

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** CR 427 / Merritt Street Small Scale Future Land Use Amendment and Rezone

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

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

**MOTION/RECOMMENDATION:**

1. Approve and enact an ordinance for a Small Scale Future Land Use Amendment from MDR (Medium Density Residential) to COM (Commercial) and a rezone from R-2 (One and Two-Family Dwelling) to C-2 (Retail Commercial), for 0.29 ± acres, located at the northeast corner of the intersection of CR 427 and Merritt Street, based on staff findings, and authorize the Chairman to execute the aforementioned documents (Khurshid Ahmed, applicant); or
  
2. Deny the requested Small Scale Future Land Use Amendment from MDR (Medium Density Residential) to COM (Commercial) and rezone from R-2 (One and Two-Family Dwelling) to C-2 (Retail Commercial), for 0.29 ± acres, located at the northeast corner of the intersection of CR 427 and Merritt Street, and authorize the Chairman to execute the Denial Development Order (Khurshid Ahmed, applicant); or
  
3. Continue the item until a time and date certain.

District 4 Carlton D. Henley

Austin Watkins

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**BACKGROUND:**

The applicant, Khurshid Ahmed, is requesting a Small Scale Future Land Use Amendment (SSLUA) from MDR (Medium Density Residential) to COM (Commercial) and a rezone from R-2 (One and Two-Family Dwelling) to C-2 (Retail Commercial). This request is in response to a site plan that is currently in review with the Development Review Division. The site plan proposes a one-story, 14,049 square foot office building.

The majority of the subject property is already assigned the COM Future Land Use (FLU) designation and the C-2 zoning classification. This request will eliminate the split FLU and zoning assigned to the property, by amending the FLU and zoning to be consistent with the majority of the parcel (COM FLU and C-2 zoning).

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on August 6, 2008 and voted 7-0 to recommend approval of the requested Small Scale Future Land Use Amendment from MDR (Medium Density Residential) to COM (Commercial) and a rezone from R-2 (One and Two-Family Dwelling) to C-2 (Retail Commercial), for 0.29 ± acres, located at the northeast corner of the intersection of CR 427 and Merritt Street, based on staff findings..

**STAFF RECOMMENDATION:**

Staff recommends that the Board approve and enact an ordinance for a Small Scale Future Land Use Amendment from MDR (Medium Density Residential) to COM (Commercial) and a rezone from R-2 (One and Two-Family Dwelling) to C-2 (Retail Commercial), for 0.29 ± acres, located at the northeast corner of the intersection of CR 427 and Merritt Street, based on staff findings, and authorize the Chairman to execute the aforementioned documents (Khurshid Ahmed, applicant).

**ATTACHMENTS:**

1. Staff Analysis
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. SSLUA Ordinance
6. Rezone Ordinance
7. Applicant's Justification Statement
8. Denial Development Order
9. Ownership Disclosure Form
10. LPA P and Z Meeting Minutes

**Additionally Reviewed By:**

County Attorney Review ( Kathleen Furey-Tran )

**CR 427 / Merritt Street SSLUA and Rezone**  
**SSLUA from MDR to COM and Rezone from R-2 to C-2**

<b>APPLICANT</b>	Khurshid Ahmed	
<b>PROPERTY OWNER</b>	Khurshid Ahmed	
<b>REQUEST</b>	Small Scale Land Use Amendment from MDR (Medium Density Residential) to COM (Commercial) and a rezone from R-2 (One and Two-Family Dwelling) to C-2 (Retail Commercial)	
<b>PROPERTY SIZE</b>	0.29 ± acres	
<b>HEARING DATE (S)</b>	P&Z: August 6, 2008	BCC: September 23, 2008
<b>PARCEL ID</b>	07-21-30-509-0B00-0060	
<b>LOCATION</b>	Located at the northeast corner of the intersection of CR 427 and Merritt Street.	
<b>FUTURE LAND USE</b>	MDR (Medium Density Residential)	
<b>ZONING</b>	R-2 (One and Two-Family Dwelling)	
<b>FILE NUMBER</b>	Z2008-25	
<b>COMMISSION DISTRICT</b>	#4 – Henley	

**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 frontage on CR 427, which is a 4-lane arterial roadway. Southwest of the subject property is an industrial and office complex located within the City of Altamonte Springs. West of the subject property is C-1 zoning. Additionally, the proposed Central Florida Commuter Rail Station is approximately a ¼ mile from this site. Therefore, Staff finds that the character of the area is transitioning to a multi-modal area, with more intensive developments and a mixture of land use designations.

**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 Medium Density Residential FLU to the north and east. However, Staff finds that the proposed SSLUA and rezone demonstrate a compatible transition between the Medium Density Residential FLU and the proposed Commercial FLU. Section 30.1232 of the Seminole County Land Development Code (Active/Passive Buffers) requires a minimum of a 15' buffer and 25' setback (passive) and 25' buffer and 50' setback (active) containing a 6' masonry wall and 4 – 8 canopy trees every 100' (depending upon use). Section 30.1232 states "buffers and setbacks required by this section are intended to separate incompatible land uses and eliminate or minimize adverse impacts such as light, noise, glare and building mass adjacent to residential." Additionally, the majority of the overall site is assigned the COM FLU and C-2 zoning classification. The requested SSLUA and rezone is to make the entire parcel's FLU and zoning consistent.

**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 consistent with Policy FLU 6.5**

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. The applicant's proposal does not consider affordable housing, mass transit, nor reduction in transportation impacts.

The subject property is located within a historically funded target area for the Community Development Block Grant (CDBG). However, there was no funding allocated to this target area, based upon the CDBG One-Year Action Plans, due to budget reductions. The Seminole County Comprehensive Plan: *Vision 2020* Issue ECM 10 indicates that the "County shall continue to bring employment opportunities and technical assistance into the identified areas, provide public infrastructure and mass transit connections and provide job training." This proposal indicates a potential of a new office development in an designated blighted CDBG target area.

### **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 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 COM (Commercial). The Seminole County Land Development Code requires the application of the Active/Passive Buffering standard when a non-residential use is adjacent to a residential zoning or FLU designation. The Active/Passive Buffering Standards create sensitive site design, as they are intended to “separate incompatible land uses and eliminate or minimize adverse impacts” The COM FLU may be a compatible FLU designation adjacent to Medium 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 R-2 (One and Two-Family Dwelling) and the requested district of C-2 (Retail Commercial):

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (R-2)</b>
Minimum Lot Size	9,000 square feet
Minimum House Size	700 sq. ft. single-family 1,400 sq. ft. duplex
Minimum Width at Building Line	75 feet
Front Yard Setback	25 feet
Side Yard Setback	10 feet
(Street) Side Yard Setback	25 feet
Rear Yard Setback	30 feet
Maximum Building Height	35 feet

<b>DISTRICT REGULATIONS</b>	<b>Proposed Zoning (C-2)</b>
Minimum Lot Size	N/A
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

## PERMITTED & SPECIAL EXCEPTION USES

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

Uses	R-2 (existing)	C-2 (proposed)
Permitted Uses	One- and two-family dwelling structures, including the customary uses, home offices, home occupation, one (1) boat dock and one (1) associated boathouse per lot when an accessory and incidental to the principal dwelling, and community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	C-2, 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, 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, amusement and recreational facilities, building and plumbing supplies, car wash, furniture warehouse with retail sales, hotels and motels, marine sales and service, mobile home and creational vehicle sales, outdoor advertising signs, parking garages, printing and book binding shops, automobile sales with no repair facilities, veterinary hospitals and kennels, multi-family house (R-3 zoning), above-store or above-office flats, and communication towers when camouflage in design.
Special Exception Uses	Day nurseries or kindergartens, guest or tourist homes, off-street parking facilities, assisted living facilities and community residential homes housing 7-14 permanent unrelated residents, churches, public and private middle and high schools, publicly owned parks and recreation areas, public utility and service structures, subdivision sewage treatment and water plants, boathouse with roofs exceeding ten feet above the mean-highwater line, communication towers and private recreational facilities.	Alcoholic beverage establishments, public utility structures, living quarters in conjunction with a commercial use to be occupied by the owner or operator, nursing homes, communication towers, contractors establishments with no outside storage, drive-in restaurants, drive-in theaters, lumber yards, mechanical garages, paint and body shops, service stations and gas pumps as an accessory use, and hospitals.
Minimum Lot Size	9,000 square feet	N/A

## COMPATIBILITY WITH SURROUNDING PROPERTIES

The subject property is adjacent to existing single-family to the north and east. The applicant will be required to comply with Section 30.1232 (Active/Passive Buffers) of the Seminole County Land Development Code. The majority of the site is presently assigned the COM FLU and C-2 zoning classification. This request is to bring the entire site into one zoning/FLU classification.

The subject property is located within the historically funded East Altamonte Spring CDBG (Community Development Block Grant) Target Area. This area, as defined by the CDBG is blighted and the proposed development will bring new economic development activities to the area. This proposed development supports the Seminole County Comprehensive Plan: *Vision 2020* Issue ECM 10, which encourages community revitalization in CDBG Target Areas.

West and of the subject property are industrial, office and retail land use designations. Further, the proposed Commuter Rail station will be located approximately ¼ mile south of the subject property. The proposed Commuter Station will allow for multi-modal access to this site.

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:**

#### *Floodplain Impacts:*

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

#### *Wetland Impacts:*

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

#### *Endangered and Threatened Wildlife:*

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

### **PUBLIC FACILITY IMPACTS**

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

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

<b>Public Facility</b>	<b>Existing Future Land Current Use (R-2)*</b>	<b>Proposed Land Use (PD) Calculated as general retail**</b>	<b>Net Impact</b>
Water (GPD)	700	1,540	+840
Sewer (GPD)	600	1,150	+550
Traffic (ADT)	19	125	+106

\* calculated as 2 attached dwelling units

\*\* calculated as 4,400 square feet of general retail (based upon a maximum 0.35 FAR)

*Utilities:*

The site is located in the City of Altamonte Springs water and sewer utility service area and will be required to connect to public utilities. There is a 12-inch water main on the west side of Marker St., a 10-inch water main on the west side of Ronald Reagan Blvd., and a 6-inch force main on the east side of Ronald Reagan Blvd.

*Transportation / Traffic:*

The property proposes access onto Merritt Street which is classified as a local road and does not have improvements programmed in the County 5-year Capital Improvement Program.

*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 #11, which is located at 225 Newburyport Avenue. Based on an average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

*Parks, Recreation and Open Space*

The applicant is required to provide 25% of the site in open space, per Section 30.1344 of the Seminole County Land Development Code.

*Buffers and Sidewalks:*

There is an existing sidewalk along CR 427 however, there is not a sidewalk along the frontage of Merritt Street. The developer will be required to build a 5-foot wide sidewalk along the frontage of Merritt Street. The subject property is adjacent to the Low Density Residential FLU to the north and east. Therefore, the Active/Passive buffers are required, per Section 30.1232 of the Seminole County Land Development Code.

**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 2.5: Transitional Land Uses
- 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:**

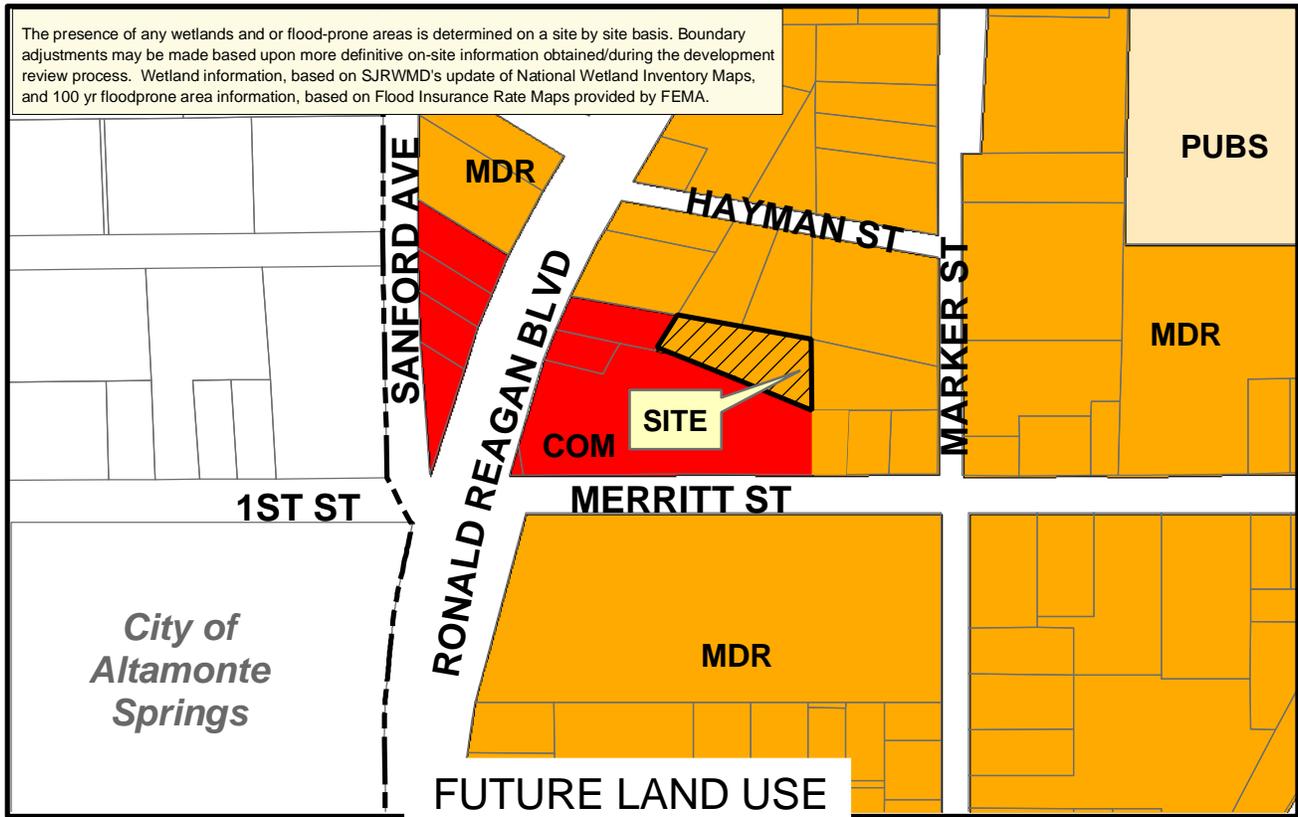
At this time, Staff has received no letters of support or opposition.

**STAFF RECOMMENDATION:**

Staff recommends that the Board Approve the requested Small Scale Future Land Use Amendment from MDR (Medium Density Residential) to COM (Commercial) and rezone from R-2 (One and Two-Family Dwelling) to C-2 (Retail Commercial), for 0.29 ± acres, located at the northeast corner of the intersection of CR 427 and Merritt Street.



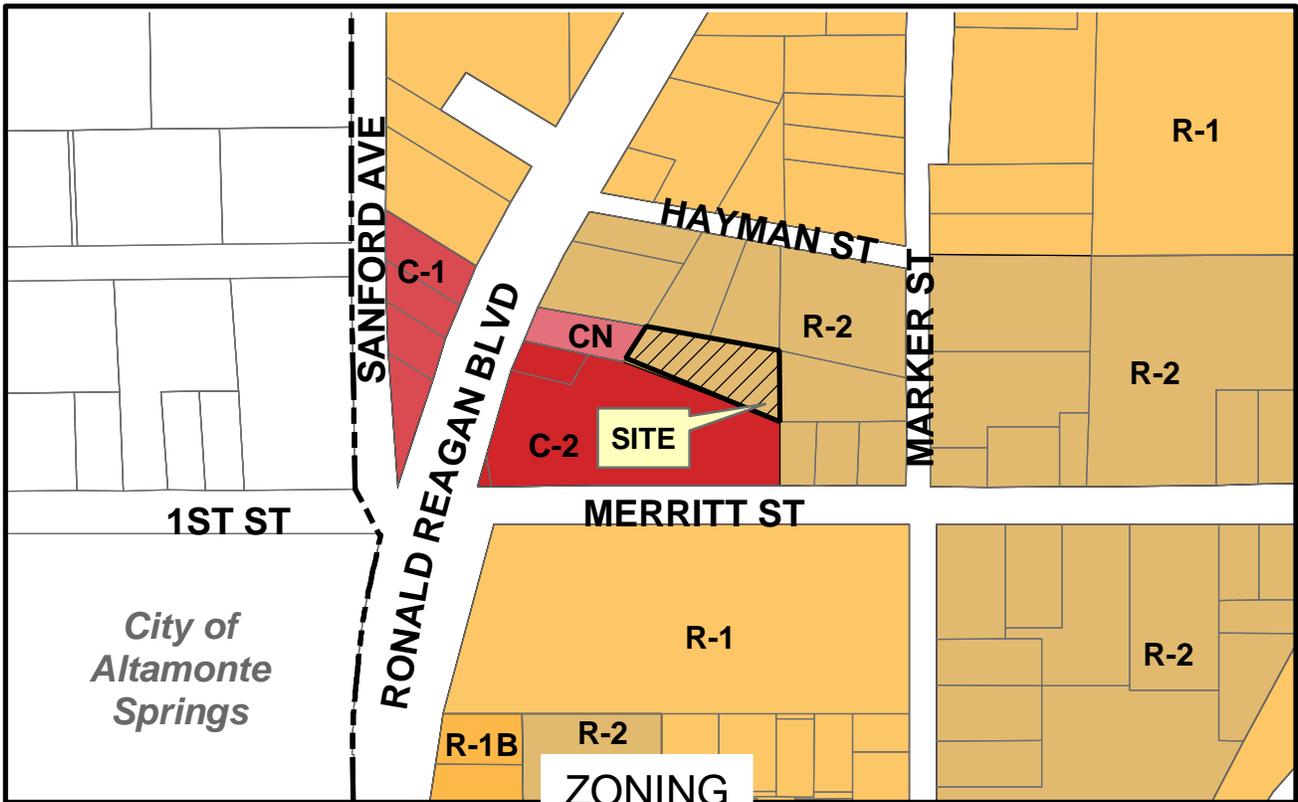
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



MDR
  COM
  PUBS
  Site
  CONS
  Municipality

Applicant: Khurshid Ahmed  
 Physical STR: 07-21-30-509-0B00-0060  
 Gross Acres: .30+/- BCC District: 4  
 Existing Use: \_\_\_\_\_  
 Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU	08SS.04	MDR	COM
Zoning	Z2008-025	R-2	C-2



R-1
  R-1B
  R-2
  CN
  C-1
  C-2
  FP-1
  W-1



Rezone No: Z2008-25  
 From: R-2 To: C-2

FLU No: 08SS.04  
 From: MDR To: COM

- Parcel
- Subject Property



Winter 2006 Color Aerials

**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 MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL; 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 August 6, 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 September 23, 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 23<sup>rd</sup> day of September, 2008.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

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

Brenda Carey, Chairman

## APPENDIX A

### LEGAL DESCRIPTION

COMMENCE AT THE SOUTHEAST CORNER OF LOT 9, BLOCK "B", HAYMAN'S ADDITION TO ALTAMONTE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 39, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S89°16'06"W ALONG THE SOUTH LINE OF SAID LOT 9, A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE RUN N00°53'08"W ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 83.50 FEET; THENCE RUN N78°09'53"W, A DISTANCE OF 181.60 FEET TO THE NORTHEAST CORNER OF LOT 4 OF SAID PLAT OF HAYMAN'S ADDITION TO ALTAMONTE; THENCE RUN S31°23'56"W ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE RUN S69°09'43"E, A DISTANCE OF 219.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 12,789 SQ. FT.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-2 (ONE AND TWO-FAMILY DWELLING) ZONING CLASSIFICATION THE C-2 (RETAIL COMMERCIAL) 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 "CR 427 / Merritt Street Small Scale Future Land Use Amendment and Rezone."

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

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from R-2 (One and Two-Family Dwelling) to C-2 (Retail Commercial):

**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.

ENACTED this 23rd day of September 2008.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION:**

COMMENCE AT THE SOUTHEAST CORNER OF LOT 9, BLOCK "B", HAYMAN'S ADDITION TO ALTAMONTE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 39, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S89°16'06"W ALONG THE SOUTH LINE OF SAID LOT 9, A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE RUN N00°53'08"W ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 83.50 FEET; THENCE RUN N78°09'53"W, A DISTANCE OF 181.60 FEET TO THE NORTHEAST CORNER OF LOT 4 OF SAID PLAT OF HAYMAN'S ADDITION TO ALTAMONTE; THENCE RUN S31°23'56"W ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE RUN S69°09'43"E, A DISTANCE OF 219.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 12,789 SQ. FT.

**SMALL SCALE FUTURE LAND USE  
AMENDMENT AND REZONING APPLICATION  
– SUPPLEMENTAL INFORMATION**

ALTAMONTE PROFESSIONAL CENTER  
N.E. CORNER OF RONALD REGAN BLVD AND MERRIT STREET  
SEMINOLE COUNTY, FLORIDA

PARCEL I.D. # 07-21-30-509-0B00-0060

June 27, 2008

Applicant:  
Samina Ahmed  
820 Brightwater Cir  
Maitland, FL 32751  
Phone: (407) 782-3839  
Fax: (407) 831-7873

Prepared by:  
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West Palm Beach, FL 33413  
Phone: (561)358-4140  
Fax: (561)966-9242

In June 2007, Atlantic Engineering Services, Inc. submitted a site plan to develop the empty parcel located in the northeast corner of Ronald Regan Boulevard and Merrit Street. The review comments from Zoning indicated that a small portion of this property was zoned MDR / R-2. In order to develop this parcel, this small portion of the property has to be rezoned to COM. The attached supplemental information addresses the future land use element Goals, Objectives, and Policies.

We are requesting to amend the future land use a portion of the subject property. Land Use amendment is consistent to the changing character along the County road, CR-427.

The proposed use of the subject property as a professional office center is consistent with Seminole County's Vision 20-20 Comprehensive Plan by providing adequate public service to enhance the community's public welfare and projected growth needs. As the residential communities in the area begin to grow, the need for facilities to serve these families also grows. The office designation complies with Seminole County's Vision, 20-20 Comprehensive Plan Policy FLU 5.2 (B), regarding mixed commercial / residential use development. The requested designation to develop office uses is compatible with future land uses of the surrounding areas.

Below are responses to the various FLU Goals, Objectives, and Policies:

**Policy FLU 1.2-Flood Plain Protection:**

The proposed project site is not located in a Floor Prone of Flood Zone area.

**Policy FLU 1.3-Wetland Protection:**

There are no Wetlands on the subject property.

**Policy FLU 1.4-Conservation Easements:**

The proposed project site is not located within a conservation or an environmentally protected area.

**Policy FLU 1.9-Historic and Archaeological Resources and National Park Services:**

The proposed site is not listed as a Florida Master Site or National Park.

**Policy FLU 2.3-Roadway Compatibility:**

The proposed project site is located in the northeast corner of the intersection of Ronald Regan Boulevard (CR-427) and Merrit Street. At this time, the proposed

site is an undeveloped parcel. The project would be developed in harmony with the current setback and buffer requirements, allowing for future roadway improvements. The proposed development, as shown in the submitted site plan, meets all the County requirements for the project development. Access to this site is located on Merrit Street and has been approved and meets the County Standards. The project has been reviewed for concurrency and was determined by staff to have sufficient roadway capacity available based upon Concurrency Management System Net Available Capacity.

**Policy FLU 2.5-Transitional Land Use:**

The proposed use of the subject property, Altamonte Professional Center, is an appropriate transitional land use to support the residential growth that has occurred in the area. Thus, keeping in place the harmony of the area and providing a much needed service to the surrounding community.

**Policy FLU 5.5-Water and Sewer Service Extension:**

Water and sewer service is provided by the City of Altamonte Springs. Discussions with the City have indicated that there is adequate capacity to serve the proposed project.

**Policy FLU 5.18-Protection of Residential Neighborhoods, Viable Economic Corridors and Natural Resources:**

The development of Altamonte Professional Center will have medical, dental, and other professional services available to the community and provide additional real estate values for the neighborhood. The location of the project will serve commuters already traveling on the surrounding roadways.

**Policy FLU 6.1-Development Orders, Permits, and Agreements:**

The site developer will seek all appropriate permits for development of this project. Additionally, the developer will work with the County and City of Altamonte Springs to address any applicable development orders.

**Policy FLU 12.4-Relationship of Land Use to Zoning Classifications:**

The proposed use of the subject property as a professional office center is consistent with Seminole County's Vision 2020 Comprehensive Plan by providing adequate public service to enhance the community's public welfare and projected growth needs. The office designation complies with Seminole County's Vision 20-20 Comprehensive Plan FLU 5.2 (B) regarding mixed commercial / residential use development by providing a transitional use between low / medium density residential and non-residential uses.

**Evaluation Criteria:**

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

The subject property is currently a vacant, wooded land. Altamonte Professional Center is requesting amending the future land use of the subject property from MDR / R-2 to COM / Office. This land use amendment is consistent because a major portion of the property is already zoned commercial and in order to develop this project, the small portion, which is zoned MDR / R-2, is critically needed.

The offices will provide a low intensity land use and the well landscaped character of the property will blend with the nearby residential areas of the subject property. The surrounding community will appreciate the proximity of the professional services provided to serve their family needs.

The proposed use of the subject property as professional offices is consistent with Seminole County's Vision 2020 Comprehensive Plan by providing adequate public service to enhance the community's public welfare and projected growth needs. As the residential communities in the area begin to grow, professional office facilities are needed to serve these families.

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

Development of the area has already occurred. The addition of this project would only supply much support of the needed professional services that will be located in this project.

**C. Whether the site is suitable for the proposed use and will be able to comply with flood prone regulations, wetland regulations, and all other adopted development regulations:**

The project site is not located in a flood prone area and there are no wetlands on the subject property. A survey of this property did not locate any endangered or threatened species.

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

The project site does not fall within the Wekiva River Basin. Additionally, it is not immanently known of any other special provisions that exist in this area.

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

The proposed use of the property as a professional office facility is consistent with Seminole County's Vision 2020 Comprehensive Plan by providing adequate public service to enhance the community's public welfare and projected growth needs. The professional office use complies with Seminole County's 2020 Comprehensive Plan Policy FLU 5.2 (B) regarding mixed commercial / residential use developments by providing a transitional use between residential and non-residential uses.

**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.

Site is already in a developed area and the proposed project provides services needed by the surrounding community.

2. Dedications or contributions in excess of Land Development Code requirements.

Not Applicable.

3. Affordable Housing.

Not Applicable.

4. Economic Development

The project will provide for economic development in the area. The professional offices will provide for employment opportunities for the community.

5. Reduction in Transportation impacts on area-wide roads:

The proposed development will have minimal impact on the surrounding roads and meets the County's Traffic Concurrency requirements.

6. Mass Transit

The proposed development neither impacts nor provides for mass transit.

7. Whether the proposed Land Use Designation is consistent with any applicable plan policies, the Strategic Regional Policy Plan and the State Comprehensive Plan.

The proposed use of the subject property as a professional office facility is consistent with Seminole County's Vision 2020 Comprehensive Plan by providing adequate public service to enhance the community's public welfare and projected growth needs. As the residential communities in the area begin to grow so too must the facilities to serve these families. The professional offices comply with Seminole County's Vision 2020 Comprehensive Plan Policy FLU 5.2 (B) regarding mixed commercial / residential use development by providing a transitional use between residential and non-residential uses.

In summary, the surrounding area is clearly in transition. The property fronts CR-427, which is a four lane divided highway with commercial and industrial uses along the corridor. The site is near the limits of the City of Altamonte Springs, which will provide water and sewer to this project. The proposed professional offices will help the community needs and is consistent with the comprehensive plan.

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On September 23, 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):** Khurshid Ahmed

**Project Name:** CR 427 / Merritt Street Small Scale Future Land Use Amendment and Rezone

**Requested Development Approval:** The applicant is requesting a Small Scale Land Use Amendment from MDR (Medium Density Residential) to COM (Commercial) and a rezone for 0.29 ± acres, located at the northeast corner of the intersection of CR 427 and Merritt Street, from R-2 (One and Two-family Dwelling) to C-2 (Retail Commercial).

The Board of County Commissioners has determined that the requested Small Scale Land Use Amendment to COM (Commercial) and associated rezone to C-2 (Retail Commercial) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "CR 427 / Merritt Street Small Scale Future Land Use Amendment and Rezone" and all evidence submitted at the public hearing on September 23, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested Small Scale Land Use Amendment to COM and rezone to C-2 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**

COMMENCE AT THE SOUTHEAST CORNER OF LOT 9, BLOCK "B", HAYMAN'S ADDITION TO ALTAMONTE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 39, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S89°16'06"W ALONG THE SOUTH LINE OF SAID LOT 9, A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE RUN N00°53'08"W ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 83.50 FEET; THENCE RUN N78°09'53"W, A DISTANCE OF 181.60 FEET TO THE NORTHEAST CORNER OF LOT 4 OF SAID PLAT OF HAYMAN'S ADDITION TO ALTAMONTE; THENCE RUN S31°23'56"W ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE RUN S69°09'43"E, A DISTANCE OF 219.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 12,789 SQ. FT.

SEMINOLE COUNTY  
**APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

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

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

Name: <u>KHURSHID AHMED</u>	Name: _____
Address: <u>820 BRIGHTWATER CIRCLE</u>	Address: _____
Phone #: <u>407-782-3839</u> <u>MAITLAND</u>	Phone #: _____
<u>FL 32751</u>	
Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	Phone #: _____

(Use additional sheets for more space.)

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

Name of Corporation: <u>N/A</u>	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

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

Name of Trust: <u>N/A</u>	Beneficiaries: _____
Trustees: _____	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: N/A Name of Partnership: \_\_\_\_\_  
Principal: \_\_\_\_\_ Principal: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
(Use additional sheets for more space.)

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

Contract Vendee: N/A Contract Vendee: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
(Use additional sheets for more space.)

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

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

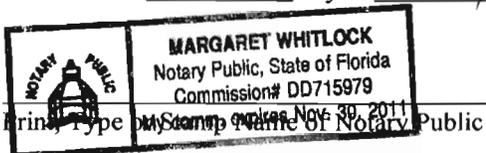
9/16/08  
Date

Khurshid Ahmed  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 16<sup>th</sup> day of May, 2008 by Khurshid Ahmed

Margaret Whitlock  
Signature of Notary Public



Personally Known \_\_\_\_\_ OR Produced Identification   
Type of Identification Produced FL Driver License

**For Use by Planning & Development Staff**

Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
AUGUST 6, 2008**

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

**Member absent:** None.

**Also present:** Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Austin Watkins, Senior Planner, Jeffrey Hopper, Senior Planner, Lee Schaffer, Principal Engineer, Development Review and Connie R. DeVasto, Clerk to the Commission.

**A. CR 427 / Merritt Street Small Scale Future Land Use Amendment and Rezone;** **Khurshid Ahmed, applicant;** 0.29 ± acres; Small Scale Future Land Use Amendment from MDR (Medium Density Residential) to COM (Commercial) and a rezone from R-2 (One and Two-Family Dwelling) to C-2 (Retail Commercial); located at the northeast corner of the intersection of CR 427 and Merritt Street. (Z2008-25)

Commissioner Henley - District 4  
Austin Watkins, Senior Planner

Austin Watkins stated that the Applicant is requesting a Small Scale Future Land Use Amendment from MDR (Medium Density Residential) to COM (Commercial) and a rezone from R-2 (One and Two-Family Dwelling) to C-2 (Retail commercial) for approximately .29 acres and is located on the northeast corner of the intersection of CR 427 and Merritt Street.

Mr. Watkins stated that this request is in response to a site plan that is currently in review with the Development Review Division. The site plan proposes a one-story, 14,049 square foot office building. The majority of the site is currently zoned C-2 with a future land use designation of Commercial. This request will eliminate the split future land use and zoning that is currently assigned to the property. By amending the future land use and zoning, it will make it consistent with the majority of their parcel.

Mr. Watkins further stated that the subject property is adjacent to existing single-family to the north and east. The Applicant will be required to comply with Section 30.1232 of the Seminole County Land Development Code, which are the Active/Passive Buffer standards. To the west and south of the subject property are some industrial, office and retail land use designations located both in Seminole County and the City of Altamonte Springs.

Mr. Watkins stated that the Commuter Rail station is currently proposed to be located approximately ¼ mile south of the subject property. The proposed Commuter Rail station will allow for multi-modal access to this site.

Staff has reviewed the proposed Small Scale Land use Amendment and rezone and determine that the buffers and uses proposed are consistent with the trend of development and compatible with surrounding properties and recommends approval of this request.

Commissioner Wolf stated that he felt the subject property was a very small lot and wanted to know if it was enough for a 14,049 square foot building, plus parking and plus any retention and water run-off.

Mr. Watkins referred to the map and explained how the proposed use will be located on the site. The majority of the building will be on the existing COM/C-2 portion of the property.

The Applicant was not present at this meeting.

No one spoke in favor of this request from the audience.

Christine Watkins, of 639 Lake Mobile Drive, advised that she is not opposed to change providing it is a gradual change. Ms. Watkins stated that her first concern was the buffers, but Staff had addressed that in the presentation of the case. She stated that another concern was the traffic congestion on Merritt Street going towards Ronald Reagan. She wanted to know if speed bumps or something like that could be placed there to help with the increase in traffic if the proposed request is approved. Ms. Watkins also expressed her concern regarding the property values and increased taxes in this area if this request is approved.

Commissioner Brown advised Ms. Watkins that the taxes did not fall under the purview of this Commission, but would fall under the Tax Appraiser's Office. He further stated that commercial properties can affect the surrounding areas in both a positive and a negative way and that it could go either way.

Commissioner Brown also advised Ms. Watkins that the traffic issues would be addressed by the Sheriff's Office and/or during traffic studies conducted by Staff.

Austin Watkins stated that the Applicant will be required to complete traffic studies as part of their development review process that will include a study on the level of service for the surrounding roadways.

Commissioner Brown stated that with the design standards, the traffic patterns of the surrounding streets will be considered. He further stated that typically, traffic would not exit onto a residential road when coming from a commercial development.

Commissioner Brown also stated that the issue of speed bumps would be addressed during the traffic studies and by the Sheriff's Office.

Commissioner Eismann stated that the subject property is not touching Ronald Reagan or Merritt Street and the development plan for the areas touching these roadways are not part of the item presented at this time.

**Commissioner Eismann made a motion to recommend approval of this request.**

**Commissioner Wolf seconded the motion.**

**The motion passed unanimously 7 – 0.**