

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) and Small Scale Land Use Amendment from Commercial to Industrial (Michael J. Good / KBC Development, applicant)

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

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

Agenda Date <u>10/05/05</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 for rezoning from A-1 (Agriculture) to PUD (Planned Unit Development District) on approximately 22.3 acres, and Small Scale Land Use Amendment from Commercial to Industrial on approximately 9.9 acres, based on staff findings; located on the south side of Orange Blvd., 800' west of I-4, (Michael J. Good, applicant); or
2. Recommend DENIAL of the request for rezoning from A-1 (Agriculture) to PUD (Planned Unit Development District) on approximately 22.3 acres, and Small Scale Land Use Amendment from Commercial to Industrial on approximately 9.9 acres; located on the south side of Orange Blvd., 800' west of I-4, (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. The entire subject property is now designated Commercial under the Vision 2020 Plan. This designation supports the C-1 and C-2 uses indicated on the Preliminary Master Plan. However, the plan also proposes C-3 and M-1A (heavy commercial and light industrial) uses. These uses would be limited to the central 9.95-acre portion of the site, which the applicant is requesting a small scale land use amendment to Industrial.

Reviewed by: <u>[Signature]</u>
Co Atty: _____
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) and APPROVAL of the requested Small Scale Land Use Amendment on 9.95 acres, based on staff findings and subject to the following conditions in the attached Development Order.

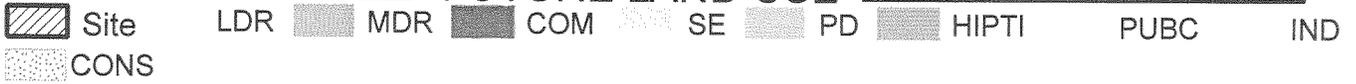
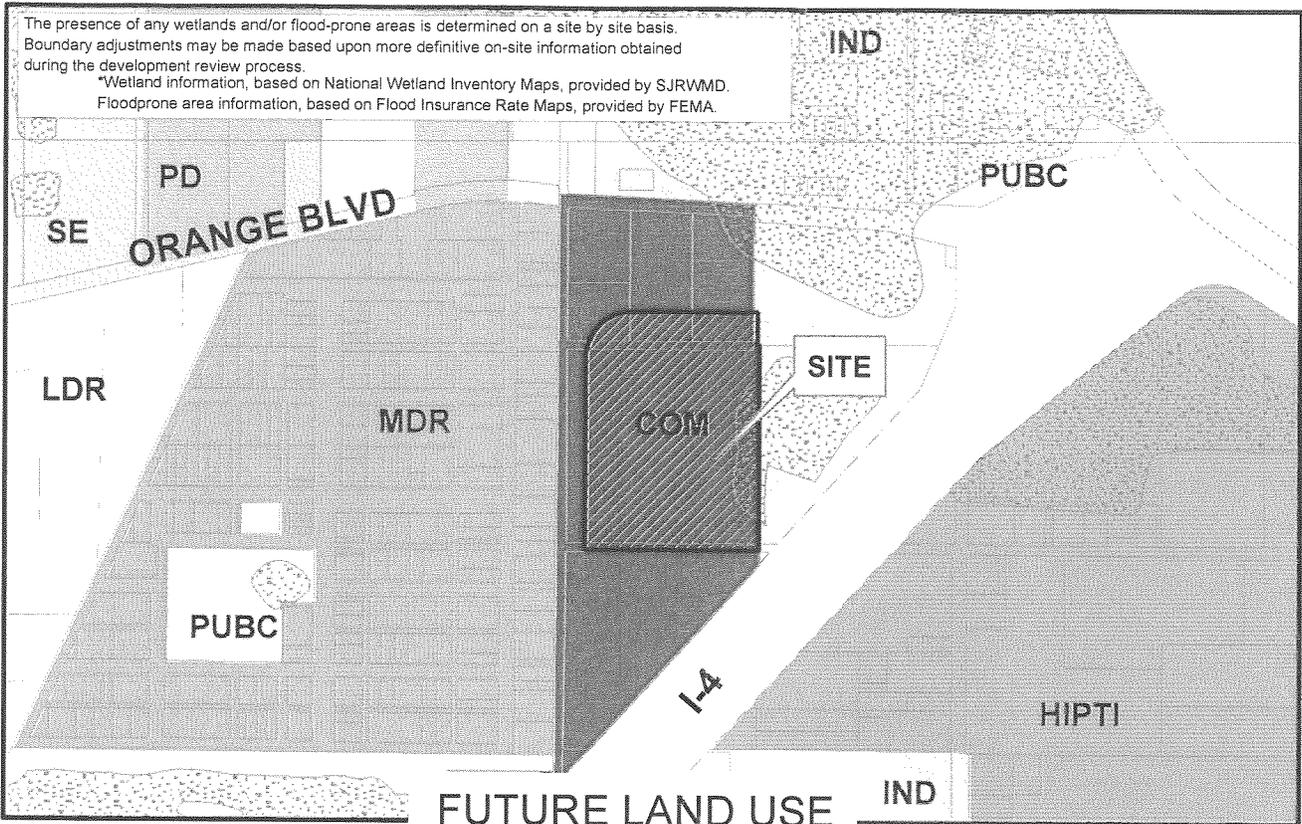
- a. Permitted uses throughout the development shall be in accordance with the provisions of the C-1 and C-2 districts, including special exception uses, with the following additional uses:
 - mechanical garage
 - lumber yard
 - construction company with no outdoor storage
 - highway striping company
 - paint and body shop
 - office showroom with no assembly or manufacturing
 - service stations with gas pumps as an accessory use
- b. Permitted uses within the Industrial area of the development shall be in accordance with the provisions of the M-1A district, including special exception uses.
- c. The following uses shall be prohibited within the development:
 - communications towers
 - outdoor advertising signs
 - adult entertainment establishments
 - alcoholic beverage establishments
 - drive-in theatres
 - multifamily housing
- d. All development shall be subject to a maximum floor area ratio (FAR) of 0.35.
- e. Outdoor storage of parts, supplies, or materials shall be limited to the area of the site designated Industrial on the Vision 2020 Plan, as amended by this request. Outdoor storage areas shall be screened from view from any road or adjoining parcel inside or outside of the development. Screening shall consist of walls, fences, and/or landscaping, and shall be opaque to a height of at least 8 feet. Such areas shall be located a minimum of 150 feet from the west boundary of the subject property.
- f. The area between the internal access road and the west site boundary shall have a 25-foot buffer containing 4 canopy trees per 100 feet and a 6-foot brick or masonry wall.
- g. 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
- h. 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).
- i. Retention ponds shall be designed such that they are not required to be fenced.

- j. The developer shall provide a pedestrian connection from all buildings to public sidewalks along Orange Blvd.
- k. Dumpsters shall be screened so they are not visible from Orange Blvd. or nearby single family properties.
- l. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- m. No parking of mobile cat-scan trucks or semi-tractor trailers shall be permitted on the site.
- n. All parking spaces shall be a minimum of 10' x 20' as required by the Land Development Code.
- o. 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.

ATTACHMENTS:

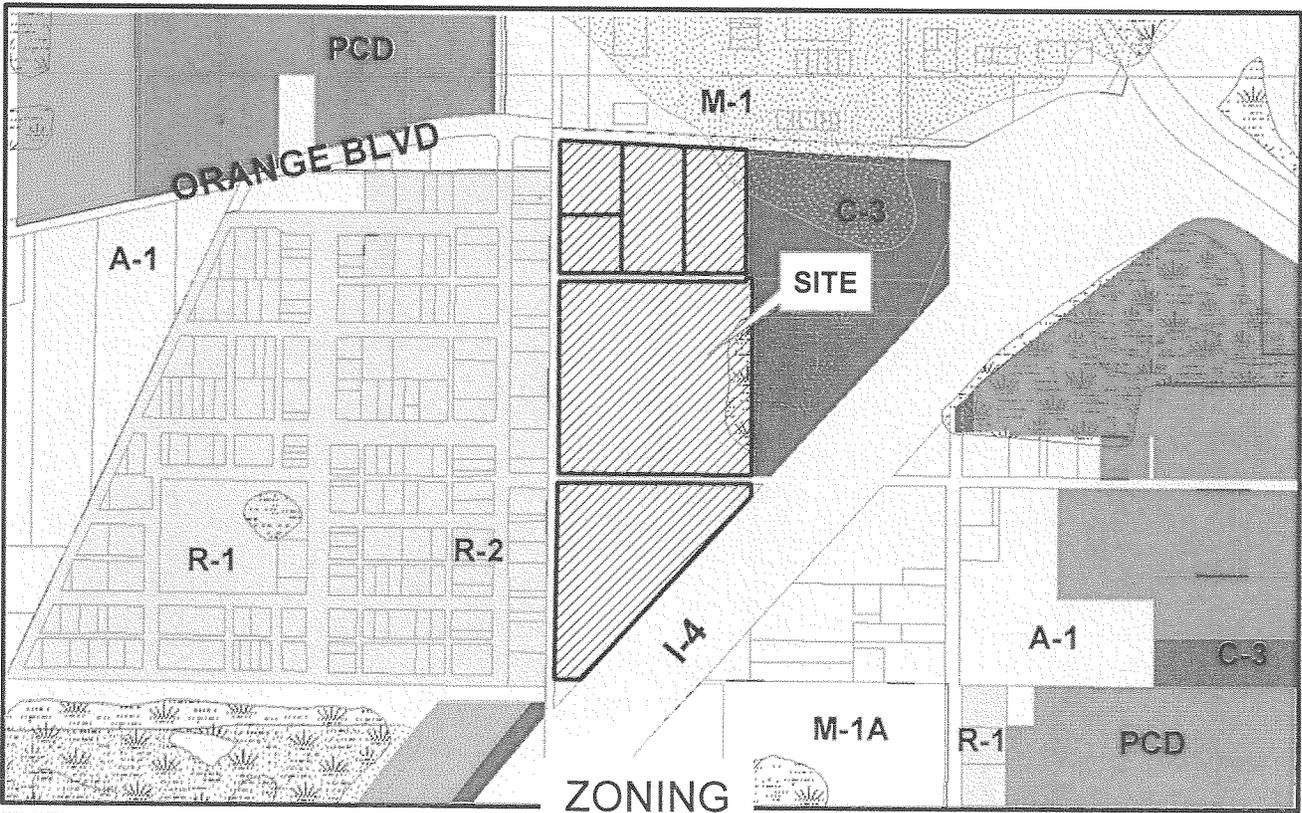
Staff report
Location Map
Future Land Use/Zoning Maps
Aerial Photograph
Site Plan
Development Order
Rezone Ordinance
SSLUA Ordinance

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.



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	10-05SS.01	COM	IND
Zoning	Z2005-040	A-1	PUD





Amendment No: 10-05SS.01
From: COM To: IND
Rezone No: Z2005-040
From: A-1 To: PUD

 Parcel

 Subject Property

 Area of Land Use Change



January 2004 Color Aerials



MADDEN
engineering, inc.
CIVIL ENGINEERS
431 E. Horatio Avenue
Suite 260
Maitland, Florida 32751
(407) 625-8330

PRELIMINARY MASTER PLAN
FOR
ORANGE BLVD. PROPERTY
SEMINOLE COUNTY
FLORIDA

CLIENT
BRIAR CORPORATION
P. O. BOX 470264
LAKE MURRIE, FL 32747

ENGINEER IN CHARGE:
CHADWYCK H. MOORHEAD, P.E. #61781
CERTIFICATE OF AUTHORIZATION NO. SB-00007723

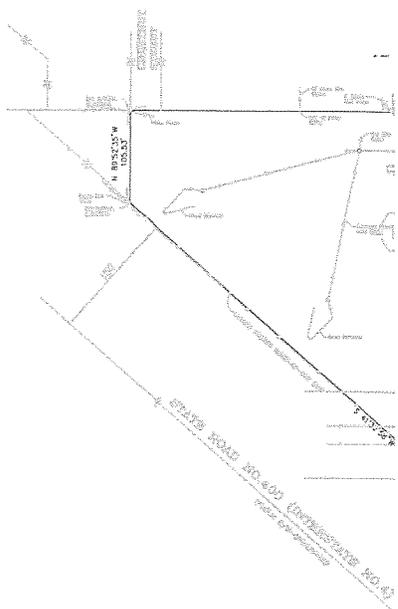
REVISIONS	DATE	REVISIONS
1		
2		
3		
4		
5		
6		
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9		
10		
11		

JOB # 25116
DATE 6/21/05
SCALE: 1" = 100'
DESIGNED BY:
DRAWN BY:
APPROVED BY: CMM

C-1

SITE DATA:

- EXISTING ZONING: A-1
- PROPOSED ZONING-PUD
- EXISTING LAND USE-COMMERCIAL
- PROPOSED LAND USE-COMMERCIAL AND INDUSTRIAL (SEE HATCHED AREA)
- EXISTING SITE CONTAINS 22.30± ACRES
- PROPOSED DEVELOPMENT: COMMERCIAL/INDUSTRIAL-SEE DEVELOPMENT ORDER.
- MAXIMUM BLDG HEIGHT = 35 FT.
- BUILDING SETBACKS:**
FRONT: 25 (UNLESS BUFFER IS LARGER)
REAR: 10
SIDE: 0
- FEWA: PORTION OF THE NORTH EAST CORNER FALLS WITHIN ZONE X (500 YR.) THE REST OF THE SITE FALLS OUTSIDE THE 500 YR.
- PROPOSED RIGHT-OF-WAY = 50 FT. (PUBLIC)
- PROPOSED ON-SITE PAVEMENT = 24 FT.
- A PROPERTY OWNERS ASSOCIATION WILL BE ESTABLISHED TO MAINTAIN ALL COMMON AREAS.
- ADEQUATE FIRE PROTECTION WILL BE PROVIDED PER SEMINOLE COUNTY CODE.
- MAXIMUM SQUARE FOOTAGE TO ADHERE TO SEMINOLE COUNTY LDC.
- PROPERTY COULD BE SUBDIVIDED AT A LATER DATE DEPENDING ON THE EVENTUAL END USERS.
- SEE ATTACHED ENVIRONMENTAL REPORT FOR WETLANDS DATA. ANY POTENTIAL WETLAND IMPACTS TO BE ADDRESSED AT FINAL ENGINEERING.

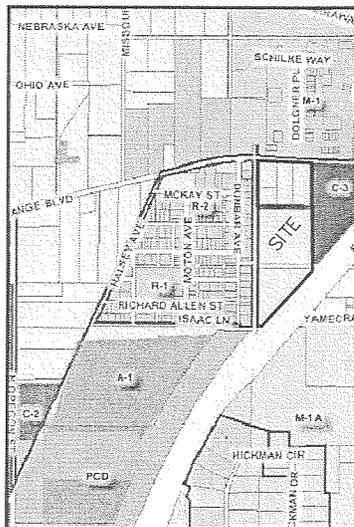


PERMITTED USE DATA

- C-1 (Entire Property)**
- (a) Any use permitted in the CS District.
 - (b) Amusement and commercial recreation within an enclosed building.
 - (c) Appliance stores.
 - (d) Bakeries, where all goods are sold on premises at retail.
 - (e) Banks.
 - (f) Churches.
 - (g) Day nurseries, kindergartens.
 - (h) Employment agencies.
 - (i) Funeral homes.
 - (j) Furniture stores.
 - (k) Hardware stores.
 - (l) Laundrettes and laundromats.
 - (m) Pet stores.
 - (n) Plant nurseries.
 - (o) Private clubs and lodges.
 - (p) Quick print shops.
 - (q) Radio and television broadcasting studios, excluding towers.
 - (r) Radio and television sales and service.
 - (s) Restaurants, but not drive-in.
 - (t) Theatres, but not drive-in.
 - (u) Multifamily housing - such as condominiums, apartments and townhouses of medium to high density. Density and design criteria must conform to the standards for properties assigned the R-3 zoning classification.
 - (v) Above-store or above-office flats.
 - (w) Dry cleaners utilizing a Perman R308 dry cleaning machine or machine, found to be similar in nature by the Planning Manager, which provide dry cleaning services to only those customers bringing clothing and other materials to the site for service; provided, however, that this provision shall not apply to dry cleaning businesses with pick-up service or satellite facilities or to a dry cleaning plant.
 - (x) Veterinary clinics with no overnight boarding except for animals being treated on the premises at the time of their boarding.
 - (y) Communication towers when camouflage in design.
- C-2 (Entire Property)**
- (a) Any use permitted in the C-1 District.
 - (b) Amusement and recreational facilities.
 - (c) Building and plumbing supplies.
 - (d) Car wash.
 - (e) Furniture warehouse with retail sales.
 - (f) Hotels and motels.
 - (g) Marine sales and service.
 - (h) Mobile home and recreational vehicle sales. (service/repair/interior build-out)
 - (i) Outdoor advertising signs.
 - (j) Parking garages.
 - (k) Printing and book binding shops.
 - (l) Automobile sales with no repair facilities.
 - (m) Veterinary hospitals and kennels.
 - (n) Multifamily housing - such as condominiums, apartments and townhouses of medium to high density. Density and design criteria must conform to the standards for properties assigned the R-3 zoning classification.
 - (o) Above-store or above-office flats.
 - (p) Communication towers when camouflage in design.
 - (q) Bed and Breakfast establishments.
- C-3 (Small Scale Industrial Use Only)**
- (a) Any use permitted in the C-2 District excluding public or private elementary schools, middle schools, and high schools.
 - (b) Bakeries.
 - (c) Bottling and distribution plants.
 - (d) Cold storage and frozen foodlockers.
 - (e) Contractors' equipment-storage yards.
 - (f) Feed stores.
 - (g) Greenhouses - wholesale.
 - (h) Industrial trade schools.
 - (i) Laundry and dry-cleaning plants.
 - (j) Lithography and publishing plants.
 - (k) Lumber yards.
 - (l) Machinery sales and storage.
 - (m) Mechanical garages, bus, cab and truck repair, and storage.
 - (n) Paint and body shops.
 - (o) Plumbing shops.
 - (p) Trade shops, such as, upholstery, metal, cabinet.
 - (q) Warehouses.
 - (r) Wholesale meat and produce distribution with meat cutting, but not butchering.
 - (s) Communication towers when camouflage in design.
 - (t) Communication towers when monopole in design if the tower is under one hundred forty (140) feet in height.
 - (u) Office showroom.

SOILS LEGEND

- SOILS LINE
- 13 EAUGALLIE AND IMOKALEE FINE SANDS
 - 20 MYAKKA AND EAUGALLIE FINE SANDS
 - 21 HITTAW WUCKY FINE SAND, DEPRESSIONAL
 - 25 PINEDA FINE SAND



ZONING MAP
N.T.S.

**ORANGE BOULEVARD PROPERTY REZONE
SSLUA From Commercial to Industrial
Rezone from A-1 to PUD**

APPLICANT	Michael J. Good / KBC Development Inc.	
PROPERTY OWNER	Shirley T. Alexander	
REQUEST	Rezone A-1 (Agriculture) to PUD (Planned Unit Development)	
PROPERTY SIZE	22.3 acres (rezone)	9.95 acres (SSLUA)
HEARING DATE (S)	P&Z: October 5, 2005	BCC: November 15, 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	

PROPOSED DEVELOPMENT:

The applicant is proposing a commercial development containing retail, heavy commercial and industrial uses.

ANALYSIS OVERVIEW:

ZONING REQUEST

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. The entire subject property is now designated Commercial under the Vision 2020 Plan. This designation supports the C-1 and C-2 uses indicated on the Preliminary Master Plan. However, the plan also proposes C-3 and M-1A (heavy commercial and light industrial) uses. These uses would be limited to the central 9.95-acre portion of the site, which the applicant is requesting a small scale land use amendment to Industrial.

The subject property of the proposed Small Scale Land Use Amendment is located in the central portion of the site, approximately 400 feet south of Orange Blvd. It also would be 75 feet from the west boundary of the site, separated from that boundary by an internal access road. Due to the presence of a residential area to the west of the subject property, the full range of uses associated with the Industrial future land use designation may not be appropriate without additional development conditions to ensure

compatibility. Conditions recommended by staff include opaque screening of outdoor storage areas and an active buffer between the proposed internal road and the west property line (see Development Order).

Outside the area requested for Industrial future land use designation, a limited list of heavier commercial uses may be appropriate. Staff supports several additional uses proposed by the applicant which are 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 will be compatible with surrounding development.

Site design issues will be addressed through the Final Master Plan approval process, 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.

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PUD)
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	30 feet	0 feet
Rear Yard Setback	10 feet	10 feet
Special Setbacks from Residential	N/A	50' for 1-story buildings 100' for 2-story buildings 120' fro 3-story buildings
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
A-1 (existing)	Citrus or other fruit crop cultivation, truck farms, plant nurseries & greenhouses (not retail), poultry & livestock production, grazing of pasture animals, home occupations & home offices, roadside fruit stands (when grown onsite), government owned buildings (except utilities), public & private elementary schools,	Cemeteries & mausoleums, kennels, hospitals, public & private schools (nursery through college), temporary asphalt plants, etc	1 acre
PUD (proposed)	C-1, C-2, C-3 and M-1A uses	Selected Special Exception uses under C-1, C-2, C-3, and M-1A are listed on PUD plan as permitted uses.	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)

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

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on the Sanford Quadrangle Map (FEMA), a small area of the northeast portion of the property (approximately 0.5 acres) is located in "Zone A", which is identified as an area located within the 100-year floodplain. Compliance with the Land Development Code regarding floodprone areas is required prior to the issuance of any building permits.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, the site contains no significant wetlands.

Endangered and Threatened Wildlife:

At this time there are no concerns relating to endangered and threatened wildlife. A listed species survey must be submitted prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3)(c)1-2, Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency review at this time and therefore, has submitted an Affidavit of Concurrency Review Deferral. The applicant is required to undergo Concurrency review prior to subdivision approval.

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

Public Facility	Existing Zoning (A-1)	Proposed Development*	Net Impact
Water (GPD)	7700	34,000	26,300
Sewer (GPD)	6600	34,000	26,300
Traffic (ADT)	220	2,369	2,149
Schools			
Elementary	5	0	-5
Middle	3	0	-3
High	4	0	-4

* Estimates based on maximum development potential of commercial or industrial use at 0.35 FAR.

Utilities:

The site is located in Seminole County's Northwest service area, and will be required to connect to public utilities. There is currently a 10-inch sewer force main and 8-inch water main located along Orange Boulevard. Both utility lines are readily accessible from of the subject site. Water capacity for new development is limited in the Northwest Service Area. Capacity availability for this project will be determined during the Concurrency process, and approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property accesses Orange Boulevard, which is classified as a two lane undivided collector road. Orange Boulevard is currently operating at a level of service "A", while

approval of the request could potentially result in a level of service "B". Staff determined that a left turn lane is required on Orange Boulevard at the project entrance.

School Impacts:

As a commercial/industrial development, the proposed project will not generate additional demand for classroom space in the Seminole County School District.

Public Safety:

The nearest response unit to the subject property is Station # 34, which is located at 4905 W. SR 46. The Seminole County Public Safety Department has determined that the response time to the subject property is less than 5 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

The drainage system along this section of Orange Boulevard is deficient. The site will be required to hold the entire 25-year, 24-year storm event onsite unless the down stream system is shown to or modified to accommodate the sites drainage outfall.

Parks, Recreation and Open Space:

Per the Land Development Code, the applicant will be required to provide 25 percent open space throughout the development. This will be evaluated at Final Master Plan review.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy FLU 2.5: Transitional Land Uses
Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
Policy CON 1.8: Conservation Overlay District
Policy POT 4.5 Potable Water Connection
Policy SAN 4.4: Sanitary Sewer Connection
Policy PUB 2.1 Public Safety Level-of-Service
Definition of Commercial Future Land Use Designation
Definition of Industrial Future Land Use Designation

INTERGOVERNMENTAL NOTIFICATION:

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) and APPROVAL of the requested Small Scale Land Use Amendment on 9.95 acres, based on staff findings and subject to the following conditions in the attached Development Order.

- a. Permitted uses throughout the development shall be in accordance with the provisions of the C-1 and C-2 districts, including special exception uses, with the following additional uses:
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- b. Permitted uses within the Industrial area of the development shall be in accordance with the provisions of the M-1A district, including special exception uses.
- c. The following uses shall be prohibited within the development:
 - communications towers
 - outdoor advertising signs
 - adult entertainment establishments
 - alcoholic beverage establishments
 - drive-in theatres
 - multifamily housing
- d. All development shall be subject to a maximum floor area ratio (FAR) of 0.35.
- e. Outdoor storage of parts, supplies, or materials shall be limited to the area of the site designated Industrial on the Vision 2020 Plan, as amended by this request. Outdoor storage areas shall be screened from view from any road or adjoining parcel inside or outside of the development. Screening shall consist of walls, fences, and/or landscaping, and shall be opaque to a height of at least 8 feet. Such areas shall be located a minimum of 150 feet from the west boundary of the subject property.
- f. The area between the internal access road and the west site boundary shall have a 25-foot buffer containing 4 canopy trees per 100 feet and a 6-foot brick or masonry wall.
- g. 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

- h. 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).
- i. Retention ponds shall be designed such that they are not required to be fenced.
- j. The developer shall provide a pedestrian connection from all buildings to public sidewalks along Orange Blvd.
- k. Dumpsters shall be screened so they are not visible from Orange Blvd. or nearby single family properties.
- l. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- m. No parking of mobile cat-scan trucks or semi-tractor trailers shall be permitted on the site.
- n. All parking spaces shall be a minimum of 10' x 20' as required by the Land Development Code.
- o. 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.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On November 15, 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 throughout the development 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. Permitted uses within the Industrial area of the development, described in Exhibit B, shall be in accordance with the provisions of the M-1A district, including special exception uses.
- c. The following uses shall be prohibited within the development:
 - communications towers
 - outdoor advertising signs
 - adult entertainment establishments
 - alcoholic beverage establishments
 - drive-in theatres
 - multifamily housing
- d. All development shall be subject to a maximum floor area ratio (FAR) of 0.35.
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- g. Building height shall be limited to 35 feet. Setbacks from the west property line shall be as follows:

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- n. All parking spaces shall be a minimum of 10' x 20' as required by the Land Development Code.
- o. 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.

(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

EXHIBIT B

LAND USE AMENDMENT LEGAL DESCRIPTION

DESCRIPTION:

A PORTION OF BELL'S SUBDIVISION, PLAT BOOK 6, PAGE 47, AND A PORTION OF LOTS 28 AND 29, ST. JOSEPH'S, PLAT BOOK 1, PAGE 114, ALL OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 28, ST. JOSEPH'S, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 114, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, THENCE RUN S.00°00'45"W. ALONG THE EAST LINE OF LOTS 28 AND 29 OF SAID PLAT, 667.62 FEET; THENCE RUN N.89°54'12"W. 567.32 FEET; THENCE RUN N.00°05'48"E. 620.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 155.00 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE 243.47 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO THE POINT OF TANGENCY; THENCE RUN S.89°44'58"E. 404.22 FEET; THENCE RUN S.00°15'02"W. 107.08 FEET; THENCE RUN S.89°53'55"E., 6.99 FEET TO THE POINT OF BEGINNING.

CONTAINING THEREIN 9.953 ACRES MORE OR LESS.

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 Rezone and SSLUA 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 15th day of November, 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

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 SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM COMMERCIAL TO INDUSTRIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on October 5, 2005, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on November 15, 2005, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Orange Boulevard PUD Rezone and SSLUA Staff Report".

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners 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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

See Exhibit A

<u>Amendment Number</u> 10-05SS.01	<u>Amendment</u> Amendment from Commercial to Industrial
---------------------------------------	---

(b) The associated rezoning request was completed by means of Ordinance Number 2005-____.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate

document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

- (b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

- (a) 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 and 163.3187, Florida Statutes.

- (b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 15th day of November,
2005.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley,
Chairman

EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

A PORTION OF BELL'S SUBDIVISION, PLAT BOOK 6, PAGE 47, AND A PORTION OF LOTS 28 AND 29, ST. JOSEPH'S, PLAT BOOK 1, PAGE 114, ALL OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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