

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

SUBJECT: Fossitt Business Park, Small Scale Plan Amendment from Suburban Estates and Low Density Residential to Planned Development and associated rezoning from A-1 to PCD and preliminary PCD site plan for Harling Locklin and Associates.

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Tony Matthews **EXT.** 7373

Agenda Date 11/06/02 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend approval of the proposed Small Scale Plan Amendment from Suburban Estates to Planned Development and associated rezoning from A-1 (Agriculture) to PCD (Planned Commercial Development) and preliminary PCD site plan on the north side of Orange Boulevard, with staff findings and recommendation; or
2. Recommend denial of the proposed Small Scale Plan Amendment from Suburban Estates to Planned Development and associated rezoning from A-1 (Agriculture) to PCD (Planned Commercial Development) and preliminary PCD site plan on the north side of Orange Boulevard, with staff findings and recommendation; or
3. Recommend approval of the proposed Small Scale Plan Amendment from Low Density Residential to Planned Development and associated rezoning from A-1 (Agriculture) to PCD (Planned Commercial Development) and preliminary PCD site plan on the south side of Orange Boulevard, with staff findings and recommendation; or
4. Recommend denial of the proposed Small Scale Plan Amendment from Low Density Residential to Planned Development and associated rezoning from A-1 (Agriculture) to PCD (Planned Commercial Development) and preliminary PCD site plan on the south side of Orange Boulevard, with staff findings and recommendation; or
5. Continue the proposed plan amendment and rezoning to a date certain.

Commissioner District #5 (McLain) (Tony Matthews, Principal Planner)

Attachments: Staff report, preliminary PCD site plan and development order.

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Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: _____
CM: _____

File No. 08-02SS.3 &
PZ 2002-015

BACKGROUND:

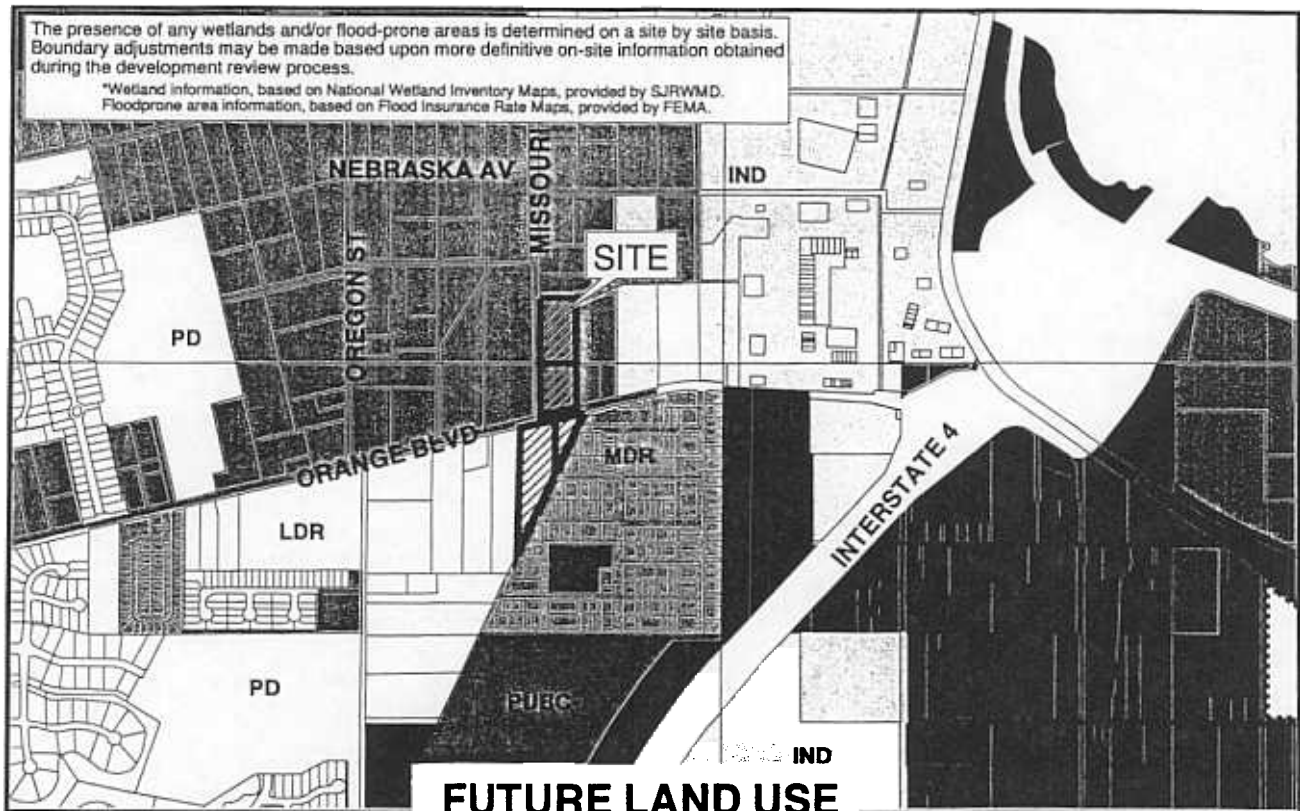
The applicant, Harling Lockiin and Associates, is requesting a Small Scale Plan Amendment from Suburban Estates and Low Density Residential to Planned Development and associated rezoning from A-1 (Agriculture) to PCD (Planned Commercial Development District) and preliminary PCD site plan on approximately 9.7 acres located at the northeast corner of Orange Boulevard and Missouri Avenue at the southwest corner of Orange Boulevard and Halsey Avenue. The applicant is proposing an 88,000 square foot office/warehouse development to be developed in two (2) phases (see attached site map and preliminary PCD site plan).

STAFF RECOMMENDATION:

1. Recommend approval of Planned Development land use, PCD zoning and preliminary PCD site plan on the north side of Orange Boulevard, with the enclosed staff findings.
2. Recommend denial of Planned Development land use, PCD zoning and preliminary PCD site plan on the south side of Orange Boulevard, with the enclosed staff findings.

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.



FUTURE LAND USE

Site
 Municipality
 COM
 LDR
 SE
 PD
 PUBC
 MDR
 IND
 REC

Applicant: Fossitt Business Park

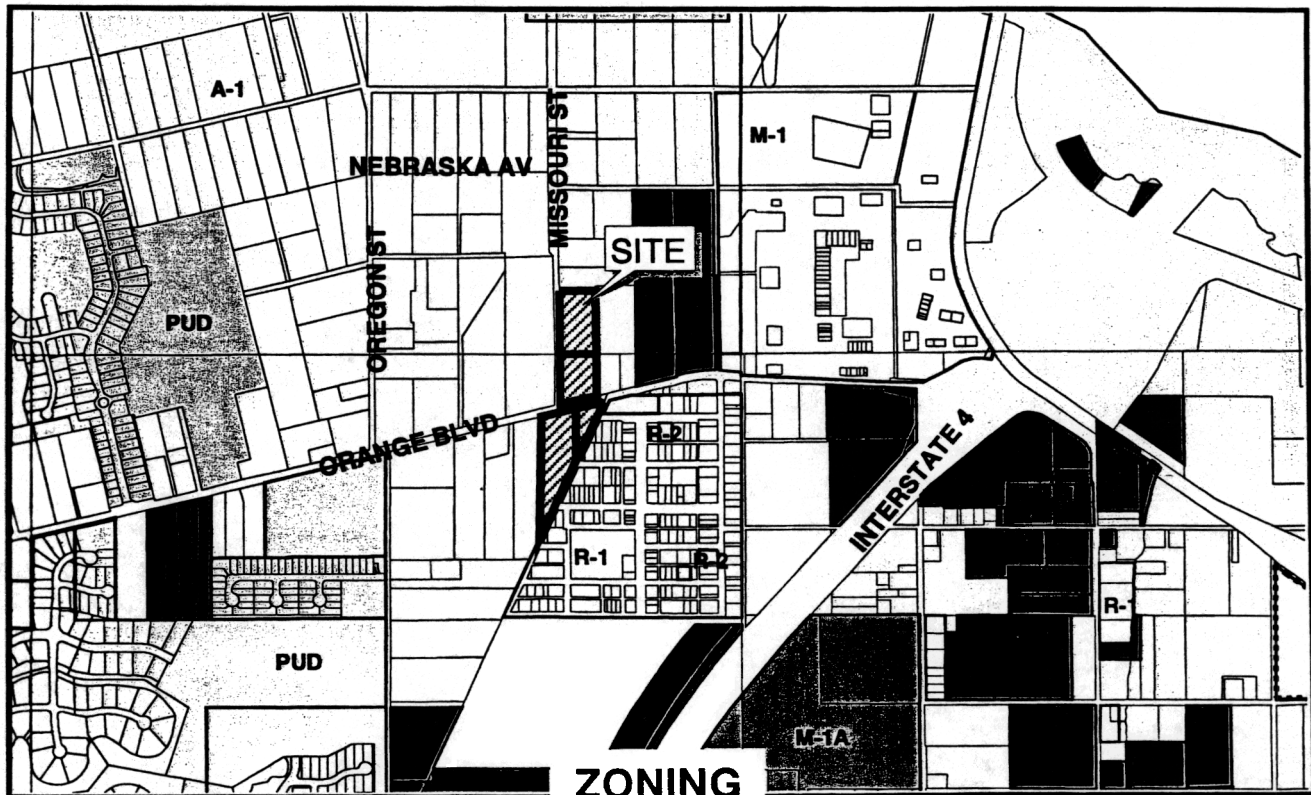
Physical STR: 16-19-30-5AB-0300-0040, 0200-0100 & 010A

Gross Acres: +/-9.7 BCC District: 5

Existing Use: Vacant

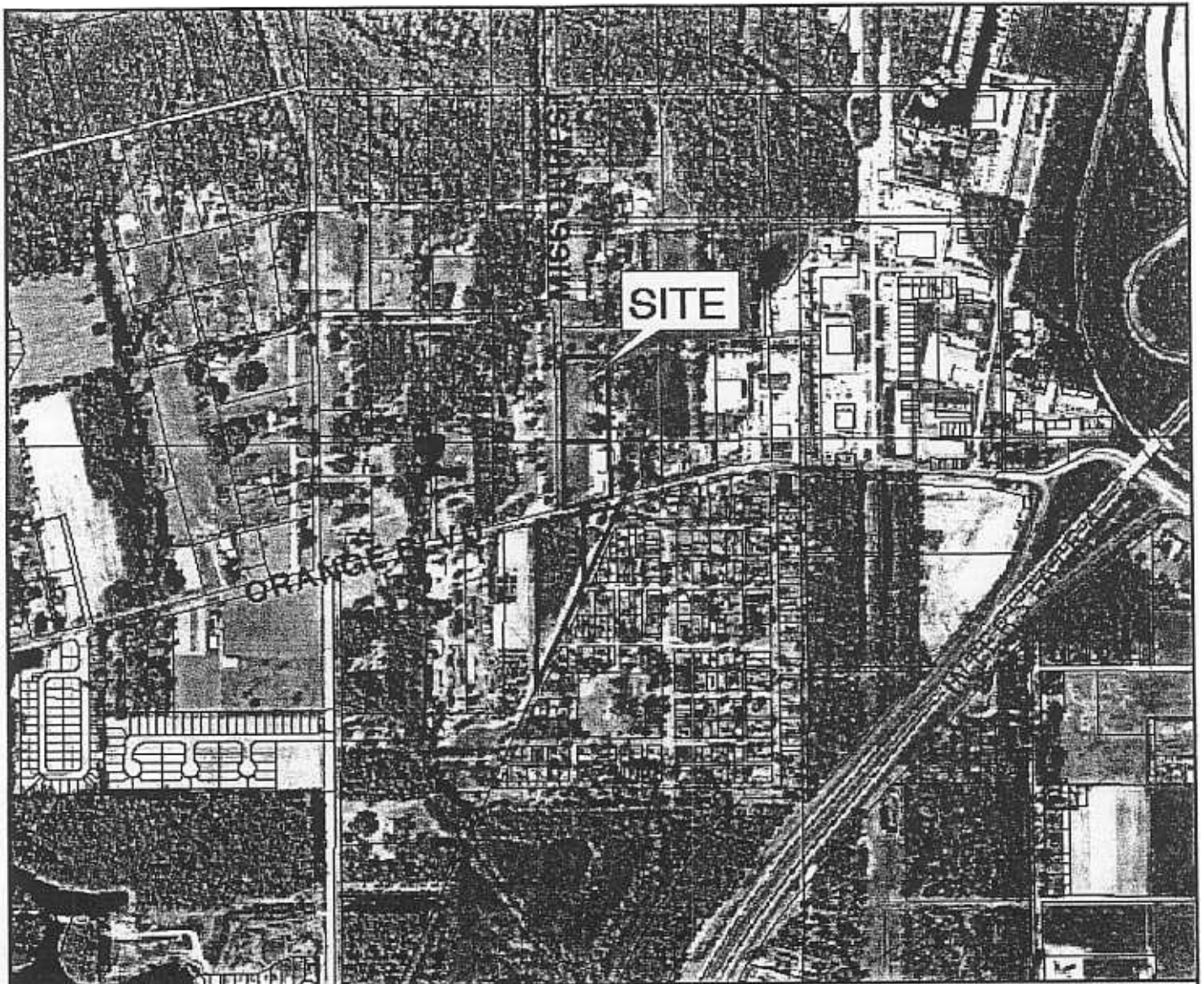
Special Notes: _____

	Amend/ Rezone#	From	To
FLU	08-02SS.3	SE/LDR	PD
Zoning	Z2002-015	A-1	PCD



ZONING

A-1
 R-1
 PUD
 PCD
 C-2
 M-1
 C-3
 M-1A
 R-AH



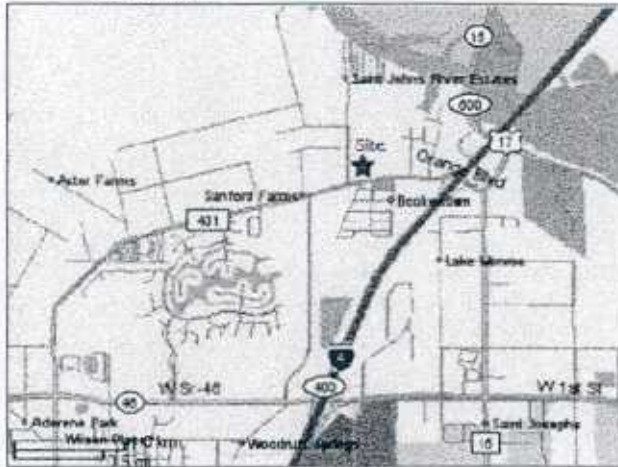
Rezone No. Z2002-015
 From: A-1 To: PCD
 Amendment No. 08-02SS.3
 From: SE/LDR To: PD
☐ Subject Property
☐ Parcelbase



February 1999 Color Aerials

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VICINITY MAP



PROPOSED USES:

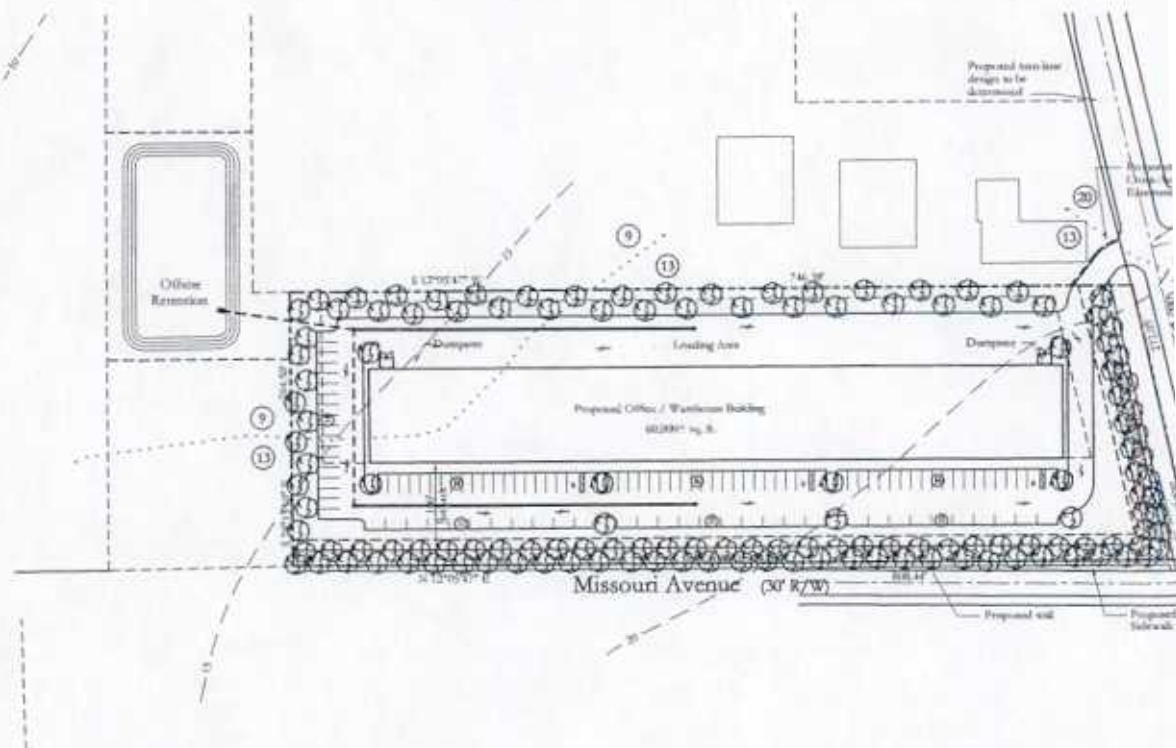
All uses allowed within the MUA and C-3 Districts, with the exception of the following which will be prohibited uses:

- amusement and recreation facilities
- automobile sales
- business, where goods are sold on premises at retail prices
- car wash
- laundry and service
- residential and recreational
- mobile home and recreational vehicle sales
- print and body shops
- private clubs and lodges
- theaters
- truck terminals
- manufacturing of water-based and/or epoxy-based coatings, adhesives, sealants, and paints
- multifamily housing
- public and private utility plants, stations, and distribution offices
- manufacturing of the following:
 - leaves
 - chemical products and processing
 - dairy products

RECEIVED

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PLANNING DIVISION



EXISTING DATA:
Current Zoning: A-1 (Agriculture)
Proposed Zoning: PCD (Planned Commercial Development)
Total Area: 9.725 acres
Net Area: 9.725 acres
(excluding jurisdictional area):
There are no wetlands on the site.
Proposed Land Use: Office / Warehouse
Existing Land Use: Vacant
Maximum Density: 10,000 sq. ft. / acre
Minimum Building Height: 35' (single story)
Minimum FAR: 0.65
Setbacks:
Front: 50 feet
East Side: 10 feet
Masour: 100 feet (Active Buffer)
Rear: 30 feet
Water Service Provider: Seminole County
Sewer Disposal Provider: Seminole County

HASING:
Development will be constructed in two phases.

FLOOR AREA RATIO:
Minimum FAR: 0.65
With Parcel FAR: 0.27
With Parcel FAR: 0.12

ACTIVE - PASSIVE BUFFER:
After width:
A minimum of twenty-five (25) feet in width for buildings and uses to one (1) story.
A minimum of fifty (50) feet in width for buildings and uses two (2) stories and over.
Buffer areas shall be located at the perimeter of the building site for given use and not in a public or proposed right-of-way. Parking as shall not be permitted in the buffer.

Buffer components shall include the following:

A brick or masonry wall six (6) feet in height located within the lot, as determined by the current planning manager, to maximize visibility with surrounding uses. A landscaped earthen berm or a combination of brick or masonry wall and earthen berm may be used on the lot if the height of landscaping reaches six (6) feet with approximately one hundred (100) percent opacity one (1) year after planting.

Landscaping shall consist of eight (8) canopy trees a minimum of and one-half (1 1/2) inches in diameter, with an overall average of a (3) inches in diameter measured at one (1) foot above ground for every one hundred (100) linear feet of buffer. Trees may be planted at regular intervals, in double rows or clustered into groupings if the current planning division manager finds that groupings provide a better noise screen for adjacent residential uses.

UTILITIES:
Central Water and Sanitary Sewer to be provided by Seminole County.
WATER:
Design shall comply with all Seminole County Land Development Code requirements. Water shall connect with the existing 12" water main on the South side of Orange Boulevard.
SEWER:
Disposal of sewage effluent design shall comply with all Seminole County Land Development Code requirements. Sewage shall connect to the existing 10" force main within the Orange Boulevard right-of-way, 260 feet east of Dunbar Avenue.

STORM DRAINAGE:
Stormwater drainage treatment and storage is to be provided on-site according to Seminole County and SJRWMD stormwater regulations.

FIRE PROTECTION:
Fire protection will be provided by Seminole County. Fire flow will be a minimum of 1,250 G.P.M. with 20 P.S.I. Fire hydrant shall be located according to Seminole County regulations.

FLOOD MAP
This property is in Flood Zone "X" (outside 500 Year flood plain), per F.E.M.A. Flood Insurance Map #12117C0135 E, dated 4-17-95.

SOILS

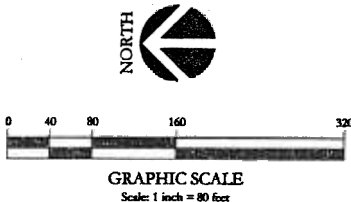
SYMBOL	NAME
9	Besseyer & Delray fine sands
13	East Gallie and Immokalee fine sands
20	Myakka and East Gallie fine sands

LANDSCAPE & OPEN SPACE
Landscaping will meet all requirements of Part 64, Chapter 30 and Section 30.1228 of Seminole County Land Development Code. Minimum open space of 25 % per Part 25, Chapter 30 Seminole County L.D.C.

Landscaping depicted on plans is conceptual only.

North Parcel:
Net Area: 4.72 acres / 205,603 sq. ft.
Required Open Space: 51,401 sq. ft. (25%)
Provided Open Space: 78,715 sq. ft. (38%)
Landscaping Buffers: 69,558 sq. ft.
Internal Landscaping: 9,157 sq. ft.
South Parcel:
Net Area: 5.01 acres / 218,236 sq. ft.
Required Open Space: 55,459 sq. ft. (25%)
Provided Open Space: 118,520 sq. ft. (54%)
Retention Pond: 45,888 sq. ft.
Landscaping Buffers: 62,814 sq. ft.
Internal Landscaping: 9,818 sq. ft.

LIGHTING
All parking lot lighting will comply with Seminole County Land Development Code, Section 30-1233(b)



LEGAL DESCRIPTION
Parcel ID #: 16-19-30-SAB-0200-0100
Legal Lot 10 (Less Beginning Northeast corner, run Southwesterly on Orange Boulevard 211.65 feet, South to Sanford GT Line Northeast to beginning + ST)
Block 2 Sanford Farms, Plat Book 1, Page 127

Parcel ID #: 16-19-30-SAB-0200-010A
Legal Beginning Northeast corner of Lot 10, run Southwesterly along Orange Avenue 211.65 feet, South to Sanford GT line, Northeast to beginning, Less ST
Block 2, Sanford Farms

Parcel ID #: 16-19-30-SAB-0300-0040
Legal Lot 4
Block 3, Sanford Farms, Plat Book 1, Page 128

PARKING
The following calculations were used in determining the parking space requirements.

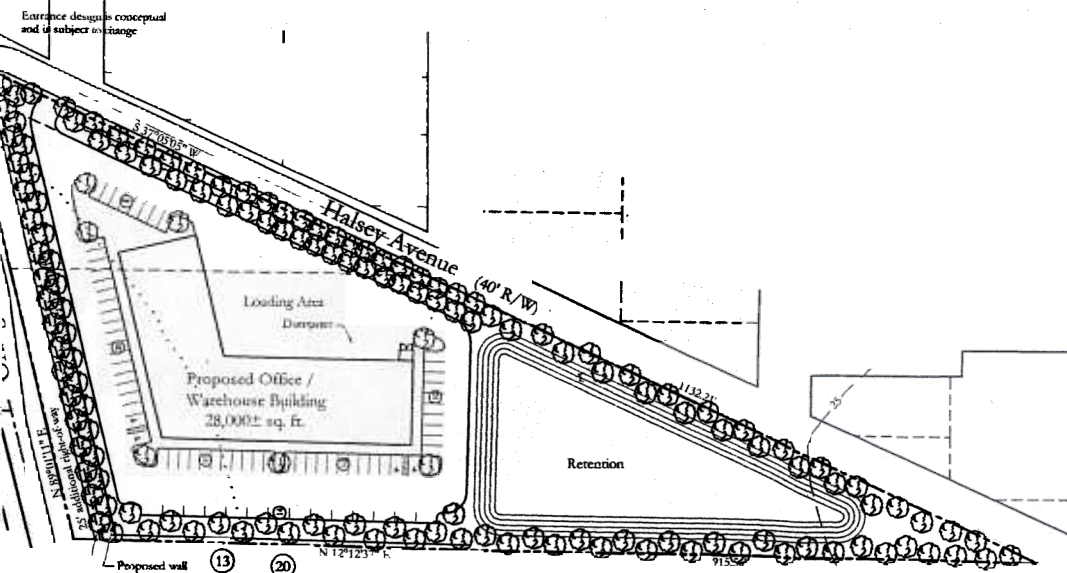
Office: 1 space per 200 sq. ft.
Warehouse: 1 space per 1000 sq. ft.

A typical split for this type of project is 10 % office space and 90 % warehouse space.

North Parcel	Total sq. ft.	Required Parking
Total sq. ft.	60,000	
Office (10%)	6,000	30
Warehouse (90%)	54,000	54
Total required:		84
Total provided:		109

South Parcel	Total sq. ft.	Required Parking
Total sq. ft.	28,000	
Office (10%)	2,800	14
Warehouse (90%)	25,200	26
Total required:		40
Total provided:		75

APPLICATION REQUEST:
This plan presents the applicant's rezoning request and preliminary master plan submittal for a rezoning of the subject property from A-1 (Agriculture) to PCD (Planned Commercial Development). Proposed uses to be as permitted under M-1.



PROPERTY OWNER:
Willie L. & Lorene F. Fossitt
1500 Oregon Street
Sanford, Florida 32771

ENGINEER / PLANNER:
Harling, Locklin & Associates, Inc.
850 Courtland Street
Orlando, Florida 32804
Phone: 407-829-1061

PRELIMINARY SITE PLAN

Consulting Engineers / Planners / Surveyors		850 Courtland Street Orlando, Florida 32804		Phone: 407-829-1061		Fax: 407-829-2835		E-mail: harling@worldnet.att.net		Revision	
HARLING LOCKLIN & ASSOCIATES, INC.		Fossitt, Less		Missouri Street		Orange Boulevard		Seminole		Date	
Preliminary Site Plan		Hugh W. Harling, Jr. Reg. No. 11629		Job Number: 0219		Scale: 1" = 80'		Date: May 21, 2002		No.	
Drawn by: ba		Designed by: ba		Filename: 0219a		xref's				Rev. by	
Sheet 1 of 1											

EXECUTIVE SUMMARY

Suburban Estates and Low Density Residential to Planned Development, A-1 to PCD		Amendment 08.02SS.3; rezoning Z2002- 015
REQUEST		
APPLICANT	Harling Locklin and Associates	
PLAN AMENDMENT	Suburban Estates and Low Density Residential to Planned Development	
REZONING	A-1 (Agriculture) to PCD (Planned Commercial Development District) and preliminary PCD site plan including all M-1A (Very Light Industrial) and C-3 (General Commercial and Wholesale) uses, with exceptions as shown in this report.	
PROPOSED USE	Office/Warehouse	
APPROXIMATE GROSS ACRES	9.7	
GENERAL LOCATION	North and south side of Orange Boulevard, at the northeast corner of Orange Boulevard and Missouri Avenue and at the southwest corner of Orange Boulevard and Halsey Avenue.	
HISTORY/ISSUES	The Low Density Residential (LDR) designation assigned to the property on the south side of Orange Boulevard was adopted by the Board of County Commissioners during the <u>1999 Wekiva Special Area Study</u> . This study was undertaken for, among others, to more effectively manage growth in the Wekiva River Protection Area and adjacent areas east to Interstate 4. Prior to adoption of the LDR land use the property was designated Suburban Estates.	
BOARD DISTRICT	#5 – Commissioner McLain	
RECOMMENDATIONS		
STAFF November 6, 2002	<u>Plan Amendment:</u> Recommend Planned Development land use on the north side of Orange Boulevard, as proposed; recommend denial of Planned Development land use on the south side of Orange Boulevard, as proposed. <u>Rezoning:</u> Recommend PCD zoning and proposed preliminary PCD site plan on the north side of Orange Boulevard, as proposed; recommend denial of PCD zoning on the south side of Orange Boulevard, as proposed, per development order.	

STAFF ANALYSIS

Suburban Estates and Low Density Residential to Planned Development, A-1 to PCD

**Amendment
08.02SS.3;
rezoning
Z2002- 015**

1. **Property Owner(s):** Nikki M. Clayton.
2. **Tax Parcel Number(s):** 16-19-30-5AB-0300-0040; 0200-0100; 0200-010A.
3. **Applicant's Statement:** The applicant has stated that this request will provide for an office/warehouse complex.
4. **Development Trends:** Development trends are toward nonresidential uses on the north side of Orange Boulevard, between the Port of Sanford and Missouri Avenue, and toward single family residential uses west of Missouri Avenue. On the south side of Orange Boulevard, between Halsey Avenue and Oregon Avenue, development trends are towards residential uses.

SITE DESCRIPTION

1. PERMITTED USES - The Planned Development future land use designation and PCD (Planned Commercial Development District) zoning classification provides for a variety of land use densities and intensities with final approval of uses by the Board of County Commissioners.

Abutting uses, future land use designations and zoning classifications are:

Location	Future Land Use	Zoning	Existing Use
Site	Suburban Estates (north) and Low Density Residential (south)	A-1	Vacant
North	Suburban Estates	A-1	Residential
South	Low and Medium Density Residential	A-1	Residential
East	Suburban Estates (north) and Medium Density Residential (south)	A-1, R-1(Single Family Dwelling District)	Residential (south); storage buildings (north)
West	Suburban Estates (north) and Low Density Residential (south)	A-1	Vacant

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Since the Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction, each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the affect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment to Planned Development does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan (Vision 2020). The amendment request would not be in conflict with the Metroplan Orlando plan or the Florida Department of Transportation's 5-Year Plan (Policy TRA 14.1).

A. Traffic Circulation - Consistency with Future Land Use and Design Elements: *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Traffic Circulation Element and all land development activities shall be consistent with the adopted Future Land Use and Design Elements (Policy TRA 2.1).*

Access to the site is via Orange Boulevard, a 2-lane minor collector roadway, currently operating at level of service (LOS) "A". The proposed development could generate an estimated 920 average daily trips.

Water and Sewer Service - Extension of Service to New Development: *Future Land Use Element Exhibit 20 (Services and Facilities By Classification) requires a full range of urban services to serve the proposed uses (Policy POT 4.5 and Policy SAN 4.4).*

The site is within the Seminole County utilities service area and development, as proposed, will be required to connect to the County's central water and sewer service system.

B. Public Safety – Adopted Level of Service: *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Policy PUB 2.1).*

The property is served by the Seminole County Paola Fire Station (Station #34). Response time to this site would meet the County's average response time standard of five (5) minutes.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Comprehensive Plan (Vision 2020).

A. Preliminary Development Orders: Capacity Determination: *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows... No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Policy IMP 2.4).*

A review of the availability of public facilities to serve the project indicates that there would be adequate capacity to serve the site, and that the proposed Plan amendment would create no adverse impacts to County public facilities.

B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection: *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(FLU Policy 1.2 and 1.3).*

There are no wetlands or flood prone areas identified on this property. The property is located within the Lake Monroe Drainage Basin. The site can be developed with code compliance.

C. Protection of Endangered and Threatened Wildlife: *The County shall continue to require, as part of the Development Review Process, that prior to development approval, proposed development to coordinate with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife (Policy CON 3.13).*

Prior to submission of a final PCD site plan a survey of threatened and endangered and species of special concern will be required to determine the presence of any endangered or threatened wildlife.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. Compatibility: When the County's Future Land Use Map (FLUM) was developed, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Seminole County Comprehensive Plan (Vision 2020) (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private

property rights, and no creation of new strip commercial developments through Plan amendments, etc.).

Based upon an initial evaluation of compatibility, Planned Development land use, as proposed, on the north side of Orange Boulevard, would be consistent with Plan policies identified at this time and therefore is consistent with the Seminole County Comprehensive Plan (Vision 2020). Planned Development land use, on the south side of Orange Boulevard, as proposed, would not be compatible with adjacent residential uses or with the Low Density Residential land use designation assigned to properties in this area in 1999.

Applicable Plan policies include, but are not limited to, the following:

1. Policy FLU 2.7 (Location of Industrial Uses).
2. FLU Exhibit 2 (Appropriate Transitional Land Uses).
3. FLU Exhibit 4 (Future Land Use Densities And Allowable Zoning Classifications).
4. Planned Development future land use designation.

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public safety level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Policy CIE 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. The applicant has filed a Concurrency Review Deferral Affidavit.

5. COORDINATION - Each application for a land use designation amendment will be evaluated to assess how and to what extent any additional intergovernmental coordination activities should be addressed.

A. Plan Coordination: *The County shall continue to coordinate its comprehensive planning activities with the plans and programs of the School Board, major utilities, quasi-public agencies and other local governments providing services but not having regulatory authority over the use of land (Policy IGC 2.9). Seminole County shall coordinate its comprehensive planning activities with the plans and programs of regional, State and Federal agencies by...as the County is now a charter County (Policy IGC 3.3).*

B. The Seminole County Comprehensive Plan (Vision 2020) fully complies with the State Comprehensive Plan adopted pursuant to Chapter 187, Florida Statutes, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council pursuant to Chapter 163, Florida Statutes. Consistency with the State Plan and the Regional Policy Plan may be evaluated by individual review agencies during the Plan amendment review process.

STAFF RECOMMENDATION

1. PLAN AMENDMENT (north side of Orange Boulevard):

A. Recommend approval of Planned Development land use on the north side of Orange Boulevard, as proposed, with findings that:

(1) Planned Development future land use provides for a variety of land use densities and intensities with final approval of uses by the Board of County Commissioners.

(2) Office/warehouse uses would be consistent with development trends toward nonresidential uses on the north side of Orange Boulevard, between the Port of Sanford and Missouri Avenue.

(3) A review of the availability of public facilities to serve the project indicates that there would be adequate capacity to serve the site, and that the proposed Plan amendment would create no adverse impacts to County public facilities.

(4) Planned Development land use would be consistent with Plan policies identified as this time.

2. REZONING (north side of Orange Boulevard):

A. Recommend approval of PCD zoning and preliminary PCD site plan on the north side of Orange Boulevard, as proposed, with findings that:

(1) PCD zoning provides for a variety of densities and intensities with final approval of uses by the Board of County Commissioners.

(2) Office/warehouse uses would be consistent with development trends toward nonresidential uses on the north side of Orange Boulevard, between the Port of Sanford and Missouri Avenue.

(3) A review of the availability of public facilities to serve the project indicates that there would be adequate capacity to serve the site, and that the proposed PCD zoning would create no adverse impacts to County public facilities.

(4) PCD zoning would be consistent with Plan policies identified as this time.

3. PLAN AMENDMENT (south side of Orange Boulevard):

A. Recommend denial of Planned Development land use on the south side of Orange Boulevard, as proposed, with findings that:

(1) Planned development, as proposed, would be inconsistent with development trends toward residential uses on the south side of Orange Boulevard and with the Low Density Residential future land use designation approved by the Board of County Commissioners during the 1999 Wekiva Special Area Study.

(2) Warehouse uses would be an inappropriate transitional land use at this location, between Medium Density Residential uses to the east and Low Density Residential uses to the west.

4. REZONING (south side of Orange Boulevard):

A. Recommend denial of PCD zoning and preliminary PCD site plan on the south side of Orange Boulevard, as proposed, with findings that:

(1) Warehouse uses would be inconsistent with development trends toward residential uses on the south side of Orange Boulevard.

(2) PCD zoning would be inconsistent with Plan policies identified as this time.

5. DEVELOPMENT CONDITIONS:

If the LPA/P&Z recommends approval of the proposed rezoning and preliminary PCD site plan, staff recommends approval of the attached development order.

Note: As this is a preliminary plan, additional conditions may be placed on the PCD site plan during the rezoning and development review process.

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SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On _____, 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(s): Nikki M. Clayton
35048 Shady Oaks Lane
Fruitland Park, FL 34731

Project Name: Fossitt Business Park.

Requested Development Approval: Rezoning from the A-1 (Agriculture) zoning classification to the PCD (Planned Commercial Development District) zoning classification and approval of the associated PCD preliminary site plan attached as Exhibit B.

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

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Tony Matthews
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - A. Permitted uses within the PCD shall include the list of permitted and conditional uses within the M-1A (Very Light Industrial) and C-3 (General Commercial and Wholesale) zoning classifications, except for the following uses, which shall be prohibited:
 1. Amusement and recreation facilities.
 2. Automobile sales.
 3. Bakeries, where goods are sold on premises at retail.
 4. Banks.
 5. Car wash.
 6. Hotels and motels.
 7. Launderettes and Laundromats.
 8. Mobile homes and recreational vehicle sales.
 9. Paint and body shops.
 10. Private clubs and lodges.
 11. Theaters.
 12. Truck Terminals.
 13. Service stations.
 14. Outdoor advertising signs.
 15. Manufacturing of water-based and/or epoxy-based coatings, adhesives, sealants, and paints.
 16. Industrial, technical and trade schools.
 17. Alcoholic beverage establishments.
 18. Adult entertainment and sexually oriented businesses.
 19. Multi-family housing.
 20. Public and private utility plants, stations, and distribution office
 21. Contractor's equipment storage yards.
 22. Public and private schools.
 23. Mechanical garages, bus, cab and truck repair and storage.
 24. Heliports.
 25. Manufacturing of the following:
 - Boats.
 - Chemical products and processing.
 - Dairy products.

- B. Permitted and conditional uses within the C-2 (Retail Commercial District) shall be prohibited uses.
- C. Development conditions shall include:
1. Parking spaces shall include a minimum of one (1) space per 1,000 square feet of building for warehouse uses, plus one (1) space for each two (2) employees on the largest shift, and one (1) space per 200 square feet of gross floor area for office use. Parking ratio for office and warehouse uses shall be established for the proposed use(s) at time of final PCD site plan approval.
 2. Building setbacks shall be as follows on the north side of Orange Boulevard: south side—50 feet; east side—10 feet; west side (Missouri Avenue)—100 feet; north side—30 feet; on the south side of Orange Boulevard: south side-10 feet; east side (Halsey Avenue)-100 feet; west side-100 feet; north side 50 feet.
 3. A 25 foot landscaped buffer shall be provided within the 100 foot building setbacks.
 4. A six (6) high masonry or brick wall shall be provided along the western property line on the north side of Orange Boulevard (Missouri Avenue), and along the east (Halsey Avenue) and west property lines on the south side of Orange Boulevard. A landscaped earthen berm or a combination of brick or masonry wall and earthen berm may be used in lieu of the wall (only on the south side of Orange Boulevard) if the landscaping reaches six (6) feet with approximately 100 percent opacity within one (1) year.
 5. Landscaping shall consist of eight (8) canopy trees a minimum of 2&1/2 inches in diameter with an overall average of three (3) inches in diameter measured at one (1) foot above ground for every 100 lineal feet on all sides of the buildings on the north and south sides of Orange Boulevard. Trees may be planted in double rows or clustered with approval of the Planning Manager.
 6. Building height shall not exceed 35 feet.
 7. Square footage shall be limited to 88,000 square feet of office/warehouse uses.
 8. Floor area ratio shall not exceed 0.65.
 9. A minimum of 25 percent open space shall be provided on site on the north and south sides of Orange Boulevard.
 10. Development shall occur in two (2) phases.
 11. The proposed building shall be constructed of masonry construction including glass and aluminum store fronts and decorative roof treatment such as mansard roofing.
 12. Signage shall be appropriately posted to discourage truck access onto Missouri Avenue.
 13. A cross access easement shall be provided to the property to the east of the site on the north side of Orange Boulevard.
 14. An easement shall be provided for stormwater access to the offsite retention pond on the north side of Orange Boulevard at time of final PCD site plan.
 15. Reserve a location for school bus to stop at Missouri Avenue and Orange Boulevard with final details to be determined at time of final PCD site plan.
 16. Lighting shall be cut-off/shoe box style with light poles not to exceed 16 feet in height, be setback a minimum of 50 feet from adjacent properties and shall not exceed 0.5 foot candles.
 17. Water and sewer service shall be provided by Seminole County utilities.
 18. Hours of operation for truck deliveries shall be limited to 7:00 a.m. and 9:00 p.m.

19. Air conditioning units or chillers shall be hidden from view from Missouri Avenue and ground units shall be screened with plant material or other screen material approved by the Planning Manager.
20. Development must meet all other applicable provisions of the Seminole County Comprehensive Plan (Vision 2020) and Land Development Code of Seminole County.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Daryl G. McLain,
Chairman

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OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Nikki M. Clayton, on behalf of herself and her 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

Nikki M. Clayton

Witness

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 _____ who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

Z2002-015 (A-1 to PCD)

Lot 10, of Block 2, Map Sanford Farms as recorded in Plat Book 1, Pages 127, 128 and 128 ½ of the Public Records of Seminole County, Florida, LESS that part of Lot 10 described as follows: Beginning at the Northeast corner of said Lot 10, Block 2, Sanford Farms, thence run Southwesterly along the South line of Orange Boulevard 211.65 feet to a point; thence South parallel to Oregon Avenue to the West boundary of Sanford Grant Line, thence Northeasterly along said Grant Line to the Point of Beginning, LESS a strip 10 feet wide along the said Sanford Grant Line for street purposes

That part of Lot 10, of Block 2, Map Sanford Farms as recorded in Plat Book 1, Pages 127, 128 and 128 ½ of the public Records of Seminole County, Florida, described as follows: Beginning at the Northeast corner of said Lot 10, Block 2, Sanford Farms, thence run Southwesterly along the South line of Orange Boulevard 211.65 feet to a point; thence South parallel to Oregon Avenue to the West boundary of Sanford Grant Line, thence Northeasterly along said Grand Line to the Point of Beginning, LESS a strip 10 feet wide along the said Sanford Grant Line for street purposes.

Lot 4, Block 3, Map Sanford Farms, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Seminole County, Florida recorded in Plat Book 1, Page 127, 128 and 128 ½ said lands situate, lying and being in Seminole County, Florida.

