

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Rezone from M-1 (Industrial) to PCD (Planned Commercial Development). (William Kirtley, applicant.)

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

**AUTHORIZED BY:** Donald Fisher **CONTACT:** Jeff Hopper **EXT** 7431

<b>Agenda Date</b> <u>2/25/03</u>	<b>Regular</b> <input type="checkbox"/>	<b>Consent</b> <input type="checkbox"/>	<b>Work Session</b> <input type="checkbox"/>	<b>Briefing</b> <input type="checkbox"/>
	<b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/>	<b>Public Hearing – 7:00</b> <input type="checkbox"/>		

**MOTION/RECOMMENDATION:**

1. APPROVE the request for rezoning from M-1 (Industrial) to PCD (Planned Commercial District) on 1.70 acres 500 feet north of the intersection of CR 427 & Longwood-Lake Mary Road, west side of Longwood-Lake Mary Road, based on staff findings and the attached development order (William Kirtley, applicant); or
2. DENY the request for rezoning from M-1 (Industrial) to PCD (Planned Commercial District) on 1.70 acres 500 feet north of the intersection of CR 427 & Longwood-Lake Mary Road, west side of Longwood-Lake Mary Road, (William Kirtley, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 4 – Comm. Henley)

(Jeff Hopper, Senior Planner)

**BACKGROUND:**

The applicant, William Kirtley, requests PCD approval for 20,175 square feet of commercial floor area on a 1.70 acre site with an Industrial Future Land Use designation. As requested, the project would permit C-1, C-2 and C-3 uses.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request with the conditions listed in the attached Development Order, which includes limitations on the permitted uses.

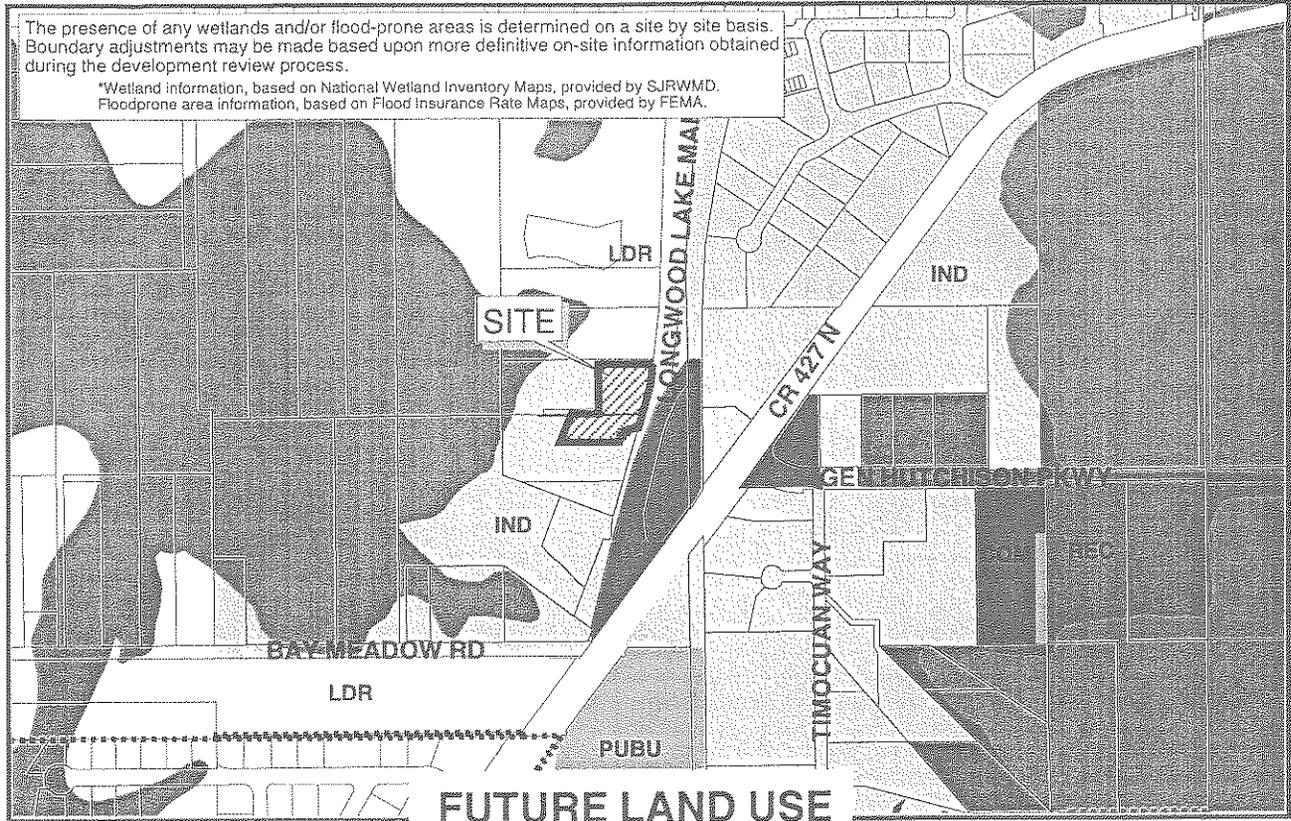
<b>Reviewed by:</b> <u>SAC</u>
<b>Co Atty:</b> _____
<b>DFS:</b> _____
<b>OTHER:</b> <u>AWJ</u>
<b>DCM:</b> <u>SS</u>
<b>CM:</b> <u>JK</u>
<b>File No.</b> <u>ph130pdp03</u>

**P & Z COMMISSION RECOMMENDATION:**

At its meeting of February 5, 2003, the Planning & Zoning Commission recommended approval per staff recommendations with the exception that parking spaces in the west parking lot may also have minimum dimensions of 9' x 18'.

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.

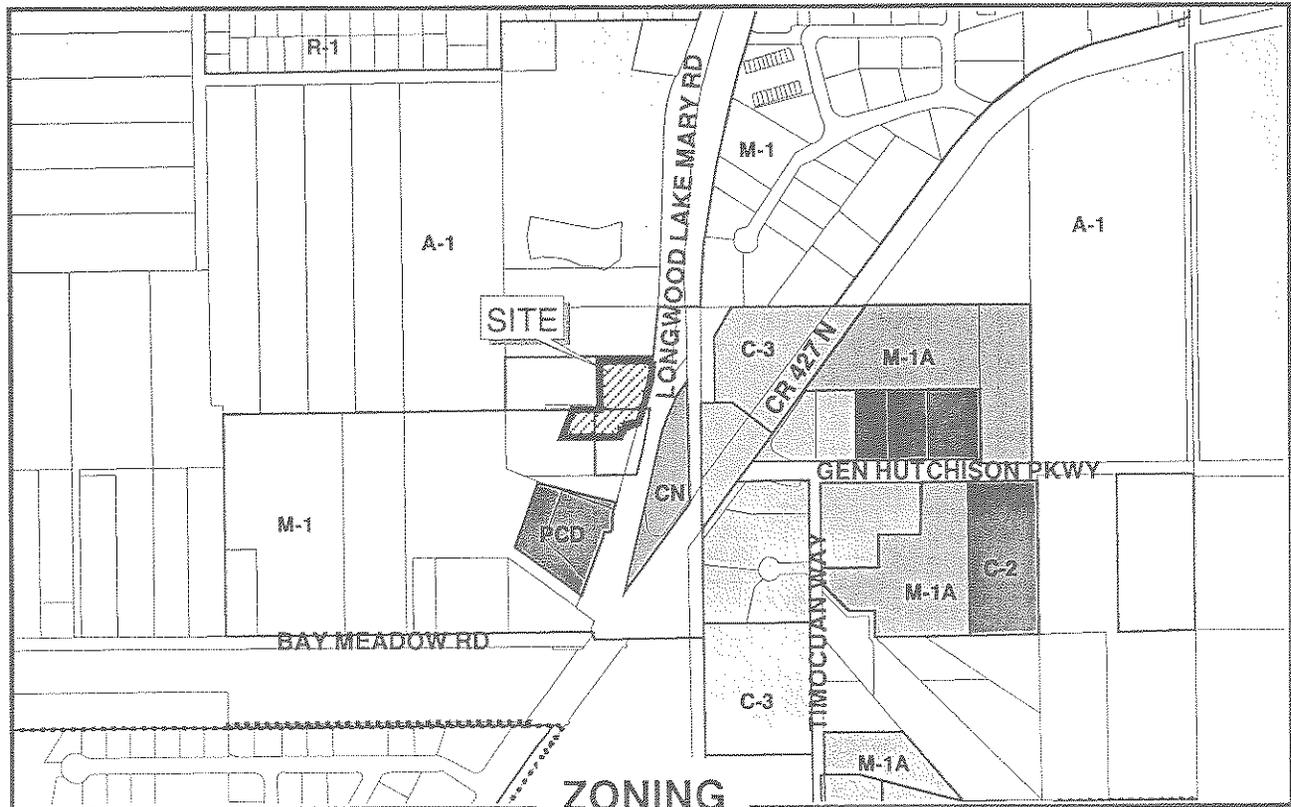


**FUTURE LAND USE**

- Site
- Municipality
- COM
- LDR
- PUBU
- REC
- CONS

Applicant: William Kirtley  
 Physical STR: 29-20-30-519-0000-0010 & 29-20-20-300-0040-0000  
 Gross Acres: 1.70 BCC District: 4  
 Existing Use: Vacant Commercial  
 Special Notes: \_\_\_\_\_

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2002-109	M-1	PCD



**ZONING**

- R-1
- A-1
- C-2
- C-3
- M-1
- M-1A
- CN
- PCD
- PLI



Rezone No. Z2002-109  
From: M-1 To: PCD

-  Subject Property
-  Parcelbase



February 1999 Color Aerials



## KIRTLEY CENTER

REQUEST INFORMATION	
APPLICANT	William Kirtley
PROPERTY OWNER	Merrill P. and Donna G. Schrimsher
REQUEST	Industrial (M-1) to Planned Commercial Development (PCD)
HEARING DATE(S)	P&Z: Feb. 5, 2003      BCC: Feb. 25, 2003
SEC/TWP/RNG	29-20-30-519-0000-0010, 29-20-30-300-0040-0000
LOCATION	500 feet north of intersection of CR 427 & Longwood-Lake Mary Road, west side of Longwood-Lake Mary Road
FUTURE LAND USE	Industrial
FILE NUMBER	Z2002-109
COMMISSION DISTRICT	District 4 (Henley)

### OVERVIEW

**Zoning Request:** The applicant is requesting PCD approval on a 1.70 acre site for a commercial development consisting of office and warehouse uses. Total proposed floor area is 20,175 square feet. The site is being cut out of two existing parcels having the same M-1 zoning and Industrial land use designation; although the site is near properties having residential zoning and land use, it does not actually adjoin them.

Existing zoning on the property could accommodate the proposed uses of the site. However, the applicant is requesting to develop as a PCD in order to obtain flexibility on certain design criteria that would apply under straight zoning. These include a required 25-foot landscape buffer adjacent to the street and the minimum 10' x 20' parking space dimensions.

Land use compatibility with adjoining property is a potential issue. The north boundary of the site is located a distance of 20 feet from property in the A-1 zoning district and Low Density Residential (LDR) future land use designation (this property is currently in use as a church). The intervening property is a driveway accessing the PODS Warehouse site, currently under construction, to the west. The applicant proposes to limit the nature of permitted uses to less than those listed in M-1 zoning.

Although the active/passive buffer requirement does not apply here, some consideration is given to the proximity of potential residential property. With a building height limit established on the plan at 35 feet, the proposed structure would be set back 15 feet from the north property line (5 feet from the north entrance drive) and 35 feet from the nearby LDR property. Elevations submitted for review indicate an actual building height of 20 feet (these will be available for review at the hearing). The applicant proposes a maximum outdoor lighting height of 16 feet.

A major design question involves parking. The site plan shows 63 spaces, a potential deficit for the project depending on the exact type(s) of use(s) to be housed within the buildings. Uses indicated on the plan include an air conditioning company, an office supply showroom, and an office unit. Shown in addition is a speculative office/warehouse facility in one of the business units. To accommodate available parking, the applicant has agreed to limit the amount of office space on the site to 13,400 square feet. The balance of 6,775 square feet would be designated for warehouse use, requiring relatively less parking. At the required parking ratios of 1 space per 250 square feet for offices and 1 per 1,000/1 per 2 employees for warehousing, the plan shows adequate parking.

Additional design issues include:

- *Open Space.* The west retention pond should be configured as a site amenity in order to provide the required 25 percent open space. This should include landscaping, picnic tables, fountains or equivalent features.
- *Parking Space Dimensions.* The required depth of a parking space is 20 feet, with exceptions being made on the basis of a valid site design consideration such as the saving of trees. The applicant has justified 9 x 18-foot spaces on the east side of the site by preserving a number of large trees along the Longwood-Lake Mary Road frontage.
- *Tree Removal/Replacement.* Under the proposed layout, site construction activities could damage or destroy a significant number of trees marked for retention on the site plan. This could reduce the number of trees retained to less than the required 25 percent. Prior to obtaining Final Master Plan approval, the applicant should provide detailed information on tree protection and replacement. An arbor permit should be obtained as part of that approval process. The applicant has configured the retention facility in the front buffer to save several existing trees along the Longwood-Lake Mary Road frontage.

**Existing Land Uses:** The existing zoning designations and land uses are as follows:

	<b>Zoning</b>	<b>Future Land Use</b>	<b>Existing Land Use</b>
<b>North</b>	M-1/A-1*	Industrial/Low Density Residential*	Driveway/Church*
<b>South</b>	M-1	Industrial	Vacant
<b>East</b>	CN	Commercial	Convenience store
<b>West</b>	M-1	Industrial	Vacant

\* 20' north of site boundary

For more detailed information regarding zoning and land use, please refer to the attached map.

## **SITE ANALYSIS**

### **Facilities and Services:**

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed zoning is consistent with the adopted future land use designation 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 Vision 2020 Plan.
3. Seminole County will provide water and sewer service to the site.
4. Information on stormwater capacity and outfall will have to be provided prior to Final Master Plan approval.

**Compliance with Environmental Regulations:** At this time there are no concerns regarding compliance with environmental regulations.

**Compatibility with surrounding development:** The proposed PCD zoning classification is compatible with the Industrial land use designation. The proposed one-story building will be located 35 feet from nearby Low Density Residential (LDR) property to the north, resulting in adequate separation between the two uses.

## **STAFF RECOMMENDATION**

Staff recommends approval of the requested PCD zoning classification per the Development Order. If approved, the development should be subject to the following conditions:

1. The development shall be limited to 13,400 square feet of office use and 6,775 square feet of warehouse use so as not to exceed a requirement of 63 parking spaces as calculated per the Land Development Code. New uses or combinations thereof which would require additional parking shall require approval of a PCD amendment by the Board of County Commissioners.
2. Buildings shall be set back at least 15 feet from the north property line.
3. Building height shall be limited to no more than 35 feet and one story.
4. All retention ponds shall be configured as site amenities per Section 30.1344. This shall be evaluated at Final Master Plan approval.
5. Outdoor lighting shall consist of cutoff-shoebox style fixtures and shall be limited to 16 feet in height and no more than 0.5 foot-candles in intensity at the property lines.

6. Parking spaces shall be a minimum of 9'x18' adjacent to areas where existing trees are to be preserved. This shall include spaces adjacent to the east buffer and those located west of the building. All other spaces shall be at least 10'x20'. Final design shall be determined at Final Master Plan.
7. All regulations shall apply unless specifically waived or altered through the Preliminary Master Plan or Development Order.
8. Delivery times shall be limited to 7 a.m. to 6 p.m.

**P & Z COMMISSION RECOMMENDATION:**

At its meeting of February 5, 2003, the Planning & Zoning Commission recommended approval per staff recommendations with the exception that parking spaces in the west parking lot may also have minimum dimensions of 9' x 18'.

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On February 25, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

**FINDINGS OF FACT**

**Property Owner:** Merrill P. and Donna G. Schrimsher

**Project Name:** KIRTLEY CENTER

**Requested Development Approval:** Rezone from M-1 (Industrial) to PCD (Planned Commercial Development)

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

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

Prepared by: JEFF HOPPER  
1101 East First Street  
Sanford, Florida 32771

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

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The development shall be limited to 13,400 square feet of office use and 6,775 square feet of warehouse use so as not to exceed a requirement of 63 parking spaces as calculated per the Land Development Code. New uses or combinations thereof which would require additional parking shall require approval of a PCD amendment by the Board of County Commissioners.
2. Buildings shall be set back at least 15 feet from the north property line.
3. Building height shall be limited to no more than 35 feet and one story.
4. All retention ponds shall be configured as site amenities per Section 30.1344. This shall be evaluated at Final Master Plan approval.
5. Outdoor lighting shall consist of cutoff-shoebox style fixtures and shall be limited to 16 feet in height and no more than 0.5 foot-candles in intensity at the property lines.
6. Parking spaces shall be a minimum of 9'x18' adjacent to areas where existing trees are to be preserved. This shall include spaces adjacent to the east buffer and those located west of the building. All other spaces shall be at least 10'x20'. Final design shall be determined at Final Master Plan.
7. All regulations shall apply unless specifically waived or altered through the Preliminary Master Plan or Development Order.
8. Delivery times shall be limited to 7 a.m. to 6 p.m.

(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.**

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman  
Board of County Commissioners

Attest:

\_\_\_\_\_  
Maryanne Morse  
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Merrill P. Schrimsher, on behalf of himself and his 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

\_\_\_\_\_  
MERRILL P. SCHRIMSCHER

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

\_\_\_\_\_  
Witness

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

STATE OF FLORIDA

COUNTY OF SEMINOLE

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

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**OWNER'S CONSENT AND COVENANT**

COMES NOW, the owner, Donna G. Schrimsher, 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

\_\_\_\_\_  
DONNA G. SCHRIMSCHER

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

\_\_\_\_\_  
Witness

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

**STATE OF FLORIDA**

**COUNTY OF SEMINOLE**

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

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**EXHIBIT A**

Lot 1, LONGWOOD LAKE MARY COMMERCE PARK, according to the plat thereof as recorded in Plat Book 61, Page 9, of the Public Records of Seminole County, Florida.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

BEGINNING at the Southeast Corner of Lot 1, LONGWOOD LAKE MARY COMMERCE PARK, according to the plat thereof as recorded in Plat Book 61, Page 9, of the Public Records of Seminole County, Florida, thence run S.89°32'21"W., along the South Line of said Lot 1, a distance of 280.55 feet to a point on the East Line of a drainage easement; thence run S.21°48'56"W., along said East Line, 118.87 feet to a point on a line 110 feet South of, when measured perpendicular to, said South Line of Lot 1; thence run N.89°32'21"E., parallel to said South Line of Lot 1, a distance of 231.44 feet to a point on a curve concave Southeasterly, having a radius of 80.00 feet and a tangent bearing of N.18°12'41"E. at said point; thence run Northeasterly, along the arc of said curve, 99.18 feet through a central angle of 71°01'59" to a point; thence run N.18°12'38"E., along the West Right-of-way Line of Longwood-Lake Mary Road, 58.70 feet to the Point of Beginning.

SUBJECT TO AN EASEMENT FOR UTILITIES DESCRIBED AS FOLLOWS:

Commencing at the Northeast Corner of Lot 1, LONGWOOD LAKE MARY COMMERCE PARK, according to the plat thereof as recorded in Plat Book 61, Page 9, of the Public Records of Seminole County, Florida, thence run S.89°32'23"W., along the North Line of said Lot 1, a distance of 229.57 feet for a POINT OF BEGINNING; thence continue S.89°32'23"W. 10.00 feet to the Northwest Corner of said Lot 1; thence run S.00°27'39"E., along the West Line of said Lot 1, 192.71 feet to a point on the South Line of said Lot 1; thence run N.89°32'21"E. 10.00 feet; thence run N.00°27'39"W. 192.71 feet to the Point of Beginning.

TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR INGRESS, EGRESS, AND UTILITIES DESCRIBED AS FOLLOWS:

Commencing at the Southeast Corner of Lot 1, LONGWOOD LAKE MARY COMMERCE PARK, according to the plat thereof as recorded in Plat Book 61, Page 9, of the Public Records of Seminole County, Florida, thence run S.89°32'21"W., along the South Line of said Lot 1, a distance of 280.55 feet to a point on the East Line of a drainage easement; thence run S.21°48'56"W., along said East Line, 118.87 feet to a point on a line 110 feet South of, when measured perpendicular to, said South Line of Lot 1; thence run N.89°32'21"E., parallel to said South Line of Lot 1, a distance of 231.44 feet for a POINT OF BEGINNING; thence run S.18°12'38"W. 15.83 feet; thence run S.89°32'21"W. 256.37 feet; thence run N.00°27'39"W. 30.00 feet; thence run N.89°32'21"E. 268.31 feet to a point on a curve concave Easterly and having a radius of 80.00 feet; thence run Southwesterly, along the arc of said curve, 16.50 feet through a central angle of 11°48'51" to the Point of Beginning.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE M-1 (INDUSTRIAL) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) 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 documents titled "Kirtley Center".

(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 M-1 (Industrial) to PCD (Planned Commercial Development):

**LEGAL DESCRIPTION ATTACHED EXHIBIT A**

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

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

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 2-22000023 in the Official Land Records of Seminole County.

ENACTED this 25th day of February, 2003.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

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