

This item was continued from the June 4, 2008 meeting

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

SUBJECT: Moores Station Road Rezone from A-1 to PCD

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

AUTHORIZED BY: Alison Stettner **CONTACT:** Ian Sikonia EXT. 7398

Agenda Date <u>7/9/2008</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:

- RECOMMEND APPROVAL** of the request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) on 3.05± acres, located on the north side of the intersection of E. Lake Mary Boulevard and Moores Station Road, and recommend approval of the attached Preliminary Site Plan, subject to the conditions in the attached Development Order, per staff findings; (Hugh Harling, applicant); or
- RECOMMEND DENIAL** of the request for a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 3.05± acres, located on the north side of the intersection of E. Lake Mary Boulevard and Moores Station Road; (Hugh Harling, applicant); or
- CONTINUE** until a time and date certain.

District #5 – Carey

Ian Sikonia, Senior Planner

BACKGROUND:

The applicant, Hugh Harling is requesting a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) in order to develop a office/commercial business park consisting of four buildings. The Future Land Use designation on the subject property is High Intensity Planned Development - Airport, which allows the requested zoning district.

The proposed Preliminary Site Plan indicates that the project will contain a total of 16,500 building square feet which include allowable uses in the C-3 and C-2 zoning districts. The site also is utilizing

Reviewed by:
Co Atty: <u>KFT</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2007-79</u>

buffering and signage standards of the Lake Mary Boulevard Overlay District. The applicant is proposing a right in/right out access point along the frontage of E. Lake Mary Boulevard and an access point on Moores Station Road. The applicant has designed this site to accommodate not only automobile traffic but also pedestrian and non-motorized access. All the standards applied to this site are included in the attached Approval Development Order.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) on 3.05± acres, located on the north side of the intersection of E. Lake Mary Boulevard and Moores Station Road, and recommends approval of the attached Preliminary Site Plan, subject to the conditions in the attached Development Order.

Attachments:

Location Map
Zoning and Future Land Use Map
Aerial Map
Preliminary Site Plan
Development Order
Rezone Ordinance
Denial Development Order (applicable if the request is denied)

Moores Station Road Rezone Rezone from A-1 to PCD	
APPLICANT	Hugh Harling
PROPERTY OWNER	Ann Takvorian
REQUEST	Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development).
PROPERTY SIZE	3.05± acres
HEARING DATE (S)	P&Z: June 4, 2008 – July 9, 2008 BCC: August 26, 2008 (Tentative)
PARCEL ID	03-20-31-300-012A-0000, 03-20-31-300-012B-0000
LOCATION	Located on the north side of the intersection of E. Lake Mary Boulevard and Moores Station Road.
FUTURE LAND USE	High Intensity Planned Development - Airport (HIP-AP)
ZONING	A-1 (Agriculture)
FILE NUMBER	Z2007-79
COMMISSION DISTRICT	#5 – Carey

PROPOSED DEVELOPMENT:

The applicant is proposing a 16,500 square foot office/commercial business park.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Hugh Harling is requesting a rezone in order to develop a 16,500 square foot office/commercial business park. The Future Land Use designation of the subject property is High Intensity Planned Development - Airport (HIP-AP), which allows for the requested PCD zoning district. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of PCD (Planned Commercial Development):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PCD)
Minimum Lot Size	43,560 sq. ft.	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	N/A
Front Yard Setback	50 feet	25 feet
Side Yard Setback	10 feet	0 feet
(Street) Side Yard Setback	50 feet	25 feet
Rear Yard Setback	30 feet	10 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

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

Zoning District	Permitted Uses	Special Exception
<p style="text-align: center;">A-1 (existing)</p>	<p>Citrus or other fruit crops cultivation, production, and horticulture, Truck farms, Plant nurseries and greenhouses not involved with retail sales to the general public, Poultry and livestock production, excluding commercial swine raising, except as otherwise provided within the district, Grazing and pasturing of animals, Home occupations and home offices, Roadside stands for the sale of fruits, vegetables, and similar products produced on the premises, provided such stand is placed no closer than twenty-five (25) feet to a property line, Government-owned or government-operated building or use, excluding public utility and service structures public, Public and private elementary schools, Fish hatcheries or fish pools, when approved in accordance with all applicable federal, state, and County regulations and laws, Publicly owned and/or controlled parks and recreation areas, Bait production, Stables, barns, sheds, silos, granaries, windmills, and related agricultural structures, Dairies, Apiculture, Silviculture including timber production, Single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, Neighborhood recreation areas, when approved as part of a subdivision plat, Churches and structures appurtenant thereto, Community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents, One (1) boat dock and one (1) associated boathouse per lot.</p>	<p>Cemeteries and mausoleums, Kennels including the commercial raising or breeding of dogs, Hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes when such facilities and homes are approved and licensed by the State of Florida, Public and private nursery schools, kindergartens, middle schools, high schools and colleges, Temporary asphalt plants for purpose of specific public road construction, Sawmills, Public utility and service structures, Fraternal clubs when chartered with the State, Country and golf clubs, fishing clubs, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, as determined by the Planning Manager, Privately owned and operated recreational facilities open to the paying public, such as, athletic fields, stadiums, racetracks, and speedways if the use is located along a major roadway or has immediate accessibility thereto, Golf driving ranges, Riding stables, provided that no structure housing animals is located nearer than one hundred (100) feet from a property line, Airplane landing fields and helicopter ports with accessory facilities for private or public use, Commercial raising of swine (other than for family use), Sewage disposal plants, water plants, and sanitary landfill operations, Off-street parking lots. When approved, said parking lots shall:</p> <p>(A) Be provided with a durable, dust-free surface which is properly drained; and (B) Be adequately buffered from adjacent properties and roadways by a landscape screen, Farmworker housing; either single family or multifamily dwellings, where land use is for bona fide agriculture uses; provided further that such structures house only those persons and their immediate family or households, employed in carrying out such bona fide agricultural use. Mobile homes may be permitted in lieu of tenant dwellings, provided, however, that approval for mobile homes shall be limited to a time period not exceeding two (2) years after review and finding that the land is used for bona fide agricultural uses. "Bona fide agriculture uses," as used in this subsection, shall be determined by reference to the following criteria:</p> <p>(i) Whether the parcel or its adjacent lands are being actually utilized in agricultural pursuits by the same owner; and (ii) Whether the requested tenant dwelling or mobile home serve a purpose directly related to the agricultural laborers or employees and/or other agricultural purposes, A mobile home may be permitted as a Special Exception on a lot or parcel of record subject to the following requirements:</p> <p>(A) Only one (1) single-family mobile home may be permitted. (B) It shall bear the Florida Standards Seal or acceptable equivalent. (C) It shall be subject to all applicable regulations of the zoning classification (i.e., setbacks, land uses.) (D) Where installation of a septic tank is proposed, an acceptable percolation and depth-of-water-table test shall be submitted at the time of application. (E) If the proposed site is known to be flood prone, an acceptable plan shall be submitted at time of application which details steps to prevent hazard to health and property. (F) An approved single-family mobile home shall be firmly anchored in accordance with all applicable codes and shall have skirting installed to screen the underside of the structure, Retail nurseries where the products for sale are grown on site of sale, Organizations involved in either the slaughter of livestock, meat cutting, and/or processing operations, but that do not engage in retail sales, Community residential homes housing more than six (6) permanent unrelated residents (including group homes and foster care facilities), provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area, all as defined in Section 419.001(3)(c), Florida Statutes (2001).</p> <p>(22) Landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, Communication towers, Disposal of tree cuttings or similar organic materials by burning in which materials have been transported to the property, Bed and Breakfast establishments which are not located within a platted subdivision.</p>
<p style="text-align: center;">PCD (proposed)</p>	<p>Any use permitted in the C-1 District, Amusement and recreational facilities, Building and plumbing supplies, Car wash, Furniture warehouse with retail sales, Hotels and motels, Marine sales and service, Mobile home and recreational vehicle sales, Outdoor advertising signs, Parking garages, Printing and book binding shops, Automobile sales with no repair facilities, Veterinary hospitals and kennels, Above-store or above-office flats, Communication towers when camouflage in design, Bed and Breakfast establishments, Any use permitted in the C-2 District excluding public or private elementary schools, middle schools, and high schools, Bakeries, Bottling and distribution plants, Cold storage and frozen foodlockers, Contractors' equipment-storage yards, Feed stores, Greenhouses – wholesale, Industrial trade schools, Lumber yards, Machinery sales and storage, Mechanical garages, bus, cab and truck repair, and storage, Paint and body shops, Plumbing shops, Trade shops, such as, upholstery, metal, cabinet, Warehouses, Wholesale meat and produce distribution with meat cutting, but not butchering, Communication towers when camouflage in design, Communication towers when monopole in design if the tower is under one hundred forty (140) feet in height, Office showroom.</p>	<p>Alcoholic beverage establishments, Contractors establishments with no outside storage, Drive-in restaurants, Drive-in theaters, Living quarters in conjunction with a commercial use, to be occupied by the owner or operator of the business or an employee, Lumber yards, Mechanical garages, Paint and body shops, Public utility structures, Service stations and gas pumps as an accessory use, Hospitals and nursing homes, All communication towers which are not permitted uses, Parking of semi-tractor trailers and cargo trailer boxes in rural areas for the sale of feed, hay, or other agricultural products when such products are offered for retail sale from said trailer and when the trailer is located outside of the urban/rural boundary. Trailers must be mobile and used on an interim basis until exchanged for a like trailer. Living quarters in conjunction with a commercial use to be occupied by the owner or operator of the business or an employee, Public utility structures, Service stations and gas pumps as an accessory use, Hospitals and nursing homes, Public and private schools, Communication towers when lattice or guyed in design, Communication towers when monopole in design if the tower is over one hundred forty (140) feet in height, Parking of semi-tractor trailers and cargo trailer boxes in rural areas for the sale of feed, hay, or other agricultural products when such products are offered for retail sale from said trailer and when the trailer is located outside of the urban/rural boundary. Trailers must be mobile and used on an interim basis until exchanged for a like trailer, Flea markets.</p>

COMPATIBILITY WITH SURROUNDING PROPERTIES

The area of E. Lake Mary Boulevard is in close proximity to the Orlando/Sanford International Airport and has been assigned the Future Land Use Designation of High Intensity Planned Development – Airport (HIP-AP). The HIP-AP Future Land Use Designation has been implemented to encourage and foster growth for airport support uses such as retail, light industrial, and office. Since the construction of E. Lake Mary Boulevard, the relatively large vacant sites along the frontage are an ideal location for these airport support uses. This property was split into two pieces due to the construction of E. Lake Mary Boulevard and has produced two irregular shaped parcels of land. In the recent years this area has been transitioning from agricultural and residential uses to more intense industrial and office uses which are more compatible and consistent with the existing Future Land Use Designation on the property.

This site is surrounded by vacant parcels and single-family homes on 1 acre and larger lots. All the surrounding properties contain the A-1 zoning district and the HIP-AP and Industrial Future Land Use Designations. Due to the size of this property, its proximity to major thoroughfares and the Orlando/Sanford International Airport the proposed development of an office/commercial business park is consistent with the intent of the HIP-AP Future Land Use. The proposed use of this site allows for a mixture of compatible office, retail, and commercial uses allowing for the growth of an employment center in a burgeoning area. Staff finds the requested rezone is compatible with the surrounding uses and existing development patterns of the area.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map, with an effective date of 2007, there appears to be floodplains on the subject property.

Drainage:

The proposed project is located within the Lake Jesup Drainage Basin, and may have limited downstream capacity. The site will have to be designed to show that it does not impact the Lake Mary Road Drainage system in the 25-year, 24-hour storm event and does not exceed the pre-development rate for that storm event. Otherwise the site will have to meet rate and hold the volumetric difference for the 25-year, 24-hour storm event.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there are not endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3)(c); Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has submitted an application for Full Concurrency Review. Concurrency Management has determined that water and sewer facility capacity is available for the proposed property subject to execution of a Utility Agreement and payment of fees. Concurrency Management further determined that sufficient roadway capacity is available based upon Concurrency Management System Net Available Capacity.

Utilities:

The site is located in the City of Sanford's utility service area, and will be required to connect to public utilities.

Transportation / Traffic:

The property proposes access onto East Lake Mary Blvd., which is classified as an arterial road. East Lake Mary Boulevard is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

Multi-Modal Access:

The development will be required to connect a sidewalk from the proposed development to the existing sidewalk along E. Lake Mary Boulevard. The development is also providing bicycle racks as depicted on the preliminary site plan to provide for non motorized access.

Buffers / Landscaping

The following proposed buffers are contained in the attached Development Order:

East: 15'
West: 15'*
North: 15'***
South: 15'

* No buffer width required along the western portion of the parcel west of E. Lake Mary Boulevard.

** No buffer width required along the northern portion of the parcel east of E. Lake Mary Boulevard.

The landscaping that will be contained in the buffer for the eastern parcel consists of the following:

Buffer	Buffer Width	Length	Total Canopy Trees	Total Understory	Total Shrubs	Structure
West	15'	660'	N/A	86	275	N/A
North	N/A	N/A	N/A	N/A	N/A	N/A
South	15'	65'	N/A	3	10	N/A
East	15'	632'	12	23	199	N/A

The landscaping that will be contained in the buffer for the western parcel consists of the following;

Buffer	Buffer Width	Length	Total Canopy Trees	Total Understory	Total Shrubs	Structure
West	N/A	N/A	N/A	N/A	N/A	N/A
South	15'	130'	N/A	6	20	N/A
North	N/A	N/A	N/A	N/A	N/A	N/A
East	15'	340'	N/A	44	141	N/A

Staff feels the proposed buffers and landscaping is sufficient and meets the intent and regulations of the Land Development Code.

APPLICABLE POLICIES:

Fiscal Impact Analysis

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

Special Districts

The subject property is located within any special districts.

Comprehensive Plan (Vision 2020)

The County’s Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

- Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
- Policy POT 4.5: Potable Water Connection
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy SAN 4.4: Sanitary Sewer Connection

INTERGOVERNMENTAL NOTIFICATION:

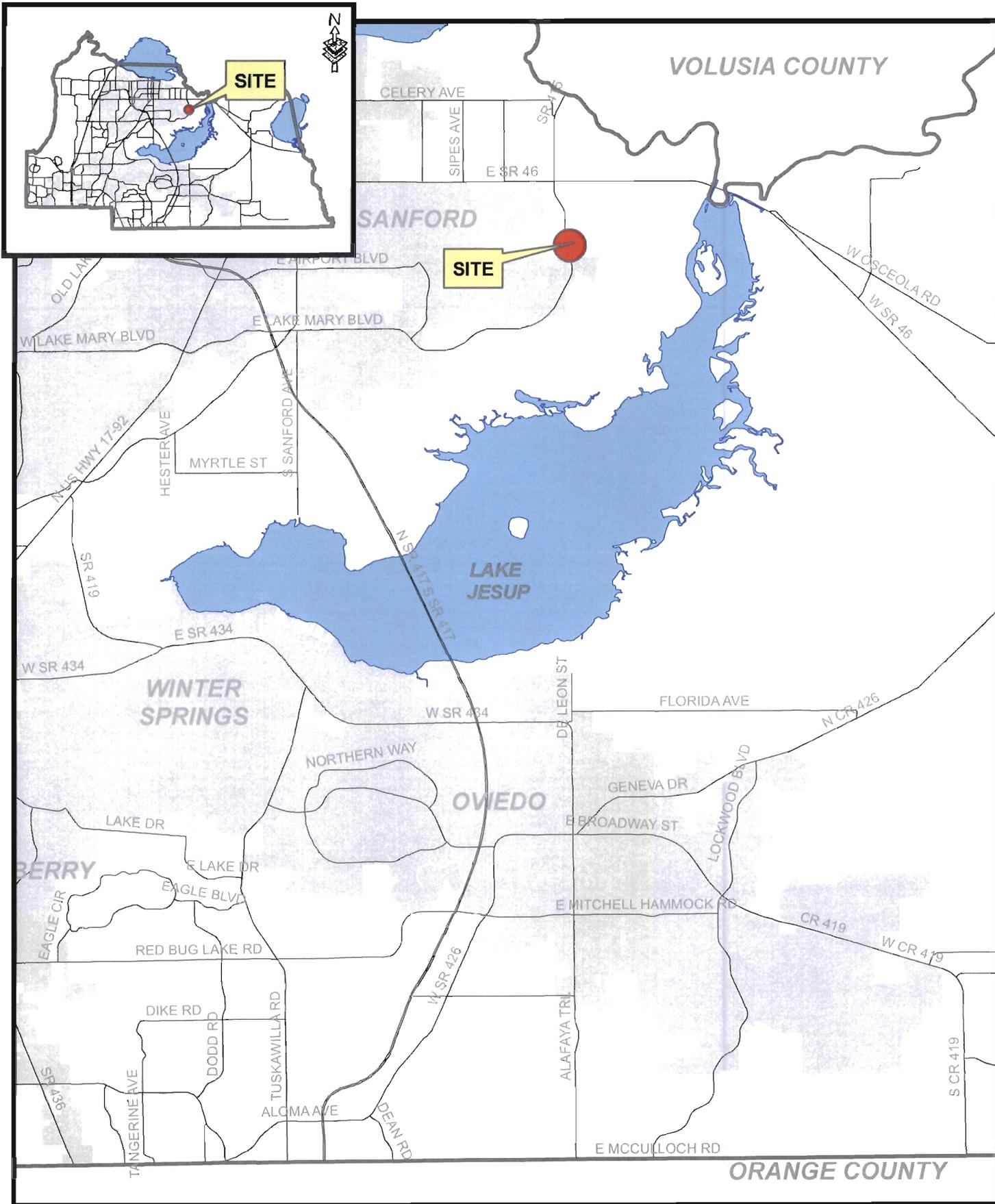
An intergovernmental notice was sent to the City of Sanford on May 7, 2008.

LETTERS OF SUPPORT OR OPPOSITION:

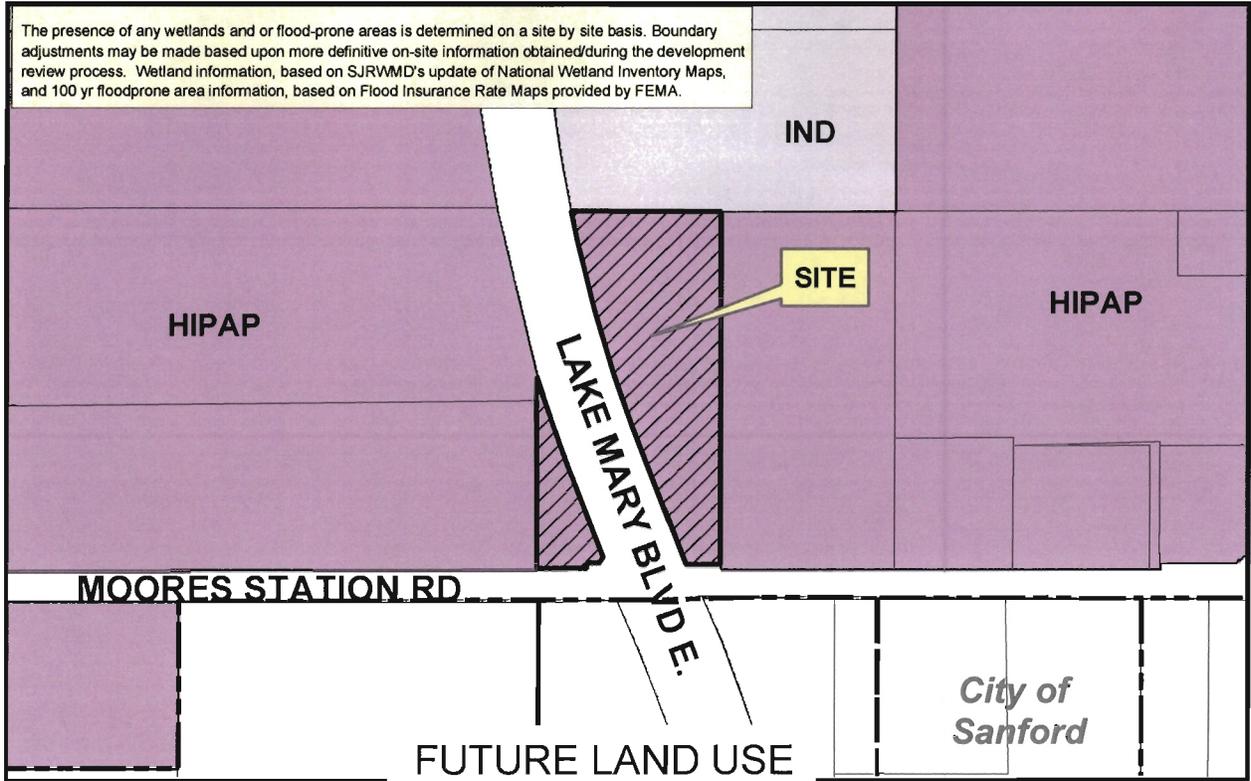
Staff has not received letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) on 3.05± acres, located on the north side of the intersection of E. Lake Mary Boulevard and Moores Station Road, and recommend approval of the attached Preliminary Site Plan, subject to the conditions in the attached Development Order.



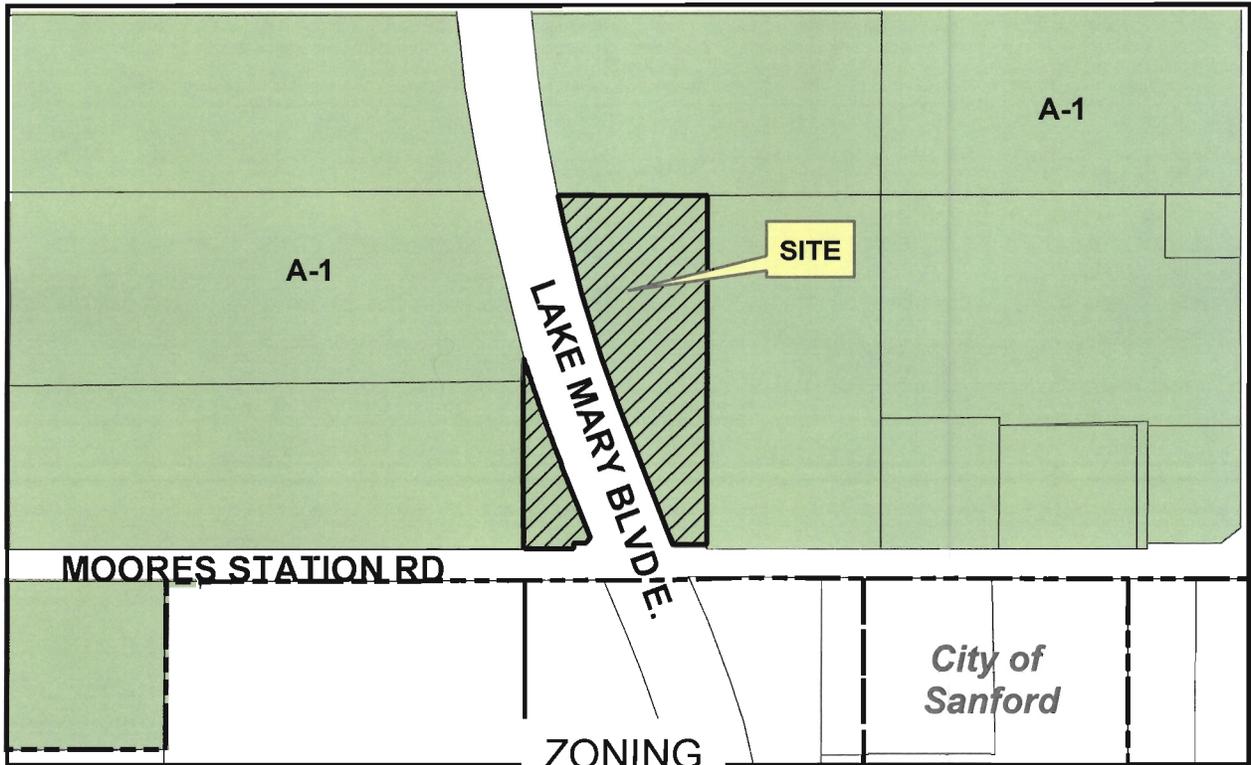
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



HIPAP
 Site
 CONS
 Municipality

Applicant: Hugh Harling
 Physical STR: 03-20-31-300-012B& 012A-0000
 Gross Acres: 3.05 +/- BCC District: 5
 Existing Use: Agriculture
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-079	A-1	PCD



A-1
 FP-1
 W-1



Rezone No: Z2007-79
From: A-1 To: PCD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

PRELIMINARY SITE PLAN

for

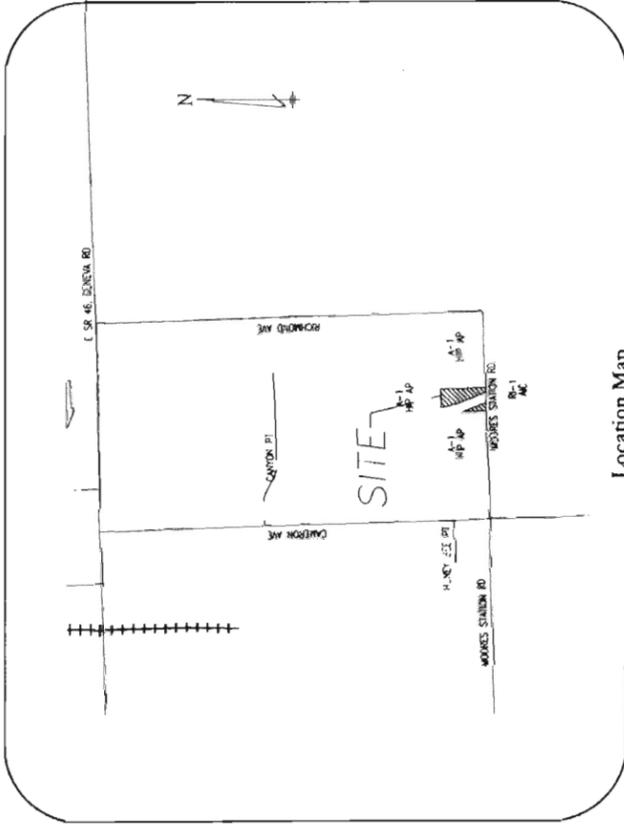
MOORES STATION RD

03-20-31-300-012A-0000

03-20-31-300-012B-0000

Seminole County, Florida

LEGAL DESCRIPTION:



SHEET INDEX

- 1 COVER SHEET
- 2 PRELIMINARY SITE PLAN
- 3 BOUNDARY SURVEY

PREPARED BY:

**HARLING
LOCKLIN
& ASSOCIATES, INC.**

Consulting Engineers Planners
850 Courland Street
Orlando, Florida 32804
Phone: 407-629-1061
Fax: 407-629-2855
E-mail: hharing@harlinglocklin.com
Business No.: 2910

PREPARED FOR:

ANN TAKVORIAN
20 COURT ST.
HACKENSACK, N.J. 07601
201-489-2205

This is to certify that the roadway construction plans and specifications as contained herein were designed to applicable Standards as set forth in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways as prepared by the Florida Department of Transportation. I hereby certify that the design complies with the Florida Department of Transportation, October, 2007.

PRELIMINARY SITE PLAN
MOORFS STATION RD.
SEMINOLE COUNTY
FLORIDA

**HARLING
LOCKLIN
& ASSOCIATES, INC.**
Consulting Engineers Planners
an Equal Opportunity Employer, Florida License
Phone: 407-629-1061
Fax: 407-629-2855
E-mail: hharing@harlinglocklin.com

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 26, 2008, 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: Ann Takvorian
20 Court St.
Hackensack, NJ 07601

Project Name: Moores Station Road Rezone

Requested Development Approval:

Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development).

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:
Ian Sikonia, Senior Planner
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. All development shall comply with the Preliminary Site Plan attached as Exhibit B.
- b. The allowable permitted uses for this site shall be in accordance with the C-2 and C-3 zoning district. Prohibited Uses shall include Multi-Family Housing, Laundry and Dry Cleaning Plants, and Lithography and Publishing plants.
- c. Maximum allowable building height shall be 35 feet.
- d. The maximum allowable building square footage shall be limited to 16,500 square feet.
- e. Building setbacks shall be as follows;
 - Front: 25'
 - Side: 10'
 - Side Street: 25'
 - Rear: 10'
- f. Buffer yards shall be as follows;
 - West: 15'^{*}
 - North: 15'^{**}
 - South: 15'
 - East: 15'

* No buffer width required along the western portion of the parcel west of E. Lake Mary Boulevard.
 ** No buffer width required along the northern portion of the parcel east of E. Lake Mary Boulevard.
- g. The landscaping that will be contained in the buffer for the eastern parcel consists of the following:

Buffer	Buffer Width	Length	Total Canopy Trees	Total Understory	Total Shrubs	Structure
West	15'	660'	N/A	86	275	N/A
North	N/A	N/A	N/A	N/A	N/A	N/A
South	15'	65'	N/A	3	10	N/A
East	15'	632'	12	23	199	N/A

The landscaping that will be contained in the buffer for the western parcel consists of the following:

Buffer	Buffer Width	Length	Total Canopy Trees	Total Understory	Total Shrubs	Structure
West	N/A	N/A	N/A	N/A	N/A	N/A
South	15'	130'	N/A	6	20	N/A
North	N/A	N/A	N/A	N/A	N/A	N/A
East	15'	340'	N/A	44	141	N/A

- h. If outdoor storage is utilized screening requirements per the Land Development Code shall be met.
- i. The applicant shall construct an internal sidewalk system that connects to the existing sidewalk along E. Lake Mary Boulevard.
- j. The retention pond shall be amenitized with a pedestrian walkway and bench.
- k. There shall be two bicycle parking areas located near lot one (1) and lot three (3) as depicted on the Preliminary Site Plan attached as Exhibit B.
- l. There shall be one right in/right out access point on E. Lake Mary Boulevard and as depicted on the Preliminary Site Plan.
- m. There shall be one access point on Moores Station Road as depicted on the Preliminary Site Plan.

(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: _____
Brenda Carey

Chairman, Board of County Commissioners

EXHIBIT A

The West ½ of the NW ¼ of the SE ¼ of the SW ¼, Section 3 Township 20 S. Range 31 E.
Seminole County, Florida

Less:

Parcel No. 213b
Fee Simple

That Portion of the Property Described in Official Record Book 3615, Page 1281 of the Public Records of Seminole County, Florida.

Being more particularly described as follows:

Commencing at the southeast corner of the Southwest quarter of Section 3, Township 20 South, Range 31 East, as shown on the Florida Department of Natural Resources certified corner records document no. 055985: thence run S89°59'04"W along the South line of the Southwest quarter of said Section 3 a distance of 956.49 feet to a point on the centerline of survey of East Lake Mary Boulevard extension according to Seminole County right-of-way map, project number PS-0137 said point being a point on a non-tangent curve concave Southwesterly and having a radius of 1527.89 feet and a chord bearing of N12°04'39"W; thence from a radial bearing of N87°15'00"E, run along the arc of said curve a distance of 497.48 feet through a central angle of 18°39'19" to the point of tangency thereof; thence continuing along said centerline of survey, run N21°24'19"W a distance of 217.04 feet to a point on the north right-of-way line of Moore Station Road for a Point of Beginning; thence run S89°56'17"W along said North right-of-way line a distance of 107.36 feet; thence run N00°03'43"W a distance of 10.00 feet; thence run N89°56'17"E a distance of 22.93 feet; thence run N34°15'59"E, a distance of 12.11 feet; thence run N21°24'19"W a distance of 140.66 feet to a point of curvature of a curve concave Northeasterly and having a radius of 2929.79 feet and a chord bearing of N19°27'46"W; thence run along the arc of said curve a distance of 198.66 feet through a central angle of 03°53'06" to a point on the West line of the Southeast quarter of the Southwest quarter of said Section 3; thence departing said curve from a radial bearing of N72°28'47"E, run N00°03'32"W along said West line a distance of 249.67 feet to a point on said centerline of survey; thence continue N00°03'32"W along said West line distance of 48.07 feet to the Northwest corner of the Southeast quarter of the Southwest quarter of said Section 3; thence run N89°53'30"E along the North line of the Northwest corner of the Southeast quarter of the Southwest quarter of Said Section 3, a distance of 61.12 feet to a point on a non-tangent curve concave Northeasterly and having a radius of 2794.79 feet and a chord bearing of S16°44'05"E; thence from a radial bearing S77°56'08"W, run along the arc of said curve a distance of 455.63 feet through a central angle of 09°20'27" to the point of tangency thereof; thence run S21°24'19"E a distance of 209.72 feet to a point on a line 5.00 feet North of and parallel to the North right-of-way line of Moore Station Road; thence run N89°56'17"E along said parallel line a distance of 65.20 feet; thence S00°04'05"E a distance of 5.00 feet to the north right-of-way line of Moore Station Road thence run S89°56'17"W along said North right-of-way line a distance of 138.40 feet to the Point of Beginning.

EXHIBIT B

(See Attached Pages)

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Moore Station Road Rezone."

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

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

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. 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 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing a copy of this Ordinance with the Department and recording of Development Order 07-20000019.

ENACTED this 26th day of August 2008.
BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey
Chairman

EXHIBIT A
LEGAL DESCRIPTION

The West ½ of the NW ¼ of the SE ¼ of the SW ¼, Section 3 Township 20 S. Range 31 E. Seminole County, Florida

Less:

Parcel No. 213b
Fee Simple

That Portion of the Property Described in Official Record Book 3615, Page 1281 of the Public Records of Seminole County, Florida.

Being more particularly described as follows:

Commencing at the southeast corner of the Southwest quarter of Section 3, Township 20 South, Range 31 East, as shown on the Florida Department of Natural Resources certified corner records document no. 055985: thence run S89°59'04"W along the South line of the Southwest quarter of said Section 3 a distance of 956.49 feet to a point on the centerline of survey of East Lake Mary Boulevard extension according to Seminole County right-of-way map, project number PS-0137 said point being a point on a non-tangent curve concave Southwesterly and having a radius of 1527.89 feet and a chord bearing of N12°04'39"W; thence from a radial bearing of N87°15'00"E, run along the arc of said curve a distance of 497.48 feet through a central angle of 18°39'19" to the point of tangency thereof; thence continuing along said centerline of survey, run N21°24'19"W a distance of 217.04 feet to a point on the north right-of-way line of Moore Station Road for a Point of Beginning; thence run S89°56'17"W along said North right-of-way line a distance of 107.36 feet; thence run N00°03'43"W a distance of 10.00 feet; thence run N89°56'17"E a distance of 22.93 feet; thence run N34°15'59"E, a distance of 12.11 feet; thence run N21°24'19"W a distance of 140.66 feet to a point of curvature of a curve concave Northeasterly and having a radius of 2929.79 feet and a chord bearing of N19°27'46"W; thence run along the arc of said curve a distance of 198.66 feet through a central angle of 03°53'06" to a point on the West line of the Southeast quarter of the Southwest quarter of said Section 3; thence departing said curve from a radial bearing of N72°28'47"E, run N00°03'32"W along said West line a distance of 249.67 feet to a point on said centerline of survey; thence continue N00°03'32"W along said West line distance of 48.07 feet to the Northwest corner of the Southeast quarter of the Southwest quarter of said Section 3; thence run N89°53'30"E along the North line of the Northwest corner of the Southeast quarter of the Southwest quarter of Said Section 3, a distance of 61.12 feet to a point on a non-tangent curve concave Northeasterly and having a radius of 2794.79 feet and a chord bearing of S16°44'05"E; thence from a radial bearing S77°56'08"W, run along the arc of said curve a distance of 455.63 feet through a central angle of 09°20'27" to the point of tangency thereof; thence run S21°24'19"E a distance of 209.72 feet to a point on a line 5.00 feet North of and parallel to the North right-of-way line of Moore Station Road; thence run N89°56'17"E along said parallel line a distance of 65.20 feet; thence S00°04'05"E a distance of 5.00 feet to the north right-of-way line of Moore Station Road thence run S89°56'17"W along said North right-of-way line a distance of 138.40 feet to the Point of Beginning.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On August 26, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

FINDINGS OF FACT

Property Owner: Ann Takvorian
20 Court St.
Hackensack, NJ 07601

Project Name: Moores Station Road Rezone

Requested Development Approval:

Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development).

The Board of County Commissioners has determined that the request for a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Moores Station Road rezone from A-1 (Agriculture) to PUD (Planned Unit Development)" and all evidence submitted at the public hearing on August 26, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:
The aforementioned application for development approval is DENIED.
Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY
COMMISSIONERS

By: _____
Brenda Carey, Chairman

EXHIBIT A

The West ½ of the NW ¼ of the SE ¼ of the SW ¼, Section 3 Township 20 S. Range 31 E. Seminole County, Florida

Less:

Parcel No. 213b
Fee Simple

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