

ITEM # _____

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

SUBJECT: S. ECON CIRCLE REZONE

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

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

Agenda Date <u>2/4/09</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 a rezone from M-1A (Very Light Industrial) to PCD (Planned Commercial Development) on 3.9 ± acres, located 400 feet south of the intersection of Econ River Place and S. Econ Circle, and recommend approval of the attached Final Site Plan, subject to the conditions in the attached Developers Commitment Agreement and Development Order, per staff findings; (Roger Owen, applicant); or

2. **RECOMMEND DENIAL** of the request for a rezone from M-1A (Very Light Industrial) to PCD (Planned Commercial Development) on 3.9 ± acres, located 400 feet south of the intersection of Econ River Place and S. Econ Circle; (Roger Owen, applicant); or

3. **CONTINUE** until a time and date certain.

District #1 – Dallari Ian Sikonia, Senior Planner

BACKGROUND:

The applicant, Roger Owen, is requesting a rezone from M-1A (Very Light Industrial) to PCD (Planned Commercial Development), in order to provide for a wider range of permitted uses in an existing industrial park consisting of four buildings. The Future Land Use designation on the subject property is IND (Industrial), which allows the requested zoning district.

Reviewed by: Co Atty: <u>KFT</u> DFS: _____ OTHER: <u>JU</u> DCM: _____ CM: _____ File No. <u>Z2008-50</u>

The proposed Final Site Plan indicates that the existing industrial park contains a total of 49,825 square feet divided between four buildings. The applicant would like to provide building space for private indoor recreational and training facilities such as gymnastics and cheerleading. Since the existing M-1A zoning on the property does not allow for private recreational facilities, a rezone is necessary.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a rezone from M-1A (Very Light Industrial) to PCD (Planned Commercial Development) on 3.9 ± acres, located 400 feet south of the intersection of Econ River Place and S. Econ Circle, and recommend approval of the attached Final Site Plan, subject to the conditions in the attached Developers Commitment Agreement and Development Order.

Attachments:

Location Map
Zoning and Future Land Use Map
Aerial Map
Final Site Plan
Developers Commitment Agreement
Development Order
Rezone Ordinance
Denial Development Order (applicable if the request is denied)
Ownership Disclosure Form

S. Econ Circle Rezone Rezone from A-1 to PCD	
APPLICANT	Roger Owen
PROPERTY OWNER	M & O, Limited Partnership
REQUEST	Rezone from M-1A (Very Light Industrial) to PCD (Planned Commercial Development).
PROPERTY SIZE	3.9 ± acres
HEARING DATE (S)	P&Z: February 4, 2009 BCC: March 24, 2009
PARCEL ID	33-21-31-507-0000-01C0 / 33-21-31-507-0000-01DO / 33-21-31-507-0000-01E0
LOCATION	Located 400 feet south of the intersection of Econ River Place and S. Econ Circle.
FUTURE LAND USE	IND (Industrial)
ZONING	M-1A (Very Light Industrial)
FILE NUMBER	Z2008-50
COMMISSION DISTRICT	#1 – Dallari

PROPOSED DEVELOPMENT:

The subject property has been developed to accommodate 49,825 square feet of building space in four buildings.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Roger Owen, is requesting a rezone, in order allow for a wider variety of permitted uses within the industrial park. The Future Land Use designation of the subject property is IND (Industrial), which allows for the requested PCD zoning district. The following table depicts the minimum regulations for the current zoning district of M-1A (Very Light Industrial) and the requested district of PCD (Planned Commercial Development):

DISTRICT REGULATIONS	Existing Zoning (M-1A)	Proposed Zoning (PCD)
Minimum Lot Size	N/A	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	N/A	N/A
Front Yard Setback	50 feet	50 feet
Side Yard Setback	10 feet	10 feet
(Street) Side Yard Setback	50 feet	50 feet
Rear Yard Setback	10 feet	10 feet
Maximum Building Height	35 feet	35 feet

COMPATIBILITY WITH SURROUNDING PROPERTIES

The area of Alafaya Trail and Econ Place Road is in close proximity to the University of Central Florida and several large residential subdivisions. This site is surrounded by large industrial buildings within an existing industrial park. All the surrounding properties have the M-1A zoning district and the Industrial Future Land Use Designation. Due to the size of the existing buildings on the subject property the additional permitted uses will allow for more diversified uses having minimal impact on the surrounding properties outside of the industrial park. The proposed uses for this site utilize a mixture of compatible industrial and recreational uses operating in large buildings at different times of the day. Since the proposed recreational and training facilities will operate during non-peak hours, the impact to adjacent properties will be minimal. 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 no floodplains on the subject property.

Drainage:

The proposed project is located within the little Econlockhatchee Drainage Basin, and does not have limited downstream capacity. The site is existing and meets the approved drainage design. Any new impervious will require additional retention.

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.

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 elected to defer Concurrency Review at this time.

Utilities:

The site is located in the Seminole County utility service area, and is connected to public utilities. There is an 8-inch water main on the south and west sides of S. Econ Circle, an 8-inch gravity sewer under S. Econ Circle, and an 8-inch force main on the north and east side of S. Econ Circle. This parcel is in the ten year master plan for reclaimed water. A separate reclaimed water utility system is required. This system will be charged by a temporary jumper from the potable water main and must be connected to reclaimed water when it becomes available.

Transportation / Traffic:

The property accesses onto S. Econ Circle, which is classified as a local road. S. Econ Circle does not have improvements programmed in the County 5-year Capital Improvement Program.

Parking shall meet the minimum requirements of the Seminole County Land Development Code. Amusement and Recreation uses may utilize shared parking spaces within adjacent lots of the PCD due to their primary operating hours being off-peak periods. The owner of the parcels within the PCD acknowledges that parking will be shared between the separate parcels.

Buffers and Sidewalks:

There is an existing 5' side walk along the frontage of S. Econ Circle. Since this project has already been developed, the buffering standards in place are the minimum requirements of the Land Development Code for industrial development.

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 the Econlockhatchee River Protection Overlay District.

Comprehensive Plan

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 2.10: Determination of Compatibility in the Planned Development Zoning Classification
- Policy POT 1.8: Potable Water Connection
- Policy SAN 1.3: Sanitary Sewer Connection

INTERGOVERNMENTAL NOTIFICATION:

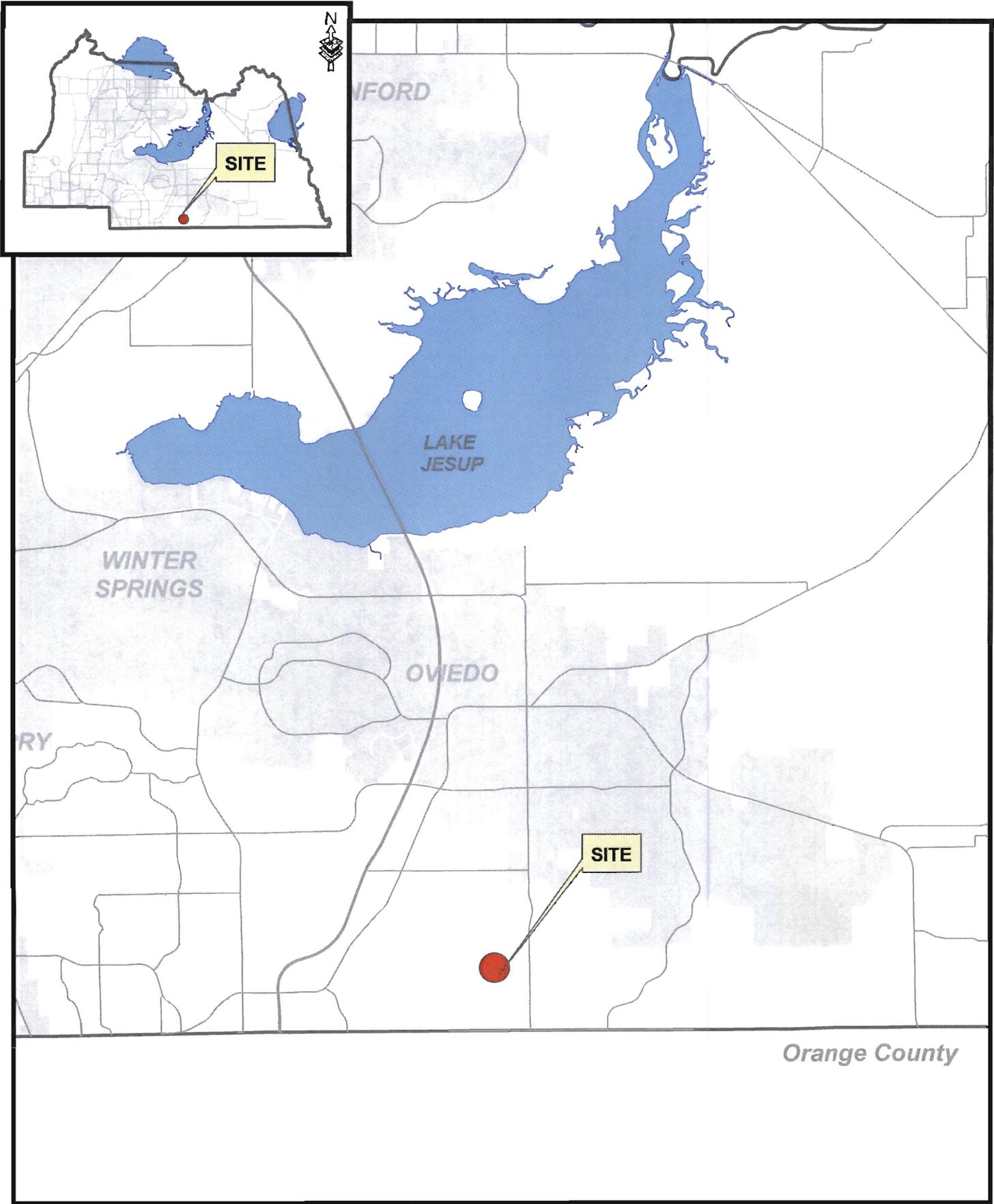
Intergovernmental notices were not required, due to this property not being located near or adjacent to any municipality.

LETTERS OF SUPPORT OR OPPOSITION:

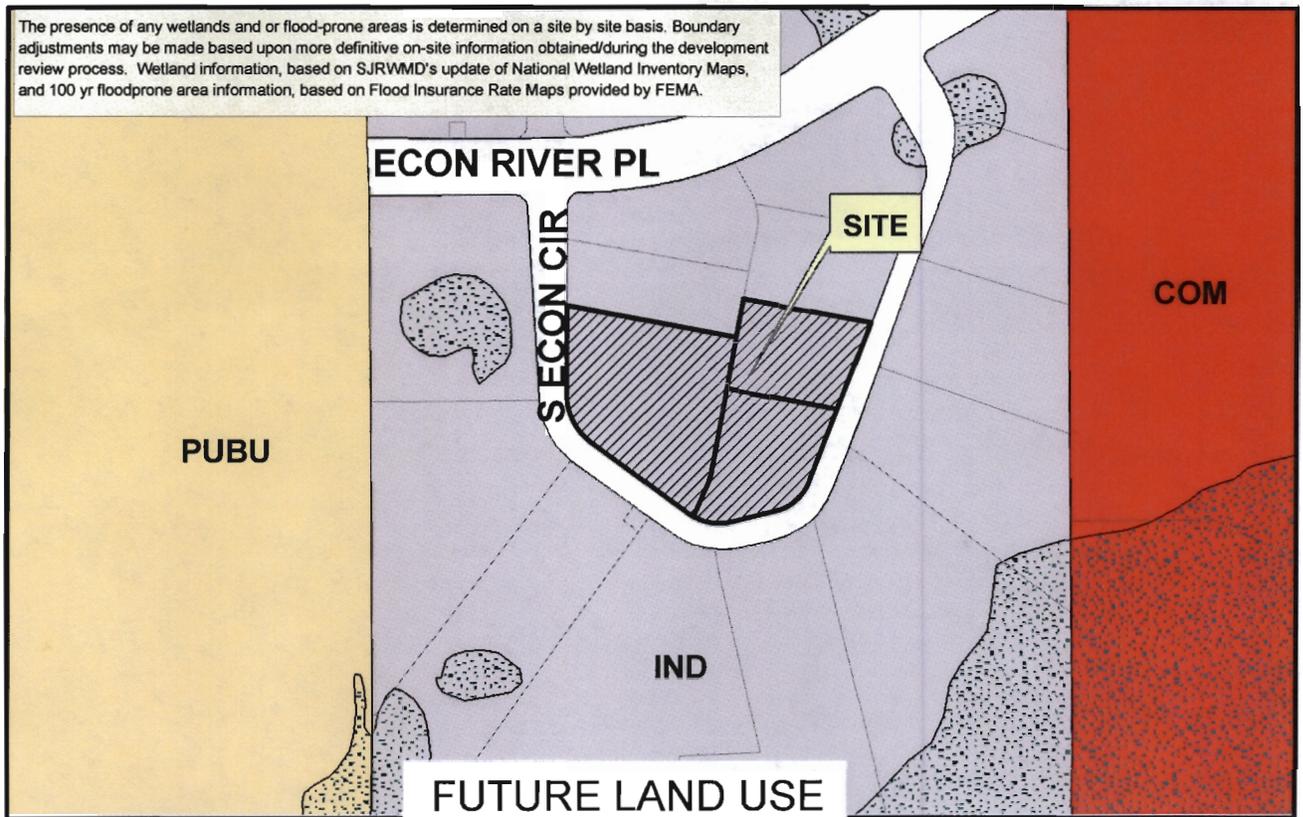
Staff has not received letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a rezone from M-1A (Very Light Industrial) to PCD (Planned Commercial Development) on 3.9 ± acres, located 400 feet south of the intersection of Econ River Place and S. Econ Circle, and recommend approval of the attached Final Site Plan, subject to the conditions in the attached Developers Commitment Agreement and Development Order.



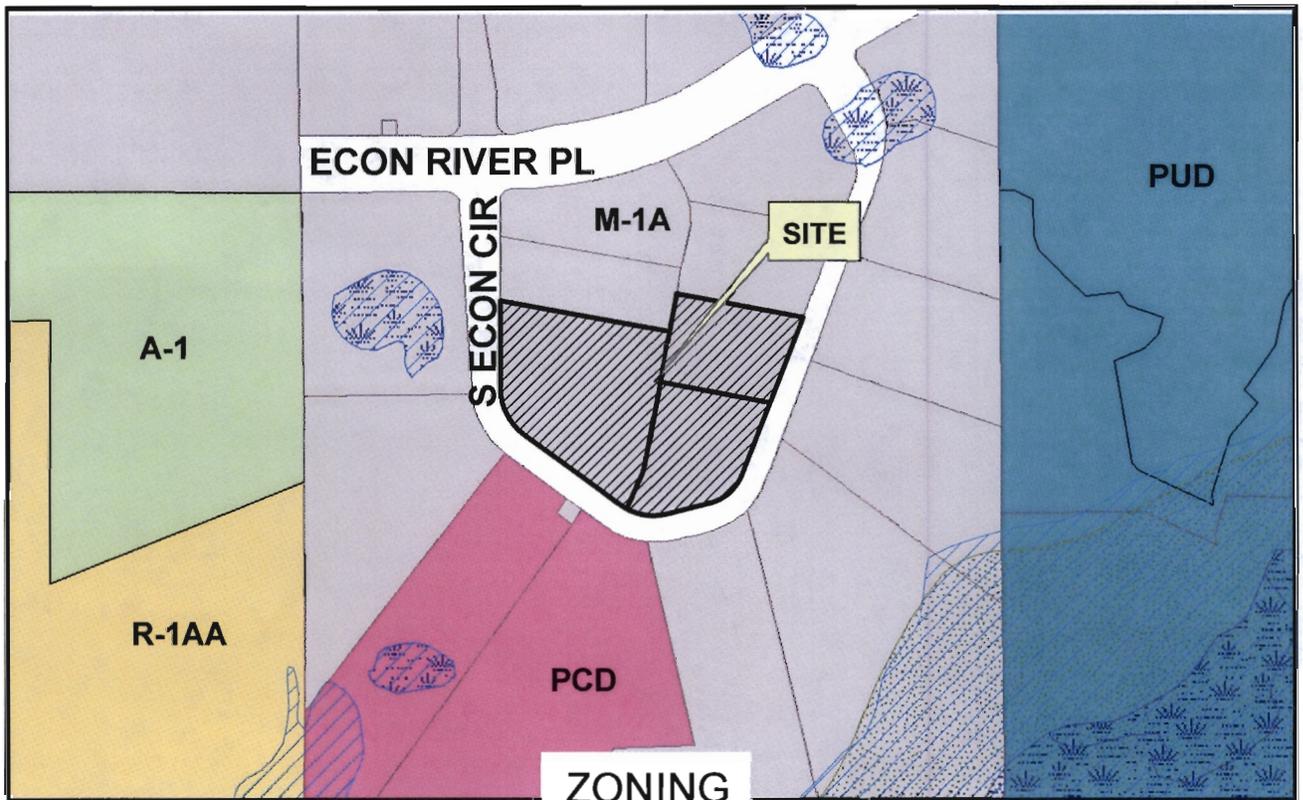
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



IND COM PUBU Site CONS

Applicant: M & O Limited Partnership
 Physical STR: 33-21-31-507-0000-01C0, 01D0, 01E0
 Gross Acres: 3.98 +/- BCC District: 1
 Existing Use:
 Special Notes:

	Amend/ Rezone#	From	To
FLU	---	--	--
Zoning	Z2008-050	M-1A	PCD



PCD A-1 R-1AA M-1A FP-1 W-1 PUD

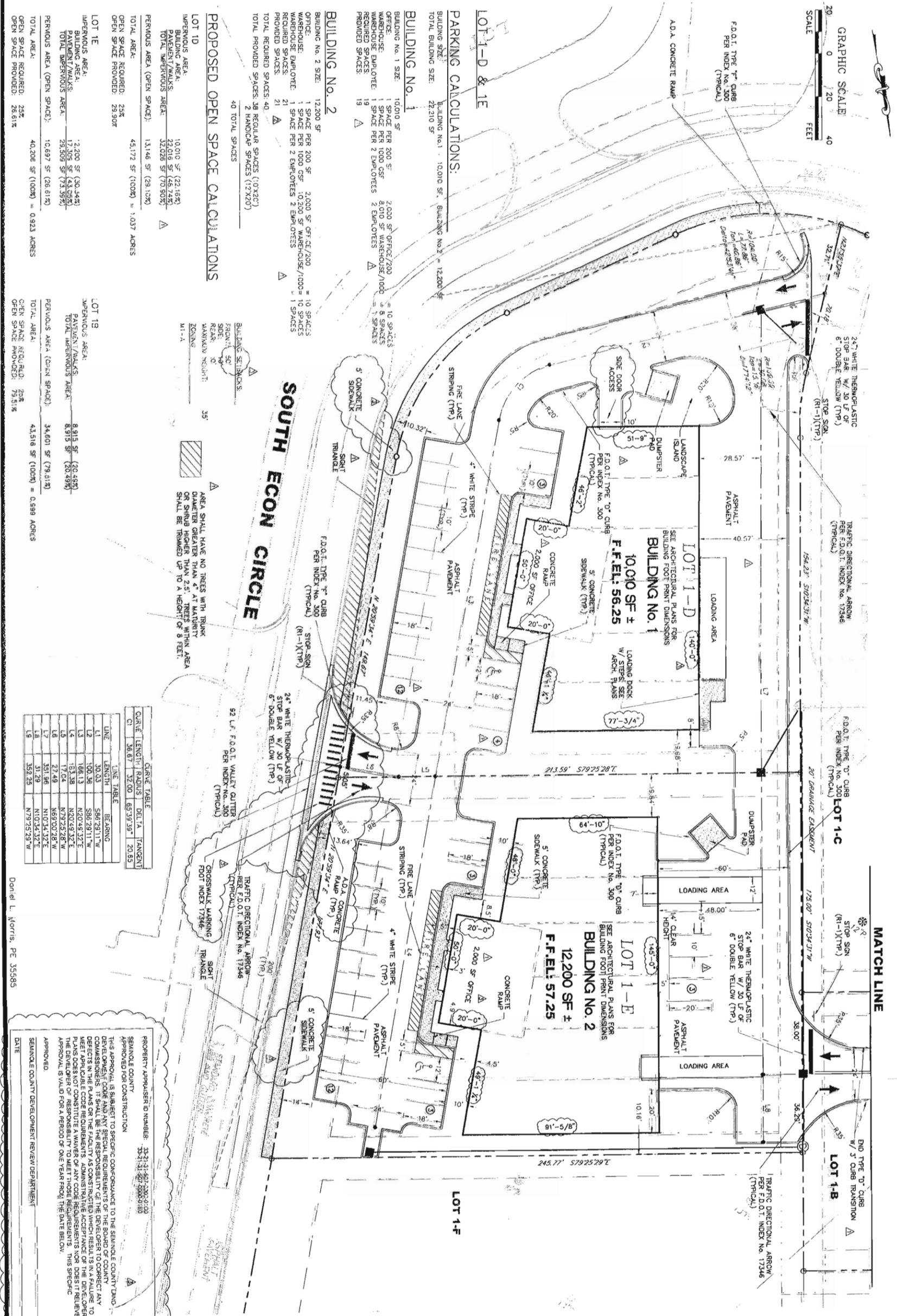
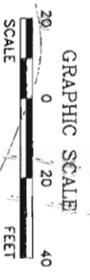


Rezone No: Z2008-050
Final Master Plan

-  Parcel
-  Subject Property



Winter 2007 Color Aerials



PARKING CALCULATIONS:

LOT 1-D & 1E
 BUILDING No. 1: 10,010 SF
 BUILDING No. 2: 12,200 SF
 TOTAL BUILDING SIZE: 22,210 SF

BUILDING No. 1:
 OFFICE: 10,010 SF
 1 SPACE PER 200 SF = 50 SPACES
 WAREHOUSE EMPLOYEE: 1 SPACE PER 1,000 SF = 10 SPACES
 WAREHOUSE: 1 SPACE PER 2 EMPLOYEES = 2 SPACES
 PROVIDED SPACES: 19

BUILDING No. 2:
 OFFICE: 12,200 SF
 1 SPACE PER 200 SF = 61 SPACES
 WAREHOUSE EMPLOYEE: 1 SPACE PER 1,000 SF = 10 SPACES
 WAREHOUSE: 1 SPACE PER 2 EMPLOYEES = 2 SPACES
 PROVIDED SPACES: 73

PROPOSED OPEN SPACE CALCULATIONS

LOT 1D
 IMPERVIOUS AREA: 10,010 SF (22.16%)
 PAVEMENT/WALKS: 22,016 SF (48.74%)
 TOTAL IMPERVIOUS AREA: 32,026 SF (70.90%)
 PERVIOUS AREA (OPEN SPACE): 13,166 SF (29.10%)
 TOTAL AREA: 45,172 SF (100%) = 1.037 ACRES
 OPEN SPACE REQUIRED: 25%
 OPEN SPACE PROVIDED: 29.90%

LOT 1E
 IMPERVIOUS AREA: 12,200 SF (26.44%)
 PAVEMENT/WALKS: 17,500 SF (38.28%)
 TOTAL IMPERVIOUS AREA: 29,700 SF (64.72%)
 PERVIOUS AREA (OPEN SPACE): 16,697 SF (36.81%)
 TOTAL AREA: 46,397 SF (100%) = 0.923 ACRES
 OPEN SPACE REQUIRED: 25%
 OPEN SPACE PROVIDED: 26.61%

LOT 1B
 IMPERVIOUS AREA: 8,915 SF (20.45%)
 PAVEMENT/WALKS: 8,915 SF (20.45%)
 TOTAL IMPERVIOUS AREA: 17,830 SF (40.90%)
 PERVIOUS AREA (OPEN SPACE): 25,567 SF (59.10%)
 TOTAL AREA: 43,397 SF (100%) = 0.989 ACRES
 OPEN SPACE REQUIRED: 25%
 OPEN SPACE PROVIDED: 79.51%

CLEARANCE TABLE

CURVE LENGTH	RADIUS	DELTA	TANGENT
C1	36.81	32.00	65.39 59'
C2	36.81	65.39 59'	20.65

LINE	LENGTH	BEARING
L1	30.03	S66°29'11" W
L2	100.36	S66°29'11" W
L3	163.13	N20°49'32" E
L4	163.13	N20°49'32" E
L5	17.04	N79°25'28" W
L6	27.49	N69°00'28" W
L7	31.29	N10°34'32" E
L8	31.29	N10°34'32" E
L9	152.25	N79°25'28" W

Daniel L. Morris, PE 35585

PROPERTY APPRAISER ID NUMBER: 33213100000000
 SEMINOLE COUNTY
 APPROVED FOR CONSTRUCTION

THIS APPROVAL IS SUBJECT TO SPECIFIC CONFORMANCE TO THE SEMINOLE COUNTY ZONING, PLANNING AND DEVELOPMENT DEPARTMENT'S REGULATIONS AND ANY SPECIAL REQUIREMENTS OF THE BOARD OF COUNTY COMMISSIONERS. IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO CORRECT ANY DEFECTS IN THE PLANS OR THE FACILITY AS CONSTRUCTED WHICH RESULT IN A FAILURE TO MEET APPLICABLE CODE REQUIREMENTS. ADMINISTRATIVE ACCEPTANCE OF THE DEVELOPER'S PLANS DOES NOT CONSTITUTE A WAIVER OF ANY CODE REQUIREMENTS NOR DOES IT RELIEVE THE DEVELOPER FROM COMPLIANCE WITH ANY CODE REQUIREMENTS. THIS SPECIAL APPROVAL IS VALID FOR A PERIOD OF ONE YEAR FROM THE DATE BELOW.

APPROVED: _____
 SEMINOLE COUNTY DEVELOPMENT REVIEW DEPARTMENT
 DATE: _____

<p>ORTS ENGINEERING INC. 964 LAKE BALDWIN LANE, SUITE 200 GAITHERSBURG, MD 20878 (410) 892-6894 CA 00006505</p>	<p>SITE GEOMETRY PLAN</p>	<p>M and O LIMITED PARTNERSHIP SOUTH PARK BUSINESS CENTER LOTS 1D & 1E SEMINOLE COUNTY, FL.</p>	NO. DATE REVISION 1 7/28/05 REVISED PER COUNTY COMMENTS 2 8/23/05 REVISED PER COUNTY COMMENTS 3 10/8/07 REVISED PER COUNTY COMMENTS
			SCALE: AS SHOWN DATE: 05/22/05 DESIGN: D.L.M. DRAWN: J.R.B. CHECKED: D.L.M. APPROVED: D.L.M.

LOT 1-C

PARKING CALCULATIONS:

BUILDING No. 1
 BUILDING No. 1 SIZE: 13,360 SF
 OFFICE: 1,360 SF
 WAREHOUSE: 12,000 SF
 WAREHOUSE EMPLOYEE: 1 SPACE PER 1,000 GSF
 WAREHOUSE EMPLOYEE: 1 SPACE PER 2 EMPLOYEES
 MAXIMUM HEIGHT: 35'

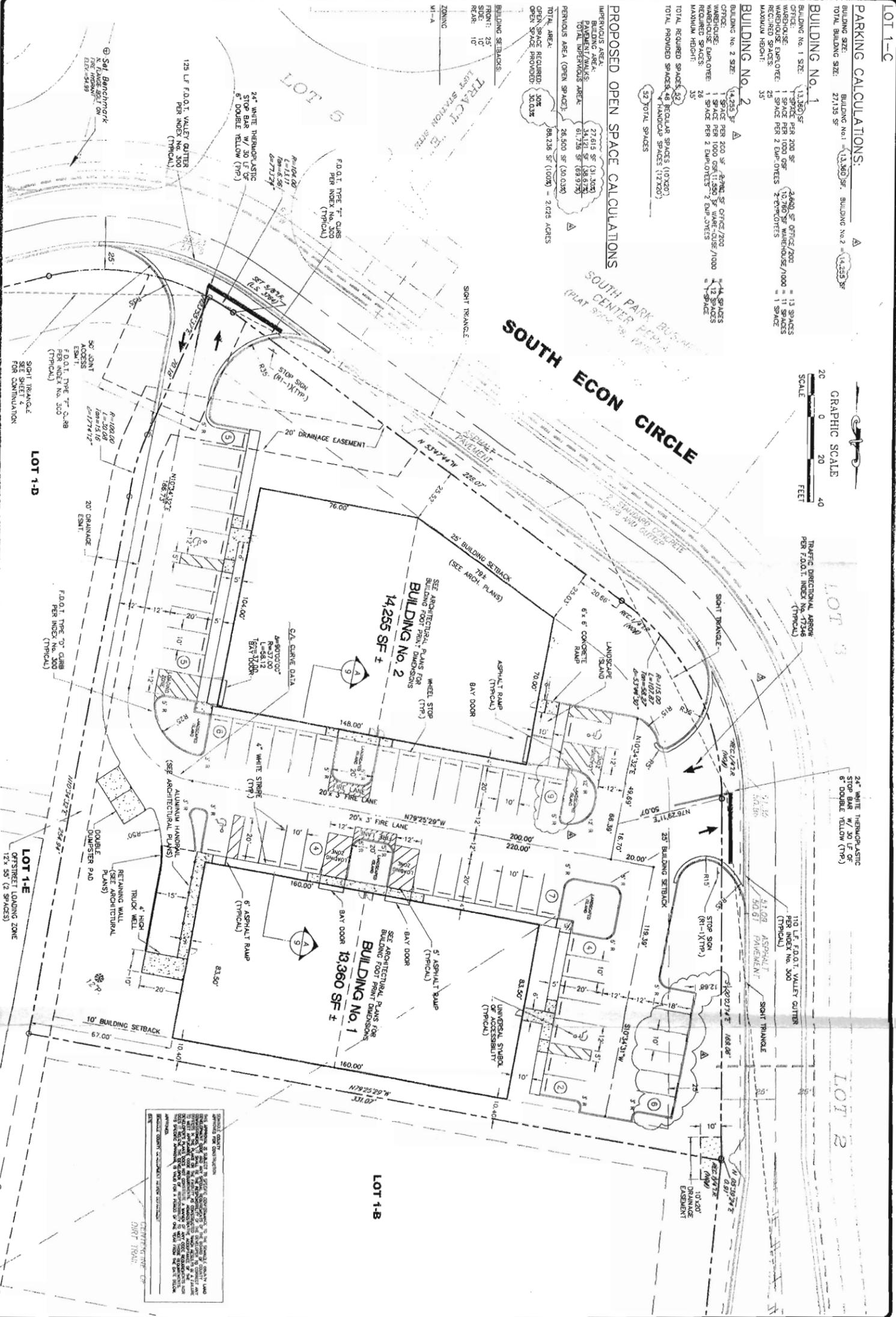
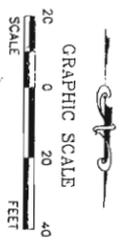
BUILDING No. 2
 BUILDING No. 2 SIZE: 14,255 SF
 OFFICE: 1,425 SF
 WAREHOUSE: 12,830 SF
 WAREHOUSE EMPLOYEE: 1 SPACE PER 1,000 GSF
 WAREHOUSE EMPLOYEE: 1 SPACE PER 2 EMPLOYEES
 MAXIMUM HEIGHT: 35'

PROPOSED OPEN SPACE CALCULATIONS

IMPERVIOUS AREA:
 BUILDING AREA: 27,615 SF (31,304)
 DRIVEWAY AREA: 3,175 SF (3,672)
 TOTAL IMPERVIOUS AREA: 30,790 SF (34,976)

PERVIOUS AREA (OPEN SPACE):
 26,500 SF (30,024)

TOTAL AREA:
 OPEN SPACE REQUIRED: 10%
 OPEN SPACE PROVIDED: 30,024



 MORRIS ENGINEERING INC. 830 WOODBROOK ROAD, SUITE 210 ORLANDO, FL 32803 (407) 893-6894	GEOMETRY PLAN	M and O LIMITED PARTNERSHIP SOUTH PARK BUSINESS CENTER LOT 1C SEMINOLE COUNTY FLORIDA	JOB NO. 014201 SCALE: 1"=20' DATE: 04-19-02 DESIGN: D.L.M. DRAWN: J.A.R. CHECKED: D.L.M. APPROVED:
			NO. DATE REVISION 1 7-18-02 REVISED PER SEMINOLE Co. DRC COMMENTS 2 8-27-02 REMOVE FIRE LANE STRIPING 3 8-3-04 OWNER REVISIONS 4 7-9-04 COUNTY COMMENTS OF OWNER REVISIONS
			6 OF 16
			[Signature]

S. ECON CIRCLE PCD DEVELOPER'S COMMITMENT AGREEMENT COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION

On March 24, 2009, the Seminole County Board of County Commissioners issued this Developer's Commitment Agreement relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION:

Legal description attached as Exhibit A.

2. PROPERTY OWNER: M & O Limited Partnership

532 S. Econ Circle, Suite 160

Oviedo, FL 32765

3. STATEMENT OF BASIC FACTS:

A. Total Area: 3.985 acres

B. Zoning: Planned Commercial Development (PCD)

C. Maximum Intensity: 49,825 Building Square Feet

D. 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.

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

F. 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 owners are as follows:

4. PERMITTED USES:

A. M-1A (Very Light Industrial)

B. Amusement and Recreational Facilities

- C. Building and Plumbing Supplies with no outside storage
- D. Lithography and Publishing Plants

5. OPEN SPACE: 25% Usable Open Space Required, a minimum of 0.99 acres.

6. MAXIMUM BUILDING HEIGHT: 35'

7. BUILDING SETBACKS - EXTERNAL PROPERTY BOUNDARIES:

- A. Front Yard Setback: 50 feet.
- B. Side Yard Setback: 10 feet.
- C. Rear Yard Setback: 10 feet.

8. LANDSCAPE & BUFFER REQUIREMENTS:

- A. Landscaping and Buffers shall meet the minimum standards of the Seminole County Land Development Code.

9. DEVELOPMENT COMMITMENTS:

- A. All development shall comply with the Final Site Plan attached as Exhibit B.
- B. Outdoor storage of any goods will not be permitted.
- C. Parking shall meet the minimum standards of the Seminole County Land Development Code. Amusement and Recreation uses may utilize shared parking spaces within adjacent lots of the PCD due to their primary operating hours being off-peak periods.
- D. Owner acknowledges that parking will be shared between the separate parcels.
- E. All development requirements, conditions, commitments and provisions of Development Order #08 20500012 shall also perpetually burden, run and follow said property.

10. STANDARD PROVISIONS:

- A. All landscape buffers and common areas shall be maintained by a property owners association.
- B. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting existing sidewalks outside the development.
- C. This Developer's Commitment Agreement touches and concerns the aforescribed property and the conditions, commitments and provisions of the DCA shall perpetually burden, run with and follow the said property and be servitude upon and binding upon said property unless released in whole or in part by action of Seminole County by virtue of a document of equal dignity herewith. The owners have expressly covenanted and agreed to this provision and all other terms and provisions of the development order.

Z2008-50
DCA # 08-20500012
S. Econ Circle PCD

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

II. INTERPRETATION: RELATIONSHIP TO FINAL SITE PLAN AND DEVELOPMENT ORDER

This Developer's Commitment Agreement is intended to summarize material provisions of the Final Site Plan of the Property approved concurrently herewith by the Seminole County Board of County Commissioners. In the event of an inconsistency between this

Developer's Commitment Agreement and the Final Master Plan, the terms and conditions of the Developer's Commitment Agreement shall control. Furthermore, in the event of a conflict between the terms of the Developer's Commitment Agreement and Development Order Number 08 20500012, the terms of the Development Order shall control.

Done and Ordered on the date first written above.

By: _____

Bob Dallari
Chairman of Seminole County
Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, M & O Limited Partnership, Roger Owen, the owner of the
aforescribed property, on behalf of itself and its heirs, successors, assigns or transferees of
any nature whatsoever and consents to, agrees with and covenants to perform and fully abide
by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness
Print Name_____

Roger Owen

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 Roger Owen who is
personally known to me or who has produced _____ as identification and
who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day
of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Z2008-50
DCA # 08-20500012
S. Econ Circle PCD

Exhibit A

Legal Description

Lot 1C, 1D, and 1E of South Park Business Center Replat 2, a Replat of Lot 1, South Park Business Center, as recorded in Plat Book 38, Pages 18 & 19 of the Public Records of Seminole County, Florida.

All being in Section 33, Township 21 South, Range 31 East, Seminole County, Florida.

Z2008-50
DCA # 08-20500012
S. Econ Circle PCD

Exhibit B

Final Site Plan

(See Attached Pages)

SEMINOLE COUNTY DEVELOPMENT ORDER

On March 24, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

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

FINDINGS OF FACT

Property Owner: M & O Limited Partnership
532 S. Econ Circle, Suite 160
Oviedo, FL 32765

Project Name: S. Econ Circle Rezone

Requested Development Approval: Rezone from M-1A (Very Light Industrial) to PCD (Planned Commercial Development) on 3.9 ± acres, located 400 feet south of the intersection of Econ River Place and S. Econ Circle.

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. Development shall comply with the Preliminary Site Plan attached as Exhibit B.
 - B. The project shall have a maximum allowable square footage of 49,825 square feet.
 - C. Permitted Uses:
 - M-1A (Very Light Industrial)
 - Amusement and Recreational Facilities
 - Building and Plumbing Supplies with no outside storage
 - Lithography and Publishing Plants.
 - D. The maximum allowable building height is 35'.
 - E. The setbacks shall be as follows:
 - Front: 50'.
 - Side: 10'
 - Rear: 10'
 - F. 25% common open space shall be provided on the subject property.
- (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.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Bob Dallari, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, M & O Limited Partnership, Roger Owen, the owner of the
aforedescribed property in this Development Order, on behalf of itself and its heirs,
successors, assigns or transferees of any nature whatsoever and consents to, agrees
with and covenants to perform and fully abide by the provisions, terms, conditions and
commitments set forth in this Development Order.

Witness

Roger Owen

Print Name

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

WITNESS my hand and official seal in the County and State last aforesaid this
_____ day of _____, 20__.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

Legal Description

Lot 1C, 1D, and 1E of South Park Business Center Replat 2, a Replat of Lot 1, South Park Business Center, as recorded in Plat Book 38, Pages 18 & 19 of the Public Records of Seminole County, Florida.

All being in Section 33, Township 21 South, Range 31 East, Seminole County, Florida.

EXHIBIT B

Final Site Plan

(See Attached Pages)

01005
SCALE: AS SHOWN
DATE: 06/21/20
DRAWN: J.E.R.
CHECKED: D.L.M.
APPROVED: [Signature]

REVISION
NO. DATE
1 10/28/19 REVISED PER COUNTY COMMENTS
2 10/28/19 REVISED PER COUNTY COMMENTS
3 7/28/20 REVISED PER COUNTY COMMENTS

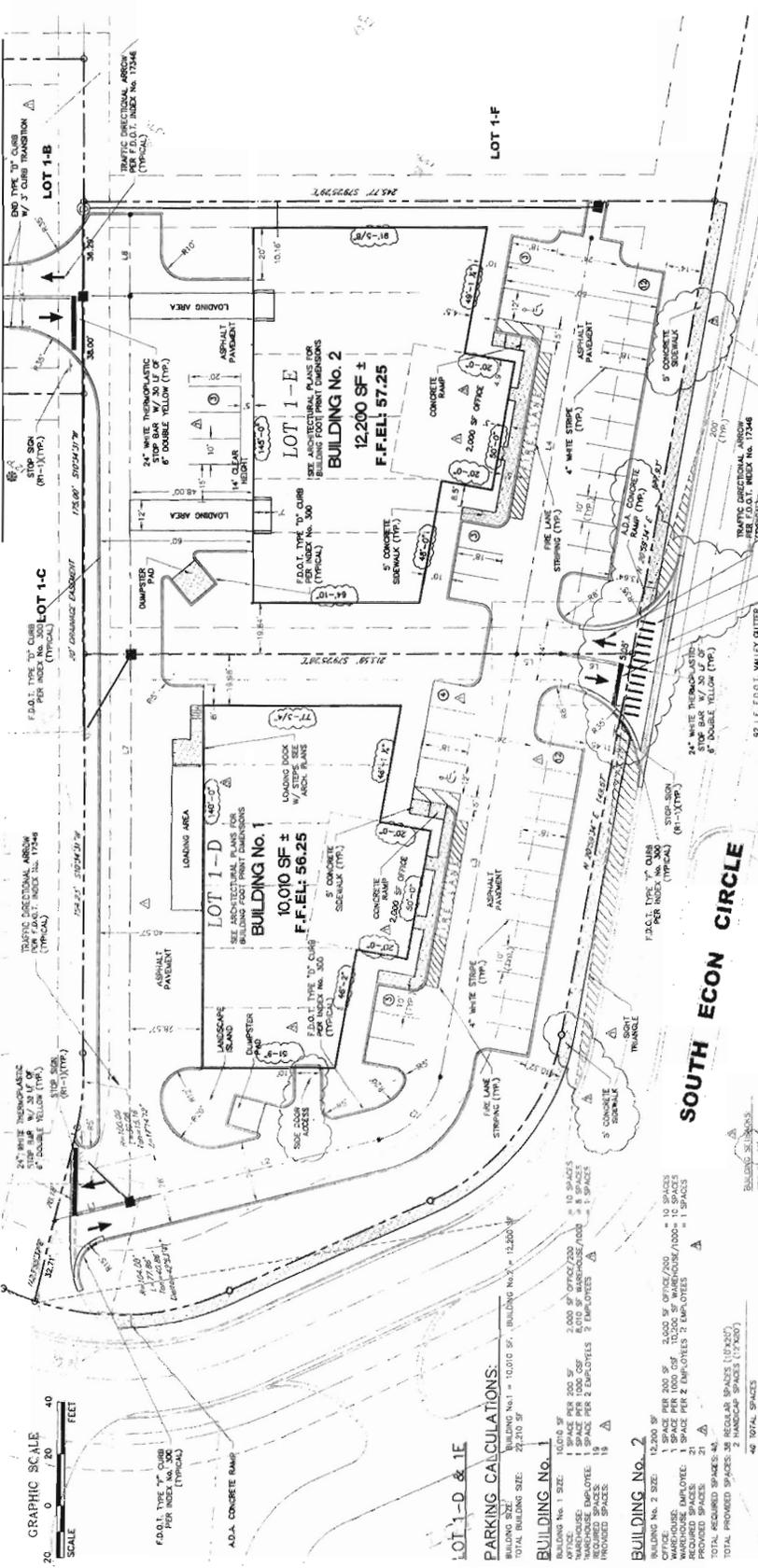
M and O LIMITED PARTNERSHIP
SOUTH PARK BUSINESS CENTER
SEV HOLE COUNTY, FL

SITE GEOMETRY PLAN

SEV HOLE COUNTY
APPROVED FOR CONSTRUCTION
PROPERTY APPRAISER'S NUMBER: 33-2-31-607-0000-100
33-2-31-602-0000-100

BRANCO COUNTY
APPROVED FOR CONSTRUCTION
PROPERTY APPRAISER'S NUMBER: 33-2-31-607-0000-100
33-2-31-602-0000-100

APPROVED
SEV HOLE COUNTY DEVELOPMENT REVIEW DEPARTMENT
DATE



CURVE	LENGTH	DELTA	BEARING
1	131.00	103.92° 52' 30"	S 89° 07' 30" W
2	131.00	103.92° 52' 30"	S 89° 07' 30" W
3	131.00	103.92° 52' 30"	S 89° 07' 30" W
4	131.00	103.92° 52' 30"	S 89° 07' 30" W
5	131.00	103.92° 52' 30"	S 89° 07' 30" W
6	131.00	103.92° 52' 30"	S 89° 07' 30" W
7	131.00	103.92° 52' 30"	S 89° 07' 30" W
8	131.00	103.92° 52' 30"	S 89° 07' 30" W
9	131.00	103.92° 52' 30"	S 89° 07' 30" W
10	131.00	103.92° 52' 30"	S 89° 07' 30" W

PROPOSED OPEN SPACE CALCULATIONS

LOT 1D
IMPERVIOUS AREA: 10,010 SF (22.14%)
PARKING/PAVEMENT/ASPHALT: 22,210 SF (49.86%)
TOTAL IMPERVIOUS AREA: 32,220 SF (72.00%)
PERVIOUS AREA (OPEN SPACE): 12,200 SF (27.00%)
TOTAL AREA: 44,420 SF (1.0000) = 1.017 ACRES
OPEN SPACE REQUIRED: 25%
OPEN SPACE PROVIDED: 27.00%

LOT 1E
IMPERVIOUS AREA: 12,200 SF (50.42%)
PARKING/PAVEMENT/ASPHALT: 17,800 SF (73.35%)
TOTAL IMPERVIOUS AREA: 29,999 SF (73.35%)
PERVIOUS AREA (OPEN SPACE): 10,891 SF (28.61%)
TOTAL AREA: 40,890 SF (1.0000) = 0.923 ACRES
OPEN SPACE REQUIRED: 25%
OPEN SPACE PROVIDED: 28.61%

LOT 1F
IMPERVIOUS AREA: 10,010 SF (22.14%)
PARKING/PAVEMENT/ASPHALT: 22,210 SF (49.86%)
TOTAL IMPERVIOUS AREA: 32,220 SF (72.00%)
PERVIOUS AREA (OPEN SPACE): 12,200 SF (27.00%)
TOTAL AREA: 44,420 SF (1.0000) = 1.017 ACRES
OPEN SPACE REQUIRED: 25%
OPEN SPACE PROVIDED: 27.00%

LOT 1-D & 1E
PARKING CALCULATIONS:
BUILDING No. 1: 10,010 SF, BUILDING No. 2: 12,200 SF
TOTAL BUILDING SIZE: 22,210 SF
BUILDING No. 1:
BUILDING No. 1 SIZE: 10,010 SF
OFFICE: 1 SPACE PER 200 SF = 5 SPACES
WAREHOUSE: 1 SPACE PER 1000 SF = 10 SPACES
TOTAL REQUIRED SPACES: 15
PROVIDED SPACES: 15
BUILDING No. 2:
BUILDING No. 2 SIZE: 12,200 SF
OFFICE: 1 SPACE PER 200 SF = 61 SPACES
WAREHOUSE: 1 SPACE PER 1000 SF = 12 SPACES
TOTAL REQUIRED SPACES: 73
PROVIDED SPACES: 73

LOT 1-E
BUILDING No. 2: 12,200 SF
OFFICE: 1 SPACE PER 200 SF = 61 SPACES
WAREHOUSE: 1 SPACE PER 1000 SF = 12 SPACES
TOTAL REQUIRED SPACES: 73
PROVIDED SPACES: 73

LOT 1-F
BUILDING No. 2: 12,200 SF
OFFICE: 1 SPACE PER 200 SF = 61 SPACES
WAREHOUSE: 1 SPACE PER 1000 SF = 12 SPACES
TOTAL REQUIRED SPACES: 73
PROVIDED SPACES: 73

PROPOSED OPEN SPACE CALCULATIONS

LOT 1D
IMPERVIOUS AREA: 10,010 SF (22.14%)
PARKING/PAVEMENT/ASPHALT: 22,210 SF (49.86%)
TOTAL IMPERVIOUS AREA: 32,220 SF (72.00%)
PERVIOUS AREA (OPEN SPACE): 12,200 SF (27.00%)
TOTAL AREA: 44,420 SF (1.0000) = 1.017 ACRES
OPEN SPACE REQUIRED: 25%
OPEN SPACE PROVIDED: 27.00%

LOT 1E
IMPERVIOUS AREA: 12,200 SF (50.42%)
PARKING/PAVEMENT/ASPHALT: 17,800 SF (73.35%)
TOTAL IMPERVIOUS AREA: 29,999 SF (73.35%)
PERVIOUS AREA (OPEN SPACE): 10,891 SF (28.61%)
TOTAL AREA: 40,890 SF (1.0000) = 0.923 ACRES
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IMPERVIOUS AREA: 10,010 SF (22.14%)
PARKING/PAVEMENT/ASPHALT: 22,210 SF (49.86%)
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TOTAL AREA: 44,420 SF (1.0000) = 1.017 ACRES
OPEN SPACE REQUIRED: 25%
OPEN SPACE PROVIDED: 27.00%

Donnell L. Morris, PE 30585

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE M-1A (VERY LIGHT INDUSTRIAL) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; 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 documents titled S. Econ Circle Rezone, dated March 24, 2009.

(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 M-1A (Very Light Industrial) to PCD (Planned Commercial Development):

SEE ATTACHED EXHIBIT A

Section 3. 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 on the recording date of the Development Order #08-20500012 in the Official Land Records of Seminole County.

ENACTED this 24th day of March 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari, Chairman

ORDINANCE NO.

SEMINOLE COUNTY, FLORIDA

**EXHIBIT A
LEGAL DESCRIPTION**

Lot 1C, 1D, and 1E of South Park Business Center Replat 2, a Replat of Lot 1, South Park Business Center, as recorded in Plat Book 38, Pages 18 & 19 of the Public Records of Seminole County, Florida.

All being in Section 33, Township 21 South, Range 31 East, Seminole County, Florida.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On March 24, 2009, Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

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

Property Owner(s): M & O, Limited Partnership
532 S. Econ Circle, Suite 160
Oviedo, FL 32765

Project Name: S. Econ Circle Rezone

Requested Development Approval: Request for a rezone from M-1A (Very Light Industrial) to PCD (Planned Commercial Development) on 3.9 ± acres, located 400 feet south of the intersection of Econ River Place and S. Econ Circle.

The Board of County Commissioners has determined that the rezone request from M-1A (Very Light Industrial) to PCD (Planned Commercial Development) district is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "S. Econ Circle Rezone" and all evidence submitted at the public hearing on March 24, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from M-1A (Very Light Industrial) to PCD (Planned Commercial Development) 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: _____
Bob Dallari, Chairman

EXHIBIT "A"

Legal Description

Lot 1C, 1D, and 1E of South Park Business Center Replat 2, a Replat of Lot 1, South Park Business Center, as recorded in Plat Book 38, Pages 18 & 19 of the Public Records of Seminole County, Florida.

All being in Section 33, Township 21 South, Range 31 East, Seminole County, Florida.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: <u>Roger E. Owen</u>	Name: <u>ALH PROPERTIES P.L.L.-Howard Myers</u>
Address: <u>1024 Nancy Circle, Winter Springs</u>	Address: <u>134 Merz Blvd., Fairlawn, Ohio 44333</u>
Phone #: <u>407-222-7425</u>	Phone #: <u>330-864-5011</u>
	<u>Lucy Myers</u> <u>Albert Myers</u>
Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	_____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: M & O LIMITED PARTNERSHIP ~~XXXXXXXXXXXX~~ Limited Partner (1)
 Principal: Roger E. Owen General Partner Principal: ALH Properties P.L.L. Howard Myers, Gen. Partner
 Address: 1024 Nancy Circle, Winter Springs Florida 32708 (Use additional sheets for more space.) Address: 134 Merz Blvd., Fairlawn, Ohio 44333

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
 Name: _____ Name: _____
 Address: _____ Address: _____
 (Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

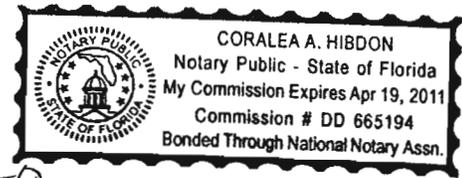
10-17-08
 Date

Roger E. Owen
 Owner, Agent, Applicant Signature

STATE OF FLORIDA
 COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 14th day of October, 2000 by Roger E. Owen

Coralea A Hibdon Coralea A Hibdon
 Signature of Notary Public Print, Type or Stamp Name of Notary Public



Personally Known OR Produced Identification
 Type of Identification Produced Drivers License 0500-725-31011-0

For Use by Planning & Development Staff

Date: _____ Application Number: _____