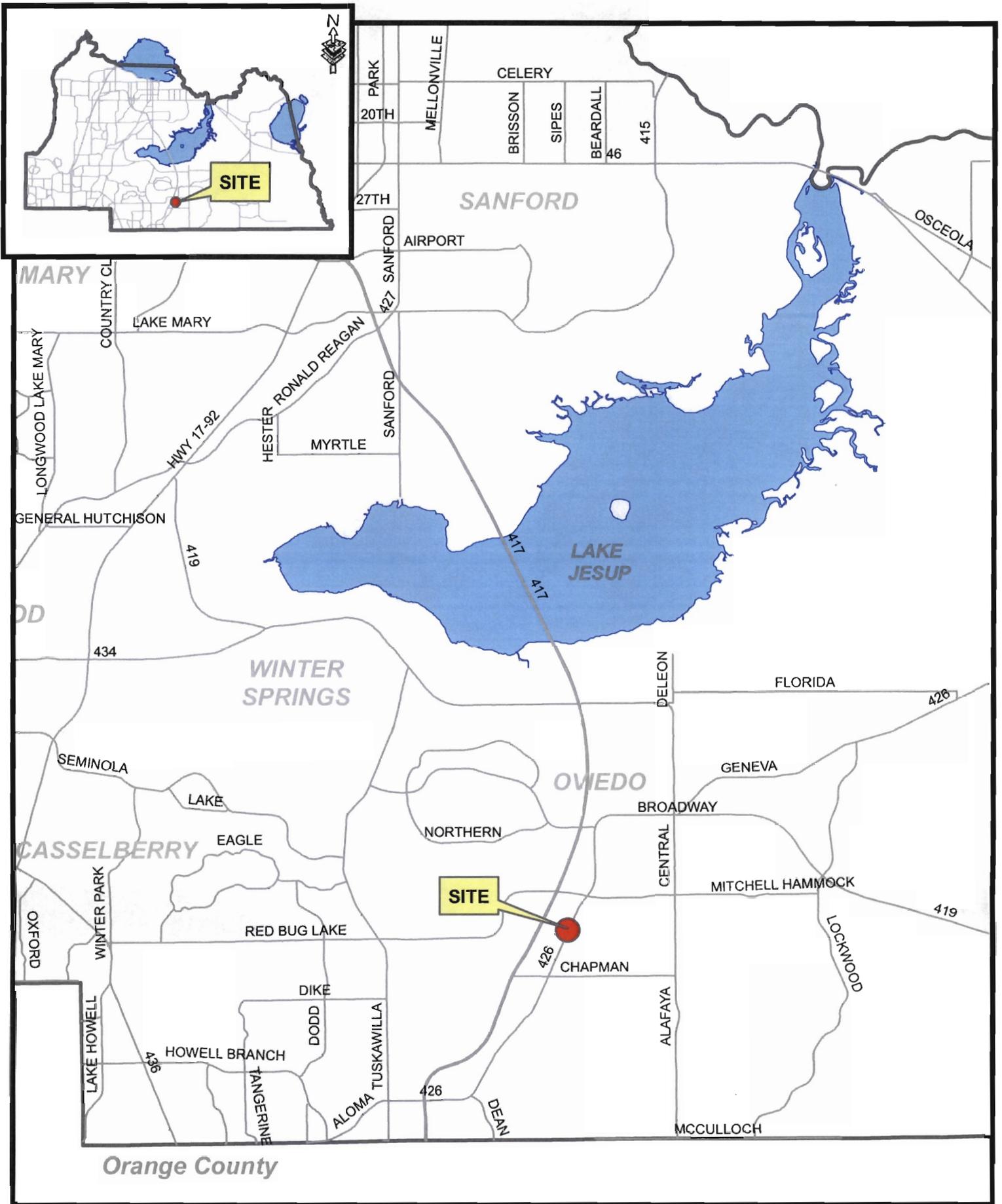
An intergovernmental notice was not sent due to this property not being adjacent or in close proximity to another municipality.

### **LETTERS OF SUPPORT OR OPPOSITION:**

Staff has not received letters of support or opposition.

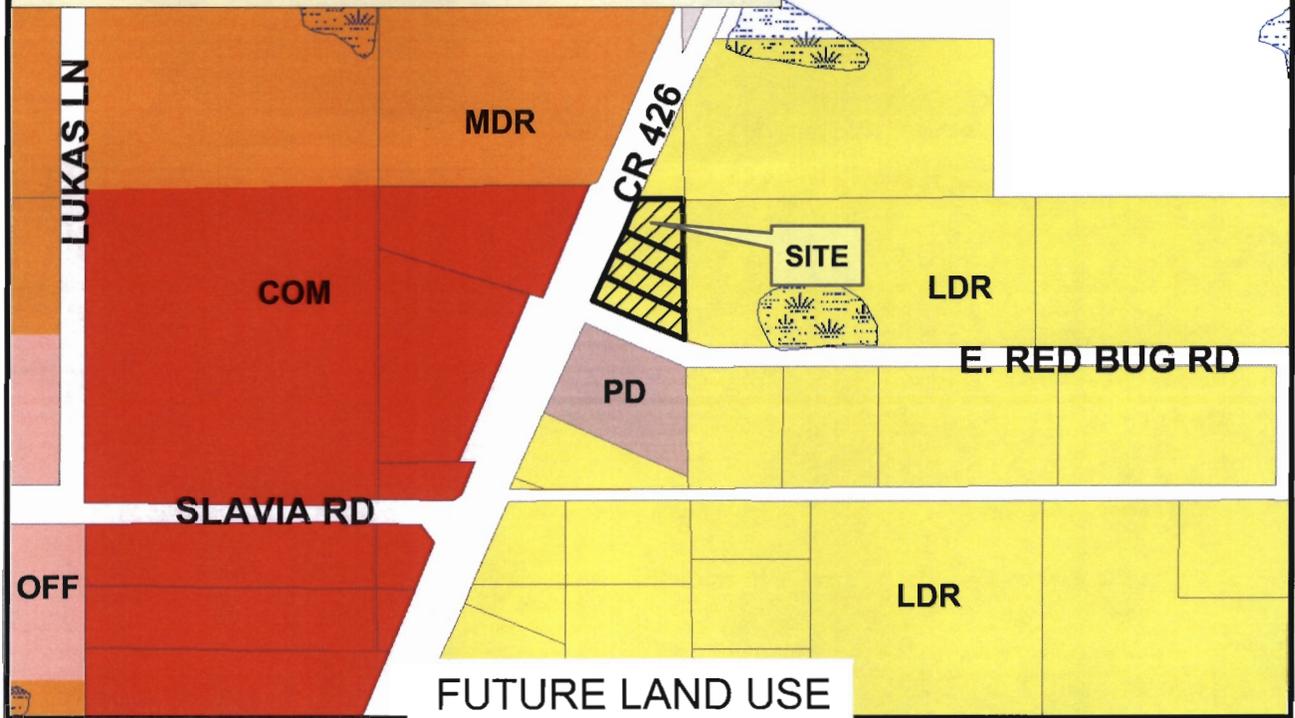
**STAFF RECOMMENDATION:**

Staff recommends approval of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on .97± acres, located on the northeast corner of the intersection of Red Bug Road and SR 426, 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.

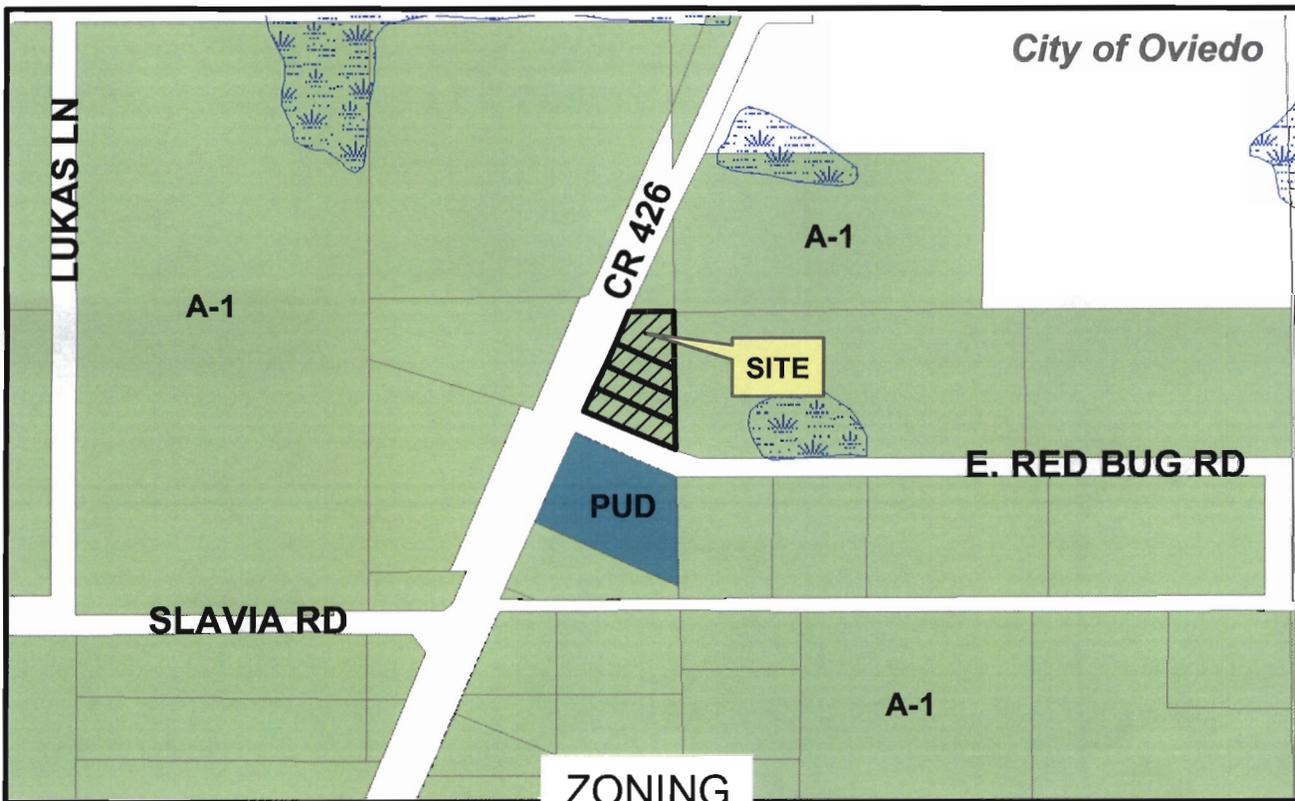
**City of Oviedo**



LDR
  MDR
  OFF
  COM
  PD
  Site
  ESLO
  City Bnd

Applicant: Rashid Jamalabad  
 Physical STR: 20-21-31-501-0000-0010 / 0020 / 0030 / 0040  
 Gross Acres: .97 +/- BCC District: 1  
 Existing Use: vacant  
 Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU	08.SS.08	LDR	OFF
Zoning	Z2008-066	A-1	PUD



**ZONING**

Site
  A-1
  PUD
  ESLO



Rezoning No: Z2008-066

From: A-1 To: PUD

FLU No: 08SS.08

From: LDR To: OFF

 Parcel

 Subject Property



Winter 2007 Color Aerials





## SEMINOLE COUNTY DEVELOPMENT ORDER

On September 22, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

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

### FINDINGS OF FACT

**Property Owner:** Vasilios & Prodrornos Hatzimarkos

**Project Name:** SR 426 Rezone & Small Scale Land Future Use Amendment

**Requested Development Approval:** Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) 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

### Order

#### NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (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. Development shall comply with the Preliminary Master Plan attached as Exhibit B.
  - B. The project shall have a maximum allowable square footage of 5,382 square feet.
  - C. Allowable Uses shall be all the permitted uses in the OP zoning district.
  - D. The maximum allowable building height is 35'.
  - E. The setbacks shall be as follows:
    - North: 25'.
    - South: 25'
    - East: 25'
    - West: 25'
  - F. The buffers shall be as follows:
    - North: 15' landscape buffer containing 6 canopy trees per 100'.
    - South: 15' landscape buffer containing 4 canopy trees every 100' and a 3' continuous hedge.
    - East: 15' landscape buffer containing a 6' block wall, 8 canopy and 4 sub-canopy trees every 100'.
    - West: 15' landscape buffer containing 4 canopy trees every 100' and a 3' continuous hedge.
  - G. The developer shall construct a pedestrian connection to the existing sidewalk along SR 426 and provide a bicycle rack on-site as depicted in Exhibit B.
  - H. The applicant shall provide a cross access connection with the property to the north of this site as shown in Exhibit B.
  - I. All mechanical equipment, ground or roof-mounted, shall be screened from off-site view.

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

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

**Done and Ordered on the date first written above.**

**SEMINOLE COUNTY BOARD  
OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Bob Dallari, Chairman

**Order**

**OWNER'S CONSENT AND COVENANT**

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

\_\_\_\_\_  
Witness  
Print Name\_\_\_\_\_

\_\_\_\_\_  
Vasilios Hatzmarkos

\_\_\_\_\_  
Witness  
Print Name\_\_\_\_\_

\_\_\_\_\_  
Witness  
Print Name\_\_\_\_\_

\_\_\_\_\_  
Prodromos Hatzimarkos

\_\_\_\_\_  
Witness  
Print Name\_\_\_\_\_

**STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )**

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State  
and County aforesaid to take acknowledgments, personally appeared Vasilios &  
Prodromos Hatzimarkos who is personally known to me or who has produced  
\_\_\_\_\_ as identification and who executed the foregoing instrument.

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

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

## **EXHIBIT A**

### ***Legal Description***

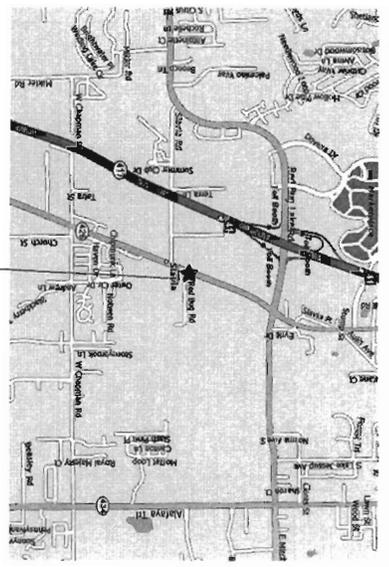
LOTS 1, 2, 3, AND 4 WILLIAMS SURVEY OF LOT 25, SLAVIA COLONY COMPANY, ACCORDING TO THE PALT THEREOF, AS RECORDED IN PALT BOOK 157, PAGE 163 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

## **EXHIBIT B**

### **Preliminary Master Plan**

(See Attached Pages)

# HATZIMARKOS PROPERTY CORNER OF RED BUG RD. & S.R. 426 SEMINOLE COUNTY, FLORIDA



PROJECT LOCATION  
LOCATION MAP

**Building Code:**  
The project will be in accordance with 2007 Florida Building Code as final engineering.

**Public Safety, Fire Loads:**  
1. Proposed project will provide adequate water supply, fire hydrant, and fire line at final engineering in accordance with applicable codes.

**Utility Notes:**

1. Water service will be provided by a mainline from station on the main line of E. Red Bug Rd. The 1" provides adequate water production for proposed development.
2. Sewer service will be provided by a mainline from station and connected to existing 12" sewer main on the main line of E. Red Bug Rd. The project will require a separate reclaimed water system.

**Development Notes:**  
1. The proposed building is a single story building. Space and parking is based on a single story office building as shown on the site plan.  
2. Outdoor lighting will be provided in accordance with SCLDC section 30.1724.  
3. The project will require a separate reclaimed water system on this proposed development, per SCLDC Section 60.22.

**OPEN SPACE AREA CALCULATION--OFFICE (FUDA)**

GROSS AREA	0.97 AC. (42,333 SF)
OFFICE FLOOR AREA	0.0 AC.
PARKING AND PAVED AREAS	0.3896 AC. (17,282 SF)
LANDSCAPE BUFFER AREAS	0.0 AC.
RETENTION (OR NOT ALLOWED)	0.1542 AC. (6,714 SF)
RECLAIMED WATER BUFFER/OFFICE SPACE	0.2818 AC. (12,333 SF)
TOTAL OPEN SPACE:	0.2898 AC. (12,703 SF)
USABLE OPEN SPACE:	0.2834 AC. (12,323 SF)

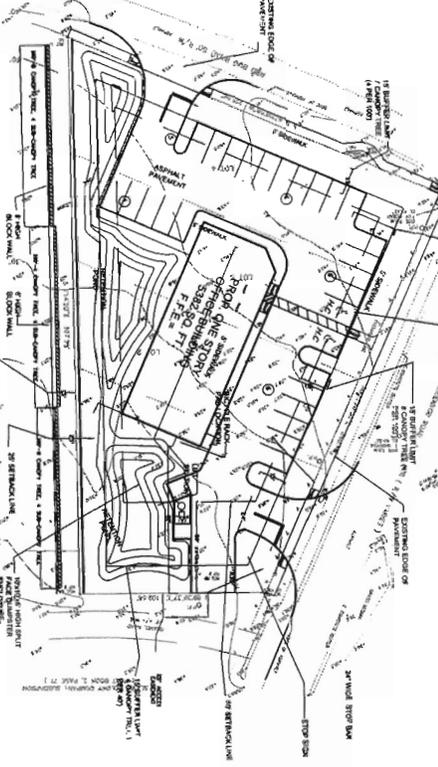
**MAINTENANCE STATEMENT**  
A LEGAL INSTRUMENT WILL BE CREATED TO MAINTAIN THE COMMON AREAS OF THE PROJECT.  
SITE LIGHTING NOTES:  
LIGHTING WILL BE PROVIDED AT FINAL ENGINEERING

**FUTURE LAND USE (SOUTH): PD  
ZONING TO SOUTH: PUD**

**FUTURE LAND USE (EAST): LDR  
ZONING TO EAST: A-1**

**FUTURE LAND USE (WEST): COM  
ZONING TO WEST: A-1**

**FUTURE LAND USE (NORTH): LDR  
ZONING TO NORTH: A-1**



**PERMITTED USE:**  
THE PROPOSED PROJECT PROPOSES TO USE THE SETBACK OFFICE USE AS SHOWN ON THE ZONING MAP. IN ADDITION, THE FOLLOWING USES SHALL BE ALLOWED ON THIS SITE AS WELL AS ALL ALLOWED PERMITTED USE IN OFFICE DISTRICT.

**SITE DATA**  
LEGAL DESCRIPTION:  
LOT 1, 2, 3 AND 4E, WILLIAMS SURVEY OF LOT 2E, SALVA COMPANY COMPANY, 157 PACE 183 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

**PARCEL ID. NO.:**  
201213150100000000  
201213150100000000  
201213150100000000

**PROPOSED ZONING:**  
OFFICE (OFF)

**PROPOSED UNIT DEVELOPMENT:**  
PLANNED UNIT DEVELOPMENT

**PROPOSED OFFICE (OFF):**  
CURRENTLY VACANT

**MAXIMUM BUILDING HEIGHT:** 35 FEET

**PROPOSED FLOOR AREA RATIO (FAR):** 0.35 (MAXIMUM 0.15 PROPOSED)

**PROPOSED SETBACKS:**  
NORTH: 25 FEET  
EAST: 25 FEET  
WEST: 25 FEET  
SOUTH: 25 FEET

**FLOOD ZONE:**  
UNSHOWN

**WAIVER REQUEST**  
The project requests a waiver for the requirements of active/passive landscape buffer. As part of the landscaping requirements, the project proposes a 15 foot wide buffer area all around the property lines, a 6 foot high screen wall in conjunction with 20 canopy trees and 12 under-story trees along East property line.

**UTILITY IMPACT ANALYSIS**

DESCRIPTION	EXIST. VAC. (LDR)	PROPOSED (OFF)	PROPOSED (OFF)
Water	19 gpm/day	19 gpm/day	19 gpm/day
Sewer	0.0 gpd	0.0 gpd	0.0 gpd
Average Daily Traffic (ADT)	19 gpm/day	19 gpm/day	19 gpm/day
Flood Risk	0.0 gpd	0.0 gpd	0.0 gpd
School Impact	0.0 gpd	0.0 gpd	0.0 gpd

**TOTAL: 49 TREES**

No.	Date	Revisions	By
1			
2			
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**TERRA ENGINEERING CONSULTANT, INC.**  
CERTIFICATE OF AUTHORITY: 00007243  
1020 SPRING WILAS POINT  
WINTER SPRINGS, FLORIDA 32708  
TEL: (407) 767-2588  
FAX: (407) 767-0323

**PRELIMINARY MASTER PLAN**  
MR. BILL HARTZIMARKO  
CORNER OF E RED BUG RD & SR 426  
SEMINOLE COUNTY, FLORIDA

PROJ. NO.: 07024  
FILE NAME: SITE PLAN  
DATE: AUGUST 2007  
SCALE:  
1" = 100'

SH.NO.  
C-1

PROJ. NO. : 07024
DATE : AUGUST 2007
SCALE : AS SHOWN
DATE : AUGUST 2007
DATE : AUGUST 2007

PRILINARY MASTER  
LANDSCAPE PLAN  
MR. BILL HARTZMARKO  
CORNER OF E RED BUG RD & SR 426  
SEMINOLE COUNTY, FLORIDA

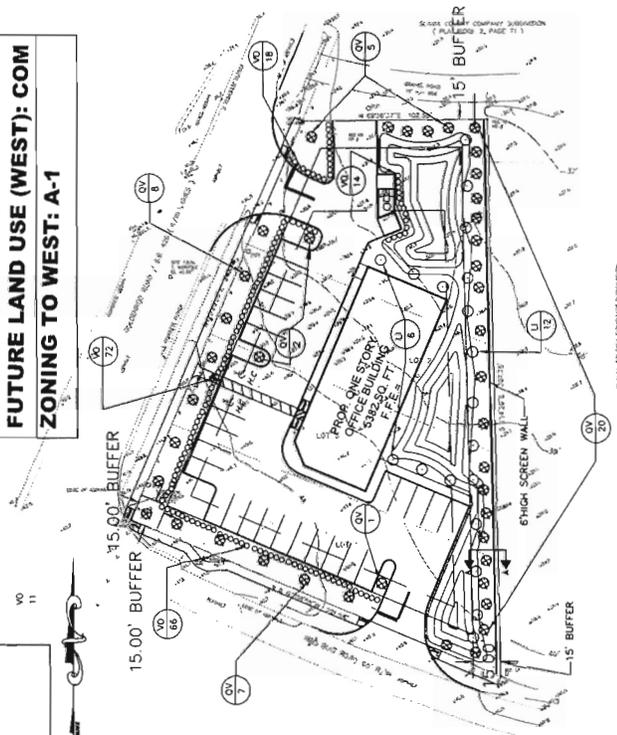
TERA ENGINEERING  
CONSULTANT, INC.  
1020 SPRING WILDS POINT  
WINTER SPRINGS, FLORIDA 32789  
TEL (407) 781-2599  
FAX (407) 781-0323

Project No.:	
Checked By:	BMH
Drawn By:	BMH
Scale:	
Prof. Eng. Number:	448831

**WAIVER REQUEST**  
The project requests a waiver for the requirements of active/passive landscape buffer. As part of the landscaping requirements, the project proposes a 15 foot wide buffer area all around the property lines, a 6 feet high screen wall in conjunction with 20 canopy trees and 12 understory trees along East property line.

**FUTURE LAND USE (WEST): COM  
ZONING TO WEST: A-1**

**FUTURE LAND USE (NORTH): LDR  
ZONING TO NORTH: A-1**



**FUTURE LAND USE (SOUTH): PD  
ZONING TO SOUTH: PUD**

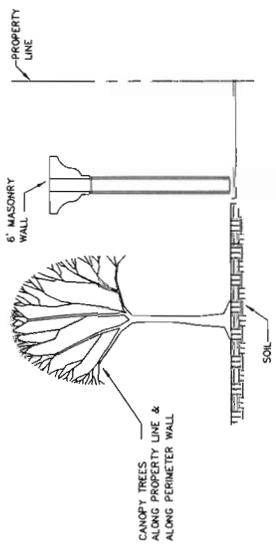
**FUTURE LAND USE (EAST): CONS  
ZONING TO EAST: A-1**

**TREE NOTES:**  
ALONG RED BUG (4 PER 100):  
ALONG NORTH PROPERTY LINE (1 PER 40')  
ALONG EAST PROPERTY LINE:  
INTERNAL (17362 SFAID): 1 PER 200 SF)  
TOTAL 49 TREES

QUANTITY	BOTANICAL NAME	COMMON NAME	WATER USE
31	QUERCUS VIRGINIANA	LIVE OAK	LOW, MEDIUM
145	VIBURNUM SUSPENSUM	LAURUSTINUS VIRGINIANUM @ 30" O.C., 36" HEIGHT	LOW, MEDIUM
23		GRAPE MYRTLE - 2' CAUPER, 8' TALL	

OWNER SELECTED GROUND COVER PLANT MATERIAL

GROUND COVER	PLANT TYPE	QUANTITY @ EACH AREA
OOOO		



SECTION "A-A"

## Hartzimarko's Property

### Small Scale Comprehensive Plan Amendment — LDR to Office Justification Statement

This justification statement has been prepared as a supplement to the application to change the Future Land Use on the Hartzimarko's property from Low Density Residential (LDR) to Office . There are several sections of Seminole County's Comprehensive Plan that support the proposed change.

- 1- Issue FLU 5 of the Comprehensive Plan indicates that Rule 9J-5.006, FAC requires plans of the local governments contain specific provisions to discourage urban sprawl. Urban sprawl is then further defined as scattered, poorly planned development occurring at the edge of urban and rural areas, which frequently invades land important for natural resource protection.
  - a. **The proposed change of the FLU to Office on the subject property will not encourage urban sprawl. The property is located in an urban area, with large tracts of COM directly across the street. The subject property is not located on the urban fringe.**
2. The Comprehensive Plan also provides criteria for the standards of review. These criteria are site specific and outlined below for an evaluation of this property.
  - A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.
    - a. *The surrounding area is clearly in a transition to an urban area. The property abuts SR426, which is a four (4) lane divided highway with commercial and industrial uses along the corridor. The subject property is the proximity to the City of Oviedo City limits and the commercial development in that area. Also of note is the large COM designation across the Street from this property.*
  - B. Whether public facilities and services will be available concurrent with the impacts of development at adopted Levels of service.
    - a. *The property fronts onto SR 426, which has adequate traffic capacity for this development. In addition, there is sewer and water facilities coated adjacent to the property that will be used to service the development.*
  - C. Whether the site is suitable for the proposed use and will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.
    - a. *The site is suitable for the proposed development. The site is proposed to be designed for an office building and there is adequate land for this uses. The property Is not flood prone and there are no wetlands on the Site.*
  - D. Whether the proposal adheres to other special provisions of law (e.g. Wekiva River Protection Act).
    - a. *There are no other provisions of law that affect the subject property or the proposal.*
  - E. Whether the proposed use is compatible with surrounding development in terms Of community impacts end adopted design standards of the Land Development Code.

***a. The proposed use is compatible with the surrounding use. The property is located along a four lane divided State Road (SR426). As detailed above, the proposed uses will be buffered according to County Standards, the property is located immediately adjacent to COM designation, The property is within 250 feet of the intersection of collector and arterial roads and there is intensive commercial use proposed less than 500 feet to the north.***

- 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;
    - a. The development of the Site will have minimal Impact on the facilities in the area.***
  2. Dedications or contributions in excess of Land Development Code requirements:
    - a. This development does not propose any dedications or contributions in excess of the land development code requirements. However, the overall size of the property (approx. 1.0 Ac) does not warrant itself to dedications or contributions.***
  3. A range of obtainable housing opportunities and choices, including affordable or workforce housing, Economic Development:
    - a. No housing is proposed with this development.***
    - b. Economic Development-the project will provide for economic development in the area. One of the targeted end users of the site is professional office spaces, which is one of the targeted Institutions of the Comprehensive Plan.
  4. Reduction on transportation impacts on area wide roads;
    - a. the proposed development will have minimal impact on the Surrounding roads The residents to the east will have access to the site with minimal use or the primary road In the area. In addition, SR 426 is a four lane road with adequate capacity for this development.***
  5. Mass Transit and a Variety of transportation choices;
    - a. The proposed development neither impacts nor provides for mess transit,***
  6. Whether the proposed land use designation is consistent with any other applicable Plan policies, the Strategic regional Policy Plan and the State Comprehensive Plan;
    - a. The details given above describe the consistency with the other plan policies,***

In summery, the surrounding area is clearly in transition. The property fronts SR 426, which is a – four (4) lane, divided highway with commercial and industrial uses along the corridor. The site is near the limits of the City of Oviedo and the commercial development in that area. There are several pending applications in this same area to provide further commercial uses. There is a large COM designation directly across the street from this property with active commercial uses. Finally, one of the targeted end users of the site is professional office, bank or financial institution, which is one of the targeted institutions of the Comprehensive Plan.

# Terra Engineering Consultant, Inc.

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June 22, 2009

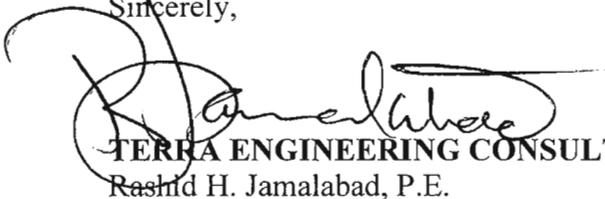
Seminole County Government  
1101 East First Street, 2<sup>ND</sup> Floor West Wing  
Sanford, FL 32771

**RE: Waiver Request**  
**Project # 08-20000013**  
**W sr426 Rezone & SSFLUA**  
**PID#20-21-31-501-0000-0010**

Dear Reviewer:

Due to the site constraint, we present this letter to request a waiver for the requirements of active/passive landscape buffer for the above referenced project. As part of the landscaping requirements, the project proposes a 15 feet wide buffer area all around the property lines, a 6 feet high screen wall in conjunction with 20 canopy trees and 12 under-story trees along East property line. Also, canopy trees (4 per 100 feet) and shrubs will be planted per County Land Development Code (LDC) along SR426, Red Bug Road, and North property line. We believe that the above mentioned proposed landscape elements and screen wall along the East property line will be consistent with area and will provide the same or higher opacity.

Sincerely,



**TERRA ENGINEERING CONSULTANT, INC.**  
Rashid H. Jamalabad, P.E.

**AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 08-44, 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 OFFICE (OFF); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 08-44 which adopted the 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 August 5, 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 September 22, 2009, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive

Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IN 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 08-44, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:
- (b) The associated rezoning request was completed by means of Ordinance Number 09-\_\_\_\_\_.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 22nd day of September, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_

Bob Dallari, Chairman

## APPENDIX A

### LEGAL DESCRIPTION

LOTS 1, 2, 3, AND 4 WILLIAMS SURVEY OF LOT 25, SLAVIA COLONY COMPANY, ACCORDING TO THE PALT THEREOF, AS RECORDED IN PALT BOOK 157, PAGE 163 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled SR 426 Rezone and Small Scale Future Land Use Amendment, dated September 22, 2009.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development):

**SEE ATTACHED EXHIBIT A**

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order #08-20000013 in the Official Land Records of Seminole County.

ENACTED this 22nd day of September 2009.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Bob Dallari, Chairman

**EXHIBIT A**

**LEGAL DESCRIPTION**

LOTS 1, 2, 3, AND 4 WILLIAMS SURVEY OF LOT 25, SLAVIA COLONY COMPANY, ACCORDING TO THE PALT THEREOF, AS RECORDED IN PALT BOOK 157, PAGE 163 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On September 22, 2009, Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

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

**Property Owner(s):** Vasilios & Prodromos Hatzimarkos

**Project Name:** SR 426 Rezone & Small Scale Land Future Use Amendment

**Requested Development Approval:** Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development)

The Board of County Commissioners has determined that the rezone request from A-1 (Agriculture) to PUD (Planned Unit Development) district is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "SR 426 Rezone & Small Scale Land Future Use Amendment" and all evidence submitted at the public hearing on September 22, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested Rezone and Small Scale Future Land Use Amendment 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*

LOTS 1, 2, 3, AND 4 WILLIAMS SURVEY OF LOT 25, SLAVIA COLONY COMPANY, ACCORDING TO THE PALT THEREOF, AS RECORDED IN PALT BOOK 157, PAGE 163 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

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: VASILIOS HARTZIMARKO Name: \_\_\_\_\_  
Address: 8606 VILLANOVA ST. ORT. FL Address: \_\_\_\_\_  
Phone #: (407) 657-7959 Phone #: \_\_\_\_\_

Name: JOHN HARTZIMARKO Name: \_\_\_\_\_  
Address: 1008 LISA LANE, APOPKA, FL Address: \_\_\_\_\_  
Phone #: (407) 496-0388 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: \_\_\_\_\_  
Trustees: \_\_\_\_\_ Beneficiaries: \_\_\_\_\_  
Address: \_\_\_\_\_ 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: <u>VASILIOS HATZIMARKOS</u>	Name of Partnership: <u>JOHN-HATZIMARKOS</u>
Principal: <u>8606 VILLANOVA STR</u>	Principal: <u>1008 LISA LANE</u>
Address: <u>ORLANDO FLORIDA</u>	Address: <u>APOPKA FL 32703</u>

(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: <u>N/A</u>	Name: <u>N/A</u>
Address: _____	Address: _____

(Use additional sheets for more space.)

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

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

9-5-08

Date

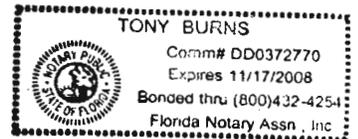
Vasilios Hatzimarkos  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF FLORIDA

Sworn to (or affirmed) and subscribed before me this 5TH day of SEPTEMBER, 2008 by VASILIOS HATZIMARKOS

[Signature]  
Signature of Notary Public

Tony Burns  
Print, Type or Stamp Name of Notary Public



Personally Known \_\_\_\_\_ OR Produced Identification   
Type of Identification Produced FL DRIVERS LICENSE

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