

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Fossitt Business Park PCD, rezoning from PCD (Planned Commercial Development District) to PCD and major amendments/clarifications to development order and preliminary PCD site plan for the Fossitt Business Park PCD (Mr. and Mrs. Willie Fossitt, applicants)

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tony Matthews **EXT.** 7373

Agenda Date 01/27/04 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. Enact an ordinance adopting the rezoning from PCD (Planned Commercial Development District) to PCD; approve the major amendments/clarifications to the Fossitt Business Park PCD and preliminary PCD site plan; and authorize chairman to execute the amended/clarified development order, with staff findings and recommendations; or
2. Do not enact an ordinance adopting the rezoning from PCD (Planned Commercial Development District) to PCD; do not approve the major amendments/clarifications to the Fossitt Business Park PCD and preliminary PCD site plan; and do not authorize chairman to execute the amended/clarified development order; or
3. Continue this item to a date and time certain.

(Commissioner District #5, McLain)

(Tony Matthews, Principal Planner)

BACKGROUND:

The applicants, Mr. and Mrs. Willie Fossitt, are requesting rezoning from PCD (Planned Commercial Development District) to PCD and approval of the proposed amendments/clarifications to the Fossitt Business Park PCD rezoning development order and preliminary PCD site plan previously approved by the Board on February 11, 2003. A copy of this development order, PCD plan and other exhibits are attached with proposed revisions shown by strikeout, underline and shaded notation. Staff is also proposing clarification language to certain conditions of the development order.

The property is located at the northeast corner of Orange Boulevard and Missouri Avenue, on approximately 4.7 acres (see enclosed location map).

STAFF FINDINGS AND RECOMMENDATIONS:

Staff findings and recommendations for the major amendments and clarifications are shown on the attached development order.

Reviewed by:
Co Atty: RJC
DFS: _____
Other: AW
DCM: SS
CM: 146
File
No.ph700pdp01

Staff has met with the applicant's representative on a number of occasions over the last several months to discuss the proposed amendments/clarifications set forth in the attached development order.

Due to the number of proposed changes, staff believes the amendments and clarifications should be presented to the Board concurrently to ensure that the intent of the Board for this PCD development is maintained.

Attached is a copy of the applicant's proposed preliminary PCD plan and wall design and Board minutes of December 10, 2002; January 28, 2003 and February 11, 2003.

Please note that the development order approved by the Board on February 11, 2003, has not been signed.

Clarifications/Major Amendments

The following pages provide a summary of the requested changes to the development order by separated by Clarifications and Major Amendments.

Staff does not object to the requested Clarifications and is seeking Board direction regarding the Major Amendments.

**SUMMARY OF REQUESTED CLARIFICATIONS AND MAJOR AMENDMENTS
TO ENCLOSED DEVELOPMENT ORDER**

CLARIFICATIONS:

A. Prohibited Uses

16. Industrial, technical and trade schools, except for classroom training directly associated with existing businesses located within the PCD development site such as real estate.

Comment: Staff has no objection to the change above.

23. ~~Mechanical garages, bus, cab and truck repair and storage as a stand alone business~~ Commercial mechanical repair garages or storage of vehicles for commercial repair, except that standard vehicle maintenance may be performed on vehicles associated with an existing business within the PCD development site.

Comment: Staff has no objection to the change above.

C. Development Conditions

2. Building setbacks shall ~~be as follows~~ comply with the preliminary PCD site plan with allowance for minor modifications at time of final PCD site plan: south side 50 feet; east side 10 feet; west side (Missouri Avenue) 100 feet; north side 30 feet.

Comment: Staff has no objection to the change above.

3. A 25 foot landscaped buffer shall be provided around the perimeter of the property, except as provided herein along the north and east sides of the property and along Missouri Avenue. The buffer along Missouri Avenue shall comply with attached Exhibit "B".

Comment: Applicant has stated that the owners to the north and east have requested waiver of landscape buffer requirement as owners have reached separate agreement with applicant regarding fencing and screening of their respective properties (see attached "Addendum", provided by applicant for information only, not as an attachment to this development order).

Staff believes the amended language in #4 below is preferable to the proposed changes above and would meet the minimum requirement for buffering and provide for the wall along Missouri Avenue. Therefore #3 above would become redundant and could be deleted.

4. ~~A six (6) foot high brick wall shall be provided along the western property line abutting Missouri Avenue. The wall, landscaping, and sidewalk shall be installed consistent with attached Exhibit "B" (Fossitt Business Park Buffer, prepared by Bruce K. Anderson, Landscape Architect, December 10, 2002). The buffer adjacent the north, south and east sides of the development shall comply with the provisions of the Land Development Code. The buffer and wall along Missouri Avenue shall comply with attached Exhibit "B". The setback for the wall and landscaping may be increased pursuant to review of the Seminole County Traffic Engineer to ensure safe and adequate vehicular and pedestrian sight distance at the intersection of Orange Boulevard and Missouri Avenue.~~

Comment: The Fossitt Business Park Buffer by Bruce Anderson was approved by the Board as an exhibit to the development order. The applicant has stated that there is no ingress/egress access to Missouri Avenue; sidewalk easement was only commitment; and landscape was to be installed according to Code. The Board may choose to approve a variation of the wall design, such as the one proposed by the applicant (see attached).

Staff has no objection to the newly proposed wall and buffer along Missouri Avenue (Exhibit "B").

5. ~~A six (6) foot high masonry or brick wall shall be provided along the northern property line. Landscaping adjacent the wall shall consist of eight (8) canopy trees a minimum of 2&1/2 inches in diameter with an overall average of three (3) inches in diameter measured at one (1) foot above ground for every 100 lineal feet within a 25 foot landscape buffer. Trees may be planted in double rows or clustered with approval of the Planning Manager.~~

Comment: Applicant has stated that the owners to the north and east have requested waiver of landscape buffer requirement as owners have reached separate agreement with applicant regarding fencing and screening of their respective properties (see attached "Addendum", provided by applicant for information only, not as an attachment to this development order).

Staff has no objection to the change above, as this condition is now incorporated into #4 above. Staff believes that the requirement for a wall along the northern property can be deleted as the development must comply with the minimum buffer requirements for the Land Development Code as provided for in #4 above.

8. ~~Square footage shall be limited to 60,000 square feet of office/warehouse uses.~~

Comment: Applicant believes the paragraph above should be deleted and defer to the FAR of 0.65 in Condition #9.

Staff has no objection to the change above.

9. Floor area ratio shall not exceed 0.65 FAR.

11. ~~The proposed buildings shall be constructed of a mixture of aluminum and glass, contain a mansard or seamless pitched roof with soffits, be green or some other determined color, contain block and block fire walls, and roll up doors in back. Roll up doors shall be located on the east side of the buildings.~~

Comment: Applicant believes that the above condition was not part of the Board's action on February 11, 2003.

Staff has no objection to the change above provided that elevations of proposed building(s), consistent with the photographs (enclosed) contained in the development order presented to the Board on February 11, 2003, are provided by the applicant at time of final PCD site plan. This requirement is consistent with Item #21, which requires that building elevations, proposed wall and landscape plan be coordinated with affected neighbors at time of final PCD plan approval.

12. ~~Signage shall be appropriately posted to discourage truck access onto Missouri Avenue.~~

Comment: Applicant believes that the above condition was not part of the Board's action on February 11, 2003. Applicant has no ingress/egress access to Missouri Avenue.

Staff has no objection the change above.

13. ~~Signage shall be installed by the developer to prohibit 18 wheel semi tractor trailer trucks from ingress into the site. Dock high loading shall not be permitted.~~

Comment: Applicant has stated that delivery trucks must have access but without dock-high loading. 18 wheelers will not be part of tenant's use.

Staff has no objection to the change above.

14. ~~A cross access easement shall be provided to the property to the east of the site and location determined at time of final PCD site plan and easement recorded prior to issuance of certificate of occupancy.~~

Comment: Staff has no objection to the change above.

16. ~~At such time that the public transit provider initiates bus service to the project, the owner shall coordinate with the public transit provider to locate and construct a bus turnout of materials comparable to the adjacent roadway with design dimensions approved by LYNX and the Seminole County Engineer.~~

Comment: Staff has no objection to the change above as this only applied to the property to the south of Orange Boulevard which was denied by the Board on February 11, 2003.

18. Water and sewer service shall be provided by Seminole County utilities.

Comment: Staff has no objection to the change above.

20. Air conditioning units or chillers shall be hidden from view from Missouri Avenue ~~and ground units shall be screened with plant material or other screen material approved by the Planning Manager.~~ Screening methods shall be determined at time of final PCD site plan approval.

Comment: Staff has no objection to the change above.

MAJOR AMENDMENTS:

C. Development Conditions

4. ~~A six (6) foot high brick wall shall be provided along the western property line abutting Missouri Avenue. The wall, landscaping, and sidewalk shall be installed consistent with attached Exhibit "B" (Fossitt Business Park Buffer, prepared by Bruce K. Anderson, Landscape Architect, December 10, 2002). The buffer adjacent the north, south and east sides of the development shall comply with the provisions of the Land Development Code. The buffer and wall along Missouri Avenue shall comply with attached Exhibit "B". The setback for the wall and landscaping may be increased pursuant to review of the Seminole County Traffic Engineer to ensure safe and adequate vehicular and pedestrian sight distance at the intersection of Orange Boulevard and Missouri Avenue.~~

Comment: The Fossitt Business Park Buffer by Bruce Anderson was approved by the Board as an exhibit to the development order. The applicant has stated that there is no ingress/egress access to Missouri Avenue; sidewalk easement was only commitment; and landscape was to be installed according to Code. The Board may choose to approve a variation of the wall design, such as the one proposed by the applicant (see attached).

Staff has no objection to the newly proposed wall and buffer along Missouri Avenue (Exhibit "B").

6. ~~Developer to grant a sidewalk easement to Seminole County and install a (5) foot sidewalk along Missouri Avenue.~~

Comment: Applicant has stated that the commitment for an easement was the only commitment in the development order approved by the Board on February 11, 2003. A sidewalk is not required by the Land Development Code in this instance and therefore staff has no objection to the change above. As part of the PCD process, the Board may require a sidewalk.

21. ~~Developer to submit building elevations, proposed wall and landscape plan at time of final PCD site plan and shall coordinate with affected neighbors to review the final PCD site plan, including the proposed wall and landscape plan along Missouri Avenue, and building elevations before submitting the final PCD site plan to Seminole County.~~

Comment: Applicant believes that the above condition was not part of the Board's action on February 11, 2003. The applicant is proposing to provide picture boards to the County for public review for a period of two weeks.

Staff suggest, as an alternative to the applicant's proposal, that any picture boards be sent to a representative of the affected neighbors for a two week review period, and that no additional community meetings be required. The Board could consider any comments from the community at time of final PDC site plan.

FOSSITT BUSINESS PARK STAFF ANALYSIS

APPLICANT	Mr. and Mrs. Willie Fossitt	
PROPERTY OWNER(S)	Nikki M. Clayton	
REQUEST	Rezoning from PCD (Planned Commercial Development District) to PCD and major amendments/clarifications to the Fossitt Business Park PCD development order and preliminary PCD site plan.	
HEARING DATE(S)	LPA/P&Z: NA	BCC: January 27, 2004
SEC/TWP/RNG	16-19-30-5AB-0300-0040	
LOCATION	Northeast corner of Orange Boulevard and Missouri Avenue	
APPROXIMATE SIZE	4.7 acres	
EXISTING USE	Vacant	
FUTURE LAND USE DESIGNATION	Planned Development	
ZONING CLASSIFICATION	PCD (Planned Commercial Development District)	
FILE NUMBER	Z2003-054	
COMMISSION DISTRICT	#5 – McLain	

OVERVIEW

Rezoning Request: The applicants, Mr. and Mrs. Willie Fossitt, are requesting rezoning from PCD (Planned Commercial Development District) to PCD and approval of major amendments/clarifications to the Fossitt Business Park PCD development order and preliminary PCD site plan previously approved by the Board on February 11, 2003.

Staff has met with the applicant's representative on a number of occasions over the last several months to discuss the proposed amendments/clarifications set forth in the attached development order.

Due to the number of proposed clarifications, staff believes the amendments and clarifications should be presented to the Board concurrently to ensure that the intent of the Board for this PCD development is maintained. A public hearing is required to consider the major amendments; clarifications may be considered without the need for public hearing.

Please note that the development order approved by the Board on February 11, 2003, has not been signed.

Existing Land Uses: Abutting uses, future land use designations and zoning classifications are:

Location	Future Land Use	Zoning	Existing Use
Site	Planned Development	PCD	Vacant
North	Suburban Estates	A-1	Residential
South	Low Density Residential	A-1	Orange Boulevard and vacant
East	Suburban Estates	A-1	Metal buildings
West	Suburban Estates	A-1	Missouri Avenue and residential

Development trends are toward residential and nonresidential uses along this portion of Orange Boulevard.

SITE ANALYSIS

Facilities and Services: Adequate facilities and services must be available concurrent with the impacts of development. The applicant has submitted a Concurrency Review Deferral application. A full concurrency review will be required at time of site plan review.

The proposed rezoning is consistent with the adopted future land use designation of Planned Development assigned to the property and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan (Vision 2020).

Transportation:

Access to the site is via Orange Boulevard, a 2-lane minor collector roadway. Level of Service (LOS) in 2000 was LOS "B" from Oregon Avenue to SR 46. The proposed development could generate an estimated 460 average daily trips.

Water and Sewer:

The site is within the Seminole County utilities service area and development, as proposed, will be required to connect to the County's central water and sewer service system.

Public Safety:

The property is served by the Seminole County Paola Fire Station (Station #34). Response time to this site would meet the County's average response time standard of five (5) minutes.

Compliance with Environmental Regulations:

There are no wetlands or flood prone areas identified on this property. The property is located within the Lake Monroe Drainage Basin. The site can be developed with code compliance. Prior to submission of a final PCD site plan a survey of threatened and endangered and species of special concern will be required to determine the presence of any endangered or threatened wildlife.

Compatibility with Surrounding Development:

Compatibility is ensured via of the Planned Development future land use designation and rezoning development order previously approved by the Board on February 11, 2003.

STAFF FINDINGS AND RECOMMENDATIONS:

Staff findings and recommendations for the major amendments and clarifications are shown on the attached development order.

Approval of the proposed major amendments/clarifications should not result in creation of incompatible development.

Note: As this is a preliminary plan, additional conditions may be placed on the PCD site plan during the final site plan review process.

- **Single strikeout/underlined**– requested applicant amendments/clarifications
 - **Double strikeout/underlined** – staff clarifications
 - **Shading reflects items requiring a public hearing**
 - **Bold italics** – comments/staff recommendations

Z2002-015

DEVELOPMENT ORDER #02-22000004

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 27, 2004, ~~February 11, 2003~~, Seminole County issued this amended Development Order relating to and touching and concerning the following described property:

Lot 4, Block 3, Map Sanford Farms, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Seminole County, Florida recorded in Plat Book 1, Page 127, 128 and 128 ½ said lands situate, lying and being in Seminole County, Florida.

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

FINDINGS OF FACT

Property Owner(s): Nikki M. Clayton
35048 Shady Oaks Lane
Fruitland Park, FL 34731

Project Name: Fossitt Business Park PCD.

Requested Development Approval: Rezoning from the A-1 (Agriculture) zoning classification to the PCD (Planned Commercial Development District) zoning classification and approval of the associated PCD preliminary site plan attached as Exhibit A.

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.

Prepared by: Tony Matthews
1101 East First Street
Sanford, Florida 32771

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.

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. Permitted uses within the PCD shall include the list of permitted and conditional uses within the M-1A (Very Light Industrial) and C-3 (General Commercial and Wholesale) zoning classifications, except for the following uses, which shall be prohibited:
 1. Amusement and recreation facilities.
 2. Automobile sales.
 3. Bakeries, where goods are sold on premises at retail.
 4. Banks.
 5. Car wash.
 6. Hotels and motels.
 7. Laundrettes and Laundromats.
 8. Mobile homes and recreational vehicle sales.
 9. Paint and body shops.
 10. Private clubs and lodges.
 11. Theaters.
 12. Truck Terminals.
 13. Service stations.
 14. Outdoor advertising signs.
 15. Manufacturing of water-based and/or epoxy-based coatings, adhesives, sealants, and paints.
 16. Industrial, technical and trade schools, except for classroom training directly associated with existing businesses located within the PCD development site such as real estate.

Comment: Staff has no objection to the change above.

17. Alcoholic beverage establishments.
18. Adult entertainment and sexually oriented businesses.
19. Multi-family housing.
20. Public and private utility plants, stations, and distribution office.
21. Contractor's equipment storage yards.

22. Public and private schools.

23. ~~Mechanical garages, bus, cab and truck repair and storage as a stand alone business~~ Commercial mechanical repair garages or storage of vehicles for commercial repair, except that standard vehicle maintenance may be performed on vehicles associated with an existing business within the PCD development site.

Comment: Staff has no objection to the change above.

24. Heliports.

25. Manufacturing of the following:

Boats.

Chemical products and processing.

Dairy products.

B. Permitted and conditional uses within the C-2 (Retail Commercial District) shall be prohibited uses.

C. Development conditions (includes revisions subsequent to the 12/10/02, ~~and~~ 02/11/03 and 01/27/04 BCC hearings):

1. Parking spaces shall include a minimum of one (1) space per 1,000 square feet of building for warehouse uses, plus one (1) space for each two (2) employees on the largest shift, and one (1) space per 200 square feet of gross floor area for office use. Parking ratio for office and warehouse uses shall be established for the proposed use(s) at time of final PCD site plan approval.
2. Building setbacks shall be ~~as follows~~ comply with the preliminary PCD site plan with allowance for minor modifications at time of final PCD site plan: ~~south side 50 feet; east side 10 feet; west side (Missouri Avenue) 100 feet; north side 30 feet.~~

Comment: Staff has no objection to the change above.

3. A 25 foot landscaped buffer shall be provided around the perimeter of the property, except ~~as provided herein~~ along the north and east sides of the property and along Missouri Avenue. The buffer along Missouri Avenue shall comply with attached Exhibit "B".

Comment: Applicant has stated that the owners to the north and east have requested waiver of landscape buffer requirement as owners have reached separate agreement with applicant regarding fencing and screening of their respective properties (see attached "Addendum", provided by applicant for information only, not as an attachment to this development order).

Staff believes the amended language in #4 below is preferable to the proposed changes above and would meet the minimum requirement for buffering and provide for the wall along Missouri Avenue. Therefore #3 above would become redundant and could be deleted.

~~4. A six (6) foot high brick wall shall be provided along the western property line abutting Missouri Avenue. The wall, landscaping, and sidewalk shall be installed consistent with attached Exhibit "B" (Fossitt Business Park Buffer, prepared by Bruce~~

K. Anderson, Landscape Architect, December 10, 2002). The buffer adjacent the north, south and east sides of the development shall comply with the provisions of the Land Development Code. The buffer and wall along Missouri Avenue shall comply with attached Exhibit "B". The setback for the wall and landscaping may be increased pursuant to review of the Seminole County Traffic Engineer to ensure safe and adequate vehicular and pedestrian sight distance at the intersection of Orange Boulevard and Missouri Avenue.

Comment: The Fossitt Business Park Buffer by Bruce Anderson was approved by the Board as an exhibit to the development order. The applicant has stated that there is no ingress/egress access to Missouri Avenue; sidewalk easement was only commitment; and landscape was to be installed according to Code. The Board may choose to approve a variation of the wall design, such as the one proposed by the applicant (see attached).

Staff has no objection to the newly proposed wall and buffer along Missouri Avenue (Exhibit "B").

5. A six (6) foot high masonry or brick wall shall be provided along the northern property line. Landscaping adjacent the wall shall consist of eight (8) canopy trees a minimum of 2&1/2 inches in diameter with an overall average of three (3) inches in diameter measured at one (1) foot above ground for every 100 lineal feet within a 25 foot landscape buffer. Trees may be planted in double rows or clustered with approval of the Planning Manager.

Comment: Applicant has stated that the owners to the north and east have requested waiver of landscape buffer requirement as owners have reached separate agreement with applicant regarding fencing and screening of their respective properties (see attached "Addendum", provided by applicant for information only, not as an attachment to this development order).

Staff has no objection to the change above, as this condition is now incorporated into #4 above. Staff believes that the requirement for a wall along the northern property can be deleted as the development must comply with the minimum buffer requirements for the Land Development Code as provided for in #4 above.

6. Developer to grant a sidewalk easement to Seminole County and install a (5) foot sidewalk along Missouri Avenue.

Comment: Applicant has stated that the commitment for an easement was the only commitment in the development order approved by the Board on February 11, 2003. A sidewalk is not required by the Land Development Code in this instance and therefore staff has no objection to the change above. As part of the PCD process, the Board may require a sidewalk.

7. Building height shall not exceed 25 feet at peak roof height.
8. Square footage shall be limited to 60,000 square feet of office/warehouse uses.

Comment: Applicant believes the paragraph above should be deleted and defer to the FAR of 0.65 in Condition #9.

Staff has no objection to the change above.

9. Floor area ratio shall not exceed 0.65 FAR.
10. A minimum of 25 percent open space shall be provided on site.
11. ~~The proposed buildings shall be constructed of a mixture of aluminum and glass, contain a mansard or seamless pitched roof with soffits, be green or some other determined color, contain block and block fire walls, and roll up doors in back. Roll up doors shall be located on the east side of the buildings.~~

Comment: Applicant believes that the above condition was not part of the Board's action on February 11, 2003.

Staff has no objection to the change above provided that elevations of proposed building(s), consistent with the photographs (enclosed) contained in the development order presented to the Board on February 11, 2003, are provided by the applicant at time of final PCD site plan. This requirement is consistent with Item #21, which requires that building elevations, proposed wall and landscape plan be coordinated with affected neighbors at time of final PCD plan approval.

12. ~~Signage shall be appropriately posted to discourage truck access onto Missouri Avenue.~~

Comment: Applicant believes that the above condition was not part of the Board's action on February 11, 2003. Applicant has no ingress/egress access to Missouri Avenue.

Staff has no objection to the change above.

13. ~~Signage shall be installed by the developer to prohibit 18 wheel semi tractor trailer trucks from ingress into the site. Dock high loading shall not be permitted.~~

Comment: Applicant has stated that delivery trucks must have access but without dock-high loading. 18 wheelers will not be part of tenant's use.

Staff has no objection to the change above.

14. A cross access easement shall be provided to the property to the east of the site and location determined at time of final PCD site plan and easement recorded prior to issuance of certificate of occupancy.

Comment: Staff has no objection to the change above.

15. An easement shall be provided for stormwater access to the offsite retention pond at time of final PCD site plan.
16. ~~At such time that the public transit provider initiates bus service to the project, the owner shall coordinate with the public transit provider to locate and construct a bus~~

turnout of materials comparable to the adjacent roadway with design dimensions approved by LYNX and the Seminole County Engineer.

Comment: Staff has no objection to the change above as this only applied to the property to the south of Orange Boulevard which was denied by the Board on February 11, 2003.

17. Lighting shall be cut-off/shoe box style with light poles not to exceed 16 feet in height, be setback a minimum of 50 feet from adjacent properties and shall not exceed 0.5 foot candles.

18. Water and sewer service shall be provided by Seminole County utilities.

Comment: Staff has no objection to the change above.

19. Hours of operation for truck deliveries shall be limited to between 7:00 a.m. and 9:00 p.m.

20. Air conditioning units or chillers shall be hidden from view from Missouri Avenue and ground units shall be screened with plant material or other screen material approved by the Planning Manager. Screening methods shall be determined at time of final PCD site plan approval.

Comment: Staff has not objection to the change above.

~~21. Developer to submit building elevations, proposed wall and landscape plan at time of final PCD site plan and shall coordinate with affected neighbors to review the final PCD site plan, including the proposed wall and landscape plan along Missouri Avenue, and building elevations before submitting the final PCD site plan to Seminole County.~~

Comment: Applicant believes that the above condition was not part of the Board's action on February 11, 2003. The applicant is proposing to provide picture boards to the County for public review for a period of two weeks.

Staff suggest, as an alternative to the applicant's proposal, that any picture boards be sent to a representative of the affected neighbors for a two week review period, and that no additional community meetings be required. The Board could consider any comments from the community at time of final PDC site plan.

22. Preserve the trees along Orange Boulevard to the maximum extent possible.

23. Revise the current PCD site plan to include the conditions of this amended development order and attach to the development order prior to recording.

24. Development must meet all other applicable provisions of the Seminole County Comprehensive Plan (Vision 2020) and Land Development Code of Seminole County.

- (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: _____
Daryl G. McLain, Chairman
~~Board of County Commissioners~~

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Nikki M. Clayton, on behalf of herself and her 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

Nikki M. Clayton

Witness

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 _____ who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 20034.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

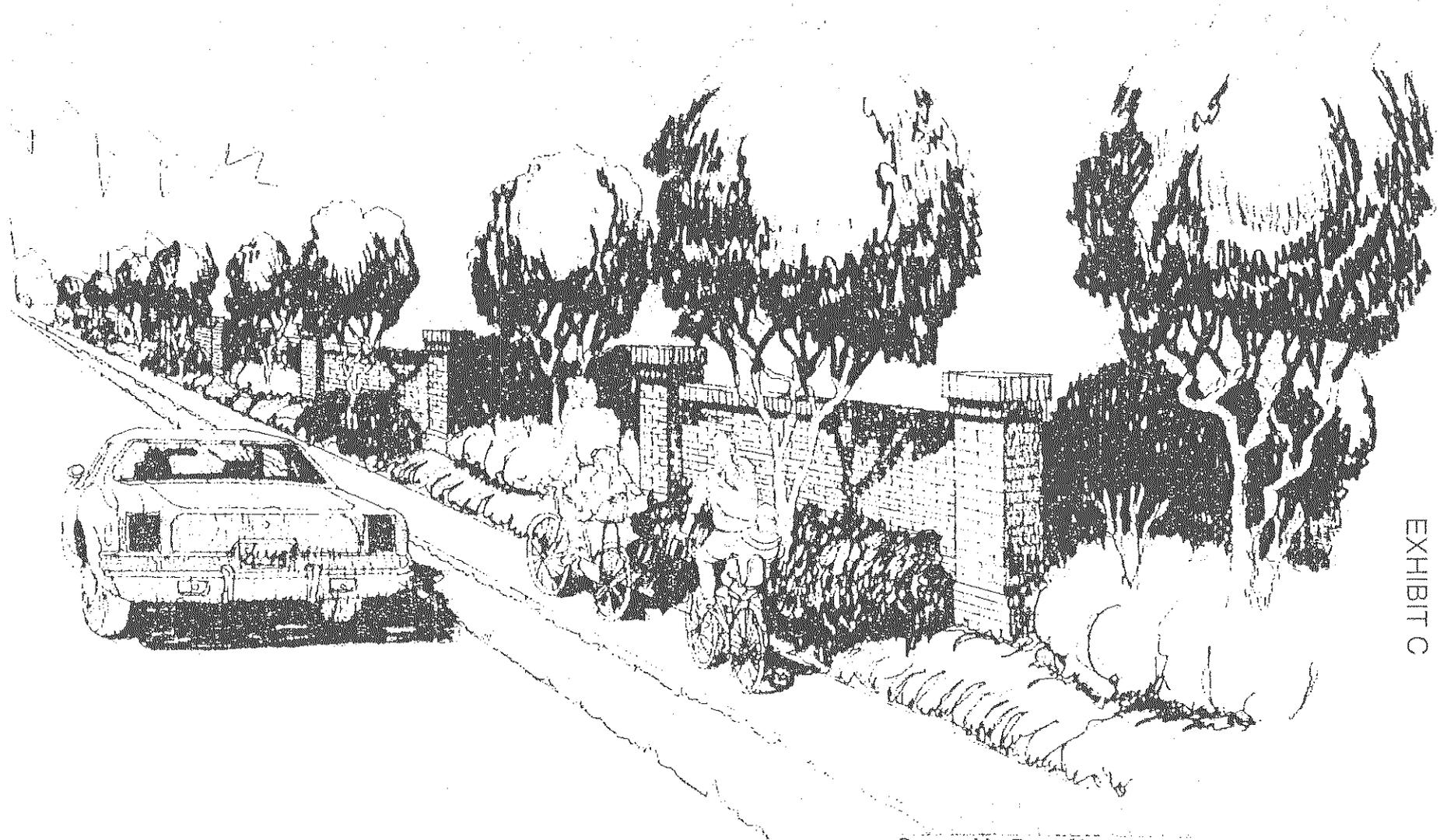
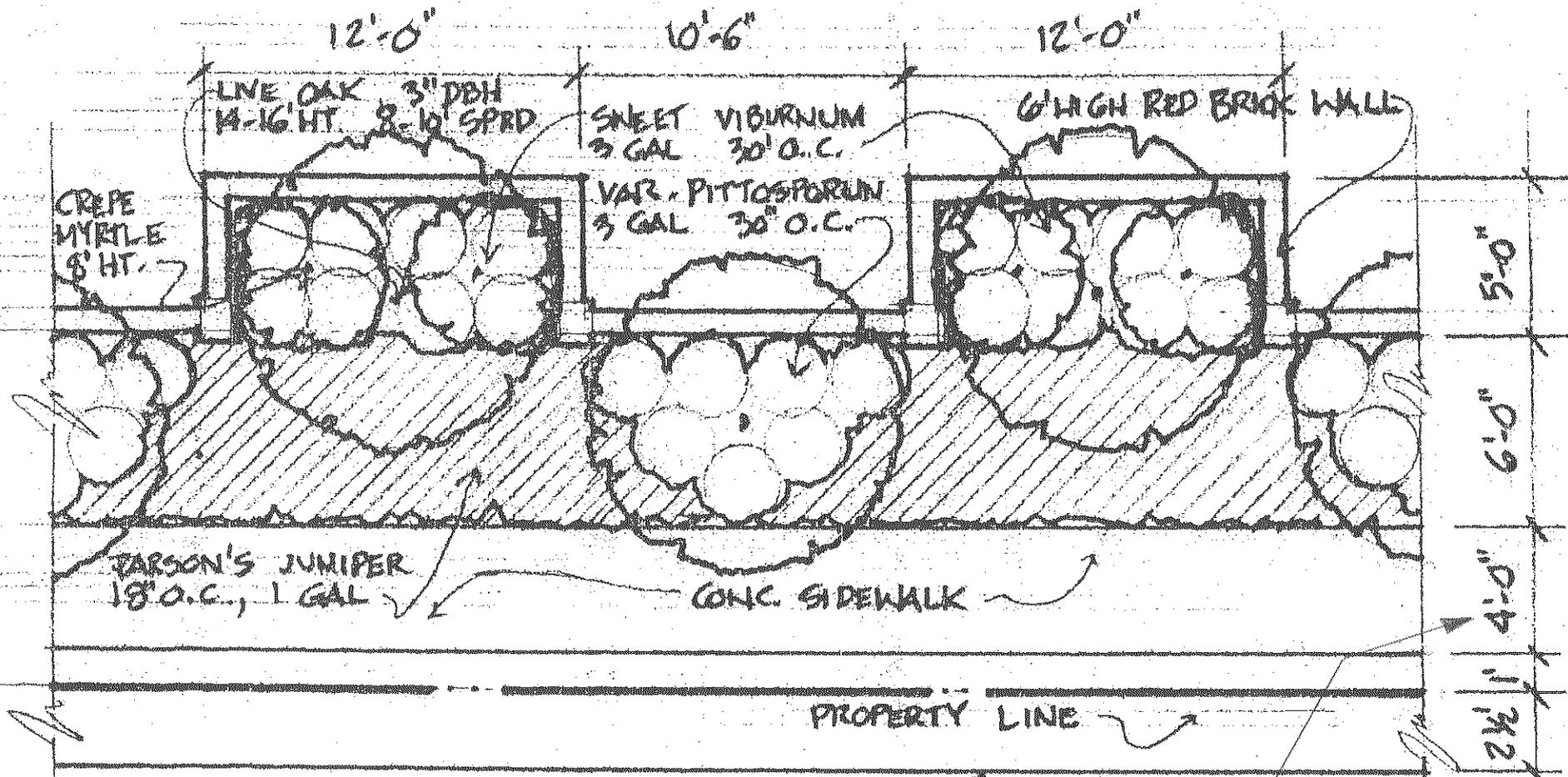


EXHIBIT C

Prepared by Bruce K. Andersen, Landscape Architect,
State of Florida Cert. No. 821 Tel. (407) 320-9980



Applicant to revise
to indicate 5 feet
here from 2/11/03
Board hearing

FOSSIT BUSINESS PARK
EXHIBIT B- BUFFER ALONG MISSOURI AVE.
December 10, 2002
Scale: 1" = 5'-0"

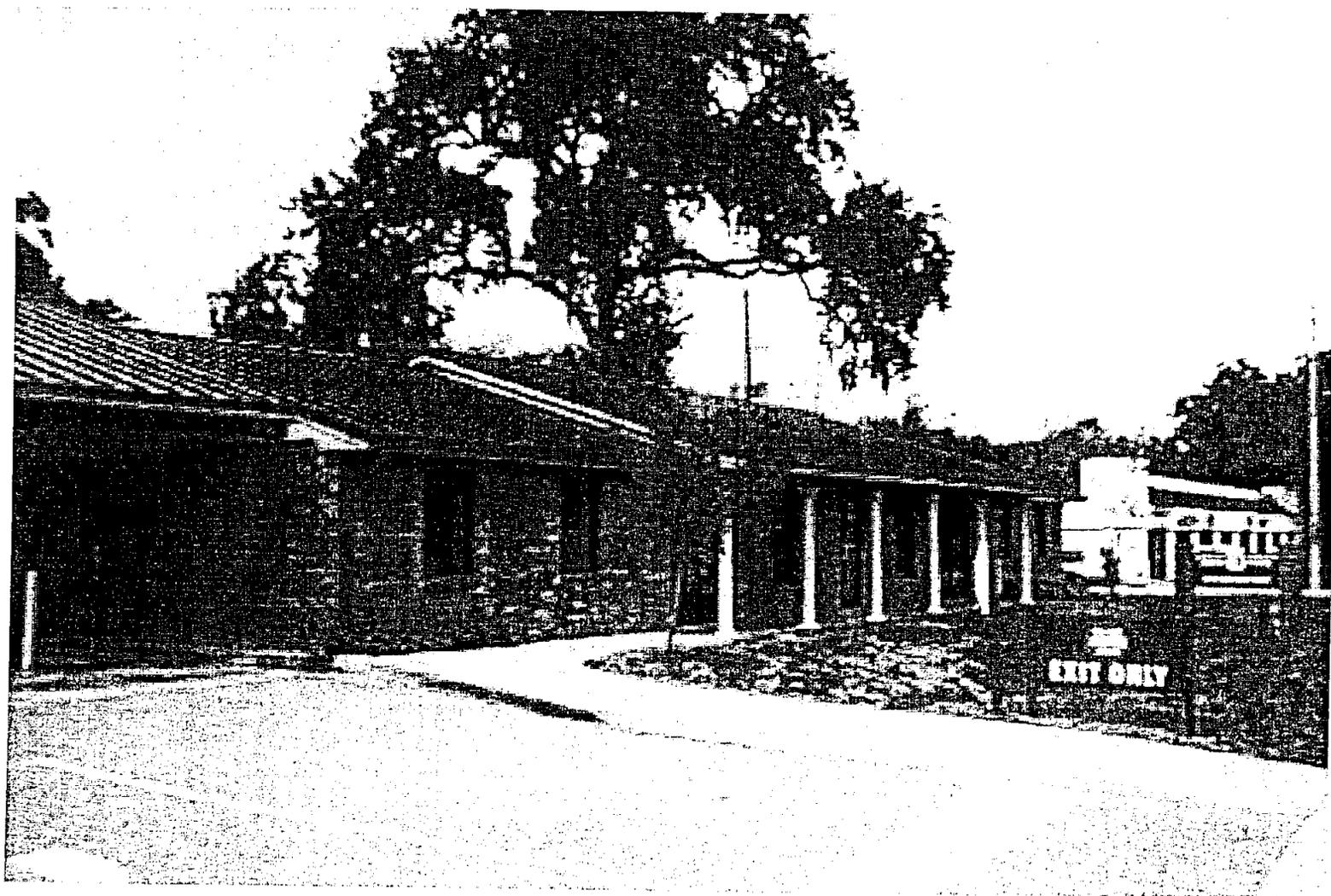


Photo 1

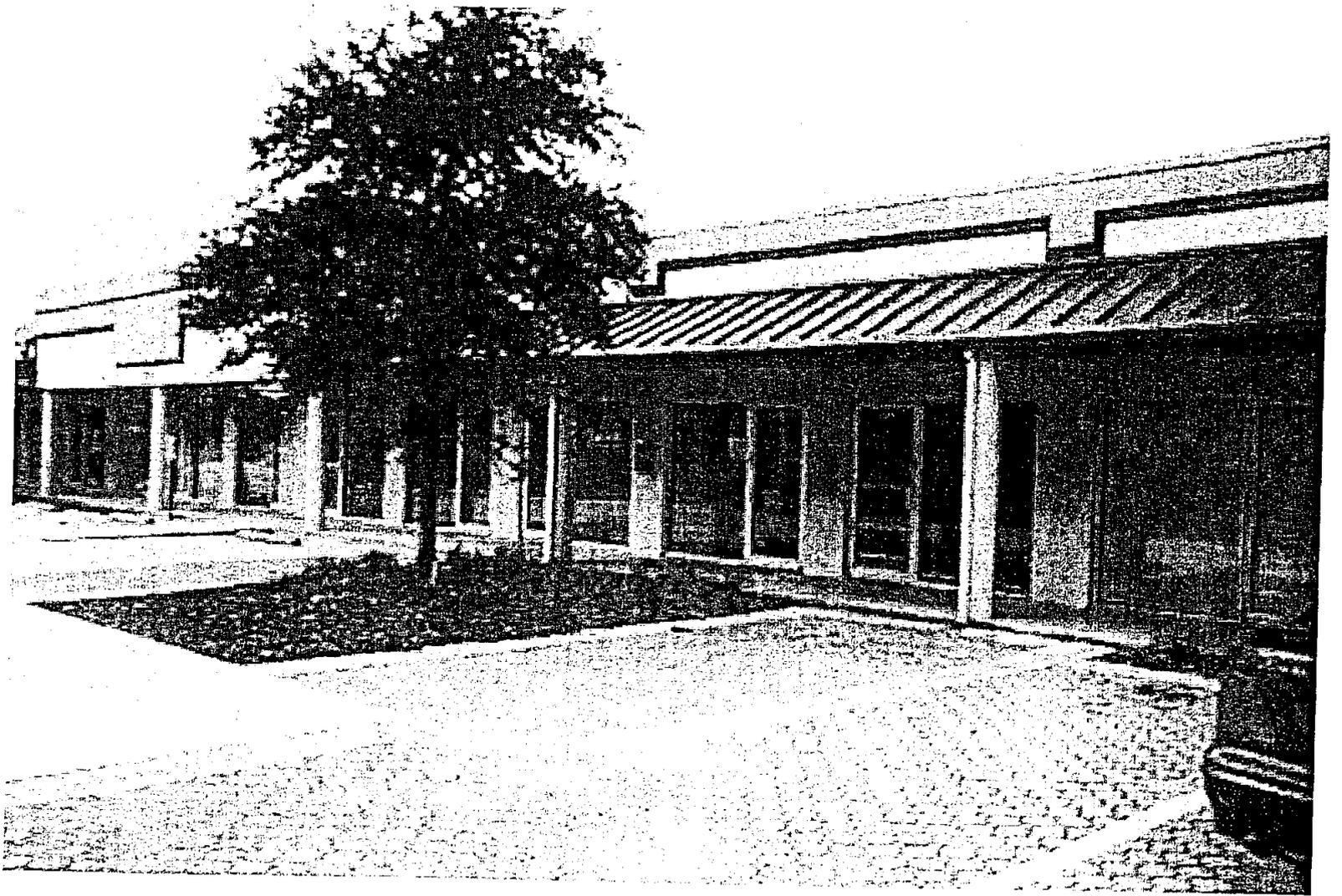


Photo 2



Photo 3

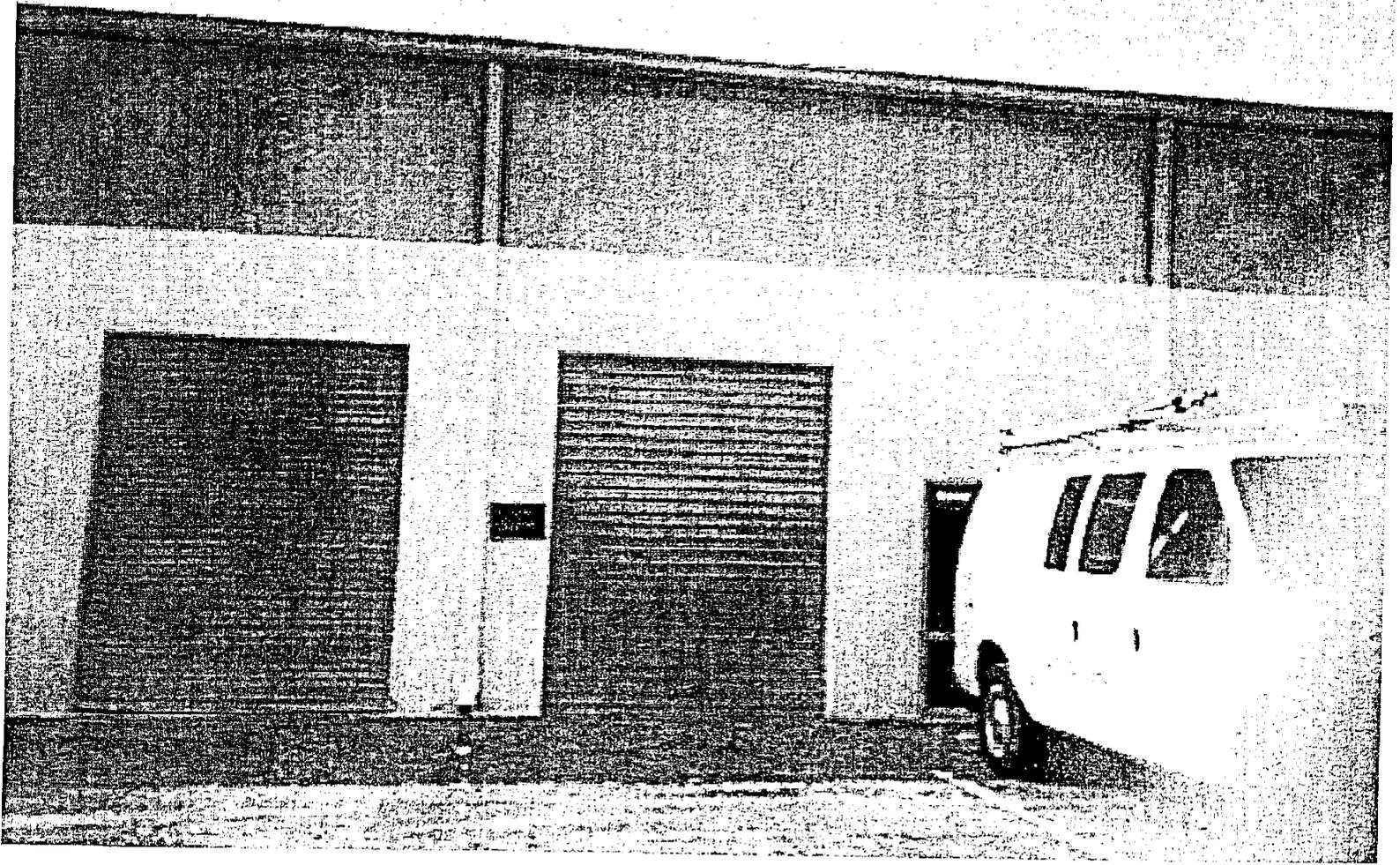
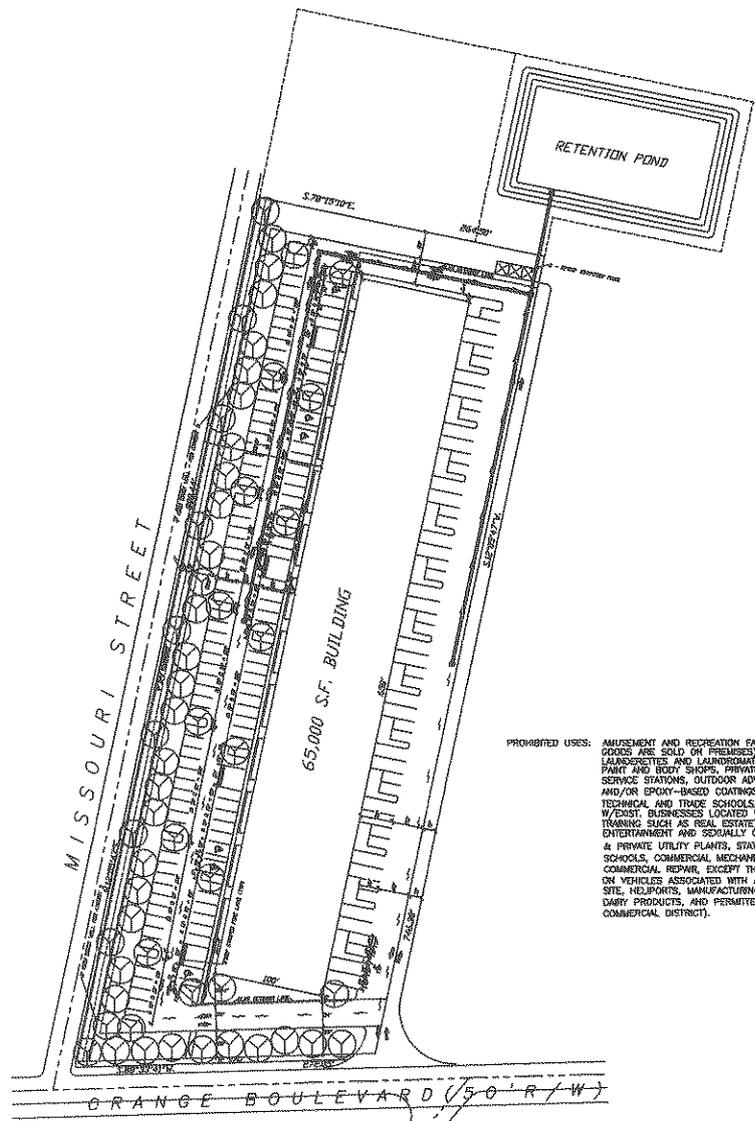


Photo 4



SITE DATA

SETBACKS: FRONT - 50', EAST SIDE - 10', WEST SIDE - 100', REAR - 30'
 LA BUFFERS: FRONT - 25', EAST SIDE - 5', WEST SIDE - 16', REAR - 25'
 PERMITTED AND CONDITIONAL USES: APPROVED USES AND CONDITIONAL USES WITHIN THE U-1A (VERY LIGHT INDUSTRIAL) AND C-3 (GENERAL COMMERCIAL AND WHOLESALE) ZONING CLASSIFICATIONS

BUILDING HEIGHT: 25' (1 STORY)
 25 % OPEN SPACE: INCLUDES COMBINATION OF GREEN SPACE AND LA BUFFERS.
 MAX. FWR 0.05
 EXISTING ZONING: A-1 (AGRICULTURAL)
 EXISTING LAND USE: VACANT
 PROPOSED ZONING: PCD (PLANNED COMMERCIAL DEVELOPMENT)
 PROPOSED LAND USE: INDUSTRIAL WAREHOUSE/OFFICE
 SOILS TYPE: 13 - BAUGALLIE & MIKONALEE
 PER SOIL SURVEY OF SEMINOLE COUNTY, FLORIDA

PROPOSED AREAS (ACREAGE):
 RETAIN: 0 ACRES
 WETLANDS: 0 ACRES
 OPEN SPACE: 1.207 ACRES MINIMUM (28%)
 ACCEPTABLE USES PER PCD ZONING: 3.813 ACRES
 TOTAL ACREAGE: 4.72 ACRES

PROP. AREAS (ACREAGE):
 BUILDINGS: 1.492 ACRES = 31.81%
 PAVEMENT: 1.922 ACRES = 40.72%
 SIDEWALKS: 0.099 ACRES = 2.10%
 LANDSCAPING & GREEN SPACE: 1.207 ACRES = 25.57%
 TOTAL ACREAGE: 4.72 ACRES = 100%

PARKING SPACES REQUIRED:
 OFFICE: 1 SPACE/200 SF OFFICE = 22880 SF = 114.4 SPACES
 WAREHOUSE: 1 SPACE/1000 SF WAREHOUSE = 42120 SF = 42.12 SPACES
 1 SPACE/2 WAREHOUSE EMPLOYEES = 28 EMPLOYEES = 13 SPACES
 TOTAL REQUIRED = 170 SPACES

PARKING SPACES PROVIDED:
 6 HANDICAPPED SPACES (12'x20')
 164 SPACES (REGULAR BAY PARKING)
 170 SPACES TOTAL

FEMA FLOOD ZONE: ZONE 'X' OUTSIDE THE 500 YEAR FLOOD ZONE
 PER FEMA FLOOD MAP NO. 1211700030 E (DATED APRIL 17, 1998)

POTABLE WATER: SEMINOLE COUNTY WATER AVAILABLE (EXIST. 12" WM IN FRONT OF PROPERTY ON SOUTH SIDE OF ORANGE BLVD.)
 THE COUNTY CURRENTLY DOES NOT SERVICE THE EXIST. SITE.

SEWER: SEMINOLE COUNTY SEWER AVAILABLE (EXIST. 8" SS APPROX. 750 FEET EAST FROM THE SOUTHEAST PROPERTY CORNER.)
 THE COUNTY CURRENTLY DOES NOT SERVICE THE EXIST. SITE.

STORMWATER: SITE DISCHARGES TO NORTH TO SAINT JOHNS RIVER.
 A STORMWATER MANAGEMENT SYSTEM WILL BE PROVIDED OFF SITE PER SEMINOLE COUNTY AND SURFWD REGULATIONS.

FIRE PROTECTION: THE PROPOSED BUILDING WILL CONFORM WITH SEMINOLE COUNTY FIRE PROTECTION CODES.

LANDSCAPE: LANDSCAPE BUFFERS AND LANDSCAPING ON SITE SHALL CONFORM TO SEMINOLE COUNTY LAND DEVELOPMENT CODES.

NO WETLANDS ARE LOCATED ON THE SITE.
 PROPERTY LINES SHOWN ON PLAN WERE PROVIDED BY DIMENSIONS FROM OWNER. FRAGOMENI ENGINEERING, INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE PROPERTY LINES SHOWN.

LIGHTING NOTE: ALL PARKING LOT LIGHTING WILL COMPLY WITH SEMINOLE DEVELOPMENT CODE, SECTION 30-1233(B)

LEGAL DESCRIPTION:
 LOT 4, BLOCK 3 SANFORD FARMS, PLAT BOOK 1, PAGE 128.

ENGINEER:
 FRAGOMENI ENGINEERING, INC.
 4225 STONEMILL DRIVE
 ORLANDO, FLORIDA 32812
 (407) 816-7847

OWNER:
 NIKKI CLAYTON
 35048 SHADY OAKS LANE
 FRUITLAND PARK, FLORIDA 34731
 (352) 787-1878

APPLICANT:
 MR & MRS FOSSITT
 1500 N OREGON STREET
 SANFORD, FLORIDA

PROHIBITED USES: AMUSEMENT AND RECREATION FACILITIES, AUTOMOBILE SALES, BAKERIES (WHERE GOODS ARE SOLD ON PREMISES), BANKS, CAR WASH, HOTELS AND MOTELS, LANDSCAPING AND LANDSCAPERS, MOBILE HOMES AND RECREATIONAL VEHICLE SALES, PAINT AND BODY SHOPS, PRIVATE CLUBS AND LODGES, THEATERS, TRUCK TERMINALS, SERVICE STATIONS, OUTDOOR ADVERTISING SIGNS, MANUFACTURING OF WATER-BASED AND/OR EPoxy-BASED COATINGS, ADHESIVES, SEALANTS, AND PAINTS, INDUSTRIAL, TECHNICAL, AND TRADE SCHOOLS, EXCEPT FOR CERY, TRAINING DIRECTLY ASSOCIATED W/EXIST. BUSINESSES LOCATED W/I THE PCD DEVELOPMENT SITE & CLASSROOM TRAINING SUCH AS (REAL ESTATE), ALCOHOLIC BEVERAGE ESTABLISHMENTS, ADULT ENTERTAINMENT AND SOCIALLY ORIENTED BUSINESSES, MULTI-FAMILY HOUSING, PUBLIC & PRIVATE UTILITY PLANTS, STATIONS, AND DISTRIBUTION OFFICE, PUBLIC & PRIVATE SCHOOLS, COMMERCIAL MECHANICAL REPAIR GARAGES OR STORAGE OF VEHICLES FOR COMMERCIAL REPAIR, EXCEPT THAT STANDARD VEHICLE MAINTENANCE MAY BE PERFORMED ON VEHICLES ASSOCIATED WITH AN EXIST. BUSINESS WITHIN THE PCD DEVELOPMENT SITE, HELIPOINTS, MANUFACTURING OF BOATS, CHEMICAL PRODUCTS & PROCESSING, DAIRY PRODUCTS, AND PERMITTED AND CONDITIONAL USES WITHIN THE C-2 (RETAIL COMMERCIAL DISTRICT).

Fragomeni Engineering, Inc.
 4225 Stonemill Drive
 Orlando, Florida 32812
 Voice: (407) 816-7847 Fax: (407) 816-8087
 REG. NO. 8117

FOSSITT BUSINESS
 PARK - LOT 4

DEVELOPMENT PLAN

JOB NO.	F1084				
DATE:	11/1/03				
DESIGNED BY:	SLF				
DRAWN BY:	SLF				
CHECKED BY:	SLF				
APPROVED BY:	SLF	NO.	DATE	REVISION	APPR.

FILE: F1084SITE
 SCALE: 1" = 50'
 SHEET NO.
C-1

THIS DOCUMENT IS PROVIDED BY THE APPLICANT
AND IS FOR INFORMATION ONLY

**ADDENDUM
TO
PURCHASE AND SALE AGREEMENT**

9th This Addendum to Purchase and Sale Agreement is entered into this day of December, 2003, by and between **Willie L. and Lorene F. Fossitt**, husband and wife, and/or assigns, (hereinafter referred to as "Purchaser/Buyer"), and **Nikki M. Clayton**, a single woman, (hereinafter referred to as "Seller").

WITNESSETH:

Whereas, Purchaser and Seller entered into a Purchase and Sale Contract dated May 9, 2002 for certain real property, ("Subject Property"), in Seminole County, Florida and described in Exhibit A attached hereto; and

Whereas, the parties wish to enter into an Addendum to said Contract as set forth herein; and

Whereas, Seller is the owner of property which borders the Subject Property on its north and east boundaries; and

Whereas, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. Purchaser has requested Seller agree to a waiver of certain Seminole County Code requirements. These Code requirements relate to buffer and set-back requirements along the eastern boundary and along the northern boundary of the Subject Property described in Exhibit A. Seller agrees to Purchaser's request and hereby grants Purchaser a waiver from the Code requirements.
2. Seller authorizes Purchaser to provide a copy of this Addendum to Seminole County so the County is informed that Seller hereby waives any benefit which might accrue to Seller from the Code requirements referred to herein.

This Addendum is agreed to by and between the parties hereto as of the date first above written.

PURCHASER:

Willie L. Fossitt Date

Lorene F. Fossitt Date

SELLER:

Nikki M. Clayton 12/09/03
Nikki M. Clayton Date

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATION ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE PCD (PLANNED COMMERCIAL DEVELOPMENT DISTRICT) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR 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 document titled "Fossitt Business Park Staff Analysis".

(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. REZONING. The zoning classification assigned to the following described property is changed from the PCD (Planned Commercial Development District) zoning classification to the PCD (Planned Commercial Development District) zoning classification.

LEGAL DESCRIPTION ATTACHED AS 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 take effect upon filing the Ordinance with the Department of State and recording Development Order #02-22000004 in the Public Records of Seminole County, Florida.

ENACTED this 27th day of January 2004

SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS

By: _____
Daryl G. McLain, Chairman

EXHIBIT A
LEGAL DESCRIPTION

Z2003-54 (PCD to PCD)

Lot 4, Block 3, Map Sanford Farms, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Seminole County, Florida recorded in Plat Book 1, Page 127, 128 and 128 ½ said lands situate, lying and being in Seminole County, Florida.

PLAN AMENDMENT/REZONE/Harling Locklin (February 11, 2003 BCC Minutes)

Continuation of a public hearing to consider Small Scale Plan Amendment (Fossitt Business Park) from Suburban Estates and Low Density Residential to Planned Development; and Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) and Preliminary PCD site plan on approximately 9.7 acres located at the northeast corner of Orange Blvd. and Missouri Avenue and at the southwest corner of Orange Blvd. and Halsey Avenue, as described in the proof of publication, Harling Locklin & Associates.

Tony Matthews, Planning, addressed the Board to state at the December 10, 2002 meeting, the Board continued this item to January 28, 2003 to allow the applicant time to address the code enforcement concerns brought forth at the public hearing on the abutting property to the east of the property subject to the plan amendment and rezoning request; to conduct a community meeting to address several concerns expressed at the December 10, 2002 hearing by area residents; and to prepare elevation drawings that depict the style and construction of materials for the proposed buildings. He stated code violations were resolved on the abutting property and that site is in compliance. He said a community meeting was held on February 10, 2002 and he submitted copies of photographs (received and filed) of the proposed building designs.

Upon inquiry by Commissioner Henley, Mr. Matthews advised the photographs were provided to the residents at the community meeting.

Upon inquiry by Commissioner Morris, Mr. Matthews advised he believes the applicant has provided samples of different types of building materials and design for the Board to review. He stated staff has revised the proposed development order to include the changes that were made at the December 10 meeting. He said the

off-site retention on the north side of Orange Blvd. is not included in the plan amendment and rezoning. What is important is the applicant's property is 9.7 acres and if the retention pond is included, that would mean the site would be 10 acres and that is a large scale plan amendment. Staff feels that the proposed amendment qualifies as a small scale plan amendment based on the following conditions: (1) The property where the offsite retention is to be located does not require a plan amendment or rezoning to accommodate the proposed retention pond; (2) The County, in the past, has allowed for offsite retention projects that were subject to small scale plan amendments; and (3) During discussions with the Department of Community Affairs (DCA), this does not appear to be a large scale plan amendment. He added staff is recommending approval of the Planned Development land use, PCD zoning and preliminary site plan for the portion of the property on the north side of Orange Blvd. with findings that is included in the development order; and staff recommends denial of Planned Development land use and PCD rezoning on the south side of Orange Blvd., with staff findings.

Hugh Harling, representing the applicant, addressed the Board to submit a booklet (received and filed) consisting of photographs, a sign-in sheet of the 2/10/03 community meeting, landscaping design, site plan, and aerial maps of the site. He stated the applicant has complied with the code enforcement issues. A meeting was held at Wilson Elementary School with the Bookertown and St. Johns River Estates communities and they went over several issues. He stated he has committed to a single story building and to cap the height of the building at 25 ft. He displayed and reviewed photographs of the proposed building. He said he is proposing glass and aluminum fronts on the west and north side of the building. The rear of the building will have roll up doors and that area will be for truck activity, but it is not designed for 18-wheelers. The intent of the design is for plumbing, carpet, electrical and warehouse shops. He stated he has 100% support from the Bookertown community. He said he has

committed to the previous landscaping design of installing everything from the back of the sidewalk to the east of the project.

At the request of Commissioner Maloy, Mr. Harling addressed the issue of staff's recommendation of approval on the north side of Orange Blvd. and denial on the south side of Orange Blvd. and the compatibility concerns.

Upon inquiry by Commissioner Maloy, Mr. Harling advised what he presented to the Board were three rooflines and those will be constructed for approximately the same amount of money. He stated no decision was made at the community meeting as to what the residents preferred.

Kathy Brown, representing St. Johns River Estates, addressed the Board to state after the December 10 meeting, the District Commissioner asked the community to work with the applicant. The next morning they went out to the site and blocked off the bus stop with cones and railroad ties. She said this was one of their biggest concerns. She submitted photographs (received and filed) showing the area that was blocked off. She stated she understands that Mr. Fossitt was not happy with the code violation, but the residents did not want a project that would look like what the applicant already had there. She said the residents' main concerns were the children being at the bus stop and now Missouri Avenue has been blocked off. The Sheriff's Office and the School Board have determined that corner of Orange Blvd. and Missouri Avenue is unsafe for a bus stop, therefore, the bus stop has been moved back to the entrance of St. Johns River Estates. The residents would like a setback so that they would be able to turn left onto Orange Blvd. The applicant was supposed to submit an architectural drawing to the homeowners and that was presented to them at the meeting last night. The residents understand that something will happen there, but their concern is the growth in the area. She stated she would ask the Board to grant an extension for six months or indefinitely until

staff has had time to conduct a small area study which will include a traffic study of Orange Blvd. The residents were told that the retention pond would be a wet pond and 8 ft. deep. She said she would like to know what the future development is for the other Clayton sites. She added if this project is approved, the community is requesting that there be very stringent requirements regarding the brick wall, setbacks along Missouri Avenue, that the developer install the sidewalk (20 ft.) that was originally requested, and restricting the height of the building. She stated she still feels that this project is premature and the Board needs to look at the area and to have staff to review what has been happening, because Orange Blvd. is a hazard. She stated she knows that something will go there, but she wants it to be conducive with the neighborhood.

Upon inquiry by Commissioner Maloy relative to the architectural aspect, Ms. Brown advised she was surprised with the pictures that were shown last night. She stated the residents were expecting to see an architectural rendering of the building. The applicant did agree with not exceeding the height of the building to 25 ft. She said the residents did ask for a brick wall or something that will not wear over the years. She added the residents are also asking that the wall come down the back of the property as well, along the single family home.

Upon inquiry by Commissioner Morris, Mr. Harling advised he concurs with a 17½ ft. easement with the staggered wall that is shown in Exhibit B of his handout. He stated there is no buffer along the retention pond and they are planning to install a fence around it.

Upon inquiry by Chairman McLain, Mr. Matthews advised Nikki Clayton owns the property on the north side of the road as well as the property to the east.

No one else spoke in support or in opposition.

District Commissioner McLain stated in this particular case, he tends to agree with staff on the northern section. He stated he has some concerns about the retention being offsite.

Mr. Matthews stated in the past, the County has allowed the developer to develop a project and have the retention pond off site. If someone else owns the retention pond, an easement will have to be provided.

Upon inquiry by Chairman McLain, Mr. Matthews advised the Board can direct staff to look at a small area study in more detail as far as what facilities and services may be needed in the area.

Upon further inquiry by Chairman McLain, Mr. Matthews advised since this is a small scale plan amendment, it would have to come back in the future for a final PCD site plan.

Commissioner Morris stated staff might want to consider some of the issues that were considered in the Chuluota area if a small area study is done.

District Commissioner McLain recommended approving the Planned Development land use on the north side of Orange Blvd., but to deny the Planned Development land use and rezoning on the south side of Orange Blvd., with the following: implement the architectural renderings for the landscaping and wall; 17½ ft. setback; the design of the roof to be considered by staff and the community; and to instruct staff to prepare a small area study to properly evaluate these properties. He stated he has visited the site and he has met with the residents and this particular site is not conducive to single family residential. He added he does not want to continue any further rezonings until the small area study is completed and staff has worked with the community.

Motion by Commissioner Morris, seconded by Commissioner Henley to adopt Ordinance #2003-4, as shown on page _____, adopting Planned Development land use on the north side of Orange

Blvd., with staff findings; adopt Ordinance 2003-5, as shown on page _____, and to deny Planned Development land use and PCD zoning on the south side of Orange Blvd., on approximately 9.7 acres located at the northeast corner of Orange Blvd. and Missouri Avenue and at the southwest corner of Orange Blvd. and Halsey Avenue, as described in the proof of publication, Harling Locklin & Associates, subject to the conditions outlined in the Development Order, as shown on page _____, and the District Commissioner's recommendations as previously outlined.

Under discussion and upon inquiry by Commissioner Henley, Mr. Harling advised he is familiar with the conditions outlined in the development order and he is in agreement with them.

Districts 1, 2, 3, 4 and 5 voted AYE.

Source: Seminole County Clerk's Office website.

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PLAN AMENDMENT (FOSSITT BUSINESS PARK)/HARLING LOCKLIN

& ASSOCIATES, Continued (January 28, 2003 BCC Minutes)

Continuation of a public hearing from December 10, 2002, to consider a Small Scale Plan Amendment for Fossitt Business Park from Suburban Estates and Low Density Residential to Planned Development; and Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) and preliminary PCD site plan on approximately 9.7 acres located at the northeast corner of Orange Boulevard and Missouri Avenue and at the southwest corner of Orange Boulevard and Halsey Avenue; as described in the proof of publication, Harling Locklin & Associates.

Chairman McLain stated the applicant has requested to continue the public hearing to February 11, 2003, 7:00 p.m. A copy of the letter from the applicant was received and filed.

Motion by Commissioner Henley, seconded by Commissioner Van Der Weide, to continue to February 11, 2003, at 7:00 p.m., or as soon as possible thereafter, the public hearing to consider the Small Scale Plan Amendment for Fossitt Business Park from Suburban Estates and Low Density Residential to Planned Development; and Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) and preliminary PCD site plan on approximately 9.7 acres located at the northeast corner of Orange Boulevard and Missouri Avenue and at the southwest corner of Orange Boulevard and Halsey Avenue; as described in the proof of publication, Harling Locklin & Associates.

No one spoke in support or in opposition.

Districts 1, 3, 4, and 5 voted AYE.

Commissioner Morris entered the meeting at this time.

Source: Seminole County Clerk's Office website.

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FOSSITT BUSINESS PARK/

HARLING LOCKLIN AND ASSOCIATES (December 12, 2002 BCC Minutes)

Proof of publication, as shown on page _____, calling for a public hearing to consider the Small Scale Plan Amendment from Suburban Estates and Low Density Residential to Planned Development and Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) and approve Preliminary PCD Site Plan, Fossitt Business Park/Harling Locklin and Associates, received and filed.

Chairman McLain advised Mr. Locklin that the neighbors still have some concerns and would like more time to work with him. They have spoken with several of the Commissioners who would be willing to continue this item to give Mr. Locklin more time to work with the residents, if he has no objections. Whereupon, Mr. Locklin stated they have worked with the community since hearing from Chairman McLain via phone and they feel they have accomplished all the objectives with the landscape plan. He believes they are ready to make their presentation this evening.

Mr. Matthews stated staff is recommending enacting an ordinance adopting Planned Development land use, PCD zoning, and preliminary PCD site plan on the north side of Orange Boulevard, as proposed; and is recommending denial of Planned Development land use and PCD zoning on the south side of Orange Boulevard, with staff findings and recommendations. He advised the Local Planning Agency recommended approval of Planned Development land use, PCD zoning, the Preliminary PCD site plan and Development Order for the entire request on both sides of Orange Boulevard. This was approved by a vote of 4 to 1.

Commissioner Morris left the meeting at this time.

Mr. Matthews further advised there are 23 conditions (copy received and filed). He reviewed the following three changes staff is proposing to the Development Order: (1) Regarding Condition #4, staff is recommending a wall and not going with the berm option; (2) The Development Review Manager has recommended that Condition #14 not be included in the Development Order and instead rely on the access the applicant has provided; (3) The staff has added new Conditions #21 and #22. Mr. Matthews submitted three e-mails (copies received and filed) received since the staff report was distributed. He said two of these have already been previously submitted.

Hugh Harling, applicant, addressed the Board to read and submit a Petition, as shown on page _____, from residents of the Bookertown community in support of the amendment and rezoning for the north and south parcels. He also submitted to the Board an Exhibit Package for the Fossitt Business Park (copy received and filed). Mr. Harling reported on the community meeting held on August 12, 2002. He discussed the issues raised by the residents who live north on Missouri and he reviewed the site plan. He said they believe, based on the staff report and the report from the Planning and Zoning Commission that the project is consistent and compatible.

Commissioner Henley asked Mr. Harling to discuss the type of roof he envisions.

Mr. Harling also discussed other issues of the community that Orange Boulevard is not up to County standards for its entire length, and a request by the Bookertown residents that Lynx bus service be brought to Orange Boulevard. He explained these are issues the Board might wish to look into; but he has no control over them.

Mr. Harling advised that the Fossitts own the property to the east and are currently using it for agricultural/commercial uses, and have purchased the house immediately to the north of

them and have done some renovations at this time. Their intent is that the house would continue to be a residential property. He said the long-range intent is to continue the commercial/agricultural application of the property to the east. When they are ready to discontinue that, they would like to develop another similar project and would bring that as a future application. He said they have done their best to mediate and come up with a design and intensity that will allow the Fossitts to have a high quality office/industrial park and showroom/warehouse at this location, protect both neighborhoods, and give the residents along Missouri a quality buffering wall system to enhance their neighborhood. Mr. Harling stated they are in agreement at this time with the amended conditions by staff.

Bruce Anderson, 1730 Perch Lane, addressed the Board to state if this project is approved, make it clear in the motion that the wall they worked on is part of the condition and that the wall currently in the conditions is no longer applicable.

Robert Scott addressed the Board to state he is a neighbor to the Fossitt development and he has no objections to the request. He said his father (area property owner) is very much in favor of the request.

Patrick Moore, 1760 Perch Lane, addressed the Board to state he took pictures of the existing business of the Fossitts. He displayed the posters of pictures (received and filed) for the Board's review. He said they don't know the Fossitts or the intentions of the commercial buildings so there are a lot of questions. He was told that the existing business was agricultural, but he sees a lot of garbage, tires, and leaking fuel tanks on the ground. He said all the homeowners in the St. Johns River Estates area, on Nebraska and a few in Bookertown are concerned. The situation now is an eyesore and is not an economically healthy environment.

That's another reason he is asking for a continuance so that they can work further on this project and get more information.

Upon inquiry by Commissioner Henley, Mr. Matthews stated the metal buildings on the property have been there for a number of years and started as an agricultural use, but were cited by Code Enforcement. He understood from Code Enforcement that there was nothing presently going on in the buildings. He said the buildings are not a part of the project being considered tonight.

Ransome Welborn, 4600 Canal Drive, addressed the Board to state he moved his family into their home in 1974. He gave the history of the neighborhood. He said he believes this change will devalue their property and harm their way of life. He stated they would prefer not to have to litigate this, but if they are pushed to it, they will.

John Sabol, 4700 Canal Drive, addressed the Board to state he is opposing the rezoning request. He said they are a waterfront community with homes ranging from \$200,000 to \$800,000 approximately. They believe the home values will be negatively impacted. He thinks the project is inappropriate with what they are trying to do in the neighborhood.

Charles McCurdy, 4600 Nebraska Avenue, addressed the Board to state they own property north of where the Briar Corporation is still building warehouses. They bought their home because it was nice and quiet and the zoning was Suburban Estates. They thought the rest of the area was also and would continue to be that way. Since Briar Corporation built the warehouses, their quietness has disappeared. He said he doesn't know what the Fossitts have planned, but he knows there is going to be another retention pond and that will be more mosquitoes. There will be more and more trucks coming out and that is a safety hazard for the

children, as well as for themselves. He thinks it would be a tremendous eyesore to drive through an industrial park to get to a residential area, and that won't do the property values any good.

Kathy Brown, 1730 Beacon Drive, addressed the Board to state there are about 45 to 50 homes and over 50% are against this request. She submitted a Petition, as shown on page _____, in opposition; and letter, as shown on page _____, from another resident who did not get to sign the petition. She also submitted a letter (copy received and filed) from a certified appraiser stating the property values would be adversely affected if the request is approved. She said Missouri is the only entrance and exit to their subdivision, and they realize something is going to get built eventually. What they are asking is for the Commissioners to look at the entire project as a whole. She said they are talking about a ten-year plan and no one has asked for a small area study and they need one. She asked what's going to happen to traffic and the substandard road. This would be dumping more traffic on Orange Boulevard.

She advised that because the residents of St. Johns River Estates live outside the 300 feet, they were not properly notified, but she has been the one to keep the residents informed. She said she has all of the deeds and they show that Nikki Clayton owns all four parcels in question. There are a lot of things that are still of concern for the homeowners and they are still asking for a denial or continuance because nothing has been brought to light. The Fossitts are asking for a variance on the height of the building and they have not addressed all the concerns of the setbacks on the walls. Ms. Brown said when the Claytons purchased the property, it was agricultural and there was no contingency plan. The single-family home talked about is going to have a retention pond in the back yard. She said Missouri Avenue is the only way in and out of their neighborhood. The only ones to monitor the tenants in the warehouses would be the

homeowners. She advised that there are other parcels nearby for sale with pending commercial rezoning.

Willie Fossitt, 1500 N. Oregon Street, addressed the Board to comment about the pictures shown as they relate to code violations. He explained his business operation is handling large industrial mowers. He said the entire area with the tree, where the St. Johns Estates residents park with their children to catch the bus, will be improved with the plan on the table at this time. He said this property would be turned over to the County as part of the plans. He advised Commissioner Henley that the buildings on the property have been there for over 30 years.

Chairman McLain said he has concerns about the type of activities on the property with the buildings with Suburban Estates land use and A-1 zoning. Mr. Matthews said he does not believe those are approved A-1 zoning activities. He understood from Code Enforcement that the property was vacant with no activity going on.

Chairman McLain said he visited the site and visited with the homeowners in the area. He personally thinks the landscape plan for an office/industrial site is an improvement as far as the aesthetics of the entrance. His concerns are like those of the homeowners for the type of development and activity that will be taking place. With the information provided, he thinks it would be appropriate to continue this item and allow staff to evaluate the existing site next door and how it will be cleaned up. The biggest concern the community has is their doubts about what they will have when the new site is developed based on what they have now.

Mr. Harling answered questions about the additional sites. He said he understood that before the Fossitts were on the sites, this was a produce facility. He explained the Fossitts don't

have the 18-wheelers, but they do have tractors and storage for the mowing and agricultural pursuits.

Whereupon, Chairman McLain said he questions the agricultural use with some of the other elements. He thinks the Fossitts would need a special exception. He recommended continuing this item until the first meeting in January. In the meantime, have Mr. Fossitt and his representative work with staff to deal with the issues on the existing property. He said from the photographs, the property is not being used for agricultural purposes. If this project is going to move forward, for the community to feel comfortable with it, he thinks they have to address the deficiencies of the adjoining property.

During discussion of the continuance, Mr. Harling said he thinks January 28 would be a good time frame for the continuance. Based on the District Commissioner's recommendation, he requested a continuance to January 28, 2003, and he will meet with homeowners associations and the St. Johns Estates community and work with staff on the adjacent property. Chairman McLain stated when they come back, he would like to have some information as to the status of the property and what is going to be done for proper screening and the termination of any inappropriate activities.

Upon inquiry by Chairman McLain concerning the designation of impact fees paid for transportation in the area being used for improvements on Orange Boulevard, Don Fisher, Planning & Development Director, addressed the Board to state that would take a change in the programs already identified. He said staff could look at doing this, and it is something that has been done in the past at a substantial cost. He said it would probably cost about \$20 million to do all the improvements.

No one else spoke in support or in opposition.

Speaker Request and Written Comment Forms were received and filed.

Motion by Commissioner Van Der Weide, seconded by Commissioner Maloy, to continue to January 28, 2003, the request for a Small Scale Plan Amendment from Suburban Estates and Low Density Residential to Planned Development and Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) and approve Preliminary PCD Site Plan; as described in the proof of publication, Fossitt Business Park/Harling Locklin and Associates.

Under discussion, Chairman McLain stated the Board will not take public comments at the meeting of January 28, but will allow a spokesperson from the community to comment about their meeting and progress of this application.

Commissioner Maloy asked when this comes back that the applicant bring a sketch or rendition of the building that would show the elevation.

Districts 1, 3, 4 and 5 voted AYE.

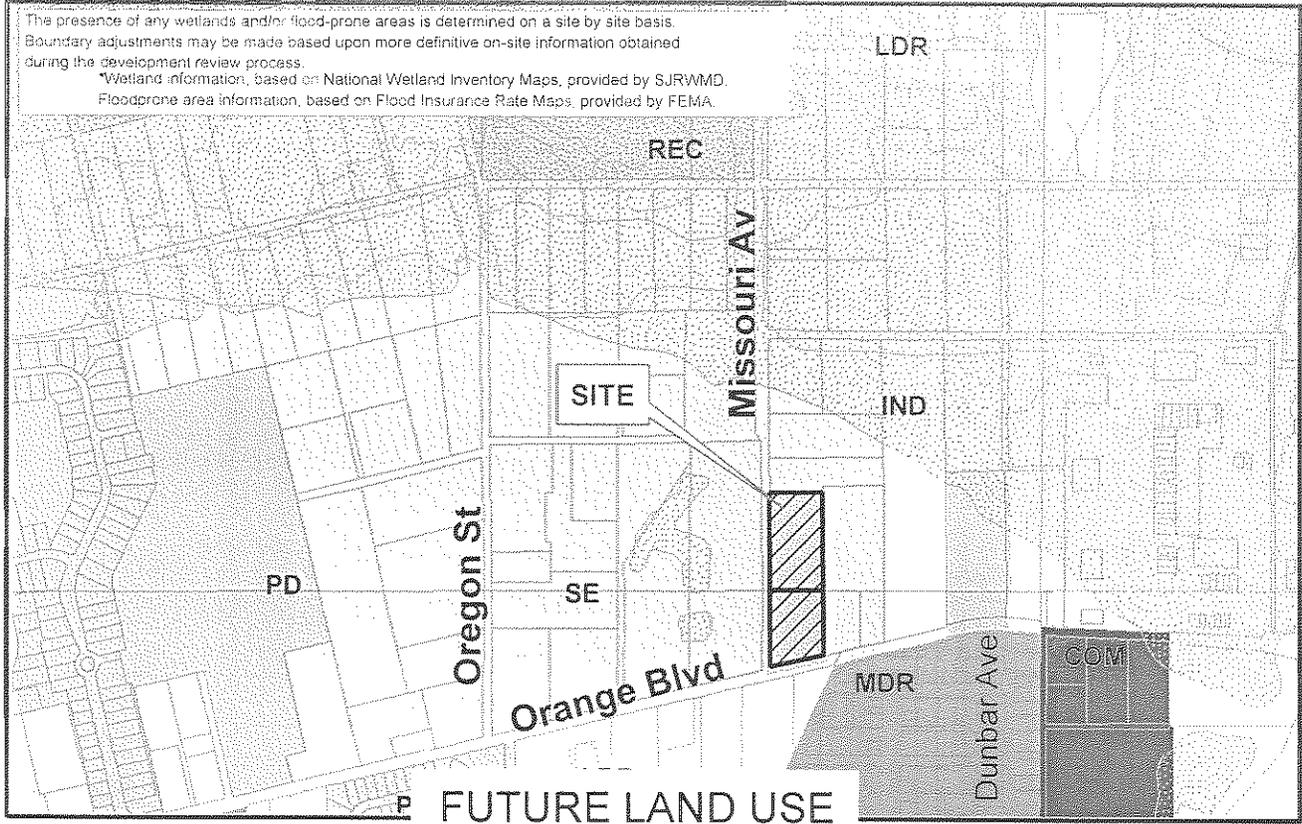
Chairman McLain recessed the meeting at this time and reconvened at 9:17 p.m. with consideration of Item #63.

Source: Seminole County Clerk's website

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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 National Wetland Inventory Maps, provided by SJRWMD.
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.

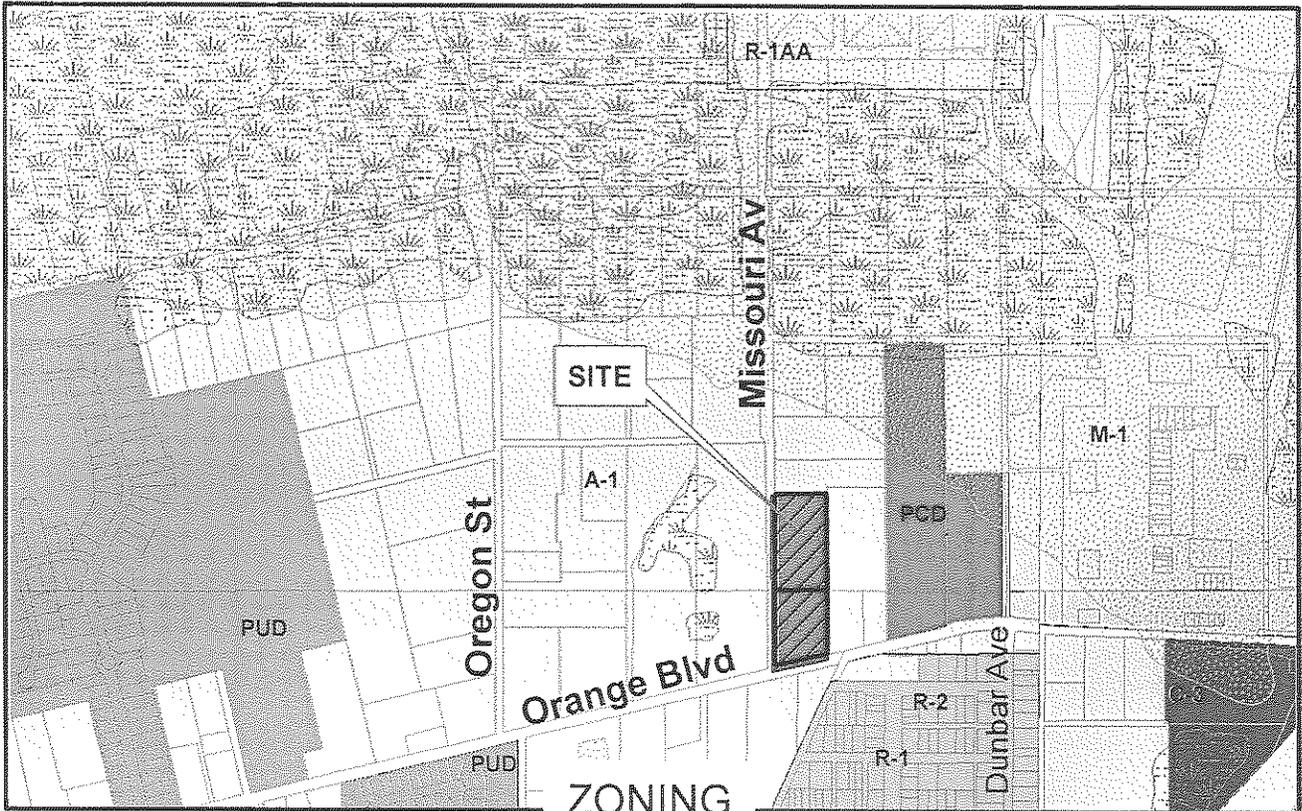


FUTURE LAND USE

- Site
- PUBC
- SE
- COM
- PD
- IND
- LDR
- REC
- CONS

Applicant: Fossitt Business Park
 Physical STR: 16-19-30-5AB-0300-0040
 Gross Acres: 4.7 +- BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2003-054	PCD	PCD



ZONING

- A-1
- R-1AA
- R-1
- R-2
- PCD
- M-1
- C-3
- FP-1
- W-1



Amendment No: --
From: -- To: --
Rezone No: Z2003-054
From: PCD To: PCD

- Parcel
- Subject Property



February 1999 Color Aerials