

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Condev Office Site, Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) (Chris Gardner, applicant)

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

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Jeff Hopper **EXT.** 7431

<b>Agenda Date</b> <u>9/13/05</u>	<b>Regular</b> <input type="checkbox"/>	<b>Work Session</b> <input type="checkbox"/>	<b>Briefing</b> <input type="checkbox"/>
	<b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/>	<b>Public Hearing – 7:00</b> <input type="checkbox"/>	

**MOTION/RECOMMENDATION:**

1. ENACT an ordinance to APPROVE the request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) and authorize the Chairman to execute the attached development order; on approximately 1.9 acres located on the east side of Tuskawilla Road, approximately 300 feet north of SR 426, (Chris Gardner, applicant); or
2. DENY the request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development); on approximately 1.9 acres located on the east side of Tuskawilla Road, approximately 300 feet north of SR 426, (Chris Gardner, applicant); or
3. CONTINUE the request until a time and date certain, per the attached Staff Report.

(District 1 – Dallari)

(Jeff Hopper, Senior Planner)

**BACKGROUND:**

The applicant is requesting PCD zoning to develop 21,746 s.f. of office use in four separate buildings. The buildings will be 2 stories in height and will access Tuskawilla Road via a shared driveway with the existing convenience store to the south. The proposed use is consistent with the High Intensity Planned Development (HIP-TR) future land use designation. It is also compatible with existing commercial development to the south and approved office and commercial developments on properties to the north and east.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

On July 13, 2005 the Planning & Zoning Commission voted 5-0 to recommend APPROVAL of the request subject to staff recommendations as listed in the Development Order.

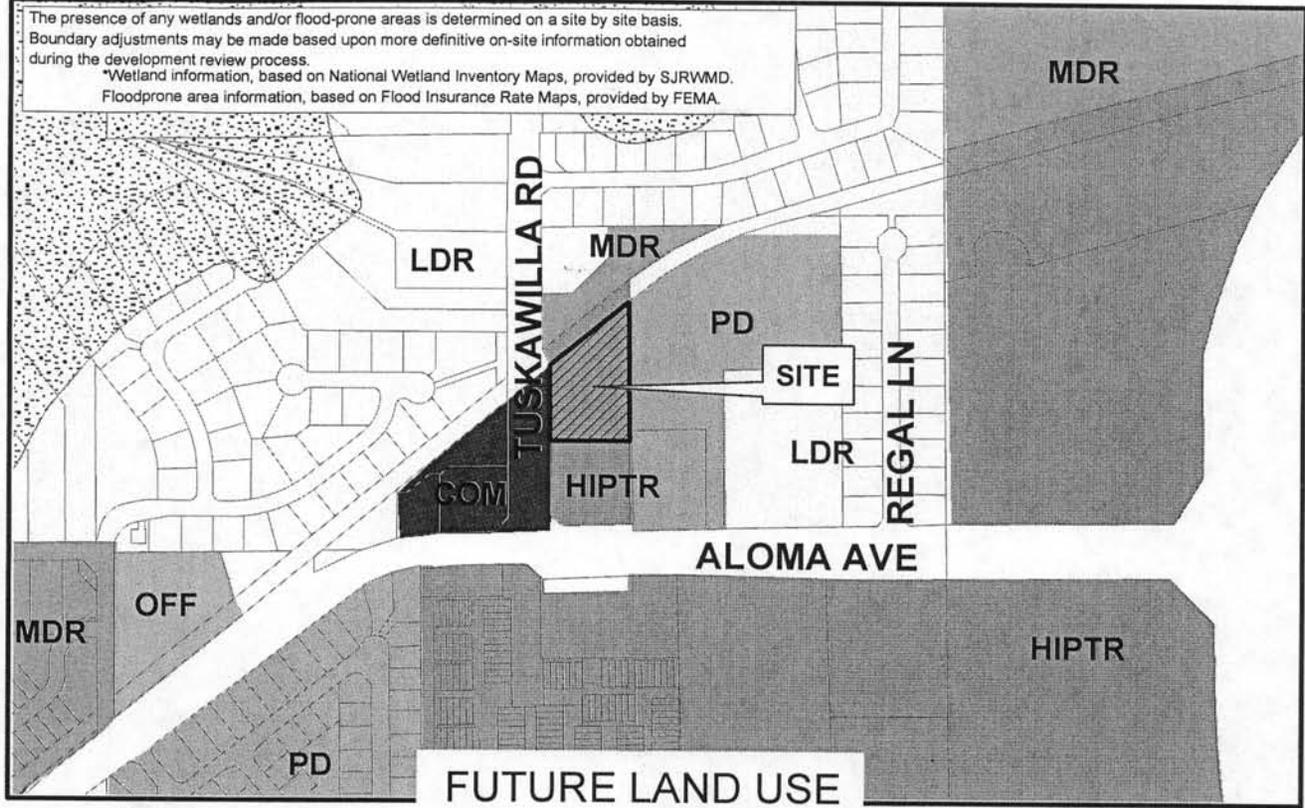
<b>Reviewed by:</b>
<b>Co Atty:</b> <u>VR</u>
<b>DFS:</b> _____
<b>OTHER:</b> <u>AMW</u>
<b>DCM:</b> _____
<b>CM:</b> <u>JS</u>
<b>File No.</b>
<u>ph130pdp04</u>

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL subject to conditions listed in the attached development order.

Attachments:       FLU/Zoning Maps  
                          Aerial Photo  
                          Location Map  
                          Site Plan  
                          Development Order  
                          Rezone Ordinance

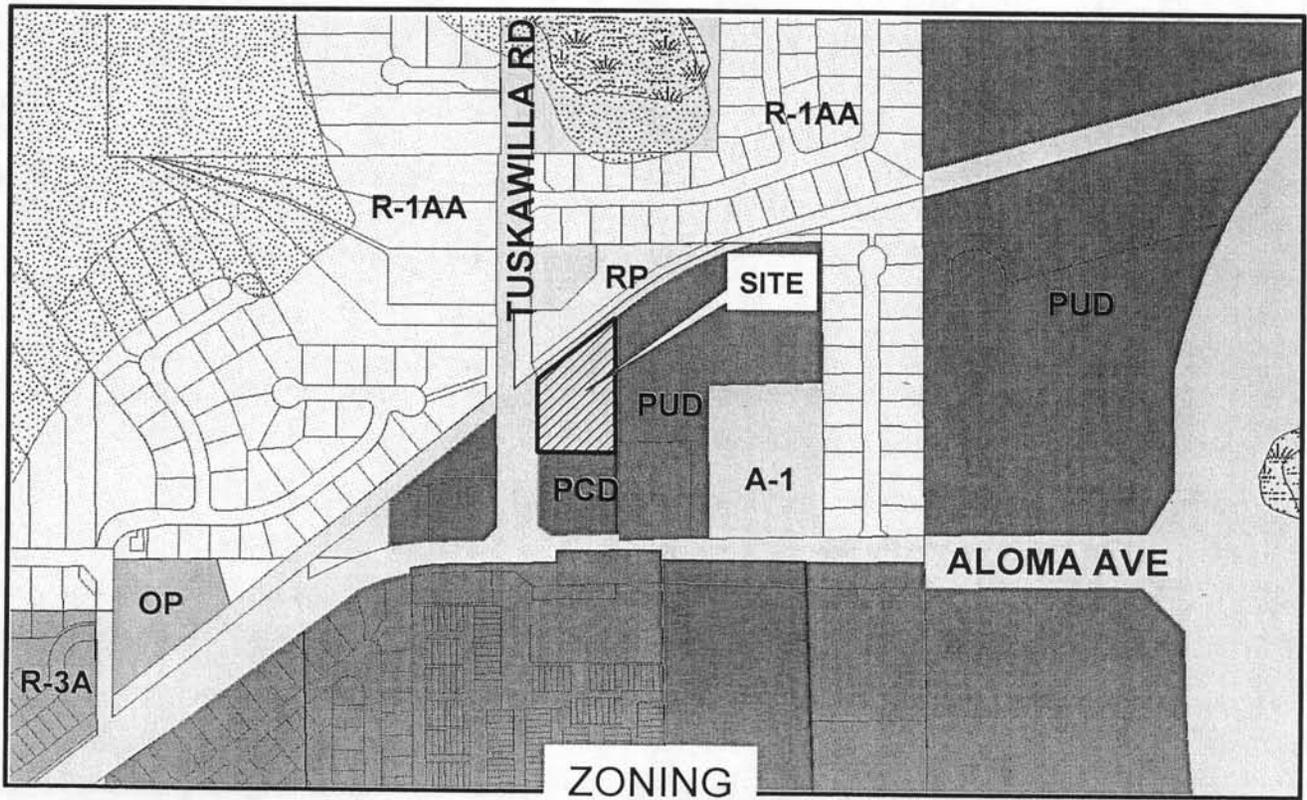
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by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



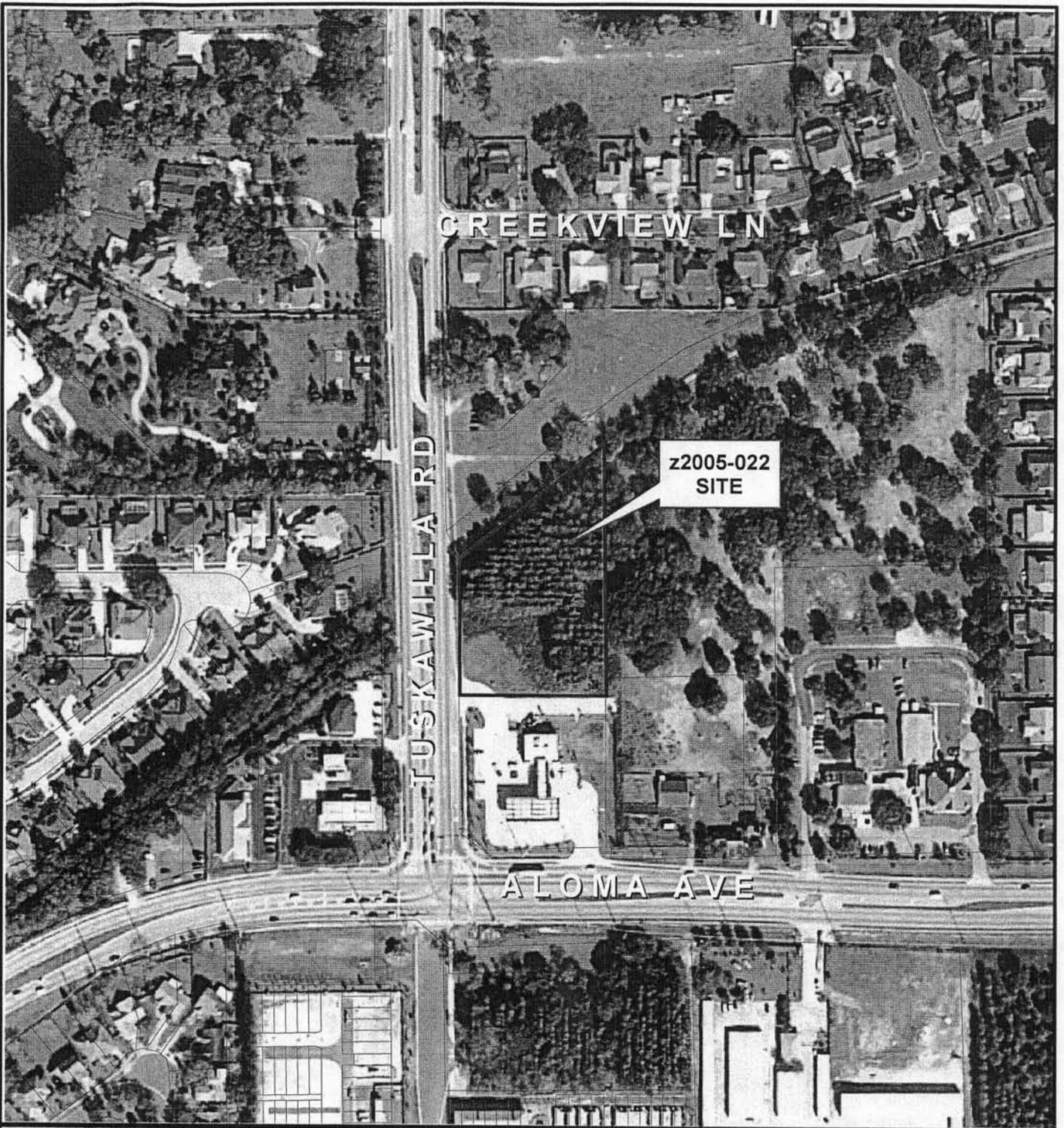
Site   
  Municipality   
 LDR    MDR    COM    PD    HIPTR    CONS    OFF

Applicant: Christopher Gardner  
 Physical STR: 36-21-30-300-0060-0000  
 Gross Acres: 1.9 +/-    BCC District: 1  
 Existing Use: Vacant  
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-022	A-1	PCD



A-1   
  R-1AA   
  RP   
  PUD   
  PCD   
  FP-1   
  W-1  
 R-3A   
 OP



Rezoning No: Z2005-022

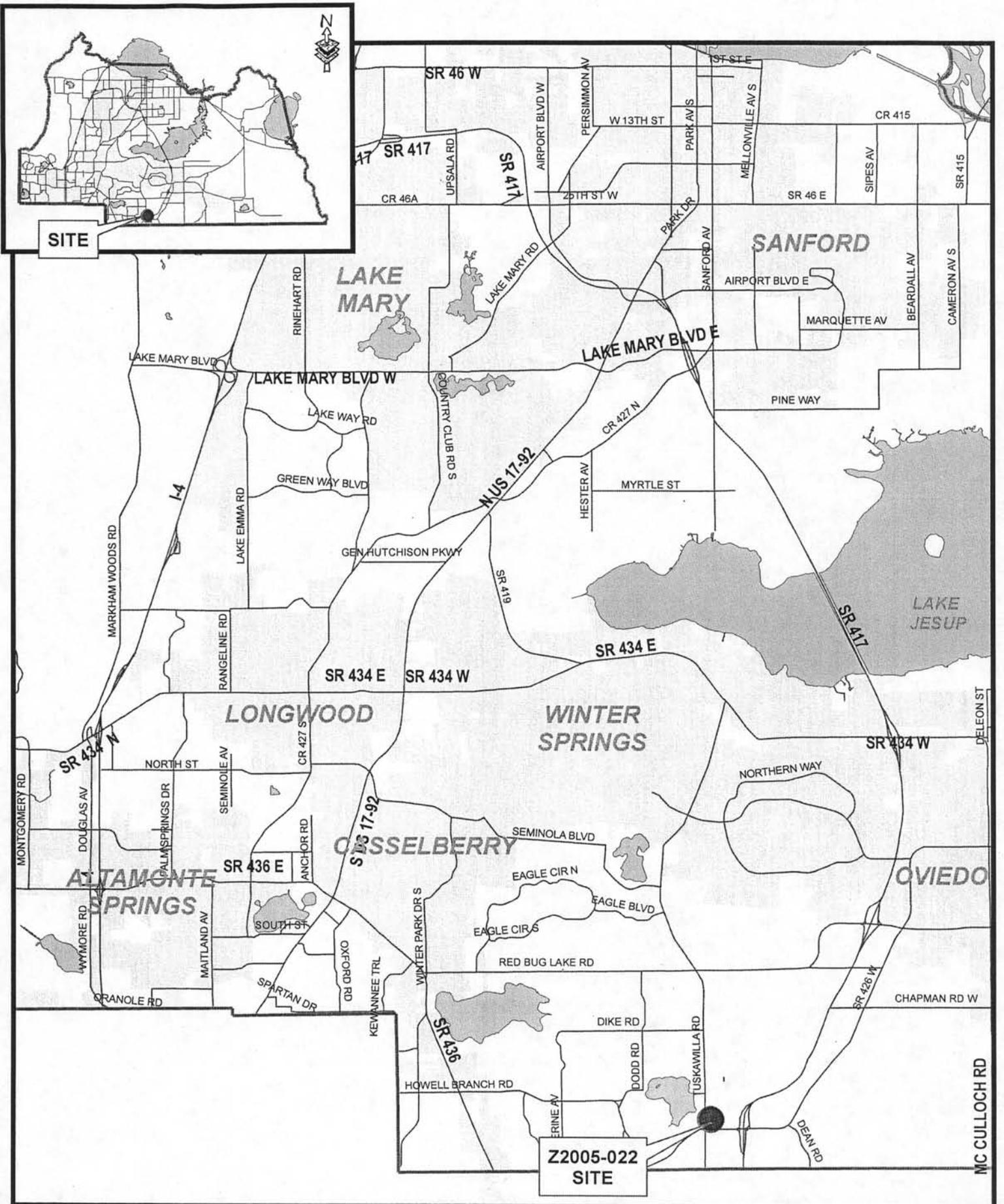
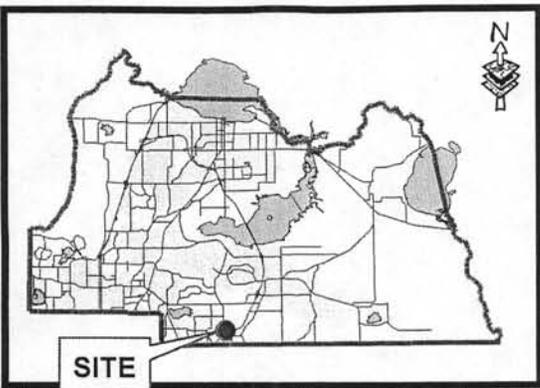
From: A-1 To: PCD

 Parcel

 Subject Property

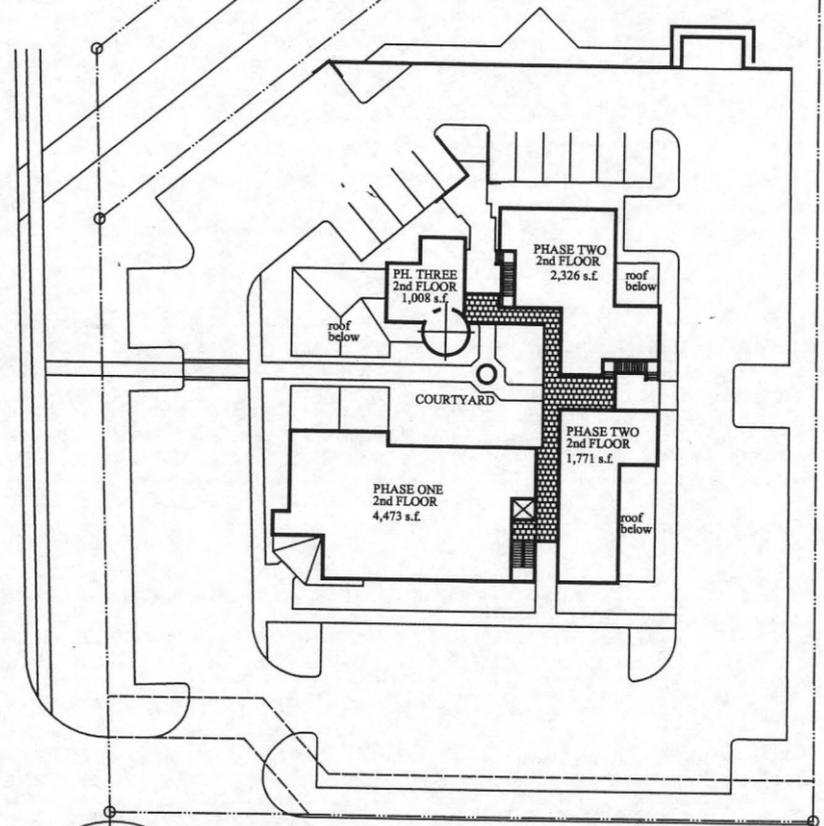
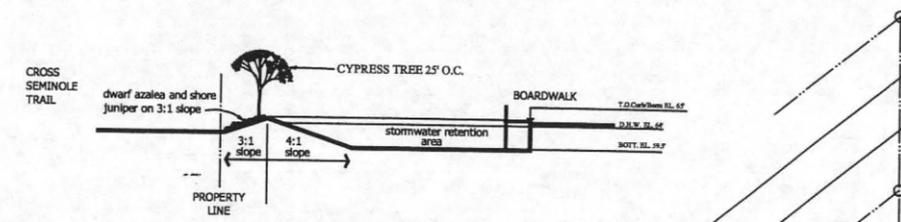


January 2004 Color Aerials

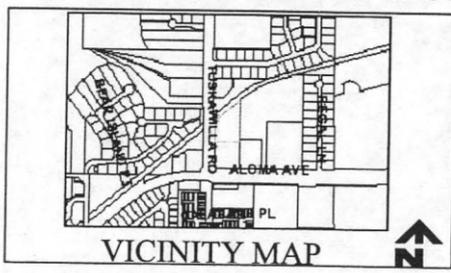


**STORMWATER RETENTION AREA SECTION**

SCALE: 1" = 20'-0"



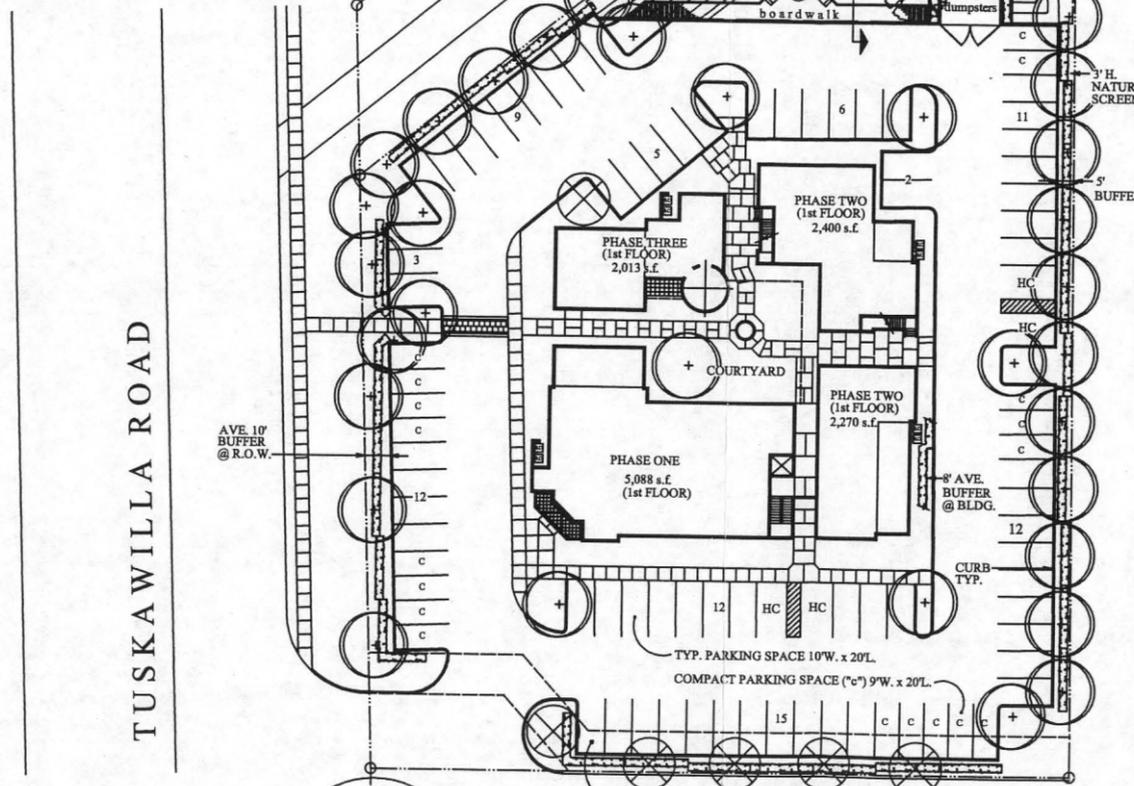
**PRELIMINARY SECOND FLOOR PLAN**



4,473 S.F.  
1,771 S.F.  
2,326 S.F.  
1,008 S.F.  
SECOND FLOOR AREA: 9,578 S.F. OFFICE USE

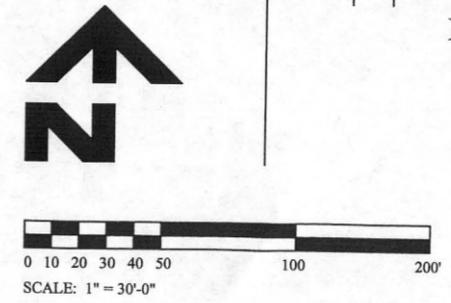
<p><b>PROPOSED USES</b>                  PHASE 1: GENERAL OFFICES (HOME BUILDER'S HEADQUARTERS)                  PHASE 2: GENERAL OFFICES TO MEET SEMINOLE CO. "OP" DISTRICT CRITERIA                  PHASE 3: GENERAL OFFICES TO MEET SEMINOLE CO. "OP" DISTRICT CRITERIA                  POSSIBLE USES FOR PHASES 2 &amp; 3 INCLUDE MEDICAL &amp;/OR DENTAL OFFICES.</p>	<p><b>MAXIMUM PROPOSED BUILDING HEIGHT: 35' (ONE &amp; TWO FLOORS)</b>  <b>MINIMUM PROPOSED SETBACKS</b>                  NORTHWESTERN: 58'                  SOUTHERN (RIGHT SIDE): 82'                  WESTERN (FRONT, OR TUSKAWILLA RD. SIDE): 60'                  EASTERN (REAR): 54'</p>
<p><b>PARKING TABULATION</b>                  OFFICE AREA: 12,168 S.F. on 1st FLOOR                  9,578 S.F. on 2nd FLOOR                  TOTAL OFFICE AREA: 21,746 S.F.                  TOTAL REQUIRED PARKING: 21,746                  250 = 86.9, or 87 SPACES                  PARKING SPACES SHOWN: 87 SPACES, INCLUDING 4 ACCESSIBLE &amp; 18 (21%) COMPACT SPACES</p>	
<p>AN EXISTING PINE PLANTATION ON THE SITE SHALL BE REMOVED.</p>	
<p>SITE OPEN AREA (PERMEABLE AREA) = 30%+, INCLUDING AMENITIZED STORMWATER RETENTION AREA.</p>	

- INDICATES PROPOSED CRAPE MYRTLE (SHALLOW ROOT) TREE
- INDICATES PROPOSED CANOPY TREE
- INDICATES PROPOSED CYPRESS TREE
- INDICATES PROPOSED 3' H. NATURAL BUFFER



**PRELIMINARY GROUND LEVEL PLAN**

5,088 S.F.  
2,270 S.F.  
2,400 S.F.  
2,013 S.F.  
FIRST FLOOR AREA: 12,168 S.F. OFFICE USE



<p>ISSUED FOR PRELIM. COUNTY REV.</p>	<p>3/02/05</p>
<p>REV./CTY. COMMENTS</p>	<p>3/16/05</p>
<p>PARKING ADJUSTMENT</p>	<p>3/30/05</p>
<p>PRELIM. CTY. REV. #2</p>	<p>6/03/05</p>
<p>REV./CTY. COMMENTS</p>	<p>7/6/05</p>

650 N. WYMORE ROAD  
SUITE # 201  
WYMORE, FLORIDA 32789  
TEL 407/847-7340  
FAX 407/847-2355  
FLA. REG. NO. AR 4689

**ROBERT HARRIS ARCHITECT**

**TUSKAWILLA PROJECT**  
CONDEV PROPERTIES  
SEMINOLE COUNTY, FLORIDA

**PRELIMINARY SITE PLAN  
PROPOSED DEVELOPMENT**

DRAWN	RH
DATE	7/6/05
CHKD	RH
SHEET SCALE	
1" = 30'	
FILE NAME	
WD SITE 060405.DWG	
PROJECT NO.	
05-036	
SHEET NO.	
P-1	

FILE: HARRIS21/PROJ/COMM/OFFICES/05-036/CONDEV/WD

## CONDEV OFFICE SITE

REQUEST INFORMATION	
<b>APPLICANT</b>	Chris Gardner / Condev Corporation
<b>PROPERTY OWNER</b>	Parkers Corner LLC
<b>REQUEST</b>	Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development)
<b>HEARING DATE (S)</b>	P&Z: July 13, 2005      BCC: Sept. 13, 2005
<b>PARCEL NUMBER</b>	36-21-30-516-0000-0020
<b>LOCATION</b>	East side of Tuskawilla Rd., approx. 300' north of SR 426
<b>FUTURE LAND USE</b>	HIP – TR
<b>FILE NUMBER</b>	Z2005-022
<b>COMMISSION DISTRICT</b>	1 - Dallari

The applicant is requesting PCD zoning to develop 21,746 s.f. of office use in four separate buildings. The buildings will be 2 stories in height and will access Tuskawilla Road via a shared driveway with the existing convenience store to the south. The proposed use is consistent with the High Intensity Planned Development (HIP-TR) future land use designation. It is also compatible with existing commercial development to the south and approved office and commercial developments on properties to the north and east.

In response to plan review comments by staff, the applicant modified the site layout to create a visual amenity of the stormwater retention pond at the north end of the site. This area will be landscaped and include picnic tables and a boardwalk for the benefit of employees and visitors to the site. The Land Development Code provides that retention facilities may be counted toward the 25% open space requirement within the site if they are configured as site amenities such as the applicant is proposing. However, this modification required more space than an earlier design. As a result, the applicant is now proposing a total of 18 "compact" parking spaces 9 feet in width rather than the 10-foot width required by the Land Development Code.

The Code permits a reduction in parking space size within high aquifer recharge areas, or for the purpose of preserving significant trees and native vegetation. As neither scenario applies in this case, staff recommends that all spaces meet the standard size requirement of 10' x 20', and that total floor area be adjusted accordingly.

**Existing Land Uses:**

	<b>(North)</b>			
	<b>MDR/LDR</b> Vacant/SF Residential <i>RP/R-1AA</i>	<b>MDR</b> County Trail <i>RP</i>	<b>PD</b> Vacant <i>PUD (approved for commercial use)</i>	
<b>(West)</b>	<b>COM</b> Office/Convenience store PCD	<b>HIP TR</b> Vacant <i>A-1</i>	<b>PD</b> Vacant <i>PUD (approved for commercial use)</i>	<b>(East)</b>
	<b>COM</b> Office/Convenience store <i>PCD</i>	<b>HIP TR</b> Convenience store <i>PCD</i>	<b>PD</b> Vacant <i>PUD (approved for commercial use)</i>	
	<b>(South)</b>			

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

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

**SITE ANALYSIS**

**Facilities and Services:**

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed rezone is consistent with the adopted future land use designation assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.
3. Water and sewer service will be provided by Seminole County.
4. Information on stormwater capacity and outfall must be provided prior to final site plan approval.

**Compliance with Environmental Regulations:** Prior to approval of final engineering plans, the developer will be required to provide a Listed Species survey report.

**Compatibility with Surrounding Development:** The proposed PCD zoning is compatible with surrounding developments and is consistent with the HIP - TR future land use designation.

**Intergovernmental Notice Process:** Intergovernmental notice is not required since no other entities are affected.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

On July 13, 2005 the Planning & Zoning Commission voted 5-0 to recommend APPROVAL of the request subject to staff recommendations as listed in the Development Order.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL subject to conditions listed in the attached development order.

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On September 13, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

**FINDINGS OF FACT**

**Property Owner:** PARKERS CORNER LLC  
GEORGE PARKER, PRESIDENT

**Project Name:** CONDEV OFFICE SITE PCD

**Requested Development Approval:** Rezone from A-1 to PCD

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

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

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

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

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

- a. Permitted and special exception uses shall be in accordance with the provisions of the OP district.
- b. Maximum building height shall be 35 feet and 2 stories.
- c. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).
- d. Retention ponds shall be designed such that they are not required to be fenced.
- e. The developer shall provide a pedestrian connection from all buildings to public sidewalks along Tuskawilla Road.
- f. Dumpsters shall be screened so they are not visible from Tuskawilla Road or nearby single family properties.
- g. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- h. Buildings must be designed with residential-style architecture. Elevations shall be provided at Final Site Plan.
- i. No parking of mobile cat-scan trucks or semi-tractor trailers shall be permitted on the site.
- j. Construction activities shall not encroach on the Cross Seminole Trail right-of-way.
- k. All parking spaces shall be a minimum of 10' x 20' as required by the Land Development Code.

(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: \_\_\_\_\_  
Carlton D. Henley  
Chairman  
Board of County Commissioners

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, PARKERS CORNER LLC, on behalf of itself and its 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

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

\_\_\_\_\_  
George Parker,  
President

\_\_\_\_\_  
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 **GEORGE PARKER**, and is personally known to me or who has produced \_\_\_\_\_ as identification and who acknowledged and executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**EXHIBIT A****Project Legal Description:**

The West Quarter of the Southeast Quarter of the Northeast Quarter, lying South of the Right of Way of Seaboard Railroad, of Section 36, Township 21 South, Range 30 East, LESS Right of Way for Tuskawilla-Gabriella Road AND ALSO LESS Right of Way as described in Deed recorded in Official Records Book 633, Page 656, Deed recorded in Official Records Book 2488, Page 1636, and Order of Taking recorded in Official Records Book 1909, Page 1627, Public Records of Seminole County, Florida.

**LESS AND EXCEPT:**

That portion of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southeast Corner of the Northeast  $\frac{1}{4}$  of said Section 36; thence North  $89^{\circ}39'30''$  West along the South line of said Northeast  $\frac{1}{4}$  for 992.79 feet to the East line of the West  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 36; thence North  $00^{\circ}22'58''$  West along said East line for 69.76 feet to the Northerly Right-of-Way line of Sate Road No. 426 (Aloma Avenue) and POINT OF BEGINNING; thence North  $89^{\circ}51'46''$  West along said Northerly Right-of-Way line for 228.94 feet to the Easterly Right-of-Way line of Tuskawilla Road; thence along said Easterly Right-of-Way line the following three (3) courses: run North  $44^{\circ}55'53''$  West for 42.48 feet; thence North  $00^{\circ}00'00''$  East for 204.55 feet; thence North  $01^{\circ}51'58''$  West for 35.48 feet; thence South  $90^{\circ}00'00''$  East for 258.29 feet to the East line of the West  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of aforesaid Section 36; thence South  $00^{\circ}22'58''$  East along said East line for 270.64 feet to the POINT OF BEGINNING.

**AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURAL) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Condev Office Site PCD."

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

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PCD (Planned Commercial Development):

**LEGAL DESCRIPTION ATTACHED EXHIBIT A**

**Section 3. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 4. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of filing by the Department and recording of Development Order #5-20500004 in the official land records of Seminole County.

ENACTED this 13th day of September, 2005

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

## EXHIBIT A

### LEGAL DESCRIPTION

The West Quarter of the Southeast Quarter of the Northeast Quarter, lying South of the Right of Way of Seaboard Railroad, of Section 36, Township 21 South, Range 30 East, LESS Right of Way for Tuskawilla-Gabriella Road AND ALSO LESS Right of Way as described in Deed recorded in Official Records Book 633, Page 656, Deed recorded in Official Records Book 2488, Page 1636, and Order of Taking recorded in Official Records Book 1909, Page 1627, Public Records of Seminole County, Florida.

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