

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

SUBJECT: Line Drive/Sutherland Mgmt. Rezone from RP to RP  
(Sonny Sutherland, applicant)  
DEPARTMENT: Planning & Development DIVISION: Planning  
AUTHORIZED BY: Don Fisher CONTACT: Jeff Hopper EXT 7431

Agenda Date 11/09/04 Regular  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

**MOTION/RECOMMENDATION:**

- 1. Enact an ordinance to APPROVE the requested rezone from RP to RP, and authorize the Chairman to execute a Development Order, for a 1.38-acre site located on the east side of Line Drive, 500 feet south of Sand Lake Road (Sonny Sutherland, applicant); or
- 2. DENY the requested rezone from RP to RP for a 1.38-acre site located on the east side of Line Drive, 500 feet south of Sand Lake Road, (Sonny Sutherland, applicant); or
- 3. CONTINUE the item to a time and date certain.

District 3 – Van Der Weide Jeff Hopper-Senior Planner

**BACKGROUND:**

The applicant wishes to renovate and make use of two existing buildings on the site of a former agricultural use now surrounded by more intensive development. The property was rezoned to RP, permitting office uses, in 1985 with a site plan showing minimal technical detail. The plan now under consideration addresses all current Code requirements, including parking, landscaping, access control, and stormwater retention. The south building on the site, 3,560 square feet in size, has been in use for some years as the business office of a utility company. Meanwhile, the 6,642 square foot north building is still configured as a warehouse, a use which does not conform to the current zoning of the property. The applicant's plan is to remodel this building for office use, for a total of 10,202 square feet of office floor area on the property.

**STAFF RECOMMENDATION:**

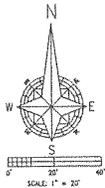
Staff recommends APPROVAL of the request subject to the submitted site plan and approval conditions listed in the attached Development Order.

Reviewed by: JK  
Co Atty: \_\_\_\_\_  
DFS: \_\_\_\_\_  
OTHER: MW  
DCM: \_\_\_\_\_  
CM: BB  
File No. ph130pdp01

## **PLANNING & ZONING COMMISSION RECOMMENDATION:**

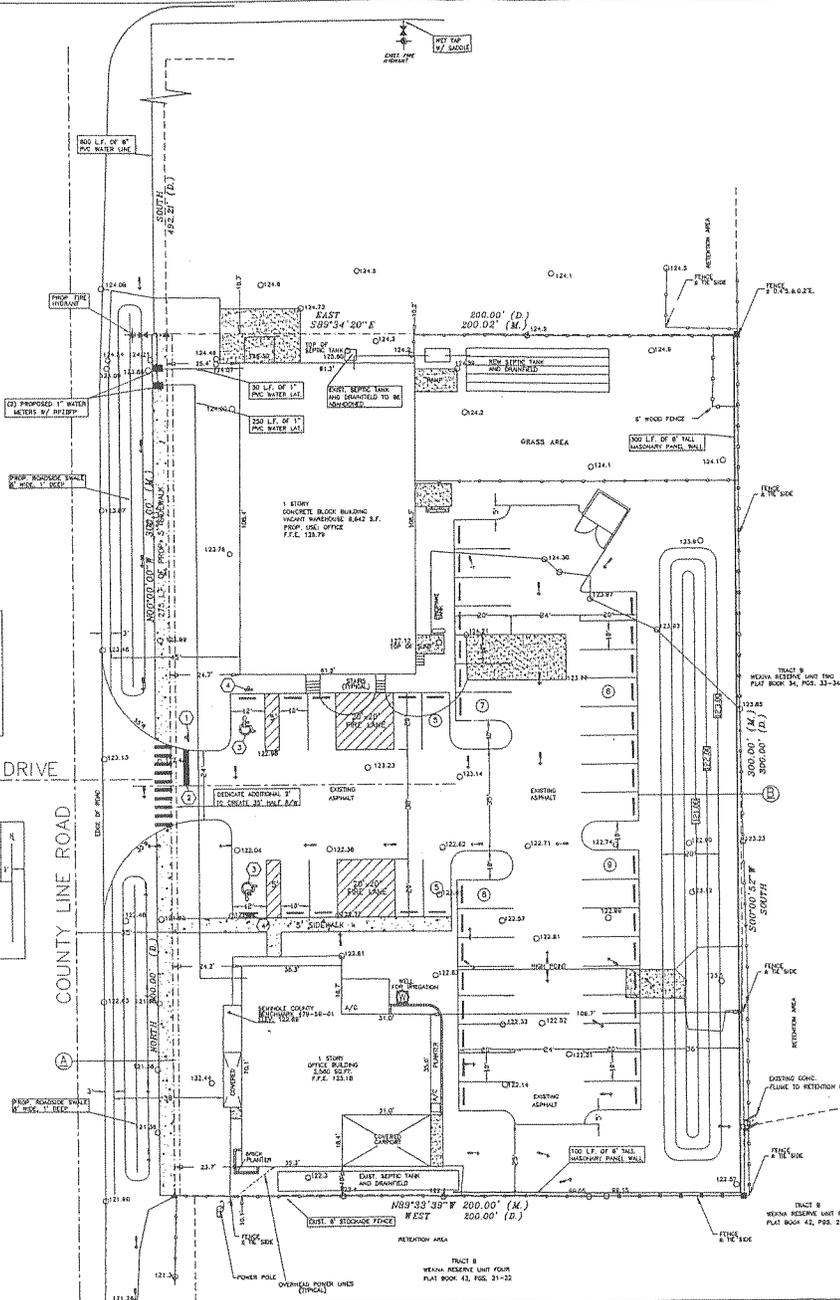
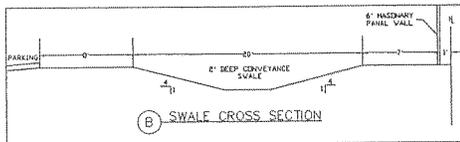
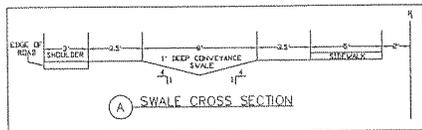
On October 6, 2004 the Planning & Zoning Commission unanimously (6 to 0) recommended APPROVAL of the request subject to staff recommendations (*italicized*), amended as follows:

1. Item (b): *“A 6-foot brick or masonry wall shall be provided along the south and east property lines.”* Amend to include pre-fabricated concrete panel walls as an alternative to brick or masonry.
2. Item (g): *“Business hours shall be restricted to 7 a.m. – 9 p.m. Monday through Friday.”* Eliminate this condition.
3. Item (j): *“Outdoor lighting on the east shall be limited to motion-sensitive security lighting.”* Amend to include outdoor lighting activated by timers during evening hours.



SITE STATISTICAL DATA			
DESCRIPTION	SQ. FT.	ACRES	% OF SITE
SITE AREA	60,000	1.38	100.00%
EXIST. BLDG. AREA	10,202	0.23	17.00%
EXIST. PAVEMENT AREA*	16,160	0.44	31.94%
PROP. PAVEMENT AREA	650	0.01	1.08%
IMPERVIOUS AREA	30,012	0.69	50.02%
LANDSCAPE AREA	29,988	0.69	49.98%

\* PAVEMENT TO BE REMOVED (ON SITE) 18,450 SQ. FT. (27.42%)  
 PAVEMENT TO BE REMOVED (OFF SITE) 4,353 SQ. FT.  
 \*\* EXISTING STORMWATER PATTERN



**GENERAL NOTES**

1. ALL LANDSCAPE AREAS TO BE SOODED.
2. ALL LANDSCAPE AREAS TO BE IRRIGATED BY AUTOMATIC SPRINKLER SYSTEM.
3. 30" STOP SIGN SHALL BE OF HIGH INTENSITY REFLECTORIZED AS SPECIFIED IN THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND LOCATED AS SHOWN ON SITE PLAN.
4. HANDICAP SYMBOL SHALL BE WHITE THERMOPLASTIC.
5. ALL ADDRESS NUMBERS SHALL BE VISIBLE AND REACHABLE FROM R/W.
6. INSTALL TWO TRESPASSING, CONSTRUCTION SITE" SIGN AS SPECIFIED IN FLORIDA STATUTE 810.09, PARAGRAPH D.
7. POST THE EMERGENCY NIGHT PHONE NUMBER ON THE BOTTOM OF THE BUILDING PERMIT.
8. CONTRACTOR TO VERIFY LOCATION OF ALL EXIST. UTILITIES.
9. ALL UTILITIES SHALL BE UNDERGROUND.
10. RESTRICT BUSINESS HOURS TO 7 A.M. - 9 P.M.

**SCOPE OF WORK**

- 1) REMOVE ASPHALT AND LINE ROOF SUBBASE.
- 2) ADD 1" PAVEMENT TOPPING LAYER AS SHOWN ON SHEET 5.
- 3) CONSTRUCT SWALES ONSITE AND OFFSITE.
- 4) CONSTRUCT SIDEWALK ALONG RIGHT OF WAY.
- 5) ADD LANDSCAPING AND IRRIGATION SYSTEM.

**PARKING CALCULATIONS**

10,202 SQ. FT. OFFICE    10,202/250 = 41 SPACES REQUIRED  
 42 SPACES PROVIDED

**SIGN LEGEND**

- ① STOP SIGN (30" HIGH INTENSITY)
- ② STOP BAR (24" WIDE WHITE THERMOPLASTIC)
- ③ HANDICAP SYMBOL (WHITE THERMOPLASTIC)
- ④ HANDICAP SIGN

DATE:	07/21/24
SCALE:	1" = 30'
DRAWN BY:	AKR
CHECKED BY:	AKR
DATE PLOTTED:	08/06/24
PROJECT NO.:	2024-0001
DATE:	08/06/24
SCALE:	AS SHOWN
DRAWN BY:	AKR
CHECKED BY:	AKR
DATE PLOTTED:	08/06/24
PROJECT NO.:	2024-0001
DATE:	08/06/24
SCALE:	AS SHOWN
DRAWN BY:	AKR
CHECKED BY:	AKR
DATE PLOTTED:	08/06/24
PROJECT NO.:	2024-0001

**AMERICAN CIVIL ENGINEERING CO.**

107 LINE DRIVE  
 APOPKA, FLORIDA

<p>THOMAS B. SUTHERLAND, P.E.          STATE OF FLORIDA          REG. NO. 64390</p>	<p>TITLE NAME: SUTHERLAND          JOB # 64390          SHEET: 5 OF 6</p>
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SUTHERLAND MANAGEMENT  
 SITE PLAN  
 107 LINE DRIVE  
 APOPKA, FLORIDA

## LINE DRIVE / SUTHERLAND MGMT. REZONE

REQUEST INFORMATION	
APPLICANT	Sonny Sutherland
PROPERTY OWNER	Estate of H.S. Musselwhite
REQUEST	Rezone from RP to RP
HEARING DATE (S)	P&Z: October 6, 2004      BCC: November 9, 2004
PARCEL NUMBERS	07-21-29-300-019A-0000
LOCATION	East side of Line Drive, 500' south of Sand Lake Road
FUTURE LAND USE	Medium Density Residential (MDR)
FILE NUMBER	Z2004-046
COMMISSION DISTRICT	3 – Van Der Weide

### OVERVIEW

**Zoning Request:** The applicant wishes to renovate and make use of two existing buildings on the site of a former agricultural use now surrounded by more intensive development. The property was rezoned to RP, permitting office uses, in 1985 with a site plan showing minimal technical detail. The plan now under consideration addresses all current Code requirements, including parking, landscaping, access control, and stormwater retention. The south building on the site, 3,560 square feet in size, has been in use for some years as the business office of a utility company. Meanwhile, the 6,642 square foot north building is still configured as a warehouse, a use which does not conform to the current zoning of the property. The applicant's plan is to remodel this building for office use, for a total of 10,202 square feet of office floor area on the property.

The applicant is proposing to remove a total of 15,930 square feet of pavement, making it possible to provide effective buffering from residential uses to the east and south. Also, a continuous strip of pavement adjacent to the Line Drive frontage would be reduced to a 30-foot curb cut, meeting modern criteria for vehicular access. The proposed entrance would line up with Ramsey Drive, an existing road opposite the site in Orange County on the west side of Line Drive.

As the property is in a high recharge area, the Code makes additional provisions for reducing impervious surface area. Permitted parking space dimensions (excluding handicapped) are 9' x 18' rather than the normal 10' x 20.' At least 10 percent of required spaces are to be unpaved, as are all spaces in excess of the Code requirement. Also, maximum impervious surface area is 65 percent rather than the standard 75 percent.

The subject property is in an appropriate location for offices, and should function effectively for that use with improvements as required by the Land Development Code. Additionally, the use is supported by the Vision 2020 Plan.

**Existing Land Uses:** The existing zoning designations and land uses are as follows:

	<b>Existing Zoning</b>	<b>Future Land Use</b>	<b>Existing Use</b>
<b>North</b>	PUD	PD	vacant
<b>South</b>	PUD	PD	residential
<b>East</b>	PUD	PD	residential
<b>West</b>	Orange Co.	Orange Co.	vacant/residential

For more detailed information regarding zoning and land use, please refer to the attached map.

## **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 amendment is consistent with the adopted future land use designations assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Vision 2020 Plan.
3. The site is within the Seminole County water service area. Sewage disposal will be by septic systems as approved by the Seminole County Health Department.

**Compliance with Environmental Regulations:** At this time there are no environmental concerns relating to the site.

**Compatibility with surrounding development:** Adjoining properties to the east and south are part of the Stockbridge PUD, developed as townhouse units in the Wekiva Reserve Subdivision. Also, the neighboring site to the north is the subject of an application to establish office uses in that location. With appropriate buffering and setbacks, the request is compatible with surrounding development.

## **STAFF RECOMMENDATIONS:**

Staff recommends APPROVAL of the request subject to the submitted site plan and the following conditions:

- a. Permitted and special exception uses shall be in accordance with the provisions of the RP district.
- b. A 6-foot brick or masonry wall shall be provided along the south and east property lines.
- c. A 25-foot landscaped buffer shall be provided on the east and south, with encroachment permitted for existing structures. Any new structures shall meet the active-passive setback requirements of the Land Development Code.

- d. Retention ponds adjacent to the east and south property lines may encroach into required buffers by up to 50% of the minimum width of the buffers, provided that the facility is designed to be dry within 24 hours of a 25-year storm event and does not require fencing.
- e. Required landscaping on the east and south shall be 8 canopy trees per 100 linear feet, with trees measuring at least 3 inches in diameter at 1 foot above ground level.
- f. Pavement removal shall include the sub-base under existing asphalt areas. These materials shall be replaced with clean fill.
- g. Business hours shall be restricted to 7 a.m. – 9 p.m. Monday through Friday.
- h. Pedestrian connections shall be provided from both buildings to public sidewalks along Line Drive.
- i. Retention pond(s) shall be amenitized per Section 30.1344 of the Land Development Code if counted toward required open space.
- j. Outdoor lighting on the east shall be limited to motion-sensitive security lighting.
- k. Mechanical units shall be screened from view from Line Drive and adjoining residential properties.
- l. Prior to occupancy of the north building, the applicant shall make architectural enhancements to include removal of roll-up doors and installation of windows on the east and west sides of the building. Elevations shall be presented to the Board of County Commissioners for approval.

#### **PLANNING & ZONING COMMISSION RECOMMENDATION:**

On October 6, 2004 the Planning & Zoning Commission unanimously (6 to 0) recommended APPROVAL of the request subject to staff recommendations (*italicized*), amended as follows:

1. Item (b): *“A 6-foot brick or masonry wall shall be provided along the south and east property lines.”* Amend to include pre-fabricated concrete panel walls as an alternative to brick or masonry.
2. Item (g): *“Business hours shall be restricted to 7 a.m. – 9 p.m. Monday through Friday.”* Eliminate this condition.
3. Item (j): *“Outdoor lighting on the east shall be limited to motion-sensitive security lighting.”* Amend to include outdoor lighting activated by timers during evening hours.

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On November 9, 2004, 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:** ESTATE OF H.S. MUSSELWHITE  
WILLIAM A. WALKER II and GREGORY MUSSELWHITE  
CO-PERSONAL REPRESENTATIVES

**Project Name:** LINE DRIVE / SUTHERLAND MANAGEMENT REZONE

**Requested Development Approval:** Rezone from RP to RP

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 RP district.
- b. A 6-foot brick or masonry wall shall be provided along the south and east property lines.
- c. A 25-foot landscaped buffer shall be provided on the east and south, with encroachment permitted for existing structures. Any new structures shall meet the active-passive setback requirements of the Land Development Code.
- d. Retention ponds adjacent to the east and south property lines may encroach into required buffers by up to 50% of the minimum width of the buffers, provided that the facility is designed to be dry within 24 hours of a 25-year storm event and does not require fencing.
- e. Required landscaping on the east and south shall be 8 canopy trees per 100 linear feet, with trees measuring at least 3 inches in diameter at 1 foot above ground level.
- f. Pavement removal shall include the sub-base under existing asphalt areas. These materials shall be replaced with clean fill.
- g. Business hours shall be restricted to 7 a.m. – 9 p.m. Monday through Friday.
- h. Pedestrian connections shall be provided from both buildings to public sidewalks along Line Drive.
- i. Retention pond(s) shall be amenitized per Section 30.1344 of the Land Development Code if counted toward required open space.
- j. Outdoor lighting on the east shall be limited to motion-sensitive security lighting.
- k. Mechanical units shall be screened from view from Line Drive and adjoining residential properties.
- l. Prior to occupancy of the north building, the applicant shall make architectural enhancements to include removal of roll-up doors and installation of windows on the east and west sides of the building. Elevations shall be presented to the Board of County Commissioners for approval.

(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: \_\_\_\_\_  
\_\_\_\_\_  
Chairman  
Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, WILLIAM A. WALKER II, on behalf of himself and his 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

\_\_\_\_\_  
William A. Walker II

Co-Representative of the  
Estate of H.S. Musselwhite

\_\_\_\_\_  
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 WILLIAM A. WALKER II, 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 \_\_\_\_\_, 2004.

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

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, GREGORY MUSSELWHITE, on behalf of himself and his 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

\_\_\_\_\_  
Gregory Musselwhite  
Co-Representative of the  
Estate of H.S. Musselwhite

\_\_\_\_\_  
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 GREGORY MUSSELWHITE, 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 \_\_\_\_\_, 2004.

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

My Commission Expires:

EXHIBIT A

**Project Legal Description:**

BEGINNING 492.21 FEET SOUTH OF THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF COUNTY LINE ROAD AND THE SOUTH RIGHT OF WAY OF SAND LAKE ROAD, RUN EAST 200 FEET, SOUTH 300 FEET, RUN WEST 200 FEET, RUN NORTH 300 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

Site Plan

# SUTHERLAND MANAGEMENT, INC.

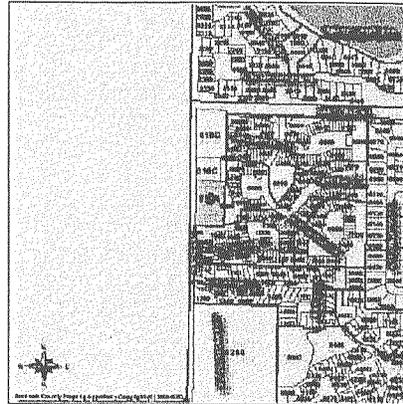
107 NORTH LINE DRIVE  
APOPKA, FLORIDA

PROPERTY I.D. # 07-21-29-300-019A-0000

RECEIVED

## UTILITY COMPANIES

SANITARY SEWER: SEPTIC SYSTEMS (SEMINOLE COUNTY HEALTH DEPT.)  
 WATER DISTRIBUTION: SEMINOLE COUNTY  
 ELECTRICAL POWER: PROGRESS ENERGY  
 TELEPHONE: SPRINT TELEPHONE COMPANY



LOCATION MAP

## PROJECT DIRECTORY

DEVELOPER/APPLICANT: SONNY SUTHERLAND  
 SUTHERLAND MANAGEMENT  
 5695 BEGGS ROAD  
 ORLANDO, FLA. 32810  
 TELEPHONE (407) 296-0411  
 FAX (407) 296-3680

ENGINEER: THOMAS H. SKELTON, P.E.  
 AMERICAN CIVIL ENGINEERING CO.  
 207 N. MOSS ROAD, SUITE 211  
 WINTER SPRINGS, FLORIDA 32708  
 TELEPHONE (407) 327-7700  
 FAX (407) 327-0227

SURVEYOR: MIKE SOLITRO  
 ALTAMONTE SURVEYING  
 435 DOUGLAS AVE.  
 ALTAMONTE SPRINGS, FLA. 32714  
 TELEPHONE (407) 862-7555  
 FAX (407) 862-6229

## ATTENTION

CONTRACTOR SHALL PAY FOR AND OBTAIN A SEMINOLE COUNTY RIGHT-OF-WAY PERMIT AND HOLD A PRE-CONSTRUCTION CONFERENCE BEFORE STARTING WORK. CONTACT JACKIE LARAQUENTE, CPA, 407-665-7409 FOR INFORMATION ON SETTING YOUR PRE-CONSTRUCTION MEETING, ISSUANCE OF COUNTY PERMITS AND OTHER REQUIREMENTS.

## DESCRIPTION

BEGINNING 492.21 FEET SOUTH OF THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF COUNTY LINE ROAD AND THE SOUTH RIGHT OF WAY OF SAND LAKE ROAD, RUN EAST 200 FEET, SOUTH 300 FEET, RUN WEST 200 FEET, RUN NORTH 300 FEET TO THE POINT OF BEGINNING.

## PROJECT NARRATIVE

REMOVE 15,930 SQ.FT. OF PAVEMENT ON-SITE AND 5,370 SQ.FT. OF PAVEMENT OFF-SITE. DEDICATE 2' OF RIGHT OF WAY TO COUNTY AND CONSTRUCT 260 L.F. OF SIDEWALK, ADD 1" TOPPING COAT OF PAVEMENT AND STRIPE PARKING LOT AS SHOWN, ADD WHEEL STOPS AND LANDSCAPING, REGRADE SWALE IN RIGHT OF WAY TO CONVEY ON-SITE AND OFF-SITE DRAINAGE. CONSTRUCT ON SITE DRAINAGE SWALE, ERECT 400 L.F. OF 6' TALL MASONARY TYPE WALL. ABANDONED EXIST. SEPTIC SYSTEM AND INSTALL NEW SEPTIC SYSTEM. INSTALL 600 L.F. OF 8" WATER LINE, (1) FIRE HYDRANT AND (2) WATER METERS WITH RPZBFP.

REQUIRED PERMITS	DATE

INDEX OF SHEETS	
SHEET	DESCRIPTION
1	COVER SHEET
2	GENERAL NOTES
3	SURVEY (EXISTING CONDITIONS)
4	DEMO PAVEMENT PLAN
5	SITE PLAN
6	LANDSCAPE AND IRRIGATION PLAN

PLANS ISSUED FOR:	DATE


**AMERICAN CIVIL ENGINEERING CO.**  
 207 N. MOSS RD., SUITE 211, WINTER SPRINGS, FLORIDA 32708  
 PH. (407) 327-7700; FAX (407) 327-0227

Property Approval # 07-21-29-300-019A-0000

Sevinole County  
 Approved for construction

This approval is subject to specific conformances to the Seminole County Land Development Code and any amendments of the Board of County Commissioners. It shall be the responsibility of the developer to correct any defects to the plans at the facility as constructed which result in a failure to meet applicable code requirements. Administrative acceptance of this developer's plans does not constitute a waiver of any code requirements nor does it release the developer of responsibility to meet those requirements. This specific approval is valid for a period of one year from the date below.

Approved:  
 Sevinole County Development Review Department

Date:

Seminole County Land Development Code Requirements  
 Schedule this meeting per 901.56(2)(b). must be completed on site prior to removal of access location. all conditions on an off site which would create a sight obstruction shall be located on a noted plan. any sight obstruction located in front which is not on approved plans will cause immediate revocation of permit.

Seminole County Land Development Code Requirements  
 ALL SUDS needed signs and markings must be in accordance with Seminole County Land Development Code Chapter 250.23 incorporating MUTED and Sevinole County Traffic Standards and must be installed PRIOR to OCCUPANCY of structure.











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 RP (RESIDENTIAL-PROFESSIONAL) ZONING CLASSIFICATION THE RP (RESIDENTIAL-PROFESSIONAL) 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 "Line Drive / Sutherland Management Rezone."

(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 RP (Residential-Professional) to RP (Residential-Professional):

**LEGAL DESCRIPTION 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 the date of filing by the Department and recording of Development Order #4-20000014 in the official land records of Seminole County.

ENACTED this 9th day of November, 2004.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

\_\_\_\_\_  
Chairman

## EXHIBIT A

### LEGAL DESCRIPTION

BEGINNING 492.21 FEET SOUTH OF THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF COUNTY LINE ROAD AND THE SOUTH RIGHT OF WAY OF SAND LAKE ROAD, RUN EAST 200 FEET, SOUTH 300 FEET, RUN WEST 200 FEET, RUN NORTH 300 FEET TO THE POINT OF BEGINNING.

**Minutes for the Seminole County Land Planning Agency/  
Planning and Zoning Commission  
October 6, 2004  
7:00 P.M.**

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

**Member absent:** Alan Peltz

**Also present:** Tony Walter, Assistant Planning Manager; Rebecca Hammock, Principal Coordinator; Jeff Hopper, Senior Planner; Tina Deater, Senior Planner; Matt West, Planning Manager; and Candace Lindlaw-Hudson, Senior Staff Assistant.

**G. Line Drive / Sutherland Management Rezone; Sonny Sutherland, applicant;**

Approximately 1.38 acres; rezone from RP to RP for office use; located on the east side of Line Drive, 500 feet south of Sand Lake Road.  
(Z2004-046)

Commissioner Van Der Weide - District 3  
Jeffrey Hopper, Senior Planner

Mr. Hopper stated that the applicant, Sonny Sutherland, is requesting a rezoning from RP (Residential Professional) to RP on a property of approximately 1.38 acres located on the east side of Line Drive, approximately 500 feet south of Sand Lake Road.

The site of this request is an existing RP property containing a 3,560 square foot office building on the south and a 6,600 square foot warehouse structure on the north, left over from a previous use. The property was rezoned to RP in 1985 with a very simple site plan and a list of approval conditions that addressed landscaping, buffering and phasing out of nonconforming uses.

The applicant has now submitted a detailed site plan addressing these conditions and other code requirements. Under the new site plan, approximately 16,000 square feet of pavement would be removed to create additional green space.

The existing continuous strip of pavement along the Line Drive frontage would be reduced to a 24-foot entrance drive, which will increase traffic safety and make it possible to provide landscape buffers along the road.

Also, a masonry wall will be provided adjacent to residential developments to the east and south.

Upon approval of the site plan, the applicant would use the south building right away in approximately its current condition.

The north building would be renovated for office use at a later time, but staff recommends that the applicant provide elevations showing proposed architectural enhancements. These elevations would be presented to the Board of County Commissioners prior to occupancy of that building

Mr. Hopper stated that staff recommends approval of the request subject to the conditions listed in the staff report, including the following:

- A 6-foot brick or masonry wall and 25 foot landscape buffer shall be provided along the south and east property lines
- Pavement removal shall include the existing sub-base, with these materials to be replaced with clean fill
- Business hours shall be restricted to 7 a.m. – 9 p.m. Monday through Friday
- The applicant shall provide elevations showing architectural enhancements, to include removal of roll-up doors and installation of windows on the east and west sides of the building. These elevations would be presented to the Board of County Commissioners for approval prior to occupancy.

Commissioner Hattaway asked about the reasoning for having restricted hours.

Mr. Hopper stated that such things help make the project compatible with the neighborhood.

Commissioner Hattaway asked if office people could come in and work on weekends.

Mr. Hopper said they could do so.

Commissioner Tucker asked about the synagogue property to the north.

Mr. Hopper stated that the synagogue is part of the Stockridge PUD from the 1980's. The extra parcel allowed for parking.

Commissioner Tucker asked Mr. West if he had gotten information on the request for parking for the synagogue.

Matt West stated that he had not found out anything. That would be relevant to Mr. Botee's application for the adjacent parcel, not this application.

Commissioner Harris stated that the parcel was a Musselwhite Egg Plant. Changing from RP to RP refers to a use that is already allowed. To restrict hours

is questionable. Any improvements are a plus. Changing an empty warehouse to office is a plus.

John Reynolds from American Civil Engineering stated that the site has been dormant for 30 years. A development will improve the neighborhood.

Mr. Reynolds stated that he does not want to have a CMU masonry wall. He will use a new product. Please change item "B" to read "masonry type wall."

As for item "G" Mr. Reynolds stated that he anticipates people using the building on weekends.

Pertaining to Item "J": parking lot lighting will be on a timer to provide for security.

Commissioner Dorworth asked if the language pertaining to the wall is from the County Land Development Code.

Matt West stated that is was from the Code. He stated that Michael Rumer, Planner with Development Review, had briefed the BCC on the merits of prefabricated walls, stating that they were permitted.

Commissioner Dorworth asked about the allowable hours of operation.

Mr. West stated that incidental use should be allowable on weekends.

Commissioner Hattaway asked about the masonry wall on the south and east with the placement of a 25 foot buffer.

Mr. West stated that the existing building is encroaching into the buffer.

Commissioner Tucker asked if the existing wooden fence would be replaced.

Mr. Reynolds stated that the wooden fence would be replaced.

Mr. West stated that a large amount of surface pavement was to be removed, which will help with area drainage.

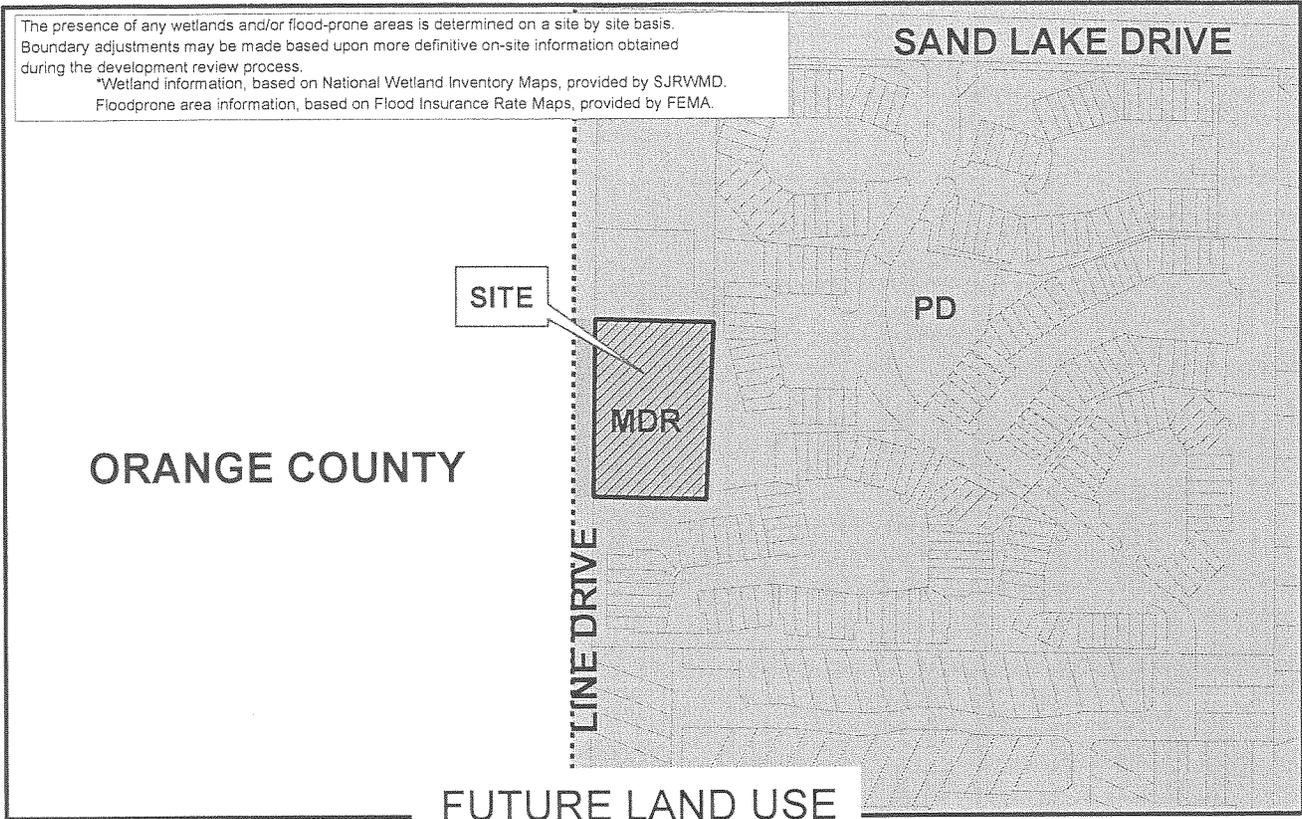
There was no public input.

**Commissioner Tucker made a motion to recommend approval as requested, without the hours of use time constraint, adding the word masonry "type" wall, and the stipulation that lighting will be on timers.**

**Commissioner Bates seconded the motion.**

The motion passed 6 – 0.

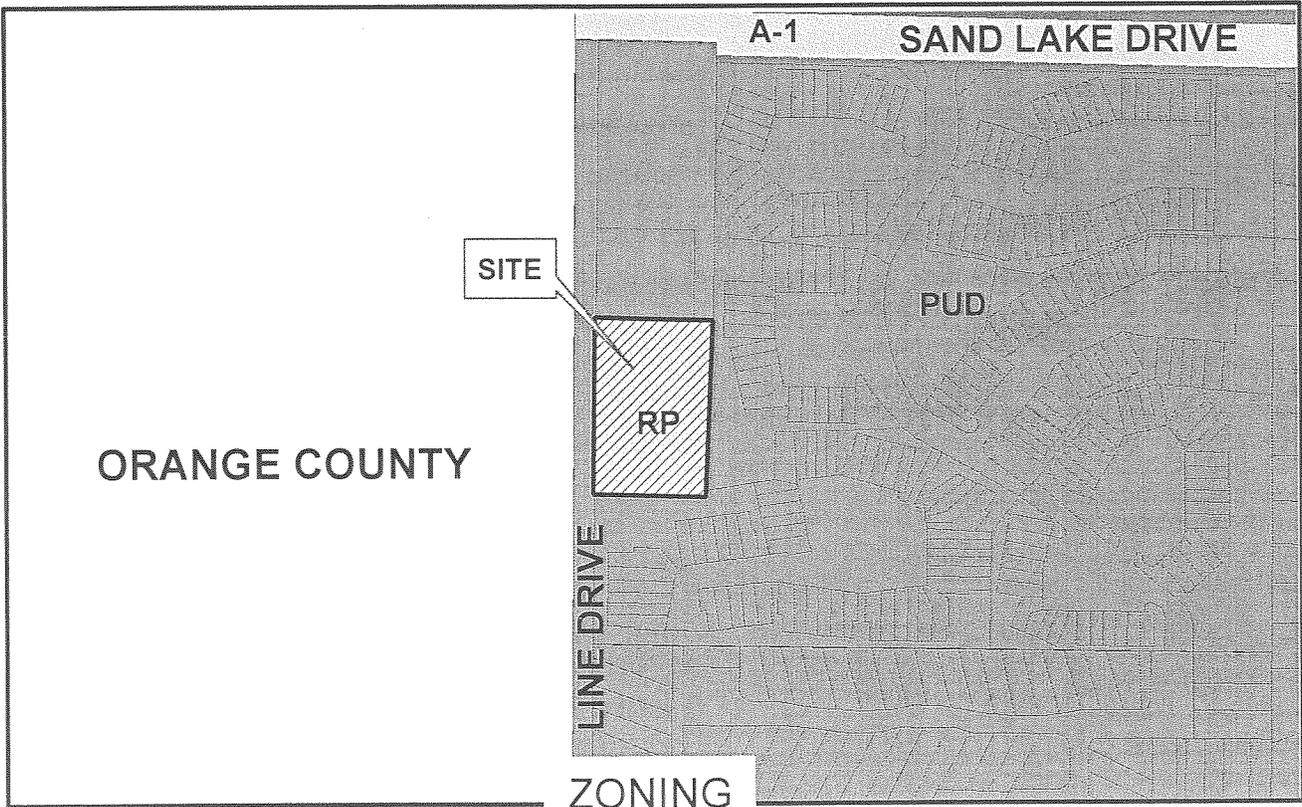
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by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



Site  
  County Line  
  MDR  
  PD

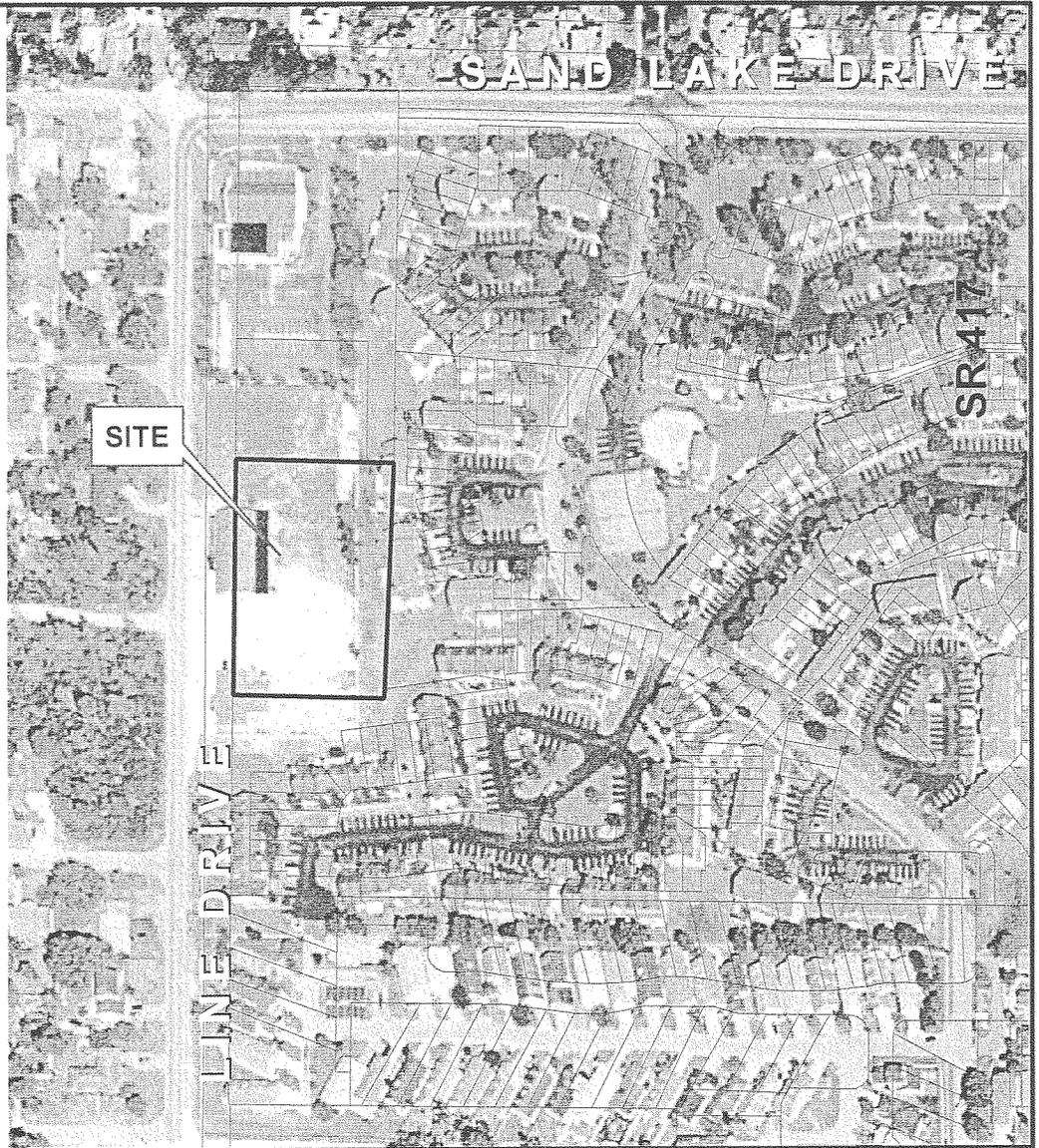
Applicant: Sutherland Management  
 Physical STR: 07-21-29-300-019A-0000  
 Gross Acres: +/- 1.38      BCC District: 3  
 Existing Use: Warehouse and Office Building  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-046	RP	RP



Site  
  County Line  
  A-1  
  RP  
  PUD

**ORANGE  
COUNTY**



Rezone No: Z2004-046  
From: RP To: RP

-  Parcel
-  Subject Property



February 1999 Color Aerials