

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Orange Blvd. PUD Major Amendment

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord **CONTACT:** Austin Watkins **EXT:** 7440

MOTION/RECOMMENDATION:

1. Approve the requested PUD Major Amendment, rezone ordinance from PUD (Planned Unit Development) to PUD (Planned Unit Development), Revised Preliminary Master Plan and Revised and Restated Development Order for 22.3 + acres, located approximately 230 feet west of the intersection of Orange Blvd. and Dunbar Ave., based on staff findings (KBC Development, applicant); or
2. Deny the requested PUD Major Amendment for 22.3 + acres, located approximately 230 feet west of the intersection of Orange Blvd. and Dunbar Ave., (KBC Development, applicant); or
3. Continue the item to a time and date certain.

District 5 Brenda Carey

Austin Watkins

BACKGROUND:

On November 15, 2005 the Board of County Commissioners rezoned the subject property from A-1 (Agriculture) to PUD (Planned Unit Development). The Orange Blvd Property PUD allows for C-1, C-2 and M-1 uses and Special Exceptions within those zoning districts, however, the approved Development Order prohibits outdoor advertising signs.

At this time, the applicant is requesting to remove outdoor advertising signs as a prohibited use and enter into a voluntary billboard agreement with the County, pursuant to Section 30.1253 of the Seminole County Land Development Code to allow for the erection of one billboard on the KBC property in exchange for the removal of two legal non-conforming billboards on the KBC property and one legal non-conforming billboard on an adjacent piece of property (Featherlite property).

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on February 6, 2008 and voted 3 to 2 to recommend approval of the requested PUD Major Amendment, rezoning ordinance from PUD (Planned Unit Development) to PUD (Planned Unit Development), Revised Preliminary Master Plan and Revised and Restated Development Order for 22.3 + acres, located approximately 230 feet west of the intersection of Orange Blvd. and Dunbar Ave.

STAFF RECOMMENDATION:

Staff recommends the Board approve the requested PUD Major Amendment, rezone ordinance from PUD (Planned Unit Development) to PUD (Planned Unit Development), Revised Preliminary Master Plan and Revised and Restated Development Order for 22.3 ± acres, located approximately 230 feet west of the intersection of Orange Blvd. and Dunbar Ave.

ATTACHMENTS:

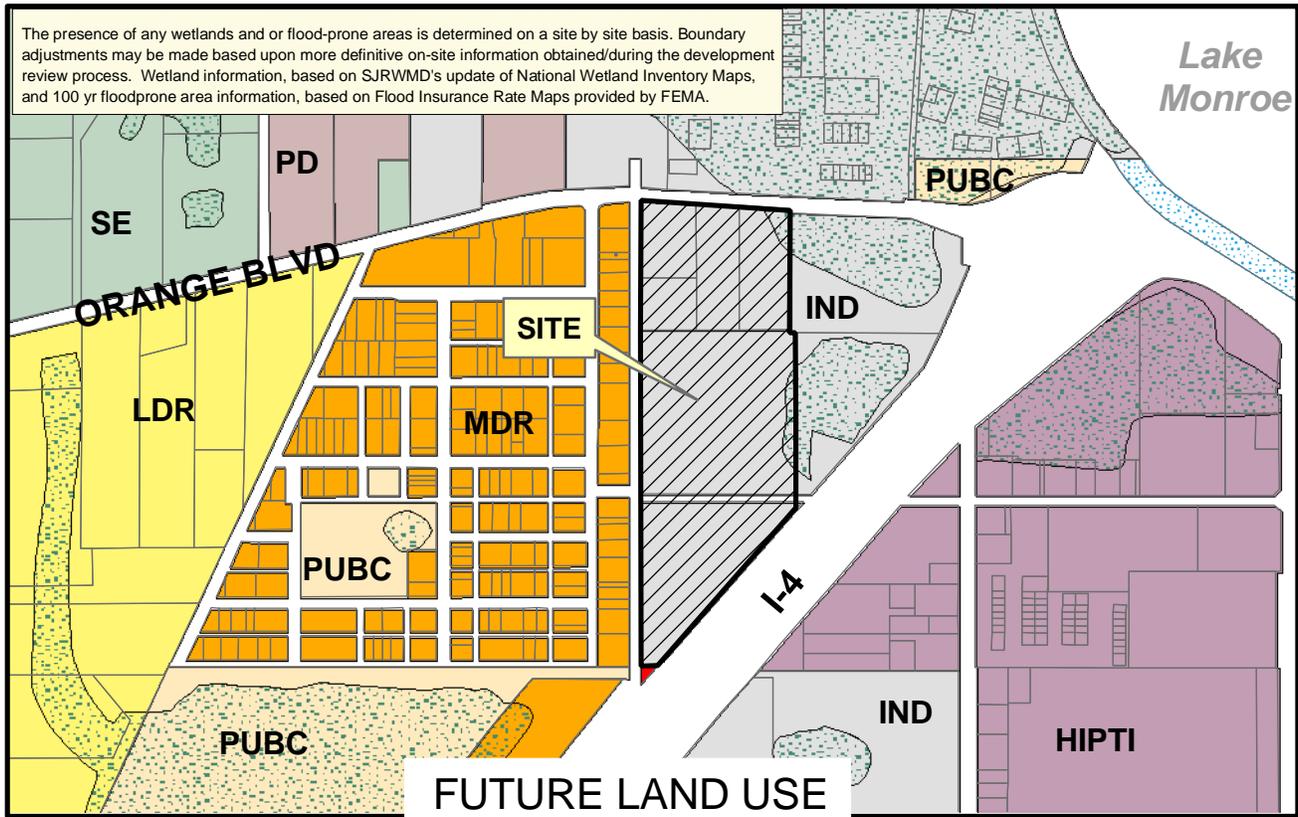
1. Location Map
2. Zoning and Future Land Use Map
3. Aerial Map
4. Revised Preliminary Master Plan
5. Revised & Restated Development Order
6. Rezone Ordinance
7. 2005 Development Order
8. Planning and Zoning Minutes

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

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.

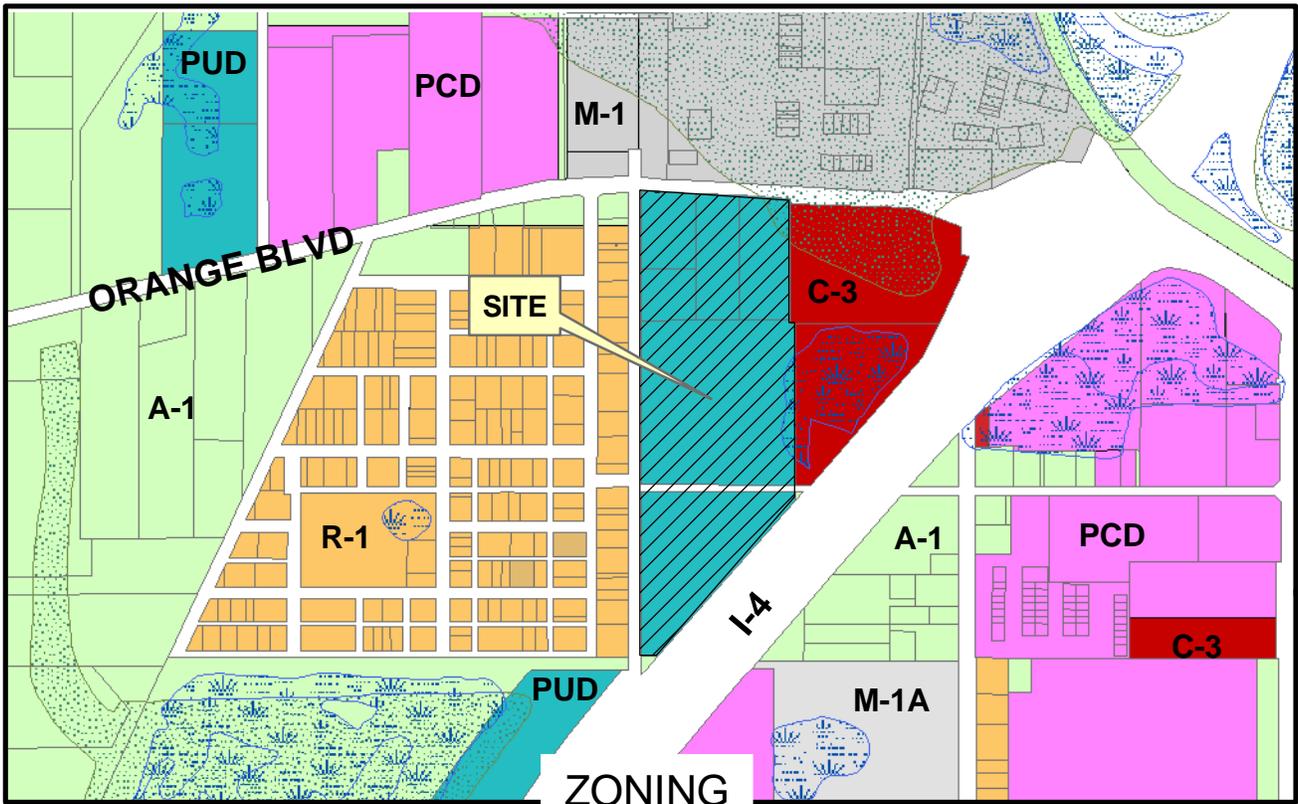
Lake Monroe



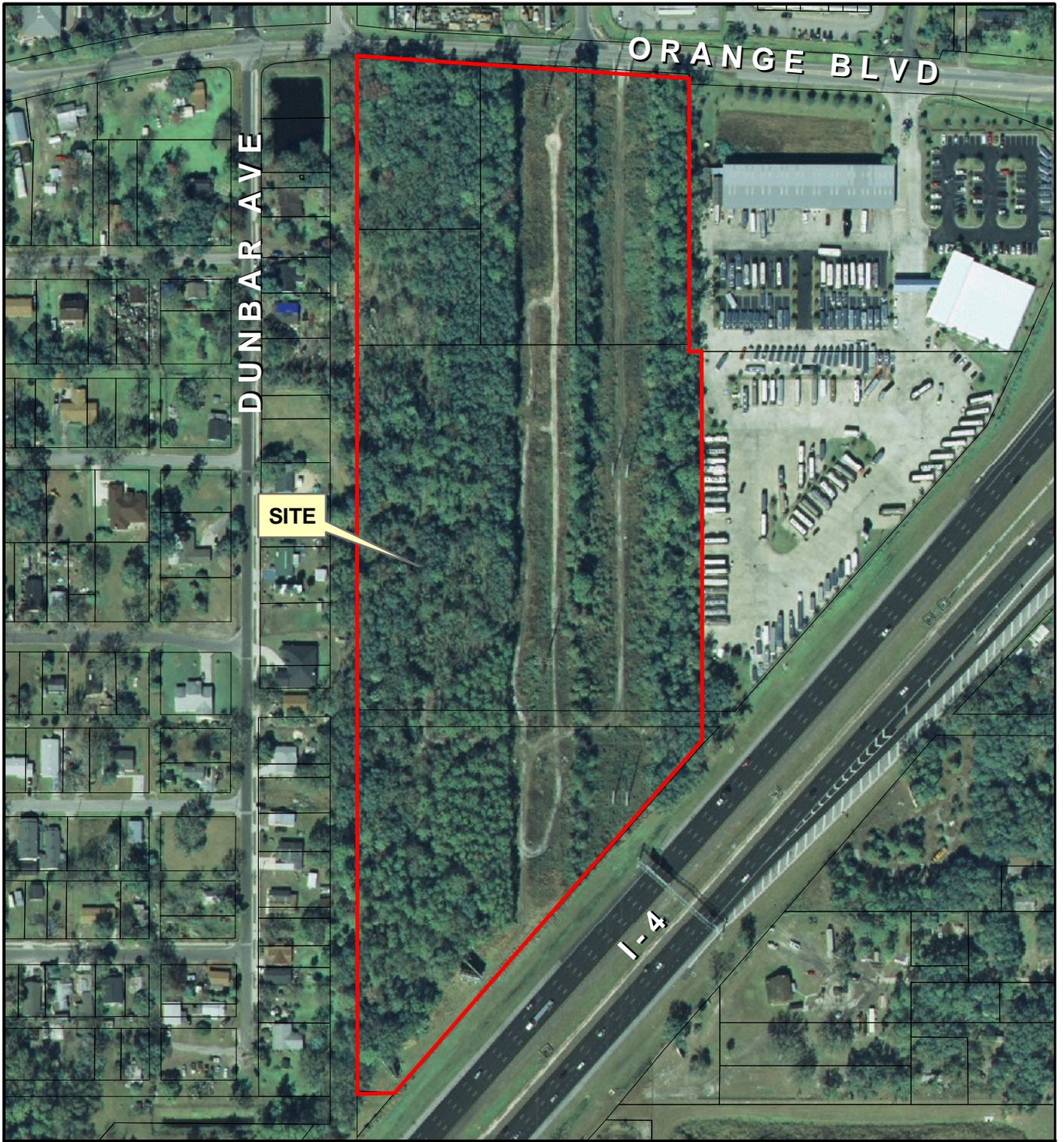
LDR
 MDR
 SE
 IND
 HIPTI
 Site
 Municipality
 CONS

Applicant: Michael Good
 Physical STR: 16-19-30 & 21-19-30
 Gross Acres: 22.3 +/- BCC District: 5
 Existing Use: vacant
 Special Notes: PUD Major Amendment

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-038	PUD	PUD



Site
 A-1
 R-1
 C-3
 PUD
 PCD
 FP-1
 W-1



Rezone No: Z2007-038

 Parcel

 Subject Property



Winter 2006 Color Aerials

FILE # Z2007-38

DEVELOPMENT ORDER #07 21700007

**REVISED AND RESTATED
ORANGE BOULEVARD PROPERTY PUD
DEVELOPMENT ORDER**

The Orange Boulevard Property PUD Development Order dated November 15, 2005 is hereby revised on March 25, 2008 to read as follows:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: KBC Development, Inc.

Project Name: Orange Boulevard Property PUD Major Amendment

Requested Development Approval: Rezone from PUD to PUD

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: Austin Watkins, 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 (strikethroughs are deletions, underlines are additions):
 - a. Except as provided in paragraph (c) below, permitted uses throughout the development shall be in accordance with the provisions of the C-1 and C-2 districts, including special exception uses, with the following additional uses:
 - mechanical garage
 - lumber yard
 - construction company with outdoor storage screened from off-site view
 - highway striping company
 - paint and body shop
 - office showroom with no assembly or manufacturing
 - service stations with gas pumps as an accessory use
 - b. Except as provided in paragraph (c) below, permitted uses within the area of the development designated as Industrial per the Future Land Use Map shall be in accordance with the provisions of the M-1A district, including special exception uses.
 - c. Communications towers shall be allowed by right in the Commercial area of the site where listed as a permitted use in C-1 and C-2. Communications towers shall be allowed by right in the Industrial area of the site where listed as a permitted use in M-1A. Any communications tower which exceeds the limitations established by the Code for permitted uses shall require a major amendment to the PUD.
 - d. The following uses shall be prohibited within the development:
 - adult entertainment establishments
 - alcoholic beverage establishments
 - drive-in theatres
 - multi-family housing
 - ~~outdoor advertising signs~~
 - e. Development in the Industrial portion of the site shall be subject to a maximum floor area ratio (FAR) of 0.65. Other areas shall be limited to a maximum FAR of 0.35.
 - f. Outdoor storage of parts, supplies, or materials shall be limited to the area of the site designated Industrial on the Vision 2020 Plan, as amended by this request. Outdoor storage areas shall be screened from view from any road or adjoining parcel inside or outside of the development. Screening shall consist of walls, fences, and/or landscaping, and shall be opaque to a height of at least 8 feet. Such areas shall be located a minimum of 150 feet from the west boundary of the subject property.

- g. The area between the internal access road and the west site boundary shall have a 25-foot buffer containing 4 canopy trees per 100 feet and a 6-foot high brick or masonry wall.
- h. Building height shall be limited to 35 feet. Setbacks from the west property line shall be as follows:
 - 50 feet for 1-story buildings
 - 100 feet for 2-story buildings
 - 120 feet for 3-story buildings
- i. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).
- j. Retention ponds shall be designed such that they are not required to be fenced.
- k. Dumpsters shall be screened so they are not visible from Orange Boulevard or nearby single family properties.
- l. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- m. Parking of mobile CT-scan trucks or semi-tractor trailers shall be prohibited within 120 feet of the west property line. Where permitted, such vehicles shall be screened from off-site view.
- n. All parking spaces shall be a minimum of 10 feet x 20 feet as required by the Land Development Code.
- o. Outdoor lighting adjacent to the west property line will be limited to decorative lighting affixed to the front facades of buildings. Security lighting with motion sensors shall be permitted on any part of the site.
- p. All development shall comply with the Preliminary Master Plan, attached as Exhibit B.

(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.

FILE # Z2007-38

DEVELOPMENT ORDER #07 21700007

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

Done and Ordered on the date first written above.

By: _____
Brenda Carey
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, KBC DEVELOPMENT INC., on behalf of itself and its 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

Witness

Print Name

Michael J. Good
Chief Executive Officer

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 Michael J. Good, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A
Legal Description

PARCEL 1: THE WEST 125 FEET OF LOT 6 AND THE EAST 75 FEET OF LOT 7 AND THE EAST 150 FEET OF LOT 10 AND THE WEST 50 FEET OF LOT 11, BELL'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 47, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

PARCEL 2: LOT 4 (LESS THE EAST 104.41 FEET); ALL OF LOT 5 AND LOT 6 (LESS THE WEST 125 FEET) AND THE EAST 125 FEET OF LOT 11 AND LOT 12 (LESS THE EAST 87.7 FEET), BELL'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 47, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

PARCEL 3: LOT 8 AND THE WEST 65 FEET OF LOT 7, BELL'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 47, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

PARCEL 4: LOT 9 AND THE WEST 25 FEET OF LOT 10, BELL'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 47, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

PARCEL 5: LOT 29 (LESS THAT PART WITHIN THE RIGHT OF WAY OF INTERSTATE HIGHWAY #4), ST. JOSEPH'S, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 114, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

PARCEL 6: LOT 28, ST. JOSEPH'S, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 114, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

ALSO: BELL ROAD LYING SOUTH OF LOTS 9, 10, 11 AND 12 (LESS THE EAST 87.7 FEET), AND LYING WEST OF LOTS 8 AND 9, BELL'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 47, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

FILE # Z2007-38

DEVELOPMENT ORDER #07 21700007

EXHIBIT B

Revised Preliminary Master Plan

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 PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM 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 Orange Blvd Property PUD Major Amendment, dated March 25, 2008.

(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 PUD (Planned Unit Development) to (Planned Unit Development):

SEE ATTACHED EXHIBIT A

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

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 07 21700007 in the Official Land Records of Seminole County.

ENACTED this 25th day of March 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

EXHIBIT A LEGAL DESCRIPTION

PARCEL 1: THE WEST 125 FEET OF LOT 6 AND THE EAST 75 FEET OF LOT 7 AND THE EAST 150 FEET OF LOT 10 AND THE WEST 50 FEET OF LOT 11, BELL'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 47, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

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ALSO: BELL ROAD LYING SOUTH OF LOTS 9, 10, 11 AND 12 (LESS THE EAST 87.7 FEET), AND LYING WEST OF LOTS 8 AND 9, BELL'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 47, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

FILE # Z2005-040

DEVELOPMENT ORDER #5-20500008

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On November 15, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: KBC DEVELOPMENT INC.

Project Name: ORANGE BOULEVARD PROPERTY PUD

Requested Development Approval: Rezone from A-1 to PUD

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: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 06021 PGS 1357-1363
FILE NUM 2005208501
RECORDED 12/02/2005 04:17:11 PM
RECORDING FEES 61.00
RECORDED BY B Harford

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY *Cara Roach*
DEPUTY CLERK

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. Except as provided in paragraph (c) below, permitted uses throughout the development shall be in accordance with the provisions of the C-1 and C-2 districts, including special exception uses, with the following additional uses:
 - mechanical garage
 - lumber yard
 - construction company with outdoor storage screened from off-site view
 - highway striping company
 - paint and body shop
 - office showroom with no assembly or manufacturing
 - SE* service stations with gas pumps as an accessory use
- b. Except as provided in paragraph (c) below, permitted uses within the area of the development designated as Industrial per the Future Land Use Map shall be in accordance with the provisions of the M-1A district, including special exception uses.
- c. Communications towers shall be allowed by right in the Commercial area of the site where listed as a permitted use in C-1 and C-2. Communications towers shall be allowed by right in the Industrial area of the site where listed as a permitted use in M-1A. Any communications tower which exceeds the limitations established by the Code for permitted uses shall require a major amendment to the PUD.
- d. The following uses shall be prohibited within the development:
 - adult entertainment establishments
 - alcoholic beverage establishments
 - drive-in theatres
 - multi-family housing
 - outdoor advertising signs
- e. Development in the Industrial portion of the site shall be subject to a maximum floor area ratio (FAR) of 0.65. Other areas shall be limited to a maximum FAR of 0.35.
- f. Outdoor storage of parts, supplies, or materials shall be limited to the area of the site designated Industrial on the Vision 2020 Plan, as amended by this request. Outdoor storage areas shall be screened from view from any road or adjoining parcel inside or outside of the development. Screening shall consist of walls, fences, and/or landscaping, and shall be opaque to a height of at least 8 feet. Such areas shall be located a minimum of 150 feet from the west boundary of the subject property.

- g. The area between the internal access road and the west site boundary shall have a 25-foot buffer containing 4 canopy trees per 100 feet and a 6-foot high brick or masonry wall.
- h. Building height shall be limited to 35 feet. Setbacks from the west property line shall be as follows:
 - 50 feet for 1-story buildings
 - 100 feet for 2-story buildings
 - 120 feet for 3-story buildings
- i. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).
- j. Retention ponds shall be designed such that they are not required to be fenced.
- k. Dumpsters shall be screened so they are not visible from Orange Boulevard or nearby single family properties.
- l. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- m. Parking of mobile CT-scan trucks or semi-tractor trailers shall be prohibited within 120 feet of the west property line. Where permitted, such vehicles shall be screened from off-site view.
- n. All parking spaces shall be a minimum of 10 feet x 20 feet as required by the Land Development Code.
- o. Outdoor lighting adjacent to the west property line will be limited to decorative lighting affixed to the front facades of buildings. Security lighting with motion sensors shall be permitted on any part of the site.

(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.

FILE # Z2005-040

DEVELOPMENT ORDER #5-20500008

Done and Ordered on the date first written above.

By: Carlton D. Henley
Carlton D. Henley
Chairman
Board of County Commissioners

FILE # Z2005-040

DEVELOPMENT ORDER #5-20500008

OWNER'S CONSENT AND COVENANT

COMES NOW, KBC DEVELOPMENT INC., on behalf of itself and its 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.

Melissa Leigh Harley
Witness

Michael J. Good
Michael J. Good
Chief Executive Officer

Missal Leigh Harley
Print Name
Kelley Miss
Witness

Kelley Miss
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 MICHAEL J. GOOD, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this 21st day of November, 2005.

Kathy A. Bradley

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



Kathy A. Bradley
Commission #DD323813
Expires: May 26, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

EXHIBIT A

Project Legal Description:

21-19-30-503-0000-0060

W 125 FT OF LOT 6 & E 75 FT OF LOT 7 & E 150 FT OF LOT 10 & W 50 FT OF LOT 11 BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0040

LOT 4 (LESS E 104.41 FT) & ALL LOT 5 & LOT 6 (LESS W 125 FT) & E 125 FT OF LOT 11 & LOT 12 (LESS E 87.78 FT) BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0080

LEG LOT 8 & W 65 FT OF LOT 7 BELLS SUBD PB 6 PG 47

21-19-30-503-0000-0090

ALL LOT 9 & W 25 FT OF LOT 10 BELLS SUBD PB 6 PG 47

16-19-30-5AC-0000-0290

THAT PT OF LOT 29 W OF ST RD 400 ST JOSEPHS
PB 1 PG 114

16-19-30-5AC-0000-0280

LOT 28 & S 1/2 OF VACD ST ADJ ON N ST JOSEPHS PB 1 PG 114

EXHIBIT B

LAND USE AMENDMENT LEGAL DESCRIPTION

A PORTION OF BELL'S SUBDIVISION, PLAT BOOK 6, PAGE 47, AND A PORTION OF LOTS 28 AND 29, ST. JOSEPH'S, PLAT BOOK 1, PAGE 114, ALL OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 28, ST. JOSEPH'S ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 114, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, THENCE RUNS S.00°00'45"W. ALONG THE EAST LINE OF LOTS 28 AND 29 OF SAID PLAT, 667.62 FEET; THENCE RUN N.89°54'12"W. 567.32 FEET; THENCE RUN N.00°05'48"E. 620.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 155.00 FEET, THENCE RUN ALONG THE ARC OF SAID CURVE 243.47 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO THE POINT OF TANGENCY; THENCE RUN S.89°44'58"E. 404.22 FEET; THENCE RUN S.00°15'02"W. 107.08; THENCE RUN S.89°53'55"E., 6.99 FEET TO THE POINT OF BEGINNING.

CONTAINING THEREIN 9.953 ACRES MORE OR LESS.

**MINUTES FOR THE
SEMINOLE COUNTY LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**

WEDNESDAY, FEBRUARY 6, 2008

Members present: Matthew Brown, Ben Tucker, Melanie Chase, Dudley Bates and Kim Day.

Members absent: Walt Eismann and Rob Wolf

Also present: Tina Williamson, Assistant Planning Manager; Austin Watkins, Senior Planner; Tony Walter, Principal Planner; Cynthia Sweet, Senior Planner; Tony Nelson, Senior Engineer; Kathy Furey – Tran, Assistant County Attorney; Alison Stettner, Planning Manager; Dori DeBord, Director of Planning and Development; and Candace Lindlaw-Hudson, Clerk to the Commission.

E. Orange Blvd Property PUD Major Amendment; Michael Good, KBC Development Inc., applicant; approximately 22.3 ± acres; Major Amendment to the PUD to allow for Outdoor Advertising Signs; located on the south side of Orange Blvd approximately 230 feet east of the intersection of Orange Blvd and Dunbar Ave.
(Z2007-38)

Commissioner Carey – District 5
Austin Watkins, Senior Planner

Austin Watkins presented the Orange Blvd Property PUD Major Amendment for 22.3 ± acres, located approximately 230 feet west of the intersection of Orange Boulevard and Dunbar Avenue.

Mr. Watkins stated that on November 15, 2005 the Board of County Commissioners rezoned the subject property from A-1 (Agriculture) to PUD (Planned Unit Development). The Orange Boulevard Property PUD allows for C-1, C-2 and M-1 uses and Special Exceptions within those zoning districts. The PUD does prohibit certain uses. The approved Development Order prohibits outdoor advertising signs.

At this time, the applicant is requesting to remove outdoor advertising signs as a prohibited use. If approved, the applicant will enter into a voluntary billboard agreement with the County, pursuant to Section 30.1253 of the Seminole County Land Development Code to allow for the erection of one billboard on the KBC property in exchange for the removal of two legal non-conforming billboards on the KBC property and one legal non-conforming billboard on an adjacent piece of property (Featherlite property).

Staff recommends approval of the requested PUD Major Amendment, rezone ordinance from PUD (Planned Unit Development) to PUD (Planned Unit Development), Revised Preliminary Master Plan and Revised and Restated Development Order for 22.3 ± acres, located approximately 230 feet west of the intersection of Orange Boulevard and Dunbar Avenue, based on staff findings.

Commissioner Brown asked how the County could put into effect a development order which would effect a piece of property not in this application?

Mr. Watkins stated that if this application is approved by the Board of County Commissioners, the County will enter into a voluntary billboard agreement, which will remove 4 existing sign faces in exchange for one new, conforming sign.

Chairman Brown asked how a sign on another person's property can be committed to this potential agreement?

Mr. Watkins stated that the signs were owned by one company who would enter into a voluntary billboard agreement covering signs it has placed on various properties.

Lou Musica, of Clear Channel Outdoor, was present and stated that he agreed with the staff report.

No one spoke about this item from the audience.

Commissioner Tucker said that in 2005 this property had been discussed and a provision was clearly stated allowing no billboards. The condition of the present billboards is poor. These billboards should be allowed to go out naturally. We would be using this agreement to perpetuate something that should not be there. He understood the County was going to be decreasing billboard faces along I-4. We have gone through a long, hard process to eliminate billboards. We are not enforcing our codes. We should look to limit the size and height at least to what is there. Some structural stipulation should be put on it. This PUD was approved without billboards. He is opposed to this and will vote against it.

Commissioner Chase asked about the size limitations.

Ms. Williamson said that according to the Code, the size of the sign shall not exceed gross area of 672 square feet and the height shall not exceed 30 feet above the crown of the road which the sign is designed to serve.

Commissioner Chase said that this would go strictly by the Code.

Tina Williamson said that unless other restrictions were given, the agreement would follow what is in the Land Development Code.

Commissioner Tucker asked for the square footage and height of the existing signs.

Mr. Watkins stated that he did not have that information.

Chairman Brown asked Kathy Furey-Tran if there were federal regulations on the signage along the interstate highways. Is there a stipulation that billboards can be built along interstate highways?

Kathy Furey-Tran said that she is not aware of the exact federal legislation as such, but that there can be no outright prohibition on billboards. There has to be some place in the County for them. Most people have decided along the highway is the best place.

Commissioner Brown asked if the Board would assume that the billboard faces would be 14 by 30 feet.

Commissioner Tucker said that the billboard could be addressed by whatever it is now in height and dimension.

Tina Williamson said that the applicant may have the size of the existing sign.

Lou Musica said that the existing signs are all the same standard industry size: 14 feet high by 48 feet long, for 672 square feet.

Commissioner Brown asked the height of the structure holding the signs.

Mr. Musica said that they were a maximum of 30 – 40 feet high.

Commissioner Brown said that the pole height is contingent on the height of the crown in the road that it serves.

Commissioner Chase asked for clarification of how the other signs would enter into this agreement.

Chairman Brown said that the applicant has control of the other signs and would have an economic benefit from this new sign.

There was a brief discussion of sign faces and interval of exposure to the road before changing sign faces.

Commissioner Tucker said that if the Code were enforced, the County would be dealing with one sign with two faces. This is a PUD where it was stipulated specifically that there would be no billboards. The intent of the Code is to have the non-conforming uses eventually phase out. This is not phasing them out; we are trading them off.

Commissioner Brown asked if non-conforming signs can be repaired.

Ms. Williamson said that non-conforming signs can be repaired or replaced, except where they are non-conforming due to zoning.

Commissioner Tucker stated that the two signs were non-conforming as per the PUD.

Commissioner Tucker made a motion to deny the request.

Commissioner Bates seconded the motion.

The vote was 2 – 3. The motion failed. Commissioners Brown, Chase, and Day voted “no.”

Commissioner Chase made a motion to recommend approval of the requested PUD Major Amendment, rezone ordinance from PUD (Planned Unit Development) to PUD (Planned Unit Development), Revised Preliminary Master Plan and Revised and Restated Development Order for 22.3 ± acres, located approximately 230 feet west of the intersection of Orange Blvd. and Dunbar Ave., based on staff findings.

Commissioner Day seconded the motion.

Commissioner Bates asked if the standards have to be restated.

Mr. Watkins stated that the 672 square feet and the 30 feet above the crown of the road would apply to the agreement.

The vote was 3 – 2. The motion passed. Commissioners Tucker and Bates voted “no.”