

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Magnolia Corporate Center Rezone from R-1 (Single-family Dwelling) District to PCD (Planned Commercial Development) District

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Tina Williamson **EXT.** 7353

Agenda Date <u>5/23/06</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input checked="" type="checkbox"/>	Public Hearing – 7:00 <input type="checkbox"/>		

MOTION/RECOMMENDATION:

- APPROVE** a request and enact an ordinance for a rezone on 4.89 ± acres, located at 2542 W. SR 426, from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development), subject to the attached Preliminary Site Plan and Development Order, and authorize the Chairman to execute the aforementioned documents, based on staff findings (Jack Reynolds/American Civil Engineering Co., applicant); or
- DENY** a request to rezone 4.89 ± acres, located at 2542 W. SR 426, from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development) (Jack Reynolds/American Civil Engineering Co., applicant); or
- CONTINUE** the item to a time and date certain.

District 1 – Comm. Dallari

Tina Williamson, Principal Coordinator

BACKGROUND:

The applicant is requesting a rezone from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development), in order to develop a mixture of office and retail uses on the subject property. The Future Land Use designation on the subject property is Industrial, which is consistent with the requested zoning district.

The proposed Preliminary Site Plan indicates that the project will be built in two phases. Phase I will contain a total of 60,000 square feet of building area and Phase II will contain 4,500 square feet of building area.

Reviewed by:	<u>KFT</u>
Co Atty:	<u> </u>
DFS:	<u> </u>
OTHER:	<u> </u>
DCM:	<u> </u>
CM:	<u> </u>
File No.	<u>ph130pdp01</u>

The proposed uses for the project are all uses in the OP (Office) district, all uses in the CN (Restricted Neighborhood Commercial) district and banks and restaurants (not drive-in).

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request and enacting an ordinance for a rezone on 4.89 ± acres, located at 2542 W. SR 426, from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development), subject to the attached Preliminary Site Plan and Development Order.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on April 5, 2006 and voted 7 to 0 to recommend APPROVAL of a request to rezone 4.89 ± acres, located at 2542 W. SR 426, from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development), subject to the attached Preliminary Site Plan and Development Order.

Attachments:

Location Map
FLU/Zoning Map
Aerial Photo
Preliminary Site Plan
Development Order
Rezone Ordinance
4/5/06 P&Z Minutes

Magnolia Corporate Center

Rezone from R-1 to PCD

APPLICANT	Jack Reynolds/American Civil Engineering Co.	
PROPERTY OWNER	Sucil Ramsammy	
REQUEST	Rezone from R-1 (Single-family Dwelling) to PCD (Planned Commercial Development)	
PROPERTY SIZE	4.89 ± acres	
HEARING DATE (S)	P&Z: April 5, 2006	BCC: May 23, 2006
PARCEL ID	29-21-31-502-0000-0510 and 29-21-31-502-0000-003A	
LOCATION	2542 W. SR 426	
FUTURE LAND USE	Industrial	
ZONING	R-1 (Single-Family Dwelling) district	
FILE NUMBER	Z2005-075	
COMMISSION DISTRICT	#1 – Dallari	

PROPOSED DEVELOPMENT:

The applicant is proposing to develop 64,500 square feet of office and retail uses in two phases on a 4.89 ± acre site. Phase I will contain a total of 60,000 square feet of building area and Phase II will contain 4,500 square feet of building area. The proposed uses for the project are all uses in the OP (Office District), all uses in the CN (Restricted Neighborhood Commercial District) and banks and restaurants (not drive-in). All other special exception uses in the OP and CN districts shall remain special exception uses.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of R-1 (Single-Family Dwelling) and the requested PCD (Planned Commercial Development) district:

DISTRICT REGULATIONS	Existing Zoning (R-1)	Proposed Zoning (PCD)
Minimum Lot Size	8,400 square feet	N/A
Minimum House Size	700 square feet	N/A
Minimum Width at Building Line	70 feet	N/A
Front Yard Setback	25 feet	25 feet
Side Yard Setback	7.5 feet	7.5 feet
(Street) Side Yard Setback	25 feet	N/A
Rear Yard Setback	30 feet	10 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

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

Zoning District	R-1 (existing)	PCD (proposed)
Permitted Uses	Any use permitted in the R-1A Single-Family Dwelling zoning classification, including the customary accessory uses, Home occupations and home offices, Community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents	Allowable uses shall be those permitted in the OP (Office) district (such as general office uses, churches and daycares), CN (Restricted Neighborhood Commercial) district (such as florists, confectioners, hobby shops, clothing stores) and banks and restaurants (not drive-in).
Special Exception Uses	Any special exception permitted in the R-1A zoning classification, Day nurseries or kindergartens, Guest or tourist homes when located on state or federal highways, Off-street parking facilities, Assisted living facilities and community residential homes housing 7-14 permanent unrelated residents (including group homes and foster care facilities) provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area as defined in Section 419.001(3)(c), Florida Statutes (2001), Communication towers, Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the Planning Manager.	All other special exception uses in the OP (such as hospitals, nursing homes and funeral homes) and CN (such as communication towers) districts shall remain special exception uses.
Minimum Lot Size	8,400 Square Feet	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES

The proposed rezone to PCD is compatible with the surrounding area because the subject property has an Industrial Future Land Use designation and is located along a section of SR 426 that is transitioning to commercial and industrial uses.

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

	(North)			
	Industrial Vacant <i>R-1/A-1</i>	Industrial Vacant Commercial <i>A-1</i>	Industrial Vacant Office/Commercial <i>C-1</i>	
(West)	Industrial Single- Family <i>A-1/C-3</i>	Industrial Vacant <i>R-1</i>	Commercial/MDR/Office SR 426/Church/Single- Family <i>CN/R-1</i>	(East)
	Industrial Retention Pond <i>A-1/M-1A</i>	Commercial/MDR SR 426/Vacant <i>A-1/C-2/M-1A</i>	Commercial/MDR SR 426 Vacant/Commercial/Single- Family <i>C-2/R-1</i>	
	(South)			

Example:

<p>Future Land Use Existing Use (Existing average house size and/or lot size) <i>Zoning</i></p>
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- **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FEMA map #565 Oviedo, there appears to be no floodplains on the subject property.

Wetland Impacts:

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

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there are no endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

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

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

Public Facility	Existing Zoning (R-1)	Proposed Development*	Net Impact
Water (GPD)	6,650	22,575	15,925
Sewer (GPD)	5,700	16,931	11,231
Traffic (ADT)	182	670	488
Schools			
Elementary	5	N/A	(5)
Middle	2	N/A	(2)
High	2	N/A	(2)

* Proposed Development is based on the proposed project consisting of 64,500 square feet of office and retail uses.

Utilities:

The site is located in the Seminole County utility service area, and will be required to connect to public utilities. There is a 16-inch water main on the west side of SR 426 and an 8-inch force main on the south side of Mikler Road. The subject property is in the ten year master plan for reclaimed water. An alternative source for irrigation water, such as a shallow well, will be required until reclaimed water becomes available. Approval of

the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property proposes access onto SR 426, which is classified as an Arterial. SR 426 is currently operating at a level-of-service "C" and has no improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The proposed project will not generate any school impacts.

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #27, which is located at 5280 Red Bug Lake Road and meets the Level-Of-Service standard.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin, and has limited downstream capacity. This will be further evaluated in more detail prior to final engineering approval.

Parks, Recreation and Open Space:

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in open space. The location of and the amenities associated with the open space will be determined at the time of Final Site Plan Approval.

Buffers and Sidewalks:

The following buffer standards contained in the attached Development Order will apply:

- a. Front: 10' landscape buffer
- b. Side: 5' landscape buffer
- c. Rear: 10' landscape buffer

There is an existing 5' sidewalk along SR 426. The subject property is also adjacent to a future section of the Cross Seminole Trail on SR 426. The Preliminary Site Plan has a pedestrian connection to the trail.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not located within a Special District.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

- Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
- Policy CIE: 3.2: Application to New Development
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were not required; the subject site is not within or directly adjacent to any local municipality and will not impact schools.

LETTERS OF SUPPORT OR OPPOSITION:

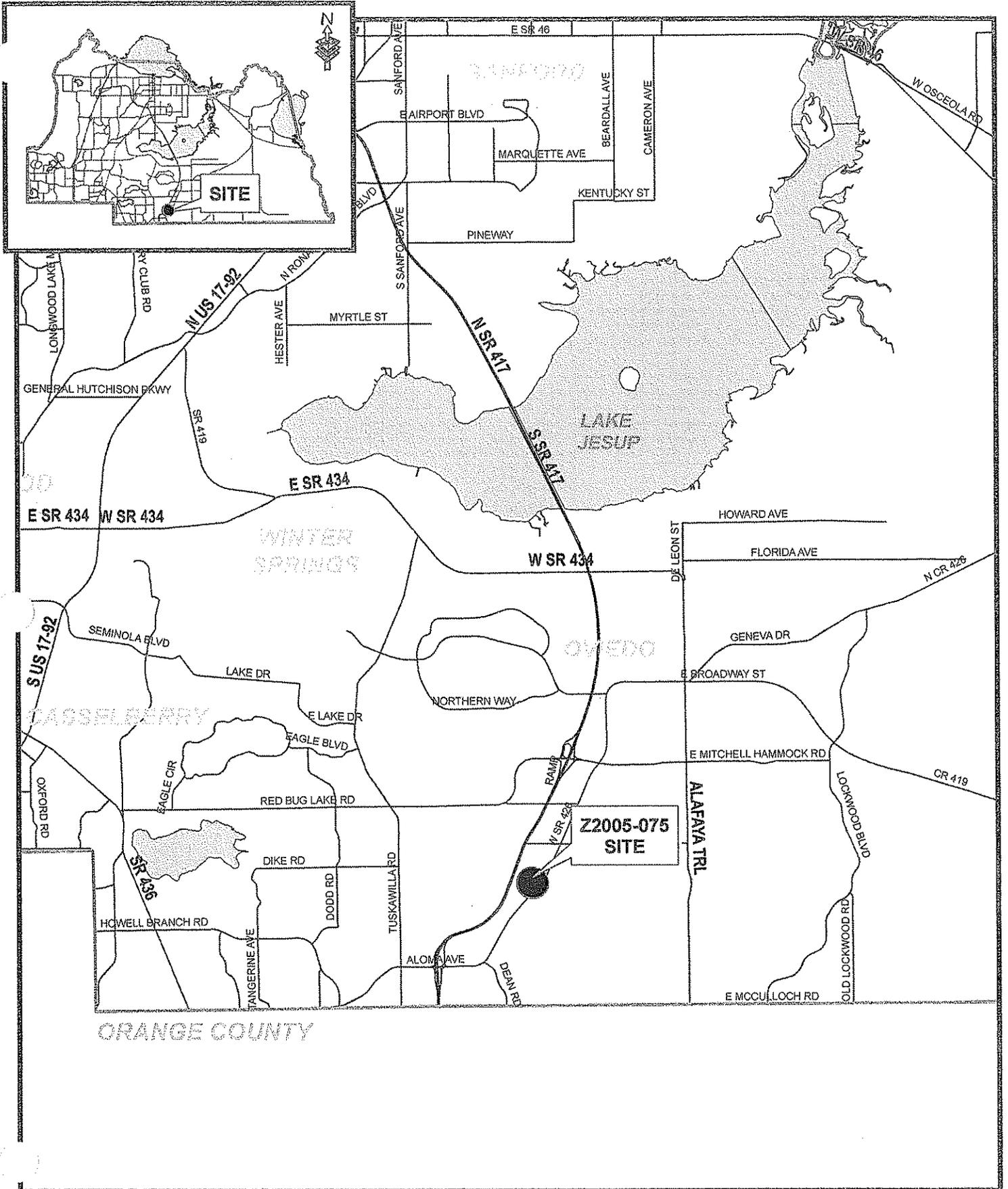
At this time, Staff has not received any letters of support or opposition.

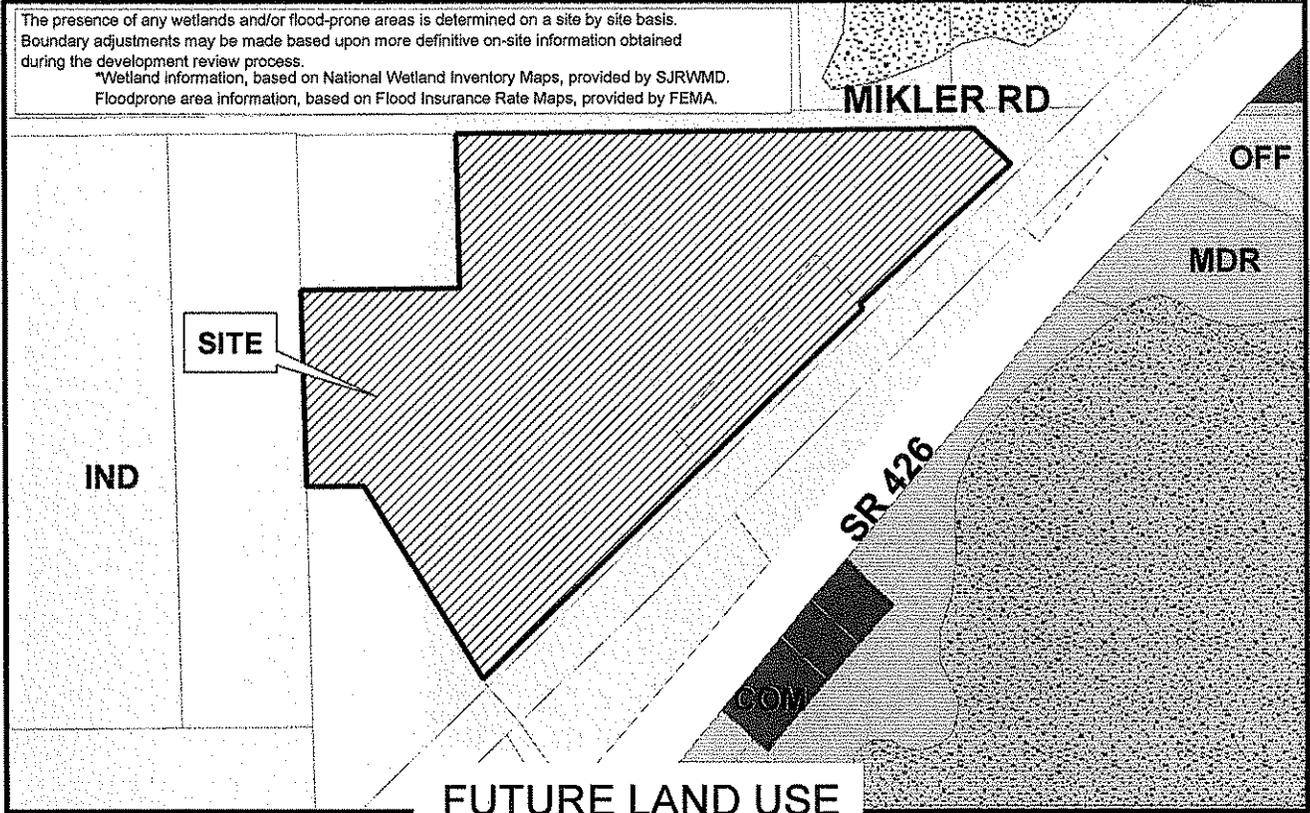
STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request and enacting an ordinance for a rezone on 4.89 ± acres, located at 2542 W. SR 426, from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development), subject to the attached Preliminary Site Plan and Development Order.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on April 5, 2006 and voted 7 to 0 to recommend APPROVAL of a request to rezone 4.89 ± acres, located at 2542 W. SR 426, from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development), subject to the attached Preliminary Site Plan and Development Order.

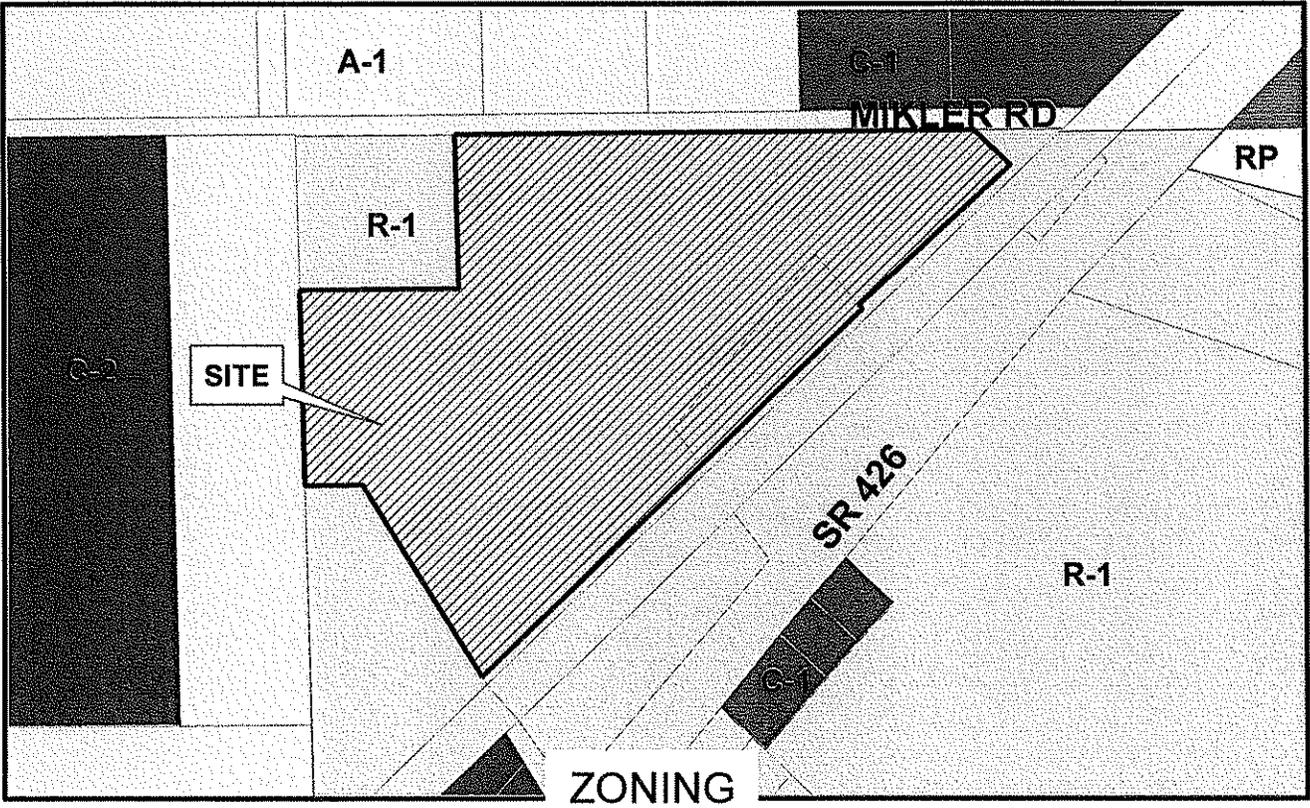




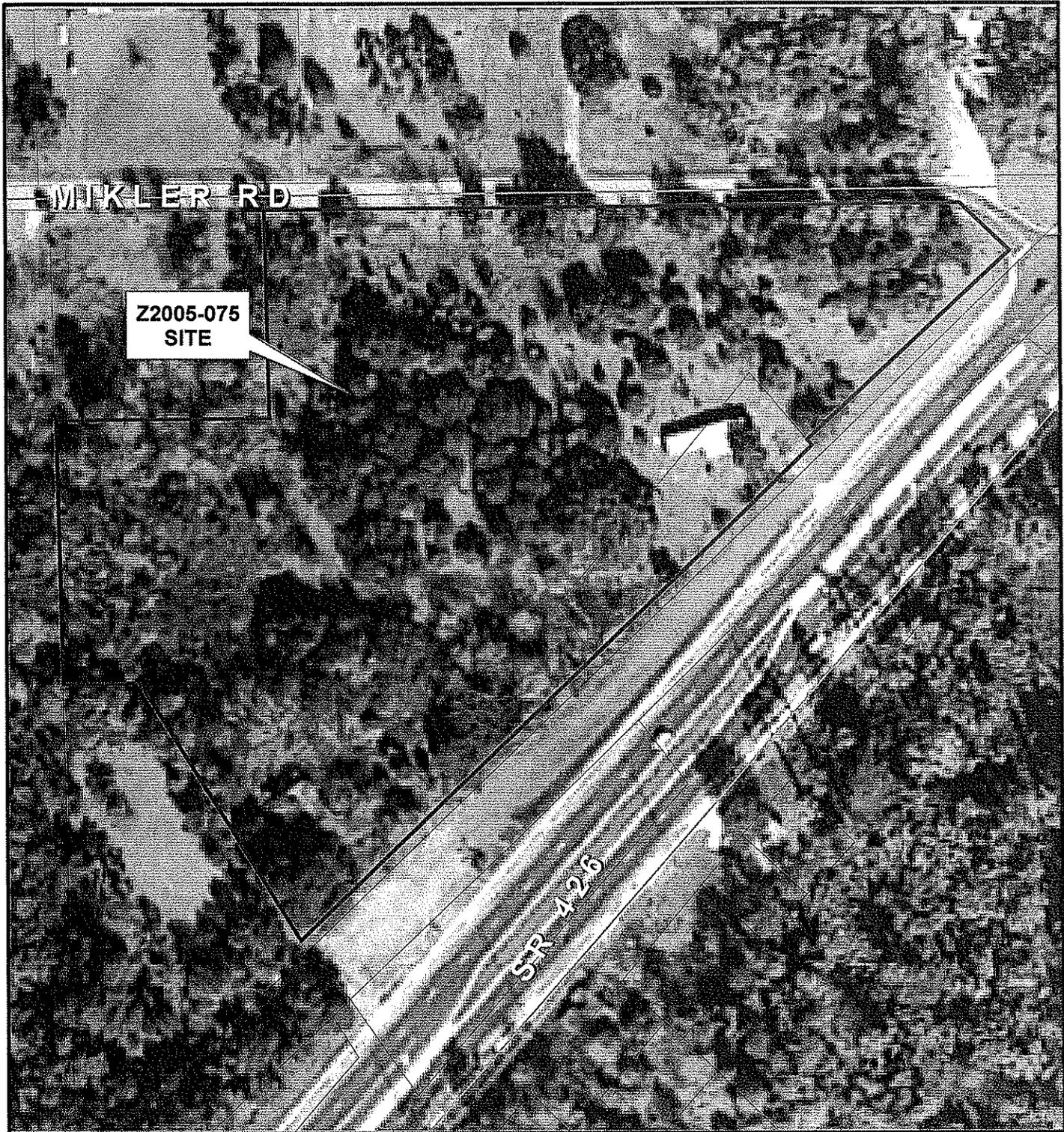
Site
 Municipality
 MDR
 OFF
 COM
 IND
 CONS

Applicant: Sucil Ramsammy
 Physical STR: 29-21-31-502-0000-0510 & 003A
 Gross Acres: 5.48 +/- BCC District: 1
 Existing Use: Vacant with Res. Mobil Home
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-075	R-1	PCD



A-1
 C-1
 C-2
 R-1
 RP
 FP-1
 W-1



Rezone No: Z2005-075
From: R-1 To: PCD

-  Parcel
-  Subject Property



January 2004 Color Aerials

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On May 23, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Exhibit A

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

FINDINGS OF FACT

Property Owner: Universal Autobody of Orlando, Sucil Ramsammy, President

Project Name: Magnolia Corporate Center

Requested Development Approval: Rezoning from R-1 (Single-family Dwelling) district to PCD (Planned Commercial Development) district

The Development Approval sought is consistent with the Seminole County Vision 2020 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: Tina Williamson
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:

Standard Conditions:

a. The development shall comply with the site plan attached as Exhibit B and the architectural rendering attached as Exhibit C.

Project Specific Conditions:

a. Allowable uses shall be those permitted in the OP (Office) district, CN (Restricted Neighborhood Commercial) district and banks and restaurants (not drive-in). All other special exception uses in the OP and CN districts shall remain special exception uses.

b. Total floor area shall be limited to 64,500 square feet.

c. The following building setbacks and buffering standards shall apply:

Front: 25' building setback and 10' landscape buffer

Side: 7.5' building setback and 5' landscape buffer

Rear: 10' building setback and 10' landscape buffer

b. The following conditions shall apply to the trail along SR 426:

1) The Trail Crossing shall be coordinated with Public Works/Engineering and FDOT.

2) The outparcel shall not be allowed to have an additional access to SR-426 (No Trail Crossing).

(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.

(6) This Development Order shall control in the event of any conflict between the terms and conditions of the development order and the terms, conditions, or notes of any site plan or master site plan.

Done and Ordered on the date first written above.

By: _____
Carlton D. Henley
Chairman
Board of County Commissioners

Exhibit A

Lots 51 and 52, of "Benj. James Subdivision" as recorded in Plat Book 6, Page 1, of the Public Records of Seminole County, Florida;

TOGETHER WITH:

Lot 3, Jamestown, as recorded in Plat Book 9, Pages 71-72, of the Public Records of Seminole County, Florida;

LESS that portion of above mentioned Lots as shown on the Right of way Map from FDOT (F.A. project No. Section 77060-2518, Sheet 11) and that portion described in OR Book 3902, Pages 0537 through 0539;

PER ORB 4578, PAGE1983

All the above being more particularly described as follows:

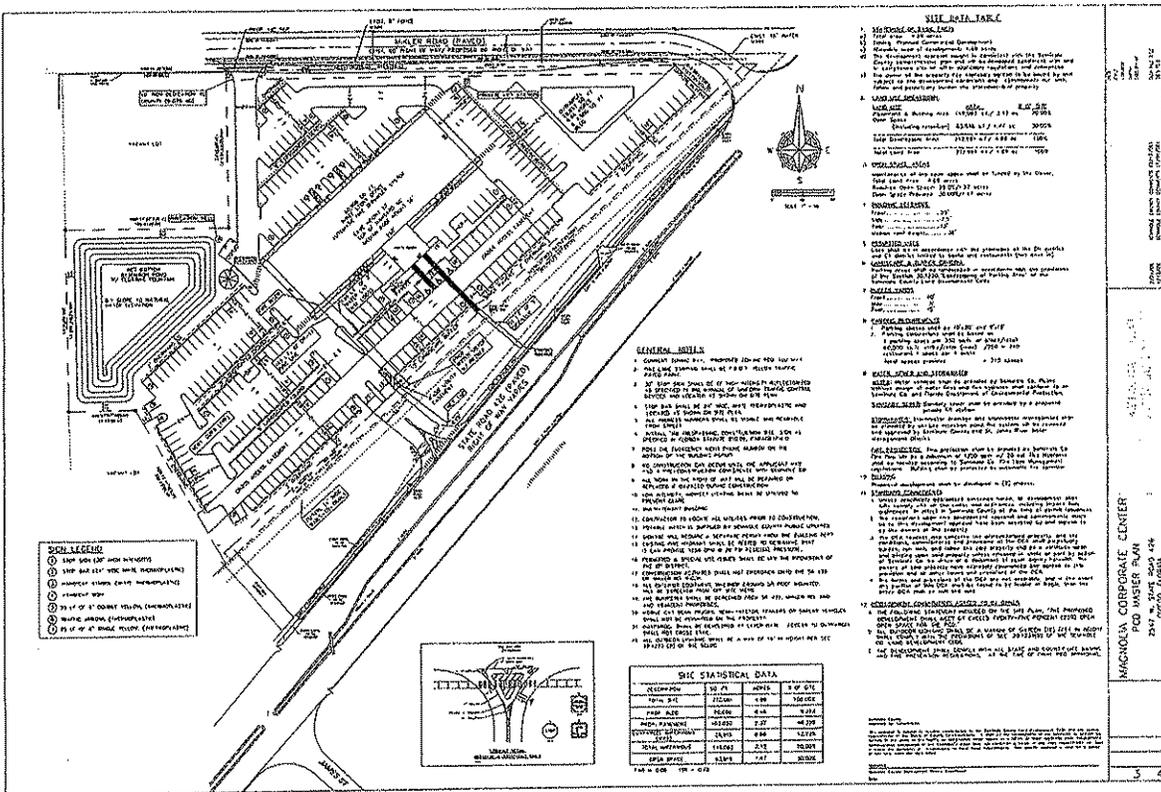
Commencing at the Northwest corner of the East 1/2 of the Southwest corner of Section 29, Township 21 South, Range 31 East, Seminole County, Florida, run S00°52'03"E, along the West line of said East 1/2, a distance of 35.00 feet to the South right of way line of Mikler Road according to the aforementioned plat of "Jamestown"; thence run N89°41'38"E along said South right of way line of Mikler Road 209.01 feet to the Northeast corner of Lot 1 of said Jamestown plat and the Point of Beginning; thence continue N89°41'38"E along said South right of way line 518.61 feet; thence run S45°50'15"E 55.29 feet to the Northwesterly right of way line of State Road 426 according to the Right of way Map of State Road 426 Section 77060-2518, Sheet 11; thence run S47°01'37"W along said right of way line 767.78 feet; thence run S42°58'23"E 10.00 feet to the Southeast line of Lot 52 of the aforementioned plat of "Benj. James Subdivision"; thence run S47°01'37"W along said Southeast line 7.06 feet to the Southwesterly line of said Lot 52; thence departing said Southeast line of Lot 52 run 206.95 feet; thence run S89°07'57"W 76.72 feet to the East right of way line of a 20.00 foot wide platted right of way according to the aforementioned "Benj. James Subdivision" plat; thence run N00°52'04"W along said East right of way line 208.80 feet to the South line of the aforementioned Lot 1 of the "Jamestown" plat; thence run N89°41'38"E along said South line 189.01 feet to the East line of said Lot 1; thence run N00°52'03"W 184.00 feet to the Point of Beginning.

CORRECTED BY THIS SURVEY

All the above being more particularly described as follows:

Commencing at the Northwest corner of the East 1/2 of the Southwest 1/4 of Section 29, Township 21 South, Range 31 East, Seminole County, Florida, run S00°52'03"E, along the West line of said East 1/2, a distance of 35.00 feet to the South right of way line of Mikler Road according to the aforementioned plat of "Jamestown"; thence run N89°41'38"E along said South right of way line of Mikler Road 209.01 feet to the Northeast corner of Lot 1 of said Jamestown plat and the Point of Beginning; thence continue N89°41'38"E along said South right of way line 518.61 feet; thence run S45°50'15"E 55.29 feet to the Northwesterly right of way line of State Road 426 according to the Right of way Map of State Road 426 Section 77060-2518, Sheet 11; thence run S47°01'37"W along said right of way line 767.78 feet; thence run S42°58'23"E 10.00 feet to the Southeast line of Lot 52 of the aforementioned plat of "Benj. James Subdivision"; thence run S47°01'37"W along said Southeast line 7.06 feet to the Southwesterly line of said Lot 52; thence departing said Southeast line of Lot 52

run N30°19'41"W, 206.95 feet; thence run S89°07'57"W 76.72 feet to the East right of way line of a 20.00 foot wide platted right of way according to the aforementioned "Benj. James Subdivision" plat; thence run N00°52'04"W along said East right of way line 208.80 feet to the South line of the aforementioned Lot 1 of the "Jamestown" plat; thence run N89°41'38"E along said South line 189.01 feet to the East line of said Lot 1; thence run N00°52'03"W 184.00 feet to the Point of Beginning.



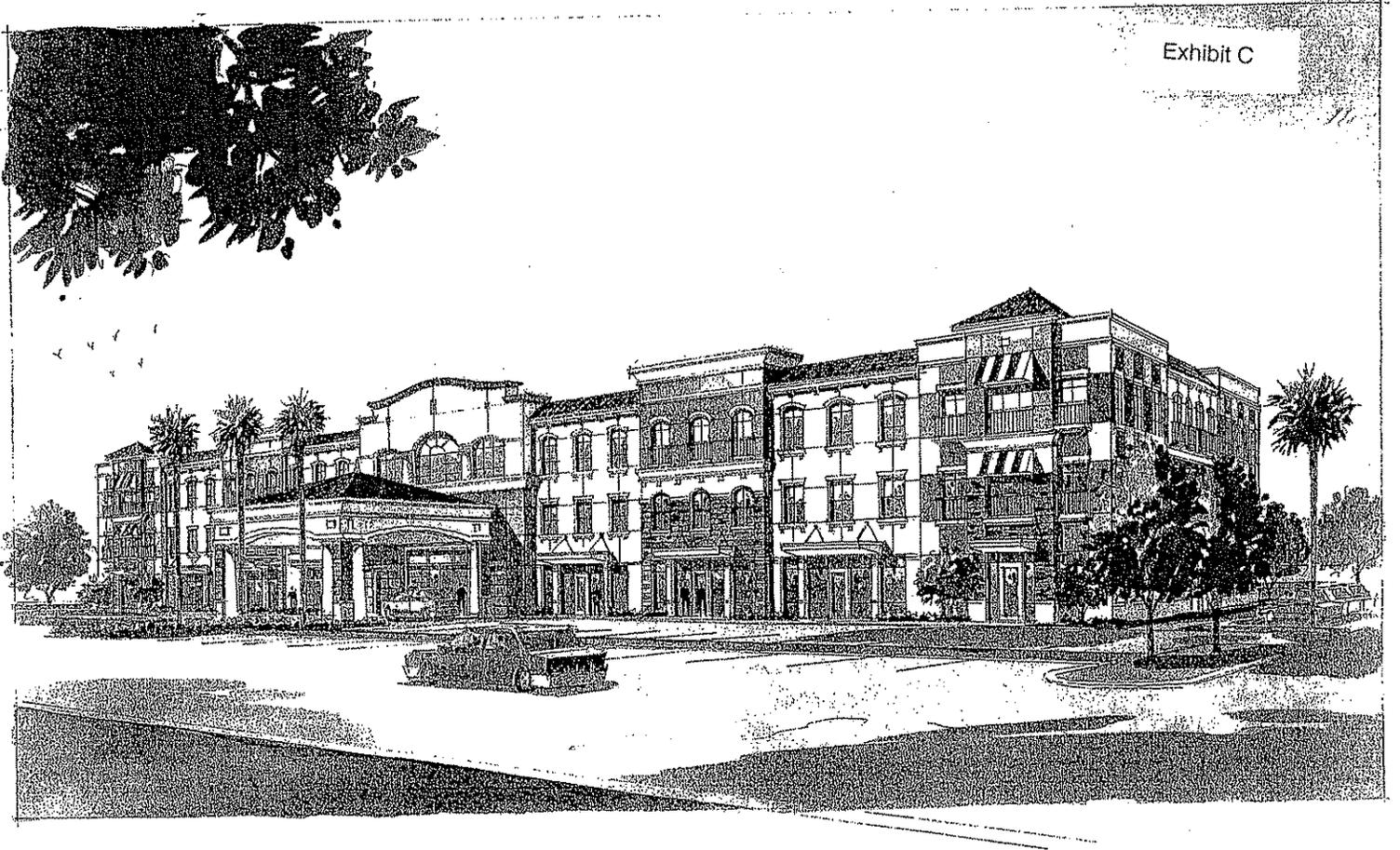
- GENERAL NOTES**
1. Confirm base line, property lines and topography.
 2. All lines shown shall be 1/8" = 10'-0" unless otherwise noted.
 3. All proposed structures shall be shown in accordance with the zoning ordinance and all other applicable laws and regulations.
 4. All proposed structures shall be shown in accordance with the zoning ordinance and all other applicable laws and regulations.
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 19. All proposed structures shall be shown in accordance with the zoning ordinance and all other applicable laws and regulations.
 20. All proposed structures shall be shown in accordance with the zoning ordinance and all other applicable laws and regulations.

SITE DATA TABLE

ITEM	DESCRIPTION	AMOUNT	UNIT
1	Lot Area	100,000	SQ. FT.
2	Lot Area	100,000	SQ. FT.
3	Lot Area	100,000	SQ. FT.
4	Lot Area	100,000	SQ. FT.
5	Lot Area	100,000	SQ. FT.
6	Lot Area	100,000	SQ. FT.
7	Lot Area	100,000	SQ. FT.
8	Lot Area	100,000	SQ. FT.
9	Lot Area	100,000	SQ. FT.
10	Lot Area	100,000	SQ. FT.
11	Lot Area	100,000	SQ. FT.
12	Lot Area	100,000	SQ. FT.
13	Lot Area	100,000	SQ. FT.
14	Lot Area	100,000	SQ. FT.
15	Lot Area	100,000	SQ. FT.
16	Lot Area	100,000	SQ. FT.
17	Lot Area	100,000	SQ. FT.
18	Lot Area	100,000	SQ. FT.
19	Lot Area	100,000	SQ. FT.
20	Lot Area	100,000	SQ. FT.

MACDONALD CORPORATE CENTER
 P.O. BOX 1000
 1000 10th Street, N.W.
 Atlanta, Georgia 30309

Exhibit C



AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1 (SINGLE-FAMILY DWELLING) DISTRICT ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) DISTRICT ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR EXCLUSION FROM CODIFICATION; 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 "Magnolia Corporate Center Rezone to PCD."

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

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from R-1 (Single-family Dwelling) district to PCD (Planned Commercial Development) district:

SEE ATTACHED EXHIBIT A

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

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

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 05-20500014 in the Official Land Records of Seminole County.

ENACTED this 23rd day of May 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A

Lots 51 and 52, of "Benj. James Subdivision" as recorded in Plat Book 6, Page 1, of the Public Records of Seminole County, Florida;

TOGETHER WITH:

Lot 3, Jamestown, as recorded in Plat Book 9, Pages 71-72, of the Public Records of Seminole County, Florida;

LESS that portion of above mentioned Lots as shown on the Right of way Map from FDOT (F.A. project No. Section 77060-2518, Sheet 11) and that portion described in OR Book 3902, Pages 0537 through 0539;

PER ORB 4578, PAGE1983

All the above being more particularly described as follows:

Commencing at the Northwest corner of the East 1/2 of the Southwest corner of Section 29, Township 21 South, Range 31 East, Seminole County, Florida, run S00°52'03"E, along the West line of said East 1/2, a distance of 35.00 feet to the South right of way line of Mikler Road according to the aforementioned plat of "Jamestown"; thence run N89°41'38"E along said South right of way line of Mikler Road 209.01 feet to the Northeast corner of Lot 1 of said Jamestown plat and the Point of Beginning; thence continue N89°41'38"E along said South right of way line 518.61 feet; thence run S45°50'15"E 55.29 feet to the Northwesterly right of way line of State Road 426 according to the Right of way Map of State Road 426 Section 77060-2518, Sheet 11; thence run S47°01'37"W along said right of way line 767.78 feet; thence run S42°58'23"E 10.00 feet to the Southeast line of Lot 52 of the aforementioned plat of "Benj. James Subdivision"; thence run S47°01'37"W along said Southeast line 7.06 feet to the Southwesterly line of said Lot 52; thence departing said Southeast line of Lot 52 run 206.95 feet; thence run S89°07'57"W 76.72 feet to the East right of way line of a 20.00 foot wide platted right of way according to the aforementioned "Benj. James Subdivision" plat; thence run N00°52'04"W along said East right of way line 208.80 feet to the South line of the aforementioned Lot 1 of the "Jamestown" plat; thence run N89°41'38"E along said South line 189.01 feet to the East line of said Lot 1; thence run N00°52'03"W 184.00 feet to the Point of Beginning.

CORRECTED BY THIS SURVEY

All the above being more particularly described as follows:

Commencing at the Northwest corner of the East 1/2 of the Southwest 1/4 of Section 29, Township 21 South, Range 31 East, Seminole County, Florida, run S00°52'03"E, along the West line of said East 1/2, a distance of 35.00 feet to the South right of way line of Mikler Road according to the aforementioned plat of "Jamestown"; thence run N89°41'38"E along said South right of way line of Mikler Road 209.01 feet to the Northeast corner of Lot 1 of said Jamestown plat and the Point of Beginning; thence continue N89°41'38"E along said South right of way line 518.61 feet; thence run S45°50'15"E 55.29 feet to the Northwesterly right of way line of State Road 426 according to the Right of way Map of State Road 426 Section 77060-2518, Sheet 11; thence run S47°01'37"W along said right of way line 767.78 feet; thence run S42°58'23"E 10.00 feet to the Southeast line of Lot 52 of the aforementioned plat of "Benj. James Subdivision"; thence run S47°01'37"W along said Southeast line 7.06 feet to the Southwesterly line of said Lot 52; thence departing said Southeast line of Lot 52 run

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N30°19'41"W, 206.95 feet; thence run S89°07'57"W 76.72 feet to the East right of way line of a 20.00 foot wide platted right of way according to the aforementioned "Benj. James Subdivision" plat; thence run N00°52'04"W along said East right of way line 208.80 feet to the South line of the aforementioned Lot 1 of the "Jamestown" plat; thence run N89°41'38"E along said South line 189.01 feet to the East line of said Lot 1; thence run N00°52'03"W 184.00 feet to the Point of Beginning.

**Minutes for the Seminole County Land Planning Agency
Planning and Zoning Commission
April 5, 2006**

Members Present: Matt Brown, Beth Hattaway, Rob Wolf, Ben Tucker, Dudley Bates, Walt Eismann, and Jason Brodeur.

Also Present: Michael Rumer, Senior Planner; Tina Williamson, Principal Coordinator; Dan Matthys, Director of Planning and Development; Tony Walter, Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Sheryl Stolzenberg, Principal Coordinator; Denny Gibbs, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

Magnolia Corporate Center Rezone; Jack Reynolds/American Civil Engineering Co., applicant; 5.48 ± acres; Rezone from R-1 (Single-family Dwelling) district to PCD (Planned Commercial Development) district; located at 2542 W. SR 426. (Z2005-075)

Commissioner Dallari – District 1
Tina Williamson, Principal Coordinator

Tina Williamson stated that the site has an Industrial Future Land Use designation. The site will be built in 2 phases, with 60,000 square feet developed in Phase I. Permitted uses include those of the OP office district and CN neighborhood commercial district, and banks and restaurants, but not drive-ins.

Staff recommendation is for approval.

Jack Reynolds stated that the site has 700 feet of frontage on Rt. 426, with one access point. He has DOT approval for a curb cut. There is a right-in, right-out due to a raised median on 426. Heading north on 426 to enter, one must go out to Mikler Road and enter on Mikler Road. Mr. Reynolds stated that he had proposed a median cut and that he was declined by D.O.T. There will be excessive landscaping facing the Rails to Trails area. The Fire Station is 5 minutes away. There will be a cross access easement on the front of the property.

Commissioner Tucker asked about the sewers.

Mr. Reynolds stated that there was a forced main on Mikler Road, toward Iron Bridge.

Howard Glover stated that he owns Lot 2, an adjacent property. He stated that the driveway proposed will cover his driveway.

Mr. Reynolds said that access to Mr. Glover's property is across the trail to onto his lot. If the site develops commercially, the access to his property could improve. There are plantings there now.

Commissioner Brown said that Mr. Glover will have to give up the curb cut; he could have a curb cut of his own. Curb cuts are typically at the property line, not in the middle of the length of the parcel.

Jack Reynolds said that such a condition could be a hardship.

Commissioner Brown said that this could be unfair to Mr. Glover.

Mr. Glover said that it is a concern to him; now he has independent access to his property.

Commissioner Tucker said that with this plan Mr. Glover would have to come in the entrance and then will have to go through the parking spaces to access his property.

Commissioner Brown said that there is no cross access to his property.

Tina Williamson said that the separation for driveways is 200 feet.

Commissioner Tucker said that such requests are not always granted.

Tina Williamson stated that cross-access is not required by the DOT, and a cross access easement is not included in the development order.

Dan Matthys said that he has never heard of the DOT taking away someone's access. He did not see this as a problem.

Commissioner Brown asked how much property Mr. Glover had.

Mr. Glover stated that he had 0.85 acres.

Commissioner Tucker said that it is unlikely that Mr. Glove has 200 feet of frontage.

Commissioner Brown asked if the site plan is part of tonight's approval.

Dan Matthys stated that the plan shown is a preliminary bubble plan. Tonight, only the zoning is being considered.

Commissioner Tucker said that this application could be approved without access being resolved.

Mr. Matthys said that this could be resolved later, between the applicant, Mr. Glover and the DOT.

Commissioner Brown said that the cross access easement could aid Mr. Glover, in that he would not have to tie up any of his property for a driveway.

Commissioner Hattaway said that it was not right that Mr. Glover should have to make these decisions tonight.

Mr. Matthys said that the DOT may require the access to be at the very southern portion of the property, so a cross access easement may be possible, or a joint access.

Tony Walter said that the applicant is proposing his half of the cross access. Mr. Glover could get a right in / right out on his property when he comes in to develop it.

Commissioner Hattaway asked if the entry could be moved to the south.

Tony Walter said that Mr. Glover could work this out prior to site plan approval.

Dan Matthys said that the board cannot condition another property owner on this.

Commissioner Hattaway asked if Mr. Glover had plans for development.

Mr. Glover said that he does not have plans at this time, and that he does not want to use someone else's driveway. He does not object to the rezone.

Mr. Matthys said that if Mr. Glover develops he would be obliged to ask for a cross-access easement at that time. Now Mr. Glover's property is residential. If he rezones, there would be a requirement for a cross-access easement.

Commissioner Tucker said that the whole area is changing in character, so Mr. Glover's property will probably become commercial.

Mr. Matthys said that the access could be conditioned in two ways. He would leave it up to the DOT.

Commissioner Tucker said that such a thing would require joint access.

Commissioner Tucker said that the access point is the issue.

Commissioner Eismann said that putting the access in front of Mr. Glover's house would not be a good thing for now.

Commissioner Hattaway said that it would protect Mr. Glover in the long run.

Mr. Matthys said that the DOT will have the final word and access.

Commissioner Tucker said that he had no problem with the project as presented, except for the impact on Mr. Glover.

Commissioner Hattaway agreed.

Commissioner Brown said that it appears that the County would not let Mr. Glover use the access that he has, and that he would have to use a cross-access easement if he rezones.

Mr. Matthys said that things are considered on a case-by-case basis.

Commissioner Brown restated that Mr. Matthys is saying that the County will require that Mr. Glover would have to use a cross-access.

Mr. Matthys said that there are policies in the Land Development Code that require cross-access easements on all commercial and office properties.

Commissioner Eismann stated that a zoning is under consideration tonight. The PSP is not being approved this evening. The Commission is in agreement that the current driveway will not be taken away. The discussion has been hinging on the future potential rezoning of Mr. Glover's property.

Mr. Matthys said that if the rezone is approved, it should be conditioned that the applicant meet with the DOT to locate the access as far to the south as possible to provide joint access. If that is unacceptable to the DOT, then provide a cross-access easement.

Commissioner Hattaway made a motion to recommend approval with the condition that the applicant meet with the DOT to locate the access as far to the south as possible, in order to provide joint access. If that is not acceptable to the DOT, then the applicant shall provide a cross-access easement to Mr. Glover.

Commissioner Wolf seconded the motion.

Commissioner Eismann said that moving the driveway as far south as possible would put the entrance to a 3-story office building in Mr. Glover's front yard.

Commissioner Wolf asked how this could be worked out.

Commissioner Brown said that putting in a cross access easement could cause the parking lot to be redesigned, since there is a plan for parking where the easement would go.

Commissioner Eismann said that we do not know the configuration of Mr. Glover's lot.

Commissioner Brown said that there should be a note to the BCC that this board has a concern about Mr. Glover's access.

Commissioner Hattaway said that at this point in the process, Mr. Glover's property should be protected as much as possible.

The item was now continued to the close of the meeting in order to allow Mr. Glover to confer with the applicant and staff.

The item was finished at the close of the meeting. Dan Matthys reported that Mr. Glover has a 20-foot access now which would be inadequate for future commercial use. The County will require the joint access for future commercial development. Mr. Glover is agreeable to this.

Mr. Glover confirmed that he agreed with Mr. Matthys.

Commissioner Eismann made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion passed 7 – 0.