
**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM****SUBJECT:** S. Econ Circle PCD Rezone**DEPARTMENT:** Planning and Development **DIVISION:** Planning**AUTHORIZED BY:** Dori DeBord**CONTACT:** Ian Sikonia**EXT:** 7398**MOTION/RECOMMENDATION:**

1. Approve the request and enact an ordinance 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 approve the attached Final Site Plan, subject to the conditions in the attached Developers Commitment Agreement and Development Order, and authorize the chairman to execute the aforementioned documents, based on staff findings; (Roger Owen, applicant); or
2. Deny 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 authorize the chairman to execute the Denial Development Order (Roger Owen, applicant); or
3. Continue until a time and date certain.

District 1 Bob Dallari

Ian Sikonia

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.

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.

Due to the fact that the project is already built, the applicant has elected to pursue PCD Preliminary and Final Site Plan approval concurrently, as permitted in Section 30.465 of the Seminole County Land development Code.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on February 4, 2009 and voted 6 to 0 to 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, based on staff findings.

STAFF RECOMMENDATION:

Staff recommends that the Board approve 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 approve the attached Final Site Plan, subject to the conditions in the attached Developers Commitment Agreement and Development Order.

ATTACHMENTS:

1. Staff Report
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. Final Site Plan
6. Development Order
7. Developer's Commitment Agreement
8. Rezone Ordinance
9. Denial Development Order
10. 2-4-09 Planning and Zoning Commission Meeting Minutes
11. Ownership Disclosure Form

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

| 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):

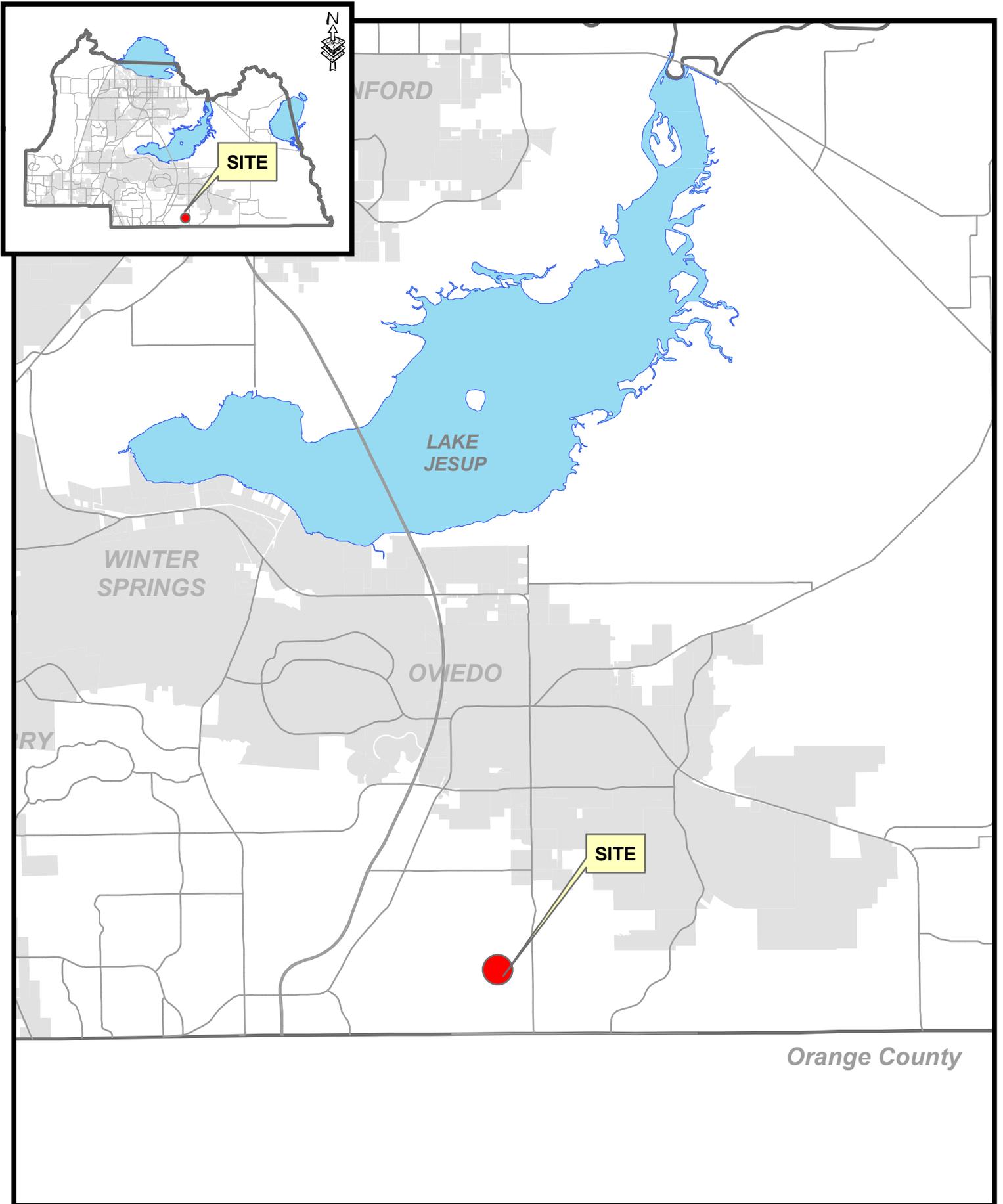
Policy FLU 2.10: Determination of Compatibility in the Planned Development Zoning Classification
Policy POT 1.8: Potable Water Connection
Policy SAN 1.3: Sanitary Sewer Connection

INTERGOVERNMENTAL NOTIFICATION:

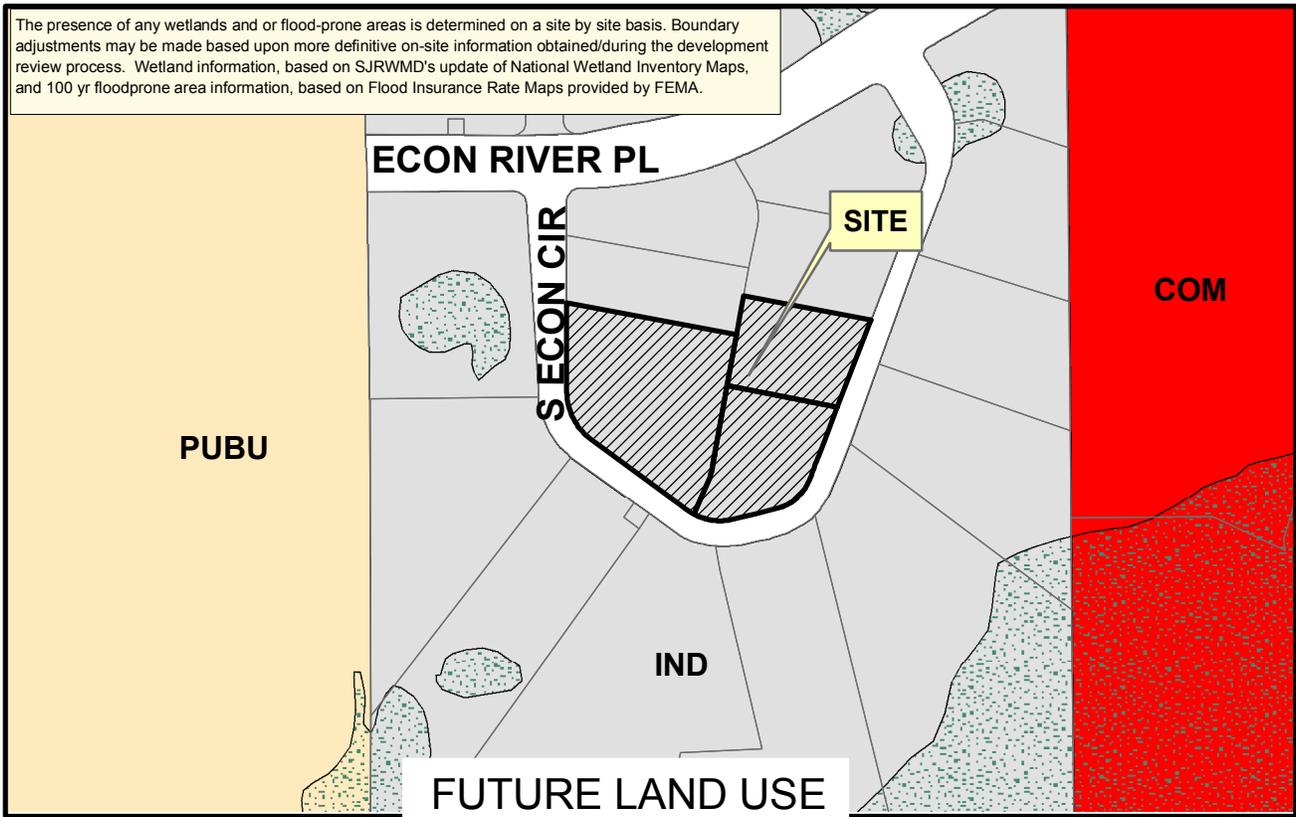
Intergovernmental notices were not required, due to this property not being located near or adjacent to any municipality.

LETTERS OF SUPPORT OR OPPOSITION:

Staff has not received letters of support or opposition.



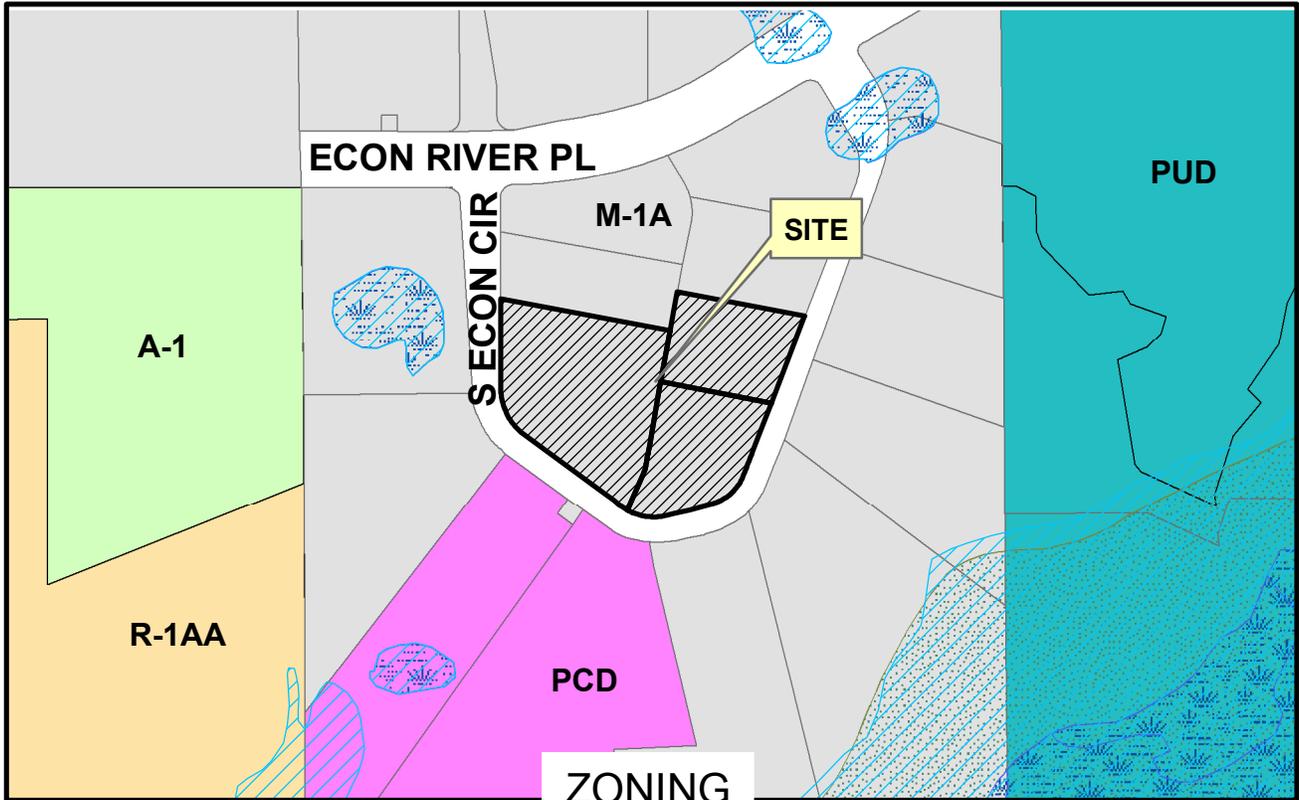
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



ECON RIVER PL

S ECON CIR

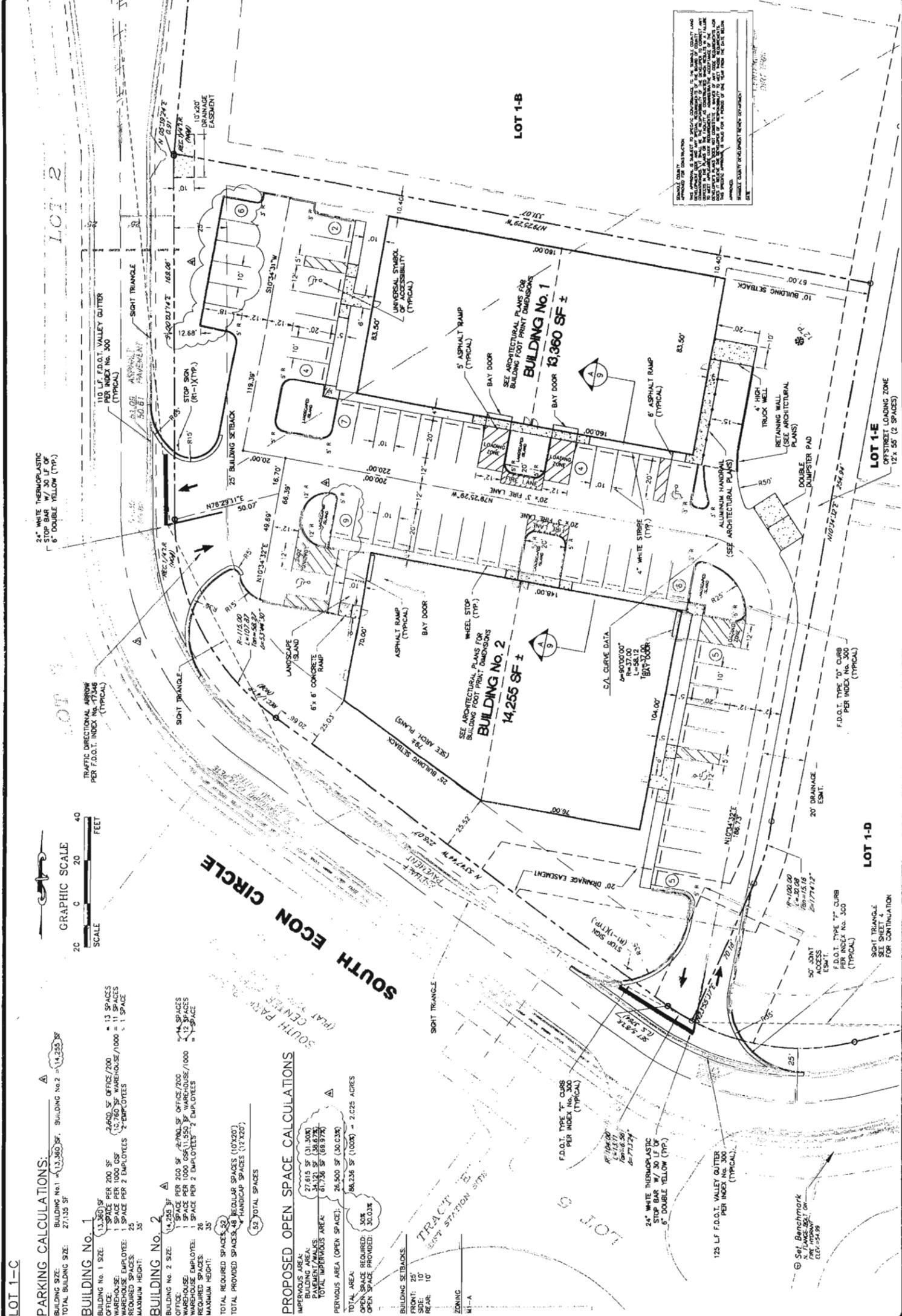
SITE

Rezone No: Z2008-050
Final Master Plan

-  Parcel
-  Subject Property



Winter 2007 Color Aerials



PARKING CALCULATIONS:
 BUILDING No. 1: 13,360 SF
 BUILDING No. 2: 14,255 SF
 TOTAL BUILDING SIZE: 27,615 SF

BUILDING No. 1
 OFFICE: 13 SPACES
 WAREHOUSE: 11 SPACES
 TOTAL SPACES: 24

BUILDING No. 2
 OFFICE: 14 SPACES
 WAREHOUSE: 11 SPACES
 TOTAL SPACES: 25

PROPOSED OPEN SPACE CALCULATIONS
 IMPERVIOUS AREA: 27,615 SF (31.30%)
 BUILDING AREA: 27,615 SF (31.30%)
 TOTAL IMPERVIOUS AREA: 55,230 SF (62.60%)
 PERVIOUS AREA (OPEN SPACE): 26,500 SF (30.03%)
 TOTAL AREA: 88,236 SF (100%) = 2.0225 ACRES
 OPEN SPACE REQUIRED: 50%
 OPEN SPACE PROVIDED: 30.03%

| NO. | DATE | REVISION |
|-----|----------|--|
| 1 | 04-19-02 | DESIGN B.L.M. |
| 2 | 04-19-02 | DRAWN J.R.R. |
| 3 | 04-19-02 | CHECKED B.L.M. |
| 4 | 04-19-02 | APPROVED |
| 5 | 04-19-02 | REVISION |
| 6 | 04-19-02 | REVISION PER SEMINOLE CO. O&C COMMENTS |
| 7 | 04-19-02 | REMOVE FIRE LANE STRIPING |
| 8 | 04-19-02 | OWNER REVISIONS |
| 9 | 04-19-02 | COUNTY COMMENTS OF OWNER REVISIONS |

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
aforescribed 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)

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.

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.

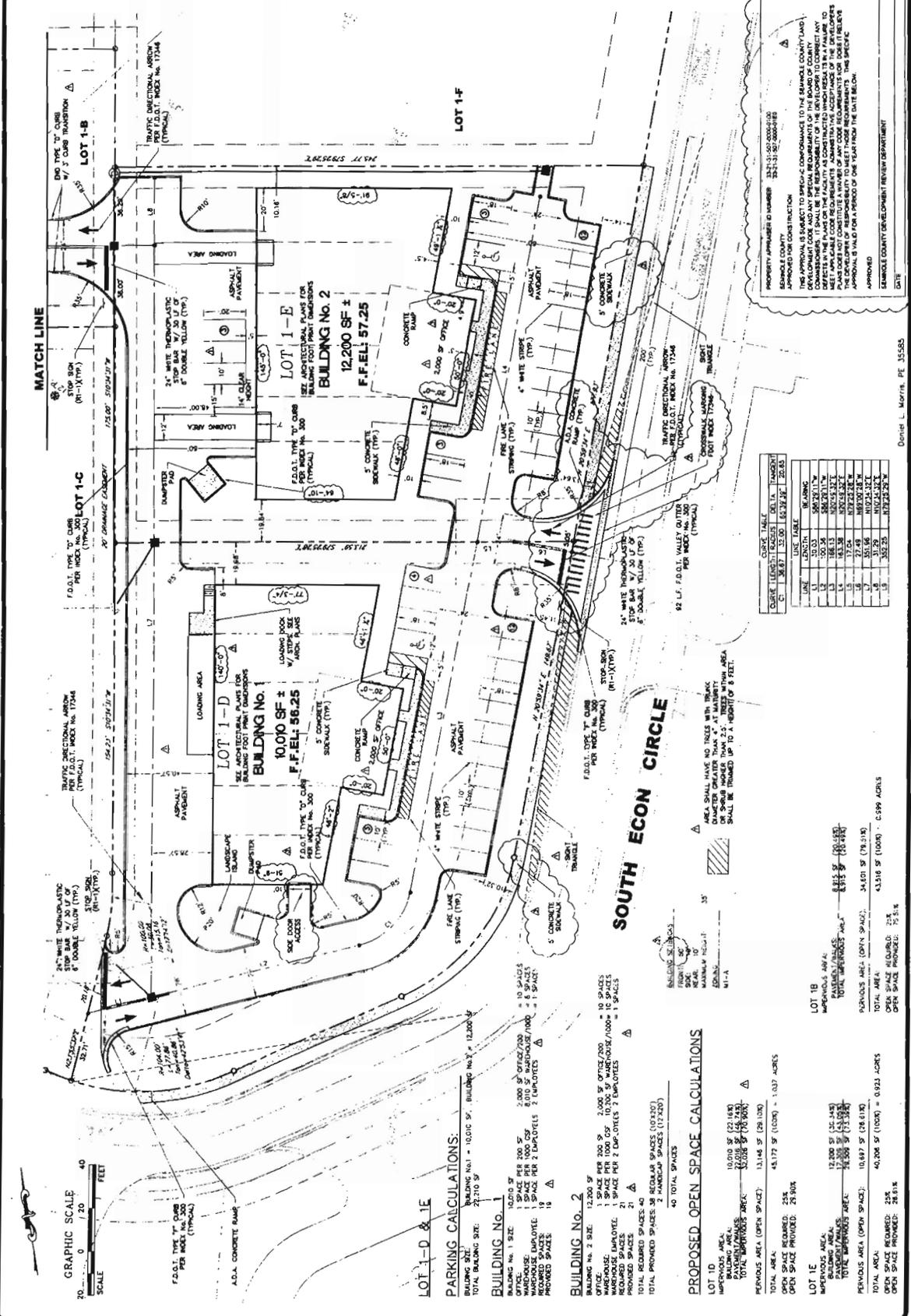
All being in Section 33, Township 21 South, Range 31 East, Seminole County, Florida.

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

Exhibit B

Final Site Plan

(See Attached Pages)



GRAPHIC SCALE
 0 20 40
 FEET
 SCALE

LOT 1-D & 1-E
PARKING CALCULATIONS:
 BUILDING NO. 1
 BUILDING NO. 2
PROPOSED OPEN SPACE CALCULATIONS

| LINE | LENGTH | BEARING |
|------|--------|-----------|
| L1 | 30.03 | 306.2811° |
| L2 | 18.13 | 352.2911° |
| L3 | 18.13 | 107.7089° |
| L4 | 18.13 | 305.2911° |
| L5 | 31.24 | 307.2338° |
| L6 | 17.54 | 103.2662° |
| L7 | 551.68 | 303.2432° |
| L8 | 31.29 | 307.2338° |
| L9 | 352.25 | 307.2338° |

| ITEM | AMOUNT | REMARKS |
|------|-----------|-----------------------------------|
| 1 | 10,010 SF | LOT 1-D BUILDING AREA |
| 2 | 12,200 SF | LOT 1-E BUILDING AREA |
| 3 | 13,145 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 4 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 5 | 40,208 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 6 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 7 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 8 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 9 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 10 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 11 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 12 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 13 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 14 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 15 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 16 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 17 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 18 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 19 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |
| 20 | 45,172 SF | LOT 1-D & 1-E TOTAL IMPROVED AREA |

THE APPROVAL IS SUBJECT TO SPECIFIC CONFORMANCE TO THE SCHEMULE COUNTY LAND USE ORDINANCES AND ZONING REGULATIONS. IT IS THE RESPONSIBILITY OF THE DEVELOPER TO OBTAIN ALL NECESSARY PERMITS FROM THE SCHEMULE COUNTY ENGINEERING DEPARTMENT. THE APPROVAL IS VALID FOR A PERIOD OF ONE YEAR FROM THE DATE BELOW.

SCHEMULE COUNTY ENGINEERING DEPARTMENT
 DATE: 01/25/05
 Daniel L. Morris, PE 35593

JOB NO. 014001
 SCALE: 1"=20'
 DATE: 04-18-02
 DESIGN: D.J.M.
 DRAWN: J.L.B.
 CHECKED: J.L.B.
 APPROVED:

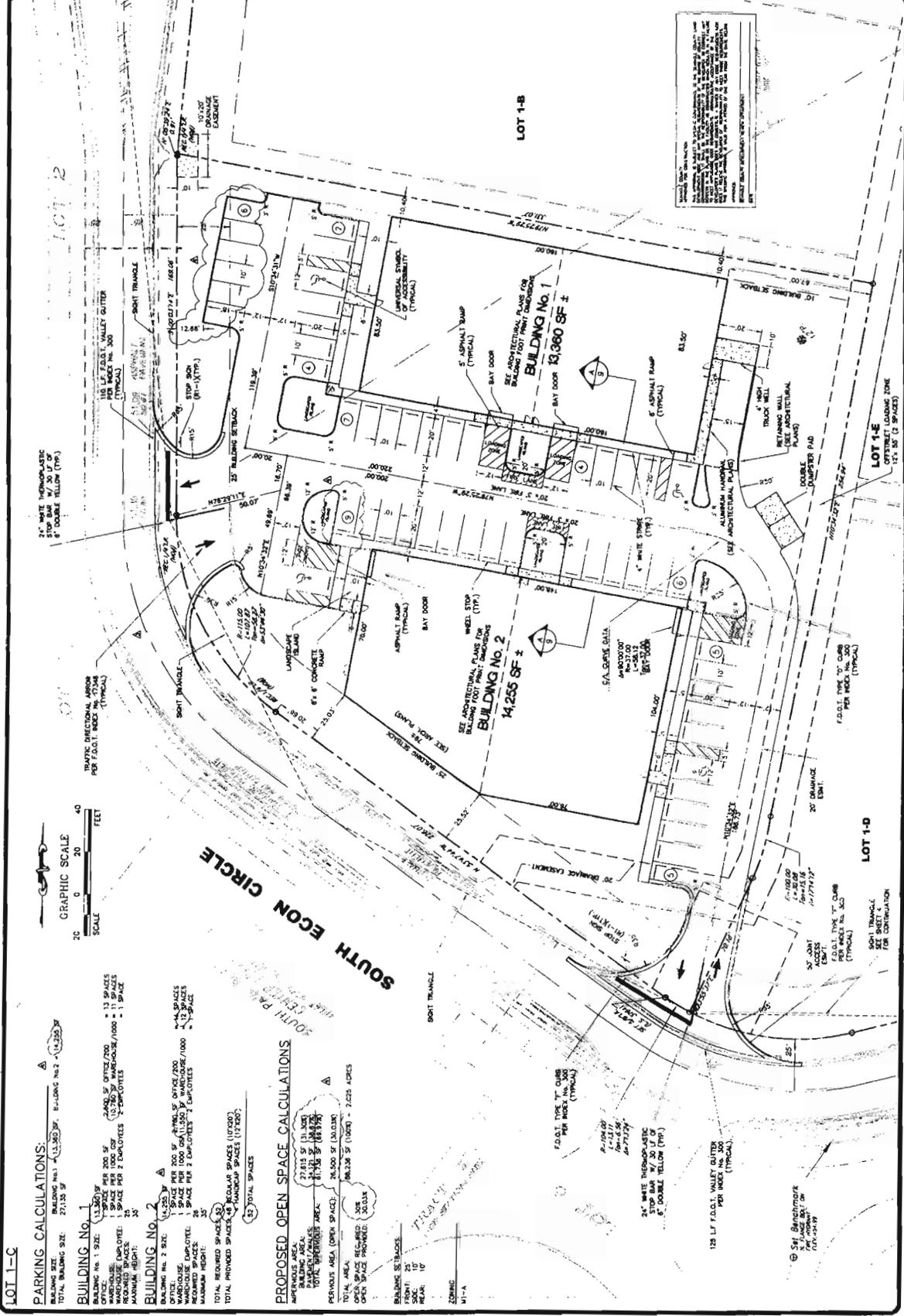
REVISIONS
 NO. DATE DESCRIPTION
 1 1-15-02 REVISION PER REMARKS ON DRG COMMENTS
 2 1-15-02 REMOVE FIRE LANE STRIPING
 3 1-15-02 COUNTY COMMENTS ON DRG COMMENTS

SOUTH PARK BUSINESS CENTER
 LOT 1C
 SEMINOLE COUNTY
 FLORIDA

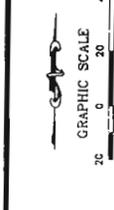
GEOMETRY PLAN
 M and O LIMITED PARTNERSHIP

MORIS
 ENGINEERING
 820 WOODBURN BLVD. SUITE 310
 GAITHERSBURG, MD 20878
 (301) 948-1888

6 OF 16



LOT 1-C
PARKING CALCULATIONS:
 TOTAL BUILDING SIZE: 27,115 SF
 TOTAL GARAGE AREA: 11,350 SF
BUILDING NO. 1
 BUILDING NO. 1 SIZE: 14,255 SF
 GARAGE: 11,350 SF
 WAREHOUSE EMPLOYEES: 1 SPACE PER 2 EMPLOYEES
 MAXIMUM HEIGHT: 25'
BUILDING NO. 2
 BUILDING NO. 2 SIZE: 14,255 SF
 GARAGE: 11,350 SF
 WAREHOUSE EMPLOYEES: 1 SPACE PER 2 EMPLOYEES
 MAXIMUM HEIGHT: 25'
PROPOSED OPEN SPACE CALCULATIONS
 IMPERVIOUS AREA: 27,115 SF (11,350 SF GARAGE)
 TOTAL IMPERVIOUS AREA: 27,115 SF (11,350 SF GARAGE)
 PERVIOUS AREA (OPEN SPACE): 27,115 SF (11,350 SF GARAGE)
 TOTAL AREA: 54,230 SF (22,700 SF GARAGE)
 OPEN SPACE REQUIRED: 27,115 SF (11,350 SF GARAGE)
 OPEN SPACE PROVIDED: 27,115 SF (11,350 SF GARAGE)



TRAFFIC DIRECTIONAL ARROW
 PER F.O.A.T. INDEX NO. 7048
 (TYPICAL)

12" WIDE TRUCK STOP
 PER F.O.A.T. INDEX NO. 7048
 (TYPICAL)

12" WIDE TRUCK STOP
 PER F.O.A.T. INDEX NO. 7048
 (TYPICAL)

12" WIDE TRUCK STOP
 PER F.O.A.T. INDEX NO. 7048
 (TYPICAL)

12" WIDE TRUCK STOP
 PER F.O.A.T. INDEX NO. 7048
 (TYPICAL)

12" WIDE TRUCK STOP
 PER F.O.A.T. INDEX NO. 7048
 (TYPICAL)

12" WIDE TRUCK STOP
 PER F.O.A.T. INDEX NO. 7048
 (TYPICAL)

6 OF 16

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.

ORDINANCE NO.

SEMINOLE COUNTY, FLORIDA

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

FILE # Z2008-50

DEVELOPMENT ORDER # 08-20500012

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.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
FEBRUARY 4, 2009**

Members present: Matthew Brown, Walt Eismann, Rob Wolf, Dudley Bates, Ben Tucker and Kimberly Day.

Members absent: Melanie Chase.

Also present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Austin Watkins, Senior Planner; Ian Sikonia, Senior Planner; Joy Williams, Planner; Jim Potter, Senior Engineer, Development Review Division; Cynthia Sweet, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; and Connie R. DeVasto, Clerk to the Commission.

C. S. Econ Circle Rezone; Roger Owen, applicant; 3.9 ± acres; Rezone from M-1A to PCD district; located 400 feet south of the intersection of Econ River Place and S. Econ Circle. (Z2008-50)

District 1 - Dallari
Ian Sikonia, Senior Planner

Ian Sikonia, Planning Division – presented this item and advised that the Applicant is requesting a rezone from M-1A to PCD in order to provide for a wider range of permitted uses in an existing industrial park consisting of four buildings. The FLU designation on the subject property is Industrial, which allows the requested zoning district.

The proposed Final Site Plan indicates that the existing development contains a total of 49,825 square feet divided between four buildings. The Applicant would like to provide building space for private indoor recreational 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.

All the surrounding properties have the M-1A zoning district and the Industrial FLU designation. 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 recommends approval of this request.

Commissioner Tucker – what is the property to the northeast of this site?

Mr. Sikonia – stated that he believe it was just part of the Industrial Park.

Commissioner Tucker – is this was the property that goes into Iron Bridge?

Mr. Sikonia – stated yes

Commissioner Tucker – between this property; going back to 436, is there multi-family?

Mr. Sikonia - yes it is multi-family.

Commissioner Tucker – asked if Staff agrees with Industrial going next to residential.

Mr. Sikonia – the existing land use is still going to be industrial and will still allow for the M-1A uses, but will allow for the proposed recreational uses.

Commissioner Tucker – does Staff’s formula take into consideration industrial and residential as being compatible?

Mr. Sikonia – Staff takes into consideration transitional areas.

Commissioner Tucker – wanted to know what Staff’s philosophy was regarding the compatibility of residential and non-residential zonings. He stated that he thought it was somewhat of a standard that residential and industrial typically weren’t considered to be compatible.

Alison Stettner, Planning Manager – stated that the Future Land Use of this parcel, which is adjacent to the multi-family area Commissioner Tucker is referring to, is commercial; which does allow a small percentage of that property to be a multi-family residential component. It is also a PUD development; which does allow additional standards to be put in place in order to protect the different uses and create a more transitional type of land use.

As a rule of thumb, industrial adjacent to residential are not compatible land uses and the Comprehensive Plan speaks to how to set up transitional land uses adjacent to each other. In this case, the PUD does that and it is in a commercial land use.

Commissioner Tucker – stated he did not believe, in this instance, this addresses that issue because the proposed project is not a PUD. The overall design is a PUD.

Commissioner Brown – is this an infill in the industrial area?

Mr. Sikonia – this has already been built and the site plan has been approved. The Applicant wants to diversify his uses.

Commissioner Brown – does this particular property abut residential or have a FLU of residential?

Mr. Sikonia – it is internal to the Industrial Park.

General discussion ensued regarding compatibility issues with respect to commercial and industrial zonings adjacent to residential zoning.

Roger Owen, Applicant – stated that they were the first to buy on S. Econ Road in 1999 and everything that is currently in this area was built prior to the apartments coming in. Their goal is to expand their use to include a cheerleading school.

No one spoke in favor or opposition of this item from the audience.

Commissioner Tucker made a motion to recommend approval of this request.

Commissioner Wolf seconded the motion.

The motion passed unanimously 6 – 0.

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 Address: 134 Merz Blvd., Fairlawn, Ohio 44333
(Use additional sheets for more space.)

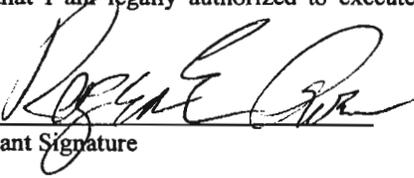
5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to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

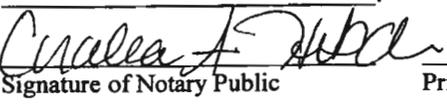
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this 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.

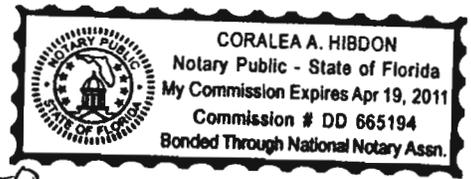
10-19-08
Date

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, 2008 by Roger E. Owen

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 0800-725-3101-0

| | |
|--|---------------------------|
| For Use by Planning & Development Staff | |
| Date: _____ | Application Number: _____ |