

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Bear Lake Village Small Scale Future Land Use Amendment from OFF (Office) and COM (Commercial) to PD (Planned Development) and rezone from OP (Office) to PCD (Planned Commercial Development)

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord **CONTACT:** Austin Watkins **EXT:** 7440

MOTION/RECOMMENDATION:

1. Approve the requested Small Scale Land Use Amendment from OFF (Office) and COM (Commercial) to PD (Planned Development) and rezone from OP (Office) to PCD (Planned Commercial Development), for 1.198 ± acres located at the southwest corner of SR 436 and S. Hunt Club Blvd, and approve the attached Final Site Plan, Development Order and Developer’s Commitment Agreement and authorize the Chairman to execute the aforementioned documents, based on staff findings (Andre Anderson, applicant); or

2. Deny the requested Small Scale Land Use Amendment from OFF (Office) and COM (Commercial) to PD (Planned Development) and rezone from OP (Office) to PCD (Planned Commercial Development) and authorize the Chairman to execute the Denial Development Order, for 1.198 ± acres located at the southwest corner of SR 436 and S. Hunt Club Blvd (Andre Anderson, applicant); or

3. Continue the public hearing until a time and date certain.

District 3 Dick Van Der Weide

Austin Watkins

BACKGROUND:

The applicant is requesting a Small Scale Future Land Use Amendment (SSLUA) from OFF (Office) and COM (Commercial) to PD (Planned Development) and a rezone from OP (Office) to PCD (Planned Commercial Development). The subject property was rezoned in June 1985 to OP to allow for a single-story office building. In 1988 the subject property was constructed as a part of the Bear Lake Villages Shopping/Office Center. In November 2007 the property was cited by the Seminole County Sheriff’s Department, Code Enforcement Division for non-compliance with the Seminole County Land Development Code. More specifically, four tenants within the building are uses that are not permitted in the OP zoning classification. Those uses are a coffee shop, dog groomer, nail salon and an indoor amusement facility.

At this time, the applicant is requesting to rezone to the property to PCD to allow for C-1 uses with the following exclusions: appliance stores, bakeries, where goods are sold on premises as retail, communication towers, day nurseries, kindergartens, drug testing/blood testing facilities, employment agencies, funeral homes, furniture stores, hardware stores, laundrettes and laundromats, multi-family housing - such as condominiums, apartments and townhouses of medium to high density, plant nurseries, public and private schools, self-service laundries and theatres. In order to make the C-1 uses compatible with the adjacent residential, the

applicant is proposing the following conditions of approval: no new trash dumpster shall be located on the subject property, all restaurant and specialty coffee or food establishments will not remain open after 10:00 pm. The applicant is proposing no changes to the existing site, except to enhance the existing buffering adjacent to residential.

Section 30.465 (b) of the Seminole County Land Development Code allows the applicant to obtain concurrent approval of the rezoning/Preliminary Site Plan and the Final Site Plan/Developer's Commitment Agreement. Staff has reviewed the Final Site Plan and Developer's Commitment Agreement and has determined that it meets all conditions of approval, as outlined in the proposed Development Order. If approved, this rezone and SSLUA will bring the subject property into compliance with the Seminole County Land Development Code and will resolve the pending code enforcement violations for the property.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on May 7, 2008 and voted 7 to 0 to recommend approval of the requested Small Scale Land Use Amendment from OFF (Office) and COM (Commercial) to PD (Planned Development) and a rezone from OP (Office) to PCD (Planned Commercial Development), for 1.198 ± acres located at the southwest corner of SR 436 and S. Hunt Club Blvd, and recommended approval of the attached Final Site Plan, Development Order and Developer's Commitment Agreement.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the requested Small Scale Land Use Amendment from OFF (Office) and COM (Commercial) to PD (Planned Development) and a rezone from OP (Office) to PCD (Planned Commercial Development), for 1.198 ± acres located at the southwest corner of SR 436 and S. Hunt Club Blvd, and recommends approval of the attached Final Site Plan, Development Order and Developer's Commitment Agreement.

ATTACHMENTS:

1. Staff Analysis
2. Location Map
3. Zoning and Future Land Use Map
4. Aerial Map
5. Final Site Plan
6. Approval Development Order
7. SSLUA Ordinance
8. Rezone Ordinance
9. Developer's Commitment Agreement
10. Denial Development Order (applicable only if request is denied)
11. Applicant's Justification Statement
12. Waiver Request to Section 30.1232 of the SCLDC
13. Bear Lake Village P&Z minutes

Colonial Shoppes at Bear Lake PCD SSLUA from OFF & COM to PD and Rezone from OP to PCD	
APPLICANT	Andre Anderson
PROPERTY OWNER	American Federated Title Corporation
REQUEST	Small Scale Land Use Amendment from OFF (Office) and COM (Commercial) to PD (Planned Development) and a rezone from OP (Office) to PCD (Planned Commercial Development)
PROPERTY SIZE	1.918 ± acres
HEARING DATE (S)	P&Z: May 7, 2008 BCC: May 20, 2008
PARCEL ID	07-21-29-300-022B-0000
LOCATION	Southwest corner of the intersection of SR 436 and S. Hunt Club Blvd
FUTURE LAND USE	OFF (Office) and COM (Commercial)
ZONING	OP (Office)
FILE NUMBER	Z2008-11
COMMISSION DISTRICT	#3 – Van Der Weide

CONSISTENCY WITH THE VISION 2020 COMPREHENSIVE PLAN:

FLU Element Plan Amendment Review Criteria:

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

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

Staff Evaluation

The subject property has approximately 650 feet of frontage on SR 436. SR 436 has transitioned to a commercial corridor. This is evident by the commercial uses in both directions and both sides on the roadway. This property, as well as property to the east represents an enclave of Office FLU along the SR 436 corridor. Including this property, there is approximately 1,300 linear feet of frontage on SR 436 that is assigned the Office FLU. To the east and west of the property are approximately 2-miles of Commercial FLU, commercial and high density residential uses on the south-side of SR 436. Therefore, the Commercial FLU and commercial uses are the existing predominant use along the southern-side of the SR 436 corridor.

North of the property is the Foxwood PUD, which has a commercial strip center at the northwest corner of the intersection of Hunt Club and SR 436 and other associated

commercial uses at the intersection. Additionally, the existing predominate uses along the north-side of SR 436 are commercial in nature.

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

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

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

Staff Evaluation

The development will have to undergo Concurrency Review and must meet all Concurrency standards in order to proceed.

The site will have to comply with all Land Development Regulations regarding development in and around wetland and floodplain areas. However, there appears to be no wetlands or flood prone areas on the subject property

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

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

Staff Evaluation

The subject property is adjacent to Low Density Residential FLU to the south and west. However, Staff finds that the proposed Preliminary/Final Master Plan demonstrates a compatible transition between Low Density Residential FLU and the proposed uses. The applicant is proposing a 12.72' building setback and landscaped buffer containing a 7' concrete wall, 2 canopy trees and a 30" hedge for the western property line. A 23.7' building setback and landscaped buffer containing a 7' concrete wall, 14 canopy trees and a 30' hedge is proposed for the southern buffer. Additionally, improvements to the existing buffer, such as a 4' vinyl fence above the 7' concrete wall near the access point to SR 436 to block automobile headlights from intruding into the residential area are being proposed. Further, the uses proposed by the applicant are consistent with the Neighborhood Commercial definition in the Seminole County Comprehensive Plan, which allows for less intensive uses and impacts.

F. Whether the proposed use furthers the public interest by providing:

- 1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site**
- 2. Dedications or contributions in excess of Land Development Code requirements**
- 3. Affordable housing**
- 4. Economic development**
- 5. Reduction in transportation impacts on area-wide roads**
- 6. Mass transit**

Staff Evaluation

The applicant is not proposing any additional facility improvements above and beyond requirements of the Seminole County Land Development Code. The applicant's proposal does not consider affordable housing, economic development, mass transit, nor reduction in transportation impacts.

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

The following are other applicable Vision 2020 Policies and Exhibits and staff's evaluation:

Policy FLU 5.3: Strip Commercial Development

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

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

Staff Evaluation

The subject property is located at the southwest corner of the intersection of SR 436 and S. Hunt Club Blvd. SR 436 is designated by the Florida Department of Transportation as an Urban Principal Arterial roadway and Hunt Club Blvd. is designated a Collector roadway by the Seminole County Public Works Department.

Additionally, the site has direct access to the signalized intersection of SR 436 and S. Hunt Club Blvd.

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

Staff Evaluation

The subject property has approximately 650 feet of frontage on SR 436. SR 436 has transitioned to a commercial corridor. This is evident by the commercial uses in both directions and both sides on the roadway. This property, as well as property to the east represents an enclave of Office FLU along the SR 436 corridor. Including this property there is approximately 1,300 linear feet of frontage on SR 436 that is assigned the Office FLU. To the east and west of the property are approximately 2-miles of Commercial FLU, commercial and high density residential uses on the south-side of SR 436. Therefore, Staff finds that the proposed development represents infill commercial development.

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

Staff Evaluation

The subject property is not located within a mixed use planned development.

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

Staff Evaluation

Staff finds that the proposed Planned Development FLU and Planned Commercial Development zoning classification allow for compatibility between the existing single-family subdivision to the south and west. The proposed buffers, uses and development conditions allow for a transition. The applicant is proposing uses which are consistent with the Neighborhood Commercial definition in the Seminole County Comprehensive Plan, which allows for less intensive uses and impacts versus Community/Regional Commercial.

Policy FLU 2.5: Transitional Land Uses

The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and nonresidential uses, between varying intensities of residential uses and in managing redevelopment of areas no longer appropriate as viable residential areas. *Exhibit FLU: Appropriate Transitional Land Uses* is to be used in determining appropriate transitional uses.

Staff Evaluation

Exhibit FLU: Appropriate Transitional Land Uses in the Future Land Use Element is used as a guide in evaluating compatibility between proposed and adjacent land uses. The proposed Future Land Use designation on the subject property is PD (Planned Development). Planned Development FLU limits the subject property to the uses approved at the time of approval; any additional uses require a land use amendment from PD to PD. The applicant proposes a development that adheres to the definition of Neighborhood Commercial, as defined by the Seminole County Comprehensive Plan. Neighborhood Commercial may be a compatible FLU designation adjacent to Low Density Residential FLU if sensitive site design standards are utilized, per *Exhibit FLU: Appropriate Transitional Lands Uses*.

Staff finds that the applicant’s proposal provides buffering and uses that create a sensitive site design.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following tables depict the minimum regulations for the current zoning district of OP (Office) and the requested district of PCD (Planned Commercial Development):

DISTRICT REGULATIONS	Existing Zoning (OP)
Minimum Lot Size	15,000 square feet
Minimum House Size	N/A
Minimum Width at Building Line	N/A
Front Yard Setback	25 feet
Side Yard Setback	0* feet
(Street) Side Yard Setback	25 feet
Rear Yard Setback	10* feet
Maximum Building Height	35 feet

* Unless adjacent to residential

DISTRICT REGULATIONS	Proposed Zoning (PCD)
Minimum Lot Size	N/A
Minimum House Size	N/A
Minimum Width at Building Line	N/A
North Setback from property boundary	25 feet
South Setback from property boundary	10 feet
East Setback from property boundary	12.72 feet
West Setback from property boundary	12.72 feet
Maximum Building Height	27 feet

PERMITTED & SPECIAL EXCEPTION USES

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

Uses	OP (existing)	PCD (proposed)
Permitted Uses	<p>Dental and medical clinics, dental and medical laboratories. General office buildings. Insurance, real estate, architects, engineering, attorneys, and other professional business services. Accounting, auditing and bookkeeping services, finance offices. Telephone business offices and exchanges, post offices, public parks, public, private and parochial schools, playgrounds, fire stations, and administrative public buildings. Churches and attendant educational buildings. Day care facilities, kindergartens. Public and private elementary schools, middle schools and high schools. Adult living facilities and community residential homes (group homes and foster care facilities) housing more than six (6) permanent unrelated residents.</p>	<p>C-1, CN, and CS uses such as, amusement and commercial recreation within an enclosed building, banks, churches, pet stores, private clubs and lodges, quick print shops, radio and television broadcasting, excluding towers, restaurants, not drive-in, dry cleaners, veterinary clinics with not overnight boarding, convenience markets, delicatessens, grocery stores, artist studios, barber and beauty shops, book, stationery and newsstands sporting goods, shoe repair shops, tailoring shops, tobacco shops, toy stores, watch and clock repair and wearing apparel stores., clinics, except animals, confectionery and ice cream stores, drug stores, florist and gift shops, hobby and craft shops, interior decorating, jewelry stores, libraries, locksmiths, luggage shops, office, business and professional, photographic studios, physical fitness studio, retail paints and wallpaper stores, post offices and retail.</p> <p>The following uses are prohibited: appliance stores, bakeries, where goods are sold on premises as retail, communication towers, day nurseries, kindergartens, drug testing/blood testing facilities, employment agencies, funeral homes, furniture stores, hardware stores, laundrettes and laundromats, multi-family housing - such as condominiums, apartments and townhouses of medium to high density, plant nurseries, public and private schools, self-service laundries and theatres.</p>
Special Exception Uses	<p>Single-family dwelling unit in connection with a permitted use provided said use is occupied only by the owner or operator of the business. When permitted, the residence shall be either above the office or attached to the rear; no detached residence shall be permitted and no residence shall occupy ground-floor frontage. Accessory parking for passenger vehicles when intended for a permitted adjacent commercial use. A parking lot operated as a commercial enterprise shall not be permitted. Public utility and service structures. Banks, savings and loan and similar financial institutions, and drive-in teller facilities, when located on a roadway having a right-of-way width of not less than eighty (80) feet. Private vocational, business, and professional schools which do not have an industrial character. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required. Hospitals and nursing homes. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required. Nonresidential, nonprofit clubs, lodges and fraternal organizations when located on a roadway having a right-of-way width of not less than eighty (80) feet. Funeral homes when located on a roadway having a right-of-way width of not less than eighty (80) feet. Communication towers.</p>	<p>Alcoholic beverage establishments, public utility structures, living quarters in conjunction with a commercial use to be occupied by the owner or operator, nursing homes, and communication towers.</p>
Minimum Lot Size	15,000 square feet	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES

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

The applicant is proposing the following uses: C-1 uses with the following exclusions: appliance stores, bakeries, where goods are sold on premises at retail, communication towers, day nurseries, kindergartens, drug testing/blood testing facilities, employment agencies, funeral homes, furniture stores, hardware stores, laundrettes and laundromats, multi-family housing - such as condominiums, apartments and townhouses of medium to high density, plant nurseries, public and private schools, self-service laundries and theatres. These uses, buffers and setbacks as outlined in this report ensure compatibility with the surrounding properties.

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

SITE ANALYSIS:

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 (OFF)	Proposed Land Use (PD) Calculated as general retail	Net Impact
Water (GPD)	906	3,172	+2,266
Sewer (GPD)	906	2,379	+1,473
Traffic (ADT)	90	579	+489

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #13, which is located at 1240 SR 436. Based on an average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

Buffers and Sidewalks:

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

Western Property Line

	Seminole County Land Development Code Section 30.1232 "Active/Passive Buffering Standards"	Proposed Buffering Standards
Buffer Width	15'	12.72'
Setback	25'	12.72'
Wall/Fence	6' Masonry Wall	7' Concrete Wall
# of Trees	4 Canopy Trees every 100' Linear Feet	2 Canopy Trees
Shrubs	None Required	30" Continuous Hedge

Southern Property Line

	Seminole County Land Development Code Section 30.1232 "Active/Passive Buffering Standards"	Proposed Buffering Standards
Buffer Width	15'	23.70'
Setback	25'	23.70'
Wall/Fence	6' Masonry Wall	7' Concrete Wall
# of Trees	4 Canopy Trees every 100' Linear Feet	10 Canopy Trees
Shrubs	None Required	30" Continuous Hedge

Staff has reviewed the waiver request and its impact on the residents of the Ilesdale Manor subdivision residents' and recommends approval of the Passive Buffer reduction as outlined in the table above. Staff has determined the site conditions warrant a less intensive buffer for the following reasons: the existing canopy trees and hedges are mature, the site was originally constructed in 1988, there is no drive aisle between the building and the single-family residential and the lack of a continual pedestrian connection between the rear and side of the building, therefore making deliveries adjacent to the residential area more difficult.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is not located within any Overlay Districts.

COMPREHENSIVE PLAN (VISION 2020)

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

Policy FLU	2.4:	Neighborhood Commercial Uses
Policy FLU	2.5:	Transitional Land Uses
Policy FLU	2.11:	Determination of Compatibility in the Planned Unit Development Zoning Classification
Policy FLU	5.3:	Strip Commercial Development
Policy FLU	12.4:	Relationship of Land Use to Zoning Classifications
Policy FLU	12.5:	Evaluation Criteria of Property Rights Assertions
Policy POT	4.5:	Potable Water Connection
Policy SAN	4.4:	Sanitary Sewer Connection
Policy PUB	2.1:	Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

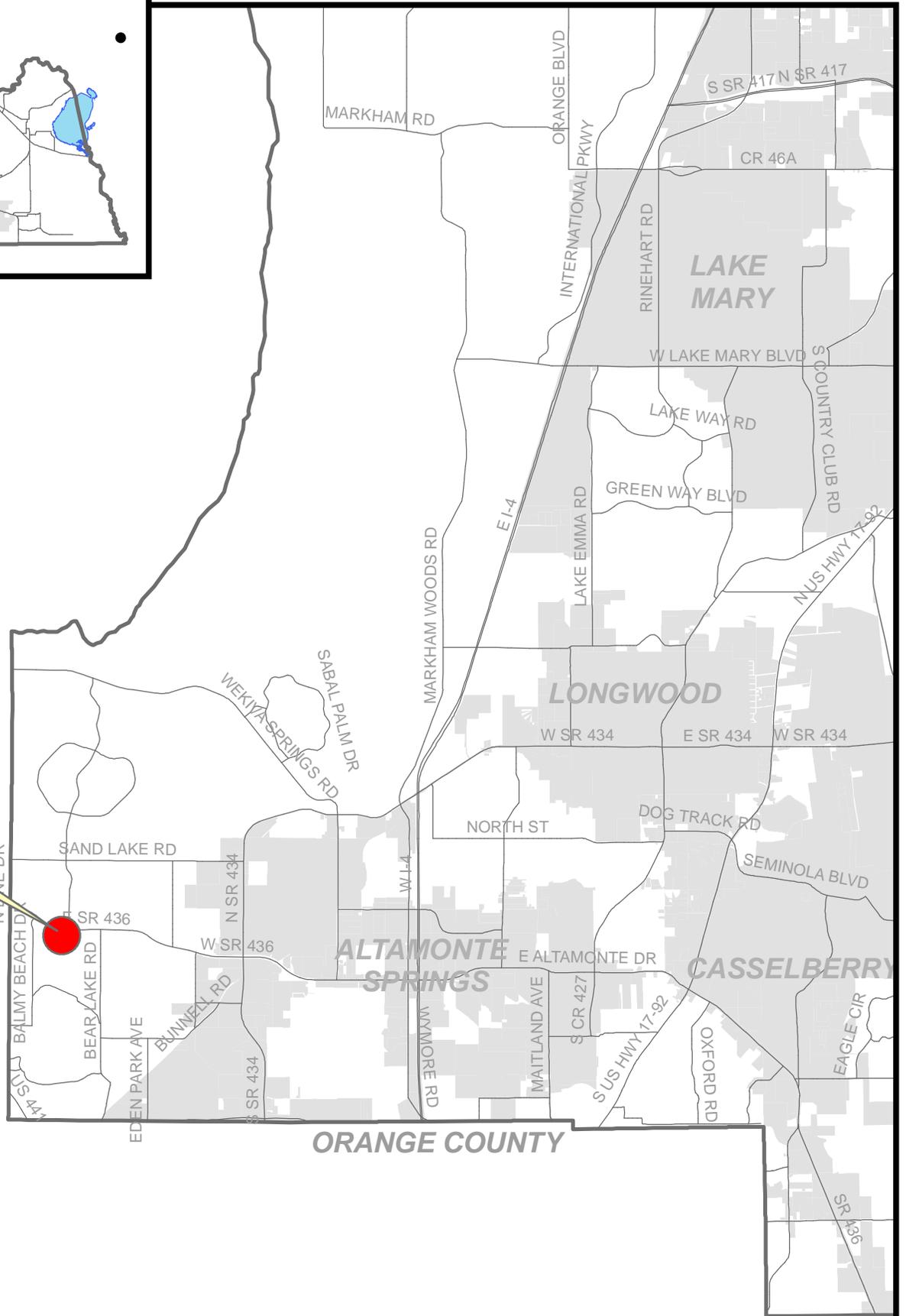
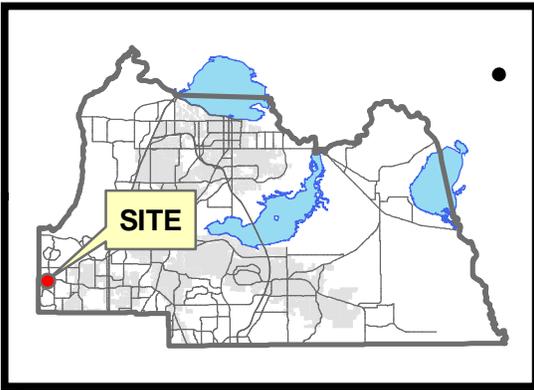
No intergovernmental notices were required.

LETTERS OF SUPPORT OR OPPOSITION:

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

STAFF RECOMMENDATION:

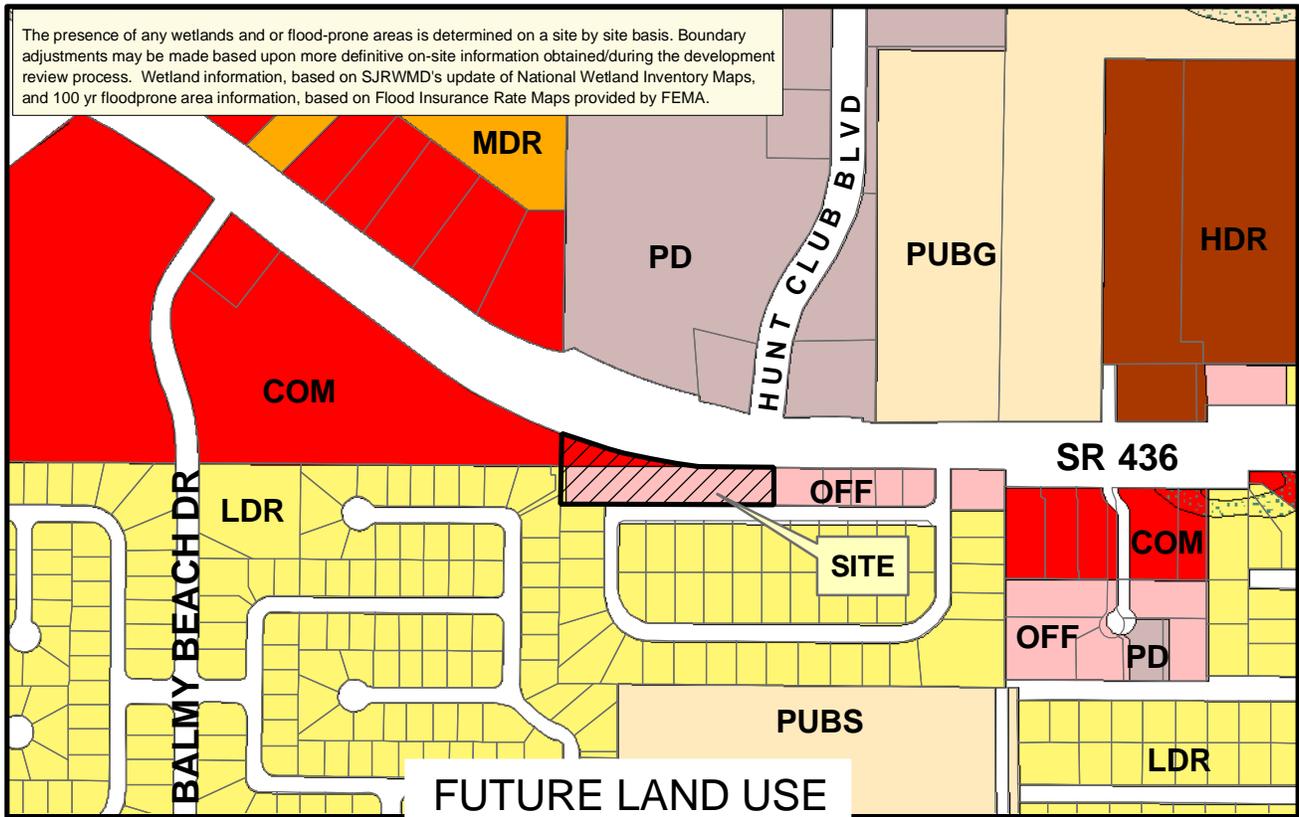
Staff recommends APPROVAL of a Small Scale Land Use Amendment from OFF (Office) and COM (Commercial) to PD (Planned Development) and a rezone from OP (Office) to PCD (Planned Commercial Development), for 1.198 ± acres located at the southwest corner of SR 436 and S. Hunt Club Blvd, and recommends approval of the attached Final Site Plan, Development Order and Developer's Commitment Agreement.



SITE

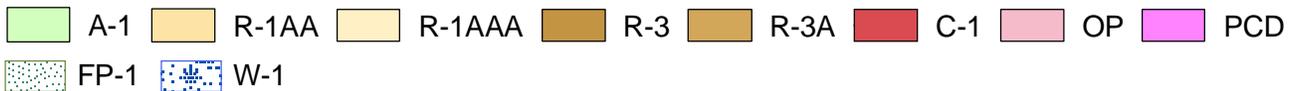
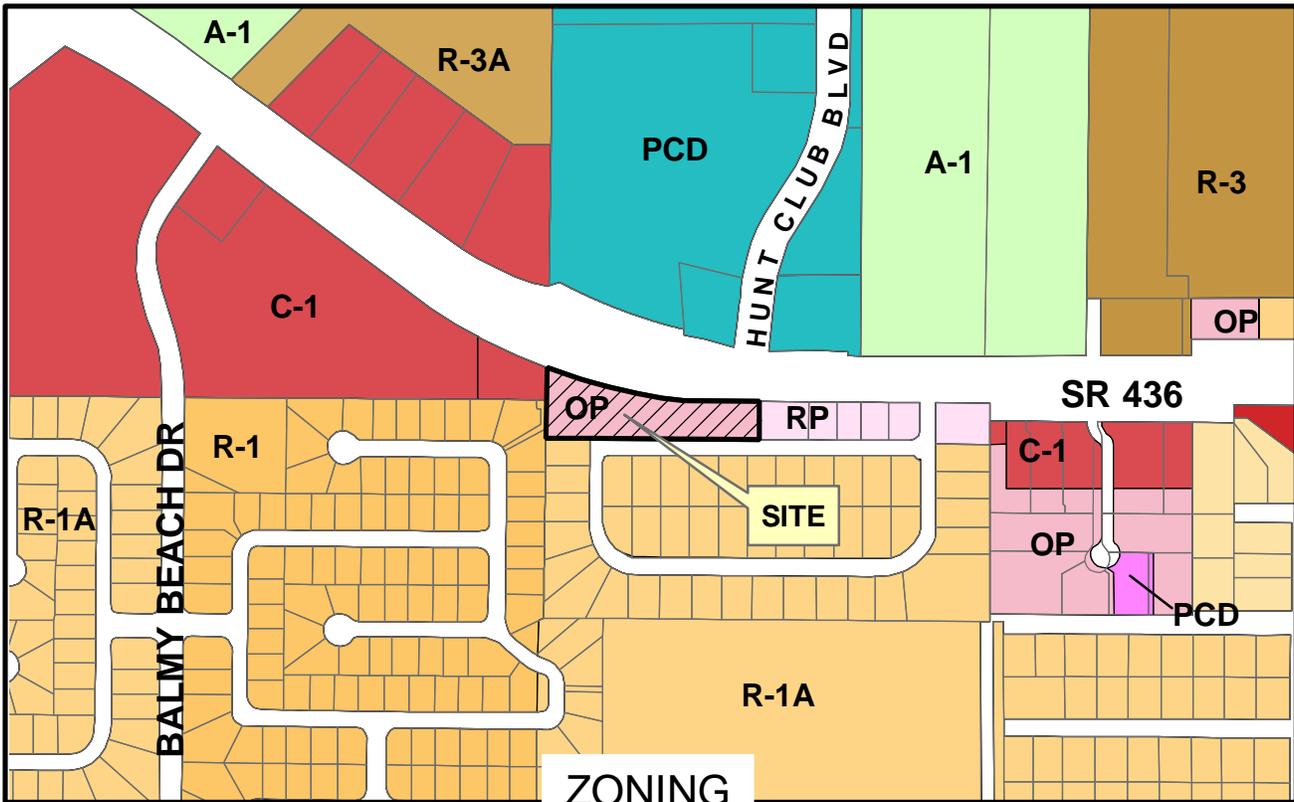


The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



Applicant: Andre Anderson
 Physical STR: 07-21-29-300-022B-0000
 Gross Acres: 1.918 +/- BCC District: 3
 Existing Use: Commercial and Office
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	04-08SS.01	COM/OFF	PD
Zoning	Z2008-011	OP	PCD





Rezoning No: Z2008-11
From: OP To: PCD
FLU No: 04-08SS.01
From: COM/OFF To: PD
□ Parcel
□ Subject Property



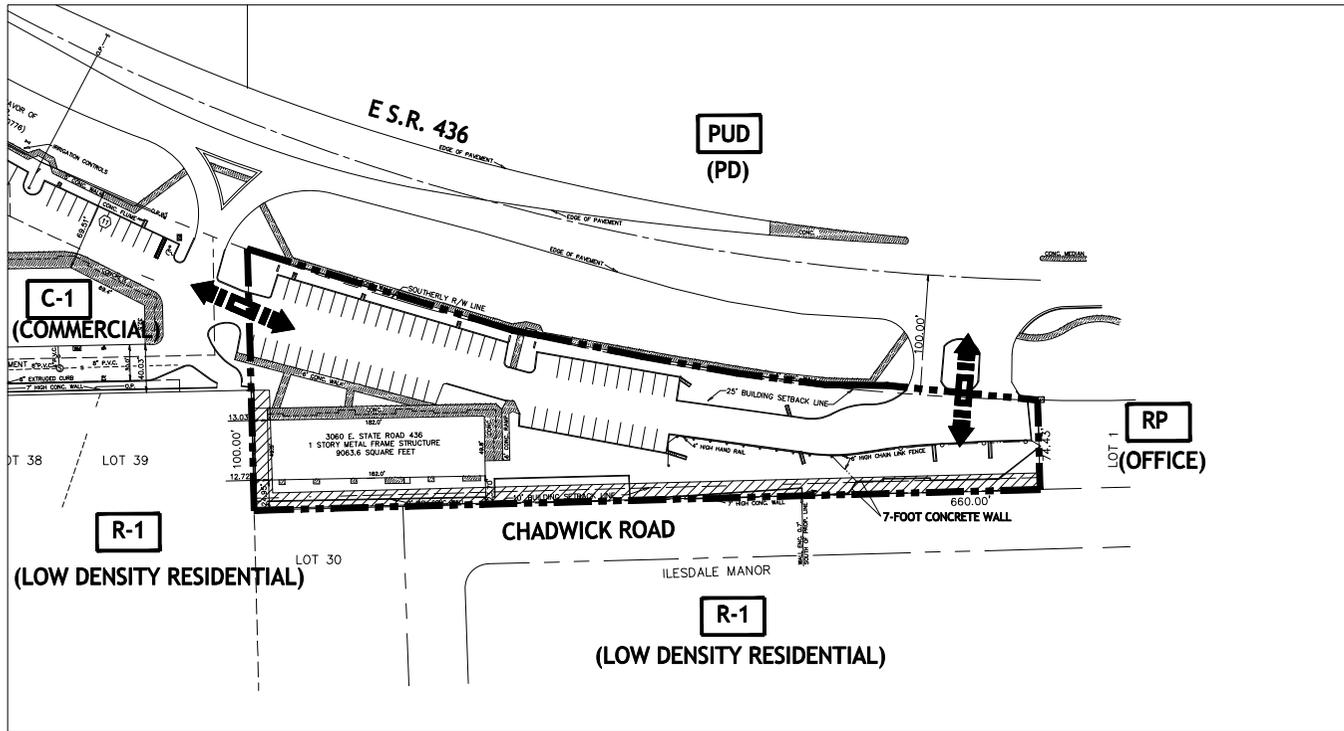
Winter 2006 Color Aerials

Disclaimer: The information provided on this document may be subject to change based on more detailed survey, environmental or specific building product information.

LEGEND

- PROJECT BOUNDARY
- ACCESS POINT
- ZONING BOUNDARY
- ZONING (LD)
- FUTURE LAND USE
- BUFFER

REVISION	DATE
PER DRC COMMENTS	04/02/08
PER DRC COMMENTS	04/10/08
PER STAFF COMMENTS	04/22/08



Land Use Summary

Total Acres:	1.918
Wetland Acres:	0
Total Upland Acres:	1.918
Existing Future Land Use:	Office
Proposed Future Land Use:	Planned Development
Existing Zoning:	Office District (OP)
Proposed Zoning:	Planned Unit Development (PUD)
Existing Use:	Office (9,063 square feet)
Proposed Use:	Commercial (9,063 square feet) C-1 including any uses permitted in the CN and CS Districts The following uses are excluded: a) Appliance stores b) Bakeries, where goods are sold on premises at retail c) Communication towers d) Day nurseries, kindergartens e) Drug testing/blood testing facilities f) Employment agencies g) Funeral homes h) Furniture stores i) Hardware stores j) Laundries and laundromats k) Multi-family housing - such as condominiums, apartments and townhouses of medium to high density l) Plant nurseries m) Public and private schools n) Self-service laundries o) Theaters

Project Notes

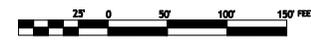
- The property is currently developed as part of the Colonial Shoppes Bear Lake Shopping Center (formerly Bear Lake Village).
 - The property is improved with a 1 story metal frame building that is 9,063 square foot.
 - The property includes 60 parking spaces and upgraded landscaping and open space which is consistent with the Seminole County Land Development Code.
- Existing Traffic: 2007 Average Daily Trips (ADT) for E.S.R. 436 = 48,408 Trips
Traffic Study Threshold: 1% of ADT = 484 Trips
- Existing Trips: 9,063 s.f. office @ 11.01 ADT/1,000 s.f. = 100 Trips
- Proposed Trips: 9,063 s.f. shopping center @ 42.94 ADT/1,000 s.f. = 389 Trips
Difference: 289 Trips
- Stormwater: The stormwater system is currently designed and permitted to meet the requirements of the Seminole County Land Development Code and the St. Johns River Water Management District regulations.

Developer's Commitment

1. Paint rear 7-foot high concrete wall adjacent to Chadwick Road on side of wall facing residential units in the Ilesdale Manor subdivision.
2. On portions of the 7-foot high concrete wall that is adjacent to the public right-of-way and are obstructed by vegetation, developer will paint said 7-foot high concrete wall after vegetation is removed by Seminole County to allow access to said 7-foot high concrete wall.
3. Install 4-foot high beige colored vinyl fence above the existing 7-foot high concrete wall only on the portion of wall across from the Hunt Club Boulevard and Semoran Boulevard signalized intersection and entrance to the retail center. This vinyl fence extension will serve to deflect vehicular lights as traffic enters the retail center.
4. All restaurant and specialty coffee or food establishments shall install a trash compactor inside the leased premise to consolidate any food waste from the business and said waste be transported to the already existing and approved trash dumpster at the retail center property.
5. No new trash dumpster shall be located on the subject property.
6. All restaurant and specialty coffee or food establishments will not remain open after 10:00 pm.

Development Standards

Maximum Building Height:	27 feet/1 Story
Building Area:	9,063 square feet
Minimum Building Setbacks	
Front:	25 feet
Rear:	23.70 feet
Side:	12.72 feet
SR 436:	25 feet
Active Buffer:	Not Applicable
Passive Buffer:	South and West Adjacent to Residential
Required:	Minimum 15 feet 6-foot high brick or masonry wall 2 trees (4 canopy trees/100 linear feet @ average 3" caliper)
Provided:	West Boundary Minimum 12.72 feet (Water Requested) 7-foot high concrete wall 2 trees (min. 20" dbh, average 22" dbh) 30" hedge
	South Boundary Minimum 23.70 feet 7-foot high concrete wall 12 trees (min. 8" dbh, average 14" dbh) 30" hedge
Open Space Required:	0.48 acres (25% of total area)
Open Space Provided:	0.86 acres



PLANNING DESIGN GROUP

930 Woodcock Rd. Ste. 224
Orlando, FL 32803

Ph: (407) 207-0101 Fax: (407) 207-0054

COLONIAL SHOPPES AT BEAR LAKE
PHASE II

AMERICAN FEDERATED TITLE CORPORATION
C/O COLONIAL PROPERTIES SERVICES, INC.
950 MARKET PROMENADE AVENUE, SUITE 2200
LAKE MARY, FL 32746

Ph: (321) 257-1101 Fax: (321) 257-1107

LAND USE PLAN

DRAWN BY:	CHECKED BY:
FW	AAA
Project No: 08-0016	
File Name: LAND USE PLAN.dwg	
Date: 03.13.2008	
SHEET	
3 OF 4	

SEMINOLE COUNTY DEVELOPMENT ORDER

On May 20, 2008, Seminole County issued this Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

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

FINDINGS OF FACT

Property Owner(s): American Federated Title Corporation

Project Name: Colonial Shoppes at Bear Lake Village PCD Rezone/SSLUA

Requested Development Approval: Small Scale Future Land Use amendment from OFF (Office) to PD (Planned Development) and a rezone from OP (Office Professional) to PCD (Planned Commercial Development).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

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

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

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

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

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

A. The project shall have a maximum allowable building square footage of 9,063 square feet.

B. Permitted Uses: C-1 Retail Commercial with the following excluded uses:

1. Appliance stores
2. Bakeries, where goods are sold on premises at retail
3. Communication towers
4. Day nurseries, kindergartens
5. Drug testing/blood testing facilities
6. Employment agencies
7. Funeral homes
8. Furniture stores
9. Hardware stores
10. Laundrettes and laundromats
11. Multi-family housing housing - such as condominiums, apartments and townhouses of medium to high density
12. Plant nurseries
13. Public and private schools
14. Self-service laundries
15. Theatres

C. The setbacks shall be as follows:

North: 25'

South: 10'

East: 12.72'

West: 12.72'

D. The buffers shall be as follows:

Existing vegetation and buffers shall remain. The buffers shall meet the following criteria:

South: 23.70 foot buffer containing a 7-foot high concrete wall, 10 trees (8" minimum dbh, average 14" dbh) and a 30" hedge.

West: 12.72 foot buffer containing a 7-foot high concrete wall, 2 trees (8" minimum dbh, average 22" dbh) and a 30" hedge.

- E. Paint 7-foot high concrete wall adjacent to Chadwick Road on side of wall facing residential units in the Ilesdale Manor subdivision.
- F. Install 4-foot high beige colored vinyl fence above the existing 7-foot high concrete wall only on the portion of wall across from the Hunt Club Boulevard and Semoran Boulevard signalized intersection and entrance to the retail center. This vinyl fence extension will serve to deflect vehicular lights as traffic enters the retail center. The 4-foot vinyl fence must meet all building codes and be approved by the Seminole County Building Official.
- G. All restaurant and specialty coffee or food establishments shall install a trash compactor inside the leased premise to consolidate any food waste from the business and said waste be transported to the existing and trash dumpster on the retail center property.
- H. No new trash dumpster shall be located on the subject property.
- I. All restaurant and specialty coffee or food establishments will not remain open after 10:00 pm.
- J. 25% usable open space shall be provided on the subject property.
- K. The maximum allowable building height is 27'.
- L. Development shall comply with the Preliminary Site Plan attached as Exhibit "B".

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

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

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Brenda Carey, Chairman

EXHIBIT "A"**Legal Description**

THAT PORTION OF SECTION 7 AND SECTION 18, ALL BEING IN TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 7; THENCE SOUTH 89°56'39" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 7 FOR 2435.29 FEET TO THE EASTERLY LINE OF TRACT D, BEL AIRE HILLS UNIT 1, AS RECORDED IN PLAT BOOK 22, PAGES 7 AND 8 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND TO THE POINT OF BEGINNING; THENCE NORTH 00°15'59" WEST, FOR 117.08 FEET TO A POINT AT THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 436, A 200 FOOT WIDE RIGHT-OF-WAY AND TO A POINT ON A NON-TANGENT CURVE, CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 2,042.08 FEET, A CENTRAL ANGLE OF 19°01'49" AND TO SAID POINT A RADIAL LINE BEARS SOUTH 21°24'29" WEST; THENCE EASTERLY ALONG SAID CURVE FOR 678.26 FEET; THENCE SOUTH 00°15'59" EAST, FOR 74.43 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 100 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE SOUTH 89°41'41" WEST, ALONG SAID SOUTH LINE OF THE NORTH 100 FEET FOR 660.00 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE NORTH 00°15'59" WEST, ALONG SAID WEST LINE FOR 100.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EXISTING EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY.

SAID LANDS CONTAIN 83,537 SQUARE FEET OR 1.918 ACRES, MORE OR LESS.

EXHIBIT "B"
Preliminary Site Plan

REVISION	DATE
PER DRC COMMENTS	04/10/08
PER STAFF COMMENTS	04/22/08

PLANNING DESIGN GROUP

930 Woodcock Rd., Ste. 224
Orlando, FL 32803

Ph: (407) 207-0101 Fax: (407) 207-0054



AMERICAN FEDERATED TITLE CORPORATION
C/O COLONIAL PROPERTIES SERVICES, INC.
950 MARKET PROMENADE AVENUE, SUITE 2200
LAKE MARY, FL 32746

Ph: (321) 257-1101 Fax: (321) 257-1107

LAND USE PLAN

PROJECT NO: 08-0016
FILE NAME: LAND USE PLAN.dwg
DATE: 03.13.2008

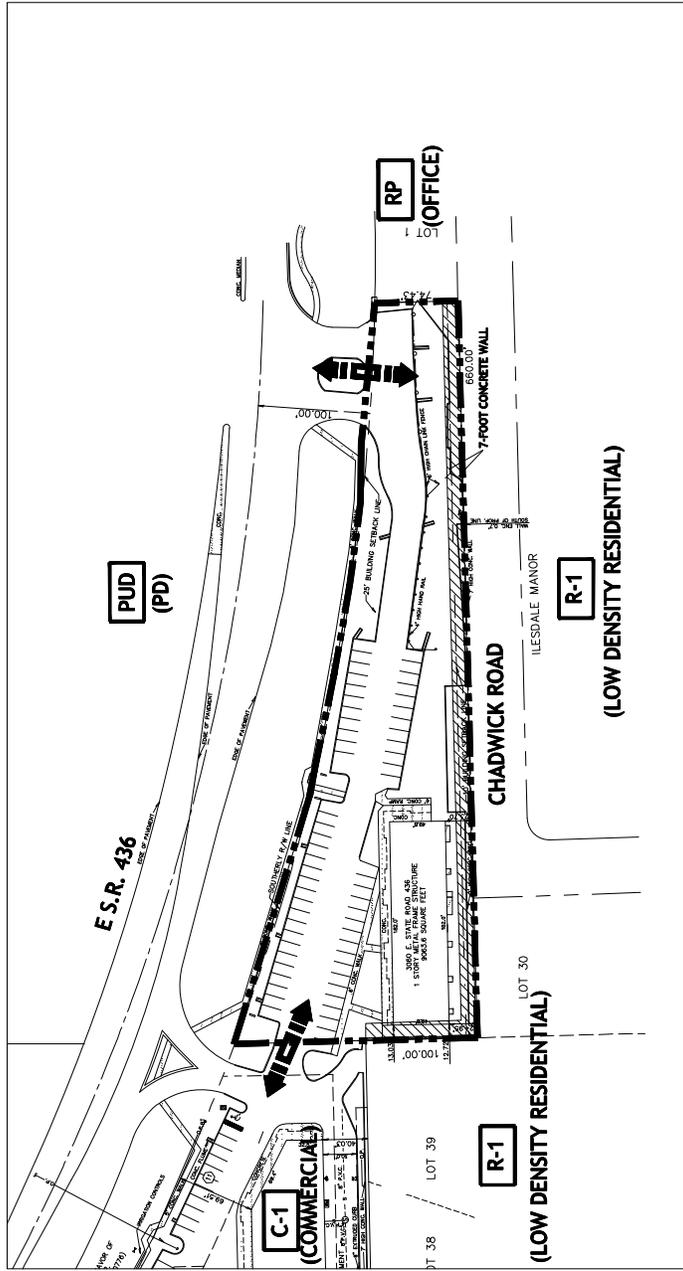
DRAWN BY: JAA
CHECKED BY: JAA

SHEET
3 OF 4

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The information provided on this document may be subject to change based on more detailed survey, environmental or public land product information.

LEGEND

- PROJECT BOUNDARY
- ACCESS POINT
- ZONING BOUNDARY
- ZONING
- FUTURE LAND USE
- BUFFER



Development Standards

Maximum Building Height:	27 feet/1 Story
Building Area:	9,043 square feet
Minimum Building Setbacks:	25 feet
Front:	25.00 feet
Side:	12.72 feet
Back:	25 feet
Active Buffer:	Not Applicable
Passive Buffer:	South and West Adjacent to Residential
Required:	Minimum 15 feet 6-foot high brick or masonry wall 51 trees (4 canopy trees/100 linear feet @ average 3" caliper)
Provide:	Wood Boundary Minimum 12.72 feet (Where Requested) 7-foot high concrete wall 2 trees (min. 2" dbh, average 22" dbh) 30" hedge
Open Space Required:	0.68 acres (20% of total area)
Open Space Provided:	0.68 acres

Project Notes

- The property is currently developed as part of the Colonial Shoppes Bear Lake Shopping Center (formerly Bear Lake Village).
- The property is improved with a 1 story metal frame building that is 9,043 square feet.
- The property includes 60 parking spaces and vegetated landscaping and open space which is consistent with the American County Land Development Code.

Existing Traffic: 2007 Average Daily Trips (ADT) for E.S.R. 436 = 48,408 Trips
Traffic Study Threshold: 1% of ADT = 484 Trips
Existing Trips: 9,043 s.t. office @ 11.01 ADT/1,000 s.t. = 100 Trips
Proposed Trips: 9,043 s.t. shopping center @ 62.94 ADT/1,000 s.t. = 289 Trips
Difference: 289 Trips

Stormwater: The stormwater system is currently designed and permitted to meet the requirements of the American County Land Development Code and the St. Johns River Water Management District regulations.

Developer's Commitment:

- Place near 7-foot high concrete wall adjacent to Chadwick Road on side of wall facing residential units in the Ilesdale Manor subdivision.
- On portions of the 7-foot high concrete wall that is adjacent to the public right-of-way and are obstructed by vegetation, developer will plant said 7-foot high concrete wall after vegetation is removed.
- Install 4-foot high hedge colored steel fence along the existing 7-foot high concrete wall only on the portion of wall access from the Hunt Club Boulevard and Semoran Boulevard signalized intersection and entrance to the retail center. This vinyl fence extension will serve to deflect vehicular traffic as traffic enters the retail center.
- Any existing parking spaces shall install a trash compactor inside the fenced area to collect any food waste from the business and said waste be transported to the already existing and approved trash dumpster on the retail center property.
- No new trash dumpster shall be located on the subject property.
- All restaurant and specialty coffee or food establishments will not remain open after 10:00 pm.

Land Use Summary

Total Acres:	1,918
Wetland Acres:	0
Total Upland Acres:	1,918
Existing Future Land Use:	Office
Proposed Future Land Use:	Planned Development
Existing Zoning:	Office Interim (OP)
Proposed Zoning:	Planned Unit Development (PUD)
Existing Use:	Office (9,043 square feet)
Proposed Use:	Commercial (9,043 square feet) C-1 (including any use permitted in the CH and CS Districts) This includes the following uses: a) Amusement places b) Barber shops c) Car washes d) Child day care centers e) Child day care facilities f) Child day care facilities g) Child day care facilities h) Child day care facilities i) Child day care facilities j) Child day care facilities k) Child day care facilities l) Child day care facilities m) Child day care facilities n) Child day care facilities o) Child day care facilities p) Child day care facilities q) Child day care facilities r) Child day care facilities s) Child day care facilities t) Child day care facilities u) Child day care facilities v) Child day care facilities w) Child day care facilities x) Child day care facilities y) Child day care facilities z) Child day care facilities



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

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan (“the Plan”), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on May 7, 2008, for the purpose of

providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on May 20, 2008, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

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

NOW, THEREFORE, BE 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 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

- (b) The associated rezoning request was completed by means of Ordinance Number 08-_____.
- (c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

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

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

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

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

Section 5. EFFECTIVE DATE:

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

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become

effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 20th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

Brenda Carey, Chairman

APPENDIX A

LEGAL DESCRIPTION

THAT PORTION OF SECTION 7 AND SECTION 18, ALL BEING IN TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 7; THENCE SOUTH 89°56'39" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 7 FOR 2435.29 FEET TO THE EASTERLY LINE OF TRACT D, BEL AIRE HILLS UNIT 1, AS RECORDED IN PLAT BOOK 22, PAGES 7 AND 8 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND TO THE POINT OF BEGINNING; THENCE NORTH 00°15'59" WEST, FOR 117.08 FEET TO A POINT AT THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 436, A 200 FOOT WIDE RIGHT-OF-WAY AND TO A POINT ON A NON-TANGENT CURVE, CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 2,042.08 FEET, A CENTRAL ANGLE OF 19°01'49" AND TO SAID POINT A RADIAL LINE BEARS SOUTH 21°24'29" WEST; THENCE EASTERLY ALONG SAID CURVE FOR 678.26 FEET; THENCE SOUTH 00°15'59" EAST, FOR 74.43 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 100 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE SOUTH 89°41'41" WEST, ALONG SAID SOUTH LINE OF THE NORTH 100 FEET FOR 660.00 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE NORTH 00°15'59" WEST, ALONG SAID WEST LINE FOR 100.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EXISTING EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY.

SAID LANDS CONTAIN 83,537 SQUARE FEET OR 1.918 ACRES, MORE OR LESS.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE OP (OFFICE) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL 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 "Colonial Shoppes at Bear Lake Village Rezone/SSLUA."

(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 OP (Office) to PCD (Planned Commercial Development):

SEE ATTACHED "EXHIBIT A"

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

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

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon the date of filing with the Department and recording of Development Order #08-22000002.

ENACTED this 20th day of May 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

EXHIBIT "A"
LEGAL DESCRIPTION:

THAT PORTION OF SECTION 7 AND SECTION 18, ALL BEING IN TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 7; THENCE SOUTH 89°56'39" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 7 FOR 2435.29 FEET TO THE EASTERLY LINE OF TRACT D, BEL AIRE HILLS UNIT 1, AS RECORDED IN PLAT BOOK 22, PAGES 7 AND 8 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND TO THE POINT OF BEGINNING; THENCE NORTH 00°15'59" WEST, FOR 117.08 FEET TO A POINT AT THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 436, A 200 FOOT WIDE RIGHT-OF-WAY AND TO A POINT ON A NON-TANGENT CURVE, CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 2,042.08 FEET, A CENTRAL ANGLE OF 19°01'49" AND TO SAID POINT A RADIAL LINE BEARS SOUTH 21°24'29" WEST; THENCE EASTERLY ALONG SAID CURVE FOR 678.26 FEET; THENCE SOUTH 00°15'59" EAST, FOR 74.43 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 100 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE SOUTH 89°41'41" WEST, ALONG SAID SOUTH LINE OF THE NORTH 100 FEET FOR 660.00 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE NORTH 00°15'59" WEST, ALONG SAID WEST LINE FOR 100.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EXISTING EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY.

SAID LANDS CONTAIN 83,537 SQUARE FEET OR 1.918 ACRES, MORE OR LESS.

**Colonial Shoppes at Bear Lake Village
Planned Commercial Development
Developer's Commitment Agreement
Commitments, Classifications and District Description**

On May 20, 2008, the Board of County Commissioners of Seminole County, Florida and American Federated Title Corporation executed the Developer's Commitment Agreement relating to and touching and concerning the following described property:

I. Legal Description

Legal description is attached as "Exhibit A".

II. Property Owner

American Federated Title Corporation
3850 Hollywood Blvd., Suite 400
Hollywood, FL 33021

III. Statement of Basic Facts

- | | | |
|----|----------------|---|
| A. | Total Acres | 1.918 acres |
| B. | Zoning | PCD, Planned Commercial Development |
| C. | Site Plan | PCD Final Site Plan attached as " <u>Exhibit B</u> " |
| D. | Permitted Uses | C-1 Retail Commercial including any uses permitted in the CN and CS District.
The following uses are excluded: <ol style="list-style-type: none">1. Appliance stores2. Bakeries, where goods are sold on premises at retail3. Communication towers4. Day nurseries, kindergartens5. Drug testing/blood testing facilities6. Employment agencies7. Funeral homes8. Furniture stores9. Hardware stores10. Launderettes and laundromats11. Multi-family housing - such as condominiums, apartments and townhouses of medium to high density |

- 12. Plant nurseries
- 13. Public and private schools
- 14. Self-service laundries
- 15. Theatres

IV. **Land Use Breakdown**

	<u>Land Use</u>	<u>Square Feet</u>	<u>Percent of Site</u>
A.	Total Site	83,548	100%
B.	Total Pervious (open)	29,620	35.5%
C.	Total Impervious	53,928	64.5%

V. **Building and Lot Restrictions**

<u>Building/Lot</u>	<u>Commitment</u>
Maximum Building Height	27 feet / 1 story
Building Area	9,063 square feet
<u>Setbacks</u>	
North	25 feet setback
South	10 feet setback
East/West	12.72 feet setback

VI. **Vehicle and Pedestrian Circulation System**

- A. Roads.** The developer has previously complied with all right-of-way dedication and road construction as part of the original approval of the Colonial Shoppes Bear Lake Shopping Center (aka Bear Lake Village).
- B. Sidewalks.** The developer has previously complied with and approved the required 5-foot sidewalk along E. SR 436 to connect to adjacent properties along E SR 436. Pedestrian connections have been provided between interior walkways and public sidewalks along E. SR 436.
- C. Parking.** The provided parking is in accordance with the Seminole County Land Development Code.
- D. Outdoor Storage.** Outdoor storage of any goods will not be permitted.

VII. **Landscaping and Buffer Criteria**

- A.** Western property boundary: 12.72 foot buffer containing a 7-foot high concrete wall, 2 trees (8" minimum dbh, average 22" dbh) and a 30" hedge.
- B.** Southern property boundary 23.70 foot buffer containing a 7-foot high concrete wall, 10 trees (8" minimum dbh, average 14" dbh) and a 30" hedge.

VIII. Open Space Calculations

Open Space shall be provided at an overall rate of 25%, or a minimum of 0.48 acres throughout the entire PCD. Open Space (as listed below) is achieved through passive recreation and other green space in the PCD.

Maintenance of the Open Space shall be funded by the Owner.

Total Land Area:	1.918 acres
Open Space Required:	0.48 acres
Open Space Provided:	0.68 acres

IX. Facility Commitments

The following conditions shall be met by the Owner prior to a certificate of occupancy being issued by Seminole County.

- A. **Water.** Water services has been previously provided by the existing Seminole County Environmental Services water system. The design of lines has been previously approved and complies with the Land Development Code and conforms to the Seminole County and Florida Department of Environmental Protection standards.
- B. **Sanitary Sewer.** Sanitary sewer has been previously provided by the existing Seminole County Environmental Services treatment facilities. Design of lines has been previously approved and complies with the Land Development Code and conforms to the Seminole County and Florida Department of Environmental Protection standards.
- C. **Stormwater.** Stormwater drainage and stormwater management has been previously provided according to the Seminole County's and St. Johns River Water Management District's stormwater regulations.
- D. **Fire Protection.** Fire protection has been previously provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 p.s.i. Fire hydrants have been previously located according to the Seminole County regulations.

X. Signage

- A. **Signage.** Outdoor signage shall comply with the Seminole County Land Development Code.

XI. Other Commitments

- A. Paint 7-foot high concrete wall adjacent to Chadwick Road on side of wall facing residential units in the Ilesdale Manor subdivision.
- B. On portions of the 7-foot high concrete wall that is adjacent to the public right-of-way and are obstructed by vegetation, developer will paint said 7-foot high

concrete wall after vegetation is removed by Seminole County to allow access to said 7-foot high concrete wall.

- C. Install 4-foot high beige colored vinyl fence above the existing 7-foot high concrete wall only on the portion of wall across from the Hunt Club Boulevard and Semoran Boulevard signalized intersection and entrance to the retail center. This vinyl fence extension will serve to deflect vehicular lights as traffic enters the retail center. The 4-foot vinyl fence must meet all building codes and be approved by the Seminole County Building Official.
- D. All restaurant and specialty coffee or food establishments shall install a trash compactor inside the leased premise to consolidate any food waste from the business and said waste be transported to the existing and trash dumpster on the retail center property.
- E. No new trash dumpster shall be located on the subject property.
- F. All restaurant and specialty coffee or food establishments will not remain open after 10:00 pm.
- G. All Development shall comply with the attached Final Site Plan, "Exhibit B".

XII. **Standard Commitments**

- A. Unless specifically addressed otherwise herein, all development shall fully comply with all codes and ordinances, including the impact fee ordinances, in effect in Seminole County at the time of permit issuance.
- B. This Developer's Commitment Agreement touches and concerns the aforescribed property and the conditions, commitments and provisions of the Developer's Commitment Agreement shall perpetually burden, run with and follow the said property and be servitude upon binding upon said property unless release in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The Owner has expressly covenanted and agreed to this provision and all other terms and provision of this Developer's Commitment Agreement.

C. The terms and provisions of the Developer's Commitment Agreement are not severable and in the event that any portion of this Developer's Commitment Agreement shall be found to be invalid or illegal then the entire Developer's Commitment Agreement shall be null and void.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of County
Commissioners of Seminole County, Florida
Date: _____

By: _____
Brenda Carey, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, American Federated Title Corporation , 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 Developer's Commitment Agreement.

Witness

Robert Cornfield
President of American Federated Title Corporation

Printed Name

Witness

Printed Name

STATE OF FLORIDA)
)
COUNTY OF)

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

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2008.

Notary Public, in and for the County and State Aforementioned

My Commission Expires:

EXHIBIT "A"
Legal Description

THAT PORTION OF SECTION 7 AND SECTION 18, ALL BEING IN TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 7; THENCE SOUTH 89°56'39" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 7 FOR 2435.29 FEET TO THE EASTERLY LINE OF TRACT D, BEL AIRE HILLS UNIT 1, AS RECORDED IN PLAT BOOK 22, PAGES 7 AND 8 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND TO THE POINT OF BEGINNING; THENCE NORTH 00°15'59" WEST, FOR 117.08 FEET TO A POINT AT THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 436, A 200 FOOT WIDE RIGHT-OF-WAY AND TO A POINT ON A NON-TANGENT CURVE, CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 2,042.08 FEET, A CENTRAL ANGLE OF 19°01'49" AND TO SAID POINT A RADIAL LINE BEARS SOUTH 21°24'29" WEST; THENCE EASTERLY ALONG SAID CURVE FOR 678.26 FEET; THENCE SOUTH 00°15'59" EAST, FOR 74.43 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 100 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE SOUTH 89°41'41" WEST, ALONG SAID SOUTH LINE OF THE NORTH 100 FEET FOR 660.00 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE NORTH 00°15'59" WEST, ALONG SAID WEST LINE FOR 100.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EXISTING EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY.

SAID LANDS CONTAIN 83,537 SQUARE FEET OR 1.918 ACRES, MORE OR LESS.

EXHIBIT "B"
Final Site Plan

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On May 20, 2008, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): American Federated Title Corporation

Project Name: Colonial Shoppes at Bear Lake Village PCD Rezone/SSLUA

Requested Development Approval: The applicant is requesting a Small Scale Land Use Amendment from OFF (Office) to PD (Planned Development) and a rezone for 1.198 ± acres located at the southwest corner of SR 436 and S. Hunt Club Blvd, from OP (Office) to PCD (Planned Commercial Development).

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

After fully considering staff analysis titled "Colonial Shoppes at Bear Lake Village PCD Rezone/SSLUA" and all evidence submitted at the public hearing on May 20, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested Small Scale Land Use Amendment to PD and rezone to PCD should be denied.

ORDER**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS**

By: _____
Brenda Carey, Chairman

EXHIBIT "A"**Legal Description**

THAT PORTION OF SECTION 7 AND SECTION 18, ALL BEING IN TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 7; THENCE SOUTH 89°56'39" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 7 FOR 2435.29 FEET TO THE EASTERLY LINE OF TRACT D, BEL AIRE HILLS UNIT 1, AS RECORDED IN PLAT BOOK 22, PAGES 7 AND 8 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND TO THE POINT OF BEGINNING; THENCE NORTH 00°15'59" WEST, FOR 117.08 FEET TO A POINT AT THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 436, A 200 FOOT WIDE RIGHT-OF-WAY AND TO A POINT ON A NON-TANGENT CURVE, CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 2,042.08 FEET, A CENTRAL ANGLE OF 19°01'49" AND TO SAID POINT A RADIAL LINE BEARS SOUTH 21°24'29" WEST; THENCE EASTERLY ALONG SAID CURVE FOR 678.26 FEET; THENCE SOUTH 00°15'59" EAST, FOR 74.43 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 100 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE SOUTH 89°41'41" WEST, ALONG SAID SOUTH LINE OF THE NORTH 100 FEET FOR 660.00 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE NORTH 00°15'59" WEST, ALONG SAID WEST LINE FOR 100.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EXISTING EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESERVATIONS AND RESTRICTIONS OF RECORD, IF ANY.

SAID LANDS CONTAIN 83,537 SQUARE FEET OR 1.918 ACRES, MORE OR LESS.

COMPREHENSIVE PLAN AMENDMENT

Colonial Shoppes at Bear Lake, Phase II

JUSTIFICATION STATEMENT

I. General Statement

The subject property (the "property") consists of approximately 2.065 acres of land and is located on the south side of Semoran Boulevard (SR 436) east of Balmy Beach Road and west of S. Hunt Club Boulevard within unincorporated Seminole County. The property address is 3030 SR 436 E, Apopka, FL 32703 with Tax Parcel I.D. No. 07-21-29-300-022B-0000.

This justification statement is being prepared as a supplement to the application to change the Future Land Use Map on the property from "**Office**" to "**Planned Development**" and to allow commercial uses. There are several sections of Seminole County's Vision 2020 Comprehensive Plan that support the proposed change.

II. History

The property is part of the existing Colonial Shoppes Bear Lake Shopping Center which was developed in 1988. The original approval for the entire retail center consists of approximately 13.73 acres. The western portion of the site is approximately 11.6 acres, is designated as "Commercial" and is zoned "C-1" Retail Commercial District. The eastern portion which is adjacent to the Ilseedale Manor subdivision is designated as "Office" and is zoned "OP" Office District.

Over the years, the Office designated portion of the existing retail center property included a variety of tenant uses that were similar in nature to professional office including a chiropractor's office and insurance office. However, there were certain uses that were approved, which, while not incompatible with office, were not, under the strict interpretation of the code considered office. Such uses include personal services, dog grooming, and café establishments.

The applicant is attempting to lease Unit 100 of the existing building to the "Daily Grind Coffee House & Café" and during renovation of the



unit the Seminole County Sheriff's Office issued a Warning Notice of Code Violation which cited Sec. 30.622 and 30.633 of the Seminole County Land Development Code (SCLDC). The notice also extended to Studio Fun (Unit 112), Nails Plus (Unit 114) and Soapy's Dog Wash (Unit 120).

The sections of the SCLDC pertain to permitted and accessory uses within the OP zoning district. While the uses may be considered accessory uses, they do not currently function in that manner and as such, the Future Land Use Map and zoning map must be amended to be consistent with the existing and proposed tenant uses.

III. Current Use

The subject property is currently developed as part of the Colonial Shoppes Bear Lake Shopping Center. North of the property is the Hunt Club Shopping Center. Adjacent to the property on the south is the Ilesdale Manor residential subdivision. East of the property is a dentist office and vacant property designated as Office on the Future Land Use Map.

IV. Development Trends

The subject property is generally located at the intersection of Semoran Boulevard and S. Hunt Club Boulevard. The area is generally characterized as predominantly commercial with a few office buildings. The property is part of an established retail center and therefore is compatible with and consistent with the predominant commercial land uses in the area.

The residential uses adjacent to the south are separated by an existing 7-foot high concrete wall. At the easternmost portion of the property it is further screened by a 4-foot high wooden fence atop the 7-foot high concrete wall. The total screen at the easternmost portion is 11 feet high which blocks all automobile headlights from illuminating the residences when entering the shopping center at the intersection of S. Hunt Club Boulevard and Semoran Boulevard.



V. Proposed Use

The proposed amendment to the Future Land Use Map is to allow for commercial uses in the Planned Development Future Land Use designation. The proposed use will address a code enforcement violation of an existing office building that currently has accessory commercial uses.

VI. Consistency with the Vision 2020 Comprehensive Plan

The proposed change to a Planned Development Future Land Use designation to allow commercial uses is compatible with the development trends in the area, and is consistent with the Future Land Use designations east and north of the property. This proposed change meets the goals, objectives and policies of the Seminole County Vision 2020 Comprehensive Plan in the following respects.

1. Issue FLU 4 of the Comprehensive Plan indicates that Rule 9J-5.006, FAC requires plans of the local government's contain specific provisions to discourage urban sprawl. Urban sprawl is then further defined as scattered, poorly planned development occurring at the urban fringe and rural areas, which frequently invades land important to natural resource protection.

The proposed change to Planned Development on the property will not encourage urban sprawl, since it is located in an urban area and is adjacent to commercial uses to the west and large tracts of commercial properties across Semoran Boulevard. The property is not located within the urban fringe.

2. Policy FLU 5.3 of the Comprehensive Plan addresses the designation of additional strip commercial development by requiring the commercial and retail:
 - a. Be located adjacent to collector and arterial roadway intersections to maintain road capacity and not set a precedent for further strip development;

The property is located at the intersection of Semoran Boulevard (SR 436), which is designated as an Urban Principal Arterial road by the Florida Department of



Transportation, and S. Hunt Club Boulevard, which is designated as a Collector road by Seminole County. The property meets the locational criteria for additional strip commercial.

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

The property is part of an existing 500,000+ square foot retail center. Directly across the street is the Hunt Club Shopping Center which includes approximately 600,000 square feet of retail. Within 500 feet along Semoran Boulevard in both directions are other retail uses. The Piedmont Plaza and Wekiva Corners retail centers are within adjacent unincorporated Orange County to the west. Therefore, the property is considered as infill.

- c. Located within a mixed-use planned development to provide convenient retail service for residents and reduce residential traffic on area roadways;

While the property is not part of a planned development, the effect is that of an existing mixed use development. This is represented by the existing adjacent residential subdivision and office uses and the property provides easy access for employees and residents to utilize the retail and other services offered in the retail center.

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

The property is already developed with a non-residential structure as part of a larger retail center and contains significant screening and landscape buffering. This proposed use to commercial will serve to provide neighborhood commercial uses which are compatible with the adjacent residential subdivision. The proposed commercial uses within the existing building will not



materially impact the adjacent residential neighborhood to the south as it is screened by a 7 foot high concrete wall and several specimen trees with varying calipers ranging from 8 inches to 30 inches. These specimen trees include oak, sycamore and maple and are mature trees as the retail center was developed approximately 20 years ago.

3. The Future land use Element of the Comprehensive Plan also provides for the "Plan Amendment Standards of Review." These standards are an evaluation of the property to determine the following;
- a. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property;

The surrounding area is predominantly commercial and other new commercial development is currently being developed within ½ mile of the property. The area continues to transition into additional commercial areas which front onto Semoran Boulevard. The property is already developed with a non-residential building as part of a larger retail center. Therefore the proposed use is consistent with the continued transitioning uses to commercial which are the predominant uses in the area.

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

The property was developed in 1988 and as such, all issues related public facilities and services were addressed prior to the issuance of the Certificate of Occupancy.

- c. Whether the site is suitable for the proposed use and will be able to comply with flood prone regulations, wetlands regulations and all other development regulations;

The property is already developed and contains the required stormwater management infrastructure. There



are no wetland issues on the property as it is already developed and there are no proposed site improvements.

- d. Whether the proposal adheres to other special provisions of law (e.g. Wekiva River Protection Act);

The property was developed in 1988 at the same time that the Wekiva River Protection Act was adopted. The property would have complied with all the requirements of the Act. Since the property is not being redeveloped, this provision is not applicable to the property.

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

The proposed use of the existing building is compatible with the surrounding uses. The proposed commercial use is appropriately located within an existing retail center and within an urban area along a major arterial and collector road. Since the property is not being redeveloped to add new square footage, the external development impacts have already been accounted for during the original approval of the overall retail center.

- f. Whether the proposed use further the public interest by providing:
- i. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site;

Since the property is already developed, there is no increased need for public facility or facility improvements to accommodate the proposed commercial use.

- ii. Dedications or contributions in excess of Land Development Code requirements;



Since the property is already developed, there are no proposed dedications or contributions in excess of the land development code requirements.

There are however, some property improvements and operational conditions that the applicant will proffer to maximize compatibility with the adjacent residential subdivision to the south.

- **Paint rear 7-foot high concrete wall adjacent to Chadwick Road on side of wall facing residential units in the Ilesdale Manor subdivision.**
- **On portions of the 7-foot high concrete wall that is adjacent to the public right-of-way and are obstructed by vegetation, developer will paint said 7-foot high concrete wall after vegetation is removed by Seminole County to allow access to said 7-foot high concrete wall.**
- **Install 4-foot high beige colored vinyl fence above the existing 7-foot high concrete wall only on the portion of wall across from the Hunt Club Boulevard and Semoran Boulevard signalized intersection and entrance to the retail center. This vinyl fence extension will serve to deflect vehicular lights as traffic enters the retail center.**
- **The tenant, "Daily Grind Coffee House & Café," shall install a trash compactor inside the leased premise to consolidate any food waste from the business and said waste be transported to the already existing and approved trash dumpster on the retail center property.**
- **No new trash dumpster shall be located on the subject property.**
- **The tenant, "Daily Grind Coffee House & Café," will not remain open after 10:00 pm.**



iii. Affordable housing;

There are no residential uses proposed on the property or within the existing building.

iv. Economic development;

The proposed use of the existing building will provide for economic development in the area and offer some employment opportunities.

v. Reduction on transportation impact on area wide roads;

The proposed use is part of an already developed retail center and therefore will minimally impact the surrounding roads. The residents to the south will continue to have access to the property with minimal impact to SR 436.

According to information gathered from the 2007 Seminole County Travel Time & Delay Study, Eastbound SR 436 is operating at Level of Service (LOS) "B" for segments Balmy Beach Road to Hunt Club Boulevard and Hunt Club Boulevard to Bear Lake Road. Westbound SR 436 is operating at LOS "A" for segments Bear Lake Road to Hunt Club Boulevard and Hunt Club Boulevard to Balmy Beach Road.

The adopted LOS standard in the Vision 2020 Comprehensive Plan is LOS "E" for County roads and SR 436. Therefore, the additional 20 PM Peak Hour trips will have minimal impact to the surrounding roadway network and will not act to degrade the roadway below the adopted LOS of "E."

vi. Mass transit;

Mass transit is available to the property and is serviced by Link 41 of "Lynx" which is the Central Florida Regional Transit Authority.



- vii. 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 foregoing information regarding compatibility, off-site impacts and consistency with the SCLDC also address consistency with other plan policies.

VII. Conclusion

The proposed commercial use on the property is consistent with the Seminole County Vision 2020 Comprehensive Plan for the following reasons.

The proposed commercial use does not encourage urban sprawl and conversion from office to commercial meets the locational criteria for strip commercial. The proposed use is considered "infill" when compared to the predominant commercial uses in the area. Therefore, this proposed use does not establish a precedent for other strip commercial uses that may not be appropriately located.

The proposed use furthers and complements the County's desire for mixed use opportunities. The existing residential development, combined with the office uses to the east and the existing commercial to the north and west in total creates a focused "town center" and provides retail and employment opportunities for the nearby residents.

The proposed commercial use of the property meets the Plan Amendment Standards of Review as it is consistent with the surrounding character which continues to transition to commercial uses along Semoran Boulevard. Public facilities and services are minimally impacted by the proposed use since it is an already improved site developed to commercial standards. The additional 20 PM Peak our trips will not act to degrade the surrounding roadway network below the adopted LOS of "E."

The proposed use is compatible with the surrounding area and is appropriately located within an existing retail center. The proposed



use offers additional neighborhood retail opportunities for the nearby residents.

To maximize compatibility with the adjacent residential uses to the south of the property, certain site improvements and operational conditions are proposed. Some of these improvements include painting the 7-foot high concrete wall; replacing the additional 4-foot high wooden fence with a vinyl fence at the eastern entrance of the property to block headlight from traffic entering the retail center; requiring the installation of a trash compactor within the leased premise of the Daily Grind Coffee House & Café; limiting the hours of operation for the Daily Grind Coffee House & Café to close at 10:00 p.m.; and prohibiting any new trash dumpster on the property.

The proposed amendment to change the Future Land Use Map from Office to Planned Development to allow commercial uses is a reasonable use of the property and is in keeping with the surrounding area which is predominantly commercial.



April 4, 2008

Austin Watkins, Senior Planner
Seminole County Planning Division
1101 E. First Street
Sanford, FL 32771-1468

SUBJECT: Active/Passive Buffer & Setback Waiver Request
Colonial Shoppes at Bear Lake, Phase II (Parcel Id # 07-21-29-300-022B-0000)
PDG No.: 080016

Dear Mr. Watkins:

This letter will serve as a formal request for the Seminole County Planning Division to process a waiver for the above referenced project. This waiver request is submitted in conjunction with the re-submittal of the Planned Unit Development (PUD) Development Plans, and specifically addresses comment C. 3.

Waiver Request 1 – Western Property Line (100 linear feet):

County Passive Buffer Width / Content	Proposed Passive Buffer Width /Content	County Passive Setback	Proposed Passive Setback
1 story building = 15 ft. wide 2 or more story building = 15 ft. wide	12.72 ft. wide	1 story Building = 25 ft. setback 2 or more story building = 50 ft. setback	12.72 ft.
Brick or masonry wall, 6 ft. in height	7-foot high concrete wall		
4 canopy trees (2½" dia. measured at 1 ft. above ground) for every 100 linear feet of buffer (4 required)	2 canopy trees (min. 20" dbh, average 22" dbh) 30" hedge		

Justification: The subject property is currently developed with a 9,063 SF building. The trees along the western property line are a mature oak and camphor with a minimum 20" diameter breast height (dbh) and an average of 22" dbh. The western side of the building does not have any windows or doors and function as a secondary screen for the adjacent residential uses.

PLANNING DESIGN GROUP, LLC
930 Woodcock Road, Suite 224
Orlando, Florida 32803-3713

Phone: (407) 207-0101
Fax: (407) 207-0054
E-mail: pdgmail@pdgfla.com

Waiver Request 2 – Southern Property Line: (660 linear feet)

County Passive Buffer Width /Content	Proposed Passive Buffer Width /Content	County Passive Setback	Proposed Passive Setback
1 story building = 15 ft. wide 2 or more story building = 15 ft. wide Brick or masonry wall, 6 ft. in height 4 canopy trees (2½” dia. measured at 1 ft. above ground) for every 100 linear feet of buffer (26 required)	23.70 ft. wide 7-foot high concrete wall plus additional 4-foot high vinyl fence at eastern end of wall opposite eastern entrance to retail center 14 canopy trees (min. 8” dbh, average 14” dbh) 30” hedge	1 story building = 25 ft. setback 2 or more story building = 50 ft. setback	23.70 ft.

Justification: The subject property is currently developed with a 9, 063 SF building. The trees along the southern property line are mature oak and maple which range in size from 8” dbh to 24”dbh for an average of 14” dbh. In addition, the southern property line is adjacent to the right-of-way for Chadwick Road. Therefore there is an even greater distance separation between the passive side of the building and the residential uses.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Andre A. Anderson, AICP
 Principal

AAA/

cc: Mary Lou Davis, CSM, Broker, Colonial Properties Trust
 James Johnston, Esq., Shutts & Bowen, LLP

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
MAY 7, 2008**

Members present: Matthew Brown, Ben Tucker, Dudley Bates, Walt Eismann, Rob Wolf, Kim Day and Melanie Chase.

Also present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; David Shields, Assistant County Attorney; Dori DeBord, Planning and Development Director; Larry Poliner, Development Review Manager; Planning Staff, Development Review Staff and Connie R. DeVasto, Clerk to the Commission.

7. Bear Lake Village Rezone and Small Scale Future Land Use Amendment; **Andre Anderson, applicant;** SSLUA (Small Scale Land Use Amendment) from OFF (Office) to PD (Planned Development) and Rezone from OP (Office) to PCD (Planned Commercial Development) for a commercial plaza; located at the southwest corner of the intersection of SR 436 and S. Hunt Club Blvd. (Z2008-11)

Commissioner Van Der Weide - District 3
Austin Watkins, Senior Planner

Austin Watkins stated that this is a Small Scale Land Use Amendment from OFF (Office) and COM (Commercial) to PD (Planned Development) and a rezone from OP (Office) to PCD (Planned Commercial Development) for 1.198 ± acres located at the southwest corner of SR 436 and S. Hunt Club Blvd.

Mr. Watkins stated that the subject property was rezoned in June 1985 to OP to allow for a single-story office building. In 1988, the subject property was constructed as a part of the Bear Lake Village Shopping/Office Center. In November 2007, the property was cited by the Seminole County Sheriff Department's Code Enforcement Division for non-compliance with the Seminole County Land Development Code.

Mr. Watkins stated that the code violations are four tenants within the building are uses that are not permitted in the OP zoning classification. Mr. Watkins stated that those are a coffee shop, dog groomer, nail salon and an indoor amusement facility.

Mr. Watkins stated that the applicant is requesting to rezone the property to PCD to allow for C-1 uses with exclusions and gave a list of the exclusions associated with C-1.

Mr. Watkins stated that in order to make the C-1 uses compatible with the adjacent residential area, the applicant is proposing the following conditions of approval in addition to the limitations of uses: no new trash dumpster shall be located on the subject property; all restaurant and specialty coffee or food establishments will not remain open after 10:00 p.m. Mr. Watkins further stated that the applicant is proposing

no changes to the existing site, except to enhance the existing buffering adjacent to the residential area.

Mr. Watkins stated that Staff evaluated whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property and found that the Commercial FLU and commercial uses are the existing predominant use along both the south-side and north-side of the SR 436 corridor.

Mr. Watkins stated that Staff evaluated whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code and found that the proposed Preliminary/Final Master Plan demonstrates a compatible transition between Low Density Residential FLU and the proposed uses. This transition is achieved by the proposed buffering standards, limitations on uses and hours of operation and other conditions of approval.

Mr. Watkins discussed the Sensitive Site Design Standards referenced in Policy FLU 5.3: Strip Commercial Development, which states that commercial and retail uses shall be located adjacent to collector and arterial roadway intersections to maintain road capacity and not set a precedent for further strip development.

Mr. Watkins' evaluation revealed that the subject property is located adjacent to collector and arterial roadway intersections in that SR 436 has been designated by the Florida Department of Transportation as an Urban Principal Arterial roadway and Hunt Club Boulevard is designated as a Collector roadway by the Seminole County Public Works Department. Mr. Watkins further stated that the site has direct access to the signalized intersection of SR 436 and S. Hunt Club Boulevard.

Mr. Watkins further discussed Policy FLU 5.3 which also states that Strip Commercial Development shall be located where commercial uses are the predominant existing use along the roadway in both directions from the site and, therefore, the property development represents infill development.

Mr. Watkins' evaluation revealed that the subject property has approximately 650 feet of frontage on SR 436 and SR 436 has transitioned to a commercial corridor with commercial uses in both directions and both sides of the roadway.

Mr. Watkins further discussed Policy FLU 5.3 which also states that Strip Commercial Development shall be located within a mixed use planned development to provide convenient retail services and reduce residential traffic on area roadways.

Mr. Watkins' evaluation revealed that the subject property is not located within a mixed use planned development.

Mr. Watkins further discussed Policy FLU 5.3 which also states that Strip Commercial Development shall be located adjacent to residential areas only where compatibility with

the residential area can be maintained in order to preserve viability and community character.

Mr. Watkins' evaluation revealed that the proposed Planned Development FLU and Planned Commercial Development zoning classification allow for compatibility between the existing single-family subdivision to the south and west. Also, the proposed buffers, uses and conditions allow for a transition. The applicant is proposing uses which are consistent with the Neighborhood Commercial definition in the Seminole County Comprehensive Plan which allows for less intensive uses and impacts versus Community/Regional Commercial.

Staff has reviewed the waiver request and its impact on the residents of the Ilesdale Manor Subdivision and recommends approval of the Passive Buffer reduction. Staff has determined the site conditions warrant a less intensive buffer for the following reasons: the existing canopy trees and hedges are mature, the site was originally constructed in 1988, there is no drive aisle between the building and the single-family residential and the lack of a continual pedestrian connection between the rear and side of the building, therefore making deliveries adjacent to the residential area more difficult.

Staff has reviewed the Final Site Plan/Developer's Commitment Agreement and has determined that it meets all conditions of approval as outlined in the proposed Development Order. If approved, this rezone and SSLUA will bring the subject property into compliance with the Seminole County Land Development Code and will resolve the pending code enforcement violations on this property.

Staff recommends approval of a Small Scale Land Use Amendment from OFF (Office) and COM (Commercial) to PD (Planned Development) and a rezone from OP (Office) to PCD (Planned Commercial Development), for 1.198 ± acres located at the southwest corner of SR 436 and S. Hunt Club Boulevard and recommends approval of the attached Final Site Plan, Development Order and Developer's Commitment Agreement based on Staff findings.

Andre Anderson, who represents the owner, was present and stated that he supports staff recommendation and advised the Commission that he would like to clear the code violation. Mr. Anderson further stated that they have installed vinyl fencing and screening above the wall and they want to be a good neighbor.

No one spoke in favor of the application from the audience.

Gerald Green of 3320 Chadwick Road stated that he was opposed to this request. Mr. Green gave a brief history of this area and stated that he was very happy with the current OP zoning. Mr. Green further stated that there is no access in the back of the building and gave a brief history of his involvement in this process with the Planning and Building Divisions. Mr. Green asked the Commission to take his opposition into consideration.

Mr. Anderson advised that they want to be a good neighbor and that the existing buffer is very severe to keep it separated from the neighborhood.

Commissioner Tucker inquired as to the status of Snowball Dental Lab.

Mr. Watkins advised that Staff is still waiting for a signed Development Order from the applicants.

Commissioner Tucker asked if Snowball Dental Lab and the proposed request would change the trend in this area.

Mr. Watkins stated that they meet the standard.

Two speaker forms were received in opposition from Raul Perez of 704 Virginia Lane and Israel Rodriguez of 703 Virginia Lane. However, they did not want to speak publicly.

Commissioner Tucker made a motion to recommend approval the request.

Commissioner Bates seconded the motion.

Commissioner Day inquired as to why there is a condition that does not allow another dumpster.

Mr. Watkins stated that they can not have a new dumpster on the property.

Mr. Anderson stated that they are requiring the store to have a compactor installed inside the store so that they will have less to carry to the central dumpster which is used by all the tenants on this property.

General discussion was had by the Commission on the other types of businesses in the area and of the request before them.

Dori DeBord, Planning and Development Director, advised the Commission that Staff is trying to find a solution to the code enforcement violation and possible abatement if this item is not approved.

The motion passed unanimously 7 – 0.