

Item # 79

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Mikler Road Commerce Center PCD Rezone

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

AUTHORIZED BY: Dori L. DeBord **CONTACT:** Tina Williamson **EXT.** 7353

Agenda Date <u>12/12/06</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

- APPROVE** the request and enact an ordinance to rezone 0.84 ± acres, located on the south side of Mikler Road, 500' west of SR 426, from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development) and APPROVE the attached Preliminary Site Plan and Development Order and authorize the Chairman to execute the aforementioned documents, based on staff findings (Tom Indrunas, applicant); or
- DENY** the request to rezone 0.84 ± acres, located on the south side of Mikler Road, 500' west of SR 426, from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development), DENY the attached Preliminary Site Plan, and authorize the Chairman to execute the Denial Development Order (Tom Indrunas, applicant); or
- CONTINUE the item to a time and date certain.

District 1 – Commissioner Dallari

Tina Williamson, Principal Coordinator

BACKGROUND:

The applicant is requesting a rezone from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development), in order to develop a mixture of office, retail and warehouse uses on the subject property. The Future Land Use designation on the subject property is Industrial, which allows the requested zoning district.

The proposed Preliminary Site Plan indicates that the project will contain a total of 10,125 square feet, divided between two buildings. Office and retail uses are limited to 1,800 square feet and warehouse uses are

Reviewed by: Co Atty: <u>KET</u> DFS: _____ OTHER: _____ DCM: _____ CM: <u>see</u> File No. <u>ph130pdp06</u>

limited to 8,325 square feet. The applicant is proposing a selection of uses from the CN (Neighborhood Commercial), C-1 (Retail Commercial), C-2 (Retail Commercial), C-3 (Retail Commercial & Wholesale) and M-1A (Very Light Industrial) zoning districts. These uses are included in the attached Approval Development Order.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 0.84 ± acres, located on the south side of Mikler Road, 500' west of SR 426, from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development) and recommends APPROVAL of the attached Preliminary Site Plan and Development Order.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on November 1, 2006 and voted 5 to 0 to recommend APPROVAL of the request to rezone 0.84 ± acres, located on the south side of Mikler Road, 500' west of SR 426, from R-1 (Single-Family Dwelling) to PCD (Planned Commercial Development) and recommends APPROVAL of the attached Preliminary Site Plan and Development Order, based on staff findings.

Attachments:

Location Map
FLU/Zoning Map
Aerial Photo
Preliminary Site Plan
Approval Development Order
Denial Development Order (applicable if the request is denied)
Rezone Ordinance
11/1/06 P&Z Minutes

Mikler Road Commerce Center Rezone from R-1 to PCD

APPLICANT	Tom Indrunas	
PROPERTY OWNER	Stephen Ratcliff	
REQUEST	Rezone from R-1 (Single-family Dwelling) to PCD (Planned Commercial Development)	
PROPERTY SIZE	0.84 ± acres	
HEARING DATE (S)	P&Z: November 1, 2006	BCC: December 12, 2006
PARCEL ID	29-21-31-501-0000-001A	
LOCATION	On the south side of Mikler Road, 500' west of SR 426	
FUTURE LAND USE	Industrial	
ZONING	R-1 (Single-Family Dwelling) district	
FILE NUMBER	Z2006-059	
COMMISSION DISTRICT	#1 – Dallari	

PROPOSED DEVELOPMENT:

The applicant is proposing to develop a mixture of office, retail and warehouse uses on the subject property. The proposed Preliminary Site Plan indicates that the project will contain a total of 10,125 square feet, divided between two buildings. Office and retail uses are limited to 1,800 square feet and warehouse uses are limited to 8,325 square feet. The applicant is proposing a selection of uses from the CN (Neighborhood Commercial), C-1 (Retail Commercial), C-2 (Retail Commercial), C-3 (Retail Commercial & Wholesale) and M-1A (Very Light Industrial) zoning districts. These uses are included in the attached Approval Development Order.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of R-1 (Single-Family Dwelling) and the requested PCD (Planned Commercial Development) district:

DISTRICT REGULATIONS	Existing Zoning (R-1)	Proposed Zoning (PCD)
Minimum Lot Size	8,400 square feet	Not Applicable
Minimum House Size	700 square feet	Not Applicable
Minimum Width at Building Line	70 feet	Not Applicable
Front Yard Setback	25 feet	25 feet
Side Yard Setback	7.5 feet	10 feet
(Street) Side Yard Setback	25 feet	Not Applicable
Rear Yard Setback	30 feet	10 feet
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
R-1 (existing)	Any use permitted in the R-1A Single-Family Dwelling zoning classification, including the customary accessory uses, Home occupations and home offices, Community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents	Any special exception permitted in the R-1A zoning classification, Day nurseries or kindergartens, Guest or tourist homes when located on state or federal highways, Off-street parking facilities, Assisted living facilities and community residential homes housing 7-14 permanent unrelated residents (including group homes and foster care facilities) provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area as defined in Section 419.001(3)(c), Florida Statutes (2001), Communication towers, Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the Planning Manager.	8,400 square feet
PCD (proposed)	Artist studios, Barber and beauty shops, Dance and music studios, Florist and gift shops, Hobby and craft shops, Interior decorating and draperies, Jewelry stores, Locksmiths, Luggage shops, Office, business, and professional, Photographic studios, Physical fitness studio, Retail paints and wallpaper stores, Retail sporting goods, Shoe repair shops, Tailoring shops, Watch and clock repair, Wearing apparel stores, Appliance stores, Bakeries, where all goods are sold on premises at retail, Quick print shops, Radio and television broadcasting studios, excluding towers, Radio and television sales and service, Building and plumbing supplies, Furniture warehouse with retail sales, Printing and book binding shops, Lithography and publishing plants, Paint and body shops, Plumbing shops, Trade shops, such as, upholstery, metal, cabinet, Warehouses, office showroom, automobile wholesaling and brokering with no onsite car display. Manufacturing of the following: Garments, Photographic equipment and supplies, Bakery products, Electrical machinery and equipment, Furniture, Candy and confectionery products, Cosmetics and toiletries, except soap, Candles, Jewelry, Optical equipment, Precision instruments and machinery, Stationery, Toys, Electronic equipment and assembling. Assembling of metal, plastic, or cardboard containers, Data proceeding services, Printing, bookbinding, lithographic platemaking, engraving, and publishing plants, Warehouses and storage buildings, providing no storage is done outside an enclosed structure, Radio and television studios and offices, Cabinetry and woodworking shops	No Special Exception Uses Allowed	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES

Staff has reviewed the proposed PCD and has determined that it is compatible with surrounding properties because the subject and surrounding properties have an Industrial Future Land Use designation, which the proposed PCD uses are consistent with. The subject property is surrounded on two sides by the Magnolia Corporate Center PCD, which this project is also consistent with. The allowed uses within the Magnolia Corporate Center PCD are those permitted in the OP (Office) district, CN (Restricted Neighborhood Commercial) district and banks and restaurants (not drive-in).

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FEMA map #565 Oviedo, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3)(c); Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has applied for Concurrency and has been approved with the following results:

1. **ENVIRONMENTAL SERVICES:** Seminole County is the water and sewer service provider within this area. Capacity is available upon proper execution of the Conditional Utility Agreement.
2. **TRAFFIC RESULTS:** Sufficient roadway capacity is available based upon Concurrency Management System Net Available Capacity.

Utilities:

The site is located in the Seminole County utility service area, and will be required to connect to public utilities. There is a 16-inch water main on the west side of SR 426 and an 8-inch force main on the south side of Mikler Road. The subject property is in the ten year master plan for reclaimed water. An alternative source for irrigation water, such as a shallow well, will be required until reclaimed water becomes available. Approval of the proposed water service utility plan is required prior to Final Site Plan approval.

Transportation / Traffic:

The property proposes access onto Mikler Road, which is classified as a local road and has no improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The proposed project will not generate any school impacts.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin, and has limited downstream capacity. This will be further evaluated in more detail prior to Final Site Plan approval.

Parks, Recreation and Open Space:

In accordance with Section 30.468 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in open space. The location of and the amenities associated with the open space will be determined at the time of Final Site Plan Approval.

Setbacks and Buffers:

The following building setbacks and buffering standards, contained in the attached Development Order, shall apply:

Front: 25' building setback and a minimum 5', average 10' landscape buffer

Side: 10' building setback and 5' landscape buffer

Rear: 10' building setback and 5' landscape buffer

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is not located within a Special District or Overlay.

COMPREHENSIVE PLAN (VISION 2020)

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

- Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
- Policy CIE 3.2: Application to New Development
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were not required; the subject site is not within or directly adjacent to any local municipality and will not impact schools.

LETTERS OF SUPPORT OR OPPOSITION:

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

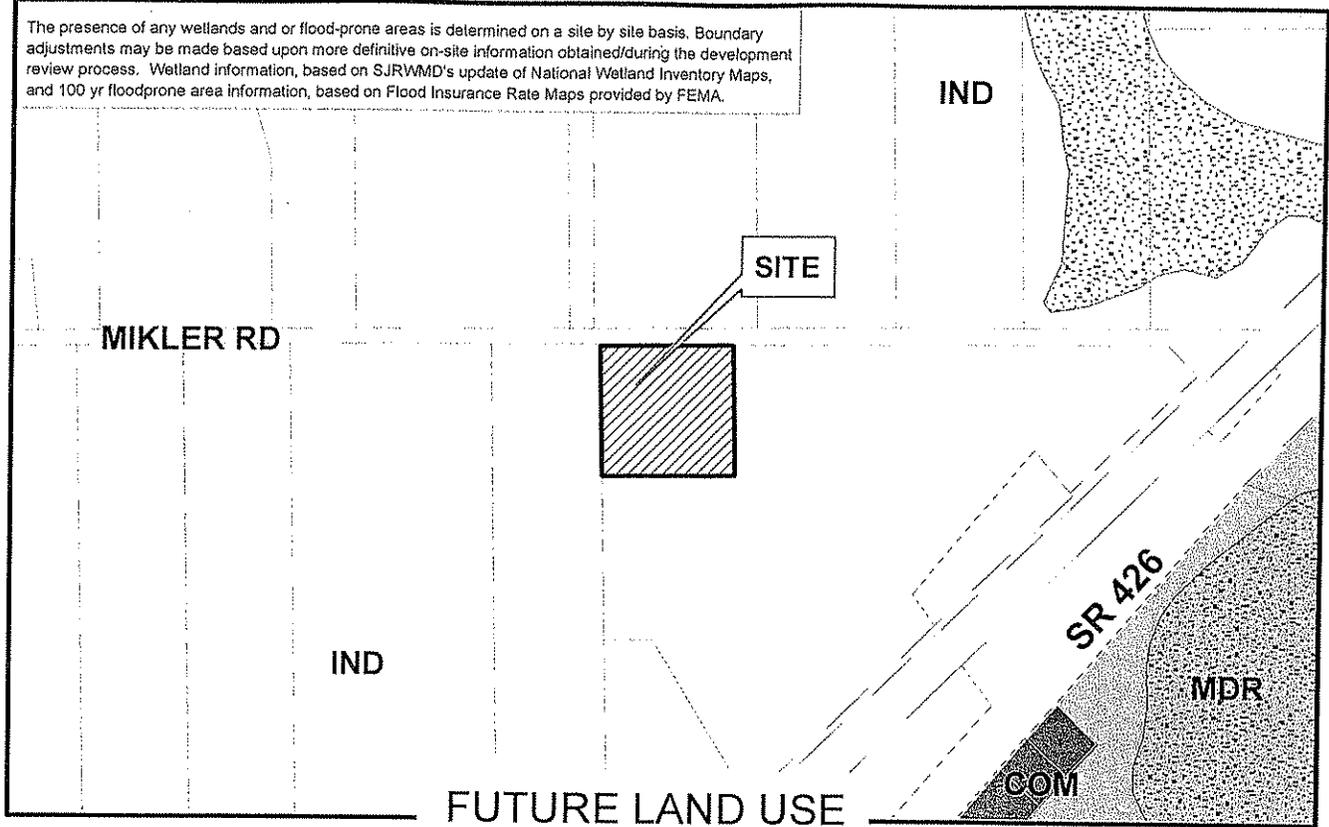
STAFF RECOMMENDATION:

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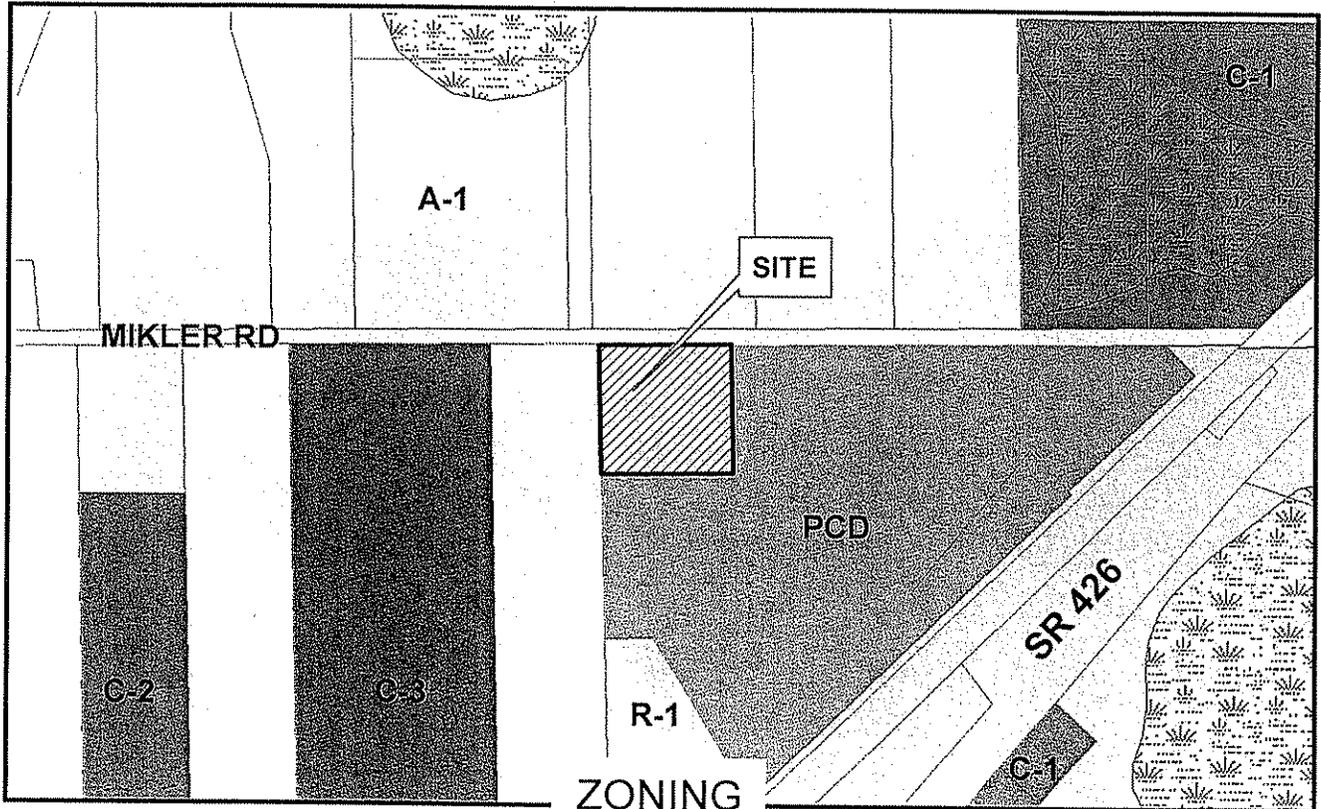
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr flood-prone area information, based on Flood Insurance Rate Maps provided by FEMA.



MDR
 COM
 IND
 Site
 Municipality
 CONS

Applicant: Tom Indrunas
 Physical STR: 29-21-31-501-0000-001A
 Gross Acres: .88 +/- BCC District: 1
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezoning#	From	To
FLU	--	--	--
Zoning	Z2006-059	R-1	PCD



A-1
 C-1
 C-2
 C-3
 PCD
 R-1
 FP-1
 W-1

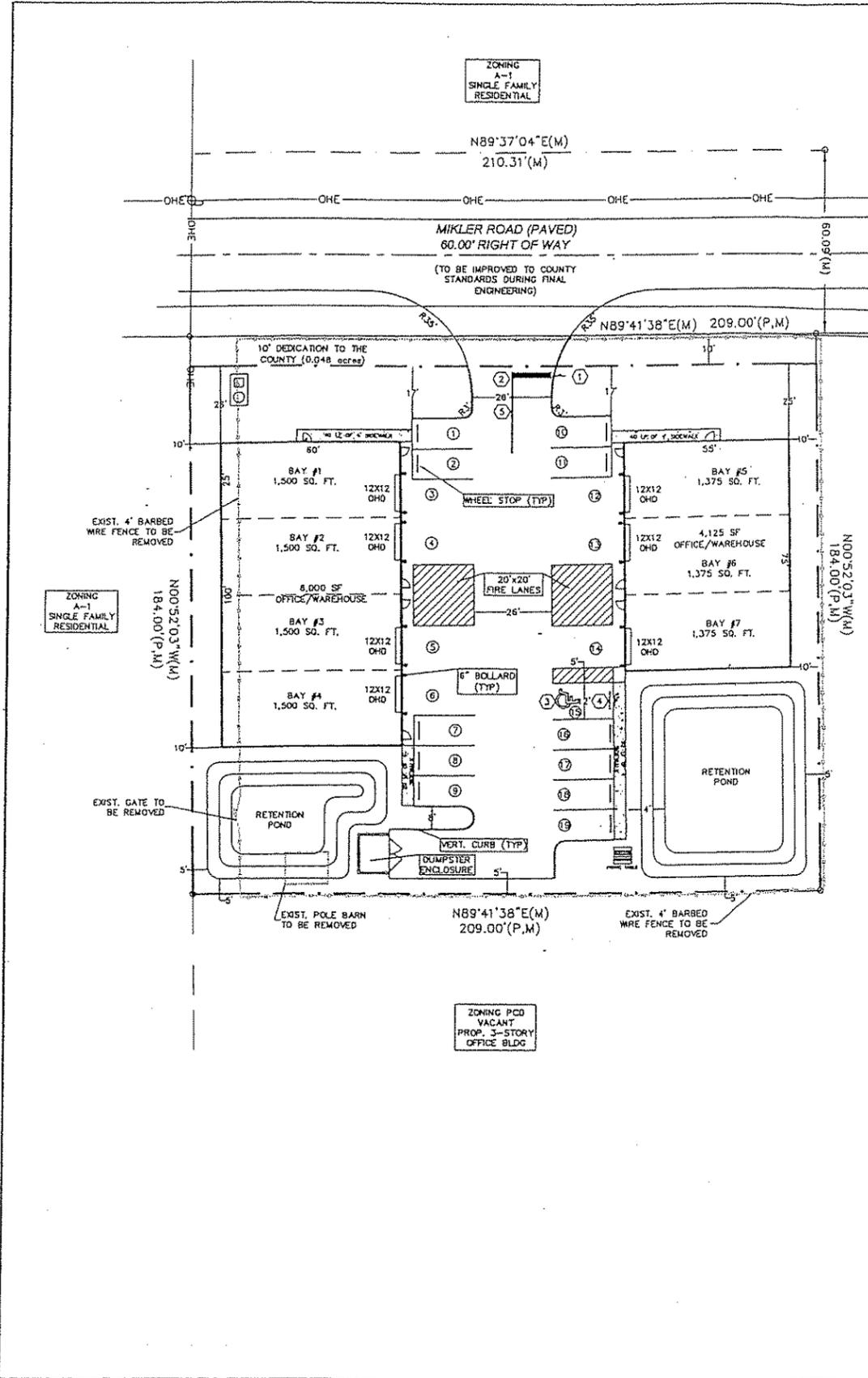


Rezone No: Z2006-059
From: R-1 To: PCD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials



PCD DEVELOPER COMMITMENT AGREEMENT

- STATEMENT OF BASIC FACTS**
 - Total area: 0.84 acres
 - Zoning: Planned Commercial Development
 - Allowable area of development: 0.84 acres
 - The development approval sought is consistent with the Seminole County comprehensive plan and will be developed consistent with and in compliance with 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 commitment run with, follow and perpetually burden the above described property.
- LAND USE BREAKDOWN**

LAND USE	AREA	% OF SITE
Pavement & Building Area	21,766 s.f./ 0.50 ac	59.85%
Open Space	(including retention) 14,600 s.f./ 0.34 ac	40.15%
Total Developable Area	36,366 s.f./ 0.84 ac	100%
Total Land Area	36,366 s.f./ 0.84 ac	100%
- OPEN SPACE AREAS**

Maintenance of the open space shall be funded by the Owner.
 Total Land Area: 0.84 acres
 Required Open Space: 25.0%/0.21 acres
 Open Space Provided: 40.15%/0.34 acres
- BUILDING SETBACKS**

Front: 25'
 Side: 10'
 Rear: 10'
- PLANNED USES**

C-1 Restricted Neighborhood Commercial (permitted uses only)
 Uses shall be limited to:
 Artist Studios, Barber & Beauty Shops, Dance and Music Studio, Florist & gift shop, Interior decorations and accessories, Jewelry store, Locksmith, Luggage shop, Office, business and professional, Photographic studio, Physical fitness studio, Retail point and wallpaper store, Retail sporting goods, Shoe repair, Tailoring shop, Watch & clock repair and Wearing apparel store

C-2 Retail Commercial District (permitted uses only)
 Uses shall be limited to:
 Appliance store, Bakeries, where all goods are sold on premises at retail, quick print shops, Radio & television broadcasting studios (excluding towers), Radio & L.v. sales and service.

C-3 Retail Commercial & Wholesale District (permitted uses only)
 Uses shall be limited to:
 Lithography & publishing plants, Paint & body shop, Plumbing shop, Trade shops, such as upholstery, metal and cabinets, Warehousing, Office showroom, Automobile wholesaling and brokering (no on site car display)

M-1A Very Light Industrial District (permitted uses only)
 Manufacturing of the following: garments, photographic equipment & supplies, bakery products, electrical machinery & equipment, furniture, candy & confectionary products, candies, optical equipment, jewelry, precision instruments & machinery, stationery, toys, electronic equipment & assembling, Data processing services, assembling of metal, plastic, or cardboard containers, printing, bookbinding, lithographic platemaking, engraving & publishing plants, general business & professional offices, radio & L.v. studios & office, signs, identification, directional, or which advertise products manufactured, processed, stored, or sold on the premises. Warehouses and storage buildings with outside storage prohibited. Cabinetry and woodworking shops.
- LANDSCAPE & BUFFER CRITERIA**

Parking areas shall be landscaped in accordance with the provisions of the Section 30.1230, "Landscaping of Parking Area" of the Seminole County Land Development Code.
- BUFFER YARDS**

Front: 10'
 Side: 5'
 Rear: 5'
- PARKING REQUIREMENTS**
 - Parking spaces shall be 10'x20'
 - Parking calculations shall be based on:
 - 1 parking space per 200 sq. ft. of office/retail
 - 1 parking space per 1000 sq. ft. of warehouse
 - 1 parking space per (2) employees on largest shift

1,800 sq. ft. office/retail (max) / 200 = 9
 (4) employees (warehouse/manufacturing) = 2
 8,325 s.f. of warehouse/1000 = 8.3
 Total spaces required = 19.3 spaces
 Total spaces provided = 19.0 spaces
- WATER, SEWER AND STORMWATER**

WATER: Water services shall be provided by Seminole Co. Public Utilities design of water lines and fire hydrants shall conform to all Seminole Co. and Florida Department of Environmental Protection.

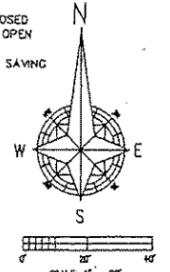
SANITARY SEWER: Sanitary sewer shall be provided by a proposed private lift station

STORMWATER: Stormwater drainage and stormwater management shall be provided by on-site retention pond. The system will be reviewed and approved by Seminole County and St. Johns River Water Management District.

FIRE PROTECTION: Fire protection shall be provided by Seminole Co. Fire flow will be a minimum of 1250 gpm w/ 20 psi. Fire Hydrants shall be located according to Seminole Co. Fire Loss Management regulations.
- PHASING**

Proposed development shall be developed in (1) phases.
- STANDARD COMMITMENTS**
 - Unless specifically addressed otherwise herein, all development shall fully comply with all the codes and ordinances, including impact fees ordinances, in effect in Seminole County at the time of permit issuance.
 - The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the owners of the property.
 - The DCA touches and concerns the aforesaid property, and the conditions, commitments and provisions of the DCA 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 Co. by virtue of a document of equal dignity herewith. The owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of the DCA.
 - The terms and provisions of the DCA are not severable, and in the event any portion of this DCA shall be found to be invalid or illegal, then the entire DCA shall be null and void.

- DEVELOPMENT COMMITMENTS AGREED TO BY OWNER**
 - THE FOLLOWING STATEMENT INCLUDED ON THE SITE PLAN, "THE PROPOSED DEVELOPMENT SHALL MEET OR EXCEED TWENTY-FIVE PERCENT (25%) OPEN SPACE FOR THE PCD."
 - THE DEVELOPMENT SHALL COMPLY WITH ALL STATE AND COUNTY LIFE SAVING AND FIRE PREVENTION REGULATIONS.



GENERAL NOTES

- CURRENT ZONING A-1, PROPOSED ZONING PCD, FLU IND.
- ALL EXTERIOR EQUIPMENT, WHETHER GROUND OR ROOF MOUNTED, WILL BE SCREENED FROM OFF SITE VIEWS
- 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.
- STOP BAR SHALL BE 24" WIDE, WHITE THERMOPLASTIC AND LOCATED AS SHOWN ON SITE PLAN.
- ALL ADDRESS NUMBERS SHALL BE VISIBLE AND READABLE FROM STREET.
- INSTALL "NO TRESPASSING, CONSTRUCTION SITE" SIGN AS SPECIFIED IN FLORIDA STATUTE 810.08, PARAGRAPH D.
- POST THE EMERGENCY NIGHT PHONE NUMBER ON THE BOTTOM OF THE BUILDING PERMIT.
- NO CONSTRUCTION CAN OCCUR UNTIL THE APPLICANT HAS HAD A PRE-CONSTRUCTION CONFERENCE WITH SEMINOLE CO.
- ALL WORK IN THE RIGHT OF WAY WILL BE REPAIRED OR REPLACED IF DAMAGED DURING CONSTRUCTION.
- LOW INTENSITY, INDIRECT LIGHTING SHALL BE UTILIZED TO PREVENT GLARE.
- MULTI-TENANT BUILDING.
- CONTRACTOR TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION.
- POTABLE WATER IS SUPPLIED BY SEMINOLE COUNTY PUBLIC UTILITIES.
- SIGNAGE WILL REQUIRE A SEPARATE PERMIT FROM THE BUILDING DEPT.
- CONSTRUCTION ACTIVITIES SHALL NOT ENCRDACH ONTO THE SR 428 OR MIKLER RD. R.O.W.

SIGN LEGEND

- STOP SIGN (30" HIGH INTENSITY)
- STOP BAR (24" WIDE WHITE THERMOPLASTIC)
- HANDICAP SYMBOL (WHITE THERMOPLASTIC)
- HANDICAP SIGN
- 25 LF. OF 6" DOUBLE YELLOW (THERMOPLASTIC)
- PARKING SPACE COUNT

SITE STATISTICAL DATA

DESCRIPTION	SQ. FT.	ACRES	% OF SITE
TOTAL SITE	36,366	0.84	100.00%
PROP. BLDG.	10,125	0.23	27.84%
PROP. PAVEMENT	11,841	0.27	32.01%
TOTAL IMPERVIOUS	21,766	0.50	59.85%
OPEN SPACE	14,600	0.34	40.15%

FAR = 0.28 ISR = 0.60

Seminole County
 Approved for Construction

This approval is subject to specific restrictions in the Seminole County Land Development Code and any special requirements of the Board of County Commissioners. It shall be the responsibility of the developer to ensure any details in the plans or the work as constructed which results in a failure to meet applicable code requirements. Administrative provisions of the developer's plans shall not constitute a waiver of any code requirements nor shall it release the contractor of responsibility to meet those requirements. This approval is valid for a period of one year from the date below.

Approved:
 Seminole County Development Review Department
 Date:

AMERICAN CIVIL ENGINEERING CO.
 801 N. MISSISSIPPI AVE., SUITE 200, MIKLER ROAD, OVIEDO, FLORIDA 32765
 TEL: (407) 387-7000 FAX: (407) 387-8871 C.E. #1230

MIKLER ROAD COMMERCE CENTER
 PCD MASTER PLAN
 MIKLER ROAD
 OVIEDO, FLORIDA

THOMAS B. SKUTER, P.E.
 STATE OF FLORIDA
 REG. NO. 42754

FILE NAME: BUFFALO

JOB / 04290

SHEET: 3 OF 5

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On December 12, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Exhibit A

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

FINDINGS OF FACT

Property Owner: Stephen Ratcliff

Project Name: Mikler Road Commerce Center

Requested Development Approval: Rezoning from R-1 (Single-family Dwelling) to PCD (Planned Commercial Development)

The Development Approval sought is consistent with the Seminole County Vision 2020 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: Tina Williamson
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:

Standard Conditions:

a. The development shall comply with the site plan attached as Exhibit B.

Project Specific Conditions:

a. Permitted Uses:

Artist studios
Barber and beauty shops
Dance and music studios
Florist and gift shops
Hobby and craft shops
Interior decorating and draperies
Jewelry stores, Locksmiths
Luggage shops
Office, business, and professional
Photographic studios
Physical fitness studio
Retail paints and wallpaper stores
Retail sporting goods
Shoe repair shops
Tailoring shops
Watch and clock repair
Wearing apparel stores
Appliance stores
Bakeries, where all goods are sold on premises at retail
Quick print shops
Radio and television broadcasting studios, excluding towers
Radio and television sales and service
Building and plumbing supplies
Furniture warehouse with retail sales
Printing and book binding shops
Lithography and publishing plants
Paint and body shops
Plumbing shops
Trade shops, such as, upholstery, metal, cabinet
Warehouses, providing no storage is done outside an enclosed structure
Office showroom
Automobile wholesaling and brokering with no onsite car display.
Manufacturing of the following: Garments, Photographic equipment and supplies, Bakery products, Electrical machinery and equipment, Furniture, Candy and confectionery products, Cosmetics and toiletries, except soap, Candles, Jewelry, Optical equipment, Precision instruments and machinery, Stationery, Toys, Electronic equipment and assembling.
Assembling of metal, plastic, or cardboard containers
Data proceeding services
Printing, Bookbinding, lithographic platemaking, engraving, publishing plants
Cabinetry and woodworking shops

- b. Total floor area shall be limited to 10,125 square feet.
- c. Office and retail uses are limited to 1,800 square feet and warehouse uses are limited to 8,325 square feet.
- d. Changes in uses or changes in the allocation of square footage among uses that affect the minimum parking requirements may require additional parking or require an amendment to this PCD.
- e. The following building setbacks and buffering standards shall apply:
 - Front: 25' building setback and a minimum 5', average 10' landscape buffer
 - Side: 10' building setback and 5' landscape buffer
 - Rear: 10' building setback and 5' landscape buffer

(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.

(6) This Development Order shall control in the event of any conflict between the terms and conditions of the development order and the terms, conditions, or notes of any site plan or master site plan.

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, the owner, Stephen Ratcliff, on behalf of himself and his heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Stephen Ratcliff

Print Name

Witness

Print Name

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared, Stephen Ratcliff, and who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Exhibit A

Lot 1 (West of SAL Railroad) of Jamestown, according to the plat thereof, as recorded in Plat Book 9, Pages 71 and 72, of the Public Records of Seminole County, Florida.

EXHIBIT B

Preliminary Site Plan

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 12, 2006, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner: Stephen Ratcliff

Project Name: Mikler Road Commerce Center

Requested Development Approval: Rezoning from R-1 (Single-family Dwelling) to PCD (Planned Commercial Development)

The Board of County Commissioners has determined that the request for rezoning from R-1 (Single-family Dwelling) to PCD (Planned Commercial Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Mikler Road Commerce Center PCD Rezone" and all evidence submitted at the public hearing on December 12, 2006, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Carlton D. Henley, Chairman

FILE # Z2006-59

PROJECT # 06-20500007

EXHIBIT A

Lot 1 (West of SAL Railroad) of Jamestown, according to the plat thereof, as recorded in Plat Book 9, Pages 71 and 72, of the Public Records of Seminole County, Florida.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1 (SINGLE-FAMILY DWELLING) DISTRICT ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) DISTRICT ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR EXCLUSION FROM CODIFICATION; 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 "Mikler Road Commerce Center Rezone to 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 R-1 (Single-family Dwelling) district to PCD (Planned Commercial Development) district:

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM 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, and this Ordinance shall be effective on the recording date of the Development Order # 06-20500007 in the Official Land Records of Seminole County.

ENACTED this 12th day of December 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A

Lot 1 (West of SAL Railroad) of Jamestown, according to the plat thereof, as recorded in Plat Book 9, Pages 71 and 72, of the Public Records of Seminole County, Florida.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
NOVEMBER 1, 2006**

Members present: Ben Tucker, Beth Hattaway, Matt Brown, Jason Brodeur, and Dudley Bates

Members absent: Rob Wolf and Walt Eismann

Also present: Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; Ian Sikonia, Senior Planner; Sheryl Stolzenberg, Principal Coordinator; Brett Blackadar, Principal Engineer; Dr. Kelly Brock, Senior Engineer; Austin Watkins, Planner; and Candace Lindlaw-Hudson, Clerk to the Commission.

Mikler Road Commerce Center PCD Rezone; Tom Indrunas, applicant; 0.88 ± acres; Rezone from R-1 (Single-family Dwelling) to PCD (Planned Commercial Development); located on the south side of Mikler Road, 500 feet west of SR 426. (Z2006-59)

Commissioner Dallari – District 1
Tina Williamson, Principal Coordinator

Tina Williamson introduced the rezone to PCD for a mix of office, warehouse, and retail uses on the subject property. The future land use on the property is Industrial, which allows the requested zoning. The project will contain a total of 10,125 square feet divided between two buildings. Office and retail are limited to 1,800 square feet and warehouse uses are limited to 8,325 square feet. The applicant is proposing a variety of uses from the CN, C-1, C-2, C-3 and M-1A zoning districts. Staff recommendation was for approval based on staff findings.

Jack Reynolds stated that the project would be two 5,500 square foot buildings which would be facing each other. The front facing Mikler Road will be store front. This project is adjacent to Magnolia Corporate Center. He showed an elevation of the building.

No one spoke from the audience.

Commissioner Bates made a motion to recommend approval of the request.

Commissioner Brodeur seconded the motion.

The motion passed unanimously.