
**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM****SUBJECT:** Airport Commerce Center 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 A-1 (Agriculture) to PCD (Planned Commercial Development) on 7.6± acres, located ¼ mile south of the intersection of E. Lake Mary Boulevard and Beardall Avenue, and approve the attached Preliminary Site Plan, subject to the conditions in the attached Development Order, and authorize the Chairman to execute the aforementioned documents, based on staff findings; (Hugh Harling, applicant); or
2. Deny the request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) on 7.6± acres, located ¼ mile south of the intersection of E. Lake Mary Boulevard and Beardall Avenue, and authorize the Chairman to execute the Denial Development Order (Hugh Harling, applicant); or
3. Continue until a time and date certain.

District 5 Brenda Carey

Ian Sikonia

BACKGROUND:

The applicant, Hugh Harling, is requesting a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development), in order to develop an office/commercial/industrial complex consisting of four buildings. The Future Land Use designation on the subject property is Higher Intensity Planned Development - Airport, which allows the requested zoning district.

The proposed Preliminary Site Plan indicates the project will contain a total of 49,950 building square feet which include allowable uses in the C-3 and C-2 zoning districts. The applicant is proposing one access point on the eastern portion of the property onto Beardall Avenue. The Preliminary Site Plan has been designed to accommodate not only automobile traffic, but also pedestrian and non-motorized vehicle access. The development standards proposed for this site are included in the attached Approval Development Order.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on June 3, 2009 and voted 5 to 0 to recommend approval of a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) on 7.6± acres, located ¼ mile south of the intersection of E. Lake Mary Boulevard and Beardall Avenue, and recommend approval of the attached Preliminary Site Plan, subject to the conditions in the attached Development Order.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the request and enact an ordinance for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) on 7.6± acres, located ¼ mile south of the intersection of E. Lake Mary Boulevard and Beardall Avenue, and approve the attached Preliminary Site Plan, subject to the conditions in the attached Development Order, and authorize the Chairman to execute the aforementioned documents, based on staff findings.

ATTACHMENTS:

1. Staff Report
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. Preliminary Site Plan
6. Development Order
7. Rezone Ordinance
8. 6-3-09 Planning and Zoning Commission Meeting Minutes
9. Denial Development Order (applicable only if denied)
10. Ownership Disclosure Form

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

Airport Commerce Center Rezone from A-1 to PCD		
APPLICANT	Hugh Harling	
PROPERTY OWNER	Ann Takvorian	
REQUEST	Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development).	
PROPERTY SIZE	7.6± acres	
HEARING DATE (S)	P&Z: June 3, 2009	BCC: July 28, 2009
PARCEL ID	03-20-31-5AY-0000-0640 & 03-20-31-5AY-0000-064A	
LOCATION	Located ¼ mile south of the intersection of E. Lake Mary Boulevard and Beardall Avenue.	
FUTURE LAND USE	Higher Intensity Planned Development - Airport (HIP-AP)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2008-61	
COMMISSION DISTRICT	#5 – Carey	

PROPOSED DEVELOPMENT:

The applicant is proposing a 49,950 square foot office/commercial/industrial complex.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of PCD (Planned Commercial Development):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PCD)
Minimum Lot Size	43,560 sq. ft.	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	25 feet
(Street) Side Yard Setback	50 feet	25 feet
Rear Yard Setback	30 feet	0 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The applicant is proposing all those permitted uses in the C-2 and C-3 zoning district except for multi-family housing, laundry and dry cleaning plants, and lithography and publishing plants.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The area of E. Lake Mary Boulevard is in close proximity to the Orlando/Sanford International Airport and has been assigned the Future Land Use Designation of Higher Intensity Planned Development – Airport (HIP-AP). The HIP-AP Future Land Use Designation has been implemented to encourage and foster growth for airport support uses such as retail, light industrial, and office. Since the construction of E. Lake Mary Boulevard the relatively large vacant sites are an ideal location for these airport support uses. This site is near a major arterial roadway, within two miles of SR 417, and approximately one mile from the entrance to the Orlando/Sanford International Airport. In recent years this area has been transitioning from agricultural and residential uses to more intense industrial and office uses which are more compatible and consistent with the existing Future Land Use on the property.

This site is surrounded by vacant parcels and single-family homes on 1 acre and larger lots. The three adjacent parcels to the north, east, and west contain the A-1 zoning district and the HIP-AP Future Land Use Designation. The proposed development of an office/commercial/industrial complex seems consistent with the HIP-AP Future Land Use Designation due to the size of this property, its accessibility to major thoroughfares, and its proximity to the Orlando/Sanford International. The proposed use of this site allows for a mixture of compatible office, retail, and warehouse uses allowing for the growth of an employment center in a burgeoning area. 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 Lake Jesup Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to not exceed the pre-development rate of discharge for the 25-year, 24-hour storm event.

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.

Utilities:

The site is located in the City of Sanford's water and sewer utility service area. According to Richard Blake with the City of Sanford, there is a 12-inch water main on the north side of E. Lake Mary Blvd., a 12-inch force main on the south side of E. Lake Mary Blvd., and a 12-inch reclaimed water main on the south side of E. Lake Mary Blvd.

Transportation / Traffic:

The property proposes access onto Beardall Avenue which is classified as a local road and does not have improvements programmed in the County 5-year Capital Improvement Program.

Multi-Modal Access:

The development will be required to construct a sidewalk along Beardall Avenue and Kentucky Street. The development is also providing bicycle racks as depicted on the preliminary site plan to provide for non-motorized access.

Buffers / Landscaping

The following proposed buffers are contained in the attached Development Order:

East:	5'
West:	10'
North:	5'
South:	5'

The north, east, and south buffer shall contain a continuous row of shrubs a minimum of 2' in height and 4 sub-canopy trees per 100 linear feet. The west buffer shall contain a 6' masonry wall, continuous row of shrubs a minimum 2' in height, and 8 canopy trees per 100 linear feet. Staff feels that the landscape buffer content is acceptable and will adequately buffer this development from the surrounding properties.

APPLICABLE POLICIES:

Special Districts

The subject property is not located within any special districts.

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 Policy FLU 2.10 Determination of Compatibility in Planned Zoning Classifications, Policy POT 4.5 Potable Water Connection, and Policy SAN 4.4 Sanitary Sewer Connection. These policies were adopted at the December 9, 2008 Board of County Commissioners Meeting.

INTERGOVERNMENTAL NOTIFICATION:

An intergovernmental notice was sent to the City of Sanford on January 8, 2009.

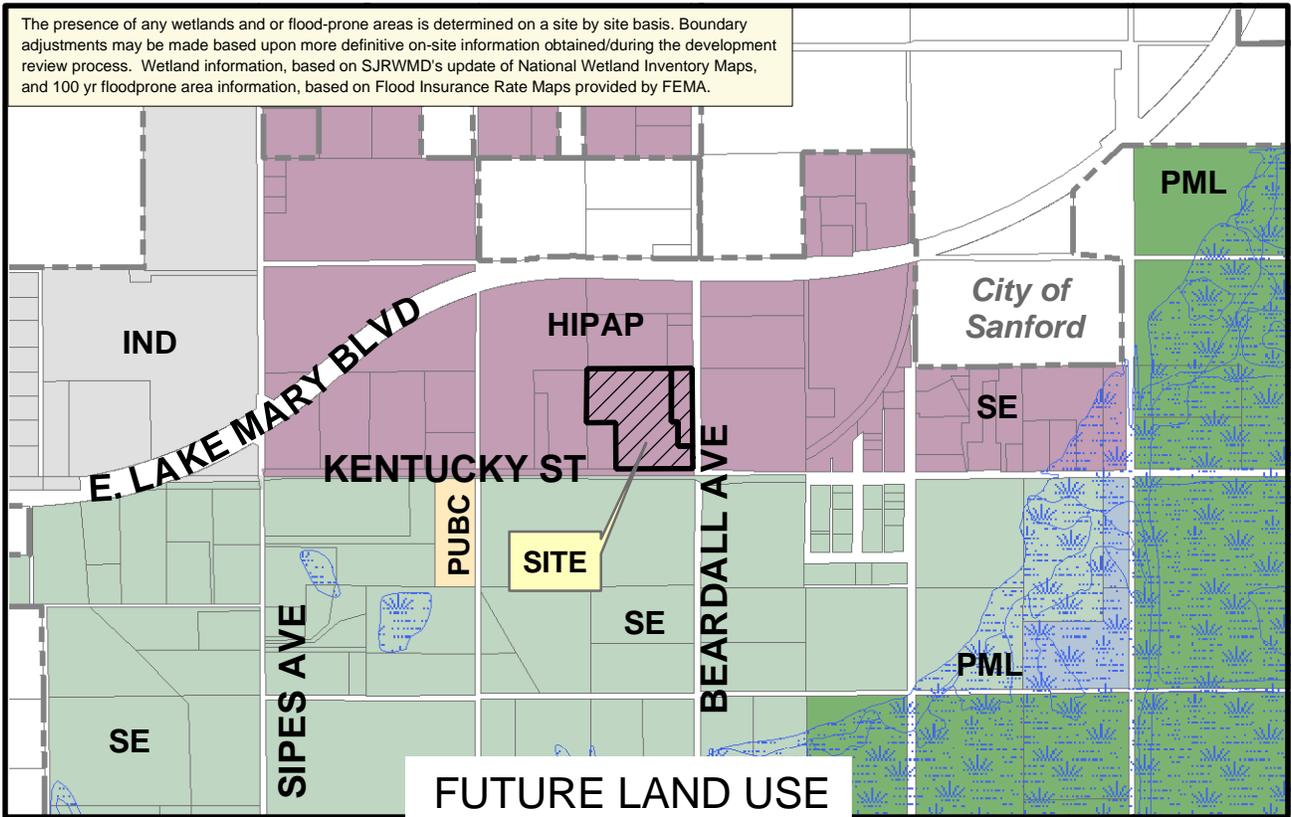
LETTERS OF SUPPORT OR OPPOSITION:

Staff has received no letters of support or opposition of the proposed rezone.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) on 7.6± acres, located ¼ mile south of the intersection of E. Lake Mary Boulevard and Beardall Avenue, and recommend approval of the attached Preliminary Site Plan, subject to the conditions in the attached Development Order.

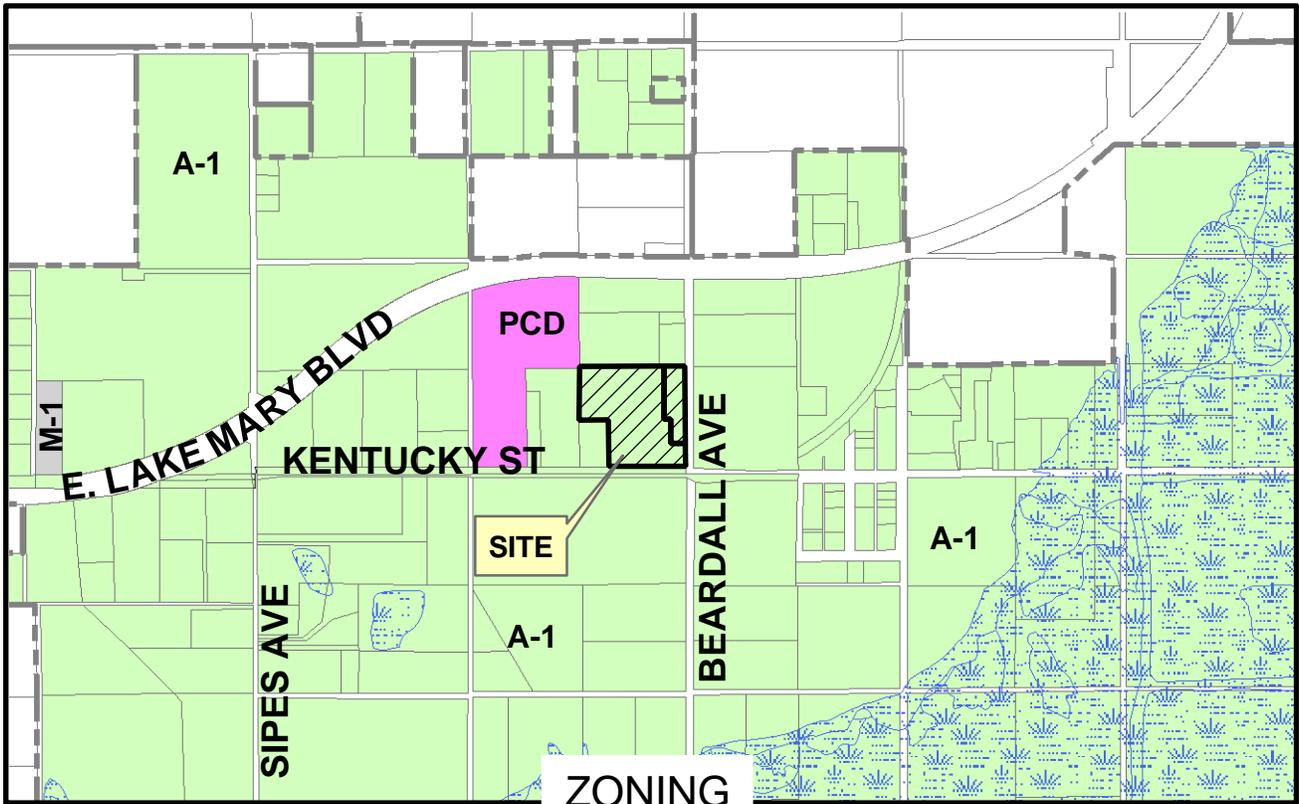
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



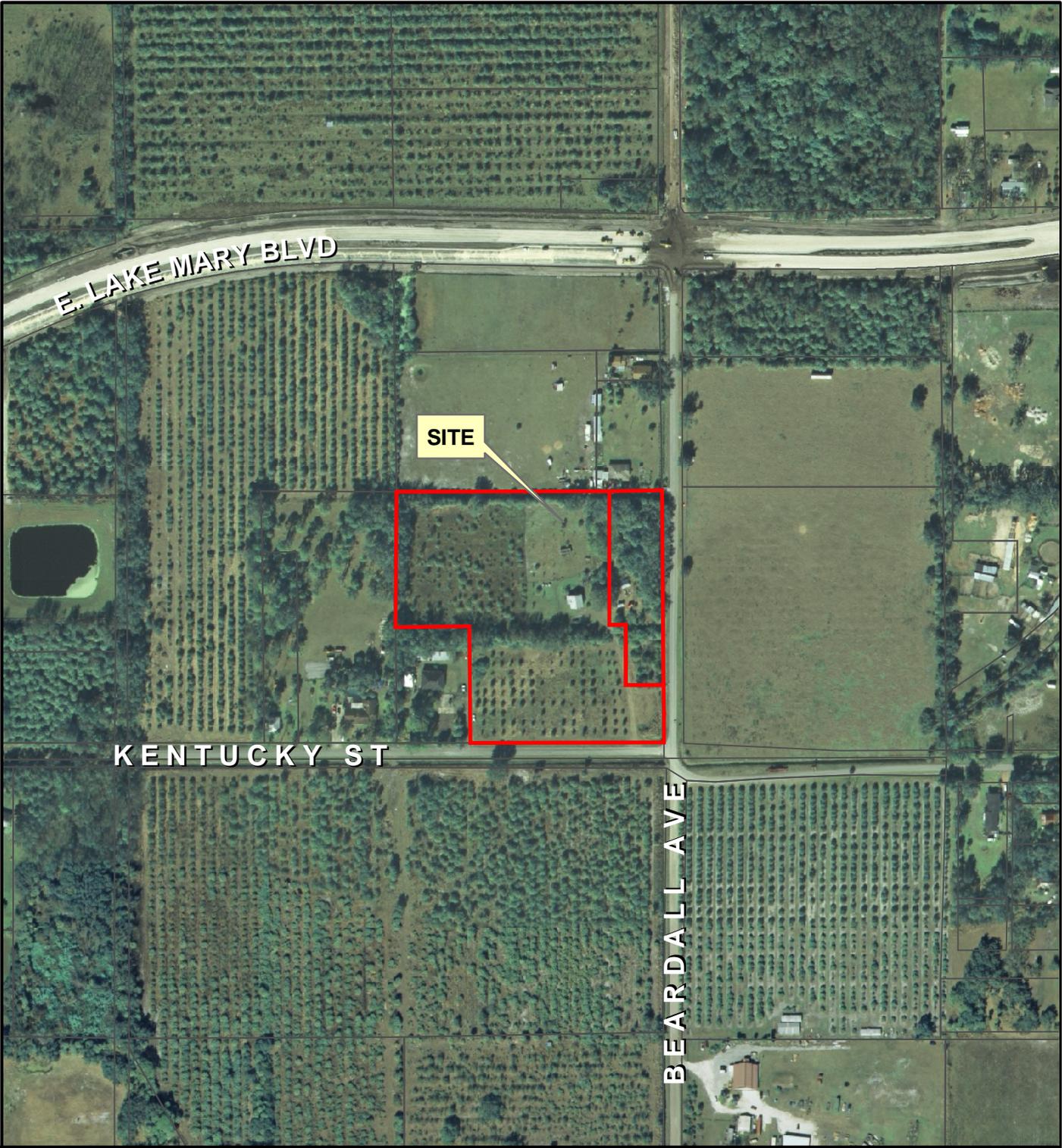
IND
 SE
 HIPAP
 PML
 PUBC
 Site
 ESLO
 City Limits

Applicant: Hugh Harling
 Physical STR: 03-20-31-5AY-0000-0640 & 064A
 Gross Acres: 7.6 +/- BCC District: 5
 Existing Use: Single family home
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2008-061	A-1	PCD



A-1
 M-1
 PCD
 ESLO
 City Limits



E. LAKE MARY BLVD

SITE

KENTUCKY ST

BEARDALL AVE

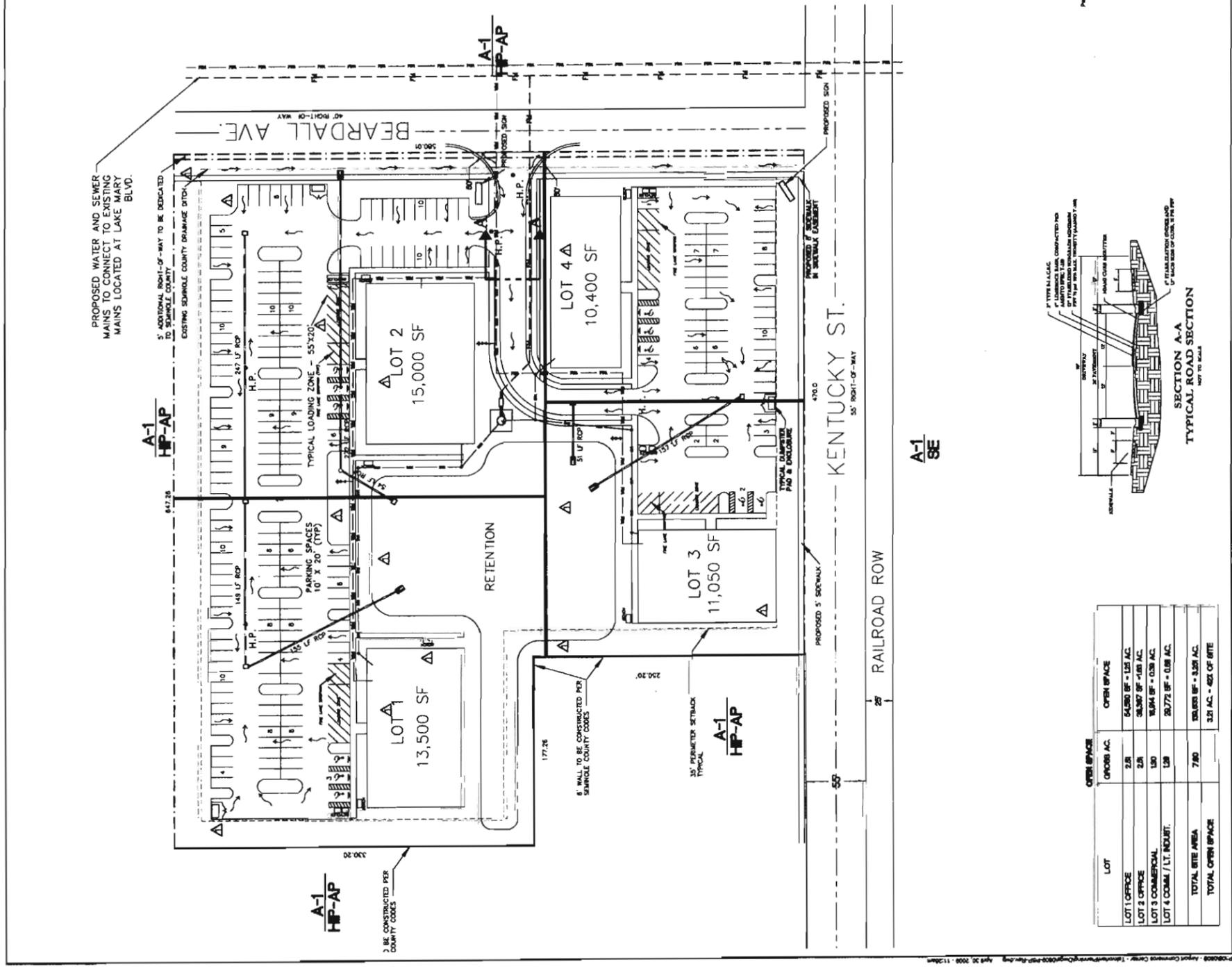
Rezone No: Z2008-061
From: A-1 To: PCD

-  Parcel
-  Subject Property



Winter 2007 Color Aerials

PROPOSED DEVELOPMENT LAND USE DATA:
 DEVELOPMENT NAME: AIRPORT COMMERCE CENTER
 PROPOSED DEVELOPMENT: COMMERCIAL/INDUSTRIAL
 BUSINESS PARK
 TOTAL SITE AREA: 7.61 GROSS ACRES
 NET BUILDABLE AREA: 4.47 NET ACRES
 PROPOSED FLOOR AREA: 49,950 SQ. FT.
 PROPOSED FAR: 194.713/49,950=0.28
 CURRENT ZONING: A-1 AGRICULTURE
 PROPOSED ZONING: PCD
 MINIMUM LAND USE: HIP-AP
 CURRENT LAND USE: 25% (1.9 ACRES)
 OPEN SPACE PROVIDED: 42% (3.21 ACRES) **Δ**
ESTIMATED UTILITY IMPACTS (PROPOSED):
 WATER: 100 GPD/EMPLOYEE @ 250 EMPLOYEES = 25,000 EST. GPD
 SEWER: 100 GPD/EMPLOYEE @ 250 EMPLOYEES = 25,000 EST. GPD
 SOLID WASTE: 100 GPD/EMPLOYEE @ 250 EMPLOYEES = 25,000 EST. GPD
 4.9 LBS/DAY/EMPLOYEE @ 1 EMPLOYEE/200 SQ. FT. = 19.55 LBS/DAY/200 SQ. FT. = 0.09775 LBS/DAY/100 SQ. FT. (NUMBER OF EMPLOYEES BASED ON RATE OF EMPLOYEE PER 200 SQ. FT. = 49,950/200 = 250 EMPLOYEES)
SEWERAGE PROVIDERS:
 WATER: CITY OF SANFORD
 SEWER: WASTE MANAGEMENT FLORIDA POWER AND LIGHT SEMINOLE COUNTY
PUBLIC UTILITIES:
 CITY OF SANFORD
 WASTE MANAGEMENT FLORIDA POWER AND LIGHT SEMINOLE COUNTY
PARKING REQUIREMENTS SHALL MEET ALL REQUIREMENTS OF THE LDC PART 56, SEC. 30.10B7 & PER LDC PART 64, SEC. 30.1221
 BUSINESS PARK - 770 BLDG. SF WEEKDAY ADT 12.76/1000 SQ. GFA = 638 ADT
 BUSINESS PARK - 770 BLDG. SF P.M. PEAK HOUR - WEEKDAY 1.29/1000 SQ. GFA = 65 ADT
MINIMUM PCD SETBACKS:
 FRONT SETBACK: 25'
 SIDE SETBACK: 25'
 REAR SETBACK: 0'
 PERIMETER SETBACK: 35'
 MAXIMUM BLDG. HEIGHT: 35'
LANDSCAPE BUFFERS:
 LANDSCAPE BUFFERS SHALL BE PLANTED AS FOLLOWS:
 NORTH, SOUTH & EAST BOUNDARIES - 5' LANDSCAPE BUFFER WITH CONTINUOUS ROW SHRUBS MIN. 2 FT. IN HEIGHT AND 4 SUB-CANOPY TREES PER 100 LINEAR FOOT. WEST PROPERTY BOUNDARIES OF LOT 1 & 3 - 10' LANDSCAPE BUFFER WITH A WALL SHALL BE CONSTRUCTED PER SEMINOLE COUNTY CODE ALONG WITH A CONTINUOUS ROW SHRUBS MIN. 2 FT. IN HEIGHT AND 8 CANOPY TREES PER 100 LINEAR FOOT INSIDE THE PROPERTY BOUNDARY. LANDSCAPING SHALL MEET ALL SEMINOLE COUNTY REQUIREMENTS. A FULL LANDSCAPE PLAN SHALL BE PROVIDED AT FINAL ENGINEERING.
PERMITTED USES:
 LDC: PART 26, SEC. 30.462, PART 41 SEC. 30.762
 PART 42, SEC. 30.782
 THOSE USES PERMITTED IN C-2 AND C-3 EXCEPT FOR THE FOLLOWING:
 THESE C-2 USES WILL NOT BE PERMITTED:
 (a) MULTI-FAMILY HOUSING
 THESE C-3 USES WILL NOT BE PERMITTED:
 (i) LAUNDRY AND DRY-CLEANING PLANTS
 (ii) LITHOGRAPHY AND PUBLISHING PLANTS
NOTES:
 1. IF OUTDOOR STORAGE IS UTILIZED, SCREENING REQUIREMENTS PER SEMINOLE COUNTY CODE WILL BE MET.
 2. SIGNAGE SHALL MEET ALL REQUIREMENTS OF SEMINOLE COUNTY LDC PART 56, SEC. 30.10B8.
 3. UTILITY LINES SHALL MEET ALL REQUIREMENTS OF THE CITY OF SANFORD.
 4. EACH TRACT WILL BE AMENITIZED WITH ONE BENCH AND BICYCLE RACK.
 5. THE RETENTION POND IS AMENITIZED WITH A PEDESTRIAN WALKWAY AND BENCH.
 6. PHOTOMETRIC AND FULL LANDSCAPE PLANS SHALL BE PROVIDED AT FINAL ENGINEERING. **Δ**



SEMINOLE COUNTY DEVELOPMENT ORDER

On July 28, 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: Ann Takvorian
20 Court Street
Hackensack, NJ 07601

Project Name: Airport Commerce Center

Requested Development Approval: Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development)

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

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.
- (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 building square footage of 49,950 square feet.
 - C. The permitted uses for this site shall be all allowable uses in the C-2 and C-3 zoning districts, excluding multi-family housing, laundry and dry-cleaning plants, and lithography and publishing plants.
 - D. If outdoor storage is utilized it shall be screened in accordance with the Seminole County Land Development Code.
 - E. The maximum allowable building height is 35'.
 - F. The setbacks shall be as follows:
 - Front: 25'
 - Side Street: 25'
 - Side: 25'
 - Perimeter Setback: 35'
 - G. The buffers shall be as follows:
 - North: 5' landscape buffer containing a continuous row of shrubs a minimum of 2' in height and 4 sub-canopy trees per 100 linear feet.
 - South: 5' landscape buffer containing a continuous row of shrubs a minimum of 2' in height and 4 sub-canopy trees per 100 linear feet.
 - East: 5' landscape buffer containing a continuous row of shrubs a minimum of 2' in height and 4 sub-canopy trees per 100 linear feet.
 - West: 10' landscape buffer containing a 6' masonry wall, a continuous row of shrubs a minimum of 2' in height, and 8 canopy trees per 100 linear feet.

- H. 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.
- I. The applicant shall provide a minimum of 200 parking spaces on site.
- J. Each tract shall be amenitized with one pedestrian bench and bicycle rack.
- K. 25% usable open space shall be provided on the subject property.
- L. All mechanical equipment, ground or roof-mounted, shall be screened from off-site view.

(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

Order

OWNER'S CONSENT AND COVENANT

COMES NOW, Ann Takvorian, 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
Print Name _____

Ann Takvorian

Witness
Print Name _____

Witness

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 _____ 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:

EXHIBIT A

Legal Description

The North ½ of Lot 64 and the East 490 feet of the South ½ of lot 64, SANFORD CELERY DELTA, according to the Plat thereof as recorded in Plat Book 1, Pages 75 and 76, of the Public Records of Seminole County, Florida, LESS beginning at a point on the Westerly Right-of-Way line of Beardall Avenue, 189.9 feet North and 20 feet West of the Southeast corner of said Lot 64, running thence West 83.5 feet, thence North 143 feet, thence West 34 feet, thence North 327.1 feet to the Northerly line of said Lot 64, thence East 117.5 feet to the Westerly Right-of-Way line of Beardall Avenue, thence South 470.1 feet to the Point of Beginning, and LESS the South 25 feet of the East 490 feet of the South ½ of said Lot 64 for railroad right-of-way.

Together with:

Beginning on the westerly right-of-way line of Beardall Avenue, 189.9 feet north of and 20 feet west of the southeast corner of lot 64 of Sanford Celery Delta, according to the plat thereof as recorded in plat book 1, pages 75 and 76, of the public records of Seminole County, Florida, and run west 83.5 feet, thence north 143 feet, thence west 34 feet, thence north 327.1 feet to the north line of said lot 64, thence east 117.5 feet to the west right-of-way line of Beardall Avenue, thence south 470.1 feet to the beginning.

EXHIBIT B

Preliminary Site Plan

(See attached Pages)

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 A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DISTRICT) 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 Airport Commerce Center, dated July 28, 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 A-1 (Agriculture) to PCD (Planned Commercial District):

SEE ATTACHED EXHIBIT A

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

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

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 08-20500017 in the Official Land Records of Seminole County.

ENACTED this 28th day of July 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari, Chairman

EXHIBIT A

LEGAL DESCRIPTION

The North ½ of Lot 64 and the East 490 feet of the South ½ of lot 64, SANFORD CELERY DELTA, according to the Plat thereof as recorded in Plat Book 1, Pages 75 and 76, of the Public Records of Seminole County, Florida, LESS beginning at a point on the Westerly Right-of-Way line of Beardall Avenue, 189.9 feet North and 20 feet West of the Southeast corner of said Lot 64, running thence West 83.5 feet, thence North 143 feet, thence West 34 feet, thence North 327.1 feet to the Northerly line of said Lot 64, thence East 117.5 feet to the Westerly Right-of-Way line of Beardall Avenue, thence South 470.1 feet to the Point of Beginning, and LESS the South 25 feet of the East 490 feet of the South ½ of said Lot 64 for railroad right-of-way.

Together with:

Beginning on the westerly right-of-way line of Beardall Avenue, 189.9 feet north of and 20 feet west of the southeast corner of lot 64 of Sanford Celery Delta, according to the plat thereof as recorded in plat book 1, pages 75 and 76, of the public records of Seminole County, Florida, and run west 83.5 feet, thence north 143 feet, thence west 34 feet, thence north 327.1 feet to the north line of said lot 64, thence east 117.5 feet to the west right-of-way line of Beardall Avenue, thence south 470.1 feet to the beginning.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
JUNE 3, 2009**

Members present: Matthew Brown, Walt Eismann, Melanie Chase, Kimberly Day and Dudley Bates.

Members absent: Ben Tucker and Rob Wolf

Staff present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Sheryl Stolzenberg, Principal Coordinator; Joy Williams, Planner; Jim Potter, Senior Engineer, Development Review Division; and Connie R. DeVasto, Clerk to the Planning and Zoning Commission.

B. Airport Commerce Center Rezone; Hugh Harling, applicant; 7.6 ± acres; Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development); located ¼ mile south of the intersection of E. Lake Mary Boulevard and Beardall Avenue. (Z2008-61)

District 5 – Commissioner Carey
Ian Sikonia, Senior Planner

Joy Williams, Planner – presented this item on behalf of Ian Sikonia and stated that the applicant is requesting a rezone from A-1 to PCD.

The proposed Preliminary Site Plan indicates the project will contain a total of 49,950 square feet of building with those permitted uses in the C-3 and C-2 zoning districts. The applicant is proposing one access point from Beardall Avenue. The Preliminary Site Plan has been designed to accommodate not only automobile traffic, but also pedestrian and non-motorized vehicle access.

The subject property has a Future Lake Use Designation of Higher Intensity Planned Development, Airport (HIP-AP). The HIP-AP future land use designation has been implemented to encourage and foster growth for airport support uses such as retail, light industrial and office. This site is surrounded by vacant parcels and single-family homes on one acre and larger lots. The three adjacent parcels to the north, east and west contain the A-1 zoning district and the HIP-AP future land use designation. Due to the size of this property, its proximity to major thoroughfares and the Orlando/Sanford International Airport, the proposed development of an office/commercial/industrial complex is consistent with the intent of the Future Land Use Designation, allowing for a mixture of compatible uses that will foster growth in the area.

Staff recommends approval of this request.

Hugh Harling, applicant – advised that he agrees with Staff’s presentation. He also pointed out that in the design, there is a very deep ditch on the west side of Beardall and they are proposing to set everything back so that if in the future there is a need to widen the road and/or put in a storm drainage system, it can be done without compromising any of the development that they have planned.

No one spoke in favor of this request from the audience.

Bob Hunter – resides on the western boundary of the proposed site and is concerned about the pond that is on the property as well as the fact that there is no drainage on Kentucky Street in the right-of-way. He would like to know if the County is going to revamp the drainage.

Mrs. Williams – advised that at the time of site plan, all of the drainage issues will be addressed. Also, the plans show a proposed retention pond on the west side of the property and this will be addressed at the Engineering review.

Alan Herbst – stated that he owns property on Beardall and pointed out that there aren’t any commercial developments near the proposed site and suggested that the applicant build closer to the airport where there are commercial developments.

Mr. Harling – pointed out where the proposed drainage will be and advised that there will be no drainage released on the property other than into the ditch on Beardall.

Commissioner Day – asked if a Phase One has been done to identify any potential wetlands with regard to where the pond is located?

Mr. Harling - stated that there is a small pond located near where building two is shown and as far as he can tell, it is a watering pond for agriculture uses. There are no wetlands on the site per se.

Commissioner Chase made a motion to approve this request.

Commissioner Brown seconded the motion.

Commissioner Brown – referring to the zoning map, stated that Kentucky Street is kind of the “break” spot and the Future Land Use is looking for high intensity planned units along East Lake Mary Boulevard.

The motion passed unanimously 5 – 0.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On July 28, 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): Ann Takvorian
20 Court Street
Hackensack, NJ 07601

Project Name: Airport Commerce Center

Requested Development Approval: Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development)

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

After fully considering staff analysis titled "Airport Commerce Center Rezone" and all evidence submitted at the public hearing on July 28, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:
The aforementioned application for development approval is **DENIED**.
Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Bob Dallari, Chairman

EXHIBIT A

Legal Description

The North $\frac{1}{2}$ of Lot 64 and the East 490 feet of the South $\frac{1}{2}$ of lot 64, SANFORD CELERY DELTA, according to the Plat thereof as recorded in Plat Book 1, Pages 75 and 76, of the Public Records of Seminole County, Florida, LESS beginning at a point on the Westerly Right-of-Way line of Beardall Avenue, 189.9 feet North and 20 feet West of the Southeast corner of said Lot 64, running thence West 83.5 feet, thence North 143 feet, thence West 34 feet, thence North 327.1 feet to the Northerly line of said Lot 64, thence East 117.5 feet to the Westerly Right-of-Way line of Beardall Avenue, thence South 470.1 feet to the Point of Beginning, and LESS the South 25 feet of the East 490 feet of the South $\frac{1}{2}$ of said Lot 64 for railroad right-of-way.

Together with:

Beginning on the westerly right-of-way line of Beardall Avenue, 189.9 feet north of and 20 feet west of the southeast corner of lot 64 of Sanford Celery Delta, according to the plat thereof as recorded in plat book 1, pages 75 and 76, of the public records of Seminole County, Florida, and run west 83.5 feet, thence north 143 feet, thence west 34 feet, thence north 327.1 feet to the north line of said lot 64, thence east 117.5 feet to the west right-of-way line of Beardall Avenue, thence south 470.1 feet to the beginning.

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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: Ann Takvorian Name: _____
Address: 20 Court St. Hackensack, N.J. Address: _____
Phone #: 201-489-2205 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.)

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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: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ 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 rezoning, 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.

Nov 25 2008
Date

Ann Takarwan
Owner, Agent, Applicant Signature

New Jersey
STATE OF ~~FLORIDA~~
COUNTY OF Bergen

Sworn to (or affirmed) and subscribed before me this 9th day of November, 2008 by _____

Dawn M. Rexach
Signature of Notary Public

DAWN M. REXACH
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES MAY 29, 2013

Print, Type or Stamp Name of Notary Public

Personally Known OR Produced Identification _____

Type of Identification Produced _____

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