

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** Nissan Rezone, approximately 4.5 acres, Small Scale Land Use Amendment from Recreation to Industrial and Rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District) for Car Dealership Expansion; R & R Investments, LLC, William D. Ray Jr. – applicant

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

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Cathleen Consoli **EXT.** 7371

**Agenda Date:** 8/26/03 **Regular**  **Consent**  **Work Session**  **Briefing**   
**Public Hearing – 1:30**  **Public Hearing – 7:00**

**MOTION/RECOMMENDATION:**

1. Enact an ordinance to APPROVE the request for a Small Scale Land Use Amendment from Recreation to Industrial and rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District) for Car Dealership Expansion, for approximately 4.5 acres; R & R Investments, LLC, William D. Ray Jr. – applicant, based on staff findings; or
2. DENY the request for a Small Scale Land Use Amendment from Recreation to Industrial and rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District) for Car Dealership Expansion, for approximately 4.5 acres; R & R Investments, LLC, William D. Ray Jr. – applicant; or
3. CONTINUE to a date and time certain.

District 2 – Commissioner Morris

Cathleen Consoli, Senior Planner

**BACKGROUND:**

The applicant, William Ray, Jr. requests a Small Scale Land Use Amendment from Recreation to Industrial and a rezone from A-1 (Agriculture District) to C-3 (General Commercial and Wholesale District) for car dealership expansion. The applicant wants to develop this 4.5 acre site to allow for additional parking and expansion of his facilities, Bill Ray Nissan, on North US 17-92. This application is a result of a proposed land exchange between the applicant and the County. On June 24, 2003, the Board of County Commissioners directed staff to proceed with this land exchange. (See attached Agenda Memorandum.)

The C-3 zoning classification is needed to permit car repair on this portion of property. The Industrial land use allows for this zoning classification. The proposed land exchange will result in an increase of county owned land within the Spring Hammock

Reviewed by:	_____
Co Atty:	_____ <i>KJC</i>
DFS:	_____
OTHER:	_____ <i>MMJ</i>
DCM:	_____ <i>SS</i>
CM:	_____ <i>KB</i>
File No.	<u>ph130pdp02</u>

Preserve. Approximately two thirds of the subject property is uplands which will allow Bill Ray Nissan to utilize it for additional parking and facilities. The applicant states that the expansion of his site is needed for the business to remain competitive in this location along the US 17-92 corridor. Buffers are required adjacent to the wetlands to protect the adjacent Spring Hammock Preserve.

This rezone and small scale land use amendment request is the first step in the process. The proposed parcel of land that will be part of the exchange is located along CR 419 in the Spring Hammock Preserve as indicated on the aerial photograph attached to this report.

**LPA/P & Z RECOMMENDATION:**

The board voted 3-2 to recommend approval of this request. It was requested by the board that additional precautions be taken in order to assure that run-off from the proposed development is treated because of its proximity to the Spring Hammock Preserve.

**STAFF RECOMMENDATION**

Staff recommends approval of this request based on the analysis in this report.

**MINUTES FOR THE SEMINOLE COUNTY  
LPA / P&Z COMMISSION  
AUGUST 6, 2003**

**Members present:** Alan Peltz, Dick Harris, Ben Tucker, Beth Hattaway, and Dudley Bates

**Members absent:** Thomas Mahoney, Chris Dorworth

**Also present:** Jeff Hopper, Senior Planner, Matt West, Planning Manager, Cathleen Consoli, Senior Planner, J.V. Torregrosa, Planner, Jim Potter, Development Review, Mahmoud Najda, Development Review Manager, Karen Consalo, Assistant County Attorney, J.R. Ball, Development Review, Don Fisher, Director of Planning and Development, Gary Rudolph, Utilities Manager and Candace Lindlaw-Hudson, Sr. Staff Assistant.

- I. **Nissan Rezone**; R & R Investments, LLC, William D. Ray Jr. – applicant; approximately 4.5 acres, Small Scale Land Use Amendment from Recreation (REC) to Industrial (IND) and Rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District) for Car Dealership Expansion; located approximately 550 feet west of North US 17-92 and approximately 1,100 feet north of Gen. Hutchison Parkway; (Z2003-026 and 08-03SS.07)

Commissioner Morris - District 2  
Cathleen Consoli, Senior Planner

Ms. Consoli stated that the applicant, William Ray, Jr. requests a Small Scale Land Use Amendment from Recreation to Commercial and a rezone from A-1 (Agriculture District) to C-3 (General Commercial and Wholesale District) for car dealership expansion. The applicant wants to develop this 4.5 acre site to allow for additional parking and expansion of his facilities, Bill Ray Nissan, on North US 17-92. This application is a result of a proposed land exchange between the applicant and the County. On June 24, 2003, the Board of County Commissioners directed staff to proceed with this land exchange.

The C-3 zoning classification is needed to permit car repair on this portion of property. The Industrial land use allows for this zoning classification. The proposed land exchange will result in an increase of county owned land within the Spring Hammock Preserve. Approximately two thirds of the subject property are uplands which will allow Bill Ray Nissan to utilize it for additional parking and facilities. The applicant states that the expansion of his site is needed for the business to remain competitive in this location along the US 17-92 corridor. Buffers are required adjacent to the wetlands to protect the adjacent Spring Hammock Preserve.

This rezone and small scale land use amendment request is the first step in the process. The proposed parcel of land that will be part of the exchange is located along CR 419 in the Spring Hammock Preserve.

Ms. Consoli stated that staff recommendation was for a recommendation for approval as per the conditions outlined in the staff report.

Bill Ray stated that he has been doing business now for 27 years. He needs more storage space for his cars. The County wanted 15 to 16 acres of sensitive lands. He said that they traded; the property on Rt. 419 is across from a County park.

Sarah McClendon of 250 Spring Lake Hills Drive, Altamonte Springs, represents Friends of Environmental Study Center of Spring Hammock. She stated that this property is high and dry. It is one of the areas purchased in 1970 as environmentally endangered land. The habitat is going to be lost forever. This is one of the highest elevations in the preserve. In order for the habitat to survive, a variety of elevations are necessary. This land acts as a greenbelt in the middle of the County. She stated that as time goes on such land only increases in value to the community. It has been preserved for 30 years and should only be used for recreation. Ms. McClendon requested the recommendation of denial.

Alli Jones of 104 Hidden Arbor Court, Sanford, supported Ms. McClendon's comments and questioned why this dealership could not move to the vacated Honda lot next door to the north.

Polly Miller of 121 Larkspur Drive, Altamonte Springs, spoke on behalf of the League of Women Voters of Seminole County. She stated that this is not the first time that she has appeared, but this is the first time that the County has wanted to rezone property that was acquired for preservation. The voters of the County have voted three times to allot money for the purchase of environmentally sensitive lands for preservation. To recommend the proposed penetration of the car dealership into precious hammock lands will kill voter confidence in County Referendum promises. Seminole League of Women Voters requests denial of this application.

Pat Burket of 1821 W. Carlton Street, Longwood, stated that the voters at the time of the referendum stated that Spring Hammock was one of the specific areas they wanted to preserve. She questioned the ownership of the land and requested denial.

Mr. Ray stated that the dealership next door was not available for his purchase. He said that the piece he was swapping was useful as a park for the County. The other parcel is not.

Commissioner Harris asked what the usable amount of land was, comparatively, between the two parcels.

Colleen Rotella, Community Resource Manager, stated that approximately 3 of the 4.5 acres are developable. The swap property is difficult to survey in the area of Soldier's Creek, which is why it is defined as being between 6 and 15 acres. There are at least 3 developable acres there.

Commissioner Harris stated that we would be exchanging approximately 4 acres for 7 acres.

Ms. Rotella concurred. She stated that this had been taken to the Natural Lands Advisory Council, which had recommended approval, but that the Advisory Council was concerned about establishing a bad precedent.

Commissioner Peltz asked how this could be done without having knowledge of the exact acreage.

Ms. Rotella stated that the County believes that there was a minimum of 6 acres on the property to be swapped. The owner believes that it is about 15 acres.

Commissioner Hattaway stated that Seminole County would not have clear title to the land.

Ms. Rotella stated that the County would do a special warranty deed over the area with quick claim. This is the final piece of land available in that area in the Spring Hammock area not owned by the County or the State. The difficulty in the area has been the shifting channel of Soldier's Creek. This will finalize the area for the County.

Commissioner Tucker stated that there had been concerns about having a large out parcel in the Hammock. This is the best of the compromises recommended. The other piece is commercial on two sides.

Commissioner Harris asked about the drainage on the parcel that was to be handled.

Ms. Consoli stated that a 25-foot average, 15-foot minimum undisturbed buffer from the jurisdictional wetland line would need to be provided. A conservation easement will be required to be placed over the wetlands and required buffers dedicated to Seminole County.

Commissioner Harris asked if any burms and catch basins were being required for run off, as had been done with Alaqua Lakes. That is a realistic restraint to be put on commercial development coming into natural lands.

Ms. Consoli stated that the site would meet all requirements of the Code.

Commissioner Harris addressed the needs of having higher constrains for run off on the area of preserve. The Code established minimum standards.

Commissioner Tucker said that the Board of County Commissioners would appreciate some guidance in that area when making their decision.

Jim Potter of Development Review stated that the impacts will be minimal. The parcel flows back toward 17-92, but the water quality would be protected.

Don Fisher stated that he will make recommendations which will bring the conditions up and beyond minimum standards of the Code.

**Commissioner Harris made a motion to recommend approval of request for a Small Scale Land Use Amendment from Recreation to Industrial and rezone from A-1 (Agriculture District) to C-3 (General Commercial and Wholesale District) for Car Dealership Expansion, for approximately 4.5 acres, adding the additional stipulation that the discharge from this parcel go back into the same basin, meeting higher standards than basic Code requirements.**

**Commissioner Bates seconded the motion for discussion.**

Commissioner Peltz stated that he was opposed to giving up any land. He did not think that this should be done without clear title on the other property.

Commissioner Hattaway asked if the County had given up land in the Hammock area before.

Ms. Rotella said no.

Commissioner Hattaway said that she hated to see it start. It should not come out of a public trust.

Commissioner Tucker stated that mitigation of land was a common occurrence. Elimination of outparcels is a major accomplishment. He will be voting with the motion.

Commissioner Peltz disagreed.

**The vote was 3 to 2 in favor of the motion. Commissioner Peltz and Hattaway were opposed.**

***Nissan Rezone and Land Use Amendment  
Staff Report***

<b>Recreation to Industrial</b>		<b>Amendment (Z2003-026, 08-03SS.07)</b>
<b><i>REQUEST</i></b>		
<b>APPLICANT</b>	R & R Investments, LLC William Ray, Jr.	
<b>PLAN AMENDMENT</b>	Recreation (REC) to Industrial (IND)	
<b>REZONING</b>	A-1 to C-3	
<b>APPROXIMATE GROSS ACRES</b>	4.5	
<b>LOCATION</b>	Approximately 550 feet west of North US 17-92, approximately 1,100 feet north of General Hutchison Parkway	
<b>BCC DISTRICT</b>	District 4 – Henley	
<b><i>RECOMMENDATIONS AND ACTIONS</i></b>		
<b>STAFF RECOMMENDATION August 6, 2003</b>	Recommend APPROVAL of the Industrial future land use designation and rezoning from A-1 to C-3.	
<b>LPAP&amp;Z RECOMMENDATION August 6, 2003</b>	The board voted 3-2 to recommend approval of this request. It was requested by the board that additional precautions be taken in order to assure that run-off from the proposed development is treated because of its proximity to the Spring Hammock Preserve.	

## ***Nissan Rezone and Land Use Amendment Staff Report***

<b>Recreation to Industrial</b>		<b>Amendment (Z2003-026, 08-03SS.07)</b>
<b>REQUEST</b>		
<b>APPLICANT</b>	R & R Investments, LLC William Ray, Jr.	
<b>PLAN AMENDMENT</b>	Recreation (REC) to Industrial (IND)	
<b>REZONING</b>	A-1 to C-3	
<b>APPROXIMATE GROSS ACRES</b>	4.5	
<b>LOCATION</b>	Approximately 550 feet west of North US 17-92, approximately 1,100 feet north of General Hutchison Parkway	
<b>BCC DISTRICT</b>	District 4 – Henley	
<b>RECOMMENDATIONS AND ACTIONS</b>		
<b>STAFF RECOMMENDATION August 6, 2003</b>	Recommend APPROVAL of the Industrial future land use designation and rezoning from A-1 to C-3.	
<b>LPA/P&amp;Z RECOMMENDATION August 6, 2003</b>	No recommendation available at this time.	

# STAFF ANALYSIS

## Recreation to Industrial

**Amendment  
(Z2003-026  
08-03SS.07)**

1. **Property Owners:** William D. Ray, Jr.
2. **Tax Parcel Number:** Part of 21-20-30-5AP-0000-0190
3. **Development Trends:** Development in this area is characterized by commercial and other higher intensity uses to the north and east. This parcel is located on North US 17-92 and within the Redevelopment District for US 17-92.

# SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Recreation currently assigned to the subject property, allows public or private recreational facilities, park lands and open space preservation areas. Existing A-1 zoning implements the permitted uses allowed under the Vision 2020 Plan. The subject property is vacant.

Location	Future Land Use*	Zoning*	Existing Use
Site	Recreation	A-1	<i>Vacant</i>
North	Planned Development	PUD	Car dealership
South	Recreation	A-1	Vacant, Spring Hammock Preserve
East	Commercial	C-2	Car dealership
West	Recreation	A-1	Vacant, Spring Hammock Preserve

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

# COMPREHENSIVE PLAN CONSISTENCY

**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 amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando 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).*

Access to the subject property will be through the adjacent property that fronts US 17-92, a Principal Arterial. The existing Level of Service (LOS) on this portion of US 17-92 is "D", with an adopted LOS standard of "D". This request will not negatively impact traffic patterns in the area.

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County*

The subject property is within the Seminole County water and sewer service area. Water and sewer service are currently 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 the Seminole County EMS/Fire Station #35. Response time to the site 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 there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities.

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).*

Approximately one third of this site is wetlands. A 25-foot average, 15-foot minimum undisturbed buffer from the jurisdictional wetland line will need to be provided. A conservation easement will be required to be placed over the wetlands and required buffers dedicated to Seminole County.

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).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

**4. DEVELOPMENT POLICIES** - Additional criteria and standards are also included in the Plan that describe when, where and how development is to 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 of compatibility, the proposed Industrial land use would be compatible with adjacent commercial car sales uses to the north and east. The site will be an extension of the existing car dealership, Bill Ray Nissan. This additional acreage will handle additional parking required by the applicant. Buffers will be provided adjacent to the jurisdictional wetlands protecting the REC land use designations to the south and west of the site.

Applicable Plan policies include, but are not limited to, the following:

**Transitional Land Uses:** *The County shall evaluate plan amendments to insure 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)*

"Exhibit FLU: Appropriate Transitional Land Uses" indicates that Industrial is an appropriate transitional use adjacent to Recreation/Public with sensitive site design elements such as sufficient buffers and setbacks, controlled impervious areas, and lighting controls.

Other applicable plan policies include:

*FLU 4:2: Infill Development*

*FLU 4.3: Community Redevelopment Agency*

*FLU 2.2: Regulation of Active Uses.*

**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 development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, or 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 request.

Item # 61

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

SUBJECT: Proposed Property Exchange: Bill Ray Nissan / Spring Hammock Preserve

DEPARTMENT: Planning & Development DIVISION: Community Resources

AUTHORIZED BY: Donald S. Fisher CONTACT: Colleen Rotella EXT. 7351

Agenda Date: 06/24/2003 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

MOTION/RECOMMENDATION:

Request Board direction regarding proposed property exchange.  
(Bill Ray Nissan, Applicant).

Commissioner Morris – District 2

BACKGROUND:

Bill Ray Nissan has approached the County regarding a need to expand the dealership which is located on US 17-92. In order to remain competitive it is necessary for the dealership to expand in its present location or be forced to re-locate. Given the County's efforts to revitalize and expand the US 17-92 corridor, the applicant has asked the County consider an exchange of an estimated 4.5 acres directly behind the dealership which is within Spring Hammock Preserve. In exchange, the applicant will provide the County with similar property also located within the Spring Hammock Preserve on CR 419 boundary but currently under private ownership. The property is estimated between 5-15 acres with half interests shared between the County and a private owner.

The County Attorney's Office has determined that a swap of property could be considered by the Board. Planning staff has discussed the proposed exchange with the County's Bond Counsel who has no objection to the swap assuming the size and/or value of property being exchanged is comparable. Should the Board consider the request, the applicant requests any exchange not be finalized until the property is evaluated for a plan amendment and rezoning which would be required in order for the dealership to expand.

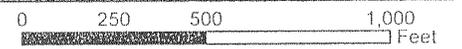
Reviewed by:  
Co Atty: \_\_\_\_\_  
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Other: \_\_\_\_\_  
DCM: \_\_\_\_\_  
CM: \_\_\_\_\_  
File No. - rpdc01

Should the Board conceptually approve the request, staff will proceed with appropriate due diligence of the exchange, preparation of an agreement including terms of an exchange and direct Bill Ray Nissan to submit a Plan Amendment / Rezone application for consideration.

Attachment(s); site map



Spring Hammock Preserve



AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH IN THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM RECREATION TO INDUSTRIAL; 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 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; 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 Local Planning Agency held a Public Hearing, with all required public notice, on August 6, 2003, 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 26, 2003, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local 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 Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Nissan Rezone and Land Use Amendment Staff Report."

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

**Section 1. RECITALS/LEGISLATIVE FINDINGS:**

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (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. 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 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described as:

East 595 feet of the North 1/2 of Lot 20 of Spring Hammock as recorded in PB 2, Page 3 according to Public Records of Seminole County, Florida AND the 40' right-of-way that is contiguous to the aforescribed parcel, containing 4.4 acres plus or minus, from Recreation to Industrial, Amendment Number 03-08SS.07.

The associated rezoning request was completed by means of Ordinance Number 2003-\_\_\_\_\_.

(c) The development of the property is subject to the development intensities and standards permitted by any applicable overlay Conservation land use designations, Code requirements and other requirements of law.

**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 and the Florida Department of Community Affairs 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 adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, 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 26 day of August, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_

Daryl McLain,  
Chairman

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED HEREIN); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE C-3 (GENERAL COMMERCIAL AND WHOLESALE DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Nissan Rezone and Land Use Amendment Staff Report.

(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 (Agriculture) to C-3 (General Commercial and Wholesale District):

The East 595 feet of the North 1/2 of Lot 20 of Spring Hammock as recorded in PB 2, Page 3 according to Public Records of Seminole County, Florida  
AND the 40' right-of-way that is contiguous to the afore described parcel. Containing 4.4 acres plus or minus.

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

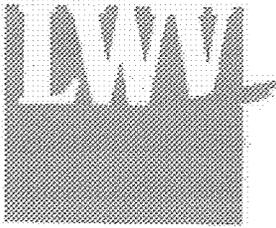
**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect 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 be effective upon the date of filing by the Department of State.

ENACTED this 26<sup>th</sup> day of AUGUST 2003

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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



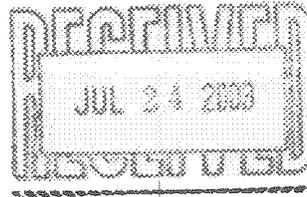
League of Women Voters  
of Seminole County  
P. O. Box 160394  
Altamonte Springs, FL 32716-0394  
(407) 339-9266 Fax (407) 772-6678  
<http://groups.yahoo.com/group/lwvsc>

CM  
JEM (SS)  
Comm. Resources Mgr.  
P & D Dir.  
Planning Mgr. ✓

July 23, 2003

Mr. Daryl McLain, Chairman  
Seminole County Board of Commissioners  
1101 East First Street  
Sanford, FL 32771-1468

Ref: Bill Ray Nissan Application



Dear Commissioner McLain:

The purpose of this letter is to ask our Seminole County Commissioners not to break faith with Seminole County voters who have three times in the past 30 years voted to entrust a portion of their tax monies to the County for the acquisition of environmentally sensitive lands.

The very first County lands targeted for purchase back in November of 1970 when Seminole County voters passed a \$1,700,000 natural lands acquisition referendum were sites in the forested expanse in the heart of Seminole County - from Big Tree Park, home of the 3,500 year old bald cypress, the Senator, to Lake Jesup - forming a treasured green belt we know as Spring Hammock Nature Preserve that increases in value as a welcome haven as the county becomes more urbanized.

In 1979 the Florida legislature adopted a new source of funding dedicated to preserving environmentally sensitive lands, the Conservation and Recreation Land (CARL) program. In September 1980, Spring Hammock was placed 15th on the CARL priority list of 26. By December, its listing was raised to number 7. During the 1980's the State completed survey mapping and appraisals for the 37 Spring Hammock owners, and CARL began issuing contract options of which six were signed by 1987 with more in progress.

With two thirds of Spring Hammock either owned or under CARL option contracts, Seminole County Commissioners, in a gala celebration at Big Tree Park, proclaimed December 1, 1987, to be Spring Hammock Nature Park Recognition Day. The event was attended by representatives from the Governor's office, Forestry Department, Environmental Regulation Commission, St. Johns Water Management District, Seminole County School Board, Seminole city governments, Sierra Club, Audubon, League of Women Voters, Spring Hammock property owners, and concerned citizens.

*League of Women Voters of Seminole County  
A non-partisan organization promoting political responsibility  
through informed and active participation of citizens in government.*

Three years later, November 6, 1990, Seminole County Commissioners placed on the ballot the county's second land referendum "to determine if County residents authorize the issuance of bonds to purchase and preserve important natural/environmental lands," this time for an assessment of \$20.28 million dollars. Again, Seminole County residents voted an overwhelming "yes." And again, Spring Hammock sites were on the list of properties the county sought to buy.

In 2000, Seminole voters approved a stunning \$25 million bond referendum for the stated purpose of "enhancing public safety, outdoor recreation and natural lands preservation through the expansion of trails and greenways in neighborhoods across the county."

Although we didn't realize it at the time, it might be said that the bond referendum of 1970 marks the beginning of Seminole County's claim to be "Florida's Natural Choice." It has taken a 30-year partnership of environmentally concerned residents with a succession of County Commissioners who kept the faith - plus some \$46 million to create and maintain that claim.

As memories fade with time, it may come as a surprise to county staff and even members of the County Commission that the property exchange currently in question is Bill Ray's second request for a rezoning of land in Spring Hammock. The granting of that first request late one December night in 1976 to construct his Baird-Ray Datsun dealership (now called Bill Ray Nissan) on four acres within the proposed Spring Hammock Acquisition Project boundaries raised a firestorm of opposition.

The seemingly neutral exchange now being proposed is in effect a slight-of-hand maneuver to exchange an established Spring Hammock site acquired with funds dedicated to the acquisition and preservation of natural land for use as a parking lot, in exchange for another Spring Hammock site that has already been approved for acquisition by the Natural Lands Committee. By this measure, the parcel in question is ineligible for any kind of sell-off, trade or zoning change.

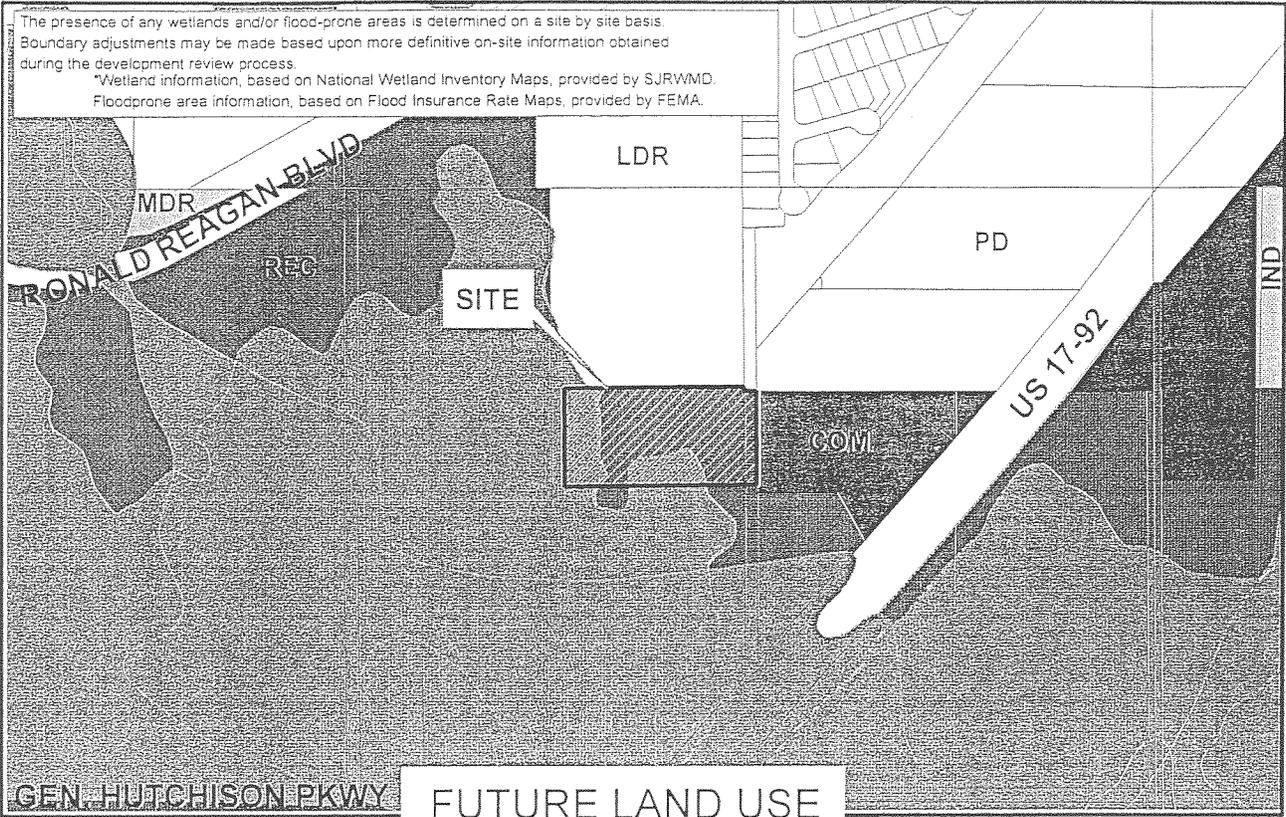
On behalf of our membership, and indeed a major number of Seminole County voters, the League of Women Voters of Seminole County asks Seminole County Commissioners to withdraw their June 24th instructions to staff to "proceed with appropriate due diligence of the exchange, and direct Bill Ray Nissan to submit a Plan Amendment/Rezone application for consideration," and to request that Bill Ray Nissan withdraw its application for the proposed property exchange as being inconsistent with the declared intent of the CARL program and the County's three natural lands referendums.

Sincerely,



Deborah Carswell, President  
League of Women Voters of Seminole County

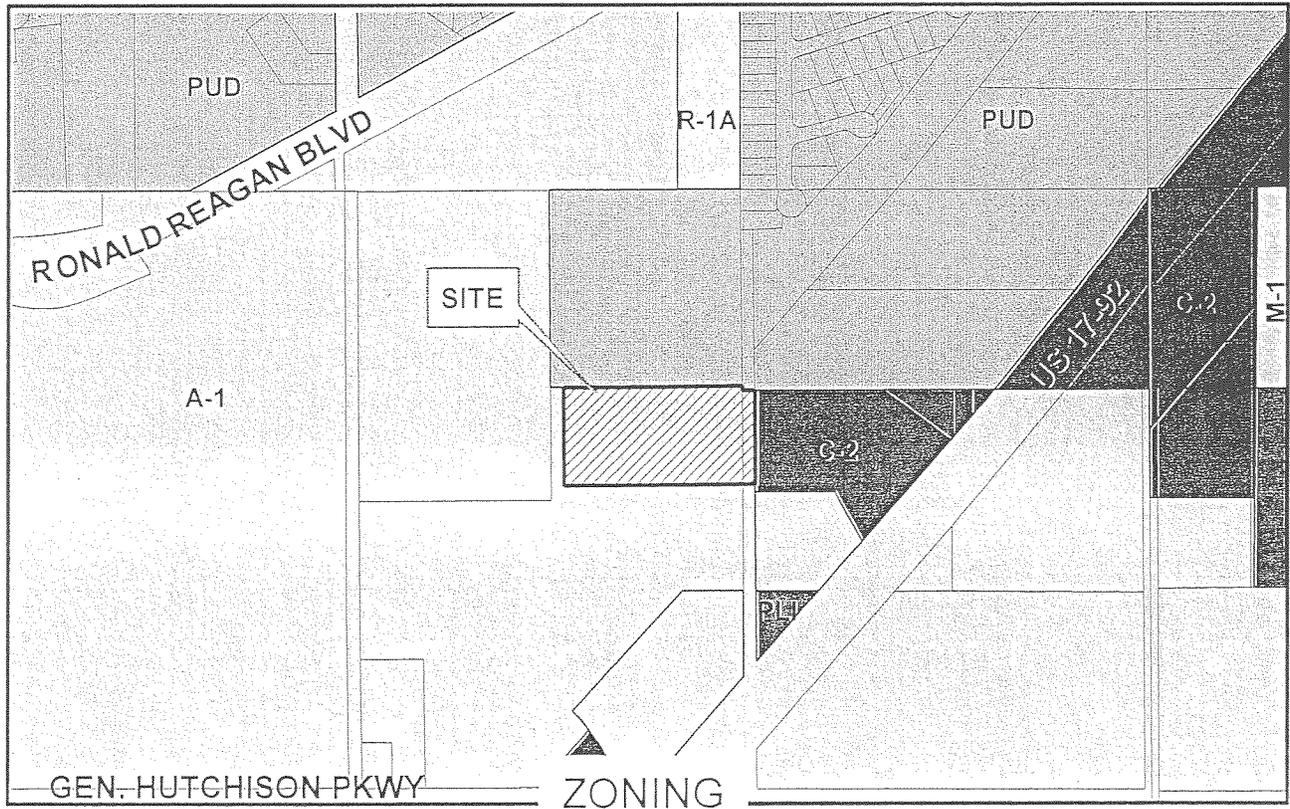
*League of Women Voters of Seminole County  
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Site
  COM
  LDR
  CONS
  IND
  PD
  MDR

Applicant: R & R Investments, LLC  
 Physical STR: part of 21-20-30-5AP-0000-0190  
 Gross Acres: +/- 4.4 BCC District: 2  
 Existing Use: County  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	08-03SS.07	REC	COM
Zoning	Z2003-026	A-1	C-2



A-1
  M-1
  C-2
  R-1A
  PLI
  PUD



Amendment No. 08-03SS.07

From: REC To: COM

Rezone No: Z2003-026

From: A-1 To: C-2

 Parcel

 Subject Property



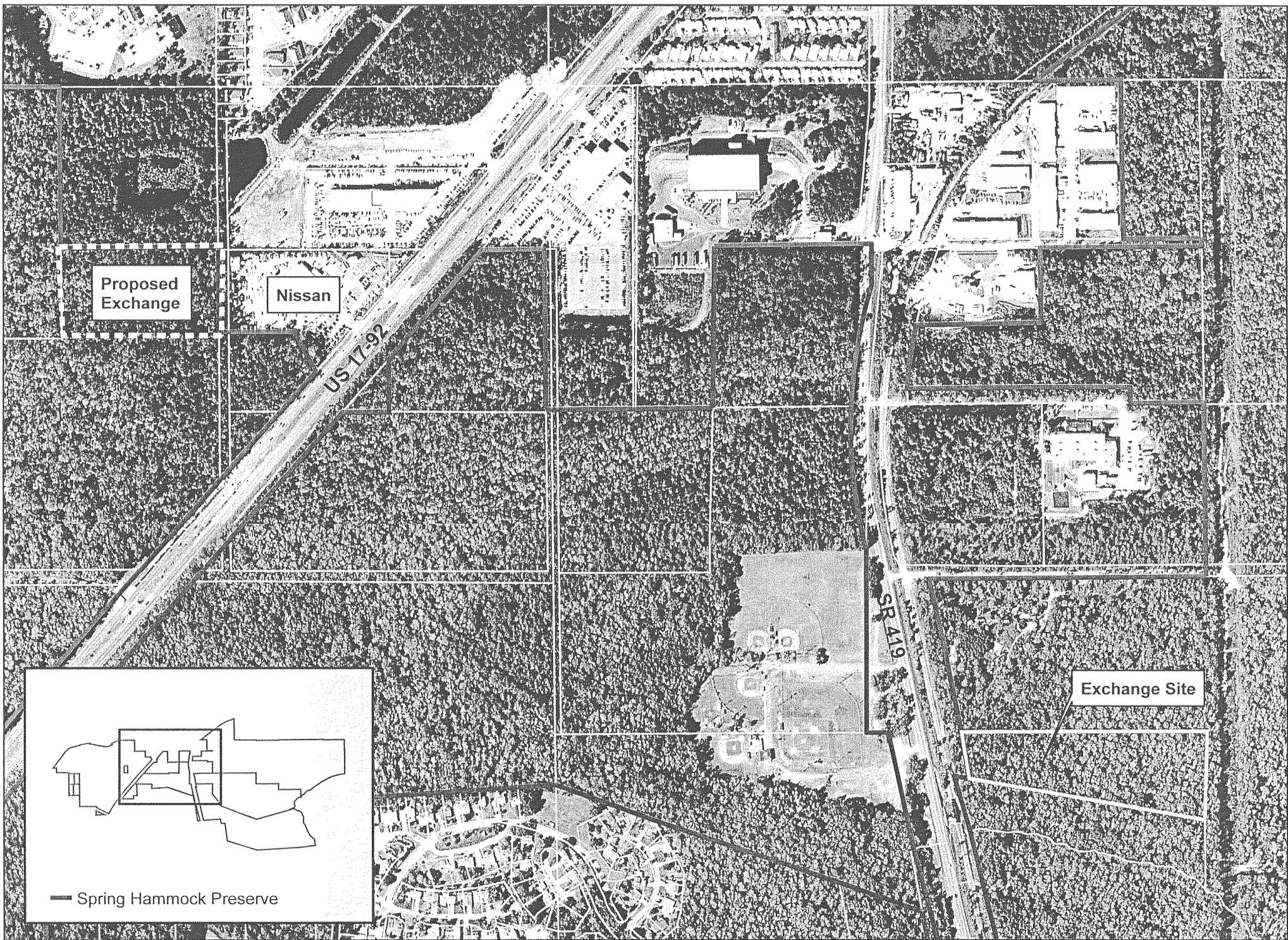
February 1999 Color Aerials

FLU = REC  
ZON = A-1

US 17-92

FLU = REC  
ZON = A-1

SR A-19



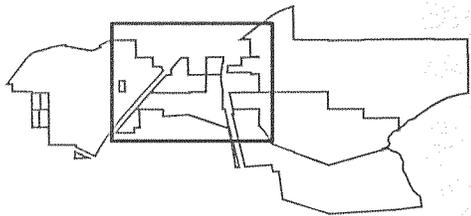
Proposed Exchange

Nissan

US 17-92

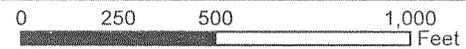
SR 419

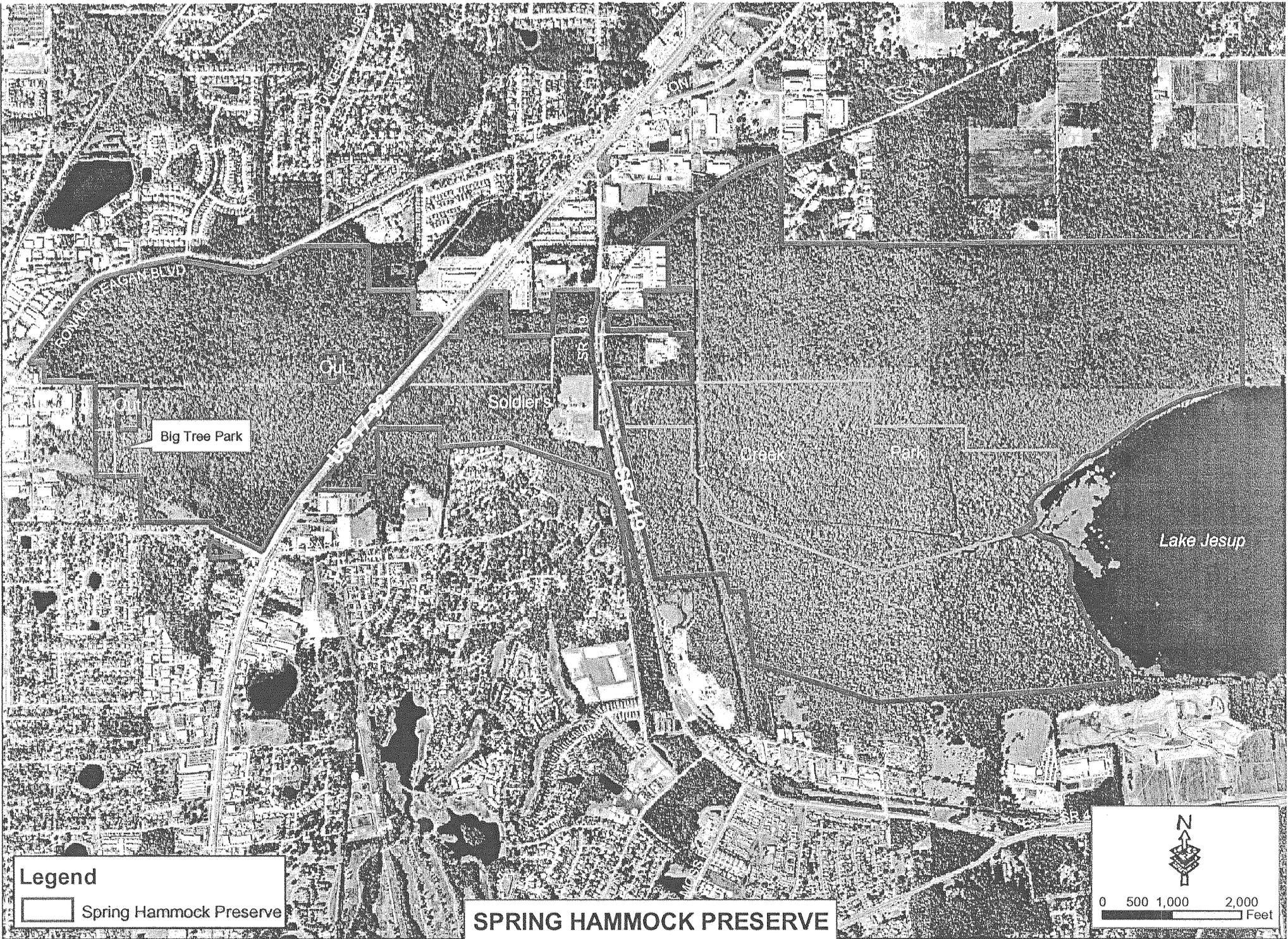
Exchange Site



Spring Hammock Preserve

### Spring Hammock Preserve





Big Tree Park

Soldiers

Laker Park

Lake Jesup

**Legend**

 Spring Hammock Preserve

**SPRING HAMMOCK PRESERVE**

