

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Bill Heard Chevrolet PCD Major Amendment and Rezone from PCD
(Planned Commercial Development District) to PCD (Planned
Commercial Development District)

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Tina Deater **EXT.** 7440

Agenda Date 4/12/05 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. Enact an ordinance to APPROVE the request for a Major Amendment to the Bill Heard Chevrolet PCD, rezone from PCD (Planned Commercial Development District) to PCD (Planned Commercial Development District) and approve Addendum #2 (outdoor sound amplification) to the Developer's Commitment Agreement, on approximately 25.0 acres, located on the north side of SR 46 between Oregon Street and Interstate 4, and authorize the Chairman to execute the aforementioned documents (Jennifer Eden, applicant); or
2. DENY the request for a Major Amendment to the Bill Heard Chevrolet PCD, rezone from PCD (Planned Commercial Development District) to PCD (Planned Commercial Development District) and deny Addendum #2 (outdoor sound amplification) Developer's Commitment Agreement, on approximately 25.0 acres, located on the north side of SR 46 between Oregon Street and Interstate 4 (Jennifer Eden, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 5 – Commissioner Carey

Tina Deater, Senior Planner

BACKGROUND:

The authorized applicant, Jennifer Eden, on behalf of Bill Heard Chevrolet Corporation, requests a Major Amendment to the Bill Heard Chevrolet Planned Commercial Development (PCD), to allow the use of outdoor sound amplification devices. The PCD Developer's Commitment

Reviewed by: KR
Co Atty: _____
DFS: _____
OTHER: _____
DCM: AS
CM: RD
File No. ph130pdp02

Agreement approved on December 14, 1999, prohibits the use of outdoor sound amplification devices.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the requested PCD Major Amendment, rezone from PCD to PCD and Addendum #2 to the Developer's Commitment Agreement.

LPA/PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Seminole County LPA/Planning and Zoning Commission met on March 2, 2003 and voted 7 to 0 to recommend DENIAL of the requested PCD Major Amendment, rezone from PCD to PCD, and Addendum #2 to the Developer's Commitment Agreement.

ATTACHMENTS:

Code Enforcement Complaint Forms
Findings of Fact, Conclusions of Law and Order from the September 23, 2004 Code Enforcement Board meeting
Proposed Development Order Addendum Ordinance
Planning and Zoning Board Minutes
FLU/Zoning Map
Aerial Map

**Bill Heard Chevrolet PCD Master Plan Major Amendment
(Rezone from PCD to PCD)**

REQUEST INFORMATION	
APPLICANT	Jennifer Eden
PROPERTY OWNER	Bill Heard Chevrolet Corporation
REQUEST	Major Amendment to the PCD Developer's Commitment Agreement to allow the use of outdoor sound amplification systems
HEARING DATE (S)	P&Z: 3/02/05 BCC: 4/12/05
PARCEL ID	29-19-30-300-0070-0000
LOCATION	Located on the north side of SR 46 between Oregon Street and Interstate 4
FUTURE LAND USE	Hip-TI and Commercial
FILE NUMBER	Z2005-012
COMMISSION DISTRICT	District 5 – Commissioner Carey

OVERVIEW:

Zoning Request: The authorized applicant Jennifer Eden, on behalf of Bill Heard Chevrolet Corporation, requests a Major Amendment to the Bill Heard Chevrolet Planned Commercial Development (PCD), to allow the use of outdoor sound amplification devices. The PCD Developer's Commitment Agreement approved on December 14, 1999, prohibits the use of outdoor sound amplification devices.

Bill Heard Chevrolet received a verbal citation from Seminole County Code Enforcement on March 1, 2004 for using an outdoor sound amplification system. Code Enforcement inspection reports indicate that the auto dealership continued using the outdoor sound amplification system, and on September 23, 2004 it was ordered by the Code Enforcement Board that the, "Respondent cease and desist the use of the outdoor sound amplification device until an amendment to the Development Order is approved. If an amendment to the Development Order is not approved, remove all outdoor amplification devices by January 7, 2005. If the Respondent fails to comply with section (2) of this Order, a fine of \$250.00 per day will be imposed for each day the violation continues or is repeated." Please see the attached Findings of Fact, Conclusions of Law and Order from the September 23, 2004 Code Enforcement Board meeting. As of the date this report was written, Bill Heard Chevrolet continued to accrue a \$250.00/day fine for continuing to use an outdoor sound amplification system. Bill Heard Chevrolet is scheduled to go before the Seminole County Code Enforcement Board again on May 19, 2005 and at that time the County is requesting issuance of an order imposing a lien to be placed upon the property due to unpaid fines.

As a result of the code enforcement action, the applicant proposes to amend the Developer's Commitment Agreement to read (strikethroughs are deletions, underlines are additions):

XII. C. Sound Amplification. ~~Outdoor speaker sound amplification systems are prohibited.~~

In compliance with Seminole County Code Sec. 165.43. Operation of outdoor sound amplification devices.

(a) Regardless of the use to which put or the zone in which played, all sounds emanating from an outdoor sound amplification device shall be limited in volume, tone and intensity so as not to create a noise disturbance.

(b) It shall be unlawful for any person to operate or use any outdoor sound amplification device for commercial purposes between the hours of 11:00 p.m. and 7:00 a.m. in any zone.

Existing Land Uses:

(North)

	SE and PD Retention Pond, Single-family Residential <i>PUD and A-1</i>	Commercial Retention Pond, Proposed NW 46 PUD (townhomes) <i>C-2 and PCD</i>	Industrial Interstate 4 <i>M-1A</i>	
(West)	HIP-TI, SE and PD Townhouses <i>M-1A</i>	COM and HIP-TI (SUBJECT PROPERTY) Auto Dealership <i>PCD</i>	IND, HIP-TI, and COM Interstate 4 <i>C-2, A-1, M-1A</i>	(East)
	HIP-TI and Office Gas Station <i>A-1 and PUD</i>	PUBC Fire Station, Retention Pond <i>A-1 and C-2</i>	Commercial Gas Station, Interstate 4 <i>C-2</i>	

(South)

***Bold** text depicts future land use designation, plain text depicts the existing use, and *italicized* text depicts zoning district. See enclosed future land use and zoning map for more details.

SITE ANALYSIS:

Facilities and Services:

The proposed PCD Major Amendment will not affect 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 Seminole County Comprehensive Plan.

Transportation / Traffic:

The proposed PCD Major Amendment will not affect the traffic generated by the existing development.

Compliance with Environmental Regulations:

The proposed PCD Major Amendment will not affect compliance with environmental regulations.

Compatibility with Surrounding Development:

Over the past year, there has been a series of complaints to Seminole County Code Enforcement from the neighborhoods to the west of the Bill Heard Chevrolet PCD. These complaints include playing music and paging for telephone calls over the outdoor sound amplification system. The Code Enforcement Reports from the Seminole County Sheriff's office are attached.

The Bill Heard Chevrolet PCD is located in an area with an increasing residential population. Phase 2 of the Dunwoody townhouses (to the west) is currently under site plan review. There is also a townhouse project proposed to the north that is currently undergoing a large scale land use amendment and rezoning. Staff's opinion is that the permanent use of outdoor sound amplification devices is not compatible with the residential nature of the surrounding properties.

Intergovernmental Notice:

In 1997, Seminole County entered into an Intergovernmental Planning Coordination Agreement with the School Board and the cities of Altamonte Springs, Casselberry, Lake Mary, Oviedo, Sanford and Winter Springs. The notice required under this agreement was sent to the City of Sanford on February 15, 2005.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the requested PCD Major Amendment, rezone from PCD to PCD and Addendum #2 to the Developer's Commitment Agreement.

LPA/PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Seminole County LPA/Planning and Zoning Commission met on March 2, 2003 and voted 7 to 0 to recommend DENIAL of the requested PCD Major Amendment, rezone from PCD to PCD, and Addendum #2 to the Developer's Commitment Agreement.

Feb 18 05 03:26p
Agency ORI: FL0590000
C.S.A.: 32

Information Services 4073332055
CODE ENFORCEMENT REPORT
Seminole County Sheriff's Office

p.2
Agency Report #: 2004CE000168
For The Public: No
Juvenile: No
Domestic Violence: No

Reported Day/Date: Tue 3/2/2004 10:13
Time Dispatched:
Time Arrived:
Time Completed:
Date Occurred From: Mon 3/1/2004 0:00
Date Occurred To: Mon 3/1/2004 0:00
Neighborhood:
Forced Entry: N/A
Occupancy: Occupied
Type of Weapon: NA
Location Type: COMMERCIAL/OFFICE
Munic:
Incident Address: 127 N OREGON SANFORD FL
Dispatch Address:
Event Number:
Offenses: 02
Victims: 00
Offenders: 00
Prem. Ent:
Arrested: 00
Drug Related:
Alcohol Related:
Call Disposition:
Signal Code:
Clearance: Open

OFFENSES SECTION

Off #	Description	Statute#	UCR	Ordinance	Attempt/Commit	Warrant #	DVR	Drug Activity
1	LAND DEV. CODE-30.1302-NOISE-PA SYSTEM TOO LOAD TO THE RESIDENTIAL AREA	88888888 88	9500	No			No	N/A
								Drug Type: N/A
2	ILLEGAL USE OF THE RIGHT OF WAY - SELLING VEHICLES	88888888 88	9500	No			No	

PERSON SECTION

SUSPECT	Name:	R/S:	DOB:	or Age:	Offense Indicator:			
	Adult/Juvenile:	SSN:	Hgt:	Wgt:	Hair:	Eyes:	DL #:	DL State:
	Person Type:							
	Address:							Phone:
	NOK:							
	NOK Address:							NOK Phone:
	Employer Address:							Bus. Phone:
	Comments:							
	Relationship:					OBTS #:		FBI #:
	State #:		Local #:			Misc Id:		Other Id:
	Arrest Address:					Booking Date:	Booking #:	Prints:
	Offense Address:					Arrest Date:		Weapon Seized:
						Jail Date:		Weapon #:

VIC/VIT	Relationship:							
	Foul Play Suspected:							
	Extent of Injuries:							
	Injury 1:							
	Injury 2:							
	FCIC/NCIC/CJIS:	Elderly/Disoriented:		Alcohol Involved:		Trespass Warning:		Court Myers Act:
	Suspicious Act.:	Career Crim. Data:		Narcotics Involved:		Court Baker Act:		Disturb. Warning:
	Loitering/Prowling:	Citation #:		Gang Member:		Gang Name:		
	Other:			Parents Notified:		Parent(s) Name:		
	Grade/Status:	School Name:						
	Comments:							
	Dental Recs Avail:	ID Type/#:		Missing Before:		Finger Prints Avail:		Photo Available:
	Date Last Seen:							MCIC Form Provided:
Location Last Seen:								

CJIS	Accompanied By:		Transportation:	
	Doctor/Dentist Name:			
	Mental/Phys. Cond.:			

MISSING	Medications Required:	
	Recovery Information:	

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Agency ORI: FL0590000
C.S.A.: 32

Information Services 4073332055
CODE ENFORCEMENT REPORT

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Agency Report #: 2004CE000168

Seminole County Sheriff's Office

For The Public: No
Juvenile: No
Domestic Violence: No

LE/BUSINESS SECTION

Name: BILL HEARD CHEVROLET

Contact: SUSAN CARUSO

Offense Indicator: J Other Id:

Phone #: 407-302-5701

Comments: EXECUTIVE ASSISTANT

Type: O4 OTHER/BUSINESS

Address: 127 N OREGON ST SANFORD FL 32771

Name: C T CORPORATION SYSTEM

Contact:

Offense Indicator: J Other Id:

Phone #:

Comments: REGISTERED AGENT FOR
BILL HEARD CHEVROLET
COPROATION-ORLANDO

Type: O4 OTHER/BUSINESS

Address: 1200 SOUTH PINE ISLAND ROAD PLANTATION FL 33324

NARRATIVES

Rpt Date: 3/2/2004 10:21 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O

On 3/01/04, I visted Bill Heard Chevrolet in reference to a complaint for the PA system being too loud and projecting into the residential area. I spoke with the Executive Assistant, Susan Caruso, and they will make attempts to turn down the volume in certain locations.

She wanted to know where the complaint came from, which I was unaware of the exact location, but I would check for her. While there, I observed numerous sign violations. This business has had an order from the Code Enforcement Board in the past for illegal signage.

I told her I was not there to cite her for the signage at this time, but did furnish her with a copy of the code showing what was prohibited in the County. Prior to and as I was leaving the site, employees were removing some of the illegal signage.

I will continue to monitor the site for the noise for a couple of weeks to see if any more complaints are received.

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this ____ day of _____, in the year _____
Leigh, Deborah 103087 Name and Employee # (Printed)	Name/Title of Person Authorized to Administer Oath: _____

Rpt Date: 3/9/2004 9:43 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O

Rode around area today, did not hear excessive audio from PA System

CASE CLOSED

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this ____ day of _____, in the year _____
Leigh, Deborah 103087 Name and Employee # (Printed)	Name/Title of Person Authorized to Administer Oath: _____

Rpt Date: 3/23/2004 16:00 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O

due to a number of additional complaints, this case has been reopened. The complaints consist of:

- 1) the amplification
- 2) vehicles parked along the right of way
- 3) balloons, inflatable advertising, and other illegal signage.

I received copies of e-mails sent to the County Commissioners, a letter from a Lake Forest residence and several phone calls.

A notice of violation was issued to Bill Heard on 3/19/04. One notice required removal of all illegal and/or, unpermitted signage and one notice was to removal the vehicles from the public road right of way.

A copy of the site plan showing property boundaries is located in D. Leigh's office for review. The 14' wide side walk and anything outside the hedge area is considered public right of way and no vehicles should be parked or displayed for sale.

Seminole County Sheriff's Office

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____, in the year _____ Name/Title of Person Authorized to Administer Oath _____
Leigh, Deborah 103087 Name and Employee # (Printed)	

Rpt Date: 4/5/2004 9:26 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O
On 4/1/04, received an additional letter from Richard Daviduke, along with pictures he had taken on the previous weekend. also received copies of e-mails that had been sent to Dist. 2 CEO Pamela Taylor.

Called DOT, re: to assist in violations of parking on right of ways.

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____, in the year _____ Name/Title of Person Authorized to Administer Oath _____
Leigh, Deborah 103087 Name and Employee # (Printed)	

Rpt Date: 4/5/2004 9:28 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O
On 4/5/04, DOT rep. Ray Wofford called, an appointment was set up for 10:00 w/Dpt. Easterly to meet at 7-11 and then go to Bill Heard.

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____, in the year _____ Name/Title of Person Authorized to Administer Oath _____
Leigh, Deborah 103087 Name and Employee # (Printed)	

Rpt Date: 4/6/2004 8:52 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O
On 4/5/04, myself along with Ray Woffard w/DOT and Dpt. Easterly met with Suzanne, one of the Managers for Bill Heard Chevrolet. Todd, the general Manager was too busy to meet with us.

Ray explained to Suzanne about the parking of the vehicles in the SR 46 right of way being a misdemeanor and could be a max of \$500.00 and 1 year in jail and that each vehicle constitutes a separate offence. Also, that the SCSO has been mandated to enforce these regulations.

She was also reminded of the sign regulations with the large balloon approx. 100' up being a violation.

The case will remain open w/continued monitoring.

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____, in the year _____ Name/Title of Person Authorized to Administer Oath _____
Leigh, Deborah 103087 Name and Employee # (Printed)	

Rpt Date: 4/27/2004 9:40 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O
On 4/20/04, I met with a residence of Barrington Club, who had taken pictures of the events at Bill Heard Chevrolet over a couple of different weekends.

On 4/26/04, Mr. Daviduke left a voice mail message that Bill Heard had vehicles, along with Hooter girls along the road right of way this past weekend of 4/24-25/04.

A final notice will be sent to Bill Heard Chevrolet and their registered agent.

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____, in the year _____ Name/Title of Person Authorized to Administer Oath _____
Leigh, Deborah 103087 Name and Employee # (Printed)	

Rpt Date: 8/2/2004 8:18 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O
see CAFE Report 2004AP0001667 - area patrol for outside amplification.

Case being turned over to CEB.

Feb 18 05 03:27p

Information Services

4073332055

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Agency ORI: FL0590000

C.S.A.: 32

CODE ENFORCEMENT REPORT

Seminole County Sheriff's Office

For The Public: No
Juvenile: No
Domestic Violence: No

Agency Report #: 2004CE000168

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____, in the year _____
Leigh, Deborah 103087 Name and Employee # (Printed)	Name/Title of Person Authorized to Administer Oath: _____

Rpt Date: 8/5/2004 16:25 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O
Based on the number of complaints still being received, this case has been turned over to the Code Enforcement Board for the August 26, 2004 1:30, hearing.

This information may be given to anyone interested in attending and testifying on behalf of the Sheriff's Office. They may contact CEO Deborah Leigh at 407-333-8208.

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____, in the year _____
Leigh, Deborah 103087 Name and Employee # (Printed)	Name/Title of Person Authorized to Administer Oath: _____

ADMINISTRATIVE SECTION

Was Crime Scene Processed: No Processed By:

Officer Reporting: 103087 Leigh, Deborah Officer Shift: E Division: DIST3 Unit: P3060 Date: 3/2/2004

Reviewed By: 188004 CLELLAND, MARY ANN Review Date: 03/02/2004 Routed To:

Assigned To: 103087 Leigh, Deborah Assigned Date: 3/2/2004 Assigned Dept: DIST3

Clearance: Open Clearance Date: Referred To:

Comments:

Feb 18 05 03:27p
Agency ORI: FL0590000
CSA: 32

Information Services 4073332055
AREA PATROL REPORT
Seminole County Sheriff's Office

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Agency Report #: 2004AP001667
For The Public: Yes
Juvenile: No
Domestic Violence: No

Reported Day/Date: Mon 7/26/2004 11:18
Time Dispatched: Time Arrived: Time Completed: Date Occurred From: Mon 9/20/2004 0:00 Date Occurred To: Thu 9/23/2004 0:00
Neighborhood: Forced Entry: N/A Occupancy: N/A Type of Weapon: NA Location Type: COMMERCIAL/OFFICE Muni:
Incident Address: 125 OREGON STREET NORTH SANFORD FL 32771 Dispatch Address: Event Number:
Offenses: 01 # Victims: 00 # Offenders: 00 # Prem. Ent: 00 # Arrested: 00 Drug Related: N Alcohol Related: N Call Disposition: Signal Code: Clearance: Inactive

OFFENSES SECTION

Off #	Description	Statute#	UCR	Ordinance	Attempt/Commit	Warrant #	DVR	Drug Activity
I	AREA PATROL EXP. 08/02/04	7777777 777	9000	No	C		No	

PERSON SECTION

MISSING VIC/WIT ARRESTEE SUSPECT

Name:	R/S:	DOB	or Age:	Offense Indicator:			
Adult/Juvenile:	SSN:	Hgt:	Wgt:	Hair:	Eyes:	DL #:	DL State:
Person Type:							
Address:							Phone:
NOK:							NOK Phone:
NOK Address:							Bus. Phone:
Employer Address:							
Comments:							
Relationship:				OBTS #:		FBI #:	
State #:	Local #:			Misc Id:		Other Id:	
Arrest Address:				Booking Date:		Booking #:	Prints:
Offense Address:				Arrest Date:		Weapon Seized:	
				Jail Date:		Weapon #:	
Relationship:							
Foul Play Suspected:							
Extent of Injuries:							
Injury 1:							
Injury 2:							
PCIC/NCIC/CJIS:	Elderly/Disoriented:	Alcohol Involved:	Trespass Warning:	Court Myers Act:			
Suspicious Act.:	Career Crim. Data:	Narcotics Involved:	Court Baker Act:	Disturb. Warning:			
Loitering/Prowling:	Citation #:	Gang Member:	Gang Name:				
Other:		Parents Notified:	Parent(s) Name:				
Grade/Status:	School Name:						
Comments:							
Dental Recs Avail:	ID Type/#:	Missing Before:	Finger Prints Avail:	Photo Available:			
Date Last Seen:				MCIC Form Provided:			
Location Last Seen:							
Accompanied By:		Transportation:					
Doctor/Dentist Name:							
Mental/Phys. Cond.:							
Medications Required:							
Recovery Information:							

NARRATIVES

Agency ORI: FL0590000

C.S.A.: 32

AREA PATROL REPORT

Seminole County Sheriff's Office

For The Public: Yes
Juvenile: No
Domestic Violence: No

Agency Report #: 2004AP001667

Rpt Date: 7/26/2004 11:20 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O
Bill Heard Chevrolet - no outside application system allowed.
Cited by Code Enforcement - letter dated May 7, 2004 from Director of Customer Relations, Edward Weatherford, states the outside amplification device has been removed and further use discontinued.

Complaints received July 21, 2004 and July 26, 2004. Neighbors across from the Bill Heard Chevrolet dealership have reported very loud music being played over the PA system very late at night through the early morning hours.

The complainant advised this past weekend was on 24 hours.

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____ in the year _____ Name/Title of Person Authorized to Administer Oath _____
Leigh, Deborah 103087 Name and Employee # (Printed)	

Rpt Date: 7/27/2004 2:39 Reporter: 394044 GUERRA, JOE Clearance: 0 Open Narr. Type: S
At 0240 hours, I stopped across the street from Bill Heard Chevrolet and could hear the music playing over the loud speaker. I could hear the music all the way to the new condominiums being built.

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____ in the year _____ Name/Title of Person Authorized to Administer Oath _____
GUERRA, JOE 394044 Name and Employee # (Printed)	

Rpt Date: 7/27/2004 14:44 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O
Parked across the street from Bill Heard Chevrolet, heard no music, however, heard several pages for telephone calls.

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____ in the year _____ Name/Title of Person Authorized to Administer Oath _____
Leigh, Deborah 103087 Name and Employee # (Printed)	

Rpt Date: 7/28/2004 0:52 Reporter: 394044 GUERRA, JOE Clearance: 0 Open Narr. Type: S
I parked at the condominiums and could still hear the music coming from Bill Heard Chevrolet.

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____ in the year _____ Name/Title of Person Authorized to Administer Oath _____
GUERRA, JOE 394044 Name and Employee # (Printed)	

Rpt Date: 7/30/2004 8:07 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O
On 7/30/04, I parked across the street at the entrant to the apartments, and could faintly hear the music from Bill Heard.

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____ in the year _____ Name/Title of Person Authorized to Administer Oath _____
Leigh, Deborah 103087 Name and Employee # (Printed)	

Rpt Date: 8/2/2004 8:08 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O
On 8/1/04 I received an email from Sgt. Cox, he had received a noise complaint by phone in reference to the music playing over the speakers during the night.

Case will be filed for the next CEB Hearing.

Email attached:
Deborah,

Agency ORI: FL0590000

C.S.A. 32

AREA PATROL REPORT
Seminole County Sheriff's Office

For The Public: Yes
Juvenile: No
Domestic Violence: No

Agency Report #: 2004AP001667

On August 1 at 1:15 p.m. I received a noise complaint via phone from Noel at Pulte Homes regarding the loud speaker at Bill Heard. She said that several new residents at the Pulte development (across the street from Bill Heard) have complained to her about the on going music playing over the loud speakers at night. According to Area Patrol AP1667, several violations have occurred. Noel also said that one of the residents went over to Bill Heard and spoke with a manager who said they were there first. I have no idea who this manager is. I told Noel you were aware of the problem and was working on same. She ask that you call her at 407-324-1535 between 1000 am and 6 pm to discuss this issue.

Thanks in advance for your assistance regarding this matter.

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this ____ day of _____, in the year _____.
	Name/Title of Person Authorized to Administer Oath _____
Leigh, Deborah 103087 Name and Employee # (Printed)	

Rpt Date: 8/5/2004 16:22 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O
Based on the number of complaints still being received, this case has been turned over to the Code Enforcement Board for the August 26, 2004 1:30, hearing.

This information may be given to anyone interested in attending and testifying on behalf of the Sheriff's Office. They may contact CEO Deborah Leigh at 407-333-8208.

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this ____ day of _____, in the year _____.
	Name/Title of Person Authorized to Administer Oath _____
Leigh, Deborah 103087 Name and Employee # (Printed)	

Rpt Date: 9/20/2004 9:59 Reporter: 103087 Leigh, Deborah Clearance: 0 Open Narr. Type: O
Bill Heard's Code Enforcement case was continued to the September 23, 2004 hearing, which is this Thursday, therefore, I am requesting an area patrol for Monday, Tuesday and Wednesday nights to determine if any outside amplification is being used.

Thank you

I swear/affirm the above statements are true and correct. Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this ____ day of _____, in the year _____.
	Name/Title of Person Authorized to Administer Oath _____
Leigh, Deborah 103087 Name and Employee # (Printed)	

ADMINISTRATIVE SECTION

Was Crime Scene Processed: No	Processed By:	Officer Shift: E	Division: DIST3	Unit: P3060	Date: 7/26/2004
Officer Reporting: 103087 Leigh, Deborah		Review Date: 07/26/2004		Routed To: DIST3	
Reviewed By: 185009 COX, ROBERT EARL		Assigned Date:		Assigned Dept: DIST3	
Assigned To:		Clearance Date:		Referred To:	
Clearance: Inactive					
Comments:					

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political
subdivision of the State of Florida,

CASE NO. 04-61-CEB

Petitioner,
vs.

BILL HEARD CHEVROLET CORP.,
CT CORPORATION SYSTEM,
REGISTERED AGENT
PARCEL I.D. # 29-19-30-300-0070-0000

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 05470 PGS 1221-1222
CLERK'S # 2004152926
RECORDED 10/04/2004 02:24:15 PM
RECORDING FEES 18.50
RECORDED BY J Eckenroth

Respondents
_____ /

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 04-61-CEB, it is determined that the Respondent is:

- (a) the owner of record of the property (Tax Parcel ID # 29-19-30-300-0070-0000) located at 125-127 N Oregon, Sanford, located in Seminole County and legally described as follows:
SEC 29 TWP 19S RGE 30E BEG 25 FT E OF N ¼ COR RUN
N 528.13 FT E 1060.93 FT TO W R/W I-4
SLY ALONG WLY R/W I-4 TO N LI A/15A DESC IN ORB 2038
PG 250 S 76 DEG 58 MIN 8 SEC W 165 (M) FT S TO NLY R/W
SR 46 W TO ELY R/W WAYSIDE DR NLY ALONG ELY R/W TO
BEG
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Land Development Code Section 30.466 as provided for in Section 1.4 Penalties, Final Site Plan Approval; Section 30.1245, Prohibited Signs.

It is hereby ordered that the Respondent is:

(1) In compliance with Section 30.1245 (Prohibited Signage) as of this date (September 23, 2004); however, if this violation is repeated, a fine of \$250.00 per day will be imposed for each day the violation is repeat after September 23, 2004 and;

(2) In violation of having an outdoor amplification device as stated in Section 30.446 as provided for in Section 1.4 Penalties, Final Site Plan Approval, which includes the approved Development Order # 00-0004.

It is further ordered that the Respondent cease and desist the use of the outdoor amplification device until an amendment to the Development Order is approved. If an amendment to the Development Order is not approved, remove all outdoor amplification devices by January 7, 2005. If the Respondent fails to comply with section (2) of this Order, a fine of \$250.00 per day will be imposed for each day the violation continues or is repeated.

The Respondent is further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondent.

DONE AND ORDERED this 23rd day of September, 2004, in Seminole County, Florida.

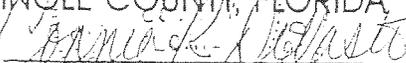
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA



TOM HAGOOD, CHAIR

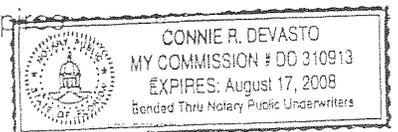
STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 23rd day of September, 2004, by Tom Hagood, who is personally known to me.

CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA
By: 
Date: 4-30-04



Connie R. DeVasto
Notary Public to and for the
County and State aforementioned.
My Commission Expires



Bill Heard Chevrolet Planned Commercial Development
Addendum #2

The Bill Heard Chevrolet Planned Commercial Development Commitments, Classification, and District Description, dated December 14, 1999, as amended, is hereby further amended as follows (underlines are additions, strikethroughs are deletions):

XII. C. Sound Amplification. ~~Outdoor speaker sound amplification systems are prohibited.~~

In compliance with Seminole County Code Sec. 165.43. Operation of outdoor sound amplification devices.

(a) Regardless of the use to which put or the zone in which played, all sounds emanating from an outdoor sound amplification device shall be limited in volume, tone and intensity so as not to create a noise disturbance.

(b) It shall be unlawful for any person to operate or use any outdoor sound amplification device for commercial purposes between the hours of 11:00 p.m. and 7:00 a.m. in any zone.

SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS

By: _____
Carlton Henley, Chairman

ATTEST:

Mary Anne Morse
Clerk to the Board of County Commissioners

Bill Heard Chevrolet Planned Commercial Development
Addendum #2

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Bill Heard Chevrolet Corporation, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

William T. Heard, President of Bill Heard Chevrolet Corporation

Print Name

Witness

Print Name

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by William T. Heard, the President of the Bill Heard Chevrolet Corporation on behalf of the corporation who is personally known to me or has produced _____ as identification and did take an oath.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM PCD (PLANNED COMMERCIAL DEVELOPMENT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; 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, "Bill Heard Chevrolet PCD Major Amendment"

(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 PCD to PCD:

SEC 29 TWP 19S RGE 30E BEG 25 FT E OF N 1/4 COR RUN N 528.13 FT E 1060.93 FT TO W R/W I-4 SLY ALONG WLY R/W I-4 TO N LI A/15A DESC IN ORB 2038 PG 250 S 76 DEG 58 MIN 8 SEC W 165 (M) FT S TO NLY R/W SR 46 W TO ELY R/W WAYSIDE DR NLY ALONG ELY R/W TO BEG

Section 3. 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 4. 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. This Ordinance shall become effective upon filing this order by the Department and recording of the Bill Heard Chevrolet Planned Commercial Development Addendum #2 in the official land records of Seminole County.

ENACTED this 12th day of April, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley, Chairman

MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION

WEDNESDAY, MARCH 2, 2005

Members present: Matt Brown, Richard Harris, Beth Hattaway, Chris Dorworth, Ben Tucker, Walt Eismann, and Dudley Bates.

Also present: Tony Walter, Assistant Planning Manager; Dan Matthys, Director of Planning and Development; Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Cynthia Sweet, Planner; Rebecca Hammock, Principal Planner; Denny Gibbs, Planner; Michael Rumer, Planner; Tom Radzai, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

F. Bill Heard Chevrolet PCD Major Amendment; Jennifer Eden, Applicant; Major Amendment to the Bill Heard Chevrolet PCD (rezone from PCD (Planned Commercial Development District) to PCD (Planned Commercial Development District) on approximately 25.0 acres, generally located on the north side of SR 46 between Oregon Street and Interstate 4. (Z2005-012)

Commissioner Carey – District 5
Tina Deater, Senior Planner

Tina Deater introduced the Bill Heard Chevrolet PCD Major Amendment and approval of Addendum #2 to the Bill Heard Chevrolet Planned Commercial Development Developer's Commitment Agreement. The subject property contains approximately 25.0 acres, and is generally located on the north side of SR 46 between Oregon Street and Interstate 4.

The applicant requests a Major Amendment to the Bill Heard Chevrolet Planned Commercial Development (PCD), in order to allow the use of outdoor sound amplification devices. Currently the PCD Developer's Commitment Agreement that was approved on December 14, 1999, prohibits the use of outdoor sound amplification devices.

Bill Heard Chevrolet was given a verbal citation by Seminole County Code Enforcement on March 1, 2004 for using an outdoor sound amplification system. Code Enforcement inspection reports indicate that the auto dealership continued using the outdoor sound amplification system, and on September 23, 2004 it was ordered by the Code Enforcement Board that the, "Respondent cease and desist

the use of the outdoor sound amplification device until an amendment to the Development Order is approved. If an amendment to the Development Order is not approved, remove all outdoor amplification devices by January 7, 2005. If the Respondent fails to comply with section (2) of this Order, a fine of \$250.00 per day will be imposed for each day the violation continues or is repeated.” As of the date of the writing of this report, Bill Heard Chevrolet is still accruing a \$250.00 a day fine for continuing to use an outdoor sound amplification system. Bill Heard Chevrolet was scheduled to go before the Seminole County Code Enforcement Board again on February 24, 2005 and the County was requesting issuance of an order imposing a \$11,500.00 lien be placed upon the property due to unpaid fines. This item was withdrawn from that agenda by the Code Enforcement Officer because of a possible conflict of interest by two board members and will be rescheduled on a future agenda. As a result of the code enforcement action, the applicant proposes to amend the Developer’s Commitment Agreement as shown in the draft Addendum #2 in the agenda package. Staff’s analysis of the request has determined that the Bill Heard Chevrolet PCD is located in an area with an increasing residential population. There is a second phase of the Dunwoody townhouses to the west currently under site plan review. There is also a townhouse project proposed to the north that is currently undergoing a large scale land use amendment and rezoning. Staff’s opinion is that the permanent use of outdoor sound amplification devices is not compatible with the residential nature of the surrounding properties. Therefore, staff recommends denial of the proposed PCD amendment and the proposed Addendum #2 to the Bill Heard Chevrolet Planned Commercial Development Developer’s Commitment Agreement.

Jennifer Eden spoke on behalf of Bill Heard Chevrolet. She stated that the dealership had been cited in March of 2004 for use of the outdoor amplification system. The system was deactivated on August 14, 2004. This dealership covers a large area. The Land Development Code says that no outdoor amplification of sound is allowed after 11 P. M. She would like to have use of the system from 10 A.M. to 5 P.M. She wanted to know if there were any parameters in which the outdoor use of sound would be allowed during regular business hours.

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

Tina Demostene of Glatting Jackson (33 E. Pine St., Orlando, Fl) represented Pulte Homes. She stated that she agreed with staff recommendation for the denial of the request to allow sound amplification. She represents the homeowners association and has received many complaints concerning the sound coming from the car dealership. When the PCD was approved it was approved with no outdoor amplification. That should remain.

Commissioner Tucker asked if Glatting/Jackson had represented the Cadillac dealership in their application.

Ms. Demostene stated that Shutts and Bowen had handled that application.

Commissioner Brown asked Ms. Eden why the dealership wanted outdoor amplification of sound.

Ms. Eden stated that the site was large and had 4 buildings.

Commissioner Brown asked if they had tried text messaging and use of e-mail, and other technologies.

Commissioner Hattaway observed that the Code violations had been for loud music.

Ms. Eden stated they had tried other technologies and had found them cumbersome. She stated that there had been no citations since August 5. The sound was music which had been played by an employee on a weekend. That was an extraordinary event. She would like sound in the future to be used only for business purposes. In the past, some such uses have been allowed.

Commissioner Tucker asked about the decibel level to be used. Had any sound studies been done?

Ms. Eden stated that the Code says it must be of a reasonable level. She did not know the decibel level. She had checked previous applications of other dealerships and some had been allowed to have outdoor sound. She did not see any decibel level in the Code.

Ms. Deater said that there was no actual decibel level in the Code. The Code stated that the definition of a noise disturbance is on that may be 1) harmful or injurious to the health, safety, or welfare of any individual, or 2) unreasonably interferes with enjoyment of life, quiet, comfort, or outdoor recreation of an individual of ordinary sensitivity and habits or 3) endangers or injures one's real or personal property.

Commissioner Brown noted that there is such a thing as a special event permit for one time events with sound.

Ms. Deater agreed and stated that such applications were approved by the Board of County Commissioners.

Commissioner Tucker noted that he had used a sound meter at another car dealership and had noted a 100 decibel level of sound.

Ms. Eden stated that the Heard dealership sound system can be calibrated.

Commissioner Tucker noted that a factory has a decibel level of 80, for an orchestra, a level of 90. This dealership is within a quarter mile of homes. Sound was an issue with the application for amplified sound at a restaurant next to BJ's Wholesale Club. He cannot vote to approve this.

Commissioner Harris stated that the owner had signed an agreement which included the specific exclusion of use of sound. The owner then invested in a sound system, in violation of the agreement. The money could have been spent on a paging system, which would not disturb the neighbors.

Commissioner Harris made a motion to recommend denial of the request.

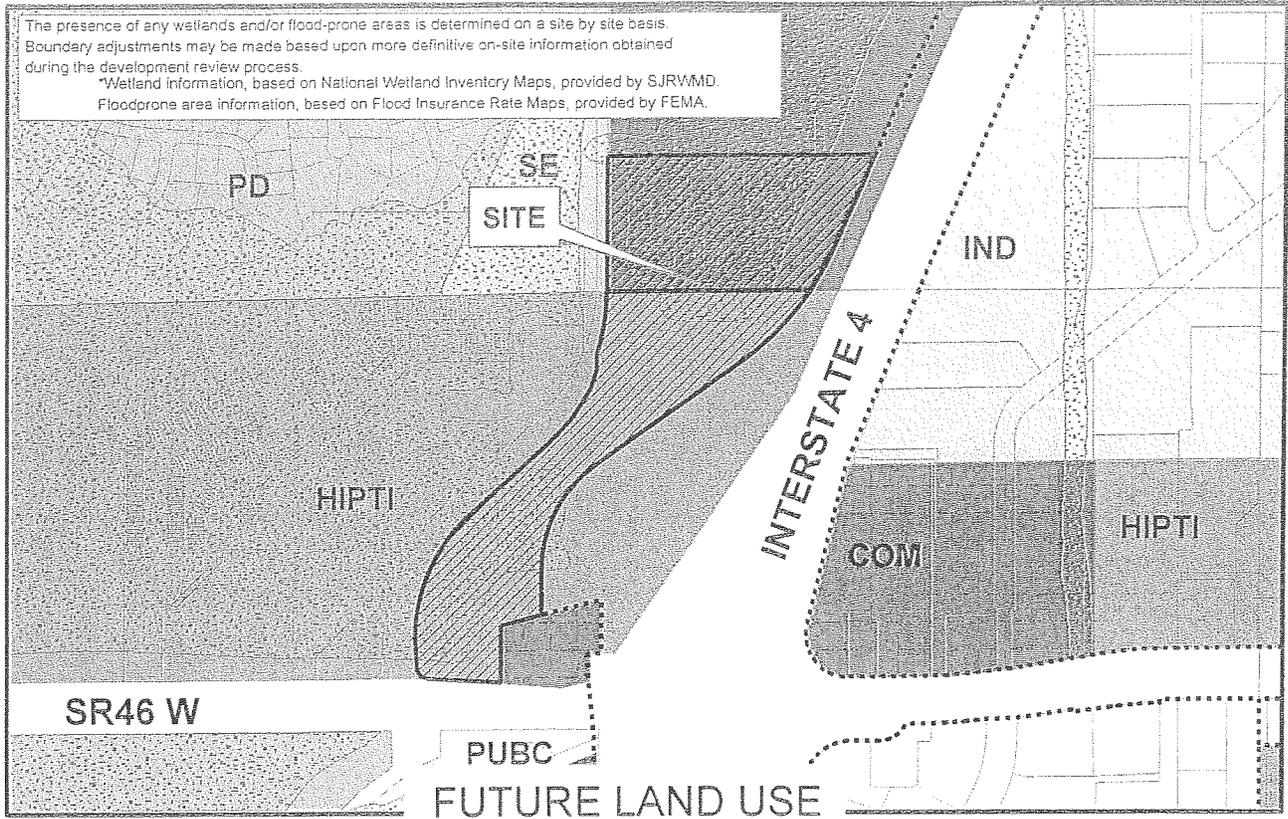
Commissioner Brown seconded the motion. He stated that there is no reason to have this with the technology available today.

The motion to deny passed unanimously (7 – 0).

Respectfully submitted,

Candace Lindlaw-Hudson

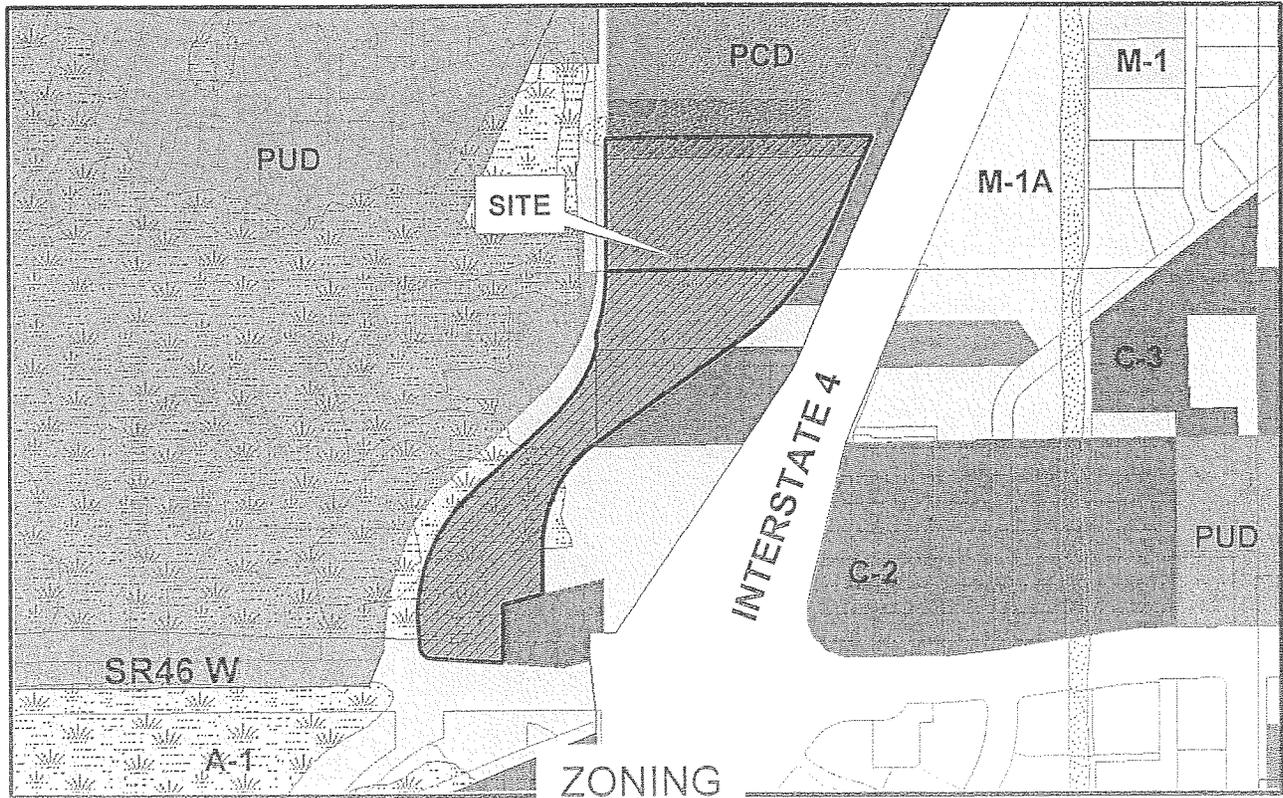
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 Municipality
 SE
 PD
 COM
 PUBC
 HIPTI
 CONS

Applicant: Bill Heard Chevrolet Corp
 Physical STR: 29-19-30-300-0070-0000
 Gross Acres: 24.83 +/- BCC District: 5
 Existing Use: Auto Sales and Service
 Special Notes: None

	Amend/Rezzone#	From	To
FLU	--	--	--
Zoning	Z2005-012	--	--



A-1
 M-1
 M-1A
 C-2
 C-3
 PCD
 PUD
 FP-1
 W-1



-  Parcel
-  Subject Property



January 2004 Color Aerials

