

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

SUBJECT: VANTAGE POINT PCD-REZONE A-1 TO PCD

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Dan Matthys *[Signature]* CONTACT: Brian Nelson EXT. 7430

Agenda Date 12/20/05 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

**MOTION/RECOMMENDATION:**

1. APPROVE and enact an ordinance to authorize the rezone from A-1 (Agriculture) to PCD (Planned Commercial Development District) for a 9.52 ± acre site located on the west side of Monroe Road, approximately one-half mile north of State Road 46, and authorize the Chairman to execute the attached Development Order (Jerry Cutrona, applicant); or
2. DENY the rezone from A-1 (Agriculture) to PCD (Planned Commercial Development District) for a 9.52 ± acre site located on the west side of Monroe Road, approximately one-half mile north of State Road 46 (Jerry Cutrona, applicant); or
3. CONTINUE the item to a time and date certain.

District 5 – Comm. Carey

Brian Nelson, Principal Coordinator

**BACKGROUND:**

The applicant is requesting a change in zoning from A-1 (Agriculture) to PCD (Planned Commercial District) in order to develop a mixture of warehouse and office uses on the subject site. The Future Land Use designation on the subject site is Higher Intensity Planned Development-Target Industry (HIP-TI).

The proposed Master Plan indicates that the site will contain a total of 100,000 square feet and be developed in two phases. Phase 1 will consist of building #1 and building #2 containing 17,200 square feet of office and 34,800 square feet of warehouse space. Phase 2 will consist of 14,400 square feet of office space and 33,600 square feet of warehouse space. The southeastern portion of the site will consist of a wet retention pond and wetland/conservation area. Access will be off Monroe Road and aligned with Maronda Way.

Reviewed by:	<i>KL</i>
Co Atty:	<i>KL</i>
DFS:	_____
Other:	_____
DCM:	<i>[Signature]</i>
CM:	<i>KL</i>
File No.	ph130pdp06

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission unanimously (5-0) recommended approval of the requested rezoning from A-1 to PCD during their meeting on November 2, 2005.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request to rezone approximately 9.52 ± acres, located on the west side of Monroe Road, approximately one-mile north of State Road 46, from A-1 (Agriculture) to PCD (Planned Commercial Development District) based on staff findings, the Preliminary Site Plan and subject to the conditions in the Development Order.

**Attachments:**

Staff Analysis  
Location Map  
FLU/Zoning Map  
Aerial Photo  
Master Site Plan  
Development Order  
Rezone Ordinance  
Email from Mr. Heard Saxon  
Minutes of the 11/02/05 P&Z Commission Meeting

# VANTAGE POINT PCD

## Rezone from A-1 to PCD

<b>APPLICANT</b>	Jerry Cutrona	
<b>PROPERTY OWNER</b>	Jesse & Nancy Hays	
<b>REQUEST</b>	Rezone from A-1 (Agriculture District) to PCD (Planned Commercial Development District)	
<b>PROPERTY SIZE</b>	9.52 ± acres	
<b>HEARING DATE (S)</b>	P&Z: November 2, 2005	BCC: December 20, 2005
<b>PARCEL ID</b>	16-19-30-5AC-0000-00A1 and 00A2	
<b>LOCATION</b>	West side of Monroe Road, approximately one-half mile north of State Road 46	
<b>FUTURE LAND USE</b>	HIP-TI (Higher Intensity Planned Development-Target Industry)	
<b>ZONING</b>	A-1 (Agriculture District)	
<b>FILE NUMBER</b>	Z2005-051	
<b>COMMISSION DISTRICT</b>	#5 – Carey	

### PROPOSED DEVELOPMENT:

The applicant is proposing to develop 100,000 square feet of warehouse/office space in two development phases on a 9.52 ± acre site. The following table provides a breakdown of each phase:

	<b>Office Sq. Ft.</b>	<b>Warehouse Sq. Ft.</b>	<b>Total Sq. Ft.</b>
<b>Phase 1</b>			
Building #1	7,200	16,800	24,000
Building #2	10,000	18,000	28,000
Total Phase 1	17,200	34,800	52,000
<b>Phase 2</b>			
Building #3	7,200	16,800	24,000
Building #4	7,200	16,800	24,000
Total Phase 2	14,400	33,600	48,000
<b>Total Project</b>	<b>31,600</b>	<b>68,400</b>	<b>100,000</b>

### ANALYSIS OVERVIEW:

#### **ZONING REQUEST**

The applicant, Jerry Cutrona, is requesting to rezone 9.52 ± acres from A-1 (Agriculture District) to PCD (Planned Commercial Development District). The subject property is located on the west side of Monroe Road, approximately one-half mile north of State Road 46. The Future Land Use designation of the subject property is HIP-TI (Higher Intensity Planned Development-Target Industry, which includes uses such as office, manufacturing, High Tech, distributing and financial services detailed in FLU Exhibit 23 of the Vision 2020 Comprehensive Plan). The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested PCD (Planned Commercial Development District):

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Zoning (PCD)</b>
Minimum Lot Size	43,560 square feet	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	10 feet	0 feet
(Street) Side Yard Setback	50 feet	N/A
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:

<b>Zoning District</b>	<b>Permitted Uses</b>	<b>Special Exception</b>	<b>Minimum Lot Size</b>
A-1 (existing)	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and	1 acre

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
PCD (proposed)	Allowable uses shall be those described in the C-3 Zoning District, excluding the following uses: automobile sales, car wash, hotels and motels, mobile homes and recreational vehicle sales, paint and body shops, theaters and service stations.		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)

	<b>HIPTI</b> Light Industry <i>A-1/PCD</i>	<b>HIPTI</b> Office/Warehouse <i>PCD</i>	<b>HIPTI</b> Office Converted Residence <i>PCD</i>	
(West)	<b>HIPTI</b> Ornamental Agriculture/Single- Family <i>A-1</i>	<b>HIPTI</b> Agriculture <i>A-1</i>	<b>HIPTI</b> Single-Family/Light Industry <i>PCD/A-1</i>	(East)
	<b>HIPTI</b> Vacant <i>A-1</i>	<b>HIPTI</b> Vacant <i>A-1</i>	<b>HIPTI</b> Ornamental Agriculture <i>A-1</i>	

(South)

- **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

**SITE ANALYSIS:**

**ENVIRONMENTAL IMPACTS**

*Floodplain Impacts:*

Based on FIRM map number 539 Sanford, there are no floodplain impacts associated with the subject property.

*Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, a small area on the southeast portion of the property (approximately 0.20 ± acres) contains wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

*Endangered and Threatened Wildlife:*

Based on a preliminary analysis, there are no endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

**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 submitted an application for Full Concurrency Review. Concurrency Management has determined that water and sewer facility capacity is available for the proposed property subject to execution of a Utility Agreement and payment of fees. Concurrency Management further determined that sufficient roadway capacity is available based upon Concurrency Management System Net Available Capacity.

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

<b>Public Facility</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Development*</b>	<b>Net Impact</b>
Water (GPD)	3,150	19,576	16,426
Sewer (GPD)	3,150	15,472	12,322
Traffic (ADT)	86	618	532
Schools			
Elementary	2	N/A	(2)
Middle	1	N/A	(1)
High	1	N/A	(1)

\* Proposed Development is based on the proposed project consisting of 31,600 square feet of office and 68,400 square feet of warehouse uses.

*Utilities:*

The site is located in the Seminole County utility service area, and will be required to connect to public utilities. There is currently a 10-inch water main along the east side of Monroe Road and a 4-inch force main along the west side of Monroe Road. Both of these existing lines run southward along Monroe Road and then turn eastward along Maronda Way. Concurrency Management has determined that water and sewer facility capacity is available subject to execution of a Utility Agreement and the payment of fees. Reclaim water lines are currently not available to the site. Consequently, a well system will need to be utilized on an interim basis. The site is located within the 10-year Reclaim Water Master Plan area and will be required to connect when facilities become available.

*Transportation / Traffic:*

The property accesses Monroe Road, which is classified as a two lane undivided minor collector road. Monroe Road is currently operating at a level of service "A". Staff determined that additional right-of-way will be required along the west side of Monroe Road per Appendix A. Monroe Road is currently programmed to be improved according to the County 5-year Capital Improvement Program. The 4-lane construction is scheduled to commence in 2007/2008.

*School Impacts:*

The proposed project will consist of office and warehouse uses and will not generate any school age children.

*Public Safety:*

The nearest response unit to the subject property is Station # 38, which is located at 1300 Central Park Drive, Sanford. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 4 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

*Drainage:*

The proposed project is located within the Monroe Drainage basin. Elder Creek will provide positive outfall for the property although it currently has limited down stream capacity. This will be further evaluated in more detail prior to final engineering approval.

*Parks, Recreation and Open Space:*

The applicant is proposing to provide 3.0 ± acres of open space (2.5 required). Part of the open space will include an amenitized retention pond. The amenities for the pond are not known at this time but will be identified in the Final Site Plan.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

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

**SPECIAL DISTRICTS**

The subject property is not located within a Special District.

**COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

- Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
- Policy CIE: 3.2: Application to New Development
- Policy CON 3.6: Wetland/Flood Prone Regulations
- Policy ECM 4.1 Target Areas
- Policy ECM 4.3 Target Industries
- Policy FLU 5.6: Higher Intensity Planned Development (HIP) Purpose
- Policy FLU 5.7 Higher Intensity Planned Development (HIP) General Uses and Intensities
- 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:**

An intergovernmental notice was sent to the City of Sanford on October 17, 2005. To date, no comments have been received.

**PLANNING & ZONING COMMISSION RECOMMENDATION**

At its meeting of November 2, 2005, the Planning and Zoning Commission unanimously (5 to 0) recommended approval of the request to rezone 9.52 ± acres, located on the west side of Monroe Road, approximately one-half mile north of State Road 46, from A-1 (Agriculture) to PCD (Planned Commercial Development District).

**LETTERS OF SUPPORT OR OPPOSITION:**

Letters of support or opposition are attached.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request to rezone approximately 9.52 ± acres, located on the west side of Monroe Road, approximately one-half mile north of State

Road 46, from A-1 (Agriculture District) to PCD (Planned Commercial Development District), subject to the following conditions:

- a. Allowable uses shall be those described in the C-3 Zoning District, excluding the following:
  - Automobile sales
  - Car wash
  - Hotels and motels
  - Mobile homes and recreational vehicle sales
  - Paint and body shops
  - Theaters
  - Service stations

Changes in uses that affect the minimum parking requirements may require additional parking or require an amendment to this PCD.

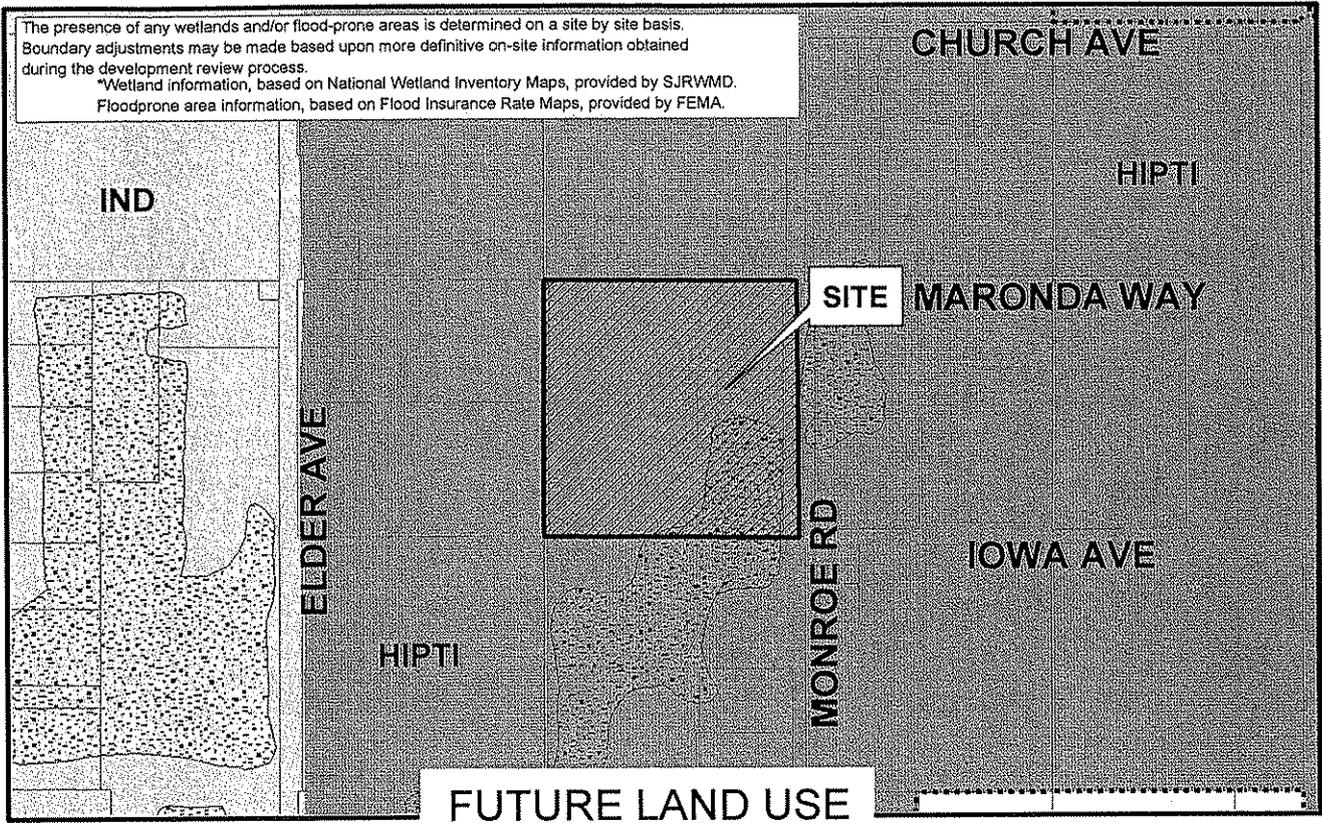
- b. The developer shall comply with all active/passive buffer requirements as outlined in Section 30.1232 of the Land Development Code.
- c. Use of the outdoor storage area shall only be allowed for the tenant of Building "2". Outdoor storage for Building "2" shall not allow storage of materials within parking spaces or driveway aisles. A 6-foot chain link fence shall surround this area. This area shall be screened, landscaped, and irrigated so as not to be seen from Monroe Road or adjacent properties. The stacking of stored material in this area shall not exceed 6 feet in height.
- d. Total floor area shall be 100,000 square feet and shall be limited as follows:

<i>Building</i>	<i>Office</i>	<i>Warehouse</i>
#1 and #2	17,200 s.f.	34,800 s.f.
#3 and #4	14,400 s.f.	33,600 s.f.
Totals	31,600 s.f.	68,400 s.f.

- e. Required building and accessory setbacks shall be 25 feet from Monroe Road and 10 feet from all other property lines.
- f. Maximum building height shall be 35 feet.
- g. The developer shall amenitize retention areas to be counted toward open space requirements per Section 30.1344 of the Land Development Code, with no fencing of the pond permitted. Amenities shall be consistent with light industry facilities such as picnic tables and additional landscaping around the retention area.
- h. Outdoor lighting shall consist of cutoff-shoebox style fixtures and shall be limited to 16 feet in height, and no more than 0.5 foot-candles in intensity at the property lines.
- i. The developer shall dedicate additional right-of-way along the property frontage on Monroe Road. Right-of-way required for the dedication will vary from approximately 20-feet on the south end of the parcel to 33-feet on the north end and will be verified at Final Site Plan approval.
- j. Per Chapter 30.1233 (d) of the Land Development Code, the developer shall establish, if feasible, a cross-access easement with the parcel immediately north of the subject property to provide for internal connection between the two parcels and minimize the need for additional curb-cuts along Monroe Road.



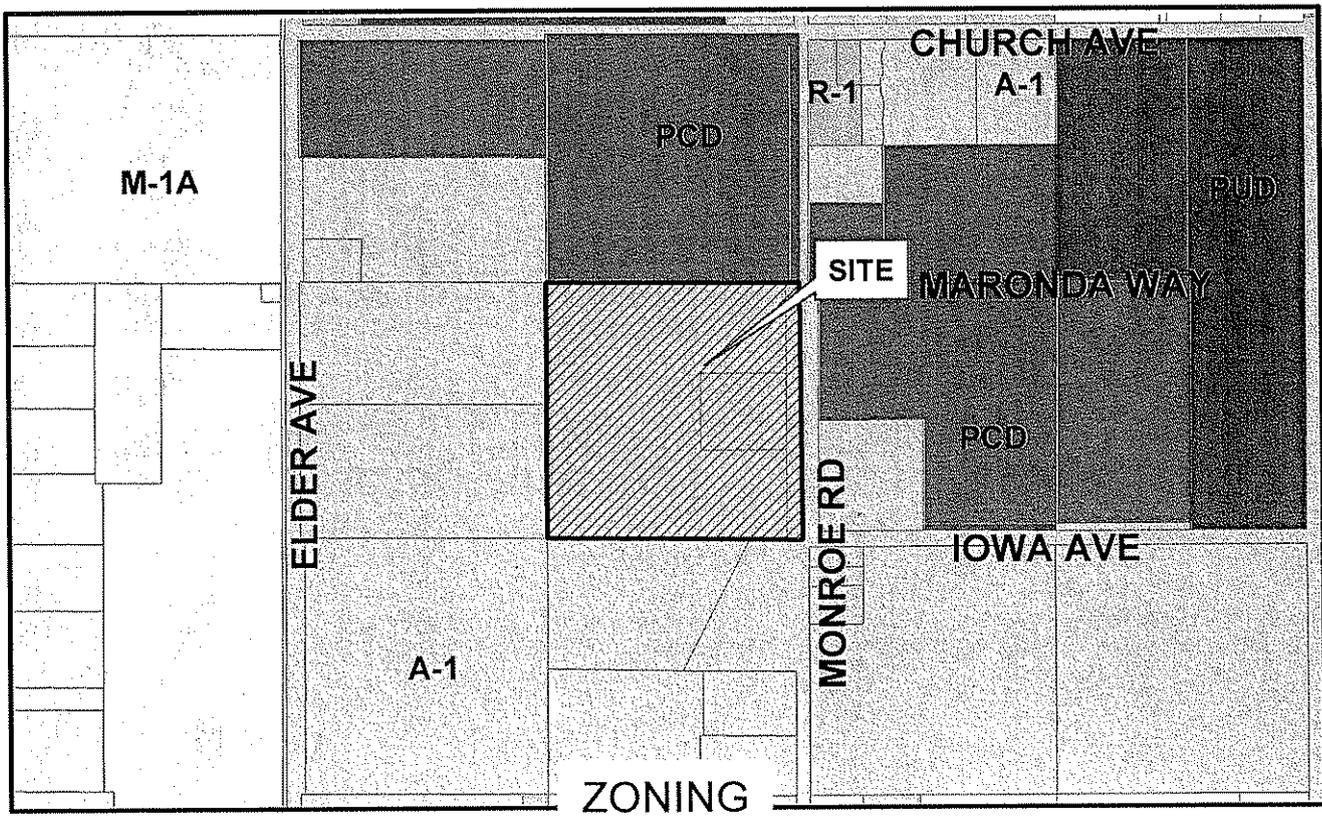
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by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



Site
  Municipality
  HIPTI
  IND
  CONS

Applicant: Jerry Cutrona  
 Physical STR: 16-19-30-5AC-0000-00A1 & 00A2  
 Gross Acres: 9.52 +/- BCC District: 5  
 Existing Use: Agricultural and S-F Home  
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	2005-051	A-1	PCD



A-1
  R-1
  M-1A
  PUD
  PCD
  FP-1
  W-1

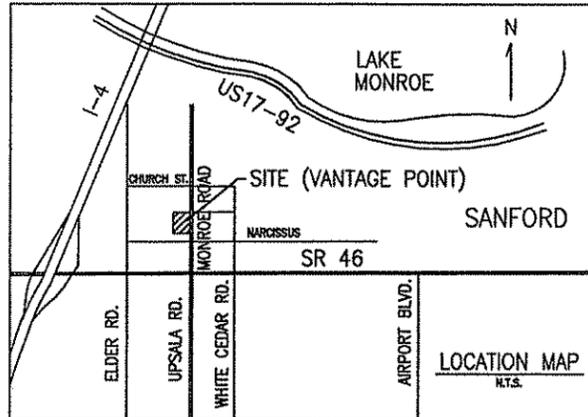


Rezone No: Z2005-051  
From: A-1 To: PCD

 Parcel  
 Subject Property



January 2004 Color Aerials

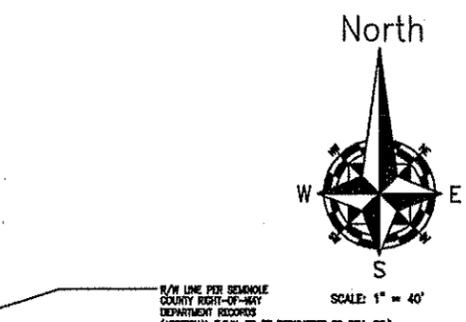
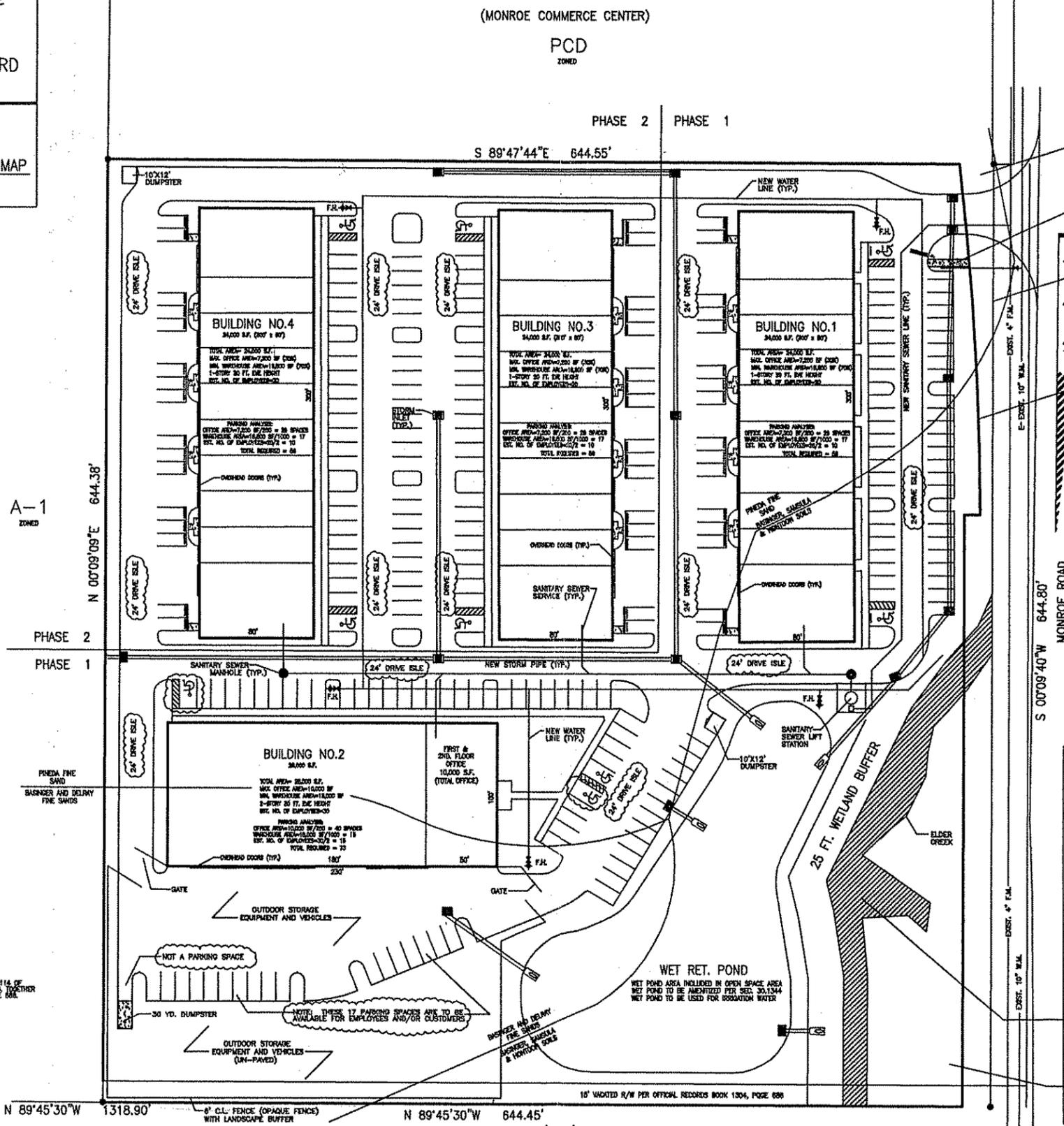


SEC.31 TWP.19 RGE.30  
 TAX I.D. NO. 16-19-30-5AC-0000-00A1  
 TAX I.D. NO. 16-19-30-5AC-0000-00A2  
 SEMINOLE CO. FLORIDA

**PERMITTED SITE USES:**  
 ALL PERMITTED USES AS INDICATED IN THE SEMINOLE COUNTY ZONING REGULATION C-3 DISTRICT AND ANY LIGHT ASSEMBLY USES.

- PROHIBITED SITE USES:**
1. MANUFACTURING PROCESSES.
  2. RETAIL SALES.
  3. USES LISTED IN M-1 DISTRICT.
  4. AMUSEMENT AND RECREATION FACILITIES.
  5. AUTOMOBILE SALES.
  6. BAKERIES, WHERE GOODS ARE SOLD ON PREMISES AT RETAIL.
  7. BARS.
  8. CAR WASH.
  9. HOTELS AND MOTELS.
  10. CAR WASH.
  11. LAUNDRY AND LAUNDROMATS.
  12. MOBILE HOMES AND RECREATIONAL VEHICLE SALES.
  13. PART AND BODY SHOPS.
  14. PRIVATE CLUBS AND LODGES.
  15. THEATERS.
  16. TRUCK TERMINALS.
  17. SERVICE STATIONS.
  18. OUTDOOR ADVERTISING SIGNS.
  19. MANUFACTURING OF WATER-BASED AND/OR EPOXY-BASED COATINGS, ADHESIVES, SEALANTS, AND PAINTS.
  20. INDUSTRIAL, TRADE, AND TRADE SCHOOLS, EXCEPT FOR CLASSROOM TRAINING DIRECTLY ASSOCIATED WITH EXISTING BUSINESSES LOCATED WITHIN THE PCD DEVELOPMENT SITE SUCH AS REAL ESTATE.
  21. ALCOHOLIC BEVERAGE ESTABLISHMENTS.
  22. ADULT ENTERTAINMENT AND SEXUALLY ORIENTED BUSINESSES.
  23. MULTI-FAMILY HOUSING.
  24. PUBLIC AND PRIVATE UTILITY PLANTS, STATIONS, AND DISTRIBUTION OFFICES.
  25. PUBLIC AND PRIVATE SCHOOLS.
  26. COMMERCIAL MECHANICAL REPAIR GARAGES OR STORAGE OF VEHICLES FOR COMMERCIAL REPAIR, EXCEPT THAT EXHAUST VEHICLE MAINTENANCE MAY BE PERFORMED ON VEHICLES ASSOCIATED WITH AN EXISTING BUSINESS WITHIN THE PCD DEVELOPMENT SITE.
  27. HELIPORTS.
  28. MEDICAL CLINICS.
  29. MANUFACTURING OF THE FOLLOWING:
    - A. BOATS
    - B. CHEMICAL PRODUCTS AND PROCESSING
    - C. DYE PRODUCTS.

**LEGAL DESCRIPTION**  
 SECTION 21, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA  
 REAL PROPERTY DESCRIPTION:  
 LOT A, BEING, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 114 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, LESS THE 1/2 AC. OF LAND SHOWN WITH THE NORTH 1/2 OF SAID STREET ON SOUTH PER OFFICIAL RECORDS BOOK 1304, PAGE 698



**PROJECT DATA:**

1. SITE AREA: 406,612 S.F. (9.30 AC.) (100%)
2. BLDG. AREA: 100,000 S.F. (2.30 AC.) (24.2%)
3. PAVEMENT AREA: 106,523 S.F. (2.42 AC.) (26.2%)
4. WETLAND AREA: 8,925 S.F. (0.21 AC.) (2.2%)
5. GREEN AREA: 133,164 S.F. (3.06 AC.) (32.5%)
6. RED. PARKING: SEE BUILDING FOOTPRINTS FOR INFORMATION  
 TOTAL REQUIRED PARKING = 241 SPACES  
 TOTAL PROVIDED PARKING = 241 SPACES
7. RED. PARKING BY PHASE:  
 PHASE 1 TOTAL REQUIRED PARKING = 129 SPACES  
 PHASE 1 TOTAL PROVIDED PARKING = 134 SPACES  
 PHASE 2 TOTAL REQUIRED PARKING = 112 SPACES  
 PHASE 2 TOTAL PROVIDED PARKING = 107 SPACES

- PROJECT SUMMARY:**
1. REQUEST TO RE-ZONE APPROX. 9.33 AC. FROM A-1 TO PCD FOR WAREHOUSE AND OFFICE USE.
  2. APPLICANT: JERRY CUTRONA, MONROE INVESTMENTS, LLC, 1120 WISCONSIN AVE., ORANGE CITY, FLORIDA 32763, PHONE: 386-776-8320, FAX: 386-776-1566, E-MAIL: jerry@cutrona.com
  3. PROJECT NAME: VANTAGE POINT
  4. PROJECT ADDRESS: 570 MONROE ROAD
  5. CURRENT USE: LANDSCAPE NURSERY
  6. MAINTENANCE & MANAGEMENT OF COMMON AREAS TO BE BY MONROE INVESTMENTS, LLC
  7. FIRE PROTECTION BY ON-SITE FIRE HYDRANTS
  8. LANDSCAPING TO MEET OR EXCEED SEMINOLE COUNTY LDC REQUIREMENTS w/cd. 30.1230(0)(B)(2)
  9. EXISTING WETLANDS (0.2049 AC.) TO REMAIN UNDISTURBED
  10. ALL MECHANICAL EQUIPMENT TO BE SCREENED FROM MONROE ROAD.

**INTENDED USE OF DEVELOPMENT:**  
 BUILDINGS 1,3 AND 4 TO BE A LIGHT INDUSTRIAL OFFICE WAREHOUSE (FLEX SPACE) WITH MULTIPLE TENANTS.  
 BUILDING 2 TO BE NEW FACILITIES FOR GENERAL WORKS, LLC A ROOFING AND SHEET METAL COMPANY.

**PROPOSED BUILDING SETBACKS:**  
 FRONT: 25 FEET  
 REAR: 25 FEET  
 SIDE: 10 FEET

NOTE: MAXIMUM OFFICE AREA FOR BUILDINGS 1,3 AND 4 SHALL NOT EXCEED 30% OF THE TOTAL BUILDING AREA.

AMERICAN CIVIL ENGINEERING CO.  
 207 N. MASS EX. SUITE 200, WINTER SPRING, FL 32787  
 TEL: (407) 327-7700 FAX: (407) 327-0227

RE-ZONING MASTER PLAN  
**VANTAGE POINT**  
 SEMINOLE COUNTY, FLORIDA

DATE: \_\_\_\_\_  
 JOHN A. HENRY, P.E.  
 STATE OF FLORIDA  
 REG. NO. 36568

SHEET 1 OF 1

**FILE # Z2005-051**

**DEVELOPMENT ORDER # 5-20500009**

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On December 20, 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:** JESSE S. HAYS

**Project Name:** VANTAGE POINT

**Requested Development Approval:** Rezoning from A-1 (Agriculture) zoning classification to PCD (Planned Commercial Development) zoning classification

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: BRIAN NELSON  
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. Allowable uses shall be those described in the C-3 Zoning District, excluding the following:
  - Automobile sales
  - Car wash
  - Hotels and motels
  - Mobile homes and recreational vehicle sales
  - Paint and body shops
  - Theaters
  - Service stations

Changes in uses that affect the minimum parking requirements may require additional parking or require an amendment to this PCD.

- b. The developer shall comply with all active/passive buffer requirements as outlined in Section 30.1232 of the Land Development Code.
- c. Use of the outdoor storage area shall only be allowed for the tenant of Building "2". Outdoor storage for Building "2" shall not allow storage of materials within parking spaces or driveway aisles. A 6-foot chain link fence shall surround this area. This area shall be screened, landscaped, and irrigated so as not to be seen from Monroe Road or adjacent properties. The stacking of stored material in this area shall not exceed 6 feet in height.
- d. Total floor area shall be 100,000 square feet and shall be limited as follows:

<i>Building</i>	<i>Office</i>	<i>Warehouse</i>
#1 and #2	17,200 s.f.	34,800 s.f.
#3 and #4	14,400 s.f.	33,600 s.f.
Totals	31,600 s.f.	68,400 s.f.

Any increase in office area shall require a minor amendment to the PCD to ensure adequate parking on the site.

- e. Required building and accessory setbacks shall be 25 feet from Monroe Road and 10 feet from all other property lines.
- f. Maximum building height shall be 35 feet.
- g. The developer shall amenitize retention areas to be counted toward open space requirements per Section 30.1344 of the Land Development Code, with no fencing

of the pond permitted. Amenities shall be consistent with light industry facilities such as picnic tables and additional landscaping around the retention area.

- h. Outdoor lighting shall consist of cutoff-shoebox style fixtures and shall be limited to 16 feet in height, and no more than 0.5 foot-candles in intensity at the property lines.
- j. The developer shall dedicate additional right-of-way along the property frontage on Monroe Road. Right-of-way required for the dedication will vary from approximately 20-feet on the south end of the parcel to 33-feet on the north end and will be verified at Final Site Plan approval.
- k. Per Chapter 30.1233 (d) of the Land Development Code, the developer shall establish, if feasible, a cross-access easement with the parcel immediately north of the subject property to provide for internal connection between the two parcels and minimize the need for additional curb-cuts along Monroe Road.

(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

FILE #

Z2005-051

DEVELOPMENT ORDER # 5-20500009

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Jesse S. Hays, on behalf of himself and his heirs, 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

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

By: Jesse S. Hays

**STATE OF FLORIDA**

**COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared George D. Livingston, Jr., who is personally known to me or who has produced \_\_\_\_\_ as identification and who did execute 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:

FILE # Z2005-051

DEVELOPMENT ORDER # 5-20500009

EXHIBIT A

**LEGAL DESCRIPTION**

SECTION 21, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA

LOT A, ST. JOSEPHS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 114 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. LESS RIGHT-OF-WAY FOR MONROE ROAD. TOGETHER WITH THE NORTH ½ OF VACATED STREET ON SOUTH, PER OFFICIAL RECORDS BOOK 1304, PAGE 686.

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 A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1. LEGISLATIVE FINDINGS.**

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

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

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

**SEE ATTACHED EXHIBIT A**

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

**Section 4. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing with the Department of State.

ENACTED this 20th day of DECEMBER 2005.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

**EXHIBIT A  
LEGAL DESCRIPTION**

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"Heard"  
<heard@datatrontech.net>  
11/02/2005 05:03 PM

To <bnelson@seminolecountyfl.gov>  
cc  
bcc  
Subject Vantage Point rezone request

Hello,

I wanted to make the meeting tonight regarding this rezoning request but simply cannot be there. I own property almost directly across from this site at 641 Monroe Rd. This is located at the NE corner of Monroe and Maronda.

My only concern with this site being developed is the water runoff. As you may or may not know, all water coming down Monroe Rd. and I suspect a significant portion of the water that will run off from this site flows under Monroe Rd, across Maronda and right through my back property line.

I already have major issues with the water backing up on my property because it can't drain fast enough down to Lake Monroe.

There was supposed to be a project to improve this situation several years ago but I don't know if it is still on track and I don't think I can take any more water from other properties until this is resolved.

Please express my concerns regarding this matter. Thank you.

**Heard Saxon**

Datatron Technical Services, Inc.

P.O. Box 530910

Debary, FL 32753-0910

407-834-5678

<http://www.datatrontech.net>

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
NOVEMBER 2, 2005**

**Members present:** Rob Wolf, Matt Brown, Ben Tucker, Walt Eismann, and Jason Brodeur

**Members absent:** Dudley Bates, and Beth Hattaway

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

**Vantage Point Rezone:** Jerry Cutrona, applicant; approximately 9.52 acres; Rezone from A-1 (Agriculture District) to PCD (Planned Commercial Development); located on the west side of Monroe Road, approximately one-half mile north of State Road 46. (Z2005-051)

Commissioner Carey – District 5  
Brian Nelson, Principal Coordinator

Brian Nelson stated that the request is for a PCD to be located on the west side of Monroe Road, approximately one-half mile north of SR 46. The applicant is proposing to develop the site with a mixture of office and warehouse uses. The proposed master plan shows the site consisting of 4 buildings, containing a total of 100,000 square feet to be developed in two phases: Phase One to be 17, 200 square feet of office space and 34,800 square feet of warehouse. Phase Two will be the third and fourth buildings, consisting of 14,400 square feet of office and 33,600 square feet of warehouse. The future land use on the site is HIPTI. The project is consistent with the Seminole County Comprehensive Plan.

In an e-mail, an adjacent property owner, Heard Saxon, has expressed a concern about how the drainage from the project will impact his property. This will be addressed during the final engineering stage of the project.

Based on the review of the project, staff recommends approval of the request subject to the conditions noted in the staff report. Mr. Nelson amended condition "E" to read "Building 2" (instead of "Building B).

Commissioner Tucker asked about condition A. What is left? C-3 lists certain uses.

Mr. Nelson said that the prohibited uses listed were from several categories – C-1, C-2, and C-3. The intent was to list uses that would not fit here, such as automobile sales, gas stations, and banks.

Dan Matthys said that the applicant agreed to the prohibition of several uses from the development. Typically, in a PUD staff will say that C-3 uses are permitted with a few exclusions or C-2 with the addition of a few uses. The applicant can clarify what he intends to do here.

Commissioner Tucker asked if the prohibitions were acceptable to the applicant.

John Herbert stated that he concurred with the staff report.

No one spoke from the floor concerning the application.

**Commissioner Eismann made a motion to recommend approval of the application, subject to the conditions of the staff report.**

**Commissioner Brown seconded the motion.**

**The motion passed 5 – 0.**