

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Orange Boulevard Property Rezone, Request for Rezone from A-1 (Agriculture) to PUD (Planned Unit Development District) and Small Scale Land Use Amendment from Commercial to Industrial (Michael J. Good / KBC Development, applicant)

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

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

Agenda Date 11/15/05 Regular Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. Enact an ordinance to APPROVE the request for Small Scale Land Use Amendment from Commercial to Industrial on approximately 9.9 acres, and enact an ordinance to rezone from A-1 (Agriculture) to PUD (Planned Unit Development District) on approximately 22.3 acres, based on staff findings; located on the south side of Orange Boulevard, 800 feet west of I-4, (Michael J. Good, applicant); or
2. DENY the request for Small Scale Land Use Amendment from Commercial to Industrial on approximately 9.9 acres, and rezone from A-1 (Agriculture) to PUD (Planned Unit Development District) on approximately 22.3 acres; located on the south side of Orange Boulevard, 800 feet west of I-4, (Michael J. Good, applicant); or
3. CONTINUE the item to a time and date certain.

District 5 – Comm. Carey

Jeffrey Hopper, Senior Planner

BACKGROUND:

The applicant, Michael J. Good, requests the rezoning of a 22.3 acre tract, located on the south side of Orange Boulevard, 800 feet west of I-4, from A-1 (Agriculture) to PUD (Planned Unit Development) to accommodate a variety of commercial uses. The entire subject property is now designated Commercial under the Vision 2020 Plan. This designation supports the C-1 and C-2 uses indicated on the Preliminary Master Plan. However, the Plan also proposes C-3 and M-1A (heavy commercial and light industrial) uses. These uses will be limited to the central 9.95-acre portion of the site, for which the applicant is requesting a Small Scale Land Use Amendment to Industrial.

Reviewed by: [Signature]
Co Atty: [Signature]
DFS: _____
OTHER: _____
DCM: [Signature]
CM: [Signature]
File No. ph130pdp02

PLANNING & ZONING COMMISSION RECOMMENDATION:

On October 5, 2005 the Planning & Zoning Commission voted 5-0 to recommend APPROVAL of the request subject to the following amendments to the Development Order:

1. Revise item (a) to permit construction company with outdoor storage screened from view.
2. Revise item (c) to remove communication towers and outdoor advertising signs from the list of prohibited uses.
3. Revise item (d) to permit a maximum floor area ration (FAR) of 0.65 on the portion of the site having an Industrial future land use designation.
4. Revise item (m) to prohibit parking of mobile CT-scan trucks or semi-tractor trailers within required setbacks from the west property boundary. Where permitted, such vehicles will be screened from off-site view.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request subject to the following conditions in the attached Development Order, which include recommendations of the Planning & Zoning Commission:

- a. Except as provided in paragraph (c) below, permitted uses throughout the development shall be in accordance with the provisions of the C-1 and C-2 districts, including special exception uses, with the following additional uses:
 - mechanical garage
 - lumber yard
 - construction company with outdoor storage screened from off-site view
 - highway striping company
 - paint and body shop
 - office showroom with no assembly or manufacturing
 - service stations with gas pumps as an accessory use
- b. Except as provided in paragraph (c) below, permitted uses within the area of the development designated as Industrial per the Future Land Use Map shall be in accordance with the provisions of the M-1A district, including special exception uses.
- c. Communications towers anywhere on the site shall require a major amendment to the PUD.
- d. The following uses shall be prohibited within the development:
 - adult entertainment establishments
 - alcoholic beverage establishments
 - drive-in theatres
 - multi-family housing
 - outdoor advertising signs

- e. Development in the Industrial portion of the site shall be subject to a maximum floor area ratio (FAR) of 0.65. Other areas shall be limited to a maximum FAR of 0.35.
- f. Outdoor storage of parts, supplies, or materials shall be limited to the area of the site designated Industrial on the Vision 2020 Plan, as amended by this request. Outdoor storage areas shall be screened from view from any road or adjoining parcel inside or outside of the development. Screening shall consist of walls, fences, and/or landscaping, and shall be opaque to a height of at least 8 feet. Such areas shall be located a minimum of 150 feet from the west boundary of the subject property.
- g. The area between the internal access road and the west site boundary shall have a 25-foot buffer containing 4 canopy trees per 100 feet and a 6-foot high brick or masonry wall.
- h. Building height shall be limited to 35 feet. Setbacks from the west property line shall be as follows:
 - 50 feet for 1-story buildings
 - 100 feet for 2-story buildings
 - 120 feet for 3-story buildings
- i. 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).
- j. Retention ponds shall be designed such that they are not required to be fenced.
- k. The developer shall provide a pedestrian connection from all buildings to public sidewalks along Orange Boulevard.
- l. Dumpsters shall be screened so they are not visible from Orange Boulevard or nearby single family properties.
- m. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- n. Parking of mobile CT-scan trucks or semi-tractor trailers shall be prohibited within 120 feet of the west property line. Where permitted, such vehicles shall be screened from off-site view.
- o. All parking spaces shall be a minimum of 10 feet x 20 feet as required by the Land Development Code.
- p. Outdoor lighting adjacent to the west property line will be limited to decorative lighting affixed to the front facades of buildings. Security lighting with motion sensors shall be permitted on any part of the site.

ATTACHMENTS:

Staff report

Planning & Zoning Commission Minutes October 5, 2005

Location Map

Future Land Use/Zoning Maps

Aerial Photograph

Site Plan

Development Order

Rezone Ordinance

SSLUA Ordinance

ORANGE BOULEVARD PROPERTY REZONE SSLUA From Commercial to Industrial Rezone from A-1 to PUD		
APPLICANT	Michael J. Good / KBC Development Inc.	
PROPERTY OWNER	Shirley T. Alexander	
REQUEST	Rezone A-1 (Agriculture) to PUD (Planned Unit Development)	
PROPERTY SIZE	22.3 acres (rezone)	9.95 acres (SSLUA)
HEARING DATE (S)	P&Z: October 5, 2005	BCC: November 15, 2005
PARCEL NUMBERS	21-19-30-503-0000-0040 21-19-30-503-0000-0060 21-19-30-503-0000-0080 21-19-30-503-0000-0090 16-19-30-5AC-0000-0280 16-19-30-5AC-0000-0290	
LOCATION	South side of Orange Blvd., 800 feet west of I-4	
FUTURE LAND USE	Commercial	
FILE NUMBER	Z2005-040	
COMMISSION DISTRICT	5- Carey	

PROPOSED DEVELOPMENT:

The applicant is proposing a development containing retail, heavy commercial and light industrial uses.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Michael J. Good, requests the rezoning of a 22.3 acre tract, located on the south side of Orange Boulevard, 800 feet west of I-4, from A-1 (Agriculture) to PUD (Planned Unit Development) to accommodate a variety of commercial uses. The entire subject property is now designated Commercial under the Vision 2020 Plan. This designation supports the C-1 and C-2 uses indicated on the Preliminary Master Plan. However, the Plan also proposes C-3 and M-1A (heavy commercial and light industrial) uses. These uses will be limited to the central 9.95-acre portion of the site, for which the applicant is requesting a Small Scale Land Use Amendment to Industrial.

The subject property of the proposed Small Scale Land Use Amendment (SSLUA) is located in the central portion of the site, approximately 400 feet south of Orange Boulevard, and approximately 75 feet from the west boundary. Due to the presence of a residential area to the west of the subject property, the full range of uses associated with the Industrial future land use designation may not be appropriate without additional development conditions to ensure compatibility. Conditions recommended by staff

include opaque screening of outdoor storage areas and an active buffer between the proposed internal road and the west property line (see Development Order).

Outside the area requested for Industrial future land use designation, a limited list of heavier commercial uses may be appropriate. Staff supports several additional uses proposed by the applicant which are equivalent or similar in intensity to those allowed as special exceptions in the C-2 district:

- mechanical garage
- lumber yard
- construction company
- highway striping company
- paint and body shop
- office showroom with no assembly or manufacturing
- service stations with gas pumps as an accessory use

With adequate landscaping and buffering within the PUD, the above uses will be compatible with surrounding development.

Site design issues will be addressed through the Final Master Plan approval process, subsequent to the rezoning. The conceptual plan now under review provides for compatibility with adjacent residential development to the west by establishing a buffer and setback equivalent to the active-passive buffer requirements of the Land Development Code. Additional requirements to foster compatibility should include a wall along the property line and limitations on outdoor lighting. Staff recommendations on these issues are presented in the attached Development Order.

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PUD)
Minimum Lot Size	43,560 s.f.	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	N/A
Front Yard Setback	50 feet	25 feet
Side Yard Setback	30 feet	0 feet
Rear Yard Setback	10 feet	10 feet
Special Setbacks from Residential	N/A	50 feet for 1-story buildings 100 feet for 2-story buildings 120 feet for 3-story buildings
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

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

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
A-1 (existing)	Such as single family residences, citrus or other fruit crop cultivation, truck farms, plant nurseries & greenhouses (not retail), poultry & livestock production, grazing of pasture animals, home occupations & home offices, roadside fruit stands (when grown on-site), government owned buildings (except utilities), public & private elementary schools. (Sec. 30.122)	Cemeteries & mausoleums, kennels, hospitals, public & private schools (nursery through college), temporary asphalt plants, etc. (Sec. 30.124)	1 acre
PUD (proposed)	Permitted uses throughout the development shall be in accordance with the provisions of the C-1 and C-2 districts, including special exception uses, with the following additional uses: <ul style="list-style-type: none"> ▪ mechanical garage ▪ lumber yard ▪ construction company with outdoor storage screened from off-site view ▪ highway striping company ▪ paint and body shop ▪ office showroom with no assembly or manufacturing ▪ service stations with gas pumps as an accessory use 	Selected Special Exception uses under C-1, C-2, C-3, and M-1A are listed on PUD plan as permitted uses.	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES

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

(North)

	PD/IND Warehouse <i>PCD</i>	IND Port of Sanford <i>M-1</i>	IND Mechanical Garage <i>C-3</i>	
(West)	MDR SF Residential <i>R-2</i>	COM Vacant <i>A-1</i>	IND Mechanical Garage <i>C-3</i>	(East)
	MDR SF Residential <i>R-2</i>	I-4	IND Mechanical Garage <i>C-3</i>	

(South)

***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:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on the Sanford Quadrangle Map (FEMA), a small area of the northeast portion of the property (approximately 0.5 acres) is located in "Zone A", which is identified as an area located within the 100-year floodplain. Compliance with the Land Development Code regarding floodprone areas is required prior to the issuance of any building permits.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, the site contains no significant wetlands.

Endangered and Threatened Wildlife:

At this time there are no concerns relating to endangered and threatened wildlife. A listed species survey must be submitted prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency review at this time and therefore, has submitted an Affidavit of Concurrency Review Deferral. The applicant is required to undergo Concurrency review prior to subdivision approval.

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

Public Facility	Existing Zoning (A-1)	Proposed Development*	Net Impact
Water (GPD)	7,700	47,000	39,300
Sewer (GPD)	6,600	47,000	39,300
Traffic (ADT)	220	2,369	2,149
Schools			
Elementary	5	0	-5
Middle	3	0	-3
High	4	0	-4

* Estimates based on maximum development potential of 0.35 FAR for proposed Commercial area and 0.65 FAR for proposed Industrial area.

Utilities:

The site is located in Seminole County's Northwest Service Area, and will be required to connect to public utilities. There is currently a 10-inch sewer force main and an 8-inch water main located along Orange Boulevard. Both utility lines are readily accessible to the subject site. Water capacity for new development is limited in the Northwest Service Area. Capacity availability for this project will be determined during the Concurrency process, and approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property accesses Orange Boulevard, which is classified as a two lane undivided collector road. Orange Boulevard is currently operating at a level of service "A". Approval of the request could potentially result in a drop in level of service to "B". Per Appendix A, Section 3 of the Land Development Code, a left turn lane is required on Orange Boulevard at the project entrance.

School Impacts:

As a commercial/industrial development, the proposed project will not generate additional demand for classroom space in the Seminole County School District.

Public Safety:

The nearest response unit to the subject property is Station # 34, which is located at 4905 W. SR 46. The Seminole County Public Safety Department has determined that the response time to the subject property is less than 5 minutes. The County level-of-service standard for response time is 5 minutes, per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

The drainage system along this section of Orange Boulevard is deficient. The site will be required to hold the entire 25-year, 24-hour storm event on-site, unless the downstream system is demonstrated to accommodate the site's drainage outfall.

Parks, Recreation and Open Space:

Per Section 30.1344 of the Land Development Code, the applicant will be required to provide 25 percent open space throughout the development. This will be evaluated at Final Master Plan review.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable to the proposed project:

Policy FLU 2.5: Transitional Land Uses
Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
Policy POT 4.5 Potable Water Connection
Policy SAN 4.4: Sanitary Sewer Connection
Policy PUB 2.1 Public Safety Level-of-Service
Definition of Commercial Future Land Use Designation
Definition of Industrial Future Land Use Designation

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notice to cities is not required, as none are affected.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On October 5, 2005 the Planning & Zoning Commission voted 5-0 to recommend APPROVAL of the request subject to staff recommendations with the following Development Order Amendments:

1. Revise item (a) to permit construction company with outdoor storage screened from view.
2. Revise item (c) to remove communication towers and outdoor advertising signs from the list of prohibited uses.
3. Revise item (d) to permit a maximum floor area ration (FAR) of 0.65 on the portion of the site having an Industrial future land use designation.
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- g. The area between the internal access road and the west site boundary shall have a 25-foot buffer containing 4 canopy trees per 100 feet and a 6-foot high brick or masonry wall.
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50 feet for 1-story buildings
100 feet for 2-story buildings

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- i. 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).
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- o. All parking spaces shall be a minimum of 10 feet x 20 feet as required by the Land Development Code.
- p. Outdoor lighting adjacent to the west property line will be limited to decorative lighting affixed to the front facades of buildings. Security lighting with motion sensors shall be permitted on any part of the site.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION**

*WEDNESDAY, OCTOBER 5, 2005
7:00 P.M.*

Members present: Rob Wolf, Matt Brown, Beth Hattaway, Dudley Bates, Jason Brodeur

Members absent: Walt Eismann, Ben Tucker

Also present: Dan Matthys, Director of Planning and Development; Tony Walter, Planning Manager; Brian Nelson, Principal Coordinator; Tom Radzai, Development Review Engineer; Rebecca Hammock, Principal Planner; Chris Schmidt, Senior Planner; Tyrone Smith, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

D. **Orange Blvd. Property Rezone;** Mike Good / KBC Development, applicant; rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) on approximately 22.3 acres, and Small Scale Land Use Amendment from Commercial to Industrial on approximately 9.95 acres; located on south side of Orange Blvd., 800 feet west of I-4. (Z2005-040)

Commissioner Carey – District 5
Jeff Hopper, Senior Planner

Tony Walter introduced the application of Mike Good for a rezoning of a 22.3 acre property on Orange Boulevard with a small scale land use amendment on 9.95 of the acres. The property is located west of I-4 on the south of Orange Boulevard. The current future land use will not allow C-3 and light industrial uses. Staff recommendation is for approval.

Charles Madden represents Mike Good. He stated that he would like to have several sections changed in the Development Order. Item C – prohibits outdoor advertising signs. We would like to add the language “unless existing” to the section, since we have an existing sign on the property.

Mr. Madden said that Item D talks about the floor area ratio being .35; for the commercial area that is fine; but for the industrial section, the land development code allows .65 FAR with a small scale land use amendment. The language in Item D would say “a FAR of .35 for commercial areas and .65 or industrial areas.”

In Item M, Mr. Madden addressed the language of “no parking of mobile CAT Scan trucks or semi tractor trailers at the site.” Mr. Madden stated that he does not know who will be in the project, but one of the potential tenants may own a semi- tractor trailer. They may want to park it in the yard. The way that this

project is oriented, potential parking and storage is to be in the area in the back under the power lines, away from the single family residential area to the west. He would like language to be included that would allow for the storage of semi-tractor trailers in the yard. Perhaps it would be phrased to that it would be away from the west property line.

Mr. Madden concluded with the request that the application be recommended with the minor revisions he has asked for.

Tony Walter stated that the existing outdoor advertising sign would be "grandfathered in" under the current land development code. The FAR – floor area ratio is within the Code. Mr. Walter's only concern was for how the semi-tractor trailer would be screened from the properties to the west. We may want to use language that would place the parking on the east side, by I-4.

Mr. Madden said that he was also concerned with Item A. C-1 and C-2 uses are allowed throughout the area. Within that area you would be allowed to have outdoor storage in association with a construction company. It states in this part: "construction company with no outdoor storage" under permitted uses. He would like that to permit outdoor storage in the area of the small scale land use amendment. The phrase "with outdoor storage with proper screening" could be used.

No one had questions from the audience.

The public hearing was now closed.

Dan Matthys said it would be all right with the outdoor storage screened from public view.

Commissioner Wolf asked how the residences to the west would be protected and assured a quiet and peaceful atmosphere. It appears that there will be a 30-foot buffer of trees and a road between them. He was concerned about noise.

Mr. Madden stated that the LDC deals with buffering issues. A six-foot wall is required. The buffer between the road and single family is 25 feet. Depending on the end users, the building setbacks may wind up being between 50 feet and 150 feet. He is not asking for any waivers from the Land Development Code. With a wall and landscaping, that is adequate. The setbacks were the same for commercial and industrial uses. He had no proposed tenants at this time.

Commissioner Hattaway asked about the wall. Could it wind up being a chain-link fence?

Mr. Madden said that it must be a 6-foot masonry wall. This is an in-fill site. Extra care will have to be take to buffer the home sites from the light and sound.

Most of the noise will come from behind the building. There will be employee parking in the front and the storage yards in the rear. Fork lifts and things like that will be operating to the east as much as possible.

Commissioner Hattaway asked if garbage pick-up will be operating to the east as much as possible.

Mr. Madden stated that the site plan could locate the dumpsters appropriately.

Commissioner Hattaway said that the garbage trucks come at various times and can be quite annoying. Also there is a concern if deliveries are to be made down the cul-de-sac.

Mr. Madden agreed.

Commissioner Wolf asked how something like an auto body shop would be shielded from the residential neighborhood. How could there be buffering from operations that continue into the evenings after 6 o'clock at night? What is to keep people from operating in off hours?

Mr. Madden stated that restrictions could be put into the documents.

Commissioner Brown asked why the County is precluding things like communication towers from these developments when this location along I-4 is a perfect location for a communication tower.

Tony Walter stated that in the recent past the BCC has wanted to shield I-4 from things like advertising signs and communication towers. It is a staff recommendation based on the location to I-4 and proximity to the residential uses.

Commissioner Brown stated that he understood setback issues, but I-4 is a perfect place to put communication towers.

Tony Walter stated that he would carry that forward as a recommendation to the BCC.

Commissioner Hattaway stated that she agreed with Commissioner Brown.

Mike Good stated that he presently owns the property to the north of this site. It is a 5-acre tract that is M-1 Industrial. Also, he owns another tract to the west, where he has a construction company that has been there for 20 years. To the west of that parcel he has an industrial park. There is no one here to speak in opposition to this application because he has done a good job in the past of using the land appropriately.

The road to the north of the project is the Port of Sanford road. He designed the road in the current project with the neighbors in mind. He has spoken with the neighbors. He will be providing a wall, landscape buffering, the road right-of-way, and additional setbacks to separate the project from adjacent residential uses. There will be a nice façade on the office buildings, trucks will be kept in the back.

Commissioner Wolf asked if the landscape buffer is thick enough to obscure the site of the industrial park from the residences.

Mr. Good said that the natural state of the landscaping now is very dense.

Commissioner Wolf asked how the noise was to be managed.

Mr. Good said that the businesses to be located here will be associated with construction, generating activity on the site in the morning and early evening.

Commissioner Wolf stated that the other properties that Mr. Good had referred to were across the street from the residential properties, while the site under consideration is immediately adjacent to the residences. How will noise issues be addressed? Will hours of operation be contained?

Mr. Good said that he has been operating in the County for 20 years. He can understand if the County wants to put some operating restrictions on certain operations.

Mr. Madden said that the wall plus 4 trees per 100 feet will provide a strong visual barrier.

Commissioner Wolf pointed out the existing dense vegetation.

Mr. Madden said that he would forego the replanting of 4 trees per 100 feet if the dense vegetation stayed. The way the development order is written, he would be required to plant a tree every 25 feet in addition to existing vegetation.

Mr. Good pointed out the aerial view of the property. There is dense vegetation on the site already.

Commissioner Hattaway said that the mature trees should be kept as much as possible.

Commissioner Brodeur asked if the property to the east had a coach manufacturing business.

Mr. Good said that it did.

Commissioner Brodeur pointed out that the proposed activities would be similar to what is already going on with the property to the east of the proposed site.

Commissioner Wolf made a motion to recommend approval of the request with additional staff language pertaining to lighting and sound and the amendments proposed by the developer and the addition of language on the presence of cell towers.

Commissioner Hattaway seconded the motion.

Dan Matthys read conditions for the record: 3a: “construction company with outdoor storage provided the outdoor storage is adequately screened from off-site view.”

3c: “the elimination of the prohibition of communication towers”

3d: “all development shall be subject to a maximum floor area ratio of .35 with the exception of the property found in the proposed industrial future land use area which shall have a maximum FAR of .65.

3n: “no parking of mobile CAT scan trucks or semi tractor trucks within the required western boundary setbacks shall be permitted on the site. Any parking of CAT scan trucks or semi-tractor trailer trucks shall be screened from off site view.

3p: “The hours of operation shall be from 6 a.m. to 7 p.m.”

Commissioner Wolf and Commissioner Hattaway confirmed their motion and second.

Commissioner Brown asked if the enforcement of the County noise ordinance would not be enough. He referred to an industrial park that had been developed where the workers typically went home by 5 P.M. and the neighbors had no problem with the development. He thought that putting in language for hours of use could lead to code violations if someone went into their office or workplace until 7:00 P.M. or 9:00 P.M. on an occasional basis. He wondered how the other commissioners felt on this matter.

Commissioner Brodeur felt that extending the hours could benefit, since most of the noise could be generated by activities on the east side of the project. He feels that extending the hours until 9 P.M. would be acceptable, but he doubted that the small businesses would be utilizing the park much beyond 7 P.M.

Commissioner Wolf said that the issue is how the hours are enforced.

Mr. Good pointed out the triangular piece on the corner of the property. He said that this segment could be sales and the 7 p.m. time could be too restrictive.

Commissioner Brown inquired about the County noise ordinance.

Dan Matthys stated that we have a noise ordinance that is enforced by the sheriff. We can limit the noise on the manufacturing portion after 10 p.m.

Commissioner Wolf said that he had no problem with people accessing their businesses after 7:00 P.M. It was the potential of noise generation that concerned him.

Commissioner Brown said that hours could be delineated and which could be used as a tool later. It would be difficult for the sheriff to be enforcing restrictions.

Commissioner Hattaway said that if the sheriff is called, they would respond and measure the noise and enforce the ordinance.

Dan Matthys said that such things are difficult to enforce.

Tony Walter said that the best thing is to put forth a good design which builds in protection, with noise generating uses to the east.

Commissioner Bates wondered if the operational activities could be limited to 9:00 P.M. with noise generating stopping at 7:00 P.M.

Commissioner Brown said that he felt the people should be able to access their properties 24 hours a day. It should just be done with reason, quietly.

Dan Matthys said that the noise ordinance is in effect 24 hours a day.

Commissioner Hattaway said that people would call in noise complaints at 3:00 in the afternoon. It would not matter.

Commissioner Brown said that the applicant's previous record of operating businesses in the County is a long and honorable one.

Commissioner Wolf amended his motion to impose the noise ordinance usually enforced after 10:00 P.M. will be imposed on this property after 7:00 P.M.

Commissioner Hattaway asked if Mr. Good could live with that condition.

Mr. Good said that he did not want to put any restrictions on this property that would not be put on a similar piece of property.

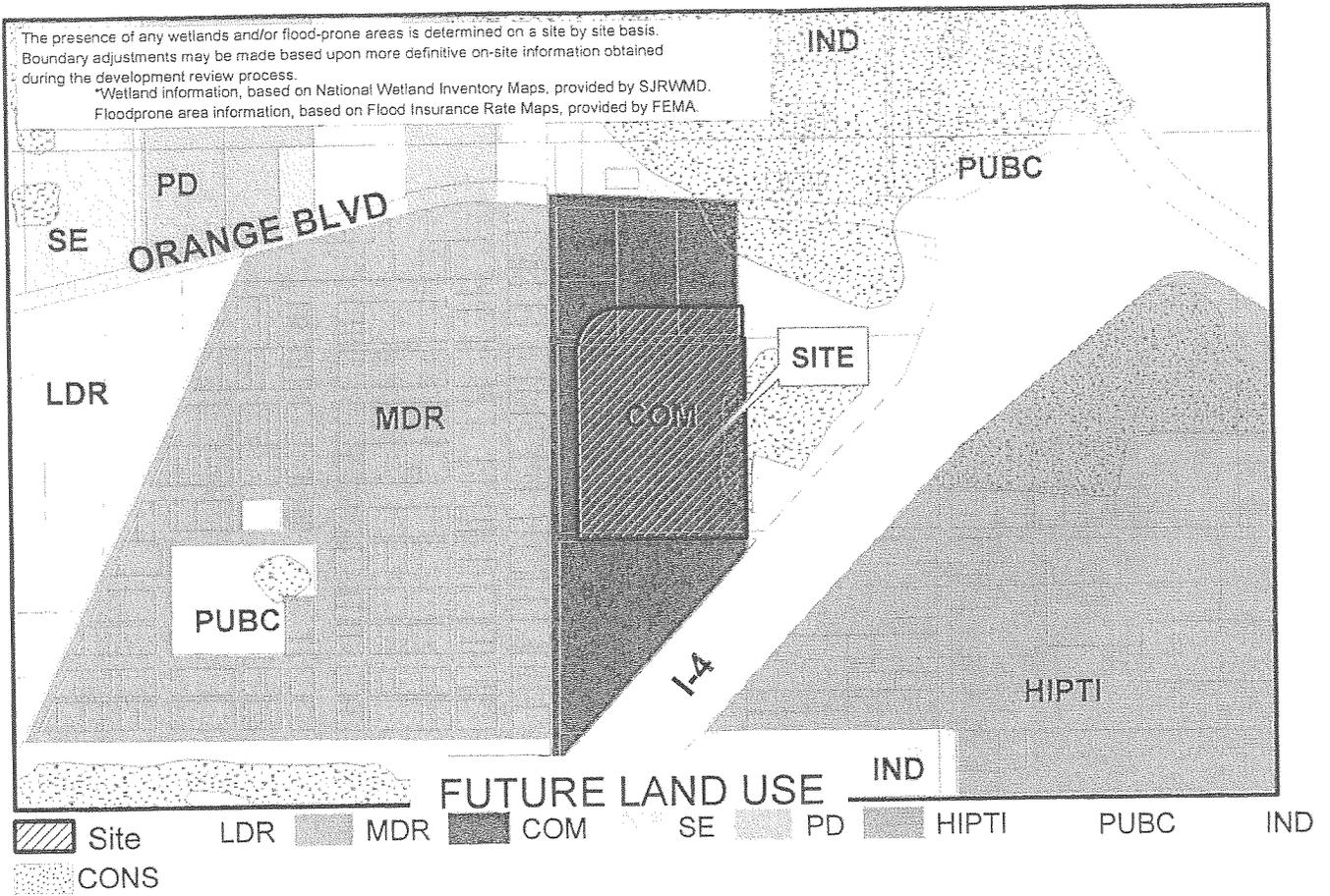
Commissioner Brodeur said that he would point out that certain times of the year have hours of daylight remaining after 7:00 P.M. It would be inconsistent to have rules here.

Commissioner Hattaway stated that the noise ordinance is sufficient because that can be enforced all day. She then withdrew her second of the motion if was not amended.

Commissioner Wolf amended his motion to remove the limit of the hours of operation and the noise reference. (This is item 3 P.)

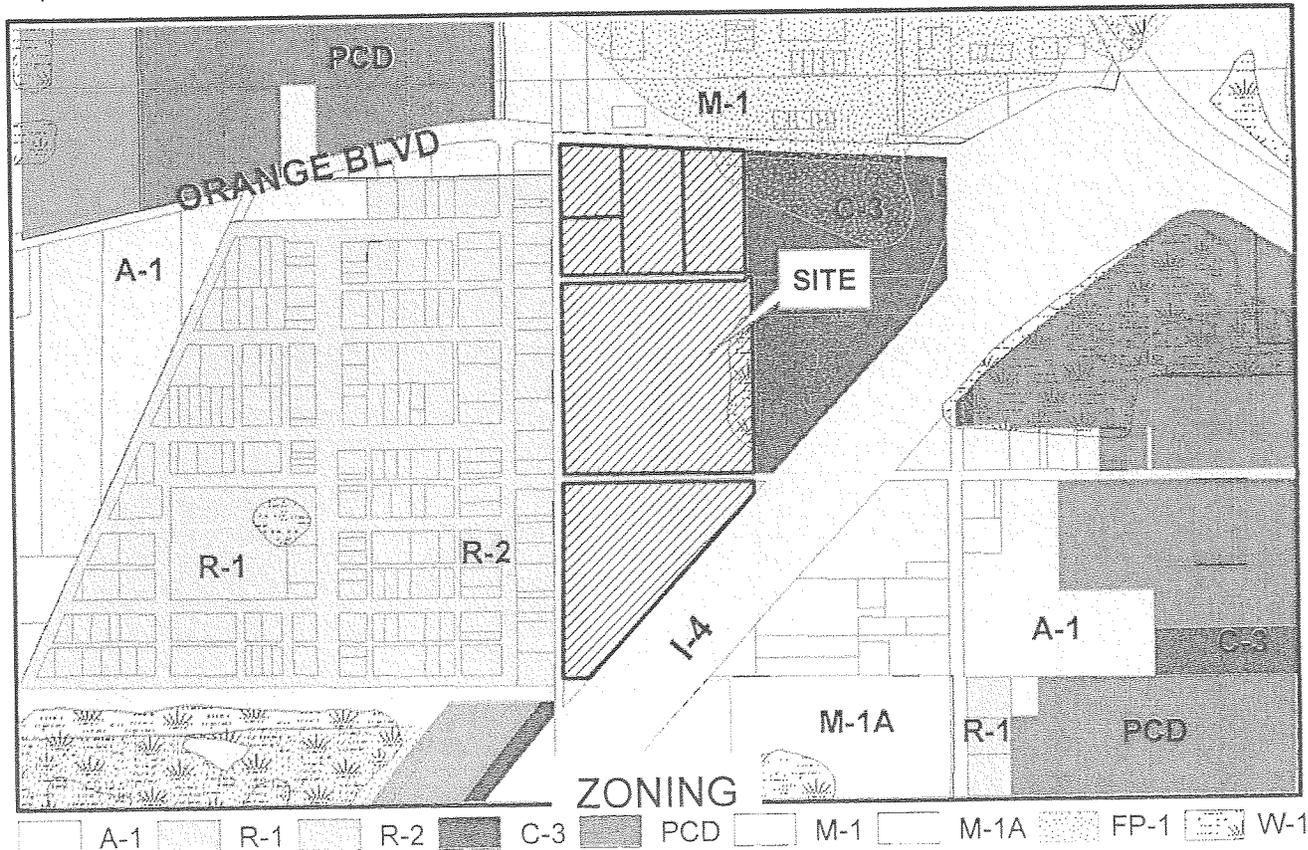
The motion passed unanimously (5 – 0).

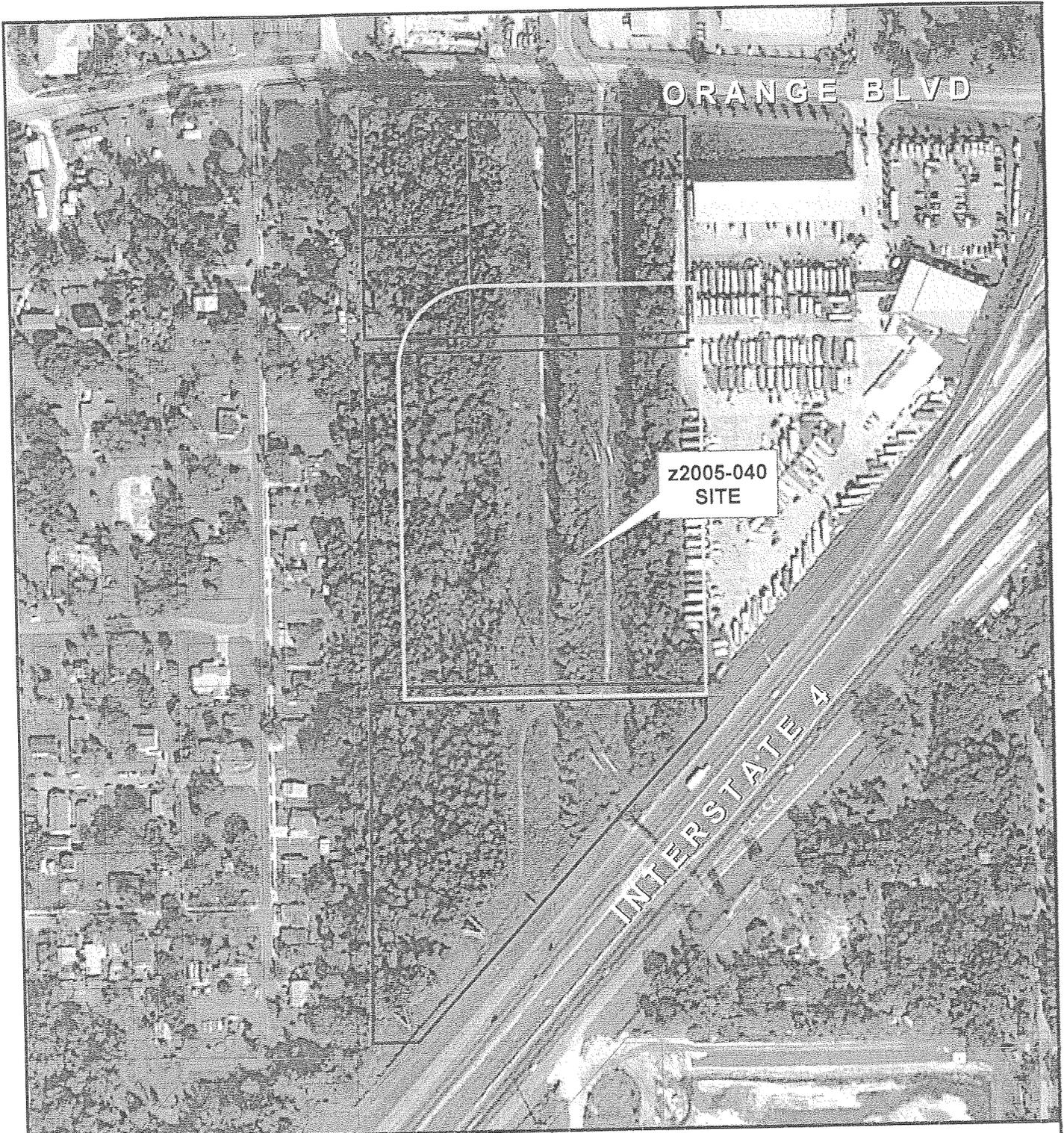
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Applicant: Michael J. Good
 Physical STR: 21-19-30-503-0000-0060, 40, 80, 90 and 5ac-0000-0290, 0280
 Gross Acres: 20.49 +/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/Rezone#	From	To
FLU	10-05SS.01	COM	IND
Zoning	Z2005-040	A-1	PUD



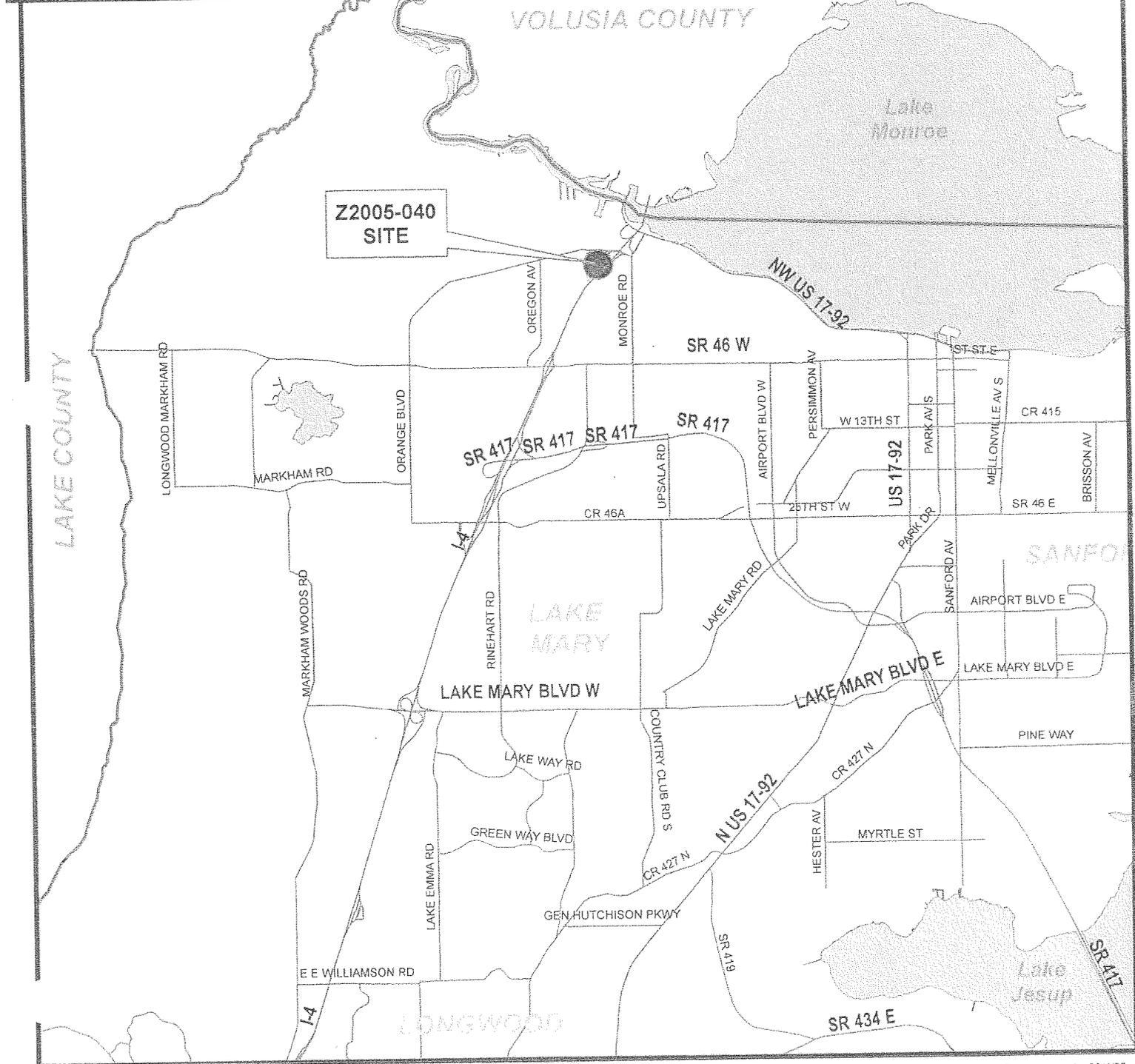
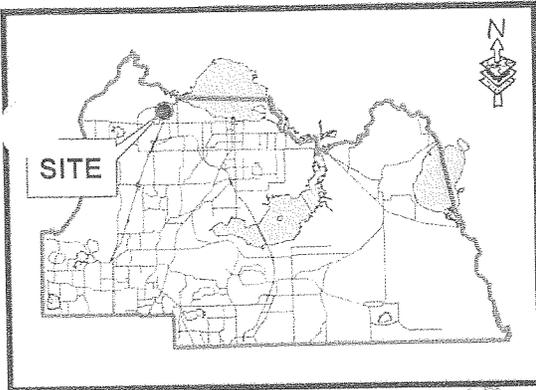


Amendment No: 10-05SS.01
From: COM To: IND
Rezone No: Z2005-040
From: A-1 To: PUD

-  Parcel
-  Subject Property
-  Area of Land Use Change



January 2004 Color Aerials



**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On November 15, 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: SHIRLEY T. ALEXANDER

Project Name: ORANGE BOULEVARD PROPERTY PUD

Requested Development Approval: Rezone from A-1 to PUD

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. Except as provided in paragraph (c) below, permitted uses throughout the development shall be in accordance with the provisions of the C-1 and C-2 districts, including special exception uses, with the following additional uses:
 - mechanical garage
 - lumber yard
 - construction company with outdoor storage screened from off-site view
 - highway striping company
 - paint and body shop
 - office showroom with no assembly or manufacturing
 - service stations with gas pumps as an accessory use
 - b. Except as provided in paragraph (c) below, permitted uses within the area of the development designated as Industrial per the Future Land Use Map shall be in accordance with the provisions of the M-1A district, including special exception uses.
 - c. Communications towers anywhere on the site shall require a major amendment to the PUD.
 - d. The following uses shall be prohibited within the development:
 - adult entertainment establishments
 - alcoholic beverage establishments
 - drive-in theatres
 - multi-family housing
 - outdoor advertising signs
 - e. Development in the Industrial portion of the site shall be subject to a maximum floor area ratio (FAR) of 0.65. Other areas shall be limited to a maximum FAR of 0.35.
 - f. Outdoor storage of parts, supplies, or materials shall be limited to the area of the site designated Industrial on the Vision 2020 Plan, as amended by this request. Outdoor storage areas shall be screened from view from any road or adjoining parcel inside or outside of the development. Screening shall consist of walls, fences, and/or landscaping, and shall be opaque to a height of at least 8 feet. Such areas shall be located a minimum of 150 feet from the west boundary of the subject property.
 - g. The area between the internal access road and the west site boundary shall have a 25-foot buffer containing 4 canopy trees per 100 feet and a 6-foot high brick or masonry wall.

- h. Building height shall be limited to 35 feet. Setbacks from the west property line shall be as follows:
- 50 feet for 1-story buildings
 - 100 feet for 2-story buildings
 - 120 feet for 3-story buildings
- i. 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).
- j. Retention ponds shall be designed such that they are not required to be fenced.
- k. The developer shall provide a pedestrian connection from all buildings to public sidewalks along Orange Boulevard.
- l. Dumpsters shall be screened so they are not visible from Orange Boulevard or nearby single family properties.
- m. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- n. Parking of mobile CT-scan trucks or semi-tractor trailers shall be prohibited within 120 feet of the west property line. Where permitted, such vehicles shall be screened from off-site view.
- o. All parking spaces shall be a minimum of 10 feet x 20 feet as required by the Land Development Code.
- p. Outdoor lighting adjacent to the west property line will be limited to decorative lighting affixed to the front facades of buildings. Security lighting with motion sensors shall be permitted on any part of the site.

(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, SHIRLEY T. ALEXANDER, on behalf of herself and her 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

Shirley T. Alexander

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 SHIRLEY T. ALEXANDER, 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:

21-19-30-503-0000-0060

W 125 FT OF LOT 6 & E 75 FT OF LOT 7 & E 150 FT OF LOT 10 & W 50 FT OF LOT 11 BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0040

LOT 4 (LESS E 104.41 FT) & ALL LOT 5 & LOT 6 (LESS W 125 FT) & E 125 FT OF LOT 11 & LOT 12 (LESS E 87.78 FT) BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0080

LEG LOT 8 & W 65 FT OF LOT 7 BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0090

ALL LOT 9 & W 25 FT OF LOT 10 BELLS SUBD PB 6 PG 47

16-19-30-5AC-0000-0290

THAT PT OF LOT 29 W OF ST RD 400 ST JOSEPHS
PB 1 PG 114

16-19-30-5AC-0000-0280

LOT 28 & S 1/2 OF VACD ST ADJ ON N ST JOSEPHS PB 1 PG 114

EXHIBIT B

LAND USE AMENDMENT LEGAL DESCRIPTION

A PORTION OF BELL'S SUBDIVISION, PLAT BOOK 6, PAGE 47, AND A PORTION OF LOTS 28 AND 29, ST. JOSEPH'S, PLAT BOOK 1, PAGE 114, ALL OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 28, ST. JOSEPH'S ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 114, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, THENCE RUNS S.00°00'45"W. ALONG THE EAST LINE OF LOTS 28 AND 29 OF SAID PLAT, 667.62 FEET; THENCE RUN N.89°54'12"W. 567.32 FEET; THENCE RUN N.00°05'48"E. 620.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 155.00 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE 243.47 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO THE POINT OF TANGENCY; THENCE RUN S.89°44'58"E. 404.22 FEET; THENCE RUN S.00°15'02"W. 107.08; THENCE RUN S.89°53'55"E., 6.99 FEET TO THE POINT OF BEGINNING.

CONTAINING THEREIN 9.953 ACRES MORE OR LESS.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM A-1 (AGRICULTURE) TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; 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 document titled "Orange Boulevard PUD 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. REZONING.

The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development) in accordance with the contents of the document titled "Orange Boulevard PUD Rezone and SSLUA Staff Report" and Development Order #5-20500008:

Legal Description Attached as 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 recording of Development Order #5-20500008 in the official land records of Seminole County.

ENACTED this 15th day of November, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

FILE # Z2005-040

EXHIBIT "A"

LEGAL DESCRIPTION:

21-19-30-503-0000-0060

W 125 FT OF LOT 6 & E 75 FT OF LOT 7 & E 150 FT OF LOT 10 & W 50 FT OF LOT 11
BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0040

LOT 4 (LESS E 104.41 FT) & ALL LOT 5 & LOT 6 (LESS W 125 FT) & E 125 FT OF LOT 11
& LOT 12 (LESS E 87.78 FT) BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0080

LEG LOT 8 & W 65 FT OF LOT 7 BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0090

ALL LOT 9 & W 25 FT OF LOT 10 BELLS SUBD PB 6 PG 47

16-19-30-5AC-0000-0290

THAT PT OF LOT 29 W OF ST RD 400 ST JOSEPHS
PB 1 PG 114

16-19-30-5AC-0000-0280

LOT 28 & S 1/2 OF VACD ST ADJ ON N ST JOSEPHS PB 1 PG 114

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM COMMERCIAL 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 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan (“the Plan”); and

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

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

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on October 5, 2005, 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 November 15, 2005, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Orange Boulevard PUD Rezone and SSLUA Staff Report".

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

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

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

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

See Exhibit A

<p><u>Amendment Number</u> 10-05SS.01</p>	<p><u>Amendment</u> Amendment from Commercial to Industrial</p>
--	--

(b) The associated rezoning request was completed by means of Ordinance Number 2005-____.

Section 3. SEVERABILITY:

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

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate

document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

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

Section 5. EFFECTIVE DATE:

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

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

ENACTED this 15th day of November,
2005.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley,
Chairman

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF BELL'S SUBDIVISION, PLAT BOOK 6, PAGE 47, AND A PORTION OF LOTS 28 AND 29, ST. JOSEPH'S, PLAT BOOK 1, PAGE 114, ALL OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING THEREIN 9.953 ACRES MORE OR LESS.