

ITEM # _____

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

SUBJECT: Orange Boulevard Property Rezone, Request for Rezone from A-1 (Agriculture) to PUD (Planned Unit Development District) (Michael J. Good / KBC Development, applicant)

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

AUTHORIZED BY: Tony Walter **CONTACT:** Jeff Hopper **EXT.** 7431

Agenda Date <u>9/07/05</u>	Regular <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Special Hearing – 6:00 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>	

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request to rezone approximately 22.3 acres, located on the south side of Orange Blvd., 800' west of I-4, from A-1 (Agriculture) to PUD (Planned Unit Development District) based on staff findings; (Michael J. Good, applicant); or
2. Recommend DENIAL of the request to rezone approximately 22.3 acres, located on the south side of Orange Blvd., 800' west of I-4, from A-1 (Agriculture) to PUD (Planned Unit Development District) based on staff findings; (Michael J. Good, applicant); or
3. CONTINUE the item to a time and date certain.

(District 5 – Comm. Carey)

(Jeffrey Hopper, Senior Planner)

BACKGROUND:

The applicant, Michael J. Good, requests the rezoning of a 22.3 acre tract, located on the south side of Orange Blvd., 800' west of I-4, from A-1 (Agriculture) to PUD (Planned Unit Development) to accommodate a variety of commercial uses. As submitted to Planning staff, the applicant's Preliminary Master Plan indicates C-3 and M-1A (heavy commercial and light industrial) uses. Such uses cannot be approved under the Commercial future land use designation currently applied to the property. As the subject property exceeds 10 acres in size, a Large Scale Land Use Amendment would be required to support the full scope of the proposal. With elimination of C-3 and M-1A uses, however, the request is consistent with the Vision 2020 Plan.

Reviewed by: _____
Co Atty: <u>JK</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z-2005-040</u>

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone approximately 22.3 acres, located on the south side of Orange Blvd., 800' west of I-4, from A-1 (Agriculture) to PUD (Planned Unit Development District) based on staff findings and subject to the following conditions in the attached Development Order.

- a. Permitted uses shall be in accordance with the provisions of the C-2 district, including special exception uses, with the following additional uses:
 - mechanical garage
 - lumber yard
 - construction company with no outdoor storage
 - highway striping company
 - paint and body shop
 - office showroom with no assembly or manufacturing
 - service stations with gas pumps as an accessory use
- b. The following uses shall be prohibited:
 - communications towers
 - outdoor advertising signs
 - automobile sales
- c. Any residential development on the property shall be subject to R-3A development standards to a maximum of 10 units per net buildable acre.
- d. Nonresidential building height shall be limited to 35 feet. Setbacks from the west property line shall be as follows:
 - 50 feet for 1-story buildings
 - 100 feet for 2-story buildings
 - 120 feet for 3-story buildings
- e. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).
- f. Retention ponds shall be designed such that they are not required to be fenced.
- g. The developer shall provide a pedestrian connection from all buildings to public sidewalks along Orange Blvd.
- h. Dumpsters shall be screened so they are not visible from Orange Blvd. or nearby single family properties.
- i. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- j. No parking of mobile cat-scan trucks or semi-tractor trailers shall be permitted on the site.
- k. All parking spaces shall be a minimum of 10' x 20' as required by the Land Development Code.
- l. Outdoor lighting adjacent to the west property line will be limited to decorative lighting affixed to the fronts of buildings. Security lighting with motion sensors shall be permitted on any part of the site.

- m. Uses not permitted under the C-2 classification or additional permitted uses listed in condition (a) herein, shall require a Small Scale Land Use Amendment and shall be located adjacent to I-4 or setback a minimum of 250' from any residential dwelling unit.

ATTACHMENTS:

Staff report
Location Map
Future Land Use/Zoning Maps
Aerial Photograph
Site Plan
Development Order
Ordinance

ORANGE BOULEVARD PROPERTY REZONE

REQUEST INFORMATION	
APPLICANT	Michael J. Good / KBC Development Inc.
PROPERTY OWNER	Shirley T. Alexander
REQUEST	Rezone A-1 (Agriculture) to PUD (Planned Unit Development)
HEARING DATE (S)	P&Z: September 7, 2005 BCC: Oct. 25, 2005
PARCEL NUMBERS	21-19-30-503-0000-0040 21-19-30-503-0000-0060 21-19-30-503-0000-0080 21-19-30-503-0000-0090 16-19-30-5AC-0000-0280 16-19-30-5AC-0000-0290
LOCATION	South side of Orange Blvd., 800' west of I-4
FUTURE LAND USE	Commercial
FILE NUMBER	Z2005-040
COMMISSION DISTRICT	5- Carey

OVERVIEW

The applicant, Michael J. Good, requests the rezoning of a 22.3 acre tract, located on the south side of Orange Blvd., 800' west of I-4, from A-1 (Agriculture) to PUD (Planned Unit Development) to accommodate a variety of commercial uses. As submitted to Planning staff, the applicant's Preliminary Master Plan indicates C-3 and M-1A (heavy commercial and light industrial) uses. Such uses cannot be approved under the Commercial future land use designation currently applied to the property. As the subject property exceeds 10 acres in size, a Large Scale Land Use Amendment would be required to support the full scope of the proposal. With elimination of C-3 and M-1A uses, however, the request is consistent with the Vision 2020 Plan.

While the full range of uses associated with the Industrial future land use designation cannot be accommodated, a limited list of heavier commercial uses may be appropriate for the site. Staff supports several additional uses equivalent or similar in intensity to those allowed as special exceptions in the C-2 district:

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

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

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

Existing Land Uses:

(North)

(West)

(East)

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

(South)

***Bold** text depicts future land use designation, plain text depicts the existing use, and *italicized* text depicts zoning district. See enclosed future land use and zoning map for more details.

SITE ANALYSIS

Facilities and Services:

Adequate public facilities and services must be available concurrent with the impacts of development. The applicant submitted an Affidavit of Concurrency Review Deferral. At the time of subdivision review, the applicant will be required to submit an application for concurrency review.

With exclusion of C-3 and M-1A uses, the proposed rezone is consistent with the adopted Commercial future land use designation, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.

The site is located in the Northwest Service Area, where water capacity for new development is limited. Capacity availability is determined during the concurrency process. A letter confirming utility capacity for potable and reclaimed water is required

at the time of subdivision review, and approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Compliance with Environmental Regulations: At this time there are no concerns regarding compliance with environmental regulations. A listed species survey must be submitted prior to final engineering approval.

Compatibility with Surrounding Development: With exclusion of C-3 and M-1A uses, the proposed PUD zoning is compatible with the Commercial future land use designation.

Intergovernmental Notice Process: Intergovernmental notice to cities is not required since none are affected.

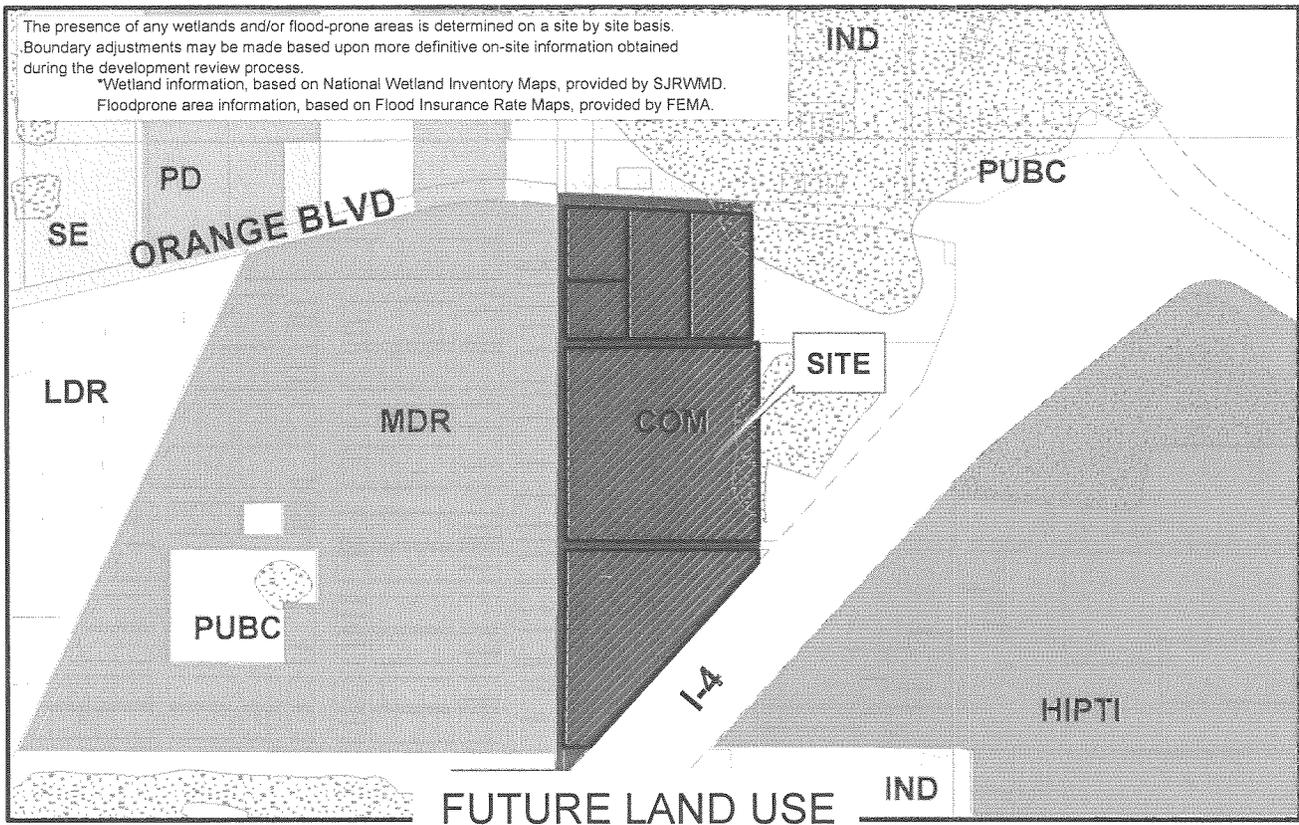
STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone approximately 22.3 acres, located on the south side of Orange Blvd., 800' west of I-4, from A-1 (Agriculture) to PUD (Planned Unit Development District) based on staff findings and subject to the following conditions in the attached Development Order.

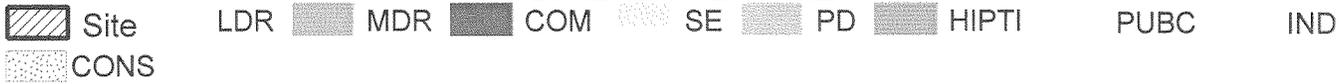
- a. Permitted uses shall be in accordance with the provisions of the C-2 districts, including special exception uses, with the following additional uses:
 - mechanical garage
 - lumber yard
 - construction company with no outdoor storage
 - highway striping company
 - paint and body shop
 - office showroom with no assembly or manufacturing
 - service stations with gas pumps as an accessory use
- b. The following uses shall be prohibited:
 - communications towers
 - outdoor advertising signs
 - automobile sales
- c. Any residential development on the property shall be subject to R-3A development standards to a maximum of 10 units per net buildable acre.
- d. Nonresidential building height shall be limited to 35 feet. Setbacks from the west property line shall be as follows:
 - 50 feet for 1-story buildings
 - 100 feet for 2-story buildings
 - 120 feet for 3-story buildings
- e. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).
- f. Retention ponds shall be designed such that they are not required to be fenced.

- g. The developer shall provide a pedestrian connection from all buildings to public sidewalks along Orange Blvd.
- h. Dumpsters shall be screened so they are not visible from Orange Blvd. or nearby single family properties.
- i. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- j. No parking of mobile cat-scan trucks or semi-tractor trailers shall be permitted on the site.
- k. All parking spaces shall be a minimum of 10' x 20' as required by the Land Development Code.
- l. Outdoor lighting adjacent to the west property line will be limited to decorative lighting affixed to the fronts of buildings. Security lighting with motion sensors shall be permitted on any part of the site.
- m. Uses not permitted under the C-2 classification, or additional permitted uses listed in condition (a) herein, shall require a Small Scale Land Use Amendment and shall be located adjacent to I-4 or at least 250' from any residential dwelling unit.

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.

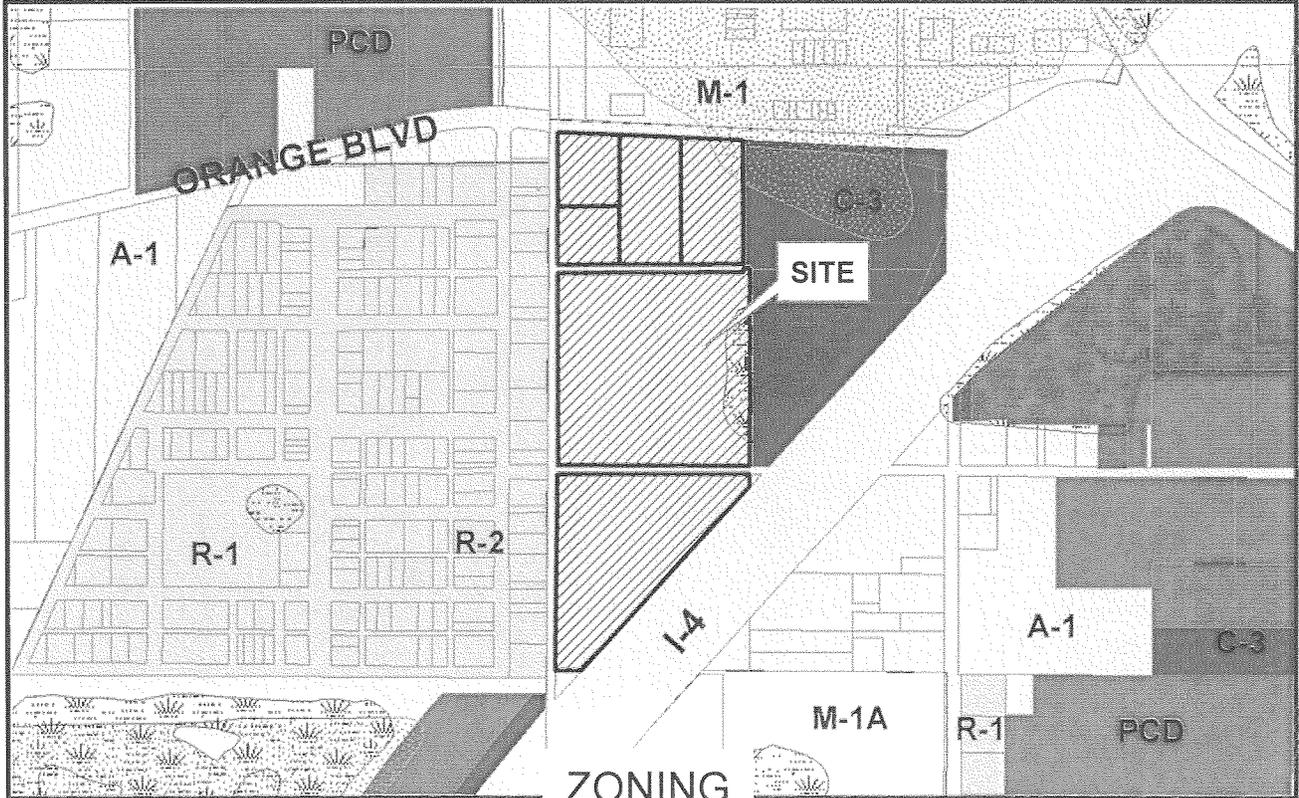


FUTURE LAND USE

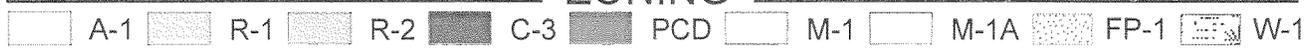


Applicant: Michael J. Good
 Physical STR: 21-19-30-503-0000-0060, 40, 80, 90 and 5ac-0000-0290, 0280
 Gross Acres: 20.49 +/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-040	A-1	PUD



ZONING





ORANGE BLVD

z2005-040
SITE

INTERSTATE 4

Rezone No: Z2005-040
From: A-1 To: PUD

-  Parcel
-  Subject Property



January 2004 Color Aerials

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On October 25, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: SHIRLEY T. ALEXANDER

Project Name: ORANGE BOULEVARD PROPERTY PUD

Requested Development Approval: Rezone from A-1 to PUD

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

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

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. Permitted uses shall be in accordance with the provisions of the C-1 and C-2 districts, including special exception uses, with the following additional uses:
 - mechanical garage
 - lumber yard
 - construction company with no outdoor storage
 - highway striping company
 - paint and body shop
 - office showroom with no assembly or manufacturing
 - service stations with gas pumps as an accessory use
- b. The following uses shall be prohibited:
 - communications towers
 - outdoor advertising signs
 - automobile sales
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- k. All parking spaces shall be a minimum of 10' x 20' as required by the Land Development Code.
- l. Outdoor lighting adjacent to the west property line will be limited to decorative lighting affixed to the fronts of buildings. Security lighting with motion sensors shall be permitted on any part of the site.
- m. Uses not permitted under the C-2 classification, or additional permitted uses listed in condition (a) herein, shall require a Small Scale Land Use Amendment and shall be located adjacent to I-4 or at least 250' from any residential dwelling unit.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Carlton D. Henley
Chairman
Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, SHIRLEY T. ALEXANDER, on behalf of herself and her successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Shirley T. Alexander

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

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

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

Project Legal Description:

21-19-30-503-0000-0060

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

21-19-30-503-0000-0040

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

21-19-30-503-0000-0080

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

21-19-30-503-0000-0090

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

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

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

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

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

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

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "Orange Boulevard PUD Staff Report."

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

Section 2. REZONING.

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

Legal Description Attached as Exhibit A

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

Section 4. EFFECTIVE DATE.

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of recording of Development Order #5-20500008 in the official land records of Seminole County.

ENACTED this 25th day of October, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

FILE # Z2005-040

EXHIBIT "A"

LEGAL DESCRIPTION:

21-19-30-503-0000-0060

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

21-19-30-503-0000-0040

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

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