

Item # VIC

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: A major revision to the Oviedo Commerce Center PCD (Planned Commercial Development) Final Master Site Plan and Developer's Commitment Agreement

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

AUTHORIZED BY: Matt West MW **CONTACT:** Amanda Smith AS **EXT.** 7339

Agenda Date 03/06/02 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

Recommend approval of a major revision to the Oviedo Commerce Center PCD (Planned Commercial District) Final Master Site Plan and Developer's Commitment Agreement.

District #1, Maloy

Amanda Smith, Planner

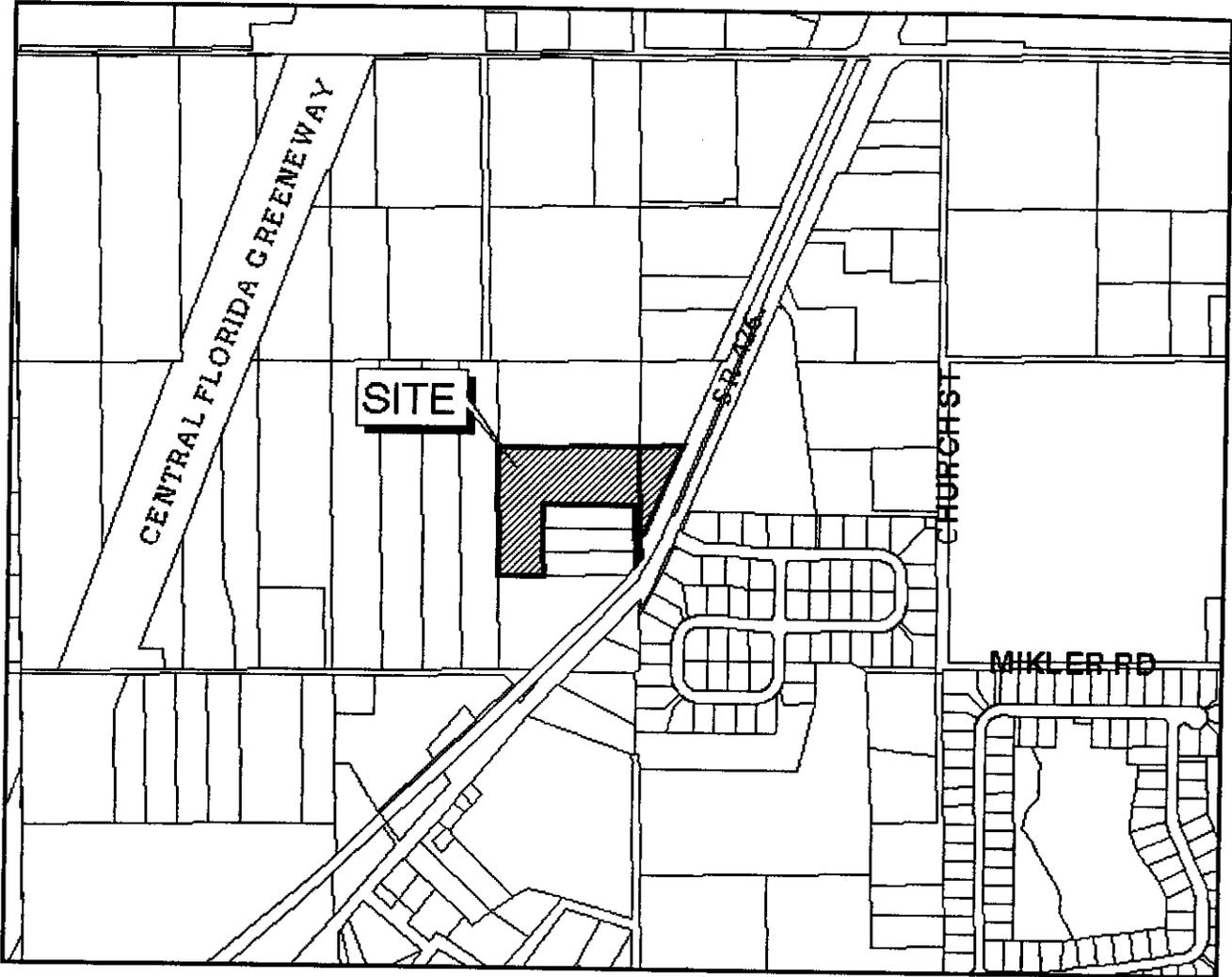
BACKGROUND:

The applicants, Don Rudolph and George Viele, are requesting to amend the Final Master Site Plan and Developer's Commitment Agreement for the Oviedo Commerce Center PCD to allow automotive repair, which is located on the west side of SR 426, approximately 1000 feet north of Mikler Road.

The PCD was approved by the Seminole County Board of Commissioners in December 2000, and permits a variety of uses within the CN (Restricted Neighborhood), CS (Convenience Commercial), C-1 (Retail Commercial), C-2 (Retail Commercial), C-3 (General Commercial and Wholesale), and M-1A (Very Light Industrial) zoning districts. The approved Developer's Commitment Agreement prohibited any mechanical garage facilities. Since the development of the project, the applicants have had several inquiries from perspective tenants for the placement of automotive repair facilities and performance centers at this location. Staff is not opposed to the addition of automotive repair or performance centers as permitted uses within the PCD. The uses, however, will alter the overall complexion of the development, and Staff suggests the following conditions be placed within the developer's commitment agreement:

Reviewed by: _____
Co Atty: NJC
DFS: _____
Other: _____
DCM: _____
CM: _____
File No. _____

1. There shall be no outside repair facilities. All repair shall take place within the buildings.
2. There shall be no outside storage of automotive parts and supplies.
3. The applicants shall designate an area within the interior of the PCD where automobiles left for repair may be stored.
4. There shall be no storage of salvaged or abandoned vehicles on the premises.
5. Any bays dedicated for automotive repair shall not be seen from any rights-of-way or property lines and shall be located in the interior of the development.
6. An automotive performance center shall be permitted within the buildings along SR 426, provided that no overhead doors/bay shall be seen from any rights-of-way or property lines.
7. In order to adequately screen the automotive uses from the adjacent properties, additional landscaping may be required per the Planning Manager's discretion at the time of site plan review.



Addendum to the
Developer's Commitment Agreement
to the
Oviedo Commerce Center PCD

ADDENDUM APPROVED ON MARCH 12, 2002

Exhibit "A" of the Planned Commercial Developer's Commitment Agreement dated December 12, 2000, shall hereby read as follows and any contrary language is hereby voided:

"LIST OF LAND USES"

All permitted uses in CN, Restricted Neighborhood Commercial District except:

- Fire Stations
- Laundry and Cleaning Pick-up Stations
- Libraries
- Post Offices
- Schools, Public, Private, or Parochial

All permitted uses in CS, Convenience Commercial District except:

- Convenience Markets
- Delicatessens
- Grocery Stores
- Self-Service Laundries

All permitted uses in C-1, Retail Commercial District except:

- Banks
- Churches
- Day Nurseries, Kindergartens
- Funeral Homes
- Laundrettes and Laundromats
- Plant Nurseries
- Restaurants, but not Drive-Ins
- Theaters, but not Drive-Ins
- Multi-Family Housing
- Above-Store or Above-Office Flats
- Dry Cleaners utilizing Perman R308, or similar
- Veterinary Clinics with no over night boarders, except patients

All permitted uses in C-2, Retail Commercial District except:

- Car Washes

Hotels and Motels
Veterinary Hospitals and Kennels
Multi-Family Housing
Above-Store or Above-Office Flats
Outdoor Advertising Signs

All permitted uses in C-3, General Commercial and Wholesale District except:

Contractor's Equipment
Greenhouses – Wholesale
Laundry and Dry Cleaning
Lumber Yards
Outdoor Advertising Signs

All permitted uses in M-1A, Very Light Industrial District except:

Laundry and Dry Cleaning
Living Quarters for guards, caretakers, etc.
Restaurants
Truck Terminals
Manufacturing of water-based or epoxy-based paint, coatings, adhesives
Public or Private Utility Plants/Stations
Medical Clinics – Out Patient Only

Automotive Repair/Automotive Performance Shops may be permitted, provided:

1. There shall be no outside repair facilities. All repair shall take place within the buildings.
2. There shall be no outside storage of automotive parts and supplies.
3. The applicants shall designate an area within the interior of the PCD where automobiles left for repair may be stored.
4. There shall be no storage of salvaged or abandoned vehicles on the premises.
5. Any bays dedicated for automotive repair shall not be seen from any rights-of-way or property lines and shall be located in the interior of the development.
6. An automotive performance center shall be permitted within the buildings along SR 426, provided that no overhead doors/bay shall be seen from any rights-of-way or property lines.
7. In order to adequately screen the automotive uses from the adjacent properties, additional landscaping may be required per the Planning Manager's discretion at the time of site plan review.

Approved and Accepted:

ATTEST: _____
MaryAnne Morse
Clerk of Court

BY: _____
Daryl G. McLain
Chairman of Seminole County
Board of County Commissioners

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, George Viele, General Partner of Oviedo Commerce Center, Ltd., on behalf of his heirs, successors, assigns and 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 Developer's Commitment Agreement

WITNESSES:

OWNER:

Witness (Sign and print name)

George Viele
General Partner of Oviedo
Commerce Center, Ltd.

Witness (Sign and print name)

Acknowledgement

STATE OF FLORIDA }
COUNTY OF SEMINOLE }

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by George Viele, who is personally known to me or who has produced his Florida Driver's License as identification.

Notary Public
Print Name:
My Commission expires:

Approved December 12, 2000

**Oviedo Commerce Center PCD
Developer's Commitment Agreement**

FILE # PZ 00-19	DEVELOPMENT ORDER #00-600105
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OVIEDO COMMERCE CENTER
(formerly George Viele-Aloma Business Center)

**FINAL PCD SITE PLAN
DEVELOPER'S COMMITMENT AGREEMENT
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

On the 12th day of December, 2000, the Board of County Commissioners of Seminole County issued this Development Order relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION

See Exhibit "C".

2. PROPERTY OWNERS

Richard Oswald and Eileen Oswald, on behalf of themselves and their heirs, successors, assigns, or transferees. Herein referred to as the "Owners".

3. STATEMENT OF BASIC FACTS

A. Total Area = 260,009 square feet = 5.969 acres

B. Project Area =* 216,101 square feet = 4.961 acres

*Project area consists of all disturbed areas upstream of the proposed wetland line.

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

D. The Owners of the property have 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. The development conditions and commitments set forth herein shall not be the personal obligations of the Owners upon the legal transfer of the property to a subsequent purchaser.

PETITION TO SANDY MCCANN

HARRIET HUNTS
CLERK OF CIRCUIT COURT
637399

RECORDED & VERIFIED
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SEMINOLE CO., FL
3985 1875

RECEIVED
JAN 29 2001
PLANNING DIVISION

OFFICIAL RECORDS
PAGE

3985 1876

SEMINOLE CO., FL

4. **SITE DATA**

Building Foot Print	1.22 acres 53,182 square feet (24.6% of upland area)
Total Pervious area	2.30 acres (46.4%)*
Total Impervious area	2.66 acres (53.6%)*

*Based on 4.96 acres of upland area.

5. **PARKING DATA**

Total Spaces Required - 113
 Total Spaces Provided:

Standard -	109
Handicap -	6
Total -	115

6. **BUILDING SETBACKS**

Front - 50 feet
 Side - 10 feet
 Rear - 10 feet
 Maximum Building Height - 35 feet

7. **PERMITTED USES**

Permitted uses listed in CN, CS, C-1, C-2, C-3 and MI-A except those specific uses delineated in Exhibit "A" a copy of which is attached hereto and incorporated herein by this reference.

8. **LANDSCAPE CRITERIA**

A. Landscape will meet the requirements of the Seminole County Land Development Code.

B. Trees and shrub sizes will meet the minimum requirements of the Seminole County Land Development Code.

C. At the end of one (1) year after planting, landscape material planted between Buildings 101 and 102 and SR 426 shall be a minimum of 80% opaque. At the end of two (2) years, such landscape materials shall be a minimum of 90% opaque.

9. **DEVELOPMENT COMMITMENTS**

The following conditions shall be met by the Owners prior to a Certificate of Occupancy (C.O.) being issued:

3885 1877

SEMINOLE CO., FL

a. The permitted and prohibited uses for the property are provided as Exhibit A to this development order, a copy of which is attached hereto and incorporate herein by this reference.

b. Outdoor advertising signs shall be a prohibited use on the property.

c. The proposed development shall meet or exceed the minimum number of required parking spaces, based upon the Land Development Code of Seminole County.

d. The final PCD site plan shall accurately show that the right-of-way width for the Cross Seminole Trail is 34.2 feet and the right-of-way for SR 426 (Aloma Avenue).

e. At the time of the Certificate of Occupancy for the first building, the applicant shall dedicate to the county cross-access easements at the north and south of the subject property to provide access with adjacent properties.

f. All outdoor lights located between the eastern most proposed buildings and SR 426 shall be a maximum of sixteen (16') feet in height, cut-off type fixtures and comply with the provisions of Section 30.1233 (b), of the Land Development Code.

g. All other outdoor lights shall be a maximum of twenty (20') feet in height and shall utilize cut-off type fixtures and comply with the provisions of Section 30.1233 (b), of the Land Development Code.

h. The building areas within the project shall be utilized as follows:

- 1. Not to exceed 15,600 square feet for office/retail uses; and
- 2. The remaining portions of building areas shall be for warehousing/storage use.

10. **FACILITY COMMITMENTS**

A. **Water:** Water services shall be provided by Seminole County. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection standards.

B. **Sanitary Sewer:** Sanitary sewer shall be provided by private septic tank. Design of facilities shall conform to all Seminole County and State of Florida Health Department.

C. **Stormwater:** Stormwater drainage and stormwater management shall be provided on-site according to Seminole County and St. Johns River Water Management District stormwater regulations.

D. **Fire Protection:** Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 psi. Fire hydrant shall be located according to Seminole County regulations.

OFFICIAL RECORDS

3985 1878

SEMINOLE CO., FL

11. PHASING

Oviedo Commerce Center is proposed to be developed in two (2) phases. The Owners agree that each phase shall either be supported by existing infrastructure or the Owners shall provide the infrastructure necessary to support each particular phase. Exhibit B is the PCD Site Plan.

12. STANDARD COMMITMENTS

A. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.

B. 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.

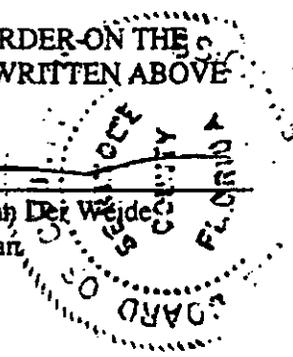
C. The development order touches and concerns the aforescribed property, and the conditions, commitments, and provisions of the development order shall perpetually burden, run with, and follow said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of the development order.

D. The terms and provisions of the development order are not severable, and in the event any portion of this development order shall be found to be invalid or illegal, then the entire development order shall be null and void.

Prepared by: George Viele
Realvest Partners, Inc.
2200 Lucien Way, Suite 350
Maitland, FL 32751

DONE AND ORDER ON THE
DATE FIRST WRITTEN ABOVE

Dick Van Der Weijde
Chairman



3985 1879

SEMINOLE CO., FL

OWNER'S CONSENT AND COVENANT

COMES NOW, the Owner, Richard Oswald on behalf of himself and his heirs, successors, assigns and transferees of any nature whatsoever and consent to, agree with and covenant to perform and fully abide by the provisions, terms, conditions and commitments set forth in the Development Order:

WITNESSES:

Gary R. Fryer
(Sign)

GARY R. FRYER
(Print Name)

Justin Brock
(Sign)

JUSTIN BROCK
(Print Name)

OWNER:

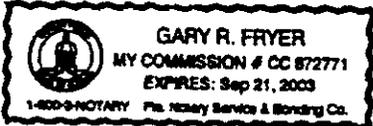
Richard Oswald
Richard Oswald

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 23 day of DEC, 2000, by Richard Oswald, who is personally known to me or who produced his FL Driver's Licenses as identification.

Gary R. Fryer
Signature of Notary Public

GARY R. FRYER
(Print Notary Name)



AFFIX NOTARY STAMP

My commission expires: 9/21/03
Commission No. 872771

Personally known, or
Produced Identification
Type of Identification Produced.

3985 1880

SEMINOLE CO., FL

OWNER'S CONSENT AND COVENANT

COMES NOW, the Owner, Eileen Oswald on behalf of herself and her heirs, successors, assigns and transferees of any nature whatsoever and consent to, agree with and covenant to perform and fully abide by the provisions, terms, conditions and commitments set forth in the Development Order:

WITNESSES:

OWNER:

Gary R. Fryer
(Sign)

Eileen Oswald
Eileen Oswald

GARY R. FRYER
(Print Name)

Justin Brock
(Sign)

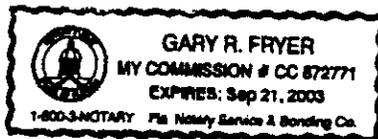
Justin Brock
(Print Name)

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 23 day of DEC, 2000, by Eileen Oswald, who is personally known to me or who produced his FL Driver's Licenses as identification.

Gary R. Fryer
Signature of Notary Public

GARY R. FRYER
(Print Notary Name)



My commission expires: 9/21/03
Commission No. 872771

AFFIX NOTARY STAMP

Personally known, or
Produced Identification
Type of Identification Produced.

OFFICIAL RECORDS
PAGE

EXHIBIT "A"

3985 1881
SEMINOLE CO., FL

LIST OF LAND USES

All permitted uses in CN, Restricted Neighborhood Commercial District except:

- Fire Stations.
- Laundry and Cleaning Pick-up Stations.
- Libraries.
- Post Offices.
- Schools, Public, Private, or Parochial.

All permitted uses in CS, Convenience Commercial District except:

- Convenience Markets.
- Delicatessens.
- Grocery Stores.
- Self-Service Laundries.

All permitted uses in C-1, Retail Commercial District except:

- Banks.
- Churches.
- Day Nurseries, Kindergartens.
- Funeral Homes.
- Laundrettes and Laundromats.
- Plant Nurseries.
- Restaurants, but not Drive-Ins.
- Theaters, but not Drive-Ins.
- Multi-Family Housing.
- Above-Store or Above-Office Flats.
- Dry Cleaners utilizing Perma R308, or similar.
- Veterinary Clinics with no over night boarders, except patients.

All permitted uses in C-2, Retail Commercial District except:

- Car Washes.
- Hotels and Motels.
- Veterinary Hospitals and Kennels.
- Multi-Family Housing.
- Above-Store or Above-Office Flats.
- Outdoor advertising signs

All permitted uses in C-3, General Commercial and Wholesale District except:

- Contractor's Equipment.
- Greenhouses - Wholesale.

OFFICIAL RECORDS
CLERK

3985 1882

SEMINOLE CO., FL

- Laundry and Dry Cleaning.
- Lumber Yards.
- Mechanical Garages (bus, truck repair and storage).
- Outdoor advertising signs

All permitted uses in M-1A, Very Light Industrial District except:

- Laundry and Dry Cleaning.
- Living quarters for guards, caretakers, etc.
- Restaurants.
- Truck Terminals.
- Manufacturing of water-based or epoxy-based paint, coatings, adhesives.
- Public or Private Utility Plants/Stations.
- Medical Clinics - Out Patient Only.

3985 1883
SEMINOLE CO., FL

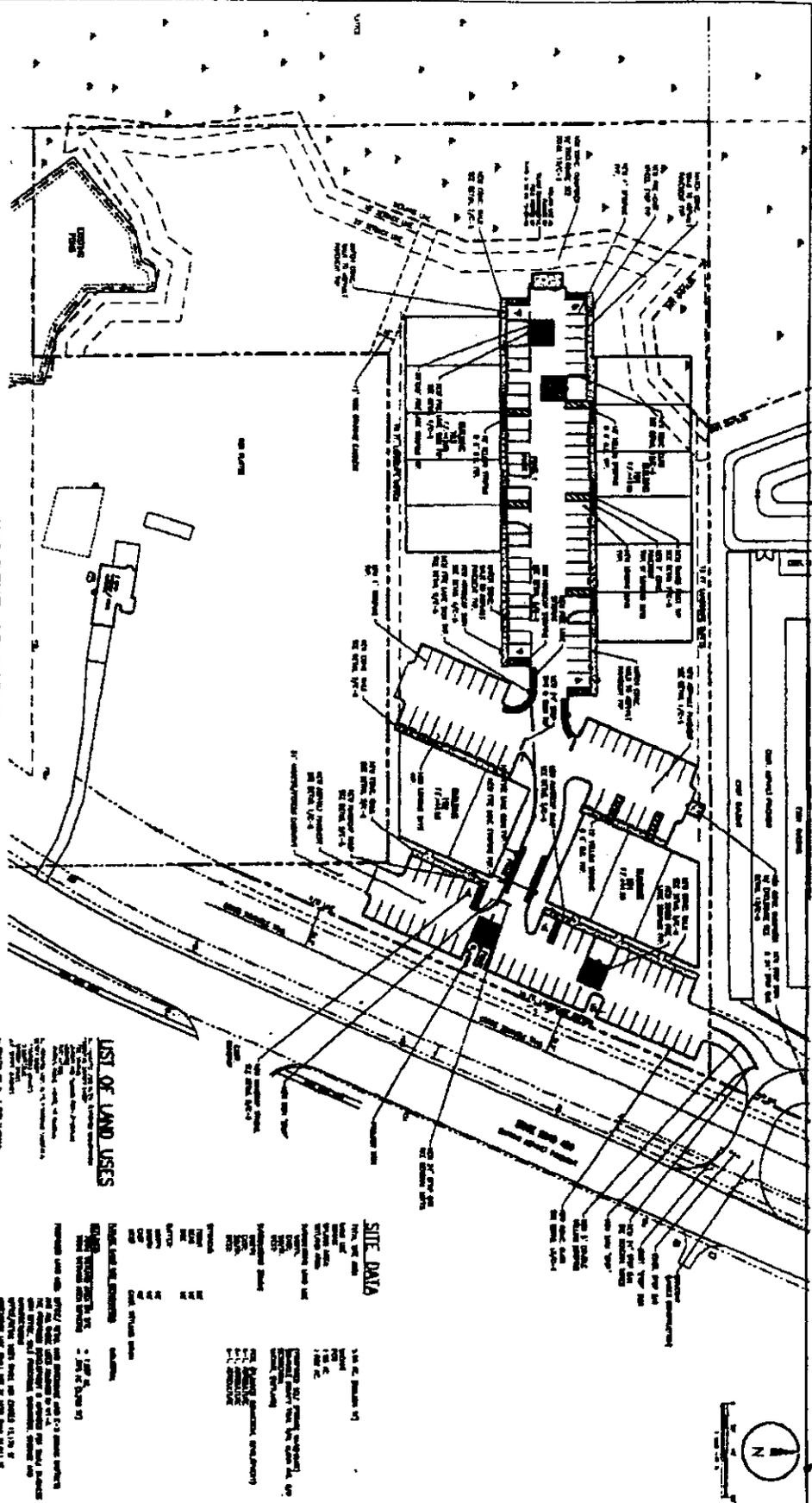
EXHIBIT B
UTILITY CONSTRUCTION
FOR MICROFILMING

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93%

P.10



GENERAL NOTES

1. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE, FLORIDA MECHANICAL CODE, FLORIDA PLUMBING CODE, AND FLORIDA GAS CODE.
2. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE, FLORIDA MECHANICAL CODE, FLORIDA PLUMBING CODE, AND FLORIDA GAS CODE.
3. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE, FLORIDA MECHANICAL CODE, FLORIDA PLUMBING CODE, AND FLORIDA GAS CODE.
4. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE, FLORIDA MECHANICAL CODE, FLORIDA PLUMBING CODE, AND FLORIDA GAS CODE.
5. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE, FLORIDA MECHANICAL CODE, FLORIDA PLUMBING CODE, AND FLORIDA GAS CODE.

LIGHTING NOTE

1. ALL LIGHTING TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE.
2. ALL LIGHTING TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE.
3. ALL LIGHTING TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE.

PHASING NOTE

1. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE.
2. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE.
3. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ELECTRICAL CODE.

LEGEND

SYMBOL	DESCRIPTION
(Symbol)	EXIST. CONC. DRIVE
(Symbol)	NEW CONC. DRIVE
(Symbol)	EXIST. SIDEWALK
(Symbol)	NEW SIDEWALK
(Symbol)	EXIST. UTILITIES
(Symbol)	NEW UTILITIES

LIST OF LAND USES

NO.	DESCRIPTION
1	EXIST. CONC. DRIVE
2	NEW CONC. DRIVE
3	EXIST. SIDEWALK
4	NEW SIDEWALK
5	EXIST. UTILITIES
6	NEW UTILITIES

SITE DATA

Site Data section containing technical specifications and notes related to the site conditions and utility requirements.

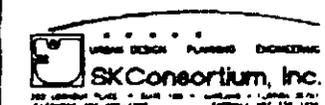
UTILITY CONSTRUCTION

Utility Construction section detailing the layout and specifications for water, sewer, and gas lines.

CONSTRUCTION NOTES

Construction Notes section providing additional details and instructions for the utility installation.

**SITE DEVELOPMENT PLAN
OVIEDO COMMERCCENTER CENTER**



3985 1884

EXHIBIT C

SEMINOLE CO., FL

A portion of land lying in Section 29, Township 21 South, Range 31 East, Seminole County, Florida.

Being more particularly described as follows:

Commence at the North 1/4 corner of said Section 29 thence run South 00°44'24" East along the North South centerline of said Section 29 for a distance of 1717.18 feet to a point on the South line of the North 375 feet of the South 1/2 of the Northeast 1/4 of said Section 29, also being the POINT OF BEGINNING; thence run South 89°50'52" East along said South line for a distance of 183.89 to a point on the Westerly right-of-way line of State Road Number 426; thence departing said South line run South 23°21'05" West along said Westerly right-of-way line for a distance of 373.12 feet to the point of curvature of a curve concave Westerly and having a radius of 1282.53 feet; thence run Southwesterly along said curve through a central angle of 03°14'58" for an arc distance of 72.74 feet to a point on aforementioned North South centerline of Section 29; thence departing said Westerly right-of-way line run North 00°44'24" West along said North South centerline of Section 29 for a distance of 136.87 feet to a point on the North line of the South 675 feet of the Northwest 1/4 of Section 29; thence departing said North South centerline of Section 29 run South 89°53'48" West along said North line for a distance of 425.03 feet to a point on the West line of the East 425 feet of the Northwest 1/4 of said Section 29; thence departing said North line run South 00°44'24" East along said West line for a distance of 300.02 feet to a point on the North line of the South 375 feet of the Northwest 1/4 of said Section 29; thence departing said West line run South 89°53'48" West along said North line for a distance of 188.01 feet to a point on the West line of the East 613 feet of the Northwest 1/4 of said Section 29; thence departing said North line, run North 00°44'24" West along said West line for a distance of 588.12 feet to a point on the South line of the South 1/2 of the Northwest 1/4 of said Section 29; thence departing said West line, run North 89°31'08" East along said South line for a distance of 613.01 feet to aforesaid POINT OF BEGINNING.

Contains 5.969 acres, more or less