

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM****SUBJECT:** SR 426 Small Scale Future Land Use Amendment and Rezone**DEPARTMENT:** Planning and Development **DIVISION:** Planning**AUTHORIZED BY:** Dori DeBord**CONTACT:** Ian Sikonia**EXT:** 7398**MOTION/RECOMMENDATION:**

1. Approve the request and enact ordinances for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on .97 acres, located on the northeast corner of the intersection of Red Bug Road and SR 426, and approve the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, and authorize the Chairman to execute the aforementioned documents, based on staff findings; (Rashid Jamalabad, applicant); or

2. Deny the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on .97 acres, located on the northeast corner of the intersection of Red Bug Road and SR 426, and authorize the Chairman to execute the Denial Development Order; (Rashid Jamalabad, applicant); or

3. Continue until a time and date certain.

District 1 Bob Dallari

Ian Sikonia

BACKGROUND:

The applicant, Rashid Jamalabad, is requesting a small scale land use amendment from Low Density Residential (LDR) to Office (OFF) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development), in order to develop a one-story office building. The proposed uses of the development are those permitted in the OP zoning district, which allows for general business and office uses. The proposed Preliminary Master Plan indicates that the project will contain a maximum of 5,382 square feet of general business and office uses. The access for this development is proposed on Red Bug Road and SR 426. The applicant is also providing for non-motorized transportation amenities such as a pedestrian connection to the existing sidewalk along SR 426 and an onsite bicycle rack.

PLANNING & ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission met on August 5, 2009 and voted 5 to 0 to recommend approval of the request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on .97 acres, located on the northeast corner of the intersection of Red Bug Road and SR 426, and approve the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, based on staff's findings.

STAFF RECOMMENDATION:

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

ATTACHMENTS:

1. Staff Report
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. Preliminary Master Plan
6. Development Order
7. Rezone Ordinance
8. Land Use Ordinance
9. 8-5-09 Planning & Zoning Commission Minutes
10. Denial Development Order (applicable only if denied)
11. Ownership Disclosure Form

Additionally Reviewed By:

County Attorney Review (Matthew Minter)

SR 426
Rezone from A-1 to PUD
SSLUA from LDR to OFF

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

PROPOSED DEVELOPMENT:

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

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Rashid Jamalabad is requesting a rezone in order to develop a 5,382 square feet of general business and office uses. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of PUD (Planned Unit Development):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PUD)
Minimum Lot Size	43,560 sq. ft.	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	N/A
Front Yard Setback	50 feet	25 feet (West)
Side Yard Setback	10 feet	25 feet (East)
(Street) Side Yard Setback	50 feet	25 feet (South)
Rear Yard Setback	30 feet	50' (North)
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

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

COMPATIBILITY WITH SURROUNDING PROPERTIES

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

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

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

FLU Element Plan Amendment Review Criteria:

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

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

Staff Evaluation

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

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

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

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

Staff Evaluation

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

The site will have to comply with all Land Development Regulations regarding development in and around wetland and floodplain areas at the time of Final Engineering.

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

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

Staff Evaluation

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

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

- 1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site**
- 2. Dedications or contributions in excess of Land Development Code requirements**
- 3. Affordable housing**
- 4. Economic development**

5. Reduction in transportation impacts on area-wide roads

6. Mass transit

Staff Evaluation

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

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

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

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

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

The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and nonresidential uses, varying intensities of residential uses and in managing redevelopment of areas no longer appropriate as viable residential areas, within urban areas where mixed development is not permitted. *Exhibit FLU: Appropriate Transitional Land Uses* is to be used in determining appropriate transitional uses.

Staff Evaluation

Exhibit FLU: Appropriate Transitional Land Uses in the Future Land Use Element is used as a guide in evaluating compatibility between proposed and adjacent land uses. The subject property is a transitional parcel between higher intensity commercial Future Land Use to the west and lower intensity residential Future Land Use to the east of the subject property. The applicant is also proposing a 6' wall to help buffer the adjacent lower intensity residential properties to the east of the subject property.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

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

Drainage:

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

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there are not endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

The following table depicts the impacts the proposed development has on public facilities:

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

*LDR calculated as 4 single-family homes

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

Utilities:

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

Transportation / Traffic:

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

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

Buffers and Sidewalks:

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

SPECIAL DISTRICTS:

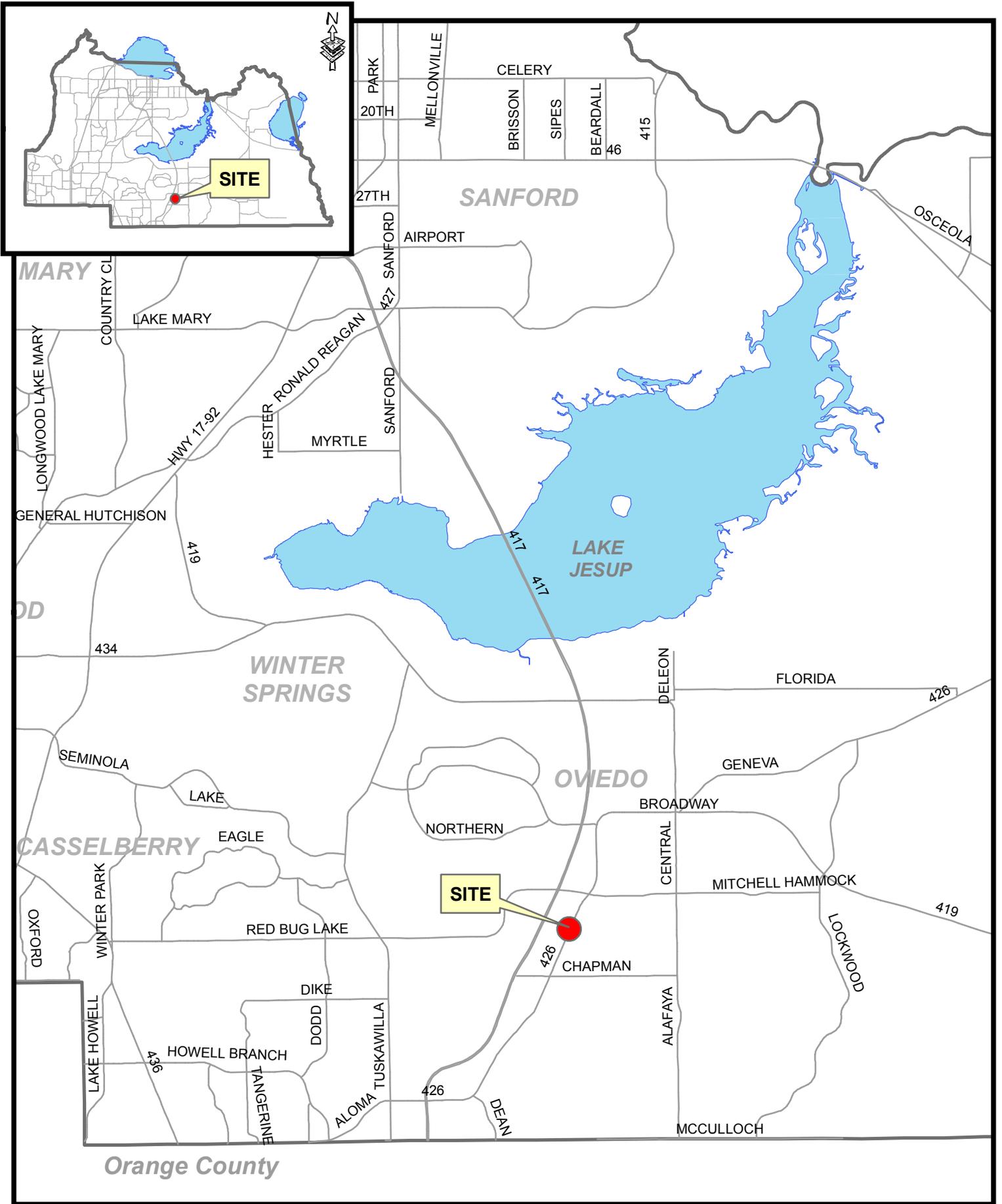
The subject property is not located within any special districts.

INTERGOVERNMENTAL NOTIFICATION:

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

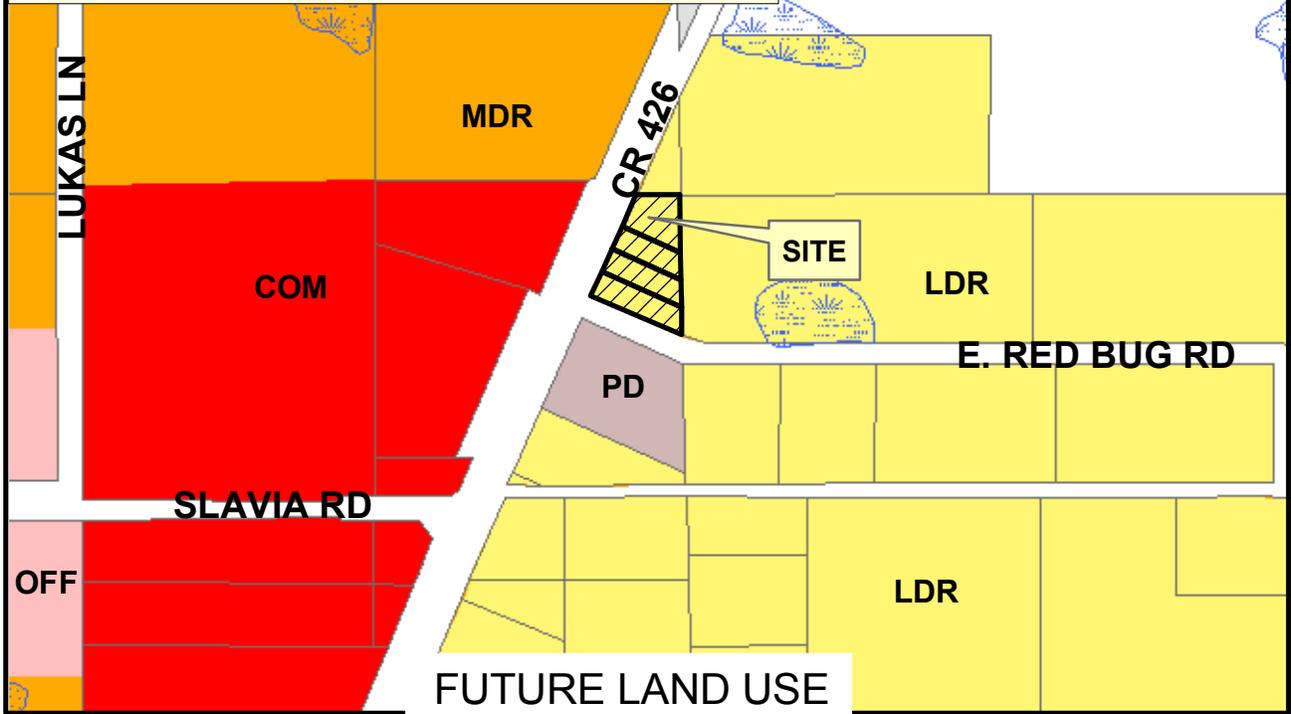
LETTERS OF SUPPORT OR OPPOSITION:

Staff has not received letters of support or opposition.



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

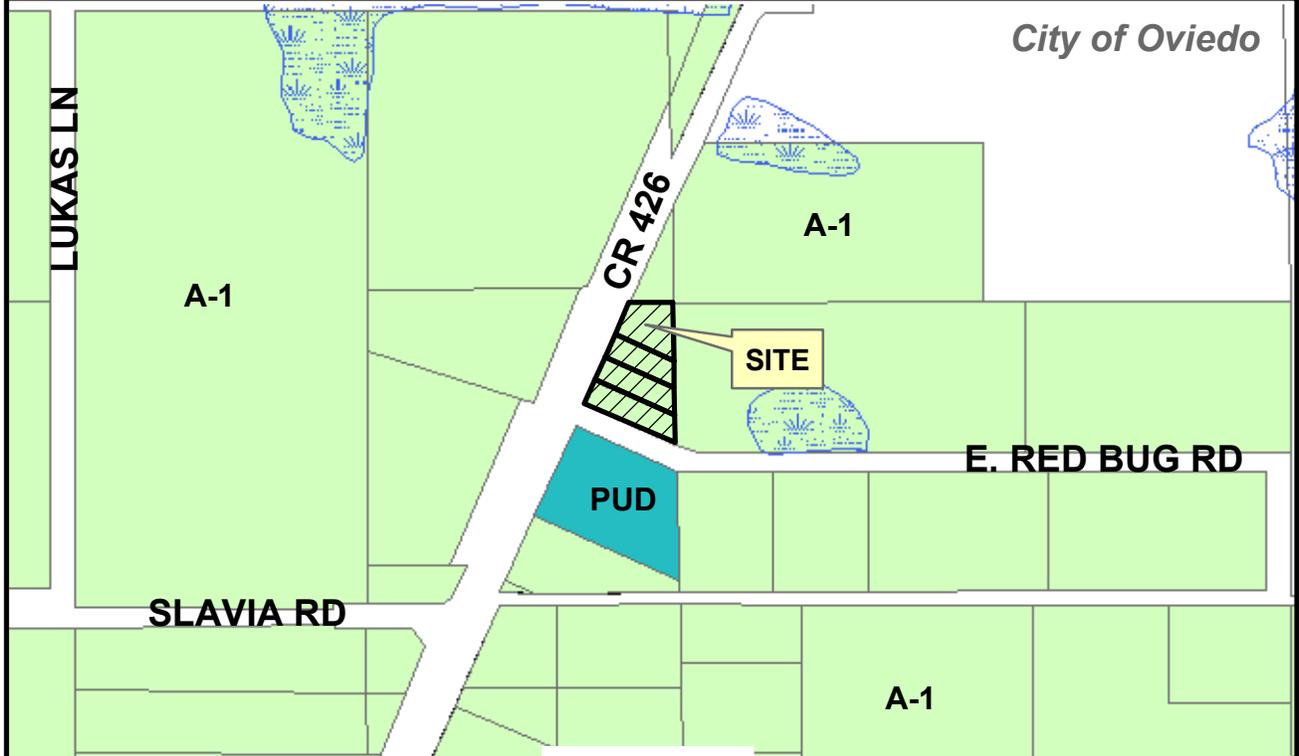
City of Oviedo



LDR
 MDR
 OFF
 COM
 PD
 Site
 ESLO
 City Bnd

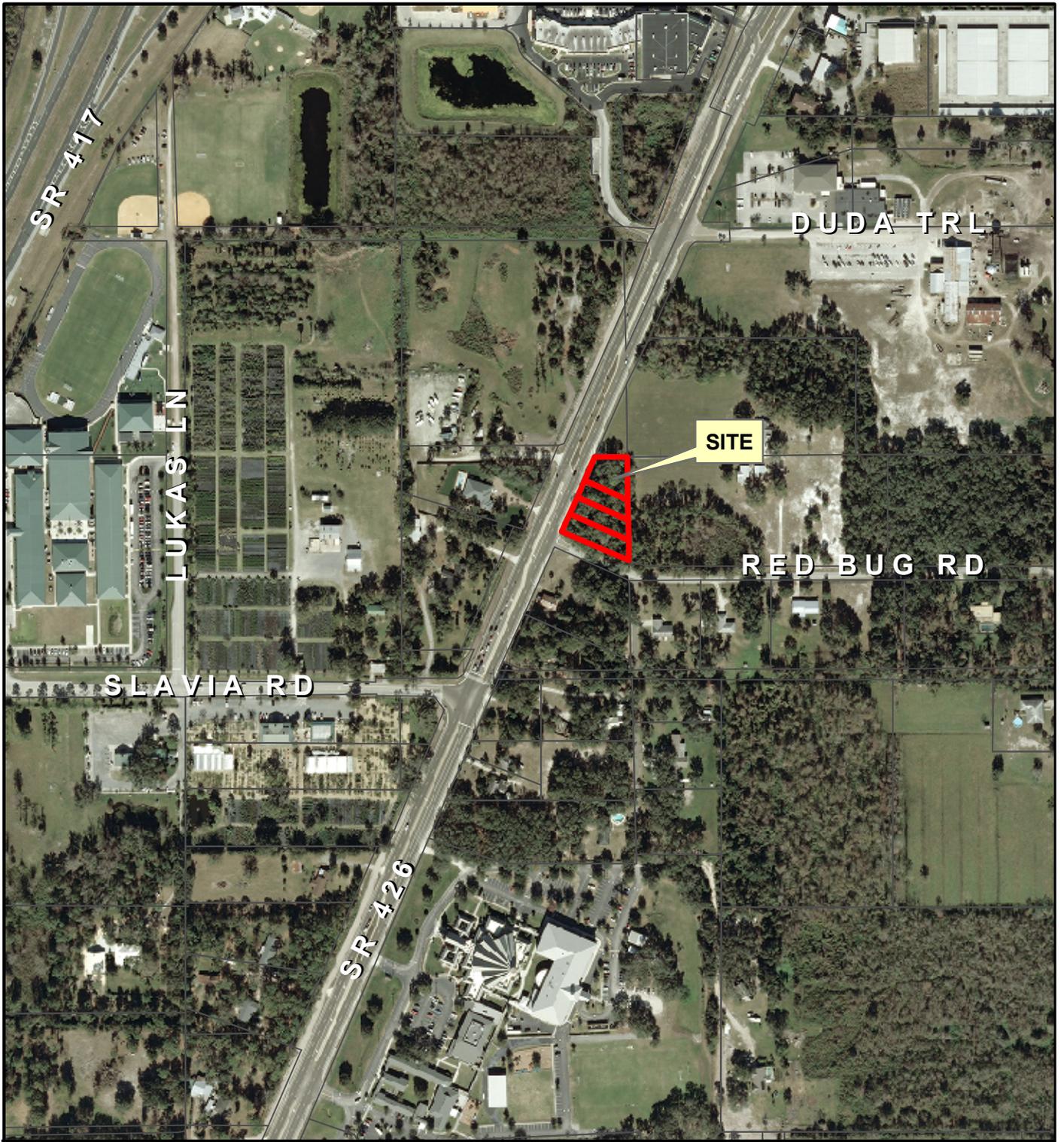
Applicant: Rashid Jamalabad
 Physical STR: 20-21-31
 Gross Acres: .97 +/- BCC District: 1
 Existing Use: vacant
 Special Notes: _____

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



ZONING

Site
 A-1
 PUD
 ESLO



Rezoning No: Z2008-066

From: A-1 To: PUD

FLU No: 08SS.08

From: LDR To: OFF

 Parcel

 Subject Property



Winter 2007 Color Aerials

SEMINOLE COUNTY DEVELOPMENT ORDER

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

See Attached Exhibit A

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

FINDINGS OF FACT

Property Owner: Vasilios & Prodromos Hatzimarkos

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

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

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

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

Prepared by: Ian Sikonia, Senior Planner
1101 East First Street
Sanford, Florida 32771

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

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

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

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

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Bob Dallari, Chairman

Order

OWNER'S CONSENT AND COVENANT

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

Witness
Print Name _____

Vasilios Hatzimarkos

Witness
Print Name _____

Witness
Print Name _____

Prodromos Hatzimarkos

Witness
Print Name _____

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

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

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

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

Legal Description

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

EXHIBIT B

Preliminary Master Plan

(See Attached Pages)

DATE: AUGUST 2007	SCALE:
DATE: AUGUST 2007	SCALE:

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

TERRA ENGINEERING CONSULTANT, INC.
 1020 SPRING VILLAS POINT
 WINTER SPRINGS, FLORIDA 32708
 TEL (407) 767-2828
 FAX (407) 767-0323

Project No.	
Drawn by	JLB
Checked by	JLB
Project Name	

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

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

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

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

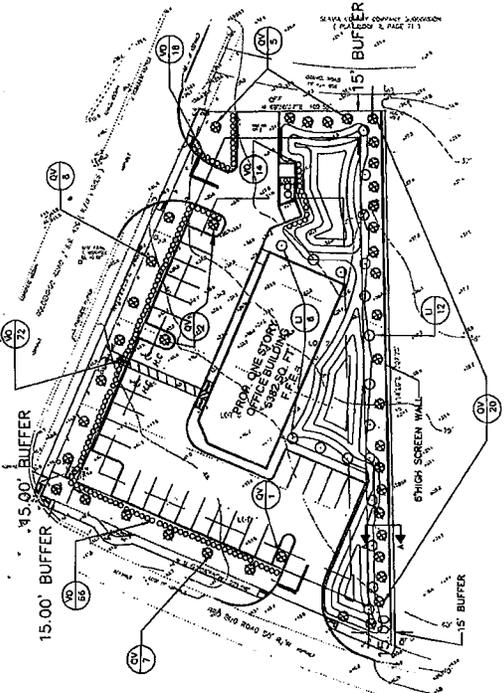
**FUTURE LAND USE (EAST): CONS
 ZONING TO EAST: A-1**

LEGEND

QUANTITY	BOTANICAL NAME	COMMON NAME	WATER USE
31	QUERCUS VIRGINIANA	LIVE OAK	LOW, MEDIUM
145	VIBURNUM SUSPENSUM	LAURUSTIUS VIRGINIAL	LOW, MEDIUM
23	GRAPE VITIS - 2' CALIPER, 8' TALL		

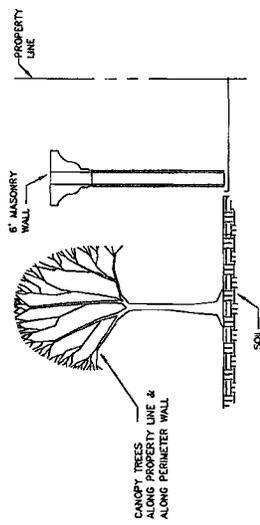
OWNER SELECTED GROUND COVER PLANT MATERIAL

PLANT TYPE	QUANTITY @ EACH AREA
GROUND COVER	0



TREE NOTES:

ALONG RED BUG (4 PER 100')	8 canopy	49 TREES
ALONG NORTH PROPERTY LINE (1 PER 40')	72 shrubs	
ALONG EAST PROPERTY LINE:	6 canopy	
INTERNAL (1202 STRIP) (1 PER 200 SF)	5 canopy	
	12 canopy	
	2 shrubs	
TOTAL		49 TREES



SECTION "A-A"

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

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

Section 1. LEGISLATIVE FINDINGS.

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

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

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

SEE ATTACHED EXHIBIT A

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

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

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

ENACTED this 22nd day of September 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari, Chairman

EXHIBIT A

LEGAL DESCRIPTION

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

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 08-44, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM LOW DENSITY RESIDENTIAL (LDR) TO OFFICE (OFF); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 08-44 which adopted the Seminole County Comprehensive Plan (“the Plan”), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

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

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

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on August 5, 2009, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on September 22, 2009, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

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

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

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

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

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

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

Section 3. SEVERABILITY:

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

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

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

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

Section 5. EFFECTIVE DATE:

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

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

ENACTED this 22nd day of September, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

Bob Dallari, Chairman

APPENDIX A

LEGAL DESCRIPTION

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

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
AUGUST 5, 2009**

Members present: Matthew Brown, Melanie Chase, Kimberly Day, Rob Wolf and Dudley Bates.

Members absent: Ben Tucker and Walt Eismann

Staff present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Ian Sikonia, Senior Planner; Jeff Hopper, Senior Planner; Joy Williams, Planner; Lee Shaffer, Principal Engineer, Development Review Division; and Connie R. DeVasto, Clerk to the Planning and Zoning Commission.

D. S.R. 426 Small Scale Land Use Amendment and Rezone; Rashid H. Jamalabad, applicant; .97 ± acres; Small Scale Land Use Amendment from LDR (Low Density Residential) to OFF (Office) and: Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) district and; located at the northeast section of the intersection of S.R. 426 and Red Bug Road. (Z2008-66 / 08.SS.08)

District 1 - Dallari
Ian Sikonia, Senior Planner

Ian Sikonia with the Planning Division - presented this item and stated that this is a request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office (OFF) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on .97± acres, located on the northeast corner of the intersection of Red Bug Road and SR 426.

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

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

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

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 and therefore recommends approval of this request.

Rashid H. Jamalabad, applicant - spoke on behalf of the owner and stated that they have complied with all requests made by Staff and agrees with Staff findings.

No one spoke in favor or opposition of this item from audience.

Commissioner Brown recommended approval of this request.

Commissioner Wolf seconded the motion.

Alison Stettner, Planning Manager - pointed out that Commissioner Brown may have stated the wrong direction in his motion.

Kathleen Furey-Tran – advised that Commissioner Brown actually stated the “northwest” corner instead of the “northeast” corner.

Commissioner Brown corrected the direction in his motion.

Commissioner Wolf seconded the amended motion.

The motion passed 5 – 0.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

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

See Attached Exhibit A

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

Property Owner(s): Vasilios & Prodromos Hatzimarkos

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

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

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

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

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

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

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Bob Dallari, Chairman

EXHIBIT "A"

Legal Description

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

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

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

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

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

Name: JOHN HARTZIMARKO Name: _____
Address: 1008 LISA LANE, APOPKA, FL Address: _____
Phone #: (407) 496-0388 Phone #: _____

(Use additional sheets for more space.)

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

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

(Use additional sheets for more space.)

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

Name of Trust: _____
Trustees: _____ Beneficiaries: _____
Address: _____ Address: _____

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT

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

Name of Partnership: <u>VASILIOS HATZIMARKOS</u>	Name of Partnership: <u>JOHN-HATZIMARKOS</u>
Principal: <u>8606 VILLANOVA STR</u>	Principal: <u>1008 LISA LANE</u>
Address: <u>ORLANDO FLORIDA</u>	Address: <u>APOPKA FL 32703</u>

(Use additional sheets for more space.)

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

Contract Vendee:	Contract Vendee:
Name: <u>N/A</u>	Name: <u>N/A</u>
Address: _____	Address: _____

(Use additional sheets for more space.)

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

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

9.5.08

Date

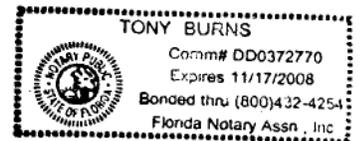
Vasilios Hatzimarkos
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF FLORIDA

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

[Signature]
Signature of Notary Public

Tony Burns
Print, Type or Stamp Name of Notary Public



Personally Known _____ OR Produced Identification
Type of Identification Produced FL DRIVERS LICENSE

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