

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Fossitt Business Park Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development); Rezone from A-1 (Agriculture District) and PCD (Planned Commercial Development) to PCD (Planned Commercial Development District); and Major Amendment to the Planned Commercial Development Preliminary Site Plan

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tina Deater ^{TD} **EXT.** 7440

Agenda Date <u>08/10/04</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>		

MOTION/RECOMMENDATION:

1. APPROVE the request and enact an ordinance for a Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) and rezone from A-1 (Agriculture District) and PCD (Planned Commercial Development) to PCD (Planned Commercial Development District) on approximately 4.92 acres located on the northeast corner of the intersection of Orange Boulevard and Missouri Avenue; and Major Amendment to the 4.72 acre Fossitt Business Park Planned Commercial Development Preliminary Site Plan, to incorporate the additional 4.92 acres, subject to the attached development order, and authorize the Chairman to execute the aforementioned documents; (Jamela Russell, applicant); or
2. DENY the request for a Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) and rezone from A-1 (Agriculture District) and PCD (Planned Commercial Development) to PCD (Planned Commercial Development District) on approximately 4.92 acres located on the northeast corner of the intersection of Orange Boulevard and Missouri Avenue; and Major Amendment to the 4.72 acre Fossitt Business Park Planned Commercial Development Preliminary Site Plan, to incorporate the additional 4.92 acres, subject to the attached development order (Jamela Russell, applicant); or
3. CONTINUE the public hearing until a time and date certain

District 5 – Commissioner McLain

Tina Deater, Senior Planner

BACKGROUND:

The applicant proposes a Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) and Rezone from A-1 (Agriculture District) and PCD (Planned Commercial Development) to PCD (Planned Commercial Development) on approximately 4.92 acres located on the northeast corner of

Reviewed by:	<u>KCC</u>
Co Atty:	<u>KCC</u>
DFS:	<u> </u>
Other:	<u> </u>
DCM:	<u> </u>
CM:	<u> </u>
File No.	<u>ph700pdp07</u>

the intersection of Orange Boulevard and Missouri Avenue; and Major Amendment to the 4.72 acre Fossitt Business Park Planned Commercial Development Preliminary Site Plan, to incorporate the additional 4.92 acres and change the approved layout.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested rezone, Small Scale Land Use Amendment, and PCD major amendment, subject to the attached development order.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

At their July 7, 2004 meeting, the Planning and Zoning Commission voted 7-0 to recommend approval of the Small Scale Land Use Amendment from SE to PD, rezone from A-1 and PCD to PCD and approval of the PCD major amendment with staff conditions, except for the following changes:

1. The façade of the building facing Missouri Avenue shall be changed to offices/storefront. No roll-up doors or loading areas shall be permitted on the sides of the buildings oriented to face Missouri Avenue.
2. The staff recommendation regarding additional monies for the sidewalk fund was **not** recommended for approval by the Planning and Zoning Commission.
3. The 50- foot lighting setback shall not apply adjacent to industrial properties.

Fossitt Business Park Rezone, SSLUA, and PCD Amendment

SE (Suburban Estes) to PD (Planned Development) and SE (Suburban Estes) to PD (Planned Development)	Amendment (01.04SS.01& Z2004-026)
REQUEST	
APPLICANTS	Jamela Russell
PLAN AMENDMENT	SE (Suburban Estates) to PD (Planned Development)
REZONING	A-1 (Agriculture District) and PCD (Planned Commercial Development) to PCD (Planned Commercial Development District)
APPROXIMATE GROSS ACRES	4.92 Acres subject to rezoning and SSLUA, and 4.72 acres in the PCD to be amended; if approved the PCD will total 9.64 acres.
LOCATION	On the northeast corner of the intersection of Orange Boulevard and Missouri Avenue
BCC DISTRICT	District 5 – Commissioner McLain
RECOMMENDATIONS AND ACTIONS	
STAFF RECOMMENDATION	Staff recommends APPROVAL of the requested Small Scale Land Use Amendment, rezone, and PCD amendment.

STAFF ANALYSIS & FINDINGS

1. **Property Owners:** Jamela Russell, Nikki Clayton
2. **Tax Parcel Numbers:** 16-19-30-5AB-0300-0040
16-19-30-5AB-0300-0030
16-19-30-5AB-0300-0050
3. **Development Trends:**

The subject parcels are bordered by Missouri Avenue to the west and Orange Boulevard to the South. Development in this area is characterized by PCD zoning and commercial/light industrial uses to the east. The properties to the north, west, and south are zoned A-1 and R-1 and are used for agricultural purposes and/or single-family residences.

4. Zoning Request:

The applicant proposes a Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) and Rezone from A-1 (Agriculture District) and PCD (Planned Commercial Development) to PCD (Planned Commercial Development District) on approximately 4.92 acres located on the northeast corner of the intersection of Orange Boulevard and Missouri Avenue; and Major Amendment to the 4.72 acre Fossitt Business Park Planned Commercial Development Preliminary Site Plan, to incorporate the additional 4.92 acres. Please see Attachment "A" for a detailed description of the proposed amendments to the PCD Preliminary Site Plan.

SITE DESCRIPTION

1. EXISTING AND PERMITTED USES:

Location	Future Land Use*	Zoning*	USES
Subject Property	Planned Development and Suburban Estates	PCD, A-1	Vacant
North	Suburban Estates	A-1	Vacant, Single-family
South	Low Density Residential and Medium Density Residential	A-1, R-1	Vacant, Single-family
East	Planned Development, Industrial	PCD, M-1	Light Industrial Uses
West	Suburban Estates	A-1	Vacant, Single-family

**See enclosed future land use and zoning maps for more details.*

COMPREHENSIVE PLAN CONSISTENCY AND ZONING ANALYSIS

2. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed future land use and zoning amendments would not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment

request would not be in conflict with the Metroplan Transportation Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

The subject property will have access off of Orange Boulevard, which is classified as a Collector and has an adopted level of service (LOS) of "E". Orange Boulevard is currently operating at a LOS of "C" in that area.

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:**

The subject property is located within the Seminole County water and sewer service areas. Both water and sewer services are available to the site.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by Seminole County EMS/Fire Station #35. Response time is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders, under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that adequate public facilities either exist or could be made available.

B. **Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

At this time there are no concerns regarding compliance with environmental regulations.

C. **Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

Prior to final site plan approval on the subject property, the applicants will have to submit an Endangered and Threatened Species Report.

4. DEVELOPMENT POLICIES – The comprehensive plan contains additional criteria and standards that describe when, where and how development should occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** *When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).*

Based upon an initial evaluation, the proposed Planned Development future land use land use and PCD zoning would be compatible with the surrounding land uses along this section of the Orange Boulevard corridor. The Orange Boulevard Special Study, which was recently updated by the Planning Division, recommends that the corner of Missouri Avenue and Orange Boulevard should be the demarcation between residential and non-residential uses along Orange Boulevard. This proposed future land use amendment and rezone is consistent with this recommendation.

Transitional Land Uses: *The County shall evaluate plan amendments to ensure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5).*

The Orange Boulevard Special Study recommends that the corner of Missouri Avenue and Orange Boulevard should be the demarcation between residential and non-residential uses along Orange Boulevard. The subject property is the major transition point between the residential and non-residential uses, therefore, appropriate buffers and transitional uses are imperative. The building facades that are oriented toward

Missouri should be compatible with the potential residential uses on the west side of Missouri. Therefore, staff recommends that any roll-up doors on the façade of the building facing Missouri Avenue should not be visible from Missouri Avenue, as determined by the Planning Manager and the Board of County Commissioners at the time of Final Master Plan approval, and no semi-trailer trucks shall be allowed to load or unload on the internal street between Missouri Avenue and the westernmost building. Staff is also recommending that the buffer and wall along Missouri Avenue shall comply with attached Exhibit "B" of the original development order, up to the southernmost point where the retention pond begins. Beyond the point of beginning of the retention pond to the north property line, and all along the north property line to the east property line the following landscaping shall be installed: eight (8) canopy trees a minimum of two and one-half (2.5) inches in diameter, with an overall average of three (3) inches in diameter above the ground for every one hundred (100) linear feet of buffer, and a continuous hedge that is a minimum of two (2) feet tall at the time of planting. The landscaping details shall be provided at the time of Final Site Plan review and are subject to approval by the Planning Manager.

At the January 27, 2004 meeting, the Board also imposed a condition of approval stating that the developer is to contribute \$4,000 to the Seminole County Transportation Trust Fund for use by Seminole County in fulfilling sidewalk needs. This is equal to \$5.00 per linear foot of frontage along Missouri Avenue. This condition was originally imposed because the constrained right-of-way on Missouri Avenue makes it impractical to build a sidewalk there. Staff is recommending that the applicant be required to pay an additional \$5.00 per linear foot of frontage along Missouri Avenue into the sidewalk fund for the additional property they are adding to the project as part of this amendment process, in order to be consistent with the original approval.

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the impacts of development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested rezone, Small Scale Land Use Amendment, and PCD major amendment, subject to the attached development order and the following conditions (underlined text indicates where the recommendation differs from the Planning and Zoning Commission recommendation):

Note: All conditions approved by the Board of County Commissioners on January 27, 2004 as part of the Fossitt Business Park Development Order have been included in the following list of conditions. Conditions C-1, C-2, C-5, and C-7 (in bold print) are new conditions staff are recommending be added as a result of the proposed PCD amendment.

A. Permitted uses within the PCD shall include the list of permitted and conditional uses within the M-1A (Very Light Industrial) and C-3 (General Commercial and Wholesale) zoning classifications, except for the following uses, which shall be prohibited:

1. Amusement and recreation facilities.
2. Automobile sales.
3. Bakeries, where goods are sold on premises at retail.
4. Banks.
5. Car wash.
6. Hotels and motels.
7. Launderettes and Laundromats.
8. Mobile homes and recreational vehicle sales.
9. Paint and body shops.
10. Private clubs and lodges.
11. Theaters.
12. Truck Terminals.
13. Service stations.
14. Outdoor advertising signs.
15. Manufacturing of water-based and/or epoxy-based coatings, adhesives, sealants, and paints.
16. Industrial, technical and trade schools, except for classroom training directly associated with existing businesses located within the PCD development site such as real estate.
17. Alcoholic beverage establishments.
18. Adult entertainment and sexually oriented businesses.
19. Multi-family housing.
20. Public and private utility plants, stations, and distribution office.
21. Contractor's equipment storage yards.
22. Public and private schools.
23. Commercial mechanical repair garages or storage of vehicles for commercial repair, except that standard vehicle maintenance may be performed on vehicles associated with an existing business within the PCD development site.
24. Heliports.
25. Manufacturing of the following:
 - Boats.
 - Chemical products and processing.
 - Dairy products.

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

C. Development conditions:

1. **No overhead or roll-up door on the façade of the building facing Missouri Avenue shall be visible from Missouri Avenue, as determined by the Planning Manager and the Board of County Commissioners at the time of Final Master Plan approval.**
2. **No semi-trailer trucks shall be allowed to load or unload on the internal street between Missouri Avenue and the westernmost building.**
3. Parking spaces shall include a minimum of one (1) space per 1,000 square feet of building for warehouse uses, plus one (1) space for each two (2) employees on the largest shift, and one (1) space per 200 square feet of gross floor area for office use. Parking ratio for office and warehouse uses shall be established for the proposed use(s) at time of final PCD site plan approval.
4. Building setbacks shall comply with the preliminary PCD site plan with allowance for minor modifications at time of final PCD site plan.
5. The buffer adjacent the north, south and east sides of the development shall comply with the provisions of the Land Development Code. **The buffer and wall along Missouri Avenue shall comply with attached Exhibit "B" up to the southernmost point where the retention pond begins. Beyond the point of beginning of the retention pond to the north property line, and all along the north property line to the east property line the following landscaping shall be installed: eight (8) canopy trees a minimum of two and one-half (2.5) inches in diameter, with an overall average of three (3) inches in diameter above the ground for every one hundred (100) linear feet of buffer, and a continuous hedge that is a minimum of two (2) feet tall at the time of planting. The landscaping details shall be provided at the time of Final Site Plan review and are subject to approval by the Planning Manager.** The setback for the wall and landscaping may be increased pursuant to review of the Seminole County Traffic Engineer to ensure safe and adequate vehicular and pedestrian sight distance at the intersection of Orange Boulevard and Missouri Avenue.
6. Prior to approval of the final PCD site plan, Developer to contribute \$4,000 to the Seminole County Transportation Trust Fund for use by Seminole County in fulfilling sidewalk needs.
7. **Prior to approval of the final PCD site plan, the Developer shall contribute an additional \$5.00 per linear foot of frontage along Missouri Avenue for the additional property they are adding to the project as part of the PCD amendment.**
8. Building height shall not exceed 25 feet at peak roof height.
9. Floor area ratio shall not exceed 0.65 FAR.
10. A minimum of 25 percent open space shall be provided on site.
11. Dock high loading shall not be permitted.
12. A cross access easement shall be provided to the property to the east of the site and location determined at time of final PCD site plan and easement recorded prior to issuance of certificate of occupancy.
13. An easement shall be provided for stormwater access to the offsite retention pond at time of final PCD site plan.
14. Lighting shall be cut-off/shoe box style with light poles not to exceed 16 feet in height, be setback a minimum of 50 feet from adjacent properties and shall not exceed 0.5 foot candles.
15. Water and sewer shall be provided by Seminole County utilities.
16. Hours of operation for truck deliveries shall be limited to between 7:00 a.m. and 9:00 p.m.
17. Air conditioning units or chillers shall be hidden from view from Missouri Avenue. Screening methods shall be determined at time of final PCD site plan approval.

18. Developer to submit building elevations, proposed wall and landscape plan at time of final PCD site plan and shall also provide a copy of the final PCD site plan to Mr. Bruce Andersen and Ms. Kathy Brown, of the St Johns River Estates subdivision.
19. Developer to notify Bruce Andersen, Kathy Brown, and those who spoke at the County Commission public hearing on January 27, 2004, regarding the date the final PCD plan is presented to the Board of County Commissioners for approval.
20. Preserve the trees along Orange Boulevard to the maximum extent possible, as determined by the Planning Manager.
21. Development must meet all other applicable provisions of the Seminole County Comprehensive Plan (Vision 2020) and Land Development Code of Seminole County.

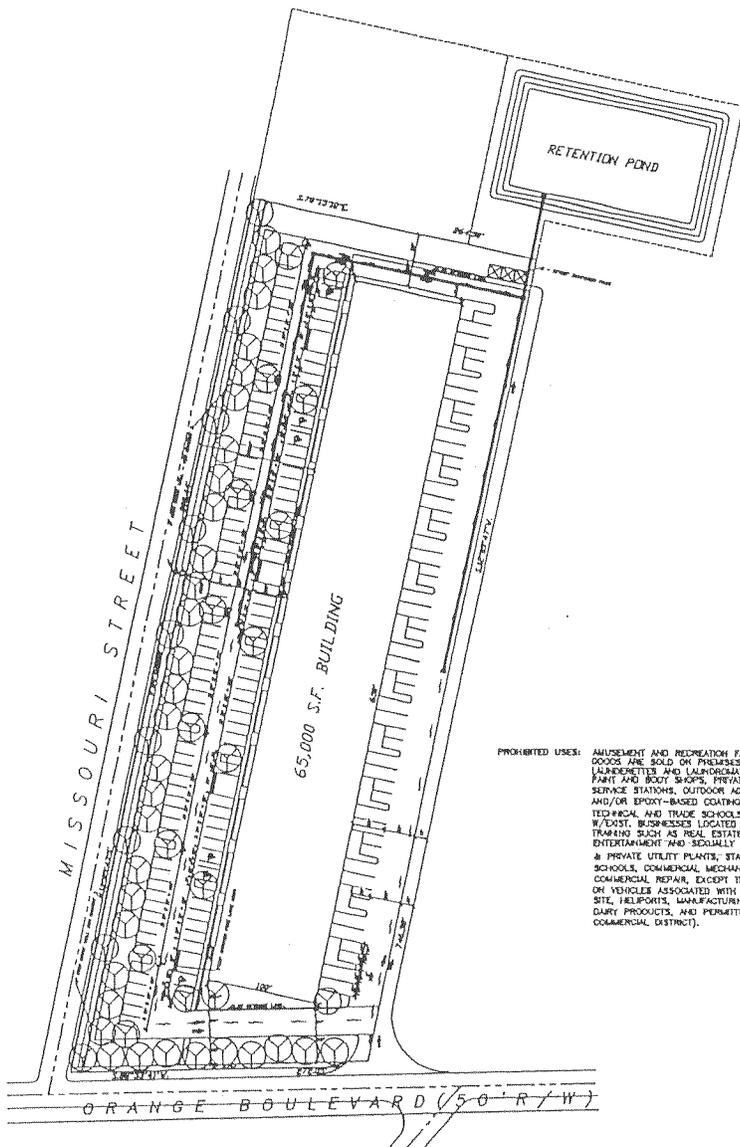
PLANNING AND ZONING COMMISSION RECOMMENDATION:

At their July 7, 2004 meeting, the Planning and Zoning Commission voted 7-0 to recommend approval of the Small Scale Land Use Amendment from SE to PD, rezone from A-1 and PCD to PCD and approval of the PCD major amendment with staff conditions, except for the following changes:

1. The façade of the building facing Missouri Avenue shall be changed to offices/storefront. No roll-up doors or loading areas shall be permitted on the sides of the buildings oriented to face Missouri Avenue.
2. The staff recommendation regarding additional monies for the sidewalk fund was **not** recommended for approval by the Planning and Zoning Commission.
3. The 50- foot lighting setback shall not apply adjacent to industrial properties.

Attachment "A"

Use	Existing Preliminary Plan	Proposed Amendment
Acreage	4.72 acres	Add an additional 4.92 acres for a total of 9.64 acres
Square footage and number of buildings	65,000 square feet in one building	Two 35,000 square foot buildings One 24,000 square foot building One 18,00 square foot building One 23,000 square foot building Total of 135,000 square feet
Square feet of office space	22,880 square feet	27,000 square feet
Square feet of warehouse space	42,120 square feet	108,000 square feet
Building Configuration in relation to Missouri Avenue (Please see Attachment "B" for the approved and proposed site layouts)	One building with offices facing Missouri Avenue to the east and warehouses facing west	Five buildings total. One has warehouses facing both Missouri Avenue to the east and the interior of the project to the west Staff is recommending that that roll-up doors on the façade of the building facing Missouri Avenue shall not be visible from Missouri Avenue, and no semi-trailer trucks shall be allowed to load or unload on the internal street between Missouri Avenue and the westernmost building.
Configuration of Retention Area (Please see Attachment "B" for the approved and proposed site layouts)	The retention area was smaller and not directly adjacent to Missouri Avenue	The retention pond has been increased in size to accommodate the proposed 9.64 acre development are and it is now adjacent to Missouri Avenue. Staff is recommending that the buffer and wall along Missouri Avenue shall comply with attached Exhibit "B" of the original development order, up to the southernmost point where the retention pond begins. Beyond the point of beginning of the retention pond to the north property line, and all along the north property line to the east property line the following landscaping shall be installed: eight (8) canopy trees a minimum of two and one-half (2.5) inches in diameter, with an overall average of three (3) inches in diameter above the ground for every one hundred (100) linear feet of buffer, and a continuous hedge that is a minimum of two (2) feet tall at the time of planting. The landscaping details shall be provided at the time of Final Site Plan review and are subject to approval by the Planning Manager.



SITE DATA

SETBACKS: FRONT - 50', EAST SIDE - 10', WEST SIDE - 100', REAR - 30'
 LA BUFFERS: FRONT - 25', EAST SIDE - 8', WEST SIDE - 16', REAR - 25'
 PERMITTED AND CONDITIONAL USES: APPROVED USES AND CONDITIONAL USES WITHIN THE M-1A (VERY LIGHT INDUSTRIAL) AND C-3 (GENERAL COMMERCIAL AND WHOLESALE) ZONING CLASSIFICATIONS

BUILDING HEIGHT: 25' (1 STORY)
 25 % OPEN SPACE: INCLUDES COMBINATION OF GREEN SPACE AND LA BUFFERS.
 MAX. FAR 0.85
 EXISTING ZONING: A-1 (AGRICULTURAL)
 EXISTING LAND USE: VACANT
 PROPOSED ZONING: PCD (PLANNED COMMERCIAL DEVELOPMENT)
 PROPOSED LAND USE: INDUSTRIAL WAREHOUSE/OFFICE
 SOILS TYPE: 15 - SANDGULCH & SANDGULCH
 FOR SOIL SURVEY OF SEMINOLE COUNTY, FLORIDA

PROPOSED AREAS (ACRES):
 BUILDINGS: 1.442 ACRES = 31,818
 PAVEMENT: 1.822 ACRES = 40,728
 SIDEWALKS: 0.098 ACRES = 2,108
 LANDSCAPING & OPEN SPACE: 1.207 ACRES = 28,578
 TOTAL ACRES: 4.575 ACRES = 1028

PARKING SPACES REQUIRED:
 OFFICE: 1 SPACE/200 SF OFFICE * 2280 SF = 11.40 SPACES
 WAREHOUSE: 1 SPACE/1000 SF WAREHOUSE * 42120 SF = 42.12 SPACES
 1 SPACE/2 WAREHOUSE EMPLOYEES * 28 EMPLOYEES = 13 SPACES
 TOTAL REQUIRED = 170 SPACES

PARKING SPACES PROVIDED:
 8 HANDICAPPED SPACES (12'x20')
 162 SPACES INCLUDING BUS PARKING
 170 SPACES TOTAL

FEMA FLOOD ZONE, ZONE "X" OUTSIDE THE 500 YEAR FLOOD ZONE
 PER FEMA FLOOD MAP NO. 12117C0030, DATED APRIL 17, 1995

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

SEWER: SEMINOLE COUNTY SEWER AVAILABLE (EXIST. 8" DS
 APPROX. 150 FEET EAST FROM THE SOUTHEAST PROPERTY CORNER)
 THE COUNTY CURRENTLY DOES NOT SERVICE THE EXIST. SITE.

STORMWATER: SITE DISCHARGES TO NORTH TO SAINT JOHN'S RIVER.
 A STORMWATER MANAGEMENT SYSTEM WILL BE PROVIDED OFF SITE
 PER SEMINOLE COUNTY AND SWFWMD REGULATIONS.

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

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

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

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

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

ENGINEER:
 FRAGOMENI ENGINEERING, INC.
 4225 STONEWALL DRIVE
 ORLANDO, FLORIDA 32812
 (407) 818-7847

OWNER:
 MARG CLAYTON
 35040 SHANTY GARD LANE
 PRATLAND PARK, FLORIDA 34731
 (352) 787-1878

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

PROHIBITED USES: AMUSEMENT AND RECREATION FACILITIES, AUTOMOBILE SALES, BAKERIES (WHERE
 DOODS ARE SOLD ON PREMISES), BAR/CLUB, CAR WASH, HOTELS AND MOTELS,
 LAUNDRY/RETAIL, MOBILE HOMES AND RECREATIONAL VEHICLE SALES
 PAINT AND BODY SHOPS, PRIVATE CLUBS AND LODGES, THEATERS, TRUCK TERMINALS,
 SERVICE STATIONS, OUTDOOR ADVERTISING SIGNS, MANUFACTURING OF WATER-BASED
 AND/OR EPOXY-BASED COATINGS, ADHESIVES, SEALANTS, AND PAINTS, INDUSTRIAL
 TECHNICAL AND TRADE SCHOOLS, (EXCEPT FOR CERT. TRAINING DIRECTLY ASSOCIATED
 W/EXIST. BUSINESSES LOCATED W/A THE PCD DEVELOPMENT SITE & CLASSROOM
 TRAINING SUCH AS REAL ESTATE), ALCOHOLIC BEVERAGE ESTABLISHMENTS, ADULT
 ENTERTAINMENT AND SOCIALLY ORIENTED BUSINESSES, MULTI-FAMILY HOUSING, PUBLIC
 & PRIVATE UTILITY PLANTS, STATIONS, AND DISTRIBUTION OFFICE, PUBLIC & PRIVATE
 SCHOOLS, COMMERCIAL MECHANICAL REPAIR GARAGES OR STORAGE OF VEHICLES FOR
 COMMERCIAL REPAIR, EXCEPT THAT STANDARD VEHICLE MAINTENANCE MAY BE PERFORMED
 ON VEHICLES ASSOCIATED WITH AN EXIST. BUSINESS WITHIN THE PCD DEVELOPMENT
 SITE, TELEPORTS, MANUFACTURING OF BOATS, CHEMICAL PRODUCTS & PROCESSING,
 DRY PRODUCTS, AND PERMITTED AND CONDITIONAL USES WITHIN THE C-3 (METH.
 COMMERCIAL DISTRICT).

Fragomeni Engineering, Inc.
 4225 Stonewall Drive
 Orlando, Florida 32812
 Voice: (407) 818-7847 Fax: (407) 818-0067
 REG. NO. 8112

FOSSITT BUSINESS
 PARK - LOT 4

DEVELOPMENT PLAN

JOB NO.	F1004								
DATE:	11/1/03								
DESIGNED BY:	SLF								
DRAWN BY:	SLF								
CHECKED BY:	SLF								
APPROVED BY:	SLF	NO.	DATE	REVISION	APPR.				

FILE: F1004SITE
 SCALE: 1" = 50'
 SHEET NO.
 C-1

Attachment "B": Proposed Plan

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



WEST SIDE LANDSCAPE BUFFER TO BE INSTALLED PER BRUCE ANDERSON PLAN

ENGINEER:

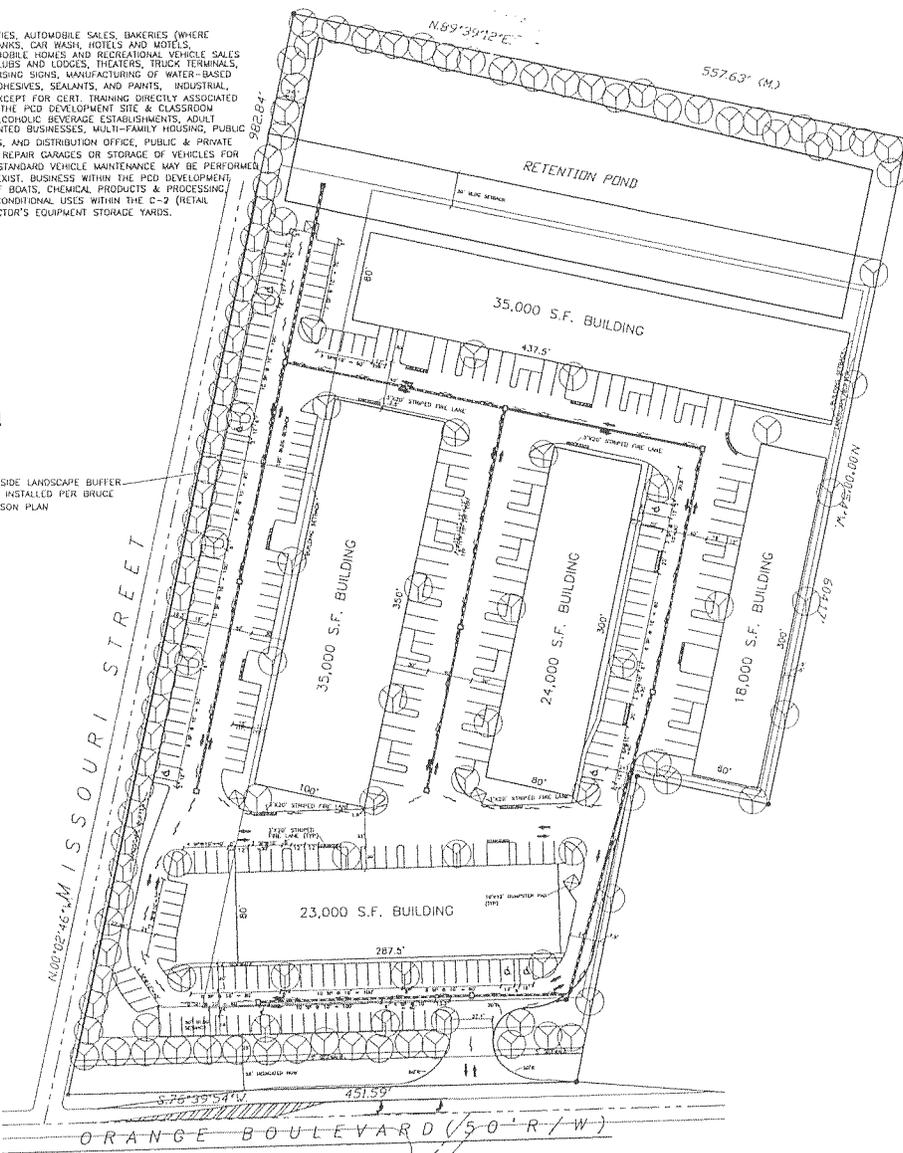
FRAGOMENI ENGINEERING, INC.
4225 STONEMALL DRIVE
ORLANDO, FLORIDA 32812
(407) 816-7847

OWNER:

JAMELA RUSSELL
35048 SHADY OAKS LANE
FRUITLAND PARK, FLORIDA 34731
(407) 832-1536

APPLICANT:

SAME AS OWNER LISTED ABOVE



SITE DATA

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

BUILDING HEIGHT: 25' (1 STORY)
25 % OPEN SPACE: INCLUDES COMBINATION OF GREEN SPACE AND LA BUFFERS AND 50% OF WET RETENTION POND. MAX. FAR 0.65

EXISTING ZONING: A-1 (AGRICULTURAL)
EXISTING LAND USE: VACANT
PROPOSED ZONING: PCD (PLANNED COMMERCIAL DEVELOPMENT)
PROPOSED LAND USE: INDUSTRIAL WAREHOUSE/OFFICE
SOILS TYPE: 13 - EUGALLIE & HAWKALEE
PER SOIL SURVEY OF SEMINOLE COUNTY, FLORIDA

PROPOSED AREAS (ACREAGE):
ROADS: 0 ACRES
WETLANDS: 0 ACRES
OPEN SPACE: 2,755 ACRES MINIMUM (25%)
ACCESSIBLE USES PER FID ZONING: 0.889 ACRES
TOTAL ACREAGE: 9.64 ACRES

PROP. AREAS (ACREAGE):
BUILDINGS: 3.099 ACRES = 32.15%
PAVEMENT: 3.669 ACRES = 38.06%
SIDEWALKS: 0.119 ACRES = 1.24%
LANDSCAPING & GREEN SPACE: 2.753 ACRES = 28.55%
TOTAL ACREAGE: 9.64 ACRES = 100%

PARKING SPACES REQUIRED
OFFICE: 1 SPACE/200 SF OFFICE * 27000 SF = 135 SPACES
WAREHOUSE: 1 SPACE/1000 SF WAREHOUSE * 100000 SF = 100 SPACES
1 SPACE/2 WAREHOUSE EMPLOYEES * 60 EMPLOYEES = 33 SPACES
TOTAL REQUIRED = 276 SPACES

PARKING SPACES PROVIDED
7 HANDICAPPED SPACES (12'x20')
273 SPACES (INCLUDES BAY PARKING)
280 SPACES TOTAL

FEMA FLOOD ZONE: ZONE "X" OUTSIDE THE 500 YEAR FLOOD ZONE
PER FEMA FLOOD MAP NO. 12117C0030 D DATED APRIL 17, 1995

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

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

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

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

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

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

LIGHTING NOTES: ALL PARKING LOT LIGHTING WILL COMPLY WITH SEMINOLE DEVELOPMENT CODE, SECTION 3D-1233(B)

DESCRIPTION
BEGIN AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 3, SANDFORD FARMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGES 122, 126 AND 128 1/2, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE S00°02'46"W, ALONG THE WEST LINE OF LOTS 4 AND 5 OF SAID BLOCK 4 AND THE EAST RIGHT OF WAY LINE OF MISSOURI AVENUE A DISTANCE OF 874.34 FEET; THENCE N89°44'50"E, A DISTANCE OF 257.56 FEET TO THE EAST LINE OF LOT 6 OF SAID BLOCK 3; THENCE S80°00'34"E, ALONG THE EAST LINE OF LOTS 3 AND 6 OF SAID BLOCK 3 A DISTANCE OF 454.20 FEET; THENCE S89°59'06"W, A DISTANCE OF 120.00 FEET; THENCE S00°30'00"E, A DISTANCE OF 277.86 FEET TO THE SOUTH LINE OF LOT 3 OF SAID BLOCK 3 AND THE NORTH RIGHT OF WAY LINE OF ORANGE BOULEVARD; THENCE S76°23'24"W, ALONG THE SOUTH LINE OF LOTS 3 AND 4 OF SAID BLOCK 3 AND SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 451.59 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 419817 SQUARE FEET OR 9.64 ACRES, MORE OR LESS.

Fragomeni Engineering, Inc.
4225 Stonemall Drive
Orlando, Florida 32812
Voice: (407) 816-7847 Fax: (407) 816-8067
REG. NO. 8117

FOSSITT BUSINESS PARK

DEVELOPMENT PLAN

JOB NO.	F1004	1	7/23/04	REVISED PER P&Z MEETING	SLF
DATE:	11/1/03				
DESIGNED BY:	SLF				
DRAWN BY:	SLF				
CHECKED BY:	SLF				
APPROVED BY:	SLF	NO.	DATE	REVISION	APPR

FILE: F1004S1E
SCALE: 1" = 50'
SHEET NO.
C-1

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is GRANTED.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

A. Permitted uses within the PCD shall include the list of permitted and conditional uses within the M-1A (Very Light Industrial) and C-3 (General Commercial and Wholesale) zoning classifications, except for the following uses, which shall be prohibited:

1. Amusement and recreation facilities.
2. Automobile sales.
3. Bakeries, where goods are sold on premises at retail.
4. Banks.
5. Car wash.
6. Hotels and motels.
7. Laundrettes and Laundromats.
8. Mobile homes and recreational vehicle sales.
9. Paint and body shops.
10. Private clubs and lodges.
11. Theaters.
12. Truck Terminals.
13. Service stations.
14. Outdoor advertising signs.
15. Manufacturing of water-based and/or epoxy-based coatings, adhesives, sealants, and paints.
16. Industrial, technical and trade schools, except for classroom training directly associated with existing businesses located within the PCD development site such as real estate.
17. Alcoholic beverage establishments.
18. Adult entertainment and sexually oriented businesses.
19. Multi-family housing.
20. Public and private utility plants, stations, and distribution office.
21. Contractor's equipment storage yards.
22. Public and private schools.
23. Commercial mechanical repair garages or storage of vehicles for commercial repair, except that standard vehicle maintenance may be performed on vehicles associated with an existing business within the PCD development site.

24. Heliports.

25. Manufacturing of the following:

Boats.

Chemical products and processing.

Dairy products.

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

C. Development conditions:

1. No overhead or roll-up door on the façade of the building facing Missouri Avenue shall be visible from Missouri Avenue, as determined by the Planning Manager and the Board of County Commissioners at the time of Final Master Plan approval.
2. No semi-trailer trucks shall be allowed to load or unload on the internal street between Missouri Avenue and the westernmost building.
3. Parking spaces shall include a minimum of one (1) space per 1,000 square feet of building for warehouse uses, plus one (1) space for each two (2) employees on the largest shift, and one (1) space per 200 square feet of gross floor area for office use. Parking ratio for office and warehouse uses shall be established for the proposed use(s) at time of final PCD site plan approval.
4. Building setbacks shall comply with the preliminary PCD site plan with allowance for minor modifications at time of final PCD site plan.
5. The buffer adjacent the north, south and east sides of the development shall comply with the provisions of the Land Development Code. The buffer and wall along Missouri Avenue shall comply with attached Exhibit "B" up to the southernmost point where the retention pond begins. Beyond the point of beginning of the retention pond to the north property line, and all along the north property line to the east property line the following landscaping shall be installed: eight (8) canopy trees a minimum of two and one-half (2.5) inches in diameter, with an overall average of three (3) inches in diameter above the ground for every one hundred (100) linear feet of buffer, and a continuous hedge that is a minimum of two (2) feet tall at the time of planting. The landscaping details shall be provided at the time of Final Site Plan review and are subject to approval by the Planning Manager. The setback for the wall and landscaping may be increased pursuant to review of the Seminole County Traffic Engineer to ensure safe and adequate vehicular and pedestrian sight distance at the intersection of Orange Boulevard and Missouri Avenue.
6. Prior to approval of the final PCD site plan, Developer to contribute \$4,775 to the Seminole County Transportation Trust Fund for use by Seminole County in fulfilling sidewalk needs.
7. Building height shall not exceed 25 feet at peak roof height.
8. Floor area ratio shall not exceed 0.65 FAR.
9. A minimum of 25 percent open space shall be provided on site.
10. Dock high loading shall not be permitted.
11. A cross access easement shall be provided to the property to the east of the site and location determined at time of final PCD site plan and easement recorded prior to issuance of certificate of occupancy.
12. An easement shall be provided for stormwater access to the offsite retention pond at time of final PCD site plan.

- 13. Lighting shall be cut-off/shoe box style with light poles not to exceed 16 feet in height, be setback a minimum of 50 feet from adjacent properties and shall not exceed 0.5 foot candles.
- 14. Water and sewer shall be provided by Seminole County utilities.
- 15. Hours of operation for truck deliveries shall be limited to between 7:00 a.m. and 9:00 p.m.
- 16. Air conditioning units or chillers shall be hidden from view from Missouri Avenue. Screening methods shall be determined at time of final PCD site plan approval.
- 17. Developer to submit building elevations, proposed wall and landscape plan at time of final PCD site plan and shall also provide a copy of the final PCD site plan to Mr. Bruce Andersen and Ms. Kathy Brown, of the St Johns River Estates subdivision.
- 18. Developer to notify Bruce Andersen, Kathy Brown, and those who spoke at the County Commission public hearing on January 27, 2004, regarding the date the final PCD plan is presented to the Board of County Commissioners for approval.
- 19. Preserve the trees along Orange Boulevard to the maximum extent possible, as determined by the Planning Manager.
- 20. Development must meet all other applicable provisions of the Seminole County Comprehensive Plan (Vision 2020) and Land Development Code of Seminole County.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
 Daryl G. McLain
 Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Jamela Russell, on behalf of herself and her heirs agents, 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

Jamela Russell

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 Jamela Russell, who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Nikki Clayton, on behalf of herself and her heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Nikki Clayton

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 Nikki Clayton, who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

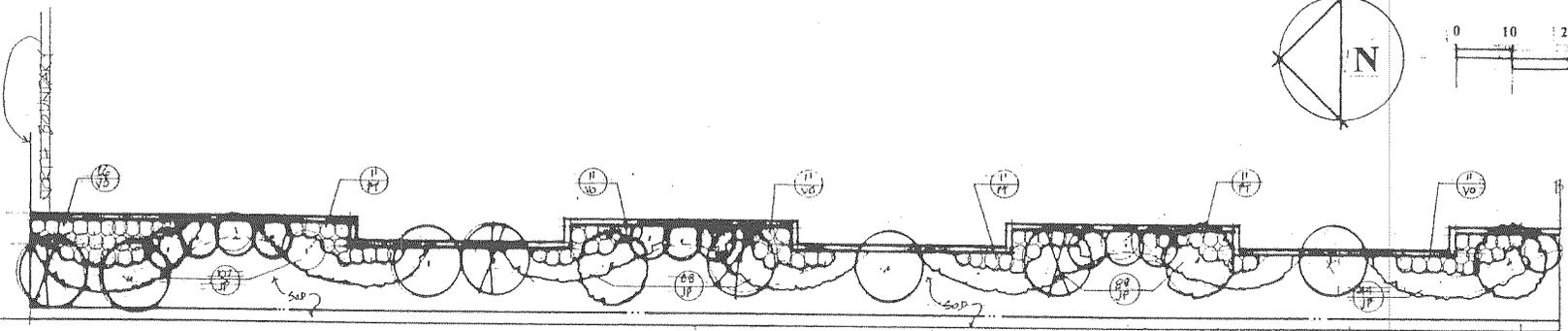
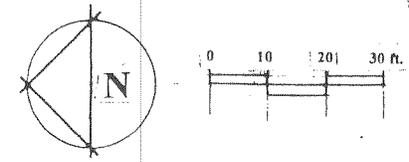
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PARCEL CONTAINS 419817 SQUARE FEET OR 9.64 ACRES, MORE OR LESS.

REVISION	BY

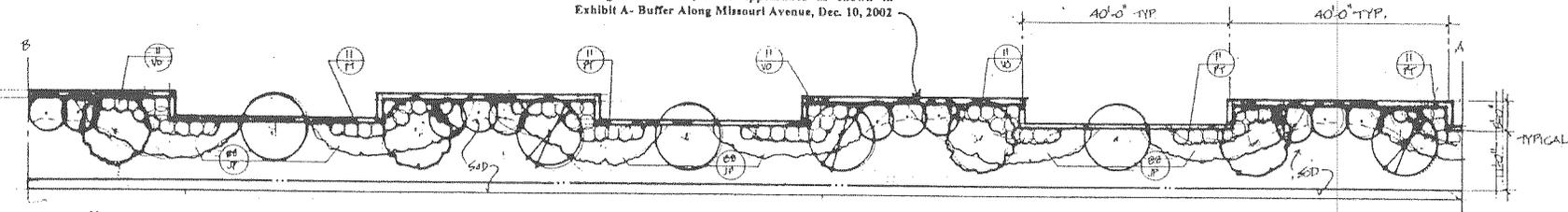
Exhibit B: Missouri Buffer

Fossit Business Park, Seminole County, FL.



Missouri Ave.

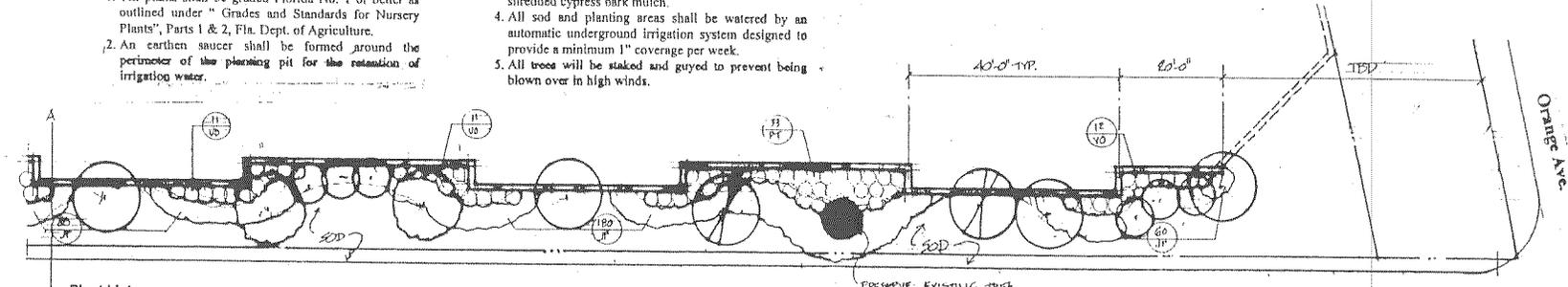
6' high brick wall, same appearance as shown in Exhibit A- Buffer Along Missouri Avenue, Dec. 10, 2002



Missouri Ave.

Notes

1. All plants shall be graded Florida No. 1 or better as outlined under "Grades and Standards for Nursery Plants", Parts 1 & 2, Fla. Dept. of Agriculture.
2. An earthen saucer shall be formed around the perimeter of the planting pit for the retention of irrigation water.
3. All planting beds shall be covered with a 2" layer of shredded cypress bark mulch.
4. All sod and planting areas shall be watered by an automatic underground irrigation system designed to provide a minimum 1" coverage per week.
5. All trees will be staked and guyed to prevent being blown over in high winds.



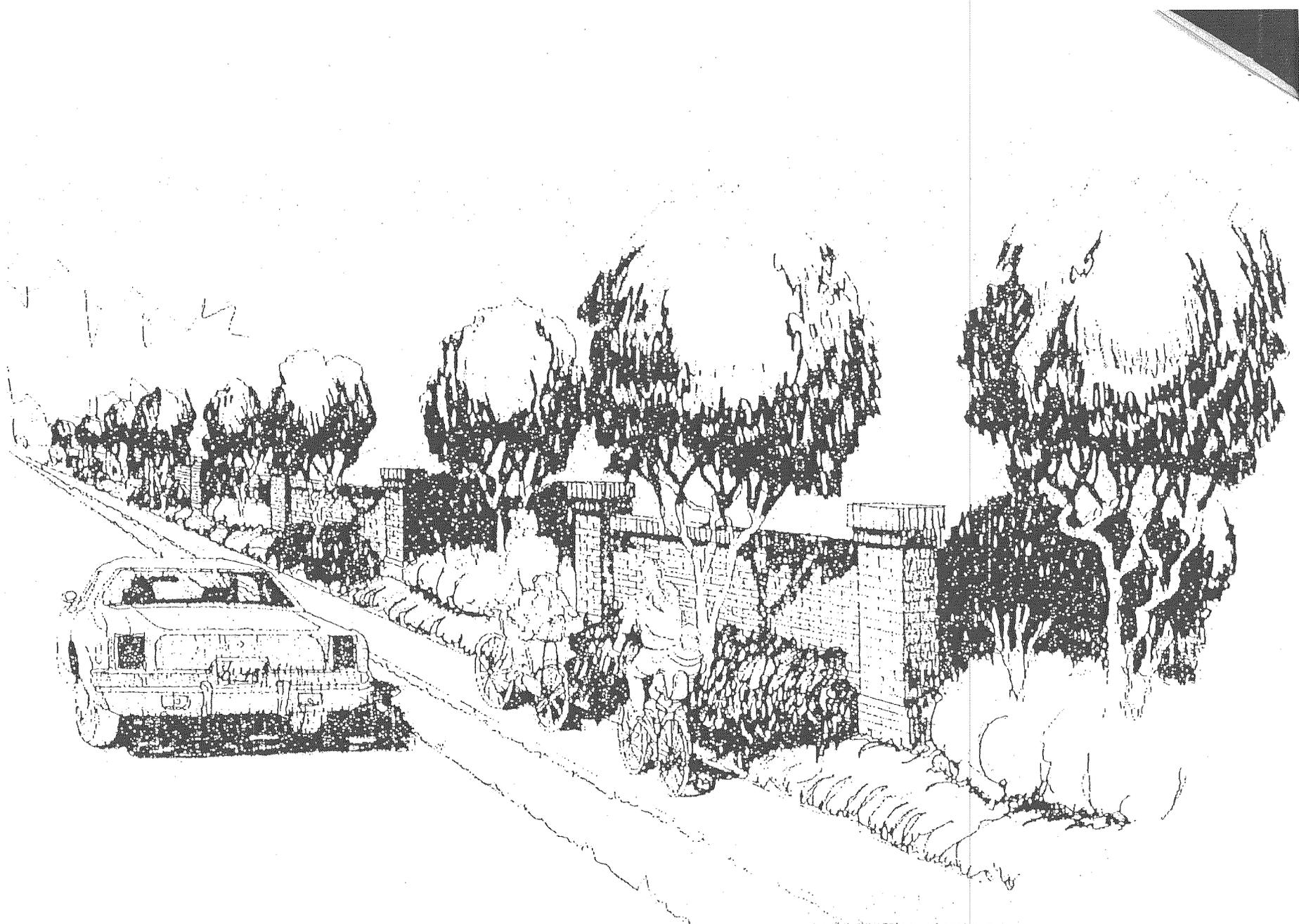
Missouri Ave.

Plant List

Symbol	Quantity	Latin Name	Common Name	Specifications	Symbol	Quantity	Latin Name	Common Name	Specifications
JP	014	<i>Juniperus parsonii</i>	Parsons Juniper	12-15' apd. 1 gal. 18" o.c.	(Symbol)	11	<i>Quercus virginiana</i>	Live Oak	14-18' ht., 8-10' apd., 3" DBH
VO	128	<i>Viburnum odorellastum</i>	Sweet Viburnum	30"x30", 3 gal. 30" o.c.	(Symbol)	9	<i>Quercus laurifolia</i>	Laurel Oak	14-18' ht., 8-10' apd 3" DBH
PT	110	<i>Pittosporum fibra variegatum</i>	Variegated Pittosporum	30"x30", 3 gal. 30" o.c.	(Symbol)	8	<i>Acer rubrum</i>	Red Maple	14-18' ht., 8-10' apd 3" DBH
(Symbol)	28	<i>Lagerstromia indica</i>	Grape Myrtle	Multi-trunk, 6-8' ht. red bloom	Sod	TBD	<i>Stenotaphrum secundatum</i> Floratam	St. Augustine	Solid

Prepared by Bruce K. Andersen, Landscape Architect, Fla. Cert. No. 821 / 407-320-9980
January 10, 2004

EXHIBIT B: MISSOURI BUFFER CONCEPT



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

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE LAND USE AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM SUBURBAN ESTATES TO PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan (“the Plan”); and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on July 7, 2004, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on August 10, 2004, with all required public notice for the purpose of hearing and

considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the staff report entitled “Fossitt Business Park Rezone, SSLUA, and PCD Amendment.”

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element’s Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT “A”

<u>Amendment Number</u>	<u>Amendment</u>
07.04SS.02	Amendment from Suburban Estates to Planned Development

- (b) The associated rezoning request was completed by means of Ordinance Number 2004-____.

Section 3. SEVERABILITY:

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

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided,

however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 10th day of August, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain, Chairman

EXHIBIT A
LEGAL DESCRIPTION

BEGIN AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 3, SANFORD FARMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGES 127, 128 AND 128 ½, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N.00° 02'46" W., ALONG THE WEST LINE OF LOTS 4 AND 5 OF SAID BLOCK 4 AND THE EAST RIGHT OF LINE OF MISSOURI AVENUE A DISTANCE OF 874.34 FEET; THENCE N.89° 44' 50"E., A DISTANCE OF 557.56 FEET TO THE EAST LINE OF LOT 6 OF SAID BLOCK 3; THENCE S.00° 00' 54" E., ALONG THE EAST LINE OF LOTS 3 AND 6 OF SAID BLOCK 3 A DISTANCE OF 494.75 FEET; THENCE S.89° 59'06" W., A DISTANCE OF 120.00 FEET; THENCE S.00° 30'00"E., A DISTANCE OF 277.86 FEET TO THE SOUTH LINE OF LOT 3 OF SAID BLOCK 3 AND THE NORTH RIGHT OF WAY LINE OF ORANGE BOULEVARD; THENCE S.76° 39'54" W., ALONG THE SOUTH LINE OF LOTS 3 AND 4 OF SAID BLOCK 3 AND SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 451.59 FEET TO THE POINT OF BEGINNING

PARCEL CONTAINS 419817 SQUARE FEET OR 9.64 ACRES, MORE OR LESS.

EXCLUDING

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

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 A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 ZONING CLASSIFICATION AND THE PCD ZONING CLASSIFICATION THE PCD 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, "Fossitt Business Park Rezone, SSLUA and PCD 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 A-1 and PCD to PCD:

SEE 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. This Ordinance shall become effective upon filing this order by the Department and recording of Development Order #04-22000004 in the official land records of Seminole County.

ENACTED this 10th day of August, 2004.

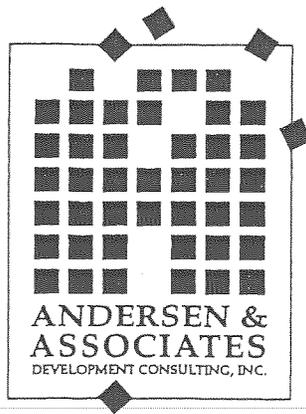
BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

BEGIN AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 3, SANFORD FARMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGES 127, 128 AND 128 ½, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N.00° 02'46" W., ALONG THE WEST LINE OF LOTS 4 AND 5 OF SAID BLOCK 4 AND THE EAST RIGHT OF LINE OF MISSOURI AVENUE A DISTANCE OF 874.34 FEET; THENCE N.89° 44' 50"E., A DISTANCE OF 557.56 FEET TO THE EAST LINE OF LOT 6 OF SAID BLOCK 3; THENCE S.00° 00' 54" E., ALONG THE EAST LINE OF LOTS 3 AND 6 OF SAID BLOCK 3 A DISTANCE OF 494.75 FEET; THENCE S.89° 59'06" W., A DISTANCE OF 120.00 FEET; THENCE S.00° 30'00"E., A DISTANCE OF 277.86 FEET TO THE SOUTH LINE OF LOT 3 OF SAID BLOCK 3 AND THE NORTH RIGHT OF WAY LINE OF ORANGE BOULEVARD; THENCE S.76° 39'54" W., ALONG THE SOUTH LINE OF LOTS 3 AND 4 OF SAID BLOCK 3 AND SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 451.59 FEET TO THE POINT OF BEGINNING

PARCEL CONTAINS 419817 SQUARE FEET OR 9.64 ACRES, MORE OR LESS.



June 3, 2004

Commissioner District 5 Daryl G. McLain
Seminole County
1101 E. First St.
Sanford, Fl. 32771

RE: Fossitt Property, Northeast Corner of Missouri Ave. and Orange Boulevard

Dear Commissioner McLain:

As you are aware the Fossitt property is once again coming in for a Small Scale Land Use Amendment and a PUD approval for their sites in the northeast corner of Missouri Avenue and Orange Boulevard. We the residents of the Missouri Avenue area need your help again.

On December 10, 2002 the Commission approved 4.7 acres. It changed the land use from residential to allow a commercial PUD. The few concessions by the project included a brick wall/landscaping along Missouri and limited architectural standards. I assisted the applicant in gaining local support by incorporating specifics for the Missouri wall/landscaping into the Development Order.

On February 11, 2003 the County once again approved changes regarding the wall/landscaping and architectural standards. This was done to reduce the costs to the applicant. No concessions were given. Once again I did a very detailed plan that was incorporated into the Development Order that would try to maintain the purpose of the wall while greatly reducing its cost.

Now in July or August, 2004 Fossit is once again asking for a Land Use Amendment to include all their property in this location. It would double the project to 9.6 acres and 137,000 square feet of warehouse. It also would expand to the north and include more land on Missouri.

We are asking for the conditions that were already approved.

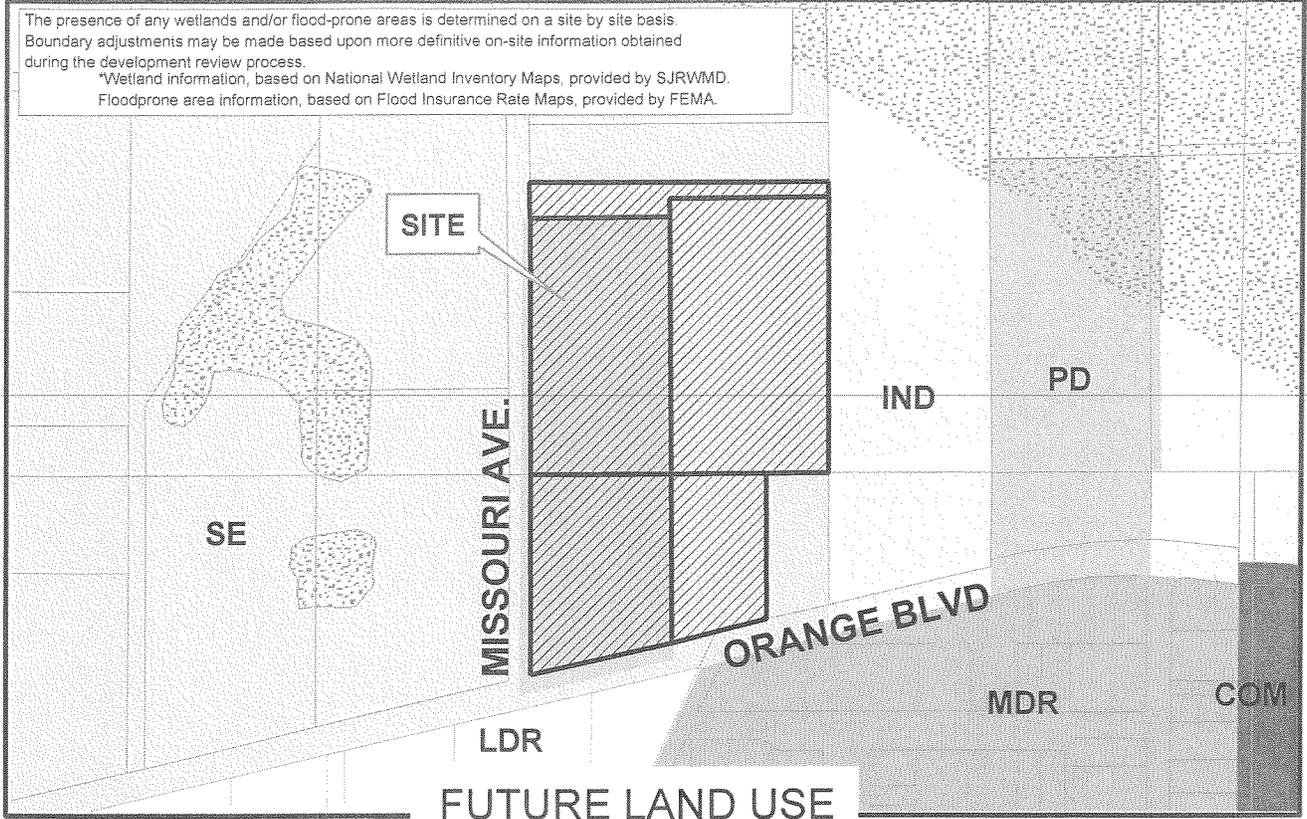
1. **Wall/Landscaping:** Please keep the same wall/landscaping as in the last approval. This is recommended by staff. However, the wall/landscaping needs to now be extended to include the new area added to Missouri. This would mean another roughly 175 feet along Missouri plus another 175 feet along the north boundary to prevent looking into the back of the warehouse
2. **Architecture:** The approved plan had no garage doors facing Missouri. It had suggested photos of how the front and back would look. The new plans show many garage doors facing Missouri. This was specifically addressed by you in February how this would appear as “offices” from the front and warehouses from the back. A six foot high wall can only hide so much.

We are trying to be very reasonable in our request. In return the applicant is getting a generous approval from the County. Once again as our District Commissioner we ask for your help.

Sincerely,



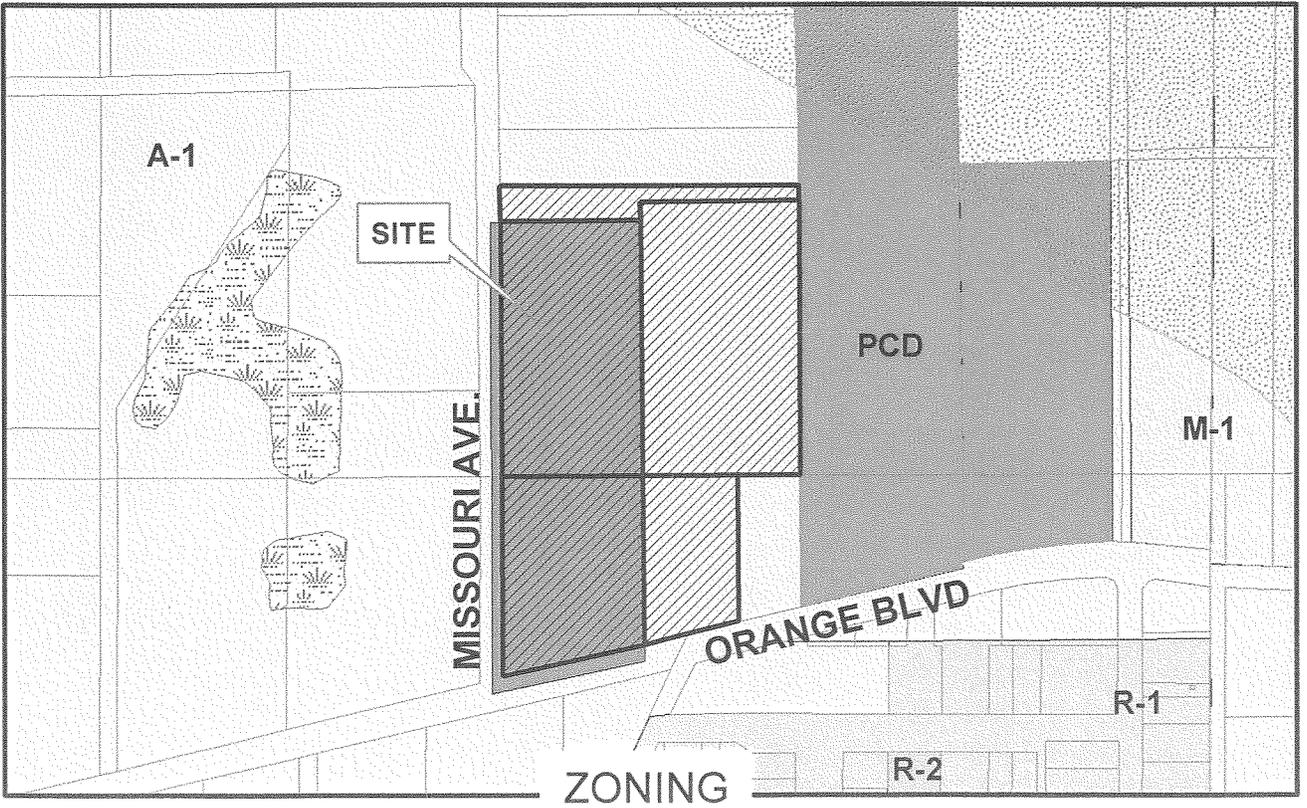
Bruce K. Andersen



Site
 Municipality
 COM
 LDR
 MDR
 SE
 IND
 CONS

Applicant: Jamie Russell
 Physical STR: parts of 16-19-30
 Gross Acres: 9.64 BCC District: 5
 Existing Use: Agricultural
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	07-04SS.02	SE	PD
Zoning	Z2004-026	A-1	PCD



A-1
 R-1
 R-2
 M-1
 PCD
 FP-1
 W-1



Amendment No: O7-04SS.02
From: SE To: PD
Rezone No: Z2004-026
From: A-1 To: PCD

- Parcel
- Subject Property



February 1999 Color Aerials