

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATION ASSIGNED TO PARCEL 28-19-30-5NQ-0C00-0000 LOCATED IN SEMINOLE COUNTY; REZONING CERTAIN PROPERTY CURRENTLY ASSIGNED THE C-2 (GENERAL COMMERCIAL) ZONING CLASSIFICATION TO THE PD (PLANNED 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 Sanford Commercial Development PD Rezone, dated January 14, 2025.

(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. REZONING. The zoning classification assigned to the following described property is changed from C-2 (General Commercial) to PD (Planned Development) pursuant to the provisions contained in Development Order #23-20000011, attached to this Ordinance as Exhibit "A" and incorporated in this Ordinance by reference:

SEE ATTACHED EXHIBIT "B" FOR LEGAL DESCRIPTION

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will 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 will 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. The Clerk of the Board of County Commissioners shall provide a certified copy of this Ordinance to the Florida Department of State in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order #23-20000011 in the Official Land Records of Seminole County or upon filing this Ordinance with the Department of State, whichever is later.

ENACTED this 14th day of January, 2025.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
JAY ZEMBOWER, CHAIRMAN

EXHIBIT "A"
DEVELOPMENT ORDER

FILE NO.:	PZ2023-11	DEVELOPMENT ORDER #	23-20000011
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**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On January 14, 2025, Seminole County issued this Development Order relating to and touching and concerning the following described subject property:

See Attached Exhibit A

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

FINDINGS OF FACT

Property Owner: Victor Chao

Project Name: Sanford Commercial Development PD Rezone

Requested Development Approval: Consider a Rezone from C-2 (General Commercial) to PD (Planned Development) for two (2) restaurants with drive-through facilities on approximately 5.18 acres, located on the north side of E SR 46 and approximately 1,500 feet east of I-4.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The development conditions and commitments stated below will run with, follow and perpetually burden the above described property.

Prepared by: Anne (Annie) Marie Sillaway, AICP
Senior Planner
1101 East First Street
Sanford, Florida 32771

FILE NO. P22023-11 DEVELOPMENT ORDER # 23-20000011

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The subject application for development approval is **GRANTED**.
- (2) All development must 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, are as follows:

- A. Development must comply with the Master Development Plan attached as Exhibit (B).
- B. Permitted Uses: C-2 (General Commercial)
- C. Maximum Floor Area Ratio: 1.5 F.A.R.

*Maximum intensity is based on an approximate number of net buildable acres. In the event that net buildable acreage is less than estimated, the maximum allowable square footage will decrease based on the net buildable F.A.R. In no case will the stated maximum density and intensity be exceeded.

- D. Maximum Allowable Building Height: Thirty-five (35) feet
- E. Minimum Open Space: Twenty-five (25) feet
- F. Building Setbacks*:

North: Zero (0) foot setback

South (facing SR 46): Fifty (50) feet

East: Ten (10) feet

West: Fifteen (15) feet

* In no case may the building setbacks be less than the required buffer; setbacks may be increased at time of Final Development Plan to accommodate required buffer widths.

Internal setbacks will be determined at Final Development Plan.

- G. Landscape Buffers are as follows:

South (facing SR 46): Twenty-five (25) feet

North: To be determined at Final Development Plan

West: To be determined at Final Development Plan

East: To be determined at Final Development Plan

Additional buffer requirements along the perimeter of the subject site will be determined and established at Final Development Plan. The perimeter buffer may be widened at Final Development Plan if required per Chapter 30, Part 14 of the Seminole County Land Development Code (SCLDC).

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- H. The Developer must 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 Developer shall provide a six (6) foot wide sidewalk along the subject property frontage adjacent to SR 46.
- J. Sidewalks shall be in compliance with Seminole County Engineering Manual Sec. 1.10.5 – Sidewalks.
- K. All project signage must comply with the SR 46 Gateway Corridor Overlay.
- L. Development shall comply with all requirements of the SR 46 Gateway Corridor Overlay.
- M. If the site is subdivided, a Property Owner's Association must be created to manage all common areas and facilities.
- N. The Developer will provide a drainage easement over the canal side slope with a fifteen (15) foot wide maintenance berm. The drainage easement and berm shall be provided and shown at the time of the Final Development Plan.
- O. If the development is proposed to be phased, the Developer will be required to provide a phasing plan at the time of the Final Development Plan.
- P. Outdoor lighting requirements shall conform with Part 15 of the Seminole County Land Development Code.
- Q. The quantity of parking spaces provided shall be in compliance with SCLDC Sec. 30.11.3 – Quantities of parking required.
- R. All off-street parking spaces shall be a minimum stall size of nine (9) feet by eighteen (18) feet.
- S. Utility easements dedicated to Seminole County shall be provided over all water and sewer mains located outside the public right of way of the subject property.
- T. Utility lines will be designed to meet Seminole County requirements.
- U. Mechanical Units are required to be screened from residential properties and public rights of way per the Seminole County Land Development Code.
- V. A cross access easement agreement between the proposed site to be developed and the adjacent parcel# 28-19-30-5NQ-0C00-0000 (Owner: ~~Suplex~~ Seminole Crossings, LLC) shall be entered into at the time of Final Development Plan review.
- W. The stormwater system will be designed to meet Seminole County and St. Johns Water Management District requirements.
- X. Parking lot landscaping will be required in accordance with SCLDC.
- Y. The dumpster enclosure will meet Seminole County Land Development Code requirements.
- Z. In the case of a conflict between the written conditions A through Y in this Development Order and the Master Development Plan attached as Exhibit (B), the terms of the written conditions A through Y will apply.

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(4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude upon and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.

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

(6) In the case of a conflict between the written conditions in this Development Order and the attached Master Development Plan, the terms of the written conditions shall apply.

(7) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.

(8) Issuance of this Development Order does not in any way create any rights on the part of the Applicant or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

(9) In approval of this Development Order by Seminole County, the property owner(s) understands that the County must receive a Final Development Plan within five (5) years of approval of the Master Development Plan, unless this time period is extended by the Seminole County Local Planning Agency / Planning and Zoning Commission. If substantial development has not begun within eight (8) years after approval of the Master Development Plan, the planned development will be subject to review by the Local Planning Agency / Planning and Zoning Commission and the Board of County Commissioners may move to rezone the subject property to a more appropriate zoning or extend the deadline for start of construction (see Sections 30.446 and 449, LDC).

(10) This Order becomes effective upon recording with the Seminole County Clerk of the Court.

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Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Jay Zembower, Chairman

FILE NO. :	PZ2023-11	DEVELOPMENT ORDER # :	23-20000011
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EXHIBIT A
Legal Description

BEGINNING 660 FEET SOUTH AND 330 FEET WEST OF THE NORTHEAST CORNER OF SECTION 29, TOWNSHIP 19 SOUTH, RANGE 30 EAST, THENCE RUN SOUTH 845.6 FEET TO THE CENTER LINE OF GERTRUDE AVENUE, THENCE RUN WEST 330.0 FEET, THENCE RUN NORTH 845.6 FEET, THENCE RUN EAST 330.0 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE RIGHT OF WAY FOR STATE ROAD NO. 46 (FORMERLY KNOWN AS ST. GERTRUDE AVENUE), LYING AND BEING IN SEMINOLE COUNTY, FLORIDA.

PROPOSED DEVELOPMENT

LEGEND

TRAFFIC IMPACT ANALYSIS

SOIL LEGEND

LEGAL DESCRIPTION

CONJECTURE OVER

UTILITY PROVIDERS

NEIGHBORHOOD MAP

SCALE

NORTH

STATE ROAD 46

PROPOSED DEVELOPMENT

LOT 1 INDUSTRIAL PARK

METRIC AREA 10,000 SQ. FT.

TOTAL AREA 10,000 SQ. FT.

LEGEND

TRAFFIC IMPACT ANALYSIS

SOIL LEGEND

LEGAL DESCRIPTION

CONJECTURE OVER

UTILITY PROVIDERS

NEIGHBORHOOD MAP

SCALE

NORTH

EXHIBIT "B"
LEGAL DESCRIPTION

BEGINNING 660 FEET SOUTH AND 330 FEET WEST OF THE NORTHEAST CORNER OF SECTION 29, TOWNSHIP 19 SOUTH, RANGE 30 EAST, THENCE RUN SOUTH 845.6 FEET TO THE CENTER LINE OF GERTRUDE AVENUE, THENCE RUN WEST 330.0 FEET, THENCE RUN NORTH 845.6 FEET, THENCE RUN EAST 330.0 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE RIGHT OF WAY FOR STATE ROAD NO. 46 (FORMERLY KNOWN AS ST. GERTRUDE AVENUE), LYING AND BEING IN SEMINOLE COUNTY, FLORIDA.