ITEM #_____

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

SUBJECT: Mathews Road Storage Small Scale Future Land Use Amendment from LDR (Low Density Residential) to IND (Industrial) and rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale)

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

AUTHORIZED BY: Alison Stettner **CONTACT:** Austin Watkins EXT. 7440

Agenda Date 2/04/2009 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. **RECOMMEND DENIAL** of the requested Small Scale Future Land Use Amendment from LDR (Low Density Residential) to IND (Industrial) and rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale), consisting of 7.48 ± acres, located at the southwest corner of the intersection of Oaklando Drive and Mathews Road, based on staff findings (Hugh Harling, applicant); or

2. **RECOMMEND APPROVAL** of the requested Small Scale Future Land Use Amendment from LDR (Low Density Residential) to IND (Industrial) and rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale), consisting of 7.48 ± acres, located at the southwest corner of the intersection of Oaklando Drive and Mathews Road (Hugh Harling, applicant); or

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

District 3 – Van Der Weide — Austin Watkins, Senior Planner

BACKGROUND:

Reviewed by:
Co Atty: KT
DFS:
OTHER:
DCM:
CM:

File No. Z2208-54

The applicant is requesting a Small Scale Future Land Use Amendment from LDR (Low Density Residential) to IND (Industrial) and a rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale). The subject property contains approximately 7.48 ± acres and is located at the southwest corner of the intersection of Oaklando

Drive and Mathews Road. The subject property is located in a multi-use area and includes a variety of Planned Commercial Developments (PCD), industrial developments, residential subdivisions, and agricultural uses.

Most notably, north of the subject property is the Trailwood Estates subdivision, which is a 190-lot, well established, single-family subdivision. The Trailwood Estates subdivision is assigned the R-1A (Single-family Dwelling) zoning classification and LDR Future Land Use (FLU) designation.

The subject property has frontage on Oaklando Drive and Mathews Road. Oaklando Drive is classified as a local roadway and Mathews Road is an ingress/egress easement. Oaklando Drive is a local roadway that cuts through two existing single-family subdivisions, Trailwood Estates and Oaklando Hills. *Seminole County Comprehensive Plan Policy TRA 2.5.2 Discourage Through Traffic* in residential areas and *Policy TRA 2.5.9 Access Control to Protect Residential Areas* discourages through traffic on residential roadways to protect the existing neighborhoods.

Seminole County Comprehensive Plan FLU Policy 2.5 Transitional Land Uses in Urban Areas Not Approved For Mixed Development indicates that the County shall evaluate plan amendments to ensure that a transitional land use is provided as a buffer between residential and nonresidential uses and between varying intensities of residential uses. Further, *Exhibit FLU: Appropriate Transitional Land Uses* indicates that Industrial may not be compatible adjacent to the LDR FLU. Staff finds that this application lacks sensitive site design and transitional standards.

The Board commissioned the Hillview Small Area Study in 1999, which was accepted by the Board on June 7, 2000. The Hillview Small Area Study recommended that this area be designated PD (Planned Development) FLU when ready to develop. Further, the study was concerned about compatibility of the existing single-family residential, light industrial, and new development. Glatting Jackson authored the study which recommended that the PDs have tailored land uses and design standards due to the ability to accommodate existing single-family development.

In the immediate vicinity the Hattaway/Hillview PCD, Harling Locklin Mathews Road/Oaklando Drive PCD, and Terry L. Butler PCD allow for a variety of industrial and office uses. The Hattaway/Hillview PCD and Terry L. Butler PCD allow for "residential (single and multi-family), industrial (office showroom and warehouse/storage facility), office, public uses, churches, daycare, and public/private education." The development orders prohibit the use of remote parking. All of the PCDs in the area require that "outside storage shall be screened as not to be visible from public view." None of the above referenced PCDs have received Final Site Plan approval from the Seminole County Board of County Commissioners.

During the Development Review Committee (DRC) process, Staff advised the applicant to pursue the PD FLU and PCD zoning classification for a more appropriate FLU and zoning, which incorporates sensitive site design standards and other transitional features because the IND FLU and C-3 zoning classifications do not permit conditions of approval. This advice was based upon the Hillview Small Area Study, Seminole County Comprehensive Plan policies, adjacent Future Land Use designations, lack of sensitive site design standards, and to ameliorate the negative impacts of incompatibility to the adjacent LDR FLU, such as adverse lighting, noise, and traffic. However, the applicant decided to move forward with the IND FLU and C-3 zoning.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the requested Small Scale Future Land Use Amendment from LDR (Low Density Residential) to IND (Industrial) and rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale), consisting of 7.48 ± acres, located at the southwest corner of the intersection of Oaklando Drive and Mathews Road.

Attachments:
Staff Analysis
Location Map
Zoning and Future Land Use Map
Aerial Map
Pictometry of the Area
Denial Development Order
SSLUA Ordinance (applicable only if approved)
Rezone Ordinance (applicable only if approved)
Ownership Disclosure Form

Mathews Road Storage Small Scale Future Land Use Amendment from LDR (Low Density Residential) to IND (Industrial) and rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale)		
APPLICANT	Hugh Harling, applicant	
PROPERTY OWNER	Hattaway Holdings, LLC	
REQUEST	SSLUA from LDR (Low Density Residential) to IND (Industrial) and rezone from A-1(Agriculture) to C-3 (General Commercial and Wholesale)	
PROPERTY SIZE	7.48 ± acres	
HEARING DATE (S)	P&Z: February 4, 2009	BCC: March 24, 2009
PARCEL ID	22-21-29-300-0100-0000; 22-21-29-300-0120-0000	
LOCATION	Located at the southwest corner of the intersection of Oaklando Drive and Mathews Road.	
FUTURE LAND USE	LDR (Low Density Residential)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2008-54	
COMMISSION DISTRICT	#3 – Van Der Weide	

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is proposing a Small Scale Future Land Use Amendment from Low Density (maximum 4 dwelling unit per net buildable acre) to Industrial (maximum F.A.R. of 0.65) and a rezone from A-1 (Agriculture) to C-3 (General Wholesale and Commercial). The applicant proposes the SSLUA and rezone to allow for outside storage on the subject property.

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of C-3 (General Wholesale and Commercial):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (C-3)
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	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

*Unless adjacent to a residential future land use designation or zoning classification

COMPATIBILITY WITH SURROUNDING PROPERTIES

The subject property is located in a multi-use area and includes a variety of Planned Commercial Developments (PCD), industrial developments, residential subdivisions, and agricultural uses.

Most notably, north of the subject property is the Trailwood Estates subdivision, which is a 190-lot, well established, single-family subdivision. The Trailwood Estates subdivision is assigned the R-1A (Single-family Dwelling) zoning classification and LDR Future Land Use (FLU) designation.

The subject property has frontage on Oaklando Drive and Mathews Road. Oaklando Drive is classified as a local roadway and Mathews Road is an ingress/egress easement. Oaklando Drive is a local roadway that cuts through two existing single-family subdivisions, Trailwood Estates and Oaklando Hills. *Seminole County Comprehensive Plan Policy TRA 2.5.2 Discourage Through Traffic* in residential areas and *Policy TRA 2.5.9 Access Control to Protect Residential Areas* discourages through traffic on residential roadways to protect the existing neighborhoods. The current application does not incorporate any vehicular access controls to limit possible impacts on 361 existing single-family homes.

Seminole County Comprehensive Plan FLU Policy 2.5 Transitional Land Uses in Urban Areas Not Approved For Mixed Development indicates that the County shall evaluate plan amendments to ensure that a transitional land use is provided as a buffer between residential and nonresidential uses and between varying intensities of residential uses. Further, *Exhibit FLU: Appropriate Transitional Land Uses* indicates that the Industrial may not be compatible adjacent to the LDR FLU. Staff finds that this application lacks sensitive site design and transitional standards.

The Board commissioned the Hillview Small Area Study in 1999, which was accepted by the Board on June 7, 2000. The Hillview Small Area Study recommended that this area be designated PD (Planned Development) FLU when ready to develop. Further, the study was concerned about compatibility of the existing single-family residential, light industrial, and new development. Glatting Jackson authored the study which recommended that the PDs have tailored land uses and design standards due to the ability to accommodate existing single-family development.

The IND FLU and C-3 zoning classifications do not allow for sensitive site design standards to be required at the time of the SSLUA and rezoning. The Seminole County Comprehensive Plan Exhibit – Appropriate Transitional Land Uses indicates that the IND FLU is not a transitional land use when adjacent to the LDR FLU.

The application does not include sensitive site design standards, such as: sufficient buffers (above and beyond Active/Passive); passive design features adjacent to the

LDR FLU (such as moving uses more interior to the site); limited hours of operation; noise limitation; limitations on maximum allowable building heights; residential-compatible architectural features; vehicular access avoiding residential developments; and other sensitive site design standards as appropriate. Further, the C-3 zoning classification allows for a wide variety of commercial and light industrial uses.

In the immediate vicinity the Hattaway/Hillview PCD, Harling Locklin Mathews Road/Oaklando Drive PCD, and Terry L. Butler PCD allow for a variety of industrial and office uses. The Hattaway/Hillview PCD and Terry L. Butler PCD allow for "residential (single and multi-family), industrial (office showroom and warehouse/storage facility), office, public uses, churches, daycare, and public/private education." The development orders prohibit the use of remote parking. All of the PCDs in the area require that "outside storage shall be screened as not to be visible from public view." None of the above referenced PCDs have received Final Site Plan approval from the Seminole County Board of County Commissioners.

Staff finds that the proposed SSLUA and rezone are not compatible with the surrounding areas, due to the lack of sensitive site design standards and lack of transitioning features, as required by the Seminole County Comprehensive Plan and recommended by the Hillview Small Area Study, which was accepted by the Board in 1999.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

FLU Element Plan Amendment Review Criteria:

The Future Land Use Element in the Comprehensive Plan lays out certain criteria that proposed future land use amendments must be evaluated against. Because this is a small area Future Land Use amendment with localized impacts, an individual site compatibility analysis is required utilizing the following criteria:

A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.

Staff Evaluation

The three PDs approved in the area have substantially changed the character of the area. However, none of the three approved PDs have obtained Final Site Plan/Developer's Commitment Agreement approval. Therefore, none of those projects have been constructed. Further, the 1999 Hillview Small Area Study identified this area for individual PDs containing light industrial uses with appropriate sensitive site design standards. However, this application is for an IND FLU and C-3 zoning classification, not a PD FLU or PCD/PUD zoning classification. Examples of uses within the C-3 zoning classification include: contractors' equipment storage yards; lumber yards;

laundry and dry-cleaning plants; machinery sales and storage; paint and body shops; warehouses; and uses permitted in the C-1, C-2 and C-3 zoning classification.

B. Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service.

No information has been submitted by the applicant to address this issue.

C. Whether the site is suitable for the proposed use and will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.

D. Whether the proposal adheres to other special provisions of law (e.g., the Wekiva River Protection Act).

Staff Evaluation

The development will have to undergo Concurrency Review prior to Final Engineering approval and must meet all Concurrency standards in order to proceed.

The site will have to comply with all Land Development Regulations regarding development in and around wetland and floodplain areas at the time of Final Engineering.

The subject property is not located within any special or overlay district.

E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code.

Staff Evaluation

The Seminole County Comprehensive Plan has explicitly made the preservation of neighborhoods a priority of the Comprehensive Plan. *Issue FLU 1: Neighborhood Protection* states:

> "For urban neighborhoods, the focus concerned the need for compatibility standards to guarantee that redevelopment and infill development fit well with existing neighborhoods, while ensuring that needed revitalization occurs. –This focus pertains to the key issue of ensuring viable – "Centers" as identified by the Central Florida Regional Growth Vision."

The Hillview Study recommended that the Active Buffer and Setback requirement apply to all sides of development that are adjacent to the LDR FLU or a residential zoning classification. Moreover, the Hillview Small Area Study recommended that this area be designated PD (Planned Development) when ready to develop. Further, the study

recommended that the PDs have tailored land uses and design standards that create a compatible situation between light industrial uses and the existing single-family residential uses.

Comprehensive Plan Policy FLU 2.5 Transitional Land Uses in Urban Areas Not Approved For Mixed Development, states that:

> "The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and nonresidential uses, between varying intensities of residential uses and in managing redevelopment of area no longer appropriate as viable residential areas, within urban areas where mixed development is not permitted. *Exhibit FLU: Appropriate Transitional Uses* is to be used in determining appropriate transitional uses."

Exhibit FLU: Appropriate Transitional Uses indicates that the proposed FLU and zoning (IND FLU and C-3 zoning classification) is not an appropriate transitional land use when adjacent to the LDR FLU.

Moreover, the subject property has frontage on Oaklando Drive, which is classified as a local roadway and Mathews Road, which is an ingress/egress easement. Oaklando Drive is a local roadway that cuts through two existing single-family subdivisions, Trailwood Estates and Oaklando Hills. *Comprehensive Plan Policy FLU 2.3 Roadway Compatibility* states:

> "The County shall encourage the viability of future residential neighborhoods adjacent to collector and arterial roadways by:
> 1. Requiring additional setbacks and buffers for residential development adjacent to future major collector and arterial roadways to minimize impacts of future roadway improvements;
> 2. Requiring development plans to transition residential and nonresidential land use intensities at major intersections to maximize compatibility with existing residential neighborhoods;
> 3. Discouraging through traffic on local residential roadways."

Comprehensive Plan Policy TRA 2.5.2 Discourage Through Traffic states:

> "The County shall endeavor to ensure that vehicular connections between subdivisions are designed to serve local residents and preclude through traffic."

Comprehensive Plan Policy TRA 2.5.9 Access Control to Protect Residential Uses states:

> "The County shall require that access to properties fronting on more than one roadway shall be designed to minimize impact to adjacent residential area. Access should be permitted on adjacent collector or arterial roadways and not on the adjacent local or residential streets. However, where improved traffic control can be achieved with minimum impact to adjacent residential neighborhoods, access may be considered on a local or residential street."

According to Staff's impact calculations, which are based upon an industrial development at a 0.65 Floor Area Ratio (F.A.R.) the subject property will be impacting the surrounding roadways with an additional 1,322 Average Daily Trips through the existing roadways. If Oaklando Drive is improved and access is from Oaklando Drive, then access to a signalized intersection at S.R. 434 and Lotus Landing Blvd will be provided via Oaklando Drive. Direct access to a signalized intersection may increase the probability that more trips will cut through the existing neighborhoods via Oaklando Drive, which is also not consistent with Seminole County Comprehensive Plan policies.

Staff finds that the proposed application is not consistent with *Seminole County Comprehensive Plan Policy FLU 2.3 Roadway Compatibility, Policy TRA 2.5.2 Discourage Through Traffic, Policy FLU 2.5 Transitional Land Uses in Urban Areas Not Approved For Mixed Development,* and *Exhibit FLU: Appropriate Transitional Uses*. Additionally, the proposed application is not consistent with the Hillview Small Area Study because of the requested zoning classification and FLU designation.

Staff finds that the proposed application lacks sensitive site design and transitional standards by not including the following in the application:

- sufficient buffers (above and beyond the Active buffer and setback);
- limitations on uses (such as no remote parking or vehicle storage);
- passive design features adjacent to the LDR FLU (such as moving uses more interior to the site);
- limited hours of operation;
- noise limitations;
- limitations on maximum allowable building heights;
- residential-compatible architectural features;
- vehicular access avoiding residential developments (no access on Oaklando Drive);
- and other sensitive site design standards as appropriate.

Staff finds that the Comprehensive Plan has the explicit issues, goals, and policies that support the preservation of existing neighborhoods. This is evident through the numerous Comprehensive Plan policies that discourage cut through traffic, discourage direct access to residential neighborhoods for nonresidential uses, and encourage sensitive site design standards for compatibility on infill parcels.

F. Whether the proposed use furthers the public interest by providing:

1. **Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site;**

2. **Dedications or contributions in excess of Land Development Code requirements;**

3. **A range of obtainable housing opportunities and choices, including affordable or workforce housing;**

4. **Economic development;**

5. **Reduction in transportation impacts on area-wide roads;**

6. **Mass transit and a variety of transportation choices; or**

7. **Whether the proposed land use designation is consistent with any other applicable Plan policies, and supports and is consistent with the Central Florida Regional Growth Vision, the Strategic Regional Policy Plan and the State Comprehensive Plan.**

The applicant is not proposing any additional facility improvements. The applicant's proposal does not consider affordable housing, economic development, mass transit, nor reduction in transportation impacts.

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.

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 may be 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), 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. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

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

Public Facility	Existing FLU (LDR)*	Proposed FLU (IND)**	Net Impact
Water (GPD)	7,700	50,640	+42,940
Sewer (GPD)	6,600	37,980	+31,380
Traffic (ADT)	211	1,322	+1,111

** Calculated as 22 single-family homes (overall net density of 4 du/ac)*
*** Calculated as an Industrial Park at 0.65 F.A.R.*

Utilities:

The site is located in an unclaimed water and sewer utility service area and is not located within the 10-year reclaim master plan. At the time of site plan review, the utility service provider will be determined as Altamonte Springs or Utilities Inc. Altamonte Springs has a 12-inch water main on Oaklando Drive, an 8-inch water main on Mathews Road, and a force main on Oaklando Drive. Utilities Inc has a 6-inch water main on Mathews Road.

Transportation / Traffic:

The property proposes access onto Mathews Road which is an unpaved roadway within a private ingress/egress easement. The only public road fronting this parcel is Oaklando Drive, which is an unpaved local road, which does not have improvements programmed in the County 5-year Capital Improvement Program.

This site will require a road constructed to local roadway standards situated within a public or private right-of-way.

Drainage:

The proposed project is located within the Little Wekiva Drainage Basin and has limited downstream capacity. The site will have to be designed to hold the entire 25-year, 24-hour storm event onsite, if a positive defined outfall is not demonstrated by engineering or existing conditions on property.

Parks, Recreation and Open Space:

The applicant is required to provide at a minimum 25% of the site in open space, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Seminole County LDC.

Buffers and Sidewalks:

The developer will be required to build a 5-foot sidewalk along Mathews Road or Oaklando Drive for the frontage of their property.

The subject property is adjacent to the Low Density Residential Future Land Use designation. Compliance with the Active/Passive Buffers will be required at the time at site plan approval.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is not located within any 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 following policies are applicable with the proposed project (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

Policy FLU 2.3: Roadway Compatibility
Policy FLU 2.5: Transitional Land Uses in Urban Areas Not Approved For Mixed Development
Policy FLU 16.4: Relationship of Land Use to Zoning Classifications
Policy FLU 16.5: Evaluation Criteria of Property Rights Assertions
Exhibit FLU: Appropriate Transitional Uses
Policy TRA 2.5.2: Discourage Through Traffic
Policy TRA 2.5.9: Access Control to Protect Residential Uses

INTERGOVERNMENTAL NOTIFICATION:

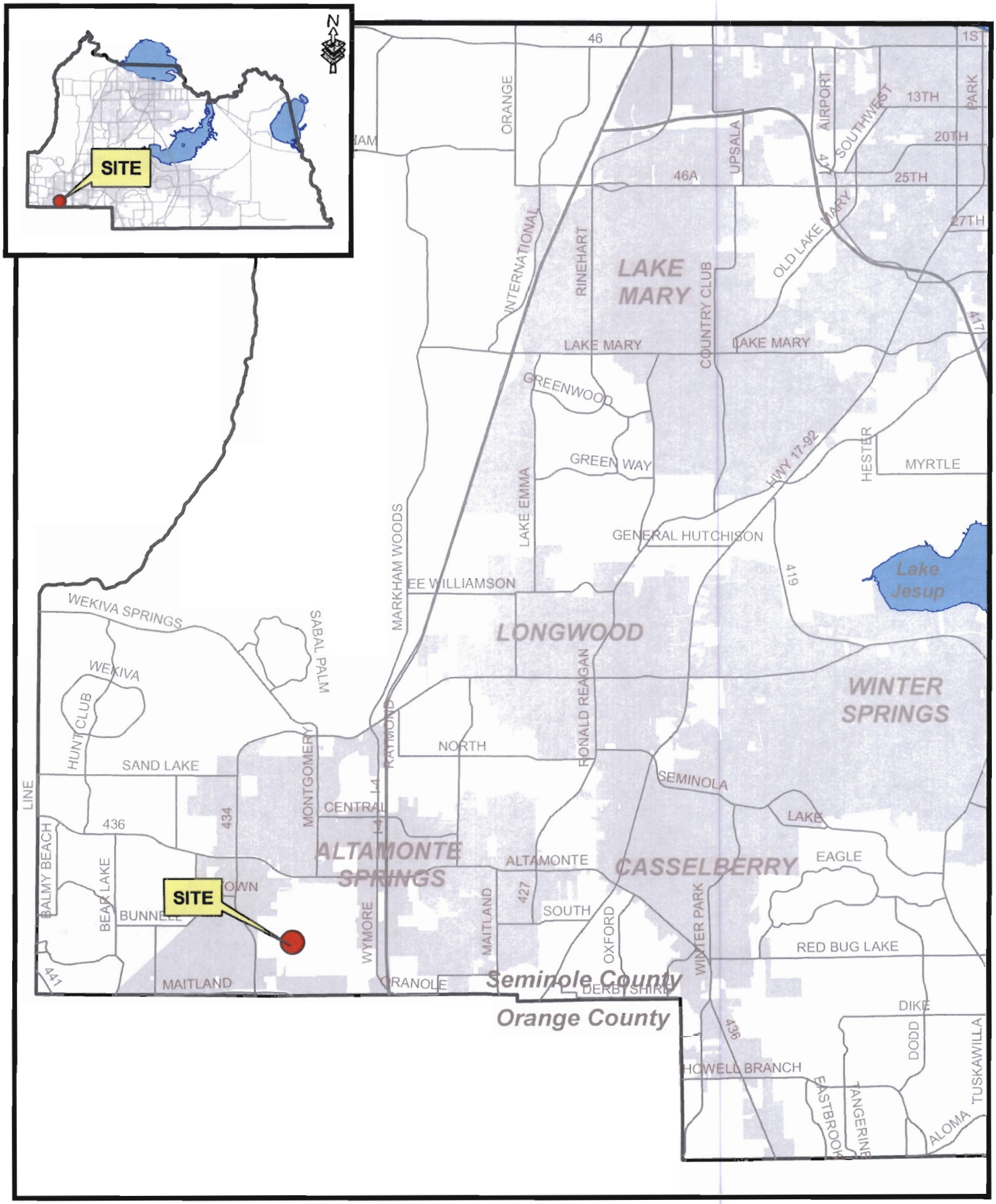
The subject property is not adjacent to any other jurisdictions; therefore, no intergovernmental notifications were required.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the requested Small Scale Future Land Use Amendment from LDR (Low Density Residential) to IND (Industrial) and rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale), consisting of 7.48 ± acres, located at the southwest corner of the intersection of Oaklando Drive and Mathews Road.



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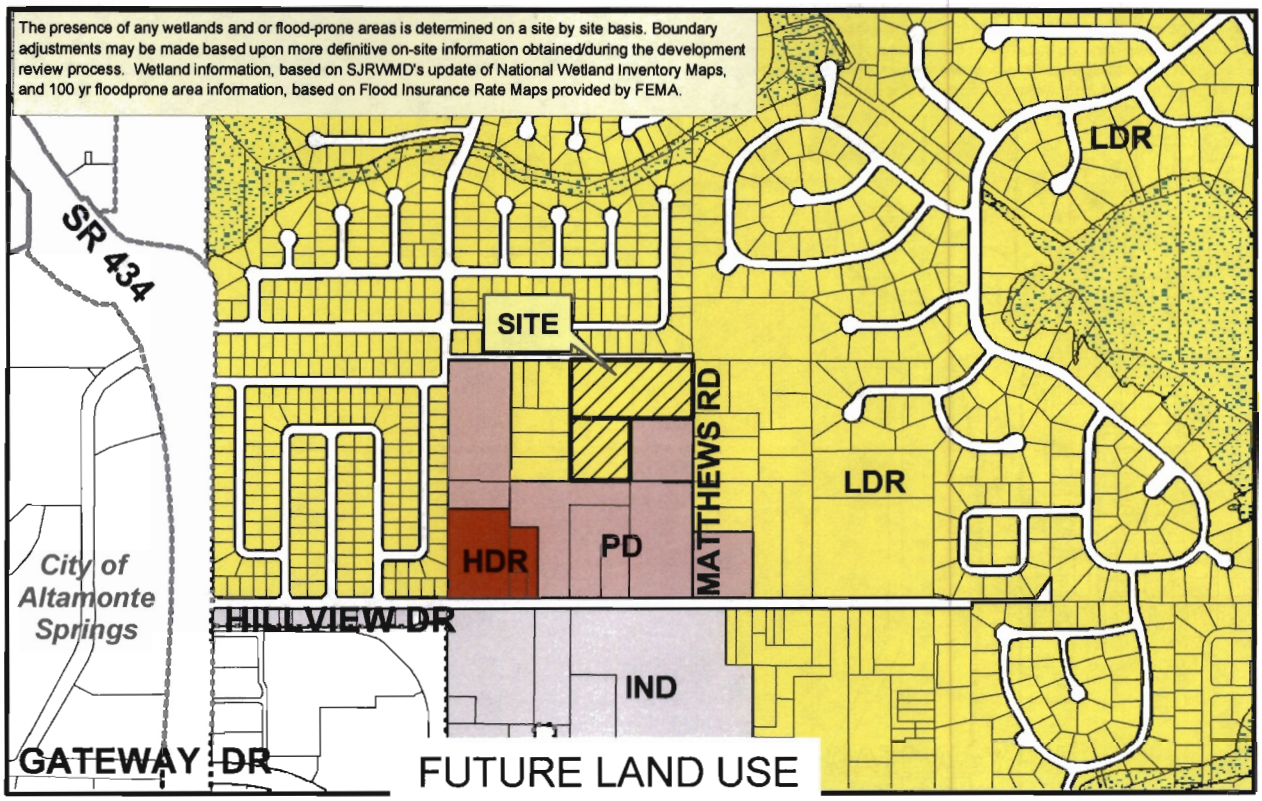
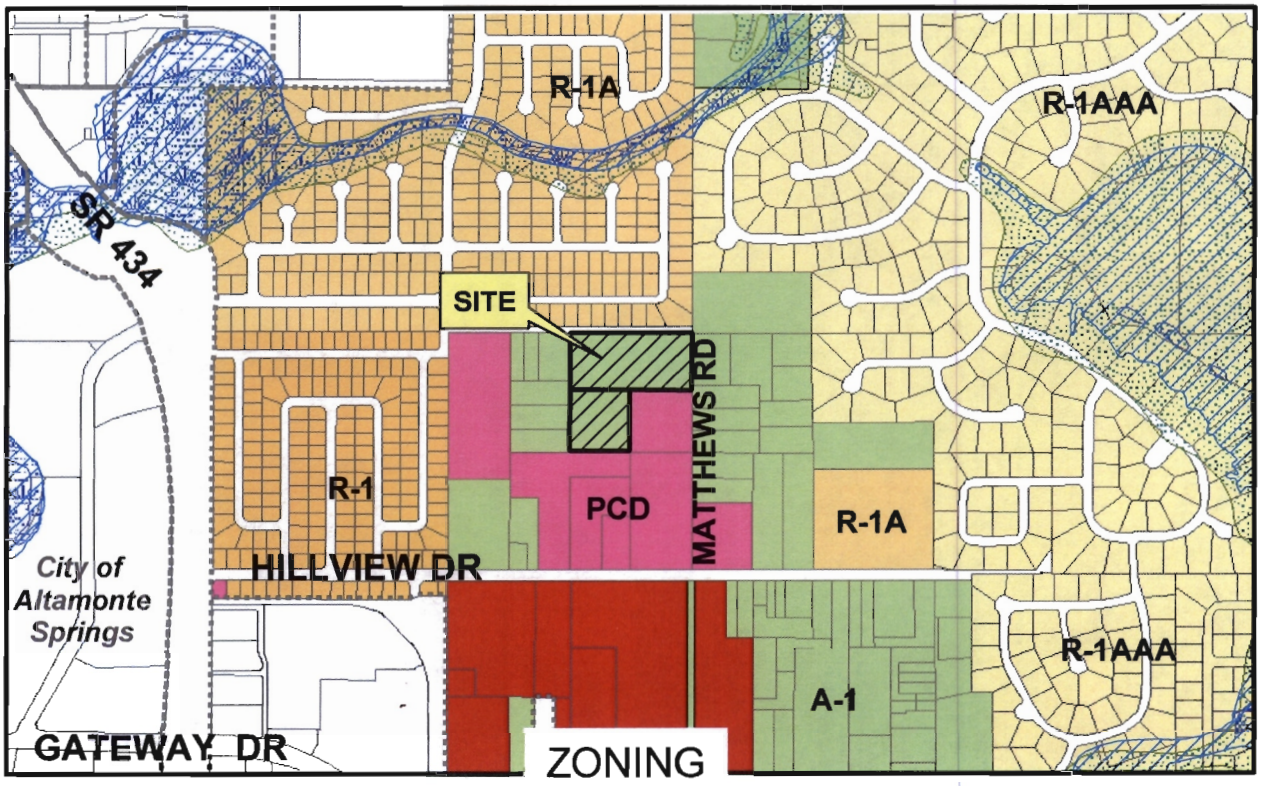


Applicant: Hugh Harling
Physical STR: 22-21-29-300-0100 & 0120-0000
Gross Acres: 7.45 +/- BCC District: 3
Existing Use: Vacant
Special Notes:

	Amend/ Rezone#	From	To
FLU	08SS.07	LDR	IND
Zoning	Z2008-054	A-1	C-3



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Rezone No: Z2008-54
From: A-1 To: C-3
FLU No: 08SS.07
From: LDR To: IND
Parcel
Subject Property

N

Winter 2007 Color Aerials

filename: L:/pl/projects/p&z/GIS/staff_report_pkgs2008/site_aerials/Z2008-054 adaer 12/22/08

Subject Property
Oaklando Dr
S
E
N

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On March 24, 2009, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): Hattaway Holdings, LLC

Project Name: Mathews Road Storage SSLUA/Rezone

Requested Development Approval: The applicant is requesting a Small Scale Land Use Amendment from LDR (Low Density Residential) to IND (Industrial) and a rezone for 7.48 ± acres located at the southwest corner of the intersection of Oaklando Drive and Mathews Road, from A-1 (Agriculture) to C-3 (General Commercial and Wholesale).

The Board of County Commissioners has determined that the requested Small Scale Land Use Amendment to IND (Industrial) and associated rezone to C-3 (General Commercial and Wholesale) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Mathews Road Storage SSLUA/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 Small Scale Land Use Amendment to IND and rezone to C-3 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

Parcel 3 (per ORB 6971/ Pg. 1974)
Parcel ID # 22-21-29-300-0120-0000
Southwest ¼ of the Northeast ¼ of the Southwest ¼ of the Northwest ¼ of Section 22, Township 21 South, Range 29 East, Seminole County, Florida

Containing 2.45 acres, more or less.

Parcel 7 (per ORB 6971/ Pg. 1974)
Parcel ID # 22-21-29-300-0100-0000
The North ½ of the Northeast ¼ of the Southwest ¼ of the Northwest ¼ of Section 22, Township 21 South, Range 29 East, Seminole County, Florida, less road right-of-way.

Containing 5.00 acres, more or less.

ORDINANCE NO. 2009- **SEMINOLE COUNTY, FLORIDA**
Z2008-54

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 08-44, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM LOW DENSITY RESIDENTIAL TO INDSUTRIAL; 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 08-44 which adopted the Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; 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 Local Planning Agency held a Public Hearing, with all required public notice, on February 4,2009, 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 March 24, 2009, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local 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 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 Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

(a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.

(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. 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 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

(b) The associated rezoning request was completed by means of Ordinance Number 09-_____.

(c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

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 and the Florida Department of Community Affairs 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 adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, 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 24th day of March, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By:_____

Bob Dallari, Chairman

APPENDIX A

LEGAL DESCRIPTION

Parcel 3 (per ORB 6971/ Pg. 1974)
Parcel ID # 22-21-29-300-0120-0000
Southwest ¼ of the Northeast ¼ of the Southwest ¼ of the Northwest ¼ of Section 22, Township 21 South, Range 29 East, Seminole County, Florida

Containing 2.45 acres, more or less.

Parcel 7 (per ORB 6971/ Pg. 1974)
Parcel ID # 22-21-29-300-0100-0000
The North ½ of the Northeast ¼ of the Southwest ¼ of the Northwest ¼ of Section 22, Township 21 South, Range 29 East, Seminole County, Florida, less road right-of-way.

Containing 5.00 acres, more or less.

ORDINANCE NO. 2009- **SEMINOLE COUNTY, FLORIDA Z2008-54**

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) ZONING CLASSIFICATION THE C-3 (GENERAL COMMERCIAL AND WHOLESALE) 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 "Mathews Road Storage SSLUA/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 C-3 (General Commercial and Wholesale):

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 the date of filing with the Department.

ENACTED this 24th day of March 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By:_____
Bob Dallari, Chairman

EXHIBIT "A"
LEGAL DESCRIPTION:

Parcel 3 (per ORB 6971/ Pg. 1974)
Parcel ID # 22-21-29-300-0120-0000
Southwest ¼ of the Northeast ¼ of the Southwest ¼ of the Northwest ¼ of Section 22, Township 21 South, Range 29 East, Seminole County, Florida

Containing 2.45 acres, more or less.

Parcel 7 (per ORB 6971/ Pg. 1974)
Parcel ID # 22-21-29-300-0100-0000
The North ½ of the Northeast ¼ of the Southwest ¼ of the Northwest ¼ of Section 22, Township 21 South, Range 29 East, Seminole County, Florida, less road right-of-way.

Containing 5.00 acres, more or less.

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:_____ Name:_____
Address:_____ Address:_____
Phone #:_____ Phone #:_____

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:_____
Trustees:_____ Beneficiaries:_____
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: Hattaway Holdings, LLC Name of Partnership: _____
Principal: Robert T. Hattaway Principal: _____
Address: 601 Hillview Alt.Spring, Fl Address: _____
(Use additional sheets for more space.)

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.

1-7-2009
Date

Robert T Hattaway
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 7th day of January, 2009 by Robert Hattaway.

Donna M. McCaskill DONNA M. MCCASKILL
Signature of Notary Public Print, Type or Stamp Name of Notary Public

Notary Public State of Florida
Donna M McCaskill
My Commission DD486196
Expires 12/21/2009

Personally Known ✓ OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____