ORDINANCE NO 2013-28

AN ORDINANCE FURTHER AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY BY VIRTUE OF A SMALL SCALE FUTURE LAND USE MAP AMENDMENT; CHANGING THE FUTURE LAND USE MAP DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM HIP-TI (HIGH INTENSITY PLANNED DEVELOPMENT) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2008-44 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 Section 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Future Land Use Map 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 October 2, 2013, 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 October 22, 2013, 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

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY _____
DEPUTY CLERK

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is consistent and in compliance with the provisions of State law, including, but not limited to, Sections 163.3177 and 163.3187, Florida Statutes, and with the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council

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

Section 1. Recitals/Legislative findings:
The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2008-44, as previously amended, is hereby further amended by amending the Future Land Use Map designation assigned to the property described in the attached Exhibit "A" to this Ordinance as follows:

Ord Exhibit	Name	Amendment Number	Future Land Use Change From-To	LPA Hearing Date	Board Hearing Date
A	I-4 Commercial Site	08.13SS.06 (Z2012-039)	HIP-TI to Planned Development (PD) with maximum 1.0 FAR*	10/02/2013	10/22/2013

* Floor area ratio

(b) The associated rezoning request was completed by means of Ordinance Number 2013-29.

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 to reflect adopted amendments to the Plan.

Section 5. Effective Date:

(a) The County shall provide a certified copy of this Ordinance to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, 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, if the amendment is not challenged in a timely manner, shall be no earlier than thirty-one (31) days after the adoption date of the amendment. If challenged within the appropriate time period, this amendment shall become effective on the date the State Land Planning Agency or the State Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits

or land uses dependent upon this amendment may be issued or commence before it has become effective.

ENACTED this 22nd day of October, 2013

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Robert Dallari, Chairman

EXHIBIT A

Amendment 08.13SS.06

LEGAL DESCRIPTION

PARCEL 1: The South 198.00 fee of the West 330.00 feet, AND ALSO the North 132.0 of the South 330.00 feet of Lot 30. ST. JOSEPH'S SUBDIVISION, according to the plat thereof as recorded in Plat Book 1, Page 114, of the Public records of Seminole County, Florida, LESS Right-of-Way of State Road 400 (Interstate Highway No.4);

AND

PARCEL 2: Begin 132 feet North of the Southeast corner of Lot 30, ST. JOSEPH'S SUBDIVISION, according to the plat thereof as recorded in Plat Book 1, Page 114, of the Public Records of Seminole County, Florida, thence run West a distance of 175 feet, thence run North 66 feet, thence run East 175 feet, thence run South 66 feet to the Point of Beginning; LESS road Right-of-Way;

AND

PARCEL 3: The East 330.00 of the South 132.00 feet of Lot 30, ST. JOSEPH'S SUBDIVISION, accoriding to the plat thereof as recorded in Plat Book 1, Page 114, of the Public records of Seminole County, Florida, LESS the South 117.00 feet of the West 100 feet thereof, and LESS road Right-of-Way.

AND

PARCEL 4: Commencing at the Southeast corner of Lot 30, ST. JOSEPH'S SUBDIVISION, according to the plat thereof as recorded in Plat Book 1, Page 114, of the Public Records of Seminole County, Florida, run West 230 feet to Point of Beginning, thence North 117 feet, thence West 100 feet, thence South 117 feet, thence East 100 feet to the Point of Beginning.

AND

PARCEL 5: Lot 29, lying East of State Road 400 (Interstate Highway No. 4), ST. JOSEPH'S SUBDIVISION, as recorded in Plat Book 1, Page 114, of the Public Records of Seminole County, Florida.

AND

PARCEL 6: Commencing at a point 132 feet North of the Southeast corner of Lot 30, ST. JOSEPH'S SUBDIVISION, according to the plat thereof as recorded in Plat Book 1, Page 114, of the Public Records of Seminole County; thence run West 175 feet to the Point of Beginning; thence continue West a distance of 155 feet; thence run North 66 feet; thence run East 155 feet; thence run South 66 feet to the Point of Beginning.

FILE NO.: PZ2012-039 DEVELOPMENT ORDER # 12-20500026

SEMINOLE COUNTY DEVELOPMENT ORDER

On October 22, 2013, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

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

FINDINGS OF FACT

Property Owner: Sry Elder Road, LLC

Project Name: I-4 Commercial Site Small Scale Land Use Amendment & Rezone

Requested Development Approval: Small Scale Land Use Amendment from HIP-TI (Higher Intensity Planned Development – Target Industry) and associated Rezone from A-1 (Agriculture) to PD (Planned Development) for 5.0 acres located on the east side of I-4, approximately 375 feet south of School Street.

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 development conditions and commitments stated below shall run with, follow and perpetually burden the aforedescribed property.

Prepared by: Brian M. Walker
1101 East First Street
Sanford, Florida 32771

RETURN TO: CITY CLERK

MARYANNE MORSE, SEMINOLE COUNTY
CLERK OF CIRCUIT COURT & COMPTROLLER
BK 08151 Pgs 0013 - 18; (6pgs)
FILE NUM 2013136934
RECORDED 10/25/2013 09:13:22 AM
RECORDING FEES 52.50
RECORDED BY T Van Nuys

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY Eva Loach
DEPUTY CLERK

Order

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 to the extent that such codes and ordinances are not in conflict with this Development Order.

(3) The conditions upon this development approval and the commitments made as to this development approval are as follows:

A. Development shall comply with the Master Development Plan attached as Exhibit "B".

B. The maximum allowed Floor Area Ratio is 1.0 (one).

C. Permitted Uses:

- All uses described in the C-1, C-2, C-3, M-1A, M-1 zoning districts.
- All uses permitted under HIP-TI.
- Motor Vehicle Sales & Repair Including Auto, Tractor, Heavy Equipment Sales, Leasing and Auction
- Publishing Plants
- Service Stations with Pumps
- Well-Drilling

The following uses permitted with a Special Exception:

- 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.

D. The maximum allowable building height is thirty-five feet (35').

E. The setbacks from the external property boundaries shall be as follows:

North: ten-feet (10')
South: ten-feet (10')
East: ten-feet (10')
West: ten-feet (10')

Internal setbacks will be determined at Final Development Plan.

F. The buffers shall be as follows:

North: ten-foot (10') landscape buffer
South: ten-foot (10') landscape buffer
East: twenty-five foot (25') landscape buffer
West: ten-foot (10') landscape buffer

Buffer components will be established at Final Development Plan.

G. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside of the development.

H. In the case of a conflict between the written conditions A. through F. in this Development Order and the Master Development Plan attached as Exhibit "B", the terms of the written conditions A. through F. shall apply.

(4) This Development Order touches and concerns the aforedescribed 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.

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

(6) This Development Order becomes effective upon recording with the Seminole County Clerk of the Court. However, in no case shall this Order be effective prior to the effective date of the associated comprehensive plan amendment enacted in association with the I-4 Commercial Site Small Scale Land Use Amendment on October 22, 2013.

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Robert Dallari, Chairman

EXHIBIT A

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AND

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AND

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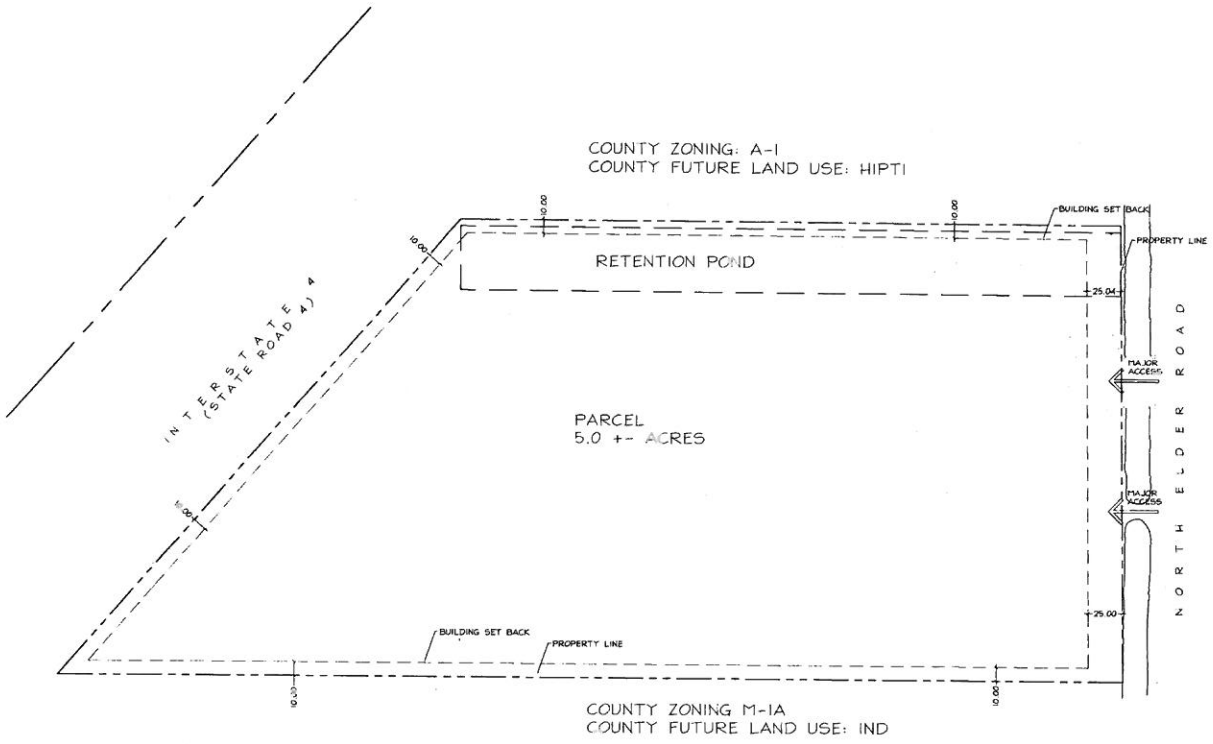
EXHIBIT B
Master Development Plan



BUILDING SETBACK

EXTERNAL PROPERTY PERMITTED LOT LINE SETBACKS FOR ONE SINGLE PARCEL
- NORTH - 10 FEET
- EAST - 25 FEET
- SOUTH - 10 FEET
- WEST - 10 FEET

GENERAL PROVISIONS FOR ALL LANDSCAPED AREAS WILL BE AS STATED IN THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY.

OPENSPACE REQUIREMENTS: TWENTY-FIVE (25) PERCENT OF THE TOTAL PARCEL.

HEIGHT RESTRICTION: NO BUILDING OR STRUCTURE SHALL EXCEED THIRTY-FIVE (35) FEET IN HEIGHT.

MAXIMUM FAR: 1.0

LEGIBILITY UNSATISFACTORY FOR SCANNING

PROPERTY OWNER:
SRY ELDER ROAD, LLC.
P.O. BOX 470960
LAKE MONROE, FL 32747

PARCEL ID NUMBERS:
16-19-30-5AC-0000-009A
16-19-30-5AC-0000-030A
16-19-30-5AC-0000-030B
16-19-30-5AC-0000-030C
16-19-30-5AC-0000-030D
16-19-30-5AC-0000-030E
16-19-30-5AC-0000-030G
16-19-30-5AC-0000-030H
16-19-30-5AC-0000-030F
16-19-30-5AC-0000-030K

LAND USE: VACANT - GENERAL INDUSTRIAL

FUTURE LAND USE: HIP - TI

PROPOSED FUTURE LAND USE: PD

EXISTING ZONING: A-1

PROPOSED ZONING: PD

SIZE OF PROPERTY: 5.0+- ACRES

SOILS: EAUGALLIE

FIRE PROTECTION: SEMINOLE COUNTY

MAINTENANCE OF COMMON AREAS: DOCUMENTS WILL BE PREPARED AND RECORDED TO PROVIDE FOR THE MAINTENANCE OF COMMON AREAS AND FACILITIES.

SERVICES PROVIDED:
POTABLE WATER - SEMINOLE COUNTY
RECLAIMED WATER - SEMINOLE COUNTY
WASTEWATER - SEMINOLE COUNTY
FIRE PROTECTION - SEMINOLE COUNTY
SOLID WASTE - SEMINOLE COUNTY

PERMITTED LAND USES

ALL PERMITTED USES DESCRIBED IN C-1, C-2, C-3, M-1A, AND M-1 ZONING DISTRICTS AND ALL USES PERMITTED UNDER TARGET INDUSTRIES IN THE HIP LAND USE.

IN ADDITION, THE FOLLOWING LIST OF USES ARE PERMITTED:
- BAKERIES
- BOTTLING AND DISTRIBUTION PLANTS
- COLD STORAGE AND FROZEN FOOD LOCKERS
- COMMUNICATION TOWERS
- CONTRACTOR'S EQUIPMENT AND STORAGE YARDS
- FEED STORES
- GREENHOUSES - WHOLESALE
- INDUSTRIAL TRADE SCHOOLS
- LAUNDRY AND DRY CLEANING PLANTS
- LUMBERYARDS
- MACHINE SALES AND STORAGE
- MECHANICAL GARAGES - BUSS, CAB, CAR AND TRUCK REPAIR AND STORAGE
- MOTOR VEHICLE SALES AND REPAIR INCLUDING AUTO, TRACTOR, HEAVY EQUIPMENT SALES, LEASING, AND AUCTION
- OFFICE SHOWROOM
- PAINT AND BODY SHOPS
- PLUMBING SHOPS
- PUBLISHING PLANTS
- SERVICE STATIONS WITH PUMPS
- TRADE SHOPS
- VET HOSPITALS WITH KENNELS
- WAREHOUSES
- WELL DRILLING

SPECIAL EXCEPTION USES:

LIVING QUARTERS IN CONJUNCTION WITH COMMERCIAL OR INDUSTRIAL USE TO BE OCCUPIED BY OWNER, OPERATOR OF THE BUSINESS OR EMPLOYEE. PUBLIC UTILITY STRUCTURES.

NORTH

0 20' 40' 80'
1"=40'-0"

LIBRA
design group
P.O. Box 547368, Orlando, FL 32854
Tel (407) 649-1828 Fax (407) 476-9526
Landscape Architecture & Planning
www.libradesigngroup.com

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Florida License: LC26000253

OWNER
SRY ELDER ROAD, LLC.
P.O. BOX 470960
LAKE MONROE, FL 32747

Manley
P.O. BOX 120
WINDERMERE, FL 34786
407-876-2868
www.manleyassoc.com

ISSUED

DATE:	FOR:
05.01.2013	REZONING SUBMITTAL
05.21.2013	REZONING SUBMITTAL REV. 1
06.28.2013	REZONING SUBMITTAL REV. 2
08.29.2013	REZONING SUBMITTAL REV. 3
09.03.2013	REZONING SUBMITTAL REV. 4

Young Rezoning

Brian F. Davis LA0000935

KEY PLAN

JOB NO.:	10212
DESIGNED BY:	BD
DRAWN BY:	JD
CHECKED BY:	BD
PROJECT APPROVAL:	

TITLE
PRELIMINARY PLAN

SHEET NO.
PP-02
of 02